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Congressional Record

PROCEEDINGS AND DEBATES OF THE 100th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, January 20, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer.

We pray, Almighty God, that Your mercies will cleanse our hearts of selfishness or envy, suspicion or prejudice. For as we recognize that unless we lay hold of the spirit of righteousness and truth, we are limited in the good works we can do. We pray, gracious God, that we can put aside any undue sense of pride or power and see the true needs of our neighbors and our world and thus do those good things that honor You and are of service to others. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SWEARING IN OF MEMBER-ELECT

The SPEAKER. Will the gentleman from Kansas [Mr. WHITTAKER] kindly come to the well of the House and take the oath of office at this time?

Mr. WHITTAKER of Kansas appeared at the bar of the House and took the oath of office.

The SPEAKER. Congratulations. You are a Member of the 100th Congress.

COMMUNICATION FROM HON. FRANK M. COFFIN, U.S. CIRCUIT JUDGE FOR THE FIRST CIRCUIT, U.S. COURT OF APPEALS

The SPEAKER laid before the House the following communication from Hon. Frank M. Coffin, U.S. circuit judge for the first circuit, U.S. Court of Appeals:

U.S. COURT OF APPEALS,
FOR THE FIRST CIRCUIT,
Portland, ME, January 9, 1987.

Hon. JIM WRIGHT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In accordance with your designation of me, pursuant to House Resolution 8, One Hundredth Congress, adopted by the House of Representatives, to administer the oath of office to Representative-elect Joseph E. Brennan, of the First District of Maine, I have the honor to report that on the 9th day of January, 1987, at Portland, Maine, I administered the oath of office to Mr. Joseph E. Brennan, in the form prescribed by section 1757 of the Revised Statutes of the United States, being the form of oath administered to Members of the House of Representatives, to which Mr. Brennan subscribed.

Sincerely,

FRANK M. COFFIN.

P.S.—I enclose two copies of the Oath of Office signed by Representative Brennan.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
Washington, DC, January 13, 1987.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 5:10 p.m. on Monday, January 12, 1987, the following messages from the Secretary of the Senate:

(1) That the Senate passed without amendment House Concurrent Resolution 1; and

(2) That the Senate appointed members of the Joint Economic Committee; and

(3) That the Senate appointed members of the Joint Committee on Taxation; and

(4) That the Senate reappointed the Senate Legal Counsel.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
House of Representatives.

THE LATE HONORABLE AUBERT DUNN

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, it is my sad duty to report that during the holidays, a former Member of this body from Mississippi died. Aubert Dunn served in Congress from 1935-37 and was from my hometown of Meridian, MS. He died at the age of 90.

In addition to serving in this Chamber, Aubert Dunn had a splendid career in Mississippi as a circuit judge and district attorney from Lauderdale County.

He loved politics and enjoyed working with people. He passed those qualities on to his son, Winfield Dunn, who served as Governor of Tennessee from 1971-75. This past fall, Winfield again ran for Governor in the general election, but was defeated.

Aubert Dunn will be remembered in Mississippi for his distinguished service and for his great speaking skills. He was one of the greatest orators to ever come out of our State.

He is survived by one son, two daughters, nine grandchildren and six great grandchildren.

IN SUPPORT OF PRESIDENT REAGAN

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, about 6 years ago President Reagan came into office and this country had some serious problems. The economy was in a shambles, inflation was breaking the backs of all Americans but primarily those living on fixed incomes. The prime interest rate in this country was 21½ percent and small businessmen like myself had to borrow money at 2-percent higher than that. No business could run that way. And the likes of the ilk of Sam Donaldson tried to

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

bring Reaganomics down and bring the President down at the same time.

Six years later we have an economy that has had now 6 years of growth that has been unprecedented in this country. Senior citizens can now live with practically nonexistent inflation, and small businessmen do not pay 21 or 23 percent, they pay only 8 or 9 percent and sometimes lower.

I want to say on behalf of the American people thank you, Mr. President. Ronald Reagan, the American people are with you, particularly those from my congressional district.

Welcome back, Mr. President.

THE AIDS CRISIS

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, this morning America's Surgeon General, Everett Koop, indicated that unless there is a major breakthrough the crisis of acquired immune deficiency syndrome, AIDS, may very well take the lives of some 100 million, listen to that number, 100 million people throughout the world.

Mr. Speaker, each one of us should be acutely aware of the threat of acquired immune deficiency syndrome, AIDS, upon American society. Stark as the figures may be, the numbers tell the real story.

Since first diagnosed in 1981, over 29,000 cases of AIDS have been reported to the Centers for Disease Control. More than 16,000 AIDS victims have died already. An overwhelming majority of AIDS victims are in their twenties and thirties, at the peak of their productive lives.

Medical research reveals that those affected are not just among a limited group, as early indications would suggest. This is an issue that is crying for leadership, my colleagues, and it is time for Congress during our 100th session to take hold of this crisis and make sure that it receives the highest level of attention.

SCHEDULE A VOTE ON THE PAY RAISE

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, there may very well be disagreement on the merits of a pay raise. Is it deserved? Has it been earned? Is it needed?

But there should be no disagreement on the question of a vote. The Constitution says plainly in article I that pay is to be determined by law. Laws can only be enacted by the Congress.

The requirement for action by February 5 mandates the involvement of the Speaker. Without your involvement, Mr. Speaker, this deadline cannot be met.

I remember being told over and over again that the power of the Chair, the power of the Speaker is the power to schedule. Mr. Speaker, we need your commitment to schedule a vote on this issue. People around the world say if Members want a pay raise, they should get it the old-fashioned way, they should earn it, and we earn our pay in the Congress by voting.

THE COUNTING BEGINS

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, it is budget time again and would you know it, Congress is already off on its estimates.

Last week, on the very 1st day of the 100th Congress, the first order of business was the election of our new Speaker. Although the outcome was preordained, the tally of votes leaves something to be desired. As reported and printed in the CONGRESSIONAL RECORD for January 6, on page H3, the vote is recorded as follows:

The Honorable Jim Wright of Texas.	254
The Honorable Robert H. Michel of Illinois	173
Voting present	2

Now, unless my elementary math eludes me, 254 plus 173 plus 2 equals 429. But—lo and behold—inflation must be back, for the total is reported as 430.

Well, I suppose this is a clear indication that Congress is back. But what a way to start.

1210

CLEAN WATER AMENDMENTS

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, several colleagues and I voted for H.R. 1, the Clean Water Act amendments, on January 8. However, we did so with strong reservations, which we would like to record.

From the beginning, we want to make it clear that we support water treatment programs. Our objections are not to the intent of the legislation, but to its expense and the rules under which it was considered.

At a time when our Nation is saddled with a deficit as large as we presently have, we in this esteemed Hall, should do everything in our power to rid ourselves of this enormous drain of our country's financial resources. We have a publicly endowed responsibility not to be fiscally irresponsible.

We made every effort to address these problems before the bill was voted on, by attempting to defeat the closed rule granted by the Rules Committee. We voted against the previous question on the rule with the hope of getting an open rule that would have allowed full discussion of the bill and amendments to it. A bill of this expense to the taxpayers of America should be open to debate to allow for clear and practical consideration. Unfortunately, the previous question was ordered and any effective efforts to improve the bill were cut off.

This left two options: Oppose programs that we strongly support, or vote for an overloaded bill that authorizes more spending than it should. Because this is an authorization bill rather than an appropriation bill, I voted for it with the intent to work for a more fiscally responsible appropriations bill. In the meantime, we hope the Senate will pass an authorization bill that is more in line with the budget realities facing this Congress. Should the Senate fail to do so, and should the President veto the bill, we will give serious consideration to sustaining that veto.

REV. TSHENUWANI SIMON FARISANI MUST BE FREED

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, we are all familiar with the litany of tragedy almost daily reported from the Republic of South Africa. We have all been involved, in different degrees, in trying to get all of the leaders of that troubled country to see reason and seek ways toward a peaceful solution to the problems that threaten its future. It is good to know that, although we might disagree as to the best means of change, we all agree that the policy of apartheid is self-destructive, and a severe impediment to the progress of South Africa's people.

My purpose today is to call attention to one victim of this policy, a symbol of the absurd and tragic consequences of a policy of repression. He is Rev. Tshenuwani Simon Farisani, a leader of the Evangelical Lutheran Church in Southern Africa. Early in the morning on November 22, 1986, he was taken from his home and imprisoned by the security police of Venda, one of the tribal homeland states set up and controlled by the South African Government. He was not charged with an offense, no date has been set when he will be charged, a petition for his release has been turned down, and he has been denied contact with his wife and his lawyer.

Reverend Farisani has been outspoken in this opposition to apartheid, and has testified here in the United States before this body's Subcommittee on Human Rights and International Organizations regarding the torture he suffered, in 1981 and 1982, at the hands of the same authorities who now hold him captive. This torture included severe beatings and electric shocks, causing two heart attacks—an unusual thing for a man in his mid-thirties.

As more information is leaked out concerning Reverend Farisani, it is absolutely clear that this gentle pastor's life is in peril as long as the Vendan authorities detain him. When he was arrested at his home, he told his wife that he recognized one of the security policemen who took him away as the same man who tortured him during his prior imprisonment. He has been sighted at a local hospital nine times since his arrest, his wife has received a parcel of his clothes which included bloodstained nightclothes, and he has been on a hunger strike since New Year's Day. Recent press reports claim that he is weakening quickly, and that his weight is dangerously low.

Mr. Speaker, the raw injustice of this impending tragedy is that Reverend Farisani has done nothing to warrant this ill treatment. The Vendan authorities have not charged him. In fact, he has been imprisoned four times before without charges brought against him. He has been held, and is now being held, under the pretext that he is "under investigation." Yet the fact is that the Vendan authorities have not completed their interrogation of Reverend Farisani after 2 months, even though he is currently the only prisoner being interrogated. Whatever the rationale, it does not justify the denial of basic human rights that Reverend Farisani is now enduring. All evidence points to simple harassment on the part of the Vendan authorities.

Therefore, Mr. Speaker, in concert with my colleagues Mr. WYDEN of Oregon and Mr. PENNY of Minnesota, I am introducing a resolution calling for the immediate release of Reverend Farisani, and for the Government of South Africa to take the necessary steps to see that this is achieved. Similar legislation is being introduced in the other body by Senator PAUL SIMON of Illinois.

This is not an opportunity to demonstrate party faithfulness, nor a litmus test to determine adherence to liberalism or conservatism. This is purely a bipartisan, humanitarian effort to release an innocent man from a detention that may very well result in his death. I urge my colleagues from both sides of the aisle to stand with Reverend Farisani by supporting this resolution, and to send a clear message to Reverend Farisani's captors that we, as a legislative body and as a nation, are extremely concerned for his safety and well-being, and will pursue every avenue possible to secure his release.

VOTE "NO" ON CONGRESSIONAL PAY RAISE

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, I have just returned from my home State of Wisconsin, where I spent quite a bit of time talking with the people of the Sixth District.

And let me tell you something:

There are workers in the Sixth District earning $10,000 to $20,000 a year who wonder why there are Members of Congress who seem to think we can't possibly make ends meet on less than $89,000.

There are Social Security recipients who received a 1.3 percent cost-of-living adjustment on January 1 who wonder why there are Members of Congress who seem to think we need an additional 15 percent.

Mr. Speaker, there's still time to reconsider this matter.

There's still time to bring this outrageous pay raise to the floor for a vote, and to vote "no" on increasing our salaries.

REPUBLICAN NATIONAL CONVENTION IN NEW ORLEANS IN 1988

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, I am proud to announce that this morning, the Republican National Committee has formally decided to bring the 1988 National Republican Convention to the city of New Orleans, LA.

I would like to take this opportunity to extend a very warm welcome to all the delegates and candidates and staff, and the international press as well. Louisiana, which is in the midst of a severe recession today, is excited about bringing so many enthusiastic Republicans to the heart of the Deep South. As one who worked hard for this event, I personally look forward to playing a vital role in welcoming them to the convention when it rolls around, and assuring that their stay will be a pleasant one.

BRINGING TERRORISTS TO JUSTICE

(Mr. GEKAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, Members of the House, it would have been blackmail, self-inflicted blackmail if we had been reluctant to seek the extradition of the terrorist from West Germany, so that he could stand trial here for the atrocities that he is alleged to have performed.

There are many of us who have felt we should let it alone because, "Who knows what the terrorists will do next in retaliation of this," our action in bringing him to justice here in our own country.

Mr. Speaker, the American people deserve the satisfaction of having their system of justice be applied to this individual who terrorized our fellow American citizens and indeed, cold-bloodedly murdered one of our fellow American citizens, a serviceman. That act of brutality has to be spotlighted in a trial here in the United States. We commend the Government of West Germany, and our own Justice Department for arranging the extradition, and in some small measure this is a signal that we will not tolerate terrorism, and especially the cold-blooded murder that is inflicted on American citizens in such tragic incidents.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken tomorrow, Wednesday, January 21, 1987.

MAKING A CORRECTION RELATING TO PHOSPHATE FERTILIZER EFFLUENT LIMITATION, IN THE ENROLLMENT OF H.R. 1, CLEAN WATER ACT AMENDMENTS

Mr. HOWARD. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 24) to make a correction, relating to phosphate fertilizer effluent limitation, in the enrollment of the bill H.R. 1.

The Clerk read as follows:

H. CON. RES. 24

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 1) to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes, the Clerk of the House of Representatives shall make the following correction in section 306:

Strike out subsection (c) and insert in lieu thereof the following new subsection:

(c) PHOSPHATE FERTILIZER EFFLUENT LIMITATION.—

(1) ISSUANCE OF PERMIT.—As soon as possible after the date of enactment of this Act, but not later than 180 days after such date of enactment, the Administrator shall issue permits under section 402(a)(1)(B) of the Federal Water Pollution Control Act with respect to facilities—

(A) which were under construction on or before April 8, 1974, and

(B) for which the Administrator is proposing to revise the applicability of the effluent limitation established under section 301(b) of such Act for phosphate subcategory of the fertilizer manufacturing point source category to exclude such facilities.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

(A) to require the Administrator to permit the discharge of gypsum or gypsum waste into the navigable waters,

(B) to affect the procedures and standards applicable to the Administrator in issuing permits under section 402(a)(1)(B) of the Federal Water Pollution Control Act, and

(C) to affect the authority of any State to deny or condition certification under section 401 of such Act with respect to the issuance of permits under section 402(a)(1)(B) of such Act.

The SPEAKER. Is a second demanded?

Mr. HAMMERSCHMIDT. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from New Jersey [Mr. HOWARD] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. HOWARD].

Mr. HOWARD. Mr. Speaker, when the week before last the House considered the Clean Water Act, there was a discussion concerning language in that bill as it relates to the State of Louisiana; and all members of the State delegation were very concerned about that.

We stated at that time that we would look over that provision, and should a resolution be necessary to be passed by the House, we would bring it up on the day that we returned; and the Committee on Public Works and Transportation is now meeting that commitment.

This bill is under suspension. We understand the Clean Water Act will be considered on tomorrow by the other body, and it is believed that, should the House pass this legislation by a voice vote, without the necessity of a recorded vote on tomorrow, then on tomorrow the other body will be able to pass this, along with the Clean Water Act so that both pieces of legislation would be able to go down to the White House at the same time.

Mr. Speaker, House Concurrent Resolution 24, which I am bringing before the House today, relates to a provision of H.R. 1, the Water Quality Act of 1987, which was passed by this body on January 8.

The provision of H.R. 1, section 306(c), relates specifically to one part of Louisiana and has no general application. It is a provision that was included in the conference report that was approved unanimously by this body and the other body in October.

Since that time, however, questions were raised about the effect of section 306(c) on water quality in southwestern Louisiana. The entire Louisiana delegation indicated to the Committee on Public Works and Transportation that it was their reading that section 306(c) would require the Environmental Protection Agency to grant permits under the Clean Water Act that would allow the discharge of gypsum or gypsum waste into the Mississippi River.

There are disputes about that interpretation of the provision in that manner. However, it was never the intention of the committee to allow pollution of the navigable waters in that manner especially in view of the objections of the Louisiana delegation.

In this case, we were faced with a difficult parliamentary problem. It was the strong and overwhelming opinion of the leadership of this body, with which I agreed, to move H.R. 1 without changes from the conference report. We had made commitments with the leadership of the other body on that basis. As a result, the understandable concerns of the Louisiana delegation, which would have been a simple matter to resolve under normal circumstances, became a more difficult problem.

My colleague from New Jersey, Mr. ROE, worked long and hard with the Louisiana delegation in an effort to correct the problem without amending H.R. 1. The result was the concurrent resolution that is before us today directing the Clerk of the House to make changes in section 306(c). These changes have been accepted by all of the interested parties.

I will allow our subcommittee chairman to describe the Louisiana situation in detail. The effect of the change mandated by this resolution is to require EPA to issue the necessary Clean Water Act permits within 180 days but it specifically states that the approval of gypsum discharge is not required, only the issuing of the permit for each of the four fertilizer plants in question. It also specifically states that the State of Louisiana maintains its authority to set more stringent standards.

Mr. Speaker, House Concurrent Resolution 24 should be approved by this body today and sent to the other body. It eliminates the justifiable concerns raised by our colleagues from Louisiana, while enabling the Congress to fulfill its pledge to send the President the same Clean Water Act reauthorization that was approved unanimously last year and by a 406-8 margin in this body just 2 weeks ago.

Our major concern must be the reauthorization of the Clean Water Act and distribution of sewage treatment plant construction funds to those States that are waiting for us to act. House Concurrent Resolution 24 moves us toward that goal and I urge its immediate passage.

So we are hoping that we will be able to pass this noncontroversial concurrent resolution by a voice vote under suspension today, and to speak to the particulars of this, I yield such time as he may consume to the former chairman of the Subcommittee on Water Resources of our Committee on Public Works and Transportation, the gentleman from New Jersey [Mr. ROE].

□ 1220

Mr. ROE. Mr. Speaker, I am pleased to speak in support of House Concurrent Resolution 24, relating to the enrollment of the bill H.R. 1.

H.R. 1 passed this House by a vote of 406-8 on January 8, 1987. At that time concerns were raised by the Louisiana delegation about section 306(c) and the possibility that gypsum or gypsum waste would be discharged into the Mississippi River. That section required the Administrator of EPA to issue best professional judgment discharge permits to four fertilizer plants in Louisiana.

The concurrent resolution requires the Clerk of the House of Representatives to change section 306(c). The changes were developed in the closest cooperation and involvement of the Louisiana delegation. These changes clarify EPA's responsibility.

The concurrent resolution strikes existing section 306(c). The replacement language requires the Administrator of EPA to issue best professional judgment permits under the authority of section 402(a)(1)(B) of the Federal Water Pollution Control Act as soon as possible, but not later than 180 days after enactment. The language states that nothing is to be construed to require the Administrator to permit the discharge of gypsum or gypsum waste into the navigable waters. Further, nothing is to affect the procedures and standards applicable to the Administrator in issuing the best professional judgment permits under section 402(a)(1)(B) of the act. Finally, nothing in the section may be construed to affect the authority of any State to deny or condition certification under section 401 of the act with respect to the issuance of best professional judgment permits under section 402(a)(1)(B).

Mr. Speaker, these four Louisiana phosphate fertilizer plants—with a direct employment of 1,500 to 1,700 people— state that they are unable to comply with effluent limitations published by EPA. The limitations control the discharge of gypsum, a byproduct, cooling water and storm water runoff. Pollutants in the gypsum include radio-activity and metals. The plants are: Agrico Chemical (Donaldsonville), Arcadian (Geismar), Beker (Taft) and

Freeport Chemical (Uncle Sam). Most plants comply with the limitations by disposing of gypsum on land. The Louisiana plants claim they are unable to comply with the limitations because of: First, a lack of land on which to dispose of the gypsum; and second, the soil characteristics and rainfall in Louisiana do not allow for the gypsum to be stacked for disposal as in other areas of the United States.

In 1974, EPA promulgated effluent guidelines for fertilizer manufacturing plants. These prescribe the minimum applicable technology-based limits for the industry. Limits for individual plants may be more stringent to protect water quality. The regulation provides for no discharge of process wastewater pollutants, except for discharge after treatment of storm water runoff in certain situations. Other similar plants comply with the regulation by disposing of the gypsum on land and recycling wastewater, including rainfall that comes into contact with the gypsum except for the storm water exception.

All four plants have expired NPDES permits which are continued under the Administrative Procedure Act. Permits for Agrico and Arcadian contain limitations based on the current regulation. The permit for Freeport contains limitations based on the regulation, except for alternative limitations based on a 1981 fundamentally different factors [FDF] variance for once through cooling water. The guidelines-based limitations in the permit for Beker have been stayed due to an administrative appeal of the permit which has been pending in EPA for several years.

In 1982-84, three of the facilities submitted requests for FDF variances from the limitations to allow at least a partial discharge of process wastewater and gypsum. The FDF's are being held in abeyance at this time because of the ongoing rulemaking and permitting activities.

In 1983, industry requested that EPA review the regulations due to the lack of land and the climatic and soil conditions which exist in Louisiana. In 1984, EPA proposed to suspend the application of the regulations to these four plants because EPA believed the technology basis for the regulation was no longer applicable for the plants. In 1986, EPA provided additional information and held public hearings in Baton Rouge and New Orleans. EPA has not finalized this rulemaking activity, even though the original proposal is almost 3 years old.

In 1986, EPA proposed draft NPDES permits for these four plants which would allow for discharge of process wastewater, including gypsum. The permits have not been finalized by EPA. The Louisiana Department of Environmental Quality [DEP] has the right, under their certification authority contained in section 401 of the Clean Water Act, to require more stringent limitations necessary to comply with various provisions of the act. Louisiana DEP has established a task force to advise them on issues relating to these permits. EPA has established a region VI and headquarters task force, consisting of staff from the offices of water regulations and standards, water enforcement and permits, radiations programs and general counsel to evaluate various issues raised on the draft permits and develop final requirements.

As modified, section 306(c) requires EPA to issue new NPDES permits within 180 days. The amendment does not require EPA to allow discharge of process wastewater, including gypsum. The amendment does allow EPA to address each plant individually and to develop limitations for the different types of wastewater generated. The amendment does not require Louisiana to concur on the permits or certify, under the Clean Water Act, the permit limitations that EPA proposed in 1986. Louisiana still has the right under the Clean Water Act to require more stringent limitations. The amendment does not change the provision of the act limiting permit terms to no more than 5 years.

The effect of the amendment is simply to require EPA to make a decision as to these facilities under the authority of section 402(a)(1)(B) of the act. EPA's authority and responsibility under section 402(a)(1)(B) is in no way altered. The Agency is to consider all relevant factors and make a determination consistent with the goals of the Federal Water Pollution Control Act to ensure protection of public health and the environment. Section 306(c) does not sanction any past actions of EPA nor mandate any particular results such as the discharge of gypsum.

Moreover, the Public Works Committee stands ready to monitor EPA's implementation of this provision and public hearings on the matter, as necessary to ensure the protection of public health and the environment.

Mr. Speaker, this concurrent resolution clarifies the language of 306(c) of H.R. 1. Rather EPA is to bring this matter to a conclusion within 180 days. The concurrent resolution is supported by the Louisiana delegation, and deserves the strong support of this House.

Mr. NOWAK. Mr. Speaker, I am pleased to rise in support of House Concurrent Resolution 24, relating to the enrollment of the bill H.R. 1.

On this past January 8, 1987, H.R. 1 was passed by this House by a vote of 406 to 8. The Louisiana delegation raised a question about section 306(c) of H.R. 1. The concern was that the Administrator of EPA would be required to issue permits which would allow four Louisiana fertilizer plants to discharge gypsum or gypsum waste into the Mississippi River, although the language of section 306(c) does not require the Administrator to issue a permit for the discharge of gypsum or gypsum waste. The concurrrent resolution would modify section 306(c) to assuage the concerns raised by the Louisiana delegation.

The concurrent resolution requires the Clerk of the House of Representatives to change section 306(c). The changes were developed in the closest cooperation and involvement of the Louisiana delegation. These changes clarify EPA's responsibility in response to the concern which was raised.

The concurrent resolution strikes existing section 306(c). The replacement language requires the Administrator of EPA to issue best professional judgment permits under the authority of section 402(a)(1)(B) of the Federal Water Pollution Control Act as soon as possible, but not later than 180 days after enactment. The language states that nothing is to be construed to require the Administrator to permit the discharge of gypsum or gypsum waste into the navigable waters. Further, nothing is to affect the procedures and standards applicable to the Administrator in issuing the best professional judgment permits under section 402(a)(1)(B) of the act. Finally, nothing in the section may be construed to affect the authority of any State to deny or condition certification under section 401 of the act with respect to the issuance of best professional judgment permits under section 402(a)(1)(B).

The four affected Louisiana phosphate fertilizer plants state that they are unable to comply with applicable effluent limitations published by EPA to control the discharge of gypsum, cooling water, and stormwater runoff. The Louisiana plants claim they are unable to comply with the limitations because of: First, a lack of land on which to dispose of the gypsum; and second, the soil characteristics and rainfall in Louisiana do not allow for the gypsum to be stacked for disposal as in other areas of the United States.

In 1974, EPA promulgated effluent guidelines for fertilizer manufacturing plants. These prescribe the minimum applicable technology-based limits for the industry. Limits for individual plants may be more stringent to protect water quality. The regulation provides for no discharge of process wastewater pollutants, except for discharge after treatment of storm water runoff in certain situations. Other similar plants comply with the regulation by disposing of the gypsum on land and recycling wastewater, including rainfall that comes into contact with the gypsum except for the storm water exception.

As modified, section 306(c) requires EPA to issue new NPDES permits within 180 days. The amendment does not require EPA to allow discharge of process wastewater, including gypsum. The amendment allows EPA to address each plant individually and to develop limitations for the different types of wastewater generated. The amendment does not affect the rights of Louisiana to concur on the permits or certify, under the Clean Water Act, the permit limitations. Louisiana retains the right under the Clean Water Act to require more stringent limitations and the amendment does not change the provision of the act limiting permit terms to no more than 5 years.

I would also like to state that the Public Works Committee stands ready to closely monitor EPA's implementation of this provision. If necessary, public hearings may be held to assure proper implementation and protection of public health.

Mr. Speaker, this concurrent resolution has the support of the Louisiana delegation, and affects only four plants in Louisiana. I urge my colleagues to support it unanimously.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield my self such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 24 which will slightly modify language in H.R. 1, the Water Quality Act of 1987, during the enrollment of that bill. As you know, Mr. Speaker, H.R. 1 is the same bill that passed the House and Senate last year unanimously but was pocket vetoed by President Reagan on November 6. The bill was reintroduced as the first bill of the 100th Congress in both Chambers and passed in the House on January 8 by an overwhelming margin of 406 to 8. The Senate is expected to conclude floor consideration of the bill tomorrow and I expect that they will also pass the measure by an overwhelming margin. The language to be modified is in section 306(c) of the bill and relates exclusively to four fertilizer plants in Louisiana.

In order to adequately explain the specific change that would be made if House Concurrent Resolution 24 is adopted, it is necessary to take a moment to describe the factual circumstances and legislative history surrounding section 306(c) of H.R. 1.

The four plants in question have been engaged in the manufacture of phosphate fertilizer for over 10 years. The effluent limitations applicable to these plants were promulgated in 1974 and were developed by the Environmental Protection Agency based on industry practice in Florida, where the bulk of phosphate fertilizer plants are located. The limitations provide for no discharge of process wastewater pollutants, except for discharge after treatments of stormwater discharge in certain situations. Other similar plants comply with the limitations by disposing of gypsum, a manufacturing process byproduct, on land and collecting and reusing process water and stormwater. Because of differences in climatic and soil conditions between Florida and Louisiana, however, these limitations did not readily fit the four plants in Louisiana. Consequently, three of the plants applied for fundamentally different factor [FDF] variances during the 1982 through 1984 timeframe.

While these applications were pending, EPA proposed to suspend the application of the limitations with respect to these plants and to develop new effluent limitations applicable to a new subcategory of phosphate fertilizer plants located in Louisiana. Pending subcategorization and the promulgation of new limitations, the plants were to be issued permits based on best professional judgment [BPJ] pursuant to section 402(a)(1). In 1986, EPA proposed draft BPJ permits for the plants which would allow for the discharge of process wastewater, including gypsum. This action caused serious concern among those who were located downstream of the plants. These concerns relate to the potential threat to drinking water supplies and fishery resources posed by the discharge of gypsum reportedly containing significant quantities of harmful contaminants.

It was with this factual background that the issue arose in conference. It arose in the context of a serious policy difference between the House and Senate concerning the effect of new requirements on pending requests for FDF variances. The bill passed by the House—H.R. 8—would have grandfathered all pending FDF applications; that is, it would have allowed all pending FDF variance applications to be considered under the rules in effect prior to the effective date of the bill's amendments. In contrast, the Senate passed bill—S. 1128—would have required all pending FDF applications to be considered under the new requirements in the bill. Applications of the Senate approach across the board, however, would have arguably made it impossible for the four plants in question to obtain FDF waivers, notwithstanding the fact that their manufacturing situation was fundamentally different from the situation of plants used in developing the applicable effluent limitation.

In an effort to resolve this dilemma, the proposed Senate language would follow the basic Senate approach of not grandfathering pending FDF applications but would specifically address the problem such an approach would pose for the four Louisiana fertilizer plants. Under the Senate language, which was ultimately included in the bill, effluent limitations would be legislatively waived with respect to these four plants. In addition, EPA would be required to issue BPJ permits within 180 days of enactment.

In agreeing to this language, the conferees did not intend to prejudge the pending permitting action for these plants. Nor did we intend to prejudice the rights of any party which would be adversely affected by issuance of any permit. We simply intended to require EPA to review the situation and issue permits for these plants, based on its best professional judgment in accordance with all of the requirements of the act, and to do so as expeditiously as possible. While I do not believe that the language contained in the bill as passed in any way requires a particular permitting result or in any way limits anyone's right to challenge whatever ultimately is that result, I have agreed to support the modifications proposed to help emphasize that fact.

Specifically, House Concurrent Resolution 24 would delete language in the bill legislatively waiving the application of effluent limitations to the four plants in question. The effect of this change is to require EPA to continue the process to waive the application of these limitations administratively. In addition, language would be added clarifying what was always our intent, that nothing contained in the bill should be construed to require EPA to permit the discharge of gypsum, or to affect the procedural or substantive requirements applicable to EPA or the rights of the State to deny or condition its water quality certification for any permit which would be issued.

The changes which are proposed are supported by all parties to this controversy, including the entire Louisiana delegation in the House and Senate. As I have indicated, the changes help to clarify and effectuate the intent of the conferees in drafting language specific to these plants. Accordingly, I support passage of House Concurrent Resolution 24 to allow modification of the enrollment of H.R. 1 to reflect the approach agreed upon by all parties.

Mr. Speaker, I yield such time as he may consume to our ranking minority member, the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of House Concurrent Resolution 24, which makes a correction relating to phosphate fertilizer effluent limitations in the enrollment of H.R. 1.

Last week the House passed H.R. 1, the Water Quality Act of 1987, by an overwhelming margin of 406 to 8. H.R. 1, like its counterpart, S. 1, is identical to the conference report on S. 1128, which passed the House and Senate unanimously—by combined votes of 504 to 0—3 months ago but was pocket vetoed by the President on November 6. This legislation was then—and continues to be now—one of the most sensible yet environmentally sensitive bills in recent years. For this reason, H.R. 1 received strong support from virtually every citizen, governmental, and interest group.

Unfortunately, H.R. 1 contains one provision which has generated concern among the entire Louisiana delegation. Section 306(c) of the bill requires EPA to withdraw existing effluent limitations that applied to four fertilizer plants in Louisiana and that received strong criticism from various environmental groups. The provision further requires EPA to issue best professional judgment [BPJ] permits to the facilities as soon as possible after enactment of H.R. 1. These interim permits would terminate upon the issuance of permits with specific, new effluent guidelines applicable to the proposed new subcategory discharges. The provision would not mandate the dumping of gypsum into the Mississippi River. Nothing in the legislation would preclude EPA from prohibiting or severely restricting the discharge of gypsum when it issued the interim BPJ permits.

Section 306(c), hammered out among conferees in the final days of the 99th Congress, allowed us to complete the remaining issues on this monumental legislation amending the Clean Water Program. More importantly, the resulting provision seemed, at the time, to be a reasonable and environmentally protective compromise. Essentially, the Senate conferees offered the language in an effort to blend differing approaches of the House and Senate bills without weakening environmental protection.

In recent weeks, however, the entire Louisiana delegation has voiced concerns over section 306(c) of the bill. Some claim the provision mandated the dumping of gypsum into the river, prejudges the pending permitting actions for the plants, and unfairly prejudices the rights of those persons downstream of the plants who might be harmed by the discharges.

This most emphatically was not our intent when we agreed to the compromise. We simply intended EPA to thoroughly review the complicated regulatory situation for each of the four plants and, in the meantime, to issue permits based on the Agency's best professional judgment. I also believe H.R. 1's current language would not necessarily have the legal or practical effect claimed by those who oppose the provision.

Nevertheless, I am firmly committed to giving all due deference to the Louisiana delegation on this issue. I believe those who are most directly impacted by legislation should be able to address their concerns. House Concurrent Resolution 24 provides them an opportunity to make changes and clarifications to one provision of an otherwise excellent bill. For this reason, I support House Concurrent Resolution 24 even though I am not totally convinced of its need.

The legislation before us today deletes paragraph (1) of section 306(c), which prohibited the application of existing effluent limitations—for the phosphate subcategory—to the four Louisiana fertilizer facilities. House Concurrent Resolution 24 retains the BPJ permit requirement. The amendment to section 306(c) also clarifies Congress' intent by specifying that nothing in section (306(c): First, requires EPA to permit the discharge of gypsum waste into navigable waters; second, affects EPA's procedures and standards for issuing BPJ permits; or third, affects the authority of Louisiana to deny or condition section 401 certifications of the BPJ permits.

House Concurrent Resolution 24 has the support of the entire Louisiana delegation and the leadership of the House Public Works Committee. The provision clarifies our original intent and applies solely to four specific facilities in Louisiana. The Senate has also expressed support for the provision and, I understand, will consider the resolution tomorrow. Therefore, Mr. Speaker, I urge each Member to support House Concurrent Resolution 24 so that we can complete this unfinished business of the 99th Congress as soon as possible. With these finishing touches to H.R. 1, we will again be able to send the President a bill deserving Congress' unanimous support, the President's signature, and the public's overwhelming approval.

Mrs. BOGGS. Mr. Speaker, I rise in support of House Concurrent Resolution 24, and urge the consideration of the Members of the House of Representatives for this legislative vehicle which is designed to resolve the very unique and special problem faced by the entire Louisiana delegation as a result of section 306(c) of the Clean Water Act.

As dean of the Louisiana delegation I wish to affirm the united and strong support of our Members for the Clean Water Act and its manifest benefits to the entire Nation. Section 306(c), however, is Louisiana specific—affecting only four Louisiana phosphate plants, and impacting only the 1.5 million residents of our State below the point of discharge of these plants who draw their drinking water sources from the Mississippi River.

The purpose of this legislation is to clarify the intent of this section, and codify the limitations on interpretation as it appears in the section-by-section analysis of this bill. This approach is absolutely necessary so that all those involved in the so-called gypsum dumping issue will have a clear understanding of the new act, and its impact upon the health and well-being of our citizens, and the Louisiana environs.

We, in Louisiana, will be most grateful for your special consideration and support by adopting this measure—tailored particularly to our problem.

In closing, I would like to express the appreciation of the entire delegation for the remarkable support and assistance rendered by our esteemed colleague and bill manager, the honorable Robert Roe, and his capable staff—whose efforts went far and beyond the call of duty to resolve this issue for the State of Louisiana—we owe them all a deep debt of thanks.

Mr. HOWARD. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana [Mr. Tauzin].

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I thank both the chairman of the subcommittee, Mr. Roe, and the chairman of the full committee, the gentleman from New Jersey, Mr. Howard, for the excellent work in reference to this concurrent resolution which will indeed satisfy the Louisiana concerns in the amendment process to H.R. 1.

The concurrent resolution in effect acts as a collateral rewriting of this section of the amendment to H.R. 1 dealing with the issues of gypsum waste being dumped in the river.

Mr. Speaker, the dean of our delegation, Mrs. Lindy Boggs, is not here today. The gentlewoman is hosting in New Orleans, LA, the queen city of the South, to also secure from the site selection committee representing the Democratic Party of this great Nation in its efforts to select its place for its convention next year where the next President will be nominated and it is our hope that Louisiana and New Orleans will not only enjoy the great reception for the Republican Party, but also for our own great Democratic Party.

Mr. Speaker and Members of the House, just last week my office revealed to the citizens of Louisiana, particularly to New Orleans, the presence and existence of two patented processes by which phosphogypsum, which is the principal gypsum waste product from the fertilizer plants in question in this resolution, those patented processes by which that phosphogypsum could be turned into useful aggregate material for constructive purposes in our State and elsewhere. We also demonstrated to the public in New Orleans that the fluorogypsum, the other variety of gypsum waste, is presently being marketed in Louisiana for construction work and is presently being used along with phosphogypsum, unprocessed, in the State of Texas for construction work.

In effect we demonstrated that gypsum waste material in one process when combined with waste material from the manufacture of aluminum, bauxite waste, red clay, can produce a useful aggregate that is environmentally safe and actually cheaper than clam shell and limestone for road construction and for other concrete and building purposes in Louisiana.

In short, there is an alternative to dumping gypsum waste into our rivers and streams in America. The demonstration of these two patented processes, of course, will not solve the immediate problem in Louisiana. It will not solve the immediate problem of several plants, one of which is already dumping gypsum in the river and other of which has only 6 months storage capacity. But it does offer for Louisiana a long-term solution to this awful problem. It says for Louisiana and other States who have accumulated the processing wastes such as gypsum waste and red clay waste from bauxite that there is good science available for combining these wastes into useful products that can avoid the unhealthy effects of dumping those materials into the Mississippi River or other streams.

In short, Mr. Speaker, the Mississippi River should not become the sewerline for the Nation or for our State. Finding these alternative ways of using these materials is indeed in our State's best interest and ultimately in our Nation's best interest.

In that regard let me congratulate our State for the selection of a new secretary of our department of environmental quality, Mrs. Martha Madden, who is the recommendee of the Sierra Club in Louisiana.

We support Mrs. Martha Madden in her efforts to protect our environment and we believe that Martha Madden will safely guard this permit process. We congratulate the chairman of our subcommittee and the full committee of this resolution as it secures for Louisiana and our department of environment quality that veto and modification authority to protect our safe water against any effects of gypsum dumping that may indeed be found to be hazardous to the health of our State.

Mr. Speaker, with that I yield back the balance of my time.

GENERAL LEAVE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in respect to the concurrent resolution presently under consideration.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOWARD. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I want to thank, along with my colleague, Mr. TAUZIN, and I am sure my colleagues who follow, Mr. LIVINGSTON particularly, the leadership of the House and the committees involved in working on this problem. I would like to thank JIM HOWARD specifically and BOB ROE.

Chairman ROE has worked with the Louisiana delegation for some time in trying to do the right thing, trying to draw the line legally between our desire for clean water and our need to protect the interests of the citizens of Louisiana, both those who have jobs involved and those who drink our water.

The problem with the clean water bill was not the heart of the bill. It was good. We supported it for that reason. But section 306 in that bill did undercut the rights of the State and concerns of the citizens over clean water vis-a-vis the dumping of gypsum in the Mississippi River.

□ 1235

This solution found in the concurrent resolution, drafted in large part by the gentleman from New Jersey [Mr. ROE], with some help from the Louisiana delegation, is an excellent solution.

It does not mean that the problem will go away; it just means that the gypsum cannot be dumped arbitrarily and without some findings as to the health results. I think it is the higher ground; I think it is the clean ground, and if we put these two items together, H.R. 1, the clean water bill, and the concurrent resolution (H. Con. Res. 24), I think we have a chance to attest to the people of Louisiana that we have done the right thing.

So, in closing, I would like to thank my colleagues in the Louisiana delegation who have worked most diligently on this, including the gentlewoman from Louisiana [Mrs. BOGGS] and the gentleman from Louisiana [Mr. LIVINGSTON] and others. I would also like to thank the leadership of the Committee on Public Works and Transportation and the leadership of the House of Representatives.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 5 minutes to the able gentlemen from Louisiana [Mr. LIVINGSTON], a former member of our Committee on Public Works and Transportation.

Mr. LIVINGSTON. Mr. Speaker, I want to join with my colleagues, the gentlemen from Louisiana, Mr. TAUZIN and Mr. ROEMER, and with the dean of our delegation, the gentlewoman from Louisiana, LINDY BOGGS, in thanking the leadership on both sides, the gentlemen from New Jersey, Mr. HOWARD and Mr. ROE, on the Democratic side, the gentleman from Arkansas, Mr. HAMMERSCHMIDT, and the gentleman from Minnesota, Mr. STANGELAND, on the Republican side for their working with the Louisiana delegation to cure this problem.

In fact, section 306 was defective when it was first concocted. There is still some degree of mystery about how it was concocted, and I am still deeply resentful that there was some representation made by non-Members of the House to Members of the other body to the effect that the Louisiana delegation was all on board on this provision as it is currently written. That simply was not the case, but we have to come together here in the House today in a somewhat convoluted procedure to remedy what was done previously.

I just want to reemphasize how appreciative I am of the leadership for their working together with the Louisiana delegation in rectifying this past mistake.

In fact, the provision was vague as it was originally written. It appeared as if it might have mandated the dumping of harmful materials in the river. The provision that we are about today, House Concurrent Resolution 24, clearly sets forth the fact that the materials, if, in fact, they are harmful, will not go into the river without ample opportunity granted to opponents to object.

This provision allows the experts to weigh in on this most serious problem and to make their own determination about its impact. It retains to all parties the option of taking their case through the natural processes, as if they might have done before this problem arose.

We have passed H.R. 1. The other body will soon pass a like edition. House Concurrent Resolution 24, if passed here and in the Senate, will amend section 306 to the agreement of industry, environmentalists, the sewage and water board, and the Louisiana delegation. Again, it is in the spirit of compromise and cooperation with all parties that we are able to come here today to make this adjustment and ultimately send on H.R. 1, as it should have been sent initially, to the President for his signature.

I want to again thank all the leaders for working together with us and hope that this provision will be expeditiously passed, not only in the House, but in the other body as well, and that it will be added to the major bill—H.R. 1—as it currently stands.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HOWARD. Mr. Speaker, before I yield back the balance of my time, let me just state that should this legislation be passed by a voice vote this afternoon, the other body will be able to dispose of it on tomorrow.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from New Jersey [Mr. HOWARD] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 24.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HURRICANE TUSI

(Mr. SUNIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNIA. Mr. Speaker, I rise today to bring to the attention of this House the devastating effects of Hurricane Tusi, which last Saturday struck full force at the islands of Ofu, Olosega, and Ta'u in the Manu'a group in American Samoa.

It is a miracle that no one was killed in the fury of Hurricane Tusi, for the entire infrastructure of the islands has been destroyed. Churches, schools, homes, every imaginable building has been left in rubble. Whole plantations, which produce much of the islanders' daily diet, have been flattened. Virtually everyone is homeless.

The relief efforts have been most impressive. Fresh water, food, tents, and temporary generators have been ferried to the islands to provide safety and shelter to those digging out from the damage. And although American Samoa's Governor, A.P. Lutali, has asked President Reagan to declare Manu'a a disaster area, long-term needs will no doubt require concentrated and coordinated input from many sources.

Mr. Speaker, I know that this House shares my concern over the terrible destruction wrought by Hurricane Tusi. I know too that it will stand ready to extend whatever assistance it can to bring normal life back to the people of Manu'a.

COMMUNICATION FROM HON. FRANK ANNUNZIO, MEMBER OF CONGRESS

The **SPEAKER** pro tempore laid before the House the following communication from Hon. Frank Annunzio:

Committee on House Administration,
Washington, DC, December 23, 1986.

Hon. Thomas P. O'Neill,
Speaker of the House, House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that three members of my committee staff have been served with deposition subpoenas duces tecum issued by the United States District Court for the District of Columbia. In addition, a subpoena duces tecum has been served upon the custodian of records of the Committee on House Administration.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoenas is consistent with the privileges and precedents of the House of Representatives.

With every best wish, I am,

Sincerely,

Frank Annunzio,
Chairman.

NEED FOR LOCAL ANTITERRORISM PLANNING

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. Smith] is recognized for 5 minutes.

Mr. SMITH of Florida. Mr. Speaker, in 1985, I introduced H.R. 3712, the Local Antiterrorism Planning Act. That bill authorized local antiterrorism planning grants to be made through the discretionary portion of the Justice Assistance Act.

Today, I am introducing a revised bill that I believe will enable more States and localities to develop antiterrorism plans.

This new proposal contains the language of the amendment that I offered when the Subcommittee on Crime marked up its antiterrorism bill in 1986. Under the new proposal, States and local governments could use justice assistance funds for developing and implementing antiterrorism plans for deep draft ports, international airports, and other important facilities. The subcommittee adopted my amendment as part of what was H.R. 4786, the Antiterrorism Act of 1986.

I have expanded the eligibility criteria for good reasons. My original bill called for a limited number of planning grants. I anticipated that the plans could then be modified and used by other localities. On further reflection, I concluded that it might take too long for such plans to reach other localities. Local governments, if they so desire, should be permitted to develop plans now.

Second, placing antiterrorism grants in the general justice assistance section would permit every qualifying locality to use its Justice Assistance Act funds to protect its citizens.

As with my original bill, existing funds under the Justice Assistance Act would provide the funding, and no additional money would be required.

The need for this type of legislation was reinforced by a panel report from the Center for Strategic and International Studies of Georgetown University entitled "Combating Terrorism: A Matter of Leverage." The panel, chaired by Robert Kupperman, discussed both domestic and international terrorism. Among its recommendations, the report states that:

> [a] combined Federal-State-municipal government programs should be initiated to catalog and analyze national infrastructure vulnerabilities and implement a combined program to enhance key infrastructure node security.

Enhancing infrastructure security is precisely what my proposal seeks to do. Let me illustrate my point by looking at Broward County, FL. In Broward County, we also have within a few miles of each other a major airport and deepwater port, electricity generators, and storage facilities for most of the fossil fuels consumed in south Florida. This region also contains many refugees and emigres, some of whom might support terrorists or provide safe haven for terrorists. Because of the combination of people and inviting targets, Broward County must rank high as a potential target for terrorism. This, in turn, poses a definite problem for law enforcement.

The Broward Sheriff's Office [BSO] is but one of three police agencies and two separate security forces that have jurisdiction over these facilities. Rather than having to deal with a terrorist threat in a reactive manner, BSO in 1985 sought to expand the services it already provides and to create a proactive deterrent to any terrorist threat.

This is a necessary local attempt to solve what is a national problem. Properly implemented and supported this plan could deter terrorism in Broward County.

Other parts of this country may be vulnerable to terrorist threats because of the infrastructure facilities they contain. We should provide assistance to those localities that want to deal with potential terrorist threats.

In analyzing the Federal approach to domestic terrorism, the Georgetown report noted that "poor organziation can impede progress on the counterterrorism front." The key questions were how to deal with the threat and how to coordinate capabilities to deal with changing situations.

Although that portion of the Georgetown report was talking about Federal agencies, the same problem affects local law enforcement agencies and governments. Here the report notes that—

> [c]oordination between Federal and local law enforcement officials, particularly in protection of vulnerable infrastructure, offers some intriguing possibilities. Each vulnerable [infrastructure] node is located, after all, in a specific jurisdiction, under the authority of some local, State, or regional agency. What might be proposed is an "Adopt-a-Node" Program whereby local officials accept as a regular obligation the protection of vital infrastructural installations.

The report then mentions my original bill and the Joint Terrorist Task Force organized by the FBI and the New York City Police Department.

Mr. Speaker, if we are to protect this country from the threat of terrorism and its aftereffects, then our policy must be proactive rather than reactive. I do not claim that my proposal is the only way to go. As the Georgetown report noted:

> There is no inherent constraint to extending the scope of such a program to include key power transformers, oil and natural gas, pumping stations, and critical transportation nodes.

My bill's phrase "other important facilities" would ensure that these facilities are covered.

The point is that bill at least will permit local governments to do something now—while we still have the time to plan.

FIFTH ANNUAL CONGRESS-BUNDESTAG STAFF EXCHANGE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. Foley] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I am pleased to report to my colleagues that plans are again underway for the annual exchange of staff members of the United States Congress and the Bundestag of the Federal Republic of Germany. Since this is an election year in the Federal Republic, and since this year marks the 750th anniversary of the founding of Berlin, this year's exchange program promises to be especially significant.

The Congressional Staff Group on German-American Affairs has prepared an announcement of the program for 1987, and I am delighted to share this announcement with my colleagues.

Announcement of the 1987 Congress-Bundestag Staff Exchange

Since 1983, the U.S. Congress and the Bundestag have conducted an annual exchange program in which staff members from both countries observe and learn about the workings of each other's political institutions first-hand and convey the views of Members of both bodies on issues faced by both countries. The exchange also provides an opportunity for the development of professional relationships which will be beneficial to both countries over the long term.

This exchange program is one of several sponsored by both public and private institutions in the U.S. and West Germany to foster a better understanding of the institutions and policies of both countries.

This year, ten congressional staff members will visit Germany from March 7-March 22. They will spend about ten days in Bonn attending meetings conducted by Members of the Bundestag, Bundestag staffers, and representatives of political, business, labor, academic, and media institutions. They will spend a weekend in the district of a Bundestag Member. The program will conclude with a visit to Berlin—particularly significant because of the city's 750th anniversary celebration—during which they will meet with representatives of the West Berlin Government and U.S. Government representatives in both West and East Berlin.

Ten Bundestag staffers will come to the U.S. in late June for a three week period. They will attend similar meetings here in Washington and will visit the districts of Members of Congress over the 4th of July recess.

The program is truly a two-way street; accordingly, participants should be experienced Hill staffers so they can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staffers to the United States and a number of high ranking Members of the Bundestag take the time to meet with our staffers. We have tried to reciprocate.

We, therefore, look for participants with a demonstrable interest in, if not some direct responsibility for, political, security, trade, or environmental issues as they relate to Europe in general and Germany in particular. In addition, our participants will be expected to help plan and execute the program for the Bundestag staffers when they visit the U.S. Among the contributions participants should expect to make are planning and conducting one topical meeting for the Bundestag staffers in their home state or district over the 4th of July.

The members of the U.S. delegation will be selected initially by the Congressional Staff Group on German-American Affairs; final determination of the list of delegates will be made by USIA.

Senators and Representatives who would like a member of their staff to participate in this year's program should direct their staffers to submit a résumé and cover letter to Mr. Bill Inglee, 808 House Annex #1, by Friday, January 30, 1987.

The involvement of as many Members of Congress as possible in this exchange program—as well as the Congress-Bundestag Youth Exchange—is absolutely critical to the program's success. The Congressional Staff Group on German-American Affairs hopes to send another strong American delegation to Germany this year and we look forward to selecting from among as many applicants as possible.

AMERICA'S INDUSTRIAL COMPETITIVENESS SHOULD NOT BE GAINED AT WORKER'S EXPENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, I know that you are committed to seeking solutions to eliminate America's trade problems and to restoring this Nation's ability to compete on an equal footing with the other industrialized nations of the world.

I support your desire to bring America back to its former prominence in international trade and I concur with your approach to resolving this problem, but I am concerned that in our effort to make American businesses more competitive, we will lose sight of the gains that our working men and women have won, sometimes grudgingly.

Over the past 30 years, workers in manufacturing made great gains in their standards of living. Still, in the past 6 years, we have some of those tremendous gains, earned at high cost, erode as American workers, working hand-in-hand with business leaders, have taken cuts in hourly wages, benefits, and vacations, and have even embraced the concept of work-rules changes in order to help their companies cut costs so as to compete with the huge river of imports flowing into this country.

Just recently, the United Steelworkers of America and USX, the Nation's major steel producer, reached an agreement to settle the work stoppage that has lasted far too long. In coming to terms, the steelworkers and the company agreed to changes that no one thought would ever come about in the steel industry. The agreement between the steelworkers and USX follows a pattern that developed as other steel manufacturers came to terms with the steelworkers.

Generally, those contracts have called for cuts in wages and benefits, elimination of jobs or relaxed work rules, and guarantees to limit the use of nonunion contractors for jobs usually done by steelworkers.

American steelworkers are aware of the threats to their jobs from the continuing flow of foreign-made steel. American steelworkers are loyal Americans who will make every effort to help their employers operate efficiently and economically so they can compete with those foreign producers of steel.

Time after time as contracts between steelworkers and American steel producers came up for renegotiation, both sides have made concessions in order to keep the company as healthy and competitive as necessary.

Just to explain what I mean, let me cite a couple of key elements from the agreement reached between USX and the steelworkers.

First, the 4-year contract provides for a cut of $2.45 an hour in wages and benefits in the first year.

Second, 1,300 jobs will be eliminated, many due to closings of inefficient and out-dated plants.

Third, as I mentioned, USX pledges to limit the use of nonunion contractors to do jobs usually done by steelworkers.

Now we have men and women who worked long and hard in valued jobs no longer able to work in steel and other manufacturing jobs because those jobs no longer exist. And, instead of earning $10, $12, $14, and more dollars per hour, these men and women have taken jobs that, at best, pay only slightly above the minimum wage.

I commend to all my colleagues an article that appeared in the January 4 edition of the Washington Post which focused on the changes occurring in the lives of those men and women whose jobs have disappeared. So that you, my colleagues, will understand some of the things I have been talking about for the past 18 years or so, I am going to attach the article to the end of this speech.

Why are these people seeking other kinds of jobs? In the case of the steel industry, the answer is very simple. There is too much steel being produced worldwide. This means that production capability has to be shut down, as USX is preparing to do.

The United States has suffered more than other nations primarily because our steel production capability is somewhat older than steel mills in the rest of the world. According to recent figures from the American Iron and Steel Institute [AISI], American steel production capability in 1975 was 153.1 million tons. In that same year, production was 116.6 million tons, and plant utilization was at 76.2 percent.

The highest capability was in 1977 when the U.S. steel industry had the capability to produce 160.0 million tons of steel. The highest year of production since 1975 was in 1978, when American steelmakers produced 137.0 million tons. The best year for utilization of capacity was 1979, when utilization was 87.8 percent.

Current numbers are not so pleasant to look at. Production capability in 1986 was 127.9 million tons. Preliminary estimates are that production was 81 million tons for a utilization percentage of 63.3.

To make the picture clearer, I'm inserting the chart showing the pattern since 1975.

[Millions net tons]

	Capability	Production	Percent utilization
Fiscal year:			
1975	153.1	116.6	76.2
1976	158.3	128.0	80.9
1977	160.0	125.3	78.4
1978	157.9	137.0	86.8
1979	155.3	136.3	87.8

[Millions net tons]

	Capability	Production	Percent utilization
1980	153.7	111.8	72.8
1981	154.3	120.8	78.3
1982	154.0	74.6	48.4
1983	150.6	84.6	56.2
1984	135.3	92.5	68.4
1985	133.6	88.3	66.1
1986	127.9	[1] 81.0	[1] 63.3
1987	[1] 118.7		

[1] Estimate.

Just so no one gets the impression that we are the only nation to suffer from this problem of excess production capability, the Japanese steel makers, too, are shutting old and excess capacity and are laying off workers.

Why the excess production? That, too, isn't hard to explain. Many of the nations of the world, especially by developing countries that believe a steel industry is their key to acceptability in the world economy. Unfortunately, that new steel industry finds little demand at home for its production so it sends it abroad, usually to the United States, simply because we have the world's largest steel market and the most open borders and it means the developing nation can earn dollars necessary to pay off outstanding loans.

Because the steel industries in many of those developing nations are either wholly or substantially owned by their governments, the steel produced for export can be sold at substantially lower prices.

This means that steel produced in older, less modern mills will never be as competitive, continuing to lead to excess production in the United States.

I have been concerned about America's trade problems for nearly as long as I have been in Congress. I recognized early on that if we took no action to stem the tide of imports flowing through America's open doors, we would be in considerable trouble.

Well, I am saddened to say, very few people listened and now we have serious problems. Just last year, two major steel companies, Wheeling-Pittsburgh and LTV filed for bankruptcy under chapter 11 reorganizations. We still aren't sure what the long-term impact of that action by those two companies will be.

We do know, however, that in the short term a lot of steelworkers have been displaced and that it is highly unlikely that they will ever recover their jobs in the steel industry.

Just a few short years ago, there were nearly 35,000 men and women working in the steel industry in my congressional district alone. Today, there are fewer than 4,000.

Why? There are a number of reasons. We could say the American steelmakers, so confident that they would never lose their positions in the world market, made a number of serious mistakes by not modernizing facilities earlier, by not going slower in agreeing to contract demands by unions, or by seeking to develop new product lines and new markets.

We could also say that the rest of the world, starting with the major powers of Japan, Germany, England, and France, and now including a number of newly industrialized countries, such as South Korea, Taiwan, Brazil, Spain, and others, has caught up.

It should come as no surprise to anyone who has followed the development of steel around the world that there is too much steel being produced. This glut, which is occuring at the same time that consumption is decreasing, means that everyone is fighting for a slice of one pie.

Unfortunately, the pie is getting smaller. As I said, every developing nation feels that it must have a steel industry in order to be able to join the company of nations.

What's more, unlike the United States, where the Government, at best, helps create a climate favorable to business growth and development, governments in those other countries are either sole owners of the steel industry, have a substantial ownership in it, or control its development through direct policy intervention.

And, when we talk about fair trade versus free trade, that ownership is one of the key elements. It's not that we oppose government control or ownership of steel industries abroad, it's just that these companies don't have the same requirements for satisfying the stockholders that a privately owned American steel company does.

Further, when that steel company in a foreign land pays its workers peanuts and ignores all of the gains in benefits, health coverage, health and safety requirements that American companies must provide, then it has an unfair advantage.

If the foreign steel worker had the same salary, job protections and other benefits afforded the American worker, then the foreign made steel wouldn't be as cheap and American steel would be just as competitive.

Another factor that has hurt the steel industry is the growth in indirect steel imports, imports of goods and products which contain steel.

During the past decade, U.S. imports of steel products have been subject to a number of trade measures, including the trigger price mechanism, unfair trade complaints, a U.S.-EC arrangement which limited trade, and, in the case of specialty steel, quotas or increased tariffs. Despite these actions, import penetration in steel products rose from 14 to 18 percent of U.S. consumption during 1976-80 to 25 percent in 1985.

With the negotiation of voluntary restraint agreements [VRA's] with the EC-10 and 17 other countries, import penetration is likely to stabilize at slightly less than 25 percent through 1989, when the VRA's are scheduled to lapse.

The stabilization of steel imports may prove to be only a partial solution to the industry's trade situation. A recent analysis prepared by the American Iron and Steel Institute in cooperation with the U.S. Department of Commerce suggests that indirect trade in steel—that is, trade in products which contain steel—is adding a troublesome dimension to the industry's existing problems.

The report, Indirect Steel Trade—1985, indicates that the United States registered an indirect steel trade deficit of 7.4 million tons in 1985, compared to a position which was in approximate balance in 1980. Automotive products accounted for some 50 percent, the largest share, of the 16.1 million tons of imports, while machinery accounted for 46 percent, the largest share, of the 8.7 million tons of American exports. The largest deficits were registered with Japan—5.5 million tons—and the EC-12—2.6 million tons.

By diminishing domestic steel demand, growth in the indirect steel trade deficit will further pressure domestic companies to cut capacity. The deficit growth comes at a particularly inopportune time, as the industry has been operating at relatively low capacity utilization rates—under 72 percent—since 1982 and experiencing a weak financial position with combined losses of $7.4 million during the 1982-85 period.

What's the outlook? None too good, I'm afraid. An article in the January 12, 1987, edition of Business Week says that the outlook for America's steel industry is depressing, and quotes an anonymous steel company executive who says that if things don't improve this year, 1987, "we will have massive bankruptcies."

The market for steel products isn't going to improve. A projected 8.3-percent drop in domestic car and truck production, a tiny increase in capital spending, and the weak oil market will reduce steel shipments to 66 million tons this year. That's a 4-percent drop from 1986 and a 10-percent decline from 1985.

So, forgetting for a moment that the overall trade picture is bleak, with another record deficit projected for 1986—we won't really know how bad until December's figures are compiled, but at this point we can expect a deficit for about $170 billion, we can see that steel stands out as one of the worst cases among a host of manufacturing industries that have been and still are taking a beating.

So, Mr. Speaker, while we must look to industry to become more competitive, we must also realize that we are playing by much more stringent rules than our competitors.

We also must be sure that when we encourage American industry to become more competitive, that we don't hurt the men and women who built this Nation and have made its economy one of the strongest in the world. We must preserve the standard of living our working men and women have given so much to achieve. It is their due.

As the new chairman of the Congressional Steel Caucus, I ask all of my colleagues to join with us in trying to preserve and protect this industry as we will work with you to help preserve and protect industries that are vital to you and your constituents.

Middle-Class Dream Fades for Some; Workers See Earnings Decline as Companies Cut Labor Costs

(By Jane Seaberry)

Baltimore.—After losing her $14-an-hour job as an inspector at Bethlehem Steel, 42-year-old Rita Hamlet had to settle for a $3.75 an hour job as a supermarket cashier.

When Melvin Townsend was laid off from his $10.60 an hour job as a laborer at Harbison-Walker Refractories, the 40-year-old father of two girls said the best job he could get was $5.50 an hour working at Mash's Inc. placing 25-pound slabs of meat on a hook and wrapping them in plastic bags. Now his mother helps him pay for his car and food.

Gus Greene was luckier. After he lost his $13 an hour job as a forklift operator at the Kennecott Refining Corp., where he had worked for 26 years, he was able to find another job as a forklift operator. But the 52-year-old father of six didn't take it: The new job paid $6 an hour.

Hamlet, Townsend and Greene are examples of a phenomenon occurring in the American work place as the economic pressures of global competition hit manufacturing industries in the United States. Millions of semiskilled workers are feeling the effects of layoffs, plant closings and wage concessions forced by global competition and are facing an end to their middle-class way of life.

Many of them became first-generation middle-income wage earners through high-paying manufacturing jobs. Now, with low skills but high expectations, they are trying to make ends meet with wages that are sometimes less than half of what they once earned.

Economists and policy makers are debating whether workers like Hamlet, Townsend and Greene illustrate that the American standard of living is declining, and, if so, what can be done about it in the face of the corporate need to cut high labor costs to become competitive.

Of the 8 million jobs created between 1979 and 1984, nearly three-fifths of them pay less than $7,000 a year—in dollars adjusted to levels in 1984—compared with fewer than one-fifth the previous six years, according to a recent study commissioned by the Congressional Joint Economic Committee.

Additionally, the study said that white men, who traditionally have been the highest paid American workers, have become the biggest losers in the change in wages. The study said 97 percent of the new jobs filled by white men in the early 1980s paid less than $7,000 a year.

Black men's wages, which increased sharply during the 1970s, also have declined. Gains in high-wage areas for them during the 1970s have all but disappeared. The wage gains of black women have declined too.

Hamlet chose working as a temporary supermarket cashier and saw her middle-class standard of living go the way of the prerobotics assembly line. "They offered me $3.75 an hour," Hamlet said of her first job after being laid off after 13 years with the steelmaker. "My natural instinct was, that's a job for a child."

But she said that trying to find work commensurate with her old job "was a real tear-jerker because I found out I could only work in a steel mill.

"It's Christmas and you ask, should I sell my body?" Hamlet said. "A man said, 'I'll teach you how to shoplift.' But I'm too old for that."

Now Hamlet is unemployed and hopes to get called back to Bethlehem Steel.

Government statistics show that an unusually large number of people are working part time because fulltime work is unavailable, and they probably are receiving lower wages and few benefits. But economists disagree on whether overall wages are declining, and, if they are, to what degree.

"There is a slow drift toward industries that on average pay lower wages," said Marvin Kosters, economist with the American Enterprise Institute. "It's very small, it's negligible, but it's there.

Kosters said the discrepancy in all of the studies is the way the data are interpreted and what data are included.

But economists disagree on whether the nation's wage situation is deteriorating. A recent study by the Committee for Economic Development, a group of leading business people and educators, said that evidence suggests a trend toward higher-than-average earnings and that, between 1973 and 1982, slightly more than half of the jobs created were professional and managerial.

The committee's main approach toward industrial competitiveness is that society should not try to hang onto antiquated, less efficient jobs, but focus on better future work opportunities.

The CED study said that, between 1984 and 1995, 16 million new jobs will be created; much of the growth will be concentrated in executive, administrative and managerial, professional and technical fields, which have the highest proportion of college educated workers or specialists with post-secondary training.

However, the CED also said it is unclear what the net effect of job changes will be. "As we have seen, some of the changes point to gains, others to losses," the report said. "The evidence, although mixed, clearly indicates the continuing generation of new employment opportunity."

"The CED study said displaced workers have found jobs fairly quickly and "about 45 percent of them were earning as much or more in these new jobs."

Nearly half of the 5.1 million displaced workers lost jobs in manufacturing, the CED study said. Those most affected were in steel, auto and nonelectrical machinery and had worked in factory floor jobs as operators, fabricators and laborers.

The CED study also said that older displaced workers took a longer time to find new jobs than younger workers and that blue-collar workers had greater initial pay cuts in their new jobs than white collar workers.

Nearly 29 percent of blue collar workers—compared with 24.4 percent of white collar workers—lost 25 percent or more of their full-time weekly earnings. About 10 percent—compared with 7.4 percent of white collar workers, had full-time losses of 50 percent or more.

Phyllis Fisher, project director for the United Steelworkers of America District 8 emergency assistance program, said that higher-paying jobs are available, but they either require training, such as electrical jobs, or already are filled, such as truck driving and entry-level construction jobs.

Hamlet said that she was offered retraining for a new job, but she refused and decided instead to hope to return to Bethlehem Steel. If she were able to work at Bethlehem Steel seven years more, she said she could retire and receive about $800 a month. Then, at about age 50, she said she could go to typing school.

A Bethlehem Steel spokesman said it is possible for a laid-off worker to be recalled for an indefinite period, but "there are no guarantees."

Townsend said his middle-class life of weekend trips to New York, designer clothes and two cars has ended in part because he isn't trained to do anything else. "I do know how to read," said Townsend, a high-school graduate. "I do know how to count. I may have trouble with spelling like most people do." But he said many of the jobs he is eligible for, "a lot of school children have taken them."

Now, Townsend said he makes $228 a week before taxes, compared with $476, but he has the same bills: $275 a month for rent, $30 a week for child support and $239 a month for his car. "I didn't have enough money for my car note [and to] buy food," Townsend said. "My mother helped me a bit.

"I can't go to the movies. I can't buy clothes," Townsend said. "Id like a nice piece of steak, a roast. I can't afford that. And auto insurance goes up too. A whole lot of things change when you lose your job."

Greene, 52, does not attribute his difficulty in finding a higher-paying job to age discrimination. "The problem is the job to support a family is just not there," Greene said. "You don't expect to make the same thing, but you'd like the same life style."

Greene has one child at home and another at Virginia Union University. He said he is fortunate that his wife works and his four other children, who no longer live at home, help him financially.

"Your clothes have to last longer. You have to go to the shoe shop," Greene said. "You have to find ways to work within the system. You go to bargain outlets and you buy food in bulk." He said he also has many meatless meals.

"My dream is to get reemployed and get my standard of living back without having to sacrifice so much," Greene said. If he has to take a full-time job making $6 or $7 an hour, he said he will work an additional part-time job to help regain his former standard of living.

"I would hate to think we're going through the rest of our lives [thinking] we're not going to make any money," Greene said. "What about the generations after us? We can't say this is it."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Gray of Illinois) to revise and extend their remarks and include extraneous material):

Mr. Smith of Florida, for 5 minutes, today.

Mr. Foley, for 5 minutes, today.

Mr. Brown of California, for 60 minutes, today.

Mr. Hawkins, for 60 minutes, on February 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Ballenger) and to include extraneous matter:)

Mr. Gilman in six instances.

Mr. Young of Alaska.

Mr. Clinger.

(The following Members (at the request of Mr. Gray of Illinois) and to include extraneous matter:)

Mr. Richardson in two instances.

Mr. Torres.

Mr. Hoyer in two instances.

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Boner of Tennessee in five instances.

Mr. Smith of Florida.

Mr. Dymally.

Mr. Wolpe.

Mr. Moody.

Mr. Pepper.

Mr. Guarini.

Mr. Biaggi.

ADJOURNMENT

Mr. GRAY of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 21, 1987, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

304. A letter from the Director, the Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals of budget authority as of January 1, 1987, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 100-020); to the Committee on Appropriations and ordered to be printed.

305. A letter from the Secretary, Department of Defense, transmitting a copy of the Department's annual report to Congress for fiscal years 1988 and 1989, pursuant to 10 U.S.C. 113(c); to the Committee on Armed Services.

306. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations for fiscal years 1988 and 1989, and for other purposes; to the Committee on Armed Services.

307. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-252, "D.C. Anatomical Gift Amendments Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

308. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-253, "D.C. Good Time Credits Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

309. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-254, "Drug Abuse, Alcohol Abuse, and Mental Illness Insurance Coverage Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

310. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-255, "Closing of Belt Lane and an Alley in Square 161, S.O. 84-210, Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

311. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-256, "Elimination of the Maximum Height Restriction on Police Officers Amendment Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

312. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-257, "Cigarette Tax Amendment Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

313. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-258, "D.C. Pretrial Services Agency Executive Committee Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

314. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-259, D.C. Hospital Commission Amendment Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

315. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-260, "D.C. Uniform Controlled Substances Amendment Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

316. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-261, "D.C. Statute of Limitations Amendment Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

317. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-262, "Equal Pay for Handicapped Amendment Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

318. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-263, "D.C. Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

319. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-264, "Youth Rehabilitation Amendment Act of 1985 Temporary Amendment Act of 1986", pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

320. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-265, "Lottery Initiative No. 6 Reform Amendment Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

321. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-266, "Cable Television Communications Act of 1981 Amendment Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

322. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-267, "District of Columbia Income and Franchise, and Sales Taxes Amendment Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

323. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-268, "Closing of a Public Alley in Square 485, S.O. 85-342, Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

324. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-269, "Tax Amnesty Act of 1986" and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

325. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-270, "Food Production and Urban Gardens Program Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

326. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-271, "Employment Amendment Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

327. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-272, "Personal Property Tax Amendment Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

328. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-273, "Closing of Public Alleys in Square 250, S.O. 85-241, Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

329. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-274, "General Obligation Bond Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

330. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-275, "Renal Dialysis Licensure Amendments Act of 1986", and report, pur-

suant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

331. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-276, "Monte Carlo Night Party Licensure Amendment Act of 1986", and report, pursuant to D.C. Code sec. 1-233(c)(1); to the Committee on the District of Columbia.

332. A letter from the Secretary, Department of Education, transmitting a draft of proposed legislation to amend the Bilingual Education Act to make Federal financial assistance available for children of limited English proficiency without mandating a specific method of instruction, to encourage innovation at the local level through greater administrative flexibility, to improve program operations at the Federal level, and for other purposes; to the Committee on Education and Labor.

333. A letter from Secretary of Commerce, transmitting a report on the evaluation of the United States renewable energy industry sector, pursuant to 42 U.S.C. 6276(b)(1); to the Committee on Energy and Commerce.

334. A letter from the Administrator, Environmental Protection Agency, transmitting the current report, "Progress in the Prevention and Control of Air Pollution in 1985", pursuant to 42 U.S.C. 7613; 42 U.S.C. 7521(b)(4), 42 U.S.C. 7606(d); to the Committee on Energy and Commerce.

335. A communication from the President of the United States, transmitting a report on the chemical deterrent posture of the North Atlantic Treaty Organization, pursuant to Public Law 99-145, section 1411(e) (99 Stat. 746); Public Law 99-190, section 8094 (99 Stat. 1218); to the Committee on Armed Services.

336. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of the intent to issue a commercial export license involving the export to Brazil of three C-130H Herclules aircraft, including related pilot training, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

337. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a travel advisory recently issued by the Department for Sudan, which has security implications for Americans traveling or residing in that country, pursuant to 22 U.S.C. 2656e; to the Committee on Foreign Affairs.

338. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a travel advisory recently issued by the Department for South Africa, which has security implications for Americans traveling or residing in that country, pursuant to 22 U.S.C. 2656e; to the Committee on Foreign Affairs.

339. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

340. A letter from the Secretary of the Treasury, transmitting the U.S. Government annual report for the fiscal year ended September 30, 1986, pursuant to 31 U.S.C. 331(c); to the Committee on Government Operations.

341. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on the judicial survivors' annuities system and judicial retirement system for the year ended December 31, 1985, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

342. A letter from the Administrator, Agency for International Development, transmitting a report on the evaluation of the systems of internal accounting and administration control of the Agency during the year ending December 31, 1986, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

343. A letter from the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, transmitting a report of the Committee's activities under the Freedom of Information Act during calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

344. A letter from the Secretary, Department of the Treasury, transmitting a report on the evaluation of the systems of internal accounting and administrative control of the Department during the fiscal year 1986, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

345. A letter from the Secretary, Department of Agriculture, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

346. A letter from the Secretary, Department of Housing and Urban Development, transmitting a report on the evaluation of the systems of internal accounting and administrative control of the Department during the fiscal year 1986, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

347. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notification of two new Federal record systems submitted by the Department of the Navy, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

348. A letter from the Deputy Assistant Secretary of Defense (Administrator), transmitting notification of a proposed new Federal records system submitted by the Department of Defense, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

349. A letter from the Director, Federal Mediation and Conciliation Service, transmitting a report on the evaluation of the systems of internal accounting and administrative control of the Service during fiscal year 1986, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

350. A letter from the Chairman, National Endowment For The Humanities, transmitting a report on the evaluation of the systems of internal accounting and administrative control of the NEH during fiscal year 1986, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

351. A letter from the Director, National Science Foundation, transmitting a report on the evaluation of the systems of internal accounting and administrative control of the Foundation during the year ending December 31, 1986 pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

352. A letter from the Director, Office of Personnel Management, transmitting a report on the evaluation of the systems of internal accounting and administrative control of OPM for fiscal year 1986, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

353. A letter from the Director, Peace Corps, transmitting a report on the Corps' evaluation of its systems of internal accounting and administrative controls during the fiscal year ended September 30, 1986, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

354. A letter from the Secretary of the Interior transmitting a report of the Department's evaluation of its compliance with the requirements of the internal accounting and administrative control systems in effect during the fiscal year ended September 30, 1986, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

355. A letter from the Secretary of Defense, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

356. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report on the evaluation of the systems of internal accounting and administrative control of the Board during fiscal year 1986, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

357. A letter from the Acting Administrator, U.S. Small Business Administration, transmitting a report on the evaluation of the systems of internal accounting and administrative control of the Administration during the fiscal year 1986, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

358. A letter from the Records Officer, U.S. Postal Service, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

359. A letter from the Chairman, Board of Governors, U.S. Postal Service, transmitting the annual report of the Board's activities under the Government in the Sunshine Act covering calendar year 1986, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

360. A letter from the USPS Records Officer, U.S. Postal Service, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

361. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

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376. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior; transmitting notification of proposed refunds of excess payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

377. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior; transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

378. A letter from the Veterans of World War I of the U.S.A., Inc., transmitting proceedings of the 34th National Conference, pursuant to 36 U.S.C. 776, 44 U.S.C. 1332 (H. Doc. No. 100-022); to the Committee on the Judiciary and ordered to be printed.

379. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting a copy of a report of the findings and conclusions of the Administrator of Veterans Affairs' investigation into allegations of poor patient care and mismanagement in contract nursing home care services at the Veterans Administration Medical Center, Clarksburg, WV, pursuant to 5 U.S.C. 1206(b)(5)(A); to the Committee on Post Office and Civil Service.

380. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes; to the Committee on Public Works and Transportation.

381. A letter from the Adjutant General, the United Spanish War Veterans, transmitting the proceedings of the national encampment, held in Cleveland, OH, on September 11-17, 1985, pursuant to 44 U.S.C. 1332 (H. Doc. No. 100-021); to the Committee on Veterans' Affairs and ordered to be printed.

382. A letter from the Secretary of Health and Human Services, transmitting a report entitled, "The Relationship of Medicare PPS to All Payer Systems and Cost-Shifting", pursuant to 42 U.S.C. 1395ww (Pub. L. 98-21, sec. 603(a)(2)(A)); to the Committee on Ways and Means.

383. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting a copy of Presidential Determination No. 87-6, concerning the Nicaraguan democratic resistance, pursuant to Public Law 99-500, section 211(c) and section 214; jointly, to the Committees on Foreign Affairs, the Permanent Select Committee on Intelligence, Armed Services, and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Omitted from Record of January 6, 1987]

By Mr. ROE:

H.R. 421. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

[Submitted January 20, 1987]

By Mr. SIKORSKI:

H.R. 612. A bill to amend titles II and XVI of the Social Security Act to establish more realistic rules for determining the eligibility of individuals who have multiple sclerosis for benefits based on disability under the OASDI and SSI programs; to the Committee on Ways and Means.

By Mr. COELHO (for himself and Mr. Quillen):

H.R. 613. A bill to designate "The Stars and Stripes Forever" as the national march of the United States of America; to the Committee on Post Office and Civil Service.

By Mr. ERDREICH (for himself, Mr. Bevill, Mr. Flippo, Mr. Nichols, Mr. Dickinson, Mr. Callahan, and Mr. Harris):

H.R. 614. A bill to designate the new U.S. courthouse in Birmingham, AL, as the "Hugo L. Black United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. GILMAN:

H.R. 615. A bill to amend title 38, United States Code, to extend eligibility for burial allowance to certain additional veterans and to increase the burial plot allowance for veterans from $150 to $250; to the Committee on Veterans' Affairs.

H.R. 616. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for expenses incurred in the care of elderly veterans; to the Committee on Ways and Means.

By Mr. MACK:

H.R. 617. A bill to provide that rates of pay for Members of Congress shall be reduced to the levels that were in effect as of December 31, 1986; to provide that any bill or resolution that would increase Members' pay may be passed or adopted (as the case may be) only by a recorded vote; and for other purposes; jointly, to the Committees on Rules and Post Office and Civil Service.

By Mr. MOAKLEY (for himself and Mr. Regula):

H.R. 618. A bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans and Nicaraguans, to provide certain Rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans and Nicaraguans, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

By Mr. OBERSTAR:

H.R. 619. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for investment in district heating and cooling systems; to the Committee on Ways and Means.

By Mr. WYDEN:

H.R. 620. A bill to amend title II of the Social Security Act to ease the burden currently imposed by excessive earnings test requirements; to the Committee on Ways and Means.

By Mr. SMITH of Florida:

H.R. 621. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional tools for the battle against terrorism; to the Committee on the Judiciary.

By Mr. VANDER JAGT (for himself, Mr. Duncan, and Mr. Jenkins):

H.R. 622. A bill to amend section 132 of the Internal Revenue Code of 1986 to provide that de minimis fringe benefits furnished by an employer to an employee may include a share in the cost of meals furnished off the business premises of the employer; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 623. A bill to amend the Alaska National Interest Lands Conservation Act to provide for monetary compensation to professional registered guides in Alaska for loss of income resulting from restrictions on hunting, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FRENZEL:

H.J. Res. 85. Joint resolution providing for a domestic economic summit conference to develop a comprehensive plan for reducing the projected Federal budget deficits; to the Committee on Government Operations.

By Mr. LATTA:

H.J. Res. 86. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or a national emergency declared by the Congress; and to provide for the systematic repayment of the national debt; to the Committee on the Judiciary.

By Mr. VOLKMER (for himself and Mr. Stallings):

H.J. Res. 87. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. GUNDERSON (for himself, Mr. Wyden, and Mr. Penny):

H. Con. Res. 26. Concurrent resolution calling for the release of Rev. Tshenuwani Simon Farisani from detention in Venda, a homeland in South Africa; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

6. The SPEAKER presented a memorial of the Legislature of Louisiana, relative to concurrent resolutions adopted concerning an oil import fee and an import duty on foreign petrochemicals; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BIAGGI introduced a bill (H.R. 624) for the relief of Anne Brusselmans; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 162: Mrs. Schroeder, Mr. Smith of Florida, Mr. Torricelli, Mr. Visclosky, Mr. Dellums, Mr. Kanjorski, Mr. Wilson, Mr. Sabo, Mr. Feighan, Mr. Dixon, Mr. Obey, Mr. Florio, Mr. Leland, Mr. Levin of Michigan, Mr. Waxman, Mr. Owens of New York, Mr. Fish, Mr. Kolter, and Mr. Biaggi.

H.R. 306: Mr. Weber.

H.R. 311: Mr. Coleman of Texas.

H.R. 348: Mr. Rangel, Mr. Bustamante, Mr. Crockett, and Mr. Howard.

H.R. 349: Mr. Kleczka, Mr. Sabo, Mr. Garcia, Mr. Levin of Michigan, Mr. Waxman, Mr. Owens of New York, and Mr. Biaggi.

H.R. 514: Mr. Staggers, Mr. St Germain, Mr. Bosco, Mr. de Lugo, Mr. Edwards of California, Mr. Pashayan, Mr. Manton, Mr. Horton, Mr. Stangeland, Mrs. Collins, Mr. Lehman of Florida, Mr. DeFazio, Mr. Solarz, Mr. Robinson, Mr. Mrazek, Mr. Hutto, Mr. Henry, Mr. Howard, Mr. Scheuer, Mr. Bonior of Michigan, Mr. Smith of Florida, and Mr. McHugh.

H.R. 573: Mr. Cardin, Mr. Frank, Mr. Fauntroy, and Mr. Bates.

H.R. 574: Mr. Downey of New York, Mr. Morrison of Connecticut, Mr. Feighan, Mr. Udall, Mr. Traxler, Mr. St Germain, Mr. Ford of Michigan, Mr. Kostmayer, Mr. Ackerman, Mr. Lowry of Washington, Mr. Studds, Mr. Howard, Mr. Scheuer, Miss Schneider, Mr. Towns, Mr. Frank, Mr. Fauntroy, Mr. Oberstar, and Mr. Waxman.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

14. By the SPEAKER: Petition of Mr. Peter J. Cojanis, Washington, DC, relative to certain Government employees; to the Committee on the Judiciary.

15. Also, petition of the law offices, Karr, Lyons & McLain, Washington, DC, relative to the petition of the Honorable Alcee L. Hastings, a U.S. district judge; to the Committee on the Judiciary.

16. Also, petition of the Common Council, city of Greenfield, WI, relative to the Clean Water Act; to the Committee on Public Works and Transportation.

17. Also, petition of Peter J. Cojanis, Washington, DC, relative to the establishment of a House committee concerning the Legality of Contra aid; to the Committee on Rules.

SENATE—*Tuesday, January 20, 1987*

The Senate met at 2 p.m. and was called to order by the Honorable Paul Simon, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Is anything too hard for God? Genesis 18:14. * * * *with God all things are possible.* Matthew 19:26.

God of the impossible, infinite, eternal, all-wise, all-powerful, everywhere present, may Thy grace rest upon the Senate this week. Our national leaders confront enormous issues of cosmic proportion, domestic and foreign, at a momentous time. Many of these issues stubbornly resist solution and seem impossible to resolve.

Mighty Lord, we are reminded of the simple question Thou didst address to Thy servant Abraham, "Is anything too hard for God?" The answer is obvious, for Thou art a God for whom all things are possible. Gracious Father, enable Thy servants in the Senate to do the impossible. Bring glory to Thyself, love, peace, and justice to the Nation, we pray in Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, January 20, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Paul Simon, a Senator from the State of Illinois, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. SIMON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal stand approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE TOMORROW

VOTE ON S. CON. RES. 8

Mr. BYRD. Mr. President, I have just been discussing with the distinguished minority leader the possibility of having a vote occur on the human rights resolution, which is on the calendar and appears as Senate Concurrent Resolution No. 8, immediately following the disposition of the concurrent resolution which will follow the disposition of the bill H.R. 1 on tomorrow, and the distinguished minority leader feels that he is in a position, I believe, to accede to that request, that a vote occur at that point.

So, Mr. President, I ask unanimous consent that on tomorrow immediately following the disposition of House Concurrent Resolution 24, a resolution to correct the enrollment of H.R. 1, a vote occur on Senate Concurrent Resolution 8, Calendar No. 5, the human rights resolution. It deals with human rights policies in the Soviet Union.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

ORDER OF YEAS AND NAYS

Mr. BYRD. Now, Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on Senate Concurrent Resolution 8 at this time. That is the human rights resolution.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. BYRD. I ask for the yeas and nays on that resolution.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

ORDER FOR NO AMENDMENTS TO BE IN ORDER

Mr. BYRD. Mr. President, I ask unanimous consent, after consulting with the distinguished minority leader, that there be no amendments in order to Senate Concurrent Resolution 8.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, when there is an agreement that a vote will occur on a matter, no motion to recommit will be in order on that matter; am I correct?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Mr. BYRD. I thank the Chair.

RESERVATION OF LEADERSHIP TIME

Mr. BYRD. I ask unanimous consent that the standing order for the recognition of the distinguished minority leader be reserved until later in the afternoon. He has to attend a committee meeting at this point and cannot speak under the order at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. BYRD. So, Mr. President, there will be no rollcall votes today. Debate will occur on the clean water bill, H.R. 1, and there is a maximum of 3 hours for debate today. That time is evenly divided and controlled by the two leaders or their designees. Whether or not that 3 hours will be consumed I cannot say, but I rather doubt it. When the debate is completed on that measure today, I anticipate that the Senate will go over until tomorrow, and it is presently my inclination to go over until 2 o'clock tomorrow.

There will be three rollcall votes tomorrow. The first rollcall vote will begin at 4 p.m., and it will occur on the amendment in the nature of a substitute by Mr. Dole. Then the vote will occur immediately on the House bill, H.R. 1, the clean water bill, without any intervening motions or actions following the disposition of the Dole amendment. And then immediately upon the disposition of the House bill, the Senate will take up the concurrent resolution which I have mentioned earlier. That will make a correction in the enrollment of H.R. 1. I do not anticipate a rollcall vote on that resolution.

Immediately upon the disposition of that resolution, the Senate will then take up the human rights resolution on which the yeas and nays have just been ordered. We have allowed no time for debate thereon. If any Senators wish to speak on that resolution, they may do so tomorrow during routine morning business or during this afternoon. But as the order now stands, the rollcall vote on that resoluton will occur immediately following the disposition of the concurrent resolution making a correction in the enrollment of H.R. 1. So there will be three rollcall votes tomorrow. And the

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● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

Senate then will probably go over until Thursday, but I am not in a position at this moment to say; it will depend upon other things, and I will be able to make a determination hopefully before the end of the day in that regard.

Mr. President, as to business during the rest of the week, it is anticipated that the Rules Committee will be able to report out the funding resolutions for the various committees on Thursday morning; and if those funding resolutions are reported out on Thursday morning, they will be on the calendar on Friday. I do not know whether or not we will be able to get unanimous consent to take them up on Friday. In any event, if we cannot dispose of them Friday, that would probably be done on Monday next.

So, as of this moment, the three rollcall votes would be all for tomorrow. There could be rollcall votes on funding resolutions on Friday or on Monday. I shall make further announcements on that matter when the picture becomes more clear.

MEETING OF DEMOCRATIC LEADERSHIP IN THE SENATE AND IN THE HOUSE

Mr. BYRD. Mr. President, the Democratic leadership in the Senate met with the Democratic leadership in the House this morning. We had a good meeting. Speaker WRIGHT and others in the House leadership were there.

Mr. CRANSTON and Mr. INOUYE accompanied me there for the first of our regular bimonthly meetings first on the House side, as occurred this morning, and then on the Senate side, as we alternate back and forth.

At today's meeting, we agreed to press forward with the highway bill, as soon as we can, because the States are in need of knowing what they can depend upon by way of planning and construction before the construction season begins, and so that they can get a good start in the construction season. So we would hope to have the highway legislation coming along very soon. The House will be acting on it this week.

The Senate committees that have jurisdiction assured me last week, by way of their chairmen, at a meeting in my office, that they would act expeditiously to report the highway legislation, hopefully this week.

Mr. BURDICK, who is chairman on the Committee on Environment and Public Works, assured me that his committee would work to get that legislation marked up tomorrow or the next day and report it early. Mr. BENTSEN's Finance Committee has some of the action. Mr. HOLLINGS' Commerce Committee will have some of the action. Mr. PROXMIRE's Banking Committee will have some of the action. All these chairmen have assured me that they will work promptly to get the legislation to the floor.

The Speaker has indicated his desire to press forward as quickly as possible on legislation to assist the homeless. I want to do everything I can, in cooperation with the minority leader and other Senators, to put that legislation on a fast track over here, so that the homeless may indeed be aided while the winter months are still with us.

The leadership of the two Houses is united in pressing for quick action on budget matters, keeping the budget legislation on track, meeting the deadlines.

The Speaker has assured us that he will do everything he can to get the House Appropriations Committee acting to report the bills and move them as early as possible to the Senate, so that we can keep the appropriations bills on track and dispose of them, as promptly as possible after they are received from the House.

We hope to avoid any Government shutdowns and hope to meet the budget deadlines. In all these things, the two leaderships of these respective bodies are united.

I will be consulting frequently and regularly with the minority leader there. I think that as we move together and work together and cooperate together, we can keep the schedule and move the legislation and, it is hoped, do it in time, so that we do not have go get backed up into any situation in which agencies do not know what is going to happen or what the appropriations are going to be or we have Government shutdowns.

Finally, I should mention that committees are moving in the Senate on schedule. A look at Friday's CONGRESSIONAL RECORD will show that committees are busily meeting this week. I will not take the time to identify those meetings; but on page D62 of the CONGRESSIONAL RECORD of last Friday, January 16, 1987, there is a whole page laying out the committees that are meeting today, tomorrow, and other days of this week.

I am pleased to see the committees acting and moving expeditiously so as to get on with their oversight work and in reporting legislation to the Senate.

Mr. President, I yield the floor, and I reserve the remainder of my time.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Republican leader is recognized.

RANKING MEMBERS OF VARIOUS COMMITTEES

Mr. DOLE. Mr President, I first indicate that we will now be in a position to name the ranking members on the various committees. The conference has just acted on that matter. I understand that Senator HELMS will become the ranking member on the Foreign Relations Committee, and Senator LUGAR will become the ranking member on the Committee on Agriculture, Nutrition, and Forestry.

We will do our ranking members and appointments to the observer group sometime later today or tomorrow.

FORMER SENATOR HARRY DARBY: "ONE OF A KIND" KANSAN

Mr. DOLE. Mr President, it is my sad duty to report the death last Saturday of one of this body's former Members, Senator Harry Darby of Kansas.

Senator Darby was appointed to the Senate in December 1949, to serve the unexpired term of Senator Clyde Reed of Kansas, who died while in office. In turn, Senator Darby resigned immediately following the 1950 elections so that his successor, Frank Carlson, could be sworn in early.

As the Republican national committeeman from Kansas from 1940 to 1964, Senator Darby was not just a supporter and adviser to me in the early days of my political career, but he was a good friend, too. And he was a good friend to then-Gen. Dwight D. Eisenhower, helping to persuade Ike to run for the Presidency in 1952.

Senator Darby later served as chairman of the Eisenhower, Presidential Library Commission. He was also a leader on behalf of the American Royal, Kansas City's annual showcase of farming's contributions to our rural economy.

Senator Darby was known as an industrialist, inasmuch as he built his family steel manufacturing business into a major enterprise. But it was his service to his community, to Kansas, and to our country—in a modest, unaffected manner—that will be remembered most.

Senator Darby was 91 when he passed away last Saturday. I know the Senator's many friends and former colleagues join me in expressing our deepest sympathy to Senator Darby's family, including his daughters Harriet, Joan, Edith, and Marjorie.

With his passing, there is the end of an era in Kansas politics. Senator Darby was a one-of-a-kind Kansan who cannot be replaced.

BICENTENNIAL MINUTE

JANUARY 20, 1732: BIRTH OF RICHARD HENRY LEE

Mr. DOLE. Mr. President, today is the 255th anniversary of the birth of Richard Henry Lee, a key member of the first Senate. As a young man, Lee served in Virginia's House of Burgesses. By 1764, he had become a forceful and outspoken defender of the rights of American Colonies in opposing Great Britain's assertion of greater control. Perhaps his most notable earlier achievement occurred on June 7, 1776. On that occasion, as a Member of the Continental Congress, he introduced a resolution that began with the stirring words:

> *Resolved, That these united Colonies are, and of right ought to be, free and independent states.*

Lee's resolution led directly to the drafting of the Declaration of Independence. In 1784 Lee was elected to a 1-year term as President of the Congress.

Lee advocated strengthening rather than scrapping the Articles of Confederation. That compact of sovereign states squared with his belief that "the first maxim of a man who loves liberty should be never to grant to rulers an atom of power that is not most clearly and indispensably necessary for the safety and well being of society." Accordingly, he vigorously opposed efforts to ratify the 1787 Constitution. He was particularly upset that it lacked a "bill of rights." His series of tracts, "Letters of the Federal Farmer," became a bible for others opposed to ratification. Believing that his only hope of obtaining a bill of rights was as a Member of the newly created U.S. Senate, Lee engineered his own election by the Virginia State Legislature.

March 4, 1789, was the date agreed upon for the opening of the First Congress. Before the Senate could get down to business, it required a quorum of 12 of its 22 Members. The press of other business and difficult early spring travel conditions delayed that quorum for nearly 5 weeks. Finally, on April 6, 1789, Richard Henry Lee arrived, providing the necessary quorum. Then the Senate went to work and soon approved a bill of rights.

THE DIRTY WAR IN EL SALVADOR

Mr. DOLE. Mr. President, one of the important decisions this Congress will make—and we are going to make a lot of important decisions, some of which will happen very quickly, as just indicated by the distinguished majority leader—will be whether to continue to provide assistance to the democratic resistance forces in Nicaragua. Some people are determined to try to turn this vote into a referendum on the adventures and misadventures of Ollie North and Eugene Hasenfus.

But I hope these sideshows will not blind us to the fact that something infinitely more important is at stake: The lives and the freedom of real flesh-and-blood people—men, women, and children—in Nicaragua and, for that matter, in all of Central America.

An excellent column which appeared in the Sunday Washington Post reminds us of the real, human stakes in Central America. The column, entitled "A Dirty War in Central America," was written by Frederick Downs, Jr., a Vietnam war veteran, expert on the disabled and author of two books. Mr. Downs' column lays bare the barbaric tactics of the Communist guerrillas of El Salvador, who—in Downs' words—"have indiscriminately used land mines against both the military and civilian population" of El Salvador.

The statistics Downs cites are sickening. "Communist mines," he writes, "have blown one or more limbs off about 1,600 people, 950 military and 650 civilian. Of the civilians, it's estimated that a quarter to a third are children."

Moreover, according to Downs, these civilian casualties are not some accidental byproduct of the war, as they are in Nicaragua. Rather, in El Salvador they are—and again I quote—an "integral part of"—the Communist guerrillas—"revolutionary strategy." If there is any doubt on this point, Downs cites a statement by a senior guerrilla spokesman: "The use of land mines," he admits, "is a very important weapon for us."

Downs adds one horrible footnote. The purpose of the mining campaign, he points out, is not to kill but to cripple—on the grounds that a crippled soldier or civilian "draws many more resources from his country." Undermining its ability to carry on the war.

Mr. President, these tactics are not the invention of the Salvadoran guerrillas. We have seen them before—in Vietnam, in Afghanistan. Indeed, we see them wherever Communist forces wage their struggles for power.

That is what is really at stake in Central America—whether power in Nicaragua, El Salvador and the other countries there is wielded by democratic forces, for the benefit of the people; or is held by the Communists, who see shattered, limbless women and children as a tool in their campaign to gain political power.

I hope that all of us will keep this column by Frederick Downs in mind in the months ahead, as we consider the important issues of Central America.

Mr. President, I ask unanimous consent that the full text of the Downs' column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A DIRTY WAR IN CENTRAL AMERICA

(By Frederick Downs, Jr.)

The Government of El Salvador has been winning the war against its communist guerrillas. In desperation, the communists have indiscriminately used land mines against both the military and civilian population.

I recently returned from El Salvador, where I helped set up a program for amputees. Communist mines have blown one or more limbs off about 1,600 people, 950 military and 650 civilian. Of the civilians, it's estimated that a quarter to a third are children.

This catastrophe results from a guerrilla program of deliberately mining farm areas and places frequented by civilians. Guerrilla radio broadcasts acknowledge responsibility for indiscriminate land-mine warfare, declaring it an integral part of their revolutionary strategy.

The guerrillas intend to continue this strategy, as evidenced in a New York Times article headlined "Salvador Rebel Defends the Use of Land Mines," Guerrilla leader Shafik Handal said: "The use of land mines is a very important weapon for us." He added: "The mines cripple rather than kill their victims. . . . They leave the soldier in a condition so he can live and take up another line of work."

Contrast this with the situation in Nicaragua. Last July, articles in the New York Times and The Washington Post recounted a land-mine incident in which civilians were killed in Jinotega Province, and charges by the Sandinistas that civilians had been killed by mines in other parts of the country. Both sides blamed each other. While skepticism rages about these incidents, it is important to point out that neither side has an avowed policy to kill and maim civilians with land mines. Tragically, this is not the case in El Salvador.

Estimates are that 20 to 25 civilians and 50 to 60 soldiers per month survive land-mine explosions with the loss of one or more limbs. They sometimes must wait for years to get an artificial limb under the country's minimal prosthestic program.

This violence is significant for two major reasons. First, the maiming and terrorizing of civilians is specifically aimed at demoralizing the government and eroding the people's faith in its ability to protect them and to provide care for them—a tactic used very effectively by the communists in Vietnam. Second, military strategists know it is better to severely wound an enemy than to kill him, because a wounded man draws many more resources from his country. I had some experience with this in Vietnam and as an amputee in an Army hospital for a year.

Both of these points became much more meaningful to me as I went through the routine of a day in El Salvador.

The U.S. Army Mobile Medical Training Team had helped the El Salvadoran military build a modern prosthestic laboratory and was training the El Salvadorans to be self-sufficient as prosthetists. We were asked to see if we find ways to speed up the fabrication of artificial limbs.

A tour of the military hospital in San Salvador provided an excellent refresher of what war wounds do to people and to the health-care system.

In the emergency operating room, we saw a soldier who had been shot in the abdomen while on patrol. He had been in the emergency room for over a half hour but the resident had not been able to do anything. He did not want to start surgery without a surgeon to back him up, and none was available. When we left the hospital after about 45 minutes, a backup physician had yet to show up. (In 1983 El Salvador had about three doctors for every 10,000 people; the ratio is presumed to be even lower now.)

There were 450 patients in this 375-bed hospital. Sanitary conditions were primitive. The hospital had a 50 percent surgical infection rate.

We saw soldiers who had been blinded by booby-traps and mines being led by friends to a clock on the wall. One soldier who had been blinded the longest was teaching the others how to tell time by feeling the clock's hands.

There was no program to rehabilitate the blind and no equipment to help them regain a degree of mobility and independence. There were no white canes, braille writers or braille watches.

There were large numbers of amputees. The probable reasons were delays in being taken to care stations, contamination of wounds and faulty surgical techniques. Of course, the biggest reason of all was the guerrillas' increased use of land mines.

What we did not see were the casualties who had not made it back to the hospitals—those who had died. Out in the rural areas where the guerrillas hit the people the hardest, the system for evacuating civilian casualties is pathetically inadequate or nonexistent. A casualty is dependent on family or friends to carry him to a road where transportation can be gotten to a hospital.

The guerrillas have taken a toll other than combat injuries. Medical facilities have been closing, and health personnel fear for their lives. In 1983, the guerrillas assassinated the director and head nurse of Chalatenango Hospital. At Usulaton Hospital the guerrillas assassinated two residents, leaving the other four to wonder if they would be next.

Assassination of government officals or anyone connected to the government is an acceptable guerrilla tactic. Many wounded soldiers are afraid to return home for fear they will be killed.

The lack of support systems in such critical areas as pharmaceutical and medical supplies, including drug quality control, maintenance (buildings, vehicles, biomedical equipment) and information is increasingly debilitating.

When all of this is taken into account, it becomes easier to understand how the indiscriminate use of land mines adds a terrible drain to the resources of an already poor country. The comment that by crippling rather than killing, mines "leave a soldier in a condition so he can live and take up another line of work" becomes hideously ridiculous.

THE HIGHWAY BILL

Mr. DOLE. Mr. President, I wish to indicate to the distinguished majority leader that we, too, are very hopeful we can move forward quickly on a highway bill. I am advised by the Secretary of Transportation that it is a matter of great urgency. I am advised by constituents in my own State of the same because States will be running out of money very soon.

I commend the distinguished majority leader for his efforts to bring that bill to the Senate hopefully by sometime maybe next week, if not the following week. I have taken it up today with the Republican conference. I am advised by both Senators STAFFORD and SYMMS, who will play important roles in that legislation, that they believe that the matter might be resolved fairly quickly and it may be reported out of committee yet this week. There are some matters, as I understand it, that may cause problems, including the speed limit, billboards, and maybe something on mass transit. Otherwise, the bill is pretty much the same as it was last year. I hope that we can pass that rather quickly.

THE FUNDING RESOLUTION

Mr. DOLE. Mr. President, I would also ask the distinguished majority leader, if he would care to respond: Will Monday of next week be the day for the committee funding resolutions? Did I hear that correctly?

Mr. BYRD. The distinguished Republican leader, I believe, may have been away from his desk temporarily.

Mr. DOLE. I had to leave the floor, I say to the majority leader.

Mr. BYRD. It is my understanding that the funding resolutions will be reported from the Rules Committee on Thursday of this week. If they are reported on Thursday, if we could get unanimous consent to take them up on Friday without coming in on Thursday, probably we could take those up on Friday this week. If there are one or more that are problems with respect to unanimous consent or rollcall votes, we could have those on Monday.

But if we can dispose of the measures on Friday, conceivably we may not have a session on Monday or at least announce there would be no rollcall votes on Monday.

Mr. DOLE. I thank the majority leader. I would certainly be willing to cooperate in any way we can.

Senator STEVENS, the ranking Republican on the Rules Committee, has indicated that they may be prepared to move shortly after Thursday. Perhaps we can do it on Friday if it can be cleared on our side.

Mr. BYRD. Very well. I will be discussing this with the able Republican leader. I thank him for his expressions of cooperation and assurance that he will try to help as best he can to advance the highway legislation and the funding resolutions. I will be discussing that with him throughout the day or tomorrow, so we can get a very good feel of how the funding resolutions will move once they are called up. Perhaps we can act accordingly then.

I thank the Republican leader.

Mr. DOLE. I thank the majority leader.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

BIG TROUBLE WITH SHUTTLE MAY BE MORTAL BLOW TO SDI

Mr. PROXMIRE. Mr. President, is there any real possibility that a $50 billion research program plus hundreds of billions poured into procurement of the hardware and hundreds of billions more to deploy the hardware could create a strategic defense initiative or star wars that could successfully defend this country against an all-out Soviet nuclear attack? Some hardliners still think so. How can they? Last year, I spoke on the floor of the Senate of the recognition by SDI officials themselves that while they may be able to defend missile sites with star wars or SDI they could not protect American cities. They have acknowledged the overwhelming difficulty of advancing the computer software problem. They know the absolute impossibility of full system testing even once of a comprehensive SDI national defense. They acknowledge that without tens of thousands of hours of comprehensive total-system testing such a system would be wholly unreliable.

Now, comes our experience with a similar but far easier, far smaller technological challenge. That challenge is the operation of the space shuttle by the National Aeronautics and Space Administration. Here is a challenge that most Americans believed that our top flight NASA agency had met and mastered years ago. Not so. The House Science, Space, and Technology Committee tells us in a report on October 7 last year that this great NASA agency may lack the technical and scientific expertise to operate the shuttle properly.

Why does the House question the capability of an agency that had been held in such high regard for so long? For those who still believe that the strategic defense initiative will work the reason is instructive. The House committee concluded that the entire Congress, the White House, and the committee itself contributed to the NASA failure by putting so much pressure on the agency. Mr. President, does that kind of pressure apply to star wars? Of course, it does. The President as well as Members of the Congress have been pushing hard for moving ahead on testing. The President has even called for an agreement with the Soviets to permit SDI to go ahead with hardware construction within 7 years and deployment to follow a very few years later. This advanced schedule would scuttle the ABM Treaty. It would enormously increase military spending. It would overwhelm the limited national pool of top flight physicists, computer scientists, and other top scientists and technicians. And worst of all based on the far easier and simpler NASA experience with the space shuttle it would end in failure.

Keep in mind, Mr. President, that the shuttle itself is essential to the transportation of the SDI hardware into space. And the shuttle technology which is stumbling and floundering in its own far simpler missions will have to progress spectacularly if there is to be any prospect of deploying even a rudimentary fragment of our strategic defense initiative into space. Can the SDI organization suddenly succeed in accomplishing an objective that the fine NASA organization cannot even approach? The answer is a blunt: No way!

Do I exaggerate? Consider what the House committee found about the NASA shuttle failure. It charged that even today the space agency does not understand how or why defects went undetected in its testing and approval of the shuttle's faulty booster rockets. The House went on to report that "The committee is concerned that without such an understanding, NASA will not be able to detect a similar breakdown in its system of checks and balances in the future."

Mr. President, until now there has been virtually no challenge of the assumption by SDI that it will be able to move the several thousand massive battle stations required by SDI into space and into orbit in space. Several of us have questioned the immense cost of such an operation.

We have pointed out that without a sudden, wholly unforeseen revolution in the technology of space transportation the cost of deployment alone will be hundreds of billions of dollars. But now there must be a real question as to whether SDI can succeed in transporting this hardware into space at any cost. After all the House committee has found that NASA, which operates the shuttle, does not even understand why its rockets fail. So there is some question as to whether it can successfully continue to operate even our current very limited and largely experimental space transportation program. Can NASA then take on the colossal SDI mission? Who are we trying to kid?

Who is to blame for all this? The House argues that the pressure for rapid fire performance that comes from the White House and the Congress is to blame. Here, Mr. President, is a message that comes through loud and clear on the strategic defense initiative. The message is that the limited space shuttle system may or may not work in the next few years. But that we should give NASA more time, more money, and less pressure. For SDI the message is that even the problem of transporting the hardware into space probably cannot be accomplished. If it is to be given that very long shot chance of accomplishment, it will take much more time and a great deal more money.

Mr. President, I ask unanimous consent that the story to which I have referred to in the New York Times on October 8 by Philip Boffey headlined "Panel Warns NASA May Lack Shuttle Expertise" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 8, 1986]

PANEL WARNS NASA MAY LACK SHUTTLE EXPERTISE

(By Philip M. Boffey)

WASHINGTON, Oct. 7.—A Congressional committee warned today that the National Aeronautics and Space Administration might lack the technical expertise to operate the space shuttle program properly.

The panel, the House Science and Technology Committee, expressed its concern in a report on the findings of its own investigation into the destruction of the space shuttle Challenger.

Panel members concluded that the entire Congress, the White House and even the committee itself had "played a contributing role in creating" pressure "that directly contributed to unsafe launch operations."

The committee also warned that, even today, "the pressure to push for an unrealistic number of flights continues to exist in some sectors of NASA and jeopardizes the promotion of a 'safety first' attitude throughout the shuttle program."

Some committee members stressed that Congress had also failed to provide adequate financing for the space agency to meet the schedule pressures.

The report also questioned the safety of a new booster rocket made of lightweight carbon filaments rather than steel. The committee urged the space agency to consider sending its heaviest payloads aloft on expendable rockets "so that there will be no need to use" the filament booster rocket, which is under development by the space agency and its contractors.

The committee's report, which was unanimously approved by voice vote today, drew heavily on the data and findings of the extensive investigations previously conducted by a Presidential commission and by the space agency itself. But it supplemented these with 10 formal hearings and numerous staff interviews with officials and experts.

The report noted that "as a rule" the House committee agreed with the findings of the Presidential commission, which was headed by former Secretary of State William P. Rogers. But it expressed disagreement with some of the commission's findings or the relative importance attached to them, and it raised some concerns that were not stressed by the commission.

DOUBTS ABOUT NASA

In one such instance, the committee said it "is not assured that NASA has adequate technical expertise to conduct the space shuttle program properly." It noted that the space agency "has suffered staffing reductions in key areas over several years" and had lost top technical personnel because it could not compete with the higher salaries in private industry.

The committee said it had insufficient information to make "a formal finding on this matter" but would conduct "an in-depth review of NASA's technical ability" in the next Congress.

The committee also charged that even today the space agency did not understand how or why defects went undetected in its testing and approval of the shuttle's faulty booster rockets.

"The committee is concerned that without such an understanding, NASA will not be able to detect a similar breakdown in its system of checks and balances in the future," the report said.

The committee reached further than the Rogers commission in pinning part of the blame for Jan. 28 disaster on Congress and the White House for creating the pressures that led NASA to push for a launching schedule of 24 flights a year to make the shuttle a commercial success.

The committee said it differed somewhat from the conclusion of the Rogers commission that a flawed decision making process in NASA was a central cause of the accident. "The underlying problem," it said, "was not poor communication or inadequate procedures" but rather "poor technical decisionmaking over a period of several years by top NASA and contractor personnel" who "failed to act decisively" to solve problems in the rocket joints.

In other proclaimed departures from the Rogers commission, the committee said it was more concerned about the safety of the shuttle's main engines and had recommended a new approach to overcoming defects in the landing gear, wheels and brakes.

RECOGNITION OF SENATOR SASSER

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Tennessee, Mr. SASSER, is recognized for not to exceed 5 minutes.

PROMPT PAYMENT ACT AMENDMENTS OF 1987

Mr. SASSER. Mr. President, today, along with 55 of my colleagues, I am introducing the Prompt Payment Act Amendments of 1987. The purpose of this legislation is simple and direct; To eliminate the ambiguities and close the loopholes in the Prompt Payment Act of 1982. My colleagues will recall that the Prompt Payment Act addresses problems in getting the Federal Government to pay its bills on time to those contractors who furnish goods and services to the Government.

At the outset, let me point out that the amendments to the Prompt Payment Act made by this bill are identical to those contained in S. 2479, the Prompt Payment Amendments of 1986. S. 2479 was unanimously passed by the Senate in the closing days of the 99th Congress. Unfortunately, time did not allow for consideration of this important measure in the House.

The Prompt Payment Act has led to significant improvements in the bill-paying practices of the Federal Government. Unfortunately, many Federal agencies exploit ambiguities or loopholes in the act to pay contractors late while avoiding late payment interest penalties called for in the act.

Many of these problems have been chronicled by the Coalition for Prompt Pay and its extremely effective director, Kenton Pattie. And while the Office of Management and Budget cheerfully claimed that 99 percent of the Government's bills were paid on time following passage of the Prompt Payment Act, the evidence to the contrary was mounting.

Under the leadership of my distinguished colleague from Virginia, Senator TRIBLE, the Small Business Committee built an extensive record documenting the act's shortcomings. In response to the foot-dragging evident in some agencies, Senator TRIBLE moved forward in the 99th Congress with remedial legislation. I want to commend Senator TRIBLE for the yeoman's effort he put into this legislation throughout the 99th Congress. He played a crucial role in moving these necessary reforms forward and I am pleased that he has joined as a principal cosponsor of my efforts this year.

We realize it is imperative to keep pushing for full implementation and vigorous enforcement of the Prompt Payment Act. And we will do so until we attain the goals which both the Congress and the business community sought with the Prompt Payment Act.

It is abundantly clear that we are not meeting those goals, Mr. President. The General Accounting Office conducted a survey last year which estimated that some 25 percent of Government agencies continue to pay their bills late. In addition, many agencies are failing to pay the interest penalty on late payments called for in the act. The 15-day grace period included in the act is being used to extend the payment period beyond 30 days that was originally intended in the act. Some agencies continue to take discounts for fast payments without actually making expeditious payments. Our legislation speaks to each of these problems.

The need for corrective legislation is clear. We simply cannot count on administrative solutions to the problems I have outlined but in fact quite to the contrary. The administration has had ample time to make regulatory changes. Indeed, the officials in the administration have repeatedly come to the Hill and indicated to congressional committees that such changes will be forthcoming shortly, but I must advise you, Mr. President, that months have passed and precious little has been done.

This inaction persists despite the high priority given this legislation in the small business community. For it is small businesses which sell to the Government which are hardest hit by late Government payments. They have formed a coalition, and in addition to the Coalition for Prompt Pay, which is the umbrella group for many small business groups, individual members of this group have been especially vocal in their support of this legislation. The National Federation of Independent Business, the Small Business Legislative Council, the American Subcontractors Association, and National Small Business United are but a few of the member groups which have worked tirelessly for this legislation.

The importance of plugging the loopholes of the Prompt Payments Act was underscored at this summer's White House Conference on Small Business. Delegates to the conference considered more than 400 issues affecting America's small business community.

Mr. President, today I am introducing the "Prompt Payment Act Amendments of 1987", with the support of 56 of my colleagues, including Senators TRIBLE, GLENN, ROTH, CHILES, DANFORTH, BUMPERS, WEICKER, COHEN, LEVIN, MOYNIHAN, D'AMATO, NUNN, ZORINSKY, BAUCUS, RUDMAN, DIXON, BOREN, KASTEN, KERRY, SANFORD, NICKLES, HARKIN, GRASSLEY, MIKULSKI, STEVENS, BINGAMAN, PRYOR, GARN, MITCHELL, FOWLER, GORE, STENNIS, HECHT, HOLLINGS, HEINZ, HEFLIN, WALLOP, HUMPHREY, LEAHY, STAFFORD, ADAMS, LUGAR, PELL, PACKWOOD, BURDICK, DURENBERGER, DODD, MELCHER, DECONCINI, BOND, RIEGLE, SYMMS, MATSUNAGA, QUAYLE, PRESSLER, and FORD.

The purpose of this legislation is simple and direct: To eliminate the ambiguities and close the loopholes in the Prompt Payment Act of 1982. With increasing frequency, Federal agencies are exploiting these ambiguities and loopholes to pay contractors late, yet avoid the late payment interest penalties mandated by the act.

The amendments to the Prompt Payment Act made by this bill are identical to those contained in S. 2479, the Prompt Payment Amendments of 1986, which was unanimously passed by the Senate in the closing days of the 99th Congress. At the time of its passage on October 15, 1986, S. 2479 had 44 cosponsors, reflecting strong bipartisan support. Given that we were in the final hectic days before adjournment, there was no expectation that S. 2479 would become law. Yet, its many supporters in the small business community and in the Senate, including myself, pressed hard for Senate action. Why? To send an unambiguous message—that those who support the Prompt Payment Act intend to relentlessly push for its full implementation and vigorous enforcement, until the goals which the Congress and the business community sought have been attained.

As many of my colleagues will recall, we passed the Prompt Payment Act in 1982 to correct very serious and persistent problems regarding late payments to Government contractors. The Government's billpaying performance was in a word, "dismal." In addition, contractors were all too often confronted by indifference, or even callous disregard, by agency payment officials, when they sought to inquire after their overdue contract payments. Most hard hit were the many small business Government contractors, for whom the borrowing costs required to cover late Government payments all to easily move a Government contract from the firm's profit column to its loss column. For some, lengthy payment delays might drive them out of business.

In a 1978 report, the General Accounting Office [GAO] reported that 40 percent of all contract invoices, representing 20 percent of the total dollar volume of Federal contract payments, were late; that is, not being paid within the commercially accepted 30-day time period. The GAO report also documented examples of unconscionable delays, running to months, not days, called to our attention by many small business Government contractors. The GAO estimated that Federal contractors may have incurred interest costs exceeding $30 million during the 6 months of billpaying activity sampled by the GAO in its comprehensive review.

It is especially worthy to note that in its 1978 report, GAO made a series of recommendations to the Office of Management and Budget [OMB] and the executive agencies to correct the significant problems identified. Administrative solutions were promised. In 1981, the GAO conducted a follow-up survey to determine if the Government's billpaying performance had improved. GAO reported that they found no improvement, noting that few of their recommendations had been implemented. Administrative initiatives, plagued by inherent transience and shifting priorities, again failed to do the job, especially given that the basic prompt pay reform effort was strongly opposed by the executive agencies. Mr. President, I highlight this past experience for my colleagues, for again we are being told that corrective administrative action is all that will be needed to address the problems which the Prompt Payment Act Amendments of 1987 seeks to correct.

Despite strong opposition from OMB and the executive agencies, Congress pressed forward to enact fundamental remedial legislation to the late payment problem. Early in the first session of the 97th Congress, I introduced S. 30, the Late Payments Act of 1981. A more refined bill, The Delinquent Payment Act of 1981, S. 1131, was introduced by Senator DANFORTH, with 22 original cosponsors including Senators WEICKER, CHILES, and most of the members of the Small Business Committee, including myself. With the strong support of Senators DANFORTH and CHILES, chairman and ranking minority member of the Governmental Affairs Committee's Subcommittee on Federal Expenditures, Research and Rules, the bill moved steadily forward, nurtured by a broadbased prompt pay coalition. A companion measure, H.R. 4709, the Prompt Payment Act, was already moving steadily through the House with strong bipartisan support under the steady hand of Representative JACK BROOKS, chairman of the House Government Operations Committee, supported by Representative FRANK HORTON, the committee's ranking Republican member. S. 1131 became Public Law 97-177 on May 21, 1982.

Essentially, the Prompt Payment Act requires the Government to pay its contractors by the due date specified in the contract or within 30 days in the absence of a contractual due date. The act prescribed more stringent payment requirements for certain foodstuffs. If the payment is not made by the due date, the act entitles the contractors to a late payment interest penalty.

Mr. President, Government contractors, both small firms and large businesses, are now in their fifth fiscal year with the Government's billpaying procedures subject to the Prompt Payment Act. The prompt pay coalition, and many of its member associations, have closely monitored agency implementation. Their efforts reflects two general observations. First, the act has generally improved the Government's performance, given the dismal record that existed prior to enactment. And, second, the agencies have identified and exploited ambiguities in the act, devising implementational limitations that have gradually stripped away the act's protections with respect to more and more types of late payments.

Mr. President, I believe that there are two forces propelling this effort to limit the act's protections. First, the act requires that the executive agencies pay their late payment interest penalties from existing program funds. This provision was designed to encourage timely payments through improved management. It appears to have also had an unexpected adverse effect, encouraging agencies to try to avoid paying the prescribed penalties. Second, OMB has used the act as a statutory basis for an aggressive cash management initiative, which strongly discourages early payments and the payment of interest penalties. Effective cash management is a laudable management objective, but not by keeping in the Treasury moneys due to contractors who have performed their obligations to the Government Mr. President, it is important that my colleagues understand that the Prompt Payment Act applies only when the Government has determined that the contractor has provided supplies, services, or construction in conformity with the terms and conditions of the Government's contract. Under the Prompt Payment Act, contractor, performance is not an issue, only timely Government payment for value received.

Having monitored the act's implementation over the years, the prompt pay coalition, and its member associations, identified a series of persistent implementational problems and ever widening loopholes, that principally impacted small business Government contractors. Calls for congressional oversight and amendments to close the loopholes return the act to the path intended by Congress were being made with increasing frequency. For example, the Small Business Committee's National Advisory Council considered the issue of the implementation of the Prompt Payment Act during its meeting on October 25, 1985. The National Advisory Council adopted a resolution which cataloged the problems being faced and called for oversight hearings.

The Senate Small Business Committee responded to the call for oversight hearings. My colleague from Virginia, Senator TRIBLE, took on this unglamorous task. A field hearing was held in Norfolk, VA, on December 2, 1985. Representatives of small firms providing an array of supplies and services, as well as construction, to various Government agencies testified. A comprehensive statement was presented by Kenton Pattie, the leader of prompt pay coalition. Testimony was provided by Navy witnesses representing defense agency experience and by General Services Administration witnesses reflecting civilian agency experience. This Small Business Committee hearing, chaired by Senator TRIBLE, was the first congressional oversight hearing conducted on the implementation of the Prompt Payment Act.

Utilizing this extensive hearing record, additional materials submitted by associations and individual contractors, and OMB's reports to the Congress for fiscal years 1982, 1983, and 1984, Senator TRIBLE directed Small Business Committee staff in the preparation of what became S. 2479, the Prompt Payment Amendments of 1986. The bill was introduced on May 21, 1986, with 20 original cosponsors, including myself.

With the strong support of Senator WEICKER and Senator BUMPERS, a full committee hearing on the implementation of the Prompt Payment Act was scheduled. A day-long hearing was conducted on June 19, 1986; extensive testimony was received from 13 witnesses. Many additional statements were submitted for the Record. Testimony was presented by witnesses representing the Prompt Pay Coalition, the National Federation of Independent Business [NFIB], the Small Business Legislative Council [SBLC], the Associated General Contractors of America [AGC], the American Subcontractors Association [ASA], the Associated Specialty Contractors [ASC], and others. Most of the testimony from these private sector witnesses confirmed the problems previously presented during the field hearing and communicated directly to the Small Business Committee. One new issue of importance was developed during the June 19 hearing: Should the Prompt Payment Act be amended to provide protection to subcontractors under Federal construction contracts. The witnesses representing ASA and ASC argued strongly for such an amendment to the act. Such an amendment was also supported in the testimony of the witnesses representing the Prompt Pay Coalition, NFIB, and SBLC. AGC's witness opposed any subcontractor coverage, on the basis that it would be an unwarranted Government intrusion into the private contractual relationship between the prime contractor and its subcontractors. AGC sees such a subcontractor provision as a violation of the principle of privity of contract, which it steadfastly supports.

Most of the witnesses also commented on S. 2479. All of the private sector witnesses supported the bill. OMB's witness, John J. Lordan, then Deputy Associate Director for Financial Management, presented a statement by OMB's Director, Jim Miller. It acknowledged the validity of many of the problems identified by the private sector witnesses, but, as expected, opposed a legislative solution. Instead, OMB promised a series of administrative actions, including revisions to OMB circular A-125, prompt payment, the issuance of appropriate coverage in the governmentwide Federal Acquisition Regulation [FAR], and improved reporting to provide to Congress a more accurate picture of agency compliance with the act. To date, the only administrative remedial action taken has been the publication for public comment of proposed FAR coverage, which appeared in the Federal Register on July 17, 1986. As proposed, these FAR provisions would have had the practical effect of abrogating the act's protections. Given the universally adverse public comments, it is expected that these proposed regulations will be fundamentally rewritten.

In all, the Small Business Committee compiled 623 pages of printed record, which was furnished to the Committee of Jurisdiction, the Committee on Governmental Affairs, and its Subcommittee on the Oversight of Government Management. Utilizing the extensive record furnished by the Small Business Committee, the Oversight of Government Management

Subcommittee carefully reviewed S. 2479. Under the able leadership of Senator Cohen and Senator Levin, chairman and ranking minority member of the subcommittee, many important improvements were made in the bill.

The Oversight of Government Management Subcommittee marked up S. 2479, and unanimously reported the bill on August 14, 1986.

As reported, S. 2479 included a carefully drafted provision, providing to subcontractors under Federal construction contracts the protections of the Prompt Payment Act, while preserving privity of contract between the prime contractor and its subcontractors. The provision, which is contained section 7 of S. 2479 and the Prompt Payment Act Amendments of 1987, does three things. First, it requires that the agreement negotiated between the prime contractor and its subcontractors include a payment clause, a critical element of a complete subcontract agreement. Second, it requires that the payment term incorporated into the required payment clause reflect prevailing industry standards. The prevailing industry standard is currently deemed to be 7 days on the basis of a joint policy statement on prompt payment issued by the Associated General Contractors of America [AGC], the American Subcontractors Association [ASA], and the Associated Specialty Contractors [ASC], as well as an array of standard contract documents used extensively in the industry for both private and governmental construction projects. Third, the bill provides the essential enforcement mechanism by requiring that the agreement between the prime contractor and the subcontractor, entitle the subcontractor to a late payment interest penalty at the same rate applicable between the prime contractor and the Government, if the prime contractor fails to make payment in accordance with the subcontract's payment clause. I strongly support this provision providing the Prompt Payment Act's protections to subcontractors.

The section-by-section analysis accompanying the bill extensively discusses this provision, and endeavors to make clear the protections it accords the prime contractor as well as the subcontractor. After reviewing the array of contract clauses currently mandated by procurement regulations for inclusion in the subcontracts awarded by a contractor having a Federal construction contract, I cannot accept AGC's argument that the bill's subcontractor coverage constitutes an unacceptable intrusion into a private contractual relationship. Nor can I accept the argument that this provision will certainly draw the Government into payment disputes between the prime contractor and their subcontractors. Such disputes will be resolved between the parties, but this provision of the bill will assure that the subcontract agreement has a payment provision which defines the rights and responsibilities of the contracting parties. Given the inherently unequal bargaining position existing between most prime contractors and most subcontractors, the essential elements of a fair payment clause must be clearly specified, or it is highly unlikely that most subcontract agreements would reflect on evenhanded payment provision. I firmly believe that the bill's provision will go a very long way toward avoiding prime contractor-subcontractor payment conflicts, which will benefit them, but more importantly will benefit the taxpayers who are footing the bill for the construction project.

S. 2479 also received close scrutiny by the full Governmental Affairs Committee, which in turn made important refinements. The bill was unanimously reported on October 2, 1986. As previously mentioned, the full Senate approved S. 2479 by voice vote on October 15, 1986.

At this point, Mr. President, let me summarize the provisions of the Prompt Payment Act Amendments of 1987, which mirrors the provisions of S. 2479. Later, I will offer a unanimous-consent request to include a detailed section-by-section analysis of the bill, which is based upon a summary of S. 2479 which Senator Roth included in the Record at the time the Senate considered and passed the bill. The Sasser/Trible Prompt Payment Act Amendments would:

First. Clarify the starting point of the act's payment clock by more clearly defining receipt of invoice and requiring the Government to announce prior to contract if formal acceptance will take longer than 5 days from the date of actual delivery of goods or performance of services by the contractor;

Second. Make explicit the act's intent that late payment interest penalties be paid automatically and provide for increased penalties in the event that agency personnel attempt to withhold a late payment interest penalty due to a contractor;

Third. Phase out gradually the 15-day grace period, during which the act allows the Government to pay late without incurring a late payment interest penalty;

Fourth. Make explicit the act's application to construction contract progress payments, as intended and extend the act to cover the late disbursement of amounts retained by the Government during the performance of a Federal construction contract, once the project has been accepted;

Fifth. Clarify the act with respect to its application to payments for the periodic delivery of supplies or the periodic performance of services authorized under many Government contracts;

Sixth. Require Government construction contractors to include a payment provision in their agreements with their subcontractors, which provides for payment in accordance with prevailing industry standards and requires the payment of a late payment interest penalty to the subcontractor at the same rate applicable between the prime contractor and the Government, if the prime contractor does not make payment in accordance with its subcontract;

Seventh. Clarify the act to prohibit the Government from taking early payment discounts long after the expiration of the contractor's specified discount period;

Eighth. Make explicit the act's coverage of contractors selling to the U.S. Postal Service;

Ninth. Improve the act's reporting requirements to assure that Congress received from OMB an accurate and complete picture of the act's implementation by the various agencies; and

Tenth. Require the implementation of the act through the governmentwide Federal Acquisition Regulation [FAR], which has been delayed 4 years and which GAO found was a continuing cause of many payment problems.

Mr. President, I believe that these amendments to the Prompt Payment Act address real problems that Government contractors, especially small businesses, are facing on a daily basis. This is certainly the conclusion I have drawn from the hearings conducted by the Small Business Committee. Further confirmation is provided in testimony presented during a Prompt Payment Act oversight hearing conducted on July 29, 1986, by the Subcommittee on Legislation and National Security of the House Government Operations Committee. During that hearing, witnesses representing the General Accounting Office presented preliminary findings of a review of agency bill-paying practices after 3 years under the Prompt Payment Act. This report was requested by the subcommittee chairman, Representative Jack Brooks.

The GAO testified that: The Government was still paying approximately 25 percent of its invoices late; early payment discounts were still being improperly taken; and agencies frequently did not pay the late-payment interest penalties owed nor repay improperly taken payment discounts. GAO auditors found unpaid interest penalties at 24 of the 39 payment centers they visited. Three of those centers had local policies not to pay interest penalties unless the contractor made a request. GAO also found that approximately 20 percent of the invoice in their sample were paid during the grace period. The GAO report, which was published in August 1986, also noted that many of the payment problems could be traced back to the fact that regulations implementing the Prompt Payment Act have never been included in the Federal Acquisition Regulation [FAR]. With respect to OMB's assertion that 99 percent of the Government's bills are timely paid, GAO witnesses testified that OMB's reports to the Congress on performance under the act have been misleading and, thus, mask the need for corrective action.

Mr. President, the problems of agency abuse of the Prompt Payment Act was also an issue that surfaced during the various State and regional meetings that preceded the 1986 White House Conference on Small Business. In the end, the conference delegates voted to adopt a resolution that calls for strengthening the Prompt Payment Act and seeing that it is vigorously enforced. This Prompt Payment Act recommendation was ranked 32 out of an overall conference issue agenda that exceeded 400 items. The Prompt Payment Act Amendments of 1987 addresses most of the improvements to the act called for in White House Conference recommendation.

Mr. President, the Prompt Payment Act Amendments of 1987 enjoys broad support within most segments of the small business community. Special recognition must be given to the coalition for prompt pay, under the tireless leadership of Kenton Pattie of the International Communications Industries Association. Strong support for these amendments to the Prompt Payment Act has also been provided by many of the individual associations that comprise the coalition. Many of the broadbased small business groups have lent their strong support, especially the National Federation of Independent Business, the Small Business Legislative Council, and National Small Business United. Within the construction industry, the amendments enjoy the strong support of the American Subcontractors Association, which has been in the forefront, as well as the National Electrical Contractors Association, the National Association of Plumbing-Heating-Cooling Contractors, and the Associated Specialty Contractors. The Associated Builders and Contractors, an association of whose membership includes many general contractors, supported the passage of S. 2479 and have urged the swift enactment of Prompt Payment Act Amendments in the 100th Congress. Similarly, the amendments enjoy the strong support of the Coalition for Common Sense in Government Procurement, comprised of associations and individual companies that market commercial products to all segments of the Federal Government. The American Logistics Association, many of whose members sell the Government various food products, has been a steadfast supporter of these necessary improvements to the Prompt Payment Act.

S. 2479, the predecessor to the Prompt Payment Act Amendments of 1987 also enjoyed the support of a broad range of associations, whose members provide some of the most sophisticated equipment and services to Government. Among them are: the Computer and Business Equipment Manufacturers Association [CBEMA], the e[Electronic Industries Association [EIA], the Computer Software and Services Industry Association [ADAPSO], and the Professional Services Council [PSC].

Mr. President, what we have here in the Prompt Payment Act Amendments of 1987 is a carefully crafted measure that will restore the simple promise of the Prompt Payment Act of 1982: That a contractor who has faithfully performed his or her obligations to the Government is entitled to be paid in a timely fashion. Our intentions in enacting the Prompt Payment Act have been frustrated; it is time that the agencies be made to fulfill the spirit as well as the narrowest letter of the act. The quality of this measure reflects the hard work of the Committee on Small Business during the 99th Congress, in particular the efforts of my colleague from Virginia, Mr. TRIBLE. It also reflects the thoughtful consideration of the Subcommittee on Oversight of Government Management under the leadership of Senator COHEN and Senator LEVIN.

As a member of the Committee on Governmental Affairs, it is my intention to seek prompt consideration of this much-needed legislation, so that it may be placed before the Senate and once again adopted by an overwhelming vote. Swift action by the Senate will provide additional impetus to equally swift action by the House.

We have come along way toward making the Government a customer who pays his bills on time. This legislation will help us to complete the journey.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the Prompt Payments Act of 1987 along with a section-by-section analysis and a letter from the Coalition for Prompt Pay.

There being no objection, the materials was ordered to be printed in the RECORD, as follows:

S. 328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Prompt Payment Act Amendments of 1987".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds that—

(1) the billpaying practices of most Federal Government agencies generally have improved, with certain exceptions, after four years of experience under the Prompt Payment Act (codified in chapter 39 of title 31, United States Code);

(2) the improvement in such billpaying practices has resulted in fairer treatment of contracts who furnish supplies, services, or contruction to the Federal Government, especially small businesses;

(3) nonetheless, many contractors who deal with the Federal Government continue to experience persistent problems of untimely Government payments as a result of—

(A) the failure to implement the provisions of the Prompt Payment Act through the Government-wide Federal Acquisition Regulation;

(B) the implementation of the provisions of the Prompt Payment Act in a manner that denies the Act's protections in cases of certain contract payments, such as progress payments for work satisfactorily performed under construction contracts and payment of amounts which have been retained by a Federal Government agency during the performance of construction contracts and are to be released upon final acceptance of the construction work by the agency;

(C) the unlimited time presently afforded Federal Government agencies formally to accept supplies delivered or services performed by contractors, which may be improperly used by such agencies to deny late payment interest penalties to contractors delivering such supplies or performing such services in a timely manner as prescribed by the contract;

(D) the implementation of the provisions of such act in a manner which has permitted Federal Government agencies to take discounts for early payment months after the expiration of the discount period specified in the contractor's invoice;

(E) the failure of the Act explicitly to require Federal Government agencies automatically to pay late payment interest penalties due to contractors;

(F) the absence of incentives effectively to dissuade Government employees from attempting to withhold late payment interest penalties which contractors are entitled to receive;

(G) the continued availability of certain payment grace periods which affords Federal Government agencies the opportunity to pay their bills late without incurring any late payment interest penalty and, thus, unilaterally to extend the payment due date upon which the contractors have based their contract prices;

(H) the failure of Federal Government agencies to implement the requirement in the Act to pay, during the contract period, for the periodic delivery of supplies or the periodic performance of services if permitted by the contract; and

(I) the failure of the Act explicitly to protect contractors doing business with the United States Postal Service;

(4) the Federal Government will realize substantial benefits if Government construction contracts require Government contractors to pay their subcontractors and suppliers in a timely manner, in accordance

with prevailing industry standards, or be subject to the same late payment interest penalties prescribed in the Act; and

(5) a strengthening of the provisions of the Prompt Payment Act, and its vigorous enforcement, is a key recommendation made to the President and the Congress by the delegates to the 1986 White House Conference on Small Business.

DEFINITIONS AND APPLICATION

SEC. 3. (a) Section 3901(a)(4) of title 31, United States Code, is amended to read as follows:

"(4) the head of the agency is deemed to receive an invoice on the later of—

"(A) the date on which the office or employee of the agency designated by the agency to first receive such invoice actually receives a proper invoice; or

"(B) on the fifth day after the date on which, in accordance with the terms and conditions of the contract, the property is actually delivered or final performance of the services is actually completed, as the case may be, unless the contract specifies a longer period for agency acceptance of the property or services.".

(b)(1) Section 3901 of such title is further amended by adding at the end the following new subsection (c):

"(c) This chapter, except section 3906 of this title, applies to the United States Postal Service. However, the Postmaster General shall be responsible for issuing the implementing procurement regulations, solicitation provisions, and contract clauses.".

(2) Section 410(b) of title 39, United States Code, is amended by inserting after clause (8) the following new clause (9):

"(9) Chapter 39 of title 31.".

INTEREST PENALTIES: REDUCTIONS IN GRACE PERIOD; INCREASED PENALTIES

SEC. 4. (a)(1) Section 3902(b) of title 31, United States Code, is amended—

"(A) by striking out "16th" in clause (3) in such sentence and inserting in lieu thereof "8th"; and

(B) by adding at the end the following new sentence:

Clause (3) of the preceding sentence shall not apply to payments under any contract for which the procurement solicitation is issued on or after October 1, 1990.".

(b) Section 3902 of such title is further amended by redesignating subsections (c) through (e) as subsections (d) through (f), respectively, and by inserting after subsection (b) the following new subsection (c):

"(c)(1) Any amount of an interest penalty which exceeds $1.00 and is owed a business concern under this section shall be paid without regard to whether the business concern has requested payment of such penalty.

"(2) If a business concern—

"(A) is owed an interest penalty by an agency;

"(B) is not paid the interest penalty in a payment made to the business concern by the agency on or after the date on which the interest penalty becomes due;

"(C) is not paid the interest penalty by the agency within 10 days after the date on which such payment is made; and

"(D) makes a written demand, not later than 40 days after the date on which such payment is made, that the agency pay such a penalty.

such business concern shall be entitled to receive an interest penalty equal to twice the amount of the interest payment that would otherwise be due.".

INTEREST PENALTIES ON PROGRESS PAYMENTS AND RETAINED AMOUNTS UNDER CONSTRUCTION CONTRACTS

SEC. 5. Section 3903 of title 31, United States Code, is amended—

(1) by striking out clause (4);

(2) by redesignating clause (5) as (6); and

(3) by inserting after clause (3) the following new clause (4):

"(4) in the case of a construction contract, provide for the payment of interest on—

"(A) any progress payment due under the contract for—

"(i) a period of more than 7 days; or

"(ii) a longer period if the contracting officer determines that the prevailing practice in private construction contracts is to provide such longer payment period; and

"(B) any amount which has been retained during the performance of the contract and are due to be released to the contractor after final acceptance of the construction, if such retained amount is not paid to the contractor by the required payment date;".

PERIODIC PAYMENTS UNDER SUPPLY AND SERVICE CONTRACTS

SEC. 6. Section 3903 of title 31, United States Code, as amended by section 5, is further amended by inserting after clause (4) the following:

"(5) provide for periodic payments, in the case of a supply or service contract which authorizes periodic payments and periodic submission of invoices during the contract period, upon—

"(A) submission of an invoice for supplies delivered or services performed during the contract period; and

"(B) either—

"(i) acceptance of the supplies or services by an employee of an agency authorized to accept the supplies or services; or

"(ii) certification, by such an employee, that the performance covered by the invoice conforms to the terms and conditions of the contract.".

PAYMENT CLAUSE FOR SUBCONTRACTS UNDER CONSTRUCTION CONTRACTS

SEC. 7. (a) Chapter 39 of title 31, United States Code, is amended—

(1) by redesignating sections 3905 and 3906 as 3906 and 3907, respectively; and

(2) by adding at the end the following new section 3905:

"§ 3905. Payment clause for subcontracts under construction contracts

"(a) Each construction contract awarded by an agency shall include a clause that requires the prime contractor to include, in each subcontract for property or services entered into by the prime contractor and a subcontractor (including a material supplier) for the purpose of performing such construction contract, a payment clause which obligates the prime contractor—

"(1) to pay the subcontractor promptly (as determined in accordance with prevailing industry standards) out of amounts paid to the prime contractor by the agency for work performed by the subcontractor under that contract; and

"(2) to pay to the subcontractor an interest penalty on amounts due in the case of each payment not made in accordance with such payment clause—

"(A) for the period beginning on the day after the required payment date and ending on the date on which payment of the amount due is made; and

"(B) computed at the most current rate of interest that has been determined by the Secretary of the Treasury for interest payments under section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611) and published by the Secretary in the Federal Register.

"(b) A prime contractor's obligation to pay an interest penalty to a subcontractor pursuant to the payment clause included in a subcontract under subsection (a) may not be construed to be an obligation of the United States. A contractor may not obtain reimbursement from the United States for such interest penalty. A contract modification may not be made for the purpose of providing reimbursement of such interest penalty. A cost reimbursement claim may not include any amount for reimbursement of such interest penalty.".

(b) The table of sections at the beginning of such chapter is amended by striking out the items relating to sections 3905 and 3906 and inserting in lieu thereof the following:

"3905. Payment clause for subcontracts under construction contracts.
"3906. Reports.
"3907. Relationship to other laws.".

LIMITATIONS ON DISCOUNT PAYMENTS

SEC. 8. Section 3904 of title 31, United States Code, is amended by inserting after the first sentence the following: "For the purpose of the preceding sentence, the specified time shall be calculated from the date the invoice under the contract is received by the office or employee of the agency designated by the agency to first receive such invoice until the date of payment.".

REPORTS

SEC. 9. Section 3906(a) of title 31, United States Code (as redesignated by section 7(a)(1), is amended to read as follows:

"(a)(1) By the 60th day after the end of the fiscal year, the head of each agency shall submit to the Director of the Office of Management and Budget a report on the agency's payment practices, including a description of the extent to which those practices satisfy the requirements of this chapter.

"(2) In addition to such other information as may be required by the Director, the report required by paragraph (1) shall include—

"(A) The number, amounts, and frequency of interest penalty payments, and the reasons the interest penalties were not avoided by prompt payment; and

"(B) the number, dollar value, and frequency of invoices paid after the required payment date without payment of an interest penalty, and the reasons no obligation to pay interest penalties was incurred with respect to such invoices or no amount for interest penalties were included in the payments of such invoices.".

IMPLEMENTATION THROUGH THE FEDERAL ACQUISITION REGULATION

SEC. 10. (a) The Federal Acquisition Regulation shall be modified to provide appropriate solicitation provisions and contract clauses that implement chapter 39 of title 31, United States Code, and the regulations prescribed under section 3903 of such title.

(b) The solicitation provisions and contract clauses required by subsection (a) shall include the following matters:

(1) Authority for a contracting officer to specify for a contract or class of contracts a specific payment period, which—

(A) in the case of payments for commercial items or services, is similar to the payment period or periods permitted in prevailing private industry contracting practices;

(B) in the case of payments for noncommercial items and services, does not exceed

30 days unless the circumstances of the procurement action require a longer period for payment; and

(C) in the case of progress payments under construction contracts, does not exceed 7 days, unless the contracting officer determines that the prevailing practice in private construction contracts requires a longer payment period.

(2) Requirements to make periodic payments, in the case of a supply or service contract which authorizes periodic payments and periodic submission of invoices during the contract period, upon—

(A) submission of an invoice for supplies delivered or services performed during the contract period; and

(B) either—

(i) acceptance of the supplies or services by an employee of the contracting agency authorized to accept the supplies or services; or

(ii) certification, by such an employee, that the performance covered by the invoice conforms to the terms and conditions of the contract.

(3) A conclusive presumption that the Federal Government has accepted property or services by the fifth day after the date on which, in accordance with the terms and conditions of the contract, the property is delivered or final performance of the services is completed, unless the circumstances of the procurement require a longer period for acceptance by the Federal Government and such longer period is specified in the solicitation for such contract.

(4) The limitation that the Federal Government may take a discount offered by a contractor for early payment by the Federal Government only in accordance with the time limits specified by the contractor.

(5) The requirements of section 3902(c) of title 31, United States Code.

(c) The regulations required by subsection (a) shall be published as proposed regulations for public comment as provided in section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 420) within 120 days after the date of the enactment of this Act.

EFFECTIVE DATES

SEC. 11. (a) Section 3(a)(2) and the amendments made by sections 3(a)(1), 4, 5, 6, 7, and 8 shall apply to payments under contracts awarded during or after the first fiscal quarter which begins more than 90 days after the date of the enactment of this Act.

(b) The amendments made by section 3(b) shall apply to payments under contracts awarded on or after October 1, 1988.

(c) The amendment made by section 9 shall apply to the report required by section 3906 of title 31, United States Code, for each fiscal year beginning after September 30, 1987.

"PROMPT PAYMENT ACT AMENDMENTS OF 1987"

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

This section establishes the bill's citation as the "Prompt Payment Act Amendments of 1987."

Section 2. Congressional Findings

This section enunciates a series of congressional findings based upon the four fiscal years of experience with Federal agency bill paying practices since the Prompt Payment Act became effective on October 1, 1982. The first congressional finding is that the Prompt Payment Act has generally improved the bill paying practices of the Federal agencies. This improvement in timely bill paying has resulted in fairer treatment of the thousands of contractors who furnish supplies, services, or construction to the Federal Government. The general success of the Prompt Payment Act has been particularly important to small business government contractors who are especially sensitive to cash flow from their customers. The succeeding paragraphs of this Section summarize the specific problems that have been identified. Remedies to these implementation problems are set forth in the subsequent sections of the bill.

The section also specifically recognizes that the delegates to the 1986 White House Conference on Small Business adopted a recommendation calling on the Congress and the President to strengthen the Prompt Payment Act of 1982 and ensure that it is vigorously enforced. This recommendation finished as number 32 from a starting agenda of over 400 issue items before the Conference delegates.

Section 3. Definitions and Application

Subsection (a) of this Section amends the Prompt Payment Act by requiring a clearer definition of the starting point for the time period during which an agency is required to effect payment. The length of time for payment is prescribed by either the contract's specific payment provision or in accordance with the Act's standards, in the absence of such a specific contractual payment term. Under the Prompt Payment Act, the starting point for the "payment clock" is the receipt of a proper invoice by the designated payment office or the date the supplies, services or construction are formally accepted by the Federal agency, whichever is later. Acceptance in government contract practice is distinct from simple delivery of supplies or the completion of the performance of a service. Under the Federal Acquisition Regulation (FAR), acceptance constitutes acknowledgement by the Government that the supplies or services (including construction) conform with the requirements of the contract; it is the point at which title passes to the Government. Given that the time of acceptance is solely in the hands of the federal agency, the agencies are also in control of the starting point of the payment clock.

For example, a contractor makes a timely delivery of supplies specified by its contract to the designated delivery point on June 1st, concurrently furnishing a proper invoice to the designated payment office. The agency formally accepts the supplies on July 31st, some 60 days later. Payment is made on August 30th, within 30 days of acceptance, but 90 days after delivery of the required supplies and the proper invoice. Under the terms of Prompt Payment Act, and current agency practice, the contractor would not be entitled to any late payment interest penalty. Section 3(a) of the bill amends the acceptance provision of the Act by specifying that acceptance is deemed to have been accomplished 5 days after delivery (or final performance of a service, including construction), unless the contract solicitation specifies a longer period for acceptance. This amendment preserves the Government's right to assure itself adequate time to accomplish acceptance, but also assures that it will inform the contractor of acceptance periods exceeding five days when the contractor is seeking to compete for the contract rather than when he or she is seeking to get paid for work completed. In implementing this provision in the FAR, contracting officers should be accorded the flexibility to prescribe an acceptance period that comports with the subject matter of the contract. For example, commercial items should require a shorter acceptance period than items fabricated to a Government design specification and not subject to inspection prior to shipment. Since acceptance time periods will now have to be announced in the contract solicitation, permitting competing contractors to adjust their prices to account for the financing costs associated with exceptionally long acceptance periods, the implementing procurement regulations should strongly encourage that acceptance periods be kept to the minimum required based on experience.

Finally, it is emphasized that the amendment does not compel the Government to pay for supplies or services (including construction) that it has not had the opportunity to inspect and accept. Rather, it merely lifts the financial burden of unexpected Government delay from the contractor by requiring the payment of interest. Payment of the contract price, and any accrued interest penalties, will only be payable after acceptance (if a proper invoice has been received).

This section also amends 31 U.S.C. 3901(a)(4)(A) to make explicit that the "payment clock" is triggered when a proper invoice is received by the office or employee of the buying agency designated by the agency to first receive the invoice. Several commentators noted that under the Act's current language a contract might require an invoice to be first sent to a contracting officer's technical representative (COTR) or auditing activity rather than to the designated payment office which will subsequently be responsible for actually issuing the payment. Some agencies refuse to recognize the start of the "payment clock" until the invoice is received by the payment office. The time an invoice is in the hands of these other designated agency players, is not counted for the purpose of establishing whether timely payment has been made or a late payment interest penalty is due to the contractor. This provision requires an agency to start counting from the time it first receives a proper invoice.

Subsection (b) of this Section amends the Prompt Payment Act to explicitly cover the United States Postal Service (USPS). It was the intent of the sponsors of the legislation that became the Prompt Payment Act (S. 1131 and H.R. 4709 in the 97th Congress) that the USPS be covered by the Act's provisions. To attain that objective, the broad definition of "agency" found at Section 551(1) of Title 5 was used. However, a required amendment to the USPS's Organic statute was not made. This amendment corrects that oversight. The Committee is informed that the USPS has generally adjusted its bill paying procedures and practices to comport with the Act's standards, but the proposed amendment would statutorily assure USPS contractors the same protections accorded to contractors dealing with the departments and agencies of the Executive Branch. It should be noted that the amendment reserves to the Postmaster General the authority to implement the Act through the USPS's own procurement regulations.

The Subsection does exempt the USPS from reporting its compliance with the Act to the Office of Management and Budget, in recognition of its independent status. Nevertheless, the USPS is still required to maintain its own data concerning its bill paying performance in furtherance of effective cash management and to permit appropriate oversight by USPS senior management as well as the Congress.

Section 4. Interest Penalties: Reductions in Grace Period; Increased Penalties

Subsection (a) of this Section would gradually eliminate the Prompt Payment Act's current 15-day "grace period", during which an agency may pay a bill late without incurring any interest penalty. For example, if payment for a routine commerical item is due in 30 days, the buying agency can now pay anytime up to 45th day without incurring any interest penalty for the late payment. The Act's "grace periods" were included in the Act from the House bill (H.R. 4709) at the request of the Administration. The justification for the "grace periods" was grounded in the argument that some mechanism was essential to protect the Government from the substantial administrative burden and expense anticipated from having to pay tens of thousands of small late payment interest penalties while the agencies adjusted their bill paying systems to the Act's standards—the anticipated result given the Government's dismal bill-paying record at the time of enactment. Given that the Act provided almost six-months for agencies to effect and became effective at the beginning of a new fiscal year (October 1, 1982), agency transition to the Act's requirements was accomplished with substantially less trauma than predicted. OMB's first report to the Congress in February of 1984 emphasized this effective agency implementation.

Testimony from witnesses representing small business government contractors presented during the 99th Congress called for the immediate elimination of the 15-day grace period noting that the substantial improvements in agency bill paying practices being reported by OMB during the first three fiscal years of experience under the Act virtually eliminated the basic rationale for the grace period. Rather, these witnesses characterized the grace period as an interest-free loan taken from the pockets of those dealing with the Government that is readily and frequently abused by buying agencies. Rather than eliminate the 15-day grace period immediately, the bill initially reduces it to 7 days, deferring elimination until October 1, 1990. This very gradual elimination of the 15-day grace period is responsive to agency concerns.

Subsection (b) of this Section amends the Act to make explicit that interest penalties for late payment are to be paid automatically. Further, it seeks to deter agency finance center personnel from withholding a late payment interest penalty due to a contractor by making the agency liable for twice the interest penalty due under limited circumstances.

Testimony from witnesses representing small business government contractors cite experiences in which they had to make a formal written demand for late payment interest penalties due, despite the Act's clear intent and the explicit direction to the agencies in OMB Circular A-125 (Prompt Payment) that such penalties are to be paid "automatically". GAO found that some payment centers even had "informal" local policies of generally requiring a contractor to make a demand for interest due on a late payment. The likely origin for this reluctance to pay interest can be found in the standard by which OMB measures agency performance under the Act: on the basis of the number of invoices upon which the agency paid a late payment interest penalty. As noted by GAO, this performance measure maintains strong organizational pressures to both pay invoices on time (the objective of the Act) and to avoid paying interest even when it is due (an unintended side-effect of the Act's current reporting requirement).

Subsection (c)(2) provides a countervailing pressure on payment center personnel who might be tempted to withhold payment of late payment interest penalties due contractors, so as to reduce the number of late invoices reported to OMB. Under the amendment, the contractor would become entitled to double any late payment interest penalty (not double the payment due for contract performance), if four conditions are met. First, the contractor must be entitled to a late payment penalty. Second, the agency must have actually made a payment to the contractor which did not include *any* late payment interest penalty. Third, the agency would have ten days from the date of its payment to the contractor to catch any inadvertent failure to pay the late payment interest penalty and to make such payment. Agency corrective action during the ten day period would eliminate the contractor's entitlement to the double interest penalty. And, finally, the contractor must make a written demand for the late payment interest penalty within forty days of the date of payment, so as to limit the Government's potential exposure.

Given these requirements and the improved internal management controls in most automated payment centers, the double late payment interest penalty authorized by this amendment to the Act could only be expected to fall upon those who would deliberately try to avoid paying a late payment interest penalty, so they look "good" in their reports to OMB. The current incentive to withhold late payment interest penalties in order to avoid OMB criticism is counteracted by this provision of the bill. Under the proposed amendment such unacceptable behavior will put the payment center or an individual payment clerk at risk of looking twice as "bad" than if the contractor were automatically paid the interest penalty due under the Act.

Section 5. Interest Penalties on Progress Payments and Retained Amounts Under Construction Contracts

This section makes explicit the intent of the Prompt Payment Act that progress payments under construction contracts are subject to the Act's requirements and protections. Despite explicit legislative history in the reports accompanying S. 1131 and H.R. 4709 that progress payments fall within the reach of the Act's provision affording coverage to payments for partial executions if authorized by the contract (31 U.S.C. 3903(4)), most agencies have determined by regulation that construction progress payments are "payments . . . made solely for financing purposes", which are exempt from coverage under OMB Circular A-125 (Para. 8(c)).

The section also extends the Act's coverage to amounts "retained" from progress payments paid to the contractor by the agency during the term of a construction contract. Contracting officers are authorized by regulation to retain a percentage of a program payment otherwise due a contractor upon making a specific finding concerning the timeliness of the contractor's performance, conformity with the contract specifications. Once such deficiencies have been corrected to the agency's satisfaction and the construction project accepted by the Government, the contractor is entitled to be paid these retained amounts as promptly as the final payment under the contract.

Section 6. Periodic Payments Under Supply and Service Contracts

This section clarifies 31 U.S.C. 3903(4) with respect to the Act's application to various periodic payments authorized under some supply and many service contracts. Testimony received reflected the fact that some agency buying personnel maintain that such payments are not subject to the Act, and hence not entitled to interest penalties for late payment. The agency's assert this position on the basis of two arguments. First, they may maintain that such periodic payments are not payments for work performed, but rather "payments solely for financing purposes", which have been explicitly exempted from the Act's protection under OMB Circular A-125. Or, second, they will avoid the Act's interest penalty on the basis that the contract does not include the "separate required payment dates" mentioned in the Act. Given that the FAR's menu of contract clauses was never modified to implement this among other provisions in the Prompt Payment Act, contractor's generally do not get paid interest penalties for late periodic payments. The bill makes a corresponding modification in Section 10, which requires the promulgation of FAR coverage to implement the Act.

Section 7. Payment Clause for Subcontracts Under Construction Contracts

This amendment adds a new section to the Prompt Payment Act which addresses the issue of extending the Act's coverage to subcontractors under federal construction contracts. The hearing record developed during the 99th Congress contains extensive and detailed testimony from witnesses representing subcontractors urging such coverage. They make a strong case that such coverage will contribute significantly to the timely completion of federal projects by eliminating one of the principal causes of delay: payment problems. Their testimony also made a strong case that such coverage is the only way to assure equitable treatment of subcontractors.

Subsection (a) of the proposed new section to the Act requires that the prime contractor include a payment clause in its contracts with its various subcontractors. It adopts "prevailing industry standards" as the payment term. The prevailing industry standard is currently deemed to be seven days, based upon a joint policy statement on prompt payment issued by the Associated General Contractors of America (AGC), the American Subcontractors Association (ASA), and the Associated Specialty Contractors (ASC), as well as an array of standard contract documents used extensively in the industry for both private and governmental construction projects. The Joint Policy Statement on Prompt Payment establishes a seven-day standard for payment of subcontractors after receipt of a payment by the prime contractor from the Owner (the Government). Similarly, the AGC's recommended standard form "Subcontract for Building Construction" (AGC Document No. 600, August 1984) provides for the payment of progress payments to subcontractors not later than seven days after receipt of a payment by the prime contractor. Finally, the Standard Form of Agreement Between Contractor and Subcontractor (Document A-401, 1978) issued by the American

Institute of Architects (AIA), provides for the payment to the subcontractor of each progress payment and the final payment within three days after the prime contractor receives payment from the Owner.

Subsection (a)(1) provides that a prime contractor pay its subcontractors promptly, in accordance with prevailing industry standards, from amounts paid to the prime contractor by the Government, a so-called "pay when paid" relationship. This section, however, is not intended to impair a subcontractor's current legal right to pursue payments from prime contractors under existing law. For example, it does not establish payment by the Government as a condition precedent for a subcontractor to bring suit under the Miller Act (40 U.S.C. 270 a-d).

As with the Act's application between the prime contractor and the Government, the subcontractor's entitlement to timely payment, or interest penalties for late payment, only applies when no dispute exists as to performance. The subcontractor is not entitled to payment if his or her performance is not in comformity with the project schedule or the Government's specifications (which the prime contractor is required by its contract with the Government to include in its subcontracts). Similarly, the prime contractor may be entitled by its subcontract to withhold a portion of a payment for: (1) work that is in dispute; (2) third party claims, filed or reasonably expected to be filed; (3) alleged damages suffered by the prime contractor or another subcontractor; or (4) overdue subcontractor payments for labor, equipment or materials. However, to assure equitable treatment of subcontractors, it is essential that a prime contractor identify subcontractor performance deficiencies and other claims in its application for payment, and any accompanying certificate, to the Government and not request payment for amounts in dispute with the subcontractor until such dispute is resolved.

The resolution of any such performance dispute or other claim must remain subject to resolution between the parties to the subcontract and not be devolved upon the Government contracting officer for resolution. It should be noted, however, that Section 8(d) of the Small Business Act (15 U.S.C. 637(d)), as amended by the "Small Business and Federal Procurement Competition Enhancement Act of 1986", Public Law 98-577, would require the contracting officer to ensure compliance with the subcontract's provisions in the same manner as any other material provision of the subcontract.

Similarly, this provision does not create an entitlement for subcontractor's to share in late payment interest penalties received by a prime contractor by the Government. It operates when the prime contractor fails to pay the subcontractor in accordance with their subcontract out of funds received from the Government.

Finally, the provision does not prohibit the prime contractor from withholding retainage from progress payments otherwise due the subcontractor upon a finding of delay or other performance not in conformity with the performance requirements of the subcontract. The rate of such retainage, (the percentage of the progress payment otherwise due) should be not higher than the rate the Government withheld from the prime contractor.

Subsection (a)(2) entitles the subcontractor to a late payment interest penalty, if the prime contractor fails to pay the subcontractor in accordance with the payment clause required to be included in the contract between them. The interest rate specified is the same rate that is applied to late payments by the Government to the prime contractor.

Subsection (b) makes clear that the payment of any late payment interest penalties incurred by the contractor may not be passed along to Government, nor may the subcontractor pursue such late payment interest penalties with the Government.

Section 8. Limitations on Discount Payment

This section clarifies the time period during which an agency may legitimately take advantage of a contractor's offer of a price discount for early payment. For example, a contractor may offer a 2% discount from its contract price in exchange for being paid by the Government within 20 days instead of the 30 days specified in its contract. The proposed amendment to the Prompt Payment Act makes clear that the discount period begins when a proper invoice is received by the first agency office designated in the contract. If the agency is to avail itself of the discount offered, it must make payment before the expiration of the period specified in the contractor's "fast pay" offer. The burden of accomplishing acceptance and other administrative matters prior to making payment against the contractor's proper invoice falls on the agency seeking to accept the discount price. Testimony from small business government contractors as well as the GAO review demonstrated that some agency payment centers have taken early payment discounts after the expiration of the discount period by not starting the "discount payment clock" until such time as acceptance and other administrative matters have been completed, irrespective of the time consumed by agency personnel. This amendment is designed to prevent such abuses

Section 9. Reports

This section amends the Prompt Payment Act's reporting requirements to assure that data will be collected on the number and dollar value of invoices paid after the required payment date without payment of any interest penalty. The provision also requires the reporting agency to identify the reason a late payment interest penalty was not incurred. Currently, agencies are only reporting late invoices upon which an interest penalty was paid. GAO found that measurement of agency performance on the basis of this criteria has distorted the reports submitted to the Congress. This amendment will assure that OMB reports a more accurate and complete picture of agency compliance with the Act. The United States Postal Service (USPS) is specifically exempted from this reporting requirement to the Office of Management and Budget by Section 3(b) of the bill. However, as noted in the discussion of that provision, it is intended that the USPS collect data on its billpaying performace to permit senior management to monitor compliance and to permit congressional oversight.

Section 10. Implementation Through the Federal Acquisition Regulation

Subsection (a) of this section requires that the Prompt Payment Act be implemented in the Federal Acquisition Regulation (FAR). No coverage is presently included, despite the fact that the FAR was issued subsequent to the enactment of the Prompt Payment Act.

Subsection (b) specifically identifies the provisions of the Act which require FAR implementation, principally through the issuance of appropriate solicitation provisions and contract clauses.

Paragraph (1) establishes parameters for the payment terms to be developed. The fundamental theme is to conform to prevailing market practice whenever possible. This is especially important when acquiring commercial items of supply or services (including construction) in which prevailing practices are defined principally by private commercial activity. When the Government enters an essentially commercial market, it should conform its payment terms to those of the market, unless compelling reasons dictate otherwise. It is also intended that these regulations will afford the contracting officer the flexibility to specify a payment term for an individual contract or a class of contracts that will most effectively tap the market. It is favorably noted that the General Services Administration adopted this approach in Temporary Regulation 66 (Prompt Payment Procedures) to the former Federal Procurement Regulations (FPR) issued on October 5, 1982 to implement the Prompt Payment Act. Unfortunately, these regulations were not incorporated into the FAR, which superceded the FPR when the FAR become effective on April 1, 1984. Finally, the recently proposed FAR implementation of the Prompt Payment Act (51 *Fed. Reg.* 25976; July 17, 1986) sugests an unacceptably rigid system that would afford the Government at least a 30-day acceptance period and a 30-day payment period in every case. Such periods, when coupled with the currently available 15-day grace period, would effectively establish a minimum 75-day period before a contractor would be entitled to a late payment interest penalty.

Paragraph (2) provides guidance concerning the regulations addressing periodic payments in response to periodic invoices for supplies furnished or services performed during the term of a contract.

Paragraph (3) calls for regulations implementing the bill's amendment regarding periods for acceptance. The purposes of these amendments have been described previously in Section 3 (Definitions and Application) of this Section-by-Section analysis.

Paragraph (4) requires implementation of the Act's provisions relating to the Government's taking "early payment" discounts.

Paragraph (5) requires implementation of increased late payment interest penalties when the conditions of Section 4(c)(2) of the bill are met.

Subsection (c) specifies a time certain for issuance of proposed regulations and requires their publication for public comment.

Section 11. Effective Dates

This section establishes the effective dates for the bill's various provisions. Subsection (a) provides the agencies with an implementation period of at least 90 days for most of the bill's provisions. Subsection (b) establishes the effective date for the Prompt Payment Act's explicit application to the United States Postal Service. Subsection (c) requires OMB to change the agency reporting requirements under the Act beginning with FY 88.

COALITION FOR PROMPT PAY,
January 14, 1987.

Hon. JIM SASSER,
Hon. PAUL TRIBLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SASSER AND SENATOR TRIBLE: We have reviewed the prompt payment amendments you have prepared for introduction in the Senate and welcome this opportunity to comment on the bill.

The legislation you are introducing in the 100th Congress is almost identical to S. 2479 which was adopted by the Senate October 15, 1986 at the close of the 99th Congress. All of the provisions which were recommended during the hearings chaired by Senator Trible and approved by the Senate Governmental Affairs Committee are in the bill you are introducing. The Coalition was in full support of the bill passed by the Senate last year.

Further, in introducing this bill, you are responding directly to the recommendations of the White House Conference on Small Business which met in Washington, DC in August 1986. The delegates from the 50 states made prompt payment by government agencies a top priority.

We welcome the introduction of your bill because the problem of late payments has not been resolved. There have been no initiatives by the executive branch to respond to the problems which were identified during hearings and debate on S. 2479.

Most of the solutions to the problem can only be achieved through the legislative remedy you are proposing and could not be accomplished by the executive branch without your bill. Therefore, on behalf of the Coalition for Prompt Pay, I am pleased to extend our support for your bill and to assure you and the cosponsors that we will work for passage of this bill during the 100th Congress.

Meanwhile, we wish to thank you both for joining in providing the leadership on prompt pay this year. We recall, Senator Sasser, your introduction of legislation on this subject in 1981, your testimony on this subject during the hearings that year, and your follow-through including statements in the Congressional Record and appropriation language urging improvements by the executive branch. And we recall, Senator Trible, your steadfast balanced investigation of the problem in 1985 and 1986, your chairing of hearings, and your legislative leadership in steering the bill to final Senate passage. You have both demonstrated that prompt pay is a bipartisan matter which is consistent with the best interests of both government and the private sector.

We look forward to working with you and the cosponsors of your legislation in this Congress and wish you every success with the bill you are introducing.

Sincerely,

KENTON PATTIE,
Director.

MEMBERS OF THE COALITION FOR PROMPT PAY

International Communications Industries Association (ICIA).

National Moving and Storage Association (NMSA).

Association for Information and Image Management (AIIM).

Door and Hardware Institute (DHI).

American Subcontractors Association (ASA).

Association of General Contractors, Rhode Island Chapter (AGC).

National Association of Manufacturers (NAM).

Small Business United (SBU).

Coalition for Common Sense in Government Procurement.

American Meat Institute (AMI).

American Consulting Engineers Council (ACEC).

Associated Specialty Contractors (ASC).

National Electrical Contractors Association (NECA).

Painting and Decorating Contractors of America (PDCA).

Mechanical Contractors Association of America (MCAA).

Mason Contractors Association of America (MCAA).

Sheet Metal & Air Conditioning Contractors National Association (SMACNA).

National Roofing Contractors Association (NRCA).

National Association of Plumbing-Heating-Cooling Contractors (NAPHCC).

National Association of Retail Druggists (NARD).

National Insulation Contractors Association (NICA).

National Association of Wholesales (NAW).

National Association of Credit Management (NACM).

International Sanitary Supply Association (ISSA).

Association of the Wall & Ceiling Industries—International (AWCI).

American Association of Nurserymen.

Associated Builders and Contractors.

American Logistics Association.

Mr. TRIBLE. Mr. President, I am pleased to join Senator SASSER today in introducing the Prompt Payment Act Amendments of 1987. This legislation continues important initiatives developed in the 99th Congress to improve the Federal Government's bill-paying practices and I urge my colleagues to support this measure.

This measure is virtually identical to legislation I sponsored last year which unanimously passed the Senate. Unfortunately, the House was unable to consider that measure before the end of the 99th Congress. So, I am hopeful that the groundwork is now laid for early consideration of this issue and timely enactment of prompt pay reform.

Slowly but surely, the Government is getting into the habit of paying bills on time or paying interest when they are late. The Prompt Payment Act of 1982, Public Law 97-177, created a systematic payment procedure: Definite payment standards, penalties for failure, and annual reporting to Congress on progress under the act.

The Federal Government's bill-paying practices have greatly improved under the 1982 act. Contractors generally acknowledge that payment for goods and services provided to the Federal Government has been far better since implementation of the Prompt Payment Act.

However, there remains a gap between what we did in 1982 and what agencies are doing today. Some contractors wait months before receiving any payment, despite the statutory requirement to pay contractors within 30 days. And, when payments are finally made, they often fail to include the required interest payment or reflect a discount rate no longer applicable.

Simply stated, these practices violate the letter and spirit of the law. As a result, many highly qualified contractors refuse to do business with the Federal Government. Many of them—especially small businesses—cannot afford the financial difficulties posed by late payments. Under these conditions, contractors, the Federal Government, and ultimately taxpayers, lose.

The Prompt Payment Act Amendments of 1987 corrects problems associated with the original act and ensures that the Federal Government pays its bills on time.

First, this measure eliminates the lengthy period some agencies take to receive and certify products and services. The invoice is deemed to be received when: First, the payment office actually receives a proper invoice, or second, 5 days after the property is actually delivered or the service is actually completed, unless the contract specifies otherwise. This change will speed up processing of payments.

Second, payments held beyond the due date will be subject to interest penalties. The legislation phases out the grace period which gave agencies technical authority to pay later than the standards without incurring interest penalties. The grace period has been used too often and is no longer necessary, now that agencies have experience with the Prompt Payment Act.

Third, the interest penalty provisions of the 1982 act are strengthened. Agencies will incur additional penalties if payments are late and I believe this will add incentives to make payments within the mandated period.

Fourth, progress payments and retainage under construction contracts are specifically included under the provisions of the Prompt Payment Act. The 1982 act was intended to cover these payments. However, some agencies have refused to read the act's language in this manner.

Fifth, the legislation expands applications of the Prompt Payment Act to include subcontractors under construction contracts. Prime contractors must pay subcontracts in accordance with prevailing industry standards and pay interest when payments are not made within the specified time period.

Mr. President, these provisions and others included in this legislation will firmly establish clear, efficient payment procedures in the Federal Government. Contractors and taxpayers deserve nothing less.

As I mentioned earlier, the Senate unanimously approved identical legislation in the closing days of the 99th Congress. I urge my colleagues to once again approve this much needed reform measure.

Mr. HEFLIN. Mr. President, I am pleased to join with my colleagues from Tennessee and Virginia in introducing the Prompt Payment Act Amendments of 1987. This legislation would reform and strengthen the Prompt Payment Act of 1982. Hopefully, it will eliminate the troublesome, aggravating, and costly delays contractors experience in receiving payment for goods provided to, or services performed for the Federal Government.

This legislation is badly needed. The Prompt Payment Act of 1982 was enacted in order to improve the Federal Government's bill paying methods. For one reason or another, however, the implementation of the act was not carried out as intended by Congress. As a result, Mr. President, many contractors, attempting to be paid for goods and services already provided, continued to experience severe delays in payments. In my home State of Alabama, a great many contractors do business with the Federal Government. Many of them have contacted my office recently for assistance in getting paid because it had been 3 or 4 months, sometimes longer, since they had billed the Government. Payment had not been received, however, and was not even in sight. This should not happen.

Mr. President, as my colleagues very well know, the Federal Government is the best bill collector in the world. If someone owes the Federal Government any amount of money, they will be hounded until payment is made. If payment is not made on time or not made at all, severe penalties are imposed, and in some instances, imprisonment results. When the shoe is on the other foot, however, and it comes to bill paying as opposed to bill collecting, we are dealing with an entirely different situation.

This legislation is exactly the same as legislation which passed the Senate during the last days of the 99th Congress. The House, however, was unable to get to it; so the Senate is now forced to revisit the issue.

Mr. President, I am happy to be a cosponsor of the Prompt Payment Act Amendments of 1987 and urge my colleagues to support this badly needed legislation.

Mr. MOYNIHAN. Mr. President, I am pleased to join my distinguished colleague from Tennessee [Mr. SASSER], and the other cosponsors of S. 328, the Prompt Payment Act Amendments of 1987.

Five years ago, Congress passed the Prompt Payment Act—Public Law 97-177—in an attempt to ensure that contractors who perform a service for the Federal Government are paid on time, or receive an interest penalty for late payment. I was an original cosponsor of that measure, as was I an original cosponsor of S. 2479 last year.

At the end of the 99th Congress, the Senate unanimously passed S. 2479, legislation identical to that which we are introducing today. Unfortunately, the House did not consider the measure prior to adjournment.

The legislation we are introducing today seeks to correct the problems that have emerged during the implementation of the original act. This reform bill would reduce the grace period for late payment allowed the Federal Government from 15 to 8 days, and would double the interest penalty due if a contractor must request payment of the penalty by the Government. The amendments we are proposing to Public Law 97-177 would also provide for payment of interest on late progress payments due under a construction contract.

This legislation also requires the head of each agency to submit an annual report to the Director of the Office of Management and Budget on the agency's payment practices: The number, amounts, and frequency of interest penalty payments, and the reasons for late payment; and, the number, dollar value, and frequency of invoices paid after the required payment date without payment of an interest penalty, and the reasons no interest penalty was incurred.

Just as the Federal Government expects services or products to be delivered in a timely fashion by the businesses with which it contracts, so too does the Government have a responsibility to make prompt payment on its obligations. I am hopeful that the Senate and House of Representatives will pass this legislation early in the 100th Congress, and that any difficulties experienced by businesses in receiving prompt payment by Federal agencies will be resolved.

Mr. STEVENS. Mr. President, today I am pleased to cosponsor the Prompt Payment Act Amendments of 1987, as introduced by Senator TRIBLE. I cosponsored the Prompt Payment Act Amendments of 1986—S. 2479—that unanimously passed the Senate last year. Unfortunately, however, the House did not consider that legislation before the end of the 99th Congress.

As an original cosponsor of the Prompt Payment Act of 1982, I have followed its effect on our partners in the business community. After reviewing its performance, I am convinced that these amendments are necessary to maintain the law's intent. The purpose of these amendments is to clarify the ambiguities and loopholes which have impeded the full execution of the Prompt Payment Act. The bottom line on all these measures is to insure prompt payments to businesses.

These amendments to the Prompt Payment Act will increase the efficiency of Federal Government bill payment practices. Some Government agencies have not followed the payment procedures which were set up under the Prompt Payment Act. Certain Government agencies have avoided interest penalties on late payments, at the expense of the businesses under contract.

The grace period which was granted to the Federal agencies to soften the blow of interest penalties has been abused, and bills are still frequently settled on the last possible day. Interest penalties on late payments are often not paid, or are paid only when requested by the business concerned.

The original Prompt Payment Act did improve Federal Government bill payment practices, but loopholes and omissions have precluded its satisfactory implementation. These amendments will remedy those problems.

Private business contractors should not be made to suffer by Government inefficiency. This legislation will render the law more equitable, and will complete our initial effort. I am happy to join Senator TRIBLE as a cosponsor of these amendments.

Mr. SASSER. I thank the Chair.

I yield the floor, Mr. President.

Mr. CHILES. Mr. President, I am pleased to join my distinguished colleagues from Tennessee [Mr. SASSER] and Virginia [Mr. TRIBLE], and other cosponsors of the Prompt Payment Act Amendment of 1987.

Nearly 5 years ago, this body passed legislation that was designed to require our Government to pay those with whom it does business in a timely manner. As a result of the Prompt Payment Act of 1982, the agencies have improved their payment practices—but not enough. According to the General Accounting Office, agencies still pay nearly 25 percent of their bills after their due date.

This record is troubling to me, and, most troubling, of course, to the contractors, many of them small businesses, who do not receive payment when it is due them. It is such a serious problem that prompt pay reform was one of the recommendations of the 1986 White House Conference on Small Business.

Despite continued oversight by appropriate congressional committees, the agencies have continued to ignore the intent of the 1982 Prompt Pay Act—that is, that they pay their bills within 30 days. Instead, for example, after waiting 4 years to develop regulations implementing the act, the FAR Council, last July, proposed regulations that would give Federal agencies up to 80 days to pay their bills—4 days to "receive" an invoice; 30 days to "accept" an invoice; and 30 days to process payment of the invoice. With the additional 15-day grace period allowed under the act, the total comes to 80 days.

At nearly the same time, Deputy Secretary of Defense, William H. Taft IV, testified before an appropriations subcommittee that DOD plans to delay payments for 40 days—10 days into the grace period—in order to save money. It seems nobody took into account the higher cost of doing business with the Government that contractors are certain to pass on in their bids.

In still other action, the Commodity Credit Corporation announced that it was going to "suspend" the Prompt Payment Act.

These activities have made it clear to me that Congress must once again take action to assure that our Government is not a "dead beat." The bill we are introducing today is designed to accomplish this purpose.

The bill clarifies and strengthens some provisions in the 1982 act to assure that the agencies can no longer work around them. For example, it clearly defines "recipient of invoice;" it requires that interest payments be paid automatically; it forbids the taking of early discounts unless the agency actually complies with the payment terms; and it requires that interest penalties be paid on late progress payments and retained amounts for construction. These issues could be handled administratively if the agency so chose.

The bill seeks to improve the 1982 act in other ways. First, it will phase out the 15-day grace period. I believe that the agencies have shown that they can pay their bills within 30 days. Sometimes, however, they have not shown their desire to do so. Some agencies routinely have used the 15-day grace period in the act to extend payment terms, in effect creating a 45-day grace period rather than a 30-day payment period set in the 1982 act. Witness again the comments by Secretary Taft during last year's hearing on DOD appropriations. The legislation will also require prime contractors on Federal construction to pay their subcontractors promptly or pay the same interest penalties they receive from the Government when they are paid late. This has been, perhaps, the most controversial provision of this bill. But after careful review, I support it.

Subcontractors play an integral part on Federal building projects, supplying as much as 80 percent of the onsite labor and materials. Yet my office constantly hears stories and receives letters detailing the problems that arise for these often small companies when they perform their work and sometimes wait months before receiving payment. Meanwhile, the prime contractors has certified to the Government that the work performed by the subcontractors has been completed and has received payment for that work.

A subcontractor's very survival may depend on getting paid on time. Almost all of these subcontractors, most of which are small businesses, operate on such a tight cash flow situation, that a string of late payments can ruin them. It has happened before and will continue to happen if we don't remedy the situation. I believe the Government has a direct and real interest in assuring that these subcontractors get paid because, just as with the prime contractors, the price of slow pay gets added into the bids and passed on to the Government.

The bill being introduced today will also extend the interest penalty provisions of the act to the U.S. Postal Service. This provision merely corrects an oversight in the original act by which the USPS was excluded from it's provisions. The USPS has taken steps to assure that it's contractors are paid in a timely manner. This provision simply assures USPS contractors the same protection accorded to the contractors dealing with the departments and agencies of the executive branch.

Finally, the bill requires the annual reports on the implementation of the act to provide more information, concerning invoices which were paid late but for which no payment of interest was made. This is intended to help us better exercise oversight of the implementation of the act.

I strongly support the Prompt Payment Act Amendments of 1987, and invite my colleagues, to join Senator SASSER, Senator TRIBLE, myself, and others to cosponsor this legislation.

Mr. DANFORTH. Mr. President, I am pleased to offer my support for the Prompt Payment Act Amendments of 1987. This legislation would effect certain changes in the Prompt Payment Act to ensure that Government contractors are paid on time, and that interest penalties are paid in those cases where payment is late. I commend Senator SASSER and Senator TRIBLE for their leadership on this important issue.

Mr. President, I was one of the principal authors of the original Prompt Payment Act, which was intended to bring some order into the Government's bill paying practices. The history of this legislation was detailed by my former counsel, Christoper Brewster, in testimony before the Senate Small Business Committee last year. I will ask that a copy of his testimony be printed in the RECORD following my statement.

Enactment of the Prompt Payment Act followed a report issued by the General Accounting Office in 1978, which found that some 30 percent of Federal invoices were paid late for no reason whatsoever, and that still others were paid much earlier than required. The Government's bill payment performance was a plain and simple case of sloppy management. It was costing Government money in foregone interest on early payments. It was costing Government contractors money on late payments. And it was discouraging contractors from doing business with the Government. The cost was staggering.

The GAO estimated that some $9.8 billion in Federal contracts were paid late just during the 6-month sampling period of the GAO study—at a cost to Government contractors, many of them small businesses, of some $30 million. To correct this problem, the Prompt Payment Act requires specific payment terms in Government contracts, requires the Government to pay bills when due, and awards interest penalties to Government contractors when the Government pays late.

I am pleased to say that, during the nearly 5 years since enactment of the Prompt Payment Act, the Government has improved measureably its bill payment performance. Moreover, the Prompt Payment Act has proven to be a model for similar State legislation. Forty-five States and the District of Columbia now have prompt pay laws. My own State of Missouri enacted a prompt pay law in 1985.

Nonetheless, it has become clear that more work must be done and that Congress must once again take action to assure that the executive branch implements our intent.

Since 1983, the OMB has reported that fully 99 percent of Government contracts are paid on time, but this statistic masks some troubling facts. In testimony before the House Government Operations Committee last July, the General Accounting Office reported that agencies paid only 75 percent of their invoices by the due date.

The disparity between the GAO and the OMB data is accounted for, in large part, by the fact that OMB did not consider a payment as late unless an interest penalty was paid. For example, payments made after the due date but before the expiration of the 15-day grace period provided for in the act would be considered late by OMB. Contractors would likely think otherwise. So do I.

The routine use of the grace period, as reported by the GAO, is quite troubling. Indeed, one of the principal changes in the act that would be effected by the act is the gradual elimination of the grace period. I think this makes sense.

When the Prompt Payment Act was written, the grace period was not part of the original Senate bill. It was added by the House, at the urging of the executive branch, to avoid payment of numerous small interest penalties during the time it took for the executive branch to bring payment practices into line with the requirements of the act. It was intended, in effect, as a safety valve, and a temporary one at that. It was not intended to give the Federal Government carte blanche to pay its bills in 45 days. Indeed, the act explicitly requires the Government to pay its bills in 30 days. Nonetheless, the GAO reports that 20 percent of all invoices it reviewed in its recent survey were paid during the grace period.

Unfortunately, it appears that the availability of the grace period has proven to be an invitation to agencies to cut corners. In testimony before the Senate Appropriations Committee only this past August, Deputy Secretary of Defense William Howard Taft IV testified that the Department of Defense was "reviewing the flexibilities available to us under the Prompt Payment Act" as a means of cutting costs. Mr. Taft proposed that the Department pay its bills 10 days into the grace period to reduce outlays.

In my opinion, Mr. Taft's proposal is no way for the Federal Government to do business. Money the Federal Government saves by paying bills late is money earned at the expense of Government contractors—many of them small companies that can ill afford delays in payment. If the Federal Government promises payment in 30 days, it should pay its bills in 30 days—not 45.

In any event, the cost savings attributable to late payment likely would prove short-lived. If the Federal Government is saving money by paying its bills late, it is only doing so because those goods and services were priced on the assumption that payment would be made in a timely fashion. It should also expect to find fewer companies interested in doing business.

Unfortunately, abuse of the grace period can be expected for as long as the grace period remains available. The grace period should be eliminated.

Another troubling finding of the GAO report is the fact that agencies are not paying interest penalties. The GAO reports that 5 out of every 6 vendors in their survey did not receive interest penalties to which they were entitled. Moreover, some offices were flatly refusing to pay interest penalties unless forced to do so by their contractors.

The Prompt Payment Act is intended to be self-enforcing. Late payments carry an interest penalty. The GAO reports, however, that fully 24 of the 39 payment centers reviewed in their study had unpaid penalties—and that 3 of the 39 centers had local policies not to pay interest unless the vendors asked for it.

Mr. President, if the Prompt Payment Act is to work as it was intended to work, interest penalties should be paid whenever bills are paid late. This is what the law requires now. Nonetheless, problems persist. The amendments effected by the list would make it absolutely clear that interest penalties are to be paid to contractors automatically.

In addition to these concerns, it continues to be the case that the Federal Government is taking discounts for prompt payment even when it fails to make payment in a timely fashion. The GAO reports that 18 percent of discounts taken by agencies in their sample were taken after the discount period had expired. It should not take an act of Congress to prevent this sort of abuse, but apparently it does. The act expressly would prohibit agencies from taking prompt payment discounts unless payment is made during the discount period.

I am pleased that the bill addresses the problem of payment of subcontractors on Federal construction. Subcontractors perform as much as 80 percent of the work under such contracts and have much the same problems getting paid by the prime contractors as the prime contractors have in getting paid by the Government. In fact, their problems are exacerbated by the simple fact that they are further down the path of the cash flow.

Finally, I am pleased to note that the bill makes it clear that the U.S. Postal Service is covered by the requirements of the Prompt Payment Act. This has been a particularly vexing problem for several of my constituents. It was our intent to cover the USPS when the act was first written; it will make coverage explicit.

Mr. President, the provisions in this bill are nothing more than a simple matter of fundamental fairness. It is not fair when the Government promises payment to contractors in 30 days and pays its bills in 45 days—or longer. It is not fair when the Government ignores its responsibility to pay contractors interest penalties when its fails to pay its bills on time. And it is manifestly unfair when the Government takes prompt payment discounts without making prompt payment.

The seriousness of the Federal Government's failure to implement fully the Prompt Payment Act was demonstrated clearly when the 1,800 delegates to the 1986 White House Conference on Small Business made prompt pay reform 1 of their 60 final recommendations to the Congress and the President. It should be noted that these 60 recommendations were culled from 2,232 recommendations examined and ratified at 57 State conferences. The reforms made by this legislation are necessary. I strongly support them.

Mr. President, I ask unanimous consent that the statement of Christopher R. Brewster to which I referred be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

[Senate Committee on Small Business, June 19, 1986]

Testimony of Christopher R. Brewster: The Prompt Payment Act Amendments of 1986

Mr. Chairman and members of the Committee, my name is Christopher Brewster. Although I am currently in the private practice of law with the firm of Kaye, Scholer, Fierman, Hays & Handler, I served as Chief Counsel of what was then called the Subcommittee on Federal Expenditures, Research, and Rules of the Committee on Governmental Affairs during consideration of the legislation that became the Prompt Payment Act, P.L. 97-177, and in that capacity served as one of the principal staff drafters of the Senate bill. I am pleased to have this opportunity to testify before the Committee concerning the Prompt Payment Act. I salute you and Senator Trible for your leadership in undertaking these hearings, and in sponsoring S. 2479, the Prompt Payment Act Amendments of 1986.

The Subcommittee on Federal Expenditures was charged with oversight responsibility for the Federal procurement process. When Senator Danforth assumed the Chairmanship of the Subcommittee in 1981, he directed the staff to review the procurement system to identify opportunities for reform. To that end, the staff met with all sorts and conditions of government contractors, from large multinational corporations to small mom & pop companies. In meeting after meeting—but most often in our meetings with small businesses—we repeatedly heard complaints about the problems encountered in getting the government to pay its bills on time. Contractors recited story after story of delays in obtaining payment that betrayed a shocking insensitivity on the part of the government to the hardships encountered by businesses, especially small businesses, when payments were late. To make matters worse, we were told that the Government sometimes had the gall to take "quick pay" discounts after making contractors wait weeks, or even months for payment. This anecdotal evidence was bolstered by a 1978 GAO study that found some 30% of invoices were paid late for no good reason whatsoever. All in all, the GAO estimated that $9.8 billion in Federal contracts were paid late during the six month sampling period covered by the study.

We sought explanations from government managers and were met instead with lame excuses. At one point it was suggested to use that no real problem existed because the government's late payments were balanced out by many cases where the government paid bills a good deal earlier than it had to, an argument that reminded us of something Gracie Allen might have said to George Burns, and that somehow failed to give us great faith in the government's financial managers. In short order, we became convinced that prompt payment simply was not a high priority for Federal agencies, and that no amount of administrative saber rattling or GAO studies would do anything to change the slipshod way in which the government paid its bills. Therefore, Senator Danforth, together with Chairman Weicker and some 21 cosponsors, introduced S. 1131, the Delinquent Payments Act, which became, in due time, the Prompt Payment Act. The legislation, as you know, requires the Federal government to write payment due dates into its contracts, pay its bills when due, and pay interest when it fails to pay within 15 days after the payment due date. Interest penalties are to be paid out of agency budgets.

I am very pleased, and to be honest, a little proud that the years following enactment of the Prompt Payment Act have seen a substantial improvement in the government's bill paying practices. Nonetheless, there is no question that inequities remain, and that more can and should be done to ensure that government contractors are treated fairly by their government.

I have read the transcript of the hearing that was held by Senator Trible in Norfolk concerning the implementation of the Prompt Payment Act, and I have reviewed the legislation that he introduced with Chairman Weicker, Senator Bumpers, Senator Danforth, and others, to correct abuses that persist four years after the Prompt Payment Act was signed into law.

The proposed amendments make good sense. Unfortunately, the problems identified by the witnesses at the Norfolk hearing were not unexpected when the Prompt Payment Act was first written. In large measure they stem from concessions that were made by Congress, at the urging of the Executive Branch, or from creative interpretations of the Act that simply ignore the plain language of the Act.

At the outset, I should point out that the inclusion of clearly defined payment dates in all Federal procurement contracts is absolutely critical to the success of any effort to secure prompt payment. Without payment terms in contracts, or some payment standards in generally applicable laws or regulations, the task of evaluating early or late payment, while not impossible, takes on certain metaphysical properties. As was noted in the report of the Governmental Affairs Committee on S. 1131, many of the problems associated with the government's cash management practices can be traced to nonspecific payment terms in government contracts. Indeed, the lack of clearly defined payment terms not only cost contractors money in late payments—it also costs the government money in early payments. By paying bills when due, instead of early, the GAO estimated in that 1978 study that the government could save anywhere from $900 million to $3.8 billion in foregone interest. This was a principal finding of the 1978 study, and ought not to be forgotten.

To correct these problems, the Prompt Payment Act directed the promulgation of regulations providing for payment terms in all government procurement contracts. Nonetheless, four years later, there are still no provisions in the Federal Acquisition Regulation (FAR) setting forth authority to specify payment terms. You are right, therefore, to include language in the Prompt Payment Act Amendments directing the amendment of the FAR to include provisions for payment terms, and in specifying exactly how those provisions should read. These regulations are the keystone of the effort to ensure prompt payment.

Another problem that must be addressed is the fifteen day grace period. As you know, the fifteen day grace period was not created by the Senate, but was instead put in the legislation by the House to avoid administrative problems that might be occasioned in calculating minor interest penalties when the government missed a payment date by a few days. The Executive Branch financial managers told us this grace period was essential to avoid imposing substantial costs on the government, especially as the government began to revise its payment practices to meet the requirements of the legislation. And so, a fifteen day grace period was allowed under the Act.

The fifteen day grace period was never intended to be a license to financial managers to pay bills in forty-five days instead of the thirty days typically afforded for payment, and the House report said as much. We suspected, however, that the grace period would be abused, and your hearings confirm that suspicion. Your proposal to phase out the fifteen day grace period therefore makes very good sense to me. Agencies have now had four years of experience under the Act. They should be able, on the basis of this experience, to pay their bills in the time alloted for payment without resorting to a grace period to tide them over, and your proposal to ease them into prompt payment with an eight day grace period is sufficiently generous to allow for any dislocations that might occur.

You are also right to tighten the provisions of the Act respecting receipt of an invoice, to ensure that contractors are promptly informed if an invoice is in error, and to ensure that the clock starts running against the government on receipt of a proper invoice. Since prompt payment is keyed to receipt of a proper invoice, agencies have every incentive in the world to delay receipt, or even lose an invoice, to avoid prompt payment penalties. Your proposal to declare an invoice received on the later of the actual date of receipt or five days from delivery of goods or services should deprive agencies of any effective means to avoid their responsibilities under this Act. I should note that the government has the opportunity, under your bill, to specify a longer period for acceptance of goods or services at the time the contract is written, and this is appropriate. When contractors know, up front, that they can expect delays in payment, they can build in this cost when they prepare bids. Currently, they are at the mercy of the agencies, and that is simply wrong.

You are right in making it clear, through this legislation, that payment of interest penalties should be automatic. This was the intent of the original Act. Requiring contractors to ask for interest penalties only adds insult to injury. It also plays upon the reluctance some contractors have to "rock the boat" and risk opportunities for future contracts. Moreover, since interest penalties accumulate daily, contractors are hard pressed, as a practical matter, to calculate interest penalties.

When a contractor meets the obligations of the contract and submits a proper invoice, timely payment is the law, and interest penalties for late payments are a matter of right. You are justified, therefore, not only in directly automatic payment of interest, but also in doubling the interest penalty in cases where the agency intentionally or capriciously holds back interest payments and forces the contractor to demand payment.

Finally, I think that you are right in making clear that the Act is intended to apply to progress payments. This was always the intent. The act provides for "separate payment dates for contracts under which goods or services are provided in a series of partial executions or deliveries to the extent the contract provides for separate payments for partial execution or delivery." Nonetheless, progress payments have been said to be outside of the scope of the Act. This makes no sense. It is just as important for progress payments to be paid on time as it is for any other payments to be made on time, and the government should expect to suffer penalties when it does not live up to the terms of its agreements.

Mr. Chairman, when the Prompt Payment Act was written, Senator Chiles observed that "life is full of small victories, and passage of this bill will certainly be one of them." He was certainly right. In the best of all possible worlds, it should not be necessary for Congress to pay a law in order to get the government to pay its bills on time—and it certainly should not be necessary to come back and amend the law to ensure compliance.

After all, in any procurement system there are few things as fundamental as paying bills on time. Nonetheless, the Federal procurement system being something less than the best of all possible worlds, it sometimes becomes necessary to write laws to accomplish what ought to be fundamental business practice, and this is one occasion when legislation is a necessity. I hope and trust that this legislation will find smooth passage in Congress and that the President will support it. I am willing to work with you in that effort, and to assist you in your work in every way possible.

Mr. BUMPERS. Mr. President, as chairman of the Committee on Small Business, I am pleased to join as a cosponsor of the Prompt Payment Act Amendments of 1987, which is being introduced by my good friend from Tennessee, Senator SASSER. The small business community has consistently sought vigorous enforcement of the Prompt Payment Act of 1982, ever since they won the hard-fought fight to see it enacted into law. Having had 4 years of experience under the act, they now are calling upon Congress to close loopholes and clarify certain provisions, which the executive agencies have skillfully used to deny the act's protections to many small business government contractors.

The Prompt Payment Act Amendments of 1987 make the same modifications to the Prompt Payment Act as S. 2479, which passed the Senate in the closing days of the 99th Congress but which, unfortunately, was not considered by the House. S. 2479, was introduced by Senator TRIBLE, who was then a member of the Small Business Committee, and was the product of oversight hearings conducted by our committee. These were first congressional oversight hearings conducted regarding the implementation of the Prompt Payment Act. At the time of its passage, S. 2479 had garnered 44 cosponsors, including a majority of the members of the Small Business Committee. Senator SASSER's bill, which has Senator TRIBLE as its principal cosponsor, has won even stronger bipartisan support with 56 cosponsors.

The Small Business Committee has been in the forefront of the effort to see that Government contractors, and especially small business government contractors, who have performed their contracts to the Government's satisfaction are paid in a timely fashion, or else awarded late-payment interest penalties as provided in the act. I would like to share with my colleagues, Mr. President, a brief history of the Small Business Committee's long-term dedication to prompt pay reform.

The committee held the first congressional hearing on the problem of late payments to Government contractors on June 21, 1977, almost 10 years ago. During this field hearing conducted in Portland, OR by Senator BOB PACKWOOD, businesses, large and small, vending various types of products, professional services, and construction to an array of Federal agencies, recounted the unwarranted delays which they all too routinely encountered. During the next year, the committee received and reviewed the General Accounting Office's comprehensive review of the Government's billpaying performance. That report depicted a dismal picture, with 40 percent of the Government's bills being paid late.

Senator Gaylord Nelson of Wisconsin, then chairman of the Small Business Committee, sponsored the first prompt payment reform bill, S. 2910, during the second session of the 96th Congress. Senator SASSER was a cosponsor of that bill, which was introduced on July 1, 1980, during the second session of the 96th Congress.

In the first session of the 97th Congress, Senator SASSER introduced, S. 30, on January 5, 1981. Some months later, a first meeting was held to develop a more comprehensive prompt payment improvement bill. This meeting was followed by a concerted effort by the small business community under the banner of the slow-pay coalition which resulted in the introduction of S. 1131, the Delinquent Payments Act of 1981, by Senator DANFORTH. S. 1131 had 33 original cosponsors, including Senators SASSER, WEICKER, and most of the members of the Small Business Committee. As Senator SASSER has described in this comprehensive statement, S. 1131 is the bill which became Public Law 97-177, the Prompt Payment Act of 1982.

During the most recent Congress, the Small Business Committee led the way in conducting oversight of how well the executive agencies were implementing the Prompt Payment Act. Our committee's national advisory council considered the act's implementation during its October 1985 meeting and adopted a resolution listing the most persistent problems being encountered by small business Government contractors and calling upon the Senate and House to conduct oversight hearings.

Mr. President, I ask unanimous consent to insert in the RECORD a copy of the resolution adopted by the Small business Committee's National Advisory Council on October 21, 1985.

The committee was quick to comply with the call for oversight hearings and, on December 2, 1985, Senator PAUL TRIBLE chaired a field hearing in Norfolk, VA. Based upon this hearing record, additional materials submitted to the committee by individual contractors and the associations that comprise the coalition for prompt pay, as well as OMB's reports to the Congress under the Prompt Payment Act for fiscal years 1982, 1983, and 1984, Senator TRIBLE and the committee staff prepared S. 2479, the Prompt Payment Amendments of 1986. The bill was introduced on May 21, 1986, with 20 original cosponsors, including myself, Senator WEICKER, and most of the members of the Small Business Committee. On June 19, the committee held a full-day hearing on the implementation of the Prompt Payment Act. All of the witnesses representing small business Government contractors offered strong statements of support for S. 2479. Our committee's hearing record, which totalled 623 pages, provided the basis for the consideration of S. 2479 by the Governmental Affairs Committee, and its Subcommittee on the Oversight of Government Management. As was described by Senator SASSER, S. 2479 received favorable consideration by the Oversight of Government Management Subcommittee and the full Government Affairs Committee, passing the Senate on a voice vote on October 15, 1986. At the time of its passage, it had 44 cosponsors on both sides of the aisle.

With the introduction of the Prompt Payment Act Amendments of 1987, the committee and its members will again be working hard to move this legislation to Senate passage. All but one member of the Small Business Committee are original cosponsors of the bill. Working closely with the Coalition for Prompt Pay, and the entire small business community, I intend to do whatever I can to see these vital improvements to effective implementation of the prompt payment are made a reality.

One final note, Mr. President, my friend from Tennessee [Mr. SASSER] made mention of recommendation 32, prompt pay, adopted by the delegates to the 1986 White House Conference on Small Business. I would like to ask unanimous consent that the text of recommendation 32 be printed in the RECORD. The Prompt Payment Act Amendments of 1987 go a long way to meeting the objectives of this White House conference recommendation. We may have before us a golden opportunity to enact a White House conference recommendation before August of 1987. I believe that we owe it to the honest small business Government contractor who has performed his or her obligations, and now wants to be paid in a timely fashion.

Mr. NUNN. Mr. President, the Senate approved the Prompt Payment Act Amendments of 1986 in the closing days of the 99th Congress. I cosponsored this measure, which provided necessary amendments to the Prompt Payment Act of 1982. Unfortunately, the House of Representatives failed to act on this legislation before adjourning on October 18, 1986.

I am pleased to cosponsor S. 328, the Prompt Payment Act Amendments of 1987. Hopefully, we can build on the progress made by the Senate last year when it adopted this measure.

Our intent in 1982 was straightforward: To establish guidelines for Federal agencies to pay their suppliers in a timely fashion. The prompt pay legislation was born out of the fact that the Government was in essence borrowing money free of charge from those who supplied goods and services. At that time, millions of dollars were months past due. For many small, medium-sized, and minority-owned businesses, those unpaid Government invoices caused severe hardships.

During consideration of the Prompt Payment Act, Federal agencies indicated that they did not favor the legislation. They expressed the opinion that fiscal management of the taxpayers' money mandated that invoices be held as long as possible. Unfortunately, those savings to the Government really are nonrecoverable losses to the supplier. The reluctance to pay promptly did not stop totally with passage of the 1982 act, and has been a continuing problem in the last 4 years since passage.

Certainly, many invoices are being paid much more promptly today than 4 years ago. There are, however, certain disturbing behaviors that these amendments can correct.

First of all, these amendments reiterate the intention of Congress that bills will be paid on time, in a manner congruent with the standard practices of various business sectors.

Second, the burden that business has borne is now clearly identified. The amendments ensure that the payment clock for invoices is not set back and that interest payments owed on overdue payments are made automatically.

Third, the amendments include a provision for the implementation of the act to be carried out through the Federal acquisition regulations.

Mr. President, I believe that the 1987 amendments will send a clear message to the Federal agencies that paying bills on time is clearly consistent with congressional intent and a necessary component of sound fiscal management. When Congress approved the Prompt Payment Act in 1982, we were confident that the agencies would comply with our intent.

Indeed, early indications were that payment of invoices had speeded up considerably. I am confident that these amendments will facilitate the payment of agency bills in a more timely fashion. With these practical amendments I believe we provide the necessary tools to implement in all agencies the provisions of the 1982 Prompt Payment Act. Mr. President, I urge adoption of the bill by the Senate.

RECOGNITION OF SENATOR LEVIN

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Michigan [Mr. LEVIN] is recognized for a period not to exceed 5 minutes.

Mr. LEVIN. Mr. President, I thank the Chair.

THE FAIR TRADE ACT OF 1987

Mr. LEVIN. Mr. President, last New Year's Eve, the trade figures for last November were announced. The data showed that the United States ran a trade deficit of $19.2 billion in November, the largest monthly deficit ever. Coming as it did on the last day of 1986, the announcement was a symbolic ending to another year of record-setting trade deficits. For all of 1986, our trade deficit is expected to total over $170 billion, another new record.

And while we are adding to the Guinness Book of Records, 1986 must have set a record for more tough talk on trade with fewer results than any previous year. As the mushrooming deficits continued to knock American workers out of their jobs, the U.S. Trade Representative was telling us, as recently as last October 7, that "the President's (trade) policy has achieved major progress on all fronts."

I am sorry, but I have not seen this progress. On the contrary, it is more important than ever for Congress to act.

We should be willing to work with the administration in developing trade legislation—if it is willing to work with us. A constructive first step would be for the administration to stop labelling every legislative proposal produced by Congress as protectionist.

The administration should realize that abstract terms like "free trade" and "protectionism" have little meaning in today's international economy. None of our major trading partners practice free trade. Yet our Government clings to the notion that if we continue to talk about the virtues of free trade and open markets, somehow the rest of the world will begin to practice what we preach.

The time has come for us to do more than preach. Swift and effective action is needed now to control the flood of red ink in our balance of trade—a flood that is eroding our Nation's industrial base. And an excellent way to help get the job done is to get our trading partners to start playing fair.

Secretary of Commerce Malcolm Baldrige, in testimony before the House Energy and Commerce Committee last September, estimated that unfair trading practices were responsible for up to $25 billion of the $148 billion trade deficit we ran in 1985. Why cannot we make a concentrated effort to end these unfair practices? Why cannot we break down barriers that block our goods from foreign markets—barriers like high tariffs, quotas, restrictive licensing practices, and discriminatory application of product standards? Why can we not prevent export subsidies by foreign governments that often make it impossible for U.S. manufacturers and farmers to compete on an equal basis in U.S. and third country markets? The answer is we can do all these things—if we are willing to get tough with the unfair traders.

Japan is the worst offender, although she is not alone. According to figures released last week by the Japanese Finance Ministry, Japan's trade surplus with the United States reached $51.5 billion in 1986, a 30-percent increase over 1985. Barriers are placed in front of our telecommunications equipment, auto parts, and many other things we attempt to sell in Japan. She places flat-out restrictions on our beef, lumber, and citrus products. She refuses to allow us to sell any rice in Japan at all, even though we could sell rice there at less than one-third what the Japanese Government pays for rice from Japan's 3 million rice farmers. These rice farmers utilize a huge percentage of Japan's arable land in incredibly inefficient ways.

We are told that rice is a cultural staple in Japan. Well, so are cars and steel in Michigan.

We have had years of sweet talk and rhetoric. The time is long past due to treat Japan—and other countries that run huge trade surpluses with us and discriminate against our goods—no better than they treat us.

The President has the authority under existing trade laws to fight back against unfair traders. Under section 301 of the Trade Act of 1974, for example, he is authorized to use his power to obtain the elimination of any practice and policy of a foreign country that is "unjustifiable, unreasonable, or discriminatory and burdens or restricts United States commerce." Well, our commerce is being burdened and restricted to the tune of $25 billion a year, using the figures given by the Commerce Secretary. The President should use the authority that he has, and I am introducing legislation today to ensure that he uses that authority.

This bill, the Fair Trade Act of 1987, is straightforward. It directs the President to take all actions within his power to reduce the trade deficit this year by $25 billion from the level of the trade deficit last year. He can threaten retaliation against countries that trade unfairly, to give them a strong incentive to end the unfair practice; he can engage in bilateral negotiations with those countries; and he can impose duties or quotas on their products if negotiations fail. If, no matter what he does, he fails to achieve the $25 billion reduction in 1987, then in 1988 he must take all actions necessary to reduce the value of the products and services exported to our country by the difference between the $25 billion target and the amount of trade deficit reduction he actually achieves in 1987.

Also in 1988, the bill would require the U.S. Trade Representative to estimate the cost to U.S. firms of unfair foreign trade practices. The President is directed to take the necessary actions to reduce the deficit by the amount estimated by the Trade Representative. The key word in this bill is "directed." He already has authority to take these steps now but he just has not done so. This bill will require him to do so.

This same basic procedure would be instituted for each succeeding year as well. Each year the Trade Representative would have to estimate the cost to U.S. businesses of unfair trade practices by foreign countries. This estimate would become the target for that year. The President would have to submit to Congress, by April 1 of each year a plan to achieve during that year a reduction in the trade deficit equal to the target amount. If he did not meet the target, the amount by which he fell short would carry over to the next year. During that next year, he would then be doing two things: working to reach the target for that year; and reducing the value of products and services coming into our country by the shortfall from the previous year.

The Fair Trade Act of 1987 takes a no nonsense approach to a severe problem. We have seen our trade deficit quadruple since 1981. It is time for us to attack this problem aggressively. Our current trade policies aren't working and, as a result, millions of Americans are not working either.

This bill does not provide a total answer—it should be one of many answers. For instance, we also need to have greater productivity, better education and training, reduction of the Federal budget deficit, and a fairer sharing with our allies of the burden of national security expenditures, if we hope to significantly reduce the trade deficit. But it is absolutely crucial that we begin to get some fair play into our trade relations, and the Fair Trade Act of 1987 takes an important step toward that goal.

I ask unanimous consent that the text of the Fair Trade Act of 1987 appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Trade Act of 1987.

SEC. 2. TRADE DEFICIT REDUCTION IN 1987.

(a) Congress directs the President to take all actions within his authority, including, but not limited to, the actions described in section 301(b) of the Trade Act of 1974 as amended, that are necessary to reduce the United States merchandise trade deficit in Calendar Year 1987 by $25 billion from the level of the United States merchandise trade deficit in Calendar Year 1986.

(b) The President shall submit to the Congress a plan to achieve this reduction by no later than 30 days after the date of enactment of this Act.

(c) To the extent that the actions taken by the President in Calendar Year 1987 do not result in the requirements of subsection (a) being met, the President shall take all actions within his authority that are necessary to reduce the aggregate value of products and services exported to the United States in Calendar Year 1988 by an amount equal to the difference between—

(1) $25 billion, and

(2) the amount of the reduction in the United States merchandise trade deficit actually achieved by the President's actions under subsection (a).

SEC. 3. TRADE DEFICIT REDUCTION IN 1988.

(a) Congress further directs the President to take all actions within his authority that are necessary to reduce the merchandise trade deficit in Calendar Year 1988 by an amount equal to the monetary cost to the United States firms of unfair foreign trade practices in Calendar Year 1987 as estimated by the United States Trade Representative (hereinafter referred to as the "1987 target amount").

(b) The President shall submit to the Congress a plan to achieve this reduction by no later than April 1, 1988.

(c) To the extent that the actions taken by the President in Calendar Year 1988 do not result in the requirements of subsection (a) being met, the President shall take all actions within his authority that are necessary to reduce the aggregate value of products and services exported to the United States in Calendar Year 1989 by an amount equal to the difference between—

(1) the 1987 target amount, and

(2) the amount of the reduction in the trade deficit actually achieved by the President's actions under subsection (a).

SEC. 4. TRADE DEFICIT REDUCTION AFTER 1988.

(a) For each year after 1988, the President shall take all actions within his authority that are necessary to reduce the merchandise trade deficit by an amount equal to the monetary cost to United States firms of unfair foreign trade practices in the preceding year (hereinafter referred to as the "target amount"), as estimated by the United States Trade Representative.

(b) For each year after 1988, the President shall submit to the Congress by April 1 of that year a plan to reduce the merchandise trade deficit by the target amount.

(c) For each year after 1988, if the actions taken by the President under subsection (a) do not reduce the merchandise trade deficit by the target amount, the President shall, during the following year, take all actions within his authority to reduce the aggregate value of products and services that would be exported to the United States in that year by an amount equal to the difference between—

(1) the target amount for the preceding year, and

(2) the amount of deficit reduction actually achieved by the President's actions under subsection (a) during the preceding year.

Mr. LEVIN. Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. CHILES address the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

FACING FACTS: THE CONGRESSIONAL BUDGET OFFICE REESTIMATES OF THE DEFICIT

Mr. CHILES. Mr. President, the Congressional Budget Office has produced preliminary reestimates of the budget deficit for the current fiscal year, and for the deficit included in the administration's budget for fiscal 1988.

When Congress adjourned last year, the budget deficit was assumed to be $150 billion, short of the $144 billion target for fiscal year 1987 under Gramm-Rudman-Hollings, but within the cushion that allowed us to avoid sequester. CBO now tells us the deficit is actually $175 billion, or more than $25 billion higher than estimated in November.

When CBO reestimated the $108 billion deficit assumed in the administration's fiscal 1988 budget, it turned out to be somewhere between $135 and $140 billion.

Mr. President, I ask unanimous consent that the letter we received from the Congressional Budget Office be printed in the RECORD at this point in my statement.

There being objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, January 20, 1987.

Hon. LAWTON CHILES,
Chairman, Committee on the Budget, Washington, DC.

DEAR MR. CHAIRMAN: Our preliminary analysis of the President's budgetary proposals for FY 1988, using CBO's baseline economic and technical estimating assumptions, indicates that the budget deficit under Administration policies would be within the range of $135 billion to $140 billion. This is $27 billion to $32 billion higher than the President's budget estimate of $107.8 billion, and $29 billion to $34 billion lower than CBO's preliminary baseline deficit estimate of $169 billion.

Revenues for FY 1988 are about $11 billion lower than estimated by the Administration, mostly because of different economic assumptions. Outlays are $16 billion to $21 billion higher, largely the result of technical estimating differences. In contrast to last year's budget, CBO's estimate of defense outlays under the President's 1988 budgetary proposals is very close to the Administration's. This year, our major technical estimating differences are spread among many program areas, including farm price supports, Medicare and Medicaid, net interest, transportation, and income security programs.

As you noted in your January 15 letter, we will not be able to complete our analysis of the President's budget until a few weeks after the remaining budget documents are transmitted to the Congress. Our preliminary analysis, therefore, is fairly rough and subject to change. We have not been able to get details on a number of Administration proposals, and there are a number of other questions relating to differences between the CBO baseline projections and the OMB current services estimates. For example, the CBO baseline and our preliminary reestimate of the President's budget assumes that advance farm deficiency payments will be made again in 1988. However, these are not included in the OMB current services estimates nor in the President's budget. As of yet, we are not aware of a firm policy statement by the Administration that these payments will not be made in 1988. If these payments are not made, the budget deficit would be about $3 billion lower.

Our estimate of the 1988 on-budget deficit under the Administration's policy proposals is $171 billion to $176 billion, with an off-budget surplus of $36 billion. The estimated savings from the CBO baseline deficit for proposals which the President's budget has labeled "revenue changes" is about $18 billion.

I hope that this information is useful to you.

With best wishes,
Sincerely,
RUDOLPH G. PENNER,
Director.

Mr. CHILES. The deficit evidence tells us we are missing the targets, and in terms of the opportunities open to us for rebuilding our economic power, we are missing the boat.

We are only a week or so away from the President's State of the Union Address. Judging from the budget already submitted to Congress, it is not hard to guess the general message. It will be upbeat. It will tell us things are fine, and the future looks good. It will likely say we can rid ourselves of the deficit with continued spending cuts alone, and make it clear that the only way to cut the deficit is the way we've been trying for the past 6 years.

In view of the CBO deficit reestimates, this is a good time to take a look at one of the notions that has prevented genuine progress on the deficit. We are told there are certain things that cannot be done, because the White House will not go along.

It seems to me we must stop asking ourselves what Washington power sources will accept, and ask instead what the public itself wants. First off, they want the budget balanced. No more excuses or phony numbers. They know there's a problem and they want it solved. We start with a 25-percent mismatch between spending and revenues. If you asked them, chances are they would say they do not want a 25-percent cut in Medicare or a 30-percent cut in education.

When we face the facts, we find a giant task ahead. The baseline deficit is $61 billion above the Gramm-Rudman-Hollings limit. The President has proposed only $33 billion of deficit reduction, and only $11 billion is on the spending side. Of the $19 billion of domestic cuts, $17 billion are retreads of previously rejected policies.

My guess is the public would not put up with a 25-percent cut in national defense, a massive cut in Social Security, or a tremendous drop in funds to maintain our highways. And it does not take a crystal ball to understand they do not want an instant 25-percent leap in taxes.

The administration's budget reduces domestic spending by $19 billion, while increasing military spending by $8 billion. More than half the savings in the administration's budget come from revenues. What we have here is a tacit admission that the deficit cannot be erased with spending cuts alone, but no boldness to squarely face the fact that the budget must be a balanced blend of the spending cuts and revenues.

Without that blend—which, after 6 years, we have yet to even try—Washington will keep tricking itself into thinking we have cut the deficit, only to find the trick is on us when the reestimates are in. And who pays for this self-deception? Today's worker who loses a job to foreign competition. Tomorrow's youngster who cannot get a college education. The offspring of several future generations who rather than make their own plans, must pay our debts.

Mr. President, America must compete in the world for everything we get. Expect to hear the word "competition" in the President's State of the Union. But once it has been said, look inside the budget again to see what has been done to make it a reality.

We can no longer pretend speeches alone will keep the wolf from the door. We can no longer pretend the deficit is smaller and the future better as if wishing can make it so. Only work can make it happen.

Soon after the President delivers the State of the Union, perhaps we can all sit down and examine the set of facts before us. Only then can we make plans where promise and performance become one in the same thing.

CBO WEEKLY SCOREKEEPING REPORT AS OF JANUARY 9, 1987

Mr. CHILES. Mr. President, I hereby submit to the Senate the initial budget scorekeeping report for the 100th Congress, prepared by the Congressional Budget Office. This report also serves as the scorekeeping report for the purposes of section 311 of the Congressional Budget Act, as amended.

This report reflects congressional action on the fiscal year 1987 budget through January 9, 1987. All budget authority, outlay, and revenue estimates in this report have been revised to be consistent with estimates used by the Congressional Budget Office in preparing its baseline. These estimates may be revised when CBO finalizes its baseline, or at other times during the year.

I further submit a committee by committee reestimate of current level spending. Because of this reestimate, current level estimates for some committees have increased while others have decreased.

This reestimate does not change the status of a potential pay increase supplemental. The Appropriations Committee set aside $373 million in outlays and did not allocate this to their subcommittees, an example of sound budgeting practices. For purposes of current level, CBO has already accounted for this amount because a 3-percent pay increase has already been enacted. Thus, a point of order will not lie on a pay supplemental, up to the amount of $373 million.

Beyond the amount reserved for a pay increase, there is $339 million in budget authority and $44 million in outlays which have been scored for entitlement authority and other mandatory items requiring further appropriation action. This amount is available for specific mandatory programs, and is not available to the Appropriations Committee for other purposes.

The highway transportation bill passed by the Senate last year (S. 2405) is within the spending levels established last year. This bill is unlikely to be subject to a point of order regarding current year spending. The bill carries budget authority, but will not have outlays associated with it because the outlays have already been scored against the Appropriations Committee. The budget authority is not expected to exceed the 302(b) allocation to the Senate Environment and Public Works Subcommittee on Transportation; nor will it exceed the available budget authority in total. The Environment and Public Works 302(a) allocation may be exceeded by the bill due to technical reestimates of earlier spending by other subcommittees, but there is no point of order against this.

I know of no other bills besides the highway transportation bill which were contemplated in the budget resolution, not yet enacted, and whose status will be changed by the reestimate.

With the reestimate, the current level is $13.4 billion over the budget resolution in outlays, and under by $14.4 billion in budget authority. Members should be aware that any bills brought forward which increase outlays will require offsets because the Congress' total allocation has already been breached. Bills which do not have offsets will be subject to a point of order, which will require 60 votes to waive.

The projected fiscal year 1987 deficit is $174 billion according to baseline estimates from CBO. This is $30 billion above the Gramm-Rudman-Hollings target, and $24 billion higher than CBO estimated in October when the 99th Congress ended. Some of us, even at that point, questioned whether a projection of $151 billion was realistic; time has proven that concern to be valid.

As the Budget Committee chairman, I know that there are many worthy projects which the Senate could contemplate funding before fiscal year 1988 begins. Yet, we have promised the country we will reduce the deficit. I am confident I can count on the Members of the Senate to support our commitment. If new crises emerge, the Budget Act simply provides that we face the facts and either provide offsets for deficit neutrality, or waive the act and raise the deficit.

Mr. President, I ask unanimous consent to have printed in the RECORD the CBO Weekly Scorekeeping Report for the U.S. Senate along with the covering letter from the CBO.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, 20515, January 12, 1987.
Hon. LAWTON CHILES,
Chairman,
Committee on the Budget,
Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1987. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution, S. Con. Res. 120. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32 and is current through January 9, 1987. The report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

At your request this report incorporates the latest CBO economic and technical estimating assumptions issued on January 2, 1987.

This letter is my first report on Congressional budgetary action for the 1st session of the 100th Congress.

With best wishes,
Sincerely,
RUDOLPH G. PENNER,
Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 100TH CONGRESS, 1ST SESSION, AS OF JAN. 9, 1987

[Fiscal year 1987—In billions of dollars]

	Current level[1]	Budget resolution (S. Con. Res. 120)	Current level +/— (Resolution)
Budget authority	1,079.0	1,093.4	—14.4
Outlays	1,008.4	995.0	13.4
Revenues	833.9	852.4	—18.5
Debt subject to limit	2,214.6	[2]2,322.8	—108.2
Direct loan obligations	42.5	34.6	7.9
Guaranteed loan commitments	140.5	100.8	39.7

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,299 billion (Public Law 99-509).

FISCAL YEAR 1987, SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 100TH CONGRESS, 1ST SESSION, AS OF JAN. 9, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			833,855
Permanent appropriations and trust funds	720,451	638,771	
Other appropriations	542,890	554,239	
Offsetting receipts	—185,071	—185,071	
Total enacted in previous sessions	1,078,269	1,007,938	833,855
II. Enacted this session			
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Special milk	6	3	
Compensation	173		
Readjustment benefits	9		
Federal unemployment benefits and allowances	33	33	
Advances to the unemployment trust fund	(3)	(3)	
Payments to health care trust funds	(224)	(224)	
Family social services	110		
Medical facilities guarantee and loan fund	5	4	
Payment to civil service retirement and disability fund	(33)	(33)	
Coast Guard retired pay	3	3	
Civilian agency pay raises	358	373	
Total entitlements	697	417	
Total current level as of January 9, 1987	1,078,966	1,008,355	833,855
1987 budget resolution (S. Con. Res. 120)	1,093,350	995,000	852,400
Amount remaining:			
Over budget resolution		13,355	
Under budget resolution	14,384		18,545

Note.—Numbers may not add due to rounding.

AUTHORIZING COMMITTEE 302(a) ALLOCATIONS COMPARED TO CURRENT LEVEL

[In millions of dollars]

Committee	Budget resolution 302(a)		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Appropriations[1]	559,600	560,700	556,120	562,545	(3,480)	1,845
Agriculture, Nutrition & Forestry	22,041	24,119	30,465	29,869	8,424	5,750
Armed Services	44,642	29,395	40,106	28,691	(4,536)	(704)
Banking, Housing & Urban Affairs	3,665	(2,482)	2,727	5,656	(938)	8,138
Commerce, Science & Transportation	103	(1,530)	1,752	581	1,649	2,111
Energy and Natural Resources	(1,604)	(2,098)	1,545	1,133	3,149	3,231
Environment and Public Works	14,559	556	6,056	1,211	(8,503)	655
Finance	565,815	526,512	552,579	512,461	(13,236)	(14,051)
Foreign Relations	11,532	9,213	8,081	9,059	(3,451)	(154)
Governmental Affairs	59,468	38,160	58,448	38,095	(1,020)	(65)
Judiciary	552	479	639	568	87	89
Labor and Human Resources	3,619	1,953	3,468	2,006	(151)	53
Rules & Administration	46	28	46	28	0	0
Veterans Affairs	1,718	1,414	1,717	1,413	(1)	(1)
Indian Affairs	498	431	505	389	7	(42)
Small Business	(247)	(287)	43	(19)	290	268
Unassigned to Committee	(192,357)	(191,263)	(185,331)	(185,331)	7,026	5,932
Totals	1,093,350	995,000	1,078,966	1,008,354	(14,384)	13,355

[1] Adjusted pursuant to Public Law 509.

THE TRADE DEFICIT

Mr. CHILES. Mr. President, I would like to say that I am going to be listening very, very carefully to the President's State of the Union Message. What I hope I will hear during that message is that the President is going to call on the leadership of the Congress—the Speaker, the majority leader, the chairman of the Budget Committee in the House and the ranking member, and in the Senate the chairman and ranking member of the Finance Committee, and the House Ways and Means Committee at least, and perhaps ranking members of the Appropriations Committee, and that he is going to call them together, insist that we sit down, and work out a budget that will be on a declining basis that we know will get us to a balance within 4 or 5 years so we can deal with this horrendous fiscal deficit that we have so that we can get the trade deficit under control.

I think we sorely need the President's leadership now. I am going to be listening very carefully and hopefully to that State of the Union Message and hope that that is the message we receive.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

FORMER SENATOR ALTON LENNON DIES AT 80 IN WILMINGTON

Mr. HELMS. Mr. President, 3 days after Christmas 1986, a former member of the U.S. Senate died at Wilmington, NC. The distinguished Alton Asa Lennon, 80, was sworn in as a Senator on July 15, 1953, and served until November 9, 1954. He later served 16 years in the U.S. House of Representatives, beginning on January 8, 1957, when the 85th Congress convened.

Only two Senators here today were present when Alton Lennon came to the Senate in 1954—the distinguished President pro tem [Mr. STENNIS] and I. I was not then a Senator, of course. I was Senator Lennon's administrative assistant, having come to Washington a couple of years earlier to serve in that capacity with Senator Lennon's predecessor, Willis Smith, who died in office in June 1953.

I mention this merely to illustrate how the passage of time, and not a great deal of it, changes so many things in the Senate. However, the purpose, meaning, and traditions of the Senate remain remarkably unchanged.

Mr. President, Alton Lennon was a truly inspiring North Carolinian. He was a man unswerving in his principles, unfailing in his courage, and unyielding in his dedication to America. He was not quite 47 when he took his oath of office as Senator in 1953. He was wise, articulate, and always a model of civility. The following year, when he lost his bid to be nominated for the Senate in his own right, he won the admiration of his fellow North Carolinians for the grace in which he accepted the verdict of the voters.

Alton Lennon was a gentleman—in victory and in defeat. He had the love and support of a splendid family—his wife, Karine Welch Lennon, two fine children, and six grandchildren.

On December 30, I attended the graveside services in Wilmington for Senator Lennon, as did hundreds of others. I thought of this man's devotion to God and country, and his tireless and fearless career. All his life he worked and sacrificed to preserve the strength and freedoms of this great land.

Mr. President, I feel it appropriate to have two items included in the RECORD at the conclusion of my remarks. One is a letter I received from my longtime friend, Harry Gatton, a prominent North Carolinian now retired as executive vice president of the North Carolina Bankers Association. The other is a news report about the death of Senator Lennon. I ask unanimous consent that these two items be printed in the RECORD as previously stated.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 8, 1987.

Hon. JESSE HELMS,
U.S. Senate, Washington, DC.

DEAR JESSE: The death of the Honorable Alton A. Lennon stirred many pleasant memories of the high quality of his life, both in private and public affairs. In his service as a United States Senator and a Member of the U.S. House of Representatives, he never wavered in the practice of ethical and honorable ways. This was true of his life as a member of the North Carolina State Senate and in all places of public trust.

Another admirable feature of his life was his loyalty to his family and friends, kindly in disposition, unswerving in support of principle, and slow to condemn for political advantage.

Even in his days of declining health he had an abiding love for friends, sharing generously with his time and good humor. He never sought public acclaim, but it was given to him, for his modesty and sincerity appealed to the people who returned him to the Congress until his voluntary retirement. His devoted wife Karine and family members shared his life of public service without rancor and with the special grace that families of political leaders must have to undergo the rigors of public life.

Those of us who worked with him are grieved at the passing at age 80 of a statesman, but we are strengthened by the life and character and the noble heritage that he left.

Respectfully,
T. HARRY GATTON.

[From the Wilmington (N.C.) Star-News, Dec. 29, 1986]

FORMER U.S. SENATOR ALTON A. LENNON DIES

Alton Asa Lennon, a former U.S. Senator and member of Congress from Wilmington known as one of North Carolina's most conservative representatives, died Sunday. He was 80.

Lennon retired from Congress in 1972 after 16 years. He also had served a year in the U.S. Senate and four years in the N.C. General Assembly.

Although a Democrat, Lennon campaigned for conservative Republican, Sen. Jesse A. Helms in 1978.

Lennon, whose 7th District constituency was about half blacks and Indians, consistently voted in Congress against civil rights and social legislation.

He was the only Southerner in 1966 to vote against citing seven Ku Klux Klan leaders for contempt of Congress. He cited technical reasons.

In 1966, Lennon urged the bombing of North Vietnamese ports and in 1967 called for the Justice Deparment to prosecute Stokely Carmichael for making anti-draft statements.

Lennon also supported development of the State's coastal resources and port improvements at Wilmington.

He served as a member of Armed Services Committee, Merchant Marine and Fisheries Committee, board of visitors to the U.S. Coast Guard Academy and was chairman of the subcommittee on oceanography.

A graduate of the Law School at Wake Forest College, Lennon began his political career as a judge in New Hanover County, serving from 1934 until 1942. He also served two terms as a state senator from the 9th District.

Lennon was appointed to the U.S. Senate in 1953 by Gov. William B. Umstead to fill a vacancy created by the death of Willis Smith. Lennon ran for the seat in 1954 but was defeated by former Gov. W. Kerr Scott.

Two years later, Lennon won a bid for Congress. It was the first of eight terms.

Lennon died at Cape Fear Memorial Hospital.

Graveside funeral service is 11 a.m. Tuesday at Oakdale Cemetery in Wilmington.

Surviving: wife, Mr. Karine Welch Lennon; daughter, Mrs. Lewis R. Frost III; son. Alton Yates Lennon; six grandchildren; a great-grandchild.

Mr. DOLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The distinguished minority leader is recognized.

DESIGNATING RANKING MEMBERS ON CERTAIN SENATE COMMITTEES FOR THE 100TH CONGRESS

Mr. DOLE. Mr President, I ask unanimous consent that I may be recognized to offer a resolution and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The clerk will report the resolution

The assistant legislative clerk read as follows:

A resolution (S. Res. 72) designating the ranking members on certain Senate committees for the 100th Congress.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 72) was agreed to, as follows:

S. RES. 72

Resolved, That the following Senators are designated as the ranking Members on the following committees:

Committee on Agriculture, Nutrition, and Forestry: Mr. Lugar.

Committee on Appropriations: Mr. Hatfield.

Committee on Armed Services: Mr. Warner.

Committee on Banking, Housing, and Urban Affairs: Mr. Garn.

Committee on Commerce, Science, and Transportation: Mr. Danforth.

Committee on Energy and Natural Resources: Mr. McClure.

Committee on Environment and Public Works: Mr. Stafford.

Committee on Finance: Mr. Packwood.

Committee on Foreign Relations Mr. Helms.

Committee on Governmental Affairs: Mr. Roth.

Committee on the Judiciary: Mr. Thurmond.

Committee on Labor and Human Resources: Mr. Hatch.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I thank the distinguished majority leader.

TIME LIMITATION AGREEMENT—AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE TO H.R. 1

Mr. BYRD. Mr. President, I ask unanimous consent, and I understand this has been cleared on the other side of the aisle, that the time on the amendment by Mr. DOLE on tomorrow be limited to not to exceed 40 minutes to a side and that the time be under the control of the two leaders or their designees.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I also ask unanimous consent that on the second and third votes tomorrow the time be limited to 10 minutes each for the rollcalls and that the warning bell be sounded at 7½ minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. I thank the Republican leader for his cooperation.

SENATOR MALCOLM WALLOP

Mr. SYMMS. Mr. President, one of the privileges I had in my first 6 years in this body was to be a member of the Senate Finance Committee and become acquainted and work closely with my good friend and distinguished colleague from the State of Wyoming, Senator WALLOP, who has been a most able and effective member of that committee. We worked together during the first 2 years, particularly in 1981, with respect to estate taxes. We worked on many other issues through these last 6 years that dealt with resource production and trying to keep America competitive. It was a real privilege for me to have Senator WALLOP as a friend and a colleague; he is a very able Member of this body. I was quite pleased this morning when I looked at the back page of the Wall Street Journal and noticed that David Shribman, an excellent journalist with the Wall Street Journal staff, had written a very in-depth, brief but very good article on Senator WALLOP. I think it deserves review by all our colleagues so we can know some of the background behind the important issues from whence our colleague comes. I ask unanimous consent that this article, which I think is an excellent article and I would urge my colleagues to look at it, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal Jan. 20, 1987]

WYOMING'S WALLOP VEERS TO THE RIGHT IN SENATE, DRAWING ACCOLADES FROM CONSERVATIVE COLLEAGUES

(By David Shribman)

WASHINGTON.—As a young man he advocated a sort of agrarian socialism. A dozen years ago he ran as the moderate in a four-way race for the Republican gubernatorial nomination in Wyoming. Today Sen. Malcolm Wallop, once one of the great unknowns of the Senate, is emerging as one of the next superstars of the right.

Now the man who once was overshadowed by his Wyoming colleague Alan Simpson, the GOP whip, is a candidate to head the Central Intelligence Agency and is winning the strongest accolades of the right. "The Winston Churchill of his time," says Sen. William Armstrong of Colorado, a leading conservative Republican. "The principal anti-communist geo-strategic spokesman in the Senate," says Howard Phillips, chairman of the Conservative Caucus.

"My gosh," asks Richard Viguerie, a New Right leader, "where has this guy come from?"

This change in Malcolm Wallop has been occurring since his first days here, far from the cattle and horses on his ranch in a northern Wyoming town called Big Horn. But the pace has accelerated from a gentle canter in 1977 to a furious gallop in recent years, and now he is the darling of hard-line conservatives and a source of bewilderment to some of his Capitol Hill colleagues.

Lawmakers often adjust their positions in the course of a congressional career, but usually these changes take the form of mid-course corrections that prompt a legislator to drift into one ideological camp or another. Seldom do they catapult a political figure onto a fringe on the ideological spectrum, as Sen. Wallop's transformation has done.

"A PASSION UNALLOYED"

"It's not only the positions he takes but the vehemence of them that surprises us," says a Democratic lawmaker who regularly opposes Mr. Wallop. Sen. Simpson, who served with Mr. Wallop in the Wyoming Legislature, notes: "He burns with a passion unalloyed."

Today Sen. Wallop luxuriates in being one of the early backers of a laser antimissile defense and is pressing for early deployment of the Strategic Defense Initiative. He appears on the dais at conservative dinners along with former chief United Nations delegate Jeane Kirkpatrick, Sen. Jesse Helms (R., N.C.) and Patrick Buchanan, the White House communications director. He's regarded as a comrade-in-arms of Rep. Jack Kemp, who is seeking the GOP presidential nomination. He has even criticized President Reagan for paying "ransom" to the Soviet Union to win the release of U.S. News & World Report correspondent Nicholas Daniloff.

"A lot of people go to Washington and become liberals," says Tyler Dodge, a Wallop admirer in the Wyoming ranching community of Wheatland. "He absolutely didn't do that."

The lawmaker from Wyoming who is making a reputation as a maverick from the right in Washington once was a maverick of an entirely different sort in the state Legislature in Cheyenne.

"He wasn't a conservative in the early days," says Kendall Stewart, a political activist who worked with him in the 1970s. He was, instead, a strong environmentalist, "wildly independent," in the words of another former associate, from the rest of the state's Republicans.

"His switch has been quite dramatic, and people seem to like it out here," says Oliver Walter, a political scientist at the University of Wyoming. "You don't run the risk of being undercut in Wyoming by becoming more conservative."

AT THE INTELLIGENCE PANEL

Mr. Wallop, whose ancestors include a British lord, was born in New York City and educated at Yale and didn't come to hard-line conservatism naturally. From a generally moderate Republican, he moved to the genteel conservatism of his forebears and then even farther to the right.

This transformation began with the education of Malcolm Wallop in the Senate Intelligence Committee in 1977. "The more I examined," he says, "the more unsettled I became that conventional wisdom was costing this country."

Mr. Wallop, from a state that is home to MX and Minuteman missile installations, began to examine his assumptions about arms control (it was "good," he thought) and about the Soviets (who could be contained, he thought). He came to believe that the U.S. was more eager to explain away Soviet behavior than to influence it—or stop it.

"We are naive because we refuse to examine what the Soviet Union is," he says. "We refuse to examine what arms control failed to do even before World War II. We fail to see the Soviets' relentless push to expand their horizons. It's been going on steadily since World War II and we're constantly looking for an excuse for them."

Mr. Wallop was having little impact in his Senate work on domestic issues; he's a traditional conservative whose accomplishments were modest and concentrated in the areas of public lands and resource management. He even confused expensing for intangible drilling costs with the oil depletion allowance during the consideration of tax overhaul.

But his pebbles in the pond of foreign and defense policy began causing ripples. People began to notice Malcolm Wallop.

A vigorous defender of aid to the Nicaraguan rebels, he once argued that Americans "don't have the stomach for helping people fight for freedom." He emerged as a leading advocate for deploying the MX missile. And he opposed continued U.S. adherence to the SALT II agreement, which never was ratified.

"The SALT agreements have not constrained the Soviet buildup," he said in a floor speech during the June debate over the arms accord. "The few weapons they have had to dismantle were literally junk compared with the modern systems that replaced them."

Then during the debate over sanctions against South Africa, Sen. Wallop raised the specter of communist control of the region. He argued that a Soviet base in South Africa would "cut us off from secure links to the Indian Ocean and prevent shipment of oil to the West" past the Cape of Good Hope.

Mr. Wallop, for years somewhat ill at ease in the Senate, has found a role and a new set of political allies. He's espousing views he calls "peculiarly anti-social" and is finding sociability in doing so.

"I'm a rancher with a feed lot and I have an open microphone," he says. "I'm having a great time."

CONGRATULATIONS TO THE PENN STATE FOOTBALL TEAM

Mr. SPECTER. Mr. President, the Penn State Nittany Lions, in one of the most exciting football games ever played, defeated the Miami Hurricanes, 14 to 10, for the National Collegiate Football Championship of the 1986 season. Underdogs but undismayed, the Lions displayed what have become the hallmarks of their teams—discipline, determination, and defense—in stopping the Hurricanes at the 5-yard line in the waning seconds of the game. In so doing, Penn State, for the second time in 5 years, rose to the pinnacle of achievement in college football.

During this same season, Joe Paterno, Penn State's head coach, won the highest honor in his profession when he was named "Coach of the Year" by his peers, his fellow coaches. And he was honored as "Sportsman of the Year" by Sports Illustrated magazine.

In all, it was a wonderful year for Penn State football and for Pennsylvania, my State which this great institution of higher learning represents.

Over the years, the Nittany Lions, under the tutelage of Joe Paterno, have turned out many fine football teams, which have brought honor and glory to their university. But, at the same time, Paterno has never lost sight of the most important reason why his players are at Penn State—to get a fine eduction and to graduate.

Joe Paterno has always stressed education, even to the department of his football program when he has believed it was necessary. This is why Sports Illustrated named him their "Sportsman of the Year."

It is, therefore, altogether fitting that the Senate of the United States take cognizance of the achievements of Pennsylvania State University and its great coach, Joe Paterno, and extend its heartiest congratulations on a great football season.

THE LEGACY OF GOV. GEORGE C. WALLACE

Mr. HEFLIN. Mr. President, Monday, January 19, 1987, marks the end of an era in the political arena of Alabama and of America. It signifies the end of a long chapter in the cumulated chronicles of our Nation's history. On Monday, January 19, a new Governor will take the Alabama oath of office, and the fourth term of Gov. George Corley Wallace will come to a close.

Since he was first elected to public office in 1947, George Wallace has been a political force with which to be reckoned. In his career, he has, at one time or another, seized the attention of all, and the loyalty of many. He was a cyclone of emotions. His words have stirred love and hatred—respect and disdain—and even disbelief or amazement, for he was sometimes unpredictable. Few political figures throughout the history of the world could stir his audience with emotions like he could.

Throughout his life, there has been one quality which is apparent in each of his endeavors, and in every challenge he has faced. He was a fighter.

Even from an early age, George Corley Wallace has always been a fighter. He carried this pugilistic style from his youthful stint as a Golden Gloves champion to every phase of life and career—as a legislator, as a circuit judge, as a frequent candidate for Governor, through an unprecedented four terms as Governor, and as a Presidential candidate. Since he was crippled in a 1972 assassination attempt, Wallace's fight against adversity and pain has, perhaps, been his greatest challenge, and his crowning glory. He has been hit, but never knocked out. He has been bruised, but never beaten. He has never conceded. He has never given up. In whatever he has done, he has possessed a courage that has enabled him to affirm his convictions.

Throughout Wallace's life and career, he has fought always for populist causes. His passion for the working man has solicited comparisons between Huey Long and himself. It has been said that he anticipated the current sentiments people feel against big government, the Federal bureaucracy, and the "Washington crowd."

Wallace's desire and efforts to improve the lot of the working person have continued throughout his public service. Populism is a part of his legacy. One of the first pieces of legislation that he ever sponsored in the legislature was the 1947 Wallace Act, for use in attracting industry to the State to provide jobs. He was also a strong supporter of education. He advocated a policy, which he has followed throughout his tenure as Governor, of providing a quality education to each Alabamian who wanted it. Governor Wallace envisioned and implemented a program to provide a trade school or junior college within reasonable driving distance of every area of the State. While Governor, he increased teachers' salaries in the State from a national ranking of 48th to a ranking of 27th.

Wallace also had a goal to improve health services in Alabama. He supported funding of the effort to make the University of Alabama at Birmingham the premier health care facility in the South, which it is today. Another contribution that Wallace made was the highway system of Alabama. His intent was to provide every farmer with access to a highway by which to carry produce to market.

George Wallace's legacy is a difficult one to define. Though all remember his fervent resistance to integration symbolized by his stand at the schoolhouse door, a description of his legacy would be incomplete without a chapter on his change. In recent years, he accepted desegregation and has not closed doors, but, rather, has opened doors of opportunity to people of every race. One must have heart to change. He did.

An account of George Wallace's legacy would be also incomplete without the realization that he focused attention on many issues of national importance, including segregation. He made people across the Nation choose between integration and segregation, by bringing the issue of the forefront of national attention. The Nation chose integration. In a way, he unknowingly helped to expose segregation for what it was—an ugly, unfair prejudice which had to be eliminated. Today, I believe he is glad he did.

Governor Wallace will be departing the political scene on Monday, but we have not heard the last of him. His writings and sayings will continue to attract the attention of the media and of historians for many years to come.

To George Wallace, I say good luck, and may the Good Lord fill your heart with goodness and joy.

STARS AND STRIPES WINS THE PENULTIMATE SERIES

Mr. PELL. Mr. President, the odds of recovering the America's Cup just incrased from about 25 percent to at least 50 percent with the victory of *Stars and Stripes* yesterday off Freemantle, Australia.

Those odds, however, do not take into account the determination and the consummate skill of Dennis Conner and his crew. They are on a winning streak that is sure to weigh the odds in their favor.

It has been said many times that watching an America's Cup is about as exciting as watching grass grow. Nothing could be have been further from the truth in the final series to select the challenger.

Stars and Stripes won the best of seven series by 4 to 1 with superior tactics, design and sailing skill. Their one loss in the series occurred when an equipment failure dumped a spinnaker.

Dennis Conner and his crew now have won the right to race against Australia's defender for the America's Cup. Their triumph also has brought them other honors as the challenger.

Among those honors are the Louis Vuitton Cup and the Pell Cup—an award originated by my father, Herbert C. Pell, for the challenger. Regardless of how Dennis Conner fares in the final series, he will hold the Pell Cup until the next America's Cup competition.

Dennis Conner and the entire *Stars and Stripes* effort deserve our congratulations and our best wishes for a successful challenge. When they bring home the America's Cup, I know they will have earned it.

As a resident of Newport, RI, where the America's Cup races had been held for many decades, I hope Dennis Conner not only will win the America's Cup but that he will decide to bring the races back to Newport.

For decades, the America's Cup has been one of Newport's premier attractions and the city's officials and residents have worked hard to show their appreciation. We offer years of skill in preparing and staging this most prestigious contest of sailing skill.

I know I speak for all Rhode Islanders when I wish Dennis Conner well. We will be watching closely and hoping that his skill and perseverance will pay off with another triumph in the America's Cup final series.

CONCLUSION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. SANFORD). Is there further morning business? If not, morning business is closed.

WATER QUALITY ACT OF 1987

The PRESIDING OFFICER. The Senate will now resume consideration of the unfinished business, H.R. 1, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1) to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Time for debate on this bill is limited to 3 hours to be equally divided and controlled by the majority and minority leaders or their designees.

Mr. BYRD. Mr. President, under the order, the two leaders or their designees having control of time for debate on this measure, I designate Mr. MITCHELL to control my time.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, I rise in strong opposition to the substitute amendment, which I believe would weaken the Water Quality Act.

The proposed amendment would substitute a bill developed by the Reagan administration for the bill agreed to by a House-Senate conference committee and passed unanimously by both Houses of Congress late in the last session.

I repeat: unanimously. Every Member of Congress, House and Senate, Democrat or Republican, who voted on the clean water bill voted for it. That is the bill that is pending, and that is what the amendment seeks to replace.

We will hear a great deal about money in this debate. Much of our discussion will be about whether the funding level for assisting communities throughout this country in construction of sewage treatment facilities in our bill is too high or too low.

The primary difference between the bill approved by Congress last year and the administration bill is the authorization for assistance to communities for construction of sewage treatment plants. Our bill includes an authorization level of $18 billion over 9 years. The administration proposes a funding level of $12 billion.

There are several reasons to stick with the $18 billion figure in our bill.

First, the authorization level in our bill is small compared to the total cost of construction of needed facilities.

The EPA conducts a survey of national sewage treatment needs every 2 years. The 1984 Needs Survey identified total needs as $108 billion. This is the estimate of all treatment works needed by the design year of 2000. Of that, $60 billion was cited as the cost of construction for those portions of treatment projects eligible for Federal grant assistance.

The EPA is just now finishing its updated 1986 Needs Survey. This new survey indicates that total needs are somewhat smaller than estimated in 1984. The total need by the design year 2000 is around $75 billion, while the cost of grant eligible portions of projects is about $45 billion. I should note that a number of States have challenged this estimate as being too low.

But, more important, even this new estimate is still well above the funding level provided in our bill. If we were simply trying to provide for identified needs, a convincing case could be made that the authorization, in this bill should be dramatically increased rather than decreased.

We are not, however, simply trying to address needs. We sought an authorization level which was consistent with commitments we made in previous reauthorizations of the Clean Water Act and which was consistent with the need to control Federal spending—a need we all agree is imperative.

Mr. President, it is important in understanding this issue to look briefly at the history of the Federal Water Pollution Control Program, with specific reference to the change in the program that occurred early in this administration.

In 1948, the U.S. Government began, for the first time, a national program for control of pollution of our Nation's waters. The American people were disgusted by the fact that many major American rivers were not fit for swimming, fishing, or boating. Indeed, in many cases, you could smell an American river before you could see it.

From 1948 to 1972, a modest Federal program existed to stem the tide of water pollution, with limited success.

In 1972, largely through the efforts of my predecessor, Senator Muskie, the Congress passed what is the modern version of the Clean Water Act, which significantly increased the Federal effort to prevent pollution of our Nation's waters. It also significantly increased our success in cleaning up our water. As a result of that initiative, the Federal investment in clean water rose dramatically, reaching a peak of $5 billion a year in 1979 and 1980.

The results are clear. They are there for every American to see. Every State in the Union has cleaned up many of its rivers and lakes. Americans can now fish and swim and boat and enjoy thousands of bodies of water in which they once could not do such things. Clean water has been one of the most successful and effective Federal programs ever instituted.

In 1981, shortly after taking office, the Reagan administration proposed that there be no further funding for this program. The President said to the Congress, in effect:

I do not want any more money spent for clean water in this country unless you, the Congress, agree to reduce and reform the program.

The Senate Environment and Public Works Committee and the Congress responded to the President's request. We made an agreement with the Reagan administration at that time. We agreed to reduce and reform the program as the President had requested in return for an administration commitment to support an annual funding level for the program of $2.4 billion a year for a 10-year period.

At the President's request, we accepted annual authorizations well below the $5 billion in grant funds that had been authorized each in 1979 and in 1980, down all the way to $2.4 billion a year without any adjustment for inflation. So, in fact, the reduction in the amount authorized on an annual basis has been cut by more than half. We accepted a sharp reduction of the Federal share of project costs—that is, the amount of Federal funding for each of these projects—from 75 percent of the total project costs to 55 percent of the Federal project cost. And, finally, we agreed to narrow the types and portions of projects that were eligible for Federal funds; that is to say, certain portions of waste treatment projects which prior to 1981 had been eligible for partial Federal funding have since 1981 been ineligible for Federal funding and where constructed have to be financed wholly with State and local funds.

Now, in exchange for this reform and reduction in the program which was made at the direct and specific request of President Reagan, the President and his administration agreed to continue to support funding for the Clean Water Program for 10 years at a level of spending of $2.4 billion a year.

This agreement was publicly stated and well understood by the administration. At a public hearing of the Senate Environmental and Public Works Committee, the Administrator of the EPA, appointed by the President and the administration spokesman with respect to this program, said—and I emphasize this was a public hearing:

There is an understanding that there is an agreement with the administration with Congress, that for 10 years this level of funding, at least, is a commitment. . . . We went down to $2.4 billion as a result of that commitment.

Those are the words of William Ruckelshaus, the Administrator of the EPA, speaking for the Reagan administration. And I repeat those words:

There is an understanding that there is an agreement with the administration with Congress that for 10 years this level of funding at least is a commitment. . . . We went down to $2.4 billion as a result of that commitment.

Those are the words of the President's spokesman on the issue. He said, "There is an understanding." He said, "There is an agreement." He said, "There is a commitment."

And so, when the President vetoed this bill last November, the day after the election, and when the administration presents the substitute amendment that is now pending before the Senate, those actions are a breach of that understanding. Those actions are a violation of that agreement. Those actions are a reneging on that commitment. The administration made an agreement, it made a commitment, and it is now breaking that agreement. It has reneged on that commitment.

Now, the administration comes up, after steadfastly working over the past 2 years, in violation of its own agreement, in attempting to terminate the program, and all of a sudden, at the very last moment, proposes an 8-year funding plan.

Is even this substantially reduced funding level an offer in good faith? Or will we, rather, find the administration proposing to terminate the program again next year or further reduce funding next year or the year after?

The most reliable indicator of future human behavior is past human behavior. And based on past performance on this issue, the Congress must consider it likely, if not certain, that there will in the near future be a renewed effort to terminate this program, no matter what assurances are made with respect to this amendment.

You cannot get any more specific than the administration saying, "We make an agreement. We enter into an understanding. We make a commitment." And that is what they did with respect to the Clean Water Act, and they have now broken that. No words uttered on this Senate floor or by any member of the administration can give any Member of the Congress assurance that they will not be back, no matter what is said with respect to this new proposal for an 8-year program.

Now, the administration has called the $18-billion funding level too high and has appealed for what it calls a compromise. But the plain fact is we have already made substantial compromises. We compromised when we agreed to narrow the program and accept lower levels of funding in 1981 and in each year since then, we compromised when we proposed funding much less than the estimated needs. Our colleagues in the House compromised when they accepted the Senate funding authorization rather than the higher level in their bill.

The current bill is in fact a modest, responsible compromise between the very large costs of the many needed projects, on the one hand, and the need to control spending, on the other hand. Accepting this substitute would not be a compromise. It would be a failure of the Congress to meet its responsibility.

Mr. MITCHELL. At the same time that President Reagan is telling the American people that we cannot afford clean water, he has proposed a massive increase in foreign aid. In the budget he sent to Congress this month, the President proposes an increase of $1.7 billion in foreign aid, which would raise that foreign aid to a new high record level of $15 billion.

Thus, the President proposes to devote nearly $15 billion in 1 year to foreign aid, while Congress proposes to spend $18 billion over 9 years to clean up America's waters. And the President says Congress is the big spender, that we cannot afford money to pay to clean up American waters. At the same time he wants to increase by billions of dollars the amount of American taxpayers' money that will be distributed all over the world.

I do not believe that the President's priorities are the right priorities for America. I do not believe the American people share the President's priorities on this issue. They want clean water. They have said so over and over again. They favor our bill overwhelmingly.

Some of my colleagues may be under the impression because of the arguments made by the proponents of the substitute that the funding level in the administration bill is not really that much less than in our bill and should be accepted. Of course, if that were true it would undermine the principal argument for the substitute. But it is not true. That impression is incorrect. The loss to each of our States resulting from the administration bill over the authorization period would be substantial.

For example, my home State of Maine would lose a total of $46 million. This funding is badly needed in Maine and would jeopardize a number of important projects.

Mr. President, I ask unanimous consent that a table indicating the funding lost by each State under the administration plan be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CLEAN WATER ACT REAUTHORIZATION—COMPARISON OF WASTEWATER GRANT AND LOAN AUTHORIZATIONS IN S. 1 AND S. 76, FISCAL YEAR 1986–94

State	S. 1 total	S. 76 total	Decrease
Alabama	203,990,729	136,047,150	67,943,579
Alaska	109,189,983	72,821,868	36,368,115
Arizona	123,221,281	82,179,735	41,041,546
Arkansas	119,337,622	79,589,614	39,748,008
California	1,304,713,839	870,150,324	434,563,515
Colorado	145,932,656	97,326,589	48,606,067
Connecticut	223,480,634	149,045,515	74,435,119
Delaware	89,370,000	59,580,000	29,790,000
District of Columbia	89,370,000	59,580,000	29,790,000
Florida	615,784,270	410,683,834	205,100,435
Georgia	308,437,997	205,705,968	102,732,029
Hawaii	141,297,320	94,235,153	47,062,167
Idaho	89,370,000	59,580,000	29,790,000
Illinois	825,072,529	550,264,056	274,808,473
Indiana	439,659,265	293,221,119	146,438,146
Iowa	246,907,889	164,669,810	82,238,079
Kansas	164,670,884	109,823,640	54,847,244
Kentucky	232,178,606	154,846,437	77,332,169
Louisiana	200,536,601	133,743,494	66,793,106
Maine	140,730,557	93,795,528	46,935,029
Maryland	441,216,311	294,259,557	146,956,754
Massachusetts	619,381,579	413,082,981	206,298,598
Michigan	784,410,400	523,145,339	261,265,060
Minnesota	335,301,486	223,621,983	111,679,502
Mississippi	164,366,633	109,620,726	54,745,906
Missouri	505,717,325	337,277,096	168,440,229
Montana	89,370,000	59,580,000	29,790,000
Nebraska	93,315,288	62,234,588	31,080,700
Nevada	89,370,000	59,580,000	29,790,000
New Hampshire	182,299,491	121,580,654	60,718,838
New Jersey	745,484,288	497,184,421	248,299,867
New Mexico	89,370,000	59,580,000	29,790,000
New York	2,016,404,205	1,345,148,643	671,255,563
North Carolina	329,234,383	219,575,662	109,658,721
North Dakota	89,370,000	59,580,000	29,790,000
Ohio	1,026,987,204	684,926,626	342,060,577
Olklahoma	147,382,318	98,293,410	49,088,908
Oregon	206,084,690	137,443,671	68,641,019
Pennsylvania	722,629,738	481,942,080	240,687,658
Rhode Island	122,046,557	81,339,528	40,707,029
South Carolina	186,881,141	124,636,284	62,244,856
South Dakota	89,370,000	59,580,000	29,790,000
Tennessee	265,001,824	176,737,163	88,264,660
Texas	796,070,442	526,213,517	269,856,925
Utah	96,124,854	64,108,379	32,016,475
Vermont	89,370,000	59,580,000	29,790,000
Virginia	373,350,646	248,998,038	124,352,608
Washington	317,243,348	211,578,504	105,664,844
West Virginia	284,384,339	189,663,907	94,720,431
Wisconsin	493,189,381	328,921,858	164,267,523
Wyoming	89,370,000	59,580,000	29,790,000
American Samoa	16,375,813	10,921,490	5,454,323
Guam	11,847,855	7,901,668	3,946,188
Northern Marianas	7,606,253	5,072,824	2,533,429
Puerto Rico	237,941,463	158,689,848	79,251,615
Trust Territory	23,355,668	15,576,551	7,779,117
Virgin Islands	9,503,341	6,338,045	3,165,296
Total	17,999,980,916	11,999,984,872	5,999,996,044

Notes.—(1) S. 1 authorizes funds through fiscal year 1994; S. 76 through fiscal year 1993. (2) $1.8 billion was allocated in fiscal year 1986 with the remaining $600 million carried over to fiscal year 1987. (3) State allotments are based on the current law formula through fiscal year 1987 as mandated by the fiscal year 1987 appropriations measure. Fiscal year 1988–94 projections are based on the formula contained in both bills which is authorized through fiscal year 1990. (4) Individual state allotments may vary slightly as the result of national set-asides included in both S. 1 and S. 76.

Mr. MITCHELL. I want to make it clear also that the differences between the bill and the administration substitute goes beyond the level of spending. The administration proposal would seriously weaken the clean water bill in several other important respects.

Our bill provides for the smooth transition of the Municipal Sewage Treatment Plant Construction Grant Program from Federal to State responsibility. This transition is accomplished through a gradual phaseout of the grant program and the capitalization of State revolving loan funds. That is to say we are terminating the Federal program, and we are transferring the responsibility of this program to the States. One would think that President Reagan would applaud that measure. Instead, he vetoes it.

State loan funds will provide a permanent resource for funding of future water quality projects. The original Federal funds will be loaned by the States to communities for projects and communities will pay back funds at a very low interest rate. Repaid funds will then be revolved or turned around and loaned to other communities for other projects and thus a continuous stream of projects can be constructed in the States.

Creation of State loan funds is one of the most significant and farsighted provisions of our bill. The administration bill—the Dole substitute—revises this provision in a way that makes it impractical and unworkable. And ironically enough then the administration proposes to make an effort to transfer effective responsibility from the Federal to the State level, and changes it in a way that would not be workable for the States to operate.

The administration proposal would allow States to use Federal funds to make grants or loans, but would not provide specific authorizations for the loan funds, as does our bill. Given the choice, because of the enormous existing clean up needs, many States can be expected to use all their funds for grants.

When Federal assistance comes to an end, these States will not have a permanent resource for assisting projects. These States will then be hard pressed to fund projects and will come back to Congress seeking further assistance. This defeats the basic objective of establishing the loan funds.

Will States use all their funds for grants rather than loans? Under our bill, loans will be available to cover 100 percent of the costs of eligible projects. The reality is that the value of a grant for 55 percent of a project's costs with the remainder of the cost financed at market rates is about the same as a low-interest loan for 100 percent of the cost. That is to say to the community with a project they can do just as well with a 100-percent loan at low interest as they can with a grant for 55 percent of the project cost and having to finance the remaining 45 percent at market interest rates.

Mr. President, I ask unanimous consent that a table showing grant and loan equivalency be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

GRANT EQUIVALENCE OF SRF LOAN AT CERTAIN INTEREST RATES

[In percent]

	Interest rate from bond market												
	0 percent	1 percent	2 percent	3 percent	4 percent	5 percent	6 percent	7 percent	8 percent	9 percent	10 percent	11 percent	12 percent
SRF interest rate:													
0 percent	0	10	18	26	32	38	43	47	51	54	57	60	63
1 percent		0	9	18	25	31	36	41	46	49	53	56	59
2 percent			0	9	17	24	30	35	40	44	48	51	54
3 percent				0	9	16	23	29	34	39	43	46	50
4 percent					0	8	16	22	28	33	37	41	45
5 percent						0	8	15	21	27	32	36	40
6 percent							0	8	14	20	26	31	35
7 percent								0	7	14	20	25	29
8 percent									0	7	13	19	24
9 percent										0	7	13	18
10 percent											0	6	12
11 percent												0	6
12 percent													0

Assumptions: Project would have been 100 percent grant/loan eligible. Loan is for 100 percent of project costs. Loan maturity is 20 years with level debt service.

Mr. MITCHELL. The administration proposal, however, would allow a loan to cover only an average of 55 percent of a project's cost. This change would greatly reduce the value of a loan to a community. And such a change would effectively eliminate any chance that a large number of States would use limited Federal funds for loans rather than grants. Thus, the administration proposal would have the perverse and ironic effect of preventing an effective transition of this responsibility from the Federal to the State level.

Another key element of our bill addresses the problem of nonpoint source pollution.

Nonpoint pollution is general runoff, rather than a discharge from a specific pipe. EPA estimates that nonpoint pollution causes over half our remaining water quality problems.

The administration bill deletes all direct funding for projects to address this problem. I believe that a direct authorization is essential to the success of this vital initiative.

The administration bill would replace direct authorizations with a scheme allowing States to use a part of their construction grant funds, between 3 and 10 percent, to support nonpoint programs. This is asking States to rob Peter to pay Paul. These funds are committed years in advance to specific community projects. Most States will be unwilling or unable to derail a planned construction project to fund a newly identified nonpoint pollution project.

In addition, Mr. President, the administration bill substantially undermines the statutory basis for the nonpoint program by slashing large portions of the nonpoint section of our bill.

A section providing for State assessments of waters affected by nonpoint pollution is deleted in the administration bill.

A section providing for EPA assistance to local governments interested in addressing water quality problems is deleted under the administration bill.

A section providing a process for resolution of interstate disputes arising from nonpoint pollution problems is deleted under the administration bill.

A section providing for EPA reports to Congress on the nature and seriousness of the nonpoint pollution problem is deleted under the administration bill.

I could go on to identify other changes which weaken this important provision. But it is sufficient to say that the substitute bill virtually eliminates the program to deal with what the EPA itself—the Reagan administration-EPA itself—says is over half the remaining water pollution problem. That alone tells us something about this substitute.

For that reason alone, even if there were funding equivalence under the bill and substitute amendment, the substitute should be rejected.

Mr. President, I now turn to another subject.

In his statement the other day, the distinguished minority leader referred to the nonpoint provision of this bill as "Federal land use planning."

This is a serious charge. It is an erroneous charge.

This bill does not—I repeat does not—provide for Federal intervention in State and local land use planning decisions.

The nonpoint provision gives States the lead role in addressing nonpoint pollution problems. The Federal Government plays a limited, support role.

Further, the bill does not direct States to establish regulatory programs for control of nonpoint sources of pollution. I repeat that the bill does not direct States to establish regulatory programs for control of nonpoint sources of pollution. It specifically refers to a wide range of nonregulatory programs such as education, training, technical assistance, and demonstration, while not preventing a State from adopting a regulatory program where needed.

Only if a State fails to take the first step in addressing nonpoint pollution, which is to develop an assessment within the State of nonpoint pollution problems, does EPA step in to prepare an assessment for the State. This backup role is necessary in this limited circumstance to assure that we have a consistent, national data base on nonpoint problems.

That is the extent of the EPA-required authority. The first step is for a State to make an assessment of nonpoint pollution problems in the State. If the State does not do it, the EPA steps in and does it so that we can have national information on this problem.

The EPA will not step in if a State does not choose to proceed with further steps in the process, such as developing a control program. It a State decides that it does not want a program to control nonpoint pollution, that is it, under our bill. There will not be a program to control nonpoint pollution in that State.

Thus, the minority leader's characterization of this legislation as Federal land use planning is totally unfounded and incorrect.

Finally, I want to point out that this section was carefully designed in long negotiations with House conferees. We responded to those who expressed concern about Federal intervention in local decisions. We responded to those who were concerned that particular groups or sectors would be burdened by such programs. These concerns were addressed so successfully that both Houses of Congress approved the bill unanimously.

The nonpoint pollution provision is our bill is balanced and workable. The administration provision, essentially an effort to gut this bill, is not adequately funded and lacks direction and cohesiveness. I hope my colleagues will vote, as they did last year, for our provision.

I want to mention one other important change in the administration bill. The substitute now before us deletes a special fund established for programs to protect marine bays and estuaries.

This fund is to support research and related work in some of our most critical estuaries, including Long Island Sound, Narragansett Bay, Buzzards Bay, Puget Sound, New York-New Jersey Harbor, Delaware Bay, Albermarle Sound, Sarasota Bay, San Fransico Bay, and Galveston Bay.

While there is a direct authorization for this work, the provision deleted by the administration in its bill would assure that about $16 million will be set aside from the national construction grant fund to assure that the pollution problems in these critical areas are addressed.

In conclusion, Mr. President, I question the approach the administration has taken to dealing with the Congress on this issue. We have worked for the past 2 years to draft this bill. I want to repeat what I said the other day, that the one person most responsible for that is Senator CHAFEE, a member of the President's own party. With dedication, with commitment, with 2 years of hard work, and with tremendous innovativeness, Senator CHAFEE drafted this compromise which, to his credit, the Congress approved unanimously. Every Member of the House, Republican and Democrat, every Member of the Senate, Republican and Democrat, who voted on this bill voted for it. Throughout this process, the administration opposed us on many of the key issues. They opposed Senator CHAFEE's efforts. They demanded immediate termination of the Sewage Treatment Grant Program, even though that directly violated the agreement which the administration had made and publicly acknowledged just a few years before.

They would not even discuss—I repeat, they would not even discuss—developing a responsible Nonpoint Pollution Control Program with adequate funding, even though the administration's own EPA has said at the same time that that was more than half of the remaining water pollution problem in our country.

Only now, after the President has vetoed our bill and faces the likelihood of having to veto it again, does the administration come forward with even the most modest proposals in these areas.

And the administration tells us that now is the time to compromise. I do not believe we can tolerate any further delay. It is now time to move forward with our bill, developed by the Congress over the past 2 years in a spirit of bipartisan cooperation, and already the subject of numerous compromises as I have described.

I urge my colleagues to support clean water by voting against this substitute amendment and for H.R. 1.

Mr. BURDICK. Mr. President, I rise in opposition to the proposed substitute for the Water Quality Act.

The amendment would seriously weaken the Clean Water Act reauthorization bill developed by the Environment Committee and the House and Senate conference committee.

I want to emphasize that the amendment would go much further than simply cutting the long-term authorizations for the Construction Grant Program. It would make a great many changes to our bill.

Mr. President, I ask unanimous consent that a side-by-side comparison of S. 1 and S. 76 prepared by the Congressional Research Service be printed in the RECORD at the conclusion of my remarks. I understand that Senator DOLE'S substitute reinstates a number of provisions not included in S. 76. The comparison is still useful for those provisions not modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BURDICK. Mr. President, I would like to briefly address three of the most significant changes proposed by the amendment.

First, as I said, the bill would cut the authorization for the Construction Grant Program from $18 billion to $12 billion. This $18 billion authorization results in annual authorizations of $2.4 billion over the next 6 years, followed by declining authorizations until 1994.

Is this $2.4 billion figure irresponsible spending? I think not. It is what we have spent in this area each year for the past several years. It is what the administration agreed, back in 1981, was an appropriate amount to be appropriated each year for this program for a 10-year period. And, unfortunately, it is a compromise which is less than the total amount that would be needed to fully fund construction of all the needed sewage treatment plants.

The EPA has estimated that the cost of sewage treatment works needed over the next 20 years is about $45 billion. When only those portions of projects eligible for Federal assistance are considered, this estimate drops to about $45 billion. Even carrying a large share of the costs themselves, States and local communities will be hard pressed to respond fully to their sewage treatment needs with the level of Federal assistance in our bill.

If we were to adopt the administration's proposed lower funding level, we would lose some of the key aspects of our Sewage Treatment Program. We would find relatively larger blocks of money being tied up in big city projects. Smaller communities have to compete for more limited funds and many of these small communities would not be able to construct the secondary treatment facilities required under the act.

In addition, funding of projects to upgrade treatment plants to deal with toxic pollutants would be more difficult. Control of toxic pollution from treatment plants is essential to protection of our most sensitive waters, such as Chesapeake Bay and the Great Lakes.

In my home State of North Dakota, the cut proposed by the administration would reduce the funds available for sewage treatment plant construction by $30 million.

My colleagues should be aware that a drastic cut in our Sewage Treatment Program, as proposed by the administration, will not mean that we just build fewer projects or build them a little slower. Rather, we will jeopardize our ability to addess projects in a wide range of communities and to respond to some of our most critical pollution problems.

The second major change proposed in the amendment is to revise the State Loan Fund Program. The proposed changes would greatly reduce the effectiveness of the loan fund.

States would be able to provide loans for an average of only 55 percent of project costs, rather than 100 percent of project costs as provided in our bill. This change makes grants much less valuable to communities.

The administration substitute would allow States to use funds for either a grant or a loan. Our bill provides a specific authorization for the loan fund. Because grants will be so much more valuable than loans under the administration proposal, most States can be expected to use Federal funds for grants only.

This means the Loan Program will be virtually ignored and, when Federal funds end, Congress will be under pressure to resume the Grant Program.

Finally, I am concerned that the amendment would drop all direct funding for State programs to address nonpoint sources of pollution. The amendment would also make major changes to this new provision of the act which would limit the effectiveness of State programs in this area.

In conclusion, Mr. President, our bill was developed in a spirit of bipartisan cooperation. All of my colleagues on the Environment Committee worked together to craft a reasonable and responsible bill. During last year's conference with the House, the Republican leadership of the committee worked with the leadership of the House Public Works Committee to hammer out a balanced conference report.

I think my colleagues should be aware that, throughout this process, the administration was given every opportunity to participate and to join us in developing the bill. In the key areas now before us, however, the administration was intransigent.

They opposed even a gradual phaseout of the Construction Grant Program. They opposed creation of State revolving loan funds. They opposed funding of programs to address nonpoint pollution.

I do not know whether our bill would have been different if the administration had offered the proposals in this amendment before now. The funding levels they suggest are clearly inadequate. But I feel certain that most of my colleagues would agree that the time to offer such proposals was during development of the legislation.

Now, at the 11th hour and after veto of the bill, in 1986, the administration asks us to adopt sweeping changes to legislation approved by unanimous vote of both Houses of Congress.

I hope that my colleagues will reject these proposals. They are both poorly conceived and poorly timed.

I urge each of my colleagues to vote for clean rivers, lakes, and streams by voting against this amendment.

EXHIBIT 1

S. 1 (S. 1128)	S. 76 (Administration)
TITLE I—AMENDMENTS TO TITLE I	
Sec. 101. Authorization of appropriations	Sec. 101. Authorization of appropriations.
Provides general authorizations and authorizations for research and certain grant programs in the Act through FY 1990	Same provision.
Sec. 102. Small Flows Clearinghouse	
Authorizes grants to support a national clearinghouse for collection and dissemination of information on alternative wastewater treatment technologies.	No similar provision.
Sec. 103. Chesapeake Bay	Sec. 102. Chesapeake Bay.
Authorizes establishment of an EPA office to coordinate Federal and State efforts to improve quality of the Bay. Also authorizes research program.	Same provision.
Sec. 104. Great Lakes	Sec. 103. Great Lakes.
Establishes in law the Great Lakes National Program Office. Authorizes planning, management, and research activities	Same provision.
Sec. 105. Research on Effects of Pollutants	Sec. 104. Research on Effects of Pollutants.
Authorizes research on harmful effects of pollutants	Same provision.
TITLE II—CONSTRUCTION GRANT AMENDMENTS	
Sec. 201. Time Limit on Resolving Certain Disputes	Sec. 201. Eligibilities, CSOs, Dispute Resolution, Limitations.
Administrator shall make decision within 90 days on appeals filed over dispute on construction grant award.	Same provision.
	Also authorizes grants for provision of loans for sewage treatment construction, under new sec. 220 of Act.
	Repeals provision giving State the discretion to use 20% of annual allotment for types of projects not generally eligible for Federal funds.
	Repeals provision of current law authorizing construction grants for combined sewer overflows affecting marine bays and estuaries.
	Extends until Oct. 1, 1990, Act's "grandfathering" of Federal funding for construction of reserve capacity.
Sec. 202. Federal Share	Sec. 202. Federal Share.
Authorizes Federal funding share for certain types of wastewater projects	Same provision, *except* deletes subsection authorizing 75% Federal grant for Wyoming Valley Sanitary Authority project in Altoona, PA.
Sec. 203. Agreement on Eligible Costs	Sec. 203. Agreement on Eligible Costs.
Directs EPA to enter into an agreement with applicant specifying costs to be considered allowable for Federal funding purposes.	Same provision.
Sec. 204. Design/build Projects	Sec. 204. Design/build Projects.
Authorizes alternate design/build grant management procedures for certain specified waste treatment systems with estimated total cost of $8 million or less.	Same provision.
Sec. 205. Grant Conditions; User Charges on Low-Income Residential Users	Sec. 205. Grant Conditions; User Charges on Low-Income Residential Users.
Requires conformance with areawide waste treatment management plan, State continuing planning process, and State biennial water quality inventory report before grants may be approved. Allows use of user charge system imposing lower charge for low-income residential users.	Same provision.
Sec. 206. Allotment Formula	Sec. 206. Allotment Formula.
Provides new State-by-State formula for construction grant funds for FY 87–90	Same provision except does not provide extension of minimum one-half of one percent State share.
Extends through FY90 minimum State share of one-half of 1%	
Extends through FY94 construction grant setaside for water quality management planning	
Extends through FY90 prohibition on use of Federal funds for separate storm sewer projects	
Sec. 207. Rural Set Aside	Sec. 207. Rural Set Aside, Innovative and Alternative Projects, and Nonpoint Source Programs.
Authorizes States to reserve portion of construction grant allotment for alternative sewage treatment works in small communities.	Extends rural setaside in States with 25% rural population through FY87; no language applicable to other States.
	Extends innovative and alternative project grant setaside through FY87.
	Authorizes construction grant setaside to fund nonpoint source management and groundwater quality protection programs (in sec. 316 of the bill): not to exceed 3.5% of State's allotment in FY88, 5.32% in FY89, 6.25% in FY89, 10.83% in FY90.
Sec. 208. Innovative and Alternative Projects	See sec. 207 for language.
Extends through FY90 reservation of one-half of 1% setaside to increase Federal share of innovative and alternative wastewater system projects.	
Sec. 209. Regional Organization Funding	Sec. 208. Regional Organization Funding.
Establishes portion of setaside used for water quality management purposes to be reserved for regional and interstate public planning groups.	Same provision.
Sec. 210. Marine CSOs and Estuaries	
Authorizes reserving portion of State allotment to address combined sewer overflow effects on marine bays and estuaries and to implement national estuary program (sec. 320 of the bill).	No similar provision.
Sec. 211. Authorization for Construction Grants	Sec. 209. Authorization for Construction Grants.
Extends authorization of construction grant appropriations through FY88 at level not to exceed $2.4 billion per year; and at level not to exceed $1.2 billion per year for FY89–90 (total: $9.6 billion).	Extends authorization of construction grant appropriations, not to exceed $1.8 billion in FY86; $2.0 billion per year in FY87–88; $1.9 billion in FY89; $1.6 billion in FY90; $1.2 billion in FY91; $1.0 billion in FY92; $500 million in FY93 (total: $12.0 billion).
Sec. 212. State Water Pollution Control Revolving Funds	Sec. 210. Grants to States for Making Water Pollution Control Loans.
Establishes new program of grants to States for purpose of making loans from a Water Pollution Control Revolving Fund	Authorizes grants to States for loans for wastewater treatment construction.
See separate discussion in report	See separate discussion in report.

S. 1 (S. 1128)	S. 76 (Administration)
Sec. 213. Improvement Projects	
Directs EPA to make certain grants for improvements to projects in Avalon, CA; Walker Township and Smithfield Township, PA; Taylor Mill, KY; Nevada County, CA; Wanaque, NJ; and Lena, IL. Directs Pennsylvania to give funding priority to court-ordered projects of Wyoming Valley Sanitary Authority and in Altoona, PA (see sec. 202 of the bill).	No similar provision.
Sec. 214. Chicago Tunnel and Reservoir Project	
Specifies that Chicago tunnel and reservoir project may receive grants without regard to other project limitations if cost-effectiveness and water quality benefits of project are demonstrated.	No similar provision.
Sec. 215. Ad Valorem Tax Dedication	Sec. 211. Ad Valorem Tax Dedication.
Declares that dedicated ad valorem tax system in effect in Hampton, NH on Dec. 27, 1977, is deemed to be user charge system for purposes of the Act.	Same provision.
TITLE III—STANDARDS AND ENFORCEMENT	
Sec. 301. Compliance Dates	Sec. 301. Compliance Dates.
Establishes new compliance deadlines for industrial sources to attain standards under the Act	Same provision.
Sec. 302. Modification for Nonconventional Pollutants	Sec. 302. Modification for Nonconventional Pollutants.
Limits waiver that industrial sources may seek from effluent limitation requirements concerning discharges of nonconventional pollutants.	Same provision.
Sec. 303. Discharges into Marine Waters	Sec. 303. Discharges into Marine Waters.
Clarifies and restricts circumstances under which municipalities which discharge effluent into ocean waters may seek waiver from Act's secondary treatment requirements.	Same provision.
Sec. 304. Filing Deadline for Treatment Works Modification	Sec. 304. Filing Deadline for Treatment Works Modification.
Modifies language concerning deadline in Act for cities to seek extension of secondary treatment requirement until July 1, 1988.	Same provision.
Sec. 305. Innovative Technology Compliance for Direct Dischargers	Sec. 305. Innovative Technology Compliance Deadlines for Direct Dischargers.
Extends compliance deadline for industrial source using innovative technology for toxic and conventional pollutant controls	Same provision.
Sec. 306. Fundamentally Different Factors	Sec. 306. Fundamentally Different Factors.
Defines conditions under which EPA may grant a modification from national effluent limitation guidelines based on fundamentally different factors for direct discharges of toxic, conventional, and nonconventional pollutants or categorical pretreatment standards for indirect dischargers. Directs EPA to issue case-by-case determined discharge permits to certain phosphate fertilizer manufacturing facilities.	Same provision.
Sec. 307. Coal Remining Operations	Sec. 307. Coal Remining Operations.
Authorizes issuance of modified discharge permit for certain discharges at coal remining operations	Same provision.
Sec. 308. Individual Control Strategies for Toxic Pollutants	Sec. 308. Individual Control Strategies for Toxic Pollutants.
Requires EPA and States to develop programs for control of toxic pollutant discharges in waters where such discharges contribute to water quality problems after technology-based standards are in place.	Same provision.
Sec. 309. Pretreatment Standards	Sec. 309. Pretreatment Standards.
Authorizes additional 2 years for compliance with pretreatment requirements for existing source using innovative systems	Same provision.
Sec. 310. Inspection and Entry	Sec. 310. Inspection and Entry.
EPA Administrator or authorized representative may not improperly disclose confidential business information. But any such information shall be available to duly authorized committee of Congress.	Same provision.
Sec. 311. Marine Sanitation Devices	Sec. 311. Marine Sanitation Devices.
Permits State to adopt or enforce standards for houseboats more stringent than Federal rules; permits State to enforce Federal standards for all vessels.	Same provision.
Sec. 312. Criminal Penalties	Sec. 312. Criminal Penalties.
Modifies criminal penalty provisions of the Act	Same provision.
Sec. 313. Civil Penalties	Sec. 313. Civil Penalties.
Modifies civil penalty provisions of the Act	Same provision.
Sec. 314. Administrative Penalties	Sec. 314. Administrative Penalties.
Establishes new administrative penalty mechanism in the Act	Same provision.
Sec. 315. Clean Lakes	Sec. 315. Clean Lakes.
Modifies existing clean lakes provision. Authorizes a number of lake water quality demonstration projects and programs	Same provision.
Sec. 316. Management of Nonpoint Sources of Pollution	Sec. 316. Management of Nonpoint Sources of Pollution.
Establishes program to identify, assess, and manage nonpoint sources of pollution. Authorizes $400 million in grant assistance.	Similar provision, but contains no separate funding mechanism.
See separate discussion in report	See separate discussion in report.
Sec. 317. National Estuary Program	Sec. 317. National Estuary Program.
Establishes program to develop comprehensive conservation and management plans for estuaries of national significance	Same provision.
Sec. 318. Unconsolidated Quaternary Aquifer	Sec. 318. Unconsolidated Quaternary Aquifer.
Prohibits locating waste treatment facilities over the Unconsolidated Quatenary Aquifer or its recharge zone in NJ	Same provision.
TITLE IV—PERMITS AND LICENSES	
Sec. 401. Stormwater Runoff from Oil, Gas, and Mining Operations	Sec. 401. Stormwater Runoff from Oil, Gas, and Mining Operations.
Defines circumstances for issuing discharge permit to oil, gas, and mining operations	Same provision.
Sec. 402. Additional Pretreatment of Conventional Pollutants	Sec. 402. Additional Pretreatment of Conventional Pollutants.
Industries which discharge conventional pollutants to municipal plants not required to pretreat to compensate for city's inability to meet its permit.	Same provision.
Sec. 403. Partial NPDES Program	Sec. 403. Partial NPDES Program.
Allows States to seek partial delegation of the NPDES permit program	Same provision.
Sec. 404. Anti-backsliding	Sec. 404. Anti-backsliding.
Defines and limits circumstances under which a renewed or reissued permit may contain less stringent effluent limitations	Same provision.
Sec. 405. Municipal and Industrial Stormwater Discharges	Sec. 405. Municipal and Industrial Stormwater Discharges.
Details application and permit requirements for industrial and large municipal sources discharging stormwater	Same provision.
Sec. 406. Sewage sludge	Sec. 406. Sewage Sludge.
Requires EPA to develop regulations, including management practices or numerical limitations, for sludge contaminants, sludge disposal and use.	Same provision.
Sec. 407. Log Transfer Facilities	Sec. 407. Log Transfer Facilities.
Details procedures applicable to permits under secs. 402 and 404 of the Act for log transfer facilities	Same provision.
TITLE V—MISCELLANEOUS PROVISIONS	
Sec. 501. Audits	Sec. 501. Audits.
Authorizes EPA to enter into noncompetitive procurement contracts with State organizations for purpose of carrying out audits and examinations pertinents to grants.	Same provision.
Sec. 502. Commonwealth of the Northern Mariana Islands	Sec. 502. Commonwealth of Northern Mariana Islands.
Expands definition of "State" to include Northern Mariana Islands	Same provision.
Sec. 503. Agricultural Stormwater Discharges	Sec. 503. Agricultural Stormwater Discharges.
Excludes agricultural stormwater discharges from definition of point source, for purpose of standards and regulations under the Act.	Same provision.
Sec. 504. Protection of Interests of United States in Citizen Suits	Sec. 504. Protection of Interests of United States in Citizen Suits.
Requires notification to the U.S. Government on filing of citizen suit under the Act and 45-day notice of filling consent decrees when U.S. is not a party.	Same provision.
Sec. 505. Judicial Review and Award of Fees	Sec. 506. Judicial Review and Award of Fees.
Establishes consolidated procedure for review of EPA actions. Authorizes awarding of attorney and expert witness fees to any prevailing or substantially prevailing party.	Same provision.
Sec. 506. Indian Tribes	Sec. 506. Indian Tribes.
Directs EPA and Indian Health Service to assess sewage treatment needs of Indian tribes, including funding needs. Indian tribes to be treated as States for purposes of certain sections of the Act, including construction grants.	Same provision.
Sec. 507. Definition of Point Source	Sec. 507. Definition of Point Source.
Excludes leachate collection systems from definition of point source	Same provision.
Sec. 508. Special Provisions Regarding Certain Dumping Sites	Sec. 508. Special Provisions Regarding Certain Dumping Sites.
Amends Ocean Dumping Act to prohibit ocean dumping of municipal sludge in the New York Bight Apex; restricts use of the 106-mile site.	Same provision.
Sec. 509. Ocean Discharge Research Project	Sec. 509. Ocean Discharge Research Project.
Authorizes issuance of research permit for project involving ocean discharge of preconditioned municipal sewage sludge by Orange County, CA, sanitation district.	Same provision.
Sec. 510. San Diego, California	
Authorizes such funds as necessary for construction of certain sewage treatment works in San Diego	No similar provision.
Sec. 511. Limitation on Discharge of Raw Sewage by New York City	Sec. 510. Limitation on Discharge of Raw Sewage by New York City.
Restricts and imposes deadline on raw sewage discharges from New York City North River and Red Hook plants	Same provision.

S. 1 (S. 1128)	S. 76 (Administration)
Sec. 512. Oakwood Beach and Red Hook Projects, NY	
Authorizes to be appropriated $7 million to assist with Oakwood Beach and Red Hook projects	No similar provision.
Sec. 513. Boston Harbor and Adjacent Waters	
Authorizes to be appropriated $100 million for water quality improvement projects in Boston Harbor and adjacent waters	No similar provision.
Sec. 514. Wastewater Reclamation Demonstration	
Authorizes to be appropriated $2 million to demonstrate and field test innovative wastewater reclamation technology in San Diego.	No similar provision.
Sec. 515. Des Moines, Iowa	
Authorizes to be appropriated $50 million for secondary treatment plant in Des Moines	No similar provision.
Sec. 516. Study of de minimis Discharges	Sec. 511. Study of de minimis Discharges.
Directs EPA to study and report on eliminating regulation of "de minimis" discharges	Same provision.
Sec. 517. Study of Effectiveness of Innovative and Alternative Processes and Techniques	Sec. 512. Study of Effectiveness of Innovative and Alternative Processes and Techniques.
Directs EPA to study and report on effectiveness of innovative and alternative wastewater treatment processes used by municipal plants.	Same provision.
Sec. 518. Study of Testing Procedures	Sec. 513. Study of Testing Procedures.
Directs EPA to study and report on testing procedures for analysis of pollutants for analysis of pollutants under sec. 304(h) of the Act.	Same provision.
Sec. 519. Study of Pretreatment of Toxic Pollutants	Sec. 514. Study of Pretreatment of Toxic Pollutants.
Directs EPA to study and report on effectiveness of national pretreatment program	Same provision.
Sec. 520. Studies of Water Pollution Problems in Aquifers	Sec. 515. Studies of Water Pollution Problems in Aquifers.
Authorizes EPA to study point and nonpoint sources of pollution and control measures and practices affecting 7 groundwater aquifers.	Same provision.
Sec. 521. Great Lakes Consumptive Use Study	Great Lakes Consumptive Use Study.
Requires Secretary of Army, together with EPA and others, to study effects of Great Lakes water consumption and control measures which can be implemented to reduce consumptive use of Great Lakes water.	Same provision.
Sec. 522. Sulfide Corrosion Study	Sec. 517. Sulfide Corrosion Study.
Directs EPA to study and report on corrosive effects of sulfides in municipal sewage collection and treatment systems	Same provision.
Sec. 523. Study of Rainfall Induced Infiltration into Sewer Systems	Sec. 518. Study of Rainfall Induced Infiltration into Sewer Systems.
Directs EPA to study and report to Congress on problems associated with rainfall induced infiltration into wastewater treatment sewer systems.	Same provision.
Sec. 524. Dam Water Quality Study	Sec. 519. Dam Water Quality Study.
Directs EPA to study and report on effects of water quality of navigable waters attributable to impoundment and discharge of water by dams.	Same provision.
Sec. 525. Study of Pollution in Lake Pend Oreille, Idaho	Sec. 520. Study of Pollution in Lake Pend Oreille, Idaho.
Directs EPA to study and report on causes of pollution of Lake Pend Oreille and Clark Fork River and its tributaries	Same provision.

Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Reid). Without objection, it is so ordered.

TIME AGREEMENT ON DOLE AMENDMENT TO H.R. 1

Mr. BYRD. Mr. President, I have cleared with the distinguished Republican leader the following unanimous-consent request: That there be 2 hours equally divided tomorrow on the amendment by Mr. Dole rather than 80 minutes equally divided, as was entered under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON U.S. ACTIVITIES AND ACCOMPLISHMENTS IN AERONAUTICS AND SPACE—MESSAGE FROM THE PRESIDENT—PM 4

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I am pleased to transmit this report on the activities and accomplishments of the United States in aeronautics and space during calendar year 1985. Fourteen departments and agencies of the Federal government contributed to the report, but the National Aeronautics and Space Administration (NASA) and the Department of Defense (DOD) were the major participants. The report is provided in accordance with Section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476).

During 1985, the Nation's activities in aeronautics and space continued to provide significant benefits. The basis for future space missions has expanded by acquiring new scientific knowledge about the solar system and the physical and life sciences; processing materials and manufacturing new products in space that have commercial potential; and intensifying the concentration of aeronautical research and development programs in potentially high-payoff technologies that will allow the United States to maintain a technological advantage in international competition.

Ronald Reagan.

The White House, *January 20, 1987.*

ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES—MESSAGE FROM THE PRESIDENT—PM 5

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the requirements of Section 6(c) of the Federal Advisory Committee Act, as amended (Public Law 92-463, 5 U.S.C., App.), I hereby transmit the Fourteenth Annual Report on Federal Advisory Committee for Fiscal Year 1985.

Ronald Reagan.

The White House, *January 20, 1987.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-336. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated January 1, 1987; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-337. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report of the Department of

Defense for fiscal years 1988 and 1989; to the Committee on Armed Services.

EC-338. A communication from the Deputy Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain excess royalty payments; to the Committee on Energy and Natural Resources.

EC-339. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on refunds of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-340. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-341. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-342. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-343. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments; to the Committee on Energy and Natural Resources.

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EC-346. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments; to the Committee on Energy and Natural Resources.

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EC-352. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-353. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, United States Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-354. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, United States Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-355. A communication from the Deputy Associate Director for Royalty Management, Mineral Management Service, United States Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-356. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, United States Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-357. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, United States Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-358. A communication from the Assistant Administrator of the United States Environmental Protection Agency, transmitting, pursuant to law, a report on the Agency's progress during fiscal year 1987 on the implementation of the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Environment and Public Works.

EC-359. A communication from the Administrator of the United States Environmental Protection Agency, transmitting, pursuant to law, a report on the progress of the implementation of the Clean Air Act, specifically the progress in the prevention and control of air pollution in 1985; to the Committee on Environment and Public Works.

EC-360. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the relationship of Medicare PPS to all payer systems and cost-shifting; to the Committee on Finance.

EC-361. A communication from the Assistant Secretary of State, transmitting, pursuant to law, a travel advisory recently issued by the Department of State for South Africa; to the Committee on Foreign Relations.

EC-362. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the annual report on the portfolio and finances of the Private Sector Revolving Fund; to the Committee on Foreign Relations.

EC-363. A communication from the Chairman of the National Capital Planning Commission, transmitting, pursuant to law, an evaluation of the system of internal accounting and administrative control of the National Capital Planning Commission in effect during the year ending September 30, 1986; to the Committee on Governmental Affairs.

EC-364. A communication from the Records Officer of the United States Postal Service, transmitting, pursuant to law, a notice of a computer matching program between the Postal Service and the State of Florida Office of the Auditor General; to the Committee on Governmental Affairs.

EC-365. A communication from the Special Counsel of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report of the Administrator of Veterans Affairs, setting forth the findings and conclusions of the Administrator's investigation into allegations of poor patient care and mismanagement in contract nursing home care services at the Veterans Administration Medical Center in Clarksburg, West Virginia; to the Committee on Governmental Affairs.

EC-366. A communication from the Administrator of the Agency for International Development, United States International Development Cooperation Agency, transmitting, pursuant to law, a year-end statement to the Congress on the status of internal controls; to the Committee on Governmental Affairs.

EC-367. A communication from the Executive Director of the Committee for Purchase from the Blind and Other Severely Handicapped, transmitting, pursuant to law, a report on the actions taken by the Committee during calendar year 1986 under the Freedom of Information Act; to the Committee on the Judiciary.

EC-368. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Resource Conservation and Development Program Evaluation; to the Committee on Agriculture, Nutrition, and Forestry.

EC-369. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations for fiscal years 1988 and 1989, and for other purposes; to the Committee on Armed Services.

EC-370. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a proposed notice amending a continuing computer matching program; to the Committee on Governmental Affairs.

EC-371. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-253 adopted by the

Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-372. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-254 adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-373. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-255 adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-374. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-256 adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-375. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-257 adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-376. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-258 adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-377. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-259 adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-378. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-260 adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-379. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-261 adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-380. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-262 adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-381. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-252 adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-382. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-263 adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-383. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-264 adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-384. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-265 adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-385. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-266, adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-386. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-267, adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-387. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-268, adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-388. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-270, adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-389. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-269, adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-390. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-271, adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-391. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-272, adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-392. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-273, adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-393. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-274, adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-394. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-275, adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-395. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-276 adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-396. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on two new Privacy Act systems of records for the Department of the Navy; to the Committee on Governmental Affairs.

EC-397. A communication from the Secretary of Education, transmitting a draft of proposed legislation to amend the Bilingual Education Act to make Federal financial assistance available for children of limited English proficiency without mandating a specific method of instruction, to encourage innovation at the local level through greater administrative flexibility, to improve program operations at the Federal level, and for other purposes; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PELL (for himself and Mr. CHAFFEE):

S. 323. A bill to study Cliff Walk in Newport, RI, including its appropriateness for inclusion as a unit of the National Park System; to the Committee on Energy and Natural Resources.

By Mr. DOLE (for himself and Mr. GRASSLEY):

S. 324. A bill to revise the basis for computation of emergency compensation under the 1986 feed grains programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself and Mr. THURMOND):

S. 325. A bill to amend section 1979 of the revised statutes (42 U.S.C. 1983), relating to civil actions for the deprivation of rights, to limit the applicability of that statute to laws relating to equal rights and to provide a special defense to the liability of political subdivision of States; to the Committee on the Judiciary.

By Mr. HATCH:

S. 326. A bill to amend titles 18 and 29 of the United States Code to eliminate, and establish an alternative to the exclusionary rule in Federal criminal proceedings; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. THURMOND):

S. 327. A bill to provide for civil rights in public schools; to the Committee on the Judiciary.

By Mr. SASSER (for himself, Mr. TRIBLE, Mr. GLENN, Mr. ROTH, Mr. CHILES, Mr. DANFORTH, Mr. BUMPERS, Mr. WEICKER, Mr. COHEN, Mr. LEVIN, Mr. MOYNIHAN, Mr. D'AMATO, Mr. NUNN, Mr. ZORINSKY, Mr. BAUCUS, Mr. RUDMAN, Mr. DIXON, Mr. BOREN, Mr. KASTEN, Mr. KERRY, Mr. SANFORD, Mr. NICKLES, Mr. HARKIN, Mr. GRASSLEY, Ms. MIKULSKI, Mr. STEVENS, Mr. BINGAMAN, Mr. PRYOR, Mr. GARN, Mr. MITCHELL, Mr. FOWLER, Mr. GORE, Mr. STENNIS, Mr. HECHT, Mr. HOLLINGS, Mr. HEINZ, Mr. HEFLIN, Mr. WALLOP, Mr. HUMPHREY, Mr. LEAHY, Mr. STAFFORD, Mr. ADAMS, Mr. LUGAR, Mr. PELL, Mr. PACKWOOD, Mr. BURDICK, Mr. DURENBERGER, Mr. DODD, Mr. MELCHER, Mr. DECONCINI, Mr. BOND, Mr. RIEGLE, Mr. SYMMS, Mr. MATSUNAGA, Mr. QUAYLE, Mr. PRESSLER, and Mr. FORD):

S. 328. A bill to amend chapter 39, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LAUTENBERG:

S. 329. A bill for the relief of Dynamic Technology International, Inc., Lew Malank Associates, Star Design, Inc., Riverside Precision Machines, and certain other individuals; to the Committee on the Judiciary.

By Mr. ROTH (for himself and Mr. COHEN):

S. 330. A bill to establish as an executive department of the Government a Department of International Trade and Industry, to establish the National Oceanic and Atmospheric Administration and the Bureau of the Census as independent agencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEVIN:

S. 331. A bill to require a reduction in the U.S. merchandise trade equivalent to the cost to U.S. firms of unfair foreign trade practices; to the Committee on Finance.

By Mr. DECONCINI (for himself, Mr. Levin, Mr. Riegle, Mr. Dodd, Mr. Bradley, Mr. Melcher, Mr. Hatfield, Mr. Specter, Mr. Simon, Mr. Leahy, Mr. Inouye, and Mr. Heinz):

S. 332. A bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes; to the Committee on the Judiciary.

By Mr. CHILES (for himself, Mr. Dole, Mr. Moynihan, Mr. Graham, and Mr. Helms):

S. 333. A bill for the relief of Anne Brusselmans; to the Committee on the Judiciary.

By Mr. PRESSLER:

S. 334. A bill amending the Food Security Act of 1985 to define alfalfa and other legumes as agricultural commodities under the conservation title of the act; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WILSON (for himself, Mr. Lautenberg, Mr. Heinz, Mr. Cranston, Mr. Mitchell, and Mr. Wallop):

S. 335. A bill to improve international intellectual property protection, to improve foreign market access for U.S. companies that rely on intellectual property protections, and for other purposes; to the Committee on Finance.

By Mrs. KASSEBAUM (for herself, Mr. Nickles, Mr. Glenn, Mr. Exon, Mr. Boren, and Mr. Danforth):

S. 336. A bill to amend the Securities Exchange Act of 1934 to impose disclosure requirements on persons acquiring more than 5 per centum of certain classes of securities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAMM (for himself, Mr. Symms, and Mr. Humphrey):

S. 337. A bill to return to the State authority to set speed limits on rural interstate highways; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR (for himself, Mr. Boren, Mr. Heinz, Mr. Trible, and Mr. Melcher):

S. 338. A bill to allow homeowners to deduct the full amount of prepaid interest paid in connection with the refinancing of their principal residence for the taxable year in which paid; to the Committee on Finance.

By Mr. SPECTER:

S. 339. A bill to protect the internal security of the United States against international terrorism by making the use of a firearm to commit a felony by foreign diplomats in the United States a Federal felony; to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 340. A bill to extend the tariff suspension applicable to certain imported cantaloupes; to the Committee on Finance.

By Mr. BOREN:

S. 341. A bill to provide emergency assistance to certain agricultural producers and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHILES (for himself, Mr. Graham, Mr. Thurmond, Mr. Humphrey, and Mr. Specter):

S. 342. A bill to amend title 23, United States Code, to allow Federal Highway funds to be used for construction and major reconstruction of certain toll highways, bridges, and tunnels; to the Committee on Environment and Public Works.

By Mr. COHEN:

S. 343. A bill for the relief of Pandelis Perdikis; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. Proxmire, Mr. D'Amato, Mr. Cranston, and Mr. Kerry):

S. 344. A bill to require depository institutions to disclose to their customers their practices relating to the availability of funds in connection with check deposits, to require the timely payment of interest on deposits to interest bearing accounts, to provide timely access to funds deposited by checks, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COHEN (for himself and Mr. Levin):

S. 345. A bill to amend the Contract Disputes Act of 1978 that a competitive examination process be used for the selection of members of boards of contract appeals of Federal Government agencies; and to provide that the members of such boards shall be treated in the same manner as administrative purposes.

By Mr. HATCH (for himself, Mr. Packwood, Mr. Thurmond, Mr. Lugar, Mr. Warner, Mrs. Kassebaum, Mr. Stevens, Mr. Symms, Mr. Hollings, Mr. Baucus, Ms. Mikulski, Mr. Zorinsky, Mr. Levin, Mr. Nunn, Mr. Kerry, Mr. Sarbanes, Mr. Pryor, Mr. Matsunaga, and Mr. Cranston):

S.J. Res. 20. A joint resolution to designate the month of March, 1987, as "Women's History Month"; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. Heflin, Mr. Cranston, Mr. Dodd, and Mr. Stevens):

S.J. Res. 21. A joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, and Presidential elections; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE:

S. Res. 72. A resolution designating ranking members on certain committees for the 100th Congress; considered and agreed to.

By Mr. LAUTENBERG:

S. Res. 73. A resolution to refer S. 329 entitled "A bill for the relief of Dynamic Technology International, Inc., Lew Malank Associates, Star Design, Inc., Riverside Precision Machines, and certain other individuals" to the chief judge of the U.S. Claims Court for a report thereon; to the Committee on the Judiciary.

By Mr. SPECTER:

S. Res. 74. A resolution urging the President to renegotiate the Vienna Convention on Diplomatic Relations to eliminate immunity for diplomats engaging in assaults with firearms or explosives and to take additional steps to address terrorist abuses of diplomatic immunity; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PELL (for himself and Mr. Chafee):

S. 323. A bill to study Cliff Walk in Newport, RI, including its appropriateness for inclusion as a unit of the National Park System; to the Committee on Energy and Natural Resources.

PRESERVATION OF CLIFF WALK IN NEWPORT, RI

● **Mr. PELL. Mr. President, I am introducing legislation with my colleague, the junior Senator from Rhode Island [Mr. Chafee], that I hope will prove to be an important first step toward the preservation and continued public use of the Cliff Walk in Newport, RI.**

Cliff Walk is a place of unique natural and architectural beauty—a priceless part of our Nation's heritage. Hundreds of thousands of visitors from throughout our Nation and from other countries enjoy this unique beauty each year.

The National Park Service designated Cliff Walk as a national recreational trail in 1975. Although this national honor was most welcome, it has not and will not keep portions of Cliff Walk from falling into the sea.

This magnificent 3.5-mile walk, with the ocean's rugged coastline on one side and some of Newport's most elegant and historic mansions on the other, is gradually losing a continuing battle with the elements.

Sections of Cliff Walk are crumbling into the ocean and other sections have eroded away until visitors are forced to leap from rock to rock along the coast.

The need is urgent to assure continued public use and enjoyment of this nationally recognized recreational, cultural, and historic treasure. We must act soon or we may lose much of the substantial Federal investment that already has been made in Cliff Walk.

It seems clear that one way to assure continued Federal protection of Cliff Walk is to make it a unit of the National Park Service. I am sure Cliff Walk is a national treasure worthy of such a constant Federal commitment.

In the past, the maintenance of Cliff Walk has been approached on a catch-as-catch-can basis. We always seem to be a day late and a dollar short. It has become all too evident that we are gradually losing the battle to make Cliff Walk safe for our citizens.

Current estimates of work that needs to be done on Cliff Walk total almost $2 million. That work would make Cliff Walk safer, for now, but it would not provide any assurances for the future nor would it resolve our

need for continuing preservation, interpretation, and maintenance.

The legislation that I am introducing today is for a study to assess the Cliff Walk as appropriate for inclusion as a unit of the National Park System.

There is considerable and apparently growing support for making Cliff Walk a unit of the National Park Service. I have encountered this support from Newport residents, including neighbors whose property abuts the Cliff Walk, from visitors to Rhode Island and from local, State, and Federal officials.

In this regard, at a meeting of the council of the city of Newport, held on December 10, 1986, the council adopted Resolution 96-86, urging the National Park Service to prepare a study of the Cliff Walk as a candidate for inclusion as a unit of the National Park System. That resolution states:

> Whereas, the City of Newport is blessed with many attractions drawing many hundreds of thousands of visitors to its shores, most notable among these being "the Cliff Walk"; and
>
> Whereas, the Cliff Walk, a foot path through the Bellevue Avenue National Historic Landmark District along cliffs bounded by the Atlantic Ocean, combines the natural beauty and resources of the ocean and the cliffs with the architectural and cultural heritage of Newport's most famous "summer cottages," three of which are listed on the National Register of Historic Places; and
>
> Whereas, having the distinction of being the first National Recreation Trail designated in New England, dedicated as such in 1975, the Cliff Walk has been enjoyed for over a century by Newport residents and visitors from all over the United States and the world; and
>
> Whereas, the City Council, the Cliff Walk Commission, and the citizens of Newport, recognize the need to protect and preserve this outstanding historic and scenic resource for the benefit and enjoyment of all persons. Now, therefore, be it
>
> *Resolved:* That the Council of the City of Newport does hereby request that the National Park Service, an agency dedicated to the protection and preservation of natural, cultural, and recreational resources of national significance, investigate the inclusion of the Cliff Walk as a unit of the National Park System. And be it further
>
> *Resolved:* That the Council of the City of Newport does hereby urge the National Park Service to prepare a study of the Cliff Walk as a candidate for such inclusion. And be it further
>
> *Resolved:* That a certified copy of this resolution be forwarded to our Congressional Delegation requesting their assistance in realizing this goal.

The National Park Service has only one facility in Rhode Island, the 4½ acre Roger Williams National Memorial in downtown Providence.

I played a role in creating that park, which honors Roger Williams, and his legacy of religious freedom, but I think Rhode Islanders should expect more than one National Park Service facility as our fair share.

As a matter of record, I want to note that I am a resident of Newport and that my home abuts Cliff Walk. I am enthusiastic about preserving the walk, but I will exclude myself from any plans for the portion of Cliff Walk that runs across my property.

I am sure that Cliff Walk would be an excellent addition to the National Park System—another jewel in the diadem of priceless natural and cultural treasures that the Park Service helps to preserve and conserve for all our citizens.

To that end, I am introducing legislation to study the Cliff Walk in the hope that it will be recommended for inclusion as a unit of the National Park System and that we will be able to preserve Cliff Walk for future generations.●

By Mr. DOLE (for himself and Mr. GRASSLEY):

S. 324. A bill to revise the basis for computation of emergency compensation under the 1986 feed grain programs; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD SECURITY IMPROVEMENT ACT

Mr. DOLE. Mr. President, today I am introducing legislation along with my distinguished colleague from Iowa, Senator GRASSLEY, to change the method for establishing deficiency payments for the 1986 feed grain crop. This would allow feed grain producers to receive the final portion of their deficiency payments this March, when spring credit needs are greatest, instead of in October, as established in the 1985 farm bill. I understand there will be a companion bill introduced in the House as well.

BACKGROUND

The 1985 farm bill mandates feed grain deficiency payments would be calculated by subtracting the difference between the target price and the season average price. This means for the 1986 corn crop, final deficiency payments would not be made until October 1987 since feed grain producers are on a September to August marketing year.

The method established in this legislation would calculate feed grain deficiency payments for the 1986 crop on a 5-month weighted average price, as was the case prior to the passage of the 1985 farm bill.

A HELPFUL CHANGE

Mr. President, I would underscore that this change in the method of calculating feed grain deficiency payments will provide producers with close to $3 billion in income payments prior to spring planting, when credit needs will be greatest. The proposal has no impact on overall Government outlays since the feed grain deficiency payments will be made regardless of whether payments are made in March or in October.

This change will also ensure equity between commodity programs since Congress did pass similar legislation prior to adjournment of the 99th Congress for wheat.

CONCLUSION

I point out that this is a one-time change that will be important to corn and other feed grain producers. I would urge quick approval of the legislation and ask unanimous consent that a text of the legislation be printed into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Security Improvement Act of 1987."

SEC. 2. Section 105C(c)(1)(D)(ii) of the Agricultural Act of 1949 (7 U.S.C. 1444e(c)(1)(D)(ii) is amended by striking out "marketing year for such crop" and inserting in lieu thereof "first 5 months of the marketing year for the 1986 crop and the marketing year for each of the 1987 through 1990 crops."

By Mr. HATCH (for himself and Mr. THURMOND):

S. 325. A bill to amend section 1979 of the Revised Statutes (42 U.S.C. 1983), relating to civil actions for deprivation of rights, to limit the applicability of that statute to laws relating to equal rights, and to provide a special defense to the liability of political subdivisions of States; to the Committee on the Judiciary.

MUNICIPAL LIABILITY

● Mr. HATCH. Mr. President, I am pleased today to introduce this legislation that provides relief in the area of municipal liability. This measure has been carefully examined in hearings held by the Constitution Subcommittee and was passed by that subcommittee during the 99th Congress.

During the post-Civil War Reconstruction era, the 42d Congress passed the Civil Rights Act of 1871 to protect persons from the deprivation under the color of State law, "of any rights, privileges, or immunities secured by the Constitution of the United States." The Revised Statutes of the United States enacted in 1874, contained a remedial provision, now 42 U.S.C. 1983, for securing these rights. I am in strong agreement with the intent of these laws—to guarantee to every American the rights secured by the Constitution and laws providing for equal rights. Indeed, I feel one of our most sacred obligations is to insure the constitutional rights of all our citizens.

However, over the past 23 years, due to a pair of recent Supreme Court rulings that have caused literal havoc in the interpretation of section 1983, a virtual explosion has occurred in the number of suits brought under that section.

In 1961, according to the administrative office of the U.S. courts, 270 civil rights cases were brought in Federal courts; this figure and those following exclude cases in which the United States was a party. Unfortunately, statistics are not available on specifically the number of section 1983 cases brought in Federal courts, but, in practice, the vast majority of these cases are suits against State and local governments, virtually all of which allege a section 1983 claim. By 1976 the number of these suits had leaped to 10,585; in addition, 6,958 State prisoners suits were brought—all of which would be section 1983 suits; habeas corpus suits are not included in this figure. During 1986 the number of civil rights suits brought in Federal court had increased to 20,178, plus 20,072 State prisoners suits. Therefore, between 1976 and 1986 the number of civil rights suits brought in Federal court—still excluding suits in which the United States was party—per year increased from 17,543 to 40,200, a 129-percent increase.

In his testimony before the Constitution Subcommittee on February 12, 1986, Roger Cutler, representing the National Institute of Municipal Law Officers, cited the pointed increase in cases filed against municipalities under fee-shifting statutes. Based on a 1985 survey conducted by NIMLO, Mr. Cutler estimated that about 9 cents of each dollar claimed in actions under 42 U.S.C. 1983, for which fee-shifting is authorized under 42 U.S.C. 1983, is ultimately paid by a municipality and that local governments throughout the country have paid a total of nearly $2 billion in taxpayer dollars to such plaintiffs.

This explosion of civil rights lawsuits was almost entirely the result of two Supreme Court cases, which in reality had little or nothing to do with anyone's constitutional rights. The following is an explanation of the cases as well as their undesired effects.

> In the case of *Maine* v. *Thiboutot*, 448 U.S. — (1980), the Court expressly ruled, for the first time ever, that the phrase "and laws" was intended by Congress to provide a section 1983 remedy for deprivations of rights secured by any law of the United States. Civil actions may now be brought against State and local officials under 42 U.S.C. 1983 based on violations of laws which have no relevance whatsoever to deprivations of constitutional or statutory equal rights.

In *Owen* v. *City of Independence*, 445 U.S. 622 (1980), the court held that local governmental entities may not assert the good faith of their agent as a defense to liability under section 1983 suits. In other words, a local government may be liable in damages for violating a constitutional right that was unknown when the event occurred.

The burdens imposed by these holdings will be onerous. At the very least, our crowded courts will become even more crowded; our tax dollars will increasingly be spent in damage suits instead of providing needed services. Further, our State and local governments will be paranoid to the point of paralysis lest their action or inaction be later interpreted as unconstitutional and thus subject to costly damage suits.

The court has been careful to point out in many of its section 1983 cases, including Owen and Thiboutot, that Congress could, if it chose to do so, modify the statute or limit its application to certain types of statutes. Although the Supreme Court has been far from unimaginative in its section 1983 decisions over the last 20 years, its most recent interpretation of congressional silence compels us to let our voice be heard on this matter.

Mr. President, because the Court's recent rulings, in the cases of Maine versus Thiboutot and Owen versus City of Independence, involve areas of the law which are better left to Congress than to judicial activism, I wish to introduce some relatively simple, yet important amendments to 42 U.S.C. 1983. I want to emphasize that my amendments will not compromise the intent of section 1983—to provide persons with a remedy for violations of rights secured by the Constitution and laws providing for equal rights.

MAINE VERSUS THIBOUTOT

The Thiboutots were recipients of AFDC benefits administered by the Maine Department of Human Services. The amount paid to the family was calculated on the number of dependents of Mr. Thiboutot—three children from a previous marriage—rather than on the number of dependents he and his present wife claimed. Their petition for a reassessment of the benefits was based on amounts due them as parents of eight children. The Superior Court of Maine, in an order affirmed by the Supreme Judicial Court of Maine, required the agency to make the requested changes and adopt new policies for similar cases.

The Court observed that the debate over the "scanty legislative history" of section 1983 did not result in a definitive answer on the intended scope of section 1983. Justice Brennan, writing for the majority of the Court, interpreted the "plain language" of section 1983 as providing a broad base for claims arising not only out of violations of constitutional rights, but also out of statutory rights unrelated to equal rights. Such claims are not limited to congressional rights or equal rights created by statute, reasons Justice Brennan, because the section merely states "and laws" and "Congress attached no modifiers" to explain what type of laws were intended to be covered by the section.

The result is that a cause of action under section 1983 may now rest on the violation or deprivation of any rights secured by any statute. In other words, a disgruntled citizen, feeling that an official deprived him or her of some benefit under a program provided for by Federal law, may sue that official for damages under section 1983. Prior to this decision, section 1983 cases only involved rights secured by the Constitution and statutes which provided for equal rights. Now, the Court has transformed this remedy into a catchall cause of action for the redress of any infringement of statutory rights.

In his dissenting opinion, Justice Powell, joined by the Chief Justice and Justice Rehnquist, stated that the "legislative history alone refutes the Court's interpretation of section 1983," and, further, that "until today this court never had held that section 1983 encompasses all purely statutory claims."

CONSEQUENCES OF THIBOUTOT

Even if we assume that the Court's interpretation of legislative history and legal precedent are correct, an assumption that is questionable at best, the devastating effect of the decision in Thiboutot on our State and local governments would necessitate our action.

Commenting on the ruling in Thiboutot, the Wall Street Journal said that the decision:

> Couldn't do more harm if it were deliberately designed to subvert the federal system and bankrupt cities from coast to coast.

I do not think this statement is too far off the mark.

Justice Powell illustrates the new areas likely to be affected by the Court's extension of liability. I include the appendix to his opinion at this point, because of the importance of understanding the extent to which this holding will intrude into the performance of State and local government activities.

Note the wide range of programs included in the list:

> A small sample of statutes that arguably could give rise to § 1983 actions after today may illustrate the nature of the "civil rights" created by the Court's decision. The relevant enactments typically fall into one of three categories: (A) regulatory programs in which States are encouraged to participate, either by establishing their own plans of regulation that meet conditions set out in federal statutes, or by entering into cooperative agreements with federal officials; (B) resource management programs that may be administered by cooperative agreements between federal and state agencies; and (C) grant programs in which federal agencies either subsidize state or local welfare plans that meet federal standards.
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> A. JOINT REGULATORY ENDEAVORS
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> 1. Federal Insecticide, Fungicide, and Rodenticide Act, 86 Stat. 973 (1972), as amended, 7 U.S.C. §§ 136 et seq.: see, e.g., 7 U.S.C. §§ 136u, 136v.
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> 2. Federal Noxious Weed Act of 1974, 88 Stat. 2148 (1975), 7 U.S.C. §§ 2801-2813; see 7 U.S.C. § 2808.

3. Historic Sites, Buildings, and Antiquities Act, 49 Stat. 666 (1935), as amended, 16 U.S.C. §§ 461-467; see 16 U.S.C. § 462(e).

4. Fish and Wildlife Coordination Act, 48 Stat. 401 (1934), as amended, 16 U.S.C. § 661-666c; see 16 U.S.C. § 661.

5. Anadromous Fish Conservation Act, 79 Stat. 1125 (1965), as amended, 16 U.S.C. § 757a-757d; see 16 U.S.C. § 757a(e).

6. Wild Free-Roaming Horses and Burros Act, 85 Stat. 649 (1971), as amended, 16 U.S.C. §§ 1331-1340; see 16 U.S.C. § 1336.

7. Marine Mammal Protection Act of 1972, 86 Stat. 1027, as amended, U.S.C. §§ 1361-1407; see 16 U.S.C. § 1379.

8. Wagner-Peyser National Employment System Act, 48 Stat. 113 (1933), 29 U.S.C. §§ 49 et seq; see 29 U.S.C. § 49g (employment of farm laborers).

9. Surface Mining Control and Reclamation Act of 1977, 91 Stat. 447, 30 U.S.C. §§ 1201-1328; see 30 U.S.C. § 1253.

10. Interstate Commerce Act Amendments of 1935, 49 Stat. 548, as amended, 49 U.S.C. § 11502(a)(2) (enforcement of highway transportation law).

B. RESOURCE MANAGEMENT

1. Laws involving the administration and management of national parks and scenic areas: e.g., Act of May 15, 1965, § 6, 79 Stat. 111, 16 U.S.C. § 281e (Nez Perce National Historical Park); Act of Sept. 21, 1959, § 3, 73 Stat. 591, 16 U.S.C. § 410u (Minute Man National Historical Park); Act of Oct. 20. 1972. § 4, 86 Stat. 1302, 16 U.S.C. § 460bb3(b) (Muir Woods National Monument).

2. Laws involving the administration of forest lands: e.g., Act of March 1, 1911, § 2, 36 Stat. 961, 16 U.S.C. §§ 563; Act of Aug. 29, 1935, ch. 808, 49 Stat. 963, 16 U.S.C. §§ 567a-567b.

3. Laws involving the construction and mangement of water projects: e.g., Water Supply Act of 1958, § 301, 72 Stat. 319, 43 U.S.C. § 390b; Boulder Canyon Project Act, §§ 4, 8, 45 Stat. 1058, 1062 (1928), as amended 43 U.S.C. §§ 617c, 617g; Rivers and Harbors Act of 1899, § 9, 30 Stat. 1151, 33 U.S.C. § 401.

4. National Trails System Act. 82 Stat. 919 (1968), as amended, 16 U.S.C. §§ 1241-1249; see 16 U.S.C. § 1246(h).

5. Outer Continental Shelf Lands Act Amendment of 1978, § 208, 92 Stat. 652, 43 U.S.C. § 1345 (oil leasing).

C. GRANT PROGRAMS

In addition to the familiar welfare unemployment, and medical assistance programs established by the Social Security Act, these may include:

1. Food Stamp Act of 1964, 78 Stat. 703, as amended, 7 U.S.C. §§ 2011-2025; see, e.g., 7 U.S.C. §§ 2020e-2020(g).

2. Small Business Investment Act of 1958, § 602(d)(1). 72 Stat. 698, as amended, 15 U.S.C. § 636(d).

3. Education Amendments of 1978, 92 Stat. 2153, as amended, 20 U.S.C. §§ 2701 et seq.; see, e.g., 20 U.S.C. §§ 2734, 2902.

4. Federal-Aid Highway legislation, e.g., 21 U.S.C. §§ 128, 131.

5. Comprehensive Employment and Training Act Amendments of 1978, 92 Stat. 1909, 29 U.S.C. §§ 801 et seq.; see, e.g., 29 U.S.C. §§ 823, 824.

6. United States Housing Act of 1937, as added, 88 Stat. 653 (1974), as amended, 42 U.S.C., § 1437 et seq.; see e.g., 42 U.S.C. §§ 1437d(c), 1437j.

7. National School Lunch Act. 60 Stat. 230 (1946), as amended, 42 U.S.C. §§ 1751 et seq.; see, e.g., 42 U.S.C. § 1758.

8. Public Works and Economic Development Act of 1965. 79 Stat. 552, as amended, 42 U.S.C. §§ 3121 et. seq.; 42 U.S.C. §§ 3132, 315a, 3243.

9. Justice System Improvement Act of 1979, 93 Stat. 1167, 42 U.S.C. §§ 3701-3797; see e.g. 42 U.S.C. §§ 3742, 3744(c).

10. Juvenile Justice and Delinquency Prevention Act of 1974, 88 Stat. 1109, as amended, 42 U.S.C. §§ 5601 et seq.; see e.g., 42 U.S.C. § 5633.

11. Energy Conservation and Protection Act of 1976, 90 Stat. 1125, as amended, 42 U.S.C. §§ 6801 et. seq.; see, e.g., 42 U.S.C. §§ 6805, 6836.

12. Developmentally Disabled Assistance and Bill of Rights Act, 89 Stat. 468 (1975), as amended, 42 U.S.C. §§ 6601 et seq.; see, e.g., §§ 6011, 6063.

13. Urban Mass. Transportation Act of 1964, 78 Stat. 302, as amended, 49 U.S.C. §§ 1601 et seq.; see e.g., §§ 1602, 1604(g)(m).

Now, "virtually every * * * program, together with the State officials who administer them becomes subject to Federal judicial oversight at the behest of a single citizen, even if such a dramatic expansion of Federal court jurisdiction never would have been countenanced when these programs were adopted." See *Chapman* v. *Huston, Welfare Rights Org.,* 441 U.S. 600, 645 (1978), (concurring opinion, Justice Powell).

Ironically, with the expenses of increased litigation and court-ordered spending that will accompany this decision, local governments will be less able to implement Federal programs than they were before the ruling in Thiboutot.

This is not to say that a person should be left without a remedy when a State official harms him in violation of a Federal statute. In 1980, Congress abolished the amount-in-controversy requirement for Federal question jurisdiction. This means that any person has access to Federal courts on the basis of a violation of a Federal statute. If the Federal statute does not specifically grant such access, it can be implied from congressional intent under the doctrines of Cort versus Ash, another Supreme Court safeguard to guarantee violations of Federal rights have a remedy. Because injured persons can get into Federal court without resort to 42 U.S.C. 1983 for violations of Federal law, the primary significance of the Thiboutot decision becomes monetary. By alleging a civil rights violation under Thiboutot, lawyers may become eligible for court-awarded attorney fees, even though Congress has decided not to provide a fee-shifting provision for the violated Federal statute. Thiboutot has become a way for lawyers to get easy compensation, instead of a way to vindicate Federal rights. Those rights can be adjudicated in Federal court without Thiboutot. It only makes sense for Congress to limit this "back door" means of shifting legal fees to violations of traditional civil rights.

Justice Powell summed up the effect of the Thiboutot decision:

> No one can predict the extent to which litigation from today's decision will harass State and local officials; nor can one foresee the number of new filings in our already overburdened courts. But no one can doubt that these consequences will be substantial.

As we all know, our local governments face the problem of providing services to the public with limited budgets. Our State and local governments are already strapped. Why should we leave them in a tighter straitjacket?

PROPOSED AMENDMENT

My amendment to section 1983 would add the words "and by any law providing for equal rights" in the place of the ambiguous and broad "and laws" language. The text would then read:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and by any law providing for equal rights of citizens or of all persons within the jurisdiction of the United States, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

This wording would provide that section 1983 actions be based on deprivations of those rights secured by the Constitution and by those laws which provide for equal rights. Thus, State and local governments would not face the harassment that is sure to follow the decision in Thiboutot, while at the same time, the civil rights of individuals will be protected as Congress originally intended.

OWEN VERSUS CITY OF INDEPENDENCE

In this decision, a dismissed city police chief sued the city, city manager, and city council for violating his due process rights. The Supreme Court, reversing the court of appeals, held that the city was liable to the police chief because its ordinance allowing his summary dismissal was unconstitutional and contravened the Court's holdings in *Roth* v. *Board of Regents,* 408 U.S. 564 (1972) and *Perry* v. *Sindermann,* 408 U.S. 593 (1972). These decisions had been handed down after the actions taken by the city of Independence. Therefore, the district court had allowed a good faith defense because the city and its officials could not have anticipated the Supreme Court's future interpretations of constitutional law. The Supreme Court, however, disallowed the good faith defense and held the city liable even though it had no way of predicting the Court's actions. The Court reasoned that since Congress was silent on municipal immunity, no immunity was intended.

Justice Powell, joined by the Chief Justice, Justice Rehnquist, and Justice Stewart, stated in dissent:

> This strict liability approach inexplicably departs from this court's prior decisions under section 1983 and runs counter to the concerns of the 42d Congress when it enacted the statute. The court's ruling also ignores the vast weight of common-law precedent as well as the current state of municipal immunity.

The dissenters also noted that—

> Municipalities . . . have gone in two short years from absolute immunity under section 1983 to strict liability.

CONSEQUENCES OF OWEN

Again, even if we accept the questionable use of legislative history and legal precedent, the policy considerations of this ruling force us to act. The ruling is not only unfair in holding a city responsible for violating a right which first came into existence after the city acted, but it is also detrimental in shackling local governments with the need to predict future Federal court decisions. In this ruling, the Court has administered what could be, for many of our local governments, a fatal dose of municipal immobilization.

While the Court could find no reason for any immunity for local governments, it has given numerous reasons for immunity to government officials such as judges, police officers, school board members, prison officials, and prosecutors. In Owen, the Court stated that—

> We concluded that overriding considerations of public policy nevertheless demanded that the official be given a measure of protection from personal liability

The Court's justification for individual immunity was—

> That the threat of personal monetary liability will introduce an unwarranted and unconscionable consideration into the decisionmaking process, thus paralyzing the governing official's decisiveness and distorting his judgment on matters of public policy.

Justice Harlan also listed reasons for granting immunity to Government officials:

> Officials of government should be free to exercise their duties unembarrassed by the fear of damage suits in respect of acts done in the course of those duties—suits which would consume time and energies which would otherwise be devoted to government service . . . *Barr* v. *Matteo*, 360 U.S. 564.

The Court stated that these considerations did not apply when the damage award comes from the public treasury instead of the official's pocket.

With such reasoning, the Court must assume that our State and local governments are guided by irresponsible individuals who would be prudent with their own money but would not flinch at the risk of depleting the public treasury. This type of official is not characteristic of the men and women I have associated with, in Utah and throughout the country, who take seriously their trust over the taxpayer's money. State and local leaders like these will be forced to continually look over their shoulder and into the mind of the Federal judiciary to determine future decisions—lest ruinous judgments threaten municipal solvency. Each decision will be made with constant consideration of section 1983 liability, and officials will no doubt feel the pressure of accountability to citizens and colleagues for costly judgments. Also, small towns, where retained counsel is an unaffordable luxury, will now be forced to cut back on services to try to protect themselves, by retaining counsel. Do all these concerns not introduce "an unwarranted and unconscionable consideration into the decisionmaking process?" Since a municipality's actions are essentially the actions of its chief officials and since most of our local officials are conscientious in their stewardship over public funds, I see little logic in distinguishing between the actions of the municipality and the acts of the individual officials: therefore, the dire effects that the Court sees in a lack of immunity for an individual official also apply to the lack of municipal immunity.

The Court also reasoned that the municipality's liability for constitutional violations is a proper concern of its officials. I certainly agree that the constitutional rights of individuals should be of the utmost concern in the decisions of municipalities and that they should be liable for violations of existing constitutional rights, but I do not agree that municipalities should be immobilized by rights that have not been invented yet. I do not think that the Supreme Court itself could predict future constitutional rights—in the Owen case, for example, four justices found no constitutional violation while five found that there was a violation. Local governments will need more than counsel, they will need a crystal ball.

Furthermore, the doctrine of separation of powers provides that some Government decisions should be insulated from review by the courts. A costly damage judgment or court-ordered spending, where officials have acted in good faith, represents a needless intrusion into municipal decisionmaking. As Justice Powell noted in Owen:

> The allocation of public resources and the operational policies of the government itself are activities that lie peculiarly within the competence of the executive and legislative, bodies. When charting those policies, a local official should not have to gauge his employer's possible liability under section 1983 if he incorrectly—though reasonably and in good faith—forecasts the course of constitutional law. Excessive judicial intrusion into such decisions can only distort municipal decision-making and discredit the courts. Qualified immunity would provide presumptive protection for discretionary acts, while still leaving the municipality liable for bad faith or unreasonable constitutional deprivations.

Another problem, as Justice Powell pointed out, is that the Count's decision in this case is completely out of step with the prevailing situation of the law of municipal immunity in the States. Most States have some form of immunity, the most common being a qualified immunity. Only five States practice the form of blanket immunity introduced by the Court in Owen.

Finally, Judge Learned Hand once observed:

> To submit all officials, the innocent as well as the guilty to the burden of a trial and to the inevitable danger of its outcome, would dampen the ardor of all but the most resolute, or the most irresponsible, in the unflinching discharge of their duties. Again and again, the public interest calls for action which may turn out to be founded on a mistake, in the face of which an official may later find himself hard put to it to satisfy a jury of his good faith. There must indeed be a means of punishing public officers who have been truant at their duties; but that is quite another matter from exposing such as have been honestly mistaken to suit by anyone who has suffered from their errors. As is so often the case, the answer must be found in a balance between the evils inevitable in either alternative. In this instance it has been thought in the end better to leave unredressed the wrongs done by dishonest officers than to subject those who try to do their duty to the constant dread of retaliation. *Gegoire* v. *Biddle*, 177 F.2d 579, 581. Quoted in *Barr* v. *Matteo*.

PROPOSED AMENDMENT

In its Owen decision, the Court provides for municipal liability because Congress had not provided for municipal immunity. The second amendment which I propose today will provide that municipalities and other political subdivisions of States shall have a good faith defense in section 1983 actions. This new section on the liability of political subdivisions will read:

> No civil action may be brought against a political subdivision of a State under this section if the political subdivision acted in good faith with a reasonable belief that the actions of the political subdivision were not in violation of any rights, privileges, or immunities secured by the Constitution or by laws providing for equal rights of citizens or persons.

Section 1983 will continue to allow recovery when there had been an intentional or bad faith violation by the municipality, or, in other words, when officials "knew or should have known that their conduct violated the constitutional norm." (*Procunier* v. *Navarette*, 434 U.S., a 562.) Municipalities will be protected when they have acted in good faith. This amendment strikes an equitable balance between two very important considerations—the constitutional rights of individuals and the ability of local governments to serve all the people.

STATUTE OF LIMITATIONS

Over the past 20 to 25 years, a stark discrepancy has existed as to which statute of limitations should be utilized for civil rights violations. Federal judges have virtually vacillated from one end of the spectrum to the other. One court requires the application of the limitation of the State wherein the alleged violation occurred (*Briley* v. *California*, 564 F.2d 849; *Jennings* v. *Shuman*, 567 F.2d 1213); while another court demands the application of the statute of limitations of the forum State, or the State wherein the civil rights violation was adjudicated (*Jones* v. *Bales*, 480 F.2d 805). Such incongruency and unpredictability by the judicial system on this matter has led many on a search for a resolution; a resolution that would bring order and uniformity to the present lack thereof.

The "rule" generally adhered to by the Federal courts is to use the limitation of the State wherein the violation was perpetrated (*Jennings* v. *Shuman*, 567 F.2d 1213); this alone, however, poses a major problem. Present State limitations extend all the way from 180 days (*Warren* v. *Norman Realty Co.*, 375 F.Supp. 478), to 15 years (*Graffals Gonzalez* v. *Garcia Santiago*, 550 F.2d 687), depending on the location and the offense. For example, if one were to be tried for a civil rights infringement in Alabama, a 1-year statute of limitations would most likely be used (*Boshell* v. *Alabama Mental Health Board*, 473 F.2d 1369); if tried in Louisiana, the general 10-year "catch-all" limitation could be applied (*Heyn* v. *Board of Supervisors*, 417 F.Supp. 603); if in the commonwealth of Puerto Rico, the variability of a 1-year to a 15-year limitation would be entirely possible *Graffals Gonzalez* v. *Garcia Santiago*, 550 F.2d 687); and finally, in Colorado, in light of the fact that no statute of limitations has officially been declared for some offenses, the sky could essentially be the limit (*Salazar* v. *Dowd*, 256 F. Supp. 220).

In referring to a thoroughly prepared analysis by Mr. Daniel E. Feld, J.D., entitled, "What Statute of Limitations is applicable to Civil Rights Action Brought Under 42 U.S.C.S. Section 1983," we find that fortunately, some States, seeking to establish a common ground whereon litigants of all section 1983 cases can meet, have adopted a single limitation, thus providing a most needed element of certainty and uniformity. Other States, however, have chosen varying statutes of limitations for 1983 cases, "Depending on the facts of the case" (American Law Reports, vol. 45, p. 553). Such indecision has overwhelmed our already encumbered court system requiring virtually a separate ruling for each individual suit.

I draw your attention now to three vividly representative cases that have recently been adjudicated. The lack of judicial limitation uniformity when rendering a final opinion will become blatantly obvious. The first two cases I present successively to show the lack of direct correlation between the decisions.

A 1978 Pennsylvania U.S. District Court ruling held that, for charges of alleged malicious apprehension and prosecution the Pennsylvania 1-year statute of limitations was correctly applied (*Kedra* v. *Philadelphia*, 454 F.Supp. 652). As contradictory as it may seem, an identical case was filed in the third circuit court of appeals challenging the 6-year statute of limitations in New Jersey for similar civil rights violations. The New Jersey 6-year limitation was upheld (*Butler* v. *Sinn*, 423 F.2d 1116), justifiably casting doubt upon the Pennsylvania 1-year limitation.

Questions quickly arise in one's mind. First, who is right? Second, how can such disparity exist for similar offenses? And third, can such incongruency between State statutes lead to an orderly consideration of limitation suits on the Federal level?

Allow me to cite a final case that will further leave us groping for stability and a solid foundation to which we can refer for security.

An alleged constitutional rights infringement was adjudicated in the second district circuit court of appeals. The court stated, and I quote, "that a section 1983 complaint may contain more than one cause of action and thus may require the borrowing and the application of more than one State statute of limitations" (*Williams* v. *Walsh*, 558 F.2d 667).

Where is the necessary predictability, stability, and uniformity that will allow our court system to be freed of the onerous burden of hearing each individual case, and then subsequently try to determine the correct statute of limitations to apply from the existing diverse possibilities? As rhetorical as this question may appear, the situation irrefutably exists.

In view of the difficulties of uncertainty and unpredictability, not to mention the vagaries of fruitless litigation, over an issue easily decided by a simple exercise of legislative line-drawing, I propose an 18-month statute of limitations for all section 1983 violations. Given the current inconsistencies, plaintiffs, defendants, and the courts alike would benefit from the creation of a uniform statute of limitations.

EXHAUSTION

Another section 1983 problem that demands a resolution is the apparent overzealousness of the Federal courts to rule on cases that were initially to be reserved for States and their adjudicatory processes.

During the proposal and subsequent enactment to the Ku Klux Act of 1871, presently represented in the 42 U.S.C. 1983 language, Gen. James A. Garfield, a major spokesman on the subject, supported the bill as "so guarded as to preserve intact the autonomy of the States, the machinery of the State governments, and the municipal organizations established under State laws."

The framers of the Constitution, after having been subject to stringent controls of an authoritative English monarch, established a division of powers doctrine that was to be inherent in the success of a democratic republic.

The venerable Justice Frankfurter grasped the careful balance struck by the 42d Congress when it drafted the 1871 act. The act conferred upon Federal courts the jurisdiction to prevent State officers and judges acting "under color of State law" from denying individuals their constitutional entitlements. When, on the other hand, a State has proven its willingness to enforce those rights, "it is to the State tribunals that individuals within a State must look for redress against other individuals within that State;" 365 U.S. 167, 238. This balance struck in 1871 "reflects to no small degree the recognition that the effectiveness of the legal order depends upon the infrequency with which it solves its problems by resorting to ultimate determinations of power;" Id. at 241. This exhaustion provision merely restores the careful balance enacted by the 42d Congress and permits States to execute their role as "primary guardians of the fundamental security of person and property." Id. at 237.

This exhaustion provision will state that "the Federal court shall not have jurisdiction—in section 1983 suits—unless the person filing such action has exhausted all administrative and judicial remedies available in the courts of the State." Chief Justice Burger and Justice Powell have described how this provision would work in a recent Supreme Court opinion:

> It does not defeat federal court jurisdiction, it merely defers it. It permits states to correct violations through their own procedures and it encourages the establishment of such procedures.

In other words, a litigant would still have ultimate recourse to Federal courts to enforce section 1983 rights, but that recourse would come only after the State had first had an opportunity to correct the violation. If the State's correction is not adequate, the Federal court would have jurisdiction to take the case and decide the unresolved issues. This does not extinguish any rights whatsoever, but merely redirects the adjudication to State courts in the first instance.

This would have many benefits. For instance, Federal courts would profit from the detailed factual record and earlier legal findings of State institutions. The issues would be narrowed and focused by the time they reached the Federal bench. Furthermore, the States familiarity with its own laws and regulations would facilitate both flexibility to adapt to local needs and uniformity in statewide administration. In the words of a Harvard Law Review article:

> Even a limited exhaustion rule would not only serve the state's interest in controlling its own affairs and correcting its officials but could also increase state sensitivity to federal rights and encourage implementation of adequate procedural responses to constitutional objections.

CONCLUSION

Evidently tired of waiting for Congress to break its silence on the intended scope of 42 U.S.C. 1983, the U.S. Supreme Court has rendered decisions in Maine versus Thiboutot and Owen versus City of Independence which will severely impair the ability of our local governments to serve the people, while doing little for individual constitutional rights. It is most essential that Congress let its voice be heard. Justice Rehnquist foresaw such a need in his dissenting opinion in Monell versus City of New York Department of Social Services:

> Only Congress, which has the benefit of the advice of every segment of this diverse Nation, is equipped to consider the results of such a drastic change in the law. It seems all but inevitable that it will find it necessary to do so after today's decision—Monell versus City of New York Department of Social Services, 436 U.S. 658,715—dissenting opinions.

In closing, I would like to remind my colleagues of a few observations of Justice Sandra O'Connor when she was still a State court judge. She noted:

> In view of the great caseload increase in the federal courts and the expressed desire of the Reagan Administration to hold down the federal budget, one would think that congressional action might be taken to limit Section 1983. It could be done directly or indirectly by limiting or disallowing recovery of attorney fees. Such a move would be welcomed by state courts, as well as state legislatures and state executive officers. 22 W & M L.Rev. 801,810 (1981).●

By Mr. HATCH:

S. 326. A bill to amend titles 18 and 29 of the United States Code, to eliminate, and establish an alternative to the exclusionary rule in Federal criminal proceedings; to the Committee on the Judiciary.

ALTERNATIVE TO THE EXCLUSIONARY RULE

● Mr. HATCH. Mr. President, recent legislative efforts have done much to place new and valuable tools in the hands of Federal law enforcement officers as they carry on the battle against crime. The Comprehensive Crime Control Act of 1984 contains significant bail reform provisions that should prevent dangerous criminal suspects from perpetrating further crimes pending trial or pending appeals after conviction. The sentencing provisions should provide unformity and stiffer penalties for Federal offenses. In addition, the Drug Enforcement, Education, and Control Act of 1986 addresses the compounded needs associated with drug trafficking and abuse. The package provides needed tools to battle crime with provisions strengthening law enforcement, interdiction, eradication, research, treatment, and education programs.

However, the list of benefits provided by these acts must not obscure the message that criminal justice reform is not complete. Many important legislative changes to deter crime, such as the capital punishment bill, were not included in either the Comprehensive Crime Control Act of 1984 or the Drug Enforcement, Education, and Control Act of 1986. Perhaps the chief item of unfinished criminal justice reforms in terms of detecting crime and apprehending criminals is finding a suitable alternative to the exclusionary rule. Accordingly, I am introducing today a bill to replace the exclusionary rule in Federal criminal proceedings with alternatives more likely to ensure enforcement of the fourth amendment.

The exclusionary rule, or the suppression doctrine, is a judicial policy mandating the inadmissibility of evidence obtained unreasonably according to current fourth amendment standards. Thus, the rule has the potential, as the Chief Justice has noted, of "excluding from evidence the traditional corpus delicti in a murder or kidnapping case."*Stone* v. *Powell,* 428 U.S. at 502 (1976). In other words, credible and probative evidence often critical to conviction, seized in the heat of apprehending a suspected felon is excluded from court consideration solely because a court deliberating months later feels it was obtained in an unreasonable fashion. As the rule now operates, a criminal, who in fact committed a dreadful violent crime and may have been caught in the act, is set free, not because he is innocent but because the evidence necessary to establish his guilt is deemed to have been unreasonably seized.

The fourth amendment provides:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath and affirmation, and particularly describing the place to be searched, and the persons or things to be seized. (U.S. Constitution, Amendment IV).

Although the fourth amendment triggers its judicial application, the exclusionary rule is not a part of the Constitution, but a court-made rule of evidence that was not adopted for Federal courts until 1914, *Weeks,* v. *U.S.* 232 U.S. 383 (1914), and State criminal trials until 1961, *Mapp* v. *Ohio,* 367 U.S. 643 (1961). See also authorities cited in Rader, "Legislating a Remedy for the Fourth Amendment," 23 S. Tex. L.J. 585 (1982).

Whereas a law enforcement officer acting in violation of the fourth amendment should be held responsible for his actions, the exclusionary rule instead is custom made to deter the prosecutor, not those law enforcement officers, guilty of committing the illegal acts. The exclusionary rule is succinctly explained by the distinguished legal authority Dean Wigmore:

> The Doctrine of *Weeks* v. *United States* also exemplifies a trait of our Anglo-American judiciary peculiar to the mechanical and unnatural type of justice. The natural way to do justice here would be to enforce the healthy principle of the fourth amendment directly, i.e., by sending for the highhanded, over-zealous marshal who had searched without a warrant, imposing a thirty-day imprisonment for his contempt of the constitution, and then proceeding to affirm the sentence of the convicted criminal. But the proposed indirect and unnatural method is as follows:
>
> "Titus, you have been found guilty of conducting a lottery: Flavius, you have confessedly violated the constitution. Titus ought to suffer imprisonment for crime, and Flavius for contempt. But no! We shall let you both go free. We shall not punish Flavius directly, but shall do so reversing Titus' conviction. 8 Evidence § 2184 (3d ed. 1940).

In England, as well as throughout the Commonwealth generally, the illegality of a seizure does not prevent evidence from being admissible in criminal proceedings. Also, police violators of the law are held personally accountable for their transgressions.

This English precedent has direct relevance to our own fourth amendment. The roots of our fourth amendment are evident in the maxim cited by Lord Coke that "every man's house is his castle." Recent studies indicate that in the turbulent times just prior to the American revolution, the English prohibitions against unreasonable searches were enforced against officers of the king by a suit for damages. See Rader, "Legislating a Remedy for the Fourth Amendment," 23 S. Tex. L. J. 585 (1982). In the famous case of *Entick* v. *Carrington,* 19 Howell's State Trials 1029 (1765), the English court awarded enormous damages to the victim of an illegal search even though it was conducted by one of the king's own ministers. The First Congress must have been aware of this landmark case and in the absence of any explicit remedy for violations of the fourth amendment must be assumed to have preferred existing remedies for its enforcement, namely, the remedy of the Entick case.

Despite this evidence about the First Congress' likely preferences for enforcement of their language, the judge-made exclusionary rule has gained prominence in the United States, alone among world criminal justice systems. While the Entick remedy had the virtue of punishing offending officer who performed an illegal search and still permitting proper consideration of probative evidence, the suppression doctrine excludes the otherwise guilty criminal as well as the offending law enforcement official from answering for their misconduct. Both malefactors are freed to again break the law.

A number of Supreme Court Justices have questioned the wisdom of the exclusionary rule. Mr. Justice Black, in a concurring opinion in *Wolf* v. *Colorado,* 388 U.S. 25 (1949), stated:

> The Federal Exclusionary Rule is not a command of the fourth amendment but is a judicially created rule of evidence which Congress might negate.

Again, in *Linkletter* v. *Walker,* 381 U.S. 618, 648 (1965), Mr. Justice Black said:

> The inference I gather from these repeated statements is that the rule is not a right or privilege accorded to defendants charged with crime but is a sort of punishment against officers in order to keep them from depriving people of their Constitutional rights. In passing I would say that if that is the sole purpose, reason, object and effect of the rule, the court's action in adopting it sounds more like law-making than construing the Constitution.

More recently, Chief Justice Burger stated:

> It creates a damage remedy not provided for by the Constitution and not enacted by Congress.

Clearly indicating his view regarding the deleterious effect the exclusionary rule has on justice. In *Bivens* v. *Six Unknown Federal Narcotic Agents,* 403 U.S. 388 (1971), Chief Justice Burger recommended this course of action:

> Reasonable and effective substitutes can be formulated if Congress would take the lead, as it did for example in 1946 in the Federal Tort Claims Act. I see no insurmountable obstacle to the elimination of the Suppression Doctrine if Congress would provide some meaningful and effective remedy against unlawful conduct by government officials.

It seems then that the Supreme Court has thrown down the gauntlet. Now Congress must answer the challenge.

The rule's adamant demand for a perfect trial is without constitutional foundation. In criminal prosecutions, the sixth amendment maintains that the accused be given a speedy and public trial, not necessarily a perfect trial. In addition, the Supreme Court has repeatedly interpreted the due process clause of the 5th and 14th amendments to require that a "fair trial" be provided, not the aforementioned perfect trial. The concept of a fair trail is an important one. Mr. Justice Rehnquist, in *Michigan* v. *Tucker,* 417 U.S 433 (1974), stated:

> Just as the law does not require that a defendant receive a perfect trial, only a fair one, it cannot realistically require that policemen investigating serious crimes make no errors whatsoever.

The protection of the citizenry is the foremost responsibility of the law enforcement officer; his first priority is to remove nefarious persons such as rapists, murderers, and kidnapers from the streets. In the performance of his duties, the policeman may sometimes err. The exclusionary rule does not distinguish between flagrant violations and accidental errors.

For example, its does not distinguish between clearly unreasonable searches of one's home and simple misstatements of information on a search warrant. Regardless of the magnitude of the error of the policeman, the rule mandates the suppression of evidence obtained in violation of the fourth amendment. The release of a convicted murderer due to an error in a search warrant may be necessitated by the exclusionary rule.

Under the rule, evidence considered to have been obtained illegaly is not permitted into trial, and if causal connection is determined, even the most credible kinds of evidence may be deemed "tainted" and also excluded from the trial. Causal connection refers to the judicial decision that where additional evidence is believed to have been gathered as a result of illegally seized evidence, it shall be subject to the exclusionary rule. For example, the body of a victim is inadmissible evidence at trial if the body was found as a result of a confession of a pickpocket being held illegally by law enforcement officers.

In our society, differing types of criminal elements are present. There are criminals such as gamblers and pickpockets who seek monetary gain by committing crimes against property. There are also criminals such as rapists and child molesters who commit violent crimes against the person. The exclusionary rule, however, does not differentiate between heinous crimes against the person such as rape, child abuse, or homicide and simple monetary crimes. Its use allows the same reversal for a convicted child molester, on the grounds of the illegality of the search and seizure, as it does a convicted gambler.

Our courts also make a distinction insofar the penalties meted out to the convicted criminal. The Court demarcates misdemeanors and more serious felony crimes. The penalties established are based on the magnitude of the crime committed. Conviction of a misdemeanor elicits a penalty ranging from a fine or probation to 1 year imprisonment in prison. Conviction of a serious felony crime elicits a penalty ranging from 1 year incarceration in a State or Federal penitentiary to the death penalty. Whereas the courts take into consideration the gravity of the crime, the exclusionary rule does not distinguish the misdemeanor from the more serious felony crime. The rule releases a convicted gambler the same as a convicted killer, totally ignoring the gravity of the crime.

The primary reason for the institution of the exclusionary rule was to deter abusive law enforcement practices. However, there is little substantive proof that the exclusionary rule is an effective deterrent. Mr. Justice White, in his dissenting opinion in *Stone* against *Powell,* stated:

> As time went on after coming to the bench I became convinced that *Weeks* v. *United States* (Citations omitted), and *Mapp* v. *Ohio* had overshot their mark insofar as they aimed to deter lawless action by law enforcement personnel and that in many of its applications the exclusionary rule was not advancing that aim in the slightest and that in this respect it was a senseless obstacle to aiming at the truth in many criminals trials, 428 U.S. 465, 537 (1967).

In the Janis case, Justice Blackmun, speaking for the Court, cited a long list of empirical studies into the effectiveness of the suppression doctrine as a deterrent of fourth amendment violations and concluded: "No empirical observer has yet been able to establish with any assurance whether the rule has a deterrent effect even in the situations in which it is now applied." (428 U.S. at 449 n. 22). The burden of proof should be upon advocates of the exclusionary rule to demonstrate that it accomplishes its purpose. After decades, that burden of proof has still not been satisfied. It is time to try something with a greater chance of success.

It has even been suggested that the exclusionary rule promotes illicit conduct by law enforcement officers. Since the rule is conviction-oriented, it is only brought to play at the trial stage of criminal proceedings when law enforcement officials are seeking a conviction, it permits harassment or seizure of contraband by officers who have no intention of a conviction while providing no direct punishment to the officer who may have violated fourth amendment rights. In some instances, the rule diminishes abidance of the law and compels officers to trun to illegal means of law enforcement; that is, false testimony. Where, then, lies the protection for the innocent victim of illegal searches and seizures required by the fourth amendment? Assuming an illegal search and seizure is committed upon a law-abiding citizen, the rule offers him little help, remedy, or protection—certainly no compensation.

Prof. Virgil Peterson's thoughts as to the ineffectiveness of the rule in its protection of the innocent are expressed well:

> Rejection of the evidence does nothing to punish the wrongdoing official while it may and likely will, release the wrongdoing defendant. It deprives society of its remedy against one lawbreaker because he has been pursued by another. It protects one against whom incriminating evidence is discovered,

> but does nothing to protect innocent persons who are the victims of illegal but fruitless searches. (In restrictions of the law of search and seizure, 52 Northwestern Univ. L. Rev. 46 at 55 (1958).

Further proof is found in a report from the American Bar Association's Division of Judicial Administration. A relevant section reads:

> Not only has the rule failed to achieve its stated purpose, but it has imposed substantial costs on society in the process. First, the exclusionary rule affords no protection or remedy to innocent persons whose fourth amendment rights have been infringed. Justice Frankfurter noted that the exclusion of evidence is a remedy which directly serves only to protect those upon whose person or persons something incriminating has been found . . . next it is clear that the exclusionary rule imposes a single, inflexible, and drastic sanction without regard to the nature, circumstances or degree of police misconduct.

To ascertain the validity of the many criticisms of the exclusionary rule, an empirical study was conducted in Chicago in 1971-72. The study was administered by the U.S. Department of Justice and the University of Chicago Law School. The results indicated the ineffectiveness of the rule as a deterrent to abusive law enforcement practices and illustrated the lopsided protections the rule gives for violations of the fourth amendment rights. Instead of protecting the innocent law-abiding citizen, the rule releases the criminal as well as the offending law enforcement official from answering for his misconduct. In a brief (amicus curiae) submitted by the district attorney of Alameda County in the case of People against Cahan, the district attorney stated:

> ("The) net result of the exclusionary rule is that the person who will benefit the most, in fact almost exclusively, are the blackmailer, the kidnapper, the big-time narcotic peddler, the racketeer, the dishonest gambler who preys in devious ways upon a gullible public, the panderer and procurer, the entrepreneur of syndicated prostitution, who like the pimp, lives off the earnings of prostitutes, and other types of organized syndicated crimes 44 Cal. 2d 434 (1955).

In recent Supreme Court decisions concerning the exclusionary rule, Justices have continued to echo the fact, which was first introduced in *Wolf* v. *Colorado,* 338 U.S. 25 (1949), that the rule is "judicially created and one which Congress might negate." The bill I proposed today is in response both to the cries of these Justices of the Supreme Court and to our fellow Americans, who are increasingly becoming victims of violent criminal acts.

My bill, comprised of two major provisions, would eliminate the exclusionary rule thus permitting evidence not be held inadmissible, when obtained in violation of fourth amendment rights by Federal law enforcements officials in a Federal criminal trial. Also, my bill would allow for redress for innocent persons of fourth amendment violations. Federal law enforcement officials who violate fourth amendment rights will not be afforded protection by this bill; but they will instead be required to answer for their actions. Both provisions are needed.

The first provision would require the addition of a new section, section 3505—elimination of the exclusionary rule—in chapter 223 of title 18 of the United States Code. It would eliminate the exclusionary rule as it pertains to Federal criminal proceedings. The proof of innocence or guilt must be based on the truth. In my opinion, truth is denied when courts are not given the opportunity to judge evidence solely on the basis of its reliability. By eliminating the exclusionary rule, all evidence would be available to the trial judge for his determination as to its relevance to the case.

The second provision would add a new chapter, 172—illegal search and seizure—to title 28 of the United States Code. It would provide a civil tort remedy for individuals whose fourth amendment rights have been violated by Federal law enforcement officials. It would define Federal officials who would be subject to appropriate discipline for violating fourth amendment rights, and it would stipulate that the U.S. Government would be held liable for the actions of its officials who violate fourth amendment rights.

It would also set forth the standards for recovery of actual damages and such punitive damages, up to but not to exceed $25,000, as the court may award. Finally, it would provided the court the opportunity to award any claimant who prevails in such action reasonable attorney fees, and other litigation costs reasonably incurred as the court may deem appropriate. Thus, the second provision would offer the protection guaranteed by the fourth amendment of the U.S. Constitution as well as act as a deterrent to potential violations of searches and seizures by Federal law enforcement officials.

In a recent case, the Supreme Court adopted an exception to the exclusionary rule which permits the admission of illegally seized evidence if the seizure was undertaken in the good faith belief that it was in conformity with the fourth amendment. Senior Judge Malcolm Wilkey of the District of Columbia Court of Appeals has commented with great insight on the need for legislative correction beyond the good faith exception:

> The proposed remedy has a certain plausibility, and it will have one favorable result; fewer guilty criminals will be set free by the application of the exclusionary rule. However, the guilty going free because the constable blundered is only the most visible of the many evils associated with the exclusionary rule. There are also evils which in the aggregate are greater than sometimes freeing the guilty criminal, *and each and every one of these is preserve by this proposed "remedy."*
>
> Looking back at the list of existing evils in Part I above, it is clear that only the first evil will be partially corrected by the adoption of the good faith exception. *Each and every one of the other eleven listed evils will be retained after the proposed good faith exception remedy goes into effect.* For example, the good faith exception does not purport to give innocent victims of illegal searches and seizures any remedy at all; only the truly guilty will continue to benefit by the exclusionary rule (Cost 2). All internal disciplinary efforts of law enforcement agencies will be totally negated by the continued retention of the exclusionary rule in any form (Cost 3). The necessity to determine whether the officer acted in "good" or "bad" faith makes impossible any effective disciplinary remedy by either law enforcement agencies or outside review boards. Discipline of the officer will always undermine the prosecution of the case, if there remains any chance that the search can be found sufficiently illegal to invoke the exclusionary rule. The burden on the court is in no way lightened; it will still be necessary to determine in every criminal trial whether the officer acted in "good" or "bad" faith (Cost 4). This is now and will continue to be an unabated waste of judicial resources (Cost 5 and 6). The necessity of determining good or bad faith will be an outright encouragement to perjury, even as now (Cost 7); similarly, the retention of the rule for "bad faith" searches makes hyprocrites out of judges (Cost 8). We could go down the list of remaining evils listed and see that each and every one would still be present if the proposed good faith exception is adopted.
>
> *In addition to perpetuating the present evils, the proposed good faith exception will create an additional evil:*
>
> Cost 13: The "good faith" exception puts a premium on ignorance and lack of training in law enforcement agencies. The ideal police recruit will be the "noble savage" who never heard of the Constitution. He will be able to do many illegal things in perfect "good faith."

This is perhaps a good time to look at the suppression doctrine from one final vantage point—that of the courts.

The exclusionary rule forces the courts to accept suppression motions on all evidence claimed to have been obtained in violation of the fourth amendment rights. This has admittedly doubled the court calendar. The other bills continue to request that courts decide whether the evidence should be admissible in court at a suppression hearing. Thus, the exclusionary rule would remain a time consuming, added burden on the court system.

Even innocent persons subjected to illegal searches and seizures, who are arrested as a result of the illegal searches and seizures, must wait for a date on the court calendar just for a suppression hearing, and then, whether or not the evidence is found to be admissible, they must wait yet another date of the court calendar for their trial. If the innocent person cannot afford bail, he probably will have to wait for his trial date confined in a local jail. On the other hand, if an alleged child molester can afford bail, he will await his trial date back in society among children.

My proposed bill would not allow this injustice to occur. It would free up the court's calendar by eliminating the need for an extra proceeding prior to trial, thereby allowing the courts to handle cases in a more timely and expeditious manner. The speed with which the courts could handle cases would ensure the release of innocent persons faster as well as speed up the removal of criminals from the streets.

Congress enacted legislation to allow civil tort actions to be taken against State authorities who abuse their powers. 42 U.S.C. 1983 (1970):

> Every person who under color of any statute, ordinance, regulation, custom, or usage; of any State or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Congress should offer redress when Federal law enforcement officials violate fourth amendment rights. The bill I propose offers just such a remedy.

In conclusion, the exclusionary rule has not lived up to its expectations. The court which created the rule has itself found many exceptions to its application and has hinted at the need to rectify its shortcomings by legislation. This bill would permit the Federal courts to pursue truth by allowing admission of probative evidence. It would also create a working deterrent to fourth amendment violations. It would also provide a remedy for the innocent person whose fourth amendment rights may now be violated with relative impunity.●

By Mr. HATCH (for himself and Mr. THURMOND):

S. 327. A bill to provide for civil rights in public schools; to the Committee on the Judiciary.

PUBLIC SCHOOL CIVIL RIGHTS ACT

● Mr. HATCH. Mr President, in the last three Congresses, I have introduced legislation to provide adequate civil rights for our public school students. Each Congress, this bill has been approved by the Subcommittee on the Constitution. Assistant Attorney General Bradford Reynolds has described well the principle that drives this legislation.

> * * * there is no more important struggle than * * * ensuring for the next generations to come, an enhanced educational environment in our public schools that provides to all those of school-age an equal opportunity to attend the school of their choice, free from racial discrimination.

I enthusiastically echo Mr. Reynolds' statement. The civil rights of our public school students is of such vital importance and the inequities inherent in mandatory busing as a so-called remedy for racial discrimination is of such repugnance that this bill is among the most significant steps Congress might take to restore the full civil rights of our students. Educational excellence, not busing to achieve some notion of racial balance, is what our public schools need. In fact, busing—a form of governmental discrimination based on race—interferes often with excellence in education.

This situation is accurately reflected by Mr. David Armor, who commented before the Constitution Subcommittee on May of 1981:

> I think we have to get rid of remedies that in fact are not remedies at all and that simply make the problem worse.

I think the time is right for us to end this form of discrimination that masquerades as a remedy and instead devote our energies to enhanced educational opportunities. Accordingly, I am today introducing a bill to enforce constitutional guarantees that individual rights shall not be abridged on the basis of race, color, or national origin.

Many Senators may express feelings of regret that we must again reconsider this topic. I can understand and empathize with those feelings. After all, this problem, assigning students to public schools on the basis of race, was supposed to be solved in 1954 by the momentous Supreme Court decision of *Brown* v. *Board of Education*, 347 U.S. 483. Again the Senate thought it had prohibited the consideration of race when assigning students to public schools in 1964 when it enacted the Civil Rights Act. Therefore, when we are still striving to convince judicial policymakers decades later that students should be allowed to attend schools without regard for race or color, I can understand why the task would become frustrating. Nonetheless the basic constitutional principle that race should not determine what schools our students may attend must not be abridged.

This principle was clearly enunciated by the venerable Justice John Marshall Harlan in his dissent to the Plessy against Ferguson case. Plessy upheld a Louisiana statute requiring "equal but separate accommodations for the white and colored races" in passenger trains. 163 U.S. 540, 551 (1896). Justice Harlan dissented with the thought that "our Constitution is color-blind," (Id. at 559). These few words captured the essence of our 14th amendment prohibition against deprivation of life, liberty, or property without due process of law and against denial of equal protection of laws.

Harlan's dissent laid the foundation for the Court's ruling in the Brown case 58 years later. In Brown the Court found that—

> The Constitution of the United States, in its present form, forbids, so far as civil and political rights are concerned, discrimination by the General Government or by the States against any citizen because of his race, 347 U.S. at 499.

In other words, race and color were not to play any role whatsoever in decisions relative to school district boundaries and school attendance. Race was not to be used in assessing the rights of "any citizen"; certainly racial assessments were not to benefit one group at the expense of another.

It is ironic that the Brown Court mentioned one of the same phenomenons that social scientists are today citing in their condemnation of busing: the stigma of inferiority associated with the victims of racial separation. The Brown Court explained the significance of this stigma when it said:

> To separate students from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.

I bring up this language because Congress is trying to do today the same thing that Brown tried to do in 1954; Congress is trying to end racial discrimination and make our educational legislation sound. Unfortunately, our current busing policy is actually nurturing racial discrimination and its stigma of inferiority. This was made clear to me by the testimony of the witnesses before the Constitution Subcommittee's hearings on school busing.

Brown was not the only case that established the principle that the 14th amendment prohibited States from taking cognizance of race. The *Loving* case, 388 U.S. 1 (1967), for instance, struck down a Virginia statute prohibiting interracial marriage. The Court clearly stated that classifying marriage rights on the basis of race was "unsupportable." The *Anderson* case, 375 U.S. 399 (1964), declared unconstitutional any racial designation of candidates on an election ballot. In *Evans*, 396 U.S. 435 (1970), the Court clarified that provisions in a will leaving property to a city for a public park which the will expressly stipulated could never be used by blacks could not be honored. Each of these cases understood and carried out the intent of the case that the 14th amendment forbid consideration of racial classifications of any kind in administering societal programs.

Congress has attempted to statutorily implement the *Brown* decision. The most notable attempt was, of course, the Civil Rights Act of 1964. Title IV of the act contains several provisions designated to make national education policy colorblind. Section 401(b) defined "desegregation" as:

> The assignment of students to public schools and within such school without regard to their race, color, religion, or national origin, but "desegregation" shall not

> mean the assignment of students to public schools in order to overcome racial balance.

The second part of this section was authored by Congressman Cramer of Florida. He explained clearly that the provision was necessary to prevent de facto segregation, or chance segregation caused by housing patterns and adherence to the neighborhood school concept, from becoming the object of congressionally approved desegregation schemes. Mr. Cramer, and the 88th Congress, equated the terms de facto segregation and racial imbalance (110 CONGRESSIONAL RECORD 1508).

The Senate version of the Civil Rights Act added two more amendments to insure that congressional policy would not be misconstrued to countenance any assignment of students to schools on the basis of race (section 407 of the act). The section authorizing the Attorney General to bring school desegregation suits, states that—

> nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another in order to achieve such racial balance. 42 U.S.C. 2000c-6(a).

Moreover section 410 clarified that—

> nothing in this title shall prohibit classification and assignment for reasons other than race, color, religion, or national origin 42 U.S.C. 2000c-9.

Both Senate amendments were drafted and approved to prevent de facto segregation, as opposed to de jure or legally enforced segregation, from becoming a justification for the extreme remedy of busing, or assigning students to schools on the basis of race.

Senator Hubert Humphrey of Minnesota, floor manager for the bill in the Senate, explained that these amendments were intended to make doubly clear that title IV did not authorize the Attorney General to correct racial imbalance and in general—

> to soothe fears that title IV might be read to empower the Federal Government to order the busing of children around a city in order to achieve a certain racial balance or mix in schools, 110 Cong. Rec. 12712.

Senator Humphrey stated that he was relying on the recent decision in *Bell* v. *School of Gary*, 324 F. 2nd. 209 (1963), in stating that Federal officials were not required to correct segregation unless it had been enforced by past laws.

This provision was included in the Civil Rights Act to expressly note that racial discrimination was not to be identified solely through use of numerical or statistical evidence rather than through some demonstration of wrongful intent by some individual or group of individuals. Unfortunately, the courts have disregarded this express language and instead relied upon evidence of racial imbalances within schools as proof of unlawful discrimination. Rather than placing the burden upon those alleging discrimination to demonstrate some identifiable act of discrimination, the courts have instead allowed discrimination to be adduced by evidence that some ideal racial proportion has not been achieved.

Harmful intent to discriminate was replaced with statistics that showed, for whatever reason, that more of one race than another were in a particular school or classroom. The defendant, therefore, not only had to demonstrate an absence of a corrupt state of mind, but had to show an affirmative commitment to a racially balanced institution. Treating individuals without regard to race was no longer enough, the defendant had to consider that race at least to the degree that the court found proper. The problem, of course, is that no defendant could be sure in advance of adjudication if his notion of racial balance would be the same as the court's. Meantime, students had to be classed again according to race.

This is not the intent of the Constitution or Congress. Instead of considering each child in a school district only as a student, Federal courts classify students according to race. When the numerical ratio between the classes is unsatisfactory according to some subjective notion of racial balance, some black students or some white students are legally required to be hauled to a distant school simply because they are black or white. This is precisely the injustice that Brown and the Civil Rights Act intended to terminate. Prior to Brown, some students were legally required to be hauled to a distant school simply because of their race. It is a tragedy that we are still fighting to secure civil rights for our public school students.

Some commentators on this problem will undoubtedly note that the situation today is different than it was before Brown, that assigning students to schools on the basis of race is necessary to eradicate the vestiges of past legal segregation. To that my response is clear; we are not going to put an end to racial discrimination by perpetuating distinctions based on race. School busing is nothing more than assigning students to schools on the basis of race. I repeat, Mr. President, we will never end discrimination by discriminating.

Whatever the cause of racial imbalances in public schools, the assignment of students to public schools on the basis of race—busing—results only in more segregation by inducing large numbers of families to migrate from the school systems being subjected to busing mandates or to seek alternatives to public school education. For example, according to Constitution Subcommittee witness David Armor, between 1976 and 1980 Los Angeles lost nearly one-half of its students through a combination of demographic decline and racial "flight" from Federal "desegregation" decrees. Busing not only is not the solution, it actually aggravates the problem.

Since assignment of students to public schools on the basis of race cannot be justified as a means of preventing or undoing racial discrimination by school authorities, such assignment is itself an unjustifiable practice of racial discrimination in violation of the 14th amendment.

Mr. President, I might add that there is a very apparent remedy for the kind of unconstitutional segregation prohibited by Brown. If a school authority has legally enforced a policy of racial segregation through a school district reorganization, school closings, or other acts of State government, a court could always issue an injunction suspending all implementation of the segregative law or policy. Where such injunctions are not scrupulously obeyed, a court could institute contempt of court proceedings to secure compliance with its order.

My proposed bill will enforce constitutional guarantees that individual rights shall not be abridged on the basis of race, color, or national origin.

Busing has caused more friction, caused more disruption in education, and caused more chaos in community relations than existed before it was instituted.

The operative provision of my bill would utilize Congress authority under the 14th amendment, to lower Federal courts from issuing any order requiring the assignment of students to schools on the basis of race or which the effect of excluding any student from any public school on the basis of race.

My legislation is based on section 5 of the 14th amendment. That section specifically grants Congress the power "to enforce by appropriate legislation, the provisions of" the amendment. By specific language, this constitutional provision grants Congress authority to legislate remedies for violations of equal protection.

The section places Congress in a leading role in the selection of remedies for violations of the 14th amendment. Therefore, it is entirely proper for Congress to determine that assignment of students to public schools on the basis of race is not an appropriate or effective remedy for unconstitutional segregation. The manner in which Congress would choose under this bill to limit this counterproductive remedy, if indeed this could be called a remedy at all, is to forbid lower Federal courts from issuing orders that would assign students to schools on the basis of race.

Those courts may still entertain lawsuits alleging racial discrimination and may use any remedy, including those mentioned in section 2 of the bill, but they may not employ busing. This bill does not, however, limit or affect in the slightest the power of the State courts or the Supreme Court on appeal to use whatever remedies they may deem appropriate. This provision should insure that the policy enunciated by Brown and incorporated into the Civil Rights Act is implemented the Federal courts, this is, race is not to be a factor in school assignments.

In some instances, the Supreme Court already has found egregious constitutional violations and imposed as "a last resort" an order assigning students to schools on the basis of race. *See Swann* v. *Charlotte,* 402 U.S. 1 (1971). The bill does not automatically vacate existing busing orders. Instead, it authorizes school board authorities or other individuals subject to such orders to reopen these cases and subject them to a new standard. If the court cannot make five conclusive findings based on clear and convincing evidence, that party will be entitled to relief from the order. The five findings will require the court to reconsider its former rulings in light of the policies of this bill as expressed by the findings sections.

Unless the court can make the findings under the difficult evidentiary burden of "clear and convincing evidence," the order will be vacated. The four findings are: first, the act which caused the order to be instituted intentionally caused, and in the absence of continuance of the order, will continue intentionally to cause, students to be excluded from public schools on the basis of race; in making this finding the court must look for evidence of wrongful intent, not merely a showing that some amorphous notion of racial balance was not achieved; second, the totality of circumstances have not changed; in making this finding the court should determine whether the passage of time and the effect of this act have provided relief from intentional segregation; third, no other remedy, including those in this bill, would halt the intentional segregation and make busing unnecessary; fourth, the economic, social, and educational benefits of the order have clearly outweighed the economic, social, and educational costs of the order, and fifth, the busing required by the order does not consume more than 30 minutes to travel time daily or 10 miles of travel distance daily. The fifth finding required by the court to leave busing in force is similar to the amendment proposed by Senator JOHNSTON and approved by the Senate in the 97th Congress. While it is indeed patterned after the Johnston amendment's attempt to impose reasonable limits on busing, this is more modest in several significant respects: First, this bill does not purport to overturn existing opinions of the Supreme Court, which will not be subject to the limits of this legislation when considering whatever, remedies for discrimination it deems proper. Second, while the Johnston amendment would have immediately outlawed any busing order has been challenged in court, to find that the time and distance limits are in effect before permitting the busing to continue. Third, these time and distance limits are part of a larger bill that recommends alternative remedies to busing and focuses the court on other findings in addition to these reasonable time and distance limits.

Mr. President, I would hasten to add that this new standard for reopening cases which have imposed busing would not amount to a balancing of constitutional rights. Constitutional rights, of course, must not be made subject to a balancing test. We are not, however, discussing constitutional violations, but the appropriate remedy for an established violation. Once a violation is found, Congress may provide standards to help the courts find the best remedy. Those standards may include weighing the costs of the remedy against its benefits. A remedy which is no remedy at all but an energious violation in its own right should not be tolerated. Assigning students to schools on the basis of race is just that—more of a constitutional violation than a constitutional remedy.

Section 4 of this proposed legislation details this bill's answer to a point raised by University of Virginia Law School Professor Laurens Walker.

> Under title 28 of the United States Code, section 1441, defendants in State court actions would have the opportunity to remove school desegregation cases from State courts to the Federal courts. Hence it might be argued that, as a practical matter, if this legislation were enacted the combination of this general removal stature and the proposed legislation would eliminate the busing remedy throughout our court system.

It is not this bill's intent to eliminate State courts' authority in school busing cases and section 6 of this bill prevents their circumvention.

Perhaps I can help explain this proposed legislation by succinctly stating what this bill does not do: This bill does not forbid discrimination suits in Federal courts, but does circumscribe a single remedy; this bill does not forbid State courts from ordering busing if they deem that an appropriate remedy; this bill does not permit litigants to avoid State-ordered busing remedies by moving their case to inferior Federal courts where such remedies would be forbidden. Thus, pursuant to principles of federalism, States—through their court systems—would retain discretion to remedy discrimination as they see fit. They would retain discretion even to order busing. Which in my opinion would be a mistake. Nonetheless, the State courts are a more proper forum for busing debates and mandates than are the Federal courts. If any court is going to use this extreme remedy, it ought to be a court which is intimately associated with the community to be affected, recognizing, of course, that even State courts are ultimately accountable to the Constitution and the review of the Supreme Court.

This bill, Mr. President, should provide the lasting solution necessary to deliver public schools from the torments of racial discrimination. As long as we attempt to frustrate the clear policy of Brown and the Civil Rights Act by treating individuals under the Constitution with anything other than a colorblind standard, we will continue to experience upheavals such as have rocked many of our cities and States over the past few years. In conclusion, I would like to include a speech delivered by Assistant Attorney General Reynolds on the subject of schoolbusing and the 14th amendment.

Mr. President, I ask unanimous consent that this speech and the bill be printed in the RECORD.

There being no objection, the laterial was ordered to be printed in the RECORD, as follows:

S. 327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public School Civil Rights Act of 1987".

SEC. 2. (a) The Congress finds the remedies listed in subsection (b) are available for unconstitutional segregation exclusive of court orders which assign students to public schools on the basis of or with regard to race, color, or national origin, finding that such orders themselves have the effect of excluding students from public schools on the basis of or with regard to race, color, or national origin.

(b) The remedies which the Congress finds are available are—

(1) legal injunctions suspending all implementation of a segregative law or other racially discriminatory Government action;

(2) contempt of court proceedings where such injunctions are not scrupulously obeyed;

(3) programs without coercion or numerical quotas or specific goals based on racial balance that permit students to voluntarily transfer to other schools within the school district where they reside; and

(4) other local initiatives and plans to improve education for all students without regard to race, color, or national origin.

SEC. 3. Section 1343 of title 28, United States Code, is amended by designating the current language as section (a) and adding at the end thereof the following:

"(b)(1) Notwithstanding any other provision of law, no inferior court established by Congress shall have jurisdiction to issue any order requiring the assignment or transportation of any student to public elementary or secondary schools on the basis of or with regard to race, color, or national origin or to issue any order which excludes any student from any public school on the basis of or with regard to race, color, or national origin.

"(2) In the case of court orders entered prior to the date of this Act that require the assignment or transportation of any student to a public elementary or secondary school on the basis of or with regard to race, color, or national origin or which excludes any student from any school on the basis of or with regard to race, color, or national origin, any individual or school board or other school authority subject to such an order shall be entitled to seek relief from such order in any court and unless that court can make conclusive findings based on clear and convincing evidence that—

"(1) the acts that gave rise to the existing court order intentionally and specifically caused, and in the absence of the order would continue intentionally and specifically to cause, students to be assigned to or excluded from public schools on the basis of or with regard to race, color, or national origin; for purposes of this finding, these 'acts that gave rise to the existing court order and intentionally and specifically caused, and in the absence of the order would continue intentionally and specifically to cause, students to be assigned to or excluded from public schools on the basis of race, color, or national origin' (including but not limited to school district reorganization, school boundary line changes, school construction, and school closings) shall not include legitimate efforts to employ public education resources to meet public education needs without regard to race, creed, or national origin,

"(2) the totality of circumstances have not changed since issuance of the order to warrant reconsideration of the order,

"(3) no other remedy, including those mentioned herein would preclude the intentional and specific segregation,

"(4) the economic, social, and educational benefits of the order have clearly outweighted the economic, social, and educational costs of the order, and

"(5) either—

"(a) the total actual daily time consumed in travel by schoolbus for any student does not exceed thirty minutes unless such transportation is to and from a public school closest to the student's residence with a grade level identical to that of the student; or

"(b) the total actual round trip distance traveled by schoolbus for any student does not exceed ten miles unless the actual trip distance traveled by schoolbus is to and from the public school closest to the student's residence with a grade level identical to that of the student, then such plaintiffs shall be entitled to relief which is consistent with the provisions of this subsection and the Public School Civil Rights Act of 1981 from such order.".

SEC. 4. Chapter 89 of title 28 of the United States Code (relating to district courts' removal of cases from State courts) is amended by adding after section 1455(c) the following new subsection:

"(d) A civil action in any State court seeking a judgment for any relief described in this Act may not be removed to any district court of the United States.".

STATEMENT OF WILLIAM BRADFORD REYNOLDS

It is a particular pleasure to have this opportunity to share this evening with you. The National Association of Neighborhood Schools has long been an organization that holds the abiding respect of many of us for the courageous and principled position it has staked out and defended in the area of school desegregation. I and a majority of Americans—black and white, brown and red, old and young—applaud you for daring to place our children's education needs ahead of our court's transportation preferences. Largely through your untiring efforts, neighborhood public schools are today beginning to experience a welcome revival. All I can say is: don't let up now that we are seeing some progress; there is no more important struggle than the one you are fighting to ensure for the next generation of students, and generations to come, an enhanced educational environment in our public schools that provides to all those of school-age an equal opportunity to attend the school of their choice, free from racial discrimination.

This evening I would like to take a few minutes to review the desegregation efforts of this Administration, focusing briefly on the initiatives we have taken, and why; the progress that has been made; and what, as I see it, the future holds.

We can all feel a degree of satisfaction. I think, that the experiment with forced busing as the principal—indeed, in many instances, the sole—remedial tool to desegregate a public school district is largely over. I am not so naive as to believe that court-ordered transportation of young students to distant schools far removed from home; parents, and neighborhood has ended entirely, but I can state with full conviction that often times tragic consequences of this tool of social engineering have been exposed, and, the ranks of its proponents are woefully depleted and in disarray.

I do not need to spend much time explaining to this group why a broad national consensus has gathered in opposition to forced busing. In many respects, forced busing was the prescription for its own destruction. It rested, in the first instance, on a most precarious foundation—that is, the misguided notion that the desegregation command in *Brown* v. *Board of Education* required a perfect racial balance in all classrooms throughout the offending school district. Brown, of course, contained no such requirement. Indeed, quite to the contrary, *Brown II* explicitly understood that "maximum integration" of schoolrooms is not the principal concern of the law; rather, the Supreme Court stated, "[at] stake [was] the personal interest of the plaintiffs in admission to public schools . . . on a [racially] nondiscriminatory basis." 349 U.S. at 300.

As we all know in the early 1970's the *civil rights* issue of racial neutrality in student assignments was consumed by the *social* issue of racial proportionality in the classroom. Blame cannot properly be laid entirely at the doorstep of the Supreme Court. To be sure, it ruled in 1971, in *Swann* v. *Charlotte-Mecklenberg Board of Education*, that race-conscious pupil assignments and mandatory student transportation are available remedial tools of school desegration. But nowhere has the Court said—in *Swann* or elsewhere—that forced busing is constitutionally required. Rather, as made clear in *Swann*, it is but one of a number of remedial devices, to be used, if at all, only when "practicable," "reasonable," "feasible," "workable," and "realistic." 402 U.S.C. at 16. And, even at that, the *Swann* majority cautioned against reading into its acceptance of busing as an available desegregaion remedy any "substantive right [to a] particular degree of racial balance." Id at 24.

Nonetheless, lower federal courts throughout the 1970's largely ignored the *Swann* admonition. Modest use of a transportation remedy where "practicable" to assist the desegration effort was, regrettably, misread as a judicial license to bus large numbers of children long distances to remote schools to achieve racial proportionality in all the classrooms.

Rather than achieving racial balance however, this preoccupation with mandatory busing has generally produced racial isolation on a broader scale. In case after case, economically able parents have refused to permit their children to travel unnecessary distances to attend public schools, choosing instead to enroll them in private schools or to move beyond the reach of the desegregation decree. Justice Powell has commented on this phenomenon in the following terms:

"This pursuit of racial balance at any cost . . . is without constitutional or social justification. Out of zeal to remedy one evil, courts may encourage or set the stage for other evils. By acting against one-race schools, courts may produce one-race school systems."[1]

After more than a decade of court-ordered busing, the evidence is overwhelming that the effort to desegregate through wholesale reliance on race-conscious student assignment plans has failed. The damage to public education wrought by mandatory busing is evident in city after city: Boston, Cleveland, Detriot, Wilmington, Memphis, Denver, and Los Angeles are but a few of the large and thus more celebrated examples. Nor is it difficult to understand why. The flight from urban public schools contributed to the erosion of the municipal tax base which in turn has a direct bearing on the growing inability of many school systems to provide a quality public education to their students—whether black or white. Similarly, the loss of parental support and involvement—which often comes with the abandonment of a neighborhood school policy—has robbed many public school systems of a critical component of successful educational programs.

Tragically, those who suffer the most are the very ones that the proponents of mandatory busing intended to be the greatest beneficiaries—that is, the blacks and other minorities left within the inner city public school systems. It is they who, from most accounts, have little to show educationally as a result of the past decade of court-imposed student assignment plans. Although findings are not absolutely conclusive in this regard, a major study released by the National Institute of Education in May of this year strongly indicates that racial-balance desegregation remedies have been ineffective in providing a better education for minority students. As David J. Armor, a noted desegregation expert, states in the report:

"The very best studies available demonstrate no significant and consistent effects of desegregation on Black achievement. There is virtually no effect whatsoever for math achievement, and for reading achievement the very best that can be said is that only a handful of grade levels from the 19 best available studies show substantial positive effects, while the large majority of grade levels show small and inconsistent effects that average out to about 0."

Small wonder, then, that this Administration committed itself to the pursuit of a different remedial approach to achieve the desegregation ideal announced in *Brown*—one premised on consensus not conflict. Our focus turned away from forced transportation and concentrated instead on desegregating dual school systems through an emphasis on voluntary student transfer techniques and expanded educational opportunities designed to attract students to the public school not drive them away. Our remedial program has as its centerpiece special magnet schools and other curriculum enhancement programs that provide educational incentives to all children in the system. And as the Constitution demands, the choice of schools is left to each student—with a full range of transfer options—not to some preconceive assignment plan superimposed on the public school system by well-intentioned judges who misperceive racial percentages and classroom proportionality as a measurement of equal opportunity.

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[1] *Estes* v. *Metropolitan Branches of the Dallas N.A.A.C.P.*, 444 U.S. 437, 450 (1960) (Powell, Jr., joined by Stewart and Rehinquist, J. J., dissenting from dismissial of certiorari as improvidently granted).

It is a bit too early to declare the magnet program a complete desegregation success. There are, however, a number of encouraging indicators and very few discouraging ones. The Justice Department has utilized its new remedial approach—one could call it: "desegregation through reinvigorated education"—in a variety of situations: from a large metropolitan area like Chicago to a small rural school district like Port Arthur, Texas. One of the best (or at least one of the most comprehensive) magnet programs was put in place late last year in Bakersfield, California. As expected, we are finding that magnet schools do indeed attract students, and—when strategically placed and carefully designed—can provide the needed incentive for white and black pupils to attend the same schools by choice, not be coercion.

In fact, a recent Department of Education survey of some 45 magnet programs in 15 school districts provided encouraging confirmation that "urban school districts can desegregate quite comprehensively by relying heavily on magnets. . . ." As that report observes.

"Citizens have been subjected to thirty years of political rhetoric about "forced busing," destruction of "the neighborhood school," and coercive intrusion into local control over education. As the imperative to desegregate takes hold in a community, therefore, residents brace for the worst to happen. The rhetoric leads voters toward the equivalent of a manmade disaster. Against the backdrop of this vision, magnets appear to be urgently desirable. A magnet can be designed to be receptive, hospitable, safe, educative, and desegregatively lawful."

We certainly are finding that to be the case. And, if one needs further evidence of the viability of this alternative remedial approach, consider this my friends: even the NAACP has just recently, in the Cincinnati school desegregation case, embraced the magnet school concept as an acceptable desegregation option.

In short, the Federal courts are, with increasing regularity, turning the magnet alternative (in lieu of forced busing) to desegregate dual school systems; the most avid proponents of mandatory student assignments are beginning to rely on voluntary transfer measures that utilize educational enhancements as the principal incentive factor, and both Houses of Congress have voiced a strong preference for accomplishing the desegregation objective through means other than forced busing. Against this backdrop, it is just a matter of time—and not much time, at that—before communities will be permitted to return the neighborhood public schools to their neighborhoods, with sufficient flexibility in attendance requirements to ensure that all children in the system, without regard to race, creed or national origin, will be accorded the full range of educational opportunities in a desegrated school environment.

That is essentially the status, as I see it, of the busing question today. Before closing, let me quickly allude to what the future holds. One of the important issues currently being litigated in cases around the country concerns the scope of relief that can be awarded in a desegregation suit. The Supreme Court has spoken on several occasions on the limits of judicial authority in fashioning relief in a school, case[2] Generally speaking, an intradistrict violation—that is, a violation limited in extent to the boundaries of a single district—requires intradistrict relief. In a recent case, however, that is currently pending in the supreme Court on a petition for certiorari, *Leggett* v. *Liddell*, Nos. 83-1386, 83-1721 and 83-1838, the district court and the Eighth Circuit Court of Appeals, held the State responsible for all transfer costs resulting from students electing to commute daily from any of 23 suburban school districts into the city, and vice versa—i.e., interdistrict transfers—notwithstanding that the State was found responsible for an *intradistrict* violation only. The Supreme Court's response bears watching. The Justice Department is arguing in *Liddell* that the Supreme Court should adhere to its earlier pronouncements in the school desegregation areas and hold that the Federal courts lack the remedial power to order such a result.

One last issue deserve special mention. One of the most troublesome features of school desegregation decrees is that they never seem to come to an end. For reasons that have never been altogether clear, there appears to be a general reluctance among district court judges who have fashioned relief in a school case to acknowledge many years—in some cases decades—later that the terms of the decreee have long since been satisfied and that it is time to return the administration of the public schools to the elected officials who sit on the school board. As you know, the term of art that is used to signify the point at which the segregated, or dual, system has been dismantled is "unitariness"—the segregated (or dual) school district has become desegregated (or unitary) in accordance with the court-ordered plan.

I have stated on a number of occasions, and will repeat here, that one of the most important issues of the 1980's in the field of school desegregation is, in my opinion, when, and under what circumstances, a school district under court order is entitled to a judicial declaration of unitariness, thereby releasing it from the court's jurisdiction. That issue is squarely before the district court in Colorado, where the Denver school board in the much-celebrated *Keyes* desegregation litigation is asking the court, some eight years after implementation of the court-ordered plan, for a declaration of unitariness.

We have joined in the Denver school board's request, urging the court to measure unitariness, not in terms of rigid racial percentages or the degreee of racial balance throughout the school system, but rather in terms of the school board's good faith efforts to comply, to the fullest extent practicable, with the desegration requirements imposed by the decree. If, the school officials have fully and faithfully complied with the terms of a comprehensive desegregation plan, we argue that a declaration of unitariness should follow—even if some schools in the system due to factors such as demographic shifts, beyond the school board's control, may never have attained (or, even if attained, not continued to maintain) the precise racial percentages for student enrollment contemplated in the court-ordered plan.

It is hightime that our Federal courts released their hold on school districts that have been in compliance for some time with comprehensive desegregation decrees. Our public schools far better serve the educational needs of our youth if run by those who are answerable to the electorate for the decisions made than if left under the supervision of the Judiciary beyond the time necessary to cure fully the constitutional violation. There is, I sense, a growing unease among educators that, in the name of desegregation, we have in many instances surrendered to the court the day-to-day responsibility of operating our public schools—all too often with disappointing results. I therefore anticipate that the unitariness issue will begin to be joined with greater intensity in the months ahead.

I have, I am sure, gone on too long. Let me conclude by returning to my opening remarks. School desegregation is as critical an issue on the civil rights agenda as any we face today. Discriminaton on account of race, whether it occurs in the admissions office, the schoolyard, or the classroom is intolerable and must be eradicated in its entirety wherever it occurs. At the same time, however, we cannot lose sight of the fact that the desegregation effort affects in a most crucial way the lives, aspirations and opportunities of our children. It serves no useful purpose to claim a racial-balance victory if in the process we have effectively destroyed—or even seriously hindered—the educational potential of an entire generation of public school students. Regrettably the preoccupation with forced busing has left just such a legacy in too many jurisdictions.

Now, through your efforts and those of many others, the country appears to have altered its course, and returned to the ideals reflected in *Brown* v. *Board of Education*, where equal education, not transportation, is the predominant theme, and where the purpose is to afford all public school students, without regard to race, color or ethnic origin, an enhanced educational experience in a desegregated school environment free from unlawful discrimination. Your organization has been instrumental in helping to reshape public attitudes and policies along these lines, and I thank you for allowing me to share this time with you.●

By Mr. LAUTENBERG:

S. 329. A bill for the relief of Dynamic Technology International Inc., Lew Malnak Associates, Star Design, Inc., Riverside Precision Machines, and certain other individuals; to the Committee on the Judiciary.

RELIEF OF CERTAIN FORMER NAVY CONTRACTORS

● Mr. LAUTENBERG. Mr. President, I introduce today a congressional reference resolution, S. Res. 73, and accompanying private relief bill concerning the claims of Dynamic Technology

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[2] *Milliken* v. *Bradley*, 418 U.S. 717 (1974) (*Milliken D; Pasadena City Bd. of Educ.* v. *Spangler*, 427 U.S. (1976); *Dayton Bd, of Educ.* v. *Brinkman*, 433 U.S. 406 (1977).

International [DTI], Lew Malnak Associates [LMA], and their affected employees and subcontractors. This resolution provides for a referral of DTI and LMA's claims to the Court of Claims to determine whether they are justified.

DTI was an electronics contractor for the Navy in the 1970's. DTI had a contract to develop a computer-controlled automatic guard receiver terminal, designed to receive emergency signals from nuclear submarines in distress. The submarines were to be equipped with automatically activated submarine emergency communications transmitters [SECT], being developed by another contractor. The SECT System was designed to enable a submarine in distress to release a buoy which rose to the surface to signal the submarine's position.

DTI alleges that it discovered flaws in the SECT System. According to DTI, the SECT System released transmitting buoys accidentally, thereby betraying a submarine's location when it was not in distress. DTI argues that its "whistle-blowing" on the SECT Program's flaws led to retaliation by Navy contract officers. It alleges that contract obligations to it were breached, and that DTI and the various individuals involved in the firm were blackballed, and their reputations harmed.

DTI has pursued its legal remedies in the Court of Claims. However, its claims in the nature of libel and slander have been dismissed as not remediable under the law. The congressional reference procedure set in motion once this resolution is passed calls on the Court of Claims to determine whether or not DTI and the involved individuals and firms were in fact wronged by the Government, and the measure of their damages. Once the Court of Claims reports back to the Senate, the Senate would then consider whether or not to pass the underlying private bill, granting appropriate and equitable relief. Introduction of this resolution reflects a desire to determine if DTI's claims have merit, not a conclusion that they do.

It appears that those involved with DTI and Lew Malnak Associates have suffered greatly from the claimed blackballing. I urge my colleagues to act swiftly in approving this legislation to enable us to determine whether the claims are substantiated, and if so, to grant proper relief.

I ask unanimous consent that a copy of this private relief bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dynamic Technology International, Inc., a New Jersey corporation, the sum of $. The payment of such sum shall be in full satisfaction of all claims of Dynamic Technology International, Inc. against the United States for damages allegedly sustained as a result of certain actions of agents, officers, and employees of the United States committed prior to, during and after various investigations of contracts number N00039-76-C-1534 (dated March 13, 1970) and number N00039-69-C-1567 (dated January 15, 1969) between, Lew Malnak Associates and the United States.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lewis D. Malnak, doing business as Lew Malnak Associates, the latter being a sole proprietorship organized in the State of New Jersey, the sum of $. The payment of such sum shall be paid in full satisfaction of all claims of Lewis D. Malnak, doing business as Lew Malnak Associates against the United States for damages allegedly sustained as result of certain actions of agents, officers, and employees of the United States committed prior to, during and after various investigations of contracts numbers N00039-70-C-1534 (dated March 13, 1970), N00039-69-C-1567 (dated January 15, 1969), N00039-68-C-1530 (dated January 4, 1968) and DAAD07-70-C-0150 (dated May 12, 1970) between Lew Malnak Associates and the United States.

(b) The payment of money under subsection (a) of this section shall not bar recovery of damages by Lew Malnak Associates for alleged breach by United States of contracts number N00039-70-C-1534 (dated March 13, 1970) and number N00039-69-C-1567 (dated January 15, 1969) with Lew Malnak Associates currently being litigated in the United States Claims Court (Case Number 429-79C), so long as payment under subsection (a) is for damages other than those arising from said action for breach of contract.

SEC. 3. The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to each of the following persons or their heirs, the amounts listed below. Said persons being former employees of Lew Malnak Associates, Dynamic Technology International, Inc., or both. The payment of such sum shall be in full satisfaction of all claims of said persons against the United States for damages allegedly sustained as the result of certain actions of agents, officers, and employees of the United States committed during various investigations in 1971 by the United States Navy of Lew Malnak Associates, Dynamic Technology International, Inc., and certain individuals:

Name of Claimant, Address	*Amount of Claim*
Stanley E. Gualtieri Philadelphia, Pennsylvania	$
Harold Ritchey Chester, Pennsylvania	$
Vincent F. Ryan, Jr. Haddonfield, New Jersey	$
Alden Dupont Perkasie, Pennsylvania	$
Harvey Gilman Mt. Laurel, New Jersey	$
Robert J. Gawlinski Mt. Laurel, New Jersey	$
Gerald Grygo Somerdale, New Jersey	$
Leona Rose Witchita, Kansas	$
Delores Litsch Delran, New Jersey	$
Charles Dempsey Mt. Laurel, New Jersey	$
Bernard Cory Philadelphia, Pennsylvania	$
James Yates Sewell, New Jersey	$
Alonzo Mercier New Bedford, Massachusetts	$
Edward Gresick Middletown, Delaware	$

SEC. 4. The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to each of the following companies the amounts listed below. The payment of such sum shall be in full satisfaction of all claims of said persons against the United States for damages allegedly sustained as the result of certain actions of officers and employees of the United States committed before, during and after various investigations in 1971 by the United States Navy of Lew Malnak Associates, Dynamic Technology International, Inc. and certain individuals.

Name of Claimant, Address	*Amount of Claim*
Star Design, Inc., Morristown, New Jersey	$
Riverside Precision Machines Riverside, New Jersey	$

SEC. 5. No part of the amount appropriated by sections 1, 2, 3, and 4 of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

By Mr. ROTH (for himself and Mr. COHEN):

S. 330. A bill to establish an executive department of the Government a Department of International Trade and Industry, to establish the National Oceanic and Atmospheric Administration and the Bureau of the Census as independent agencies, and for other purposes; to the Committee on Governmental Affairs.

DEPARTMENT OF INTERNATIONAL TRADE AND INDUSTRY ACT

Mr. ROTH. Mr. President, today I am introducing legislation to create a new Cabinet Department of International Trade and Industry. It is time that all in Government set aside their narrow jurisdictional interests and recognize this fact: For the future economic health of the Nation, the creation of a new Trade Department must be a central element of the program to restore our competitive edge internationally.

I urge every one of my colleagues to give this proposal serious consideration, make constructive changes where needed and join with me to move this bill through the Congress and on to the President. I introduce this bill as a point of departure for the development of a Trade Department. It is not a perfect bill. In fact the bill contains a number of provisions reflecting compromises reached in committee with which I disagree.

I do not want these reservations to impede consideration of the bill, however, and hope that the Governmental Affairs Committee will make this proposal a top item on its agenda in this 1st session of the 100th Congress. Make no mistake, we need a consolidated approach to trade policy creation and administration. Our trade engine will not hit on all cylinders again until the new Department is in place and carrying out its vital work.

In my view, Mr. President, the headlines tell the story: "Nation's Trade Deficit Soars to Record High in July," "U.S. Trade Deficit Breaks Record," "U.S. Trade Deficit Expected to Persist," "U.S. Trade Gap Threatening to Stall Economic Growth," and so on. While we received some good news last October with the lowest trade deficit in 14 months, we backslid in November with a deficit of $19.2 billion. During the first 11 months of 1986 the trade deficit registered $159.1 billion, well in excess of the recordbreaking 1985 trade deficit of $148.5 billion.

Now Mr. President, these are startling figures. They are discouraging figures. And they are frightening figures. They are a concern because of the larger story that they tell about our current world position and the future economic health of the Nation. The trade imbalance retards the growth of GNP and eventually will diminish our national standard of living.

The economic recovery we have enjoyed in the last several years has not touched all segments of the economy or all regions of the country. But the belt/tightening that some have experienced recently will become standard fare for us all unless we reassert our competitive edge and restore our preeminence in trade. Ultimately, it will not be merely our standard of living but the very security of the Nation that will be at stake.

As I have watched international developments over the years, I have at times felt that we Americans are like the ancient Chinese, constantly inward looking and slow to accept the reality of an international marketplace and the emergence of a newly competitive historical era. We have become softened by the luxury of dependable growth and secure domestic markets.

But today the rapid economic growth of the post-World War II era has slowed dramatically, if not ended for the foreseeable future. And we are competed against stiffly, not only overseas but in our once untouchable domestic markets as well. Today we face a new economic order and slowly—so very slowly—we are awakening to the challenge.

In the coming months we will carry on a great debate in Congress over how to restore the competitive position of our Nation. As with any problem this complex, the competitiveness issue will have many facets. We will debate human resource issues in terms of how best to educate and train our people to work effectively in an international setting. We will discuss tax policy and other incentives to encourage the research and development activities that historically have afforded our industry a competitive edge. And we will carry on an extended debate in our effort to craft a trade policy that protects the legitimate interests of our domestic producers without jeopardizing the international trading system and with it our own economy.

Yet no matter how clever and forward-looking the policies are that emanate from this debate, their eventual impact will be diminished if the mechanism for implementing them is flawed. This is the case in the trade area. The limited trade reorganization in 1979 secured not order but chaos in the trade arena as it left trade responsibility divided between the Office of the U.S. Trade Representative and the Department of Commerce.

Theoretically, USTR is responsible for trade negotiations and policymaking while Commerce is to handle data collection and analysis in support of negotiations as well as the actual administration of the trade laws. In reality these roles merge in hopeless tangle of competing interests and management snafus. USTR, our top policy coordinator and negotiator, increasingly finds itself bogged down in time consuming administrative matters while some Commerce resources are underutilized and rarely given recognition for work that is performed.

Into this power vacuum have moved other interests such as Department of State, occasionally the Department of Defense and in recent times the Department of the Treasury. In this "who's on first?" sort of environment it is little wonder that confusion reigns, trade policy is weakened and our trading interests suffer.

Moreover, the management inefficiencies of our current trade organization are becoming more and more apparent to everyone. The small staff at USTR is just not sufficient to handle all of the detailed work required for aggressive action in section 301 cases or for the long list of objectives to be pursued in the new round of trade negotiations.

We may continue to add incremental staff positions to the USTR to ease the workload, but the simple fact is that the USTR will always need to draw on the resources of the other key trade agency, the Department of Commerce, in order to get its job done. And that of course is where the problems crop up. Bifurcated trade organization structure, unclear responsibility, duplication, lack of accountability, and turf disputes all translate into a management muddle requiring excessive amounts of coordination while trade opportunities are lost.

USTR can ask Commerce to handle the detailed tasks, but USTR has no management control over the results. Commerce staff operates under a cumbersome management structure responding to their immediate bosses and to the USTR requests as well. This is the kind of management nightmare that stifles creativity and hampers quality performance; elements that are evermore important as we seek to break new ground in our international trade agreements and in the implementation of domestic trade laws.

Consolidation of the principle elements of trade policy in a new Department of Trade and Industry will link negotiation to policymaking to administration, will remove much of the incentive for this destructive bureaucrat-ic warfare and will give trade the organizational prominence it merits as a top national priority.

The Department I am proposing today would combine the Office of the U.S. Trade Representative with the nonagricultural international trade and investment functions of the Commerce Department. Commerce's International Trade Administration, with responsibility for administering trade laws, export development, and investment policymaking would thus be included in the new Department. The Department also will include the Commerce functions involving industry analysis, productivity, and technical innovation. The nontrade elements of the Commerce Department will be reassigned to other units of Government resulting in no net gain in the number of Cabinet Departments.

U.S. industry has undergone a searching, sometimes painful, sorting out process in the recent years. As a result it is leaner, more aggressive and poised to compete effectively in the new international market. We must not hamper its ability to do so with an antiquated, ineffective organizational approach to trade. Let us work together to fashion a new organization that will meet the needs of our economy and our culture. Let us move quickly to create the Department of International Trade and Industry in order to stand ready for the trade challenges and opportunities in the decades ahead.

I ask unanimous consent that the full text of the bill and a factsheet on the proposal be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of International Trade and Industry Act of 1985".

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TITLE I—GENERAL PROVISIONS

FINDINGS

SEC. 101. The Congress finds and declares that—

(1) principal national goals of the United States are to—

(A) maintain United States leadership in international trade liberalization and expansion efforts;

(B) reinvigorate the ability of the United States economy to compete in international markets and to respond flexibly to changes in international competition; and

(C) expand United States participation in international trade and investment through aggressive promotion and marketing of American products and services;

(2) the economy of the United States is so inextricably linked with the international economic system that all domestic economic sectors are influenced by the dynamics of global trade and investment;

(3) the expansion of United States participation in international trade will improve the general welfare of the people of the United States by increasing demand for American products and services, creating jobs, and increasing the gross national product;

(4) business, labor, and all levels of government must join efforts to place the highest priority on developing methods and policies to achieve the goals described in paragraph (1), and the achievement of such goals is dependent on a marked improvement in the capability of United States businesses to compete in foreign markets;

(5) the Federal Government can enhance the capability of United States businesses to compete in foreign markets by acting to—

(A) reduce political and economic barriers to sales and investments by such businesses;

(B) promote American goods and services in foreign countries;

(C) encourage aggressive participation by the private sector in the international marketplace; and

(D) develop policies to enhance productivity and long-term growth;

(6) effective and efficient Government action to enhance the capability of United States businesses to compete in foreign markets requires coordination of the development and implementation of Government policies relating to the international trade interests of the United States;

(7) the Federal Government can enhance the capability of State governments to attract international investment and expand foreign markets for goods and services produced in such States by—

(A) providing information resources suitable for developing and conducting international export and investment programs in the States;

(B) coordinating activities of Federal overseas trade facilities with State international trade offices;

(C) providing practical and technical assistance to States developing or conducting international export and investment programs; and

(D) taking appropriate actions to promote the availability of such information and assistance;

(8) effective and efficient Government action to strengthen efforts by States to develop and conduct programs to encourage international investment in, and promote export by, such States requires coordinating the development and implementation of

Government policies relating to the international trade interests of the United States;

(9) effective and efficient Government action with respect to international trade further requires the employment of a corps of personnel consisting of individuals who, like the personnel of the governments of present and potential United States trading partners, are highly experienced and educated in international trade operations and negotiations;

(10) the present organizational structure of Government administration of international trade activities is so diffuse that inconsistent and contradictory policies and actions result;

(11) such inconsistent and contradictory policies and actions discourage experienced Government personnel from career service in international trade activities;

(12) the consolidation of Government functions relating to international trade, including functions relating to technical analysis, policymaking, international negotiation, and operational responsibilities, into a Department of International Trade and Industry will provide the needed coordination of Government activity in international trade and will encourage the retention of the highly experienced personnel necessary for such coordination to be effective;

(13) United States performance in international trade is fundamentally linked to the competitiveness of American industry in the world economy;

(14) improvements in the competitiveness of United States industry, products, and services can be aided by reducing traditional antagonisms and by encouraging maximum cooperation among government, industry, labor, and the public;

(15) a lack of analytical capability and knowledge concerning the competitive position and prospects of American industries and foreign industries greatly hampers or delays the ability of the United States to formulate responsible trade policies and policies that affect the international competitiveness of domestic industries;

(16) government policies and organization should recognize that there are critical links between technological innovation, industrial competitiveness, and trade performance; and

(17) the economic well-being of the American people will be substantially enhanced through the creation of the Department of International Trade and Industry.

DEFINITIONS

SEC. 102. As used in this Act, unless otherwise provided or indicated by the context—

(1) the term "Department" means the Department of International Trade and Industry;

(2) the term "Secretary" means the Secretary of International Trade and Industry;

(3) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(4) the term "administrative and support functions" means legal functions, investigative functions, budget preparation and analysis functions, administrative functions, public information functions, and congressional relations functions carried out by a Federal agency, and such other support services as may be determined by the head of such agency;

(5) the term "executive department" has the meaning given to the term "Executive department" by section 101 of title 5, United States Code;

(6) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of such title;

(7) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof;

(8) the term "Council" means the Council on International Trade, Economic, and Financial Policy established by section 266(a); and

(9) the term "Advisor" means the Advisor to the President for International Trade, Economic, and Financial Policy appointed under section 266(d).

TITLE II—DEPARTMENT OF INTERNATIONAL TRADE AND INDUSTRY

PART A—ESTABLISHMENT

ESTABLISHMENT OF DEPARTMENT

SEC. 201. There is established an executive department to be known as the Department of International Trade and Industry. The Department shall be administered by a Secretary of International Trade and Industry, who shall be appointed by the President, by and with the advice and consent of the Senate. The Secretary shall be the United States Trade Representative and shall have the rank and status of Ambassador Extraordinary and Plenipotentiary.

FUNCTIONS OF THE SECRETARY

SEC. 202. (a) In addition to the functions transferred to the Secretary by this Act, such other functions as the President may assign or delegate to the Secretary, and such other functions as the Secretary may, after the effective date of this Act, be required to carry out by law, the Secretary shall—

(1) serve as the principal advisor to the President on international trade policy and advise the President on the impact of other policies of the United States Government on international trade;

(2) exercise primary responsibility, with the advice of the interagency organization established under section 242 of the Trade Expansion Act of 1962, for developing and implementing international trade policy, including commodity matters and, to the extent related to international trade policy, direct investment matters and, in exercising such responsibility, advance and implement the goals described in section 101(1) as the primary mandate of the Department;

(3) exercise lead responsibility for the conduct of international trade negotiations, including negotiations relating to commodity matters and, to the extent that such negotiations are related to international trade, direct investment negotiations;

(4) with the advice of the interagency organization established under section 242 of the Trade Expansion Act of 1962, issue policy guidance to other Federal agencies on international trade, commodity, and direct investment functions to the extent necessary to assure the coordination of international trade policy;

(5) seek and promote new opportunities for American products and services to compete in the world marketplace;

(6) assist small businesses in developing export markets;

(7) support State governments involved in attracting international investment and expanding foreign markets for goods and services produced in such States;

(8) enforce the laws of the United States relating to trade;

(9) analyze economic trends and developments in order to understand and foster the conditions that enhance productivity and growth;

(10) report directly to the Congress—

(A) on the administration of, and matters pertaining to, the trade agreements program under the Trade Act of 1974, the Trade Expansion Act of 1962, and section 350 of the Tariff Act of 1930; and

(B) with respect to other important issues pertaining to international trade;

(11) keep each official adviser to the United States delegations to international conferences, meetings, and negotiation sessions relating to trade agreements who is appointed from the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives under section 161 of the Trade Act of 1974 currently informed on United States negotiating objectives with respect to trade agreements, the status of negotiations in progress with respect to such agreements, and the nature of any changes in domestic law or the administration thereof which the Secretary may recommend to Congress to carry out any trade agreement;

(12) consult and cooperate with State and local governments and other interested parties on international trade matters of interest to such governments and parties, and to the extent related to international trade matters, on investment matters, and, when appropriate, hold informal public hearings;

(13) serve as the principal advisor to the President on government policies designed to contribute to enhancing the ability of American industry and services to compete in international markets;

(14) serve as the principal advisor to the President in identifying and assessing the consequences of any government policies which adversely affect, or have the potential to adversely affect, the competitiveness of United States industries and services;

(15) promote cooperation between business, labor, and government to improve industrial performance and the ability of American industries to compete in international markets and to facilitate consultation and communication between the government and the private sector about domestic industrial performance and prospects as well as the performance and prospects of foreign competitors; and

(16) exercise responsibility, through the Stevenson-Wydler Technology Innovation Act of 1980 and other policies, for the Federal Government's role in encouraging technological innovation for industrial and commercial purposes.

(b) The Secretary shall be the Chairman of the Board of Directors of the Overseas Private Investment Corporation.

(c) The Secretary shall be the Chairman pro tempore of the interagency organization established under section 242 of the Trade Expansion Act of 1962.

(d) The Secretary shall be a member of the National Security Council.

(e) The Secretary shall be Deputy Chairman of the National Advisory Council on International Monetary and Financial Policies established under Executive Order 11269, issued February 14, 1966.

(f)(1) The Secretary of International Trade and Industry shall consult with the Secretary of Agriculture or the designee of the Secretary of Agriculture on all matters which potentially involve international trade in agricultural products.

(2) If an international meeting for negotiation or consultation includes discussion of international trade in agricultural products, the Secretary of International Trade and Industry or the designee of such Secretary shall be Chairman of the United States del-

egation to such meeting and the Secretary of Agriculture or the designee of such Secretary shall be Vice Chairman. The provisions of this paragraph do not limit the authority of the Secretary under subsection (g) to assign responsibility for the conduct of, or participation in, any trade negotiation or meeting to the Secretary of Agriculture.

(g) Except where expressly prohibited by law, the Secretary, at the request or with the concurrence of the head of any other Federal agency, may assign the responsibility for conducting or participating in any specific international trade negotiation or meeting to the head of such agency whenever the Secretary determines that the subject matter of such international trade negotiation is related to the functions carried out by such agency.

INTERNATIONAL ECONOMIC COMPETITIVENESS IMPACT STATEMENTS

SEC. 203. (a)(1) In any case in which the provisions of a regulation, Executive order, or Executive agreement may have a significant impact on the ability of significant domestic product and service industries to compete in domestic and international markets against foreign products, the President shall, at least sixty days prior to the date on which such regulation, order, or agreement will take effect, submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a statement describing the impact such provisions are likely to have, during the periods ending one year and five years, respectively, after the date on which such statement is submitted, on American imports and exports, the balance of payments, and the ability of American industries to compete in domestic and international markets against foreign products.

(2) The President may waive the requirements of paragraph (1) with respect to a particular regulation, Executive order, or Executive agreement if the President determines that it is necessary, in order to serve the national interest or deal with an emergency situation, that such regulation, order, or agreement take effect immediately without compliance with such paragraph. The President shall transmit a statement describing each waiver made under this paragraph to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, and shall publish a copy of such statement in the Federal Register.

(b)(1) Notwithstanding any provision of the Standing Rules of the Senate or the Rules of the House of Representatives, if a bill or resolution reported by a committee of the Senate or House of Representatives contains provisions which, if enacted, would have a significant impact on the ability of significant domestic product and service industries to compete in domestic and international markets against foreign products, the report accompanying such bill or resolution shall contain a statement describing the impact such provisions are likely to have, during the periods ending one year and five years, respectively, after the date on which such bill or resolution is reported, on American imports and exports, the balance of payments, and the ability of American industries to compete in domestic and international markets against foreign products.

(2) The provisions of paragraph (1) are enacted by the Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

PART B—OFFICES AND ADMINISTRATIONS

OFFICE OF UNITED STATES TRADE REPRESENTATIVE

SEC. 211. (a) There is established in the Office of the Secretary the Office of the United States Trade Representative. The Secretary, through the Office of the United States Trade Representative, shall perform all functions (other than administrative and support functions) transferred to the Secretary by section 231.

(b) There shall be in the Office of the United States Trade Representative the Deputy United States Trade Representative appointed under section 225. The Deputy United States Trade Representative shall perform such of the functions described in subsection (a) as the Secretary may delegate.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SEC. 212. There is established in the Department the United States Travel and Tourism Administration. The United States Travel and Tourism Administration shall be administered by the Under Secretary of International Trade and Industry for Travel and Tourism appointed under section 222(b). The Secretary, through the Under Secretary of International Trade and Industry for Travel and Tourism, shall perform—

(1) all functions (other than administrative and support functions) transferred to the Secretary by clause (3)(E) of section 232; and

(2) all functions (other than administrative and support functions) transferred to the Secretary by clauses (1) and (2) of such section that were, on the day before the effective date of this Act, performed by the Secretary of Commerce or the Department of Commerce, as the case may be, through or under the direction of the officers and employees of such Department specified in clause (3)(E) of such section.

ADMINISTRATION FOR PRODUCTIVITY AND TECHNOLOGY

SEC. 213. (a) There is established in the Department the Administration for Productivity and Technology. The Administration for Productivity and Technology shall be administered by the Administrator for Productivity and Technology appointed under section 223, and shall be composed of—

(1) the Patent and Trademark Office established by subsection (b);

(2) the National Bureau of Standards established by subsection (c);

(3) the Office of Telecommunications and Information established by subsection (d); and

(4) the National Technical Information Service established by subsection (e).

(b) There is established in the Department the Patent and Trademark Office. The Patent and Trademark Office shall be administered by the Assistant Secretary of International Trade and Industry and Commissioner for Patents and Trademarks appointed under section 224(b). The Secretary, through the Administrator for Productivity and Technology and the Assistant Secretary of International Trade and Industry and Commissioner for Patents and Trademarks, shall perform—

(1) all functions (other than administrative and support functions) transferred to the Secretary by clause (3)(D) of section 232; and

(2) all functions (other than administrative and support functions) transferred to the Secretary by clauses (1) and (2) of such section that were, on the day before the effective date of this Act, performed by the Secretary of Commerce or the Department of Commerce, as the case may be, through or under the direction of the Assistant Secretary of Commerce and Commissioner for Patents and Trademarks.

(c) There is established in the Department the National Bureau of Standards. The National Bureau of Standards shall be administered by the Director of the National Bureau of Standards appointed under section 228(f). The Secretary, through the Administrator for Productivity and Technology and the Director of the National Bureau of Standards, shall perform—

(1) all functions (other than administrative and support functions) transferred to the Secretary by section 232(3)(F); and

(2) all functions (other than administrative and support functions) transferred to the Secretary by clauses (1) and (2) of such section that were, on the day before the effective date of this Act, performed by the Secretary of Commerce or the Department of Commerce, as the case may be, through or under the direction of the Director of the National Bureau of Standards of the Department of Commerce.

(d) There is established in the Department the Office of Telecommunications and Information. The Office of Telecommunications and Information shall be administered by the Assistant Secretary of International Trade and Industry for Communications and Information appointed under section 224(c). The Secretary, through the Administrator for Productivity and Technology and the Assistant Secretary of International Trade and Industry for Communications and Information, shall perform—

(1) all functions (other than administrative and support functions) transferred to the Secretary by clause (3)(C) of section 232; and

(2) all functions (other than administrative and support functions) transferred to the Secretary by clauses (1) and (2) of such section that were, on the day before the effective date of this Act, performed by the Secretary of Commerce or the Department of Commerce, as the case may be, through or under the direction of the officers and employees of such Department specified in clause (3)(C) of such section.

(e) There is established in the Department the National Technical Information Service. The National Technical Information Service shall be headed by the Director of the National Technical Information Service appointed under section 228(g). The Secretary, through the Administrator for Productivity and Technology and the Director of the National Technical Information Service, shall perform—

(1) all functions (other than administrative and support functions) transferred to the Secretary by clause (3)(G) of section 232; and

(2) all functions (other than administrative and support functions) transferred to the Secretary by clauses (1) and (2) of such section that were, on the day before the effective date of this Act, performed by the

Secretary of Commerce or the Department of Commerce, as the case may be, through or under the direction of the Director of the National Technical Information Service of the Department of Commerce.

OFFICE OF COMPETITIVE ANALYSIS

SEC. 214. (a) There is established in the Department an Office of Competitive Analysis which shall be administered by the Director of the Office of the Competitive Analysis. The Director of the Office of Competitive Analysis shall be appointed by the Secretary and shall be an individual who, by reason of professional background and experience, is specially qualified to carry out the functions of the Office specified by this section.

(b)(1) The Office of Competitive Analysis shall provide the information, analysis, and analytical expertise needed to support the Secretary, other officers and employees of the Department, and the Congress in carrying out their functions relating to trade policy, trade negotiating strategy, and other policies affecting the competitiveness of domestic industries.

(2) The Office of Competitive Analysis shall monitor and analyze information for various industrial sectors, including economic, commercial, and technological developments in the United States and abroad which affect the current performance and future prospects of domestic industries currently facing or likely to face significant international competition. In collecting information, monitoring events, and conducting analyses, the Office shall develop a comprehensive and expert understanding of the structure and performance of factors affecting such industries and the international competitors of such industries, and shall give particular attention to the operation and impact of programs established by foreign governments to assist or support their industries.

(c)(1) The Secretary, in consultation with the Director of the Office of Competitive Analysis, shall employ individuals for the Office who have demonstrated professional ability or superior potential in the areas of economics, management analysis, industrial relations, strategic planning, and engineering, or who have particular expertise with respect to an industrial sector. Notwithstanding the provisions of sections 241(b), 602, and 603, the Secretary, in consultation with the Director of the Office of Competitive Analysis, may appoint any individual having the qualifications required by the preceding sentence to a position in the Office.

(2) The Secretary shall insure that officers and employees of the Office of Competitive Analysis have full access to all relevant information collected or prepared by other offices of the Department, and shall insure that officers and employees of the Office have access and exposure to the workings of domestic and foreign industry by means of—

(A) rotations among, or service with, other offices of the Department, including the Foreign and Commercial Services; and

(B) service in delegations of the Department involved in trade negotiations on relevant issues.

(d)(1) In March of each year, the Office of Competitive Analysis shall publish and submit to Congress a report describing actual or foreseeable economic and technological developments, in the United States and abroad, affecting the competitive position of United States industry and of particular United States industry sectors.

(2) The report shall identify and describe with particularity actual or foreseeable developments, in the United States and abroad, which—

(A) create a significant likelihood of a competitive challenge to, or of substantial dislocation in, an established United States industry;

(B) present significant opportunities for United States industries to compete in new geographical markets or product markets, or to expand their position in established markets; or

(C) create a significant risk that United States industries will be unable to compete successfully in significant future markets.

(3) The report shall specify with particularity the industry sectors affected by the developments listed in paragraph (2).

(e)(1) The Secretary shall convene an industry sector competitiveness council for each industry sector specified in reports rendered under paragraphs (2) and (3) of subsection (d), which is of national significance by reason of its employment or capital resources, its impact on national defense, or its importance as a supplier to, or customer of, other United States industries. The Secretary may also convene an industry sector competitiveness council for any industry not so identified which the Secretary finds fulfills one or more of the criteria listed in subsection (d)(2), or for any other purpose.

(2) Such council shall include representatives of business, labor, government, and other individuals or representatives of groups whose participation is considered by the Secretary to be important to developing a full understanding of the situation confronting the industry.

(3) Such council shall assess the actual or potential dislocation, challenge or opportunity for the industry involved and formulate specific recommendations for responses by business, government and labor—

(A) to encourage adjustment and modernization of an industry identified under subsection (d)(2)(A);

(B) to monitor and facilitate industry responsiveness to opportunities identified under subsection (d)(2)(B); or

(C) to encourage the ability of United States industries to compete in future markets identified under subsection (d)(2)(C).

(4) Any discussion held by any council established under paragraph (1), or any working group operating under its auspices, shall not be considered to violate any Federal or State antitrust law.

(5) Any discussion held by any council established under paragraph (1), or any working group operating under its auspices, shall not be subject to the provisions of the Federal Advisory Committee Act.

(6) Any industry sector competitiveness council shall disband 30 days after making its recommendations, unless the Secretary specifically requests that the Council continue in operation. If in a subsequent annual report by the Secretary under subsection (d)(1), conditions specified in subsection (d)(2) which had previously required the creation of a council continue, or have recurred, the Secretary shall again convene a council, although the Secretary may, in the Secretary's discretion, change the membership of the council as deemed appropriate.

PART C—OFFICERS

DEPUTY SECRETARY

SEC. 221. (a) There shall be in the Department a Deputy Secretary of International Trade and Industry, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall have the rank and status of Ambassador. The Deputy Secretary shall perform such functions as the Secretary may prescribe.

(b) The Deputy Secretary shall act for and exercise the functions of the Secretary during the absence or disability of the Secretary or in the event the office of Secretary becomes vacant. The Deputy Secretary shall act for and exercise the functions of the Secretary until the absence or disability of the Secretary no longer exists or a successor to the Secretary has been appointed by the President and confirmed by the Senate.

(c) The Deputy Secretary shall be Vice Chairman of the Board of Directors of the Export-Import Bank of the United States.

UNDER SECRETARIES

SEC. 222. (a) There shall be in the Department three Under Secretaries of International Trade and Industry, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) One of the Under Secretaries of International Trade and Industry appointed under subsection (a) shall be the Under Secretary of International Trade and Industry for Travel and Tourism. The Under Secretary of International Trade and Industry for Travel and Tourism shall administer the United States Travel and Tourism Administration established by section 212.

(c) Each Under Secretary of International Trade and Industry shall perform such functions as the Secretary may prescribe.

ADMINISTRATOR FOR PRODUCTIVITY AND TECHNOLOGY

SEC. 223. There shall be in the Department an Administrator for Productivity and Technology, who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator for Productivity and Technology shall—

(1) administer the Administration for Productivity and Technology established by section 213(a);

(2) perform—

(A) all functions (other than administrative and support functions) transferred to the Secretary by clause 3(H) of section 232; and

(B) all functions (other than administrative and support functions) transferred to the Secretary by clauses (1) and (2) of such section that were, on the day before the effective date of this Act, performed by the Secretary of Commerce or the Department of Commerce, as the case may be, through or under the direction of the Assistant Secretary of Commerce for Productivity, Technology, and Innovation; and

(3) perform such additional functions as the Secretary may prescribe.

ASSISTANT SECRETARIES

SEC. 224. (a) There shall be in the Department nine Assistant Secretaries of International Trade and Industry, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) One of the Assistant Secretaries of International Trade and Industry appointed under subsection (a) shall be the Assistant Secretary of International Trade and Industry and Commissioner for Patents and Trademarks. The Assistant Secretary of International Trade and Industry and Commissioner for Patents and Trademarks shall administer the Patent and Trademark Office established by section 213(b).

(c) One of the Assistant Secretaries of International Trade and Industry appointed under subsection (a) shall be the Assistant Secretary of International Trade and Industry for Communications and Information. The Assistant Secretary of International Trade and Industry for Communications and Information shall administer the Office of Telecommunications and Information established by section 213(d).

(d) Each Assistant Secretary of International Trade and Industry shall perform such functions as the Secretary may prescribe.

DEPUTY UNITED STATES TRADE REPRESENTATIVE

SEC. 225. There shall be in the Department a Deputy United States Trade Representative, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy United States Trade Representative shall have the rank and status of Ambassador, and shall perform such functions as the Secretary may prescribe.

GENERAL COUNSEL

SEC. 226. There shall be in the Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall provide legal assistance to the Secretary concerning the activities, programs, and policies of the Department.

INSPECTOR GENERAL

SEC. 227. There shall be in the Department an Inspector General who shall be appointed in accordance with the Inspector General Act of 1978, as amended by section 271 (h) of this Act.

OTHER OFFICERS

SEC. 228. (a) There shall be in the Department a Permanent Representative to the General Agreement on Tariffs and Trade, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall have the rank and status of Ambassador.

(b) There shall be in the Department a Chief Negotiator for Textile Matters, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall have the rank and status of Ambassador.

(c) There shall be in the Department a Director General of the United States Foreign and Commercial Services, who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) There shall be in the Department a Deputy Commissioner of Patents and Trademarks and two Assistant Commissioners of Patents and Trademarks, each of whom shall be appointed by the President by and with the advice and consent of the Senate.

(e) The Secretary may appoint an Intergovernmental Advisor. The Intergovernmental Advisor shall act as the liaison between the officers and employees of the Department and the heads of State development agencies or the designees of such State agency heads. In determining whether to appoint an Intergovernmental Advisor, and in selecting an individual for appointment, the Secretary shall consult with the Chairman of the National Governors Association and the President of the National Conference of State Legislatures.

(f) There shall be in the Department a Director of the National Bureau of Standards, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the National Bureau of Standards shall administer the National Bureau of Standards established by section 213(c).

(g) There shall be in the Department a Director of the National Technical Information Service, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the National Technical Information Service shall administer the National Technical Information Service established by section 213(e).

(h) There shall be in the Department a Director of the Office of Competitive Analysis, who shall be appointed by the Secretary in accordance with section 215(a).

(i) Each officer of the Department appointed under this section shall perform such functions as the Secretary may prescribe.

PART D—TRANSFERS TO THE DEPARTMENT

TRANSFERS FROM THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SEC. 231. There are transferred to the Secretary all functions of the United States Trade Representative and the Office of the United States Trade Representative in the Executive Office of the President and all functions of any officer or employee of such Office.

TRANSFERS FROM THE DEPARTMENT OF COMMERCE

SEC. 232. Except for functions transferred by titles III, IV, and V, there are transferred to the Secretary—

(1) all functions of the Secretary of Commerce;

(2) all functions of the Department of Commerce; and

(3) all functions of, and all functions performed under the direction of, the following officers and employees of the Department of Commerce:

(A) the Under Secretary of Commerce for International Trade, the Assistant Secretary of Commerce for Trade Development, the Assistant Secretary of Commerce for Trade Administration, the Assistant Secretary of Commerce for International Economic Policy, and the Director General of the United States and Foreign Commercial Services;

(B) the Under Secretary of Commerce for Economic Affairs, the Director of the Bureau of Economic Analysis of the Department of Commerce, the Director of the Bureau of Industrial Economics of the Department of Commerce, and the Chief Economist of the Department of Commerce;

(C) the Assistant Secretary of Commerce for Communications and Information, the Director of the Office of International Affairs of the Department of Commerce, the Associate Administrator for Telecommunications Application of the Department of Commerce, the Associate Administrator for Federal Systems and Spectrum Management of the Department of Commerce, the Associate Administrator for Telecommunications Sciences of the Department of Commerce, and the Associate Administrator for Policy Analysis Development of the Department of Commerce;

(D) the Assistant Secretary of Commerce and Commissioner for Patents and Trademarks;

(E) the Under Secretary of Commerce for Travel and Tourism and the Assistant Secretary of Commerce for Tourism Marketing;

(F) the Director of the National Bureau of Standards of the Department of Commerce;

(G) the Director of the National Technical Information Service of the Department of Commerce; and

(H) the Assistant Secretary of Commerce for Productivity, Technology, and Innovation.

PART E—ADMINISTRATIVE PROVISIONS

PERSONNEL PROVISIONS

SEC. 241. (a) The Secretary may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the functions of the Secretary and the Department. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b)(1) At the request of the Secretary, the Director of the Office of Personnel Management shall, under section 5108 of title 5, United States Code, provide for the establishment in each of the grade levels GS-16, GS-17, and GS-18, and in the Senior Executive Service, of a number of positions in the Department equal to the number of positions in that grade level which were used primarily for the performance of functions and offices transferred by this Act and which were assigned and filled on the day before the effective date of this Act.

(2) Appointments to positions provided for under this subsection may be made without regard to the provisions of section 3324 of title 5, United States Code, if the individual appointed in such position is an individual who is transferred in connection with the transfer of functions and offices under this Act and, on the day before the effective date of this Act, holds a position and has duties comparable to those of the position to which appointed under this subsection.

(3) The authority under this subsection with respect to any position established at the grade level GS-16, GS-17, or GS-18 shall terminate when the person first appointed to fill such position ceases to hold such position.

(4) For purposes of section 414(a)(3)(A) of the Civil Service Reform Act of 1978, an individual appointed under this subsection shall be deemed to occupy the same position as the individual occupied on the day before the effective date of this Act.

(c) The Secretary may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for grade GS-18 of the General Schedule under section 5332 of such title. The Secretary may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

(d)(1)(A) The Secretary is authorized to accept voluntary and uncompensated services without regard to the provisions of section 1342 of title 31, United States Code, if such services will not be used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

(B) The Secretary is authorized to accept volunteer service in accordance with the provisions of section 3111 of title 5, United States Code.

(2) The Secretary is authorized to provide for incidental expenses, including but not limited to transportation, lodging, and subsistence for individuals who provide volun-

tary services under subparagraph (A) or (B) of paragraph (1).

(3) An individual who provides voluntary services under paragraph (1)(A) shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims.

(e) Within one hundred and eighty days after the effective date of this Act, the Secretary shall prepare and transmit to the President and the Congress a report containing recommendations for the establishment of a trade personnel system designed to attract and retain highly qualified, experienced, and motivated professionals to administer the trade policies and activities of the United States. The system shall contain provisions for—

(1) the advancement and retention of personnel on a competitive basis;

(2) the establishment of exchange programs for officers and employees of Federal agencies who are members of the Council on International Trade, Economic, and Financial Policy established under section 266;

(3) the designation of senior positions in such Federal agencies in order that personnel employed in such agencies may advance in careers relating to international trade; and

(4) the transfer of personnel between the system and the Foreign Service personnel system in order that personnel employed in such systems may be employed in foreign and domestic service.

(f) In order to assure United States representation in trade matters at a level commensurate with the level of representation maintained by industrial nations which are major trade competitors of the United States, the Secretary of State shall classify certain positions at Foreign Service posts as commercial minister positions and shall assign members of the Foreign Service performing functions of the Department of International Trade and Industry, with the concurrence of the Secretary of International Trade and Industry, to such positions in nations which are major trade competitors of the United States. The Secretary of State shall obtain and use the recommendations of the Secretary of International Trade and Industry with respect to the number of positions to be so classified under this subsection.

DELEGATION AND ASSIGNMENT

SEC. 242. Except where otherwise expressly prohibited by law or otherwise provided by this Act, the Secretary may delegate any of the functions transferred to the Secretary by this Act and any function transferred or granted to the Secretary after the effective date of this Act to such officers and employees of the Department as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Secretary under this section or under any other provision of this Act shall relieve the Secretary of responsibility for the administration of such functions.

SUCCESSION

SEC. 243. (a) Subject to the authority of the President, and except as provided in section 221(b), the Secretary shall prescribe the order by which officers of the Department who are appointed by the President, by and with the advice and consent of the Senate, shall act for, and perform the functions of, the Secretary or any other officer of the Department appointed by the President, by and with the advice and consent of the Senate, during the absence or disability of the Secretary or such other officer, or in the event of a vacancy in the office of the Secretary or such other officer.

(b) Notwithstanding any other provision of law, and unless the President directs otherwise, an individual acting for the Secretary or another officer of the Department pursuant to subsection (a) shall continue to serve in that capacity until the absence or disability of the Secretary or such other officer no longer exists or a successor to the Secretary or such other officer has been appointed by the President and confirmed by the Senate.

REORGANIZATION

SEC. 244. (a) Subject to subsections (b) and (c), the Secretary is authorized to allocate or reallocate functions among the officers of the Department, and to establish, consolidate, alter, or discontinue such organizational entities in the Department as may be necessary or appropriate.

(b) Except as provided in subsection (c), the Secretary may establish, consolidate, alter, or discontinue any organizational entity in the Department or allocate or reallocate any function of an officer or employee of the Department upon the expiration of a period of sixty days after the receipt by the Committee on Finance and the Committee on Governmental Affairs of the Senate and the Committee on Government Operations and the Committee on Ways and Means of the House of Representatives of notice by the Secretary containing a full and complete statement of the action proposed to be taken pursuant to this section and the facts and circumstances relied upon in support of such proposed action.

(c) The authority of the Secretary under this section does not apply to—

(1) the Office of United States Trade Representative established under section 211, or any function which such section specifies shall be performed by the Secretary through such Office; and

(2) any other office established under this title or any other function which this title specifies shall be performed by a particular officer or employee of the Department.

RULES

SEC. 245. The Secretary is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Secretary or the Department.

WORKING CAPITAL FUND

SEC. 246. (a) The Secretary is authorized to establish for the Department a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the Secretary shall find to be desirable in the interest of economy and efficiency, including—

(1) a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its components;

(2) central messenger, mail, and telephone service and other communications services;

(3) office space, central services for document reproduction and for graphics and visual aids;

(4) a central library service; and

(5) such other services as may be approved by the Director of the Office of Management and Budget.

(b) The capital of the fund shall consist of any appropriations made for the purpose of providing working capital and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. The fund shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus of the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain the fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to those services which the Secretary determines will be performed.

FUNDS TRANSFER

SEC. 247. The Secretary may, when authorized in an appropriation Act in any fiscal year, transfer funds from one appropriation to another within the Department, except that no appropriation for any fiscal year shall be either increased or decreased by more than 10 per centum and no such transfer shall result in increasing any such appropriation above the amount authorized to be appropriated therefor.

CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS

SEC. 248. (a) Subject to the provisions of the Federal Property and Administrative Services Act of 1949, the Secretary may make, enter into, and perform such contracts, leases, cooperative agreements, grants, or other similar transactions with public agencies, private organizations, and persons, and make payments (in lump sum or installments, and by way of advance or reimbursement, and, in the case of any grant, with necessary adjustments on account of overpayments and underpayments) as the Secretary considers necessary or appropriate to carry out the functions of the Secretary or the Department.

(b) Notwithstanding any other provision of this Act, the authority to enter into contracts or to make payments under this title shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts. This subsection does not apply with respect to the authority granted under section 252.

PUBLICATIONS

SEC. 249. Subject to such procedures of the Director of the Office of Management and Budget may prescribe, the Secretary may disseminate in the form of reports or publications such information as the Secretary considers appropriate.

USE OF FACILITIES

SEC. 250. (a) With their consent, the Secretary, with or without reimbursement, may use the research, services, equipment, and facilities of—

(1) an individual;

(2) any public or private nonprofit agency or organization, including any agency or in-

strumentality of the United States or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;

(3) any political subdivision of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States; or

(4) any foreign government,

in carrying out any function of the Secretary or the Department.

(b) The Secretary, under terms, at rates, and for periods that the Secretary considers to be in the public interest, may permit the use by public and private agencies, corporations, associations or other organizations, or by individuals, of any real property, or any facility, structure or other improvement thereon, under the custody of the Secretary. The Secretary may require permittees under this section to maintain or recondition, at their own expense, the real property, facilities, structures, and improvements used by such permittees.

FIELD OFFICES

SEC. 251. (a) Subject to subsection (b), the Secretary may establish, alter, consolidate, maintain, or discontinue State, regional, district, local, or other field offices as the Secretary finds necessary or appropriate to perform any function of the Secretary or the Department.

(b) The Secretary may establish, alter, consolidate, maintain, or discontinue State, regional, district, local, or other field offices under subsection (a) upon the expiration of a period of sixty days after the receipt by the Committee on Finance and the Committee on Governmental Affairs of the Senate and the Committee on Government Operations and the Committee on Ways and Means of the House of Representatives of notice by the Secretary containing a full and complete statement of the action proposed to be taken pursuant to this section and the facts and circumstances relied upon in support of such proposed action.

GIFTS AND BEQUESTS

SEC. 252. (a) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the United States Treasury in a separate fund and shall be disbursed on order of the Secretary. Property accepted pursuant to this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(b) For the purpose of Federal income, estate, and gift taxes, and State taxes, property accepted under subsection (a) shall be considered a gift or bequest to or for use of the United States.

(c) Upon the request of the Secretary, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in subsection (a). Income accruing from such securities, and from any other property held by the Secretary pursuant to subsection (a), shall be deposited to the credit of the fund, and shall be disbursed upon order of the Secretary.

SEAL OF DEPARTMENT

SEC. 253. The Secretary shall cause a seal of office to be made for the Department of such design as the Secretary shall approve. Judicial notice shall be taken of such seal.

ANNUAL REPORT

SEC. 254. The Secretary shall, as soon as practicable after the end of each fiscal year, prepare and transmit a written report to the President for transmission to the Congress on the activities of the Department during such fiscal year.

PART F—RELATED AGENCIES

INTERAGENCY TRADE ORGANIZATION

SEC. 261. The second sentence of section 242(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(a)) is amended to read as follows: "Such organization shall be composed of the President, who shall be Chairman, the Secretary of International Trade and Industry, who shall be Chairman pro tempore, the Secretary of Agriculture, who shall be Vice-Chairman, the Secretary of Defense, the Secretary of Labor, the Secretary of State, and the Secretary of the Treasury, and the heads of such other departments and agencies and such other officers as the President shall designate.".

EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 262. (a) Paragraph (1) of section 3(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)) is amended to read as follows:

"(1) There shall be a Board of Directors of the Bank consisting of the President of the Export-Import Bank of the United States who shall serve as Chairman, the Deputy Secretary of International Trade and Industry, who shall serve as Vice Chairman, the First Vice President of the Bank, and two additional persons appointed by the President of the United States by and with the advice and consent of the Senate.".

(b) Notwithstanding the amendment made by subsection (a), any individual who—

(1) is serving as a member of the Board of Directors of the Export-Import Bank of the United States on the day before the effective date of the Department of International Trade and Industry Act of 1983; and

(2) is not Chairman or Vice Chairman of such Board on such date,

shall continue to serve until his successor is appointed by the President and confirmed by the Senate, except that in any case in which the appointment of a successor to such member would cause the total number of members of the Board of Directors of the Export-Import Bank of the United States to exceed five, such member shall serve until the resignation of such member is accepted by the President.

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 263. The second and third sentences of section 233(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2193(b)) are amended to read as follows: "The Secretary of International Trade and Industry shall be the Chairman of the Board. The Director of the United States International Development Cooperation Agency shall be the Vice Chairman of the Board.".

NATIONAL SECURITY COUNCIL

SEC. 264. The fourth paragraph of section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating clauses (5), (6), and (7) as clauses (6), (7), and (8), respectively; and

(2) by inserting after clause (4) the following new clause:

"(5) the Secretary of International Trade and Industry;".

INTERNATIONAL MONETARY FUND

SEC. 265. Section 3 of the Bretton Woods Agreement Act is amended by adding at the end thereof the following new subsection:

"(e) The United States executive director of the Fund shall consult with the Secretary of International Trade and Industry with respect to matters under consideration by the Fund which relate to trade.".

COUNCIL ON INTERNATIONAL TRADE, ECONOMIC, AND FINANCIAL POLICY

SEC. 266. (a) There is established in the Executive Office of the President a Council on International Trade, Economic, and Financial Policy. The Council shall coordinate United States trade policies with United States international economic policies, including international financial and monetary policies, in a manner which supports the goals specified in section 101(1). The Council shall be composed of the President, who shall be Chairman, the Vice President, who shall be Vice Chairman, the Attorney General, the Secretaries of Agriculture, International Trade and Industry, Labor, State, and the Treasury, the Chairman of the Council of Economic Advisers, and the heads of such other Federal agencies and such other officers as the President shall designate.

(b) The Council shall meet at such times and with respect to such matters as the President shall direct. The Council may invite the participation in its activities of any Federal agency not represented on the Council when matters of interest to such agency are under consideration.

(c) The Council shall, to the maximum extent practicable, draw upon the resources of the Federal agencies represented on the Council. The President may establish by regulation such procedures and committees as the President may determine necessary to enable the Council to carry out its functions.

(d)(1) There shall be in the Executive Office of the President an Advisor to the President for International Trade, Economic, and Financial Policy, who shall be appointed by the President. The Advisor shall be the Executive Director of the Council and the Executive Director of the interagency organization established under section 242 (a) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(a)), as amended by section 261 of this Act (hereafter in this subsection referred to as the "interagency organization").

(2) The Advisor is authorized to employ not in excess of fifteen professional staff members, and such additional secretarial, clerical, and support personnel as may be necessary, to provide support and assistance to the Council and to the interagency organization.

(3) Upon request of the Advisor, the heads of Federal agencies represented on the Council may detail to the Advisor, on a nonreimbursable basis, officers and employees of such agencies in order to provide support and assistance to the Council and to the interagency organization. Not more than ten officers and employees of Federal agencies may be detailed to the Advisor under this paragraph in any fiscal year.

(e) Every six months, the Advisor, on behalf of the President and the Council, shall prepare and transmit a report to the Congress which—

(1) identifies specific respects in which United States international economic policies (other than trade policies) are in con-

flict with, or may be in potential conflict with, United States trade policies; and

(2) contains such recommendations for resolving such conflicts or potential conflicts as the Advisor considers appropriate.

PART G—CONFORMING PROVISIONS

AMENDMENTS

SEC. 271. (a) Section 19(d)(1) of title 3, United States Code, is amended by striking out "Secretary of Commerce," and inserting in lieu thereof "Secretary of International Trade and Industry,".

(b) Section 101 of title 5, United States Code, is amended by striking out the item relating to the Department of Commerce and inserting in lieu thereof the following:

"The Department of International Trade and Industry.".

(c) Section 5312 of such title is amended—

(1) by striking out the items relating to the Secretary of Commerce and the United States Trade Representative; and

(2) by adding at the end thereof the following:

"Secretary of International Trade and Industry.".

(d)(1) Section 2(b) of Reorganization Plan No. 3 of 1979 is amended by striking out paragraph (1) and by striking out "(2)".

(2) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"Deputy Secretary, Department of International Trade and Industry.".

(e) Section 5314 of such title is amended—

(1) by striking out the item relating to the Under Secretary of Commerce, the Under Secretary of Commerce for Economic Affairs, and the Under Secretary of Commerce for Travel and Tourism;

(2) by striking out the item relating to the Deputy United States Trade Representatives; and

(3) by adding at the end thereof the following:

"Under Secretaries of International Trade and Industry (2).

"Under Secretary of International Trade and Industry for Travel and Tourism.

"Administrator for Productivity and Technology, Department of International Trade and Industry.

"Deputy United States Trade Representative.

"Permanent Representative to the General Agreement on Tariffs and Trade, Department of International Trade and Industry.

"Advisor to the President for International Trade, Economic, and Financial Policy.".

(f) Section 5315 of such title is amended—

(1) by striking out the item relating to the Assistant Secretaries of Commerce;

(2) by striking out the item relating to the General Counsel of the Department of Commerce; and

(3) by adding at the end thereof the following:

"Assistant Secretaries of International Trade and Industry (8).

"Assistant Secretary of International Trade and Industry and Commissioner of Patents and Trademarks.

"General Counsel, Department of International Trade and Industry.

"Director, National Bureau of Standards, Department of International Trade and Industry.

"Director General, United States Foreign and Commercial Services, Department of International Trade and Industry.

"Chief Negotiator for Textile Matters, Department of International Trade and Industry.".

(g) Section 5316 of such title is amended—

(1) by striking out the item relating to Commissioner of Patents, Department of Commerce;

(2) by striking out the item relating to the National Export Expansion Coordinator, Department of Commerce;

(3) by striking out the item relating to the Director, United States Travel Service, Department of Commerce;

(4) by striking out the item relating to the Inspector General, Department of Commerce;

(5) by striking out the item relating to the Director, National Bureau of Standards, Department of Commerce; and

(6) by adding at the end thereof the following:

"Inspector General, Department of International Trade and Industry.".

(h) The Inspector General Act of 1978 is amended—

(1) by striking out "the Department of Commerce," in section 2(1);

(2) by inserting "the Department of International Trade and Industry," after "Interior," in such section;

(3) by redesignating subparagraphs (G) through (N) of section 9(a)(1) as subparagraphs (H) through (O), respectively;

(4) by inserting after subparagraph (F) of such section the following:

"(G) of the Department of International Trade and Industry, all functions of the Inspector General of the Department of Commerce and the Office of the Inspector General of the Department of Commerce relating to the functions transferred to the Secretary of International Trade and Industry by section 232 of the Department of International Trade and Industry Act of 1983;";

(5) by striking out "Commerce," each place it appears in section 11; and

(6) by inserting "International Trade and Industry," after "Interior," each place it appears in such section.

(i)(1) Chapter 4 of title I of the Trade Act of 1974 is amended to read as follows:

"CHAPTER 4—REPRESENTATION IN TRADE NEGOTIATIONS

"SEC. 141. FUNCTIONS OF THE SECRETARY OF INTERNATIONAL TRADE AND INDUSTRY.

"The Secretary of International Trade and Industry shall—

"(1) be the chief representative of the United States for each trade negotiation under this title or section 301;

"(2) report directly to the President and the Congress, and be responsible to the President and the Congress for the administration of trade agreements programs under this Act, the Trade Expansion Act of 1962, and section 350 of the Tariff Act of 1930;

"(3) advise the President and Congress with respect to nontariff barriers to international trade, international commodity agreements, and other matters which are related to the trade agreements programs; and

"(4) be responsible for making reports to Congress with respect to the matters set forth in clauses (1) and (2).".

(2) The table of contents in the first section of the Trade Act of 1974 is amended by striking out the items relating to chapter 4 and section 141 and inserting in lieu thereof the following:

"CHAPTER 4—REPRESENTATION IN TRADE NEGOTIATIONS

"Sec. 141. Functions of the Secretary of International Trade and Industry.".

(j) The Foreign Service Act of 1980 is amended—

(1) by striking out paragraph (3) of section 202(a) (22 U.S.C. 3922(a)) and inserting in lieu thereof the following:

"(3) The Secretary of International Trade and Industry may utilize the Foreign Service personnel system in accordance with this Act—

"(A) with respect to the personnel performing functions—

"(i) which were transferred to the Department of Commerce from the Department of State by Reorganization Plan No. 3 of 1979; and

"(ii) which were subsequently transferred to the Secretary of International Trade and Industry by section 232 of the Department of International Trade and Industry Act of 1983; and

"(B) with respect to other personnel of the Department of International Trade and Industry to the extent the President determines to be necessary in order to enable the Department of International Trade and Industry to carry out functions which require service abroad."; and

(2) by striking out "Commerce" each place it appears in section 2403(c) and inserting in lieu thereof "International Trade and Industry".

(k)(1) Section 201 of the International Travel Act of 1961 (22 U.S.C. 2122) is amended by striking out "Commerce" and inserting in lieu thereof "International Trade and Industry".

(2) Section 202(a)(13) of such Act (22 U.S.C. 2123(a)(13)) is amended by striking out "Commerce" and inserting in lieu thereof "International Trade and Industry".

(3) Section 301 of such Act (22 U.S.C. 2124) is amended to read as follows:

"SEC. 301. All duties and responsibilities of the Secretary under this Act shall be exercised directly by the Secretary or by the Secretary through the Under Secretary of International Trade and Industry for Travel and Tourism.".

(4) Section 302(b)(1) of such Act (22 U.S.C. 2124a(b)(1)) is amended—

(A) by striking out "Commerce" in subparagraph (A) and inserting in lieu thereof "International Trade and Industry";

(B) by inserting "of International Trade and Industry" after "Under Secretary" in subparagraph (B); and

(C) by striking out subparagraph (D) and inserting in lieu thereof the following:

"(D) an individual designated by the Secretary of International Trade and Industry from the Department of International Trade and Industry;".

(5) Section 303(f) of such Act (22 U.S.C. 2124b(f)) is amended by striking out "and shall advise the Assistant Secretary for Tourism Marketing with respect to the preparation of the marketing plan under section 202(a)(15)".

REPEALS

SEC. 272. (a)(1) The first section of the Act entitled "An Act to establish the Department of Commerce and Labor", approved February 14, 1903 (15 U.S.C. 1501), is repealed.

(2) The first section of the Act entitled "An Act to create a Department of Labor", approved March 4, 1913 (15 U.S.C. 1501), is amended by striking out beginning with "and the Department of Commerce and Labor" through "accordingly".

(b) Subsection (a) of the first section of the Act entitled "An Act to authorize an Under Secretary of Commerce for Economic

Affairs", approved June 16, 1982 (96 Stat. 115; 15 U.S.C. 1503a), is repealed.

(c) The Act entitled "An Act to provide for the appointment of one additional Assistant Secretary of Commerce, and for other purposes", approved July 15, 1947 (15 U.S.C. 1505), is repealed.

(d) The first sentence of section 304 of the Department of Commerce Appropriation Act, 1955 (15 U.S.C. 1506), is repealed.

(e) The Act entitled "An Act to authorize an additional Assistant Secretary of Commerce", approved February 16, 1962 (15 U.S.C. 1507), is repealed.

(f) Subsection (a) of section 9 of the Maritime Appropriation Authorization Act for Fiscal Year 1978 (15 U.S.C. 1507b), is repealed.

(g)(1) The first section of the Act of March 18, 1904 (33 Stat. 135, chapter 716; 15 U.S.C. 1508), is amended by striking out the paragraph relating to the Office of the Solicitor of the Department of Commerce and Labor.

(2) Section 2 of the Act of July 17, 1952 (66 Stat. 758, chapter 932; 15 U.S.C. 1508), is repealed.

(h)(1) Sections 4 and 12 of the Act entitled "An Act to Establish the Department of Commerce and Labor", approved February 14, 1903 (15 U.S.C. 1511), are repealed.

(2) The first section of the Act of August 23, 1912 (37 Stat. 407, chapter 350; 15 U.S.C. 1511), is amended by striking out the paragraph relating to the Bureau of Foreign and Domestic Commerce.

(3) The first section of the Act of January 5, 1923 (42 Stat. 1109, chapter 23; 15 U.S.C. 1511), is repealed.

(4) The first section of the Act of May 27, 1936 (49 Stat. 1380, chapter 463; 15 U.S.C. 1511), is repealed.

(i) Section 8 of the Act entitled "An Act to establish the Department of Commerce and Labor", approved February 14, 1903 (15 U.S.C. 1519), is repealed.

(j) Title III of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce for the fiscal year ending June 30, 1945, and for other purposes", approved June 28, 1944 (15 U.S.C. 1521), is amended by striking out the paragraph relating to the working capital fund of the Department of Commerce.

(k) Sections 1, 2, and 3 of Public Law 88-611 (15 U.S.C. 1522, 1523, and 1524) are repealed.

TITLE III—ESTABLISHMENT OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AS AN INDEPENDENT AGENCY

Part A—Establishment of Administration

SHORT TITLE

Sec. 301. This title may be cited as the "National Oceanic and Atmospheric Administration Act of 1983".

FINDINGS

Sec. 302. The Congress finds and declares that the establishment of an independent agency for ocean, coastal, and atmospheric programs will—

(1) provide a focus for ocean, coastal, and atmospheric activities;

(2) facilitate the development of a single agency and a unified means for research concerning ocean, coastal, and atmospheric programs; and

(3) aid in the establishment of a coherent program to promote understanding, assessment, development, management, conservation, and protection of ocean, coastal, and atmospheric environments.

DEFINITIONS

Sec. 303. For the purposes of this title—

(1) the term "Administration" means the National Oceanic and Atmospheric Administration established under section 304; and

(2) the term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration appointed under section 305(a).

ESTABLISHMENT

Sec. 304. There is established as an independent establishment of the Government the National Oceanic and Atmospheric Administration. The Administration shall succeed the National Oceanic and Atmospheric Administration of the Department of Commerce in existence on the day before the effective date of this Act.

OFFICERS

Sec. 305. (a) The Administration shall be administered by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall carry out all functions transferred to the Administrator by this Act and shall have authority and control over all personnel, programs, and activities of the Administration.

(b) There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall perform such functions as the Administrator shall prescribe. The Deputy Administrator shall act for and perform the functions of the Administrator during the absence or disability of the Administrator, or in the event of a vacancy in the office of the Administrator.

(c) There shall be in the Administration an Associate Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. The Associate Administrator shall perform such functions as the Administrator shall prescribe. The Associate Administrator shall act for and perform the functions of the Administrator during the absence or disability of the Administrator and the Deputy Administrator or in the event of a vacancy in both of those offices.

(d) There shall be in the Administration not less than five and not more than seven Assistant Administrators, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Administrators shall perform such functions as the Administrator shall prescribe. The Administrator shall designate the order in which the Assistant Administrators shall act for and perform the functions of the Administrator during the absence or disability of the Administrator, the Deputy Administrator, and the Associate Administrator, or in the event of vacancies in all of those offices.

(e) There shall be in the Administration a General Counsel, who shall be appointed by the President, by and with the advise and consent of the Senate. The General Counsel shall be the chief legal officer for all legal matters arising from the conduct of the functions of the Administration.

(f)(1) There shall be in the Administration a Commissioned Officer Corps, which shall be the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration established by Reorganization Plan No. 4 of 1970. Members of the Corps, including those appointed after the effective date of this Act, shall be entitled to all rights, privileges, and benefits available under any law to commissioned officers of the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration of the Department of Commerce on the day before the effective date of this Act.

(2) All laws and regulations applicable to commissioned officers of the National Oceanic and Atmospheric Administration of the Department of Commerce on the day before the effective date of this Act shall be applicable to commissioned officers of the Administration.

(g) The Secretary of the Navy may detail to the Administrator, on an additional-duty basis, a Navy flag officer of the rank of rear admiral, who shall serve and be designated as the Naval Deputy to the Administrator. The Naval Deputy shall—

(1) act as a liaison between the Administrator and the Secretary of the Navy in order to avoid duplication of Federal oceanographic activities;

(2) act to maintain a close relationship between the Administration and the Navy in research and development; and

(3) ensure that national security considerations are addressed by the Administrator in formulating policies.

(h)(1) There shall be in the Administration a Director of the national sea grant college program, who shall be appointed by the Administrator and who shall be a qualified individual who has knowledge or expertise in fields relating to ocean and coastal resources and appropriate administrative experience. The Director of the national sea grant college program shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be compensated at a rate not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title.

(2) The Director of the national sea grant college program shall administer the national sea grant college program subject to the supervision of the Administrator and in accordance with functions prescribed by law or by the Administrator.

TRANSFER OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FROM THE DEPARTMENT OF COMMERCE

Sec. 306. (a)(1) The National Oceanic and Atmospheric Administration of the Department of Commerce is transferred to the Administration.

(2) All functions of the Secretary of Commerce or the Department of Commerce with respect to or being administered through the National Oceanic and Atmospheric Administration of the Department of Commerce or the Administrator of such Administration on the day before the effective date of this Act are transferred to the Administrator appointed under section 305(a).

(3) All functions of the National Oceanic and Atmospheric Administration of the Department of Commerce or the Administrator of such Administration are transferred to the Administrator appointed under section 305(a).

Part B—Administrative Provisions

RULES

Sec. 311. In the performance of the functions of the Administrator and the Administration, the Administrator is authorized to make, promulgate, issue, rescind, and amend rules and regulations. The promulgation of such rules and regulations—

(1) shall be governed by the provisions of chapter 5 of title 5, United States Code; and

(2) shall be after notice and opportunity for full participation by relevant Federal

agencies, State agencies, local governments, regional organizations, authorities, councils, and other interested public and private parties.

DELEGATION

SEC. 312. Except as otherwise provided in this Act, the Administrator may delegate any function to such officers and employees of the Administration as the Administrator may designate, and may authorize such successive redelegations of such functions in the Administration as may be necessary or appropriate. No delegation of functions by the Administrator under this section or under any other provision of this Act shall relieve the Administrator of responsibility for the administration of such functions.

PERSONNEL AND SERVICES

SEC. 313. (a) In the performance of the functions of the Administrator and in addition to the officers provided for by section 305, the Administrator is authorized to appoint, transfer, and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Administrator and the Administration. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and compensated in accordance with title 5, United States Code.

(b) The Administrator is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(c) The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5, United States Code.

(d) The Administrator is authorized to utilize, on a reimbursable basis, the services of personnel of any Federal agency. With the approval of the President, the Administrator is authorized to enter into cooperative agreements under which members of the Army, Navy, Air Force, and Marine Corps may be detailed by the Secretary of the Army, the Navy, or the Air Force, as the case may be, to assist the Administrator in carrying out the functions of the Administrator. Members of the Army, Navy, Air Force, or Marine Corps detailed to carry out functions under this section shall carry out such functions to the same extent as that to which such members might be lawfully assigned in the Department of Defense.

(e) The Administrator is authorized to appoint such advisory committees as may be appropriate for purposes of consultation and advice to the Administration in carrying out the functions of the Administration.

(f)(1)(A) The Administrator is authorized to accept voluntary and uncompensated services without regard to the provisions of section 1342 of title 31, United States Code, if such services will not be used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

(B) The Administrator is authorized to accept volunteer service in accordance with the provisions of section 3111 of title 5, United States Code.

(2) The Administrator is authorized to provide for incidental expenses, including but not limited to transportation, lodging, and subsistence for such volunteers.

(3) An individual who provides voluntary services under paragraph (1)(A) of this subsection shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims.

CONTRACTS

SEC. 314. The Administrator is authorized, without regard to the provisions of section 3324 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the functions of the Administrator and the Administration. The Administrator may enter into such contracts, leases, agreements, and transactions with any Federal agency or any instrumentality of the United States, or with any State, territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, on such terms and conditions as the Administrator may consider appropriate. The authority of the Administrator to enter into contracts and leases under this section shall be to such extent or in such amounts as are provided in appropriation Acts.

USE OF FACILITIES

SEC. 315. With their consent, the Administrator may, with or without reimbursement, use the services, equipment, personnel, and facilities of Federal agencies and other public and private agencies, and may cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities. The head of each Federal agency shall cooperate fully with the Administrator in making the services, equipment, personnel, and facilities of the Federal agency available to the Administrator. The head of a Federal agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, without reimbursement, supplies and equipment other than administrative supplies or equipment.

SERVICE CHARGES

SEC. 316. (a) Notwithstanding any other provision of law, the Administrator may establish reasonable fees and commissions with respect to applications, documents, awards, loans, grants, research data, services, and assistance and may change and abolish such fees and commissions. Prior to establishing, changing, or abolishing any schedule of fees or commissions under this section, the Administrator may submit such schedule to the Congress.

(b) The Administrator is authorized to require a deposit before the Administrator provides any item, information, service, or assistance for which a fee or commission is required under this section.

(c) Moneys received under this section shall be deposited with the Treasury in a special account for use by the Administrator and are authorized to be appropriated and made available until expended.

(d) In establishing reasonable fees or commissions under this section, the Administrator may take into consideration—

(1) the actual costs which will be incurred in providing items, information, services, or assistance;

(2) the efficiency of the Government in providing such items, information, services, or assistance;

(3) the portion of the cost that will be incurred in providing such items, information, services, or assistance which may be attributed to benefits for the general public interest rather than to exclusive benefits for the applicant;

(4) any public service which occurs through the provision of such items, information, services, or assistance; and

(5) such other factors as the Administrator considers relevant.

(e) In any case in which the Administrator determines that any person has made a payment which is not required under this section or has made a payment which is in excess of the amount required under this section, the Administrator, upon application or otherwise, may cause a refund to be made from applicable funds.

ACQUISITION AND MAINTENANCE OF PROPERTY

SEC. 317. (a) The Administrator is authorized—

(1) to acquire (by purchase, lease, condemnation, or otherwise) construct, improve, repair, operate, and maintain—

(A) laboratories;

(B) research and testing sites and facilities;

(C) quarters and related accommodations for employees and dependents of employees of the Administration; and

(D) such other real and personal property (including patents), or any interest therein within and outside the continental United States,

as the Administrator considers necessary;

(2) to lease to others such real and personal property;

(3) to provide by contract or otherwise for eating facilities and other necessary facilities for the welfare of employees of the Administration at its installations and to purchase and maintain equipment therefor.

(b) Title to any property or interest therein acquired pursuant to this section shall be in the United States.

(c) The authority granted by subsection (a) of this section shall be available only with respect to facilities of a special purpose nature that cannot readily be reassigned from similar Federal activities and are not otherwise available for assignment to the Administration by the Administrator of General Services.

(d) The authority of the Administrator to enter into contracts and leases under this section shall be to such extent or in such amounts as are provided in appropriation Acts.

FACILITIES AT REMOTE LOCATIONS

SEC. 318. (a) The Administrator is authorized to provide, construct, or maintain for employees and their dependents stationed at remote locations as necessary and when not otherwise available at such remote locations—

(1) emergency medical services and supplies;

(2) food and other subsistence supplies;

(3) meeting facilities;

(4) audiovisual equipment, accessories, and supplies for recreation and training;

(5) reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons;

(6) living and working quarters and facilities; and

(7) transportation for school-age dependents of employees to the nearest appropriate educational facilities.

(b) The furnishing of medical treatment under paragraph (1) of subsection (a) and the furnishing of services and supplies under paragraphs (2) and (3) of such subsection shall be at prices reflecting reasonable value as determined by the Administrator.

(c) Proceeds derived from reimbursements under this section shall be deposited in the Treasury and may be withdrawn by the Administrator to pay directly the cost of work or services provided under this section, to repay or make advances to appropriations of funds which do or will bear all or a part of such cost, or to refund excess sums when necessary, except that such payments may be credited to a service or working capital fund otherwise established by law, and used under the law governing such funds if the fund is available for use by the Administrator for performing the work or services for which payment is received.

COPYRIGHTS AND PATENTS

SEC. 319. The Administrator is authorized to acquire any of the following described rights if the property acquired thereby is for use in, or is useful to, the performance of functions of the Administrator or the Administration:

(1) Copyrights, patents, and applications for patents, designs, processes, specifications, and data.

(2) Licenses under copyrights, patents, and applications for patents.

(3) Releases, before an action is brought, for past infringement of patents of copyrights.

GIFTS AND BEQUESTS

SEC. 320. The Administrator is authorized to accept, hold, administer and utilize gifts, donations, or bequests of property, real or personal, tangible or intangible, and contributions of money for purposes of aiding or facilitating the work of the Administrator or the Administration. For the purposes of Federal income, estate, and gift taxes, and State taxes, property accepted under this subsection shall be considered a gift or bequest to the United States.

TRANSFERS OF FUNDS FROM OTHER FEDERAL AGENCIES

SEC. 321. The Administrator is authorized to accept transfers from other Federal agencies of funds which are available to carry out functions transferred by this Act to the Administrator or functions assigned by law to the Administrator after the date of enactment of this Act.

WORKING CAPITAL FUND

SEC. 322. (a) The Administrator is authorized to establish for the Administration a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the Administrator shall find to be desirable in the interest of economy and efficiency, including such services as—

(1) a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Administration and its components;

(2) central messenger, mail, and telephone service and other communications service;

(3) office space, central services for document reproduction and for graphics and visual aids; and

(4) a central library service.

(b) The capital of the fund shall consist of any appropriations made for the purpose of providing working capital and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Administrator may transfer to the fund, less the related liabilities and unpaid obligations. Such funds shall be reimbursed in advance from available funds of agencies and offices in the Administration, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus of the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain such fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to those services which the Administrator determines will be performed.

SEAL OF ADMINISTRATION

SEC. 323. The Administrator shall cause a seal of office to be made for the Administration of such design as the Administrator shall approve. Judicial notice shall be taken of such seal.

ANNUAL REPORT

SEC. 324. (a) As soon as is practicable after the close of each fiscal year, the Administrator shall submit to the President a report on the activities of the Administration during the preceding fiscal year. The President shall transmit each such report to the Speaker of the House of Representatives and the President pro tempore of the Senate not later than December 31 of each year.

(b) Each Federal agency shall, without charge, provide the Administrator with such data and information as the Administrator may request to carry out this section. Each Federal agency shall, on a cost reimbursable basis, provide the Administrator with such services and personnel as the Administrator may request to carry out this section.

(c)(1) The Administrator is authorized to include in the report required by subsection (a) for each fiscal year a report on any program or activity carried out by the Administrator during such fiscal year.

(2) Notwithstanding any other provision of law, the inclusion by the Administrator in the report required by subsection (a) for any fiscal year of a report on any program or activity carried out by the Administrator during such fiscal year shall be considered compliance with any requirement established by law or regulation that the Administrator prepare a report with respect to the administration of such program or activity during all or part of such fiscal year. If the Administrator includes in the report required under subsection (a) for any fiscal year a report on any program or activity, the Administrator shall include in such report all items required to be included in the report with respect to such program or activity required to be prepared by law or regulation.

STATUS OF ADMINISTRATION UNDER CERTAIN LAWS

SEC. 325. For purposes of section 552b of title 5, United States Code, the Administration is an agency. For purposes of chapter 9 of such title, the Administration is an independent regulatory agency.

SALARY OF ASSISTANT ADMINISTRATORS

SEC. 326. Section 5316 of title 5, United States Code (as amended by section 271(g) of this Act) is further amended—

(1) by striking out the items relating to the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, and the Assistant Administrators, National Oceanic and Atmospheric Administration; and

(2) by adding at the end thereof the following:

"Assistant Administrators, National Oceanic and Atmospheric Administration.".

TITLE IV—ESTABLISHMENT OF THE BUREAU OF THE CENSUS AS AN INDEPENDENT AGENCY

TRANSFERS

SEC. 401. (a) All functions of the Secretary of Commerce being administered through the individual holding the office of Director of the Census on the day before the effective date of this Act are transferred to the Director of the Census appointed under section 21 of title 13, United States Code, as amended by section 402(e) of this Act.

(b) All functions of the Secretary of Commerce with respect to the Bureau of the Census or the Director of the Census are transferred to the Director of the Census appointed under section 21 of title 13, United States Code, as amended by section 402(e) of this Act.

(c) The Bureau of the Census of the Department of Commerce is transferred to the Bureau of the Census established by section 3 of title 13, United States Code, as amended by section 402(d) of this Act.

(d) There are transferred to the Director of the Census appointed under section 21 of title 13, United States Code (as amended by section 402(e) of this Act) all functions of the Inspector General of the Department of Commerce or of the Office of the Inspector General of the Department of Commerce relating to the agency and functions transferred by subsections (a), (b), and (c) of this section.

ESTABLISHMENT

SEC. 402. (a)(1) Section 4 of title 13, United States Code, is repealed.

(2) Sections 1, 2, and 3 of such title are redesignated as sections 2, 3, and 4, respectively.

(b) Title 13, United States Code, is amended by inserting before section 2 (as redesignated by subsection (a)(2) of this section) the following new section:

"§1. Purpose

"The purpose of this chapter is to establish an independent Bureau of the Census due to the importance of the functions of the Bureau in providing statistical information to all agencies of the United States Government and to the people of the United States.".

(c) Section 2 of such title (as redesignated by subsection (a)(2) of this section), is amended by striking out clause (2) and inserting in lieu thereof the following:

"(2) 'Director' means the Director of the Census appointed under section 21 of this title; and".

(d) Section 3 of such title (as redesignated by subsection (a)(2) of this section), is amended to read as follows:

"§3. Establishment

"There is established an independent establishment in the executive branch of the Government to be known as the Bureau of the Census. The Bureau shall be administered by the Director.".

(e) Section 21 of such title is amended to read as follows:

"§21. Director of the Census; powers and duties

"(a) The Bureau shall be headed by a Director of the Census, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) The Director may prescribe such policies, standards, criteria, procedures, rules, and regulations as the Director finds necessary or appropriate to carry out the functions of the Director.

"(c) The Director may organize the Bureau as the Director finds necessary or appropriate.

"(d) Except as otherwise expressly provided by law, the Director may delegate any of the functions of the Director to such officers and employees of the Bureau as the Director may designate, and may authorize such successive redelegations of such functions as may be necessary or appropriate. A delegation of functions by the Director shall not relieve the Director of responsibility for the administration of such functions.

"(e) The Director is authorized to obtain the services of experts and consultants as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed $100 per day for individuals unless otherwise specified in an appropriation Act.

"(f) The Director is authorized to appoint, without regard to the classification and civil service laws, advisory committees to advise the Director with respect to any function of the Director or the Bureau.

"(g) The Director shall consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this title. Each Federal agency is authorized to furnish to the Director, upon request of the Director, any information or other data which the Director finds necessary to carry out his duties.

"(h) If authorized by the Director, officers and employees of the Bureau are empowered, while engaged in the performance of their duties, to administer oaths.".

(f) The table of sections for chapter 1 of title 13, United States Code, is amended—

(1) by redesignating the items relating to sections 1, 2, and 3 as the items relating to sections 2, 3, and 4, respectively; and

(2) by inserting before the item relating to section 2 (as redesignated by clause (1) of this subsection) the following new item:

"1. Purpose.".

(3) by inserting "powers and" before "duties" in the item relating to section 21.

(g) Title 13, United States Code, is amended—

(1) by striking out "Secretary" each place it appears and inserting in lieu thereof "Director"; and

(2) by striking out "Department of Commerce" each place it appears and inserting in lieu thereof "Bureau of the Census".

CONFORMING AMENDMENTS RELATING TO THE BUREAU OF THE CENSUS

SEC. 403. (a) Section 5314 of title 5, United States Code (as amended by section 271(e) of this Act) is further amended by adding at the end thereof the following:

"Director of the Census.".

(b) Section 5316 of title 5, United States Code (as amended by sections 271 (g) and 326 of this Act) is further amended by striking out the item relating to the Director, Bureau of the Census, Department of Commerce.

COORDINATION OF STATISTICAL FUNCTIONS

SEC. 404. Within ninety days after the effective date of this Act, the President shall transmit to the Congress a detailed plan for an arrangement between the Bureau of the Census established by section 3 of title 13, United States Code (as amended by section 402(d) of this Act) and the offices of the Department involved in carrying out statistical functions which provides for cooperation between such Bureau and such offices in carrying out statistical functions of the Government.

TITLE V—TRANSFERS TO OTHER FEDERAL AGENCIES

PART A—MINORITY BUSINESS DEVELOPMENT AGENCY

TRANSFERS TO THE SMALL BUSINESS ADMINISTRATION

SEC. 501. (a)(1) There are transferred to the Administrator of the Small Business Administration all functions of the Secretary of Commerce or the Department of Commerce with respect to or being administered through the Minority Business Development Agency of the Department of Commerce or the Director of such Agency.

(2) There are transferred to the Administrator of the Small Business Administration all functions of the Minority Business Development Agency of the Department of Commerce and the Director of such Agency.

(b) The Minority Business Development Agency of the Department of Commerce is transferred to the Small Business Administration.

ADMINISTRATIVE PROVISIONS RELATING TO THE MINORITY BUSINESS DEVELOPMENT AGENCY

SEC. 502. For a period of not less than one year beginning on the effective date of this Act—

(1) the Minority Business Development Agency shall be a separate identifiable unit in the Small Business Administration; and

(2) the Administrator of the Small Business Administration, through the Director of the Minority Business Development Agency, shall perform all functions (other than administrative and support functions) transferred to such Administrator by section 501.

CONFORMING AMENDMENTS RELATING TO THE MINORITY BUSINESS DEVELOPMENT AGENCY

SEC. 503. (a) Section 5316 of title 5, United States Code (as amended by sections 271(g), 326, and 403(b) of this Act) is further amended by inserting after the item relating to the Associate Administrators of the Small Business Administration the following:

"Director, Minority Business Development Agency, Small Business Administration.".

(b) Section 9(a)(1)(N) of the Inspector General Act of 1978 (as redesignated by section 271(h)(3) of this Act) is amended to read as follows:

"(N) of the Small Business Administration—

"(i) the office of that agency referred to as the 'Office of Audits and Investigations'; and

"(ii) all functions of the Inspector General of the Department of Commerce and the Office of the Inspector General of such Department relating to the functions transferred to the Administrator of the Small Business Administration by section 501 of the Department of International Trade and Industry Act of 1983; and".

PART B—ECONOMIC DEVELOPMENT ADMINISTRATION

TRANSFERS TO THE DEPARTMENT OF AGRICULTURE

SEC. 511. (a)(1) There are transferred to the Secretary of Agriculture all functions of the Secretary of Commerce or the Department of Commerce with respect to or being administered through the Assistant Secretary of Commerce for Economic Development or the Economic Development Administration of the Department of Commerce.

(2) There are transferred to the Secretary of Agriculture all functions of the Assistant Secretary of Commerce for Economic Development and the Economic Development Administration of the Department of Commerce.

(b) The Economic Development Administration of the Department of Commerce is transferred to the Department of Agriculture.

ADMINISTRATIVE PROVISIONS RELATING TO THE ECONOMIC DEVELOPMENT ADMINISTRATION

SEC. 512. For a period of not less than one year beginning on the effective date of this Act—

(1) the Economic Development Administration shall be a separate identifiable unit in the Department of Agriculture;

(2) the Secretary of Agriculture, through the Administrator for Economic Development, shall perform all functions (other than administrative and support functions) transferred to such Secretary by section 511; and

(3) the Administrator for Economic Development shall report to the Secretary of Agriculture through the Under Secretary of Agriculture for Small Community and Rural Development.

DEFINITION OF FUNCTION

SEC. 513. As used in this part, the term "function" includes responsibility for performing all acts relating to the furnishing of adjustment assistance under chapters 3 and 4 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq. and 19 U.S.C. 2371 et seq.), for projects approved prior to October 1, 1981, but does not include authority to provide additional assistance or to otherwise increase the liability of the United States with respect to such projects.

CONFORMING PROVISIONS RELATING TO THE ECONOMIC DEVELOPMENT ADMINISTRATION

SEC. 514. (a) Section 5316 of such title (as amended by sections 271(g), 326, 403(b), and 503(a) of this Act) is further amended by striking out the item relating to the Administrator for Economic Development and inserting in lieu thereof the following:

"Administrator for Economic Development, Department of Agriculture.".

(b)(1) Section 101(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131(a)) is amended by striking out "Secretary of Commerce" and inserting in lieu thereof "Secretary of Agriculture".

(2) Section 601(a) of such Act (42 U.S.C. 3201) is amended to read as follows:

"(a) The Secretary shall administer this Act, and with the assistance of an Administrator for Economic Development, shall coordinate the Federal cochairmen appointed heretofore or subsequent to this Act. The Administrator for Economic Development shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such functions as the Secretary may prescribe.".

(c) Section 9(a)(1)(A) of the Inspector General Act of 1978 is amended to read as follows:

"(A) of the Department of Agriculture—

"(i) the offices of that department referred to as the 'Office of Investigation' and the 'Office of Audit'; and

"(ii) all functions of the Inspector General of the Department of Commerce or the Office of the Inspector General of such Department relating to functions transferred to the Secretary of Agriculture by section 511 of the Department of International Trade and Industry Act of 1983".

TITLE VI—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

ADDITIONAL TRANSFERS

SEC. 601. Any function of the Secretary of Commerce or the Department of Commerce which—

(1) is not transferred by titles II, III, IV, or V of this Act; and

(2) is incidental to, necessary for, or primarily related to, the performance of a function transferred by any such title,

is transferred to the head of the Federal agency to which the related function is transferred by such title.

TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL

SEC. 602. Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions and offices transferred by this Act, subject to section 1531 of title 31, United States Code, shall be transferred to the head of the Federal agency to which such functions or offices are transferred by this Act. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

INCIDENTAL TRANSFERS

SEC. 603. (a) The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions and offices transferred by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions and offices, as may be necessary to carry out the provisions of this Act. The Director shall provide for the termination of the affairs of all entities terminated by this Act and for such further measures and dispositions as may be necessary to effectuate the purposes of this Act.

(b) After consultation with the Director of the Office of Personnel Management, the Director of the Office of Management and Budget is authorized, at such times as the Director of the Office of Management and Budget may provide, to make such determinations as may be necessary with regard to the transfer of positions within the Senior Executive Service in connection with the functions and offices transferred by this Act.

EFFECT ON PERSONNEL

SEC. 604. (a) Except as otherwise provided by this Act, the transfer pursuant to this Act of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this Act.

(b) Any person who, on the day preceding the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in a Federal agency to which functions are transferred by this Act to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c)(1) Except as provided in paragraph (2), positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this Act, shall terminate on the effective date of this Act.

(2) Paragraph (1) shall not apply to the position of Commissioner General of the United States Government for the 1984 Louisiana World Exposition established by section 2(b) of Public Law 97-254, or to members of the Foreign Service.

SAVINGS PROVISIONS

SEC. 605. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges that—

(1) have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this Act; and

(2) are in effect when this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the head of the Federal agency to which such functions are transferred by this Act, a court of competent jurisdiction, or by operation of law.

(b)(1) The provisions of this Act shall not affect any proceedings, including notices of proposed rule making, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act before the Department of Commerce or the Office of the United States Trade Representative, or any office thereof with respect to functions transferred by this Act; but such proceedings or applications, to the extent that they relate to functions transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made under such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the head of the Federal agency to which such functions are transferred by this Act, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Secretary of Commerce, the United States Trade Representative, and the head of each Federal agency to which functions are transferred by this Act are authorized to issue regulations providing for the orderly transfer of proceedings continued under paragraph (1).

(c) Except as provided in subsection (e)—

(1) the provisions of this Act do not affect actions commenced prior to the effective date of this Act, and

(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No action or other proceeding commenced by or against any officer in his official capacity as an officer of the Department of Commerce or the Office of United States Trade Representative with respect to functions transferred by this Act shall abate by reason of the enactment of this Act. No cause of action by or against the Department of Commerce or the Office of United States Trade Representative with respect to functions transferred by this Act, or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this Act. Causes of action and actions with respect to a function or office transferred by this Act, or other proceedings may be asserted by or against the United States or an official of the Federal agency to which such function or office is transferred by this Act, as may be appropriate, and, in an action pending when this Act takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(e) If, before the date on which this Act takes effect, the Department of Commerce or the Office of the United States Trade Representative, or any officer thereof in his official capacity, is a party to an action, and under this Act any function of such Department, Office, or officer is transferred to a Federal agency, then such action shall be continued with the head of such agency substituted or added as a party.

(f) Orders and actions of the head of a Federal agency in the exercise of functions transferred to the head of such agency by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Department of Commerce or the Office of the United States Trade Representative, or any office or officer thereof, in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the head of the Federal agency to which such function is transferred by this Act.

SEPARABILITY

SEC. 606. If a provision of this Act or its application to any person or circumstance is held invalid, neither the remainder of this Act nor the application of the provision to other persons or circumstances shall be affected.

REFERENCE

SEC. 607. With respect to any functions transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to—

(1) the Secretary of Commerce or the United States Trade Representative; or

(2) the Department of Commerce or the Office of the United States Trade Representative or any officer or office thereof,

shall be considered to refer to the head of the Federal agency to whom such functions were transferred by this Act.

TRANSITION

SEC. 608. With the consent of the Secretary of Commerce or the United States Trade Representative, as the case may be, the head of each Federal agency to which functions or offices are transferred by this Act is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Department of Commerce or the Office of the United States Trade Representative, as the case

may be, with respect to functions or offices transferred to that agency by this Act; and

(2) funds appropriated to such functions or offices for such period of time as may reasonably be needed to facilitate the orderly implementation of this Act.

TERMINATION OF THE DEPARTMENT OF COMMERCE

Sec. 609. The Department of Commerce is terminated.

TITLE VII—MISCELLANEOUS

EFFECTIVE DATE

Sec. 701. (a) This Act shall take effect one hundred and twenty days after the date of enactment, except that—

(1) section 608 shall take effect on the date of enactment; and

(2) at any time after the date of enactment of this Act—

(A) the officers provided for in titles II, III, and IV of this Act may be nominated and appointed, as provided in such titles; and

(B) the Secretary of Commerce, the United States Trade Representative, and the head of each Federal agency to which functions are transferred by this Act may promulgate regulations under section 605(b)(2).

(b) Funds available to the Department of Commerce or the Office of the United States Trade Representative (or any official or component thereof), with respect to the functions transferred by this Act, may be used, with approval of the Director of the Office of Management and Budget, to pay the compensation and expenses of an officer appointed under subsection (a)(2)(A) who will carry out such functions until funds for that purpose are otherwise available.

INTERIM APPOINTMENTS

Sec. 702. (a) If one or more officers required by this Act to be appointed by and with the advice and consent of the Senate have not entered upon office on the effective date of this Act and notwithstanding any other provision of law, the President may designate any officer who was appointed by and with the advice and consent of the Senate, and who was such an officer on the day before the effective date of this Act, to act in the office until it is filled as provided by this Act.

(b) Any officer acting in an office pursuant to subsection (a) shall receive compensation at the rate prescribed by this Act for such office.

AUTHORIZATION OF APPROPRIATIONS

Sec. 703. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Amounts appropriated under this section shall be available until expended.

Department of International Trade and Industry Fact Sheet

PURPOSE OF THE BILL

A new Cabinet Department of International Trade and Industry is needed to:

Make trade a permanent national priority.

Provide a single, strong spokesman for trade within the Executive branch.

Alleviate serious management problems inherent in our current trade structure.

Provide linkages between trade and industry competitiveness issuers.

The new Department would facilitate the development of coherent, strategic trade policy, effective implementation of trade agreements and enforcement of U.S. trade laws and support improvements in U.S. competitiveness.

ENTITIES IN THE NEW DEPARTMENT

The new Department would carry out the functions of these existing entities:

The Office of the United States Trade Representative.

The International Trade Administration.

The Under Secretary of Commerce for Economic Affairs (except the Bureau of the Census).

The Patent and Trademark Office.

The United States Travel and Tourism Administration.

The National Telecommunications and Information Agency.

The National Bureau of Standards.

In addition, the following new entities would be created:

The Office of Competitive Analysis.

The Administration for Productivity and Technology.

The Secretary will be the United States Trade Representative. The Secretary will also be Chairman of the Board of Directors of the Overseas Private Investment Corporation and a member of the National Security Council as well as Deputy Chairman of the National Advisory Council on International Monetary and Financial Policies. The Deputy Secretary of the Department will be Vice Chairman of the Board of Directors of the Export-Import Bank.

The new Department will have a staff of approximately 10,000 employees.

RELATED ORGANIZATIONAL CHANGES

In addition to the establishment of the new Department of International Trade and Industry, several existing units in the U.S. Department of Commerce will be placed in new organizational settings:

The National Oceanic and Atmospheric Administration will become an independent agency.

The Bureau of the Census will become an independent agency.

The Minority Business Development Agency will be moved to the Small Business Administration.

The Economic Development Administration will be moved to the Department of Agriculture.

WHITE HOUSE STRUCTURE

The President will chair the top-level trade policy. Interagency coordinating body (the Trade Policy Committee—TPC). The Secretary of International Trade and Industry will be the Chairman pro tempore and the Secretary of Agriculture will be the Vice Chairman.

In addition, there will be new statutory interagency council also chaired by the President whose purpose will be to coordinate the full range of U.S. international economic policies (e.g. debt, exchange rates and trade). This body will be called the Council on International Trade, Economic and Financial Policy (CITEF).

To support the President in his role on these councils, there will be a small White House staff, limited by law to 15 people. Directing this staff will be a new appointee, the Advisor to the President for International Trade, Economic and Financial Policy.

The role of this staff will be confined to the normal White House function of top-level policy brokering. This staff will not handle trade negotiations or day-to-day operational aspects of trade policies, functions which will be brought under one roof in the new trade department.

By Mr. DeCONCINI (for himself, Mr. Levin, Mr. Riegle, Mr. Dodd, Mr. Bradley, Mr. Melcher, Mr. Hatfield, Mr. Specter, Mr. Simon, Mr. Leahy, Mr. Inouye, and Mr. Heinz):

S. 332. A bill to provide for a General Accounting Office Investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes; to the Committee on the Judiciary.

GENERAL ACCOUNTING OFFICE INVESTIGATION OF DISPLACED SALVADORANS

Mr. DeCONCINI. Mr. President, today I am reintroducing legislation to suspend the deportations of Salvadorans from the United States. I have introduced this legislation in the previous two Congresses but have been unsuccessful in having it passed, principally because of opposition by the administration and their allies in the Senate. This year, with the changeover in control of the Senate, I have high hopes we will finally be able to enact this important and badly needed legislation.

I have been involved in trying to help displaced Salvadorans who have been in the United States since 1981. At that time, the plight of several of these unfortunate people who had found their way to my home town of Tucson was brought to my attention by the Reverend John Fife and by his associate Jim Corbett. Fife, the minister at Southside Presbyterian Church, and Corbett, a Quaker and Harvard-educated rancher, had begun the Sanctuary movement in Tucson.

The single most important incident that spawned the movement had occurred in July 1980. Twenty-six Salvadorans had been found in the Arizona desert. They had been abandoned without food or water by a coyote or smuggler of illegal aliens. Thirteen of the Salvadorans had died of thirst and exposure. Deportation proceedings had been immediately filed against the remaining 13 (although it was reported this past summer that the 13 had still not been deported). Out of this horrible tragedy in the desert began the Tucson ecumenical community's involvement in the Sanctuary movement.

Mr. President, I do not support that movement because it involves civil disobedience. I have taken an oath of office but I respect those who have different views toward that particular subject matter. In any event, Mr. President, I have hopefully, along with nine other cosponsors of legislation, come up with a legislative solution, one that very easily can be implemented.

First of all, there would be no need for legislation if the President of this Nation would decide to grant voluntary departure status for Salvadorans in our country. He has not elected to do that. If you are from Poland or if you are from Afghanistan or you are from Ethiopia, you do not have to worry about being deported because of the problems in those countries, but Salvadorans have not been able to receive that same consideration and it is my best judgment and because of my support of the President's efforts in El Salvador, economically and militarily, that we have a responsibility as a nation to do something about those who have fled their country, who are fearful of return, who are very likely to be subject to violence and human rights violations if they are forced out.

This is temporary, I want to stress, Mr. President. This provides that these people can temporarily stay here up to 2 years only while a GAO study is accomplished in El Salvador to make a determination as to safety. These people would be identified, and it is certainly the intent that after the civil war they would return. I believe most people want to return to their homeland. I think they are here because of the fear of reprisal if they should return now.

I began my participation in the efforts to stop the deportations in 1981 by joining with other Members of Congress in writing to the administration urging that extended voluntary departure [EVD] status be granted to Salvadorans. Despite our repeated requests, the administration refused to take this step administratively.

In 1983 I introduced legislation expressing the sense of the Senate that EVD be granted to Salvadorans. Such a sense of the Congress provision was added to the State Department authorization bill that year and was signed by the President. That nonbinding provision was ignored by the administration, however, necessitating stronger action by Congress.

On November 17, 1983, Congressman Joe Moakley and I introduced what came to be known as the DeConcini/Moakley bill. No action was taken by the Senate in the what remained of the 98th Congress on S. 2131.

Last Congress, I reintroduced legislation, S. 377, and was ultimately joined by 27 of my Senate colleagues. S. 377 was reported to the Senate Judiciary Committee by its Immigration Subcommittee. Unfortunately, I was unable to get the Judiciary Committee to consider S. 377 despite repeated efforts to move it to the top of the committee's agenda. Since the bill I am introducing today is identical to the legislation that was reported by the subcommittee last year, I expect the committee to consider the bill much more expeditiously.

Representative Moakley is introducing similar legislation today in the House. He will introduce a bill identical to that which was passed by the House as part of the Simpson/Rodino Immigration Reform and Control Act last year, but was subsequently dropped by the conference committee. The Moakley bill will include Nicaraguans in the suspension of deportations. My bill will be identical to the one reported by the Senate's Immigration Subcommittee last year.

Mr. President, this legislation is necessary and overdue. Conditions in El Salvador have improved somewhat since I first began working on this problem, but they are still not good. I have visited El Salvador a couple of times in the last few years and have been impressed by the efforts and progress made by the Duarte administration. I have supported both the Duarte government and President Reagan's efforts to help it. I certainly do not view this legislation as in any way undercutting President Duarte. As a matter of fact, President Duarte last year commended a Salvadoran resettlement program in Argentina saying that more such efforts were needed because of the random violence in his country. President Duarte has also said that if all the Salvadorans in the United States were suddenly to be returned, the resulting effect on the economy of El Salvador would be disastrous.

Over 1 million of the 5 million residents of El Salvador have been displaced in the last 6 years by the civil strife. In addition, the earthquake that occurred last year has made the situation worse for those who had already been forced from their homes. As mentioned above, the conference on the Immigration Reform bill last year agreed to drop a provision suspending the deportations of Salvadorans and Nicaraguans. During discussions with administration representatives at that time, assurances were made that the confusion and destruction caused by the earthquake would be taken into consideration in deciding whether to send Salvadorans back to their country. We were also promised that the INS would keep Congress informed of the situation in El Salvador and that individuals would not be sent back to the area affected by the earthquake until the damage in those areas had been repaired. As of today, I have still not received a report from the administration concerning whether or not they are deporting Salvadorans to those areas and, if not, when they plan to recommence them.

El Salvador is a country about the same size as Massachusetts. Since 1980, more than 60,000 civilian deaths have occurred as a result of the civil war. This would be the equivalent of wiping out the city of Brookline in Massachusetts. The war has internally displaced 525 million people and displaced another 750,000 to other parts of Central America and to North America. Of the 1980 population of approximately 5,000,000 people, one quarter have been routed from their homes.

In 1985, there were more than 1,900 political killings and disappearances in El Salvador, higher than any country currently receiving EVD status from the United States. While death squad activity did decrease after the election of Duarte, random violence and bombings have continued unabated. While such evidence is compelling, the grant of EVD has never required body counts or evidence of persecution of returnees. I have never claimed that EVD should be granted because of the fate of returnees. It is my belief that we should stop the deportations because of the generalized climate of violence and destruction in the country and because of our involvement both economically and militarily there. When the Immigration and Naturalization Service announced EVD for Afghans, the stated reason was "because of the turmoil prevailing in that country rather than because of a fear of persecution."

As I have said, I have consistently supported President Reagan's efforts to assist President Duarte and the duly elected government in El Salvador. I do not believe the legislation I am introducing today in any way harms those efforts; in fact, I believe just the opposite. This legislation helps both the country of El Salvador and its residents who are temporarily located in the United States. I urge my colleagues to support this humane and necessary legislation, and I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL ACCOUNTING OFFICE INVESTIGATION AND REPORT

INVESTIGATION

Sec. 101. (a) Requiring GAO Investigation on Displaced Salvadorans.—Within sixty days after the date of the enactment of this Act, the Comptroller General shall begin an investigation concerning displaced nationals of El Salvador.

(b) Determinations on Displaced Salvadorans in Central America.—The investigation shall determine the following with respect to displaced Salvadorans who are present in either El Salvador, Honduras, Guatamala, or Mexico, regardless of whether or not they are registered:

(1) The number of these displaced persons and their current locations.

(2) Their place of origin in El Salvador and the period of, and reason for, their displacement.

(3) Their current living conditions, with particular attention to (A) their personal safety and the personal safety of those providing assistance to them, and (B) the availability of food and medical assistance.

(4) An assessment of (A) current efforts to provide food, medical assistance, housing, and other necessities and to secure personal saftey for these persons, and (B) policies and procedures that reasonably could be implemented to assure more efficient and equitable distribution of this assistance.

(5) The impact of the war in El Salvador and of activities of officers of the Government or political parties in El Salvador on the matters described in the previous paragraphs.

(c) DETERMINATIONS ON SALVADORANS RETURNED TO EL SALVADOR FROM THE UNITED STATES.—In the case of nationals of El Salvador who have been required (whether through deportation, voluntary departure proceeding, or otherwise) to depart from the United States and who return to El Salvador, the investigation shall assess—

(1) their condition and circumstances in El Salvador upon return from the United States, with particular attention to any violations of fundamental human rights that have occurred upon their return to El Salvador, and

(2) the extent to which these persons, upon their return, have become displaced persons within El Salvador.

(d) DETERMINATIONS ON SALVADORANS IN THE UNITED STATES IN AN UNLAWFUL STATUS.—In the case of nationals of El Salvador who are present in the United States in an unlawful status, the investigation shall—

(1) compare the situation in El Salvador with the situation in other countries during periods when nationals of those countries have been provided administrative grants of extended voluntary departure under the immigration laws,

(2) describe the policies and procedures of the United States respecting the treatment of aliens (other than Salvadorans) in the United States in similar circumstances, and

(3) describe the policies of all other countries in which Salvadorans have sought refuge as these policies concern the return of the Salvadorans to El Salvador.

REPORT

SEC. 102. The Comptroller General shall submit to the Speaker of the House of Representatives and the President of the Senate, not later than one year after the date of the initiation of the study under section 101, a report on that study including detailed findings on the items described in subsections (b), (c), and (d) of that section.

TITLE II—CONGRESSIONAL REVIEW

REFERRAL OF REPORT, COMMITTEE HEARINGS, AND COMMITTEE REPORT

SEC. 201. (a) REFERRAL.—The report, when submitted under section 102, shall be referred, in accordance with the rules of each House, to the standing committee or committees of each House of Congress having jurisdiction over the subject of the report, and the report shall be printed as a document of the House of Representatives.

(b) COMMITTEE HEARINGS.—No later than ninety days of continuous session of Congress after the date of the referral of the report to a committee, the committee shall initiate hearings, insofar as such committee has legislative or oversight jurisdiction, to consider—

(1) the findings of the report,

(2) the appropriate steps that should be taken to provide assurances of personal safety and adequate, efficient, and equitable distribution of assistance with respect to Salvadorans who are displaced within El Salvador or who have fled to other countries in Central America,

(3) treaty obligations of the United States, humanitarian considerations, and previous practice of the United States respecting the treatment of aliens in similar circumstances, and

(4) whether it is appropriate to extend, remove, or alter the restrictions contained in title III.

(c) COMMITTEE REPORT.—No later than two hundred and seventy days of continuous session of the Congress after the date of the referral of the report to a committee, the committee shall report to its respective House its oversight findings and any legislation it deems appropriate.

(d) TREATMENT OF CONTINUITY OF SESSION.—For purposes of this Act, continuity of session of Congress is broken only by an adjournment sine die at the end of the second regular session of a Congress, and days on which either House of Congress is not in session because of an adjournment of more than ten days to a date certain are excluded from the computation of the periods of continuous session of Congress.

TITLE III—TEMPORARY STAY OF DEPORTATION

LIMITATION ON DETENTION AND DEPORTATION

SEC. 301. (a) LIMITATION.—(1) Except as provided in paragraph (2), the Attorney General shall not detain or deport (to El Salvador) aliens described in subsection (b) during the period beginning on the date of enactment of this Act and ending two hundred and seventy days of continuous session of Congress after the date of transmittal of the report of the Comptroller General to the Speaker of the House of Representatives under section 102.

(2) Paragraph (1) shall not be construed to prohibit the brief interrogation of an alien under section 287(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(a)(1)) for the purpose of determining whether this section applies to particular aliens.

(b) SALVADORANS COVERED BY THE LIMITATION.—The nationals referred to in subsection (a)(1) are aliens who—

"(1) are nationals of El Salvador,

"(2) are continuously present in the United States since the date of the enactment of this Act, and

"(3) are determined to be deportable only under—

(A) paragraph (1) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1251(a)), but only as such paragraph relates to a ground for exclusion described in paragraphs (14), (15), (20), (21), (25), or (32) of section 212(a) of such Acts (8 U.S.C. 1182(a)), or

(B) under paragraphs (2), (9), or (10) of section 241(a) of such Act (8 U.S.C. 1254(a)).

PERIOD OF STAY OF DEPORTATION NOT COUNTED TOWARDS OBTAINING SUSPENSION OF DEPORTATION BENEFIT

SEC. 302. With respect to an alien whose deportation is temporarily stayed under section 301 during a period, the period of the stay shall not be counted as a period of physical presence in the United States for purposes of section 244(a) of the Immigration and Nationality Act (8 U.S.C. 1254(a)).

By Mr. CHILES (for himself, Mr. DOLE, Mr. MOYNIHAN, Mr. GRAHAM, and Mr. HELMS):

S. 333. A bill for the relief of Anne Brusselmans; to the Committee on the Judiciary.

RELIEF OF ANNE BRUSSELMANS

● Mr. CHILES. Mr. President, I am pleased to introduce private legislation acknowledging the meritorious services performed by Anne Brusselmans, a decorated World War II heroine. Last week, President Reagan granted Madame Brusselmans permanent resident status, thus beginning the procedures necessary for citizenship. If enacted, the legislation I introduce today would expedite the naturalization process to make Madame Brusselmans an American citizen. This bill would complete the dream that Madame Brusselmans has held for a long time—to become an American citizen so that she may live out her life with her daughter and grandson in Florida.

Madame Brusselmans' deeds during World War II demonstrate the extent of her commitment to democratic ideals. A native of Belgium, Anne Brusselmans was part of the "Comet Escape Line" an underground railroad. As a member she helped hundreds of American and allied soldiers who had parachuted into Nazi occupied Belgium. Her role was to hide soldiers from the Germans until arrangements could be made for their transport to Great Britain through France. For 4 years, she risked her own life and the lives of her two children in order to assist the Allies against Germany. She harbored soldiers in her home providing them with food, shelter, clothing, and sometimes forged travel papers.

For her bravery, Madame Brusselmans received a number of honors, among them the Medal of Freedom with Silver Palm, the Medal of Freedom from the U.S. War Department, the Polish Medal of Resistance, and numerous citations. Britain granted her membership in the British Empire and Canada offered her citizenship. For the last 6 years she sought permanent resident status in the United States, but her requests were denied.

U.S. immigration law prevented Madame Brusselmans from becoming a permanent resident because her daughter was not a citizen. Madame Brusselmans' daughter is a permanent resident and the law stipulates that only an American citizen can petition the Immigration and Naturalization Service on behalf of a parent. Because of these restrictions, Madame Brusselmans was forced to reside in Canada and make periodic visits to her daughter in Florida. Canadian law required her to live in Canada for 6 months or forfeit her residency. With no promise of residency in the United States, Madame Brusselmans was unwilling to give up her resident status in Canada.

Now that President Reagan has initiated the process toward citizenship, I feel that Congress should do its part by enacting legislation which would exempt Madame Brusselmans from the 5-year residency requirement for citizenship. I believe that Madame Brusselmans' actions speak for themselves and are testament to her devotion to America and democratic principles.

Anne Brusselmans is now 81 and her health is failing. It is time America pays tribute to her service by showing the same compassion that she exhibited in helping our soldiers in their time of need. In my opinion, America stands only to gain by allowing Madame Brusselmans to become a citizen for she would be an asset to our country and to Florida. I request that this bill be acted upon as soon as possible.●

● Mr. MOYNIHAN. Mr. President, I am pleased to join my distinguished colleague from Florida, Senator Chiles, in introducing a bill to grant Anne Brusselmans U.S. citizenship. The special circumstances surrounding her case warrant expediting her efforts to become a citizen of this country. Permit me to elaborate.

Anne Brusselmans was born in Belgium, where she helped save the lives of over 200 United States and Allied fliers during World War II. She risked her life and those of her two small children to do so: We are indeed indebted to her for her courage and generosity. One of those children, a daughter, now resides in the United States. Anne Brusselmans, now 81 years of age, seeks nothing more but to live the remainder of her years in this country with her daughter. Surely that is not too much to grant a woman who was awarded the U.S. Medal of Freedom.

President Reagan has already taken the step of making Mrs. Brusselmans a permanent resident of the United States. While an important gesture, this is not enough. The bill we are introducing today would waive the 5-year waiting period necessary to become a citizen in the United States.

Anne Brusselmans risked everything in the name of freedom—it seems only fitting that her reward should be citizenship of a country which will guarantee it.

I urge my colleagues to support this bill.●

By Mr. PRESSLER:

S. 334. A bill amending the Food Security Act of 1985 to define alfalfa and other legumes as agricultural commodities under the conservation title of the act; to the Committee on Agriculture, Nutrition, and Forestry.

DESIGNATION OF ALFALFA AS AGRICULTURAL COMMODITIES UNDER THE SODBUSTER ACT

● Mr. PRESSLER. Mr. President, today I am introducing legislation to modify a section of the sodbuster provision in the farm bill, which excludes alfalfa and other legumes rotated with other crops from being considered agricultural commodities. Congressman Bereuter of Nebraska has introduced a companion bill in the House of Representatives.

The current language and regulations prohibit farmers who, in their normal crop rotation maintained alfalfa in a field for the crop years 1981 to 1985, from planting another crop on that land without first having an approved conservation plan. If the land had been planted with another crop, they would have until 1990 before being required to have an approved conservation plan. This is a problem in many parts of the Midwest, such as South Dakota, Nebraska, and Iowa, where farmers rotate alfalfa with corn, soybeans and other crops. For years USDA has encouraged farmers to rotate alfalfa with other crops to improve soil fertility and control soil erosion.

This oversight in the law and regulations is unfortunate for a couple of reasons. Farmers who rotate their crops and plant alfalfa have been using sound soil conservation practices for years. Farm programs encourage farmers to plant alfalfa and maintain it for a number of years. The farm bill provision punishes good operators who have been building up their land and protecting it from erosion. Farmers who continually raised row crops on highly erodible land are not denied benefits. In effect, we are punishing the good farmer and rewarding the poor farmer.

A second problem is that a farmer often plants corn or soybeans on rotation land that is more erodible than the land planted with alfalfa. If his less erodible land were seeded into alfalfa in his 1980 crop rotation, the law and regulations would prohibit the later rotation of other crops onto the less erodible land and the seeding of alfalfa on the more erodible land. In effect, the regulations may be forcing some farmers to continue to farm more erodible land instead of rotating it to alfalfa.

The bill I am introducing makes only a minor modification in the current law. My bill simply defines alfalfa and other legumes as agricultural commodities under the Sodbuster Program, if the farmer can prove that his fields were once in a rotation with other agricultural commodities during the last 12 years. It would prohibit alfalfa or other legumes planted in fields that are classified in land capability classes VI, VII, and VIII from being considered as agricultural commodities under the new definition.

I am a strong supporter of the sodbuster provision, but feel that it was not the intent of Congress to penalize farmers who have employed sound conservation practices in the past. This relatively minor change would encourage farmers to continue to rotate their crops. I urge the Senate Agriculture Committee to give this change early consideration.●

By Mr. WILSON (for himself, Mr. Lautenberg, Mr. Heinz, Mr. Cranston, Mr. Mitchell, and Mr. Wallop):

S. 335. A bill to improve international intellectual property protection, to improve foreign market access for U.S. companies that rely on intellectual property protection, and for other purposes; to the Committee on Finance.

ANTI-PIRACY AND MARKET ACCESS ACT

Mr. WILSON. Mr. President, international trade is among the most critical issues which we must address this year. Just 7 days after we convened for the 100th Congress, the Committee on Finance began what will be a long series of hearings on our trade deficit—looking for solutions. The Commerce Committee, which I recently joined as a member, is also conducting hearings on the competitiveness aspect of our trade imbalance.

With the start of the legislative process, there is great concern that Congress will see the solution in legislated protectionism. That was the posture struck by the House of Representatives last year in its passage of H.R. 4800, and the reintroduction of the bill last week suggests that the posture this year may be the same.

Yet, Mr. President, the real solution for our trade deficit is to increase our exports. But we cannot expect U.S. merchants, farmers, and service providers to increase their sales overseas if they are precluded from entering foreign markets. They first need a chance to sell before they can make any sales.

The classic trade barriers facing American exporters include quotas and high tariffs. Even without these forms of restraints, markets can be and have been closed. For example, licensing requirements make unprofitable possible sales in foreign markets. Similarly, market access is of no use if a market has been destroyed by unrestrained counterfeiting. After all, while a U.S. company may have spent millions of dollars in research and development before manufacturing its patented drug or chemical or millions of dollars producing a book, motion picture, or record, how can it ever expect to compete in a market where its products are being sold by "pirate" companies which have incurred none of these costs.

Mr. President, just as one illustration of the importance of foreign market access for one important U.S. industry, let me note that the U.S. motion picture and television production industry earns 35 to 40 percent of its revenue from overseas markets, even under present conditions. While this foreign revenue is vital to the individual companies involved, it is important to note that each year this industry runs more than a $1 billion trade surplus for our country.

As an indication of some of the barriers and unfair practices that hamper the maximization of profits from overseas—and that prevents an even greater contribution to our level of exports—let me cite just a few examples.

In India, theoretically there are two avenues by which a U.S. motion picture may be distributed. One is through direct distribution by members of the Motion Picture Export Association of America [MPEAA]. The other is through an Indian government-operated agency, the National Film Development Corp.

Last year, the National Film Development Corp. distributed in India "Rambo: First Blood, Part II." Now this film, which was phenomenally successful throughout the world, contained a great number of violent scenes, and for this reason received some criticism. Yet, it was very well received by audiences worldwide.

Other similar American films, such as "Cobra," "The Terminator," and "Commando," have also made a great deal of money in the United States and in overseas markets—but not in India. For, while the Government-run Indian film distributor released and made a great deal of money from its distribution of "Rambo," members of the American distribution organization, MPEAA, were not allowed to distribute these other three films because they were deemed "too violent" by Indian censors.

The truth of the matter is that Indian censors pay less attention to the movie showing on the screen and more attention to the money flowing into the Government till.

A similar double standard exists in Canada.

Last year the Canadian Radio-Television and Telecommunications Commission [CRTC] increased the minimum quota of Canadian-produced programming that must appear on Canadian television, thus limiting market opportunities for United States program suppliers. This move by the CTRC was made under the banner of so-called Canadian cultural sovereignty in order to prevent an intrusion of United States culture.

Yet, also last year CTRC gave to Cancom, a Canadian company licensed by CTRC to distribute via satellite programming to cable TV systems, permission to expand its service in Canada. From the United States perspective, this is significant because Cancom distributes expropriated United States television signals without providing any compensation to United States copyright holders. By expanding the number of cable companies in Canada which it serves, Cancom directly increases the financial loss suffered by United States copyright holders—the producers of the programming.

It is clear hypocrisy for Canada to officially limit commerce in United States programming while officially expanding the opportunity for theft of the same programming.

Mr. President, problems such as these plague companies that depend on intellectual property protection in markets throughout the world: Computer software producers have their wares ripped-off in Brazil. Bootleg records are mass-produced in Indonesia. Patented agricultural chemical formulae are used, without license, in Taiwan. Computers are reverse-engineered and reproduced in South Korea. Pharmaceutical companies face a domestic content policy in the United Kingdom. Unlicensed video cassettes of U.S. films are freely produced and traded throughout the Gulf Cooperation Council.

And if there is any doubt that there is foreign governmental complicity in these international thefts, piracy schemes are even making use of diplomatic pouches and being conducted by those with diplomatic immunity. In 1985, a commercial attachė in the Indonesian consulate in New York was named as an unindicted coconspirator in a massive piracy operation. One piece of evidence was a catalog of pirated audio tapes—5,000 titles—that was delivered to the United States via the Indonesian diplomatic pouch. Yet, the attachė was never published by his government.

The only response of the Indonesian Government to this unchecked problem of piracy is to say that it will introduce a new copyright law in its Parliament. However when pressed for a projection of enactment of remedial legislation, their officials only say, "This is simply not possible to say, but certainly not this year."

Let us not forget that it was the Indonesian courts that ruled that the Donald Duck character was the property of an Indonesian company—not Walt Disney. Next thing you know, the Indonesian Government will be serving Disneyland with extradition papers.

All of this international piracy and protectionism has drained billions of dollars from our export potential. A review of the most recent national trade estimate report makes clear that U.S. companies that depend on intellectual property protection are being hurt by unfair practices in countries throughout the developing as well as the developed world.

And the harm from piracy and closed markets is not just to this years profits. Without the revenue flow from sales in foreign markets, there is no capital with which to research and develop next years products. It is no wonder that America's most productive industries are losing their competitiveness when foreign markets are closed to their exports, their research is ripped off in these very same closed markets, and the outlook is for more of the same.

Mr. President, if we are to properly address and redress this harm to our domestic industries that depend on intellectual property protection, if we are to make important progress on our overall trade deficit, if we are to expand our level of exports, we need to provide an effective means and a reasonable timetable for negotiations with the countries that are the most serious offenders and where our exporters have the greatest potential gain.

That is why I am today introducing the "Anti-Piracy and Market Access Act," and I am particularly pleased to be joined in this effort by colleagues on both sides of the aisle, particularly the Senator from New Jersey, Mr. LAUTENBERG, who was also the primary cosponsor of an earlier version of the bill that was introduced last year. Also cosponsoring the bill is my colleague from California, Senator CRANSTON, as well as Senator HEINZ, Senator MITCHELL, and Senator WALLOP, all of whom are members of the Finance Committee.

I am also pleased to say that the bill has support from a number of industry associations, including the Association of American Publishers, the Motion Picture Association of America, and the Recording Industry Association of America.

Mr. President, the bill attacks a particularly virulent form of unfair trade that eats away at the sales potential of American businesses—piracy of copyrighted and trademarked goods. It would also provide a planned response to markets that are closed to our intellectual property exports.

Title I addresses the problems of intellectual property protection and title II is designed to aid the export of copyrighted and trademarked goods. Each establishes a similar mechanism designed first to identify priority problems after a 30-day review of the trade estimates report. Negotiations with designated priority countries are then required over the next 6 months, a time period greatly shortened from last years version of the bill. Finally, if after negotiations a settlement cannot be reached, the President is required to take retaliatory action.

Title III and title IV augment existing provisions aimed at intellectual property protection and market access contained in the Generalized System of Preferences and Caribbean Basin Initiative laws. Presently, the President must consider piracy and market access when deciding whether or not to designate a country as eligible for benefits under these concessionary trade laws. There is no mandate for him to revoke benefits.

Furthermore, under CBI, the law only allows the President to revoke all benefits from offending countries; he is not given the ability to dole out punishments that are proportionate to the offense, thereby making sanctions less likely. While some countries are deserving of total removal from CBI, this bill would allow for less than complete termination of benefits for others depending on the severity of their actions. And for both CBI and GSP, the bill requires a cut in benefits.

Title V extablishes a new Office of Enforcement within the Office of the U.S. Trade Representative. This Office is charged with coordinating our negotiating and retaliation initiatives taken pursuant to section 301 of the Trade Act of 1974 and the provisions of this bill.

While last year's bill included the Lautenberg/Roth section 337 bill restraining the importation of patent-infringing goods, revisions to that bill are still underway, and I anticipate joining with the bill's sponsors when it is introduced early in this session.

Mr. President, I ask unanimous consent that the text of the bill, and the accompanying section-by-section analysis, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Anti-Piracy and Market Access Act."

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) adequate and effective protection of intellectual property rights for United States companies abroad is vital to the international competitiveness of the United States; counterfeiting and intellectual property piracy, on the other hand, lead to trade distortions and loss of export markets;

(2) counterfeiting and piracy of American intellectual property threaten the continued competitiveness of American industry;

(3) United States companies that rely on intellectual property protection are among the most advanced and competitive in the world;

(4) claims by foreign countries of "cultural" sovereignty are wholly inadequate to justify restrictions on trade and denial of adequate and effective intellectual property protection;

(5) existing international agreements and institutions established to protect intellectual property rights and promote open international trade do not adequately protect the interests of the United States; and

(6) foreign barriers, including restrictions and conditions on investment, licensing, and various other regulatory restrictions on business operations, seriously impede the ability of United States companies that rely on intellectual property protection to operate overseas thereby harming the economic interests of the United States.

(b) PURPOSES.—The purposes of the Act are—

(1) to recognize that adequate protection of intellectual property, and fair and equitable market access for United States companies that rely on intellectual property protection, are major elements of United States foreign economic policy that have significant commercial importance;

(2) to provide for the development, with appropriate consultations, of an overall strategy to improve the protection of United States intellectual property abroad, and to foster open international markets for United States companies that rely on intellectual property protection, which will include continued and strengthened unilateral, bilateral, and multilateral efforts and will use all appropriate instruments to achieve the objectives set forth in this Act;

(3) to recognize the importance of using all appropriate multilateral institutions to improve the substantive norms and standards for intellectual property protection;

(4) to foster adequate and effective protection of intellectual property rights of United States persons; and

(5) to eliminate the broad array of unfair and discriminatory foreign trade practices now imposed on United States companies that rely on intellectual property protection.

TITLE I—ACTIONS TO INCREASE INTERNATIONAL INTELLECTUAL PROPERTY PROTECTION

SEC. 101. INVESTIGATIONS AND FINDINGS.

(a) ANALYSIS OF BARRIERS AND EXTENT OF MARKET ACCESS.—The Trade Representative shall, within thirty days after issuing the annual report to Congress made pursuant to section 181 of the Trade Act of 1974, publish in the Federal Register—

(1) a list of all foreign countries and instrumentalities, based upon the identification and analysis of foreign trade barriers conducted pursuant to section 181, that deny adequate and effective protection of intellectual property rights to United States persons; and

(2) a list of those countries listed pursuant to paragraph (1) that are identified by the Trade Representative as priority foreign countries.

(b) In making the identification of priority foreign countries under subsection (a), the Trade Representative shall take into account the following—

(1) to the identification and analysis of acts, policies, and practices which constitute denial of adequate and effective intellectual property protection, and the estimate of the trade-distorting impact on United States commerce of such acts, policies, or practices contained in the annual report required under section 181 of the Trade Act of 1974;

(2) to the potential size of markets for the relevant United States products and services; and

(3) to the onerous nature and significance of acts, policies, or practices that deny fair and equitable market access to United States companies that rely upon intellectual property protection.

(c) ADDITIONS TO PRIORITY LIST.—Upon petition by any affected company, the Trade Representative may add foreign countries to the list of priority foreign countries at any time if there is a change in circumstances justifying such addition after publication of the list of priority foreign countries under subsection (a).

SEC. 102. NEGOTIATIONS TO ESTABLISH ADEQUATE AND EFFECTIVE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.

(a) INITIATION OF NEGOTIATIONS.—Upon identification of priority foreign countries under section 101, the President shall enter into negotiations with such priority foreign countries to establish adequate and effective protection of intellectual property rights for United States persons in those priority foreign countries.

(b) APPLICATION OF AGREEMENT BENEFIT.—Notwithstanding any other provision of law, any agreement entered into under this section may provide that the benefits and obligations of such agreement apply solely to the parties to such agreement. The President shall take into account actions which may be necessary to reconcile such treatment with the United States' international obligations.

(c) COMPENSATION AUTHORITY.—If the President has taken action under section 103 with respect to any foreign country, the President may enter into trade agreements with such foreign country for the purpose of granting new concessions as compensation for such actions taken by the President in order to maintain the general level of reciprocal and mutually advantageous concessions.

(d) NEGOTIATING OBJECTIVES.—The objectives of negotiations conducted pursuant to subsection (a) shall be—

(1) to improve the protection of intellectual property by trading partners of the United States;

(2) to develop internationally agreed rules, including dispute settlement procedures, which—

(A) are consistent with the commercial and intellectual property policies of the United States;

(B) will supplement, if necessary, the rules and approaches already found in the appropriate international intellectual property conventions; and

(C) will improve the protection afforded to United States intellectual property abroad; and

(3) to press for early conclusion of the Anti-Counterfeiting Code on trademarks and for concurrent development and enforcement of substantive norms and standards for the protection of all forms of intellectual property.

(e) EXCLUSION FROM NEGOTIATIONS.—Upon consultation with interested United States persons, the President may exclude a country from negotiations under subsection (a) and from the remedial provisions under section 103 upon a finding, to be published in the Federal Register, that such negotiations would be unlikely to significantly advance, or would be detrimental to, the economic interests of the United States.

SEC. 103. REMEDIES.

(a) If the United States is unable to enter into an agreement, pursuant to negotiations conducted according to section 102, with any priority foreign country, the President shall take no later than six months after designation of such priority foreign country, including but not limited to, any of the following actions to fully achieve the objectives of this Act:

(1) terminate, withdraw, or suspend any portion of any trade agreement entered into with such foreign country to instrumentality under—

(A) the Trade Act of 1974;

(B) section 201 of the Trade Expansion Act of 1962; or

(C) section 350 of the Tariff Act of 1930;

(2) proclaim an increase in, or the imposition of, any duty on any article imported from such foreign country or instrumentality;

(3) proclaim a tariff-rate quota on any article imported from such foreign country or instrumentality;

(4) proclaim the modification or imposition of any quantitative restriction on the importation of any article from such foreign country or instrumentality;

(5) suspend, in whole or in part, benefits accorded articles from such foreign countries or instrumentalities under title V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.); and

(6) take any other action pursuant to subsection (b) or (c) of section 301 of the Trade Act of 1974 with respect to any product or service of such foreign country or instrumentality.

(b) The President may exercise his authority under this section on a nondiscriminatory basis or solely against the foreign country or instrumentality involved.

(c) In implementing this section, the President shall impose trade measures described in subsection (a) that have an economic impact substantially equivalent to the lost revenues of United States companies resulting from the lack of adequate and effective intellectual property protection in the foreign country or instrumentality in question.

(d) In implementing this section, the President may defer action for thirty days upon providing written certification to the Congress that negotiations are making substantial progress.

SEC. 104. CONSULTATIONS.

Consultations With Congress and the Private Sector.—For purposes of conducting negotiations under section 102, and determining the appropriate actions to be taken under section 103, the President shall provide an opportunity for the presentation of views by interested parties, including interested members of Congress, appropriate committees of the Congress, and the committees established pursuant to section 135 of the Trade Act of 1974, and shall keep such parties currently informed with respect to—

(1) the negotiating priorities and objectives for each country involved;

(2) the assessment of negotiating prospects, both bilateral and multilateral; and

(3) any United States concessions which might be included in negotiations to achieve the objectives described in section 102.

SEC. 105. DEFINITION.

"Adequate and effective protection of intellectual property" means that a country provides adequate and effective means under its laws for foreign persons to secure, the exercise and to enforce exclusive rights in all forms of intellectual property, including patents, trademarks, copyrights, mask works, trade secrets and proprietary technical data.

TITLE II—ACTIONS TO OPEN FOREIGN MARKETS

SEC. 201. INVESTIGATIONS AND FINDINGS.

(a) Analysis of Barriers and Extent of Market Access.—The Trade Representative shall, within thirty days after issuing the annual report to Congress made pursuant to section 181 of the Trade Act of 1974, publish in the Federal Register—

(1) a list of all foreign countries and instrumentalities, based upon the identification and analysis of foreign trade barriers conducted pursuant to section 181, that deny fair and equitable market access to United States companies that rely on intellectual property protection; and

(2) a list of those countries listed pursuant to paragraph (1) that are identified by the Trade Representatives as priority foreign countries.

(b) In making the identification of priority foreign countries under subsection (a) the Trade Representative shall take into account the following—

(1) the identification and analysis of acts, policies, and practices which constitute significant barriers to, or distortion of, United States property protected by patents and copyrights exported or licensed by United States persons, and the estimate of the trade-distorting impact on United States commerce of such acts, policies, or practices contained in the annual report required under section 181 of the Trade Act of 1974;

(2) the potential size of markets for United States companies that rely on intellectual property protection; and

(3) the onerous nature and significance of acts, policies, or practices that deny fair and equitable market access to United States companies that rely on intellectual property protection.

(b) Factors To Be Taken Into Account.—In making the findings required by subsection (a), the United States Trade Representative shall take into account the following factors—

(1) whether such foreign countries or instrumentalities place any restrictions or conditions upon investments by, or the establishment of, United States companies that rely upon intellectual property protection in their territories;

(2) whether such foreign countries or instrumentalities place licensing or certification restrictions upon United States companies that rely upon intellectual property protection, that inhibit the ability of these companies to function freely in the markets of those countries; and

(3) whether United States companies that rely upon intellectual property protection suffer from discriminatory or monopolistic practices of the private companies or other organizations of such foreign countries or instrumentalities.

(c) Addition to Priority List.—Upon petition by any company that relies upon intellectual property protection, the Trade Representative may add foreign countries to the list of priority foreign countries at any time if there is a change in circumstances justifying such addition after publication of the list of priority foreign countries under subsection (a).

SEC. 202. NEGOTIATIONS TO OPEN FOREIGN MARKETS.

(a) Initiation of Negotiations.—Upon identification of priority foreign countries under section 201, the President shall enter into negotiations with such priority foreign countries in order to enter into agreements with such countries setting specific terms to provide United States companies that rely upon intellectual property protection with fair and equitable market access in such countries.

(b) Application of Agreement Benefit.—Notwithstanding any other provision of law, any agreement entered into under this section may provide that the benefits and obligations of such agreement apply solely to the parties to such agreement. The President shall take into account any actions which may be necessary to reconcile such treatment with United States international obligations.

(c) Compensation Authority.—If the President has taken action under section 203 with respect to any foreign country, the President may enter into trade agreements with such foreign country for the purpose of granting new concessions as compensation for such actions taken by the President in order to maintain the general level of reciprocal and mutually advantageous concessions.

(d) Negotiating Objectives.—The general objectives of negotiations conducted pursuant to subsection (a) shall be—

(1) to obtain multilateral and bilateral agreements that provide to United States companies that rely upon intellectual property protection fair and equitable market access in all substantial foreign markets; and

(2) to prevent foreign barriers and restrictions on United States companies that rely upon intellectual property protection from causing continued harm to those companies.

(e) Exclusion From Negotiations.—Upon consultation with interested United States companies, the Trade Representative may exclude a specific sector and/or country from negotiations under subsection (a) and from the remedial provisions under section 203 upon a finding, to be published in the Federal Register, that such negotiations would be detrimental to the interests of United States companies that rely upon intellectual property protection.

SEC. 203. REMEDIES.

(a) If the United States is unable to enter into an agreement, pursuant to negotiations conducted according to section 202, with any priority foreign country, the President shall take no later than six months after designation of such priority foreign country, including but not limited to, any of the following actions to fully achieve the objectives of this Act:

(1) termiante, withdraw, or suspend any portion of any trade agreement entered into with such foreign country or instrumentality under—

(A) the Trade Act of 1974;

(B) section 201 of the Trade Expansion of 1962; or

(C) section 350 of the Tariff Act of 1930;

(2) proclaim an increase in, or the imposition of, any duty on any article imported from such foreign country or instrumentality;

(3) proclaim a tariff-rate quota on any article imported from such foreign country or instrumentality;

(4) proclaim the modification or imposition of any quantitative restriction on the importation of any article from such foreign country or instrumentality;

(5) suspend, in whole or in part, benefits accorded articles from such foreign countries or instrumentalities under title V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.); and

(6) take any other action pursuant to subsection (b) or (c) of section 301 of the Trade Act of 1974 with respect to any product or service of such foreign country or instrumentality.

(b) The President may exercise his authority under this section on a nondiscriminatory basis or solely against the foreign country or instrumentality involved.

(c) In implementing this section, the President shall impose trade measures described in subsection (a) that have an economic impact substantially equivalent to the lost revenues of United States companies that rely upon intellectual property protection caused by the lack of fair and equitable market access in the foreign country or instrumentality in question.

(d) In implementing this section, the President may defer action for thirty days upon providing written certification to the Congress that negotiations with the country in question are making substantial progress.

SEC. 204. CONSULTATIONS.

CONSULTATIONS WITH CONGRESS AND THE PRIVATE SECTOR.—For purposes of conducting negotiations under section 202, and determining the appropriate actions to be taken under section 203, the President shall provide an opportunity for the presentation of views by interested parties, including interested members of Congress, appropriate committees of the Congress, and the committees established pursuant to section 135 of the Trade Act of 1974, and shall keep such parties currently informed with respect to—

(1)— the negotiation priorities and objectives for each country involved;

(2) the assessment of negotiating prospects, both bilateral and multilateral; and

(3) any United States concessions which might be included in negotiations to achieve the objectives described in section 202.

SEC. 205. DEFINITION.

In general, "companies that rely upon intellectual property protection" are defined as companies, or divisions or subsidiaries of companies, whose principle line of business involves creation, production or licensing of literary or artistic works which are copyrighted or which manufacture products that are patented or for which there are process patents.

TITLE III—GENERALIZED SYSTEM OF PREFERENCES

SEC. 301. Section 502 of the Trade Act of 1974, as amended, is amended by adding at the end thereof the following new subsection:

"(e) No later than twelve months after enactment of this subsection, the President shall terminate benefits previously extended to a beneficiary developing country under this section if such country is identified in the 1985 Report to Congress pursuant to section 181 of the Trade Act of 1974 as having inadequate protection of intellectual property or inadequate market access unless the President certifies to the Congress and continues to certify at twelve month intervals, that such country has taken substantial action toward providing adequate and effective intellectual property protection and enforcement and fair and equitable market access for United States persons.".

SEC. 302. Subsection (c) of section 503 of the Trade Act of 1974 is amended by adding at the end thereof the following new paragraph:

"(3) The President may not designate as, or shall remove for designation, any eligible article under this section which has been determined by any federal or state count or federal agency of appropriate jurisdiction to infringe any patent, copyright, trademark, mask work or trade secret interest.".

TITLE IV—CARIBBEAN BASIN ECONOMIC RECOVERY ACT

SEC. 401. The Caribbean Basin Economic Recovery Act is amended—

(a) by designating section 218 (19 U.S.C. 2706) as section 219 (19 U.S.C. 2707); and

(b) by inserting the following new section (19 U.S.C. 2706):

"SEC. 218. MARKET ACCESS AND INTELLECTUAL PROPERTY PROTECTION.

"(a) The Trade Representative shall exclude from eligibility articles which would otherwise be eligible under this chapter, imported from beneficiary countries that do not provide adequate and effective intellectual property protection or fair and equitable market access to United States persons, unless the President certifies to the Congress, and continues to certify at twelve month intervals, that such country has taken substantial action to provide adequate and effective intellectual property protection and enforcement and fair and equitable market access for United States persons.

"(b) The value of benefits withdrawn by the Trade Representative under subsection (a) shall have an economic impact substantially equivalent to the lost revenues of United States persons resulting from the denial of adequate and effective intellectual property protection or fair and equitable market access.".

TITLE V—IMPROVEMENT OF ENFORCEMENT OF UNITED STATES RIGHTS

SEC. 501. ESTABLISHMENT OF ENFORCEMENT OFFICE.

An Office of Enforcement shall be established within the Office of the United States Trade Representative to administer section 301 of the Trade Act of 1974 and the provisions of this Act.

SEC. 502. AUTHORIZATION FOR ENFORCEMENT OFFICE.

Such funds necessary for the operation of the Office of Enforcement are authorized to be appropriated by the Congress as are necessary to carry out the purposes of this Act.

INTERNATIONAL INTELLECTUAL PROPERTY PROTECTION AND MARKET ACCESS ACT OF 1987—SECTION-BY-SECTION SUMMARY

Section 1. Short title

Section 2. Findings and purpose

This section states Congressional findings that international protections of intellectual property rights, vital to U.S. competitiveness, are inadequate to protect U.S. economic interests, and that foreign trade and investment barriers seriously impede the ability of United States companies that rely on intellectual property protection to operate overseas, resulting in a substantial loss of export markets.

The purpose of the legislation is to provide negotiating authority and to establish procedures to improve intellectual property protection abroad and to provide fair and equitable market access for U.S. companies relying on intellectual property protection.

TITLE I—ACTIONS TO INCREASE INTERNATIONAL INTELLECTUAL PROPERTY PROTECTION

This Title is intended to improve international intellectual property protection. It establishes a process in which the United States Trade Representative ("USTR") investigates whether foreign countries provide adequate and effective protection of intellectual property rights; U.S.T.R. then negotiates with designated "priority foreign countries" that deny such intellectual property protection to Americans; and it requires a reponse by the President against "priority foreign countries" that do not agree to provide such intellectual property protection within six months.

Section 101. Investigations and findings

This section requires USTR to publish an annual list of those countries that deny adequate and effective intellectual property protection (i.e. patents, copyrights, trademarks, and mask works) to U.S. companies. USTR is also directed to select "priority foreign countries" from this list based upon the potential export market in these countries and the onerous nature of their policies. Affected companies may petition USTR to add foreign countries to this special category if there is a change of circumstances justifying such an addition.

Section 102. Negotiations to establish adequate and effective protection of intellectual property rights

This section directs the President to enter into negotiations with the priority foreign countries to obtain greater intellectual property protection for U.S. companies. The objectives of the negotiations are to improve intellectual property protection and to develop international rules for the protection of all forms of intellectual property. The President is granted the right to exclude a country or sector from negotiations after a public finding that such negotiations are unlikely to advance, or would be detrimental to, U.S. economic interest.

Section 103. Remedies

If the USTR is unable to reach agreement with a priority foreign country within six months, the President must take some action, which may include but is not limited to the following:

(1) terminate, withdraw, or suspend trade agreements previously entered into;

(2) increase or impose a duty on any article imported from the foreign country;

(3) proclaim a tariff-rate quota;

(4) modify or impose quotas;

(5) suspend benefits under the Generalized System of Preferences; or

(6) take any other action under Section 301 (b) or (c) of the 1974 Trade Act.

The President is required to impose trade measures that have an economic impact substantially equivalent to the lost revenues of U.S. companies caused by lack of intellectual property protection. The President may defer action for one month after certifying to Congress that substantial progress is being made in the negotiations.

Section 104. Consultations

This section requires the President to consult with interested members of Congress, the appropriate Congressional committees and other interested parties.

TITLE II—ACTIONS TO OPEN FOREIGN MARKETS

This Title is intended to improve foreign market access for U.S. companies that rely upon intellectual property protection. USTR is directed to investigate foreign practices that deny fair and equitable market access to U.S. persons that rely upon intellectual property protection. USTR then negotiates with the "priority foreign countries" that deny such market access, and the President is required to respond with appropriate trade-related measures.

Section 201. Investigations and findings

This section requires USTR to publish an annual list of those countries that deny fair and equitable market access (e.g., through investment restrictions and trade barriers) to U.S. companies. USTR is also directed to select "priority foreign countries" from this list based upon the potential export market in these countries and the onerous nature of their policies. Companies relying upon intellectual property protection may petition USTR to add foreign countries to this special category if there is a change of circumstances justifying such an addition.

Section 202. Negotiations to open foreign markets

This section directs the President to enter into negotiations with the priority foreign countries in order to reach specific agreements which will provide fair and equitable market access for U.S. companies that rely upon intellectual property protection. Upon consultation, USTRA may exclude a specific sector or country from the negotiations upon published findings that such remedies would be detrimental to the interests of U.S. persons that rely upon intellecutal property protection.

Section 203. Remedies

If USTR is unable to reach agreement with a priority foreign country within six months, the President must take some action, which may include but is not limited to the following:

(1) terminate, withdraw, or suspend prior trade agreements;

(2) increase or impose duties on any article imported from such country;

(3) proclaim a tariff-rate quota on any article imported from such country;

(4) modify or impose quantitative restrictions;

(5) suspend benefits under the Generalized System of Preferences; or

(6) take other action pursuant to Section 301 (b) or (c) of the 1974 Trade Act.

The President is required to impose trade measures that have an economic impact substantially equivalent to the lost revenues of U.S. companies caused by the lack of market access. The President may defer action for one month by certifying to Congress that negotiations are making substantial progress.

Section 204. Consultations

This section directs the President to consult with interested members of Congress, the appropriate Congressional committees and other interested parties.

TITLE III—GENERALIZED SYSTEM OF PREFERENCES

Section 301

This section amends the Generalized System of Preferences ("GSP") by adding a new subsection directing the President to terminate benefits previously extended to beneficiary developing countries if they are identified in the 1985 report under section 181 of the Trade Act of 1974 as providing inadequate intellectual property protection or inadequate market access unless the President certifies, at twelve month intervals, to Congress that such country has taken substantial action to rectify such inadequacies.

Section 302

This section further amends the GSP by prohibiting the President from designating and requiring removal from designation of eligible articles which have been determined by any court or federal agency to infringe patent, copyright, trademark, mask works, or trade secret interests.

TITLE IV—CARIBBEAN BASIN ECONOMIC RECOVERY ACT

This section amends the Caribbean Basin Initiative by granting USTR the right to exclude from eligibility those articles imported from beneficiary countries that provide inadequate intellectual property protection or inadequate market access to U.S. companies. USTR may defer action upon certification to the Congress that the offending country has taken substantial action to resolve such problems. The value of the withdrawn benefits must have an economic impact substantially equivalent to the lost revenues resulting from the denial of intellectual property protection and market access.

TITLE V—IMPROVEMENT OF ENFORCEMENT OF UNITED STATES RIGHTS

Title V establishes, and authorizes appropriations for, an Office of Enforcement within the Office of the USTR to administer this Act and Section 301 of the Trade Act of 1974.

By Mrs. KASSEBAUM (for herself, Mr. NICKLES, Mr. GLENN, Mr. EXON, Mr. BOREN, and Mr. DANFORTH):

S. 336. A bill to amend the Securities Exchange Act of 1934 to impose disclosure requirements on persons acquiring more than 5 per centum of certain classes of securities; to the Committee on Banking, Housing, and Urban Affairs.

DISCLOSURE REQUIREMENTS FOR STOCK ACQUISITIONS

Mrs. KASSEBAUM. Mr. President, the legislation that I'm introducing today strengthens our securities laws by requiring more prompt disclosure of acquisitions in excess of 5 percent of a public company's outstanding stock. It also corrects what is generally perceived as a major flaw under the current law.

This flaw permits corporate takeover artists who acquire in excess of 5 percent of a subject company's outstanding stock to continue to secretly acquire the company's stock for an additional 10-day period before being required under section 13(d) of the Securities Exchange Act of 1934 to publicly announce the extent of their holdings and their future intentions with regard to the subject corporation. This 10-day delay is known in the securities industry as the "13(d) window." The 13(d) window has enabled corporate takeover artists to amass substantial amounts of a company's outstanding stock without public notification.

In the recent takeover attempt of Goodyear, for example, Sir James Goldsmith, operating through disguised foreign subsidiaries in the Caribbean and Europe, was able to secretly acquire 11.5 percent of Goodyear's outstanding stock before he was required to disclose his presence. I do not feel our country's leading corporations should be subject to such sneak attacks. The livelihood of the company's employees, managers, and dependent communities should not be suddenly threatened because of the unnecessary 10-day delay.

My legislation would close the "13(d) window" by requiring corporate acquirers to make public the extent of their holdings and their intentions within 24 hours of exceeding the 5-percent benchmark. Reducing the 13(d) window from 10 days to 24 hours is both appropriate and realistic in light of the technological advances that have been made since the Williams Act was first enacted in 1968. It is my hope the Banking, Housing and Urban Affairs Committee will promptly act on this legislation. I ask unanimous consent the text of my bill be included in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORTS BY PERSONS ACQUIRING MORE THAN 5 PER CENTUM OF CERTAIN CLASSES OF SECURITIES.

Section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) is amended by striking out "shall, within ten days after such acquisition" and inserting in lieu thereof "shall, within 24 hours after such acquisition".

SEC. 2. EFFECTIVE DATE.

The amendment made by this act shall apply to acquisitions made after the date of enactment.

By Mr. GRAMM (for himself, Mr. SYMMS, and Mr. HUMPHREY):

S. 337. A bill to return to the State authority to set speed limits on rural interstate highways; to the Committee on Commerce, Science, and Transportation.

SPEED LIMITS ON RURAL INTERSTATE HIGHWAYS

● Mr. GRAMM. Mr. President, today I am introducing legislation that would return to the States the authority to set maximum driving speeds on rural interstate highways up to a limit of 65 miles per hour.

In 1973, when these powers were stripped from the States, we faced a national energy crisis. That situation no longer exists. Since the deregulation of gasoline prices there has been no energy crisis and no gas lines. With the crisis well behind us and an efficient energy allocation system—the marketplace—now in use to prevent future shortages, there is no reason to maintain Federal control over what is inherently, traditionally and constitutionally a State prerogative. Washington, DC was never meant to be the traffic cop for the continent.

Under this legislation, States will be able to examine their local situation, assess the full range of safety considerations and make decisions appropriate to the actual driving conditions on a particular highway. This legislation does not mandate a change in any speed limit; it simply restores the power of State governments to make that decision based on local wisdom rather than distant dictate.

It has been estimated that 80 to 90 percent of the drivers on rural interstate highways do not comply with the 55-mile-per-hour limit. If that is the case, it is because the 55 limit is a poor law that fails to consider the large driving distances and low traffic density that exists in much of the country.

An unrealistic statute such as this does not merely cost time and money and cause inconvenience for people—it also breeds disrespect for the law. The argument that safety requires the 55 limit is not supported by the facts in this case: Only 4 percent of all highway fatalities occur on the rural interstate system—roads that carry 20 percent of the Nation's traffic.

It is well past time to recognize the realities of the rural highways and the genius of our Federal Constitution by returning to the States a power which is clearly best exercised closer to the people.

I ask unanimous consent that the text of my bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1.

Subsection 154(a) of title 23, United States Code, is amended—

(a) by inserting "other than a highway on the Interstate System located outside of an urbanized area of fifty thousand population or more,

(2) a maximum speed limit on any highway within its jurisdiction on the Interstate System located outside of an urbanized area of fifty thousand population or more in excess of sixty-five miles per hour" immediately after "hour"; and

(b) by renumbering "(2)" as "(3)" at the two places "(2)" appears.

SEC. 2.

Subsection 154 (f) of title 23, United States Code, is amended by inserting "on public highways with speed limits posted at fifty-five miles per hour" immediately after "hour"●

● Mr. HUMPHREY. Mr. President, I am delighted to join Senators Gramm, Symms, and others as an original cosponsor of legislation to increase the speed limits on rural interstate highways. The national speed limit is an irrational policy that violates simple common sense. I am hopeful that this legislation will again receive favorable consideration by the Senate.

Over the past several months, I have devoted considerable effort to promoting this proposal. During that time, I have heard from individuals, groups, and public officials from across the country. One response has predominated: the American people have had it with the 55-mile-per-hour speed limit, and they want it changed. I agree.

In my view, there are three important reasons to deep six the double nickle:

First, the issue of States' sovereignty. Simple common sense suggests that States should set the speed limits on their own roads, because the States know their roads the best. It is a matter of fact that every time Washington tries to tailor one suit for all States, invariably it is too tight in some places. There is no better example than "55." It does not suit our vast expanses of lightly traveled interstates, whether they are in the desert Southwest or in rural New England.

Second, there is the matter of enforcement priorities. Because of the requirements of the present national speed limit law, States are forced to spend considerable amounts of very limited public safety resources to lay down the law. If States do not achieve certain levels of compliance then they are subject to sanctions from the Federal Government, including the withholding of Federal highway funds. In the past, several States have been so threatened by the U.S. Department of Transportation.

Mr. President, imagine if half the police officers now committed to speed limit enforcement were instead deployed to apprehend drunk drivers. Surely, it would be a more effective use of scarce public safety resources then the increasingly futile effort to NAB growing numbers of speeders. As a State highway official observed last year—

> The growing noncompliance problem with the 55-mile-per-hour speed limit is encouraging drivers to additionally ignore other traffic laws, many of which have a considerably more direct and larger impact on highway safety than does the 55-mile-per-hour law.

The third reason to enact this legislation is common sense. Higher speed limits on certain roads will not compromise highway safety. Over the past several years, highway speeds have been increasing while traffic fatalities have decreased.

My colleagues will recall the situation before 1974, when speed limits considerably higher than 65 miles per hour were posted all over the country. Surely Senators will agree that 65 miles per hour is a safe and reasonable speed for most drivers on most highways.

In addition, permitting States to increase the speed limits on their rural interstates would save as much as 445 million man hours annually. Those who travel our highways for a living—salesmen, truckers, et cetera—attest to the enormous economic benefits of raising the speed limit. In fact, last year, the president of Owner Operator Independent Drivers Association of America told me that the average cost to a trucker for 55-mile-per-hour speed limit is approximately $15,000 per year in gross revenue. An average trucker would have to work approximately an additional 52 7-hour working days per year.

States rights, enforcement priorities, and common sense are important reasons to make the change proposed by this legislation. I hope this proposal will continue to enjoy support in the Senate.●

● Mr. SYMMS. Mr. President, I am pleased to join Senator Gramm and others in introducing this important legislation to reform the national maximum speed limit law. The bill is identical to S. 2665, which we introduced in the 99th Congress and which the Senate passed by a 56-36 vote as an amendment to last year's highway bill. We intend to offer the amendment again this year when the full Senate considers highway legislation.

As I said last year, this bill is a modest, sensible modification of our national maximum speed limit law. Its passage will enhance the motoring public's respect for all laws relating to highway travel and safety. It will allow States to consider terrain variations, highway quality, traffic density, and other factors when determining a highway's speed limit. It will lead to speed limit laws which enhance, rather than inhibit, the interstate transport of goods. And, most significantly, passage of the bill will not compromise the safety of highway users.

On another occasion, I will review in more detail the merits of this speed limit reform proposal. For now, I would only reiterate that this is the statutory language we will offer as an amendment to the highway bill. The cosponsors and I will write to all Senators next week encouraging them to cosponsor the speed limit amendment. I look forward to an even stronger majority for speed limit reform this year.●

By Mr. PRYOR (for himself, Mr. Boren, Mr. Heinz, Mr. Trible, and Mr. Melcher):

S. 338. A bill to allow homeowners to deduct the full amount of prepaid interest paid in connection with the refinancing of their principal residence for the taxable year in which paid; to the Committee on Finance.

DEDUCTIBILITY OF POINTS ON HOME REFINANCING

● Mr. PRYOR. Mr. President, once again I am introducing legislation to allow homeowners to deduct the points they pay when refinancing their mortgages. Unfortunately, because of tax reform this subject was not given proper consideration in the last session, and now must be addressed as soon as possible if people are to receive the full benefit of the deduction on their 1986 returns.

Under Internal Revenue Service [IRS] news release IR-86-68, millions of taxpayers who refinance their mortgages will now not be able to claim tax deductions for points paid to attain refinancing loans. Instead, they will have to amortize the points over the life of such loans, which as you can stretch as long as 30 years.

It is a well established business practice for banks to charge points when financing home mortgages. And since 1976, the Internal Revenue Code has provided an expressed allowance for taxpayers to deduct these points upfront.

With the jump in home mortgage refinancing over the last few years, the IRS has unilaterally decided to narrow the application of this allowance to include only the initial points for purchase of the home, and exclude from the allowance points paid for refinancing even if the mortgage is secured by the home.

I believe that this interpretation of the law is incorrect and shortsighted. There is nothing in the legislative history of the 1976 code change to suggest that Congress intended to narrow the application of the mortgage interest deduction. In fact, I would suggest that this interpretation is in direct opposition to the long standing history of home mortgage interest deductibility—a policy which was recenty reaffirmed by the Tax Reform Act of 1986.

Additionally, Mr. President, I question the tax policy of the IRS ruling, because it seems to me that the service would want to encourage people to refinance at lower interest rates to decrease the amount of interest deduction taken by taxpayers on their return.

In short, I find the tax policy behind this ruling flawed, and I question the IRS's mandate for changing the application of the rule at this late date.

I urge my colleagues to join me in this effort, and I hope we can move this bill through the legislative process in a very prompt manner.●

● Mr. TRIBLE. Mr. President, I am pleased to join Senator PRYOR as an original cosponsor of his bill to insure that homeowners can deduct refinancing points.

For many years, homeowners have been able to take a tax deduction for points paid in connection with refinancing loans. Last May, IRS informed homeowners that such points would no longer be immediately deductible, but instead would have to be amortized and deducted over the life of the loan.

If the IRS position prevails, homeowners will be able to deduct currently points paid in connection with new home loans, or with home improvement loans, but will have to amortize refinancing points.

Two taxpayers with equal mortgage expenses would not pay different tax bills, just because one has an original mortgage while the other's has been refinanced. This can not be justified, but it is where IRS's ruling leads.

It is also extremely unfair to deny tax deductions to people who refinanced in 1986 prior to IRS's ruling.

Surely, Congress does not wish to discourage refinancing. Refinancing benefits homeowners and tends to increase Federal revenues by reducing total interest deductions. It makes no sense to discourage refinancing, as the IRS ruling does.

Mr. President, I cannot believe Congress intended to harm millions of homeowners by requiring amortization of refinancing points, and I do not believe Congress supports that policy now. I hope my colleagues will prove me right by supporting this legislation.●

By Mr. SPECTER:

S. 339. A bill to protect the internal security of the United States against international terrorism by making the use of a firearm to commit a felony by foreign diplomats in the United States a Federal felony; to the Committee on the Judiciary.

PROTECTION OF U.S. SECURITY AGAINST INTERNATIONAL TERRORISM

● Mr. SPECTER. Mr. President, today I am introducing the Terrorist Diplomat Prosecution Act of 1987. This act consists of two parts: A bill preventing foreign diplomats who use a firearm to commit a felony in the United States from escaping prosecution because of diplomatic immunity, and a resolution seeking specific steps to achieve an international consensus on prosecution of terrorist diplomats, including amendment of the Vienna Convention on Diplomatic Relations. This legislation is very similar to legislation I first introduced on June 6, 1984, S. 2730 and Senate Resolution 395.

The nightmare of the "terrorist diplomat" exploded into the headlines 2 years ago, on April 17, 1984, when a British policewoman was shot and killed by gunmen firing from the Libyan People's Bureau in London. The world watched in horror as the triggermen were ushered out of Britain under the protective shield of diplomatic immunity, instead of being prosecuted for their cowardly act.

Less than 2 months later, I introduced legislation aimed at preventing a recurrence of this grotesque spectacle by making it clear that murder is not, and can never be, protected diplomatic activity. This legislation was reintroduced in the 99th Congress on June 26, 1985, as S. 1383 and Senate Resolution 191.

Since that time there has been growing evidence of extensive diplomat involvement in terrorism. The abuses stem primarily from Libyan, Iranian, and Syrian diplomats and "embassies." For example, Syrian diplomatic missions were clearly implicated in a March 29, 1985, bombing of the German-Arab Friendship Union in West Berlin in which 11 persons were injured; in the aborted attempt to place a bomb aboard an E1A1 plane leaving London for Tel Aviv with nearly 400 passengers aboard in April 1985; and in the bombing of a Berlin discotheque that killed an American soldier on April 5 of that year. Moreover, President Reagan indicated that radio intercepts showed the Libyan diplomatic mission in East Beirut was also involved in the discotheque bombing.

Iranian diplomats have been linked to the deaths of the 241 American marines who were killed when their barracks in Beirut were blown up in October 1983. Indeed, it has been reported that the money that financed the truck bombings of the United States and French military headquarters in Beirut originated in Tehran and was passed to the terrorists by Iran's Ambassador to Syria, Ali Akbar Mohtashami, described as a key figure in Middle Eastern terrorism.

Last April 1986, it was reported that Italy has made arrests in connection with a plot involving at least two Libyan diplomats to kill the United States Ambassador to Italy and the Saudi Arabian and Egyptian Ambassadors. The subsequent investigation into their activities uncovered a web of mysterious bank accounts around Europe totaling millions of dollars that apparently were used to fund Libyan terrorism. That same month, France expelled two other Libyan diplomats in connection with efforts to prevent terrorist attacks on American installations in Europe.

Nor are such diplomatic abuses limited to Middle East countries. The Bulgarian Embassy in Rome apparently provided safe haven for some of those alleged to have been involved in the attempt to assassinate the Pope, and was reported to have spirited one of the assassins out of the country in a truck they claimed was protected as a "diplomatic pouch."

These are just some examples of the growing link between so-called diplomats and international terrorism, and of the growing need for an international response.

Article 31 of the Vienna Convention states: "A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving state." The convention thus codified a tradition of many centuries. Justice, it was assumed, would be done by the sending state.

Yet, that assumption abrogates all justice in a situation of state-sponsored terrorism. In that circumstance, obviously, the sending state will reward rather than prosecute its agent. Again, the shooting in London illustrates the problem. News reports asserted that Embassy personnel had received electronic communications from Tripoli instructing them to shoot the Libyan dissidents demonstrating near the Embassy. The result, as the whole world knows, is that 11 students were injured and a British policewoman was shot to death. No Libyans were ever prosecuted for this violence.

The grant of immunity in the Vienna Convention should be revised to allow the receiving state to prosecute diplomats for murder and other armed offenses against persons.

Critics of this proposal will argue that the present immunity protects American diplomats in hostile nations such as Eastern bloc countries and the Soviet Union. With the revisions, it would still do so.

It is inconceivable that this country or any other law-abiding country would instruct or permit diplomats to use firearms to assault political opponents. Therefore, the revisions would not limit the proper functioning of diplomatic agents. Nor could armed assault charges such as murder by firearm be readily brought on manufactured evidence. Diplomats of all countries would continue to be immune from prosecution for the sort of charge that could readily be trumped up, such as espionage or fraud.

If there is a slight risk that some country might fabricate evidence against our Ambassador that he shot someone, even though the fabrication would be obvious, that risk is worth taking. Otherwise, fanatical and lawless states such as Iran, Syria, and Libya will continue to turn their Embassies into nests of terror from which murder can be routinely dispensed with impunity.

Nor is it sufficient in the face of these death squads to argue that the receiving state can adequately protect itself by expelling the terrorist-diplomat after the fact. He or she can and will simply be replaced by a new terrorist-diplomat. Assassinations will continue.

Some may argue that revising the terms of immunity will be insufficient to deter murders by fanatics employed by murderous governments. This may be so in some cases. There is a great difference, however, between surreptitious assassinations by secret agents of a foreign power and overt shootings from Embassy windows. Both are intolerable, but the latter makes the victim state compound the crime by forcing it to release the criminal.

On July 24 and September 21, 1984, hearings were held by the Senate Judiciary Subcommittee on Security and Terrorism on my bill making use of a firearm to commit a felony by foreign diplomats in the United States a Federal felony. Witnesses included Daniel W. McGovern, Principal Deputy Legal Adviser at the State Department, and Hon. Arthur J. Goldberg, former Supreme Court Justice and former U.S. Ambassador to the United Nations, as well as others from the administration and academia. Mr. McGovern acknowledged the growing concern about "a relatively new aspect of the grave problem of international terrorism: the abuse of diplomatic privileges and immunities to aid and abet, or directly carry out, acts of terrorism." While noting that the administration had not yet taken a position on the wisdom of amending the Vienna Convention, Mr. McGovern suggested that it would nevertheless be legal to enact the bill, "and it would override our current obligations under the Vienna Convention as the later expression of the legislative will."

Justice Goldberg also testified that the Vienna Convention as now written does not necessarily protect terrorist diplomats from prosecution. He cited the Supreme Court opinion in *Kennedy* v. *Mendoza-Martinez,* 372 U.S. 144, in which he wrote that while the Constitution protects against invasion of individual rights, it is not a suicide pact. The same is true of the Vienna Convention, he told the Senate committee, "I apply ordinary and accepted rules of construction to the Vienna Convention. It would be entirely unrealistic and contrary to the spirit and intent of this convention to construe the convention as a blanket immunity to spurious diplomats, spurious embassies, and spurious diplomatic bags of state engaged in or sponsoring terrorists," explained the Justice.

While article 31 of the Vienna Convention provides "A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving state," other articles impose a responsibility on diplomats not to abuse this immunity. Article 41.1 places a duty on all persons enjoying privileges and immunities to respect the laws and regulations of the receiving state, and a duty not to interfere in the internal affairs of that state. Article 41.3 confers an obligation on the sending state not to use the premises of the mission in any manner incompatible with the functions of the mission as laid down in the convention and under general international law. Moreover, international law allows for the possibility of countermeasures in response to a material breach of a treaty by another party, and recognizes a fundamental right of self-defense.

Thus, it may be possible, as Mr. McGovern and Justice Goldberg suggested, to enact the bill changing U.S. law to allow prosecution without first amending the Vienna Convention. However, international terrorism ultimately must be met with international determination. For this reason, I have reintroduced the resolution calling on the President to seek a renegotiation of the Vienna Convention. In addition, I have included several more immediate objectives: The resolution also calls for the President to report to Congress within 90 days of enactment on the progress made by participating countries in implementing the proposals supported by the London Economic Summit Declaration on International Terrorism, issued June 9, 1984, particularly those related to the problem of abuse of diplomatic immunity, and to endeavor to formalize a commitment among our allies on further steps to be taken to control such abuses consistent with the Vienna Convention, including the possibility of domestic legislation allowing prosecution for certain abuses.

Revealing the "terrorist diplomats" for the terrorist criminals they really are is not the challenge; you can tell them by their actions. The challenge is to turn the law that now shields them into an effective weapon against them.

I ask unanimous consent that the full text of the bill and resolution be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 44 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 930. Foreign diplomats

"(a) It shall be unlawful for—

"(1)(A) any member of a foreign diplomatic mission in the United States entitled to immunity from the criminal jurisdiction of the United States under the provisions of the Vienna Convention on Diplomatic Relations, done on April 18, 1961; or

"(B) any member of a foreign consular post in the United States entitled to immunity from the criminal jurisdiction of the United States under the provisions of the Vienna Convention on Consular Relations, done on April 24, 1963,

to use as firearm to commit any act constituting a felony under the criminal laws of the United States or any State.

"(b) Whoever violates this section shall be punishable by a fine of $10,000 or by imprisonment for 10 years, or both.

"(c) For purposes of this section—

"(1) the term "member of a foreign diplomatic mission" includes any individual described by Article 1(b) of the Vienna Convention on Diplomatic Relations, done on April 18, 1961; and

"(2) the term "member of a foreign consular post" includes any individual described by Article 1(g) of the Vienna Convention on Consular Relations, done on April 24, 1963.".

(b) The analysis for chapter 44 of title 18 United States Code is amended by adding at the end thereof the following:

"929. Foreign diplomats.".

By Mr. BENTSEN:

S. 340. A bill to extend the tariff suspension applicable to certain imported cantaloupes; to the Committee on Finance.

TARIFF SUSPENSION ON IMPORTED CANTALOUPES

● Mr. BENTSEN. Mr. President, today I am reintroducing legislation to extend until December 31, 1990, the seasonal suspension of the tariff on fresh cantaloupes imported from Mexico. This suspension applies to the period between January 1 and May 15, when the United States has no production of fresh cantaloupes.

It is unfortunate that this measure, which was part of the miscellaneous tariff bill that we tried to pass at the end of the 99th Congress, could not be enacted last year. It was simply caught up in the conflicting currents and pressures of the end of the session and no trade legislation could be passed, not even something as simple and meritorious as this.

Without the suspension of these duties, cantaloupes which would normally be imported will be prohibitively expensive. I joined with Senator PACKWOOD last fall in asking the Customs Service to continue the suspension of duties on cantaloupes and on other items which were in that noncontroversial miscellaneous tariff bill. It is my hope that the Customs Service can be persuaded to suspend these duties and allow the cantaloupe business to survive, albeit precariously, until this provision can be enacted into law. I believe that this can be enacted and I will be working to get it enacted as soon as possible. Many small businesses along the United States-Mexico border will go under if the Customs Service collects the higher duties. These were suspended last year and will also be owed on this year's trade if legislation is not enacted to continue these seasonal suspensions.

I first helped pass this legislation in 1982, and it has worked well since then. It has given U.S. consumers an off-season source of fresh cantaloupes and has allowed distributors to make more efficient use of marketing facilities. It has helped border communities that derive significant income from cantaloupe trade activities. It has not hurt U.S. growers, and may in fact boost demand for cantaloupes by assuring a continuous and reasonably priced supply.

Cantaloupes are produced extensively through the United States during the summer months, but this output virtually ceases by the last week in December. Market shipments are not resumed until mid-May when volume production again commences in Texas and California. During the period between January 1 and May 15 supplies consist almost entirely of imports from Mexico. Accordingly, it is clear that the imports during the January 1 to May 15 period covered by the bill cause no harm to any domestic producing interest. Suspension of the 35-percent tariff during this period will result in lower prices to consumers and greater demand for cantaloupes.

Mr. President, I urge passage of the bill, and I ask that a copy be printed in the RECORD.

S. 340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That item 903.65 of the Tariff Schedules of the United States is amended by striking out the date in the effective date column and inserting in lieu thereof "12/31/90".

SEC. 2. (a) The amendment made by section 1 shall apply to articles entered or withdrawn from warehouse for consumption on or after the 15th day after the date of enactment of this Act;

(b) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, the entry or withdrawal from warehouse of any article described in item 903.65, TSUS, which was made after May 15, 1985 and before the 15th day after the date of enactment of this Act, and with respect to which there would have been no duty if the amendment made by section 1 applied to such entry, shall be liquidated or reliquidated as though such entry had been made on the 15th day after the date of enactment of this Act.●

By Mr. BOREN:

S. 341. A bill to provide emergency assistance to certain agricultural producers; and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL EMERGENCY ASSISTANCE ACT

● Mr. BOREN. Mr. President, today I am introducing the Agricultural Emergency Assistance Act of 1987. This bill will correct a couple of problems which have arisen in the implementation of the disaster assistance package we adopted last fall.

As my colleagues will remember, last fall we enacted legislation designed to provide disaster payments to agricultural producers whose crops were affected by drought, floods, excessive moisture, and other natural disasters during 1986. At that time, it was the intention of the principal sponsor of that legislation, to include disaster payments for wheat producers who were prevented from planting their crop due to excessive moisture. However, the enacted language precludes winter wheat producers from eligibility due to the phrase "1986 crops of wheat, feed grains, Upland cotton, and rice." The 1986 crop of wheat was the crop harvested prior to the flooding in the fall of last year. Winter wheat producers plant the 1987 wheat crop in the fall of 1986. Many winter wheat producers were prevented from planting the 1987 crop in time to ensure a normal crop due to excessive moisture and flooding which occurred in the fall of 1986. Consequently, even though it was everyone's intention to cover all crops affected by drought and excessive moisture in 1986, the language does not provide payments to producers of the 1987 wheat crop.

Mr. President, the exclusion of winter wheat producers was a technical error and this bill will correct it by requiring that the Secretary of Agriculture make diaster payments to producers who were prevented from planting the 1987 wheat crop in time to ensure normal crop production.

In addition, Mr. President, I have included a provision to correct a problem that has arisen with respect to cotton disaster payments. The disaster provisions we enacted last fall require the Secretary to make payments to cotton producers, however, a producer is only considered to have suffered a loss if his yield is below 50 percent of his normal yield. This works for most other commodities, but it does not work for cotton producers whose crops receive excessive mositure immediately prior to harvest. When cotton receives an excessive amount of moisture during the period immediately preceding harvest, the quality of the crop is substantially reduced. A cotton producer whose normal yield is 300 pounds per acre might harvest 300 pounds but due to excessive moisture his cotton would only be worth 10 cents a pound compared to the normal 39 or 40 cents per pound. The farmer's gross income would be reduced from $120 per acre to $30 per acre as a result of a natural disaster. If the farmer's yield had been reduced by the same percentage that the quality of his cotton had been reduced, he would have suffered the same amount of financial loss but would have been eligible for disaster assistance.

This bill would make producers eligible for disaster payments if the quality of their crops was substantially reduced due to natural disasters which occurred in 1986. This legislation will require the Secretary of Agriculture to take into consideration the quality of the cotton produced in addition to reduced yields. In this way, if a crop has received, for example, a reduction in quality of 50 percent, the Secretary would be required to make disaster payments in the same manner as he would if the yield had declined. Without the enactment of this provision, the intent of the disaster provisions enacted last year cannot be carried out.

Mr. President, this legislation will not cost the American taxpayer anything. In fact, it will save money. We achieve substantial savings from the inclusion of a provision which will allow rural electric co-ops and systems to pay off their loans with the REA without any prepayment penalties. Up to $400 million of the savings derived from the additional REA prepayments called for in this legislation will be transferred to pay for the disaster program.

Mr. President, this legislation will help farmers and American taxpayers. I ask unanimous consent that the text of the bill and a summary of the bill be included in the RECORD.

I urge my colleagues to join me in support of this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 341

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That this Act may be cited as the "Agricultural Emergency Assistance Act of 1987".

SEC. 2. EMERGENCY ASSISTANCE FOR CERTAIN AGRICULTURAL PRODUCERS.

Title VI of the Act making continuing appropriations for the fiscal year 1987, and for other purposes (P.L. 99-500) is amended in section 633(B) by—

(a) inserting before the first comma in the first sentence "or other law";

(b) inserting after "peanuts" in paragraph (a)(2) "or the 1987 crop of wheat";

(c) adding at the end of paragraph (a)(5)(A)(ii) a new sentence as follows: "To ensure equitable treatment of all producers suffering losses, the Secretary shall make adjustments in the actual production on the farm of such crop of the commodity to reflect any reduction in the quality of the crop caused by drought, excessive heat, floods, hail, or excessive moisture in 1986.";

(d) inserting before the semicolon at the end of paragraph (a)(5)(B)(i) "or in the case of the 1987 crop of wheat, the 1987 permitted acreage determined for such crop";

(e) inserting after "of the commodity" in paragraph (a)(8)(A) "(in the case of the 1987 crop of wheat, the 1987 farm program payment yield for such crop)"; and

(f) adding at the end of paragraph (d)(2) a new sentence as follows: "Applications for payments with respect to the 1987 crop of wheat or with respect to other crops for which the actual production on a farm is to be adjusted by the Secretary under paragraph (a)(5)(A)(ii) must be filed on or before May 31, 1987.".

SEC. 3. AMENDMENT TO THE RURAL ELECTRIFICATION ACT OF 1936.

Section 306A of the Rural Electrification Act of 1936 is amended by striking out "$2,017,500,000" each place it appears in subsections (c)(2) and (d)(1) and insert in lieu thereof "$3,000,000,000".

SEC. 4. TRANSFER OF FUNDS.

Of the amount of net proceeds received from all prepayments of principal on loans (or advances) made during fiscal year 1987 under section 306A of the Rural Electrification Act of 1936 or Public Law 99-349 in excess of $2,017,500,000, an amount, not to exceed $400,000,000, that the Secretary of Agriculture determines necessary for carrying out the provisions of section 633 of Public Law 99-500, as amended by this Act, shall be transferred to the Commodity Credit Corporation and shall be available to make payments required thereby.●

SUMMARY OF S. 341, THE AGRICULTURAL EMERGENCY ASSISTANCE ACT OF 1987

1. Makes eligible for disaster assistance, provided in P.L. 99-500 (continuing approporiations for fiscal year 1987), producers of the 1987 wheat crop who were prevented from planting their crop in a timely manner due to drought, excessive heat, floods, hail, or excessive moisture in 1986.

2. Requires the Secretary to make adjustments in the actual production of the commodity to reflect any reduction in the quality of the crop caused by drought, excessive heat, floods, hail, or excessive moisture in 1986.

3. Requires that applications for disaster payments be filed on or before May 31, 1987.

4. Increases from $2,017,500,000 to $3,000,000,000, the amount of prepayments of principal on REA loans and provides up to $400 million of those prepayments to be made available for disaster assistance.●

By Mr. CHILES (for himself, Mr. GRAHAM, Mr. THURMOND, Mr. HUMPHREY, and Mr. SPECTER):

S. 342. A bill to amend title 23, United States Code, to allow Federal highway funds to be used for construction and major reconstruction of certain toll highways, bridges, and tunnels; to the Committee on Environment and Public Works.

TOLL FACILITIES DEVELOPMENT AND IMPROVEMENT ACT

● Mr. CHILES. Mr President, I am pleased to today introduce the Toll Facilities Development and Improvement Act of 1987. This legislation will allow States the flexibility needed to provide necessary road construction. This flexibility is crucial at a time when Federal aid to construction has fallen behind the need in may areas.

For the last 20 years, the steady trend in highway spending has been toward maintenance of highways. With the exception of interstate construction, very little new construction has occurred. The Congressional Budget Office has estimated that only about 10 percent of Federal highway funds are available to help States and localities add new capacity to their highway networks. Federal spending on highways peaked in 1965. Since 1981 we have been making significant reductions to the obligation ceiling for the highway program.

This reduction has hurt many States, particularly those experiencing rapid population growth. The failure to meet basic infrastructure needs has added to congestion in many urban areas. The result is not just frustration for drivers, though that is certainly strong. The result is a real and significant loss of economic productivity.

As Federal revenues for road construction have fallen, much thought has been given to alternative financing of new highways. It is generally agreed that expanded use of toll financing has a number of benefits.

Most importantly, use of toll financing along with Federal highway dollars would mean that needed roads could be built more quickly. This is especially important to rapidly growing States and to urbanizing areas. In my State, for example, there is a critical need for new road capacity which cannot be met through planned federal aid alone.

Because of the need to raise money in the bond market for the tolled share of cost, only projects which are economically feasible would likely be built. And more projects would be built with blended financing than with toll financing or Federal aid alone.

It is important to remember that the toll option would be up to the State. If the need is there, roads could be built. If not, there is no obligation to use toll financing at all. The likelihood is that toll financing would be used only where there is a consensus on need, and strong local support.

The legislation I am introducing would give the States the added flexibility they need to reduce bottleneck situations. It would help the States strike a balance between maintaining our existing highways while building new roads where they are needed.

This new legislation would provide for the following:

Federal participation in the construction on new noninterstate toll highways, bridges, or tunnels would be allowed up to a maximum of 50 percent of total project cost.

It would permit Federal participation in reconstruction to expand the capacity of any noninterstate highway, bridge, or tunnel which is currently tolled or will be tolled in order to finance this expansion.

It would permit Federal participation in the acquisition of any toll bridge or tunnel. Federal participation would also be permitted in approaches to toll highways, bridges, or tunnels.

The highway, bridge, or tunnel undertaken as a toll project must be publicly owned or operated. States would have to use toll revenues to defray costs of that facility, with the facility being free of tolls once those costs had been repaid.

Mr. President, the bill I am introducing is similar to an amendment to the highway reauthorization bill which I offered on the floor last September. That amendment was adopted by the Senate by voice vote, and was supported by a wide range of organizations including the American Association of State, Highway, and Transportation Officials, the National Governors' Association, the National Conference of State Legislatures, the National Association of Regional Councils, the American Consulting Engineers Council, the American Transportation Advisory Council, the International Bridge, Tunnel, and Turnpike Association, and the Associated Builders and Contractors. In addition the Secretary of Transportation, in a letter of September 18, 1986, to Senator STAFFORD, supported including toll provisions in highway legislation.

I am pleased that Senators GRAHAM, THURMOND, HUMPHREY, and SPECTER are joining me in cosponsoring the Toll Facilities Development and Improvement Act of 1987. Given the obvious need for added highway capacity, and the support which limited Federal participation in noninterstate toll construction has received in the past, I am hopeful that the Senate will be able to take quick action on this legislation.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Toll Facilities Development and Improvement Act of 1987".

SEC. 2. (a) Section 129 of title 23, United States Code, is amended to read as follows:

"§ 129. Toll roads, bridges, tunnels and ferries

"(a) Except as otherwise provided in this section, all highways, bridges, and tunnels constructed, reconstructed, rehabilitated, restored, or resurfaced under this title shall be free from tolls of all kinds.

"(b)(1) Tolls may be imposed by a State on any highway, bridge, or tunnel (other than a highway, bridge, or tunnel on the Interstate System) constructed, reconstructed, rehabilitated, restored, or resurfaced under this title without liability for repaying any Federal-aid highway funds expended on such highway, bridge, or tunnel if the requirements of paragraph (3) are met with respect to the highway, bridge, or tunnel.

"(2) The Secretary may permit Federal participation, on the same basis and in the same manner as in the construction and reconstruction of free highways, bridges, and tunnels under this chapter—

"(A) in the initial construction of any toll highway, bridge, or tunnel which is not part of the Interstate System on a new location at any time before such highway, bridge, or tunnel is open to traffic,

"(B) in major reconstruction which expands the capacity of any highway, bridge, or tunnel that is tolled, or will be tolled upon the completion of such reconstruction, and is not part of the Interstate System, and

"(C) in the acquisition of any toll bridge or tunnel that is not part of the Interstate System,

if the requirements of paragraph (3) are met with respect to such highway, bridge, or tunnel; but, notwithstanding any other provision of law, the Federal share payable for any project described in subparagraph (A), (B), or (C) shall not exceed 50 percent.

"(3) The requirements of this paragraph are met with respect to a highway, bridge, or tunnel if—

"(A) the highway, bridge, or tunnel is publicly owned and operated, and

"(B) the State highway department has entered into an agreement with the Secretary providing that—

"(i) all tolls received from the operation of the highway, bridge, or tunnel (less the actual cost of operation, maintenance, and debt service) will be applied to repayment to the State or other public authority of all of the costs of construction, reconstruction, resurfacing, restoring, rehabilitating, or acquisition of the highway, bridge, or tunnel, except that part which was contributed by the United States, and

"(ii) no tolls will be charged for the use of the highway, bridge, or tunnel after the State or other public authority has been so repaid.

"(4) The requirement of paragraph (3)(B)(ii) shall be treated as having been met in the case of a bridge which connects the United States with a foreign country if—

"(A) the State highway department has entered into an agreement with the Secretary providing that, after the repayment described in paragraph (3)(B)(i) is completed, tolls received from the operation of the bridge will not exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management, and

"(B) the entity or governmental instrumentality responsible for the operation of the portion of the bridge within the jurisdiction of the foreign country is charging tolls for the use of the bridge.

"(c)(1) The Secretary may permit Federal participation under this title in the construction of ferry boats, whether toll or free, if—

"(A) it is not feasible to build a bridge, tunnel, combination bridge-tunnel, or other normal highway structure in lieu of use of the ferry,

"(B) the operation of the ferry will be on the Federal-aid secondary system or the Federal-aid primary system, but not on the Interstate System,

"(C) the ferry will be publicly owned and operated,

"(D) the operating authority and the amount of fares charged for passage on the ferry will be under the control of the State, and all revenues derived therefrom will be applied to actual and necessary costs of operation, maintenance, and repair,

"(E) the ferry may be operated only within the State (including the islands which comprise the State of Hawaii and the islands which comprise the Commonwealth of Puerto Rico) or between adjoining States and, except for—

"(i) operations between the islands which comprise the State of Hawaii,

"(ii) operations between the islands which comprise the Commonwealth of Puerto Rico,

"(iii) operations between the State of Maine and its off-shore islands, and

"(iv) operations between any two points in Alaska and between Alaska and Washington, including stops at appropriate points in Canada,

no part of the ferry operation will be in any foreign or international waters,

"(F) the ferry will not be sold, leased, or otherwise disposed of without the approval of the Secretary, and

"(G) the Federal share of any proceeds from a disposition of the ferry will be credited to the unprogrammed balance of Federal-aid primary program funds last apportioned to the State, shall be in addition to other funds apportioned to the State, and shall be available for obligation in accordance with the provisions of this title.

"(2) The Secretary may permit Federal participation under this title in the construction of a project constituting an approach to a ferry, whether toll or free, on the Federal-aid secondary system or the Federal-aid primary system, but not on the Interstate System. The ferry may be either publicly or privately owned and operated, but the operating authority and the amount of fares charged for passage shall be under the control of a State agency or official, and all revenues derived from publicly owned or operated ferries shall be applied to payment of the cost of construction or acquisition, including debt service, and to actual and necessary costs of operation, maintenance, repair, and replacement.

"(d) Funds authorized for use on the Federal-aid systems shall be available for obligation on projects approaching any toll highway, bridge, or tunnel.

"(e) The Secretary may permit Federal participation in any engineering and fiscal assessments, traffic analyses, and preliminary design analyses necessary to determine whether a privately owned toll highway, toll bridge, or toll tunnel shall be acquired by a State or political subdivision thereof.".

(b)(1) Section 301 of title 23, United States Code, is repealed.

(2) The table of contents for chapter 3 of such title is amended by striking out the item relating to section 301.

(c) Upon the request of a State and upon entering into an agreement satisfactory to the Secretary under section 129(b)(3)(B) of title 23, United States Code, as amended by this Act, the Secretary shall cancel an agreement entered into with the State before the date of the enactment of this Act pursuant to section 129 of title 23, United States Code, or section 105 of the Federal-Aid Highway Act of 1978.

● Mr. GRAHAM. Mr. President, I am pleased to be introducing this bill along with Senator CHILES, as well as Senators HUMPHREY, THURMOND, and SPECTOR. As Senator CHILES has pointed out, this bill would allow the combined use of toll financing and Federal-aid highway funds for the construction, operation, and maintenance of noninterstate highways, bridges, and tunnels. The focus of the Federal-aid highway program has been moving toward maintenance rather than construction and expansion of highways. Federal construction dollars are thus decreasing.

In States such as Florida, where population is increasing dramatically, new and expanded highways, bridges, and tunnels are necessary to relieve the overburdening of existing facilities. State public finance can only absorb so much of this Federal reduction. This bill can offer the flexibility to States with growing highway needs, to use tolls to obtain the additional revenues to carry out the necessary expansion. Tolls have worked effectively in Orlando, Jacksonville, and Tampa to complete major highway projects which otherwise could not have been built.

I would like to emphasize that this is a permissive bill; the use of tolls would not be required of any State. Tolls are most efficient and beneficial in high-growth States, and in areas experiencing a high traffic yield. An example in my home State of Florida is that of southeast Florida, which would benefit substantially from this ability to combine tolls and Federal-aid funds. Specifically, the 3-mile Sawgrass Expressway Extension project. The total cost of this project is $75 million. Estimated total revenues resulting from tolls is $40 million. The balance of $35 million could come from State, Federal, and local sources. The existing highways are not adequate to accommodate the high volume of traffic. State funds are insufficient to complete the necessary construction and expansion. This bill would create one more—and might I add very necessary—option for financing our transportation needs.●

● Mr. HUMPHREY. Mr. President, I rise as an original cosponsor of the legislation introduced by the Senator from Florida.

This bill is very similar to an amendment, offered by Senator CHILES to the Federal-aid Highway Act of 1986, which I cosponsored last year. At that time, the Senate agreed to the Chiles amendment unanimously. I urge my colleagues to support again this important legislation.

Congressional failure to reauthorize Federal aid for highways in 1986 has served to underscore the unmet highway needs which face our individual States and the Nation. The inventory of important and needed highway projects outstrips our ability to pay for them with present resources by billions of dollars. Real life considerations demand that we find additional means to fund highway construction. This bill provides the States an important and necessary option.

The Toll Facilities Development and Improvement Act would permit the imposition of tolls on any noninterstate highway, bridge, or tunnel where Federal funds were previously expended without liability to repay Federal funds. By permitting the combination of toll financing and Federal aid funds, this legislation will help to bridge the increasing gap between highway resources and highway needs.

This is a limited proposal, containing several noteworthy restrictions. For instance, use of all toll revenues raised by a particular facility would be limited to that facility. No tolls will be charged for the use of the facility after the State or other public authority has been repaid. Most importantly, this legislation requires a 50 percent State share. This will have the effect of limiting the use of tolls to only those roads where it will be economically feasible.

Mr. President, toll finance flexibility is supported by Governors, State highway officials, a large segment of the construction industry, and others. In a move to solve the dilemma of increasing needs and decreasing resources which threatens to undermine our Nation's highway system, I urge my colleagues to support this important legislation.●

By Mr. DODD (for himself, Mr. PROXMIRE, Mr. D'AMATO, Mr. CRANSTON, and Mr. KERRY):

S. 344. A bill to require depository institutions to disclose to their customers their practices relating to the availability of funds in connection with check deposits, to require the timely payment of interest on deposits to interest bearing accounts, to provide timely access to funds deposited by checks, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FAIR DEPOSIT AVAILABILITY ACT

● Mr. DODD. Mr. President, for the past 2 Congresses, I have introduced legislation to put an end to the long delays experienced by bank customers when they try to use funds based on check deposits. In each of those Congresses, the Senate has passed such legislation and in the last Congress, so did the House. However, because the bills were passed late in the Congress, this legislation has yet to be enacted into law. Now, I am optimistic that we can take advantage of the last 4 years work and move swiftly to put an end to this problem.

The problem is one with which we are all familiar. It starts when a person deposits a check, waits a few days, and then writes severals checks to pay some bills—only to have those checks returned as unpayable because of "insufficient funds." The person immediately calls the bank to find out why the checks have bounced and is told that the check that was deposited to cover those amounts—oftentimes a paycheck or a Social Security check—has not cleared yet. Often the depositor is shocked to discover that the bank routinely takes a week to clear a check drawn on a bank located in the same State and two weeks to clear a check drawn on an out-of-State bank.

Then, the person has to suffer the embarrassment of explaining the problem to the merchants and reissuing new checks, after waiting the required amount of time. Finally, to add injury to insult, the person receives notices from both the bank and the merchants that there will be penalty charges for the bounced checks.

In March 1982, the Consumer Affairs Subcommittee of the Banking Committee first conducted hearings on this problem. We were interested in finding out how frequently this kind of problem occurred and what could be done about it.

The subcommittee found that both the regulators and the banking industry were aware that unduly long check holds were a serious problem for bank customers, if not for the banks. A February 1979 American Bankers Association-Federal Reserve Board Task Force found that "delayed funds is a widely employed and common practice." More specifically, surveys conducted by the University of Michigan's Survey Research Center on behalf of the Fed found that 12 percent of consumers with checking accounts experienced problems with check holds in 1977 and 20 percent experienced problems in 1981. Based on the number of families with checking accounts, those percentages translate roughly into between 5.5 million and 12 million families who have experienced problems with check holds.

At the hearing, depository institutions and the Fed argued that long hold periods were needed to protect banks against losses on bad checks, pointing out that a bank does not know for sure that a check is good until time has passed for a bad check to be returned. In the case of an out-of-State check, that can mean as much as a month, although typically banks would place holds of between 10 and 12 days on out-of-State checks.

At the same time, witnesses pointed out that banks are able to invest the deposited funds within 1 to 2 days in most cases; that fewer than 1 percent of all checks are returned and that, according to a study by the Bank Administration Institute in 1974, such checks resulted in total losses for banks of some $5 million in 1973. Furthermore, the holds placed by banks, while long for their customers, were not long enough to protect banks against fraudulent schemes. Moreover, some banks, such as the Bank of America, placed holds on fewer than 1 percent of all their checks by examining the creditworthiness of different categories of accountholders and had not experienced bad check losses any higher than banks that routinely imposed long hold times.

Thus, the ABA-Fed Task Force report itself recommended that banks "retain the flexibility to provide established, financially responsible customers with funds availability on a schedule at least equal to the receipt of 'provisional credit.'" Unfortunately, the bank regulators had never taken action on this advisory report.

While I was concerned about the lack of action taken by the banks and their regulators to address a serious consumer problem, I nevertheless indicated at the hearing that I thought this was a problem the industry was capable of solving itself and urged them to do just that.

Eleven months later, when no action had been taken and when a promised new study by the Fed never materialized, I finally introduced S. 573, the Fair Deposit Availability Act of 1983, a bill that would have required banks to disclose their hold times to customers and to revise the system for returning bad checks so that banks would know if a check was bad in no more than 5 or 6 days.

At a subsequent hearing on September 28, 1983, the banks objected that my legislation would be unduly costly and asked for more time for private sector action. When still no significant action had been taken a year later, the Senate on September 13, 1984 passed the Financial Services Competitive Equity Act, which included a check hold provision giving the Fed 3 years to devise a system to meet the goal of funds availability on a schedule equal to provisional credit, the time when banks can use your funds. That legislation passed the Senate by an 89 to 5 margin but was never acted on in the House.

In the 99th Congress, we went through the same exercise again, finally passing a version of my bill S. 1841 in the waning days of the Congress. Although the House had passed its version of a bill to end the check holds problem, the two bills were different and there was inadquate time to hold a conference to resolve the difference.

Now, as we address the matter for a third and hopefully last time in the 100th Congress, I considered three basic questions before introducing another bill: First, is there still a problem; second, if so, are the regulators and the banking industry taking prompt action to solve it; and third, are the States taking action to put an end to this abusive practice?

With respect to the issue of whether there still is a problem, several banking organizations have conducted polls in which they have concluded that banks place holds on fewer than 1 percent of their checks. Unfortunately, these surveys do not conform with more comprehensive analyses. The University of Michigan surveys for the Fed have determined that 11 percent of the people had problems with check holds in 1983 and that the number actually increased to 15 percent in 1985. Moreover, the U.S. Public Interest Research Group conducted two extensive studies in 1985 and 1986 and found that people were still experiencing major problems with check holds. The May 1986 survey of 458 depository institutions in 11 States found that 53 percent of the banks held local checks for 3 to 5 days, while 76 percent held out-of-State checks for more than 6 days, with 20 percent holding them for between 11 and 15 days. Also, the average bounced check fee was $14.97.

If there is still a significant problem, can we rely on the banking industry and the regulators to correct it in short order? I'm afraid the answer is clearly no. While a number of banks have changed their policies to provide for speedy access, a substantial number across the Nation continue to place unduly lengthy holds on checks. The banking trade associations have encouraged their memberships to disclose their holds policies but, in the final analysis, what consumers need are shorter holds, not disclosure of long holds.

As for the bank regulators, 8 years of activity have resulted in several pilot projects and a policy statement calling on financial institutions that delay availability to review and disclose their policies "* * * and to refrain from imposing unnecessary delays on all checks, particularly on Social Security and other Government checks."

In short, the banking industry and the banking regulators have failed over a substantial period of time to solve an eminently solvable problem and it is clear that they will not solve it on their own.

Finally, should the States solve the problem? Several States—California, Connecticut, Massachusetts, New York, Rhode Island, Missouri, Wisconsin, and Illinois—have enacted laws that mandate both expedited availability schedules and disclosures of bank hold policies. While the schedules vary somewhat, they all impose availability periods shorter than the actual times necessary for bad checks to be returned to the bank of first deposit. It is, therefore, important to note that none of these States have reported any significant adverse effects from the shortened hold periods.

Does this mean that we should leave it up to the States? The answer is no. First, some of the Federal bank regulators have ruled that Federal institutions under their jurisdiction need not comply with these State laws. Second, and more importantly, the States cannot make the revisions the present system needs so that banks will be aware of a problem with a check within 1 or 2 days of the time the problem is discovered. Only Federal revision of present law can accomplish this most important reform.

Finally, if Federal legislation is needed, what shape should that legislation take? There seems to be no debate about the need to mandate appropriate and timely disclosures of bank hold policies. Past bills have done this and the bill I am introducing today will also. The central issue has always been what parameters should be given to the Fed in devising a solution. Resolution of this issue has been complicated by the fact that there are two completely different ways of solving the problem.

The first would be similar to the approach being followed by the States. It would involve establishing schedules for funds availability, with exceptions to protect against possible fraud. The difficulty with this approach is that once you have carved out exceptions for new accounts, large dollar checks, accounts with a troubled history and individually suspicious situations, you run the risk of not providing help in some of the areas where it is needed most. On the other hand, hold times commensurate with provisional credit—the time the bank can use the funds—even with exceptions, would represent a dramatic improvement over the present system. Therefore, the bill would authorize the Fed to adopt such regulations.

On the other hand, the better solution would involve devising a system of returning bad checks that is as speedy as the systems of forwarding—and receiving credit for—check deposits. If such a system could be devised at a reasonable cost, which I am convinced is feasible, then with very few and narrow exceptions, a bank would know within a maximum of 5 days whether a check is good or bad. Such a solution would eliminate almost all the problems presently plaguing bank customers. The bill specifically authorizes the Fed to devise such a solution, as an alternative to devising a schedule with categories of exceptions.

While it would not take the Fed very long to devise a schedule with exceptions, clearly it would take it longer to devise a faster return system that all depository institutions could use. Therefore, my bill would give the Fed up to 4 years to take one approach or the other. If it chooses to revise the return system, I feel this is an adequate amount of time, particularly since the Fed and the banking industry have been studying the problem and experimenting with solutions for some 8 years to date. On the other hand, should the Fed determine that it is not possible to revise the return system in a cost-efficient manner within the time period, then it would be free to adopt a schedule with exceptions. If that should prove to be the road taken, I would expect the Fed to enact the necessary regulations within a far shorter time period than 4 years.

Mr. President, in 1983, I expressed the view that this problem could be solved simply and efficiently. In 1985, I tempered my optimism and labeled my bill the Fair Deposit Availability Act of 1986. Now, however, with the benefit of almost 4 years of consideration and thinking by both the Senate and the House, and experience with several State laws, I think we are finally in a position to act expeditiously. Therefore, today I am introducing the Fair Deposit Availability Act of 1987.

Mr. President, as the new chairman of the Consumer Affairs Subcommittee of the Banking Committee. With the cooperation of all parties, I hope we will be able to include a provision in the first banking bill that the Senate will consider this year.

I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Fair Deposit Availability Act of 1987".

DEFINITIONS

SEC. 2. As used in this Act—

(1) the term "Board" means the Board of Governors of the Federal Reserve System;

(2) the term "depository institution" means—

(A) any insured bank or domestic branch as defined in section 3 of the Federal Deposit Insurance Act or any bank which is eligible to make application to become an insured bank under section 5 of such Act, other than a foreign bank having an insured or uninsured branch;

(B) any mutual savings bank as defined in section 3 of the Federal Deposit Insurance Act or any bank which is eligible to make application to become an insured bank under section 5 of such Act;

(C) any savings bank as defined in section 3 of the Federal Deposit Insurance Act or any bank which is eligible to make application to become an insured bank under section 5 of such Act;

(D) any insured credit union as defined in section 101 of the Federal Credit Union Act or any credit union which is eligible to make application to become an insured credit union pursuant to section 201 of such Act;

(E) any member as defined in section 2 of the Federal Home Loan Bank Act; and

(F) any insured institution as defined in section 401 of the National Housing Act or any institution which is eligible to make application to become an insured institution under section 403 of such Act;

(3) the term "deposit account" means an account in a depository institution on which the account holder is permitted to make withdrawals by negotiable or transferable instruments, payment orders of withdrawal, telephone transfers, or other similar items for the purpose of making payments or transfers to third persons or others. Such term includes demand deposit accounts, negotiable order of withdrawal accounts, share draft accounts, savings deposits, and share accounts. Such term does not include time deposits;

(4) the term "check or similar instrument" means a check, negotiable order of withdrawal, share draft, money order, or similar instrument, but does not include noncash items; and

(5) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

DISCLOSURE OF FUNDS AVAILABILITY POLICIES

Sec. 3. (a)(1) Before opening a deposit account, a depository institution shall provide a written disclosure to the potential customer of its specific policy with respect to when a customer may withdraw funds deposited by check or similar instrument into the customer's deposit account.

(2) In the case of a deposit account which was opened prior to the effective date of this section, the depository institution shall include the disclosure required by paragraph (1) with the first regularly scheduled mailing pertaining to the account which occurs after such effective date (but not later than 90 days after such effective date) unless the depository institution has provided a disclosure which meets the requirements of this section prior to such effective date.

(b) Each depository institution shall—

(1) post at each location where its employees receive deposits a clear and conspicuous notice setting forth its general policy with respect to when a customer may withdraw funds deposited by check or similar instrument; and

(2) mail at least annually a brief reminder with respect to an account that deposits by check or similar instrument may not be available for immediate withdrawal.

(c) Each owner of an automatic or electronic terminal shall provide at each terminal location where deposits may be made a brief reminder that deposits by check or similar instrument may not be available for immediate withdrawal.

(d) A change to a depository institution's policy with respect to when customers may withdraw funds deposited by check or similar instrument into deposit accounts, other than a change which expedites the availability of such funds, may take effect only after the depository institution has provided notice of such change to its customers.

(e) Each depository institution shall provide disclosure, consistent with the disclosures required under subsection (a), by telephone of its policy with respect to when a customer may withdraw funds deposited by check or similar instrument into a customer's account upon the telephone request of any person.

(f) If a depository institution does not, as authorized by section 4(b), generally begin to compute interest or dividends on funds deposited by check or similar instrument to an interest-bearing deposit account or a time deposit on or before the date on which that depository institution receives provisional credit for the deposit (or if provisional credit is given on a nonbusiness day, the next business day), the depository institution shall provide a written disclosure, within the time periods required under subsection (a), with respect to when the institution begins to compute interest on such funds.

(g)(1) The Board shall publish model disclosure forms and clauses for common transactions to facilitate compliance with the disclosure requirement of this section and to aid customers by utilizing readily understandable language. Nothing in this Act requires the use of any such model form or clause prescribed by the Board under this section. A depository institution shall be deemed to be in compliance with the provisions of this section if it—

(A) uses any appropriate model form or clause as published by the Board, or

(B) uses any such model form or clause and changes it by deleting any information which is not required by this Act, or rearranging the format.

(2) Model disclosure forms and clauses shall be adopted by the Board after notice duly given in the Federal Register and an opportunity for public comment in accordance with section 553 of title 5, United States Code.

INTEREST ON DEPOSITS

Sec. 4. (a) For the purpose of computing the amount of interest or dividends payable with respect to an interest-bearing deposit account or a time deposit, a depository institution may not delay beginning to compute interest on funds deposited by check or similar instrument to such an account beyond the date on which that depository institution receives provisional credit for the check or similar instrument (or if provisional credit is given on a nonbusiness day, on the next business day).

(b) Subsection (a) does not apply to a depository institution which begins the computation of interest at a later date than required by subsection (a) for all deposits, including cash deposits, made to the deposit account, subject to the notice requirement of section 3(e).

(c) Nothing in this section requires the payment of interest with respect to funds deposited by check or similar instrument which is returned unpaid.

EXPEDITED FUNDS AVAILABILITY RULEMAKING

Sec. 5. (a) Not later than 48 months after the date of enactment of this Act, the Board shall promulgate regulations to expedite customer access to funds deposited by check or similar instrument either by improving the check clearing system in accordance with subsection (b) or by limiting the time period between the day of deposit and the day of funds availability in accordance with subsection (c).

(b)(1) The Board may promulgate regulations for the purpose of improving the check clearing system used by depository institutions by expediting the process for returning unpaid items or other means in order to ensure that receiving depository institutions can reasonably expect to learn of the nonpayment of any item within the time periods set forth in paragraph (3).

(2) In prescribing the regulations under paragraph (1), the Board shall consider—

(A) adopting a uniform endorsement standard;

(B) providing for direct notification of returning checks and similar instruments to the depository institution of first deposit;

(C) providing for direct return of checks and similar instruments to the depository institution of first deposit;

(D) providing for settlement of all returned checks and similar instruments through the Federal Reserve Banks, regardless of whether such checks or similar instruments are handled by the Federal Reserve Banks;

(E) extending limits for returns;

(F) the use of electronic means of collecting and returning checks;

(G) providing for check truncation;

(H) the establishment of an automated return system;

(I) charging a depository institution based upon notification that a check or similar instrument will be presented for payment;

(J) creating incentives for depository institutions to return unpaid items promptly to the depository institutions of first deposit;

(K) dispensing with unnecessary endorsements; and

(L) automating the reading of endorsements.

In prescribing regulations under this section, the Board shall balance the costs with the benefits of any improvements to be implemented.

(3) The regulation shall provide that no more than 4 intervening days shall pass between the day of deposit and the day of availability for funds deposited by check or similar instrument, except that the Board may extend by one business day the time period where such extension is necessary to carry out subsection (a). In any case, the Board shall differentiate time periods based on provisional credit periods plus return times.

(c)(1) The Board may promulgate regulations limiting the length of time within which funds deposited by check or similar instrument shall be available for withdrawal, based upon the number of days necessary to provide provisional credit, considering such factors as the type of instrument, type of institution, and geographic location.

(2) The Board may, by regulation, establish reasonable exceptions to the time limitations estabilished under paragraph (1)—

(A) for deposits by check or similar instrument into new accounts;

(B) for large dollar deposits by check or similar instrument in any one day;

(C) for checks or similar instruments that have been returned unpaid and redeposited;

(D) for deposit accounts which have been overdrawn repeatedly;

(E) for checks or other instruments drawn on institutions located outside the United States; and

(F) for any other class of checks or similar instruments if the Board finds, based on substantial evidence after notice and an opportunity for public comment, that such class poses a serious risk of loss to depository institutions and that an exception would substantially reduce such risk.

(d)(1) In accordance with regulations established by the Board, subsections (b) and (c) shall not apply to—

(A) any check or similar instrument where the depository institution has reasonable suspicion to believe that funds for the check or other item are uncollectable or receives a notice of a diversion or other delay in transit; or

(B) amounts deposited by check or similar instrument in a depository institution in the case of—

(i) any interruption of communication facilities;

(ii) suspension of payments by another depository institution;

(iii) any war, or

(iv) any emergency condition beyond the control of the receiving depository institution,

if the depository institution exercises such diligence as the circumstances require.

(2) The Board may, by regulation or order, suspend the applicability of this section, or any portion thereof, to any class of checks if the Board determines that—

(A) depository institutions are experiencing an unacceptable level of losses due to check-related fraud; and

(B) suspension of this section, or such portion of this section, with regard to the class of checks involved in such fraud is necessary to diminish the volume of such fraud.

A regulation prescribed or order issued under this paragraph shall remain in effect for not more than 45 days (excluding Saturdays, Sundays, legal holidays, or any day either House of Congress is not in session), and shall require that funds be made available within a reasonable time.

(3)(A) Within 10 days of prescribing any regulation or issuing any order under paragraph (2), the Board shall transmit a report of such action to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(B) Each report under subparagraph (A) shall contain—

(i) the specific reason for prescribing the regulation or issuing the order,

(ii) evidence considered by the Board in making the determination under paragraph (2) with respect to such regulation or order; and

(iii) specific examples of the check-related fraud giving rise to such regulation or order.

(e) In any case where subsection (c)(2) or (d)(1) applies—

(1) the depository institution shall provide immediate notice for deposits in person or, in the case of any other deposit, shall mail notice to the depositor not later than the close of the next business day following receipt of the deposit, as to the day the funds shall be made available for withdrawal and the reason the exception was invoked, except that—

(A) when the facts giving rise to the applicability of subsection (c)(2) or subsection (d)(1) occur after receipt of the deposit, the depository institution shall mail notice as soon as practicable; and

(B) when subsection (d)(1)(B)(iii) or subsection (d)(2) applies, notice shall be provided in accordance with regulations of the Board; and

(2) the availability of the funds deposited shall be governed by the policy of the receiving depository institution, but shall not exceed a reasonable period of time as determined by the Board.

(f) The regulations prescribed under this section shall become effective not later than 48 months after the date of enactment of this section. Except for any regulation under subsection (d)(2), such regulations shall only be adopted after notice and opportunity for public comment.

(g)(1) The Board shall establish an Expedited Funds Availability Council (hereinafter referred to as the "Council") to advise and consult with the Board in the exercise of its functions under this section. Any timely and specific recommendations proposed by the Council shall be considered by the Board prior to publishing regulations for comment hereunder.

(2) The Council shall consist of two representatives of the interests of depository institutions, two representatives of the interests of consumers, one representative of the interests of commercial depositors, and one representative of the interests of the technology industries. In addition, it shall include representatives of all Federal agencies which regulate depository institutions.

(3) The Council shall meet from time to time at the call of the Board.

AVAILABILITY OF GOVERNMENT CHECKS

SEC. 6. In accordance with regulations prescribed by the Board, which shall be issued after notice and opportunity for public comment and which shall become effective not later than 48 months after the date of enactment of this Act, funds deposited at a depository institution by check shall be available for withdrawal not later than the date when the depository institution is given provisional credit for that check; or if provisional credit is given on a nonbusiness day, on the next business day, where the check—

(1) is endorsed only by the person to whom it was issued; and

(2) is drawn on the Treasury of the United States or the Treasury of any State or unit of general local government located in the same State as the receiving depository institution.

ADMINISTRATIVE ENFORCEMENT

SEC. 7. (a) Compliance with the requirements imposed under this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act in the case of—

(A) national banks, by the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), by the Board; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System and Federal savings banks), by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 5(d) of the Home Owner's Loan Act of 1933, section 407 of the National Housing Act, and section 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions; and

(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any Federal credit union or insured credit union.

(b) For the purpose of the exercise by an agency referred to in subsection (a) of this section of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (a) of this section, each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(c) Except to the extent that enforcement of the requirements imposed under this Act is specifically committed to some other Government agency under subsection (a) of this section, the appropriate State regulatory authority shall enforce such requirements.

(d) The authority of the Board to issue regulations under this Act does not impair the authority of any other authority designated in this section to make rules respecting its own procedures in enforcing compliance with requirements imposed under this Act.

CIVIL LIABILITY

SEC. 8. (a) Except as otherwise provided in this section, any depository institution which fails to comply with any requirement imposed under section 3, 4, 5, or 6 with respect to any person is liable to such person in an amount equal to the sum of—

(1) any actual damage sustained by such person as a result of the failure;

(2)(A) in the case of an individual action, such additional amount as the court may allow, except that the liability under this subparagraph shall not be less than $50 nor greater than $500; or

(B) in the case of a class action, such amount as the court may allow, except that as to each member of the class no minimum recovery shall be applicable, and the total recovery under this subparagraph in any class action or series of class actions arising out of the same failure to comply by the same depository institution shall not be more than the lesser of $500,000 or 1 per centum of the net worth of the depository institution; and

(3) in the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee as determined by the court.

In determining the amount of award in any class action, the court shall consider, among other relevant factors, the amount of any actual damages awarded, the frequency and persistence of failures of compliance, the resources of the depository institution, the number of persons adversely affected, and the extent to which the failure of compliance was intentional.

(b) A depository institution may not be held liable in any action brought under this section for a violation of section 3, 4, 5, or 6 if the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error. Examples of a bona fide error include, but are not limited to, clerical, calculation, computer malfunction and programming, and printing errors, except that an error of legal judgment with respect to a person's obligations under this Act is not a bona fide error.

(c) Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within one year from the date of the occurrence of the violation.

(d) No provision of this section imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or interpretation thereof by the Board or in conformity with any interpretation or approval by an official or employee of the Federal Reserve System duly authorized by the Board to issue such interpretations or approvals under such procedures as the Board may prescribe therefor, notwithstanding that after such act or omission has occurred, such rule, regulation, interpretation, or approval is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

MISCELLANEOUS

SEC. 9. (a) For the purpose of this Act, any deposit which is made on a Saturday, Sunday, legal holiday, or after the close of business on any business day shall be deemed to have been made on the next business day.

(b) Whenever any provision of this Act requires that funds be available for withdrawal on a business day, such funds shall be available for withdrawal at the start of such business day.

EFFECT ON CHECK ACCEPTANCE POLICIES AND OTHER LAWS

SEC. 10. (a) Nothing in this Act—

(1) prevents a depository institution, in accordance with the policy of such depository institution, from making funds available for withdrawal in a shorter period of time than is provided in this Act or in regulations adopted by the Board; and

(2) affects a depository institution's right—

(A) to accept or reject a check for deposit; or

(B) if a check is accepted for deposit and the depository institution has made provisional settlement with the depositor, pursuant to law to—

(i) revoke the provisional settlement given by the depository institution;

(ii) charge back the depositor's account; or

(iii) claim a refund of such provisional credit.

(b) Any law or regulation of any State which requires that funds deposited or received for deposit in an account at a depository institution chartered by such State be made available for withdrawal in a shorter period of time than the period of time provided in this Act or in regulations prescribed by the Board under this Act shall—

(1) supersede the provisions of this Act and any regulations by the Board to the extent such provisions relate to the time by which funds deposited or received for deposit in an account shall be available for withdrawal; and

(2) apply to all federally insured depository institutions located within such State.

(c) Except as provided in subsections (a) and (b), the provisions of this Act or any regulation of the Board prescribed under this Act shall supersede the provisions of any State law, including the Uniform Commercial Code as in effect in any State, which the Board determines to be inconsistent with the provisions of this Act or such regulation, but only to the extent of the inconsistency.

REGULATIONS

SEC. 11. The Board shall prescribe regulations after notice and opportunity for public comment to carry out this Act. These regulations may contain such definitions, classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, consistent with section 5(c) of this Act, as the Board determines are necessary to effectuate this Act, to prevent circumvention or evasion of this Act, or to facilitate compliance with this Act. The regulations of the Board shall require all disclosures, statements, and notices provided to be clear and conspicuous and in language that can be readily understood.

IMPROVING PAYMENT MECHANISMS

SEC. 12. Not later than one year after the implementation of any regulations under section 5, the Board shall prepare a study and submit its findings to the Congress on—

(1) the effect of the changes made by section 5, and the advisability and feasibility of further changes;

(2) an assessment of improvements that can be made in the check collection system, including improved procedures for the return of unpaid items, reduction of costs, reduction in the number of returned checks, greater speed and efficiency in the check collection and return system, utilization of more efficient technology, and parity of treatment of depository institutions; and

(3) an assessment of the use of electronics in payments and of the need for improvements in the way the payments system provides services so as to ensure efficient and affordable services, including the possible development of additional electronic services.

PARITY IN CLEARING

SEC. 13. (a) Section 11A of the Federal Reserve Act (12 U.S.C. 248a) is amended by adding at the end thereof the following:

"(e) All depository institutions, as defined in section 19(b)(1) (12 U.S.C. 461(b)(1)), may receive for deposit and as deposits any evidences of transaction accounts, as defined by section 19(b)(1) (12 U.S.C. 461(b)(1)) from other depository institutions, as defined in section 19(b)(1) (12 U.S.C. 461(b)(1)) or from any office of any Federal Reserve bank without regard to any Federal or State law restricting the number or the physical location or locations of such depository institutions.".

(b) The amendment made by subsection (a) takes effect on the date of enactment of this Act.

EFFECTIVE DATE

SEC. 14. Except as provided in sections 5, 6, and 11, this Act takes effect upon the expiration of 12 months following its enactment.●

● Mr. KERRY. Mr. President, I am pleased to join Senator DODD as a cosponsor of the Fair Deposit Availability Act of 1987.

As was evidenced in the extensive hearings held by the Banking Committee in 1983, delayed funds availability is a longstanding problem that has caused unnecessary inconvenience and hardship for consumers. Those who live from paycheck to paycheck are the hardest hit since they frequently need immediate access to at least a portion of whatever funds they receive.

Even though the Federal regulators and the banking industry have studied the delayed funds problems for over 7 years, consumers have not obtained relief. A recent nationwide study of 458 banks and savings and loans by U.S. Public Interest Research Group, entitled "Still Held Up at the Bank," reveals that 67 percent hold out-of-State checks for over a week; and 20 percent hold such checks over 2 weeks. Clearly, this is a situtation that demands our prompt attention.

While I believe that we need Federal legislation to address this problem, I am pleased to note that in Massachusetts we have already begun to address this problem at the State level with excellent results. The Massachusetts "check hold" law took effect on May 15, 1985. The success of the law demonstrates that short hold periods are workable despite claims regarding potential bad check losses made by the industry in opposition to holds legislation. Massachusetts law requires that funds from checks drawn on depository institutions in the entire New England region be made available to consumers in 2 days and that checks drawn outside the region be made available in 4 days. Exceptions to these hold ceilings are provided in instances where banks may be at risk.

The law has not caused disruption in our banking system. In response to an inquiry from the Congress Watch organization, the office of the Massachusetts Commissioner of Banks has stated that there have been no reports of material loss to any banking institution as a result of the check clearing regulations. In short, strict limits on holds work.

Unfortunately, State laws have not been sufficient to protect consumers against unfair holds practices. The Federal Home Loan Bank Board issued an opinion on March 7, 1984 that the New York State funds availability law does not apply to federally chartered savings and loans. A similar position was taken by the National Credit Union Administration in a regulation issued by that agency on February 1, 1985. Given the position of the Federal regulators, State laws provide only half a solution for consumers. Federal legislation is needed to ensure across-the-board protection at all depository institutions.

I see every reason for the Senate to ensure that a strong delayed funds bill becomes law this year. I hope that the proven remedy in Massachusetts is helpful in this regard.●

By Mr. COHEN (for himself and Mr. LEVIN):

S. 345. A bill to amend the Contract Disputes Act of 1978 to require that a competitive examination process be used for the selection of members of boards of contract appeals of Federal Government agencies: and to provide that the members of such boards shall be treated in the same manner as administrative law judges of the Federal Government for certain administrative purposes; to the Committee on Governmental Affairs.

CONTRACT DISPUTES ACT

● Mr. COHEN. Mr. President, today Senator LEVIN and I are introducing legislation to enhance the independence of the administrative judges on the boards of contract appeals [BCA's]. BCA's, as my colleagues may know, are authorized under the Contract Disputes Act of 1978 to serve as administrative forums for resolving contract disputes. This measure, which Senator LEVIN and I introduced in the 99th Congress, was approved unanimously by the Governmental Affairs Committee and was passed by the full Senate last year.

This bill would provide BCA judges with the same selection and removal protections as administrative law judges are afforded under the Administrative Procedure Act. The objective is to eliminate the perception that BCA judges are not sufficiently insulated from agency control.

Mr. President, Congress enacted the Contract Disputes Act [CDA] of 1978 to govern the submission of contract claims to the Government and the resolution of disputes arising from those claims. Under the CDA, agency Boards of Contract Appeals [BCA's] are authorized to serve as independent, adjudicative forums for resolving contract disputes. While the disputes process has generally operated effectively since enactement of the CDA, concerns have been raised by Government officials and Government contractors over the independence of the contract disputes process. Our bill is designed to address this concern.

The CDA provides that BCA judges shall be "selected and appointed to serve in the same manner" as administrative law judges [ALJ's] appointed pursuant to the Administrative Procedure Act. Implementation of the CDA, however, is inconsistent with this mandate. BCA judges are selected by the individual agencies on whose boards they serve and, because the CDA is not specific on removal protections, may be dismissed without any independent review. ALJ's by contrast, are selected from a Governmentwide register established by the Office of Personnel Management (OPM) and may only be removed for good cause after a hearing before the Merit Systems Protection Board.

This inconsistency, according to the General Accounting Office, contributes to the perception that BCA judges are not as independent as ALJ's. In a September 1985 report, the GAO found that:

> Because no independent body, like the OPM, issues Governmentwide regulations for the selection and appointment of board members, and because the [Contract Disputes Act] is unclear concerning any removal protections, members of boards of contract appeals are not as insulated as they could be from agency control.

The selection and appointment procedures for BCA judges, while similar in many respects to the OPM procedures for ALJ's, has been a concern of the Governmental Affairs Committee. According to the legislative history underlying the CDA, the ALJ system was to be used as a model for developing and implementing a system to ensure the independence of the BCA judges.

The CDA, however, falls short of establishing an ALJ-like system as there is no requirement that a separate agency, such as OPM, select, administer, and maintain a register of persons qualified for appointment to the BCA's. The interagency registers, originally established and currently maintained by the Department of Defense and the General Services Administration, continue to be used by the agencies as the primary sources for filling their vacancies. Agencies select candidates for their boards under procedures that need only comply with the eligibility requirements of the CDA, thereby raising concerns about the independence of the judges who are charged with ruling on disputes between the agencies and their contractors.

Arbitrary removal is also of concern, since the threat alone could potentially compromise the independence of BCA judges. Arbitrary removal is by no means common practice, but it has happened. The GAO report, for example, points out that in 1978, the chairman and vice-chairman of the General Services Board of Contract Appeals were discharged without satisfactory explanation. While this incident may have been an isolated case, the threat, nonetheless, exists.

To alleviate the perception that BCA judges are not sufficiently insulated from agency control, the GAO recommended that "the Congress may want to consider amending the Contract Disputes Act of 1978 * * * to give the Office of Personnel Management and the Merit Systems Protection Board roles in [the BCA judges' selection and removal] processes."

This bill effectively implements the GAO's recommendation by: First, providing that BCA judges, like ALJ's, would be placed in the competitive service, subject to the competitive examination conducted by the Office of Personnel Management, and selected from a Governmentwide register established by OPM; second, specifying that the competitive examination given to BCA judges be designed to demonstrate the applicant's 5 years public contract law experience; third, extending to BCA judges the full panoply of protections currently afforded ALJ's, including exemption from agency performance appraisals and removal only for good cause after a hearing before the Merit Systems Protection Board; and fourth, "grandfathering" present BCA judges.

Together, these provisions provide the security and independence needed to ensure that BCA judges are fully insulated from agency control in deciding contract disputes between the Federal Government and its contractors.

Mr. President, ensuring the independence of the BCA judges is a step that would strengthen the contract disputes process. Any criticism of the present BCA system should not, however, be interpreted as an indictment against those judges now serving on the various boards. Clearly, the decisional history of these boards demonstrates the integrity of the judges who serve on them.

By providing BCA judges with statutory protections, I believe that public confidence in the independence and impartiality of these adjudicators would be enhanced. To this end, Mr. President, I urge my colleagues to lend their support to this endeavor.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Contract Disputes Act Amendments of 1987".

SEC. 2. Section 8(b)(1) of the Contract Disputes Act of 1978 (92 Stat. 2385; 41 U.S.C. 607(b)(1)) is amended—

(1) by inserting "(A)" after "(1)";

(2) by striking out "selected" in the first sentence and inserting in lieu thereof "in the competitive serivce, selected pursuant to the competitive examination process under subchapter I of chapter 33 of title 5, United States Code,";

(3) by inserting after the first sentence the following: "Such competitive examination shall be designed to demonstrate, among other appropriate qualifications, the applicant's public contract law experience. A separate register shall be established and maintained for candidates eligible for appointment to such boards.";

(4) by striking out the second sentence;

(5) by designating the third sentence as subparagraph (B);

(6) by designating the fourth and fifth sentences as subparagraph (C); and

(7) by adding at the end thereof the following;

"(D) For the purposes of sections 1104(a)(2), 3323(b)(2), 4301(2)(D), 5335(a), and 7521 of title 5, United States Code, a member of any agency board appointed under this paragraph shall be treated in the same manner as an administrative law judge.".

SEC. 3. Members of agency boards of contract appeals serving on the date of the enactment of this Act shall be considered to have been examined, selected, and appointed in accordance with section 8(b)(1) of the Contract Disputes Act of 1978, as amended by section 2 of this Act.●

By Mr. HATCH (for himself, Mr. PACKWOOD, Mr. THURMOND, Mr. LUGAR, Mr. WARNER, Mrs.

Kassebaum, Mr. Stevens, Mr. Symms, Mr. Hollings, Mr. Baucus, Ms. Mikulski, Mr. Zorinsky, Mr. Levin, Mr. Nunn, Mr. Kerry, Mr. Sarbanes, Mr. Pryor, Mr. Matsunaga, and Mr. Cranston):

S.J. Res. 20. Joint resolution to designate the month of March 1987, as "Women's History Month"; to the Committee on the Judiciary.

WOMEN'S HISTORY MONTH

● Mr. HATCH. Mr President, I am pleased to introduce today a joint resolution proclaiming the month of March 1987 as Women's History Month. I am proud of the accomplishments women have made to the history of this country. I believe it is appropriate that we set aside a month of commemoration to reflect upon and pay tribute to the vital contributions women have made to our society throughout the course of history.

For instance, in 1637 a woman by the name of Anne Hutchinson was brought to trial and consequently banished for life from the community in Cambridge, MA, for holding discussion meetings with other women. Today, because of women like Anne Hutchinson, women's conferences and meetings are held throughout the world, providing a forum for women to discuss common concerns and goals. This past November at my annual women's conference in Salt Lake City, over 1,800 women from all perspectives and persuasions gathered together to discuss issues affecting their homes and communities.

Women have continued to make great strides in shaping and influencing our country. Today, we have a woman serving on the Supreme Court. Women are university presidents, doctors, lawyers, astronauts, coalminers, corporate executives, and truckdrivers. We even have a woman on the Harlem Globetrotters. Women continue to serve in traditional roles as homemakers and nurturers, and in every field of science, law, medicine, the arts, business, volunteerism, education, and government. Women have clearly taken an important role in initiating social reforms and in strengthening and improving the quality of life for our society.

I am particularly pleased that in my home State of Utah, women have played a significant role in founding and shaping our communities. In the farmlands of Cache, Sanpete, and Sevier Counties, for example, Utah pioneer women planted the first crops, milked the first cows, and in some cases, built the first cabins.

In 1912, Mary W. Howard, the mayor of Kanab, UT, was not content to address only the traditional women's causes at that time. She saw to it that dikes were built for better irrigation, stray dogs were controlled, and bridges were constructed over the town's canals.

Additionally, Utah women were the first to receive the right to vote while Utah was a territory. And, Utah women were among the first to serve as jurors, mayors, and State legislators.

In every State across this Nation, there are women such as Anne Hutchinson and Mary W. Howard who have left a legacy. These women deserve to be recognized and remembered for their contributions. I urge my colleagues to join with me in supporting this important joint resolution.

Mr. President, at this point I ask unanimous consent that the text of this joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 20

Whereas American women of every race, class, and ethnic background have made historical contributions to the growth and strength of the Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of our Nation's life by constituting a significant portion of the labor force working in and outside of the home;

Whereas American women have played a unique role throughout our history by providing the majority of the Nation's volunteer labor force and have been particularly important in the establishment of early charitable philanthropic and cultural institutions in this country;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements to create a more fair and just society for all; and

Whereas, despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the body of American history: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March, 1987, is designated as "Women's History Month", and the President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.●

By Mr. HOLLINGS (for himself, Mr. Heflin, Mr. Cranston, Mr. Dodd, and Mr. Stevens):

S.J. Res. 21. Joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional and Presidential elections; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT TO LIMIT CAMPAIGN SPENDING

● Mr. HOLLINGS. Mr. President, 469 congressional races were just run, and I regret to note that the candidates—Democrats and Republicans alike—spent most of their time campaigning for money, not votes. In 1986 as in years past, the electoral process was compromised—and too often corrupted—by the vast sums of money collected and spent in Federal campaigns.

To a distressing degree, elections are determined in the financial marketplace. Our elections are supposed to be contests of ideas, but too often they degenerate into megadollar derbies, paper chases through boardrooms and union halls with unseemly frequency. At best, this process diverts candidates from the people's business. At worst, it corrupts and degrades our political process. More and more our Congress is becoming, not a body of legislators, but a body of fundraisers. No sooner has an election been held than the process of raising funds for the next one begins.

Mr. President, every man and woman in this Chamber realizes that television advertising is the name of the game in modern politics. In warfare, if you control the air, you control the battlefield. In politics, if you control the airwaves, you control the tenor and focus of a campaign. And most of that TV air time comes at a dear price. In South Carolina, you're talking $2,400 for 30 seconds of prime time advertising. In New York, you're talking some $30,000 for the same 30 seconds. If a candidate doesn't have personal wealth or think that he can raise enough money to compete with his opponent in the TV market, he doesn't even enter the race.

Mr. President, the distinguished Senator from Oklahoma and I share a deep concern about out-of-control campaign spending. We differ, however, in our perception of the cause of this problem. The Senator from Oklahoma takes a supply-side approach. He identifies PAC's as the culprit and advocates further limits on how much money they can supply to candidates.

Mr. President, as I have said, the culprit here is not PAC's per se. PAC's are a very healthy instrumentality of politics, because they encourage the participation of those who feel that their one vote and small monetary contributions don't count. Now, with a political action committee, those of modest means can band together with those of a mutual interest knowing that their contribution is heard and known.

No, PAC's are not the principal problem. PAC's encourage citizen participation and give millions of individuals a voice in the political process they otherwise wouldn't have, and Congress has already imposed reasonable, effective ceilings on how much PAC's can contribute.

Throughout my political career I have admonished people to participate. Now that they have, I am told that group participation with a $1,000 or $5,000 is corrupt or special but an individual with $1,000 to contribute or $5,000 to spend by himself is just right. This is wrong. The evil to be corrected is not the abundance of participation but the abundance of money.

Mr. President, PAC's are not the enemy. We have met the enemy, and he is us—candidates for Federal office—and our pursuit of ever-fatter campaign war chests. Accordingly, in my own bill, I have proposed a demand-side approach to this problem of escalating campaign costs. This is a proposed amendment to the U.S. Constitution that would permit Congress to impose legal caps on campaign spending. Through this amendment, we can accomplish two objectives: First, we will moderate candidates' obsession with fundraising; and second, we will level the playing field so that money is not the prime factor in who can run for Federal office.

Mr. President, this body faces unfinished business in the field of electoral reform. In 1974, with the Federal Election Campaign Act amendments, Congress provided for public financing of Presidential elections and set political contribution and spending limits for candidates in Federal elections. Regrettably, in the case of Buckley versus Valeo, the Supreme Court struck down the spending limits provision of those amendments. The Court held that spending limits would curb the freedom of contributors and candidates to express themselves in the political marketplace.

In its ruling, the Court purported to defend freedom of speech. In reality what it said is this: Yes, if you have personal wealth or if you are a well-financed incumbent, you can glut the airwaves, you have freedom of speech. But if you do not have money, then your freedom of speech is limited.

Justice Thurgood Marshall zeroed in on this disparity in his dissent to Buckley versus Valeo. By striking down the limit on what a candidate can spend, Justice Marshall said, "It would appear to follow that the candidate with a substantial personal fortune at his disposal is off to a significant head start." Indeed, Justice Marshall went further: He argued that by upholding the limitations on contributions but striking down limits on overall spending, the Court put an additional premium on a candidate's personal wealth.

Justice Marshall was dead right. And it is time for the Nation to correct this injustice. To that end, I have proposed a bill which reads as follows:

"The Congress may enact laws regulating the amounts of contributions and expenditures intended to affect elections to Federal offices."

I repeat: The problem is not campaign contributions but campaign spending. I want to attack the disease itself, which is excessive campaign spending. The bill I have proposed would permit Congress to impose fair, responsible limits on Federal campaign expenditures.

Such a reform would have an important impact. It would moderate candidates' obsession with fundraising, and it would create a more level playing field for our Federal campaigns—a competitive environment where incumbency or personal wealth do not give candidates an insurmountable advantage.

Mr. President, the Supreme Court has chosen to ignore the overwhelming impact of TV on a candidate's ability to be heard. In Buckley versus Valeo, it prescribes a bogus "if you have the money you can talk" version of free speech. In its place, I urge passage of this legislation, the campaign finance reform amendment bill.●

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. BOREN, the names of the Senator from Georgia [Mr. FOWLER], the Senator from Illinois [Mr. SIMON], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 2, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 58

At the request of Mr. DANFORTH, the names of the Senator from Alabama [Mr. HEFLIN], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 58, a bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent and to increase the amount of such credit.

S. 66

At the request of Mr. BUMPERS, the names of the Senator from Kentucky [Mr. FORD], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 66, a bill to provide for competitive leasing for onshore oil and gas.

S. 69

At the request of Mr. TRIBLE, the name of the Senator from Oklahoma [Mr. NICKLES] was added as cosponsor of S. 69, a bill to amend the Internal Revenue Code of 1986 to repeal the basis recovery rule for pension plans.

S. 225

At the request of Mr. D'AMATO, the name of the Senator from Iowa [Mr. GRASSLEY] was added as cosponsor of S. 225, a bill to amend title II of the Social Security Act to protect the benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity (resulting from changes made in 1977 in the benefit computation formula) between those levels and the benefit levels of persons who become eligible for benefits before 1979.

S. 229

At the request of Mr. D'AMATO, the name of the Senator from Arizona [Mr. DECONCINI], was added as cosponsor of S. 229, a bill to provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland.

S. 237

At the request of Mr. THURMOND, the name of the Senator from Wyoming [Mr. SIMPSON] was added as cosponsor of S. 237, a bill to amend section 207 of title 18, United States Code, to prohibit Members of Congress and officers and employees of any branch of the U.S. Government from attempting to influence the U.S. Government or from representing or advising a foreign entity for a proscribed period after such officer or employee leaves Government service, and for other purposes.

S. 250

At the request of Mr. HUMPHREY, the name of the Senator from Indiana [Mr. LUGAR] was added as cosponsor of S. 250, a bill to prevent fraud and abuse in HUD programs.

S. 260

At the request of Mr. THURMOND, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 260, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 265

At the request of Mr. HUMPHREY, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 265, a bill to require executive agencies of the Federal Government to contract with private sector sources for the performance of commercial activities.

S. 266

At the request of Mr. HUMPHREY, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 266, a bill to amend the Service Contract Act to reform the administration of such Act, and for other purposes.

S. 277

At the request of Mr. THURMOND, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 277, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

S. 286

At the request of Mr. Quayle, his name was added as a cosponsor of S. 286, a bill to provide for a 2-year Federal budget cycle, and for other purposes.

S. 314

At the request of Mr. D'Amato, his name was added as a cosponsor of S. 314, a bill to require certain telephones to be hearing aid compatible.

SENATE JOINT RESOLUTION 5

At the request of Mr. D'Amato, the names of the Senator from Indiana [Mr. Quayle], the Senator from Connecticut [Mr. Weicker], the Senator from Illinois [Mr. Dixon], the Senator from Illinois [Mr. Simon], the Senator from Indiana [Mr. Lugar], the Senator from North Dakota [Mr. Burdick], the Senator from Tennessee [Mr. Gore], the Senator from Tennessee [Mr. Sasser], the Senator from Wisconsin [Mr. Proxmire], and the Senator from Arkansas [Mr. Pryor] were added as cosponsors of Senate Joint Resolution 5, a joint resolution designating June 14, 1987, as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 10

At the request of Mr. Thurmond, the name of the Senator from Alabama [Mr. Heflin] was added as a cosponsor of Senate Joint Resolution 10, a joint resolution disapproving the recommendations of the President relating to rates of certain officers and employees of the Federal Government.

SENATE JOINT RESOLUTION 11

At the request of Mr. Thurmond, the name of the Senator from Nevada [Mr. Hecht] was added as a cosponsor of Senate Joint Resolution 11, a joint resolution proposing an amendment to the constitution relating to Federal balanced budget.

SENATE CONCURRENT RESOLUTION 8

At the request of Mr. Byrd, the names of the Senator from Arizona [Mr. DeConcini], and the Senator from Maryland [Ms. Mikulski] were added as cosponsors of Senate Concurrent Resolution 8, a concurrent resolution relating to the current human rights policies of the Soviet Union.

At the request of Mr. Mitchell, his name was added as a cosponsor of Senate Concurrent Resolution 8, supra.

At the request of Mr. Wirth, his name was added as a cosponsor of Senate Concurrent Resolution 8, supra.

At the request of Mr. Rockefeller, his name was added as a cosponsor of Senate Concurrent Resolution 8, supra.

SENATE RESOLUTION 72—DESIGNATING RANKING MEMBERS ON CERTAIN SENATE COMMITTEES

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. Res. 72

Resolved, That the following Senators are designated as the ranking Members on the following committees:

Committee on Agriculture, Nutrition, and Forestry: Mr. Lugar.

Committee on Appropriations: Mr. Hatfield.

Committee on Armed Services: Mr. Warner.

Committee on Banking, Housing, and Urban Affairs: Mr. Garn.

Committee on Commerce, Science, and Transportation: Mr. Danforth.

Committee on Energy and Natural Resources: Mr. McClure.

Committee on Enviornment and Public Works: Mr. Stafford.

Committee on Finance: Mr. Packwood.

Committee on Foreign Relations: Mr. Helms.

Committee on Governmental Affairs: Mr. Roth.

Committee on the Judiciary: Mr. Thurmond.

Committee on Labor and Human Resources: Mr. Hatch.

SENATE RESOLUTION 73—TO REFER THE BILL S. 329 TO THE COURT OF CLAIMS

Mr. LAUTENBERG submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 73

Resolved, That the bill (S. 329) entitled "A bill for the relief of Dynamic Technology International, Inc., Lew Malnak Associates, Star Design, Inc., Riverside Precision Machines, and certain individuals" now pending in the Senate, together with all the accompanying papers, is referred to the Chief Judge of the United States Claims Court. The Chief Judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due to the claimants from the United States.

SENATE RESOLUTION 74—URGING THE PRESIDENT TO RENEGOTIATE THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS TO ELIMINATE IMMUNITY FOR DIPLOMATS ENGAGING IN ASSAULTS WITH FIREARMS OR EXPLOSIVES AND TO TAKE ADDITIONAL STEPS TO ADDRESS TERRORIST ABUSES OF DIPLOMATIC IMMUNITY

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 74

Whereas article 31 of the Vienna Convention of 1961 provides: "A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving state," thus appearing to grant immunity for all crimes, including murder by assassination; and

Whereas this grant of full immunity was based on the assumption that either accredited diplomats would not commit heinous crimes or that, pursuant to Article 37 which provided "The immunity of a diplomatic agent from the jurisdiction of the receiving state does not exempt him from the jurisdiction of the sending state," any diplomats committing such crimes would be prosecuted by their own government; and

Whereas the April 17, 1984, machinegunning by diplomats of Libya from their London "Embassy" in which eleven dissident Libyan students were injured and a British policewoman was killed, reportedly on instructions radioed from Tripoli, heralded a new era in the history of diplomacy and showed complete contempt for human life and international law and proved that the established assumptions about lawful behavior and home government prosecution are no longer valid; and

Whereas Article 41.1 of the Vienna Convention places a duty on all persons enjoying privileges and immunities to respect the laws and regulations of the receiving state, and also a duty not to interfere in the internal affairs of that state; and

Whereas Article 41.3 confers an obligation on the sending state not to use the premises of the mission in any manner incompatible with the functions of the mission as laid down in the Convention and under general international law; and

Whereas international law allows for the possibility of countermeasures in response to a material breach of a treaty by another party, and recognizes a fundamental right of self-defense; Now, therefore, be it

Resolved, That is the sense of the Senate that in order both to deter assassinations and other armed assaults and to bring to justice any diplomats committing such grave offenses, the President of the United States should seek a renegotiation of the Vienna Convention as to immunity from criminal jurisdiction with the objective of amending Article 31 to exempt from such immunity murder and other grave crimes involving assault with firearms or explosives; and that the President should report to Congress within 90 days of the enactment of this resolution on the progress made by participating countries in implementing the proposals supported by the London Economic Summit Declaration on International Terrorism, issued June 9, 1984, particularly those related to the problem of abuse of diplomatic immunity, and should endeavor to formalize a commitment among our allies on further steps to be taken to control such abuses consistent with the Vienna Convention, including the possibility of domestic legislation allowing prosecution for certain abuses.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place on February 9, 1987, 9:30 a.m., in the Office of Conservation Hearing Room at the Department of Natural Resources, 625 North 4th Street in Baton Rouge, LA.

Those wishing to submit written statements for the record should send them to the Committee on Energy and Natural Resources, Attn.: Victoria Eddins, U.S. Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Victoria Eddins at 202-224-4531.

Mr. President, I would like to announce for the information of the Senate and the public that the hearing originally scheduled before the full Committee on Energy and Natural Resources concerning the current status of the Department of Energy's Civilian Nuclear Waste Activities Program has been rescheduled.

The hearing will now take place Wednesday, February 4 and Thursday, February 5, 1987, 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to submit written statements for the record should send them to the Committee on Energy and Natural Resources, U.S. Senate, room SD-364, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Mary Louise Wagner at 202-224-7569.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate today at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE YEAR OF THE WORKER, LABOR DAY 1986 TO 1987

● Mr. KERRY. Mr. President, I wish to call attention to a very special series of events occurring in the city of Lawrence, MA. The Year of the Worker, Labor Day 1986 to 1987, is a commemoration of the Great Strike which took place 75 years ago. That strike, a watershed event in the American labor movement, had the participation of over 20,000 people, including immigrants from at least 30 different nations, who spoke as many as 45 different languages. Many of these immigrant groups had arrived in Immigrant City only to face disdain and discrimination from the previous wave of immigrants who had tenaciously fought their way to some foothold on the economic ladder. But in 1912, these people united to oppose one common enemy: the hardship and penury which came from working in the city's mills. The Great Strike of 1912 illustrates so well how people of diverse cultural differences can unite for a common goal. It was indeed an historic and heroic occasion.

But this great protest has not always been recognized by the citizens of Lawrence. Until recent years the importance and complexity of the events of 1912 went largely unheralded. In the late 1970's, Lawrence began the sometimes painful process of recovering both its history and its pride in the events that shaped its history.

Many people have come together to continue this rediscovery and reclamation in planning the events of the Year of the Laborer. These volunteers already have successfully completed several events. The Labor Day Celebration in 1986 drew over 20,000 visitors to an ethnic festival on Campagnone Common, the opening of Lawrence's Heritage Park and the second annual folk festival. Upcoming events include a strike re-enactment, a conference on working women, continuing tours of the Strike area and many other events linked to Lawrence's rich immigrant history and present ethnic diversity. The year's events will conclude with another ethnic festival and fold concert on Labor Day, 1987.

But the reclamation of Lawrence's history and its pride in that history will continue past Labor Day. I wish to commend the Bread and Roses Heritage Committee and all of those who continue to work for a real appreciation of Lawrence's contribution to the American Labor Movement and the city's recognition of its distinct history and present ethnic richness.●

ASYLUM PRACTICES AND PROCEDURES AT THE IMMIGRATION AND NATURALIZATION SERVICE AND THE STATE DEPARTMENT

● Mr. SPECTER. Mr. President, the General Accounting Office has given me a final report on a study I requested on April 4, 1985, examining the asylum practices and procedures at the Immigration and Naturalization Service and at the State Department. The object of the study was to try to determine whether applicants for asylum were being fairly treated, regardless of their country of origin, with a particular focus on Central American refugees. A preliminary report provided to me last October appeared to back up my concerns about politicization of the asylum process and at least the appearance of a bias against refugees from Central America. The final report confirms this.

After reviewing 1,450 asylum applications and INS files of applicants from El Salvador, Nicaragua, Poland, and Iran, the report concludes that "whether the Refugee Act of 1980 has been implemented as intended and whether past discrimination based on geographical and ideological considerations has been eliminated are uncertain." This is because neither State nor INS generally documents why applications are approved or denied. Nevertheless, the report found that those seeking political asylum from Central American countries have a much lower approval rate from the INS than those from other countries, even when their claims are similar. Aliens who stated on their applications that they were arrested, imprisoned, had their life threatened, or were tortured had much lower approval rates if they were from El Salvador and Nicaragua than if they were from Poland and Iran. For example, those who described torture to support their asylum request had an approval rate of 4 percent in El Salvador cases, 15 percent in Nicaragua, 80 percent in Poland, and 64 percent in Iran.

The study also provides evidence that the process is far more controlled by State Department, and thereby subject to political pressures based on foreign policy concerns, in Central American cases. Justice [INS] changed its original decision to agree with the State Department in 100 percent of the Salvadoran cases and 98 percent of the Nicaraguan cases, compared to 78 percent of the Iranian cases.

Moreover, the study found that among the files of the four countries of origin examined, only applicants from El Salvador had actually been deported.

I am very troubled by the findings and conclusions of this report. It is my strong sense that the statistics revealed by the study raise a presumption of bias against Central American applicants, and that procedures must be implemented promptly to require greater accountability for approval or denial of applications and to allow more effective congressional oversight of this process. I have written Senator KENNEDY, chairman of the Senate Judiciary Subcommittee on Immigration and Refugee Policy, to urge the subcommittee to review the GAO report and offering to work with him to address the concerns it raises.

I ask that the text of the letter to Senator KENNEDY be reprinted at this point in the RECORD.

The letter follows:

U.S. SENATE,
Washington, DC, January 20, 1987.

Hon. EDWARD M. KENNEDY,
Chairman, Subcommittee on Immigration and Refugee Policy, Judiciary Committee, U.S. Senate, Washington, DC.

DEAR TED: Enclosed is a report I requested from the General Accounting Office (GAO) on asylum procedures and standards. The Report raises serious concerns which I believe should be examined by the Immigration Subcommittee.

The primary focus of GAO's study was to determine whether the Refugee Act of 1980 has been implemented as intended and whether past discrimination based on geographical and ideological considerations has been eliminated. After analyzing in detail 1,450 asylum applications and INS case files from four countries: El Salvador, Nicaragua, Poland, and Iran, the Report concludes that such a determination is "uncertain" because neither the State Department nor INS generally documents why applications are approved or denied.

Nevertheless, the Report found that those seeking political asylum from Central American countries have a much lower approval rate from the INS than those from other countries, even when their claims are similar. For example, those who described torture to support their asylum request had an approval rate of four percent in El Salvador cases, 15 percent in Nicaragua, 80 percent in Poland, and 64 percent in Iran.

The study also provides evidence that the process is far more controlled by the State Department, and thereby subject to political pressures based on foreign policy concerns, in Central American cases. Justice (INS) changed its original decision to agree with the State Department in 100 percent of the Salvadoran cases and 98 percent of the Nicaraguan cases, compared to 78 percent of the Iranian cases.

Moreover, the study found that among the files of the four countries of origin examined, only applicants from El Salvador had actually been deported.

I am very troubled by the findings and conclusions of this Report. It is my strong sense that the statistics revealed by the study raise a presumption of bias against Central American applicants, and that procedures must be implemented promptly to require greater accountability for approval or denial of applications and to allow more effective congressional oversight of this process.

I intend to take steps to address these problems, and would be pleased to work with you and the Immigration Subcommittee.

My best.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. My interest in the plight of Central American refugees dates back to my visits to that region in May and August 1983. I was an early cosponsor of what is now known as the DeConcini-Moakley bill, first introduced on November 17, 1983, calling for a temporary halt of deportations of Salvadorans pending the outcome of a study into the conditions of displaced refugees and the risks of return to their country.

This longstanding concern was heightened on January 14, 1985, when 60 undocumented aliens were arrested across the country, including a Guatemalan family in Philadelphia, in an effort to crack down on the sanctuary movement. After meeting with the Guatemalan family, Mr. and Mrs. Morelos and their 3-year-old daughter, I wrote INS Commissioner Nelson and Secretary of State George Shultz complaining about the practice of arresting aliens without making a thorough investigaton of the basis for doing so, including an investigation into possible defenses, such as a claim for asylum. It was my strong sense that Mr. Morelos would have qualified for asylum, considering his allegations of torture corroborated by scars I personally observed.

As I looked into this matter further, I discovered that the approval rates for Guatemalan and Salvadoran refugees were shockingly low, given the social unrest in those countries and the activism of many of their citizens. Only four-tenths of 1 percent of the Guatemalans applying for asylum are granted it, and only 2.5 percent of the Salvadorans.

I raised this issue with Elliot Abrams, then Assistant Secretary of State for Human Rights and Humanitarian Affairs, in a hearing before the Foreign Operations Subcommittee on March 14, 1985, noting the apparent unfairness of the process. He agreed that a GAO study of the process would be a good idea. On April 4, 1986, I submitted the request for a report to the Comptroller General.

I ask that the GAO report be printed at this point in the RECORD, along with additional background correspondence.

The material follows:

SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS

The subcommittee met at 1:40 p.m. in room S-126, the Capitol, Senator Mark Hatfield presiding.

Present: Senators HATFIELD, SPECTER, LEAHY, and DECONCINI.

Mr. Specter, I would like to give the gavel to you at this time. If you would finish the hearing, I would appreciate it.

Senator SPECTER [presiding]. I will accept the gavel. I will stay as long as I can.

GUATEMALAN ASYLUM PETITIONS

I have a question too, Mr. Purcell. I had written to Secretary of State Shultz on February 1, concerning the State Department policy on Guatemalan refugees arising out of a case which I saw in Philadelphia, where a Guatemalan, aged 25, had been taken into custody with his wife and 3-year-old child.

He had a contention that he was a refugee that would have been subjected to torture if he had been returned to Guatemala. I personally observed, on his right wrist, scars which were corroboration of the contention that he had been subjected to torture there.

I wrote to Secretary Shultz raising that question about a number of practices in the Immigration and Naturalization Service, and I also raised a question about the State Department's procedures on granting asylum. I know that only four-tenths of 1 percent of Guatemala applicants for asylum are granted in 1984 and only 2½ percent of applications for asylum from El Salvador were being granted in 1984.

I got an extended reply in which he took up the specifics of the case of the individual that said they couldn't answer. It did not deal with the State Department policy on granting asylum.

The question that I had was what are the standards? Is it realistic to have a policy that results in only less than one-half percent of applications for asylum coming from a country like Guatemala are granted?

POLITICAL ASYLUM

Mr. PURCELL. Senator Specter, within the State Department's responsibility for political asylum requests is with the Bureau of Human Rights. I have with me today, Assistant Secretary Abrams. If you would permit, I would ask him to respond to that.

Senator SPECTER. Yes; that would be fine.

Mr. ABRAMS. Part of our problem is that we can't approve applications that we do not get. The Guatemalan case, as I recall the details—I hope I recall them correctly—was a case of somebody who claimed to have a right to asylum yet never applied for asylum.

This is a problem that we run into with the so-called "sanctuary movement" which encourages people not to apply for asylum. Many of the people who may well be entitled to it, don't apply. We never hear about them. Others do apply with very poorly done applications. All we have to go by is the application.

Senator SPECTER. Mr. Abrams, I can understand that you didn't have the application for this one person. But there is a feeling among Guatemalans that it is hopeless to apply. If you can only respond to the ones that do apply and less than one-half of 1 percent have asylum granted, it may be that 99.6 percent don't deserve it. But that is a little hard to believe, really.

Mr. ABRAMS. Senator, politically, it would be much more sensible for us, for me, for example, simply to instruct the asylum officers in the Bureau to meet quotas. You know we get a little criticism, "Why don't you just approve 25 percent of the Guatemalans and 35 percent of the Salvadorans?"

We don't do that. We don't do it because the applicants that we do, in fact, get, do not provide the basis for approval. I don't think—it is not so surprising in this sense——

APPROVAL REQUIREMENTS

Senator SPECTER. What is the basis for approval?

Mr. ABRAMS. Well——

Senator SPECTER. Here we have a man in Philadelphia. Immigration and Naturalization Service has issued an arrest warrant. They have issued summons for a lot of people. They have issued summons for American citizens who bring in the wife and child and then bring in the man who is looking for his family. Bail is set at about $1,500 for each of them. Bail is posted by somebody else.

The people themselves really have no interest in whether the bail is forfeited. Nobody has made an inquiry of this man as to whether he has a valid claim for asylum.

It seems to me the fundamental requisite for fair procedure. Here he is arrested. He is terrified in the United States. His lawyer says that they don't make applications for asylum. He has a lawyer. Is it your representation that it is an inappropriate application? Is this a fair procedure which results in denial of 99.6 percent of all the applications for asylum from Guatemala?

Mr. ABRAMS. It is my statement that the asylum procedure is—which we are using in the State Department—absolutely fair. It is impossible to make a judgment on whether they are true or not because that depends on each application that is received. People come in all the time.

We ask people to come in, take 50 applications off the shelf, read them. The U.N. High Commissioner of Refugees represented in Washington and New York come in all the time. They look at cases, for example, issue cases. I think that they generally share our view that in fact the percentage that can be approved is extremely low. It isn't surprising.

APPROVAL RATE

Senator, our worldwide approval rate is about 20 percent. It is quite similar to that of the British or French or other major, rich countries, free countries in the West. It is logical that it would be lower when you are dealing with applications from countries which have a history of applying illegal economic migration into the United States.

It stands to reason that in the mix of such a country, there will be a greater portion of applications that would, in fact, not be—not rise to the standards which international law and American law require.

REVIEW OF ASYLUM CASES

Senator SPECTER. Mr. Abrams, how can we fashion a system where this subcommittee can exercise influence? I applaud the work you have done. It has been fine work.

You will have to forgive the skepticism on my part for the 99.6 percent statistic being indicative of a fair rate. It may be. It may be. I would like to take a look at 100 applications, selected at random. Could we structure such a review?

GAO REPORT

Mr. ABRAMS. Sure. One of the parts of the legislation that is out here calls for a GAO report. Speaking for myself, personally, that would be a good idea.

Senator SPECTER. Does the GAO do that now?

Mr. ABRAMS. I don't see any reason why we won't be able to.

Senator SPECTER. I will make the request through the GAO.

Mr. ABRAMS. Personally, I think that would be a good idea.

Senator SPECTER. On Guatemala and El Salvador in the context of the case that I saw, do you think that would be appropriate?

Mr. ABRAMS. Absolutely.

Senator SPECTER. If I am not satisfied with the GAO, then I will do it myself.

Mr. ABRAMS. OK. I was going to say that the other possibility is to have people from the subcommittee, or your own personal staff, come in and just take, literally, take cases off the shelf and take a look. There would be some whiting out of names.

Senator SPECTER. I was thinking of having staff do it instead of doing it myself.

Mr. ABRAMS. You are welcome, too.

U.S. SENATE,
Washington, DC, January 15, 1985.
Mr. LYLE L. KARN,
District Director, Immigration and Naturalization Service, Philadelphia, PA.

DEAR MR. KARN: After reading accounts about the arrest of a Guatemalan family in Philadelphia yesterday, I have reviewed this matter in some detail. I have spoken with the U.S. Attorney's office, agents from your office, attorneys for the family, sponsors of the family, and the family itself.

Based on my review, I believe that the more appropriate way to have dealt with this matter would have been to interview the persons involved after the issuance of a notice or summons to appear rather than having them arrested and taken into custody.

As you know, the Immigration Act defines the standard for asylum as a showing that the person "has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion."

Based upon the information supplied to me, it appears that the Philadelphia family that was taken into custody would categorically qualify for asylum.

I would appreciate it if you would review this matter as quickly as possible and contact me regarding your findings.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, January 15, 1985.
Hon. BOB KASTEN,
Senate Hart Office Building,
Washington, DC.

DEAR BOB: I request that our subcommittee, the Foreign Operations Subcommittee of the Appropriations Committee, conduct a hearing on the action of the U.S. Immigration and Naturalization Service on January 14, 1985 in arresting more than 60 aliens including residents of Philadelphia, Pennsylvania. I am especially concerned that the Philadelphia residents were arrested and taken into custody instead of being given a notice, or summons, to appear, which was done with individuals who were indicted in Arizona.

Based upon information provided to me, it appears that the Philadelphia residents that were taken into custody would qualify for asylum.

In any event, it seems to me that federal authorities ought to make an inquiry as to whether there is a valid claim for asylum before making an arrest and initiating legal procedures, instead of putting the burden on the applicant to apply for asylum where such aliens do not understand the complexity of the law and subject themselves to deportation procedures when they file for asylum with the Immigration and Naturalization Service.

In addition, the subcommittee should consider whether a temporary stay of deportation, such as that proposed for Salvadoran refugees in S. 2131, which was introduced in the 98th Congress and which I cosponsored, would be appropriate for Guatemalans. The humanitarian concerns which inspired the "sanctuary" movement that is the focus of these arrests should be explored. These kinds of concerns have prompted the Attorney General to halt the deportations of nationals from a number of countries over the years, and such action may be appropriate today for Guatemalans or other Central American refugees.

These alternatives under the Refugee Act should be considered, and arrest used as a last resort and under proper and just procedures that reflect the unique situation of a foreign national unfamiliar with our language and process.

Thank you for your consideration of this request.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, January 30, 1985.
Hon. ALAN K. SIMPSON,
Chairman, Subcommittee on Immigration and Refugee Policy, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR ALAN: Thank you for agreeing to hold hearings at my request to look into issues on immigration policy and procedures raised by the recent arrest of some 60 aliens across the country and particularly by the arrest of a Guatemalan family in Philadelphia, Pennsylvania on January 14, 1985.

I am enclosing copies of letters I have sent to Immigration and Naturalization Commissioner Alan Nelson and Secretary of State Shultz expressing my concern and detailing the issues I think should be explored.

In terms of witnesses for the hearing, I suggest calling Commissioner Nelson, the Assistant Secretary for Human Rights and Humanitarian Affairs, Elliott Abrams, the Director of the Lawyers' Committee for International Human Rights, and the Guatemalan family arrested in Philadelphia.

I look forward to working with you on this important hearing.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, February 1, 1985.
Hon. ALAN C. NELSON,
Commissioner Immigration and Naturalization Service, Washington, DC.

DEAR COMMISSIONER NELSON: I am deeply concerned about the policy and procedures involved in the recent arrest of some 60 aliens across the country and particularly about the arrest of a Guatemalan family in Philadelphia, Pennsylvania on January 14, 1985.

According to information provided to me, a warrant of arrest was issued for a husband and wife, Mr. and Mrs. Morelos, on grounds of illegal entry. The wife and a three-year-old child were then taken into custody. Later, Mr. Morelos surrendered to Immigration and Naturalization authorities when he found out that his wife and child were in custody.

On the facts as presented to me, Mr. Morelos has a valid claim for asylum on the basis of a well-founded fear of persecution based on his prior political activities and expressions of political opinions in Guatemala. Mr. Morelos' contention of torture was corroborated by scars which I personally observed on his body.

When I discussed this case with an INS agent in Philadelphia, I was advised that a warrant of arrest was issued because Mr. Morelos had not made an application for asylum.

In my judgment, a law enforcement agency like INS should not issue a warrant of arrest for a person until an investigation discloses a violation of law without a valid defense. As District Attorney of Philadelphia, I made it a stringent rule to inquire as to the surrounding circumstances to find out about potential defense before obtaining warrants of arrest or taking people into custody.

As a matter of fundamental fairness, it is my opinion that the Government of the United States should not take people into custody unless there is a valid basis for doing so after a thorough investigation including potential defenses. It seems to me that it is not sufficient to justify the INS action on the basis that Mr. Morelos had the burden of filing an application for asylum. He is an alien and does not really understand the intricacies of the law; and, if he did, he could hardly be expected to file such an application considering the fact that virtually no such applications are granted and the filing itself would doubtless activate an enforcement proceeding against him.

The action of the Immigration and Naturalization Service was particularly offensive in taking his wife and child into custody. It is an horrendous experience to be arrested and the three-year-old child who was subjected to the arrest will doubtless bear the scars of the incident for many years, to say nothing of the trauma on the mother.

I strongly urge that you as the Director of the Immigration and Naturalization Service review your procedures so that legal proceedings are authorized only where an investigation discloses a violation without a valid defense. If legal proceedings are instituted, a summons rather than a warrant of arrest should be used unless there is valid reason to believe that the person will flee or that bail is realistically necessary to guarantee the appearance of that individual at the next proceeding. In the case of the Morelos family, there was no such reason to be concerned about flight since the Immigration and Naturalization Service had known of their whereabouts since September 1984. In any event, the posting of the $3,000 in bail by other parties was hardly any guarantee of the appearance of the Morelos family for the next proceeding so that the justification for the warrant of arrest was not at all well-founded.

As to the filing of asylum petitions, I urge you to adopt procedures which maintain confidentiality (*in camera proceedings*) so that foreign governments will not know of the contentions of their nationals so as to avoid reprisals and fear of filing such applications.

Beyond these procedures, I am also troubled by the applicable policies which, as I understand it, lead to only 0.4 percent of Guatemalan applications for asylum having been granted in 1984 and only 2.5 percent of the applications for asylum from Salvadorans having been granted in 1984. In light of the social unrest in those countries and the activism of many of their citizens, it strikes me as a shockingly low figure to have such a small number of applications for asylum granted. I would be interested to know what standards are used and whether Mr. Morelos would have qualified, under existing standards, considering his contentions of torture which were corroborated by his scars.

I would be further interested to know whether consideration has been given to halting deportations of Guatemalans through a grant of extended voluntary departure or any other procedure. It seems to me that extended voluntary departure would be appropriate for Guatemalans as it has been applied for those who have fled from other countries with such pervasive social unrest affecting so large a segment of the citizens.

I would very much appreciate your prompt response to the questions raised in this letter.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, February 1, 1985.
Hon. GEORGE P. SHULTZ,
Secretary, Department of State, Washington, DC.

DEAR SECRETARY SHULTZ: I am deeply concerned about the policy and procedures involved in the recent arrest of some 60 aliens across the country and particularly about the arrest of a Guatemalan family in Philadelphia, Pennsylvania on January 14, 1985. While the arrests were carried out by the Immigration and Naturalization Service, the procedures employed are inexorably intertwined with our immigration policies in which the State Department plays a key role.

According to information provided to me, a warrant of arrest was issued for a husband and wife, Mr. and Mrs. Morelos, on grounds of illegal entry. The wife and a three-year-old child were then taken into custody. Later, Mr. Morelos surrendered to Immigration and Naturalization authorities when he found out that his wife and child were in custody.

On the facts as presented to me, Mr. Morelos has a valid claim for asylum on the basis of a well-founded fear of persecution based on his prior political activities and expressions of political opinions in Guatemala. Mr. Morelos' contention of torture was corroborated by scars which I personally observed on his body.

When I discussed this case with an INS agent in Philadelphia, I was advised that a warrant of arrest was issued because Mr. Morelos had not made an application for asylum.

In my judgment, as I have written INS Commissioner Alan Nelson, a law enforcement agency like INS should not issue a warrant of arrest for a person until an investigation discloses a violation of law without a valid defense. As District Attorney of Philadelphia, I have made it a stringent rule to inquire as to the surrounding circumstances to find out about potential defenses before obtaining warrants of arrest or taking people into custody.

As a matter of fundamental fairness, it is my opinion that the Government of the United States should not take people into custody unless there is a valid basis for doing so after a thorough investigation including potential defenses. It seems to me that it is not sufficient to justify the INS action on the basis that Mr. Morelos had the burden of filing an application for asylum. He is an alien and does not really understand the intricacies of the law; and, if he did, he could hardly be expected to file such an application considering the fact that virtually no such applications are granted and the filing itself would doubtless activate an enforcement proceeding against him.

This is where the State Department's involvement is particularly relevant. I am troubled by the applicable policies which, as I understand it, lead to only 0.4 percent of Guatemalan applications for asylum having been granted in 1984 and only 2.5 percent of the applications for asylum from Salvadorans having been granted in 1984. In light of the social unrest in those countries and the activism of many of their citizens, it strikes me as a shockingly low figure to have such a small number of applications for asylum granted. I would be interested to know what standards are used in the State Department's review of applications and whether Mr. Morelos would have qualified, under existing standards, considering his contentions of torture which were corroborated by his scars.

In addition, I urge you to work with Commissioner Nelson to adopt procedures that maintain the confidentiality of asylum applications (*in camera* proceedings), so that foreign governments will not know of the contentions of their nationals so as to avoid reprisals and fear of filing such applications.

I would be further interested to know whether consideration has been given to halting deportations of Guatemalans through a grant of extended voluntary departure or any other procedure. It seems to me that extended voluntary departure would be appropriate for Guatemalans as it has been applied for those who have fled from other countries with such pervasive social unrest affecting so large a segment of the citizens.

I would very much appreciate your prompt response to the questions raised in this letter.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 26, 1985.
Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR ARLEN: I thank you for your letter concerning hearings on present INS procedures for arresting illegal aliens and adjudicating asylum applications. I also appreciate the copies of the letters you sent to Secretary Shultz and Commissioner Nelson. Let me take this opportunity to express some thoughts with you on this subject.

You are aware of my position on "blanket" suspension of deportation or "EVD" status for the nationals of any Central American country. However, let me reiterate some of the major points on this debate. First, a large portion of Salvadorans here today are not fleeing persecution but are seeking economic opportunity. This is supported by the fact that more than half of the estimated 500,000 to 600,000 Salvadorans here today illegally came before the escalation of the conflict; that Salvadorans have been the second most commonly apprehended illegal immigrant on the southern border since the 1970's; and that all Salvadorans must travel 2,000 miles through a country devoid of violence or persecution—Mexico—before arriving in the U.S. The economic motivation simply cannot be summarily dismissed.

Second, conditions have improved greatly in El Salvador, and there still is no evidence that Salvadorans are persecuted upon return to their country. While civilian deaths in 1980 were high (9,000 according to press reports compiled by the U.S. Embassy), the death rate has decreased dramatically. In 1984, there were 800 civilian deaths reported by the Salvadoran press. Of those civilian deaths, Tutela Legal (the human rights agency affiliated with the Catholic Church) attributed 205 to death squads and 55 to guerrilla assassinations. While I do not approve of any level of violence, it is safe to assume that nearly all of El Salvador's five million residents are not affected by either random or organized violence. In addition, neither a bipartisan Immigration Subcommittee staff report nor a State Department survey of 482 returned Salvadorans was able to detect the political persecution or victimization by violence of Salvadorans who are sent back to El Salvador.

Finally, there are several alternatives to a blanket relaxation of our immigration laws which still recognize the humanitarian needs of Salvadorans and other Central Americans. We currently have an agreement with ICM—the International Committee on Migration—to check on the fate of Salvadorans who are returned from the U.S. As of

Dec. 1 of 1984, an ICM representative meets every returned Salvadoran at the San Salvador airport and assesses his or her need for food and shelter, travel arrangements, proper documents for internal travel, and possible referral to displaced persons camps. In addition, these ICM representatives have followed up on the returnees with questionnaires on their safety once they have come home. The responses have shown that no one has felt that safety was a problem, but many have mentioned a lack of employment opportunities. At the end of the 98th Congress, we authorized a doubling of U.S. aid to displaced persons camps—from $10 million per year to $20 million per year. This money will help improve security and living conditions in these camps, and enable them to receive Salvadorans returned from the U.S., if necessary. In addition, I have suggested the following measures: (1) discussions with the government of Honduras and the UNHCR to see if fearful Salvadorans may be returned to UNHCR camps in Honduras, and (2) the creation of guidelines by the INS which would identify certain classes of Salvadorans who might be eligible for an individual review of the need for EVD. There is evidence that Salvadoran teachers and medical personnel may warrant this.

I understand that your interests focus on how the INS apprehends illegal aliens from the countries of Central America, but the recommendations you make certainly affect the broader questions of EVD. How are we to expect INS to "weigh the defenses" and then "issue a summons" for illegal aliens? A summons would simply alert the alien that the INS is aware of his illegal status and encourage him to disappear. With 3.5 to 6 million illegal aliens in the country, the INS does not have the manpower to then go out for the search. INS is already granted the ". . . power without warrant . . . to arrest any alien in the U.S. if (INS) has reason to believe that the alien is in the U.S. in violation of any law or regulation." (Sec. 287(a)(2) of the INA.) "Reason to believe" has been interpreted to mean "probable cause," so there you have it: a clear authority for the arrest and a probable cause standard for the arrest. In this light, it would seem that INS arrests of aliens are quite appropriate and justified. In addition, there is no question of fact when someone enters illegally—and thus, no "defense" to take into account. Whether someone is summoned or arrested, they still have an identical right to request political asylum and have a proper hearing on that request. However, it is most important to bear in mind that U.S. law requires the alien to establish his right to a particular status, whether it be that of asylum, refugee, immigrant or non-immigrant. The burden of proof is always on the alien, not the Government.

I think we might agree, Arlen, that the situation in El Salvador and the proper response in the U.S. is less simplistic than some would suggest. While I respect the compassion that those who argue for EVD display, I believe it is misplaced and likely to have many negative results—such as Americans becoming unwilling to accept the true refugees in the future. I know you are a thoughtful, reasonable guy, and I hope that we might be able to discuss the issue further. It would certainly not serve either of us to react to this issue in an emotional way. There is enough of that surrounding the question already, and I fear that when we legislate based strongly on emotion—then poor law and sometimes extreme reactions are the result. I am certain that neither of us wish to see this result.

I look forward to working with you on this matter.

With best personal regards.

Most sincerely,

ALAN K. SIMPSON,
U.S. Senator.

U.S. DEPARTMENT OF STATE,
Washington, DC, March 1, 1985.

Hon. ARLEN SPECTER,
U.S. Senate.

DEAR SENATOR SPECTER: Thank you for your letter of February 1, 1985 expressing your deep concern about the arrests of some 60 illegal aliens and in particular about the arrest of a Guatemalan family in Philadelphia, Mr. and Mrs. Morelos and their child.

We note in your letter your belief that Mr. Morelos has a valid claim for asylum based on a well-founded fear of persecution because of his prior political activities and opinions in Guatemala. You also urge us to work with I.N.S. Commissioner Nelson to adopt procedures that maintain the confidentiality of asylum applications.

The Department keeps the contents and its views on asylum applications confidential in order to protect the applicant or his relatives. Attorneys for asylum applicants are particularly insistent upon the need for strict confidentiality, and we must maintain this policy. We are confident that the I.N.S. maintains a similar policy.

With respect to the asylum claim by Mr. Morelos and his family, we will be prepared to review the case when the record and file are sent to us by I.N.S. Philadelphia, in accordance with established procedures in these matters. You may be assured that at such time we will take fully into account your views on the validity of the asylum request. However, since we have not had an opportunity to review the application and any supporting documents, we are not in a position to comment on the merits of the case.

We will continue our careful review of applications for asylum on a case-by-case basis, and monitor developments and conditions in the region. This is not always an easy task. However, the procedures for a considered and just determination of asylum requests for Central Americans are in place, and they are applied by our officers in a compassionate and understanding manner.

Sincerely,

J. EDWARD FOX,
Acting Assistant Secretary, Legislative and Intergovernmental Affairs.

U.S. DEPARTMENT OF STATE,
Washington, DC, March 8, 1985.

Hon. ARLEN SPECTER,
U.S. Senate.

DEAR SENATOR SPECTER: Thank you for your letter of January 18, 1985 in which you state your deep concern about the arrests of illegal aliens on January 14, 1985. You inquire about asylum procedures, the granting of extended voluntary departure to Guatemalan and Salvadoran aliens in this country, and you refer to the "sanctuary" movement as the target for arrests.

We realize that violence is an enormous problem in Central America, and that many have fled their country to avoid civil strife. There is also a long history of migration to the United States by aliens seeking work. Many try to remain here by applying for asylum or seeking extended voluntary departure (EVD) status, which temporarily suspends deportation.

The reason most often cited for granting EVD to Salvadorans, or any other Central American, is the claim that those who have been deported have suffered persecution on the return to their country. However, repeated studies of the treatment and condition of deported Salvadorans have disclosed no such pattern. In the most recent U.S. Embassy survey of about 500 El Salvadoran deportees, not a single case of physical abuse or murder was found. Many deportees could not be located because they had given fictitious or incomplete addresses, and some 39 people had already returned illegally to the United States. Despite the problem in locating some deportees, the study simply does not suggest a pattern of targeted persecution of the deported Salvadorans.

In 1983 the Attorney General and the Secretary of State carefully considered the question of EVD status for Central American aliens and determined that such status was not then appropriate. Their views are still valid at this time and I enclose copies of their letters.

In addition, there is a program in place in El Salvador, conducted by the Intergovernmental Committee for Migration (ICM), a highly respected international organization. ICM meets every Salvadoran who has been sent home by the United States, and each is offered resettlement assistance. Each returnee reports to ICM once a month for six months, discussing any difficulties which he or she may have. If any returnees had been harmed or disappeared, it surely would be made known publicly.

Our international commitments do not permit the forced expulsion of a refugee to a country or frontier where persecution is likely to occur. In addition, the Refugee Act of 1980 provides for the granting of asylum status to those who establish a well-founded fear of persecution upon return to their country of nationality for reasons of race, religion, nationality, membership of a particular social group, or political opinion. By law, the responsibility for establishing a well-founded fear of persecution rests with each applicant. The Department of State reviews each and every asylum application and renders an advisory opinion on the merits of the application. However, the decision on the asylum request is made by the I.N.S. director concerned who takes into consideration our advisory opinion. Since the decision on the asylum application is a matter for I.N.S., you may wish to consult with that Service to ascertain the statistical data on these cases.

The United States is well aware of its legal and treaty obligations and responsibilities, including the prohibition against the forced expulsion of refugees. We have a long-standing record of support for relief activities on behalf of refugees and a generous resettlement policy. No other country has provided as much assistance, or as many resettlement opportunities, to refugees as the United States.

We cannot concur with the position taken by some churches to harbor or conceal illegal aliens from Central America or elsewhere. Our conduct in this matter should be guided by the rule of law. Since the question of harboring or concealing illegal aliens may involve a breach of federal law, you may also wish to consider requesting the Department of Justice to comment on the implications of the actions.

We will continue our careful review of applications for EVD and asylum on a case-by-case basis, and monitor developments and conditions in the region. This is not always an easy task. However, the procedures for a considered and just determination of EVD and asylum request for Central Americans are in place, and they are applied by our officers in a compassionate and understanding manner.

Sincerely,

J. Edward Fox,
Acting Assistant Secretary, Legislative and Intergovernmental Affairs.

U.S. Senate,
Washington, DC, April 4, 1985.

Hon. Charles A. Bowsher,
Comptroller General, General Accounting Office, Washington, DC.

Dear Mr. Bowsher: I am writing to request a GAO study into the practices and procedures of the Immigration and Naturalization Service and the Department of State for judging claims for asylum in the United States, especially concerning Central America.

The civil strife in Central America has displaced thousands of inhabitants. In visits to Central America in May and August of 1983, I witnessed first-hand the breakdown of justice in El Salvador, and when I returned I succeeded in getting the Congress to withhold 30 percent of our aid to that country until the guardsmen charged with the murder of the four churchwomen were tried. In addition, I have seen to it that $9 million in aid was earmarked for judicial reform in El Salvador so that the rule of law can begin to replace the reign of terror perpetrated by rampant illegal killings.

It is essential that we treat the displaced victims of the civil strife in Central America fairly and with compassion. I was an original cosponsor of legislation to halt the deportation of Salvadorans pending a study of the circumstances and condition of displaced Salvadorans in Central America and here in the U.S. I have cosponsored this legislation again in the 99th Congress.

I am also deeply concerned about the policy and procedures involved in the arrests of some 60 displaced aliens—mostly Salvadorans and Guatemalans—across the country earlier this year in an effort to crack down on the Sanctuary movement, and particularly about the arrest of a Guatemalan family in Philadelphia on January 14, 1985. I have written Secretary of State George Shultz and Immigration and Naturalization Commissioner Alan Nelson complaining about these arrests and the fundamental offensiveness of taking a Guatemalan mother and her three-year-old child into custody, as was done in Philadelphia.

I have also requested Senate hearings on the issues raised by the INS arrests, and Senator Simpson, Chairman of the Judiciary Subcommittee on Immigration and Refugee Policy, has agreed to schedule such hearings in the near future.

I met with the Guatemalan family arrested in Philadelphia in January—and, on the facts as represented to me, the father, Mr. Morelos, has a valid claim for asylum on the basis of a wellfounded fear of persecution based on his prior political activities and expressions of political opinions in Guatemala. Mr. Morelos' contention of torture was corroborated by scars which I personally observed on his body.

I am troubled by the applicable policies which, as I understand it, lead to only 0.4 percent of Guatemalan applications for asylum having been granted in 1984 and only 2.5 percent of the applications for asylum from Salvadorans having been granted in 1984. In light of the social unrest in those countries and the activism of many of their citizens, it strikes me as a shockingly low figure to have such a small number of applications for asylum granted.

On March 14, 1985, I questioned Elliott Abrams, Assistant Secretary of State for Human Rights and Humanitarian Affairs, about this remarkably low approval rate in 1984 for asylum applications filed by Salvadorans and Guatemalans, and whether it could reflect an appropriate application of a fair standard. Mr. Abrams suggested that a GAO study of the asylum process would be "a good idea."

I am attaching a list of specific areas the GAO report should cover. This kind of thorough analysis is long overdue.

If you have any questions, please contact me, or have your staff contact Suzanne Spaulding at 224-5863.

I appreciate your prompt consideration of this request.

Sincerely,

Arlen Specter.

AREAS REPORT SHOULD COVER

Specifically, I request that the GAO report include the following information:

1. The standard and criteria being applied by INS in considering claims of asylum;

2. Whether the same standard and criteria is applied across the board of asylum applications regardless of the home country of the applicant; if not, please examine and report the differences and reasons for deviance;

3. Whether the approval rate for asylum applications generally and/or by country varies significantly from one INS district office to another, and the reasons for any such variation;

4. The standard and criteria applied by the State Department in recommending approval or denial of asylum applications;

5. Whether the same standard and criteria is applied by the State Department to all applications, regardless of the home country of the applicant, and is applied in the same manner, e.g., same requirements for corroboration and objectives evidence, same criteria for severity of threat, etc., and the nature of and reasons for divergence; and

6. Whether the same procedures are consistently followed within the State Department and the INS, respectively, when considering all asylum applications. If not, describe circumstances under which procedures vary and cite the nature of and reasons for divergence.

U.S. General Accounting Office,
General Government Division,
Washington, DC, January 9, 1987.

B-224935

Hon. Arlen Specter,
U.S. Senate,

Dear Senator Specter: This briefing report is in response to your request that we study the practices and procedures of the Department of Justice (DOJ) and the Department of State (State) in judging applications for asylum in the United States. Of particular concern were the low rates of approval for applicants from Central America.

The Refugee Act of 1980 authorizes the Attorney General to (1) grant asylum to an alien who meets the definition of a refugee and (2) establish a uniform procedure for determining the eligibility of each asylum applicant. The Attorney General requires that State provide the Immigration and Naturalization Service (INS) an advisory opinion on the applicant's eligibility. As agreed with your office, the objectives of your study were to: Provide information on the standards being applied in granting and denying requests for asylum; determine whether DOJ and State are applying the same standards to asylum applicants regardless of their home country; and provide information on the status of denied asylum applicants.

The approval rates for asylum applications for the four countries included in our review were: El Salvador (2 percent); Nicaragua (7 percent); Poland (49 percent); and Iran (66 percent). Whether the difference in approval rates reflects a bias in the application of asylum standards is uncertain because INS generally does not document the reasons why applications are approved or denied. Few denied applicants, however, have been deported.

To study the asylum decisionmaking process, we reviewed pertinent legislation and regulations; interviewed officials in INS, DOJ's Executive Office for Immigration Review (EOIR) which has the responsibility for the Office of the Chief Immigration Judge and the Board of Immigration Appeals, the Department of State, and the Office of the United Nations High Commissioner for Refugees; and analyzed 1,450 asylum applications and INS case files. We projected the results of our analysis to a universe of 32,426 advisory opinions rendered by State in calendar year 1984. Our review was performed between May 26, 1985, and July 18, 1986, and was conducted in accordance with generally accepted government auditing standards.

The results of this review are summarized below and discussed in detail in appendix I. We present additional details of our objectives, scope, and methodology in appendix II.

The asylum process

The Refugee Act of 1980 establishes the authority for an alien present in the United States to apply for asylum regardless of the alien's immigration status (legal or illegal). An alien may apply to an INS district director and/or an EOIR immigration judge. Approximately 77 percent of the asylum applications (24,855 of 32,426) were submitted only to a district director.

In order to qualify for asylum, an alien must meet the definition of a refugee as defined in the U.S. Refugee Act of 1980. A refugee is an alien who is unwilling or unable to return to his or her home country (or country of hibitual residence) because of a well-founded fear of persecution on account of race, religion, nationality, political opinion or membership in a social group. Congress adopted the refugee definition (which generally corresponds to the definition in the United Nations' Convention and Protocol Relating to the Status of Refugees) to eliminate past discrimination on the basis of geographical and ideological restrictions. Before the act, the definition of refugee was limited to those fleeing communist countries or the Middle East.

Internal civil or military strife in an applicant's home country is not, in itself, sufficient justification for asylum. The alien must demonstrate that he or she will be singled out for persecution under one or more of the five categories in the 1980 Act because of a belief or characteristic that distinguishes the applicant from the population at large.

District directors and immigration judges in ruling on asylum applications assess the credibility of the evidence presented by the applicant. However, no uniform standards have been established for the type and amount of evidence needed to prove that a given applicant has a well-founded fear of persecution and is eligible for asylum. Federal courts have disagreed on the standard of proof needed, and the Supreme Court heard oral arguments on this issue on October 7, 1986.

Reasons for INS asylum decisions not always documented

DOJ and State have little data to determine whether asylum eligibility standards are being uniformly applied. Although DOJ regulations require immigration judges to provide an oral or written record of the evidence used to support their reasons for granting or denying asylum, INS district directors are not required to explain their decision. Similarly, State officials are not required to provide an explanation for the advisory opinion they render to DOJ.

For the cases in our study, INS district directors and State officials wrote that the applicant had or had not met the statutory standard for asylum eligibility. However, approximately 73 percent of the files did not contain any explanation of the basis for the decision. Twenty-seven percent of the INS files contained documentation, including INS examiner notes and opinions, which provided reasons and insights regarding the basis of the decision. Sixteen percent of State's advisory opinions rendered in 1984 contained an explanation of the reason for the opinion.

Few denied asylum applicants have been deported

Based on our study, about 2 percent of the denied aliens had been deported, 13 percent remained in the United States either awaiting hearings or under other immigration provisions, and a negligible percent had left voluntarily. About 80 percent had uncertain immigration status because INS had not started deportation procedings. In only five cases was there evidence in INS files that those denied had left the country on their own. Two percent of the applicants had been issued a deportation order, but there was no evidence of departure. INS officials told us that many of the denied applicants not yet deported are probably in the United States but INS does not have sufficient resources to locate and deport these aliens. Accordingly, denial of an asylum application cannot be equated with routine deportation.

Conclusions

The ability to monitor and assess the asylum process is limited because (1) INS district directors, for the most part, do not document the specific reasons why they determine that asylum applicants are or are not eligible for asylum and (2) INS is unable to adequately address whether denied applicants are routinely deported.

Without a documented rationale supporting the asylum decisions, INS management cannot determine whether asylum standards are being uniformly applied without regard to an applicant's home country. Therefore, whether the Refugee Act of 1980 has been implemented as intended and whether past discrimination based on geographical and ideological considerations has been eliminated are uncertain.

Given the heavy workload facing INS, it is understandable that INS would have difficulty allocating the additional resources to process denied asylum applicants for deportation. However, once asylum is denied, efforts should be made to assure that the applicant is deported. INS may be able to obtain needed staff for this effort by requesting additional resources or by reprogramming staff in order to place the denied applicants in deportation proceedings.

Recommendations to the Attorney General

GAO recommends that the Attorney General direct that the Commissioner of INS, in order to better monitor, assess, and manage the asylum process (1) document for each asylum decision why the facts that form the basis of the asylum request have been determined to be either sufficient or insufficient for asylum, (2) collect, summarize, and review data on the status of denied asylum applicants, and (3) take action to place denied applicants in deportation proceedings where appropriate.

As requested by your office, we did not obtain official agency comments on this report. However, we discussed the report with INS, EOIR, and State officials, who generally agreed with its contents and their comments were considered in preparing the final report.

As arranged with your office, unless you publicly announce the contents of the report earlier, we plan no further distribution until 7 days from the date of the report. At that time, we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,
William J. Anderson,
Assistant Comptroller General.

ASYLUM: UNIFORM APPLICATION OF STANDARDS UNCERTAIN—FEW DENIED APPLICANTS DEPORTED

BACKGROUND

United States law allows aliens legally or illegally in this country to apply for asylum. To be granted asylum, an alien is required to demonstrate a well-founded fear of persecution in his or her home country (or country of habitual residence for those persons having no nationality) because of race, religion, nationality, political opinion, or membership in a social group.

The Refugee Act of 1980

In response to the rapid increase in the number of refugees entering the United States from around the world, Congress enacted the Refugee Act of 1980. The act provided, for the first time, a comprehensive U.S. refugee policy, creating a systematic and flexible procedure for the admission of refugees of special humanitarian concern to the United States. The act was a product of congressional dissatisfaction with the ad hoc legislative and administrative actions that had made up this country's response to refugee problems over the previous 30 years.

The Refugee Act established the authority for any alien present in the United States, or at a land border or port of entry, to apply for asylum irrespective of the alien's immigration status. The act authorizes the Attorney General in his discretion to grant asylum to an alien who meets the definition of a refugee and requires that the Attorney General establish a uniform procedure for determining the eligibility of an alien for asylum. The Attorney General has delegated his authority to grant asylum to the Immigration and Naturalization Service (INS) district directors and Executive Office for Immigration Review (EOIR) immigration judges. INS regulations (Title 8 of the Code of Federal Regulations) require district directors and immigration judges to request an advisory opinion from the Department of State on the applicant's eligibility.

According to the House Conference Report 96-608, the act brought the United States into conformity with its treaty obligations under the United Nations Convention and Protocol Relating to the Status of Refugees. The act incorporates the internationally accepted U.N. definition of a refugee as a person who is unable or unwilling to return to his or her home country because of a well-founded fear of persecution on account of race, religion, nationality, political opinion or membership in a particular social group.

One of Congress' primary objectives in adopting this definition of a refugee was to eliminate discrimination on the basis of outmoded geographical and ideological considerations. Before the act, U.S. asylum policy was limited to refugees from the communist countries and the Middle East. The House Judiciary Committee held that the previous definition of a refugee was clearly unresponsive to the existing diversity of refugee populations and did not adequately reflect traditional U.S. humanitarian concern for refugees throughout the world.

During deliberations on the act, Congress considered expanding the U.N. definition of a refugee to include displaced persons fleeing military or civil strife, or persons uprooted because of arbitrary detention. The United Nations' Handbook on Procedures and Criteria for Determining Refugee Status[1] states that persons compelled to leave their country of origin as a result of international or national armed conflicts are not normally considered refugees under the U.N. Convention and Protocol on the Status of Refugees. The Senate bill, however, contained a definition that included persons who have been displaced by military or civil disturbances or uprooted by arbitrary detention and are unable to return to their usual place of abode. The House bill contained only the U.N. refugee definition. The conference committee adopted the House definition of a refugee, not the Senate's.

THE ASYLUM PROCESS

An alien may apply for asylum in any of the following ways:

An alien may apply to the INS district director having jurisdiction over the alien's place of residence if exclusion or deportation proceedings have not been instituted.[2]

An alien may apply for asylum to an immigration judge in EOIR during deportation or exclusion proceedings.

An alien who was previously denied by an INS district director may renew his or her asylum request during a deportation proceeding.

The application may include the alien's spouse and children under the age of 21. We estimate that the 32,426 applications for asylum for which State rendered advisory opinions to INS and EOIR in 1984 represented 64,026 individuals.

In order to qualify for asylum, an applicant must satisfy each of the following four conditions contained in the statutory definition of a refugee: (1) the alien must have a fear of persecution; (2) the fear must be well-founded; (3) the persecution feared must be on account of race, religion, nationality, political opinion, or membership in a particular social group; and (4) the alien must be unable or unwilling to return to his or her country of nationality or country of habitual residence because of persecution or a well-founded fear of persecution. Any person who ordered, indicted, assisted or participated in the persecution of others is not eligible for asylum.

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[1] Handbook on Procedures and Criteria for Determining Refugee Status (Geneva, Sept. 1979).

[2] Deportation proceedings are conducted for aliens apprehended after entry into the United States. Exclusion proceedings are held for aliens apprehended while attempting to enter the United States.

The asylum applicant bears the burden of (1) proving the truth of the facts that form the basis of his or her claims and (2) demonstrating that the supporting facts meet the statutory standards for asylum. No uniform standards have been established, however, for the type of evidence an applicant needs to prove he or she meets the definition of a refugee and is eligible for asylum.

Applying to the INS district director

Seventy-seven percent of the asylum applications (24,855 of 32,426) were submitted, in some cases with supporting documents, only to an INS district office. Once an application is received at a district office, an INS examiner interviews the applicant under oath. The applicant's interpreter and attorney may be present. The interview is conducted to give the applicant an opportunity to explain in detail the reasons for requesting asylum and to give the examiner an opportunity to assess the credibility of the applicant.

After the interview some INS examiners make a preliminary decision on the applicant's eligibility which they forward to State; other examiners do not. In either case, the INS examiner sends the application to the Bureau of Human Rights and Humanitarian Affairs (BHRHA) in the State Department for an advisory opinion before a final determination is made on each case. According to BHRHA officials, their knowledge of conditions prevailing in the applicant's home country contributes to this opinion as to whether the applicant has demonstrated a well-founded fear of persecution.

After receiving the advisory opinion, the INS district director approves or denies the application. The district director sends a letter to the alien stating whether he or she has qualified for asylum.

If the application is approved, the alien is granted asylum status for a period of 1 year and is considered an asylee. After having been physically present in the United States for at least 1 year, the asylee is eligible to apply for legal permanent residence status. The Refugee Act established that not more than 5,000 asylees may be granted legal permanent residence status in each fiscal year. During fiscal years 1984 and 1985, the 5,000 limit was met and waiting lists were created.

The denied applicants cannot appeal the district director's decision. They can, however, renew the applications during deportation hearings before an immigration judge.

Applying for asylum before an immigration judge

Approximately 23 percent of the asylum applications (7,571 of 32,426) were from aliens who applied for asylum after being placed in exclusion or deportation hearings. INS takes such aliens, considered to be in the country illegally, into custody and serves them a warrant of arrest and an "order to show cause" (OSC) why the alien should not be deported. The OSC contains the factual allegations and the charges against the alien and initiates the deportation process. The INS district director, at his or her discretion, may maintain custody of the alien or release the alien on bond or conditional parole.

By regulation, INS must advise apprehended aliens of their right, during deportation proceedings, to representation by counsel at no expense to the government, and the availability of free legal programs through non-profit organizations. In *Orantes-Hernandez* v. *Smith* (C.A. 82-1107), a case before the U.S. District Court, the issue is whether INS officials must advise apprehended aliens of their opportunity to apply for asylum. A decision is expected in early 1987. The deportation hearing held before an immigration judge determines whether the alien should be deported. If an alien indicates to the judge an interest in applying for asylum, deportation hearings are recessed to permit the alien time to prepare and submit an application.

After the asylum application is received, it is sent to the BHRHA for an advisory opinion. The judge is not required to request a BHRHA opinion if a previous opinion on the case has been received unless circumstances have changed substantially. Most judges, however, routinely request opinions.

After the advisory opinion is received, the immigration judge conducts a hearing on the asylum application. The applicant may have legal counsel and may present evidence and testimony at the hearing. An INS trial attorney is assigned to each proceeding to present evidence, cross-examine the applicant and witnesses, and otherwise represent the government at the hearing. The judge may also cross-examine the applicant and witnesses. By regulation, immigration judges must discuss the evidence pertinent to the asylum application and record the reasons for granting or denying the request when rendering a decision.

An immigration judge's decision can be appealed to the Board of Immigration Appeals. The board's decision can be appealed to the U.S. District Court, or the U.S. Court of Appeals, and those decisions can be appealed to the U.S. Supreme Court. In 313, or about 1 percent, of the applications the judge's decision was appealed to the board. As of July 1986, no decisions had been appealed to the other courts.

APPLICANT MUST PROVE THAT FEAR OF PERSECUTION IS WELL-FOUNDED

The Refugee Act of 1980 did not define a well-founded fear of persecution, nor did it specifically identify how an alien must prove his or her fear is well-founded. Board of Immigration Appeals decisions establish that the applicant must demonstrate that the fear of persecution is more than a purely subjective or conjectural fear. The applicant is required to prove that his or her fear has a sound basis in personal experiences with objective facts that show there is a "clear probability" or "realistic likelihood" (greater than 50 percent chance) of persecution. An applicant's broad assertions and undocumented statements are generally not enough to prove that a well-founded fear of persecution exists. The "clear probability" standard was used prior to the Refugee Act in deciding whether to withhold deportation of an alien for fear he or she may be persecuted upon return to his or her home country.

General conditions existing within a country, such as civil strife, national disasters or political unrest, do not alone provide the evidence needed for granting asylum. The alien must demonstrate that he or she will be singled out or targeted for persecution on the basis of one or more of the five categories in the act because of a belief or characteristic which distinguishes the applicant from the population at large. The applicant must show that the persecutor will inflict suffering or harm in order to punish the alien for differing in a way the persecutor deems offensive.

According to the Board of Immigration Appeals, well-founded fear will be established if (1) the alien possesses a belief or characteristic a persecutor seeks to overcome by punishment of some sort; (2) the persecutor is aware, or could easily become aware, that the alien possesses the characteristic that is the basis for persecution; (3) the persecutor has the capability to carry out persecution; and (4) the persecutor has the inclination to punish the alien.

Standard of proof for "well-founded fear of persecution" to be evaluated by the U.S. Supreme Court

To date, federal courts have not agreed upon a common standard of proof for a "well-founded fear of persecution." U.S. Courts of Appeals decisions have differed over whether the "clear probability" standard is the same as the "well-founded fear of persecution" standard, or whether the well-founded fear standard is more generous to the alien. Aliens are required to meet the "clear probability" standard to avoid deportation on the grounds of persecution.

The Court of Appeals for the Second Circuit held in *Stevic* v. *Sava*, 678 F.2d 401 (2d Cr. 1982), that "asylum may be granted and . . . deportation must be withheld upon a showing far short of a 'clear probability' that an individual will be singled out for persecution." In *INS* v. *Stevic*, 467 U.S. 407 (1984), DOJ appealed the second Circuit Court decision. The Supreme Court reversed the decision, finding no support for the Second Circuit Court's conclusion in either the language that preceded the Refugee Act, the structure of the amended act, or the legislative history. The Supreme Court deliberately avoided any attempt to state the governing standard for asylum. Instead, it confined its analysis to the standard that applies for withholding of deportation. The Supreme Court decided that withholding of deportation requires evidence establishing it is more likely than not that the alien would be subject to persecution on one of the specified grounds.

The Court of Appeals for the Third Circuit in *Rejaie* v. *INS*, 691 F.2d 139 (3d Cir. 1982), concluded that the "well-founded" and "clear probability" standards are identical. According to the court, an alien must present some objective evidence establishing a realistic likelihood that he or she would be persecuted in his or her native land. The Court of Appeals for the Ninth Circuit, on the other hand, held in *Cardoza-Fonseca* v. *INS*, 767 F.2d 1448, 1451 (9th Cir. 1985), that the government could not deport a Nicaraguan asylum applicant as long as she had "some objective basis" for fearing persecution upon return to her home country. The Court of Appeals for the Ninth Circuit found that the "clear probability" standard was not applicable to asylum claims. The Court described the "well-founded fear" standard as one based on some objective but not conclusive facts. The government appealed this decision to the Supreme Court and urged the Supreme Court to rule that aliens are not entitled to asylum unless they can show it is more likely than not that the alien would be subject to persecution. The Supreme Court heard oral arguments on this case on October 7, 1986.

REASONS FOR INS ASYLUM DECISIONS NOT ALWAYS DOCUMENTED

DOJ and State have little data to determine whether asylum admission standards are being uniformly applied. INS officials, and State officials in rendering advisory opinions are not required to explain the specific reasons why the facts that form the basis of the asylum application are or are not sufficient to merit eligibility for asylum.

Immigration judges are required by regulation to give an oral or written decision which includes a discussion of the evidence pertinent to the asylum application and the reasons for granting or denying the request. However, INS district directors and BHRHA's Office of Asylum Affairs director usually only state that the applicant has or has not met the statutory standard of eligibility.

There is generally little or no elaboration of the applicant's specific circumstances as these relate to the law, regulations, or precedent decisions, and there is usually no reason given for the approval or denial of the application. Approval and denial letters sometimes commented on whether the district directors' decisions were based on State's advisory opinion and usually included a copy of the opinion. About 16 percent of the advisory opinions rendered in 1984 contained a detailed explanation for the opinion.

According to State officials, BHRHA is issuing more individualized advisory opinions since 1984, the period covered in our study. Their current policy requires that an explanation be written for their opinion in cases when a second opinion is requested by INS and when the INS preliminary decision differs from State's opinion.

We found that 27 percent of the INS asylum application files contained documentation, including INS examiner notes and opinions, which provided information on the basis for the decision. The remaining 73 percent of the files did not contain any explanation of the decisions beyond the determination that the applicant had or had not met the statutory standard for asylum eligibility.

Five district directors told us that they do not routinely write out the reasons for their decisions because there is no requirement to do so. Two of the directors said that the burden of proof is incumbent on the applicant and that INS approves or denies an application at its discretion. INS headquarters directors said that although asylum decisions by district directors are not appealable, they may be renewed for consideration by immigration judges; therefore, there has been no compelling reason for detailed explanations of decisions by district directors. Two district directors and INS headquarters officials said that writing the reasons for their decisions would be helpful in their management and review of the asylum process but they did not have the staff to record the reasons.

In our study, about 90 percent of the 21,032 applications were denied by INS. With no requirement to document decisions, it is uncertain as to whether all applications were treated fairly and were held to the same standards.

INS study cites lack of uniformity in asylum decision procedures

A 1982 INS study of asylum decisions concluded that the absence of comprehensive guidelines and regulations for making asylum decisions sometimes results in one district or asylum examiner rejecting a claim that another district or examiner would accept. The study stated that there are few guidelines to enable examiners to rule on asylum eligibility uniformly in each district. The study recommended that INS, among other things, develop a monitoring and quality control mechanism to ensure uniformity among districts.

Since the issuance of its 1982 study, INS has made improvements in managing its asylum workload by clearing the backlog of applications, increasing asylum adjudication training, and encouraging district directors to designate certain INS examiners for the handling of asylum applications to improve their subject matter expertise. INS headquarters staff have visited several district offices and reviewed asylum application files. However, any review of asylum decisions would be difficult because INS does not require that the applicant's file contain the specific reasons for approving or denying the application.

According to INS headquarters officials, as of September 1986, DOJ was considering new asylum regulations that would provide for a centralized system of asylum adjudication. A corps of asylum officers who would report to INS headquarters and not to district directors would be established. This organizational arrangement, according to INS officials, would likely result in more specific guidelines for the adjudication as well as the administrative review of claims. INS officials said that no significant change can be made in this area without rulemaking; therefore, they have concentrated their efforts on developing new regulations setting forth procedures which promote greater consistency and quality in the decisions.

APPROVAL RATES FOR ASYLUM REQUESTS

We analyzed asylum applications and other available documentation to determine approval rates in a variety of circumstances, identify factors associated with approvals and denials, and determine whether DOJ decisions and state advisory opinions agree. This analysis revealed differences in approval rates between the four countries in our study but does not necessarily indicate a bias in the application of asylum standards because reasons for the approvals generally are not documented. Our analysis of 1,450 asylum files projected to a universe of 32,426 applications is discussed below.

Approval rates vary by country

Of the 32,426 asylum applications worldwide, 25,167 (78 percent) were from El Salvador, Nicaragua, Poland and Iran. Approval rates for applicants from El Salvador (2 percent) and Nicaragua (7 percent) were much lower than approval rates for applicants from Poland (49 percent) and Iran (66 percent). The worldwide approval rate was 24 percent.

At the completion of our case file analysis in 1986, DOJ had not decided or documented the status of 4,646 of the asylum applications, of which 68 percent (or 3,157 applications) were from the four countries we studied. Applications from El Salvador made up 53 percent of the undecided cases.

Asylum applicants entered the United States legally and illegally

Worldwide, 51 percent (16,644) of the asylum applications were from aliens who entered the United States either on visitor visas (39 percent) or student visas (12 percent) before applying for asylum. Thirty-six percent of these applications were approved. The approval rate was 30 percent for those who entered with visitor visas and 58 percent for those who entered with student visas. Forty-two percent of the asylum applications were for those aliens who entered without inspection or attempted to enter illegally. These were approved at a rate of 2 percent worldwide. The legal status for the remaining applicants (7 percent) could not be determined.

Aliens from Iran entered predominantly on visitor visas (44 percent) and student visas (43 percent), and aliens from Poland entered usually on visitor visas (86 percent). Aliens from Nicaragua also entered on visitor visas (61 percent) but were approved at a much lower rate (9 percent) than visitors from Iran (64 percent) and Poland (44 percent).

Almost all applications from El Salvador were from aliens who entered illegally (85 percent), of which 0.4 percent were granted asylum. The applications for those Salvadorans who entered legally had approval rates of 13 percent for those who entered on visitor visas and 2 percent for those who entered on student visas.

Asylum requests to INS and EOIR

Approval rates for applications filed with INS district directors only are higher (27 percent) than those originating at the EOIR (6 percent) and those initially denied by INS and renewed before EOIR (11 percent). Worldwide, 77 percent of asylum applications were filed only with a district director, while 16 percent were filed with the EOIR, and 7 percent were denied by a district director and renewed before an immigration judge. Sixty-five percent of the applications from El Salvador and approximately 9 out of 10 asylum applications from Iran, Poland, and Nicaragua were filed only with a district director.

Asylum requests for fear of persecution because of religion.

Worldwide, 4,759 (15 percent) of the asylum applications were from aliens who claimed fear of persecution because of religion. These applications were approved at a rate of 82 percent. Most of them, 3,849 (81 percent), were Iranians, with an 87 percent approval rate.

INS and State officials said that the applications based on fear of persecution because of religious beliefs had the highest approval rate because the applicants' claims were well documented and persecution of religious groups is well known to occur in Iran. Our analysis supports these observations and shows that 86 percent of the applications based on persecution for religious beliefs contained supporting documents such as baptismal certificates or letters from clergy which specifically mentioned the applicant.

Asylum requests for fear of persecution because of race, nationality, political opinion or membership in a social group

Fear of persecution because of political opinion was claimed on 16,358, or approximately one-half, of the applications worldwide. About 18 percent of these applications were approved. Almost 90 percent of the applications from Nicaragua and Poland were based upon political opinion. Such applicants from Poland were approved at a rate of 51 percent, and those from Nicaragua were approved at a 7 percent rate.

Feared mistreatment because of internal strife

Worldwide, 7,643 (24 percent) of the asylum applications did not fall under any of the five categories within the refugee definition and feared harm based upon conditions of internal civil or military strife. Eighty-seven percent of these applications were from El Salvador. All of the applications involving internal strife were denied.

In reviewing asylum claims based upon internal strife, we noted that these applications did not always include documentation, and the applicants often claimed neutrality in a conflict between the government and guerrilla forces. The applicants seldom claimed membership in any organizations.

Severity of mistreatment described by applicants

Asylum applicants described a wide range of mistreatment to themselves and others in support of their requests for asylum. Applicants from different countries who claimed to have suffered similar mistreatment did not have similar approval rates. Worldwide, among the 9,941 applicants who claimed they were arrested, imprisoned, had their life threatened, or were tortured, we found an approval rate of 19 percent. Of these aliens, applicants from El Salvador and Nicaragua had a much lower approval rate than applicants from Poland and Iran. However, these statistics should be viewed with caution because we could not determine the influence of such factors as the adequacy of documentation and severity of mistreatment on approval rates.

DOJ and State Department agree on asylum decisions

DOJ's decision to approve or deny an asylum request and the State Department's advisory opinion agreed in 96 percent of 27,025 cases. For the four countries, the percentage of agreement was: El Salvador—99 percent; Nicaragua—99 percent; Poland—96 percent; and Iran—87 percent.

In 2,496 applications worldwide, INS received advisory opinions that differed from the INS examiners' preliminary decisions. INS changed its preliminary decision and concurred with State in 92 percent of these cases. For the four countries, when State's advisory opinion disagreed with INS' preliminary decision, the INS final decision agreed with State at a high rate—99 percent for El Salvador, 98 percent for Nicaragua, 83 percent for Poland and 79 percent for Iran.

FEW DENIED ASYLUM APPLICANTS ARE DEPORTED

There is a widespread perception by officials at various levels of government, several public interest groups, and some news media that the denial of an asylum application is tantamount to deportation and the potential for a denied applicant to become a victim of persecution upon return to his or her home country. Our analysis, however, shows that few denied asylum applicants are actually deported.

Of the 21,032 aliens who were denied asylum: 312 applicants (1.5 percent) were deported to their home country (none of the deported applicants were from Poland, Iran, or Nicaragua but 212 were from El Salvador); 434 applicants (2 percent) had a final order of deportation issued to them but there was no evidence of their departure in INS files; 5 applicants (less than 1 percent) had left the United States on their own; 1,971 applicants (9 percent) were awaiting a hearing before an immigration judge or the Board of Immigration Appeals; 915 applicants (4 percent) were able to remain in the United States because they obtained U.S. residency through other immigration provisions such as marriage to a U.S. citizen; and 17,068 applicants (81 percent) had uncertain immigration status because INS had not initiated deportation proceedings and there was no evidence of their departure in INS files.[3]

The status for the remaining aliens denied asylum (less than 2 percent) could not be determined from INS records.

As our analysis shows, there is a large backlog of denied asylum applicants awaiting deportation proceedings. During our visits to INS district offices, we identified a backlog of approximately 28,000 denied applicants in three cities (Los Angeles, Miami, and San Francisco). INS district officials stated that they do not have sufficient investigative resources to determine whether the aliens have left the United States and, if not, to complete the necessary documents (the OSC) to initiate deportation proceedings.

INS officials at the district offices we visited were not clear on the policy to initiate actions leading to deportation hearings for denied asylum applicants. Their practices varied from initiating deportation proceedings for all denied applicants to not taking any actions beyond the district director denial of the request. A district director said that denied applicants do not notify INS if they depart the United States or if they move, making them very difficult to locate.

In June 1985, the INS Commissioner instructed all regional commissioners to issue OSCs on all denied asylum applicants who are ineligible for discretionary relief and to clear the backlog of these cases. INS district officials we met with said, however, that they would need a considerable amount of staff time and a change in priorities to do this.

An INS official in San Francisco said that it would take all of his 30 investigators 2½ months of full-time work to clear their backlog of 7,500 to 8,000 cases. He estimated that the EOIR court in San Francisco, which was setting hearing dates for November 1987 at the time of our discussion in May 1986, would be forced to set hearing dates into the 1990s if INS cleared the backlog. INS Los Angeles district officials said that if their backlog of 12,000 cases were referred for deportation hearings, it would add another year to the court calendar.

While INS headquarters officials said that many of the denied asylum applicants have probably remained in the United States, they do not know. INS does not collect information regarding how many denied applicants (1) were deported, (2) voluntarily left the country, (3) remain in the country under other immigration provisions, (4) remain awaiting appeal, and (5) remain in the country awaiting follow-up action by INS.

DETAILED DESCRIPTION OF OBJECTIVES, SCOPE, AND METHODOLOGY

Senator ARLEN SPECTER, a member of the Senate Judiciary Committee, asked GAO to study the practices and procedures of the Department of Justice and the Department of State in judging applications for asylum in the United States, especially concerning applicants from Central America. As agreed with the Senator's office, our objectives were to: (1) provide information on the standards being applied in granting and denying requests for asylum; (2) determine whether DOJ and State are applying the same standards across the board, regardless of the asylum applicant's country or origin; and (3) provide information on the status of denied asylum applicants.

To accomplish our objectives, we did work at the headquarters of the DOJ's Immigration and Naturalization Service; the Executive Office for Immigration Review, Office of the Chief Immigration Judge; the Department of State, Bureau of Human Rights and Humanitarian Affairs; Office of the United Nations High Commissioner for Refugees; and INS district offices in Baltimore, Chicago, Houston, Los Angeles, Miami, Newark, New York City, San Francisco, and Washington, D.C.

Our work included: conducting interviews with DOJ and State officials; observing asylum interviews and deportation hearings; researching applicable legislation, regulations, and operating instructions; reviewing existing studies of the asylum adjudication process; and conducting an analysis of approved and denied asylum applications nationwide.

To analyze the asylum applications, we selected a stratified random sample of 2,027 advisory opinions issued by State during calendar year 1984. We sampled advisory opinions from the four countries (El Salvador, Nicaragua, Poland, and Iran) which accounted for 79 percent of the total number of applications processed by INS in fiscal year 1984. We randomly selected an approximately equal number of favorable and unfavorable advisory opinions for each of the four countries in order to do a comparative analysis of the characteristics associated with approved and denied applications.

Our sample also included a random selection of advisory opinions from other countries to provide an overview of worldwide trends. As agreed with Senator Specter's office, our review of asylum applications did not include applicants from Cuba and Haiti because of the unique characteristics of their claims.

We selected 1984 as our base year because we wanted some assurance that decisions would have been rendered for the majority of the cases selected in our sample. The advisory opinions rendered in calendar year 1984 included INS and EOIR asylum applications filed mainly from 1980 to 1984. INS, EOIR, and State officials informed us that 1984 was a unique year because the three agencies processed a large number of cases in order to eliminate the backlog of applications that had accumulated since 1980.

We used advisory opinions rendered by State as the universe for this study because INS and EOIR records could not provide us with the means to identify individuals who had filed asylum applications. Because State records identified individuals by name and an identifying number, we requested the appropriate applicant's files from INS. We also requested EOIR docket cards for aliens awaiting deportation or exclusion proceedings to determine the current status of each application.

Although State had an inconsistent record-keeping system for advisory opinions (the Latin American and Caribbean countries system differed from that for all other countries), we were able to estimate a universe size of 41,398 for 1984. This universe consisted of 26,923 individuals from Latin American and Caribbean countries (estimate obtained from State records) and 14,475 applications from the remaining countries (estimate obtained directly by GAO by measuring the number of index cards in file boxes. An application, though often representing only one person, could include an applicant plus family members. State's record-keeping system did not enable us to reconcile these different bases for estimating universe size. While we relied on these figures for statistical sampling purposes, they did not pose a problem to our methodology because we determined from the sample both the number of applications and the number of individuals they represented, and we made projections from this to the entire universe of asylum claims. Furthermore, in the process of selecting our sample, we determined by an actual count that the universe size was 32,462 asylum applications.

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[3] Some denied asylum applicants were granted "extended voluntary departure" at the discretion of the Attorney General and were not required to leave the United States. However, INS does not collect statistics on the number of aliens in this status.

In our report, we refer interchangeably to numbers of applicants or applications. The reader should bear in mind that the total number of individuals who sought asylum exceeded the numbers reported here.

We selected our sample of 2,027 by using systematic sampling with a random start. We then requested INS district offices nationwide to provide us with the asylum application files that were in our sample. At the time of our review, 577 files were not available because the applications were either not located, incomplete, or pending an INS action. However, at the outset of our work, INS headquarters officials informed us that they might not be able to locate a number of the case files in our sample. In anticipation of this, we increased our sample size by 25 percent.

That we were unable to obtain 29 percent of the files requested raises some degree of uncertainty about the representativeness of our sample. However, when we analyzed the missing data by reason for unavailability, we found few significant differences between the proportions of approved and denied applications. Additionally, INS headquarters officials told us that file unavailability was a generalized problem and should not bias our results. Therefore, while we cannot state unequivocally that the 1,450 files we reviewed are completely representative of the universe of 32,426 asylum applications, we could discern no reason to suspect that the unavailable files significantly impacted the representativeness of our sample.

In reviewing the 1,450 files provided to us, we used a data collection instrument to collect demographic, immigration and persecution information. In extracting data from each application, we exercised judgment in some cases to categorize the basis of each asylum request according to the five categories set forth in the Refugee Act (persecution feared on account of race, religion, nationality, political opinion, or membership in a social group), and another category of internal civil or military strife.

The information was collected and compiled into a computerized data base and weighted. We then analyzed the information and projected to the universe of 32,426 asylum applications. The following table presents the number of applications by country, in the universe and in our study.

APPENDIX II

TABLE II.1.—GAO STUDY SAMPLE AND FINAL UNIVERSE SIZES

Country	GAO study sample: Number of applications with favorable advisory opinions	GAO study sample: Number of applications with unfavorable advisory opinions	Number of applications in universe
El Salvador	126	256	11,004
Nicaragua	125	256	6,355
Iran	164	147	6,552
Poland	154	145	1,256
Other	15	62	7,259
Worldwide	584	866	32,426

We also computed the sampling errors associated with estimates of the variables in our study. Our projections, with resulting upper and lower limits, calculated at the 95-percent confidence level, follow in tables II.2 to II.9.

TABLE II.2.—ASYLUM APPLICATIONS WITH A CY 1984 DEPARTMENT OF STATE ADVISORY OPINION AND THEIR PROJECTED DISPOSITION (WITH ASSOCIATED SAMPLING ERRORS AT THE 95 PERCENT CONFIDENCE LEVEL)

Country	Asylum applications with advisory opinion		DOJ approved applications		DOJ denied applications		Approval rate [2] (percent)	Other applications [1]	
	Number	Percent	Number	Percent	Number	Percent		Number	Percent
El Salvador	11,004	34	172	3	8,365	40	2	2,467	53
Lower limit	(3)	(3)	90	1	7,810	37	1	1,915	38
Upper limit	(3)	(3)	255	4	8,920	43	3	3,019	69
Nicaragua	6,355	20	399	6	5,665	27	7	292	6
Lower limit	(3)	(3)	333	5	5,502	25	5	141	3
Upper limit	(3)	(3)	465	7	5,829	28	8	443	10
Poland	1,256	4	597	9	631	3	49	28	1
Lower limit	(3)	(3)	556	8	591	3	45	10	[4] 0
Upper limit	(3)	(3)	637	10	671	3	52	46	1
Iran	6,552	20	4,058	60	2,125	10	66	369	8
Lower limit	(3)	(3)	3,809	54	1,869	9	61	220	4
Upper limit	(3)	(3)	4,306	66	2,381	11	70	518	12
Subtotal	25,167	78	5,226	77	16,786	80	24	3,156	68
Lower limit	(3)	(3)	4,952	70	16,153	75	22	2,565	50
Upper limit	(3)	(3)	5,499	85	17,421	85	25	3,748	86
All other:									
Countries	7,259	22	1,523	23	4,246	20	26	1,490	32
Lower limit	(3)	(3)	1,080	16	3,513	17	18	832	17
Upper limit	(3)	(3)	1,965	29	4,979	24	34	2,149	48
Worldwide:									
Total	32,426	100	6,749	100	21,032	100	24	4,646	100
Lower limit	(3)	(3)	6,228	89	20,063	93	22	3,751	73
Upper limit	(3)	(3)	7,268	100	22,002	100	26	5,532	100

[1] Represents applications for which no decision has been made as of February 1, 1986 for applications filed with INS and April 30, 1986 for applications filed with EDIR. Also includes application for which disposition could not be determined.

[2] Approval rate is calculated from the total of DOJ approved and denied applications.

[3] No sampling error was calculated because the above number was an actual count derived by fully enumerating the universe.

[4] 0.5 and under rounded to 0.

TABLE II.3.—APPLICANTS' IMMIGRATION STATUS AT ENTRY INTO THE UNITED STATES

[PROJECTED, WITH ASSOCIATED SAMPLING ERRORS, AT THE 95 PERCENT CONFIDENCE LEVEL [1]]

Applicant's immigration status	El Salvador				Nicaragua				Poland				Iran				Worldwide			
	Number	Percent	Number decided	Approval rate (percent)	Number	Percent	Number decided	Approval rate (percent)	Number	Percent	Number decided	Approval rate (percent)	Number	Percent	Number decided	Approval rate (percent)	Number	Percent	Number decided	Approval rate (percent)
visa	1,075	10	1,033	13	3,863	61	3,767	9	1,076	86	1,065	44	2,917	44	2,752	64	12,843	39	12,130	30
›wer limit	698	6	683	4	3,512	55	3,414	7	1,034	82	1,021	39	2,554	39	2,391	49	11,812	36	11,105	25
pper limit	1,452	13	1,402	23	4,215	66	4,121	11	1,118	89	1,107	49	3,279	50	3,112	78	13,874	43	13,156	35
visa	131	1	130	2	196	3	196	5	31	3	(10)	(10)	2,826	43	2,687	67	3,801	12	3,558	58
›wer limit	3	[6] 0	3	[6] 0	71	1	71	[6] 0	13	1	10	6	2,465	38	2,327	52	3,199	10	2,987	43
pper limit	272	2	272	5	320	5	320	11	49	4	44	100	3,188	49	3,046	82	4,402	14	4,129	72
without:																				
spection [3]	9,328	85	7,033	[6] 0	2,142	34	1,949	1	39	3	(10)	(10)	232	4	(10)	(10)	13,330	41	10,325	2
Lower limit	8,865	81	6,402	[6] 0	1,799	28	1,614	[6] 0	17	1	14	[6] 0	103	2	90	[6] 0	12,436	38	9,391	1
Upper limit	9,792	89	7,663	[6] 0	2,484	39	2,284	1	62	5	56	76	361	6	341	100	14,227	44	11,258	3
es [4]	127	1	127	0	26	[6] 0	26	12	0	0	0	(7)	51	1	(10)	(10)	204	1	204	14
›wer limit	3	[6] 0	7	(8)	7	(6)	7	(6)	(8)	(8)	(8)	(7)	2	[6] 0	2	[6] 0	41	[6] 0	41	[6] 0
pper limit	269	2	270	(8)	71	1	71	41	(8)	(8)	(8)	(7)	119	2	119	100	368	1	368	40
	257	2	128	1	82	1	(10)	(10)	106	8	(10)	(10)	494	8	(10)	(10)	2,079	6	(10)	(10)
›wer limit	58	1	3	[6] 0	17	[6] 0	14	1	73	6	66	48	297	5	269	30	1,414	4	885	25
pper limit	456	4	269	2	147	2	144	58	138	11	130	100	692	11	654	100	2,744	8	1,836	94
data	86	1	86	1	47	1	47	0	4	[6] 0	4	100	32	[6] 0	16	0	169	1	152	3
›wer limit	1	[6] 0	1	[6] 0	2	[6] 0	2	(8)	1	[6] 0	1	(8)	2	[6] 0	1	(8)	30	[6] 0	17	[6] 0
pper limit	202	2	202	3	109	2	109	(8)	10	1	10	(8)	76	1	47	(8)	308	1	288	8
	11,004	100	8,537	2	6,356	100	6,064	7	1,256	100	1,228	49	6,552	100	6,182	66	32,426	100	27,779	24
›wer limit	(9)	(9)	7,996	1	(9)	(9)	5,912	5	(9)	(9)	1,210	45	(9)	(9)	6,034	61	(9)	(9)	26,895	22
pper limit	(9)	(9)	9,089	3	(9)	(9)	6,215	8	(9)	(9)	1,246	52	(9)	(9)	6,332	70	(9)	(9)	28,666	26

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ised on a sample of applications with a CY 1984 advisory opinion.

:presents individual filing the application. Does not represent any family members who may be included on the application.

:presents applicants who entered the country illegally by avoiding inspection by a U.S. immigration official at a U.S. port of entry or land border.

:presents applicants who were apprehended at a U.S. land border or port of entry and are awaiting exclusion hearings. Excludees may include stowaways, aliens attempting to enter with false documents or criminals.

:presents applicants who entered the United States on other nonimmigrant visas (such as temporary workers or exchange visitors), crewmen, parolees and others whose immigration status could not be determined.

5 and under rounded to 0.

iere were no cases in this category for calculating a rate.

;ing the appropriate sampling formula, no upper or lower limits can be calculated when there are 0 percent or 100 percent occurrences in this category.

) sampling error was calculated because the above number was an actual count derived by fully enumerating the universe.

:stimate not reported in cases where the difference between the upper and lower confidence limits is equal to or greater than 49 percent.

TABLE II.4.—ASYLUM APPLICATIONS FILED AT INS AND EOIR

[Projected, with associated sampling errors, at the 95 percent confidence level [1]]

DOJ agency	El Salvador				Nicaragua				Poland				Iran				Worldwide			
	Number	Percent	Number decided	Approval rate percent [2]	Number	Percent	Number decided	Approval rate percent [2]	Number	Percent	Number decided	Approval rate percent [2]	Number	Percent	Number decided	Approval rate percent [2]	Number	Percent	Number decided	Approval rate percent [2]
;trict Office	7,189	65	7,042	2	5,911	93	5,735	7	1,192	95	1,177	50	5,882	90	5,701	69	24,855	77	23,858	27
ower limit	6,540	59	6,408	1	5,723	90	5,519	6	1,164	93	1,146	47	5,673	87	5,472	64	23,824	73	22,806	25
lpper limit	7,799	71	7,676	4	6,098	96	5,951	7	1,221	97	1,208	54	6,092	93	5,931	74	25,888	80	24,916	29
	2,981	27	853	[4] 0	163	3	70	[4] 0	26	2	(7)	(7)	389	6	(7)	(7)	5,149	16	1,833	6
ower limit	2,393	22	500	[4] 0	46	1	3	(5)	8	1	[4] 0	[4] 0	224	3	72	[4] 0	4,233	13	1,212	[4] 0
lpper limit	3,568	32	1,207	1	279	4	147	(5)	45	4	26	84	555	8	330	100	6,065	19	2,453	12
;trict Office and EOIR [3]	854	8	642	1	282	4	259	9	38	3	38	0	281	4	280	9	2,422	7	2,088	11
ower limit	501	5	333	[4] 0	131	2	114	[4] 0	15	1	15	[4] 0	142	2	142	[4] 0	1,728	5	1,437	[4] 0
lpper limit	1,208	11	952	1	433	7	404	27	60	5	60	[4] 0	419	6	419	27	3,116	10	2,737	23
	11,004	100	8,537	2	6,356	100	6,064	7	1,256	100	1,228	49	6,552	100	6,183	66	32,426	100	27,779	24
ower limit	(6)	(6)	7,986	1	(6)	(6)	5,912	5	(6)	(6)	1,210	45	(6)	(6)	6,034	61	(6)	(6)	26,895	22
lpper limit	(6)	(6)	9,089	3	(6)	(6)	6,215	8	(6)	(6)	1,246	52	(6)	(6)	6,332	70	(6)	(6)	28,666	26

ısed on a sample of applications with a CY 1984 advisory opinion.

)J had not reached a decision on all applications. Approval rates were calculated from applications with a decision.

›plications initially filed with INS district office and denied. Applicant subsequently renewed application with EOIR during deportation hearings.

5 and under rounded to zero.

;ing the appropriate sampling formula, no upper or lower limits can be calculated when there are 0 percent or 100 percent occurrences in this category.

) sampling error was calculated because the above number was an actual count derived by fully enumerating the universe.

timate not reported in cases where the difference between the upper and lower confidence limits is equal to or greater than 49 percent.

TABLE II.5.—BASIS FOR ASYLUM APPLICATIONS

[Projected, with associated sampling errors, at the 85-percent-confidence level [1]]

Basis for asylum applications [2]	El Salvador				Nicaragua				Poland				Iran				Worldwide			
	Number	Percent	Number decided	Approval rate (percent) [3]	Number	Percent	Number decided	Approval rate (percent) [3]	Number	Percent	Number decided	Approval rate (percent) [3]	Number	Percent	Number decided	Approval rate (percent) [3]	Number	Percent	Number decided	Approval rate (percent) [3]
opinion	3,782	34	3,059	3	5,567	88	5,302	7	1,119	89	1,095	51	2,115	32	1,837	37	18,358	50	14,382	18
wer limit	3,158	29	2,471	2	5,329	84	5,033	5	1,079	86	1,052	47	1,832	28	1,844	24	15,261	47	13,291	14
per limit	4,406	40	3,646	3	5,804	91	5,569	8	1,159	82	1,137	55	2,418	37	2,230	50	17,458	54	15,433	21
	85	1	0	(7)	73	1	73	4	38	3	36	11	3,849	59	3,717	87	4,759	15	4,443	82
wer limit	2	[6] 0	(8)	(7)	4	[6] 0	4	[6] 0	14	1	14	[6] 0	3,550	54	3,418	76	4,179	13	3,904	68
per limit	201	2	(8)	(7)	150	2	150	13	57	5	57	29	4,148	63	4,016	87	5,340	18	4,982	96
	0	0	0	(7)	0	0	0	(7)	0	0	0	(7)	0	0	0	(7)	73	[6] 0	(10)	(10)
wer limit	(8)	(8)	(8)	(7)	(8)	(8)	(8)	(7)	(8)	(8)	(8)	(7)	(8)	(8)	(8)	(7)	1	[6] 0	1	[6] 0
per limit	(8)	(8)	(8)	(7)	(8)	(8)	(8)	(7)	(8)	(8)	(8)	(7)	(8)	(8)	(8)	(7)	216	1	216	100
ity	0	0	0	(7)	0	0	0	(7)	0	0	0	(7)	16	[6] 0	16	0	314	1	314	0
wer limit	(8)	(8)	(8)	(7)	(8)	(8)	(8)	(7)	(8)	(8)	(8)	(7)	(1)	[6] 0	16	[6] 0	314	1	314	[6] 0
per limit	(8)	(8)	(8)	(7)	(8)	(8)	(8)	(7)	(8)	(8)	(8)	(7)	47	1	47	(8)	646	2	846	(8)
ship in social group	52	[6] 0	(10)	(10)	6	[6] 0	(10)	(10)	0	0	0	(7)	58	1	(10)	(10)	117	[6] 0	(10)	(10)
wer limit	10	[6] 0	10	[6] 0	2	[6] 0	(2)	[6] 0	(8)	(8)	(8)	(7)	3	[6] 0	3	[6] 0	12	[6] 0	12	[6] 0
per limit	135	1	135	49	14	[6] 0	14	100	(8)	(8)	(8)	(7)	123	2	123	100	222	1	222	89
reasons [4]	54	1	(10)	(10)	136	2	135	14	79	6	(10)	(10)	125	2	(10)	(10)	1,334	4	1,134	25
wer limit	11	[6] 0	10	[6] 0	36	1	36	[6] 0	48	4	48	14	26	[6] 0	26	[6] 0	759	2	613	3
per limit	136	1	135	49	235	4	235	28	110	9	110	78	224	3	224	100	1,910	6	1,656	48
itary strife [5]	6,626	60	5,011	0	279	4	256	0	9	1	9	0	33	1	16	0	7,643	24	5,789	0
wer limit	5,983	54	4,354	(8)	128	2	111	(8)	2	[6] 0	2	(8)	2	[6] 0	1	(8)	6,821	21	4,996	(8)
per limit	7,269	66	5,668	(8)	430	7	401	(8)	21	2	21	(8)	76	1	47	(8)	8,464	26	5,582	(8)
	233	2	(10)	(10)	272	4	269	5	5	[6] 0	5	0	346	5	313	8	1,326	4	1,191	15
wer limit	51	[6] 0	51	[6] 0	127	2	123	[6] 0	1	[6] 0	1	(8)	196	3	169	[6] 0	837	3	739	[6] 0
per limit	416	4	416	68	417	7	414	9	13	1	13	(8)	495	8	457	24	1,816	7	1,643	30
data	172	2	129	2	23	1	23	0	8	1	5	0	0	0	0	(7)	502	2	356	1
wer limit	9	[6] 0	5	[6] 0	1	[6] 0	1	(8)	2	[6] 0	1	(8)	(8)	(8)	(8)	(7)	131	[6] 0	46	[6] 0
per limit	335	3	271	4	68	1	68	(8)	19	1	13	(8)	(8)	(8)	(8)	(7)	873	3	684	1
	11,004	100	8,537	2	6,356	100	6,064	7	1,256	100	1,229	49	6,552	100	6,182	66	32,426	100	27,779	24
wer limit	(9)	(9)	7,986	1	(9)	(9)	5,912	5	(9)	(9)	1,210	45	(9)	(9)	6,034	61	(9)	(9)	26,895	22
per limit	(9)	(9)	9,089	3	(9)	(9)	6,215	8	(9)	(9)	1,246	52	(9)	(9)	6,332	70	(9)	(9)	28,666	26

ed on a sample of applications with a CY 1984 advisory opinion.

reviewed each alien file and determined the basis of each application using categories established by the Refugee Act of 1980, and another category of "civil or military strife" which is not recognized as a basis for asylum under the Act.

had not reached a decision on all applications. Approval rates were calculated from applications with a decision.

lications which cited more than one basis for asylum, using the above five categories established by the Refugee Act of 1980.

resents applications which cited general country conditions of war and violence. In certain cases, the applicant mentioned neutrality, but often failed to mention how the applicant or immediate family member would be singled out for persecution.

and under rounded to zero.

re were no cases in this category for calculating a rate.

ng the appropriate sampling formula, no upper or lower limits can be calculated when there are 0 percent or 100 percent occurrence in this category.

sampling error was calculated because the above number was an actual count derived by fully enumerating the universe.

timate not reported in cases where the difference between the upper and lower confidence limits is equal to or greater than 49 percent.

TABLE II.6—COMPARISON OF INS PRELIMINARY DECISIONS, DEPARTMENT OF STATE ADVISORY OPINIONS, AND INS FINAL DECISIONS [1]

[Projected, with associated sampling errors, at the 95-percent confidence level [2]]

Country	INS preliminary decisions				State advisory opinions [3]				INS final decisions			
	Recommended approval	Approval rate (percent)	Recommended denial	Denial rate (percent)	Favorable opinion	Approval rate (percent)	Unfavorable opinion [4]	Denial rate (percent)	Approved	Approval rate (percent)	Denied	Denial rate (percent)
El Salvador	794	14	4,782	86	59	1	5,517	99	58	1	5,518	99
Lower limit	457	8	4,128	70	55	1	4,858	82	54	1	4,860	82
Upper limit	1,131	21	5,436	100	63	1	6,176	100	62	1	6,177	100
Nicaragua	451	11	3,496	89	175	4	3,772	96	158	4	3,789	96
Lower limit	287	7	3,144	77	122	3	3,428	83	129	3	3,446	83
Upper limit	616	16	3,849	100	228	6	4,118	100	187	5	4,133	100
Poland	154	25	470	75	291	47	333	53	261	42	363	58
Lower limit	115	18	411	63	247	38	384	44	217	34	311	48
Upper limit	192	31	530	88	335	55	382	63	305	50	415	68
Iran	2,832	72	1,084	28	2,566	66	1,341	34	2,596	66	1,311	34
Lower limit	2,481	61	851	21	2,252	56	1,119	28	2,274	56	1,080	27
Upper limit	3,165	83	1,318	34	2,880	76	1,563	41	2,919	77	1,542	40
Worldwide	4,641	28	11,866	72	3,557	22	12,950	78	3,638	22	12,869	78
Lower limit	4,019	24	10,795	64	3,094	18	11,893	70	3,135	19	11,815	70
Upper limit	5,261	32	12,940	80	4,019	25	14,010	87	4,142	25	13,923	86

[1] Excludes applications which GAO could not assign the advisory opinion to a favorable or unfavorable category and applications without an INS final decision.

[2] Based on a sample of applications with a CY 1984 advisory opinion.

[3] In applications where more than one 184 advisory opinion was rendered, the latest 1984 opinion was used.

[4] Represents opinions in which the Department of State did not find that the applicant met the definition of a refugee, or stated that the applicant could be ineligible for other reasons, such as found a safe haven in a third country or had an outstanding offer of resettlement from another country.

TABLE II.7.—COMPARISON OF DEPARTMENT OF STATE ADVISORY OPINIONS AND DOJ FINAL DECISIONS WHEN NO INS PRELIMINARY DECISION WAS RENDERED [1]

[Projected, with associated sampling errors, at the 95 percent confidence level [2]]

Country	State advisory opinions [3]					DOJ final decisions		
	Favorable opinions	Approval rate (percent)	Unfavorable opinions [4]	Denial rate (percent)	Approved applications	Approval rate (percent)	Denied applications	Denial rate (percent)
El Salvador	111	4	2,720	96	69	2	2,762	98
Lower limit	29	1	2,149	68	65	2	2,188	69
Upper limit	194	7	3,290	100	73	3	3,335	100
Nicaragua	207	10	1,820	90	234	12	1,793	88
Lower limit	154	7	1,491	68	164	8	1,466	67
Upper limit	261	13	2,149	100	303	15	2,121	100
Poland	340	59	240	41	332	57	247	43
Lower limit	293	48	192	32	285	47	199	33
Upper limit	387	69	286	51	379	68	295	52
Iran	892	53	796	47	974	58	715	42
Lower limit	636	35	589	32	709	39	513	28
Upper limit	1,150	71	1,004	62	1,239	77	917	57
Worldwide	2,335	23	7,908	77	2,467	24	7,776	76
Lower limit	1,853	18	6,879	64	1,988	19	6,756	63
Upper limit	2,819	28	8,936	90	2,946	29	8,796	89

[1] Excludes applications which GAO could not assign the advisory opinion to a favorable or unfavorable category and applications without an INS final decision.

[2] Based on a sample of applications with a CY 1984 advisory opinion.

[3] In applications where more than one 1984 advisory opinion was rendered, the latest 1984 opinion was used.

[4] Represents opinions in which the Department of State did not find that the applicant met the definition of a refugee, or stated that the applicant could be ineligible for other reasons, such as found a safe haven in a third country, or has an outstanding offer of resettlement from another country.

TABLE II.8.—STATUS OF ASYLUM APPLICANTS [5]

[Projected, with associated sampling errors, at the 95 percent confidence level [2]]

Denied applicants' status	El Salvador		Nicaragua		Poland		Iran		Worldwide	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Denials:										
No INS deportation action	7,047	84	5,126	91	507	80	1,533	72	17,068	81
Lower limit	6,417	75	4,875	85	458	71	1,289	58	16,007	75
Upper limit	7,675	94	5,379	96	556	90	1,778	87	18,131	87
Hearing pending with EOIR [3]	807	10	189	3	23	4	255	12	1,971	9
Lower limit	462	5	65	[1] 0	5	1	126	6	1,347	6
Upper limit	1,153	14	314	6	41	7	385	18	2,594	12
Formally deported by INS	212	2	0	0	0	0	0	0	312	2
Lower limit	30	[1] 0	(6)	(6)	(6)	(6)	(6)	(6)	45	[1] 0
Upper limit	395	5	(6)	(6)	(6)	(6)	(6)	(6)	578	3
Deportation ordered but no evidence of departure	85	1	47	1	5	1	0	0	434	2
Lower limit	2	[1] 0	2	[1] 0	1	[1] 0	(6)	(6)	79	[1] 0
Upper limit	201	2	109	2	13	2	(6)	(6)	790	4
Evidence of departure on own	0	0	0	0	5	1	0	0	5	0
Lower limit	(6)	(6)	(6)	(6)	1	1	(6)	(6)	1	(6)
Upper limit	(6)	(6)	(6)	(6)	13	2	(6)	(6)	13	(6)
Subsequently remained under other immigration provisions [4]	87	1	233	4	77	12	221	10	915	4
Lower limit	4	[1] 0	94	2	46	7	107	5	521	2
Upper limit	203	2	371	7	108	17	335	16	1,310	6
Missing data	127	2	70	1	14	2	116	6	327	2
Lower limit	3	[1] 0	3	[1] 0	3	[1] 0	24	1	141	1
Upper limit	269	3	147	3	28	4	208	10	513	2
Total denied applicants	8,365	100	5,665	100	631	100	2,125	100	21,032	100
Lower limit	7,810	93	5,502	97	591	94	1,869	88	20,063	95
Upper limit	8,920	100	5,829	100	671	100	2,381	100	22,002	100
Total asylum applicants' status:										
Denied applicants	8,365	76	5,665	89	631	50	2,125	32	21,032	65
Lower limit	7,810	71	5,502	87	591	47	1,869	29	20,063	62
Upper limit	8,920	81	5,829	92	671	53	2,381	36	22,002	68
Approved applicants	172	2	399	6	597	48	4,058	62	6,748	21
Lower limit	90	1	333	5	556	44	3,809	58	6,228	19
Upper limit	255	2	465	7	637	51	4,306	66	7,268	22
Remained under other immigration provisions [4]	42	[1] 0	26	[1] 0	4	[1] 0	139	2	808	2

TABLE II.8.—STATUS OF ASYLUM APPLICANTS [5]—Continued

[Projected, with associated sampling errors, at the 95 percent confidence level [2]]

Denied applicants' status	El Salvador		Nicaragua		Poland		Iran		Worldwide	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Lower limit	1	[1] 0	2	[1] 0	1	[1] 0	46	1	334	1
Upper limit	125	1	71	1	10	1	233	4	1,282	4
No decision made	2,128	19	166	3	17	1	181	3	3,286	10
Lower limit	1,605	15	49	1	4	[1] 0	71	1	2,535	8
Upper limit	2,650	24	283	4	31	2	291	4	4,038	12
Missing data	297	3	99	2	7	1	49	1	552	2
Lower limit	82	1	11	[1] 0	2	[1] 0	3	[1] 0	245	1
Upper limit	512	5	188	3	16	1	102	2	860	3
Total	11,004	100	6,355	100	1,256	100	6,552	100	32,426	100
Lower limit	(7)	(7)	(7)	(7)	(7)	(7)	(7)	(7)	(7)	(7)
Upper limit	(7)	(7)	(7)	(7)	(7)	(7)	(7)	(7)	(7)	(7)

[1] .5 And under rounded to 0.

[2] Based on a sample of applications with a CY 1984 advisory opinion.

[3] Includes some applicants who were detained while awaiting their hearing.

[4] Includes applicants who qualified or petitioned to remain in the United States through non-asylum provisions, such as marriage to a U.S. citizen.

[5] Represents status of individual filing application. Does not represent any family members who may be included on the application. Status is of February 1, 1986 for applicants who filed with INS, and April 30, 1986 for applicants who filed with EOIR.

[6] Using the appropriate sampling formula, no upper or lower limits can be calculated when there are 0 percent or 100 percent occurences in this category.

[7] No sampling error was calculated because the above number was an actual count derived by fully enumerating the universe.

TABLE II.9.—SELECTED ESTIMATES AND ASSOCIATED SAMPLING ERRORS FOR NUMBERS CITED IN THE REPORT BUT NOT APPEARING IN TABLES II.2 THROUGH II.8

[Calculated at the 95 percent confidence level]

Description	Estimate	Lower limit	Upper limit
Percent of denied applicants who remained in U.S. either awaiting hearings or under other immigration provisions	13	10	17
Percent of files which did not contain any explanation of the basis for the INS decision	73	70	76
Percent of INS files which contained reasons and insights regarding the basis of the decision	27	24	30
Percent of State's advisory opinions which contained an explanation for the opinion	16	13	18
Number and percent of the applications which claimed a fear of persecution on the basis of race, nationality, or membership in a social group	504 1.6	129 0.4	880 3
Number of individuals represented in 32,426 applications	64,026	60,592	67,460
Number and percent of applications from aliens who applied after being apprehended and placed in exclusion or deportation proceedings	7,571 23	6,539 20	8,603 27
Number and percent of applications appealed to the Board of Immigration appeals	313 1	13 0	612 2
Percent of the applications denied by INS because the aliens did not prove their eligibility for asylum to the satisfaction of INS officials	91	85	98
Number of applications worldwide on which DOJ had not made decision or documented status	4,646	3,761	5,532
Number and percent of undecided or undocumented applications from the four study countries	3,157 68	2,565 50	3,748 86
Percent of undecided applications from El Salvador	53	38	69
Number and percent of applications worldwide from aliens who entered either on visitor or student visas	16,644 51	15,668 48	17,619 54
Approval rate for applicants who entered on visitor or student visas	36	32	40
Percent of applicants who entered without inspection or attempted to enter illegally	42	39	44
Approval rate for applicants who entered without inspection or attempted to enter illegally	2	1	3
Percent of asylum applications from Iran, Poland, and Nicaragua which were filed only with a district director	92	90	94
Percent of worldwide applications who were from Iran and claimed a fear of persecution because of religion	81	69	93

TABLE II.9.—SELECTED ESTIMATES AND ASSOCIATED SAMPLING ERRORS FOR NUMBERS CITED IN THE REPORT BUT NOT APPEARING IN TABLES II.2 THROUGH II.8—Continued

[Calculated at the 95 percent confidence level]

Description	Estimate	Lower limit	Upper limit
Percent of the applications based on persecution for religious beliefs which contained supporting documents	86	70	100
Percent of the Nicaraguan and Polish applications which were based on political opinion	88	85	91
Percent of internal strife applications which were from El Salvador	87	74	99
Number of applicants who stated they were arrested, imprisoned, had their life threatened or were tortured:			
El Salvador	3,158	2,565	3,750
Nicaragua	2,898	2,541	3,255
Poland	604	542	666
Iran	907	657	1,157
Worldwide	9,941	8,886	10,996
Approval rates for applicants who stated they were arrested, imprisoned, had their life threatened or were tortured:			
El Salvador (percent)	3	2	4
Nicaragua (percent)	7	5	10
Poland (percent)	55	46	65
Iran (percent)	64	35	93
Worldwide (percent)	19	14	24
Number of applications that contained both a State opinion and a DOJ final decision:			
El Salvador	8,535	7,984	9,087
Nicaragua	6,022	5,869	6,174
Poland	1,203	1,178	1,228
Iran	5,596	5,343	5,850
Worldwide	27,025	26,106	27,944
Percent DOJ final decision agreed with State advisory opinion:			
El Salvador (percent)	99	90	100
Nicaragua (percent)	99	95	100
Poland (percent)	96	93	100
Iran (percent)	87	80	94
Worldwide (percent)	96	91	100
Number of applications in which INS preliminary decision differed from State advisory opinion:			
El Salvador	839	493	1,184
Nicaragua	364	201	528
Poland	175	135	215
Iran	677	470	884
Worldwide	2,496	1,915	3,077
Percentage INS changed its final decision when State opinion differed from INS preliminary decision:			
El Salvador (percent)	99	82	100
Nicaragua (percent)	98	75	100
Poland (percent)	83	65	90
Iran (percent)	79	55	93
Worldwide (percent)	92	63	97

AFGHANISTAN: LETTERS FROM OREGON

● **Mr. HUMPHREY.** Mr. President, last month the brutal Soviet occupation of Afghanistan entered its eighth year. The condition of human rights in Afghanistan was recently described in a U.N. report as: "A Situation Approaching Genocide." Despite the enormity of the crimes committed against the Afghan population, much of this war has gone virtually unnoticed in the United States.

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of Oregon.

The letters follow:

KEIZER, OR.

DEAR HONORABLE SIR: It seems positive steps need to be implemented to stop the carnage being perpetuated against the people of Afghanistan by the Soviet Union.

The need felt by the Soviet Union to buffer its borders can in no way justify its imperialistic actions in the case of an underdeveloped nation such as Afghanistan. The aggression is barbaric, unreasonable, and malicious. No good can come from it except a resolve from the rest of the world not to let the unimaginable brutality continue.

When has the United States sent troops to walk on foreign soil for the purpose of subjugation? If our borders increase, it is a matter of improvement of man's condition, not terror and torture. Every device should be brought to bear against this action if we are to expect support when and if our turn comes. Such a prospect is not impossible if the Russians are not deterred before they knock at our borders.

The Russian ambition is not the madness of one man as was the case in Germany with Hitler, or France with Napoleon, but the ideology of a whole social order. We don't sit still when tourists are threatened by terrorists, but we close our eyes while a whole nation is slowly tortured to death. 35% of the population of Afghanistan is "either in exile or dead." (Reader's Digest, March, 1986, reprinted from and condensed from the National Review, October 4, 1985.) That's one in three people gone from society. 35% of Afghanistan is 5,000,000 people. That is 50 cities the size of Salem, Oregon—gone in seven years.

The Russian atrocities in Afghanistan are nothing more than murder fostered by the bloodthirsty and exacerbated society in which they live. Let's do what we can to limit the Russian ability to subjugate foreign nations and foster a positive, benevolent attitude in their society.

Sincerely,

James L. DeZort.

Dec. 13, 1986.

Dear Mr. Humphrey: I've never written a letter to any public figure before. I believe this deserves my action.

Why are we not aggressively confronting the Soviet murder in Afghanistan? We disapproved of Hitler's atrocities in the 40's, yet today we ignore the slaughter of helpless human beings by the Soviets in their ruthless quest to conquer yet more territory. What has happened? Has Communism truly got such a subtle stronghold in our political leadership that we are dooped (duped) by Moscow's denial of atrocities in Afghanistan? Are we interested in justice? Does anyone in Washington realize that the Soviets and their cold, atheistic philosophy does not plan on retreating from Afghanistan and is not going to stop unless it is stopped? Does anyone in Washington understand Communism's goal? World conquest. Therefore, why are we playing games with Russia? Why are we not helping Afghanistan? Perhaps our country no longer desires to see a devouring, hungry killer like the Soviets in Afghanistan stopped. Why, then don't we begin practicing Communism here? . . . Well, perhaps we already have.

In closing, I'd like to thank you for listening to me, and summarize my desire: The people who desire justice in this country should be made aware of the plain butchering going on by the Soviet troops in Afghanistan; and we as Americans should be doing something about it. Why wait until Russia is at our shores? By then it will be too late.

Thank you, have a good day.

Mr. & Mrs. Van Vradenburg.

P.S.—I'm just a person who would like to see the U.S. do something except sit back and watch!●

INNA MEIMAN ARRIVES IN UNITED STATES

● Mr. SIMON. Mr. President, last night I had the wonderful opportunity of welcoming my friend, Inna Meiman, to this country.

She must now undergo unpleasant and difficult treatment for cancer. I wish her the best of health and hope that my colleagues will join me in working for the release of Inna's husband, Naum.

I ask that the following article from today's Washington Post be inserted into the Record.

The article follows:

[From the Washington Post, Jan. 20, 1987]

Soviet Dissident Arrives for Cancer Treatment

Soviet dissident Inna Meiman arrived from Moscow yesterday to begin cancer treatment and said "I've been tortured for three years" by the refusal of Soviet authorities to let her go sooner.

She left behind her ill husband, Naum, 75, a mathematician and human rights activist denied permission to leave the Soviet Union.

"It was such anguish for me to leave alone that I can't talk about it," she said after arriving at Dulles International Airport. "What is all the cruelty for?" she said of Soviet officials. "It is not understandable."

Meiman, 54, planned to enter Georgetown University Hospital for evaluation and treatment of cancer, said Jerry Strober, spokesman for the National Conference on Soviet Jewry.

At an airport news conference, Meiman said her prognosis is now "very grim," in part because of the delay in obtaining treatment in the West.●

REQUIRING ALL TELEPHONES WHICH COME INTO THE UNITED STATES TO BE COMPATIBLE WITH THE USE OF HEARING AIDS

● Mr. D'AMATO. Mr. President, I rise today in support of legislation, S. 314, to improve telephone communications for the hearing disabled. I am pleased that Senator Pressler has continued to lead us in this effort.

Without consistent and convenient telephone communications' services, otherwise normal day-to-day activities are made unnecessarily difficult for a handicapped individual. Moreover, imagine an individual who must use a hearing aid needing to make a phone call in an emergency situation when the only nearby phone is not hearing aid-compatible. A barrier like this can create panic and frustation. There is no need for this type of panic frustration, however, when a simple, logistical remedy is available.

During the 99th Congress, I cosponsored legislation, S. 402, requiring that all telephones be compatible with the use of hearing aids. This legislation also required that common carriers provide specialized equipment for telephone service for use by persons whose hearing, speech, vision, or mobility is impaired. This legislation was revised and attached to the fiscal year 1987 continuing resolution during the final days of the 99th Congress, but, unfortunately, it was not contained in the final continuing resolution which was signed into law. Therefore, I am pleased that Senator Pressler has reintroduced this measure in the 100th Congress, and I am hopeful that this matter will be taken more seriously by the new Congress.

S. 314 provides that new telephones coming into service in the United States be hearing aid-compatible. This legislation does not affect U.S. manufactured telephones; currently, all U.S. manufacturers produce hearing aid-compatible telephones. However, since the divestiture of the telephone industry, this country has been flooded by imported telephones which are not hearing aid-compatible. S. 314 would ensure that imported telephones meet the needs of those citizens who have hearing disabilities.

The strength of this legislation is its encouragement of individual capability and productivity—factors which are key in fostering the development of individuals and this Nation as a whole. The handicapped are individuals who are quite capable of contributing. However, certain obstacles can prevent them from fully realizing their productivity. I believe it is desirable that we encourage and foster this productivity, and that we help these individuals overcome existing barriers.

The convenience of communication, a convenience which is easily taken for granted, is critical to the lives of everyone—including the handicapped. The importance of this convenience cannot be underplayed: it assures handicapped individuals of easy access to communication. Easy access to communication allows easy mobility and conversation, and thus an individual has less anxiety to endure on a daily basis. Without a doubt, if we can free handicapped individuals from the daily difficulties of simple movement and communication, we greatly increase the likelihood of these individuals to be more active and productive.

I urge my colleagues to give this legislation their full support so that we can make access to communication available to everyone.●

A GOOD USE FOR ACQUIRED HOUSES IN NASHVILLE

● Mr. SASSER. Mr. President, I rise to honor a creative, innovative idea originated by the Honorable Richard H. Fulton, the mayor of Metropolitan Nashville and Davidson County, TN.

In Nashville it has been necessary to undertake an extensive expansion of the airport to accommodate the installation of an American Airlines hub operation as well as the increasing demands of the air-traveling public in that rapidly growing section of our State. The expansion will include the construction of a new runway and this, in turn, will render some 25 nearby homes useless as residences because of the increased volume of noise.

Obviously, the airport authority is going to have to acquire the impacted homes. What can it do with them? Mayor Fulton thought he had a solution which would kill more than one bird with a single stone.

The mayor proposes that the city provides in-kind payments for the homes, tearing down the old foundations, grading and resodding the area, and then move the homes to vacant lots owned by the city in other parts of the city where there is a need for housing for low- and moderate-income families. It is no secret that housing stocks in this category are at an all-time low, not only in Nashville but throughout the Nation.

Unfortunately, Federal Aviation Administration regulations have undercut this idea. FAA procedures do not allow for in-kind payments for this type of transaction. Instead, the FAA requires that fair market value be paid in this type of transaction. This raises several disturbing points. Demanding fair market value effectively puts the presently useless homes out of reach of the city's budget and out of reach of the low- and moderate-income families the mayor had hoped to help.

In addition, there is great uncertainty over what exactly the FAA means by "fair market value" in this type of situation. Must a base price be reached to meet this bureaucratic guideline?

This state of affairs makes me wonder—what developer or would-be homeowner is going to pay a fair market value for a home in an area so noisy it's unfit to live in? And, under these conditions, what does the FAA mean by "fair market value?"

The mayor suspects, and I tend to agree with him, that after the airport authority acquires these homes, it will just have to demolish them. This would be a tremendous waste, given the housing needs of Greater Nashville. Wouldn't it be better for the city to use these homes to add much-needed stock to its housing store?

In support of the mayor's creative solution, I have written to the FAA to see if we can work out an agreeable resolution which will protect the taxpayers and the housing interests of the city's poor at the same time. I hope this can happen. An editorial in the Nashville Banner also supports the mayor in this effort. I salute Nashville's Mayor Fulton for his first-rate idea, and ask to enter the editorial in the Record.

The editorial follows:

A Good Use for Acquired Houses

The Metro Development and Housing Agency has proposed a way to help alleviate the need for middle- and lower-income housing at the same time another problem is confronted—noise from the Metro Airport.

The Metro Airport Authority is beginning to purchase houses near the airport that are most affected by noise. MDHA proposed that it acquire 25 of the houses, then have an independent contractor relocate them on city property for resale to people who qualify.

The idea sounded good. It would, as Mayor Richard Fulton noted, be a waste to raze the houses when there is a great need for affordable housing. It would be necessary for MDHA to acquire the properties at a cost that would make relocation and resale feasible.

The Federal Aviation Administration, however, has reservations. Under the plan, Metro would put out bids for a contractor to handle the program. The contractor would sell the homes to families or individuals meeting MDHA requirements.

The Airport Authority is counting on the FAA to reimburse it for 75 percent of the cost of buying the noise-impacted houses. But FAA officials say that the city's proposal doesn't fit within its guidelines. Procedures for disposing of property require solicitation of public bids and sale at market price, they say.

The door has been left ajar for meeting those requirements in a way that would satisfy both needs. FAA officials say if the airport authority first sells some houses to the highest bidder, thereby establishing a fair market value, it could come back to FAA and propose selling future acquisitions directly to the housing authority at an established average value. They haven't guaranteed approval of that procedure, but said they would look at it.

The 75 percent reimbursement from the Federal Aviation Trust Fund is absolutely vital if the airport authority is to deal effectively with the problem of noise-impacted neighborhoods, so the FAA must be satisfied as to procedures. We hope MDHA and the airport authority can come up with a way to do that and still make the use they have proposed for the houses.●

THE RETIREMENT OF AMBASSADOR FRED M. ZEDER

● Mr. McCLURE. Mr. President, Thursday, January 15, 1987, marked the retirement of Ambassador Fred M. Zeder, the President's Personal Representative for Micronesian Status Negotiations.

Fred has had a long and distinguished career in both the public and private sectors. He served as a fighter pilot in the Pacific theater from 1943 to 1944 and finally retired from the Air Force Reserves in 1950 with the rank of major. He has been a successful businessman as president of Zeder-Talbott from 1946 to 1950 with offices in Los Angeles and Detroit, Zeder-Chrysler with offices in New York and manufacturing plants in Puerto Rico, CEO and chairman of the board of Hydrometals which is listed on the New York Stock Exchange, and Paradise Cruise Corp. in Hawaii. Fred was elected city councilman in Dallas, TX from 1971 to 1973, member of the Dallas-Fort Worth Airport Board from 1973 to 1975, district director of the National Alliance of Businessmen, a founding member of the World Business Council. He is also a decorated Knight of Malta.

In 1974, just after I became a Member of the Senate, the Committee on Interior and Insular Affairs, which was the predecessor to the Committee on Energy and Natural Resources, began a major oversight investigation into public works management in the Trust Territory of the Pacific Islands. As a result of the staff report and the subsequent hearings conducted by the committee, it was clear that a major reorganization of responsibilities was needed in the administration of the trust territory and redefinition of the infrastructure program which we had committed to complete. This would not be a simple task. President Ford asked Fred to join the administration to take on this job in 1975.

During the period 1975 to 1977 Fred served as Director of the Office of Territorial Affairs. Under his direction major improvements were accomplished. The scope of the infrastructure program was defined and responsibilities were clarified and enforced. As a result of his efforts the United States has provided the Micronesian governments with the basic infrastructure necessary for their future. He also began the devolution of authorities from Interior and the High Commissioner to elected officials in the individual Micronesian states. That devolution of authority was essential to prepare the Micronesians to fully assume the responsibilities of self-government which remained the objective of U.S. administration of the trust territory. These accomplishments were not easily achieved and are a tribute to his ability to overcome the institutional inertia and opposition which he faced, whether from the High Commissioner or the Office of Management and Budget.

In 1977 Fred retired to Hawaii and purchased Paradise Cruise Corp. His retirement was short lived, however, because in 1981 he was again called to Washington by the President. This time the request was to be even more challanging. His job this time would be to complete the Micronesian status negotiations which had been going on for a decade. Not only did Fred have to deal with a new administration and a new series of bureaucrats in various agencies, but he also had to address serious reservations and concerns from the Congress and the Micronesians. This time it took 6 long and difficult years. During that time Fred managed to win more battles with the Office of Management and Budget than most Federal agencies ever won. He managed to keep most Federal agencies on the reservation and in support of the President, with the exception of the Treasury Department which apparently has its own agenda. And he proved a formidable advocate for the President with the Congress.

During this 6-year period Fred was responsible for the successful conclusion of the negotiations. The final compacts were approved by impressive majorities in each of the three Micronesian states in United Nations observed plebescites and then by both the Senate and the House. This is a remarkable achievement. Not everyone has the fortune to have most Federal agencies, several congressional committees, the United Nations, and the

Office of Management and Budget looking over their shoulder.

I want to take this opportunity to express my warmest best wishes to Fred and his wife Martha for the future. His service to the President and the country has earned him our gratitude as well as that of the Pacific areas.●

STATEMENT SUPPORTING RESOLUTION CONGRATULATING DENVER BRONCOS

● Mr. WIRTH. Mr. President, although I strongly support this resolution, Senate Resolution 59, I am not going to make a long statement here today. Rather, I am content to watch John Elway and the "Orange Crush" take down the overhyped Giants.

I will point out, however, that the Denver Broncos not only have the talent to win the Super Bowl—they and their fans deserve it. We have sold out 132 home games in a row, and a recent review of the 1986 Nielson ratings revealed that the 10 most watched football games this season were all Bronco games. Two fine examples of the mile-high difference.

Contrast that to the Giants and their fair weather fans. Only a few weeks ago, many of those who are now cheering for the Giants were booing Phil Simms and cheering for the Jets. And the question of which State the Giants actually represent—New York or New Jersey—has yet to be resolved.

No Mr. President, the Broncos are the better team, Coloradans the far more loyal fans. That will be confirmed on January 25, when the Super Bowl trophy moves from the "Windy City" to the "Mile High City."●

TRIBUTE TO THE LIFE AND WORKS OF REV. MARTIN LUTHER KING, JR.

● Ms. MIKULSKI. Mr. President, as one of my first acts as a U.S. Senator, I am joining with the senior Senator from Maryland, Senator SARBANES, and with others of my colleagues in cosponsoring a Senate resolution authorizing the national chapter of Alpha Phi Alpha fraternity to establish a memorial to Dr. Martin Luther King, Jr., in Washington, DC.

Yesterday our Nation paused to remember the work that Reverend King began and the dreams that he instilled in all Americans. As a Member of the House of Representatives, I voted for and advocated legislation creating a national holiday to honor Reverend King. I'm pleased that after a long legislative battle such legislation finally was enacted by Congress.

But there is more that we can and should do to ensure that future generations of Americans never forget the dreams for which Dr. King lived and died.

Mr. President, our Nation's Capital is often called a city of monuments. And anyone who has traveled the world and returned to Washington will agree that we have some of the most beautiful monuments to be found anywhere.

The national chapter of the Alpha Phi Alpha fraternity, at their annual meeting last year, voted to undertake what I feel is an extremely worthwhile project. They want to establish a monument in our Nation's Capital in honor of Dr. King.

Alpha Phi Alpha fraternity is our Nation's oldest black fraternity. Dr. King was a member of the fraternity's Sigma Chapter when he was a student in Boston in 1952. This project is not just an overnight whim on the part of fraternity leaders. A great deal of work, energy and commitment has already gone into the project.

The members of the fraternity are ready to proceed. They will propose designs for the monument and will raise private funds to pay for it. But they need a congressional OK in order for the monument to be located in Washington.

I urge my Senate colleagues to join with me and the other cosponsors of this resolution in voting to allow this monument to be established in Washington.

Dr. King was a leader throughout his all too short life. He was a martyr at 39, and is a hero today. We must not let his dream die or his memory fade from our conciousness. Yes, he's honored with a commemorative statute in the Capitol, but he deserves a memorial outside, as well. A memorial that people can drive past and see or walk up to and touch. A memorial that reminds us all that in his short life he did so much to make ours a better society and a more peaceful world.●

AN ONGOING COMMITMENT TO THE LEGACY OF DR. MARTIN LUTHER KING, JR.

● Mr. LAUTENBERG. Mr. President, I rise today in tribute to the Reverend Martin Luther King, Jr. Yesterday marked the second year this country has observed a Federal holiday commemorating Dr. King and his contributions to American society. Individuals and groups across the country took time in their homes and at special observances to reflect on this great man's legacy. It is fitting that we in the Senate take this opportunity to do the same.

In approving legislation designating the third Monday in January as a Federal holiday in honor of Dr. King, the House and Senate followed a number of States—including New Jersey—in setting a day aside for national reflection. It was a proud time for the Congress. Dr. King's life and work represent the very best of what America—and Americans—can offer their fellowmen and their country.

As a U.S. Senator, I have been inspired by Dr. King's life and work. I have constantly kept in mind the importance of maintaining this country's commitment to economic, social, and legal justice.

In that spirit, I sponsored legislation last year to name the new Federal courthouse planned for Newark after Dr. King. I felt it was most fitting to name the building after the man who spent his life fighting for freedom, the man whose very name is synonymous with justice.

By naming this building after Dr. King, we have provided a small, yet very special tribute to his memory. The new building will serve generations of New Jerseyans. The name it bears will remind them of the ideals and values for which Martin Luther King, Jr., fought, and of his legacy of civil rights and humanitarian values.

My commitment to the ideals represented by Dr. King also led me to travel last summer to South Africa, to learn first hand about the situation there, to see first hand the conditions endured by that country's black majority. I was stunned by much of what I saw there. I returned seeking adequate words to describe the misery and squalor of black South Africa.

Mr. President, I wish that every Member of Congress and the President could visit Soweto. To see the one-room homes—and the pathetic cardboard shacks called home, but scarcely deserving that designation. To understand, to see for themselves the horror, the degradation, the misery, and the injustice there.

What would Dr. King have said about the situation in South Africa? I believe he would have urged us to open our eyes, to open our hearts, and to work for positive and peaceful change in that troubled land—before it is too late.

For Dr. King believed in the community of man. He reminded us that "injustice anywhere is a threat to justice everywhere."

"I can never be what I ought to be until you are what you ought to be," he once said. "We are interdependent."

The Congress recognized this interdependence when it overturned the President's veto of sanctions against the South African Government last year. Sanctions were long overdue. They were one of the few peaceful options left to spark long-term and fundamental change.

Congressional support for sanctions sent a powerful message to the white South African Government. And it sent a message to black South Africans, too. A message that they could rely on America to press for their equality and freedom through nonviolent means, and that this country would not condone the South African Government's policies through either silence or inaction.

Mr. President, in the Federal civil rights arena, the picture is mixed. I think Dr. King would be unpleasantly surprised to see what has become of the U.S. Civil Rights Commission. In his day, the Commission was his ally. Dr. King's efforts to get civil rights laws on the books were greatly assisted by the Commission. But in recent years, it has turned from that path. It has lost virtually all credibility as an independent organization.

Some in Congress wanted to kill the Commission outright. Others, myself included, thought we should give the Commission one last chance to shape up. I offered an amendment, which is now law, to send a strong message to the Civil Rights Commission that it must tighten up its practices and redouble its efforts to help guarantee civil rights enforcement by the Federal Government. Its actions this year will bear close watching.

Martin Luther King, Jr., shook the American conscience into realizing that the country could not—indeed, must not—continue to maintain an intolerable system of economic and civil injustice. He challenged American society to take a long, hard look at itself. He warned us to beware of apathy and complacency. He eloquently urged us never to be satisfied until the "bright day of justice emerges."

And so, today it is altogether fitting that we ask ourselves: Should we be satisfied? Just how far have we come in eradicating the "three evils" of poverty, war, and racism, against which Dr. King fought so relentlessly?

Our Nation's homelessness and poverty rates have accelerated dramatically. In New Jersey alone, there are an estimated 20,000 homeless persons. Across the country, lines to soup kitchens have lengthened. Here in Washington, as in most of our Nation's big cities, we see rows of homeless women and men huddling to keep warm over steam vents and grates. Unemployment rates—particularly joblessness among black youth—remain alarmingly high.

Sadly, we are still faced with war, in our own hemisphere and around the globe.

And, Mr. President, our Nation's conscience has been pricked by evidence of racism in our communities. A march for brotherhood in Forsyth County, GA, led by Hosea Williams, was disrupted and attacked by Ku Klux Klan members this past weekend. The recent events in Howard Beach are still fresh in our memory. A black cadet was harassed by white students dressed as members of the Ku Klux Klan at a South Carolina military academy. And a sheriff in Louisiana threatened to stop and question all blacks found in a certain neighborhood.

These incidents are reminders of a tragically unjust past. We like to think that we have progressed far enough as a nation that such reprehensible displays of a racist mentality—and, indeed, the racist mentality itself—have become things of the past. Yet we are forced to come face-to-face with ugly traces of that past. And we must never stop working to eradicate these last traces, however persistent they may seem.

Mr. President, our gains over the last 25 years have been many. But we still have much work ahead of us. I like to believe that within each challenge or crisis lies an opportunity. Let us look at the conditions we face as challenges creating opportunities.

Reverend King once said: "Life's most persistent and urgent question is, What are you doing for others?" Let us take these conditions as opportunities to do for others. Let us not allow these conditions to paralyze us into inaction and apathy. Let us not raise our hands in hopelessness. Let us remember Dr. King's advice to "never lose infinite hope" in the face of disappointment—which, he reminded us, is always finite.

Let us also bear in mind the importance of recognizing the difference one citizen can make. Dr. King's life and work represent the very best of what an American can accomplish. I think it is fitting at this time to recall his assertion that:

> When an individual is no longer a true participant, when he no longer feels a sense of responsibility to his society, the content of democracy is emptied.

Dr. King remains the truest and strongest example of his own words. For he participated—with courage, and from his heart—as a man of peace. He recognized that along with freedom comes a strong measure of responsibility. He felt a resposibility to American society—even when others questioned whether American society felt a responsibility to him.

As a result, he enriched and strengthened American democracy. He showed us that might is not right. And today we must remind ourselves that the liberties and ideals he stood for must never be taken for granted. We must work to make them a reality for all Americans. We each can do our part. We each have a role to play and ideals to serve. As Americans, we owe our society and our democracy nothing less.●

COMMEMORATING MARTIN LUTHER KING, JR.'S BIRTHDAY

● Mr. BINGAMAN. Mr. President, in 1983 Public Law 98-144 was passed designating the third Monday in January a legal public holiday commemorating the birthday of America's greatest civil rights leader, the Reverend Martin Luther King, Jr. Yesterday we celebrated this holiday. At this time I would like to express my respect and admiration for Reverend King and the principles for which he stood.

Martin Luther King, Jr. brought worldwide attention to the racial conflict in the 1950's and 1960's. His emphasis on nonviolence in his civil rights campaign deservedly won for him the coveted Nobel Peace Prize in 1964. And, although he suffered many violent attacks personally, he maintained his commitment to peace and freedom.

This commitment was expressed most vividly in his stirring "I Have a Dream" speech from the steps of the Lincoln Memorial. He said:

> When we let freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, "Free at last! Free at last! Thank God Almighty, we are free at last!"

Mr. President, I believe Martin Luther King, Jr., made an indelible impression on the minds and hearts of Americans everywhere. And, I praise the progress that he made toward the civil rights goals in this country.

It is therefore appropriate that we recognize Dr. King with a national holiday and we use this time to remember what he accomplished and what he represented.●

DR. MARTIN LUTHER KING, JR.

● Mr. KERRY. Mr. President, Monday was the birthday of Dr. Martin Luther King, Jr. It is fitting that we focus at this time on Dr. King's dream for America and our progress or lack thereof, in our quest to achieve it.

We, in Massachusetts, have always taken great pride in the fact that Martin Luther King, Jr., chose our city and Boston University to prepare academically for his life's work.

Dr. King inspired the best qualities in our Nation. He awakened our national pride and helped us live up to the promise of equality for all our people as proclaimed by the Founding Fathers in the great documents of our Nation's birth.

In the struggle for justice which he embodied, Martin Luther King, Jr., set a stunning example to all in this Nation. Because, the civil rights struggle of this country was not a struggle for the rights of black Americans alone, as vital as that was, but was a struggle to ensure the rights of all Americans. From his Birmingham jail cell, Martin Luther King preached to this Nation and the world a gospel of brotherhood—a gospel that proclaimed "injustice anywhere is a threat to justice everywhere."

As I look back on the road traveled by Dr. King and measure it against today's climate, I am concerned with what I see. I am deeply concerned with the resurgence of racism, passive and aggressive, in our midst. I believe the root cause of this is selfishness. What was thought to be wrong in the past, we are now to believe is virtue.

I am afraid that if Dr. King were with us today, he, too, would be sad and disappointed in the America of his dreams.

I am outraged by the brutality at Howard Beach—an incident that unfortunately could have happened anywhere—and Dr. King would also be outraged.

I am distressed that the President would have us believe that poverty is the income level of choice for black America—and I know Dr. King would share that distress.

I regret that, in America today, the income gap between black and white families is widening, black youth unemployment is nearly 40 percent by "official" statistics, and teenage pregnancy is becoming the norm—and Dr. King would also share this regret.

We must remember Dr. King today by recommitting ourselves to the struggle to eliminate the blight of racism that appears to be spreading in America, before it tears apart the fabric of our society. We must recommit ourselves, people of all races and creeds, so that we can reverse this dangerous trend.

I hope the memory of Dr. Martin Luther King, Jr., will remind us, that as long as people are still suffering under the yoke of apartheid in South Africa, none of us are truly free. And as long as the remnants of racism continue to haunt this country, the work of Dr. King is not fulfilled.●

ORDERS FOR WEDNESDAY

RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders are recognized under the standing order, the following Senators be recognized for not to exceed 5 minutes each: Messrs. Proxmire, Murkowski, Sasser, Specter, and Zorinsky.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that following the recognition of Senators tomorrow under the special orders just entered, there be a period for morning business not to extend beyond 2 p.m., and that Senators be permitted to speak out of order during that period, each for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 1 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have made these requests with the knowledge of the Republican leadership; both the Republican leader and the assistant Republican leader have indicated their willingness to have me propound these requests without their being on the floor. Therefore, Mr. President, I wish to thank them for their cooperation.

PROGRAM

Mr. BYRD. Mr. President, on tomorrow, the Senate will meet at 1 p.m. After the two leaders have been recognized under the standing order, the following Senators will be recognized each for not to exceed 5 minutes: Senators Proxmire, Murkowski, Sasser, Specter, and Zorinsky. Following the recognition of the leaders and the Senators under the special orders, there will be a period for morning business. That period will not extend beyond 2 p.m., and Senators will be permitted to speak out of order for not to exceed 5 minutes each.

At the hour of 2 p.m., debate will resume on the pending question, that being the amendment offered by Mr. Dole in the nature of a substitute to H.R. 1, the House bill, to clean up the Nation's waters. There will be 2 hours of debate, the 2 hours to be equally divided and controlled, and I shall designate, under the order, Mr. Mitchell to control the time of this side of the aisle, and the distinguished minority leader will control the time on the other side, or his designee will do so.

At 4 p.m., a vote will occur on the amendment by Mr. Dole to H.R. 1, and that vote will be a rollcall vote as previously ordered. Upon the disposition of the amendment by Mr. Dole, the Senate will immediately vote on H.R. 1, as amended, if amended, and that will be a rollcall vote. Upon the disposition of the bill, H.R. 1, the Senate will then proceed to consider the concurrent resolution making corrections in the enrollment of H.R. 1. There is a 20-minute time limitation on that concurrent resolution. I doubt that the 20 minutes will be required. I know of no reason why that should be a rollcall vote. On the disposition of the concurrent resolution, the Senate then will proceed immediately to the consideration of Senate Concurrent Resolution No. 8, which is the human rights resolution, on which a rollcall vote has been ordered. Upon the disposition of that resolution, I anticipate no further rollcall votes on tomorrow.

This means that there will be three rollcall votes tomorrow. Only three are expected unless there should be a vote to reconsider, or some such. The first rollcall vote will be 15 minutes under the standing order. Each of the two rollcall votes that follow will be 10 minutes under the order entered today. Senators are urged to come to the floor and be ready to vote on the first rollcall. They are urged then to stay on the floor so as to be here when the two backup votes occur. That will save the time of the Senate and save the time of Senators.

When the Senate completes its business tomorrow, it will probably go over until Thursday. It is my understanding in talking with the distinguished chairman of the Committee on Rules and Administration, Mr. Ford, that on Thursday morning his committee expects to report out the funding resolutions for committees. Those resolutions, if reported on Thursday morning, would be on the calendar on Friday and would be eligible for floor action, the 1-day rule having been fulfilled. I assume there would be no committee report on any of those resolutions, which thus would not create a problem for the Senate in connection with the 2-day rule. If the Senate should give its consent on tomorrow to taking up the funding resolutions on Friday, without a session on Thursday, it would be possible for the Senate to go over from tomorrow to Friday and those funding resolutions would be eligible to be taken up. Hopefully, such consent can be gotten. So it may be that in discussions with the Republican leadership we could clear those resolutions on the basis that when reported on Thursday, even if the Senate were not in on Thursday, they would be eligible nevertheless on Friday for consideration just as though the Senate had come in on Thursday and qualified them. But it remains to be seen as to whether or not that consent can be given.

I anticipate then that the Senate will be in on Monday next. I do anticipate the Senate being in on Wednesday.

I hope that committees will take advantage of these opportunities for uninterrupted meetings when the Senate goes over for a day or 2 days or when the Senate comes in late in the day, noon being the regular hour under the order that was entered at the beginning of the session for daily meetings. If the Senate comes in at 1 o'clock or 2 o'clock in the afternoon or at some time later, this is done for the convenience of committees that they might be able to fulfill their oversight and informative functions under the Constitution, and that they might expedite legislation to the calendar, so that floor action can be taken thereon.

I urge committees to continue to do the good work they have been doing all month, taking advantage of the opportunities to meet without interruption by quorum calls or rollcall votes. The Senate can then have a full platter of business on the calendar before too many days.

RECESS UNTIL 1 P.M. TOMORROW

Mr. BYRD. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 1 o'clock tomorrow afternoon.

The motion was agreed to, and at 4:14 p.m. the Senate recessed until tomorrow, Wednesday, January 21, 1987, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate January 20, 1987:

THE JUDICIARY

Reena Raggi, of New York, to be U.S. district judge for the eastern district of New York, vice Frank X. Altimari, elevated.

DEPARTMENT OF JUSTICE

Eugene H. Davis, of Utah, to be U.S. Marshal for the district of Utah for the term of 4 years. (Reappointment.)

Frederick J. Hess, of Illinois, to be U.S. attorney for the southern district of Illinois for the term of 4 years. (Reappointment.)

P. Raymond Lamonica, of Louisiana, to be U.S. attorney for the middle district of Louisiana for the term of 4 years vice Stanford O. Bardwell, Jr., resigned.

O. Evans Denney, of Delaware, to be U.S. Marshal for the district of Delaware for the term of 4 years. (Reappointment.)

Faith P. Evans, of Hawaii, to be U.S. Marshal for the district of Hawaii for the term of 4 years. (Reappointment.)

Blaine Skinner, of Idaho, to be U.S. Marshal for the district of Idaho for the term of 4 years. (Reappointment.)

James L. Meyers, of Louisiana, to be U.S. Marshal for the middle district of Louisiana for the term of 4 years. (Reappointment.)

Francis K. Peo, of New York, to be U.S. Marshal for the northern district of New York for the term of 4 years. (Reappointment.)

Stuart E. Earnest, of Oklahoma, to be U.S. Marshal for the western district of Oklahoma for the term of 4 years. (Reappointment.)

Eugene V. Marzullo, of Pennsylvania, to be U.S. Marshal for the western district of Pennsylvania for the term of 4 years. (Reappointment.)

John T. Callery, of Tennessee, to be U.S. Marshal for the western district of Tennessee for the term of 4 years. (Reappointment.)

J. Keith Gary, of Texas, to be U.S. Marshal for the eastern district of Texas for the term of 4 years vice James G. Barton, term expired.

IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be general

Gen. Charles L. Donnelly, Jr., 287-24-0955FR, U.S. Air Force.

IN THE MARINE CORPS

The following-named brigadier general of the Marine Corps Reserve for promotion to the permanent grade of major general, under title 10, United States Code, section 5912:

William H. Gossell.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Donald S. Jones, [redacted]/1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Walter T. Piotti, Jr., [redacted]/1110, U.S. Navy.

The following-named captains in the staff corps of the U.S. Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Robert Benson Halder.
Robert Walter Higgins.
David Michael Lichtman.
Donald Lee Sturtz.

SUPPLY CORPS

William Harry Hauenstein.
Robert Marion Moore.

CIVIL ENGINEER CORPS

James Carl Doebler.

NURSE CORPS

Mary Fields Hall.

The following-named captains in the line of the Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER

Richard Charles Allen.
James Bruce Best.
Donald Vaux Boecker.
Eugene Davison Conner.
Peter Hollon Cressy.
John Robert Dalrymple, Jr.
Philip Frederick Duffy.
George Nicholas Gee.
Walter Lewis Glenn, Jr.
William Purcell Houley.
Raymond George Jones, Jr.
Bobby Clyde Lee.
Irve Charles Lemoyne.
Frederick Lance Lewis.
Thomas Charles Lynch.
Daniel Peter March.
Thomas Alfred Meinicke.
William Charles Miller.
Riley DeWitt Mixson.
Paul Davis Moses.
Phillip Roger Olson.
William Arthur Owens.
Thomas Dean Paulsen.
Joseph Charles Strasser.
Byron Eugene Tobin, Jr.
Jerry Lee Unruh.
Douglas Volgenau.
Raymond Michael Walsh.
Ronald Charles Wilgenbusch.

RESTRICTED LINE OFFICER—ENGINEERING DUTY OFFICER

John Sydney Claman.
Robert Edwin Traister.

AERONAUTICAL ENGINEERING DUTY OFFICER

William Charles Bowes.

SPECIAL DUTY OFFICER (INTELLIGENCE)

Edward David Sheafer, Jr.

IN THE AIR FORCE

The following persons for Reserve of the Air Force appointment, in grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated.

DENTAL CORPS

To be lieutenant colonel

Granda, Francisco M., [redacted]

MEDICAL CORPS

Bongiorno, Frank P., [redacted]
Hollingsworth, Gerald M., [redacted]
Kimmerling, Richard M., [redacted]
Love, Tommy L., [redacted]
Marcelo, Josefina Q., [redacted]
Markellos, David N., [redacted]
Metz, Karl W., [redacted]
Smith, Cedric O'M. S., [redacted]
Stake, Terry L., [redacted]
Strum, Samuel, [redacted]

The following person for Reserve of the Air Force appointment, in grade indicated, under the provisions of Section 593, Title 10, United States Code.

LINE

To be lieutenant colonel

Shaw, Robert L., [redacted]

The following officers for Reserve of the Air Force (Non-EAD) promotion in the grade indicated, under the provisions of Sections 1552 and 8376, title 10, United States Code.

LINE

To be lieutenant colonel

Kitchens, Travis E., [redacted]

MEDICAL CORPS

Strine, James A., [redacted]

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of sections 593 and 8379, title 10 of the United States Code. Promotions made under section 8379 and confirmed by the Senate under section 593 shall bear an effective date established in accordance with section 8374, title 10 of the United States Code.

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Craig G. Anderson, [redacted] 7 Sep 86.

Maj. Paul A. Brogna, [redacted] 1 Oct 86.

Maj. Paul D. Burton, [redacted] 19 Oct 86.

Maj. James C. Calvert, [redacted] 4 Oct 86.

Maj. Emil L. Coffey, [redacted] 5 Oct 86.

Maj. Roger L. Crouse, [redacted] 4 Oct 86.

Maj. Robert F. Dozier, [redacted] 5 Oct 86.

Maj. Rodney B. Frisbee, [redacted] 4 Oct 86.

Maj. Daniel M. Harrod, [redacted] 4 Oct 86.

Maj. Donald L. Janke, [redacted] 8 Oct 86.

Maj. Stanley J. Jaworski, Jr. [redacted], 14 Oct 86.

Maj. Virginia E. Logan, [redacted] 13 Sep 86.

Maj. Raymond J. Moix, [redacted], 4 Oct 86.

Maj. James R. Rice, [redacted] 24 Sep 86.

Maj. Garld L. Sandlin, [redacted] 6 Sep 86.

Maj. John C. Schnell, [redacted] 24 Sep 86.

Maj. Lawrence A. Sittig, [redacted] 13 Sep 86.

Maj. Allen J. Smith, [redacted] 26 Sep 86.

Maj. Kenton N. Swanger, [redacted] 4 Sep 86.

Maj. Joseph M. Swope, [redacted] 8 Oct 86.

Maj. Merlin D. Tobler, [redacted] 7 Sep 86.

Maj. Owen M. Ulmer, Jr., [redacted] 22 Sep 86.

Maj. Charles W. Wensyel, [redacted] 10 Sep 86.

LEGAL CORP

Maj. Theodore C. Jarvi, [redacted] 14 Sep 86.

MEDICAL CORP

Maj. Charles C. Baldwin, [redacted] 19 Sep 86.

Maj. Walter D. Davis, [redacted] 7 Sep 86.

Maj. Nader K. Takla, [redacted] 5 Oct 86.

DENTAL CORP

Maj. William D. Dailey, [redacted] 21 Sep 86.

Maj. Ramsey B. Salem, [redacted] 6 Sep 86.

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, section 624 and 628:

To be lieutenant colonel

Michael G. Healey, [redacted]

To be major

Stephen R. Deitz, [redacted]
Ronald L. Hunter, [redacted]

EXTENSIONS OF REMARKS

CONGRESSMAN GILMAN INTRODUCES HOME HEALTH CARE LEGISLATION TO AID OUR ELDERLY VETERANS AND THEIR FAMILIES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. GILMAN. Mr. Speaker, one of the most pressing issues facing this Congress and this Nation, is the continued increase in health care costs. Nowhere is the situation more troubling than for our elderly, the majority of whom are living on a fixed income. Not a day passes when I do not receive mail from concerned senior citizens whose meager savings are rapidly diminishing under the burden of meeting their medical expenses. In the case of a long-term or chronic illness, many of our elderly and their families are being asked to make substantial out-of-pocket payments for health care, above and beyond the coverage they already receive under Medicare and other health insurance programs. Today, I am introducing legislation which seeks to alleviate the burden on one segment of our population—an important segment of our society who served this Nation without question—our veterans.

My bill, the Elderly Veterans Act of 1987, will allow our older, chronically ill veterans to take a credit against their taxes for expenses they and their families incur in providing home-based health care. My legislation covers respite care, nursing care, adult day care, home health aides, and medical or health related equipment and supplies. Credit amounts are calculated on a sliding scale based on annual income, similar to the current dependent care tax credit. Accordingly, those families in the greatest need receive the greatest relief, making home health care more readily accessible.

Under this legislation families with $10,000 or less in income receive credit for 30 percent of their home-health care expenses, up to a maximum of $1,050. The maximum is gradually reduced for families with incomes in excess of $10,000. Families with adjusted gross income of over $50,000 are not eligible for a credit under this legislation. Low-income families who do not pay enough taxes to reap the full benefit of the credit would have any unused credit refunded directly to them.

Numerous studies have shown that home health care is not only cost-effective, but that patients receiving care in their homes are happier and in that regard healthier. As we count the number of cases being turned away from the veterans' facilities due, in part, to our aging population and new eligibility requirements, we as a Congress should act decisively to fill this void. Clearly, the Elderly Veterans Care Act of 1987 would help in this effort by providing a tax credit for home health care to those veterans who gave to their country so selflessly.

Mr. Speaker, I request permission to insert the full text of my bill, the Elderly Veterans Care Act of 1987 at this point in the CONGRESSIONAL RECORD, and commend it to my colleagues' attention:

H.R. 616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Elderly Veterans Care Act of 1987".

SEC. 2. CREDIT FOR CARE OF ELDERLY VETERANS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits allowable against tax) is amended by inserting after section 34 the following new section:

"SEC. 34A. EXPENSES FOR CARE OF ELDERLY VETERAN.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of qualifed elderly care expenses paid by such individual for the care of a qualifying veteran during the taxable year.

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 30 percent reduced (but not below 20 percent) by 1 percentage point for each $2,000 (or fraction thereof) by which the adjusted gross income of the taxpayer (and the spouse of the taxpayer in the case of a married individual filing a separate return) for the taxable year exceeds $10,000.

"(b) LIMITATIONS.—For purposes of this section—

"(1) LIMIT ON INCOME OF TAXPAYER.—No credit shall be allowable under subsection (a) for a taxpayer with an adjusted gross income of $50,000 or more for the taxable year ($25,000 or more in the case of a married individual filing a separate return).

"(2) DOLLAR LIMITATIONS ON AMOUNT OF CREDIT.—

"(A) MAXIMUM QUALIFIED ELDERLY CARE EXPENSES TAKEN INTO ACCOUNT.—The amount of qualified elderly care expenses taken into account under subsection (a) by any taxpayer for any taxable year shall not exceed $7,000 and not more than $3,500 of qualified elderly care expenses may be taken into account with respect to any qualifying veteran.

"(B) SPECIAL RULES FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—In the case of a married individual filing a separate return, paragraph (1) shall be applied by substituting '$3,500' for '$7,000' and '$1,750' for '$3,500'.

"(C) 2 OR MORE INDIVIDUALS MAKING EXPENDITURES WITH RESPECT TO SAME QUALIFYING VETERAN.—If 2 or more individuals have qualified elderly care expenses with respect to any qualifying veteran during any calendar year,then—

"(i) the amount of the qualified elderly care expenses taken into account with respect to such qualifying veteran shall be determined by treating all of such individuals as one taxpayer whose taxable year is such calendar year, and

"(ii) the amount of such expenditures taken into account by each of such individuals for the taxable year in which such calendar year ends shall be equal to the amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFYING VETERAN.—The term 'qualifying veteran' means any individual (other than the spouse of the taxpayer) who—

"(A) is a veteran within the meaning of section 101(2) of title 38, United States Code,

"(B) is related to the taxpayer by blood or marriage,

"(C) is at least 65 years of age, and

"(D) has a family income of $15,000 or less for the taxable year.

"(2) FAMILY INCOME.—The term 'family income'—

"(A) in the case of an individual who is not married, the adjusted gross income of such individual; and

"(B) in the case of a married individual, the adjusted gross income of such individual and his spouse.

"(3) QUALIFIED ELDERLY CARE EXPENSES.—The term 'qualified elderly care expenses' means payments by the taxpayer for home health agency services (but only if provided by an organization certified by the Health Care Financing Administration), homemaker services, adult day care, respite care, or health-care equipment and supplies which—

"(A) are provided to such qualifying veteran,

"(B) are provided by an organization or individual not related to the taxpayer or to the qualifying veteran, and

"(C) are not compensated for by insurance or otherwise.

"(d) DENIAL OF DOUBLE BENEFIT.—No deduction or credit shall be allowed under any other provision of this chapter with respect to any amount for which a credit is allowed under subsection (a).".

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 34 the following new item:

"Sec. 34A. Expenses for care of elderly veteran.".

(2) Paragraph (4) of section 6201(a) of such Code (relating to assessment authority) is amended—

(A) by striking out "or section 32 (relating to earned income)" and inserting in lieu thereof ", section 32 (relating to earned income), or section 34A (relating to expenses for care of elderly veteran)", and

(B) by striking out the heading and inserting in lieu thereof the following:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"(4) Overstatement of certain credits.—".

(3) Section 6513 of such Code (relating to time return deemed filed and tax considered paid) is amended by adding at the end thereof the following new subsection:

"(f) Time Tax Is Considered Paid for Elderly Veteran Care Credit.—For purposes of section 6511, the taxpayer shall be considered as paying an amount of tax on the last day prescribed by law for payment of the tax (determined without regard to any extension of time and without regard to any election to pay the tax in installments) equal to so much of the credit allowed by section 34A (relating to expenses for care of elderly veteran) as is treated under section 6401(b) as an overpayment of tax.".

(4) Subsection (d) of section 6611 of such Code is amended by striking out the heading and inserting in lieu thereof the following:

"(d) Advance Payment of Tax, Payment of Estimated Tax, Credit for Income Tax Withholding, and Expenses for Care of Elderly Veteran.—".

SEC. 3. EFFECTIVE DATE; REPORTS.

(a) Effective Date.—The amendments made by this Act shall apply to taxable years beginning after December 31, 1986.

(b) Reports.—

(1) In general.—The Secretary of the Treasury shall prepare a report for taxable years ending in 1987 (and each of the 4 calendar years thereafter) which states—

(A) the number of individuals who were allowed a credit under section 34A of the Internal Revenue Code of 1986 for taxable years ending during such calendar year,

(B) the utilization of such credit by income group for such calendar year,

(C) the utilization of such credit by category of qualified elderly care expenses (as defined in paragraph (3) of subsection (c) of section 34A of such Code) during such calendar year, and

(D) the total effect on the revenues of the United States of allowing such credit during such calendar year.

(2) Time for filing.—Any report required under paragraph (1) shall be submitted to the Congress no later than September 15 of the calendar year following the calendar year for which it is required.

HONORING MADELINE MINEAR THE LOS NIETOS SCHOOL DISTRICT'S 1987 TEACHER OF THE YEAR

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. TORRES. Mr. Speaker, I ask my colleagues to join me in honoring the Los Nietos school district's Teacher of the Year, Madeline Minear. I am pleased to bring attention to her dedication to education of our young.

Mrs. Minear teaches seventh and eighth grade levels in the Computer Instruction Laboratory at the Los Nietos Middle School. She has been chosen for this award because of her devotion and commitment to teaching.

Mrs. Minear graduated from Whittier High School and received her bachelor's degree from John Brown University in Arkansas. She earned her masters degree in school administration from La Verne in 1982.

She began her career teaching in St. Louis, MO, and then returned to California to teach in Los Nietos. She has taught at Los Nietos for eighteen years. Her classroom experience has included teaching english, reading, social studies and mathematics, as well as computer instruction to seventh and eighth grade students.

Mrs. Minear is very active in civil and community affairs. The city of Santa Fe Springs has honored her as an outstanding educator. She is also active in several teaching organizations. Because of her commitment to teaching she was voted by her fellow educators the California Teachers Association's highest award, called the "WHO," short for "We Honor our Own."

Mrs. Minear has been married to Charles Minear for more than 25 years. They have raised two sons who are attending college.

Mr. Speaker, I want to commend her for her dedication and commitment to the young students in my congressional district. We are all proud and fortunate to have such an extraordinary educator teaching in our community.

INNKEEPER OF THE YEAR

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. RICHARDSON. Mr. Speaker, I am delighted to have this opportunity to highlight the many outstanding contributions of one of my constituents in promoting tourism as economic development in New Mexico. Eddie Joe Smithson is the executive director of the Historic La Fonda Hotel in Santa Fe. This year he was duly recognized for his remarkable achievements when his colleagues in the New Mexico Hotel Motel Association named him "Innkeeper of the Year."

Mr. Smithson has served as a member of the Governor's economic development and tourism board for the past 6 years. This year he served as the chairman of the tourism committee. He is an active member of the Santa Fe Lodger's Association. He is a past director of the New Mexico Restaurant Association and was named "Restaurateur of the Year" in 1980. He has been active in the tourism industry in New Mexico for the past 12 years.

Mr. Speaker, Mr. Smithson is an active member of the Santa Fe community. When there is a need in the community you can always count on the help and support of Eddie Smithson. It is a pleasure to point out to my colleagues the prominent contributions that Eddie Smithson has made to the Santa Fe community and to the State of New Mexico and to say thank you for making New Mexico a better place to live and work.

KALAMAZOO REMEMBERS DR. MARTIN LUTHER KING, JR.

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. WOLPE. Mr. Speaker, I want to call the attention of our colleagues to a very important and historically symbolic event that took place in my congressional district yesterday. On the day that the Nation paused to honor Dr. Martin Luther King, Jr., the Kalamazoo, MI, Public Schools held a special dedication at its Dr. Martin Luther King, Jr. School in Westwood and the city of Kalamazoo held a special ceremony to rename one of its parks the Dr. Martin Luther King, Jr. Park.

The city of Kalamazoo and the Kalamazoo Public Schools renamed these facilities in recognition of Dr. King's monumental achievements in the area of civil and human rights. Surely, no contemporary American deserves this kind of tribute more than Dr. King. Martin Luther King—for people in Kalamazoo and throughout the country—symbolized the timeless principles upon which our Nation was founded. He believed in an America where all its citizens would have an equal opportunity to achieve their full human potential. He believed in an America where racial, ethnic, and religious prejudice and discrimination would not limit the ability of its citizens to learn from and enjoy one another. And perhaps most important, he believed in an America where a single individual can make a difference—where perfectly ordinary people, possessed of little more than a belief in themselves, the rightness of their cause, and a willingness to accept risk, can bring about positive, nonviolent social change.

Mr. Speaker, I commend the city of Kalamazoo, the Kalamazoo Public Schools, and the citizens of the greater Kalamazoo area for honoring Dr. King's memory with the renaming of a school and a park. I proudly join with them in paying tribute to his moral and prophetic vision, which reached out over the chasms of hostility, prejudice, ignorance, and fear to touch the conscience of America. It is my hope that these symbolic events will ensure that Kalamazooans will forever be reminded of Dr. King's message of commitment and inspiration.

THE ROLE OF THE CHURCH IN POLAND

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Ms. KAPTUR. Mr. Speaker, Poland is unique among Eastern bloc Communist nations. In spite of Communist orthodoxy, the Polish have maintained a vision of freedom. A flourishing network of journals, pamphlets, organizations, and societies attest to a freedom loving people. To this end, the church plays a significant and crucial role. I wish to place in the Record an article by Jackson Diehl, one of the best pieces I have read on the role of the church in Poland.

THIS ISN'T JUST POLAND, THIS IS CHILE AGAIN

(By Jackson Diehl)

Warsaw.—On patriotic holidays and anniversaries, it is customary for thousands of Poles to go to St. John's Cathedral in Warsaw's old town for a late afternoon Mass—and for ranks of water cannons and shield-bearing riot police to wait for them in the square nearby. Typically, people emerge from the church singing the national anthem, then begin chanting the name of Solidarity, the banned independent trade union. That's when the police and water cannons move in, stopping the faithful before they can turn a Mass into a full-blown political rally.

The first time I watched this spectacle in May last year, I was astonished by how familiar it seemed. I had just arrived in Poland after more than three years of reporting in Latin America, and the images that greeted me—the cathedral, the linked arms and singing of the anthem, the charge of the police behind their huge plastic shields—were virtually identical to some of those that I had just left behind.

This isn't just Poland, I told myself that first day. This is Chile again.

That was a first, street-level impression. But in the months that followed, everywhere I went in this Eastern European country I found people, thoughts and events that, it seemed, I had known, as in a mirror image, across the world in Santiago. And most of them I found in and around Roman Catholic churches.

Chile and Poland are countries that have stirred and haunted the world in somewhat parallel ways. Each entered upon a certain political process that challenged a superpower and ended in a military coup. Both nations now endure a notorious general—Wojciech Jaruzelski in Warsaw, Augusto Pinochet in Santiago—who regularly makes headlines for repressive acts but never seems quite able to stifle domestic opposition.

Each has also become a pet cause for ideologues—Chile for the left and Poland for the right—and a stumbling block for U.S. policy. Four years ago the Reagan administration stood firmly behind sanctions against Poland while seeking to end them for Chile. Now it seems in a sense to be doing the opposite.

The analogy cannot be carried too far. But if there is a real common denominator of these two troubled nations, a common factor behind their enduring paradoxes, then it is perhaps the role of the Catholic Church. Poland and Chile have a unique appeal because in these places the church has made possible the coexistence, and enduring struggle, of uncompromising dictatorship and a democratic, nonviolent alternative.

It is in these countries, too, that one can perhaps best see the church struggle with itself as, led by a Polish pope, it seeks to preserve a meaningful role for itself in an increasingly secularized world. For if the outward role of the church hierarchies in Poland and Chile are similar, then so too are their profound internal divisions.

Perhaps most significantly, the different ideologies involved, the rightist "authoritarianism" of Chile and the leftist "totalitarianism" of Poland, seem to make little difference in this scheme. Rather, the foundation of the church's position in each country can be traced to movements of aggressive, young priests who have strongly identified themselves with the aspirations of local society and sought to organize or protect authentically representative and nonviolent social movements.

These priests, in turn, have tended to clash with both the government's security agents and conservative ranks in their own ecclesiastical hierarchy who are anxious to maintain the church's more traditional policy of reaching an accommodation with whatever authority is in power. The priests in each land have tended to adopt the prevailing ideology of opposition, whatever it has been: anticommunism in Poland, anticapitalism in Chile.

Both countries now have a militant priest-martyr regarded as a saint and a model by followers and with some unease by the ruling primate. In Poland, it is Jerzy Popieluszko, a pro-Solidarity priest who worked with Warsaw's steel workers before he was abducted and murdered by security forces in October 1984. In Chile, it is Andres Jarland, shot to death only one month earlier by police during a demonstration in the Santiago shantytown where he lived and worked.

The priests' work is complemented in each country by broad sectors of opposition intellectuals and political activists, who have taken refuge under the institutions' protective shield, whether or not they are believers. In Chile, these people often turn out to be socialists and communists from Salvador Allende's old pre-coup coalition. In Poland, they are just as often right-wing nationalists. Yet, encountered in the dusty offices of their church-backed human-rights institutes and church-sponsored magazines, their fears and hopes seem pretty much the same: to return to the open work they knew in the days before the coup, to avoid so offending the local bishop that they lose his sponsorship.

When reminded of one another, the priests of Poland and Chile typically bristle. Some of those in Santiago's shantytowns seem to look on Polish priests, together with their pope, as old world reactionaries. Here, Polish priests who actively commit themselves to helping the refugees of Solidarity condemn those in the Chilean slums as Marxists and advocates of violent conflict. Pope John Paul himself seems ambivalent, supportive of the memory of Popieluszko in his homeland but dubious about the activity of advocates of "liberation theology" in Chile.

The antagonisms and mistrust seem to confirm, on one level, the grass-roots politicization of the church, which has gone on in both countries. And yet, taken together, the churches of Poland and Chile validate and exonerate each other. For if priests working with the victims of dictatorships can be labeled anticommunist in Poland and procommunist in Chile, then it is clear that, seen together, they are less guilty of those charges than they are of commitment to the aspirations of captive societies. And that is a task for which the church, in many more countries around the world, is both uniquely suited and strongly needed.

TRIBUTE TO THE FAMILY SERVICE AND CHILDREN'S AID SOCIETY

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. CLINGER. Mr. Speaker, I rise at the outset of this, the historic 100th Congress, to pay tribute to the Family Service and Children's Aid Society of Venango County, PA, on the occasion of their 100th anniversary. Since 1887 this nonprofit organization has provided valuable services to the people of western Pennsylvania. I would like to briefly state some of their significant accomplishments.

From the organization's inception until the 1960's, they provided protective services, foster care and an adoption service to their community. In essence they cared for the most important part of our society: our children.

During the late sixties, they changed some of their services to better help the community and since that time they have operated such vital community programs as a rape crisis center, family counseling and care management services for the mentally handicapped. Also during this period, they made a commitment to keep helping children and couples by maintaining their adoption service. And they have helped not just American children, but foreign born ones as well.

I would especially like to pay tribute to one of the society's most distinguished members: Mrs. Nancy P. Morck, their 1987 president. For almost 20 years she has served the people of her community by serving the Family Service and Children's Aid Society. She especially deserves congratulations on this occasion.

Through their affiliation with a national organization, Family Service American, the society has been a part of a nationwide network of people helping people. It is an example we could all do well in emulating.

Again, I congratulate Mrs. Nancy P. Morck and the Family Service and Children's Aid Society on the occasion of their 100th anniversary.

HONORING THE PARALYZED VETERANS ASSOCIATION OF FLORIDA

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. SMITH of Florida. Mr. Speaker, I am pleased to announce that on February 15, 1987, the Paralyzed Veterans Association of Florida will once again host the fourth annual bowl-a-thon.

This bowl-a-thon is being held with the goal of educating the community about wheelchair bound individuals. Furthermore, this bowl-a-thon will send a message to the general public and other organizations that a person confined to a wheelchair can indeed compete in sports and in the job market. By having able bodied people bowl three games from a wheelchair, the message is conveyed in a positive way.

Mr. Speaker, I commend the efforts of the Paralyzed Veterans Association of Florida, and all those involved in planning this annual event. We must salute the strength and courage of disabled individuals who use their limitations not as an excuse or hindrance, but rather as a source of strength and determination in the hopes of bettering our communities as well as our entire Nation.

GILMAN URGES SUPPORT FOR NATIONAL POW/MIA RECOGNITION DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. GILMAN. Mr. Speaker, I am pleased to once again cosponsor legislation establishing September 19, 1987, as "National POW/MIA Recognition Day." I want to thank my distinguished colleague, the gentleman from New York, Mr. SOLARZ, who as the chairman of the Subcommittee on Asian and Pacific Affairs, and the gentleman from New York, Mr. SOLOMON, who have been leaders in the effort to locate our 2,400 servicemen in Southeast Asia, for sponsoring this resolution.

As vice chairman of the Task Force on American Prisoners and Missing in Southeast Asia, I know that the question of those men still unaccounted for in Indochina weighs heavily on the hearts and minds of all Americans, and especially upon the families and friends of these brave heroes. The formation of the task force in 1977 signified the grave commitment on the part of the U.S. Government to satisfactorily resolve this emotionally charged issue. Indeed, the President has referred to this matter as "our highest national priority."

In the second half of the 1980's the U.S. Government has substantially increased intelligence efforts to discover the fate of some 2,400 Americans unaccounted for in Southeast Asia since the Vietnam conflict. Our efforts to obtain irrefutable evidence on both prisoners and remains is aided by the efforts of organizations such as the National League of Families, the National Human Rights Committee for POW/MIA's, and other veterans groups. Indeed more progress has been made in the past 3 years toward resolving the POW/MIA issue, than at any time since the end of the Vietnamese conflict. In their desire to improve relations with the United States, and in keeping with their self-imposed deadline of early 1988 for resolution of the issue, the Vietnamese are now cooperating in response to the hard, insistent line that our administration has taken on this issue.

During my February 1986 mission to Vietnam, we made significant breakthroughs in a number of areas, including the repatriation of 14 sets of American remains and the scheduling of technical negotiating sessions. Please note that in the past 2 years 60 sets of remains have been repatriated and that the United States and Hanoi held talks as recently as October 1986 aimed at a further resolution of the status of the American POW/MIA's.

The establishment of September 19, 1987, as National POW/MIA Awareness Day underscores the importance of the sacrifice made by our brave and courageous American servicemen, as well as the sincerity of the U.S. Government to free and account for our missing servicemen. Most importantly, this designation sends a signal to all governments in Southeast Asia, as to the seriousness with which we regard this issue, and to what lengths we will go to bring home our missing Americans.

Next Monday, January 26, 1987, marks the 14th anniversary of the signing of the Paris peace accords which supposedly ended our involvement in Indochina, and guaranteed that our Americans would be promptly returned home. As we are sadly aware, our involvement in this part of the world cannot and will not end until all our missing Americans are fully accounted for.

The importance of legislation such as this cannot be overlooked. Accordingly I urge my colleagues to cosponsor and support this resolution, establishing September 19, 1987, as National POW/MIA Recognition Day.

HONORING ALBERT MEJIA FOR OUTSTANDING PUBLIC SERVICE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. TORRES. Mr. Speaker, I ask my colleagues to join me in honoring Mr. Albert Mejia for his 34 years with Rockwell International as well as his outstanding service to the community.

Mr. Mejia was born and raised in Los Angeles and was educated at Compton College and the University of Southern California. He is a veteran of World War II and Korea.

Mr. Mejia will be retiring from Rockwell on January 28, 1987, as the corporate director of urban affairs. During his tenure at Rockwell he has worked to provide equal employment opportunities, and affirmative action for minorities, women, handicapped, and veterans.

He is a member of professional and personal organizations such as the USC Mexican American Alumni Association, Hispanic Family of the Year, Inc., Mexican American Opportunity Foundation, League of United Latin American Citizens, and the Urban League. He has received numerous honors and awards for his tireless efforts on behalf of individuals and the community.

Mr. Speaker, I rise to call attention to the outstanding career and dedication Mr. Albert Mejia has provided to our community. His achievements in both private and public service set the standard that we all should follow.

LOS ALAMOS STUDENT NAMED TO McDONALD'S ALL-AMERICAN HIGH SCHOOL BAND

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. RICHARDSON. Mr. Speaker, it is a pleasure to bring to the attention of my colleagues the outstanding achievement of one of my constituents. This year Kristin Umbarger, a senior at Los Alamos High School in New Mexico, was selected to be a member of the 20th Anniversary McDonald's All-American High School Band. Kristin was selected from thousands of top high school musicians to represent the great State of New Mexico in this prestigious group, which consists of 104 talented young people, 2 from each State and the District of Columbia, plus 1 member each from the Virgin Islands and Puerto Rico.

The All-American band was created back in 1967 to recognize the dedication and achievements of outstanding young musicians. This year the band is celebrating its 20th anniversary. Kristin's selection to the All-American band is truly a unique honor and I know that my colleagues will join with me in expressing congratulations to Kristin—a highly dedicated and talented individual for her outstanding achievement.

ELIE WIESEL: EMERGENCE FROM THE KINGDOM OF NIGHT

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. WOLPE. Mr. Speaker, Elie Wiesel received the Nobel Peace Prize in Oslo on December 10, to the acclaim of the world. From the crucible of the Holocaust, from the ashes of European Jewry, he survived to bear testament to the horror of the Nazis, and the redemption of the Jewish people. We have no choice, as human beings, but to wrestle with the terrible truths of Elie Wiesel's overwhelming odyssey. His message is universal. First, never to be silent in the face of cruelty and subjugation. Second, always to take sides against oppression. Third, never to forget crimes against humanity, lest we become accomplices to their repetition. Fourth, to respond to cries against injustice wherever they are heard. Fifth, to understand that each individual can make a difference in the struggle of life over death.

Elie Wiesel's call to conscience on his award of the Nobel Peace Prize deserves our contemplation, reflection, and commitment.

WIESEL'S SPEECH AT NOBEL CEREMONY

(Following is the prepared text of the acceptance speech by Elie Wiesel, the winner of the 1986 Nobel Peace Prize, at a ceremony in Oslo yesterday, as made available by an aide.)

It is with a profound sense of humility that I accept the honor you have chosen to bestow upon me. I know: your choice transcends me. This both frightens and pleases me.

It frightens me because I wonder: do I have the right to represent the multitudes who have perished? Do I have the right to accept this great honor on their behalf? I do not. That would be presumptuous. No one may speak for the dead, no one may interpret their mutilated dreams and visions.

It pleases me because I may say that this honor belongs to all the survivors and their children, and through us, to the Jewish people with whose destiny I have always identified.

I remember: it happened yesterday or eternities ago. A young Jewish boy discovered the kingdom of night. I remember his bewilderment, I remember his anguish. It all happened so fast. The sealed cattle car. The fiery altar upon which the history of our people and the future of mankind were meant to be sacrificed.

"CAN THIS BE TRUE"

I remember: he asked his father: "Can this be true? This is the 20th century, not the Middle Ages. Who would allow such crimes to be committed? How could the world remain silent?"

And now the boy is turning to me: "Tell me," he asks. "What have you done with my future? What have you done with your life?"

And I tell him that I have tried. That I have tried to keep memory alive, that I have tried to fight those who would forget. Because if we forget, we are guilty, we are accomplices.

And then I explained to him how naive we were, that the world did know and remain silent. And that is why I swore never to be silent whenever human beings endure suffering and humiliation. We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.

SOMETIMES WE MUST INTERFERE

Sometimes we must interfere. When human lives are endangered, when human dignity is in jeopardy, national borders and sensitivities become irrelevant. Wherever men or women are persecuted because of their race, religion or political views, that place must—at that moment—become the center of the universe.

Of course, since I am a Jew profoundly rooted in my people's memory and tradition, my first response is to Jewish fears, Jewish needs, Jewish crises. For I belong to a traumatized generation, one that experienced the abandonment and solitude of our people. It would be unnatural for me not to make Jewish priorities my own; Israel, Soviet Jewry, Jews in Arab lands.

But there are others as important to me. Apartheid is, in my view, as abhorrent as anti-Semitism. To me, Andrei Sakharov's isolation is as much of a disgrace as Iosif Begun's imprisonment. As is the denial of Solidarity and its leader Lech Walesa's right to dissent. And Nelson Mandela's interminable imprisonment.

There is so much injustice and suffering crying out for our attention: victims of hunger, or racism and political persecution in so many lands governed by the left and by the right. Human rights are being violated on every continent. More people are oppressed than free.

PALESTINIANS AND ISRAELIS

And then, too, there are the Palestinians to whose plight I am sensitive but whose methods I deplore. Violence and terrorism are not the answer. Something must be done about their suffering, and soon. I trust Israel, for I have faith in the Jewish people. Let Israel be given a chance, let hatred and danger be removed from her horizons, and there will be peace in and around the Holy Land.

Yes, I have faith. Faith in God and even in His creation. Without it no action would be possible. And action is the only remedy to indifference: the most insidious danger of all. Isn't this the meaning of Alfred Nobel's legacy? Wasn't his fear of war a shield against war?

There is much to be done, there is much that can be done. One person—a Raoul Wallenberg, an Albert Schweitzer, one person of integrity, can make a difference, a difference of life and death. As long as one dissident is in prison, our freedom will not be true. As long as one child is hungry, our lives will be filled with anguish and shame.

What all these victims need above all is to know that they are not alone; that we are not forgetting them, that when their voices are stifled we shall lend them ours, that while their freedom depends on ours, the quality of our freedom depends on theirs.

"EVERY HOUR AN OFFERING"

This is what I say to the young Jewish boy wondering what I have done with his years. It is in his name that I speak to you and that I express to you my deepest gratitude. No one is as capable of gratitude as one who has emerged from the kingdom of night.

We know that every moment is a moment of grace, every hour an offering; not to share them would mean to betray them. Our lives no longer belong to us alone; they belong to all those who need us desperately.

Thank you Chairman Aarvik. Thank you, members of the Nobel Committee. Thank you, people of Norway, for declaring on this singular occasion that our survival has meaning for mankind.

NEW INITIATIVES FOR FULL EMPLOYMENT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. LAFALCE. Mr. Speaker, I am pleased to bring to the attention of my colleagues an important event taking place today in New York—a conference on "New Initiatives for Full Employment" featuring a presentation by Bishop Peter Rosazza, Auxiliary Bishop of Hartford, who was a member of the committee which drafted the recently adopted pastoral letter of the U.S. Conference of Catholic Bishops, "Social Justice in America—Catholic Social Teaching and the American Economy." In addition to Bishop Rosazza, the conference will hear from a panel of distinguished economists including Nobel Prize winner James Tobin, Rober Lekachman, Juliet Schor, and John Jeffries concerning the practical policy issues which the Congress will have to address if we are to lower the unemployment rate below 4 percent and keep it there.

Professor Tobin testified in 1985 on this very issue before the House Subcommittee on Economic Stabilization which I chaired, shortly after the first draft of the pastoral letter was released. Other panelists will address the organizing challenge which faces our labor movement, women's movement, minority organizations and others, if the political momentum and support needed for a full employment movement is to be developed. I strongly believe that the goal is a necessary one and share the belief expressed in the bishop's pastoral letter that "full employment is the foundation of a just society."

The organizers of the conference understand that our economy and our society have changed in important ways since the passage of the 1978 Humphrey-Hawkins bill calling for full employment. It is not simply a matter of electing a President and Congress who will support the goal. It is also necessary to develop a set of specific policies and programs which will protect us against inflation, restore industrial productivity and competitiveness, and—especially important—equip our workers with the skills, training, education and rewards which will ensure economic growth and a fair sharing of its rewards.

The connection is inescapable between the reality of declining real income for the average American working family since 1973, and a level of unemployment and underemployment which for many years has remained much too high. A full employment economy is in my view the necessary precondition to enable people to sustain and improve their standard of living, to raise their children and care for their elderly dependents, and to share the historic vision of the United States as a place of opportunity for everyone regardless of race, gender or social origin.

Today's conference will, I know, yield much more of value for us to consider as we renew our economic life and move out of the shadow of too many years of neglect. There will be more to report as the work which is begun today is developed and deepened. I look forward to seeing the fruits of that work and of sharing it with my colleagues in the Congress.

PUBLIC ATTENTION ON PRISONERS OF CONSCIENCE CAN MAKE A LIFE-AND-DEATH DIFFERENCE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. HOYER. Mr. Speaker, we have all been heartened by the release of Drs. Andrei Sakharov and Yelena Bonner from exile in Gorky and their subsequent return to their home city of Moscow. It is my opinion that the intensity of pressure from the West helped to convince Soviet officials to allow them to return.

Former United Nations Ambassador, Jeane Kirkpatrick writes of advice from Anatoly Shcharansky in which Shcharansky feels that focusing "public attention on particular prisoners can make a life-and-death difference." Kirkpatrick tells of the plight of Dr. Josef Begun, A Soviet prisoner of conscience, who has been tried and imprisoned three times. Dr. Kirkpatrick urges us to continue focusing attention on Begun and other prisoners of conscience in the hopes they they do not suffer the same fate as Anatoly Marchenko, who recently died in Soviet prison. That is the least we can do.

Mr. Speaker, I submit the text of Dr. Kirkpatrick's article for the RECORD.

SHCHARANSKY'S ADVICE

It has become traditional for major newspapers in many American cities to focus in the weeks before Christmas on the most needy persons in their area in hopes that the glow of the season will stimulate special sympathy and generosity for those oppressed by poverty, old age, ill health, bad luck and bad management of their own lives.

It is a good tradition, one that illuminates the social problems of great cities—aging, isolation, child abuse, disrupted families, poverty, homelessness—by showing how they affect the lives of real persons.

Similiarly, such great political abstractions as freedom, repression and pluralism also are most easily grasped when their impact is seen through the experiences of particular people. Human rights activist and for gulag inmate Anatoly Shcharansky told American audiences last week that focusing public attention on particular prisoners can make a life-and-death difference.

Anatoly Marchenko, Shcharansky said, died in a Soviet prison. The cause, he said, was not just Soviet abuse, but also Western indifference. Recalling his own long imprisonment, Shcharanksy told a New York audience. "In my case there were strong campaigns all over the world; protests from the top levels and grass-roots levels. In this [Marchenko] case, the public opinion of the West reacted quite differently. The results you see yourself."

Shcharanksy's view is shared by other former political prisoners—Huber Matos, Armando Valladores, Jacobo Timerman, among many others—who have credited their release and survival to international public attention. Spokesmen for Iran's Baha'i community credit public attention with the dramatic decline in government executions of Baha'i members from 100 in 1983 to three in 1986.

In this Christmas season, we should focus on just a few of the world's neediest political prisoners who are being denied their most basic human rights.

Dr. Josef Begun, a 55-year-old Soviet citizen of Jewish descent, has been convicted three times for the crimes of teaching Hebrew, cultivating the study of Jewish culture and history, and seeking permission to emigrate to Israel. Begun, a mathematics graduate of Moscow University, first applied for an exit visa in Arpil 1971. His application denied, he was fired from his job, barred from employment even as a manual laborer and hounded by the KGB. In 1977, Begun was arrested for giving private Hebrew lessons and convicted for leading a "parasitic way of life".

He was sentenced to two year of penal exile in Siberia and was barred from living in Moscow, where his family resided. Rearrested in 1978 for overstaying a rare 48-hour visit with his wife and son in Moscow, Begun was sentenced to Siberia for another three-year term. Again released, again rearrested, in 1983 Begun's books, papers and Hebrew writings were confiscated, and he was convicted of "especially dangerous crimes against the state." He was given the maximum sentence-seven years' imprisonment and five years of exile.

All three trials were filled with violations of regular Soviet legal procedures and of international legal standards.

During his current imprisonment, Begun has been subjected to especially harsh treatment. He has spent several periods in a special punishment cell (for giving a lecture on the Holocaust and wearing a yarmulke). His health has seriously deteriorated, his coronary heart disease exacerbated by the harsh conditions under which he must live. His daily rations and exercise periods have been cut in half. His correspondence is limited to one letter very two months.

Begun, recently hospitalized again, was never active in politics. His crimes consisted of giving Hebrew lessons when he was denied all other employment, studying Jewish history, disseminating information on Hebraic culture and seeking to emigrate to Israel.

Begun is not alone in paying a heavy price for his religious interests. Assistant Secretary of State for Human Rights Richard Schifter pointed out recently that during the past 12 months at least 90 other Soviet citizens have been sentenced to long prison terms for religious practices.

Dr. Anatoly Koryagin, 47, is the Ukrainian psychiatrist who in the late '70s exposed the Soviet practice of confining political dissidents and religious observers to psychiatric hospitals, where they are submitted to pain-inducing, mind-destroying drugs.

Now, however, it is Dr. Koryagin who needs help.

For blowing the whistle on these practices, now well documented, Koryagin was sentenced to seven years' imprisonment and sent to the dreaded Christopol prison, where he has suffered repeated beatings, a grossly inadequate diet and seriously deteriorating health. Now that his sentence has been extended, his wife—who has not been allowed to visit him for more than two years—and his friends are gravely concerned for his life.

Pastor Pyotr Rumachik, 53, vice president of the Council of Evangelical Baptist Churches in the Soviet Union, has been sentenced to prison or exile four times for a total of 12 years. His crime was engaging in activities for an "unregistered" church. Currently serving a five-year sentence that was imposed in 1980 and has already been extended, he has been subjected to a grossly reduced diet, heavy labor, deprived of his Bible and repeatedly committed to a punishment cell. Pastor Rumachik also suffers heart trouble and deteriorating health.

He is the ninth Evangelical Baptist in the Soviet Union to be resentenced to prison this year.

But Soviet citizens are not the only ones who risk harsh punishment for exercising human rights guaranteed under their own constitutions and under the International Declaration of Human Rights and the Helsinki Accords. There are other prisoners in other lands.

What can we do for these and thousands of others who have been brutally denied their legal and human rights in Eastern Europe, Africa, Asia, Iran and elsewhere? Anatoly Shcharansky tells us these countries want access to Western technology and credits. Therefore, he says, "linkage can help open the gates."

So can our continuing attention.

REAGAN: THE TRUTH AT LAST EXPOSED

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. CLAY. Mr. Speaker, during the recent holidays I travelled to Europe and had the occasion to converse with many foreign leaders and to peruse some of the world's finest news publications. The European community's disdain of President Reagan's incompetency in world affairs is not impaired to the same extent as American leaders and American voters who have been duped by charismatic presentations about this administration's misguided forays into areas which are beyond the bounds of the President's understanding. I recommend the following article which appeared in the London Times on November 28, 1986:

REAGAN: THE TRUTH AT LAST EXPOSED

(By David Watt)

The disaster which has engulfed the White House has been coming a long time. It has been inherent in the Reagan presidency from the very beginning in 1981, its nature perfectly obvious to any serious observer. It was spelt out in the memoirs of Alexander Haig, the former Secretary of State, and in David Stockman's account of his time as Budget Director. Every authentic anecdote to have emerged from the White House has confirmed it. The U.S. has a president who does not have the intellectual energy or capacity required for the conduct of foreign policy, and the aides on whom he depends to do it for him are third rate. The results have been continuous squabbling within the administration, wild fluctuations of policy, and a long series of mistakes brought on by panicky attempts to impress domestic opinion with bogus ideological consistency and quick results.

These facts have been concealed from the American public for a number of reasons—partly Reagan's extraordinary skill and charm as a television performer but, more to the point, public self-deception. After Vietnam, Watergate, and the Tehran hostages nightmare they have desperately wanted Reagan to succeed, and since he has *acted* the part of the successful president to perfection nobody in the U.S. (certainly not the media, still smarting from accusations of having brought down Nixon by foul means) has until recently dared or indeed wished to break the euphoric spell. Foreign opinion has been more perceptive, but there has been an understandable conspiracy among the European establishments to make the best of a bad job.

It is also fair to say, in defense of Reagan, that the underlying problem that has produced the present crisis is intractable and systemic. In an era when foreign policy is the transcendant political issue of American government, the president cannot afford to relinquish control of it either to members of his cabinet or to the legislature. But if he tries to impose himself seriously on the subject (through some such instrument as the National Security Council or special advisers in the White House) he automatically sets up enormous tensions between his own machine and the powerful institutions—State Department, Pentagon and, above all, Congress—that have a vested interest in it.

And not only that. There is almost bound to be a tension between two sorts of White House adviser: the man who seeks to ensure that the president's foreign strategy is carried out and the man whose job is to keep the president out of domestic trouble and sees foreign policy as a means or an obstacle to that end.

These are genuine difficulties and it cannot be said that any president since Eisenhower has solved them wholly satisfactorily. The Nixon White House provided the classic demonstration of the problem, with the president's man, Kissinger, cheating Congress and bypassing the State Department and Pentagon, and Nixon's political "minders", Haldeman and Ehrlichman, cracking dirty jokes with the president and quarrelling with and often bypassing everyone, including Kissinger, to keep the political lid on.

It was a sordid set-up, wasteful of talent and energy and frequently in violation of the constitution, but it worked after a fashion because Nixon was a highly intelligent man with great international experience, Kissinger was a remarkable operator, and even Haldeman and company usually had enough sense to see when they were out of their depth on the international side.

The case against Reagan is that he has never managed to make the system work, even after a fashion. His national security advisers have been lacklustre. His Californian political mafia, with the exception of James Baker, have been aggressively parochial and tactical in their approach to foreign affairs, and Reagan himself, too inexperienced and too unable or unwilling to grapple with detail, has never been able to control what has gone on at the centre of government. General Haig's picture of the Reagan White House as a kind of ghost ship whose sails move mysteriously and almost randomly with nobody on deck is a telling one.

Reagan rightly sensed that America was looking to him for confidence, security and peace (in that order). The first of these, being a psychological commodity, he has managed to restore by rhetoric and gestures. But he has never been able to provide more than the shadows of the last two; consequently the effort to prevent even confidence slipping away again has had to become more and more frenetic; hence the disinformation campaign and Colonel North's laundering activities.

What has happened now is therefore far more significant than the subject matter of the Iranian row. The point is that the Reagan myth has been shattered, the illusion exposed. The conjuror's false pockets have been turned inside out and the Emperor has been revealed in all his nakedness. Nothing will be the same again. Even if a little of the present scandal can be deflected from Reagan himself by the suitable sacrifice of scapegoats, the Democrats and the media will have no difficulty, over the coming months, in making the incompetence charge against him stick. Its validity flows from a fundamental and irremediable flaw in this administration, and people, having once seen it for what it is, cannot forget what they have seen.

PERSONAL EXPLANATION

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. ESPY. Mr. Speaker, I take this opportunity to express my regret with having missed rollcall vote No. 9, on Thursday, January 8, 1987, which recorded the vote on House Resolution 26, establishment of the Select Committee on Hunger.

Let the record show that I favor the reestablishment of the Select Committee on Hunger and had I been on the House floor only 6 minutes earlier, I would have voted for House Resolution 26. Furthermore, I have requested an assignment to this important select committee where it would be an honor to serve with one of the most ardent advocates of national and international food relief programs, Chairman MICKEY LELAND.

Mr. Speaker, as a cosponsor to House Resolution 26, I was very pleased to see the overwhelming 312-to-89 vote reestablishing the Select Committee on Hunger.

GILMAN REINTRODUCES LEGISLATION TO REINSTATE BURIAL BENEFITS FOR VETERANS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. GILMAN. Mr. Speaker, today I am reintroducing legislation which attempts to rectify what I believe is a severe injustice to the veterans of our Nation. The Veterans Burial Benefits Act of 1987 attempts to restore much-deserved funeral benefits previously afforded to all our veterans.

As you know, Mr. Speaker, prior to 1981, the United States Code provided for a burial allowance of up to $300 in all cases where a veteran died: First, of service-connected disability; second, who was a veteran of any war; third, who was discharged for a disability incurred or aggravated in the line of duty; or fourth, who was in receipt of—or but for receipt of retirement pay would have been entitled to—disability compensation.

The Omnibus Reconciliation Act of 1981 decreased the veterans' burial benefits significantly by limiting funeral benefits to veterans who at the time of death were receiving disability compensation or retirement pay. Thus, this supposed cost-saving measure denied many veterans the only monetary recognition they would receive for their honorable service. This reduction, I believe mistakenly placed an economic value on a benefit that was freely given by Congress to ensure that all veterans would be buried with dignity and respect, regardless of their income or social standing at time of death.

My legislation: First, restores the pre-1981 eligibility for veterans for the purposes of receiving funeral benefits; second, increases the amount of those benefits from $300 to $400; and third, increases the plot allowance from $150 to $250. In these economic times, the cost of burial has increased dramatically and often becomes a tremendous financial burden on the families of these veterans. It is my sincere hope that this legislation will help to defray a portion of today's escalating costs easing the financial strains of a many times cost-prohibitive funeral. It seems only right that we reinstate these benefits and fulfill the obligation that we made to these veterans at the time of their commission into the service of their country, to provide them with reasonable compensation for their funeral costs.

Since the veterans' benefits were dropped in 1981, countless numbers of veterans have been denied a proper burial. The present situation provides only for those veterans receiving disability compensation or retirement pay at the time of their death. While this service is worthwhile and admirable, it is necessary to go one step further and provide a safety net for the poor and working poor who die without insurance and are not able to afford the cost of even a simple funeral. The reduction of these burial funds is in direct violation of a longstanding principal held by the American Legion which calls for equal benefits for equal service.

It is important to bear in mind that the average cost for a funeral, not including a casket, headstone, or grave, is approximately $2,000. While State and local governments sometimes provide funds for indigent funerals, this by no means covers all our veterans and is not a viable option for many of our veterans.

The death of a loved one is always a difficult, trying time. Whether that individual suffered from a long, lingering illness or was taken suddenly, it is very difficult for families to prepare emotionally and financially, for this loss. Reinstating these deserved benefits to our veterans is essential to fulfill our obligation to the people who have fought and risked their lives to protect the ideals and peoples of this great land. I believe that reinstating the eligibility for funeral benefits, and increasing that allowance from $300 to $400 along with increasing the burial allowance from $150 to $250 recognizes congressional efforts to limit Federal spending while attempting to reward our veterans' service to this Nation. This measure couples a necessary fiscal responsibility with deserved empathy for our Nation's veterans.

Following is the text of The Veterans' Burial Benefits Act of 1987 which I commend to my colleagues attention. I hope that they will share this legislation with the veterans groups in their congressional districts, and that they will support this important legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Burial Benefits Act of 1987".

SEC. 2. ELIGIBILITY FOR BURIAL ALLOWANCE.

Subsection (a) of section 902 of title 38, United States Code, is amended to read as follows:

"(a) Where a veteran dies—

"(1) of a service-connected disability; or

"(2) who was—

"(A) a veteran of any war;

"(B) discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty; or

"(C) in receipt of (or but for the receipt of retirement pay would have been entitled to) disability compensation;

the Administrator, in the Administrator's discretion, having due regard to the circumstances in each case, may pay a sum not exceeding $400 to such person as the Administrator prescribes to cover the burial and funeral expenses of the deceased veteran and the expense of preparing the body and transporting it to the place of burial. For the purpose of this subsection, the term 'veteran' includes a person who died during a period deemed to be active military, naval, or air service under section 106(c) of this title.".

SEC. 3. INCREASE IN THE BURIAL PLOT ALLOWANCE.

Paragraphs (1) and (2) of section 903(b) of title 38, United States Code, are amended by striking out "$150" each place it appears and inserting in lieu thereof "$250".

TRIBUTE TO MR. BRUCE B. BUTLER ON HIS RETIREMENT FROM THE NORWALK-LA MIRADA UNIFIED SCHOOL DISTRICT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. TORRES. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. Bruce B. Butler for his outstanding and dedicated service in my district.

On January 6, 1987, Mr. Butler retired from the Norwalk-La Mirada Unified School District after 40 years of distinguished service. Education is the key to the future well-being of our communities and our Nation. It is essential that excellence in education is nurtured and promoted. Throughout his career, Mr. Butler has demonstrated a unique drive and commitment to ensuring that all students receive the type of quality education that has made this Nation a world leader.

Mr. Butler was born in Fullerton, CA and raised in La Habra. He graduated from Whittier College in 1942, and completed a masters degree at the University of Southern California. After graduating from college, he served in the U.S. Navy from 1942 to 1946, and was assigned his own command. He was honorably discharged having achieved the rank of lieutenant.

Bruce Butler began his career in education with the Norwalk City School District as a teacher. He was later promoted to vice principal and assistant superintendent of business. He also served as acting superintendent for Norwalk-La Mirada Unified School District, and was appointed associate superintendent for business on July 1, 1978. Mr. Butler served in that position until his retirement.

Mr. Speaker, I ask my colleagues to join me in commending Mr. Bruce B. Butler for his outstanding service and commitment to educational excellence in my district.

TRIBUTE TO PAUL AND LORETTA COONEY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. BORSKI. Mr. Speaker, I rise to pay tribute to Paul and Loretta Cooney on the occasion of their 50th wedding anniversary.

Mr. and Mrs. Cooney were married on January 21, 1937, in Dunmore, PA. They have two sons, Paul, Jr. and Gerard. The Cooneys are life-long residents of Pennsylvania.

Mr. Speaker, in this day and age it is an impressive achievement for two people to remain happily married for half a century. Mr. and Mrs. Cooney are a testimony that love and understanding can endure and form the basis of a lifetime relationship. I am pleased to join their family and friends in congratulating them on this anniversary and wishing them continued happiness for the next 50 years.

BILL INTRODUCED TO REDRESS GRIEVANCES OF ALASKAN SPORT HUNTING GUIDES

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. YOUNG of Alaska. Mr. Speaker, I am introducing a bill today which was introduced in the last Congress but due to lack of time received no action. I believe this bill will redress grievances suffered by a group of Alaskans when the Alaska National Interest Lands Conservation Act [ANILCA] was enacted in December 1980. This group is composed of sport hunting guides who were assigned exclusive hunting areas prior to the closing of those areas by Presidential proclamation in December 1978 or on December 2, 1980.

Earlier versions of the Alaska Lands Act contained provisions that the interests of the sport hunting guides, a rugged group of Alaskans, would be protected. Several options were to have been offered them by the Secretary of the Interior. Unfortunately, somewhere along the line, these provisions were left out of the final version of Public Law 96-487.

It is the purpose of this resolution, to compensate those hunting guides who lost revenues, businesses, and possessions when their rights in exclusive areas were abrogated and the improvements they had made in the form of camps and forward bases were absorbed by the National Park System.

The remedy or redress called for by this legislation is simple and sure. Any guides who held a lawfully issued permit for an exclusive or joint use guide area upon enactment of ANILCA and who lost such permit will be eligible. Eligible guides must present evidence of income derived from guiding in the area during the 5-year period immediately preceding the closing date. Guides must also furnish maps certified by the State of Alaska Guide License and Control Board showing the acres lost and file for compensation no later than December 31, 1987.

Under the bill, the amount of compensation will be approximately $1 for each acre of exclusive guide area lost. The compensation for improvements made solely to facilitate their guiding services shall be equal to the fair market value of such improvements before the area was closed to sport hunting less the fair market value of the improvements after the area was closed.

Mr. Speaker, I am sure it was not the intention of Congress to single out this group of distinguished Alaskans for punishment, but that has been the end result. I have received copies of questionnaires sent guides by the Alaska Professional Hunters Association. Of 31 responses, every single one had lost hunting areas.

These areas lost ranged from 30 percent of their pre-ANILCA areas to 100 percent. Some had to close their own businesses and go to work for a more fortunate guide. Others changed their lifelong professions. As President Larry Rivers of the association stated to me: "It is ironic that the guides who levied and operated in the most remote parts of Alaska and who served the people of these areas all those years, even to guiding the oil industry to the Prudhoe Bay field, should have been so neglected by the law."

I agree with Larry Rivers and my friends who are sport hunting guides that they have suffered great financial loss through no fault of their own. I further submit to you that it is high time for Congress and the executive branch to redress their grievances. This legislation will do the job.

For these reasons, I urge my colleagues to support this legislation.

ADVERSE ACTION APPEAL RIGHTS FOR EXCEPTED SERVICE EMPLOYEES

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. DYMALLY. Mr. Speaker, on January 8, I introduced legislation (H.R. 555) to give Federal employees in the excepted service the right to appeal an adverse action to the Merit Protection Board [MSPB]. This administrative due process right already is extended to both competitive service employees and veterans preference in the excepted service, under title 5, U.S.C., chapter 75. H.R. 555 merely give nonveterans in excepted service positions the same right of appeal when they are faced with a conduct-related adverse personnel action.

There are approximately one-half million excepted service employees in executive branch agencies. They include attorneys, scientists, physicians, chaplains, handicapped workers, and certain midlevel administrative positions. These positions are excepted from the competitive civil service because qualifications are measured in another way, such as the bar exam, or it is impractical to have an examination.

Under current law, competitively hired employees have the right to receive advance written notice of an adverse action and to respond in writing. They also have the right to appeal to the MSPB, an independent Federal agency. These administrative procedural rights apply, as well, to veterans in the excepted service. Frankly, I see no reason why nonveterans in excepted positions should not have the same protective right of appeal.

In the 99th Congress, a similar bill I introduced was approved by the House, with bipartisan support, under suspension of the rules. I sponsored this legislation because I believe that Federal employees, except under special circumstances, should not be subject to the loss of their jobs, grade, or pay without any means of recourse or ability to properly defend themselves. And yet, there are hundreds of thousands of employees in the excepted service positions who, by virtue of the fact that they are hired through means other than a competitive exam, may be faced with an adverse action which they may not appeal. This situation subjects many of our Federal workers to the whims of internal and external politics—a situation in which career civil servants should not be placed if they are to serve the Nation well.

I should point out that, consistent with current law, my legislation does not cover schedule C political appointees or temporary appointments. Also, the Subcommittee on Civil Service took careful steps last year to ensure that the rights extended to certain excepted service employees do not infringe on the need of Federal agencies to remove employees for reasons of national security. For this reason, employees in the Federal Bureau of Investigation and the Central Intelligence Agency are exempted from the bill, except where veterans already have appeal rights. Several other agencies are exempted because of separately established personnel systems which allow for an appeal procedure for expected employees.

Finally, H.R. 555 contains one change from the bill passed by the House last year. Civilian technicians in the National Guard, who are excepted service employees by statute, currently are barred from appealing an adverse action outside of the Guard Bureau, regardless of whether they hold veterans preference status. In the last Congress, I introduced a separate measure to give civilian technicians the same adverse action appeal rights as other excepted service employees. However, neither the Armed Services Committee nor the Post Office and Civil Service Committee had the opportunity to hold hearings on that bill. While I intend to address this issue again, I felt the least we should do is afford veterans preference eligible technicians the same right of appeal to the MSPB that is currently granted to all other veterans in the excepted service. Veterans in the civil service always have had certain additional benefits granted to them, in recognition of the sacrifices they have made for their country. It seems to me that veterans in the National Guard who are eligible for preference status should be treated no differently from their counterparts in other Government agencies.

I hope my colleagues on both sides of the aisle again will support my efforts to guarantee a minimum of due process to many Federal employees who currently have no safeguards in an adverse action situation.

MARCH 1987—NATIONAL EYE DONOR MONTH

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. GUARINI. Mr. Speaker, imagine how life would be if you always had to wear steamed-up glasses—and you could not wipe them off. That is how life is for the more than 30,000 Americans, and hundreds of thousands of others from around the world, who suffer from corneal blindness each year. Vision is always severely affected and often eliminated in these individuals if the cornea—the clear surface at the front of the eye—becomes cloudy through or from swelling, injury, infections, chemical burns, or congenital disease.

There is a cure. By being an organ or tissue donor, the lives of the suffering are renewed. Thanks to medical advances and increased national awareness of the benefits of organ and tissue donation, last year more than 28,000 Americans were restored to useful vision through corneal transplants.

This procedure has a 90-percent success rate in improving sight and only can be done with donated eye tissue. The procedure helps a wide spectrum of society. Those given this precious gift and who can see today as a result range from a 9-day-old infant to a 103-year-old great-great-grandfather. However, thousands more people without vision could benefit from this operation but are not being helped because of a shortage of eye donations.

A united national effort exists to eliminate this shortage. The 87 eye banks in 40 States, Puerto Rico, the District of Columbia, and Canada belonging to the Eye Bank Association of America are committed to the goal of having a cornea readily available for anyone suffering from corneal blindness. Celebrating the 25th anniversary year of the EBAA, these eye banks are intensifying their work to preserve medical standards of the highest quality, to promote organ and tissue donation, and to encourage research into the prevention and treatment of eye disease and injury.

The major barrier to the elimination of waiting lists for corneal tissue is the lack of public knowledge about organ and tissue donation. In particular, many citizens do not realize that all eyes are acceptable for donation, regardless of the donor's age or quality of vision. There is no substitute for human eyes. No synthetic cornea currently is effective. Thus eyes not suitable for transplant are used for research projects so valuable information can be gained to help the thousands of others with diabetes, glaucoma, retinal disease, and other eye problems.

Therefore, as we in Congress have done the last 4 years, it is fitting that we once gain inform the public of the need for eye donations and encourage more Americans to become organ and tissue donors. By doing so, we designate March 1987 as "National Eye Donor Month" and call on all of our citizens to support this humanitarian cause with appropriate activity.

UKRAINIAN INDEPENDENCE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. GILMAN. Mr. Speaker, it is important to note that later this week, on January 22, 1987, the Ukrainian-American people will commemorate the creation of a united and free Ukraine, formed in 1918. I wish to associate myself with the activities taking place to mark this occasion and would like to take this opportunity to provide my colleagues with some historical background concerning this important issue.

The Ukrainian Central Rada, in Kiev, on January 22, 1918, proclaimed a full-fledged sovereign state of Ukraine. Soon after, Ukrainian authorities concluded the peace treaty of Brest-Litovsk, with the central powers gaining de facto and de jure recognition. Toward the end of the year, Western Ukraine joined with the newly formed Republic, and became a United Ukraine. Immediately, the United Ukrainian Republic was thrust into a war of survival against both the Red and White Russian Armies on the eastern front, and the Polish Army on the western front. After 3 years of courageous struggle, the United Ukrainian Republic was forced to submit to Russian forces, which were numerically superior.

The repression of the Ukrainian people which began so many years ago has remained to this very day. Indeed, it has intensified, as the Soviet Union continues its strict policy of russification. Over the years, Soviet authorities have attempted to eradicate all forms of Ukrainian culture and tradition. Religious persecution continues unmercifully, it being conservatively estimated that up to 40 percent of all political prisoners in the Soviet Union are of Ukrainian heritage.

Yet, almost miraculously, Ukrainian culture and tradition thrive, despite the very real physical and psychological threats. One's cultural tradition cannot be denied, and Soviet attempts to erase the Ukrainian people by every means at their disposal have failed.

The commemoration of Ukrainian Independence Day has been recognized by Congress and the President for many years. As a member of the Ukrainian Famine Commission, I have the opportunity to become more fully aware of the terrible injustices that have befallen the Ukrainian people in recent decades. But their determination to uphold religious and cultural traditions needs to be recognized, especially by the Soviet Union.

As we commemorate Ukrainian Independence Day, I join with my colleagues and the Ukrainian people in looking toward the day that the United Ukrainian Republic, truly free and sovereign, exists once more. Accordingly, I urge its commemoration by all those who uphold freedom and human rights.

AMERICAN CITIZENSHIP: THE ULTIMATE TRIBUTE TO A COURAGEOUS LADY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. BIAGGI. Mr. Speaker, once again, it is my privilege to introduce legislation on behalf of Madame Anne Brusselmans. This new bill would extend, to her, the gratitude of our Nation by granting her American citizenship. What greater tribute can we as Americans extend to a foreign national?

Up until recently, few knew of Madame Brusselmans and her contributions to the Allied forces during the Second World War. Few knew that she put her life and the lives of her husband and children in jeopardy on a daily basis, and only a handful had had the opportunity to meet this courageous woman. Anne Brusselmans may not be the most famous of World War II aptroits, but she is one that the members of this distinguished House should come to know.

Madame Brusselmans served as a major link in the Belgian underground and is credited with aiding more than 100 American airmen, right up until the time that Brussels was liberated in 1944. Anne Brusselmans remembered that it was British soldiers who had helped she and her family in early 1940 when the Nazis invaded Belgium. She knew that she would have to do something to aid the Allies and started sending food to prisoners of war and then began translating British newscasts. In 1941, when a local priest asked if she would take an airman, there was little chance of her saying no. In her small two-bedroom apartment, this woman hid Allies, sometimes for months at a time. She provided them with food, clothing, forged travel documents, and the comforting knowledge that someone cared. It is reported that the Nazis never hesitated in executing any Belgian they found aiding the Allies, but this never stopped Anne Brusselmans. She continued to find "safe houses" for the Allies and in her diary "RENDEZ-VOUS 127," she explains that this was extremely dangerous as the Gestapo had spies everywhere. Most did not last in the underground for more than a short time, however, Anne Brusselmans did not give up her fight until the last days of the war; she never turned anyone away from her door.

On January 12, 1987, President Reagan called Madam Brusselmans and explained that as she had made a meaningful and significant contribution to the national security of our Nation, he had the authority to grant her permanent residency. I am sure that that telephone call is one that Anne Brusselmans will never forget. We, however, have the opportunity to go one step further. We, the elected representatives of our people, are empowered to publicly acknowledge this woman and her love of our country, by granting her U.S. citizenship. It is my hope that my distinguished colleagues will agree that it is never too late to extend our thanks and gratitude, and favorably consider this legislation.

WHO'S GUIDING THE FINANCIAL INDUSTRY INTO CHANGING TIMES?

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1987

Mr. DERRICK. Mr. Speaker, much is being said about the state of the financial industry in our Nation, and our colleague DOUG BARNARD has written a very interesting article on this subject, titled "Who's Guiding the Industry Into Changing Times?" This is information that merits the attention of the Members of Congress, so I would like to call their attention to the following article, which is reprinted from the November/December 1986 issue of Outlook magazine.

The article follows:

WHO'S GUIDING THE INDUSTRY INTO CHANGING TIMES?

(By Doug Barnard, Jr.)

Not long ago, in simpler times, the hottest topic to come up in most banking circles was how to lure passbook accounts from savings and loan associations when they had the interest rate advantage.

How quickly—and how drastically—things have changed. In today's financial industry, problems appear more numerous, complex, and insoluble every day. We have come to a point, in fact, where the system is terribly outmoded and must be redesigned to account for technological innovations and vast changes in consumer and business perceptions of the role of financial services.

The hazards of today's industry have been documented in all-too-familiar headlines relating the failure or near-collapse of thrifts, commercial banks, and farm or energy banks around the country. These grim, tangled accounts are as dismaying to lawmakers and regulators seeking remedies to the industry's problems as they are to the layman who wants assurance that his investments are in good hands.

Members of Congress have heard countless hours of committee testimony in their efforts to come to grips with the revolution in financial services. Yet, far too many problem-solvers are trying to put new genies into old bottles. The trouble is that the genie's hips have gotten too big to fit. Things are happening with lightening speed in the financial world, and the old laws simply will not accommodate them.

CONGRESSIONAL INITIATIVES

Regrettably, Congress, too, often seems transfixed by confusion over this messy state of affairs. Although the Senate tends to want legislation to expand the power of firms in the financial services industry, the House is apparently comfortable heading in the opposite direction—toward re-regulation. This dichotomy prevented legislation from passing in 1984, and it reduced this year's legislation to bare essentials that still could not pass. The only common denominators are the perception that actions is needed and the uncertainty over the nature of the problem.

One thing everyone should be able to agree on is that any new law affecting financial services must address current realities, not timeworn conventions. Bear in mind that few of the major laws now governing the industry are of recent vintage. The Glass-Steagall Act was passed in the aftermath of the Great Depression, and the Bank Holding Company Act and the Savings and Loan Holding Company Act began taking place in the 1950s. In this category, only the Depository Institutions Deregulation and Monetary Control Act of 1980 and the Garn-St Germain Depository Institutions Act of 1982 are new, but sorting out the often bewildering ramifications of those initiatives—implementing their strengths and removing their weaknesses—has to be one of the major components of any banking bill passed today or tomorrow.

The industry that legislators have to deal with is hardly exemplified by your corner mom-and-pop thrift. In the financial world today, there is everything from 24-hour trading in exchange futures between Singapore and Chicago to the evolution of automated clearing houses.

And that's only the technological side. On the consumer side, customers—businesses and individuals alike—having tasted increased conveniences and services, now want more of them.

In short, this is a time of innovation, of trial and error. Some newfangled instruments will fail; others will be perceived by the public as threats. Individual consumers will see some procedures as unfairly favoring business, and vice versa. Legislators must sort out their needs in the context of everything from present and proposed bank and thrift activities and interstate depository company expansion to proposals to merge traditional financial services with insurance, real estate brokerage and agency operations, travel agency business, data processing, and securities transactions under a single corporate umbrella.

COURTS IN FOREFRONT

Pending congressional action, many significant decisions about the conduct of the nation's financial institutions are being made by aggressive attorneys and flexible courts. (The status of the examples that follow may change before this article is published.)

Take Individual Retirement Accounts (IRAs) or Keogh accounts, for example. Who is going to get the lion's share of benefits from this gigantic private retirement-insurance system? Remember that IRAs and Keoghs, while affected by the tax reform bill, will not cease to exist because of it, and millions of people will still qualify for them.

Can a bank or a thrift operate IRAs as a collective trust fund? Or are they mutual funds forbidden under Glass-Steagall? For now, the courts are in conflict here. In the District of Columbia appellate court, they are allowed. A California federal court says they are not. The issue will be ultimately decided by the U.S. Supreme Court, but probably not for a couple of years. Meanwhile, uncertainty prevails.

Or consider commercial paper. Bankers Trust Company is trying to break into this area, which is now almost solely the province of investment houses. Billions of dollars are at stake. A case, brought by the Securities Industry Association (SIA), went to the Supreme Court but was remanded to the Board of Governors of the Federal Reserve System, who determined that Bankers Trust was not underwriting in a way proscribed by Glass-Steagall. When the SIA renewed its suit, the D.C. District Court agreed with the plaintiff, which asked for an injunction to stop Bankers Trust. The request was granted, then stayed. Bankers Trust readied an appeal, and now this issue too may not be decided short of the Supreme Court.

In another case recently decided (Marine Midland), the high court ruled that automated teller machines do not constitute bank branches, so that interstate banking regulations do not apply to them.

A host of other issues concerning the future of American financial services—including securities activities of savings banks (the National Savings Council case)—await definitive court action.

Meanwhile, there is the granddaddy of all such litigation—the Dimension case, involving the permissibility of nonbank banks. The Supreme Court has okayed them, in principle. But there are complications involving the Comptroller of the Currency's ability to charter them and the states' ability to forbid them. The resolution of the case could force changes in the Bank Holding Company Act, the Glass-Steagall Act and, indirectly, the Savings and Loan Holding Company Act.

PUSH COMES TO SHOVE

But however slowly the judicial process grinds, it seems a surer bet for guidance nowadays than Congress, the administration, or the regulators. One thing is certain: thrifts and commercial banks must be allowed to innovate and adapt more quickly to the changing times.

The House Government Operations Subcommittee on Commerce, Consumer and Monetary Affairs has held hearings that shed light on financial laws that are outmoded and inefficient—and perhaps make it easier for Congress and the regulators to change the system. It is even possible that uncertainty and frustration over the direction of today's financial industries may generate the demand for some truly progressive legislation. It is time to think in terms of the overall good of the financial system rather than of individual components that too often assume a me-first attitude.

Because banking legislation is among the most difficult types to get passed, whatever banking measures Congress enacts will probably be set in fast-dry concrete—if not stone—for a long time. So now is the time to determine whether new laws are needed to address such aims as:

Providing financial institutions the ability to give customers both the modern and traditional services they have come to expect;

Ensuring the soundness and stability of depositories in the financial system. After all, legislative measures mean nothing if they do not shore up the protection that surrounds the capital of depository institutions—even if that shoring up involves offering more risk-taking options for other kinds of subsidiaries in a holding company;

Continuing vigorous and fair competition in all areas of financial services—from the everyday transactions in the nation's payments system to the effective underwriting of global debt.

In short, any congressional action must reexamine the premises that led to today's deregulated financial environment. The nation's financial services industry needs more than the "emergency" legislation that has been before the Congress for consideration this year. A basic approach is required, and that approach begs the following question: Does the new system work? It's time to get some answers.

SENATE—*Wednesday, January 21, 1987*

(Legislative day of Tuesday, January 20, 1987)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the Honorable GEORGE J. MITCHELL, a Senator from the State of Maine.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Eternal God, the Chamber of the U.S. Senate is a place of true greatness—great personalities, great voices, great leaders, great statesmanship. In the human penchant to romanticize history, our tendency is to relegate greatness to the past. We thank You, Almighty God, for the legends of the past, but we praise and thank You for the legends of the present. We pray against the apathy and the cynicism in our Nation which has no expectation for the present. Father in Heaven, perhaps no generation of leadership has faced more momentous times than this one. Greatness is demanded and needed, and we thank You, Father, that greatness is here. Grant that the great personalities, the great voices, the great statesmen, presently in this body will emerge and prove themselves to be equal to the monumental challenge which they confront. We pray in the name of the Lord of history, who is Servant of all. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 21, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE J. MITCHELL, a Senator from the State of Maine, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. MITCHELL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal be approved to date, even though this is not a day following an adjournment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. BYRD. Mr. President, the Senate will begin at 2 p.m. today to resume the debate on the amendment offered by Mr. DOLE in the nature of a substitute to House bill H.R. 1, the clean water bill. There will be 2 hours of debate equally divided and, at 4 p.m., there will be a rollcall vote, which has previously been ordered, not the amendment by Mr. DOLE.

Immediately upon the disposition of that amendment, the Senate will proceed to vote on H.R. 1, the House bill on clean water, and immediately upon the disposition of the House bill, the Senate then will take up the concurrent resolution to make a correction in the enrollment of H.R. 1. No rollcall vote on that resolution is anticipated. Immediately upon the disposition of that concurrent resolution, the Senate will vote on the resolution on human rights in the Soviet Union, and that will be a rollcall vote. Three rollcall votes, therefore, have been previously ordered and the second and third rollcall votes today will be limited to 10 minutes each.

Mr. President, upon the disposition, then, of the human rights resolution, barring any further action, and I do not foresee any at the moment, I would propose to go over until tomorrow. However—and I have not mentioned this to the distinguished Republican leader; I had asked my staff earlier today to begin talking with the staff of the Republican leader, and we would have to clear this with Senator FORD and Senator STEVENS—if, perchance, it is the feeling of the chairman and ranking member of the Committee on Rules and Administration that the funding resolutions for committees could be brought up on tomorrow, even though they will only be reported from the committee on tomorrow, if there are indications that there will not be any controversy or much controversy and they are willing to have those resolutions brought up on tomorrow and disposed of on tomorrow, it would be my plan then to go over until Monday. But I will be discussing this with the Republican leader, who has not had a chance to pursue it, and hopefully it can be cleared. If it cannot be done, then the Senate will be in on Friday.

Mr. President, I reserve the balance of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. WIRTH). Under the standing order, the minority leader is recognized.

COMMITTEE FUNDING RESOLUTIONS

Mr. DOLE. Mr. President, I thank the distinguished majority leader. We will pursue the possibility of clearing the committee funding resolutions. I understand there could be, possibly, one amendment on staff allowance that could be offered. I have asked my staff to see precisely what the amendment might be and check with Senator STEVENS, who is the ranking Republican on the Rules Committee.

So we would hope that we could work out something to dispose of the committee funding resolutions, I would assume, unless there is some controversy, without votes. Most of them are rather routine. Perhaps we could do that tomorrow. As the distinguished minority leader indicated, there is also the arms control resolution which, I understand, is in the final stages of clearance. Perhaps that could be ready, as he suggested, by tomorrow.

So it would be my hope that we can accommodate the distinguished majority leader. As I have said at the outset, it is good to expedite the business of the Senate. We want to be a party to it. That may not always be possible. It seems to me in these early days there is no need for much pushing and hauling. We will have enough of that I assume later on in the year.

BICENTENNIAL MINUTE

JANUARY 21, 1861: JEFFERSON DAVIS' FAREWELL ADDRESS

Mr. DOLE. Mr. President, this Chamber has witnessed many dramatic events in the 128 years that it has served as the Senate's meeting place. The joys and the sorrows that engage our Nation invariably make their way to this room. One of the most heartrending moments in the Senate's entire history occurred here, 126 years ago today.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

On January 21, 1861, Senator Jefferson Davis and four of his colleagues from Mississippi, Alabama, and Florida came to take their leave of the Senate. Days earlier, their States had voted to follow South Carolina in severing ties with the Union. Following decades of compromise measures to ward off the impending crisis of "secession," the election of Abraham Lincoln signaled to many Americans the end of that road. As fear of coming disaster gripped the Nation, all eyes turned to the Senate Chamber.

With its galleries jammed, and all available floor space taken, the five Senators, one by one, expressed sadness at the course events had taken, and prayed that the parting States would be allowed to go in peace. Jefferson Davis was the last to speak. Before the hushed audience, he quietly recited the theory he believed supported his State's decision to leave the Union. Citing the Declaration of Independence, Davis asserted that "We tread in the path of our fathers when we proclam our independence, and take the hazard. This," he said, "is done not in hostility to others, not to injure any section of the country, not even for our own pecuniary benefit; but from the high and solemn motive of defending and protecting the rights we inherited, and which it is our sacred duty to transmit 'unshorn' to our children."

When he finished, the Chamber was silent but for the muffled sound of sobbing. All 58 remaining Senators in solemn despair rose as the 5 departing Members slowly made their way up the center aisle and out these swinging doors.

Mr. President, I reserve the balance of my time.

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Hawaii, Mr. MATSUNAGA, may be recognized at this time.

The PRESIDING OFFICER. Without objection, it is so ordered

Mr. MATSUNAGA. I thank the distinguished majority leader for yielding.

PRIVILEGE OF THE FLOOR

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that Edward Fujimoto of my staff be granted privileges of the floor during debate and vote on amendments or final passage thereof on H.R. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF SPECIAL ORDER FOR SENATOR PROXMIRE

Mr. BYRD. Mr. President, I ask unanimous consent that the special order for the recognition of Mr. PROXMIRE may be reserved for his later use today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There are 5 minutes and 32 seconds remaining.

Mr. BYRD. Mr. President, are there other special orders?

The PRESIDING OFFICER. There are special orders for Senators PROXMIRE, MURKOWSKI, SASSER, SPECTER, and ZORINSKY.

Mr. BYRD. Mr. President, I shall continue to reserve my remaining time under the order.

RECOGNITION OF SENATOR ZORINSKY

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska, Mr. ZORINSKY, is recognized for not to exceed 5 minutes.

Mr. ZORINSKY. I thank you, Mr. President.

RAILROAD RETIREMENT MEASURE MODIFYING THE "LAST PERSON SERVICE" RULE

Mr. ZORINSKY. Mr. President, like many States, Nebraska has a heavy concentration of former railroad employees living within its boundaries. Union Pacific is headquartered in Omaha, Burlington Northern is situated in Alliance and Chicago Northwestern along with others, runs through various parts of the State.

In years gone by, rail retirees, not unlike other retirees throughout the country, have been able to look forward to their retirement years. However, Mr. President, today most retirees from all sectors of the labor force are finding it increasingly difficult to survive in an economic sense. Indeed, retirement itself has quickly lost its appeal. Health care costs continue to rise, food prices never seem to decline, Federal assistance for housing and other necessities appears to be drying up, and now, to top it all off, even the States are finding it necessary to tighten their budgets. With these unfortunate facts combined, the Nation's retirees have been forced to rely more and more heavily on their retirement annuities which are often rather meager. Most pension systems across the country have tried to adjust accordingly to meet the needs of their beneficiaries. However, Congress has failed to legislate in such a manner as to provide the Railroad Retirement system with the ability to maintain its commitment to rail retirees. The glaring example I am referring to is the unamended section of the law regulating the Railroad Retirement system's policy on employment once a current or former railroad employee elects to begin collecting Railroad Retirement benefits.

As the Railroad Retirement Act currently stands, individuals wishing to receive their pension must first cease all work for the railroad industry. Similar regulations are followed in most other privately and publicly operated pension plans. However, the Railroad Retirement Act contains an additional provision commonly referred to as the "last person service" rule or LPS. The LPS rule mandates that the individuals must also cease compensated services to any other employers they may be working for at the time they elect to receive Railroad Retirement benefits. Once they begin receiving their Railroad Retirement pension however, they have the option to obtain a new non-railroad-industry job subject to the limitations of the law.

Mr. President, you are likely thinking to yourself that this is the most ridiculous provision of the law you have heard of in some time. I had the same reaction when I first became aware of this problem, and I would like to provide you with a little background on how this section of the Railroad Retirement Act was conceived.

The original intent of the 1937 amendment, which prohibits an individual from working for his last nonrailroad employer, was to in effect keep the elderly out of the job market. When this provision was enacted, the Great Depression was upon the Nation and it was the feeling of the amendment's sponsors that by enacting the clause, jobs would become available for young individuals just entering the labor force. Today, with totally different economic circumstances prevailing across the country, retirees often require part-time work in order to cover their many expenses. However, the law continues to effectively wipe them out of the job market. Most will never secure new part-time work and I believe this is an injustice.

Bob, who has worked at the Aksarben racetrack part time each season for a number of years; Florence, who works in the corner bakery a few hours each morning; Sam, who works part time on the neighbor's farm; and Bud, who has worked for years to build up a local credit union, all must relinquish their part-time and full-time work in order to collect railroad retirement benefits. They can never work at those jobs again, but instead must look for new sources of employment to supplement their railroad retirement benefits. In rural States such as Nebraska, Tennessee, and Mississippi where Bob, Florence, Sam, and Bud reside, it will be extremely difficult to ever find other employment. This unfortunate reality is compounded by the fact that these States have never fully emerged from the economic recession the Nation experienced a few years ago.

This unfair provision exists in no other retirement program that I am aware of. I have long felt we should amend this section of the Railroad Retirement Act to adjust for the economic changes that have occurred since this rule's origin. Don't railroad retirees deserve the same chance to earn outside income as do all other retirees? If so, then why do we insist on keeping them at a disadvantage by prohibiting them from retaining their last nonrailroad job? When I was first presented with this question, I knew the only equitable alternative we had was to amend the Railroad Retirement Act in order to provide rail retirees a fair shake.

Therefore, during the 1st session of the 99th Congress, I developed and introduced legislation to correct this unfair situation. Because of the potentially prohibitive cost of totally eliminating the LPS rule, I adopted an alternative approach which I knew would be acceptable to everyone involved. The measure I submitted proposed to allow the potential retiree to work in his last nonrailroad-employer service with a partial work deduction being applied to a portion of the railroad retirement benefit. Under the proposal, tier 1 and windfall benefits remained subject to the same Social Security limitations they are currently under. However, tier 2 benefits were to be subject to a partial work reduction, where the benefit was to be reduced by $1 for every $2 earned from the last nonrailroad service. This approach would have allowed the beneficiary's total income from work and railroad retirement benefits to be greater than it would have been if he either had to relinquish his last nonrailroad job or his railroad retirement benefits. At the same time, the amendment would not have created huge new costs for the railroad retirement system. In fact, the Railroad Retirement Board commented in a report on the subject that such an approach would likely be cost neutral once the initial minimal administrative costs for adopting the new system are absorbed.

Though the advantages of the measure were evident, widespread support for it unfortunately did not surface until near the end of the 99th Congress. By that time, the concept had received not only support from many of my colleagues, but also from several concerned organizations. These included the United Transportation Union; the Brotherhood of Maintenance of Way Employees; the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees [BRAC]; the Railroad Retirement Association and the American Association of Retired Persons. Also, the chairmen of the subcommittees with jurisdiction in each House indicated they were interested in moving the legislation.

Mr. President, my distinguished colleagues, in light of this widespread support and because I believe that our country was founded on the principles of fairness and equity for all, I have come before you again to reintroduce the language of S. 637. The measure I am putting before you today seeks only to insure that our railroad retirees are able to appreciate these principles. I hope you will all join me in supporting this measure which will ensure that our railroad retirees enjoy the same opportunities to earn outside income as countless other retirees.

Mr. President, I have a bill that I am introducing to amend the Railroad Retirement Act of 1974.

Mr. President, I ask unanimous consent on behalf of myself, Mr. HEFLIN, Mr. PRYOR, Mr. SARBANES, and Mr. SASSER that the text of the bill be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(e) of the Railroad Retirement Act of 1974 (45 U.S.C. 231a(e)) is amended—

(1) by striking out subdivisions (1) and (2) and redesignating subdivisions (3), (4), and (5) as subdivisions (1), (2), and (3);

(2) in subdivision (1), as so redesignated, by striking out "to an employer or to the last person, or persons, by whom he was employed prior to the date on which the annuity under subsection (a)(1) of this section began to accrue" and inserting in lieu thereof "to an employer (as defined in section 1(a))"; and

(3) in subdivision (2), as so redesignated, by striking out "subdivision (3)" each place it appears and inserting in lieu thereof "subdivision (1)".

(b) Section 2(f) of such Act (45 U.S.C. 231a(f)) is amended by adding at the end thereof the following new subdivision:

"(6) That portion of the annuity of an individual, a spouse, or a divorced wife, as is computed under section 3(b) or 4(b) shall be subject to a deduction of $1 for each $2 of compensation received by such individual from compensated service rendered to the last person or persons by whom he was employed prior to the date on which the annuity under subsection (a)(1) began to accrue.".

(c) The amendments made by this Act shall apply to annuities payable under the Railroad Retirement Act of 1974 for months beginning after the date of the enactment of this Act.

Mr. PRYOR. Mr. President, I am very pleased to add my name as a cosponsor of the legislation being offered by the Senator from Nebraska, Senator ZORINSKY, regarding the last person service rule of the Railroad Retirement Act.

This legislation will rectify a terribly burdensome inequity that now exists within the Railroad Retirement System.

The inequity to which I refer, Mr. President, affects those railroad workers who are nearing retirement and have a part-time low paying second job.

Under the current rule, these people may continue to work after their retirement from the railroad, however, this employment must not be for the same person with whom they were employed at the time of the annuity accrual.

I believe this rule to be most unfair to these older individuals who are working two jobs in order to earn a little extra income. There are no statistics available on exactly how many railroad workers are affected by the last person service rule, but I know there must be many whom have had to quit their part-time job in order to comply with this provision.

The legislation being offered today would revise this outdated rule by allowing a railroad annuitant to work in last person service and receive benefits although tier II benefits would be reduced $1 for every $2 earned. Current Social Security wage limitations would be applied to tier I and windfall benefits.

Mr. President, Arkansas has approximately 8,000 rail workers who could someday be railroad retirees. I believe it only fair that they be given the opportunity to increase their incomes if upon retirement they choose to do so.

I urge my colleagues to support this legislation and hope it will be acted upon expeditiously by the committee of jurisdiction.

Mr. ZORINSKY. Thank you, Mr. President.

I yield back the balance of my time.

The PRESIDING OFFICER. Without objection, the bill will be received and referred to the appropriate committee.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

CAN CONGRESS RESPONSIBLY REDUCE THE REAGAN MILITARY BUDGET?

Mr. PROXMIRE. Mr. President, can and should the Congress reduce the military budget recommended by President Reagan for the coming fiscal year 1988? If so, where and how can we make responsible reductions? Can we make reductions that will not reduce this country's national security? Can we make cuts that will not haunt future administrations by requiring larger expenditures in future years? In a recent lead editorial, the Milwaukee Journal recommends some specific reductions this Congress can make in the military budget. In the judgment of this Senator these are excellent recommendations. They would not significantly reduce our military strength. They would not require larger expenditures in future years. In fact they would reduce the cost of this country's military burden in the future.

Here are the recommendations: First the Congress can and should sharply reduce the funding for the star wars missile defense program. The President has called for an increase from the 1987 fiscal year appropriation of $3.5 billion to $5.2 billion. Here is a research program that has exploded in recent years. It has been vigorously challenged by the National Academy of Science. Cornell University conducted a remarkably comprehensive poll of the engineers, the physicists and the mathematicians who are members of the National Academy. What did these world renowned experts recommend on star wars funding? They responded by an 8 to 1 margin that SDI as conceived by President Reagan and Secretary Weinberger will not work. A solid majority recommended that funding for SDI not exceed $1.5 billion at the present time. Congress could wisely and responsibly cut the President's request by between $2 billion and $4 billion for SDI.

Second the Milwaukee Journal strongly opposes the President's recommendation that the Congress more than double the spending for the antisatellite weapons program to bring it to $402 million. This Senator agrees that the Congress should kill this program for two reasons. First the Russians have a crude antisatellite program that is totally ineffective against American satellites. Our present capability, limited as it is, is superior to the Soviets. Second to step up this weapon system is to invite an antisatellite race. What is so wrong about that? Here is what is wrong: Satellites are quintessential to arms control. We cannot verify compliance with arms control treaties without satellites. An antisatellite race between the nuclear superpowers would certainly jeopardize the continued existence of satellites for both nations. It would empower both adversaries with the ability to destroy the satellites of the other. It would end any prospect of effective arms control. Here is $400 million of military spending we could save. In doing so we would advance our national security.

Third, the Journal calls on the Congress to deny the $4.6 billion asked by the administration for 21 or more MX missiles. Why should this country spend billions for a sitting duck, use-it-or-lose-it, strictly first-use weapon that constitutes an unstable threat to world peace? Again our national security as well as the existence of civilization would be well served by congressional action to scrap this proposed expenditure.

Fourth, the Journal challenges the administration request for $6.8 billion for two new aircraft carriers. Mr. President, the Defense Department repeatedly calls on this Congress to provide the weapons we need to match our adversary the Soviet Union. Do we need to buy two more aircraft carriers to match the Soviets? The fact is this country has 13 carriers. And how many does the Soviet Union have? Two small noncatapult ones, another on the drawing boards and a fourth under construction. We are miles ahead of the Soviets in aircraft carriers right now without spending another nickel. Furthermore aircraft carriers have very limited value. More than 75 percent of the firepower carried by these hugely expensive ships are required, not to deliver any kind of military punch, but simply to protect the carrier. Furthermore as Senator NUNN has so ably pointed out, the most costly and vital part of the carrier are the planes they carry. The cost of providing and operating planes for the new carriers will come in later at a $20 billion figure.

Finally, the Journal recommends that the Congress cast a jaundiced idea on appeals by the administration for military foreign aid. The administration recommends that the Congress continue to pour billions down this rathole, including of course funds for the Contras in Nicaragua.

Altogether the Journal has made some highly useful suggestions on how the Congress can responsibly reduce the President's request for military spending in the new budget without diminishing this Nation's national security.

I ask unanimous consent that the editorial to which I have referred from the Milwaukee Journal be printed at this point in the RECORD.

There being no objection, the editorial, ordered to be printed in the RECORD, as follows:

PENTAGON'S BUDGET NEEDS SURGERY

There aren't many good things to be said about the military spending outline proposed by the administration for the next two years.

Rep. Les Aspin (D-Wis.), an expert on military matters, says the Pentagon's money requests, for the first time in three years, "aren't so crazy as to be irrelevant." But they are still excessive. And, from an administration that has vowed never to increase taxes to pay for them, the requests are also irresponsible and impossible. We hope and believe Congress will cut them down to a more realistic size. There are plenty of places to make useful cuts without harming the country's ability to defend itself.

For the fiscal year 1988, President Reagan is asking for an overall 3 percent increase in military spending after inflation has been taken into account, for a total of $312 billion. For fiscal 1989, the administration seeks another 3 percent increase, to $332 billion. Under the request, Pentagon spending for the Star Wars missile-defense program would grow from $3.2 billion in fiscal 1987 to $5.2 billion in 1988 and $6.3 billion in 1989. Hundreds of millions of additional dollars would be spent by the Energy Department for Star Wars.

This is a program that can and surely should be scaled back dramatically; most top scientists seem agreed that Star Wars can't be made to work, and it has been reliably estimated that to simply maintain the system once it's been deployed would cost at least $100 billion a year. From a dollars-and-cents standpoint alone, Star Wars is a fantasy this country can ill afford.

Another space fantasy is the anti satellite weapons program. Under the White House budget, ASAT spending would more than double in 1988, to $402 million, plus $22 million for production. US and Soviet satellites provide valuable intelligence information and help keep the peace in the nuclear era; they should be protected. If Congress wants to shoot something down, the ASAT weapons program is an eminently logical target.

The MX missile is a perennial proposal that has not improved with age. In its fixed-site silo, it is a sitting duck for an enemy attack, and the administration's new plan to base such missiles on railroad cars seems as dubious as other basing systems that have been trotted out and rejected. The $4.6 billion sought for 21 more MX missiles can be better spent elsewhere, or not spent at all. Aircraft carriers tend to be floating ducks, and similarly vulnerable. Yet the Pentagon seeks two new carriers at $3.4 billion each—not counting the cost of the ships and planes to protect the flattops.

Other misjudgments on spending exist outside the Pentagon, of course. A good case can be made for foreign aid, for example, but it is a mistake to devote $5.2 billion—about one-third of the total foreign aid budget—to just two countries, Israel and Egypt. These are two US allies, but they need foreign help far less than do some nations that are desperately poor. Approving an appropriation of $105 million to the Nicaraguan contras would be worse than a mistake; it would be a colossal blunder, and we doubt that a Congress and a nation shocked by the Iran-contra scandal will tolerate such misguided spending.

These and other spending programs would be foolish even if the country were adequately supporting health programs for the elderly and the poor, urban mass transit, vocational education and similar projects. But it isn't. That fact makes it all the more important for Congress to do what the administration hasn't done: put first things first.

RECOGNITION OF MR. MURKOWSKI

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska [Mr. MURKOWSKI] is recognized for not to exceed 5 minutes.

MURKOWSKI CODEL: KANSAI INTERNATIONAL AIRPORT

Mr. MURKOWSKI. Mr. President, I spent December 7-10, 1986, in Japan for meetings with Japanese and United States officials as well as U.S.

private sector representatives. While the meetings covered a number of subjects, the primary subject was the Kansai International Airport, an $8 billion project to be built on an artificial island in Tokyo Bay. Today, I would like to report to the Senate on Kansai. I will report on other subjects at another time.

Mr. President, on my right, the first chart illustrates in some detail Japanese participation in the U.S. construction market which has increased from $50 million in 1980 until today where it approaches $2 billion. It was approximately $1.8 billion in 1985. This shows significant growth of Japanese participation in U.S. construction in the United States.

This includes, again, construction, architectural, and engineering design. It does not include utilization of Japanese labor in construction in the United States.

Mr. President, on my left is the second chart, which shows our participation in the Japanese market. You will notice, Mr. President, it is blank. No United States construction firm has won a bid in Japan in the past 20 years. Architects and consulting engineers really have not done much better either.

Perhaps the best illustration is the proposed Kansai International Airport.

Leading American airport designers tried to get on the Japanese Kansai airport construction project over 15 years ago. But U.S. firms, which are economically competitive and technologically superior, were not even given the chance to bid on the project. Old-fashioned protectionism was, of course, the reason why. We are being kept out of Japanese markets as a matter of policy. But it is not just the United States, Mr. President. Japanese even have told the Dutch masters of the North Sea that they do not have the necessary technology to offer on land reclamation in Japan.

I came back with four conclusions.

First, when it is built, it will be an engineering marvel of the first order.

Second, it is clearly a public works project rather than a private venture and will be subject to substantial cost overruns.

Third, they are determined not to allow U.S. firms to participate in a meaningful way.

Finally, there is danger when the airport project is completed it will be substantially inefficient. Potential future disappointment follows directly from Japan's refusal to recognize the benefits from foreign expertise.

While in Japan, I had a meeting with Prime Minister Nakasone, with the Foreign Minister, with the Minister of Construction and Transport, and Kansai officials. I told them that Kansai had become a symbol meaning "closed to American participation."

I personally believe that Prime Minister Nakasone is very sincere in his desire to open the Japanese construction market to the United States. But there is industry-Government gridlock below that level, the traditional linkage between Government bureaucracy and the Japanese private sector.

The administration has been trying to negotiate a change but to no avail. We have seen Commerce Secretary Baldrige make trips to Japan, and Under Secretary Smart. Commerce Assistant Secretary Goldfield has made 5 trips. In fact, he is there right now.

Mr. President, our Embassy officials have pressed the issue almost daily, but nothing has worked. My conclusion, Mr. President, is that there will be no progress unless we take concrete action that sets firm deadlines.

I will soon be seeking bipartisan cosponsorship of an amendment to the Airport and Airways Improvement Act. My amendment would require reciprocal access to the Japanese markets before Japanese construction firms could participate in United States airport improvements totaling some $25 billion over the next 10 years.

I am also looking at the roughly $300 million in construction at United States military bases in Japan.

My party and I visited Osaka on December 7 and 8. I was the first elected U.S. official to travel to the construction site office and tour the offshore airport construction area. Rough seas added an element of adventure to the 10-mile boat trip.

A personal visit to the site confirms the enormity of this project. The water depth is up to 19-meters deep and below this is an additional 20 meters of silt. Foundation improvement has already begun. According to Kansai International Airport Co. [KIAC] officials, gravel will have to be hauled from as far away as 120 miles for the land reclamation and site preparation work. The main runway will be 3,500 meters long. It is expected to open in the spring of 1993.

On the morning of December 8, I met with KIAC President Takeuchi. I explained the great interest of the 100th Congress in trade and the unfortunate perception that Kansai has become symbolic for "closed to American participation." I noted that Japanese firms had won almost 2 billion dollars' worth of construction jobs in the United States in 1985 and no American construction firm had won a contract in Japan in over 20 years.

President Takeuchi replied by reasserting that KIAC is a private company and not a Japanese public works project. I noted that as a former banker with experience financing major projects in my home State of Alaska, it is difficult for me to see how such a private company would be able to amortize an $8 billion project based on aircraft landing fees, access bridge tolls, fuel facility charges, parking lot management, concession fees from terminal building, and so forth. It seemed to me that competitive bidding and the use of specialists would be the best way to build the airport at lowest cost.

President Takeuchi and I had a frank exchange on the question of U.S. firm participation in his project. President Takeuchi pointed to the lack of a performance bond system in Japan as a major impediment to foreign participation. He also discussed pressure from Japanese special interest groups including labor, the ship builders union and general contractor groups. In general, he spoke at length about the difficulties and opposition United States construction industry firms would face as they sought to establish a presence in Japan. He made no references to possible new contracts for U.S. firms.

At the same time President Takeuchi did leave the door open to certain American consultation and equipment suppliers. He noted that KIAC intends to purchase a transponder from an American firm and that an American firm might be permitted to bid on a utility boat. According to the U.S. Department of Commerce, the United States is the sole world supplier of the transponder.

In closing our meeting, I indicated that we had failed to address my main concerns, that is, the symbolism that Kansai means "closed to Americans." Noting President Takeuchi's comments on the importance of the Kansai project to the Japanese economy, I said that many more Japanese jobs are dependent upon access to the open United States market. Finally, I urged him to communicate to Japanese policymakers the intensity of the United States desire to have access to the project and to focus on how to move beyond the negative symbolism of Kansai.

In a separate call on Osaka Governor Kishi, I praised the Governor for allowing one American company, Allis-Chalmers of Wisconsin, to bid on rock crushers for the project. KIAC has awarded contracts for rock supply to two Japanese prefectures, one of them Osaka. The rocks must be crushed and Allis-Chalmers is the world leader in this technology. While Osaka has taken a progressive attitude and allowed Allis-Chalmers to bid, the other prefecture has not. If Allis wins the bid in Osaka, the taxpayers of Osaka will benefit whereas the taxpayers in the other prefecture will not. The difference may be tens of millions of U.S. dollars.

Later in the same day, I paid a call on Prime Minister Nakasone. After listening to a report of my visit with KIAC President Takeuchi, the Prime Minister strongly urged American firms to register to do business in Japan, learn in depth how to work in the private sector by experience and then to move to the Government—public works—sector. He stressed repeatedly that what is "realistically important" is acquisition of know-how by U.S. firms.

Prime Minister Nakasone is undoubtedly right that it would be very useful for American firms to develop local knowledge. One way for this to be accomplished is through joint ventures with Japanese construction firms on American military bases in Japan. According to representatives of American firms I met later in Tokyo, annually there is about $300 million per year worth of construction at American military bases in Japan. Of that $300 million, about $8 million goes to American architectural and engineering firms and the rest, about $292 million, goes to Japanese construction firms. The same system which has successfully shut American construction firms out of Japanese construction projects works to keep out United States construction firms from even the new United States consulate building in Osaka. It is my intention to explore the option of offering an amendment to the military construction appropriation or authorization bills this Congress that would mandate joint ventures on United States bases in Japan. It is the only way I can see to obtain the necessary local experience. I hope that Prime Minister Nakasone would support this move.

In addition to the option of the amendment I mentioned, another avenue available to us, is use of section 301 of the 1974 Trade Act, which appears to be our biggest wedge. If the President indeed finds that U.S. firms have been discriminated against, he can retaliate by denying the foreign firm any Federal licensing or permit. The fact is that denial of the appropriate permit can bring a project to a sudden halt.

We are also considering the merits of filing a 301 petition. Although no Senator or Representative has ever filed a 301 case, our staff is currently drafting the petition.

I told Prime Minister Nakasone of my visit with President Takeuchi and the symbolism of Kansai Airport. In my view, the project is impossible without Government backing. Looking at future Japanese public works projects, including Tokyo Bay Bridge, there are about $60 billion of identified projects for the next decade. As a consequence, the United States feels Kansai will set the pattern for some U.S. participation or none at all.

Looking at the worldwide experience of major U.S. firms, we feel they can make a significant contribution if there is an opportunity. The United States utilizes the competitive bidding system to ensure that the taxpayer gets the lowest cost. American firms will not go to Japan if there is no real likelihood that their proposals will be considered. This is why Kansai Airport is symbolic. It will be seen in Congress as defining whether or not United States firms will be allowed to participate in the Japanese market.

I wrapped up the meeting by suggesting that Japanese firms operate without hindrance in the United States and the system must work two ways.

On the following day I met with Foreign Minister Kuranari. We touched on most of the points raised in Prime Minister Nakasone's meeting including the inability of KIAC to amortize the project on landing fees and the project's status as a public works project.

Later on December 9, I met with representatives of U.S. firms interested in the Kansai project. I outlined the issue—the administration's patience over the past 6 months, the symbolism of the issue in Congress and the feeling that with about 2 billion dollars' worth of Japanese construction business in the United States and no United States business in Japan, there is a gross inequity. The question is where to take a stand. Altogether, my reception in Japan had not been encouraging.

The American firms brought up a number of issues. First, there seems to be a loophole in the GATT procurment code which allows organizations like KIAC to use material funds from the Government budget but still claim to be private. Second, the firms raised the issue of United States military construction in Japan as described above. Third, the U.S. firms discussed a small consulting contract which might become available for U.S. firms. The contract is only information gathering and will not result in a meaningful contribution to airport design.

An official of one American firm raised the question of whether Japanese taxpayers would receive full value for their money if the present system of excluding foreign expertise is continued. He pointed out that the design of the airport runway results in a weight penalty for existing aircraft. It will be much worse for the bigger aircraft expected in the 1990's. Osaka is to the west of Tokyo but its main runway will be one-eighth—500 meters—shorter. This will make the long eastern hauls to North America and Europe difficult and costly.

Finally, one American firm stated that it has been prevented from doing construction work in Japan because subcontractors are told not to work for it or, presumably, any other foreign firm. Upon returning to the United States, I received additional information suggesting that the American Government is in receipt of serious allegations of collusion and bid fixing by some Japanese construction firms. This collusion may extend from Japan to projects in the United States and even, it is alleged, to United States taxpayer-financed public works projects here. I have asked Attorney General Meese to investigate and I have asked Chairman BIDEN to make an investigation of Japanese construction industry activities a high priority for his Judiciary Committee.

On the afternoon of December 9 and the morning of December 10 I met with Transportation Minister Hashimoto and Construction Minister Amano, respectively. I discussed with them my meetings with the Prime Minister and KIAC President Takeuchi. At one point it was suggested that at least one United States construction firm has been successful in the Japanese market. I pointed out that this success was limited to the construction of two Mrs. Fields cookie shops on U.S. military bases.

While I was in Japan, Commerce Assistant Secretary H.P. Goldfield was also there following up on the October Presidential trade delegation visit. We chatted briefly and he reported that he had detected a stiffening of the Japanese attitude. It seemed to him that items which had been on the table in October, were, in effect, being at least reconsidered or removed. For example, the KIAC officials have even refused his repeated requests for information on phases II and III of the project so that U.S. firms may better prepare to bid.

It is clear from my round of meetings that the Japanese Government has come to a consensus. They may offer some very minor work but in general the bureaucracy has no intention of moving to international bidding. They have apparently decided to draw the line and hunker down, at least for now.

In my view, what we have been offered is too small. The Japanese are likely to allow significant foreign participation in Kansai Airport and other projects only if they perceive that there are specific adverse consequences to not doing so. I left convinced of the necessity to take action on the Kansai issue now.

Mr. President, I yield the floor.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania [Mr. SPECTER] is recognized for not to exceed 5 minutes

Mr. SPECTER. I thank the Chair.

TIME TO GRANT LIMITED USE IMMUNITY

Mr. SPECTER. Mr. President, for the past 2 months, Congress has continually criticized the President on the Iran/Contra matter. Much of that criticism has, in my opinion, been justified; but much of it, again in my opinion, has been unfocused. More importantly, Congress—once again in my opinion—has failed to do what it could and should to resolve the key question of any Presidential involvement in any diversion of U.S. funds to the Contras.

No matter how pious the pronouncements, all of the declarations of disagreement with administration policies are judgments or opinions; and, of course, everyone has the right to express such opinions. But Congress can make a greater contribution by doing more than talking—by acting. Congress and its authorized committees have the power, through the subpoena and procedures to immunize witnesses, to find the facts on precisely what happened.

As I see it, it is now time, really past time, for Congress and its committees to grant Lieutenant Colonel North and Admiral Poindexter limited use immunity to find out what, if anything, President Reagan did or knew on any diversion of any U.S. funds to the Contras.

The President owes no apology on his Iran policy, and an apology would do him no good if he was part of diverting U.S. funds to the Contras. I believe the President was unwise to sell arms to Iran, especially in the context of the appearance of a trade for hostages; but he is entitled to his opinion on his policies, and an apology is not called for because it is neither responsive nor relevant.

If the President authorized or permitted the diversion of U.S. funds to the Contras, an apology would be neither responsive nor relevant as an answer to potential complicity in a crime. Federal law prohibits fraudulent conversion which is the use of someone's property such as U.S. Government money, for the benefit of another such as the Contras, without authorization. During the relevant period, there was no such authorization and in fact a specific prohibition on any such funding.

The testimony of North and Poindexter are indispensable first steps to finding out what, if anything, the President knew or did. That testimony can be obtained within a matter of days through a grant of use immunity. Had the Senate Intelligence Committee chosen to seek such immunity early in December, it is possible that the testimony of North and Poindexter could have been obtained before the end of December. Through careful procedures and limited questioning, any possible prosecution of North or Poindexter need not be affected.[1]

The law is plain that the congressional decision for such immunity takes precedence over any contrary view by the independent counsel. Finding the facts by immunizing these witnessses will let the chips fall where they may and expedite the ultimate resolution of the key issue on the Iran/Contra matter. The vital interests of our Nation—indeed the world—require the prompt resolution of this issue so that the U.S. Government can devote its attention to other important national and international problems.

ORDER OF BUSINESS

Mr. THURMOND addressed the Chair.

Mr. BYRD. Mr. President, I ask unanimous consent that while awaiting the arrival of a Senator for the last special order, the Senate may now proceed with routine morning business without prejudice to that Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 2 p.m. with Senators permitted to speak therein for not more than 3 minutes each.

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

Mr. D'AMATO. Mr. President, I rise today in recognition of historically black colleges throughout the Nation. These fine institutions of higher learning deserve special recognition. I am pleased, therefore, to be an original cosponsor of a resolution being introduced today by the distinguished colleague from South Carolina, Senator THURMOND, designating September 21, 1987, as "National Historically Black Colleges Week."

One hundred and one historically black colleges and universities across the country provide quality education for the advancement of our citizenry. They provide us with educated citizens who are both capable of functioning in a highly technical world and, at the same time, are mindful of the history of the Romans and of the beauty of Shakespeare. These historically black colleges not only have a rich heritage, but also have played a significant role in American history.

Tuskegee Institute, for example, was created in 1881 by an act of the Alabama State Legislature. It was Booker T. Washington who opened the school and served as principal and instructor for 33 years. From 1896 to 1943, George Washington Carver was associated with this great institution and was one of its foremost instructors.

Many students have benefited from similar institutions of higher education. Historically black colleges have the potential to continue to provide necessary educational programs so that more students will reach their fullest potential. It is only through education that we set free the minds of man, and mankind itself, and through education that we can make a great nation even greater.

I urge those of my colleagues who have not already done so to review this resolution and to lend it their full support.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, in accordance with Senate resolution of the 100th Congress, first session, announces the appointment by the minority leader of the following Senators as members of the U.S. Arms Control Observer Group: the Senator from Alaska [Mr. STEVENS] as administrative cochairman; the Senator from Indiana [Mr. Lugar] cochairman; the Senator from Virginia [Mr. WARNER]; the Senator from Wyoming [Mr. WALLOP]; the Senator from Oklahoma [Mr. NICKLES]; and the Senator from Kansas [Mr. DOLE] ex officio.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, while awaiting the arrival of Senator SASSER, who has a 5-minute order, I shall speak during the period for the transaction of morning business now and shall utilize the remaining 5 minutes of my time which I reserved under the standing order.

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[1] By narrowly limiting the questioning of North and Poindexter to the issue of the chain of command and any Presidential role in the Contra diversion, the Select Committees would minimize any defendant's ability to succeed in any later contention that evidence came from leads provided by his Congressional testimony. Moreover, the sealing of preexisting evidence against North or Poindexter would provide virtually total assurance that any subsequent prosecution based on such evidence would not be seriously prejudiced.

As to the minimal risk to a prospective prosecution, the established law gives priority to the Congressional decision to compel the testimony. The court's resolution of the classic confrontation between the Senate Select Committee investigating Watergate and Special Prosecutor Archibald Cox made clear that the Congress (or one of its Committee) has the final say on whether immunity should be granted—even if the Independent Counsel vigorously objects.

As a matter of public policy, Congressional concerns outweigh any impact on any prosecution.

Once the Committee gives the 10-day notice and asks that immunity be granted, the Court must grant the immunity. The only legitimate basis for delay is to permit the Independent Counsel to collect and seal his existing evidence, and any such delay is limited to 20 additional days.

MEETING OUR COMPETITIVE CHALLENGE

Mr. BYRD. Mr. President, yesterday the Democratic leadership of the Senate met with the Democratic leadership of the House, and that was the first of many of such meetings that will occur on a regular basis. They will represent a significant sign that cooperation, coordination, and consultation will be the hallmark of the 100th Congress.

Mr. President, the meeting yesterday morning between myself, the distinguished Speaker, and other members of the elected Democratic leadership in both Houses signifies that our working together is more than mere words. It is an attitude, an understanding, a recognition that the two Houses of the Congress can make the people's voice that much stronger when we speak with one voice. That is our intention. We hope that this message on the coequality of the Congress under the Constitution, and our desire to work together is being heard at the other end of Pennsylvania Avenue.

It is important to remember that even before the Iran-Contra affair broke, something had happened on election day; the American people voted for change, substantial change, and it is our duty in the Congress to make that change happen.

Change is nowhere more urgent than on the issue of trade and rebuilding America's competitive position. This topic was very much before the distinguished Speaker of the House and myself when we met again this morning. The session to which I refer this morning was attended by 50 members of the private sector and 40 Members of the House and Senate. Speaker WRIGHT and I were there to listen. We also wanted to encourage cooperation between the private sector and Government in developing an omnibus trade and competitiveness bill this year. We both seek a comprehensive bill that deals not only with the immediate symptoms but also with the deeper economic causes of why America is losing the international economic race. We hope that this will be bipartisan legislation.

I would like to share some of the insights that representatives of the private sector raised in the session this morning. Mr. John Young, former chairman of the President's Commission on Industrial Competitiveness, offered a definition of the word "competitiveness." His definition speaks of making our products competitive in world markets while raising our own standard of living. That is a critical qualification.

Many participants in the meeting this morning emphasized the lack of a coherent Government strategy to address the competitiveness problem. We have isolated programs here and there, no strategy and, unfortunately, the Government has been going into retreat in critical areas.

Education offers a prime example of retreat on the competitiveness front. Educators this morning argued that strengthening our educational system not only has economic benefits but also strengthens our national defense. Some were concerned most about developing sophisticated weapons, others about having the military personnel operate that weaponry. In either case, they indicated we need to invest in education. Several participants emphasized that we must commit ourselves for the long haul on this problem. The sooner we will begin to take the problem seriously and address it, the better, as they saw it.

Part of today's discussion focused on the difficulties of winning a fair shake for our industries in world trade. The trade diplomacy of recent years has borne little fruit. The workers in many industries are becoming impatient and other countries seem determined to play by different rules. So we must address the issue of American competitiveness on a broad front. In a comprehensive way that leaves no doubt that America is back with plenty of muscle to get the job done.

Speaker WRIGHT and I agreed that the development of a new trade and competitiveness legislative package must be a No. 1 priority of the Congress. It is my hope that the administration has the same sense of urgency as we do in making America competitive again.

Mr. President, do I have any time remaining under the order?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. BYRD. Mr. President, I reserve the remainder of my time.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

WITHDRAWAL OF COSPONSORSHIP OF S. 1

Mr. ARMSTRONG. I note that I am recorded as a cosponsor of S. 1, and while I am reluctant to say so because it is a great honor to be associated in this way with the other sponsors, I think in the interest of full disclosure I should make it known that I did not have any part in developing S. 1.

I am not aware of how my name was attached as a cosponsor. In fact, I think it would be appropriate, notwithstanding my natural pleasure at being linked with these other distinguished Members of the body, to ask that my name be taken off; because there is a pretty good chance that I am going to vote against it, and someone might wonder how it happened that I was voting against something of which I was alleged to be a cosponsor.

I think it must have been a clerical error, because, so far as I know, I was not consulted before my name was added.

With that word of explanation, Mr. President, I ask unanimous consent that my name be withdrawn as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. ARMSTRONG. I am pleased to yield.

Mr. BYRD. Mr. President, I introduced S. 1 on behalf of myself and other Senators, and I want to apologize to the distinguished Senator if his name was included through mistake. It was an inadvertency. I had no knowledge that it was there in error until just this moment.

Mr. ARMSTRONG. I thank the distinguished majority leader.

Of course, I realize that it was nothing but an error. In fact, it only came to my attention recently, by someone whose hair was standing on end because they thought I was on the verge of voting for this.

I thank the leader for his courtesy. My only reason for mentioning this was to correct the error.

Mr. BYRD. I understand.

HUMAN RIGHTS IN THE SOVIET UNION

Mr. ARMSTRONG. Mr. President, I should like to say a word about Senate Concurrent Resolution 8 relating to the condition of human rights in the Soviet Union.

I regret, at least to some extent, that I was not on my feet to discuss the unanimous consent agreement which we have entered, which precludes amendment. I have some thoughts which, at the right time, I would like to bring to the attention of the Senate and which would form the basis of a suitable amendment to this concurrent resolution. Under the circumstances, I will not do so when we vote on Senate Concurrent Resolution 8 later in the day.

I heartily endorse the purpose and spirit of this concurrent resolution. I congratulate Mr. BYRD, Mr. DOLE, and the others for bringing it to our attention. I am convinced that the cause of human rights is more or less ebbing as a popular issue right now: and I think it is important for all Senators, particularly our leaders, to remind the public that this is a cause in need of perpetual support and perpetual advocacy.

As I pointed out to Senators last week, I believe that the administration made a serious error in lifting the ban on the export of certain products to the Soviet Union, a ban imposed by President Carter specifically because of human rights abuses then occurring in the Soviet Union. The specific practices about which we were concerned when Mr. Carter put this ban on the export of these oil drilling equipment items have not improved; in fact, they have grown steadily worse. There were 50,000 Jews permitted to leave the Soviet Union before the ban was put on, and there were 914 last year. That is hardly the kind of progress which justifies our taking an action which says, in effect, that progress is being made. Progress is not being made. The concurrent resolution is entirely right, in my judgment.

So I compliment the sponsors and look forward with anticipation to joining in what I hope will be a unanimous vote on this matter.

I thank the Chair, and I thank the majority leader for yielding.

RECOGNITION OF SENATOR SASSER

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee [Mr. SASSER] is recognized for not to exceed 5 minutes.

NEGLIGENT MEDICAL CARE AT MILITARY FACILITIES

Mr. SASSER. Mr. President, I am introducing legislation today which eliminates an unjust restriction on the legal rights of military personnel. I am referring to the so-called Feres doctrine, which, for too long, has served to treat active duty military personnel as second-class citizens.

My legislation allows active duty members of the Armed Forces to sue the Government for injuries or death caused by negligent medical care at military medical facilities during peacetime. I am most pleased that Senators MATSUNAGA, GORE, LEVIN, SIMON, and PELL have joined me as original cosponsors of this important measure.

As my colleagues will recall, the Feres doctrine prohibits all active duty members of the Armed Forces from suing the Government for injuries they suffer during the course of their military service. The Feres doctrine prohibits active duty personnel from suing for injuries even when they are caused by negligent medical care at military medical facilities.

In other words, a military person in peacetime can be subject to the grossest and most negiligent military malpractice, but he or she cannot seek redress in the courts of this land. Over the years, the Supreme Court has allowed non-active-duty personnel, military retirees, and the dependents of military personnel to sue for improper medical care they receive at military medical facilities. As a result, about 70 percent of the military's patient population can now file malpractice suits.

This has led to the indefensible situation where only active duty personnel are denied the right to seek redress for negligent medical treatment. I feel very strongly that we must rectify this inequity, and I believe we can do so without undercutting military discipline.

As I have noted, the courts already permit non-active-duty personnel to file malpractice suits. These personnel are subject to the same code of military discipline as active duty personnel. Yet, their right to sue has not jeopardized the strict system of discipline upon which our military depends. Therefore, we can expect no additional threat to military discipline by granting the same right to active duty personnel in peacetime.

There are several fundamental issues at stake in revising the Feres doctrine. Perhaps foremost is the basic question of fairness. The brave men and women who serve this country should have the same right to protect themselves from medical malpractice as all other citizens. Equity demands that they be granted the right to have their day in court.

Another issue is that of accountability. The military health system simply lacks complete accountability under the Feres doctrine.

This was driven home to me 3 years ago as I was investigating several cases involving active duty military personnel. My investigation revealed tragic cases of medical malpractice. In one case, a Navy petty officer from Memphis—who suffered from a heart condition—died after he was given improper medication by military doctors. In other words, his death was the proximate cause of giving this petty officer medicine which should not have been given to an individual with his heart condition.

In another case, a seaman from Crossville, TN, lost a major portion of his skull as a result of inept care by naval medical personnel. This case got widespread publicity across the country. Over a period of time because of negligent treatment, bit by bit this young man lost all of the frontal bone area in his skull to the point where he is forced to wear a football helmet-type apparatus. Should he get up in the middle of the night and bump his head against the bedstead without protection of this apparatus, there is no protection at all to the frontal part of his brain.

Although the evidence in these cases clearly indicated malpractice, the Feres doctrine prevented these individuals and their families from bringing their cases before a court of law for redress.

The Feres doctrine effectively serves to shield some in our military from complete medical investigations. If we are to improve the quality of care in military medical facilities, negligent and incompetent medical care simply must be exposed.

The legislation I offer today will bring greater accountability into the military health care system. It will also eliminate this unjust and unfair restriction on the rights of military personnel.

My legislative remedy is simple in purpose and in scope. It only allows suits for medical malpractice. And it allows malpractice suits only in peacetime for noncombat medical damages.

This legislation is identical to S. 489 which I introduced in the 99th Congress. It is also very similar to legislation that passed the House last Congress by a large bipartisan majority of 317 to 90.

Speaking frankly, the Feres doctrine relegates our military personal to the status of second class citizenship. It is time for Congress to act to allow our service men and women the same right as all other citizens of this land to their day in court. I urge my colleagues in the Senate now to join me in granting that right to all members of the armed services.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 171 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 2681. Certain claims by members of the Armed Forces of the United States

"(a) Claims may be brought under this chapter for damages against the United States for the personal injury or death of a member of the Armed Forces of the United States arising out of the noncombatant activities of the Armed Forces while such member is serving on active duty if the claim arises out of the negligence of any physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (including medical and dental technicians, nursing assistants, and therapists) of the Armed Forces acting within the scope of their office or employment in a hospital or other medical facility of the Armed Forces.

"(b) Actions brought pursuant to this section shall be brought in the appropriate court of the United States.

"(c) The remedy against the United States provided by this section shall be exclusive of any other civil action or proceeding by reason of the same subject matter against the employee or the estate of the employee whose act or omission gave rise to the claim.".

(b) The table of sections for chapter 171 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"2681. Certain claims by members of the Armed Forces of the United States.".

SEC. 2. Section 2681 of title 28, United States Code, as added by the first section of this Act, shall apply only with respect to claims arising on or after the date of enactment of this Act.

Mr. SASSER. Mr. President, I express my appreciation to the distinguished majority leader for holding the floor until my arrival here this afternoon.

Mr. BYRD. Mr. President, the distinguished Senator is welcome.

Mr. President, I ask unanimous consent that the time which the distinguished Senator will utilize not be charged against the time on the bill.

The PRESIDING OFFICER (Mr. Reid). Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, I thank the majority leader.

UNFINISHED BUSINESS IN THE FIGHT AGAINST DRUGS

Mr. DOLE. Mr. President, only a few months ago, after weeks of almost around-the-clock negotiations and compromise, Congress enacted into law the Antidrug Abuse Act of 1986. In its final form, it was about an inch thick. It addressed everything from enforcement to interdiction; from reduction of domestic demand, to increasing international control of narcotics. It was not a perfect bill—few of them are. But it demonstrated to the Nation and to the world that Congress is serious about the fight against illegal drugs.

Forging a bipartisan consensus on that legislation was not easy. Many of us, especially on the Republican side of the aisle, had to swallow hard at the loss of provisions we thought were critical to curbing drug abuse. For example, I believe the death penalty for drug kingpins guilty of murder; reform of habeas corpus, and the exclusionary rule should have been included in the final bill. In addition, the Republican bill contained provisions that would have authorized the Secretary of Transportation to crack down on drug abuse in aviation and rail transport.

I am delighted to see those provisions reintroduced today by the distinguished Senator from Missouri, Senator Danforth. And although I do not claim to speak for the administration on this matter, I have every reason to believe that the Secretary of Transportation will welcome the additional authority to ensure the safety of passengers in common carriers.

Specifically, this legislation mandates, through the Department of Transportation, random drug testing of railroad and airline employees. In the aftermath of the Amtrak-Conrail collison on January 4, there should be no need to explain the purpose of that testing. As things stand, the Federal Railroad Administration requires testing of employees involved in accidents, or whose conduct raises the possibility of drug or alcohol abuse. That's locking the barn door after the cows are gone.

In the legislation we passed last fall, we did include a provision that had already passed the Republican-controlled Senate. It calls for stiff penalties against those convicted of operating a common carrier under the influence of drugs or alcohol. That's great, but we also have to see to it that those persons don't act as pilots or engineers in the first place. So I welcome Senator Danforth's initiative to give the Senate the opportunity to reconsider these important provisions, which fell between the cracks at the end of the 99th Congress.

Some pundits predicted that the Republican crusade against drug abuse would fade after the November elections. They were wrong. In both the Congress and the administration, Republicans realize that breaking the back of the drug empire will take many years. Our progress will be gradual, but it must be persistent. We are in this for the long run: We are in this to win.

In the weeks ahead, some of the other Republican antidrug proposals of the 99th Congress may be reintroduced. I hope the Senate will have ample opportunity to consider them and to vote on them. As the Amtrak disasters made clear, drug abuse is a threat to us all. It scourges the innocent as well as the guilty. It is not a private choice but a crime against the public. We should treat it accordingly.

MILITARY HEALTH CARE BENEFITS

Mr. HOLLINGS. Mr. President, the President's budget submission contains a proposal that would require dependents of active duty members of the armed services and retirees and their dependents to pay for their medical treatment. I ask unanimous consent that an article from the Washington Times entitled "OMB Forces Pentagon To Test Outpatient Medical Care Fees" be printed in the Record at the end of my remarks.

Mr. President, I object to this proposal in the strongest terms. What you have in effect is false advertising. On the one hand we recruit the volunteer army with glowing statements about the benefits the soldier and his or her dependents will receive. The promise held out is for free medical care. And, the armed services personnel is advised that this benefit will be available to him and his dependents upon retirement.

Now comes the Office of Management and Budget, on the other hand, with a new proposal establishing a test program for the purpose of charging fees for outpatient medical care delivered to military dependents and retirees. This is the first step in a plan by the Reagan administration to take away the benefits of our military personnel. Mr. Ed Dale of OMB, commented on the plan by saying, "As with other user fees, its purpose is to reduce marginal—some may say frivolous—utilization of health care facilities." That's a fraud Mr. President.

Let me quote from armed services bulletins distributed to recruits describing military health care benefits. And, Mr. President, I request that this information be printed in the Record at the conclusion of my remarks. From the "Married Couples' Decision Guide," an Army recruiting document, on page 6: "In the Army, both soldier and dependents receive outpatient care at military hospitals and clinics at no cost to the soldier." From an Army recruiting document dated October, 1985, at page 16: "You have no medical or dental expenses."

The attitude of this administration is to tell the recruits anything to get them into the service, but deny benefits promised when they become due. This action makes the Government a first-class liar. The whole foundation of both recruiting and retaining personnel in the Armed Forces is based on promises by the Government for a range of benefits—foremost being full medical care of active and retired members including dependents. From an administration that has supported pay caps, COLA delays, and privatizing commissaries I suppose you can expect this latest proposal. From an administration that conceptualizes the providing of basic medical care as a user fee I suppose you can expect just about anything. But for this Senator, Mr. President, I take seriously the commitments we make to the men and women who wear our military uniforms and I will steadfastly oppose this breach of faith. The Government should be honoring its commitments, not finding nickel and dime ways to break them.

We cannot retain a strong military force with a record of broken promises. In the past similar breaches of faith have surfaced in the Defense Appropriations Subcommittee. I'm proud we've rejected the administration's past ploys and you can count on me to do my best to kill this ill-advised notion. I for one, Mr. President, believe we should say what we mean and do what we say. In my view, we have said what we mean, now we need to carry out our pledge. The benefits our military personnel have earned must be honored.

There being no objection, the article was ordered to be printed in the Record, as follows:

OMB Forces Pentagon To Test Outpatient Medical Care Fees

(By Norman Black)

The Office of Management and Budget, over strong Pentagon opposition, has forced the Defense Department to plan an experimental test next year of charging fees for outpatient medical care delivered to military dependents and retirees.

Although the description in the fiscal 1988 budget calls only for a test with "nominal" fees, Pentagon officials are viewing the matter with trepidation.

They worry the test could lead to a permanent system of outpatient fees reducing a key military benefit, undermining morale and damaging recruiting and retention efforts.

The extent and location of the experiment have yet to be determined. Pentagon officials are determined to keep it small and to have proceeds from fees plowed back to military personnel as contributions to the morale and recreation fund or improvements to medical facilities.

All told, 7 million retirees and military dependents are eligible to use military hospitals and clinics without charge if space is available. The experiment would not affect active duty personnel, who are guaranteed free medical care at all times.

Military medical facilities handle some 50 million outpatient visits very year.

"This is rather obscurely buried in the budget and the word is only now starting to seep out," said one top Pentagon official who requested anonymity.

"But it's already sending people up the walls. The general public might view this as reasonable. But it's an incredibly emotional thing to the military. Rational people get unrational on this."

Another Pentagon source acknowledged "that from the standpoint of health care policy, it's probably sound."

"You can understand the genesis of it," this official continued. "But the military has certain obligations to its people.

"For example, the sailor goes off to sea, leaving behind a teen-age wife and baby. The wife doesn't know how to take the baby's temperature so she brings him to a clinic. It happens. So how are you going to charge her for that?"

"We're very concerned about this," agreed Chapman Cox, the Pentagon's top official for personnel issues.

"It was absolutely not suggested by the Defense Department. We're good soldiers and we'll do it [the test] if we're told to. But we will do the best we can to protect the interests of our people."

The experimental plan for outpatient fees is outlined in a single paragraph in supporting documentation sent to Congress with the 1988 budget. It refers to two projects "to improve conditions for servicemen and women and their families as well as to reduce costs."

One project will involve an experiment to determine if private firms can do a more efficient job of running military commissaries.

The other "is a plan to collect, on a test basis, nominal fees for out-patient medical care provided to non-active-duty patients to determine whether such fees can reduce costs and improve the quality of care in military medical facilities," the budget states.

Ed Dale, a spokesman for OMB, acknowledged that "there was some back-and-forth" between his agency and the Pentagon over the idea.

"But its purpose is fairly obvious. As with other user fees, its purpose is to reduce marginal—some might say frivolous—utilization of health care facilities. And it would also reduce the net cost to the taxpayer."

David Newhall, the principal deputy assistant secretary for health affairs, said, "It's too early for us to know how the test will be conducted since we just a few days ago found out there was to be such a test."

Another official said, however, that OMB originally demanded in December that the Defense Department implement fees—averaging $10 per visit—without any test. The Pentagon reacted angrily, responding in a memo that such fees "would be an erosion of military personnel benefits and would have an adverse impact on troop morale."

"Until studied, it is not at all clear that the clinics are currently unnecessarily burdened with patients not needing treatment or that a small fee would in any way change the health care patterns of our beneficiaries," the memo concluded.

The infighting finally ended with OMB dropping its demand for immediate implementation, but insisting the Pentagon at least perform a test.

"This is not a new proposal from OMB," the source added. "But it's always been beaten back in the past. The significance here is that this time [OMB] is getting its feet in the door with this test."

CONCLUSION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

WATER QUALITY ACT OF 1987

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the Senate will now resume consideration of the unfinished business, H.R. 1, which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (H.R. 1) to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 1

The PRESIDING OFFICER. The pending question is on amendment No. 1 on which there shall be 2 hours of debate to be equally divided, controlled by the majority and minority leaders or their designees.

Who yields the time?

Mr. SYMMS. Mr. President, on behalf of the minority, I yield 5 minutes to the distinguished Senator from Texas, Senator GRAMM.

Mr. GRAMM. I thank the Senator for yielding.

Mr. President, at the end of the last session of Congress, the Senate voted unanimously for the Water Quality Act of 1987. Today we act on the exact same legislation. Obviously, people are going to have to answer individually if their position is different now than it was last year, if they support a substitute or an amendment or they vote differently on final passage.

In light of that, Mr. President, I would like to outline what is different today than in the fall of last year when we considered this bill.

First of all, on the day last year that we voted on the water bill, the projected deficit was $144 billion. We were all trumpeting the fact that we had adopted a budget that met the Gramm-Rudman target. We all were aware at that time, however, that there were many savings in that bill that would never be realized; that bill, for example, assumed one rate of inflation for entitlement payments and another rate for revenue collections.

But there is no sense, Mr. President, in recounting that whole long, sad story. The reality is that today the projected deficit is $174 billion, not $144 billion.

That still represents the largest deficit reduction in American history, still represents a substantial decline in the rate of growth in Federal spending. I mean in no way to take away from what we achieved last year in the budget.

But the reality is, that one thing which is different today is that the projected deficit is $30 billion bigger. I submit, Mr. President, that that is a relevant factor here.

Second, when we voted before there was no alternative being presented. The only choice available was to vote yea or nay on a bill that represented a substantial increase in funding for water quality, both a commitment for the next 2 years and over a projected period of time.

Today there is an alternative. The alternative may be late in coming. There are many who can stand up and say, "It's a shame we didn't have the alternative before." But that does not alter the reality here today.

Today there is an alternative. It is an alternative supported by the President. It is an alternative that will be introduced by Senator DOLE, the distinguished Republican leader. That alternative funds the promotion of water quality. In fact, it provides funding in the next 2 years that is not substantially different than the bill before us. What is different is that it leaves open in the projected growth in the outyears which is set into place in the authorization in the bill before us.

So I submit, Mr. President, that Members of this body concerned about the Federal deficit, concerned about the targets of the Gramm-Rudman-Hollings law, should look hard at the Dole substitute and should support it. Members of this body should show that support not just in voting for the substitute, but should it fail, by voting "no" on final passage so that we might have an opportunity to come back and adopt a bill that basically is similar in one way and different in another. The Dole substitute in the first 2 years provides the basic thrust of this bill. In the outyears, however, it does not commit to the continuing increase that is provided in the bill before us.

I, for one, last year, with no alternative available and the ability to constrain appropriations, voted for this bill. The deficit is $30 billion higher today than it was then. An alternative is available today that provides for clean water and an equal commitment for all practical purposes in the first 2 years, but it leaves it open for us in the third and fourth and fifth years to look at where we are, to see what we can afford and to authorize at that point.

So I urge my colleagues to look at the difference. The deficit is $30 billion bigger today than it was on the day that we previously voted on this bill. There was no alternative available then. There is an alternative available now. I urge them to take that alternative, the fiscally prudent course, and to vote for the Dole amendment and, should that fail, to vote "no" to give us an opportunity to fulfill clean water requirements and to meet the requirements of the budget.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS. Mr. President, I yield myself 10 minutes from the minority's time.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 10 minutes.

Mr. SYMMS. Mr. President, coming from the West and from an arid State like Idaho, a reclamation State, I think there are probably few Senators in this Chamber that have greater concern for the protection of the Nation's water than this Senator does. Any of you that have been in my State and seen our beautiful lakes and rivers knows that it is a most important issue to us and that we are totally dependent—we have reverent dependence, if you will—on our water resources.

The legislation currently before the Senate is the cumulation of over 4 years' work of the Environment and Public Works Committee. As a member of that committee, I have been involved in the development of this bill since its first introduction. Although I praise the ultimate goal of the bill, which is to secure the Nation's water supply from abuse and pollution, I must assert my belief that the alternative submitted by the respected minority leader, Senator DOLE, S. 76, in my view offers a much, much better solution to the problem.

The exorbitant cost of S. 1 is my primary concern. The bill appropriately recognizes that the construction of sewage treatment systems is better left to the State and municipal entities.

S. 1, however, drags out that transition from Federal construction grants over 9 years at a cost of $18 billion. The administration proposal, S. 76, offers an alternative transition period wherein $12 billion is spent over 8 years.

Mr. President, I think at this point it is good to review a little bit what happened in 1981 when the formula was changed. Originally, the construction grant program entailed $4.5 billion per year. With the budget squeeze and the recognition that this country was on a course for record, massive deficits caused by record, massive spending, the grants were cut to $2.4 billion. The Federal cost sharing was reduced from 75 percent down to 55 percent.

That meant less Federal dollars were cost shared to the States and local municipalities surprisingly to some, that money went a lot further and we actually got more sewage treatment plants built. More people got involved because they recognized that it really is not the Federal Government's responsibility to build sewers anyway. The Federal Government does not have any money it does not first take away from someone else. And besides, the Federal Government was running at a massive deficit.

In 1981, with the passage of the 1981 tax rate reductions and incentives, there was a big boom in privatization of water treatment plants.

Mr. President, it was found that some private sector solutions wherein water contracts and surface contracts were granted, now cost half what it had cost the Government.

Also, we found that the private sector, in addition to having less regulation, less bureaucracy, and greater efficiency, could build them faster, at 50 percent less cost in most cases. We took a great step forward in cleaning up the Nation's water as a result of what happened in 1981. It happened faster by cutting out the Government loop, instead of taking 7 years with all the planning and approval and so forth, the time was cut down to 2 years. We were really making some headway.

We were watching our colleagues in France and copying some of the things they were doing, where they were using private sector solutions to solve these problems. I think it has been clearly recognized by experts in the field and by people out in the local municipalities around this country, that the States and municipalities can do a better job to construct our Nation's sewer system. So why delay relinquishing that task to them? Why postpone an improvement in our system of funding sewage control at a Federal price tag of $6 billion?

Senator DOLE's substitute is one that all Senators, I would hope, would look at very carefully. It gives us the goal that we want and it does it faster. More clean water will cost less Federal dollars. And we need to save all the Federal dollars we can.

The management of water and sewage systems is no different from other public service industries. In fact, processing sewage and purifying water for human consumption is, in principal, no different from any other commercial enterprise. It is curious that we tend to think of sewage construction as a governmental responsibility. There is nothing inherently governmental about it. Municipalities can contract with private companies for sewage treatment just as they do for communications, power, and transportation.

It is interesting in France, instead of bidding as local governments in the United States do on cable TV, transportation systems and so forth, where the local governments contract with the highest bidder, the French contract for water treatment by taking the lowest bid; in other words, who will treat the water and have the lowest water bill for the consumers, instead of the highest.

France offers some interesting alternatives to government management of these important public services. French municipalities accept competitive bids from private managers, thus obtaining the lowest possible cost for the service. Even though this bill moves toward the defederalization of sewage treatment construction, a move long overdue, it does not go so far as to privitize sewage treatment. That option still remains open and I would encourage my colleagues to examine it and look at it carefully. Because, in my view, the way to really clean up the water in this country is to turn the private sector loose and give them the incentives to solve the problem.

It is also worth noting that S. 1 contains a number of special authorizations for collector systems of regional interest. For those of my colleagues who are not used to that kind of terminology, that language simply means pork barrel. It is a sad commentary on this Congress that the first major legislation of the 100th meeting of the Congress of the United States, will be a vehicle which encourages more pork barreling of the taxpayers' dollars

I am further concerned about the nonpoint source provisions of S. 1. The bill creates a new program to control runoff from city streets, farm land, mining sites, and other sources. Part of this program requires States to submit to the Environmental Protection Agency a report identifying State waters that are expected to have nonpoint source pollution. The report must also include methods for reducing the suspected runoff, and an explanation of how such measures will be implemented. This mandatory program smells of land-use planning. The last thing that Idaho farmers, need or farmers all across this country for that matter, is to have Washington bureaucrats planning the use of their land more than it already does. The voluntary program suggested by the administration is a much better alternative which allows each State to assess its own need for nonpoint source pollution control.

Mr. President, I would just say to my colleagues that in this Senator's view S. 76 is by far a better solution to the Nation's clean water needs. I urge my colleagues in the deliberation of this afternoon to consider it very seriously. It is easy to stand here and throw money at a problem and say we will stand up to the President and so forth. The Congress has been doing that for years. What we have is a $2 trillion debt to the detriment of the entire Nation. If we are earnest in our desire for clean water, we must develop solid, workable solutions that are both effective and economical.

So I urge my colleagues when the opportunity comes to join with me, Senator Dole and others in support of the substitute measure that the distinguished minority leader will be offering. I might just say that if we pollute the fiscal system of the United States, it is going to be very hard to clean up the water in the country.

I reserve the balance of the time for the minority, and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL. Mr. President, I yield 5 minutes to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 5 minutes.

Mr. MATSUNAGA. Mr. President, I thank the distinguished floor manager, Mr. Mitchell, for yielding.

Mr. President, I rise in strong support of H.R. 1, the Clean Water Act of 1987. That the 100th Congress would consider and pass this measure as its first legislative act is a strong indication that the people of the United States are well represented in the legislative branch of their Government by men and women who hold foremost the health and safety of their constituents. This same measure, unfortunately, was vetoed by the President in the closing days of the last Congress, without the necessary time to override that veto.

Mr. President, I wish to add my commendation to those already extended to the chairman of the Committee on Environment and Public Works, Mr. Burdick, and to its ranking minority member and former chairman, Mr. Stafford, for their major roles in passing the Clean Water Act in the last Congress and for concurring in the immediate floor consideration of the measure in this Congress. To the chairman of the Subcommittee on Environment, Mr. Mitchell, and its ranking minority member, Mr. Chafee, I extend my special accolade for their tremendous efforts in formulating difficult but needed legislation which was approved unanimously in the last Congress and for bringing the same measure for the earliest consideration by this body.

Mr. President, I am especially grateful that the pending bill provides for meeting the special and unique needs of my deserving constituents in the sugar industry. I am referring, of course, to section 306 of H.R. 1.

Mr. President, as I understand it, the legislative intent of section 306 of H.R. 1, the Clean Water Act of 1987 as approved by the House, is clearly defined in the section-by-section analysis of H.R. 1 recorded in the Congressional Record of January 7, 1987, as it relates to the Hamakua coast sugarcane processing mills in Hawaii.

Although section 306 limits the authority of the EPA Administrator to modify minimum national treatment requirements for an industrial facility within an industry, the section-by-section analysis also stipulates that "In the case of guidelines for the oil and gas extraction industry and with respect to three sugarcane processing mills along the Hamakua coast of Hawaii, the EPA may temporarily withdraw the applicable guideline at any time, issue a best professional judgment permit to affected facilities, and then reissue the guidelines with an appropriate subcategory."

Mr. President, this specific authority to the EPA is provided in H.R. 1 in recognition of the fact that the sugarcane processing mills on the Hamakua coast in Hawaii are faced with fundamentally different factors than any other sugar processing plants in Hawaii or anywhere else in the United States. As a result of their coastal location, these sugar mills must incur unusually high costs to comply with the total suspended solid effluent limitations set by the EPA for the industry in general.

While Hawaiian sugar processing mills all use water to wash field dirt from the sugarcane after it has been harvested, and before it is crushed, the amount of soil collected in the washwater, referred to as total suspended solids, depends to a great extent on the geographic location of the sugarcane fields because the amount of soil which must be washed from the sugarcane increases with greater rainfall.

The Hamakua coast sugarcane processing mills are located in an area that experiences unusually heavy annual rainfall and are situated on the coast at a much lower elevation than their sugarcane fields. As a result, it is not feasible for the mills to use the washwater, which contains relatively high concentrations of total suspended solids, for field irrigation in accordance with common practice. Instead, the washwater must be filtered by hydroseparators and run through settling ponds before being discharged into the Pacific Ocean. The costs associated with this effluent control technology have crippled the companies economically, and threaten to shut them down completely.

Environmental studies on the effects of sugarcane washwater discharges into the Pacific Ocean show that the environmental benefits of limiting the amount of total suspended solids is minimal because the ocean area affected is largely dependent on tidal stage, wind, and the settling velocities of total suspended solids contained in the washwater, rather than on the amount of total suspended solids in the washwater discharge. In fact, since EPA imposed effluent limitation for total suspended solids on the mills, the zones of measurable impact from their washwater discharges have not changed significantly, despite a decrease in total suspended solids discharge on the part of the mills by a factor of 10. Similar zones of impact, or brown spots, are created along the Hamakua coast from over 50 streams flowing as designed by nature into the ocean.

For over 4 years, the sugar companies have requested EPA, without success, to reconsider the application of total suspended solids effluent limitations to the companies' wastewater discharges to the Pacific Ocean. Despite clear evidence that, in this case, the relationship between the costs of attaining a reduction in suspended solids and the benefits derived is not reasonable, EPA has denied the companies' requests for a waiver from total suspended solids effluent limitations because, among other things, EPA believes it lacks the authority to consider the effect of a discharge on the receiving waters.

Mr. President, it is my understanding from reading the section-by-section analysis of H.R. 1, as approved by the House, that upon its passage without any amendments to section 306, the EPA will have that authority to provide environmentally sound adminstrative relief to the Hamakua coast sugar processing mills. In particular, EPA would be authorized to withdraw its applicable guidelines issued earlier, reissue a best professional judgment NPDES permit to the Hamakua coast sugarcane processing mills in Hawaii, then promulgate new effluent limitations for these companies.

Mr. President, I ask the distinguished floor manager for the majority and chairman of the Subcommittee on Environment, Mr. Mitchell, whether or not he concurs with my understanding of the legislative intent of section 306 of H.R. 1.

Mr. MITCHELL. Mr. President, if the junior Senator from Hawaii, Mr. Matsunaga, will yield, I must state for the record that I fully concur with him in his expressed understanding of the legislative intent of section 306 of

H.R. 1, the Water Quality Act of 1987, now under consideration by this body. I should also note that the conference report applies this approach to the oil and gas extraction industry.

Mr. MATSUNAGA. I thank the Senator from Maine, Mr. President, and I ask the distinguished floor manager for the minority and ranking minority member of the Subcommittee on the Environment, Mr. CHAFEE, whether or not he concurs with the chairman of the subcommittee, Mr. MITCHELL, and this Senator from Hawaii, on the expressed legislative intent of section 306 of H.R. 1?

Mr. CHAFEE. Mr. President, if the junior Senator from Hawaii will yield, I wish to state for the record that I fully agree with his expressed understanding of the legislative intent of section 306 of H.R. 1.

Mr. MATSUNAGA. I thank the Senator from Rhode Island.

Mr. President, I yield the floor.

Mr. MITCHELL. Mr. President, I would like to comment briefly in response to some of the remarks made by the distinguished Senator from Idaho in support of the substitute amendment and in opposition to H.R. 1, the legislation that has been overwhelmingly approved by the Congress previously.

Just two points: The Senator argues that sewage treatment preventing the pollution of our Nation's waters ought not to be a responsibility of Government. He said that the answer to this problem is to turn the private sector loose on it, and we ought not to have any kind of Government program. My response to that is that before 1972 we did not have any significant Federal program to deal with the problem of water pollution in our country. And as a result, almost every major river in the United States was a stinking, open sewer. The American people could not swim. They could not fish. They could not boat in their Nation's rivers.

Since 1972, since we passed the Federal Clean Water Act, hundreds and hundreds of American rivers have been cleaned up. And the American people overwhelmingly want this program to continue.

So in response to that point, I say that we have had a long experience with what the Senator from Idaho suggested is the answer to this problem, and it was demonstrably not the answer to the problem. The answer lies in passing H.R. 1.

Finally, before I yield to the distinguished Senator from Massachusetts, who I note has come onto the floor, I would respond to a second point made by the Senator from Idaho. He opposed that provision in H.R. 1 which deals with nonpoint sources of pollution by repeating the statement made by the distinguished minority leader last week who said it is Federal land use planning. He said it is a mandatory program that will force the farmers to do what they otherwise would not do.

I say that is absolutely false. There is nothing in this bill which requires any State in the country to adopt a program to deal with nonpoint source pollution. The bill provides that each State will make an assessment of the problem. If a State does not make an assessment of the problem, the EPA will make one in that State for the purpose of establishing national data on this problem. This is a problem which the EPA itself, the Reagan administration EPA, says causes more than half of the remaining water pollution problem. After that, no State is compelled to adopt a program to control nonpoint source pollution.

If the State of Idaho, the State of Kansas, the State of Maine or any other State says, "We do not want a program," that is it, there will be no program.

The decision on whether to adopt a control program with respect to nonpoint source pollution is entirely a State decision. If a State does decide to go forward, as most sensible States will, then there is a participating program in which they can request assistance. So it is absolutely false, untrue, and misleading for anyone to say that this is Federal land use planning.

The bill was carefully crafted with the interests of the States in mind, and that is what is contained in the bill.

I urge Members of the Senate to look at the provisions of the bill before making a judgment with respect to this allegation regarding Federal land use planning.

Mr. President, I now yield 3 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think it is only appropriate that the Senate of the United States face this extremely compelling issue as one of the first items on the agenda of this Congress. I think one of our most important responsibilities is to try to ensure that America the Beautiful will be inherited by the next generation. One of the key elements in America the Beautiful is having the clean streams, clean rivers, and clean harbors which have been so much a part of our history and tradition and which have been despoiled in past years, particularly during the industrialization of America.

Now we are at a critical crossroads. We must face the crossroads by passing this measure in a bipartisan way this afternoon.

I wish to speak about the region and the State which I represent and about what this is going to mean in the cleaning up of one of the important areas of New England—the Boston Harbor.

The kinds of efforts which are being undertaken at the State level and among the communities that border on the harbor have really been outstanding. Many of those people who live in the area near the harbor have middle or lower incomes. They are prepared to see a dramatic increase in their rates in order to invest in trying to provide for the cleaning up of one of the most important waterways in our country at this time.

The way this program has been fashioned, the way it is supported by the States and the local communities is a tribute to the very deliberative and bipartisan style by the members of this committee. This legislation really offers enormous hope and opportunity to those who are committed to the clean water of this country.

It has important and long-lasting implications in terms of eliminating from our streams, rivers, and harbors, the hazards which can affect the quality of health of the most vulnerable people in our society, the children in our Nation. This legislation makes sense from every point of view. It is a sound investment in America.

Many people on this floor are debating this bill on the budget issue. Certainly, that is a consideration. But the most important consideration is what we are doing for our country. This is the bill, this is the time, this is the issue. I am hopeful that this bill, H.R. 1, will be passed by an overwhelming majority on both sides of the aisle.

Mr. President, I support H.R. 1 and I urge my Senate colleagues to vote—once again—to send a strong Clean Water Act to the President. This bill addresses the critical nationwide problems of polluted harbors and waterways and provides vitally needed resources for the construction of new sewage treatment facilities to ensure clean waters for the future.

Last year, in an ill-advised action, President Reagan chose to pocket veto the bill after Congress had adjourned, but now we have a chance to pass it again and enact it into law.

I am especially pleased that the bill contains $100 million for the cleanup and revitalization of one of the Commonwealth's most important natural and economic resources—Boston Harbor. Few cities have a resource as magnificent as the harbor. It is a unique asset that witnessed a significant part of our Nation's history. With its scenic shoreline, its 30 islands and thriving port facilities, the harbor is a priceless economic and environmental treasure.

It has suffered heavy environmental damage from the tremendous industrial and residential growth of the Boston area in recent decades. The resulting pollution and decay has threatened the natural beauty of the harbor and jeopardized the prospects of future growth. Every year, billions of gallons of raw untreated effluent are dumped into the harbor. New sewage facilities must be constructed to replace the current antiquated system.

This bill contains $30 million for emergency improvements to the old facilities to decrease the discharge of this raw sewage and $70 million for the construction of new secondary treatment facilities.

The Commonwealth has pledged its own financial resources to the revitalization of the Boston Harbor, but it is an extremely expensive undertaking—current estimates of the cost of the new facility are in excess of $2.5 billion—and the Federal assistance in the present legislation is a vital component in reaching our goal.

Boston is only one example. There are thousands of communities across our Nation who have relied on the promise of the funds contained in this bill in developing their plans to resolving their most pressing water pollution problems. We must assist the economic development of our communities while addressing the problems it creates. We cannot permit the environment to suffer at the hand of prosperity, for in the end, prosperity will suffer too.

The Clean Water Act is one of the most important pieces of environmental legislation of this decade. It vigorously addresses the water pollution crisis across our Nation. This bill has the overwhelming support of the American people and the overwhelming support by both Houses of Congress. I hope that we will send it to the President today with a bipartisan mandate that the President cannot ignore.

Mr. MITCHELL. Mr. President, from Los Angeles, CA, to Tampa, FL, to Seattle, WA, newspapers all over the country have almost unanimously expressed for this legislation and denounced the President's unwise veto of the bill last November.

I ask unanimous consent that a representative sample of such editorials be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Wichita Eagle-Beacon: "Resuscitating Clean Water Bill."

The Wichita Eagle-Beacon: "Water Veto Would Hurt Kansas."

The Kansas City Times: "Dirty Move on Clean Water."

Dallas Times Herald: "Approve Clean Water Act."

The Dallas Morning News: "Time is Running Out for Major Urban Areas."

Portland Maine, Evening Express: "WATER Keep it Clean."

The New York Times: "Bucking the Clean Water Tide."

Los Angeles Times: "Whopping Sentiment."

The Post-Intelligencer: "President's Ear Shut on Water Bill."

The Seattle Times: "Reagan Shouldn't Veto Clean-Water Legislation."

The Orlando Sentinel: "Politics Dirties the Water."

Wilmington New Journal: "Clean Water Veto Unwise."

Arkansas Gazette: "A Reckless Veto by Mr. Reagan."

The Philadelphia Inquirer: "Playing Macho on Water Bill."

Tallahassee Democrat: "Clean Water Return Bill to the President."

Atlanta Constitution: "Water Act Veto an All-Count Loser."

Sacramento Bee: "Clean Water, Postponed."

Tampa Tribune: "The President Asks for It."

Statesman-Journal: "Water Pollution Veto Sets Back Cleanup."

[From the Wichita Eagle-Beacon, Dec. 22, 1986]

Resuscitating Clean Water Bill

One of the 99th Congress' sounder pieces of legislation—and its best supported piece of legislation by far—was the Clean Water Act of 1986. When President Reagan last month allowed the measure, passed by both houses unanimously, to die by pocket veto, his action flew in the face of a clear expression of the will of the people. Just as seriously, he delayed the upgrading or construction of sorely needed sewage systems all over the country.

The bill, as passed, would assure Kansas more than $21 million a year for five years—its share of an $18 billion fund established by the bill—to build and improve sewage-treatment plants. For that reason alone, Sens. Bob Dole and Nancy Kassebaum should have no trouble giving the bill their support, particularly at the crucial "unanimous consent" stage: If the 1986 act is to be brought to the floor directly, bypassing the relevant committees, every member present must agree. Observers believe achieving unanimous consent will be more of a problem for the Senate than the House.

The bill, as written, is a wise compromise that not only would help curtail the flow of sewage into lakes and streams, but also would address, for the first time, surface runoff from farms, streets and industries. The bill establishes a firm time, 1995, when the federal government no longer will finance sewer construction. States, counties and cities would be assured a reasonable period to establish alternate money sources.

Neither house should reopen the clean-water debate, since that only would encourage efforts to weaken the bill. Members should regard the question of the nature and extent of federal involvement in cleaning up lakes and streams as settled. If the bill, unamended, is sent back to the president in January or February, backed by a bipartisan majority of two-thirds or more, maybe he'll see it that way now, too.

[From the Wichita Eagle-Beacon, Nov. 5, 1986]

Water Veto Would Hurt Kansas

Thursday, at midnight, the vicious cycle starts again. That's when the 1986 version of the Clean Water Act, passed by a vote of 504-0, dies on President Reagan's desk. That's when the commitment to end America's careless pollution of its own precious water supplies wavers—unless the president relents and signs the bill.

If he doesn't sign it, as appears increasingly likely, the remarkable progress made in cleaning up the nation's tainted streams and lakes over the last 14 years will falter, stop and eventually reverse course. Massive efforts to bring adequate sanitation services to communities all across the country, in the form of modern sewage treatment plants, likewise will be undone. It will then be only a matter of time until an even more massive cleanup effort is required.

Kansas is a good example of the harm that a presidential pocket veto of the Clean Water Act would precipitate. Gov. Carlin recently pointed out in a letter urging Mr. Reagan to sign the bill that "Kansas municipalities . . . will require $175 million in construction grants to meet the secondary treatment requirement. . . . In addition, we have barely begun to address the problems of toxic pollutants and nonpoint source pollution which represent potentially serious risks to the public health and environment."

No fewer than 83 pending Kansas sewage treatment projects, at an estimated cost of $286 million, have been put in jeopardy by the veto threat. Take the Kansas example and multiply it coast to coast, and you have the reason why an $18 billion commitment to continue sewer construction over the next nine years is a necessity.

Lacking such help from their federal partner in the clean water campaign, many municipalities will have no choice but to cancel those projects, since funding them entirely at the local level would drive sewer service rates completely out of sight for individual consumers. The negative impact on potential development might be matched only by the resulting damage to the environment, as wastes again begin finding their way back into water sources. Further, there will be no effective way to control chemical runoff from farm and industrial operations.

The original Clean Water Act has been one of this country's rare environmental success stories. America can't afford to be without such legislation for even a short time. Mr. Reagan should listen to Congress' unanimous voice: This is one investment that pays off. He should sign the legislation promptly, not restart the pollution cycle with a veto.

[From the Kansas City Times, Nov. 10, 1986]

Dirty Move on Clean Water

President Reagan was wrong to veto the Clean Water Act of 1986. It postpones action needed to handle new water-related problems and halts building of sewage systems, including some in Kansas and Missouri.

Mr. Reagan was right about one thing. The $18 billion price tag for the legislation was on the high side. But good reason existed for that fact. Congress wrangled for four years to come up with a measure satisfactory to enough members. And the $6 billion backed by the administration for the job was simply far too little.

The president's fiscal objections to the bill ring hollow. The federal government already has committed itself to gradually pulling away from sewer subsidies. But that date, set at 1994, does not please the administration, which sets 1990 as the target. Thus, Mr. Reagan is trying to get the federal government out of a financing commitment it made long ago to states and cities, including Kansas City, which has a sewer project in the planning stage.

Congress this year made it clear the 1994 date should stand; the veto shows the president maintains different ideas on the matter.

Now supporters of clean water have rallied and say a new bill will be quickly passed by the 1987 Congress. But there are facts to temper that enthusiasm.

The realism of politics will intrude on the process. The changing of the guard in the Senate probably will alter states' shares of federal money. Newly powerful Democrats will try to get more money for sewer projects in their states; Republicans will fight to keep funds once intended for their states.

Besides putting Congress through the wringer on this topic one more time, the veto also ensures that programs needed to combat newly discovered problems won't start in a timely fashion.

One plan would require controls on runoff from streets and farms. Studies in the past two years have shown this problem is far greater than most people realized. Another program would have concentrated on cleaning up hazardous chemicals in about three dozen bays and other bodies of water.

Mr. Reagan's veto means the goal of taking care of water-related environmental problems is a little further off. He could have avoided giving states and cities this fiscal headache. But he didn't.

[From the Dallas Times Herald, Nov. 4, 1986]

Approve Clean Water Act

President Reagan should sign the reauthorization of the Clean Water Act. Reauthorization has been languishing in Congress for the past three years, but it finally has received overwhelming support in both the U.S. House and Senate.

Mr. Reagan must sign the legislation by Thursday, or it will automatically die and the entire process for reauthorization, including laborious committee hearings, will have to begin from scratch when Congress reconvenes.

The measure is highly important to Texas. According to Sen. Lloyd Bentsen's office, the state would get $110 million in matching money for the current fiscal year and $716 million overall between now and 1994 for construction of sewage treatment plants—helping bring dozens of cities and towns into compliance with federal clean-water standards.

The $18 billion package offers several new features, including a program to attack polluting runoffs from farms, streets and mines, a crackdown on industrial toxins reaching waterways and a program to clean up estuaries, which would help Texas' Galveston Bay.

Mr. Reagan wants to end the construction grant program, and he contends the bill is too costly. But proponents of the legislation, both Democrats and Republicans, have compromised in several ways, including reducing the government's portion of the matching grants from 80 percent to 55 percent and replacing the grant program eventually with a revolving fund program, from which municipalities would be able to borrow money to upgrade their treatment facilities.

The reauthorization passed 96-0 in the Senate and 408-0 in the House. That expresses broad support for the ongoing commitment to rid the nation's lakes, rivers, bays and estuaries from poisonous pollution. That commitment should not receive a setback in the form of a "pocket veto." We urge the president to sign the bill.

[From the Dallas Morning News, Dec. 14, 1986]

Time is Running Out for Major Urban Areas

There is no place that federal spending cuts will be felt more strongly next year than in major urban centers, where the flow of financial assistance from Washington, D.C., is quickly drying up.

Municipalities already have been hit hard in 1986 by the decision of Congress to discontinue federal revenue sharing and President Reagan's veto of the Clean Water Act. These actions will cost individual cities millions of dollars in funding for sewage and water treatment plants and other important construction projects.

Next year, sweeping legislation will be introduced that will eliminate virtually all federal domestic assistance programs. Among the programs that would be killed are community development block grants, urban development action grants, work incentive programs, housing assistance and urban and secondary highway programs. Also under consideration for elimination are some of the Urban Mass Transportation Authority Programs.

Congress will be under tremendous pressure to look high and low for ways to reduce the huge federal budget deficit. That assistance programs to local governments are a natural place to trim during economic hard times.

Indeed, many of the domestic programs have been subject to abuse over the years. Far too many of the urban development action grants were beneficial only to the developers who received them—not to low-income residents who were supposed to have been helped.

But if Congress decides to terminate the federal-local partnership that has existed for years, there must be reasonable ways made available to keep individual cities from suffering such a heavy financial loss.

It is not enough for federal authorities to say that they will "cushion" the blow by providing temporary grants to states and cities that are incapable of meeting minimum public service needs.

During their recent meeting in San Antonio, National League of Cities officials said that the eventual loss in revenue assistance to the cities could be as much as 80 percent.

Municipal governments should have the right to continue to seek assistance from Washington for construction projects specifically designed to meet federally mandated standards. For example, Environmental Protection Agency requirements for water and sewage treatment will require a massive investment in plant facilties by the Dallas city government during the next few years.

The cities should be able to recapture at least a portion of those expenditures from the federal government. The federal-local partnership should work both ways: If Uncle Sam is going to force cities to provide specific services, Uncle Sam should help with the tab.

[From the Portland (ME) Express, Jan. 18, 1987]

Water: Keep it Clean

Congress is moving swiftly to reauthorize the Clean Water Act of 1972, a monumental piece of legislation that has done so much to improve the nation's water quality by providing money for states to construct wastewater and sewage treatment facilities.

And well it should. Last fall both branches passed an $18 million package without a dissenting vote. Unfortunately, the amount was about three times what President Reagan preferred in his characteristic antipathy to domestic spending and he allowed the legislation to die after Congress had adjourned.

Consequently, it has been resurrected this term and Reagan, Congress seems to be saying, be damned.

"We're giving the president a second chance," Sen. Quentin Burdick, D-N.D., Senate Environment Committee chairman charitably said this week. There are 75 sponsors of the Senate version and an identical House version has already been approved 406-8.

Clearly the president is running the wrong way up the sewer on this issue. One reason is that wastewater treatment is a popular issue. Witness the historical approval bond issues to deal with sewage treatment have received in Maine, a state which expects to receive $18.5 million for projects in 10 communities.

Reagan originally preferred $6 billion, upping the ante to $12 billion this year following his pocket veto which Sen. George Mitchell had characterized as "a mistake, both substantively and politically."

While the nation's obscene deficit is on everyone's minds, there are certainly ways to address it short of endangering the nation's water quality.

To underfund the Clean Water Act would be a step backward this country definately should avoid.

[From the New York Times, Jan. 11, 1987]

Bucking the Clean Water Tide

Fifteen years after the Clean Water Act, many rivers and lakes are still disgracefully polluted with sewage and poisonous chemicals. Congress ardently desires to make America's waters swimmable and fishable once again. But President Reagan persists in opposing a bill to renew the Clean Water Act. The new House has just insisted on this legislation and the new Senate is about to do the same. If so, that will turn the dispute into a triumph for all, including the Administration, even though Mr. Reagan insists it's a defeat.

Mr. Reagan opposes the new water bill because of expense. But the $18 billion, mostly to help cities build new sewage plants, is spread out over nine years—and, remarkably, much of the money is a final payment that will end the program.

The President came into office determined to reduce Federal expenditure and the costs of environmental regulation. Under his criticism, Congress in 1981 agreed to curb wasteful features in the sewage grant program, to cut the Federal share of construction from 75 to 55 percent, and terminate the whole program provided the Administration would allow that to happen over 10 years. Following these terms, part of the $18 billion in the Clean Water Act is to continue construction, and part for the states to set up revolving loan funds from which they can assume the full burden.

Instead of going along with the deal and declaring the victory of principle that he had gained, Mr. Reagan's advisers had him demand that the construction program be cut immediately and proposed a $6 billion bill. Congress bridled and last year passed its $18 billion with not one dissenting vote.

With what could only be blind stubbornness, Mr. Reagan pocket-vetoed the bill, which the new Congress has now taken up again as its first order of business. The

House approved it last week, 406 to 8. In the Senate, the Administration raises its offer to $12 billion, but would cut out funds for important sewage-treatment plants in New York City and Boston, and eliminate money for controlling runoff from city streets and farms. The bid is too little and too late. The Senate would do well to reject it, and by a veto-proof majority.

[From the Los Angeles Times, Jan. 11, 1987]

Whopping Sentiment

Over the past several months Congress has accumulated a total vote of 910 to 8 in favor of a $20-billion, eight-year Clean Water Act program, and the count will continue to soar when the Senate votes on the bill again this week—possibly Monday. If President Reagan chooses to veto the bill a second time, and Congress is forced to take an override vote, the cumulative tally in support of this program could approach astronomical proportions—something like 1,500 to 100, which assumes that some senators and House members would rally behind the White House on an override showdown. That would certainly set some kind of record for White House stubbornness in the face of overwhelming congressional support.

Congress passed the bill late in the last session after four years of work in drafting a continuation of the program first enacted over Richard M. Nixon's veto in 1972. The vote last fall was 408 to 0 in the House and 96 to 0 in the Senate. About $10 billion would be issued in grants to local governments for constrtuction of new sewage-treatment facilities and the renovation of old ones; $8 billion would be put into a revolving fund for loans beginning in 1990 and $2 billion would be used in other clean-water programs. The proposed law provides for grants to up to 55% of the cost of the sewage-treatment facilities. States provide another 15%, and local government put up the rest.

This has been an extremely effective and popular program. Since many interstate streams, estuaries and lakes are affected, the federal government has a clear responsibility. Economic development is restricted in many areas by the sewage systems strained to capacity. One wonders why the President has decided to draw the line in the dirt so firmly and deeply on the issue. While he did not directly threaten to veto the bill again, the President denounced it in his budget talk on radio last weekend, saying, "I'm in favor of clean water, but the only thing clean in this bill is its name. It spends billions more than is needed."

The President battled last year to hold the cost to $6 billion, phasing the program out over three years. But on the same day he condemned the congressional version on the radio, he signed his new budget, which offered a compromise at $12 billion. The House ignored the offer in passing the 1987 version of the $20-billion program on Thursday on a vote of 406 to 8. The Senate should do the same, making it clear that another veto will be overridden. The President managed to avoid an override last year only by using his pocket-veto authority just two days after the November general election.

The need for a substantial investiment is evident. The City of Los Angeles alone must spend $2.3 billion over the next decade to bring its sewage-collection, treatment and disposal system up to state and federal standards. The absence of each federal dollar of assistance would mean another dollar tacked onto the city sewer fee amounting to a regressive tax that would fall most heavily onto low-income Angelenos.

A city official noted that most large Eastern cities rebuilt and expanded their sewage systems with massive help from Washington in the early more generous days of the program. "The Eastern cities got theirs, for sewers and subway systems," the official said. "We are at the end of the line."

Without a murmur-about "budget-busting," the President did not hestitate last year in signing legislation authorizing $16 billion for dams, canals, ports and similar projects. On reflection, perhaps he will recognize that comparable spending for clean water is a solid investment in the nation's environmental and economic, health.

[From the Washington Post-Intelligencer, Nov. 10, 1986]

President's Ear Shut on Water Bill

On the day President Ronald Reagan came to Spokane to campaign for Slade Gorton, Sen. Dan Evans said not to worry about the Clean Water Act. Rumors of a pocket veto were unfounded, he insisted, and just to make sure, he and Senator Gorton would mention the matter to the president that evening.

Last Thursday, just one week later, the rumors proved accurate and Evans was proved dead wrong. The White House announced that the president had refused to sign the measure that would have provided $18 billion over several years to help local governments build sewage treatment and wastewater facilities. Too expensive, the president said, ignoring the wishes of Congress, which had passed the bill by a unanimous vote, and the urging of his own Environmental Protection Agency administrator, Lee Thomas.

Although there is still some federal money available for 1987, the loss of future funds would be a severe blow to this state's effort to protect Puget Sound and other waters threatened by pollution. Gov. Booth Gardner calculated the veto would cost Washington $17.5 million in direct grants, $148 million in loans from a revolving fund and 80 jobs. A spokesman for the Puget Sound Water Quality Authority said that lack of federal money would delay its six-year, clean-up plan. Metro stands to lose about $100 million.

There has, of course, been another change since Evans and Gorton met with the president in Spokane. Democrats have taken control of the Senate and Democrat Brock Adams has defeated Republican Gorton. Democrats, with majorities in both houses, already have vowed to rush through a new Clean Water Act immediately after Congress convenes in January and say they will override another veto. One can hope, but moving any bill through Congress is rarely that easy.

Meanwhile, there is another problem: The Columbia Gorge.

Rumors already are flying that Reagan also will exercise a pocket veto on the measure that would preserve the Gorge as a National Scenic Area. Unless the president signs the bill by midnight Nov. 17, it will die.

According to the Portland Oregonian, Attorney General Edwin Meese's Justice Department doesn't like the Gorge bill because it would give the Forest Service temporary jurisdiction over some privately owned land. Because the compromise that finally won passage of the hard-fought Gorge bill was so fragile, chances of Congress reviving that measure are much smaller than those favoring the Clean Water Act.

Given the vagaries of politics and politicians, however, nothing is certain. One can conclude, though, that the fact President Reagan is unlikely to heed the pleas of a bipartisan Evans-Adams Senate team makes little difference. Evidently, on environmental matters, he didn't listen to Evans and Gorton, either.

[From the Seattle Times, Nov. 6, 1986]

Reagan Shouldn't Veto Clean-Water Legislation

President Reagan reportedly is considering a veto of the $18 billion Clean Water Act reauthorization, which Congress passed—unanimously!

With Congress not in session to override him, Reagan could "pocket veto" the bill—simply not sign it. That would be a big mistake.

This legislation has been floating around like flotsam far too long. The original act expired in 1982. Both House and Senate passed reauthorization measures in 1985. A conference committee has been trying to reconcile differences for more than a year. The compromise version isn't perfect, but it's as good as the nation is likely to get.

For Washington state, it would provide about $42 million annually in grants and loans over the next eight years to help build secondary sewage-treatment plants that the law is being interpreted to require.

Many experts continue to believe that secondary treatment is not truly cost-effective in all parts of Puget Sound. But members of the state's congressional delegation insist that politically there's no realistic possibility of waiving the requirement, since most of the nation has complied. There may—and should—be some flexibility in compliance deadlines, however.

In addition to plant-construction funds for Metro and other sewage-treatment agencies, the bill would provide some money aimed at nonpoint-source pollution, storm-water runoff, combined-sewer overflows, and estuary research—all of which could greatly benefit Puget Sound.

If the federal government is going to continue to require certain clean-water technologies across the board, without regard to their impact on water quality, it should indeed provide some financial aid to this and other states. Reagan should keep this bill out of his pocket, put it on his desk, pick up his pen, and sign it.

[From the Orlando Sentinel, Nov. 8, 1986]

Politics Dirties the Water

President Reagan proposed a bad bargain this week. By vetoing legislation to strengthen the Clean Water Act, he was urging Congress to trade off clean water to save some money. The fact that he waited until after Election Day suggests that voters don't want such a deal.

And Congress doesn't want it either: What Mr. Reagan rejected passed the House and Senate without a single no vote. Clean water is a national commitment.

The veto message made it sound as if Congress wants Washington to spend three times as much as the White House believes is necessary to help communities treat their sewage. That's misleading. Congress approved $9.6 billion in federal construction grants through 1990, while the administration proposed spending $6 billion. That's hardly a dramatic difference, and in light of the problem, Congress is right.

Starting in 1990, Mr. Reagan would leave states to fend for themselves. More sensibly, the vetoed bill would phase out the federal role. Washington would provide $8.4 billion spread over six years, beginning in 1989, to help states start loan pools for building sewage facilities. So, yes, Congress unanimously has approved a lot of money, but it's to be spent over a nine-year period on a national priority.

Such federal aid has paid more than half the cost of Conserv II, the wastewater irrigation project that Orange County and Orlando have been building. The aid also is what Sarasota is depending on to stop pouring sewage into Sarasota Bay. For projects statewide, Congress' plan would mean a slight reduction in aid—which now is about $82 million annually—during the next few years.

But don't assume that Mr. Reagan's plan to cut funding by about a third in the near term would leave Florida no worse off than other states. According to state officials, Florida in 1983 took Washington up on an option—lowering the federal share of a project's cost and thus letting this aid go toward more projects. That involved redefining all Florida projects as "new." Now Mr. Reagan wants, in a pound-foolish fashion, to eliminate all federal aid to new projects. It would be a disaster for Florida.

If Mr. Reagan really had wanted to squeeze money out of water, he could have rejected another item gathering dust on his desk. It's a multiyear, $16 billion package for waterways, ports, beach restoration and other water projects. True, that measure includes the long-overdue step of blocking any new construction on the Coast-Florida Barge Canal. But that item and other priorities don't need to be part of a porky smorgasbord.

Instead, Mr. Reagan vetoed a clean-water program that no one opposed. It was so spectacular an error that some lawmakers started talking about adding money to the bill before passing it again. That's juvenile. The right rejoinder: Pass it again without changing even a comma.

[From the Wilmington News Journal
November 8, 1986]

Clean Water Veto Unwise

"Let's face it," said an environmentalist about President Reagan's pocket veto of a clean water bill, "the man is not an environmentalist." Let's face it, if organized environmentalists had written the bill in question all by themselves, its price tag would not have been $20 billion, as was the case, but would have been $40 billion, or $60 billion or more.

The president's expressed reason for his veto, triggered Thursday night when he had failed to sign it before deadline, was monetary. The spending it called for, he said, "exceeds acceptable levels." The $18 billion the measure included to construct sewage treatment projects in all 50 states was three times as much as he had sought for that purpose.

Some initial reaction to the veto was political. The president, said Sen. Daniel P. Moynihan, "could have avoided a confrontation with the new Congress." Now through the veto, said the New York Democrat, "he has one." An environmentalist spokesman called it an "outrage" that Mr. Reagan did not tell the public before the election that he intended "to veto such an important public health bill."

Well. Money and politics are both important factors in cleaning up the environment. Some confrontation between the Republican president and a Congress now ruled by Democrats was inevitable. And all of those environmentalists now running around and waiving their arms had pretty good indications before the voting that such a veto was possible.

The same measure, members of Congress from both parties vowed, will be introduced promptly in the 100th Congress and, given concern for clean water programs in all states, presumably will be passed with enough support to override an in-session veto. It probably occurred to at least some members that passing the bill in the final days of the 99th Congress, and letting it be pocket-vetoed when they could not vote to override, would play well in their home states and districts.

The money and the politics aside, it is regrettable that Mr. Reagan, against the counsel of his own environmental chief, the EPA's Lee Thomas, is causing this delay in the almost certain enactment of the legislation.

First and foremost for this area is that the veto blocks a $13 million program specifically targeted over the next four years for curbing pollution from remote points in the Chesapeake Bay. That does nothing for the credibility of the pledge voiced by the president to seek help especially for that great and troubled estuary.

The Chesapeake also is one of 34 "toxic hot spots" around the nation identified by the National Wildlife Federation.

There will be delay, now, in stemming urban and farm runoff pollution, which the reauthorization bill would have addressed for the first time, and, of course, the program for improving sewage treatment throughout the nation is postponed.

Then, too, before the bill is reintroduced, passed and a possible new veto overridden, the brute passage of time will have increased costs of all of these programs.

It probably does not enhance the president's political position that one day before the veto, the Environmental Protection Agency, headed by Mr. Thomas, sounded a warning about lead in the nation's drinking water supplies. An EPA report on Wednesday stressed that a new set of rules it would propound to reduce that amount by more than 50 percent, would produce a net savings to the nation of $800 million a year, in areas ranging from health costs to corrosion damage to water systems caused by this substance.

And another report this week—one dramatic improvement in the cleanliness and productivity of the Hudson River system in New York—also underlined the practicality of intensive governmental involvement in protecting our water resources.

All in, and conceding the president's concern for limiting federal spending programs, he probably will, and should, take a bath on this one.

[From the Arkansas Gazette, Nov. 9, 1986]

A Reckless Veto by Mr. Reagan

President Reagan's veto of the new Clean Water Act merely postpones the inevitable. This legislation, or something very close to it, will be passed again by the next Congress and it will be passed over Mr. Reagan's veto—as it would have been this time if he hadn't waited until after Congress had adjourned.

The original Clean Water Act, first passed in 1972, began the restoration of our nation's lakes and rivers; it was a landmark of environmental legislation. After that act expired in 1981, Congress was unable to agree on a new bill, and water cleanup proceeded only under *ad hoc* extensions until this year, when environmentalists got Congress to agree on a new compromise bill.

Among other provisions, the new bill would target "toxic hot spots" around the country for cleanup. These are the nation's most severe water-pollution problems. The bill passed both houses unanimously.

Mr. Reagan said that he vetoed the bill because it cost too much—specifically, the $18 billion it appropriates to complete essential sewage treatment plants around the country. But some must wonder, as the director of the Clean Water Act Project wondered aloud, whether this wasn't also a show of anger, or bravado, prompted by the Democratic victory in the elections Tuesday.

Whether he acted out of pique or principle, Mr. Reagan's veto is ill-advised. At a time when he should be seeking conciliation with a Democratic-controlled Congress, he is picking a fight that he can't win. More importantly, he is delaying the badly needed cleanup of the water that Americans drink, and in which they swim and fish. And who knows the cost to public health? The National Wildlife Federation says that every day without the new Clean Water Act, 465,000 more pounds of toxic pollutants are dumped into lakes and rivers.

Penny-wise, Mr. Reagan's veto may be. Pound- and politics-wise, it is foolish.

[From the Philadelphia Inquirer, Nov. 9,
1986]

Playing Macho on Water Bill

In vetoing the Clean Water Act, President Reagan criticized its price tag: $18 billion spread over eight years. He wanted a $6 billion authorization. But was cost the reason he rejected a bill passed unanimously by Congress, a bill that writes the conclusion to a remarkable environmental success story, a lean bill that by all accounts is the best he can get from Capitol Hill?

The answer is no.

Mr. Reagan and his close advisers, Chief of Staff Donald T. Regan and Budget Director James C. Miller 3d, remain ideologically bound to the idea that the federal government has no role in improving the environment.

The facts refute that, of course. Until two decades ago, when the federal government began setting standards and providing financial aid, the nation's air and waterways were foul. Local and state governments had no real incentives to eliminate pollution. Why spend local taxpayer's money to purify water or air if the community or state next door did nothing? Dirty air and water don't respect governmental boundaries. It is a national problem deserving a national commitment.

Among all the environmental initiatives begun in the last 20 years, none has been as successful—or popular—as the effort to clean up the nation's waterways. Americans are swimming in lakes and rivers they couldn't even bear to walk alongside 10 or 20 years ago. Communities now use waterfronts as magnets for commercial and residential development.

The 1986 Clean Water Act was to be the final chapter in this story, ironically a chapter written with the indelible influence of the Reagan administration. The White House wanted an end to a federal cost-sharing construction program that since 1972 has provided $44 billion for new sewage-treatment plants. Congress agreed, establishing a revolving construction loan program while phasing out construction grants.

Mr. Reagan also pledged an active federal involvement in cleaning up Chesapeake Bay. The bill provided funds to improve sewage treatment along the bay's rim and designated millions of dollars to control runoff from urban and agricultural lands—pollution that is strangling the bay.

Many in Washington believe there was more to the veto than ideology. Mr. Reagan wanted to send a "macho message" to the incoming Congress that he intends to play hardball. Congress can play the same game.

Mr. Reagan was able to veto the bill after the election—thus minimizing the political damage of his action—because of some complicity in the Senate leadership who delayed getting it to his desk.

That delaying tactic may have its price, however. The new Congress may be tempted to make the measure even less appealing to the White House, knowing that there will be enough votes for an override. Yet it also would open up the Democrats to Mr. Reagan's favorite charge that they are the "spend and spend" party. For that reason, Congress ought to send Mr. Reagan the same bill it sent this year and override the presumed veto by a wide margin.

The Clean Water Act is a good, solid, no-frills measure that should have become law in 1986 and must become law in 1987.

[From the Tallahassee Democrat, Nov. 9, 1986]

CLEAN WATER: RETURN BILL TO THE PRESIDENT

A tricky little maneuver let federal lawmakers get credit, just before election, for passing a water cleanup bill that would have sent billions of dollars back to their home states, while allowing President Reagan to veto the measure—after the elections. That veto came Thursday.

The president has 10 days, not including Sundays, to veto or sign bills. The Clean Water Act of 1986 cleared Congress on Oct. 16, but it was delayed by the secretary of the Senate, who works for GOP leader Robert Dole, and didn't reach the president's desk until Oct. 24. Had it not been for that delay the president would have had to act before the election.

The water act was as popular as could be in the days just before the election: It passed the House 408-0 and the Senate 96-0. Will it be as popular next year, when there are no elections? We'll see, because Rep. James Howard, D-N.J., chairman of the House Public Works Committee, said he plans to reintroduce the bill and "send it right back to the president."

It should go back to the president. Cleaning up the nation's waterways becomes more expensive each day of delay. President Reagan's veto, made under the guise of money saving, will cost taxpayers money in the long run.

The act authorized $18 billion in grants and loans to help build local sewage treatment plants and $2 billion for other programs, including administration and regulation. Some regulatory provisions—cities and industries are required to get permits and clean up waste water before discharging it—were tightened while unrealistic cleanup deadlines were extended.

Some $400 million was included over the life of the bill to help control "non-point source" pollution, which results from diffuse runoff in such diverse places city streets and farm land. A new program was aimed at "toxic hot spots"—bodies of water that fail to meet standards also cities or industries have installed the cleanup facilities required by the law.

The carefully balanced bill would gradually shift the cost of sewer construction to local government, ending the U.S. involvement in 1994. Currently, local governments pay about half of construction costs and all of operating costs. Increasing amounts of federal money would go into revolving loan funds to be administered by the states. When loans were repaid, with interest, the money would be loaned again to finance new projects.

The bill had authorized $2.4 billion a year for construction during fiscal 1986-88, then $1.2 billion a year through 1990. Federal financing of the revolving funds would begin at $1.2 billion in 1989, rising to $2.4 billion in 1991, then tapering down to $600 million in the final year, 1994.

That's a reasonable and responsible way to meet a pressing problem and provide machinery to prevent the problem from arising again. Reagan's plan—to dump $6 billion into the plan during three years and then forget it—is not.

The nation's lakes and streams deserve protection now; it is much more difficult, and costly, to clean up a polluted river than it is to prevent its pollution in the first place.

Lawmakers should demonstrate that they really were more interested in protecting our waterways than in protecting their seats when they voted for the Clean Water Act. They can do that by sending the bill right back to the president. And overriding any veto.

[From the Atlanta Constitution, Nov. 10, 1986]

WATER ACT VETO AN ALL-COUNT LOSER

Say this for President Reagan. After his party lost control of the Senate in Tuesday's elections, he immediately if inadvertently went about building a Republican and Democratic coalition in Congress, at least on one issue: Both sides agree that his pocket veto of the Clean Water Act was foolish.

First, it's bad politics. In waiting until after the election to kill the act, the White House tried to sneak one past the electorate so as to minimize the negative repercussions upon GOP candidates nationwide. In doing so, Reagan's spin specialists have only embittered opponents and made life difficult for embarrassed Republican colleagues who don't have access to Reagan's Teflon bunker.

Second, it's bad governance. To hold off federal action on water-treatment and prevention/enforcement programs is automatically to push up their cost, once you factor in inflation and the inevitable growth of pollution problems and attendant public health hazards. It's insupportable to dally when human health and even lives are at stake.

Until the president shoved the Clean Water Act into his hip pocket, there never was any question of partisanship on this issue. The measure is the product of four years' hard work in congressional committees and cloakrooms. Ecology groups like it. Affected business associations like it. Reagan's own Environmental Protection Agency administrator, Lee Thomas, likes it. And it passed the Senate and the House without a *single* dissent, 96-0 and 408-0 respectively.

Against all that, the president quibbles about the program's price tag—three times as much as the $6 billion he had asked for but covering twice his proposal's four years' duration. With his eye riveted to the bottom line, he is oblivious to the clean-water investment's benefits, not only in health and recreational terms but for a salubrious national business climate as well.

The act's advocates are disappointed, but they're not discouraged. Democrats and Republicans alike plan to resubmit it intact as a first order of business in the 100th Congress. The measure should sail unhindered toward quick passage, so long as the new Senate committee chairmen are sure-handed and no one, mischievously or mistakenly, weights the bill down with amendments.

With luck, the act could make a return appearance on the president's desk by early February, at which point he would either have to sign it or face the certainty of a veto override. And regardless of his predictable protests at that critical juncture, he won't be a victim of a "confrontational" Democratic Congress. He chose to pick this fight, with Republicans as well as Democrats. He deserves the consequences.

[From the Sacramento Bee, Nov. 11, 1986]

CLEAN WATER, POSTPONED

The Republican majority in the U.S. Senate may be gone but the memory lingers on. In the closing days of the last Congress, after both houses had unanimously passed an $18 billion bill to clean up the nation's rivers and water supplies, the Republican leadership in the Senate quietly held the bill for three days before sending it over to the White House. That way, President Reagan didn't have to meet a constitutional deadline that would have required him to announce that he was going to kill this politically popular program on the day before the election. As things turned out, the ploy didn't save any Republican seats when the voters went to the polls. And since the president has now vetoed the bill by refusing to sign it after Congress has adjourned, there will be no opportunity to override his decision.

As a result, those three days could wind up causing a two-year delay in renewing America's clean-water program. Because of the complexity of the legislation, the welter of local interests that have to be accommodated, and the change in the Senate leadership, that's how long some lawmakers are predicting it will take to negotiate a new bill. That's too high a price to pay for a little clumsy parliamentary legerdemain by the GOP. Congress should send the same bill back to the president as soon as it reconvenes in January. If he still won't sign it, there shouldn't be any problem with overriding his veto.

[From the Tampa Tribune, Nov. 13, 1986]

THE PRESIDENT ASKS FOR IT

Two days after the Republicans lost control of the Senate, President Reagan, by vetoing an extension of the Clean Water Act, drew a line in the sand for the new Congress to cross.

Congress should cross the line.

The White House contains some of the few people in the country who do not recognize the value of the Clean Water Act, which regulates discharges from industries and sewage. Originally passed in 1972, the law has helped in cleaning up the nation's lakes, streams, and coastal waters. Under the program, the federal government provides local governments with up to 55 percent of the money needed to build sewage treatment plants.

The Clean Water Act has been enormously efficient and popular, restoring many waterways that had been too polluted for swimming or fishing. Indication of its success came when the House by a 408-0 vote and the then Republican-controlled Senate by a 96-0 vote approved extension of the law.

But the president apparently cares little how Congress, or the voters, feel about the issue. He vetoed the bill. Since Congress has adjourned for the year, it cannot override the veto.

Mr. Reagan objected to the $18 billion Congress provided the program for fiscal 1987-94. That figure is less staggering than the task. The administration itself estimates $100 billion is needed to build sewage treatment plants by the end of the century. The economic and health benefits of cleaning up our waters more than justify the expense.

The president wants to end current federal grants after spending $6 billion through fiscal 1989, meaning only projects already under way would be funded. With most states unable to take up the burden, that would abruptly halt the fight against water pollution. Many projects to control sewage and storm runoff that pollute such resources as Tampa Bay could go undone.

The Clean Water Act extension had a sound plan to protect water while reducing federal involvement. Direct federal grants would be replaced by state-run revolving loan funds for local governments. Federal grants would get the loan funds started.

That sensible plan should prevail when Congress convenes in early January. Sponsors plan to introduce the bill on the first day of Congress and expect quick passage. Another Reagan veto is likely to be quickly overridden.

By vetoing the Clean Water Act, the president invited a prompt challenge to his policies by the Democratic Congress. He deserves to get his lump.

[From the Salem (OR) Statesman-Journal, Nov. 12, 1986]

VETO SETS BACK CLEANUP

President Reagan's veto of legislation to strengthen the federal Clean Water Act is another example of this administration's misplaced priorities.

The $18 billion earmarked by the legislation to help clean up the nation's rivers, streams, lakes and other bodies of water is a lot of money, of course. But those waters did not become polluted overnight. That occurred during a long period of neglect.

The president used the pocket veto to kill the measure. That occurs when a president declines to sign a measure within 10 days of receiving it and the Congress is not in session.

The veto does not end the matter, however. A bipartisan group plans to reintroduce the legislation when Congress reconvenes in January.

The bipartisan support for the measure was clearly shown in the votes in the two houses of Congress. This latest set of amendments to the Clean Water Act passed both houses without dissent.

Republican Sen. John Chafee of Rhode Island, one of the chief sponsors of the measure in the Senate, correctly called the veto shortsighted in view of the environmental needs of the nation.

The vetoed legislation included amendments calling for several actions to help make the nation's waterways swimmable and fishable again. Those included actions to:

Require control of runoff from urban streets and farms, which is a major source of pollution.

Require special efforts to clean up hazardous chemicals in bodies of water and give new authority to environmental agencies to prosecute and penalize violators.

Extend the federal program of grants to local communities to build sewage treatment facilities to 1994, rather than 1990 as the president wanted.

Gov. Booth Gardner of Washington said the veto is another chapter in the same old story. He said the veto could come close to wrecking Washington's program for cleanup of Puget Sound and other water pollution hot spots around the state.

The widespread support for the legislation is understandable. The continuing and increasing fouling of our water supplies is one of the major environmental problems facing this nation. All of Congress seems to realize this fact.

Where better could we spend our federal tax resources than to restore and protect those vital water resources?

It's time the president and his handlers realize that our environment is not forever forgiving. Without strong support for clean water and clean air, the billions of dollars we spend for national security won't mean much. The eventual legacy could well be a lifeless land that has no one to defend it and is not worth defending.

Mr. MITCHELL. Mr. President, recently I and all other Senators received a letter from the White House asking that we vote for the administration's substitute to the clean water bill, which is the now-pending amendment offered by Senator DOLE.

The letter states:

> The lower outlay levels of the substitute amendment will not adversely affect the ability of the States to meet their 1988 clean water requirements.

I disagree. So do many others, knowledgeable in this area.

As an example, the distinguished chairman of the Environment and Public Works Committee, Senator BURDICK, and I recently received a letter from the Association of State and Interstate Water Pollution Control Administrators. This is a national association of professional water program managers. These are the people who manage our Nation's water programs on a day-to-day basis.

The letter from the State administrators refers to the municipal compliance deadline and states:

> The $18 billion amount adopted by the Congress in 1986 is essential to meeting this congressionally imposed deadline.

The letter goes on to say that under the administration's recommended funding level, more than 1,300 American communities will be eliminated from participation in this program, and the timeframe for municipal compliance will be increased by more than 33 percent.

This analysis by professional State program administrators directly contradicts the assertion by the White House. I believe that the professional program administrators are most likely to see this issue clearly and fairly.

Mr. President, I ask unamimous consent that the letter from the White House and the letter from the professional water program administrators be included in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, January 20, 1987.

Hon. GEORGE J. MITCHELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MITCHELL: On behalf of the President, I am writing to urge your support for a substitute amendment introduced by the Republican Leader, Senator Dole, for H.R. 1, the Water Quality Act of 1987.

The President strongly favors the clean water programs in both H.R. 1 and the Administration-supported substitute. The two bills contain substantially the same clean water provisions. The issue is simply one of excessive spending rather than clean water.

The proposed substitute will achieve the same environmental goals as H.R. 1 while reducing outlays by over $6 billion through 1994. The table below provides a comparison of estimated outlays for both H.R. 1 and the substitute amendment:

Estimated outlays

[In billions of dollars]

H.R. 1:	
Fiscal years:	
1988	2.9
1989	3.3
1990	3.6
1991	3.4
1992	3.4
1993	3.0
1994	2.1
Substitute:	
Fiscal years:	
1988	2.7
1989	2.6
1990	2.6
1991	2.2
1992	1.9
1993	1.6
1994	1.3
Savings:	
Fiscal years:	
1988	0.2
1989	0.7
1990	1.0
1991	1.2
1992	1.5
1993	1.4
1994	0.8

The lower outlay levels of the substitute amendment will not adversely affect the ability of the States to meet their 1988 clean water requirements.

I hope you will consider these facts before the Senate acts on these matters tomorrow, and that you will vote for the substitute offered by Senator Dole in order to support clean water and to help reduce the deficit.

With best wishes,

Sincerely,

WILLIAM L. BALL III,
Assistant to the President.

ASSOCIATION OF STATE AND INTERSTATE WATER POLLUTION CONTROL ADMINISTRATORS,
Washington, DC, January 19, 1987.

Hon. QUENTIN BURDICK,
Chairman, Senate Environment and Public Works Committee, Washington, DC.

DEAR SENATOR BURDICK: The Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) strongly supports the Senate amendments (S. 1) to the Clean Water Act (originally passed as S. 1128). The State managers of this nation's water quality program urge your immediate passage of this legislation because it (1) modifies the existing Construction Grants program to respond to burgeoning municipal wastewater needs; (2) provides a responsible transition from the Federal government construction grant program to self-sustaining State and local programs; and (3) recognizes that this nation's nonpoint source problems warrant Congressional attention.

The Clean Water Act legislation, passed unanimously by the Congress in 1986, is the product of nearly 5 years of public and political debate, and while some view the price tag for this critical legislation as being "a budget buster," in truth the bill provides the minimum funding necessary to assist Local governments in their efforts to meet the Federally required mandates of the existing law. Should additional budget constraints become necessary to meet nationally supported deficit reduction efforts, such reductions could be addressed through the appropriations process.

The States have reviewed the draft legislation being portrayed by the Administration as a funding compromise. And, while some of the proposals have merit, the Association is concerned that the proposal goes far beyond "money matters" and will, in the long term, hamper State and local water pollution control programs. Specifically the Administration proposes to:

Reduce the authorized level of funding from $18 billion, as unanimously supported by the Congress, to $12 billion. While the Administration's funding proposal, up from their original figure of $6 billion, demonstrates some recognition of the importance of this program, the $12 billion amount is simply inadequate to meet our country's water quality needs. The Congress has mandated that every local government meet secondary treatment standards by July 1, 1988, or face enforcement actions from State or Federal environmental officials. The $18 billion amount adopted by the Congress in 1986 is essential to meeting this Congressionally imposed deadline.

Devise a long term strategy for outlay controls which in essence removes the incentives for State and local governments to participate in the State Revolving Loan Fund Program. The SRF process was specifically designed to enhance program efficiency, provide adequate grantee assistance, ensure long term self sufficiency, and remove unnecessary "Red Tape." The Administration's proposal will most certainly constrain the effectiveness of State Programs by attempting to manage their programs under rules and procedures more cumbersome than those already in place for construction grants. This overly complex process for the implementation of State Revolving Loan Funds will most certainly delay the attainment of the July 1, 1988 municipal enforcement deadline.

Eliminate the entire nonpoint source control program. The nonpoint source program approved by the Congress is enthusiastically supported by the States, Local government and the public at large. To suggest that the States set aside a portion (up to 11%) of their municipal wastewater treatment allotment for the implementation of nonpoint source controls, is an unjustifiable diversion of funding that will lead not only to further delays in municipal compliance, but will not provide the support necessary to address the nonpoint source pollution problems as documented in the Association's recent report, America's Clean Water: the States Nonpoint Source Assessment 1985, (enclosed).

Municipal Funding.—The U.S. Environmental Protection Agency (USEPA) has, in its most recent Needs Survey, documented in excess of $36 billion in core needs for the municipal wastewater treatment program to the year 2000. The Association has research to indicate that 3300 communities are in imminent danger of not meeting the July 1, 1988 compliance deadline unless funding is made immediately available. Clearly, the $18 Billion provided in S. 1 for municipal wastewater treatment is consistent with the Federal responsibility. We estimate under the Administration's recommended funding level that:

More than 1300 communities will be eliminated from participation in the financing program;

The time-frame for municipal compliance will be increased by more than 33%. Hence, a large number of communities will not meet the municipal deadline and will face significant enforcement penalties, and

The termination of the 20% Governor's Discretionary Fund will eliminate the opportunity for States to address high water quality priorities (e.g. collector systems, reserve capacity and combined sewer overflow).

State Revolving Loan Programs.—The Senate bill establishes a State Revolving Loan Program which will assure a meaningful transition from Federal grants to State and local self-sufficiency. This is the first time, in recent history, that a massive capitol investment grant program has been essentially eliminated with the support of the States and the grantees. This is a significant accomplishment for which the Congress is to be complimented. However, without an adequate transition, the tremendous strides toward cleaner water may well be significantly retarded.

The Administration proposal diminishes the viability of the loan program in many States by eliminating credit enhancement techniques and State loan guarantees for Local governments. S. 76 severely restricts outlays, increases Federal matching requirements, and limits innovative financing mechanisms. The loan program envisioned in S. 76 would be too cumbersome and too costly to be useful in many communities, especially the smaller communities which are in the most acute need of funding assistance.

Nonpoint Sources.—As documented in the ASIWPCA report there are in excess of 165,000 river miles and 8.1 million lake acres adversely impacted by nonpoint sources. Under the Congressional approach, these problems would be addressed and funded. State and Local governments look to the Clean Water Act for consistent policy and modest support.

Such support and guidance cannot be accomplished under the Administration proposal which terms the resolution of nonpoint source problems as being optional and limits Federal support to use of the already overburdened, rapidly diminishing municipal financing funds. Therefore, under the Administration bill:

The overwhelming majority of States will be unable to fund nonpoint sources, and

An estimated 540 watershed projects throughout the country will be neglected. These problems include the pollution of drinking water supply, fish and aquatic life, and groundwater from: toxics, nitrates, pathogens, pesticides, nutrients, and sediment.

In summary, the Congressionally passed Clean Water Act (S.1) provides the requisite authority, funding support and flexibility necessary for State and Local governments to achieve the goals of the Act within a reasonable time frame. To the contrary, the Administration bill puts States in an untenable position by creating an unworkable revolving loan program, endangering state transition to self-sufficiency, exacerbating municipal compliance problems, and abandoning nonpoint source control.

Working closely with the Congress, State and Local government officials, as well as a plethora of constitutent environmental professionals have labored diligently, over the last 5 years, to resolve tremendously complex and politically sensitive issues. This collegial effort has produced a statute that is technically and politically supportable, as well as realistic in scope. To further delay the passage, funding and implementation of this vital legislation would be a travesty. The citizens of this nation demand clean water, and the State administrators are in need of the tools, provided by Congress, to ensure the continued success of this program. We therefore urge you to pass S.1 immediately and send it to the President for his signature.

Sincerely,

ROBERTA (ROBBI) HALEY SAVAGE.

Mr. MITCHELL. Mr. President, I yield 4 minutes to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 4 minutes.

Mr. WARNER. Mr. President, I rise with other colleagues today to support S. 1, the Water Quality Act of 1987.

Mr. President, this act will provide very substantial benefits for the State of Virginia. The sewage treatment construction grant provision of S. 1 will provide millions of dollars to communities in my State to upgrade existing sewage plant facilities and to replace older ones now inefficient.

The Virginia Legislature and our Governor have already worked to provide $10 million for a revolving fund to assist these localities in meeting the existing standards of the Clean Water Act.

This legislation also has great benefits for Chesapeake Bay, a national tresure which we are proud of in our great State.

Through the years, particularly since 1983, many efforts have been made by all the bordering States to form an agreement to enhance and restore this national treasure. Sewage treatment under this bill will be an essential step forward, for the bay receives its nourishment from many streams and creeks that feed into this estuary—the James, the York, the Rappahannock, the Potomac, and Susquehanna, all of which empty into the Chesapeake Bay—any improperly treated sewage carried through these streams from our cities and towns into the bay.

Eighteen billion dollars in grants in this particular legislation will surely enhance our efforts to control such nutrients, wastes, and toxics that are currently destroying our bay.

Mr. President, as an original cosponsor of S. 1, and a supporter of the identical legislation that was unanimously approved by the Senate last Congress, I wish to cite the enormous benefits this legislation will bring to the ongoing Chesapeake Bay Restoration Program.

First, Mr. President, as a new member of the Committee on Environment and Public Works, I want to commend my colleagues, Senator CHAFEE, Senator MITCHELL, Senator STAFFORD and Senator BURDICK for their continued leadership in this effort and I look forward to working with them.

One of my first initiatives after I was elected a Member of this body was joining with our former colleague, Senator Charles Mathias, in focusing national attention on the critical pollution problems in the Chesapeake Bay.

Following several discussions with President Reagan, our colleagues in the Congress and other executive branch agencies, President Reagan recognized the bay as a "special national resources" in his 1984 State of the Union Address to the Congress.

I am very satisfied that we have been successful in securing $10 million for each of the past 4 years to strengthen the Environmental Protection Agency's continued involvement in the bay cleanup program.

An additional $3.8 million has been approved for other agencies including the Soil Conservation Service, the Fish and Wildlife Service, the National Oceanic and Atmospheric Administration and the Army Corps of Engineers.

The importance of a revitalized bay, as these actions clearly indicate, reaches far beyond Virginia, Maryland, and other States that directly touch the bay.

The Chesapeake Bay has always been a vital resource of the United States.

The bay's popularity itself may be the single greatest cause of its decline.

Each year the bay provides millions of pounds of seafood, supplies a huge natural habitat for wildlife, functions as a major hub for shipping and commerce, and offers a wide variety of recreational opportunities for residents and visitors.

Through the Chesapeake Bay Agreement joining the Federal Government and Virginia, Maryland, Pennsylvania, and the District of Columbia, we have demonstrated widespread bipartisan support for the bay cleanup effort as a national priority—not just a local or regional responsibility.

I join in cosponsoring S. 1 and renew my commitment to this effort.

The sewage treatment construction grant provisions of S. 1 will provide millions of dollars for Virginia communities to upgrade existing sewage treatment plants and to replace older inefficient sewage systems. Virginia's Governor and legislature have already appropriated $10 million for a revolving loan fund to assist localities in meeting the existing standards of the Clean Water Act. The legislation will be beneficial for Chesapeake Bay.

With all the efforts that have been initiated since the 1983 Chesapeake Bay Agreement which brought together the States and the Federal agencies, this progress will be in vain without the sewage construction grants program.

The Chesapeake Bay basin receives water from streams and creeks that feed into five magnificent rivers: The James, the York, the Rappahannock, the Potomac and the Susquehannock, all of which empty into the bay.

Improperly treated sewage is carried from our cities and towns by these tributaries into the bay. The $18 billion grants program will surely enhance our efforts to control nutrients and toxics that are poisoning our bay.

A further benefit of S. 1 is the new $400 million nonpoint source pollution control program. Since the inception of the Chesapeake Bay program, studies have revealed that pesticide runoff from our farms and industrial runoff from our city streets create nealy 50 percent of the pollution found in the bay.

The Soil Conservation Service has been working with our farmers to educate them on better management practices. This new program will surely enhance their efforts.

This legislation also authorizes $52 million for a 4-year effort to ensure the continuity of the Federal-State partnership of the bay program.

Mr. President, under the leadership of our former colleague, Senator Mac Mathias, the Chesapeake Bay is on the road to recovery. It has taken decades of neglect for the bay to get into this condition and it will take decades of attention to restore the bay to its complete health. Let us continue and strengthen our commitment to the bay by unanimously approving the Water Quality Act of 1987.

Mr. MITCHELL. Mr. President, I thank the Senator for his remarks.

I suggest the absence of a quorum. I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, on behalf of Senator CRANSTON, I ask unanimous consent that Cathy Files, of his staff, be granted the privilege of the floor during consideration of H.R. 1 and all rollcall votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I yield 6 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 6 minutes.

Mr. DECONCINI. Mr. President, I thank the distinguished Senator from Maine. I am proud, Mr. President, to cosponsor the first piece of legislation for the 100th Congress, the Water Quality Act of 1987. I congratulate my colleagues on the Environment and Public Works Committee, particularly the new chairman, Senator BURDICK, from North Dakota, and of course the Senator from Maine, and others who have spent a great deal of time in the last Congress and now early on, for being able to report this bill before this body.

The availability of a clean and abundant supply of water for communities across this country is one of our most important national goals. The establishment of a well-defined policy to control water pollution in lakes and streams is a necessary component of a healthy economy. When the Clean Water Act was first enacted in 1972, it set this Nation on a course of regulatory action to insure the protection of water, one of our Nation's most precious natural resources. It is one of our most important, if not the most important, environmental protection law on the books. The reauthorization of this act is critical to allow us to continue the progress we have made over the years in cleaning up our Nation's water supplies.

You can't have laws which protect and regulate water quality without a financial commitment from the Federal Government. Although the reauthorization bill before this body today requires substantial sums of money, the long-term benefits to communities and citizens are immeasurable. Since the enactment of the Clean Water Act, substantial progress has been made in cleaning up the Nation's water supplies. EPA's 1984 national water quality inventory concluded that many of the most severe cases of water pollution that plagued this Nation in the 1960's have been abated because of the actions taken by the Federal Government under the provisions of the Clean Water Act. Another study conducted by the Association of State and Interstate Water Pollution Control Administrators in 1984 found that in 350,000 miles of streams monitored between 1972 and 1982, water quality improved in 13 percent, stayed the same in 84 percent and deteriorated in only 3 percent of the streams studied. So, our efforts are working.

However, with continued growth and industrialization throughout the country, new and serious pollution problems have emerged and some old ones are still pervasive. We need to undertake programs to control non-point-source pollution and toxic pollutants and to protect ground water resources. The committee bill effectively deals with a number of these growing concerns. It authorizes $400 million for a new State-Federal program to control non-point-source pollution which is believed to account for about 50 percent of all pollution in the Nation's waters. The bill also tightens controls on toxic discharges in areas where traditional methods of control have not been successful. It authorizes $85 million for efforts to improve water quality in lakes and $60 million to abate pollution in estuaries.

The cost of the bill is high—it authorizes $18 billion over 9 years for the sewage treatment construction grants program. However, State and local governments are required to build expensive sewage treatment systems to meet the Federal mandates. Without adequate funding from the Federal Government, many small communities will continue to face moratoriums on growth as a result of court orders. In order to achieve clean water by the year 2000, we will need to invest in the neighborhood of $100 billion for treatment facilities. The $18 billion in this bill is a far cry from the projected needs nationwide.

The Congress is just as concerned as this administration about budget deficits. But it is a matter of priorities. The American public expects to have access to an abundant and usable water supply. It expects the Congress to do the right thing to make sufficient funds available to meet our environmental quality objectives. There is a broad base of support for enactment of the bill introduced by my distinguished colleague and friend, Mr. BURDICK and others on the committee. While the Reagan administration touts its so-called compromise as a fiscally responsible measure, I believe water quality is too important an ideal upon which to compromise. S. 1 has over 70 cosponsors. The identical bill, H.R. 1, was passed by the House of Representatives by a vote of 406 to 8. Last year, the same legislation was passed by unanimous votes in both Houses of Congress. Members from both political parties and philosophies understand the importance of enacting a good strong clean water bill. I hope this body once again demonstrates its widsom by voting against a compromise and supporting S. 1 as introduced. We need to consider the long-term benefits of a strong and restrictive bill and not settle for short-term fiscal gains.

Once again, I congratulate my colleagues for their fine work on developing S. 1 and urge the Senate to adopt the legislation without amendment.

I again thank the Senator from Maine for his courtesy.

Mr. MITCHELL. I thank the Senator.

Mr. President, I yield 5 minutes to the Senator from Minnesota, to be followed by 8 minutes to the distinguished Senator from Rhode Island.

Mr. DURENBERGER. Mr. President, I thank my colleague.

I am pleased to join with the distinguished managers of the bill, the Senator from Maine and the Senator from Rhode Island, and my colleagues of the Environment and Public Works Committee in recommending H.R. 1, the Water Quality Act of 1987 for favorable enactment later this afternoon.

As has been said many times already, this is precisely the same legislation which the Congress passed last year and which the President declined to sign into law. The bill we have before us reflects many years of work by the managers of the bill and members of our committee, particularly its distinguished former chairman, the Senator from Vermont, Senator STAFFORD.

It is a bill that was put together by blending the views and concerns of many. It has bipartisan support here in the Senate. In fact, it passed both the Senate and the House by unanimous votes in the last Congress—an extraordinary testament to the spirit of compromise and conciliation that went into producing this bill. It also, and despite the fact it was vetoed, reflects many of the wishes by the President of the United States and his representatives in hearing and consultations with our committee.

The heart of this bill is the gradual phaseout of the Wastewater Treatment Construction Grants Program. President's since Dwight Eisenhower have been trying to limit the role of the Federal Government in municipal wastewater treatment. In 1960 Eisenhower sent up a federalism proposal that asked the Congress to terminate this grant program and promised to return the telephone tax to the States as a source of funds to support future sewage treatment plants.

In what will long be remembered as one of the most direct confrontations between the executive and legislative branches of our Federal Government, President Nixon attempted to impound funds that the Congress had appropriated for construction grants in the early 1970's. President Nixon did not win that struggle, and Federal spending for these grants was continued and even increased during the latter part of that decade.

When President Reagan came to office in 1981, he again proposed termination of this Federal assistance program in the interest of spending reductions. After long discussions with Members of both the Senate and the House, it was agreed that the Construction Grants Program would be restructured and that the funding level would be lowered substantially, but that the program would be continued for a period of approximately 10 years so that many of the high priority projects would be completed on a deliberate schedule.

H.R. 1, the bill we have before us, keeps the commitments made in 1981. It continues the program at $2.4 billion for the full 10-year period. But it also gives President Reagan a great victory in that it does definitely phase-out and finally terminate the Federal role in the Municipal Construction Grants Program. So President Reagan should be taking credit for his victories in this bill, not opposing it.

Mr. President, there are also some victories in this bill for my constituents in Minnesota, the land of 10,000 lakes, and a State that means water. I am particularly pleased that it contains provisions to protect the Great Lakes and implement the Water Quality Agreement of 1978 between the United States and Canada which is designed to reduce the level of conventional and toxic pollutants and nutrients which are discharged to waters flowing into the lakes. I sponsored this amendment in the committee along with the distinguished Senator from New York [Mr. MOYNIHAN], and believe that the toxic remediation, nutrient runoff, and research programs that it authorizes will do much to further the water quality improvements which have been bringing the lakes back to their status as a national treasure for recreation, wildlife, and pure water.

Another victory for my State and our neighbors in the Great Lakes region is the funding formula that will be used to distribute the construction grants dollars over the next 10 years. When the Senate first passed this bill in July of 1985, changes in the formula which would have significantly disadvantaged our region of the Nation were included. But in the conference with the House last year, the old formula was restored and thus the cities of Minnesota can count on approximately the same amount of assistance that has been available in the past. This victory was due in large part to the leadership and vision brought to the conference by the senior Senator from New York, and it is a happy circumstance for the people of my State that we had a shared interest with the citizens represented by Senator Moynihan in this case. I must also give credit to two great Minnesota Congressmen, one from either party, Representative Oberstar and Representative Stangeland.

Finally, Mr. President, I would dwell for a moment on the Non-Point Pollution Control Program which is included in these amendments to the Clean Water Act. I first offered a nonpoint pollution control amendment in the committee markup on this bill in 1983. I believe that it is was a stronger proposal than the package that we have here. It contained specific requirements and it also included deadlines. It was less planning and more action oriented. Although I would have preferred to do somewhat more in this reauthorization cycle, I am proud of what the Congress has been able to accomplish in crafting this new program.

Back in 1982, when the Clean Water Act was first established, the Congress determined to get tough with the so-called point sources of pollution including industrial discharges and municipal sewage systems. The Clean Water Act requires each of the thousands of point sources to obtain a permit for its discharge to surface waters. And those permits now include tight limitations on the effluent discharged based on the application of best available technology to each facility. The point source side of the Clean Water Act has been extraordinarily successful in reducing pollution and improving the quality of the Nation's waters.

But our experience on the nonpoint side has been radically different. Mr. President, the nonpoint sources of pollution include runoff from farms and cities, construction sites and timber cutting operations. Although many States have taken small steps to tackle the nonpoint pollution problem under grants provided by the Clean Water Act, nonpoint pollution continues to be a major environmental problem in the United States; 35 States report significant water quality problems as a result of nonpoint sources of pollution. It is estimated that one-half of the pollutants now reaching surface waters in the United States come from nonpoint sources. And it is clear that in many watersheds the goals of the Clean Water Act—fishable, swimmable waters—will never be met unless we can significantly reduce farm and urban runoff and other nonpoint problems.

Mr. President, it is in the area of nonpoint pollution control that the administration substitute to be offered by Senator Dole later this afternoon differs considerably from H.R. 1 and the bill which was passed by the Congress last year. The administration bill takes the heart out of this new effort to control nonpoint sources. When the substitute was first presented here on the floor last week, it was said by some that H.R. 1 was a Federal land use planning bill. That it would authorize the EPA to go in and tell States how land and water resources could be used. Well, Mr. President, nothing could be further from the truth.

In fact, the bill H.R. 1 does just exactly the reverse. The bill authorizes States to develop plans to control nonpoint sources of pollution and then it requires the Federal Government to abide by those State plans. We must emphasize that point, Mr. President. Not only does this bill not authorize EPA to tell a State what to do, this bill says that every Federal agency—EPA and all the rest—every Federal agency which conducts a program of assistance or development which might adversely affect the water quality of a State through nonpoint pollution, must modify its program or projects so that they are consistent with the State's plan to protect its waters. The language to require Federal consistency with State plans that we have included in this bill could not be stronger. It is a clear indication of how we want this new effort conducted.

I do not know who is claiming that this bill interferes with the traditional authority of State and local government for land use planning. It is certainly not the States, counties, or cities of this Nation. Organizations representing virtually every elected State and local official in this country are supporting this bill. To my knowledge no one at that level of Government is complaining about the nonpoint section of this bill. They are eager to have it, because one of the many important things that H.R. 1 provides is the requirement that the Federal Government respect the land use and water resources protection plans which are developed by our partners in this Federal system of government.

So, Mr. President, with that issue hopefully laid to rest, I would once again commend this bill to my colleagues in the Senate and congratulate the managers of the bill and our distinguished former chairman from Vermont on the fine effort and great achievement that this bill reflects. It is but one of many major pieces of environmental law that Senator Stafford has brought to the floor of the Senate over the past few months and for him and all the other Members who have worked so hard in this endeavor, I encourage the Senate to give the bill, H.R. 1, the same unanimous endorsement which was recorded here in this Chamber in October of last year.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 8 minutes.

Mr. CHAFEE. Mr. President, I should like to discuss the administration's proposal that is before us today. The administration's proposal does not live up to the 1981 commitment made by the administration, which calls for funding this Clean Water Program at $2.4 billion annually through fiscal 1991. The administration's program falls about $2 billion short of the promise made some 8 years ago, when we marked up the clean water bill in 1981.

The bill we are considering today—that is, the underlying bill, now H.R. 1—does live up to that commitment. It responsibly phases out the Construction Grants Program through a revolving loan fund. Our bill creates a loan mechanism that puts our National Clean Water Program on sound footing well into the next century.

The administration's bill does not separately authorize funds for a revolving loan program, and that is a very important part of all this. The loans would be limited to 55 percent of a project's cost. This might appear reasonable. It would appear to spread the funds to more cities. But what it would likely do would be to slow down construction of waste treatment facilities, since cities will not only have to pay 45 percent of costs, but also will have to come up with the money to pay back loans as well.

The administration's bill also limits the kind of financial activities for which loans can be used. Although both bills would allow straight loans, or loans to buy or refinance the city's debt obligation, the administration's proposal, unlike our bill, does not include other activities, including making loan guarantees or providing credit enhancement for localities.

Given the features of the administration's loan proposal, it is clear that States and cities will decide to continue with the Grants Program. Loan will rarely be used as a mechanism to fund wastewater treatment facilities. In other words, they will not use the loans; they will stick with the grants. So, when the Construction Grants Program comes to an end, there is nothing left in its place; whereas, under our legislation, they move gradually from a construction grants program to a revolving loan proposal.

The administration's bill does not provide for an orderly phase in of the Loan Program. It does not lay out a road map which will help the cities and States in meeting their clean water needs.

There is another component of the administration's bill I would like to touch on briefly, and that is that it does not deal with the problem of what we call nonpoint pollution. Nonpoint pollution is pollution that does not come out of a specific pipe. It is pollution that comes from runoff—from farmlands, for example, or from parking lots in cities. Our bill addresses that problem. It creates a new program which requires the States to develop and implement programs to control this nonpoint pollution. Four hundred million dollars in 60-percent matching grants is authorized over 4 years to get the States started.

States may also use 1 percent or $100,000—which ever is greater—of their construction grants funds for nonpoint program implementation.

The administration bill eliminates all this $400 million and makes the program optional. What it says to the States is if you want you can go into nonpoint source pollution control but you have to use your grants money. We all know the States are desperate for their grants money and they are just not going to take any of that grants money used for construction of waste treatment facilities and use it for nonpoint source pollution control.

In conclusion, let me just say something about this piece of legislation. We have been on it a long time. Listen to this history. The Committee on Environment and Public Works has been working on provisions of this bill since 1982. We passed the other legislation in 1981 and we immediately the next year went to consideration of improvements to that bill.

We held 20 days of hearings with dozens of witnesses. We had 8 days of what we call markup, that is, considering the bill in committee and deciding how to write the bill. We reported bills twice from the committee. We passed a bill unanimously in the Senate right on this floor after 3 days of debate. Unanimously it passed. Imagine that 3 days we talked it over, got everything accommodated, and it passed unanimously.

Then, in effect, we had a 15-month conference a 1¼-year conference, with the House of Representatives.

Then last October after that conference we merged the bills with the House and the Senate versions, mostly the Senate versions, brought it back here to the Senate and again it passed unanimously.

The Senate conferees were successful in keeping with the lower Senate figures in the conference. We came in with an $18 billion bill and that is what we came out with. The House came in with a $21 billion bill. The House had a whole series of add-ons and we managed to reduce that by some $3.2 billion. So the total savings from the House version was $6.2 billion.

Now, we have debated this bill extensively. We have heard from the administration, from the cities, from the States, from the environmental community, from financial experts, from affected industries and businesses. Everyone had their chance to state their case during this legislative process. Obviously everybody did not get what they wanted. But they had an opportunity to give us their input and that included the administration.

We crafted here a strong environmental bill which passed both bodies unanimously. There is nothing left for us to do, it seems to me, but to reject this administration substitute, move on and unanimously approve the version that we have worked on, S. 1, and now it is called H.R. 1, the bill before us, pass the Water Quality Act of 1987, urge the President to sign it. I hope he will. I would be delighted if he calls it his bill. We have no prior claim on it particularly. I cannot speak for Senator MITCHELL. But if we want to call it the Reagan legislation, fine, if he signs it, and we will have a wonderful ceremony down there. Everybody will get a pen. We have made a major step in cleaning up the waters of the United States.

Absent that, we can go back and forth and have this President, if he chooses, veto it and then come back and we will do all we can to override that veto because we do not think it is right. So let us get on with this and I hope the President will listen to the message that we are with all politeness and respect and sincerity sending to him today.

Thank you very much, Mr. President.

Also at this time I would like to thank the distinguished Senator from Maine for all his help on this piece of legislation. He and I worked closely together and we have a good bill. I think he deserves a lot of credit for what he has done and also, of course, the distinguished chairman of the committee and the distinguished ranking minority member, Senator STAFFORD. The chairman, of course, is Senator BURDICK.

Thank you.

The PRESIDING OFFICER (Mr. ADAMS). The Senator from Maine.

Mr. MITCHELL. Mr. President, occasionally I hear people say protection of the environment is a partisan issue. As a Democrat I am distressed that Democrats sometimes say that. That is not true.

The Republican Party has a long, proud, and powerful tradition of protection of our environment and preservation for our resources and no two persons better reflect that tradition than the Senator who just spoken, Senator CHAFEE, who is the person singly most responsible for this legislation, and the person about to speak, Senator STAFFORD, who was the chairman of the Committee on the Environment and Public Works that presided over this legislation, its passage last year, and other monumental environmental legislation.

The Nation owes to them a debt of gratitude for their great work on this and other important environmental legislation. No one in this country has done more to protect the American environment than Senators CHAFEE and STAFFORD.

Now, Mr. President, I yield 6 minutes to Senator STAFFORD.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. Mr. President, I thank the very able Senator from Maine for his very kind words.

Nothing that Senator CHAFEE and I have done could have been done without the very able Senator from Maine who was always there when we needed him and very active and very effective in environmental legislation.

Mr. President, I regret that I must oppose the amendment offered by my good friend and colleague, the distinguished minority leader. I have the highest regard for the senior Senator from Kansas, and I know that he is offering this amendment with good intentions. Further, I respect his desire, in his position as minority leader, to support the administration position on this matter.

However, speaking as a Senator who has been directly involved with the Clean Water Program for many years, and who has worked on this cycle of reauthorization for 4 years, I must say that I believe the amendment is misguided. Where my distinguished colleague argues that we cannot afford to support sewage treatment construction at the levels specified in H.R. 1, this Senator must respond that we cannot afford to spend any less.

Mr. President, in 1972 this country completely rewrote its water pollution control law. We put towns and cities on a schedule to install secondary treatment pollution control technology and to meet water quality schedules. To support this effort, Congress also instituted a major program of construction grants to assist cities and towns in meeting these requirements. This program was based on the proposition that water pollution is not just a local problem, it is a national problem. As several Members stated in this Chamber 14 years ago, water pollution knows no political boundaries. That statement is just as true now as it was then, and water pollution is still a national problem and is recognized as such by the American people.

Over the years, the Federal Government has invested over $40 billion in support of over $60 billion of total construction. Tremendous gains in water quality have resulted. This Senator sees the improvement everywhere he goes in this great country. But allow me to state to my colleagues a startling figure: There are still in this country about 3,000 towns and cities that are not in compliance with the basic pollution control requirements of the Clean Water Act. Nearly 400 of them are classified as "major dischargers" that are dumping human wastes with little or no treatment. Needless to say, we cannot achieve the Nation's clean water goals until compliance with water pollution requirements is achieved.

And according to the Environmental Protection Agency, an additional $100 billion is needed to achieve compliance with these requirements.

Mr. President, water pollution exacts a high economic cost on the American people. An expenditure for preventing pollution is paid back in reduced cost of cleansing drinking water, in recreational opportunities, and in countless other ways. Water pollution grants are not spent, they are invested.

In the face of budgetary constraints, everyone has agreed that the Federal Government must end its support of these projects. This decision was not an easy one to reach because there was a great deal of pressure to continue Federal funding more or less indefinitely. Still, we were able to gain political consensus for phasing out construction grants and moving to State revolving loan funds.

The major question presented by the proposed amendment is whether we spend an additional $12 billion, as proposed in S. 76, or $18 billion as proposed in H.R. 1. Mr. President, the Congress has devoted a great deal of time to evaluating this question. The House of Representatives initially concluded that a $21 billion phase out program was needed. The Senate decided on $18 billion and eventually persuaded the House to go along with that figure.

Today's vote represents the third time this body must vote on this $18 billion figure. Twice before the vote has been unanimous. I would say to my colleagues that it is still the right figure. The Committee on Environment and Public Works looked closely at this question, and eventually decided that this is the minimum amount of money needed to fulfill our long-term commitment and avoid chaos during the transition phase to a new funding mechanism. Nothing less will do. We must not at this late date back track on our commitment. To do so would endanger the environmental gains we have made and disrupt ongoing programs and projects. It could, indeed, shortchange one of the most successful cleanup programs this Nation has experienced.

Mr. President, let me turn to the nonpoint source management provisions in H.R. 1. They are among its most important provisions. They are intended to deal with one of the most intractable kinds of pollution—general runoff pollution.

The Clean Water Act deals pretty well with pollution from point sources—pipes and ditches—but it never has been very effective against nonpoint sources. H.R. 1 would make a good start toward remedying that problem. It calls upon States to develop nonpoint source management plans, and it authorizes funds to support their efforts. Both elements of the bill are essential. I am afraid the program will fail if either is weakened or deleted. The administration bill would do away with both elements.

Mr. President, we have learned over the past few years that runoff pollution accounts for about half of the water pollution problems in this country. It is the major problem in some areas. H.R. 1 sets out a cautious and prudent program. It gives States flexibility in designing their programs, and it provides for EPA oversight of the plans to assure their adequacy.

Mr. President, let me cite some figures that should help my colleagues understand what is at stake here.

It has been estimated that nonpoint source pollution accounts for as much as 73 percent of oxygen-demanding loadings, 84 percent of nutrients, 98 percent of bacteria loads, and 99 percent of suspended solids in the Nation's waters.

The cost of this pollution in terms of water treatment, lost recreational opportunities, and loss of fisheries is simply enormous.

It is essential that the States' efforts be supported with Federal funds. H.R. 1 authorizes the minimum level of funding that we need to help the States develop good programs. It is not an open-ended authorization. It lasts for only 4 years.

As I stated last week, I very much regret that the President is putting this body through this debate. I believe the amendment before us will be defeated, and I believe that if the President again vetoes the Clean Water Act, his veto will be overridden. This Senator urged last fall that the President not pocket-veto the bill. Many other Senators did the same, from both sides of the aisle. We were joined in this plea by individuals and organizations from all across the political spectrum and from all sides of the water pollution issue. This Senator stated then that a pocket-veto would only lead to a political confrontation early in the 100th Congress, a confrontation that the President would not win.

Unfortunately, the President got what this Senator believes was very bad advice from his most senior advisers, with the result that today this body must again pass a clean water bill, and pass it over a veto if it comes to that.

This Senator would have preferred to have avoided this necessity, but now that it has been thrust upon us, this body must deal with it in the right way. I urge my colleagues to join with me in putting the Clean Water Act back on track. Cast a vote for the environment. Vote "No" on this amendment, and then vote "Yes" on the underlying bill.

Mr. President, I yield the floor.

Mr. INOUYE. I am very pleased that the Clean Water Act amendments recommended by the conferees contains section 506, which was included in the House bill and concerns the treatment of Indian tribes. All too often in the past, Congress has enacted broad national legislation without specifying the role to be played by Indian tribes vis-a-vis the Federal and State governments. That has led to a lot of uncertainty, confusion, and litigation and has hindered the execution of important national policies on the Nation's Indian reservations. One of my goals as chairman of the Select Committee on Indian Affairs will be to try to correct the problem where it still exists. That is why I strongly endorse the provision of section 506 of the bill now being considered.

The language of section 506 is somewhat technical in places. In particular, I am concerned about section 518(e)(2). As I read that provision, it enables qualified Indian tribes to exercise the same water quality regulatory jurisdiction with respect to water that traverses, borders, or is otherwise located within their reservations that States have for regulation of water outside Indian reservations. Is my understanding of section 518(e) correct?

Mr. BURDICK. Yes. The intent of the conferees was to assure that Indian tribes would be able to exercise the same regulatory jurisdiction over water quality matters with regard to waters within Indian jurisdiction that States have been exercising over their water. The conferees believe that tribes should have the primary authority to set water quality standards to assure fishable and swimable water and to satisfy all beneficial uses. The act also provides a mechanism for resolving any conflict between tribal standards and upstream uses or activities.

Mr. LAUTENBERG. Mr. President, I rise in stong support of H.R. 1, the Clean Water Act Amendments of 1987. This same legislation was unanimously adopted by both the House and Senate at the close of the last Congress. We knew then and we know now that this bill is a significant step forward in protecting this Nation's waterways.

With its construction grants components, its nonpoint pollution program, its tightening of toxic discharge controls, and its storm water permitting program, this legislation will do much to address major environmental challenges.

Unfortunately President Reagan pocket vetoed this legislation. The administration asserted that the bill's authorization for construction grants was excessive. But this claim does not take account of the high costs of sewage treatment construction. It has been estimated that $109 billion is needed to finance such construction throughout the Nation, including $4.5 billion in my State of New Jersey.

Compared to these large needs, the bill before us is no budget buster. It is a rational downpayment on a major national problem. This legislation spreads $18 billion over 9 years for its Construction Grants Program. This sum is gradually allocated. And almost half of—$8.4 billion—is targeted for State revolving loan funds. Such State loan funds will help create a self-sustaining source of money for States to finance local construction.

A strong construction grants program is essential for economic development across this Nation. If we do not have the sewage treatment facilities to handle the wastes resulting from economic development, we cannot move aggressively forward with such development.

Mr. President, the costs of not enacting this legislation—the harm to our environment, the burdens on our States and localities, and the damage to economic development—far exceed those of this measure.

Some are arguing today that the administration's substitute bill should be adopted instead of H.R. 1. But the administration bill is no substitute for a strong clean water bill.

The administration's bill would steal from this Nation the opportunity to make real progress in cleaning up our waterways. The substitute reduces by $6 billion the funding for communities' sewage treatment, including more than a $220 million reduction in funds for my State. It also abolishes the mandate for establishing revolving loans, the component designed to allow our States independently to fund projects. And it limits States discretion in using funds for revolving loans.

The substitute eliminates the authorization and strength of the Nonpoint Pollution Control Program. The substitute specifically removes the $400 million authorization of H.R. 1, and makes many of its important requirements, such as State nonpoint pollution assessments, simply optional.

Mr. President, the administration bill is a classic example of being penny wise and pound foolish. It is a haphazard and simplistic approach to a complex problem. It ignores the hard work and careful consideration this Congress has given to H.R. 1. And I urge my colleagues to oppose it.

The time for debate is over. We have the bill to do the job. Let's pass H.R. 1 today, and get on with the task of protecting and cleaning up this Nation's waterways.

Mr. BINGAMAN. Mr. President, today I rise to speak about a matter of critical importance to the proper management of one of this Nation's most precious resources. Due to the arid climate in my own State, the value of water is temendous. Precipitation is not plentiful and water is not natually renewed as fast as it is used. Therefore, water treatment facilities carry a great burden in providing quality water for the citizens of New Mexico. It is for this reason that I urge swift passage of S. 1, a bill to fund the initiation and continuation of much needed water treatement projects across this country. In addition to such projects, water pollution problems requiring immediate attention continue to rise at alarming rates and cry out for immediate attention.

This bill will renew funding for existing water pollution control programs, and begin efforts to control certain pollution problems that the current law has not given proper attention to.

The measure also gradually phases out the Federal Construction Grants Program. To ease the transition to State and local responsibility, the bill provides grants for the establishment of State revolving loan funds. The State revolving funds would be used to make low-interest loans to communities in need of sewage treatment systems. Loan repayments would later be used to make new loans, thus providing a self-sustaining source of money for States to finance local construction after the Federal Construction Grants Program ends.

A Federal grants program to help cities construct sewage treatment systems is badly in need of reauthorization. In addition, this bill creates a new State-Federal program to control polluted runoff from farmland and city streets, tightens controls on toxic pollutants, and authorizes funding for various other activities to clean up the Nation's rivers, lakes, and streams. Together, the State revolving fund programs and the construction grants would receive $18 billion over fiscal years 1986 through 1994.

While this is an enormous figure, I believe that this is a reasonable and responsible figure for several reasons.

Without this reauthorization, communities in New Mexico would lose as much as $11.9 million. Albuquerque, for example, would lose $5.2 million for continuation of waste water instruction and, as a result, it would put a halt to the $7 million total project.

While $18 billion may be interpreted by some to be exorbitant, it is, in fact, small compared to the total cost of needed projects, now estimated by the Environmental Protection Agency to be over $75 billion. The fact is that the longer we wait to fund these needed projects, the higher the cost will be. So it is cost efficient to act now.

In addition, this authorization is consistent with the commitment, made by the administration as part of the 1981 amendments to the Clean Water Act, to support funding at the $2.4 billion level through fiscal year 1991. In return for this long-term funding commitment, Congress agreed to lower annual authorizations—authorizations in fiscal year 1979 and 1980 were $5 billion—a lower Federal share of project costs—55 percent rather than 75 percent—and a reduction in the types of projects eligible for Federal assistance. As a result, this legislation is the fulfillment of the commitment already made by the Federal Government, and without it we are leaving many local jurisdictions in my State and elsewhere high and dry.

Furthermore, of the $18 billion amount, $8.4 billion will be used to establish State revolving loan funds. These State funds will be paid back by communities and will provide a long-term investment in water quality facilities.

This bill is a very responsible approach to a critical problem. It represents a substantial compromise between the costs of the many necessary water quality projects and the need to control Federal spending. Most importantly, I feel that this legislation addresses the need to properly manage and improve a resource that is certainly a vital element in all biological processes; in our water sources lies the very basis for life itself. In light of storm and farm runoff, industrial and sewage pollution, acid rain and other water contaminants, I believe that this bill will have a beneficial effect on this planet's future capacity to sustain animal and plant life.

Again, I urge strong support for the Clean Water Act of 1987. It is a wise and necessary investment in our future.

Mr. BRADLEY. Mr. President, 4 months ago, the Senate considered legislation to reauthorize the Clean Water Act. This reauthorization was literally years in development. It represented a true compromise, with substantial cost-sharing provisions, and a revolving loan program as well as Federal grants. The legislation broadened Federal responsibilities: Nonpoint pollution and urban runoff, storm water control, the cleanup of toxic "hot spots" for especially degraded water quality, etc. At the same time, the legislation retained a solid financial commitment in the part of the Federal Government to assist regions and localities with the less glamorous but completely essential matter of municipal sewage treatment.

The strength of this legislation was mirrored in the strength of its political support. This legislation passed the Senate—unsurprisingly—by a vote of 96 to 0. Likewise, the House voted unanimously in favor.

As we all know well, the President saw matters differently. Two days after the November elections, the Clean Water Act Reauthorization was pocket vetoed.

This action was ill advised. It was a mistake. Fortunately, we now have an opportunity to correct this mistake, and we should do so.

Mr. WALLOP. Mr. President, The debate today is not a debate on the environment. There is complete agreement by everyone concerned about this matter that clean water is a vital national priority. We have traveled a long way from the theories which were prevalent just two decades ago that water and air were two unique goods, or resources, which were free. There was no cost to their use.

The textbooks of the early 1960's were wrong. Water was not a free good, in either an economic or environmental sense. So, over the past 20 years, we have had a national goal of cleaning up our waterways and putting in place treatment systems which will keep our waters clean. But, just as water was never a free good, it is also true that the cleanup of our waterways is not a free act. There is a cost. We are facing up to the issue. We must protect our water. The only issue at this point is what can we afford and how are we to fund the program.

Late last year, we passed the clean water bill, at a price tag of $18 billion for the next 9 years. We did with the understanding that the Congress was on track toward meeting the budget deficit target. According to the Gramm-Rudman-Hollings Act, our deficit target for fiscal year 1987 is $122 to $134 billion. We supposedly just made that deficit target. At that time, voting in favor of the Clean Water amendments was the only available alternative, and it appeared to be the right one.

For the past 2 weeks, Members such as my colleague from Colorado, Mr. ARMSTRONG, have doused us with the bracing reality of the true budget situation. We did not reach our deficit reduction target last year. The deficit is not $134 billion, but actually, $174 billion for fiscal year 1987. We are already $40 billion over the mark, and we have not acted on the supplementals, nor have we acted on new spending, such as that authorized by S. 1. Today, we do have an alternative. The substitute offered by my colleague from Kansas, Mr. DOLE, is a sensible and responsible answer to the issue of cleaning our waterways.

For the first several years of the reauthorization period, there is virtually no difference between the two bills. The Federal grants will continue. It is in the outyears where the funding differences between the two bills arise. The Dole substitute would save $6 billion in the outyears. There is an honest difference between the supporters of each version over how the loan fund to be used in the outyears should be constructed. However, the real issue is whether or not we are serious about dealing with the deficit. If we act responsibly over the next few years, future Congresses will have the ability and flexibility to establish the loan fund. A vote for the Dole substitute is a vote both for the environment and for fiscal responsibility. I would urge my colleagues to vote in favor of S. 76.

Mr. BREAUX. Mr. President, H.R. 1 represents an important step forward in cleaning up and protecting the quality of our Nation's water. I was a cosponsor of the comparable legislation approved by the 99th Congress, which was subsequently vetoed by the President, and I am pleased to voice my support for passage of H.R. 1.

This legislation addresses a number of vital issues and will significantly enhance the effectiveness of our efforts to clean up our water resources. H.R. 1 contains important new provisions to ensure the identification and control of toxic pollutants. This will prove to be an important advance in addressing toxic hot spots. The bill includes a new program for the control of nonpoint sources of pollution that remain a significant source of water quality problems. Nonpoint pollution is thought to account for up to 50 percent of U.S. water pollution, and this new program will authorize $400 million over the next 4 years to assist the States in developing comprehensive programs to address both urban and rural runoff problems.

H.R. 1 will also continue funding authority for the sewage treatment grant program at a $2.4 billion annual level through fiscal year 1991, and authorizes funding to capitalize a revolving fund to assist State and local governments with project financing in the future. This is a responsible means of fulfilling a commitment previously made by the administration, a commitment which the President now maintains is a budget buster.

Among the many fine programs contained in this legislation is an initiative to address in a comprehensive and coordinated fashion our estuarine conservation and management needs. As my colleagues may be aware, my home State of Louisiana contains over 40 percent of the coastal wetlands in the United States. Among the most biologically productive systems on Earth, coastal wetlands provide important benefits in pollution and flood control, and are of extraordinary value for migratory birds and as nursery areas for fish and shellfish resources. In 1983, for example, Louisiana ranked first in the Nation in fishery resource landings by weight. In short, it would be difficult to overstate the significance of coastal wetlands to Louisiana, or of Louisiana's coastal wetlands to the Nation.

We in Louisiana are facing one of the most complex resource management problems in the country in attempting to protect and conserve our coastal wetlands. Currently, the coastal wetlands of Louisiana are eroding at a rate of 50 square miles each year. The Mississippi River, which drains over 40 percent of the continental United States, also transports pollutants from over 40 percent of the continental United States into Louisiana's coastal waters. Our coastal wetlands are under siege from many directions, and only coordinated and comprehensive programs offer the promise of making significant progress in developing and implementing solutions.

Section 320 of H.R. 1 establishes a National Estuary Program under which estuarine areas may be designated as an estuary of national significance. Section 320(a)(2)(B) lists a number of specific estuarine areas to be given particular attention. A careful reading of section 320 indicates, however, that any State may nominate an estuary lying wholly or in part within that State as an estuary of national significance. Based upon the objective criteria of this section, it is apparent that much of coastal Louisiana, particularly the estuarine complex of the Barataria Bay region, should meet the requirements for designation as estuaries of national significance. The need is great and the problems are severe. Through this legislation the Congress is committing itself to addressing critical estuarine problems which are of tremendous significance to our State. Section 320 is intended to focus needed resources based upon the serious nature of the problems, and I intend to make every effort to see that this program is implemented in a fashion that will allocate these resources accordingly.

Once again, Mr. President, let me reiterate my strong support for H.R. 1. This legislation is badly needed and will make substantial improvements in the quality of our Nation's waters. I strongly encourage the support of my colleagues for this measure, and call upon the President to sign this vital legislation promptly.

Mr. CHILES. Mr. President, as an original cosponsor of S. 1, the Water Quality Act of 1987, I urge the immediate adoption of this critical piece of legislation. S. 1 and H.R. 1 provides essential funding for sewage treatment plant construction, increased authorities to control nonpoint source and toxic water pollution and strengthened regulatory provisions. Funding for sewage treatment construction would total $18 billion from 1986 through 1994; $3.6 billion less than current law levels. We have carefully reviewed the bill and determined that no budget act points of order lie against the legislation, and it is consistent with budget resolution assumptions.

There has been much discussion of the budgetary aspects of the bill and I am well aware of the administration's objections to the funding levels. I would like to point out, however, that the authorizations contained in the bill are subject to annual appropriations and are therefore controllable by the Congress. Should further reductions in this program become necessary to meet deficit targets, these reductions can be made in subsequent budget resolutions. Finally, the Congressional Budget Office has indicated that the administration bill provides only minimal savings relative to S. 1 in 1988 and therefore will contribute little to the achievement of the $108 billion Gramm-Rudman target.

Mr. PRYOR. Mr. President, the passage of the Clean Water Act reauthorization is very possibly the most important and significant thing the 100th Congress will accomplish. I hope that we will also address several other major issues of concern to our Nation, both foreign and domestic, but, let me assure my colleagues that I know of nothing that we can do for America's environment that will have farther reaching beneficial effects than passing the legislation before us now. I urge its immediate passage, and I want to thank the distinguished chairman of the Committee on Environment and Public Works for his leadership in bringing this legislation to the floor of the Senate so quickly in this new session.

Everyone is for clean water, and President Reagan's veto of this bill last fall should not be interpreted by anyone to suggest that he favors anything less. Our disagreement was over the level of funding provided, and our quick action in bringing this reauthorization back to him in unchanged form should be a clear signal to both the President and to our cities that this Congress is ready to proceed with the task of cleaning up our Nation's waters. I sincerely urge the President to sign this legislation into law.

The reauthorization of the Clean Water Act, with its provisions for grants to States for the construction of wastewater facilities, means that our cities can get on with the job of cleaning up their discharges into our Nation's waters. One of the most troublesome aspects of the President's veto last fall was the uncertainty that our city officials all across the Nation were facing. On the one hand our Federal regulatory agencies were telling our mayors and city councils that they had until 1988 to come into compliance with the existing clean water standards, and on the other hand the Federal Government seemed on the verge of withdrawing the financial support needed to meet its own demands.

In Arkansas the cities that are in trouble trying to meet the deadline and the discharge limits come quickly to mind: Warren, Magnolia, Blytheville, Fayetteville. There are many others, Mr. President, too many to mention here. In every case a diligent and conscientious group of city officials are doing everything within their power to move their communities in the right direction. It has not been an easy or pleasant job, and, expect for the support this legislation provides, it will not get a lot easier in the future. We all owe them a debt of gratitude for being on the front line as our Nation continues to clean up its waters.

Mr. ROCKEFELLER. Mr. President, I rise to express my very strong support for the Water Quality Act of 1987. H.R. 1. I am very pleased to be a cosponsor. Not only is passage of this bill critical to States such as West Virginia which rely on the Federal-State partnership established by the existing clean water law, but it is also an important symbolic first bill to be passed by the 100th Congress.

Mr. President, West Virginia, like many States in Appalachia, strives to overcome tremendous obstacles to achieve economic development. West Virginia is a mountainous State, making development of large population centers unlikely and an expansive transportation system difficult.

Nonetheless, against the odds, West Virginia has for years been a part of the heart of America's industrial base. Indeed, as America has faced increasing and substantial pressure in trade and in a need to modernize, many West Virginia industries have been among the casualties.

Having been Governor of West Virginia for 8 years, I can tell you that economic development opportunities and redevelopment activities are critically tied to a locality's ability to offer basic services such as sewage treatment. The job in West Virginia is not complete, and the administration's proposed bill, S. 76, would make it that much more likely that the Federal Government would walk away from this partnership with many projects incomplete.

Mr. President, this is a long and complicated bill. I would simply note two aspects of S. 1 that would be of benefit to West Virginia. First, there is the difference in the funds made available for wastewater treatment facilities. Under the administration's bill, West Virginia would lose over $12.5 million in funding in the next 2 fiscal years, and some $25 million in the next 5. This is an untenable solution for a State that is financially strapped.

Second, I would note the inclusion of the so-called remining provisions in S. 1. This provision will maintain the integrity of the Clean Water Act for such operations, while also allowing some new flexibility for the coal industry to rework previously mined areas. I think this is an intelligent provision and one which will be used responsibly by both coal operators and State officials alike.

Finally, Mr. President, I have been surprised that we have had to revisit this issue this year. Having passed the Clean Water Act amendments by a unanimous margin last year in both Houses of Congress, the President's pocket veto of the bill demonstrates a skewed set of priorities. I am hopeful that the strong margin in the other body, and a sizable margin in the Senate today will send a message that S. 1 is, and should be, the law of the land. And if necessary, we should be prepared to overturn a Presidential veto, if one should occur.

I thank the Chair.

Mr. HECHT. Mr. President, during the last Congress I worked with members of the Committee on Environment and Public Works concerning language in this legislation that affects Indian tribes.

I would like to thank the new chairman of the committee for his very helpful statement on this subject which he made on the floor of the Senate last week, in a discussion with Senators ADAMS and BAUCUS.

In Nevada we have a situation on the Truckee River where the cities of Reno and Sparks have invested millions of dollars in water treatment facilities, which are currently being expanded and upgraded at considerable cost. The Pyramid Lake Indian Reservation is located downstream, and the tribe and the cities are involved in difficult legal battles over water quality.

I am convinced by the chairman's very helpful statement that Nevada's water rights and standards are not put into any jeopardy by this legislation. In addition, tribal standards would be subject to judicial review.

I would once again like to thank the committee for its attention to this matter.

GREAT LAKES MANAGEMENT

Mr. KASTEN. Mr. President, this bill contains a critical provision to improve the Federal management of the Great Lakes. It provides $11 million per year from fiscal 1987 through fiscal 1991 to be subdivided as follows: $4.4 million for demonstration cleanups of toxic-contaminated sediments; $3.3 million for a NOAA research program; and $770,000 for nutrient monitoring. I just want to clarify that these funds are to be provided in addition to the existing appropriation for the Great Lakes National Program Office.

If we viewed the amendment any other way, our goals would be thwarted. The Great Lakes National Program Office currently has an operating budget of $5 million per year. That money is used to support vital projects such as studies of atmospheric deposition in the lakes, and toxic contamination in nearshore areas. These ongoing activities are required by the United States-Canada Water Quality Agreement. If this amendment were to be seen as displacing the existing GLNPO appropriation, we would actually be reducing funding for these activities to $2.5 million per year. I just want to make clear that the committee does not intend such an illogical result.

The point of this amendment is to reverse a decade of neglect of the lakes, not to add chaos to EPA's existing programs. A recent National Academy of Sciences' report found that the population of the Great Lakes is exposed to appreciable more toxic substances than those in other parts of the United States. This amendment will provide the EPA with resources to help reverse that trend.

The bill also contains a provision establishing a procudure for the Environmental Protection Agency to address the problem of toxic hot spots. These toxic hot spots occur in areas where water quality fails to meet applicable standards, notwithstanding the discharges being in compliance with applicable permits. EPA will require pollution controls beyond those associated with installation of best available technology, to reduce and eliminate these toxic hot spots.

Other important provisions of the bill, and of particular importance to me, relate to the monitoring and control of pollution in the Great Lakes. These provisions would designate EPA's Great Lakes Program Office as the lead agency responsible for United States compliance with the United States-Canada Water Quality Agreement. It would require EPA to establish a toxic monitoring and surveillance network for the Great Lakes and develop a multiagency program for cleanup.

To implement these Great Lakes provisions, the bill contains an authorization of $11 million per year for fiscal years 1987 through 1991 to be divided as follows: $4.4 million for demonstration cleanups of toxic-contaminated sediments; $3.3 million for a National Oceanic and Atmospheric Administration research program; and, $770,000 for nutrient-monitoring. These amounts are in addition to existing appropriations for the Great Lakes National Program Office and are not meant to displace current resources.

Mr. KERRY. Mr. President, I rise today in strong support of H.R. 1, the reauthorization of the Clean Water Act. Today, an overwhelming majority of my colleagues, on both sides of the aisle, will send this bill again to the President for his signature. His veto of this bill was unacceptable last November and is unacceptable today.

Over 70 members of the Senate cosponsored S. 1, the companion to H.R. 1, when it was introduced at the beginning of the 100th Congress 2 weeks ago, and both Houses made this reauthorization their first priority in the new Congress. This should serve as a strong reminder to the administration that a consensus exists on protecting the water quality of this Nation. The President's veto was a shortsighted and misguided step that has left one of this country's most valuable resources extremely vulnerable. A second veto would only serve to delay what all of us know is the inevitable passage of the bill.

H.R. 1 is the result of a great deal of committee work by members of the authorizing committees in both Houses of Congress, who fashioned a bill that groups with many divergent interests have enthusiastically endorsed. The administration's too-little, too-late compromise indicates a fundamental lack of understanding of the level of congressional commitment to the protection of our water resources. H.R. 1 already represents a considerable compromise to many of us. It is fitting that the administration's bill, in the guise of the Republican leader's amendment, has been soundly defeated.

I am particularly pleased that H.R. 1 contains $100 million earmarked to assist with the cleanup of Boston Harbor. This greatly needed money will help begin what will be a monumental task for the Massachusetts Water Resources Authority [MWRA]. While this is a small amount when compared to the $2 billion that it will cost to complete the cleanup of Boston Harbor, this authorization will provide some early assistance to the MWRA and will serve as an affirmation of the importance of the task. In addition, the MWRA will receive a share of the nearly $400 million that Massachusetts will be allotted over the next several years through the new State formula. I join with the other members of the Massachusetts delegation who worked diligently and effectively on behalf of the harbor cleanup, in expressing our appreciation to both the Senate and House conferees for their consideration of this matter.

H.R. 1 must, and will, be enacted even if Congress is forced to vote on it a third time. We will not allow this administration to abdicate its responsibility to protect the environment. Congress should be commended for its perseverance in seeking a responsible clean water reauthorization. I believe that we are nearing the end of our efforts on this topic and I am pleased to be adding my voice to the chorus for what I hope will be the last time.

REDUCED FUNDING FOR MUNICIPAL WASTE WATER TREATMENT IS UNACCEPTABLE

Mr. KASTEN. Mr. President, I rise in strong opposition to the substitute amendment to reduce funding for municipal wastewater treatment facilities.

This substitute, the President's proposal, would reduce funding for municipal wastewater treatment from $18 billion to $12 billion. Cutting this critical program by a third is simply not acceptable.

Reductions in funding of municipal sewer treatment facilities will result in significant delays in completing critically needed sewage treatment facilities. At a time when municipalities are being hard hit by reductions in Federal programs such as revenue sharing we cannot reduce funding here.

Municipalities are ill equipped to meet the capital cost of building treatment facilities. Simply put, if we do not adequately fund this provision, many sewage treatment facilities will not be built.

In my home State of Wisconsin, cuts in this fund would have a major impact on the city of Milwaukee. In addition, if the Federal assistance for Milwaukee's sewer treatment program were reduced, it would send shockwaves through the entire State. Wisconsin would then be forced to divert the bulk of the State assistance program from deserving communities around the State to Milwaukee.

Completing the construction of municipal sewage treatment facilities is essential to protecting America's waterways. Reduced funding will result in the continued discharge of untreated, or inadequately treated sewage into our waterways. Such discharge poses a serious threat to public health.

It is clear that we need to restrain Federal spending, but this is not the place. Americans overwhelmingly want, and the country needs, clean waterways. We should fully fund the municipal wastewater treatment program and reduce Federal spending elsewhere.

I hope my colleagues will join me in opposing this substitute.

Mr. BENTSEN. Mr. President, this legislation, identical to that which Congress passed last but was pocket-vetoed by the President, is an outstanding example of the ability to solve major and very complicated problems through bipartisan cooperation in pursuit of an important national goal.

The recognition of clean water as a high priority in our Nation was a moving force behind this bill. The effort to clean up our Nation's waters has the overwhelming support of the

American public, who throughout the history of this country have recognized the responsibility to our neighbors, our children and ourselves to correct abuses to this critical aspect of the environment.

Hearings before the Environment and Public Works Committee clearly prove that the Clean water Act is paying off with a substantial reduction in pollutants. Our rivers are cleaner and our water quality has improved.

But this legislation also reflects the fact that there is still work to be done—and it includes major new efforts to continue on a steady and productive course.

It took many months to work out an acceptable agreement on construction grants. It would be regrettable and, in my mind, contrary to the will of Congress and the American people, for the administration to consider a challenge to this provision. My colleagues will recall that in 1981, the administration agreed to fund this grant program at a level of $2.4 billion per year for the 10 years needed to complete core needs for treatment works based on available needs survey data. Then, early in 1985, OMB proposed to phase out the program by 1990, and to fund no new starts.

This legislation continues to shift the program to State and local governments, but it also recognizes that the OMB proposal to pull the rug out from under a national goal at a critical point of progress was too abrupt and poorly planned. The $18 billion authorization will support the construction grant and loan program through 1994, and it is a fair timetable. Under the grant program, it authorizes $2.4 billion for fiscal year 1986, for fiscal year 1987, and fiscal year 1988, and $1.2 billion each for fiscal year 1989 and fiscal year 1990. Under the revolving fund, $1.2 billion is authorized each year for fiscal year 1989 and fiscal year 1990, $2.4 billion for fiscal year 1991, $1.8 billion for fiscal year 1992, $1.2 billion for fiscal year 1993, and $600 million for fiscal year 1994. States are required to establish revolving loan programs and provide a 20-percent match for Federal funds. Equally as important, the legislation sets up a more equitable allocation program, which more accurately reflects the needs of our growing States. During fiscal years 1987, 1988, 1989, and 1990, for example, my State of Texas will receive an increase of approximately $18 million annually over the current level. While this is still less than what the figure would be under an allocation based strictly on eligible needs, it is an acceptable step toward fairness. It is also a correction of an inadequacy in the current allocation formula that was known but unaccounted for in the 1981 legislation.

The construction grant program is an acknowledgment that we must work closely with the States to assure that the revolving fund mechanism is workable and to provide a period of transition to allow States with lengthy legislative cycles or difficult remaining needs to work out their problems. However, it will be the revolving loan program that will represent the real future of municipal wastewater treatment construction. Under this program States will be able to recycle these funds in perpetuity and can develop a planned approach for ongoing and changing construction needs. I am pleased by provisions to allow substantial transfer of construction grant funds to the revolving loan fund in the first years. Fifty percent of 1987 grant funds, 75 percent of 1988 grant funds and all of the 1989 and 1990 grant funds may be transferred into revolving loan funds. Additionally, the loan program is more flexible than the grant program; for example, reserve capacity—which is so essential to growing States such as Texas—can be funded under the loan program.

This legislation also includes a new permitting program to control industrial and municipal storm water discharges. EPA will promulgate storm water discharge regulations, and the initial cities to be regulated are those over 250,000 population, with cities over 100,000 to be regulated later. My understanding of the bill is that it would not categorize flood control ditches as municipal storm sewers and would not bring such ditches within the permitting process of section 405 of the Clean Water Act.

There is also a growing national concern over nonpoint pollution, and provisions are included to authorize the States $400 million to development and implement nonpoint source pollution management programs to manage such problems as polluted runoff from city streets and farmland. This type of pollution represents a major source of sediments, pesticides, nutrients, toxic heavy metals and bacteria, and almost every State has identified it as a significant contributor to existing water quality problems. At the same time, nonpoint pollution is a very different problem to solve than discharges from point sources. It is not easily subjected to a harsh regulatory solution. While there are some cities and States which have successfully implemented ordinances that manage nonpoint runoff from various operations like excavation, the issue is vastly different in most rural areas. Farmers and ranchers have long had a stewardship role in the land. Their lives depend on it. It is my view that no successful nonpoint program can be developed without the full involvement and support of these citizens. Land conservation is the original version of nonpoint protection. It is equally my view that a program which captures the minds and imagination of farmers and ranchers is one that will depend on their initial involvement in its creation. It will not be one developed in Washington and sent to the States for implementation. One of the key aspects of the nonpoint program included in this bill is its heavy reliance on nonregulatory approaches to nonpoint pollution problems. I am pleased to see a program which envisions a cooperative problem solving approach instead of the usual Federal control and compliance theory. Nonpoint pollution is a different problem; it warrants a new solution.

Another provision of particular interest to my State provides for partial delegation of the permit program. Texas has been unable to obtain approval for the Texas program because the State divides wastewater permits between the Texas Department of Water Resources and the Texas Railroad Commission. The Railroad Commission, which regulates oil and gas operations, has only in recent years sought permit delegation. Under this provision, the Texas Department of Water Resources, which has a fine permit program, will be in position to gain Federal approval for its portion of the program.

The bill also allows establishment of management conferences to solve pollution problems in many of the Nation's major estuaries. The levels of water quality in some of these estuaries are alarming, and demand prompt action. Point and nonpoint sources of pollution have actually closed some of our Nation's greatest natural resources to shellfishing and swimming, and others are declining. Under this provision, the EPA will convene management conferences for up to 5 years to identify pollution sources, conduct research and develop conservation and management plans.

The legislation lists several of these estuaries for priority consideration under the program, ranging from Long Island Sound and Narragansett Bay to Galveston Bay, in my State of Texas. Galveston Bay is the largest of the seven major estuarine systems in Texas, and studies in 1975 showed it was the spawning and nursery grounds for 80 percent of the total fishery products taken from the Texas gulf coast. If this percentage remains similar today, Galveston and adjacent bays were ultimately responsible for approximately 82 million pounds of commercial fishery products worth $142 million in the 1985 total commercial Texas catch. In all, the Galveston Bay system receives runoff from Texas cities and towns totaling more than 6.75 million population and receives discharges from some of the most critical and vibrant industrial operations in the Nation. There will always be conflicts among the competing needs of the users of Galveston Bay. It is my hope that these conferences will facilitate the planning necessary to assure that sound judgments are made with regard to the use of these important estuarine systems.

The bill addresses several other policy matters. Among these is modification of the use of "fundamentally different factors" in the effluent guideline and permitting programs. Generally, these changes follow the basic Senate approach. However, we have made several pragmatic adjustments that should make these changes work better. In particular, a sound approach has been defined to deal with industrial operations in which situations are not readily resolvable through the guideline development process. For example, in oil and gas production operations, wastewater conditions can differ from well to well. Generally, this water is reinjected under the UIC provisions of the Safe Drinking Water Act. However, there are situations in which it must be discharged and the guideline development process is not able to consider these situations before they occur. Consequently, the bill directs the EPA to approach these situations by first, temporarily suspending the guidelines with respect to such facilities, second issuing best professional judgment permits for such sources, and third, subsequently revising the guidelines to reflect these new situations. This will allow the necessary sensible case-by-case considerations to be made in these appropriate circumstances.

Another provision of the fundamentally different factors agreement relates to four fertilizer plants in Louisiana. The bill excludes from the effluent guidelines under 40 CFR, part 418, these four facilities under section 306(c)(1). Paragraph (2) of that subsection requires that EPA expeditiously, but not later than 180 days after enactment, issue permits for these four facilities based on best professional judgment under section 402 (a)(1)(B) of the Act. If EPA decides, after the date of enactment, to promulgate new effluent limitation guidelines for the facilities subject to the provisions of section 306(c) of this bill, the BPJ permits will remain in effect until issuance of new permits under the new effluent guidelines. Otherwise, permitting for these four facilities will continue under section 402(a)(1)(B).

The bill extends deadlines for compliance with the statutory requirement for the implementation of controls to achieve best available technology economically achievable. The bill would largely track the Senate approach including a final deadline date for compliance. However, it is clear that there are some guidelines, including the guidelines for the very complicated chemical industry, which will not be completed in time for all the facilities to comply with this deadline. There is administrative discretion available to address this type of situation; it is in use now. We fully anticipate that EPA will continue judicious and equitable use of its administrative discretion in those instances where failure to comply with the deadline is related to limitations in the development of the guidelines by EPA.

The bill also contains a provision closely modeled on the Senate provision, prohibiting backsliding or the weakening of effluent limitations in permits based on best professional judgment or water quality standards. While this provision is well explained in the statement of managers, there is one aspect on which additional comment may be helpful. The bill contains five exceptions to the general rule prohibiting the weakening of effluent limitations. There are two matters addressed in EPA's current regulations on this subject, however, that although not included in the statutory exceptions, may still have an effect on particular situations. In certain circumstances effluent limitations may be established on a net basis for particular dischargers. Such a permit should be examined as to whether any modification does indeed involve a weakening of an effluent limitation. Also, permits are occasionally based on production levels. Such permits can be examined in a similar manner.

Mr. President, we can all be justly proud of the advancements toward clean, safe water over the past 10 years. This legislation—which has broad support among all interested parties, the Congress and the people—recognizes there is still more to do. It is sound legislation, targeted with care toward the goal of cleaning up once and for all our Nation's waters. I urge my colleagues to pass it again, as we did at the end of the 99th Congress.

Mr. HATCH. Mr. President, section 506 of the clean water bill indicates that Indian tribes shall be treated as States for the purposes of section 101(g). Concerns have been raised that this provision could result in an expansion or enhancement of the substantive water rights of Indian tribes in terms of quantity or quality and/or an expansion of enhancement of the enforcement mechanisms available to Indian tribes to protect and preserve their existing water rights.

Last Wednesday, a discussion on this section was conducted between Senators, BURDICK, MITCHELL, ADAMS, and BAUCUS regarding the applicability of this section of the bill.

As was pointed out at the time by the distinguished chairman of the Environment and Public Works Committee:

> This section is not in any way to be construed as an impediment or restriction on existing water rights or laws, either that of various states or that of individual citizens.

The distinguished chairman went on to state that:

> Nothing in this act shall affect or interfere with any existing water quantities, rights, their specific elements, uses or methods of acquisition whether within or without the borders of any Indian reservation or any State. * * * Those water quality standards set by Indian tribes and accepted by EPA will not be used off reservation borders.

I appreciate this clarification made by these distinguished Senators. However, because of the importance of this matter to Western States in particular, I think it imperative that this point be reiterated.

I was additionally pleased to see the memorandum from the distinguished chairman of the House and Insular Affairs Committee regarding this matter. This memorandum, printed in total in both the Senate and House debates on this matter concluded that:

> * * * there is nothing in the existing law nor in the proposed amendments in H. 1/S. 1 which in any way expands the substantive rights of an Indian tribe to a quantity or quality of water.

Conversely, this memorandum concluded that:

> * * * there is nothing in the existing law or proposed amendments which impairs or is intended to impair in any way existing substantive water rights of any Indian tribe.

Finally, this memorandum concluded that:

> * * * there is nothing in the existing act or in the proposed amendments which gives EPA the power to force one State to change its approved water quality standards or those valid activities done in accordance with its plan in order to accommodate the water quality needs of another State or States.

As stated earlier, I appreciate the clarification of this matter, and believe it is of the utmost importance that the matter be clarified as such because of the importance of water and its allocations, particularly to the Western United States.

Mr. TRIBLE. Mr. President, I rise in support of the Water Quality Act of 1987. This legislation is essential if we are to maintain our national commitment to filling the requirements of the Clean Water Act.

The effort to restore water quality has particular importance for Virginia. The legislation before us makes a significant contribution to the restoration of the Chesapeake Bay. It will authorize a 3-year, $39 million bay cleanup program.

The Chesapeake Bay is one of our Nation's most important natural resources. Virginians depend on the bay for food, jobs, transportation, and recreation. Yet through the years population and development have clouded the waters of the bay, blighted her vegetation, and assaulted her creatures.

As a result of an intensive 7-year study by the EPA, sources of the bay's decline have been identified and the work of restoration began. And we have made progress.

The Bay States, Virginia, Maryland, and Pennsylvania, have initiated cleanup programs and with the EPA these States have formed a Federal-State partnership to coordinate bay programs.

Despite these gains more must be done. The revitalization of the bay requires a long-term commitment. Today's legislation sustains that commitment and will add to the improvements we have witnessed in the last several years.

The bill provides the resources to improve farm management practices to reduce pollutant runoff into the bay. It also funds badly needed stormwater control programs in urban and suburban areas. Moreover the bill continues funding for the Environmental Protection Agency's bay program office and for essential research programs.

The task ahead also demands that we establish water quality standards for toxic substances.

For example: A majority of the boats in the Chesapeake Bay utilize a special tin-based bottom paint called TBT. TBT paint is an effective antifouling agent that kills barnacles, sea grasses, and other aquatic life. Regrettably, it could also have a lethal effect on shellfish, finfish, and other marine species.

France, England, and Japan have regulated the use of TBT. The Environmental Protection Agency is conducting a special review of TBT compounds since determining that their continued use may present "unreasonable risks to nontarget aquatic organisms such as mussels, clams, oysters, and fish."

I am concerned about the potential harmful effects these paints may have on marine life and public health. Given the seriousness and urgency, I will be urging EPA to continue to monitor and study the effects that toxic substances, such as TBT, have on bay life.

I want to commend Senators STAFFORD, CHAFEE, and BURDICK for their work in drafting this bill and express my appreciation for their efforts in behalf of the Nation's environment.

Mr. RIEGLE. Mr. President, I rise today in support of the Clean Water Act of 1987. I am a cosponsor of this $20 billion measure to reauthorize and amend the Clean Water Act and I am anxious to see this first critical environmental bill of the 100th Congress signed into law.

Last year an identical bill was unanimously approved by the House and Senate and subsequently pocket vetoed by President Reagan after the November elections. The recent overwhelming vote by the House of Representatives in support of this bill sends another strong message to the President about the unwavering national support for this act which is supported by a wide range of groups including environmental, State, industry, and labor unions.

This bill authorizes $18 billion for grants to aid cities in the construction of sewage treatment systems. Under this formula, Michigan will receive an annual allotment of $104 million for wastewater treatment grants for 5 years. A $400 million State-Federal program will also be initiated to control polluted runoff from farmland and city streets. This bill also tightens controls on toxic pollutants and funds various other activities to clean up our Nation's waters. Altogether, $20 billion in spending is authorized under this bill through fiscal year 1994.

Of particular importance to Michigan are the provisions in this bill which strengthen Great Lakes protection. A Great Lakes National Program Office would be established within the Environmental Protection Agency to carry out our responsibilities under the United States-Canada Great Lakes Water Quality Agreement of 1978. In addition, a Great Lakes Research Office within the National Oceanic and Atmospheric Administration would be created to develop an environmental research program and data base for the Great Lakes.

The bill also addresses the problem of toxic pollutants. It establishes pilot programs for toxic sediment removal from the Great Lakes and a nutrient loading project. This new system was devised to deal with toxic hot spots, places that may be polluted by toxic chemicals even after the strictest treatment requirements have been met by industrial dischargers. A mandatory process for the States and EPA to confront these toxic problems would be established. I am pleased that attention is being focused on this matter.

Reauthorization of the Clean Water Act is vital for continued progress toward cleaning our Nation's water. I urge the Senate to overwhelmingly vote for its passage.

Mr. SIMPSON. Mr. President, the Clean Water Act has been the one key in environmental legislation most directly responsible for making so much of this Nation's water fishable and swimmable by reducing water borne pollution of all types. It is important that Congress complete action on the Clean Water Act this year.

The Congress has taken measures to provide for Federal grants through the year 1994. However, Congress clearly recognizes the need to reduce the Federal deficit and intends to phase out direct construction grant funding by changing the program to a State revolving loan fund program. This is a vital change in the way we do our business with the States and municipalities that are responsible for constructing sewage treatment facilities. The benefits of a phaseout in direct aid are twofold—the Nation's waters will continue toward clean up, and the Federal deficit will not increase because of direct Federal participation in wastewater construction programs.

The clean water bill contains many other important programs besides the wastewater construction section. Various provisions in the bill have strengthened requirements that industries must meet. The legislation generally tightens and expands water pollution control efforts across the board.

For the first time we are authorizing a new nonpoint source pollution control program which is meant to reduce water degradation caused by different types of agricultural runoff and soil erosion. Congress has chosen to create a new nonpoint program which is a demonstration and grant program that will assist the agricultural community in its efforts to develop more efficient farming methods which will have the secondary benefit of protecting our Nation's waters. We purposely avoided implementing a mandatory regulatory program for nonpoint pollution. Assistance from all sectors of the public are needed if we are to effectively control nonpoint pollution and to mandate a mandatory regulatory program at this time would only alienate those who must comply with Federal regulations.

This legislation also establishes a program for cleaning up toxic hot spots which are areas that have waters which will not meet water quality standards even after polluters have installed the best available control technologies [BAT] required under the law. I believe that the clean water bill that was conferred last year—and I was a conferee—is a true compromise and will result in workable regulations in the real world. The Senate Environment and Public Works Committee and the various House committees have worked closely with the administration with all interest groups to craft programmatic language that represents a balanced approach to controlling water pollution.

Much of the Western United States have pristine waters that have never been degraded by manmade pollution. With the reauthorization of the Clean Water Act, we can now rest assured that these waters will continue to remain unspoiled. We may also be assured that those who must comply with the terms of the Clean Water Act will have some straightforward and predictable regulations to deal with.

Senator DOLE and I remain committed to doing everything we can to stimulate Congress to consider and approve additional environmental legislation this year. I am pleased with the success of the vigorous efforts of my friend, the ranking member of the Environment Committee, Bob Stafford, and my fine colleague Senator John Chafee, who have worked so hard to produce this legislation. Most environmental issues are truly bipartisan in nature and I trust that this will be a productive year where environmental legislation is thoughtfully and fully considered. I look forward to our continued progress.

Mr. President, the following is a statement I submitted for the Record last year with some corrections and additions.

STATEMENT OF SENATOR SIMPSON

I am pleased to support the reauthorization package of the Clean Water Act embodied in the Conference Report. Having been involved in the reauthorization process over the past two years, I have been impressed not only by the commitment of Senator Chafee, who ably led our work, but also by the willingness of both House and Senate conferees to work toward necessary compromises.

This year has been a landmark year for environmental legislation. We have seen the Senate pass a new Superfund, reauthorize the Clean Water Act, and pass an asbestos in schools bill. In addition, we have passed and the President has signed a reauthorization of the Safe Drinking Water Act.

I was pleased to be a member of the Clean Water Act conference and I trust the White House will give every consideration to signing this bill into law. We have made great progress in the past decade in cleaning up this nation's streams and lakes. Many waters that were polluted years ago are now fishable and swimmable and we must continue to make diligent efforts to ensure that more lakes and streams are cleaned up and that the pristine waters we have in the west remain pristine.

Of course, the greatest compromise is that which the Congress has now struck with the White House: the Administration has won its battle to phase out the predominant federal role in financing construction grants. This is a major accomplishment on the part of the Administration, and I believe it is in the national interest to move toward innovative financing mechanisms deriving support, as far as possible, from the people who will benefit most directly from new treatment works. This bill does that, and does so while providing for adjustment for communities which may not have taken full advantage of the federal aid available in the past.

The Conference deleted several troublesome provisions, such as the section entitled "preservation of other rights" in the Senate bill, which could have led to foreseeable as well as unintended disruption of the nation's state-federal partnership in water quality control and permitting. There are a number of delicate yet critical questions concerning intergovernmental relations in water quality regulation, and I am pleased that the U.S. Supreme Court will take the opportunity this term to wrestle with conflicting circuit court opinions concerning the laws applicable in cases where affected parties in downstream states allege harm from permitted discharges in upstream states. Along with other members of the Environment and Public Works Committee, I will carefully examine the court's ultimate holding in *International Paper* v. *Ouelette*, which is anticipated early this year.

For the first time we have included a provision in the Clean Water Act related to non-point source pollution that comes from farm lands, timber operations, and other sources of run-off which are not considered point sources. Western and mid-western Senators worked hard to ensure that we were not beginning a new full fledged regulatory program in this regard. Instead, we provided for a voluntary program where states may participate if they so desire. When states choose to participate in the non-point source program they will become eligible for grants to carry-out non-point demonstration and education programs. If states do not choose to participate in the program the only penalty is a lack of federal funds for non-point demonstration projects.

I believe some clarification is needed of a subsection in the non-point provision relating to interstate conferences. The statute allows downstream states to petition the EPA Administrator to convene a management conference of all states affected by pollution from non-point sources in another state. However, states are not required to participate in these management conferences. There is no penalty for not participating in such management conferences. If states do choose to participate in a management conference that the Administrator convenes, states are not required to agree to any changes in their non-point source programs. If states do not agree to make changes in their non-point source programs, there is no penalty for this lack of action.

Participation in interstate management conferences is totally voluntary as are any agreements. The conferees discussed this provision at length and it was determined that management conferences would be provided as a vehicle for states to use in discussing pollution of a non-point nature that occurs in adjacent states. The statute is very clear that there is no forcing mechanism, nor is there a provision of penalties for states that do not wish to participate or for states that participate but that do not wish to make agreements with other states.

If a state chooses to reach an agreement with other states it is then expected that changes in that state's non-point pollution plan will reflect those agreements in the future. Where states are participating in a federal non-point grant program, in no case will grant monies be withheld because a state refuses to participate in a management conference, or refuses to reach agreements with other states in such a management conference.

In addition, nothing in any agreements reached at a management conference shall supersede or abrogate rights to quantities of water which have been established by interstate water compacts, Supreme Court decrees or state water laws, nor shall these agreements apply to any pollution which is subject to the Colorado River Basin Salinity Control Act. This would include naturally occurring salts and other solids covered by the Colorado River Basin Salinity Control Act.

The non-point source pollution control program was formulated in such a manner that EPA would be granted great latitude in approving state management plans. Non-point pollution varies greatly from state-to-state and programs to control this pollution will also vary greatly. Therefore, EPA has the authority to approve plans with varying complexity.

It should also be pointed out that the zero discharge goal listed under the Clean Water Act does not apply to non-point source pollution because this goal relates to point sources only.

This authorization of the Clean Water Act also contains provisions often referred to as anti-backsliding sections. Deletion of House Section 402(p)(2)(E) is not intended to prevent permittees that have a zero discharge limitation from successfully having their permits modified to allow discharges if problems with operation and maintenance activities are encountered. For example, if a general permit required re-injection of produced waters in an oil and gas operation and subsequent promulgated guidelines rejected this technology, such general permits could then be modified based upon new information.

The Conferees also considered a series of issues related to the role of Indian tribes under the Clean Water Act. On the issue of authority under Section 303, there are questions similar to those in the interstate arena, concerning the relationship between water quality standards and permitting by tribal governments and how they might be reconciled, where necessary, with those set by states. Our agreement includes direction to the Environmental Protection Agency to develop a mechanism for dispute resolution in this context, as well as a requirement that certain factors be explicitly included in the disposition of all situations requiring resolution of any unreasonable consequences that may arise as a result of differing water quality standards that may be set by states and Indian tribes on common bodies of water. The factors that must be fully considered, in addition to other relevant factors, include the effects of differing water quality permit requirements on upstream and downstream dischargers, economic impacts, and present and historical uses and quality of the waters subject to such standards.

As the Senator most involved in developing the Conference Report language in this area, I am convinced that a workable situation will result from the application of this provision. In addition to the specific factors to be included in the resolution of such cases—factors which I believe will provide assurance to states and citizens concerned with the effects of new authority being granted to tribal government—we have provided that the mechanism be used to resolve "any unreasonable consequences" that may arise from differing water quality standards adopted by tribal governments. The term "any unreasonable consequences" is necessarily broad, and the intention of the Conferees in including this term is to have the dispute resolution mechanism (which includes the specified factors) triggered by a low threshold. This will serve the interests of the tribal governments and others who share in the hope that the Indian tribes provisions in this legislation can be made to work well. Nothing in this provision would interfere with existing private and state water rights.

With regard to general permit toxicity limits—I find it curious that the oil and gas industry is being subjected to different regulatory approaches in the EPA regions. For instance, EPA regions IX and X have issued general permits covering numerous offshore facilities which provide for the discharge of EPA approved muds and additives. While EPA regions IV and VI have also issued general permits, they reject this approach and require muds and additives to meet certain toxicity-base limitations. The difference between these approaches is that one sets up an end-of-pipe numeric limitation whereas the other controls what can be put into the pipe and later discharged.

There are other differences between EPA regions as well. Drilling muds and additives are subject to high pressure and temperature conditions "down hole" and frequently pick up materials from geologic zones drilled through. The existence of these factors and their precise affect upon the toxicity results is little known at the present time because of antagonistic and synergistic affects. So we can see that one operator could use certain drilling muds and additives and find out weeks later that his discharge violated the end-of-pipe numeric limits whereas a second operator could use the very same drilling fluids and additives and satisfy the same limit because of different underground conditions.

My hope is that EPA will correct this unfairness and adopt a logical, consistent, and common sense approach to regulating the discharges such as the approach being implemented by regions IX and X. I know of no persuasive reason why this should not be pursued by other EPA regions or why it should not be an essential element of EPA's soon to be promulgated effluent guidelines for this industry.

In conclusion, I would like to thank Senator Chafee for his fine efforts during the Clean Water Act conference. I would also like to thank Senator Bentsen for his role in the conference as well. Without the efforts of these two hard working Senators we would not be considering this conference report today.

Mr. SIMPSON. Mr. President, I was one of the original conferees during consideration of the Clean Water Act last year. All of the conferees worked hard and long to produce a bill which represented a true compromise between both houses of Congress. Unfortunately, we were working on the bill down to the end of the session and were rushed to complete action on the bill. The Senate conferees managed to get the best deal possible, but that still wasn't the very best deal in the construction grants department.

I fully support a strong reauthorization of the Clean Water Act, but I have serious reservations about levels of Federal spending which may be excessive. The administration has attempted to put together a Clean Water Act proposal which would reduce the authorization by $6 billion over 8 years. As responsible legislators, we should all support a measure that is essentially the same piece of legislation we passed last year but without the excess fat.

There are some very real needs in this country for new waste water construction projects especially where the Clean Water Act is mandating compliance with standards by municipalities. However, we are all familiar with the exceptional story where millions are spent to construct a waste water project and when it is completed it doesn't even function effectively. We had one like that in my own State—the GAO even did a report on it. The town of Thayne, WY, built a multimillion-dollar sewage treatment plant and allowed a cheese factory to put their waste water into it and it couldn't handle cheese waste. We ended up only with one great big stinky mess for the millions of dollars that were blown on that project.

The administration has proposed a responsible bill that saves $6 billion in authority and that is something that ought to get our attention. There are other features of the administration bill which deserve our attention. Moneys which are earmarked for first priority projects would go to construction activities related to Clean Water Act enforceable requirements and regulations. That way we would be certain to funnel the money to towns and cities that are potential violators of the Clean Water Act first.

In addition, States could use construction grant moneys for grants or loans. Thus, the States would have greater flexibility in administering their wastewater programs.

The administration bill provides that loan repayments could be used for categories of construction in the future which are broader than the initial criteria in the bill. This way, cities and towns would have funding for collector sewers and other wastewater accessory programs. The administration has presented a credible alternative to the high-priced Clean Water Program that was developed during the closing hours of the 99th Congress. If we are truly concerned about Federal spending and the Federal deficit and the environment, we should support the administration bill.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, I yield 2 minutes to the distinguished chairman of the committee, the Senator from North Dakota, who has played a major role in bringing this legislation forward.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. BURDICK. Mr. President, it is clear that the vote is concluded, the administration substitute offered by Senator DOLE will not prevail. The Senate will follow that vote with an overwhelming endorsement of H.R. 1.

In part that strong vote will be a tribute to the leadership and energy of the able floor manager, Senator MITCHELL, chairman of the Environmental Protection Subcommittee, and to Senator CHAFEE, who developed this bill as subcommittee chairman and leader of our conferees in the last Congress. I want also to thank the majority leader for his cooperation in making this bill the first business of the 100th Congress, and his work in encouraging strong Senate support for the clean water legislation.

The major reason for this overwhelming vote, however, is the fact that the American people want clean water. They believe that the sewage treatment funding contained in this bill is an investment, repaying the dividends of a clean environment for years. They know we can afford to make this investment. And the people have let us know they want this bill passed.

I hope that when this bill reaches the President, he will listen to the desires of the people. We are giving you a second chance, Mr. President. Sign this bill, as States and cities and the people at large are urging you to do. At least let this historic clean water legislation become law. In film-making there is always a "take two." It is not that often in legislation one has a second chance to do the right thing. Let this bill—unfinished business of the 99th Congress—become the first public law of the 100th Congress.

The PRESIDING OFFICER. The Senator has used 2 minutes.

The Senator from Maine.

Mr. MITCHELL. Mr. President, I am about to yield to the Senator from West Virginia and the Senator from New York. As I understand it, very little of the time by the proponents of the amendment has been used. The distinguished minority leader, the sponsor of the substitute amendment, has asked that only 15 minutes of their time be reserved for him to make a statement.

Therefore, I ask unanimous consent that I may yield to the distinguished majority leader and that the time he uses be charged against Senator DOLE's time and that the same be true of the statement by the Senator from New York, whose statement will follow.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished minority leader. I thank the Senator from Rhode Island, who is, at the moment, the acting Republican leader, and I thank the manager of the bill, Mr. MITCHELL.

I would prefer that Mr. MOYNIHAN go first under the arrangement.

Mr. MOYNIHAN. The distinguished majority leader is on the floor. I will learn from his remarks.

Mr. BYRD. I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I urge my colleagues to vote against the substitute to the Water Quality Act of 1987. The substitute is being offered by the Republican leader. I have spoken at some length over the last 2 weeks on the merits of H.R. 1 which is identical to legislation that was approved unanimously by both the House and the Senate during the closing days of the 99th Congress. H.R. 1 becomes even more significant when compared to the alternative being proposed by the administration in the form of the substitute, on which the Senate will shortly vote.

H.R. 1 provides $18 billion through fiscal year 1994 in aid to State and local governments for the construction of wastewater treatment facilities. By contrast, the substitute would provide $12 billion. The difference is significant. In my State of West Virginia, for example, local governments would receive $25.23 million less through fiscal year 1990 under the administration's substitute, based on an analysis provided by the Congressional Research Service.

There are other important distinctions that I urge Senators to keep in mind. H.R. 1 provides $8.4 billion through fiscal year 1994 to capitalize State water pollution control revolving funds. These revolving funds are critical to the process of providing State self-sufficiency, and of reducing, and ultimately eliminating, the Federal Government's role in providing assistance for the construction of wastewater treatment facilities.

H.R. 1 provides the seed money necessary to allow States to move toward a self-financing system for future construction. Considering that EPA has estimated that $109 billion will be needed by the end of the century in order to bring all communities into compliance with existing law, these revolving funds are essential if we are to maintain our commitment to clean water. The substitute does not set aside any money for these revolving funds, thus forcing the States to take dollars out of existing construction projects in order to establish them.

H.R. 1 allows loans from the revolving funds to cover 100 percent of project costs; the substitute would allow loans to cover only 55 percent of a project's cost. This would further disrupt State and local planning, by forcing communities to raise 45 percent of the needed funds from other sources.

Another important difference between the substitute and H.R. 1 involves nonpoint source pollution management. Nonpoint pollution may be the most important unresolved water pollution problem that we face. H.R. 1 would require States to develop programs to deal with nonpoint sources and would also provide $400 million to aid the States in setting up these programs. The substitute, however, would make a nonpoint source program totally discretionary and would provide nothing in the way of assistance to the States.

Mr. President, the administration's substitute is a very poor substitute. H.R. 1 has received broad support because it is important, timely, and effective legislation. Most significantly, this bill proves that we can have fiscal restraint without sacrificing the quality of our lives and the heritage we seek to preserve for our childeren.

I urge my colleagues to defeat the substitute and to support H.R. 1.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I would return briefly to a theme which I spoke to on the occasion that H.R. 1 was first introduced at the outset of this Congress.

This legislation passed unanimously in this body and in the House also at the end of the 99th Congress, and now has again overwhelmingly passed in the House. Before us is legislation that will bring to an appropriate conclusion a Federal program to clean up American water supplies that began in 1972 with passage of the Clean Water Act.

We are putting in place for one last 4-year period the Federal Grant Program. Then we will institute a revolving loan fund from which communities can borrow moneys which they repay, to form a perpetual fund to be used as long as necessary. With this act, Congress concludes an important period of environmental intervention.

In 1972 when we set out to establish a simple criterion that the navigable waters of the United States should be fishable and swimmable, we had in mind a program that would come to a conclusion when the job was done. The Federal Government mandated these standards, which the States are required to meet, and properly the Federal Government said, "We will assist in that effort."

Now we come to its final phase, one last round of grants, and then a continuing source of financing for the States to assume the obligation. Not to do this is to leave undone a problem which is doable, and which the Nation clearly—Congress after Congress, Presidency after Presidency—said it wants done. It is almost a matter of fading memory how very serious these matters were, and how badly we had polluted our waters when we first began this task. The distinguished Senator from Vermont spoke to the point that there was a time when if you fell into the Potomac River there was no point in climbing out again because you were thoroughly toxified by that very immersion.

At a NATO meeting on environmental matters in 1970 when I once remarked that all our nations had distinctions of which we were proud, and justly so, but that ours has a distinction which we were not necessarily proud of but which we surely thought was distinctive. We had a river that had caught fire. This river, Cuyahoga River which runs through Cleveland, was polluted. It literally caught fire. And the firemen with fire hoses had to come to put it out. Such incidents are behind us for the most part. Cleaning up and what is important is not just cleaning up but the idea of cleaning up to the standard of "swimmable and fishable." Now we know better and we do better and so we bring this Federal phase to an end.

The administration's legislation, S. 76, does not bring anything to a conclusion. It puts an inadequate amount of money into a grant program for the next 4 years, then provides nothing for a revolving loan fund to follow on as the distinguished majority leader has just observed.

One other point, Mr. President. To pass this legislation last year, we worked in a committee of conference lasting 12 months. I was a member of that conference, and it is a task you do not forget after spending that much energy and time. We agreed to assign $400 million to a program for control of nonpoint pollution. This is a more serious problem than we had first realized. We do not in any sense suppose we are going to resolve it for once and for all in this 4-year period. But we have identified it and we are going to address it.

In the process of learning about this problem, Mr. President, we already had notions of how waterways become polluted. We thought they were polluted through old, manmade discharge systems constructed in our communities. In the New York harbor where there are some of the cities on each side of the Hudson River there are still in use wooden sewers from the last 18th century, and from the early 19th century when iron was hard to come by and trees were not. They will serve. Some of them have served a century and a half or perhaps more.

But we have found as we proceeded to control those nonpoint discharges that they are not exactly that part of the lake or the river which is receiving the effluent. We found that even so, after controlling point sources certain kinds of pollution continued. We asked our experts in engineering and applied science, 'Why was it continuing?' Then, of course, it emerged that much pollution flows into waterways and lakes from fields and from roads. Agricultural fertilizer can be a source of such pollution. The Great Lakes have had great experience with that. For a long while, it looked as if in Lake Erie, the algae were growing so fast from the accumulation of fertilizers which spurred algae growth—that the algae gradually were using the lake's oxygen. This results in eutrophication, the dying of the lake. All lakes eventually over many hundreds and thousands of years die, but not in front of your eyes. That happened to Lake Erie. It has been reversed by our attention to this kind of detail.

The estuaries are a particular concern of ours with regard to nonpoint pollution because they are an especially delicate and wonderfully productive form of aquatic environment where saltwater and freshwater meet. They support all manner of aquatic organisms, many of which we utilize as seafood.

The Puget Sound is but one such setting. The Chesapeake Bay is another.

We are aware of the problem posed by nonpoint source pollution. We know there are environmentally-responsible people in the administration, but the bill that has come to us from the Office of Management and Budget does not address this question as we do, not as it need to be addressed.

We simply say that in the future this will be one of our concerns. We are going to complete the federally funded phase of this program, and will be very proud of what we have done. We are going to leave the waterways and the lakes of our country in a better condition than we found them.

I do not know how many parts of the environment about which we will be able to say that in this generation. But with respect to water we will be able to say, "We found it dirty and left it clean." That is something that this generation will be remembered for if we simply reject this substitute, and approve the legislation that we adopted last year, and pass H.R. 1.

Mr. President, allow me to review the goals of the Clean Water Act.

GOALS OF 1972 CLEAN WATER ACT

The Federal Water Pollution Control Act was enacted in 1972 with an exuberantly optimistic set of goals. By 1983 the act envisioned clean rivers throughout the Nation; by 1985 it sought to eliminate altogether the discharge of pollutants into our waters.

Two major strategies were embodied in the act to achieve these goals. First, a large Federal grant program was established to help local areas construct sewage treatment plants. According to the Congressional Budget Office, $52 billion—in 1984 dollars—total has been spent by the Federal Government on this construction grant program since 1972.

Second, the act required that all municipal and industrial wastewater be treated before being discharaged into waterways, to remove pollutants ranging from organic materials, bacteria, and viruses to toxic chemicals and heavy metals.

Under the act's National Pollutant Discharge Elimination System the Environmental Protection Agency established limits on the maximum allowable discharge of specific pollutants from treatment plants and industrial facilities. These limits were based on available detection and control technologies, and took into account the compliance costs to the regulated community. They are written into permits issued to all such discharging facilities.

Significant progress has been made toward cleaning up the Nation's waters. according to EPA's 1984 National Water Quality Inventory, many of the most severe pollution problems of the 1960's and 1970's have been abated. Moreover, despite substantial growth in the Nation's population, industry, and development, overall water quality remained roughly stable between 1972 and 1982—a major accomplishment. A 1984 study by the Association of State and Interstate Water Pollution Control Administrators found that of 350,000 miles of streams and rivers monitored during this period, water quality improved in 13 percent, stayed the same in 84 percent, and declined in only 3 percent. We have been doing something—several things—right.

The Clean Water Act Amendments of 1986 strengthen and add to our current statutes. I will review briefly the most important provisions in these amendments.

CONSTRUCTION GRANTS FOR SEWAGE TREATMENT PLANTS

S. 1 authorizes $18 billion in Federal support over 8 years for the construction grants program, on a 55 percent Federal, 45 percent State basis. This program enables construction and upgrading of sewage treatment plants. The goal is to have all sewage treatment plants achieve secondary treatment by 1988 (a process which removes 85 percent of solid and organic matter). In 1989, the revolving fund plan begins, the goal of which is to convert the States' construction grants program into a self-financing program. Such an approach has worked extremely well in Texas and other States. The Governor will have the discretion to apportion grant funds and loan funds in order to meet the particular needs of his or her State. With wise planning, the States should make this transition without any disruption in their current schedules of priority work.

I am pleased that the current allocation formula for construction grants has been left virtually in place. This formula, which is based on the current EPA needs survey, correctly reflects the immediate needs in our urban areas in the Great Lakes and Chesapeake Bay regions. Our older cities place the greatest population pressures on the water systems, which also tend to be the oldest systems. New York receives $268 million annually under this allocation.

NONPOINT SOURCE POLLUTION

This bill provides $400 million to initiate the first national program to control nonpoint source pollution, primarily runoff from agriculture and urban areas. Scientists at EPA have determined that nonpoint source pollution (pollution not from a single pipe or outfall) is a significant contributor to degradation of water quality. This includes runoff contaminated by fertilizers and other chemicals, as well as runoff from city streets which often contain high levels of salts and oils.

As part of this effort, conferees worked diligently with cities and counties as well as with environmental groups to devise a stormwater permit system what would improve water quality without being too costly or too cumbersome for EPA to administer. A recent court decision had ordered EPA to issue permits for virtually all storm sewers, which would have required EPA to issue 50,000 more permits on top of the 65,000 point source permits EPA already issues. This would have diverted EPA personnel efforts from control of toxic contaminants in water to a paper shuffling exercise that would not result in environmental improvements in most cases. The conference agreed on a provision which would require permits from industrial discharges to storm sewers, and from cities over 250,000 in population where those discharges are significant contributors to pollution.

CLEAN LAKES PROGRAM

S. 1 provides $85 million for a Clean Lakes Program which States can use to clean up silted lakes, and to lime acidified lakes.

ESTUARIES PROGRAM

The bill provides $48 million for an Estuary Research Program, which identifies several estuaries of national importance, including New York and New Jersey Harbor. Under this provision EPA can offer up to $10 million per year on a 50-percent matching basis to States to study and implement cleanup in the New York-New Jersey Harbor area.

BAN ON DUMPING OF SLUDGE IN THE NEW YORK BIGHT

The bill bans as of December 1987 any additional users from dumping sewage sludge in the New York Bight 12 miles off Sandy Hook, NJ. The bill also restricts the use of the site 106 miles off the coast to those currently using the 12-mile site.

FUNDS FOR BOSTON TREATMENT PLANTS

S.1 includes $100 million to fund sewage treatment plants in Boston Harbor, assisting Boston in complying with its court-ordered directive to stop dumping sludge in the ocean.

GREAT LAKES OFFICE

The conferees agreed to establish a Great Lakes International Coordination Office within EPA to focus on control of toxic pollutants and achievement of goals in the Great Lakes Water Quality Agreement of 1978. The bill also establishes a Great Lakes Research Office with the National Oceanic and Atmospheric Administration to carry out a comprehensive Great Lakes research program, with special attention to sediment control projects.

The Great Lakes office program includes an $11-million annual authorization from 1987 to 1991 for a data base for monitoring and cleanup of the water quality of the lakes, and for priority cleanups of contaminated sediments in five target areas in the Nation, one of which is the Buffalo River in New York.

TOXIC HOTSPOTS

The Clean Water Act Amendments of 1987 establish a new "toxic hotspot" program which requires EPA and the States to work together to identify toxic hotspots which require special attention and additional controls. EPA has already tentatively identified 34 of these areas which may require more stringent controls than the "best available technology" standard currently mandated by the act. Albany, Rochester, and Syracuse were areas in New York listed by EPA for this priority attention. In addition, the International Joint Commission has identified 42 areas of concern for toxic pollutants in the Great Lakes. These include the Buffalo River, Eighteen Mile Creek, Rochester Embayment, Oswego River, Niagara River and St. Lawrence River in New York. EPA will review the IJC's recommendations in augmenting its toxic hotspot program.

CLEAN WATER IN NEW YORK

If this legislation passes, which we have every confidence it will, New York will receive $268 million annually in Federal grants through 1990, or nearly $1.1 billion of the $18 billion authorized across the Nation. This is the highest annual amount received by any State. (California is the next highest recipient at $173 million annually; New Jersey receives $99 million, and Connecticut $30 million.)

Without this legislation, a number of New York treatment facilities will be unable to meet the July 1, 1988, deadline mandated under the act for secondary treatment. The Office of the Attorney General of New York has already begun to notify municipalities which may not be able to meet their compliance schedules.

I need not remind New Yorkers of our dependence on clean water. The striped bass in the Hudson are too contaminated to be eaten safely. Long Island's aquifer which is the drinking water for 3 million people is being depleted and polluted. And under New York City's streets old leaky water mains reluctantly disperse water to city residents.

Passage of the Clean Water Act Amendments of 1987 must be the cornerstone of our Federal water policy. The 99th Congress passed the Safe Drinking Water Act, which strengthened EPA's capacity to protect and to improve our country's drinking water supplies. The Safe Drinking Water Act contains the Sole Source Aquifer Protection Act, which I first introduced in 1982, designed to protect irreplaceable aquifers such as the one on Long Island. Together with national ground water legislation, which I am also introducing in the 100th Congress, these statutes will provide a comprehensive approach to maintaining and improving our water. We cannot afford to wait until these waters are polluted. It is much more expensive to clean up water—particulary ground water—after contamination than to prevent it in the first place.

Mr. President, I ask unanimous consent that certain information which I am submitting pertaining to this matter be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPENDIX A

ESTIMATE OF FEDERAL CONTRIBUTION TO PRIORITY WATER TREATMENT FACILITIES IN NEW YORK STATE

	Estimated total cost	Estimated Federal share
Project (FY 1987):		
Ft. Covington (St. Lawrence County)	$2,726,000	$1,499,300
Village of Oxford (Chenango County)	4,610,600	2,535,830
Village of Gowanda (Cattaraugus County)	9,700,000	5,335,000
Village of Croghan (Lewis County)	2,700,000	1,485,000
Schuylerville (Washington County)	1,268,500	697,675
Cuba (Allegany County)	2,900,000	1,595,000
Cedar Creek Sewage Plant (Nassau County)	48,000,000	36,000,000
Mamaroneck Sewer District (Westchester County)	8,625,000	4,743,750
Dewey Eastman Tunnel (Monroe County)	24,300,000	13,365,000
City of Gloversville (Fulton County)	6,170,000	3,393,500
Batavia (Genesee County)	28,776,000	15,826,000
Buffalo (Erie County)	5,589,565	3,074,261
South Glens Falls (Saratoga County)	3,500,000	1,925,000
Chautauqua (Chautauqua County)	440,477	310,457
Binghamton (Broome County)	11,831,300	6,507,215
Cheektowaga (Erie County)	872,765	654,564
Cheektowaga (Erie County)	263,050	144,678
Great Neck (Nassau County)	16, 277,681	8,952,724
Great Neck (Nassau County)	2,990,776	1,644,927
Westchester County (New Rochelle)	650,000	487,000
Greece (Monroe County)	1,043,500	573,925
Rochester (Monroe County)	13,500,000	10,125,000
LeRoy (Genesee County)	437,333	328,000
Owls Head (Brooklyn)	14,816,963	11,112,722
Do	48,588,494	36,441,370
Do	53,119,363	39,839,523
Oakwood Beach (Staten Island)	49,000,000	26,950,000
Do	5,000,000	3,750,000
Project (after 1987):		
Oakwood Beach (Staten Island)	100,000,000	NA
Owls Head (Brooklyn)	87,000,000	NA
Coney Island (Brooklyn)	280,000,000	NA
Bay Park (Nassau County)	53,000,000	NA
Mamaroneck (Westchester County)	116,000,000	NA
Rochester (Monroe County)	27,000,000	NA
Oriskamy Falls (Oneida County)	4,300,000	NA
Stillwater (Saratoga County)	1,300,000	NA
Bolivar (Allegany County)	2,200,000	NA

APPENDIX B

Attached is a detailed summary of the toxic hotspot provisions of the Clean Water Act Amendments, S. 1128 in the 99th Congress, S. 1 in the 100th Congress. Included is a list compiled by EPA in 1982, which EPA will augment under the new Act. EPA may add to its toxic hotspot list based on recommendations by the U.S.-Canadian International Joint Commission, which has identified 42 areas in the Great Lakes in the U.S. and Canada which are badly contaminated.

Source.—Northeast Midwest Institute, Eric Schaeffer, (202) 544-5200.

II. TOXIC HOTSPOTS (S. 1128)

Background

There are two primary approaches to controlling water pollution under the Clean Water Act. The first is to measure the quality of water into which pollutants are being released, to determine which industries are responsible for the pollution, and to require those parties to reduce their discharges by the amount needed to make the water at least "fishable and swimmable." The second is simply to require all industries to reduce their discharges to a predetermined level, based on the best pollution control that is economically achievable. The latter, "best available technology" (BAT) standard has been the exclusive method of regulation thus far, due to the technical difficulty of water-quality based permitting.

However, it has become clear that in certain areas, the water may remain unacceptably contaminated with toxic pollutants even after all the industries have applied BAT. In 1982, the EPA tentatively identified 34 of these areas; the 19 in the Northeast and Midwest are identified below.

Hartford, Connecticut; Gary, Indiana; Des Moines, Iowa; Pittsfield, Massachusetts; Springfield, Massachusetts; Midland/Saginaw, Michigan; Minneapolis/St. Paul, Minnesota; Passaic, New Jersey; Albany, New York; Rochester, New York; Syracuse, New York; Canton, Ohio, Dayton, Ohio; Lima, Ohio; Youngstown, Ohio; Allentown, Pennsylvania; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; Scranton, Pennsylvania.

EPA stressed that the identification was preliminary, stating that "The list was compiled not from water samples but rather through paper and pencil calculations on toxic pollutants that may be present, based upon the industries that discharge to these waterways and the amount of toxic pollutants they discharge."

The U.S.-Canada International Joint Commission has identified 42 areas of the Great Lakes shoreline in the U.S. and Canada that are badly contaminated by toxic pollutants. It is possible that some of these areas on the U.S. side may eventually be listed for regulation under the toxic hotspot provision established by the conference report. Attachment 2 provides a list of the locations of the 42 "areas of concern" identified by the IJC, and their sources of contamination.

Conference report

The conference report requires EPA to develop guidelines for use by states in identifying those areas (1) where water quality would remain below the acceptable standard (2) due primarily to toxic pollution from industrial discharges (3) after those industries had applied to their plants the best available technology for controlling pollution. The states then would have two years to identify the areas within their jurisdictions that fell under the federal guidelines. EPA would be required to identify any toxic hotspots within a state that failed to meet the deadline.

States then would have another two years to develop individual control strategies to further limit pollution from point sources, and an additional three years to bring water quality to the required standard by putting those strategies into effect. EPA would be required to develop and implement control strategies for those states that failed to meet the deadline. The conference report would allow the agency to waive the more stringent point source requirements for no more than five years for industries that could show that (1) the current control technology was the maximum economically feasible for that industry and (2) that it was sufficient to make "reasonable further progress" toward meeting water quality standards.

Part of the problem with water quality based permitting is that EPA has lagged behind in developing criteria that can be used to develop effective water quality standards. The conference report would require EPA to develop those criteria within three years of enactment, and would require states to incorporate them into the water quality standards upon which individual control strategies would be based.

III. GREAT LAKES (S. 1128)

Background

The National Academy of Sciences (NAS) reported last year that the population of the Great Lakes basin was exposed to appreciably more toxic substances than that of the U.S. as a whole, due in part to the consumption of contaminated fish from the area. The report criticized EPA's neglect of the U.S.-Canada Water Quality Agreement, a comprehensive treaty establishing ambitious goals for the elimination of toxic discharges to the Lakes. The NAS critique reflected concerns raised by the General Accounting Office in the latter's 1982 report highlighting the disorganization and underfunding characterizing U.S. Great Lakes programs.

Conference report

The conference report includes a title establishing for the first time a comprehensive U.S. program for the cleanup of the Great Lakes. The amendment provides explicit congressional recognition of the Water Quality Agreement, and designates EPA's Great Lakes National Program Office (GLNPO) as the lead agency responsible for U.S. compliance with the agreement. GLNPO would have to establish a toxics monitoring and surveillance network for the lakes, and to develop and coordinate a multi-agency program for cleanup.

ATTACHMENT 2.—SOURCES OF POLLUTION FOR GREAT LAKES AREAS OF CONCERN

Area of concern	In-place pollutants	Industrial point sources	Municipal point sources	Urban nonpoint	Rural nonpoint	Combined sewer overflows	Waste disposal sites	Unknown
Peninsula Harbour, Ontario	X	X						
Jackfish Bay, Ontario	X	X						
Nipigon Bay, Ontario	X	X						
Thunder Bay, Ontario	X	X						
St. Louis River, MN	X							X
Torch Lake, MI	X	X						X
Deer Lake-Carp River, MI	X							
Manistique River, MI	X	X	X					
Menominee River, WI/HI	X							
Fox River/South Green Bay, WI	X	X	X					
Sheboygan Harbor, WI	X							
Milwaukee Estuary	X	X	X	X	X	X		
Waukegan Harbor, IL	X							
Grand Calumet River/Indiana Harbor Canal, IN	X	X	X	X		X		
Kalamazoo River, MI	X							
Muskegon Lake, MI								
White Lake, WI		X						
Saginaw River/Saginaw Bay, MI	X	X	X					
Collingwood Harbour, Ontario	X		X					X
Penetang Bay to Sturgeon Bay, Ontario			X	X	X			
Spanish River, Ontario	X	X						
Clinton River, MI	X	X	X	X	X	X		
Rouge River, MI	X	X	X	X	X	X		
Raisin River, MI	X	X	X	X	X	X		
Maumee River, OH	X	X	X	X	X	X		
Black River, OH	X	X	X	X	X	X		X
Cuyahoga River, OH	X	X	X	X		X		
Ashtabula River and Harbor	X	X		X				
Wheatley Harbour, Ontario	X	X	X					X
Buffalo River, NY	X	X	X	X		X		X
Eighteen Mile Creek, NY	X	X		X		X		
Rochester Embayment, NY	X	X	X	X		X		
Oswego River, NY	X	X	X	X		X	X	
Bay of Quinte, Ontario		X	X	X				
Port Hope, Ontario	X						X	
Toronto Waterfront, Ontario	X	X	X	X		X		
Hamilton Harbour, Ontario	X	X	X	X		X		
St. Mary's River, Ontario/Michigan	X	X	X	X		X		
St. Clair River, Ontario/Michigan	X	X	X			X		
Detroit River, Ontario/Michigan	X	X	X	X	X	X		X
Niagara River, Ontario/New York	X	X	X	X		X	X	
St. Lawrence River, Ontario/New York	X	X		X		X	X	

Source: Great Lakes Water Quality Board, 1985 Report on Great Lakes Water Quality, report to the International Joint Commission.

The amendment earmarks $14.5 million for creation within the National Oceanic and Atmospheric Administration of a comprehensive environmental data base for the lakes, so that research gathered painstakingly through dozens of individual projects would be "banked" for future use. The amendment also earmarks $22 million for a special program to begin the task of cleaning up sediments contaminated by toxic pollutants at the Great Lakes areas of concern identified by the International Joint Commission.

These contaminated sediments are a prime source of the toxics infesting Great Lakes fish, and may be stirred up and released into the water by shipping or dredging activities. Five sites are mentioned specifically for demonstration cleanup to ensure that the program gets off the drawing board and to give Congress a basis for evaluating the agency's progress. The five sites are:

Sheboygan Harbor, Michigan
Saginaw River, Michigan
Grand Calumet Harbor, Indiana.
Ashtabula River, Ohio.
Buffalo River, New York.

GREAT LAKES PROGRAM IN CLEAN WATER ACT H.R. 1

SOURCE: CONFERENCE REPORT S. 1128 (S. 1 IN 100TH CONGRESS)

Conference substitute

The conference substitute contains a statement of purpose which is to achieve the goals embodied in the Great Lakes Water Quality Agreement of 1978. It establishes the Great Lakes National Program Office within the Environmental Protection Agency and specifies the duties and responsibilities of the Program Office.

The Program Office is to: develop and implement action plans to carry out the duties of the United States under the Great Lakes Water Quality Agreement of 1978; establish a system-wide surveillance network; coordinate the activities of the Environmental Protection Agency with respect to the Great Lakes; to work with other Federal agencies to achieve the objectives of the Agreement.

The Program Office is to develop a five-year plan for reducing the amount of nutrients that enter into the Great Lakes and shall incorporate into that plan management programs for nonpoint sources of pollution developed pursuant to section 319 of this Act.

The Program Office is to conduct a five-year study of methods to remove toxic pollutants from the Great Lakes with emphasis on the removal of toxic pollutants from bottom sediments. Demonstration projects at Saginaw Bay, Michigan; Sheboygan Harbor, Wisconsin; Grand Calumet River, Indiana; Ashtabula River, Ohio; and Buffalo River, New York are to receive high priority under this program.

The annual budget submission of the Agency to the Congress is to include a line item for the Great Lakes Program Office. At the end of each fiscal year the Administrator is to submit to the Congress a comprehensive report on the achievements of the Program Office during the preceding fiscal year.

The conference substitute establishes a Great Lakes Research Office in the National Oceanic and Atmospheric Administration. The Research Office is to identify issues with respect to Great Lakes water quality on which research is needed and is to compile an inventory of on-going research on those questions. The Research Office is to develop a comprehensive data base for the Great Lakes System and may conduct research and monitoring activities.

For each fiscal year the Program Office and the Research Office are to prepare a joint research program. The head of each Federal department, agency or instrumentality which is engaged in programs or activities which may have an impact on the quality of the Great Lakes shall submit an annual report to the Administrator of the Environmental Protection Agency with respect to those activities and their effect on compliance with the Great Lakes Water Quality Agreement of 1978.

The conference substitute provides an authorization to the Administrator of the Environmental Protection Agency of $11,000,000 for each of the fiscal years 1987 through 1991 to carry out the provisions of this section. Of the amounts appropriated, 40 percent is to be used by the Program Office to demonstrate the control and removal of toxic pollutants; 7 percent is to be used for nutrient monitoring; and 30 percent is to be transferred to the Research Office for its programs.

Mr. MITCHELL. As I understand the time situation, the vote will occur at 4 p.m. Senator DOLE has reserved to him the time between 3:45 and 4 p.m., the final 15 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. MITCHELL. Therefore, that leaves approximately 2 minutes which I shall now use to sum up in behalf of the opponents of the substitute amendment.

Mr. President, this amendment in the nature of a substitute proposes to spend $12 billion over 8 years as opposed to the $18 billion over 9 years in the House bill now pending before us. The House bill was unanimously approved by the House and Senate last year prior to its unfortunate veto by the President.

The $18 billion is a small fraction of the total needs for sewage treatment and water pollution cleanup in this country. It is, itself, a compromise, a very substantial compromise.

Second, the administration's substitute would undermine the nonpoint pollution provisions of the bill, a substantive provision dealing with what the Reagan administration's own EPA says is over half of the remaining problem in terms of water pollution in this country.

Finally, on the principal issue of cost, the President says, "We cannot afford to clean up American waters." He says, "We have to cut the amount of money being spent here, even though it is less than what is needed, even though it is within the budget resolution."

Yet, at the very same time the President proposes a massive multibillion dollar increase in foreign aid. There are his priorities.

We cannot afford to clean up America's waters, but, he says, we can afford to increase by billions of dollars the amount of foreign aid the United States is doling out all over the world. Indeed, the President proposes to spend in 1 year on foreign aid almost as much as the Congress proposes to spend in 9 years to keep American waters clean.

So, Mr. President, I say the Senate should reject this substitute and the Senate should vote overwhelmingly in favor of H.R. 1. I, along with my distinguished colleague, Senator CHAFEE, urge the President not to again veto this legislation but to sign it and move forward and claim victory, which the President is well entitled to do.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHAFEE. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I wish to make three quick points. First, the administration bill does not abide by the commitment that was made in 1981 that $2.4 billion be allocated for waste treatment facilities for clean water each year for 10 years.

Second, the administration bill does not provide for coverage for the nonpoint source pollution, as was mentioned by the distinguished Senator from Maine.

Finally, the administration bill does not provide for putting money in the revolving fund, which is so essential to getting this program on a sound footing.

I hope that the administration proposal will be rejected, that H.R. 1 will be approved unanimously, and that the President will sign it.

The PRESIDING OFFICER. Under the previous order, the minority leader is recognized.

Mr. DOLE. Mr. President, we are going to have a vote here in about 12 minutes. I know this matter has been before the Senate. I know there is a great deal of interest in not doing anything other than what we did last year. I supported the bill last year. The record is clear. Everybody that I know of is for clean water. Some are in this Chamber and some are not in the Chamber.

So that is really not the argument. I guess it is a question of fiscally responsible.

I would like to think that we could pass the substitute, that it would be signed by the President, and there would be another $12 billion, which would be an increase of $6 billion over the effort last year by the administration. It would send a rather strong signal.

I know there is not much time left, but I would hope that my colleagues have at least had the time to take a look at the two proposals, H.R. 1 and the so-called Dole substitute, and understand the reason for a Federal

Clean Water Act in the first place. I think then the substitute comes out the winner.

Way back in 1972, the Congress addressed the serious need to help eliminate the backlog in constructing secondary wastewater treatment facilities. That backlog amounted to a need for $18 billion from the Federal Government, and the Federal Government met that need.

But then the Clean Water Act became just like every other well-intentioned program around here. It became immortal. We have now spent $47 billion on the program since 1972, and I am proposing we spend another $12 billion for a total of $59 billion on clean water.

As I view it, the question is not whether wastewater treatment plants must be built and operated; the question is, Who should pay for it?

Do not get me wrong. I like mayors. Some of my best friends are mayors. But if you ask the mayors if they want some free money, they are going to say, "Yes; we would rather have it from the Federal Government because we cannot afford to raise it locally."

But none of them have a $2 trillion debt. None of them pay $200 billion on interest on the debt as we did in the Federal Government last year.

It seems to me that Federal programs have become a narcotic. First the recipients want it. The next time around they need it. After that, recipients will tell you almost anything so they can still continue to receive everything that they want and more. Suddenly, instead of achieving our real policy goals, we simply keep worrying about the folks back home. That is the game. We all know it and the water bill is no different.

Maybe we have lost sight of our real goal, but it seems to me that $12 billion is a great deal of money. Maybe not when you look at our debt, maybe not when you look at some of the other programs like agriculture, defense, or whatever it might be.

But let me turn to one specific difference in the two proposals before us today, nonpoint source pollution.

H.R. 1 contains Federal land use planning, pure and simple. Proponents of the bill cry foul at the charge and argue that States have a choice whether to suffer this indignity.

Maybe they are right. This is worse than a straight Federal land use planning. It is Federal land use planning cleverly disguised in a bait and switch proposal.

What we are being asked to approve is a plan to dangle $400 million in front of the States. But once the States drink from this cup, they find it has been poisoned—poisoned with Federal controls.

The bill would give the EPA Administrator the authority to regulate development, plan highways, administer the farm bill, and run our Nation's forests, parks, and rangeland. If we would just add defense, and foreign policy, we would have an EPA Administrator with more power than a king.

Granting Federal land use planning has been attempted many times in the past, in well-intentioned but badly flawed proposals, to address a wide variety of ills. It has been wisely rejected in the past, and should be today.

STATES RIGHTS

The first 10 amendments to the Constitution, which comprise the treasured Bill of Rights, grant important freedoms to our citizens. The 10th amendment is as important as any other. It states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

I find nowhere in the Constitution the reservation of the right of the Federal Government to dictate the use of private land. Yet, proponents of H.R. 1 would have us establish a program that will result in developers and environmentalists from throughout the land beating on the doors of EPA to have projects approved or to have land protected.

I hope that in our rush to override the veto in an effort, I think very properly, to demonstrate to the American people that we are concerned about our Nation's water supply, that we are concerned about clean water, we would at least focus on where we get the money.

Congress has changed. I have congratulated my Democratic colleagues a number of times, because they are now in the majority. I assume that that majority may do pretty much what the Republican majority did with this bill; they are probably going to vote for it. I had hoped that perhaps there would be more of a focus and maybe an effort by my Democratic friends to find some way to also look at the Federal deficit while they look at the programs.

I know there has been a lot of work on this particular measure. It has been bipartisan. There have been stars on both sides of the aisle in both the House and the Senate who have worked and worked and they do not want anything to happen to this bill because they feel it might fall apart, whether it be in conference or somewhere else. As I said, having voted for it, I can understand the support it has.

I am also concerned, as the President is concerned and the administration is properly concerned, about how we pay for it, maybe $12 billion or $18 billion does not make that much difference. Maybe the President will say it is not going to happen on his watch; he will be gone; 1988 will be behind him, let someone else worry about it. But I still would like an answer to my question of last week: If $18 billion is good, why not $25 billion, or $30 billion, or $40 billion? I think what we have tried to do in the substitute—maybe it is not perfect, maybe it ought to be revised, but we have tried at least to tone down a bit the amount of money spent. So the division here is over the amount of money the Federal Government should contribute until that time.

Will $12 billion do the job? I think at some time, as I have said, we need to address the deficit. I assume we will later on. We could start today. We could save the taxpayers, at least for a while, $6 billion.

There has also been the statement made that if we authorize only $12 billion—only $12 billion—instead of only $18 billion, we will force the cities to miss their 1988 compliance deadline required by the Clean Water Act. However, the effect of both H.R. 1 and the Dole substitute on the 1988 compliance deadline is the same—none.

Both bill provide sufficient funds for all cities to meet the compliance requirements of the act. EPA estimates this to be from $8 billion to $10 billion.

But, any city's ability to meet those requirements by 1988 depends on funds appropriated several years ago, not funds contained in these bills. Sewage treatment funds spend out very slowly, because treatment plants take years to design and build. Those that cannot now meet the 1988 deadline will not be helped by these bills.

There is absolutely no linkage between any mandate of the act and the availability of Federal funds. Like any other discharges of pollutants, cities are responsible for meeting enforceable provisions of the Clean Water Act, regardless of the availability of grants.

SIMILARITIES

It may seem to some that I am offering a dirty water act, instead of a Clean Water Act because we only go for $12 billion. Let me remind them that the two bills have more identical provisions than differences. Some of the identical items include:

Funding allotment formula, estuaries, stormwater permits, toxic chemicals, coal remining, civil penalties, administrative penalties, sewage sludge handling, Great Lakes programs, entry for inspection, marine sanitation devices, clean lakes, deadlines, permit terms, variances, enforcement, judicial review, ocean discharges, removal credits, and citizen suits.

So we do have a choice today, I think a choice between two good bills. That is how I would like to end my statement. Again I suggest, there are many on this floor and many on the committees who have a much more basic understanding, but I think we have a choice between two good bills. I think the differences are that mine is one that we can afford. Maybe not striking differences, but at least something that ought to be acknowledged. I believe that both will ensure clean water. We can start this Congress off on the right foot or shoot the budget in the foot. It seems to me that is the basic choice we have to make.

We have not had many votes this year. I know that this bill passed last year. I know it was unanimous. I know the President struggled for some time, or at least there was a lot of discussion at the White House whether or not it should have been vetoed. The President also signed Superfund legislation against the advice of some of the administration because of some of the taxes and the way it was paid for. So I think the impression is clear, at least should be clear, that Ronald Reagan has not resisted either clean water legislation or any other legislation that might affect the cleanup of waste sites, that might affect the environment.

We have had a number of pieces of legislation that have passed Congress and been signed by the President. So I suggest that this is not just an arbitrary veto by the President. I think he understands fully the need to move on with the work. As I say, $47 billion since 1972. We are about to add another 12. If we cannot win on the 12, I assume there will be another $18 billion added. Then the President will be required to make a judgment again on whether to veto the bill.

I hope that in the demonstration of our efforts to underscore our concern for the fiscal problems we have, we could demonstrate early on in this Congress that we are sincere, that we are concerned, that we understand the problem; that we know clean water is important, that we would like to work with our city officials. We have respect for the mayors across the country, but we have a problem, too. Our problem is that the American taxpayers want us to stop spending money we do not have.

We do not have it. We will have to borrow it. We will be in here sometime this year trying to extend the debt ceiling so we can go out and borrow more money for more programs.

I say to my colleagues on both sides of the aisle. I think this one vote on the substitute may set the tone for the votes in the next several months. If we cannot restrain ourselves in talking about spending $12 billion, then we may not be able to turn down any spending program for the foreseeable future.

The PRESIDING OFFICER. Under the previous order, the hour of 4 o'clock having arrived, the Senate will now vote on amendment No. 1. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] is absent due to illness.

The PRESIDING OFFICER (Mr. BREAUX). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 17, nays 82, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—17

Armstrong
Cochran
Dole
Exon
Garn
Gramm
Hatch
Hecht
Heflin
Helms
Kassebaum
McClure
Nickles
Simpson
Symms
Thurmond
Wallop

NAYS—82

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Ford
Fowler
Glenn
Gore
Graham
Grassley
Harkin
Hatfield
Heinz
Hollings
Humphrey
Inouye
Johnston
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stafford
Stennis
Stevens
Trible
Warner
Weicker
Wilson
Wirth
Zorinsky

NOT VOTING—1

Bond

So the amendment (No. 1) was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BURDICK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will now have a rollcall vote on adoption of H.R. 1.

The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON announced that the Senator from Missouri [Mr. BOND] is absent due to illness.

I further announce that, if present and voting, the Senator from Missouri [Mr. BOND] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—93

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Trible
Warner
Weicker
Wilson
Wirth
Zorinsky

NAYS—6

Armstrong
Gramm
Helms
Nickles
Symms
Wallop

NOT VOTING—1

Bond

So the bill (H.R. 1) was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BURDICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORRECTION TO THE ENROLLMENT OF H.R. 1

The PRESIDING OFFICER. Under the previous order, the Senate will now turn to the consideration of a concurrent resolution containing the substance as shown in House Concurrent Resolution 24, which the clerk will now report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 24) to make a correction, relating to phosphate fertilizer effluent limitation, in the enrollment of the bill H.R. 1.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. Time for debate on this concurrent resolution is limited to 20 minutes, to be equally divided between the Senator from Maine, Mr. MITCHELL, and the Senator from Rhode Island, Mr. CHAFEE.

The Senator from Maine is recognized.

Mr. MITCHELL. Mr. President, I rise in support of the resolution to clarify the Water Quality Act.

This resolution will clarify and correct section 306(c) of the Water Quality Act relating to several fertilizer facilities in Louisiana.

I want to commend the Senator from Louisiana, Senator BREAUX, for his determined efforts to address this question.

This provision has resulted in some public concern and I believe it is important that we pass this resolution to put those concerns to rest.

The resolution directs the Administrator to issue "best professional judgment" permits to specified facilities under the authority of section 402(a)(1)(B) of the act. Such an action would follow action by the Administrator to revise the applicability of the effluent limitation established under section 301(b) of the act as it applies to these facilities.

Concern had been expressed that the provision in the Water Quality Act would require that a permit be issued for the discharge of gypsum into navigable waters. The resolution before us clarifies that no such requirement is intended.

The resolution will not change the standards or procedures used by the Administrator, or decrease the discretion of the Administrator, in issuing permits under section 402(a)(1)(B) of the act.

Further, the resolution does not in any way compel the State of Louisiana to concur in the issuance of such permits. The State retains its authority to deny or condition certification under section 401 of the act for such permits. The Federal permit lacks force or effect in the absence of State certification and concurrence.

In conclusion, Mr. President, I am pleased to have the opportunity to clarify that it is not our intent to in any way encourage or sanction the issuance of permits by EPA which would provide for the discharge of gypsum waste to waters.

Thank you, Mr. President.

Mr. President, I yield 5 minutes to the distinguished junior Senator from Louisiana, Mr. BREAUX.

The PRESIDING OFFICER (Mr. HEFLIN). The Senator from Louisiana is recognized.

Mr. BREAUX. I thank the Chair.

Mr. President, the resolution that we are now considering is identical to a resolution that has been passed previously by the House. This resolution is intended to correct and clarify a section of the Clean Water Act, section 306(c) of H.R. 1. This provision, which was also passed in the bills that were adopted last year, affected four fertilizer plants located solely in the State of Louisiana. The corrected language that is contained in this concurrent resolution merely clarifies that any permits that would be issued by the EPA administrator would not necessarily require the dumping of gypsum into the Mississippi River under any permit that would be issued.

In addition, it does not affect the authority of the State, which is contained in current law, allowing them to override any action on the part of EPA, nor does it in any way change the standards by which these permits must be considered. The best professional judgment is still the standard that has to be used and it does not, in addition, alter the right of any party to challenge the permits using established administrative and judicial appeal.

I know my senior Senator from Louisiana has worked hard with this Senator and other Members of the House to get this clarifying language contained in the legislation. I can report to our Senate colleagues that environmental groups, as well as the industries involved, as well as the State have signed off on this language. It merely clarifies the intent which would allow for these permits to be disposed of but not to subtract the standard by which they have to be judged in any manner.

The PRESIDING OFFICER. Who yields his time?

Mr. MITCHELL. Mr. President, I yield 2 minutes to the senior Senator from Louisiana.

The PRESIDING OFFICER. The senior Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, I am delighted to join with my colleague in sponsoring this amendment. It is rare, Mr. President, when you can get a matter of such controversy and such strong feeling as we had on this amendment initially and resolve it so successfully and with such complete harmony. But that has been done on this amendment, Mr. President.

This amendment is signed on to by the State of Louisiana, by the city of New Orleans, by the Sewage and Water Board, by the Environmental Protection Agency, by environmental groups and by everybody else that I know anything about, because it serves the purposes of keeping a clean environment.

It maintains the authority of the State to veto permits. It provides for the best professional judgment standard which is the standard that ought to be applied in the question of what should be done with gypsum, the waste, the discharge into the river, as well as to the storage on the bank.

So, Mr. President, it is a very happy circumstance that everyone can unite in doing the right thing for both the environment and I might add to put out some very hot political fires at the same time.

So I congratulate all who are involved with this, particularly my colleague, and our colleagues in the House. I am glad to be part of it.

(Mr. BREAUX assumed the chair.)

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I have reviewed the concurrent resolution. There is no objection to it on this side of the aisle.

Mr. President, I yield back the balance of my time.

The PRESIDING OFFICER. Does the Senator from Maine yield back the remaining amount of his time?

Mr. MITCHELL. Mr. President, I yield back the balance of my time. I know of no opposition to this concurrent resolution nor has there been any request for a rollcall vote. I, therefore, move the adoption of the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HUMAN RIGHTS POLICIES OF THE SOVIET UNION

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Senate Concurrent Resolution 8, which the clerk will report.

The bill clerk read as follows:

Calendar No. 5, a concurrent resolution (S. Con. Res. 8) relating to the current human rights policies of the Soviet Union.

The Senate proceeded to consider the concurrent resolution.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, there is no time allotted on this resolution. I ask unanimous consent to proceed for not to exceed 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, this will be the last rollcall vote today. If we are able to secure a unanimous consent to proceed on tomorrow to the various committee funding resolutions, there will be no session on Friday. The leadership on this side and the leadership on the other side are presently working to get unanimous consent to take up the funding resolutions on tomorrow, notwithstanding the fact that they will only be reported from the Committee on Rules and Administration tomorrow morning.

So I simply say that we may have a rollcall vote tomorrow or we may not. We will know more about that later in the day, hopefully. If we can determine that there will be no rollcall votes tomorrow on the funding resolutions, we will attempt to say so before the day is over.

I thank the Chair. I thank all Senators.

Mr. LAUTENBERG. Mr. President, I rise in strong support of Senate Concurrent Resolution 8, of which I am a cosponsor.

This resolution expresses concern over the new Soviet emigration regulations, billed by the Soviet Union as the beginning of a speeding up of emigration delays. It was hoped by many that they also signaled a loosening of emigration.

But these regulations do not permit emigration for religious, national, or political reasons. They codify the previous pretexts for denying emigration permits even in cases involving the reunification of immediate families. And they substantially limit the number of individuals even eligible for emigration.

Unfortunately, the tightening of emigration indicated by the wording of these regulations is borne out by the low emigration numbers since the regulations were adopted on January 1. According to the National Conference on Soviet Union Jewry, little over 20 Soviet Jews have been permitted to emigrate this month. Moreover, although I welcome the freeing of some of the divided spouses and cancer patients on whose behalf I have worked, many still await freedom. Yuli Edelshtein, one of my adopted refuseniks, continues to be persecuted for his crime; wanting to live as a Jew. So do the Khassins, who seek only to emigrate from the Soviet Union.

Therefore, this resolution expresses the sense of the Senate that we will rededicate ourselves as a priority in the 100th Congress to support the restoration of human rights to all Soviet citizens, especially the Soviet Jews and others who seek to emigrate. We will not rest until all those who week to drink from the well of freedom are free to do so.

I urge my colleagues to pass this resolution.

Mr. HEINZ. Mr. President, there are few issues on which the U.S. Senate can regularly speak with one voice, with one position. But the need for the Soviet Union to clean up its dismal human rights performance is one such issue.

The resolution we have overwhelmingly passed today is a clear statement that the United States is not fooled one bit by the recent emigration regulations decreed by the Kremlin. The world has waited for the Soviet Government to bring its emigration policy into line with its treaty commitments and recognized international standards of human rights. We are still waiting.

The Kremlin knows that human rights are a part of United States-Soviet relations that cannot be papered over or ignored, that cannot be swept under a rug with a few reasonable-sounding pronouncements.

To make sure that General Secretary Gorbachev gets the message, my distinguished colleague from New York, Senator MOYNIHAN, and I have authored a letter to the Soviet party leader reminding him that the new emigration code does not meet our expectations, and that improved United States-Soviet relations remain dependent on mutual observance of basic human rights. I ask that a copy of this letter to Gorbachev, which we are now circulating for the signature of other Senators, be printed in the RECORD at the end of my statement.

The Soviet Union seems to think that a mediocre effort at public relations can substitute for real change in its persecution of religion and political dissent. I think the vote on this resolution should serve to relieve the Politburo of this illusion.

We welcome the release of Yuri Orlov, of Natan Shcharansky, and others. But the emigration of 914 Jews and 1 famous political dissident, and the return to Moscow of Andrei Sakharov, are no more than a start. There are literally hundreds of thousands more Soviet citizens, Jews and others, who are waiting for their voice to be heard and their fundamental rights to be respected. Slick promotional gimmickry cannot obscure this sordid reality.

I join my Senate colleagues in denouncing the continued, stubborn refusal of the Soviet Government to treat its own citizens with the decency that membership in the civilized family of nations demands. The suffering people of the Soviet Union have shown they have the courage to persevere in the face of pitiless oppression. The Kremlin should not forget that the American people are no less determined to see these heroes of our time set free.

The letter follows:

U.S. SENATE,
Washington, DC, January 13, 1987.

General Secretary MIKHAIL GORBACHEV,
Union of Soviet Socialist Republics, c/o Office of the Embassy, Washington, DC.

DEAR GENERAL SECRETARY: Your government has taken several specific steps during the past year that have been welcomed by people throughout the world who cherish human rights. These events include the release of Anatoly Shcharansky, Yuri Orlov and David Goldfarb and the recent decision to allow Andrei Sakharov and Yelena Bonner to leave Gorky and return to Moscow. In addition, Americans have noted the important steps taken by the Soviet government to permit the reunification of previously divided families and the permission granted to several cancer-stricken Soviet citizens to seek treatment in the West.

These developments are heartening to all those who had hoped that the Soviet Union, under your leadership, would take increased initiatives in the crucial area of human rights. It is precisely because of these hopes that we had expected that the new Soviet provisions on emigration would further facilitate the emigration process. We are, accordingly, profoundly disappointed to learn that these new provisions, in fact, appear to obstruct the very process they claim to be assisting.

The new emigration provisions restrict the right to emigrate to particular cases of family reunification. These new regulations offer little hope for the hundreds of thousands, a very large number of them Jews, who have expressed their desire to leave the Soviet Union for religious or humanitarian reasons. These new provisions thus appear to contravene both the 1948 Universal Declaration of Human Rights and the 1975 Helsinki Final Act.

Mr. General Secretary, you certainly understand that we, in the United States Senate, treat the issue of human rights with great seriousness. The kind of historic and unprecedented improvements in United States-Soviet relations that are desired by the leaders and peoples of both our countries cannot be divorced from the fundamental American commitment to human rights. The entire valuable structure of American-Soviet cooperation is built upon a foundation that has deep roots in the area of human rights. The construction of much-desired further bilateral progress depends to a large degree on progress on emigration and related issues.

In order for us to reap the benefits of improved bilateral relations, vis-a-vis human rights, there must be a release of prisoners of conscience—those who are imprisoned for affirming religious, cultural and political beliefs, that are protected under the aforementioned international treaties, progress on the 400,000 cases of Soviet Jewish citizens who have completed the first step in the emigration process but whose applications have not been processed, and affirmation action on the more than 11,000 cases of Soviet Jewish citizens who have repeatedly been refused permission to emigrate to Israel.

While the new emigration provisions are disturbingly restrictive they contain a measure of flexibility that might well permit progress on these sensitive issues. The Soviet Union permitted over 50,000 Soviet Jews to emigrate in 1979. A return to a similar emigration policy would be welcomed by all who believe in the great importance of enhanced American-Soviet relations.

Sincerely,

DANIEL MOYNIHAN,
JOHN HEINZ.

Mr. WALLOP. Mr. President, I rise in support of this resolution. It is fitting that we in the Senate focus our time and energy on that country which can only be described as the worst offender of human rights in the history of humanity: the Soviet Union.

The image recently portrayed in the press notwithstanding, the human rights situation in the Soviet Union is not improving under General Secretary Gorbachev's reign. It is worsening. Jewish immigration is down. Soviet respect for the Helsinki accords is practically nonexistent. The number of political prisoners in the Soviet Union—residing now in psychiatric wards and forced labor camps—is not diminishing. The supposedly freer atmosphere that the press tells us about in the Soviet Union is, for persons informed about the Soviet Union and certainly for Soviet citizens, a sham.

Like many of Mr. Gorbachev's foreign policy initiatives, there is more fluff than substance.

Mr. President, the most important part of this resolution is section 2 under the resolved clause, which states that the Soviet's human rights abuses "seriously affect the atmosphere for productive negotiations on other aspects of bilateral relations" between our two countries. Foremost among these is, of course, arms control. I have said on the floor of the Senate before that there exists an inextricable link between the Soviet human rights record and the wisdom of the United States placing great currency on arms control agreements with the Soviets. Their secretive society which cannot trust their own people with information denies them freedom to travel not only abroad but internally. This alone prevents the forces of compliance from working and inflicts inhuman pressures upon them.

Mr. President, this is because human rights, or more precisely the Soviet's lack of respect for human rights, is the primary issue that divides our two nations. It is what makes us different from the Soviets. We both have strategic missiles, large armies and great navies. What divides us, and what will continue to prevent arms control agreements from providing for our security, is the lack of respect for the individual rights of man that all Communists, and particularly the Soviet Union, adheres to. The United States, Mr. President, stands for something that the Soviets must by definition find anathema: That all men are created equal and endowed with certain inalienable rights.

Mr. President, with the Soviet Union at war with their own people and without respect for the rights of their own people, how can we expect them to make and keep solemn pacts upon which rest the survival of Americans. If the Soviets are willing to treat Soviet citizens and citizens of the rest of their empire as tools toward their own revolutionary ends, how can we expect them to view the arms control process or any agreements we might conclude with them on any other basis?

Mr. President, it is important that we make clear, as I believe this resolution does, that we cannot continue a business as usual relationship with the Soviets on all levels while they violate the human rights of their own citizens so flagrantly. To do so is an affront to all we hold dear. I only hope that when the Senate turns its attention to other problems in the United States-Soviet relationship, such as arms control, Senators who vote in favor of this amendment today will remember this crucial link with human rights and act accordingly.

Mr. BOREN. Mr. President, I am pleased to support this effort by both leaders of the United States Senate to focus world attention on the human rights abuse by the Soviet Union based on religious and political grounds.

In spite of worldwide publicity, the Soviets continue to blatantly disregard the human rights provisions of the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights and, of course, the Helsinki accords which the Soviet Union signed 12 years ago.

One must hope that some recent steps by General Secretary Gorbachev, including the release of Anatoly Scharansky, Yuri Orlov, and David Goldfarb as well as allowing the return to Moscow of Andrei Sakharov and Yelena Bonner, is a sign for the future.

The updating last fall of the Soviet decree on emigration, however, appears to codify the present policy which prevents the emigration for the thousands of Soviet Jews who wish to join their families in an atmosphere of religious freedom.

I believe that we must continue to apply pressure upon the Soviet authorities in condemning this repression. The passage of this resolution should once more announce our convictions that successful negotiations between our two countries can proceed much more expeditiously when the Soviet Union recognizes the rights of the Soviet Jews and others who wish to emigrate.

Mr. SIMON. Mr. President, before we vote on the resolution urging the Soviet Union to demonstrate progress on human rights, I would like to remind my colleagues of several important cases.

For almost 1 year, I have made a daily statement on the case of my friends, Naum and Inna Meiman, of Moscow. On Monday, I had the distinct pleasure of welcoming Inna to Washington, DC. As many of you know, Inna suffers from a rare form of neck cancer. She has begun tests at Georgetown University's Lombardi Cancer Clinic and is expected to begin treatment soon.

While I greeted Inna, I could not help wondering why the Soviets did not premit Naum to accompany her. Naum, a mathematician by training, once performed calculations for a research institute. Those calculations are over 25 years old and have been published in numerous journals over the years. Still, the Soviets maintain that Naum knows "state secrets."

Another of the many human rights cases is Abe Stollar, a Chicagoan who was brought to the Soviet Union as a young man by his parents. Abe's parents were killed in the Stalin purges and Abe was caught in the Soviet Union. The Soviet Government has still not permitted Abe and his family to come home.

Yet another special type of person in this struggle for human decency is the Hebrew teacher. Ari Volvosky of Moscow was sentenced to 3 years in prison for teaching Hebrew and for trying to keep Judaism alive.

We cannot forget the cases that do not always receive a great deal of publicity. While the release of Shcharansky is very welcome, none of us can rest until the emigration policies of the Soviet Union are changed.

I am pleased to commend the National Conference on Soviet Jewry for its advocacy on behalf of Soviet Jews and for its work on the upcoming resolution.

I urge the Senate to vote in favor of the resolution and I strongly urge the Soviets to grant permission to those who wish to emigrate.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the distinguished Senator from Maine [Mr. MITCHELL] and myself be added as cosponsors to Senate Concurrent Resolution 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOMESTIC DEVELOPMENTS IN THE SOVIET UNION: GLASNOST AND THE PLIGHT OF SOVIET JEWRY

Mr. ROCKEFELLER. Mr. President, I am honored to be a cosponsor of Senate Concurrent Resolution 8. This resolution rightly points out the Soviet Union's abysmal record regarding the treatment of Soviet Jewry, and reaffirms the vital importance of this issue in the overall context of United States-Soviet relations. I believe that the resolution reflects the deeply held views, not only of Congress and the President, but also of all Americans.

Since Mikhail Gorbachev took power 21 months ago, much attention has been given to the new style of leadership in Moscow and the changes taking place in the Soviet Union. Recently, we have been treated to a series of dramatic developments: the release of Andrei Sakharov, the riots in Alma Ata, a KGB mea culpa on the front page of Pravda, and an official invitation for defector Baryshnikov to return to perform at the Bolshoi. It is important, both for our human rights concerns and the overall United States-Soviet relationship, that we carefully assess the developments in the Soviet Union. Are these stylistic or truly substantive changes in the nature and workings of the Soviet system?

On the international front, we have undoubtedly witnessed a more creative, vibrant style of leadership in the conduct of Soviet foreign policy. In the process of consolidating his control over the foreign policy establishment in Moscow, Gorbachev has aggressively pursued the public opinion arms control campaign with his nuclear test moratorium, sweeping conventional arms reduction offers in Europe, and his bold proposals at Reykjavik. He has taken the lead in forging a more active and imaginative Soviet diplomacy in Asia. And he has only recently exhibited the same boldness in his efforts at reconciliation in Afghanistan.

On the domestic front, Gorbachev's much-touted campaign for greater openness—"glasnost"—and economic revitalization received a blessing at the 27th Party Congress held last March. Continuing the campaign against corruption begun under Andropov, the new Soviet leader has set in motion a wide-ranging debate about revitalizing the Soviet economic system. As Robert Kaiser points out in the most recent edition of Foreign Affairs, Gorbachev has abandoned the rhetorical "big lie" in vogue since the 20th Party Congress—that all is well and getting better in the Soviet socialist paradise—in favor of admitting the bad news and the need for change to reverse Soviet economic decline. High Soviet officials talk openly about the need for greater individual initiative and the advantages of drawing lessons from other countries, such as Hungary and China.

The new Soviet openness has included some important cultural thawing: the publication of previously banned Pasternak and Nabokov works, the release of the anti-Stalinist film "Repentance," the invitation for Baryshnikov to perform at the Bolshoi are among some of the manifestations of cultural reform. there has been some significant improvement in the newspapers' willingness to present differing viewpoints on certain domestic issues and some new sophistication and thoughtfulness in the television news.

The anticorruption campaign has included the dismissal of the long-serving and corrupt head of the Kazakhstan Communist Party—which led to the anti-Russian riots in Alma Ata last month. Gorbachev also oversaw the dismissal of the KGB agent in Donetsk who had persecuted a Pravda correspondent for muckracking stories about a local party official. Both of these anticorruption moves resulted in scandals which were reported in the Soviet press. The riots, never before a subject for Soviet media, were openly reported—and Pravda carried a statement from KGB Chief Chebrikov acknowledging the KGB's abuse of power in harassing the journalist.

But while glasnost affects Soviet life in other spheres, there is no doubt that it is driven, first and foremost, by the imperative of economic change. Apparently, it was Gorbachev's experience as Agriculture Minister that made him keenly aware of the dismal Soviet performance and the need to implement radical changes in the system if the Soviet Union were to enter the 21st century with any hope of being a superpower in any dimension other than military. This awareness, combined with growing concern over the increasingly high pace of technological innovation emanating from the West, argued strongly the need for greater self-criticism, openness and candor in revitalizing the Soviet economy. Glasnost really amounts to a willingness to discuss shortcomings in order to overcome them, brought on by the necessity of overcoming a decade of economic stagnation. It certainly represents no new commitment to the principles of free speech and the intrinistic merit of an open society.

This distinction is important for assessing what is happening on human rights in the Soviet Union. There is no doubt in my mind that Gorbachev and the Soviet ruling circle concluded that the benefits of freeing Sakharov—domestically and internationally—outweighed the costs. The entire world applauds the decision to free Andrei Sakharov, a symbol of hope, freedom and man's indomiable spirit; the action certainly boosts the prestige of both Gorbachev and his country in the world community. Perhaps even more important to Gorbachev, it sends a positive signal to the many disillusioned and embittered Russians who admire Sakharov—people whose talents and energies Gorbachev needs to engage if he wants to revitalize his country.

In contrast, the plight of Soviet Jewry is as bad as it has been in many years, and considerably worse than it was during the 1970's. During that decade, thousands of Jews were permitted to leave each year, reaching a high water mark of 51,000 in 1979. In contrast, in 1985 and 1986—the Gorbachev years—the numbers were 1,140 and 916. Yet 400,000 Soviet Jews have taken the first step in seeking emigration, and 11,000 have applied and been denied permission to emigrate to Israel. Thousands have been denied the right to leave on the basis of the fiction that they have been privy to state secrets. Many of the Jews who have applied for permission to emigrate are harassed by the Soviet Government, subjected to the loss of their jobs or even imprisonment, depending on the persistence of their efforts and the caprice of the bureaucracy. And the Soviet Government continues to separate even married couples when one spouse is a Soviet citizen trying to emigrate.

Last November, the Supreme Soviet announced a new emigration policy. This new policy limits the right to emigrate to family reunification with immediate relatives. In the past, invitations for unification, have been accepted from grandparents, aunts, uncles and cousins, but that is no longer possible. Moreover, the new policy guarantees nothing even for those who receive an invitation from an immediate relative, because it includes no less than nine reasons for which emigration may be denied. Sadly, as Morris Abram, chairman of the National Conference on Soviet Jewry has written:

> The decree is no "far-reaching effort toward serious reforms," as the Soviet foreign ministry claims, but rather a tightening of existing restrictive practices.

The crackdown on Jewish emigration since 1979 probably reflects in some degree a worsening of the United States-Soviet relationship since Afghanistan. But there is no doubt that the Soviet Government has its own reasons for such blatant denial of the most basic human rights. They unquestionably fear the precedent that uncontrolled emigration would create for other ethnic groups. They probably fear the effect on their economy if all Jews were to leave. Perhaps too they are holding out for what they deem an appropriate quid pro quo from the West. Whatever the reason, Soviet emigration policy continues to represent a direct violation of the Helsinki Final Act on Security and Cooperation in Europe, the International Convent on Civil and Political Rights, and the Universal Declaration on Human Rights.

In November, my administrative assistant, Ira Shapiro, was part of a bipartisan delegation to the Soviet Union sponsored by the American Council of Young Political Leaders [ACYPL]. The ACYPL, which until his election had been chaired by our distinguished colleague Senator SANFORD, has been sponsoring political and cultural exchanges with the Soviet Committee for Youth Organization since 1971. These exchanges permit delegates to learn more about the host country and its policies, and discuss the critical issues facing our countries.

On this trip, members of the American delegation, which included Michael Pettit, Senator DOLE's administrative assistant and Diane Blagman, Congressman CARR's legislative director, repeatedly raised American concerns about human rights and plight of Soviet Jewry in meetings with Soviet Government leaders. They met in Moscow with Svetlana Braun, a young woman who has been separated from her American husband Keith Braun almost continuously since their marriage in 1984. They met with a group of refuseniks in Leningrad, some of whom had been waiting up to 10 years to emigrate. One of them, Anna Lifshitz, is waiting for her husband to return from Siberia. The delegation benefited from the full support of our State Department, particularly Edward Hurwitz, Counsellor General in Leningrad, who personally accompanied the delegates to their Leningrad meeting.

It is important that we in Congress, and in the United States, continue to keep the pressure on the Soviet Government. The refuseniks have decided long ago that pressure and attention from the West are their only hope for change. They need to know that their plight remains very much on our mind. The new face of Gorbachev's Russia and his well-calculated attempts to appeal to Western opinion should not hide the fact that the Soviet Union today continues to deny fundamental and internationally recognized human rights—with terrible human costs.

Mr. President, in addition to this important resolution, I am pleased, to be a signatory of a letter to General Secretary Gorbachev on this subject which was jointly drafted by Senators MOYNIHAN and HEINZ. I ask unanimous consent that a copy of that letter be entered in the RECORD. I also ask unanimous consent that two articles—one by Robert Kaiser which appeared in the Washington Post on January 11, 1987, the other by Morris Abram which appeared in the Los Angeles Times on January 6, 1987—be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC January 13, 1987.

General Secretary MIKHAIL GORBACHEV,
Union of Soviet Socialist Republics, c/o Office of the Embassy, Washington, DC

DEAR GENERAL SECRETARY: Your government has taken several specific steps during the past year that have been welcomed by people throughout the world who cherish human rights. These events include the release of Anatoly Shcharansky, Yuri Orlov and David Goldfarb and the recent decision to allow Andrei Sakharov and Yelena Bonner to leave Gorky and return to Moscow. In addition, Americans have noted the important steps taken by the Soviet government to permit the reunification of previously divided families and the permission granted to several cancer-stricken Soviet citizens to seek treatment in the West.

These developments are heartening to all those who had hoped that the Soviet Union, under your leadership, would take increased initiatives in the crucial area of human rights. It is precisely because of these hopes that we had expected that the new Soviet provisions on emigration would further facilitate the emigration process. We are, accordingly, profoundly disappointed to learn that these new provisions, in fact, appear to obstruct the very process they claim to be assisting.

The new emigration provisions restrict the right to emigrate to particular cases of family reunification. These new regulations offer little hope for the hundreds of thousands, a very large number of them Jews, who have expressed their desire to leave the Soviet Union for religious or humanitarian reasons. These new provisions thus appear to contravene both the 1948 Universal Declaration of Human Rights and the 1975 Helsinki Final Act.

Mr. General Secretary, you certainly understand that we, in the United States Senate, treat the issue of human rights with great seriousness. The kind of historic and unprecedented improvements in United States-Soviet relations that are desired by the leaders and peoples of both our countries cannot be divorced from the fundamental American commitment to human rights. The entire valuable structure of American-Soviet cooperation is built upon a foundation that has deep roots in the area of human rights. The construction of much-desired further bilateral progress depends to a large degree on progress on emigration and related issues.

In order for us to reap the benefits of improved bilateral relations, vis-a-vis human rights, there must be a release of prisoners of conscience—those who are imprisoned for affirming religious, cultural and political beliefs that are protected under the aforementioned international treaties, progress on the 400,000 cases of Soviet Jewish citizens who have completed the first step in the emigration process but whose applications have not been processed, and affirmative action on the more than 11,000 cases of Soviet Jewish citizens who have repeatedly been refused permission to emigrate to Israel.

While the new emigration provisions are disturbingly restrictive they contain a measure of flexibility that might well permit progress on these sensitive issues. The Soviet Union permitted over 50,000 Soviet Jews to emigrate in 1979. A return to a similar emigration policy would be welcomed by all who believe in the great importance of enhanced American-Soviet relations.

Sincerely,
DANIEL PATRICK MOYNIHAN.
JOHN HEINZ.

[From the Washington Post, Jan. 11, 1987]

IS GORBACHEV'S NEW RUSSIAN REVOLUTION BOUND TO FAIL?

(By Robert G. Kaiser)

Andrei Sakharov, recognized throughout Soviet society as the closest thing the Russians have to a leader of the opposition, receives a telephone call from Mikhail Gorbachev, then suddenly finds his involuntary exile to Gorky at an end, his official scientific career in Moscow restored. Pravda reports that local nationalists in Kazakhstan have rioted against Communist authority in that Central Asian republic, a flagrant violation of the traditional rules of Soviet censorship. Boris Pasternak's "Dr. Zhivago," for years officially denounced, appears headed for official publication. A stunning movie about Stalinism is shown in Soviet movie theaters, breaking a longstanding taboo. What is going on in the Soviet Union, anyhow?

A great deal. After years of immobility, the Soviet system is finally alive again. Gorbachev is toying with some of the most sanctified rituals of Soviet communism; he is obviously tempted to mount a frontal attack against the bureaucratic inertia (and thus against the bureaucrats) that dominates Soviet life. Momentous changes are occurring. The spectacle is fascinating and is likely to become even more so in the months and years ahead. Outsiders will be baffled, but we should try to pay close attention.

For now, perhaps the most momentous change involves the Soviet Union's image of itself. Mikhail Gorbachev is conducting a single-minded crusade to change that image. The new one he wants to convey is not comforting to his countrymen.

Gorbachev is telling them that they have botched the great socialist revolution. For decades Gorbachev's predecessors assured the Soviet public that their system was inherently superior to all others and that in the inevitable conflict between socialism and capitalism, socialism was destined to prevail. That was the traditional Soviet pretense. It was a crucial ingredient of the Soviet Union's national character, as well as a tool by which Soviet leaders exacted sacrifices from their people for the sake of a glorious tomorrow. Now Gorbachev has abandoned that pretense.

Instead of a constant stream of exhortation and exaggerated boasting, Gorbachev gives his people the bad news. The system isn't working, he tells them, and only the most sweeping changes will make it work. Each comrade, he says, must learn to do his work in a new way: "Everybody must change." The entire society must be "restructured." The stakes are immense: "The historical fate of the country and the position of socialism in the world" depend on the success of the "radical reforms" that are now needed.

If they take his words seriously, Gorbachev's audiences must be troubled by what he says, both because of its implicit pessimism about the recent past and the present and because of the scale of the changes he repeatedly demands. For example, here are excepts from his speech last summer to the party leadership in Khabarovsk, in the Soviet Far East:

"The current restructuring embraces not only the economy but all other facets of public life: social relations, the political system, the spiritual and ideological and the style and the methods of the work of the party and all of our cadres. 'Restructuring' is a capacious word. I would equate the word 'restructuring' with the word 'revolution' . . . ." Gorbachev's candor has been mimicked by others in the leadership. Perhaps the boldest of his colleagues is Boris N. Yeltsin, now a candidate member of the Politburo, whom Gorbachev brought to Moscow as the new first secretary of the capital's party organization.

"It is necessary to stop the lies," Yeltsin said at his most famous public appearance, a speech to the Moscow party in January 1986. On that occassion he gave a grim account of the failure of the party organization to guide the city properly.

At a closed meeting of the city's party leaders last April, Yeltsin went further, which suggests that the new candor may be even stronger behind closed doors. A partial transcript of that meeting reached the West last summer and was published in Le Monde. It has all the hallmarks of a genuine document and has been accepted as such by U.S. government analysts. A few exerpts demonstrate how far Yeltsin wandered from the conventional, Panglossina approach of the traditional Soviet official:

"The city's [previous] officials were doing everything just for show. 'Look how beautiful our city is, how smoothly everything runs here; we are the best in the world; we must not expose Moscow's problems.' Those who continue to think that way must move aside and leave. . . .

"We must combat abuse of power. The wives of many [Moscow] leadership officials drive around in black Volgas [a car used as a limousine by officials below the highest ranks]. Generally a car of this type arrives in the morning to take the child to school, then takes the father to work, and finally returns for the wife. We must put an end to this. . . .

"In the past few months, 800 trade officials [i.e., people working in wholesale and retail sales organizations] have been arrested in Moscow. We are digging deeper and still cannot see the bottom of this well of corruption."

Yeltsin revealed that the renowned Moscow subway was in deteriorating condition and, for the first time, losing money; that 15 scientific institutes in the city were being closed because they "have done nothing for years"; that life expectancy among Muscovites had fallen from 70 years to 68 in just two years, from 1983 to 1985.

Gorbachev, Yeltsin and others are beginning to bring Soviet propaganda into line with Soviet reality. But as a matter of practical politics, this shift to candor about a worsening Soviet situation cannot have been easy. It marks the collapse of a wave of optimism which, just a dozen years ago, had exhilarated the Soviet elite, giving its members new hopes for the status of their country.

In the early 1970s when President Nixon twice visited Moscow, Soviet propagandists celebrated a historic shift in "the correlation of forces" to the advantage of "world socialism." It must have seemed to many Soviet officials then that the early promises of Lenin and Stalin were finally being fulfilled. The trend of events did seem to be moving their way: the Americans had lost their war in Vietnam and were in turmoil at home; Washington had to acknowledge the Soviet Union's arrival as a genuine superpower, ratifying that status in the many agreements signed in the 1972-74 period; subsequent Soviet-Cuban adventures in Angola and Ethiopia demonstrated that this superpower could use its strength creatively and effectively.

During the last decade that rosy picture darkened dramatically. It has turned out that 1970s-style detente did not signify any profound alteration in the correlation of forces. The United States appeared to recover from its Vietnam fiasco and rebuilt its alliances effectively. Meanwhile, the expected benefits from detente, particularly the economic and technological payoffs, never materialized. As the shape of the world's technological future has become clearer in the last 10 years, Soviet prospects have begun to look bleak, not least because of the country's inability to absorb or exploit the computer, the basic tool of the new technological age.

Perhaps most important, it is now clear that the Soviet domestic economy—industry, agriculture and the service sector—is in grave difficulty. The health of Soviet society is also deteriorating. The striking statistics on declining life expectancy, referred to fleetingly by Yeltsin, are the most compelling evidence, but there is much more, from climbing crime and divorce rates to an obviously worsening food situation.

For years, these signs were ignored or disguised. Gorbachev and his colleagues have now decided to confront them. That, so far, is the most important result of the policy of *glasnost*, or openness. Gorbachev's candor has overcome the glum mood that prevailed in Moscow before he came to power and restored a sense of possibility within the elite.

But the elite itself, judging by reasonably good evidence from participants in the debate, still sharply divided about whether Gorbachev can really improve the situation, or simply prevent it from getting much worse. Gorbachev does not make it any easier for the optimists in the dispute by repeating his warning that only the most sweeping changes in the attitudes and performance of everyone in the country can lead to genuine improvements.

Gorbachev and his colleagues are now battling against drunkeness, cynicism and sloth, no doubt hoping that if they can put things right, they can once again revive the pretense of Soviet superiority. This generation of Soviet leaders will not willingly accept a permanently inferior status for their country, even if, temporarily, they must abandon slogans and promises that sound more and more prepposterous, even to relatively credulous Soviet ears. The new policy of openness and the call for *perestroika* (restructuring) are tactics intended to revive the system, not admissions of failure.

But because they sound ominously like such admissions, they are politically risky. By tinkering with the promises of communism, Gorbachev is calling into question an important traditional source of the system's legitimacy. The simple formula that has served so long—the end justifies the means—became a fundamental explanation for the way things were. Now, when the leadership of the country seems increasingly convinced that the desired end may require different means, the old formulas no longer provide meaningful reassurance.

It cannot be easy for an ideological society to prosper in the absence of persuasive doctrinal explanations for either current conditions or future prospects. There has been abundant evidence of strain caused by the new approach. More than once, Gorbachev himself has been censored in the party press. One intriguing case occurred last summer. In his speech to the party elite in Khabarovsk on July 31, Gorbachev made these remarks about party cadres or workers:

"A combination of experienced cadres with young ones must be guaranteed. There must be a process of cadre promotion and gowth, but a deserved one, without, so to speak, favoritism and chummy relations, but for the job done. There must be a constant inflow of fresh forces [i.e., new people]."

When Pravda printed the "text" of the speech on Aug. 3, the same passage read like this:

"We must ensure a combination of experienced and young cadres on the basis of a continuous process of growth and cadre promotion with due consideration for their political and professional qualities."

In Pravda there was no longer any need for "a constant inflow of fresh forces," nor any criticism of "favoritism and chummy relations." On this most sensitive of subjects, the Soviet leader is not allowed to speak his mind in the principal party organ—or he decided to censor himself.

Yeltsin's meeting with the Moscow party elite last April, cited earlier, provided another example. According to the unofficial transcript of that affair, 300 written questions from the floor were passed forward to Yeltsin, a number of them hostile. One question, which Yeltsin reportedly read aloud, said, "You have very grand plans; what are you meddling with? Gorbachev just needed a loyal man. Go back to Sverdlovsk before it is too late." (Sverdlovsk is the Ural Mountains city where Yeltsin was previously first secretary of the party organization.)

According to the transcript, shouts of "Shame!" could be heard in the hall. Yeltsin commented: "Calm down, comrades. I do not think this question comes from the floor. It must have been received earlier and have slipped into the bundle. The author is obviously sick."

In the five-year economic plan that began this year, Gorbachev and his colleagues are tinkering with the system they inherited, hoping to tap its squandered reserves of productive capacity to reverse the slowdown of recent years. Gorbachev describes the current effort as "the most difficult thing—to get this powerful flywheel [the Soviet economy] spinning." Then, "in the subsequent five-year-plan period, things will go more quickly and will grow." More cynically, one could argue that after five years of limited experiments that won't work, Gorbachev will be compelled to try more sweeping changes that may or may not work. In fact, as Soviet officials have privately acknowledged, there is still no blueprint for economic reform, only a collection of ideas for making improvements in various sectors.

It is much easier to be pessimistic than hopeful about Gorbachev's—and his country's—prospects. The Soviet Union's survival is not in question here; even if Gorbachev fails as a reformer, his country will survive, and will almost certainly remain strong and powerful for as long as he rules it. But unless he is a fabulously successful reformer, Gorbachev will not be able to revive the Soviet Union as a genuine competitor for world leadership with the United States and its allies.

As Gorbachev himself has acknowledged, many Soviet bureaucrats oppose reform and will fight it. Soviet officials acknowledge that ordinary citizens, too, fear sweeping change that could disrupt their lives—which, though dreary by western standards, are at least predictable and secure. Most important, the Soviet Communist Party shows no sign of willingness to abandon the firm, centralized control of Soviet society that has been the hallmark of its rule; but without dramatic decentralization, it is difficult to see how Gorbachev's vague notions of reform will produce the dramatic results he seeks.

Instead, Gorbachev is likely to preside over a continuing process of muddling downward that could leave the Soviet Union, by the turn of the century, far behind many more dynamic societies in the world, still offering its citizens a second- or third-class standard of living while, no doubt, still bristling with first-class military power.

The Soviet economy has never been competitive in any conventional sense. Its most consequential accomplishment has been the creation of awesome military might. In the West, though, the truth about the Soviet system has always been less important than the threat the system implied—the threat of a better way to organize human societies, one that would prove more productive, more efficient and ultimately more appealing to the great mass of humanity than the Western model. That was the initial threat of Bolshevism; it was the threat of Sputnik, which mobilized the West, especially America, to race to the moon and into the era of intercontinental ballistic missiles. Fear of possible Soviet victory in the global competition was the critical motivating force in the Cold War.

In the Soviet Union, too, the promise of Soviet communism remained, for at least half a century, more important than the reality of it. What is in prospect now is the loss of the Soviet national ideal—the logical extension of the collapse of the pretense of Soviet superiority. The whole point of the Bolshevik Revolution was to put Russia on the curl of the wave of history, so its communism would triumph when the internal contradictions of capitalism brought down the traditional great powers in the West. That was the Leninist rosy scenario. Without it, new generations of Soviet leaders will have to reformulate both their private and the party's public visions of their country and its place in the world.

There are already indications that some Soviet citizens have begun to react to Gorbachev with a skepticism that ill serves the general secretary's effort to revive the economy through exhortation. For a while Gorbachev can continue to criticize and cajole, but this must be a short-term tactic.

If it produces no positive results, it will soon sound like hollow hectoring. In time, Gorbachev could face an unhappy choice between resorting to the old Big Lie, bragging how well things are going in the face of blatantly contradictory evidence, or acknowledging that the system itself is to blame (as surely it is) for the country's persistent shortcomings.

Meanwhile, the spectacle of ferment in the Soviet Union will remain intriguing. Even without a grand strategy for reform, Gorbachev appears bent on breaking old ideological china. He is courting Soviet intellectuals to win their support for his efforts, and he is trying Western political gimmicks to attract the attention—and respect—of the masses. He may have 15 or 20 years in office to work at his vision of a modernized Soviet Union, so the spectacle could continue for quite some time.

[From The Los Angeles Times, Jan. 6, 1987]

CAN WE TAKE SOVIET EASING SERIOUSLY?—SAKHAROV IS RELEASED, BUT EMIGRATION RULES ARE TIGHTENED

(By Morris B. Abram)

Last month, as Andrei D. Sakharov was being released from exile, the Supreme Soviet issued a new decree restricting emigration. How seriously should the West take these actions?

While waiting for the next chapter in the Sakharov saga to unfold, it would be useful to recall that all of the members of the Helsinki Monitoring Group—organized by human-rights activists to measure Moscow's compliance with the commitments that it made in the 1975 Helsinki accords—continue to languish in Soviet labor camps or Siberian exile or have managed to get out of the Soviet Union. The release of individual activists, eager as we are for their freedom, must be seen as a deception aimed at relieving pressure against the Soviets for their human-rights violations.

By the same token, the new immigration rules offer little hope that the Kremlin intends to reverse the sharp decline in the number of Jews permitted to emigrate—from 51,000 in 1979 to fewer than 900 in 1986. Nor have I heard anything at the 11-month Helisnki review conference, which began in Vienna in November and where I serve as a public member of the U.S. delegation, to persuade me that the Soviets have any intention of living up to their human-rights promises in Helsinki.

The new emigration rules are deeply disappointing. Especially troubling is the failure to recognize emigration as a right, making any application subject to Soviet whim. Equally depressing is the omission of any reference to repatriation, under which thousands of ethnic Germans and others have received permission to emigrate in recent years and which, if applied to Jews, could be used to justify large-scale departures to Israel.

Any future Jewish emigration now appears limited to family reunification, and here the new law actually is more restrictive than previous practice. The first step in the process is an invitation from a relative abroad. (About 400,000 such invitations have been sent to would-be Jewish emigrants still living in the Soviet Union.) Under the latest decree, such invitations now must come from immediate family members: parents, children, spouses and siblings. In the past, such invitations have been accepted from grandparents, aunts, uncles and cousins. Now Soviet Jews without first-degree relatives abroad are barred from emigrating.

In addition to these restrictions, the newly promulgated regulations list no fewer than nine reasons for denying requests to emigrate. One of them is a catch-all provision that gives the authorities the right to reject applicants on grounds of "ensuring the protection of social order, health or the morals of the population"—language broad enough to refuse every prospective emigrant. If this were not serious enough, the new decree also bars emigration "if the person abroad extending the invitation has violated Soviet law"—an attempt to punish alleged lawbreakers who live outside the jurisdiction of Soviet authority by generalizing their relatives inside the workers' paradise.

Thus the decree is no "far-reaching" effort toward "serious reforms," as the Soviet foreign ministry claims, but rather a tightening of existing restrictive policies. At the same time, the harsh treatment of Jews who seek to teach Hebrew, or who have made public their frustrations at being rejected for emigration year after year—some of them for a decade or more—continues unabated. Despite the much-publicized release of dissident Anatoly Shcharansky, Sakharov and his wife, Yelena Bonner, we know that the number of Jewish prisoners of conscience in Soviet camps and jails has doubled since Mikhail S. Gorbachev came to power. Harassment and intimidation by the KGB are increasing. As the level of emigration falls to its lowest figure in 15 years, the pressures on Jews rise. They cannot live as Jews, and they cannot leave—and all the Soviet efforts at deceiving the West into believing that a new era has begun cannot change that fact.

In Vienna the Soviet line was that the numbers of the three main "baskets" that were adopted in Helsinki reflected their urgency and priority. Basket I deals with security and borders in Europe. Basket II deals with trade and commercial contacts. As far as the Soviet delegation is concerned, these items by far transcend the human-rights and family-reunification provisions of Basket III.

The American view, as expressed by Ambassador Warren Zimmerman, head of the U.S. delegation to the Helsinki review conference, is that all three baskets are of equal importance and stand in delicate balance with one another. Soviet performance in keeping its international human-rights commitments, Zimmerman argued, was essential to any hope of achieving agreement in matters of trade and—more important—security, which includes arms control.

If those in the Kremlin cannot be trusted to keep their word on human rights—as evidenced by their failure to honor their Helsinki commitments, which hardly affect their security—how can they be trusted on arms control, which so profoundly affects our security?

More than a few Americans, including members of the Senate, will ask this question when and if the day ever comes to ratify a treaty with the Kremlin that limits nuclear or conventional weapons as a means of preventing war. Human rights thus become a critical element, not a sideshow as the Soviets claim them to be, in the development of understanding and trust between the two superpowers.

If the Soviets continue to reject the urgings of Western statesmen, led by President Reagan, to improve the way they treat their people and to open the gates of emigration, the chances of early progress in improving the atmosphere between Washington and Moscow are dreary indeed.

Mr. DURENBERGER. Mr. President, I rise today in strong support of Senate Concurrent Resolution 8, condemning Soviet human rights practices. The world has heard much in recent weeks concerning General Secretary Gorbachev's "glasnost" or openness campaign. The much publicized release of a handful of well-known Soviet prisoners of conscience has led some to speculate that a basic change in Soviet policy is forthcoming. But just because Gorbachev engages in a telephone conversation with Andrei Sakharov or allows a cancer patient to leave with Armand Hammer, we in the West should not leap to a premature conclusion about the nature of Gorbachev's repression.

Yuri Orlov was allowed to emigrate but the Perm Labor Camp, where he was incarcerated for years, remains open and its sordid business is thriving. The release of Natan Sharansky reduces the number of Soviet political prisoners by one but Gorbachev could release one prisoner a week and still have an ample supply of bodies well into the next century.

The first full calendar year of Gorbachev's rule, 1986, saw a significant regression in overall Soviet abuse of human rights. Only 914 Soviet Jews were allowed to leave in 1986, one of the lowest totals since the beginning of the Brezhnev era. New emigration guidelines were proclaimed with great fanfare last November but a close examination reveals that these guidelines would only affect a handful of the estimated 400,000 Soviet Jews desiring to leave. Under Gorbachev, harassment and intimidation of those who have applied for exist visas continues unabated. For the thousands who simply desire to leave the Soviet Union, Gorbachev's "openness" is a tragic irony.

The Soviet Union has proven itself unwilling to live up to the terms of international agreements concerning human rights that it entered into freely. The final act of the Conference on Security and Cooperation in Europe (the Helsinki final act) contains a section Basket 3 concerning the respect of basic human rights. Thirty-four nations joined with the Soviet Union in signing this historic document in 1975. In what was in effect a trade, the West recognized existing boundaries in Europe—thereby legitimizing Soviet conquests after World War II—in return for Soviet agreement to abide by certain human rights provisions. These provisions included a commitment to allow a free flow of people, information and ideas between the Soviet empire and the West.

On May 12, 1976 a brave group of Soviet citizens formed the Moscow Helsinki watch group to monitor Soviet compliance with the Helsinki final act. Affiliates were formed throughout the Soviet Union. But the history of the watch groups has been a history of brutal repression, disregard for human rights, and an enduring legacy of tragedy. The monitors were threatened, imprisoned, tortured, and forced to live in exile. One member of the Lithuania watch group, Bronius Laurinavicius, was killed in a suspicious traffic accident in 1981.

In spite of Secretary Gorbachev's professed commitment to "openness," his rule has witnessed a continuation of this tragic pattern. On December 9, 1986 Anatoly Marchenko died in Christopol Prison. Marchenko was an original co-founder of the Moscow watch group, along with Shcharansky and Orlov. He was first arrested under Khrushchev, another Soviet leader who promised liberalization.

Marchenko spent over 20 years in various Soviet concentration camps. He was arrested for the sixth time in 1981 and sentenced to 15 years in labor camp and internal exile for "anti-Soviet agitation and propaganda." His "crime" was to write about conditions in the Gulag and to protest the forced exile of his friend, Andrei Sakharov. Under Gorbachev, Marchenko was transferred from labor camp to prison for unspecified rules violations.

His health deteriorated but he began a hunger strike in August to protest Soviet human rights policies. Marchenko's wife, Larissa Bogoraz, was informed of his death by telegram. Soviet authorities attempted to prevent her from viewing his body. She has still not been given a death certificate and has been given conflicting explanations about the cause of death.

While much is not known, and may never be known, about the tragic death of Anatoly Marchenko, several facts have been established: he spent much of his adult life inside the Soviet Gulag; he tried to uphold the noble principles of the Helsinki final act; he was beaten repeatedly while incarcerated; and, before his death he had not been allowed to see his wife and child since April 1984.

Unfortunately, Soviet history is littered with cases like Anatoly Marchenko's. Gorbachev has shown a willingness to release well-known prisoners on occasion. While the jury is still out on what the Gorbachev era will ultimately bring, we know that the Soviet record on human rights has been abysmal under Gorbachev. What we in the West must do is to carry on in the spirit of Anatoly Marchenko and continue to publicize the Soviet record. I am pleased to vote for S. Con. Res. 8 and am particularly pleased that it lists a number of Soviet political prisoners by name. I could add many other names to the list. I hope Secretary Gorbachev will recognize that the concern for human rights expressed by this body will not disappear with the release of a handful of prisoners.

Mr. DOLE. Mr. President, I am pleased that the Senate is moving quickly on this resolution. I hope that it will send the signal it was intended to send to the Soviet Union: That as one of its very first acts, the 100th Congress condemns actions by the Soviet Government to deny any of its citizens the most basic human right—the right to choose where to live.

As I pointed out last Friday, when this resolution was jointly introduced by the distinguished majority leader, Mr. BYRD and myself, no one has been fooled by the new emigration policy announced by the Soviet Union. Rather than liberalizing the process, it merely codifies all the severe restrictions used in the past by the Soviet Government to prevent those who wish to from emigrating, and adds rules that will make it even more difficult for some to leave.

Mr. President, there are few issues that have the universal, bipartisan support of the Senate. But when it comes to human rights, the Senate stands as a body. We stand as representatives of each and every American, speaking with one voice to decry the abuse of human dignity and freedom, wherever, whenever it happens. And today with this vote, we want to stand as a beacon of hope to all those in the Soviet Union who wish to practice their religion without reprisal, to those who wish to remember and pass along their heritage, and to those who wish to settle in another country. Because we will not forget their plight. We will speak out until they too enjoy the basic and fundamental human rights we all deserve.

Mr. KERRY. Mr. President, I rise in support of Senate Concurrent Resolution 8, relating to the current human rights policies of the Soviet Union. I commend Senator BYRD for offering this important statement of the Senate's concern.

Today's resolution protesting the repression of dissidents in the Soviet Union comes at a critical time in the history of Soviet emigration policy. Soviet authorities profess that new emigration rules will allow for expeditious departures for those seeking to emigrate. In spite of Soviet public relations attempts to improve its human rights image, many organizations active in the area of Soviet Jewry believe that these regulations only narrow and tighten the departure process. I hope that they are wrong. But the Soviets will have to do much more to back up their words with actions which demonstrate that their new policy of openness is a reality, and not merely rhetoric.

Jewish emigration from the Soviet Union has slowed to a trickle in recent years. Although 400,000 Soviet Jews have applied for visas to leave, the numbers granted permission to exit have fallen from over 50,000 in 1979 to totals of 896 in 1984, 1,140 in 1985, and 914 in 1986. Furthermore, the Soviet Union's unwillingness to allow individuals to emigrate safely, to remove obstacles to family reunification, and to permit its citizens the freedom of thought, conscience, or religion not only violates the declarations agreed to in the 1975 Helsinki accords, it violates the basic human rights and human dignity to which every individual is entitled. Clearly, these numbers and facts belie the Soviet promises of the past and the present.

Yet, there is always a glimmer of hope. In 1982, while in exile in Gorky, Andrei Sakharov said, "I shall continue to live in the hope that goodness will finally triumph." With this brave man now out of exile, and with renewed hope that, perhaps this year, the Soviet promises of greater emigration will finally be fulfilled, we all share Sakharov's hope that every individual who seeks freedom will achieve it.

The Jewish people have a prayer that is illegal to utter in the Soviet Union which fully expresses their eternal hope, "L'shanah haba'ah b'Yerushalayim" or "Next year in Jerusalem." Today, with this resolution, we collectively express our hope in concert with a people long oppressed yet forever hopeful.

Mr. D'AMATO. Mr. President, I rise today as a cosponsor of Senate Concurrent Resolution 8. As Chairman of the Commission on Security and Cooperation in Europe, better known as the Helsinki Commission, I strongly support this resolution and call upon my colleagues to do more than just vote for it. This resolution and the cause it stands for, human rights for persons living in the Soviet Union and freedom to leave for those who wish to emigrate, deserve and indeed demand our whole-hearted commitment.

Many worthy causes come before this body, seeking an expression of our support. This cause is special—human lives are at stake. We must again highlight Soviet human rights abuses and their denial of permission to emigrate to Soviet Jews, Armenians, Ethnic Germans, and others. If we fail to lend our full strength to this cause, many thousands will suffer and some will even die.

In Vienna, at the followup meeting of the conference on security and cooperation in Europe, the United States has documented in depth and in detail these Soviet violations of their Helsinki human rights commitments. Our allies and neutral and nonaligned states have joined with us in this effort to get the Soviets to keep their word, so far without more than cosmetic success.

Let me call to the attention of this body that last year the Soviet Union allowed only 914 Jews to emigrate. This is down from 1,140 in 1985, a year in which our relations with the Soviet Union were supposedly more tense than they were in 1986. The Soviet record in this regard is particularly poor in light of the fact that they allowed 51,320 Jews to emigrate in 1979. And there are at least 380,000 Jews in the Soviet Union who have taken the first step toward emigration by requesting and receiving a vyzov, or affidavit, from Israel.

These people desperately want to leave and the Soviets won't let them. Not only that, they persecute mercilessly those who have the courage to try. They have the attitude that anyone desiring voluntarily to leave the Soviet "workers' paradise" is either mentally ill or a traitor. They fire them from their jobs, deny them housing, expell their children from the unversity, and subject them to criminal prosecution for parasitism because they are unemployed. Some they commit to mental hospitals for "treatment" of their mental disorder—seeking freedom through the exercise of the rights their government supposedly guaranteed them when it signed the Universal Declaration of Human Rights and the Helsinki Final Act.

The preamble of this resolution and its first resolved clause discuss the new Soviet emigration regulations. Dr. Yuri Orlov, a founding member and the spokesman for the Moscow-Helsinki monitoring group recently gave an interview to Eric Greenberg, director of governmental and legal affairs for the coalition to free Soviet Jews. This interview was published in the January 1987, issue of coalition's newsletter, "Lifelines." In this interview, Dr. Orlov, who is not Jewish but who has been one of the most prominent leaders of the Soviet human rights movement, discusses the emigration rules and Soviet anti-semitism, among other topics. His remarks go to the heart of our discussion today.

I ask that his interview be reprinted in the RECORD at the end of my remarks. I commend his comments to my colleagues and all supporters of human rights.

In particular, I want to reinforce his remarks about the link between free emigration and security. This resolution makes the point that Soviet human rights violations seriously affect the atmosphere for productive negotiations on other aspects of our bilateral relations and make it much more difficult to reach viable agreements with them. Dr. Orlov's comments on the positive impact free emigration would have on this situation are very important.

Speaking for myself, I know I would have great difficulty accepting any agreement with the Soviet Union which did not include explicit measures to assure verification and provide for enforcement when violations were detected. Given the Soviet human rights record, basing any agreement with them on trust or calculations of mutual self interest alone would be blind folly. I believe that the majority of the American people would agree with me.

Again, I call upon all of my colleagues to join me in support of this resolution, and to work together to achieve Soviet compliance with their Helsinki human rights promises and free emigration for all those desiring to leave the Soviet Union.

The material follows:

INTERVIEW—ORLOV ON THE NEW EMIGRATION RULES

(On December 9, Dr. Yuri Orlov spoke to Eric Greenberg, Director of Governmental and Legal Affairs for the Coalition to Free Soviet Jews, about problems and issues facing Soviet Jewry: most notably the new emigration rules, the history of anti-Semitism in the Soviet Union, and his friends in the struggle for human rights. Orlov, who is the founder of the Moscow Helsinki Group, arrived in the United States as part of the agreement which freed journalist Nicholas Daniloff. Below are excerpts from the interview, which took place at Orlov's home in New York.)

It is apparent that they do not expand the rights of emigration, but literally limit them even further. The only positive aspect of the statute is that now emigration is carried on according to a statute that is available for inspection and not according to secret instructions. Thus, now, we can directly criticize the USSR not only for their actions, but also for the essence of the statute that regulates them. It states that the USSR may recognize the right of reunification of families and that it is neither willing to, nor will recognize, anything else. Under this statute, families are considered to be only the husband and the wife. It includes the children only if they are not married. If a child should marry, he is no longer considered to be a member of the family. In reality, this new policy is inapplicable to the issue of emigration. It mainly deals with a totally different concept, that of regulating property interests of the people involved. The regulation of emigration should be approached from a humanitarian standpoint only. Parents remain parents regardless of whether their children are married. It is an atrocity, and an abomination, that the interpretation which is given by the Soviet officials is given serious consideration by the legal community in the West.

The USSR, by enacting these new policies, has virtually confessed that it does not want, and has no desire to recognize and fulfill its duties under the Final Act. It is clearly stated in both the United Nations Declaration of Human Rights and in the Helsinki Final Act that a person must have the right to leave his country, choose his country of citizenship and of residence. This is more than a right to emigrate—this is the right of migration. There should be no need for documentation of whether one has relatives in another country. The Soviet Union still refuses to comply with these rights, and it should be understood that this refusal has numerous domestic and international implications. The problem of emigration is a problem of international scope.

As a result of this statute, there are a great number of Jewish families in the Soviet Union who hope to leave its borders, but are still unable to because their relationship to their loved ones in Israel is considered too remote. It should be stressed that the Soviet Union must recognize the right to emigrate without the requirement of having relatives abroad. For this we must fight.

As a result of this policy, only a minuscule number of Jewish families are allowed to leave the USSR.

The right of Jewish families to leave the Soviet Union transcends the limits of the important, but narrow, issue of human rights. The situation before us is also a problem of mutual security. If the Soviet Union would agree to open up its borders, this would significantly increase the warmth of relations between countries. Soviet citizens are raised in an atmosphere of secrecy regarding the rest of the world. Those who have the power in the Soviet Union want this situation to remain intact. It is still the case that those people who wish to leave the Soviet Union are subjected to ostracism and are proclaimed to be traitors by Soviet propaganda. This situation is very dangerous for international relations. Soviet citizens are brought up in an atmosphere which promotes confrontation with the rest of the world. This is a strong argument for those advocating human rights.

GORBACHEV AND THE HISTORY OF SOVIET ANTI-SEMITISM

Gorbachev has stated that the life of the Soviet Jew is a good life, or in any case, a better one than that of other ethnic groups. He pointed to positions occupied by the Soviet Jews as confirmation of his statements. Gorbachev's position is that there is no Jewish problem, no anti-Semitism, no friction. Of course, this is quite contrary to the reality. Until World War II, anti-Semitism was persecuted in the Soviet Union. The statutes were clear about sentencing those guilty of ethnic animosity. At that time, the Jewish minority attained positions of importance in various institutions and cultural and intellectual circles. This was also a result of the Bolshevik Revolution which forced many Russian intellectuals to leave. Subsequently, a redistribution of property, destroyed the middle class which developed and expanded the cultural layers of the Russian society. Thank God, that one minority—the Jews—found itself filling these positions that would otherwise remain empty. After all this, Russian chauvinists still accuse Jews of appropriating all influential positions in the intellectual sphere? "Friends," I would like to say to them, "you have destroyed the Russians who were capable enough to assume responsibility for such positions. You have no right to complain now." The fact that the Jews played a major role in the intellectual aspects of Russian life was important for the development of this minority in the USSR in spite of the ensuing persecution. And there was so much persecution after the war.

After the war, an anti-Semitic campaign to which I became an unwilling witness, was born and began to unfold. This campaign culminated in the trial of Jewish physicians, whom it was said had tried to poison Stalin. As a result, a campaign of anti-Semitism spread throughout the USSR, and took hold of the lowest and most undesirable inclinations and tendencies in the nature of Soviet society. Although I am not a Jew, I was often taken for a person of Jewish origin. I personally felt and saw what it was like to be a Jew in the Soviet Union. I know.

After Stalin's death, the doctors were freed, but the bitter residue of the improprieties that took place naturally led to a movement which advocated the right of Soviet Jews to leave the Soviet Union. The Jews wanted to leave in order to free themselves from this very heavy burden. As the Jews articulated their desire to leave, a parallel movement of anti-Semitism started to grow.

Certainly, the times have changed since Stalin's regime. Khrushchev had swept to the side the heavy Iron Curtain. But generally speaking, the progress has not been significant. I have often had to entertain questions from even educated and erudite individuals, as well as the average members of the population, as to why the Jews want to leave the Soviet Union. I would point to anti-Semitism, but this phenomenon would elicit no feeling and no response from a non-Jewish Soviet citizen. He does not even notice it, although it pervades the Soviet society as well as his own behavior in subconscious and subtle, and more direct and bolder ways. But he does not see. He is so immersed in his chauvinism that he does not even realize its existence.

I don't know whether Gorbachev will allow the Jews to leave. So far, I don't think that it is in the interests of the Soviet government to do so. The Jewish minority contains many hard workers, excellent scholars, and brilliant theoreticians. It is less infested with drunkenness and idleness than the general population. It is difficult to part with such positive people.

FRIENDS IN THE HUMAN RIGHTS STRUGGLE

I would like to mention the Yekirovs and the Rosensteins—families who have been waiting 15 years to emigrate. Of course, there is also Vladimir Slepak, who is also a member of the Helsinki Group, just like Anatoly Shcharansky. Both fought for the rights of emigration for Jews and non-Jews alike. They fought for the rights of a Russian woman from Leningrad, who wanted to emigrate but did not choose Israel as her place of residence. She had that right and they worked to uphold it. The views of Shcharansky and Slepak are not limited to ethnicity, for they expand far beyond the plight of the Jews to envelop the general rights of Man. And I marvel at such generosity of spirit. I would like you to share that spirit as well.

I also want to mention Ida Nudel, a beautiful person who is my personal friend. We must get her out.

You must also fight for the release of Sakharov, Koryagin and those who, in your ranks, fought against anti-Semitism and hate. I mention these people not only because they are my friends, for it is not accidental that we are friends. We are close spiritually because we have the same ideals of democracy, of freedom, of rights. We fight for each other, for what we believe. We help each other in trying to attain freedom. We need each other to succeed.

JANUARY IN SOVIET JEWRY HISTORY

January marks two major events in Russian/Soviet Jewish history. In 1882, as a response to the severe pogroms in Southern Russia the previous year, 500 Russian Jews pledged to go to Israel. In a reawakening Jewish spirit, these Russian Jews were the first to pioneer the modern return to Eretz Yisrael.

Ninety-three years later, another major event occurred which interwined Soviet Jews once again with their homeland. In 1975, the one hundred thousandth Soviet Jew arrived in Israel since the emigration gates were opened in 1967. There is a sad footnote, however. In the twelve years since that day, only 65,000 more Jews have arrived in Israel. As in 1882, Soviet Jews today seek to emigrate to Israel so that they may live freely as Jews.

A STRONG SENATE MESSAGE AGAINST SOVIET HUMAN RIGHTS ABUSES

Mr. BYRD. Mr. President, under the previous order, the Senate now will vote on Senate Concurrent Resolution 8, which addresses the continued suppression of human rights in the Soviet Union.

Last Friday, the distinguished Republican leader, others, and I introduced this concurrent resolution to condemn continued Soviet human rights abuses and to support the restoration of human rights to all Soviet citizens—especially the internationally recognized right of emigrations for all those Soviet Jews and others who have requested exit permits.

In introducing this measure, I said I was confident the Senate would send a strong and unmistakable message to the Soviet Union that it had to improve its abysmal human rights record.

It is now time for the Senate to send that message, Mr. President, so that the Soviets understand, without any doubt, that human rights is a priority of the 100th Congress, that we will be monitoring closely their human rights performance, and that the American people want the present human rights repression in the U.S.S.R. to end.

Mr. President, I ask unanimous consent that all Senators who may wish likewise to have statements appear in the RECORD may do so as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I close by urging all Senators to vote for this measure in order to send the strongest and most united message on this subject that the Senate can send.

I thank the Senators. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—99

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth
Zorinsky

NAYS—0

NOT VOTING—1

Bond

So the concurrent resolution (S. Con. Res. 8) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. HOLLINGS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the preamble is agreed to.

The current resolution, with its preamble, reads as follows:

S. CON. RES. 8

Whereas the Soviet Union has been waging a concerted campaign against teachers of Hebrew and other Jewish activists, continues to incarcerate prisoners of conscience, and still denies basic human rights to many of its citizens on religious, political, ethnic, and cultural grounds;

Whereas the Union of Soviet Socialist Republics has recently adopted deceptive emigration regulations which—

(1) do not permit emigration for religious, national or political reasons;

(2) codify the previous pretexts for denying emigration permits even in cases involving the reunification of immediate families; and

(3) substantially limit the number of individuals eligible for emigration; and

Whereas nearly 400,000 Soviet Jews have, at considerable personal risk, indicated their desire to leave the Union of Soviet Socialist Republics for Israel, but during 1986 less than 1,000 Jews have been allowed to emigrate: Now, therefore, be it

Resolved by the Senate (the House of Representaives concurring), That the Congress hereby—

(1) strongly protests the continued human rights repression in the Soviet Union, especially the new emigration regulations, despite Soviet attempts to appear to be in compliance with its international human rights obligations while continuing to violate the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Final Act") and other international human rights agreements;

(2) declares that the Soviet Union's continued human rights abuses, especially its refusal to permit all those who wish to emigrate to do so, seriously affect the atmosphere for productive negotiations on other aspects of bilateral relations between the United States and the Union of Soviet Socialist Republics and make more difficult the reaching of viable agreements with the Soviet Union;

(3) call upon the Soviet authorities, as a good faith measure, immediately to release Iosif Begun, Yuli Edelshtein, Iosif Berenshtein, Aleksandr Ogorodnikov, Levko Lukyanenko, Father Alfonsas Svarinskas, Viktor Valter, and Mart Niklus, and immediately to permit Ida Nudel, Vladimir Slepak, Abas Taratuta, Janis Rozhkalns, Serafim Evsyukov, their families, and other "refuseniks" to emigrate; and

(4) dedicates itself as a priority in the One Hundredth Congress to support the restoration of human rights to all Soviet citizens and, especially, the internationally recognized right of all those Soviet Jews and others who have requested exit permits to emigrate.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business and Senators may be permitted to speak therein for not more than 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CHALLENGER CENTER DAY

Mr. GARN. Mr. President, I send a joint resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the joint resolution.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 24) to designate January 28, 1987 as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. BYRD. Mr. President, reserving the right to object, the joint resolution has been cleared on this side of the aisle. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. I thank the distinguished majority leader.

The Senate proceeded to consider the joint resolution.

Mr. GARN. Mr. President, on behalf of the esteemed Senator from Ohio [Mr. GLENN] and more than 72 of our colleagues, I am today introducing a joint resolution, and have asked for its immediate consideration by the Senate. My reason for requesting expeditious passage of this joint resolution is so that, assuming a companion resolution being introduced in the other body is passed, the President will be able to issue the requested proclamation on a timely basis.

Mr. President, we will, during the next several weeks, hear a great deal about that tragic accident nearly 1 year ago, and the loss of seven brave and wonderful people when the space shuttle *Challenger* was destroyed shortly after launch. We will, as we should, be asked to think again about the sacrifice made by those courageous Americans, and to reflect on the meaning of the mission on which they had embarked, and to which they had dedicated themselves.

Those of us who were privileged to know members of the *Challenger* crew will recall the deep personal feelings of grief and loss we felt on that tragic day; that sense of helplessness that comes to us all in the face of an irrevocable loss; the futile hope that somehow we will wake up to find it was just a terrible nightmare. I know that I will never forget the inadequacy I felt that afternoon as our colleague, Senator JOHN GLENN and I went down to Kennedy Space Center, at the invitation of Vice President Bush, to join him in conveying the President's and, indeed, the Nation's condolences to the family members of the crew, and to try to be of some comfort to those who had lost their loved ones that day.

I must tell my colleagues, however, of what is the most vivid memory of that visit to the crew quarters that evening. As we stood there, in that room filled with so much sorrow and pain, and in the rather awkward quietness that followed our brief comments to the family members, June Scobee, wife of *Challenger's* commander, Dick Scobee, responded. She stood there, with her crew family around her—and shuttle crews develop that kind of bond, and it extends to their families—and she said, "Mr. Vice President; Senators, I know I speak for all of us when I tell you that what we want, and what we know our loved ones would want, is for the space program to continue."

Rarely, Mr. President, have I seen such indomitable spirit, or such courage and bearing in the face of such an overwhelming personal tragedy. The sun had barely set on the day that visited that tragedy on those wonderful, devoted people gathered together in that room, and yet they thought, not of themselves first, but of the dream and the vision to which they and their departed loved ones had been committed. That was the message June Scobee wanted to convey, above all else that day. In her soft-spoken, yet powerful and determined way, she conveyed that message to us clearly and unmistakably. We were deeply moved by that experience, Mr. President, and came away from that visit humbled to have been in the presence of a group of people with that kind of character.

Those words spoken to us that night were only the beginning. The dedication they expressed did not end there. During the weeks and months following the accident, the immediate family members of the crew stayed closed to one another, sharing the burdens of their loss, and sustaining one another through the difficult times of the accident investigation, the salvage operations, and the many memorial services for the crew members held throughout the country. They talked often of their hopes and dreams, and of the mission for which the *Challenger* crew members gave their lives. They felt the need to do something even beyond expressing continued support for the space program, as June had done on their behalf that night, and as they had all done when they met later with President and Mrs. Reagan in Houston, at the memorial service held there for the crew. Their conversations led, ultimately, to the development of a concept now embodied in an organization formed by the immediate family members, and in an exciting project called the Challenger Center.

The Challenger Center is, in effect, the continuation of the final mission of *Challenger*, and of what that mission could have begun had it been completed. As we all know, one of the unique things about that flight was the inclusion in its crew of a teacher—Christa McAuliffe, who was going to conduct classes from orbit, and develop an ongoing series of lessons in space sciences. But Christa's mission was shared by all the crew members. Many are not aware, Mr. President, but student and teacher involvement in experiments and studies on board the shuttle has been a part of many of the shuttle flights, and has already contributed much to the enrichment of education. Christa's orbiting classroom would have been the most visible demonstration of the enormous educational benefits of the space program, and would have been an incredible stimulus to young people and teachers to expand their academic interest into the sciences. I am sure my colleagues don't need to be reminded of the very great need we have in this Nation to expand the opportunities for science education and to encourage young people to enter the fields of science and technology. Without that fundamental human resource, we cannot hope to fully realize the potential of the future.

Challenger did not complete its mission. Christa did not teach her lessons from space. *Challenger's* crew did not return to tell others what they learned, or contribute to the expansion of educational opportunities. But so great was their desire to do so, and so strong their dedication to that goal, that their familes have found the means to fulfill *Challenger's* mission.

Mr. President, I am privileged and honored to be a member of the board of the Challenger Center Foundation. I wholeheartedly support the concept of the Center, and I am committed to its success. The Center will provide the children and young people of the Nation with an opportunuty to experience the sciences at work, especially the space sciences, and the technology that both derives from and makes possible the exploration of space and the advancement into mankind's next great frontier. It will help teachers learn how to be more effective in teaching the concepts embodied in those sciences. It will serve as a focal point to bring together the best talents, skills and resources to continue to improve those learning and teaching opportunities for generations to come.

As we approach January 29, each of us will, in our own way, remember the *Challenger* crew and the way they touched our individual lives, and for what their sacrifice evoked in our own hearts and minds 1 year ago. The resolution I am introducing today provides a way for us as a nation to pay tribute, together, not only for what the crew gave us as a nation, through their example of courage and excellence, but for what their dream can mean to the advancement of our own future, and that of our children. The Challenger Center will be a living memorial to that crew; it will be a place where Dick Scobee, Mike Smith, Ron McNair, Ellison Onizuka, Judy Resnik, Greg Jarvis, and Christa McAullife will be remembered in future generations not only as names on a plaque. They will be remembered as seven people whose sacrifice gave birth to a Center where the people who one day may be the first lunar colonists or Martian explorers first experienced the excitement and the thrill of learning about our earth and the solar system and universe of which it is a part; it will be the place that first prompted them to look up into the night skies and see the possibilities there, in the stars.

That is why this resolution calls for the proclamation of a Challenger Center Day, Mr. President. Because it will be the Center itself and, more importantly, the kinds of activities that take place there and are generated there for use throughout the nation, that will be the memorial for the seven brave Americans who gave up their lives on that day in 1986.

I urge my colleagues to support this joint resolution, Mr. President.

Mr. GLENN. Mr. President, the expeditious passage of this joint resolution will ensure that the President will be able to issue the requested proclamation on a timely basis, assuming a companion resolution in the other body is passed. I also ask that the text of the joint resolution be inserted in the Record.

It has been almost 1 year since the tragic loss of the space shuttle *Challenger* and the seven brave Americans aboard. It has been a year of pain, and sorrow, and the frustration of many hopes and dreams, not only of the astronauts and their families, but also of the American people. It has also been a year of rebirth, a year in which a nation decided to forge ahead with its dreams, a year which has seen more than the mere continuation of the old dream, but a commitment to a new one.

I was privileged to witness, with my colleague Senator Garn, the powerful determination of the *Challenger* crew families that the *Challenger* mission be completed. Through their strength, we now have the means to accomplish this goal. The Challenger Center for Space Science Education is the product of sorrow and pain, born on that tragic day last year, but it is also born of hope, determination, and the indomitable spirit that makes this country great.

The Challenger Center, as my colleague has explained, is a place where the educational mission of the *Challenger* can be continued. The Center is designed to stimulate and enhance young people's knowledge and participation in science, particularly in space science. It is a wonderful idea, and one that merits our full support.

Perhaps the most exciting thing about the Challenger Center, however, is that it is not a statute that will be solemnly viewed and forgotten, nor simply a once-a-year observation of a tragic event. It is a living memorial expressing the goals and ideals of the *Challenger* crew, one which would invite participation and one which would embody the mission of the space shuttle *Challenger* and further the education of our Nation's youth. The Challenger Center for Space Science Education is a most fitting tribute to the *Challenger* astronauts, and I urge my colleagues to support this joint resolution, Mr. President.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (S.J. Res. 24) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. Res. 24

Whereas the crew of the space shuttle Challenger was dedicated to stimulating the interest of American children in space flight and science generally, and in scientific and technological research and advancement;

Whereas the members of the Challenger crew gave their lives trying to benefit the education of American children;

Whereas a fitting tribute to that effort and to the sacrifice of the Challenger crew and their families is needed;

Whereas an appropriate form for such a tribute would be to expand educational opportunities in science by the creation of a center that will offer children and teachers activities and information derived from American space research; and

Whereas the Challenger Center is the only institution expressly established by the immediate families of the crew of the Challenger for the above-named purposes, and is intended to be the living expression of the Nation's commemoration of the Challenger crew: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 28, 1987, is designated as "National Challenger Center Day" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day—

(1) by resolving that in the course of their regular activities the people of the United States will remember both the Challenger astronauts who died while serving their country, and the importance of the Challenger Center in honoring the accomplishments of the Challenger crew by continuing their goal of the expansion of interest and ability in space and science education; and

(2) with other appropriate ceremonies and activities.

Mr. GARN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATOR CHARLES E. GOODELL

Mr. HATFIELD. Mr. President, with great sadness I rise to pay tribute to a long-time friend and former colleague, a Senator from New York State, Charles Goodell, who passed away this morning. I take this occasion to make a few remarks that will be totally inadequate to the stature of the man.

Charlie Goodell came from Jamestown, NY, and served in the House of Representatives. He was known as one of the "young turks" in my party. In 1968, a great tragedy befell the Senator from New York, Senator Bobby Kennedy. At that time, then Gov. Nelson Rockefeller appointed to fill that vacancy created by the untimely death of Senator Kennedy a Congressman from New York State, Charlie Goodell.

I remember vividly that we occupied the back row together over here on the Republican side, and it was a very brief time that Senator Goodell served here in the U.S. Senate, for, as those who remember will recall, in the year he arrived there was a very great and emotional issue that pervaded this entire body and all of America, namely the war in Vietnam.

I remember one Thursday night in 1969 a group of us watched the President of the United States announce the invasion of Cambodia. Charlie Goodell, being in that group, moved out of that room with great concern and with deep dissent for the Presidential policy that had been announced.

The next Saturday morning following that Thursday night announcement by the President of the invasion, or the interdiction of Cambodia, there was one of the largest press conferences held on the Hill during my 20 years in the Senate. At that press conference there appeared Senator Goodell of New York, Senator McGovern of South Dakota, Senator Church of Idaho, Senator Hughes of Iowa, and myself—Democrats, Republicans, five of us—and we announced that we were introducing an amendment to end the war in Vietnam, the first amendment of its kind to cut off funding for the Vietnam war.

Out of that initial amendment which was offered that Saturday morning evolved what came to be known as the McGovern-Hatfield amendment, but that was the beginning of the congressional action to end the war in Vietnam.

There was a great deal of public sentiment, and we knew that that public sentiment which supported our position on the war had in some way to be mobilized. A very historic and unique event occurred to further that cause. We asked a number of individuals to underwrite one-half hour of national television at prime time, and in that half hour the five of us made an appeal to the American public to assist us in our effort to inform, to educate, and to further the cause of ending the war in Vietnam. Out of that one-half hour time Senator Goodell, Senator McGovern, Senator Church, Senator Hughes, and myself participated in, the American people responded by raising over a half million dollars, and that half million dollars was mostly in $1 bills, $5 bills, $10 bills, and $20 bills. We even had a good deal of silver that people sent to help the cause.

Senator Goodell came under serious political attack for that position, as all of us did. He was accused of having shifted his position as a political conservative to a political liberal, and the sincerity of that change was challenged far and wide. Senator Goodell, I know, had always considered himself a moderate Republican, but nevertheless that kind of charge was leveled and it became very effective in the ultimate political defeat of Senator Goodell. High officials in my party not only attacked him verbally but they also used every possible power in their command to deny Senator Goodell funds for his reelection bid to the U.S. Senate in the year 1970. Again, they were effective in this attack on Senator Goodell from within the party. In that November election in 1970, the Democrats in the State of New York nominated Dick Ottinger, a very able man; the liberal party of New York State nominated Senator Charles Goodell, incumbent. The conservative party of the State of New York nominated James Buckley. We know the results. James Buckely won that election and served ably and effectively in the U.S. Senate. I consider James Buckley today a friend as well. I only recite his name in this particular context to again emphasize the point that Charlie Goodell was a very courageous political person.

My party could use many Charlie Goodells right now. The Nation could use a few Charlie Goodells right now. The Senate could use some Charlie Goodells right now. There can be no question that America's longest and most divisive war would have been even longer and more divisive still had he not been on the front line of the political battlefields to stop it.

I think as an interesting aftermath of this political story of the life of Charlie Goodell, I suppose that in many ways, he could have been justified in being bitter about his political demise. But no matter how hard some tried, and I know that he had friends and staff who were bitter, no one could ever force Charlie Goodell to yield to bitterness. I saw no remnant, no residue, no evidence of bitterness in Charlie Goodell's political defeat. He was just one of those rare individuals who refused to allow politics to consume his humanity.

He will be sadly missed by those of us who were his friends and friends of his family, his lovely wife and family. But I can say this without fear of contradiction or challenge, that Charlie Goodell's place in history is very secure, built not on a single issue, but based upon the character and the courage of a very rare politician.

ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. Are we in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. DOMENICI. How much time does the Senator from New Mexico have?

The PRESIDING OFFICER. Ten minutes.

Mr. DOMENICI. I thank the Chair. I do not believe I need that much.

EXPLANATION OF VOTE ON CLEAN WATER BILL

Mr. DOMENICI. Mr. President, Members of the Senate, I did not have a chance earlier this afternoon prior to the two votes on the so-called clean water bill to express my views—not that it would have mattered, because it was obvious to me that the Senate knew what it wanted to do—vote on the Dole substitute and passage. So I did not seek to speak then, but I would like to talk for just a moment about that.

Far be it for me to advise the President of the United States. Obviously, he vetoed this bill on its first time through, when it has passed both Chambers. It now will be back before him in exactly the same form. But let me suggest that those who voted against the Dole substitute, as I did, and in favor of passage of the original bill, as I did, need not worry too much about any sense of irresponsibility with reference to fiscal policy.

Frankly, I think the President was very, very poorly advised to veto this bill. Again, I do not want to sound like I am giving advice, but really, he ought to sign the bill. Let me tell the Senate and those who are interested why he ought to sign it. Let us take the issue of fiscal responsibility, the expenditure of moneys first, and just a moment on that.

The bill is not an appropriations bill. That bill does not spend one penny. It really does not matter if the annual authorization in that bill was $2 billion more than is in it. Not one penny leaves the Federal Treasury when we passed that and if the President were to sign it or if he vetoes it and it becomes law by an override. Because it is on that whole issue of cleaning up the water of our country and constructing sewer and water plants and the like; it is nothing more than an authorization bill. At some point down the line, during this year and each year during its authorization lifetime, we will have to vote on an amount of money to spend. As a matter of fact, in the event the President is interested, we can even spend more than is stated in there if we choose. I do not like it. I wish it were otherwise. But all we have to say in an appropriations bills is "notwithstanding" and we can put another billion dollars in more than the amount stated in that bill.

We can spend $1 billion less, Mr. President. And if the President does not want us to spend as much as that bill suggests—and I use the word selectively, "suggests," because that is all it is—if he wants us to spend less, what he can do in his budget message is say that. Just say, "I don't think you ought to spend that much." He has one shot at the apple.

When we get ready to appropriate, the President can send a message down here and say "I think it is a little too much money; why don't you take a little out and spend less?" That is the second time.

If he does not like what we appropriate, he can veto the appropriations bill. I submit that we have really had a big, big to-do about nothing, a big to-do about nothing.

The regulatory scheme in this bill is accepted by everyone—environmentalists, the business sector, the White House, OMB. Everyone says, "Good job" on revamping the regulatory schemes in this Clean Water Act. Everyone says "Good job, Congress; you stopped the Grant Program; at some point out there in history, there will be no more. You will start lending money; no more grants."

So all we were arguing about and all we are going to go through another big commotion about is a level of authorization which, literally, Mr. President, all we are arguing about is what level we will appropriate at. I guarantee it is almost totally up to the appropriators and the President as to how much we appropriate.

So, frankly, I did not say this any sooner than tonight, but I did not vote for the Dole substitute and I think I have just explained why. I voted to pass the bill and send it over to the President along with an overwhelming majority of Senators. I guess in my own way, I am suggesting to the President that he ought to sign it. Then he ought to say to the American people and to us, we do not have to go through all this commotion of an override, which will surely occur. He can just say, "I don't think you ought to spend that much money and I will try to keep you from doing it as you appropriate, because ultimately, I have to sign the appropriations bill."

I hope I have not offended anyone in my remarks here tonight, but I frankly believe that is precisely the way it is. This is what we ought to do so we do not waste an awful lot of time and rancor and, indeed, so the President of the United States does not lose any political muscle over this issue.

Some are saying we are just relishing the opportunity to override him. Some are saying, do not let him be overridden during this very difficult time. Frankly, I am suggesting that it really is a lot of to-do about nothing because the President can do just what I have suggested in terms of keeping the expenditures down. We have a good bill on the regulatory framework, a good setup to terminate these grants at a point in time which came well ahead of what anybody thought, because this President has urged that we terminate the grants. They stop out there sometime. Overall, I think we have done a good job. I hope we do not have to come back and talk about it on the floor again.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COOPERATIVE EXTENSION SERVICE BUDGET PROPOSAL

Mr. HEFLIN. Mr. President, the administration has again sent a budget to Capitol Hill that would effectively gut the much-needed services provided by the Cooperative Extension Service. As I hope my colleagues will become aware, the extension programs help people identify and solve their farm, home, and community problems through the use of research findings of our State land-grant colleges, the Department of Agriculture, and other sources. Simply put, the Extension Service has the responsibility of disseminating and applying the results of the valuable research that this Nation invests millions of dollars every year.

The Cooperative Extension Service derives its name from the cooperative effort, or partnership, of the Federal, State, and local funding.

Federal funds distributed to the States by statutory formula to supplement the State and local funding, provides roughly one-third of the Extension funding nationwide.

While these general formula grants are the biggest portion of funding, there are other earmarked programs that account for approximately one-fourth of the overall Extension Service appropriations. These earmarked programs allow the Extension Service to address specific issues that are of importance to certain areas of the country.

The administration's budget places emphasis on the proposal to increase general formula programs by $9 million. However, all of the earmarked programs are completely eliminated. The fact is, the Cooperative Extension programs are facing a 22 percent reduction in funding with this budget proposal. In addition, legislation is also proposed to amend the basic program authorities to change the priorities of the Cooperative Extension Service.

The rewording of the Smith-Lever Act, coupled with the magnitude of the budget cut, if allowed to stand, would effectively cripple our State land-grant universities broad-based Cooperative Extension Program. The budget would further severely restrict the extension work in the area of 4H youth development, family life, community development, and forestry.

Mr. President, I view this budget proposal as a step toward the withdrawal of the Federal Government from a partnership that has demonstrated the capacity to accommodate local, State, and Federal priorities for over 70 years. The cooperative effort, in my opinion, is jeopardized.

In my own State of Alabama, the impact this budget will have certainly will be felt. The president's budget proposal will result in a reduction of Federal funding of approximately $2.3 million in Alabama. This figure translates into approximately 65 to 75 positions throughout the State.

All of the specific targeted programs aligned with the individual needs of Alabama would be eliminated. One of these programs includes a financial management special project. This particular project places emphasis on the restoration of the profitability to agriculture. Mr. President, this is not the time to eliminate such needed programs.

Mr. President, there are other demands on existing funds of the Cooperative Extension Service that must be taken into consideration. For example, the new Federal retirement system requires that Cooperative Extension Service to offer the option to employees to participate in the Federal retirement and investment programs. If all of the individuals employed by the Cooperative Extension Service in Alabama opted to participate, it would cost my State an additional $1.5 million. Other programs such as health insurance benefits have also increased in cost. Health insurance benefits alone will cost the Alabama Cooperative Extension Service another $322,000 annually.

Mr. President, I hope that my colleagues will closely examine the impact of the President's budget proposal on the Extension Service in their individual States. We need the Extension Service and its vital programs to help restore economic prosperity to our agricultural and rural areas.

FEDERAL HIGHWAY REAUTHORIZATION

Mr. HEFLIN. Mr. President, I rise today to urge my colleagues to quickly consider and pass legislation to reauthorize Federal highway funding. This legislation unanimously passed the Senate during the 99th Congress but, despite the great patience and skill of the Senate conference committee members, no agreement was reached prior to the adjournment of Congress.

It is urgent that Congress swiftly pass this measure because it impacts every man, woman, and child in America. It not only concerns their economic well-being, but also their health and safety.

The economic impact of any further delay will be grievous. If we do not pass this bill soon, many States will completely lose the summer construction season. This will mean a loss of jobs, a denial of the use of improved facilities, the deterioration of the existing highways, and higher costs to construct the same projects in the future.

In my home State of Alabama, the highway department reports that the effects of delay in reauthorizing the Federal Aid Highway Program are already being felt. Currently, Alabama is only able to place under construction about $80 million of interstate projects in three counties. Since there are no other Federal aid categories where there are any funds available to carry on a construction program, the remaining 64 counties of Alabama will have no new construction work underway until passage of this legislation.

The impact on the construction industry and the supply industry in Alabama is immediate and hard. There will be significant unemployment in the contract and supply industries as congressional inaction continues. A number of smaller contractors are facing the real prospect of going out of business, and a number of the larger contractors will have to be successful through bid submissions in other States in order for them to stay in business. If jobs should be lost, the social and economic tolls will have to be borne not only by the unemployed and their families, but also by the taxpayers as well.

Mr. President, unemployment, inadequate ground transportation, and higher net costs for every project we would like to complete are the price of our delay.

Even as serious as the economic impact is, it is minor compared to the risk to human life that is encompassed by this issue. It has been shown that replacing two-lane highways with interstates saves lives. I can only hope that our delay so far has not resulted in any loss of life which could have been avoided by earlier passage of this bill.

Mr. President, I realize that my colleagues and I will face many of the same difficult decisions which we faced in the 99th Congress. Nevertheless, I urge this body move quickly to pass this legislation. Failure to do so will result in danger to the fiscal health of our States and the physical well-being of our constituents.

THE SOVIET UNION'S EMIGRATION POLICY

Mr. KERRY. Mr. President, I would like to take this opportunity to recognize the plight of one man who is suffering today unnecessarily, because of the policies of the Soviet Government. Alexander Ioffe, a renowned mathematician living in Moscow, has undertaken a hunger strike to help his son emigrate to Israel. He is now in the 14th day of his hunger strike.

Ten years ago, Ioffe himself was denied permission to emigrate to Israel. He lost his professorship and his research facilities. Now, his son's request to emigrate has been denied, and Ioffe has decided to challenge the Soviet Government's purportedly reformed policy for emigration.

It is indeed a cruel twist of fate, Mr. President, that Alexander Ioffe's hunger strike accompanies the unveiling of a "new and improved" Soviet emigration policy. Although the Soviet Government is striving in word to improve the procedures for emigration, its actions in this case so far, as in literally hundreds of thousands of other cases, belie that promise.

It would be truly tragic if Alexander Ioffe were to starve to death because of the obstinacy of a restrictive bureaucracy that fails to uphold its word. I sincerely hope that the Soviet Government can recognize the plight of this man and his family, and sincerely strive to improve upon its emigration policy.

In an interview 3 years ago, Alexander Ioffe said, "In the Soviet Union, freedom is something that is intangible and mysterious." Let us hope that, someday, Alexander Ioffe solves that mystery, and is able to touch the freedom that eludes him and so many other Soviet refuseniks.

Mr. President, I ask unanimous consent for the introduction in the Record of an editorial of the Boston Globe regarding Alexander Ioffe.

There being no objection, the article was ordered to be printed in the Record, as follows:

Testing Soviet Emigration Policy

Just when it seemed that the Soviet Union had made its dissidents happy and its emigres welcome, an eminent mathematician with many friends in the Boston-Cambridge academic community went on a hunger strike, and it became clear that all is still not well.

Alexander Ioffe, one of Moscow's better-known refuseniks, was denied permission 10 years ago to emigrate to Israel, apparently—as in the case of Andrei Sakharov—because of his knowledge of Soviet nuclear secrets. With the refusal to emigrate also came loss of his professorship and research facilities. Still, Ioffe has kept up with developments in his field—variable calculus and convex analysis—and continues to have papers published in Western mathematical journals. He has a standing invitation to lecture at MIT and at several European universities.

Ioffe had accepted his own position with a philosophical detachment. During an interview in his Moscow apartment three years ago, he debated the differing notions of freedom. "In the Soviet Union," Ioffe said, "freedom is something that is intangible and mysterious. Often, we do not know if we are free or not—and we have no way of finding out."

Now, Ioffe has found the limits to freedom that remain in the Soviet Union, despite Sakharov's release from internal exile, a decision to allow other dissidents and refuseniks to emigrate, and a new spirit of "glasnost" (openness) that has led a number of Russian emigres to return home from the United States.

Ioffe's son's request for an exist visa was also turned down. Dimitri was 13 when his parents first applied for exit visas. Although a promising mathematician, he was denied admission to Moscow University—and a chance at a professional career—possibly because of his father's status as a refusenik. He is 23, married, has a two-year-old daughter, and has sought permission to emigrate to Israel. Dimitri was turned down because he has no family in Israel and because his emigration would separate him from his parents, who would have to remain in Moscow.

In a letter to General Secretary Mikhail Gorbachev, Alexander Ioffe said that "there is no law or morality behind the refusal to give them the possibility to emigrate." To force the issue, the elder Ioffe has gone on a hunger strike. To friends in the Boston area, he says that "I simply cannot live without being sure I have done all I can to help my son go."

In his letter to Gorbachev, Ioffe alluded to the changes that the new leadership is trying to bring about in the Soviet Union. "In some of your public speeches you were talking about the difficulties of overcoming resistance by a bureaucratic apparatus that does not want any change." Ioffe feared that "the faceless machine" of Soviet bureaucracy "continues to break the fate and lives of human beings."

A campaign to win permission for Dimitri Ioffe to emigrate is being pressed by refusenik-support groups in the United States. The case is seen as a test of how much Soviet policy toward its Jewish citizens and its dissenters has changed—and whether that "intangible and mysterious" freedom, of whose existence Alexander Ioffe was not certain, does exist in the Soviet Union.

TRIBUTE TO MRS. MARGARET RANDOLPH

Mr. HEFLIN. Mr. President, it gives me great pleasure to rise, today, to pay tribute to Mrs. Margaret Randolph, who was recently chosen by the Alabama School Counselor Association as the Alabama Elementary School Counselor of the Year for 1986. I wish to extend my congratulations to Mrs. Randolph for receiving this award.

The counseling that Margaret Randolph has provided to children has been excellent. Even at very young ages, children have problems which distress them and interfere with their learning. These problems may often disrupt their lives, bringing them unhappiness. They may worry about being in a new school, or in a new atmosphere. They may think they have no friends. They may suffer from a lack of confidence. Mrs. Randolph helps these children deal with their problems in a way that a parent is often unable to. She helps them through painful stages which are inevitable in their development. She provides counsel which helps them to learn from difficulty.

Margaret Randolph has been a student counselor at the EPIC school in Birmingham, Alabama, for the past 6 years. The EPIC school is a school that serves gifted and handicapped students from all over Birmingham. Mrs. Randolph has been an elementary school counselor for 8 years in all. Before that, she was a high school counselor in Atlanta, a college professor in Spartansburg, SC, and a psychiatric counselor in Heidelberg, Germany. She enjoys the challenge which exists at a school with such talented students.

Both Mrs. Randolph and the children of the EPIC school have benefited from their special relationship together. She has helped them to contribute and to reach their potential by providing them with the right mental attitude, personal confidence, and sense of worth. The contribution that Margaret Randolph is making to the children of Alabama is truly outstanding.

In addition to her work with the EPIC school, Margaret Randolph has provided insight and guidance to the entire State. She recently testified before Alabama's Joint Legislative Committee on Children and Youth about ideas for using unnoticed resources available in every community to help in providing education. Mrs. Randolph has advocated implementation of a plan known as networking. Networking is a method which takes advantage of the contributions that parents, local industry, and other schools can make to the education of elementary school students. She has worked to bring plumbers, printers, doctors, bus drivers, and other people from assorted jobs and professions to speak to the students about their professions. This provides these children with an idea of what their lives will be like after their education is complete. Such imaginative techniques are greatly beneficial to all.

Mr. President, Margaret Randolph is providing an outstanding service to her community, her State, and her Nation. She is helping to mold the minds of our young—who will soon carry on the precepts of our Nation. She is a person who will remain in the minds and memories of those she has helped, because she has helped to guide their paths. I salute her for her efforts. I am also certain that each of her students, their families, and every member of the EPIC school faculty are proud of her for this honor.

Mr. President, I ask unanimous consent that an article from the Birmingham News be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

EPIC School Counselor Wins State Award

(By Judy Cole White)

My name is Sam Eskildsen. When I first came to EPIC School in the 2nd grade, I was scared and unsure of myself. Mrs. Randolph helped me during my troubled times in a new school and a new atmosphere.

In 3rd grade I didn't have very many friends so I went to Mrs. Randolph for counseling every day after P.E. She helped me a lot as you will soon find out.

In 4th grade I ran for president of EPIC Student Council. I won for 2 reasons. First I had an awesome campaign manager. And reason No. 2, I had Mrs. Randolph there to help guide me through the hard times of the election.

Margaret Randolph, student counselor at EPIC School on Southside for the past six years, was nominated for Alabama Elementary School Counselor of the year. Sam's letter was part of the nomination sent to the selection committee of the Alabama School Counselor Association.

Mrs. Randolph won.

"It's touching when someone as special as Sam thinks I'm special," Mrs. Randolph said. "He's such an individual. I was very flattered."

Mrs. Randolph said she didn't think she had a chance of winning because last year's winner, Halcyann Badham from Wright and Norwood elementary schools, also was from the Birmingham School System.

"I just knew the committee wouldn't choose another Birmingham teacher," Mrs. Randolph said. "But I did what I expect the kids to do—if you're going to go for it, go to win it."

The Alabama School Counselor Association is under the American Counseling Association. Each year, the association chooses the best counselor in the state. Several prizes go along with the honor: a plague, $250 for guidance supplies and a scholarship to the U.S. Space Camp in Huntsville for one fifth-grade student.

Mrs. Randolph was especially pleased with the Space Camp scholarship, which is valued at $425.

"I'm really interested in space and I'm going to the adult space camp myself," she said.

In spring 1987, Mrs. Randolph will award the scholarship to a fifth-grader at EPIC, a school that serves gifted and handicapped students from all over Birmingham. The students who wish to compete for the scholarship must write a description of their interest in space, compile a list of books and articles about space which they have read and have good academic grades. They also must have demonstrated community participation, have three letters of recommendation, a doctor's statement of good health and their parents' permission.

"I hope we haven't made it too difficult," Mrs. Randolph said, "but I think it's important that this scholarship go to a student who is truly interested in space. This is involved enough to weed out those who just think it might be fun to tell the other kids on the street."

"I came here in 1980 when the present fifth-graders were kindergarten students," she said. "I think that because EPIC is so complex, talents just blossom. These guys and I have blossomed together."

The cash prize for guidance supplies also is welcome, Mrs. Randolph said, but she believes money isn't the only answer to providing good education. She testified before Alabama's joint legislative committee on children and youth earlier this year about ideas for using resources available in the community.

"A lot of folks just say 'give us more money,' but money is only one ingredient. When money is short, what you do is network—with parents, with industry, with other schools. We network with plumbers, printers, doctors, bus drivers, computer experts, and photographers. When you can get a real person doing a specific job to come in and tell the children about what it's like—that's education."

Mrs. Randolph has been an elementary school counselor for eight years. Before that she was a high school counselor in Atlanta, a college professor in Spartanburg, S.C., and a psychiatric counselor in Heidelberg, Germany.

"About 10 years ago, I thought it was time to sit still and accomplish something in one place," she said. "So I thought about it and decided I wanted to be an elementary school counselor. So I did. And it's hard. It's hard when you see them go through painful stages, but it's necessary 'cooking' before the next level can be accomplished. Like the china plate that's something else before it goes in the oven, a kid has to cook too."

Her six years at EPIC are the longest she even has been in one job.

"When things get stale, I move on," she said with a grin. "But things never get stale at EPIC. You get a winning ship and it pulls people together, everybody excels. What happens is, everybody gets excited. Being part of this faculty is a gift, something you have once in a lifetime. I know how to be a counselor, I could do a pretty respectable job anywhere. But being here at EPIC is like being on the cutting edge and the kids are a part of that."

I want to say a little bit more about Mrs. Randolph. She is the most caring and understanding counselor I have ever met. She cares about kids more than anybody else I know so I think that makes her counseling efforts worth so much at EPIC School. If there was a human copying machine, I think that Mrs. Randolph would be the 1st one to be copied on it because we all want so many more of her.

A TRIBUTE TO DR. RALPH W. ADAMS

Mr. HEFLIN. Mr. President, I am filled with honor as I rise today, to congratulate Dr. Ralph W. Adams for his selection as one of the 100 most effective college presidents in our Nation. Dr. Adams serves as the chancellor of Troy State University in Troy, AL.

It does not surprise me in the least to find Dr. Adams' name among the outstanding leaders of American colleges. Since 1964, Dr. Adams has led Troy State University through a period of expansion and improvement. He has turned the focus of the school to a wide variety of programs. The university was completely reorganized in 1971, and now consists of several distinct divisions each administered by a dean. It offers specialization under the Sorrell College of Business and Commerce, the College of Arts and Sciences, the School of Education, the School of Nursing, the Hall School of

Journalism, and the College of Fine Arts. Troy State University has dedicated itself to the improvement of education, knowledge, and the appreciation of life among all people. This dedication is largely due to the extended leadership of Dr. Ralph Adams.

For more than 20 years, Dr. Adams has worked to provide an environment conducive to excellence in education, encouraging students to learn by their own initiative in addition to learning under the tutelage of instructors. Troy State University is developing not only college graduates, but responsible citizens and leaders who will usher Alabama into the future. Education is the key to prosperity, both economic and spiritual. Dr. Adams' guidance has already resulted in a great wealth among young men and women today. This wealth will provide Alabama with the means to meet the future.

The example in excellence which Dr. Adams has made, in both his leadership of Troy State University, and in his leadership of Alabama, will provide direction and initiative for many years. His service is one for which we will see the results for years to come.

Again, I congratulate Dr. Adams for the distinction of being selected as one of the 100 most effective college presidents in America. He joins the ranks of a very few who offer their immeasurable talents for the benefit and instruction of others. I know that his family, his friends, and both the students and faculty of Troy State University share in this honor, and that they are very proud of Dr. Ralph Adams.

Mr. President, I ask unanimous consent that an article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ADAMS AMONG TOP 100 COLLEGE HEADS

Dr. Ralph W. Adams, Chancellor of the Troy State University system, has been selected as one of the 100 most effective college presidents in the United States.

His selection was announced after a two-year study project funded by the Exxon Education Foundation which examined the personal characteristics, professional background, and attitudinal differences that personify the men and women who have been identified by their peers as the nation's most effective chief executive officers in higher education.

The 100 college presidents which includes Dr. Adams, represents approximately three percent of the top administrative officers of U.S. colleges and universities. Included with Dr. Adams are such individuals as Dr. Theodore Hesburgh of the University of Notre Dame, Dr. Derek Bok, Harvard University, Dr. Harold Shapiro of the University of Michigan, and Dr. A. Barlett Giamatti of Yale.

Research for the study was conducted by Dr. James L. Fisher, president emeritus of the Council for Advancement and Support of Education in Washington, D.C., and Dr. Martha Wingard Tack, professor of educational administration and supervision at Bowling Green State University. Coincidentally, Dr. Tack is a former president of the Troy State Student Government Association during the 1960s and is a native of Eclectic.

In order to identify and study the nation's top educational administrators, the researchers surveyed 485 individuals who were considered knowledgeable about higher education. They included the heads of 15 professional associations, administrators of 28 private foundations, 35 scholars of higher education and the presidency, and more than 400 randomly selected current presidents of two-year, four-year, public and private institutions. Each of the 485 individuals was asked to identify five persons who they considered to be the most effective college presidents in the nation.

The survey resulted in the identification of 412 "effective" presidents in the country. One hundred sixty presidents received multiple nominations. The nominees, as well as a stratified random sample of 412 "representative" presidents, were asked to complete the Fisher-Tack Effective Leadership Inventory, a six-page survey instrument designed to identify common characteristics.

Dr. Adams assumed the leadership role of Troy State College in 1964. He guided the institution from teachers college to liberal arts institutions with university status and developed the international complex which makes up the Troy State University System today.

This academic year, he is leading the university in the celebration of its 100th year of service to the people of Alabama.

SOIL CONSERVATION SERVICE BUDGET PROPOSAL

Mr. HEFLIN. Mr. President, I have always been a true believer and strong supporter of our Soil Conservation Service and the programs administered by this agency. I sincerely believe that we must conserve and preserve our natural resources for future generations. The economic well-being of our agricultural sector and the economy as a whole depends, largely, on this Nation's ability to produce adequate food and fiber to meet the demands of our population.

For this reason, I am extremely concerned with the President's fiscal year 1988 budget proposal as it pertains to the Soil Conservation Service. Although OMB states that funding for all soil and water conservation programs will be increased from $1.2 billion to $1.8 billion, these numbers are very misleading. We must examine individual programs and proposals contained in this budget to realize the true impact.

Conservation Technical Assistance programs are cited for a $17 million increase. However, after you include individual programs, the total number is reduced by some $45 million. The current estimate for fiscal year 1987 appropriations is $521 million, while the budget proposes only $476 million. In addition, the Agricultural Conservation Program and other cost share programs are completely terminated.

The fiscal year 1988 budget also places emphasis on the Conservation Reserve Program. I am glad to see that the Department of Agriculture devoted so much of this explanation to the Conservation Reserve Program. However, this appears to be more lip service than actual proposed assistance necessary to implement the Conservation Program.

Cuts in the fiscal year 1988 budget and proposed recissions of $297 million in fiscal year 1987 funds, reduces soil conservation service and conservation cost share programs by $370 million. This, Mr. President, is a 44 percent cut. These reductions could lead to a 26 percent reduction in soil conservation service personnel. This reduction which would be approximately 3,400 employees, is ridiculous at a time when conservation analysts believe that current staffing levels fall some 800 positions short of those needed to implement the 1985 farm bill.

Mr. President, I have received letters from most of the conservation districts in Alabama. They are the first to agree that our national debt is too large and must be reduced. They are willing to accept a fair share of reductions to help balance the budget, but this budget proposal is not fair to soil conservation programs.

The President's proposed budget will totally destroy the ongoing conservation programs in Alabama. The reduction of Federal funds going to my State will eliminate approximately 60 positions in the SCS. The State of Alabama is not totally dependent on the Federal Government for money to fund all conservation programs. Alabama has made a commitment to assume a greater role in soil conservation by appropriating funds for cost share programs. However, no State funds were made available for technical assistance. We need to keep Federal funding at a level that will provide sufficient personnel to administer valuable conservation programs and the Federal mandated Conservation Reserve.

Mr. President, I would hope that my colleagues would closely examine the President's budget proposal as it relates to soil conservation programs. The technical assistance offered through the Soil Conservation Service is already understaffed with tremendous demands on the existing resources. I honestly feel we cannot gamble with our precious natural resources.

RURAL ELECTRIFICATION ADMINISTRATION BUDGET PROPOSALS

Mr. HEFLIN. Mr. President, the President has again submitted his annual budget proposal to Congress. Again, Mr. President, he directs major cuts at domestic programs that are designed to benefit rural America. I would like to specifically address the budget proposal pertaining to the Rural Electrification Administration.

As we all know, the Rural Electification Administration (REA) makes direct loans, and guarantees loans made primarily by the Federal Financing Bank to electric co-ops that provide electric and telephone service to the rural areas of this Nation. Rural electric systems serve consumers in 46 States. In 18 of these States, rural electric co-ops serve more than 20 percent of the total population of the State. Alabama happens to be one of those 18 States.

I would add, that the services provided by the electric and telephone co-ops have been, to a large part, responsible for the economic development that has occurred in the rural areas of Alabama. These essential services have improved the quality of life for people who live, work, or do business throughout rural Alabama.

The fiscal year 1988 budget proposes to shift the rural electrification and telephone loan programs to the private sector beginning in 1988. Borrowers serving urban/surburban and recreational areas would be eliminated from the programs, as would telephone loan guarantee borrowers who are subsidiaries of larger holding companies. The budget also proposes termination of direct loan programs and change from 100 percent to 70 percent loan guarantees of private sector loans.

Direct loans would be completely phased out by 1990, if the budget proposal is enacted into law. During this interim period, interest rates on direct loans would be increased from the current 5-percent level beginning in 1988. The interest on hardship loans would be increased from 2 percent to 5 percent. A loan origination fee would also be imposed on all new loans beginning in the same year.

Other proposals include a restriction that would not allow funding for new power supply projects. In addition, OMB is proposing to sell outstanding loan assets of $1 billion from the rural electrification and telephone revolving fund and $500 million from the rural telephone bank.

The Office of Management and Budget has phrased these proposals as a "major new initiative for the REA programs." OMB further states that this proposal would provide those REA borrowers with the greatest financial need, access to private sector credit sources and permit the Government to terminate its involvement as a source of credit by 1990.

While the administration terms this as a major new initiative, it is diametrically opposed to their position of June 5, 1986. At this time, the Senate was considering legislation that allowed rural electric co-ops to prepay any outstanding principal balance due on existing loans using private capital. The administration and OMB was very much opposed to this means of allowing REA borrowers to access the private sector credit sources. Although this specific proposal was passed by the Senate on a vote 62-36 and was subsequently passed by the House of Representatives, the Treasury regulations effectively deny all REA loan guarantee borrowers the right to repay loans without penalties.

It is clear that all of us as Americans can refinance the mortgage on our homes. All of us as Americans can refinance our mortgages on our business. But somehow or another, someone in the bowels of the Office of Management and Budget says that the class of citizens who are rural citizens should be second class, and should not be able to refinance the mortgage on businesses that gives them the electricity that allows them to live and work in rural America.

Yet, today, the administration sends a budget with proposals to force REA borrowers into the private sector and then sells existing loan assets from the revolving fund and telephone back to other private sources. The administration still argues that allowing prepayment of loans by the REA borrowers will cost billions of dollars, but selling these same loans to other credit sources will save the Government money.

I say, Mr. President, that this is hogwash. It does not make any sense at all. It is contradictory policy positions.

Mr. President, I could hope that my colleagues would closely examine the proposals included in the budget package. I feel that we can accomplish the savings proposed by the administration without gutting the REA programs. I feel that we can come up with a legislative proposal that would be more equitable to the rural electric consumers and at the same time bring more private capital into REA programs.

Mr. President, this is one issue that we should be concerned about. We should not make changes that would restrict our rural electric cooperatives from fulfilling their original mission of keeping utility rates comparable with electric consumers in urban areas.

Thank you, Mr. President.

REV. MARTIN LUTHER KING, JR.

Mr. HEFLIN. Mr. President, yesterday, Monday, January 19, 1987, people throughout the Nation commemorated the birthday of the Reverend Martin Luther King, Jr. People all over the country remembered his work and his efforts. They were able to pause and hold in mind his teachings and his lesson. Many who are too young to remember his actions were able to learn of his life and example.

In his life, Martin Luther King, Jr. labored to provide all Americans with the rights and liberties guaranteed to them by the Constitution. He worked to ensure that all the people of this Nation would be given an equal chance for happiness and for accomplishment. He worked for a nation in which all people could dream of education and self-improvement, and in which these dreams would not be limited by prejudice or racism. He embraced a dream for a nation in which people would be viewed by the quality of their character, and in which hatred of any nature would be rejected. In order to fulfill his dreams, Martin Luther King, Jr. led thousands of people in peaceful demonstrations which captured the attention of the world. He revealed the inequities and unfairness of segregation, and pointed out the repugnance of prejudism. His actions set in motion the civil rights movement, and they helped to ensure its victory.

In all parts of the State of Alabama, people joined together for the commemoration of Dr. King's birthday, and the remembrance of his life. They remembered the Selma march, which he led from Selma to Montgomery, AL to protest segregation. They remembered his service as the young pastor of the Dexter Avenue Baptist Church in Montgomery. Throughout the day, services were held in his honor, and parades and celebrations were given to allow all people to remember him together. In the Birmingham city schools, students were taught some aspects of his life on Thursday, the actual date of his birthday. They were told that King worked to ensure that they had certain freedoms, and that if they took drugs or did not study, they could lose the freedom that he had worked for. There was a birthday celebration in the city of Birmingham with plenty of cake and ice cream, and there were films and lectures which examined his legacy.

Throughout the day, the Reverend Martin Luther King, Jr. was remembered as a man who helped all to achieve their best, and to fulfill their potential. Though there will, unfortunately, always be some form of prejudice or hatred present in this world, the Reverend Martin Luther King helped to expose its manifestations and worked to accomplish its end. Yesterday, people remembered his work, and rededicated themselves to his goals. They vowed to pursue his dream, and to carry the torch of brotherhood that passed to all men.

JUDGE JOE MACON

Mr. HEFLIN. Mr. President, I am delighted to rise today to pay tribute to Judge Joe Macon, who recently stepped down as presiding judge of the 19th judicial circuit. Through 22 years of service on the bench, Judge Macon has been an asset to his community and his State. He has provided outstanding leadership, guidance, and service to the people of Autauga, Chilton, and Elmore Counties. I commend him for his tremendous service.

Throughout his life, Judge Macon has labored in many ways to make a contribution. His public service began in 1942 when he served in the U.S. Military Intelligence Corps during World War II. After the war, he resumed his law practice, and then won election to various public offices in his area. He has served as Elmore County solicitor, circuit solicitor, district attorney, and as attorney for Elmore County Commissioner's Court.

Judge Macon has also been active in both community and civic affairs. He takes a strong role in his church and is a Baptist layman. He is a member of the American legion, a Mason, a Shriner, a past president of the Wetumpka Lions Club, and a member of the Wetumpka, AL, and American Bar Associations. He is also active in the Association of Circuit Judges of Alabama.

Judge Macon was first elected as circuit judge in 1966. He has been an outstanding jurist, and has continually worked to better himself and his knowledge of the law and of judicial proceedings in order to better serve his constituency. In 1968 he graduated from the National College of State Trial Judges. When I was chief justice of the Alabama Supreme Court, Judge Macon provided me with great assistance on many different occasions. He helped with the implementation of the court reform package that I introduced, and he has provided leadership to other judges in Alabama. Overall, he has given outstanding service to the people he represents. He was one of the best circuit judges to serve the people.

I know that Judge Joe Macon will provide as much assistance in the future as he has in the past. He is a man for whom the people are highly grateful and in whom they have placed their complete trust. Throughout his career as a judge, Joe Macon has provided a constancy and a continuity through some turbulent years. I wish him the best of luck in the future, and sincerely wish him and his family great happiness.

Mr. President, I ask unanimous consent that an article from the Chilton County News be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chilton County News, Dec. 11, 1986]

JUDGE MACON LEAVES BENCH AFTER 24 YEARS

(By Bob Tucker)

He was born and reared in Elmore County but he had very close and serious ties to Chilton County in more ways than one. He married a Chilton County girl!

Circuit Judge Joe Macon, who retired recently after 24 years of service on the bench, is married to Helen Nix, daughter of the late Dr. and Mrs. H.M. Nix of Maplesville. They have three children, Joe Jr., Tom, and Mary Helen.

Judge Macon is the son of the late T.L. and Janie Sanford Macon of Wetumpka. Joe graduated from Wetumpka High School and received his law degree from the University of Alabama. He was admitted to the Alabama bar as a practicing attorney in 1940.

Volunteering for military service in 1942, Joe Macon received his basic training in the infantry before serving in the Military Intelligence Corps. He returned to Wetumpka and resumed his law practice in 1946.

He served as Elmore County Solicitor, Circuit Solicitor, District Attorney, and as attorney for Elmore County Commissioner's court before being elected Judge of the Nineteenth Judicial Circuit in 1966. Continuing his legal education, however, Judge Macon attended the National College of State Trial Judges of which he became a graduate in 1968.

An active Baptist layman, Judge Macon is also active in community and civic affairs. He is a member of The American Legion, a Mason, a Shriner, a past president of the Wetumpka Lions Club, and a member of the Wetumpka, Alabama and American Bar Associations. He is also active in the association of Circuit Judges of Alabama.

During his years of service on the bench, several firsts in Alabama jurisprudence have been recorded. The Judicial Article was implemented with new laws, procedures, and reorganization of the court system, all of which has combined to make Alabama's court system one of the best in the nation.

Judge Macon said: "This was done in an orderly manner due to the cooperation of lawyers and the people of Alabama, and it has made the system better and everyone has benefitted from this change."

Women became jurors for the first time and Judge Macon feels they have helped the justice system. "They do a good job," he said, "and they are very responsive to the needs of justice."

Nineteen-year-olds are now permitted to serve as jurors. Judge Macon believes that they too, have been very responsive to the needs of justice. "In most cases, the younger people are very capable and are eager to help make good decisions under the law," he said.

Judge Macon believes that many of the things which he has seen in his 24 years on the bench have served to make Alabama justice better. "Many think that court proceedings are too slow," he said, "but good changes cannot occur rapidly and I believe we are steadily moving towards a speedy justice system in this state."

"I am proud of the fact," Judge Macon said, "that the court system in Alabama is considered a model for other states. The people of Alabama are to be congratulated for taking the initative under the guidance of Howell Heflin (now a U.S. Senator) to update our system."

"And I am proud to have been a part of the court system when those changes and improvements were brought about."

In retiring, Judge Macon also expressed his appreciation to present Chief Justice of the Alabama Supreme Court Bo Torbert, for his capable leadership in implementing the new court system. "He has given the leadership needed for the system to work and be helpful to lawyers, and to the people as well," Judge Macon said.

Judge Macon says he will continue to be available for assistance in the courts when called upon by the Chief Justice.

During his years of service in the courts, Macon was not opposed after his first election and he has always been grateful to the people for their trust and confidence in him.

"I believe," he said, "that in leaving office at this time, I have given my best years to helping make important decisions (in the courts) and it is time to pass the gavel to a younger person."

Always the avid outdoorsman, Judge Macon says that he plans to enjoy his hobbies and his family in his retirement. He has many interests and would like to travel some.

"I leave you with this statement," said the good judge: "God has been good to us all and I am thankful for His guidance during my years of service."

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON U.S. GOVERNMENT ACTIVITIES IN THE UNITED NATIONS AND ITS AGENCIES—MESSAGE FROM THE PRESIDENT—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1985, the fifth year of my Administration. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress).

RONALD REAGAN.

THE WHITE HOUSE, *January 21, 1987.*

ANNUAL REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 7

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with Section 7104(e) of Title 5, United States Code, I hereby transmit the Seventh Annual Report of the Federal Labor Relations Authority, which covers Fiscal Year 1985.

RONALD REAGAN.

THE WHITE HOUSE, *January 21, 1987.*

REPORT WITH RESPECT TO THE NATIONAL EMERGENCY IN LIBYA—MESSAGE FROM THE PRESIDENT—PM 8

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

1. I hereby report to the Congress on developments since my last report of July 30, 1986, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c).

2. As set forth in detail in my July 30, 1986, report, in Executive Order No. 12543 I prohibited, with effect from February 1, 1986: (1) the import into the United States from Libya, and (2) the export from the United States to Libya, of any goods or services; (3) transactions relating to transportation to or from Libya; (4) the purchase by U.S. persons of goods for export from Libya to any country; and (5) the performance by U.S. persons of any contract in support of an industrial or other commercial or governmental project in Libya. I further prohibited, with effect from January 7, 1986: (6) the grant or extension of credits or loans by U.S. persons to the Government of Libya (including government-controlled entities); (7) transactions by U.S. persons relating to travel by U.S. citizens or permanent resident aliens to Libya, or activities within Libya, other than for the purpose of: (a) effecting such persons' departure from Libya, (b) performing acts listed in items (1) through (5) above prior to February 1, 1986, or (c) travel for journalistic activity by professional journalists. On January 8, 1986, in Executive Order No. 12544, I augmented the transactional prohibitions contained in Executive Order No. 12543, and ordered the immediate blocking of all property and interests in property of the Government of Libya (including the Central Bank of Libya and other government-controlled entities) then or thereafter located in the United States, or then or thereafter coming within the possession or control of U.S. persons, including their overseas branches.

3. The declaration of national emergency with respect to Libya was made, and the above-noted actions were taken, pursuant to the authority vested in me as President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), sections 504 and 505 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa-8 and 9), section 1114 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1514), and section 301 of title 3 of the United States Code.

4. Since my July 30, 1986, report, the only additional amendment to the Libyan Sanctions Regulations administered by the Office of Foreign Assets Control of the Department of the Treasury was an announcement that the Office of Management and Budget had approved the information collection provisions contained in the Regulations. The announcement was published at 51 F.R. 28933, August 13, 1986, and a copy is enclosed. Additionally, since July 30, 1986, there have been no amendments or changes to orders of the Department of Commerce or the Department of Transportation implementing aspects of Executive Order No. 12543 relating to exports from the United States and air transportation, respectively.

5. During the 6-month period ending July 7, 1986, the Office of Foreign Assets Control issued specific licenses to five (5) U.S. oil companies and thirteen (13) service companies, authorizing them to complete the winding down of their Libyan operations after the effective dates of the prohibitions in Executive Orders No. 12543 and 12544. These licenses expired on or before June 30, 1986, and the companies' reports under their specific licenses indicate that they completed their operations in Libya by the June 30, 1986, expiration date. During the current 6-month period, additional specific licenses were issued to the oil companies to authorize them (a) to pay taxes and expenses to the Libyan Government for the period prior to June 30, 1986, and (b) to enter into "standstill" and "operator" agreements with Libya. These agreements provide, *inter alia*, for the Government of Libya's recognition of continued American ownership of immovable and inactive assets; call for continuing negotiations for the sale of assets to Libya entities; suspend the oil companies' contractual obligations to the Government of Libya; and enable Libyan companies to assume operating functions formerly performed by the U.S. companies. Additional licenses have been issued to several of the U.S. service contractor companies authorizing them to pay pre-June 30, 1986, tax obligations out of dinar accounts in Libya and to sell assets in Libya to Libyan-controlled companies.

6. The expenses incurred by the Federal government in the 6-month period from July through December 1986 that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at $1,528,791.00, of which approximately $1,428,791.00 represents wage and salary costs for Federal personnel, and approximately $100,000.00 represents expenses for travel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Assistant Secretary for Enforcement, the Office of the Assistant Secretary for International Affairs, and the Office of the General Counsel), the Department of State, the Department of Commerce, the Department of Justice, the Federal Reserve Board, and the National Security Council.

7. The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya as long as these measures are appropriate and will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

RONALD REAGAN.

THE WHITE HOUSE, *January 21, 1987.*

MESSAGES FROM THE HOUSE

At 1:20 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 24. A concurrent resolution to make a correction, relating to phosphate fertilizer effluent limitation, in the enrollment of the bill H.R. 1.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-15. A petition from a United States District Judge of the Eleventh District praying for a redress of grievances and certain legislative relief; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. Res. 75. An original resolution authorizing expenditures by the Committee on Labor and Human Resources; referred to the Committee on Rules and Administration.

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 76. An original resolution authorizing expenditures by the Committee on Rules and Administration; referred to the Committee on Rules and Administration.

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. Res. 77. An original resolution authorizing expenditures by the Committee on Governmental Affairs; referred to the Committee on Rules and Administration.

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 78. An original resolution to pay a gratuity to Hazel A. Kudel.

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 79. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; referred to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ZORINSKY (for himself, Mr. Heflin, Mr. Pryor, Mr. Sarbanes and Mr. Sasser):

S. 346. A bill to amend the Railroad Retirement Act of 1974 to allow a worker to be employed in any nonrailroad employment and still qualify for an annuity, subject to current deductions in the tier 1 benefit on account of work and new deduction in the tier 2 benefit if the employment is for his last nonrailroad employer; to the Committee on Labor and Human Resources.

By Mr. SASSER (for himself, Mr. Matsunaga, Mr. Gore, Mr. Levin, Mr. Simon and Mr. Pell):

S. 347. A bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care provided during peacetime; to the Committee on Armed Services.

By Mr. DOMENICI (for himself and Mr. Bingaman):

S. 348. A bill to redesignate Capulin Mountain National Monument as Capulin Volcano National Monument in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. KASSEBAUM (for herself, Mr. Armstrong, Mr. Bingaman, Mr. Bond, Mr. Boren, Mr. Danforth, Mr. Dole, Mr. Domenici, Mr. Hollings, Mr. McClure, Mr. Nickles and Mr. Wirth):

S. 349. A bill to designate the Santa Fe Trail as an Historic Trail under the National Trails System Act; to the Committee on Energy and Natural Resources.

By Mr. Durenberger (for himself, Mr. Danforth, Mr. Wallop, Mr. Armstrong and Mr. Boschwitz):

S. 350. A bill to amend the Tax Reform Act of 1986 to extend for 1 year the waiver of estimated penalties for underpayments by individuals attributable to such act; to the Committee on Finance.

By Mr. RIEGLE:

S. 351. A bill for the relief of Stanislava Rankovic, and Natalie Rankovic, her daughter; to the Committee on the Judiciary.

S. 352. A bill for the relief of Samson Kossivi Kpadenou, doctor of medicine; to the Committee on the Judiciary.

S. 353. A bill for the relief of Roger [illegible]. Lord; to the Committee on the Judiciary.

S. 354. A bill for the relief of Senen Maclinao Barlan; to the Committee on the Judiciary.

S. 355. A bill for the relief of Guat Sia Sy, Jr., M.D., and his wife Dionisia Atienza Sy, M.D; to the Committee on the Judiciary.

By Mr. DANFORTH (for himself, Mr. Dole and Mr. Gramm):

S. 356. A bill to promote safety in the operation of railroads and aircraft through testing for the use, without lawful authorization, of alcohol and controlled substances by the operators of railroads and aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SYMMS (for himself and Mr. McClure):

S. 357. A bill to provide clarification of limitations on controls of firearms, and to prohibit the use of Federal funds to political subdivisions which implement certain gun control ordinances; to the Committee on the Judiciary.

By Mr. BOSCHWITZ:

S. 358. A bill for the relief of Margrit Fischer; to the Committee on the Judiciary.

S. 359. A bill for the relief of Kurt Jordi; to the Committee on the Judiciary.

By Mr. INOUYE (for himself and Mr. Matsunaga):

S. 360. A bill to improve the education status of Native Hawaiians, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. SPECTER (for himself, Mr. Heinz, Mr. Heflin, Mr. Inouye, Mr. Cohen, Mr. D'Amato and Mr. Dixon):

S. 361. A bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for private enforcement of the Unfair Competition statute in the event of unfair foreign competition, and to amend title 28 of the United States Code to provide for private enforcement of the Customs fraud statute; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 362. A bill to amend the Federal Aviation Act of 1958 and the Federal Railroad Safety Act of 1970 to provide for testing for the use, without lawful authorization, of alcohol or controlled substances by the operators of aircraft and railroads, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BUMPERS (for himself and Mr. Pryor):

S. 363. A bill to authorize appropriations for a highway demonstration project in the vicinity of Fort Smith, AR, that would widen a segment of the Federal-aid urban system and would improve signalization on such segment; to the Committee on Environment and Public Works.

S. 364. A bill to authorize appropriations for the continuation of funding for the relocation of U.S. Highway 71 in northwest Arkansas for the purpose of demonstrating methods of improving highway safety and of accelerating highway construction; to the Committee on Environment and Public Works.

S. 365. A bill to amend section 144 of title 23, United States Code, to give States the discretion of using a portion of their bridge replacement funds to replace certain bridges or ferryboat operations; to the Committee on Environment and Public Works.

S. 366. A bill to authorize appropriations for a demonstration project in the vicinity of Jonesboro, AR for the construction of four grade separations on a four-lane bypass to improve highway safety; to the Committee on Environment and Public Works.

S. 367. A bill to authorize appropriations for a demonstration project in the vicinity of Pine Bluff, AR for the construction of a bridge at lock and dam 4 on the Arkansas River to improve highway safety; to the Committee on Environment and Public Works.

By Mr. MATSUNAGA (for himself, Mr. Glenn, Mr. Burdick, Mr. Sasser, Mr. Gore, Mr. Heflin, Mr. Shelby, Mr. Inouye, Mr. Johnston, Mr. Breaux, Mr. McConnell and Mr. Wilson):

S. 368. A bill to amend the Federal Food, Drug, and Cosmetic Act to ban the reimportation of drugs in the United States, to place restrictions on drug samples, to ban certain resales of drugs purchased by hospitals and other health care facilities, and for other purposes; to the Committee on Finance.

By Mr. HUMPHREY:

S. 369. A bill to amend the Atomic Energy Act of 1954 to require an emergency planning and preparedness plan for an emergency planning zone of at least 10 miles in radius for each nuclear facility; to the Committee on Environment and Public Works.

By Mr. DeCONCINI (for himself and Mr. McCain):

S. 370. A bill to provide job training benefits for dislocated workers who are unemployed due to the closure of facilities as a result of failure to comply with environmental laws, and for other purposes; to the Committee on Environment and Public Works.

By Mr. EXON:

S. 371. A bill to provide that the maximum speed limit on rural interstate highways shall not exceed 65 miles-per-hour; to the Committee on Commerce, Science, and Transportion.

By Mr. GLENN (for himself, Mr. Exon, and Mr. Cranston):

S. 372. A bill to amend the Housing and Community Development Act of 1974 to permit the use of assistance under the Community Development Block Grant Program for uniform emergency telephone number systems.

By Mr. PELL (for himself and Mr. Stafford):

S. 373. A bill to reauthorize the program of finance assistance to meet special educational needs of disadvantaged children, and to reauthorize chapter 2 of the Education Consolidation and Improvement Act of 1981, through fiscal year 1993; to the Committee on Labor and Human Resources.

By Mr. THURMOND (for himself, Mr. Biden, Mr. Dole, Mr. Byrd, Mr. Hollings, Mr. Simon, Mr. Nickles, Mr. Nunn, Mr. Heinz, Mr. Stennis, Mr. Bentsen, Mr. Kerry, Mr. Pryor, Mr. Roth, Mr. Burdick, Mr. Johnston, Mr. Chafee, Mr. Boren, Mr. Chiles, Mr. Bradley, Mr. Glenn, Mr. Warner, Mr. Trible, Mr. McClure, Mr. Riegle, Mr. Rockefeller, Mr. Specter, Mr. Kennedy, Mr. Stafford, Mr. Zorinsky, Mr. Sasser, Mrs. Kassebaum, Mr. Weicker, Mr. Danforth, Mr. Quayle, Mr. D'Amato, Mr. Heflin, Mr. Grassley, Mr. Cochran, Mr. Wilson, Mr. Inouye, Mr. Metzenbaum, Mr. Lugar, Mr. Gramm, Mr. Bumpers, Mr. Durenberger, Mr. Moynihan, Mr. Sarbanes, Mr. Levin, Mr. Fowler, Ms. Mikulski, Mr. Matsunaga, Mr. Armstrong, Mr. McCain, Mr. Wallop, Mr. Helms, Mr. Hecht, and Mr. Symms):

S.J. Res. 22. Joint resolution to designate the period commencing September 21, 1987, and ending on September 27, 1987, as "National Historically Black Colleges Week"; to the Committee on the Judiciary.

By Mr. ARMSTRONG (for himself and Mr. Boren):

S.J. Res. 23. Joint resolution proposing an amendment to the Constitution relating to increases in the public debt of the United States; to the Committee on the Judiciary.

By Mr. GARN (for himself, Mr. Glenn, Mr. Wilson, Mr. Grassley, Mr. D'Amato, Mr. Rudman, Mr. Cohen, Mr. Murkowski, Mr. Pressler, Mr. McCain, Mr. Trible, Mr. Wallop, Mr. Stevens, Mr. Quayle, Mr. Packwood, Mr. Heinz, Mr. Nickles, Mr. Hatfield, Mr. Domenici, Mr. Lugar, Mr. Danforth, Mr. Evans, Mr. Kasten, Mr. Durenberger, Mr. McClure, Mr. Hecht, Mr. Symms, Mr. Simpson, Mr. Chafee, Mr. Armstrong, Mr. Cochran, Mr. Pryor, Mr. Sarbanes, Mr. Rockefeller, Mr. Burdick, Mr. Levin, Mr. Moynihan, Mr. Adams, Mr. Gore, Mr. Fowler, Mr. Heflin, Mr. Melcher, Mr. Kerry, Mr. Chiles, Mr. Matsunaga, Mr. Reid, Mr. Boren, Mr. Hatch, Mr. Nunn, Mr. Byrd, Mr. Harkin, Mr. DeConcini, Mr. Pell, Mr. Sanford, Mr. Metzenbaum, Mr. Wirth, Mr. Johnston, Mr. Sasser, Mr. Graham, Mr. Daschle, Mr. Simon, Mr. Conrad, Mr. Bumpers, Mr. Ford, Mr. Baucus, Ms. Mikulski, Mr. Mitchell, Mr. Inouye, Mr. Cranston, Mr. Dole, and Mr. Thurmond):

S.J. Res. 24. A joint resolution to designate January 28, 1987, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*; considered and passed.

By Mr. EXON:

S.J. Res. 25. A joint resolution proposing an amendment to the Constitution relating to Federal budget procedures; to the Committee on the Judiciary.

By Mr. PELL:

S.J. Res. 26. A joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

S. Res. 75. An original resolution authorizing expenditures by the Committee on Labor and Human Resources; to the Committee on Rules and Administration.

By Mr. FORD, from the Committee on Rules and Administration:

S. Res. 76. An original resolution authorizing expenditures by the Committee on Rules and Administration; to the Committee on Rules and Administration.

By Mr. GLENN, from the Committee on Governmental Affairs:

S. Res. 77. An original resolution authorizing expenditures by the Committee on Governmental Affairs; to the Committee on Rules and Administration.

By Mr. FORD, from the Committee on Rules and Administration:

S. Res. 78. An original resolution to pay a gratuity to Hazel A. Kudel; placed on the calendar.

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

S. Res. 79. A original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. BREAUX (for himself and Mr. Johnston):

S. Con. Res. 10. A concurrent resolution to make a correction, relating to phosphate fertilizer effluent limitation, in the enrollment of the bill H.R. 1; to the Committee on Environment and Public Works.

By Mr. SIMON:

S. Con. Res. 11. A concurrent resolution calling for the release of Reverend Tshenuwani Simon Farisani from detention in Venda, a homeland in South Africa; to the Committee on Foreign Relations.

By Mr. BYRD (for Mr. Ford):

S. Con. Res. 12. A concurrent resolution to allow another member of the Committee on Rules and Administration of the Senate to serve on the Joint Committee of Congress on the Library in place of the Chairman of the Committee; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ZORINSKY (for himself, Mr. Heflin, Mr. Pryor, Mr. Sarbanes, and Mr. Sasser):

S. 346. A bill to amend the Railroad Retirement Act of 1974 to allow a worker to be employed in any nonrailroad employment and still qualify for an annuity, subject to current deductions in the tier 1 benefit on account of work and new deduction in the tier 2 benefit if the employment is for his last nonrailroad employer; to the Committee on Labor and Human Resources.

(The remarks of Mr. Zorinsky and the text of the legislation appear earlier in today's Record.)

By Mr. SASSER (for himself, Mr. Matsunaga, Mr. Gore, Mr. Levin, Mr. Simon, and Mr. Pell):

S. 347. A bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care provided during peacetime; to the Committee on Armed Services.

(The remarks of Mr. Sasser and the text of the legislation appear earlier in today's Record.)

By Mr. DOMENICI (for himself and Mr. Bingaman):

S. 348. A bill to redesignate Capulin Mountain National Monument as Capulin Volcano National Monument in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

REDESIGNATION OF CAPULIN MOUNTAIN NATIONAL MONUMENT

● Mr. DOMENICI. Mr. President, today I am introducing legislation to change the name of the Capulin Mountain National Monument in New Mexico to Capulin Volcano National Monument and to expand the boundary of the national monument to include 17.464 acres of land currently under the jurisdiction of the Bureau of Land Management.

Capulin Mountain National Monument is approximately 3 miles north of Capulin, NM, which is in the northeastern portion of the State. The focus of the monument is Capulin Volcano. The symetrical cinder cone of the extinct volcano rises to an altitude of over 8,100 feet. The volcano erupted three times over a 2,000-year period, with the last eruption occurring approximately 10,000 years ago. The lava from these three eruptions spread over 25 square miles. The current national monument, which consists of 775 acres, contains only about one-half square mile of those lava flows.

As with other national park areas in New Mexico, visitation to the national monument has been increasing. For instance, last year 47,020 persons visited the monument. This represents a 5-percent increase over the visitation for 1985 and an 18-percent increase over 1984 visitation.

The current name of the national monument, Capulin Mountain, does not accurately describe the area. This is not just a mountain—it is an extinct volcano. In order to explain the attraction better, the name should be changed to Capulin Volcano National Monument. This should lead to a greater awareness of the area and hopefully will spark even greater visitor usage. I have been informed that the cost of this name change is minimal and can be accomplished within existing operational funds.

The purpose of the boundary change is to preserve the integrity of the national monument and to enhance the visitor experience there. The tract proposed to be added to the national monument comprises part of the lava flow from the second eruption. This flow moved southwest from the volcano and formed an outstanding lava dike, which is a collapsed lava tube. The lava is broken and rocky and is covered with a scattering of ponderosa, pine, and juniper, as well as various grasses and shrubs.

In 1984, personnel from the National Park Service determined that the addition of this 17½-acre tract to the national monument would have the beneficial effects of:

One, protecting a remnant of a volcanic lava flow, which is in plain view from the entrance road, the visitors center, and main viewing points of the national monument;

Two, providing an opportunity for onsite interpretation of the geologic formation; and

Three, preventing the removal of lava rock.

The tract proposed to be transferred to the National Park Service has been administered by the Bureau of Land Management [BLM] since it was obtained by BLM through an exchange with the State of New Mexico in 1972. It lies outside and adjacent to the west boundary of the monument and north of the entrance road.

In 1980, BLM withdrew the land for use as a buffer area to control grazing and hunting pressure from the westerly side of the monument. This withdrawal expired in May of last year and the land is now administered by BLM under general land laws. BLM could declare the tract surplus to its needs and determine that the acreage no longer remain in public ownership.

If the tract is purchased and placed in private ownership, it will probably be used for the removal of lava rock. This could result in the defacing of a uniqued lava formation adjacent to the access road to the national monument visitors center.

The costs for operation and maintenance of the area proposed to be added to the monument would be minimal. A one-half mile self-guided trail would be constructed at an estimated cost of $25,000.

I know of no opposition to the boundary change. The tract involved is surrounded by State and Federal Government land. No grazing has been permitted on the land since 1978. There is no surface water on the tract. No subdivisions or developments are found in the area.

There is no evidence of archeological or peleontological sites. No opposition from area landowners is known or anticipated. Informal discussions with representatives of various environmental groups indicates support for this proposal.

Mr. President, this is a very simple proposal. It would change the name of the national monument to Capulin Volcano National Monument, which more accurately describes the area, and would transfer 17½ acres of land from BLM to the National Park Service in order to preserve and enhance the national monument. I hope that it will be acted upon expeditiously.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

Section 1. (a) Capulin Mountain National Monument is hereby redesignated as Capulin Volcano National Monument.

(b) Any reference in any record, map, or other document of the United States of America to Capulin Mountain National Monument shall hereafter be deemed to be a reference to Capulin Volcano National Monument.

Section 2. (a) Section 1 of the Act of September 5, 1962 (76 Stat. 436) is hereby amended by striking the remaining portion of section 1 after "boundaries of the monument" and inserting "shall include the lands and interests in lands as generally depicted on the map entitled 'Capulin Volcano National Monument Boundary Map' which is numbered 125-80,014 and dated January 1987."

(b) Jurisdiction over Federally owned lands within the revised boundaries of the monument is hereby transferred to the National Park Service, without monetary consideration, for administration as part of the monument.●

By Mrs. KASSEBAUM (for herself, Mr. Armstrong, Mr. Bingaman, Mr. Bond, Mr. Boren, Mr. Danforth, Mr. Dole, Mr. Domenici, Mr. Hollings, Mr. McClure, Mr. Nickles, and Mr. Wirth):

S. 349. A bill to designate the Santa Fe trail as a historic trail under the National Trails System; to the Committee on Energy and Natural Resources.

SANTA FE NATIONAL HISTORIC TRAIL

● Mrs. KASSEBAUM. Mr. President, during the last three centuries the United States has experienced several mass migrations. As a result, trails are scattered throughout this country, and all have stories to tell—stories which have been handed down from generation to generation about the hardships endured by pioneer men and women. However, the journey along the trails was only the beginning, the hard part was taming the land and transforming it into what is known today as the "Breadbasket of the World."

In 1821, the Santa Fe trail, one of America's great trans-Mississippi pathways to the West, was opened, and commerce between the United States and Mexico ballooned into a million-dollar-a-year business. The trail filled with caravans of freight wagons headed to Santa Fe, New Mexico, and returned to Missouri, pouring Mexican silver and raw products into the marketplace and creating an economic boom for the region.

Because I feel this history should be preserved, I am introducing legislation which gives the Santa Fe trail national trail status. I introduced an indentical bill during the 99th Congress but unfortunately there was not enough time to schedule hearings. A number of my colleagues—Senators Armstrong, Bingaman, Bond, Boren, Danforth, Dole, Domenici, Hollings, McClure, Nickles, and Wirth—join me in this effort.

A companion bill, H.R. 240, has been introduced in the House of Representatives by Congressmen Brown and Richardson. Both pieces of legislation assure the recognition of current land uses and protect the landowner from property acquisition. Further, they comply with the National Trails System Act and require the Secretary of the Interior to submit to Congress a comprehensive management and use plan for the development of the trail, including the identification of all significant natural, historical, and cultural resources which should be preserved.

Right now, this region is experiencing economic problems with which we are all too familiar. By giving the Santa Fe trail national status, we create a greater potential for economic growth through increased tourism. By marking the trail and creating interpretation centers at historical sites, visitors will have the opportunity to retrace the wagon tracks of pioneer merchants from Missouri, follow the landmarks on the prairies of Kansas and Oklahoma, and experience the breathtaking beauty of the Colorado and New Mexico mountains.

Mr. President, I believe that giving the Santa Fe trail national trail status will have two very positive effects upon this region and the United States. First, it will generate an interest in more people to explore this era of their national history, thereby promoting increased tourism. And more importantly, the legislation commemorates a part of history which all Americans, especially those of us who have walked along the trail, are especially proud.

Mr. President, I ask unanimous consent that the full text of this legislation be entered in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

(a) Designation.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding the following new paragraph at the end thereof:

"(14) The Santa Fe National Historic Trail, a trail of approximately 950 miles from a point near Old Franklin, Missouri, through Kansas, Oklahoma, and Colorado to Santa Fe, New Mexico, as generally depicted on a map entitled 'The Santa Fe Trail' contained in the Final Report of the Secretary of the Interior pursuant to subsection (b) of this section, dated July 1976. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Santa Fe Trail except with the consent of the owner thereof. Before acquiring any easement or entering into any cooperative agreement with a private landowner with respect to the trail, the Secretary shall notify the landowner of the potential liability, if any, for injury to the public resulting from physical conditions which may be on the landowner's land. The United States shall not be held liable by reason of such notice or failure to provide such notice to the landowner. So that significant route segments and sites recognized as associated with the Santa Fe Trail may be distinguished by suitable markers, the Secretary of the Interior is authorized to accept the donation of suitable markers for placement at appropriate locations".

(b) Authorization of Appropriations.—Section 10(c)(2) of such Act 16 U.S.C. 1249(c)(2)) is amended by striking out "(13)" and inserting in lieu thereof "(14)".●

By Mr. DURENBERGER (for himself, Mr. Danforth, Mr. Wallop, Mr. Armstrong, and Mr. Boschwitz):

S. 350. A bill to amend the Tax Reform Act of 1986 to extend for 1 year the waiver of estimated penalties for underpayments by individuals attributable to such act; to the Committee on Finance.

EXTENSION OF WAIVER FOR PENALTIES FOR UNDERPAYMENTS OF ESTIMATED TAX

● Mr. DURENBERGER. Mr. President, the Tax Reform Act of 1986 made several changes that will significantly affect the tax liability of all of the Nation's taxpayers. One of the provisions of the act raises the amount that taxpayers must have withheld from wages from 80 percent to 90 percent of tax liability. Individuals who fail to meet the new withholding requirement are subject to both penalties and interest under section 6654 of the Internal Revenue Code.

Today I am introducing legislation along with Senators Danforth, Wallop, Armstrong, and Boschwitz that would waive the penalty and interest provisions of section 6654 for those individual taxpayers whose estimated tax and withholding payments satisfy at least the 80 percent test of prior law. This waiver is temporary; it will only apply until April 15, 1988. And it only applies to individuals, not to corporations.

Mr. President, anyone who has had the opportunity to review the latest IRS W-4 withholding allowance form will understand why it is imperative that this legislation be adopted. The new withholding form is incredibly complex. At four pages in length, it is twice as long as the form it replaced and more complex than many actual 1040 income tax returns.

In order for many taxpayers to compute their withholding allowances, they will have to do a variety of complex calculations and fill in as many as 46 separate lines of information. Indeed the form is so complex that IRS suggests that taxpayers consult four separate IRS publications to make sure that their withholding is correct.

One of the reasons we adopted the Tax Reform Act of 1986 was to diminish some of the complexity that has befuddled taxpayers in recent years. Unfortunately, the new W-4 does just the opposite. I strongly urge that IRS give serious consideration to replacing the new W-4 with a shorter and simpler form that is intelligible to those of us who do not have graduate accounting degrees.

Mr. President, I would note that last week, the distinguished chairman of the Senate Finance Committee, Senator Lloyd Bentsen, wrote to the IRS asking the Service to issue a similar W-4 form. Although I applaud the chairman's action, I believe more must be done to ensure that taxpayers are not penalized for the bureaucratic indifference of the IRS.

The failure of IRS to develop a simple and straightforward W-4 form makes it difficult, if not impossible, for most individual taxpayers to comply with the 90-percent withholding requirement that we adopted in the Tax Reform Act. I can assure you that millions of taxpayers will make a good faith effort to fill out the W-4 only to find out that when their tax returns are due, they have not met the 90 percent test.

To subject these taxpayers to the penalty and interest charges of section 6654 would just not be fair. That is why I have introduced this legislation. It recognizes that taxpayers will inevitably make errors in calculating their withholding only because the IRS has not provided a suitable form for calculating withholding. The 90-percent withholding requirement allows taxpayers little margin for error. This legislation allows taxpayers greater leeway in 1987 to assess the appropriate amount to withhold without being subjected to statutory penalties.

Once taxpayers have had a chance to compare their 1987 withholding calculations with their final 1987 tax liability, they will be able to recompute their withholding in 1988 to meet the 90-percent test. In the meantime, IRS should make every effort to redesign the current W-4.

Mr. President, I ask unanimous consent that the bill be included in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. YEAR EXTENSION OF WAIVER OF ESTIMATED PENALTIES FOR UNDERPAYMENTS BY INDIVIDUALS ATTRIBUTABLE TO TAX REFORM ACT OF 1986.

(a) In General.—Section 1543 of the Tax Reform Act of 1986 (relating to waiver of estimated penalties for 1986 underpayments attributable to this Act) is amended by striking out "April 16, 1987" and inserting in lieu thereof "April 16, 1988".

(b) Conforming Amendment.—The section heading of section 1543 of the Tax Reform Act of 1986 is amended by striking out "1986" and inserting in lieu thereof "CERTAIN".

(c) Effective Date.—The amendment made by this section shall apply as if included in the Tax Reform Act of 1986.

By Mr. DANFORTH (for himself, Mr. Dole, and Mr. Gramm):

S. 356. A bill to promote safety in the operation of railroads and aircraft through testing for the use, without lawful authorization, of alcohol and controlled substances by the operators of railroads and aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

DRUG TESTING FOR TRANSPORTATION EMPLOYEES

Mr. DANFORTH. Mr. President, Senator Dole, Senator Gramm of Texas, and I are introducing today a bill which would require mandatory random drug testing of safety-sensitive personnel related to the railroad industry and the aviation industry. These would include, in the case of aviation, employees not only of airlines, but of the FAA as well.

Under present law, Mr. President, there are no requirements for drug testing for airline personnel. There are no requirements for drug testing under present law for the FAA.

With respect to railroads, there is a requirement for testing in the case of initial employment, in the case of an accident or for probable cause. Otherwise, there is no requirement for railroad personnel.

The tragedy of the accident of an Amtrak train and Conrail train several weeks ago brought home to all of us the danger of drug use by people who are operating on the railroad.

But, Mr. President, this is not a new issue.

Mr. President, the bill that we are introducing today requiring mandatory random tests is virtually identical to a provision in the drug bill which was considered in the Senate last fall and which was dropped during consideration of that legislation.

Mr. President, it is a scandal that random drug testing is not required for railroad employees, airline employees and air traffic controllers.

Professional basketball players are more likely to face a drug test than are locomotive engineers, brakemen, and air traffic controllers. Airline pilots are subject to virtually no Federal rule requiring testing.

I regard the lack of mandatory random drug testing as nothing short of a national scandal. Professional rail and airline employees, and air traffic controllers, are responsible for the lives of millions of men, women and children and for the safe handling of property worth hundreds of millions of dollars.

Drug abuse is a very serious problem for society at large and—it is tragically clear—for the transportation sector. Two Conrail employees involved in the recent Conrail-Amtrak collision tested positive for marijuana use, according to the Federal Railroad Administration. Air traffic controllers in Los Angeles and Kansas City have been suspended for drug abuse.

In the interest of the American public, it is time for the Federal Government to strike hard and fast against substance abuse in rail and air transportation.

I believe the best course is for Congress to mandate random drug testing for appropriate rail, airline and Federal Aviation Administration employees. Such action was proposed last year in the omnibus drug bill; to my disappointment, the measure was dropped before final action by the Senate.

We all were shocked and saddened by the recent Conrail-Amtrak train accident; 16 killed, 170 injured. How could this happen? Among the many questions the accident raises is the adequacy of Federal alcohol and drug rules for transportation employees.

We must be careful not to prejudge the cause of this accident. The National Transportation Safety Board is charged with making this determination, and there may be many different factors that contributed to the cause of the accident. We know that the engineer and brakeman of the Conrail train tested positive for marijuana use. While it remains to be seen whether this was a factor in the accident, that is almost beside the point now.

The point is that alcohol and drug abuse is a serious problem among railroad and airline employees and must be stopped.

The omnibus drug bill of 1986 was enacted into law late last year. It enjoyed overwhelming support in the Congress. Unfortunately, it did not include a measure requiring random drug testing of railroad and airline employees. Yet, precisely such a measure was included in S. 2850, the comprehensive drug bill introduced by Senator Dole, myself and 26 others.

I appear today to re-introduce those provisions of S. 2850. The bill is very straightforward and simple. It would require random drug testing of railroad engineers and employees responsible for the safety of railroad operations. Current FRA rules, while commendable, simply do not go far enough. They only require the railroad to test the employee for drugs prior to employment, after an accident, and if a reasonable suspicion of drug use exists.

This bill also would require random drug testing of air traffic controllers and other Federal Aviation Administration [FAA] personnel directly involved in air safety, and testing of airline pilots, mechanics, and employees responsible for the safety of flight operations. Furthermore, it would require testing prior to employment, after accidents, and for reasonable suspicion. Last, it would require the establishment of programs to help employees with their drug problems.

Mr. President, the Amtrak accident is only the latest example of the alcohol and drug abuse problem. Since 1975 about 50 train accidents have been attributed to drug and alcohol use. In those accidents, 37 people were killed, and 80 were injured. In 1979 a Conrail employee high on marijuana missed a stop signal and crashed into another train, killing two. In 1982, a freight train carrying hazardous material derailed in Louisiana, exploded, and forced the evacuation of 3,000 local residents for 2 weeks. The engineer was found to have been too drunk to operate the train. A 1984 train wreck in Wyoming occurred after one engineer had fallen asleep shortly after smoking marijuana. It remains to be determined whether drugs contributed to the Amtrak and Conrail collision. But why shouldn't we do everything within our power to be sure drugs and alcohol play no role?

The problems in aviation are just as serious and the potential for disaster even greater. Late last year, 13 air traffic controllers in Los Angeles and 5 controllers in Kansas City were suspended for drug abuse. Another controller was arrested for receiving a shipment of cocaine. Last March, a New York air traffic controller, who had been injecting 3 grams of cocaine daily at work, put a DC-10 jumbo jet on a collision course with another plane. The other plane dodged at the last minute. In November a USAir pilot, near death, was treated for a cocaine overdose. Pittsburgh area hospitals report that they have recently treated 23 other USAir employees for drug overdoses.

I firmly believe that random testing is justified and is particularly appropriate for transportation employees because of the degree to which their drug use can expose the public to danger. Random testing will deter employees from using drugs and encourage them to seek help if they have a drug problem.

The supporters of this measure fully expect the FRA and the FAA to implement the bill's requirements in a manner that ensures that those who do not use drugs are not wrongly subjected to the penalties imposed on drug users. For instance, unfounded accusations of drug use, by themselves, should not trigger penalties. Nor should falsely positive test results, or results that indicate second-hand inhalation of drugs, or ingestion of foods that are chemically similar to illegal drugs, lead to the imposition of penalties. Penalties should be imposed only where there have been positive results from reliable and unbiased confirmatory tests, such as gas chromatography and mass spectroscopy.

Objections may be raised that random testing is invasive, unconstitutional, and will be used to harass employees. These arguments were raised last year during the meetings held to produce a bipartisan, consensus bill. But drug use is not a private matter when people's lives are at stake and most companies require that employees be fit while they are on the job. Under this bill, testing will be used for disciplinary action, not criminal prosecution. One would think that random testing of engineers, pilots, and safety-related personnel in federally regulated public transportation would be unobjectionable.

Unfortunately, these public safety protections were dropped from the omnibus drug bill. The opponents had the leverage last year due to the lack of time. But now there is an opportunity and a duty to right that wrong.

Let us act together to provide needed protection to the traveling public. I urge my colleagues to support this initiative.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end thereof the following:

"(1) The Secretary shall, within one year after the date of enactment of this subsection, review existing rules, regulations, standards, and orders governing alcohol and drug use in railroad operations for the purpose of determining whether they are adequate to ensure safety. In conducting such review, the Secretary shall specifically—

"(1) require that all railroad employees responsible for safety-sensitive functions, as determined by the Secretary, be subject to testing on a random basis for the use, without lawful authorization, of alcohol or a controlled substance;

"(2) consider application of existing rules, regulations, orders and standards to other categories of employees, including employees responsible for the safety of passengers, railroad rolling stock, and track and related structures;

"(3) consider disqualification for an established period of time of any employee determined to have used or to have been impaired by alcohol while on duty; and

"(4) consider disqualification for an established period of time of any employee determined to have used a controlled substance, whether on duty or not on duty, except as permitted for medical purposes by law and any rules, regulations, orders, or standards issued under this Act.

Nothing in this subsection shall be construed to restrict the discretion of the Secretary to continue in force, amend, or further supplement any rules, regulations, orders and standards governing alcohol and drug use in railroad operations issued before the date of enactment of this subsection.".

SEC. 2. (a) Title VI of the Federal Aviation Act of 1958 (49 App. U.S.C. 1421 et seq.) is amended by adding at the end thereof the following:

"TESTING FOR ALCOHOL AND CONTROLLED SUBSTANCES

"REQUIREMENT OF TESTING

"SEC. 631. (a)(1) The Administrator shall, in the interest of aviation safety, prescribe regulations establishing a program which requires air carriers, contract carriers, and foreign air carriers to conduct preemployment, periodic recurring, and post-accident testing of airmen and crewmembers, and testing of airmen and crewmembers upon a reasonable suspicion that they have used, without lawful authorization, alcohol or a controlled substance. The Administrator shall establish such a program applicable to employees of the Federal Aviation Administration whose duties include direct responsibility for safety of flight operations.

"(2) The Administrator shall also require random testing as part of the program established under paragraph (1) of this subsection.

"PROHIBITION ON SERVICE

"(b)(1)(A) No air carrier, contract carrier, or foreign air carrier shall permit any individual who is determined to have used, without lawful authorization alcohol or a controlled substance after the date of enactment of this section to serve as an airman or crewmember unless such individual has completed a program of rehabilitation described in subsection (c) of this section.

"(B) In the case of any airman or crewmember determined by the Administrator to have used, without lawful authorization, alcohol or a controlled substance after the date of enactment of this section who refuses to undertake or fails to complete a rehabilitation program described in subsection (c) of this section, who has previously undertaken, completed or failed to complete such a rehabilitation program, or who has been determined by the Administrator to have served as an airman or crewmember while impaired by or under the influence of alcohol or a controlled substance, the Administrator may revoke the airman certificate of such an airman or, in the case of a crewmember, prohibit such individual from serving as a crewmember.

"(2)(A) The Administrator shall not permit any employee of the Federal Aviation Administration whose duties include direct responsibility for safety of flight operations who is determined to have used, without lawful authorization, alcohol or a controlled substance after the date of enactment of this section to perform any such duties unless such individual has completed a program of rehabilitation described in subsection (c) of this section.

"(B) In the case of any employee of the Federal Aviation Administration whose duties include direct responsibility for safety of flight operations determined by the Administrator to have use, without lawful authorization, alcohol or a controlled substance after the date of enactment of this section who refuses to undertake or fails to complete a rehabilitation program described in subsection (c) of this section, who has previously undertaken, completed or failed to complete such a rehabilitation program, or who has been determined by the Administrator to have performed duties which include direct responsibility for safety of flight operations while impaired by or under the influence of alcohol or a controlled substance, the Administrator shall not permit such employee to perform any such duties.

"REHABILITATION PROGRAM

"(c)(1) Each air carrier, contract carrier and foreign air carrier shall establish and maintain a rehabilitation program which at a minimum provides for the identification and opportunity for treatment of airmen and crewmembers in need of assistance in resolving problems with the use, without lawful authorization, of alcohol or controlled substances. Each air carrier, contract carrier and foreign air carrier is encouraged to make such program available to all of its employees other than airmen and crewmembers. Nothing in this subsection shall preclude any air carrier, contract carrier or foreign air carrier from establishing a program under this subsection in cooperation with any other air carrier, contract carrier and foreign air carrier.

"(2) The Administrator shall establish and maintain a rehabilitation program which at a minimum provides for the identification and opportunity for treatment of those employees of the Federal Aviation Administration whose duties include direct responsibility for safety of flight operations who are in need of assistance in resolving problems with the use of alcohol or controlled substances.

"EFFECT ON OTHER REGULATIONS

"(d) Nothing in this section shall preclude the Administrator from adopting or continuing in effect other regulations intended to protect persons or property on the ground or in the air from the hazards to safety associated with the potential use of alcohol or controlled substances by airmen or crewmembers.

"DEFINITIONS

"(e) For the purposes of this section, the term 'controlled substance' has the meaning given such term by section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).".

(b) The Administrator of the Federal Aviation Administration shall amend section 91.11 of the Federal Aviation Regulations (14 CFR 91.11) to include mechanics and other employees directly responsible for the safety of flight operations as crewmembers for purposes of such section.

(c) That portion of the table of contents of the Federal Aviation Act of 1958 relating to title VI is amended by adding at the end thereof the following:

"Sec. 613. Testing for controlled substances and alcohol.
"(a) Requirement of testing.
"(b) Prohibition on service.
"(c) Rehabilitation program.
"(d) Effect on other regulations.
"(e) Definitions.".

(d) If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

By Mr. SYMMS (for himself and Mr. McCLURE):

S. 357. A bill to amend chapter 44, title 18, United States Code, to provide clarification of limitations on controls of firearms and to prohibit the use of Federal funds to political subdivisions which implement certain gun control ordinances; to the Committee on the Judiciary.

CLARIFICATION OF LIMITATIONS ON THE CONTROL OF FIREARMS

● Mr. SYMMS. Mr. President, this legislation would prohibit a municipality from participating in designated Federal law enforcement programs if the municipality enacts a law prohibiting the ownership or possession of firearms or ammunition. Specifically, a municipality which enacts such a law, regulation, or ordinance would be ineligible to use Federal detention facilities, receive training from or enter into contracts with the Federal Bureau of Investigation, receive assistance from or participate in programs of the Office of Justice Programs, or have access to the Department of Treasury records or training programs. The bill is similar to legislation I have introduced in the past, and I am pleased that Senator McCLURE has joined me again as a cosponsor.

The bill is intended to send a message of strong objection to those local governments which would make it illegal for their citizens to protect themselves from criminals, and which, at the same time, desire Federal funding for law enforcement activities. I believe the Federal Government should not support law enforcement efforts in municipalities which disregard the bill of rights and strip their citizens of the best means of fighting crime and protecting themselves.

As always, criminals in these communities will be able to obtain firearms, regardless of antigun ownership laws. Today 80 million Americans own

200 million firearms, including approximately 60 million handguns. Yet, less than four-tenths of 1 percent of those handguns will be used to commit crimes. Over 99.6 percent of all the handguns in America are used legally, most of those for protection. Private handgun ownership, therefore, does not contribute significantly to crime.

The general uselessness of gun laws is perhaps best shown by the overall long-term trends. Violent crime in the United States has been falling for the past 4 years—particularly gun-related violent crime—even though handgun availability has been increasing over three times as fast as the population, and even though handguns constitute a greater and greater percentage of the firearms market. Not only is the violent crime rate falling, but so is the firearms accident rate and the overall suicide rate.

Despite these facts there are continued efforts in this Nation to thwart, or even nullify, the second amendment. Most of my colleagues know that the impetus behind this bill was the June 1981 action of the city council in Morton Grove, IL banning the civilian ownership of handguns. That action shook gun owners and civil libertarians across the Nation because of its blatant disregard for the second amendment to the Constitution in which the essential guarantee of liberty, the right to keep and bear arms is incorporated.

Mr. President, in 1982 the Subcommittee on the Constitution, chaired by our distinguished colleague from Utah, Senator HATCH, issued an excellent and scholarly study of the Second Amendment entitled, "The Right to Keep and Bear Arms." That committee report cites clear proof, based on historical and legal evidence, that the framers of the Constitution thought of the right to keep and bear arms as an individual right belonging to all Americans and a bulwark of liberty. I ask unanimous consent that a chapter of the report entitled, "History: Second Amendment Right to 'Keep and Bear Arms'" be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HISTORY: SECOND AMENDMENT RIGHT TO "KEEP AND BEAR ARMS"

The right to keep and bear arms as a part of English and American law antedates not only the Constitution, but also the discovery of firearms. Under the laws of Alfred the Great, whose reign began in 872 A.D., all English citizens from the nobility to the peasants were obliged to privately purchase weapons and be available for military duty.[1] This was in sharp contrast to the feudal system as it evolved in Europe, under which armament and military duties were concentrated in the nobility. The body of armed citizens were known as the "fyrd".

While a great many of the Saxon rights were abridged following the Norman conquest, the right and duty of arms possession was retained. Under the Assize of Arms of 1181, "the whole community of freemen" between the ages of 15 and 40 were required by law to possess certain arms, which were arranged in proportion to their possessions.[2] They were required twice a year to demonstrate to Royal officials that they were appropriately armed. In 1253, another Assize of Arms expanded the duty of armament to include not only freemen, but also villeins, who were the English equivalent of serfs. Now all "citizens, burgesses, free tenants, villeins and others from 15 to 60 years of age" were obliged to be armed.[3] While on the Continent the villeins were regarded as little more than animals hungering for rebellion, the English legal system not only permitted, but affirmatively required them, to be armed.

The thirteenth century saw further definitions of this right as the long bow, a formidable armor-piercing weapon, became increasingly the mainstay of British national policy. In 1285, Edward I commanded that all persons comply with the earlier Assizes and added that "anyone else who can afford them shall keep bows and arrows".[4] The right of armament was subject only to narrow limitations. In 1279, it was ordered that those appearing in Parliament or other public assemblies "shall come without all force and armor, well and peaceably".[5] In 1328, the statute of Northampton ordered that no one use their arms in "affray of the peace, nor to go nor ride armed by day or by night in fairs, markets, nor in the presence of the justices or other ministers".[6] English courts construed this ban consistently with the general right of private armament as applying only to wearing of arms "accompanied with such circumstances as are apt to terrify the people".[7] In 1369, the King ordered that the sheriffs of London require all citizens "at leisure time on holidays" to "use in their recreation bowes and arrows" and to stop all other games which might distract them from this practice.[8]

The Tudor kings experimented with limits upon specialized weapons—mainly crossbows and the then-new firearms. These measures were not intended to disarm the citizenry, but on the contrary, to prevent their being diverted from longbow practice by sport with other weapons which were considered less effective. Even these narrow measures were shortlived. In 1503, Henry VII limited shooting (but not possession) of crossbows to those with land worth 200 marks annual rental, but provided an exception for those who "shote owt of a howse for the lawefull defens of the same".[9] In 1511, Henry VIII increased the property requirement to 300 marks. He also expanded the requirement of longbow ownership, requiring all citizens to "use and exercyse shootyng in longbowes, and also have a bowe and arrowes contynually" in the house.[10] Fathers were required by law to purchase bows and arrows for their sons between the age of 7 and 14 and to train them in longbow use.

In 1514 the ban on crossbows was extended to include firearms.[11] But in 1533, Henry reduced the property qualification to 100 pounds per year; in 1541 he limited it to possession of small firearms ("of the length of one hole yard" for some firearms and "thre quarters of a yarde" for others)[12] and eventually he repealed the entire statute by proclamation.[13] The later Tudor monarchs continued the system and Elizabeth added to it by creating what came to be known as "train bands", selected portions of the citizenry chosen for special training. These trained bands were distinguished from the "militia", which term was first used during the Spanish Armada crisis to designate the entire of the armed citizenry.[14]

The militia continued to be a pivotal force in the English political system. The British historian Charles Oman considers the existence of the armed citizenry to be a major reason for the moderation of monarchical rule in Great Britain; "More than once he [Henry VIII] had to restrain himself, when he discovered that the general feeling of his subjects was against him. . . His 'gentlemen pensioners' and his yeomen of the guard were but a handful, and bills or bows were in every farm and cottage".[15]

When civil war broke out in 1642, the critical issue was whether the King or Parliament had the right to control the militia.[16] The aftermath of the civil war saw England in temporary control of a military government, which repeatedly dissolved Parliament and authorized its officers to "search for, and seize all arms" owned by Catholics, opponents of the government, "or any other person whom the commissioners had judged dangerous to the peace of this Commonwealth".[17]

The military government ended with the restoration of Charles II. Charles in turn opened his reign with a variety of repressive legislation, expanding the definition of treason, establishing press censorship and ordering his supporters to form their own troops, "the officers to be numerous, disaffected persons watched and not allowed to assemble, and their arms seized". [18] In 1662, a Militia Act was enacted empowering officials "to search for and seize all arms in the custody or possession of any person or persons whom the said lieutenants or any two or more of their deputies shall judge dangerous to the peace of the kingdom". [19] Gunsmiths were ordered to deliver to the government lists of all purchasers. [20] These confiscations were continued under James II, who directed them particularly against the Irish population: "Although the country was infested by predatory bands, a Protestant gentleman could scarcely obtain permission to keep a brace of pistols." [21]

In 1668, the government of James was overturned in a peaceful uprising which came to be known as "The Glorious Revolution". Parliament resolved that James had abdicated and promulgated a Declaration of Rights, later enacted as the Bill of Rights. Before coronation, his successor William of Orange, was required to swear to respect these rights. The debates in the House of Commons over this Declaration of Rights focused largely upon the disarmament under the 1662 Militia Act. One member complained that "an act of Parliament was made to disarm all Englishmen, who the lieutenant should suspect, by day or night, by force or otherwise—this was done in Ireland for the sake of putting arms into Irish hands." The speech of another is summarized as "militia bill—power to disarm all England—now done in Ireland." A third complained "Arbitrary power exercised by the ministry. . . . Milita—imprisoning without reason; disarming—himself disarmed." Yet another summarized his complaints "Militia Act—an abominable thing to disarm the nation. . . ." [22]

The Bill of Rights, as drafted in the House of Commons, simply provided that "the acts concerning the militia are grievous to the subject" and that "it is necessary for the public Safety that the Subjects, which are Protestants, should provide and keep arms for the common defense; And that the Arms which have been seized, and taken from them, be restored." [23] The House of Lords changed this to make it a more positive declaration of an individual right under English law: "That the subjects which are Protestant may have arms for their defense suitable to their conditions and as allowed by law." [24] The only limitation was on ownership by Catholics, who at that time composed only a few percent of the British population and were subject to a wide variety of punitive legislation. The Parliament subsequently made clear what it meant by "suitable to their conditions and as allowed by law". The poorer citizens had been restricted from owning firearms, as well as traps and other commodities useful for hunting, by the 1671 Game Act. Following the Bill of Rights, Parliament reenacted that statute, leaving its operative parts unchanged with one exception—which removed the word "guns" from the list of items forbidden to the poorer citizens. [25] The right to bear and keep arms would henceforth belong to all English subjects, rich and poor alike.

In the colonies, availability of hunting and need for defense led to armament statutes comparable to those of the early Saxon times. In 1623, Virginia forbade its colonist to travel unless they were "well armed"; in 1631 it required colonists to engage in target practice on Sunday and to "bring their peeces to church."[26] In 1658 it required every householder to have a functioning firearm within his house and in 1673 its laws provided that a citizen who claimed he was too poor to purchase a firearm would have one purchased for him by the government, which would then require him to pay a reasonable price when able to do so.[27] In Massachusetts, the first session of the legislature ordered that not only freemen, but also indentured servants own firearms and in 1644 it imposed a stern 6 shilling fine upon any citizen who was not armed.[28]

When the British government began to increase its military presence in the colonies in the mid-eighteenth century, Massachusetts responded by calling upon its citizens to arm themselves in defense. One colonial newspaper argued that it was impossible to complain that his act was illegal since they were "British subjects, to whom the privilege of possessing arms is expressly recognized by the Bill of Rights" while another argued that this "is a natural right which the people have reserve to themselves, confirmed by the Bill of Rights, to keep arms for their own defense".[29] The newspaper cited Blackstone's commentaries on the laws of England, which had listed the "having and using arms for self preservation and defense" among the "absolute rights of individuals." The colonists felt they had an absolute right at common law to own firearms.

Together with freedom of the press, the right to keep and bear arms became one of the individual rights most prized by the colonists. When British troops seized a militia arsenal in September, 1774, and incorrect rumors that colonists had been killed spread through Massachusetts, 60,000 citizens took up arms.[30] A few months later, when Patrick Henry delivered his famed "Give me liberty or give me death" speech, he spoke in support of a proposition "that a well regulated militia, composed of gentlemen and freemen, is the natural strength and only security of a free government. . . ." Throughout the following revolution, formal and informal units of armed citizens obstructed British communication, cut off foraging parties, and harassed the thinly stretched regular forces. When seven states adopted state "bills of rights" following the Declaration of Independence, each of those bills of rights provided either for protection of the concept of a militia or for an express right to keep and bear arms.[31]

Following the revolution but previous to the adoption of the Constitution, debates over militia proposals occupied a large part of the political scene. A variety of plans were put forth by figures ranging from George Washington to Baron von Steuben.[32] All of the proposals called for a general duty of all citizens to be armed, although some proposals (most notably von Steuben's) also emphasized a "select militia" which would be paid for its services and given special training. In this respect, this "select militia" was the successor of the "trained bands" and the predecessor of what is today the "national guard". In the debates over the Constitution, von Steuben's proposals were criticized as undemocratic. In Connecticut one writer complained of a proposal that "this looks too much like Baron von Steuben's militia, by which a standing army was meant and intended."[33] In Pennsylvania, a delegate argued "Congress may give us a select militia which will, in fact, be a standing army—or Congress, afraid of a general militia, may say there will be no militia at all. When a select militia is formed, the people in general may be disarmed."[34] Richard Henry Lee, in his widely read pamphlet "Letters form the Federal Farmer to the Republican" worried that the people might be disarmed "by modeling the militia. Should one fifth or one eight part of the people capable of bearing arms be made into a select militia, as has been proposed, and those the young and ardent parts of the community, possessed of little or no property, the former will answer all the purposes of an army, while the latter will be defenseless." He proposed that "the Constitution ought to secure a genuine, and guard against a select militia," adding that "to preserve liberty, it is essential that the whole body of the people always possess arms and be taught alike, especially when young, how to use them."[35]

The suspicion of select militia units expressed in these passages is a clear indication that the framers of the Constitution did not seek to guarantee a State right to maintain formed groups similar to the National Guard, but rather to protect the right of individual citizens to keep and bear arms. Lee, in particular, sat in the Senate which approved the Bill of Rights. He would hardly have meant the second amendment to apply only to the select militias he so feared and disliked.

Other figures of the period were of like mind. In the Virginia convention, George Mason, drafter of the Virginia Bill of Rights, accused the British of having plotted "to disarm the people—that was the best and most effective way to enslave them", while Patrick Henry observed that "The great object is that every man be armed" and "everyone who is able may have a gun".[36]

Nor were the antifederalist, to whom we owe credit for a Bill of Rights, alone on this account. Federalist arguments also provide a source of support for an individual rights view. Their arguments in favor of the proposed Constitution also relied heavily upon universal armament. The proposed Constitution had been heavily criticized for its failure to ban or even limit standing armies. Unable to deny this omission, the Constitution's supporters frequently argued to the people that the universal armament of Americans made such limitations unnecessary. A pamphlet written by Noah Webster, aimed at swaying Pennsylvania toward ratification, observed

"Before a standing army can rule, the people must be disarmed; as they are in almost every kingdom in Europe. The supreme power in America cannot enforce unjust laws by the sword, because the whole body of the people are armed, and constitute a force superior to any band of regular troops that can be, on any pretense, raised in the United States."[37]

In the Massachusetts convention, Sedgwick echoed the same thought, rhetorically asking if an oppressive army could be formed or "if raised, whether they could subdue a Nation of freemen, who know how to prize liberty, and who have arms in their hands?"[38] In Federalist Paper 46, Madison, later author of the Second Amendment, mentioned "The advantage of being armed, which the Americans possess over the people of all other countries" and that "notwithstanding the military establishments in the several kingdoms of Europe, which are carried as far as the public resources will bear, the governments are afraid to trust the people with arms."

A third and even more compelling case for an individual rights perspective on the Second Amendment comes from the State demands for a bill of rights. Numerous state ratifications called for adoption of a Bill of Rights as a part of the Constitution. The first such call came from a group of Pennsylvania delegates. Their proposals, which were not adopted but had a critical effect on future debates, proposed among other rights that "the people have a right to bear arms for the defense of themselves and their own state, or the United States, or for the purpose of killing game; and no law shall be passed for disarming the people or any of them, unless for crimes committed, or a real danger of public injury from individuals."[39] In Massachusetts, Sam Adams unsuccessfully pushed for a ratification conditioned on adoption of a Bill of Rights, beginning with a guarantee "That the said Constitution shall never be construed to authorize Congress to infringe the just liberty of the press or the rights of conscience; or to prevent the people of the United States who are peaceable citizens from keeping their own arms. . . ."[40] When New Hampshire gave the Constitution the ninth vote needed for its passing into effect, it called for adoption of a Bill of Rights which included the provision that "Congress shall never disarm any citizen unless such as are or have been in actual rebellion".[41] Virginia and North Carolina thereafter called for a provision "that the people have the right to keep and bear arms; that a well regulated militia composed of the body of the people trained to arms is the proper, natural and safe defense of a free state."[42]

When the first Congress convened for the purpose of drafting a Bill of Rights, it delegated the task to James Madison. Madison did not write upon a blank tablet. Instead, he obtained a pamphlet listing the State proposals for a Bill of Rights and sought to produce a briefer version incorporating all the vital proposals of these. His purpose was to incorporate, not distinguish by technical changes, proposals such as that of the Pennsylvania minority, Sam Adams, and the New Hampshire delegates. Madison proposed among other rights that:

"The right of the people to keep and bear arms shall not be infringed; a well armed and well regulated militia being the best security of a free country; but no persons religiously scrupulous of bearing arms shall be compelled to render military service in person."[43]

In the House, this was initially modified so that the militia clause came before the proposal recognizing the right. The proposals for the Bill of Rights were then trimmed in the interests of brevity. The conscientious objector clause was removed following objections by Elbridge Gerry, who complained that future Congresses might abuse the exemption for the scrupulous to excuse every one from militia service.

The proposal finally passed the House in its present form: "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed." In this form it was submitted into the Senate, which passed it the following day. The Senate in the process indicated its intent that the right be an individual one, for private purposes, by rejecting an amendment which would have limited the keeping and bearing of arms to bearing "for the common defense."

The earliest American constitutional commentators concurred in giving this broad reading to the amendment. When St. George Tucker, later Chief Justice of the Virginia Supreme Court, in 1803 published an edition of Blackstone annotated to American law, he followed Blackstone's citation of the right of the subject "of having arms suitable to their condition and degree, and such as are allowed by law" with a citation to the Second Amendment, "And this without any qualification as to their condition or degree, as is the case in the British government".[44] William Rawle's "View of the Constitution" published in Philadelphia in 1825 noted that under the Second Amendment

"The prohibition is general. No clause in the Constitution could by a rule of construction be conceived to give to Congress a power to disarm the people. Such a flagitious attempt could only be made under some general pretense by a state legislature. But if in blind pursuit of inordinate power, either should attempt it, this amendment may be appealed to as a restraint on both."[45]

The Jefferson papers in the Library of Congress show that both Tucker and Rawle were friends of, and corresponded with Thomas Jefferson. This suggests that their assessment, as contemporaries of the Constitution's drafters, should be afforded special consideration.

Later commentators agreed with Tucker and Rawle. For instance, Joseph Story in his "Commentaries on the Constitution" considered the right to keep and bear arms as "the palladium of the liberties of the republic", which deterred tyranny and enabled the citizenry at large to overthrow it should it come to pass.[46]

Subsequent legislation in the Second Congress likewise supports the interpretation of the second amendment that creates an individual right. In the Militia Act of 1792, the Second Congress defined "militia of the United States" to include almost every free adult male in the United States. These persons were obligated by law to possess a firearm and a minimum supply of ammunition and military equipment.[47] This statute, incidentally, remained in effect into the early years of the present century as a legal requirement of gun ownership for most of the population of the United States. There can be little doubt from this that when the Congress and the people spoke of the "militia", they had reference to the traditional concept of the entire populace capable of bearing arms, and not to any formal group such as what is today called the National Guard. The purpose was to create an armed citizenry, such as the political theorists at the time considered essential to ward off tyranny. From this militia, appropriate measures might create a "well regulated militia" of individuals trained in their duties and responsibilities as citizens and owners of firearms.

The Second Amendment as such was rarely litigated prior to the passage of the Fourteenth Amendment. Prior to that time, most courts accepted that the commands of the federal Bill of Rights did not apply to the states. Since there was no federal firearms legislation at this time, there was no legislation which was directly subject to the Second Amendment, if the accepted interpretations were followed. However, a broad variety of state legislation was struck down under state guarantees of the right to keep and bear arms and even in a few cases, under the Second Amendment, when it came before courts which considered the federal protections applicable to the states. Kentucky in 1813 enacted the first carrying concealed weapon statute in the United States; in 1822, the Kentucky Court of Appeals struck down the law as a violation of the state constitutional protection of the right to keep and bear arms: "And can there be entertained a reasonable doubt but the provisions of that act import a restraint on the right of the citizen to bear arms? The court apprehends it not. The right existed at the adoption of the Constitution; it then had no limit short of the moral power of the citizens to exercise it, and in fact consisted of nothing else but the liberty of the citizen to bear arms."[48] On the other hand, a similar measure was sustained in Indiana, not upon the grounds that a right to keep and bear arms did not apply, but rather upon the notion that a statute banning only concealed carrying still permitted the carrying of arms and merely regulated one possible way of carrying them.[49] A few years later, the Supreme Court of Alabama upheld a similar statute but added "We do not desire to be understood as maintaining, that in regulating the manner of wearing arms, the legislature has no other limit than its own discretion. A statute which, under the pretense of regulation, amounts to a destruction of that right, or which requires arms to be so borne as to render them wholly useless for the purpose of defense, would be clearly unconstitutional."[50] When the Arkansas Supreme Court in 1842 upheld a carrying concealed weapons statute, the chief justice explained that the statute would not "detract anything from the power of the people to defend their free state and the established institutions of the country. It prohibits only the wearing of certain arms concealed. This is simply a regulation as to the manner of bearing such arms as are specified", while the dissenting justice proclaimed "I deny that any just or free government upon earth has the power to disarm its citizens".[51]

Sometimes courts went further. When in 1837, Georgia totally banned the sale of pistols (excepting the larger pistols "known and used as horsemen's pistols") and other weapons, the Georgia Supreme Court in *Nunn* v. *State* held the statute unconstitutional under the Second Amendment to the Federal Constitution. The court held that the Bill of Rights protected natural rights which were fully as capable of infringement by states as by the Federal Government and that the Second Amendment provided "the right of the whole people, old and young, men, women and boys, and not militia only, to keep and bear arms of every description, and not merely such as are used by the militia, shall not be infringed, curtailed, or broken in on, in the slightest degree; and all this for the important end to be attained: the rearing up and qualifying of a well regulated militia, so vitally necessary to the security of a free state."[52] Prior to the Civil War, the Supreme Court of the United States likewise indicated that the privileges of citizenship included the individual right to own and carry firearms. In the notorious *Dred Scott* case, the court held that black Americans were not citizens and could not be made such by any state. This decision, which by striking down the Missouri Compromise did so much to bring on the Civil War, listed what the Supreme Court considered the rights of American citizens by way of illustrating what rights would have to be given to black Americans if the Court were to recognize them as full fledged citizens:

"It would give to persons of the negro race, who are recognized as citizens in any one state of the Union, the right to enter every other state, whenever they pleased. . . . and it would give them full liberty of speech in public and in private upon all subjects upon which its own citizens might meet; to hold public meetings upon political affairs, and to keep and carry arms wherever they went."[53]

Following the Civil War, the legislative efforts which gave us three amendments to the Constitution and our earliest civil rights acts likewise recognized the right to keep and bear arms as an existing constitutional right of the individual citizen and as a right specifically singled out as one protected by the civil rights acts and by the Fourteenth Amendment to the Constitution, against infringement by state authorities. Much of the reconstruction effort in the South had been hinged upon the creation of "black militias" composed of the armed and newly freed blacks, officered largely by black veterans of the Union Army. In the months after the Civil War, the existing southern governments struck at these units with the enactment of "black codes" which either outlawed gun ownership by blacks entirely, or imposed permit systems for them, and permitted the confiscation of firearms owned by blacks. When the Civil Rights Act of 1866 was debated members both of the Senate and House referred to the disarmament of blacks as a major consideration.[54] Senator Trumbull cited provisions outlawing ownership of arms by blacks as among those which the Civil Rights Act would prevent;[55] Senator Sulsbury complained on the other hand that if the act were to be passed it would prevent his own state from enforcing a law banning gun ownership by individual free blacks.[56] Similar arguments were advanced during the debates over the "anti-KKK act"; its sponsor at one point explained that a section making it a federal crime to deprive a person of "arms or weapons he may have in his house or possession for the defense of his person family or property" was "intended to enforce the well-known constitutional provisions guaranteeing the right of the citizen to 'keep and bear arms'.[57] Likewise, the debates over the Fourteenth Amendment Congress frequently referred to the Second Amendment as one of the rights which it intended to guarantee against state action.[58]

Following adoption of the Fourteenth Amendment, however, the Supreme Court held that that Amendment's prohibition against states depriving any persons of their federal "privileges and immunities" was to be given a narrow construction. In particular, the "privileges and immunities" under the Constitution would refer only to those rights which were not felt to exist as a process of natural right, but which were created solely by the Constitution. These might refer to rights such as voting in federal elections and of interstate travel, which would clearly not exist except by virtue of the existence of a federal government and which could not be said to be "natural rights".[59] This paradoxically meant that the rights which most persons would accept as the most important—those flowing from concepts of natural justice—were devalued at the expense of more technical rights. Thus when individuals were charged with having deprived black citizens of their right to freedom of assembly and to keep and bear arms, by violently breaking up a peaceable assembly of black citizens, the Supreme Court in *United States* v. *Cruikshank*[60] held that no indictment could be properly brought since the right of bearing arms for a lawful purpose is "not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence." Nor, in the view of the Court, was the right to peacefully assemble a right protected by the Fourteenth Amendment: "The right of the people peaceably to assemble for lawful purposes existed long before the adoption of the Constitution of the United States. In fact, it is and has always been one of the attributes of citizenship under a free government. . . . It was not, therefore, a right granted to the people by the Constitution." Thus the very importance of the rights protected by the First and Second Amendment was used as the basis for the argument that they did not apply to the states under the Fourteenth Amendment. In later opinions, chiefly *Presser* v. *Illinois*[61] and *Miller* v. *Texas*,[62] the Supreme Court adhered to the view. *Cruikshank* has clearly been superseded by twentieth century opinions which hold the portions of the Bill of Rights—and in particular the right to assembly with which *Cruikshank* dealt in addition to the Second Amendment—are binding upon the state governments. Given the legislative history of the Civil Rights Acts and the Fourteenth Amendment, and the more expanded views of incorporation which have become accepted in our own century, it is clear that the right to keep and bear arms was meant to be and should be protected under the civil rights statutes and the Fourteenth Amendment against infringement by officials acting under color of state law.

Within our own century, the only occasion upon which the Second Amendment has reached the Supreme Court came in *United States* v. *Miller*. [63] There, a prosecution for carrying a sawed off shotgun was dismissed before trial on Second Amendment grounds. In doing so, the court took no evidence as to the nature of the firearm or indeed any other factual matter. The Supreme Court reversed on procedural grounds, holding that the trial court could not take judicial notice of the relationship between a firearm and the Second Amendment, but must receive some manner of evidence. It did not formulate a test nor state precisely what relationship might be required. The court's statement that the amendment was adopted "to assure the continuation and render possible the effectiveness of such [militia] forces" and "must be interpreted and applied with that end in view", when combined with the court's statement that all constitutional sources "show plainly enough that the militia comprised all males physically capable of acting in concert for the common defense. . . . these men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time," [64] suggests that at the very least private ownership by a person capable of self defense and using an ordinary privately owned firearm must be protected by the Second Amendment. What the Court did not do in Miller is even more striking: It did not suggest that the lower court take evidence on whether Miller belonged to the National Guard or a similar group. The hearing was to be on the nature of the firearm, not on the nature of its use; nor is there a single suggestion that National Guard status is relevant to the case.

The Second Amendment right to keep and bear arms therefore, is a right of the individual citizen to privately possess and carry in a peaceful manner firearms and similar arms. Such an "individual rights" interpretation is in full accord with the history of the right to keep and bear arms, as previously discussed. It is moreover in accord with contemporaneous statements and formulations of the right by such founders of this nation as Thomas Jefferson and Samuel Adams, and accurately reflects the majority of the proposals which led up to the Bill of Rights itself. A number of state constitutions, adopted prior to or contemporaneously with the federal Constitution and Bill of Rights, similarly provided for a right of the people to keep and bear arms. If in fact this language creates a right protecting the states only, there might be a reason for it to be inserted in the federal Constitution but no reason for it to be inserted in state constitutions. State bills of rights necessarily protect only against action by the state, and by definition a state cannot infringe its own rights; to attempt to protect a right belonging to the state by inserting it in a limitation of the state's own powers would create an absurdity. The fact that the contemporaries of the framers did insert these words into several state constitutions would indicate clearly that they viewed the right as belonging to the individual citizen, thereby making it a right which could be infringed either by state or federal government and which must be protected against infringement by both.

Finally the individual rights interpretation gives full meaning to the words chosen by the first Congress to reflect the right to keep and bear arms. The framers of the Bill of Rights consistently used the words "right of the people" to reflect individual rights—as when these words were used to recognize the "right of the people" to peaceably assemble, and the "right of the people" against unreasonable searches and seizures. They distinguished between the rights of the people and of the state in the Tenth Amendment. As discussed earlier, the "militia" itself referred to a concept of a universally armed people, not to any specifically organized unit. When the framers referred to the equivalent of our National Guard, they uniformly used the term "select militia" and distinguished this from "militia". Indeed, the debates over the Constitution constantly referred to organized militia units as a threat to freedom comparable to that of a standing army, and stressed that such organized units did not consitute, and indeed were philosophically opposed to the concept of a militia.

That the National Guard is not the "Militia" referred to in the second amendment is even clearer today. Congress has organized the National Guard under its power to "raise and support armies" and not its power to "Provide for organizing, arming and disciplining the Militia". [65] This Congress chose to do in the interests of organizing reserve military units which were not limited in deployment by the strictures of our power over the constitutional militia, which can be called forth only "to execute the laws of the Union, suppress insurrections and repel invasions." The modern National Guard was specifically intended to avoid status as the constitutional militia, a distinction recognized by 10 U.S.C. § 311(a).

The conclusion is thus inescapable that the history, concept and wording of the second amendment to the Constitution of the United States, as well as its interpretation by every major commentator and court in the first half-century after its ratification, indicates that what is protected is an individual right of a private citizen to own and carry firearms in a peaceful manner.

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36. Debates and other Proceedings of the Convention of Virginia, . . . taken in shorthand by David Robertson of Petersburg, at 271, 275 (2d ed. Richmond, 1805).

37. Noah Webster, "An Examination into the Leading Principles of the Federal Constitution . . . ," in Paul Ford, ed, Pamphlets on the Constitution of the United States, at 56 (New York, 1888).

38. Johnathan Elliott, ed., Debates in the Several State Conventions on the Adoption of the Federal Constitution, vol. 2 at 97 (2d ed., 1888).

39. Merrill Jensen, supra, vol. 2 at 597-98.

40. Debates and Proceedings in the Convention of the Commonwealth of Massachusetts, at 86-87 (Peirce & Hale, eds., Boston, 1850); 2 B. Schwartz, The Bill of Rights 675 (1971).

41. Documents Illustrative of the Formation of the Union of the American States, at 1026 (Washington, D.C.: GPO, 1927).

42. Id at 1030.

43. Annals of Congress 434 (1789).

44. St. George Tucker, ed., Blackstone's Commentaries, Volume 1 at 143 n. 40, 41 (Philadelphia, 1803).

45. William Rawle, A View of the Constitution 125-6 (2d ed., Philadelphia, 1803).

46. Joseph Story, Commentaries on the Constitution, vol. 2 at 746 (1833).

47. Act of May 8, 1792; Second Cong., First Session, ch. 33.

48. Bliss v. Commonwealth, 12 Ken. (2 Litt.) 90, 92 (1822).

49. State v. Mitchell, (3 Black) 229.

50. State v. Reid, 1 Ala. 612, 35 Am. Dec. 44 (1840).

51. State v. Buzzard, 4 Ark. 18, 27, 36 (1842). The Arkansas Constitutional provision at issue was narrower than the second amendment, as it protected keeping and bearing arms "for the common defense." Id. at 34.

52. Nunn v. State, 1 Ga. 243, 251 (1846).

53. Dred Scott v. Sandford, 60 U.S. 691), 705.

54. The most comprehensive work in this field of constitutional law is Steven Halbrook, the Jurisprudence of the Second and Fourteenth Amendments (Institute for Humane Studies, Menlo Park, California, 1979), reprinted in 4 George Mason L. Rev. 1 (1981).

55. Cong. Globe, 39th Congress, 1st Sess. pt. 1, p. 474 (Jan. 29, 1866).

56. Id. at 478.

57. H.R. Rep. No. 37, 41st Cong., 3d sess., p. 3 (1871).

58. See generally Halbrook, supra, at 42-62.

59. Slaughterhouse Cases, 83 U.S. 36 (L873).

60. United States v. Cruikshank, 92 U.S. 542 (1876).

61. Presser v. Illinois, 116 U.S. 252 (1886).

62. Miller v. Texas, 153 U.S. 535 (1894).

63. United States v. Miller, 307 U.S. 175 (1939).

64. Id. at 178, 179.

65. H.R. Report No. 141, 73d Cong., 1st sess. at 2-5 (1933).

Mr. SYMMS. Mr. President, the second amendment is an integral part of the bulwark raised by our Founding Fathers to protect individual citizens against an overzealous and oppressive Government. The individual right of a private citizen to own and carry firearms in a peaceful manner is as essential to the survival of a free people today as it was 200 years ago.

This historic Congress should take a stand in support of the rights of gun owners and all people who cherish freedom. We should refuse to participate; financially or otherwise; in the legal and moral folly of local elected officials whose actions exhibit contempt for the Constitution. We should rebuke the councilmembers of Morton Grove and other cities prohibiting the private ownership of firearms because their actions threaten individual liberty and undermine the Constitution we are sworn to defend.

I urge my colleagues to cosponsor this important legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 927 of title 18, United States Code, is amended by—

(1) inserting "(a)" before "No provision"; and

(2) inserting at the end thereof the following:

"(b) Notwithstanding any other provision of law, any political subdivision of a State which enacts a law, regulation, or ordinance which prohibits the ownership or possession of firearms or ammunition or any specific type of firearm or ammunition, unless such law, regulation, or ordinance is specifically enacted by Federal law or the law of the State in which the political subdivision is located, shall be ineligible to—

"(1) use Federal detention facilities;

"(2) receive training from or enter into contracts with the Federal Bureau of Investigation;

"(3) receive assistance from or participate in programs of the Office of Justice Programs; or

"(4) have access to the Department of Treasury records or training program.".●

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 360. A bill to improve the education status of native Hawaiians, and for other purposes; to the Select Committee on Indian Affairs.

EDUCATION STATUS OF NATIVE HAWAIIANS

● Mr. INOUYE. Mr. President, I rise today to introduce legislation to provide educational programs for native Hawaiians. As early as 1979, the severe educational needs of this native group were recognized by the Congress. In that year, the Select Committee on Indian Affairs held hearings on S. 916, a bill to improve education for native Hawaiians. The hearings, and the intensive needs assessment study which followed, revealed an extensive pattern of low achievement in basic skills, overrepresentation of native Hawaiians in special educational needs, and academic needs related to the unique cultural situation of native Hawaiians.

The needs assessment study was conducted by the Kamehameha Schools/Bishop Estate in Honolulu, HI. The results were presented to the Select Committee on Indian Affairs in March, 1984. This was the most thorough review of the educational needs of native Hawaiians which had been done to that date. It confirmed that native Hawaiians rank lower than any major ethnic group in Hawaii, not only in education, but in other socioeconomic indicators as well.

Since its earlier study, the Kamehameha Schools/Bishop Estate has continued to monitor educational indexes and has confirmed the findings of the earlier study.

For example:

First, students who are identified as Hawaiian constitute 21.7 percent of the student population in the Hawaii Department of Education—the second largest group. The total number of native Hawaiian students in all schools, public and private, is now estimated at 58,900, and is projected to increase through the year 2000.

Second, in achievement tests of basic skills, native Hawaiian students continue to fall below national norms. Test scores have continued to improve slightly each year, but an estimated 37 percent of Hawaiian elementary students score in the lowest scoring groups and only 12 percent in the uppermost groups—versus 23 percent nationally in each.

Third, risk factors start at birth. Thirty-one percent of all low birthweight babies are Hawaiian. Forty-two percent of all teenage mothers are Hawaiian.

Fourth, Hawaiian students continue to be overrepresented in special education. This is particularly true for learning disabilities, where they constitute 35 percent.

Fifth, interest in Hawaiian cultural studies and pride in heritage remains strong and growing.

Sixth, native Hawaiian preschool children have a severe weakness in verbal skills. Over 67 percent score in the lowest stanines in a test given by the department of education at kindergarten entry compared to the national norm of 23 percent.

Seventh, as ninth graders, only one-third of native Hawaiian public school students aspire to 4 or more years of college. One-half to three-fourths of their peers in other ethnic groups aspire to complete college. Native Hawaiians remain underrepresented in enrollment at institutions of higher learning.

Eighth, health remains a problem for many Hawaiian families, particularly with respect to heart disease, lung cancer, and diabetes. A study conducted by the Office of Technology Assessment found that mortality rates for Hawaiians are 34 percent higher than the national average. More than three-quarters of the children entering preschool at Kamehameha Schools/Bishop Estate fail the hearing screening conducted by Kapiolani Women's and Children's Medical Center.

Mr. President, our great Nation has a history of providing aid to those deserving and in need. In some cases we have assisted other countries with massive economic aid so that their citizens can have a better life. We should not rest until the native citizens within our own country are afforded the means to achieve their full potential.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Congress finds and declares that—

(1) The Federal Government retains the legal responsibility to enforce the administration of the State of Hawaii's public trust responsibility for the betterment of the conditions of Native Hawaiians;

(2) In furtherance of the responsibility for the betterment of the conditions of Native Hawaiians, Congress has the power to specially legislate for the benefit of Native Hawaiians;

(3) The attainment of educational success is critical to the betterment of the conditions of Native Hawaiians;

(4) It is the policy of the Federal Government to encourage the maximum participation of Native Hawaiians in the planning and management of Native Hawaiian Education Programs;

(5) Native Hawaiian students score below national norms on standardized education achievement tests;

(6) Both public and private schools show a pattern of low percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

(7) Native Hawaiian students are overrepresented among those qualifying for special education programs provided to learning disabled, educable mentally retarded, handicapped, and other such students; and

(8) Native Hawaiians are disporportionately represented in many negative social and physical statistics, indicative of special educational needs—

(A) lower educational attainment among Native Hawaiians has been found to relate to lower socioeconomic outcomes;

(B) Native Hawaiian students are disporportionately underrepresented in Institutions of Higher Education;

(C) Native Hawaiians are underrepresented in both traditional white collar professions, health care professions, and the newly emerging technology based professions and are overrepresented in service occupations.

(D) Native Hawaiians are beset with multiple health problems;

(E) Native Hawaiian children are disporportionately victimized by child abuse and neglect, a signal of family stress; and

(F) there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

(9) Special efforts in education recognizing the unique cultural and historical circumstances of Native Hawaiians are required.

PURPOSE

SEC. 2. It is the purpose of this Act to—

(1) Authorize and develop supplemental educational programs to benefit Native Hawaiians,

(2) provide direction and guidance to appropriate Federal, State and local agencies to focus resources, including those made available by this Act on the problem of Native Hawaiian education, and

(3) supplement and expand existing programs and authorities in the area of education to further the purposes of this Act.

NATIVE HAWAIIAN MODEL CURRICULUM IMPLEMENTATION PROJECT

SEC. 3. (a) In order to implement the Kamehameha Elementary Education Program (KEEP) model curriculum developed by the Kamehameha Elementary Demonstration School in appropriate public schools, the Secretary shall make direct grants to:

(1) the State of Hawaii (University of Hawaii) for comprehensive teacher training;

(2) the State of Hawaii (Department of Education) for educational support services;

(3) the Kamehameha Schools/Bernice Pauahi Bishop Estate for continued research and development; and

(4) the Kamehameha Schools/Bernice Pauahi Bishop Estate and the State of Hawaii for the establishment of long-term follow-up and assessment activities.

(b) By no later than school year 1992-1993, the Secretary shall assure that the State of Hawaii (Department of Education) has implemented the KEEP model curriculum in a minimum of twenty public schools.

(c) There is authorized to be appropriated $3,000,000.00 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989 through 1993. Of the amounts appropriated, no more than 10 percent may be used for administrative purposes. Such sums shall remain available until expended.

NATIVE HAWAIIAN FAMILY BASED EDUCATION CENTERS

SEC. 4. (a) The Secretary shall make direct grants to Native Hawaiian Organizations (including Native Hawaiian Educational Organizations) to develop and operate a minimum of 11 Family-Based Education Centers throughout the Hawaiian Islands; such centers shall include:

(1) Parent-Infant programs (prenatal through age 3);

(2) Preschool programs for 4 and 5 year-olds;

(3) continued research and development; and

(4) a long term follow-up and assessment program.

(b) In addition to any other amount authorized for such centers, there is authorized to be appropriated $2,400,000.00 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989 through 1993. Of the amounts appropriated, no more than 10 percent may be used for administrative purposes. Such sums shall remain available until expended.

NATIVE HAWAIIAN HIGHER EDUCATION DEMONSTRATION PROGRAM

SEC. 5. (a) The Secretay shall make grants to the Kamehameha Schools/Bernice Pauahi Bishop Estate for a demonstration program to provide Higher Education fellowship assistance to Native Hawaiian students. The demonstration program under this section may include—

(1) full or partial fellowship support for Native Hawaiian students enrolled at an accredited two or four year degree granting institution of higher education with awards to be based on academic potential and financial need;

(2) counseling and support services for such students receiving fellowship assistance pursuant to subsection (a)(1) of this section;

(3) college preparation and guidance counseling at the secondary school level for students who may be eligible for fellowship assistance pursuant to subsection (a)(1) of this section; and

(4) appropriate research and evaluation of the activities authorized by this section.

(b) The Secretary shall make grants to the Kamehameha Schools/Bernice Pauahi Bishop Estate for a demonstration project of fellowship assistance for Native Hawaiian students in post-bachelor degree programs. Such project may include—

(1) full or partial fellowship support for Native Hawaiian students enrolled at an accredited post-bachelor degree granting institution of higher education, with priority given to professions in which Native Hawaiians are under-represented and with awards to be based on academic potential and financial need;

(2) counseling and support services for such students receiving financial assistance pursuant to subsection (b)(1) of this section; and

(3) appropriate research and evaluation of the activities authorized by this section.

(c) For purposes of subsection (b) fellowship conditions shall be established whereby recipients obtain an enforceable contract obligation to provide their professional services, either during their fellowship or upon completion of post-bachelor degree program, to the Native Hawaiian community within the State of Hawaii;

(d) There is authorized to be appropriated $1,250,000.00 for fiscal year 1988 and for each succeeding fiscal year through 1993 for the purpose of funding the fellowship assistance demonstration project under subsection (a). There is authorized to be appropriated $750,000.00 for fiscal year 1988 and for each succeeding fiscal year through 1993 for the purpose of funding the fellowship assistance demonstration project provided under subsection (b). Of the amounts appropriated no more than 10 percent of the funds may be used for administrative purposes. Such sums shall remain available until expended.

NATIVE HAWAIIAN GIFTED AND TALENTED DEMONSTRATION PROGRAM

SEC. 6. (a) The Secretary shall make grants to and enter into contracts with the State of Hawaii, including its junior or community colleges, and/or the Kamehameha Schools/Bernice Pauahi Bishop Estate for demonstration projects designed to address the special needs of Native Hawaiian gifted and talented elementary and secondary school students.

(b) Demonstration projects under this section may include—

(1) the identification of the special needs of gifted and talented students who are eligible for assistance under this Act, with a priority for early identification, particularly at the elementary school level;

(2) the conduct of educational activities which hold reasonable promise of making substantial progress toward meeting the educational needs of such gifted and talented children;

(3) the use of public television in meeting the special educational needs of such gifted and talented children;

(4) leadership programs designed to replicate programs for such children throughout the State of Hawaii, including the dissemination of information derived from the demonstration projects conducted under this section; and

(5) appropriate research, evaluation and related activities pertaining to the needs of such children.

(c) In addition to any other amount authorized for such project, there is authorized to be appropriated $1,000,000.00 for fiscal year 1988 and for each succeeding fiscal year through fiscal year 1993. Of the amounts appropriated, no more than 10 percent shall be used for administrative purposes. Such sums shall remain available until expended.

NATIVE HAWAIIAN SPECIAL EDUCATION PROGRAM

SEC. 7. (a) The Secretary shall make grants to and enter into contracts with the State of Hawaii, and/or Native Hawaiian Organizations, to operate projects to address the special education needs of Native Hawaiian students. Such projects may include—

(1) the identification of Native Hawaiian children who are learning disabled, mentally or physically handicapped, educable mentally retarded, or otherwise in need of special educational services;

(2) the conduct of educational activities which hold reasonable promise of making substantial progress toward meeting the education needs of Native Hawaiian children who are identified as being learning disabled, mentally or physically handicapped, educable mentally retarded, or otherwise in need of special educational services; and

(3) appropriate research, evaluation and related activities pertaining to the needs of such children.

(b) In addition to any other amount authorized for such project, there is authorized to be appropriated $1,500,000.00 for fiscal year 1988 and for each succeeding fiscal year through 1993. Of the funds appropriated, no more than 10 percent shall be used for administrative purposes. Such sums shall remain available until expended.

MISCELLANEOUS

SEC. 8. (a) No grant may be made, nor any contract be entered into under this Act, unless an application is submitted to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this Act.

(b) Each application shall be accompanied by the comments of each local educational agency serving students who will participate in the project for which assistance is sought.

DEFINITIONS

SEC. 9. For purposes of this Act:

(1) The term "Native Hawaiian" means any individual who is:

(A) a citizen of the United States,

(B) a resident of the State of Hawaii, and

(C) a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii, as evidenced by—

(i) genealogical records,

(ii) Kupuna (elders) or Kama'aina (long-term community residents) verification, or

(iii) birth records of the State of Hawaii.

(2) The term "Secretary" means the Secretary of Education.

(3) The term "Native Hawaiian Educational Organization" means a private nonprofit organization that—

(A) serves the interests of Native Hawaiians,

(B) has a demonstrated expertise in research and program development.

(4) The term "Native Hawaiian Organization" means a private nonprofit organization that—

(A) serves the interests of Native Hawaiians, and

(B) is recognized by the Governor of Hawaii for the purpose of planning, conducting, or administering programs (or portion of programs) for the benefit of Native Hawaiians.

(5) The term "elementary school" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act.

(6) The term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act.

(7) The term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act.●

By Mr. SPECTER (for himself, Mr. HEINZ, Mr. HEFLIN, Mr. INOUYE, Mr. COHEN, Mr. D'AMATO, and Mr. DIXON):

S. 361. A bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for private enforcement of the unfair competition statute in the event of unfair foreign competition, and to amend title 28 of the United States Code to provide for private enforcement of the Customs fraud statute; to the Committee on the Judiciary.

UNFAIR COMPETITION ACT

Mr. SPECTER. Mr. President, I am today introducing the Unfair Foreign Competition Act of 1987. This legislation would give American industries direct access to Federal courts to halt promptly the injurious import of products which are dumped, subsidized, or in violation of our customs laws, and to recover monetary damages for such abuses. I am joined in introducing this bill by Senator HEINZ, Senator HEFLIN, Senator INOUYE, Senator COHEN, Senator D'AMATO, and Senator DIXON.

The Unfair Foreign Competition Act of 1987 benefits from thorough consideration by the Senate. On March 4, 1982, I introduced S. 2167 to provide a private right of action in Federal court to enforce existing laws prohibiting illegal dumping or subsidizing of foreign imports. Hearings were held on this bill before the Judiciary Committee on May 24 and June 24, 1982. On December 15, 1982, I offered the text of this bill on the Senate floor as an amendment, which was tabled by a slim margin of 51 to 47.

During the 98th Congress, I reintroduced this legislation as S. 418 on February 3, 1983. The Judiciary Committee held a hearing on this bill on March 21, 1983. I offered the text of S. 418 as an amendment to the omnibus tariff bill on September 19, 1984; the amendment was tabled.

During the 99th Congress, I reintroduced this legislation as S. 236; I expanded the scope of this bill to include customs fraud violations and introduced S. 1655 on September 18, 1985. The Judiciary Committee held a hearing on S. 1655 on November 20, 1985, and favorably reported the bill by unanimous voice vote on March 20, 1986. The Finance Subcommittee on International Trade also held a hearing on S. 1655 pursuant to a sequential referral agreement. Significant progress was made toward reaching a unanimous consent agreement for full Senate consideration of S. 1655 prior to adjournment of the 99th Congress, but the press of other business prevented its coming up for floor action.

Mr. President, the House of Representatives considered during the 99th Congress H.R. 4800, the omnibus trade bill, which included a similar provision, to wit a limited private right of action provision proposed by Representative GUARINI. The Guarini amendment allows a U.S. manufacturer, producer, or wholesaler to file suit in the Court of International Trade for damages from defendants against whom an antidumping order is issued. The House passed H.R. 4800 with overwhelming bipartisan support on May 22, 1986. The omnibus trade bill, including the Guarini amendment, has been reintroduced as H.R. 3 on January 6, 1987.

The unlawful dumping of foreign goods, which involves sales in the United States at artifically low prices, has become a serious threat to American industries. Enormous quantities of dumped and subsidized products, and articles which violate the customs laws, enter the United States each year. Existing laws prohibiting such illegal imports are not being adequately enforced, and do not provide remedies sufficient to compensate injured parties or deter future unlawful conduct. As a result, domestic companies are suffering increasing injury, and thousands of American jobs are lost to illegal imports each year.

The bill I introduce today would address this problem by permitting injured American businesses to file suit in Federal court and seek injunctions against, and appropriate damages for, these illegal foreign trade practices. On November 20, 1985, the Judiciary Committee held a hearing on this bill's predecessor, S. 1655. Representatives of various domestic industries, including steel, textiles, and apparel, strongly supported enactment of this legislation. Legal experts testified about the urgent need for a private right of action in Federal court to supplement the current administrative practices.

American industries under this bill would be granted direct access to Federal court to seek swift injunctive relief against illegal imports. The availability to U.S. companies of injunctive relief would place foreign "dumpers" on notice that any investment in dumping in the United States would be lost instantaneously.

Under this bill, an injured domestic business could file suit in the U.S. District Court for the District of Columbia or the Court of International Trade for an injunction against the import and sales of the goods which it could preliminarily demonstrate were being dumped or subsidized. The court's order could be modified to provide a more permanent remedy based on a more detailed finding.

During the 1985 Judiciary Committee hearing, witnesses testified regarding the provision of the bill creating injunctive relief to halt illegal imports. Industry representatives indicated that, under existing law, a complaint about unfair dumped or subsidized imports must proceed through a costly and lengthy administrative procedure involving both the Commerce Department and the International Trade Commission; likewise, the Bureau of Customs is increasingly unable to cope with the rising incidence of customs fraud, primarily transshipments through third countries to circumvent a U.S. quota. Although injunctive relief would be a significant alternative to the current administrative process to halt illegal imports, the remedy of primary interest to the witnesses was the retroactive damages provision of the bill.

The availability under this bill of damages to U.S. companies, if dumping and injury are ultimately found to have occurred, will remove the illegally obtained profits of, and increase the cost of dumping for, importers and foreign exporters and producers. Foreign enterprises, like any domestic company, would be held responsible for the economic consequences of their anticompetitive actions.

The current regulatory scheme rarely imposes retroactive duties; it merely restricts future dumping. This bill would allow domestic companies to recover damages for injuries sustained when injunctive relief cannot be timely provided or is otherwise inadequate.

During the 1985 Judiciary Committee hearing, witnesses testified that the bill's provision to seek damages for injury from illegal imports would provide a more effective deterrent than current law, would provide retroactive relief to fill the gap under existing law which imposes duties on only future imports, and would provide damage awards directly to the injured American industries. International trade lawyers also testified during the hearing that the provision of damages for injury sustained from illegal dumped or subsidized imports or customs fraud violations would be consistent with the General Agreement on Tariffs and Trade [GATT].

By the Government's own admission, customs fraud is rampant with regard to textiles, apparel, computer software, hand tools, sugar, electronics, automotive products, chemicals, petrochemicals, agricultural products, pharmaceutical products, and other industries. Illegal dumping is severely injuring American steel, chemical, glass, textile, electronics, agriculture, rubber and cement industries, among others. Foreign subsidies injure American manufacturers of footwear, steel, textiles, apparel, glass, wool, leather, tires, cement, sugar, iron, railway, cars, and other products.

When interested Members of the U.S. Senate and the House of Representatives take a look at this list of egregious violations of law currently unremedied, it is my thought that there will be an overwhelming majority in both Houses that will come forth and support this kind of reasonable, targeted, and directed remedy.

The bill I introduce today would in no way interfere with the administration's pursuit of voluntary import restraints. It would offer no new tariffs or quotas or protectionist barriers. It would not displace any existing remedies through the ITC or otherwise. Rather, it would reduce the pressures for resort to such disfavored measures, by allowing vigorous enforcement of laws already on the books.

Mr. President, there is nothing like the vigor of private plaintiffs when it comes to enforcement of trade laws or other means of self-help which have long been demonstrated to be the most effective way to get enforcement and action by those who are most directly affected and injured. We have many decades of evidence of this with regard to private enforcement of our antitrust laws. The theory that private plaintiffs would find strong incentive to bring such antitrust suits—and in so doing would both recoup deserved compensation for their injuries and advance strong national public policy interests—certainly has proved correct. There is no reason that the same would not be true of private suits to enforce our international trade laws.

Customs violations are rampant in several pernicious forms. Massive country-of-origin fraud occurs, whereby a country which has reached its permissible quota for a given item or product circumvents the quota by transshipping the continued imports through another country which has not yet reached its quota. Most commonly—indeed, in hundreds of thousands of cases—imports are fraudulently mislabelled. Given the sheer volume of imports and the limited resources of the Customs Service, many imported textiles, apparel, and footwear simply are declared to be something which they are not, or are immensely underdisclosed in number—again, in order to evade quotas fixed by the administration.

Domestic textile, apparel, and footwear manufacturers and their employees pay a very heavy toll for these illegal imports. Beyond the individual injury, our national goals and policies are thwarted. In my State alone, thousands of textile jobs have been lost.

Mr. President, we should not be surprised by recent protectionist calls for new tariffs against goods from countries with large trade surpluses with the United States. I sympathize with the frustrations which lead to such efforts, even as I question their appropriateness. The way to avert such counterproductive measures is to enforce the trade laws which are already in place. This bill will greatly increase the enforcement of those laws, by letting injured American businesses go directly to Federal court—just as they can for violations of the antitrust laws—and seek quick injunctions against continued illegal importation.

The legal process is well attuned to this kind of an effective remedy. The case of Marathon versus Mobil Oil is an illustration of a case which involved a complex, factual legal situation which was decided by the U.S. district court in Cleveland in the course of some 6 weeks. It is important to emphasize that once such injunctions are issued they stay in effect and no goods can be shipped in violation of those prohibitions while any appeal is pending. That is so because the order of the district court remains in effect unless and until a supersedeas is ordered, which is not a practical reality given the requirement of posting a bond and the substantial sums of money involved in these matters. Similarly, the Federal discovery procedures lend an excellent avenue for injured U.S. interests to seek discovery from any importer who wants to utilize our markets. If importers wish to do business in the United States, they ought to be subject to the jurisdiction of our courts for equitable relief. They ought to be subject to telling specifically what has happened in terms of subsidies or dumping or in terms of the circuity and violations of the customs laws which are applicable in so many situations.

This is an effective remedy because it does not address the problem after the fact. It stops goods from coming into this country before they can displace American products and American jobs.

We desperately need the vigorous private enforcement this bill would spur if we are to successfully chart a course between the grave dangers of increased protectionism and the certain peril which would result from unabated illegal foreign imports. Accordingly, I urge my colleagues to join us in supporting this bill.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Unfair Foreign Competition Act of 1987".

Sec. 2. Section 1 of the Clayton Act (15 U.S.C. 12) is amended by inserting after the words "nineteen hundred and thirteen;" the words "section 801 of the Act of September 8, 1916, entitled 'An Act to raise revenue, and for other purposes' (39 Stat. 798; 15 U.S.C. 72);".

Sec. 3. (a) Section 801 of the Act of September 8, 1916 (39 Stat. 798; 15 U.S.C. 72) is amended to read as follows:

Sec. 801. (A) No person shall import or sell within the United States any article manufactured or produced in a foreign country if:

"(1) such article is imported or sold within the United States at a United States price which is less than the foreign market value or constructed value of such article; and

"(2) such importation or sale—

"(i) causes or threatens material injury to industry or labor in the United States, or

"(ii) prevents, in whole or in part, the establishment or modernization of any industry in the United States.

"(B) Any interested party who shall be injured in his business or property by reason of an importation or sale in violation of this section, may bring a civil action in the district court of the District of Columbia or in the Court of International Trade against any manufacturer or exporter of such article or any importer of such article into the United States who is related to such manufacturer or exporter.

"(C) In any action brought under subsection (B), upon a finding of liability on the part of the defendant, the plaintiff shall—

"(1) be granted such equitable relief as may be appropriate, which may include an injunction against further importation into, or sale or distribution within, the United States by such defendant of the articles in question; or

"(2) if such injunctive relief cannot be timely provided or is otherwise inadequate, recover damages for the injuries sustained; and

"(3) recover the costs of the action, including reasonable attorney's fees.

"(D) The standard of proof in any action filed under this section is a preponderance of the evidence. Upon a prima facie showing of the elements set forth in subsection (A), or upon a final determination adverse to the defendant by the Department of Commerce or the International Trade Commission under section 735 of the Tariff Act of 1930 (19 U.S.C. 1673d) relating to imports of the article in question for the country in which the manufacturer of the article is located, which final determination shall be considered a prima facie case for purposes of this act, the burden of rebutting such prima facie case thus made shall be upon the defendant.

"(E) Whenever it shall appear to the court that justice requires that other parties be brought before the court, the court may cause them to be summoned, without regard to where they reside, and the subpoenas to that end may be served and enforced in any district of the United States.

"(F) The acceptance by any foreign manufacturer, producer or exporter of any right or privilege conferred upon him to sell his products or have his products sold by another party in the United States shall be deemed equivalent to an appointment by the foreign manufacturer, producer, or exporter of the District Director of the United States Customs Service of the Department of the Treasury for the port through which the article is commonly imported to be the true and lawful agent upon whom may be served all lawful process in any action brought under this section.

"(G)(1) An action may be brought under this section only if such action is commenced within four years after the date on which the cause of action accrued.

"(2) The running of the statute of limitations provided in paragraph (1) shall be suspended while any administrative proceedings under section 731, 732, 733, 734, or 735 of the Tariff Act of 1930 (19 U.S.C. 1673-1673d) relating to the importation in question, or any appeal of a final determination in such proceeding, is pending and for one year thereafter.

"(H) If a defendant in any action brought under subsection (BO fails to comply with any discovery order or other order or decree of the court, the court may—

"(1) enjoin the further importation into, or the sale or distribution within, the United States by such defendant of articles which are the same as, or similar to, those articles which are alleged in such action to have been sold or imported under the conditions described in subsection (B) until such time as the defendant complies with such order or decree, or

"(2) take any other action authorized by law or by the Federal Rules of Civil Procedure, including entering judgment for the plaintiff.

"(I)(1) Except as provided in paragraph (2), the confidential or privileged status accorded by law to any documents, evidence, comments, or information shall be preserved in any action under this section.

"(2) The court in any action brought under this section may—

"(A) examine, in camera, any confidential or privileged material,

"(B) accept depositions, documents, affidavits, or other evidence under seal, and

"(C) disclose such material under such terms and conditions as the court may order.

"(J) Any action brought under this section shall be advanced on the docket and expedited in every way possible.

"(K) For purposes of this section—

"(1) The terms 'United States price', 'foreign market value', 'constructed value', 'subsidy', and 'material injury', shall have the respective meaning given such terms by title VII of the Tariff Act of 1930.

"(2) If—

"(A) a subsidy is provided to the manufacturer, producer, or exporter of any article, and

"(B) such subsidy is not included in the foreign market value or constructed value of such article (but for this paragraph),

the foreign market value of such article or the constructed value of such article shall be increased by the amount of such subsidy.".

"(L) The court shall permit the United States to intervene in any action, suit or proceeding under this section, as a matter of right. The United States shall have all the rights of a party.

"(M) Any order by a court under this section is subject to nullification by the President pursuant to the President's authority under section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702).

Sec. 4. It is the sense of the Congress that the provisions of this section are consistent with, and in accord with, the General Agreement on Tariffs and Trade (GATT).

Sec. 5. Chapter 95 of title 28 of the United States Code is amended by adding at the end thereof the following new section:

"§ 1586. Private enforcement action

"(a) Any interested party who shall be injured in his business or property by a fraudulent, grossly negligent, or negligent violation of section 592(a) of the Tariff Act of 1930 (19 U.S.C. 1592) may bring a civil action in the district court of the District of Columbia or in the Court of International Trade, without respect to the amount in controversy.

"(b) Upon proof by an interested party that he has been damaged by a fraudulent, grossly negligent, or negligent violation of section 592(a) of the Tariff Act of 1930, such interested party shall—

"(1) be granted such equitable relief as may be appropriate, which may include an injunction against further importation into the United States of the articles or products in question; or

"(2) if such injunctive relief cannot be timely provided or is otherwise inadequate, recover damages for the injuries sustained; and

"(3) recover the costs of suit, including reasonable attorney's fees.

"(c) For purposes of this section—

"(1) The term 'interested party' means—

"(A) A manufacturer, producer, or wholesaler in the United States of a like or competing product, or

"(B) a trade or business association a majority of whose members manufacture, produce, or wholesale a like product or a competing product in the United States;

"(2) The term 'like product' means a product which is like, or in the absence of like, most similar in characteristics and uses with products being imported into the United States in violation of section 592(a) of the Tariff Act of 1930; and

"(3) The term 'competing product' means a product which competes with or is a substitute for products being imported into the United States in violation of section 592(a) of the Tariff Act of 1930.

"(d) The court shall permit the United States to intervene in any action, suit or proceeding under this section, as a matter of right. The United States shall have all the rights of a party.

"(e) Any order by a court under this section is subject to nullification by the President pursuant to the President's authority under section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702).

Mr. HEFLIN. Mr. President, I am proud today to join Senator SPECTER in cosponsoring the Unfair Foreign Competition Act of 1987. Today, as never before, subsidized imports are causing severe dislocations in the economic system of our country—an economic system already plagued with problems.

The Unfair Foreign Competition Act of 1987, will allow American businesses for the first time to sue in Federal court to enforce our existing laws against dumping and customs fraud. This legislation can in no way be described as "protectionist." It is solely aimed at preventing conduct which is currently illegal under U.S. law. Many manufacturers in my home State of Alabama have been devastated by the effects of illegal dumping. Manufacturers in all sectors of our economy are being severely damaged by unfair trade practices. This legislation will allow American companies to sue for damages or injunctive relief to prevent imports into the United States which are dumped, subsidized, or imported in violation of our customs laws. I firmly believe that allowing private companies to bring both damage and injunctive actions will lead to a more vigorous enforcement of our antidumping laws. Further, by allowing American companies to sue for damages will provide direct relief to those companies which have suffered the most harm as a result of illegal dumping.

Free competition is essential—but so is fair competition. We cannot permit foreign governments to subsidize their own industries and then dump these foreign goods into this country at prices below the cost or sales prices in those foreign countries. These practices are unlawful and if allowed to continue could undermine the whole structure of our economy.

Mr. President, I believe it is important that we act now—if we are to save some of the critical parts of our national economy. I look forward to working with my distinguished colleagues in the Senate during the 100th Congress to alleviate unfair trade and promote both free and fair trade. It is my hope that the Senate can move in a bipartisan fashion to promote this end. I believe that this legislation is one positive step we can make in correcting our trade problems and hope that the Senate will favorably consider it.

Mr. D'AMATO. Mr. President, I am pleased again to be an original cosponsor of legislation which provides for private enforcement of U.S. unfair competition statutes in an attempt to fend off the ever-increasing problem of predatory trade practices utilized by many of our trading partners. This needed legislation, introduced by my distinguished colleague from Pennsylvania, will create a private right of action for victims of unfair trade practices.

Mr. President, I was dismayed and shocked as I heard witnesses describe to me the illegal and unfair practices of our trading partners at Joint Economic Committee hearings I chaired on international trade relations during the 99th Congress. These practices include foreign nations subsidizing targeted industries, dumping their products in the U.S. marketplace, and using fraudulent methods to circumvent U.S. customs laws. The use of these methods continues to be detrimental to U.S. businesses as these foreign nations capture an ever larger share of our market.

U.S. companies neither discourage, nor fear competition; but they must not be forced to compete against those who insist upon using illegal methods of competition. For this reason alone, we need to strengthen our present trade laws to provide U.S. companies a swift and viable remedy to correct these injustices.

Mr. President, I believe that this legislation will be a significant step forward in correcting these unfair trade practices. The creation of a private right of action will allow private parties to immediately file suit in Federal district court or the Court of International Trade and seek a speedy remedy, namely an injunction.

Mr. President, a look at our spiraling trade deficit—which most likely will exceed $170 billion for 1986—should serve as a constant reminder that we need the type of action that this legislation offers. I urge my colleagues to expeditiously act on this important legislation before it is too late.

By Mr. HOLLINGS:

S. 362. A bill to amend the Federal Aviation Act of 1958 and the Federal Railroad Safety Act of 1970 to provide for testing for the use, without lawful authorization, of alcohol or controlled substances by the operators of aircraft and railroads, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIRLINE AND RAIL PASSENGER PROTECTION ACT

Mr. HOLLINGS. Mr. President, earlier this month, a high-speed Amtrak passenger train en route from Washington, DC to Boston slammed into a freight locomotive near Chase, MD. The fiery crash killed 16 people and seriously injured scores of others. To be sure, the toll would have been much higher had it not been for the fact that conductors on the train had kept the lead passenger car on the train empty for passengers who would be boarding at later stops. We thank the good Lord for that.

Recently, some very disturbing news has come out of the Federal investigation into the crash. Investigators on the scene have concluded that human error—rather than mechanical failure—was the primary cause. More specifically, it appears that the operator of the Conrail freight locomotive had ignored crucial warning signals that were commanding him to slow and then stop his vehicle prior to the junction where he would be placed on the same tracks as the Amtrak train.

But what is far and away the most distressing news to come out of the investigation so far concerns the alleged use of illegal drugs by the crew of the Conrail freight locomotive. Urinalysis tests performed subsequent to the tragedy showed that the Conrail engineer and the brakeman had been using marijuana at some point prior to the crash.

Now I don't know if we'll ever determine whether these individuals were high on the drug at the time of the crash, or if the drug had anything to do with them ignoring the signals telling them to stop the locomotive. But even if we could, that knowledge will do nothing to bring those 16 people back, nor will it make the critically injured whole.

What we can do is take our cue from history and do the best we can to ensure that drug use will never be a factor in a rail or airline accident in the future. The only way I know we can do that is to provide for random drug testing of rail and airline employees.

Mr. President, today I am introducing the Rail and Airline Passenger Protection Act of 1987, which would require that all employees responsible for the safe operation of trains and aircraft be randomly tested for drug and alcohol use.

This bill includes the following provisions:

A requirement that any rail and airline employees who are even remotely connected with the safety of passengers be subject to random drug and alcohol testing.

A provision that alcohol and drug testing occur at least every 6 months.

Provisions for disqualification, dismissal, or revocation for rail and airline employees who are found to be users of illegal drugs or alcohol.

This legislation also contains the precautions necessary to ensure that transportation employees are afforded basic protections. Specifically, it requires employers to administer a second, high-quality laboratory test in cases where the first screening test is positive. In addition, it requires the airlines to establish rehabilitation programs for employees and give those who test positive for alcohol or drug use a chance to participate in such programs before their employment can be terminated. Under current Federal rules, railroad companies are already required to provide their employees with these programs.

Now before I hear all the clamor and caterwauling about the constitutionality of random alcohol and drug testing, let me stress that I am not advocating a universal approach. This is not my program to rid the Nation of illegal drugs. Rather, as chairman of the Senate committee which is responsible for safety on our public conveyances, it is my duty to do all I can to ensure that rail and airline travel is as safe as it can possibly be.

There is no question that drug and alcohol use among transportation employees is a problem. The Federal Railroad Administration reports that between 1975 and 1985, drug or alcohol use was responsible for 48 railroad accidents resulting in 37 deaths, 80 injuries, and an estimated $34 million in damage. Of course, those statistics do not include the most recent Amtrak tragedy in Maryland.

When we talk about rights, there is a choice that we in Government must make. That choice is between the transportation employee's right to privacy and the passenger's right to safe travel. There is absolutely no question as to where our priorities should be.

Airline pilots, air traffic controllers, mechanics, airport security personnel, railroad engineers, railroad maintenance workers—all are directly responsible for the safe conveyance of hundreds of thousands of Americans each day. When you or I step on board an Amtrak passenger train, or an airline flight, we have absolutely no way of ensuring our own safety for the duration of our trip. We have no option other than to trust those responsible for the safe operation of the train or plane.

The least we can do in the Congress is to provide a good foundation on which to base that trust. Right to the point, if you use illegal drugs or drink alcohol you have no business operating a train or a plane. You have no business assuming responsibility for innocent lives.

Call it intimidation. Call it whatever you will. But the fact is that random drug and alcohol testing is the only method we have to reasonably ensure that transportation employees will not use drugs or alcohol on the job. It may not be perfect, but it is as perfect as we can get.

The paramount function of government is the safety of its citizens. We cannot wait for the next tragic loss of life to wake us from the slumbers of indecision. With this one simple step, we can go a long way toward providing Americans with a safer and more reliable passenger transportation network. For that reason, and for that reason alone, it deserves our speedy consideration and approval.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Airline and Rail Passenger Protection Act of 1987".

SEC. 2.(a) Title VI of the Federal Aviation Act of 1958 (49 App. U.S.C. 1421 et seq.) is amended by adding at the end thereof the following:

"ALCOHOL AND CONTROLLED SUBSTANCES TESTING

"TESTING PROGRAM

"SEC. 613.(a)(1) The Administrator shall, in the interest of aviation safety, prescribe regulations within 18 months after the date of enactment of this section. Such regulations shall establish a program which requires air carriers, contract carriers, and foreign air carriers to conduct pre-employment, periodic recurring, random and post-accident testing of airmen, crewmembers, and airport security screening contract personnel, and testing of such individuals upon a reasonable suspicion that they have used, without lawful authorization, alcohol or a controlled substance. The Administrator shall establish such a program applicable to employees of the Federal Aviation Administration whose duties include direct responsibility for safety of flight operations.

"(2) In prescribing regulations under the program required by paragraph (1) of this subsection, the Secretary shall—

"(A) require that any individual referred to in paragraph (1) of this subsection shall be subject to testing for the use, without lawful authorization, of alcohol or controlled substances not less often than once every six months;

"(B) require the disqualification, dismissal, or revocation of any certificate relating to air transportation issued to such an individual, in accordance with the provisions of this section; and

"(C) provide that all tests which indicate the use, without lawful authorization, of alcohol or a controlled substance by any such individual shall be confirmed by another test of higher laboratory quality.

"PROHIBITION ON SERVICE

"(b)(1) No individual who is determined to have used, without lawful authorization, alcohol or a controlled substance after the date of enactment of this section shall serve as an airman, crewmember, airport security screening contract personnel, or employee of the Federal Aviation Administration with direct responsibility for safety of flight operations unless such individual has completed a program of rehabilitation described in subsection (c) of this section.

"(2) Any such individual determined by the Administrator to have used, without lawful authorization, alcohol or a controlled substance after the date of enactment of this section who refuses to undertake or fails to complete a rehabilitation program described in subsection (c) of this section, who has previously undertaken, completed or failed to complete such a rehabilitation program, or who has been determined by the Administrator to have served as an airman, crewmember, airport security screening contract personnel, or employee of the Federal Aviation Administration with direct responsibility for safety of flight operations while impaired by or under the influence of alcohol or a controlled substance, shall not be permitted to perform the duties relating to air transportation which such individual performed prior to the date of such determination.

"PROGRAM FOR REHABILITATION

"(c)(1) Each air carrier, contract carrier and foreign air carrier shall establish and maintain a rehabilitation program which at a minimum provides for the identification and opportunity for treatment of employees referred to in subsection (b) of this section in need of assistance in resolving problems with the use, without lawful authorization, of alcohol or controlled substances. Each air carrier, contract carrier and foreign air carrier is encouraged to make such program available to all of its employees other than employees referred to in subsection (b) of this section. Nothing in this subsection shall preclude any air carrier, contract carrier or foreign air carrier from establishing a program under this subsection in cooperation with any other air carrier, contract carrier or foreign air carrier.

"(2) The Administrator shall establish and maintain a rehabilitation program which at a minimum provides for the identification and opportunity for treatment of those employees of the Federal Aviation Administration whose duties include direct responsibility for safety of flight operations who are in need of assistance in resolving problems with the use of alcohol or controlled substances.

"EFFECT ON OTHER REGULATIONS

"(d) Nothing in this section shall preclude the Administrator from adopting or continuing in effect other regulations intended to protect persons or property on the ground or in the air from the hazards to safety associated with the potential use of alcohol or controlled substances by airmen, crewmembers, airport security screening contract personnel or employees of the Federal Aviation Administration with direct responsibility for safety of flight operations.

"DEFINITIONS

"(e) For the purposes of this section, the term 'controlled substance' has the meaning given such term by section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).".

(b) That portion of the table of contents of the Federal Aviation Act of 1958 relating to title VI is amended by adding at the end thereof the following:

"Sec. 613. Alcohol and controlled substances testing.

"(a) Testing program.

"(b) Prohibition on service.
"(c) Program for rehabilitation.
"(d) Effect on other regulations.
"(e) Definitions.".

SEC. 3. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end thereof the following:

"(1) The Secretary shall, within one year after the date of enactment of this subsection, review existing rules, regulations, standards, and orders governing alcohol and drug use in railroad operations for the purpose of determining whether they are adequate to ensure safety. In conducting such review, the Secretary shall specifically—

"(1) require that all railroad employees responsible for safety-sensitive functions, as determined by the Secretary, be subject to testing on a random basis for the presence of alcohol and controlled substances;

"(2) require application of existing rules, regulations, orders, and standards to other employees responsible for the safety of passengers, railroad rolling stock, or track and related structures;

"(3) consider disqualification for an established period of time or dismissal of any employee determined to have used or to have been impaired by alcohol while on duty; and

"(4) consider disqualification for an established period of time or dismissal of any employee determined to have used a controlled substance, whether on duty or not on duty, except as permitted for medical purposes by law and any rules, regulations, standards or orders issued under this Act.

The Secretary shall amend any such rules, regulations, standards and orders to ensure that each railroad employee who is responsible for safety-sensitive functions, as determined by the Secretary, or who is responsible for the safety of passengers, railroad rolling stock, or track and related structures shall be tested for the use, without lawful authorization, of alcohol or a controlled substance not less often than every six months. Nothing in the subsection shall be construed to restrict the discretion of the Secretary to continue in force, amend, or further supplement any rules, regulations, standards and orders governing alcohol and drug use in railroad operations issued before the date of enactment of this subsection.".

SEC. 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

By Mr. HUMPHREY:

S. 369. A bill to amend the Atomic Energy Act of 1954 to require an emergency planning and preparedness plan for an emergency planning zone of at least 10 miles in radius for each nuclear facility; to the Committee on Environment and Public Works.

NUCLEAR EMERGENCY PLANNING ACT

Mr. HUMPHREY. Mr. President, I rise to introduce the Nuclear Emergency Planning Act of 1987.

The purpose of the legislation is to uphold through statute the single most important standard in the licensing process for nuclear powerplants—the protection of the public.

Last year's disaster at the nuclear reactor in Chernobyl as well as the accident at the Three Mile Island reactor in 1979 have made it clear that nuclear accidents are more than a remote possibility.

Three Mile Island led the Nuclear Regulatory Commission [NRC] to revise its emergency planning regulations in August 1980. After conducting a special study of the accident, the NRC concluded that nuclear plant safety systems alone are not adequate to ensure public protection. The revised regulations contain requirements for emergency planning, including evacuation, out to a radius of 10 miles.

By way of justification, the NRC stated:

> As the Commission reacted to the accident at Three Mile Island, it became clear that the protection provided by the siting and engineered design features must be bolstered by the ability to take protective measures during the course of an accident.

The scientific community has not reached a consensus on the technical basis for many of the assumptions which determine likely radiological effects during a major accident. Uncertainties remain regarding the effects of heated releases and the adequacy of containment facilities during a major core meltdown. Indeed, some within the scientific community argue that present Federal standards may not be sufficient.

In connection with Chernobyl, the Soviet Government evacuated an area in excess of 18 miles. Our State Department advised American citizens to evacuate the city of Kiev as well, over 70 miles from the Chernobyl site. At Three Mile Island, well over 100,000 people voluntarily evacuated an area out to 25 miles. The fact is, people living near a plant, and certainly those within 10 miles, will want to leave in the event of an accident, assurances about design containment features notwithstanding. It behooves us to ensure that plans are in place to accommodate such evacuations.

Because emergency planning has become a sticking point in licensing procedures for many plants across the United States, however, maintenance of the 10-mile standard is threatened. Some utilities have sought to waive existing regulations. Last December, the owners of Seabrook station filed a petition for a waiver from the 10-mile EPZ in favor of a 1-mile EPZ, a 1-mile zone if you can believe it. Along with my colleagues in the New Hampshire congressional delegation, I urged the NRC, through Chairman Lando Zech, to maintain the 10-mile EPZ at Seabrook.

I introduce this legislation this afternoon because I feel strongly that there should be in statute, as opposed to regulation which is presently the case, a generous safety margin for the protection of the public, and that protection cannot and should not be subject to adjudicatory reduction on ad hoc basis. Such reduction would be a repudiation of the concept that emergency planning is necessary independent of structural and technical safety systems. Importantly, if the NRC grants a reduction in the EPZ at Seabrook, a dangerous precedent would be established, and the door would be open to prospective and retroactive reductions in emergency planning standards at nuclear plants throughout the country. This would be a matter of grave concern to the residents of some two-thirds of our States where nuclear plants are operating or under construction.

The bill would establish that plans for an EPZ of at least 10 miles must be reviewed by the Federal Emergency Management Agency and approved by the Nuclear Regulatory Commission before issuance of a full power operating license.

The bill further states that the NRC's onsite and offsite standards for emergency response planning and the Federal Emergency Management agency's offsite standards for emergency planning shall be at least as protective of public health and safety as those which are in effect as of January 1, 1987.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Emergency Planning Act of 1987".

SEC. 2. FINDINGS AND PURPOSE.

FINDINGS.—The Congress finds that—

(1) in the event of a major accident at a nuclear power reactor there would be a significant threat to public health and safety;

(2) in order to provide for the protection of public health and safety, it is necessary to establish emergency and evacuation procedures around nuclear power plants;

(3) current statutory law requires the development of emergency plans for an emergency planning zone of about 10 miles in radius in order to provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency;

(4) in addition to the requirements of current law, emergency planning procedures should include plans to evacuate, in a manner consistent with the protection of public health and safety, all transient and permanent populations within an emergency planning zone of at least 10 miles in radius; and

(5) such emergency and evacuation planning should be required for issuance of a full power operating license.

(b) The purpose of this Act is to establish safety standards for nuclear reactors by—

(1) requiring review by the Federal Emergency Management Agency and review and approval by the Nuclear Regulatory Commission of off-site emergency response plans;

(2) establishing an emergency planning zone of at least 10 miles; and

(3) establishing public health and safety standards which are at least as protective of public health and safety as those which are currently in effect.

SEC. 3. EMERGENCY RESPONSE PLANNING.

(a) In General.—Chapter 16 of the Atomic Energy Act of 1954 (42 U.S.C. 2231 et seq.) is amended by adding at the end the following new section:

"SEC. 193. EMERGENCY PLANNING.

"(a) New Licenses.—In the case of any applicant for a license to operate a nuclear power reactor who has not been granted a full power operating license on or before January 1, 1987, the Nuclear Regulatory Commission shall not issue any such license unless—

"(1) the Federal Emergency Management Agency has—

"(A) reviewed off-site emergency response plans which have been submitted to the Commission for an emergency planning zone which is at least 10 miles in radius; and

"(B) provided findings and determinations to the Commission as to whether the plans reviewed pursuant to clause (A) are adequate and whether there is reasonable assurance that they can be implemented; and

"(2) the Nuclear Regulatory Commission reviews the findings of the Federal Emergency Management Agency under paragraph (1) and makes a determination that the off-site emergency response plans—

"(A) comply with the standards prescribed in paragraph (1)(A); and

"(B) in addition to compliance with the standards set forth in paragraph (1)(A), provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

"(b) Existing Licenses.—The Commission shall not reduce the existing emergency planning zone for a nuclear power reactor issued an operating license before January 1, 1987.

"(c) Standards.—The standards of—

"(1) the Commission for onsite and off-site emergency response plans for nuclear power reactors; and

"(2) the Federal Emergency Management Agency for off-site emergency response plans for nuclear power reactors, shall be at least as protective of public health and safety as those which are in effect as of January 1, 1987.

"(d) Definition.—As used in this section—

"(1) the term 'emergency planning zone' means an area around a nuclear power reactor which in no case shall be less than 10 miles in radius in which emergency plans, including evacuation for the entire 10 mile radius and other protective actions, have been developed for emergency workers and for the transient and permanent populations within such zone to provide reasonable assurance that public health and safety can and will be protected in the event of a radiological emergency; and

"(2) the term 'full power operating license' means any license for a nuclear power operating facility that permits operation at greater than 5 percent of rated capacity.".

(b) Conforming Amendment.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. 2011 prec.) is amended by inserting after the item relating to section 192 the following new item:

"Sec. 193. Emergency planning.".

By Mr. BUMPERS (for himself and Mr. Pryor):

S. 363. A bill to authorize appropriations for a highway demonstration project in the vicinity of Fort Smith, AR, that would widen a segment of the Federal-aid urban system and would improve signalization on such segment; to the Committee on Environment and Public Works.

S. 364. A bill to authorize appropriations for the continuation of funding for the relocation of U.S. Highway 71 in northwest Arkansas for the purpose of demonstrating methods of improving highway safety and of accelerating highway construction; to the Committee on Environment and Public Works.

S. 365. A bill to amend section 144 of title 23, United States Code, to give States the discretion of using a portion of their bridge replacement funds to replace certain bridges or ferryboat operations; to the Committee on Environment and Public Works.

S. 366. A bill to authorize appropriations for a demonstration project in the vicinity of Jonesboro, AR, for the construction of four grade separations on a four-lane bypass to improve highway safety; to the Committee on Environment and Public Works.

S. 367. A bill to authorize appropriations for a demonstration project in the vicinity of Pine Bluff, AR, for the construction of a bridge at lock and dam 4 on the Arkansas River to improve highway safety; to the Committee on Environment and Public Works.

HIGHWAY LEGISLATION

● Mr. BUMPERS. Mr. President, today I am introducing along with Senator Pryor five highway bills, three of which we have introduced in previous Congresses. Those three have been favorably considered by this body before, and all five were included in both the Senate's and the House's highway reauthorization bill last year. The Senate Committee on Environment and Public Works is now marking up the highway reauthorization bill for the 100th Congress, and I am encouraged that these measures may again be included in that critically important legislation as they have been in the House bill.

WALDRON ROAD PROJECT (FORT SMITH, AR)

Many of my colleagues are already familiar with what has come to be known as the Waldron Road project because I have discussed it many times before. I would like to take a few minutes to again describe the very serious problem in my State that would be solved by the passage of the Waldron Road bill. The problem involves monumental traffic tie-ups in Fort Smith, AR, the States second largest city.

Traffic through Fort Smith's major north-south routes moves at a crawl; accidents are frequent; property damage is heavy; and economic growth in the area is adversely affected. Waldron Road serves the area with the highest concentration of commercial development in Fort Smith, and this area is so congested with automobile traffic that it is nearly impossible to enter Waldron Road from either the community college or the many businesses and shopping centers that line the route. In fact, Westark Community College is a major contributor to the traffic congestion around Waldron Road. From 1975 to 1983, enrollment in the college's community services program increased from 500 to 12,000, a phenomenal growth rate of 2,300 percent.

In addition, Waldron Road intersects Grand Avenue, which is connected to Interstate 540 by an interchange. Traffic entering and exiting Interstate 540 at Grand Avenue causes additional traffic problems in the area. The intersection of Waldron Road and Rogers Avenue, or Arkansas State Highway 22, is the most congested intersection in Fort Smith, and one of the most congested in the State.

I'm sure you can see how these factors add up to monumental traffic problems for Fort Smith. I can personally attest to the serious nature of the congestion, since my home is only a few miles outside Fort Smith. It is certainly as crowded as anything I have ever experienced in the Washington area. Along this corridor between 1981 and June 1984, there were 249 traffic accidents resulting in 62 personal injuries and $270,340 in property damage. I would like to request that the following official accident and traffic records of the city of Fort Smith be included in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

SUMMARY

	Number of accidents	Personal injuries	Property damage
Waldron Road (Euper Lane to Grand Avenue)	214	58	$241,740
Grand Avenue (Waldron Road to I-540)	35	4	28,600
Total	249	62	270,340

Traffic count on Friday, July 27, 1984 at Waldron, north of Euper Lane, both north and south bound.

Time	*Count*
0100	177
0200	127
0300	81
0400	38
0500	23
0600	17
0700	42
0800	85
0900	123
1000	105
1100	190
1200	464
1300	1,153
1400	1,102
1500	886
1600	1,133
1700	1,254
1800	1,257

Time	*Count*
1900	1,049
2000	1,080
2100	1,084
2200	670
2300	397
2400	270
Total	12,807

Mr. BUMPERS. Mr. President, the City of Fort Smith must have relief for this problem, and is simply not eligible for sufficient funds under existing Department of Transportation programs to undertake the necessary improvements to Waldron Road. Very few improvements to Waldron Road have been made during the last 5 to 10 years due to a lack of city funds. Authorization to fund a highway demonstration project in this area is imperative. This crucial project would involve acquiring an 80-foot right-of-way along the two major arterial roads—Waldron Road and Grand Avenue. Families and businesses which would be affected by the acquisition would be relocated, along with the necessary utilities. Waldron Road and Grand Avenue would be widened to four, and in some places, five, lanes, and necessary signalization would be installed.

The total length of improvements would be approximately 2.03 miles at an estimated cost of $8.5 million. The project represents 20 to 30 percent of the entire city budget—an amount they simply cannot be expected to commit to a single project. Fort Smith would be forced to use every penny of its Urban High Density funds for a period of 5 years to complete this project, and other important needs would go unmet. Nevertheless, the project is vital to the safety and economic well-being of the city and surrounding areas.

During the 98th Congress when the Senate debated S. 3024, the Federal Aid Highway Act, I offered an amendment that would have authorized $8.5 million in funding for widening and improving signalization along Waldron Road. This provision was already incorporated in the House-passed version of that highway bill. Following assurances that the language would receive the Senate conferees' serious consideration in conference, I withdrew the amendment. Unfortunately, the bill stalled in conference and didn't pass before the 98th Congress adjourned. Last year when the Senate considered S. 2405, the Federal Aid Highway Act of 1986, my amendment was again accepted, and was included in the House bill as well. However, numerous controversial items failed to be resolved, and like its predecessor, that important bill died in conference prior to adjournment. Now that the committee is again marking up the highway reauthorization bill, I am requesting that my provision be included. I am also reintroducing the bill and asking your special consideration for this deserving project.

HIGHWAY 71 PROJECT (NORTHWEST ARKANSAS)

Mr. President, the second bill I wish to talk about will also be familiar to many of my colleagues. It is commonly referred to as the Highway 71 project. My bill will authorize funding to continue the vitally necessary relocation of Highway 71 in northwest Arkansas. Efforts to carry out this project have been underway by the State, but it will never be completed with only the scarce funds available at the State and local level.

I recognize as well as anyone the severe budget strains we are suffering, and I certainly advocate restraint in spending. But I am offering this bill again because it is absolutely critical to the economic future of my State. The Highway 71 corridor is the major north-south route through the Ozark Mountains. It provides access to Interstate 40, which connects Fort Smith in the west and Memphis, TN in the east, for the rapidly growing population in the Ozark resort region of Arkansas and Missouri.

The Ozark region is the fastest growing area in Arkansas and one of the fastest growing regions in the country. Between 1970 and 1980, the permanent population of the four counties containing this project increased from 232,800 to 310,780, or roughly 35 percent. The projected population by 1990 is 382,231, and is expected to reach 551,900 by 2004. Visitors to the region, as well as residents of adjacent counties, account for many times those numbers traveling in the vicinity.

The University of Arkansas' main campus at Fayetteville is also served by the old Highway 71. As a parent, I can tell you that I have worried every time my children have traveled that route. It serves a very mountainous area, making travel difficult at best in good weather and extremely hazardous in rain, fog, and ice. This stretch of the old highway is one steep grade after another for approximately 90 miles. The average speed on those grades is 10 to 20 miles per hour. Fatal accidents on this road are five times the statewide average of 1.9 per 100 million vehicle miles traveled. This route serves an average of 11,000 vehicles per day, 21 percent of which are heavy trucks. The average number of vehicles served daily on a comparable U.S. highway in Arkansas is 3,600.

During the past 10 years, we in Arkansas have undertaken within our limited means to do something about the critical problem of Highway 71, but, unfortunately, we will never be able to handle the project alone. My bill will make limited Federal funds available to continue this important relocation project so that a safer, improved route may serve the region.

The highway bills from both the 98th and 99th Congresses which died in conference before either could be passed also contained my Highway 71 provision. It is now in the current House highway bill and I am requesting that it again be included in the Senate's bill. Because the need continues to be an issue of primary importance to my State, I am also reintroducing this legislation to authorize a demonstration project to continue the relocation of Highway 71, which would greatly improve the safe flow of traffic through northwest Arkansas. The work authorized by my bill is critical to Arkansas and I will continue to pursue its passage at every opportunity. I urge my colleagues once again to consider this legislation favorably.

FERRY AND BRIDGE REPLACEMENT

The provisions of my third bill were also made part of last year's highway bill. This bill would not cost an extra dime in Federal dollars, but would give States greater options in using their section 144 funds.

First, this bill would give States the option of using a portion of their bridge replacement funds to replace ferryboat operations. This particular provision has been adopted by the Senate on several occasions in the past but like my other bills, has died in conference. It is of particular importance to States like Arkansas, where ferries are structurally deficient, functionally obsolete and expensive to continually maintain. The cost of operating and maintaining the four remaining ferries in Arkansas is approximately $3 million a year, and statistics on their operation indicate they are unreliable and inefficient. These problems are well-illustrated in the following statistical table which I would like to have included in the RECORD.

[Table not reproducible for the RECORD.]

Mr. BUMPERS. Mr. President, another provision of my bill would allow States to use a portion of their section 144 allotment to construct bridges to replace structures that were destroyed prior to 1960 but never replaced. Although this is certainly a small category of bridges, it is nonetheless a very important one for Arkansas.

In the 1950's a bridge on what is now County Road No. 19 in northeast Arkansas was destroyed by fire. The former bridge spanned the Spring River and served as an important link connecting U.S. Highways 62 and 63 between Lawrence and Randolph Counties. When the bridge was destroyed, the Federal bridge replacement program had not yet been enacted, and the State of Arkansas and the counties in which the Spring River Bridge was located simply did not have the resources to replace the bridge.

The Federal Highway Administration has denied Arkansas' request that the Spring River Bridge be added to the special bridge replacement list. That means that the only funds available for reconstruction are from the Federal secondary program. Lawrence and Randolph Counties each receive approximately $69,000 annually from this fund and would therefore have to spend every dime of these funds for 15 years to meet the estimated $1.5 million bridge replacement cost and $580,000 approach cost. That expenditure would virtually ensure that no other roadway work could be undertaken.

Construction of this bridge would certainly benefit tourists who visit the many State parks in the immediate vicinity but who cannot easily travel from one attraction to another because of water barriers. The site of the Spring River Bridge is the only interruption of a proposed continuous scenic highway between St. Louis, MO and Tulsa, OK. Replacement of the bridge would certainly bring more travelers through the area and benefit tourism and related businesses in Missouri, Arkansas, and Oklahoma.

Another provision of the bill would allow States to use section 144 funds to replace low-water crossings with bridges. A low-water crossing is usually a concrete slab with a drainage pipe, located in a creek bed and designed to withstand periodic flooding. They are often built in rural areas, and are usually designed to serve relatively few vehicles. However, when development occurs, the flooded low-water crossings seriously impede traffic because motorists are often prevented from using routes for days at a time until the flood waters recede.

The Federal Highway Administration will review on a case-by-case basis the eligibility of low-water crossings over 20-feet long for bridge replacement. However, the FHWA will not even consider funding for crossings eligible for the Federal Bridge Replacement Program, regardless of length, a change I feel is long overdue.

The final provision of my bill would allow States to use section 144 funds to replace any road bridges that have been rendered obsolete as a result of U.S. Corps of Engineers flood control or channelization projects but which have not been rebuilt with corps funds.

An example of the importance of this provision exists in the city of Little Rock, where the Fourche Creek flood control project will be built after being authorized in last year's Water Resources Development Act. This critically important project has been needed for years because of serious flooding which has resulted in loss of lives and tremendous damage to property. The city has been working diligently to meet the local cost sharing requirements and has acquired sufficient funds to meet their obligations which total $8.3 million, or 39 percent of the cost. However, new interpretations of this recently passed authorization bill are imposing additional costs that have been unanticipated during the many years of preparation for the project. Certain road bridges are being rendered obsolete as a result of the work, and the corps has decided that their replacement is a local responsibility. This will add an additional $2.25 million to their cost and bring this long-sought, critically needed project to a halt unless the State's bridge replacement funds can be used. I disagree with the corps' interpretation on this issue, but the fact remains that unless the corps changes its policy the city will be responsible for an additional $2.25 million it does not have.

Mr. President, I want to emphasize that none of the provisions of this bill would create a new category of Federal funding, nor would they have a budget impact. They would simply give the States greater latitude to decide how their Federal bridge replacement funds would be spent. States know best what their highway needs are, and these amendments to section 144 will give them the opportunity to meet their needs with greater flexibility, while following Congress' intent. As with my other bills, I am requesting that these provisions be included in the Highway Reauthorization bill. I appreciate the favorable action taken on this in the past, and I again ask your consideration.

HIGHWAY 63 OVERPASSES (JONESBORO, AR)

My next bill would authorize construction of four grade separations, or overpasses, in a four-lane bypass route in the vicinity of Jonesboro, AR. This U.S. Highway 63 bypass was constructed in 1979 as a project to demonstrate methods of improving highway safety by providing controlled access on an existing route. These four overpasses will complete that original project. This route around the southern and western part of Jonesboro handles a tremendous amount of traffic in a heavily congested commercial area. The State highway department feels that upgrading the bypass route by adding these additional overpasses is of utmost importance in order to preserve the route so that it doesn't become obsolete and lead to the need for a new route entirely.

LOCK AND DAM 4 BRIDGE (PINE BLUFF, AR)

Mr. President, my final bill would authorize the construction of a bridge over lock and dam 4 on the Arkansas River in the vicinity of Pine Bluff, AR. This study has been proposed, reviewed, and studied for over 20 years, and the Highway Department studies have all consistently indicated that the bridge and associated highway work are greatly needed and would be cost effective. Because of the need to alleviate increasingly severe traffic congestion, to accommodate rapidly growing industrial expansion and to divert the transportation of hazardous materials, there is a tremendous need for a highway bridge across the Arkansas River at lock and dam 4 near Pine Bluff. This bridge would connect U.S. Highway 65 at Pine Bluff with U.S. Highway 79 near Altheimer, AR. In conjunction with the building of this bridge, approximately 9½ miles of road improvements would be undertaken.

The availability of Federal assistance is imperative for this project to be undertaken, and I am therefore asking for favorable consideration of my bill. I have also requested that these last two bills be included in the highway reauthorization legislation as they were last year, and I ask your favorable consideration.●

By Mr. MATSUNAGA (for himself, Mr. GLENN, Mr. BURDICK, Mr. SASSER, Mr. HEFLIN, Mr. SHELBY, Mr. BREAUX, Mr. JOHNSTON, Mr. MCCONNELL, Mr. INOUYE, and Mr. WILSON):

S. 368. A bill to amend the Federal Food, Drug, and Cosmetic Act to ban the reimportation of drugs produced in the United States, to place restrictions on drug samples, to ban certain resales of drugs purchased by hospitals and other health care facilities, and for other purposes; to the Committee on Finance.

PRESCRIPTION DRUG MARKETING ACT

Mr. MATSUNAGA. Mr. President, I am introducing today, with Senators GLENN, BURDICK, SASSER, GORE, HEFLIN, SHELBY, INOUYE, JOHNSTON, BREAUX, MCCONNELL, and WILSON as original cosponsors, the Prescription Drug Marketing Act of 1987, a bill designed to protect the American consumer by establishing much-needed, stricter control over the distribution of prescription drugs manufactured in the United States. Studies and congressional hearings over a period of several years have revealed that consumers purchasing prescription drugs can no longer do so in full confidence that such drugs will be safe and effective.

The problem is not one of inadequate safeguards in the manufacturing process. Our system of testing, manufacturing, and introducing drugs into the marketplace is the safest in the world, albeit somewhat slow at times.

But what happens to a prescription drug once it leaves the manufacturer? Too often it enters a gray market known as the diversion market where it may be sold and resold, improperly stored, labeled, or packaged, and even employed in counterfeit processing before reentering the normal distribution chain. It then may be sold to an unsuspecting consumer by an equally unsuspecting retail druggist.

How do prescription drugs enter the diversion market? In some cases it is through out-and-out fraud. For example, a bogus charity is established to buy drugs from a manufacturer for export and use overseas. Upon arrival in the country for which it is destined, the shipment of drugs never even leaves the dock, but is shipped right back to the United States for resale at a profit.

Sometimes, too, perfectly reputable hospitals and charitable organizations purchase excess supplies of drugs from the manufacturer and then resell the excess. These drugs may be sold and resold before reaching the consumer.

Free samples of new drugs provided to physicians by the manufacturer's sales people may be sold before reaching the physician or may be sold by the physician. These drugs, too, often pass through many hands before they are resold to the unsuspecting consumer.

Finally, in some cases, shipments of drugs are stolen and sold. Under existing law, it is virtually impossible to trace the source of prescription drugs not purchased directly from the manufacturer.

The bill we are introducing today, to be known as the Prescription Drug Marketing Act of 1987, would close some of the loopholes in existing law and make it more difficult for diverted drugs to reach the consumer. This legislation would do the following:

First, it would prohibit the reimportation of American-made drugs sold for use overseas, except in a bona fide emergency;

Second, it would prohibit the selling or trading of drug samples, and the resale of drugs purchased by health care institutions and charitable organizations; and

Third, it would require wholesalers to disclose the sources of all drugs they purchase.

Mr. President, this much-needed consumer-oriented bill is being introduced today in the hope and confidence that it will receive early consideration in this the 100th Congress.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(a) Short Title.—This Act may be cited as the "Prescription Drug Marketing Act of 1987".

(b) Reference.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

SEC. 2. FINDINGS.

The Congress finds that:

(1) American consumers cannot purchase prescription drugs with the certainty that the products are safe and effective.

(2) The integrity of the distribution system for prescription drugs is insufficient to prevent the introduction and eventual retail sale of substandard, ineffective, or even counterfeit drugs.

(3) The existence and operation of a wholesale submarket, commonly known as the "diversion market", prevents effective control over or even routine knowledge of the true sources of merchandise in a significant number of cases.

(4) Increasing amounts of drugs are being reimported to the United States as American goods returned. These imports are a health and safety risk to American consumers because they may have become subpotent or adulterated during foreign handling and shipping.

(5) The ready market for prescription drug imports has been the catalyst for a continuing series of frauds against American manufacturers and has provided the cover for the importation of foreign counterfeit drugs.

(6) The existing system of providing samples of drugs to physicians through manufacturer's sales representatives has been abused for decades and has resulted in the sale to consumers of misbranded, expired, and adulterated pharmaceuticals.

(7) The bulk resale of below wholesale priced prescription drugs by health care institutions, for ultimate sale at retail, helps fuel the diversion market and is an unfair form of competition to wholesalers and retailers that must pay otherwise prevailing market prices.

(8) The effect of these several practices and conditions is to create an unacceptable risk that counterfeit, adulterated, misbranded, subpotent, or expired drugs will be sold to American consumers.

SEC. 3. REIMPORTATION.

Section 801 (21 U.S.C. 381) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

"(d)(1) Except as provided in paragraph (2), no drug subject to section 503(b) which is manufactured in a State and exported may be imported into the United States unless the drug is imported by the person who manufactured the drug.

"(2) The Secretary may authorize the importation of a drug the importation of which is prohibited by paragraph (1) if the drug is required for emergency medical care.".

SEC. 4. SALES RESTRICTIONS.

Section 503 (21 U.S.C. 353) is amended by adding at the end the following:

"(c)(1) No person may willfully sell or trade or offer to sell or trade any sample of a drug subject to subsection (b). For purposes of this paragraph and subsection (d), the term 'sample' means a drug which is not intended to be sold and is intended to promote the sale of the drug.

"(2) No person may—

"(A) sell, purchase, or trade, or

"(B) offer to sell, purchase, or trade,

in bulk any drug subject to subsection (b) which is purchased by a public or private hospital or other health care facility or any other establishment exempt from registration as a pharmacy licensed under State law for the use of the hospital, facility, or establishment, except that a hospital or other health care facility which is a member of a group purchasing organization may purchase or otherwise secure such a drug for its own use from other hospitals or facilities which are members of such organization.

"(3) No person may willfully sell or trade or offer to sell or trade any drug which is subject to subsection (b) and which was donated or supplied at a reduced price to a charitable organization described in section 501(c)(3) of the Internal Revenue Code of 1986, except that such an organization may sell or trade any such drug to an affiliate of the organization.".

SEC. 5. DISTRIBUTION OF SAMPLES.

Section 503 (as amended by section 4 of this Act) is amended by adding at the end the following:

"(d)(1) Except as provided in paragraph (2), no sales representative, employee, or agent of a drug manufacturer may distribute any sample of a drug subject to subsection (b) which is manufactured by such manufacturer. This subsection does not prohibit the distribution of a drug in connection with its investigational use under regulations promulgated under section 505(i).

"(2) The manufacturer of a drug subject to subsection (b) may, in accordance with this paragraph, distribute samples of such drug to practitioners licensed to prescribe such drugs. Such distribution of samples shall be made by mail or common carrier and shall be made in response to a written request for samples made on a form approved by the Secretary. Practitioners receiving samples distributed under this paragraph shall provide the manufacturer making the distribution a receipt for the samples received. Each drug manufacturer which makes distributions under this paragraph shall maintain the receipts received for samples distributed and maintain a record of distributions which identifies the drugs distributed and the practitioners receiving the drug. Receipts and records required to be maintained by a drug manufacturer shall be made available to Federal and State officials engaged in the regulation of drugs and in the enforcement of laws applicable to drugs.".

SEC. 6. WHOLESALE DISTRIBUTORS.

Section 503 (as amended by section 5 of this Act) is amended by adding at the end the following:

"(e)(1) Each person who is engaged in the wholesale distribution of drugs subject to subsection (b) shall provide to each purchaser of such drugs a statement identifying—

"(A) the manufacturer of the drug, and

"(B) each sale of the drug (including the date of the sale) before the sale to such purchaser.

"(2)(A) No person may sell at wholesale and in interstate commerce drugs subject to subsection (b) in a State which does not require such person to be licensed in accordance with standards prescribed under subparagraph (B).

"(B) The Secretary shall issue regulations establishing minimum standards, terms, and conditions for the licensing of persons to make sales at wholesale and in interstate commerce of drugs subject to subsection (b). Such standards shall prescribe requirements for the storage and handling of such drugs and for the establishment and maintenance of records of the sales of such drugs.".

SEC. 7. PENALTIES.

(a) Prohibited Acts.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

"(t) The importation of a drug in violation of section 801(d)(1), the sale, purchase, or trade of a drug in violation of section 503(c), the distribution of a drug sample in violation of section 503(d), and the failure to comply with the requirements of section 503(e).".

(b) PENALTIES.—Section 303 (21 U.S.C. 333) is amended—

(1) by inserting "(1)" after "(a)",

(2) by redesignating subsection (b) as paragraph (2) and by striking out "subsection (a) of this section" in such subsection and inserting in lieu thereof "paragraph (1)", and

"(3) by inserting after subsection (a) the following:

"(b) Notwithstanding subsection (a), any person who violates section 301(t) because of an importation of a drug in violation of section 801(d)(1) or because of a sale, purchase, or trade of a drug in violation of section 503(c) shall be imprisoned for 10 years and fined not more than $100,000.".

SEC. 8. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect upon the expiration of 90 days after the date of the enactment of this Act.

(b) WHOLESALE LICENSES.—The Secretary of Health and Human Services shall promulgate the regulations required by section 503(e)(2)(B) of the Federal Food, Drug, and Cosmetic Act (as added by section 5 of this Act) not later than 180 days after the date of the enactment of this Act. Section 503(e)(2)(A) of such Act shall take effect upon the expiration of 2 years after the date such regulations are promulgated and take effect.

● Mr. GLENN. Mr. President, I rise today to join Senators MATSUNAGA, BURDICK, GORE, HEFLIN, INOUYE, and JOHNSTON in introducing the Prescription Drug Marketing Act of 1987.

Our bill would, among other things: First, prohibit the reimportation of American drugs sold abroad; second, prohibit the selling or trading of drug samples and the resale of pharmaceuticals by health care institutions or charities; and third, require wholesalers to disclose the sources of drugs they purchase.

In introducing this legislation, we are attempting to address the problems surrounding the widespread practice of diverting prescription drugs, which is employed by an unacceptable number of pharmacists, drugstore owners, wholesalers, and salespersons.

Currently, pharmaceutical manufacturers are permitted to donate or sell at reduced prices prescription drugs to charitable organizations, nonprofit hospitals, physicians, and foreign countries. However, once given or sold, the recipients of these drugs may not resell them for profit. Unfortunately, congressional hearings have revealed that for many of these recipients the financial temptation has been too great, and the risk too small, to resist reselling these drugs. "Drug diversion" is the term used to describe this practice.

A direct consequence of drug diversion is that, while the integrity of many of these drugs may be maintained, some of these pharmaceuticals are exposed to unacceptable shipping and handling procedures which render the drugs impotent and/or potentially dangerous. Frequently the drugs are resold and reshipped so many times that they have surpassed the expiration date provided by the manufacturer by the time patients use them. Unfortunately, a number of retail drug outlets have given in to the competitive pressures brought on by drug diversion and stock diverted drugs on their store shelves.

As a member of the Senate Special Committee on Aging since 1977, I am particularly concerned about the problem of drug diversion as it relates to our elderly population. Individuals over the age of 65 represent 12 percent of our population, yet they consume about 30 percent of all prescription drugs. Because many older Americans are taking multiple medications, it is often difficult to tell whether one specific medication is having its intended effect. Due to this situation, the elderly must place a particularly strong trust in their pharmacists and the drug manufacturers to ensure that they receive the high-quality drugs prescribed by their physicians. In some cases, the frail elderly themselves or their caregivers fall victim to ageist stereotypes and place the entire blame for their deteriorating or stagnant conditions on the fact that they are old. Many of these people do not even consider the possibility that their medications might be at fault.

The Food and Drug Administration [FDA], in its opposition to the bill we are introducing today, has accurately stated that we do not have an abundance of hard data that links public health problems to drug diversion. On a national level, we certainly do need more definitive information. However, in my home State of Ohio, we now know that a number of quality control and health problems do exist. While I would hope that our Ohio State Board of Pharmacy—one of the most active and productive State oversight agencies investigating the drug diversion problem in the Nation—has located, charged and punished every individual who has participated in the drug diversion scam, the magnitude of the problem precludes that as a realistic possibility.

The House Energy and Commerce Subcommittee on Investigations conducted a 2-year investigation which examined the problems associated with the large underground drug diversion market. At one of the subcommittee's hearings, the executive director of the Ohio State Pharmacy Board, Mr. Franklin Z. Wickham, testified that during the last year the Ohio Board of Pharmacy had charged 104 pharmacists, drugstores, and wholesalers with buying and selling illegally diverted drugs. The diversion practices of one southwestern Ohio wholesaler were so blatant that the board fined him $2 million and revoked his license to sell pharmaceuticals. Mr. Wickham recently informed my office that, in one case, the board discovered that high school students were being hired to relabel diverted drugs, and they substituted diabetic medicine for heart medicine. The unfortunate recipient of this medicine was a heart patient who suffered initially unexplainable reactions to this incorrectly marked drug.

In addition to the Ohio-specific problems, during a recent 6-month period, the House investigation found that more than 10 million dollars' worth of U.S. pharmaceuticals, some illegally exported and potentially dangerous, made their way around the world and back into the United States. One company alone in California obtained drugs, worth approximately $2.5 million, from 40 hospitals and then resold them in the drug diversion market. Needless to say, both the hospitals and the company were the benefactors of substantial and illegal profits.

For laudable and understandable reasons, the National Association of Retail Druggists [NARD] strongly supports the Prescription Drug Marketing Act. First, they want consumers to be able to rest assured that they are receiving high quality medicines from their local retail druggist. Second, they want to stay in business; they are finding that it is virtually impossible to compete with the drug diversion market.

Other interested groups include consumers and their advocates, drug manufacturers, the FDA, the Congress, and State and local governments. Although some provisions in this bill are troublesome to some of these groups, it is my hope that we can work out a package which is acceptable to everyone concerned. I am more than willing to work toward this goal as long as we end up with a solution which protects one of our most vulnerable groups of citizens—the consumers of prescription drugs.

While it is true that we do not yet know of thousands of health problems that can be directly linked to drug diversion, we do know that the potential for abuse is as unlimited as the creativity of the criminal mind. Until we limit this potential, sure as night follows day, we will undoubtedly witness problems of tragic proportions in the future. In my book, an ounce of prevention has always been worth a pound of cure.

Mr. President, I urge all of my colleagues to join with us in supporting this important legislation.●

By Mr. DECONCINI (for himself and Mr. MCCAIN):

S. 370. A bill to provide job training benefits for dislocated workers who are employed due to the closure of facilities as a result of failure to comply with certain environmental laws, and for other purposes; to the Committee on Environment and Public Works.

ENVIRONMENTAL CLOSURE WORKERS ASSISTANCE ACT

Mr. DeCONCINI. Mr. President, today I am introducing legislation on behalf of myself and my distinguished colleague from Arizona, Mr. McCain, designed to assist workers whose lives and livelihoods are disrupted as a result of actions beyond their control. My bill, the "Environmental Closure Workers Assistance Act", responds to the closing of a plant for failure to comply with certain environmental laws and paying the penalties which are imposed upon the manufacturer. Under current law, if a manufacturer is in noncompliance with an environmental law and must cease operations and pay certain penalties to the Federal Government, the fine moneys must be placed directly into the General Treasury.

Frequently, manufacturers cannot comply with the Federal regulations, although they might wish to, because the equipment needed to modernize the plant is too expensive or the plant is so out-dated that it is economically infeasible to spend the money necessary. In the meantime, the fine imposed against the manufacturer accrues and the manufacturer eventually has no recourse but to cease operations. The worker is the one who loses.

While this policy may be a good one, it fails to take into account the human factor. If we can assist the workers who have lost their jobs, we should do so and that is what my bill proposes to accomplish.

The Clean Water and Clean Air Acts are good, far-reaching laws. I am proud to be a cosponsor of the Clean Water Act which should pass this body today and be sent to the President. The environmental legislation passed by Congress over the past two decades reflects the high priority this Nation has placed on a clean and protected environment for ourselves, our children and future generations. America's environmental protection laws are good laws. What we now need are good worker protection laws.

What my bill would do is give the Administrator of the EPA the discretion to decide whether to place the penalty moneys in the General Treasury or to use them to provide job training or educational benefits for the affected workers. Benefits for which the unemployed worker could become eligible include job training, basic and adult education programs, relocation expenses, unemployment benefit allowances and scholarships, fellowships, and other educational assistance whose basic purpose is to train these workers. These benefits would be implemented through existing operations established under the Wagner Peyser Act and those of private industry councils established under the Job Training Partnership Act.

The Administrator is also given the discretion to take into consideration, when negotiating consent decrees with manufacturers, certain projects proposed by the manufacturer which inure to the benefit of the general public and have a direct environmental benefit. These projects may be considered credit projects in the assessment of penalties arising from the violations.

Instead of being held to a single, straitjacketed rule, under my bill the Administrator of the EPA can take into account the human factor and choose from a number of options when assessing penalties. The money can be returned to the Treasury as it is being done today, or it may be used to assist displaced workers, or it can be included in the completion of certain environmental good deeds.

This also gives other players a voice in the issue. This influence is something which will become more important as we enact stricter, far-reaching environmental legislation. We need to be flexible as these times of readjustment approach. The influence of outsiders can be felt through the local press, the workers organizations, the grassroots organizations, State and local officials, and those of us in Washington. All of us can provide the Administrator with information to which he may not have access. This would include the economic impact of the closure on the local economy, the ability of the local economy to absorb the displaced worker and the prospects for future employment of the workers and their spouses. All of these factors should be taken into account when making these decisions. Under the current law, however, they play no role in the decisionmaking process.

This bill will not raise revenue and its implementation will not cost the taxpayers. In its purest sense, it will help to reduce the burden of the myriad unemployment benefits which accrue to the government when factories are shut down. It may reduce the number of persons or amount of money expended on these current programs. It could also expedite the entire benefit disbursal process.

A specific case where this discretion would have made a major impact occured in Douglas, AZ. Last week, the Phelps Dodge Reduction Works was closed under an agreement reached between Phelps Dodge and the EPA. Originally scheduled to cease operations on December 31, 1987 unless it complied with specific environmental emissions standards under provisions of the Clean Air Act which would have required the installation of expensive scrubbers, the smelter was forced to close nearly a year earlier than planned because of an inability to meet emissions standards.

This closure will have a profound effect on our Nation's domestic copper industry and will increase our Nation's dependency upon foreign producers of this strategic metal. It will also have a negative impact on the Arizona economy and will severely disrupt the economy of Douglas.

Equally important is the fact that the accelerated closure of the smelter has resulted in significant disruption in the lives of the now unemployed copperworkers. Because of the early smelter closure, these men and women have had little time to think about their futures. They have had little time to make plans for themselves and their families.

Under the consent decree negotiated between the EPA and Phelps Dodge last summer, the smelter agreed to close on January 15 and pay penalties totaling $500,000 for past violations of EPA's emission standards. But under existing law, this money must go to the General Treasury, not to the workers who have been directly affected by the closure and who are suffering the consequences. The men and women in Douglas who have lost their jobs must wait for unemployment benefits until the necessary forms are completed, the waiting period is satisfied and the specified job searching requirements are fulfilled.

This will take time—valuable time—for the families who have become dependent upon their hard-earned paychecks—paychecks they have brought home from their demanding and satisfying work. Knowing how rapidly the government bureaucracy works, well-intentioned as it is, it will take time before these benefits reach the workers. The company's personnel assistance can only go so far.

Imagine what could be happening in Douglas, AZ, today if the flexible, discretionary change in the current law, called for in my bill, were in effect. After the consent decree between Phelps Dodge and the EPA had been negotiated, a special trust fund for the workers could have been established and the fine moneys could have been placed into the fund. A transition program could now be operating and special scholarships could be available for workers to develop new job skills and programs at Cochise Community College. A job awareness clearinghouse might also have been implemented to assist the soon-to-be displaced workers in locating new employment. All of this could have been on line, ready to go today. This would have given a wider, more effective response to the workers in Douglas.

The Douglas Dispatch, the local newspaper, and other papers have run editorials supporting an idea such as that envisioned in my bill. I ask unanimous consent that these articles be printed in the RECORD following completion of my statement.

Let us prevent similar unfortunate stories from occurring. Today, let us provide an element of discretionary action, a choice between several options, a voice for all parties involved in these situations and an opportunity—presently denied—for those most directly affected. Let us help the American worker. My bill will accomplish these goals and I urge the support of my distinguished colleagues. I ask unanimous consent that the full text of the bill be printed in the RECORD at this point.

There being no objection, the bill and articles were ordered to be printed in the RECORD, as follows:

S. 370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Environmental Closure Worker Assistance Act".

RECAPTURE OF CERTAIN PENALTIES

SEC. 2. (a) In any case in which a manufacturer, corporation, person, or other entity is required to curtail or cease operations, in whole or in part, as a result of a violation or failure to comply with the Clean Air Act, Clean Water Act, or other environmental law administered by the Administrator of the Environmental Protection Agency, any monies collected or otherwise received by the Administrator as a result of penalties assessed or otherwise imposed by the Administrator in connection with such violation shall be available for use by the Administrator in providing benefits to workers of such manufacturer, corporation, person, or entity who have been terminated or given notice of termination as a result of such curtailment or cession of operations, in accordance with section 3 of this Act.

(b) In addition to the authority contained in subsection (a), the Administrator is authorized, in negotiating consent decrees with any such manufacturer, corporation, person, or entity arising out of or in connection with any such violation or failure to comply, to take into consideration certain projects proposed by such manufacturer, corporation, person, or other entity which ensures to the benefit of the general public and are of direct environmental benefit, and to consider such projects as credit projects in assessing or otherwise imposing penalties arising out of any such violation.

(c) Nothing in this section shall be construed as prohibiting the Administrator from depositing any of such monies collected or otherwise received as penalties and not necessary to carry the provisions of this Act in the Treasury of the United States as miscellaneous receipts.

PAYMENT OF BENEFITS

SEC. 3. (a) From amounts made available in any fiscal year pursuant to section 2 of this Act, the Administrator shall make available to dislocated workers who are unemployed or underemployed as a result of a violation or failure to comply with the Clean Air Act, the Clean Water Act, or any other environmental law administered by the Administrator, the benefits described in subsection (b) of this section.

(b) The benefits referred to in subsection (a) may be paid to dislocated workers for—

(1) job training activities;

(2) basic and adult education programs;

(3) relocation expenses;

(4) unemployment benefit allowances; and

(5) scholarships, fellowships, and other educational assistance whose basic purpose is to train such workers.

(c)(1) The Administrator may make such an arrangement for the payment of benefits described in this section as may be efficient and designed to carry out the objectives of this Act.

(2) The Administrator is authorized to enter into cooperative agreements with the Secretary of Labor in order to use the facilities of the employment offices established pursuant to the Wagner Peyser Act and the offices of the private industry councils established under the Job Training Partnership Act to carry out the provisions of this section.

(3) Any arrangement entered into pursuant to paragraph (2) of this subsection may include the reimbursement to the Secretary of Labor for the expenses incurred in carrying out this Act.

DEFINITIONS

SEC. 4. As used in this Act, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "dislocated worker" means any worker who has been terminated or who has received notice of a termination of employment as a result of the permanent closure of any plant or facility because of a violation or failure to comply with the Clean Air Act, the Clean Water Act, or any other environmental law administered by the Administrator.

[The Daily Dispatch, Sept. 12, 1986]

USE FOR PD'S $400,000 FINE

When Phelps Dodge Corp. signed a consent decree in late July to get its Douglas smelter back into operation, it agreed to pay a $400,000 fine for what the government called past violations of particulate-emission regulations.

It also agreed that, if it should violate sulfurdioxide regulations before its closes down, it will pay $100,000 for each of four violations. The fifth would close the smelter permanently. So far, it has not exceeded limits.

The $400,000, apparently, will go into the U.S. Treasury to help outset the multibillion debt Congress and the administration are running up.

But a Douglas attorney who represents 222 smelter workers who will lose their jobs when the smelter closes has a better idea.

Why not channel that fine money into helping the workers—those who will be most severely hurt by the facility's closure.

Art Atonna suggests that the $400,000 would go a long way toward extending unemployment benefits for those workers who won't be able to get jobs in Douglas or elsewhere very quickly, for retraining workers for the other jobs, for helping workers relocate or for funding courses at Cochise College that could help the workers.

Using the money for these purposes would be "a little more productive that going into the U.S. Treasury," Atonna says. He adds that there is precedent for doing this.

There have been promises of $600,000 for retraining and relocation from the federal government once the smelter actually closes. If it is a typical federal government program, it will take six months for the money to be appropriated—if it is at all—and another six months to allocate. Then half of it will be spent on administration.

The $400,000 paid by Phelps Dodge as a fine could be put to use immediately to set up programs that could begin to help workers before they actually lose their jobs.

Perhaps working for the designation of this $400,000 for such a worthy purpose would be a good project for congressmen who are seeking re-election and would like to show that they really are interested in what happens to Douglas workers.

[The Daily Dispatch, Nov. 7, 1986]

EPA REPORT IGNORES "HAPPINESS"

(By Gary Dillard)

Well, Douglas has gotten a study of what effects the closure of the Phelps Dodge Corp. smelter will have on the 350-plus workers there, and by extention, what effects it will have on the community.

Now what?

As far as the study goes, there are a lot of folks out there asking why it was done.

The Environmental Protection Agency, which compiled the study, asks the same question. Of course, the EPA was required by law and by a court order to complete the study. Beyond that, though, no one seems to know what it might mean.

To most people, the study said nothing new. It really came to no conclusions, but rehashed material already in general circulation. It was done in-house by EPA, with several staff members asking the questions.

The official line for the report's use, says John Rothman, assistant regional counsel for EPA's Region IX in San Francisco, is that "we wanted to give it to the people that requested it and let them see what our best estimate of unemployment will be in Douglas."

While the report is required under the Clean Air Act if it is asked for, Rothman pointed out that "it's been done only a half a dozen times in the history of the act." Perhaps for good reason—it serves no real purpose.

What it isn't—and this should be made clear—is a report of what might happen to Douglas and its residents. As Rothman says, "the effects on the community are addressed as incidental."

What that means, in simple, practical terms, is that if there are jobs anywhere in the state, the workers who will be laid off Jan. 15 really won't be affected by the smelter shutdown.

And that's about what the report says, citing the overall strength of the Arizona community. Art Atonna, attorney for the smelter workers whose lawsuit prompted the report, call the EPA attitude on that point "cavalier."

There are those who are expressing some concern that this report might hinder attempts to persuade EPA to recommend spending some of the $500,000 in fines it has collected from Phelps Dodge on helping the community and the workers.

Rep. Jim Kolbe thinks the report might actually help that effort—if the money doesn't have to be spent training the workers, perhaps it can be spent redeveloping Douglas.

Who knows what the EPA is thinking on the matter. The agency told both Kolbe and Sen. Dennis DeConcini it could have a recommendation prepared by about two weeks ago. It still isn't ready.

The general EPA attitude is contradictory. On one hand, the smelter is being forced to close because it hurts the quality of life in the area. Yet the smelter's closure also is going to hurt quality of life here in a different way.

Questions that need to be asked include how many of the smelter workers would move away from Douglas if they had the chance to stay? Many are second-and-third generation residents who are here because this is home, not simply a place to work.

For those who do stay, what kind of lifestyle can be achieved with the loss of revenue the smelter's closing will bring about? Will the schools suffer? Will there be less entertainment and shopping? Will taxes go up? Will mental and emotional stress on laid-off workers and their families increase? Will alcoholism and drug abuse go up?

These are the important questions that EPA must ask. Knowing whether there are jobs somewhere in Arizona is not enough.

Life cannot be reduced to a "pursuit of money". It must be considered, as the founding fathers suggested, a "pursuit of happiness". And for thousands of people now here, happiness means living in Douglas.

[The Daily Dispatch, Nov. 13, 1986]

EPA DENIES USE OF FINES FOR DOUGLAS

(By Gary Dillard)

Douglas won't be benefiting from $500,000 in environmental fines paid by Phelps Dodge Corp. to keep the Douglas smelter operating.

Lee Thomas, administrator of the U.S. Environmental Protection Agency, has said his agency can't legally divert the fine money to help reduce the effects of the planned Jan. 15 smelter closure on the community or on the 350-plus workers who will lose their jobs.

In a letter Rep. Jim Kolbe, R-District 5, received Wednesday, Thomas said that his agency's ability to divert fine money is "severely limited."

"Let me assure you that I share your concern regarding the employment impact. . . ." Thomas wrote, "and that serious consideration was given to possible alternative uses of the penalties during the negotiations with the company."

Phelps Dodge is operating the smelter under the terms of a consent decree agreed to in late July. That decree required the company to pay a $400,000 fine for past air-quality violations and $100,000 each time the decree's standards are violated. The smelter has since incurred one $100,000 violation.

Thomas quoted the applicable federal law, which said that fines must be deposited in the U.S. Treasury "without deduction."

Thomas said his agency consulted with the Justice Department, whose interpretations of the U.S. Code "limits our discretion . . . to substitute good deeds for penalties owing to the U.S. Treasury," he told Kolbe.

The Clean Air Act gives some discretion to mitigate penalties, the administrator said, adding that "mitigation projects must, however, be of direct environmental benefit."

During the three weeks of negotiation with Phelps Dodge over the consent decree in July, Thomas said, EPA "gave careful consideration" to alternatives to fines. But the fines were necessary to "preserve the integrity and even-handedness of the agency's enforcement program," he said.

Douglas attorney Art Atonna, who represents workers to be laid off in January and who originally suggested to the state's congressional delegation diversion of the fines, said he is not persuaded that the Justice Department's interpretation of the law is the only possible one.

He says he has not heard from Thomas on the subject and has not read the letter written to Kolbe.

"You've got to remember that the Justice Department is supporting administration policy. If they can arrive at a legal conclusion consistent with administration policy, they're going to do it," Atonna said. "That does not mean they aren't debatable.

"Maybe they're overlooking some things that need to be considered."

Atonna said the original move to ask that funds be diverted sprang from conversations with EPA lawyers who "led me to believe that it had been done before."

"I was told there was precedent in previous administrations," he said, adding that EPA said that not diverting funds was a policy decision. The administration would prefer to use the money to pay off the deficit "rather than put it into people problems."

If there were legal problems with diverting the funds, he said, "they certainly didn't tell us that the first time we inquired." If the decision is one of policy, he said, "then political pressure can be used to override" that policy, which is why he contacted all of the state's congressmen and senators.

"I'm disappointed," Atonna said. "If there is a legal reason they should have told us that three months ago. The money may be deposited now and out of our control."

The attorney said he will be investigating the matter further if his clients wish him to do so. "I've got clients that are very frustrated at this time," he said.

Douglas Mayor Ben F. Williams, Jr., said he was "disappointed that the money can't come back here." He said he has talked to Kolbe's office about other sources of retraining funds. "Kolbe is trying through other agencies to get other funds," Williams said.

Kolbe spokesman Robert Johnson said that "It seems to be very clear that this (EPA) is not the avenue we're going to persue."

The "only alternative," he added, seems to be Labor Department funding. That agency has as much as $600,000 for retraining. "We're going to see if we can get more of this" for Douglas workers, Johnson said.

By Mr. EXON:

S. 371. A bill to provide that the maximum speed limit on rural interstate highways shall not exceed 65 miles per hour; to the Committee on Commerce, Science, and Transportation.

SPEED LIMIT INCREASE ON RURAL INTERSTATE HIGHWAYS

Mr. EXON. Mr. President, I am introducing legislation which will give the States the authority to increase the maximum speed on rural interstate highways to 65 miles per hour.

It is very important to note that this bill applies to the rural interstate highway system only. This legislation will in no way allow States to increase the speed limits on primary or secondary roadways over the current limit of 55 miles per hour.

It has become increasingly apparent that the motoring public is systematically ignoring the current national requirement of a 55 miles per hour maximum. In addition, enforcement of this law coincides with the public's view of the speed limit laws.

When this law was enacted in 1974, it was done to meet the cry of a great national emergency in the country caused by an energy crisis. Today, we have a totally different situation. As a result of falling energy costs, our motorists, on the whole, are ignoring the 55-miles per hour speed limit on the interstate rural highway system. This is especially true in States, like Nebraska, which have large sparsely populated geographical areas. In addition, State enforcement of the 55 miles per hour limit on the interstate system is extremely lax. I need only cite Nebraska's law regarding interstate speed in which one can drive up to 65 miles per hour, 10 miles per hour over the Federal limit, and, if ticketed, will only pay a maximum fine of $10 and lose no points off of one's drivers license. As a result of this law, enforcement of 55 mile per hour on the interstate system actually begins at 65 miles per hour, not at 55 as Federal law mandates. I know that other States also are experiencing lax enforcement similar to that in Nebraska.

Mr. President, a recent review of Nebraska's accident statistics show that of the 207 fatal accidents which occurred in Nebraska in 1985, only 7 took place on the interstate system. That is only 3.4 percent. It is also interesting to note that not one of these seven fatal accidents cited by the investigators of those accidents excessive speed was the cause.

Nationally, of the 39,622 fatal accidents occurring during the same period, only 3,749 or 9.4 percent occurred on the Nation's Interstate System. While contributing factor statistics are not available on these accidents obtained from the National Highway Traffic Safety Administration, I would not hesitate to assume that the large majority of these accidents were also caused by factors other than excessive speeds.

Mr. President, I want to stress that this legislation will only apply to the rural interstate system. In addition, the States will continue to have broad authority to set lower speed limits on any portion of or all of an interstate system they believe unsuitable for 65-mile-per-hour maximum. In other words, this is a State option. We mandate nothing to the States. We simply give them the option at their initiative to raise the speed limit up to 65 if that is their wish.

Finally, during my years as Governor of Nebraska I was deeply involved in highway safety and established a sound record. I do not believe the measure I am introducing today is contrary to or inconsistent with that record of being a Governor concerned about highway safety.

Mr. President, I have always believed that an unenforceable law—one that no one pays any attention to—is a bad law. I truly believe this applies to the 55-mile-per-hour speed limit on our Nation's Interstate Highway System.

During the 1980 President campaign, President Reagan expressed his opposition to the current 55-mile-per-hour speed limit. The President has expressed his support for this change which was adopted as an amendment in September of last year during the Senate's consideration of the highway bill. Unfortunately, Mr. President, the highway bill was not passed due to the fact that the House and Senate could not agree in conference.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the maximum speed permitted on any portion of the rural interstate highways shall be 65 miles per hour.

By Mr. GLENN (for himself, Mr. Exon, and Mr. Cranston):

S. 372. A bill to amend the Housing and Community Development Act of 1974 to permit the use of assistance under the Community Development Block Grant Program for uniform emergency telephone number systems; to the Committee on Banking, Housing, and Urban Affairs.

9-1-1 NATIONAL EMERGENCY NUMBER

Mr. GLENN. Mr. President, today I am introducing legislation which will enhance the quality of life in our communities by providing them with the opportunity to utilize existing funds to establish 9-1-1 emergency number systems. These systems have revolutionized the response of local agencies to the emergency needs of our citizens. This bill will help save lives and property throughout the United States. And it will do so at no additional cost to the American taxpayers.

For those of my colleagues who are unfamiliar with emergency number systems, some background information is in order. In 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that "a single number should be established for reporting police emergencies," thereby giving official impetus for the development of a national emergency telephone number system in the United States. According to the Commission, it is essential that immediate access to emergency care providers be available because of America's "increased incidence of crimes, accidents, and medical emergencies; inadequacy of existing emergency reporting methods and the continual growth and mobility of the population."

In 1973, the Office of Telecommunications Policy, Executive Office of the President, issued a national policy statement which recognized the benefits of 9-1-1, encouraged the national adoption of the system, and provided for the establishment of 9-1-1 planning and implementation through a Federal information center within the Office of Telecommunications. In 1974, Congress passed the Emergency Medical Services [EMS] Act and furthered the development of 9-1-1. This Act established the Interagency Task Force for EMS, which included an EMS communication work group to direct attention to EMS communication as a whole and the advancement of emergency number systems. More recently, Congress and the President have indicated the nationwide importance of 9-1-1 systems by designating September 11 as "9-1-1 Emergency Number Day."

The response to this nationwide call has not been encouraging. Since 1968, only 40 percent of our population has been brought under the coverage of 9-1-1. This leaves the majority of Americans unprotected by this vital service.

9-1-1 systems utilize a variety of technological features and are constantly being improved. Consequently, there are four major types of systems, each with a varying degree of complexity. The most basic system, type I, consists of a telephone service which changes seven-digit dialing to three-digit dialing. Type II consists of type I, plus called party hold—which enables the public safety answering points [PSAP's] to trace a call, even if the caller hangs up—forced disconnect—which prevents the intentional jamming of 9-1-1 lines—idle circuit tone application—which enables the PSAP to determine if a caller has hung up, or is still on the line but is unable to speak—and switchhook status indication—which ensures that a caller's line is not held up unnecessarily. Type III consists of type II, plus ringback, which allows the PSAP to call back after a caller has hung up in the event that not enough information was given. Type IIIA is type III, plus automatic number identification, which enables the automatic display at the PSAP of the telephone number of the telephone used. Finally, type IV—the enhanced system—consists of type IIIA, plus automatic location identification—which enables the automatic display at the PSAP of the address of the telephone used to place the call—and selective routing—which routes a call to a preselected PSAP determined by the location of the calling telephone.

Obviously, the enhanced system provides maximum service for a community, and any local government would want to have the most protection possible for its citizens. But each additional feature increases the price of the system. Besides the fact that the enhanced system is the most expensive 9-1-1 service, new features are being developed every year. This adds to the potential costs of future systems and the improvement of existing services.

The actual cost of a 9-1-1 system depends on the local price situation and the type of system involved. For example, Ohio's proposed type IV emergency network would cost approximately $25 million for initial expenses and $300,000 per month in operating costs. This does not even include the expenses for PSAP's, which account for 10 percent of the total system. In 1980, the Chicago Police Department type I PSAP cost $3.7 million for its initial development and approximately $2 million in annual recurring expenses. In 1982, Palm Beach County, FL, paid Southern Bell $567,660 in implementation costs and $404,664 for recurring expenses for its type IV system. The enhanced 9-1-1 systems in Rock Island and Kankakee Counties, IL, cost $500,000 in initial charges and run $8,000 per month in recurring expenses. While these numbers may not seem impressive in Washington terms, to local governments they represent a considerable financial burden which must be dealt with on a continuing basis.

The systems operating in the United States are funded with money from State and local governments, plus telephone user fees. Due to the tremendous expense of initial startup costs and maintenance requirements, many communities are without sufficient financial resources to provide 9-1-1 emergency services. The result is that, despite nearly 20 years of work, we now have a national emergency communications system which does not adequately fulfill the needs of the American people.

Why would any community wish to assume the large financial costs entailed in establishing a 9-1-1 system? The answer is that the benefits far outweigh the negative considerations. The bottom line with 9-1-1 is that it saves lives. It allows the response time for emergency services to be cut in half compared with standard practices. Instead of searching for the correct EMS agency and its phone number, relating the incident details, and waiting for a response, 9-1-1 allows the caller to go directly to the relevant agency and receive help much quicker. This speedy response time is due to the coordination of EMS agencies by 9-1-1. Fire departments, police agencies at all government levels, ambulance services, hospitals, poison control centers, suicide prevention centers, drug abuse centers, emergency management agencies, weather warning stations, and public works departments may all be part of the 9-1-1 team. With emergency number systems, these emergency care providers can all be reached by dialing one easy-to-remember and easy-to-dial phone number. Not only are EMS agencies available, but also trained EMS operators who can provide location identification, coordinate responses, or give emergency instructions over the phone. Communities may experience long-term costs savings through coordinated EMS responses, consolidated emergency services, and property preservation.

According to the Secretary of Housing and Urban Development [HUD], 9-1-1 could be eligible as a public service under the Community Development Block Grant [CDBG] Program if it were to principally benefit low- to moderate-income people. The CDBG Program was set up to promote sound community development through a wide range of activities directed toward neighborhood revitalization, economic development, and improved community facilities and services. Metropolitan cities and urban counties are eligible to receive annual grants. An additional eligibility requirement for CDBG funds is that the people in a grant area must be low- to moderate-income persons.

The technological and jurisdictional requirements of 9-1-1 services do not mesh with the geographic eligibility requirement of the CDBG program. Section 105(c)(2) of the current law—42 U.S.C. 5301 et seq.—states that an activity designed to serve an area generally shall be considered to principally benefit persons of low- and moderate-income only if not less than 51 percent of the residents of the area are persons of low- and moderate-income. While many specific geographic areas in a county may economically qualify for CDBG's, counties taken as a whole may not be eligible because their total number of low- and moderate-income people falls below the 51 percent needed to qualify for CDBG funds. However, in order to be effective, 9-1-1 systems often must be set up at least on a countrywide basis because many emergency services function at the countrywide level and existing telephone systems often cover entire counties. It is technically impractical and politically unfeasible to provide 9-1-1 services for isolated segments of a county.

While many 9-1-1 systems would not exclusively serve geographic areas which have at least 51 percent low- and moderate-income persons, in some areas the majority of potential 9-1-1 users would fall into the low- and moderate-income range. This is due to the higher frequency of emergency-related incidents which occur in their neighborhoods. In effect, the current eligibility requirements is denying a lifesaving service to the same people it is designed to assist and who would be its major beneficiaries.

The amendment which I am offering today would rectify this situation. This legislation states that the requirements of the Housing and Community Development Act of 1974, subparagaph (A), would not prevent the Secretary of HUD from granting funds in cases where CDBG's are proposed to be used to develop and establish a uniform emergency telephone number system, and for the operation of such a system for a 2-year period. A community could qualify for this program: One, the system would contribute substantially to the safety of the residents of the area served by the system; two, not less than 51 percent of the use of such system would be by low- and moderate-income persons; and three, other Federal funds received by the grantee would not be available for a 9-1-1 system due to the insufficiency of the amount of such funds, the restrictions on the use of such funds, or the prior commitment of such funds for other purposes by the grantee. The percentage of the Federal contribution to such system shall not exceed the percentage of low- and moderate-income persons who reside in the area to be served by such system.

Mr. President, many communities across the country have requested Federal assistance for their 9-1-1 systems. This legislation is a moderate response to these requests since it would provide some aid while maintaining the intent of the CDBG Program. Qualifying communities should have the opportunity to spend CDBG funds on a service which will substantially enhance their quality of life. This bill would preserve the integrity of the CDBG Program, but would slightly modify the eligibility for CDBG funds to account for the unique qualities of a technological community service which were not anticipated by the authors of the Housing and Community Development Act of 1974. This legislation would allow for the additional inclusion of one specific program, and is not intended to set a precedent fo CDBG eligibility waivers. Further, this bill does not require the Secretary of HUD to grant 9-1-1 exemptions, but merely provides the authority with which an exemption may be granted.

Most importantly, this legislation does not require additional money from the Federal Government. It only provides another option to communities for the use of existing funds.

Mr. President, this bill gives us an opportunity to do some good for the American people without adding to the national debt. With one simple act, we can improve the quality of life in communities throughout the United States. Quite literally, we can help save lives. I strongly urge my colleagues to vote in favor of this legislation.

By Mr. PELL (for himself and Mr. STAFFORD):

S. 373. A bill to reauthorize the program of finance assistance to meet special educational needs of disadvantaged children, and to reauthorize chapter 2 of the Education Consolidation and Improvement Act of 1981, through fiscal year 1993; to the Committee on Labor and Human Resources.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS

Mr. PELL. Mr. President, I am introducing today the Elementary and Secondary Education Amendments of 1987. This legislation would reauthorize key elements of the Elementary and Secondary Education Act of 1965, as well as chapter 2 of the Education Consolidation and Improvement Act of 1981. These programs would be extended through fiscal year 1993.

This legislation will be the focal point of our reauthorization work. It will be the document which we mark up in both subcommittee and committee later this year, and I fully anticipate that it will be the bill that we eventually will consider on the Senate floor.

The reauthorization of this important elementary and secondary education legislation will be the major work of the Subcommittee on Education, Arts, and Humanities during the 100th Congress. The current chapter I program, which provides compensatory education services to children from economically disadvantaged families, is our major elementary and secondary education program. It provides almost $4 billion a year to bring poor children into the educational mainstream by upgrading their education in reading, writing, and computation. It is a program widely acclaimed for its success, and one which merits careful deliberation during the reauthorization process.

The current chapter 2 program provides almost $530 million yearly in block grant funds to State and local education agencies for a series of educational purposes. It is a program that also has enjoyed widespread support, even though there are those who would like to see it more carefully targeted to a few areas of critical concern. I am among those who would revise this legislation in a fashion that would preserve the block-grant concept, but would limit the block grant to areas that I believe are deserving of national priority focus. Within the very near future I will again introduce legislation that would accomplish this purpose.

Regarding the reauthorization process, field hearings will commence in February when Senator ROBERT STAFFORD, the former chairman and now ranking minority member of the subcommittee, holds two hearings in his home State of Vermont. I consider it fitting that our reauthorization work should start with BOB STAFFORD, for it is because of his strong leadership and careful stewardship over the past 6 years that our education programs are as healthy as they are today. Over the years, whether the firm has been PELL-STAFFORD or STAFFORD-PELL, we have worked closely together to further the cause of education. Partisanship has never been a factor. That is the way it should have been, and that is the way it will continue to be. Both of us are deeply concerned about the educational well-being of our Nation, and both of us are just as committed to the continuation of our partnership for education.

We will begin hearings here in Washington, DC, on March 5 when Secretary of Education William Bennett will appear before the subcommittee to explain the administration's proposals in this area. I am very encouraged by the hard work that the Department of Education has put into the reauthorization of the chapter 1 and 2 programs. It is clear that they intend to be players during the reauthorization of these key elementary and secondary education programs. To my mind, that is a very heartening prospect, and I look forward to working with them in the months ahead.

On March 16 we will hold a joint reauthorization hearing with the House Subcommittee on Elementary, Secondary and Vocational Education. That hearing will focus on business support for Federal compensatory education programs, and the witnesses will include: Charles W. Parry, chairman and chief executive officer of the Aluminum Co. of America; William S. Edgerly, chairman and president of the State Street Bank & Trust Co. in Boston, MA; Charles Marshall, executive vice president of the American Telephone & Telegraph Co.; and William S. Woodside, chairman of American Can Co. These are distinguished business leaders and will most certainly provide important input to our reauthorization work.

These are but the first of what I expect will be a series of very substantive hearings not only here but also in the field. As I said at the outset, these are important education programs, and because of their importance, it is critical that we pursue reauthorization with utmost care and deliberation. To my mind, our efforts are to produce a bill that is sound and can command widespread support in the Senate. And, it is with that goal uppermost in my mind that I introduce this legislation.

I ask unamimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Elementary and Secondary Education Amendments of 1987".

PROGRAM OF FINANCE ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF DISADVANTAGED CHILDREN

SEC. 2. (a) DECLARATION OF POLICY.—Section 101 of the Elementary and Secondary Education Act of 1965 (hereafter in this Act referred to as the "Act") is amended to read as follows:

"DECLARATION OF POLICY

"SEC. 101. The Congress declares it to be the policy of the United States to continue to provide financial assistance to State and local educational agencies to meet the special needs of educationally deprived children, on the basis of entitlements calculated under title I of the Elementary and Secondary Education Act of 1965, but to do so in a manner which will eliminate burdensome, unnecessary, and unproductive paperwork and free the schools of unnecessary Federal supervision, direction, and control. Further, the Congress recognizes the special educational needs of children of low-income families, and that concentrations of such children in local educational agencies adversely affect their ability to provide educational programs which will meet the needs of such children. The Congress also finds that Federal assistance for this purpose will be more effective if education officials, principals, teachers, and supporting personnel are freed from overly prescriptive regulations and administrative burdens which are not necessary for fiscal accountability and make no contribution to the instructional program.".

(b) DURATION OF ASSISTANCE.—Section 102 of the Act is amended to read as follows:

"DURATION OF ASSISTANCE

"SEC. 102. During the period beginning October 1, 1987, and ending September 30, 1993, the Secretary shall, in accordance with the provisions of this title, make payments to State educational agencies for grants made on the basis of entitlements created under this title and calculated in accordance with provisions of this title.".

(c) APPLICABILITY AND NONAPPLICABILITY OF CERTAIN PROVISIONS OF TITLE I.—Title I of the Act is amended by adding after section 102 the following new section:

"APPLICABILITY OF TITLE I PROVISIONS OF LAW

"SEC. 103. (a) PROGRAM ELIGIBILITY.—Except as otherwise provided in this title, the Secretary shall, for the period beginning October 1, 1987 and ending September 30, 1993, make payments based upon the amount of, and eligibility for, grants as determined under the following provisions of this title in effect on September 30, 1982:

"(1) Part A—'Programs Operated by Local Education Agencies':

"(A) Subpart 1—'Basic Grants'; and

"(B) Subpart 2—'Special Grants'.

"(2) Part B—'Programs Operated by State Agencies':

"(A) Subpart 1—'Programs for Migratory Children';

"(B) Subpart 2—'Programs for Handicapped Children';

"(C) Subpart 3—'Programs for Neglected and Delinquent Children'; and

"(D) Subpart 4—'General Provisions for State Operated Programs'.

"(b) ADMINISTRATIVE PROVISIONS.—The Secretary, in making the payments and determinations specified in subsection (a), shall, for the period beginning October 1, 1987 and ending September 30, 1993, continue to use the following provisions of this title:

"(1) Part E—'Payments': A

"(A) Section 191—'Amount of Payments to Local Educational Agencies';

"(C) Section 193—'Adjustments Where Necessitated by Appropriations'; and

"(D) Section 194—'Payments for State Administration', subject to subsection (d) of this section.

"(2) Part F—'General Provisions':

"(A) Section 197—'Limitation on Grants to Puerto Rico'; and

"(B) Section 198—'Definitions' and conforming amendments to other Acts, except that only those definitions applicable to this subtitle shall be used.

"(c) NONAPPLICABILITY RULE.—The provisions of this title which are not specifically made applicable by this section shall not be applicable to programs authorized under this title, for the period beginning October 1, 1987 and ending September 30, 1993.".

"(d) TRANSFER OF CHAPTER 1 PROVISIONS APPLICABLE TO TITLE I PROGRAMS.—Title I of the Act is amended by adding after section 103 (as added by subsection (c)) the following new sections:

"AUTHORIZED PROGRAMS

"SEC. 104. (a) GENERAL.—Each State and local educational agency shall use the payments under this title for programs and projects (including the acquisition to equipment and, where necessary, the construction of school facilities) which are designed to meet the special educational needs of educationally deprived children.

"(b) PROGRAM DESIGN.—State agency programs shall be designed to serve migratory children of migratory agricultural workers or of migratory fishermen, handicapped children, and neglected and delinquent children (as described in subparts 1, 2, and 3, respectively, of part B of this title in accordance with section 103(a)(2) and the other applicable requirements of this title. The Secretary shall continue to use the definitions of 'agricultural activity', 'currently migratory child', and 'fishing activity' which were in effect on June 30, 1982, in regulations prescribed under subpart 1 of part B of this title. No additional definition of 'migratory agricultural workers' or 'migratory fisherman' may be applied after the date of enactment of this subsection to such subpart 1, except that such definition shall be modified to include children of migratory fishermen, if such children reside in a school district of more than 18,000 square miles and migrate a distance of 20 miles or more to temporary residences to engage in fishing activity.

"(c) PROGRAM DESCRIPTION.—A local education agency may use funds received under this title only for programs and projects which are designed to meet the special educational needs of educationally deprived children identified in accordance with section 105(b)(2), and which are included in an application for assistance approved by the State educational agency. Such programs and projects may include the acquisition of equipment and instructional materials, employment of special instructional and counseling and guidance personnel, employment and training of teacher aides, payments to teachers of amounts in excess of regular salary schedules as a bonus for service in schools serving project areas, the training of teachers, the construction, where necessary, for school facilities, other expenditures authorized under this title as in effect September 30, 1982, and planning for such programs and projects.

"(d) Records and Information.—Each State educational agency shall keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this title).

"(e) Evaluation.—Each State educational agency shall—

"(1) conduct an evaluation of the programs assisted under this title at least every two years and shall make public the results of that evaluation; and

"(2) collect data on the race, age, and gender of children served by the programs assisted under this title and on the number of children served by grade-level under the programs assisted under this title.

"APPROVAL OF APPLICATIONS

"Sec. 105. (a) Application by Local Educational Agency.—A local educational agency may receive a grant under this title for any fiscal year if it has on file with the State educational agency an application which describes the programs and projects to be conducted with such assistance for a period of not more than three years, and such application has been approved by the State educational agency.

"(b) Application Assurances.—The application described in subsection (a) shall be approved if it provides assurances satisfactory to the State educational agency that the local educational agency will keep such records and provide such information to the State educational agency as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the state agency under this title), and that the programs and projects described—

"(1)(A) are conducted in attendance areas of such agency having the highest concentrations of low-income children; or

"(B) are located in all attendance areas of an agency which has a uniformly high concentration of such children;

"(2) are based upon an annual assessment of educational needs which identifies educationally deprived children in all eligible attendance areas, requires, among the educationally deprived children selected, the inclusion of those children who have the greatest need for special assistance, and determines the needs of participating children with sufficient specificity to ensure concentration on those needs;

"(3) are of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special educational needs of the children being served and are designed and implemented in consultation with parents and teachers of such children;

"(4) will be evaluated in terms of their effectiveness in achieving the goals set for them, and that such evaluations shall include objective measurements of educational achievement in basic skills and a determination of whether improved performance is sustained over a period of more than one year, and that the results of such evaluation will be considered by such agency in the improvement of the programs and projects assisted under this title; and

"(5) make provision for services to educationally deprived children attending private elementary and secondary schools in accordance with section 106.

"(c) Exemption From Targeting.—The requirements of subsection (b)(1) shall not apply in the case of a local educational agency with a total enrollment of less than 1,000 children, but this subsection does not relieve such an agency from the responsibility to serve children under the assurances set forth in subsection (b)(2).

"(d) Local Educational Agency Discretion.—Notwithstanding subsection (b)(1) of this section, a local educational agency shall have discretion to make educational decisions which are consistent with achieving the purposes of this title as set forth in this subsection, as follows:

"(1) A local educational agency may designate any school attendance area in which at least 25 per centum of the children are from low-income families as an eligible school attendance area.

"(2) A local educational agency may, with the approval of the State educational agency, designate as eligible (and serve) school attendance areas with substantially higher numbers or percentages of educationally deprived children before school attendance areas with higher concentrations of children from low-income families, but this provision shall not permit the provision of services to more school attendance areas than could otherwise be served. A State educational agency shall approve such a proposal only if the State educational agency finds that the proposal will not substantially impair the delivery of compensatory education services to educationally deprived children from low-income families in project areas served by the local educational agency.

"(3) Funds received under this title may be used for educationally deprived children who are in a school which is not located in an eligible school attendance area when the proportion of children from low-income families in average daily attendance in such school is substantially equal to the proportion of such children in an eligible school attendance area of such agency.

"(4) If an eligible school attendance area or eligible school was so designated in accordance with subsection (b)(1)(A) in either of two preceding fiscal years, it may continue to be so designated for a single additional fiscal year even through it does not qualify in accordance with subsection (b)(1)(A).

"(5) With approval of the State educational agency, eligible school attendance areas or eligible schools which have higher proportions of children from low-income families may be skipped if they are receiving, from non-Federal funds, services of the same nature and scope as would otherwise be provided under this title, but (A) the number of children attending private elementary and secondary schools who receive services under this title shall be determined without regard to non-Federal compensatory education funds which serve eligible children in public elementary and secondary schools, and (B) children attending private elementary and secondary schools who receive assistance under this title shall be identified in accordance with this section and without regard to skipping public school attendance areas or schools under this paragraph.

"(6) A child who, in any previous year, was identified as being in greatest need of assistance, and who continues to be educationally deprived, but who is no longer identified as being in greatest need of assistance, may participate in a program or project assisted under this title for the current year.

"(7) Educationally deprived children who begin participation in a program or project assisted under this title who, in the same school year, are transferred to a school attendance area or a school not receiving funds under this title, may continue to participate in a program or project funded under this title for the remainder of such year.

"(8) The local educational agency is not required to use funds under this title to serve educationally deprived children in greatest need of assistance if such children are receiving, from non-Federal sources, services of the same nature and scope as would otherwise be provided under this title.

"(9) In the case of any school serving an attendance area that is eligible to receive services under this title and in which not less than 75 per centum of the children are from low-income families, funds received under this title may be used for a project designed to upgrade the entire educational program in that school in the same manner and only to the same extent as permitted under section 133(b) of this Act (but without regard to paragraph (4) of such section).

"(10) Public school personnel paid entirely by funds made available under this title may be assigned limited, rotating, supervisory duties which are assigned to similarly situated personnel who are not paid with such funds, and such duties need not be limited to classroom instruction or to the benefit of children participating in programs or projects funded under this title. Such duties may not exceed the same proportion of total time as is the case with similarly situated personnel at the same school site, or 10 per centum of the total time, whichever is less.

"(e) Parental Involvement.—For the purposes of complying the assurances given pursuant to subsection (b)(3) with respect to consultation with parents of participating children, (1) a local educational agency shall convene annually a public meeting, to which all parents of eligible students shall be invited, to explain to parents the programs and activities provided with funds made available under this title, and (2) if parents desire further activities, the local educational agency may, upon request, provide reasonable support for such activities.

"PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS

"Sec. 106. (a) General Requirements.—To the extent consistent with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such agency shall make provisions for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) in which such children can participate and which meet the requirements of sections 104(c), 105(b) (1), (2), (3), and (4), and 107(b). Expenditures for educational services and arrangements pursuant to this section for educationally deprived children in private schools shall be equal (taking into account the number of children to be served and the special educational needs of such children) to expenditures for children enrolled in the public schools of the local educational agency.

"(b) Bypass Provision.—(1) If a local educational agency is prohibited by law from providing for the participation in special programs for educationally deprived children enrolled in private elementary and secondary schools as required by subsection (a), the Secretary shall waive such requirements, and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of subsection (a).

"(2) If the Secretary determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of educationally deprived children enrolled in private elementary and secondary schools as required by subsection (a), the Secretary shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of subsection (a), upon which determination the provisions of subsection (a) shall be waived.

"(3)(A) When the Secretary arranges for services pursuant to this subsection, the Secretary shall, after consultation with the appropriate public and private school officials, pay to the provider the cost of such services, including the administrative cost of arranging for such services, from the appropriate allocation or allocations under this title.

"(B) Pending final resolution of any investigation or complaint that could result in a determination under this subsection, the Secretary may withhold from the allocation of the affected State or local educational agency the amount the Secretary estimates would be necessary to pay the cost of such services.

"(C) Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the local educational agency to meet the requirements of subsection (a).

"(4)(A) The Secretary shall not take any final action under this subsection until the State educational agency and local educational agency affected by such action have had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or his designee to show cause why such action should not be taken.

"(B) If a State or local educational agency is dissatisfied with the Secretary's final action after a proceeding under subparagraph (A) of this paragraph, it may within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(C) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(D) Upon the filing of a petition under subparagraph (B), the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254, of title 28, United States Code.

"(c) Any bypass determination by the Secretary under title I of the Elementary and Secondary Education Act of 1965 prior to August 15, 1981, shall remain in effect to the extent consistent with the purposes of this section.

"GENERAL PROVISIONS

"Sec. 107. (a) Maintenance of Effort.—(1) Except as provided in paragraph (2), a local educational agency may receive funds under this title for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 per centum of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(2) The State educational agency shall reduce the amount of the allocation of funds under this title in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of paragraph (1) by falling below 90 per centum of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) The State educational agency may waive, for one fiscal year only, the requirements of this subsection if the State educational agency determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency.

"(b) Federal Funds To Supplement, Not Supplant Regular Non-Federal Funds.—A State educational agency or other State agency in operating its State level programs or a local educational agency may use funds received under this title only so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this title, and in no case may such funds be so used as to supplant such funds from such non-Federal sources. In order to demonstrate compliance with this subsection no State educational agency, other State agency, or local educational agency shall be required to provide services under this title outside the regular classroom or school program.

"(c) Comparability of Services.—(1) A local educational agency may receive funds under this chapter only if State and local funds will be used in the district of such agency to provide services in project areas which, taken as a whole, are at least comparable to services being provided in areas in such district which are not receiving funds under this title. Where all school attendance areas in the district of the agency are designated as project areas, the agency may receive such funds only if State and local funds are used to provide services which, taken as a whole, are substantially comparable in each project area.

"(2) A local educational agency shall be deemed to have met the requirements of paragraph (1) if it has filed with the State educational agency a written assurance that it has established—

"(A) a districtwide salary schedule;

"(B) a policy to ensure equivalence among schools in teachers, administrators, and auxiliary personnel; and

"(C) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

Unpredictable changes in student enrollment or personnel assignments which occur after the beginning of a school year shall not be included as a factor in determining comparability of services.

"(d) Exclusion of Special State and Local Program Funds.—For the purposes of determining complicance with the requirements of subsections (b) and (c), a local educational agency may exclude State and local funds expended for carrying out special programs to meet the educational needs of educationally deprived children, including compensatory education for educationally deprived children (which meets the requirements of section 131(c) of this Act). For the purpose of determining compliance with the requirements of subsection (c), a local educational agency may exclude State and local funds expended for—

"(1) bilingual education for children of limited English proficiency,

"(2) special education for handicapped children or children with specific learning disabilities, and

"(3) certain State phase-in programs as described in section 131(d) of the Elementary and Secondary Education Act of 1965.

"(e) Allocation of Funds in Certain States.—Notwithstanding section 111(a)(3)(C) of this Act, in any State in which a large number of local educational agencies overlap county boundaries, the State educational agency is authorized to make allocations of basic grants and special incentive grants directly to local educational agencies without regard to counties, if such allocations were made during fiscal year 1982, except that (1) precisely the same factors are used to determine the amount of such grants to counties, and (2) a local educational agency dissatisfied with such determination is afforded an opportunity for a hearing on a matter by the Senate educational agency.

"APPLICATION OF OTHER LAWS

"Sec. 108. (a) General Rule.—Except as otherwise specifically provided by this section, the General Education Provisions Act shall apply to the programs authorized by this title.

"(b) Supersession Rule.—The following provisions of the General Education Provisions Act shall be superseded by the provisions specified in this subsection with respect to the programs authorized by this title:

"(1) Section 408(a)(1) of the General Education Provisions Act is superseded by section 591(a) of the Education Consolidation and Improvement Act of 1981.

"(2) Section 426(a) of such Act is superseded by section 591(b) of the Education Consolidation and Improvement Act of 1981.

"(3) Section 427 of such Act is superseded by section 105(b)(3) of this title.

"(4) Section 430 of such Act is superseded by section 105(a) and 564(b) of of this title.

"(5) Section 431A of such Act is superseded by section 107(a) of this title.

"(6) Section 453 of such Act is superseded by section 592 of the Education Consolidation and Improvement Act of 1981.

"(7) Section 455 of such Act is superseded by section 593 of the Education Consolidation and Improvement Act of 1981 with respect to judicial review of withholding of payments.

"(c) Nonapplicability Rule.—Sections 434, 435, and 436 of the General Education Provisions Act, except to the extent that such sections relate to fiscal control and fund accounting procedures, shall not apply to the programs authorized by this title and shall not be construed to authorize the Secretary to require any reports or take any actions not specifically authorized by this title.

"(e) Technical Amendment.—The heading of title I of the Act is amended to read as follows:

"TITLE I—FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF DISADVANTAGED CHILDREN".

REAUTHORIZATION OF THE CONSOLIDATION PROGRAM UNDER CHAPTER 2

Sec. 3. (a) Reauthorization.—Section 562(a) of the Education Consolidation and Improvement Act of 1981 is amended by striking out "for fiscal year 1982 and each of the five succeeding fiscal years" and inserting in lieu thereof "for fiscal year 1988 and for each succeeding fiscal year ending prior to October 1, 1993".

(b) Technical Amendment.—Section 522(b) of the Education Consolidation and Improvement Act of 1981 is amended by striking out "1987" and inserting in lieu thereof "1993".

REPEALER

Sec. 4. Effective September 30, 1987, chapter 1 of the Education Consolidation and Improvement Act of 1981 is repealed.

By Mr. THURMOND (for himself, Mr. Biden, Mr. Dole, Mr. Byrd, Mr. Hollings, Mr. Simon, Mr. Nickles, Mr. Nunn, Mr. Heinz, Mr. Stennis, Mr. Bentsen, Mr. Kerry, Mr. Pryor, Mr. Roth, Mr. Burdick, Mr. Johnston, Mr. Chafee, Mr. Boren, Mr. Chiles, Mr. Bradley, Mr. Glenn, Mr. Warner, Mr. Trible, Mr. McClure, Mr. Riegle, Mr. Rockefeller, Mr. Specter, Mr. Kennedy, Mr. Stafford, Mr. Zorinsky, Mr. Sasser, Mrs. Kassebaum, Mr. Weicker, Mr. Danforth, Mr. Quayle, Mr. D'Amato, Mr. Heflin, Mr. Grassley, Mr. Cochran, Mr. Wilson, Mr. Inouye, Mr. Metzenbaum, Mr. Lugar, Mr. Gramm, Mr. Bumpers, Mr. Durenberger, Mr. Moynihan, Mr. Sarbanes, Mr. Levin, Mr. Fowler, Ms. Mikulski, Mr. Matsunaga, Mr. Armstrong, Mr. McCain, Mr. Wallop, Mr. Helms, Mr. Hecht, and Mr. Symms):

S.J. Res. 22. Joint resolution to designate the period commencing September 21, 1987, and ending on September 27, 1987, as "National Historically Black Colleges Week;" to the Committee on the Judiciary.

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

Mr. THURMOND. Mr. President, I rise today to introduce a joint resolution which authorizes and requests the President to designate the week of September 21, 1987, through September 27, 1987, as "National Historically Black Colleges Week."

This is the fifth consecutive year that I have authored this legislation. Once again, I am proud to have such a strong display of bipartisan support for this resolution as is demonstrated by the 56 original cosponsors. Several of these cosponsors do not have historically black colleges and universities located in their States. However, they appreciate, as do I, the great contributions made to our Nation by these institutions.

Six of the 101 historically black colleges, namely Allen University, Benedict College, Claflin College, South Carolina State College, Morris College, and Voorhees College, are located in my home State. These colleges are vital to the higher education system of South Carolina. They have provided thousands of economically disadvantaged young people with the opportunity to obtain a college education.

Mr. President, hundreds of thousands of young Americans have received quality educations at these 101 schools. These institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society. Historically black colleges offer to our citizens a variety of curriculums and programs through which young people develop skills and talents, thereby expanding opportunities for continued social progress.

Recent statistics show that historically black colleges and universities have graduated 60 percent of the black pharmacists in the Nation, 40 percent of the black attorneys, 50 percent of the black engineers, 75 percent of the black military officers, and 80 percent of the black members of the judiciary.

Mr. President, through passage of this resolution, Congress can reaffirm its support for historically black colleges, and appropriately recognize their important contributions to our Nation. I look forward to the speedy passage of this resolution, and I ask unanimous consent that a copy of the joint resolution appear in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 22

Whereas there are 101 Historically Black Colleges and Universities in the United States;

Whereas such colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas such institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of the Historically Black Colleges are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing September 21, 1987, and ending on September 27, 1987, is designated as "National Historically Black Colleges Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe such week with appropriate ceremonies, activities, and programs, thereby demonstrating support for Historically Black Colleges and Universities in the United States.

By Mr. ARMSTRONG (for himself and Mr. Boren):

S.J. Res. 23. Joint resolution proposing an amendment to the Constitution relating to increases in the public debt of the United States; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT RELATING TO THE PUBLIC DEBT

● Mr. ARMSTRONG. Mr. President, along with my colleague Senator Boren of Oklahoma, today I am proposing a constitutional amendment to require a three-fifths vote of both Houses of Congress to increase the level of Federal public debt. Senator Boren and I have advanced this proposal twice in the past 4 years during consideration of a balanced budget constitutional amendment and the Senate has added this measure to that amendment on two occasions. Most recently, in the 99th Congress, this proposal was adopted by a vote of 57 to 40.

This year Senator Boren and I have decided to introduce our proposal as a separate constitutional amendment because it's effect and purpose are precisely the same as the balanced budget amendment. That proposal would require a three-fifths vote of the Congress to incur annual budget deficits. Our proposal would require a three-fifths vote to increase the level of public debt necessary to finance a budget deficit. This is a much simpler and direct way to ensure that a three-fifths vote occur should the Federal Government run a deficit. It is perhaps the most effective way to enforce a three-fifths requirement to unbalance the budget. It is a balanced budget constitutional amendment that goes right to the crux of the problem: increasing Federal debt—not just annual budget deficits. After all, it is spiraling Federal debt that crowds out private investment, consumes record amounts of private savings, threatens to drive up interest rates, and costs taxpayers hundreds of billions in debt service costs.

Mr. President, in 1940, the public debt of the United States was $43 billion. By 1986, the public debt exceeded $1.7 trillion—an increase of over 3,800 percent in 46 years. By 1990, another $500 billion will be added to the public debt under the President's recent budget plan—raising the debt to nearly $2.2 trillion. In fiscal year 1987, interest payments on the Federal debt are projected to be $138 billion. Between 1981 and 1990, the Federal Government will have spent $1.2 trillion just on interest payments. This equals the entire amount of public debt accumulated from 1789 to 1983. How anyone can contemplate this sorry state of affairs and argue that fundamental reform is not called for is beyond me.

The appeal of this proposal is simple: the Federal Government shall spend only what it has in revenues. To spend any more, it must raise revenues or increase the public debt by a three-fifths vote of both Houses of Congress.

Some may find this proposal too tough. I disagree. This amendment would do no more than force the Federal Government to set priorities and choose among them. That is what governing is all about. I also believe this measure reflects the kind of enduring principle upon which our Nation was founded and which appropriately belongs in our Constitution. I hope my colleagues will give this proposal their consideration as the 100th Congress again tackles the difficult fiscal problems before our country.

Mr. President, I ask that the amendment be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.J. RES. 23

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid as a part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States by the Congress:

"ARTICLE —

"The public debt of the United States shall not be increased unless three-fifths of the whole number of each House of the Congress have approved a bill or joint resolution authorizing the increase and the bill or joint resolution has become law.".●

By Mr. EXON:

S.J. Res. 25. Joint resolution proposing an amendment to the Constitution relating to Federal budget procedures; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT TO REQUIRE A BALANCED FEDERAL BUDGET

Mr. EXON. Mr. President, I rise to introduce legislation to propose an amendment to the Constitution which requires that the President propose and the Congress enact a balanced Federal budget.

I carefully selected this bill as my first piece of legislation in the 100th Congress. No issues pose a more serious threat to agriculture and America's economic well-being than annual Federal budget deficits and the skyrocketing national debt.

The accumulated national debt has more than doubled in the last 6 years to over $2 trillion, and $200-plus billion deficits have now become commonplace. Just as disturbing is the fact that the President has just sent to Congress a trillion dollar budget with a projected deficit of $135 billion. In 6 years, the President has yet to send to Congress a balanced budget. This year, the President's budget does not even meet the deficit targets set by the Gramm-Rudman-Hollings law.

It is time that the Congress learn a lesson from the State of Nebraska. Nebraska and over half of the States across the Nation operate on a balanced budget mandated by their State constitutions. As Governor of the great State of Nebraska, I had the benefit of a State-balanced budget constitutional amendment. I found this provision to be a useful tool in controlling the spending and taxing authority of the Nebraska State legislature. It is far past time that Federal Government operate under a constitutional balanced budget mandate, and I think this would be overwhelmingly accepted by the States.

The lack of Presidential and congressional leadership on the budget has been irresponsible and dangerous. The President and the Congress have been more interested in assigning blame for the deficit crisis than they have been in working together to make the spending and revenue changes and adjustments that are obviously necessary to close the gap between spending and receipts.

Over the years, I have come to this floor with my colleagues to offer alternative budgets which would have made a serious attack on the deficit. Although our proposals enjoyed broad bipartisan support, the Congress and the administration have repeatedly chosen to conduct business as usual by using the old formula of borrow and borrow, spend and spend.

It must stop. I must say that the growing deficit problem was very difficult to address several years ago and has only become more and more difficult as a result of our inaction as we face this monster today. The balanced budget constitutional amendment will not magically balance the budget or cure our Nation's economic ills. Advocating the enactment of a balanced budget amendment alone will not restore fiscal sanity. The enactment of a prudent long-term budget which asks shared sacrifice from all Americans is the only way the budget can be balanced. However, I am confident that a constitutional mandate to balance the Federal budget will force the President and Congress to face tough spending and revenue issues.

The legislation I introduce today is a balanced proposal and recognizes the role of the President and the Congress in budget leadership. The words were carefully chosen to mirror well defined concepts already existing in the Constitution and provide Congress and the President flexibility in a national emergency.

Budget deficits are a crushing force on our economy. The reckless spending of the last 6 years has spread economic havoc across America. Nowhere is the cost of the supply-side revolution more evident than in rural America where farmers, businesses, and entire communities are working through a virtual depression. Our opportunities as a Nation and world economic power can be enhanced only after we tame the debt and deficit giants.

As a long-time fiscal conservative, I believe that a government, like a family or a business, cannot continue to spend more than it has without facing financial ruin. The passage of this constitutional amendment is vital to the economic future of the Nation.

Mr. President, I offer my formulation of a balanced budget constitutional amendment for the consideration of this body. I urge my colleagues to study this proposal and invite their support.

Mr. President, I sent the matter that I have just spoken of to the desk in the form of a joint resolution.

I ask that the joint resolution be printed in the RECORD immediately following the remarks that I just addressed to the Senate.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 25

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, the President shall submit to the Congress a proposed statement of revenues and appropriations for the coming fiscal year and shall recommend to the consideration of Congress such measures as the President shall judge necessary to assure that appropriations do not exceed revenues for that fiscal year.

"Section 2. Prior to each fiscal year, the Congress shall approve a proposed statement of revenues and appropriations for the coming fiscal year and shall adopt measures necessary to assure that appropriations do not exceed revenues for that fiscal year.

"Section 3. No bill which causes appropriations to exceed revenues for a fiscal year shall become law unless passed by two-thirds of the Senate and House of Representatives.

"Section 4. The Congress may waive the provisions of this Article for any fiscal year in which a declaration of national emergency is in effect.

"Section 5. The Congress shall have the power to enforce this Article by appropriate legislation.

"Section 6. This Article shall become effective beginning with the later of—

"(1) the second fiscal year to begin after its ratification, or

"(2) fiscal year 1992.".

By Mr. PELL:

S.J. Res. 26. Joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes; to the Committee on Labor and Human Resources.

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICE

● Mr. PELL. Mr. President, today I am introducing legislation that calls for a White House Conference on Library and Information Services to be held in 1989. This proposal arises out of my direct involvement in the very successful 1979 White House Conference that focused national attention on the critical issues then affecting library and information services. The long range benefits that resulted from this Conference were many, but foremost among them were increased State appropriations for libraries and the formation of many statewide Friends of Libraries organizations.

One of the important recommendations of this first White House Conference was that a similar conference at the Federal level be held every 10 years "to establish the national information goals and priorities for the next decade, to assure effective transfer of knowledge to citizenry, and to accomplish this goal in light of accelerated changes in information technology and practices."

It is now time to formally establish this second conference and to begin the serious task of setting an agenda that will properly address the important issues facing libraries today. A similar proposal, introduced in the 99th Congress, had gathered the bipartisan support of 50 Senators before time ran out, delaying further action until this year.

A White House Conference Preliminary Design Group has already proposed that three overarching themes be the focus for the 1989 Conference: library and information services for productivity, for literacy, and for democracy. Each theme is highly topical and will bring attention to areas that are of current concern both to government officials and to those in the library and information services community.

Libraries provide research and information services that are vital to the economic well being of our Nation. As access to information becomes more and more important in our modern society, the ability to locate, acquire, organize, and use information properly is something that even the average person must now have. The White House Conference will consider how libraries can further contribute to economic vitality and growth.

Illiteracy should rightly be addressed as a crisis of major national importance. Fully one-fifth of the American adult population, or 27 million persons, cannot read beyond the fifth grade level, while another 46 million are only marginally competent in reading and writing skills. This deplorable situation leads directly to high unemployment rates which in turn have a direct bearing on our Nation's economic health.

Libraries obviously play a most central role in developing and expanding literacy. Studies have shown that reading skills and verbal expression have increased dramatically in elementary schools simply by adding or extending library activities. One very critical point to note here, however, is that 7 percent of our schools still do not have libraries. The tragic problem of illiteracy is, to my mind, one of the most crucial issues for the White House Conference to address.

By coincidence, the bicentennial of the U.S. Constitution will occur about the same time as the White House Conference on Libraries and Information Services. This event should help focus additional attention on the third theme for the Conference: The importance of information in a democratic society. While information helps government officials make important decisions, a truly democratic society depends also on the informed participation of its people. Libraries are the information resource centers to which citizens turn to inform themselves.

The Conference shall be planned and conducted under the direction of the National Commission on Libraries and Information Science in much the same manner as the Commission coordinated the 1979 Conference. A successful conference at the national level requires broad-based involvement in the planning process and it is the Commission's responsibility to ensure the participation of individuals and organizations at the local, State, regional, and national levels.

To help focus attention on a wide range of issues connected with the initiation of this Conference, I intend to convene a hearing of the Subcommittee on Education, Arts and Humanities on an early date in this 100th session of the Congress. Congressman William Ford of Michigan will be introducing an identical resolution in the House of Representatives calling for this important 1989 White House Conference on Library and Information Services.

It is time now for library users, civic leaders, and lawmakers at all levels to join earnestly in working with librarians and suppliers of information services to plan a second White House Conference. This Conference will be a significant reaffirmation of our commitment to our libraries. As it is important that this process begin, I urge my colleagues to join me in cosponsoring this legislation.

I ask unanimous consent that the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 26

Whereas access to information and ideas is indispensable to the development of human potential, the advancement of civilization, and the continuance of enlightened self-government;

Whereas the preservation and the dissemination of information and ideas are the primary purpose and function of the library and information services;

Whereas the economic vitality of the United States in a global economy and the productivity of the work force of the Nation rest on access to information in the postindustrial information age;

Whereas the White House Conference on Library and Information Services of 1979 began a process in which a broadly representative group of citizens made recommendations that have improved the library and information services of the Nation, and sparked the Nation's interest in the crucial role of library and information services at home and abroad;

Whereas library and information service is essential to a learning society;

Whereas social, demographic, and economic shifts of the past decade have intensified the rate of change and require that Americans of all age groups develop and sustain literacy and other lifelong learning habits;

Whereas expanding technological developments offer unprecedented opportunities for application to teaching and learning and to new means to provide access to library and information services;

Whereas the growth and augmentation of the Nation's library and information services are essential if all Americans, without regard to race, ethnic background, or geographic location are to have reasonable access to adequate information and lifelong learning;

Whereas the future of our society depends on developing the learning potential inherent in all children and youth, especially literary, reading, research, and retrieval skills;

Whereas rapidly developing technology offer a potential for enabling libraries and information services to serve the public more fully; and

Whereas emerging satellite communication networks and other technologies offer unparalleled opportunity for access to education opportunities to all parts of the world, and to individuals who are homebound, handicapped, or incarcerated: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

PRESIDENT TO CALL CONFERENCE IN 1989

SECTION 1. The President is authorized to call a White House Conference on Library and Information Services to be held not later than 1989.

ESTABLISHMENT OF CONFERENCE

SEC. 2. (a) PURPOSE.—The purpose of the White House Conference on Library and Information Services shall be to develop recommendations for the further improvement of the library and information services of the Nation and their use by the public, in accordance with the findings set forth in the preamble to this joint resolution.

(b) COMPOSITION.—The Conference shall be composed of—

(1) representatives of professional library and information personnel and individuals who support or furnish volunteer services to libraries and information services centers, from all age groups and walks of life, and members of the general public;

(2) representatives of local, statewide, regional, and national institutions, agencies, organizations, and associations which provide library and information services to the public;

(3) representatives of educational institutions, agencies, organizations, and associations (including professional and scholarly associations for the advancement of education and research);

(4) individuals with special knowledge of, and special competence in, technology as it may be used for the improvement of library and information services; and

(5) representatives of Federal, State, and local governments.

(c) DISTRIBUTION OF PARTICIPANTS.—In carrying out subsection (a)—

(1) one-fourth of the participants shall be selected from the library and information profession,

(2) one-fourth of the participants shall be selected from among individuals who are currently active library and information supporters, including trustees and friends groups,

(3) one-fourth shall be selected from among individuals who are Federal, State, or local government officials, and

(4) one-fourth shall be selected from the general public.

(d) STATE PARTICIPATION OPTIONAL.—State and territorial delegates and alternates to the national conference may participate in the respective State or territorial conference.

ADMINISTRATIVE PROVISIONS

SEC. 3. (a) DIRECTION BY COMMISSION.—The Conference shall be planned and conducted under the direction of the National Commission on Libraries and Information Science.

(b) COMMISSION FUNCTIONS.—In carrying out this joint resolution, the Commission shall—

(1) when appropriate, request the cooperation and assistance of other Federal departments and agencies in order to carry out its responsibilities;

(2) make technical and financial assistance (by grant, contract, or otherwise) available to the States to enable them to organize and conduct conferences and other meetings in order to prepare for the Conference;

(3) prepare and make available background materials for the use of delegates to the Conference and associated State conferences, and prepare and distribute such reports of the Conference and associated State conferences as may be appropriate; and

(4) conduct fiscal oversight activities with respect to the preparation for and the convening of the Conference including contracting for the services of an audit firm.

(c) FEDERAL AGENCY COOPERATION AND ASSISTANCE.—(1) Each Federal department and agency, including the national libraries, shall cooperate with, and provide assistance to the Commission upon its request under clause (1) of subsection (b). For that purpose, each Federal department and agency is authorized and encouraged to provide personnel to the Commission.

(2) The Librarian of Congress, the Director of the National Library of Medicine, and the Director of the National Agricultural Library are authorized to detail personnel to the Commission, upon request, to enable the Commission to carry out its functions under this joint resolution.

(d) PERSONNEL.—In carrying out the provisions of this joint resolution, the Commission is authorized to engage such personnel as may be necessary to assist the Commission and the Advisory Committee, without regard for the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(e) EXPENSES.—Members of the Conference may, while away from their homes or regular places of business and attending the Conference, be allowed travel expenses, including per diem in lieu of subsistence, as may be allowed under section 5703 of title 5, United States Code, for persons serving without pay. Such expenses may be paid by way of advances, reimbursement, or in installments as the Commission may determine.

REPORTS

SEC. 4. (a) SUBMISSION TO PRESIDENT; TRANSMITTAL TO CONGRESS.—A final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President not later than 120 days following the close of the Conference. The final report shall be made public and, within 90 days after its receipt by the President, transmitted to the Congress together with a statement of the President containing the recommendations of the President with respect to such report.

(b) PUBLICATION AND DISTRIBUTION.—The Commission is authorized to publish and distribute for the Conference the reports authorized under this joint resolution. Copies of all such reports shall be provided to the depository libraries.

ADVISORY COMMITTEE

SEC. 5. (a) COMPOSITION.—There is established an advisory committee of the Conference composed of—

(1) eight individuals designated by the Chairman of the Commission;

(2) five individuals designated by the Speaker of the House of Representatives with not more than three being Members of the House of Representatives;

(3) five individuals designated by the President pro tempore of the Senate with not more than three being Members of the Senate;

(4) ten individuals appointed by the President;

(5) the Secretary of Education; and

(6) the Librarian of Congress.

The President, the President pro tempore of the Senate, the Speaker of the House of Representatives, and the Chairman of the Commission shall, after consultation, assure that members of the Advisory Committee are broadly representative of all areas of the United States.

(b) FUNCTION.—The advisory committee shall assist and advise the Commission in planning and conducting the Conference.

(c) ADMINISTRATION.—(1) The Chairman of the Commission shall serve as Vice Chairman of the Advisory Committee. The Advisory Committee shall elect the Chair of the Advisory Committee from among its members, who are not full-time Federal employees. The Advisory Committee shall select the Chair of the Conference.

(2) The Chairman of the Advisory Committee is authorized to establish, prescribe functions for, and appoint members to, such advisory and technical committees and staff as may be necessary to assist and advise the Conference in carrying out its functions.

(d) COMPENSATION.—Members of any committee established under this section who are not regular full-time officers or employees of the United States shall, while attending to the business of the Conference, be entitled to receive compensation therefor at a rate fixed by the President but not exceeding the rate of pay specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime. Such members, may, while away from their homes or regular places of business, be allowed travel expenses, including per diem in lieu of subsistence, as may be authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

GIFTS AND TITLE TO CERTAIN PROPERTY

SEC. 6. (a) GIFTS.—The Commission shall have authority to accept, on behalf of the Conference, in the name of the United States, grants, gifts, or bequests of money for immediate disbursement by the Commission in furtherance of the Conference. Such grants, gifts, or bequests offered the Commission, shall be paid by the donor or his representative into the Treasury of the United States, whose receipts shall enter such grants, gifts, and bequests in a special account to the credit of the Commission for the purposes of this joint resolution.

(b) REVERSION OF CERTAIN EQUIPMENT AND MATERIAL.—Materials and equipment acquired by the White House Conference shall revert to the National Conference on Libraries and Information Science after the close of the White House Conference.

DEFINITIONS

SEC. 7. For the purpose of this joint resolution—

(1) the term "Commission" means the National Commission on Libraries and Information Science;

(2) The term "Conference" means White House Conference on Library and Information Services; and

(3) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Is-

lands, the Trust Territory of the Pacific Islands, and American Indian Tribes.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated without fiscal year limitations such sums as may be necessary to carry out this joint resolution. Such sums shall remain available for obligation until expended.●

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. MITCHELL, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1, a bill to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes.

At the request of Mr. ARMSTRONG, his name was withdrawn as a cosponsor of S. 1, supra.

S. 53

At the request of Mr. PRESSLER, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 53, a bill to provide for improvements to the Mount Rushmore Memorial.

S. 65

At the request of Mr. HECHT, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 65, a bill entitled the "Highway Speed Modification Act of 1987".

S. 69

At the request of Mr. TRIBLE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 69, a bill to amend the Internal Revenue Code of 1986 to repeal the basis recovery rule for pension plans.

S. 70

At the request of Mr. TRIBLE, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 70, a bill to provide for the imposition of the death penalty for certain continuing criminal enterprise drug offenses.

S. 78

At the request of Mr. METZENBAUM, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 78, a bill to amend the Securities Exchange Act of 1934.

S. 83

At the request of Mr. JOHNSTON, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Montana [Mr. BAUCUS], the Senator from California [Mr. CRANSTON], the Senator from Maine [Mr. MITCHELL], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 83, a bill to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances.

S. 181

At the request of Mr. RIEGLE, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from Oklahoma [Mr. BOREN], the Senator from Florida [Mr. CHILES], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 181, a bill entitled the "Public Safety Officers' Death Benefits Amendments of 1987".

S. 182

At the request of Mr. RIEGLE, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 182, a bill to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections.

S. 225

At the request of Mr. D'AMATO, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 225, a bill to amend title II of the Social Security Act to protect the benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity (resulting from changes made in 1977 in the benefit computation formula) between those levels and the benefit levels of persons who become eligible for benefits before 1979.

S. 247

At the request of Mr. CRANSTON, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 247, a bill to designate the Kern River as a national wild and scenic river.

S. 250

At the request of Mr. HUMPHREY, the names of the Senator from Utah [Mr. HATCH], and the Senator from Colorado [Mr. ARMSTRONG] were added as cosponsors of S. 250, a bill to prevent fraud and abuse in HUD programs.

S. 264

At the request of Mr. HUMPHREY, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 264, a bill to amend the Internal Revenue Code of 1986 to deny status as a tax-exempt organization, and as charitable contribution recipient, for organizations which perform, finance, or provide facilities for abortions.

S. 267

At the request of Mr. HUMPHREY, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 267, a bill to limit the uses of funds under the Legal Services Corporation Act to provide legal assistance with respect to any proceeding or litigation which relates to abortion.

S. 272

At the request of Mr. HUMPHREY, the names of the Senator from South Dakota [Mr. PRESSLER], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 272, a bill to require certain individuals who perform abortions to obtain informed co-consent.

S. 273

At the request of Mr. HUMPHREY, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Arizona [Mr. DECONCINI], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 273, a bill to require certain individuals who perform abortions to obtain informed consent.

S. 274

At the request of Mr. HUMPHREY, the names of the Senator from Nevada [Mr. HECHT], the Senator from Arizona [Mr. DECONCINI], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 274, a bill to restrict the use of Federal funds available to the Bureau of Prisons to perform abortions.

S. 286

At the request of Mr. FORD, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 286, a bill to provide for a 2-year Federal budget cycle, and for other purposes.

S. 320

At the request of Mr. PELL, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 320, a bill to authorize the Secretary of Education to make grants to local educational agencies for dropout prevention and reentry demonstration projects.

S. 338

At the request of Mr. PRYOR, the names of the Senator from New York [Mr. MOYNIHAN], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 338, a bill to allow homeowners to deduct the full amount of prepaid interest paid in connection with the refinancing of their principal residence for the taxable year in which paid.

S. 341

At the request of Mr. BOREN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 341, a bill to provide emergency assistance to certain agricultural producers and for other purposes.

S. 342

At the request of Mr. CHILES, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 342, a bill to amend title 23, United States Code, to allow Federal highway funds to be used for construction and major reconstruction of certain toll highways, bridges, and tunnels.

SENATE JOINT RESOLUTION 5

At the request of Mr. D'AMATO, the names of the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Joint Resolution 5, a joint resolution designating June 14, 1987, as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 9

At the request of Mr. SARBANES, the name of the Senator from North Dakota [Mr. BURDICK], was added as cosponsor of Senate Joint Resolution 9, a joint resolution to designate the week of March 1, 1987, through March 7, 1987, as "Federal Employees Recognition Week."

SENATE JOINT RESOLUTION 15

At the request of Mr. PRESSLER, the names of the Senator from Florida [Mr. CHILES], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of Senate Joint Resolution 15, a joint resolution designating the month of November 1987 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 16

At the request of Mr. RIEGLE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Joint Resolution 16, a joint resolution to designate the period commencing on April 5, 1987, and ending on April 11, 1987, as "World Health Week," and to designate April 7, 1987, as "World Health Day."

SENATE JOINT RESOLUTION 17

At the request of Mr. RIEGLE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Joint Resolution 17, a joint resolution to designate the period commencing on April 19, 1987, and ending on April 25, 1987, as "National DES Awareness Week."

SENATE JOINT RESOLUTION 18

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Joint Resolution 18, a joint resolution to authorize and request the President to issue a proclamation designating June 1 through June 7, 1987 as "National Fishing Week."

SENATE CONCURRENT RESOLUTION 8

At the request of Mr. BYRD, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Nevada [Mr. REID], the Senator from Tennessee [Mr. GORE], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Indiana [Mr. LUGAR], the Senator from New Jersey [Mr. BRADLEY], the Senator from Texas [Mr. GRAMM], the Senator from Oklahoma [Mr. BOREN], the Senator from Illinois [Mr. DIXON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Missouri [Mr. DANFORTH], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Concurrent Resolution 8, a concurrent resolution relating to the current human rights policies of the Soviet Union.

At the request of Mr. CHAFEE, his name was added as a cosponsor of Senate Concurrent Resolution 8, supra.

At the request of Mr. HEINZ, his name was added as a cosponsor of Senate Concurrent Resolution 8, supra.

At the request of Mr. DOLE, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of Senate Concurrent Resolution 8, supra.

At the request of Mr. PRESSLER, his name was added as a cosponsor of Senate Concurrent Resolution 8, supra.

SENATE RESOLUTION 46

At the request of Mr. DOLE, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of Senate Resolution 46, a resolution expressing the sense of the Senate regarding tax rates.

SENATE CONCURRENT RESOLUTION 10—TO MAKE A CORRECTION IN THE ENROLLMENT OF THE BILL H.R. 1

Mr. BREAUX (for himself and Mr. JOHNSTON) submitted the following concurrent resolution; which was referred to the Committee on Environment and Public Works:

S. CON. RES. 10

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 1) to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes, the Clerk of the House of Representatives shall make the following correction in section 306:

Strike out subsection (c) and insert in lieu thereof the following new subsection:

(c) PHOSPHATE FERTILIZER EFFLUENT LIMITATION.—

(1) ISSUANCE OF PERMIT.—As soon as possible after the date of the enactment of this Act, but not later than 180 days after such date of enactment, the Administrator shall issue permits under section 402(a)(1)(B) of the Federal Water Pollution Control Act with respect to facilities—

(A) which were under construction on or before April 8, 1974, and

(B) for which the Administrator is proposing to revise the applicabiliity of the effluent limitation established under section 301(b) of such Act for phosphate subcategory of the fertilizer manufacturing point source category to exclude such facilities.

(2) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

(A) to require the Administrator to permit the discharge of gypsum or gypsum waste into the navigable waters,

(B) to affect the procedures and standards applicable to the Administrator in issuing permits under section 402(a)(1)(B) of the Federal Water Pollution Control Act, and

(C) to affect the authority of any State to deny or condition certification under section 401 of such Act with respect to the issuance of permits under section 402(a)(1)(B) of such Act.

Mr. BREAUX. Mr. President, the concurrent resolution I am introducing today with my senior colleague from Louisiana, Mr. JOHNSTON, would clarify and correct the text of section 306(c) of H.R. 1 regarding four fertilizer manufacturing plants located in Louisiana. Section 306(c) has caused some concern within my State due to uncertainties regarding the effects of this section. This provision requires the Environmental Protection Agency [EPA] to issue best professional judgment permits to these four fertilizer plants within 180 days of enactment of H.R. 1. Many individuals have expressed concern that this provision would require the issuance of permits which would allow the discharge of gypsum, a byproduct of the fertilizer manufacturing process, into the Mississippi River.

It is our understanding that there are several potential types of discharge associated with these types of fertilizer plants—stormwater, cooling water, and gypsum. Section 306(c) does not require that a permit be issued for the discharge of gypsum into the navigable waters. Under this section, for example, EPA could issue a permit imposing limitations on the discharge of stormwater and cooling water while prohibiting the discharge of gypsum altogether.

This concurrent resolution we are offering provides additional clarification that any permits issued by the Administrator of EPA must comply with the applicable procedures and standards for issuing such permits under section 402(a)(1)(B) of the Federal Water Pollution Control Act. Further, the resolution clarifies that section 306(c) does not in any way require the Administrator to permit the discharge of gypsum or gypsum waste into the navigable waters, nor does it affect the authority of any State to deny or condition certification under section 401 of the act with respect to the issuance of these permits.

Mr. President, the corrections and clarifications contained in this resolution are identical to those contained in House Concurrent Resolution 24 and approved by the other body yesterday, January 20, 1987. The resolution has the unanimous support of the Louisiana delegation and is strongly backed by the affected Louisiana interests, including the environmental community, the New Orleans Sewerage and Water Board, and industry representatives. The clarifications contained in the resolution are essential to fully address a potentially serious waste disposal controversy within the State of Louisiana, and I ask the support of my colleagues in clarifying this provision.

SENATE CONCURRENT RESOLUTION 11—CALLING FOR THE RELEASE OF REV. TSHENUWANI SIMON FARISANI FROM DETENTION IN VENDA, A HOMELAND IN SOUTH AFRICA

Mr. SIMON submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 11

Whereas Reverend Tshenuwani Simon Farisani, a leader of the Evangelical Lutheran Church in Southern Africa and a spokesperson for that church against the apartheid policies of the South African Government, has testified before the Department of State, the Subcommittee on Human Rights and International Organizations of the Foreign Affairs Committee of the House of Representatives, and human rights organizations regarding the ill treatment he endured while being detained, in 1981 and 1982, by authorities in Venda, a homeland in South Africa;

Whereas Reverend Farisani is currently being detained by authorities in Venda without charge and for no apparent reason other than the public statements he has made regarding his earlier detention and the need to resolve the current conflict within South Africa;

Whereas Reverend Farisani's life is at risk, as he was severely tortured during his previous detention, has suffered two heart attacks as a result of his ordeal, and is presently on a hunger strike, as a result of which his weight is dangerously low;

Whereas Reverend Farisani has been denied basic civil liberties, such as contact with his lawyer and his wife, and the right to appear at a hearing which was held on December 16, 1986, concerning a petition for his release;

Whereas the detention of Reverend Farisani is part of a pattern of similarly disturbing detentions by South African authorities, including the detentions of Sister Bernard Ncube, Father Hortop, Reverend Molefe Tsele, and Donovan Nadison;

Whereas the detention without charge by South African authorities of persons who express opposition to Government policies violates basic human rights and hinders peaceful solutions to the crisis in South Africa;

Whereas the need is self-evident for all South African leaders to work together to resolve the current crisis in South Africa; and

Whereas the Government of South Africa has significant influence over the leadership of Venda and is capable of intervening on Reverend Farisani's behalf: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Government of South Africa should take the necessary steps to secure the release of Reverend Tshenuwani Simon Farisani from detention in Venda, a homeland in South Africa.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the chief of the diplomatic mission of South Africa to the United States.

● Mr. SIMON. Mr. President, last Friday I mentioned that I would be introducing a concurrent resolution regarding the detention of Rev. Tshenuwani Simon Farisani in Venda, a homeland in South Africa.

Reverend Farisani is a leader of the Evangelical Lutheran Church in South Africa. He has been detained without charge since November 22, 1986. Some of you may remember Reverend Farisani from when he visited Washington last fall during the override of the veto on South African sanctions.

He has testified before Congress on the cruel treatment he endured when he was detained in 1981-82. Reverend Farisani suffered two heart attacks as a result of his 1981-82 detention. There are many of us who are very concerned about his health. He has been seen in a hospital since his most recent detention and it is reported that he is on a hunger strike.

This resolution asks the South African authorities to use their substantial influence in Venda, South Africa, to get Reverend Farisani released. Congressman GUNDERSON has introduced a concurrent resolution on the House side. I urge my colleagues to join me in the effort to bring about the speedy release of Reverend Farisani.

I ask unanimous consent that this resolution be printed in full in the RECORD.●

SENATE CONCURRENT RESOLUTION 12—TO ALLOW ANOTHER MEMBER OF THE COMMITTEE ON RULES AND ADMINISTRATION OF THE SENATE TO SERVE ON THE JOINT COMMITTEE OF CONGRESS

Mr. BYRD (for Mr. FORD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 12

Resolved by the Senate (the House of Representatives concurring), That effective for the 100th Congress, the Chairman of the Committee on Rules and Administration of the Senate may designate another member of the Committee to serve on the Joint Committee of the Congress on the Library in place of the Chairman.

SENATE RESOLUTION 75—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. KENNEDY, from the Committee on Labor and Human Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 75

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $4,471,270, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1988.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1987, through February 29, 1988, to be paid from the appropriations account for "Expenses of inquiries and investigations".

SENATE RESOLUTION 76—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 76

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,231,058, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1988.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1987, through February 29, 1988, to be paid from the Appropriations account for "Expenses for Inquiries and Investigations."

SENATE RESOLUTION 77—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GLENN, from the Committee on Governmental Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 77

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1987 through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $4,453,972 of which amount (1) not to exceed $49,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,560 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. (a) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(1) the efficiency and economy of operations all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of government funds in transactions, contracts, and activities of the government or of government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public.

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud and the use of offshore banking and corporate facilities to carry out criminal objectives;

(5) The efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) The effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(C) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(D) legislative and other proposals to improve these methods, processes, and relationships;

(6) The efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(A) the collection and dissemination of accurate statistics on fuel demand and supply;

(B) the implementation of effective energy conservation measures;

(C) the pricing of energy in all forms;

(D) coordination of energy programs with State and local government;

(E) control of exports of scarce fuels;

(F) the management of tax, import, pricing, and other policies affecting energy supplies;

(G) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(H) the allocation of fuels in short supply by public and private entities;

(I) the management of energy supplies owned or controlled by the Government;

(J) relations with other oil producing and consuming countries;

(K) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(L) research into discovery and development of alternative energy supplies; and;

(7) the efficiency and economy of all branches and functions of government with particular reference to the operations and management of Federal regulatory policies and programs: Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(b) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1987, through February 29, 1988, is authorized, in its, his, or their discretion (1) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (4) to administer oaths, and (5) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Subcommittee on General Investigations and Permanent Subcommittee on Investigations specifically authorized by the chairman, by deposition.

(d) All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 313 of the Ninety-ninth Congress, second session, are authorized to continue.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1988.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of long-distance telephone calls.

SEC. 6. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1987, through February 29, 1988, to be paid from the appropriations account for "Expenses of inquires and investigations.".

SENATE RESOLUTION 78—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO HAZEL A. KUDEL

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 78

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Hazel A. Kudel, mother of Helen C. Clements, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 79—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 79

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,336,185, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1988.

SEC. 4. Expenses of the committee under this resolution, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1987, through February 29, 1988, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

AMENDMENTS SUBMITTED

THRESHOLD TEST BAN TREATY

HELMS EXECUTIVE AMENDMENT NO. 3

(Ordered referred to the Committee on Foreign Relations.)

Mr. HELMS submitted an amendment intended to be proposed by him to Exec. N, 94-2, the Threshold Test Ban Treaty; as follows:

At the end of article I, add the following:

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF STRATEGIC OFFENSIVE ARMS[*]

(Signed at Vienna, June 18, 1979)

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Conscious that nuclear war would have devastating consequences for all mankind,

Proceeding from the Basic Principles of Relations Between the United States of America and the Union of Soviet Socialist Republics of May 29, 1972,

Attaching particular significance to the limitation of strategic arms and determined to continue their efforts begun with the Treaty on the Limitation of Anti-Ballistic Missile Systems and the Interim Agreement on Certain Measures with Respect to the Limitation of Strategic Offensive Arms, of May 26, 1972,

Convinced that the additional measures limiting strategic offensive arms provided for in this Treaty will contribute to the improvement of relations between the Parties, help to reduce the risk of outbreak of nuclear war and strengthen international peace and security,

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,

Guided by the principle of equality and equal security,

Recognizing that the strengthening of strategic stability meets the interests of the Parties and the interests of international security,

Reaffirming their desire to take measures for the further limitation and for the further reduction of strategic arms, having in mind the goal of achieving general and complete disarmament,

Declaring their intention to undertake in the near future negotiations further to limit and further to reduce strategic offensive arms,

Have agreed as follows:

ARTICLE I

Each Party undertakes, in accordance with the provisions of this Treaty, to limit strategic offensive arms quantitatively and qualitatively, to exercise restraint in the development of new types of strategic offensive arms, and to adopt other measures provided for in this Treaty.

ARTICLE II

For the purposes of this Treaty:

1. Intercontinental ballistic missile (ICBM) launchers are land-based launchers of ballistic missiles capable of a range in excess of the shortest distance between the northeastern border of the continental part of the territory of the United States of America and the northwestern border of the continental part of the territory of the Union of Soviet Socialist Republics, that is, a range in excess of 5,500 kilometers.

First Agreed Statement.—The term "intercontinental ballistic missile launchers," as defined in paragraph 1 of Article II of the Treaty, includes all launchers which have been developed and tested for launching ICBMs. If a launcher has been developed and tested for launching an ICBM, all launchers of that type shall be considered to have been developed and tested for launching ICBMs.

First Common Understanding.—If a launcher contains or launches an ICBM, that launcher shall be considered to have been developed and tested for launching ICBMs.

Second Common Understanding.—If a launcher has been developed and tested for launching an ICBM, all launchers of that type, except for ICBM test and training launchers, shall be included in the aggregate numbers of strategic offensive arms provided for in Article III of the Treaty, pursuant to the provisions of Article VI of the Treaty.

Third Common Understanding.—The one hundred and seventy-seven former Atlas and Titan I ICBM launchers of the United States of America, which are no longer operational and are partially dismantled, shall not be considered as subject to the limitations provided for in the Treaty.

Second Agreed Statement.—After the date on which the Protocol ceases to be in force, mobile ICBM launchers shall be subject to the relevant limitations provided for in the Treaty which are applicable to ICBM launchers, unless the Parties agree that mobile ICBM launchers shall not be deployed after that date.

2. Submarine-launched ballistic missile (SLBM) launchers are launchers of ballistic missiles installed on any nuclear-powered submarine or launchers of modern ballistic missiles installed on any submarine, regardless of its type.

Agreed Statement.—Modern submarine-launched ballistic missiles are: for the United States of America, missiles installed in all nuclear-powered submarines; for the Union of Soviet Socialist Republics, missiles of the type installed in nuclear-powered submarines made operational since 1965; and for both Parties, submarine-launched ballistic missiles first flight-tested since 1965 and installed in any submarine, regardless of its type.

3. Heavy bombers are considered to be:

(a) currently, for the United States of America, bombers of the B-52 and B-1 types, and for the Union of Soviet Socialist Republics, bombers of the Tupolev-95 and Myasishchev types;

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[*] The text of the SALT II Treaty and Protocol, as signed in Vienna, is accompanied by a set of Agreed Statements and Common Understandings, also signed by Presidents Carter and Brezhnev, which is prefaced as follows:

"In connection with the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Strategic Offensive Arms, the Parties have agreed to the following Agreed Statements and Common Understandings undertaken on behalf of the Government of the United States and the Government of the Union of Soviet Socialist Republics."

As an aid to the reader, the texts of the Agreed Statements and Common Understandings are beneath the articles of the Treaty or Protocol to which they pertain.

(b) in the future, types of bombers which can carry out the mission of a heavy bomber in a manner similar or superior to that of bombers listed in subparagraph (a) above;

(c) types of bombers equipped for cruise missiles capable of a range in excess of 600 kilometers; and

(d) types of bombers equipped for ASBMs.

First Agreed Statement.—The term "bombers," as used in paragraph 3 of Article II and other provisions of the Treaty, means airplanes of types initially constructed to be equipped for bombs or missiles.

Second Agreed Statement.—The Parties shall notify each other on a case-by-case basis in the Standing Consultative Commission of inclusion of types of bombers as heavy bombers pursuant to the provisions of paragraph 3 of Article II of the Treaty; in this connection the Parties shall hold consultations, as appropriate, consistent with the provisions of paragraph 2 of Article XVII of the Treaty.

Third Agreed Statement.—The criteria the Parties shall use to make case-by-case determinations of which types of bombers in the future can carry out the mission of a heavy bomber in a manner similar or superior to that of current heavy bombers, as referred to in subparagraph 3(b) of Article II of the Treaty, shall be agreed upon in the Standing Consultative Commission.

Fourth Agreed Statement.—Having agreed that every bomber of a type included in paragraph 3 of Article II of the Treaty is to be considered a heavy bomber, the Parties further agree that:

(a) airplanes which otherwise would be bombers of a heavy bomber type shall not be considered to be bombers of a heavy bomber type if they have functionally related observable differences which indicate that they cannot perform the mission of a heavy bomber;

(b) airplanes which otherwise would be bombers of a type equipped for cruise missiles capable of a range in excess of 600 kilometers shall not be considered to be bombers of a type equipped for cruise missiles capable of a range in excess of 600 kilometers if they have functionally related observable differences which indicate that they cannot perform the mission of a bomber equipped for cruise missiles capable of a range in excess of 600 kilometers, except that heavy bombers of current types, as designated in subparagraph 3(a) of Article II of the Treaty, which otherwise would be of a type equipped for cruise missiles capable of a range in excess of 600 kilometers shall not be considered to be heavy bombers of a type equipped for cruise missiles capable of a range in excess of 600 kilometers if they are distinguishable on the basis of externally observable differences from heavy bombers of a type equipped for cruise missiles capable of a range in excess of 600 kilometers; and

(c) airplanes which otherwise would be bombers of a type equipped for ASBMs shall not be considered to be bombers of a type equipped for ASBMs if they have functionally related observable differences which indicate that they cannot perform the mission of a bomber equipped for ASBMs, except that heavy bombers of current types, as designated in subparagraph 3(a) of Article II of the Treaty, which otherwise would be of a type equipped for ASBMs shall not be considered to be heavy bombers of a type equipped for ASBMs if they are distinguishable on the basis of externally observable differences from heavy bombers of a type equipped for ASBMs.

First Common Understanding.—Functionally related observable differences are differences in the observable features of airplanes which indicate whether or not these airplanes can perform the mission of a heavy bomber, or whether or not they can perform the mission of a bomber equipped for cruise missiles capable of a range in excess of 600 kilometers or whether or not they can perform the mission of a bomber equipped for ASBMs. Functionally related observable differences shall be verifiable by national technical means. To this end, the Parties may take, as appropriate, cooperative measures contributing to the effectiveness of verification by national technical means.

Fifth Agreed Statement.—Tupolev-142 airplanes in their current configuration, that is, in the configuration for anti-submarine warfare, are considered to be airplanes of a type different from types of heavy bombers referred to in subparagraph 3(a) of Article II of the Treaty and not subject to the Fourth Agreed Statement to paragraph 3 of Article II of the Treaty. This Agreed Statement does not preclude improvement of Tupolev-142 airplanes as an anti-submarine system, and does not prejudice or set a precedent for designation in the future of types of airplanes as heavy bombers pursuant to subparagraph 3(b) of Article II of the Treaty or for application of the Fourth Agreed Statement to paragraph 3 of Article II of the Treaty to such airplanes.

Second Common Understanding.—Not later than six months after entry into force of the Treaty the Union of Soviet Socialist Republics will give its thirty-one Myasishchev airplanes used as tankers in existence as of the date of signature of the Treaty functionally related observable differences which indicate that they cannot perform the mission of a heavy bomber.

Third Common Understanding.—The designations by the United States of America and by the Union of Soviet Socialist Republics for heavy bombers referred to in subparagraph 3(a) of Article II of the Treaty correspond in the following manner:

Heavy bombers of the type designated by the United States of America as the B-52 and the B-1 are known to the Union of Soviet Socialist Republics by the same designations;

Heavy bombers of the type designated by the Union of Soviet Socialist Republics as the Tupolev-95 are known to the United States of America as heavy bombers of the Bear type; and

Heavy bombers of the types designated by the Union of Soviet Socialist Republics as the Myasishchev are known to the United States of America as heavy bombers of the Bison type.

4. Air-to-surface ballistic missiles (ASBMs) are any such missiles capable of a range in excess of 600 kilometers and installed in an aircraft or on its external mountings.

5. Launchers of ICBMs and SLBMs equipped with multiple independently targetable reentry vehicles (MIRVs) are launchers of the types developed and tested for launching ICBMs or SLBMs equipped with MIRVs.

First Agreed Statement.—If a launcher has been developed and tested for launching an ICBM or an SLBM equipped with MIRVs, all launchers of that type shall be considered to have been developed and tested for launching ICBMs or SLBMs equipped with MIRVs.

First Common Understanding.—If a launcher contains or launches an ICBM or an SLBM equipped with MIRVs, that launches shall be considered to have been developed and tested for launching ICBMs or SLBMs equipped with MIRVs.

Second Common Understanding.—If a launcher has been developed and tested for launching an ICBM or an SLBM equipped with MIRVs, all launchers of that type, except for ICBM and SLBM test and training launchers, shall be included in the corresponding aggregate numbers provided for in Article V of the Treaty, pursuant to the provisions of Article VI of the Treaty.

Second Agreed Statement.—ICBMs and SLBMs equipped with MIRVs are ICBMs and SLBMs of the types which have been flight-tested with two or more independently targetable reentry vehicles, regardless of whether or not they have also been flight-tested with a single reenty vehicle or with multiple reentry vehicles which are not independently targetable. As of the date of signature of the Treaty, such ICBMs and SLBMs are: for the United States of America, Minuteman III ICBMs, Poseidon C-3 SLBMs, and Trident C-4 SLBMs; and for the Union of Soviet Socialist Republics, RS-16, RS-18, RS-20 ICBMs and RSM-50 SLBMs.

Each Party will notify the other Party in the Standing Consultative Commission on a case-by-case basis of the designation of the one new type of light ICBM, if equipped with MIRVs, permitted pursuant to paragraph 9 of Article IV of the Treaty when first flight-tested; of designations of additional types of SLBMs equipped with MIRVs when first installed on a submarine; and of designations of types of ASBMs equipped with MIRVs when first flight-tested.

Third Common Understanding.—The designations by the United States of America and by the Union of Soviet Socialist Republics for ICBMs and SLBMs equipped with MIRVs correspond in the following manner:

Missiles of the type designated by the United States of America as the Minuteman III and known to the Union of Soviet Socialist Republics by the same designation, a light ICBM that has been flight-tested with multiple independently targetable reentry vehicles;

Missiles of the type designated by the United States of America as the Poseidon C-3 and known to the Union of Soviet Socialist Republics by the same designation, an SLBM that was first flight-tested in 1968 and that has been flight-tested with multiple independently targetable reentry vehicles;

Missiles of the type designated by the United States of America as the Trident C-4 and known to the Union of Soviet Socialist Republics by the same designation, an SLBM that was first flight-tested in 1977 and that has been flight-tested with multiple independently targetable reentry vehicles;

Missiles of the type designated by the Union of Soviet Socialist Republics as the RS-16 and known to the United States of America as the SS-17, a light ICBM that has been flight-tested with a single reentry vehicle and with multiple independently targetable reentry vehicles;

Missiles of the type designated by the Union of Soviet Socialist Republics as the RS-18 and known to the United States of America as the SS-19, the heaviest in terms of launch-weight and throw-weight of light ICBMs, which has been flight-tested with a single reentry vehicle and with multiple independently targetable reentry vehicles;

Missiles of the type designated by the Union of Soviet Socialist Republics as the RS-20 and known to the United States of America as the SS-18, the heaviest in terms of launch-weight and throw-weight of heavy ICBMs, which has been flight-tested with a single reentry vehicle and with multiple independently targetable reentry vehicles;

Missiles of the type designated by the Union of Soviet Socialist Republics as the RSM-50 and known to the United States of America as the SS-N-18, an SLBM that has been fight-tested with a single reentry vehicle and with multiple independently targetable reentry vehicles.

Third Agreed Statement.—Reentry vehicles are independently targetable:

(a) if, after separation from the booster, maneuvering and targeting of the reentry vehicles to separate aim points along trajectories which are unrelated to each other are accomplished by means of devices which are installed in a self-contained dispensing mechanism or on the reentry vehicles, and which are based on the use of electronic or other computers in combination with devices using jet engines, including rocket engines, or aerodynamic systems;

(b) if maneuvering and targeting of the reentry vehicles to separate aim points along trajectories which are unrelated to each other are accomplished by means of other devices which may be developed in the future.

Fourth Common Understanding.—For the purposes of this Treaty, all ICBM launchers in the Derazhnya and Pervomaysk areas in the Union of Soviet Socialist Republics are included in the aggregate numbers provided for in Article V of the Treaty.

Fifth Common Understanding.—If ICBM or SLBM launchers are converted, constructed or undergo significant changes to their principal observable structural design features after entry into force of the Treaty, any such launchers which are launchers of missiles equipped with MIRVs shall be distinguishable from launchers of missiles not equipped with MIRVs, and any such launchers which are launchers of missiles not equipped with MIRVs shall be distinguishable from launchers of missiles equipped with MIRVs, on the basis of externally observable design features of the launchers. Submarines with launchers of SLBMs equipped with MIRVs shall be distinguishable from submarines with launchers of SLBMs not equipped with MIRVs on the basis of externally observable design features of the submarines.

This Common Understanding does not require changes to launcher conversion or construction programs, or to programs including significant changes to the principal observable structural design features of launchers, underway as of the date of signature of the Treaty.

6. ASBMs equipped with MIRVs are ASBMs of the types which have been flight-tested with MIRVs.

First Agreed Statement.—ASBMs of the types which have been flight-tested with MIRVs are all ASBMs of the types which have been flight-tested with two or more independently targetable reentry vehicles, regardless of whether or not they have also been flight-tested with a single reentry vehicle or with multiple reentry vehicles which are not independently targetable.

Second Agreed Statement.—Reentry vehicles are independently targetable:

(a) if, after separation from the booster, maneuvering and targeting of the reentry vehicles to separate aim points along trajectories which are unrelated to each other are accomplished by means of devices which are installed in a self-contained dispensing mechanism or on the reentry vehicles, and which are based on the use of electronic or other computers in combination with devices using jet engines. including rocket engines, or aerodynamic systems;

(b) if maneuvering and targeting of the reentry vehicles to separate aim points along trajectories which are unrelated to each other are accomplished by means of other devices which may be developed in the future.

7. Heavy ICBMs are ICBMs which have a launch-weight greater or a throw-weight greater than that of the heaviest, in terms of either launch-weight or throw-weight, respectively, of the light ICBMs deployed by either Party as of the date of signature of this Treaty.

First Agreed Statement.—The launch-weight of an ICBM is the weight of the fully loaded missile itself at the time of launch.

Second Agreed Statement.—The throw-weight of an ICBM is the sum of the weight of:

(a) its reentry vehicle or reentry vehicles;

(b) any self-contained dispensing mechanisms or other appropriate devices for targeting one reentry vehicle, or for releasing or for dispensing and targeting two or more reentry vehicles; and

(c) its penetration aids, including devices for their release.

Common Understanding.—The term "other appropriate devices," as used in the definition of the throw-weight of an ICBM in the Second Agreed Statement to paragraph 7 of Article II of the Treaty, means any devices for dispensing and targeting two or more reentry vehicles; and any devices for releasing two or more reentry vehicles or for targeting one reentry vehicle, which cannot provide their reentry vehicles or reentry vehicle with additional velocity of more than 1,000 meters per second.

8. Cruise missiles are unmanned, self-propelled, guided, weapon-delivery vehicles which sustain flight through the use of aerodynamic lift over most of their flight path and which are flight-tested from or deployed on aircraft, that is, air-launched cruise missiles, or such vehicles which are referred to as cruise missiles in subparagraph 1(b) of Article IX.

First Agreed Statement.—If a cruise missile is capable of a range in excess of 600 kilometers, all cruise missiles of that type shall be considered to be cruise missiles capable of a range in excess of 600 kilometers.

First Common Understanding.—If a cruise missile has been flight-tested to a range in excess of 600 kilometers, it shall be considered to be a cruise missile capable of a range in excess of 600 kilometers.

Second Common Understanding.—Cruise missiles not capable of a range in excess of 600 kilometers shall not be considered to be of a type capable of a range in excess of 600 kilometers if they are distinguishable on the basis of externally observable design features from cruise missiles of types capable of a range in excess of 600 kilometers.

Second Agreed Statement.—The range of which a cruise missile is capable is the maximum distance which can be covered by the missile in its standard design mode flying until fuel exhaustion, determined by projecting its flight path into the Earth's sphere from the point of launch to the point of impact.

Third Agreed Statement.—If an unmanned, self-propelled, guided vehicle which sustains flight through the use of aerodynamic lift over most of its flight path has been flight-tested or deployed for weapon delivery, all vehicles of that type shall be considered to be weapon-delivery vehicles.

Third Common Understanding.—Unmanned, self-propelled, guided vehicles which sustain flight through the use of aerodynamic lift over most of their flight path and are not weapon-delivery vehicles, that is, unarmed, pilotless, guided vehicles, shall not be considered to be cruise missiles if such vehicles are distinguishable from cruise missiles on the basis of externally observable design features.

Fourth Common Understanding.—Neither Party shall convert unarmed, pilotless, guided vehicles into cruise missiles capable of a range in excess of 600 kilometers, nor shall either Party convert cruise missiles capable of a range in excess of 600 kilometers, into unarmed pilotless guided vehicles.

Fifth Common Understanding.—Neither party has plans during the term of the Treaty to flight-test from or deploy on aircraft unarmed, pilotless, guided vehicles which are capable of a range in excess of 600 kilometers. In the future, should a Party have such plans, that Party will provide notification thereof to the other Party well in advance of such flight-testing or deployment. This Common Understanding does not apply to target drones.

ARTICLE III

1. Upon entry into force of this Treaty, each Party undertakes to limit ICBM launchers, SLBM launchers, heavy bombers, and ASBMs to an aggregate number not to exceed 2,400.

2. Each Party undertakes to limit, from January 1, 1981, strategic offensive arms referred in paragraph 1 of this Article to an aggregate number not to exceed 2,250, and to initiate reductions of those arms which as of that date would be in excess of this aggregate number.

3. Within the aggregate numbers provided for in paragraphs 1 and 2 of this Article and subject to the provisions of this Treaty, each Party has the right to determine the composition of these aggregates.

4. For each bomber of a type equipped for ASBMs, the aggregate numbers provided for in paragraphs 1 and 2 of this Article shall include the maximum number of such missiles for which a bomber of that type is equipped for one operational mission.

5. A heavy bomber equipped only for ASBMs shall not itself be included in the aggregate numbers provided for in paragraphs 1 and 2 of this Article.

6. Reductions of the numbers of strategic offensive arms required to comply with the provisions of paragraphs 1 and 2 of this Article shall be carried out as provided for in Article XI.

ARTICLE IV

1. Each Party undertakes not to start construction of additional ICBM launchers.

2. Each Party undertakes not to relocate fixed ICBM launchers.

3. Each Party undertakes not to convert launchers of light ICBMs, or of ICBMs of older types deployed prior to 1964, into launchers of heavy ICBMs of types deployed after that time.

4. Each Party undertakes in the process of modernization and replacement of ICBM silo launchers not to increase the original internal volume of an ICBM silo launcher by more than thirty-two percent. Within this limit each Party has the right to deter-

mine whether such an increase will be made through an increase in the original diameter or in the original depth of an ICBM silo launcher, or in both of these dimensions.

Agreed Statement.—The word "original" in paragraph 4 of Article IV of the Treaty refers to the internal dimensions of an ICBM silo launcher, including its internal volume, as of May 26, 1972, or as of the date on which such launcher becomes operational, whichever is later.

Common Understanding.—The obligations provided for in paragraph 4 of Article IV of the Treaty and in the agreed Statement thereto mean that the original diameter or the original depth of an ICBM silo launcher may not be increased by an amount greater than that which would result in an increase in the original internal volume of the ICBM silo launcher by thirty-two percent solely through an increase in one of these dimensions.

5. Each Party undertakes:

(a) not to supply ICBM launcher deployment areas with intercontinental ballistic missiles in excess of a number consistent with normal deployment, maintenance, training, and replacement requirements;

(b) not to provide storage facilities for or to store ICBMs in excess of normal deployment requirements at launch sites of ICBM launchers;

(c) not to develop, test, or deploy systems for rapid reload of ICBM launchers.

Agreed Statement.—The term "normal deployment requirements," as used in paragraph 5 of Article IV of the Treaty, means the deployment of one missile at each ICBM launcher.

6. Subject to the provisions of this Treaty, each Party undertakes not to have under construction at any time strategic offensive arms referred to in paragraph 1 of Article III in excess of numbers consistent with a normal construction schedule.

Common Understanding.—A normal construction schedule, in paragraph 6 of Article IV of the Treaty, is understood to be one consistent with the past or present construction practices of each Party.

7. Each Party undertakes not to develop, test, or deploy ICBMs which have a launch-weight greater or a throw-weight greater than that of the heaviest, in terms of either launch-weight or throw-weight, respectively, of the heavy ICBMs, deployed by either Party as of the date of signature of this Treaty.

First Agreed Statement.—The launch-weight of an ICBM is the weight of the fully loaded missile itself at the time of launch.

Second Agreed Statement.—The throw-weight of an ICBM is the sum of the weight of:

(a) its reentry vehicle or reentry vehicles;

(b) any self-contained dispensing mechanisms or other appropriate devices for targeting one reentry vehicle, or for releasing or for dispensing and targeting two or more reentry vehicles; and

(c) its penetration aids, including devices for their release.

Common Understanding.—The term "other appropriate devices," as used in the definition of the throw-weight of an ICBM in the Second Agreed Statement to paragraph 7 of Article IV of the Treaty, means any devices for dispensing and targeting two or more reentry vehicles; and any devices for releasing two or more reentry vehicles or for targeting one reentry vehicle, which cannot provide their reentry vehicles or reentry vehicle with additional velocity of more than 1,000 meters per second.

8. Each Party undertakes not to convert land-based launchers of ballistic missiles which are not ICBMs into launchers for launching ICBMs, and not to test them for this purpose.

Common Understanding.—During the term of the Treaty, the Union of Soviet Socialist Republics will not produce, test, or deploy ICBMs of the type designated by the Union of Soviet Socialist Republics as the RS-14 and known to the United States of America as the SS-16, a light ICBM first flight-tested after 1970 and flight-tested only with a single reentry vehicle; this Common Understanding also means that the Union of Soviet Socialist Republics will not produce the third stage of that missile, the reentry vehicle of that missile, or the appropriate device for targeting the reentry vehicle of that missile.

9. Each Party undertakes not to flight-test or deploy new types of ICBMs, that is, types of ICBMs not flight-tested as of May 1, 1979, except that each Party may flight-test and deploy one new type of light ICBM.

First Agreed Statement.—The term "new types of ICBMs," as used in paragraph 9 of Article IV of the Treaty, refers to any ICBM which is different from those ICBMs flight-tested as of May 1, 1979 in any one or more of the following respects:

(a) the number of stages, the length, the largest diameter, the launch-weight, or the throw-weight, of the missile;

(b) the type of propellant (that is, liquid or solid) of any of its stages.

First Common Understanding.—As used in the First Agreed Statement to paragraph 9 of Article IV of the Treaty, the term "different," referring to the length, the diameter, the launch-weight, and throw-weight, of the missile, means a difference in excess of five percent.

Second Agreed Statement.—Every ICBM of the one new type of light ICBM permitted to each Party pursuant to paragraph 9 of Article IV of the Treaty shall have the same number of stages and the same type of propellant (that is, liquid or solid) of each stage as the first ICBM of the one new type light ICBM launched by that Party. In addition, after the twenty-fifth launch of an ICBM of that type, or after the last launch before deployment begins of ICBMs of that type, whichever occurs earlier, ICBMs of the one new type of light ICBM permitted to that Party shall not be different in any one or more of the following respects: the length, the largest diameter, the launch-weight, or the throw-weight, of the missile.

A Party which launches ICBMs of the one new type of light ICBM permitted pursuant to paragraph 9 of Article IV of the Treaty shall promptly notify the other Party of the date of the first launch and the date of either the twenty-fifth or the last launch before deployment begins of ICBMs of that type, whichever occurs earlier.

Second Common Understanding.—As used in the Second Agreed Statement to paragraph 9 of Article IV of the Treaty, the term "different," referring to the length, the diameter, the launch-weight, and the throw-weight, of the missile, means a difference in excess of five percent from the value established for each of the above parameters as of the twenty-fifth launch or as of the last launch before deployment begins, whichever occurs earlier. The values demonstrated in each of the above parameters during the last twelve of the twenty-five launches or during the last twelve launches before deployment begins, whichever twelve launches occur earlier, shall not vary by more than ten percent from any other of the corresponding values demonstrated during those twelve launches.

Third Common Understanding.—The limitations with respect to launch-weight and throw-weight, provided for in the First Agreed Statement and the First Common Understanding to paragraph 9 of Article IV of the Treaty, do not preclude the flight-testing or the deployment of ICBMs with fewer reentry vehicles, or fewer penetration aids, or both, than the maximum number of reentry vehicles and the maximum number of penetration aids with which ICBMs of that type have been flight-tested as of May 1, 1979, even if this results in a decrease in launch-weight or in throw-weight in excess of five percent.

In addition to the aforementioned cases, those limitations do not preclude a decrease in launch-weight or in throw-weight in excess of five percent, in the case of the flight-testing or the deployment of ICBMs with a lesser quantity of propellant, including the propellant of a self-contained dispensing mechanism or other appropriate device, than the maximum quantity of propellant, including the propellant of a self-contained dispensing mechanism or other appropriate device, with which ICBMs of that type have been flight-tested as of May 1, 1979, provided that such an ICBM is at the same time flight-tested or deployed with fewer reentry vehicles, or fewer penetration aids, or both, than the maximum number of reentry vehicles and the maximum number of penetration aids with which ICBMs of that type have been flight-tested as of May 1, 1979, and the decrease in launch-weight and throw-weight in such cases results only from the reduction in the number of reentry vehicles, or penetration aids, or both, and the reduction in the quantity of propellent.

Fourth Common Understanding.—The limitations with respect to launch-weight and throw-weight, provided for in the Second Agreed Statement and the Second Common Understanding to paragraph 9 of Article IV of the Treaty, do not preclude the flight-testing or the deployment of ICBMs of the one new type of light ICBM permitted to each Party pursuant to paragraph 9 of Article IV of the Treaty with fewer reentry vehicles, or fewer penetration aids, or both, than the maximum number of reentry vehicles and the maximum number of penetration aids with which ICBMs of that type have been flight-tested, even if this results in a decrease in launch-weight or in throw-weight in excess of five percent.

In addition to the aforementioned cases, those limitations do not preclude a decrease in launch-weight or in throw-weight in excess of five percent, in the case of the flight-testing or the deployment of ICBMs of that type with a lesser quantity of propellant, including the propellant of a self-contained dispensing mechanism or other appropriate device, than the maximum quantity of propellant, including the propellant of a self-contained dispensing mechanism or other appropriate device, with which ICBMs of that type have been flight-tested, provided that such an ICBM is at the same time flight-tested or deployed with fewer reentry vehicles, or fewer penetration aids, or both, than the maximum number of reentry vehicles and the maximum number of penetration aids with which ICBMs of that type have been flight-tested, and the decrease in launch-weight and throw-weight in such cases results only from the reduction in the number of reentry vehicles, or penetration aids, or both, and the reduction in the quantity of propellant.

10. Each Party undertakes not to flight-test or deploy ICBMs of a type flight-tested as of May 1, 1979 with a number of reentry vehicles greater than the maximum number of reentry vehicles with which an ICBM of that type has been flight-tested as of that date.

First Agreed Statement.—The following types of ICBMs and SLBMs equipped with MIRVs have been flight-tested with the maximum number of reentry vehicles set forth below:

For the United States of America:

ICBMs of the Minuteman III type—seven reentry vehicles;

SLBMs of the Poseidon C-3 type—fourteen reentry vehicles;

SLBMs of the Trident C-4 type—seven reentry vehicles.

For the Union of Soviet Socialist Republics:

ICBMs of the RS-16 type—four reentry vehicles;

ICBMs of the RS-18 type—six reentry vehicles;

ICBMs of the RS-20 type—ten reentry vehicles;

SLBMs of the RSM-50 type—seven reentry vehicles.

Common Understanding.—Minuteman III ICBMs of the United States of America have been deployed with no more than three reentry vehicles. During the term of the Treaty, the United States of America has no plans to and will not flight-test or deploy missiles of this type with more than three reentry vehicles.

Second Agreed Statement.—During the flight-testing of any ICBM, SLBM, or ASBM after May 1, 1979, the number of procedures for releasing or for dispensing may not exceed the maximum number of reentry vehicles established for missiles of corresponding types as provided for in paragraphs 10, 11, 12, and 13 of Article IV of the Treaty. In this Agreed Statement "procedures for releasing or for dispensing" are understood to mean maneuvers of a missile associated with targeting and releasing or dispensing its reentry vehicles to aim points, whether or not a reentry vehicle is actually released or dispensed. Procedures for releasing anti-missile defense penetration aids will not be considered to be procedures for releasing or for dispensing a reentry vehicle so long as the procedures for releasing anti-missile defense penetration aids differ from those for releasing or for dispensing reentry vehicles.

Third Agreed Statement.—Each Party undertakes:

(a) not to flight-test or deploy ICBMs equipped with multiple reentry vehicles, of a type flight-tested as of May 1, 1979, with reentry vehicles the weight of any of which is less than the weight of the lightest of those reentry vehicles with which an ICBM of that type has been flight-tested as of that date;

(b) not to flight-test of deploy ICBMs equipped with a single reentry vehicle and without an appropriate device for targeting a reentry vehicle, of a type flight-tested as of May 1, 1979, with a reentry vehicle the weight of which is less than the weight of the lightest reentry vehicle on an ICBM of a type equipped with MIRVs and flight-tested by that Party as of May 1, 1979; and

(c) not to flight-test or deploy ICBMs equipped with a single reentry vehicle and with an appropriate device for targeting a reentry vehicle, of a type flight-tested as of May 1, 1979, with a reentry vehicle the weight of which is less than fifty percent of the throw-weight of that ICBM.

11. Each Party undertakes not to flight-test or deploy ICBMs of the one new type permitted pursuant to paragraph 9 of this Article with a number of reentry vehicles greater than the maximum number of reentry vehicles with which an ICBM of either Party has been flight-tested as of May 1, 1979, that is, ten.

First Agreed Statement.—Each Party undertakes not to flight-test or deploy the one new type of light ICBM permitted to each Party pursuant to paragraph 9 of Article IV of the Treaty with a number of reentry vehicles greater than the maximum number of reentry vehicles with which an ICBM of that type has been flight-tested as of the twenty-fifth launch or the last launch before deployment begins of ICBMs of that type, whichever occurs earlier.

Second Agreed Statement.—During the flight-testing of any ICBM, SLBM, or ASBM after May 1, 1979 the number of procedures for releasing or for dispensing may not exceed the maximum number of reentry vehicles established for missiles of corresponding types as provided for in paragraphs 10, 11, 12, and 13 of Article IV of the Treaty. In this Agreed Statement "procedures for releasing or for dispensing" are understood to mean maneuvers of a missile associated with targeting and releasing or dispensing its reentry vehicles to aim points, whether or not a reentry vehicle is actually released or dispensed. Procedures for releasing anti-missile defense penetration aids will not be considered to be procedures for releasing or for dispensing a reentry vehicle so long as the procedures for releasing anti-missile defense penetration aids differ from those for releasing or for dispensing reentry vehicles.

12. Each Party undertakes not to flight-test or deploy SLBMs with a number of reentry vehicles greater than the maximum number of reentry vehicles with which an SLBM of either Party has been flight-tested as of May 1, 1979, that is, fourteen.

First Agreed Statement.—The following types of ICBMs and SLBMs equipped with MIRVs have been flight-tested with the maximum number of reentry vehicles set forth below:

For the United States of America:

ICBMs of the Minuteman III type—seven reentry vehicles;

SLBMs of the Poseidon C-3 type—fourteen reentry vehicles;

SLBMs of the Trident C-4 type—seven reentry vehicles.

For the Union of Soviet Socialist Republics:

ICBMs of the RS-16 type—four reentry vehicles;

ICBMs of the RS-18 type—six reentry vehicles;

ICBMs of the RS-20 type—ten reentry vehicles;

SLBMs of the RSM-50 type—seven reentry vehicles.

Second Agreed Statement.—During the flight-testing of any ICBM, SLBM, or ASBM after May 1, 1979 the number of procedures for releasing or for dispensing may not exceed the maximum number of reentry vehicles established for missiles of corresponding types as provided for in paragraphs 10, 11, 12, and 13 of Article IV of the Treaty. In this Agreed Statement "procedures for releasing or dispensing" are understood to mean maneuvers of a missile associated with targeting and releasing or dispensing its reentry vehicles to aim points, whether or not a reentry vehicle is actually released or dispensed. Procedures for releasing anti-missile defense penetration aids will not be dispensed. Procedures for releasing anti-missile defense penetration aids will not be considered to be procedures for releasing or for dispensing a reentry vehicle so long as the procedures for releasing anti-missile defense penetration aids differ from those for releasing or for dispensing reentry vehicles.

13. Each Party undertakes not to flight-test or deploy ASBMs with a number of reentry vehicles greater than the maximum number of reentry vehicles with which an ICBM of either Party has been flight-tested as of May 1, 1979, that is, ten.

Agreed Statement.—During the flight-testing of any ICBM, SLBM, or ASBM after May 1, 1979 the number of procedures for releasing or for dispensing may not exceed the maximum number of reentry vehicles established for missiles of corresponding types as provided for in paragraphs 10, 11, 12, and 13 of Article IV of the Treaty. In this Agreed Statement "procedures for releasing or for dispensing" are understood to mean maneuvers of a missile associated with targeting and releasing or dispensing its reentry vehicles to aim points, whether or not a reentry vehicle is actually released or dispensed. Procedures for releasing anti-missile defense penetration aids will not be considered to be procedures for releasing or for dispensing a reentry vehicle so long as the procedures for releasing anti-missile defense penetration aids differ from those for releasing or for dispensing reentry vehicles.

14. Each Party undertakes not to deploy at any one time on heavy bombers equipped for cruise missiles capable of a range in excess of 600 kilometers a number of such cruise missiles which exceed the product of 28 and the number of such heavy bombers.

First Agreed Statement.—For the purposes of the limitation provided for in paragraph 14 of Article VI of the Treaty, there shall be considered to be deployed on each heavy bomber of a type equipped for cruise missiles capable of a range in excess of 600 kilometers the maximum number of such missiles for which any bombers of that type is equipped for one operational mission.

Second Agreed Statement.—During the term of the Treaty no bomber of the B-52 or B-1 types of the United States of America and no bomber of the Tupolev-95 or Myasishchev types of the Union of Soviet Socialist Republics will be equipped for more than twenty cruise missiles capable of a range in excess of 600 kilometers.

ARTICLE V

1. Within the aggregate numbers provided for in paragraphs 1 and 2 of Article III, each Party undertakes to limit launchers of ICBMs and SLBMs equipped with MIRVs, ASBMs equipped with MIRVs, and heavy bombers equipped for cruise missiles capable of a range in excess of 600 kilometers to an aggregate number not to exceed 1,320.

2. Within the aggregate number provided for in paragraph 1 of this Article, each Party undertakes to limit launchers of ICBMs and SLBMs equipped with MIRVs, and ASBMs equipped with MIRVs to an aggregate number not to exceed 1,200.

3. Within the aggregate number provided for in paragraph 2 of this Article, each Party undertakes to limit launchers of ICBMs equipped with MIRVs to an aggregate number not to exceed 280.

4. For each bomber of a type equipped for ASBMs equipped with MIRVs, the aggregate numbers provided for in paragraphs 1 and 2 of this Article shall include the maximum number of ASBMs for which a bomber of that type is equipped for one operational mission.

Agreed Statement.—If a bomber is equipped for ASBMs equipped with MIRVs, all bombers of that type shall be considered to be equipped for ASBMs equipped with MIRVs.

5. Within the aggregate numbers provided for in paragraphs 1, 2, and 3 of this Article and subject to the provisions of this Treaty, each Party has the right to determine the composition of these aggregates.

ARTICLE VI

1. The limitations provided for in this Treaty shall apply to those arms which are:
(a) operational;
(b) in the final stage of construction:
(c) in reserve, in storage, or mothballed;
(d) undergoing overhaul, repair, modernization, or conversion.

2. Those arms in the final stage of construction are:
(a) SLBM launchers on submarines which have begun sea trials;
(b) ASBMs after a bomber of a type equipped for such missiles has been brought out of the shop, plant, or other facility where its final assembly or conversion for the purpose of equipping it for such missiles has been performed:
(c) other strategic offensive arms which are finally assembled in a shop, plant, or other facility after they have been brought out of the shop, plant, or other facility where their final assembly has been performed.

3. ICBM and SLBM launchers of a type not subject to the limitation provided for in Article V, which undergo conversion into launchers of a type subject to that limitation, shall become subject to that limitation as follows:
(a) fixed ICBM launchers when work on their conversion reaches the stage which first definitely indicates that they are being so converted;
(b) SLMB launchers on a submarine when that submarine first goes to sea after their conversion has been performed.

Agreed Statement.—The procedures referred to in paragraph 7 of Article VI of the Treaty shall include procedures determining the manner in which mobile ICBM launchers of a type not subject to the limitation provided for in Article V of the Treaty, which undergo conversion into launchers of a type subject to that limitation, shall become subject to that limitation, unless the Parties agree that mobile ICBM launchers shall not be deployed after the date on which the Protocol ceases to be in force.

4. ASBMs on a bomber which undergoes conversion form a bomber of a type equipped for ASBMs which are not subject to the limitation provided for in Article V into a bomber of a type equipped for ASBMs which are subject to that limitation shall become subject to that limitation when the bomber is brought out of the shop, plant, or other facility where such conversion has been performed.

5. A heavy bomber of a type not subject to the limitation provided for in paragraph 1 of Article V shall become subject to that limitation when it is brought out of the shop, plant, or other facility where it has been converted into a heavy bomber of a type equipped for cruise missiles capable of a range in excess of 600 kilometers. A bomber of a type not subject to the limitation provided for in paragraph 1 or 2 of Article III shall become subject to that limitation and to the limitation provided for in paragraph 1 of Article V when it is brought out of the shop, plant, or other facility where it has been converted into a bomber of a type equipped for cruise missiles capable of a range in excess of 600 kilometers.

6. The arms subject to the limitations provided for in this Treaty shall continue to be subject to these limitations until they are dismantled, are destroyed, or otherwise cease to be subject to these limitations under procedures to be agreed upon.

Agreed Statement.—The procedures for removal of strategic offensive arms from the aggregate numbers provided for in the Treaty, which are referred to in paragraph 6 of Article VI of the Treaty, and which are to be agreed upon in the Standing Consultative Commission, shall include:
(a) procedures for removal from the aggregate numbers, provided for in Article V of the Treaty, of ICBM and SLBM launchers which are being converted from launchers of a type subject to the limitation provided for in Article V of the Treaty, into launchers of a type not subject to that limitation;
(b) procedures for removal from the aggregate numbers, provided for in Articles III and V of the Treaty, of bombers which are being converted from bombers of a type subject to the limitations provided for in Article III of the Treaty or in Articles III and V of the Treaty into airplanes or bombers of a type not so subject.

Common Understanding.—The procedures referred to in subparagraph (b) of the Agreed Statement to paragraph 6 of Article VI of the Treaty for removal of bombers from the aggregate numbers provided for in Articles III and V of the Treaty shall be based upon the existence of functionally related observable differences which indicate whether or not they can perform the mission of a heavy bomber, or whether or not they can perform the mission of a bomber equipped for cruise missiles capable of a range in excess of 600 kilometers.

7. In accordance with the provisions of Article XVII, the Parties will agree in the Standing Consultative Commission upon procedures to implement the provisions of this Article.

ARTICLE VII

1. The limitations provided for in Article III shall not apply to ICBM and SLBM test and training launchers or to space vehicle launchers for exploration and use of outer space. ICBM and SLBM test and training launchers are ICBM and SLBM launchers used only for testing or training.

Common Understanding.—The term "testing," as used in Article VII of the Treaty, includes research and development.

2. The Parties agree that:
(a) there shall be no significant increase in the number of ICBM or SLBM test and training launchers or in the number of such launchers of heavy ICBMs;
(b) construction or conversion of ICBM launchers at test ranges shall be undertaken only for purposes of testing and training;
(c) there shall be no conversion of ICBM test and training launchers or of space vehicle launchers into ICBM launchers subject to the limitations provided for in Article III.

First Agreed Statement.—The term "significant increase," as used in subparagraph 2(a) of Article VII of the Treaty, means an increase of fifteen percent or more. Any new ICBM test and training launchers which replace ICBM test and training launchers at test ranges will be located only at test ranges.

Second Agreed Statement.—Current test ranges where ICBMs are tested are located: for the United States of America, near Santa Maria, California, and at Cape Canaveral, Florida; and for the Union of Soviet Socialist Republics, in the areas of Tyura-Tam and Plesetskaya. In the future, each Party shall provide notification in the Standing Consultative Commission of the location of any other test range used by that Party to test ICBMs.

First Common Understanding.—At test ranges where ICBMs are tested, other arms, including those not limited by the Treaty, may also be tested.

Second Common Understanding.—Of the eighteen launchers of fractional orbital missiles at the test range where ICBMs are tested in the area of Tyura-Tam, twelve launchers shall be dismantled or destroyed and six launchers may be converted to launchers for testing missiles undergoing modernization.

Dismantling or destruction of the twelve launchers shall begin upon entry into force of the Treaty and shall be completed within eight months, under procedures for dismantling or destruction of these launchers to be agreed upon in the Standing Consultative Commission. These twelve launchers shall not be replaced.

Conversion of the six launchers may be carried out after entry into force of the Treaty. After entry into force of the Treaty, fractional orbital missiles shall be removed and shall be destroyed pursuant to the provisions of subparagraph 1(c) of Article IX and of Article XI of the Treaty and shall not be replaced by other missiles, except in the case of conversion of these six launchers for testing missiles undergoing modernization. After removal of the fractional orbital missiles, and prior to such conversion, any activities associated with these launchers shall be limited to normal maintenance requirements for launchers in which missiles are not deployed. These six launchers shall be subject to the provisions of Article VII of the Treaty and, if converted, to the provisions of the Fifth Common Understanding to paragraph 5 of Article II of the Treaty.

ARTICLE VIII

1. Each Party undertakes not to flight-test cruise missiles capable of a range in excess of 600 kilometers or ASBMs from aircraft other than bombers or to convert such aircraft into aircraft equipped for such missiles.

Agreed Statement.—For purposes of testing only, each Party has the right through initial construction or, as an exception to the provisions of paragraph 1 of Article VIII of the Treaty, by conversion, to equip for cruise missiles capable of a range in excess of 600 kilometers or for ASBMs no more than sixteen airplanes, including airplanes which are prototypes of bombers equipped for such missiles. Each Party also has the right, as an exception to the provisions of paragraph 1 of Article VIII of the Treaty, to flight-test from such airplanes cruise missiles capable of a range in excess of 600 kilometers and, after the date on which the Protocol ceases to be in force, to flight-test ASBMs from such airplanes as well, unless the Parties agree that they will not flight-test ASBMs after that date. The limitations provided for in Article III of the Treaty shall not apply to such airplanes.

The aforementioned airplanes may include only:

(a) airplanes other than bombers which, as an exception to the provisions of paragraph 1 of article VIII of the Treaty, have been converted into airplanes equipped for cruise missiles capable of a range in excess of 600 kilometers or for ASBMs;

(b) airplanes considered to be heavy bombers pursuant to subparagraph 3(c) or 3(d) of Article II of the Treaty; and

(c) airplanes other than heavy bombers which, prior to March 7, 1979, were used for testing cruise missiles capable of a range in excess of 600 kilometers.

(The airplanes referred to in subparagraphs (a) and (b) of this Agreed Statement shall be distinguishable on the basis of functionally related observable differences from airplanes which otherwise would be of the same type but cannot perform the mission of a bomber equipped for cruise missiles capable of a range in excess of 600 kilometers or for ASBMs.

The airplanes referred to in subparagraph (c) of this Agreed Statement shall not be used for testing cruise missiles capable of a range in excess of 600 kilometers after the expiration of a six-month period from the date of entry into force of the Treaty, unless by the expiration of that period they are distinguishable on the basis of functionally related observable differences from airplanes which otherwise would be of the same type but cannot perform the mission of a bomber equipped for cruise missiles capable of a range in excess of 600 kilometers.

First Common Understanding.—The term "testing," as used in the Agreed Statement to paragraph 1 of Article VIII of the Treaty, includes research and development.

Second Common Understanding.—The Parties shall notify each other in the Standing Consultative Commission of the number of airplanes, according to type, used for testing pursuant to the Agreed Statement to paragraph 1 of Article VIII of the Treaty. Such notification shall be provided at the first regular session of the Standing Consultative Commission held after an airplane has been used for such testing.

Third Common Understanding.—None of the sixteen airplanes referred to in the Agreed Statement to paragraph 1 of Article VIII of the Treaty may be replaced, except in the event of the involuntary destruction of any such airplane or in the case of the dismantling or destruction of any such airplane. The procedures for such replacement and for removal of any such airplane from that number, in case of its conversion, shall be agreed upon in the Standing Consultative Commission.

2. Each Party undertakes not to convert aircraft other than bombers into aircraft which can carry out the mission of a heavy bomber as referred to in subparagraph 3(b) of Artice II.

ARTICLE IX

1. Each Party undertakes not to develop, test, or deploy:

(a) ballistic missiles capable of a range in excess of 600 kilometers for installation on waterborne vehicles other than submarines, or launchers of such missiles;

Common Understanding to subparagraph (a).—The obligations provided for in subparagraph 1(a) of Article IX of the Treaty do not affect current practices for transporting ballistic missiles.

(b) fixed ballistic or cruise missile launchers for emplacement on the ocean floor, on the seabed, or on the beds of internal waters and inland waters, or in the subsoil thereof, or mobile launchers of such missiles, which move only in contact with the ocean floor, the seabed, or the beds of internal waters and inland waters, or missiles for such launchers;

Agreed Statement to subparagraph (b).—The obligation provided for in subparagraph 1(b) of Article IX of the Treaty shall apply to all areas of the ocean floor and the seabed, including the seabed zone referred to in Articles I and II of the 1971 Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof.

(c) systems for placing into Earth orbit nuclear weapons or any other kind of weapons of mass destruction, including fractional orbital missiles:

Common Understanding to subparagraph (c).—The provisions of subparagraphs 1(c) of Article IX of the Treaty do not require the dismantling or destruction of any existing launchers of either Party.

(d) mobile launchers of heavy ICBMs;

(e) SLBMs which have a launch-weight greater or a throw-weight greater than that of the heaviest, in terms of either launch-weight or throw-weight, respectively, of the light ICBMs deployed by either Party as of the date of signature of this Treaty, or launchers of such SLBMs; or

(f) ASBMs which have a launch-weight greater or a throw-weight greater than that of the heaviest, in terms of either launch-weight or throw-weight, respectively, of the light ICBMs deployed by either Party as of the date of signature of this Treaty.

First Agreed Statement to subparagraphs (e) and (f).—The launch-weight of an SLMA or of an ASBM is the weight of the fully loaded missile itself at the time of launch.

Second Agreed Statement to subparagraphs (e) and (f).—The throw-weight of an SLBM or of an ASBM is the sum of the weight of:

(a) its reentry vehicle or reentry vehicles;

(b) any self-contained dispensing mechanisms or other appropriate devices for targeting one reentry vehicle, or for releasing or for dispensing and targeting two or more reentry vehicles; and

(c) its penetration aids, including devices for their release.

Common Understanding to subparagraphs (e) and (f).—The term "other appropriate devices," as used in the definition of the throw-weight of an SLBM or of an ASBM in the Second Agreed Statement to subparagraphs 1(e) and 1(f) of Article IX of the Treaty, means any devices for dispensing and targeting two or more reentry vehicles; and any devices for releasing two or more reentry vehicles or for targeting one reentry vehicle, which cannot provide their reentry vehicles or reentry vehicle with additional velocity of more than 1,000 meters per second.

2. Each Party undertakes not to flight-test from aircraft cruise missiles capable of a range in excess of 600 kilometers which are equipped with multiple independently targetable warheads and not to deploy such cruise missiles on aircraft.

Agreed Statement.—Warheads of a cruise missile are independently targetable if maneuvering or targeting of the warheads to separate aim points along ballistic trajectories or any other flight paths, which are unrelated to each other, is accomplished during a flight of a cruise missile.

ARTICLE X

Subject to the provisions of this Treaty, modernization and replacement of strategic offensive arms may be carried out.

ARTICLE XI

1. Strategic offensive arms which would be in excess of the aggregate numbers provided for in this Treaty as well as strategic offensive arms prohibited by this Treaty shall be dismantled or destroyed under procedures to be agreed upon in the Standing Consultative Commission.

2. Dismantling or destruction of strategic offensive arms which would be in excess of the aggregate number provided for in paragraph 1 of Article III shall begin on the date of the entry into force of this Treaty and shall be completed within the following periods from that date: four months for ICBM launchers; six months for SLBM launchers; and three months for heavy bombers.

3. Dismantling or destruction of strategic offensive arms which would be in excess of the aggregate number provided for in paragraph 2 of Article III shall be initiated no later than January 1, 1981, shall be carried out throughout the ensuing twelve-month period, and shall be completed no later than December 31, 1981.

4. Dismantling or destruction of strategic offensive arms prohibited by this Treaty shall be completed within the shortest possible agreed period of time, but not later than six months after the entry into force of this Treaty.

ARTICLE XII

1. In order to ensure the viability and effectiveness of this Treaty, each Party undertakes not to circumvent the provisions of this Treaty, through any other state or states, or in any other manner.

ARTICLE XIII

1. Each Party undertakes not to assume any international obligations which would conflict with this Treaty.

ARTICLE XIV

The Parties undertake to begin, promptly after the entry into force of this Treaty, active negotiations with the objective of achieving, as soon as possible, agreement on further measures for the limitation and reduction of strategic arms. It is also the objective of the Parties to conclude well in advance of 1985 an agreement limiting strategic offensive arms to replace this Treaty upon its expiration.

ARTICLE XV

1. For the purpose of providing assurance of compliance with the provisions of this Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.

2. Each party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with paragraph 1 of this Article.

3. Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means of compliance with the provisions of this Treaty. This obligation shall not require changes in current construction, assembly, conversion, or overhaul practices.

First Agreed Statement.—Deliberate concealment measures, as referred to in paragraph 3 of Article XV of the Treaty, are measures carried out deliberately to hinder or deliberately to impede verification by national technical means of compliance with the provisions of the Treaty.

Second Agreed Statement.—The obligation not to use deliberate concealment measures, provided for in paragraph 3 of Article XV of the Treaty, does not preclude the testing of antimissile defense penetration aids.

First Common Understanding.—The provisions of paragraph 3 of Article XV of the Treaty and the First Agreed Statement thereto apply to all provisions of the Treaty, including provisions associated with testing. In this connection, the obligation not to use deliberate concealment measures includes the obligation not to use deliberate concealment measures associated with testing, including those measures aimed at concealing the association between ICBMs and launchers during testing.

Second Common Understanding.—Each Party is free to use various methods of transmitting telemetric information during testing, including its encryption, except that, in accordance with the provisions of paragraph 3 of Article XV of the Treaty, neither Party shall engage in deliberate denial of telemetric information, such as through the use of telemetry encryption, whenever such denial impedes verification of compliance with the provisions of the Treaty.

Third Common Understanding.—In addition to the obligations provided for in paragraph 3 of Article XV of the Treaty, no shelters which impede verification by national technical means of compliance with the provisions of the Treaty shall be used over ICBM silo launchers.

ARTICLE XVI

1. Each Party undertakes, before conducting each planned ICBM launch, to notify the other Party well in advance on a case-by-case basis that such a launch will occur, except for single ICBM launches from test ranges or from ICBM launcher deployment areas, which are not planned to extend beyond its national territory.

First Common Understanding.—ICBM launches to which the obligations provided for in Article XVI of the Treaty apply, include, among others, those ICBM launches for which advance notification is required pursuant to the provisions of the Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War Between the United States of America and the Union of Soviet Socialist Republics, signed September 30, 1971, and the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on the Prevention of Incidents On and Over the High Seas, signed May 25, 1972. Nothing in Article XVI of the Treaty is intended to inhibit advance notification, on a voluntary basis, of any ICBM launches not subject to its provisions, the advance notification of which would enhance confidence between the Parties.

Second Common Understanding.—A multiple ICBM launch conducted by a Party, as distinct from single ICBM launches referred to in Article XVI of the Treaty, is a launch which would result in two or more of its ICBMs being in flight at the same time.

Third Common Understanding.—The test ranges referred to in Article XVI of the Treaty are those covered by the Second Agreed Statement to paragraph 2 of Article VII of the Treaty.

2. The Parties shall agree in the Standing Consultative Commission upon procedures to implement the provisions of this Article.

ARTICLE XVII

1. To promote the objectives and implementation of the provisions of this Treaty, the Parties shall use the Standing Consultative Commission established by the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding the Establishment of a Standing Consultative Commission of December 21, 1972.

2. Within the framework of the Standing Consultative Commission, with respect to this Treaty, the Parties will:

(a) consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;

(b) provide on a voluntary basis such information as either Party considers necessary to assure confidence in compliance with the obligations assumed;

(c) consider questions involving unintended interference with national technical means of verification, and questions involving unintended impeding of verification by national technical means of compliance with the provisions of this Treaty;

(d) consider possible changes in the strategic situations which have a bearing on the provisions of this Treaty;

(e) agree upon procedures for replacement, conversion, and dismantling or destruction, of strategic offensive arms in cases provided for in the provisions of this Treaty and upon procedures for removal of such arms from the aggregate numbers when they otherwise cease to be subject to the limitations provided for in this Treaty, and at regular sessions of the Standing Consultative Commission, notify each other in accordance with the aforementioned procedures, at least twice annually, of actions completed and those in process;

(f) consider, as appropriate, possible proposals for further increasing the viability of this Treaty, including proposals for amendments in accordance with the provisions of this Treaty;

(g) consider, as appropriate, proposals for further measures limiting strategic offensive arms.

3. In the Standing Consultative Commission the Parties shall maintain by category the agreed data base on the numbers of strategic offensive arms established by the Memorandum of Understanding Between the United States of America and the Union of Soviet Socialist Republics Regarding the Establishment of a Data Base on the Numbers of Strategic Offensive Arms of June 18, 1979.

Agreed Statement.—In order to maintain the agreed data base on the numbers of strategic offensive arms subject to the limitations provided for in the Treaty in accordance with paragraph 3 of Article XVII of the Treaty, at each regular session of the Standing Consultative Commission the Parties will notify each other of and consider changes in those numbers in the following categories: launchers of ICBMs; fixed launchers of ICBMs; launchers of ICBMs equipped with MIRVs; launchers of SLBMs; launchers of SLBMs equipped with MIRVs; heavy bombers; heavy bombers equipped for cruise missiles capable of a range in excess of 600 kilometers; heavy bombers equipped only for ASBMs; ASBMs; and ASBMs equipped with MIRVs.

ARTICLE XVIII

Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures governing the entry into force of this Treaty.

ARTICLE XIX

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party. This Treaty shall enter into force on the day of the exchange of instruments of ratification and shall remain in force through December 31, 1985, unless replaced earlier by an agreement further limiting strategic offensive arms.

2. This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

3. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that the extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

Done at Vienna on June 18, 1979, in two copies, each in the English and Russian languages, both texts being equally authentic.

For the United States of America:

JIMMY CARTER, *President of the United States of America*

For the Union of Soviet Socialist Republics:

L. BREZHNEV, *General Secretary of the CPSU, Chairman of the Presidium of the Supreme Soviet of the U.S.S.R.*

PROTOCOL TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF STRATEGIC OFFENSIVE ARMS

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Having agreed on limitations on strategic offensive arms in the Treaty,

Have agreed on additional limitations for the period during which this Protocol remains in force, as follows:

ARTICLE I

Each Party undertakes not to deploy mobile ICBM launchers or to flight-test ICBMs from such launchers.

ARTICLE II

1. Each Party undertakes not to deploy cruise missiles capable of a range in excess of 600 kilometers on sea-based launchers or on land-based launchers.

2. Each Party undertakes not to flight-test cruise missiles capable of a range in excess of 600 kilometers which are equipped with multiple independently targetable warheads from sea-based launchers or from land-based launchers.

Agreed Statement.—Warheads of a cruise missile are independently targetable if maneuvering or targeting of the warheads to separate aim points along ballistic trajectories or any other flight paths, which are unrelated to each other, is accomplished during a flight of a cruise missile.

3. For the purposes of this Protocol, cruise missiles are unmanned, self-propelled, guided, weapon-delivery vehicles which sustain flight through the use of aerodynamic lift over most of their flight path and which are flight-tested from or deployed on sea-based or land-based launchers, that is, sea-launched cruise missiles and ground-launched cruise missiles, respectively.

First Agreed Statement.—If a cruise missile is capable of a range in excess of 600 kilometers, all cruise missiles of that type shall be considered to be cruise missiles capable of a range in excess of 600 kilometers.

First Common Understanding.—If a cruise missile has been flight-tested to a range in excess of 600 kilometers, it shall be considered to be a cruise missile capable of a range in excess of 600 kilometers.

Second Common Understanding.—Cruise missiles not capable of a range in excess of 600 kilometers shall not be considered to be of a type capable of a range in excess of 600 kilometers if they are distinguishable on the basis of extremely observable design features from cruise missiles of types capable of a range in excess of 600 kilometers.

Second Agreed Statement.—The range of which a cruise missile is capable is the maximum distance which can be covered by the missile in its standard design mode flying until fuel exhaustion, determined by projecting its flight path onto the Earth's sphere from the point of launch to the point of impact.

Third Agreed Statement.—If an unmanned, self-propelled, guided vehicle which sustains flight through the use of aerodynamic lift over most of its flight path has been flight-tested or deployed for weapon delivery, all vehicles of that type shall be considered to be weapon-delivery vehicles.

Third Common Understanding.—Unmanned, self-propelled, guided vehicles which sustain flight through the use of aerodynamic lift over most of their flight path and are not weapon-delivery vehicles, that is, unarmed, pilotless, guided vehicles, shall not be considered to be cruise missiles if such vehicles are distinguishable from cruise missiles on the basis of externally observable design features.

Fourth Common Understanding.—Neither Party shall convert unarmed, pilotless, guided vehicles into cruise missiles capable of a range in excess of 600 kilometers, nor shall either Party convert cruise missiles capable of a range in excess of 600 kilometers into unarmed, pilotless, guided vehicles.

Fifth Common Understanding.—Neither Party has plans during the term of the Protocol to flight-test from or deploy on sea-based or land-based launchers unarmed, pilotless, guided vehicles which are capable of a range in excess of 600 kilometers. In the future, should a Party have such plans, that Party will provide notification thereof to the other Party well in advance of such flight-testing or deployment. This Common Understanding does not apply to target drones.

ARTICLE III

Each Party undertakes not to flight-test or deploy ASBMs.

ARTICLE IV

This Protocol shall be considered an integral part of the Treaty. It shall enter into force on the day of the entry into force of the Treaty and shall remain in force through December 31, 1981, unless replaced earlier by an agreement on further measures limiting strategic offensive arms.

Done at Vienna on June 18, 1979, in two copies, each in the English and Russian languages, both texts being equally authentic.

For the United States of America:

JIMMY CARTER, *President of the United States of America.*

For the Union of Soviet Socialist Republics:

L. BREZHNEV, *General Secretary of the CPSU, Chairman of the Presidium of the Supreme Soviet of the U.S.S.R.*

MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS REGARDING THE ESTABLISHMENT OF A DATA BASE ON THE NUMBERS OF STRATEGIC OFFENSIVE ARMS

For the purposes of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Strategic Offensive Arms, the Parties have considered data on numbers of strategic offensive arms and agree that as of November 1, 1978 there existed the following numbers of strategic offensive arms subject to the limitations provided for in the Treaty which is being signed today.

	U.S.A.	U.S.S.R.
Launchers of ICBMs	1,054	1,398
Fixed launchers of ICBMs	1,054	1,398
Launchers of ICBMs equipped with MIRVs	550	576
Launchers of SLBMs	656	950
Launchers of SLBMs equipped with MIRVs	496	128
Heavy bombers	574	156
Heavy bombers equipped for cruise missiles capable of a range in excess of 600 kilometers	0	0
Heavy bombers equipped only for ASBMs	0	0
ASBMs	0	0
ASBMs equipped with MIRVs	0	0

At the time of entry into force of the Treaty the Parties will update the above agreed data in the categories listed in this Memorandum.

Done at Vienna on June 18, 1979, in two copies, each in the English and Russian languages, both texts being equally authentic.

For the United States of America:

RALPH EARLE II, *Chief of the United States Delegation to the Strategic Arms Limitation Talks*

For the Union of Soviet Socialist Republics:

V. KARPOV, *Chief of the U.S.S.R. Delegation to the Strategic Arms Limitation Talks.*

STATEMENT OF DATA ON THE NUMBERS OF STRATEGIC OFFENSIVE ARMS AS OF THE DATE OF SIGNATURE OF THE TREATY

The United States of America declares that as of June 18, 1979 it possesses the following numbers of strategic offensive arms subject to the limitations provided for in the Treaty which is being signed today:

Launchers of ICBMs	1,054
Fixed launchers of ICBMs	1,054
Launchers of ICBMs equipped with MIRVs	550
Launchers of SLBMs	656
Launchers of SLBMs equipped with MIRVs	496
Heavy bombers	573
Heavy bombers equipped for cruise missiles capable of a range in excess of 600 kilometers	3
Heavy bombers equipped only for ASBMs	0
ASBMs	0
ASBMs equipped with MIRVs	0

June 18, 1979.

RALPH EARLE II, *Chief of the United States Delegation to the Strategic Arms Limitation Talks.*

I certify that this is a true copy of the document signed by Ambassador Ralph Earle II entitled "Statement of Data on the Numbers of Strategic Offensive Arms as of the Date of Signature of the Treaty" and given to Ambassador V. Karpov on June 18, 1979 in Vienna, Austria.

THOMAS GRAHAM, Jr., *General Counsel, United States Arms Control and Disarmament Agency.*

STATEMENT OF DATA ON THE NUMBERS OF STRATEGIC OFFENSIVE ARMS AS OF THE DATE OF SIGNATURE OF THE TREATY

The Union of Soviet Socialist Republics declares that as of June 18, 1979, it possesses the following numbers of strategic offensive arms subject to the limitations provided for in the Treaty which is being signed today:

Launchers of ICBMs	1,398
Fixed launchers of ICBMs	1,398
Launchers of ICBMs equipped with MIRVs	608
Launchers of SLBMs	950
Launchers of SLBMs equipped with MIRVs	144
Heavy bombers	156
Heavy bombers equipped for cruise missiles capable of a range in excess of 600 kilometers	0
Heavy bombers equipped only for ASBMs	0
ASBMs	0
ASBMs equipped with MIRVs	0

June 18, 1979.

V. KARPOV, *Chief of the U.S.S.R. Delegation to the Strategic Arms Limitation Talks.*

Translation certified by: W.D. Krimer. Senior Language Officer, Division of Language Services, U.S. Department of State.

WILLIAM D. KRIMER.

JOINT STATEMENT OF PRINCIPLES AND BASIC GUIDELINES FOR SUBSEQUENT NEGOTIATIONS ON THE LIMITATION OF STRATEGIC ARMS

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Having concluded the Treaty on the Limitation of Strategic Offensive Arms,

Reaffirming that the strengthening of strategic stability meets the interests of the Parties and the interests of international security,

Convinced that early agreement on the further limitation and further reduction of strategic arms would serve to strengthen international peace and security and to reduce the risk of outbreak of nuclear war,

Have agreed as follows:

First. The Parties will continue to pursue negotiations, in accordance with the principle of equality and equal security, on measures for the further limitation and reduction in the numbers of strategic arms, as well as for their further qualitative limitation.

In furtherance of existing agreements between the Parties on the limitation and reduction of strategic arms, the Parties will continue, for the purposes of reducing and averting the risk of outbreak of nuclear war, to seek measures to strengthen strategic stability by, among other things, limitations on strategic offensive arms most destabilizing to the strategic balance and by measures to reduce and to avert the risk of surprise attack.

Second. Further limitations and reductions of strategic arms must be subject to adequate verification by national technical means, using additionally, as appropriate, cooperative measures contributing to the effectiveness of verification by national technical means. The Parties will seek to strengthen verification and to perfect the operation of the Standing Consultative Commission in order to promote assurance of compliance with the obligations assumed by the Parties.

Third. The Parties shall pursue in the course of these negotiations, taking into consideration factors that determine the strategic situation, the following objectives:

(1) significant and substantial reductions in the numbers of strategic offensive arms;

(2) qualitative limitations on strategic offensive arms, including restrictions on the development, testing, and deployment of new types of strategic offensive arms and on the modernization of existing strategic offensive arms;

(3) resolution of the issues included in the Protocol to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Strategic Offensive Arms in the context of the negotiations relating to the implementation of the principles and objectives set out herein.

Fourth. The Parties will consider other steps to ensure and enhance strategic stability, to ensure the equality and equal security of the Parties, and to implement the above principles and objectives. Each Party will be free to raise any issue relative to the further limitation of strategic arms. The Parties will also consider further joint measures, as appropriate, to strengthen international peace and security and to reduce the risk of outbreak of nuclear war.

Vienna, June 18, 1979.

For the United States of America:

JIMMY CARTER, *President of the United States of America.*

For the Union of Soviet Socialist Republics:

L. BREZHNEV, *General Secretary of the CPSU, Chairman of the Presidium of the Supreme Soviet of the U.S.S.R.*

SOVIET BACKFIRE STATEMENT

On June 16, 1979, President Brezhnev handed President Carter the following written statement [original Russian text was attached]:

"The Soviet side informs the US side that the Soviet 'Tu-22M' airplane, called 'Backfire' in the USA, is a medium-range bomber, and that it does not intend to give this airplane the capability of operating at intercontinental distances. In this connection, the Soviet side states that it will not increase the radius of action of this airplane in such a way as to enable it to strike targets on the territory of the USA. Nor does it intend to give it such a capability in any other manner, including by in-flight refueling. At the same time, the Soviet side states that it will not increase the production rate of this airplane as compared to the present rate."

President Brezhnev confirmed that the Soviet Backfire production rate would not exceed 30 per year.

President Carter stated that the United States enters into the SALT II Agreement on the basis of the commitments contained in the Soviet statement and that it considers the carrying out of these commitments to be essential to the obligations assumed under the Treaty.

CYRUS VANCE.

● Mr. HELMS. Mr. President, I send to the desk an amendment that I intend to propose to the Threshold Test Ban Treaty. I ask unanimous consent that it be printed. This amendment to the Threshold Test Ban Treaty, or TTBT, is the Strategic Arms Limitation Treaty II, or SALT II.

Mr. President, I intend to propose the SALT II Treaty as amendment to the TTBT when and if the TTBT comes to the Senate floor for the Senate's advice and consent for Presidential ratification. Therefore, I ask further that the SALT II Treaty amendment be referred to the Foreign Relations Committee for consideration in that committee and without prejudice to my right to call up the amendment to the TTBT during executive session should that treaty eventually come before the Senate. I am opposed to SALT II and the TTBT for many reasons, but in both cases because the Soviets have proven by their violations that they cannot be trusted.●

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Thursday, January 22, 1987, at 8:30 a.m., to mark up Senate committees' funding resolutions for fiscal year 1987.

For further information concerning this business meeting, please contact Carole Blessington of the Rules Committee staff on extension 40278.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place Thursday, February 19, 1987, 10 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on two measures currently pending before the subcommittee.

S. 56, a bill to establish the El Malpais National Monument, the Massau Trail, and the Grants National Conservation Area in the State of New Mexico, and for other purposes; and

S. 90, a bill to establish the Big Cypress National Preserve addition in the State of Florida, and for other purposes.

Those wishing information about testifying at the hearing or submitting written statements should write to the Subcommittee on Public Lands, National Parks and Forests, U.S. Senate, room SD-364, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Tom Williams at 202-224-7145.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, the Committee on Agriculture, Nutrition, and Forestry will meet on Tuesday, January 27, 1987 at 3 p.m. in SR-332 to complete action on subcommittee assignments, adopt the committee rules, and to consider S. 341, The Agricultural Emergency Assistance Act of 1987.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the Committee on Banking be authorized to meet during the session of the Senate on Wednesday, January 21, 1987, at 4:30 p.m. to mark up proposed legislation authorizing funds for the Urban Mass Transportation Administration's Transit Program, and related proposals, including S. 224.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE PROMPT PAY AMENDMENTS OF 1987

● Mr. COHEN. Mr. President, I am pleased to be a cosponsor of S. 328, the Prompt Pay Amendments of 1987, which was introduced yesterday. This bill is designed to close loopholes in and improve the implementation of the original Prompt Pay Act.

Virtually identical legislation was passed by the Senate at the end of the 99th Congress. It received no action in the House, but it is my hope that this bill will be approved by both Chambers this year. As former chairman of the Governmental Affairs Oversight Subcommittee, I had a hand in crafting this measure and am convinced that a legislative solution is needed.

I commend Senator TRIBLE and Senator SASSER for their leadership role in this important initiative, as well as the Small Business Committee, which developed an extensive hearing record to support the need for the legislation.

The Prompt Payment Act of 1982 was enacted to ensure that the Government pay businesses in a timely manner and, if it fails to do so, that it pay interest on the overdue amounts. The act, for the first time, established statutory payment terms that generally require an agency to pay a prime contractor within 30 days after receipt of a proper invoice.

While this law has unquestionably improved the timeliness of the Government's bill paying, several problems became apparent in the implementation of the act. Witnesses testifying before both the Senate Small Business Committee and the House Government Operations Committee stated that the following Federal pay practices continue to fall short of the goal of prompt pay.

First, agencies still pay nearly 25 percent of their bills after the due date. Second, agencies frequently fail to pay the interest penalty on late payments. Third, agencies often abuse the intent of establishing a grace period by routinely paying invoices within this extended period. Fourth, agencies take discounts offered by contractors for fast payment, although actual payment is made after expiration of the specified discount period. And, finally, agencies inform contractors, who inquire about the nonpayment of interest owed, that a written demand for the interest is required. Some agencies, in fact, have a policy not to pay interest owed unless asked.

It may be argued that the Government already has a good record in paying its bills. In fact, the Office of Management and Budget claims that over 99 percent of the Government's bills are now paid on time. Contrary to OMB's claim, however, the General Accounting Office states unequivocally in an August 1986 report that "this is not an accurate assessment." OMB's 99 percent success rate, according to the GAO, is premised on the assumption that "any payments that did not include interest penalties had been paid on time regardless of whether payment occurred by the due date." OMB's figures, therefore, include payments made on time, those made during the "grace period," and late payments in which penalties were owed but not paid.

The GAO concludes in its report that "OMB's annual performance reports under the act have been misleading, thereby not highlighting the need for corrective action."

In testimony before the Senate and House committees, the OMB acknowledged that problems exist in the implementation of the Prompt Payment Act, but stated its preference to remedy these problems administratively rather than legislatively. The proposed administrative steps taken thus far, however, are not only inadequate, but are also inconsistent with the spirit of the act. In particular, the proposed changes to the Federal acquisition regulation issued in July 1986 stipulate that agencies would generally have a maximum of 75 days to make payment—consisting of a 30-day acceptance term, a 30-day payment term, and a 15-day grace period—before a contractor would be entitled to any late payment interest penalty.

These proposed regulations would clearly loosen, rather than tighten, the payment term prescribed under the act and consequently worsen, rather than solve, the problems identified with implementation of the act.

In light of the inadequate administrative action taken to date to address the implementation problems, I agree with Senator TRIBLE and Senator SASSER that legislation is necessary. Even if the administrative remedy were consistent with the objectives of the act, legislation is nonetheless needed, in my judgment, to codify this policy to ensure continued and effective implementation.

This bill proposes the following changes to the Prompt Pay Act. First, it revises the receipt of invoice trigger to clarify when the prompt payment term starts. Second, it reduces the grace period, within which agencies are permitted to make payment, from 15 to 8 days and subsequently eliminates it altogether. Third, it requires that interest, when due, must be paid automatically without regard to whether the contractor has requested payment of such penalty. Fourth, it entitles a contractor, when an interest penalty is due but not paid, to double interest payments. Fifth, it clarifies that the act applies to progress payments and retained amounts for construction contracts. And, finally, it expands application of the act to include subcontracts under construction contracts.

This last provision is of particular interest to subcontractors who, like prime contractors, want to be paid promptly when working on Federal contracts. For this reason, the bill requires that prime contractors must pay their subcontractors in accordance with prevailing industry standards and pay a specified interest penalty when prompt payment is not made.

In closing, Mr. President, I believe this legislation goes a long way toward improving the Government's bill-paying practices. I urge my colleagues to lend their support.●

NATIONAL FISHING WEEK

● Mr. D'AMATO. Mr. President, I rise this afternoon to cosponsor legislation, Senate Joint Resolution 18, introduced by my distinguished colleague from Wyoming, Senator WALLOP, to authorize and request the President to proclaim the week beginning June 1, 1987, as "National Fishing Week." Second only to swimming as the Nation's most popular outdoor sport, fishing is a source of sport and recreation for millions of active Americans.

My family and I join the more than 54 million other Americans who fish each year. It's both relaxing and invigorating, especially when the day is bountiful. Sport fishing is a family activity that can be enjoyed by people of all ages and abilities, from young children to senior citizens.

The Nation's fishing community also consists of a cadre of professionals who harvest the ocean's bounties for public consumption. The demand for fishing goods and services generates employment for roughly 600,000 individuals, and the fishing industry directly employs an additional 300,000, who supply seafood worth an estimated $2.4 billion in direct sales. On the whole, sport fishermen and women annually generate over $25 billion in economic activity.

America's fishing industry has celebrated this special week for 9 years. This sport enhances respect for the environment; as a source of exercise, it improves the quality of life; and it provides a ready source of healthy, protein-rich food for the American table. Enactment of Senate Joint Resolution 18 will draw national attention to these benefits of fishing, as well as of family outings; fishing clinics and tournaments; environmental seminars; various activities for children and handicapped persons; and, as 35 State Governors in 1986 proclaimed in their States, free fishing days.

It is fitting and proper, therefore, that the President formally recognize the importance of fishing to the citizenry of the United States by proclaiming June 1 through 7, 1987, as "National Fishing Week." I urge those of my colleagues who have not already done so to lend this measure their full support.●

IAAF TRACK AND FIELD COMPETITION

● Mr. LUGAR. Mr. President, in March of this year, the city of Indianapolis will make history, hosting the first IAAF world indoor championships for track and field. The meet will attract more than 100,000 visitors from around the United States and the world during the 3-day event. The eyes of the globe will focus on that city with television audiences bigger than any amateur sporting event since the 1984 Olympic games.

Indianapolis is a fitting place to hold this competition. Hoosiers are amateur sports enthusiasts and, through the years, have hosted an array of sporting events. In the last 2 years, Indianapolis has been the site of the National Track Championship, the NCAA Swimming and Diving Championship, the National Rowing Championship, and many other high level competitions. And this year, with the city hosting the world track championships, we will add an exciting new chapter to this tradition.

The meet will bring athletes and representatives from more than 100 nations. International sporting events provide people of widely different nations the opportunity to come together for greater understanding. Cooperation at these events runs high even while there is friendly competition, and we look forward to continuing our tradition, in Indianapolis, as a sports meeting place, March 6-8.

The International Amateur Athletic Federation has designated 1987 their "Year of Athletics" to commemorate their 75th anniversary. This group richly deserves our congratulations of 75 years of support for amateur athletes and our thanks for their dedication to this worthy effort.●

THE KERN RIVER

● Mr. WILSON. Mr. President, I am pleased to add my name as a cosponsor of a bill, S. 247, introduced by my distinguished colleague from California, Senator CRANSTON, to designate segments of the north and south forks of the Kern River in California as part of the National Wild and Scenic Rivers System.

The north fork of the Kern is one of the swiftest rivers in the country. From its source near Mount Whitney, the river flows through the Sequoia National Park and the Golden Trout Wilderness. The lower segment of the north fork to the Tulare-Kern County line is a popular recreational area, providing enjoyment for thousands of rafters, fishermen and hikers from across southern California. This bill would provide southern California with its only designated Wild and Scenic River.

Questions have been raised as to the potential effect this legislation would have on the existing southern California Edison diversion facility, used for hydroelectric purposes, on the north fork of the Kern River. If upon further review it becomes apparent that statutory language is necessary in order to ensure continued operation and maintenance of this facility at existing levels, I will pursue an amendment to the bill that addresses this issue.

I am aware that certain property owners and miners along the north fork of the Kern are concerned that this bill will encroach upon their property rights. I believe these fears are unfounded. Under S. 247, public access of the river will continue. The recreational status that would be given to the lower stretch of the river would not allow the Federal Government to confiscate property. In fact, wild and scenic river status should help ease the problems arising on the Kern resulting from an expected increase in recreational use. The bill would provide for the development of a comprehensive management plan for the river as a whole, allowing for the preservation of the river's scenic values during a time when the recreational demands on the river are likely to increase.

This bill would designate 72.5 miles of the beautiful south fork of the Kern River as wild and scenic. I have been assured that the boundaries for the south fork have been drawn to allow for consideration of FERC project No. 4805 and the competing application FERC project No. 6441. I am aware of no major hydroelectric development that will be precluded by designation of either the north or south fork of the Kern River.

Mr. President, the north and south forks of the Kern River deserve the kind of permanent protection this bill can offer. I am proud to support S. 247 and look forward to its early consideration.●

COMMITTEE RULES MUST BE PUBLISHED BY MARCH 1

● Mr. FORD. Mr. President, I wish to remind each committee chairman that pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate, the rules governing the procedure of the committee must be published in the CONGRESSIONAL RECORD no later than March 1, 1987.●

GUAYULE

● Mr. DOMENICI. Mr. President, back in the late 1970's when we were facing serious oil shortages, this body passed legislation which I authorized to promote the development and commercialization of guayule. Guayule, a plant which is a natural source of rubber, had been promoted during the Second World War, but little research had been done since then to develop a strain that would produce enough rubber to make it a viable, marketable product. The Native Latex Commercialization and Economic Development Act of 1978 created a Government program, supported through university research, to try to develop a strain of guayule that produces enough latex to make it marketable, thereby reducing our dependence on synthetic rubber and our dependence on foreign oil which is used to produce synthetic rubber.

In 1984, the program was expanded to establish within the Department of Agriculture an Office of Critical Materials, whose charge is to research other exotic plants for possible commercial development.

All of the research efforts on guayule appear to be producing results. The Washington Post ran an article in this past Friday's Federal Page, discussing how the Department of Defense has agreed to purchase from a new Firestone guayule manufacturing plant being constructed in Arizona, a portion of the rubber made from guayule. This commitment could provide the extra stimulus needed to make guayule production an economically viable industry in the future.

Research on exotic plants that have commercial potential needs to be continued, and I insert the Washington Post article be printed in the RECORD.

The article follows:

DOMESTIC NATURAL RUBBER ON REBOUND AT USDA

(By Ward Sinclair)

The Agriculture Department is trying to reinvent the wheel—or, more precisely, to reinvent the rubber that covers the wheel.

USDA and the Defense Department, in combination with university researchers and the Gila River Indians in Arizona, are at work on ways to extract natural rubber from the guayule plant, a bush that grows wild in the arid Southwest.

It has been known for centuries that the guayule (wye-OO-lay) yields rubber, but the USDA research and development program is aimed at producing the native latex on a competitive commercial scale, both as a cash crop for farmers and as an alternative to the nation's total reliance on natural rubber from abroad

Ground will be broken this fall on an $8.3 million prototype plant in Arizona, operated by Firestone Tire & Rubber Co., to process guayule grown by the Gila River Indians. The goal will be to produce about 50 tons of rubber for tests to determine if it meets DOD's high standards of heat-resistance and durability.

"A key is that the Defense Department has agreed to purchase up to 20 percent of its annual tire-rubber requirements if the process works," said Paul O'Connell, deputy administrator of USDA's Office of Grants and Programs.

"The economics are not there right now for a commercial industry, but with increased plant yields and markets for byproducts and the DOD assistance, guayule has a chance," he added.

Guayule is one of a number of exotic plants—kenaf, crambe, cuphea, and meadowfoam, to name a few-under study by USDA's Office of Critical Materials for their industrial potential. A test facility is expected to open in Texas this year to convert kenaf, a fiber crop, into newsprint, the paper you're now reading.

The critical-materials office, a part of the Cooperative State Research Service, was created by Congress in 1984 as it broadened legislation of a decade ago. Its role is to develop industrial materials from crops, creating new markets for farmers now growing surpluses.

"In this case," O'Connell said, "the Defense Department is interested in a viable domestic rubber source, and our interest lies in developing an alternative for farmers who are in economic difficulty with traditional crops."

O'Connell and E. Richard Wheaton, head of the critical-materials office, think that guayule holds the greatest near-term promise. A small handful of plant breeders is attempting to increase guayule's rubber yields to make it more marketable.

"We have made significant progress in just a few years," said guayule breeder Dennis Ray, a University of Arizona scientist. "We started with 5 to 6 percent rubber content, and we have it up to 9 to 10 percent and sometimes more than that."

Ray added, "There's no doubt that guayule will be a commercial crop, for reasons other than defense, that can stand on its own without government subsidies. It really hinges on the plant breeders. We've probably done the easy part; from here on out it will be grinding out a little at a time. But I'm quite positive about it."

But Wheaton and others said that even with increased rubber content, guayule profitability depends on the development of other byproducts.

Charles West, president of Resin Research Laboratories in Newark, said tests showed that guayule resins and the plant's brushy residue called bagasse can be converted into dozens of products.

"We showed how by processing bagasse we could get meaningful industrial materials and use the resins for adhesives, caulkings and other applications," West said. "We brought the rubber cost to where it is competitive . . . but we gave only an overview, and now we have to get into the details."

West also sees potential in guayule for the troubled farmer. "We've exported our farm technology and our seeds, and now we find that other nations are competing strongly against our agricultural exports," he said. "The only safeguard for the American farmer is to go to more crops that have industrial applications. . . . But we have to have a champion for this cause."

Now, about reinventing the wheel.

The Aztecs of pre-Hispanic Mexico learned that guayule contained rubber. They developed a crude process for extracting it to make balls for their court games. With the advent of the automobile, U.S. and Mexican entrepreneurs created a small industry to produce guayule rubber for tires.

When natural rubber from Asia was cut off in World War II, the United States launched an emergency program to develop synthetic rubber and to derive natural rubber—critical to the military for its heat-resistant properties—from guayule.

Soon at least 30,000 acres of guayule were under cultivation in California, and the crop contributed to the war effort. But the synthetic program was a bigger success, and after the war Congress ordered the guayule plantings and some of the seed stock destroyed.

A standard explanation is that California land-owners were demanding higher rents and that, with the success of synthetic rubber, few saw much future for guayule. Another version holds that the U.S. government wiped out the guayule program as a favor to British natural-rubber producers in Asia.

But guayule was revived in the late 1970s under prodding by Rep. George Brown Jr. (D-Calif.) and others in Congress who saw it as an alternaive crop along with a variety of other little-known oil and rubber plants.

"It is no secret that the American farmer is pitted against countries that can produce foodstuffs of comparable quality at less cost," said Stan Alcorn, an Arizona scientist who studies plant disease. "If . . . we can grow guayule at home, we are perhaps doing ourselves a strategic favor and a favor to farmers to keep them involved."●

SANTA FE TRAIL

● Mr. BINGAMAN. Mr. President, I am pleased to add my name as an original cosponsor of the legislation introduced today by my distinguished colleague from Kansas to designate the Santa Fe trail as a national historic trail.

I would like to point out that similar legislation, introduced by my distinguished colleague from New Mexico, Congressman RICHARDSON, was passed by the House of Representatives last year, but was never fully considered by the Senate. Similar legislation has been reintroduced in the House this year.

Both the House bill and the Senate legislation would grant historical status to the 920 mile Santa Fe trail. The trail began in Independence, MO, continued through Kansas, Oklahoma, and Colorado, and ends in New Mexico. One route of the trail in New Mexico passed through Raton to Cimarron, Taos, Fort Union, La Junta—now Watrous—Las Vegas, across the Pecos River through Glorieta Pass and into Santa Fe. The other route carried travelers from Oklahoma, through eastern New Mexico to the Canadian Cross, through Wagon Mound, La Junta—Watrous—Las Vegas, the Glorieta Pass, and into Santa Fe.

The Santa Fe Trail, opened in 1821, became one of the great trans-Mississippi pathways to the American West. It was once the major overland route between the central United States and the Western frontier.

This celebrated overland route is rich in historic and cultural value. It not only played a central role in the expansion of the West, but it was a major thoroughfare for commerce between the United States and the Republic of Mexico.

The historic trail designation would help to preserve the trail and be a spur to increased tourism in New Mexico and elsewhere. According to the New Mexico Economic Development and Tourism Department, the trail designation would mean an additional $160,000 for the travel industry annually in northeast New Mexico, particularly in economically depressed Colfax, Mora, and San Miguel counties.

The designation would also be a great distinction for the trail and the State, since national historic trail status is shared by only two other trails in America—the Oregon and California trails. The legislation complies with the National Trails System Act, which requires the Secretary of the Interior to submit to Congress a comprehensive management and use plan before requesting funding.

The legislation is also carefully crafted not to disturb the land rights of individual landowners. The bill, as drafted, insures that no private land would be appropriated for the trail without the consent of the landowner. In addition, before acquiring any easement or entering into any cooperative agreement with a private landowner, the Secretary would be required to notify the landowners of any potential liability for public injury from physical conditions that may exist on the landowner's land.

The Sante Fe trail is the last major overland wagon road to be considered for national historic trail designation. I feel it is particularly deserving of this distinction. Passage of this bill would preserve and protect the trail. It would bring needed tourism to rural areas of New Mexico and other States. And it has strong local community support.

I encourage my colleagues to support this worthwhile legislation.●

CHACO CANYON, NM

● Mr. DOMENICI. Mr. President, the New York Times recently printed a fascinating article on land use by ancient cultures. A good portion of the article focused on the effect that the inhabitants of Chaco Canyon, NM had on their environment.

The gist of the article is that the Anasazi Indians who inhabited the region may have destroyed plant species and made excessive use of wood for fuel and for multistory apartment dwellings. This destruction of the land may have laid the basis for the demise of the Chaco Canyon culture.

Although this is not yet accepted as scientific fact—it is just a theory—there are several lessons in it for us. The first is that the future of a society is dependent upon the maintenance of its environment. No society can afford to destroy the resources which sustain it. Of course, we cannot fault the Anasazi people for their land use; they did not have the benefit of the scientific knowledge about the effects of resource depletion. Modern man, however, has that knowledge and must take the necessary steps to ensure that we preserve our environment for future generations, lest we mysteriously disappear from the face of the Earth just as Anasazi did.

The second lesson is that we still have much to learn about the Chacoan culture and the people who comprised it. This culture produced many achievements, but mysteriously disappeared. We do not know much about who these people were or where they went. In 1980, Congress created the Chaco Canyon National Hisitorical Park and established procedures for the protection, perservation, and administration of archeological remnants of the Chacoan culture. I anticipate that the National Park Service Service will soon be making recommendations on additional sites which should be added to the park and on how to improve the management of Chaco Canyon. I look forward to reviewing this proposal and working to improve the protection of this magnificent area.

Mr. President, I ask that the New York Times articles and an Albuquerque Tribune editorial on the subject be printed in the RECORD.

The article follows:

[From the New York Times, Jan. 13, 1987]

NEW FINDINGS REVEAL ANCIENT ABUSE OF LANDS

(By Malcolm W. Browne)

Recent discoveries in the southwestern United States, southern Greece and the South Pacific have persuaded a growing number of archeologists that primitive people were much more destructive to their habitat than had been generally believed.

The current trend may finally put an end to what Dr. Jared M. Diamond describes as "the environmentalist myth"—an alleged bias of many scientists toward "the romanticized concept of the 'noble savage'" proclaimed by the 18th-century philosopher Jean-Jacques Rousseau. Writing in the British journal Nature, Dr. Diamond, a professor of physiology at the University of California (Los Angeles) School of Medicine, cited the destruction of plant species on Easter Island and in the Chaco Canyon in northwestern New Mexico as glaring examples of primitive human abuse of the land.

"The reason for this bias," he said in an interview, "is that primitive peoples have been so horribly treated by whites over the centuries that many whites today justly feel a sense of guilt. Scientists, among others, sometimes tend to compensate for this in inappropriate ways. For example, it has become politically and socially inexpedient to write or speak of the role of the Maori aboriginals of New Zealand in the extinction of the moa (a large lightless bird), or of early Polynesian settlers who brought about the extinction of various Hawaiian birds."

Dr. Diamond and like-minded archeologists believe that some societies have directly contributed to their own demise by abusing the lands on which they lived. At the same time, a declining society is likely to abandon sound conservation, he said, and the spiral of decay becomes tighter.

Strong support for Dr. Diamond's revisionist point of view has come from Julio L. Betancourt, an archeologist, and his colleagues at the University of Arizona, who have extensively studied the Anasazi Indian civilization that flourished in New Mexico's Chaco Canyon from about 1000 A.D. to 1200 A.D.

The Chaco Canyon has long fascinated and mystified archeologists. Its vanished inhabitants, believed to have been ancestors of modern-day Hopi and other Pueblo Indian groups, built the largest and tallest buildings that existed in North America prior to the advent of skyscrapers at the end of the 19th Century. Hundreds of 12th-century Chaco Canyon families were housed in huge stone-and-adobe apartment buildings that stood as high as five stories and whose ruins are still impressive.

Relics of this culture form an exhibit scheduled to open March 6 at New York's Museum and Natural History.

Although archeologists consider Chaco Canyon culture to have been almost as advanced as that of the Maya in Central America, Chaco Canyon inhabitants were unable to sustain in the life-giving qualities of their environment. Mr. Betancourt has unearthed some clues as to what happened to them, thanks to the preservative qualities of crystallized rat urine.

"Throughout the Anasazi region," Mr. Betancourt said in an interview, "pack rats established nests and left middens" or dungheaps. "The feces and scraps they left in the middens were soaked in urine, which dried and crystallized, preserving the seeds and plant fragments the rats had eaten."

The rats always foraged within a 50-yard radius of their nests, he explained, and as many as 30 different plant species are represented by fossilized seeds and twigs in each midden. The age of the material is determined by analysis for radioactive carbon 14.

"This gives us a series of snapshots of what plant species were growing in the Chaco Canyon region at various times during the history of the region," Mr. Betancourt said.

From this kind of evidence, he said, "you can see abrupt deforestation in the Chaco Canyon, as stark as night and day, as obvious as it is on Easter Island in the Pacific. Prior to 1,000 years ago there was pinyon-juniper woodland in the Chaco Canyon, and for the past 1,000 years it was gone. The change was irreversible."

Although the cause of the deforestation is debated by scientists, Mr. Betancourt believes the evidence supports the view that as the Chaco Canyon builders used up local woodlands for fuel and building, erosion destroyed the top soil and deepened the surface water channels that had been important for irrigation, converting them into agriculturally useless arroyos.

"This accounts for the fact that the geological record shows us a major deepening of water channels in the area between the 12th and 15th centuries," Mr. Betancourt said. "It's perfectly evident to me that people beat the hell out of the environment there, and then they moved."

Today, he said, inhabitants of other parts of the Southwest are once again "attacking pinyon-juniper woodlands, this time with trucks and chain saws," using the wood as fuel. It is essential that the Federal Government protect its national forests from further inroads, he said, if the fragile Southwestern habitat is to be preserved.

Dr. Diamond notes that deforestation also occurred on Easter Island in the South Pacific. Instead of moving on, however, the Easter Islanders abandoned their early artistic culture and land conservation practices to become warriors and cannibals. The island was once lushly covered with palms and other trees, but when its Polynesian population burned the wood and began allowing livestock to graze throughout the island, irreversible erosion destroyed the topsoil. By the beginning of the 18th century, Easter Island was barren, and remains so today.

Another form of support for Dr. Diamond's thesis is emerging in a series of papers published by a team of Stanford University archeologists who recently completed a three-year expedition to the Southern Argolid—a tongue of land protruding from southern Greece into the Mediterranean that has been inhabited by human beings for the past 50,000 years. The Stanford group gathered information and samples from 319 sites, seeking to determine whether a relationship existed between the vigor of regional society through the ages and the record left in the soil.

One of the team leaders, Dr. Curtis N. Runnels, believes the results tend to confirm Dr. Diamond's view that early man strongly influenced his environment, often for the worse.

"But this is not to say that man's impact was always destructive," Dr. Runnels said in an interview. "Throughout the history of the Southern Argolid, there have been times when man has conserved the land and prevented erosion, and other times when he let things go to pot. One can gauge the health of a society quite well from the amount of soil that erodes from high slopes and washes down as silt in the valleys."

Most of the region's original topsoil was stripped away by the ravages of the last ice age, Dr. Runnels said, but when the human population began to grow rapidly, they soon made their mark on what was left.

"Roughly 5,000 years ago, at the beginning of the Bronze Age," he said, "the population of the Southern Argolid increased dramatically, land was cleared as agriculture became intensive, and there was a period of severe erosion. We see it clearly in the great volume of silt that was washed down into the valleys and bays at that time."

To gauge the thickness of various silt deposits offshore, the Stanford team used a side-scan sonar apparatus towed behind a boat to make echo soundings of the sea bottom around the Southern Argolid. They discerned the position and extent of offshore silting as well as changes that had occurred in the sea level since the last ice age.

"But ancient civilizations eventually learned to build terraces to prevent erosion," Dr. Runnels said. "From the height of the great Mycenaean civilization in about 1,600 B.C. until its end in 1,000 B.C., we find no erosion at all. The Mycenaeans were great builders, of course, and they probably put up some of the original terraces and check dams that have been rebuilt over the ages and are still around."

But the great disadvantage of terracing, Dr. Runnels said, is that terraces must be constantly repaired and kept from leaking. If livestock are allowed to trample and damage a terrace, rain water soon cuts a channel through it, dragging down the dammed-up topsoil and initiating runaway erosion that may be irreversible.

The silting record shows that severe erosion occurred after the collapse of the Mycenaean civilization, and that conservation practices were reinstituted only after the Classical Greek period began some five centuries before Christ. With the decline of Greek political power between the third century B.C. and about 50 B.C., another period of severe erosion is detectable in silt patterns, Dr. Runnels said. A revival of sound agricultural practice occurred during the Roman era, but erosion set in again in the sixth century A.D. after the fall of Rome. Two more social crises in the Southern Argolid are discernable in silt patterns of the medieval period and of the past two centuries, Dr. Runnels said.

The current silting may be related, he said, to increased grazing on upland slopes, neglect of terrace repairs, the cultivation of such high-value crops as lemons (which consume large amounts of water), and the growth of the tourist industry at the expense of soil conservation.

"Right now, the people of the area are pushing for fast profits. But even a slight downturn in world conditions, or a decrease in the buying population of Athens, or a war interrupting shipping in the Eastern Mediterranean—any of those things could wreck agriculture in the Southern Argolid. The terraces would go to pot and what little topsoil is left would slide into the sea.

"At least in the Southern Argolid of Greece," Dr. Runnels said, "the vigor and intelligence of each society clearly marked the soil record. Many of us suspect that this relationship between land use and social health will be found elsewhere."

The tendencies of mankind have changed little over the centuries, Dr. Diamond believes. "By nature, present day man is neither more nor less destructive of the land than was his forebears," he said. "It's just that the technology of destruction is vastly more efficient than it was in the past. There never was such a thing as a noble savage."

[From the Albuquerque Tribune, Jan. 15, 1987]

RUINS AT CHACO CAN REMIND US OF FRAGILITY OF OUR NATURAL HABITAT

The haunting Anasazi ruins at Chaco Canyon have served New Mexicans in many ways over the years—mainly as a reminder that a mysterious, mystically inclined civilization, about which we know all-too little, preceded us here by untold centuries.

Lately, archaeologists have found in Chaco a reminder of something more sinister. They have turned up evidence that suggests residents of the towering pueblo abused their land, turning what once was a burgeoning pinion and juniper forest into a desert inhospitable to human existence.

It is a reminder that New Mexico's current residents should take to heart, permanently.

Archaeologists, studying the droppings of rodents that lived in the area, have determined that the land around Chaco was heavily forested until about 1,000 years ago, when the Anasazi population began to flourish there. The forest disappeared abruptly—within a couple of centuries—never to return. The site was abandoned.

The speculation is that the large, highly concentrated population of the pueblo used by the forest for firewood and building materials, leaving the soil vulnerable to erosion and useless for agriculture.

It is the same kind of story told about the Anasazi ruins at Mesa Verde in Southern Colorado—and about many other places around the world, both West and East.

We may never know for certain what happened at Chaco to cause such a cataclysm. But the evidence supports establishing Chaco, among other things, as an "environmental monolith"—an ancient calling card that directs our attention to the fragility of our natural habitat.

New Mexico is blessed with a magnificent environment—one whose beauties make living here special and one which has the practical, economic benefit of attracting tourists to the state.

People today have access to a more comprehensive view of history than was available to the Anasazi, a growing understanding of nature and the technology to benefit from the environment while protecting it.

The Chaco ruins remind us that what's here today can easily vanish tomorrow—and that we have little excuse for allowing this to happen.●

LIVING VISIONS CHOIR PERFORMS FOR UNICEF

● Mr. BRADLEY. Mr. President, during these times of economic suffering, hunger, and hardship in many developing nations, it is reassuring to know that there are new organizations arising in the United States working in their own way to ensure a safe and peaceful world for all.

One such organization is "The Living Visions Ensemble." The nonprofit Ensemble was formed 2 years ago by a group of young people involved with choir music that decided to do something to help the victims of the Ethiopian famine. The Ensemble has its roots in the Westminster Choir College of Princeton, NJ.

From that effort 2 years ago has come an ensemble dedicated to performing benefit concerts for organizations which are designed to serve human needs, such as hunger, poverty, and lack of education.

To that end, the Ensemble will perform four benefit concerts during the month of February in Princeton, NJ (February 6), Washington, DC (February 8), New York City (February 13), and Philadelphia, PA (February 15). The proceeds of these concerts will be delivered to the United States Committee for UNICEF to benefit the United Nations Children's Fund [UNICEF].

As many of my colleagues are aware, on December 11, 1986, UNICEF marked its 40th year of service to the children of the world. It was through UNICEF, that the world for the first time asserted that children in emergency situations were a special responsibility. During those 40 years, we have seen UNICEF's mandate expand beyond providing emergency assistance to children of war torn Europe, to addressing the more chronic problems of children in the developing world. UNICEF presently is active in some 120 developing countries and enjoys a high degree of confidence and credibility.

During these 40 years, UNICEF has gone about its mission—working to eradicate yaws and smallpox; working to reduce the plagues of other diseases, of lack of sanitation, of malnutrition, of illiteracy and ignorance.

Yet, it remains on the cutting edge. Five years ago, in late 1982, UNICEF articulated a series of actions that could be taken—at low financial cost—that will halve the daily rate of child deaths. They spoke of growth monitoring * * * of oral rehydration therapy against the dehydration of diarrheal diseases * * * of breastfeeding and safe weaning foods * * * and of immunization against the six principal child-killing and child-maiming diseases.

In the 5 years since UNICEF first recognized the potential for what amounts to a "Child Survival Revolution", over 4 million children's lives have been saved.

I can think of no better organization for "The Living Visions Ensemble" to honor than UNICEF, whose vision of a future for every child saves lives worldwide and fosters peaceful cooperation among nations.

Mr. President, I highly commend the work of the 36 dedicated musicians who make up the Ensemble. I encourage my colleagues and their staff to attend one, or all, of the concerts to show by their presence their appreciation of the value of their vision of peace throughout the world, a vision we all share.●

AFGHANISTAN: LETTERS FROM TEXAS

● Mr. HUMPHREY. Mr. President, last month the brutal Soviet occupation of Afghanistan entered its eighth year. The condition of human rights in Afghanistan was recently described in a U.N. report as: "A situation approaching genocide." Despite the enormity of the crimes committed against the Afghan population, much of this war has gone virtually unnoticed in the United States.

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of Texas.

MOUNT VERNON, TX,
September 24, 1986.

DEAR SIR: I am writing to you to let you know that the Soviet atrocities occurring in Afghanistan are a thing that should not be acceptable to any free human on this earth. If there is anything we, as Americans, can do to alleviate this situation, we should be doing it. Why do we keep hearing about the presidential talks with Gorbachev being delayed when one journalist was held hostage when a whole country is being systematically slaughtered? Why are we not refusing to talk until Afghanistan can be discussed?

The news media keeps coming up with stories about some young athlete that did not get to participate in the 1980 Olympics but neglect to comment that the reason those Olympics were ruined is still a reality. I feel sorry for the athletes but I am in anguish over the people in Afghanistan.

Please make it known to the public of this country if there is any possible way that we can help in this situation that is so devastating that is hard to concentrate on the subject for any period of time because of the horrid images that it brings to mind.

Sincerely,

DEBORA REYNOLDS.

BEDFORD, TX,
September 1, 1986.

DEAR MR. HUMPHREY: I am writing to express my concern about the Soviet campaign to wipe out the people of Afghanistan. I believe that the United States needs to take a stand and support the efforts of freedom fighters as well as devise some method of sanction against the U.S.S.R. I personally support any action which will work towards restoring Afghanistan to the Afghan people.

Yours truly,

AUDREY MORRISON.●

POVERTY AND UNEMPLOYMENT BREED CRIME

● Mr. SIMON. Mr. President, a distinguished retired judge in Cook County, IL, Judge Henry X. Dietch, has written a column in which he says that poverty and unemployment breed crime.

He recommends that we move on these problems, among other things, with a national service program.

I urge my colleagues to read his statement. Clearly, we can do much better than we are now doing. We do not need to tolerate either the unemployment or the crime that afflicts our society today.

I insert Judge Dietch's column in the RECORD.

The column follows:

[From the South Suburban (IL) Star, Jan. 4, 1987]

POVERTY BREEDS COURT TROUBLE, SO JOBS PROPOSAL MAY BOLSTER JUSTICE

(By Judge Henry X. Dietch (Ret.))

Unemployment, welfare and related matters add to the burden of the courts in many ways.

Many observers correlate some crime with frustrations of people who are subject to the vagaries of economic prosperity and poverty, in some cases from generation to generation. In a money-oriented society this becomes more exacerbated by the inequities that are bound to occur even in the best regulated manmade environments.

No answers can solve all these problems or provide for the many variables linked to the individual man or woman. However, the dangerous side effects from these conditions can be blunted. Thus the fallout on the courts and the other elements affecting our day-to-day living can be turned into positive factors.

This column is prompted by the plan suggested by U.S. Senator Paul Simon for a national jobs program. We have been living with a seven percent-plus unemployment rate that many of us take for granted as part of our economic picture. The welfare situation shows very little change for the better and becomes more endemic than ever.

Certainly it makes more sense to pay people for doing something than for being unproductive. Thus the senator is requesting a broad program of job training, placement and locally organized work projects for the unemployed. He envisions a program guaranteeing people at least 32 hours a week in these jobs. Those in the program would carry out such tasks as day care, repairing sidewalks, cleaning of debris, planting trees and performing the hundreds of repairs needed in our deteriorating infrastructure.

This program is laudable, makes economic sense and is morally right and proper, for it would help to lower the nation's crime rate and prevent the apathy of despair.

It seems to me that we can go several steps farther. Since the major crime-producing age category is from 16 to 24, a national service program, with alternative choices, for those who reach the age of 17 should be added to the senator's program.

The national service program would require two years of committed service either in the military, the Peace corps or a Civilian Conservation corps, or similar programs.

Such a program would solve or help to solve a wide range of problems now sapping the strength of the nation. It would also instill in young people a sense of purpose, a community effort of high value, and the fulfillment of many of the ideals so cherished most refreshingly by the youthful person.

Such a program would combat apathy, would instill regular habits of work and responsibility and add to the store of the country's basic strengths. It would be a program of stated purposes, definite achievable goals with results that can be pointed to with pride.

No program is perfect. Critics would find fault with it as a form of military conscription or civil restraint. If there is a better way, then let's work on it. A do nothing attitude will only bring on a proliferation of the side effects we now experience and which inundate the courts, the prisons and the social service agencies of the nation.●

1986 FEED GRAINS PROGRAM AMENDMENT

● Mr. GRASSLEY. Mr. President, yesterday I cosponsored S. 324, Food Security Improvement Act of 1987, along with Senator DOLE to move up the final deficiency payment for the 1986 Feed Grains Program from October of this year to March. I was the first to introduce legislation along these lines way back in April 1986 and I have consistently supported efforts toward correcting this problem in the 1985 farm bill ever since.

With spring planting upon us it is extremely important to my farmers in Iowa that they receive this final 1986 feed grains deficiency payment in a timely manner. Indications are that this could be another spring of tight credit and we in Congress have a responsibility to do our part to help solve this problem.

Let me remind you that this is not a giveaway program but is just allowing farmers to receive the money they rightfully have coming to them. I would even go so far as to say that our legislation just puts things back the way they should have been in the first place for the 1986 Farm Program and the way it was prior to the 1986 program. As you know, producers of wheat already enjoy an earlier deficiency payment because of legislation passed at the end of the last Congress. All this legislation would do is create equity between these two programs.

I would have preferred to have this legislative change be in effect for every year instead of just changing the 1986 Feed Grains Program. In the interest of addressing the immediate problem at hand, however, I am supporting this legislation as a quick means to help our farmers this spring.

I strongly urge my colleagues to support this legislation as a way to help our farmers, return equity to the Farm Program, and to correct a problem that exists in the 1986 Feed Grains Program.

SENATOR DANIEL PATRICK MOYNIHAN

● Mr. SIMON. Mr. President, this Senate is blessed with many people of great talent, but one who gives us something special as Senator DANIEL PATRICK MOYNIHAN, our colleague from New York.

Recently, American Heritage magazine published an interview with him by his daughter, Maura.

Maura speaks of his good "company, wit, and brilliance," but it is really another thing that we in the Senate note particularly, and that is his sense of perspective.

He has given it to us again and again on the floor, and he gives it to us again in this article.

One interesting comment was his suggestion that we both remember history and not remember history.

He tells a marvelous story of being in Belfast in a Protestant slum where on a red brick wall was painted the slogan "Remember 1689!" He says that it is good that we not remember some things too vividly.

In reading the article, I found out for the first time how Bismarck, ND got its name.

He has these touches of irony—for example telling us there are "probably more Marxists in American universities than there are in Russian universities."

Mr. President, I am inserting his interview in the RECORD, and I urge my colleagues to read it.

The interview follows:

My father, Daniel Patrick Moynihan, grew up in New York City's Hell's Kitchen and is now, at fifty-nine, the senior senator from his home state. He began his education in New York's public schools, the Benjamin Franklin High School in East Harlem and City College of New York. After serving in the Navy, he received his bachelor's degree from Tufts University in 1948 and his Ph.D. from the Fletcher School of Law and Diplomacy. He began his career in government as an aide to New York's governor Averell Harriman from 1955 to 1958. It was there he met my mother, Elizabeth Brennan, herself a Harriman aide. He went on to serve in the cabinets of Presidents Kennedy, Johnson, Nixon, and Ford, the only person in American history to serve in four successive cabinets or sub-cabinets. When he was the United States ambassador to India from 1973 to 1975, the family accompanied him, and the adventure was to change our lives, transforming my mother into a scholar of Mogul landscape architecture and my brother and me into inveterate travelers. When we returned from Asia, my father was appointed United States permanent representative to the United Nations from 1975 to 1976. He was elected to the Senate in 1976 and reelected in 1982 by the largest majority in a nonpresidential year in the Senate's history. He is a member of the Senate Finance, Budget, Environment, and Public Works committees. For seven years he was vice-chairman of the Senate Select Committee on Intelligence.

When not practicing government, my father has taught it, at such universities as Syracuse, Wesleyan, and finally at Harvard, where he was a tenured professor for ten years. I believe he was an excellent teacher; many of his students, whom I knew, have made successful careers in government service.

When I was a child I always told people that my father's profession was writing. I still feel that writing is his greatest gift and first love. (I have saved all the letters and poems he has written me over the years; he is a skilled humorist.) He has authored, coauthored, and edited thirteen books, including Beyond the Melting Pot with his friend Nathan Glazer, a study of ethnicity in New York City; A Dangerous Place, about his tenure at the United Nations; and most recently Family and Nation, an examination of the problems besetting America's poor families.

I have enjoyed the privilege of his company, wit, and brilliance for twenty-eight years. This conversation took place in the arbor garden of our Washington home, a five-minute walk from his office in the Old Russell Office Building.

Dad, do you feel that you are a part of a particular intellectual tradition?

I'm part of a political tradition in the United States, the Democratic persuasion.

Can you define that?

As Justice Potter Stewart said about pornography, I can't easily define it but I know it when I see it. I don't see much of that tradition around these days and I'd like to see more.

Who are your heroes? Woodrow Wilson? John Stuart Mill? William Butler Yeats? John F. Kennedy? Fred Astaire? Any of the above?

Well, if I had a hero in contemporary American life, it would be Gerald Ford.

Why?

In a moment of great crisis he helped heal our country, and left it intact. (I wish he hadn't run for President. I wish he had just walked away from it.) He was a man of enormous integrity, and everybody knew it. And when the country needed someone like him, he was there. But also, I must say this about President Nixon: He had the sense to choose Ford.

You've said that John F. Kennedy was, in many ways, your President.

Oh, yes, yes. I was a delegate at Los Angeles as a young man. Your mother ran Citizens for Kennedy in Onondaga County, in Syracuse, where I was teaching. She convinced Robert Kennedy that if Jack Kennedy could carry Syracuse, he'd carry New York. And if he carried New York, he'd carry the country. The first phone call Robert Kennedy made out of the Hyannis compound on election night was to Liz at 9:15. And Liz said, "We carried Syracuse!"—which had not voted for a Democratic presidential candidate since 1936. Soon we came down here to Washington as young people full of enthusiasm. We'd won. That only happens once.

How did the assassination of President Kennedy affect you?

Well, it brought us all up sharply to the realization of how transitory things are. I was interviewed on the day of that event and I said, "I suppose there's no point in being Irish if you don't know that the world's going to break your heart eventually." But we thought we'd have a little more time. Then I remarked, "Our revels now are ended"—a line from *The Tempest.* If you had beat me with chains, I couldn't have remembered the line: it just came of its own. And the revels were indeed ended.

In recent conversations we've had, you've drawn some comparisons between the twentieth century and the nineteenth century indicating that ours is an alarmingly brutal time. To what do you attribute this?

Recently I was asked to write an article on the Statue of Liberty for the centennial celebration. I agreed, then refused. I had nothing whatever to say about the statue. But my thoughts turned to that sonnet Emma Lazarus wrote for the original fund-raising effort, and it came to me how extraordinarily wrong she was about the immigration of the second half of the nineteenth century. She writes about the Lady standing there by the Golden Door saying, "Give me your tired,/Your poor, your huddled masses yearning to breathe free./The wretched refuse of your teeming shore," referring to Europe. "Wretched refuse." I thought, what on earth ever gave her that idea? Because surely this was one of the most self-confident and capable bunch of people who ever crossed an ocean. All those immigrants at that time paid their own way, knew what they were doing, and did it very well.

I looked into her life and found an interesting story. She was the daughter of a well-to-do Sephardic family in New York City. Her first poems were privately printed. Emerson asked her to spend a week at Concord. She wrote articles for Scribner's Monthly, that most uplifting of journals; wrote a five-act verse play set in seventeenth-century Italy, and such like. Then came the 1880s, and she became horrified by the pogroms that were going on in Russia—the murder of Jews by mobs. When in turn I looked up pogroms in the Encyclopaedia Judaica, I found that perhaps two hundred persons were murdered by mobs in Russia at the time. The last major pogrom in the 1880s took place in Nizhni Novgorod: nine Jews were killed and the authorities sent seventy rioters to prison with severe sentences. Now you could say, "Only nine people were killed?"—that would be a quiet weekend in New York City today. Well, for the second half of the nineteenth century, it was an outrage! And of course, it is an outrage—the nineteenth-century world was outraged—but it wouldn't be outrageous among people whose sensibilities have been brutalized as ours have been. The crux is that we are beginning to lose the memory of what a restrained and civil society really can be like. It all came to an end in 1914 with the assassination in Sarajevo of Archduke Ferdinand.

How, then, has life changed?

We don't have a memory any longer of a world in which technology did not have the means of mass destruction. To give you an example: On the day the Napoleonic Wars ended in 1815—after twenty-one years of conflict with France and the United States—Palmerston, who was Britain's secretary at war, reported to Parliament exactly what British casualties had been. In a near quarter-century of war, they had lost something like twenty thousand dead, sixteen thousand of these in the army, of whom one-sixth died in the last week of the campaign that ended in Waterloo. A century later the British lost sixty thousand men in just one afternoon on the Somme.

Since World War I the prospects of democracy as a system of government in the world have faded. We seem to be under attack the world over. There are themes you reiterated over the years. But you have also said that our strength lies in our capacity to govern ourselves. So again, how can we endure?

Just as we have all but lost the memory of how civilized the nineteenth century was, by the standards of the twentieth century, we have forgotten that at the turn of the century the expectation that the future of the world would be one of democratic societies was deeply ingrained. It was a progress that seemed inevitable. Look into that wonderful book "The American Commonwealth" by Lord Bryce (we have a bust of him in the Senate on the third floor—one of the few foreigners in the building). He wrote this grand, great work about the American commonwealth. In his preface he asked, "Now why am I doing this?" And essentially what he said was: "The answer is evident, is it not? that across the globe people assume that it is American arrangements—the arrangements specifically of the American democracy, their political arrangements—that are going to be dominant in the future, that are going to prevail." But then, at the very moment when that expectation attained its greatest ascendancy, in 1918 with Woodrow Wilson—no man in the history of the world, before or ever since, has ever had the hold on the imagination of the world's population as Woodrow Wilson did—at that very moment the totalitarian state appeared. It came with Lenin to Russia. And suddenly, the world had a new future—wholly new, wholly different. Just as the Holocaust was something wholly different from pogroms, and the Somme something wholly different from Waterloo, the totalitarian state was something wholly different from czarist Russia. Czarist Russia was a mild form of government compared with the one that succeeded it. The whole twentieth century has declined in all these matters. What can history do but tell you where you are measuring in terms of where you have been? You don't know much about the future but you know a lot about the past—and if we don't recognize this decline in our expectations of the general way people behave, we are apt to take as necessary or normal what is neither necessary nor normal but simply very specific to our age.

You've said that from examining the past one can arrive at certain foresights that can help in the effort to govern.

I said it was possible to see a little way ahead in the fog. Not much, but enough not to go aground on every shoal that lies in wait. I'll give you an example of someone we know well, and for whom we both have a great fondness—and that is David Stockman, who has just written his book "The Triumph of Politics," about what he calls the failure of the Reagan Revolution. Stockman describes how, as a very young man, filled with ideological zeal, he got hold of the fiscal policy of the United States government and set about to trigger a great crisis by creating a huge federal deficit that would then force us to dismantle this terrible welfare state that had emerged in the United States. He got halfway through his revolution—encouraging the deficit—but the second half didn't work. Congress, the President, and the cabinet didn't dismantle the welfare state as Stockman said they were supposed to.

There wasn't that much to dismantle?

Well, there is a lot to dismantle—but it's there because we want it. And so the next thing you know, we doubled the national debt and suddenly found ourselves a world debtor nation. Stockman now says this was the most irresponsible behavior by government in this century. And I say that a little more understanding of history would have made him a little more cautious about one thing: concealing his purpose, which he did, and secondly, for assuming there were an awful lot of arrangements in a democracy that the people in the democracy actually don't want and would welcome an opportunity to unload. History teaches otherwise. By the time he realized this, it was too late.

Do you think that most people in government have a good sense of history?

We are a people with a very strong sense of history. Oscar Wilde said that America's youth was its oldest tradition. And it continues that way. I remember in 1959 when the New York State Democratic party was in a parlous condition. We were out of office in City Hall in New York City and in the governor's mansion in Albany and in the White House—so far as I know, the first time ever in all three. Now how far back does the Democratic party go? I wondered. And I started looking at the books a little bit and found myself saying that you could argue that the Democratic party goes back to the 1790s, when Jefferson came up north and went on a botany expedition along the Hudson with Aaron Burr. At the very least it goes back to the 1830s when Van Buren set up a formal organized party. That makes us the oldest political party in the history of the world. But Americans don't think that way. If you were to ask Democrats or Republicans, "Where are the party records from ten years ago?" nobody would know.

What do we lose or gain by not having a keener sense of our history?

Well, there is a certain freshness of experience and a willingness to experiment in American life that goes with having been "born yesterday." And we have not inherited many great hatreds of the kind that tear apart other places in the world. I was in Ireland about four years ago, when your brother was having his spring term at Trinity College in Dublin. I went up to Belfast and, in a Protestant slum there, I saw painted on a red-brick wall, in black letters, a great slogan: "Remember 1689!" It was the date of the Siege of Londonderry. Some half-educated slum dweller with a long memory. We don't have that. Good.

On the other hand, at noontime today I walked down toward the Capitol and went over to my rooms in the Russell Office Building, just to clean up the desk. I got down there and I was thinking about something very worrisome to me, which is that we have decided to put a fence around the Capitol. The idea of terrorism has us a little terrorized. On weekends such as this we block the roadways into the Capitol grounds with garbage trucks. About three years ago I was driving down East Capitol early in the morning and I learned that during the night a bomb had gone off in the Capitol. I thought, Let's stop and look! I went in and I saw that indeed a bomb had been set off in the anteroom of the Senate Chamber, opposite the Republican cloakroom. If it had gone off when we were sitting in late session, which we had been during the previous weeks, perhaps ten Republican senators would have been killed, and a lot of aides. As I left, I went out and went down the stairs, and a group of journalists across the way asked me to describe the damage, which they had not seen, as the building was still closed by the police while it was being searched. In talking to them I said, "You can bomb the building but you cannot bomb the Democracy."

So what does the fence around the Capitol signify, or symbolize?

I worry about the idea that we're going to let the terrorist movements frighten us to the point where we retreat. And I think of the Spartans, who never built a wall around their city. Their men were their wall. When you start building walls, you keep people out but you also keep yourself in. If we build a fence, if we build a cage, we'll be the ones inside it. And the fact is that the openness of the Capitol is part of the openness of our political system. The point is that we ought to know our strengths.

Back in the seventies you wrote, "Ours was perhaps the first society to expect the future to be better than the past." Elsewhere in the same piece, you wrote: "The idea of a society confidently directed to even higher levels of social justice and equality has been shaken by the obstinacy of things. We have aged. It is not to be wondered then that the resistance to challenge is less spirited than it might be." Yet you still believe that we have the right to be optimistic about our future. What has aged us? And do we still have the right to be optimistic?

That article was written in the 1960s, in a time of great economic vitality. We have seen a long pause in that vitality—which worries me. Under Kennedy, I was made Assistant Secretary of Labor for Policy Planning and Research, which was a new position. Among my admininstrative duties—which were very light, I assure you—I had charge of the Bureau of Labor Statistics, that very old, very good government agency. It counts things: measures employment, unemployment, wages, productivity. The Commissioner of Labor Statistics was retiring and a number of deputy commissioners came to me to say they would like to be considered for the job. One of them was a very fine man who was responsible for our productivity statistics. I hope I was polite, but the simple fact was that it seemed to me that if all he did was measure productivity, he wasn't doing anything very interesting—because it kept going up, that's all.

About that time I had to change my mind in just a little way. A group of American sociologists went to Russia—one of the first such visits ever—and Talcott Parsons, a great scholar, a great American, a professor of sociology at Harvard, wrote a little account of the visit. It was a very disappointed account. He said, in effect: "You know, we went over there, and we wanted to talk about theories of social organization. All that our counterparts wanted to talk about was productivity—how do you get it out of people. Well, you know, for us, productivity is like sunshine—we just have it, that's all. It's just there." And so I shouldn't have brushed off my colleague who was measuring it. In the past ten years or so, we haven't had any real increase in productivity in this country. Suddenly it's beginning to look as if we could be in the same fix that Britain got into somewhere between 1870 and 1914. They continued to have real increases in their standard of living. But their productivity fell behind that of Germany and it stayed there. Those productivity numbers don't look like much: decimal points. But, boy, you go through twenty or thirty years of decimal-point declines and suddenly you look up, and Britain is one of the poorer countries of Europe and Italy is one of the wealthier. The United States is in that pattern now—our productivity growth rate peaked in 1973 with OPEC oil prices. It has not recovered. It may be coming back a little bit but it is still down. The economic report from the President that we got last February shows that median family income in the United States has not risen in fifteen years. In the history of European settlement in North America there can never have been a fifteen-year period in which there was no increase in median family income.

What does that mean?

Well, it means among other things that there's a lot less social space. You don't expect things to be better. You know—if I'm doing well, you ought to be doing well, and if you're not, I'll give you a hand. But now I'm not doing very well. One was able to foresee this by the size of the Baby Boom—you could see that it was going to be a conservative generation because it was going to find itself competing with itself for opportunities that were scarcer than they had been previously. The economy is another matter. These are trends of the last fifteen years. There has been a slowing down in the economy of America and Europe—but not in Asia. You can just feel it in the halls of Congress, where the disposition to help other people is nothing like it was, when you could assume that things were going to be better. I don't think I'd ever assume that again.

In your 1967 Harvard Phi Beta Kappa Oration, you suggested that the phenomenon of radical protest among Americans, unique at the time, was the "first heresy of liberalism." Do you see any comparisons with the rise of the "radical right," as you call it?

No, but I think those student movements of the time were, in fact, heresies—people rejecting an ordered form that they had inherited—and the movements and their view of life eventually disappeared.

Many believe that the emergence of the radical right was a reaction to those movements.

Oh, the reaction to it was inevitable and it has come and it hasn't yet gone away. I think the present cultural conservatism so evident around the country is a reaction to those years of liberal heresy. The radical left weakened the society and made it less capable of resisting certain kinds of counteroverractions.

Of which you feel the zealous conservatism we are seeing now is a part? Well, conservatism is a word that is very easily misused. The radical right is not conservatism at all. And some of it is very destructive. David Stockman is a very important figure in that he went from the left-wing ideology of that period and he seems to have gotten it all out of his system but not before he did an awful lot of damage to the structure of the fiscal policy in this country. We will be living with a protracted crisis of government for the rest of this century. You know—within five years' time we became a net debtor nation. And they talk about Brazil and Argentina!

That must be a "first" in our history.

Oh, no. We were a debtor nation from the day the first Europeans arrived here. We brought in capital of all kinds in the nineteenth century to build things like railroads. Bismarck, North Dakota, was so named in the hopes of attracting German capital. But then the Europeans had to liquidate their holdings in the first years of World War I, and we became a net capital exporter. Now we are again a capital importer. But this time we are not importing capital to build things: we are importing capital to pay our bills—which is not a very good way. We're going to leave the younger generation paying the bills we have run up in the last five years, and they are going to be paying for the rest of their lives.

What in your opinion are our strengths and weaknesses?

Our strengths are our extraordinary resilience and a viable system of popular government—a true capacity for governance. Our weaknesses are increasingly economic. When I was a counselor to the President, Nixon would often say that nothing could do any harm to the economy of the United States. He said: "Hit it on the head with an ax and it wouldn't do anything to it. But in foreign policy—you could destroy the United States in an afternoon." Well, it has turned out that that may not be so—that our foreign policy may be much more basically secure but the economy is where we may be vulnerable. That is a big change in twenty years.

The one elemental expectation is that the economy will always be strong enough to get us through any internal and for that matter, any external problem that we are willing to face up to. The great civil rights movements back in the sixties, and then the war on poverty, all that just seemed a matter of political will—if you decided to do it, it would happen. I don't think that is the case any more. I gave the Godkin Lectures at Harvard in the spring of 1985 and made the simple proposition, which is an extraordinary one, that the United States was the first nation—the first society in history—in which the poorest people, the poorest group in the population, were children. We have achieved the miracle of elimninating hopeless poverty among the aged—for all practical purposes—with Social Security retirement benefits, supplemented by Medicare. But if you are a child under six, you are seven times more likely to be poor than if you are a person over sixty-five.

Has this ever happened before in a modern industrial democracy?

Never. One-third of the children born in 1980 can expect to be on welfare before they are eighteen. That's not to say they are going to be on welfare all their childhood, but at *some* point in their childhood. Well, that is extraordinary, and absolutely unpredicted. And nobody knows how to deal with it.

What do you think are the limits to government and the limits to social policy?

Well, the limits to social policy basically come down to the fact that governments have a very small capacity to change behavior. And our problems are more and more associated with the way people behave. They drop out of school; they take drugs; they get themselves into trouble of one kind or another. The consequences have caused whole sections of cities to collapse. Depending on the government the change this isn't enough. If you don't have a strong, sensible movement to emphasize character, early schooling, personal formation—if you ever give up on those things (and in the 1960s we were telling ourselves we could) then you end up in the 1980s with a lot of people in awful shape.

And at the same time, remember, a lot of these things have to do with the impact of technology on society. Both alcohol and drugs are phenomena of the nineteenth century. Morphine, which is opium, raised to a higher level of intensity, was developed in Germany in the 1820s, about the same time as the hypodermic needle. With the combination of the hypodermic needle and morphine, used very extensively in the Civil War, morphine addiction became known as the "soldier's disease." It had a certain cachet. Doctors would prescribe it for mothers in childbirth and they would become addicted. Well, there was no way to do that before the hypodermic needle and morphine came along. The same thing with the intense drinking of whiskey and other distilled liquors, like gin. Distillation was invented in Renaissance Italy: brandy made from wine. The Celts always seem to have known how to distill alcohol, but they didn't have any surplus of grain with which to do so. You know, you could get yourself blind drunk once a year maybe but you couldn't do it every night because there wasn't enough alcohol around. Well, the nineteenth century produced all that surplus of grain, and the next thing you know, you have rye whiskey and corn whiskey and so forth and people were dealing with a phenomenon new to the species. It took us some time to adjust to the new technology and to learn that people should not drink whiskey for breakfast.

But now you've got kids who smoke marijuana for breakfast.

I think it will take a couple of generations to learn not to abuse drugs. Not to use them at all.

What would you say are the challenges to government that have always existed?

The greatest challenge to government, the elemental challenge to government, is to control the use of force. The first principle of government is that it represents a monopoly on the use of force. Under a legal system, only government can be permitted to be violent. And it usually does work out that way. The next great challenge is to see that the monopoly of force is not misused. To wit: Don't get yourself into wars that destroy us. You know, our great challenge is to learn how *not* to use nuclear weapons. Meanwhile you must be alert every day of your life to the possibility that your adversaries may misuse *their* power.

Can we learn anything from the study of history that would help us?

Well, the study of history does not tell us much about controlling arms. There used to be great expectations that you could do things like this—by treaty—as with the naval treaties of the 1920s, but all they accomplished was to inhibit the people who wanted to be inhibited. As long as there are nations that want to be aggressors, they will find ways around arms control—as Germany and Japan did—while the satisfied nations, as they are called—Britain, United States, France—liked the world arrangements the way they were and didn't expand their arsenal illegally. They abided by the treaty and expected the others to do the same.

So we should learn to be cautious.

Maybe we have learned to be more cautious than is perhaps good for either the Soviets or us. There was a possibility that we might get an agreement on arms control on President Reagan's watch, as they say in the Navy. He brought the Soviets back to the bargaining table with his Space Defense Initiative. He did this by announcing something we were doing anyway and saying we're going to keep on doing it. We're going to do the research, no matter what. It was possible that if he then agreed to pull back on that, and if the Soviets could agree to take down their heavy SS-18 missiles—those big city-busters—and if we had both gone to single-warhead, mobile, land-based missiles, and submarine missiles, by the end of the century we would all be deployed in a deterrent mode. We wouldn't be on a hair trigger, we wouldn't be on a launch on warning, we wouldn't be in a situation where either party could seriously talk about a first strike that would wipe out the arsenal of its adversary. I think that opportunity is slipping away rapidly now. On the other hand, something different and new has arisen as we are speaking. We have just gone through a series of extraordinary events—the Challenger blew up, NASA is in trouble, the Soviets' nuclear plant blew up. Two of our rockets that were going to get satellites into space have blown up. I would think that is going to make people more conscious of the dangers of nuclear weapons, nuclear technology, and the frailty of the expectations that it will all work out somehow.

Well, Dad, you said in your 1984 Commencement Address at New York University that "we should wait the Russians out." I thought that was a very interesting idea.

What I have said was something that I have felt for a long time—that Marxism is a failed idea, it's a defunct idea. Nobody believes it. It's not true. It doesn't predict events, economic or otherwise. The Leninist state is a failed state. It doesn't work very well—they can't feed themselves. And now that we are entering into what we call an information-rich society, one asks, "How are they going to have home computers in a society that doesn't dare have telephone directories?" My view of the Soviet Union is that our great problem is how to manage its decline. They may want to have one last throw of the dice.

Does the Marxist interpretation of history still have any currency in American academic life?

Oh, probably. There are probably more Marxists in American universities than there are in Russian universities. It's a nineteenth-century idea that just isn't so. The Leninist state has great durability, but—

But it commands fear and not loyalty?

I don't want to exaggerate, but as we said at the beginning of this interview, at the turn of the century everyone expected democracy to be the prevalent form of government. Well, in 1950, an awful lot of people in the world, like the intellectuals in France, assumed that Marxism would be the future. Nobody thinks that now.

Finally, Dad, do you believe that there are patterns in history, or certain principles or laws to which history conforms?

No, but there is so much to be acquired in the way of judgment by simply knowing about the experience of the past. If you observe the patterns of human behavior and learn certain kinds of prudence, you can justify a kind of elemental optimism. I came of age in a hugely confident, successful American society. As I've grown older I am somewhat less confident and see fewer prospects. Yet the most important thing is that in all those years all the really awful things that could have happened didn't. That's something to keep in mind.●

DAVID BRODER ON THE PRESIDENT'S BUDGET

● Mr. ARMSTRONG. Mr. President, a few days ago I rose to discuss President Reagan's fiscal year 1988 budget proposal and to urge my colleagues to carefully examine what the President has submitted before rushing to criticize it. As journalist David Broder said Congress should "look before it squawks" about the President's budget. In an essay which appeared in last weeks Washington Post, Mr. Broder noted that while not everything in the President's budget is agreeable to everyone in Congress, several of the President's proposals are meritorious and deserve to be carefully considered.

I agree with that view, Mr. President, and I commend Mr. Broder's column to my colleagues. I ask that it be printed in the Record.

The column follows:

Look Before You Squawk

When "everybody" in Washington is saying the same thing, it pays to be skeptical. This trendy capital's political mood swings are so exaggerated that it often makes sense to question the conventional wisdom.

So when almost everybody from Sen. Bob Dole to Sen. Howard Metzenbaum said that the budget President Reagan submitted last week is not worth the paper it's printed on, it crossed my mind that, as Sportin' Life said, "It ain't necessarily so."

True, as a road map to lower deficits, this budget is as suspect as all of its six blue-sky predecessors. But even a loser can have good ideas. Walter Mondale was not wrong when he said in 1984 that trade and budgetary imbalances were playing havoc with the American economy, even though everyone derided him. And Reagan is not wrong in all his budget proposals this year, even though it's fashionable to tune out his suggestions.

From left to right, for example, the nongovernmental budget experts I talked to all find considerable merit in the administration's renewed effort to charge more user fees to the people who benefit from government programs that serve only limited groups. User fees for such things as government loans, barge canals, irrigation systems or Coast Guard rescue services "are a sound idea," said John Makin of the conservative American Enterprise Institute. Alice Rivlin of the liberal Brookings Institution agreed that these fees "are a sensible way of raising revenues and getting more rational allocations of public resources."

The budget points out that "the beneficiaries of the services for which the administration is proposing new or increased fees generally consist of corporations or the relatively affluent. Charging these groups directly avoids the need to impose additional general taxes on lower- and middle-income citizens." But often in the past, effective lobbying has killed these proposals, in part because few members of Congress have jumped in to say, "Here's at least one issue where Reagan is right."

As might be expected, Stuart Butler of the conservative Heritage Foundation thinks Reagan's "privatization" initiatives are "a very important idea," because selling off some public agencies represents a way of "reducing the size of government without ending a service," and perhaps even opens the way for "worker ownership" of some enterprises. That's an appealing concept to conservatives like himself.

What is more surprising is that William Gorham, head of the Urban Institute, a liberal think tank, said that a number of his colleagues think "the effort to sell a portfolio of government loans," which is part of the privatization initiative, "has the important merit of revealing the market price for what is now a hidden subsidy."

And Rivlin, who is no right-winger, comments that selling off the Northeast corridor railroad operations of Amtrak "is not a terrible idea in my view, if we can find a buyer. There's no reason why the federal government should be running a passenger system."

Robert Reischauer, another of the Brookings economists, applauds as "long overdue" the president's effort to find "major savings in the farm price-support programs. Both liberals and conservatives can see the necessity for that."

And in the face of loud squawks from majors and other local officials, Reischauer also said Reagan is right in "phasing out the Economic Development Administration, the Appalachian Regional Development program and Urban Development Action Grants. They are some of the least effective programs we have, and if we admit we're in a budget crisis, we have to reduce some spending to meet the deficit targets and make room for initiatives that are worthwhile."

To my surprise, Robert Greenstein, whose Center on Budget and Policy Priorities is the source of many liberal critiques of Reagan's fiscal policy, readily conceded that whatever its overall deficiencies, the latest administration budget has some "things that are good and useful."

"I was pleased," he said, "that [Secretary of Labor] Bill Brock was able to get in a substantial increase in money for a new initiative on retraining and assisting displaced workers" in older industries facing tough competition from new technologies and/or foreign producers. The new program, described in only the broadest outlines in the budget, "would receive $980 million, compared to the $344 million appropriated for job search, training and cash assistance in [fiscal] 1987," the budget says. The guidelines would "allow states and local areas to use a variety of new approaches to encourage workers to recognize when their old jobs are gone and move more quickly on to new careers."

Almost every one of the budget experts I interviewed had reservations about other parts of the Reagan blueprint, large or small. But they were saying, "Don't throw out the baby with the bath water."

Washington has a tendency to dismiss any ideas that come from a politician or president who is in trouble. Reagan has had serious political reverses. But not all his ideas are dumb.●

VERIFICATION NECESSARY FOR TREATY RATIFICATION

● Mr. LUGAR. Mr. President, last week the Committee on Foreign Relations began consideration of the Threshold Test Ban Treaty [TTBT] and the Peaceful Nuclear Explosions Treaty [PNET]. Ten years packed with new military developments have passed since the Senate last examined these treaties in depth. Therefore, we must carefully consider whether, and under what conditions, our advice and consent to TTBT and PNET is in our national security interest. To this end, the distinguished chairman of the committee, Senator PELL, organized a series of informative hearings which should instruct the Senate's discussion of this issue.

Of particular interest is the statement of Dr. Siegried Hecker, Director of the Los Alamos National Laboratory. Dr. Hecker is one of two people in the United States who must certify the design and safety of the nuclear weapons we have decided are necessary for our country's defense. His testimony underscores the logic of President Reagan's position on these treaties: we must have effective verification. Right now, as in 1974, the margin of error in our ability to monitor this treaty is 2 to 1. That may have been acceptable in 1974 because then we were trying to constrain Soviet tests well above the 150-kiloton threshold. But over the last decade the military requirements of both countries have changed, and the Soviets could achieve militarily significant advantages by testing between 200 and 300 kilotons.

Dr. Hecker's testimony is well worth reading. I commend it to my colleagues and ask that it be printed in the RECORD.

The testimony follows:

STATEMENT OF DR. SIEGRIED S. HECKER

I welcome the opportunity to present to this Committee certain technical aspects of the Threshold Test Ban Treaty (TTBT), the Peaceful Nuclear Explosions Treaty (PNET), and the issue of improved verification. On balance, it is my view that ratification of the treaties is in the overall national interest of the United States, provided that verification of Soviet compliance is improved in the manner proposed by the President.

In presenting my views as Director of the Los Alamos National Laboratory, I want to reiterate the role that the weapons laboratories play in the nuclear weapons program. The DOE has statutory responsibility to design and develop nuclear weapons that are determined by policy makers to be necessary to assure this nation's deterrent. The job of meeting this responsibility is assigned to the two DOE weapons laboratories, Los Alamos National Laboratory and Lawrence Livermore National Laboratory. We are also responsible for the safety, security, production oversight, surveillance and retirement of nuclear weapons. I personally have the final responsibility for certifying the weapons we design. This certification holds for both the performance and the safety of the weapons during their entire life cycle. A major additional part of my job is to guard constantly against technological surprise, primarily by potential adversaries but also by our own products, the nuclear weapons in stockpile.

Nuclear design responsibility for U.S. nuclear weapons rests strictly with the two weapons laboratories. Nuclear testing continues to be an indispensable part of the design process because of the great complexities of nuclear weapons behavior, which cannot be completely modeled by computer nor adequately explored by nonnuclear laboratory experiments. As long as requirements for nulcear deterrence are dynamic and we continue to be asked to satisfy new military requirements, or to be responsible for weapons already part of the deterrent forces, we will need nuclear tests. Restrictions, including the present ones, on our ability to test these complex devices carry technological risks. These technological risks may translate into military risks, or at least military penalties. I consider it my responsibility to bring these technological risks to your attention. You and other policy makers must judge the trade-off between these risks and any benefits resulting from such restrictions.

Before the summer months arrive, we will have had eleven years of strict compliance with the 150 kiloton (kt) limit imposed by the TTBT on our nuclear test program. I shall outline our experience during this period. An important aspect of that experience, particularly since 1977 when the last hearings on these treaties were held by this committee, has been a significant change in military requirements for new weapons with yields well above the 150 kt limit. These requirements have resulted primarily from Soviet actions in the past decade. As a result, they were not reflected in the earlier testimony on the treaties now under review.

I am sure that the Committee is aware that both the total megatonnage and the number of weapons in the U.S. nuclear arsenal have declined significantly during the past two decades, the first by a factor of four and second by one-third. It follows that the average weapon yield today is well under half what it was in the mid-60s. This trend in part reflected a major shift to MIRV technology in our strategic forces.

In 1974-77, the Soviets were beginning to explore MIRV technology themselves. For several years it was hoped that the Soviets would exercise restraint in deployments of the new MIRVed missiles, which because of the large Soviet payload capability would have a significant counterforce potential in large numbers. By the end of the last decade, it was clear that both the size of the Soviet threat and the greatly increased hardness of Soviet silos and other important military and political assets posed a fundamentally new problem. A strategic nuclear targeting review culminated in the Carter Administration's PD-59 directive, followed shortly by the present Administration's NSDD-13 directive. Both directives, among other important changes, called for improved U.S. capability against hardened military targets. This action affected the yield requirements for both the planned MX Peacekeeper missile and the Trident D5. In the TTBT environment, this clearly created a problem for the weapons laboratories.

We were able to respond to the new requirements, and to others that arose in the same period, because of advanced development testing done before the TTBT limit became effective. A test of the greatest importance to this response, in fact, was done as early as 1973. Others were done as late as Spring, 1976, in anticipation of possible future requirements that could not be met under the 150 kt limit. Thus, because of this inventory of tested assets, we are able to meet requirements for new high-yield weapons despite the restriction on testing. It may be more difficult to meet foreseeable future requirements under the TTBT constraints.

Let me now describe in more detail the effect that strict compliance with the 150 kt limit has had on our test program and on our ability to meet our responsibilities. First, a number of tests were precluded by the TTBT limit that almost certainly would have been done otherwise. Among these were full-yield tests of new or modified high-yield designs based on older tested technology, as well as full-yield stockpile confidence tests. In addition, tests of new design concepts that may become important in the future could not be done. We have exploited our reserve of older tested technology, and we have been unable to replenish and extend it as we did in anticipation of the threshold limit.

When we examine the nuclear tests that still were permissible over the ten year period following March 31, 1976, we find that a significant fraction of them were affected by the yield limit. We also find that the tests affected were among the most important. They include more than one-fourth of the stockpile-confidence tests during this period and about one-eighth of the tests in the categories of weapon development and advanced design technology. These three categories together made up over half of the total for both laboratories, and they were the ones that most directly supported DoD requirements for new weapons and for weapons with improved safety and security. The TTBT constraint limited the value of the tests in question.

In spite of this, and for the reasons I have outlined above, we have been able thus far to meet the nation's military needs. It is important, however, to repeat the caution voiced during the 1977 hearings by one of my predecessors as Director of Los Alamos, Harold Agnew:

"* * * if you believe that there will be requirements for new untested designs of yields considerably larger than 150 kt, then, if the treaty is ratified, our defense systems eventually will have to bear a penalty in payload weight, physical size, and perhaps even in the additional use of fissile materials. These penalties will accrue because under the treaty the high-yield warheads of the future will of necessity be the same ones which have been developed in the past.

To a significant extent, Agnew's prophecy has been fulfilled, although the penalties thus far have been manageable.

The basis for weapon certifications by the laboratories has changed in a significant way from that of earlier years, when judgments could be more directly tied to full-yield tests of at least near-weaponized devices. It now rests heavily on indirect evidence obtained in partial-yield tests, interpreted by skilled designers. The element of risk in this process obviously increases as the basis in test data is reduced. (However, the moratorium of 1958-61 demonstrated that new military requirements continue to arise, and higher risks are accepted, when testing is completely suspended.)

One result of this change has been increased emphasis on stockpile confidence testing, although, as I already have noted, a significant number of these tests have themselves been adversely affected by the treaty limit on yield. In the past, such tests have been essential in certain cases to assess the effects of prolonged exposure to the stockpile environment (such as aging) on a weapon, or to answer other reliability questions that may have been raised in the course of the on-going test program. In other equally important cases they have served to confirm the validity of the many practical decisions made during the translation of a tested physics design into an actual stockpile weapon. It is no longer possible, however, to test a warhead's full performance when the intended yield of the weapon lies above the TTBT limit. In such cases, which include the most important designs we have added to the stockpile since 1977, the weapon must be modified from its stockpile configuration before testing. What is tested, therefore, is not what is in stockpile.

These facts tend to increase the already great reliance we must place on the judgments of experienced designers. Their judgments are informed chiefly by current and older test results pertaining to the specific systems involved, but the relevant test experience is receding into the distant past.

This last point becomes a serious concern mainly as I look toward the future. In recent years, we have relied heavily on components of a few older tested designs, and it is probable that some other requirements, should they arise, can be met in the same way, with increasing penalties. It is evident, however, that the test experience on which new adaptations of these older designs is based is being eroded by time. Some of the key individuals involved in their development already have retired or gone on to other work.

The link with direct test experience in the high-yield range thus is becoming increasingly tenuous. This fact, of course, creates the imperative that we resist any deviations from that experience as we adapt it to new requirements, but the resulting conservative policy inevitably leads to the penalties predicted by Agnew.

Finally, it is becoming clear that certain weapon requirements now under study by the DOD and the DOE laboratories may well prove to be beyond the reach of the older tested design technologies. As I have noted already, these requirements are determined in most cases by the changing nature of the targets—for example, hardened, dispersed, relocatable—that must be held at risk if stable deterrence is to continue. They are augmented, however, by our continuing concerns regarding weapon safety and security and our continuing emphasis on improved command and control. While I am optimistic about our ability to respond to some of these needs under the TTBT constraints, it must be recognized that success cannot be guaranteed in all cases.

To summarize, we have been able thus far to meet our responsibilities to contribute to the nation's deterrent under the testing limit imposed by the TTBT, even though the requirements that have had to be met for new high-yield weapons have exceeded those explicitly foreseen in 1974 and 1977. We have met our responsibilities only by using old, previously-tested designs. I should point out to the Committee that this statement of having met responsibilities would not be possible today if the yield limit for tests had been significantly lower during the past decade, nor, I believe, will it be possible a decade hence if increased restrictions are invoked, unless there has been a fundamental change in the requirements for nuclear deterrence.

* * * * *

Let me turn now to the question of verification. Much of what is new since 1977 with regard to the treaties under consideration lies in this area. As I said at the beginning of this statement, I fully support the President's decision to make the agreement on improved verification measures a condition for their ratification. My purpose here is to give to this Committee a brief outline of the technical basis for my own belief that verification must be improved if the benefits of these treaties are to be realized.

I would consider verification of compliance with these treaties to be effective and adequate if neither side can obtain a significant military advantage through clandestine violations that cannot be overcome by the other side without violating the treaties. At present, verification of the TTBT does not meet this standard, nor would it following ratification unless essential changes are made in its provisions.

The record clearly shows that verification concerns played a significant role during negotiation of the TTBT in 1974, and an even greater role in the subsequent PNET negotiations during the next 18 months. They also were the focus of much of the testimony in 1977, which was uniformly optimistic that the problem of verification was well in hand. Subsequent events and the experience of the last decade have changed this picture considerably.

The point I wish to emphasize most strongly is that the current debate over *past* Soviet compliance or noncompliance is not the main verification issue that should be considered in the ratification debate. Instead the fundamental issue is how can we effectively verify compliance in the future? You will, I am sure, hear arguments on both sides of the question of past Soviet compliance. Usually these arguments revolve around the question of the proper bias to apply to our teleseismic interpretations of signals from Soviet tests. But it is important to understand that changing the bias, as has been done several times in the past, can only shift *inconclusive evidence* slightly in favor of a verdict of compliance or slightly in favor of noncompliance. The evidence still will be inconclusive, because of the inherent statistical uncertainty in teleseismic yield estimation.

The event most often cited in recent discussions of concern about TTBT verification is an abrupt upward change in the observed pattern of seismic signals coming from the Soviet test site at Semipalatinsk. This jump was unforeseen at the time of the 1977 hearings. It occurred about a year after a comparable downward adjustment in our way of estimating yields from the seismic signals. Before the change was made, several 1976-78 tests appeared to be violations, but with the new "bias corrections" this no longer was true. The present concern, however, results from Soviet tests *after* the bias change. The new troublesome pattern continued until the Soviets suspended their test activities last year. There has been a great deal of debate about the significance of this test pattern and whether or not it proves Soviet noncompliance with the TTBT limit.

The view of my colleagues who have worked hard on this problem is that the only conclusion possible is that reflected in the old Scotch verdict: Guilt not proven. But neither is innocence, which is what verification requires. the pattern of Soviet testing is consistent both with substantial (that is, approximate) compliance, especially after the most recent revision downward of our official yield estimates, but it also is consistent with *militarily significant* violations. There is no marginal further change in seismic interpretation that can shift the weight of evidence decisively one way or the other, in my view.

Thus, the essence of the verification question now before this Committee is not whether the Soviets have violated the limit in the past but rather the fact that, unless changes are made, I believe they will have the ability to do so in the future. The key issues, of course, involve the question what is a militarily significant violation, and what changes are required?

With regard to the first of these, a most important technical change has occurred since 1974 and the earlier hearings in 1977. There has been steady evolution and vigorous deployment of new Soviet strategic weapons, the most threatening of which now consist almost entirely of exceedingly accurate MIRV's, an evolution that could not have been predicted reliably in 1974. At the time of negotiation of the TTBT, most Soviet missiles carried large single warheads in the several-megaton range. Our MIRV's were balanced against this Soviet force of much greater throw-weight to establish essential equivalence, or parity. The optimism that the Soviets would exercise restraint in MIRV deployments was proved wrong. Modernization of Soviet forces has threatened the rough parity of 1972. The present Soviet MIRV weapons have much smaller yields than those of the weapons deployed in 1974, increasing the significance of smaller violations of the TTBT limit.

It could reasonably have been argued in 1974 that, with Soviet strategic weapons in the range of several megatons yield, violations of the 150 kt limit by factors of two to three would be of little military significance. At least one government study at the time concluded that the Soviets could test at two or more times the 150 kt limit, but this evidently was judged to be relatively unimportant then. We know now, as a result of our analysis of the statistics involved, that the problem is even worse than the 1974 study suggested; the experience of the past decade confirms our conclusion that a seismic yield estimate would have to be well above twice the threshold limit before substantive response was likely to result. But with the majority of Soviet ICBM yields now in the 500 kt range, a violation at the 300 to 450 kt level can no longer be dismissed as having little military significance. This is particularly true at a time when changes in the targets we must hold at risk may require entirely new, untested designs in the same yield range.

The ability to conduct such tests, at least occasionally, cannot be denied the Soviets under the present treaty provisions, even after the exchange of data that will follow ratification. On the other hand, the U.S. has scrupulously complied with the 150 kt limit. Since both sides have strategic weapons requirements well in excess of this limit, violation of the limit by the Soviets could create an asymmetry that has significant military implications. Even the most confident resolution of such questions as the correct value of teleseismic bias between test sites cannot alter the fact that future Soviet compliance cannot reliably be assured by national technical means alone, even if these are "calibrated," as some have proposed. To provide assurance of compliance at yields much closer to the treaty limit requires the negotiation of additional verification measures having the capability of those proposed to the Soviets by the President. Without such measures, there can be no assurance that militarily significant violations of the limit are precluded in the future.

* * * *

I would like to briefly discuss the work we have been doing at Los Alamos to support the President's decision to seek improved verification of compliance with the TTBT limit.

The U.S. has proposed to the Soviets to have on-site observation by each country of tests by the other that are expected to be in a yield range where compliance questions might reasonably be anticipated. Thus there would be a lower limit below which such observations would not be necessary; in my view this limit must be chosen rather carefully in order to provide effective verification without unduly impinging on the test activities of either side.

The proposed observations would consist of on-site measurements of the position of the rapidly expanding shock wave that is produced by the nuclear explosion. The result of the measurement and its interpretation is called the "hydrodynamic yield" of the explosion. Under certain conditions, the yield can be inferred very accurately from such measurement, e.g., CORRTEX; those conditions are well-understood, and, of course, they must be provided for in Protocol language that is drafted with great care.

There is a very long history of successful U.S. underground yield measurement by this method, over the entire yield range from sub-kiloton to Megaton, in simple as well as extremely complex test configurations, and in the particular geometry proposed for weapons test yield verification measurements. We believe it is thoroughly understood and already used in some form by the Soviets. Moreover, this same method was the basis of the successful negotiations in 1974-1976 that resulted in the very elaborate verification Protocol to the PNET that this Committee now has before it.

This elaborate Protocol makes the PNET, with small changes as may be required if the TTBT verification is improved, effectively verifiable. However, I must caution that this is true only if the TTBT threshold remains 150 kt. If there are further restrictions on weapon test yields, the permitted PNE yields must be correspondingly lowered. Otherwise, even a perfectly legitimate peaceful explosion can be used to obtain military benefits unobtainable in a weapons test.

The problem we have been working on for several years at Los Alamos is that of applying the on-site hydrodynamic technique to the limited objective of weapons test verification under the 150 kt limit. It goes without saying that there are important new problems that arise when weapons tests, rather than explosions for peaceful purposes, are the subject of such observations. We must not interfere with the test objectives of either side; some of the provisions in the PNET Protocol would do so. Neither can we allow the slightest compromise of sensitive classified information. This was a concern also for the PNET, but the problem was more easily solved. Finally, we must devise a plan that effectively protects us from being "spoofed," even in complex test goemetries that were precluded under the terms of the PNET. It is my belief that our work at Los Alamos has dealt successfully with all of these problems, and we now have acquired a sufficient data base through experiments conducted on our own test program to provide very high confidence that the verification objective can be achieved without compromise of secret information and without significant danger of spoofing.

To accomplish the verification objective, we have developed at Los Alamos, and thoroughly tested, a new generation of equipment that is much more capable and easily used than that which was available in 1976. I should stress, however, that the essential element in the President's verification proposal is the on-site measurement of hydrodynamic shock position, rather than the specific equipment to be employed. While we are justifiably proud of our CORRTEX equipment, it is entirely possible that other equally capable or even better devices will become available.

I should add that we have thoroughly evaluated the verification capability that will result from employment of these measurements to solve the TTBT problem. The key questions are: what is the yield at which the Soviets can test both routinely and occasionally if this method is employed, and what is the military significance of tests at those yields? The same questions, I believe, must be answered quantitatively for any proposed alternative. The method I have discussed fully meets the requirement for effective verification that I defined earlier in this statement.

* * * *

In summary, I favor ratification of the TTBT and PNET with the provision of improved verification. The United States should insist on a verification protocol that does not allow the Soviets to test at a level above the threshold limit at which they can achieve a militarily significant advantage. It is important to note that all testing restrictions lead to technical risk and potential military penalties. The TTBT restrictions to date have been manageable, but there is concern about the future. Testing constraints more restrictive than those in the TTBT would greatly endanger our ability to adequately support the Nation's deterrent in terms of safe, secure, reliable and effective nuclear weapons.●

GRAND BLANC CELEBRATES MICHIGAN'S 150TH ANNIVERSARY

● Mr. RIEGLE. Mr. President, as Michigan celebrates its 150th anniversary this year, events have been held around the State commemorating this important year in our State's history. Today, I would like to pay tribute to the community of Grand Blanc, whose residents have chosen to celebrate this special year by designating January 26, 1987, as "Sesquicentennial Day".

Since the first settlers arrived in Grand Blanc, the community has undergone a great deal of change over the years. What was once sprawling farmland and wooded area has been transformed into a thriving metropolis. Grand Blanc continues today to display the diverse character and commitment to progress which first propelled it to develop its frontiers.

The people of Grand Blanc have worked hard over the past few months in planning the activities for the Sesquicentennial Day celebration to be held at Grand Blanc Community High School on January 26, 1987. They are to be commended for their leadership and organization. Events like these in this sesquicentennial year provide the residents of Michigan with a chance to reflect on our distinquished heritage as we contemplate our future.●

FAIR DEPOSIT AVAILABILITY ACT

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of the Fair Deposit Availability Act of 1987, legislation introduced by the distinguished Senator from Connecticut to end the inordinate delays experienced by bank customers who seek access to funds deposited by check. During the two previous Congresses, Senator DODD and I have strongly advocated disclosure of bank policies regarding availability and specific time periods for such availability of depositor's funds.

Unfortunately, it has become commonplace for some banks to take more than 1 week for a check drawn on a bank located within the same State to clear. Even worse is that it sometimes takes almost 2 weeks for a check to clear when drawn on an out-of-State bank. As a result, depositors do not have use of these funds—although the bank does—for an extraordinarily long period of time. Considering that less than 1 percent of all checks are acutally returned, some banks are simply ripping off the American consumer.

Several States, including New York State, have promulgated regulations regarding time periods within which customers must be given access to their funds. Surprisingly, bankers doing business in New York have expressed little opposition to this regulation. I recognize the fact that we must delicately balance the risk of financial loss to the bank against the availability of deposits to the consumer, but this balance is certainly attainable.

Mr. President, I am confident that we will pass this much-needed legislation this Congress. During the past 4 years, we have come excruciatingly close to doing so, but have failed. I believe the time has come to succeed in passing this legislation.●

"A SCOUTING CELEBRATION"

● Mr. PELL. Mr. President, next month on February 15, 1987, a Rhode Island Boy Scout troop will observe and celebrate the 50th anniversary of its founding. Troop 2 of the Narragansett Council of the Boy Scouts of America was established in Central Falls, RI, in 1937. It is my pleasure to bring this significant anniversary to the attention of my colleagues in the Senate and to extend my congratulations to the troop and to its leaders.

It was in Central Falls, the smallest of Rhode Island's seven cities, that Father Renaldo Gadoury of St. Mathieu's Parish joined with a parish leader, Ernest St. Louis, 50 years ago to form Boy Scout Troop 2 of the Narragansett Council to serve the boys of the community. The same two leaders were responsible also for establishing a country camp to provide outdoor experiences for Boy Scouts from urban Central Falls. That camp, Camp Ker-Anna in Cumberland, RI, continues today to serve as a Scouting camp.

Troop 2 is particularly proud that during its history 25 members of the troop have advanced to the rank of Eagle Scout, the highest rank in Scouting. This record has been achieved through the efforts of a succession of dedicated Scoutmasters, including Mr. St. Louis; Rosaire Marcotte, who served for more than 20 years; Laurent Lussier, Walter Laurie, Robert Corriveau, George Marcotte, Russell Bourskli, Donald Benoit, and the current scoutmaster, Patrick Carr.

Mr. President, I congratulate Troop 2 on its anniversary and on 50 years of exemplary leadership in Scouting.●

IN CELEBRATION OF UKRAINIAN INDEPENDENCE DAY

● Mr. RIEGLE. Mr. President, today I join with Ukrainians all over the world in celebrating the 69th anniversary of the Proclamation of the Independence of Ukraine. To mark this important event, I am honored to be a cohost of two celebrations sponsored by the Ukrainian Congress Committee of America—one being held here in Washington and one in Warren, MI.

On this date 69 years ago, the Independent Ukrainian National Republic was born. After centuries of living under Czarist Russian domination, the Ukrainian people, through the act of January 22, 1918, established, by popular, democratic vote, their own independent republic. Freedom of speech, the press, religion, and assembly were among the rights guaranteed under the act. In addition, all minorities were given both national and personal autonomy.

Tragically, Ukrainian independence was short lived, and within 3 years, the struggling nation was defeated by the stronger military forces of the Russian Bolsheviks. However, the very fact that Ukraine established itself as an independent nation is significant, for it reaffirmed the Ukrainian people's dignity, their spirit and their right to self-rule. And it is that reaffirmation that we celebrate today.

Our celebration of Ukrainian independence, nearly seven decades later, is tempered by the realities of life today in Soviet-occupied Ukraine, where we face a struggle for the survival of the Ukrainian national, cultural, and religious identity. Members of the Helsinki Monitoring Groups in Ukraine remain in prison. The Ukrainian Catholic and Orthodox Churches are still suppressed. Emigration rates continue to remain low, despite the resolution of some high-profile cases.

We know that for every Shcharansky who is freed, and for every Sakharov who is released from exile, there are countless others still suffering in the Soviet gulag.

It is our responsibility to create a strong and aggressive world opinion against Soviet oppression and human rights abuses, and to force them to change their inhuman conduct.

Anatoly Shcharansky has told us that it was the overwhelming international attention given to his case which brought about his release. And it was the lack of world attention to Marchenko's case which allowed him to die, just 6 weeks ago, in Christoppol prison.

We must not allow the Soviet system to swallow up any more citizens who dare to demand their basic human rights. We must continue to speak out forcefully and consistently on behalf of those who may not speak for themselves.

It is important that each year, as we celebrate the achievement of independence in Ukraine, we devise new strategies to bring new hope to those in the homeland who continue to be victimized by Soviet policies.

In 1988, we will celebrate the millennium of Christianity in Ukraine. That occasion presents a new opportunity to all of us who are committed to ensuring the survival of Ukrainians' religious and cultural identity.

In anticipation of that event, we must actively promote restoration of the church so that the long-suffering Ukrainian people may worship freely in their own churches.

Last year, the Senate unanimously approved a resolution which I introduced, expressing the solidarity of the United States with believers behind the Iron Curtain who are denied their religious freedoms. In accordance with that resolution, U.S. delegates to the Helsinki review meeting in November pressed for the full restoration of the Byzantine Rite Catholic Church and freedom of religion for the people of all the captive nations. In addition, it urged our Government to continue to work to facilitate contact between believers in the East bloc countries.

We must continue to press the Soviet officials on this matter until religious freedom is restored.

In addition, we must launch a full campaign to inform the world of the history of the Ukrainian people, of the suffering they have endured, and of the rich cultural and ethnic tradition they represent.

The Ukrainian people in the homeland must be supported. They must know, and be strengthened by the fact, that we in the free world are with them, and that we know of their suffering and of their continuing struggle to be free.

Just as the Soviet leadership seeks to erase Ukrainian uniqueness and quiet their calls for justice and human rights, we must do whatever is necessary to promote the cause of freedom in Ukraine. On this 69th anniversary of Ukrainian independence, I pledge to do all I can to achieve that goal.●

CONGRATULATIONS ON THE WATER BILL

Mr. BYRD. Mr. President. I would like to take a moment and congratulate the managers of the Clean Water Act. Senators MITCHELL and CHAFEE have done a noteworthy job both in helping to craft the substance of this bill in the last Congress and in shepherding it through the Senate once again. The overwhelming show of support for the bill—93 to 6—was due in no small measure to the skillful way in which they managed this legislation. I would also like to thank Senator BURDICK, chairman of the Environment and Public Works Committee and Senator STAFFORD, the ranking Republican on the Committee. The 93-to-6 vote in favor of the measure is a testament to their hard work and dedication to this issue.

Their success today is not just a victory for the supporters of the bill, but for the American people, who will have cleaner water as a result of this bill.

I hope that the President will take note of the bipartisan endorsement of H.R. 1 and consider signing the legislation into law. Such an act would reassure the Nation that we all stand behind the commitment to clean water.

THE FUNDING RESOLUTIONS

Mr. BYRD. Mr. President, I hope that it will be possible to take up the various committee funding resolutions on tomorrow. If we are able to do that and dispose of those resolutions, it would then be my intention to go over until Monday next. In the meantime, I urge committees to meet and conduct oversight hearings and develop legislation for advancement to the Senate Calendar so that the Senate can proceed with deliberate speed to take up measures and dispose of them in proper order.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. BYRD. Mr. President, I send to the desk a concurrent resolution which has been cleared by both sides. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A Senate concurrent resolution (S. Con. Res. 12) to allow another member of the Committee Rules and Administration of the Senate to serve on the Joint Committee of Congress on the Library in place of the chairman of the committee.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. Is there debate on the concurrent resolution? If not, the question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to as follows:

S. CON. RES. 12

Resolved by the Senate (the House of Representatives concurring), That effective for the 100th Congress, the Chairman of the Committee on Rules and Administration of the Senate may designate another member of the Committee to serve on the Joint Committee of the Congress on the Library in place of the Chairman.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD. Mr. President, as in executive session I ask unanimous consent that the injunction of secrecy be removed from the International Wheat Agreement of 1986, Treaty Document No. 100-1, which was transmitted to the Senate by the President of the United States on January 20, 1987; and I ask that the treaty be considered as having been read the first time; that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Wheat Trade Convention and Food Aid Convention constituting the International Wheat Agreement, 1986, opened for signature at the United Nations Headquarters, New York, from May 1 through June 30, 1986. The Conventions were signed by the United States on June 26, 1986. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Conventions.

The Wheat Trade Convention, 1986, replaces the Wheat Trade Convention, 1971, and maintains the framework for international cooperation in wheat trade matters. It also continues the existence of the International Wheat Council.

The Food Aid Convention, 1986, replaces the Food Aid Convention, 1980, and renews commitments of donor member states to provide minimum annual quantities of food aid to developing countries.

The United States is continuing to participate provisionally in the International Wheat Council and Food Aid Committee. The Council and the Committee have granted the United States an extension of time, through June 30, 1987, to deposit instruments of ratification.

It is my hope that the Senate will give early and favorable consideration to the two Conventions, and give its advice and consent to ratification so that ratification by the United States can be effected and instruments of ratification deposited no later than June 30, 1987.

RONALD REAGAN.

THE WHITE HOUSE, *January 20, 1987.*

ORDERS FOR THURSDAY

ADJOURNMENT UNTIL 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 2 o'clock tomorrow afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF CALL OF THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, resolutions on the calendar, resolutions and motions over, under the rule, not come over, and also ask unanimous consent to waive the call of the calendar under rule VIII.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders on tomorrow under the standing order that the following Senators be recognized for not to exceed 5 minutes each: Senators PROXMIRE, MURKOWSKI, SASSER, WILSON, REID, GRASSLEY, BAUCUS, BINGAMAN, and WIRTH.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for the recognition of Senators on tomorrow there be a period for the transaction of routine morning business for not to exceed 15 minutes, and that Senators may be permitted to speak therein for 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, it has not been possible today to get consent to take up the resolutions that will be reported by the Committee on Rules and Administration on tomorrow dealing with the funding of committees. I do not anticipate any problem on tomorrow. The distinguished Republican leader is of like mind. There is a minor matter which needs to be resolved. But hopefully that can be done overnight.

So it would be the hope of both leaders that on tomorrow, consent can be given to taking up those resolutions notwithstanding the 1-day rule, and, if there is a committee report accompanying the resolutions, notwithstanding the 2-day rule.

There may be rollcall votes tomorrow. I am not in a position to say at the moment that there will not be.

I repeat my hope that committees will meet on tomorrow. The Senate will not come in until 2 o'clock p.m. under the order. I understand that there is some rough weather on the way. This will enable Senators—if the weather forecasts do prove to be correct—and I hope they will not be—to be here in ample time prior to the convening time. I urge committees to meet and proceed with business as they have doing over the past several days.

Mr. President, on tomorrow, then, the Senate will convene at 2 o'clock p.m.

Under the order previously entered, following the recognition of the two leaders under the standing order, there will be nine Senators recognized, each for not to exceed 5 minutes, they being Senators PROXMIRE, MURKOWSKI, SASSER, WILSON, REID, GRASSLEY, BAUCUS, BINGAMAN, and WIRTH.

Following the recognition of those Senators, there will be a period for the transaction of morning business not to exceed 15 minutes. Senators will be permitted to speak therein for not to exceed 3 minutes each.

At the conclusion of morning business tomorrow, it is anticipated and hoped that the Senate can proceed with the committee funding resolutions.

Mr. President, I thank the able Republican leader and I thank all Senators.

AUTHORITY IN CERTAIN ACTION DURING ADJOURNMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives and that the President pro tempore and Acting President pro tempore be authorized to sign all duly enrolled bills, during this adjournment.

ADJOURNMENT UNTIL TOMORROW AT 2 P.M.

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in adjournment until the hour of 2 o'clock tomorrow afternoon.

The motion was agreed to, and the Senate, at 5:59 p.m., adjourned until Thursday, January 22, 1987, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate January 21, 1987:

DEPARTMENT OF STATE

Edward J. Derwinski, of Illinois, to be Under Secretary of State for Coordinating Security Assistance Programs, vice William Schneider, Jr.

Burton Levin, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of the Union of Burma.

Stephen R. Lyne, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

Melissa Foelsch Wells, of New York, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Mozambique.

Arnold Lewis Raphel, of New Jersey, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

Richard Noyes Viets, of Florida, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal.

Trusten Frank Crigler, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Democratic Republic.

Everett E. Bierman, of Virginia, now Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua, New Guinea and to Solomons Islands, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

Joseph Carlton Petrone, of Iowa, to be the representative of the United States of America to the European Office of the United Nations with the rank of Ambassador.

Arthur G. Linkletter, of California, for the rank of Ambassador during the tenure of his service as commissioner general of the U.S. Exhibition for the International Exposition, Brisbane, Australia, 1988.

IN THE FOREIGN SERVICE

The following-named career member of the Senior Foreign Service of the U.S. Information Agency for promotion in the Senior Foreign Service to the class indicated:

Career member of the Senior Foreign Service of the United States of America, class of Career Minister:

Raymond E. Benson, of Florida.

Career members of the Senior Foreign Service of the United States of America, class of Minister-Counselor:

G. Michael Eisenstadt, of New York.
Robert Barry Fulton, of Pennsylvania.
Arthur S. Giuliano, of Virginia.
Kenton W. Keith, of Missouri.
Bruce R. Koch, of Pennsylvania.
Warren Jon Obluck, of California.

The following-named career members of the Foreign Service of the U.S. Information Agency for promotion in the Senior Foreign Service to the class indicated:

Career members of the Senior Foreign Service of the United States of America, class of Counselor:

Frank L. Albert, of Oregon.
Cresencio S. Arcos, Jr., of Texas.
Donald G. Besom, Jr., of Nebraska.
Brian E. Carlson, of Virginia
John R. Challinor, of Illinois.
Robert Lee Earle, of Pennsylvania.
Eli Flam, of Florida.

Michael Joseph Gould, of Pennsylvania.
Don Reed Hamilton, of Oklahoma.
Myron L. Hoffmann, of Maryland.
James J. Hogan, Jr., of New Hampshire.
J. Daniel Howard, of Tennessee.
Millard L. Johnson, Jr. of California.
William P. Kiehl, of Pennsylvania.
Joel J. Levy, of Connecticut.
Clara Sigrid, Maitrejean, of Arizona.
Cynthia Jane Miller, of Texas.
Roger Curtiss Rasco, of Texas.
Terry B. Shroeder, of California.
Jon W. Stewart, of Washington.
Ernesto Uribe, of Texas.

The following-named career members of the Senior Foreign Service of the Department of Agriculture for promotion in the Senior Foreign Service to the class indicated:

Career members of the Senior Foreign Service of the United States of America, class of Minister-Counselor:

Charles J. O'Mara, of Maryland.
George J. Pope, of Virginia.

The following-named career members of the Foreign Service of the Department of Agriculture for promotion in the Senior Foreign Service, and consular officer and secretary in the Diplomatic Service appointments, as indicated:

Career members of the Senior Foreign Service of the United States of America, class of Counselor:

Daniel B. Conable, New York.
Gerald W. Harvey, of Virginia.
Leon G. Mears, of Virginia.
Robert J. Svec, of Virginia.

Career members of the Senior Foreign Service of the United States of America, class of Counselor, and a consular officer and a secretary in the Diplomatic Service of the United States of America:

Claude J. Nelson, of Texas.

The following-named persons of the agencies indicated as Foreign Service officers of the classes stated, and also for the other appointments indicated herewith:

For reappointment in the Foreign Service as a Foreign Service officer of class 1, a consular officer, and a secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Harry V. Ryder, Jr., of Massachusetts.

For appointment as Foreign Service officers of class 1, consular officers, and secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Benjamin N. Brown, Jr., of Delaware.
Lawrence I. Eisenberg, of Florida.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Juan Alberto Benjamin Belt, of Florida.
Paul Arthur Crowe, of Florida.
Kathleen Dollar Hansen, of the District of Columbia.
Clyde C. Laursen, of California.
David M. Rybak, of Virginia.
Helen Elizabeth Soos, of the District of Columbia.
J.F. Smith, of New York.
Fred E. Winch 3rd, of New Hampshire.

For appointment as Foreign Service officers of class 2, consular officers, and secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Phillip T. Chicola, of Florida.

DEPARTMENT OF COMMERCE

Arthur A. Alexander, Jr., of Texas.
David E. Brantley, of Maryland.
Lyn Edinger, of New Hampshire.
Laron L. Jensen, of Virginia.
George W. Knowles, of New York.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Anne-Sigrid Anderson, of New York.
Grover Tracy Atwood, of Connecticut.
Carl R. Duisberg, of Washington.
Elmer George Fales, of Virginia.
Leroy Jackson, Jr., of Virginia.
Charles Kapar, of Virginia.
Earl Kessler, of Maryland.
Peter Benedict Lapera, of Maryland.
Chung-Chi Lu, of Maryland.
Igor Nesterczuk, of New York.
Alvin P. Newman, of New Jersey.
Talbot Penner, of Texas.
Timothy S. Seims, of New York.
Michael Hayden Snyder, of Virginia.

U.S. INFORMATION AGENCY

Stedman D. Howard, of Florida.

For appointment as Foreign Service officers of class 3, consular officers, and secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Richard F. Gonzalez, of California.
Paul Edward Rowe, of Virginia.

DEPARTMENT OF COMMERCE

Peter T. Noble, of Virginia.
John L. Priamou, of the District of Columbia.
Geoffrey H. Walser, of California.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Stephen C. Allen, of New York.
Francis A. Donovan, of Pennsylvania.
Peter A. Feiden, of West Virginia.
Nancy Carmichael Hardy, of Texas.
Donnie Eugene Harrington, of Missouri.
Donald Gary Keene, of California.
Harry M. Lightfoot, Sr., of the District of Columbia.
Ronald Eric Olsen, of Colorado.
Richard L. Owens, of California.
Carlos E. Pascual, of California.
Kenneth N. Randolph, of Mississippi.
Theresa Anne Ware, of Georgia.

For appointment as Foreign Service officers of class 4, consular officers, and secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Lynn A. Allison, of West Virginia.
Eric D. Benjaminson, of Virginia.
Samuel Vincent Brock, of Florida.
Velia M. De Pirro, of Connecticut.
Robert Richard Downes, of Texas.
Trevor J. Evans, of Washington.
James Brendan Foley, of New York.
David Lamont Gandle, of Connecticut.
Daniel Edward Goodspeed, of California.
Lionel C. Johnson, of New Jersey.
Christopher Kauth, of Wisconsin.
Margaret Ellen Keeton, of Iowa.
John Kunstadter, Jr., of the District of Columbia.
Sylvie L. Martinez, of California.
James Patrick McAnulty, of New York.
Deborah Anne McCarthy, of California.
P. Michael McKinley, of Connecticut.
Ronald K. McMullen, of Iowa.
Michael J. O'Keefe, of New Hampshire.
James Clark Picard, of Pennsylvania.
Richard Arthur Rorvig, of California.
John K. Schlosser, of California.
Hampton David Smith III, of Virginia.
Julia Reeves Stanley, of New York.
Diana Valderrama, of New York.
Robert Merwin Watts, Jr., of Connecticut.
Yvette M. Wong, of California.
Robert T. Yamate, of California.
Margaret A. Yohner, of Ohio.

The following-named members of the Foreign Service of the Departments of State and Commerce, and the U.S. Information Agency, to be consular officers and/or secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular officers and secretaries in the Diplomatic Service of the United States of America:

Philip B. Adams, of Virginia.
Donald Edward Ahern, of California.
Juan Arturo Alsace, of Minnesota.
Peter P. Andrews, of New Mexico.
William Bernard Armbruster, of Virginia.
Michael Grant Baker, of the District of Columbia.
Mary L. Bauer, of Michigan.
Nathan M. Bluhm, of California.
Richard P. Bonsignore, of New Jersey.
Joanna Watkins Bourne, of Florida.
George William Brazier III, of Virginia.
Philip Jackson Breeden, Jr., of California.
David Edward Brown, of Florida.
Merritt C. Brown, of Maryland.
Judith M. Butterman, of California.
David G. Calderwood, of Utah.
Glenn Lincoln Carle, of New Hampshire.
James Durbin Chrisinger, of Iowa.
Daniel Patrick Claffey, of California.
Jonathan Raphael Cohen, of California.
Lawrence Fly Connell, of New York.
John Alan Connerley, of California.
John Steele Creamer, of Massachusetts.
Mary T. Curtin, of Minnesota.
Mark J. Davidson, of New Jersey.
Kimberly J. DeBlauw, of Virginia.
Dorothy Anne Delahanty, of Maryland.
Gustavo Delgado, Jr., of Maryland.
Dharamchand Depoo, of New Jersey.
Walter Douglas, of New York.
James A. Dunn, of Virginia.
Benjamin L. Eason, of Alabama.
Arthur Chris Eccel III, of Utah.
Susan Mary Elbow, of the District of Columbia.
Catherine J. Elkins, of North Carolina.
James Raymond Ellickson-Brown, of Oregon.
Naomi Jean Emerson, of Minnesota.
Peter R. Enzminger, of California.
David A. Everett, of North Carolina.
Kenneth D. Ferguson, of West Virginia.
Francisco Javier Fernández, of North Carolina.
Julie A. Furuta-Toy, of California.
Jennifer Sue Galenkamp, of New Jersey.
Thomas R. Genton, of New Jersey.
Blaine Alan Gibson, of Washington.
Ralph F. Goff, of Maryland.
Allen S. Greenberg, of California.
Michael Nicholas Greenwald, of California.
Bette Jeanne Hammond, of New Jersey.
Patricia L. Hanigan, of New Jersey.
Gina C. Haspel, of Kentucky.
Audrey L. Helfant, of Massachusetts.
Robert L. Hugins, of Florida.
James F. Ireland, Jr., of Massachusetts.
Phillip R. Ives, of Florida.
Toni Kay Willis Jackman, of Kansas.
James L. Joy, of Florida.
Paul Robert Kozelka, of Virginia.
Duane M. Kramer, of Minnesota.
C. Jean Kruse, of West Virginia.
Robert R. Kuntz II, of California.
Martha Peterson Lane, of Virginia.
Layne Colleen Lathram, of Florida.
J. Christopher Laycock, of Washington.
Zachary Lent, of Maryland.
Thomas Harold Lloyd, of Wisconsin.
Theresa A. Loar, of New Jersey.
Bruce Alan Lohof, of Montana.
Theodore J. Lyng, of New York.
Jean MacKenzie, of Maryland.
Fernando Román Norté Maciás, of New Mexico.

Joseph William Martin, of Massachusetts.
Hilarion Arnaldo Martiñez Llanes, of Florida.
Matthew John Matthews, of Oregon.
Robin Kay McClellan, of Kansas.
James R. McKenzie-Wardell, of Michigan.
Thomas Eleuterio Mesa, of California.
Afton Olson Miles, of New York.
Eugenia D. Mills, of California.
Nan A. Nida, of Virginia.
Michael Frederic O'Connor, of New York.
Megan E. O'Reilly, of California.
Virginia Evelyn Palmer, of Virginia.
Gerould W. Pangburn, of Kansas.
David Miller Park, of New York.
Andrew A. Passen, of Pennsylvania.
E. Charles Payne, of the District of Columbia.
Kristine L. Pelz, of California.
Keith Edwin Peterson, of Florida.
Charisse Melanie Scholz Phillips, of Virginia.
R. Lex Phillips, Jr., of Mississippi.
Daniel William Piccuta II, of California.
Camille Martine Pisk, of Texas.
Peter Aristides Poulos, of Maryland.
John R. Price, of Maryland.
Michelle Rene Rabayda, of Virginia.
Catherine F. Raia, of Massachusetts.
Susan Christine Richwagen, of California.
Richard P. Robison, of Utah.
Todd D. Robinson, of New Jersey.
David Thomas Rockey, of Washington.
Barbara Maria Roesmann, of Ohio.
James M. Roth, of Ohio.
Lorie A. Roule, of Ohio.
Victor Leopold Russillo, of Maryland.
David Frost Schafer, of Ohio.
Mark D. Schall, of Arizona.
Mary Lou Schertz, of California.
Andrew J. Schilling, of New York.
Eric T. Schultz, of Colorado.
Marianne C. Scott, of the District of Columbia.
Deborah Jane Seligsohn, of New York.
Catherine Bentley Sevcenko, of Massachusetts.
Michael L. Shanklin, of California.
Francis J. Shea, of Washington.
Diane Williams Shelby, of Ohio.
Carol D. Shuh, of Iowa.
Christopher Sibilla, of California.
Andrew David Siegel, of California.
Arnold Sierra, of Texas.
Stewart A. Simpson, of New Jersey.
Robin Angela Smith, of the District of Columbia.
Mary Frances Speer, of Ohio.
Terence J. Spencer, of New York.
David J. Spillane, of Connecticut.
J. Michael Springmann, of Florida.
Kathleen T. Stewart, of Wisconsin.
Wilbert Stitt, Jr., of North Carolina.
Karl E. Stoltz, of Maryland.
Gustavo L. Suarez, of New York.
Richard W. Terrill, of Pennsylvania.
Janice Lynn Trickel, of Montana.
Krishna Raj Urs, of Texas.
Andrew L. Vincent, of Virginia.
Marcelle M. Wahba, of California.
Steven Jerome Wangsness, of Washington.
Paul Allen Wedderien, of California.
Kim Melanie White, of Kansas.
Donna J. Winton, of California.
Cynthia Digby Wood, of South Carolina.
Bernard B. Wu, of Maryland.

Consular officers of the United States of America:

Joan J. Edwards, of Pennsylvania.
Nora Sun, of California.

Secretaries in the Diplomatic Service of the United States of America:

Truman E. Brown, of Florida.
James B. Devine, of Virginia.
David S. Yonker, of Illinois.

The following-named career members of the Foreign Service of the Department of State previously promoted into the Senior Foreign Service to the class indicated, effective October 14, 1984, now to be effective September 30, 1984:

Career members of the Senior Foreign Service of the United States of America, class of Counselor:

Arnold M. Isaacs, of Virginia.
Joel S. Spiro, of Virginia.

The following-named career member of the Foreign Service of the Department of State for promotion into the Senior Foreign Service to the class indicated, effective September 30, 1984:

Career member of the Senior Foreign Service of the United States of America, class of Counselor:

Alfred J. White, of New York.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Thomas D. Ayers, xxx-xx-xxxx U.S. Army.

HOUSE OF REPRESENTATIVES—*Wednesday, January 21, 1987*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, from whom all blessings flow, we remember in this our prayer those people held hostage and denied the freedoms that we enjoy. We pray, O God, that Your spirit that is not contained by any boundary or prison wall, will touch the lives of those held in alien places and encourage them, give them solace and hope for each new day. And may that same good spirit that passes all human understanding be with each of us and unite us in the bonds of Your peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DONNELLY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DONNELLY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 319, nays 75, answered "present" 8, not voting 32, as follows:

[Roll No. 10]

YEAS—319

Ackerman
Akaka
Anderson
Andrews
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Badham
Ballenger
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Bilbray
Bliley
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conyers
Cooper
Coyne
Craig
Daniel
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (OK)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Hopkins
Horton
Houghton
Howard
~~Hoyer~~
Hubbard
Huckaby
Hughes
Hunter
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
Lungren
MacKay
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McEwen
McKinney
McMillan (NC)
McMillen (MD)
Mica
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Natcher
Nelson
Nichols
Nielson
Nowak
Oakar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Patterson
Pease
Perkins
~~Petri~~
Pickett
Pickle
Porter
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roemer
Rogers
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schneider
Schumer
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Smith (NE)
Spence
Spratt
St Germain
Staggers
Stark
Stenholm
Stratton
Studds
Sundquist
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vento
Visclosky
Volkmer
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—75

Armey
Baker
Barton
Bentley
Bilirakis
Boehlert
Brown (CO)
Buechner
Burton (IN)
Cheney
Clay
Coats
Coble
Conte
Coughlin
Courter
Crane
Dannemeyer
Daub
DeLay
Dreier
Emerson
Fields
Gekas
Goodling
Hefley
Holloway
Inhofe
Ireland
Jacobs
Kolbe
Konnyu
Kyl
Lewis (CA)
Lightfoot
Livingston
Lott
Lowery (CA)
Lukens, Donald
Mack
Madigan
Martin (IL)
McCandless
McCollum
McGrath
Meyers
Molinari
Parris
Pashayan
Penny
Rhodes
Ridge
Roberts
Roukema
Schaefer
Schroeder
Schuette
Sensenbrenner
Sikorski
Skeen
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stump
Swindall
Tauke
Thomas (CA)
Walker
Weber
Whittaker
Wolf

ANSWERED "PRESENT"—8

Alexander
Gejdenson
Hutto
Mfume
Neal
Roe
Shumway
Stokes

NOT VOTING—32

Annunzio
Brennan
Burton (CA)
Chandler
Crockett
Dickinson
Dingell
Dymally
Edwards (CA)
Hyde
Kolter
Leach (IA)
Leland
McHugh
Miller (OH)
Morrison (CT)
Myers
Nagle
Oberstar
Panetta
Pepper
Price (IL)
Schulze
Smith (FL)
Smith (NJ)
Solarz
Stallings
Vander Jagt
Vucanovich
Walgren
Watkins
Wortley

☐ 1410

Mrs. ROUKEMA changed her vote from "yea" to "nay."

Mr. GORDON changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

APPOINTMENT AS MAJORITY MEMBERS OF THE SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

The SPEAKER. Pursuant to section 203 of House Resolution 26, 100th Congress, the Chair appoints as majority members of the Select Committee on Children, Youth, and Families the following Members of the House:

Mr. MILLER of California, chairman;
Mr. LEHMAN of Florida;
Mrs. SCHROEDER of Colorado;
Mrs. BOGGS of Louisiana;
Mr. MCHUGH of New York;
Mr. WEISS of New York;
Mr. ANTHONY of Arkansas;
Mrs. BOXER of California;
Mr. LEVIN of Michigan;
Mr. MORRISON of Connecticut;

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. ROWLAND of Georgia;
Mr. SIKORSKI of Minnesota;
Mr. WHEAT of Missouri;
Mr. MARTINEZ of California;
Mr. EVANS of Illinois;
Mr. DURBIN of Illinois;
Mr. SAWYER of Ohio;
Mr. SKAGGS of Colorado; and
Mr. FLAKE of New York.

APPOINTMENT AS MAJORITY MEMBERS OF JOINT ECONOMIC COMMITTEE

The SPEAKER. Pursuant to the provisions of 15 United States Code 1024(a) the Chair appoints as majority members of the joint economic committee the following Members on the part of the House:

Mr. HAMILTON of Indiana;
Mr. OBEY of Wisconsin;
Mr. HAWKINS of California;
Mr. SCHEUER of New York; and
Mr. STARK of California.

APPOINTMENT AS MAJORITY MEMBERS OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER. Pursuant to clause 6(f), rule X, and clause 1, rule XLVIII, the Chair appoints as majority members of the Permanent Select Committee on Intelligence, the following Members of the House:

Mr. STOKES of Ohio, chairman;
Mr. MCCURDY of Oklahoma;
Mr. BEILENSON of California;
Mr. KASTENMEIER of Wisconsin;
Mr. DANIEL of Virginia;
Mr. ROE of New Jersey;
Mr. BROWN of California;
Mr. MCHUGH of New York;
Mr. DWYER of New Jersey;
Mr. WILSON of Texas; and
Mrs. KENNELLY of Connecticut.

APPOINTMENT AS MAJORITY MEMBERS OF SELECT COMMITTEE ON AGING

The SPEAKER. Pursuant to clauses 6 (f) and (i) of rule X, the Chair appoints as majority members of the Select Committee on Aging the following Members of the House:

Mr. ROYBAL of California, chairman;
Mr. PEPPER of Florida;
Mr. BIAGGI of New York;
Mr. BONKER of Washington;
Mr. DOWNEY of New York;
Mr. FLORIO of New Jersey;
Mr. FORD of Tennessee;
Mr. HUGHES of New Jersey;
Mrs. LLOYD of Tennessee;
Ms. OAKAR of Ohio;
Mr. THOMAS A. LUKEN of Ohio;
Mrs. BYRON of Maryland;
Mr. MICA of Florida;
Mr. WAXMAN of California;
Mr. SYNAR of Oklahoma;
Mr. DERRICK of South Carolina;
Mr. VENTO of Minnesota;
Mr. FRANK of Massachusetts;
Mr. LANTOS of California;
Mr. WYDEN of Oregon;
Mr. CROCKETT of Michigan;
Mr. BONER of Tennessee;
Mr. SKELTON of Missouri;
Mr. HERTEL of Michigan;
Mr. BORSKI of Pennsylvania;
Mr. BOUCHER of Virginia;
Mr. ERDREICH of Alabama;
Mr. MACKAY of Florida;
Mr. SISISKY of Virginia;
Mr. WISE of West Virginia;
Mr. RICHARDSON of New Mexico;
Mr. VOLKMER of Missouri;
Mr. GORDON of Tennessee;
Mr. MANTON of New York;
Mr. ROBINSON of Arkansas;
Mr. STALLINGS of Idaho;
Mr. CLARKE of North Carolina;
Mr. KENNEDY of Massachusetts; and
Ms. SLAUGHTER of New York.

□ 1425

APPOINTMENT AS MAJORITY MEMBERS OF SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

The SPEAKER. Pursuant to section 303 of House Resolution 26, 100th Congress, the Chair appoints as majority members of the Select Committee on Narcotics Abuse and Control the following Members of the House:

Mr. RANGEL of New York, chairman;
Mr. RODINO of New Jersey;
Mr. STARK of California;
Mr. SCHEUER of New York;
Mrs. COLLINS of Illinois;
Mr. AKAKA of Hawaii;
Mr. GUARINI of New Jersey;
Mr. MATSUI of California;
Mr. FASCELL of Florida;
Mr. FAUNTROY of the District of Columbia;
Mr. HUGHES of New Jersey;
Mr. LEVINE of California;
Mr. ORTIZ of Texas;
Mr. SMITH of Florida; and
Mr. TOWNS of New York.

APPOINTMENT AS MAJORITY MEMBERS OF SELECT COMMITTEE ON HUNGER

The SPEAKER. Pursuant to the provisions of section 103 of House Resolution 26, 100th Congress, the Chair appoints as majority members of the Select Committee on Hunger, the following Members of the House:

Mr. LELAND of Texas, chairman;
Mr. HALL of Ohio;
Mr. TRAXLER of Michigan;
Mr. PANETTA of California;
Mr. GEJDENSON of Connecticut;
Mr. KOSTMAYER of Pennsylvania;
Mrs. BURTON of California;
Mr. DORGAN of North Dakota;
Mr. CARR of Michigan;
Mr. PENNY of Minnesota;
Mr. ACKERMAN of New York;
Mr. ESPY of Mississippi; and
Two vacancies.

APPOINTMENT AS MAJORITY OBSERVERS OF THE HOUSE TO STRATEGIC ARMS REDUCTION TALKS

Mr. WRIGHT. Mr. Speaker, Pursuant to an agreement with the Republican leadership of the House on this side of the Capitol, and with the joint leadership on the other side of the Capitol in the Senate, there will be observers from the House, from the Democratic side and from the Republican side, to the strategic arms reduction talks. The observers to the strategic arms reduction talks from the Democratic side will be as follows:

Mr. FOLEY of Washington;
Mr. FASCELL of Florida;
Mr. ASPIN of Wisconsin;
Mr. DOWNEY of New York;
Mr. DICKS of Washington;
Mr. MOODY of Wisconsin;
Mr. TORRES of California;
Mr. MAVROULES of Massachusetts; and
Mr. AUCOIN of Oregon.

There is one additional Member whom the Chair will appoint at a later date.

HOUR OF MEETING ON THURSDAY, JANUARY 22, 1987

Mr. BONIOR of Michigan. Mr. Speaker, I ask unanimous consent that when the House meets tomorrow, it meet at 1 p.m., instead of the announced 12 noon time.

This has been cleared with the minority.

The SPEAKER pro tempore. (Mr. KILDEE). Is there objection to the request of the gentleman from Michigan?

Mr. WALKER. Mr. Speaker, reserving the right to object, can the gentleman tell us what the business of the House is likely to be tomorrow?

Mr. BONIOR of Michigan. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Michigan.

Mr. BONIOR of Michigan. Mr. Speaker, the Democratic Caucus will be meeting tomorrow morning, and it is expected that that business will take until that necessary time.

Mr. WALKER. Will the House be meeting in anything other than pro forma session tomorrow?

Mr. BONIOR of Michigan. Mr. Speaker, we will just have committee resolutions tomorrow.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

WE DO NOT NEED A CRASH PROGRAM FOR SDI

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, we do not have unlimited funds to fund all the things that the Government would like to do. In the field of national defense, we particularly have needs that need to be met and must be expeditiously and fully met.

In view of that, we should not rush into spending a large amount of money, a crash program for SDI.

I have asked the staff of the Committee on Armed Services to come up with a figure, an appropriate figure, for this year. The figure they have so far given me is $3.1 billion, not the $6 billion that the President is asking for. He is asking for $5.8 billion plus $500 million, and that is an excessive amount of money, a crash program that is bound to lead to waste and bound to keep us from having adequate funds for our conventional warfare.

GIVE US A CHANCE TO DEBATE 55

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, when we debate the rule on the highway bill today, we will have an opportunity to defeat the previous question.

I urge my colleagues to vote no on the previous question.

Voting down the previous question will not delay further consideration of the bill.

And that's important. We need to enact a highway bill.

But voting down the previous question will give us another chance to debate whether turning the business of making traffic laws back to the States is a good idea.

We want to have the opportunity to debate an amendment that would allow—not require—the States to increase the speed limit to 65 miles per hour on interstate routes in rural areas for a 5-year demonstration period.

I think this amendment is fair and extremely reasonable. So reasonable, in fact, that if the House were to debate it today, it would probably pass.

Let's do ourselves a favor. Let's debate this, vote on it, and return the business of setting speed limits to the States—where it belongs.

CONGRATULATIONS TO THE DENVER BRONCOS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I would like to join the many football fans throughout the country in congratulating the Denver Broncos on winning the American Conference championship and earning a trip to Pasadena to play the New York Giants in the Super Bowl.

I would also like to congratulate those devoted Bronco fans in Colorado who have supported the team through good times and bad times, in the best of weather and in the worst of weather, in normal costumes and in not so normal costumes. They have packed the stadium since 1970, leading the AFC in most consecutive sellouts and have consistently applauded the Broncos since their first game in Denver in 1960. It is fitting that the Broncos, who began their AFC career with a record of 4 wins, 9 losses, and 1 tie would end their last regular season with a record of 11 wins and 5 losses.

I realize that the odds makers are predicting the Giants to win the Super Bowl by 9 points, but I am confident the Broncos will pull an upset and leave such a strong taste of "Orange Crush" in the mouths of the Giants that it will take more than a barrel of Gatorade to wash it away.

Mr. HOWARD. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Speaker, I want to thank the gentlewoman from Colorado [Mrs. SCHROEDER], and on behalf of the New Jersey Giants, we wish to say that we are happy that the gentlewoman made those congratulations this week before the game. We will make ours for the Giants next week.

Mrs. SCHROEDER. This gentlewoman is delighted to find out that they are the New Jersey Giants; we did not know who to bet with.

CONTINUANCE OF DUTY SUSPENSION ON CERTAIN MENTHOL FEEDSTOCKS

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, today I am introducing a bill which would provide for the continuation of the suspension of any duty on certain menthol feedstocks that are utilized by domestic manufacturers to produce synthetic menthol. There being no domestic menthol feedstocks capacity, we must import these raw materials from abroad, primarily from West Germany. If the suspension of this duty were permitted to expire it would impose an unnecessary economic burden on the American manufacturer by increasing production costs.

To relieve this unnecessary burden Congressman Hartnett, my predecessor, introduced a bill in 1984 to temporarily suspend the duty on menthol feedstocks. That bill was ultimately incorporated into the Miscellaneous Tariff Act of 1984, Public Law 98-573. Under Public Law 98-573 the suspension of this duty will expire December 31, 1987.

Unfortunately, the situation facing our domestic menthol industry has not changed since 1984: There are still no American producers of menthol feedstocks, so the American menthol industry must still import raw materials and compete with highly subsidized, cheaply produced menthol products in foreign markets. In 1984, the market price for the finished menthol product was $10.70 per pound. In 1986, the market price steadily declined due to foreign subsidization and protection of their menthol producers. This price decline has had a severe impact on our domestic industry. The United States has only one manufacturer of menthol, whose plant is located in my district. This company has maintained its market share over the past few years, however this situation will not continue if the suspension of this duty is not extended.

My bill would simply provide for the continuation of the duty suspension for 5 more years, until December 31, 1992. I understand that Senator THURMOND will be introducing a companion measure in the other body.

Mr. Speaker, I realize this bill will not solve all our country's trade problems, but it will allow one domestic industry to compete against foreign manufacturers and help many American workers to keep their jobs. I trust the House will help me in the early passage of this legislation.

□ 1435

A PROPOSAL TO INCREASE THE MINIMUM WAGE

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, the time has arrived for Congress to raise the minimum wage. Since it was last increased in 1980, inflation has eroded the value of the wage by over 25 percent.

In some areas of the country an adult with two children can actually receive more from basic welfare benefits than from a job that pays the minimum wage. Raising the wage provides individuals with a strong incentive to find work, and would help to break the cycle of dependency on public assistance.

Taxpayers would also benefit because the increase in household income would reduce the amount of public assistance needed by many disadvantaged families. Let's take a look at what would happen in my home State of Wisconsin if the minimum wage were raised to $4.35 per hour. The public assistance received by a family of three earning the wage would be reduced over $1,400 per year but their total income would still rise.

The legislation I am introducing today simply makes up for the minimum wage's loss in purchasing power due to inflation. I encourage my colleagues to cosponsor this bill.

THE VIRTUES OF THE HIGHWAY BILL

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, William Shakespeare once wrote, "I'll do anything now that is virtuous * * * I am out of the road of rutting forever."

In a different, contemporary context—alas, our roads are full of ruts and the funding for their repair is long overdue. I was delighted that the Federal highway bill was the second bill introduced in the 100th Congress and I urge this body to now be virtuous and quickly pass this legislation.

Forty million dollars' worth of road work in Maryland's Eighth Congressional District, 3 hundred million dollars' worth in the State of Maryland, and 12.6 billion dollars' worth nationwide await the passage of the 1987 highway authorization. Expeditious handling of this bill by the full House is essential to enable Montgomery County, MD, and other areas of the country to implement their long-awaited highway projects. Completion of the work will clear the way for safer and smoother travel in many areas that have been plagued by traffic delays in the past.

Mr. Speaker, I consider it a privilege to serve in this historic 100th Congress with such distinguished Members and I am pleased to have this opportunity to make transportation the subject of my first speech on the floor of the House. Transportation is a crucial problem facing Montgomery County today. I plan to make it a priority as a Member of Congress.

STEEL INDUSTRY WOULD DODGE PENSION LIABILITY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, LTV has lied to Aliquippa, Chicago, IN, and steelworkers across the country and we're letting them get away with it.

Any company that hands out millions of dollars in bonuses to their executives and allows them to take lump-sum retirement payments—including pension moneys—right before filing chapter 11, knows exactly what they're doing.

Congress better wake up. Ten of the top twelve steel companies have underfunded pension plans and they're hoping LTV can dodge this bullet. These events are not accidental. The steel industry has joined forces to break the back of organized labor, and worst of all, dump their pension funds on the taxpayers of this country.

I've asked the Attorney General to conduct a thorough investigation of the steel industry and I'm asking you to sign on and support this request.

After all this, if anyone in this body still believes that our steel industry can be this mismanaged, unless by design, then I have some swampland I'd like to sell you.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries.

THE SHAYS' REBELLION BICENTENNIAL

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, 200 years ago this week a group of farmers tried to seize the Federal arsenal in Springfield, MA. Led by Daniel Shays, these rebels were confronted by a force of 1,200 soldiers under the command of Gen. William Shepard. Shays' army of farmers did not have the provisions to meet a more powerful Federal force, and after a short exchange, Shays' men broke ranks and retreated. This was the beginning of the end of Shays' Rebellion. Shays' forces tried to regroup in Petersham, but on the morning of February 4 they were routed by Federal troops under the command of Gen. Benjamin Lincoln. Daniel Shays fled Massachusetts and, for all practical purposes, the rebellion was over.

While Shays' Rebellion may not have been a military success, it did our Nation a great service by exhibiting the weaknesses of the United States under the Articles of Confederation, and helped pave the way for our beloved Constitution. In fact, there is reason to believe that Shays' Rebellion frightened George Washington out of retirement.

In connection with the bicentennial of Shays' Rebellion, this week marks Shays' Rebellion Week, and this Sunday is Shays' Rebellion Day. It is my pleasure to join the many others who are paying tribute to this important event in our Nation's history.

A NEW SPIRIT IN THE VIRGIN ISLANDS

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, I rise to let my colleagues know of a new Governor and new spirit in the U.S. Virgin Islands.

Gov. Alexander A. Farrelly, who took office 2 weeks ago, brings a new determination and credibility to these three islands of 110,000 people. Farrelly, a native son and graduate of Yale Law School, is an experienced attorney and community leader who was elected by a 2-to-1 majority.

Governor Farrelly is inheriting a government with an accumulated deficit of $80 million and an annual deficit of $40 million. He shows the courage to face it head-on. In his state of the territory speech, for starters, he proposed:

Reducing government holidays;

Cutting subsidies to the water distribution system;

Delaying payment of overdue salary increases to government workers;

Cutting future retirement benefits for government workers; and

Establishing a temporary income tax surcharge.

Tough, painful medicine, but a clear signal that his administration means business.

He also promised tighter control of the local budget process, and an end to the government's stopgap borrowing.

Above all, he is determined to see that all the people of the Virgin Islands share equally not only in the costs but, more importantly, in the benefits of his programs.

Governor Farrelly's election shows the people of the Virgin Islands are ready to face their problems and correct them. I look forward to working with this Governor and introducing him to my colleagues here in the weeks ahead.

Mr. Speaker, I am including excerpts of Governor Farrelly's state of the territory speech in the Extension of Remarks, which I believe deserve the attention of my colleagues.

NEW OHIO FACILITIES POINT UP HONDA'S COMMITMENT TO THE UNITED STATES

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, on January 8 of this year, the Honda of America Motor Co. announced plans for a

$450 million expansion project at its Anna, OH, production facility.

Having attended the announcement of the expansion project plans, I can certainly vouch for any reports of mouths dropping open and eyes bulging upon learning of the magnitude of the Honda announcement.

This planned $450 million expansion will have a tremendous positive impact on Shelby County and the Ohio economy generally, with the Honda facility expected to employ some 1,000 Ohio workers by the completion of the expansion in 1988. That's a direct increase of about 800 jobs at the Honda facility.

Honda's expanded facility will manufacture engine, drive train, and suspension assemblies for both Honda Accords and Civics. The expansion plans call for an additional 415,000 square feet at the Anna, OH, engine plant.

The realm of positive economic "ripple" effects is not totally known right now, but the possibilities for the local economy are almost overwhelming. According to the U.S. Chamber of Commerce, for every 100 new jobs in a community, there will be 202 more people, 61 more schoolchildren, 102 more families, 7 additional retail establishments, almost $1.5 million in additional retail sales per year and nearly $2 million more personal income per year. These figures are even more staggering when multiplied by 8, as will be the case at the completion of this particular expansion.

That's 1,616 more people, 488 more schoolchildren, 816 more families, 56 additional retail establishments, about $12 million in additional retail sales and approximately $16 million more personal income per year in Shelby County, OH.

Honda's expansion plan is tremendously important to those of us in Ohio, but its national and international significance should not be understated.

The Honda announcement demonstrates a strong commitment to an international partnership with U.S. industry and workers—a commitment to ensure that U.S. workers are involved in the manufacturing and construction of highly valued auto parts and components, instead of merely assembly of parts made overseas, and that U.S. industries are able to supply raw materials and components used in Honda vehicles "Made in America."

Honda, now our Nation's fourth largest automaker, has long been widely recognized as a leader in the auto industry, and this month's announcment solidifies that image. At a time when U.S. productivity and quality is challenged worldwide as never before, Honda has been willing to invest heavily in American labor and materials, and to market their product aggressively.

As a further demonstration of Honda's confidence and belief in American workmanship, Honda this month began to export American-made Honda automobiles to Taiwan. Soon, American-made Hondas may be available in other foreign markets, as well.

We, in Ohio, are especially grateful for Honda's commitment. We can only hope that others will continue to follow Honda's example in placing faith in American quality.

I applaud Honda's leadership and ingenuity, and thank those at Honda for their enduring confidence in Ohio and American productivity and ability.

THE NOBLE DENVER BRONCOS PREPARE TO MEET THE STALWART NEW YORK GIANTS

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, I would like to offer my condolences to my colleagues from the State of New York before the fact. In just 5 days the Denver Broncos who, by all standards, represent that which is good, noble, pure, and strong, will do battle in Pasadena with the stalwart New York Giants. There is no question that the Giants, a highly acclaimed group of performers will give a good account of themselves and will make all New Yorkers proud. As it is in all forms of friendly competition, however, there can be only one winner. I myself do not have one single partisan bone in my body and believe in objective measurement of athletic skill. I am confident, however, that if there is any fairness at all in this world, justice will prevail in the Super Bowl and the Broncos will be duly declared the winners.

I know that my colleagues from New York, as people of integrity and honor will be as gracious in defeat as we in Colorado will be in victory but should they prefer to be on the winning side I have brought a few extra Bronco badges which I will be happy to let them wear for the remainder of the week.

☐ 1445

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 497

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 497, the Farm Mortgage Marketing Corporation of 1987.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

IT IS TIME TO REPEAL THE 55-MILE-PER-HOUR SPEED LIMIT

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, it is time. It is time to turn over State highway safety to those people who know it best; the States. It is time to abolish our national speed limit law and today I am introducing legislation repealing the 55-mile-an-hour speed limit. This ignored and ineffective law was established through blackmail and it is time that we abolish this failed Federal experiment.

Public support to repeal the national speed limit is gaining momentum, and last Congress, we came very close to overturning this law. Let us limit Federal involvement to States' rights. I am asking my colleagues to cosponsor my bill and to join me in this effort to repeal the 55-mile-an-hour speed limit and allow each State to establish its own, rightful speed limit law.

Very shortly the House is expected to consider the Surface Transportation Act, and I am also urging my colleagues to defeat the previous question on the bill. If the previous question is defeated, a 55-mile-an-hour amendment can be offered. It is time to repeal this law.

THE MOUNTING PROBLEM OF MIDAIR COLLISIONS

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, we have a crisis in our skies. Midair collisions are becoming too common in this country. Just yesterday, a collision occurred between two aircraft; one military and one civilian, near Kansas City, MO, which killed five people. But in the midst of these accidents it is important to recognize that technology has the ball which will permit the modernization of the air traffic control system, the installation of collision avoidance systems, all of which will reduce the threats of midair collisions.

It is time for the Secretary of Transportation and the Administrator of the FAA to say the sky is the limit when it comes to securing the safety of the flying public; that we will commit whatever resources we need, in training people, in modern equipment, and in responsible, regulatory authority to produce an air system that Americans can continue to have confidence in.

Mr. Speaker, I have never met a constituent who has said to me: "Congressman, when you reduce the deficit, spend a little less on air safety." On the contrary, our constituents demand that we will commit whatever resources it takes to solve this problem.

Mr. KONNYU. Mr. Speaker, it is bad enough when the Government confiscates money from the American people by taxation. When the Government does this for a stated purpose, however, and then does not carry out the terms of this stated purpose, it is a travesty.

Later today, we will be considering H.R. 2 the Surface Transportation and Uniform Relocation Assistance Act of 1987. By passing this bill quickly, we will make good on the promise we have made to the taxpayers of our great Nation. Specifically, we will be using the money taken through taxes at the gas tank and put it to use repairing our Nation's highways, investing in highway safety and funding public transportation programs.

I ask every Member to support this legislation, as well as vote for the closed rule which will allow for quick passage of this bill. It is time that we provide the American people with the services they have already paid for at the pumps.

LET US NOT RESCIND JOBS

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, I am most pleased to join my colleague, the gentleman from Pennsylvania [Mr. RIDGE] in support of resolution to express our opposition to the administration's proposed rescission of funds for the Community Development Block Grant Program [CDBG] and the Urban Development Action Grant Program [UDAG].

When you rescind money for these programs in my district you may as well not mince words—what you're doing is rescinding jobs. These programs represent the most basic building blocks from which jobs arise. If you talk to people in my district, they won't mince words with you over jobs: We simply can't afford to lose more jobs.

I look around my district and I see important projects that wouldn't exist without CDBG and UDAG. Mr. Speaker, now is not the time to turn back the clock on economic progress. We are not speaking of new funding, we are talking about funds that the Congress has already approved. Let's use this resolution to tell the administration in a clear voice that now is not the time to play games with the economy. If the White House is serious about working together on a budget, one sign of good faith would be rescinding its own rescissions.

OPPOSITION EXPRESSED TO CLOSED RULE ON HIGHWAY FUNDING BILL

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, I rise in opposition to the rule which would prevent the offering of amendments to the new highway funding bill. Not only does this circumvent the legislative process but it prevents important issues from being individually debated and voted on by the Members of Congress.

Let me state that as a cosponsor of this legislation I feel it is vital that this legislation be enacted with all possible speed. My State needs these highway funds and so do all of your States. However, the need for expedition should not necessitate hasty and unwise actions on the part of the Congress. Issues such as the change in the 4-R formula for allocation of funds should be debated and voted on individually. The legislation before us would alter this formula to a less equitable system, taking desperately needed funding away from many Western and Southern States. It is my desire to offer an amendment to restore this formula to the present system. However, the rule we are about to vote on would prevent me from offering this important amendment.

As a modern and growing Nation it is imperative that we build and maintain one strong Interstate Highway System. Regardless of our position on the map, we are and must necessarily be linked by this essential system for interstate commerce.

We, in the Mountain States have an important role to play. Much of the agricultural produce that comes from the west coast must cross our State by truck to get to States farther east. In addition, grains from the Nation's bread basket in the Midwest must also cross our States in order to get to the west coast. Failure to provide adequate highways and maintenance for those highways would inhibit the flow of many needed commodities across the Nation as well as travel by individual motorists who travel between the east and west coasts. To restrict this funding would hurt your State and your citizens as well as mine.

The Mountain States also serve as an important playground for the rest of the Nation. The natural wonder of our national parks as well as some of the world's best skiing must have enough funding in order to provide easy and safe access to these areas.

I urge my colleagues to join with me in ensuring that a reasonable and equitable system of allocation of Federal highway funding is restored to this legislation. I urge the continuation of the present system that is based both on lane miles and vehicle miles traveled. To change to the formula proposed in the legislation would lead to a weakening of our present Interstate System by taking vital funding away from States with vast stretches of land but small populations. This would hurt all of us. I also strongly oppose the previous question and hope that it is defeated so that the speed limit question can be addressed.

Thank you.

STRONG SUPPORT EXPRESSED FOR HIGHWAY BILL

(Mr. ERDREICH asked and was given permission to address the House for 1 minute.)

Mr. ERDREICH. Mr. Speaker, I rise in strong support of the highway bill and I want to add my thanks to the leadership and to the chairmen of the committees involved for bringing this measure to us so rapidly. All of us in Alabama and across this country are desirous of this bill passing with speed. These are trust funds set aside by taxpayers' payments that should be put to work. By freeing these dollars, we will create thousands of jobs in Alabama and across America.

Mr. Speaker, I commend this House for moving so speedily on such an important measure.

BILL INTRODUCED FOR MANDATORY DRUG AND ALCOHOL TESTING OF AIRLINE AND RAILROAD CREW MEMBERS

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, today I am introducing legislation which will require mandatory drug and alcohol testing of airline and railroad crew members.

I am joined in this measure by a number of my colleagues in the House and I am pleased to note that Members of the other body are introducing a similar proposal in an attempt to protect the public's safety.

The most recent train disaster in Chase, MD, involved two engineers who were both found to have illegal drugs in their systems hours after the crash. However, as we all know this is not the first tragedy involving illegal drug use by those entrusted with the public's safety.

In light of this incident, it is obvious that drug testing either as a prerequisite of employment or after an accident is clearly not sufficient to protect the public from drug-related tragedies. This kind of legislation can help us determine drug abuse before an accident occurs.

This measure proposes both alcohol and drug tests for those employees responsible for safety measures in both the railroad and airline industries. Furthermore, this bill will require railroad employees in sensitive positions to undergo drug tests. Airline crew members will also be tested along with those responsible for safety functions.

Mr. Speaker, I urge my colleagues to join me in support of this measure.

URGING SWIFT PASSAGE OF THE SURFACE TRANSPORTATION ACT

(Mr. OLIN asked and was given permission to address the House for 1 minute.)

Mr. OLIN. Mr. Speaker, I rise to urge swift passage of the Surface Transportation Act. The House should act on it today and I hope our colleagues on the other side of the Capitol will follow soon.

I know I don't have to tell you the situation is now reaching crisis proportions in most States. Because no legislation has been enacted, more than $11 million in highway projects in my district and $73 million in Virginia cannot be advertised February 1, as scheduled. Should we delay further, this will build up to $226 million by midyear affecting thousands of jobs.

Road projects have been suspended since last October. Construction workers, material manufacturers, State and local transportation planners have been stymied and needed projects have been delayed.

I urge my colleagues to pass this bill with a closed rule and to be prepared to resolve differences we may have with the Senate so that the surface transportation bill can be sent to the President promptly.

□ 1455

UNITED STATES MUST HAVE MORE REALISTIC TRADE POLICY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, when I was reading the newspaper this morning, I could not believe my eyes: Japan's Finance Minister, Kiichi Mayazawa, has come to speak with Jim Baker about the economic woes of Japan.

To hear the Japanese tell it they are going through a depression—their worst in years. And, if the dollar continues to weaken vis-a-vis the yen, the Japanese economy will suffer irreparable harm.

Was it only 1½ years ago that the free traders were blaming the U.S. trade deficit on the strong dollar? Remember that?

Now the dollar has 60 percent of the value it did a year ago vis-a-vis the yen, and what has happened? The trade deficit with Japan last year exceeded $50 billion—a new record.

Just think of the number of jobs that would have created in Ohio, Maryland, Pennsylvania, or Texas if $50 billion were pumped into the economy. That's at least 1 million new jobs. But these jobs are in Japan—and not here in the United States.

The only reason the Foreign Minister is here is to continue to con us into doing what is best for the Japanese. That's his job. I expect him to do that. But our leadership must realize this, and act accordingly.

I cannot worry about the Japanese economy when the Japanese imported less than 2,500 United States cars in 1987. I cannot worry about their economy when Americans are out of work.

GRANTING PERMANENT RESIDENCY TO ANNE BRUSSELMANS, BELGIAN NATIONAL HERO

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, what a difference a week can make. On January 6 I introduced H.R. 440 a bill to grant permanent residency status to Anne Brusselmans, a Belgian national who was credited with saving the lives of more than 100 United States airmen who parachuted into Nazi-occupied Belgium during World War II.

On January 14, 2 days after President Reagan called Anne Bursselmans, he granted her permanent residency through administrative action calling her a courageous woman to whom this Nation owes a great debt of gratitude.

In a letter I received from the President on January 14 he said "our task will not be complete until we see to it that no one so deserving as she can enjoy all the benefits of American citizenship." He called on the Congress to quickly pass legislation that will complete the process of granting full citizenship to Anne Brusselmans.

I wish to advise my colleagues that yesterday I introduced the necessary bill as H.R. 624.

Anne Bursselmans is now 81 years of age with a bad heart contributing to rapidly failing health.

Her past heroism has been rewarded in the past with such prestigious honors as the Medal of Freedom from the United States and similar honors from Poland, Great Britain, and her native Belgium.

Yet, it is American citizenship that will fulfill a lifelong dream for this remarkable woman. I hope we can act with dispatch and turn this dream into reality for Anne Brusselmans.

THE PROPOSED SHULTZ-TAMBO MEETING

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURTON of Indiana. Mr. Speaker, next week, Secretary Shultz plans to meet with Oliver Tambo, head of the African National Congress, a Soviet-backed terrorist organization. The ANC receives millions in military aid from the Soviet Union, trains with the PLO, has Communist Party members in practically every senior position, flyies Soviet flags at its rallys, and has murdered hundreds of blacks by the so-called necklace.

Here's how this week's Time magazine describes necklacing:

> First [they] capture a victim. Next they chop off his hands or tie them behind his back with barbed wire. Finally they place a gasoline filled tire over the terrified victim's head and shoulders and set it ablaze. The melting rubber clings to the victims flesh, while flames and searing fumes enshroud him.

And here is what an ANC spokesman says about necklacing:

> We want to make the death of a collaborator so grotesque that people will never think of it.

Mr. Secretary, why are you meeting with terrorists? You should no more meet with Oliver Tambo than with Yasser Arafat. There is still hope for a peaceful solution in South Africa, but only if the United States does not join the Soviets in supporting the ANC.

Mr. Speaker, I include the following letter to the Honorable Secretary of State, George P. Shultz:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 10, 1986.

Hon. GEORGE P. SHULTZ,
Department of State,
Washington, DC.

DEAR MR. SECRETARY: We are writing to express our serious concern regarding the proposed meeting between you and the president of the African National Congress, Oliver Tambo. We strongly believe that such a meeting would not be in the interests of a peaceful solution in South Africa.

Nothing could be more tragic than the monopolization of the South African crisis by violent extremes. You made this point in June: "Political polarization, fear and hatred within South Africa's communities raise ominous prospects for all who care about humanitarian values. . . . I am speaking of all those guilty of these outrages: policemen and prison interrogators who abuse children and torture detainees; the 'comrades,' so-called, with their obscene 'necklace' burnings; vigilantes and hooded hitment who kill political rivals and destroy their houses; guerrillas who use the terrorist tools of mines and plastic explosions against civilians."

Mr. Tambo has bluntly called for an escalation of this violence in his "call to the people of South Africa" on Lusaka Radio in May of this year: "The national executive committee of the ANC makes this call to the nation whose central message is that we move from ungovernability to people's power. . . . Inspired by the leadership of the ANC and its allies, the people are continuing to show unending revolutionary inventiveness and creativity." Winnie Mandela, a member of the ANC executive, described this "creativity" more graphically, "Together, hand in hand, we are going to liberate this country. With our necklaces we will liberate this country."

We do not understand, in light of your own strong opposition to terrorism, and President Reagan's clear condemnation of "calculated terror" by the ANC, why you would consider a meeting with Oliver Tambo any more than you would a meeting with Yasser Arafat.

We respectfully urge that your meetings with opposition figures be limited to those pro-democratic, anti-apartheid leaders and organizations seeking a negotiated transition to representative government—such as the Reformed Churches Association's "United Christian Action", Chief Gatsha Buthelezi's Inkatha, and the Africa Church of Zion. A majority of South Africa's 22 million blacks belong to these three organizations alone.

A meeting between the U.S. Secretary of State and Oliver Tambo would greatly enhance the status and legitimacy of the African National Congress. Even if the meeting were described as merely an "exchange of views", it would be a blow to the true democratic opponents of apartheid who are the daily victims of ANC violence and propaganda.

Some of us strongly support President Reagan's principled position on South Africa, and some of us disagree with him on the question of sanctions. We are joining here to ask with one voice that you not meet with Oliver Tambo. Such a meeting cannot be "balanced" by meeting other South African leaders. It can only add to the power of the ANC, weaken the moderates, and reduce the chance for peaceful change. We thank you for your attention and support.

Sincerely,

Dan Burton, Jim Courter, Newt Gingrich, William Cobey, Eldon Rudd, Jim Lightfoot, Philip Crane, Henry Hyde, Mark Siljander, Robert K. Dornan, Bob Whittaker, George Wortley, William Dannemeyer, Larry Craig.

PRESIDENT'S DEFERRAL OF COMMODITY FOOD PROGRAM WILL HAVE TRAGIC EFFECTS ON AMERICA'S POOR

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, and distinguished colleagues, I want to take this time today to talk to you about something that has received very little attention in the national media, very little focus, but it is something that will affect the lives of between 15 and 20 million Americans.

Recently the President issued a deferral that will have the effect upon the Commodity Food Program of closing down 16,000 food centers on a national basis; 600,000 people in Kentucky alone will be denied the opportunity to have the commodities of cheese, rice, butter, entering their homes and to be able to have these kinds of basic commodities. Between 17 and 20 million Americans, according to every study that we have seen, are hungry in America today, but we are having these deferrals come down and prevent the most basic right of all to occur, the right to eat. This is something that as a body we cannot afford to let happen. We have to stand up and say that this is wrong, we are not going to go along with this. We are going to let people eat because that is something that we as a Congress have a responsibility to those people across America.

Despite what the President wants to do, we here in the Congress have got to stand up and say "no." People must eat and we are going to let them.

A CONGRESSIONAL SALUTE TO HAMPTON DUNN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the achievements and contributions to this country of Mr. H. Hampton Dunn of Florida on the occasion of his retirement from the AAA/Peninsula Motor Club, after 27 years of faithful service.

Hampton Dunn, historian and author of numerous books on Florida, has spanned two careers in the writing field, one as a newspaperman and the other in public relations. From 1936-58, a period interrupted by service in World War II, he was a newsman with the Tampa Times, and from 1959 to the end of 1986, he served as public relations director for the Peninsula Motor Club, the fifth largest AAA club in the United States. Mr. Dunn lectured all over the world on traffic safety, consumer affairs, and patriotism.

A vigilant fighter for the motoring public, he was instrumental in the institution of a modern, far-reaching, and effective program of law enforcement for safety. Holidays saw him conducting "Bring Em Back Alive" weekend traffic safety messages through a network of 160 radio and television stations across Flordia which carried the hourly broadcasts to the Nation's traveling motorists.

Hampton Dunn has visited some 50 countries, often going with groups of travel writers. Touring has been part of his work for Peninsula which keeps rates for some 840,000 members down by earning collateral income from its worldwide travel service and selling luggage. Because of his travels and his avid interest in history, Mr. Dunn may be the most versatile lecturer in Florida, if not the country. He has been available to talk on Spain, Mexico, South America, and Caribbean countries, Tokyo, Singapore, the Bahamas, Australia, and other North American States. Dunn's repertoire includes a lecture on Lincoln lore and he is always ready to talk on patriotism.

Among the honors he treasures most is his selection in 1976 as one of the 76 Florida patriots by the Florida Bicentennial Commission. Listed in the 1986-87 "Who's Who in the South and Southwest," Mr. Dunn is also the first Tampan to be named president-elect of the Florida Historical Society, the oldest cultural organization in the State.

H. Hampton Dunn's unselfish attention to charities, civic, professional, and fraternal organizations has led him to hold leadership positions in all, including service as district director of Rotary International.

It is with great appreciation for his enormous contributions to our community, our State, and our country, that I recognize the achievements of H. Hampton Dunn.

Hampton Dunn was a outstanding newspaperman, writer, and editor. He was highly respected for his skill and integrity. He set a high level for professional responsibility.

CONGRESS AND ADMINISTRATION MUST GIVE PRIORITY TO FARM PROBLEMS

(Mr. SHARP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHARP. Mr. Speaker, today in Richmond, IN, the farm of Phil and Susan Bright is being foreclosed. I bring this to the attention of my colleagues not because it is the first foreclosure on a farm owned by young, hard-working people but, rather, because this sheriff's sale is another tragic example of the depth of the crisis that continues to plague our farm sector.

I cannot emphasize enough that helping our Nation's farmers has to be an immediate priority both of the Congress and the Reagan administration. What is happening to Phil and Susan is happening to others across the farm belt but the effects of this crisis is felt throughout the country. Both rural and urban Representatives need to work together for farmers. We have to make sure that the administration is doing everything it can to assure that our agriculture programs work for farmers, not against them. We need to work to open up international markets, and we especially need to work not only to make sure that credit is available but also to assure that the Farm Credit System and other lenders are working with farmers.

LEGISLATION TO GIVE STATES THE OPTION TO RAISE SPEED LIMIT TO 65 MILES PER HOUR ON CERTAIN ROADWAYS

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, 2 weeks ago, I, along with a number of my colleagues, went before the Rules Committee to ask that my amendment to modify the 55-mile-per-hour speed limit law be made in order to copy the transportation bill. I was unsuccessful at the Rules Committee and will not attempt to defeat the previous question or go against the rule.

I am offering legislation today that would give States the option to raise the speed limit to 65 miles per hour on certain rural interstate roadways. It is a 5-year demonstration project and requires DOT to report the results of the project to Congress after 4 years.

I know that many of my colleagues would like to have the opportunity to vote on legislation that would modify the national maximum speed limit. I have been given assurances by the honorable chairman of the Public Works Committee that 2 days of hearings will be held in March on the 55-mile-per-hour law. I am hopeful that we will soon have an opportunity to vote on this issue again.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. KILDEE) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, JANUARY 20, 1987.
Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

At 4:05 p.m. on Tuesday, January 20, 1987 and

(1) Said to contain a message from the President whereby he transmits the Fourteenth Annual Report on Federal Advisory Committees for fiscal year 1985; and

(2) Said to contain a message from the President whereby he transmits the Aeronautics and Space Report of the President covering 1985.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES FOR FISCAL YEAR 1985—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Operations.

(For message, see proceedings of the Senate of Tuesday, January 20, 1987, at page 1469.)

REPORT ON ACTIVITIES AND ACCOMPLISHMENTS IN AERONAUTICS AND SPACE 1985—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, without objection, referred to the Committee on Science and Technology:

(For message, see proceedings of the Senate of Tuesday, January 20, 1987, at page 1469.)

SOUTH KOREA STRUGGLES TOWARD DEMOCRACY

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, last week Park Chung Chol, a 21-year-old student, was murdered by the South Korean police. Water torture become tragedy when Park's throat was crushed against the side of the bathtub.

President Chun Doo Hwan, under pressure from the opposition, has apologized to the Korean people and accepted the resignations of his Interior Minister and his National Police Chief. We hope these unprecedented responses are signs of a new sensitivity to human rights by the Chun government. Undoubtedly, they are Chun's recognition that, with this latest outrage, his government's position with the Korean people is extremely precarious.

The Korean people have—with the able leadership of President Chun and his successors—acheived economic miracles over the past 20 years. The people now realize that it's time their country's economic sophistication be matched by political sophistication and full democracy.

Six years ago Chun promised the Korean people he would step down in February 1988 and allow his successor to be chosen by the democratic process. I just returned from Seoul and our congressional delegation, headed by the able gentleman from Washington, Mr. BONKER, left the strong message with the Chun government that the American people expected that promise to be kept, on time and without subterfuge.

SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 38 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 38

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2) to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes, and all points of order against the bill and against its consideration are hereby waived. Debate shall continue not to exceed eighty minutes, sixty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation and twenty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. An amendment adding a new title to said bill recommended by the Committee on Ways and Means and as printed in the report of the Committee on Rules accompanying this resolution shall be considered to have been adopted, and the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR], pending which I yield myself such time as I may use.

Mr. Speaker, House Resolution 38 is the rule providing for the consideration of the bill H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987.

The rule provides for the bill to be considered in the House, and waives all points of order against the bill and its consideration. The rule also provides for 80 minutes of general debate to be allocated between two committees. The Public Works and Transportation Committee will have 60 minutes of general debate time to be equally divided and controlled by the chairman and ranking minority member of the committee. The Ways and Means Committee will have 20 minutes of general debate time, also to be equally divided and controlled by the chairman and ranking minority member of the committee.

In addition, Mr. Speaker, the rule incorporates an amendment reported from the Committee on Ways and Means as a new title five to the bill. The title extends the highway trust fund through fiscal year 1993. It also includes two technical amendments that deals with the collection of the retail excise tax on trucks and trailers.

Finally, Mr. Speaker, the rule provides for one motion to recommit.

Mr. Speaker, this legislation, except for technical changes is basically the same highway bill that passed the House last August 15, by a strong bipartisan vote of 345 to 34. Unfortunately, the 99th Congress adjourned before an agreement could be reached between the House and Senate conferees and subsequently the bill died with adjournment.

The bill authorizes through fiscal year 1991, $13.9 billion annually for construction and reconstruction of the interstate and secondary road projects in the country. Also the bill authorizes $3.2 billion in fiscal year 1987 for mass transit programs, increasing to about $4.1 billion in fiscal year 1991. The bill also provides funding for the continuation of highway safety programs such as seat belt, motor vehicle safety, and alcohol awareness grant programs.

In addition, Mr. Speaker, H.R. 2 amends the Uniform Relocation Act, which is the program that relocates persons that are displaced because of Federal programs or projects. The bill also directs the Department of Transportation to establish guidelines for eligibility and benefits provided to persons that are displaced.

I would like to point out to my colleagues Mr. Speaker, that the work has been done on this bill. Both committees involved; Public Works, and Ways and Means, have held numerous hearings on this measure during the 98th and the 99th Congress. Any further delays in the the enactment of the bill will jeopardize thousands of highway construction projects across the country.

Mr. Speaker, the highway construction season for many States begins in March and April. If this bill is not enacted within next few months many States across the country stand to lose their entire highway construction season. This in turn could result in the loss of close to 140,000 jobs and the deferral of projects valued up to $2.3 billion until fiscal year 1988.

Mr. Speaker, the gentleman from New Jersey the chairman of the Public Works Committee, Mr. HOWARD, and the chairman of the Surface Transportation Subcommittee the gentleman from California [Mr. ANDERSON], are to be commended for their effort in bringing to the House a bill that is not only fair but vitally important to every community in the country.

□ 1510

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 38 is the rule under which the House will consider a 5-year extension of the authorizations for Federal-aid highways, highway safety, and mass transit programs.

The rule makes H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987, in order in the House, effectively precluding floor amendments to the bill.

In addition, the rule allocates a total of 80 minutes of debate, with 60 minutes given to the Committee on Public Works and Transportation and 20 minutes given to the Committee on Ways and Means.

Mr. Speaker, the bill made in order by this rule is a 5-year reauthorization of our Nation's highway construction program, our highway safety programs, and our mass transit assistance programs.

The bill authorizes a total of $60 billion for highway construction for fiscal years 1987 to 1991, and thus continues our commitment to complete the Interstate Highway System and to dedicate funds for that purpose.

The bill is substantially the same as H.R. 3169, which the House passed last August 15, by a vote of 345 to 34. Unfortunately, the 99th Congress expired before a conference agreement could be reached with the Senate.

The sponsors of H.R. 2 believe they were close to a final agreement and they are asking for quick action by the House to facilitate an early conference with the Senate.

Mr. Speaker, the Committee on Rules has facilitated the request of the leadership of both parties on the Committee on Public Works and Transportation. The rule provides that an amendment adding a new title V to the bill shall be considered to have been adopted.

This amendment, recommended by the Committee on Ways and Means, contains the revenue provisions to extend our current highway-related excise taxes through 1993, to extend authority to spend from the highway trust fund, and to update the statute to reflect authorizations contained in H.R. 2.

Mr. Speaker, nearly all of the major highway programs financed by gasoline tax revenues in the highway trust fund expired on September 30. One of the most important of these is the authorization for repair work on the Interstate Highway System, which was most recently reauthorized in the Surface Transportation Assistance Act of 1982.

Mr. Speaker, the bill made in order by this rule, H.R. 2, is first and foremost a bill that authorizes spending from the highway trust fund for highway construction and repair. Without these new authorizations, many of the States will run out of Federal-aid highway funds when they need them the most, when the spring construction season begins.

Mr. Speaker, the bipartisan leadership of the Committee on Public Works and Transportation believes they have a good chance to work out an agreement with the Senate by taking essentially the same bill the House passed last year to an early conference. I think the Committee on Public Works deserves a chance to try.

This rule gives the House the opportunity to assist the Public Works Committee in that effort. Adoption of this rule will move the House one step closer to final passage of this important legislation, and I urge adoption of the rule.

Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking minority member of the Committee on Public Works and Transportation.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in strong support of House Resolution 38, the rule for floor consideration of H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Seven hundred thousand people are depending on H.R. 2. If House Resolution 38 is not amended, the Committee on Public Works and Transportation will bring to the floor today this very important piece of legislation that will return stability to the Nation's highway and mass transit programs. As we all know, during the closing days of the 99th Congress, due to the lack of time and the complex nature of some of the issues, the conferees were unable to reach agreement on a compromise highway/transit bill. Therefore, the States did not receive any new apportionments of highway funds, and cities received only a fraction of their normal transit funds.

Many States and cities are now running out of highway and transit funds and are delaying or canceling projects. They and the construction industry are extremely concerned that they may lose this entire construction season if highway/transit legislation is not enacted shortly.

I understand that it is very unusual to pass such a comprehensive piece of legislation without the opportunity for amendments. The legislation is, however, virtually the same bill that overwhelmingly passed this body by a vote of 345 to 34 in the last Congress.

The strategy of the committee has been to take essentially the same bill that passed this body last time back to conference with the other body. In that way, we hope we can resume the negotiations of the last Congress and quickly resolve our differences by building on the progress that has already been made.

Although there were numerous requests by Members for substantive changes in the bill before introduction as H.R. 2, the committee leadership felt that reopening the bill would jeopardize quick passage of the legislation. In order to address some of the interests expressed by Members, the committee has scheduled hearings in March of the 55-mile-per-hour speed limit and Davis-Bacon. However, the committee believes these issues should not be permitted to hold up early passage of this legislation.

The 1987 highway construction season is almost here, and we are approaching a crisis in the construction industry. An important segment of the Nation's economy and hundreds of thousands of American jobs are hanging in the balance. I urge my colleagues to support this closed rule and pass H.R. 2 promptly.

□ 1520

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the ranking member of the Subcommittee on Surface Transportation, the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, ladies and gentlemen, I generally vote against closed rules, but this is an extraordinary situation. We are faced with a crisis in this country. We are going to have hundreds of thousands of construction workers out of work unless we pass this legislation very quickly.

It is an extraordinary situation because we are not bringing new legislation to the floor. We are bringing to the floor virtually the same bill which passed overwhelmingly just a few months ago.

The chairman of our committee has taken a very responsible position; which is, if this bill were to be opened up, and if we were to be considering new legislation in a new Congress rather than the bill that already passed overwhelmingly. He would feel constrained to take the legislation back to committee and begin the committee process. That is a responsible position for new legislation in a new Congress.

The problem is, if that happens, we will find many States running out of money and the Nation's Highway Program in great jeopardy, not to mention the thousands if not hundreds of thousands of jobs which will be lost.

So our strategy, simply, is to pass this bill; send it to the Senate, and get together to negotiate a compromise. This Member will undoubtedly be a member of that conference, as I was in the last Congress, and I support a compromise on the 65-mile-an-hour speed limit. I support a compromise whereby we accept the 65-mile-an-hour speed limit in exchange for seatbelt laws in States. And we give the States their State rights; but the place to do that is not on this floor today; the place to do that is in negotiation with the Senate.

So I would urge my colleagues to support the rule and to support the previous question. In closing, make no mistake about it: The crucial vote here today is the vote on the previous question. If you vote against the previous question, you are voting against an expeditious highway bill for our 50 States.

That is the test, that is the crucial vote, and I urge all my colleagues to vote in support of the previous question, in support of this rule, so that we can have this vital transportation program enacted on this floor today.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I rise in opposition to the rule. Last year, a speed limit amendment to the highway bill was offered in the House of Representatives that failed by only 20 votes.

This amendment allowed for an increase in speed limits up to 65 miles per hour on certain rural, noncongested interstates. It required the Department of Transportation, in cooperation with State highway officials, to come up with criteria to assist States in determining which of its noncongested interstates could safely handle higher speeds.

The amendment allowed States the option of increasing speeds on their interstates. The amendment also called for a 5-year demonstration period to determine what effect higher speeds have on traffic safety.

As many of you may recall, last year's highway bill came up on the spur of the moment. Had there been ample time to prepare, I am confident the amendment would have passed overwhelmingly.

As it was, our amendment received a resounding 190 votes from both parties.

What is wrong with this closed rule? Let us ask that question; 198 bipartisan Members of the House who voted to modify the speed limit last year said it was wrong; 56 bipartisan Members of the other body who voted to change the speed limit said it was wrong.

President Reagan supports the speed limit change. The Department of Transportation now supports a modification in the speed limit.

Alabama, Arizona, California, Idaho, Illinois, Indiana, Minnesota, Texas, and 17 other States support a 65 option of the speed limit.

Over 50 percent of our constituents who regularly exceed the 55-mile-per-hour speed limit say it is wrong. In Texas, for example, more than 82 percent of motorists on rural interstates ignore the 55-mile-per-hour national speed limit, so says a Texas newspaper.

The 85th percentile, which is the speed measure commonly used to set speed limits, says it is wrong.

Any Members here today who look down at their speedometer and see it creeping over 55 miles an hour say it is wrong. I wonder about the 435 people who are Members of this body who could religiously stand up and say they drive at 55 miles an hour.

I think one of the problems with members of this group to a certain extent were a wee bit hypocritical. I took the time to get out of those silver airplanes and had to drive home, all the way to Utah, last December. I put the cruise control on 55 miles an hour. I was almost rear ended every 2 minutes.

I put it to 65 miles an hour, and that seems to be the speed people are traveling.

What an experience to get out of our airplanes and see the real world. I see the people back home and they say, "What about Disneyland East, or the Land of Fantasy? Why don't you people see how the rest of the people operate?" All you have to do tonight, if you are so inclined, is to get out on 495 and go around the beltway one time; you will see that America does not drive 55 miles an hour.

People say time after time, "55 saves lives." How can 55 save lives when the average speed is 65 miles an hour? If we are going to give credit to anything, let us give it 65 miles an hour. That apparently is what has saved lives.

So what is the problem? Several of my colleagues claim that offering the speed limit amendment will delay passage of the highway bill. This is a false claim. The speed limit issue was one of major reasons the House and Senate conferees could not agree on a highway bill last year. Neither body would compromise on the speed limit issue.

Mr. Speaker, I would urge that we defeat this and be able to offer the amendment we offered before, and take care of the peoples' business.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, once more we face a vote for the appropriation of highway construction funds. Because of the considerable economic and employment impact of this issue, it is imperative that we act quickly and more importantly, rationally.

If our highway system could be considered the pulse of our country, then we are slowly strangling ourselves. To delay any longer on this issue would cripple an industry, damage almost beyond repair our highway system, and prove to the people that we are unable to financially administer our Nation. But in our haste to act quickly we have clogged our arteries with abuses.

It would not be fair to the American people to pass a bill "Christmas-treed" with additional expenses. The present bill includes 81 different demonstration projects costing $1.2 billion initially, and eventually $4.2 billion to complete. Taxpayers should not have to bear the cost of these programs, which include two pet projects for the city of Boston that cost $2 billion.

We are skirting propriety if we pass a bill which denies contracts to companies who do business in South Africa.

Why should our taxpayers pay the price when the lowest bid is denied because of events a continent away?

The necessity for quick action on this bill is overshadowed by the need for a fair bill that falls within spending guidelines. All selfishness needs to be put aside so that we can best serve the American people.

I urge my colleagues to vote against this closed rule so we can send it back to the Rules Committee with the request for an open rule. If we brought this bill back to the House floor with an open rule then we could strip away all the excessive spending and send to conference a clean bill. That way the American people could be best served.

While concentrating on this bill, we must also consider what we can do to alleviate this problem in the future. As a cosponsor of H.R. 185, a bill to reform the interstate cost estimate, I urge you to consider the benefits this type of legislation would give the Nation. If Congress has not acted by October 1, the Secretary of Transportation would be authorizd to release the funds administratively. This kind of legislation would help alleviate the constant interruption of highway funding.

If this bill is not passed soon, nationwide 700,000 jobs are in jeopardy. The continued holdup of funds only increases the amount of hardship this Nation faces.

So let me reiterate the importance of passing a clean highway funding bill, while we work to avoid similar problems in the future.

Please vote against the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the honorable gentleman from Massachusetts [Mr. CONTE].

□ 1530

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 2, which would authorize approximately $60 billion for highway construction, $1.5 billion for highway safety, and $21.2 billion for mass transportation for fiscal years 1987 through 1991. Immediate passage of this measure, and enactment into law, is essential in order to avoid further disruption of critical road and transit improvements that have been left in limbo since our failure to enact this measure in the last Congress.

Most of the programs authorized in the Surface Transportation Assistance Act of 1982 expired last September 30, including highway programs and those portions of the mass transit program financed through the so-called transit penny of the highway trust fund. Since that time, many States have run out of money for these programs, setting construction schedules behind and putting some projects completely in question.

Included in this category are funds for bus and bus facility procurements, which are so essential for improving the mobility of our urban and nonurban citizens alike. I know from personal experience in my district how important new buses, maintenance facilities, bus shelters, and related improvements are to the efficient performance of our transit systems. Without this reauthorization, our ability to continue these improvements is at a virtual standstill.

Also in this category are funds for elderly and handicapped transit services, critical to the mobility and full participation in society for our elderly and handicapped population. Without these services, these people are often left completely without the ability to travel, shop, visit friends, get to work, and otherwise participate fully in the lives of their communities.

And of course the largest portion of funding in this bill is for highways, both the completion of the Interstate System and for bridge repair and replacement and roadway improvements that are essential for the safety and convenience of the motoring public.

In my home State of Massachusetts, for example, a number of projects slated for advertisement have already been placed on hold by the Department of Public Works due to the current lack of funding. Others will be pushed back further on the advertising schedule as delays in reauthorization continue.

In my own congressional district, projects including safety improvements to East Street in Pittsfield, resurfacing I-91 in Whately, Deerfield, and Greenfield, and reconstruction of Route 2 in Williamstown were scheduled to be advertised during the first 6 months of the fiscal year. At current funding levels, and without this reauthorization, these projects simply can't move forward.

To ensure that the programs to meet the transportation needs of our people are not further disrupted, I urge the immediate passage of this legislation and hope that a conference with the Senate can be swiftly completed upon passage of this measure by that other body. I commend the leadership of the Public Works Committee and of the House for their wisdom in scheduling this legislation early in the session, and hope that our action will set a favorable example for the Senate.

Mr. Speaker, I tell my colleagues here and advise them that if you really want to open up a can of worms here today, then vote down the previous question. We will never get a highway bill or a surface transportation bill this year or next year. Vote the previous question and vote for the rule and let us get this thing moving.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to our distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, in this bicentennial year of our Constitution, it is perhaps pertinent that we reflect back on the rights our Founding Fathers intended our Constitution to protect.

James Madison wrote in the Federalist Papers:

> Measures are too often decided, not according to the rules of justice and the rights of the minor party, but by a superior force of an interested and overbearing majority.

Closed rules are in essence an action by an "overbearing majority," as Madison refers to it, which tramples on the rights of the minority. When we bring legislation to the floor under closed rule, we may not be in legal violation of our Constitution, but we are certainly in violation of its spirit.

It has not escaped this Member's notice that the trend in the House in recent years has been more in the direction of restrictive rules. The percentage of open rules has dropped from 90 percent when Speaker O'Neill initially became Speaker to 70 percent when he left and now this year the first two major pieces of legislation to come before us have both been brought up under a totally closed rule. What does that bode for the future? Is this to be an autocratic House in which every action is dictated by "the superior force of an interested and overbearing majority?"

The principle of a closed rule is wrong. If we are to resort to a closed rule, it should be only under extraordinary circumstances. And the burden of proof should always be on those demanding a closed rule not on those simply seeking to preserve their right to free and open debate.

Even though there is an urgent need for enactment of a highway bill, it is hardly the type of urgency that warrants a total prohibition of amendments. In fact, one could argue that the adoption of certain amendments might actually improve the timetable for enactment of the bill.

I am a cosponsor of the highway bill. It is a good bill. I intend to vote for it. But I don't think it's so far above reproach that it should not be subject to amendment.

Some Members would like the opportunity to change the 55-mile-an-hour speed limit requirement. I think a good case can be made for such a change.

The administration has many concerns over the contents of the bill, and is threatening a veto. If we had the chance to offer amendments, we could perhaps address some of these concerns and thereby avoid the time consuming process which a veto invariably entails.

And finally, we have 50 new Members in this Congress whom we are force feeding a piece of legislation adopted by a defunct Congress without the benefit of what contributions these new Members could certainly make to the process.

Most importantly we are falling victim to expediency and oppressive rulemaking. We are ignoring the great traditions of this body and our obligation to deliberate in the open.

In this bicentennial year, we would do well to recall what our Founding Fathers had to say. Let's open the process up and protect the right to free and open expression guaranteed to us all under the Constitution.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER], a member of the Committee on Public Works and Transportation.

Mr. CLINGER. Mr. Speaker, I have been one who has consistently opposed closed rules in this body, and I think that the record will show also that the Committee on Public Works and Transportation has almost without exception brought bills to the floor with open rules. But I think it is becoming clear in this body today that there are exceptional circumstances involved with the surface transportation bill. I also think there are significant differences between the closed rule which is being offered here today and perhaps other closed rules, the purpose of which is to limit debate or limit issues to be discussed. There are significant differences. First, I think it needs to be stressed and emphasized that this bill is identical to a bill that was brought to the floor in the last Congress under an open rule. All amendments were considered and voted upon. The amendment which is being offered here today or which some would like to offer here today to raise the speed limit was considered and rejected at that time.

Second, is a fact that I think needs to be stressed, and it is a practical one, and that is that each week that passes without reauthorization of this legislation means that vital projects will not be constructed this year. The AASHTO, the American Association of State Highway Transportation Officials, says that, if we do not enact a bill by March 1 of this year, 767 projects nationwide will be delayed, valued at over $1 billion; if no bill by May 1, delay will affect an additional 1,889 projects.

Mr. Speaker, this means jobs, significant numbers of jobs will be lost if we do not move on this bill.

Finally, Mr. Speaker, I would stress there is a question of fairness here. If we open up this question to consider the 55 miles per hour or 65 miles per hour, there are over three dozen additional amendments that Members would like to have considered. That means we would have to open the whole process up, go to hearings, and delay the process to the point where we would indeed lose the bills and the jobs.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I rise in support of defeating the previous question and in opposition to this closed rule. While I support quick passage of this highway bill so that much needed Federal highway funds can be allocated to the States, I believe that Members should have the opportunity to amend this bill.

I have a particular interest in this bill. I, along with several of my colleagues, Mr. MCCURDY, Mr. HANSEN, and others wanted to offer an amendment to increase the speed limit to 65 miles per hour on rural interstates. We offered an identical amendment to this legislation last year, and it failed by only 20 votes. I believe that Members in the 100th Congress should have the opportunity to vote on this issue and that will not be permissible under this closed rule. Our 50 new Members should have this opportunity.

Our amendment is a compromise. It modifies the mandatory 55-mile-per-hour speed limit through a 5-year demonstration project. While it still allows for continued Federal supervision, States have a significant input as to which rural interstate highways can safely handle speeds up to 65 miles per hour. If I had my choice, I would like to see the 55-mile-per-hour speed limit repealed entirely. However, I support this amendment in the spirit of compromise.

The one question asked most of me when I visit constituents in Nevada is "When are you going to get the 55-mile-per-hour speed limit raised?" It is an issue that has to be addressed, and I hope my colleagues will vote against the previous question rule so that we can offer a rule that allows this amendment and have an up and down vote on its merits.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, I rise in strong support of H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987. I commend the leadership of the Public Works Committee and of the House for their timely attention to this legislation.

I believe that this bill is one of the most vital pieces of legislation that the 100th Congress will grapple with. It is imperative that this legislation be passed as quickly as possible.

If the House and the Senate do not pass this legislation soon, we could be faced with the loss of thousands of projects that are vitally important to the infrastructure of this Nation. For example, it has been estimated that if no final legislation is passed by March 1, some 767 projects will be delayed beyond October 1 and could be lost for construction during 1987, which could cost thousands of jobs.

I can support a compromise in conference on the 55-mile speed limit that would permit States with seatbelt laws to pass 65-mile speed limits on rural interstates.

Under most circumstances I would oppose a closed rule, but in light of the drastic effect that any further delay could have on the highways of our Nation, I urge my colleagues to adopt this rule and support this legislation. A good transportation infrastructure is vital to our economy and quality of life. We cannot afford to delay this legislation any longer.

I will vote in support of this rule and in support of the previous question and urge my colleagues to do the same.

Mr. MOAKLEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. KILDEE). The gentleman from Massachusetts [Mr. MOAKLEY] has 21 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BOSCO].

Mr. BOSCO. Mr. Speaker, the 100th Congress will have no better opportunity to set the proper tone for the next 2 years than we do right now—by demonstrating to the American people that we are ready to tackle serious problems and resolve them. Every time one of your constituents pulls up to the gas station and buys fuel he or she contributes to a trust fund for the sole purpose of building our highways and mass transit system. We are the trustees of that fund. Right now we can either show that we are going to keep faith with the people as trustees of this fund—that we're going to distribute billions of dollars to the States so the Highway Program can move forward—or we can revert to the nickle-dime, nitpicking that will shut the program down, cause the States to lose an entire building season, and cost hundreds of thousands of jobs in the process.

Yes, each of us could make a list of the things we want that this bill doesn't give us. Some want more money, some less. Some want a higher speed limit, some less. Some want more billboards, some less. Some want to keep Davis-Bacon, some want to scrap it.

But when it comes right down to it, the trust fund is 100 percent a matter of money. Money that the public pays to spend on highways and mass transit. Money that commuters pay to get them home to their families instead of gritting their teeth in traffic jams. Money that States need and the States have run out of.

As important as the other issues are they're not a tenth as important as getting that trust fund money back to the people who paid it, in the form of better roads, better freeways, better transportation. That's our job as trustees and that's the job this bill and this rule will accomplish.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I was one of those people that went before the Rules Committee and asked them to grant us a rule to allow an amendment here to permit an amendment to go to 65 miles an hour because my State of Montana, out in the West, we have wide open spaces, but I cannot argue against this rule. One of the reasons is this: Those of us who are concerned most because of the wide variety of spaces in our States, about going to 65 miles an hour, also happens to be from the West, where we have long periods of winter and short periods of construction. It is now approaching bidding season for these contracts in Montana and throughout the West, particularly the West where the winters are long, and we cannot delay this bill. We have got to set the tone here and now in this bill to move it quickly through this House and over to the Senate where I, frankly, hope they will put the 65-mile-an-hour limit back on it, and I will be back after you to accept that, and again we move it back to this House and we get it down to the President for signature. I appeal to you to support this rule, to not delay this bill and then to support going to 65 later.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to my friend from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Speaker, I just want to second what the gentleman from Montana has said. In the West this is extraordinarily critical; there are thousands of jobs at stake, important projects at stake. The gentleman has said it very well. With such a short construction season, it it imperative that we get this bill enacted without delay. I thank the gentleman and appreciate his yielding.

Mr. WILLIAMS. I thank the gentleman.

□ 1545

Mr. TAYLOR. Mr. Speaker, I yield 1 minute to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Speaker, I would urge the defeat of this previous question on this rule. The rule is ill-conceived. It is a closed rule at best, and in this particular case, it is also bad because you have 50 new Members who have not had a chance to vote on this issue. You have the Department of Transportation, which has changed their position now favorable to the amendments being proposed; you have the President who has now changed his position. A number of things have changed since the vote 2 years ago, 1 year ago, where there was a 20-vote margin.

I think it deserves the test. I hope we vote down the previous question, not only for this, but for the formula and for the other things that need to be reconsidered at this time.

Mr. TAYLOR. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I support the legislation that is before us today and certainly understand its urgency that has been communicated to me by my highway people and by my own State legislators, but I do not think that is a reason for us to support this rule that is before us today.

I think, as the Republican leader very eloquently explained, we ought to take the benefit of the doubt in saying that we should have open rules in this body, not closed rules. Moreover, on the very specific question of the 55-mile-per-hour speed limit, or 65-mile-hour change to that speed limit, we need to have an up-or-down vote on that.

That issue was raised in this body last year, and by only 20 votes, we defeated the change to the speed limit that now exists in the law. More than 50 new Members belong to this body this year, and we ought to have an opportunity to debate that issue again.

It has been pointed out that the other body might take another position anyhow on it. Twenty-six States have asked for a change and only 17 percent of the American people say that they comply currently with the 55-mile-per-hour speed limit.

Let us defeat the previous question and let us get a rule that allows a fair and open debate on this question.

Mr. TAYLOR. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee [Mr. QUILLEN].

Mr. QUILLEN. Mr. Speaker, I ask for a "yes" vote on ordering the previous question, a "yes" vote on the rule, and a "yes" vote on the bill.

This highway bill is one of the most important measures the House will vote on this session. It is urgently needed. Many cities and States are close to exhausting their road and transit funds. Further delay could mean the loss of part of the construction season in many parts of the country. The distinguished bipartisan leadership of the Committee on Public Works and Transportation has worked hard for several years on this bill and came close to an agreement with the Senate when time ran out on the 99th Congress last October. This is a fine bill Members can support with confidence and pride.

I realize reservations have been expressed regarding this rule, particularly by those who wish to make changes in the 55-mile-per-hour speed limit. This is not an insignificant matter. However, the Committee on Public Works and Transportation has already scheduled hearings on this issue in mid-March. The committee is acting in good faith. This is the proper way to proceed. This is good enough for me, and it should be good enough for the House.

Now is not the time to sidetrack this important bill. Now is the time to move quickly to pass this bill so that we may go to conference with the Senate without delay. Now is the time to support this rule which was requested of the Committee on Rules by the Democratic and Republican leadership of the Committee on Public Works and Transportation. A vote for this rule means immediate passage of the bill and the prospect of a prompt and successful conference with the Senate.

Mr. Speaker, I ask Members to support the Rules Committee and the Public Works and Transportation Committee. I ask Members to vote for ordering the previous question, to vote for the rule, and to vote for this outstanding highway bill.

Mr. TAYLOR. Mr. Speaker, that concludes our requests for time. I would just like to say in closing that the Committee on Rules, in considering the rule that was requested by the Committee on Public Works and Transportation, recognized some of the problems and concerns, but we did also recognize that to move this very important legislation forward promptly to meet the needs of the highway construction industry and this Nation was important.

That is the reason that the Committee on Rules, without any objection, did adopt this rule, and so far as I am concerned, and I am sure the minority is concerned, we urge the adoption of the rule.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield such time as he may consume to the gentleman from California [Mr. ANDERSON], a gentleman who has done such a marvelous job in this bill.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Speaker, the wisdom of a closed rule is evident on its face.

It is imperative that highway construction funds be authorized for allocation to the States if we are to preserve the current construction season. Thousands of jobs and the needs of our highway transit system depend on immediate action. In order to expedite passage of H.R. 2 in this body and make possible timely allocations, the committee leadership waived customary action on the bill. We believe this action justifiable on the grounds that H.R. 2 is virtually the same bill that was passed by a 10 to 1 margin in the House just 5 months ago as H.R. 3129 and indicates to us that the will of this body has been demonstrated. We believe that the best way to enact legislation quickly, save the 1987 construction season which is fast upon us and as many as 700,000 jobs which hang in the balance is to advance the bill before the House today.

The committee is aware that several Members have raised concerns about passing H.R. 2 under a closed rule, since that rule precludes consideration of amendments. For instance, there is strong interest on the part of some to see the rule opened to amendments to raise the 55-mile-per-hour speed limit to 65 mile-per-hour and to repeal or modify the Davis-Bacon Act. These are important issues that should not be considered in the rush to pass highway legislation, nor should they be used to delay passage, but rather through the hearing process where the facts—and the fictions—can be illuminated so that Members can act from a more informed position. To provide such a forum, the committee has scheduled March 18 and 19 for hearings on the speed limit and March 25 for a hearing on Davis-Bacon.

If the bill is to be opened to amendment, it should be opened to all germane amendments and, therefore, handled in the traditional manner beginning in subcommittee. The committee process, which could result from defeat of the rule, might last several weeks or more. On the other hand, we feel that we can reach agreement rather quickly with the other body if we go to conference with a bill virtually identical to last year's bill. Once we start making changes, we are running the risk of undoing what we accomplished in the last Congress.

I cannot overemphasize the importance of supporting the rule and the bill itself. A vote against ordering the previous question or against the rule might delay reauthorization of the Nation's highway and transit programs by weeks and even months.

If we pass this legislation today, and if the other body moves as quickly as has been indicated, a highway-transit bill can be sent to the President within a matter of a few weeks.

The urgency of passing this bill is not an arbitrary matter. Your vote will determine whether the construction industry loses or preserves this entire construction season and whether 700,000 jobs are kept or lost.

Mr. LEHMAN of Florida. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON. I yield to the gentelman from Florida.

Mr. LEHMAN of Florida. Mr. Speaker, I rise in support of this rule and in support of retaining the 55-mile-per-hour national speed limit.

I urge the Members to reject the emotional arguments that have been raised and base their decisions on common sense and the facts. Anyone who is old enough to remember when speed limits were 65 mile per hour and 70 mile per hour knows that many people violated those speed limits as well. The main difference is that when those speed limits were exceeded, people were driving at 70 to 75 mile per hour instead of 55 to 65 mile per hour as they do now.

That difference is very important because, according to the National Safety Council, the chances of a person being killed in a car crash doubles with each 10 miles per hour of speed over 55 mile per hour.

I think there is little doubt that if we vote to raise the speed limit we are voting to kill and maim more people. The number of additional deaths has been estimated by various groups to be between 500 to 1,000 extra deaths per year if we raise the speed limit to 65 or 70 mile per hour on the rural interstates.

We must also consider the dollar impact of this decision as well. As chairman of the Transportation Appropriations Subcommittee I can tell you that raising the speed limit is going to cost the Federal Government more in terms of support for emergency medical services, support for shock-trauma care, and a host of related medical infrastructure costs that would be necessary to take care of the increased death and injuries that will result on our highways. It costs this Government enormous sums to treat and rehabilitate the injured. According to the National Academy of Sciences, the 55-mile-per-hour speed limit has saved $50 to $90 million annually in medical costs. The last thing we need now is to add to those costs.

Mr. Speaker, from a moral standpoint, from a cost standpoint, from a commonsense standpoint, the national speed limit should not be raised.

I commend the gentleman from New Jersey [Mr. HOWARD] and the gentleman from California [Mr. ANDERSON] in rejecting efforts to raise the speed limit.

Mr. Speaker, there are many laws—especially traffic laws—that are violated by a segment of our citizenry. I do not think we will ever be able to convince all Americans that this speed limit—or any speed limit—is appropriate. But the fact that such laws may be unpopular to some is not a good enough reason in and of itself to change the law. Important laws that save lives must not be tampered with without very clear reasons to do so. The proponents of raising the speed limit have not made their case.

Mr. Speaker, in conclusion I want to express my disappointment that the Federal Government's designated expert in this area—the Secretary of Transportation—has chosen to sit this one out; especially when safety is her No. 1 priority. But I think if any of you were to ask her point bank—has the 55-mile-per-hour speed limit saved lives and will it continue to save lives—I believe she would say yes.

Mr. Speaker, except for some secondary concerns I have in the transit area, which I hope will be worked out, I think H.R. 2 is a good bill. It is needed. It should be passed expeditiously.

I urge the rule be adopted and that the bill be passed.

MR. ANDERSON. Mr. Speaker, I rise in strong support of House Resolution 38, the rule making in order the consideration of H.R. 2, without amendment.

I am, of course, aware of the fact that it is very unusual to consider a funding authorization bill under a closed rule. As a matter of fact, I have never before stood to urge our colleagues to support such a rule. But for our Nation's surface transportation programs, these are unusual and most unfortunate times which dictate the need for this request.

I will put it simpy and bluntly. States are running out of highway money. Many States have funds that are available for obligation only on projects that they consider to be of very low priority. And though this may be difficult for our colleagues to imagine, gathered here in Washington in winter, for many States the construction season of spring and summer is already beginning to slip away, given the long leadtime that is required to advertise and award highway contracts.

Estimates have been made as to the impact of our inability to send a surface transportation bill to the President. If such legislation is not enacted by February 1, 424 projects valued at $683.7 million will be delayed into the next fiscal year. A March 1 enactment delays 767 projects around the country valued at $1.19 billion, and the corresponding figures for a May 1 enactment rise to 1,500 projects costing over $2.3 billion.

And I would point out that delays cost money. Not only is there the obvious inflationary impact of delaying highway work, but the work itself often becomes more involved.

Rather than repairing a highway base when it needs it this year, if the work is put over another year, the highway subbase may need to be reconstructed as well.

Mr. Speaker, I hope every one of our colleagues hears me when I say that failure to enact this legislation by May 1 may cost 138,000 highway construction-related jobs, those of good workers who, through no fault of their own, will be put off the job.

Mr. Speaker, assuming that the need for prompt enactment of this bill is now a given, some might ask: "Why is a closed rule so essential?"

I would respond by saying two things. First, H.R. 2 is virtually identical to H.R. 3129 which passed this body last year by a margin of better than 10 to 1. Last year, every member of our subcommittee, full committee, and full House, had the opportunity to amend the legislation. H.R. 3129, and so H.R. 2, was the fruit of our collective efforts. This year, because of the need to pass a bill quickly, we discharged the subcommittee and committee from further consideration of the legislation, on the principle that, except for incoming Members, all have had the opportunity to provide input in the bill. If this bill is opened up for amendment on the floor, we would need to take the bill back to subcommittee and committee to give our committee colleagues the opportunity of which they have been heretofore denied—to themselves amend this bill before it is brought before the full House. This will inevitably delay enactment of the bill.

And of greater concern is the fact that, when the gavel came down, bringing the 99th Congress to a close, conferees were not far apart on many issues on an agreement that could be sent to the President. If this bill is opened for amendment now, I am deeply troubled by the possibility that new issues may arise which could muddy the conference waters and delay considerably the approval of a conference agreement.

The other body is expected to approve its companion measure in the next week or so. Let us pass this bill today under the terms of House Resolution 38 so that we may expeditiously send a bill to the President, and so minimize program disruption, project delays, and job dislocation.

I urge adoption of the resolution.

☐ 1555

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. Kildee). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KOLBE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 331, nays 88, not voting 15, as follows:

[Roll No. 11]

YEAS—331

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bateman
Bates
Beilenson
Bennett
Bentley
Berman
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Clinger
Coats
Coble
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Daniel
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Grant
Gray (IL)
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Konnyu
Kostmayer
LaFalce
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lowery (CA)
Lowry (WA)
Luken, Thomas
MacKay
Madigan
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McDade
McEwen
McGrath
McHugh
McKinney
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NAYS—88

Archer
Armey
Badham
Bartlett
Barton
Bereuter
Bilbray
Boulter
Brown (CO)
Buechner
Burton (IN)
Cheney
Coleman (MO)
Combest
Craig
Crane
Crockett
Dannemeyer
Daub
Davis (IL)
DeLay
Dickinson
Dornan (CA)
Dreier
Edwards (OK)
Gekas
Gradison
Gregg
Gunderson
Hansen
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
Kasich
Kemp
Kolbe
Kyl
Lagomarsino
Lewis (FL)
Livingston
Lott
Lujan
Lukens, Donald
Lungren
Mack
Marlenee
Martin (IL)
Martin (NY)
McCollum
McMillan (NC)
Meyers
Michel
Morrison (WA)
Nielson
Oxley
Porter
Rhodes
Roberts
Roth
Schaefer
Schneider
Schuette
Sensenbrenner
Shumway
Skeen
Smith (NE)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stump
Sweeney
Vucanovich
Walker
Weber
Whittaker
Wolf
Wortley
Wylie
Young (FL)

NOT VOTING—15

Annunzio
Burton (CA)
Chandler
Dymally
Edwards (CA)
Frost
Gray (PA)
Hutto
Leland
Miller (OH)
Myers
Price (IL)
Schulze
Thomas (CA)
Watkins

☐ 1615

Mr. DELAY and Mr. WHITTAKER changed their votes from "yea" to "nay."

Mr. HUGHES changed his vote from "nay" to "yea."

So, the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HOWARD. Mr. Speaker, pursuant to House Resolution 38, I call up the bill (H.R. 2) to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 38, the gentleman from New Jersey [Mr. Howard] will be recognized for 30 minutes; the gentleman from Arkansas [Mr. Hammerschmidt] will be recognized for 30 minutes; the gentleman from Illinois [Mr. Rostenkowski] will be recognized for 10 minutes; and the gentleman from Tennessee [Mr. Duncan] will be recognized for 10 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. Howard].

Mr. HOWARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with a great deal of support on the part of the Committee on Public Works and Transportation and the Members of this body, we bring to the House H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987. The immediate consideration of H.R. 2 will help ensure that the progress made in 1982 with the enactment of the Surface Transportation Assistance Act will continue into the next decade.

I realize how unusual it is to be asking the House to consider such a major piece of legislation so early in the new Congress; however the lack of highway and transit funding in the States is becoming more and more critical with each passing week; so much so there's a real danger of people losing their jobs and much of the construction season being lost in many of the States.

In light of this fact, Mr. Speaker, I believe that quick action in the House is essential and can only be achieved by passing a bill which is virtually identical to the bill that passed the House by a 10 to 1 margin in the last Congress—that is, the bill before the House today. Assuming the other body follows a similar course of action with its version, this will allow us to go back to conference and resolve our differences at the earliest possible time.

Mr. Speaker, H.R. 2 is virtually identical to the bill, H.R. 3129, that passed the House by an overwhelming vote on August 15, 1986. This legislation extends authorizations over the 1987-91 fiscal years for highways, highway safety, and mass transportation titles. A fourth title is also included, entitled the "Uniform Relocation Act Amendments of 1987." This title provides for the fair and equitable treatment for persons displaced as a result of Federal or federally assisted programs or projects.

The highway title authorizes $13.9 billion a year from the highway trust fund. The principal areas addressed are interstate completion, bridge rehabilitation/replacement, and the Interstate 4R Program. To complete the Interstate System, up to $3.3 billion per year through fiscal year 1992 and an additional $2 billion in fiscal year 1993 are authorized. The Bridge Discretionary Program is increased to provide additional funding for high-cost bridge projects.

A major revision of the Interstate 4R distribution formula has been made in order to correlate the System's need with the level of its use. Funds will be apportioned based 50 percent on vehicle miles traveled and 25 percent each on gasoline and diesel-fuel consumption. There is $200 million set aside from the authorized amounts for the Interstate 4R Program to fund discretionary Interstate 4R projects. Greater flexibility will be allowed in transferring funds between interstate, Interstate 4R, and primary construction projects.

In addition, $100 million will be added to the unobligated balance of current State entitlements under the Interstate Transfer-Transit Program, in order to offset anticipated future inflation in transportation construction costs.

Title II of the bill continues requirements to encourage and enhance highway safety. Since the enactment of the 55-mile-per-hour speed limit in 1974, there has been a considerable reduction in fatality rates on the Nation's highways. The committee continues to recognize and support the importance of the 55-mile-per-hour speed limit. As recommended by a recent study of the Transportation Research Board, a compliance formula has been adopted to attach greater emphasis to the higher speed violations and to violations which occur on lower design highways. The enforcement authority for the 55-mile-per-hour speed limit will be transferred from the Federal Highway Administration to the National Highway Traffic Safety Administration. The Safety Belt and Alcohol Incentive Grant Programs remain in effect with minor modifications.

Title III of the bill continues the current structure of the Mass Transit Program, which provides for a greater proportion of the funds to be distributed by formula. The total amount authorized rises to approximately $4.2 billion per fiscal year by the end of the period 1987-91. The Section 3 Discretionary Capital Program, which is funded by the penny-a-gallon gasoline tax authorized by the Congress, will be allocated for traditional public transportation purposes. The annual process for congressional review and approval of section 3 allocations will permit the Urban Mass Transportation Administration to enter into multiyear contracts for major capital investments. The buy-America provision was also strengthened as it pertains to capital investments.

Title IV, the Uniform Relocation Act Amendments of 1987, seeks to achieve a degree of uniformity not achieved in the original act. It would do so by vesting responsibility in a lead agency—the Department of Transportation—for development of Governmentwide regulations assuring consistency of coverage in terms of eligibility and benefits provided to persons displaced as a direct result of Federal projects or federally assisted programs or projects. A State certification process is also provided in the bill which will result in more effective implementation of the act.

For a more detailed and comprehensive explanation of the bill, Mr. Speaker, I would direct Members' attention to the CONGRESSIONAL RECORD of January 6, 1987, and the statement made by the subcommittee chairman, the gentleman from California [Mr. ANDERSON], which appears beginning on page 29 and ends on page 50. As chairman of the full Committee on Public Works and Transportation, I wish to state that I am in complete agreement with Chairman ANDERSON's explanation of the bill and that the Department of Transportation should take note of that explanation in carrying out the act; further, that the Department should follow the guidance contained in House Report 99-665 accompanying H.R. 3129 that was reported by the committee and passed by the House in the 99th Congress as to the intent of similar or identical provisions in this legislation. I understand the ranking minority member of the full committee, Mr. HAMMERSCHMIDT, and the ranking minority member of the subcommittee, Mr. SHUSTER, are in complete accord with this explanation.

Mr. Speaker, I urge my colleagues to join with the Committee on Public Works and Transportation in passage of this important legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. ANDERSON], the chairman of our subcommittee.

Mr. ANDERSON. Mr. Speaker, I rise in strong support of H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987. This bill, as has been mentioned, is virtually identical to H.R. 3129 as passed by the House on a 345-to-34 vote this past August 15; a margin of better than 10 to 1.

There has already been considerable discussion of the need of expeditiously enacting this legislation, and the need for the closed rule under which the bill is being considered.

Mr. Speaker, because so many of our colleagues suported this bill just 5 months ago, and because we have several requests for time, I will not belabor my summary of the bill's provisions. It provides roughly $70 billion in highway funding over 5 years and includes an additional $2 billion to be apportioned in the sixth year, fiscal year 1992, as needed to complete the Interstate System. As my colleagues may know, President Eisenhower was the driving force behind the creation of the interstate in 1956, and we may all be proud to participate in the legislation that will assure the completion of the greatest public works project this country has ever undertaken.

H.R. 2 will assure the Interstate System is kept modern, through the extension of the Interstate 4R Program, and the provision for a separate $200 million annual authorization of the 4R discretionary program to focus that portion of the program on those projects most in need. States will also be given the flexibility, under this bill, to shift 20 percent of their 4R funds to their primary system. H.R. 2 also extends and makes permanent the 85-percent Minimum Apportionment Program, and provides additional obligational authority for those States most in arrears.

Title II will help us continue our fight for highway safety, and title III will allow us to more fully utilize the transit account of the highway trust fund and continues our programs of operating assistance.

Mr. Speaker, because the committee was discharged from consideration of H.R. 2, no report was issued. I would, though, direct our colleagues' attention to the analysis which I included in the CONGRESSIONAL RECORD on January 6, upon the bill's introduction beginning on page H-29. This analysis reflects the committee's intent on how the legislation should be implemented by the administration. The administration should also follow the guidance provided in House Report 99-665, which accompanied H.R. 3129 when that legislation was reported from committee last year.

Mr. Speaker, since 1975, the portion of this Nation's Interstate System evaluated as being in very good or excellent condition has decreased from nearly half, to less than one-third. About 40 percent of our Nation's arterials are in poor or fair condition.

Mr. Speaker, the American Association of State Highway and Transportation Officials estimated the need for Federal highway assistance to be well over $20 billion a year through 1995. The American Public Transit Association has estimated projected transit needs of about $35 billion over the next 5 years.

Mr. Speaker, we must get on with the business of helping to meet these needs. We must pass H.R. 2.

□ 1630

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987.

This bill is virtually identical to the House passed highway/transit bill of the last Congress, H.R. 3129. It provides for a 5-year authorization of the Nation's highway and mass transit programs. The bill is primarily an extension of the landmark legislation enacted in 1982 to address the critical transportation needs across this Nation. Among the major features of the bill are: completion of the Interstate Highway System started some 30 years ago; continuation of the other major highway and transit programs; and provisions to provide relocation assistance to those displaced by transportation projects.

In the closing days of the 99th Congress, the conferees had less than a month in which to negotiate a compromise on H.R. 3129. Unfortunately, time ran out before the conferees could reach agreement on several complex and volatile issues.

Since that legislation died in conference, the States did not receive any new highway authorizations for fiscal year 1987 and could only spend approximately $6.3 billion in carryover funds that had been authorized in previous years. At the present time, many States are running out of Federal-aid highway funds and are delaying or canceling vitally needed highway, safety, and transit improvement projects. The States and the construction industry are extremely concerned that they may lose this entire construction season if we are unable to pass highway/transit legislation quickly. Not only would this be a serious setback for our Nation's highway system, but it could jeopardize up to 700,000 jobs according to some estimates.

Nationwide, there is now only $4.3 billion or 33 percent of a normal year's apportionment of highway funds available to the States. In my home State of Arkansas, they have only $29 million or 20 percent of their normal apportionment left and they have virtually exhausted their available funds in the primary, secondary, and urban program accounts. Many States expect to use up all available funding by early spring.

In order to return quickly to negotiations with the other body and preserve the 1987 construction season, we have waived any committee action on this bill. We believe that we were close to an agreement on H.R. 3129 last time. By taking essentially the same bill back to conference, we expect that we may work out a compromise more quickly than if we start negotiations with a new piece of legislation.

I know that it is very unusual to pass such a comprehensive piece of legislation without the opportunity for amendments. The legislation is, however, the same bill that overwhelmingly passed this body by a vote of 345 to 34 in the last Congress. With the stability of our Nation's highway and transit programs at stake, we need to return to the negotiations on this bill and quickly work out a compromise with the other body.

For a more detailed and comprehensive explanation of the bill, Mr. Speaker, I would direct Members' attention to the CONGRESSIONAL RECORD of January 6, 1987, and the statement made by the subcommittee chairman, the gentleman from California, Mr. ANDERSON, which appears beginning on page 29 and ends on page 50. As ranking Republican member on the Committee on Public Works and Transportation, I wish to state that I am in full agreement with Chairman ANDERSON's explanation of the bill and that the Department of Transportation should take note of that explanation in carrying out the act. I further agree, the department should follow the guidance contained in House Report 99-965 accompanying H.R. 3129 that was reported by the committee and passed by the House in the 99th Congress as to the intent of similar or identical provisions in this legislation.

Mr. Speaker, I also want to note something that is not addressed in this bill but is a growing concern in the area of traffic safety on private property where the public is invited to travel for purposes of business. Research indicates that accidents and fatalities on private property have risen in conjunction with a rise in the volume of business-related traffic on such property, and these accidents and fatalities are attributable, in part, to the lack of uniform traffic control devices.

The Uniform Vehicle Code addresses this problem and section 15-117 states "no person shall erect or maintain in any area of private property where the public is invited to travel any sign, signal, marking or other device intending to regulate, warn, or guide traffic unless it conforms with the State manual and specifications adopted under section 15-104." Business owners should be aware that they incur additional responsibility for public safety when they own property on which the public is invited to travel for purposes of business. The erection of uniform traffic control devices will reduce the business owner's liability if a traffic accident occurs on his or her property.

I encourage State departments of transportation and interested private parties to inform business owners about the public safety concerns and liability problems associated with a lack of uniform traffic control devices. I believe the resolution of this traffic safety problem will serve the best interests of business owners and the motoring public alike.

In closing, I would like to highlight some of the benefits this bill provides to my home State of Arkansas. The bill will provide Arkansas over $96 million in fiscal year 1987 for highway formula programs which include the interstate resurfacing, restoration, rehabilitation, and reconstruction [4R], primary, secondary, urban, bridge, hazard elimination, and railroad highway crossing programs. The State would also get an additional $29.1 million under the minimum allocation program, which provides States with at least 85 percent of the amounts they contribute to the highway trust fund.

This means that Arkansas would receive a total of nearly $126 million under the basic Federal-aid program, exclusive of demonstration projects and any discretionary grants the State may receive. Funding in each of fiscal years 1988-91 would be roughly the same.

The bill also contains a provision authorizing $45 million over the next 5 years to accelerate construction of

Highway 71 as a four-lane highway, with another $45 million provided for U.S. Highway 71 in Missouri. Another provision would allow Arkansas to use interstate construction funds for planning, design, and construction of Highway 71. Although the State has completed all of its interstate segments and its interstate funds must normally be spent on I-4R work, the bill gives Arkansas the option of using its interstate funds on Highway 71.

Also included in the bill is $8.5 million in fiscal year 1987 for a highway demonstration project at Fort Smith, which involves widening a segment of the highway connecting Westark Community College and the new Central Mall, and improving signalization on the segment. The bill also approves $13.3 million in funding for construction of four grade separations on a four-lane bypass route at Jonesboro to demonstrate methods of improving highway safety.

The legislation also directs the Secretary of Transportation, in cooperation with Louisiana, Arkansas, and Missouri, to study the feasibility of constructing a highway from Shreveport, LA, to Texarkana, Fort Smith, Fayetteville, AR, and Carthage and Kansas City, MO. A report on the study's results is to be submitted to Congress within a year after the bill's enactment.

It should be noted that all of these funds come out of the highway trust fund and therefore do not add to the Federal deficit.

In summary, we are fast approaching a crisis in the highway construction industry. The 1987 highway construction season is almost upon us, and a vital segment of this Nation's economy and thousands of American jobs are at risk unless we act. I strongly urge my colleagues to support passage of this bill.

And now, Mr. Speaker, for a detailed explanation of this important legislation, I turn to my colleague, the ranking Republican on the Surface Transportation Subcommittee who has contributed so much to the development of this and all other major pieces of transportation legislation over the past decade.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I thank the distinguished ranking minority member of our full committee fo yielding time to me.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Speaker, I am a strong proponent of H.R. 2 and I urge my colleagues to support its passage by the House. However, I would like to highlight one provision of the bill that stands in marked contrast to good sense, as well as previous House action during the final days of the last Congress.

Section 110 of H.R. 2 provides for local-option foreign policy throughout the United States. It provides that States or localities may choose to enact and enforce local laws placing restrictions on a firm's conduct in South Africa as a condition for eligibility to bid for highway contracts funded with Federal highway funds. All of us support bringing a swift end to apartheid in South Africa, but devolving onto the States and localities the Federal Government's duty to make foreign policy invites mischief and may cause difficulty as we move forward against apartheid in the future.

Throughout consideration of various legislative proposals relating to South Africa during the last Congress, I stressed the tremendous importance of the United States speaking with one strong, clear voice on the subject of our country's policy toward apartheid. For each State, municipality or school board to formulate its own foreign policy would lead to unparalleled confusion, both at home and abroad.

Section 110 of H.R. 2 amends existing statutes governing Federal highway funds. Section 112 of title 23 of the United States Code requires State highway departments to use competitive bidding in awarding contracts funded with Federal tax dollars. They must award the contracts to the lowest responsive bidder who meets established criteria of responsibility. States not complying could lose Federal highway funds.

Section 112 of title 23 created a problem for New York City, which adopted a local law in 1985 preventing the city from awarding contracts to firms doing business in South Africa in certain circumstances. Congress addressed the New York City problem by providing in section 210 of the Urgent Supplemental Appropriations Act of 1986 that, notwithstanding any other law, no reduction of Federal funds or other penalty could be imposed by virtue of New York's observance of its antiapartheid law in awarding any contract funded by Federal funds prior to October 1, 1986.

Congress addressed the issue again with the Anti-Apartheid Act of 1986. Section 606 of that act provided that, notwithstanding any other law, no reduction in a State's eligibility for Federal funds nor other penalty may be imposed by reason of a State's observance of a State antiapartheid law, for a period of 90 days after enactment of the Anti-Apartheid Act.

The effect of the plain language of section 606 of the Anti-Apartheid Act was to prohibit, after 90 days, the enforcement of State and local antiapartheid laws in federally funded contracting, for the purpose of ensuring a uniform, coherent national policy against South African apartheid. Section 606 reaffirmed the wisdom of the framers of the Constitution, by which the people delegated to the National Government, and not the States, authority and responsibility for foreign policy matters.

Section 110 of H.R. 2 would partially devolve onto States and municipalities Federal power to conduct foreign policy with respect to South Africa. The United States of America should have a single, coherent antiapartheid policy. It should not have a Los Angeles foreign policy, a different St. Louis foreign policy, and yet another Boston foreign policy.

Section 110 of H.R. 2 is probably unconstitutional and is definitely a mistake.

Mr. SHUSTER. Mr. Speaker, I rise in strong support of this legislation today. I think that the Members of the House should know that this House acted responsibly last August when it passed this legislation, and only because the other body did not act until the waning days of the Congress did we find ourselves in a position where we were not able to go to conference in order to iron out our differences.

There is absolutely no doubt in my mind but that had we been able to go to conference a few weeks earlier, we would have had this legislation passed by both bodies. Indeed, in the final hours of the last Congress, we did work out most of our differences, and only a few remaining differences were such that we were unable to send the legislation down to the administration for signature. So this House can hold its head high. This House acted responsibly in the last Congress in passing this legislation in a timely fashion.

This House in my judgment, Mr. Speaker, also acted responsibly today when it passed the previous question, passed the rule, and brought this vital legislation to the floor for consideration.

I am particularly heartened to point out to my colleagues on both sides of the aisle that when that crucial vote on the previous question occurred just a few minutes ago, a majority of Republicans joined a majority of Democrats to vote in favor of that previous question overwhelmingly, so that we can consider this legislation. So I hope that our good friends downtown in the administration note that when the previous question was passed today, it was not only a majority of Democrats who voted in favor of it, but it was also a majority of Republicans in this House, making it a truly bipartisan effort to bring this legislation to the floor so that we can get on with the crucial transportation programs of America. Further, the Department of Transportation should follow the guidance contained in House Report 99-665 accompanying H.R. 3129. That was reported by the committee and passed the House in the 99th Congress as to the intent of similar or identical provisions in this legislation.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I am happy to yield to my friend, the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I would like to respond to the coment that the gentleman just made. It is very, very clear that there is broad bipartisan support in the House for this legislation. I want to commend the gentleman and his chairman for the work that they have done on this bill. It is long overdue, and I very much appreciate his efforts.

Mr. SHUSTER. I thank my good friend, the gentleman from California.

Mr. Speaker, let me also emphasize that we recognize in this House that when we go to conference with the other body that we are going to have to compromise. We are going to have to compromise on the very issues which were so contentious in our debate earlier today. It is my hope, as the original proponent of the 65-mile-an-hour compromise, that we are able to work out something along the lines of 65-mile-an-hour speed limit, coupled with seatbelt laws, all at State option.

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We also recognize that there is going to have to be some compromise on the so-called demonstration projects and, in fact, in the final hours of the last Congress we had virtually worked out those negotiations so that the demonstration project issue was not one of the final issues holding up the bill.

Finally we recognize, and this one hurts this Member in particular, I might say, we recognize we are going to have to compromise on the buy-America language. I happen to be the author of the buy-America language and I would love to see us stick with that 85 percent. But I understand that we would be doing violence to some of the companies which have come onto American soil which are producing here and that we are going to have to work out some kind of a compromise so that we do not put them out of business. We recognize that we are going to have to make these various compromises and this Member certainly is prepared to go to that conference table in good faith to negotiate a compromise so we can have legislation to send to the administration for their signature.

Mr. COLEMAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to my dear friend, the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Speaker, I thank the gentleman for yielding and support him in his efforts for different speeds for different needs in this country.

Mr. Speaker, I would like to take this opportunity to rise in support of H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987. Passage of this legislation will provide urgently needed highway construction, highway safety, and mass transportation funds.

The failure of the 99th Congress to enact reauthorization legislation has seriously jeopardized necessary highway improvement projects in Missouri. My home State, with the seventh largest highway system in the Nation, and the largest number of deficient bridges, is heavily dependent on Federal highway assistance programs. Since a large portion of the highway improvement work performed during any construction season is placed under contract during the preceding winter and spring months, it is imperative that the 100th Congress act quickly to avoid further delays in highway improvement projects scheduled for 1987.

These delays have a particularly devastating impact on rural areas, which are already faced with the decline of the agricultural economy, and where Federal assistance is necessary to forestall the collapse of the local infrastructure. Bridge replacement and rehabilitation, road resurfacing, and safety projects across north Missouri are on hold pending action here in Congress.

While I understand, and share, many of the concerns raised in reference to this legislation, I also understand the ability of many States, including Missouri, to provide badly needed highway improvements is dependent on reauthorization of these programs. With that in mind, I urge my colleagues here in the House to vote for the passage of H.R. 2.

Mr. SHUSTER. Finally, Mr. Speaker, it should be emphasized that if we send this bill to the other body as a result of today's action we will be waiting with bated breath to go to the conference table with them, and we are very hopeful that they will pass their legislation, and I know and trust that they will come to the negotiations willing and prepared to compromise in good faith, which is what this body and the members of our committee on both sides of the aisle are prepared to do.

Mr. HOWARD. Mr. Speaker, how much time do we have remaining on our side?

The SPEAKER pro tempore (Mr. KILDEE). The gentleman from New Jersey has 22 minutes remaining.

Mr. HOWARD. Mr. Speaker, I yield as much time as he may consume to the gentleman from Illinois [Mr. ROSTENKOWSKI], chairman of the Committee on Ways and Means, for the purpose of a colloquy.

Mr. ROSTENKOWSKI. Mr. Speaker, I thank the gentleman for yielding me this time. I would ask the gentleman to engage in a brief colloquy in regard to the $100 million cost escalation adjustment to interstate transfer transit.

H.R. 2 contains a provision which would add $100 million to the unfunded balance of the Interstate Transfer Transit Program. It is my understanding that this is simply a one-time adjustment to the cost estimate for completing the Interstate Transfer Transit Program. Does the chairman agree?

Mr. HOWARD. If the gentleman will yield, yes, I agree. The purpose of this $100 million adjustment is merely to provide some mitigation against the future losses of today's value of the Transfer Transit Program balance.

Mr. ROSTENKOWSKI. Would the $100 million be reflected in the next interstate substitute cost estimate?

Mr. HOWARD. Yes, it is intended that the $100 million be allocated to each State Transfer Transit Program as contained in table 4 of Committee Print 100-2. That table reflects the addition of $100 million to the unobligated substitute transit balance, which is allocated proportionately to each State Transfer Transit Program. This allocation will then be reflected in the next interstate substitute cost estimate.

Mr. ROSTENKOWSKI. Will the $100 million for the Interstate Transfer Transit Program involve annual appropriations in addition to and separate from current appropriations?

Mr. HOWARD. No, it is intended that the current appropriation process for interstate transfer transit will continue under the new authorization as specified in section 306 of the bill. Section 306 provides for the appropriation of such sums as may be necessary to fund the cost to complete all substitute projects by the end of 1991 including the additional $100 million.

Mr. ROSTENKOWSKI. Mr. Speaker, I appreciate this clarification.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. MICHEL], our distinguished minority leader.

Mr. MICHEL. Mr. Speaker, my home State of Illinois contributes over $1.2 million a day to the highway trust fund, with no return of new Federal highway funds since October 1, 1986. By April 1, 1987, Illinois will have contributed over $225 million to the highway trust fund.

Illinois has been hit hardest among the States because it had a relatively lower balance of left-over Federal highway funds from prior years compared to other States. Illinois is virtually out of Federal funds for interstate completion, interstate substitution, interstate repair and bridge repair—four very crucial programs.

The State has already had to reduce the size of planned lettings of construction projects by 40 percent since the beginning of the Federal fiscal year on October 1, 1986. At stake is approximately $450 million in anticipated fiscal year 1987 Federal highway and safety construction funding for Illinois.

Progress made over the last 3 years in reducing the backlog of roads and bridges in need of repair and improvement will be set back. From June 1983 to June 1986, that backlog was reduced 25 percent for bridges and 40 percent for roads.

The construction industry in Illinois is threatened. Spring and summer construction seasons may be all or partially lost. A substantial portion of the nearly 20,000 construction jobs that Illinois' annual highway program generates may not be realized this spring and summer.

Early enactment of this legislation is vital not only to my home State as a whole, but it is critical to the Route 121 project near Peoria, for which $35 million is included in this bill.

Route 121 between Morton and Lincoln is an important commercial route linking I-55 and I-74, and provides the Peoria area with direct access to Springfield, St. Louis, and markets to the South.

It is currently one of the most heavily traveled rural two-lane roads in the State. Traffic is at capacity, and projections are that volume will more than double by the year 2003.

There is, in other words, an urgent need to move rapidly ahead with the expansion of Route 121 into a four-lane freeway. The $35 million in this bill will enable us to do that. With these funds, the projected completion date is 1992. Without the funds, the project will not be finished until the late 1990's.

Rapid completion of the Route 121 project is essential to the economic development of the Peoria area, which has suffered enough. Commendations go to the Public Works Committee from all us in the central Illinois area for including the necessary funds in the bill.

I should point out, incidently, that the State will be contributing over $100 million to the project, so this is a project that has a significant local cost-sharing contribution.

Before concluding, let me comment for a moment on the administration's concerns with this bill. As you know, there are threats of a veto if this bill reaches the White House in its present form. I am not in agreement with all the administration's objections, but it is a fact that if there is a veto, it will only result in further delays in the ultimate enactment of the Highway Program. Consequently, I would hope that when this legislation goes to conference, good faith efforts will be undertaken to work with the administration in an effort to arrive at agreeable solutions. If so, I will do everything in my power to encourage the President to sign the final product.

Mr. HOWARD. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. Waxman].

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I have a concern that I want to raise with the chairman of the subcommittee regarding section 324 addressing the multiyear contract for the Los Angeles Metrorail project. The provision states "Notwithstanding any other provisions of law, the final environmental impact statement for the Minimum Operable Segment-2 shall be completed, approved by the Secretary, and filed with the Environmental Protection Agency not later than July 31, 1987."

My concerns are that this provision not repeal the National Environmental Policy Act as it affects MOS-2 and the environmental impact statement from MOS-2 still be required to meet all the procedural and substantive requirements of NEPA and that the Secretary should still have the discretion under NEPA to disapprove or condition the statement to protect public health and the environment, and I would like to ask the chairman of the subcommittee, the gentleman from California [Mr. Anderson], his thoughts on those concerns.

Mr. ANDERSON. Mr. Speaker, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Speaker, I appreciate the gentleman's concern and want to assure him that I will surely be addressing them in conference.

Mr. WAXMAN. I thank the gentleman very much.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. Stangeland], a very distinguished member of our committee.

Mr. STANGELAND. Mr. Speaker, I rise to address several issues in H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987.

First, let me commend all the players on the House Public Works and Transportation Committee who worked so diligently and tirelessly on this legislation and its predecessor, H.R. 3129. Special congratulations are in order for our committee chairman, Jim Howard, last year's ranking member Gene Snyder, and this year's ranking member, John Paul Hammerschmidt, subcommittee chairman, Glenn Anderson, and ranking member of the subcommittee, Bud Shuster. Without their leadership and bipartisan teamwork, we could never have crafted such a strong and workable bill.

H.R. 2 is virtually identical to last year's highway bill, H.R. 3129, which passed the House 345 to 34 on August 15, 1986. This year's reincarnation of H.R. 3129 makes only a few changes to last year's popular bill, such as deleting already enacted provisions and making minor technical corrections. Thus, H.R. 2 has a thorough legislative history contained in H.R. 3129's committee report and floor statement from the 99th Congress, even though H.R. 2 has no committee report from the 100th Congress.

The Public Works Committee brings H.R. 2 to the floor today in early January so that we can complete this unfinished business from the 99th Congress as soon as possible. We came excruciatingly close to forging a compromise with the Senate last October, but as everyone—particularly every State highway official—knows, we could not resolve every single issue in order to complete the conference and send the needed legislation to the President.

Mr. Speaker, because we did not complete the conference in the waning hours of the 99th Congress, we now find the Nation's roads and highways in an increasingly desperate situation. America's highway program hangs in the balance, as the shortage of construction money becomes a growing national emergency. With no new funding for fiscal year 1987, States are having to delay or stop thousands of crucial projects. In just the last 3 months, States have had to postpone signing contracts on more than $1.5 billion worth of new construction activities. If we do not take prompt, sensible action soon, many States will tragically lose their entire 1987 construction season; $2.3 billion worth of projects will have to be deferred until 1988 and over 130,000 jobs are likely to be lost if we do not address the funding crisis by May, according to the Highway Users Federation.

I am particularly concerned about my own State, Minnesota, and its critical needs. Today, Minnesota is essentially out of funds for its interstate completion, primary, and interstate substitution categories. The interstate 4R and bridge replacement categories have sufficient funding for only part of the year. The Minnesota Department of Transportation informs me that if Congress does not act by April 1, 1987, $70 million in projects could be delayed, and if we do not act by May 1, 1987, Minnesota's short construction season for 1987 could be lost entirely. By waiting any longer, we are putting at risk literally thousands of highway drivers' lives and construction workers' jobs.

Mr. Speaker, permit me to highlight some of H.R. 2's major provisions. The bill extends authorizations over the 1987-91 fiscal years for highways, higway safety, and mass transportation programs. We have included a fourth title, the Uniform Relocation Act Amendments of 1987, to ensure the fair treatment of persons displaced by Federal or federally assisted programs or projects.

H.R. 2 provides a 5-year authorization of over $69 billion for the Nation's Federal-aid Highway Program and $19.5 billion for mass transit assistance. Specifically, it authorizes $13.9 billion annually for the Federal-Aid Highway Program through fiscal year 1991 with $3 billion in 1987 and

$3.3 billion annually thereafter for interstate highway construction of $2.8 billion annually for the Interstate 4R Program. H.R. 2 provides annual authorizations of $2.3 billion for the Federal Aid primary system, $600 million for the Federal aid system, and $750 million for the Federal aid urban system. In addition, the bill authorizes $1.75 billion annually for the Bridge Replacement Program and $5 million annually from the highway trust fund for the important Highway Beautification Program. H.R. 2 also includes a $200 million discretionary fund for the 4R Program and increases funding for the Bridge Discretionary Program for large, structurally deficient bridges from $200 to $250 million annually.

The bill also includes a number of highway projects to demonstrate the latest techniques for accomplishing various safety and transportation objectives, such as constructing a grade separation between a railroad line and a highway in Moorhead, MN, and reconstructing two deteriorated segments of a major highway on the Federal-aid primary system in Fosston and Bagley, MN. In addition, title IV provides greater compensation for displaced farms, increases the ceiling on payment of moving expenses for businesses and farms in lieu of itemized expenditures, and increases the benefits for displaced residential tenants.

Mr. Speaker, H.R. 2 is not a perfect bill, but it is certainly a good bill. On the whole, H.R. 2 is fiscally responsible and environmentally responsive legislation. If necessary, we can make additional refinements or improvements to the bill during conference. The important point, however, is that we get to conference so that highway legislation—so vital to this Nation's economy—is sent to the President as soon as possible. Let's begin to complete this crucial, yet unfinished work of the 99th Congress right now so we can put America's surface transportation and relocation programs back on track.

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Mr. HOWARD. Mr. Speaker, I yield 1 minute to a valued member of our committee, the gentleman from Illinois [Mr. GRAY].

Mr. GRAY of Illinois. Mr. Speaker, I rise in strong support of the highway and transit bill before us. The committee believes it is imperative to pass H.R. 2 without amendments for the following reasons:

Many States and cities are running out of highway and transit funds and are delaying or canceling projects. They and the construction industry are extremely concerned that they may lose this entire construction season if highway/transit legislation is not enacted shortly. This is certainly true in Illinois.

The committee believes that this is the best way to enact legislation quickly, save the 1987 construction season which is fast upon us, and save as many as 700,000 jobs which hang in the balance—20,000 jobs in Illinois alone.

The strategy of the committee has been to take essentially the same bill that passed the House last time—by a 10-to-1 margin—back to conference with the Senate. In that way, we hope we can resume the negotiations of the last Congress and quickly resolve our differences by building on the progress that has already been made.

Although there were requests for substantive changes by some Members before introduction, the committee leadership determined that reopening the bill would jeopardize quick passage and the 1987 construction season.

If the bill is opened to amendments on the floor, it would seem necessary that the legislation be taken back through the committee process so that an orderly development of a new bill can be pursued. Unfortunately, such procedures would seriously delay passage of the bill.

In closing, I commend my distinguished chairman, the gentleman from New Jersey [Mr. HOWARD], and the distinguished minority member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the subcommittee chairman, the gentleman from California [Mr. ANDERSON], and the gentleman from Pennsylvania [Mr. SHUSTER] for the outstanding work on this bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, I rise in strong support of H.R. 2. If we delay the funding on this bill, hundreds of projects will be shut down within a few weeks, some likely in your States. Imagine the cost of shutting down and then restarting construction projects.

The loss of jobs, the lawsuits, and the increase in costs would be terribly burdensome to almost every State. My cities, and counties are strongly lobbying to pass H.R. 2 without delay.

By the time we pass this bill, the other body passes it, it is conferenced and again passed by both bodies, we could be close to March 1. Then with the possibility of a veto and override votes in each body, you can see many construction projects without money. Fast-tracking this legislation is our best alternative. I urge a yes vote and strongly urge the President to sign the final product and allow adequate money for highways. In the State of California gridlock on our freeways is the most burning issue we now struggle with.

Mr. HOWARD. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. CHAPMAN], a member of the committee.

Mr. CHAPMAN. Mr. Speaker, for purposes of a colloquy with the distinguished chairman of our committee, I would like to address to the chairman of the committee a concern that I have, and which I responded to by the introduction of H.R. 316, in which we attempted to introduce a bill that would provide for advance construction reimbursement by the Federal Government under certain circumstances.

I understand, and in fact I know that that concern is the concern of the full Congress; and I would simply ask the chairman of the full committee if in fact that is a concern that will be addressed in this legislation as it is carried through the Congress, and in conference.

Mr. HOWARD. Mr. Speaker, if the gentleman will yield, yes; certainly a provision such as this is not in the bill passed in the last Congress, because we had every indication that we would pass it before September 30.

Many States are going on ahead and putting in themselves the Federal share, and I have talked with my colleagues who will be in the conference; we have every intention to put in a retroactive clause so that those States will be reimbursed. We do not intend to have any States suffer because we did not pass the bill by September 30.

We would like this bill to be enacted and to act as though we had passed it on September 30; so I can assure the gentleman, that language will be in the conference report.

Mr. CHAPMAN. Mr. Speaker, I thank the chairman and urge the adoption and passage of this bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. LIGHTFOOT] a member of the committee.

Mr. LIGHTFOOT. I thank the chairman for yielding time to me. Mr. Speaker, I take this time to enter into a brief colloquy with the distinguished ranking member on our committee, the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

U.S. Route 30 is a principal arterial transcontinental highway. The present Missouri River Bridge on U.S. Route 30 has been in service for 56 years. Because it is only 20 feet wide, the bridge prevents the adjacent parts of U.S. 30 from being authorized for use by the more efficient motor carriers permitted by this body in the 1982 Surface Transportation Assistance Act.

This bridge is located to the north of the Omaha-Council Bluffs metropolitan area, and is required not only to handle the traffic generated by this growing area, but as a safety alternative for the atomic-powered electrical generation facility located downstream between this bridge and the metropolitan areas, as the next crossing is 35 miles upstream.

The States of Iowa and Nebraska have unsuccessfully applied for assistance in the replacement of this outmoded bridge.

Therefore, I would like to clarify the matter as to whether this critical barrier river crossing is of the type considered by the Congress for assistance through the authorization under section 144(g) of title 23, United States Code, Discretionary Bridge Program and whether this project can be considered in conference.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. LIGHTFOOT. I am happy to yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I would respond to my colleague from Iowa that the situation he describes is indeed within the intent of Congress as being eligible for assistance from the authorization noted. Further, we would be willing to consider this project in conference but suggest that the gentleman from Iowa do everything he can to get this project in the Senate bill. Because of this bridge's narrow width and its being on the Defense Highway System and the other factors you cite, it should receive high consideration. Should the funding for this project not be in the conference report, I would agree to push for priority consideration for this project.

Mr. ANDERSON. Mr. Speaker, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I would like to state that I am in agreement with the gentleman from Arkansas [Mr. HAMMERSCHMIDT] and the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Speaker, I thank both gentlemen for their support.

Mr. DAUB. Mr. Speaker, I rise in support of H.R. 2 and want to take this opportunity to express my appreciation to the ranking minority member of the Public Works and Transportation Committee, Congressman HAMMERSCHMIDT, for recognizing the need to address the problems associated with the U.S. Highway 30 bridge—which crosses the Missouri River—in the conference on H.R. 2. The colloquy just entered into by Congressman HAMMERSCHMIDT and Congressman LIGHTFOOT characterizes the current problems associated with the bridge, and I can assure you that the people of Nebraska affected by the poor quality of the crossing will greatly appreciate efforts to prioritize the effort to replace the bridge.

The current U.S. Highway 30 bridge crossing the Missouri River is located between Blair, NE, and Missouri Valley, IO. The bridge is one of only two crossings of the Missouri between the Omaha-Council Bluffs and Sioux City metropolitan areas; as such, the crossing provides a vital economic link between Nebraska and Iowa.

Furthermore, it is apparent that a new structure is sorely needed to replace the current bridge. The crossing has been struck three times in the past 2 years by wide loads and was subsequently closed or restricted to one-lane travel until repaired. No rehabilitation would result in a wider structure, which is essential to serve the volume and variety of vehicles using the bridge.

In response, the Nebraska Department of Roads and the Iowa Department of Transportation have: First, initiated design work for a new structure; and second, applied to the Federal Highway Administration [FHWA] for fiscal 1987 discretionary bridge funds to proceed further with the project. Unfortunately, however, the FHWA has indicated that the rating of the project for purposes of discretionary funding is unfavorable.

It is imperative that work on the replacement effort proceed in an expeditious manner due to the economic impact the crossing has on both Nebraska and Iowa. Moreover, in keeping with the criteria of demonstration projects, this replacement effort would provide an excellent opportunity to acquire information and experience relative to bridge construction on a shifting riverbed environment.

Again, I want to thank Congressman HAMMERSCHMIDT for his recognition in this regard, and I look forward to resolving this problem as quickly as possible.

GENERAL LEAVE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2, the bill presently under consideration.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOWARD. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BUSTAMANTE].

Mr. BUSTAMANTE. Mr. Speaker, I rise in strong support of H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987. As you know, Mr. Speaker, Congress failed last year to pass similar reauthorizing legislation. The absence of such legislation has resulted in delaying the completion of numerous Federal-aid projects nationwide.

In the State of Texas, for example, projects totaling $209 million have been halted since November 1986. The State has been forced to assume complete funding for another $145 million in projects, 75 percent of which normally would have been federally funded. If Congress does not immediately pass a highway bill, Texas could amass as much as $667 million in reduced highway funding. That amount is equivalent to one-third of State transportation awards for fiscal year 1987.

My congressional district has been especially hard hit by the failure to pass a highway reauthorization bill. San Antonio—the largest city in the district—has had to postpone completion of vital service roads along Loop 410 in Bexar County, Laredo—the second largest city—has postponed highway construction along Interstate Highway 35. These two projects together account for nearly $14 million in construction that has been delayed for lack of a Federal-aid highway bill.

Overall, Mr. Speaker, my State is currently experiencing a severe economic crisis. We cannot shoulder the additional burden of providing social services to the estimated 16,000 workers who will lose their jobs in the highway construction industry if Congress does not today pass H.R. 2. For this reason, I wholeheartedly support this vital legislation, and I urge members to join me in voting for its passage.

Mr. HOWARD. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS. Mr. Speaker, I am pleased that the Surface Transportation Act is before the House today. As an original cosponsor of H.R. 2, I feel it is imperative that this legislation be enacted into law as soon as possible. Problems have already arisen due to the delay in Federal funding; others will develop unless a bill is passed soon.

For example, uncertainties associated with the continuing absence of a bill disrupt the planning activities of State transportation departments, preventing the best use of scarce resources.

The same effect in the construction industry can result in higher construction costs. At the same time, a reduction in highway projects may adversely affect smaller contractors. The impact would be significant in Texas where the construction industry is already experiencing severe difficulties. Recent data indicate that fully 9,500 jobs may be lost in Texas unless this legislation is passed soon.

The bill we will vote on today is virtually identical to the one that passed the House overwhelmingly last August. No doubt it could be improved in certain areas—I have in mind both the 85-percent minimum allocation formula that would benefit my State, and billboard reform. But in the aggregate this is a good bill which effectively meets the transportation needs of this country.

Mr. Speaker, I urge my colleagues to join me in voting for this bill so that this Nation can continue the vital task of strengthening our economy and infrastructure.

Mr. HOWARD. Mr. Speaker, I yield 1 minute to the gentleman from West

Virginia [Mr. RAHALL], a member of the committee.

Mr. RAHALL. Mr. Speaker, I would ask the distinguished chairman of the subcommittee, the gentleman from California [Mr. ANDERSON] if he would enter into a colloquy.

Mr. ANDERSON. I am happy to.

Mr. RAHALL. Mr. Chairman, it is my understanding that the committee intends that the Secretary of Transportation assign priority in the use of discretionary bridge funds to the Sixth Street Bridge in Huntington, WV.

Mr. ANDERSON. Mr. Speaker, if the gentleman will yield, that is correct. There is no doubt that the Sixth Street Bridge is in dire need of replacement. This bridge is the top priority under the Discretionary Bridge Program for the West Virginia Department of Highways. Additionally, it has an extremely low rating factor of 3.83 and has met all other Federal criteria. The location study for the bridge has been completed and plans for the new bridge will be completed during fiscal year 1987.

Mr. RAHALL. I thank the chairman. The Sixth Street Bridge is the major link between West Virginia and Ohio in the Huntington area. Is is vital to the transportation needs of the people in that area and to interstate commerce in the economically depressed tristate region. It is imperative that this bridge receive funding under the discretionary program. Again, I would like to thank the chairman for his assistance in this matter.

Mr. Speaker, I rise in strong support of H.R. 2, the Surface Transportation and Uniform Relocation Act of 1987. This legislation is of vital importance to my home State of West Virginia as it extends authorizations for highways, highway safety, and mass transportation.

This bill authorizes a total of $94.5 million in funds for West Virginia's road construction and maintenance program. Included is $9.7 million in interstate construction funding and $16.8 million for interstate maintenance work, as well as $62 million for work on rural roads and bridges.

A provision of H.R. 2, which I authored in the Public Works Committee, authorizes $17.6 million for the construction of the New River Parkway which will run along through the New River Gorge in southern West Virginia. It is my hope that the parkway will promote recreation and tourism, as well as economic and industrial development in the southern region of my State and thereby provide a much needed boost to the economy of this area as we work to diversify and expand the economic base of the State.

Mr. HOWARD. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. WISE], a member of the committee.

Mr. WISE. Mr. Speaker, as my friend from California knows, when H.R. 3129 was considered in the House last August, you and I engaged in a similar colloquy to assure that priority consideration be given to providing funds for the repair or replacement of the Southside Bridge in Charleston, WV, from the discretionary bridge account. This situation has since worsened not only because of the condition of the Southside Bridge, but also because the Virginia Street Bridge, another main artery which serves the city, is in need of repair. As the chairman knows, this is my congressional district.

Mr. ANDERSON. If the gentleman will yield, I am aware of the gentleman's interest in this particular problem.

Mr. WISE. Would the gentleman state, for the record, that it is the committee's intention to give such direction to the Secretary of Transportation?

Mr. ANDERSON. Could the gentleman tell me if he knows if the Southside Bridge qualifies for the Discretionary Bridge Program?

Mr. WISE. I can assure the chairman that, based upon the information that I have from the State of West Virginia, the Southside Bridge meets the criteria suggested in Public Law 97-424, section 161, the "discretionary bridge criteria."

Mr. ANDERSON. Knowing of the gentleman's history of supporting this much-needed artery for the city of Charleston, WV, I can tell the gentleman that it is the direction of the Public Works Committee, as supported by the August 6, 1986, colloquy you previously mentioned, that the Secretary of Transportation give the Southside Bridge high priority for the Discretionary Bridge Program.

Mr. WISE. I thank the gentleman.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. BENTLEY], a very valuable member of our committee.

□ 1700

Mrs. BENTLEY. Mr. Speaker, we once again have an opportunity to consider the Surface Transportation Reauthorization Act. During the 99th Congress, the House and the other body voted and passed the highway legislation but Congress was unable to send the bill to the White House for approval. House and Senate conferees were unable to reach an agreement. This is important unfinished business that we must resolve.

I commend the work of the committee leadership for bringing to the House floor so early in the 100th session consideration of the reauthorization of the Federal-aid highway legislation. Without reauthorization, our Nation's highway system will be at a standstill. Thousands of jobs will be jeopardized and further delays of this legislation will only mean additional costs to American taxpayers.

Chairman JAMES HOWARD and Vice Chairman PAUL HAMMERSCHMIDT of the Committee on Public Works and Transportation and Chairman GLENN ANDERSON and Vice Chairman BUD SHUSTER of the Subcommittee on Surface Transportation are to be commended for their all-out effort to bring this reauthorization before the 100th Congress for timely consideration.

In the 99th Congress, I served as a member of the Committee on Public Works and Transportation and worked with my colleagues of the committee to prepare the highway reauthorization legislation for committee markup, House passage and enactment.

When the highway bill was considered by the House in the 99th Congress, I offered amending language to the legislation designed to strengthen the "Buy America" provisions. The House overwhelmingly approved, 300 to 102, the Bentley amendment which prohibits the use of all foreign cement for construction of projects under the federally funded highway bill.

It is encouraging to have so many of my colleagues in the House take a stand against unfair trading practices of foreign nations. It is my hope that those of us in this historic 100th Congress who supported my amendment will continue to support measures designed to build a strong industrial base resulting in jobs for American labor. A stronger national economy will be achieved with the passage of legislation written to promote American industry.

I am of the opinion that U.S. taxpayers' moneys should be spent on purchases in the United States, not overseas. We in Congress should be making laws that foster jobs and development in America. The erosion of the industrial base in this Nation must be to be reversed. "Buy American" provisions are necessary to achieve a stronger domestic industrial base.

Included in H.R. 2 are provisions for States to receive highway construction and improvements under the Federal-aid Highway Program. In my home State of Maryland, this reauthorization represents over $200 million annually to Maryland in highway development programs. Within my congressional district, the Second Congressional District of Maryland, needed highway construction improvements in Baltimore will undergo construction.

With reauthorization of the Federal-aid highway bill, important highway projects of the Second Congressional District of Maryland will proceed without any further costly delay. The resurfacing, restoration, rehabilitation, and reconstruction of projects such as Interstate 83—a bridge over Thornton Mill Road—Interstate 695 from Charles Street to Providence Road, and maintenance of the bridge over Greenspring Avenue will proceed by the State of Maryland.

Other vital projects to highway safety for my home district include the extension of Maryland Route 702 in Baltimore County—Back River Neck Road to Old Eastern Avenue. This project will provide additional arterial capacity to the urbanized portion of the Back River Neck Peninsula. High accident rates during peak hour congestion mandates highway extension for safety.

The State of Maryland must be in a position to meet the highway needs as well as every other State. Reauthorization of the Surface Transportation Act needs to be accomplished in a timely fashion.

Mr. Speaker, I urge my colleagues to join me in supporting passage of the Surface Transportation Reauthorization Act, H.R. 2.

Mr. HOWARD. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. Slaughter], a member of the Committee.

Ms. SLAUGHTER of New York. Mr. Speaker, I am privileged and honored to address the members of this great body.

Mr. Speaker, I rise in support of H.R. 2, the Surface Transportation Act of 1987. As a new member of the Public Works and Transportation Committee where this bill originated, and as an original cosponsor of the bill, I urge my colleagues to join me in voting for its swift passage.

The committee has done an outstanding job in crafting a measure which is comprehensive, balanced, and effective. As a result, H.R. 2 has gained the support of the various transportation associations, the building trade unions, the construction industry, and State and local government organizations. All interested parties agree on one thing: We must not delay enactment of this bill.

All evidence indicates that a significant delay in the reauthorization of Federal-aid transportation programs will have a direct and adverse impact on the economy. Northern States in particular, face the prospect of losing their entire construction season. New York State risks the loss of approximately $150 million in new construction projects; estimates are that this will cost more than 4,000 jobs.

While this bill is important to our economy; it is critical to the infrastructure needs of our Nation. Passage of this legislation will ensure that America's highway and mass transit needs will be ably addressed. Passage of this legislation will ensure that our great Interstate Highway System, begun 30 years ago, will be completed.

In the 30th Congressional District, which I represent, $60 million will be made available to complete work on a section of Interstate 490, now known as the "Can of Worms." Completion of this project will greatly improve safety and traffic flow on this heavily traveled and strategic portion of the Interstate.

In addition, I am pleased that $1.7 million will be available for replacement of the Brooks Avenue Bridge over the Barge Canal near the Monroe County Airport. Replacement of this bridge will alleviate potential safety concerns associated with the design of the existing bridge.

These projects are important to the residents of my district; they must go forward. Mr. Speaker, it is vital that we pass this legislation today.

I wish to congratulate the leadership and members of the Public Works and Transportation Committee for their hard work on this bill, and look forward to diligently and productively working alongside them. Mr. Speaker, I urge Members of the House to vote for the passage of this crucial legislation.

Mr. HOWARD. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland, [Mrs. Byron].

Mrs. BYRON. Mr. Speaker, I rise in strong support of H.R. 2 and to commend the chairman of the House Public Works and Transportation Committee, Mr. Howard, the subcommittee chairman, Mr. Anderson and also Mr. Hammerschmidt and Mr. Shuster for getting this legislation to the floor as quickly as possible. It is imperative that the House follow the chairman's leadership and vote affirmatively for H.R. 2. A comprehensive highway program such as the one outlined in this bill is extremely important to this Nation's economic well-being. If we fail to move this legislation now, highway construction slated for this spring and for the remainder of the year will come to a standstill.

The State of Maryland under the leadership of Governor Hughes has an ambitious highway program that needs to go forward. Today at noon Governor Schaefer was sworn in. Particularly important to the constituents of my district and to the State of Maryland is the completion of the national freeway, which links western Maryland with the Port of Baltimore. The House Public Works Committee has incorporated a provision to H.R. 2, which I introduced the first day of the 100th Congress. This bill contains provisions giving the State of Maryland the authority to transfer previously authorized funds from the Interstate Substitution Program from the Baltimore metropolitan area to the national freeway in western Maryland. Despite some of the economic setbacks recently affecting western Maryland such as the closing of the Kelly Springfield tire plant, I believe that the completion of the national freeway will be a step forward for the economy of western Maryland. I commend the committee for this bill and urge its approval by the entire House.

Mr. HOWARD. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. Morrison] from my time. I understand the gentleman from Arkansas will yield 1 minute to the gentleman from New York [Mr. Boehlert] so that we might have a 2-minute colloquy.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. Boehlert].

Mr. MORRISON of Connecticut. Mr. Speaker, I thank the gentleman for yielding this time. I support this bill and want to congratulate the chairman of the full committee and the Subcommittee on Surface Transportation as well as the ranking minority members in moving so expeditiously to bring H.R. 2 to the floor of the House.

Although I favor passage of the bill at this time, there is in the bill a provision which would cause serious problems for a manufacturer in my congressional district as well as for manufacturers located in other parts of the United States.

I would like to enter into a colloquy with the chairman of the full committee to discuss this matter.

Mr. HOWARD. I would be pleased to discuss this matter with the gentleman.

Mr. MORRISON of Connecticut. I thank the gentleman. As the chairman knows, during consideration of the surface transportation bill in the Committee of the Whole last year, I expressed concern about the effect of the proposal to increase the domestic content required in buses and other rolling stock purchased with UMTA assistance from 50 to 85 percent.

While I support this proposed change, I am very concerned about the effect that the proposal will have on foreign companies with existing U.S. subsidiaries who were encouraged to locate in the United States under the 50 percent domestic content standard and who will simply not be able to meet the higher standard given conditions of the marketplace.

For example, Saab-Scania of America, Inc., a bus manufacturer located in my district, set up its plant in the United States based on its understanding that it would be able to manufacture buses here using its Swedish-built integrated chassis drive train components.

The amount of new capital that Saab would be required to invest in the United States to manufacture those components here is not justified by the size of the domestic market or Saab's market share.

Unless some kind of grandfather provision is included in any conference agreement which would raise the "Buy America" percentage, Saab will be forced out of the U.S. market.

I would point out that even with the imported chassis drive train assembly that it currently uses, Saab is today well over the existing 50-percent standard, not including the payroll at its Connecticut plant.

My understanding is that several other foreign companies with U.S. subsidiaries, including Bus Industries of America, Bombardier Corp., Knorr Brake Corp., and M.A.N. Truck & Bus Corp., are affected. Members who have expressed concern include Mr. HEFNER, Mr. BOEHLERT, Mrs. JOHNSON of Connecticut, Mr. ROWLAND of Connecticut, Mr. VALENTINE, Mrs. KENNELLY, Mr. MCKINNEY, and Mr. GEJDENSON.

During consideration of the surface transportation bill last year, the chairman assured me that he would not come out of the conference on this issue with language that would cost any jobs in those districts which had such plants or deny any expansion of jobs by companies already located here. The ranking minority member, Mr. SHUSTER, said that the committee wanted strong "Buy America" language, but would support a compromise that would protect the jobs in my district as well as others that were affected.

I would appreciate it if the chairman would let me know if his feelings on this issue have changed in any way or if he still believes that it is important to take steps in the conference to protect these companies who aready have invested here.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, my views have not changed. I strongly favor an increase in the "Buy America" provision to 85 percent, but I agree that it would be unfair to penalize those foreign companies who already have invested in the United States based on the existing standard and who will not be able to meet the higher standard.

As the gentleman knows, I am concerned about jobs and I reiterate what I said in the committee and in the RECORD last year that we will not come out of the conference on this "Buy America" issue in any way that will cost any jobs or deny any expansion of jobs due to what House conferees do on this issue.

Mr. MORRISON of Connecticut. I thank the gentleman.

Mr. Speaker, I defer to the gentleman from New York.

Mr. BOEHLERT. I thank the gentleman.

Mr. Speaker, I thank the chairman for his assurance on that and I would like to ask the vice chairman of the Subcommittee on Surface Transportation if he is in agreement with that basic position that there should be special recognition toward those companies who were lured into the United States to set up manufacturing facilities, to employ Americans here, to add strength to our domestic economy? A compromise I think is very much in order and I would hope that would be the rule today.

Mr. HAMMERSCHMIDT. Mr. Speaker, I concur with the statement of the gentleman and that of the distinguished chairman.

Mr. HOWARD. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this legislation and associate myself with the remarks of the gentleman from Connecticut [Mr. MORRISON] relative to the concerns that I have in my district.

Mr. Speaker, I rise in support of the position of my colleague from Connecticut, Mr. MORRISON, with regard to the 85 percent "Buy American" provision from UMTA funded buses in H.R. 2, the Surface Transportation Act.

I realize the importance of moving this bill as quickly as possible, and I do not want to delay consideration. The North Carolina State Highway Authorities tell me they desperately need the release of highway moneys. We must enact this bill so these much needed projects can move forward.

However, the chairman is aware of the impact that the 85-percent requirement will have on the M.A.N. Truck and Bus Co. located in my district in North Carolina.

The major components in the M.A.N. bus are purchased from their parent company in Germany and exceed 15 percent of the material cost. Changing the current requirement of 51 to 85 percent would simply mean that this plant, which employs 600 people—with a capacity of 1,000—would have to close its doors and my constituents would be out of work.

This company, along with a number of others which have established U.S. production facilities in numerous States have made significant investments and provided jobs for American workers.

These companies are not seeking to weaken this requirement to buy at least 51 percent of the components from American suppliers. But if we increase this requirement significantly, competition will be reduced and thousands of jobs will be lost.

I would urge that the chairman and other members of the Public Works Committee involved with this issue consider the impact of this provision and eliminate the 85-percent figure in the conference on this bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], the ranking minority member of the subcommittee.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in behalf of Congresswoman NANCY JOHNSON of Connecticut, who is in an important budget hearing right now, to emphasize that she, too, has been one of the leaders on this particular issue trying to work out an equitable compromise to protect these companies in terms of the "Buy American" provision.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I wish to add my congratulations to those already offered to the chairmen, Messrs. HOWARD and ANDERSON, and the ranking members, Messrs. HAMMERSCHMIDT and SHUSTER, for bringing this critical highway repair and construction legislation to the House floor so quickly. Let me also take this opportunity to state my support for the 50-percent Buy America provision of current law or a modification thereof that would increase domestic content requirements without endangering existing jobs.

I commend my colleague from Connecticut [Mr. MORRISON] for his efforts in support of a rational Buy America provision and concur in his remarks in the colloquy he and Chairman HOWARD just had.

Mr. Speaker, several bus and subway car companies were lured to this country by States and cities hungry for jobs and economic development. They came here knowing full well they would have to meet the 50-percent Buy America provision of existing law and geared their operations accordingly.

I believe it would be very unfair to change the rules on companies that comply with—and rely on—the 50-percent Buy America rule. Saab-Scania, for example, has invested over $10 million in Orange, CT, and currently employs over 100 American workers in its plant.

Saab-Scania came to Connecticut after State leaders offered economic and other incentives to the company in the hopes that a substantial number of jobs would be created within our borders. Saab knew it would have to employ American workers and that at least half of each and every transit bus that rolled off the line would be constructed of American-made parts.

The dramatic increase in the domestic content requirement envisioned by the bill would put Saab-Scania and several other companies out of business and I know that is not the committee's intent or the intent of the 100th Congress. Nationwide, thousands of jobs are at stake, and I appreciate the chairman's assurance and that of the ranking member from Pennsylvania that, in conference with the other body, the House will not accept a bill that jeopardizes these jobs or the massive investment made in good faith by Saab-Scania and others.

Mr. DAUB. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Nebraska.

Mr. DAUB. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this bill. I intend to vote for it on final passage.

Mr. HOWARD. I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the legislation.

Mr. HOWARD. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, Federal assistance is provided for a primary system network of roadways separate from the interstate system to carry commercial and other vehicular traffic vital to the national defense and economy. Clearly, a set of short, noninterconnected segments does not fulfill the definition of a network system of essential noninterstate roadways, nor does it reflect the urbanization, concentration of commerce and traffic in a given substate area. Because urban and suburban areas contain the majority of U.S. businesses, as well as a significant portion of commercial and other highway users, the urban population is a major factor in the formula used to apportion Federal primary system funds among the States. Can the gentleman confirm that it is the intent of Congress that primary system designation not be limited to or substantially to rural areas?

Mr. HOWARD. Mr. Speaker, will the gentlewoman yield?

Ms. OAKAR. I yield to the gentleman from New Jersey, the chairman of the committee.

Mr. HOWARD. I thank the gentlewoman for yielding.

Yes, that is the intent.

Ms. OAKAR. Mr. Speaker, can the gentleman confirm that urban and suburban areas are fully eligible and fully entitled, within the meaning of the act, to a reasonable, interconnected network of primary system roadway?

Mr. HOWARD. The gentlewoman is correct. That is the intent of this act.

Ms. OAKAR. In the reauthorizing legislation, is the identification of roadway segments to be designated as primary system roadways, and hence eligible for primary highway Federal aid, left to the discretion of each State, with review and approval by the U.S. Department of Transportation.

Mr. HOWARD. That is correct.

Ms. OAKAR. Further, is the Department of Transportation authorized to work with State and local officials via the process established by 23 U.S.C. 134, to correct inequities in distribution of designated primary system mileage and inequities in application of Federal primary system financial aid among urban, suburban, and rural areas within a State so that such action shall reflect fully the importance of urban and suburban areas within the approved primary system of roadways?

Mr. HOWARD. The gentlewoman is correct, the Department of Transportation is indeed authorized to conduct actions for those purposes.

Ms. OAKAR. I thank the gentleman.

Mr. Speaker, I thank the gentleman for this bill, and I thank the chairman of the subcommittee as well.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to engage in a brief colloquy with the chairman of the full committee. It is my understanding that no action regarding the use of radar detectors, without adequate hearings, is contemplated by the committee and that the issue of banning radar detectors will not be raised by the House in conference with the Senate on this bill.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. GRADISON. I yield to the gentleman from New Jersey, chairman of the committee.

Mr. HOWARD. I thank the gentleman for yielding.

Mr. Speaker, I would like to say as the gentleman knows there is nothing in relation to speed limit in our legislation. I do not anticipate that any action on this particular issue will be taken in conference; in fact I am hopeful that when we come out of conference there may be no language concerning that speed limit section that the other body may possibly pass.

Mr. GRADISON. I thank the gentleman.

Mr. PURSELL. Mr. Speaker, will the gentleman yield?

Mr. GRADISON. I yield to the gentleman from Michigan.

Mr. PURSELL. I thank the gentleman for yielding.

Mr. Speaker, I congratulate the committee for a good piece of work.

Mr. Speaker, I rise today in support of H.R. 2 and to encourage my colleagues to vote for its passage.

We must recognize the vital importance of assuring adequate, uninterrupted funding of highway programs.

The transportation, infrastructure and improvement projects funded in this bill are necessary to the continued safety, welfare, personal mobility, and quality of life for millions of Americans.

From a State and regional viewpoint these projects are vital to maintaining a quality road system which facilitates further economic development and sustains tourism.

If we do not act quickly, the result will be absolute chaos for the highway construction industry and the transportation agencies.

If the funding is not forthcoming by March 1987, the result—as far as my home State of Michigan is concerned—will be large unemployment, bankruptcies in construction-related industries, and continuing unsafe conditions of roads and bridges. I am certain the same is true for other States.

Equally important, if funding is not forthcoming, citizens and businesses will continue to pay fuel taxes for which they receive no benefit.

Mr. Speaker, it is imperative that this House act both quickly and favorably on H.R. 2.

Mr. HOWARD. Mr. Speaker, how much time remains on this side?

The SPEAKER pro tempore. (Mr. KILDEE). The gentleman from New Jersey has 9 minutes remaining and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] has 10 minutes remaining, in addition to the time, of course, which the Committee on Ways and Means has.

Mr. HOWARD. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. I thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased that steps are being taken to improve schoolbus safety. The highway-transportation bill, H.R. 2, contains a provision to conduct a comprehensive study and investigation of the use of seatbelts in schoolbuses. Because schoolbus crashes and injuries to our children are on the rise, I authored a bill in the 98th and 99th Congresses to mandate the installation of seatbelts in new schoolbuses.

The lack of seatbelts in schoolbuses is a national problem. The mood of our country is moving toward improving child safety and accident prevention. There is a terrible need to improve the safety requirements that our children follow while riding back and forth to school each day.

Although section 205 calls for a study by the National Academy of Sciences, I am disappointed that the language in this provision is not stronger. Much of the data on schoolbus accidents involving children boarding and debarking from schoolbuses is already in existence. The National Academy should compile and not duplicate this valid data. I would hope this study would concentrate more on seatbelts since that is where there has been some controversy and should also mandate crash testing. Up to now there has been no American crash test including side swipes and rollovers with seatbelt restraints available to guage their protection factor.

In addition, at the conclusion of this study we should go farther than simply publishing the new safety recommendations in the Federal Register. This bill does not require school districts to implement the study's safety findings. I would prefer that these new safety measures be released as proposed regulations to institute a new national safety standard for our schoolbuses. It is certainly a waste of time and taxpayers money to determine effective safety measures if we do not mandate national compliance with these measures. I, therefore, will be reintroducing my bill.

Someone coined the phrase "safety belts" for a good reason—seatbelts save lives and prevent injuries. They belong on schoolbuses for the safety of our children. This is a small step, but we have miles to go before ensuring the safety of schoolbus passengers.

I have some questions for the gentleman from California, the author of section 205 on schoolbus safety measures. Would the "comprehensive study and investigation of the use of seatbelts in schoolbuses," include both cost factors, and comprehensive crash tests, including rollovers and side-impact accidents?

Mr. ANDERSON. Mr. Speaker, if the gentleman will yield, this study could encompass the cost factors of seatbelts and if crash testing is recommended it could cover all type of accidents, not just front- and rear-end colisions.

Mr. SMITH of Florida. I strongly recommend that crash testing be included in this study. Would this study look at the past records of schoolbus accidents comparing school districts that require seatbelts versus school districts that have no safety belt protection, and would it include a comparison between harness-type belts and lap belts?

Mr. ANDERSON. Yes; I believe that the National Academy of Sciences will be looking at harness-type belts and lap belts and will be reviewing current practices and injury rates if this is felt to be statistically relevant.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 1 minute to our distinguished ranking minority member, the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. I thank the gentleman for yielding.

Mr. Speaker, I would like to add an observation with regard to this issue of seatbelts in schoolbuses. I support the idea of our having a study to look into this issue. However, I want to emphasize that our committee already held hearings on this issue and in fact the evidence is very unclear.

Indeed, there is some evidence that suggests that seatbelts might contribute to more serious head injuries of children in schoolbuses. So while I support the study to look into this issue in more depth, I would emphasize that we should not make any assumptions with regard to the efficacy of seatbelts in schoolbuses.

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Mr. HOWARD. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, economic progress in today's industrial society has come to depend directly on modern, efficient, and well-maintained highway systems. The economy of my State, diversified and with a rural/urban mix, is a prime example of an area dependent upon highways for economic growth.

No surprise, then, that the Federal Highway Act, which you are debating today, was the last item in discussion between the House and the other body at the conclusion of the 99th Congress and the second item of business at the outset of the 100th Congress.

As we move toward passage of this bill, in conference with the other body, there is one item that I think is vitally important that we must insist on, on the part of the House conferees, and that is, the buy-America provisions in current law.

Those provisions have saved thousands of jobs in the steel industry, and consequently, jobs in the iron ore mining industry in northeastern Minnesota, which I represent. It is vitally important for us to insist upon the strong buy-American language to preserve American jobs in the face of a failed trade policy that does not protect those jobs at our borders.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, as one of the original cosponsors of H.R. 2, I rise in strong support of the legislation and urge prompt action by both the House and Senate. I commend Public Works Committee chairman and vice chairman, JAMES HOWARD and JOHN PAUL HAMMERSCHMIDT as well as the Surface Transportation Subcommittee chairman and vice chairman respectively, GLENN ANDERSON and BUD SHUSTER for moving this critical legislation to the front of our agenda. This bill is important because it is the No. 1 funding vehicle for infrastructure improvement in the country.

Based on a survey of all 50 State highway departments, the American Association of State Highway and Transportation Officials [AASHTO] found that the halt in Federal aid for highways has already resulted in a delay in 424 Federal-aid highway construction projects valued at $683.7 million. Moreover, if a highway bill is not enacted before March 1, 1987, 767 projects valued at almost $1.2 billion will be delayed. If legislation is not enacted by September 1, 1987, 5,094 projects valued at over $8.2 billion will be delayed. These figures can be translated for impact in each of our States and our regions. Many of these projects have financial and economic impact well beyond their own cost as bridges continue to be closed, multilane highways are constricted, jamming traffic, and sensitive linkages between major systems go uncompleted.

Our highway system provides the crucial arteries in the body of a growing economy. We are all familiar with their impact on jobs and economic development back in our home districts.

In sum, Mr. Speaker, transportation plays a critical role in the economic well-being of our Nation, and the delay of these Federal aid programs could have serious repercussions for employment. In some cases the safety of the public may be jeopardized if highway repairs and improvements go unattended for lack of timely funding.

As we drive in our districts, or to and from Washington, we see the highway signs carrying the messages, "Reduce Speed, Deteriorated Pavement, Danger—Potholes, Take Alternate Route, or Wait For Train to Pass." In these brief "read at a glance" warnings, the signs are summing up the results of a generation of transportation infrastructure underfunding.

We can do our constituents and local economies a great favor by making the investments in our future, embodied in this bill.

Mr. Speaker, another route to help correct U.S. infrastructure and road and bridge safety problems is by way of the demonstration projects contained in the House bill. Construction made possible by these projects will result in significant safety and economic impact on their regions such as the Basin Street overpass in Allentown.

The estimated annual Federal aid highway spending in H.R. 2 is $13.8 billion. The administration proposal would authorize about $13.4 billion for Federal-aid highways from the highway account of the trust fund for fiscal years 1987 through 1990, based on OMB's version of anticipated revenues going to the highway trust fund, exclusive of interest.

Mr. Speaker, that interest amounts to about $1 billion a year and does no one any good sitting in the trust fund, except for the fact that analysts over at OMB can make the Federal deficit appear smaller on paper as long as the trust fund is considered part of the budget. Yet these moneys cannot be used to reduce the deficit and must be retained in the trust fund for use on the highway program. For that reason, Congressman BOB MCEWEN, a member of the Committee on Public Works and Transportation, and I tried to take the highway trust fund "off budget" when the reauthorization was considered in the House last August 15, losing 214 to 171. In order to expedite passage of the bill this year we agreed not to challenge the closed rule, but we have cosponsored H.R. 372, the Infrastructure Protection Act of 1987 to accomplish the same goals and we urge our colleagues to join us in cosponsoring this bill.

I am advised that the cost of funding the demonstration projects annually will be $250 million over a 5-year period in H.R. 2. Therefore, I am strongly opposed to the administration proposal excluding the annual interest income earned by the highway trust fund and to their recommendations to reduce the amount of overall funding for highway and related infrastructure. First, the interest income can easily finance the demonstration projects, leaving a large balance of interest funds for other programs. By including the demonstration projects we can do a lot to eliminate the potentially critical impact on safety, the economy, and employment created by the funding gap.

In my own State of Pennsylvania, our interstate system is wearing out at a rate of 80 miles per year. The Commonwealth has established maintenance as the highest priority, attempting to resurface 6,000 of the State's 43,000 highway miles annually. Given this priority on maintenance, and the relatively high cost of right-of-ways, and so forth, for investment in growth areas, the new highway construction budget is limited. Therefore, in the latter category, every State, as in the case of Pennsylvania, needs all the help they can get in this bill for critical improvements in addition to maintenance and I commend the members of the committee for their sharp and detailed evaluation of the demonstration projects.

Moreover, the Federal-aid primary category is among the hardest hit of all Federal-aid programs, according to AASHTO. States had planned to obligate more than $800 million in the first quarter of 1987 in this category, but instead will only obligate $274 million. The American Road and Transportation Builders Association estimates that a total of 700,000 transportation construction-related jobs are in peril if the 1987 construction season is lost, not to mention bankruptcies, migration of skilled labor, deterioration of idle equipment, and extensive restartup costs.

Mr. Speaker, I urge my House colleagues to send this bill to the Senate today. In addition, we should urge our colleagues in the other body to not only take prompt action, but to adopt a comprehensive bill, including demonstration projects, and to include a policy to maintain the integrity of the highway trust fund by returning all moneys to the motorists who have paid taxes for a specific purpose and trusted that our highways, the linchpin of U.S. infrastructure would be protected.

Mr. HOWARD. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I would like to engage the gentleman from California [Mr. ANDERSON] in a colloquy to address the need for construction of two highway projects in my district.

The surface transportation bill which is now being considered has been crafted to address the serious problems faced by States and localities across the Nation charged with maintaining and improving the Nation's transportation infrastructure. It is my hope that the passage of this legislation will help alleviate these problems and will help expedite the construction of much needed highway improvements in rural areas which have not benefited from the construction of the Interstate System. I represent such an area, and two much needed projects in my district, the Highway 156 Hollister bypass and the Highway 101 Prunedale bypass, have been delayed for years largely because of problems with the Federal highway program in California.

Fortunately, as we've discussed, the surface transportation bill now under consideration includes a provision which should help alleviate these delays. As I understand it, section 117(a) would allow States to transfer up to 20 percent of their Interstate 4R funds to the Federal-aid Primary Program. This would allow States greater flexibility in allocating funds to the areas with the greatest need. In California, I believe, the greatest need involves primary route projects in districts such as mine which have no interstate routes. It is my understanding that this provision will allow States to expedite the construction of projects such as the Hollister 156 bypass and the Prunedale 101 bypass.

Mr. ANDERSON. Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Speaker, the gentleman is correct, and I share his hope that section 117(A) will enable CalTrans to expedite the construction of projects such as the Hollister and Prunedale bypasses.

Mr. PANETTA. It is my hope to send a message to CalTrans that these projects are a priority of the Congress and that every effort should be made to expedite their completion. Mr. Chairman, I am hopeful that you will reserve the option of taking further action in support of these projects.

Mr. ANDERSON. I certainly understand the frustration of the gentleman from California [Mr. PANETTA] with regard to these projects, and share his hope that construction of the bypasses will be expedited. Clearly, the designation of Highway 101 bypass as a "high-priority" in the Surface Transportation Act of 1982, and the high percentage of Federal funds which the designation signifies, should be utilized as intended and as expeditiously as possible. The gentleman may rest assured that the Public Works Subcommittee on Surface Transportation will keep these projects under consideration and will seriously examine the need for further congressional action.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Speaker, I want to take this, my first opportunity to address my colleagues of this 100th Congress, to rise in support of H.R. 2, The Surface Transportation and Uniform Relocation Assistance Act of 1987.

There are many provisions of this bill that are of great concern to the people of Iowa and rural America; specifically the elimination of the one-half-percent minimum guarantee for interstate construction, and the proposed change in the Interstate 4R formula. However, these provisions shold not jeopardize the timely passage of the entire package. This may not entirely be the bill we want. It is the bill we need, and we need it by March of this year at the latest.

I know that many of the Members from States in the Northeast, Northwest, and upper-Midwest share my fears that, should Congress prolong its' deliberation of this bill, the 1987 construction season may be lost, which could mean a loss of almost 10,000 jobs in Iowa alone, jobs that are directly related to the estimated $164 million allocated for the State in 1987.

For Iowa and the people of the Sixth District, this would be a serious blow to an already faltering economy suffering from a lack of jobs, a need for economic diversity, and a farm-to-market infrastructure heavily dependent on its' highways and bridges.

I hope the House passes this legislation quickly, I hope the other body passes their legislation quickly. And I hope the conference committee swiftly returns a bill that is equally favorable to both urban and rural America.

Mr. HOWARD. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from New Jersey [Mr. HOWARD], even though he is backing the wrong football team, for yielding.

I want to compliment the gentleman from New Jersey and the gentleman from California for moving this highway bill, because, in all seriousness, it is terribly important to people in Colorado and to people everywhere else.

I also want to say that I am pleased that we are going to at least get hearings to try to correct the 55-mile-per-hour speed limit.

Mr. Speaker, I note that section 128 of H.R. 2 makes provision for the use of native wildflower seeds and seedlings in highway landscaping projects. I commend the committee for including this language and wish to encourage States and municipalities to use not only native flowers but other local flora as well. My particular interest arises from a concern about the use of plants that may be considered more aesthetically pleasing by some planners but in fact take a high toll in water usage, something we in the arid West must keep in mind.

Since 1977, the Colorado Department of Highways has tried to use native or dryland adaptable plants in their landscaping projects. In those projects where irrigation is necessary, the department tries to design irrigation systems that make the most efficient possible use of the water.

I would like to encourage other States and municipalities to keep water conservation in mind when they are planning their landscaping projects for highways and other public projects. Water is such a precious commodity that we must make every effort to use it wisely.

I thank the chairman for this opportunity to discuss this important issue.

Mr. ANDERSON. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Speaker, I thank the gentlewoman from Colorado [Mrs. SCHROEDER] for raising this concern, and I understand that some efforts have been made in Colorado to be more sensitive to water needs in their landscape planning.

I want to congratulate the gentlewoman for the work she is doing.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HOWARD. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. KILDEE). The gentleman from New Jersey [Mr. HOWARD] has 3 minutes remaining.

Mr. HOWARD. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, with the passage of House Resolution 38, we move one step closer to finally releasing the money for highway and mass transit programs.

The leadership of the House and the committee are to be congratulated for bringing this bill to the floor so quickly.

The issue before us is whether or not the Federal Government is committed to maintaining the country's infrastructure.

As a westerner, I share the concern of my colleagues for an increase in the speed limit, but our top priority must be to reauthorize surface transportation programs so that our state governments will be able to begin the bidding and contracting process for the 1987 construction season. Not to mention the fact that over 700,000 jobs nationwide and 2,500 jobs in Oregon will be jeopardized if we do not act.

Since the Public Works Committee will address the 55-mile-per-hour speed limit in March, our attention today should be focused on resuming the flow of highway and transit money to the States. At this point, these programs are in serious trouble and cannot afford any further delays.

In my district alone, over $8 million in Federal-aid highway projects have been delayed by the failure of Congress to approve an authorization. Twelve projects have been put on hold indefinitely, including the highway 101 construction between Sutton Lake and Florence.

I believe that our highway and mass transit programs are the backbone of the Nation. Rural and urban areas alike depend upon our infrastructure, for the safe movement of people and goods. It is imperative that we reauthorize these programs, and I urge my colleagues to support this vital legislation.

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Mr. HOWARD. Mr. Speaker, I yield 1 minute to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Speaker, I thank the chairman of the committee and the members of the committee for their very expeditious consideration of this important bill.

Mr. Speaker, today the heavily populated States are making another attempt to siphon off Federal highway money to the large, less populated rural States. This is, unfortunately, a continuing battle, with my State of Utah, and a good many others, being the losers. I wish we were conducting a more adequate fight today to oppose changes this bill would make in distribution of 4R funds. It is an unwise, unsupportable, and unfair change and I hope the other body will be able to resist this raid and that greater fairness will prevail, in the end, when this bill is finally enacted.

Congress' failure to reauthorize badly needed highway funds to the States left my State, and most other States, very badly in need of funds which this bill authorizes. In Utah, there are 58.3 miles of unfinished interstate highways that desperately need to be constructed. Over 51 percent of the highways and major roads are in need of rehabilitation. Next month, 21 Utah projects valued at $55.4 million, will run out of Federal money, and will gradually come to a halt without these resources.

Because Utah and other such States are in immediate need of these highway funds, we are being pressured to accept changes which are against our best interests. Utah's Transportation Commission advises me to hold my nose and vote for the bill, though we lose half of our interstate 4R funds, and that is an unhappy choice.

I regret that we cannot attempt to amend this bill to fight the formula change nor to fight for the other amendment of great interest in the rural States—the increase of 10 miles per hour in speed limit on federally funded highways. As a result, we are left with a choice between no funds and a bill which does devastating violence to my State's highway funding and that, given the severe stress in funding, is no choice at all. This would be the second change in funding to hurt my State.

This new formula would cut Utah's 4R funding in half—by $21 million. The new formula completely ignores the rural West where we have long expanses of highways which must be protected against harsh environmental conditions if these roads are to be an operable part of the Federal defense system—the reason for the Federal Interstate System in the first place.

The House, in making this change, is totally ignoring the advice of the Federal Highway Administration which concluded that the current formula should not be changed, after studying various proposed formulae, and evaluating how well each would meet the purposes of the highway system. Its report to Congress found that the current formula strongly correlates with the criteria of need, national defense, and national benefit. "No compelling case can be made for changing the formula at this time" the study indicated.

By this bill, the House is attacking the vitality of the Federal Interstate System itself. What good is a highway system that is strong on both coasts but falls apart in the middle?

To add insult to injury, Congress has further ignored the rural Western States by not considering the 65-mile-per-hour speed limit amendment for rural areas. Each State should be able to decide for itself what is best for the State.

The unhappy situation today is that the House can consider neither the formula change nor the 65-mile-per-hour amendment because, it is said, we are in a hurry to get the highway funds out to the States. That is, of course, an argument of convenience. It is said, on the speed limit change, that we should wait for hearings, but, at the same time, the interstate 4R formula is being drastically changed without adequate time for hearings. I just hope our colleagues in the other body do not also ignore the advice of the experts on the true needs of the system in relation to the 4R formula.

Mr. BIAGGI. Mr. Speaker, I rise in full support of H.R. 2, the Surface Transportation Act. This bill is virtually identical to legislation passed overwhelmingly by this body last

August. This bill is desperately needed, since it reauthorizes Federal highway and transit programs, many of which had been put on hold since their authorizations expired on October 1, 1986.

First, I want to commend our leadership for ensuring that this issue received the expeditious treatment it certainly warrants. The simple fact is that with each passing day of inaction on this reauthorization package, vitally needed highway construction and improvement work is being left undone, and thousands of jobs are lost. For example, if we fail to reauthorize these programs by May 1, some 1,500 highway improvement projects slated for this year's construction season will be affected. This represents approximately $2.5 billion in Federal funds, and 138,000 jobs. By acting in a positive fashion today and moving to an early conference with the other body, we can minimize these severe consequences.

My own State of New York faces particularly tough problems ahead if action is not taken quickly. Without the reauthorization of the highway programs by March, New York will face the loss of about $150 million in new projects and more than 4,000 jobs set for this year's construction season.

This legislation would help to address the crucial highway needs of my State by providing New York with annual highway authorizations of over $750 million in fiscal year 1987 through fiscal year 1991. In the vital area of mass transit, which is of special concern to the New York City metropolitan area I represent, this bill would also provide New York with an increase in formula transit funds from over $450 million in fiscal year 1987 to almost $500 million in fiscal year 1991. The State's discretionary transit share would increase from $138 million to $228 million over the same period. Similar rewards will be reaped by States throughout the country.

For example, this measure authorizes $13.6 billion in fiscal year 1987, and approximately $13.9 billion in each subsequent fiscal year through 1991 for highway programs nationwide. It authorizes $3.2 billion in fiscal year 1987 for mass transit programs, and increases that amount to about $4.1 billion in fiscal year 1991.

At this time of particular concern about our Nation's trade deficit and the effect unfair foreign trade practices are having on domestic jobs, I am especially pleased with the bill's buy-America requirements. This legislation prohibits the use of all foreign cement material and foreign-made finished cement in public construction funded under its authority. It also raises the domestic content requirement from 50 percent to 85 percent for transit vehicles acquired under the Urban Mass Transit Act if the contract for such vehicles is signed after January 6, 1987.

Mr. Speaker, I was a strong supporter of this bill last August and, due to the terrible stress any further inaction will place on our Nation's highways and employment situation, my support is even stronger today. I urge my colleagues to join me in voting in favor of this responsible and vital measure.

Mr. ALEXANDER. Mr. Speaker, the Surface Transportation and Uniform Relocation Assistance Act of 1987 is a vital measure that will replenish the Federal Highway Trust Fund and lead to a variety of improvements in the transportation system of America.

The bill authorizes $91.6 billion for fiscal years 1987 through 1991 that will be devoted to such essential projects as improvements for the secondary highway system in rural areas, interstate highway construction, mass transit, bridge repairs, and programs for eliminating hazards in certain areas of the Nation's transportation network.

The measure provides the States with badly needed funding for transportation. It reauthorizes Federal excise taxes on gasoline that are used to support the highway trust fund, and once again makes money from the fund available to State highway departments. Without these funds, the States will face a serious deficiency in funding at a time when the 1987 construction season is approaching.

A particularly beneficial feature of the bill is its authorization for numerous highway safety demonstration projects, which are financed entirely by Federal dollars. One of the demonstration projects is of great interest to the people of Arkansas' First Congressional District: an authorization for overpasses along a hazardous section of the U.S. 63 bypass at Jonesboro. The project is designed to demonstrate how access control can improve safety for the thousands of motorists who travel the road daily.

The major intersections of the U.S. 63 bypass in Jonesboro have been the sites of many serious traffic accidents causing injury and death. To illustrate the imperative need for this project, one can cite the grisly record of accident statistics since the bypass opened in 1971: more than 1,500 accidents, 22 deaths, and more than 650 injuries along the dangerous 10-mile stretch of highway.

The bill would authorize $13.3 million between the current fiscal year and fiscal 1991 for the project, including $2.5 million for the current fiscal year. That is a worthy investment for a project that will lead to a reduction in accidents and the saving of lives.

Another provision of the bill that is of great importance for Arkansas is an authorization for States to use Federal bridge replacement funds to replace the four ferries in Arkansas with bridges. The ferries at Guion, Peel, Spring Bank and Moro Bay, AR, are often unreliable, slow, and dangerous in bad weather.

The ferries often cause motorists to take long detours. For example, the Guion, AR, ferry is often out of service because of fluctuating water levels on the White River, sometimes causing motorists to drive about 40 miles out of their way when the ferry is not operating.

The bill would allow the Arkansas Highway and Transportation Department to use 80 percent Federal funding for replacing the ferries that are antiquated obstacles to efficient transportation in several areas of Arkansas.

Mr. Speaker, I have been deeply interested in developing the Nation's transportation network throughout my years in Congress since my election in 1968. As chairman of the Subcommittee on Family Farms and Rural Development in 1974, I held hearings that were among the first in the history of Congress to examine the interdependence of rural and urban transportation.

Those hearings in 1974 established that an adequate transportation system is essential for economic and cultural development, as well as for the convenience and safety of the American public. Today, we have an opportunity to pass a bill that will lead to essential improvements in America's bridges and highways. This bill is virtually identical to a measure that overwhelmingly passed the House last year, and I vigorously support passage of this vital transportation program.

Mr. BORSKI. Mr. Speaker, I rise to express my strong support for H.R. 2, the Surface Transportation Act. As a member of the Public Works and Transportation Committee, I know how vital the passage of this legislation is to our Nation in funding highway and public transit projects.

Philadelphia has a number of critical highway projects that are being held up by a lack of funding. Passage of this bill will help get these projects moving again. I am especially concerned that this legislation be approved quickly so that these vital projects are not delayed any further. Philadelphia road projects will receive over $178 million in Federal highway funds as a result of approval of this highway and transit bill.

These projects include major reconstruction of sections of Interstate 95 to begin in 1989, $2 million for new signalization on Cottman Avenue, reconstruction and widening of the Woodhaven Road interchange at I-95, and completion of the Vine Street Expressway interchange at I-95.

Mr. Speaker, this legislation will generate jobs for Philadelphia. These construction projects will employ hundreds of men and women in the Delaware Valley. It will be a real boost to our economy.

This bill also authorize funding for mass transit programs for SEPTA. Federal funding accounts for about 6 percent of SEPTA's $554 million operating budget and an estimated 75 percent of SEPTA's capital improvements budget, which is about $100 million annually.

As a Representative from Philadelphia, I am especially pleased that passage of the bill will give a green light to some critical projects in our city. It has been my privilege to have helped to develop this legislation in committee, and I urge the House to give the bill an overwhelming vote.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act. I commend the distinguished gentleman from California [Mr. ANDERSON] for introducing this important piece of legislation and for his persistency in getting this bill before the House today.

Five months ago we considered and adopted by an overwhelming majority the Surface Transportation Act. I voted for the bill then and will do so today without reservation. This bill will continue to appropriate $90 billion for our highway and mass transit programs over the next 5 fiscal years. It is essential that there be an early approval of H.R. 2 to ensure that there will be little delay in the rehabilitation of highways and bridges. The highway programs expired September 30, 1986, when the fiscal year ended, leaving States with little money for construction and repair.

Failure of the 99th Congress to adopt a new Highway Authorization Act may result in much more than a few more potholes or detour signs. This lack of reauthorization could have a severe impact on the economy of the United States, and more importantly to my constituents in the State of New York. Our highway system is essential to the economy not only for the construction jobs it brings but for the continued safe and efficient transportation of our Nation's commerce across our highways and roads. In New York State alone, this delay in appropriations threatens loss of 4,000 construction jobs and potential loss of millions in dollars in Federal highway aid. Recent estimates from the New York State Department of Transportation included a loss of $155 million in highway lettings in just the first State fiscal quarter unless reauthorization is passed and signed into law by the end of March. We cannot wait that long. Any substantial delay will result in many million of dollars more and thousands of additional jobs. New York's loss will not be alone in this recession. A failure to adopt this bill by May 1 could cost 138,000 jobs and $2.3 billion nationwide.

Accordingly, it is imperative that we adopt the appropriations for the highway funding as speedily as possible to prevent severe economic damage to both the economy of our Nation and our individual States. The House and the Senate must put aside their differences in order to expedite this appropriation process. In closing, I urge my colleagues to join me in voting in favor of this long overdue highway bill.

Mr. MURPHY. Mr. Speaker, I rise today in strong support of H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987. This legislation is virtually identical to the bill that passed overwhelmingly last August and early passage in this Congress is necessary to protect hundreds of thousands of jobs on many State highway construction projects that are presently in jeopardy.

One such project is a proposal that I have worked toward for many years. My goal has been to bring up to Federal and State highway standards an essential gap in the highway system from Uniontown, PA, to Morgantown, WV. A section of U.S. 119, along this route, has been bypassed by the modernization of America's highways and remains a winding, unsafe and worn-out road. This modest project will provide a four-lane, 3.5 mile stretch of highway from Chadsville to Fairchance to facilitate the development of industrial sites, transportation of coal and travel by both the people of Pennsylvania and West Virginia.

As we look for ways to address the tremendous trade deficit that is strangling our economy, we should remember that in order for our industries to compete effectively in world markets, our roads and highways must first be competitive. Today, that infrastructure is crumbling and we must do all we can to reverse this situation.

Mr. Speaker, the Chadsville to Fairchance highway project is one example of the effort to address this problem in the highway bill and why it merits our support. In short, passage of H.R. 2 means better highways and a more competitive America.

Mr. MOODY. Mr. Speaker, I want to commend Chairman HOWARD and the leadership of the Public Works Committee for bringing this bill to the House floor at this early date. It's vital that a final highway bill be adopted quickly to ensure that the highway construction season is not further disrupted.

I would, however, like to briefly address one important issue—the fair distribution of motor fuel revenues to the States. In 1982, Congress adopted the 85-percent minimum allocation formula intended to partially compensate donor States, such as Wisconsin, that consistently received back less than they paid into the Federal highway trust fund. Despite the change many States still receive less than their guaranteed 85-percent return.

This inequitable distribution occurs because each year, part of the taxes that are paid into the trust fund are excluded from the base when the 85-percent minimum allocation is calculated. Discretionary programs, demonstration projects and other spending beyond regular apportionments reduce the base and thus the actual allocation for donor States.

Last year when this highway bill was first brought to the floor I offered an amendment to extend the 85-percent minimum allocation formula to a larger base to include discretionary allocations and demonstration projects. Although my proposal was defeated, the Senate passed highway bill included a provision making these changes in calculating the minimum allocation.

The House-Senate conference committee was in the process of reaching a compromise agreement on the minimum allocation issue before Congress adjourned. House conferees are to be commended for their willingness to compromise on this issue. I strongly support efforts to give States a fairer return on their highway tax dollar and once again want to urge members of the conference committee to continue working toward that end.

Mrs. KENNELLY. Mr. Speaker, I rise in support of H.R. 2, the reauthorization of Federal highway and mass transit improvement programs. The leadership of the House and the Public Works Committee should be congratulated for moving so quickly on this issue. It is not a moment too soon. We cannot afford to miss this upcoming construction season.

Connecticut like so many other States is dependent on passage of this bill. For example, the State informs me that if Connecticut does not get Federal-aid funds by February 1, 12 projects worth $11 million will have to be delayed beyond this fiscal year. If a bill is not enacted by May 1, 22 projects worth $29.4 million will miss this year's construction season. There will also be a severe impact on some long-awaited major projects, among them the construction of the new Charter Oak Bridge which is intended to relieve traffic pressures at the I-84/I-91 interchange in downtown Hartford. Now is the time to move on this bill. I ask unanimous consent to insert at the end of my remarks a letter from the Coalition of Northeastern Governors about the costs of delay.

While speed is of the essence, I must also express my concern over H.R. 2's new domestic content requirements for transit buses purchased with the assistance of Federal funds, and I urge the leadership of the committee to pay special attention to the potential effects of this provision in conference. While the goal of encouraging domestically produced buses is extremely important, it would be counterproductive to enact content requirements which cause American workers now building buses to lose their jobs. We should not drastically change the rules of the game on foreign-based companies which have recently set up plants under current requirements, especially if the new requirement means these factories will close their doors and leave workers and suppliers out in the cold. Again, I urge the committee leadership to improve this provision in conference.

COALITION OF NORTHEASTERN GOVERNORS,
December 31, 1986.

Hon. JAMES C. WRIGHT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR SPEAKER WRIGHT: The landmark Surface Transportation Assistance Act of 1982 continued and enhanced the long-standing, highly successful federal-state-local partnership for the implementation of highway and mass transit improvements and services. This Act has been the cornerstone of state and local transportation programs for the past four years and has helped restore and develop the nation's transportation network, thus creating jobs and stimulating commerce and industry. Over the past 22 years, recognizing the critical importance of these programs, Congress has previously reauthorized federal highway and transit programs.

Despite the fact that separate bills were approved overwhelmingly in both the House and Senate, federal highway and transit programs expired on September 30, 1986. As a result, states are suffering increasingly severe shortages in federal-aid to highways, discretionary funding for transit capital projects and resources for transit planning programs, and transportation programs for the disabled and elderly. Congressional inaction is of particular concern to the Northeast, where the short construction season forces states to plan and implement their transportation programs in a short time frame. In addition, a number of Northeastern states have implemented comprehensive infrastructure programs which depend on adequate levels of federal transportation funds. Given this situation, swift passage of a highway bill is both a regional and national priority.

As a result, the Coalition of Northeastern Governors (CONEG) strongly encourages the 100th Congress to make the reauthorization or the Surface Transportation Assistance Act a top priority when it convenes on January 6, 1987.

Sincerely,

Mario M. Cuomo, Chairman; Edward D. DiPrete, Vice-Chairman; William A. O'Neill, Lead Governor for Transportation; Michael S. Dukakis; Madeleine M. Kunin; Thomas H. Kean; Dick Thornburgh; John H. Sununu.

Mr. TALLON. Mr. Speaker, I rise in support of H.R. 2, the Surface Transportation Act. The urgent need for this vital legislation has already been voiced by the States since the last Congress failed to pass a highway bill.

From the beginnings of the Federal-aid Highway Program, the Federal-Aid Road Act of 1916 defined the Federal/State cooperative relationship as one where the States' role was to select, plan design, and construct highway improvements while the Federal role was to review and approve work done with the assistance of Federal funds. This partnership remains in effect today. And, it reiterates the States' frustration in dealing with an uncooperative partner.

Today, we have the opportunity to uphold our end of the bargain by passing this long overdue legislation. In South Carolina, State highway officials have been prepared to obligate nearly $100 million more in fiscal year 1987 than they actually will without enactment of a reauthorization bill. This would cause the delay of many important projects, such as a Florence to Myrtle Beach connector in South Carolina.

This project, which was included in the original report submitted by the Committee on Public Works and Transportation, and the future of other similar projects in South Carolina, depends on the passage of the Federal-aid Highway Act. This project would connect Florence, an important distribution center with two interstate highways, with the Myrtle Beach and Grand Strand areas.

This coastal area—stretching from the North Carolina border southward to the port of Georgetown and containing Horry County, the 13th fastest growing county in the Nation—would require nearly 48 hours for complete evacuation, yet a major hurricane could strike the area with as little as 12 hours notice. The existence of limited evacuation routes adds yet another reason for construction of this connector.

The Florence to Myrtle Beach connector is a vital project, needed for an area suffering downward trends in some traditional economic bases, while experiencing dramatic growth in others. We must take steps now to insure proper access to these areas of growth. This connector can be seen as a lifeline, not just another highway.

This project or other highway projects in South Carolina, however, cannot go forth until the House of Representatives passes the Surface Transportation and Uniform Relocation Assistance Act. Mr. Speaker, I therefore urge passage of this bill.

Mr. DORGAN of North Dakota. Mr. Speaker, I am voting against the surface transportation reauthorization bill (H.R. 2) because it has several provisions that are extremely detrimental to the State of North Dakota and the people of the State who use its roadways.

Although I strongly believe in the need to quickly pass a transportation authorization bill, I am against changes in the formulas by which the States receive a share of the Federal highway trust funds.

These proposed changes are unfair and would hurt many rural States like North Dakota.

The changes in the "4R" formula and elimination of the "one-half of 1 percent" money would cost North Dakota about $33 million a year in lost Federal highway funds.

The new formulas in this bill would unfairly benefit large urban States like New Jersey, California, Texas, and New York at the expense of sparsely populated States like North Dakota. It means that North Dakota's share of the Federal highway funds used to maintain I-29 and I-94 will be cut by 56 percent.

Neighboring States face similar, drastic cuts. South Dakota's 4R money would be cut 57 percent, Montana by 68 percent, and Minnesota by 6 percent.

In addition, about $18 million North Dakota receives annually from Federal highway money used to maintain and build primary and secondary roads, the one-half of 1 percent money would be eliminated.

I want this bill moved quickly so that we don't lose our opportunity to finish out projects during our short construction season, but I don't want this bill passed with this unfair formula.

Mr. FIELDS. Mr. Speaker I rise in strong support of the rapid passage of H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987.

The Federal Highway Program is one of our Nation's prime achievements. Over the past several decades, the Federal-aid Highway Program has resulted in a massive, nearly completed Interstate Highway Program. In addition, Federal highway aid has assisted States in building strong noninterstate highway systems, in bridge construction, in making less dangerous railroad crossings and other worthwhile causes.

A modern Interstate Highway System combined with excellent State highway systems form the backbone of the U.S. transportation network. Without such an excellent system, U.S. commerce would suffer and the American people would find travel difficult.

As my colleagues are all aware, the highway bill which passed the House overwhelmingly last year died in conference. As a consequence, many States are caught with long-range projects ready for construction but no Federal money available.

It is vital that Congress rapidly reauthorize the Surface Transportation Assistance Act before our highway construction program grinds to a halt, H.R. 2 authorizes approximately $60 billion to complete and repair the 42,500 mile Interstate System and for other highway projects. Another $21.1 billion is tagged for mass transportation assistance. My own State of Texas is waiting for the release of approximately $808 million in highway funds.

Highway construction projects involve long-range planning. Delays in releasing anticipated funding affect bids submitted, contracts waiting to be let and other time sensitive procedures. The end result is higher highway construction costs. We cannot afford the inefficiency the delay in releasing Federal highway funds is creating.

I am pleased that the House of Representatives is passing this vital piece of legislation so early in the 100th Congress. I urge all my colleagues to support H.R. 2.

Mrs. COLLINS. Mr. Speaker, I rise in support of H.R. 2, the Surface Transportation Act. This bill is important for a number of reasons. Most importantly, our Nation is still in the midst of an infrastructure rebuilding program. Several years ago, national interest was focused on this pressing problem. We knew then that the crisis, which was years in the making, would be years in the solving.

Failure to move this bill is hurting many constituencies within all Members' districts. The following letter expresses eloquently and specifically the urgency of H.R. 2:

VILLAGE OF MAYWOOD,
Maywood, IL, November 20, 1986.

Hon. Congresswoman CARDISS COLLINS,
Washington, DC.

DEAR CONGRESSWOMAN COLLINS: At the November 18, 1986 Chicago Area Transportation Studies (CATS) Meeting, it was announced that there may be a possibility that our 1987 Faus Programming would be delayed, if approved at all; due to Congress not taking any action on transportation and road matters.

I am writing to express my deepest concern that a new Surface Transportation Assistance Act was not reenacted prior to the adjournment of the 99th Congress. As you know, the mayors from our region were extremely anxious to see a renewed Highway Bill passed this fall. With the strong possibility that a replacement bill might not be passed until early spring of 1987, we face a situation of utmost urgency. Without new legislation, no construction on any FY 1987 Federal-Aid Urban (FAU), Interstate Transfer or future mass transit discretionary program will be possible. This also includes needy transportation programs for the disabled and the elderly.

In view of these serious consequences we are soliciting your help. It now becomes extremely important that passage of this legislation is placed high on the list of priorities when the 100th Congress convenes in January. If swift enactment is not accomplished, we stand to lose an entire construction season. That means a direct loss of $33,000,000 in construction projects from our Greater Chicago Metropolitan area alone, (which includes your Congressional District) not to mention the loss in jobs generated by these funds every month without a bill in place. Listed below are the projects we members of the North Central Region, stand to lose without new authorization.

Fiscal year 1987 projects

*1. Maywood—9th Avenue (stage I)	$415,000
2. North Riverside—(lighting E 2)	20,000
*3. Oak Park—Madison (E 1)	25,000
*4. River Forest—Lathrop (E 1)	5,000
*5. Bellwood—St. Charles (E 2)	120,000
	585,000

MYA projects, fiscal years 1988-90

*1. Maywood—9th Avenue (stage II)	$1,513,000
*2. Oak Park—Madison (RS)	1,300,000
*3. Bellwood—St. Charles (reconstruction)	4,000,000
4. North Riverside—Lighting (construction)	600,000
*5. River Forest—Lathrop (RS)	750,000
	8,163,000

*Community within the 7th Congressional District.

As you can see, we (Maywood in particular, North Central Region Council of Mayors and Managers) face a situation of dire consequences here in the Chicago Metropolitan area. Therefore, we, along with the other mayors and managers from the region, will be contacting you again between now and January to develop a unified strategy that will assist us in achieving our goal of a new Highway Bill. We hope we can count on your much needed support.

Sincerely,

HARLAN D. MAYBERRY,
Village Manager.

Mr. Speaker, as chairwoman of the House Government Operations Subcommittee on Government Activities and Transportation, I have held numerous oversight hearings on programs affected by this bill. I can attest that interruptions in funding hurt programs. They cause waste. They make planning difficult. They cause inefficiencies in the use of Departmental personnel.

I urge adoption of H.R. 2 and a continuation of badly needed transit and highway funding.

Mr. STALLINGS. Mr. Speaker, today, Congress renews its efforts to change the national mandatory 55-miles-per-hour speed limit. I am joining with several of my House colleagues in introducing legislation which will allow States to raise the speed limit to 65 miles per hour on rural interstate highways.

The time has come to change the national speed limit law. Last year, I cosponsored an amendment to the highway bill that failed by only 20 votes. The close vote indicates that the level of public support for the speed limit is eroding.

Most of us have been urged by our constituents to change the speed limit law. I believe the majority of Idahoans favor a higher speed limit in the State. The President and the U.S. Department of Transportation also support our legislative efforts to raise the speed limit.

In 1974, Congress enacted legislation which set the maximum speed limit for all vehicles at 55 miles per hour. The mandatory speed limit was imposed as an emergency fuel conservation measure during the energy crisis of the 1970's. Its main purpose was to encourage Americans to drive less because of the shortage of gas.

It does not make sense to have every highway in the country posted at 55 miles per hour or below. The current law has served its original purpose. Legislative action to give States the authority and flexibility to determine safe speeds on their highways will better reflect today's driving conditions.

The bill introduced today would modify, not repeal, the current 55-miles-per-hour speed limit. The proposal would direct the U.S. Department of Transportation to consult with State Governors and issue regulations to determine which rural interstate highways can safely handle speeds up to 65 miles per hour.

The legislation calls for a 5-year demonstration project during which highway officials could determine the impact which the higher speeds have on highway safety. I do not believe that highway safety would be adversely affected by raising the speed limit.

Speed limit laws should be the responsibility of State and local governments. The federally mandated speed limit of 55 miles per hour is an unnecessary and unreasonable intrusion into States' rights.

States should be given the option of increasing the speed limit to 65 miles per hour on certain rural interstates. Especially in the case of rural States such as Idaho where there are long distances between towns, it is inappropriate for the Federal Government to dictate speed limits.

Adoption of this legislation would also make speed limit laws more enforceable. It would allow State enforcement agencies to operate in a more efficient and effective manner by directing more attention and effort on other safety programs, such as the prevention of drunk driving.

Setting a higher speed limit on rural interstates would allow a majority of motorists to comply with the law while driving at reasonable speeds that take into account road conditions, traffic volumes, and other local factors.

The current law only breeds disrespect for the law. Congress must recognize our country's regional diversity on our highways and adopt a law that reflects our citizens' wishes. By not allowing for differences in driving conditions, the law forces millions of law-abiding people into noncompliance.

A national, uniform speed limit is no longer practical in rural areas. Nationwide, the rate of noncompliance with the national speed limit continues to increase as more and more motorists ignore the current law.

I am confident that the House will support our efforts and pass legislation to raise the current speed limit.

Mr. GALLO. Mr. Speaker, I rise today in strong support of action today by the House to pass H.R. 2, to extend for 5 years our Federal funding authorization for highway and mass transit projects throughout this country.

Timely action by Congress and the President on this bill is absolutely essential to the future of our Federal Highway System.

The key to our future is stable funding so that States and local governments can make the most efficient use of this money through a process of intelligent planning.

In 1983, when I was the Republican leader in the New Jersey General Assembly, we looked around our State and saw a system in disrepair, because we had never created a stable funding source to fund improvements and repairs to our highway and mass transit systems.

The result was the creation of the New Jersey transportation trust fund.

We are fortunate in Congress that we already have the mechanism in place to provide for stable funding in the area of transportation.

But, our mechanism will not work as long as we place roadblocks in the way of stable funding.

I urge my colleagues to put aside our differences so that this money can be delivered to the States in time for the approaching construction season.

This bill, which will bring $355.3 million in Federal money to New Jersey this year, was sidetracked during the 99th Congress over several provisions, including an attempt to raise the national speed limit from 55 to 65 miles per hour.

These are significant policy changes that should receive separate treatment. These questions should be left for another day. This bill is too important to hold it hostage while we debate the merits of changing Federal policy in these other areas.

This bill is good for New Jersey. Without delivery of these funds in the very near future, we face significant delays in our road and mass transit projects in New Jersey.

In the 11th Congressional District, interstates such as 287, 80 and Route 24 need the Federal commitment that this reauthorization ensures.

At a time when New Jersey is working to complete a number of important highway projects which are critical to our State transportation system, this bill provides funds that are an essential element of the State transportation trust fund.

As a member of the House Public Works and Transportation Committee which developed the legislation mandating the 5-year extension of the Federal Surface Transportation Act, I believe that we are cutting off our noses to spite our faces if we allow another construction season to pass without releasing this money to the States.

Because this bill failed to receive final action before the end of the 99th Congress, it is essential that this legislation be placed on a fast track to avoid delays in these critical highway and mass transit projects.

The highway trust fund is based entirely on the user fees on a pay-as-you-go basis. The money collected is then dedicated to the Nation's transportation system.

With 20 percent of our gross national product generated through transportation, we cannot afford to delay this program any further.

The reauthorization of the Surface Transportation Act will allow for the completion of the Interstate Highway System, the continuation of the maintenance and repair of the Federal-Aid Highway System, and the support of our Mass Transit Program.

This important bill addresses the increasing transportation needs of the country. It ensures that progress made on our Nation's transportation systems will continue long into the future.

The bill authorizes $11.6 bilion annually nationwide from the trust fund for completion of the Interstate Highway System, bridge rehabilitation and replacement, and the Interstate Repair Program, as well as other programs. It also authorizes as much as $4.1 bilion annually for mass transit, which includes funding from the penny-a-gallon gas tax for the Discretionary Capital Program.

The issue today is clear. Do we want to put the taxpayers' hard-earned dollars to work for their benefit? Or, will we continue to delay, knowing that our constituents have paid for a service, but have not received that service?

I urge support for this bill so that we can get with the work we have come here to do.

Mr. McMILLEN of Maryland. Mr. Speaker, I rise in strong support of H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Transportation plays a critical role in the economic well-being of our country. The public desperately needs and deserves new transportation facilities, as well as revitalized roads, highways, and bridges. The delay of the Federal-aid programs authorized by this legislation will have serious long-term implications both in terms of employment and the mobility on which every industry and individual depends. Moreover, the public's safety may be jeopardized if highway repairs and improvements go unattended for lack of funding.

Congressional delay in reauthorizing the Federal-Aid Highway Program will have a disastrous effect on Maryland's overall highway program. Maryland will delay Federal projects on a month-by-month basis until the passage of the act. If the bill is not enacted by March 1, 1987, six projects totaling $35.8 million will be delayed beyond October 1, 1987. If such legislation is not passed by April 1, 1987, 12 projects valued at $90.7 million will be delayed.

Projects will not be started in time to take advantage of the full 1987 construction season. Contractors' schedules and resources will be disrupted, jobs may be lost, and construction costs will increase. In Maryland, these delays will affect many reconstruction programs, including segments of I-270, Maryland 214, the U.S. 50-Maryland 410 interchange and the entire Interstate Resurfacing Program.

We must pass the Surface Transportation and Uniform Relocation Assistance Act of 1987, and without further delay. By considering this legislation in the second week of the 100th Congress, Congress has demonstrated the critical importance of this bill. I wholeheartedly support this measure.

Mr. HASTERT. Mr. Speaker, I rise today in full support of H.R. 2, the highway reauthorization bill and urge its prompt passage. As a new member of the House Committee on Public Works and Transportation and representing the 14th District of Illinois, I want to echo the sentiments being expressed about the vital importance of this piece of legislation.

Not only has Illinois been hit particularly hard because of its relatively low balance of left-over Federal highway funds from prior years, but highway projects in the 14th District have been jeopardized by the delay in enactment of a reauthorization bill. Illinois Route 71, which runs through LaSalle County in my district, is scheduled to be widened and resurfaced—a project estimated to cost $2 million. In addition, unless swift passage of the highway reauthorization bill takes place, the timely completion of Route 51 between Oglesby and Bloomington-Normal will be adversely affected. Failure to enact an authorization bill by April 1 means that drastic cutbacks in the remaining fiscal year 1987 Illinois Highway Programs will have to be made.

Already this month, Illinois has been forced to reduce the size of planned highway projects from $110 million to $49 million. In turn, the economy of the State has suffered because each highway construction job generates at least two other jobs as the demand and ability to pay for manufactured goods and services increase. This considerably weakens the momentum of Illinois' reviving economy.

At stake in Illinois is approximately $450 million in anticipated fiscal year 1987 Federal highway and safety construction funding. I commend my colleagues who have worked so hard on this legislation and urge you to join me in giving full support to this crucial bill.

Mr. GALLEGLY. Mr. Speaker, I rise today in strong support of H.R. 2, the Surface Transportation and Uniform Relocations Act of 1987. This bill authorizes approximately $60 billion for highway construction, $1.5 billion for Highway Safety Programs, and $21.2 billion for mass transportation for fiscal years 1987–91. Swift passage of this legislation is urgently needed to assure uninterrupted Federal investment in our Nation's highway and mass transit infrastructure.

In my own State of California, passage of this bill would clear the way for the release of $1.1 billion in Federal Highway Programs in fiscal year 1987 and a comparable amount in fiscal year 1988. Conversely, any delay in the passage of this bill will delay over $500 million of State and local road construction in California. These project delays could result in the temporary loss of 22,000 full-time jobs and could add $50 million to the cost of these projects.

In the 21st district, which I am privileged to serve, $5.5 million in urgently needed road construction and improvement projects would be delayed if this bill is not passed expeditiously.

Despite my strong support for this bill, I must also express on the record my serious concerns with certain specific language authorizing $880 million from fiscal years 1987–91, for the Los Angeles metro rail subway project. Although I have been a long-time supporter of public rail transit programs as a way to alleviate the extreme traffic congestion in the Los Angeles basin, I am concerned that this particular subway project is not a cost-effective method of dealing with the critical mass transit needs of Los Angeles. Before construction of this project has even started, the cost has escalated from $1.1 billion for an 18.6-mile system, to an estimated cost of $1.25 billion for only 4.4 miles. At between $242 million and $185 million per mile, depending on how much of the system is eventually built, the Los Angeles Subway System will be the most expensive subway project in history. The average of all other heavy rail systems is $61.9 million per mile.

Furthermore, while we are authorizing millions of dollars for this system, the final route has yet to be determined. I am extremely concerned that my constituents in the San Fernando Valley, who have contributed to this project through local, State, and Federal taxes, may never see the metro rail reach the San Fernando Valley, which suffers from some of the worst traffic congestion in the Los Angeles area. Again, my support for H.R. 2 is strong but my opposition to this specific project must be noted.

Mr. TOWNS. Mr. Speaker, I was very pleased to see that my colleagues adopted the rule providing for consideration of H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987.

The Nation urgently needs this legislation. Many States and cities are running out of highway and transit funds and have had to delay or cancel projects. For example, New York City is interested in a number of provisions in H.R. 2. Maintaining the authorization levels for the interstate substitute and the mass transit trade-in is of critical importance to New York transportation planning for 1987. The city is also interested in bus regulatory reform; the right-of-way payback and the apportionment rollover as wells retaining the antiapartheid provision.

The House successfully passed this legislation last year by a 10 to 1 margin after an initial conference with the Senate. Regretably, this strategy was the only one available to the committee to ensure prompt action on the highway bill. Our action today paves the way for a quick response by the Senate and, hopefully, a Federal highway bill before the end of February.

Mrs. LLOYD. Mr. Speaker, I rise to pledge my support for the maintenance and growth of our great highway system today by urging my colleague to vote for H.R. 2 without amendments. Although I have supported raising the speed limit on rural interstates to 65 miles per hour, I think that it is imperative that we renew Federal funding to highway building programs as soon as possible in order to avoid further delays and increased construction costs. My honorable colleague JAMES J. HOWARD, chairman of the Public Works Committee, has promised that he will hold hearings on the issue of raising the speed limit, and I thank him for drawing attention to this important question.

We have succeeded in creating one of the greatest transportation networks in the world through our Federal highway program, and I am proud to work for the maintenance and expansion of that system. I urge my colleagues to expedite passage of this crucial legislation.

Mr. SCHUETTE. Mr. Speaker, we have before us today the bill H.R. 2, commonly known as the highway bill. Our States urgently await the funding for highway and transportation projects this bill will provide. My State, Michigan, stands to lose close to $200 million if Congress fails to approve this bill.

As an original cosponsor of H.R. 2, I realize that it has shortcomings. Although this bill is not perfect, as no legislation ever is, it is vitally important to States, localities, industries, employees, and travelers across the Nation that we act responsibly and pass this bill swiftly.

Failure to act quickly will cause even further hardship for States and localities who are already behind in yearly planning due to congressional delays. If we further delay the passage of this bill, numerous projects will come to a halt, thus increasing unemployment rates across the country.

This bill is vitally important to States, localities throughout the Nation because economic development and job creation are dependent on a safe, reliable and extensive road system. Infrastructure is indeed key to economic development, and for this reason, Congress must continue its strong commitment to maintaining our highway systems, nationwide.

I stand in firm support of H.R. 2, and I hope my colleagues from all the States will do the same.

Mr. CRAIG. Mr. Speaker, today we will vote on one of the most important pieces of legislation we will consider this year: the Surface Transportation and Uniform Relocation Act of 1987. The future of our Nation's highways—the extent to which they will be constructed and repaired—rests with this bill. While I recognize the urgent need to pass this legislation to allow States to plan for the 1987 construction season, I believe that for Idaho and other rural and western States, quick passage will come at a high price. Two issues are of specific concern to me; the change in the formula 4R funding and the failure of the Rules Committee to allow an amendment to permit States to raise the speed limit on rural interstate highways to 65 miles per hour.

The House Public Works and Transportation Committee last year reported H.R. 3129 with language that would change the formula for apportioning interstate 4R funds to the States. The current formula apportions 55 percent of the funds on the basis of interstate land miles within the State and 45 percent on the basis of interstate vehicle miles traveled, with no State receiving less than one-half of 1 percent of the amounts apportioned among the States. The new formula would apportion 50 percent of the funds on the basis of interstate vehicle miles traveled, 25 percent on the basis of gasoline consumption and 25 percent on the basis of diesel fuel consumption. Now in the 100th Congress, the principal consponsors of H.R. 3129 have again introduced the highway bill (H.R. 2) with the same language included.

If the new formula were to be implemented, 29 States would lose valuable highway funding. In Idaho, 4R funding would be reduced by 55 percent; in Alaska, 58 percent; Wyoming, 63 percent; Utah, 45 percent; Montana, 68 percent; Nevada, 45 percent; South Dakota, 57 percent, and Vermont, 54 percent, to cite just a few examples. To say this is only a maneuver to truly reflect need is a falsehood. With these drastic changes in funding, the only logical conclusion is that the safety of the highways will be jeopardized.

Although gas and diesel consumption in Idaho is not as high as in more populated States, the need for interstate highway reconstruction and rehabilitation is quite often more severe. Idaho, like other Western States, suffers severe seasonal changes that cause millions of dollars in damage. This, added to normal automobile travel and especially high farm and commercial truck use, could result in potential danger to highway users.

On the economic side, Idaho is increasingly dependent on its natural beauty to lure travelers to our State. Tourism is fast becoming Idaho's No. 1 industry, and our limited airline and passenger train service causes our highways to be heavily traveled. Idaho's interstate and State highways are already in less-than-adequate condition. Thus a 55-percent loss in 4R funds would not only threaten safety, but hurt Idaho's already struggling economy.

Because there is such a pressing need to pass the Surface Transportation Act, I would urge my colleagues to support the bill. But I also would ask Members to withhold their support from a final conference report that contains this unfair language.

Last fall, during debate on H.R. 3129, the Surface Transportation Act, the House considered an amendment to permit the States to raise the national speed limit to 65 miles per hour on rural interstate highways.

Unfortunately, that amendment failed. It failed, though, by only 20 votes—which was one of the closest votes ever taken on this issue by this body and, I believe, a true indication of existing and growing support for the concept of allowing States to once again determine their own speed limits.

If momentum had begun to weaken on this issue rather than gain strength, I could understand the Rules Committee's reluctance to allow another vote on the 65-miles-per-hour amendment. But neither the momentum—nor the need—to consider this question has waned.

There are many reasons why we should allow the States to once again determine their own speed limits—especially in the open stretches of interstate. None of these reasons, however, is more important than relieving the States of the nearly impossible task of enforcing the 55-miles-per-hour speed limit in rural areas. In this situation, the limit of 55 becomes a catch-22: For many, the limit is a question of safety. But, of a State's recources cannot be stretched thin enough to enforce the limit in its less congested areas, it will lose valuable highway funding—and this only serves to threaten the safety of the highways and those who travel on them.

Mr. KYL. Mr. Speaker, today the House is considering the highway authorization bill, H.R. 2. While I support this legislation because it releases trust fund moneys and ensures the efficient use of those funds for construction, I am disappointed that we cannot, at the same time, repeal the onerous 55-mile-per-hour speed limit and offer other amendments to the bill.

The highway bill is widely supported and will be passed early in the session. It offers the simplest and most expeditious way to deal with the speed limit issue. We could get the Federal Government out of the business of setting speed limits and put that responsibility back where it belongs, at the State level.

Out West, in areas where there are long distances to travel on well-designed highways and where there is little congestion, it makes no sense to impose a 55-mile-per-hour speed limit from Washington, DC. If State authorities determine that the roads can accommodate higher speeds, they should be allowed to raise the speed limit as they wish.

I have cosponsored other legislation to restore to the States the right to set speed limits on the highways within their jurisdictions. I hope we will have the opportunity to vote on that bill later this year. I oppose the rule to deny the House an opportunity to consider this and other important issues in connection with the highway bill today.

Mr. HOPKINS. Mr. Speaker, I rise today in support of this legislation.

Although I am not in complete agreement with every single provision, I feel strongly that Congress owes the traveling public, and every State and local government in the Union, prompt and favorable consideration of this bill to avert serious disruptions in literally thousands of transportation projects across the country.

The irony is that virtually identical legislation was overwhelmingly approved by this House last August, only to die in conference amid controversy over peripheral issues.

We must not allow this to happen again.

The issue before us today is the authority to fund our Nation's highway programs.

All other issues in this bill are secondary; our primary obligation is to give it prompt approval and get our transportation system moving forward again.

Toward that goal and both the short- and long-term interest of the traveling public, I want to take just a moment to discuss the political games that are being played with America's transportation trust funds.

Current law—with sound reason—says that the tax dollars in the trust funds cannot be used for any purpose other than for transportation programs.

The truth, however, is that both the executive and legislative branches of the Federal Government hold the funds of these programs hostage in a deceptive game of budgetary illusion.

The truth is that transportation trust funds represent a tempting and easy target for those who are more interested in budget wizardry than the fiscal well-being of this Nation.

Through sleight of hand, these funds are used annually to artificially support the revenue side of the budget equation.

By impounding these funds at the expense of needed road and other transportation projects, the budget makers and the budget breakers are able to juggle the books so that general revenue appears to be higher than it really is and the Federal deficit is lower than we know it to be.

This practice does not accomplish anything.

It only hides fiscal realities from the American taxpayer, and it does lasting damage to the Nation's transportation infrastructure.

The time has come to stop playing these harmful and deceitful games and to start putting trust back into the transportation trust funds.

Toward a solution, we are currently crafting legislation which will take trust funds off the Federal budget and adjust the Gramm-Rudman targets accordingly.

I hope we can offer this legislation to you soon to stop this deceptive and damaging practice.

I urge my colleagues to take a necessary first step today toward clearing our transportation logjam by passing the bill before us; and I invite you to subsequently join us in support of the more lasting solutions I have suggested.

Mr. HOWARD. Mr. Speaker, I have no further requests for time, and I yield back the remainder of my time.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI], chairman of the Committee on Ways and Means for 10 minutes, to be followed by the gentleman from Tennessee [Mr. DUNCAN], ranking minority member of the Committee on Ways and Means for 10 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987. H.R. 2 provides authorizations from the highway trust fund for fiscal years 1987-91.

The Committee on Ways and Means is aware that the antideficit provisions governing trust fund authorizations required reductions in highway spending commitments beginning on October 1, 1986, since action was not taken to provide further funding before the adjournment of the 99th Congress.

The committee believes that continued funding for the building and maintenance of our Nation's highway system is an important national objective.

Therefore, on January 6, 1987, the Committee on Ways and Means favorably reported an amendment to H.R. 2, which extends the highway trust fund, including the mass transit account, and the highway-related taxes which support the fund. This revenue amendment has been added as title V to the bill as introduced by the Committee on Public Works and Transportation.

Title 5 extends the present law highway trust fund excise taxes, and the authority to spend from the trust fund, for 5 years through September 30, 1993. The highway trust fund would be updated to reflect the new authorizations in H.R. 2, including highway beautification and university transportation research centers.

Title 5 also contains two technical amendments related to the retail excise tax on certain trucks and trailers.

In order to continue the necessary funding for support of our Nation's highways, I urge my colleagues to support H.R. 2.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN] for 10 minutes.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join my colleague, Chairman DAN ROSTENKOWSKI, in urging the adoption of the revenue title of H.R. 2, which provides a 5-year extension of highway trust fund authorizations.

H.R. 2 is virtually identical to H.R. 3192, a bill that passed the house during the 99th Congress by a vote of 345 to 34. Had it not been for the heavy legislative schedule in the waning days of the Congress, the bill now before us would have been enacted last year.

The revenue title in H.R. 2, which is significantly unchanged for the revenue title in H.R. 3192, provides more specifically for a 5-year extension of the current highway excise taxes and highway trust fund.

The Committee on Ways and Means approved the revenue title by voice vote. I am not aware of any substantial opposition to the legislation, and I urge my colleagues to vote for this continued funding and maintenance of our Nation's highway system.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I have no request for time, and I yield back the balance of my time.

The text of the bill is as follows:

H.R. 2

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Surface Transportation and Uniform Relocation Assistance Act of 1987".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Secretary defined.

TITLE I—FEDERAL-AID HIGHWAY ACT OF 1987

Sec. 101. Short title.
Sec. 102. Approval of interstate cost estimate and extension of interstate program.
Sec. 103. Approval of cost estimate and authorization of appropriations for Interstate substitute projects.
Sec. 104. Authorizations of appropriations for Interstate System construction.
Sec. 105. Obligation ceiling.
Sec. 106. Authorization of appropriations.
Sec. 107. Interstate 4R and primary formulas.
Sec. 108. Elimination of roadside obstacles.
Sec. 109. Contracting for engineering and design services.
Sec. 110. Limitations concerning South Africa on awards of contracts.
Sec. 111. Standardized contract clause concerning site conditions.
Sec. 112. Convict produced materials.
Sec. 113. Signs identifying funding sources.
Sec. 114. Advanced construction.
Sec. 115. Interstate discretionary funds.
Sec. 116. Flexibility of use of highway funds.
Sec. 117. Interstate 4R program.
Sec. 118. Federal share.
Sec. 119. Emergency relief.
Sec. 120. Tank trucks.
Sec. 121. Extension of tolls to finance certain ineligible construction expenses.
Sec. 122. Highway beautification.
Sec. 123. Bridge program.
Sec. 124. Minimum allocation.
Sec. 125. National bridge inspection program.
Sec. 126. Income from airspace rights-of-way.
Sec. 127. Strategic highway research program.
Sec. 128. Planting of native wildflowers.
Sec. 129. Highway technical amendments.
Sec. 130. Buy America.
Sec. 131. Implementation of certain orders.
Sec. 132. Project eligibility.
Sec. 133. Eligibility of park and ride facilities.
Sec. 134. Planning, design, and construction.
Sec. 135. Transfer of interstate lanes.
Sec. 136. Modification of interstate transfer concept plans.
Sec. 137. Payback of right-of-way expenses.
Sec. 138. Expenditure of Federal highway funds in Virgin Islands.
Sec. 139. Exemption from right-of-way restriction.
Sec. 140. Donation of lands.
Sec. 141. Shirley Highway traffic restrictions.
Sec. 142. Railroad relocation demonstration program.
Sec. 143. Maintenance of certain railroad-highway crossings.
Sec. 144. Demonstration projects.
Sec. 145. Cumberland Gap National Historical Park, Virginia.
Sec. 146. Delaware River bridges.
Sec. 147. Highway designation.
Sec. 148. Bridge naming.
Sec. 149. Study of apportionment formulas.
Sec. 150. Bridge formula study.
Sec. 151. Study of highway bridges which cross rail lines.
Sec. 152. Parking for handicapped persons.
Sec. 153. Feasibility study of using highway electrification systems.
Sec. 154. Cost effectiveness study of highway upgrading.
Sec. 155. Bridge management study.
Sec. 156. State maintenance program study.
Sec. 157. Highway feasibility study.
Sec. 158. California feasibility study.
Sec. 159. New York feasibility study.
Sec. 160. Limitation on widening certain routes through historic district.
Sec. 161. Urban high density program.
Sec. 162. Ferry boat service.

TITLE II—HIGHWAY SAFETY ACT OF 1987

Sec. 201. Short title.
Sec. 202. Highway safety.
Sec. 203. 55 mph speed limit.
Sec. 204. Alcohol traffic safety programs.
Sec. 205. School bus safety measures.
Sec. 206. Standards for splash and spray suppressant devices.
Sec. 207. Use of certain reports as evidence.
Sec. 208. Emergency call boxes.
Sec. 209. Railroad-highway crossings authorizations.
Sec. 210. National driver registration amendments.
Sec. 211. Highway safety program amendments.
Sec. 212. Highway safety education and information.
Sec. 213. Railroad-highway crossing needs.
Sec. 214. Older driver study.
Sec. 215. Rescission of contract authority.

TITLE III—FEDERAL MASS TRANSPORTATION ACT OF 1987

Sec. 301. Short title.
Sec. 302. Letters of intent; multi-year contracts.
Sec. 303. Approval of funding levels and allocations of funds.
Sec. 304. Advance construction.
Sec. 305. Criteria for new starts.
Sec. 306. Authorization of appropriations for substitute projects.
Sec. 307. Rates for elderly and handicapped persons.
Sec. 308. Long-term financial planning.
Sec. 309. Block grant program amendments.
Sec. 310. University transportation centers.
Sec. 311. Sole source procurements.
Sec. 312. Contracting for engineering and design services.
Sec. 313. Limitations concerning South Africa on awards of contracts.
Sec. 314. Bus remanufacturing and overhauling of rolling stock.
Sec. 315. Limitation on private enterprise participation.
Sec. 316. Bus testing.
Sec. 317. Preaward and postdelivery audit of bus purchases.
Sec. 318. Protection of private contracting rights.

Sec. 319. Federal share for elderly and handicapped projects.
Sec. 320. Authorization for appropriations.
Sec. 321. Construction management oversight.
Sec. 322. Bicycle facilities.
Sec. 323. Transit technical amendments.
Sec. 324. Multi-year contract for metro rail project.
Sec. 325. Multi-year contract for transit bridge lanes.
Sec. 326. Increased operating assistance during construction of interstate project.
Sec. 327. Feasibility study.
Sec. 328. Feasibility study of abandoned trolley service.
Sec. 329. Comprehensive transit plan for the Virgin Islands.
Sec. 330. Bus carrier certificates for recipients of governmental assistance.
Sec. 331. Utilization requirement for certificates authorizing intrastate bus operations.

TITLE IV—UNIFORM RELOCATION ACT AMENDMENTS OF 1987

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Certification.
Sec. 404. Declaration of findings and policy.
Sec. 405. Moving and related expenses.
Sec. 406. Replacement housing for homeowner.
Sec. 407. Replacement housing for tenants and certain others.
Sec. 408. Relocation planning, assistance coordination, and advisory services.
Sec. 409. Housing replacement by Federal agency as last resort.
Sec. 410. Assurances.
Sec. 411. Federal share of costs.
Sec. 412. Duties of lead agency; salvage operation.
Sec. 413. Payments under other laws.
Sec. 414. Transfer of surplus property.
Sec. 415. Repeals.
Sec. 416. Uniform policy on real property acquisition practices.
Sec. 417. Assurances.
Sec. 418. Effective date.

SEC. 2. SECRETARY DEFINED.

As used in this Act, the term "Secretary" means the Secretary of Transportation.

TITLE I—FEDERAL-AID HIGHWAY ACT OF 1987

SEC. 101. SHORT TITLE.

This title may be cited as the "Federal-Aid Highway Act of 1987".

SEC. 102. APPROVAL OF INTERSTATE COST ESTIMATE AND EXTENSION OF INTERSTATE PROGRAM.

(a) FISCAL YEAR 1988.—The Secretary shall apportion for fiscal year 1988 the sums authorized to be appropriated for such year by section 108(b) of the Federal-Aid Highway Act of 1956 for expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee print numbered 100-1 of the Committee on Public Works and Transportation of the House of Representatives.

(b) EXTENSION OF INTERSTATE PROGRAM THROUGH FISCAL YEAR 1993.—

(1) EXTENSION OF ICE APPROVAL PROCESS.—Section 104(b)(5)(A) of title 23, United States Code, is amended by inserting after "September 30, 1990." the following: "The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1989. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal years 1991, 1992, and 1993.".

(2) CONFORMING AMENDMENT.—The second paragraph of section 101(b) of such title is amended (A) by striking out "thirty-four years'" and inserting in lieu thereof "thirty-seven years' ", and (B) by striking out "1990" and inserting in lieu thereof "1993".

SEC. 103. APPROVAL OF COST ESTIMATE AND AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SUBSTITUTE PROJECTS.

(a) FISCAL YEAR 1987.—The Secretary shall apportion for fiscal year 1987 the sums to be apportioned for such year under section 103(e)(4) of title 23, United States Code, for expenditure on substitute highway and transit projects, using the apportionment factors contained in the committee print numbered 100-2 of the Committee on Public Works and Transportation of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS; PERIOD OF AVAILABILITY OF APPORTIONED FUNDS; EXTENSION OF SUBSTITUTE ICE APPROVAL PROCESS.—Section 103(e)(4) of title 23, United States Code, is amended to read as follows:

"(4) INTERSTATE SUBSTITUTE PROGRAM.—

"(A) WITHDRAWAL OF APPROVAL.—Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System which was selected and approved in accordance with this title, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by the route or portion thereof.

"(B) SUBSTITUTE PROJECTS.—When the Secretary withdraws his approval under this paragraph, a sum equal to the Federal share of the cost to complete the withdrawn route or portion thereof, as that cost is included in the latest Interstate System cost estimate approved by Congress, or up to and including the 1983 interstate cost estimate, whichever is earlier, subject to increase or decrease, as determined by the Secretary based on changes in construction costs of the withdrawn route or portion thereof as of the date of approval of each substitute project under this paragraph, or the date of approval of the 1983 interstate cost estimate, whichever is earlier, shall be available to the Secretary to incur obligations for the Federal share of either public mass transit projects involving the construction of fixed rail facilities or the purchase of passenger equipment including rolling stock, for any mode of mass transit, or both, or projects authorized under any highway assistance program under this section; or both, which will serve the area or areas from which the interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the area or areas to be served, and which are selected by the Governor or the Governors of the State or the States in which the withdrawn route was located if the withdrawn route was not within an urbanized area or did not pass through and connect urbanized areas, and which are submitted by the Governors of the States in which the withdrawn route was located.

"(C) DEADLINE FOR APPROVAL AND WITHDRAWAL.—Substitute projects under this paragraph may not be approved by the Secretary under this paragraph after September 30, 1983, and the Secretary shall not approve any withdrawal of a route under this paragraph after such date; except that (i) with respect to any route which on the date of the enactment of the Federal-Aid Highway Act of 1978 was under judicial injunction prohibiting its construction, the Secretary may approve substitute projects and withdrawals on such route until September 30, 1986; and (ii) with respect to any route which on May 12, 1982, was under judicial injunction prohibiting its construction, the Secretary may approve substitute projects and withdrawals on such route until September 30, 1985.

"(D) PROJECT APPROVAL; FEDERAL SHARE.—Approval by the Secretary of the plans, specifications, and estimates for a substitute project shall be deemed to be a contractual obligation of the Federal Government. The Federal share of each substitute project shall not exceed 85 percent of the cost thereof.

"(E) AVAILABILITY OF FUNDS FOR SUBSTITUTE PROJECTS.—

"(i) TIME PERIOD.—The sums apportioned and the sums allocated under this paragraph for public mass transit projects shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for the three succeeding fiscal years. The sums apportioned and the sums allocated under this paragraph for projects under any highway assistance program shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for the three succeeding fiscal years.

"(ii) REAPPORTIONMENT.—Any sums which are apportioned or allocated to a State for a fiscal year and are unobligated (other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a substitute project which has been submitted by the State to the Secretary for approval) at the end of the second fiscal year succeeding such fiscal year shall be apportioned or allocated, as the case may be, among those States which have obligated all sums (other than such an amount) apportioned or allocated, as the case may be, to them for such second succeeding fiscal year. Such reapportionments shall be in accordance with the latest approved estimate of the cost of completing substitute projects, and such reallocations shall be at the discretion of the Secretary.

"(F) ADMINISTRATION OF TRANSIT FUNDS.—The sums obligated for mass transit projects under this paragraph shall become part of, and be administered through, the Urban Mass Transportation Fund.

"(G) AUTHORIZATION OF APPROPRIATIONS FOR HIGHWAY PROJECTS.—For the fiscal year ending September 30, 1983, $257,000,000 shall be available out of the Highway Trust Fund for expenditure at the discretion of the Secretary for projects under highway assistance programs. There shall be available, out of the Highway Trust Fund (other than the Mass Transit Account), to the Secretary for expenditure under this paragraph for projects under highway assistance programs $700,000,000 per fiscal year for each of fiscal years 1984 and 1985, $693,825,000 for fiscal year 1986, and $825,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

"(H) DISTRIBUTION OF SUBSTITUTE HIGHWAY FUNDS.—

"(i) Between discretionary and apportioned programs.—Twenty-five percent of the funds made available by subparagraph (G) for each of fiscal years 1984, 1985, 1986, 1987, 1988, 1989, 1990, and 1991 for substitute highway projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining 75 percent of such funds shall be apportioned in accordance with cost estimates approved by Congress.

"(ii) FY 1984 apportionment.—The Secretary shall make an estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of enactment of the Highway Improvement Act of 1982. Upon approval of such cost estimate by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for fiscal year 1984.

"(iii) FY 1985, 1986, and 1987 apportionments.—The Secretary shall make a revised estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1984, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for fiscal years 1985, 1986, and 1987.

"(iv) FY 1988, 1989, 1990, and 1991 apportionments.—The Secretary shall make a revised estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of the enactment of the Federal-Aid Highway Act of 1987. Upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for fiscal year 1988. Subject to changes in State estimates in the division of funds between substitute highway and transit projects, subject to amounts made available in prior fiscal years, and subject to the availability and reapportionment of funds under subparagraph (E), the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for fiscal years 1989, 1990, and 1991.

"(I) Authorization of appropriations for transit projects.—There are authorized to be appropriated for liquidation of obligations incurred for substitute transit projects under this paragraph the sums provided in section 4(g) of the Urban Mass Transportation Act of 1964.

"(J) Distribution of substitute transit funds.—

"(i) Between discretionary and apportioned programs.—Fifty percent of the funds appropriated for each fiscal year beginning after September 30, 1983, for carrying out substitute transit projects under this paragraph shall be distributed at the discretion of the Secretary. The remaining 50 percent of such funds shall be apportioned in accordance with cost estimates approved by Congress.

"(ii) FY 1984 apportionment.—The Secretary shall make an estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of the enactment of the Highway Improvement Act of 1982. Upon approval of such cost estimate by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for fiscal year 1984.

"(iii) FY 1985, 1986, and 1987 apportionments.—The Secretary shall make a revised estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1984, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for fiscal years 1985, 1986, and 1987.

"(iv) FY 1988, 1989, 1990, and 1991 apportionments.—The Secretary shall make a revised estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives as soon as practicable after the date of the enactment of the Federal-Aid Highway Act of 1987. Upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for fiscal year 1988. Subject to changes in State estimates in the division of funds between substitute highway and transit projects, subject to amounts made available in prior fiscal years, and subject to the availability and reapportionment of funds under subparagraph (E), the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for fiscal years 1989, 1990, and 1991.

"(K) Reduction of interstate apportionment.—

"(i) In general.—Unobligated apportionments for the Interstate System in any State where a withdrawal is approved under this paragraph shall, on the date of such approval, be reduced in the proportion that the Federal share of the cost of the withdrawn route or portion thereof bears to the Federal share of the total cost of all interstate routes in that State as reflected in the latest cost estimate approved by the Congress.

"(ii) Exception.—In any State where the withdrawal of an interstate route or portion thereof has been approved under this section prior to the date of the enactment of the Federal-Aid Highway Act of 1976, the unobligated apportionments for the Interstate System in that State on such date of enactment shall be reduced in the proportion that the Federal share of the cost to complete such route or portion thereof, as shown in the latest cost estimate approved by Congress prior to such approval of withdrawal, bears to the Federal share of the cost of all interstate routes in that State, as shown in such cost estimate; except that the amount of such proportional reduction shall be credited with the amount of any reduction in such State's Interstate apportionment which was attributable to the Federal share of any substitute project approved under this paragraph prior to such date of enactment.

"(L) Applicability of UMTA.—

"(i) Supplementary funds.—Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964.

"(ii) Labor protection.—The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964 shall apply in carrying out this paragraph.

"(M) Limitation on interstate designations.—After the date of the enactment of the Federal-Aid Highway Act of 1978, the Secretary may not designate any mileage as part of the Interstate System pursuant to this paragraph or under any other provision of law. The preceding sentence shall not apply to a designation made under section 139 of this title.

"(N) Open to traffic requirement.—After September 30, 1979, the Secretary shall not withdraw his approval under this paragraph of any route or portion thereof on the Interstate System open to traffic before the date of the proposed withdrawal. Any withdrawal of approval of any such route or portion thereof before September 30, 1979, is hereby determined to be authorized by this paragraph.

"(O) Limitation on substitution for statutorily designated routes.—Any route or segment which was statutorily designated after March 7, 1978, to be on the Interstate System shall not be eligible for withdrawal or substitution under this subsection.".

(c) Additional Amount for Substitute Transit Projects.—

(1) Authorization.—In addition to the total amount available to the Secretary under section 103(e)(4)(B) of title 23, United States Code, there is authorized to be appropriated to the Secretary for fiscal years beginning after September 30, 1986, $100,000,000 to incur obligations under such section for the Federal share of either public mass transit projects, or the purchase of passenger equipment, described in such section.

(2) Limitation on obligations.—Any funds appropriated pursuant to paragraph (1) may only be obligated for projects substituted for any segment of an interstate route the approval of which is withdrawn under section 103(e)(4) of such title before January 1, 1986.

(3) Apportionment factors.—Notwithstanding section 103(e)(4) of such title, funds appropriated pursuant to paragraph (1) shall be made available in accordance with the apportionment factors contained in the committee print numbered 100-2 of the Committee on Public Works and Transportation of the House of Representatives.

(d) Contract Deadline for Substitute Projects.—

(1) Elimination.—Subsection (e) of section 107 of the Federal-Aid Highway Act of 1978 (23 U.S.C. 103 note) is amended—

(A) in the first sentence by striking out "and all Interstate substitute projects pursuant to subsection (e)(4) of section 103 of title 23, United States Code (for which the Secretary finds that sufficient Federal funds are available)"; and

(B) in the second sentence by striking out "and in the case" and all that follows through the period at the end of such subsection and inserting in lieu thereof a period.

(2) Effective date.—The amendments made by paragraph (1) shall take effect September 29, 1986.

(e) Inclusion of Certain Costs as Non-Federal Share.—If the State of Oregon completes construction of a segment of an east-west highway which segment connects 158th Avenue and Cornelius Pass Road in Washington County, Oregon, with funds made available under section 103(e)(4) of title 23, United States Code, the Secretary shall include as part of the non-Federal share of the cost of construction of such segment all funds expended by private land developers after January 1, 1980, on construction of such segment.

(f) Conforming Amendments.—(1) Section 103(e) of title 23, United States Code, is amended—

(A) by inserting "Interstate System.—" before "(1) The Interstate";

(B) in paragraph (1) by inserting "Designation; mileage limitation.—" before "The Interstate";

(C) in paragraph (2) by inserting "Modifications.—" before "In addition";

(D) in paragraph (3) by inserting "Additional mileage for improved efficiency.—" before "In addition";

(E) in paragraph (5) by inserting "Limitation on refunds for withdrawals before November 6, 1978.—" before "Notwithstanding" and by striking out "; and" at the end of such paragraph and inserting in lieu thereof a period;

(F) in paragraph (6) by inserting "Limitation on refunds for withdrawals on and after November 6, 1978.—" before "Notwithstanding" and by striking out the semicolon at the end of such paragraph and inserting in lieu thereof a period;

(G) in paragraph (7) by inserting "Additional limitation on refunds.—" before "In any" and by striking out "; and" at the end of such paragraph and inserting in lieu thereof a period;

(H) in paragraph (8) by inserting "Protection of property rights.—" before "Nothing";

(I) in paragraph (9) by inserting "Limitation on funding of modified mileage projects.—" before "Interstate mileage";

(J) by indenting paragraph (1) and aligning such paragraph and paragraphs (2), (3), (5), (6), (7), (8), and (9) with paragraph (4) of such section, as amended by subsection (b) of this section; and

(K) by aligning subparagraphs (A) and (B) of paragraphs (5) and (6) with subparagraph (A) of such paragraph (4).

(2) Section 107(c)(2) of the Highway Improvement Act of 1982 (23 U.S.C. 103 note) is amended—

(A) by striking out "the second sentence" and inserting in lieu thereof "subparagraph (B)"; and

(B) by striking out "such sentence" and inserting in lieu thereof "such subparagraph".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM CONSTRUCTION.

The first sentence of subsection (b) of section 108 of the Federal-Aid Highway Act of 1956 is amended by striking out "and" after "September 30, 1987," and all that follows through the period at the end of such sentence and inserting in lieu thereof the following: ", the additional sum of $3,000,000,000 for the fiscal year ending September 30, 1988, the additional sum of $3,300,000,000 for the fiscal year ending September 30, 1989, the additional sum of $3,300,000,000 for the fiscal year ending September 30, 1990, the additional sum of $3,300,000,000 for the fiscal year ending September 30, 1991, the additional sum of $3,300,000,000 for the fiscal year ending September 30, 1992, and the additional sum of $2,000,000,000 for the fiscal year ending September 30, 1993.".

SEC. 105. OBLIGATION CEILING.

(a) General Limitation.—Notwithstanding any other provision of law (other than subsection (f) of this section), the total of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) $12,600,000,000 for fiscal year 1988;

(2) $12,600,000,000 for fiscal year 1989;

(3) $12,600,000,000 for fiscal year 1990; and

(4) $12,600,000,000 for fiscal year 1991.

(b) Exceptions.—The limitations under subsection (a) shall not apply to obligations—

(1) under section 125 of title 23, United States Code;

(2) under section 157 of such title;

(3) under section 320 of such title;

(4) under section 147 of the Surface Transportation Assistance Act of 1978;

(5) under section 9 of the Federal-Aid Highway Act of 1981;

(6) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;

(7) under section 118 of the National Visitor Center Facilities Act of 1968;

(8) under section 163(p)(2) of the Federal-Aid Highway Act of 1973;

(9) under section 404 of the Surface Transportation Assistance Act of 1982; and

(10) under sections 143, 144, 150, 153, 154, and 158 of this Act.

No obligation constraints shall be placed upon any ongoing emergency project carried out under section 125 of title 23, United States Code, or section 147 of the Surface Transportation Assistance Act of 1978.

(c) Distribution of Obligation Authority.—For each of fiscal years 1988, 1989, 1990, and 1991 the Secretary shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(d) Limitation on Obligation Authority.—During the period October 1 through December 31 of each of fiscal years 1988, 1989, 1990, and 1991, no State shall obligate more than 35 percent of the amount distributed to such State under subsection (c) for such fiscal year, and the total of all State obligations during such period shall not exceed 25 percent of the total amount distributed to all States under such subsection for such fiscal year.

(e) Redistribution of Unused Obligation Authority.—Notwithstanding subsections (c) and (d), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1 of each of fiscal years 1988, 1989, 1990, and 1991, revise a distribution of the funds made available under subsection (c) for such fiscal year if a State will not obligate the amount distributed during such fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during such fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by the Surface Transportation Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

(3) not distribute amounts authorized for administrative expenses and Federal lands highways programs.

(f) Additional Obligation Authority.—

(1) In general.—Subject to paragraph (2), a State which after August 1 and on or before September 30 of fiscal year 1988, 1989, 1990, or 1991 obligates the amount distributed to such State in such fiscal year under subsections (c) and (e) may obligate for Federal-aid highways and highway safety construction on or before September 30 of such fiscal year an additional amount not to exceed 10 percent of the aggregate amount of funds apportioned or allocated to such State—

(A) under sections 104, 144, and 152 of title 23, United States Code,

(B) for highway assistance projects under section 103(e)(4) of such title, and

(C) under section 203 of the Highway Safety Act of 1973,

which are not obligated on the date such State completes obligation of the amount so distributed.

(2) Limitation on additional obligation authority.—During the period August 2 through September 30 of each of fiscal years 1988, 1989, 1990, and 1991, the aggregate amount which may be obligated by all States pursuant to paragraph (1) shall not exceed 5 percent of the aggregate amount of funds apportioned or allocated to all States—

(A) under sections 104, 144, and 152 of title 23, United States Code,

(B) for highway assistance projects under section 103(e)(4) of such title, and

(C) under section 203 of the Highway Safety Act of 1973,

which would not be obligated in such fiscal year if the total amount of obligational authority provided by subsection (a) for such fiscal year were utilized.

(3) Limitation on applicability.—Paragraph (1) shall not apply to any State which on or after August 1 of fiscal year 1988, 1989, 1990, or 1991, as the case may be, has the amount distributed to such State under subsection (c) for such fiscal year reduced under subsection (e)(2).

(g) Conforming Amendment.—Section 157(b) of title 23, United States Code, is amended by striking out the period at the end of the last sentence and inserting in lieu thereof "and section 105(c) of the Federal-Aid Highway Act of 1987.".

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

(a) From the Highway Trust Fund.—For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) Interstate 4R program.—For resurfacing, restoring, rehabilitating, and reconstructing the National System of Interstate and Defense Highways $2,830,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, 1991, and 1992.

(2) Federal-aid primary system.—For the Federal-aid primary system in rural areas, including the extensions of the Federal-aid primary system in urban areas, and the priority primary routes $2,305,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(3) Federal-aid secondary system.—For the Federal-aid secondary system in rural areas $600,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(4) Federal-aid urban system.—For the Federal-aid urban system $750,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(5) Indian reservation roads.—For Indian reservation roads $90,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(6) Forest highways.—For forest highways $57,500,000 per fiscal year for each of fiscal years 1987 and 1988, $57,185,000 per fiscal year for each of fiscal years 1989 and 1990, and $60,000,000 for fiscal year 1991.

(7) Public lands highways.—For public lands highways $20,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(b) Parkways and Park Highways.—

(1) In general.—For the purpose of carrying out the provisions of title 23, United States Code, there is hereby authorized to be appropriated for parkways and park highways $45,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(2) Payment of cost.—The entire cost of any parkway or park highway on any Federal-aid system paid under the authorization contained in this subsection shall be paid from the Highway Trust Fund (other than the Mass Transit Account).

(c) Disadvantaged Business Enterprises.—

(1) General rule.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts authorized to be appropriated under this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. The term "socially and economically disadvantaged individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. section 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(2) Annual listing of disadvantaged business enterprises.—Each State shall annually survey and compile a list of the small business concerns referred to in paragraph (1) and the location of such concerns in the State.

SEC. 107. INTERSTATE 4R AND PRIMARY FORMULAS.

(a) Revision of 4R Formula.—Section 104(b)(5)(B) of title 23, United States Code, is amended to read as follows:

"(B) For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System:

"50 percent in the ratio that vehicle miles traveled on lanes on the interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such vehicle miles in all States; 25 percent in the ratio that gasoline used by motor vehicles on highways in such State bears to the total of gasoline used by motor vehicles on highways in all States; and 25 percent in the ratio that diesel fuel used by motor vehicles on highways in such State bears to the total of diesel fuel used by motor vehicles on highways in all States. The Secretary shall establish such rules and regulations as may be necessary to carry out this subparagraph.".

(b) Extension of Primary Formula.—Section 108 of the Highway Improvement Act of 1982 (23 U.S.C. 104 note) is amended by striking out "and 1986" each place it appears and inserting in lieu thereof "1986, 1987, 1988, 1989, 1990, and 1991".

SEC. 108. ELIMINATION OF ROADSIDE OBSTACLES.

The second undesignated paragraph of section 101(a) of title 23, United States Code, relating to the definition of construction, is amended by inserting after "grade crossings," the following: "elimination of roadside obstacles,".

SEC. 109. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

(a) In General.—Section 112(b) of title 23, United States Code, is amended by striking out "Construction" and inserting in lieu thereof "(1) In general.—Subject to paragraphs (2) and (3), construction" and by adding at the end thereof the following new paragraph:

"(2) Contracting for engineering and design services.—Each contract for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services with respect to a project subject to the provisions of subsection (a) of this section shall be awarded in the same manner as a contract for architectural and engineering services is negotiated under title IX of the Federal Property and Administrative Services Act of 1949 or equivalent State qualifications-based requirements.".

(b) Conforming Amendments.—Such section is further amended—

(1) by inserting "Bidding Requirements.—" after "(b)"; and

(2) by indenting paragraph (1), as designated by subsection (a) of this section, and aligning such paragraph with paragraph (2), as added by such subsection.

SEC. 110. LIMITATIONS CONCERNING SOUTH AFRICA ON AWARDS OF CONTRACTS.

Section 112(b) of title 23, United States Code, is further amended by adding at the end thereof the following new paragraph:

"(3) Limitations concerning South Africa on awards of contracts.—A State or local governmental body that is a recipient of Federal funds under this title may prohibit or otherwise limit the award of contracts by including in its contracts terms and conditions related to the contractor's business in South Africa in accordance with a State or local law if the State or local governmental body first enters into an agreement with the Secretary that any costs incurred as a result of such prohibition or limitation which are in excess of the costs that would otherwise have been incurred with respect to such project under this title will not, for purposes of this title, be considered to be a cost of such project.".

SEC. 111. STANDARDIZED CONTRACT CLAUSE CONCERNING SITE CONDITIONS.

Section 112 of title 23, United States Code, is amended by redesignating subsection (e), and any references thereto, as subsection (f), and by inserting after subsection (d) the following new subsection:

"(e) Standardized Contract Clause Concerning Site Conditions.—The Secretary shall issue regulations establishing and requiring, for inclusion in each contract entered into with respect to any project approved under section 106 of this title—

"(1) a standardized contract clause concerning each of the following conditions:

"(A) site conditions differing from those specified in the contract;

"(B) suspensions of work ordered by the State (other than a suspension of work caused by the fault of the contractor or by weather); and

"(C) material changes in the scope of work specified in the contract; and

"(2) equitable adjustment of contract terms to take into account such conditions.".

SEC. 112. CONVICT PRODUCED MATERIALS.

(a) In General.—Subsection (b) of section 114 of title 23, United States Code, is amended to read as follows:

"(b) Convict Labor and Convict Produced Materials.—

"(1) Limitation on convict labor.—Convict labor shall not be used in construction of highways or portions of highways located on a Federal-aid system unless it is labor performed by convicts who are on parole, supervised release, or probation.

"(2) Limitation on convict produced materials.—Materials produced by convict labor may only be used in such construction—

"(A) if such materials are produced by convicts who are on parole, supervised release, or probation from a prison; or

"(B) if such materials are produced by convicts in a qualified prison facility and the amount of such materials produced in such facility for use in such construction during any 12-month period does not exceed the amount of such materials produced in such facility for use in such construction during the 12-month period ending July 1, 1985.

"(3) Qualified prison facility defined.—As used in this subsection, 'qualified prison facility' means any prison facility in which convicts, during the 12-month period ending July 1, 1985, produced materials for use in construction of highways or portions of highways located on a Federal-aid system.".

(b) Conforming Amendments.—(1) Subsection (a) of such section is amended by inserting "Construction Work In General.—" before "The construction of".

(2) Section 202 of the Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriation Act, 1985 is hereby repealed.

(3) Section 1761(d) of title 18, United States Code, is hereby repealed.

SEC. 113. SIGNS IDENTIFYING FUNDING SOURCES.

Section 114(a) of title 23, United States Code, is further amended by adding at the end thereof the following new sentence: "If a State has a practice of erecting on projects under actual construction without Federal-aid highway assistance signs which indicate the source or sources of any funds used to carry out such projects, such State shall erect on all projects under actual construction with any funds made available out of the Highway Trust Fund signs which are visible to highway users and which indicate each governmental source of funds being used to carry out such federally assisted projects and the amount of funds being made available by each such source.".

SEC. 114. ADVANCED CONSTRUCTION.

(a) Limitation.—Paragraph (2) of section 115(a) of title 23, United States Code, is amended to read as follows:

"(2) Limitation.—The aggregate amount of funds which the Secretary is authorized to pay to a State with respect to highway substitute projects, projects on a Federal-aid system, or bridge projects under applications approved under this section shall not, at any time during a fiscal year, exceed an amount equal to—

"(A) two times the aggregate amount of funds apportioned or allocated to the State for expenditure under section 103(e)(4), 104, or 144 of this title, as the case may be, in such fiscal year; plus

"(B) the aggregate amount of funds apportioned or allocated to the State for expenditure under such section which, on the last day of the preceding fiscal year, have not been obligated and remain available for obligation by such State; plus

"(C) the aggregate amount which the Secretary determines, by using the most recent apportionment or allocation factors, would be apportioned or allocated to the State for expenditure under such section in each succeeding fiscal year for which funds are authorized to be appropriated to carry out such section; less

"(D) the aggregate amount of funds apportioned or allocated to the State for expenditure under such section which have been obligated in such fiscal year.".

(b) Primary System Projects.—

(1) In general.—Section 115(b)(1) of such title, is amended—

(A) by inserting before "Interstate System" each place it appears "Federal-aid primary or"; and

(B) by inserting after "Interstate System" the second place it appears ", as the case may be".

(2) Exemption of funds.—Section 115(a)(1) of such title is amended—

(A) by inserting "and Federal-aid primary funds" after "Interstate funds"; and

(B) by inserting "or a Federal-aid primary system project funded under section 104(b)(1) of this title or section 108 of the Highway Improvement Act of 1982" after "104(b)(5) of this title".

(c) Removal of Limitation on Bond Interest.—Section 115(b)(2) of such title is amended by striking out "under construction on January 1, 1983, on the Interstate System" and inserting in lieu thereof "constructed before, on, or after January 1, 1983, on the Federal-aid primary or Interstate System".

(d) Conforming Amendments.—Section 115 of such title is amended—

(1) in subsection (a) by inserting "Authorization of Payment.—" after "(a)";

(2) in subsection (a)(1) by striking out "When" and inserting in lieu thereof "Requirements.—Subject to paragraph (2), when";

(3) in subsection (a) by indenting paragraph (1) and aligning such paragraph with paragraph (2), as amended by subsection (a) of this section;

(4) in subsection (a)(1) by aligning subparagraphs (A) and (B) with subparagraphs (A), (B), (C), and (D) of such paragraph (2); and

(5) in subsection (b)(1) by striking out "When" and inserting in lieu thereof "Subject to subsection (a)(2), when".

SEC. 115. INTERSTATE DISCRETIONARY FUNDS.

(a) Construction Funds; Additional Priority Project.—Paragraph (2) of section 118(b) of title 23, United States Code, is amended to read as follows:

"(2) Interstate construction funds.—

"(A) Period of availability.—Except as otherwise provided in this subsection, sums apportioned for the Interstate System in any State shall remain available for expenditure in that State until the end of the fiscal year for which authorized. Upon request of the State, the Secretary shall reduce the period of availability of such sums by one fiscal year.

"(B) Discretionary projects.—Sums not obligated within the time period prescribed by subparagraph (A) shall lapse and be made available by the Secretary for projects on the Interstate System (other than projects for which sums are apportioned under section 104(b)(5)(B)) in accordance with the following priorities:

"(i) First, for—

"(I) high cost projects which directly contribute to the completion of a segment of the Interstate System which is not open to traffic; and

"(II) high cost projects for construction of high occupancy vehicle lanes and other lanes on any highway in Los Angeles County, California, designated as a part of the Interstate System by section 140 of the Federal-Aid Highway Act of 1978 and the costs of construction of which are included in the interstate cost estimate for 1985.

"(ii) Second, for projects of high cost in relation to a State's apportionment.

"(iii) Third, for projects with respect to which the Secretary may make payments under section 115 of this title.

"(C) Limitation on states eligible for discretionary funds.—Sums may only be made available under this paragraph in any State in a fiscal year if—

"(i)(I) the Secretary determines that the State has obligated all of its apportionments under section 104(b)(5)(A) of this title other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project on the Interstate System which has been submitted by the State to the Secretary for approval; or

"(II) the State certifies to the Secretary that the State will obligate before August 1 of the fiscal year all of its apportionments under section 104(b)(5)(A) other than such an insufficient amount; and

"(ii) the applicant for a project with respect to which the Secretary may not make payments under section 115 of this title is willing and able to—

"(I) apply the funds to a ready-to-commence project, and

"(II) in the case of construction work, begin work within 90 days of obligation.

"(D) Exception to limitation.—The Secretary may make funds available to the State of California for construction of high occupancy vehicle and other lanes described in subparagraph (B)(i)(II) whether or not such State has met the requirements of clause (i) of subparagraph (C).

"(E) Limitation on secretary's discretion.—If, within 365 days after any sums become available for obligation under this paragraph, the Secretary does not make such sums available for first priority projects under subparagraph (B)(i) of this paragraph, the Secretary shall make such sums available for carrying out second and third priority projects under subparagraph (B) of this paragraph.

"(F) Period of availability of discretionary funds.—Sums made available pursuant to this paragraph shall remain available until expended.".

(b) Set Aside of 4R Funds for 4R Discretionary Projects.—Section 118(c) of such title is amended by inserting "Set Asides for Interstate Discretionary Projects.—" after "(c)", by inserting "(1) Set aside for construction projects.—" before "Before", and by adding at the end thereof the following new paragraph:

"(2) Set aside for 4r projects.—Before any apportionment is made under section 104(b)(5)(B) of this title, the Secretary shall set aside $200,000,000 for obligation by the Secretary in accordance with subsection (b)(3) of this section.".

(c) Limitations on States and Projects Eligible for 4R Discretionary Funds.—Paragraph (3) of section 118(b) of such title is amended to read as follows:

"(3) Interstate 4r funds.—

"(A) Period of availability.—Any amount apportioned to a State for the Interstate System under section 104(b)(5)(B) of this title shall continue to be available for expenditure in that State for a period of one year after the close of the fiscal year for which such sums are authorized.

"(B) Discretionary projects.—Sums not obligated within the time period prescribed by subparagraph (A) shall lapse and be made available by the Secretary for projects for resurfacing, restoring, rehabilitating, and reconstructing any route or portion thereof on the Interstate System (other than any highway designated as a part of the Interstate System under section 139 and any toll road on the Interstate System not subject to an agreement under section 105 of the Federal-Aid Highway Act of 1978). Such funds shall be made available by the Secretary to any other State applying for such funds, if the Secretary determines that—

"(i) the State has obligated all of its apportionments under section 104(b)(5)(B) other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a project for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System which has been submitted by such State to the Secretary for approval; and

"(ii) the applicant is willing and able to (I) obligate the funds within one year of the date the funds are made available, (II) apply them to a ready-to-commence project, and (III) in the case of construction work, begin work within 90 days of obligation.

"(C) Priority consideration for certain projects.—In selecting projects to fund under subparagraph (B), the Secretary shall give priority consideration to any project the cost of which exceeds $10,000,000 on any high volume route in an urban area or a high truck-volume route in a rural area.

"(D) Factors to consider in selection of recipients.—In selecting States to receive funds under subparagraph (B) in a fiscal year, the Secretary shall—

"(i) consider whether a State has obligated in such fiscal year and the two preceding fiscal years any funds apportioned to the State under section 104(b)(5)(B) of this title (other than funds transferred by the State under section 119(f)(2)) for projects on a segment of the Interstate System designated under section 139(b) of this title and, if so, the amount of such funds;

"(ii) not consider whether a State has transferred funds under section 119(f)(2) of this title in such fiscal year and the two preceding fiscal years; and

"(iii) not consider whether a State has obligated in such fiscal year and two preceding fiscal years any funds apportioned under section 104(b)(5)(B) of this title for projects on a segment of the Interstate System designated under section 139(a) of this title.

"(E) Period of availability of discretionary funds.—Sums made available pursuant to this paragraph shall remain available until expended.".

(d) Conforming Amendments.—(1) The matter preceding the first colon in section

104(b) of such title is amended by inserting after "subsection (a) of this section" the following: "and the set asides authorized by subsection (f) of this section and sections 118(c) and 307(d) of this title".

(2) Section 118(b) of such title is amended—

(A) in paragraph (1) by inserting "PERIODS OF AVAILABILITY OF FUNDS; DISCRETIONARY PROJECTS.—" before "(1)";

(B) in paragraph (1) by inserting "PERIOD OF AVAILABILITY OF NON-INTERSTATE FUNDS.—" before "Sums";

(C) in paragraph (4) by inserting "OBLIGATION AS EQUIVALENT TO EXPENDITURES; EFFECT OF RELEASE OF FUNDS.—" before "Sums"; and

(D) by indenting paragraph (1) and aligning such paragraph and paragraph (4) with paragraph (2), as amended by subsection (a) of this section.

(3) Section 118(c) of such title is further amended by indenting paragraph (1), as designated by subsection (b) of this section, and aligning such paragraph with paragraph (2), as added by such subsection (b).

(e) TREATMENT OF UNUSED RIGHT-OF-WAY.—Section 118(b) of title 23, United States Code, is amended by adding at the end the following:

"(5) TREATMENT OF UNUSED RIGHT-OF-WAY.—Notwithstanding any other provision of law, the value of unused right-of-way acquired under section 104(b)(5)(A) or section 118(b)(2) of this title in the State of Arizona may be credited to the unobligated balance of funds apportioned to the State under section 104(b)(5)(B) if requested by the State and approved by the Secretary.".

SEC. 116. FLEXIBILITY OF USE OF HIGHWAY FUNDS.

Section 118(f) of title 23, United States Code (relating to availability of sums apportioned to the State of Alaska), is amended by inserting "and the Commonwealth of Puerto Rico" after "the State of Alaska".

SEC. 117. INTERSTATE 4R PROGRAM.

(a) IN GENERAL.—Section 119 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

"(e) TOLL ROAD AGREEMENTS.—The Secretary may approve a project pursuant to subsection (a) on a toll road only if an agreement satisfactory to the Secretary has been reached with the State highway department and each public authority with jurisdiction over such toll road prior to the approval of such project that the toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against it, and the cost of maintenance and operation and debt service during the period of toll collections. Such agreement shall contain a provision requiring that if, for any reason, a toll road receiving Federal assistance under this section does not become free to the public upon collection of sufficient tolls as specified in the first sentence of this subsection, Federal funds used for projects on such toll road pursuant to this subsection shall be repaid to the Federal Treasury. Any agreement entered into under section 105 of the Federal-Aid Highway Act of 1978 before the date of the enactment of this subsection shall be treated as an agreement entered into under this subsection.

"(f) TRANSFER OF FUNDS FOR PRIMARY SYSTEM PROJECTS.—

"(1) UPON CERTIFICATION ACCEPTANCE.—If a State certifies to the Secretary that any part of the sums apportioned to the State under 104(b)(5)(B) of this title are in excess of the needs of the State for resurfacing, restoring, rehabilitating, or reconstructing Interstate System routes and the Secretary accepts such certification, the State may transfer such excess part to its apportionment under section 104(b)(1).

"(2) UNCONDITIONAL.—Notwithstanding paragraph (1), a State may transfer to its apportionment under section 104(b)(1) of this title—

"(A) in fiscal year 1987, an amount not to exceed 20 percent of the funds apportioned to the State under section 104(b)(5)(B) which are not obligated at the time of the transfer; and

"(B) in any fiscal year thereafter, an amount equal to 20 percent of the funds apportioned to the State under section 104(b)(5)(B) for such fiscal year.

The Federal share for a project carried out with funds transferred under this paragraph shall be that set forth in section 120(c) of this title, except that the Federal share for a project on a priority primary route designated in the committee print referred to in section 120(k) shall be that set forth in section 120(k).".

(b) CONFORMING AMENDMENTS.—(1) Section 119(a) of such title is amended by striking out "section 105 of the Federal-Aid Highway Act of 1978" and inserting in lieu thereof "subsection (e)".

(2) Section 105 of the Federal-Aid Highway Act of 1978 is amended by striking out all that follows the first sentence.

SEC. 118. FEDERAL SHARE.

(a) CERTAIN HIGHWAY SAFETY CONSTRUCTION PROJECTS.—Section 120(d) of title 23, United States Code, is amended by inserting after "vanpooling" the following: "or for installation of traffic signs, highway lights, guardrails, or impact attenuators".

(b) PRIORITY PRIMARY PROJECTS.—Section 120 of such title is amended by redesignating the second subsection (i) and subsections (j) and (k) (and any reference thereto) as subsections (j), (k), and (l), respectively, and in subsection (k) as so redesignated by striking out "97-61" and inserting in lieu thereof "100-3".

(c) GREAT RIVER ROAD.—Section 120 of such title is amended—

(1) in subsection (k), as redesignated by subsection (b), by striking out ", 148, and 155," and inserting in lieu thereof "and 155"; and

(2) by adding at the end thereof the following new subsection:

"(m) GREAT RIVER ROAD PROJECTS.—Notwithstanding any other provision of this section, this title, or any other law, in any case where a State elects to use funds apportioned to it for any Federal-aid system for any project under section 148 of this title, the Federal share payable on account of such project shall be 95 percent of the cost thereof; except that if a State requests that the Federal share payable on account of such project be a percentage of the cost of such project which is less than 95 percent but not less than 75 percent, such percentage shall be the Federal share payable on account of such project.".

(d) INCENTIVE PROGRAM FOR THE USE OF COAL ASH.—

(1) CONGRESSIONAL FINDINGS.—The Congress hereby finds and declares (A) that it is in the national interest to encourage and promote utilization by the States of materials which are produced from coal ash in highway and bridge construction projects under title 23, United States Code, and (B) that the use of such materials in such projects conserves energy, encourages resource recovery, and reduces the cost of such projects.

(2) INCREASED FEDERAL SHARE.—Notwithstanding sections 119, 120, and 144 of title 23, United States Code, in each of fiscal years 1987, 1988, 1989, 1990, and 1991, the percentage specified in such sections as the Federal share of the cost payable on account of any highway or bridge construction project in which materials produced from coal ash are used in significant amounts shall be increased by adding 5 percent to such percentage; except that in no case shall the Federal share payable on account of any project exceed 95 percent of the cost of such project as a result of increasing such Federal share under this subsection.

SEC. 119. EMERGENCY RELIEF.

(a) OBLIGATION CEILING.—Section 125(b) of title 23, United States Code, is amended by striking out "$30,000,000" and all that follows through "1985) in any State." and inserting in lieu thereof "$50,000,000 ($55,000,000 with respect to natural disasters and catastrophic failures occurring in calendar year 1985 or $100,000,000 with respect to natural disasters and catastrophic failures occurring in calendar year 1986) in any State.".

(b) TERRITORIES.—

(1) TREATED AS STATES.—Section 125 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) TREATMENT OF TERRITORIES.—For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.".

(2) LIMITATION ON OBLIGATIONS.—The first sentence of subsection (b) of such section 125 is amended by inserting "(1)" before "obligations" and by inserting before the period at the end the following: ", and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not exceed $5,000,000".

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect April 15, 1983.

(c) ELIGIBLE PROJECT.—A project to repair or reconstruct any portion of an interstate route in the vicinity of Salt Lake City, Utah, which was damaged by flooding of the Great Salt Lake that occurred in 1983 shall be eligible for assistance under section 125 of title 23, United States Code, and the Secretary is authorized to reimburse, with funds made available under such section, the State of Utah for any work carried out on such project. Funds reimbursed to such State pursuant to this subsection shall be treated as if such funds are apportioned to such State under section 104(b)(5)(B) of title 23, United States Code.

SEC. 120. TANK TRUCKS.

(a) EXCEPTION TO GENERAL VEHICLE WEIGHT RULE.—The second sentence of subsection (a) of section 127 of title 23, United States Code (relating to vehicle weight limitations for the Interstate system), is amended—

(1) by inserting "(1)" before "is thirty-six feet or more";

(2) by inserting after "thirty-six feet or more" the following: ", or (2) in the case of a motor vehicle hauling any tank trailer, dump trailer) or ocean transport container

before September 1, 1988, is 30 feet or more; and

(3) by inserting after "except in the case of the overall gross weight of any group of two or more consecutive axles" the following: "on any vehicle (other than a vehicle comprised of a motor vehicle hauling any tank trailer or ocean transport container or dump trailer on or after September 1, 1988)".

(b) Ocean Transport Container Defined.—Such section 127 is amended by adding at the end thereof the following new subsection:

"(c) Ocean Transport Container Defined.—For purposes of this section, the term 'ocean transport container' has the meaning given the term 'freight container' by the International Standards Organization in Series 1, Freight Containers, 3rd Edition (reference number IS0668-1979(E)) as in effect on the date of the enactment of this subsection.".

(c) Conforming Amendments.—Such section is further amended—

(1) in subsection (a) by inserting "In General.—" before "No funds"; and

(2) in subsection (b) by inserting "Reasonable Access.—" before "No State".

SEC. 121. EXTENSION OF TOLLS TO FINANCE CERTAIN INELIGIBLE CONSTRUCTION EXPENSES.

(a) In General.—Section 129(e) of title 23, United States Code, is amended by striking out the semicolon at the end of paragraph (1) and inserting in lieu thereof the following: ", except for such indebtedness as may be incurred to finance any cost associated with a feature of the project on the toll road in which the Secretary does not permit Federal participation with funds apportioned under section 104(b)(5)(A) of this title and which is recommended to be included as a part of the project by the final environmental impact statement with respect to such project;".

(b) Conforming Amendments.—Such section is further amended—

(1) in paragraph (2) by inserting "(A)" after "applied to", by inserting "(i)" after "only", and by striking out "toll road and" and inserting in lieu thereof "toll road, (ii) any indebtedness incurred to finance any cost of such a feature, and (iii) any funds advanced by the State to finance any cost of such a feature, and (B)"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof "and repay all such indebtedness and funds advanced.".

SEC. 122. HIGHWAY BEAUTIFICATION.

(a) New Program.—

(1) General rules.—Section 131 of title 23, United States Code, as amended by subsections (b) and (c) of this section, is amended by striking out subsections (a) through (q) and inserting in lieu thereof the following:

"(a) Findings.—The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the Federal-aid primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

"(b) Reduction in Apportionments.—Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the Federal-aid primary system of outdoor advertising signs, displays, and devices which are within 660 feet of the nearest edge of the right-of-way and visible from the main traveled way of such system, and Federal-aid highway funds apportioned on or after January 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the Federal-aid primary system of those additional outdoor advertising signs, displays, and devices which are more than 660 feet off the nearest edge of the right-of-way, located outside of urban areas, visible from the main traveled way of such system, and erected with the purpose of their message being read from such main traveled way shall be reduced by such amount as the Secretary determines appropriate but not less than 5 percent, and not more than 10 percent, of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control. Any amount which is withheld from apportionment to any State under this subsection shall be reapportioned to the other States.

"(c) Effective Control.—

"(1) General rule.—Effective control means that such signs, displays, or devices after January 1, 1968, if located within 660 feet of the right-of-way, and on or after July 1, 1975, or after expiration of the next regular session of the State legislature, whichever is later, if located beyond 660 feet of the right-of-way, located outside of urban areas, visible from the main traveled way of such system, and erected with the purpose of their message being read from such main traveled way, shall, pursuant to this section, be limited to—

"(A) directional and official signs and notices which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary under this section, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section;

"(B) signs, displays, and devices advertising the sale or lease of property upon which they are located;

"(C) signs, displays, and devices, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which they are located;

"(D) signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of this section;

"(E) signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on the Interstate System or the Federal-aid primary system; and

"(F) temporary or seasonal signs, displays, and devices advertising locations at which consumers may harvest and purchase agricultural commodities from farmers producing such commodities which signs, displays, and devices do not exceed 150 square feet. For the purposes of this subsection, the term 'free coffee' shall include coffee for which a donation may be made, but is not required.

"(2) Annual inventory.—As part of effective control, each State shall maintain an annual inventory of all outdoor advertising signs, displays, and devices required to be controlled pursuant to this section. Such inventory shall identify all such signs which are illegal, which are nonconforming, and which are conforming under State law. An inventory shall not be required in States which the Secretary determines have a permit and enforcement system which requires a permit for all lawful signs required to be controlled by this section and has the capability of promptly identifying all unlawful signs.

"(3) Removal date.—As part of effective control, each State shall assure that signs, displays, and devices required to be removed by this section shall be removed within 90 days of—

"(A) if not entitled to receive just compensation pursuant to this section, the date upon which they become unlawful or October 1, 1988, whichever is later; or

"(B) if entitled to receive just compensation pursuant to this section, the date upon which such compensation is paid.

"(4) Effect of unlawful alterations.—Except as provided under guidelines issued by the Secretary, no State, as part of effective control, may allow or undertake any vegetation removal or other alteration of the highway right-of-way if the purpose of such removal or alteration is improving the visibility of any outdoor advertising sign, display, or device located outside the right-of-way. If the owner of a sign, display, or device undertakes or has undertaken vegetation removal or other alteration of the right-of-way not in accordance with such guidelines, the sign, display, or device shall, for purposes of this section, be treated as unlawful as of the date of such removal or alteration.

"(5) Limitation on permitting.—As part of effective control, no State may permit any person to modify any outdoor advertising sign, display, or device which does not conform with this subsection or subsection (d) of this section to improve its visibility or its useful life. Nothing in this paragraph shall be construed to prevent the owner of a sign, display, or device or a person employed by such owner from performing routine maintenance of such sign, display, or device.

"(d) Commercial and Industrial Areas.—

"(1) General rule.—In order to promote the reasonable, orderly, and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting, and spacing, consistent with customary use is determined by agreement between the several States and the Secretary may be erected and maintained within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate System and Federal-aid primary system which are zoned industrial or commercial under the authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary. The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this section. Whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreements in the zoned commercial or industrial areas within the geographical jurisdiction of such authority. Nothing in this subsection shall apply to signs, displays, and devices referred to in subparagraphs (B) and (C) of subsection (c)(1) of this section.

"(2) Limitation on new signs.—

"(A) General rule.—Subject to the provisions of this paragraph, after July 1, 1987, no new sign, display, or device may be erected pursuant to the authority of this subsection.

"(B) Applicability of just compensation requirements.—Except as provided in subparagraph (C), any sign, display, or device lawfully erected under State law after July 1, 1987, shall not be subject to the provisions of subsection (g), relating to just compensation.

"(C) Exception.—A State may permit a person, at his or her option, to erect in such State a sign, display, or device in accordance with the requirements of paragraph (1) upon removal without payment of just compensation under subsection (g) of a sign, display, or device lawfully erected under this subsection; except that the total number of signs, displays, and devices erected and maintained under this subsection shall not exceed the number of signs, displays, and devices lawfully erected before July 1, 1987, pursuant to the authority of this subsection in such State and in existence on July 1, 1987.

"(3) Limitation on unzoned commercial areas.—After July 1, 1987, no area which on such date is not designated as an unzoned commercial or industrial area for purposes of paragraph (1) may be established in such State for purposes of paragraph (1).

"(e) Limitation on Removals.—The Secretary shall not require a State to remove any sign, display, or device lawfully erected which does not conform to this section. Nothing in this subsection shall prevent a State from removing any sign, display, or device.

"(f) Public Interest Signs.—The Secretary shall, in consultation with the States, provide within the rights-of-way for areas at appropriate distances from interchanges on the Interstate System, on which signs, displays, the devices giving specific information in the interest of the traveling public may be erected and maintained. The Secretary may also, in consultation with the States, provide within the rights-of-way of the Federal-aid primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standard to be promulgated by the Secretary.

"(g) Just Compensation.—

"(1) General rule.—Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law and not permitted under subsection (c) of this section, whether or not removed pursuant to or because of this section. The Federal share of such compensation shall be 75 percent or such lesser percentage as may be agreed upon by the Secretary and the State. Such compensation shall be paid for the following:

"(A) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device.

"(B) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

"(2) Limitation on use of materials.—A sign, display, or device acquired with funds made available pursuant to this section may be disposed of by sale or other means to a private party only if the State receives satisfactory written assurances that the material out of which such sign, display, or device is constructed will not be used to construct or reconstruct an outdoor advertising sign, display, or device.

"(h) Public Lands.—

"(1) General rule.—All public lands or reservations of the United States (other than lands held in trust for Indian nations, reservations, or allotted tribal members) which are adjacent to any portion of the Interstate System and the Federal-aid primary system shall be controlled in accordance with the provisions of this section and the national standards promulgated by the Secretary.

"(2) Regulations.—No outdoor advertising sign, display, or device shall be permitted on land owned or controlled by the United States (other than lands held in trust for Indian nations, reservations, or allotted tribal members), unless such sign, display, or device conforms to regulations issued by the Federal agency with jurisdiction over, or responsibility for, such land. Such regulations shall be at least as stringent as the requirements of this section and the requirements of the State in which the land is located. The regulations required by this paragraph shall be developed in consultation with the Secretary of Transportation and shall be promulgated within 12 months after the date of the enactment of the Federal-Aid Highway Act of 1987.

"(i) Rest Areas.—In order to provide information in the specific interest of the traveling public, and State highway departments are authorized to maintain maps and to permit information directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas and other travel information systems within the rights-of-way for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable. The Federal share of the cost of establishing such an information center or travel information system shall be that which is provided in section 120 for a highway project on that Federal-aid system to be served by such center or system.

"(j) Bonus Payments.—Any State highway department which has, under this section as in effect on June 30, 1965, entered into an agreement with the Secretary to control the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System shall be entitled to receive the bonus payments as set forth in the agreement, but no such State highway department shall be entitled to such payments unless the State maintains the control required under such agreement. Permission by a State to erect and maintain information displays which may be changed at reasonable intervals by electronic process or remote control and which provide public service information or advertising activities conducted on the property on which they are located shall not be considered a breach of such agreement or the control required thereunder. Such payments shall be paid only from appropriations made available to carry out this section. The provisions of this subsection shall not be construed to exempt any State from controlling outdoor advertising as otherwise provided in this section.

"(k) Stricter State Laws.—Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing in this section shall prohibit a State from establishing standards imposing stricter limitations with respect to signs, displays, and devices on the Federal-aid highway systems than those established under this section.

"(l) Procedures.—Not less than 60 days before making a final determination to withhold funds from a State under subsection (b) of this section, or to do so under subsection (b) of section 136, or with respect to failing to agree as to the size, lighting, and spacing of signs, displays, and devices or as to unzoned commercial or industrial areas which signs, displays, and devices may be erected and maintained under subsection (d) of this section, or with respect to failure to approve under subsection (g) of section 136, the Secretary shall give written notice to the State of his proposed determination and a statement of the reasons therefor, and during such period shall give the State an opportunity for a hearing on such determination. Following such hearing, the Secretary shall issue a written order setting forth his final determination and shall furnish a copy of such order to the State. Within 45 days of receipt of such order, the State may appeal such order to any United States district court for such State, and upon the filing of such appeal, such order shall be stayed until final judgment has been entered on such appeal. Summons may be served at any place in the United States. The court shall have jurisdiction to affirm the determination of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the United States court of appeals for the circuit in which the State is located and to the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. If any part of an apportionment to a State is withheld by the Secretary under subsection (b) of this section or subsection (b) of section 136, the amount so withheld shall not be reapportioned to the other States as long as a suit brought by such State under this subsection is pending. Such amount shall remain available for apportionment in accordance with the final judgment and this subsection. Funds withheld from apportionment and subsequently apportioned or reapportioned under this section shall be available for expenditure for three fiscal years after the date of such apportionment or reapportionment, as the case may be.

"(m) Funding.—A State may use to carry out this section in any fiscal year beginning after September 30, 1988, not to exceed ¼ of 1 percent of—

"(1) funds apportioned in such fiscal year to such State for the Federal-aid primary system under section 104(b)(1) of this title or section 108 of the Surface Transportation Assistance Act of 1982; and

"(2) funds apportioned in such fiscal year to such State for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System under section 104(b)(5)(B) of this title.

"(n) Retention of Directional Signs.—The Secretary may approve the request of a State to permit retention in specific areas defined by such State of directional signs, displays, and devices lawfully erected under State law in force at the time of their erection which do not conform to the requirements of subsection (c)—

"(1) where such signs, displays, and devices are in existence on the date of the enactment of subsection (o) of this section as this section was in effect on the day before the date of the enactment of the Federal-Aid Highway Act of 1987; and

"(2) where the State demonstrates that such signs, displays, and devices—

"(A) provide directional information about goods and services in the interest of the traveling public; and

"(B) are such that removal would work a substantial economic hardship in such defined area.

"(o) DIRECTIONAL INFORMATION PROGRAM.—

"(1) DEVELOPMENT ASSISTANCE.—During the implementation of State laws enacted to comply with this section, the Secretary shall encourage and assist the States to develop sign controls and programs which will assure that necessary directional information about facilities providing goods and services in the interest of the traveling public will continue to be available to motorists. To this end, the Secretary shall restudy and revise as appropriate existing standards for directional signs authorized under subsections (c)(1)(A) and (f) to develop signs which are functional and esthetically compatible with their surroundings. The Secretary shall employ the resources of other Federal departments and agencies, including the National Endowment for the Arts, and employ maximum participation of private industry in the development of standards and systems of signs developed for those purposes.

"(2) DEFERRAL OF REMOVAL.—Among other things, the Secretary shall encourage States to adopt programs to assure that removal of signs providing necessary directional information, which also were providing directional information on June 1, 1972, about facilities in the interest of the traveling public, be deferred until all nonconforming signs are removed.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) of this subsection shall take effect October 1, 1988; except that the regulations required by subsection (h)(2) of section 131, as added by such paragraph (1), shall be promulgated within 12 months after the date of the enactment of this Act.

(b) INTERIM AMENDMENTS.—

(1) LIMITATION ON NEW COMMERCIAL ZONE SIGNS.—Section 131(d) of title 23, United States Code, is amended by inserting "(1)" before "In order to promote" and by adding at the end thereof the following new paragraphs:

"(2)(A) Subject to the provisions of this paragraph, after July 1, 1987, no new sign, display, or device may be erected pursuant to the authority of this subsection.

"(B) Except as provided in subparagraph (C), any sign, display, or device lawfully erected under State law after July 1, 1987, shall not be subject to the provisions of subsection (g), relating to just compensation.

"(C) A State may permit a person, at his or her option, to erect in such State a sign, display, or device in accordance with the requirements of paragraph (1) upon removal without payment of just compensation under subsection (g) of a sign, display, or device lawfully erected under this subsection; except that the total number of signs, displays, and devices erected and maintained under this subsection shall not exceed the number of signs, displays, and devices lawfully erected before July 1, 1987, pursuant to the authority of this subsection in such State and in existence on July 1, 1987.

"(3) After July 1, 1987, no area which on such date is not designated as an unzoned commercial or industrial area for purposes of paragraph (1) may be established in such State for purposes of paragraph (1).".

(2) FUNDING.—Section 131(m) of title 23, United States Code, is amended to read as follows:

"(m) A State may use to carry out this section in any fiscal year beginning after September 30, 1986, not to exceed ¼ of 1 percent of—

"(1) funds apportioned in such fiscal year to such State for the Federal-aid primary system under section 104(b)(1) of this title or section 108 of the Surface Transportation Assistance Act of 1982; and

"(2) funds apportioned in such fiscal year to such State for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System under section 104(b)(5)(B) of this title.".

(3) FARM PRODUCE SIGNS.—Section 131(c) of such title is amended by striking out "and" at the end of clause (4) and by striking out the period at the end of such section and inserting in lieu thereof the following: ", and (6) temporary or seasonal signs, displays, and devices advertising locations at which consumers may harvest and purchase agricultural commodities from farmers producing such commodities which signs, displays, and devices do not exceed 150 square feet.".

(4) FEDERAL SHARE.—Section 131(g) of such title is amended by inserting after "75 per centum" the following: "or such lesser percentage as may be agreed upon by the Secretary and the State".

SEC. 123. BRIDGE PROGRAM.

(a) DISCRETIONARY PROGRAM.—Section 144(g) of title 23, United States Code, is amended to read as follows:

"(g) SET ASIDES.—

"(1) DISCRETIONARY BRIDGE PROGRAM.—Of the amount authorized per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991 by section 202 of the Highway Safety Act of 1987, all but $250,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section. $250,000,000 per fiscal year of the amount authorized for each of such fiscal years shall be available for obligation on the date of each such apportionment in the same manner and to the same extent as the sums apportioned on such date, except that the obligation of such $250,000,000 shall be at the discretion of the Secretary.

"(2) ELIGIBLE DISCRETIONARY PROJECTS.—Amounts made available by paragraph (1) for obligation at the discretion of the Secretary may be obligated only—

"(A) for a project for a highway bridge the replacement or rehabilitation cost of which is more than $10,000,000, and

"(B) for a project for a highway bridge the replacement or rehabilitation cost of which is less than $10,000,000 if such cost is at least twice the amount apportioned to the State in which such bridge is located under subsection (e) for the fiscal year in which application is made for a grant for such bridge.

"(3) OFF-SYSTEM BRIDGES.—Not less than 15 percent nor more than 35 percent of the amount apportioned to each State in each of fiscal years 1987, 1988, 1989, 1990, and 1991, shall be expended for projects to replace or rehabilitate highway bridges located on public roads, other than those on a Federal-aid system. The Secretary after consultation with the State and local officials may, with respect to a State, reduce the requirement for expenditure for bridges not on a Federal-aid system when the Secretary determines that such State has inadequate needs to justify such expenditure.".

(b) APPLICABILITY OF THE GENERAL BRIDGE ACT OF 1948.— Section 144(h) of such title is amended—

(1) by striking out "which are not subject to the ebb and flow of the tide, and" and inserting in lieu thereof "(1)"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof ", and (2) which are (a) not tidal, or (b) if tidal, used only by recreational boating, fishing, and other small vessels less than 21 feet in length.".

(c) INVENTORIES AND REPORTS.—Section 144(i) of such title is amended to read as follows:

"(i) INVENTORIES AND REPORTS.—The Secretary shall—

"(1) report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives on projects approved under this section;

"(2) annually revise the current inventories authorized by subsections (b) and (c) of this section;

"(3) report to such committees on such inventories; and

"(4) report to such committees such recommendations as the Secretary may have for improvements of the program authorized by this section.

Such reports shall be submitted to such committees biennially at the same time as the report required by section 307(e) of this title is submitted to Congress.".

(d) BRIDGES TO REPLACE CERTAIN FERRYBOAT SERVICES.—

(1) IN GENERAL.—Section 144 of such title is amended by redesignating subsection (m), and any references thereto, as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) BRIDGES TO REPLACE FERRYBOAT SERVICE.—Notwithstanding any other provision of this section or any other law, upon application of the State of Arkansas for assistance for construction of a highway bridge to replace ferryboat service which was being provided in such State for motor vehicles on January 3, 1983, the Secretary may approve under this section a project for such construction at a Federal share payable of 80 percent of the cost thereof.".

(2) CONFORMING MODIFICATION OF APPORTIONMENT FORMULA.—Subsection (e) of such section is amended by inserting after the third sentence the following new sentence: "For purposes of the preceding sentence, the total cost of deficient bridges in the State of Arkansas and in all States shall be reduced by the total cost of any highway bridges constructed under subsection (m), relating to replacement of ferryboat service.".

(e) DISCRETIONARY BRIDGE CRITERIA.—Section 161 of the Highway Improvement Act of 1982 (23 U.S.C. 144 note) is amended by inserting before the period at the end of the second sentence ", including a bridge replacement of which was partially funded under the Supplemental Appropriations Act, 1983 (97 Stat. 341)".

SEC. 124. MINIMUM ALLOCATION.

(a) PLANNING AS A FUNDABLE ITEM; TREATMENT OF WITHHELD APPORTIONMENTS.—Section 157 of title 23, United States Code, is amended by redesignating subsection (c), and any references thereto, as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) Limitation on Planning Expenditures.—One-half of one percent of amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out the requirements of section 134 of this title (relating to transportation planning). One and one-half percent of the amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out activities referred to in subsection (c) of section 307 of this title (relating to transportation planning and research).

"(d) Treatment of Withheld Apportionments.—For purposes of subsection (a), any funds which, but for section 154(f) or 158(a) of this title or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State in a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in such year.".

(b) Extension of Program.—

(1) In general.—Subsection (a) of section 157 of title 23, United States Code, is amended by striking out "September 30, 1984, September 30, 1985, and September 30, 1986," and inserting in lieu thereof "on or after September 30, 1984,".

(2) Authorization of appropriations.—Subsection (e) of such section 157, as redesignated by subsection (a) of this section, is amended by striking out "September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986" and inserting in lieu thereof "on or after September 30, 1983".

SEC. 125. NATIONAL BRIDGE INSPECTION PROGRAM.

(a) In General.—Chapter 1 of title 23, United States Code, is amended by striking out section 151 (relating to pavement marking demonstration program) and inserting in lieu thereof the following:

"§ 151. National bridge inspection program

"(a) National Bridge Inspection Standards.—The Secretary, in consultation with the State highway departments and interested and knowledgeable private organizations and individuals, shall establish national bridge inspection standards for the proper safety inspection and evaluation of all highway bridges.

"(b) Minimum Requirements of Inspection Standards.—The standards established under subsection (a) shall, at a minimum—

"(1) specify, in detail, the method by which such inspections shall be carried out by the States;

"(2) establish the maximum time period between inspections;

"(3) establish the qualification for those charged with carrying out the inspections;

"(4) require each State to maintain and make available to the Secretary upon request—

"(A) written reports on the results of highway bridge inspections together with notations of any action taken pursuant to the findings of such inspections; and

"(B) current inventory data for all highway bridges reflecting the findings of the most recent highway bridge inspections conducted; and

"(5) establish a procedure for national certification of highway bridge inspectors.

"(c) Training Program for Bridge Inspectors.—The Secretary, in cooperation with the State highway departments, shall establish a program designed to train appropriate governmental employees to carry out highway bridge inspections. Such training program shall be revised from time to time to take into account new and improved techniques.

"(d) Availability of Funds.—To carry out this section, the Secretary may use funds made available pursuant to the provisions of section 104(a), section 307(a), and section 144 of this title.".

(b) Conforming Amendments.—(1) The analysis for chapter 1 of such title is amended by striking out the item relating to section 151 and inserting in lieu thereof the following:

"151. National bridge inspection program.".

(2) Section 116 of such title (relating to highway maintenance) is amended by striking out subsections (d) and (e).

SEC. 126. INCOME FROM AIRSPACE RIGHTS-OF-WAY.

(a) Requirement.—Chapter 1 of title 23, United States Code, is amended by striking out section 156 (relating to highways crossing Federal projects) and inserting in lieu thereof the following:

"§ 156. Income from airspace rights-of-way

"Net income received by any State after September 30, 1987, from the use, lease, or sale of any airspace associated with any project carried out before, on, or after the date of the enactment of the Federal-Aid Highway Act of 1987 in whole or in part with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account) shall be used by such State to carry out projects eligible for Federal assistance under this chapter.".

(b) Conforming Amendment.—The analysis for such chapter is amended by striking out the item relating to section 156 and inserting in lieu thereof the following:

"156. Income from airspace rights-of-way.".

SEC. 127. STRATEGIC HIGHWAY RESEARCH PROGRAM.

Section 307 of title 23, United States Code (relating to research and planning), is amended by redesignating subsections (d) and (e) (and any references thereto) as subsections (e) and (f), respectively, and by inserting after subsection (c) the following new subsection:

"(d) Strategic Highway Research Program.—

"(1) Establishment.—The Secretary, in consultation with the American Association of State Highway and Transportation Officials, shall carry out such research, development, and technology transfer activities as the Secretary determines to be strategically important to the national highway transportation system.

"(2) Cooperative agreements.—The Secretary may make grants to, and enter into cooperative agreements with, the American Association of State Highway and Transportation Officials and the National Academy of Sciences to carry out such activities under this subsection as the Secretary determines are appropriate. Advance payments may be made as necessary to carry out such cooperative agreements.

"(3) Period of availability.—Funds set aside to carry out this subsection shall remain available for the fiscal year in which such funds are made available and the three succeeding fiscal years.

"(4) Set aside.—As soon as practicable after the date of the enactment of the Federal-Aid Highway Act of 1987 in fiscal year 1987 and on October 1 of each of fiscal years 1988, 1989, 1990, and 1991, the Secretary shall set aside to carry out this subsection not to exceed ¼ of 1 percent of the funds authorized to be appropriated for such fiscal year for the Federal-aid systems, for highway assistance programs under section 103(e)(4) of this title, for bridge replacement and rehabilitation under section 144 of this title, for elimination of hazards under section 152 of this title, and for elimination of hazards of railway-highway crossings under section 203 of the Highway Safety Act of 1973. In the case of funds authorized for apportionment on the Interstate System, the Secretary shall set aside that portion of such funds (subject to the overall limitation of ¼ of 1 percent) in the year next preceding the fiscal year for which such funds are authorized for such System.".

SEC. 128. PLANTING OF NATIVE WILDFLOWERS.

Section 319 of title 23, United States Code, is amended by inserting "(a) Landscape and Roadside Development.—" before "The Secretary" and by adding at the end thereof the following new subsection:

"(b) Planting of Native Wildflowers.—Notwithstanding any other provision of law, not less than ¼ of 1 percent of the funds expended under landscaping contracts under this title in any State in any fiscal year beginning after the date of the enactment of this subsection shall be used for the planting of native wildflower seeds and seedlings. The requirements of this subsection may be waived by the Secretary if the State certifies that such native wildflowers or seedlings cannot be grown satisfactorily or planting areas are limited.".

SEC. 129. HIGHWAY TECHNICAL AMENDMENTS.

(a) Surface Transportation Assistance Act of 1982.—(1) The third sentence of section 108(d) of the Surface Transportation Assistance Act of 1982 is amended by striking out "this title," and inserting in lieu thereof "title 23, United States Code,".

(2) The second section 126 of such Act (relating to bicycle transportation) is amended by striking out "Sec. 126." and inserting in lieu thereof "Sec. 126A.".

(3) Section 133 of such Act is amended by striking out "(a)" the first place it appears.

(4) The first sentence of section 163 of such Act is amended to read as follows: "Notwithstanding any other provision of this Act or any other law, no funds apportioned or allocated to a State for Federal-aid highways shall be obligated for a project for constructing, resurfacing, restoring, rehabilitating, or reconstructing a Federal-aid highway which has a lane designated as a carpool lane unless the use of such lane includes use by motorcycles.".

(5) Section 165(b) of such Act is amended by inserting "or" after the semicolon at the end of clause (3).

(6) Section 411(d) of such Act (relating to length limitations) is amended by inserting "and boat" after "automobile".

(b) Title 23.—(1) The analysis for chapter 1 of title 23, United States Code, is amended (A) in the item relating to section 127 by striking out "and width", and (B) by striking out the item relating to section 146 and inserting in lieu thereof:

"146. Carpool and vanpool projects.".

(2) The fifth undesignated paragraph of section 101(a) of such title is amended by striking out "forest or trail" and inserting in lieu thereof "forest road or trail". The thirteenth undesignated paragraph of such section (relating to the definition of "park road") is amended by inserting before the

period at the end thereof "and that is owned by the United States".

(3) The first sentence of section 120(f) of such title is amended by striking out ": *Provided,*" and all that follows through the period at the end of such sentence and inserting in lieu thereof a period.

(4) The first sentence of section 122 of such title is amended by inserting "or for substitute highway projects approved under section 103(e)(4) of this title" before "and the retirement".

(5)(A) Subsection (b) of section 125 of such title is amended by striking out "the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors" each place it appears and inserting in lieu thereof "the Federal-aid highway systems, including the Interstate System".

(B) Subsection (c) of such section is amended by striking out "routes functionally classified as arterials or major collectors" and inserting in lieu thereof "on any of the Federal-aid highway systems".

(6) Subsection (e) of section 144 of such title is amended by adding at the end thereof the following: "Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with this subsection.".

(7) The second sentence of section 204(b) of such title is amended by inserting "the Secretary or" before "the Secretary of the Interior".

(c) Miscellaneous.—(1) Section 104(i)(4)(D) of the Marine Protection, Research, and Sanctuaries Act of 1972, as added by section 424 of the Surface Transportation Assistance Act of 1982, is amended by inserting "to ______" after "grant a permit".

(2) Section 12019(5) of the Commercial Motor Vehicle Safety Act of 1986 is amended by striking out "and" and by inserting "or" before "semitrailer operated".

(d) Vending Machines.—Section 111 of title 23, United States Code, is amended by inserting "(a) In General.—" before "All agreements" and by adding at the end thereof the following new subsection:

"(b) Vending Machines.—Notwithstanding subsection (a), any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas, constructed or located on rights-of-way of the Interstate System in such State. Such vending machines may only dispense such food, drink, and other articles as the State highway department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the 'Randolph-Sheppard Act' (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.".

(e) Maryland Interstate Transfer.—Section 7 of the Act entitled "An Act to apportion certain funds for construction of the National System of Interstate and Defense Highways for fiscal year 1985 and to increase the amount authorized to be expended for emergency relief under title 23, United States Code, and for other purposes", approved March 9, 1984 (98 Stat. 55-56), is amended—

(1) in the first sentence by inserting "not to exceed" before "$100,000,000";

(2) in the second sentence by striking out "$100,000,000" and inserting in lieu thereof "an amount equal to the amount of such funds"; and

(3) in the third sentence by striking out "$100,000,000" and inserting in lieu thereof "an amount equal to the amount of funds transferred under this section".

(f) Park Roads.—(1) Section 303(c) of title 49, United States Code, is amended by inserting before "requiring the use" the following: "(other than any project for a park road or parkway under section 204 of title 23)".

(2) The third sentence of section 138 of title 23, United States Code, is amended by inserting before "which requires" the following: "(other than any project for a park road or parkway under section 204 of this title)".

(g) Repeal of Outdated Provisions.—

(1) Title 23.—The following sections of title 23, United States Code, and the items in the analysis for chapters 2 and 3 of such title relating to such sections are repealed: 211 (relating to timber access road hearings), 213 (relating to Rama Road), 219 (relating to safer off-system roads), and 322 (relating to demonstration project—rail crossings).

(2) Other highway laws.—Section 119 of the Federal-Aid Highway Amendments of 1974 (relating to bikeway demonstration program) and section 141 of the Federal-Aid Highway Act of 1978 (relating to bicycle program) are repealed.

(h) Relocation of Utility Facilities.—Section 123(a) of title 23, United States Code, is amended by striking out "the Federal-aid primary or secondary" and all that follows through "urban areas," and inserting in lieu thereof "any Federal-aid system,".

(i) State Police Barracks.—Notwithstanding any of the provisions of section 111 of title 23, United States Code, the Commonwealth of Massachusetts is authorized to construct a State Police Barracks, including customary access and egress on State owned property, at the intersection of I-93 and route 3 in Quincy, Massachusetts.

SEC. 130. BUY AMERICA.

(a) Limitation on the Use of Certain Foreign Cement.—Section 165(a) of the Surface Transportation Assistance Act of 1982 is amended by inserting before the period at the end thereof the following: "and unless none of the finished cement and cement clinker used in such project is produced or manufactured in any foreign country".

(b) Rolling Stock Exception.—

(1) Increase in domestic content percentage.—Section 165(b)(3) of such Act is amended by striking out "50" and inserting in lieu thereof "85".

(2) Limitation on application.—The amendment made by paragraph (1) shall not apply to procurements made pursuant to contracts entered into before January 6, 1987.

(c) Increase in Project Cost Exception.—Paragraph (4) of section 165(b) of such Act is amended by striking "10 per centum" and all that follows through the period at the end of such section and inserting in lieu thereof "25 percent.".

SEC. 131. IMPLEMENTATION OF CERTAIN ORDERS.

In implementing any order issued by the President which provides for or requires a percentage reduction in new budget authority, unobligated balances, obligated balances, new loan guarantee commitments, new direct loan obligations, spending authority, or obligation limitations for the Federal-aid highway, mass transit and highway safety programs and with respect to which the budget account activity as identified in the program and financing schedule contained in the Appendix to the Budget of the United States Government for such programs includes more than one specific highway, mass transit, or highway safety program or project for which budget authority is provided by this Act or an amendment made by this Act, the Secretary shall apply the percentage reduction equally to each such specific program or project.

SEC. 132. PROJECT ELIGIBILITY.

(a) Project Description.—Notwithstanding any other provision of law, policy, and regulation and any interpretation thereof, construction of the alternative for any interstate route which is recommended in any final environmental impact statement (1) submitted by the State of Massachusetts in September 1983, and (2) approved by the Secretary thereafter, shall be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and is included as an eligible project in the 1985 interstate cost estimate, and the costs of such construction shall be included in any future interstate cost estimate. Subject to the approval of the Secretary of such impact statement, the Secretary shall enter into project agreements consistent with the provisions of title 23 of the United States Code for construction of such project.

(b) Apportionment Adjustment.—

(1) Agreement.—Upon agreement of the Secretary and the Governor of the State of Massachusetts, the Secretary shall reduce the amount of funds to be apportioned to such State under section 104(b)(5)(A) of title 23, United States Code, in each of fiscal years 1987, 1988, and 1989 to an amount sufficient to meet the obligation schedule which the Secretary and such Governor establish for construction of the project described in subsection (a) for such fiscal year.

(2) Availability of funds for discretionary projects.—Upon making any reduction under paragraph (1) in the amount of funds apportioned to the State of Massachusetts under such section in such fiscal year, the Secretary shall make available for projects in accordance with section 118(b)(2) of such title an amount equal to the amount of such reduction.

SEC. 133. ELIGIBILITY OF PARK AND RIDE FACILITIES.

(a) Eligibility for Interstate Construction Funds.—Notwithstanding any other provision of law, policy, and regulation and any interpretation thereof, construction in the vicinity of Fort Lauderdale, Florida, of 4 park and ride facilities and direct access connectors between such facilities and high occupancy vehicle lanes being constructed on a north-south interstate route which connects Miami and Jacksonville, Florida, shall be eligible for funds (not to exceed $84,000,000) authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and is included as an eligible project in the 1985 interstate cost estimate, and the cost of such construction not to exceed $84,000,000 shall be included in any future interstate cost estimate. The Secretary shall enter into project agreements consistent with the provisions of title 23 of the United States Code for construction of such facilities and connectors.

(b) Size of Facilities.—The size of each park and ride facility constructed pursuant to subsection (a) shall be sufficient to accommodate commuter demand anticipated 20 years after the date on which construction of such facility is approved.

(c) Eligibility for 4R Funding.—Notwithstanding any other provision of law, if construction of the facilities and direct access connectors described in subsection (a) costs more than $84,000,000, the State of Florida may use funds apportioned to it under section 104(b)(5)(B) of title 23, United States Code, to complete construction of such facilities and connectors.

SEC. 134. PLANNING, DESIGN, AND CONSTRUCTION.

Notwithstanding any other provision of law, the State of Arkansas may use funds apportioned to it under section 104(b)(5)(A) of title 23, United States Code, for the planning, design, and construction from Interstate Route I-40 to the boundary between Arkansas and Missouri of a two-lane north-south highway which is on the Federal-aid primary system in Arkansas and passes through an urbanized area.

SEC. 135. TRANSFER OF INTERSTATE LANES.

(a) Eligibility of Interstate Lane Project.—Any project to construct eligible interstate lanes, as defined in subsection (f), shall be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and shall be included as an eligible project in any future interstate cost estimate unless the costs of such project are made not eligible for such funds by subsection (c).

(b) Approval of Substitute Transit Project.—Notwithstanding any other provision of law, upon the joint request of the Governor of the State of California and the local governments concerned, the Secretary may approve a substitute transit project for construction of a fixed guideway system in lieu of construction of any eligible interstate lanes if such substitute project is in or adjacent to the proposed right-of-way for such lanes.

(c) Eligibility for Federal Assistance.—Upon approval of any substitute transit project under subsection (b), the costs of construction of the eligible interstate lanes for which such project is substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and a sum equal to the Federal share of such costs, as included in the latest interstate cost estimate approved by Congress, shall be available to the Secretary to incur obligations under section 103(e)(4) of title 23, United States Code, for the Federal share of the costs of such substitute project.

(d) Limitation on Eligibility.—By September 30, 1989, any substitute transit project approved under subsection (b) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction or construction must have commenced. If any such substitute transit project is not under contract for construction or construction has not commenced by such date, then immediately after such date, the Secretary shall withdraw approval of such project and no funds shall be appropriated under the authority of section 103(e)(4) of title 23, United States Code, for any such project.

(e) Administrative Provisions.—

(1) Status of substitute transit projects.—A substitute transit project approved under subsection (b) shall be deemed to be a substitute transit project for purposes of section 103(e)(4) of title 23, United States Code (other than subparagraphs (C) and (O)), except that the Federal share for such project shall be the Federal share applicable to the construction of the eligible interstate lanes for which such project is substituted.

(2) Reduction of unobligated interstate apportionments.—Unobligated apportionments for the Interstate System in the State of California shall, on the date of approval of a substitute transit project under subsection (b), be reduced in the proportion that the Federal share of the costs of the construction of the eligible interstate lanes for which such project is substituted bears to the Federal share of the total cost of all interstate routes in that State as reflected in the latest cost estimate approved by Congress.

(3) Administration through FHWA.—The Secretary shall administer this section through the Federal Highway Administration.

(f) Eligible Interstate Lanes Defined.—For purposes of this section, the term "eligible interstate lanes" means any high occupancy vehicle lanes and other lanes—

(1) which are to be constructed on any highway in Los Angeles County, California, designated as a part of the National System of Interstate and Defense Highways by section 140 of the Federal-Aid Highway Act of 1978, and

(2) the costs of construction of which are included in the interstate cost estimate for 1985.

SEC. 136. MODIFICATION OF INTERSTATE TRANSFER CONCEPT PLANS.

(a) Request for Modification by Maryland.—The Governor of the State of Maryland may request a modification of the transfer concept plan approved with respect to withdrawal of a portion of a north-south interstate route in such State and withdrawal of an interstate route which is a spur of a north-south interstate route in such State under section 103(e)(4) of title 23, United States Code—

(1) to include a substitute highway project to upgrade an 18-mile segment on the Federal-aid primary system in the vicinity of Cumberland, Maryland, and

(2) to include such substitute highway and mass transit projects which meet the requirements of such section (other than subparagraph (C)) as such Governor may request.

(b) Request for Modification by Connecticut.—The Governor of the State of Connecticut may request a modification of any transfer concept plan approved with respect to withdrawal of a portion of any interstate route in such State under section 103(e)(4) of title 23, United States Code, to include such substitute highway and mass transit projects which meet the requirements of such section (other than subparagraph (C)) as such Governor may request.

(c) Request for Modification by Massachusetts.—The Governor of the State of Massachusetts may request a modification of any transfer concept plan approved with respect to withdrawal of a portion of any interstate route in such State under section 103(e)(4) of title 23, United States Code—

(1) to include substitute highway projects to upgrade a segment on the Federal-aid primary system in the vicinity of Acton, Concord, Lincoln, and Lexington, Massachusetts, and

(2) to include such substitute highway and mass transit projects which meet the requirements of such section (other than subparagraph (C)) as such Governor may request.

(d) Criteria for Approval.—Notwithstanding section 103(e)(4) of title 23, United States Code, the Secretary shall approve a modification under subsection (a), (b), or (c) if the Governor of the State of Maryland, Connecticut, or Massachusetts, as the case may be—

(1) submits a request for such modification to the Secretary before September 30, 1987; and

(2) such modification will not result in any increase in the amount of funds available to the Secretary to incur obligations for the Federal share of substitute projects under the transfer concept plan.

(e) Effect of Approval.—Upon approval of a modification under this section, substitute projects described in such modification for inclusion in the transfer concept plan shall be deemed to meet the requirements of subparagraph (C) of section 103(e)(4) of title 23, United States Code.

SEC. 137. PAYBACK OF RIGHT-OF-WAY EXPENSES.

(a) Effect of Repayment.—Upon repayment by the State of New York to the Treasurer of the United States of an amount as determined by the Secretary to be equal to the amount of Federal funds expended to acquire property for the portion of I-478 which was withdrawn from the Interstate System in accordance with the provisions of section 103(e)(4) of title 23, United States Code, the State of New York shall be absolved of any further responsibility for repayment and will be deemed to have fully met all of the repayment requirements of section 103(e)(7) of such title.

(b) Use of Repaid Funds.—The amount repaid to the United States under this section shall be deposited to the credit of the appropriation for "Federal-Aid Highway (Trust Fund)". Such repayment shall be credited to the unprogrammed balance of funds apportioned to the State of New York in accordance with section 104(b)(1) of title 23, United States Code. The amount so credited shall be in addition to all other funds then apportioned to such State and shall be available for expenditure in accordance with the provisions of such title.

SEC. 138. EXPENDITURE OF FEDERAL HIGHWAY FUNDS IN VIRGIN ISLANDS.

(a) Limitation.—

(1) In general.—Notwithstanding any other provision of law and subject to paragraph (2), no Federal funds shall be expended for the planning, design, and construction of any highway which extends eastward from the vicinity of the Windward Passage Hotel on the western fringe of Charlotte Amalie, Virgin Islands, and a segment of which parallels the existing Charlotte Amalie waterfront and requires extensive landfill along the waterfront.

(2) Exception.—Federal funds may be expended under a project agreement entered into before January 1, 1986, for planning and design of a highway described in paragraph (1).

(b) Feasible Alternatives.—

(1) Review.—The Secretary, in cooperation with the Virgin Islands Department of Public Works, shall review existing studies relating to traffic congestion in and around Charlotte Amalie, Virgin Islands, for the purpose of determining feasible alternatives to construction of a highway described in

subsection (a) which will reduce traffic congestion in and around Charlotte Amalie.

(2) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to Congress on the results of the review under this subsection.

SEC. 139. EXEMPTION FROM RIGHT-OF-WAY RESTRICTION.

A facility located in part on the right-of-way of Interstate Route I-94 in Michigan and in the vicinity of the interchange of I-94 and Michigan State Route 25 is hereby exempt from the restrictions contained in section 111 of title 23, United States Code, prohibiting certain commercial establishments on rights-of-way of the Interstate System. Such exemption shall be for the purpose of permitting the Michigan Department of Transportation to enter into a lease agreement allowing the use of such facility for the sale of only those articles which are for export and for consumption outside the United States.

SEC. 140. DONATION OF LANDS.

(a) Market Value of Donated Lands as Project Costs.—Notwithstanding any other provision of law, the fair market value of any lands which have been or in the future are donated or dedicated to the State of California and which are necessary for the right-of-way for relocation and construction of California State Route 73 in Orange County, California, from its interchange with Interstate Route I-405 to its interchange with Interstate Route I-5—

(1) shall be included as a part of the cost of such relocation and construction project, and

(2) shall be credited first toward payment of the non-Federal share of the cost of such relocation and construction project.

(b) Credit for Excess Value of Donated Lands Above Project Costs.—If the fair market value of the lands referred to in subsection (a) exceeds the non-Federal share of the relocation and construction project referred to in subsection (a), then the excess amount, upon the request of the State of California, shall be credited toward the non-Federal share of the cost of any other project on the Federal-aid system in Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties, California.

(c) Recorded Irrevocable Offer of Donation Treated as Donation.—To further the purposes of this section and section 323 of title 23, United States Code, any recorded irrevocable offer of dedication or donation of property within the right-of-way for the project referred to in subsection (a) shall be considered as part of the State right-of-way acquisition for purposes of this section if such offer is irrevocable and effective no later than such time as the State of California requests final reimbursement for the Federal share.

(d) Limitation.—In no case shall the amount of Federal-aid reimbursement to the State of California on account of the relocation and construction project referred to in subsection (a) exceed the actual cost to the State for such project.

SEC. 141. SHIRLEY HIGHWAY TRAFFIC RESTRICTIONS.

(a) Express Lanes.—

(1) Rush hour restrictions.—The State of Virginia and the District of Columbia shall prohibit the use of the Shirley Highway express lanes by a vehicle other than a bus, an emergency vehicle, a vehicle carrying four or more persons, and a motorcycle—

(A) on northbound lanes, during the hours of 6 o'clock ante meridiem to 9 o'clock ante meridiem on Monday through Friday, exclusive of holidays, and

(B) on southbound lanes, during the hours of 3:30 o'clock post meridiem to 6 o'clock post meridiem on Monday through Friday, exclusive of holidays.

The State of Virginia and the District of Columbia may not prohibit the use of such lanes during such hours by a bus, an emergency vehicle, a vehicle carrying four or more persons, or a motorcycle.

(2) Use of express lanes at other times.—The State of Virginia and the District of Columbia may not prohibit the use of the Shirley Highway express lanes during hours other than the hours described in paragraph (1) by a vehicle which is not also prohibited from using the other lanes of the Shirley Highway.

(b) Definitions.—For purposes of this section—

(1) Emergency vehicle.—The term "emergency vehicle" includes a public utility vehicle on legitimate emergency business.

(2) Motorcycle.—The term "motorcycle" means a motor vehicle designed to travel on not more than three wheels in contact with the ground.

(3) Shirley highway express lanes.—The term "Shirley Highway express lanes" means the high occupancy vehicle lanes on Interstate Route I-395 in the District of Columbia and Virginia and on Interstate Route I-95 from its intersection with Interstate Route I-395 to Woodbridge, Virginia.

(c) Enforcement.—The Secretary shall withhold 1 percent of the amount required to be apportioned to the State of Virginia or to the District of Columbia under sections 104 and 144 of title 23, United States Code, on the first day of the fiscal year succeeding any fiscal year in which the State of Virginia or the District of Columbia, as the case may be, is in violation of any provision of this section.

(d) Effective Date.—This section shall take effect on the date of the enactment of this section.

SEC. 142. RAILROAD RELOCATION DEMONSTRATION PROGRAM.

Section 163(p) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is amended—

(1) by inserting "(1)" after "(p)";

(2) by inserting "and such sums as may be necessary for the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, September 30, 1990, and September 30, 1991," after "September 30, 1986,"; and

(3) by adding at the end thereof the following new paragraph:

"(2) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $5,000,000 for fiscal year 1987, for acquisition of rights-of-way, construction of a temporary bypass, and initial construction to depress rail lines for the project described in the second sentence of subsection (d) of this section. Funds authorized by this paragraph shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the project for which such funds are authorized shall be determined under this section and such funds shall remain available until expended and shall not be subject to any obligation limitation.".

SEC. 143. MAINTENANCE OF CERTAIN RAILROAD-HIGHWAY CROSSINGS.

(a) Grants for Demonstration Programs.—The Secretary shall make a grant to each State which has located within its boundaries a railroad-highway crossing over which the Consolidated Rail Corporation operates rail vehicles to carry out a demonstration program of providing systematic inspection and service of protective devices at such crossings.

(b) Purpose of Grants.—Any demonstration program carried out under this section shall reimburse the Consolidated Rail Corporation for 50 percent of the cost of inspecting and servicing protective devices at railroad-highway crossings in such State over which such corporation operates rail vehicles.

(c) Apportionment of Funds.—Sums made available to carry out this section shall be apportioned among those States which have located within their boundaries railroad-highway crossings over which the Consolidated Rail Corporation operates rail vehicles in the ratio that the number of such crossings with protective devices in each such State bears to the total number of such crossings with protective devices in all such States.

(d) Amount of Grant; Federal Share.—The amount of a grant made to a State under this section shall be equal to the amount of funds apportioned to such State under this section in any fiscal year and shall be available to pay 50 percent of the costs incurred by such State in developing and conducting its demonstration program in such fiscal year.

(e) Reports.—Each State conducting a demonstration program under this section shall report to the Secretary not later than June 30, 1991, on the results of such program and the effectiveness of such program in improving safety at railroad-highway crossings. The Secretary shall submit a report to Congress not later than September 30, 1991, on the results of demonstration programs carried out under this section and the effectiveness of such programs in improving safety at railroad-highway crossings.

(f) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out the provisions of this section, out of the Highway Trust Fund (other than the Mass Transit Account), $4,500,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(g) Applicability of Title 23.—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a demonstration program under this section shall be determined in accordance with the provisions of subsection (d) of this section, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

SEC. 144. DEMONSTRATION PROJECTS.

(a) Project Descriptions.—

(1) Passaic county, new jersey.—The Secretary shall utilize the procedures adopted to carry out the demonstration project under section 141 of the Federal-Aid Highway Act of 1976 and the methods for processing highway projects required to be established by section 129 of the Surface Transportation Assistance Act of 1982 to accelerate design and construction of a highway project which completes a gap on the

Federal-aid primary system in an urban area along the Passaic River in Passaic County, New Jersey, and for which most of the right-of-way has been acquired.

(2) BRICK TOWNSHIP, NEW JERSEY.—The Secretary shall carry out a highway project to demonstrate methods of improving traffic operations and reducing accidents (A) at a high-volume rotary intersection in Brick Township, New Jersey, and (B) on a route connecting such intersection with another high-volume rotary intersection in Wall Township, New Jersey.

(3) JOHNSTOWN, PENNSYLVANIA.—The Secretary shall carry out a demonstration project in the vicinity of Johnstown, Pennsylvania, for the purpose of demonstrating methods by which a highway construction project on a segment of the Federal-aid primary system will enhance highway safety and economic development in an area of high unemployment.

(4) FORT SMITH, ARKANSAS.—The Secretary shall carry out a highway project to demonstrate the economic growth and development benefits of widening a segment of the Federal-aid urban system connecting a community college and a large commercial center in the vicinity of Fort Smith, Arkansas, and of improving traffic signalization on such segment.

(5) MINNESOTA.—The Secretary shall carry out a demonstration project on the Federal-aid urban system for the purpose of demonstrating the economic and safety benefits of constructing a grade separation between a railroad line and a highway in the vicinity of Moorhead, Minnesota, and of reconstructing two deteriorated segments of a major east-west highway on the Federal-aid primary system in the vicinities of Fosston and Bagley, Minnesota.

(6) DRY RIDGE, KENTUCKY.—The Secretary shall carry out a highway project to demonstrate methods of improving traffic flow and safety on a portion of a Kentucky State highway which connects an interstate route in the vicinity of Dry Ridge, Kentucky, with a highway on the Federal-aid primary system in the vicinity of Owenton, Kentucky.

(7) SAN BERNARDINO COUNTY, CALIFORNIA.—The Secretary shall carry out a demonstration project in the vicinity of the Ontario International Airport in San Bernardino County, California, for the purpose of demonstrating methods of improving highway access to an airport which is projected to incur a substantial increase in air service.

(8) ALTOONA, PENNSYLVANIA.—The Secretary shall carry out a highway project to close a gap of approximately 12 miles in a multilane limited access road connecting the city of Altoona to the borough of Tyrone in Blair County, Pennsylvania, for the purpose of demonstrating state of the art delineation technology. For comparison purposes, the highway section to be constructed shall connect a highway section constructed with current delineation technology and an older highway section constructed with traditional delineation technology. The project shall demonstrate the latest horizontal and vertical delineation techniques and utilize innovative techniques in highway delineation treatments to improve traffic control and highway safety. All delineation elements shall be designed to provide the optimum life-cycle costs, thereby maximizing the highway safety benefits and minimizing future maintenance costs. The Secretary shall provide necessary technical assistance in the design and construction of the project. Upon completion of the project, the highway shall be added to the Federal-aid primary system.

(9) LOUISIANA.—

(A) LAFAYETTE.—The Secretary is authorized to carry out a highway project to demonstrate the benefits to traffic flow and transportation of labor and materials by construction of a highway to provide limited continuous access between an interstate route and a highway on the Federal-aid primary system in Lafayette, Louisiana.

(B) SHREVEPORT.—The Secretary is authorized to carry out a highway project which will demonstrate methods of reducing traffic congestion in the central business district of Shreveport, Louisiana, improving access to such district, providing highway continuity, and satisfying national defense requirements by connecting an interstate route with another interstate route which serves as a bypass around such city.

(10) MIAMI, FLORIDA.—The Secretary is authorized to carry out a highway project which will demonstrate the most cost effective method of improving interstate motor vehicle access for passengers and cargo moving to and from the port of Miami, Florida.

(11) ARKANSAS-MISSOURI.—

(A) BELLA VISTA, ARKANSAS.—The Secretary is authorized to carry out a highway project in the State of Arkansas on a segment of a north-south highway on the Federal-aid primary system from the vicinity of the junction of Interstate Routes I-40 and I-540 to the boundary between the States of Arkansas and Missouri in the vicinity of Bella Vista, Arkansas, for the purpose of demonstrating methods of improving highway safety and of accelerating highway construction. Such project shall increase the number of lanes on such segment from two to four.

(B) CARTHAGE, MISSOURI.—The Secretary is authorized to carry out a highway project on a segment of a north-south highway on the Federal-aid primary system from the vicinity of Carthage, Missouri, to the boundary between the States of Arkansas and Missouri in the vicinity of Noel, Missouri, for the purpose of demonstrating methods of improving highway safety and accelerating highway construction. Such project shall increase the number of lanes on such segment from two to four.

(C) DESIGN FEATURES; TECHNICAL ASSISTANCE.—The projects authorized by subparagraphs (A) and (B) of this paragraph shall also demonstrate the latest high-type geometric design features and new advances in highway traffic control and safety hardware. All design elements, including the highway pavement, shall be designed to provide the best life-cycle costs, thereby minimizing future maintenance costs. The Secretary shall provide necessary technical assistance in the design and construction of such projects.

(12) SANFORD, FLORIDA.—The Secretary shall carry out a highway project to demonstrate methods of reducing costs and expediting construction of an interchange in the vicinity of Sanford, Florida, and the intersection of route 46A and an interstate route by contracting with a private business to design and construct such project.

(13) SAN JOSE, CALIFORNIA.—The Secretary is authorized to carry out a demonstration project in the vicinity of San Jose and Santa Clara, California, for the purpose of demonstrating a unified method of reducing traffic congestion on a Federal-aid urban highway which is the result of the intersection of such highway with two other Federal-aid urban highways and a railroad crossing in a one-quarter mile segment of such highway.

(14) DISTRICT OF COLUMBIA.—

(A) PROJECT DESCRIPTION.—The Secretary shall carry out a demonstration project in the vicinity of the C&O Canal in the District of Columbia for the purpose of substantially improving motor vehicle access at a major traffic generator without decreasing the efficiency of a Federal-aid primary highway. The Secretary shall enter into such arrangements as may be necessary to carry out such project with the Secretary of the Interior.

(B) LIMITATION.—No Federal assistance shall be provided to carry out the demonstration project under this paragraph until private sources dedicate at least 2.5 acres of land as a scenic easement for project purposes.

(15) COMPTON, CALIFORNIA.—The Secretary shall carry out a highway project for construction of a grade separation on a route on the Federal-aid urban system in Compton, California, for the purpose of demonstrating methods of relieving traffic congestion and enhancing economic development.

(16) MODESTO, CALIFORNIA.—The Secretary shall carry out a highway project to demonstrate methods by which construction of a grade separation for a railroad crossing of a highway on the Federal-aid primary system enhances urban redevelopment and the effectiveness of a planned transportation center in Modesto, California.

(17) COLUMBIA, MISSOURI.—The Secretary shall carry out a highway project for construction of two additional lanes on a two-lane 106-mile highway on the Federal-aid primary system which begins in the vicinity of Columbia, Missouri, and ends in the vicinity of Lancaster, Missouri, for the purpose of demonstrating methods of improving highway safety, reducing traffic congestion, and encouraging economic development.

(18) EAST MILTON, MASSACHUSETTS.—The Secretary is authorized to carry out a highway project to demonstrate the advantages of joint development and use of air rights in the construction of a deck over a depressed portion of an interstate route in East Milton, Massachusetts.

(19) FAIRHOPE, ALABAMA.—The Secretary, in cooperation with the State of Alabama, shall carry out a highway project in the vicinity of Fairhope and Foley, Alabama, to demonstrate methods of accelerating the widening of a highway traffic segment of highway on the Federal-aid primary system necessary for the rapid evacuation of individuals during emergency weather conditions.

(20) WILDER, KENTUCKY.—The Secretary shall carry out a highway project in the vicinity of Wilder in Campbell County, Kentucky, to demonstrate the economic benefits to a port facility, industrial complex, and foreign trade zone and methods of enhancing highway safety by reconstruction of a segment of a highway on the Federal-aid urban system which connects an interstate route with a port facility. Such project shall increase the number of lanes on such highway from two to four and may include realignment of such highway.

(21) JO DAVIESS, ILLINOIS.—The Secretary shall carry out a highway project to demonstrate the safety benefits of providing additional and improved vehicular passing opportunities on, adding truck climbing lanes to, and straightening, a 50-mile segment of an east-west highway on the Federal-aid primary system which carries a high volume of

traffic in Jo Daviess and Stephenson Counties, Illinois.

(22) ALLENTOWN, PENNSYLVANIA.—The Secretary is authorized to carry out a highway project in the city of Allentown, Pennsylvania, for the purpose of demonstrating methods of accelerating construction to eliminate a major rail-highway crossing at grade, reducing traffic delays for both rail and motor vehicle traffic, and minimizing the impact on the surrounding urban environment.

(23) RIVERSIDE, CALIFORNIA.—The Secretary shall carry out a highway project to demonstrate methods of improving safety on a highway on the Federal-aid primary system in Riverside, California, which is designated as a priority primary route under section 147 of title 23, United States Code, by committee print numbered 100-3 of the Committee on Public Works and Transportation of the House of Representatives.

(24) BUFFALO, NEW YORK.—The Secretary shall carry out a highway project in Buffalo, New York, for the purpose of demonstrating methods of facilitating redevelopment of a waterfront area by construction of a connector off a highway on the Federal-aid primary system. Upon completion of the project, the connector shall be added to the Federal-aid urban system.

(25) CLEVELAND, OHIO.—The Secretary shall carry out a highway project to replace a ramp which provides access to an industrial area of Cleveland, Ohio, for the purpose of demonstrating the relationship between infrastructure improvement and economic vitality.

(26) PATTON ISLAND, ALABAMA.—The Secretary shall carry out a highway project to construct a bridge to cross the Tennessee River in Lauderdale and Colbert Counties, Alabama, in the vicinity of Patton Island, Alabama, for the purpose of demonstrating methods of improving highway transportation and enhancing economic development.

(27) PORT CLINTON, OHIO.—The Secretary shall carry out a highway project to upgrade an east-west State route between Port Clinton and Toledo, Ohio, for the purpose of demonstrating methods of improving traffic flow between a recreational area and a metropolitan area.

(28) CHICAGO, ILLINOIS.—The Secretary shall carry out the following highway projects in Chicago, Illinois:

(A) A highway project to rehabilitate a drawbridge over the north branch of the Chicago River and realign an adjacent intersection which will demonstrate the use of the latest innovative bridge repair techniques on a bascule bridge.

(B) A highway project to remove and replace an existing bridge on Lake Shore Drive in the Jackson Park Historic Landscape District and the Midway Plaissance with a new bridge in the same location and to widen the approach road to such bridge which will demonstrate the historic recreation of a national register bridge and replacement of a deteriorated bridge.

(C) A highway project between Chicago Avenue and Claybourn Avenue to disinvest a bridge over Goose Island which will demonstrate methods of reducing municipal and Federal burdens for rehabilitation and maintenance of a surplus highway facility.

(29) WAYNE COUNTY, MICHIGAN.—The Secretary shall carry out two road improvement projects in Wayne County, Michigan, to demonstrate the benefits of enhancing safety and improving economic vitality of a depressed area.

(30) COOK COUNTY, ILLINOIS.—

(A) CHICAGO.—The Secretary shall carry out a highway project which demonstrates methods of utilizing a low cost alternative to reconstruction of a 1 mile segment of an east-west road between Nagle and Oak Park Avenues, Chicago, Illinois, which is deficient due to soil conditions.

(B) SOUTHWEST CHICAGO.—The Secretary shall carry out a highway project to construct three parking facilities adjacent to the Rock Island commuter rail lines in Southwest Chicago, Illinois, which will demonstrate the effectiveness of construction of parking facilities in relieving on-street parking congestion and unsafe parking practices.

(C) OAK LAWN.—The Secretary shall carry out a highway project in Oak Lawn, Illinois, which demonstrates methods of improving highway safety by widening and resurfacing a four-lane major arterial with lane widths which are less than minimum State and Federal standards.

(D) CALUMET PARK.—The Secretary shall carry out a highway project which demonstrates methods of improving highway safety and access to a segment of the Interstate System by reconstruction of a congested major arterial in Calumet Park and Blue Island, Illinois.

(E) CUMBERLAND STATION.—The Secretary shall carry out a highway project to construct the first level of a two level addition to an existing park and ride facility in the vicinity of Cumberland Station on the O'Hare Rapid Transit Line, Chicago, Illinois, which will demonstrate methods of reducing commuter traffic and traffic congestion and increasing utilization of available capacity on a rapid transit line.

(F) ELEVATED ROAD.—The Secretary shall carry out a highway project to demonstrate the benefits of utilizing precast, prefabricated concrete structural segments in the reconstruction of an elevated road on a major artery in the southwestern portion of Chicago, Illinois, in order to minimize traffic disruption during the reconstruction.

(G) PARKING FACILITIES.—The Secretary shall carry out a demonstration project for the construction of two parking lots at sites (i) where future stations are to be located on the Southwest Rapid Transit Line in Chicago, Illinois, and (ii) to which buses now provide mass transit service. Such project shall be carried out before the beginning of service on such rapid transit line in order to demonstrate methods of facilitating the transfer of passengers between different modes of transportation and of establishing ridership before the opening of a rapid transit line.

(31) KANSAS CITY, MISSOURI.—The Secretary shall carry out a highway project on a north-south route on the Federal-aid primary system in Kansas City, Missouri, to demonstrate methods by which construction of the first and southern-most phase of a 5-phase highway project will facilitate construction of the full 5-phase project. Construction of the 5-phase project—

(A) will connect the northern terminus of another route on the Federal-aid primary system and an east-west interstate route,

(B) will demonstrate the interrelationship between construction of a major urban transportation artery and economic development initiatives in facilitating reinvestment in an urban area experiencing economic decay, and

(C) will demonstrate methods of reducing traffic congestion through construction of a roadway that is compatible with adjacent residential neighborhoods and commercial areas.

(32) MOUNT VERNON, KENTUCKY.—The Secretary is authorized to carry out a highway project on a segment of the Federal-aid primary system which connects Interstate Route I-75 in the vicinity of Mount Vernon, Kentucky, with Kentucky State Route 80 in the vicinity of Shopville, Kentucky, for the purposes of demonstrating methods of improving highway safety and traffic flow and improving access to a national river and recreation area.

(33) PINE CITY, MINNESOTA.—The Secretary is authorized to carry out a highway project in Pine City, Minnesota, to demonstrate methods of enhancing economic development and improving highway safety and traffic flow by construction of an interchange between a highway on the Interstate System and a county State-aid highway.

(34) PASO ROBLES, CALIFORNIA.—The Secretary is authorized to carry out a highway project in the city of Paso Robles, California, to construct a two-lane, east-west bridge which will span the Salinas River, a highway, and a railroad line and will be located south of the existing bridges spanning such river in such city, for the purposes of demonstrating methods of improving highway safety and traffic flow and enhancing economic development.

(35) SUFFOLK COUNTY, NEW YORK.—The Secretary is authorized to carry out a highway project from Wheeler Road to Veterans Memorial Highway in the town of Islip, Suffolk County, New York, for the purpose of demonstrating construction techniques to accelerate upgrading of an existing highway to freeway standards with minimum disruption of traffic.

(36) CONNECTICUT.—

(A) SOUTHINGTON.—The Secretary shall carry out a highway project to demonstrate the latest construction techniques in reconstructing a north-south segment of highway on the Federal-aid urban system in the vicinity of Southington, Connecticut.

(B) KENT CENTER.—The Secretary shall carry out a highway project to change horizontal and vertical alignment of a north-south highway on the Federal-aid primary system south of Kent Center, Connecticut, to demonstrate methods of solving safety and flooding problems.

(37) DOVER TOWNSHIP, NEW JERSEY.—The Secretary is authorized to carry out a highway project to construct a bridge across the Toms River in the township of Dover, New Jersey, for the purpose of demonstrating methods of reducing traffic congestion on an existing bridge and facilitating the redevelopment of the central business district of such township.

(38) LOS ANGELES COUNTY, CALIFORNIA.—The Secretary is authorized to carry out a highway project in Los Angeles County, California, for the purpose of demonstrating methods of improving vehicular circulation related to the intermodal transportation of port-related traffic and alleviating congestion caused by increased port activities.

(39) GREATER PITTSBURGH INTERNATIONAL AIRPORT.—The Secretary shall carry out in the vicinity of the Greater Pittsburgh International Airport a highway project for construction of a highway which is designated as a priority primary route under section 147 of title 23, United States Code, by committee print numbered 100-3 of the Committee on Public Works and Transportation of the House of Representatives to demonstrate methods of improving economic development and airport terminal placement.

(40) STEUBEN COUNTY, NEW YORK.—The Secretary shall carry out a highway project

in Steuben County, New York, for the purpose of demonstrating the extent to which the economy of an industrialized high unemployment area can be improved by completion of key elements of a modern, grade-separated access controlled highway which serves such area.

(41) SONOMA AND MARIN COUNTIES, CALIFORNIA.—

(A) SANTA ROSA.—The Secretary shall carry out a highway project for the purpose of demonstrating the extent to which traffic congestion is relieved by reconstruction of a north-south arterial which (i) connects Santa Rosa, California, and Petaluma, California, (ii) is parallel to a major north-south segment of the Federal-aid primary system, and (iii) serves as an alternative for traffic between such cities.

(B) HEALDSBURG.—The Secretary shall carry out a highway project for the purpose of demonstrating the extent to which traffic congestion is relieved on the major north-south segment of the Federal-aid primary system described in subparagraph (A) by construction of high occupancy vehicle lanes along a right-of-way which is parallel to such segment and connects San Rafael, California, and Healdsburg, California.

(42) VOYAGEURS NATIONAL PARK, MINNESOTA.—The Secretary shall carry out a highway project which demonstrates methods of enhancing use of a national park and reducing traffic congestion by reconstruction of an access road to Voyageurs National Park, Minnesota.

(43) SAVANNAH, GEORGIA.—The Secretary, in cooperation with the State of Georgia, shall carry out a highway project for replacing an existing functionally obsolete bridge across the Savannah River in Savannah, Georgia, with a modern, high-level structure for the purpose of demonstrating methods of improving safety and the free flow of both vehicular and waterborne traffic including traffic related to national defense.

(44) NEW SEWICKLY, PENNSYLVANIA.—The Secretary shall carry out a highway project to construct a 2-lane highway between the township of New Sewickly, Pennsylvania, and the borough of Conway, Pennsylvania, for the purpose of demonstrating methods of accommodating increasing truck traffic and improving highway safety.

(45) CROYLE TOWNSHIP, PENNSYLVANIA.—The Secretary shall carry out a highway project to upgrade a 1.3 mile access road to the Johnstown Flood National Memorial in the vicinity of Croyle Township, Pennsylvania, for the purpose of demonstrating methods of improving public access to a flood memorial.

(46) LAWRENCE, MASSACHUSETTS.—The Secretary shall carry out in Lawrence, Massachusetts, a highway project to demonstrate methods of enhancing the benefits of an economic rehabilitation project under construction by construction of a service road which provides access between Massachusetts Avenue and Merrimack Street substantially along an alignment located between the Shawsheen River and an interstate route.

(47) BATON ROUGE, LOUISIANA.—

(A) The Secretary shall carry out a highway project in the vicinity of Baton Rouge, Louisiana, for the purpose of demonstrating the benefits of reducing traffic congestion in the immediate vicinity of a split-diamond interchange which connects an east-west highway on the Interstate System, 2 4-lane highways not on such System, and a 2-lane highway not on such System by providing—

(i) a direct exit lane from the westbound lanes of the highway on such System to one of such 4-lane highways;

(ii) a direct access ramp and acceleration lane from such 4-lane highway to the eastbound lanes of the highway on such System; and

(iii) a direct exit lane from the eastbound lanes of the highway on such System to the other of such 4-lane highways.

(B) The Secretary shall carry out a highway project in the vicinity of Baton Rouge, Louisiana, for the purpose of demonstrating the benefits of reducing traffic congestion in the immediate vicinity of a convergence of an east-west highway on the Interstate System and a north-south highway on such System by construction of an additional ramp lane.

(C) The Secretary shall carry out a highway project in the vicinity of East Baton Rouge, Louisiana, for the purpose of demonstrating the most cost-effective methods of reducing traffic congestion in the immediate vicinity of (i) a diamond interchange which connects an east-west highway on the Interstate System and a 4-lane highway not on such System, and (ii) a nearby intersection of such 4-lane highway and a 2-lane service road.

(D) The Secretary shall carry out a highway project in the vicinity of northeast Baton Rouge, Louisiana, for the purpose of demonstrating the efficacy of reducing traffic congestion and improving traffic flow in the immediate vicinity of a highway on the Interstate System to connect such highway to a metropolitan airport terminal access road by construction of a direct access off-ramp link.

(48) MINDEN, LOUISIANA.—The Secretary shall carry out a highway project for the purpose of demonstrating methods of enhancing economic development by construction of a frontage road which provides Minden, Louisiana, alternative access to a highway immediately connecting to a highway on the Interstate System.

(49) ANAHEIM, CALIFORNIA.—The Secretary shall carry out a project for research, development, and implementation of a computerized transportation management system to assist the city of Anaheim, California, and adjoining jurisdictions in managing highway traffic congestion caused in part by an interstate route passing through an area of concentrated population and commercial development for the purpose of demonstrating the usefulness of such a system in reducing traffic congestion.

(50) ISLE OF PALMS, SOUTH CAROLINA.—The Secretary shall carry out a highway project connecting the Isle of Palms, South Carolina, to the mainland for the purpose of demonstrating the reduction in traffic congestion, improved emergency preparedness, and increased accessibility to a sea island by construction of a high-level fixed span bridge over a high-volume intracoastal waterway segment.

(51) CLARKSVILLE, TENNESSEE.—The Secretary shall carry out a highway project to demonstrate methods of improving highway safety by making improvements to a road providing direct access from the Fort Campbell Military Reservation to the city of Clarksville, Tennessee.

(52) CLARINDA, IOWA.—The Secretary shall carry out a highway project to reconstruct and rehabilitate a highway between Shenandoah and Clarinda, Iowa, for the purpose of demonstrating methods by which improved highway transportation in an economically depressed rural area will increase economic activity in such area.

(53) SAN DIEGO COUNTY, CALIFORNIA.—The Secretary shall carry out a highway project to expand a highway which connects an interstate route in the vicinity of Oceanside, California, with another interstate route in the vicinity of Escondido, California for the purpose of demonstrating methods of reducing traffic congestion and accidents.

(54) ST. CHARLES COUNTY, MISSOURI.—The Secretary shall carry out a highway project to construct a bypass highway to connect an east-west interstate route in St. Charles County, Missouri, with the interstate beltway around St. Louis, Missouri, for the purpose of demonstrating methods of alleviating traffic congestion, especially commuter traffic congestion.

(55) JONESBORO, ARKANSAS.—The Secretary shall carry out a highway project for construction of four grade separations on a four-lane bypass route in the vicinity of Jonesboro, Arkansas, for the purpose of demonstrating methods of improving highway safety.

(56) ILLINOIS.—

(A) MT. VERNON.—The Secretary is authorized to carry out a highway project to reconstruct a segment of approximately 1.4 miles of a State route connecting to an interstate route in the vicinity of Mt. Vernon, Illinois, for the purpose of demonstrating methods of improving highway safety.

(B) EVANSVILLE.—The Secretary is authorized to carry out a highway project to upgrade a principal route through the village of Evansville, Illinois, for the purpose of demonstrating methods of improving traffic flow.

(C) UNION COUNTY.—The Secretary is authorized to carry out a highway project to improve a road leading to a landmark in the vicinity of the city of Alto Pass, Union County, Illinois, for the purpose of demonstrating methods of improving access to such a landmark and of enhancing tourism.

(57) CONCORD, CALIFORNIA.—The Secretary shall carry out a highway project between Concord, California, and West Pittsburg, California, for the purpose of demonstrating methods of improving highway safety and traffic flow by lowering the grade of, realigning, and widening an existing highway on the Federal-aid primary system.

(58) GEORGIA.—The Secretary shall carry out a highway project which demonstrates methods of improving highway safety and reducing traffic accidents by reconstruction of a 3.8 mile segment of highway between Interstate Route I-285 and the fork of Georgia State Route 141 as a 6-lane controlled access freeway with one-way frontage roads in each direction.

(59) PIKE COUNTY, KENTUCKY.—The Secretary shall carry out a highway project to reconstruct a highway on the Federal-aid primary system between Open Fork Road and Road Fork of Big Creek Road in Pike County, Kentucky, for the purpose of demonstrating methods of improving highway safety in a mountainous area.

(60) MADISON COUNTY, ILLINOIS.—The Secretary shall carry out a highway project to demonstrate the economic growth and development benefits of reconstructing a segment of road in Madison County, Illinois, which serves a high-growth industrial area.

(61) ERWIN, TENNESSEE.—The Secretary shall carry out a highway project to extend, approximately 15 miles, a highway on the Appalachian development highway system between River View in Erwin, Tennessee, and Sam's Gap on the North Carolina-Tennessee border for the purpose of demon-

strating methods of improving transportation in a mountainous area.

(62) New River, West Virginia.—The Secretary is authorized to carry out a demonstration project to construct a parkway connecting to an interstate route, in accordance with the recommendations of the New River Parkway Authority, in the vicinity of the New River, West Virginia, for the purpose of demonstrating benefits to recreation, tourism, and industrial, economic, and community development.

(63) Kittanning-Brookville, Pennsylvania.—The Secretary is authorized to carry out a project for reconstruction of approximately 30 miles of a two-lane road on the Federal-aid primary system between Kittanning and Brookville, Pennsylvania, for the purpose of demonstrating cost-effective methods of improving rural highways to accommodate wider and longer trucks.

(64) Aurora-Hoyt Lakes, Minnesota.—The Secretary is authorized to carry out a project for construction of a highway connecting Aurora-Hoyt Lakes and Silver Bay, Minnesota, for the purpose of demonstrating methods of reducing traffic congestion in and around a recreational area.

(65) Kanawha County, West Virginia.—The Secretary shall carry out a highway project which demonstrates methods of improving traffic flow in a rural area by reconstruction of the Chelyan Bridge in Kanawha County, West Virginia.

(66) Roanoke Sound, North Carolina.—The Secretary shall carry out a highway project which demonstrates methods of improving tourism, commercial enterprise, and water and highway transportation by construction of a bridge on an east-west Federal-aid primary route which connects Manteo and Whalebone, North Carolina, and traverses Roanoke Sound.

(67) Lincoln, Illinois.—The Secretary shall carry out a highway project which demonstrates methods of improving highway safety and reducing traffic congestion by construction of a controlled access freeway which connects Interstate Route I-55 in the vicinity of Lincoln, Illinois, and Interstate Route I-74 in the vicinity of Morton, Illinois.

(68) Sparks, Nevada.—The Secretary shall carry out a highway project which demonstrates methods of improving economic development and diversification, and eliminating traffic and highway safety hazards by construction in the city of Sparks, Nevada, of an interchange which connects Interstate Route I-80 and Sparks Boulevard.

(69) Burbank-Glendale-Pasadena Airport, California.—The Secretary shall carry out a highway project which demonstrates methods of coordinating construction of ground access to an airport and construction of terminal and parking facilities at such airport. The Secretary shall carry out such project at the Burbank-Glendale-Pasadena Airport, California, by making a grant for construction of such ground access to the airport authority for such airport.

(70) El Segundo, California.—The Secretary shall carry out a highway project to increase the capacity of a tunnel in the vicinity of an airport serving El Segundo, California, which will demonstrate methods of mitigating increased traffic congestion which is projected to result from completion of a segment of the Interstate System.

(71) Alameda Island, California.—The Secretary shall carry out a highway project to demonstrate methods of improving access to, and alleviating congestion on, a north-south route designated as part of the Interstate System under section 139 of title 23, United States Code, and its access roads, including access roads from Oakland International Airport and Alameda Island, California, to such interstate route.

(72) Douglas County, Kansas.—The Secretary shall carry out a highway project in Douglas County, Kansas, to demonstrate methods of reducing traffic congestion and facilitating the usage by motorists on the Interstate System of recreational facilities by construction of a north-south limited access trafficway of approximately 4 miles in length which will connect an east-west interstate route to a reservoir and a university research park.

(73) Chadville, Pennsylvania.—The Secretary shall carry out a highway project to relocate and reconstruct to 4 lanes a 3.5-mile north-south segment of the Federal-aid primary system from the vicinity of Uniontown Bypass at Chadville, Pennsylvania, to Pennsylvania Legislative Route 26082 in the vicinity of Fairchance, Pennsylvania, which will demonstrate methods of enhancing the development of a major industrial site.

(74) Chambersburg, Pennsylvania.—The Secretary shall carry out a highway project which demonstrates how construction of an interchange on a north-south interstate route will provide access to Chambersburg, Pennsylvania, and relieve traffic congestion on an existing interchange on such interstate route.

(75) Beaumont, Texas.—The Secretary shall carry out a highway project which demonstrates how construction of an overpass over an interstate route in the vicinity of the city of Beaumont, Texas, will relieve traffic congestion on such interstate route and provide direct access between the central business district of such city and another part of such city.

(76) St. Louis County, Minnesota.—The Secretary shall carry out a highway project for the construction of an access road from County Road 413 in St. Louis County, Minnesota, to a recreational complex on the Bois Forte Chippewa Reservation (Vermilion Sector) to demonstrate methods of providing jobs and enhancing economic development in a severely and chronically depressed area.

(77) Gloucester County, Virginia.—The Secretary, in consultation with the Governor of Virginia, the Secretary of Defense, and the Secretary of the Interior, shall carry out site selection and environmental studies and design and engineering for replacement or expansion of a bridge connecting Gloucester County with York County and the cities of Newport News and Hampton, Virginia, for the purpose of demonstrating methods of facilitating the resolution of Federal intra-governmental conflicts.

(78) Arcola, Texas.—The Secretary shall carry out a highway project in Arcola, Texas, which demonstrates methods by which construction of a grade separation project between the intersection of 2 highways and a railroad crossing improves traffic flow and highway safety.

(79) Hammond, Indiana.—The Secretary shall enter into such arrangements as may be necessary to carry out a demonstration project in Hammond, Indiana, for the relocation of railroad lines for the purpose of eliminating railroad-highway grade crossings. If the city of Hammond, Indiana, elects to carry out all or any portion of the demonstration project authorized by this paragraph before the funds authorized to be appropriated to carry out this paragraph are made available, the Secretary shall reimburse with such funds the city for the costs of carrying out such project or portion.

(80) Erie County, New York.—The Secretary is authorized to carry out a highway project in Erie County, New York, to demonstrate methods of enhancing safety and reducing traffic congestion and delays at the terminus of an interstate route by relocating the terminus of such route.

(81) Tampa, Florida.—The Secretary is authorized to carry out the remaining design work for a highway project for construction of a grade separation on a route on the Federal-aid primary system in the vicinity of Tampa, Florida, for the purpose of demonstrating methods of improving motor vehicle access between rapidly growing urban areas as well as relieving motor vehicle congestion resulting from the transportation of freight to and from areas for the transshipment of waterborne commerce.

(b) Reports.—

(1) In general.—Not later than January 31 of calendar years 1988, 1989, 1990, and 1991, the Secretary shall submit to Congress a report on the status of the projects authorized by this section and on the results of any such projects which are completed in the preceding fiscal year.

(2) Passaic County, New Jersey.—Not later than 180 days after completion of the demonstration project under subsection (a)(1), the Secretary shall submit a report to Congress on the results of such project (including the timesavings), along with a description of the procedures used to accelerate design and construction of such project, a summary of the manner in which the techniques used in carrying out such project in an urban area differed from the techniques used in the demonstration project carried out under section 141 of the Federal-Aid Highway Act of 1976 in a rural area, and an analysis of the costs and benefits of the accelerated completion of the project conducted under such paragraph (1).

(3) Altoona, Pennsylvania.—Not later than 1 year, 6 years, and 11 years after the completion of the state of the art delineation technology project under subsection (a)(8), the Secretary shall submit reports to the Congress, including but not limited to the results of such project, the effects of using the best delineation technology on safety and other considerations, recommendations for applying the results to other highway projects, and any changes that may be necessary by law to permit further use of such delineation techniques.

(4) Arkansas-Missouri.—Not later than 1 year, 6 years, and 11 years after the completion of the projects under subsection (a)(11), the Secretary shall submit reports to the Congress, including but not limited to the results of such projects, the effects of using design features and advances described in such paragraph on safety and other considerations, recommendations for applying the results to other highway projects, and any changes that may be necessary by law to permit further use of such features and advances.

(c) Authorization of Appropriations From Highway Trust Fund.—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account)—

(1) to carry out subsection (a)(1) $5,000,000 for fiscal year 1987; $28,000,000 for fiscal year 1988, $12,000,000 for fiscal year 1989, and $5,000,000 for fiscal year 1990;

(2) to carry out subsection (a)(2) $6,800,000 for fiscal year 1987 and $13,200,000 for fiscal year 1988;

(3) to carry out subsection (a)(3) $12,000,000 for fiscal year 1987;

(4) to carry out subsection (a)(4) $8,500,000 for fiscal year 1987;

(5) to carry out subsection (a)(5) $3,000,000 for fiscal year 1987 and $2,000,000 for fiscal year 1988;

(6) to carry out subsection (a)(6) $1,600,000 for fiscal year 1987, $2,300,000 for fiscal year 1988, and $16,600,000 for fiscal year 1989;

(7) to carry out subsection (a)(7) $4,000,000 for fiscal year 1987, $4,000,000 for fiscal year 1988, $4,000,000 for fiscal year 1989, $17,000,000 for fiscal year 1990, and $9,000,000 for fiscal year 1991;

(8) to carry out subsection (a)(8) $3,000,000 for fiscal year 1987, $8,000,000 for fiscal year 1988, $18,000,000 for fiscal year 1989, $26,000,000 for fiscal year 1990, and $35,000,000 for fiscal year 1991;

(9) to carry out preliminary engineering and design, initial utility relocation, and land acquisition under subsection (a)(9) $6,000,000 for fiscal year 1987, $15,000,000 for fiscal year 1990, and $19,000,000 for fiscal year 1991;

(10) to carry out preliminary engineering and design under subsection (a)(10) $1,300,000 for fiscal year 1987, $4,500,000 for fiscal year 1988, and $4,500,000 for fiscal year 1989;

(11)(A) to carry out preliminary engineering and design, utility relocation, land acquisition, and initial construction under subsection (a)(11)(A) $5,000,000 for fiscal year 1987, $5,000,000 for fiscal year 1988, $10,000,000 for fiscal year 1989, $10,000,000 for fiscal year 1990, and $15,000,000 for fiscal year 1991; and

(B) to carry out preliminary engineering and design, utility relocation, land acquisition, and initial construction under subsection (a)(11)(B) $5,000,000 for fiscal year 1987, $5,000,000 for fiscal year 1988; $10,000,000 for fiscal year 1989, $10,000,000 for fiscal year 1990, and $15,000,000 for fiscal year 1991;

(12) to carry out subsection (a)(12) $200,000 for fiscal year 1987, $200,000 for fiscal year 1988, $6,200,000 for fiscal year 1989, and $7,400,000 for fiscal year 1990;

(13) to carry out subsection (a)(13) $8,000,000 for fiscal year 1987, $8,000,000 for fiscal year 1988, $7,000,000 for fiscal year 1989, and $6,000,000 for fiscal year 1990;

(14) to carry out subsection (a)(14) $2,000,000 for fiscal year 1987 and $6,000,000 for fiscal year 1988;

(15) to carry out subsection (a)(15) $8,500,000 for fiscal year 1987;

(16) to carry out subsection (a)(16) $2,000,000 for fiscal year 1987, $5,000,000 for fiscal year 1989, $5,000,000 for fiscal year 1990, and $2,000,000 for fiscal year 1991;

(17) to carry out preliminary engineering and design, utility relocation, land acquisition, and initial construction under subsection (a)(17) $2,000,000 for fiscal year 1988, $4,000,000 for fiscal year 1989, $4,000,000 for fiscal year 1990, and $2,000,000 for fiscal year 1991;

(18) to carry out subsection (a)(18) $3,500,000, for fiscal year 1987;

(19) to carry out subsection (a)(19) $700,000 for fiscal year 1987, $3,100,000 for fiscal year 1989, $8,000,000 for fiscal year 1990, and $9,200,000 for fiscal year 1991;

(20) to carry out subsection (a)(20) $1,200,000 for fiscal year 1987 and $7,800,000 for fiscal year 1988;

(21) to carry out subsection (a)(21) $5,000,000 for fiscal year 1987;

(22) to carry out subsection (a)(22) $1,000,000 for fiscal year 1987, $2,000,000 for fiscal year 1988, and $3,000,000 for fiscal year 1989;

(23) to carry out subsection (a)(23) $3,000,000 for fiscal year 1987, $3,000,000 for fiscal year 1988, and $3,000,000 for fiscal year 1989;

(24) to carry out subsection (a)(24) $1,500,000 for fiscal year 1987 and $11,000,000 for fiscal year 1988;

(25) to carry out subsection (a)(25) $4,500,000 for fiscal year 1990 and $4,500,000 for fiscal year 1991;

(26) to carry out subsection (a)(26) $4,000,000 for fiscal year 1988, $4,000,000 for fiscal year 1989, $4,000,000 for fiscal year 1990, and $4,000,000 for fiscal year 1991;

(27) to carry out subsection (a)(27) $7,500,000 for fiscal year 1987 and $7,500,000 for fiscal year 1988;

(28)(A) to carry out subsection (a)(28)(A) $6,600,000 for fiscal year 1987;

(B) to carry out subsection (a)(28)(B) $4,500,000 for fiscal year 1987; and

(C) to carry out feasibility studies and preliminary engineering and design under subsection (a)(28)(C) $900,000 for fiscal year 1987;

(29) to carry out subsection (a)(29) $3,900,000 for fiscal year 1987;

(30)(A) to carry out subsection (a)(30)(A) $400,000 for fiscal year 1987;

(B) to carry out subsection (a)(30)(B) $1,435,000 for fiscal year 1987;

(C) to carry out subsection (a)(30)(C) $1,700,000 for fiscal year 1987;

(D) to carry out subsection (a)(30)(D) $1,050,000 for fiscal year 1987;

(E) to carry out subsection (a)(30)(E) $3,500,000 for fiscal year 1987; and

(F) to carry out subsections (a)(30)(F) and (a)(30)(G) $2,000,000 for fiscal year 1987 and $3,000,000 for fiscal year 1989;

(31) to carry out subsection (a)(31) $5,000,000 for fiscal year 1989 and $10,000,000 for fiscal year 1990;

(32) to carry out subsection (a)(32) $3,000,000 for fiscal year 1987, $6,900,000 for fiscal year 1988, and $6,100,000 for fiscal year 1989;

(33) to carry out subsection (a)(33) $2,600,000 for fiscal year 1987;

(34) to carry out subsection (a)(34) $1,100,000 for fiscal year 1987, $1,000,000 for fiscal year 1988, $1,000,000 for fiscal year 1989, and $1,000,000 for fiscal year 1990;

(35) to carry out preliminary engineering and design and initial construction under subsection (a)(35) $9,750,000 for fiscal year 1987;

(36) to carry out subsection (a)(36) $3,850,000 for fiscal year 1987;

(37) to carry out subsection (a)(37) $1,500,000 for fiscal year 1987 and $500,000 for fiscal year 1988;

(38) to carry out subsection (a)(38) $4,000,000 for fiscal year 1987, $11,000,000 for fiscal year 1988, $18,000,000 for fiscal year 1989, $19,000,000 for fiscal year 1990, and $22,000,000 for fiscal year 1991;

(39) to carry out preliminary engineering and design under subsection (a)(39) $5,500,000 for fiscal year 1987;

(40) to carry out subsection (a)(40) $4,500,000 for fiscal year 1990 and $4,500,000 for fiscal year 1991;

(41)(A) to carry out subsection (a)(41)(A) $2,600,000 for fiscal year 1988, $2,600,000 for fiscal year 1989, $2,500,000 for fiscal year 1990, and $2,800,000 for fiscal year 1991; and

(B) to carry out land acquisition under subsection (a)(41)(B) $10,000,000 for fiscal year 1987, $10,000,000 for fiscal year 1988, and $5,000,000 for fiscal year 1989;

(42) to carry out subsection (a)(42) $2,000,000 for fiscal year 1988 and $2,530,000 for fiscal year 1989;

(43) to carry out subsection (a)(43) $10,000,000 for fiscal year 1988, $13,000,000 for fiscal year 1989, $17,000,000 for fiscal year 1990, and $14,000,000 for fiscal year 1991;

(44) to carry out subsection (a)(44) $13,400,000 for fiscal year 1990;

(45) to carry out subsection (a)(45) $720,000 for fiscal year 1987;

(46) to carry out subsection (a)(46) $300,000 for fiscal year 1987, $1,000,000 for fiscal year 1988, and $2,700,000 for fiscal year 1989;

(47) to carry out subsection (a)(47) $7,800,000 for fiscal year 1987 and $6,200,000 for fiscal year 1989;

(48) to carry out subsection (a)(48) $750,000 for fiscal year 1987;

(49) to carry out subsection (a)(49) $500,000 for fiscal year 1987, and $400,000 for fiscal year 1988;

(50) to carry out subsection (a)(50) $5,000,000 for fiscal year 1990 and $5,000,000 for fiscal year 1991;

(51) to carry out subsection (a)(51) $5,000,000 for fiscal year 1988;

(52) to carry out subsection (a)(52) $500,000 for fiscal year 1988, $3,000,000 for fiscal year 1989, $3,000,000 for fiscal year 1990, and $2,500,000 for fiscal year 1991;

(53) to carry out subsection (a)(53) $2,000,000 for fiscal year 1988, $5,000,000 for fiscal year 1989, and $5,000,000 for fiscal year 1990;

(54) to carry out preliminary engineering and design under subsection (a)(54) $5,000,000 for fiscal year 1988 and $8,000,000 for fiscal year 1989;

(55) to carry out subsection (a)(55) $2,500,000 for fiscal year 1987, $3,200,000 for fiscal year 1989, $2,600,000 for fiscal year 1990, and $5,000,000 for fiscal year 1991;

(56)(A) to carry out subsection (a)(56)(A) $1,300,000 for fiscal year 1987;

(B) to carry out subsection (a)(56)(B) $308,000 for fiscal year 1987; and

(C) to carry out subsection (a)(56)(C) $350,000 for fiscal year 1987;

(57) to carry out land acquisition under subsection (a)(57) $5,000,000 for fiscal year 1987;

(58) to carry out subsection (a)(58) $5,000,000 for fiscal year 1987, $5,500,000 for fiscal year 1988, and $9,500,000 for fiscal year 1989;

(59) to carry out subsection (a)(59) $1,000,000 for fiscal year 1989, $7,000,000 for fiscal year 1990, and $7,000,000 for fiscal year 1991;

(60) to carry out subsection (a)(60) $2,200,000 for fiscal year 1987;

(61) to carry out subsection (a)(61) $5,000,000 for fiscal year 1987, $2,000,000 for fiscal year 1988, and $13,000,000 for fiscal year 1989;

(62) to carry out subsection (a)(62) $1,000,000 for fiscal year 1987, $3,000,000 for fiscal year 1988, $9,000,000 for fiscal year 1989, and $4,600,000 for fiscal year 1990;

(63) to carry out subsection (a)(63) $2,000,000 per fiscal year for each of the fiscal years 1987, 1988, 1989, 1990, and 1991;

(64) to carry out preliminary engineering and design under subsection (a)(64) $1,500,000 for fiscal year 1987;

(65) to carry out preliminary engineering and design under subsection (a)(65) $2,000,000 for fiscal year 1987;

(66) to carry out subsection (a)(66) $1,000,000 for fiscal year 1988, $800,000 for fiscal year 1989, $12,100,000 for fiscal year 1990, and $6,100,000 for fiscal year 1991;

(67) to carry out subsection (a)(67) $7,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991;

(68) to carry out subsection (a)(68) $4,000,000 per fiscal year for each of fiscal years 1987 and 1988;

(69) to carry out subsection (a)(69) $2,000,000 per fiscal year for each of fiscal years 1987 and 1988 and $3,000,000 for fiscal year 1989;

(70) to carry out preliminary engineering and design under subsection (a)(70) $1,500,000 for fiscal year 1987 and $1,500,000 for fiscal year 1988;

(71) to carry out preliminary engineering and design, environmental analysis, and implementation of environmental mitigation measures under subsection (a)(71) $3,000,000 per fiscal year for each of fiscal years 1987, 1988, and 1990;

(72) to carry out subsection (a)(72) $5,000,000 per fiscal year for each of fiscal years 1987 and 1988;

(73) to carry out subsection (a)(73) $2,500,000 per fiscal year for each of fiscal years 1989 and 1990 and $5,000,000 for fiscal year 1991;

(74) to carry out subsection (a)(74) $5,000,000 for fiscal year 1988;

(75) to carry out subsection (a)(75) $6,000,000 for fiscal year 1987;

(76) to carry out subsection (a)(76) $1,000,000 for fiscal year 1987;

(77) to carry out subsection (a)(77) $5,000,000 for fiscal year 1988;

(78) to carry out subsection (a)(78) $2,500,000 per fiscal year for each of fiscal years 1987 and 1988;

(79) to carry out subsection (a)(79) $2,815,000 for fiscal year 1989 and $2,815,000 for fiscal year 1990;

(80) to carry out subsection (a)(80) $2,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991; and

(81) to carry out subsection (a)(81) $400,000 for fiscal year 1987.

(d) AUTHORIZATION OF APPROPRIATIONS FROM GENERAL FUND.—In addition to amounts authorized by subsection (c), there is authorized to be appropriated to carry out subsection (a)(3) $16,000,000 for fiscal years beginning after September 30, 1987, and ending before October 1, 1991.

(e) APPLICABILITY OF TITLE 23.—Funds authorized by this section (other than subsection (d)) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be 100 percent, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

SEC. 145. CUMBERLAND GAP NATIONAL HISTORICAL PARK, VIRGINIA.

(a) Section 160(a) of the Federal-Aid Highway Act of 1973 (87 Stat. 278) is amended by adding the following new sentences at the end thereof: "After completion of the reconstruction and relocation of Route 25E through the Cumberland Gap National Historical Park (including construction of a tunnel and the approaches thereto), funds available for parkways, notwithstanding the definition of parkways in subsection (a) of section 101, title 23, United States Code, shall be available to finance the cost of upgrading from 2 lanes to 4 lanes a highway providing access from such route through that portion of the Cumberland Gap National Historical Park which lies within the State of Virginia. The project referred to in the preceding sentence shall not delay or affect in any way the reconstruction and relocation of Route 25E (including construction of a tunnel and approaches thereto).".

(b) Subsection (b) of section 160 of such Act is amended by inserting after "rights-of-way" the following: "including approaches in the State of Virginia".

SEC. 146. DELAWARE RIVER BRIDGES.

(a) REPAYMENT OF FEDERAL FUNDS INVESTED ON I-80 BRIDGE.—

(1) IN GENERAL.—The Delaware River Joint Toll Bridge Commission (hereinafter in this section referred to as the "Commission"), in conjunction with the State highway agencies of the States of Pennsylvania and New Jersey, shall enter into an agreement with the Secretary to repay to the Treasury of the United States any Federal funds which previously have been obligated or otherwise expended by the Federal Government with respect to the Delaware Water Gap Bridge on I-80. Such repayment shall be credited to the Highway Trust Fund.

(2) EFFECT OF REPAYMENT.—Upon such repayment, such States and the Commission shall be free of all restrictions contained in title 23, United States Code, and any regulation or agreement thereunder, with respect to the collection or imposition of tolls or other charges for such bridge or the use thereof.

(b) AGREEMENT TO CONSTRUCT I-78 TOLL BRIDGE.—If the State of Pennsylvania, the State of New Jersey, and the Commission determine to operate the uncompleted bridge under construction in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, on I-78 as a toll bridge, such States, the Commission, and the Secretary shall enter into an agreement with respect to such I-78 bridge project as provided in section 129 of title 23, United States Code, notwithstanding the requirements of section 301 of such title or any existing agreement.

(c) RIGHT OF REVIEW BY FEDERAL AGENCIES.—The Commission's authority to fix, charge or collect any fees, rentals, tolls, or other charges shall be as provided in its compact and supplements thereto (including the supplemental agreement described in subsection (e)); except that paragraph (c) of such supplemental agreement shall not be construed to eliminate the necessity for review and approval by any Federal agency, as may be required under applicable Federal law, to determine that the tolls charged by the Commission are reasonable and just consistent with the Commission's responsibilities under such compact and supplements thereto.

(d) LIMITATIONS.—

(1) NO TOLLS ON EXISTING NONTOLL BRIDGES.—Nothing in this section shall be construed to grant congressional consent to the imposition of tolls by the Commission on any existing and operating bridge under the Commission's jurisdiction on which tolls were not charged and collected on January 1, 1986.

(2) NONAPPLICABILITY TO I-895 CORRIDOR.—Nothing in this section shall constitute congressional approval to construed any additional toll bridge in the previously designated I-895 corridor.

(e) SUPPLEMENTAL AGREEMENT.—

(1) CONSENT OF CONGRESS.—The consent of the Congress is hereby given to the supplemental agreement, described in paragraph (2), concerning the Delaware River Joint Toll Bridge Commission, which agreement has been enacted by the State of Pennsylvania on December 18, 1984, as Act 206, laws of 1984, and by the State of New Jersey on October 21, 1985, as Public Law 1985, chapter 342.

(2) DESCRIPTION OF AGREEMENT.—The agreement referred to in paragraph (1) reads substantially as follows:

"SUPPLEMENTAL AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY

"SUPPLEMENTING THE COMPACT OR AGREEMENT ENTITLED 'AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY CREATING THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION AS A BODY CORPORATE AND POLITIC AND DEFINING ITS POWERS AND DUTIES, AS HERETOFORE AMENDED AND SUPPLEMENTED, TO ESTABLISH THE PURPOSES FOR WHICH THE COMMISSION MAY FIX, CHARGE, AND COLLECT TOLLS, RATES, RENTS, AND OTHER CHARGES FOR THE USE OF COMMISSION FACILITIES AND PROPERTIES'

"The Commonwealth of Pennsylvania and the State of New Jersey do solemnly covenant and agree, each with the other, as follows:

"(a)(1) Notwithstanding any other provision of the compact hereby supplemented, or any provision of law, State or Federal to the contrary, as soon as the existing outstanding bonded indebtedness of the commission shall be refunded, defeased, retired, or otherwise satisfied and thereafter, the commission may fix, charge, and collect tolls, rates, rents, and other charges for the use of any commission facility or property and in addition to any purpose now or heretofore or hereafter authorized for which the revenues from such tolls, rates, rents, or other charges may be applied, the commission is authorized to apply or expend any such revenue for the management, operation, maintenance, betterment, reconstruction, or replacement (A) of the existing nontoll bridges, formerly toll or otherwise, over the Delaware River between the State of New Jersey and the Commonwealth of Pennsylvania heretofore acquired by the commission pursuant to the provisions of the act of the State of New Jersey approved April 1, 1912 (Chapter 297), and all supplements and amendments thereto, and the act of the Commonwealth of Pennsylvania approved May 8, 1919 (Pamphlet Laws 148), and all supplements and amendments thereto, and (B) of all other bridges within the commission's jurisdiction and control. Betterment shall include but not be limited to parking areas for public transportation services and all facilities appurtenant to approved projects.

"(2) The commission may borrow money or otherwise incur indebtedness and provide from time to time for the issuance of its bonds or other obligations for one or more of the purposes authorized in this supplemental agreement. The commission is authorized to pledge its tolls, rates, rents, and other revenues, or any part thereof, as security for the repayment, with interest, of any moneys borrowed by it or advanced to it for any of its authorized purposes, and as security for the satisfaction of any other obligation assumed by it in connection with such loan or advances.

"(3) The authority of the commission to fix, charge, and collect fees, rentals, tolls or any other charges on the bridges within its jurisdiction, including the bridge at the Delaware Water Gap, is confirmed.

"(4) The covenants of the State of New Jersey and the Commonwealth of Pennsylvania as set forth in Article VI of the compact to which this is a supplemental agreement shall be fully applicable to any bonds or other obligations issued or undertaken by the commission. Notwithstanding Article VI or any other provision of the compact, the State of New Jersey and the Commonwealth of Pennsylvania may construct a bridge across the Delaware River in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, within 10 miles of the existing toll bridge at that location. All the rest and remainder of the compact, as amended or supplemented, shall be in full force and effect except to the extent it is inconsistent with this supplemental agreement.

"(b) The commission is authorized to fix, charge, or collect fees, rentals, tolls, or any other charges on the proposed bridge to be constructed in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, in the same manner and to the same extent that it can do so for other toll bridges under its jurisdiction and control: *Provided*, That the United States Government has approved the bridge to be a part of the National System of Interstate and Defense Highways with 90 percent of the cost of construction to be contributed by the United States Government: *And provided further*, That the non-Federal share of such bridge project is contributed by the commission. The commission is further authorized in the same manner and to the same extent that it can do so for all the other toll bridges under its jurisdiction and control to fix, charge, and collect fees, rentals, tolls or any other charges on any other bridge within its jurisdiction and control if such bridge has been constructed in part with Federal funds.

"(c) The consent of Congress to this compact shall constitute Federal approval of the powers herein vested in the commission and shall also constitute authority to the United States Department of Transportation or any successor agency and the intent of Congress to grant and Federal approvals required hereunder to permit the commission to fix, charge, and collect fees, rentals, tolls, or any other charges on the bridges within its jurisdiction to the extent provided in subsections (a) and (b) and this subsection and the compact.

"(d) Notwithstanding the above provisions, the commission shall not fix, charge, or collect fees, rentals, tolls, or any other charges on any of the various bridges formerly toll or otherwise over the Delaware River between the State of New Jersey and the Commonwealth of Pennsylvania heretofore acquired by the commission pursuant to the provisions of the act of the State of New Jersey approved April 1, 1912 (chapter 297), and all supplements and amendments thereto, and the act of the Commonwealth of Pennsylvania approved May 8, 1919 (Pamphlet Laws 148), and all supplements and amendments thereto.

"(e) At any time that the commission shall be free of all outstanding indebtedness, the State of New Jersey and the Commonwealth of Pennsylvania may, by the enactment of substantially similar acts, require the elimination of all tolls, rates, rents, and other charges on all bridges within the commission's jurisdiction and control and, thereafter, all costs and charges in connection with the construction, management, operation, maintenance, and betterment of bridges within the jurisdiction and control of the commission shall be the financial responsibility of the States as provided by law.".

SEC. 147. HIGHWAY DESIGNATION.

The portion of Oklahoma State Route 99 between United States Route 70 and Interstate Route I-44 which portion is on the Federal-aid primary system shall hereafter be designated as "United States Highway 377". Any reference in a law, map, regulation, document, record or other paper of the United States to such highway shall be held to be a reference to "United States Highway 377".

SEC. 148. BRIDGE NAMING.

The bridge crossing the Mississippi River on Interstate Route I-80 near Le Claire, Iowa, shall hereafter be known and designated as the "Fred Schwengel Bridge". Any law, regulation, document, or record of the United States in which such bridge is referred to shall be held to refer to such bridge as the "Fred Schwengel Bridge".

SEC. 149. STUDY OF APPORTIONMENT FORMULAS.

(a) Study Description.—The Secretary shall make a full and complete study regarding the apportionment and allocation of Federal financial assistance made available out of the Highway Trust Fund (other than the Mass Transit Account) under sections 103(e)(4), 104(b), 144, 152, and 157 of title 23, United States Code, and section 203 of the Highway Safety Act of 1973 for the purpose of determining whether or not such assistance is being equitably apportioned and allocated among the States, taking into account the relative needs of the States for highway improvements and the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account).

(b) Consultation.—In conducting the study under this section, the Secretary shall consult with other agencies of the Federal Government and with agencies of State and local governments.

(c) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report on the results of such study to Congress, together with recommendations for legislation for modifying the formulas apportioning and allocating the assistance referred to in subsection (a) to conform to the objectives of such study.

SEC. 150. BRIDGE FORMULA STUDY.

(a) Contract With Transportation Research Board.—The Secretary shall enter into appropriate arrangements with the Transportation Research Board of the National Academy of Sciences to conduct a comprehensive study of the effects of enforcement of the limitations on vehicle weights imposed by application of the formula contained in section 127(a) of title 23, United States Code.

(b) Consultation With Certain Transportation Interests.—The Transportation Research Board shall conduct the study under this section only after consulting transportation officials, representatives of the motor truck manufacturing industry, and representatives of the trucking industry (including special permit haulers and users of construction and other vehicles which engage in heavy hauling operations).

(c) Report.—

(1) Deadline.—Not later than 24 months after the date of the enactment of this Act, the Transportation Research Board shall report to the Secretary and Congress on the results of the study conducted under this section.

(2) Contents.—The report shall include—

(A) an assessment of the potential costs and benefits of enforcing the limitations on vehicle weights imposed by application of the formula contained in section 127(a) of title 23, United States Code,

(B) any recommendations of such Board concerning modifications of such formula, and

(C) an examination of alternative means of regulating truck weights on bridges.

The report shall also identify optimal axle loading and spacing requirements taking into account all costs and benefits to business, government, and the general public.

(d) Authorization of Appropriations.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $500,000 for fiscal year 1987 for conducting the study under subsection (a).

(e) Applicability of Title 23.—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

SEC. 151. STUDY OF HIGHWAY BRIDGES WHICH CROSS RAIL LINES.

(a) Needs Investigation.—The Secretary shall conduct a comprehensive study and investigation of improvement and maintenance needs for highway bridges which cross rail lines and whose ownership has been disputed. Such study and investigation shall assess—

(1) railroad and highway needs relating to safety, capacity, and mobility and the needs of communities affected by such bridges;

(2) the feasibility of addressing these needs on a comprehensive, national basis; and

(3) the responsibility of railroad and highway authorities in addressing these needs.

(b) Report.—Not later than 30 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the Secretary's study and investigation along with recommendations on how the bridge needs referred to in subsection (a) may best be addressed on a long term basis in a cost effective manner.

SEC. 152. PARKING FOR HANDICAPPED PERSONS.

(a) Study.—The Secretary shall conduct a study for the purpose of determining—

(1) any problems encountered by handicapped persons in parking motor vehicles; and

(2) whether or not each State should establish parking privileges for handicapped persons and grant to nonresidents of the State the same parking privileges as are granted to residents.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under subsection (a).

(c) Development of Proposed Uniform State Law.—

(1) Requirement.—If the Secretary determines under subsection (a) that each State should establish parking privileges for handicapped persons and grant to nonresidents of the State the same parking privileges as are granted to residents, the Secretary shall develop a proposed uniform State law with respect to parking privileges for handicapped persons and submit a copy of

the proposed uniform State law to Congress and each State.

(2) Factors to consider.—In developing the proposed uniform State law, the Secretary shall consult with the States and shall consider any advantages—

(A) of ensuring that parking privileges for handicapped persons may be utilized whether a handicapped person is a passenger or a driver;

(B) of the use of the international symbol of access as the exclusive symbol identifying parking zones for handicapped persons and identifying vehicles that may park in such parking zones;

(C) of displaying the international symbol of access on license plates or license plate decals and on identification placards; and

(D) of designing any identification placard so that the placard is easily visible when placed in the interior of any vehicle.

(3) Report.—If a proposed uniform State law with respect to parking privileges for handicapped persons is developed and submitted to Congress under paragraph (1), the Secretary shall report to Congress within 12 months after the date of such submission and each year thereafter on the extent to which each State has adopted the proposed uniform State law.

SEC. 153. FEASIBILITY STUDY OF USING HIGHWAY ELECTRIFICATION SYSTEMS.

(a) Grant Purpose.—The Secretary shall make a grant to the California Department of Transportation for the purpose of determining the feasibility and applicability of utilizing a highway electrification system as a source of energy for highway vehicles. Such grant shall cover the costs of activities necessary to make such determination, including (but not limited to) necessary land acquisition, construction of a test facility, research, planning, analysis, and engineering.

(b) Grant Conditions.—A grant may only be made under this section if the California Department of Transportation agrees—

(1) to conduct, through the test facility to be constructed under such grant, a study to determine the feasibility and applicability of using a highway electrification system as a source of energy for highway vehicles, and

(2) to submit to the Secretary a report on the results of such study not later than three years after the date such construction is completed.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out subsection (a) of this section, out of the Highway Trust Fund (other than the Mass Transit Account), $970,000 per fiscal year for each of the fiscal years 1987, 1988, and 1989.

(d) Applicability of Title 23.—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of acquisition and construction of the test facility described in subsection (a) shall be 100 percent, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

SEC. 154. COST EFFECTIVENESS STUDY OF HIGHWAY UPGRADING.

(a) Study.—The Secretary shall conduct a study—

(1) to determine the cost-effectiveness of carrying out a project to upgrade Route 219—

(A) between its intersection with Interstate Route I-80 near Dubois, Pennsylvania, and its intersection with the boundary between New York and Pennsylvania near Bradford, Pennsylvania; and

(B) between its intersection with New York Route 242 near Ellicottville, New York, and its intersection with New York Route 17 (Southern Tier Expressway) in Salamanca, New York;

to the geometric and construction standards adopted for the National System of Interstate and Defense Highways;

(2) to determine the feasibility of partially financing such project with toll revenues, of using reclaimed strip mining lands for right-of-way for such project, and of avoiding encroachment upon national and State forests and State game lands in carrying out such project; and

(3) to determine the alignment on which such project should be carried out.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the results of the study conducted under this section together with any recommendations the Secretary may have concerning the project described in subsection (a).

(c) Authorization of Appropriations.—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $1,000,000 for fiscal year 1987.

(d) Applicability of Title 23.—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the study under this section shall be 100 percent, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

SEC. 155. BRIDGE MANAGEMENT STUDY.

(a) Investigation and Study.—The Secretary shall make a full and complete investigation and study of State bridge management programs for the purpose of determining whether or not States participating in the Federal bridge replacement and rehabilitation program under section 144 of title 23, United States Code, need to establish a comprehensive bridge management program.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the investigation and study conducted under subsection (a) together with recommendations (including legislative and administrative recommendations) concerning State establishment of comprehensive bridge management programs and any minimum requirements of such programs which the Secretary considers appropriate based on the findings of such investigation and study.

SEC. 156. STATE MAINTENANCE PROGRAM STUDY.

(a) Investigation and Study.—The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct a complete investigation of the appropriateness of establishing minimum Federal guidelines for maintenance of the Federal-aid primary, secondary, and urban systems.

(b) Report.—Not later than 18 months after the date the Secretary completes making the arrangements under subsection (a), the National Academy of Sciences shall submit to the Secretary and Congress a report on the results of the investigation and study conducted under subsection (a) together with recommendations (including legislative and administrative recommendations) concerning establishment of minimum Federal guidelines for maintenance of the Federal-aid primary, secondary, and urban systems.

SEC. 157. HIGHWAY FEASIBILITY STUDY.

(a) Study.—The Secretary, in cooperation with the States of Louisiana, Arkansas, and Missouri, shall study the feasibility and necessity of constructing to appropriate standards a proposed highway along a route from Shreveport, Louisiana, to Texarkana, Fort Smith, and Fayetteville, Arkansas, and Carthage and Kansas City, Missouri. Such study shall update the feasibility study conducted under section 143(6) of the Federal-Aid Highway Act of 1973.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 158. CALIFORNIA FEASIBILITY STUDY.

(a) Study.—The Secretary shall study the feasibility and necessity of constructing a bypass highway around the city of Sebastopol, California.

(b) Report.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section. Such report shall compare the costs and benefits of constructing the highway referred to in subsection (a) and shall include the recommendations of the Secretary concerning the location of such highway and appropriate design standards for such highway.

(c) Authorization of Appropriation.—There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this section $100,000 for fiscal year 1987.

(d) Applicability of Title 23.—Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of the study under this section shall be 100 percent, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

SEC. 159. NEW YORK FEASIBILITY STUDY.

(a) Study.—The Secretary shall study the feasibility and necessity of constructing a major highway on an inland route as an alternative to New York Route 5 from the central business district of Buffalo, New York, to the towns immediately south of Buffalo, New York.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the results of the study conducted under this section together with any recommendations the Secretary may have concerning the project described in subsection (a).

SEC. 160. LIMITATION ON WIDENING CERTAIN ROUTES THROUGH HISTORIC DISTRICT.

None of the funds authorized by this Act or any other Act or any amendment made by this Act may be obligated for a project to widen any State route through the historic district of the village of Hudson, Ohio, or for a project to construct an alternative or bypass route for such a route within 1 mile of such historic district, unless specifically approved by the village council of the village of Hudson, Ohio.

SEC. 161. URBAN HIGH DENSITY PROGRAM.

Of amounts available under the urban high density program, $2,806,675 is rescinded. $2,806,675 shall be made available out of the Highway Trust Fund by the Secretary for reconstruction of an interchange on an urban high density project designated in the State of Indiana in accordance with section 146 of title 23, United States Code (as such section was in effect on August 13, 1973).

SEC. 162. FERRY BOAT SERVICE.

(a) Study.—The Secretary, in consultation with the highway departments of the States of Nebraska and South Dakota, shall conduct a study to determine the feasibility and cost of establishing public ferry boat service on the Missouri River which connects a Federal-aid highway in the vicinity of Niobrara, Nebraska, with a Federal-aid highway in the vicinity of Springfield, South Dakota, and which meets the requirements of section 129(g) of title 23, United States Code.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the results of the study conducted under this section together with any recommendations the Secretary may have concerning the establishment of the ferry boat service described in subsection (a).

TITLE II—HIGHWAY SAFETY ACT OF 1987

SEC. 201. SHORT TITLE.

This title may be cited as the "Highway Safety Act of 1987".

SEC. 202. HIGHWAY SAFETY.

(a) Authorizations of Appropriations.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) Bridge replacement and rehabilitation.—For bridge replacement and rehabilitation under section 144 of title 23, United States Code, $1,755,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(2) Elimination of hazards.—For projects for elimination of hazards under section 152 of title 23, United States Code, $170,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(3) NHTSA highway safety programs.—For carrying out section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration $123,000,000 for fiscal years 1988, 1989, 1990, and 1991.

(4) NHTSA highway safety research and development.—For carrying out section 403 of such title by the National Highway Traffic Safety Administration $33,000,000 for fiscal years 1987, 1988, 1989, 1990, and 1991.

(5) FHWA highway safety programs.—For carrying out section 402 of such title by the Federal Highway Administration $10,000,000 for fiscal years 1987, 1988, 1989, 1990, and 1991.

(6) FHWA highway safety research and development.—For carrying out sections 307(a) and 403 of such title by the Federal Highway Administration $10,000,000 per fiscal year for fiscal years 1987, 1988, 1989, 1990, and 1991.

(b) Extension of NHTSA Highway Safety Programs for Fiscal Year 1987.—Section 203(a) of the Surface Transportation Assistance Act of 1982 is amended—

(1) in paragraph (1) by striking out "and" and by inserting before the period at the end of such paragraph ", and $123,000,000 for the fiscal year ending September 30, 1987";

(2) in paragraph (2) by striking out "and" and by inserting "and September 30, 1987" after "1986,"; and

(3) in paragraph (4)(B) by striking out "and September 30, 1986," and inserting in lieu thereof "September 30, 1986, and September 30, 1987,".

(c) Minimum Obligations of NHTSA Highway Safety Authorizations.—

(1) Enforcement of 55 mph speed limit.—Out of the funds authorized to be appropriated under subsection (a)(3) of this section for each of fiscal years 1988, 1989, 1990, and 1991, not less than $20,000,000 per fiscal year shall be obligated under section 402 of title 23, United States Code, for the purpose of enforcing the 55-miles-per-hour speed limit established by section 154 of such title.

(2) Safety belt programs.—Each State shall expend each fiscal year not less than 2 percent of the amount apportioned to it for such fiscal year of the sums authorized by subsection (a)(3) of this section, for programs to encourage the use of safety belts by drivers of, and passengers in, motor vehicles.

(d) Obligation Ceiling for Highway Safety Programs.—Notwithstanding any other provision of law, the total of all obligations for highway safety programs carried out by the National Highway Traffic Safety Administration under section 402 of title 23, United States Code, shall not exceed $126,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991, and the total of all obligations for highway safety programs carried out by the Federal Highway Administration under such section shall not exceed $10,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

SEC. 203. 55 MPH SPEED LIMIT.

(a) Weighted Compliance Formula.—

(1) In general.—Section 154(f) of title 23, United States Code, is amended to read as follows:

"(f) Enforcement.—

"(1) Determination of compliance; penalty.—If the compliance score of a State as determined by application of the formula set forth in paragraph (2) to the data submitted by such State pursuant to subsection (e) of this section for any fiscal year exceeds 625, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(2), and 104(b)(6) of this title in an aggregate amount of not less than 2.5 percent but not more than 5 percent, of the amount to be apportioned for the following fiscal year, in the case of the first fiscal year in which the score of such State as so determined exceeds 625, and not less than 5 percent, but not more than 10 percent, in the case of subsequent fiscal years.

"(2) Compliance formula.—For purposes of this section, the formula for determining the compliance score of a State for any fiscal year under this section shall be as follows:

$$\text{State Score} = \frac{X(A+5B+10C)+Y(2D+20E+40F)}{100}$$

"(3) Formula factors.—For purposes of the formula in paragraph (2)—

"(A) X equals the percentage of the vehicle miles of travel in a fiscal year in a State on 55 mph highways which occur on limited access highways;

"(B) Y equals 100 minus X;

"(C) A equals the percentage of vehicles traveling in the fiscal year in the State on limited access highways at speeds in excess of 55 miles per hour but not in excess of 60 miles per hour;

"(D) B equals the percentage of vehicles traveling in the fiscal year in the State on limited access highways at speeds in excess of 60 miles per hour but not in excess of 65 miles per hour;

"(E) C equals the percentage of vehicles traveling in the fiscal year in the State on limited access highways at speeds in excess of 65 miles per hour;

"(F) D equals the percentage of vehicles traveling in the fiscal year in the State on 55 mph highways (other than limited access highways) at speeds in excess of 55 miles per hour but not in excess of 60 miles per hour;

"(G) E equals the percentage of vehicles traveling in the fiscal year in the State on such 55 mph highways at speeds in excess of 60 miles per hour but not in excess of 65 miles per hour; and

"(H) F equals the percentage of vehicles traveling in the fiscal year in the State on such 55 mph highways at speeds in excess of 65 miles per hour.

"(4) Definitions of terms.—For purposes of this section—

"(A) 55 mph highway.—The term '55 mph highway' means—

"(i) any public highway with a speed limit which is posted on or after January 1, 1983 at 55 miles per hour, except that such term does not include any highway on which the posted speed limit has been reduced after such date based on legitimate traffic safety requirements as determined by the Secretary; and

"(ii) any undivided public highway with a speed limit of 50 miles per hour which is on the Federal-aid primary system, and on which access is not fully controlled, in a State in which the statutory State maximum speed limit is 50 miles per hour on public highways on the primary system.

"(B) Limited access highway.—The term 'limited access highway' means any divide 55 mph highway or segment on which access is fully controlled.".

(2) Conforming amendments.—(A) Sectio 154(e) of such title is amended—

(i) by striking out "public highways wit speed limits posted at fifty-five miles pe hour" and inserting in lieu thereof "55 mp highways";

(ii) by striking out "which takes into account the variability of speedometer readings and" and inserting in lieu thereo "which take into account"; and

(iii) by adding at the end thereof the fo lowing: "Data submitted under this subsection shall be in such form as the Secretar determines by rule is necessary to carry ou subsection (f).".

(B) Section 154(h) of such title is amende by striking out "the percentage" and a that follows through "miles per hour" an inserting in lieu thereof "the complianc score for such State".

(3) Applicability.—The amendments made by paragraphs (1) and (2) shall apply with respect to—

(A) data collected under section 154(e) of title 23, United States Code, after September 30, 1986, and

(B) reductions in apportionments based on such data.

(4) Apportionment of certain withheld funds.—In the case of any State described in section 154(f)(4)(A)(ii) of title 23, United States Code, from which funds are or have been withheld under section 154(f) of such title based on data collected before the effective date of the amendments made by this section, the Secretary shall promptly apportion such funds to such State if the Secretary determines, based on data collected during the first fiscal year in which the amendments made by this section are in effect, that the State is in compliance with such section 154(f).

(b) Administration Through NHTSA.—

(1) In general.—Section 154 of such title is amended by adding at the end thereof the following new subsection:

"(i) Administration Through NHTSA.—The Secretary shall carry out this section and section 141(a) of this title through the National Highway Traffic Safety Administration.".

(2) Effective date.—The amendment made by paragraph (1) shall take effect as soon as practicable after the date of the enactment of this Act but not later than October 1, 1987.

SEC. 204. ALCOHOL TRAFFIC SAFETY PROGRAMS.

(a) Modification of Prompt Suspension Requirement for Basic Grants.—Section 408(e) of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) Modified basic grants for less than prompt suspension.—For purposes of this section, a State which would be eligible for a basic grant but for the suspension of drivers' licenses referred to subparagraph (A) of paragraph (1) of this subsection not being made promptly shall be eligible for such a grant if the Secretary, under such regulations as the Secretary may issue, determines that such State is suspending drivers' licenses within 120 days of the determination of probable cause and is making reasonable progress in further reducing the time period between such determination and suspension.

"(5) Modified basic grants for restricted licenses in hardship cases.—For purposes of this section, a State which does not in all cases suspend drivers' licenses of individuals who are determined, as a result of chemical tests, to be intoxicated or who refuse to submit to such tests but which is otherwise eligible for a basic grant, shall be eligible for such a grant if the Secretary, under such regulations as the Secretary may issue, determines that—

"(A) the only cases in which the State does not suspend the drivers' licenses of such individuals are those cases in which—

"(i) a showing of hardship is made, and

"(ii) the driver's license is restricted in a manner which permits the individual to drive only to the extent necessary to relieve such hardship;

"(B) during any calendar quarter, not more than 20 percent of the total number of such cases involving first offenders results in restricted licenses; and

"(C) during any calendar quarter, not more than 15 percent of the total number of such cases involving repeat offenders results in restricted licenses.".

(b) Amount of Modified Basic Grant.—Section 408(d)(1) of such title is amended—

(1) by inserting "(A) In general.—" before "Subject"; and

(2) by adding at the end thereof the following new paragraph:

"(B) Modified basic grants.—Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e)(4) or (e)(5) shall equal 20 percent of the amount apportioned to such State for fiscal year 1983 under section 402 of this title.".

(c) Availability of Funds.—Section 408(g) of such title is amended by inserting before the period at the end of the second sentence the following: "and except that sums authorized by this subsection shall remain available until expended".

(d) Conforming Amendments.—(1) Section 408(d) of such title is amended—

(A) by inserting "Amounts of Grants.—" after "(d)";

(B) in paragraph (1) by inserting "Basic grants.—" after "(1)" the first place it appears;

(C) in paragraph (1) by indenting subparagraph (A), as designated by subsection (b) of this section, and aligning such subparagraph with subparagraph (B) of such paragraph, as added by such subsection;

(D) in paragraph (2) by inserting "Supplemental grants.—" before "Subject to";

(E) in paragraph (3) by inserting "Special grants.—" before "Subject to"; and

(F) by indenting paragraph (1) and aligning such paragraph and paragraphs (2) and (3) with paragraph (4) of subsection (e), as added by subsection (a) of this section.

(2) Section 408(e) of such title is amended—

(A) by inserting "Eligibility Criteria.—" after "(e)";

(B) in paragraph (1) by inserting "Basic grants.—" before "For purposes";

(C) in paragraph (2) by inserting "Supplemental grants.—" before "For purposes";

(D) in paragraph (3) by inserting "Special grants.—" before "For purposes";

(E) by indenting paragraph (1) and aligning such paragraph and paragraphs (2) and (3) with paragraph (4), as added by subsection (a) of this section;

(F) by aligning the subparagraphs of paragraphs (1) and (3) with subparagraph (A) of paragraph (5), as added by such subsection (a); and

(G) by aligning the clauses of subparagraphs (A) and (C) of paragraph (3), including subclauses (I) and (II) of paragraph (3)(A)(ii), with clause (i) of paragraph (5)(A), as added by such subsection (a).

(e) Demonstration of Certain Drug and Alcohol Testing Technology.—

(1) In General.—The Secretary is authorized to test a new drug and alcohol testing technology which measures corneal retinal potential as exhibited in the brain function wave form and to determine the potential for applying such technology in preventing drug and alcohol related traffic deaths.

(2) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall report to Congress on the effectiveness and the potential for application of the technology described in paragraph (1).

SEC. 205. SCHOOLBUS SAFETY MEASURES.

(a) Study.—

(1) National academy of sciences.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of the principal causes of fatalities and injuries to schoolchildren riding in schoolbuses and of the use of seatbelts in schoolbuses and other measures that may improve the safety of schoolbus transportation. The purpose of the study and investigation is to determine those safety measures that are the most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses.

(2) Report.—In entering into any arrangements with the National Academy of Sciences for conducting the study and investigation under this subsection, the Secretary shall request the National Academy of Sciences to submit, not later than 18 months after date on which such arrangements are completed, to Congress and the Secretary a report on the results of such study and investigation. The report shall contain a list of those safety measures determined by the Academy to be most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses.

(3) Review of report.—Upon receipt of the report under paragraph (2), the Secretary shall review such report for the purpose of determining those safety measures that are the most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses. Not later than 2 months after the date of receipt of such report, the Secretary shall publish in the Federal Register a list of those safety measures which the Secretary determines are the most effective in protecting the safety of such children.

(4) Information.—Upon request of the National Academy of Sciences, the Secretary shall furnish to the Academy any information which the Academy deems necessary for the purpose of conducting the study and investigation under this subsection.

(b) Schoolbus Safety Grant Program.—

(1) Set-aside.—Before apportioning any funds made available to carry out section 402 of title 23, United States Code, for each of fiscal years 1989, 1990, and 1991, the Secretary may set aside an amount not to exceed $5,000,000 for making grants to States to implement those schoolbus safety measures published by the Secretary under subsection (a).

(2) Application.—Any State interested in receiving under this subsection a grant to implement schoolbus safety measures in fiscal year 1989, 1990, or 1991 shall submit to the Secretary an application for such grant. Applications under this subsection shall be submitted at such time and in such form and contain such information as the Secretary may require by regulation.

(3) Limitation.—No State shall receive more than 30 percent of the funds set aside pursuant to this subsection for any fiscal year in grants under this subsection.

SEC. 206. STANDARDS FOR SPLASH AND SPRAY SUPPRESSANT DEVICES.

Section 414 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2314) is amended by redesignating subsection (c), and any references thereto, as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) Notwithstanding subsection (b), the Secretary shall not establish final minimum standards with respect to the performance and installation of splash and spray suppression devices for use on truck tractors, semitrailers, or trailers until—

"(1) the Secretary has determined that there is available technology that can (A) substantially reduce splash and spray from truck tractors, semitrailers, and trailers, and (B) substantially improve visibility of drivers, as demonstrated during testing under wind, rain, and wet roadway conditions in actual highway use;

"(2) the Secretary has determined that the standards based on such technology will result in protecting the public from unreasonable risk of death or injury due to accidents resulting from splash and spray from truck tractors, semitrailers, and trailers; and

"(3) the Secretary has determined that there exists 3 or more unaffiliated manufacturers capable of manufacturing devices meeting the standards to be established.".

SEC. 207. USE OF CERTAIN REPORTS AS EVIDENCE.

Notwithstanding any other provision of law, no report, list, schedule, or survey prepared by or for a State pursuant to section 152 of title 23, United States Code, or section 203 of the Highway Safety Act of 1973 shall be admitted as evidence or used in any suit or action for damages arising out of any matter referred to in such report, list, schedule, or survey.

SEC. 208. EMERGENCY CALL BOXES.

Section 101(a) of title 23, United States Code, is amended in the tenth undesignated paragraph (relating to the definition of highway safety improvement project) by inserting after "pavement marking," the following: "installs or replaces emergency motorist-aid call boxes,".

SEC. 209. RAILROAD-HIGHWAY CROSSINGS AUTHORIZATIONS.

The first sentence of section 203(b) of the Highway Safety Act of 1973 is amended by striking out "and" the first place it appears and by striking out the period at the end and inserting in lieu thereof ", and $140,000,000 for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, September 30, 1990, and September 30, 1991.".

SEC. 210. NATIONAL DRIVER REGISTER AMENDMENTS.

(a) 12-Month Extension of Deadline for Final Rules.—Section 203(c)(1) of the National Driver Register Act of 1982 is amended—

(1) by striking out "eighteen months" and inserting in lieu thereof "24 months"; and

(2) by inserting "publish notice of a proposed rulemaking and, within 6 months after the last day of such 24-month period," after "title,".

(b) Pilot Test Program.—Section 207 of such Act is amended—

(1) in subsection (a) by striking out "and implement, within two years after the date of enactment of this title,";

(2) in subsection (b)—

(A) by striking out "and shall, within thirty" and insert in lieu thereof ", within 30"; and

(B) by striking out "select" and inserting in lieu thereof "and shall select, within 12 months after the last day of such 30-month period,";

(3) in subsection (d) by striking out "two years after the date of enactment of this title," and inserting in lieu thereof "16 months after the selection of the four pilot States under subsection (b),"; and

(4) by striking out subsection (f) and inserting in lieu thereof the following:

"(f) Not later than 6 months after the conclusion of the pilot program the Secretary shall submit to Congress a report on such program. Such report shall include—

"(1) an evaluation of the technology utilized in such program;

"(2) an evaluation of such program;

"(3) a projection of accomplishments which would result from the acquisition of electronic transfer equipment and methods by States other than those which participated in such program; and

"(4) any recommendations of the Secretary concerning the desirability of extending the authorization of appropriations for this title beyond fiscal year 1987.".

(c) Report by Secretary.—Section 210 of such Act is amended—

(1) by striking out "the expiration of the four-year period following the date of enactment of this title," and inserting in lieu thereof "3 years after the establishment of a fully electronic Register system under section 203,"; and

(2) by striking out the last sentence.

SEC. 211. HIGHWAY SAFETY PROGRAM AMENDMENTS.

(a) Guidelines.—Section 402 of title 23, United States Code, is amended by striking out "standard" and "standards" each place they appear and inserting in lieu thereof "guideline" and "guidelines", respectively.

(b) Waivers for Experimental Programs.—Subsection (a) of such section is amended by striking out the last sentence.

(c) Elimination of Certain Condition.—Subsection (b)(1) of such section is amended by striking out subparagraph (D), relating to comprehensive driver training programs, and by redesignating subparagraphs (E) and (F) (and any references thereto) as subparagraphs (D) and (E), respectively.

(d) Rulemaking Process.—Subsection (j) of such section is amended to read as follows:

"(j) Rulemaking Process.—The Secretary shall, not later than September 1, 1987, begin a rulemaking process to determine those programs most effective in reducing accidents, injuries, and deaths. Not later than April 1, 1988, the Secretary shall promulgate a final rule establishing those programs determined to be most effective in reducing accidents, injuries, and deaths. If such rule is promulgated by April 1, 1988, then it shall take effect October 1, 1988. If such rule is not promulgated by April 1, 1988, it shall take effect October 1, 1989. After a rule is promulgated in accordance with this subsection, the Secretary may from time to time thereafter revise such rule under a rulemaking process described in the first sentence of this subsection. Any rule under this subsection shall be promulgated taking into account consideration of the States having a major role in establishing programs described in the first sentence of this subsection. When a rule promulgated in accordance with this subsection takes effect, only those programs established by such rule as most effective in reducing accidents, injuries, and deaths shall be eligible to receive Federal financial assistance under this section.".

SEC. 212. HIGHWAY SAFETY EDUCATION AND INFORMATION.

(a) National Highway Safety Campaign.—Subsection (d) of section 209 of the Highway Safety Act of 1978 is amended to read as follows:

"(d) Utilizing those techniques, methods, and practices determined most effective under subsection (b), the Secretary of Transportation shall conduct a national highway safety campaign utilizing the local and national television and radio to educate and inform the public of techniques, methods, and practices to reduce the number and severity of highway accidents. Not later than the 180th day after the date of submission of the first report to Congress required by subsection (b) of this section, the Secretary shall commence the conduct of such campaign.".

(b) Limitation on Obligations.—Subsection (h) of such section is amended by adding at the end thereof the following: "None of the amounts authorized by this subsection shall be available for obligation for any education or information program conducted in connection with the implementation of Federal Motor Vehicle Safety Standard 208 (49 C.F.R. 571.208).".

(c) Obligation Ceiling.—Subsection (i) of such section is amended by inserting before the period at the end the following: "and except that the funds authorized to be appropriated to carry out this section shall not be subject to any obligation limitation".

SEC. 213. RAILROAD-HIGHWAY CROSSING NEEDS.

(a) Study.—The Secretary, in consultation with the Association of American Railroads and the American Association of State Highway and Transportation Officials, shall conduct a comprehensive study and investigation of national railroad-highway crossing improvement and maintenance needs. Such study and investigation shall assess—

(1) railroad and highway needs relating to crossing safety, capacity, and mobility and the needs of communities affected by railroad-highway crossings;

(2) the feasibility of addressing these needs on a corridor or system basis; and

(3) the responsibility of rail and highway authorities in addressing these needs.

In carrying out such study, the Secretary shall consider the progress and the results of the programs and projects conducted before, on, or after the date of the enactment of this Act to improve safety at railroad-highway crossings.

(b) Report.—Not later than 30 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the Secretary's study and investigation along with recommendations on how the needs referred to in subsection (a) can best be addressed on a long term and continuing basis in a cost-effective manner. Such report and recommendations shall take into account the results of the programs and projects referred to in subsection (a).

SEC. 214. OLDER DRIVER STUDY.

(a) Contract.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of (1) problems which may inhibit the safety and mobility of older drivers using the Nation's roads, and (2) means of addressing these problems.

(b) Report.—In entering into any arrangement with the National Academy of Sciences for conducting such study and investigation, the Secretary shall request the National Academy of Sciences to report to the Secretary and Congress not later than 24 months after the date of the enactment of this Act on the results of such study and investigation, together with its recommendations.

(c) Availability of Information.—The Secretary shall furnish to such Academy at its request any information which the Academy deems necessary for the purpose of conducting the investigation and study authorized by this section.

(d) PILOT PROGRAM.—

(1) DEVELOPMENT OF PROGRAM.—The Secretary shall develop, in conjunction with the study carried out under this section, a pilot program of highway safety improvements to enhance the safety and mobility of older drivers. The program shall be designed to apply known technology at sites in rural and urban areas and on different types of highways and to determine the daytime and nighttime effectiveness of such technology.

(2) STATES ENCOURAGED TO CARRY OUT PROGRAM.—The Secretary shall encourage the States to carry out the pilot program developed under paragraph (1) with funds available for highway safety improvement projects. In particular, the Secretary shall encourage States with a high percentage of older drivers to give high priority to carrying out the pilot program.

(3) EVALUATION AND REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall evaluate the pilot program under this subsection and shall report to Congress on the effectiveness of such program in improving the safety and mobility of older drivers.

SEC. 215. RESCISSION OF CONTRACT AUTHORITY.

$148,000,000 of unobligated contract authority available for airport development and planning pursuant to section 505(a) of the Airport and Airway Improvement Act of 1982 is rescinded. This rescission does not reduce the balance in the Airport and Airway Trust Fund.

TITLE III—FEDERAL MASS TRANSPORTATION ACT OF 1987

SEC. 301. SHORT TITLE.

This title may be cited as the "Federal Mass Transportation Act of 1987".

SEC. 302. LETTERS OF INTENT; MULTI-YEAR CONTRACTS.

(a) GENERAL RULE.—Section 3(a)(4) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(4) MULTI-YEAR CONTRACTS.—

"(A) PRENOTIFICATION OF CONGRESS.—Subject to the provisions of this paragraph, the Secretary may enter into a multi-year contract with an applicant to carry out a project under this section if, at least 30 days before such contract becomes effective, the Secretary notifies, in writing, the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of such contract and submits a summary and copy of such contract to such committees.

"(B) LIMITATION ON AMOUNTS STIPULATED.—The total amount stipulated for any fiscal year (including any future fiscal year) under all multi-year contracts entered into under this paragraph shall not exceed the amount authorized to be appropriated out of the Mass Transit Account of the Highway Trust Fund to carry out this section for such fiscal year, less an amount reasonably estimated by the Secretary to be necessary for grants under this section which are not covered by a multi-year contract.

"(C) OPERABLE SEGMENT.—The amount stipulated in a multi-year contract to carry out a fixed guideway project shall be sufficient to complete an operable segment.

"(D) APPLICABILITY OF OTHER LAWS.—Notwithstanding any other provision of law, a multi-year contract entered into under this paragraph shall not be subject to—

"(i) any future availability of funds for obligation, except as provided in subparagraph (B), subsection (i) of this section, and section 9503(e)(4) of the Internal Revenue Code of 1954, and

"(ii) any obligation limitation, except an obligation limitation imposed by section 21(a)(2)(F).".

(b) CONFORMING AMENDMENTS.—Section 3(a) of such Act is amended —

(1) by inserting "GRANT AND LOAN PROGRAMS.—" before "(1) The Secretary";

(2) in paragraph (1) by inserting "GENERAL AUTHORITY.—" before "The Secretary is";

(3) in paragraph (3) by inserting "APPROVED PROGRAM OF PROJECTS.—" before "The Secretary";

(4) in paragraph (5) by inserting "DECREASED COMMUTER RAIL SERVICE.—" before "The Secretary";

(5) in paragraph (6) by inserting "LABOR INTENSIVE PROJECTS.—" before "In";

(6) by indenting paragraph (1) and aligning such paragraph and paragraphs (3), (5), and (6) with paragraph (4), as amended by subsection (a) of this section; and

(7) by aligning subparagraphs (A), (B), (C), (D), and (E) of paragraph (1) with subparagraph (A) of such paragraph (4).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) of this section shall take effect on the date of the enactment of this Act and shall not affect any letter of intent issued before such date.

SEC. 303. APPROVAL OF FUNDING LEVELS AND ALLOCATIONS OF FUNDS.

Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(i) FUNDING LEVELS AND ALLOCATIONS OF FUNDS.—

"(1) SUBMISSION TO CONGRESS.—Not later than 30 days after the date of the enactment of this Act and each January 20 thereafter, the Secretary shall prepare and transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate—

"(A) a proposal of the total amount of funds which should be made available under section 21(a)(2)(C)(iv) of this Act to finance for the fiscal year beginning on October 1 of such year grants and loans for each of the following:

"(i) the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities,

"(ii) rail modernization, and

"(iii) construction of new fixed guideway systems and extensions to fixed guideway systems; and

"(B) a proposal of the allocation of the funds to be made available (including any funds proposed to be made available pursuant to clauses (ii) and (iii) of subparagraph (A)) for such fiscal year to finance grants and loans for rail modernization and for construction of new fixed guideway systems and extensions to fixed guideway systems among applicants for such assistance.

"(2) SPECIAL PROVISIONS.—The proposals submitted under paragraph (1) of this subsection shall reflect multi-year contracts entered into under subsection (a)(4) of this section; amounts stipulated for each fiscal year under full funding contracts executed under such subsection before the date of the enactment of this subsection; and, in the case of projects for which letters of intent have been issued under such subsection before such date of enactment but for which full funding contracts have not been executed before such date, amounts stipulated for each fiscal year under such letters of intent.

"(3) APPROVAL REQUIRED.—Notwithstanding any other provision of this section, no funds may be made available to finance grants and loans under this section for any fiscal year beginning after September 30, 1987, until a proposal transmitted by the Secretary under this subsection for such year (including any revisions thereof) is approved by law.

"(4) EFFECT OF APPROVAL.—Upon approval by law of a proposal transmitted under this subsection for any fiscal year beginning after September 30, 1987, the Secretary shall make the amount of funds approved under this subsection available for obligation for such fiscal year and shall allocate the funds for such fiscal year in accordance with the allocations approved under this subsection.".

SEC. 304. ADVANCE CONSTRUCTION.

(a) DISCRETIONARY GRANT PROGRAM.—Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(j) ADVANCE CONSTRUCTION.—

"(1) APPROVED PROJECT.—Upon application of a State or local public body which carries out a project described in this section or a substitute transit project described in section 103(e)(4) of title 23, United States Code, or portion of such a project without the aid of Federal funds in accordance with all procedures and requirements applicable to such a project and upon the Secretary's approval of such application, the Secretary may pay to such applicant the Federal share of the net project costs if, prior to carrying out such project or portion, the Secretary approves the plans and specifications therefor in the same manner as other projects under this section or such section 103(e)(4), as the case may be.

"(2) BOND INTEREST.—

"(A) ELIGIBLE COST.—Subject to the provisions of this paragraph, the cost of carrying out a project or portion thereof, the Federal share of which the Secretary is authorized to pay under this subsection, shall include the amount of any interest earned and payable on bonds issued by the State or local public body to the extent that the proceeds of such bonds have actually been expended in carrying out such project or portion.

"(B) LIMITATION ON AMOUNT.—In no event shall the amount of interest considered as a cost of carrying out a project or portion thereof under subparagraph (A) be greater than the excess of—

"(i) the amount which would be the estimated cost of carrying out the project or portion if the project or portion were to be carried out at the time the project or portion is converted to a regularly funded project, over

"(ii) the actual cost of carrying out such project or portion (not including such interest).

"(C) CHANGES IN CONSTRUCTION COST INDICES.—The Secretary shall consider changes in construction cost indices in determining the amount under subparagraph (B)(i).".

(b) BLOCK GRANT PROGRAM.—Section 9 of such Act is amended by adding at the end thereof the following new subsection:

"(p) ADVANCE CONSTRUCTION.—

"(1) APPROVED PROJECT.—When a recipient has obligated all funds apportioned to it under this section and proceeds to carry out any project described in this section (other than a project for operating expenses) or portion of such a project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such a project, except insofar as such procedures and requirements limit a State to carrying out projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such recipient and his approval of such application, is authorized to pay to such recipient the Federal share of the costs of carrying out such project or portion when additional funds are apportioned to such recipient under this section if, prior to carrying out such project or portion, the Secretary approves the plans and specifications therefor in the same manner as other projects under this section.

"(2) Limitation on projects.—The Secretary may not approve an application under this subsection unless an authorization for this section is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such recipient. No application may be approved under this subsection which will exceed—

"(A) the recipient's expected apportionment under this section if the total amount of funds authorized to be appropriated to carry out this section for such fiscal year were so appropriated, less

"(B) the maximum amount of such apportionment which could be made available for projects for operating expenses under this section.

"(3) Bond interest.—

"(A) Eligible cost.—Subject to the provisions of this paragraph, the cost of carrying out a project or portion thereof, the Federal share of which the Secretary is authorized to pay under this subsection, shall include the amount of any interest earned and payable on bonds issued by the recipient to the extent that the proceeds of such bonds have actually been expended in carrying out such project or portion.

"(B) Limitation on amount.—In no event shall the amount of interest considered as a cost of carrying out a project or portion under subparagraph (A) be greater than the excess of—

"(i) the amount which would be the estimated cost of carrying out the project or portion if the project or portion were to be carried out at the time the project or portion is converted to a regularly funded project, over

"(ii) the actual cost of carrying out such project or portion (not including such interest).

"(C) Changes in construction cost indices.—The Secretary shall consider changes in construction cost indices in determining the amount under subparagraph (B)(i).".

SEC. 305. CRITERIA FOR NEW STARTS.

(a) General Rule.—Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(k) Criteria For New Starts.—No grant or loan for construction of a new fixed guideway system or extension of any fixed guideway system may be made under this section unless the Secretary determines that the proposed project—

"(1) is based on the results of an alternatives analysis and preliminary engineering,

"(2) is cost-effective, and

"(3) is supported by an acceptable degree of local financial commitment, including evidence of stable and dependable funding sources to construct, maintain, and operate the system or extension.

In making grants and loans under this section, the Secretary may also consider such other factors as the Secretary deems appropriate. The Secretary shall issue guidelines that set forth the means by which the Secretary will evaluate cost-effectiveness, results of alternatives analysis, and degree of local financial commitment.".

(b) Limitation on Applicability.—The amendment made by subsection (a) of this section shall not apply to any project for which a letter of intent has been issued under section 3(a)(4) of the Urban Mass Transportation Act of 1964 before the date of the enactment of this Act.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS FOR SUBSTITUTE PROJECTS.

Section 4(g) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(g) Authorization of Appropriations For Substitute Projects.—There are authorized to be appropriated—

"(1) not to exceed $600,000,000 for fiscal year 1982,

"(2) not to exceed $365,000,000 for fiscal year 1983,

"(3) not to exceed $380,000,000 for fiscal year 1984,

"(4) not to exceed $390,000,000 for fiscal year 1985,

"(5) not to exceed $400,000,000 for fiscal year 1986, and

"(6) such sums as may be necessary for fiscal years 1987, 1988, 1989, 1990, and 1991,

to carry out public transportation projects substituted for Interstate segments withdrawn under section 103(e)(4) of title 23, United States Code.".

SEC. 307. RATES FOR ELDERLY AND HANDICAPPED PERSONS.

(a) Exception to General Rule.—Section 5(m) of the Urban Mass Transportation Act of 1964 is amended by striking out "The" and inserting in lieu thereof "(1) In general.—Except as provided in paragraph (2) of this subsection, the" and by adding at the end thereof the following new paragraph:

"(2) Exception.—An applicant whose existing fare collection system does not reasonably permit the collection of half fares may continue to use a preferential fare system for elderly and handicapped persons which was in effect on or before November 26, 1974, and which incorporates the offering of a free return ride upon payment of the generally applicable full fare, except that such a system may be used after the 120th day following the date of the enactment of this paragraph only if such system is available for use by all elderly and handicapped persons.".

(b) Conforming amendments.—Such section is further amended—

(1) by inserting "Rates for Elderly and Handicapped Persons.—" after "(m)"; and

(2) by indenting paragraph (1), as designated by subsection (a) of this section, and aligning such paragraph with paragraph (2), as added by such subsection.

SEC. 308. LONG-TERM FINANCIAL PLANNING.

Section 8(a) of the Urban Mass Transportation Act of 1964 is amended by inserting before the period at the end of the third sentence the following: "and development of long-term financial plans for regional urban mass transit improvements and the revenue available from current and potential sources to implement such improvements".

SEC. 309. BLOCK GRANT PROGRAM AMENDMENTS.

(a) Funding of Partial Programs of Projects.—Section 9(e)(2) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new sentence: "A grant may be made under this section to carry out, in whole or in part, a program of projects.".

(b) Transit Advertising Revenues.—

(1) Exclusion from operating revenues.—Section 9(k)(1) of such Act is amended by inserting after the third sentence the following new sentence: "For purposes of the preceding sentence, 'revenues from the operation of a public mass transportation system' shall not include the amount of any revenues derived by such system from the sale of advertising and concessions which is in excess of the amount of such revenues derived by such system from the sale of advertising and concessions in fiscal year 1985.".

(2) Annual report.—Section 9(e) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) Annual report to secretary.—Each recipient (including any person receiving funds from a Governor under this section) shall submit to the Secretary annually a report on the revenues such recipient derives from the sale of advertising and concessions.".

(c) Removal of Operating Assistance Limitation for Small Urbanized Areas.—

(1) In general.—Section 9(k)(2) of such Act is amended to read as follows:

"(2) Limitations on amount of operating assistance.—The amount of funds apportioned under this section which may be used for operating assistance shall not exceed—

"(A) with respect to an urbanized area with a population of 1,000,000 or more, 80 percent of the amount of funds apportioned for fiscal year 1982 under paragraphs (1)(A), (2)(A), and (3)(A) of section 5(a) of this Act to such area; and

"(B) with respect to an urbanized area with a population of 200,000 or more and less than 1,000,000, 90 percent of funds so apportioned to such area.".

(2) Conforming amendments.—Section 9(l)(1)(A) of such Act is amended—

(A) by inserting "of funds apportioned under this section to an urbanized area with a population of 200,000 or more" after "any recipient"; and

(B) by striking out the last sentence.

(3) Applicability.—The amendments made by paragraphs (1) and (2) shall apply to fiscal years beginning after September 30, 1986.

(d) Trade-In for Operating Assistance.—

(1) Limitation on general rule.—Section 9(l) of such Act is amended by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) Trade-in for operating assistance.—Any recipient of a grant under section 3 of this Act in any fiscal year beginning after September 30, 1986, may not carry out a transfer under this subsection in such fiscal year, unless—

"(A) the grant under section 3 is—

"(i) for emergency repairs, as determined by the Secretary;

"(ii) made pursuant to a letter of intent issued, or full funding contract executed, under section 3(a)(4) of this Act before the date of enactment of this subparagraph; or

"(iii) for a project which has a high priority on the plan prepared by the Secretary for allocation of resources under section 3 of this Act for such fiscal year and for an amount which has been reduced in accordance with section 3(a)(7) of this Act; or

"(B) such recipient received Federal assistance under section 1139(b) of the Omnibus Budget Reconciliation Act of 1981 and carried out a transfer under this subsection in the fiscal year ending September 30, 1983, and the percentage of the funds appropriated to carry out section 3 of this Act which such recipient will receive in grants under such section 3 in such fiscal year beginning after September 30, 1986, will not exceed the percentage of the funds appropriated to carry out such section 3 which such recipient received in grants under such section 3 in the fiscal year ending September 30, 1983.".

(2) EXTENSION OF TRADE-IN PROGRAM.—Such section 9(l) is further amended—

(A) in paragraph (1)(A) by striking out "and 1984" and inserting in lieu thereof ", 1984, 1987, 1988, 1989, 1990, and 1991"; and

(B) in paragraph (2)(B) by striking out "three-year" and by striking out "1985" and inserting in lieu thereof "1992".

(3) LIMITATION ON DISCRETIONARY GRANTS.—Section 9(l)(3) of such Act is amended—

(A) by inserting before the period at the end of the first sentence "for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities"; and

(B) in the last sentence by striking out "discretionary construction grants" and inserting in lieu thereof "such discretionary grants".

(4) CONFORMING AMENDMENT TO SECTION 3.—Section 3(a) of such Act is amended by adding at the end thereof the following new paragraphs:

"(7) LIMITATION ON ELIGIBILITY OF RECIPIENTS USING SECTION 9 TRADE-IN.—Except as provided in paragraph (8) of this subsection, any recipient which carries out a transfer under section 9(l) of this Act for a fiscal year beginning after September 30, 1986, may not receive a grant under this section in such fiscal year, unless such grant is—

"(A) for emergency repairs, as determined by the Secretary;

"(B) made pursuant to a letter of intent issued, or full funding contract executed, under paragraph (4) of this subsection before the date of enactment of this subparagraph; or

"(C) for a project which has a high priority on the plan prepared by the Secretary for allocation of resources under this section for such fiscal year;

and unless, in the case of projects referred to in subparagraph (C), such recipient agrees with the Secretary that the amount of the Federal grants for such projects, as determined under section 4(a) of this Act, shall be reduced in the aggregate by an amount equal to the amount of the capital assistance transferred under such transfer.

"(8) PERCENTAGE OF FUNDS LIMITATION.—Any recipient which—

"(A) carries out a transfer under section 9(l) of this Act for any fiscal year beginning after September 30, 1986,

"(B) received Federal assistance under section 1139(b) of the Omnibus Budget Reconciliation Act of 1981, and

"(C) carried out a transfer under section 9(l) of this Act in the fiscal year ending September 30, 1983,

may not receive in grants under this section in such fiscal year beginning after September 30, 1986, a percentage of the funds made available to carry out this section in such fiscal year greater than the percentage of funds appropriated to carry out this section which such recipient received in grants under this section in the fiscal year ending September 30, 1983.".

(e) APPORTIONMENTS WITH RESPECT TO SMALL URBANIZED AREAS.—

(1) AVAILABILITY TO GOVERNORS.—Section 9(m)(2) of such Act is amended to read as follows:

"(2) SMALL URBANIZED AREAS.—Sums apportioned under subsection (d) with respect to any urbanized area with a population of less than 200,000 shall be made available to the Governor for expenditure in such area.".

(2) TRANSFERS.—Section 9(n)(1) of such Act is amended to read as follows:

"(n) TRANSFERS OF FUNDS.—

"(1) SMALL URBANIZED AREAS.—The Governor may transfer an amount apportioned under subsection (d) for expenditure in an urbanized area of less than 200,000 population to supplement funds apportioned to the State under section 18(a) of this Act or to supplement funds apportioned to other urbanized areas within the State. The Governor may make such transfers only after approval by responsible local elected officials and publicly owned operators of mass transportation services in each area with respect to which the funding was originally apportioned pursuant to subsection (d); except that, if the period of availability under subsection (o) of the funds proposed to be transferred will end within 90 days, the Governor may make such transfer without such approval if no approvable grant application is pending under this section for any project in such area. The Governor may transfer an amount of the State's apportionment under section 18(a) to supplement funds apportioned for expenditure in the State under subsection (d). Amounts transferred shall be subject to the capital and operating assistance limitations applicable to the original apportionments of such amounts.".

(3) CONFORMING AMENDMENT.—Subsection (d) of section 9 of such Act is amended by striking out "which urbanized areas" and inserting in lieu thereof "which an urbanized area".

(f) DATE OF APPORTIONMENT.—Section 9 of such Act is further amended by adding at the end thereof the following new subsection:

"(q) DATE OF APPORTIONMENT.—Funds appropriated to carry out this section for any fiscal year shall be apportioned in accordance with the provisions of this section not later than the tenth day following the date on which such funds are appropriated or October 1 of such fiscal year, whichever is later.".

(g) TECHNICAL AMENDMENTS.—(1) Section 9(e) of such Act is amended by adding at the end thereof the following new paragraph:

"(5) ACCEPTANCE OF CERTIFICATION.—No grant shall be made under this section to any recipient in any fiscal year unless the Secretary has accepted a certification for such fiscal year submitted by such person pursuant to this subsection.".

(2) Section 9(g) of such Act is amended by striking out paragraph (4).

(h) CONFORMING AMENDMENTS.—

(1) SECTION 9(e).—Section 9(e) of such Act is amended—

(A) by inserting "GRANT REQUIREMENTS.—" before "(1) The provisions";

(B) in paragraph (1) by inserting "APPLICABLE PROVISIONS.—" before "The provisions";

(C) in paragraph (2) by inserting "PROGRAM OF PROJECTS.—" before "To receive";

(D) in paragraph (3) by inserting "ANNUAL CERTIFICATION.—" before "Each recipient";

(E) by indenting paragraph (1) and aligning such paragraph and paragraphs (2) and (3) with paragraph (4), as added to such section by subsection (b)(2) of this section; and

(F) by aligning subparagraphs (A), (B), (C), (D), (E), (F), (G), and (H) of paragraph (3) with subparagraph (A) of section 9(k)(2), as amended by subsection (c)(1) of this section.

(2) SECTION 9(k).—Section 9(k) of such Act is amended—

(A) by inserting "FEDERAL SHARE.—" after "(k)";

(B) by inserting "IN GENERAL.—" after "(1)"; and

(C) by indenting paragraph (1) and aligning such paragraph with paragraph (2), as amended by subsection (c)(1) of this section.

(3) SECTION 9(l).—Section 9(l) of such Act is amended—

(A) by inserting "TRADE-IN PROGRAM.—" before "(1)(A) Notwithstanding";

(B) in paragraph (1) by inserting "IN GENERAL.—" before "(A) Notwithstanding";

(C) in paragraph (1)(A) by inserting "AUTHORIZATION; LIMITATION.—" before "Notwithstanding";

(D) in paragraph (1)(B) by inserting "TRADE-IN OF SECTION 5 CAPITAL APPORTIONMENT.—" before "Notwithstanding any";

(E) in paragraph (2) by inserting "CERTIFICATION.—" before "Any recipient";

(F) in paragraph (3) by inserting "SET-ASIDE FOR DISCRETIONARY GRANTS.—" before "Whenever";

(G) by indenting paragraph (1) and aligning such paragraph and paragraphs (2) and (3) with paragraph (4), as amended by subsection (d)(1) of this section; and

(H) by aligning the subparagraphs of paragraphs (1) and (2) with subparagraph (B) of such paragraph (4).

(4) SECTION 9(m).—Section 9(m) of such Act is amended—

(A) by inserting "RECIPIENTS OF APPORTIONMENTS.—" before "(1) The Governor";

(B) in paragraph (1) by inserting "IN GENERAL.—" before "The Governor"; and

(C) by indenting paragraph (1) and aligning such paragraph with (2), as amended by subsection (e)(1) of this section.

(5) SECTION 9(n).—Section 9(n) of such Act is amended—

(A) in paragraph (2) by inserting "LARGE URBANIZED AREAS.—" before "A designated"; and

(B) by aligning paragraph (2) with paragraph (1), as amended by subsection (e)(2) of this section.

SEC. 310. UNIVERSITY TRANSPORTATION CENTERS.

(a) GRANT PROGRAM; NATIONAL ADVISORY COUNCIL.—Section 11(b) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(b) UNIVERSITY TRANSPORTATION CENTERS.—

"(1) GRANTS FOR ESTABLISHMENT AND OPERATION.—In addition to grants authorized by subsection (a) of this section, the Secretary shall make grants to one or more nonprofit institutions of higher learning to establish and operate one regional transportation center in each of the ten Federal regions which comprise the Standard Federal Regional Boundary System.

"(2) RESPONSIBILITIES.—The responsibilities of each transportation center established under this subsection shall include, but not be limited to, the conduct of infrastructure research concerning transportation and research and training concerning transportation of passengers and property and the interpretation, publication, and dissemination of the results of such research. The responsibilities of one of such centers may include research on the testing of new model buses.

"(3) APPLICATION.—Any nonprofit institution of higher learning interested in receiving a grant under this subsection shall submit to the Secretary an application in such form and containing such information as the Secretary may require by regulation.

"(4) SELECTION CRITERIA.—The Secretary shall select recipients of grants under this subsection on the basis of the following criteria:

"(A) The regional transportation center shall be located in a State which is representative of the needs of the Federal region for improved transportation services and facilities.

"(B) The demonstrated research and extension resources available to the grant recipient for carrying out this subsection.

"(C) The capability of the grant recipient to provide leadership in making national and regional contributions to the solution of both long-range and immediate transportation problems.

"(D) The grant recipient shall have an established transportation program or programs encompassing several modes of transportation.

"(E) The grant recipient shall have a demonstrated commitment to supporting ongoing transportation research programs with regularly budgeted institutional funds of at least $200,000 per year.

"(F) The grant recipient shall have a demonstrated ability to disseminate results of transportation research and educational programs through a statewide or regionwide continuing education program.

"(G) The projects which the grant recipient proposes to carry out under the grant.

"(5) MAINTENANCE OF EFFORT.—No grant may be made under this section in any fiscal year unless the recipient of such grant enters into such agreements with the Secretary as the Secretary may require to ensure that such recipient will maintain its aggregate expenditures from all other sources for establishing and operating a regional transportation center and related research activities at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this subsection.

"(6) FEDERAL SHARE.—The Federal share of a grant under this subsection shall be 50 percent of the costs of establishing and operating the regional transportation center and related research activities carried out by the grant recipient.

"(7) NATIONAL ADVISORY COUNCIL.—

"(A) ESTABLISHMENT; FUNCTIONS.—The Secretary shall establish in the Department of Transportation a national advisory council to coordinate the research and training to be carried out by the grant recipients, to disseminate the results of such research, to act as a clearinghouse between such centers and the transportation industry, and to review and evaluate programs carried out by such centers.

"(B) MEMBERS.—The council shall be composed of the directors of the regional transportation centers and 19 other members appointed by the Secretary as follows:

"(i) Six officers of the Department of Transportation one of whom represents the Office of the Secretary, one of whom represents the Federal Highway Administration, one of whom represents the Urban Mass Transportation Administration, one of whom represents the National Highway Traffic Safety Administration, one of whom represents the Research and Special Programs Administration, and one of whom represents the Federal Railroad Administration.

"(ii) Five representatives of State and local governments.

"(iii) Eight representatives of the transportation industry and organizations of employees in such industry.

A vacancy in the membership of the council shall be filled in the manner in which the original appointment was made.

"(C) TERM OF OFFICE; PAY; CHAIRMAN.—Each of the members appointed by the Secretary shall serve for a term of 5 years. Members of the council shall serve without pay. The chairman of the council shall be designated by the Secretary.

"(D) MEETINGS.—The council shall meet at least annually and at such other times as the chairman may designate.

"(E) AGENCY INFORMATION.—Subject to subchapter II of chapter 5 of title 5, United States Code, the council may secure directly from any department or agency of the United States information necessary to enable it to carry out this subsection. Upon request of the Chairman of the council, the head of such department or agency shall furnish such information to the council.

"(F) TERMINATION DATE INAPPLICABLE.—Section 14 of the Federal Advisory Committee Act shall not apply to the council.

"(8) ADMINISTRATION THROUGH OFFICE OF SECRETARY.—Administrative responsibility for carrying out this subsection shall be in the Office of the Secretary.

"(9) ALLOCATION OF FUNDS.—The Secretary shall allocate funds made available to carry out this subsection equitably among the Federal regions.

"(10) TECHNOLOGY TRANSFER SET-ASIDE.—Not less than 5 percent of the funds made available to carry out this subsection for any fiscal year shall be available to carry out technology transfer activities.".

(b) AUTHORIZATIONS FOR APPROPRIATIONS; CONTRACT AUTHORITY.—Section 21 of such Act is amended by adding at the end thereof the following new subsection:

"(c) UNIVERSITY TRANSPORTATION CENTERS.—

"(1) AMOUNT OF FUNDS.—There shall be available to the Secretary to carry out section 11(b) of this Act for each of fiscal years 1987, 1988, 1989, 1990, and 1991 $5,000,000 out of the Highway Trust Fund (other than the Mass Transit Account) and $5,000,000 out of such Mass Transit Account.

"(2) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available by paragraph (1) shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project.

"(3) EXEMPTION FROM OBLIGATION CEILING.—Funds made available out of the Mass Transit Account of the Highway Trust Fund by this subsection shall not be subject to any obligation limitation.

"(4) PERIOD OF AVAILABILITY.—Funds made available by this subsection shall remain available until expended.".

(c) CONFORMING AMENDMENT.—Section 11(a) of such Act is amended by inserting "GRANT PROGRAM.—" before "The Secretary".

SEC. 311. SOLE SOURCE PROCUREMENTS.

(a) GENERAL RULE.—Section 12(b) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraph:

"(3) SOLE SOURCE PROCUREMENT CONTRACTS.—Any recipient of a grant under section 9 of this Act who is procuring an associated capital maintenance item under section 9(j) of this Act may, without receiving prior approval of the Secretary, contract directly with the original manufacturer or supplier of the item to be replaced if such recipient first certifies in writing to the Secretary—

"(A) that such manufacturer or supplier is the only source for such item; and

"(B) that the price of such item is no higher than the price paid for such item by like customers.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by inserting "CONTRACT REQUIREMENTS.—" before "(1) All contracts";

(2) by inserting "NONCOMPETITIVE BID CONTRACTS.—" before "All contracts";

(3) by inserting "ROLLING STOCK ACQUISITION CONTRACTS.—" before "In lieu of"; and

(4) by indenting paragraph (1) and aligning paragraphs (1) and (2) with paragraph (3), as added by subsection (a) of this section.

SEC. 312. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

Section 12(b) of the Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new paragraph:

"(4) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Each contract for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services with respect to a project for which a loan or grant is made under this Act shall be awarded in the same manner as a contract for architectural and engineering services is negotiated under title IX of the Federal Property and Administrative Services Act of 1949 or equivalent State qualifications-based requirements.".

SEC. 313. LIMITATION CONCERNING SOUTH AFRICA ON AWARDS OF CONTRACTS.

Section 12(b) of the Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new paragraph:

"(5) LIMITATIONS CONCERNING SOUTH AFRICA ON AWARDS OF CONTRACTS.—A recipient of a grant under this Act may prohibit or otherwise limit the award of contracts with respect to a project under this Act by including in its contracts terms and conditions related to the contractor's business in South Africa in accordance with a State or local law if such recipient first enters into an agreement with the Secretary that any costs incurred as a result of such prohibition or limitation which are in excess of the costs that would otherwise have been incurred with respect to such project under this Act will not, for purposes of this Act, be considered to be a cost of such project.".

SEC. 314. BUS REMANUFACTURING AND OVERHAULING OF ROLLING STOCK.

(a) INCLUSION IN DEFINITION OF CONSTRUCTION.—Section 12(c)(1) of the Urban Mass Transportation Act of 1964 is amended by inserting "(A)" after "such term also means" and by inserting before the semicolon at the end thereof the following: ", (B) any bus remanufacturing project which extends the economic life of a bus 8 years or more, and (C) any project for the overhaul of rolling stock (whether or not such overhaul increases the useful life of the rolling stock)".

(b) EXPANSION OF ASSOCIATED CAPITAL MAINTENANCE ITEMS.—

(1) INCLUSION OF LESS EXPENSIVE ITEMS.—(1) The second sentence of section 9(j) of such Act is amended by striking out "1 per centum" and inserting in lieu thereof "one-half of one percent".

(2) INCLUSION OF CERTAIN RECONSTRUCTED ITEMS.—Section 9(j) of such Act is further amended by inserting "ELIGIBLE ACTIVI-

TIES.—" after "(j)", by inserting "(1) IN GENERAL.—" before "Grants", and by adding at the end the following new paragraph:

"(2) INCLUSION OF CERTAIN RECONSTRUCTED ITEMS.—A project for the reconstruction (whether by employees of the grant recipient or by contract) of any equipment and materials each of which, after reconstruction, will have a fair market value no less than one half of 1 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment and materials are to be used shall be considered a project for construction of an associated capital maintenance item under this section.".

(c) FEDERAL SHARE OF CONSTRUCTION PROJECTS.—The first sentence of section 9(k)(1) of such Act is amended by striking out "shall not exceed" the first place it appears and inserting in lieu thereof "shall be".

(d) MAINTENANCE REQUIREMENT.—Section 3(a)(2)(A) of such Act is amended to read as follows:

"(2) LIMITATIONS ON ASSISTANCE.—

"(A) MINIMUM QUALIFICATIONS OF APPLICANTS.—No grant or loan shall be provided under this section unless the Secretary determines that the applicant—

"(i) has or will have the legal, financial, and technical capacity to carry out the proposed project;

"(ii) has or will have satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and the equipment; and

"(iii) has or will have sufficient capability to maintain the facilities and equipment, and will maintain, such facilities and equipment.".

(e) CONFORMING AMENDMENTS.—(1) Section 9(j) of such Act is further amended by indenting paragraph (1), as designated by subsection (b)(2) of this section, and aligning such paragraph (1) with paragraph (2), as added to such section by subsection (b)(2).

(2) The first sentence of section 9(k)(1) of such Act is further amended by striking out "(including capital maintenance items)" and inserting in lieu thereof "(including any project for the acquisition or construction of an associated capital maintenance item)".

(3) Section 3(a)(2) of such Act is amended—

(A) by inserting "LIMITATIONS ON PROPERTY ACQUISITION LOANS.—" after "(B)";

(B) by inserting "LIMITATION ON PAYMENT FOR OPERATING EXPENSES AND PROCUREMENTS.—" after "(C)"; and

(C) by aligning subparagraphs (B) and (C) with subparagraph (A), as amended by subsection (a) of this section.

SEC. 315. LIMITATION ON PRIVATE ENTERPRISE PARTICIPATION.

(a) IN GENERAL.—Section 12(d) of the Urban Mass Transportation Act of 1964 is amended by inserting "(1) LIMITATION ON REGULATION OF RATES.—" before "None" and by adding at the end thereof the following new paragraph:

"(2) LIMITATION ON PRIVATE ENTERPRISE PARTICIPATION.—None of the provisions of this Act shall be construed to authorize the Secretary to prescribe a specific level of private enterprise or competitive bid participation in the provision of mass transportation services and the conduct of mass transportation functions. None of the provisions of this Act shall be construed to infringe on the rights of the recipients of Federal financial assistance under this Act to determine the extent and amount of mass transportation services and functions to be carried out by private enterprise.".

(b) CONFORMING AMENDMENTS.—(1) Section 9(e) of such Act is amended by inserting "12(d)," after "12(c),".

(2) Section 12(d) of such Act is further amended—

(A) by inserting "LIMITATIONS ON CONSTRUCTION OF ACT.—" after "(d)"; and

(B) by indenting paragraph (1), as designated by subsection (a), and aligning such paragraph with paragraph (2) of such section, as added by such subsection.

SEC. 316. BUS TESTING.

(a) REQUIREMENT.—Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(h) BUS TESTING.—

"(1) REQUIREMENT.—No funds appropriated or made available pursuant to this Act after September 30, 1989, may be obligated or expended for the acquisition of a new bus model unless a bus of such model has been tested at a facility established under section 316(b) of the Federal Mass Transportation Act of 1987.

"(2) NEW BUS MODEL DEFINED.—As used in this subsection, the term 'new bus model' means a bus model which has not been used in mass transportation service in the United States before the date of production of such model or a bus model which has been used in such service but which is being produced with a major change in configuration or components.".

(b) BUS TESTING FACILITY.—

(1) ESTABLISHMENT.—The Secretary shall establish a facility for testing new bus models for maintainability, reliability, safety, performance, structural integrity, fuel economy, and noise. Such facility shall be established by renovation of a facility constructed with Federal assistance for the purpose of training rail personnel.

(2) OPERATION.—The Secretary shall enter into a contract with a qualified person to operate and maintain the facility established under paragraph (1) for testing new bus models for maintainability, reliability, safety, performance, structural integrity, fuel economy, and noise. Such contract may provide for the testing of rail cars and other vehicles at such facility.

(3) COLLECTION OF FEES.—Under the contract entered into under paragraph (2), the person operating and maintaining the facility shall establish and collect fees for the testing of vehicles at the facility. Such fees shall be subject to the approval of the Secretary.

(4) NEW BUS MODEL DEFINED.—For purposes of this subsection, the term "new bus model" has the meaning such term has under section 12(h)(2) of the Urban Mass Transportation Act of 1964.

(5) FUNDING.—There shall be available to the Secretary out of the Mass Transit Account of the Highway Trust Fund for establishment of the facility under paragraph (1) $200,000 for fiscal year 1987 and $3,000,000 for fiscal year 1988. Funds made available by this paragraph shall remain available until expended and shall not be subject to any obligation limitation.

SEC. 317. PREAWARD AND POSTDELIVERY AUDIT OF BUS PURCHASES.

Section 12 of the Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new subsection:

"(i) PREAWARD AND POSTDELIVERY AUDIT OF BUS PURCHASES.—For the purpose of assuring compliance with Federal motor vehicle safety requirements, the requirements of section 165 of the Surface Transportation Assistance Act of 1982 (relating to purchases of American products), and bid specifications requirements of recipients of grants under this Act, the Administrator shall issue regulations requiring a preaward and postdelivery audit with respect to any grant under this Act for the purchase of buses and other rolling stock. For the purposes of such audit, manufacturer certification shall not be sufficient, and independent inspections and auditing shall be required.".

SEC. 318. PROTECTION OF PRIVATE CONTRACTING RIGHTS.

Section 13(c) of the Urban Mass Transportation Act of 1964 is amended by inserting after the third sentence the following new sentence: "Such arrangements may not restrict or limit the rights of the recipient of such assistance to enter into a contract or other arrangements for the provision of mass transportation services by private entities.".

SEC. 319. FEDERAL SHARE FOR ELDERLY AND HANDICAPPED PROJECTS.

Section 16 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(e) INCREASED FEDERAL SHARE OF CERTAIN NONREQUIRED PROJECTS.—Notwithstanding any other provision of this Act, the Federal share under sections 3, 9, and 18 of this Act for each capital improvement project which enhances the accessibility for elderly and handicapped persons to public transportation service and which is not required by Federal law (including any other provision of this Act) shall be 95 percent of the net project cost of such project.".

SEC. 320. AUTHORIZATION OF APPROPRIATIONS.

(a) SECTIONS 9 AND 18.—Section 21(a)(1) of the Urban Mass Transportation Act of 1964 is amended by striking out "and" after "1985," and by inserting after "1986," the following: "$2,100,000,000 for the fiscal year ending September 30, 1987, $2,150,000,000 for the fiscal year ending September 30, 1988, $2,200,000,000 for the fiscal year ending September 30, 1989, $2,250,000,000 for the fiscal year ending September 30, 1990, and $2,300,000,000 for the fiscal year ending September 30, 1991,".

(b) SECTIONS 3, 4(i), 8, AND 16(b).—Section 21(a)(2) of such Act is amended by redesignating subparagraph (C) (and any references thereto) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) AUTHORIZATIONS FROM MASS TRANSIT ACCOUNT.—

"(i) BUSES UNDER SECTION 3.—There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to finance grants and loans under section 3 of this Act for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities not less than $100,000,000 for fiscal year 1987 and $170,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, and 1991.

"(ii) RAIL MODERNIZATION UNDER SECTION 3.—There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to finance grants and loans under section 3 of this Act for rail modernization not less than $405,000,000 for fiscal year 1987 and $680,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, and 1991.

"(iii) NEW CONSTRUCTION UNDER SECTION 3.—There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to finance grants and loans under section 3 of this Act for construction of new fixed guideway systems and extensions to fixed guideway systems not less than $405,000,000 for fiscal year 1987 and $680,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, and 1991.

"(iv) GENERAL SECTION 3.—In addition to amounts made available by the preceding clauses of this subparagraph, there shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to finance grants and loans under section 3 of this Act not less than $100,000,000 for fiscal year 1987 and $170,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, and 1991.

"(v) SECTION 8.—There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to carry out section 8 of this Act not less than $45,000,000 for fiscal year 1987 and $50,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, and 1991.

"(vi) SECTIONS 4(I) AND 16(B).—There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to carry out sections 4(i) and 16(b) of this Act not less than $35,000,000 for fiscal year 1987 and $40,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, and 1991.".

(c) PERIOD OF AVAILABILITY; OBLIGATION CEILING.—Section 21(a)(2) of such Act is further amended by adding at the end thereof the following new subparagraphs:

"(E) PERIOD OF AVAILABILITY.—Funds made available by this paragraph shall remain available until expended.

"(F) OBLIGATION CEILING.—Notwithstanding any other provisions of law, the total of all obligations under the Urban Mass Transportation Act of 1964 (other than sections 9A and 11(b)) from the Mass Transit Account of the Highway Trust Fund shall not exceed $995,000,000 for fiscal year 1987 and $1,795,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, and 1991.".

(d) SECTIONS 6, 10, 11(a), 12(a), AND 20.—Section 21(b) of such Act is amended by striking out "and" after "1984," and by striking out the period at the end of the first sentence and inserting in lieu thereof ", and $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, September 30, 1990, and September 30, 1991.".

(e) REMOVAL OF LIMITATION ON THE SOURCE OF FUNDING FOR INNOVATIVE MANAGEMENT GRANTS.—Section 4(i) of such Act is amended by striking out ", using sums available pursuant to section 4(c)(3)(A) of this section,".

(f) CONFORMING AMENDMENTS.—(1) Section 16(b) of such Act is amended by striking out the last sentence.

(2) Section 21(a)(2)(D) of such Act (as redesignated by subsection (b) of this subsection) is amended by striking out "and (B)" and inserting in lieu thereof ", (B), and (C)".

(3) Section 21(a)(4) of such Act is amended by striking out "and 1986" and inserting in lieu thereof "1986, 1987, 1988, 1989, 1990, and 1991".

(4) Section 21(a) of such Act is amended—

(A) by inserting "IN GENERAL.—" before "(1) There is";

(B) in paragraph (1) by inserting "SECTIONS 9 AND 18.—" before "There is";

(C) in paragraph (2) by inserting "SECTIONS 3, 4(I), 8, AND 16(B).—" before "(A) There";

(D) in paragraph (2)(A) by inserting "FISCAL YEAR 1983.—" before "There";

(E) in paragraph (2)(B) by inserting "FISCAL YEARS 1984 AND 1985.—" before "There";

(F) in paragraph (2)(D), as redesignated by subsection (b) of this section, by inserting "CONTRACT AUTHORITY.—" before "Notwithstanding";

(G) in paragraph (3) by inserting "1983 SET-ASIDE FOR SECTION 18.—" before "In";

(H) in paragraph (4) by inserting "SET-ASIDE FOR SECTION 18.—" before "In";

(I) in paragraph (5) by inserting "SET-ASIDE FOR SECTION 8.—" before "Of";

(J) by indenting paragraph (1) and aligning such paragraph and paragraphs (2), (3), (4), and (5) with paragraph (1) of subsection (c) of section 21 of such Act, as added by section 310(b) of this Act; and

(K) by aligning subparagraphs (A), (B), and (D) of paragraph (2) with subparagraph (C), as inserted in such section 21 by subsection (b) of this section.

SEC. 321. CONSTRUCTION MANAGEMENT OVERSIGHT.

(a) IN GENERAL.—The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following:

"SEC. 23. CONSTRUCTION MANAGEMENT OVERSIGHT.

"(a) AUTHORITY TO USE FUNDS.—Beginning October 1, 1987, the Secretary may use not to exceed ½ of 1 percent of—

"(1) the funds made available for any fiscal year by section 21(a)(2)(C) to carry out section 3 to contract with any person to oversee the construction of any major project under section 3;

"(2) the funds appropriated for any fiscal year pursuant to section 21(a)(1) to carry out section 9 to contract with any person to oversee the construction of any major project under section 9;

"(3) the funds appropriated for any fiscal year pursuant to section 21(a)(1) to carry out section 18 to contract with any person to oversee the construction of any major project under section 18; and

"(4) the funds appropriated for any fiscal year pursuant to section 4(g) to contract with any person to oversee the construction of any major public transportation project substituted for an Interstate segment withdrawn under section 103(e)(4) of title 23, United States Code.

"(b) FEDERAL SHARE.—Any contract entered into under subsection (a) shall provide for the payment by the Secretary of 100 percent of the cost of carrying out the contract.".

(b) CONFORMING AMENDMENTS.—(1) Section 9(a) of such Act is amended by inserting after "section 21(a) of this Act" in paragraphs (1) and (2) the following: "and not used under section 23(a)(2)".

(2) Section 21(a)(4) of such Act is amended by inserting after "subsection" the following: "and not used under section 23(a)(3)".

SEC. 322. BICYCLE FACILITIES.

The Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new section:

"SEC. 24. BICYCLE FACILITIES.

"(a) ELIGIBILITY.—For purposes of this Act, a project to provide access for bicycles to mass transportation facilities, to provide shelters and parking facilities for bicycles in or around mass transportation facilities, or to install racks or other equipment for transporting bicycles on mass transportation vehicles shall be deemed to be a construction project eligible for assistance under sections 4, 9, and 18 of this Act.

"(b) FEDERAL SHARE.—Notwithstanding sections 4(a), 9(k), and 18(e), the Federal share under this Act for any project to provide access for bicycles to mass transportation facilities, to provide shelters and parking facilities for bicycles in or around mass transportation facilities, or to install racks or other equipment for transporting bicycles on mass transportation vehicles shall be 90 percent of the cost of such project.".

SEC. 323. TRANSIT TECHNICAL AMENDMENTS.

(a) URBAN MASS TRANSPORTATION ACT.—(1) Section 5(h)(1) of the Urban Mass Transportation Act of 1964 is amended by striking out "approach" and inserting in lieu thereof "approval".

(2) Section 5(j)(1) of such Act is amended by striking out "action" and inserting in lieu thereof "section".

(3) Section 5(n)(2) of such Act is amended by inserting "and section 9" after "this section".

(4) Section 9(l)(3) of such Act is amended by striking out "1983" and inserting in lieu thereof "1984".

(5) Section 16 of such Act is amended by redesignating the second subsection (c) as subsection (d).

(6) Section 17(d)(4) of such Act is amended by striking out "; and".

(b) SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982.—Section 303 of the Surface Transportation Assistance Act of 1982 is amended by striking out "(a)" the first place it appears.

SEC. 324. MULTI-YEAR CONTRACT FOR METRO RAIL PROJECT.

Notwithstanding any other provision of law, not later than the 90th day after the publication of the final environmental impact statement prepared as a result of alignment changes necessary to avoid tunneling through the methane risk areas identified in the task force report of the city of Los Angeles dated June 10, 1985, the Secretary shall issue a project record of decision and enter into a multi-year contract under section 3 of the Urban Mass Transportation Act of 1964, as amended by this Act, with the Southern California Rapid Transit District to complete Minimum Operable Segment-1 and to complete the locally preferred Minimum Operable Segment-2 alternative of the Downtown Los Angeles to the San Fernando Valley Metro Rail Project. Notwithstanding any other provision of law, such contract shall include at least $110,000,000 in fiscal year 1987 and $190,000,000 in each of fiscal years 1988, 1989, 1990, and 1991. Notwithstanding any other provision of law, the final environmental impact statement for Minimum Operable Segment-2 shall be completed, approved by the Secretary, and filed with the Environmental Protection Agency not later than July 31, 1987.

SEC. 325. MULTI-YEAR CONTRACT FOR TRANSIT BRIDGE LANES.

Notwithstanding any other provision of law, the Secretary shall enter into a multi-year contract under section 3 of the Urban Mass Transportation Act of 1964, as amended by this Act, with the Mississippi River Bridge Authority of the Louisiana Department of Transportation and Development to complete transit lanes on the Greater New Orleans Bridge No. 2. Notwithstanding any other provision of law, such contract shall include $18,750,000 in fiscal year 1988.

SEC. 326. INCREASED OPERATING ASSISTANCE DURING CONSTRUCTION OF INTERSTATE PROJECT.

Upon request of the State of Florida and the designated recipients under section 9 of the Urban Mass Transportation Act of 1964 for the urbanized areas of Fort Lauderdale and Miami, Florida, the amount of funds apportioned after September 30, 1987, under such section with respect to such urbanized areas which may otherwise be used for operating assistance under such section shall be increased by $4,400,000 for each fiscal year in which onsite construction is being carried out on a 40-mile segment of Interstate Route I-95 in Dade, Broward, and Palm Beach Counties, Florida. The increased operating assistance may only be used for commuter rail service provided as a maintenance-of-traffic measure during the period in which the construction is being carried out.

SEC. 327. FEASIBILITY STUDY.

Section 314(a) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

"Sec. 314. (a) Upon request of a local public body eligible to receive a grant under the Urban Mass Transportation Act of 1964, the Secretary of Transportation shall make a grant to such public body to conduct a feasibility study to examine the possibility of constructing and operating an electric bus line with the advanced and environmentally sound electric bus technology that is being developed in the State of California for the Santa Barbara transit system.".

SEC. 328. FEASIBILITY STUDY OF ABANDONED TROLLEY SERVICE.

(a) Study.—The Secretary, in cooperation with the city of Philadelphia, Pennsylvania, shall conduct a study of the feasibility of restoring trolley service to corridors on which trolley service has been abandoned in such city.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

SEC. 329. COMPREHENSIVE TRANSIT PLAN FOR THE VIRGIN ISLANDS.

(a) Study.—The Secretary, in cooperation with the Virgin Islands Department of Public Works, shall study and analyze the mass transportation needs of the Virgin Islands for the purpose of developing a comprehensive mass transportation plan for the Virgin Islands.

(b) Report and Plan.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study and analysis conducted under subsection (a) together with a copy of the mass transportation plan which the Secretary recommends for the Virgin Islands.

SEC. 330. BUS CARRIER CERTIFICATES FOR RECIPIENTS OF GOVERNMENTAL ASSISTANCE.

(a) General Rule for New Entrants.—Section 10922(c)(1) of title 49, United States Code, is amended to read as follows:

"(c) Motor Common Carriers of Passengers.—

"(1) Interstate transportation.—

"(A) Regular-route transportation.—The Commission shall issue a certificate to a person (including any private recipient of governmental assistance) authorizing that person to provide regular-route transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the person is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized by the certificate is not consistent with the public interest.

"(B) Special and charter transportation.—

"(i) Private recipients of assistance.—The Commission shall issue a certificate to a private recipient of governmental assistance authorizing that recipient to provide special or charter transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the recipient is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized by the certificate is not consistent with the public interest.

"(ii) Other persons.—The Commission shall issue a certificate to a person (other than a private recipient of governmental assistance) authorizing that person to provide special or charter transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the person is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission.

"(C) Public recipients for charter transportation.—The Commission shall issue a certificate to a public recipient of governmental assistance authorizing that recipient to provide special or charter transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that—

"(i) the recipient is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission; and

"(ii)(I) no motor common carrier of passengers (other than a motor common carrier of passengers which is a public recipient of governmental assistance) is providing, or is willing and able to provide, the transportation to be authorized by the certificate; or

"(II) the transportation to be authorized by the certificate is to be provided entirely in the area in which the public recipient provides regularly scheduled mass transportation services.

"(D) Public recipients for regular-route transportation.—The Commission shall issue a certificate to a public recipient of governmental assistance authorizing that recipient to provide regular-route transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title as a motor common carrier of passengers if the Commission finds that the recipient is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with this subtitle and regulations of the Commission, unless the Commission finds, on the basis of evidence presented by any person objecting to the issuance of the certificate, that the transportation to be authorized by the certificate is not consistent with the public interest.

"(E) Treatment of certain public recipients.—Subject to provisions of section 12(f) of the Urban Mass Transportation Act of 1964, any public recipient of governmental assistance which is providing or seeking to provide transportation of passengers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title shall, for purposes of this subtitle, be treated as a person which is providing or seeking to provide transportation of passengers subject to such jurisdiction.

"(F) Definitions.—In this subsection—

"(i) Public recipient of governmental assistance.—The term 'public recipient of governmental assistance' means—

"(I) any State,

"(II) any municipality or other political subdivision of a State,

"(III) any public agency or instrumentality of one or more States and municipalities and political subdivisions of a State,

"(IV) any Indian tribe,

"(V) any corporation, board, or other person owned or controlled by any entity described in subclause (I), (II), (III), or (IV), and

"(VI) any corporation, board, or other person owned by, controlled by, or under common control with, any entity described in subclause (I), (II), (III), (IV), or (V),

which before, on, or after the date of the enactment of this paragraph received governmental financial assistance for the purchase or operation of any bus.

"(ii) Private recipient of governmental assistance.—The term 'private recipient of governmental assistance' means any person (other than a person described in clause (i)) who before, on, or after the date of the enactment of this paragraph received governmental financial assistance in the form of a subsidy for the purchase, lease, or operation of any bus.".

(b) Public Interest Finding.—Section 10922(c)(3) of title 49, United States Code, is amended by striking out "and" at the end of subparagraph (C), by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; and", and by adding at the end thereof the following new subparagraph:

"(E) the amount and extent of governmental financial assistance which the applicant for the certificate received before, on, or after the date of the enactment of this subparagraph for the purchase or operation of buses.

In addition, in making any finding relating to public interest under paragraph (1)(D) of this subsection, the Commission shall consider whether or not the person objecting to issuance of the certificate is a motor common carrier of passengers which is providing, or is willing and able to provide, the transportation to be authorized by the certificate.".

(c) Conforming Amendment.—Section 10922(c)(3) of title 49, United States Code, is amended by striking out "(1)(A)" and inserting in lieu thereof "(1)".

SEC. 331. UTILIZATION REQUIREMENT FOR CERTIFICATES AUTHORIZING INTRASTATE BUS OPERATIONS.

(a) General Rule.—Section 10922(c)(2) of title 49, United States Code, is amended by adding at the end thereof the following new subparagraph:

"(J) Limitation on intrastate certificates.—Each certificate issued under this paragraph to provide intrastate transportation of passengers on any route shall be subject to a condition which limits the authority of the carrier to provide intrastate transportation service under the certificate only if the carrier provides regularly scheduled interstate transportation service on the route.".

(b) RETROACTIVE APPLICABILITY.—The amendment made by subsection (a) shall apply to any certificate issued under section 10922(c)(2) of title 49, United States Code, before, on, or after the date of the enactment of this Act.

TITLE IV—UNIFORM RELOCATION ACT AMENDMENTS OF 1987

SEC. 401. SHORT TITLE.

This title may be cited as the "Uniform Relocation Act Amendments of 1987".

SEC. 402. DEFINITIONS.

(a) FEDERAL AGENCY DEFINED.—Section 101(1) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter in this title referred to as the "Uniform Act") (42 U.S.C. 4601(1)) is amended to read as follows:

"(1) The term 'Federal agency' means any department, agency, or instrumentality in the executive branch of the Government, any wholly owned Government corporation, the Architect of the Capitol, the Federal Reserve banks and branches thereof, and any person who has the authority to acquire property by eminent domain under Federal law.".

(b) STATE AGENCY DEFINED.—Section 101(3) of the Uniform Act (42 U.S.C. 4601(3)) is amended to read as follows:

"(3) The term 'State agency' means any department, agency, or instrumentality of a State or of a political subdivision of a State, any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law.".

(c) INTEREST REDUCTION PAYMENTS AS FEDERAL FINANCIAL ASSISTANCE.—Section 101(4) of the Uniform Act (42 U.S.C. 4601(4)) is amended by inserting ", any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual," after "insurance".

(d) DISPLACED PERSON DEFINED.—Section 101(6) of the Uniform Act (42 U.S.C. 4601(6)) is amended to read as follows:

"(6) The term 'displaced person' means—

"(A) any person who moves from real property, or moves his personal property from real property—

"(i) as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance, or

"(ii) as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, under a program or project undertaken by a Federal agency or with Federal financial assistance in any case in which the person is a residential tenant and the head of the displacing agency determines that such displacement is permanent; and

"(B) solely for the purposes of sections 202(a) and (c) and 205 of this title, any person who moves from real property, or moves his personal property from real property—

"(i) on which such person conducts a business or farm operation, as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance; or

"(ii) on which such person conducts a small business or a farm operation or a business defined by section 101(7)(D), as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, under a program or project undertaken by a Federal agency or with Federal financial assistance where the head of the displacing agency determines that such displacement is permanent.

Such term does not include a person who has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this Act. Such term also does not include, in any case in which the displacing agency acquires property for a program or project, any person (other than a person who was an occupant of such property at the time it was acquired) who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project.".

(e) COMPARABLE REPLACEMENT DWELLING, DISPLACING AGENCY, LEAD AGENCY, AND APPRAISAL DEFINED.—Section 101 of the Uniform Act (42 U.S.C. 4601) is amended by adding at the end thereof the following new paragraphs:

"(10) The term 'comparable replacement dwelling' means any dwelling that is (A) decent, safe, and sanitary; (B) adequate in size to accommodate the occupants; (C) within the financial means of the displaced person; (D) functionally equivalent and substantially the same as the replacement dwelling with respect to number of rooms and living space; (E) in an area not subject to unreasonable adverse environmental conditions; and (F) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services, and the displaced person's place of employment.

"(11) The term 'displacing agency' means any Federal agency carrying out a program or project, and any State, State agency, or person carrying out a program or project with Federal financial assistance, which causes a person to be a displaced person.

"(12) The term 'lead agency' means the Department of Transportation.

"(13) The term 'appraisal' means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.".

(f) CONFORMING AMENDMENT.—Section 101(7)(D) of the Uniform Act (42 U.S.C. 4601(7)(D)) is amended by striking out "(a)" after "202".

SEC. 403. CERTIFICATION.

Title I of the Uniform Act is amended by adding at the end thereof the following new section:

"CERTIFICATION

"SEC. 103. (a)(1) Notwithstanding sections 210 and 305 of this Act, the head of a Federal agency may discharge any of his responsibilities under this Act, by accepting a certification by a State agency that it will perform such responsibility if the head of such Federal agency finds that such responsibility will be performed in accordance with State laws, regulations, directives, and standards which will accomplish the purpose and effect of this Act. Prior to accepting a certification under the preceding sentence, the head of the Federal agency shall provide interested parties with an opportunity for public review and comment and shall consult with interested local general purpose governments.

"(2) The head of the lead agency shall issue guidelines and regulations to carry out this section.

"(3) The head of the lead agency shall, in coordination with other Federal agencies, monitor from time to time, and report biennially to the Congress on, State agency implementation of this section. A State agency shall make available any information required for such purpose.

"(4) After consultation with the head of the lead agency, the head of a Federal agency may rescind his acceptance of any certification under this section, in whole or in part, if the State agency fails to comply with such certification or with State law.

"(b) The head of a Federal agency may withhold his approval of any Federal financial assistance to or contract or cooperative agreement with any displacing agency found to have failed to comply with any certification under this section or with a State law.".

SEC. 404. DECLARATION OF FINDINGS AND POLICY.

Section 201 of the Uniform Act (42 U.S.C 4621) is amended to read as follows:

"DECLARATION OF FINDINGS AND POLICY

"SEC. 201. (a) The Congress finds and declares that—

"(1) displacement as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance is caused by a number of activities, including rehabilitation, demolition, code enforcement, and acquisition;

"(2) relocation assistance policies must provide for fair, uniform, and equitable treatment of all affected persons;

"(3) the displacement of businesses often results in their closure;

"(4) minimizing the adverse impact of displacement of businesses is essential to maintaining the economic and social well-being of communities; and

"(5) implementation of this Act has resulted in burdensome, inefficient, and inconsistent compliance requirements and procedures which will be improved by establishing a lead agency and allowing for State certification and implementation.

"(b) This title establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance. The primary purpose of this title is to ensure that such persons shall not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement on such persons.

"(c) It is the intent of Congress that—

"(1) Federal agencies shall carry out this title in a manner which minimizes waste, fraud, and mismanagement and reduces unnecessary administrative costs borne by States and State agencies in providing relocation assistance;

"(2) uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this Act; and

"(3) the improvement of housing conditions of economically disadvantaged persons under this title shall be undertaken, to the maximum extent feasible, in coordination with existing Federal, State, and local governmental programs for accomplishing such goals.".

SEC. 405. MOVING AND RELATED EXPENSES.

(a) Business Reestablishment Expenses.—Section 202(a) of the Uniform Act (42 U.S.C. 4622(a)) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"(a) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the head of the displacing agency shall provide for the payment to the displaced person of—";

(2) by striking out "and" at the end of paragraph (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(4) actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, but not to exceed $10,000.".

(b) Alternative Residential Allowance.—Section 202(b) of the Uniform Act (42 U.S.C. 4622(b)) is amended by striking out all that follows "may receive" and inserting in lieu thereof "an expense and dislocation allowance, which shall be determined according to a schedule established by the head of the lead agency.".

(c) Alternative Business Allowance.—Section 202(c) of the Uniform Act (42 U.S.C. 4622(c)) is amended to read as follows:

"(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the head of the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency, except that such payment shall not be less than $1,000 nor more than $20,000.".

SEC. 406. REPLACEMENT HOUSING FOR HOMEOWNER.

Section 203(a) of the Uniform Act (42 U.S.C. 4623(a)) is amended—

(1) by striking out "Federal" in the portion of paragraph (1) preceding subparagraph (A) and inserting in lieu thereof "displacing";

(2) by striking out "$15,000" and inserting in lieu thereof, "$22,500";

(3) by striking out "acquired by" and all that follows through "market" in paragraph (1)(A) and inserting in lieu thereof "acquired by the displacing agency, equals the reasonable cost of a comparable replacement dwelling";

(4) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

"(B) The amount, if any, which will compensate such displaced person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling."; and

(5) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency's obligation under section 205(c)(3) of this Act is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a comparable replacement dwelling within one year of such date.".

SEC. 407. REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS.

Section 204 of the Uniform Act (42 U.S.C. 4624) is amended to read as follows:

"REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

"Sec. 204. (a) In addition to amounts otherwise authorized by this title, the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days immediately prior to (1) the initiation of negotiations for acquisition of such dwelling, or (2) in any case in which displacement is not a direct result of acquisition, such other event as the head of the lead agency shall prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed four years, a comparable replacement dwelling, but not to exceed $6,000. At the discretion of the head of the displacing agency, a payment under this subsection may be made in periodic installments. Computation of a payment under this subsection to a low-income displaced person for a comparable replacement dwelling shall take into account such person's income.

"(b) Any person eligible for a payment under subsection (a) of this section may elect to apply such payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. Any such person may, at the discretion of the head of the displacing agency, be eligible under this subsection for the maximum payment allowed under subsection (a), except that, in the case of a displaced homeowner who has occupied the displacement dwelling for at least ninety days but not more than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling, such payment shall not exceed the payment such person would otherwise have received under section 203(a) of this Act had the person occupied the displacement dwelling for one hundred and eighty days immediately prior to the initiation of such negotiations.".

SEC. 408. RELOCATION PLANNING, ASSISTANCE COORDINATION, AND ADVISORY SERVICES.

Section 205 of the Uniform Act (42 U.S.C. 4625) is amended to read as follows:

"RELOCATION PLANNING, ASSISTANCE COORDINATION, AND ADVISORY SERVICES

"Sec. 205. (a) At an early stage in the planning of a program or project undertaken by a Federal agency or with Federal financial assistance and before the commencement of any actions which will cause displacements, a relocation analysis shall be developed by the displacing agency to assist it in the recognition and successful resolution of those problems associated with the displacements of individuals, families, businesses and farm operations in order to minimize adverse impacts on displaced persons and to expedite program or project advancement and completion.

"(b) The head of any displacing agency shall ensure that the relocation assistance advisory services described in subsection (c) of this section are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency head may make available to such person such advisory services.

"(c) Each relocation assistance advisory program required by subsection (b) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

"(1) determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

"(2) provide current and continuing information on the availability, sales prices, and rental charges of comparable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;

"(3) assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable replacement dwelling, except in the case of—

"(A) a major disaster as defined in section 102(2) of the Disaster Relief Act of 1974;

"(B) a national emergency declared by the President; or

"(C) any other emergency which requires the person to move immediately from the dwelling because continued occupancy of such dwelling by such person constitutes a substantial danger to the health or safety of such person;

"(4) assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;

"(5) supply (A) information concerning other Federal and State programs which may be of assistance to displaced persons, and (B) technical assistance to such persons in applying for assistance under such programs; and

"(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

"(d) The head of a displacing agency shall coordinate the relocation activities performed by such agency with other Federal, State, or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.

"(e) Whenever two or more Federal agencies provide financial assistance to a displacing agency other than a Federal agency, to implement functionally or geographically related activities which will result in the displacement of a person, the heads of such Federal agencies may agree that the procedures of one of such agencies shall be utilized to implement this title with respect to such activities. If such agreement cannot be reached, then the head of the lead agency shall designate one of such agencies as the agency whose procedures shall be utilized to implement this title with respect to such activities. Such related activities shall constitute a single program or project for purposes of this Act.

"(f) Notwithstanding section 101(6) of this Act, in any case in which a displacing agency acquires property for a program or project, any person who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project shall be eligible for advisory services to the extent determined by the displacing agency.".

SEC. 409. HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT.

Section 206 of the Uniform Act (42 U.S.C. 4626) is amended to read as follows:

"HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

"SEC. 206. (a) If a program or project undertaken by a Federal agency or with Federal financial assistance cannot proceed on a timely basis because comparable replacement dwellings are not available, and the head of the displacing agency determines that such dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for such project. The head of the displacing agency may use this section to exceed the maximum amounts which may be paid under sections 203 and 204 on a case-by-case basis for good cause as determined in accordance with such regulations as the head of the lead agency shall issue.

"(b) No person shall be required to move from his dwelling on account of any program or project undertaken by a Federal agency or with Federal financial assistance, unless the head of the displacing agency is satisfied that comparable replacement housing is available to such person.".

SEC. 410. ASSURANCES.

Section 210 of the Uniform Act (42 U.S.C. 4630) is amended by striking out "State agency" the first place it appears and inserting in lieu thereof "displacing agency (other than a Federal agency)", by striking out "State agency" the second place it appears and inserting in lieu thereof "displacing agency", and by striking out "decent, safe, and sanitary" in paragraph (3) and inserting in lieu thereof "comparable".

SEC. 411. FEDERAL SHARE OF COSTS.

(a) GENERAL RULE.—Section 211(a) of the Uniform Act (42 U.S.C. 4631(a)) is amended to read as follows:

"(a) The cost to a displacing agency of providing payments and assistance pursuant to titles II and III shall be included as part of the cost of a program or project undertaken by a Federal agency or with Federal financial assistance. A displacing agency, other than a Federal agency, shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs.".

(b) LIMITATION.—Section 211(b) of the Uniform Act (42 U.S.C. 4631(b)) is amended to read as follows:

"(b) No payment or assistance under title II or III of this Act shall be required or included as a program or project cost under this section, if the displaced person receives a payment required by State law which is determined by the head of the lead agency to have substantially the same purpose and effect as such payment under this section.".

SEC. 412. DUTIES OF LEAD AGENCY; SALVAGE OPERATION.

(a) DUTIES OF LEAD AGENCY.—Section 213 of the Uniform Act (42 U.S.C. 4633) is amended to read as follows:

"DUTIES OF LEAD AGENCY

"SEC. 213. (a) The head of the lead agency shall—

"(1) develop, publish, and issue, with the active participation of other Federal agencies responsible for funding relocation and acquisition actions, and in coordination with State and local governments, such regulations as may be necessary to carry out this Act;

"(2) ensure that relocation assistance activities under this Act are coordinated with low-income housing assistance programs or projects by a Federal agency or a State or State agency with Federal financial assistance;

"(3) monitor, in coordination with other Federal agencies, the implementation and enforcement of this Act and report to the Congress, as appropriate, on any major issues or problems with respect to any policy or other provision of this Act; and

"(4) perform such other duties as may be provided by law as relate to the purposes of this Act.

"(b) The head of the lead agency is authorized to establish such regulations and procedures as he may determine to be necessary to assure—

"(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable and as uniform as practicable;

"(2) that a displaced person who makes proper application for a payment authorized for such person by this title shall be paid promptly after a move or, in hardship cases, be paid in advance; and

"(3) that any aggrieved person may have his application reviewed by the head of the Federal agency having authority over the applicable program or project or, in the case of a program or project receiving Federal financial assistance, by the State agency having authority over such program or project or the Federal agency having authority over such program or project if there is no such State agency.".

(b) SALVAGE OPERATION.—Notwithstanding any other provision of law, the Commonwealth of Massachusetts is required to assist and coordinate the salvaging of the foundation and associated structures of the historic Great House in City Square, Charlestown, Massachusetts; to store the salvaged material during the suppression and reconstruction of the interstate at Charlestown, Massachusetts; and to assist and coordinate the incorporation of the Great House's foundation and related structures into the reconstruction of City Square at Charlestown, Massachusetts.

SEC. 413. PAYMENTS UNDER OTHER LAWS.

Section 216 of the Uniform Act (42 U.S.C. 4636) is amended by inserting after "Federal law" the following: "(except for any Federal law providing low-income housing assistance)".

SEC. 414. TRANSFER OF SURPLUS PROPERTY.

Section 218 of the Uniform Act (42 U.S.C. 4638) is amended by inserting "net" after "all".

SEC. 415. REPEALS.

Sections 214, 217, and 219 of the Uniform Act (42 U.S.C. 4634 and 4637) are hereby repealed.

SEC. 416. UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES.

(a) WAIVER OF APPRAISAL.—Section 301(2) of the Uniform Act (42 U.S.C. 4651(2)) is amended by inserting the following before the period at the end thereof: ", except that the head of the lead agency may prescribe a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value".

(b) ACQUISITION OF UNECONOMIC REMNANT.—Section 301(9) of the Uniform Act (42 U.S.C. 4651 (9)) is amended to read as follows:

"(9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire that remnant. For the purposes of this Act, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the head of the Federal agency concerned has determined has little or no value or utility to the owner.".

(c) Section 301 of the Uniform Act (42 U.S.C. 4651) is amended by adding at the end thereof the following new paragraph:

"(10) A person whose real property is being acquired in accordance with this title may, after the person has been fully informed of his right to receive just compensation for such property, donate such property, any part thereof, any interest therein, or any compensation paid therefor to a Federal agency, as such person shall determine.".

SEC. 417. ASSURANCES.

Section 305 of the Uniform Act (42 U.S.C. 4655) is amended by inserting "(a)" after "SEC. 305.", by striking out "a State agency" the first place it appears and inserting in lieu thereof "an acquiring agency", by striking out "State agency" the second place it appears and inserting in lieu thereof "acquiring agency", and by adding at the end thereof the following new subsection:

"(b) For purposes of this section, the term 'acquiring agency' means—

"(1) a State agency (as defined in section 101(3)) which has the authority to acquire property by eminent domain under State law, and

"(2) a State agency or person which does not have such authority, to the extent provided by the head of the lead agency by regulation.".

SEC. 418. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 2 years after the date of enactment of this Act, except that the amendment made by section 412 of this title (to the extent such amendment prescribes authority to develop, publish, and issue rules and regulations) shall take effect on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 38, an amendment adding a new title to the bill as printed in House Report 100-3, recommended by the Committee on Ways and Means, is considered as having been adopted.

The text of the amendment is as follows:

Amendment recommended by the Committee on Ways and Means:

At the end of the bill, insert the following new title:

TITLE V—HIGHWAY REVENUE ACT OF 1987

SEC. 501. SHORT TITLE.

This title may be cited as the "Highway Revenue Act of 1987".

SEC. 502.5-YEAR EXTENSION OF HIGHWAY TRUST FUND TAXES AND RELATED EXEMPTIONS.

(a) Extension of Taxes.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking out "1988" each place it appears and inserting in lieu thereof "1993":

(1) Section 4041(a)(3) (relating to special fuels tax).

(2) Section 4051(c) (relating to tax on heavy trucks and trailers sold at retail).

(3) Section 4071(d) (relating to tax on tires and tread rubber).

(4) Section 4081(e)(1) (as amended by the Tax Reform Act of 1986 and section 521(a)(1)(B) of the Superfund Revenue Act of 1986).

(5) Section 4481(e), 4482(c)(4), and 4482(d) (relating to highway use tax).

(b) Extension of Exemptions, Etc.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking out "1988" each place it appears and inserting in lieu thereof "1993":

(1) Section 4041(b)(2)(C) (relating to qualified methanol and ethanol fuel).

(2) Section 4041(f)(3) (relating to exemption for farm use).

(3) Section 4041(g) (relating to other exemptions).

(4) Section 4221(a) (relating to certain tax-free sales).

(5) Section 4483(f) (relating to termination of exemptions for highway use tax).

(6) Section 6420(h) (relating to gasoline used on farms).

(7) Section 6421(h) (relating to tax on gasoline use for certain nonhighway purposes or by local transit systems) as in effect before its redesignation by section 1703(c) of the Tax Reform Act of 1986).

(8) Section 6427(g)(5) (relating to advance repayment of increased diesel fuel tax).

(9) Section 6427(m) (relating to fuels not used for taxable purposes) (as in effect before its redesignation by section 1703(e)(1) of the Tax Reform Act of 1986).

(c) Extension of Reduced Rates of Tax on Fuels Containing Alcohol.—

(1) Paragraph (3) of section 4041(k) of such Code (relating to fuels containing alcohol) is amended by striking out "December 31, 1992" and inserting in lieu thereof "September 30, 1993".

(2) Paragraph (4) of section 4081(c) of such Code (relating to gasoline mixed with alcohol), as amended by the Tax Reform Act of 1986, is amended by striking out "December 31, 1992" and inserting in lieu thereof "September 30, 1993".

(d) Other Provisions.—

(1) Floor stocks refunds.—Paragraph (1) of Section 6412(a) of such Code (relating to floor stocks refunds) is amended—

(A) by striking out "1988" each place it appears and inserting in lieu thereof "1993", and

(B) by striking out "1989" each place it appears and inserting in lieu thereof "1994".

(2) Installment payments of highway use tax.—Paragraph (2) of section 6156(e) of such Code (relating to installment payments of tax on use of highway motor vehicles) is amended by striking out "1988" and inserting in lieu thereof "1993".

SEC. 503. 5-YEAR EXTENSION OF HIGHWAY TRUST FUND

(a) In General.—Subsections (b), (c), and (e) of section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) are each amended—

(1) by striking out "1988" each place it appears and inserting in lieu thereof "1993", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1994",

Expenditures From Highway Trust Fund.—Paragraph (1) of section 9503(c) of such Code (relating to expenditures from Highway Trust Fund) is amended by striking out "or" at the end of subparagraph (B) and by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) authorized to be paid out of the Highway Trust Fund under the Surface Transportation and Uniform Relocation Assistance Act of 1987, or

"(D) hereafter authorized by a law which does not authorize the expenditure out of the Highway Trust Fund of any amount for a general purpose not covered by subparagraph (A), (B), or (C) as in effect on the date of the enactment of the Surface Transportation and Uniform Relocation Assistance Act of 1987."

(c) Conforming Amendments to Land and Water Conservation Fund.—Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-11) is amended—

(1) by striking out "1988" each place it appears and inserting in lieu thereof "1993", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1994",

SEC. 504. CERTAIN TRANSFERS FROM HIGHWAY TRUST FUND TO BE MADE PROPORTIONATELY FROM MIASS TRANSIT ACCOUNT.

Subsection (e) of section 9503 of the Internal Revenue Code of 1986 (relating to establishment of Mass Transit Account) is amended by adding at the end thereof the following new paragraph:

"(5) Portion of certain transfers to be made from account.—

"(A) In general.—Transfers under paragraphs (2), (3), and (4) of subsection (c) shall be borne by the Highway Account and the Mass Transit Account in proportion to the respective revenues transferred under this section to the Highway Account (after the application of paragraph (2)) and the Mass Transit Account; except that any such transfers to the extent attributable to section 6427(g) shall be borne only by the Highway Account.

"(B) Highway account.—For purposes of subparagraph (A), the term 'Highway Account' means the portion of the Highway Trust Fund which is not the Mass Transit Account."

SEC. 505. TREATMENT OF LONG-TERM LESSORS OF HEAVY TRUCKS AND TRAILERS.

(a) Initial Tax Not Imposed on Sale to Long-Term Lessors.—Paragraph (1) of section 4052(a) of the Internal Revenue Code of 1986 (defining first retail sale) is amended by striking out "other than for resale" and inserting in lieu thereof "other than for resale or leasing in a long-term lease".

(b) Constructive Sales Price in the Case of Long-Term Lease.—Subseciton (b) of section 4052 of such Code (defining price) is amended by adding at the end thereof the following new paragraph:

"(3) Long-term lease.—

"(A) In general.—In the case of any long-term lease of an article which is treated as the first retail sale of such article, the tax under this subchapter shall be computed on a price equal to—

"(i) the sum of—

"(I) the price at which such article was sold to the lessor, and

"(II) the cost of any parts and accessories installed by the lessor on such article before the first use by the lessee or leased in connection with such long-term lease, plus

"(ii) an amount equal to the presumed markup percentage of the sum described in clause (i).

"(B) Presumed markup percentage.—For purposes of subparagraph (A), the term 'presumed markup percentage' means the average markup percentage of retailers of articles of the type involved, as determined by the Secretary."

(c) Backup Tax.—Section 4052 of such Code is amended by adding at the end thereof the following new subsection:

(e) Backup Tax.—

"(1) In general.—If—

"(A) any vehicle which contains an article taxable under section 4051(a) is sold by any person, or is leased by any person in a long-term lease, before such vehicle has been used for periods aggregating 1 year or more, and

(B) such sale or lease is not the first retail sale of such vehicle,

there is hereby imposed a tax on such person equal to the amount determined under paragarph (2).

"(2) Amount of tax.—The amount of the tax determined under this paragraph shall be equal to the excess, if any, of—

"(A) amount of tax which would be imposed by section 4051 if the sale or lease referred to in paragraph (1) were the first retail sale of the article, over

"(B) the amount of the tax imposed by section 4051 on the first retail sale of such article.

"(3) Tax not to apply in certain cases.—The Secretary shall be regulations provide that paragraph (1) shall not apply to specified types of sales and leases where the application of such paragaph is not necessary to carry out the purposes of this subsection."

(d) Long-Term Lease Defined.—Section 4052 of such Code is amended by adding at the end thereof the following new subsection:

"(f) Long-Term Lease.—for purposes of this section, the term long-term lease means any lease with a term of 1 year or more. In determining a lease term for purposes of the preceding sentence, the rules of section 168(i)(3)(A) shall apply."

(e) Effective Date.—The amendments made by this section shall apply with respect to articles sold by the manufacturer, producer, or importer after the date of the enactment of this Act.

SEC. 506. APPLICATION OF CERTAIN REVENUE RULINGS.

Revenue Rulings 85-196 and 86-43 shall not apply to any vehicle acquired by a retail dealer before January 1, 1986, continuously held in such dealer's inventory through September 30, 1986, and sold by such dealer after September 30, 1986.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. STANGELAND

Mr. STANGELAND. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. STANGELAND. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. STANGELAND moves to recommit the bill H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987, to the Committee on Public Works and Transportation with instructions to report it back forthwith with the following amendments:

Page 29, line 14, after "Highways" insert the following "$2,822,500,000 for fiscal year 1988 and".

Page 29, line 16, strike out "1988,".

Page 29, line 20, after "routes" insert the following: "$2,297,500,000 for fiscal year 1987 and ".

Page 29, line 22, strike out "1987,".

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. STANGELAND] is recognized for 5 minutes in support of his motion to recommit.

Mr. STANGELAND. Mr. Speaker, according to the Congressional Budget Office, the fiscal year 1987 funding level in the bill for the Federal-aid Highway Program is $15 million over the level in the congressional budget resolution for fiscal year 1987. The purpose of my amendment is to reduce the funding levels in fiscal year 1987 by $15 million, thereby bringing the bill into conformance with the congressional budget resolution. My amendment would cut $7.5 million from the Interstate 4R Program and $7.5 million from the Primary System Program. I urge my colleagues to support the motion.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. STANGELAND. I am happy to yield to the chairman of the committee.

Mr. HOWARD. Mr. Speaker, I thank the gentleman for yielding.

I would like to state to the House that the gentleman does state the situation correctly. We get these periodic estimates of where a piece of legislation is with relation to the budget.

Just recently, since this bill was introduced, we have gotten information that it may be for this coming year $15 million—a relatively insignificant amount for the size of this bill—above the budget. Therefore, so there will be no question about the worth and the value of this bill and so it has no conflicts or problems with the budget or anything else, we would go along with the recommital that would reduce this legislation for this coming year by $15 million.

Mr. BEREUTER. Mr. Speaker, I rise today to express my support for this legislation and urge its quick passage. I commend the Committees on Public Works and Transportation and Ways and Means for expeditiously bringing the Surface Transportation Act to the floor so early in the 100th Congress. As you know, this was one of two critical legislative proposals left unresolved by the 99th Congress, and it has created great uncertainty and difficulties within the States.

Critical highway projects and reconstruction of major roads will soon come to a halt throughout our Nation for the first time since the end of World War II unless this Congress enacts this legislation early in 1987. For Nebraska, if we do not reauthorize a Federal highway program soon, several important State road projects will be delayed for a full year. The passage of this bill is long overdue. It is essential for Nebraska highway projects and those of the entire Nation that we quickly enact this legislation.

There is additionally, one small, but important provision I would like to call to the attention of my colleagues. This legislation contains a proposal of mine that requires a study of the feasibility of a car ferry on the Missouri River near Niobrara, NE. Under this provision, a study would be conducted by the Secretary of Transportation, in consultation with the highway departments of the States of Nebraska and South Dakota, to see if it would be feasible to once again operate a car ferry on the Missouri River thus connecting State Highway 12 near Niobrara, NE, and State Highway 37 near Springfield, SD.

Until 2 years ago, a privately owned car ferry service was available between the two points. The termination of the ferry service for cars has meant that vehicles traveling between the two points must now travel nearly 60 miles out of their way to get to their destination. Essential services are vital in rural areas lacking a major municipality. Expanding the social and economic interaction between the two States would be extremely helpful for the communities on each side of the river. It is this gentleman's intention that this study be conducted in a timely fashion once this legislation is enacted.

Again, I applaud the committee and the bipartisan leadership of this body for once again advancing the Surface Transportation Act so early in the 100th Congress. May our colleagues from the other body follow our lead and act expeditiously.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was agreed to.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey [Mr. HOWARD].

Mr. HOWARD. Mr. Speaker, acting under the instructions of the House and on behalf of the Committee on Public Works and Transportation, I report back to the House the bill, H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987, with amendments.

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amendments: Page 29, line 14, after "Highways" insert the following "$2,822,500,000 for fiscal year 1988 and".

Page 29, line 16, strike out "1988,".

Page 29, line 20, after "routes" insert the following: "$2,297,500,000 for fiscal year 1987 and ".

Page 29, line 22, strike out "1987,".

Mr. HOWARD (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOWARD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 401, nays 20, not voting 13, as follows:

[Roll No. 12]

YEAS—401

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Bunning
Burton (IN)
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Cheney
Clarke
Clay
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Daniel
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dornan (CA)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (OK)

Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKinney
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (OR)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—20

Buechner
Crane
Dannemeyer
Dorgan (ND)
Dreier
Gregg
Gunderson
Herger
Johnson (SD)
Kastenmeier
Kemp
Lungren
Obey
Sensenbrenner
Shumway
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stump
Williams

NOT VOTING—13

Annunzio
Burton (CA)
Chandler
Dymally
Edwards (CA)
Leland
Miller (OH)
Myers
Price (IL)
Schaefer
Schulze
Stratton
Watkins

☐ 1745

Mr. ROBERT C. SMITH and Mr. DREIER of California changed their votes from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill and concurrent resolution bill of the House of the following titles:

H.R. 1. An act to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes; and

H. Con. Res. 24. Concurrent resolution to make a correction, relating to phosphate fertilizer effluent limitation, in the enrollment of the bill H.R. 1.

☐ 1755

RESIGNATIONS AS MEMBERS OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore (Mr. KILDEE) laid before the House the following resignations as members of the Committee on Public Works and Transportation:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 21, 1987.

Hon. JIM WRIGHT,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I hereby resign my seat on the House Committee on Public Works and Transportation. This resignation is effective as of January 21, 1987.

Thank you for your consideration.

Sincerely,

JOHN G. ROWLAND,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 21, 1987.

Hon. JIM WRIGHT,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I hereby resign my seat on the House Committee on Public Works and Transportation, effective this date.

Respectfully,

SONNY CALLAHAN,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 21, 1987.

Hon. JIM WRIGHT,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Effective today, January 21, 1987, I wish to resign from the House Committee on Public Works and Transportation.

Thank you for your consideration of this request.

Sincerely,

TOM DELAY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignations are accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MICHEL. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 45) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H.RES. 45

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Ed Madigan (IL); James Jeffords (VT); Tom Coleman (MO); Ron Marlenee (MT); Larry Hopkins (KY); Arlan Stangeland (MN); Pat Roberts (KS); Bill Emerson (MO); Sid Morrison (WA); Steve Gunderson (WI); Tom Lewis (FL); Robert Smith (OR); Larry Combest (TX); Bill Schuette (MI); Fred Grandy (IA); Wally Herger (CA); and Clyde Holloway (LA);

Committee on Appropriations: Silvio Conte (MA); Joseph McDade (PA); John Myers (IN); Clarence Miller (OH); Lawrence Coughlin (PA); C.W. Bill Young (FL); Jack Kemp (NY); Ralph Regula (OH); Virginia Smith (NE); Carl Pursell (MI); Mickey Edwards (OK); Bob Livingston (LA); Bill Green (NY); Jerry Lewis (CA); John Porter (IL); Harold Rogers (KY); Joe Skeen (NM); Frank Wolf (VA); Bill Lowery (CA); Vin Weber (MN); Tom DeLay (TX); and Jim Kolbe (AZ).

Committee on Armed Services: Bill Dickinson (AL); Floyd Spence (SC); Bob Badham (CA); Bob Stump (AZ); James Courter (NJ); Larry Hopkins (KY); Robert Davis (MI); Duncan Hunter (CA); David Martin (NY); John Kasich (OH); Lynn Martin (IL); Herbert Bateman (VA); Mac Sweeney (TX); Ben Blaz (GU); Andy Ireland (FL); James Hansen (UT); John Rowland (CT); Curt Weldon (PA); Jon Kyl (AZ); Arthur Ravenel (SC); and Jack Davis (IL).

Committee on Banking, Finance and Urban Affairs: Chalmers Wylie (OH); Stewart McKinney (CT); James Leach (IA); Norman Shumway (CA); Stan Parris (VA); Bill McCollum (FL); George Wortley (NY); Marge Roukema (NJ); Doug Bereuter (NE); David Dreier (CA); John Hiler (IN); Tom

Ridge (PA); Steve Bartlett (TX); Toby Roth (WI); Al McCandless (CA); Alex McMillan (NC); James Saxton (NJ); Patrick Swindall (GA); Patricia Saiki (HI); and Jim Bunning (KY).

Committee on Budget: Delbert Latta (OH); Willis Gradison (OH); Connie Mack (FL); Bill Goodling (PA); Denny Smith (OR); Beau Boulter (TX); Mickey Edwards (OK); Bill Thomas (CA); Harold Rogers (KY); Don Sundquist (TN); Nancy Johnson (CT); Dick Armey (TX); Jack Buechner (MO); and Amory Houghton (NY).

Committee on the District of Columbia: Stewart McKinney (CT); Stan Parris (VA); Thomas Bliley (VA); and Larry Combest (TX).

Committee on Education and Labor: James Jeffords (VT); Bill Goodling (PA); Tom Coleman (MO); Thomas Petri (WI); Marge Roukema (NJ); Steve Gunderson (WI); Steve Bartlett (TX); Tom Tauke (IA); Dick Armey (TX); Harris Fawell (IL); Paul Henry (MI); Fred Grandy (IA); and Cass Ballenger (NC).

Committee on Energy and Commerce: Norman Lent (NY); Ed Madigan (IL); Carlos Moorhead (CA); Matthew Rinaldo (NJ); William Dannemeyer (CA); Bob Whittaker (KS); Tom Tauke (IA); Don Ritter (PA); Dan Coats (IN); Thomas Bliley (VA); Jack Fields (TX); Michael Oxley (OH); Howard Nielson (UT); Michael Bilirakis (FL); Dan Schaefer (CO); Joe Barton (TX); and Sonny Callahan (AL).

Committee on Foreign Affairs: Jan Meyers (KS); John Miller (WA); Donald Lukens (OH); and Ben Blaz (GU).

Committee on Government Operations: Frank Horton (NY); Robert Walker (PA); Bill Clinger (PA); Al McCandless (CA); Larry Craig (ID); Howard Nielson (UT); Joe DioGuardi (NY); Jim Lightfoot (IA); Beau Boulter (TX); Donald Lukens (OH); Amory Houghton (NY); Denny Hastert (IL); Jon Kyl (AZ); Ernie Konnyu (CA); and Jim Inhofe (OK).

Committee on Interior and Insular Affairs: Don Young (AK); Manuel Lujan (NM); Robert Lagomarsino (CA); Ron Marlenee (MT); Dick Cheney (WY); Charles Pashayan (CA); Larry Craig (ID); Denny Smith (OR); James Hansen (UT); Bill Emerson (MO); Barbara Vucanovich (NV); Ben Blaz (GU); John J. Rhodes III (AZ); Elton Gallegly (CA); and Richard Baker (LA).

Committee on the Judiciary: Hamilton Fish (NY); Carlos Moorhead (CA); Henry Hyde (IL); Dan Lungren (CA); James Sensenbrenner (WI); Bill McCollum (FL); Clay Shaw (FL); George Gekas (PA); Michael DeWine (OH); William Dannemeyer (CA); Patrick Swindall (GA); Howard Coble (NC); French Slaughter (VA); and Lamar Smith (TX).

Committee on Merchant Marine and Fisheries: Robert Davis (MI); Don Young (AK); Norman Lent (NY); Norman Shumway (CA); Jack Fields (TX); Claudine Schneider (RI); Herbert Bateman (VA); James Saxton (NJ); John Miller (WA); Helen Bentley (MD); Howard Coble (NC); Mac Sweeney (TX); Joe DioGuardi (NY); Curt Weldon (PA); Patricia Saiki (HI); Wally Herger (CA); and Jim Bunning (KY).

Committee on Post Office and Civil Service: Gene Taylor (MO); Benjamin Gilman (NY); Charles Pashayan (CA); Frank Horton (NY); John Myers (IN); Don Young (AK); Dan Burton (IN); and Constance Morella (MD).

Committee on Public Works and Transportation: Denny Hastert (IL); Jim Inhofe (OK); Cass Ballenger (NC); and Fred Upton (MI).

Committee on Science, Space, and Technology: Manuel Lujan (NM); Robert Walker (PA); James Sensenbrenner (WI); Claudine Schneider (RI); Sherwood Boehlert (NY); Tom Lewis (FL); Don Ritter (PA); Sid Morrison (WA); Ron Packard (CA); Robert Smith (NH); Paul Henry (MI); Harris Fawell (IL); French Slaughter (VA); Lamar Smith (TX); Ernie Konnyu (CA); Jack Buechner (MO); Joel Hefley (CO); and Constance Morella (MD).

Committee on Small Business: Joseph McDade (PA); Silvio Conte (MA); William Broomfield (MI); Andy Ireland (FL); John Hiler (IN); David Dreier (CA); French Slaughter (VA); Jan Meyers (KS); Dean Gallo (NJ); Alex McMillan (NC); Stewart McKinney (CT); Larry Combest (TX); Richard Baker (LA); John J. Rhodes III (AZ); Joel Hefley (CO) Fred Upton (MI); and Elton Gallegly (CA).

Committee on Standards of Official Conduct: Floyd Spence (SC); John Myers (IN); James Hansen (UT); Charles Pashayan (CA); Thomas Petri (WI); and Larry Craig (ID).

Committee on Veterans' Affairs: Gerald Solomon (NY); John Paul Hammerschmidt (AR); Chalmers Wylie (OH); Bob Stump (AZ); Bob McEwen (OH); Chris Smith (NJ); Dan Burton (IN); Michael Bilirakis (FL); Tom Ridge (PA); John Rowland (CT); Bob Dornan (CA); Robert Smith (NH); and Jack Davis (IL).

Committee on Ways and Means: John Duncan (TN); Bill Archer (TX); Guy Vander Jagt (MI); Philip Crane (IL); Bill Frenzel (MN); Richard Schulze (PA); Willis Gradison (OH); Bill Thomas (CA); Ray McGrath (NY); Hal Daub (NE); Judd Gregg (NH); Hank Brown (CO); and Rod Chandler (WA).

Mr. MICHEL (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

VACATING APPOINTMENT AS MAJORITY MEMBER OF SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES AND ANNOUNCEMENT OF APPOINTMENT AS MAJORITY MEMBER OF SELECT COMMITTEE ON HUNGER

The SPEAKER pro tempore. Without objection, the Speaker's appointment on today of the gentleman from New York [Mr. FLAKE] as a majority member of the Select Committee on Children, Youth, and Families is hereby vacated.

There was no objection.

The SPEAKER pro tempore. The Chair announces the Speaker's appointment of the gentleman from New York [Mr. FLAKE] as a majority member of the Select Committee on Hunger pursuant to title I of House Resolution 26 to fill one of the two majority vacancies thereon.

EXTENDING TIME WITHIN WHICH THE PRESIDENT MAY SUBMIT THE ECONOMIC REPORT TO THE CONGRESS

Mr. OBEY. Mr. Speaker, I offer a joint resolution (H.J. Res. 88) extending the time within which the President may transmit the Economic Report to the Congress, and ask unanimous consent for its immediate consideration.

The Clerk read the joint resolution, as follows:

H.J. RES. 88

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 3 of the Act of February 20, 1946, as amended (15 U.S.C. 1022), the President shall transmit to the Congress not later than January 30, 1987, the Economic Report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPORT CONCERNING NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-24)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and the Committee on Ways and Means and ordered to be printed:

(For message, see proceedings of the Senate of today, Wednesday, January 21, 1987.)

SEVENTH ANNUAL REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service.

(For message, see proceedings of the Senate of today, Wednesday, January 21, 1987.)

REPORT ON ACTIVITIES OF U.S. GOVERNMENT IN THE UNITED NATIONS, 1985—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs.

□ 1805

SPACE POLICY: PAST, PRESENT, AND FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of California. Mr. Speaker, 1 year ago next week the Nation witnessed the worst disaster in the history of the U.S. space program: the explosion of the space shuttle *Challenger*, which killed all seven of its crew. As a result of that tragedy, the space shuttle has been grounded until early 1988. Other space launch failures during the past 18 months conspired to make 1986 one of the worst years ever for the U.S. space program. It has been a period of disappointment, of frustration, and of reassessment. The Nation as a whole wants to see NASA get back into action, demonstrating again its ability for accomplishing outstanding achievements in the field of space science and exploration. Yet everyone knows that in order to do so, the mistakes that culminated in the shuttle explosion must be identified and remedied to the best degree humanly possible.

This anniversary period of the shuttle tragedy marks the midway point of the Nation's space launch hiatus. It also marks the beginning of open season for congressional oversight of the administration's proposed NASA budget for fiscal year 1988. Given the confluence of these factors, it seems an opportune time for making observations regarding the successes and failures of the Nation's space program, and also regarding what the Nation should aim for in the next few decades of space activities.

I intend to make such remarks over the course of the next month in a series of special order addresses, of which this will be the first.

Mr. Speaker, as a way of framing a discussion of the Nation's space program, it is instructive to review activities of the past year. For, although 1986 was a year of great disappointment, it also was a year during which events occurred that provide insight into the past—and the future—of our Nation's space program. For the interest of my colleagues, I would like to review some of the more significant landmarks of 1986, and some of my initial observations regarding their significance in relation to the status of our space program in this first month of 1987. Further elaboration on the themes I introduce today will come in subsequent statements.

The most vivid, and haunting memory of 1986 is, of course, the smoke trails of the destroyed shuttle as it fell back to earth from its ill-fated launch. It should be recalled, however, that the year began with a historic accomplishment in space exploration. In January 1986, prior to the shuttle tragedy, NASA's Voyager 2 spacecraft made its closest approach to the planet Uranus, nearly 1.8 billion miles away, sending back exciting and surprising photos that have revolutionized our understanding of that distant planet, the seventh in our solar system. Voyager 2 is now heading onward toward Neptune, the eighth planet of the solar system, with a planned rendezvous in 1989.

One can look at the Voyager 2 mission and make a number of important observations. First, it should be observed that the Voyager mission to Uranus was simply the most recent in a long series of outstanding, indeed, extraordinary achievements in man's exploration of the solar system. Incredible advances in space exploration have been a prized product of what NASA has accomplished since its creation in 1958. The triumph of such efforts deserves particular recognition at the present time, a time when the failure of the space shuttle is obscuring, for many people, NASA's historic accomplishments over the years.

The most notable space exploration missions include the Mariner missions of the 1960's, which brought back increasingly good images of Mars and Venus; the Pioneer series, which produced remarkable views of Jupiter in the early 1970's, and of Saturn in the late 1970's; the Viking series, which orbited and mapped Mars before landing and roaming the surface of the "red planet" in 1976; and Voyagers 1 and 2, which provided breathtaking images of Jupiter and its moons in 1979, and of Saturn and its moons in 1980 and 1981, before Voyager 2 pushed on for its 1986 rendezvous with Uranus.

The Uranus triumph of January 1986 thus reminds us of some of the highlights of space exploration over the past 25 years. It also, however, points to shortcomings in our space program that emerged in the late 1970's. Except for two Pioneer probes to Venus launched in 1978, Voyagers 1 and 2 were the only other space exploration missions launched by the United States in the past decade. This was not the initial plan. Indeed, NASA had intended to send a number of additional spacecraft into the solar system during this timeframe.

The United States had planned to develop a satellite as part of the International Solar Polar Mission. However, that plan was scrubbed in the Reagan administration's first budget submission in 1981, leaving bitter feelings with our international partners, the European Space Agency [ESA]. ESA has continued with its half of the project, culminating in the Ulysses spacecraft. But the data from a single probe around the Sun will be significantly diminished from what could have been expected from the original plan, and Ulysses won't be launched for at least a year, if not longer.

Other space exploration missions were also canceled, such as the U.S. spacecraft that was to participate in the international rendezvous with Halley's Comet. Also canceled for awhile was a major mission to Jupiter, called the Galileo probe, although the mission was later revived after 3-year delay.

Proposed space science programs of all kinds have been terminated, postponed, delayed, and scaled-back over the past decade. As a result, many scientists feel our space science effort is in complete disarray. In order to fix it, additional funding in NASA's space science and applications budget will be essential. This will require a greater awareness on the part of the Nation's decisionmakers that: First, NASA is involved in much more than simply the shuttle program; and second, that many of NASA's other programs have been sorely neglected over the past decade. The January flyby of Uranus invoked awe, yet there remain a host of awesome possibilities in space science and exploration that deserve our strongest support.

Moving on in my chronology of 1986 brings me to February, a month during which one of the most significant events was the French launch of the SPOT-1 Earth remote sensing satellite. As a result of SPOT, the United States has lost its monopoly on civilian Earth remote sensing, a monopoly held by the United States since the launch of Landsat-1 in 1972. Not only has SPOT created a competitive arena for remote sensing from space, it has done so with style. SPOT has a number of clear advantages over the Landsat system. SPOT has a much better resolution capability, and also has off-nadir imaging which enables it to revisit a given location more frequently than Landsat can.

Another of SPOT's prime advantages is that it has the solid backing of the Government, which Landsat does not have. The French Government provides substantial subsidies for the SPOT program, which already is far along in the design and development of four follow-on satellites. The Japanese, Canadians, and Indians also are developing Government-subsidized remote sensing satellites, which will add further competition to the field of remote sensing from space. Indeed, it seems clear that these new entrants to the remote sensing field will out-compete the U.S. program

That we would let this happen seems outright absurd, since remote sensing from space is a technology which the United States developed. Moreover, it is a technology that has been of tremendous value to the United States, not only for its use at home in the management of U.S. natural resources, but also as a foreign policy tool with developing countries. What is most distressing about the potential loss of U.S. competitiveness in this field is that we possess remote sensing technology 100 times superior to that of the SPOT satellite, but that technology has been locked away in our intelligence agencies. And it remains locked away even while the rest of the world leapfrogs the antiquated Landsat system.

My hope is that the emergence of SPOT, and of remote sensing satellities operated by other nations, will help us move in the direction of declassifying the technology and imagery of our militry intelligence gathering space reconnaissance systems. Doing so would be of great commercial and scientific benefit to the entire Nation, and the world, with no detriment to our national security. Our present posture appears increasingly ludicrous to most observers.

An analogous situation to that of remote sensing has also developed in the area of satellite communications technology, where the U.S. is losing its edge. In February 1986, the administration submitted its budget for 1987, which included no funds for NASA's proposed advanced communications technology satellite [ACTS]. ACTS is a research project to test a number of key technologies that would vastly improve the communications satellities in use today.

Communication satellities are rapidly reaching their saturation point of orbital slots and frequency bands. ACTS would use scanning beams to automatically illuminate only those portions of the country receiving or transmitting messages. These beams would be rapidly formed and exist only for the time required. In this way, it would provide an optimum use of the frequency spectrum. The result would be a valuable improvement in U.S. satellite communications abilities.

Japan and Europe, however, also have aggressive programs in advanced communications technology, and plan to deploy such technologies in the early 1990's. Faced with this looming competition from other nations, the administration's decision, reflected in the budget submission of February 1986, to eliminate funding for ACTS is nothing but shortsighted.

Another February event worth noting was the Soviet launch of its new Mir space station, which, occurring at a time when the U.S. space program was completely inactive, dramatized the ambitious, ongoing space program of the Soviet Union. The Soviet program has now become so dynamic, and so broad in scope, that many observers feel it has outstripped the U.S. space program. My own opinion is that the U.S. space effort, once back on track, will regain its stature as the best in the world, but for now, the Soviet program appears quite impressive.

While support and funding for the U.S. space station remains uncertain, the Soviet space station, Mir, is preparing for an impressive array of multinational space science programs, including an exciting x-ray observatory that will view distant galaxies, supernova remnants and galaxy clusters, among other objects in the universe. NASA has been hoping to develop an x-ray observatory for similar missions, and had requested a new start on the advanced x-ray astrophysics facility [AXAF] for fiscal year 1988. The Reagan administration, however, has rejected the program and eliminated funds for the effort.

So much for February, in March 1986 the most notable event was the parade of scientific spacecraft that swept past Halley's Comet for a week-long analysis of that curious object. As the spacecraft approached and intercepted the comet, they relayed to Earth data that is now finally leading to an understanding of the science of comets, something that has mystified scientists for centuries.

The mission to Halley's was instructive in two other ways as well. First, it illustrated once again Soviet leadership in space science. Two Soviet spacecraft headed the Halley mission, followed by a European and two Japanese probes. And second, it demonstrated the cost of U.S. negligence. In what amounted to the most impressive international space cooperation project ever, the U.S. role was minimal. The United States could have been a central player, if not the leader, but lost that opportunity when the Reagan administration in the early 1980's eliminated all NASA funding for a spacecraft for the voyage.

Let me move on to the events of April 1986, foremost of which was probably the explosion of a Titan booster carrying an intelligence satellite. In the wake of the shuttle accident, the failure of a Titan greatly intensified the Nation's space launch crisis. Titan launch vehicles have been a staple for boosting military payloads into orbit. With the Titan explosion came an even greater concern about assured access to space. This concern, however, has had a positive fallout.

Out of the crisis caused by the shuttle and Titan failures have come constructive decisions to expand the Nation's fleet of expendable launch vehicles. In May 1986, Congress appropriated funds to expand from 13 to 23 the number of Titan IV's to be purchased by the Air Force. To increase U.S. launch capacity further, procurement of a medium launch vehicle was also approved later in the year. These actions will ensure that the United States will have a mixed fleet of space launch systems—including a wide variety of ELV's in addition to the shuttle. This will create the basis for a much healthier space program than existed at the time of the shuttle accident.

One other April event worth mentioning was the recommendation to the President by the White House Senior Interagency Group for Space that the lost shuttle be replaced. That recommendation helped lead to the important Presidential decision, announced months later, that the Nation would proceed with construction of a replacement orbiter. That replacement will make an important contribution to the Space Station Program of the 1990's.

Moving on to May 1986, the clearest landmark of that month was the release of the National Commission on Space report, one of the most visionary documents of potential space policy ever written. In "Pioneering the Space Frontier," the National Commission on Space looks 50 years into the future, to see a time when men and women are colonizing the solar system and engaging in space science programs of an unprecedented nature. While some people have questioned the Commission's findings and recommendations, no one can say that its vision of the future is not possible. One need only look back in time 50 years to be humbled about the progress in space efforts that can occur in half a century.

An observer in 1937 would have been hard-pressed to imagine, let alone anticipate, most of what NASA has accomplished in the past 25 years. With this in mind, it seems essential that we give the National Commission on Space report a thorough and thoughtful review. Indeed, substantial portions of it, in my opinion, warrant our wholehearted endorsement. A new, forward-looking national space policy is desperately needed at the present time, and the National Commission on Space has provided just the sort of policy—with priorities, goals, and timelines—that could help put spark and direction back into the Nation's overall space effort.

In June 1986, it was the Rogers Commission that issued a vital document: The final report on the space shuttle disaster. There it was concluded that NASA's quality assurance and safety procedures had become grossly inadequate since the end of the Apollo Program. Part of the problem had to do with organizational deficiencies at NASA, and the Rogers Commission recommended a number of changes to deal with that, such as the formation of an Office of Safety, Reliability and Quality Assurance, as well as a safety advisory panel for the shuttle. Other recommendations from the Rogers Commission, when implemented by NASA, should go a long way to preventing the engineering and decisionmaking mistakes that resulted in the *Challenger* disaster.

In July 1986, to the surprise of many, the Air Force recommended that its $3.3 billion space shuttle facility at Vandenberg, CA, be mothballed. The decision came as a direct result of the shuttle accident, but also due to safety and engineering issues concerning the facility. Once again, poor workmanship, and possibly mistaken design, afflicted a major component of the Nation's space program. And once again, the need for more thorough and deliberate planning became apparent in order to ensure safety, and to prevent wasting valuable taxpayer dollars.

The Vandenberg facility was to be the Defense Department's launching pad for classified missions aboard the space shuttle. Those missions would include the launch of intelligence-gathering satellites of various kinds, and also of top secret tests of the President's Strategic Defense Initiative Program. The shuttle and Titan disasters, as well as the mothballing of Vandenberg, were clear setbacks for the Department of Defense and for the strategic defense initiative. But as 1986 progressed, it became increasingly clear that the Defense Department's space program would come out on top as a result of the crisis.

In August, after a painful 8 months of uncertainty, the administration announced its decision to replace the space shuttle *Challenger* and to offload commercial payloads from the shuttle manifest. While it was a wise decision to proceed with a replacement orbiter, the decision to eventually eliminate commercial launches from the shuttle gives rise to much uncertainty.

The President's decision sparked initial enthusiasm in the private expendable launch vehicle [ELV] business, because it was seen as a means of helping promote a commercial EVL industry. As a result of the decison, emergent ELV's would not have to compete with the shuttle. Reflecting this optimism, shortly after the President's decision was announced, an agreement was reached between General Dynamics and NASA on commercializing the Atlas/Centaur rocket. The decision is currently pending congressional approval. Concern, however, has been expressed that without mechanisms to ensure that commercial launch firms will have a market for their services, and receive help in startup costs, the industry may run into serious problems before it gets off the ground.

In sum, the problem with commercializing launch vehicles is the same problem facing the commercialization of remote sensing from space, and facing the U.S. satellite communications industry as it tries to maintain its competitiveness in the world market. Without reliable and consistent support from the Federal Government, each of these areas will suffer. And this support simply has not been demonstrated by the administration. Whether one looks at the Landsat commercialization fiasco, or the administration's refusal to support the advanced communications technology system, or, the ELV situation, dependable support from the Government, comparable to that given to commercial aviation througout its existence, is lacking. And as a result, in each of these areas, U.S. competitiveness in the global space business is hurting.

We all know the capabilities of the French Ariane rocket. Already, U.S. telecommunications companies are regular customers of the Ariane launcher. Japan and China are coming on strong with their own launch services as well. The Soviet Union also has entered the commercial launch business with its Proton rocket. If the U.S. Government fails to provide direct support to the budding American private launch industry, then satellite companies will simply go overseas where such subsidies make launch prices cheaper. Thus, in my mind, the August decision to offload commercial payloads from the shuttle amounted to only half a decision, so far as promoting a commercial launch industry in this Nation is concerned. My hope is that the rest of the decision will be forthcoming.

Another August event of note was a test by the Air Force of its antisatellite weapon launched from an F-15 jet. The test, although not a violation of the congressional ban on Asat tests against a target in space, signaled the Pentagon's eagerness to press ahead with the development of space weapons. The Asat test came 1 week after Daniel Fink, Chairman of the NASA Advisory Council, sent a letter to NASA Administrator James Fletcher warning him that the United States is losing its preeminence in civilian space efforts.

September marked the formal approval by the International Council on Scientific Unions [ICSU] to launch the International Geosphere/Biosphere Program. This program would involve studying the Earth as an entire system, to determine the potential impact of human-induced changes on the Earth's climate and biosphere. The project will utilize a complex network of groundbased and space-based sensors, and will involve scientists across the spectrum of disciplines from around the globe. The United States intends to be a participant in this initiative, which also is known as the Global Change Program.

In my view, there could hardly be a more valuable scientific endeavor than this one aimed at developing a solid understanding of problems such as carbon dioxide buildup in the atmosphere, depletion of the ozone layer, and the spread of acid rain. These are issues that concern the entire globe. They are problems that could threaten the security of all nations. The September decision by the ICSU to launch a global study of these problems, in my mind, amounted to a vital development, one which I hope will be followed by vigorous U.S. involvement in the project.

Also in September, after 7 months without a single successful space launch, the United States finally pulled one off, completing a launch of a Delta booster for the Strategic Defense Initiative Program. The fact that the first United States launch after such a lengthy hiatus involved an SDI test conveyed the message loudly and clearly that this administration's dominating priority for space was military activities.

As I informed this Chamber on September 9, the Delta launch came dangerously close to violating both the 1972 Antiballistic Missile Treaty, and the existing moratorium on testing antisatellite weapons against targets in space. The Delta test involved the demonstration of a very rudimentary space-based missile defense capability, outlawed by article V of the ABM Treaty, as well as an Asat intercept capability, which is very close to what was outlawed by the fiscal year 1986 funding bill signed by President Reagan in December 1985. However, the Delta test's close brush with United States and international law was of little concern to the Reagan administration, which has little respect for these laws anyway. Later in September, the Air Force conducted another test of its Asat launched from an F-15 jet. That test, like the August test, did not violate the congressional ban since it did not involve a target in space.

Perhaps the clearest signs of the administration's preference for the military Space Program over the civilian Space Program came in October 1986. In early October, NASA released its first official manifest for the space shuttle, which showed that Defense Department launches would receive top priority. Of the 50 space science missions that had been planned before the *Challenger* accident for the 1986 to 1992 period, only 17 remain on the manifest. In sharp contrast, military payloads are scheduled on shuttle flight after shuttle flight with little or no alteration in the Pentagon's planned satellite missions.

While many of the Pentagon's backlogged satellites rightfully deserve early launches, other payloads, including tests of the strategic defense initiative, are inappropriately displacing space science missions. However, that such a situation would develop is hardly surprising, when one considers the other major event of October 1986, the superpower minisummit in Iceland. It was there that the administration demonstrated that it prefers the SDI to arms control.

In my view, the potential impact of the SDI on the future of the Nation's Space Program has not received adequate attention. Not only will it trample scientific space endeavors in its path, the SDI, if carried through to deployment, could place a stranglehold on the entire civilian Space Program. The construction, launch, operation, and maintenance of a space-based defense could require essentially the entire resources of our Nation's space launch and support capability.

As October 1986 came to a close, an encouraging development took place when the United States and the Soviet Union decided upon a new agreement governing peaceful cooperation in space. Although not yet officially enacted, the new agreement would involve 16 cooperative space projects between the superpowers. In my view, such cooperation could have a transforming quality on the relationship between the United States and the Soviet Union. I would like to see the two nations go much further than called for in the new space cooperative pact, and agree to work toward a joint manned mission to the planet Mars in the early decades of the 21st century. But such an enterprise, although technologically and financially feasible, probably remains a remote possibility so long as space weapons remain the centerpiece of United States-Soviet relations.

November 1986 brought additional indications of U.S. slippage in the area of space science. In reports from the National Academy of Sciences' Space Science Board, and NASA's Space and Earth Sciences Advisory Committee, a singular, resounding conclusion was reached: The United States has lost preeminence in space science to the Soviet Union and the Europeans. The report from the NASA advisory committee, titled, "The Crisis in Space and Earth Science: A time for New Commitment," was especially alarming. It concluded that the Nation's space science program has been so troubled in recent years—due to repeated cancellations and delays in planned missions—that established space researchers are losing interest in the program and young researchers see little to get excited about.

Attracting high caliber, talented investigators must be a central objective of our Space Program. But this can only be done if inspiring projects, backed with reliable political and budgetary support, are provided to spark their curiosities and attract their commitments. At the present time, such support is lacking. Although the President's 1988 budget request for NASA calls for a welcome increase in aggregate terms, funding for NASA's space science efforts have actually been reduced.

In December 1986, the Pentagon informed NASA and the State Department of its growing interest in becoming a partner of the space station project. Specifically, the Pentagon now believes that this space station might be an ideal laboratory for conducting experiments for the SDI. This revelation is indeed alarming, and could have serious implications on the project. Since its beginning, the space station was to be entirely for civilian purposes. All of our partners in the space station effort—the Europeans, the Japanese, and the Canadians—had been told time and time again that the Defense Department would not be a user of the space station. Thus, it is no surprise that all three of these partners have raised serious protests to any Defense Department involvement in the program.

The Defense Department's interest in using the space station could threaten international cooperation in the effort, since other nations don't want to be participants in conducting SDI tests in space. Pentagon involvement already has caused delays in negotiations with ESA, Canada, and Japan, with the planned January negotiating session being postponed at the Pentagon's request. Additionally, use of the space station for SDI tests would threaten the openness of the program, and possibly cause serious management problems since the space station's design cannot easily be divided into classified and unclassified operations. In short, I see the Pentagon's decision to be involved in the space station as a clear threat to the program. The space station should remain a project for peaceful purposes, which has been the intention from the start.

As December 1986 came to a close, the first details of the President's 1988 NASA budget emerged, showing a healthy boost in funding for the agency. I will be making a thorough analysis of the President's request in a future special order address.

Late December also was when the Pentagon announced its desire for funds to start development of a new heavy lift launch vehicle for deployment of a space-based defense system. While such a vehicle might prove useful for civilian space efforts at some future point, it seems highly premature to be making decisions regarding SDI deployments in space. It simply has not been shown that a space-based defense makes strategic or economic sense. Indeed, the preponderance of information suggests that such a system amounts to strategic and economic nonsense. Clearly, this issue will be subject to considerable additional debate within this Chamber in the year ahead. And it will be revisited in some of my future statements in this series of special orders concerning U.S. space policy.

Also to be revisited will be all the major themes that were introduced in the review of 1986 which I have just provided. In capsule form, those themes are:

First, although NASA has experienced a trying and frustrating year, it is an agency that has accomplished greatness in the past, and it is an agency capable of greatness in the future.

Second, the space programs of other nations are also capable of greatness. Indeed, in a number of areas, achievements by other space-faring nations have outstripped our own. Because of the increased capability of space programs run by the Europeans, the Japanese, the Soviets, the Indians, the Chinese, and others, the United States must develop a sound policy for both cooperating with these nations in joint space efforts, as well as maintaining United States competitiveness with them. This will require a delicate balance, but such an effort is essential. With ELV's, remote sensing and communications technology, the United States needs to increase its competitive ability. In the area of space science and exploration, opportunities for international cooperation simply must not be missed.

Third, the one area where the United States is clearly falling behind is space science. Various reports issued over the past year have informed us that we simply must put more resources and commitment into NASA's Space Science Program. A multitude of space science activities are awaiting our pursuit, yet we simply have not pursued them.

Fourth, it is clear that the military is wielding greater and greater control over the Nation's overall space effort. The space shuttle may soon be dominated by the Pentagon. The space station is now being held back by Pentagon involvement. If the SDI continues its forward march, its deployment and maintenance could completely dominate the Nation's space activities. In sum, the military Space Program has developed a ravenous appetite; the Pentagon's space budget is now well over twice the size of NASA's. The

Nation as a whole should decide whether this disparity is a true reflection of its priorities for space. If it is not, a better balance between the civilian and military sides should be struck.

And finally, what is desperately needed to get NASA back on track, and to keep it there well into the 21st century, is a master plan for space. The National Commission on Space provided such a plan, and it is now time for Congress and the executive branch to either endorse that plan or come up with an alternative one. Without a forward-looking strategy document of some form—including time lines, goals, and budget schedules—the Nation's Space Program could slip back into the directionless disarray that preceded the space shuttle disaster 1 year ago. I don't think anyone wants this to happen. Indeed, we must ensure—to the best of our abilities—that a tragedy such as occurred with the *Challenger* not happen again.

Thank you, Mr. Speaker. I intend to resume this discussion of the Space Program in a statement 1 week from today.

THE 69TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 5 minutes.

Mr. STRATTON. Mr. Speaker, January 22, 1987, marks the 69th anniversary of the declaration of independence made by the Ukrainian Central Rada, the Parliament of the Ukrainian people. I am pleased to rise today and to join my colleagues in commemorating this anniversary and the brief period of freedom the Ukrainian people enjoyed prior to their takeover by the Soviet Union, and let me take this opportunity to reaffirm my strong support for the Ukrainian people in their struggle to regain that lost freedom.

The Ukraine is one of a growing list of free nations which have tragically fallen under the control of the Soviet Union. The Soviets practice severe deprivation on the residents of the captive nations, including the Ukraine. They deny the Ukrainian the basic human rights and freedoms all men deserve. There is no freedom of expression, no freedom of selfdetermination, no freedom of movement. The Soviets deny the Ukrainians their right to religious freedom, and persecution is unabated. Yet through all of this the Ukrainians are able to persevere because of their great strength and desire to see freedom returned to their land.

Freedom's price is constant vigilance. Freedom-loving people all over the world cannot and must not allow the Soviets to add to their list of captive nations. We must stand by the captive nations and let them know we support their struggle in the face of Soviet oppression.

So today let me again honor that brief moment of freedom for the Ukraine and rededicate myself to continue the fight for freedom for the Ukrainians as well as for all oppressed people throughout the world.

DATA PROTECTION ACT OF 1987

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. ENGLISH] is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, I am today introducing the Data Protection Act of 1987, a bill to establish a permanent and independent Data Protection Board in the Federal Government. The bill is identical to legislation I introduced in the last Congress.

The idea of a governmental entity with responsibility for establishing data protection policy and overseeing its implementation is now more than 10 years old. When the Privacy Act of 1974 was initially considered in the Senate, Senator Sam Ervin advocated the creation of a Federal privacy board as an aid to enforcement and oversight.

As an alternative to a board, the Congress established the Privacy Protection Study Commission as a temporary commission to conduct research and make recommendations on a wide range of privacy issues. In its final report issued in 1977, the Privacy Commission recommended that an independent entity be established to monitor and evaluate privacy laws; to continue research, studies, and investigations; to issue interpretive rules for the Privacy Act of 1974; and to provide advice on privacy to the President, the Congress, and the States.

The Data Protection Board that I am proposing would have responsibilities for both domestic and international privacy issues. Domestically, the Board would oversee compliance with the Privacy Act of 1974. The Board would prepare guidelines and model regulations and would investigate implementation of the act.

For international privacy issues, the Data Protection Board would assist American companies doing business abroad to comply with foreign data protection laws, assist in the coordination of U.S. data protection policies with those of foreign nationals, accept complaints, and otherwise consult with foreign data protection organizations. The Board would also assist in the development and implementation of private sector data protection standards. The Board would, however, have no regulatory authority over the private sector.

Many other nations have already established official government organizations with functions similar to the proposed Data Protection Board. Austria established a Data Protection Commission in 1978. Canada created a privacy commissioner as part of its 1982 Privacy Act. the Federal Republic of Germany has a Federal commissioner for data protection. In France, similar functions are carried out by the Commission National de l'Informatique et des Libertes. Norway has a data inspectorate. The Swedish Data Act is administered by data inspection board. Great Britain established a data protection registrar in 1984.

The Board I am proposing would be small. The bill limits the number of employees to 30. No large bureaucracy is needed. But since computerization of personal information is continually increasing, there is a need for someone to serve as a spokesman for privacy interests if those interests are to be fairly represented in government decisionmaking. I believe that a small independent board, like the one I am proposing today, is the best alternative.

MICHIGAN NAVY BEAN SOUP—A CAPITOL TRADITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. TRAXLER] is recognized for 5 minutes.

Mr. TRAXLER. Mr. Speaker, 83 years ago, Speaker of the House Joseph G. Cannon began a tradition that has become a part of our Nation's culinary heritage: the daily serving of navy bean soup in the Capitol restaurants. In this place so filled with the items that make up history, we cannot ignore this important fact.

Recently the publication USA Weekend called attention to the daily serving of the soup, but made the unfortunate error of claiming that the soup was made with something called a Boston bean. Just as Speaker Cannon did when he found out that navy bean soup was not on the menu, when I read this affront to the navy bean growers of Michigan's Eighth Congressional District, I yelled "Thunderation."

I have written to the editor-in-chief of USA Weekend, urging him to correct this gaffe. I hope and expect that as a journalist of integrity he will do just that.

Mr. Speaker, our tradition in the House calls for white Michigan beans in the making of the soup. I call upon the management of our restaurant to resume the printing of the story of bean soup, along with the recipe. And to be certain that this important item of history is permanently part of our national record, I am submitting it to appear at this point in the RECORD:

ALL ABOUT OUR "BEAN SOUP"

Bean Soup has been a featured item on the menu of the House of Representatives since long before that day in 1904 when the then Speaker of the House, Joseph G. Cannon, of Illinois, came into the House Restaurant and ordered Bean Soup.

Then, as now, Bean Soup was a hearty, zesty, and filling dish; but it was typically hot and humid in Washington that day, and, therefore, Bean Soup had been omitted from the menu. "Thunderation," roared Speaker Cannon, "I had my mouth set for Bean Soup"; and, he continued, "from now on, hot or cold, rain, snow, or shine, I want it on the menu every day."

And so it has been—Bean Soup on the menu every single day since.

For our many friends who over the years continue to ask for the recipe for this famous soup, we print it herewith, just as it has always been made (adapted to family-size quantity) in the House Restaurant kitchen in the Capitol:

RECIPE FOR BEAN SOUP SERVED IN U.S. HOUSE OF REPRESENTATIVES RESTAURANT

2 lb. No. 1 white Michigan beans.

Cover with cold water and soak overnight

Drain and recover with water

Add a smoked ham hock and simmer slowly for about 4 hours until beans are cooked tender. Then add salt and pepper to suit taste.

Just before serving, bruise beans with large spoon or ladle, enough to cloud. (Serves about six persons).

THE NEED FOR A NATIONAL CENTER ON BIOTECHNOLOGY INFORMATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 5 minutes.

Mr. PEPPER. Mr. Speaker, on January 7, 1987, I introduced legislation to create a Center on Biotechnology Information within the National Library of Medicine of the National Institutes of Health—essentially a manhattan project—to formulate an understanding about the most debilitating and common diseases, such as heart disease, arthritis, and cancer.

Scientists now generally agree that killing and crippling diseases such as cancer which claims the lives of 420,000 each year, arthritis, which afflicts 16 to 20 million Americans today, and heart disease, which claims about 800,000 lives annually are influenced in complex ways by the functions of one's genes. My belief is that one of the best investments this country can make will be in supporting research to help understand some of these complex relationships.

Five decades ago, I came to the U.S. Senate and chaired the Subcommittee on War Time Health and Employment. This subcommittee was created subsequent to the finding that nearly 4 million young men were rejected from the draft because they were not physically or mentally equipped. We recommended the first major increases in Federal financing for health research—the outcome of which reaped enumerable benefits for the health and well-being of millions of Americans.

By 1950, 6 of the existing 12 National Institutes of Health were enacted into law. By the early 1970's, five more Institutes were created, leaving the last—the National Institute of Arthritis—which I sponsored, to be signed into law this last Congress.

These last four decades of growth in the Federal Government's commitment to research has vastly improved the American way of life. The miracles of our efforts are everywhere to be seen.

We have vaccines that have virtually eliminated most childhood diseases; sanitation systems and pasteurization that have taken the clout out of infectious diseases; the high technology of microsurgery, kidney dialysis, vital-organ transplants, coronary bypasses, plastic surgery, machines that scan the body and the brain and do the work of the heart.

We have conquered diseases that have killed millions over the centuries and have extended life expectancy beyond the wildest predictions of just a generation ago.

Yet, in spite of our immense progress, the mysteries of many debilitating and deadly diseases, like cancer and Alzheimer's disease, cystic fibrosis, Parkinson's, arthritis and the like, still remain to be solved.

Today, we are confronted with a similar challenge—the need to enhance our research commitment for the betterment of mankind. That is why I am today introducing legislation which would create a Center on Biotechnology Information within the National Library of Medicine of the National Institutes of Health.

This Center would serve as a repository and as a national base for distribution of molecular information.

How will the creation of a National Center on Biotechnology Information help in our efforts to conquer many diseases against which we are now relatively helpless? Quite simply.

The world's top scientists now agree that biotechnology holds great promise for unlocking the mysteries of many debilitating diseases.

Because of biotechnology, we already can prenatally detect some 15 genetic diseases, including cystic fibrosis, Duchenne's muscular dystrophy, sickle cell disease, and hemophilia.

Work is also progressing on other diseases that are suspected of having a genetic basis, including heart diseases and cancer. New natural drugs and vaccines. Life saving therapies. Pain-saving interventions.

All these are the result of biotechnology—research and development involving the all important molecules that control our life processes—how our bodies grow, how we age, whether we suffer a host of mental and physical diseases.

The central focus of biotechnology is DNA—deoxyribonucleic acid—the long, twisted threads in the nucleus of each of our 10 trillion cells.

Like the rapid escalation of aerospace technology which led from Kitty Hawk to the Moon in less than 70 years, the pace of acquisition of vital information about inner space is accelerating dramatically.

Unfortunately, information systems now in use to gather and analyze this data cannot keep pace with this surge of new information. In order for society to benefit from the increasing rate and volume of new knowledge in this field of biotechnology, great advances will also be required in the science of computer storage, retrieval, and comprehension of the detailed records of the new discoveries.

If we are to prevent our scientific progress from grinding to a halt, we need a central repository for storing and sharing the information resulting from current genetic research. The National Center on Biotechnology Information, which my bill would establish, would accomplish that objective.

Working with the laboratories from which information comes, experts at this center would seek to coordinate data as it is accumulated—to store, process and make it available to the research community, nationwide.

At such a center, computer scientists—with the help of some of the world's outstanding molecular researchers working next door at the National Institutes of Health—would create new computer information systems so that investigators throughout the country could ask questions and get answers quickly.

They would encourage consistent terminology for researchers and data bases so that research results entered into computer systems could be shared and be made widely available.

We need such a center to prevent duplication of research and to get more out of our research dollar. We need it to fit together the pieces of the genetic puzzle and acquire the knowledge that would benefit humankind in many ways.

With such knowledge, we could develop deeper understanding of the root causes of diseases that still plague us. This is true of diseases we know are inherited, of course, like sickle cell anemia or thalassemia.

Scientists feel that our likelihood of falling victim to the common and serious diseases, like heart disease, cancer and arthritis, may well be influenced in complicated ways by the workings of our genes.

Researchers aim now to learn more about these genes, and their relation to each other. From this deeper understanding would come exciting new cures and interventions.

It is estimated that $10 million per annum will be required to carry forth the provisions of my bill and make the center a functional reality.

Under no circumstances should the financing of the new Center for Biotechnology Information utilize funds diverted from those to be made available for other research. This is a new effort—an ambitious venture—an investment for our lifetimes and for the lives of unborn generations.

It is a well calculated attempt to meet the most important medical challenges of our time. The basic knowledge learned from sequences the human genome is predicted to unlock secrets which help in our efforts to fight many diseases against which we are now relatively defenseless.

The genetic code contained in our cells is nature's language of life. Hopefully in understanding the gene, the health status of all future Americans will be vastly improved.

I urge my colleagues to support this meaningful bill.

CURBING DRUG ABUSE—THE NEED FOR A SUSTAINED BIPARTISAN EFFORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, with the passage last year of omnibus drug control legislation Congress sought to devise a comprehensive, bipartisan strategy to curb drug abuse.

Regrettably, the budget submitted by the Reagan administration ignores, to a great extent, the funding levels recommended by Congress in that historic legislation. The Reagan budget proposes to eliminate all funds authorized to assist State and local governments in their drug enforcement efforts. Funds for prevention and education programs are drastically reduced below the levels authorized by Congress.

How can we expect to win the war on drugs if we are not willing to commit the necessary resources to do it?

In a recent op-ed piece former Assistant Secretary of State for International Narcotics Matters, Mathea Falco notes that "drug abuse is too serious and complex a problem to be solved by campaign speeches and good intentions." She adds that "unfortunately, long-term drug prevention and treatment efforts are often less attractive politically."

In my view, her article goes to the heart of the matter by emphasizing that the drug issue cannot be a political football, and that instead we must develop a long-term, bipartisan strategy to eliminate the scourge of drug abuse.

This is one of the primary reasons I drafted a provision that was included in the final version of the drug control legislation calling for a White House Conference on Drug Abuse.

The purpose of the Conference would be to bring together the best minds in the country, from all walks of life, for the purpose of developing a long-range strategy to control drug abuse.

As Ms. Falco correctly notes in her article "America has not used the enormous research potential it could bring to bear on this critical national problem". Hopefully, the White Conference, which I understand will be held sometime this summer, will do just that.

Mr. Speaker, for the benefit of my colleagues I would like to insert into the RECORD at this point Ms. Falco's thoughtful and concise comments which appeared in the January 13 edition of the New York Times:

[From the New York Times, Jan. 13, 1987]

REAGAN'S DRUG POLICY: A BUST

(By Mathea Falco)

President Reagan's proposal to reduce drastically Federal anti-drug funding in fiscal 1988 and 1989 proves he never really believed in his own drug abuse policies.

Before last November's elections, when political pollsters reported that drug abuse was voters' No. 1 concern, surpassing even nuclear war, President Reagan made this his No. 1 priority.

In a major speech last August, he declared a "national crusade against drugs, a sustained, relentless effort to rid America of this scourge." Now he wants to eliminate all of the $225 million for fiscal 1988 state and local drug law enforcement that he approved in October. He also wants to cut by 60 percent the $250 million for drug prevention and education programs and to provide no new funds at all for drug treatment in fiscal 1988.

The reality behind the rhetoric of the Reagan anti-drug program is dismal failure. After six years of highly publicized drug "strike forces," and a $700 million increase in enforcement programs, Attorney General Edwin Meese 3d acknowledges that "the gap between the amount of drugs seized and the amount imported and consumed is growing annually."

In his speech last August, Mr. Reagan admitted publicly that "all the confiscation and law enforcement in the world will not cure this plague."

It is scant comfort that he remains totally committed to his constitutionally vulnerable urinalysis program for Federal employees, for which he has already diverted $56 million from other scarce drug program funds.

Nancy Reagan's highly publicized personal crusade against drug use by children seems to have had no effect whatsoever on public policy for Federal funds for drug abuse education, prevention and treatment have been reduced by more than half since 1981.

Drug abuse is too serious and complex a problem to be solved by campaign speeches and good intentions. The swings of political enthusiasm tied to our election cycles—when drug abuse emerges as a major concern, then recedes after the votes are in—make developing a coherent, long-term national strategy difficult. The Reagan record demonstrates that the absence of a well considered plan cannot be disguised by exhortations to "just say no to drugs."

Highly visible and dramatic law enforcement programs seem to offer the most politically salable results: seizures of cocaine and marijuana and arrests of drug pushers are the kinds of action voters are used to watching on television programs.

Unfortunately, long-term drug prevention-and-treatment efforts are often less attractive politically. They do not produce overnight results, and their impact may not be felt for decades. Since funding in these areas has been erratic and inadequate, America has not used the enormous research potential it could bring to bear on this critical national problem.

Investment in research into prevention and treatment is as important in combating drug abuse as it is in the fight against cancer. It must be protected against the vagaries of the political cycle if long-term results are to be achieved.

What chance do we have to defeat the $100 billion a year drug traffic if we fight it badly with only hundreds of millions of dollars? A sustained national effort with strong bipartisan support is needed.

If President Reagan is unwilling to provide leadership, Congress should develop a 10-year strategy with adequate and assured funding for drug enforcement, research, prevention and treatment as well as a vigorous international control program.

Responsibility for this effort should be centralized in a single Cabinet-level office in order to prevent the dozens of Federal agencies involved in foreign and domestic drug programs from setting competing priorities. Congress voted overwhelmingly to create such a drug "czar" in 1983, but Mr. Reagan vetoed the legislation. He objected to creating another Cabinet department, but the real reason was the Justice Department did not want to cede any prerogatives.

How many more personal tragedies and empty political promises do we have to witness, how many more lives and opportunities do we have to lose before the country makes a credible, cost-effective, long-term commitment to reduce drug abuse?

LEGISLATION TO POSTPONE RELEASE OF CONTRA AID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation to postpone the date on which the second and third installments of Contra aid will be made available in order to give the House and Senate select committees time to complete their investigations of the Iranian arms scandal.

This is not the first time I have stood on this floor to talk about legality and fiscal accountability in the Contra Aid Program.

Last March, I stood here because we did not know where $27 million in Contra aid had gone. We were reading stories in the newspaper every day about money that may have been lost, or diverted to Honduras, or used to buy weapons instead of food and medicine. At that time, I introduced a resolution of inquiry to get to the bottom of the matter.

As a result of my resolution and the investigations which followed, we learned that one-half of the $27 million appropriation is missing. We may never know where that money went. We may never know whether money the Congress appropriated for humanitarian aid was used to buy weapons and ammunition.

Last fall, I stood here again when we were debating whether we should give another $100 million to the Congras. But, I did not think we should spend another dime for the Contras until we knew where the previous appropiation had gone. So, I introduced an amendment to prohibit any aid for the Contras until we knew where the $27 million had gone. My amendment lost, and the House sent the unfortunate message that legality and fiscal accountability did not matter in the Contra Aid Program.

One month later, we learned that the United States had secretly sold weapons to Iran and then diverted the profits from those arms sales to the Contras. And we found out that these diversions were made at a time when Congress had specifically prohibited aid to the Contras.

I had written to Attorney General Meese just 1 day before these disclosures were made to request the appointment of an independent counsel to investigate the arms shipments to Iran and U.S. involvement with the Contras. At that time, my concerns were based on news reports linking the administration to the Hasenfus Affair and on continuing evidence that the United States had been providing aid to the Contras. The very next day we learned how deeply involved the United States may actually have been with the Contras.

According to Attorney General Meese, between $10 million and $30 million in profits from these sales had been diverted to bank accounts held by the Contras. These diversions had been made at a time when the Boland amendment specifically prohibited aid to the Contras in any form. So, I am standing here again. And the questions are the same: How much money was given to the Contras? Where did the money come from? Was it done in violation of the law? What was the money used for?

These are important questions. And they demand answers. But, before we even have a chance to learn the answers, the House may again face the issue of providing aid to the Contras. Under the provisions of the aid law Congress passed last year, the $100 million appropriation for the Contras was split into three installments: a first installment of $40 million, a second installment of $20 million, and a final $40 million installment. The first installment was released immediately, but the second and third were delayed. Under the aid law, the second installment is now available anytime the President wants to make use of it. The third installment, which is subject to a congressional resolution of disapproval, is available after February 15—less than 1 month from now.

The administration has not announced its intention to make use of the second installment. And the third is not available until the middle of next month. That means that $60 million in Contra aid is waiting to be spent.

Next month, if the President decides he wants to apply the last installment of Contra aid, Congress may pass a resolution of disapproval and try to prevent him from applying the aid. But, I do not think that we will have any clearer picture of the diversion issue in 3 weeks than we have right now. We need more time, and the American people need more time, to learn the facts.

For this reason, I am introducing legislation to push back the date on which the third installment becomes available from February 15 to November 15. The House investigating committee is expected to issue its final report on October 30, which would give the House 2 weeks to consider the results of that investigation before considering the release of funds for the Contras.

In addition, my legislation would place the second installment in escrow until November 15, as well. My legislation allows for the changeover in fiscal years so that the money would still be earmarked for aid to the Contras. But it would not become available until we know more about the diversion issue.

After November 15, the President could report to Congress on his intention to apply the remaining $60 million in appropriated funds for aid to the Contras. Congress could still, as under the original aid law, pass a resolution of disapproval. But, instead of voting to disapprove of the third installment only, the Congress could vote to disapprove of the second installment, as well.

Mr. Speaker, let me make clear that my legislation would not alter the purpose of the original aid law. If, after November 15, the President wanted to use the $60 million for the Contras, and if there were no evidence at that time that a diversion might have taken place, then the aid could be applied just as under the original aid law. Congress would, however, reserve the right to disapprove of the release of funds.

The main goal of my legislation is to give us more time to make what will be a very important decision. All my legislation does is give the Congress, and the American people, the time they need to know the facts before facing this issue once again.

Mr. Speaker, I voted against the $100 million aid appropriation. But, it was the will of the U.S. Congress that the aid be approved. I do not question that decision, although I do not agree with it. But when the Congress made that decision last year, we did not know all the facts. We did not kow that the United States may have been violating laws by providing aid to the Contras at a time when the Congress had prohibited that aid. And we did not know that officials of the U.S. Government may have been pursuing their own foreign policy agendas in direct opposition to the will of the U.S. Congress.

Now we have reason to suspect that this may have happened. If we knew then what we suspect now, would the Congress have approved aid to the Contras? Maybe yes, but maybe no. The drafters of the aid law had enough foresight to know that the situation might change before the final installment was made available. That is why the "resolution of disapproval" clause was included. I do not think the authors of the legislation knew how would change between then and now. If they had, they may have given us more time. But they did not. And we are faced with sifting through this whole mess and making an informed judgment in less than a month. It cannot be done. And in the interest of fairness to both sides, it should not be done.

My legislation would give us the extra time we need. It would give the House and Senate committees the breathing room they need to operate. It would give the independent counsel time to get started on his investigation. And then, when we know more of the facts, we can reconsider this issue.

I urge my colleagues on both sides of the aisle to support this legislation.

H.R. —

A bill to postpone United States assistance for the Nicaraguan democratic resistance until the Congress has time to complete its investigations in to the Iranian arms scandal

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. POSTPONEMENT OF ASSISTANCE UNTIL SELECT COMMITTEES' INVESTIGATIONS COMPLETED.

During the period beginning on the date of enactment of this Act and ending on November 15, 1987, no expenditure may be made with any of the funds made available for assistance for the Nicaraguan democratic resistance pursuant to title II of the Act, notwithstanding any provisions of that title to the contrary.

SEC. 2. RESUMPTION OF ASSISTANCE.

(a) APPLICATION OF CONDITIONS IN EXISTING LAW.—All of the funds withheld from expenditure pursuant to section 1 shall become available for expenditure only in accordance with the conditions specified in section 211(e) of the Act (requiring a Presidential determination and report and providing for congressional disapproval by enactment of a joint resolution).

(b) CONFORMING PROVISIONS.—For purposes of implementing subsection (a)—

(1) the reference in section 211(e) of the Act to the "remaining funds" shall be deemed to be a reference to all of the funds withheld from expenditure pursuant to section 1 of this Act;

(2) the reference in that section to "On and after February 15, 1987" shall be deemed to read "After November 15, 1987"; and

(3) section 206(c) of the Act shall be deemed to read as follows:

"(c) Funds transferred under subsection (a) shall remain available until May 31, 1988.".

SEC. 3. DESCRIPTION OF ACT REFERRED TO.

As used in this Act, the term "the Act" means the Act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes (as contained in section 101(k) of the joint resolution making continuing appropriations for the fiscal year 1987, and for other purposes (House Joint Resolution 738; Public Law 99-500 as supplemented by Public Law 99-591)).

WHITFIELD B. EAST, JR., A LIFETIME OF SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. NEAL] is recognized for 5 minutes.

Mr. NEAL. Mr. Speaker, I would like to join many others in my hometown of Winston-Salem, NC, in honoring Whitfield B. East, Jr., who for 50 years has been a mainstay of the Young Men's Christian Association of Winston-Salem and Forsyth County.

Whit East joined the YMCA staff as a swimming coach in 1937, when he was 16 years old. He has been there ever since, except for his Army service in World War II. He was the YMCA's program and membership director for many years, and since 1975 has been director of community relations.

Whit East is one of our most remarkable and energetic civic leaders. Over those 50 years, when he was not teaching a child to swim, organizing a sports event, or administering YMCA business, Whit was out in the community working as a volunteer in scores of worthwhile causes.

Whit has been president or chairman of so many organizations in our county that I think we should consider giving him the permanent title of "Mr. President."

At one time or another, he has headed or been a principal officer of the Forsyth Health Education Council, the Community Education Council, the Mental Health Association, numerous Presbyterian men's groups, Forsyth Technical Institute, the Sun-Waugh Civic Club, and others. I should also mention his work with the United Fund, the American Red Cross, the Forsyth Advancement Center, the Ardmore Community Club, the Sertoma Club, and the Democratic Party.

Whit also has had a strong commitment to the First Presbyterian Church, where he has been an elder and Sunday school teacher. He has been president of the Presbyterian Men of the Synod of North Carolina and vice president of the Men of the Southern Presbyterian Church.

His Army service in World War II was outstanding. Whit landed in Normandy as an infantryman in 1944. He received the Bronze Star for heroism for rescuing his commanding officer under fire. He was wounded while attacking positions held by the 17th SS Panzer Grenadier Division. Soon afterward, in an Army hospital in England, he worked as a physical training instructor for patients recovering from surgery.

A native of Winston-Salem, Whit is married to the former Doris Hilda Setzer. They have two children, Dr. Whitfield B. East III, a professor at the University of North Iowa in Cedar Falls, IA, and Susan Cammellia Hutaff, a speech and hearing pathologist for the Charlotte/Mecklenburg School System.

A few days ago, I asked a member of my staff to help me recall some of Whit East's many achievements. She replied without hesitation, "Whenever there was a need in this community, Whit East was always there, ready to work."

In October, Whit East will retire from the YMCA. He will be honored on Monday, January 26, 1987, at the YMCA's 98th annual meeting.

This good man has touched thousands of lives in our community and beyond, Mr.

Speaker, and I wanted my colleagues to know how much we appreciate him.

THE UNFINISHED MISSION OF MARTIN LUTHER KING IN NEW YORK CITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, today I join with other members of the Congressional Black Caucus to celebrate the birth and honor the memory of the Reverend Martin Luther King, Jr. This man, in his brief lifetime, achieved a moral, political, and religious revolution in the United States. He dreamed of a revitalized, renewed America based on love and brotherhood. He worked to achieve this America through a nonviolent movement.

Dr. King's mission is still unfinished, as it was during his lifetime. Racism and inequality, distrust and misunderstanding, still divide us. And terrible occasions of hatred and violence still erupt to remind us that it remains for us to fulfill Dr. King's dream.

Martin Luther King's dream was the American dream. Dr. King said:

> We are simply seeking to bring into full realization the American dream—a dream yet unfulfilled. A dream of equality of opportunity, of privilege and property widely distributed; a dream of a land where men no longer argue that the color of a man's skin determines the content of his character; the dream of a land where every man will respect the dignity and worth of human personality—this is the dream. When it is realized, the jangling discords of our Nation will be transformed into a beautiful symphony of brotherhood, and men everywhere will know that America is truly the land of the free and the home of the brave.

Some people would have us celebrate this holiday by praising Martin Luther King while we neglect or forget his words and deeds. They would have us honor him as the prophet of a completed revolution, as a representative of an historical movement whose time has passed.

But we do not honor Dr. King by just praising him and memorializing him, if at the same time we neglect his message. We do not honor him if we act as though the civil rights movement has no relevance for us today. Our words of praise are not sufficient if they are formal and hollow.

The Martin Luther King Federal Holiday Commission has set a theme for this year's observance: It is "living the dream." The theme is appropriate; it is not "giving lipservice to the dream," or "remembering the dream"; it is "living the dream." That means making it part of all of our lives today, keeping it alive, continuing it, advancing it, and fulfilling its promises.

We honor Dr. King today because of his message, because of his commitment to nonviolence and reconciliation, because of his dream of an America united in brotherhood. Thus, we truly honor him only if we apply his standards to the challenges and difficulties that face us today, and only if we attempt to live up to his standards.

Last month, on December 20, in the Howard Beach section of New York City, there occurred a terrible incident of racially inspired violence. In the Howard Beach incident, three black men were chased and beaten by a white mob in Queens simply because they were black and simply because they were passing through a predominantly white neighborhood. One of these men, Michael Griffith—a constituent of mine from the Bedford-Stuyvesant neighborhood in Brooklyn—died when he ran from the mob into speeding highway traffic.

The violence of Howard Beach and the actions, accusations, and acrimony that have followed it have torn at our hearts. They have refocused our attention on the issue of racism in America. They require us to pay renewed attention to the failings of our society and to the unfinished agenda of the civil rights movement.

The Howard Beach incident is not unique, however. It is simply one of the latest of a string of racial outrages that have occurred in New York City over the past few years. In 1978, according to the New York Times, Victor Rhodes, a 16-year-old boy, was stomped to death by a gang of Hassidic students in the Crown Heights section of Brooklyn. In 1982, William Turks, a black transit worker, was killed by a gang of white youths in the Gravesend section of Brooklyn. In 1984, widespread public support for the "subway vigilante," Bernard Goetz, was based largely on the fact that the boys he shot were black. In 1986, Gary Moy, an Asian man was stabbed to death by a mob of white Brooklyn youths who said, "Chinks don't belong in this neighborhood." And, on New Year's Eve this year, a gang of 20 to 25 black youths chanting "Howard Beach, Howard Beach" robbed and beat white teenagers returning from the celebration in Times Square and beat an Indian and a Pakistani bystander.

It would be easy to fall into a morass of anger and despair at this racial predicament. It would be easy—and even understandable—to preach the coming of the whirlwind, and to help to bring about the whirlwind. Thus, at times like this, it is both a great comfort and a great source of hope to go back to the words of Dr. King, to seek his guidance in this terrible situation that would have been so familiar to him. I have recently asked myself what Dr. King would have said about the racial predicament in which we find ourselves, both in New York City and in the Nation, and have gone back to his speeches, articles, and books to find what his advice to us would have been.

Dr. King would not have been surprised that this racial quagmire has arisen in a nothern city with a liberal heritage. He wrote, in an article that appeared after his death:

> Today, the northern cities have taken on the conditions we faced in the South. Police, National Guard and other armed bodies are feverishly preparing for repression. They can be curbed not by unorganized resort to force by desperate Negroes but only by a massive wave of militant nonviolence. Nonviolence was never more relevant as an effective tactic than today for the North. It also may be the instrument of our national salvation.

And, years before, he wrote about the white leadership of northern cities:

> Northern white leadership has relied too much on tokens, substitutes, and Negro patience. The end of this road is clearly in sight. The cohesive, potentially explosive Negro community in the North has a short fuse and a long train of abuses.

If the white leadership were committed to true change in the northern cities, where would they begin? Dr. King knew that change must start, among other places, in the police departments of these cities. In the Howard Beach incident, as well as in other racial incidents in New York—incidents such as the Eleanor Bumpurs shooting and the "stun gun" abuse of suspects by police in the headquarters of the 106th precinct—questions have been raised about the behavior of the police investigations and about the integrity of their investigation. Serious charges have been made about police officers' discourtesy to and mistreatment of Cedric Sandiford and Timothy Grimes, the two black survivors of the Howard Beach attack. This is one of the most distressing elements of the whole affair.

Dr. King knew well the doubts that black Americans have about the police in their communities. He wrote:

> This is a sensitive and touchy problem that has rarely been adequately emphasized. Virtually every riot has begun from some police action. If you try to tell the people in most Negro communities that the police are their friends, they just laugh at you. Obviously, something desperately needs to be done to correct this. I have been particularly impressed by the fact that even in the State of Mississippi, where the FBI did a significant training job with the Mississippi police, the police are much more courteous to Negroes than they are in Chicago or New York. Our police forces simply must develop an attitude of courtesy and respect for the ordinary citizen. If we can just stop policemen from using profanity in their encounters with black people, we will have accomplished a lot. In the larger sense, police must cease being occupation troops in the ghetto and start protecting its residents.

And what about the black leadership? Dr. King had the best possible advice for those who would aspire to lead black people under these trying conditions. He had the highest standards for judging these leaders. He wrote:

> In this period of transition and growing social change, there is a dire need for lead-

> ers who are calm and yet positive, leaders who avoid the extremes of "hot headedness" and "Uncle Tomism." The urgency of the hour calls for leaders of wise judgment and sound intergrity—leaders not in love with money, but in love with justice; leaders not in love with publicity, but in love with humanity; leaders who can subject their particular egos to the greatness of the cause.

What attitude should the black community take toward the white community of Howard Beach? How can the black community and the black leadership use this sad occasion constructively? When we see the fear and anger in the pitiful white crowds that have gathered in New York this past month, we recall Dr. King's wise counsel of nonviolence as an opportunity for reconciliation. Dr. King could well have been thinking of Howard Beach when he wrote:

> Nonviolence is power, but it is the right and good use of power. Constructively it can save the white man as well as the Negro.

On another occasion, Dr. King noted:

> It is evil that we are seeking to defeat, not the persons victimized with evil. Those of us who struggle against racial injustice must come to see that the basic tension is not between races. * * * The tension is at bottom between justice and injustice, between the forces of light and the forces of darkness. And if there is a victory it will be a victory, not merely for * * * Negroes, but a victory for justice and the forces of life. We are out to defeat injustice and not white persons who may happen to be unjust.

Dr. King knew the problem of meeting the fears and anger of the white community with the hatred and violence of blacks. He wrote:

> The problem with hatred and violence is that they intensify the fears of the white majority, and leave them less ashamed of their prejudices toward Negroes. In the guilt and confusion confronting our society, violence only adds to the chaos. It deepens the brutality of the oppressor and increases the bitterness of the oppressed. Violence is the antithesis of creativity of wholeness. It destroys community and makes brotherhood impossible.

And what about the black community? What should its aims and goals be in this period? Howard Beach and other recent incidents of racism highlight the high degree of frustration and anger in the black community. Dr. King often said that "the flash point of Negro rage is close at hand." And what has happened since Howard Beach has shown that this is true. How can this anger be channeled through nonviolence into constructive paths? The first step is to understand the true permanent goals of the black community—not the temporary and diversionary demands that some voice in its name.

The true goals of the black community have to do with the plight of the poor and the oppressed. Dr. King wrote of the plight of the black poor, a plight that still has not changed appreciably:

> In spite of years of national progress, the plight of the poor is worsening. Jobs are on the decline as a result of technological change, schools north and south are proving themselves more and more inadequate to the task of providing adequate education and thereby entrance into the mainstream of the society. Medical care is virtually out of reach of millions of black and white poor. They are aware of the great advances of medical science—heart transplants, miracle drugs—but their children still die of preventable diseases, and even suffer brain damage due to protein deficiency.

Because of this situation, Dr. King knew that the civil rights movement was a vey special kind of revolution.

> The American racial revolution has been a revolution to "get in" rather than to overthrow. We want a share in the American economy, the housing market, the educational system and the social opportunities. This goal itself indicates that a social change in America must be nonviolent. If one is in search of a better job, it does not help to burn down the factory. If one needs more adequate education, shooting the principal will not help, or if housing is the goal, only building and construction will produce that end. To destroy anything, person or property, can't bring us close to the goal that we seek.

To the poor and disenfranchised in American society, Dr. King said:

> When a people are mired in oppression, they realize deliverance only when they have accumulated the power to enforce change. The powerful never lose opportunities—they remain available to them. The powerless, on the other hand, never experience opportunity—it is always arriving at a later time.

Dr. King worked to empower the oppressed and powerless, to erase the social and economic division of the poor black ghettos from the rest of America, to ensure that the residents of the ghetto gained possession of the American dream. He worked for true and total integration. Integration, he said, is:

> The welcomed participation of Negroes into the total range of human activities. Integration is genuine intergroup, interpersonal doing. Desegregation then, rightly, is only a short-range goal. Integration is the ultimate goal of our national community.

He said that:

> We do not have to look very far to see the pernicious effects of a desegregated society that is not integrated. It leads to "physical proximity without spiritual affirmity." It gives us a society where men are physically desegregated and spiritually segregated, where elbows are together and hearts are apart. It gives us special togetherness and spiritual apartness. It leaves us with a stagnant equality of sameness rather than a constructive equality of oneness.

Desegregation alone, without the spirit of integration, results in Howard Beach.

How did Dr. King recommend that the black community claim its place in this integrated America? Through the nonviolent protest movement, of course, but also particularly through the use of the ballot box. He wrote:

> The Negro vote at present is only a partially realized strength. * * * In the North even where Negroes are registered in proportion to whites, they do not vote in the same proportions. Assailed by a sense of futility, Negros resist participating in empty ritual. However, when the Negro citizen learns that united and organized pressure can achieve measurable results, he will make his influence felt. Out of this conscious act, the political power of the aroused minority will be enhanced and consolidated.

And when the black vote is increased, and political power enhanced and consolidated, it must be used wisely. In advice that is astoundingly relevant to New York City today, Dr. King wrote:

> Negroes should be natural allies of many white reform and independent political groups, yet they are more commonly organized by old-line machine politicians. We will have to learn to refuse crumbs from the big-city machines and steadfastly demand a fair share of the loaf. When the machine politicians demur, we must be prepared to act in unity and throw our support to such independent parties or reform wings of the major parties as are prepared to take our demand seriously and fight for them vigorously.

Finally Dr. King had one more admonition for black and white citizens alike:

> It may well be—

He wrote—

> that the greatest tragedy of this period of social transition is not the glaring noisiness of the so-called bad people, but the appalling silence of the so-called good people. It may be that our generation will have to repent not only for the diabolical actions and vitriolic words of the children of darkness, but also for the crippling fears and tragic apathy of the children of light.

In this time of difficulty and trouble, in this time of acrimony and division, the good people of all races and all groups must reach out to each other, must make a special effort to speak up for love and reconciliation, for understanding and integration. As Dr. King wrote, the dream he had, the American dream, was "the dream of a country where every man will respect the dignity and worth of all human personality, and men will dare to live together as brothers—that is the dream."

Mr. HAYES of Illinois. Mr. Speaker, I recall with fondness the historic holiday we celebrated for the first time last January 20, 1986. The life and teachings of Dr. Martin Luther King, Jr., drew praise from coast to coast. Accolades flowed, resolutions were passed, ceremonies were held and Martin Luther King's birthday became an historic event. Monday, for the second time, his birth was again the focus of national celebrations.

Just as last year, I am overjoyed that this holiday, a national holiday in honor of a black American, is a reality. Although it honors the life of a black American, it is by no means a black holiday. Martin Luther King, Jr., spoke out on behalf of all Americans—no matter their race or color. He spoke for those in our society who found themselves the targets of discrimination, bigotry, violence, and injustice.

Martin Luther King, Jr., was our country's drum major for equality, social and economic justice, peace, and true democracy. Monday was indeed a day that all Americans could gather together and reflect on all that he represented and all that he continues to represent.

If he were here today, I cannot help but wonder what he would think of our society and our world. I dare say he would be very disheartened by the racial hatred that still permeates our communities.

Would he approve of more than 8 million Americans out of work with no job prospects in sight? I think not. Would he remain silent as we deploy more and more nuclear missiles and sell weapons of death and destruction to friend and foe alike? I think not. And would he credit the unprecedented numbers of people living below the poverty line as the price we have to pay for economic growth? Certainly the answer would be no.

The sad truth is that many of the evils Dr. King spoke out against are very much with us today. I raise these issues because it is impossible to celebrate his birth and life without reflecting on his dream for this Nation to rise up and live out the true meaning of its creed.

We have come far, but we still have far to go. The future Dr. King envisioned in which all people, regardless of race, creed, or color, would live as equals, has yet to be achieved.

Unfortunately, for thousands of my constituents and millions more across the country, poverty and unemployment have become the norm, rather than the exception.

In Robert Taylor Homes, a public housing project in my district, the unemployment rate among the 40,000 residents is an astounding 75 percent. Nearly 90 percent of the people living there receive some form of Government financial assistance.

Twenty years after the war on poverty was declared, we have an estimated 35.3 million Americans living below the poverty line, 13 million of whom are children. Thirteen million children who are fast becoming part of a permanent underclass in American society. The Federal Government is slowly but surely failing these children. Since 1981, $10 billion has been cut from Federal children's programs.

Clearly, the war on poverty that Martin Luther King championed, has been sidetracked in favor of a war among the stars—the strategic defense initiative.

So as we reflect on Dr. King's life and his teachings, let us recommit ourselves to fulfilling his dream. Let us devote our limited financial resources where our future is—not in weapons of death and destruction—but in the minds and bodies of our fellow citizens. Let us commit ourselves, not just for 1 day, but everyday, to his vision for a better America in which all people, particularly our young, can live decent lives.

Mr. LEWIS of Georgia. I will never forget my first impression of the man, Martin Luther King, Jr., while being at my home in rural Alabama near Troy. I was 15 years old and in the 10th grade, when I first heard of the Montgomery bus boycott and Martin Luther King, Jr. As a black child deep in the heart or rural Alabama, I had tasted the bitter fruit of racism. As I watched the unfolding drama in Montgomery, just 50 miles away, the concept of nonviolent confrontation with the forces of segregation brought a ray of hope to me just as it did to blacks throughout the Nation.

I saw him as a very young man, a product of the South, who had received a good education. I saw him as a young minister whose way was trying to make his religion relevent to the needs of his people and I admire that. In my mind he was Moses, using organized religion and the emotionalism within the black church as an instrument, as a vehicle toward freedom.

Not long following the successful end of the Montgomery bus boycott, when Martin Luther King had earned worldwide recognition as an eloquent and articulate spokesperson for the black masses in America, I sought his counsel and advice since I intended to desegregate the college in my hometown. In the spring of 1958, I traveled from Troy to Montgomery to meet with Dr. King and Rev. Ralph Abernathy, and that was the beginning of a long and beautiful relationship. After that, our paths were to cross often: In the sit-ins; during the freedom rides; as a board member of his organization, the Southern Christian Leadership Conference; in organizing the 1963 march on Washington; and in Mississippi in 1964; in the march from Selma to Montgomery in 1965; at Riverside Church in New York in 1967 when he spoke out against the war in Vietnam; and in preparation for his ultimate quest—the poor peoples' campaign of 1968.

As I grew to know Dr. King in the activities of the movement, my admiration for the man also grew. He was a spokesman, not only for blacks, but for alienated human beings everywhere.

Martin Luther King, Jr., spoke to the hearts and conscience of all of us who believed that nonviolence and love offered a more excellent way. This good man, this God-fearing man, gave us hope in a time of hopelessness. This good man, this man of God, this son of the South produced light in dark places. Martin Luther King had the ability to bring the dirt and filth from under the American rug, out of the cracks and corners into open light in order for us to deal with it.

Martin Luther King, Jr., more than any other human being of the 20th century, had the power to bring people together to do good—black and white, Protestant, Catholics and Jews, young and old, rich and poor. Martin Luther King, Jr.'s, message was love. His weapon was truth. His method was creative nonviolence. His goal was the beloved community—a community of justice, a community at peace with itself. This man that I marched with, worked with, and went to jail with, this man that I got to know was so sensitive and so caring. He was a beautiful man—so black and so American. He personified the best of humankind. He could speak, and the masses understood from his words that they were somebody. He was a gentle man who used the teachings of Jesus and the tools of Ghandi. In a sense, he spoke a strange language—the philosophy of passive resistance to evil and the use of nonviolence in the struggle for good. In a sense, he, far too advanced in his concepts of love and peace for the violent times in which he lived.

As we celebrate and commemorate the life of Martin Luther King, Jr., the word must go forth that his assassins did not kill the dream of peace. The did not kill the dream of an open society. They did not kill the dream for a beloved community. The movement that Martin Luther King, Jr., led, the movement that he sustained, it was too right, it was too necessary to be buried with his body here in Atlanta. We know that his voice is stilled today, but his message must still be heard.

We have a right to know what is in the food we eat; what is in the water we drink, what is in the air we breathe, and as human beings and as consumers, we must become responsible, and we must realize that the bounty of the Earth's resources is not ours to hoard, waste, or destroy, but to use only what we need, to share, and to preserve for future generations.

We must demand sufficient food to eliminate hunger, provide housing for the homeless, jobs for the unemployed, quality education for our children, and comprehensive health care for all Americans.

In the process of moving toward and building the beloved community, each of us must become involved. We have no saviors who will lead us to the Promised Land, but if we remain true to our vision, continue our struggle, and have hope, we certainly will be successful. We don't have Dr. King with us, but what he tried to tell us was that our fate is in our own hands. By our silence and lack of political involvement, we contribute to our problems.

Mr. FORD of Tennessee. Mr. Speaker, he has been called a crusader without violence. Recognized as an astute man of the cloth. A noted, distinguished Noble laureate and a prince of peace.

Dr. King's lagacy, has all the trappings of nobility and royalty. He faithfully lived a life of courage, charity, and moral bearing. He showed all people that wise, thoughtful and strong leadership can bring about change through the use of nonviolence.

Of all the materials I've ever read regarding Martin Luther King, an article written by Coleman McCarthy, a nationally syndicated colunist, seemed to best put his life into perspective.

The writer said, "Nothing of King's Greatness can be understood without first seeing the reasons for his absolute commitment to the belief that the aftermath of violence is bitterness [while] the aftermath of nonviolence is reconciliation."

He further says "Had King not taught and practiced that, his national holiday would become as hollow as the one for George Washington's birthday—an excuse for the department stores to hold a sale." "King's holiday, the writer says is a call to conscience, not commerce."

It is important then that we remember Dr. King—memorialize him, perpetuate him and pay tribute to his leadership of a movement which touched the social conscience of this Nation and changed the course of history.

Martin loved his Nation, he loved the people of this Nation and the world. He even died for the Nation. He loved this Nation and its people so much that he inspired a vision and a dream for the Nation.

His dream was a simple dream, uncomplicated and unencumbered.

In essence, he believed and demanded that America live up to its creed—that all men are created equal. The course of American history has been a relentless push by peoples of all races, creeds, and colors, for America to live up to that creed.

That is why Dr. King's birthday celebration is so important and why I stand here today with great frustration knowing that the mission of Dr. King is far from finished.

This country has yet to meet its true creed that all men are created equal.

The recognition of Dr. King's life and death should not merely be symbolic, it should be a living example of how our daily lives should be conducted.

America can and will, I hope someday, realize the dream.

The dream will come true when every American can work commensurate with his ability and training.

When every child receives quality education regardless of his race or status in life—when every American can live in a decent home in a decent neighborhood.

America will not see the dream until black mothers no longer die in childbirth at a rate four times as great as white mothers.

We will see Martin's dream only when children can replace their tattered clothing with new garments and senior citizens are no longer required to choose between eating and heating.

We will fully appreciate the dream when 50 million people no longer go to bed hungry and undernourished.

His dream will come true when the slums are destroyed, when Americans attack injustice and prejudice with the same determination they attack communism and terrorism.

The administration's budget proposes cuts and elimination of basic support programs for the working poor—such as Educational Loans, the Food Stamp Program, Legal Services Corporation, and Mass Transit.

The 100th Congress will grapple with the Gramm-Rudman Budget Deficit Reduction Act which will have a devastating impact on many programs designed for the Nation's poor and disadvantaged.

Dr. King isn't here with us today, but if he were, he would see the rise in defense spending, support for the Contras, and yet would find many of the programs he so fervently and aggressively fought for, wiped out at the stroke of a pen.

But if he were alive today, he would be in the forefront, lobbying Congress in an effort to remove these programs from the President's chopping block.

When Dr. King delivered his famous, "I have a dream" speech, in 1963, the unemployment rate for black workers was 10.8 percent.

Today, although the overall unemployment rate dropped in December to below 7 percent, for black Americans and teenagers, it remains at a shamefully high rate. For black males, it was 14.8 percent and for black teenagers, it was 40 percent.

In Dr. King's lifetime, America needed a war on poverty. In 1987, we still need one.

A Congressional report indicates that the percentage of American children whose families have incomes below the poverty line has now increased to 22.2 percent.

The study further found that half of poor children live in female-headed, one-parent families.

For children in black, single, female-headed families, where the mother is under 30 and did not complete high school, the poverty rate was 92.8 percent.

A recent report released by the U.S. Department of Health and Human Services reconfirmed our worst fears about the disparity in the health status of black and white Americans.

The report concluded that more than 60,000 excess deaths occur each year among blacks and minorities largely because they are easier prey for disease and violence.

Dr. King loved all people, be they black, white, jew, or gentile.

Certainly the human rights problems that exist today in not only South Africa, but Russia, Afghanistan, and Central America, would be of great concern to Dr. King.

So similar are these situations to those that existed throughout much of this Nation that Dr. King would attempt to prevail upon the leaders of those countries to bring about dignity and equality for all mankind.

Dr. King so fervently believed in the brotherhood of man, he showed us the similarities between us and most importantly that injustice anywhere is a threat to justice everywhere.

Each year then when we recognize this man, it seems to me that we should come together to think, reason and act just as he did.

Dr. King's legacy challenges each of us to use the power across America and around the world to pursue equal justice, due process of the law and true liberation for all people.

While we have made progress since the death of Dr. King, the dream has yet to come true.

As long as inequality exists, as long as injustice exists, and until we truly become a land of brotherhood with equal justice for all, the struggles which Dr. King had, the goals that he set for us, will continue.

The dream will come true when every American can proclaim in a loud clear voice that they are proud of this country and brotherhood is the hallmark of human relations.

Lest not the dream be deferred, we should use this day, this hour, and this year, to reaffirm the ideas and the dream he had for America.

The struggle must continue. There is a great challenge ahead for America and for people of goodwill around the world.

If we are to survive in 1987 and beyond, we must make this proclamation a reality.

Mr. DYMALLY. Mr. Speaker, as chairman of the Congressional Black Caucus, I am pleased to join the members and friends of the caucus in paying tribute to the memory and accomplishments of Dr. Martin Luther King, Jr. I regret that I am unable to join my colleagues in person today.

This year the nation formally celebrated Dr. King's birthday for the second time. "Celebration", I believe, is the appropriate word to describe the feeling that should surround our observance of the King Holiday. To be sure, we will always be saddened that Dr. King's life was cut short by an assassin's bullet, leaving a young widow, four young children, and an entire nation to mourn. But Dr. King was taken from us for a reason, and we were left to grasp his strength, his spirit, his wisdom, and his compassion, and thus armed, to carry on his dream. So, instead of mourning our loss, we celebrate our good fortune; our fortune to have had a man of Dr. King's caliber lead us through trying and difficult times; a man whose spirit mirrored all that is good in the world, and whose dream left cowering all that is bad.

What does it mean to have a Federal holiday in honor of one individual? There are only two other Americans whom we have chose to recognize in such a way—George Washington and Abraham Lincoln. Clearly, the standard for determining who merits this distinction is not mere greatness; if this were the case, every day would be a holiday.

But in thinking about what distinguished Dr. King from so many other leaders, we realize that his greatest contribution was the legacy he bequeathed to a people and a country; a legacy of promise, hope, and vision. Dr. King left us the opportunity to rebuild the very foundation of our social structure, upon which every person, black and white, would find secure footing. If only we could look beyond the insecurity and the fear that permeated, like a plague, the moral fabric of our communities, then surely we would find the common bonds that had so eluded us. And Dr. King was prophetic. For he saw the harm inflicted by segregation not only from the black man's perspective; he saw the wounds of a nation which could not realize its full potential because of fear and intolerance.

Since Dr. King marched in silent protest along hot and dusty southern highways, the United States has made notable progress in shaking the vestiges of a devisive past. This is particularly true in the area of equal participation in our political system. Last year, black Americans played a decisive role in many elections, both at the State and National levels. Why do I place emphasis on the political gains made by black Americans in the past 20 years? Because it is as true today as it was when Dr. King and other civil rights leaders called for real enforcement of the 15th amendment to the Constitution: economic justice cannot be achieved without political power. And it is as true in the United States of America, where the Constitution guarantees one man, one vote, as it is in South Africa, where the denial of political power guarantees continued oppression.

Yes, progress has been made, and yet, in 1986 and 1987, we are shocked to learn of a racially motivated gang attack in Howard Beach, NY; harassment by the Ku Klux Klan at a military academy in South Carolina; racial attacks by white college students in Amherst, MA; violence against black families who move into white neighborhoods in Chicago and Philadelphia; and just this past weekend, civil rights marchers who could not walk through an entire county in Georgia because that area has been all-white since the turn of the century.

But should we be surprised? Dr. King once said, "Morals cannot be legislated, but behavior can be regulated. . . . The habits if not the hearts of people [can be] altered by federal action." As a "new order," as Dr. King called it, developed in this country in the 1960's and 1970's, it became less acceptable to wear one's hatred on one's sleeve—and the voices of resistance were drowned out by the voices of peaceful coexistence.

But in the 1980's, the tone of Federal action changed once again. The Department of Justice no longer went before the Supreme Court to enforce compliance with school desegregation orders, but instead joined the battle against affirmative action, against bilingual education, and against separation of church and State. The voices of nullification gave courage to those who would find security only in isolation from their fellow man, and they inevitably sanctioned more public displays of intolerance and hatred.

There are still many Americans, not only in the South, who believe that Dr. King was not speaking to them, or about them; that Dr. King's dream was only a dream for black America, and that somehow they would be hurt by it. I think we need to ask: what teachings of Dr. King do these people object to? Do they really fear people of different cultural backgrounds, religious beliefs, and skin color? Or are they intolerant out of fear for their own ability to live the American dream? As we strive to further fulfill Dr. King's dream, we must look beyond the civil rights which were guaranteed to all Americans by the Constitution, yet were effectively denied to many through interposition on the part of certain State and local governments. It is important that we critically review our efforts to achieve economic justice and to ensure equal access to the bountiful resources this country has to offer. In a very real sense, economic justice is only a byproduct of basic human justice and equality. We must first believe in our hearts that every person is worthy of, and entitled to, a decent standard of living. Only then will we take action to put food on every table, a roof over every head, and a paycheck in every hand.

That is why, on one level, political participation is an essential spoke in the wheel of economic justice. Political power is needed to achieve economic justice on a national level. For we must, as a nation, set economic priorities that speak to our concern for the well-being of our citizens. What testimony to our humanity is heard when we spend money for a war in a foreign land before spending money to improve the education of our children; when we build weapons which could destroy the entire planet before building shelters for the homeless? If we are to be a nation of compassion and fairness, our budget priorities must reflect this.

But there is a second level of economic justice that must concern us—that for the individual and the family. It is interesting that Dr. King foresaw economic inequities that might heighten as we moved toward an integrated society. And it is true that where black businesses once flourished in all-black communities, today many black-owned businesses—particularly small businesses—are struggling to survive, if they have, in fact, survived this long. Larger minority firms find that their markets are diminishing, as other national companies reach out to black consumers.

And integration spurned economic difficulties for the individual worker, as well. Because as more and varied jobs became accessible to black Americans, the question of whether our economy could support increased employment became painfully relevant. If there are not enough jobs for every person capable of working, many people point the finger of blame at their fellow workers, instead of at domestic economic policies and priorities which have led many Government officials to accept a 7-percent unemployment rate as inevitable and acceptable.

The same principle applies in the area of education. As both black and white Americans realized that higher education was a key to further economic success, the competition grew for limited slots at colleges and universities. Once again, those seeking an education and training turned against each other, instead of questioning the lack of opportunity for all people who desired to improve their status through education.

But I submit that the achievement of economic justice need not come about through competition between blacks and whites, between whites and Hispanic Americans, between blacks and Asian-Americans. In its failure to increase employment opportunities and educational resources, the Government has created a false competition among people, encouraging them to see their fellow workers, their neighbors, and their peers as the enemy. The myth of reverse discrimination in the workplace and in higher education is but a manifestation of this effort to pit man against man, man against woman, and black against white. We live in a time when divide and conquer has become, once again, an acceptable means of retaining power and obfuscating the real issue. We are, increasingly, a society of haves and have nots, and we are fast losing sight of our common needs and goals.

Yes, economic justice in Dr. King's beloved community is within our reach; but we will not fulfill this promise until our leaders believe that we can all benefit from the plentiful resources of our Nation, not at the expense of some, but for the good of all.

We are at a crossroads, but now is not the time to turn back. "This is no time," Dr. King wrote, "for apathy and complacency. This is a time for vigorous and positive action." A whole generation is now growing up without the visible foundations of the civil rights movement to bolster its spirit, its determination, and its understanding of what lies ahead. The answer to our frustration lies within us, as it did 20 and 30 years ago, and we must not be thrown from our course by obstacles planted to diverge our paths.

Let us not forget the words that we pledge to our flag, the symbol of our Nation, that we are "One nation, under God, indivisible." The highest tribute we can pay to Dr. King is to find within ourselves the courage, compassion, and creativity to continue living the dream. Martin Luther King set out to lead a nation gone astray onto the proper road of humanity and justice. But it was not one man's burden to change an entire nation; it was a nation's burden to climb to the mountaintop with him. We meet now in the middle of that mountain, and we must continue our journey, for the dream cannot be deferred. I have no doubt that, together, we can meet his challenge.

Mr. STOKES. Mr. Speaker, I would like to commend the gentleman in the well for providing Members of Congress with the opportunity to pay honor and tribute to Dr. Martin Luther King, Jr.

Additionally, I salute the Congress of the United States for passing the historic legislation establishing Dr. King's birthday as a Federal holiday and affording U.S. citizens the opportunity to pay tribute to one of this century's most outstanding Americans.

Yesterday, as many Americans paused to celebrate and commemorate the life and tremendous contributions of Dr. Martin Luther King to American society, we were again reminded through film clips and photographs of the tremendous sacrifice and struggle undertaken by black Americans to secure our civil rights. There was also an opportunity to reflect on the words and wisdom of Dr. King as he nonviolently engaged in a moral battle to obtain justice and equality for all Americans.

In 1963, in a letter from the Birmingham, Alabama jail, Martin Luther King wrote: "Let us all hope that the dark clouds of racial prejudice will soon pass away, and the deep fog of misunderstanding will be lifted from our fear-drenched communities, and that in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our Nation with all of their scintillating beauty."

As appropriate and timely as those words were in 1963, they possess the same relevance to our Nation today. This is evidenced by the recent exhibitions of racial intolerance in the Howard Beach community of Queens, NY, and Forsyth County, GA; the cancellation of the King holiday in Arizona by that State's new Governor who stated that he "saw no reason" to recognize such a holiday, and the continued failure of 11 States to recognize the King holiday.

These occurrences are a clear indication that Martin Luther King's hope that Americans would soon learn to live in peace, harmony, and understanding has not, almost 19 years after his death, become a reality.

In light of our failure as a Nation, to escape the "dark clouds of racial prejudice," we must redouble our efforts to give real and full meaning to what Dr. King's life stood for. We must battle against recurrences of racial violence such as those in Howard Beach and Forsyth County. We must open the eyes of those legislators and State officials in States that refuse to recognize the contributions of Dr. King to American society.

Martin Luther King fought for the freedom and liberty of all people. He was not merely a spokesman for blacks, or the poor, or the disenfranchised. He represented everything that we as a nation should strive to be, and exhibited a moral purity that we can only work to reach.

Keeping the dream alive will require a commitment from all Federal and local officials to speak out against racism and violence; to wield the power of their office to prevent occurrences such as those in Howard Beach and Forsyth County; to encourage and facilitate dialog and interaction between citizens of different backgrounds and races; and to work toward the eradication of racism from our society.

We must also teach our children, through both word and example of the contributions of Dr. King and hope that they choose to live their lives by his example. The children possess our only hope that the dream can be kept alive forever.

Thank you.

Mr. CROCKETT. Mr. Speaker it has been 19 years since the assassination of Dr. Martin Luther King, Jr.—19 years of great turmoil in American society, and great changes in our world.

Today, as we commemorate his life and work at the second national observance of the official day of honor for Dr. King, I can't help but wonder at the continued discrimination and disadvantages that minorities in our society suffer.

There is, indeed, a large unfinished agenda for justice and equality, both in our domestic policies and in our relations with other nations.

The peace and brotherhood that Dr. Martin Luther King, Jr., preached, and gave witness to, are still elusive goals. The equality or opportunity he fought for is still far from reality; the moral and humanitarian approach to our neighbors in the Third World which he championed seems further than ever from our grasp.

Today, the poor, the disadvantaged minorities and the elderly are even more likely to be suffering from lack of quality health care, education and housing facilities. Blacks and other minorities are more likely to be unemployed, homeless, sick and disillusioned with the "American dream" than ever before.

The "Reagan Revolution" has dismantled many of the programs born out of the civil rights struggles. Instead of seeking adequate shelter for all American families, the Federal Government is turning away from its commitments in housing; instead of working to ensure quality affordable health care for all people, the Reagan administration seeks cuts in funding for research, training and delivery of health care services. Instead of promoting educational opportunities, the Reagan administration is continuing to cut back on student financial assistance, on research funding for higher education and on programs to help children in need get the education necessary to compete in today's world.

At the same time, the Reagan administratrion has retreated on civil rights issues. From the beginning of its terms in office, the Reagan administration has sought to delay, water down or outright repeal safeguards of law and regulation designed to protect the civil and constitutional rights of all American citizens.

In International issues, the picture is no better. Foreign policy remains mired in antiquated anti-Communist rhetoric and action. Policies towards South Africa, Cuba, Nicaragua, El Salvador, the Middle East countries and others are based on outworn cold war concepts of the relationships among nations, and fail to see the long-range opportunities and problems in our dealings with the Third World.

Even as we remember the legacy of Dr. Martin Luther King, Jr. today in this House, we should also rededicate ourselves to the unfinished business before us—to redirect the priorities of this Government back to the people, to stop the madness of military buildup and to re-energize this Nation's commitment to the goals of justice and equality at home and abroad.

Mr. LELAND. Mr. Speaker, Monday, January 19, was a great day for all Americans. On Monday, our Nation, celebrated the second observance of the Federal holiday honoring Dr. Martin Luther King, Jr.

As many of you know, it took more than 16 years of hard work in the U.S. Congress to approve the legislation creating this Federal holiday. This day, this national holiday, challenges all Americans to reflect on the principles of racial equality and nonviolent social change espoused by Dr. Martin Luther King, Jr.

Dr. Martin Luther King, Jr. gave the entire world a new understanding of equality and justice for all. He taught us that our democratic principles are seriously impaired when they are not applied equally. We all remember, and must never forget, his famous words, "injustice anywhere is a threat to justice everywhere."

Dr. Martin Luther King, Jr. was a champion for peace and a patron of nonviolence. He taught us that the ultimate measure of a person is not where he stands in moments of comfort and convenience, but where he stands at time of challenge and controversy.

Dr. Martin Luther King, Jr. was a man for all seasons who asked that we put aside our differences and join in a spirit of brotherhood and recognize our mutual bonds and common humanity.

It is with these thoughts in mind that we stand here today representing the diverse politics and people of our great Nation. It is our hope that this Federal holiday, which we celebrated on Monday, will keep the actions and principles of Dr. Martin Luther King, Jr. alive and forever in the minds of all Americans and all citizens of the world. It is our fondest hope that this national holiday will ensure the survival of the principles of Dr. Martin Luther King, Jr. long after those of us, with a vivid memory of all he lived through and all he lived for, have made way for future generations.

We in this country have travelled a long tortuous road—we who are black and white and people of color. In the memory of Dr. King, we continue his journey as partners in a new era of progress guided by his sense of dignity and honor. As we travel together let us remember his words,

"And the lion and the lamb shall lie down together and every man shall sit under his own vine and fig tree and none shall be afraid: I still believe that we shall overcome."

Mr. ESPY. Mr. Speaker, 24 years ago, in this city, Dr. Martin Luther King thrillingly revealed his dream to America. His message was a hopeful one, and his unfinished mission is to make that hope a reality.

Dr. King's dream is the same held by those who framed our Constitution two centuries ago. That document offered a great promise of a free, democratic society. But no document, alone, can guarantee such a promise. It was left to visionary leaders like Dr. King and to hundreds of thousands of less well known individuals who struggle each day in their own quiet way.

Rosie Tidwell of Grenada County, MS, knew that struggle. While voting by absentee ballot last year, she asked that I be given a message. She said to tell me that she hoped that I won; that she hoped that her vote counted; and she hoped that I would come up here and, in her words, "do us some good." At 85, Rosie Tidwell died the night before the election last year. But her vote counted; her message was delivered; and I know her soul is rested.

I humbly believe that my presence here today, as a Representative from Mississippi, is a partial fulfillment of Dr. King's dream and Rosie Tidwell's hope. My challenge, our challenge, is to sustain that dream and that hope, and to finally make it reality.

Mr. MFUME. Mr. Speaker, I am proud to be standing here in this Chamber today, in rememberance and observance of Dr. Martin Luther King, Jr. And I use the celebration of this great American hero to call to mind the words of another great American. In a speech delivered in 1858 in Edwardsville, IL, Abraham Lincoln addressed these words to his countrymen, and I quote "When you have succeeded in dehumanizing the Negro; when you have put him down and made it impossible for him to be but as the beast of the field; when you have extinguished his soul in this world and placed him where the ray of hope is burned out, as in the darkness of the damned, are you quite sure that the demon you have roused will not turn and wren you.

"What constitutes the bullwark of our liberty and independence? It is not our crown embattlements, our bristling seacoast, our Army and our Navy? These are not our reliance against tyranny. All of those may be turned against us without making us weaker for the struggle. Our reliance he said is in the love of liberty which God has planted in us. Our defense is in the spirit which prides liberty as the heritage of all men in all lands everywhere. Destroy this spirit and you have planted the seeds of despotism at your own doors, familiarize yourselves with the chains of bondage and you prepare your own limbs to wear them, accustom to trample on the rights of others and you have lost the genius of your own independence and become the fit subjects of the first cunning tyrant who rises among you."

Lincoln's words, uttered almost 130 years ago beckon to us at this hour, and call our attention even more to the lessons and the legacy of Martin Luther King, Jr.

As in 1858 for President Lincoln, 1963 for Dr. King marked a year of outcry for equality. It was the centennial of the Emancipation Proclamation, and was observed by some with both disappointment and disillusionment. Thereafter, though the words of Dr. King and many other unsung heroes, gains were made, goals were attained, accomplishments were realized.

But even now in 1987, in yet another new year, there is still a widespread outcry for equality. Many changes have come about across the Nation. But there is still unfinished business in the land.

We need a Federal budget that emphasizes the needs of people, a jobs creation program that guarantees a move toward full employment. We need genuine social reform that can only come about through genuine leadership.

All of us working together to make a difference in our communities would be the greatest tribute to Dr. King's memory. And, Mr. Speaker, it will take all of us to make a difference. I thank you Mr. Speaker for the opportunity to address this House.

Mr. TALLON. Mr. Speaker, I rise today to honor the life of Dr. Martin Luther King, Jr. and the dream for which he died. At certain brief and isolated moments, history is seized by the energy and vision of a single man. The life of Martin Luther King was such a moment. Dr. King infused us with the dream of freedom, equality, justice and peace for our Nation and the world. He touched each of us with this dream and then showed us how to bring that dream alive. This legacy remains a constant source of inspiration and responsibility.

In honoring Martin Luther King, let us reflect on our place in his march for freedom and justice. We have a moral obligation to realistically examine how faithfully and how far we have carried "the dream." This reassessment is the first step in what Dr. King called his nonviolent campaign for justice. King noted four basic steps in his campaign: First, collection of the facts to determine whether injustices are alive; Second, negotiation; third, self-purification; and fourth, direct action.

I believe we have a responsibility to continue Dr. King's campaign for nonviolent social change. A collection of the facts clearly indicates that domestic and foreign policy violations of civil rights, equality, justice remain prevalent in our domestic and our foreign policy. Certainly, blacks have made significant political, economic and educational gains. Yet still, minorities in this country are still not given the educational and economic opportunities that are available to their white counterparts. There are heartrenching examples of inequality and injustice all around us. Unemployment for blacks stands at 15 percent. Nearly half our black children are born into poverty. The median family income for black families is $15,432 compared with $27,686 for white families. Vestiges of prejudice are still prevalent in some of our social, political and economic institutions.

Injustice and inequality remain a part of our foreign policy as well. In South Africa today there are millions of blacks who struggle and long for freedom and equality. This struggle parallels that of black Americans just 30 years ago. We have a responsibility to support and assist them in this struggle.

Negotiation is the second stage. Negotiation is different from concession or regression. Rather, it requires careful consideration and compromise as we work to promote freedom and equality for the disenfranchised. This is perhaps the most difficult stage, demanding tenacity, foresight and cooperation. As Dr. King observed, the negotiator is often confronted with blasted hopes, and the dark shadow of deep disappointment.

A time of reflection and recommitment is important in this long difficult struggle for freedom. The Martin Luther King holiday provided us such time. The stage that Dr. King termed self-purification is a period for introspection and self examination. This stage allows us to regain courage to confront the reality of injustice and the will to work for peaceful change. Dr. King provides us with the inspiration to recommit. We can gain strength from his unflinching determination to overcome racism and promote equality.

The final stage is that of direct action. "Nonviolent direct action seeks to create such creative tension that a community that has constantly refused to negotiate is forced to confront the issue," said Dr. King. Neglect of civil rights in America is something that we had to confront during King's lifetime and it is something that we must confront now. The issue and threat is as real now as it was then. For, as Dr. King observed, "injustice anywhere is a threat to justice everywhere." I am frightened by a complacency and a dullness that seem to have settled across America. Now, more than ever, we must heed Dr. King's advice that "we must use time creatively, and forever realize that the time is always ripe to do right. Now is the time to make real the promise of democracy, and transform our pending national elegy into a creative psalm of brotherhood."

In conclusion, I would like to share with you a few remarks from the Reverend Boesak. "I am convinced that there is another America. An America that remembers its own struggle, that cherishes its freedom and dignity, that therefore understands the aspirations of an unfree people. An America that lives up to the ideals of justice and equality so jealously guarded by your Constitution and so preciously held in the hearts of your people." It is this America that Dr. Martin Luther King, Jr. envisioned. Let us gather the courage, integrity and commitment to make his dream a reality for all Americans.

Mrs. COLLINS. Mr. Speaker, this January, as we honor the Reverend Martin Luther King, Jr., we are uncomfortably reminded that the fundamental point from which we start is that we still suffer from the legacy of the racism in this country that has branded our Government, institutions, and culture. In 1954, when the Supreme Court ruled that segregation was illegal, it didn't just strike down State laws, it also struck down an insidiously discriminatory Federal statute that was still on the books at the time—the Hill-Burton Act—which was an explicit recognition of segregation and separate but equal treatment.

In striking down these obnoxious statutes the Supreme Court could only eliminate the legal obstructions to equal treatment for all of America's citizens. It could not change the way people and governments behaved. In the aftermath of the 1954 decision this country has been dealing with discrimination with varying degrees of enthusiasms and success. The 1954 Civil Rights Act was enacted to manifest the intent and spirit of the 1954 decision and give greater impetus to that elusive goal of social justice, so eloquently articulated by Dr. King. The act mandated that specific affirmative action steps be taken by government and private industry. Still, 22 years after enactment of the Civil Rights Act social equality in the workplace continues to be elusive goal and the vestiges of that discrimination remain.

Specifically, there are Federal agencies that have the responsibility of helping this society move toward the kind of fully integrated society where people are judged wholly on their merits.

We in the Congress cannot mandate outcomes but can mandate that procedures be followed that we believe will bring about proper outcomes. To that end, I have continued to press forward in a number of areas.

In September 1984, I introduced H.R. 6264 and later introduced H.R. 781 in the 98th Congress, both aimed at strengthening the Equal Employment Opportunity Commission's authority to enforce affirmative action requirements in the Federal workplace.

In a related action, the Government Activities and Transportation Subcommittee issued a report on the "National Endowment for the Humanities and the Equal Employment Opportunity Commission." The report dealt with the refusal by the National Endowment for the Humanities, the Department of Justice, and the Federal Trade Commission to comply with Federal laws mandating the annual submission of employment goals and timetables as part of the affirmative action plans. As a result of the pressure brought to bear by the subcommittee, the NEH forwarded to the EEOC the missing goals and timetables for fiscal years 1984, 1985, and 1986. Efforts will continue to bring the Department of Justice and Federal Trade Commission into compliance.

Recently, the subcommittee has been examining employment practices in the airline industry, particularly, as those practices affect the employment, retention, and promotion of blacks within the industry. Sadly, as is still the case in many industries across this country, there is an absence of serious commitment to increasing the opportunities for blacks in the industry, particularly in the management and professional ranks. Blacks are pathetically underrepresented in the management and professional occupations—comprising less than 2 percent of the industrywide total—and are disproportionately concentrated in the lower wage, semiskilled, and unskilled positions.

I find this situation to be unconscionable, especially in an industry where blacks spend over a half billion dollars per year. Black airmen have made significant contributions to America's military effort, yet we find that black pilots can't find employment with the commercial airlines. Of more than 45,000 pilots flying today, less than 200 are black.

I am particularly disturbed that the airlines are able to benefit from lucrative Federal Government contracts, yet continue to ignore affirmative action requirements with impunity. This state of affairs simply must not persist. I am moving to bring about constructive change. The Department of Labor which is vested with the authority to ensure compliance with equal employment opportunity laws, and other agencies which do business with the airlines have been put on notice that we intend to hold them accountable.

These and other efforts will be pursued vigorously and aggressively in order that we may complete the unfinished mission of Dr. King.

Mr. TOWNS. Mr. Speaker, as a Member of the 98th Congress, I am very proud to have been a part of the history-making process which created a national holiday to honor Dr. King.

As we reflect on the true meaning of the King holiday, we should remember the sacrifices that he made to make this Nation a better place in which to live. Here was a man who graduated with honors from Morehouse College and Crozer Theological Seminary, who received his Ph.D. from Boston University. He really had it made; he could have been anything he wanted to be but he decided to be a drum major for justice, to dare to dream that all men were created as equals.

And because of his dream we enacted the civil rights bill in 1964; in 1965 we passed national legislation, to guarantee the right of all citizens to vote; and finally because he dared to dream, the Fair Housing Act was passed in 1968.

We may ask ourselves what does it really mean to have a Federal holiday honoring the achievements of Dr. King? Perhaps, the best response is so that our children and our children's children will remember the contribution that he made. Only a few years ago, I was visiting an elementary school in my district and I asked the children if they knew who Dr. King was. Only a few children raised their hands. Because of the Federal holiday, children throughout the United States will now know who King was and why we commemorate his birthday.

We must ensure, however, that children really understand what we mean by "living the dream." Difference between sleeping and "living the dream." We must give them a philosophy to live by, a philosophy which will sustain them during the good times as well as the bad; one that will support them when the doors of opportunity are slammed in their face; one that teaches them that they are their brother's keeper.

When Dr. King filled us with the hope of his dream on the steps of the Lincoln Memorial, he also shared life's philosophy with America. He spoke of the "red hills of Georgia," where the sons of former slaves and slaveowners, alike, would sit together at the table of brotherhood. And this year in Georgia, not only was a new member of the Congressional Black Caucus elected from the city of Atlanta, but the black vote propelled a Democratic Senator to victory over a conservative incumbent.

Dr. King spoke of Mississippi, "A desert State sweltering with the heat of injustice and oppression." And this year in Mississippi, the first black Member of Congress to represent that State since Reconstruction, was elected to office.

Dr. King spoke of Alabama, where two short decades ago, the Governor advocated preventing enforcement of Federal law in his State. My dream for Alabama, said Dr. King, is that black and white children will one day "join hands and walk together as sisters and brothers." And this year in Alabama, black citizens again cast the decisive vote in electing a Democratic Senator over a conservative Republican incumbent.

Why do I place emphasis on the political gains made by black Americans in the South? Because it is as true today as it was when Dr. King and other civil rights leaders called for real enforcement of the 15th amendment to the Constitution: Economic justice cannot be achieved without political power. And it is as true in the United States of America, where the Constitution guarantees one person, one vote, as it is in South Africa, where the denial of political power guarantees continued oppression.

I realize that I have said little so far about economic justice. In a very real sense, economic justice is only a byproduct of basic human justice and equality. We must first believe in our hearts that every person is worthy of, and entitled to, a decent standard of living. Only then will we take action to put food on every table, a roof over every head, and a paycheck in every hand.

That is why, on one level, political participation is an essential spoke in the wheel of economic justice. Political power is needed to achieve economic justice on a national level. For we must, as a nation, set economic priorities that speak to our concern for the well-being of our citizens. What testimony to our humanity is heard when we spend money for a war in a foreign land before spending money to improve the education of our children; when we build weapons which could destroy the entire planet before building shelters for the homeless? If we are to be a nation of compassion and fairness, our budget priorities reflect this—believe me, they are upside down.

But I submit that the achievement of economic justice need not come about through competition between blacks and whites, between whites and Hispanic Americans, between blacks and Asian-Americans. In its failure to increase employment opportunities and educational resources, the Government has created a false competition among people, encouraging them to see their fellow workers, their neighbors, and their peers as the enemy. The myth of "reverse discrimination" in the workplace and in higher education is but a manifestation of this effort to pit man against man, man against woman, and black against white. We live in a time when divide and conquer has become, once again, an acceptable means of retaining power and obfuscating the real issue. We are, increasingly, a society of haves and have nots, and we are fast losing sight of our common needs and goals.

Yes, economic justice in the beloved community is within our reach; but we will not fulfill this promise until our leaders believe that we can all benefit from the plentiful resources in our Nation, not at the expense of some, but for the good of all.

We are at a crossroads, but now is not the time to turn back. "This is no time," Dr. King wrote, "for apathy and complacency. This is a time for vigorous and positive action." A whole generation is now growing up without the visible foundations of the civil rights movement to bolster its spirit, its determination, and its understanding of what lies ahead. Answer to our frustration lies within us, as it did 20 and 30 years ago, and we must not be thrown from our course by obstacles planted to diverge our paths.

Let us not forget the words that we pledge allegiance to our flag, the symbol of our Nation, that we are "one Nation, under God, indivisible." The highest tribute we can pay to Dr. King is to find within ourselves the courage, compassion, and creativity to continue "living the dream."

Martin Luther King set out to lead a Nation gone astray onto the proper road of humanity and justice. But it was not one man's burden to change an entire nation; it was a nation's burden to climb to the mountaintop with him. We meet now in the middle of that mountain, and we must continue our journey, for the dream cannnot be deferred. I have no doubt that, together, we can meet this challenge.

Mr. CLAY. Mr. Speaker, it is a privilege to participate in today's special tribute to one of our Nation's foremost black leaders, the late Dr. Martin Luther King, Jr. For many years, I worked with my colleagues to establish a national holiday commemorating Martin Luther King's birth. As our Nation observes the memory of Dr. King, I am reassured to know that his mission is alive in the hearts and minds of a new generation.

The list of adjectives we've all heard used to describe Martin Luther King and his accomplishments is too long to recite and inevitably stops short of capturing the courageous achievements of this very extraordinary American. A leader of uncommon courage and vision, Martin Luther King dedicated his life to the ideal of justice and equality for all Americans. He lived with an unqualified devotion to those principles which inspired our Founding Fathers and in so doing he helped reshape the fabric of our democracy forevermore.

As we reflect on the life and times of Martin Luther King, we are moved by how much history has passed. We look back on how far we've come, and we look forward to how far we have yet to travel.

Poverty and racism are thriving in America. Since I came to Washington in 1968, I've seen the number of homeless people growing on the streets of our Capital; in recent weeks, I've followed the reports of racial violence in Howard Beach, Long Island, the Citadel, in South Carolina, and Forsyth County, GA, and I was not surprised to read the National Urban League's bleak report, "The State of Black America." Black Americans already know the sad reality. Most poor and black Americans do not have access to quality health care and do not have adequate educational training. Social and economic disparity is growing and economic opportunities for poor Americans are narrowing. The cycle of poverty and powerlessness persists in our society. Justice and equal opportunity for the wealthy and powerful is a far cry from justice and equal opportunity for the poor and powerless. We are a long, long way from Martin Luther King's dream of a better America. And, what is perhaps most troubling of all is the newfound tolerance our Nation's elected leaders have shown for the double standard of justice which is jeopardizing the future of American democracy. The failure of elected leaders, at every level of government, to be fully committed to the general well-being of all our citizenry is the single greatest obstacle on the path to sustained progress and prosperity.

As long as Congress is uncaring about the increasing number of Americans who are uneducated, unemployed, undernourished, and suffering from all the rages of poverty; as long as equal justice waivers outside the grasp of a growing number of poor Americans, we are faltering on the throes of decay. Today, we are a vulnerable Nation with an uncertain future for there are no bombs or war machines which can protect a Nation crumbling from within.

But, I am encouraged because so many Americans, including each Member of this body, have had some opportunity to contemplate the life and times of Martin Luther King. Dr. King's story is the great American story. Pursuing his dream, Martin Luther King's mission was to seek a higher truth, and his life was about overcoming the odds.

It was a tragic day in our history when Martin Luther King was so violently snatched away from us, long before he finished his work on this Earth. But, when Martin Luther King left us, he left us his legacy. History will record these days as a troubled time, when peace eluded our every grasp, when justice played prejudice and poverty flourished. Today we are blessed to have the memory of Dr. Martin Luther King to cherish and to inspire us in these dark days of uncertainty.

Martin Luther King inspired our Nation to reach a little higher, to rise above the curse of poverty and the evils of racism, and to create a more perfect democracy where all citizens share equally in the destiny of our great Nation. If we in this body love our country as much as Dr. King and our Founding Fathers, and I have every reason to believe we do, we must seize this opportunity to rededicate ourselves to the unfinished agenda. In the spirit of Dr. Martin Luther King we must recommit ourselves to the human agenda, we must address the poor and the powerless if we are to create a more perfect union and secure the future of the United States of America.

Mr. KOLTER. Mr. Speaker, I rise today to pay tribute to the contributions and achievements of the Reverend Martin Luther King, Jr. For the second time in the history of this great Nation, we are honoring a peacemaker, messenger of nonviolence—a drum major for justice, love, and righteousness who was a native son of America, and it is truly fitting that we do so. As we celebrate this national holiday in honor of this truly great man, we must take the time to reflect on the many things that Martin Luther King has accomplished. We must realize that Dr. King altered the course of human events during an era of extreme turmoil in America, and that he changed the course of history for the betterment of all. Dr. King's struggle was a patriotic quest for social justice and racial equality. He challenged America to realize that the promises of "justice" and the blessing of "liberty," guaranteed by our Constitution, are meaningless unless applied equally to all persons. Dr. King steadfastly advocated nonviolent resistance to bring about much needed change at a time when few dared to do so. Dr. King appealed to the decency and to the new-found "Heart of America," and his struggle brought about the best in all of us. Dr. King espoused freedom, equality, and civil rights as no one had ever done before. His dreams and ideals became the dreams and ideals of an entire Nation. It took a great man of conscience, conviction, and foresight to conceive of and fight for those dreams—Rev. Martin Luther King was indeed such a man.

Reverend King's dreams of social, political, and economic justice for all have become the dreams of many. His dedication will become the cornerstone of future generations who will strive toward a better America and a better world. Dr. King dedicated his life toward securing a society that judges its citizens not by the color of their skin, but by the quality of their character. The power and spirit of Dr. King's great struggle awakened America and translated into something of enduring moral and historical significance. His espoused truths helped bring about many changes in our Federal and State laws which moved closer toward equal rights and equal opportunities for all. He brought us a little closer to the true brotherhood of mankind.

Although Dr. king did not live to see his dreams totally fulfilled, his legacy will guide our consciences many, many years, probably for all eternity. We as a nation must continue to keep Dr. King's dream and commitments alive. We have made tremendous strides, but there is so much to be done. Standing here today, we must join together as one to not only celebrate Dr. King's legacy, but we must recommit ourselves to do what is right and just for all. We still have the horrendous threat of nuclear war, we still have countries far away, and countries not so far away fighting one another, we still have the specter of unemployment in our valley, and we still do not have total equality for all. We must work harder to bring about changes in these areas and in many other areas to attain and fulfill Dr. King's dreams.

As we renew our commitment to reaching the sunlit path of racial and social justice, let us dedicate ourselves to honoring Dr. King in the single most meaningful way that we can—let us work together as a nation—let us work toward the glorious ways when there are no differences, and every one, every nation has joined together in a common bond—a true brotherhood of mankind.

Remember his dream was stronger than life and more powerful than death, and thank God, his dream does live on.

Mr. ANDREWS. Mr. Speaker, yesterday we celebrated Martin Luther King, Jr.'s, birthday with a much deserved national holiday. Recognized as a national speaker at age 25, Dr. King was instrumental not only in changing our civil rights laws but also in altering our history. Nineteen years after his death, he remains an inspiration for all Americans.

A compassionate and courageous man, Dr. King advocated peaceful nonviolence and civil disobedience as the surest avenues to freedom and justice. His peaceful policies were in sharp contrast to the violence that surrounded him. As he himself said during the height of the civil rights struggle, "The greatness of this period is that we armed ourselves with dignity and self-respect."

Dr. King had a dream but was not a dreamer. Through sit ins, marches, and speeches he achieved social, political, and economic freedom for his people. Most importantly, he and his followers won respect for their rights as free Americans. Acknowledged worldwide as a moral and social leader, he was a powerful orator and a true hero.

In 1964 he was awarded the Nobel Peace Prize. After his assassination in 1968, a Martin Luther King, Jr., Nonviolent Peace Prize was created in his memory. His legacy lives on in many ways but most notably in this annual award.

This year's recipient is Corazon Aquino, whose peaceful resolution of the crisis in the Philippines won freedom and democracy for her people. Like Martin Luther King, Mrs. Aquino provides a continuing example of what can be accomplished through thoughtful words and inspired deeds. It is only fitting that we honor Dr. King, and those who succeed him in his struggle, with this annual memorial.

□ 1830

GENERAL LEAVE

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from New York?

There was no objection.

SUBMISSION OF RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE 100TH CONGRESS

(Mr. ROSTENKOWSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Ways and Means for the 100th Congress for printing in the RECORD at this point. These rules were adopted by the committee in open session on January 6, 1987.

PART I—RULES OF THE COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, 100TH CONGRESS

Rule XI of the Rules of the House of Representatives, provides in part:

"* * * The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

"* * * Each subcommittee of a committee is a part of that committee, and is subject to the authority and direction of that committee and to its rules as far as applicable.

"* * * Each standing committee of the House shall adopt written rules governing its procedure. Such rules * * *

"(1) shall be adopted in a meeting which is open to the public * * *

"(2) shall be not inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House * * *"

In accordance with the foregoing, the Committee on Ways and Means, on January

6, 1987 adopted the following as the Rules of the Committee for the 100th Congress.

RULE 1. IN GENERAL

Except where the terms "full Committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Ways and Means and its subcommittees as well as to the respective chairmen.

RULE 2. MEETING DATE, QUORUM, AND QUORUM FOR TAKING TESTIMONY AND EVIDENCE

The regular meeting day of the Committee on Ways and Means shall be on the second Wednesday of each month while the House is in session. A majority of the Committee constitutes a quorum for business. Provided, however, that two members shall constitute a quorum at any regularly scheduled hearing called for the purpose of taking testimony and receiving evidence.

RULE 3. SUBCOMMITTEE MEETINGS

Insofar as possible, meetings of the Committee and its subcommittees shall not conflict. Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings wherever possible.

RULE 4. SUBCOMMITTEES

All matters referred to the Committee on Ways and Means involving the Internal Revenue Code, except those revenue measures referred to Subcommittees under paragraphs 1, 2, 3 or 5, shall be considered by the whole Committee and not in subcommittee.

There shall be six standing subcommittees as follows: Subcommittee on Social Security; Subcommittee on Health; Subcommittee on Public Assistance and Unemployment Compensation; Subcommittee on Trade; Subcommittee on Select Revenue Measures; and Subcommittee on Oversight.

The jurisdiction of such subcommittees includes:

1. Subcommittee on Social Security shall consist of 8 Members, 5 of whom shall be Democrats and 3 of whom shall be Republicans.

In general, the jurisdiction of the Subcommittee on Social Security includes bills and matters referred to the Committee on Ways and Means which relate to the Federal Old-Age, Survivors' and Disability Insurance System, the Railroad Retirement System, and employment taxes and trust fund operations relating to those systems. The jurisdiction of this subcommittee, more specifically, includes bills and matters involving title II of the Social Security Act and Chapter 22 of the Internal Revenue Code (the Railroad Retirement Tax Act), as well as provisions in title VII and title XI of the Act relating to procedure and administration involving the Old-Age, Survivors' and Disability Insurance System.

2. Subcommittee on Health shall consist of 11 Members, 7 of whom shall be Democrats and 4 of whom shall be Republicans.

In general, the jurisdiction of the Subcommittee on Health includes bills and matters which are referred to the Committee on Ways and Means which relate to programs which provide payments (from any source) for health care, health delivery systems, or health research. More specifically, the jurisdiction of the Subcommittee on Health includes bills and matters which relate to the health care programs of the Social Security Act (including titles V, XI (Part B), XVIII, and XIX thereof) and, concurrent with the full Committee, tax credit and deduction provisions of the Internal Revenue Code dealing with health insurance premiums and health care costs.

3. Subcommittee on Select Revenue Measures shall consist of 11 Members, 7 of whom shall be Democrats and 4 of whom shall be Republicans.

The jurisdiction of this subcommittee shall consist of those revenue measures which, from time to time, shall be referred to it specifically by the Chairman of the full Committee.

4. Subcommittee on Trade, shall consist of 14 Members, 9 of whom shall be Democrats and 5 of whom shall be Republicans.

In general, the jurisdiction of the Subcommittee on Trade includes bills and matters referred to the Committee on Ways and Means which relate to: customs and customs administration including tariff and import fee structure, classification, valuation of and special rules applying to imports, and special tariff provisions and procedures which relate to customs operation affecting exports and imports; import trade matters, including import impact, industry relief from injurious imports, adjustments assistance and programs to encourage competitive responses to imports, unfair import practices including antidumping and countervailing duty provisions, and import policy which relates to dependence on foreign sources of supply; commodity agreements and reciprocal trade agreements including multilateral and bilateral trade negotiations and implementation of agreements involving tariff and nontariff trade barriers to and distortions of international trade; international rules, organizations and institutional aspects of international trade agreements; budget authorizations for the U.S. Customs Service, the U.S. International Trade Commission, and U.S. Trade Representative; and special trade-related problems involving market access, competitive conditions of specific industries, export policy and promotion, access to materials in short supply, bilateral trade relations including trade with developing countries, operations of multinational corporations, and trade with nonmarket economies.

5. Subcommittee on Public Assistance and Unemployment Compensation shall consist of 11 Members, 7 of whom shall be Democrats and 4 of whom shall be Republicans.

In general, the jurisdiction of this subcommittee includes bills and matters referred to the Committee on Ways and Means which relate to the public assistance provisions of the Social Security Act including welfare reform, supplemental security income, aid to families with dependent children, social services, child support, eligibility of welfare recipients for food stamps, and low-income energy assistance.

More specifically, the jurisdiction of this subcommittee includes bills and matters relating to titles I, IV, VI, X, XIV, XVI, XVII, XX and related provisions of titles VII and XI of the Social Security Act.

The jurisdiction of this subcommittee also includes bills and matters referred to the Committee on Ways and Means which relate to the Federal-State system of unemployment compensation, and the financing thereof, including the programs for extended and emergency benefits.

More specifically, the jurisdiction of this subcommittee includes all bills and matters pertaining to the programs of unemployment compensation under title III, IX and XII of the Social Security Act, Chapters 23 and 23A of the Internal Revenue Code, the Federal-State Extended Unemployment Compensation Act of 1970, the Emergency Unemployment Compensation Act of 1974, and provisions relating thereto.

6. Subcommittee on Oversight shall consist of 11 Members, 7 of whom shall be Democrats and 4 of whom shall be Republicans.

The jurisdiction of this subcommittee includes all matters within the scope of the Committee but shall be limited to existing law and said oversight jurisdiction shall not be exclusive but shall be concurrent with that of the other subcommittees, and with respect to matters involving the Internal Revenue Code said concurrent jurisdiction shall be shared with the full Committee. Before undertaking any investigation or hearing, the chairman of the Subcommittee on Oversight shall confer with the Chairman of the full Committee and the chairman of any other subcommittee having jurisdiction.

RULE 5. SUBCOMMITTEE CHAIRMEN

Democratic members of the Committee shall have the right in order of full Committee seniority to bid for vacant subcommittee chairmanships. Such bids shall be subject to approval by a majority of those present and voting in the Democratic caucus of the Committee. If the caucus rejects a subcommittee chairmanship bid, the next senior Democratic Member may bid for the position as in the first instance. No member of the Committee who serves on the Budget Committee shall serve as a chairman of a subcommittee. A subcommittee chairmanship shall not be considered vacant while the subcommittee chairman has taken a leave of absence to serve on the Budget Committee.

RULE 6. EX-OFFICIO MEMBERS OF SUBCOMMITTEES

The Chairman and the ranking minority member may sit as ex-officio members of all subcommittees. They may be counted for purposes of assisting in the establishment of a quorum for a subcommittee. However, their absence shall not count against the establishment of a quorum by the regular members of the subcommittee. Ex-officio members shall neither vote in the subcommittee nor be taken into consideration for purposes of determining the ratio of the subcommittee.

RULE 7. REFERENCE OF LEGISLATION AND SUBCOMMITTEE REPORT

Every bill, or other matter (except bills concerning the Internal Revenue Code) referred to the Committee or initiated by the Committee shall be referred by the Chairman of the full Committee to the appropriate subcommittee within 2 weeks from the date of its receipt by the Committee unless by a majority vote in the full Committee, consideration is to be by the full Committee. A subcommittee shall, within 3 legislative days of receipt of a bill referral, acknowledge same to the full Committee.

After a bill has been pending in a subcommittee for a reasonable period of time, the Chairman of the full Committee may make a request in writing to the subcommittee that the subcommittee forthwith report the bill to the full Committee with its recommendations. If within 7 legislative days after the Chairman's written request, the subcommittee has not so reported the bill, then there shall be in order in the full Committee a motion to discharge the subcommittee from further consideration of the bill. If such motion is approved by a majority vote in the full Committee, the bill may thereafter be considered only by the full Committee.

No bill reported by a subcommittee shall be considered by the full Committee unless it has been presented to all members at least 2 legislative days prior to the meeting, together with a comparison with present law, a section-by-section analysis of the proposed change, a section-by-section justification, and a draft statement of the costs of carrying out the bill that is consistent with the requirements for reported bills under clause 7 of Rule XIII of the Rules of the House of Representatives.

RULE 8. SUPERVISION, DUTIES OF COMMITTEE STAFF

The staff of the Committee, both professional and clerical, shall be under the general supervision and direction of the Chairman of the full Committee except as provided in clause 5(d) and clause 6 of Rule XI of the Rules of the House of Representatives concerning committee expenses and staff. Provided, however, that the chairman of each subcommittee shall be entitled to select and designate at least one professional staff member for said subcommittee and at least one clerical staff member for said subcommittee subject to the approval of a majority of the Democratic members of said full Committee. The ranking minority member shall have the right to designate one staff member. Said staff members shall be compensated at a salary commensurate with the responsibilities prescribed by said subcommittee chairman. Compensation shall be provided out of appropriated amounts—rather than statutory amounts allowed each committee.

RULE 9. COMMITTEE BUDGET AND EXPENSES

The Chairman, in consultation with the majority members of the Committee, shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee. After consultation with the minority members, the Chairman shall include an amount budgeted to minority members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall present the same to the Committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. After said budget shall have been adopted, no substantial change shall be made in such budget unless approved by the Committee.

RULE 10. WITNESSES

In order to assure the most productive use of the limited amount of time available to question hearing witnesses, a witness who is scheduled to appear before the Committee shall file with the clerk of the Committee at least 24 hours in advance of his appearance a written statement of his proposed testimony. Failure to comply with this rule may result in the witness being denied the opportunity to testify in person. A witness shall limit his oral presentation to a summary of his position and shall provide sufficient copies of his written statement to the clerk for distribution to members, staff and news media.

RULE 11. QUESTIONING OF WITNESSES

Committee members may question witnesses only when recognized by the Chairman for that purpose. All members shall be limited to five minutes on the initial round of questioning. In questioning witnesses under the five-minute rule, the Chairman and the ranking minority member may be recognized first after which members may be recognized in the order of their arrival at the hearing. Among the members present at the time the hearing is called to order, seniority shall be recognized. In recognizing members to question witnesses, the Chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

RULE 12. PUBLICATION OF DECISIONS, AND AVAILABILITY OF LEGISLATIVE LANGUAGE

A press release describing any tentative or final decision made by the Committee on legislation under consideration shall be made available to each member of the Committee as soon as possible, but no later than the next day. However, the legislative draft of any tentative or final decision of the Committee shall not be released until such draft is made available to each member of the Committee.

RULE 13. AMENDMENT TO PROVISION PREVIOUSLY READ

In the process of reading a bill for amendments, it shall be in order to return to a previously read portion of the bill for the purpose of considering and acting upon amendments thereto. However, if such previously read portion has been adopted by a record vote, it shall be in order for any member of the majority, on the same or the next day on which a quorum of the Committee is present, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a motion to adjourn, and shall not be withdrawn without the consent of the Committee, and thereafter any member may call it up for consideration.

RULE 14. RECORD VOTES

A record vote on an issue be required on the request of a member which is supported by at least one-fifth of a quorum.

RULE 15. PREVIOUS QUESTION

The Chairman shall not recognize a member for the purpose of moving the previous question unless the member has first advised the Chair and those members present that this is the purpose for which recognition is being sought.

RULE 16. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the Speaker as conferees the names of those members of the subcommittee (or subcommittees) which handled the substantive legislation in the order of their subcommittee seniority and such other Committee members as the Chairman may designate. In making recommendations of minority members as conferees the Chairman shall consult with the ranking minority member of the Committee.

RULE 17. RECORDS OF HEARINGS

An accurate stenographic record shall be kept of all testimony taken at a public hearing. The staff shall transmit to a witness the transcript of his testimony for correction and immediate return to the Committee office. Only changes in the interest of clarity, accuracy and corrections in transcribing errors will be permitted. Changes which substantially alter the actual testimony will not be permitted. Members shall correct their own testimony and return transcripts as soon as possible after receipt thereof. The Chairman may order the printing of the hearing without the corrections of a witness or member if he determines that a reasonable time has been afforded to make corrections and that further delay would impede the consideration of the legislative action which is the subject of the hearing. A witness appearing in a public hearing, or submitting a statement for the record of a public hearing, or submitting a written comment in response to a published request for comments by the Committee must provide the Committee with a list of any clients or persons, or any organization for whom the witness appears which shall be made available for public inspection unless otherwise directed by the Committee. Verbal testimony and statements for the record, or written comment in response to a request for comments by the Committee, will be accepted only from citizens of the United States or corporations or associations organized under the laws of one of the 50 States of the United States or the District of Columbia, unless otherwise directed by the Chairman of the Committee or subcommittee involved. Written statements from noncitizens may be considered for acceptance if transmitted to the Committee in writing by Members of Congress.

RULE 18. TRANSCRIPTS OF OTHER COMMITTEE MEETINGS

An accurate stenographic record shall also be kept of all markup and other meetings of the Committee, whether they be open or closed to the public. This record, marked as "uncorrected," shall be available for inspection by Members of the House, or members of the Committee together with their staffs, at reasonable times and places. This record shall not be published or made public in any way except by a majority vote of the Committee. Before any public release of the uncorrected record, members must be given a reasonable opportunity to correct their remarks. In instances in which a stenographic record is kept of a conference committee proceeding, all of the requirements of this rule will likewise be observed with respect to such record.

RULE 19. BROADCASTING OF COMMITTEE OR SUBCOMMITTEE HEARINGS

The provisions of clause 3(f) of Rule XI of the Rules of the House of Representatives are by reference specifically made a part of these rules. In addition, the Committee has adopted the following policy with respect to media coverage of meetings:

An appropriate area of the Committee's hearing room is designated for members of the press and any equipment they use.

No interviews are allowed in the Committee room while the Committee is in session. Individual interviews must take place before the gavel falls for the convening of a meeting or after the gavel falls for adjournment.

Day-to-day notification of the next days electronic coverage will be provided by the media to the Chairman through the chief counsel or some other person who might be designated in * * *

Still photography will be permitted during a Committee meeting as long as it does not disrupt the proceedings or block the vision of Committee members or witnesses.

Klieg lights will be permitted to illuminate the hearing room only during the first fifteen minutes following the Chairman's initial calling of the Committee to order.

Further conditions may be specified by the Chairman.

RULE 20. PARTY RATIO

The ratio of Democrats to Republicans on any subcommittee of the Committee shall be consistent with the ratio of Democracts to Republicans on the Committee.

RULE 21. PROXY VOTING

Voting by proxy shall be permitted in accordance with the manner prescribed in clause 2(f) of Rule XI of the Rules of the House of Representatives.

RULE 22. TRAVEL OF MEMBERS AND STAFF

Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern travel of Committee members and Committee staff. Travel to be reimbursed from funds set aside for the full Committee for any member or any Committee staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any Committee staff member in connection with the attendance of formal or informal hearings conducted by the Committee, its subcommittees, or any other committee or subcommittee of the Congress on matters relevant to the general jurisdiction of the Committee, and meetings, conferences and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) The location of the event for which the travel is to be made;

(4) The names of members and Committee staff seeking authorization.

Where travel is in connection with the conduct by members of the Committee of an informal hearing, the prior approval not only of the Chairman but also of subcommittee chairmen shall be required where the hearing involves any matter within the jurisdiction of one or more of the subcommittees of the Committee.

In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated above.

Within 60 days of the conclusion of any travel authorized under this rule, there shall be submitted to the Chairman a written report covering the information gained as a result of the study or investigation, or meeting, conference or hearing attended pursuant to such travel.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1987

(Mr. DERRICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DERRICK. Mr. Speaker, on behalf of Chairman WILLIAM H. GRAY III, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act as amended, I am submitting for printing in the CONGRESSIONAL RECORD the first official letter for this session to the Speaker advising him of the current level of spending, credit and revenues for fiscal year 1987. This continues a procedure followed in the 99th and previous Congresses.

The term "current level" refers to the estimated amount of budget authority, outlays, credit authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

Current level reports are intended to provide Members information to compare enacted spending and revenues with the aggregate ceilings on budget authority, outlays, and revenues established in a budget resolution; and also to compare enacted legislation with the allocations of new discretionary budget authority, entitlement authority and new credit authority made to a committee pursuant to subsection 302(a) of the Budget Act, as amended. This report compares the spending, credit and revenue levels in current level with those assumed in the budget resolution for fiscal year 1987—Senate Concurrent Resolution 120—adopted on June 26, 1986.

Current level reports provide information that is necessary for enforcing section 311 of the Budget Act, as amended. Subsection 311(a) prohibits the consideration of a spending or revenue measure if the adoption of that measure would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause revenues to be less than the appropriate level of revenues set in the budget resolution.

Subsection 311(b) provides an exception to the 311(a) point of order for measures which would breach the ceilings on total spending set in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of discretionary spending authority made pursuant to section 302(a) of the Budget Act. Such an exception was first provided by the budget resolution for fiscal year 1985—House Concurrent Resolution 280, 98th Congress. The exception was made permanent by the amendments to the Budget Act included in the Balanced Budget and Emergency Deficit Control Act of 1985—Public Law 99-177, Gramm-Rudman-Hollings. This exception is intended to protect a committee that has stayed within its allocation of discretionary budget authority and new entitlement authority from points of order if the total spending ceilings have been breached for reasons outside of its control. The fiscal year 1987 302(a) allocations to House committees made pursuant to the conference report on Senate Resolution 120 were printed in House report 99-666, July 9, 1986.

Section 311(c) of the Budget Act, provides that for purposes of enforcing section 311 in the House of Representatives the levels of new budget authority, entitlement authority, outlays and revenues shall be determined on the basis of estimates made by the Committee on the Budget. Current level reports represent partial fulfillment of this enforcement responsibility of the Budget Committee by providing both estimates of enacted aggregate spending and revenues; and, for purposes of determining the applicability of the section 311(b) exception, estimates of the relationship between the budgetary effect of enacted legislation within a committee's jurisdiction and the allocation of spending and credit authority made to that committee.

Because current level reports are intended both to inform the Members of the House and to be used in determining appropriate enforcement of the Budget Act, this report includes two sets of aggregate expenditure and revenue levels. The first set of estimates is included for the purpose of enforcing section 311 of the Budget Act. These estimates are based on economic and technical assumptions in place at the time of the adoption of the budget resolution, Senate Concurrent Resolution 120, on June 26, 1986. This is intended to protect committees which acted on the basis of the assumptions of the budget resolution from changes in economic and technical factors over which they have no control. Unless the Congress adopts a subsequent budget resolution which alters the assumptions about legislative actions, committees should be able to expect that measures that conform with the budget resolution will not be subject to points of order for violation of the Budget Act. To do otherwise and base enforcement on constantly changing economic and technical estimates would seriously disrupt the legislative process, penalize committees which are unable to complete work on legislation within a short period after adoption of a budget resolution, and undermine respect for budget enforcement procedures.

The second set of estimates is included solely for information purposes. It is based on the latest economic and technical data and gives Members the best available estimates of the actual spending and revenue situation for fiscal year 1987. They are intended to provide a realistic picture of the current budget situation.

In addition to section 311, the Budget Act contains another point of order which requires Budget Committee estimates for enforcement. Section 302(f) of the Budget Act, as amended, prohibits the consideration of a measure providing new budget authority, entitlement authority or new credit authority if the adoption of that measure would cause a committee to exceed its allocation of new spending or credit authority made pursuant to subsection 302(b) of the Budget Act. The 302(b) allocation is a subdivision of the new spending, entitlement and credit authority allocated to a committee pursuant to section 302(a), among either the subcommittees of that committee or among programs over which the committee has jurisdiction. This provision was added to the Budget Act by the amendments included in the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 302(g) provides that the enforcement of section 302 shall be based on estimates of spending and credit authority made by the Committee on the Budget. The Budget Committee intends to fulfill this responsibility by providing, as necessary, a separate section 302 status report to the Speaker.

For information purposes only, current level reports will continue to include a comparison of the budget and credit authority divided among the appropriations subcommittees by that committee's 302(b) division with the actual enacted spending and credit legislation within each subcommittee's jurisdiction.

As chairman of the Budget Process Task Force, and on behalf of Chairman GRAY, I intend to keep the House informed regularly on the status of the current level.

ACTION MEMORANDUM

To: Chairman William H. Gray III, January 21, 1987.

From: Shirley Ruhe.

Subject: Status of fiscal year 1987 current level.

RECOMMENDATION

That the current level of spending and revenues for fiscal year 1987 be placed in the Congressional Record, in compliance with Rule 10 of the Rules of Procedure of the Committee on the Budget. It should be placed in the Record in accordance with the system that you and Mr. Derrick began last Congress.

BACKGROUND

This will be the first current level filed in the 100th Congress. This report reflects the budget resolution aggregates and an estimate of current level of spending and revenues consistent with the economic and technical assumptions of S. Con. Res. 120, adopted by Congress on June 26, 1986. These estimates will govern in determining whether legislation causes a committee to exceed its fiscal year 1987 budget ceiling. This report incorporates all legislative action through the end of the 99th Congress. In an effort to better illustrate the true deficit picture, the attachments also include a statement of current levels (in the aggregate) based on CBO's most recent economic and technical assumptions.

Principal Analyst: Karen A. Flaherty.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, January 21, 1987.

Hon. JAMES C. WRIGHT, Jr.,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending.

I am herewith transmitting the status report under S. Con. Res. 120, the Concurrent Resolution on the Budget for Fiscal Year 1987.

In the House of Representatives, the procedural situation with regard to the spending ceilings (total budget authority and total outlays) is affected by Section 311(b) of the Congressional Budget Act of 1974, as amended by P.L. 99-177. Enforcement against possible breaches of the spending ceilings under 311(a) of the Budget Act would not apply when a measure would not cause a committee to exceed its "appropriate allocation" made pursuant to Section 302(a) of the Budget Act. The appropriate 302(a) allocation includes "new discretionary budget authority", "new entitlement authority", "new direct loan obligations", and "new primary loan guarantee commitments". It should be noted that under this procedure the committee's outlay allocation is not considered.

The intent of Section 311(b) of the Budget Act is to protect a committee that has stayed within its spending authority and credit authority allocations—discretionary budget authority, new entitlement authority, direct loan authority, and loan guarantee authority—from points of order if the total spending ceilings have been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on S. Con. Res. 120 were printed in H. Rept. 99-666 (July 9, 1986).

The enclosed tables compare enacted legislation to each committee's 302(a) allocation of discretionary budget authority, new entitlement authority, new direct loan obligations and new primary loan guarantee commitments. The estimates of spending and revenues for purposes of the application of points of order under the Budget Act are based upon the economic and technical assumptions underlying the most recently agreed to budget resolution at the time of its passage. Insofar as significant changes, both economic and technical, have occurred since adoption of the fiscal year 1987 budget resolution in June 1986, enclosed is a further statement, for illustrative purposes only, reflecting an estimate of FY 1987 outlays and revenues based upon the January 1987 preliminary baseline prepared by the Congressional Budget Office under their most recent economic and technical assumptions. That statement explains the major differences between the current level based on budget resolution assumptions and CBO's most recent estimates.

Sincerely,

WILLIAM H. GRAY III,
Chairman.

REPORT TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1987 CONGRESSIONAL BUDGET ADOPTED IN SENATE CONCURRENT RESOLUTION 120

REFLECTING COMPLETED ACTION AS OF JANUARY 20, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,093,350	995,000	852,400
Current level	1,075,029	990,939	860,137
Amount under ceilings	18,321	4,061	
Amount over ceilings			
Amount under floor			
Amount over floor			7,737

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $18,321 million in budget authority for fiscal year 1987, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in S. Con. Res. 120 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $4,061 million in outlays for fiscal year 1987, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in S. Con. Res. 120 to be exceeded.

REVENUES

Any measure that would result in a revenue loss which is not included in the current level estimate and exceeds $7,737 million for fiscal year 1987, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in S. Con. Res. 120.

FISCAL YEAR 1987 BUDGET AUTHORITY

COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE PURSUANT TO SECTION 302

[In millions of dollars]

House authorizing committee	Current level budget authority
Agriculture	(+960)
Armed Services	(....)
Banking, Finance, and Urban Affairs	(+110)
District of Columbia	(....)
Education and Labor	(+10)
Energy and Commerce	(+692)
Foreign Affairs	(+1)
Government Operations	(....)
House Administration	(....)
Interior and Insular Affairs	(+175)
Judiciary	(−53)
Merchant Marine and Fisheries	(+93)
Post Office and Civil Service	(+105)
Public Works and Transportation	(−10,457)
Science and Technology	(+2)
Small Business	(+438)
Veterans' Affairs	(....)
Ways and Means	(+530)

Note.—Committees are over (+) or under (−) their 302(a) allocation.

FISCAL YEAR 1987 BUDGET AUTHORITY

COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION SUBDIVISIONS OF THE HOUSE APPROPRIATIONS COMMITTEE PURSUANT TO SECTION 302

[In millions of dollars]

	Current level budget authority	Direct loans	Primary loan guarantees
House appropriations subcommittee subdivisions:			
Commerce, State, Justice	(−549)	(...)	(−24)
Defense	(−5,466)	(...)	(...)
District of Columbia	(−1)	(...)	(...)
Energy and Water	(−541)	(+2)	(...)
Foreign Operations	(+405)	(−187)	(−26)
HUD/Independent Agencies	(−1,420)	(−21)	(+12,434)
Interior	(−248)	(...)	(...)
Labor, HHS, Education	(+140)	(+142)	(+15)
Legislative Branch	(−23)	(...)	(...)
Military Construction	(−66)	(...)	(...)
Rural development and agriculture	(+114)	(−396)	(+12)
Transportation	(−38)	(−24)	(...)
Treasury, Postal Service	(−8)	(...)	(...)
Total	(−7,701)	(−484)	(+12,411)

Note.—Subcommittees are over (+) or under (−) their 302(b) subdivision of discretionary action.

FISCAL YEAR 1987 ALLOCATION OF NEW ENTITLEMENT AUTHORITY (NEA) PURSUANT TO SECTION 302

[In millions of dollars]

Committee	Allocation	Enacted
Education and Labor	+11	−45
Energy and Commerce	+108	+145
Foreign Affairs	0	+1
Interior and Insular Affairs	0	+205
Judiciary	0	+9
Post Office and Civil Service	−100	0

FISCAL YEAR 1987 ALLOCATION OF NEW ENTITLEMENT AUTHORITY (NEA) PURSUANT TO SECTION 302—Continued

[In millions of dollars]

Committee	Allocation	Enacted
Veterans' Affairs	+172	+122
Ways and Means	−315	−2,891

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 21, 1987.
Hon. WILLIAM H. GRAY III,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays, estimated revenues, and direct and guaranteed loan levels in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1987 budget (S. Con. Res. 120). This report for fiscal year 1987 is tabulated as of close of business January 20, 1987. A summary of this tabulation is as follows:

[In millions of dollars]

	Current level	Budget resolution S. Con. Res. 120	Current level +/− resolution
Budget authority	1,075,029	1,093,350	−18,321
Outlays	990,939	995,000	−4,061
Revenues	860,137	852,400	7,737
Direct loan obligations	33,842	34,550	−708
Guaranteed loan commitments	114,964	100,750	14,214

CBO has revised its economic and technical estimating assumptions since the 1987 budget resolution was completed. Our preliminary baseline estimates, issued on January 2, 1987, would raise the 1987 current level outlays to $1,008.4 billion and would lower 1987 current level revenues to $833.9 billion. At the request of the Committee staff, we have enclosed a table showing the major differences between the current level for 1987 and CBO's preliminary baseline.

This letter is my first report on Congressional budgetary action for the 1st session of the 100th Congress.

With best wishes,

Sincerely,

RUDOLPH G. PENNER,
Director.

PARLIAMENTARIAN STATUS REPORT 100TH CONGRESS, 1ST SESSION, HOUSE SUPPORTING DETAIL, FISCAL YEAR 1987, AS OF CLOSE OF BUSINESS JAN. 20, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			860,137
Permanent appropriations and trust funds.	736,715	637,442	
Other appropriations	533,965	549,329	
Offsetting receipts	−196,917	−196,917	
Total enacted in previous sessions.	1,073,763	989,854	860,137
II. Enacted this session			
III. Continuing resolution authority			
IV. Conference agreements ratified by both House.			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Claims, defense	11	11	
Payments to air carriers, DOT.	2	2	
Retired pay—Coast Guard	6		
Family social services	61		
Guaranteed student loans	140		
Special milk program	8	3	
Advances to unemployment trust fund [1].	(9)	(9)	
Black lung disability trust fund.	314	314	
Veterans readjustment benefits.	9	9	
Civilian agency pay raises	694	727	
Coast Guard pay raises	21	20	
Total entitlements	1,266	1,085	
Total current level as of January 20, 1987.	1,075,029	990,939	860,137
1987 budget resolution (S. Con. Res. 120).	1,093,350	995,000	852,400
Amount remaining:			
Over budget resolution.			7,737
Under budget resolution.	18,321	4,061	

[1] Interfund transactions do not add to budget totals.

Note.—Numbers may not add due to rounding.

FISCAL YEAR 1987 CURRENT LEVEL REESTIMATED WITH CBO JANUARY BASELINE

[In billions of dollars]

	Outlays	Revenues
Current level as of January 7, 1987	990.0	860.1
CBO preliminary baseline, January 2, 1987	1,008.4	833.9
Major reestimates		
Economic reestimates:		
Revenues		−28.9
Outer Continental Shelf	2.3	
Medicare	.4	
Unemployment trust fund	.3	
Other income security (subfunction 609)	−.2	
Medicaid	−.3	
Social Security	−.8	
Net interest	−11.2	
Total economic reestimates	−9.5	−28.9
Budget reclassification: Customs user fees	1.0	1.0
Technical reestimates:		
Revenues		1.7
Commodity Credit Corporation	6.2	
Federal Deposit Insurance Corporation	5.0	
Federal Savings and Loan Insurance Corporation	2.7	
National defense (function 050)	2.6	
Net interest	2.3	
Medicare	2.1	
Medicaid	1.4	
Other income security (subfunction 609)	1.1	
Unemployment trust fund	.9	
Rural Development Insurance Fund	.8	
Employer share, employee retirement	.7	
Employees health benefits fund	.6	
Outer Continental Shelf	.2	
Social Security	−.3	
Postal Service	−1.8	
Other reestimates	1.5	
Total technical reestimates	26.0	1.7
Total restimates	17.4	−26.2

Note.—Numbers may not add due to rounding.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ANNUNZIO (at the request of Mr. FOLEY), for today through Tuesday, February 3, on account of illness.

Mr. CHANDLER (at the request of Mr. MICHEL), for today, on account of official business.

Mr. MILLER of Ohio (at the request of Mr. MICHEL), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BAKER) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, on January 22.

Mr. SWINDALL, for 60 minutes, on January 22.

Mr. SMITH of New Hampshire, for 60 minutes, on January 28.

Mr. HASTERT, for 5 minutes, today.

Mr. KOLBE, for 60 minutes, on January 28.

(The following Members (at the request of Mrs. PATTERSON) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of California, for 5 minutes today, and 45 minutes on January 28.

Mr. BENNETT, for 5 minutes, today.

Mr. STRATTON, for 5 minutes, today.

Mr. DERRICK, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, today.

Mr. TRAXLER, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. OWENS of New York, for 60 minutes, today.

Mr. CONYERS, for 30 minutes, today.

Mr. MILLER of California, for 45 minutes, on January 27 and 28.

Mr. NEAL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DAUB, immediately following the colloquy by Mr. LIGHTFOOT, H.R. 2 in the House today.

(The following Members (at the request of Mr. BAKER) and to include extraneous matter:)

Mr. GILMAN in five instances.

Mr. COURTER in four instances.

Mr. BROOMFIELD in two instances.

Mr. LIGHTFOOT.

Mr. GREEN.

Mr. BADHAM.

Mr. DORNAN of California.

Mr. LAGOMARSINO.

Mrs. VUCANOVICH.

Mr. RIDGE.

Mr. CHENEY.

Mr. GEKAS in two instances.

Mr. LENT.

Mr. KOLBE.

Mr. Lott in three instances.
Mr. Horton.
Mr. Goodling.
Mr. Dannemeyer.
Mr. Conte.
Mr. Craig.
Mr. McEwen.
Mr. Fields.

(The following Members (at the request of Mrs. Patterson) and to include extraneous matter:)

Mr. Mazzoli.
Mr. Dorgan of North Dakota.
Mr. St Germain.
Ms. Oakar in three instances.
Mr. Coelho in three instances.
Mr. Solarz in three instances.
Mr. Weiss.
Mr. Matsui in four instances.
Mrs. Schroeder.
Mr. Tallon in two instances.
Mr. Wyden.
Mr. Hoyer.
Mr. Torres.
Mr. Levine of California.
Mr. Stark in two instances.
Mr. Hamilton.
Mr. Florio.
Mr. Evans.
Mr. Kolter.
Mr. Boner of Tennessee.
Mr. Rahall in two instances.
Mr. Pepper in two instances.
Mr. Wyden in two instances.
Mr. Kildee.
Mr. Dymally.
Mrs. Collins.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled, a bill of the House of the following title which was thereupon signed by the Speaker:

H.R. 1. An act to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes.

ADJOURNMENT

Mr. OWENS of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, January 22, 1987, at 1 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the first, second, and third quarters of calendar year 1986 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1986

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Philippines and Republic of Korea, Mar. 4-9, 1986:											
Hon. Thomas M. Foglietta	3/4	3/7	Philippines		452.00						452.00
	3/7	3/9	Korea		304.26						304.26
Commercial transportation							4,109.00				4,109.00
Committee total					756.26		4,109.00				4,865.26

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, Oct. 13, 1986.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Codel Hoyer expense for control room in Geneva [3]	5/27	5/27	Switzerland						234.87		234.87
Committee total									234.87		234.87

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] From previous report.

Note.—No travel expenditures during 3d quarter of 1986.

STENY H. HOYER, Cochairman, Oct. 20, 1986.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegation to Japan, China, Thailand, and Hong Kong—July 6 through July 14, 1986:											
Additional per diem	7/8	7/10	China		12						12.00
	7/10	7/13	Thailand		220						220.00
Additional delegation expenses	7/8	7/10	China						1,090.03		1,090.03
	7/10	7/13	Thailand						5,772.49		5,772.49
	7/6	7/18	Japan						309.97		309.97
Committee total					232.00				7,172.49		7,404.49

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM H. GRAY III, Chairman, Dec. 2, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEP. 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Germany, Norway, Denmark, and England, June 29 to July 10, 1986:											
Hon. Richard Ray	6/29	7/3	Germany		768.80						768.80
	7/3	7/3	Norway								.00
	7/3	7/5	Denmark		596.57						596.57
	7/5	7/10	England		1,072.77						1,072.77
Commercial transportation paid by the Army.							3,998.96				3,998.96
Ms Nora Slatkin	6/29	7/3	Germany		768.80						768.80
	7/3	7/3	Norway								
	7/3	7/3	Denmark		596.57						596.57
	7/5	7/9	England		1,072.77						1,072.77
Commercial transportation paid by the Army.							3,998.96				3,998.96
Visit to Republic of Korea and the Philippines, Aug. 17–24, 1986:											
Hon, Patricia Schroeder	8/17	8/20	Republic of Korea		342.00						342.00
	8/20	8/24	Philippines		320.00						320.00
Commercial transportation							3,894.00				3,894.00
Visit to Republic of Korea and Thailand, Aug. 20–28, 1986:											
Hon. William Carney	8/20	8/24	Republic of Korea		548.00						548.00
	8/24	8/28	Thailand		440.00						440.00
Commercial transportation							4,821.76				4,821.76
Mr. Peter M. Steffes	8/20	8/24	Republic of Korea		548.00					548.00	
	8/24	8/28	Thailand		440.00						440.00
Commercial transportation							4,821.76				4,821.76
Visit to Republic of Germany, Denmark, Belgium, England, and Scotland, Aug. 28 to Sept. 7, 1986:											
Hon. Marvin Leath	8/28	8/30	Germany		294.00						294.00
	8/30	9/1	Denmark		266.00						266.00
	9/1	9/2	Belgium		155.00						155.00
	9/2	9/5	England		528.00						528.00
	9/5	9/7	Scotland		282.00						282.00
Military transportation							5,621.32				5,621.32
Visit to Central America, Sept. 2–5, 1986:											
Hon. Robert E. Badham	9/2	9/2	El Salvador								
	9/2	9/3	Costa Rica								
	9/3	9/4	Nicaragua								
	9/4	9/5	Honduras								
Military transportation							13,861.00				13,861.00
Rudy F. De Leon	9/2	9/2	El Salvador								
	9/3		Costa Rica								
	9/3	9/4	Nicaragua								
	9/4	9/5	Honduras								
Military transportation							16,611.25				16,611.25
Staff visit to the Republic of Germany, Sept. 11–15, 1986:											
Williston B. Cofer	9/11	9/15	Federal Republic of Germany		500.00						500.00
Committee total					9,539.28		7,629.01				67,168.29

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, Oct. 30, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bill Chappell	8/28	8/30	Germany		294.00						294.00
	8/30	9/1	Denmark		266.00						266.00
	9/1	9/2	Belgium		155.00						155.00
	9/2	9/5	England		528.00						528.00
	9/5	9/7	Scotland		282.00						282.00
Transportation (DOD)							3,692.00				3,692.00
Hon. Bob Livingston	7/9	7/10	Taiwan		125.00						125.00
	7/10	7/12	Hong Kong		260.00		541.00				801.00
	8/28	8/30	Germany		294.00						294.00
	8/30	9/1	Denmark		266.00						266.00
	9/1	9/2	Belgium		155.00						155.00
	9/2	9/5	England		528.00						528.00
	9/5	9/7	Scotland		282.00						282.00
Transportation (DOD)							3,692.00				3,692.00
Hon. Eldon Rudd	8/28	8/30	Germany		294.00						294.00
	8/30	8/31	Denmark		133.00						133.00
	8/31	9/2	Austria		348.00						348.00
	9/2	9/5	England		528.00						528.00
	9/5	9/7	Scotland		282.00						282.00
Transportation (DOD)							4,303.00				4,303.00
	7/7	7/8	Spain								
	7/8	7/9	Sweden		187.00						187.00
	7/9	7/9	Norway								
	7/9	7/10	Netherlands								
	7/10	7/14	Scotland		465.00						465.00
Transportation (DOD)							3,610.00				3,610.00
Hon. Martin Sabo	8/30	9/1	Denmark		266.00						266.00
	9/1	9/2	Belgium		155.00						155.00
	9/2	9/5	England		528.00						528.00
	9/5	9/7	Scotland		282.00						282.00
Transportation (commercial)							820.00				820.00
Transportation (DOD)							2,872.00				2,872.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1986—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Charles Wilson	7/18	7/22	Israel		680.00						680.00
Transportation (DOD)							10,812.00				10,812.00
	8/29	9/7	England		1,400.00		4,440.28				5,840.28
George Allen	6/28	7/2	Japan		780.00						780.00
	7/2	7/6	Korea		456.00						456.00
	7/6	7/10	Taiwan		510.00						510.00
	7/10	7/12	Hong Kong		260.00		3,766.00				4,026.00
	8/28	8/30	Germany		294.00						294.00
	8/30	9/1	Denmark		266.00						266.00
	9/1	9/2	Belgium		155.00						155.00
	9/2	9/5	England		528.00						528.00
	9/5	9/7	Scotland		282.00						282.00
Transportation (DOD)							3,692.00				3,692.00
Edward E. Lombard	8/17	8/20	Panama		225.00						225.00
	8/20	8/23	Costa Rica		262.50		1,330.00				1,592.50
John G. Osthaus	8/24	8/27	Kuwait		314.00						314.00
	8/27	8/29	Syria		280.00						280.00
	8/29	8/31	Jordan								
	8/31	9/3	Israel		300.00		2,338.00				2,638.00
Terry R. Peel	6/29	7/2	Haiti		225.00		733.00				958.00
	7/5	7/8	El Salvador		225.00				14.00		239.00
	7/8	7/9	Panama		97.00				36.00		133.00
	7/10	7/12	Equador		225.00				21.50		246.50
	7/12	7/14	Bolivia		225.00		2,156.00		18.00		2,399.00
Donald E. Richbourg	8/28	8/30	Germany		294.00						294.00
	8/30	9/1	Denmark		266.00						266.00
	9/1	9/2	Belgium		155.00						155.00
	9/2	9/5	England		528.00						528.00
	9/5	9/7	Scotland		282.00						282.00
Transportation (DOD)							3,692.00				3,692.00
William E. Schuerch	6/29	7/3	Haiti		312.00		781.00				1,093.00
J. David Willson	8/29	9/5	England		1,050.00		4,507.70				5,557.70
Edwin F. Powers	8/20	8/24	England		704.00						704.00
	8/24	8/29	Egypt		540.00						540.00
	8/29	9/2	France		732.00		3,947.00				4,679.00
Committee total					19,755.50		61,724.98		89.50		81,569.98
Appropriations, surveys and investigations staff:											
G. Carter Baird	7/27	7/28	England		71.50		2,028.00		88.84		2,188.34
	7/28	7/29	Belgium		117.00						117.00
	7/29	7/30	Netherlands		96.00						96.00
	7/30	8/2	England		500.50						500.50
	8/26	8/27	Korea		142.50		3,663.89		31.32		3,837.71
	8/27	8/30	Philippines		220.00						220.00
	8/30	8/30	Japan		153.00						153.00
David F. Combs	8/23	8/27	Korea		456.00		2,178.87		59.13		2,694.00
	8/27	8/30	Philippines		200.00						200.00
	9/14	9/24	Germany		902.00		2,264.00		43.59		3,209.59
	9/24	9/26	Spain		254.25						254.25
William F. Delaney	9/13	9/24	Germany		902.00		2,264.00		42.96		3,208.96
	9/24	9/26	Spain		254.25						254.25
Alfred J. Finch	9/14	9/19	Germany		456.75		2,093.00		18.20		2,567.95
	9/19	9/26	England		748.50						748.50
Michael O. Glynn	8/18	8/21	Switzerland		409.50		1,915.00		273.21		2,597.71
	8/21	8/27	Germany		502.75						502.75
Robert T. Griffis	9/14	9/19	Germany		456.75		1,926.66		21.05		2,404.46
	9/19	9/26	England		748.50						748.50
Michael L. Huntzinger	8/23	8/27	Korea		456.00		2,178.87		58.00		2,692.87
	8/27	8/30	Philippines		200.00						200.00
	9/14	9/19	Germany		393.75		1,864.63		16.00		2,274.38
	9/19	9/26	England		748.50						748.50
Roy T. Mason	7/20	7/23	Norway		342.00		1,918.48		20.10		2,280.58
	7/23	7/29	Belgium		672.75						672.75
	7/29	7/30	Netherlands		120.00						120.00
	7/30	8/2	England		464.75						464.75
Douglas D. Nosik	7/20	7/23	Norway		370.50		2,018.00		46.00		2,434.50
	7/23	7/26	Belgium		380.25						380.25
	9/14	9/20	Germany		557.00		1,972.00		48.00		2,577.00
John Peyton Swain	8/18	8/21	Switzerland		409.50		1,915.00		231.96		2,556.46
	8/21	8/27	Germany		502.75						502.75
R.W. Vandergrift, Jr	8/19	8/27	Germany		742.50		3,478.00		47.38		4,267.88
Graham W. Van Note	8/23	8/27	Korea		456.00		2,178.87		28.04		2,662.91
	8/27	8/30	Philippines		200.00						200.00
A Robert Walsh	7/19	7/23	Norway		342.00		1,915.48		63.96		2,321.44
	7/23	7/29	Belgium		672.75						672.75
	7/29	7/30	Netherlands		96.00						96.00
	7/30	8/2	England		214.50						214.50
Committee total					15,933.25		37,772.75		1,137.74		54,843.74

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMIE WHITTEN, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Carroll Hubbard	8/28	8/30	Germany		294.00						294.00
	8/30	9/1	Denmark		266.00						266.00
	9/1	9/2	Belgium		155.00						155.00
	9/2	9/5	England		528.00						528.00
	9/5	9/7	Scotland		282.00						282.00
Roundtrip airfare							[3] 3,692.00				3,692.00
Committee total					1,525.00		3,692.00				5,217.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Transportation provided by Government-owned aircraft. Rate reflects the equivalent 1st class commercial cost.

FERNAND J. ST GERMAIN, Chairman, Nov. 8, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegation to Japan, Chinia, Thailand, and Hong Kong—July 6 through July 14, 1986:											
Hon. William H. Gray, III	7/6	7/8	Japan		442.00						442.00
	7/8	7/10	China		342.00						342.00
	7/10	7/13	Thailand		330.00						330.00
	7/13	7/14	Hong Kong		326.00						326.00
Transportation: Department of the Air Force.							13,840				13,840.75
Thomas J. Downey	7/6	7/8	Japan		442.00						442.00
	7/8	7/10	China		342.00						332.00
	7/10	7/13	Thailand		330.00						330.00
	7/13	7/14	Hong Kong		326.00						326.00
Transportation: Department of the Air Force.							13,840.57				13,840.57
Hon. Vic Fazio	7/6	7/8	Japan		442.00						442.00
	7/8	7/10	China		342.00						342.00
	7/10	7/13	Thailand		330.00						330.00
	7/13	7/14	Hong Kong		326.00						326.00
Transportation: Department of the Air Force.							13,840.57				13,840.57
Hon. Marvin Leath	7/6	7/8	Japan		442.00						442.00
	7/8	7/10	China		342.00						342.00
	7/10	7/13	Thailand		330.00						330.00
	7/13	7/14	Hong Kong		326.00						326.00
Transportation: Department of the Air Force.							13,840.57				13,840.57
Hon. Barbara Boxer	7/6	7/8	Japan		442.00						442.00
	7/8	7/10	China		342.00						342.00
	7/10	7/13	Thailand		330.00						330.00
	7/13	7/14	Hong Kong		326.00						326.00
Transportation: Department of the Air Force.							13,840.57				13,840.57
Hon. Chester G. Atkins	7/6	7/8	Japan		442.00						442.00
	7/8	7/10	China		342.00						342.00
	7/10	7/13	Thailand		330.00						330.00
	7/13	7/14	Hong Kong		326.00						326.00
Transportation: Department of the Air Force.							13,840.57				13,840.57
Steven L. Pruitt	7/6	7/8	Japan		442.00						442.00
	7/8	7/10	China		342.00						342.00
	7/10	7/13	Thailand		330.00						330.00
	7/13	7/14	Hong Kong		326.00						326.00
Transportation: Department of the Air Force.							13,840.57				13,840.57
Van Doorn Ooms	7/6	7/8	Japan		442.00						442.00
	7/8	7/10	China		342.00						342.00
	7/10	7/13	Thailand		330.00						330.00
	7/13	7/14	Hong King		326.00						326.00
Transportation: Department of the Air Force.							13,840.57				13,840.57
Patricia Quealy	7/6	7/8	Japan		442.00						442.00
	7/8	7/10	China		342.00						342.00
	7/10	7/13	Thailand		330.00						330.00
	7/13	7/14	Hong Kong		326.00						326.00
Transportation: Department of the Air Force.							13,840.57				13,840.57
Delegation expenses			Japan						1,753.95		1,753.95
			China (information not available at this time, will be submitted at a later date).								
			Thailand (information not available at this time, will be submitted at a later date).								
			Hong Kong						3,011.40		3,011.40
Hon. Chester G. Atkins	8/22	9/1	Thailand		1,100.00		979.00				2,079.00
Linda Hartke	8/20	9/1	Thailand		1,320.00		979.00				2,299.00
Committee total					15,380.00		126,523.13				146,669.05

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM H . GRAY III, Chairman, Oct 27, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1986

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mary Jane Fiske	8/11	8/16	Australia	1,037.25	475.00		[3] 1,323.00	325	[4] 197.28		1,995.28
Committee total					475.00		1,323.00		197.28		1,995.28

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Includes $20 Australia departure tax.
[4] Conference registration fee.

AUGUSTUS F. HAWKINS, Chairman, Oct. 24, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1986

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
G. Ackerman	7/18	7/22	Israel		680.00						680.00
Military transportation							10,812.00				10,812.00
R.K. Boyer	7/6	7/13	Greece		648.00						648.00
Commercial transportation							4,656.00				4,656.00
T. Bruce	7/6	7/13	Greece		648.00						648.00
Commercial transportation							4,537.00				4,537.00
D.T. Calabia	8/31	9/3	Turkey		417.00						417.00
	9/3	9/7	Poland		176.00		102.00		163.00		441.00
Commercial transportation							2,830.00				2,830.00
K. Callwood	8/25	9/1	People's Republic of China		708.00						708.00
	9/1	9/5	Thailand		660.00						660.00
	9/5	9/8	Philippines		452.00						452.00
Commercial transportation							4,226.00				4,226.00
Total					4,389.00		27,163.00		163.00		31,715.00
B. Ford	7/6	7/13	Greece		648.00						648.00
Commercial transportation							4,656.00				4,656.00
C. Glassman	7/18	7/22	Israel		[3] 544.00						544.00
Military transportation							10,812.00				10,812.00
P.V. Hyndman	7/18	7/22	Israel		680.00						680.00
Military transportation							10,812.00				10,812.00
R. Jenkins	7/6	7/13	Greece		648.00						648.00
Commercial transportation							4,656.00				4,656.00
M. Levine	7/18	7/22	Israel		680.00						680.00
Military transportation							10,812.00				10,812.00
S. Roth	7/6	7/12	England		[3] 967.00		251.00		83.70		1,301.70
Commercial transportation							2,244.18				2,244.18
J.M. Salvia	7/18	7/22	Israel		[3] 544.00						544.00
Military transportation							10,812.00				10,812.00
Total					4,711.00		55,055.18		83.70		59,849.88
M. Siljander	8/25	9/1	People's Republic of China		708.00						708.00
	9/1	9/5	Thailand		660.00						660.00
	9/5	9/8	Philippines		452.00						452.00
Commercial transportation							4,681.02				4,681.02
L. Smith	7/18	7/22	Israel		680.00						680.00
Military transportation							10,812.00				10,812.00
S. Solarz	7/6	7/14	England		912.00		251.00		83.70		1,246.70
Commercial transportation							4,435.00				4,435.00
	9/3	9/7	Poland		176.00		102.00				278.00
No transportation cost to committee											
M.J. Tavlarides	8/19	8/22	Cyprus		324.00				37.70		361.70
	8/22	8/28	Greece		648.00						648.00
Commercial transportation							4,143.50				4,143.50
R. Torricelli	7/18	7/22	Israel		680.00						680.00
Military transportation							10,812.00				10,812.00
Total					5,240.00		35,236.52		121.40		40,597.92
T. Verstandig	7/6	7/13	Greece		648.00						648.00
Commercial transportation							4,713.00				4,713.00
H. Weinberg	7/18	7/22	Israel		[3] 554.00						554.00
Military transportation							10,812.00				10,812.00
Total					1,202.00		15,525.00				16,727.00
Grand total for 3d quarter											148,889.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refund of unused per diem.

DANTE B. FASCELL, Chairman, Oct. 31, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Diane Mazuca	7/20	7/26	Japan	172,386	1,098.00	27,400	174.52				1,272.52
	7/26	7/30	Singapore		444.00						444.00
Commercial transportation							2,356.00				2,356.00
Committee total					1,542.00		2,530.52				4,072.52

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, Oct. 8, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Cong. James J. Howard	7/6	7/8	Ireland		360.13						360.13
	7/8	7/12	Scotland		141.00		3,576.00				3,717.00
Committee total					501.13		3,576.00				4,077.13

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES J. HOWARD, Chairman, Oct. 15, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Don Fuqua	7/9	7/14	Canada		375.00		72.00				447.00
Military transportation							9,093.75				9,093.75
Thomas N. Tate	7/9	7/14	Canada		375.00		72.00				447.00
Military transportation							9,093.75				9,093.75
Hon. George E. Brown, Jr	8/8	8/11	Canada		400.00		139.38		38.33		577.71
Military transportation							4,226.06				4,226.06
Hon. Tom Lewis	8/8	8/11	Canada		400.00		139.38		38.33		577.71
Military transportation							4,226.06				4,226.06
Hon. Frederick C. Boucher	8/8	8/11	Canada		400.00		139.38		38.33		577.71
Military transportation							4,226.06				4,226.06
Hon. David S. Monson	8/8	8/11	Canada		400.00		139.38		38.33		577.71
Military transportation							4,226.06				4,226.06
Anthony Taylor	8/8	8/11	Canada		400.00		139.38		38.33		577.71
Military transportation							4,226.06				4,226.06
A. Scott Crossfield	8/8	8/11	Canada		400.00		139.38		38.33		577.71
Military transportation							4,226.06				4,226.06
Curtis Stanford	8/8	8/11	Canada		400.00		139.38		38.33		577.71
Military transportation							4,226.06				4,226.06
Harriet Smith	8/8	8/11	Canada		400.00		139.38		38.33		577.71
Military transportation							4,226.06				4,226.06
George Kopp	8/19	8/24	Austria		690.00		28.61				718.61
	8/24	8/26	Switzerland		252.00						252.00
	8/26	8/29	France		450.00						450.00
	8/29	9/3	England		572.00		30.00				602.00
Commercial transportation							4,030.00				4,030.00
Dr. Robert Palmer	8/19	8/24	Austria		690.00		28.61				718.61
	8/24	8/26	Switzerland		252.00						252.00
	8/26	8/29	France		450.00						450.00
	8/29	9/3	England		572.00		30.00				602.00
Commercial transportation							4,030.00				4,030.00
Douglas Thompson	8/19	8/24	Austria		690.00		28.61				718.61
	8/24	8/26	Switzerland		252.00						252.00
	8/26	8/29	France		450.00						450.00
	8/29	9/3	England		572.00		30.00				602.00
Commercial transportation							4,030.00				4,030.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1986—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas N. Tate	8/30	9/7	England		1,001.00						1,001.00
Commercial transportation							1,107.00				1,107.00
Dillard D. Hicks	8/30	9/7	England		1,001.00						1,001.00
Commercial transportation							2,214.00				2,214.00
					11,844.00		68,841.85		306.64		80,992.49

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON FUQUA, Chairman, Oct. 29, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bill Frenzel	9/14	9/17	Uruguay	7,901	49.38		1,954.00				2,003.8
Military transportation							3,134.00				3,134.00
Thelma J. Askey	7/9	7/10	Belgium	5,192	117.00		91.00				208.00
	7/10	7/12	Switzerland	520	295.						295.00
Roundtrip commercial transportation							2,067.00				2,067.00
Thelma J. Askey	9/14	9/17	Uruguay	8,344	52.15		1,286.00				1,338.15
Military transportation							3,134.00				3,134.00
Committee total				513.53			11,666.00				12,179.53

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Oct. 16, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David S. Addington, staff	7/7	7/14	Asia		900.00						900.00
Commercial airfare							2,923.23				2,923.23
Richard H. Giza, staff	7/7	7/11	Central America		388.00						388.00
Commercial airfare							861.00				861.00
Robert J. Fitch, staff	7/7	7/11	Central America		388.00						388.00
Commercial airfare							861.00				861.00
Hon. Dan Daniel	7/7	7/14	Asia Europe		646.00						646.00
Military aircraft							22,837.66				22,837.66
Hon. Bob Stump	7/7	7/14	Asia Europe		646.00						646.00
Military aircraft							22,837.66				22,837.66
Hon. Henry Hyde	7/7	7/14	Asia Europe		646.00						646.00
Military aircraft							22,837.66				22,837.66
Hon. Dick Cheney	7/7	7/14	Asia Europe		646.00						646.00
Military aircraft							22,837.66				22,837.66
Steven K. Berry, staff	7/7	7/14	Asia Europe		646.00						646.00
Military aircraft							22,837.66				22,837.66
Duane P. Andrews	7/7	7/14	Asia Europe		646.00						646.00
Military aircraft							22,837.66				22,837.66
Diane S. Dornan	8/20	8/29	Europe		893.00						893.00
Michael J. O'Neil, staff	8/27	9/7	Europe		700.00						700.00
Commercial airfare							2,256.00				2,256.00
Military aircraft							1,718.50				1,718.50
Robert J. Fitch, staff	8/27	9/7	Europe		700.00						700.00
Commercial airfare							2,256.00				2,256.00
Military aircraft							1,718.50				1,718.50
Richard H. Giza, staff	9/3	9/13	Europe Asia		1,165.00						1,165.00
Commercial airfare							3,060.00				3,060.00
Bernard Raimo, Jr., staff	9/3	9/13	Europe Asia		1,165.00						1,165.00
Commercial airfare							3,060.00				3,060.00
Committee total					10,175.00		155,740.19				165,915.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LEE H. HAMILTON, Chairman, Oct. 17, 1986.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

384. A letter from the Secretary of Agriculture, transmitting the Resource Conservation and Development [RC&D] Program Evaluation, pursuant to 16 U.S.C. 3458; to the Committee on Agriculture.

385. A letter from the Secretary of Agriculture, transmitting a study on the detection and management of pesticide resist-

ance, pursuant to Public Law 99-198, section 1437(a) (99 Stat. 1558); to the Committee on Agriculture.

386. A letter from the Principal Deputy Assistant Secretary (Installations and Logistics), Department of the Army, transmitting notice of the decision to convert to contractor performance the Directorate of Engineering and Housing at Fort Huachua, AZ, pursuant to 10 U.S.C. 2304 nt, to the Committee on Armed Services.

387. A letter from the Principal Deputy Assistant Secretary (Installations and Logistgics), Department of the Army, transmitting notice of the decision to convert to contractor performance the installation support function at Rock Island Arsenal, IL, pursuant to 10 U.S.C. 2304 nt, to the Committee on Armed Services.

388. A letter from the Principal Deputy Assistant Secretary (Installations and Logistgics), Department of the Army, transmitting notice of the decision to convert to contractor performance the Laundry and Dry Cleaning function at Fort Bliss, TX, pursuant to 10 U.S.C. 2304 nt, to the Committee on Armed Services.

389. A letter from the Principal Deputy Assistant Secretary (Installations and Logistics), Department of the Army, transmitting notice of the decision to convert to contractor performance the commissary shelf stocking function at Fort Hood, TX, pursuant to 10 U.S.C. 2304 nt; to the Committee on Armed Services.

390. A letter from the Deputy Assistant Secretary of Defense, transmitting notification of the Defense Logistics Agency's decision to exercise the provision for exclusion of the clause concerning examination of records by the Comptroller General from a proposed contract with the Government of Egypt for essential military petroleum products in support of U.S. forces in Southwest Asia, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

391. A letter from the Acting Administrator, Office of Juvenile Justice and Delinquency Prevention, Department of Justice, transmitting a copy of the "Tenth Analysis and Evaluation: Federal Juvenile Delinquency Programs," fiscal year 1986, pursuant to 42 U.S.C. 5614; to the Committee on Education and Labor.

392. A letter from the Acting Secretary of State, transmitting the President's determination that the Government of Bolivia has engaged in narcotics interdiction operations which have significantly disrupted the illicit coca industry in Bolivia and has cooperated with the United States in such operations (Presidential Determination No. 87-7), pursuant to Public Law 99-83, section 611(2)(A) (99 Stat. 230); jointly, to the Committees on Foreign Affairs and Appropriations.

393. A letter from the Administrator, Agency for International Development, transmitting a copy of the 1986 Annual Report of the Private Sector Revolving Fund, pursuant to FAA, section 108(h) (97 Stat. 972); to the Committee on Foreign Affairs.

394. A letter from the Secretary of Commerce, transmitting a report on the extension for the period January 21, 1987, through January 20, 1988, of export controls maintained for foreign policy purposes, pursuant to 50 U.S.C. app. 2405(f); to the Committee on Foreign Affairs.

395. A letter from the Secretary, Mississippi River Commission, Corps of Engineers, Department of the Army, transmitting the annual report of the Commission's activities under the Government in the Sunshine Act covering calendar year 1986, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

396. A letter from the Acting Director, Selective Service System, transmitting the agency's Annual Publication of Notice of Systems of Records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

397. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting the Commission's "Annual Report on Competition," fiscal year 1986, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

398. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

399. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

400. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

401. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

402. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

403. A letter from the Director, National Park Service, Department of the Interior, transmitting a copy of the proposed 1987 schedule of recreation fees for units of the National Park System; to the Committee on Interior and Insular Affairs.

404. A letter from the Clerk, U.S. Claims Court, transmitting a certified copy of the court's judgment order of January 13, 1987, entering judgment for the plaintiffs in re: *The Navajo Tribe of Indians* v. *The United States*, No. 69 and 299; to the Committee on Interior and Insular Affairs.

405. A letter from the corporation agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the annual audit as of April 30, 1986, pursuant to 36 U.S.C. 1101(28), 1103; to the Committee on the Judiciary.

406. A letter from the president and chief executive officer, Little League Baseball, Inc., transmitting the league's annual report for the fiscal year ending September 30, 1986, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

407. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to terminate the State Justice Institute; to the Committee on the Judiciary.

408. A letter from the comptroller, Paralyzed Veterans of America, transmitting the organization's annual audit report for the fiscal year ended September 30, 1986, pursuant to Public Law 92-93, section 16; to the Committee on the Judiciary.

409. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Urban Mass Transportation Act of 1964 to provide authorizations for appropriations and for other purposes; to the Committee on Public Works and Transportation.

410. A letter from the national adjutant, the Disabled American Veterans, transmitting the report of the proceedings of the organization's 65th national convention, including a report of receipts and expenditures as of December 31, 1985, pursuant to 36 U.S.C. 90i; 44 U.S.C. 1332 (H. Doc. No. 100-23); to the Committee on Veterans' Affairs and ordered to be printed.

411. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a copy of the "Statement of Liabilities and Other Financial Commitments of the U.S. Government" as of September 30, 1986, pursuant to 31 U.S.C. 331(b)(1)(a); to the Committee on Ways and Means.

412. A letter from the Secretary of Agriculture, transmitting a report on the status of the pilot barter program for exchange of agricultural commodities for strategic materials, pursuant to 7 U.S.C. 1431(d)(6); jointly, to the Committees on Agriculture and Foreign Affairs.

413. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting a determination to authorize continuation of certain assistance to Haiti, together with a statement of justification for this determination, pursuant to Public Law 99-83, section 705(c) (99 Stat. 242); Public Law 99-529, section 202; jointly, to the Committee on Appropriations and Foreign Affairs.

414. A letter from the Administrator, Agency for International Development, transmitting a report on the origin, contents, destination, and disposition of humanitarian goods and supplies transported by the Department of Defense, pursuant to Public Law 98-525, section 1540(e) (98 Stat. 2638); Public Law 99-145, section 306(a) (99 Stat. 617); jointly, to the Committees on Armed Services and Foreign Affairs.

415. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act to clarify that the Nuclear Regulatory Commission is authorized to protect from public disclosure certain sensitive generic safeguards information, the disclosure of which could negate or compromise site specific security measures; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

416. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a draft of proposed legislation to amend the Energy Reorganization Act of 1974, as amended, to clarify notification requirements for noncompliance, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

417. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act to provide criminal sanctions for an act of sabotage of a nuclear powerplant during its construction which could affect the public health and safety were it to go undetected; jointly, to the Committees on Interior and Insular Affairs, Energy and Commerce, and the Judiciary.

418. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting

a draft of proposed legislation to amend the Atomic Energy Act of 1954 to make it a Federal crime to carry or otherwise introduce or cause to be introduced any dangerous weapon or other dangerous instrumentality onto sites regulated by the Nuclear Regulatory Commission; to the Committees on Insular Affairs, Energy and Commerce, and the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MADIGAN:

H.R. 625. A bill to revise the basis for computation of emergency compensation under the 1986 feed grains programs; to the Committee on Agriculture.

By Mr. BEVILL:

H.R. 626. A bill to provide for the conveyance of certain public lands in Cherokee, DeKalb, and Etowah Counties, AL, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BIAGGI:

H.R. 627. A bill to provide Federal financial assistance to facilitate the establishment of alliances between local education agencies and the private sector to increase the use of resources of the private and nonprofit sectors in the provison of elementary and secondary education, and for other purposes; to the Committee on Education and Labor.

By Mr. BONER of Tennessee (for himself, Mr. Gordon, Mrs. Bentley, Mr. Crockett, Mr. Fish, Mr. Howard, Ms. Kaptur, Mr. Kolter, Mr. MacKay, Mr. Roe, Mr. Roybal, Mr. Horton, Mr. Scheuer, Mr. Smith of Florida, and Mr. Visclosky):

H.R. 628. A bill to provide financial assistance for programs for the prevention, identification, and treatment of elder abuse, neglect, and exploitation, to establish a National Clearinghouse on Elder Abuse, and for other purposes; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. BONIOR of Michigan:

H.R. 629. A bill to award special congressional gold medals to Jan Scruggs, Robert Doubek, and John Wheeler; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CHENEY:

H.R. 630. A bill to amend the Internal Revenue Code of 1954 to exclude from the gross income of landowners certain payments or economic benefits received from the abandoned mine reclamation fund under section 401 of the Surface Mining Control and Reclamation Act of 1977, and for other purposes; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 631. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in the care of certain elderly family members; to the Committee on Ways and Means.

By Mr. CONTE (for himself and Mr. Dreier of California):

H.R. 632. A bill to amend the Internal Revenue Code of 1986 to provide an additional standard deduction of $600 to taxpayers for the deafness of the taxpayer, the taxpayer's spouse, or any of the taxpayer's dependents; to the Committee on Ways and Means.

By Mr. DANNEMEYER:

H.R. 633. A bill to amend the Federal Food, Drug, and Cosmetic Act to define the authority of the Secretary of Health and Human Services with respect to regulating food as drugs; to the Committee on Energy and Commerce.

H.R. 634. A bill to amend the Internal Revenue Code of 1986 to regulate and limit collection procedures of the Internal Revenue Service in order to provide protection of taxpayer civil rights, and for other purposes; to the Committee on Ways and Means.

H.R. 635. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; jointly, to the Committees on the Judiciary, and Energy and Commerce.

By Mr. PANETTA:

H.R. 636. A bill to postpone U.S. assistance for the Nicaraguan democratic resistance until the Congress has time to complete its investigations into the Iranian arms scandal; jointly, to the Committees on Armed Services, Foreign Affairs, and the Permanent Select Committee on Intelligence.

By Mr. DORGAN of North Dakota:

H.R. 637. A bill to amend title 23, United States Code, relating to open containers of alcoholic beverages and consumption of alcoholic beverages in the passenger area of motor vehicles and establishment of a national minimum blood alcohol level for driving motor vehicles; to the Committee on Public Works and Transportation.

By Mr. ENGLISH:

H.R. 638. A bill to establish a Data Protection Board, and for other purposes; to the Committee on Government Operations.

By Mr. EVANS (for himself, Mr. Edwards of California, Mr. LaFalce, Mr. Bonior of Michigan, Mr. Staggers, Mr. Florio, and Mr. Kanjorski):

H.R. 639. A bill to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to provide for judicial review of certain final decisions of the Administrator of Veterans' Affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FAUNTROY:

H.R. 640. A bill authorizing the Phi Alpha Fraternity to establish a monument on Federal land in the District of Columbia to honor Martin Luther King, Jr.; to the Committee on House Administration.

By Mr. FRANK:

H.R. 641. A bill to amend the Internal Revenue Code of 1986 to provide that an unmarried individual who maintains a household shall be considered a head of household, without regard to whether the individual has a dependent who is a member of the household; to the Committee on Ways and Means.

H.R. 642. A bill to amend the Internal Revenue Code of 1986 to provide that a married individual who maintains a separate household shall be treated as unmarried; to the Committee on Ways and Means.

H.R. 643. A bill to amend titles II and XVIII of the Social Security Act to eliminate the 5-month waiting period which is presently required in order for an individual to be eligible for benefits based on disability or for the disability freeze and to eliminate the 24-month waiting period for disabled individuals to become eligible for Medicare benefits; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. GARCIA:

H.R. 644. A bill to establish a family life education program; to the Committee on Education and Labor.

By Mr. GAYDOS:

H.R. 645. A bill to revive and extend the authorization of appropriations for the General Revenue Sharing Program; to the Committee on Government Operations.

H.R. 646. A bill to establish as an executive department of the Government of the United States a Department of Trade, and for other purposes; to the Committee on Government Operations.

H.R. 647. A bill to amend the Trade Act of 1974 to restore the authority of the President with respect to reciprocal nondiscriminatory treatment; to the Committee on Ways and Means.

By Mr. GILMAN (for himself, and Mr. Ford of Michigan):

H.R. 648. A bill to amend title 5, United States Code, to codify the Congressional Award for Exemplary Public Service Program; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.R. 649. A bill to amend the Fair Labor Standards Act of 1938 to increase and index the minimum wage; to the Committee on Education and Labor.

H.R. 650. A bill to amend the Internal Revenue Code of 1986 to reinstate the deductions for State and local general sales taxes and State and local taxes on the sale of gasoline, diesel fuel, and other motor fuels; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 651. A bill to provide that the effectiveness requirements of the Federal Food, Drug, and Cosmetic Act shall not apply to laetrile in certain cases; to the Committee on Energy and Commerce.

H.R. 652. A bill to eliminate cost-of-living adjustments under the civil service retirement system and the Federal employees' retirement system for former Members of Congress until 1990; to the Committee on Post Office and Civil Service.

H.R. 653. A bill to provide for orderly trade in nonrubber footwear, to reduce unemployment in the domestic shoe industry, and for other purposes; to the Committee on Ways and Means.

By Mr. GREEN:

H.R. 654. A bill to amend the Internal Revenue Code of 1986 to increase the gasoline tax and to transfer the additional revenues to the mass transit account in the highway trust fund; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 655. A bill to amend the Immigration and Nationality Act to provide for the naturalization of alien service members who enlist outside the United States and who have not been admitted for lawful permanent residence; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 656. A bill to amend the Federal Election Campaign Act of 1971 to change certain contribution limits for congressional elections; to the Committee on House Administration.

By Mr. HUCKABY:

H.R. 657. A bill to provide equitable treatment for State and local governments participating in the Food Stamp Program; to the Committee on Agriculture.

By Mr. JEFFORDS:

H.R. 658. A bill to provide that pay increases recently proposed by the President for Members of Congress be made contingent on meeting certain deficit-reduction targets set by the Balanced Budget and Emergency Deficit Control Act of 1985; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. KLECZKA (for himself, Mr. Frank, Mr. Conyers, Mr. Wilson, Mr. Kastenmeier, Mr. Owens of New York, Mr. Brown of California, Mr. Traxler, Mr. Bonior of Michigan, Mr. Martinez, Mr. Lipinski, Mr. Sabo, Mr. Edwards of California, Mr. Mfume, Mr. Dellums, Mr. Downey of New York, Mr. Markey, Mr. Levin of Michigan, and Mr. Crockett):

H.R. 659. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage; to the Committee on Education and Labor.

By Mr. KOLBE:

H.R. 660. A bill to amend title 18, United States Code, to establish rational criteria for the imposition of the sentence of death, and for other purposes; to the Committee on the Judiciary.

By Mr. LIGHTFOOT:

H.R. 661. A bill to amend the Farm Credit Act of 1971 to provide additional protection to farmers participating in the Farm Credit System, and for other purposes; to the Committee on Agriculture.

H.R. 662. A bill to establish an advisory panel for coordination of Government debt collection and delinquency prevention activities; to the Committee on Government Operations.

H.R. 663. A bill to stimulate savings and to lower the cost of money for farmers; jointly, to the Committees on Agriculture and Ways and Means.

By Mr. THOMAS A. LUKEN:

H.R. 664. A bill to amend the Housing and Community Development Act of 1974 to ensure that all funds provided under the Community Development Block Grant Program are expended on activities that benefit persons of low and moderate income, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. McCURDY (for himself, Mr. Hansen, Mrs. Vucanovich, Mr. Skeen, Mr. Gray of Illinois, Mr. Stallings, Mr. Williams, Mr. Stenholm, Mr. Owens of Utah, Mr. Richardson, Mr. Inhofe, Mr. Watkins, and Mr. Marlenee):

H.R. 665. A bill to permit an increase in the maximum speed limit to 65 miles per hour on certain rural interstate routes for a 5-year demonstration period; to the Committee on Public Works and Transportation.

By Mr. McGRATH:

H.R. 666. A bill to repeal the provisions of the Tax Reform Act of 1986 which require certain entities to adopt certain taxable years; to the Committee on Ways and Means.

H.R. 667. A bill to amend the Internal Revenue Code of 1986 to permit homeowners to deduct points incurred in connection with the purchase, improvement, or refinancing of a residence; to the Committee on Ways and Means.

H.R. 668. A bill to amend the Internal Revenue Code of 1986 to exclude from a taxpayer's modified adjusted gross income the amount of interest received or accrued by the taxpayer in determining whether the taxpayer's Social Security benefits or railroad retirement benefits are to be included in gross income subject to income tax; to the Committee on Ways and Means.

H.R. 669. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies and that such benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of the recipient's death; to the Committee on Ways and Means.

By Mr. MARLENEE (for himself, Mr. Nielson of Utah, Mrs. Bentley, Mr. Roberts, Mr. Walker, Mr. Baker, Mrs. Vucanovich, and Mr. Hansen):

H.R. 670. A bill to amend title 23 of the United States Code to repeal the 55-mile-per-hour speed limit requirements; to the Committee on Public Works and Transportation.

By Ms. OAKAR:

H.R. 671. A bill to require States to enact laws which require physicians and surgeons to inform breast cancer patients of alternative effective methods of treatment for breast cancer in order to qualify for Federal funds under titles V and XIX of the Social Security Act and title XIX of the Public Health Service Act; to the Committee on Energy and Commerce.

H.R. 672. A bill to amend title II of the Social Security Act to eliminate the reductions in social security benefits which are presently required in the case of spouses and surviving spouses who are also receiving certain Government pensions; to the Committee on Ways and Means.

H.R. 673. A bill to amend title II of the Social Security Act to restore minimum benefits for future beneficiaries; to the Committee on Ways and Means.

H.R. 674. A bill to amend title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage and assure that each spouse will have social security protection in his or her own right; to the Committee on Ways and Means.

H.R. 675. A bill to amend title II of the Social Security Act to provide for the payment of a transition benefit to the spouse of an insured individual upon such individual's death if such spouse has attained age 50 and is not otherwise immediately eligible for benefits; to the Committee on Ways and Means.

H.R. 676. A bill to amend title II of the Social Security Act to provide full benefits for disabled widows and widowers without regard to age (and without regard to any previous reduction in their benefits); to the Committee on Ways and Means.

H.R. 677. A bill to amend title II of the Social Security Act to provide that an individual's "years of coverage" for purposes of computing the special minimum benefit may include up to 10 additional years (not otherwise includible for that purpose) in which such individual had a child age 6 or under in his or her care; to the Committee on Ways and Means.

H.R. 678. A bill to amend title XVIII of the Social Security Act to provide an optional part C insurance program to provide coverage of certain vision, hearing, and dental services and prescription drugs; jointly, to the Committees on Ways and Means, and Energy and Commerce.

H.R. 679. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage for hospital-based comprehensive care programs; jointly, to the Committees on Ways and Means, and Energy and Commerce.

H.R. 680. A bill to amend part B of title XVIII of the Social Security Act to provide a voluntary insurance option for Medicare beneficiaries premitting coverage of certain gaps in Medicare coverage and covering one preventive care visit each year; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. OBERSTAR:

H.R. 681. A bill to establish a community adjustment assistance program for those areas which are in or facing serious economic distress, and for other purposes; jointly, to the Committees on Public Works and Transportation, and Banking, Finance and Urban Affairs.

By Mr. OWENS of New York:

H.R. 682. A bill to provide for fair and nonpartisan administration of Federal elections; to the Committee on House Administration.

By Mr. OWENS of New York:

H.R. 683. A bill pertaining to the requirements for appointing the Librarian of Congress; to the Committee on House Administration.

By Mr. RAVENEL:

H.R. 684. A bill to amend the Tariff Schedules of the United States to continue the suspension of any duty on menthol feedstocks; to the Committee on Ways and Means.

By Mr. RICHARDSON:

H.R. 685. A bill to amend the Securities Exchange Act of 1934 to provide a moratorium on hostile corporate takeovers financed by junk securities, to prohibit federally insured institutions from holding junk securities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROYBAL:

H.R. 686. A bill to provide assistance and coordination in the provision of child-care services for children living in homes with working parents, and for other purposes; to the Committee on Education and Labor.

H.R. 687. A bill to establish the Civilian Conservation Corps II to perform such projects on public or Indian lands or waters as the Secretary of the Interior may authorize, and for other purposes; to the Committee on Education and Labor.

H.R. 688. A bill to provide for payment by the United States for certain medical services and treatment provided to U.S. citizens and permanent residents suffering from physical injuries attributable to the atomic bomb explosions on Hiroshima and Nagasaki, Japan, in August 1945; to the Committee on the Judiciary.

H.R. 689. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes service as an enrollee of the Civilian Conservation Corps, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. St GERMAIN:

H.R. 690. A bill to study Cliff Walk in Newport, RI, including its appropriateness for inclusion as a unit of the National Park

System; to the Committee on Interior and Insular Affairs.

By Mr. SCHUMER:

H.R. 691. A bill to prevent the denial of employment opportunities by restricting the use of drug tests by the U.S. Government and by other employers in or affecting interstate commerce; jointly, to the Committees on Education and Labor, and Post Office and Civil Service.

By Mr. SENSENBRENNER:

H.R. 692. A bill to amend the Perishable Agricultural Commodities Act, 1930 to require commission merchants, dealers, and brokers to label perishable agricultural commodities with the name of the country of origin of such commodities; to the Committee on Agriculture.

By Mr. SHAW (for himself, Mr. Whittaker, Mr. Kemp, Mr. DeWine, Mr. Ravenel, Mr. Lightfoot, Mr. Donald Lukens, Mr. Lagomarsino, Mr. McCollum, Mr. Oxley, Mr. McCandless, Mr. Michel, Mr. Davis of Illinois, Mr. Coble, Mr. Inhofe, Mr. Bliley, Mr. Burton of Indiana, and Mrs. Bentley):

H.R. 693. A bill to promote safety in the operation of railroads and aircraft through testing for the use, without lawful authorization, of alcohol and controlled substances by the operators of railroads and aircraft, and for other purposes; jointly, to the Committees on Public Works and Transportation, and Energy and Commerce.

By Mrs. SMITH of Nebraska:

H.R. 694. A bill to amend section 127 of title 23, United States Code (relating to vehicle weight), to permit the operation of vehicles in the State of Nebraska which could be lawfully operated within such State on May 1, 1982; to the Committee on Public Works and Transportation.

By Mr. SOLARZ:

H.R. 695. A bill to amend title 10, United States Code, to permit members of the Armed Forces to wear, under certain circumstances, items of apparel not part of the official uniform; to the Committee on Armed Services.

By Mr. SOLOMON:

H.R. 696. A bill to imposed mandatory sentences for violent felonies committed against individuals of age 65 or over, and for other purposes; to the Committee on the Judiciary.

H.R. 697. A bill to amend title II of the Social Security Act to make it clear that Social Security benefits are and will continue to be exempt from all taxation; to the Committee on Ways and Means.

H.R. 698. A bill to repeal the provisions in the Internal Revenue Code of 1954 relating to the inclusion of Social Security and certain railroad retirement benefits in gross income to the extent such provisions do not apply to nonresident aliens; to the Committee on Ways and Means.

H.R. 699. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of, and limited deduction of contributions to long-term care savings accounts; to the Committee on Ways and Means.

H.R. 700. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $10,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

H.R. 701. A bill to amend the Internal Revenue Code of 1954 to provide individuals a limited exclusion from gross income for interest on deposits in certain savings institutions; to the Committee on Ways and Means.

H.R. 702. A bill to amend the Social Security Act to prevent disinvestment of the Social Security trust funds; jointly, to the Committees on Ways and Means, and Energy and Commerce.

H.R. 703. A bill to amend title VII of the Social Security Act to provide for off-budget treatment of the Federal Old-Age and Survivors Insurance Trust Fund beginning with fiscal year 1988; jointly, to the Committees on Ways and Means, and Government Operations.

H.R. 704. A bill to amend the Social Security Act to protect beneficiaries under the health care programs of that act from unfit health care practitioners, and otherwise to improve the antifraud provisions of that act; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. TALLON:

H.R. 705. A bill to recognize the organization known as "Wildlife Action, Inc."; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 706. A bill to amend the Energy Reorganization Act of 1974 to create an independent Nuclear Safety Board; to the Committee on Interior and Insular Affairs.

By Mr. VISCLOSKY:

H.R. 707. A bill to make urban high density program funds from the Highway Trust Fund available for construction of an interchange in Indiana that is related to a project constructed under such program; to the Committee on Public Works and Transportation.

By Mrs. VUCANOVICH:

H.R. 708. A bill entitled the "Nevada Wilderness Act of 1987"; jointly, to the Committees on Interior and Insular Affairs, and Agriculture.

By Mr. WEISS (for himself, Mr. Waxman, Mr. Berman, Mrs. Burton of California, Mr. Fauntroy, Mr. Ackerman, Mr. Frank, Mr. Schumer, Mr. Green, Mr. Stark, Mr. Markey, Mr. Kastenmeier, Mr. Towns, Mr. Owens of New York, Mr. Clay, Mr. Hoyer, Mrs. Boxer, Mr. Studds, Mrs. Schroeder, Mr. Fazio, Mr. Stokes, Mr. Leland, Mr. Sabo, Mr. AuCoin, Mr. Conyers, Mr. Foglietta, Mr. Dymally, Mrs. Collins, Mr. Bates, Mr. Morrison of Connecticut, Mr. Atkins, Mr. Levine of California, Mr. Torricelli, Mr. Matsui, Mr. Moody, Mr. Martinez, Mr. McKinney, Mr. Dixon, Mr. Kostmayer, Mr. Hawkins, Mr. Roybal, Mr. Crockett, Mr. Rangel, Mr. Hayes of Illinois, Mr. Udall, Mr. Dellums, Mr. Brown of California, Mr. Garcia, Mr. Miller of California, Mrs. Morella, and Mr. Lewis of Georgia):

H.R. 709. A bill to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; jointly, to the Committees on the Judiciary, and Education and Labor.

By Mr. WHITTAKER:

H.R. 710. A bill to amend the Supplemental Appropriations Act, 1985, with respect to interest rates charged to borrowers by the Farmers Home Administration; to the Committee on Agriculture.

By Mr. WYDEN:

H.R. 711. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the seizure and destruction of imported food treated with pesticides in violation of that act; to the Committee on Energy and Commerce.

By Mr. OBEY:

H.J. Res. 88. Joint resolution extending the time within which the President may transmit the Economic Report to the Congress; considered and passed.

By Mr. BROOKS (for himself and Mr. Andrews):

H.J. Res. 89. Joint resolution commemorating January 28, 1987, as National Challenger Center Day in honor of the crew of the space shuttle *Challenger;* to the Committee on Post Office and Civil Service.

By Mr. FORD of Michigan:

H.J. Res. 90. Joint resolution to authorize and request the President to call a White House Conference of Library and Information Services to be held not later than 1989, and for other purposes; to the Committee on Education and Labor.

By Mr. GONZALEZ:

H.J. Res. 91. Joint resolution to designate the week beginning, April 19, 1987, as "National Community Development Week"; to the Committee on Post Office and Civil Service.

By Mr. KOLBE (for himself and Mr. Hutto):

H.J. Res. 92. Joint resolution commemorating January 28, 1988, as a "National Day of Excellence" in honor of the crew of the space shuttle *Challenger;* to the Committee on Post Office and Civil Service.

By Mr. LENT (for himself and Mr. Florio):

H.J. Res. 93. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the Long Island Rail Road labor-management dispute; to the Committee on Energy and Commerce.

By Mr. McCOLLUM:

H.J. Res. 94. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives and to limit the number of terms Senators and Representatives may serve; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself, Mr. Denny Smith, Mr. Hiler, Mr. Gunderson, Mr. Gregg, Mr. Bilirakis, Mr. Hansen, Mr. Brown of Colorado, and Mr. Crane).

H.J. Res. 95. Joint resolution proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives; to the Committee on the Judiciary.

By Mr. PASHAYAN (for himself, Ms. Oakar, and Mr. Quillen):

H.J. Res. 96. Joint resolution designating the month of September 1987 as "National Ceramic Arts Month"; to the Committee on Post Office and Civil Service.

By Mr. RICHARDSON (for himself, Mr. Skeen, and Mr. Lujan);

H.J. Res. 97. Joint resolution to recognize the Disabled American Veterans Vietnam Veterans National Memorial as a memorial of national significance; to the Committee on Post Office and Civil Service.

By Mr. RIDGE (for himself, Mr. McDade, Mr. Ritter, Mr. Fuster, Mr. Towns, Mrs. Boxer, Mr. Frank, Mr. Staggers, Mr. Martin of New York, Mr. Crockett, Mr. Scheuer, Mr. Levin of Michigan, Mr. Horton, Mr. Clinger, Mr. Boehlert, and Mr. Traficant):

H.J. Res. 98. Joint resolution to express the disapproval of the Congress with respect to the proposed rescissions of budget authority for the community development block grant program and the urban development action grant program; jointly, to the Committees on Appropriations, and Banking, Finance and Urban Affairs.

By Mr. ST GERMAIN:

H.J. Res. 99. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. SOLARZ (for himself, Mr. Solomon, and Mr. Gilman):

H.J. Res. 100. Joint resolution to provide for the designation of September 18, 1987, as "National POW/MIA Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. STUMP (for himself, Mr. Udall, Mr. Kolbe, Mr. Kyl, and Mr. Rhodes):

H.J. Res. 101. Joint resolution requiring the Postmaster General to provide and sell a postage stamp commemorating the diamond jubilee anniversary of the admission of the State of Arizona into the Union; to the Committee on Post Office and Civil Service.

By Mr. MONTGOMERY (for himself and Mr. Solomon):

H. Con. Res. 27. Concurrent resolution expressing the opposition of Congress to proposals in the Budget to reduce the capacity of the Veterans' Administration to provide health care to eligible veterans; to the Committee on Veterans' Affairs.

By Mr. SOLARZ (for himself, Mr. Solomon, and Mr. Gilman):

H. Con. Res. 28. Concurrent resolution to provide for the display of National League of Families POW/MIA flag in the Capitol Rotunda; to the Committee on House Administration.

By Mr. MICHEL:

H. Res. 45. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. HAMMERSCHMIDT:

H. Res. 46. Resolution to amend the Rules of the House of Representatives to require each standing committee of the House to review and study pertinent recommendations of the President's private sector survey of cost control, and for other purposes; to the Committee on Rules.

By Mr. LOTT:

H. Res. 47. Resolution to amend House Rules to require that the Speaker announce a legislative program each session, to require the early election and organization of committees, and to restrict the use of the suspension of the rules procedure; to the Committee on Rules.

H. Res. 48. Resolution to amend the Rules of the House of Representatives relating to the appropriations process; to the Committee on Rules.

H. Res. 49. Resolution to amend the Rules of the House of Representatives to prohibit the inclusion of extraneous matters in reconciliation bills; to the Committee on Rules.

By Mr. ROSTENKOWSKI (for himself and Mr. Duncan):

H. Res. 50. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Ways and Means in the first session of the One Hundredth Congress; to the Committee on House Administration.

By Mr. ROYBAL:

H. Res. 51. Resolution establishing a pilot program of fellowships under the House of Representatives for persons who are blind or deaf; to the Committee on House Administration.

By Mrs. SCHROEDER (for herself, Mr. Brown of Colorado, Mr. Campbell, Mr. Schaefer, Mr. Skaggs, and Mr. Hefley):

H. Res. 52. Resolution commending the Denver Broncos football team on a successful season and wishing them well in "The Super Bowl"; to the Committee on Post Office and Civil Service.

By Mrs. SMITH of Nebraska (for herself, Mr. Lightfoot, Mr. Roberts, Mr. Tauke, Mr. Stallings, Mr. Skelton, Mr. Glickman, Mr. Jeffords, and Mr. Johnson of South Dakota):

H. Res. 53. Resolution expressing the sense of the House of Representatives that the President's recommendation in his 1988 Federal Budget proposal to repeal the partial excise tax exemption for alcohol fuels should be rejected; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHENEY:

H.R. 712. A bill for the relief of Lawrence K. Lunt; to the Committee on the Judiciary.

By Mr. DOWNEY of New York:

H.R. 713. A bill for the relief of Bela Karolyi; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 714. A bill for the relief of Pedro Narvaez-Guajardo, Rosarios Bernal de Narvaez, and family; to the Committee on the Judiciary.

By Mr. LAGOMARSINO:

H.R. 715. A bill for the relief of Brenda Pring Garcia; to the Committee on the Judiciary.

H.R. 716. A bill for the relief of Joseph W. Newman; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. Towns, Mr. McCloskey, Mr. Hamilton, Mr. Cardin, Mr. Lancaster, Mr. DeLay, and Mr. Dyson.

H.R. 12: Mr. Murphy, Mr. Frank, Mr. Moakley, Mr. Bates, Mr. Jacobs, Mr. Mavroules, Mr. Rodino, Mr. Atkins, Mr. Mrazek, Mr. Kleczka, Mr. Nowak, Mr. Kastenmeier, Mr. Gibbons, Mr. Studds, Mr. Oberstar, Ms. Oakar, Mr. Synar, Mr. Bosco, Mr. Lowry of Washington, Mr. Udall, Mr. Kanjorski, Mr. Fauntroy, Mr. Dellums, Mr. McKinney, Mr. Levin of Michigan, Mr. Bonker, Mr. Eckart, Mr. Dymally, Mrs. Collins, Mr. Aspin, Mrs. Burton of California, Mr. Hoyer, Mr. Lehman of Florida, Mr. Henry, Mr. Ford of Michigan, Mr. Gray of Illinois, Mr. Hayes of Illinois, Mr. Savage, Mr. Gejdenson, Mr. Carr, Mr. Stark, Mr. Feighan, Mr. McHugh, Mr. Coyne, Mr. Gonzalez, Mr. St Germain, Mr. Edwards of California, Mr. Conyers, Mr. Wyden, and Mr. Panetta.

H.R. 18: Mr. Lehman of Florida and Mr. Blaz.

H.R. 25: Mr. Hawkins, Mr. Dwyer of New Jersey, Mr. Udall and, Mr. DioGuardi.

H.R. 39: Mr. Rangel, Mr. Lehman of Florida, Mr. Weiss, Mrs. Burton of California, and Mr. DeFazio.

H.R. 87: Mr. Hammerschmidt, Mr. Dwyer of New Jersey, Mr. Kildee, Mr. Fauntroy, Mr. Myers of Indiana, Mr. Martinez, Mr. Lightfoot, Mr. Durbin, Mr. Fascell, Mr. Coleman of Texas, Ms. Oakar, Mr. McKinney, Mr. de la Garza, Mr. Horton, Mr. St Germain, Mrs. Morella, Mr. Fazio, Mr. Bustamante, Mr. Weiss, Mr. Sundquist, Mr. Skaggs, Mr. Smith of Iowa, and Mr. DeWine.

H.R. 88: Mr. Mrazek, Mr. Bonior of Michigan, Mr. Coelho, Mr. Kildee, Mr. Smith of Florida, Mrs. Burton of California, Mr. Scheuer, Mr. Towns, Mr. Howard, Mr. Bates, Mr. Dornan of California, and Mr. Lagomarsino.

H.R. 134: Mr. Solarz, Mr. Garcia, and Mr. Levin of Michigan.

H.R. 185: Mr. Smith of Florida, Mr. Tauke, Mr. Erdreich, Mr. Montgomery, Mr. Young of Florida, Mr. Fawell, Mr. Daniel, Mr. Dannemeyer, Mr. Combest, Mr. Edwards of Oklahoma, Mr. Badham, and Mr. Hastert.

H.R. 222: Mr. Murphy, Mr. Martinez, Mr. Frank, Mr. Rose, Mr. Hayes of Illinois, Mr. Lowry of Washington, and Mr. Feighan.

H.R. 247: Mr. Latta, Mr. Hiler, Mrs. Johnson of Connecticut, Mr. Horton, Mr. Henry, Mr. Broomfield, and Mr. Davis of Michigan.

H.R. 259: Mr. Gunderson, Mr. Weber, and Mr. Lightfoot.

H.R. 260: Mr. Kastenmeier, Mr. Lehman of Florida, Mr. Solarz, Mr. Bates, Mr. Jacobs, Mr. Wilson, Mr. Frank, Mr. Stratton, Mrs. Collins, Mr. Lipinski, and Mr. Scheuer.

H.R. 263: Mr. Kyl.

H.R. 273: Mr. Solarz, Mr. Hawkins, Mr. Dixon, Mr. Fazio, Mr. Hayes of Illinois, and Ms. Oakar.

H.R. 274: Mr. Lowry of Washington, Mr. Oberstar, Mr. Dellums, Mr. Fazio, Mr. Lehman of Florida, Mr. Garcia, Mr. Howard, Mr. Espy, Mr. Mfume, Mr. Schumer, and Mr. Mrazek.

H.R. 276: Mr. Dixon and Mr. Berman.

H.R. 298: Mr. Biaggi, Mr. Wilson, Mr. Lipinski, Ms. Kaptur, Mr. Fields, Mr. Smith of Florida, Mr. Bateman, Mr. Bennett, Mr. Bustamante, Mr. Courter, Mr. Manton, and Mr. Saxton.

H.R. 312: Mr. Perkins, Mr. Thomas of Georgia, Mr. Morrison of Connecticut, Mr. Pursell, Mr. Roe, Mr. Traficant, Mr. Atkins, Mr. Glickman, and Mr. Gaydos.

H.R. 360: Mr. Ackerman, Mr. Akaka, Mr. Applegate, Mr. Atkins, Mr. Bates, Mr. Coyne, Mr. DeFazio, Mr. Dellums, Mr. Derrick, Mr. Espy, Mr. Fauntroy, Mr. Feighan, Mr. Frank, Mr. Gonzalez, Mr. Gray of Pennsylvania, Mr. Hall of Ohio, Mr. Hayes of Illinois, Mr. Hawkins, Mr. Kostmayer, Mr. Lowry of Washington, Mr. Markey, Mr. Martinez, Mr. Mavroules, Mr. McCloskey, Mr. Morrison of Connecticut, Mr. Murphy, Mr. Oberstar, Mr. Olin, Mr. Price of Illinois, Mr. Owens of New York, Mr. Rahall, Mr. Rangel, Mr. Rodino, Mr. Scheuer, Mrs. Schroeder, Mr. Stark, Mr. Staggers, Mr. Swift, Mr. Towns, Mr. Traxler, Mr. Walgren, and Mr. Brooks.

H.R. 376: Mrs. Collins, Mr. Crockett, Mr. Fish, and Mr. Weiss.

H.R. 377: Mr. Hutto and Mr. Kanjorski.

H.R. 378: Mr. Bruce, Mr. Rangel, Mr. Studds, Mr. Levin of Michigan, Mr. Weiss, and Mr. Leland.

H.R. 379: Mr. Broomfield.

H.R. 434: Mr. Walker, Mr. Clinger, Mr. Nielson of Utah, Mr. Swindall, Mr. DioGuardi, and Mr. Smith of New Jersey.

H.R. 437: Mr. Lowry of Washington, Mr. Oberstar, Mr. Levin of Michigan, Mr.

Lehman of Florida, Mr. Garcia, Mr. Martinez, and Mr. Espy.

H.R. 457: Mr. Martinez, Mr. Lehman of Florida, Mr. Horton, Mr. Bennett, Mr. Fazio, Mr. Kostmayer, Mr. Traficant, Mr. Fuster, Mrs. Collins, Mr. Garcia, Mr. Solarz, Mr. Traxler, Mr. Levin of Michigan, Mr. Howard, Mr. Mrazek, Mr. Owens of New York, Mr. Hayes of Illinois, Mr. Scheuer, Mr. Mfume, Mr. Williams, Mrs. Bentley, Mr. Manton, Mr. Rahall, Mr. Donald Lukens, Mr. Florio, and Mr. Darden.

H.R. 468: Mr. Nielson of Utah and Mr. Sensenbrenner.

H.R. 469: Mr. Swindall, Mr. Nielson of Utah, Mr. Sensenbrenner, and Mr. Young of Florida.

H.R. 493: Mr. Stark.

H.R. 514: Mr. Lipinski, Mr. Martinez, Mr. Sabo, Mr. Rahall, Mr. Florio, Mr. Saxton, Mr. Lagomarsino, Mr. Mfume, Mr. Espy, Mr. Kildee, Mr. Fazio, Mr. Hyde, Mr. Frank, and Mr. Weiss.

H.R. 518: Mr. Gregg, Mr. Ray, Mr. Ridge, Mr. Mavroules, Mr. Armey, Mr. Dornan of California, Mr. Boulter, Mr. Davis of Illinois, Mr. Rowland of Georgia, Mr. Carper, Mr. Wortley, Mr. Stallings, Mr. Hastert, Mr. DioGuardi, Mr. Kemp, Mr. Tauke, Mr. Craig, Mr. Sundquist, Mr. Darden, Mr. Hunter, Mr. Ireland, and Mr. Swindall.

H.R. 543: Mr. Solarz, Mr. Fuster, Mr. Murphy, Mr. Weiss, Mr. Espy, Mr. Smith of Florida, Mr. Evans, Mr. Howard, Mr. Thomas Luken, Mr. Mfume, Mr. Darden, Mr. Levin of Michigan, Mr. Jenkins, Mr. Kolter, and Mr. Ford of Michigan.

H.R. 544: Mr. Saxton, Mr. Kasich, Mr. Sensenbrenner, Mr. Young of Florida, Mr. Henry, Mr. Pashayan, Mr. Daniel, Mr. Montgomery, Mr. Wilson, Mr. Barnard, Mr. Lipinski, Mr. Bevill, Mr. Jones of North Carolina, Mr. Neal, Mr. Nichols, Mr. Thomas Luken, Mr. Wolf, Mr. Spence, and Mr. Atkins.

H.R. 557: Mr. Sensenbrenner.

H.R. 559: Mr. Roemer, Mr. Lagomarsino, Mr. Bilirakis, Mr. Schaefer, and Mr. Petri.

H.R. 571: Mr. Baker, Mr. Henry, Mr. Bates, Mr. Rose, and Mr. Nichols.

H.R. 574: Mr. Martinez, Mr. Edwards of California, Mr. Foglietta, Mr. Berman, Mr. Kildee, and Mr. Jeffords.

H.R. 603: Mr. Sensenbrenner, Mr. Fish, Mr. Daniel, Mr. Swindall, and Mr. Olin.

H.J. Res. 1: Mr. Sawyer, Mr. DeFazio, Ms. Oakar, Mr. Kostmayer, Mr. Bonker, Mr. Wise, Mr. Lantos, Ms. Kaptur, Mr. Solarz, Mr. Sabo, Mr. Mrazek, Mr. Traxler, Mr. Bates, Mr. McMillen of Maryland, Mr. Howard, Mr. Foglietta, Mr. Rahall, Mr. Martinez, Mr. Jeffords, Mr. Staggers, Mr. Schumer, Mr. Swift, Mrs. Saiki, Mr. Yates, Mr. Yatron, Mr. Weiss, Mr. Pepper, Mrs. Collins, Mr. Hawkins, Mr. Dixon, Mr. Coelho, Mr. McHugh, Mr. Williams, Mrs. Smith of Nebraska, Mr. Conyers, Mr. Miller of California, Mr. Mica, Mr. Downey of New York, Mr. Wolpe, Mr. Leland, Mr. Biaggi, Mr. Panetta, Mr. Akaka, Mr. AuCoin, Mr. Berman, Mr. Olin, Mr. Brown of California, Mr. Evans, Mr. Bosco, Mr. Dellums, Mr. Atkins, Mrs. Burton of California, Mrs. Boggs, Mr. Lowry of Washington, Mr. Dymally, Mr. Wilson, Mr. Dorgan of North Dakota, Mr. Stark, Mr. Crockett, Mr. Eckart, Mr. Matsui, Mr. Garcia, Mr. Gray of Pennsylvania, Mrs. Meyers of Kansas, Mr. Jacobs, Mr. Morrison of Connecticut, Mr. Carr, Mr. Levine of California, Mr. Conte, Mr. Coleman of Texas, Mr. Hertel, Mr. McKinney, Mrs. Boxer, Mr. Hughes, Mr. Hayes of Illinois, Mr. Lehman of Florida, Mr. Andrews, Mr. Udall, and Mr. Wyden.

H.J. Res. 23: Mr. Pashayan.

H.J. Res. 42: Mr. Hoyer, Mr. Aspin, Mr. Studds, Mr. Beilenson, Mr. Fazio, Mr. Mavroules, Mr. McHugh, Mr. Green, Mr. Richardson, Miss Schneider, Mr. Markey, Mr. Frank, Mr. Lowry of Washington, Mr. Bates, Mr. Sabo, Mr. Carr, Mr. Mrazek, Mr. Owens of New York, Mr. Kleczka, Mr. Morrison of Connecticut, Mr. Espy, Mr. Boucher, Mr. Fawell, Mr. Frost, Mr. Kastenmeier, Mr. Atkins, Mr. Oberstar, Mr. Penny, Mr. Brown of California, Mr. Bustamante, Mr. Conyers, Mr. Ford of Michigan, Mr. Gray of Illinois, Mr. Hall of Ohio, Mr. Kolter, Mr. Kostmayer, Mr. Lehman of Florida, Mr. Martinez, Mr. Moakley, Mr. Moody, Mr. Cardin, Mr. Downey of New York, Mr. DeFazio, Mrs. Kennelly, Mr. Schumer, Mr. Wolpe, Mr. Udall, Mr. Clay, Mr. Edwards of California, Ms. Kaptur, Mrs. Bentley, Mr. Williams, Mr. Coyne, and Mrs. Collins.

H.J. Res. 83: Mr. DeLay, Mr. McCollum, Mr. Burton of Indiana, Mr. Emerson, Mr. Davis of Illinois, Mr. Porter, Mr. Wilson, Mr. Roth, Mr. Skelton, Mr. Gallo, Mr. Spence, Mr. Solomon, Mr. Hansen, Mr. Dannemeyer, Mr. Murphy, Mr. Konnyu, and Mr. Barton of Texas.

H. Con. Res. 5: Mr. Martinez, Mr. Kolbe, Mr. Eckart, Mr. Hyde, Mr. Frank, Mr. Atkins, and Mr. Weldon.

H. Con. Res. 7: Mr. Saxton, Mr. Dornan of California, Mr. Weldon, Mr. McGrath, Mr. Edwards of Oklahoma, Mr. Badham, Mr. Shaw, and Mr. Armey.

H. Con. Res. 10: Mr. Dannemeyer, Mr. Smith of Florida, Mr. Lagomarsino, Mr. Lipinski, Mr. Fawell, Mr. Biaggi, Mr. Burton of Indiana, Mr. Fish, and Mrs. Bentley.

H. Res. 16: Mr. Lent, Mr. Atkins, Mr. Roe, Mr. Garcia, Mr. Smith of New Hampshire, Mr. McGrath, Mr. Fauntroy, Mr. Boland, Mr. Dannemeyer, Mr. Solomon, and Mr. Kildee.

H. Res. 40: Mr. Walgren, Mr. Hammerschmidt, Mr. Badham, and Mr. Darden.

H. Res. 44: Mr. Stangeland, Mr. Courter, Mr. Wortley, Mr. Henry, Mr. McGrath, Mr. DeLay, Mr. Mrazek, Mr. Bateman, Mr. Badham, Mr. Kyl, and Mr. Solomon.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 497: Mr. Jones of Tennessee.

PETITIONS, ETC.

Under clause 1 of rule XXII,

18. The SPEAKER presented a petition of Mr. Peter J. Cojanis, Washington, DC, relative to the establishment of a select committee; which was referred to the Committee on Rules.

EXTENSIONS OF REMARKS

APPROPRIATIONS PROCESS REFORM

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. LOTT. Mr. Speaker, today I am introducing the Appropriations Process Reform Amendments of 1987, a resolution amending House rules to provide for a more manageable, understandable, and accountable yearend appropriations process.

Mr. Speaker, I have no doubt that we can do much better at enacting all 13 regular appropriations bills prior to the start of the fiscal year if we get organized earlier and keep extraneous matters out of the process. Under the new, accelerated Gramm-Rudman deadlines which took effect last year, all appropriations bills in the House must be reported by June 10 and passed by June 30. However, we fell far short of those deadlines last year. No bills had been reported in the House by June 10, and only one had passed this body by June 30. Eight others were passed in late July; one in early August; another in early September; and two never passed the House.

But, if history is any guide, no matter what the deadlines and good intentions, we will still greet the fiscal new year with less than a full deck in place, and we will be forced once again to resort to the so-called continuing appropriation mechanism.

As table 1. shows, we have a tradition of not completing action on regular appropriations bills on time and instead of relying on continuing resolutions to tide us over. This was true both prior to the 1974 Budget Act, and since its enactment, even though one of the purposes of the budget act was to obviate the need for continuing resolutions. We even changed the fiscal year by 3 months to facilitate that objective.

But, as the table demonstrates, we still average between three and four continuing resolutions per session. Moreover, our ability to eventually enact separate, regular appropriations bills, even after the start of the fiscal year, has grown progressively worse since enactment of the Budget Act—from enacting all 13 in the first 2 years of the Budget Act to enacting no separate appropriations bills last year.

TABLE 1.—SUMMARY OF REGULAR AND CONTINUING APPROPRIATIONS ACTS ENACTED AND VETOED: FISCAL YEARS 1968–87 [1]

Fiscal year	Initial Congress/session	Number of regular appropriations acts: Enacted by start of the fiscal year	Enacted after start of the fiscal year	Total enacted	Vetoed	Number of continuing appropriations acts: Enacted	Vetoed
1968	90–1	1	12	13	0	6	0
1969	90–2	1	12	13	0	4	0
1970	91–1	0	13	13	1	6	0
1971	91–2	0	12	12	1	5	0
1972	92–1	0	13	13	0	5	0
1973	92–2	0	11	11	2	5	0
1974	93–1	0	13	13	0	3	0
1975	93–2	0	13	13	1	4	2
1976	94–1	0	13	13	1	3	0
1977	94–2	13	0	13	1	2	0
1978	95–1	9	3	12	0	3	0
1979	95–2	5	7	12	1	1	0
1980	96–1	3	7	10	0	2	0
1981	96–2	1	7	8	0	3	0
1982	97–1	0	9	9	0	4	1
1983	97–2	1	5	6	0	2	0
1984	98–1	4	6	10	0	2	0
1985	98–2	4	1	5	0	5	0
1986	99–1	0	6	6	1	5	0
1987	99–2	0	0	0	0	5	1

[1] Most legislative action for a fiscal year occurred during the session in which the fiscal year started (referred to in this table as the "initial" session); however, in some cases legislation was not enacted or vetoed until the following session.

The Federal Government used a July 1–June 30 fiscal year cycle from the mid-1800's through fiscal year 1976. Beginning with fiscal year 1977, the cycle was changed to October 1–September 30.

The table provides information for a 20-year period on the 13 regular appropriations acts presently acted on by Congress; the title and structure of some of these acts have changed over the years. From time to time during the period, Congress considered other measures that could be regarded as regular appropriations acts, but they are not covered in this table.

In recent years, Congress had incorporated the full text of certain regular appropriations acts into full-year continuing appropriations acts.

For fiscal year 1968, the District of Columbia Appropriation Act also provided continuing appropriations for certain agencies and therefore is counted both as an enacted regular appropriations act and continuing appropriations act (see section 18 of Public Law 90–134).

Sources: Final Edition of the Calendars of the U.S. House of Representatives (90th–99th Congresses); U.S. Congress. Senate. Office of the Secretary of the Senate. Presidential Vetoes, 1789–1976 (1978) and Presidential Vetoes, 1977–1984 (1985); U.S. Library of Congress. Congressional Research Service. Government Division. Presidental Vetoes and Ronald Reagan's Use of the Process in His Second Term [by] Gary L. Galemore. Issue Brief 85093. November 28, 1986.

(Prepared by Robert Keith, Specialist in American National Government, Government Division, Congressional Research Service.)

We are rapidly becoming a government by continuing resolution. Last year, in enacting no separate bills, we achieved the dubious distinction of producing the biggest single spending bill in the history of the Republic, totaling $576 billion in new spending authority—the first permanent continuing appropriations resolution in 36 years that funds the entire Government for the entire fiscal year.

This bloated omnibus money bill, or BOMB, as I have called it, was dropped on the White House some 18 days after the fiscal year had begun. In the meantime, Congress was forced to adopt four, short-term CR's just to keep the Government running. And even then we dropped the ball and forced a 1-day shutdown at some expense and inconvenience. While some Members were quick to blame the administration for this shutdown, the fact is the blame rests squarely on our shoulders. If we had completed our work on time, this wouldn't have happened.

It is true that the omnibus appropriations bill was held up for some time over the threat of a Presidential veto. Table 2 contains a Washington Post summary of the administration's A and B lists of objectionable items in conference.

TABLE 2.—*OMB'S Deal-breakers*

(By Cass Peterson and Judith Havemann)

A LIST

1. House defense spending: The White House wants the Senate's $277 billion, not the House's $264 billion.

2. House Strategic Defense Initiative budget: The Senate's $3.4 billion for SDI spending won't draw a veto; the House's $2.8 billion will.

3. House constraints on defense activities: House provisions forbid the administration to deploy strategic weapons beyond SALT II limits, test antisatellite weapons in space or nuclear devices above one kiloton, and procure binary chemical weapons for a year. Each is veto bait.

4. House cap on outlays in foreign aid: The administration wants the Senate's higher spending level of $12.9 billion and more flexible provisions on the timing and terms of military aid.

5. House provision terminating the Civil Rights Commission: The administration wants the Senate language keeping the commission alive, and also wants funding raised to $9 million.

6. Senate provision ratifying California-Nevada compact: The Interior Department says the compact, in which the two states divided water from the Truckee, Carson and Walker rivers, ignores federal water rights and the government's trust responsibilities to Indian tribes that also rely on the rivers. Sen. Paul Laxalt (R-Nev.), sponsor of the provision, has agreed to remove it from the Justice Department appropriations bill. "It's dead," said a Laxalt aide. "Probably forever."

7. House "deferral" provision: A measure that would prevent the Energy and Interior departments, and some related agencies, from deferring expenditures was added to a House appropriations bill by Rep. Sidney R. Yates (D-Ill.) because of DOE's refusal to spend funds appropriated to fill the Strategic Petroleum Reserve. The administration maintains that budget law specifically gives deferral authority to the executive branch.

8. House "Buy American" provision: Added to the House bill by Rep. Ralph Regula (R-Ohio), this measure would require offshore drilling rigs used in U.S. waters to be at least 50 percent American-made. It is opposed by the administration as protectionism.

9. House Strategic Petroleum Reserve provision: This would require the administration to put 75,000 barrels of oil a day in the reserve. The administration wants the provision deleted or changed to conform with current law, which requires a minimum of 35,000 barrels a day.

10. House "double-breasting" provision: This measure restricts unionized construction companies' practice of setting up separate firms to perform work with nonunion labor, and was considerd the first major leg-

islative victory for labor in several years when it passed the House last April.

11. House PATCO provisions: The House bill includes language that would allow the rehiring of air traffic controllers fired during the 1981 Professional Air Traffic Controllers' Organization strike. President Reagan ordered the controllers fired, and wants to keep them that way.

12. House "defunding" of regulatory office: A funding cutoff for regulatory activities of the Office of Management and Budget. The House, angry at what members perceived as OMB's improper meddling in agency rule-making, included in its bill a funding cutoff for OMB regulatory activities. The White House wants the money back and language restricting OMB's authority deleted.

13. House and Senate budget levels: The administration says spending levels must be within the categorical limits established in the congressional budget resolution. It contends that Congress has, in essence, robbed Peter to pay Paul by switching funds from one category to another within the overall resolution.

14. House across-the-board cut: The House voted a universal cut for all discretionary programs, including defense, as a way of funding a $2.1 billion offensive against drug abuse.

B LIST

This list had 36 items divided into the following groups:

Agriculture: Four items, ranging from House and Senate measures that amount to a ban on charging drug manufacturers fees to get their products cleared by the Food and Drug Administration to a Senate prohibition on the use of collection agencies to recoup Farmers Home Administration loans.

Defense: Two House provisions, one reducing military pay raises from 4 percent to 3 percent and the other giving military personnel a more direct route to the federal courts.

District of Columbia: A Senate provision authorizing money for a new jail.

Energy and Water: Three provisons, all related to cost-sharing by the beneficiaries of federal water projects. Among them is a Senate provision that would penalize the federal government up to $10 million if construction of one unit of the Central Utah Project falls behind schedule.

Foreign Operations: Three provisions, two from the House related to spending levels for security assistance and one from the Senate forbidding foreign aid expenditures if the administration misses congressional report dates.

Housing and Urban Development/Independent Agencies: Three items. Two relate to spending levels and the third would prevent the Federal Emergency Management Agency from putting some disaster relief regulations into effect.

Interior: Two items. The White House wants to delete a House moratorium on offshore drilling off the North Atlantic coast and a House ban on efforts to sell the Naval Petroleum Reserve.

Labor/Health and Human Services: Four provisions, including a Senate provision that would mandate a minimum number of employes for the Centers for Disease Control, the National Institutes of Health and the Railroad Retirement Board.

Military Construction: Both houses refused money the White House wants for several projects, including Air Force One facilities at Andrews Air Force Base, Md., and a "classified presidential support project."

Transportation: Three items, two involving spending levels and one limiting the number of political appointees in the Department of Transportation.

Treasury/Postal: Nine items, ranging from a provision on which charities shall be eligible for the Combined Federal Campaign to one prohibiting the General Services Administration from contracting out certain jobs. The Senate has agreed to delete one provision, granting the malt beverage industry an exemption from antitrust laws.

Other: Any and all provisions seeking to reestablish the legislative veto. Veto provisions in dozens of laws were knocked out several years ago by a Supreme Court ruling.

The final version was signed into law only when enough of these objectionable matters were dropped in conference. Nevertheless, the final version was anything but pretty, either in its contents or the manner in which it was considered. Table 3. is a table of contents of the enacted CR as deciphered by Congressional Research Service.

TABLE 3.—CONTENTS LISTING OF PUBLIC LAWS 99-500 AND 99-591: CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1987 [1]

Title I:	[No heading.]	
Sec. 101(a)	Agriculture, Rural Development appropriations	1
Sec. 101(b)	Commerce, Justice, State, Judiciary appropriations	40
Sec. 101(c)	Defense appropriations	83
Sec. 101(d)	District of Columbia appropriations	181
Sec. 101(e)	Energy and water development appropriations	195
Sec. 101(f)	Foreign assistance appropriations	215
Sec. 101(g)	Housing and Urban Development appropriations [2]	243
Sec. 101(h)	Interior appropriations	243
Sec. 101(i)	Labor, Health and Human Services, Education appropriations [2].	288
Sec. 101(j)	Legislative branch appropriations [2]	288
Sec. 101(k)	Military construction appropriations	288
Sec. 101(l)	Transportation appropriations [2]	309
Sec. 101(m)	Treasury, Postal Service, General Government appropriations.	309
Sec. 101(n)	Refugee/economic development assistance appropriations.	346
Sec. 102-104	Expiration date and technical provisions	347
Sec. 108	Amendments to Food Security Act of 1985	347
Sec. 110	Interagency Committee on Cigarette and Little Cigar Safety.	349
Sec. 111	Food Services Employees of the House of Representatives.	349
Sec. 112	Great Lakes/St. Lawrence River demonstration project.	350
Sec. 113	FAA regulations regarding transponders	350
Sec. 114	Construction on Interstate Highway H-3	350
Sec. 115	GSA Federal buildings fund (and T-46 aircraft procurement).	350
Sec. 144	Federal civilian and military pay raises	354
Sec. 145	Sense of Congress statement on relations with Romania.	354
Sec. 146	Use of Polish currencies for charitable purposes	355
Sec. 147	Lease of defense articles under Arms Export Control Act.	355
Sec. 148	I-75 corridor in Kenton County, KY	356
Sec. 149	Assistance to Bolivia under the Anti-Drug Abuse Act.	356
Sec. 150	Social Security Act amendment	356
Sec. 151	House and Senate reimbursement to GSA for equipment.	356
Sec. 152	Agricultural Act of 1949 amendment	356
Sec. 153	Presidential review of foreign assistance activities	356
Sec. 154	District of Columbua Commission on Mental Health.	357
Sec. 163	Office of Surface Mining Reclamation and Enforcement.	357
Title II	Omnibus Drug Supplemental Appropriations Act of 1987.	357
Title III	School Lunch and Child Nutrition Amendments	363
Title V	Aviation Safety	374
Title VI	Metropolitan Washington Airports	377

[1] This is a preliminary contents listing based on the printed copy of the enrolled version of H.J. Res. 738 (Public Law 99-591 differs from Public Law 99-500 in that it contains some text inadvertently omitted). Some sections (and one title) are not numbered consecutively.

[2] Provision cross-references other legislation rather than including the full text of the regular appropriation act.

These bills do tend to become the so-called last legislative train to leave the station; and they are increasingly becoming encumbered with all manner of authorization bills and provisions, and special and local interest projects and goodies. And, the bulkier they get, the less Members are likely to know what they are voting on. One Member was quoted in the Congressional Quarterly as saying of the contents of the conference report on the CR: "Jamie knows all. Sil knows some. The average member knows zip."

This particular omnibus CR was some 690-pages long and would have been even longer if the full texts of 4 of the 13 appropriations bills had been included instead of mere references to the texts of their individual conference reports—which had not been approved by either House.

One small example of the danger of rushing such omnibus bills through is the case of the missing pages last year. The CR initially sent to the President was only 688 pages. After the measure was signed into law, it was discovered that the bill was two pages shorter than the version passed by Congress. It seems they had been inadvertently omitted due to clerical error.

But, they happened to be two very important pages, containing some $2.39 billion for the General Services Administration to rent and operate thousands of Federal buildings. The error necessitated a correct version being sent to the President after he had already signed the first version into law. Thus, House Joint Resolution 738 was enacted twice in the last Congress as both Public Law 99-500 and Public Law 99-591. We can at least be thankful that someone eventually had the good sense to count the pages so that we could legally keep on the lights in Government buildings and pay the rent.

Mr. Speaker, we've got to bring an end to this continuing madness we call continuing resolutions. As I said at the outset, we must try to do a better job of passing our regular appropriations bills separately under the normal process. But, since continuing resolutions are likely to be with us no matter how well intentioned our motives, no matter how sincere and rigorous our efforts, and no matter what the budget process, we should at least make provision for a more rational, understandable, manageable, and accountable continuing appropriations process.

First, my resolution would abolish the present restrictions on so-called limitation amendments on all appropriations bills. Second, a rigid formula would have to be followed for short-term continuing resolutions, defined as those which are effective for 30 days are less, using the lower of the House, Senate, conference, or previous year's figures. No other matters could be included in such short-term CR's. Third, long-term CR's would be required to contain the full text of language to be enacted rather than mere references to other bills, and would be subject to the rules which now apply to general appropriations bills, including the prohibitions on unauthorized or legislative provisions. Fourth, it would not be in order to amend or waive any provision in a long-term CR that had not been previously agreed to by the House, except by a two-thirds vote. Fifth, cost estimates would be required on long-term CR's as they are now are on general appropriations bills, and reports on all appropriations bills would be required to list all unauthorized provisions contained in the bill as well as all legislative provisions as is now required.

Mr. Speaker, I think these reforms, taken together, will better serve the membership and the public if we must continue to resort to these continuing appropriations devices. The proposals recognize that CR's are no longer simple little stopgap funding measures that follow an agreed upon formula. They are increasingly becoming substantive and omibus funding mechanisms for the entire Government, as well as vehicles for all manner of legislation. Let's at least vow to better understand just what it is we are agreeing to in our rush to adjourn each year. The American people deserve nothing less. At this point I include a brief summary of my appropriations process reform amendments. The summary follows:

SUMMARY OF APPROPRIATIONS PROCESS REFORM AMENDMENTS

(AMENDMENTS TO HOUSE RULES PROPOSED BY REPRESENTATIVE LOTT)

(1) *Limitation amendments.*—The first rule change would abolish the present House rule which only permits the offering of limitation amendments after the disposition of other amendments and only if the motion that the Committee of the Whole rise is defeated.

(2) *Long-term continuing appropriations measures.*—Continuing appropriations measures which are to be effective for more than 30-days would be required to contain the full text of the provisions to be enacted (rather than mere references to other bills), and would be treated as other "general appropriations" bills under House rules, i.e., they would be subject to present rules against legislative language and unauthorized matters.

(3) *Special provisions.*—It would not be in order to consider any rule from the Rules Committee which waives points of order or denies amendment to any provision in a long-term continuing appropriations measure not previously agreed to by the House except by a two-thirds vote.

(4) *Reports.*—Cost estimates would be required in reports on long-term continuing appropriations measures. Reports on all general appropriations bills, including long-term CRs would be required to include not only a listing of legislative provisions contained in the measures (as presently required), but of all unauthorized activities being funded by the measure.

(5) *Short-term continuing appropriations.*—Continuing appropriations to be effective for 30-days or less could only provide for the lesser spending amounts and more restrictive authority as provided in either the House or Senate passed bills, the conference agreement, or the previous year's Act, and a two-thirds House vote would be required to waive this requirement.

THE INTRODUCTION OF SOCIAL SECURITY REFORM LEGISLATION

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Ms. OAKAR. Mr. Speaker, today I am introducing legislation to alleviate some of the economic hardships and gross inequities which older persons so frequently encounter. This legislative package would ensure improved and equitable treatment for both women and men under the Social Security system.

Social Security is a lifeline for women in retirement. It is the most common and most important single source of income for the elderly. Over half of all married couples, two-thirds of all single men, and nearly three-fourths of all single women who receive Social Security depend on it for at least half of their income. In fact, less than 20 percent of older women receive any private pension benefits at all.

Inequities in the Social Security System greatly contribute to older women's poverty and dependency. At least 9 out of 10 women who are covered by Social Security can expect to experience some form of discrimination under it:

Retired workers who are married often receive a benefit that is less than if they had never worked or paid into the system at all.

Homemakers, who move in and out of the labor force to raise their children or care for sick parents, are not eligible for disability benefits if they have been out of the work force for more than 5 years.

Divorced women who were married for less than 10 years receive no spousal benefits.

Widows cannot receive benefits before the age of 60 unless they are disabled or have children under 16.

Widows who choose to accept benefits at age 60 due to financial necessity receive greatly reduced benefits for their entire lives.

The legislation I am introducing today addresses these problems through both long-term and short-term solutions. The main element of this reform package, mandatory earnings sharing, would eliminate a large number of retirement problems currently encountered by women. The two-income couple would no longer be short changed. Under an earnings sharing system, the divorced woman would carry Social Security credits from the marriage. Women entering and leaving the workplace would be able to use all Social Security credits to determine their benefits. Homemakers would be eligible for disability benefits.

A summary of my legislative package follows:

MANDATORY EARNINGS SHARING

The bill provides that the Social Security credits earned during a marriage would be divided equally when determining eligibility and retirement benefits. Social Security earnings would also be divided upon divorce and, under this system, a widow(er) would be able to receive a full survivor benefit.

TRANSITION BENEFITS

Transitional Social Security benefits would be provided for surviving spouses who, upon the death of the insured wage-earner partner, must prepare for employment. For 4 months after the wage-earner's death, these benefits would be available to a surviving spouse who is at least 50 years old and not otherwise eligible for benefits.

DISABLED WIDOW(ER)S UNDER 60

Under present law, disabled surviving spouses are eligible for benefits at an actuarially reduced rate beginning at age 50, based on the deceased worker's primary insurance amount. This bill would make disabled surviving spouses eligible for benefits at any age and with no restrictions.

CHILD CARE CREDITS

The special minimum benefit for long-term low-wage earners would be amended to allow child care credits to be counted in the determination of benefits. The special minimum benefit only applies to long-term low-wage earners whose payments would be low if computed by another method. A benefit earner could be credited with up to 10 years for the care of any children 6 years or younger with the stipulation that the applicant's care lasted at least 6 months out of the year. The number of years that could be counted toward special minimum benefits would be increased from 30 to 36.

RESTORATION OF THE MINIMUM SOCIAL SECURITY BENEFIT

As a result of a provision contained in the Omnibus Budget Reconciliation Act of 1981, minimum Social Security benefits were eliminated for those persons who would have been otherwise eligible after January 1982. Minimum benefits were awarded to workers who would receive a lesser amount on their low earnings record or short-term work. Of the 3 million currently receiving the $122 monthly payment, 2.3 million are women. This bill will restore the benefit to those needy people beginning next year.

ELIMINATION OF THE GOVERNMENT PENSION OFFSET

Beginning in July 1983, persons who were eligible to retire from public service had their Social Security spousal benefits reduced by two-thirds of the amount of the public pension. This bill would eliminate the Government pension offset provision from Social Security law.

Mr. Speaker, this legislative reform package has been carefully crafted to enhance benefit protection for all Social Security recipients. It maintains both equity and adequacy in the system, as it attempts to reflect the changing roles of men and women. Social Security must be updated and improved so that it will meet the needs of all the citizens it serves. I encourage my colleagues to support all of the bills I have introduced today.

UKRAINIAN INDEPENDENCE DAY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. COURTER. Mr. Speaker, January 22 marks the 69th anniversary of the proclamation of independence in the Ukraine. For evident reasons, it is not a day of joy for most Ukrainians, be they here or in the homeland.

As a declaration of my interest in seeing freedom and human rights return to the Ukraine, I ask that the RECORD for today include the text of my address at a recent conference on "Ukrainian Women in Two Worlds," held in my congressional district at Princeton, NJ, on October 4, 1986.

UKRAINIAN WOMAN IN TWO WORLDS

Good evening. The chance to join you for dinner and discussion is something I have much looked forward to since receiving an invitation weeks ago, and I appreciate your kind welcome.

I like the theme for your conference, that of the "Woman in Two Worlds." That expresses so much better than could I the dilemmas—at once challenging and distressing—which you face as Americans whose roots are in a culture that is rich, ancient, and vibrant, but also geographically distant, and suppressed by some of the world's most adept tyrants.

You have spent today immersed chiefly in one of those worlds, that of modern America: how best to contribute to it, how best to benefit from it. That pleases me, for I know that, both here in American cities and in the venerable homeland, Ukrainian women comprise an impressive percentage of the working physicians, historians, engineers, scientists, and poets. Alongside those contributions in the sciences and arts, Ukrainian women are making many others of equal importance: the strengthening of the family, and the perpetuation of religious faith and traditional Ukrainian culture.

American-Ukrainians are also involved in continuous efforts on behalf of family members. And their attempts, your attempts, to bridge from this Ukrainian world to the other inside the U.S.S.R. are of close interest to all of you. They are of close interest to us in Congress, too, in part because of your many efforts in the political realm.

When a congressional letter to General Secretary Gorbachev about the persecution of Yuriy Shukhevych was circulated in the House in late May, more than 50 of my colleagues joined in signing it. Almost half of the U.S. Senators sent a letter of their own.

On Tuesday, we approved House Concurrent Resolution 332, condemning the Soviet Union's persecution of members of the Ukrainian Helsinki Monitoring Group; 160 Members of the House became cosponsors of that legislation in the months which preceeded the recent vote.

By that resolution, you and I and thousands of others asked the world to take note of the systematic and utterly heartless fashion in which Soviet authorities have tried to destroy the Helsinki Monitoring Groups in the Ukraine, as they have in other parts of the U.S.S.R., in Poland, in Czechoslovakia, and everywhere else.

The destruction of the Monitoring Groups is evidence of the most revealing aspect of communist rule: its totalist nature. However unfashionable the use of the word may be in many elite circles, "totalitarian" is the only one which fits the phenomenon. Totalitarian, meaning aiming at the complete destruction of all civic and social and cultural opposition to communist plans and ideas. Totalitarian, meaning that those who serve the system are compelled by its logic to persecute not only those who express doubts, but those who—like the Helsinki Monitors—organize to protect the right even to possess doubts. If political men and news commentators and political scientists resist use of the word "totalitarian" when they speak of communist rule, they render themselves incapable of describing communist rule. As one writer has correctly noted, you might as well try to describe a desert without using the word "sand."

Communist rule varies in its violence, but its totalist nature makes it as broadly destructive to liberty in peace-time as pre-war Nazi rule was to German society. In fascist Italy and Germany the church, at least, enjoyed limited moral and political independence, independence which it may have in contemporary Poland but which it can only long for in contemporary Romania or East Germany or the Ukraine. The perfidy of Mussolini's rule cannot be underestimated, but it did not drive into exile a greater percentage of the citizens than has the rule of communism in a half-dozen extant communist states.

It is shocking, but it also must be true, that those who have endured communist rule during the worst of its peace-time destructive fits would have less fear of war than those who have not. War is only one form of depredation. The genocide in the Ukraine can never be laid at the doorstep of any foreign aggressor. Indeed, foreign states offered food, and were told there was no hunger. Most of those who died in the Ukraine passed into the next world without the roar of battle in their ears. It was a silent enemy that slayed them. The Ukraine had been a breadbasket that nourished ancient Greece and untold European generations thereafter, but in a matter of months millions died of man-made hunger. Can anyone call that grimly-prepared silence less evil than war?

The genocide in modern Cambodia killed many more human beings than all but the largest few of the modern wars. It is the latest proof that class war, which communists regard as essential to the process of revolutionary transformation, is civil war, and can be as devastating as international war. And what the Red Army's crop eradication program in Afghanistan proves is that famine is still a tool of communist politics.

One of William Buckley's "Firing Line" panelists who watched the astonishing film "Harvest of Despair" about the Ukrainian famine of the early 1930's said a remarkable thing after the screening. He remarked, in the context of the odiousness of the Soviet domination of the Ukraine, that Leon Trotsky believed war would come one day between Nazi Germany and the U.S.S.R., and that Hitler would win. Why? Because the peoples living under Bolshevik rule would not fight for their masters, even against the Nazis, "such was the hatred (they) felt for Stalinism."

It must have been easy, tragically easy, to hate Stalinist rule. It still is. But subject peoples were no less subject before or after Stalin's bloody years in power. Lenin began it all, just as Leninism continues it today. Stalin assumed total power only in 1924 upon Lenin's death. By then the many nations of Northern Asia had already undergone sufferings that would make them see the German armies as forces of liberation.

Here is Winston Churchill, writing of the year 1918. After a few months of Bolshevik rule, the western lands of the Russian Empire have come under occupation of German troops sweeping eastward. Odessa, Sevastopol, and Rostov has fallen swiftly, one after the other. A huge area has been taken with only five divisions of reservists.

"Everything is relative," writes Churchill. "Everyone remembers (and tries to forget) [the depredations of] the German occupation of Belgium. Here in the Ukraine these same Germans came as deliverers and were spontaneously recognized as such, not only by the general population, but by those patriotic elements most hostile to the [German] invaders.* * * A dose of Communism induces a desire in any population to welcome any other form—even the harshest—of civilized authority. With the arrival of the German "steelhelmets" life again became tolerable.* * * Better the iron heel of the foreign soldier than unresisting persecution by a priesthood of blackguards and fanatics."

Those were not Stalin's servants, but Lenin's. The Stalinist purges and the greatest famine would come later. The Ukrainians did not need Stalin to teach them what communism means. And they do not need to remember him today to know the meaning of tyranny.

The Soviet state is still the jailor of nations, nations whose right to independence was enthusiastically affirmed by the first Bolsheviks. The commissars still control the national cultures, or whatever remains of them after decades of russification. The political men—I do not say leaders, for they are not elected and popular allegience does not concern them—the political men in the captive nations still look to Moscow for their every directive. Their secret police forces take their orders not from the capitals like Kiev, but from from a building in Dzerzhinsky Square in Moscow. Their harvests, taken in by labors of local peoples, are not under local control.

Look at the Ukraine's political representative today. He is Vladimir V. Shcherbitsky, First Secretary of the Ukrainian Communist Party. Where is his first allegiance? Not to the Ukraine. Mr. Shcherbitsky has another job—he is a full member of the Politboro of the Communist Party of the Soviet Union. He has been since 1971. He could have been made one only after long years of service in the Ukrainian Party, service of a sort pleasing to the Kremlin.

Shcherbitsky was a Soviet Komsomol activist in 1934 and 1935. That meant that in a Ukrainian homeland ravaged by Moscow's policies, his job was organizing support for Moscow. He was in the Red Army on the North Caucasian Front in the Second World War. The early 1950's found him as a Party organizer at a metallurgical plant. Now, we might not think the Soviets would name a metallurgical plant in the Ukraine for a Polish veteran of the Tsarist secret police who was hired by Lenin to form the Cheka to protect Bolshevism, but they did: Shcherbitsky was a political organizer at the "F. E. Dzerzhinsky Metallurgical Plant" in Dnepropetrovsk.

His work thereafter mixed his engineering expertise with his Soviet politics. He speaks and writes on economic planning and what communists since Lenin have discretely called "the nationalities question." His patron was Brezhnev, who put him in the CPSU Politboro as a way of strengthening Brezhnev's position in the Party. His travels include the predictable places where all "internationalists" go—like Cuba, Algeria, Bulgaria, and East Germany. I don't know if the Ukrainian people were ever moved to decorate him, but Shcherbitsky has awards: "Hero of Socialists Labor," the Order of Lenin (six times), and medals from dictators in other countries which, like the Ukraine, have not always been ruled from Moscow: Bulgaria and Czechoslovakia.

Here is how Radio Liberty's research team summarizes the career of this Ukrainian man, whose every personal success has come at the expense of his 40 million countrymen: "* * * his period of rule in Kiev has been most notable for its smoothness, its passive acceptance and dogmatic propagation of official Moscow line." In that sentence we find reflected all the wisdom of the ancient Greek Philosophers who taught this paradox: that every tyrant is in fact a slave.

But there are men and women—free men and women—in the Ukraine who matter more to us tonight than slaves like Shcherbitsky. Their freedom lies not in their painful political circumstances, but in the characteristics of their souls. Their souls are alight in the Marxist darkness, bright with independence, poetry, and religion. Their names are passed along hidden paths that no secret policeman can ever completely control. Their deeds of resistance, their poems, and their faith are the lights of the national consciousness.

People like Oksana Meshko, a frail grandmother of 81 years. In 1976 she dared to become a founding member of the Ukrainian Public Group to Promote the Implementation of the Helsinki Accords. The eve of the 1980 Olympic Games, symbol of international good will, found her locked in a psychiatric hospital. Today she subsists in exile in Ayan, a remote village on the Soviet Pacific coast, thousands of miles from her family in Kiev.

The Meshko name is a famous one, but there are many others. At a minimum, several dozen Ukrainians have been punished in psychiatric hospitals. Scores of others have endured the more usual methods—labor camps and prisons. Yuriy Lytvyn died in a camp in Perm. He had dared to favor peaceful Ukrainian secession from the U.S.S.R., a right guaranteed by the Soviet constitution. Stefanya Shabatura was sentenced for "anti-Soviet agitation and propaganda." She is an artist who has been barred from the Artists' Union, and a woman who has been prevented—despite the Constitution and the Helsinki Accords—from emigrating to marry her Canadian fiance.

These Ukrainians were not punished by Stalin, but by the successors of Stalin. Tell them about "deStalinization," and they will ask, perhaps, just what that means, and when it might begin. It is quite true that the methods of communism in the Ukraine are less murderous than before. But they are not less systematic, or less destructive of the best things in the human heart.

I salute you who continue to resist. Your labors, God willing, may bear fruit. I salute those of you who write to the Congress, who carry on with social and political and community organization, who put together the Ukrainian Weekly year after year in Jersey City. I salute those of you who struggle to maintain, across long geographical distance and over high political walls, the bonds which hold together families and friends. You are indeed women of two worlds. I wish you the best for your lives in both of them.

CONGRESSIONAL SALUTE TO MARY TSUKAMOTO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. MATSUI. Mr. Speaker, it is with great pride that I acknowledge the inspiring and enduring work of one of my constituents and my friend, Mary Tsukamoto. Mary, an outstanding American, is a recent recipient of the prestigious "JACLer of the Bienium" award, the highest award the Japanese American Citizen League can bestow. In addition, Mary will be inducted into the JACL Hall of Fame.

Even though Mary suffered the hardships and shame of internment during World War II, she was not embittered. Instead, she fought to turn this personal tragedy into a poignant lesson so that future generations would not have to suffer similar indignities. Mary has written and spoken extensively for the public recognition of the injustice of the internment of Japanese American citizens by their own Government during the war.

On May 29, 1942, Mary's life was shattered; she and her family were exiled in their own country. The family was forced to leave their farm, and for 2 years they moved from camp to camp. For the next 26 years, Mary moved forward, undaunted by the memories of the internment. She moved on to finish college, and signed her first teaching contract in 1949. Along with attending summer courses and workshops to sharpen and perfect her craft, Mary was an active member of the NEA, the CTA, and the Elk Grove Educators Association. Mary led a fulfilling career as a teacher, and in 1976, she was ready to leave the profession and settle into a restful retirement.

Mary's strong moral fiber would not allow her to let the injustices of the past rest. Mary took on the cause of 120,000 Japanese-Americans who, like herself, had been imprisoned without committing any crime. Mary found herself in the unfamiliar role of media spokesperson. She was interviewed by the Washington Post, USA Today, and the Pacific Citizen. She also appeared in April 1986 before the House Subcommittee for Administrative Law and Governmental Relations. In addition, Mary has written several works on internment, and her life has been featured in a book.

Mr. Speaker, Sacramento is fortunate to be the home of such an exemplary citizen. I am glad to have the opportunity to add my voice to those who congratulate and thank Mary for a job well done. She is an inspiration to me personally, and I wish that all of my colleagues in the House of Representatives could be so fortunate as to have a constituent as kind, thoughtful, and full of goodwill as Mary Tsukamoto.

RYAN CHARLES BARNER EARNS EAGLE SCOUT AWARD

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. GEKAS. Mr. Speaker, Sunday, January 25, 1987, will be remembered as a very special day in the life of one young man from my district, Ryan Charles Barner of Port Trevorton, PA. Ryan Barner, son of Rudy and Judy Barner, has earned Boy Scouts' top honor—the Eagle Award—which he will receive before family, friends, and his Congressman at a ceremony at Grace United Methodist Church of Port Trevorton.

For his Eagle project, Ryan, a member of Boy Scout Troop 401 of Port Trevorton since 1980, and a senior at Selinsgrove Area High School, researched the history of the Lower Herrold's Schoolhouse Cemetery and organized its refurbishing. He received wide community support of his project. In fact, area merchants and private citizens donated most of the materials needed for the refurbishing project.

Ryan established three goals for his Eagle project: To beautify the community of Port Trevorton, to honor the memories of the people buried at the cemetery, and to bring community awareness of the cemetery as an historical site. Ryan completed his project and achieved his goals while generating spirit and pride in his own community.

Ryan Barner has also distinguished himself as a 3-year member and treasurer of the National Honor Society, serves as president of the student council, and has earned varsity letters in football and baseball. He plans to pursue a career in electrical engineering.

I would ask my colleagues in the U.S. Congress to join me in extending congratulations to Ryan Barner for earning this worthy and special award. I wish him great success in his future endeavors.

TRIBUTE TO JERRY PRICE

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. BADHAM. Mr. Speaker, it is my distinct pleasure and privilege to rise today to call attention of this honorable body to the outstanding service provided to the people of Orange County, CA, over the past 35 years by Gerald E. (Jerry) Price, who is retiring after serving 35 years on the board of directors of the Municipal Water District of Orange County.

A dinner will be held on January 29 in his honor, and I feel it only fitting that the people of the United States know of the selfless service Jerry Price has performed in the interest of water, which is of such a vital concern to southern California.

Jerry Price is a native of Santa Ana, CA, born in that city almost 80 years ago. He attended local schools and received his mechanical engineering degree from Oregon State.

He was a charter member of the Municipal Water District of Orange County, beginning in 1951 and served for 3 years as president of its board of directors in the early 1980's. Later was named a director of the Metropolitan Water District of Southern California, representing Orange County, serving from 1976 to the present time.

Jerry Price has 30 years perfect attendance in his Rotary Club, has been a member and chairman of the board of directors of the Orange County Airport Commission, past director of the Huntington Tile Co., director of Westminster Memorial Park, twice president of the Adventurers' Club of Los Angeles and a member of the Good Samaritan Hospital Board of Governors.

It should be quite evident to the Members of the House of Representatives from this recital of the public service which Jerry Price has given to Orange County that these few words of commendation are just a few of the many he will receive and richly deserves for his service. It is my honor to be able to salute such a public servant.

THE MEDICARE REFORM ACTS OF 1987

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Ms. OAKAR. Mr. Speaker, today I am proud to introduce three bills to reform and improve benefits under the Medicare Program. This legislative package will fill in most of the serious gaps in Medicare coverage, vastly improving care for 30 million elderly and disabled persons. It will do so without raising taxes and without adding 1 penny to the deficit.

We have already seen the administration's plan for Medicare benefit cuts and premium hikes for the coming year. Clearly, this is unacceptable. Today, Medicare barely covers half of the average senior citizen's medical bills. It pays nothing toward long-term care, catastrophic hospitalization, preventive care, or prescription drugs. We must strengthen the program, not weaken it further.

The bills I am introducing today demonstrate that it is possible to reform the Medicare Program by coordinating health care and services, preventing illness, relying on lower-cost, community based services, and using all types of health care providers.

The first bill would provide Medicare reimbursement for long-term care through hospital-operated programs offering complete, coordinated services. Programs like this already exist across the Nation, including 23 now supported by grants from the Robert Wood Johnson Foundation. In addition to regular Medicare-covered services, these programs employ teams of physicians, nurses, social workers, and other professionals to provide home health care, adult day care, homemaker services, supported housing, and other services to help the elderly stay healthy and independent. Under my legislation, these hospital programs would be reimbursed on a prospective, capitation basis in order to control costs and encourage efficiency.

Such programs hold the key to helping millions of elderly Americans. Today, 6.6 million elderly require long-term care and another 9 million will need such care by the end of this century. Yet, Medicare will not pay for nursing home care, or for the kinds of preventive and supportive health and social services that would help keep elderly citizens out of nursing homes. By providing comprehensive health and social services through a carefully directed case management program, we can meet the elderly's long-term care needs. At the same time, we can cut down on expensive hospital and nursing home care.

The second bill I am introducing would provide Medicare coverage for an annual medical checkup that would include screening for heart disease, cancer, nutrition deficiencies, and other health problems. Qualified physicians, nurses, and physician assistants would be reimbursed for providing this important preventive service.

To pay for this checkup, Medicare will offer its own version of medifill insurance. Private medifill policies now cover most Medicare deductibles and copayments and extended hospital stays. The Federal Government, however, could offer identical coverage at great administrative savings, which could be used to pay for regular preventive care for all senior citizens.

Mr. Speaker, it is crucial that Medicare pay not only to cure illness, but to prevent it. Prevention will save lives and will save health care costs over the long term. We know, for example, that regular screening for breast cancer will reduce breast cancer deaths by 30 percent. In addition, when detected early, the cost of breast cancer treatment averages $18,000, compared to $60,000 in the later stages. The cure rate for colon cancer—a disease that has struck our own President—could be increased 70 percent with early detection. The effects of hypertension, depression, anemia, and a host of other health problems could be detected and arrested early with regular screening. We can provide this kind of prevention through Medicare today, at no extra cost to the Government or to seniors. Why not do it?

The final bill in this Medicare reform package provides coverage for routine vision care, including eyeglasses, routine dental care, including dentures; routine hearing care, including hearing aids; and prescription drugs. These needs now account for 13 cents of the elderly's health care dollar. Yet, without insurance coverage many seniors find it difficult or impossible to obtain the care they need.

My bill creates a new Medicare trust fund, financed in part with revenue from the Federal excise tax on cigarettes and in part with an actuarially determined premium, that will pay for these basic health expenses. In this way, the elderly will no longer have to choose between buying a prescription and buying a meal.

Mr. Speaker, the legislation I have introduced proves it is possible to improve Medicare coverage without busting the budget. We have many options for making Medicare more responsive to the elderly's needs. Let us work together for positive reforms, for a better use of our health care dollars, so that our grandparents can enjoy better health and income security in their golden years.

BUT WHY MAKE THE CONTRAS PAY?

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. COURTER. Mr. Speaker, as Americans and the American Congress press forward with investigations into possible executive branch improprieties in shipping weapons to Iran, a few in Congress have seized on the scandal to renew the argument—so recently settled—about our aid policy for the Nicaraguan resistance.

Thus far, certainly, we have no evidence that the Nicaraguans have done anything wrong. And so, thus far, we have absolutely no reason to withhold material aid so recently promised.

I would like my colleagues to consider an essay written by Xavier Arguello, the Washington spokesman for the United Nicaraguan Opposition. Published in the Washington Post on the 4th of this month, it asks the simple question: "But Why Make the Contras Pay?"

The article follows:

[From the Washington Post, Jan. 4, 1987]

BUT WHY MAKE THE CONTRAS PAY?

(By Xavier Arguello)

In the understandable uproar concerning the connection between recent events in Iran and the Nicaraguan resistance, it is important to maintain a clear distinction between errors of judgment and the merits of the larger U.S. policy toward Central America. As far as Nicaragua itself is concerned, many decent and credible figures in Washington maintain that U.S. policy there has merely provided the Sandinistas with an excuse to militarize their society, excuse the bankruptcy of their economic policies, and strengthen the hand of their supporters and apologists in Western Europe and even in the United States itself. They deserve the fair and extended hearing they have had.

But just for a moment, let us consider the alternative policy—what amounts to no policy at all—hiding, instead, behind the fiction of "containment" and ignoring the militaristic nature of the Sandinista government, which like all such regimes, requires a constant state of war and of permanent ideological confrontation—with its own resistance, with neighboring countries and finally with the United States. Fortunately, North Americans have never known such an environment, so they have difficulty imagining the peculiar logic of such states, which need enemies within and without in order to consolidate iron control over their society and to perpetuate themselves in power.

Again, to have merely treated the government of Nicaragua as one more regime in Central America—a bit peculiar, perhaps; not democratic, but no threat to the United States—would have ultimately left no future recourse but a full-scale U.S. invasion.

In the present context it may seem tactless or inopportune, but nonetheless useful, to repeat that the reasons that led the U.S. Congress to approve aid to the Nicaraguan democratic resistance in August 1986 remain the same. Indeed, nothing has changed at all—neither Nicaragua's close military and security ties to Cuba, the Soviet Union and its Warsaw Pact allies; the presence in Nicaragua of military and security personnel from those countries; Nicaragua's buildup of military forces, which are equipped with sophisticated weapons systems and facilities designated to accommodate even more equipment, in numbers disproportionate to those of its neighbors; Nicaragua's unlawful support for armed subversion and terrorism directed against the democratically elected governments of other countries; Nicaragua's internal repression of its own people, press and church; and Nicaragua's refusal to negotiate in good faith for a peaceful resolution of the conflict in Central America.

The Iran episode and its apparent connection to funds channeled for Nicaraguan purposes have served, nonetheless, to cast into sharp relief the unique moral context in which the Nicaraguan democratic resistance is compelled to operate. It is a context in which we, the resistance, are obligated to respect the laws and norms of democratic conduct that characterize our principal ally, while we fight an enemy that holds those laws in contempt and regards the humanitarian sentiments of the West as merely one more arm to use against its would-be conciliators and friends. It is as if we were a government somewhat like that in El Salvador—installed in the palace and recognized by most other states—but constantly forced to defend ourselves within legally established limits, while the Sandinista Front operates as all "liberation movements" do, free of international pressures and constitutional restraints. Except that, of course, the terms are reversed.

During its own period of struggle, the Sandinista Front obtained what it needed to survive by robbing banks, kidnapping businessmen, hijacking airlines to Cuba, taking hostages at diplomatic functions and, on one occasion, by interrupting a session of the National Congress. All this it did, in addition to enjoying certain "services" rendered by other self-styled "liberation movements" (among them the PLO) and benefiting from thousands of dollars forwarded regularly by the U.S.S.R. and Cuba—thousands which became millions in the final phase of its war against the Somoza dictatorship. To which must be added further the logistical support and the use of territory offered (quite illegally) by neighboring countries, particularly Panama and Costa Rica.

Now, however, when the shoe is on the other foot, the mere fact that the Iranian sale—in which we had no participation whatever—apparently produced resources used to finance our own military activities (I say apparently, since it has yet to be fully documented and proved) has been sufficient to provoke some members of the U.S. Congress to call for an immediate end of support to the Nicaraguan opposition. Are our allies to be more feared than our sworn enemies?

Please do not misunderstand: for those born in the United States, the permanent, open contention between branches of the government for greater control of the machinery of state is assuredly the greatest strength of its democracy. For those less fortunate—that is, for those whose origins lie elsewhere—perhaps we can be forgiven at times for the passing thought that this is also a serious weakness. To be sure, there is no civic evil worse than the inability to call one's government to account. But it is a crime to ignore—to wish not to see—the diabolical nature of those forces that oppose democracy in the modern world, and it is dangerous for the leaders of this nation to decide that now is the time to abandon the historic responsibility which is that of the United States.

Surely American democracy is strong enough to endure a serious inquiry into whatever laws might have been violated and take whatever steps are needed to redress the matter without losing sight of the larger issues, which for the Nicaraguan people are literally matters of life and death. There must be some formula that will reconcile the limitations that law necessarily imposes upon the democratic system with the responsibilities that weigh upon great-power status: a formula that will combine respect for the sacred right of dissent with the need to have a firm, logical and consistent foreign policy and the privilege of an unencumbered press together with the confusion that the latter sometimes sows as a result of the reflexive, often unthinking, liberalism that informs a few of its members.

I, for one, do not believe that there is or needs to be a contradiction between the highest dictates of American democracy and what we seek for our own people and for the cause of freedom as a whole. I dare to hope that this opinion will be sufficiently shared and acted upon before democracy loses yet another battle.

CONGRESSIONAL SALUTE TO MR. ALDO BOVERO

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. MATSUI. Mr. Speaker, I would like to call the attention of the U.S. House of Representatives to Mr. Aldo Bovero, a man who for 20 years has run one of Sacramento's finest restaurants. As a result of his dedication, Mr. Bovero was recently named the Sacramento Restaurant Association restaurateur of the Year.

Sacramento is reknown for its cuisine and epicurean variety. Thus, to be chosen from among the finest Sacramento restaurateurs is quite an honor. In addition to his talents as a restaurateur, Mr. Bovero has made great contributions to his industry, community service, and has been involved in Sacramento business.

The luxurious ambience combined with its delicious, mouth-watering fare has made Aldo's one of northern California's finest restaurants and an institution for 21 years. Aldo's is a favorite for those who wish to show out-of-town guests the finest Sacramento has to offer in dining, and is often host to national leaders and prestigious guests who come to visit California's Capital.

Mr. Speaker, Mr. Bovero has made the restaurant business his life, and I believe it is only fitting that he receive this honor as restaurateur of the year. On behalf of Sacramento, I wish to commend Mr. Bovero for an outstanding career and for an excellent restaurant. I offer my sincere congratulations to this highly respected businessman, restaurateur, and citizen.

THE RETIREMENT OF LORIS BRODDRICK

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. COELHO. Mr. Speaker, on January 31, Loris Broddrick will retire from the city of Los Banos, CA's employ, after more than 20 years of service. Loris has been a well-respected and well-liked community leader, and I know I am not alone in anticipating the void which his retirement will bring.

Loris came to Los Banos as chief of police in 1966, and was recognized for his excellence in the law enforcement field, including the J. Edgar Hoover Award for his studies at the FBI National Academy. He was promoted to city manager in 1973, a position he has held since that time, and has guided the city through both the good and bad times with a steady degree of leadership and fairness. In small cities such as Los Banos, the city manager must often be a jack of all trades, and Loris has handled all of his duties quite admirably. Personally, I can attest to his immeasurable assistance in the 15-year effort to bring a Veterans' Administration National Cemetery to Merced County.

I know that Loris and Gloria Broddrick are looking forward to his retirement, and deservingly so. I wish him well in his new career as a professional husband, grandfather, and fisherman.

RESOLUTION ON DECEPTIVE SOVIET EMIGRATION REGULATIONS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. BROOMFIELD. Mr. Speaker, I am introducing in the House today, along with my colleagues Senators BYRD and DOLE in the Senate, a resolution exposing the Soviet Union's deceptive new emigration regulations and demanding Soviet observance of internationally recognized human rights.

Few nations embody the denial of individual human rights so clearly as does our major adversary in the world arena—the Soviet Union.

I am sure each of us know of several cases where the Soviet Union has and continues to deny basic internationally recognized human rights. In my own area of southeastern Michigan, there is a young attorney, Keith Braun, who has been separated from his wife, Svetlana, for several years because the Soviet Government chooses not to grant her the exit visa she has requested on numerous occasions. I have been fortunate to meet Mrs. Braun, and they have not lost hope. They continue in their efforts to have Svetlana emigrate to the United States, but theirs and the many other cases cry for assistance from those who are free to speak.

It is for this reason that the democratically elected representatives of the American people must make it an important priority of the new Congress to condemn continuing Soviet human rights abuses and to dedicate themselves to supporting the full provision of human rights to all Soviet citizens.

As many of my colleagues know, the Soviet Union recently, and without much fanfare, announced that a more liberal emigration law would go into effect.

The Kremlin, in a clever disinformation effort, tried to trick the world into believing that Soviet Jews and other prisoners of conscience who want to leave that country would be allowed to go.

The truth, however, is that new procedures will be tighter, not looser, than existing regulations.

As part of Secretary General Gorbachev's clever public relations offensive, a number of well-known Soviet dissidents have been released from Soviet prisons. A small number of other human rights cases have also been resolved.

The Kremlin is trying to tell the world that it has become a human rights-respecting country. The new exit law has also been portrayed as being more liberal for Soviet Jews wanting to leave the U.S.S.R., a country which systematically violates their human rights.

While Jewish emigration from the U.S.S.R. reached its peak in 1979, with the departure of 51,000 Soviet Jews, recent departures have dwindled to a very low number. There are reportedly 400,000 Jews out of a population of 1.7 million who still want to obtain exit visas from that country.

The new emigration law was enacted on November 6 in the form of a decree by the Soviet parliament. It was ostensibly intended to codify procedures. In fact, the new law actually narrows the basis for emigration.

Under the old system, exceptions to the general emigration ban were made in cases of family reunification. This required applicants for exit visas to obtain invitations from relatives abroad.

Invitations from aunts, cousins, and other distant relatives were accepted. Under the new law, invitations from a close relative, such as a spouse or parent, are the only ones accepted.

Such changes in the emigration laws can have a serious impact upon those who are seeking to leave the Soviet Union. I am reminded of the case of Igor Ogurtsov, who will soon be completing a 20-year sentence for treason. It should be pointed out that Mr. Ogurtsov's treasonable offense is that he organized a Christian human rights organization, the All-Russian Social Christian Alliance for the Liberation of the People [VSKhSON], and that he was found guilty in a closed trial. Mr. Ogurtsov and his aging parents have received an invitation to come to the United States from a cousin who lives in the Washington, DC area. However, with the change in the Soviet laws, they can no longer seek to emigrate on the basis of family reunification. One has to wonder what human rights purpose has been served with the Soviet change in the law. I would suggest that none is served when such laws become more severe.

Those in our Government who carefully watch the Soviet Union are not surprised by the Kremlin's latest public relations offensive. Close scrutiny of the facts, however, reveals that although some progress has been made in the human rights area in that country, Soviet officials basically remain inactive regarding ongoing human rights abuses.

Enough of this kind of duplicity. We must make clear to the Soviet leadership that we will never be able to carry on truly normal relations, until the Soviets demonstrate—in deed as well as word—their intentions to observe internationally recognized human rights standards. Until that time, their deplorable record will continue to poison the air and undermine the prospects for achieving acceptable agreements on the many issues which divide our two countries.

By this resolution, we stand once again with free people around the world, to demand of the Kremlin: let these people go. Let them join their families and friends. Let them return to their religious and cultural homeland, or other chosen lands. Let them find their freedom.

BARBARA VUCANOVICH INTRODUCES NEVADA WILDERNESS BILL

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mrs. VUCANOVICH. Mr. Speaker, today I am introducing the Nevada wilderness bill, a measure that is very important to me and the citizens of Nevada. With the exception of minor boundary adjustments, it is virtually identical to the bill I introduced during the 99th Congress.

This legislation proposes that approximately 132,000 acres in four areas be designated wilderness. It also contains important language protecting water rights, grazing, minerals management, and predator control. As you are well aware, Nevada is an extremely arid State, and any legislation affecting water must contain provisions that protect water rights. It is also a State that depends largely on the land for its livelihood, and resource protection is necessary in this legislation.

At present time, Nevada has approximately 3 million acres tied up in de facto wilderness. That land cannot be used at all, for any purpose, until this issue is settled. It is time for us, in this Congress, to remedy this. We must designate what appropriately should be wilderness and return the balance of the land to multiple use.

There is overwhelming support for my wilderness bill from the folks in my State. I urge my colleagues to listen to the people of Nevada when this measure is once again debated before this body.

THE INDEPENDENT NUCLEAR SAFETY BOND ACT OF 1987

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. UDALL. Mr. Speaker, today I am introducing a bill to provide for establishment of a Nuclear Safety Board [NSB]. Identical legislation has been introduced in the Senate by Mr. BIDEN (S. 14). The proposed agency would be organized along the line of the National Transportation Safety Board [NTSB]. The NSB would conduct inquiries into reactor malfunctions or accidents in the same way the NTSB looks into transportation accidents.

The idea for an NSB is not new. Our colleague MICKEY EDWARDS and I cosponsored legislation in the 96th Congress (H.R. 5775) to create an NSB based on a proposal by Dr. Hal Lewis, a physics professor at the University of California at Santa Barbara. That bill was prompted when investigations into the accident at Three Mile Island [TMI] uncovered disturbing facts. The investigations showed that prior to March 28, 1979, a series of seemingly modest mishaps at TMI and other Babcock & Wilcox [B&W] reactors had resulted from significant weaknesses in the B&W design. Had these events been properly investigated and if the lessons learned had been acted upon, the March 28 accident would not have occurred. TMI had thus demonstrated the need to assure comprehensive inquiries into seemingly innocuous reactor malfunctions.

The underlying rationale for setting up the NSB as an independent agency was that the Nuclear Regulatory Commission [NRC], the agency responsible for licensing nuclear facilities and assuring compliance with regulations, could not be fully objective in assessing the causes of reactor malfunctions and accidents. At the same time it seemed to many of our colleagues that the argument for an NSB was not so overwhelming as to warrant setting up a separate agency.

As a compromise between a fully independent agency and reliance for investigations upon NRC line staff, in 1980 the Commission established the Office for Analysis and Evaluation of Operational Data [OAEOD] within the NRC. Although the OAEOD has served a useful purpose, potentially dangerous events have continued to occur at operating reactors. In addition to raising doubt as to the reliability of nuclear powerplant safety systems, these events have caused concern about the adequacy of the process for extracting and applying the appropriate lessons from them.

In 1985, the NRC took another important step to enhance its scrutiny of reactor incidents by establishing an Incident Investigation Program, which provides for incident investigation teams [ITT's] to investigate important events. IIT's have conducted inquiries into the most serious reactor incidents that have occurred in the last 2 years.

The IIT inquiries in many respects have done a good job of analyzing these events. The IIT reports, however, have left unanswered the important question of why neither the utilities nor the NRC had detected and corrected beforehand the weak links in the safety chain that caused the accidents. The failure to look into such questions suggests a possible conflict of interest: the IIT's, composed of NRC staff members and concerned for the NRC's reputation, might consciously or unconsciously steer their inquiries away from matters indicative of shortcomings in NRC procedures.

For this reason, I again introduced legislation to create an NSB last April (H.R. 4684). Following the tragic accident at Chernobyl, the Subcommittee on Energy and the Environment held a series of hearings on nuclear safety and various proposals for improving the effectiveness of nuclear regulation. The subcommittee heard testimony from a broad spectrum of the Nation's leading experts on nuclear energy. Although the subcommittee was unable to report legislation reforming the regulatory process last year, the hearings convinced me of the need to devote serious consideration to reform proposals this year.

Accordingly, I am today reintroducing legislation to create an NSB. This bill is identical to H.R. 4648, which I introduced in the 99th Congress.

The agency envisioned by the bill would be headed by a three person board appointed by the President with advice and consent of the Senate. The Board, as proposed, would be assisted by a 40-person staff. The agency's annual budget of approximately $5 million, in large measure, would be offset by a reduction in the NRC's appropriation for accident investigation activities.

In addition to the bill I am introducing today, I plan to introduce in the near future legislation to restructure our nuclear regulatory establishment. That legislation will also provide for an NSB.

Mr. Speaker, the Nuclear Safety Board is a concept deserving serious consideration along with other proposals aimed at increasing the safety and viability of nuclear power.

LEGISLATION TO PROTECT BREAST CANCER VICTIMS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Ms. OAKAR. Mr. Speaker, today, I am proud to introduce legislation to help protect Americans against the threat of breast cancer. Today, breast cancer is a leading cause of cancer deaths among women. It will strike another 120,000 women this year and, on average, will strike almost 1 in 10 American women at some point in their lives.

The first bill I am introducing today is the Breast Cancer Treatment Informed Consent Act, legislation to help protect breast cancer patients from unwanted or unnecessary surgery. Every year, thousands of women undergo biopsies, not knowing whether they will awaken to find that extensive surgery—leaving physical and emotional scars—has been performed. Fear of that "surprise" can inhibit breast cancer victims from seeking treatment altogether. However, this does not have to be.

Today, we know of effective, alternative treatments for breast cancer. A National Cancer Institute-sponsored study indicates that removal of the malignant lump, followed by radiation therapy, can be as effective as the more radical and disfiguring total mastectomy in treating early breast cancer. Women need to know about all of the treatment options available to them when they have breast cancer. They need to be able to make their own, informed decisions before treatment takes place.

My legislation requires States to enact laws requiring physicians and surgeons to inform breast cancer patients of alternative, effective methods of treatment in order to qualify for Federal health funds. Patients will have to be informed, both by means of a written summary and an oral explanation in layman's language understandable to them, of the available options and the advantages, disadvantages, and risks associated with each procedure before any treatment begins.

This bill addresses a vital need for educating patients and enabling them to choose what will be done to their bodies when they have breast cancer. Until the cure can be found, this bill will promote more informed, effective, humane treatment of this dreaded disease.

Mr. Speaker, today, I am introducing another bill as part of a larger Medicare reform package. This legislation would provide Medicare coverage for annual mammography screening for breast cancer.

For decades, the breast cancer death rate among women has held steady, while deaths from other causes have declined. However, the National Cancer Institute has proven that 30 percent of all breast cancer deaths could be avoided if women received regular mammography screening which can detect breast cancer in its early stages. Furthermore, with screening and early detection, more treatment options are available to breast cancer patients. Yet, Medicare does not cover this simple screening procedure.

My legislation would provide Medicare coverage for annual breast cancer screening, as well as for other preventive care services provided through an annual physical examination. This preventive care would be available to Medicare enrollees for an affordable premium. The care they would receive would improve health status and prevent needless deaths, including those from breast cancer.

Mr. Speaker, Congress must act decisively this year to reduce the threat of breast cancer to American women. The steps we can and must take are simple, yet effective. Through prevention and education, we can save many lives and avoid tremendous suffering. I urge my colleagues to support this legislation.

VOA PREVENTS NEWS BLACKOUT IN CHINA

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. COURTER. Mr. Speaker, for 45 years the Voice of America radio system has been one of our best ways of telling America's story abroad. But the Voice is also responsible for researching and reporting the news of the countries to whom we broadcast. This latter task is critical in the many parts of the world where totalitarian or dictatorial governments would prevent their subjects from knowing what goes on in their own countries.

With fascination, the world has been watching another democratic movement sweep through Communist China. We do not know how brief or how long it may be. So powerful is the natural impulse of the Chinese people toward democracy that the party leaders were interested in disguising the breadth of the demonstrations and discussions in the cities and universities. But these demonstrations did exist, and by broadcasting accurate and objective news reports of their existence, the Voice of America could let Chinese know about Chinese political interests. What VOA did not do, as the author of the following article points out, is make inappropriate attempts to encourage the demonstrators.

The following article by Steven Mosher of the Asian Studies Center of the Claremont Institute indicates what VOA did to help the Chinese keep informed on the demonstrations, and what VOA might well do to better inform the Chinese who are interested in democracy about the principles of representative Government in America.

[From Public Research Syndicated, Jan. 14, 1987]

MARCHING IN CHINA TO THE TUNE OF THE VOICE OF AMERICA?

(By Steven W. Mosher)

[Steven Mosher is director of the Asian Studies Center of the Claremont Institute, and author of several books, including "Broken Earth; The Rural Chinese" and "Journey to the Forbidden China"]

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For the month of December, flaring up first in one city and then another, Student demonstrations racked China. Only after the New Year, when China's senior leader, Deng Xiaoping, threatened dire consequences for students who continued to march did the demonstrations begin to die out.

With relative calm returning to China's campuses, questions raised by this sudden eruption of discontent can begin to be answered. Why did the demonstrations begin? How did they spread so quickly? What role did moderates within the Communist Party play in the demonstrations? Was the Voice of America, by its broadcasts on the protests, responsible for their spread, as the Chinese government claimed? And the most important question of all: what do the protesters want; a reform of the existing communist system or an entirely new political system, one based on democratic principles?

Last year Deng Xiaoping promised that political "reform" would accompany economic modernization. He never specified the exact nature of the coming "reform," but his widespread use of Western economic and financial models undoubtedly encouraged the students to think that Western political systems were likewise slated to be studied. The discussion in the offical press of "free debate" and "popular representation" further encouraged the students to think that party moderates would give their demands for democracy a sympathetic hearing—and protect them from reprisals by party hardliners.

Then came the massive demonstrations in Shanghai. For three days beginning on December 19 as many as 50,000 students gathered at People's Square in the center of the city. They, too, called for democracy, which they defined as free elections with a choice of political candidates, and greater freedom of speech and movement.

Others went further, calling for an end to the dictatorship of the proletariat. In its place they demanded a multi-party system under which the Communist Party would have to compete with other parties for the support of the voters.

The students had taken the prospect of political "reform" seriously. The vague, democratic mouthings of party moderates, which probably had more to do with economic efficiency and ensuring a smooth succession of power upon Deng's death, had been transformed by the students into an agenda for democratic rights.

Chinese officials, moderates and hardliners alike, were clearly startled by both the size of the student movement and the direction it was taking. On December 21 the government counterattacked, abandoning its earlier position that students had the right under the constitution to demonstrate, and declared the student protests to be "illegal acts."

The last major demonstration was held on New Years Day in Peking, when 5,000 university students braved the winter cold and the government ban by marching on Tian An Men Square. The government has used a combination of public threats and private warnings to rein the students in. Under new emergency regulations, the maximum punishment for putting up a protest poster is five years in prison, for demonstrating without a police permit, three years in prison. The government-controlled press has stated that it will be necessary to continue the "class struggle" in China for some time, a veiled warning that demonstrators may be declared to be "counterrevoluntionaries" and thus subjected to long terms of imprisonment.

[The treatment of past dissidents no doubt also gives students pause. Wei Jingsheng, who in 1979 called for China's democratization in a famous essay posted on the now-defunct Democracy Wall, is currently in the seventh year of a fifteen-year prison sentence. Just last spring, four Peking students who were tried for drawing up an anti-communist manifesto have not been heard from since.

Privately, student demonstrators have been told that continuing protests will harm their future careers. Chinese universities assign college graduates to jobs on the basis of state need rather than individual preferences, assignments that are usually made for life. College graduates who took part in anti-Japanese protests last December were punished with poor job assignments in border regions and backwaters.

With the exception of the Peking demonstration, few arrests have been made. In part, the government's hand has probably been stayed by the obvious spontaneity of the demonstrations. With coordination among students limited to the timing of protest marches, there is no student leadership to arrest.

Mass arrests, the only other alternative, would make the party appear as the enemy of the same aspirations for freedom and democracy that it only last month said were legitimate. Such action would alienate not only the student population, but intellectuals in general, a group whose support is critical to the success of the modernization program.

Rather than blame the students, the Chinese government has turned elsewhere for scapegoats. The main culprit has turned out to be none other than the Voice of America. On several occasions the People's Daily and other government newspapers have attacked "a certain foreign radio station," generally assumed to be the Voice of America, for disseminating news in Chinese about the demonstrations. The official New China News Agency has gone further, attacking the Voice of America by name for broadcasting "inaccurate" reports on the demonstrations in Shanghai and Peking.

VOA broadcasts were certainly instrumental in allowing news of the demonstrations to spread rapidly throughout the country, rendering an the initial news blackout by the government media ineffective. In one instance, two hundred Peking University undergraduates who arrived in Shanghai to join in the marches told foreign reporters that they had heard of the unrest on Voice of America broadcasts. Yet the students themselves, by placing phone calls and writing letters to friends in other cities, also helped spread news of their action throughout China.

As for the charge that the VOA broadcasts thwarted government efforts to end the demonstrations, Richard Carlson, the Director of the VOA, had this to say: "We have refrained from analysis, from background stories, from editorials—all of which might lend itself to the story generally—but just to be sensitive to the reporting so we would not in fact play some part in the story."

The VOA should continue its policy of reporting on important events that take place in China to the Chinese people, not least because this is their only accurate and reliable source of information about their own country. "We can trust the VOA," one Shanghai student protester was quoted as saying. And he is not alone. An estimated 60 million Chinese, the largest radio audience in the world, listen regularly to the network's Chinese-language broadcasts.

But the VOA should go further, including in its broadcasts a regular program on democratic fundamentals. During the demonstrations, some Chinese students openly spoke of their respect for American democratic principles, but when pressed, proved to know little about how representative democracy actually functions. VOA discussion of such principles as an independent judiciary, the function of the executive, and governmental checks and balances, would help to focus the Chinese yearnings for democracy on concrete demands for reform.

China's Communist leaders turned to the United States after the death of Mao to gain access to modern science and technology, not to study democracy. Yet many of the tens of thousands of Chinese who have studied in America have returned home with a deep appreciation of the benefits of a free press and democratic institutions. Millions more could learn about how democracy functions from the VOA.

There can be no doubt that democracy would be in China's interest. China cannot realize her vast potential without real movement towards the individual freedoms that China's student demonstrators are demanding.

CONGRESSIONAL SALUTE TO MR. RICHARD SIMON

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. MATSUI. Mr. Speaker, I would like to acknowledge before Congress the fine and always entertaining work of Mr. Richard Simon, the Sacramento Union's first full-time arts critic. During his 21 years with the Union, Mr. Simon has both enlightened and amused us with his humorously avant-garde reviews of Sacramento's varied cultural offerings, and I am sad to note his retirement in early December of this year.

Originally from Cleveland, OH, Mr. Simon attended the University of Chicago, majoring in French and graduating in 1949. After several years of traveling and teaching in England and France, he worked as a publicist in New York before moving to the west coast, where he began his journalistic career in the 1950's.

Mr. Simon's first position was with the Solano Republican in Fairfield. Later he acted as the news editor for the daily Democrat's Davis bureau. On September 10, 1965, Mr. Simon began his long and fruitful association with the Sacramento Union.

Over the last 21 years, Mr. Simon has established himself as an institution, a touchstone in Sacramento's art world. Yet it was not longevity, nor even his trademark pun-filled prose which did this; rather, it was his sense of honesty and integrity when dealing with artistic concerns. Mr. Simon was not a reviewer to constantly praise or belittle performances. Instead, he brought vitality and genuine critique to the field. His unique and often thought-provoking observations sprang from an unusually perceptive and educated mind.

Mr. Simon has deemed it time to move on, and his contributions to Sacramento's artistic community will be greatly missed. Mr. Speaker, on behalf of the people of Sacramento, I would like to congratulate Richard Simon on his extended achievement and service to our city, and offer my sincere best wishes to him in all of his future endeavors.

THE SPACE PROGRAM: AN INSIDE VIEW

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. LAGOMARSINO. Mr. Speaker, there has been a lot of discussion during the past 11 months about what went wrong with our space program. I would like to share with my colleagues some thoughts from someone directly involved in the program, and therefore, imbued with a certain sense of realism and perspective. I include the remarks of my constituent, Mr. Donald Sharp, at this point in the RECORD:

I have worked in aerospace project management/planning for over 26 years. I have experienced successful and failed launches, the Apollo fire tragedy, reductions in force brilliant and inept/biased management, and numerous other high and low points. Throughout, I have been proud of our space program and my association in unmanned launches and manned missions in Mercury, Gemini, Apollo and Space Shuttle.

Subsequent to the Challenger disaster, I am appalled that our program has now become subject to the emotions of politicians and a few prima donna astronauts that have brought our program to a standstill. This is of particular importance when we should be establishing and working toward new firm goals to again become the world leader in space exploration and development. Yet since the Challenger disaster we have dithered like children. It is obvious to me they do not understand the inherent nature of aerospace. Further, they apparently have little concern for the thousands of people who have been affected by their emotional overreaction.

On the first manned launch we knew there was an extreme risk to the astronaut on board. As a test pilot, he was also well aware of the risk. As we successfully processed flight after flight we knew the probability of a disaster was greatly increasing. Thru a malfunction we almost lost a lunar mission. But, we were heroes, no lives were lost as a realtime resolution safely brought the crew home. Although emphasis has always been to launch as safe a vehicle as possible we always knew there could never be a 100% safety factor when considering the number of complex systems (i. e.: boosters, exotic fuels, thermal tiles, auxiliary propulsion, and reentry/landing just to name a few). The nature of aerospace! We also knew the astronauts were a rare breed risking their lives. We greatly respected their voluntary entry into a high risk career. As missions progressed their risks were rewarded with public recognition and fame that allowed them to achieve in industry, politics, and other endeavors. This they willingly accepted and deserved. So much for the plus side. The nature of aerospace! . . .

Suddenly we have the down side. A Shuttle disaster that takes the lives of seven crew members. Again, the nature of aerospace! . . . Congress acts as if some cardinal sin has transpired and some of the astronauts react as if they have been violated. For Shame!! A childish overreaction occurred that has cost thousands of people their jobs and disrupted their families. This not only includes aerospace workers but manufacturers of aerospace related products, scientists on extremely important experiments, real estate workers in depressed housing markets, restaurateurs, indeed numerous other civilian and military elements. Further, our quest for developing a myriad of valuable new technologies and indeed our national security and world position in space are in serious jeopardy. All because we lost seven astronauts? . . . Think about it! I sincerely sympathize with the families of the astronauts for the loss of their loved ones. However, I think the price thousands are having to pay plus endangering our national security is too great for the significance of the event. Perhaps cause was related to complacency due to many successful launches. Based on recent reports it seems apparent we need to improve our booster design and streamline our management system to more effectively identify problem areas that may unnecessarily increase risks. But . . . at the expense of our entire program? Correcting the booster problem will not significantly change the overall risk factors involved.

We have thousands of deaths annually on our highways often due to design defects or human error. We don't shut down the auto industry while we resolve a singular auto safety problem. We have plane crashes that take hundreds of lives due to design defects, pilot error or mechanical failure. We don't terminate all flights to correct the problems. Instead we accept the "reasonable risk" factor and continue operations in parallel with efforts to improve in the future. We need a realistic Shuttle program now. If we don't keep pioneering out there, others will shove us aside. Congress needs to understand aerospace risks and place them in proper perspective to other industries. They must not emotionally react to the loss of seven lives or uninformed public opinion but rather weigh the benefits derived from aerospace with the inherent known risks to life in a manned space program. Most of all, they must remove their blinders and justify to themselves the disruption of thousands of lives because we had a very predictable tragedy.

Assuming an extensive delay will result in a safer booster, I sincerely question whether it will make a significant change to the present overall risk factor. Another complex system will cause the next disaster (and there will be another). Or, in fact, are we actually greatly increasing the risk factor on future missions due to losing thousands of qualified workers with a wealth of "corporate memory" necessary to effective processing and launch/recovery of Space Shuttles.

Considering the previous successes of our programs, are not the risks basically the same as before? Further, are not these risks acceptable and preferable to shutting down a valuable and critical program and disrupting thousands of lives? Are we not throwing out the baby with the bath water? . . . Let us make every effort to improve the reliability of systems and reduce the risks. But please use some common sense in effecting short term improvements that will allow us to promptly resume missions within acceptable and reasonable risk parameters. A large element of risk is always going to exist on each mission.

If we are to be competitive with Russia and attempt to regain our position as the world leader in aerospace, we must be willing to accept risks and get on with the program. We cannot afford a 2 or 3 year delay. We need astronauts like the old guard that were test pilots aware of the risks and willing to accept them just as a soldier accepts a risk in defending his country. If the civilians can't stand the heat then keep them out of the pot.

I totally agree with Alcestis Oberg, space author, who stated: "I protest the graying of NASA, the aging of thought, the middle-aged acquiescence to discouraging circumstances, the paralysis of spirit and the stagnation of vision". The time to mourn is over. The time to get moving in our Space Shuttle program is now!"

TRIBUTE TO TERRY DONAHUE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. LEVINE of California. Mr. Speaker, I rise today to honor a man who has put his loyalty and dedication to a university and its students ahead of an enormous pay raise. Terry Donahue, head football coach at UCLA, was offered the position of head coach, as well as complete control over the team's operations, by the Atlanta Falcons of the National Football League. However, he turned down this opportunity to make up to $600,000 per year, a $350,000 raise, because of a feeling of commitment to the program and the university.

Terry Donahue has a long and close relationship with UCLA and the Los Angeles community. As a student athlete in the 1960's he was a member of the Rose Bowl champion team of 1966, and he became head coach at his alma mater in 1976, at the age of 31. During his 11 years as coach, the Bruins have compiled a record of 88-34-7 and have won five bowl games. In fact, he is the only coach in the United States to have won five bowl games in a row, including four New Year's Day titles. Mr. Donahue has accomplished all this while at the same time maintaining high quality and integrity within the UCLA program.

Mr. Speaker, Terry Donahue has proven that dedication, loyalty, and commitment can mean more than money. He turned down a chance to more than double his salary because of the disruptions that his leaving would cause with the student athletes, his assistant coaches, and not least of all his family. This type of dedication and loyalty is to be greatly admired and hopefully emulated by America's young people. I hope my colleagues will join with me in recognizing and honoring Terry Donahue, the head football coach at UCLA.

THE SECONDARY SCHOOLS BASIC SKILLS ACT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. FLORIO. Mr. Speaker, I am pleased to join my colleague, Representative PAT WILLIAMS of Montana, in reintroducing the Secondary Schools Basic Skills Act. I would like to urge the support of my colleagues in this worthwhile effort to improve the basic skills of our youth by assisting local education agencies with large numbers of economically disadvantaged students develop improvement programs.

Our Nation's secondary schools are in the midst of an economic and academic crisis. Secondary schools across the country are experiencing increased dropout rates, and more and more high school students are unable to pass the required basic skills tests necessary not only for graduation but also for functioning in an increasingly complex society and work environment.

It is estimated that 27 million Americans and 13 percent of all 17-year-olds do not have adequate reading, writing, and comprehension skills to function in our society. In 1984, in my own State of New Jersey, over 50,000 college freshmen took the New Jersey College Basic Skills Test. Less than one-third proved proficient in verbal skills and only 12 percent were proficient in elementary algebra.

Mr. Speaker, studies indicate that 27 million Americans cannot read a newspaper, cannot fill out a job application, cannot maintain a checkbook or understand the warning label on a bottle of medicine. In short, our Nation has 27 million people that form a class of functional illiterates that are uneducated, untrainable, and economically dependent. And these numbers are growing every year.

The total costs related to our Nation's literacy are estimated to exceed $225 billion annually. Chronic unemployment is a further problem that illiterate individuals in our Nation need to deal with. Up to 75 percent of the unemployed lack the basic skills to get a job or be trained for a job. The annual amount of money spent by our Federal Government for this problem totals $17 per person for a total of $352 million. The Department of Education estimates that only 2 million people are reached annually by these programs.

The total cost of illiteracy to our Nation cannot be measured accurately. However, our Nation is paying dearly in lost productivity, decreasing competitiveness, and human misery. We hear of sad stories of people suffering tragedies because they could not read: The industrial worker killed because he could not read a warning sign; the mother who gave her sick child pink detergent instead of stomach medicine because she could not decipher medicine labels; the mother who thought she was signing a routine field trip permission slip for her daughter only to discover that she had relegated her daughter to a home for the retarded.

Despite this proven need for increased help, our secondary schools are receiving very little funding to strengthen their basic academic programs. About 77 percent of chapter 1 funds are invested in preschool, kindergarten, and lower elementary grades.

To correct this inequity, the Secondary Schools Basic Act would provide secondary schools with a 6-year authorization of $900 million annually to upgrade their basic skills program. Eligibility would be limited to secondary schools in which 20 percent of the population is economically disadvantaged. Funding would be discontinued after 2 years if the school could not demonstrate progress in improving basic skills.

The grant program would be supervised by the Department of Education and a 1-year waiver is included if extenuating circumstances preclude an improvement within 2 years.

As the Congress revises the chapter 1 elementary and secondary school programs this year, I hope that this concept of continuing to foster basic skills througout the school system is adopted.

OPPOSITION TO UDAG AND CDBG RESCISSION

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. RIDGE. Mr. Speaker, today, with the support of 15 of my colleagues, I've introduced a joint resolution which expresses the disapproval of the House to the President's requested rescission of funds previously approved for both the Community Development Block Grant and the Urban Development Action Grant Programs. The President's proposal of January 5 calls for the termination of the UDAG Program for the remainder of the fiscal year and seeks congressional approval of a 12-percent, $375.2 million reduction of fiscal year 1987 CDBG funds.

Just a few months ago the Congress and the administration agreed to a spending plan for fiscal year 1987. Unfortunately, that spending bill did not contain an appropriation for one of the most efficient Federal programs of the last 15 years, General Revenue Sharing. Thousands of local governments had effectively and properly used these Federal dollars to further their own growth and development. With the loss of revenue sharing and the ever increased financial responsibility of local governments, it is vital that both the CDBG and UDAG Programs be retained at levels that would ensure their continued effectiveness. The continuing resolution did that. By approving $3 billion in CDBG and $225 million in UDAG funds, the Congress acted reasonably and fairly in balancing both its commitment to local governments and to our constituents who demand greater fiscal restraint.

There is ample and irrefutable evidence in northwestern Pennsylvania to demonstrate how crucial both of these programs have been in reviving many of the communities I represent. These programs cannot and should not be reduced any further. Local governments will continue to bear an increasing tax burden as Congress struggles to reduce the Federal deficit. To increase that burden unnecessarily by agreeing to the administration's rescission will jeopardize the ability of our communites to meet the needs of low- and moderate-income families and to promote public-private partnerships for economic development. I urge you to join with me in preventing any further reduction in each of these vital programs.

Joint resolution to express the disapproval of the Congress with respect to the proposed rescissions of budget authority for the community development block grant program and the urban development action grant program

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISAPPROVAL OF PROPOSED RESCISSIONS.

The Congress hereby finds that the following proposed rescissions of budget authority for the Department of Housing and Urban Development, as set forth in the special message of the President transmitted to the Congress on January 5, 1987, pursuant to section 1012 of the Impoundment Control Act of 1974, should not be approved in any rescission bill:

(1) The rescission of budget authority in the amount of $375,200,000 for the community development block grant program under title I of the Housing and Community Development Act of 1974 (rescission proposal numbered R87-46).

(2) The rescission of budget authority in the amount of $237,500,000 for the urban development action grant program under section 119 of the Housing and Community Development Act of 1974 (rescission proposal numbered R87-47).

SEC. 2. REQUIREMENT OF RESUMPTION OF PROGRAM ACTIVITY.

Not later than the date of the enactment of this joint resolution—

(1) the budget authority described in section 1 shall be made available for obligation;

(2) the Secretary of Housing and Urban Development shall resume the funding allocation process for the community development block grant program under title I of the Housing and Community Development Act of 1974; and

(3) the Secretary of Housing and Urban Development shall resume the processing of applications submitted for urban development action grants under section 119 of the Housing and Community Development Act of 1974.

THE GEORGIA SOUTHERN EAGLES

HON. ROBERT LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. THOMAS of Georgia. Mr. Speaker, it is no secret that football is one of the most popular sports in America. It is especially no secret in my own congressional district because we have an extra dose of football fever through the team of Georgia Southern College, our Georgia Southern Eagles.

This year the Eagles exploded into the record books by becoming the first team in history to win back-to-back national championships in the tough division 1-AA. That accomplishment is all the more remarkable because this is only the sixth year that Georgia Southern has had a football program.

But the story of the Georgia Southern Eagles is not just a story about sports. It is a story of how the Statesboro-Bulloch County Community and many other communities set their sights on what many thought was an unobtainable goal. It is a story about how men and women and young people who will never play ball themselves worked together to make their dream for a football program come true.

It was just 6 years ago that Coach Erk Russell came to Statesboro from the University of Georgia to start the football program at Georgia Southern. University of Georgia football Coach Vince Dooley called Coach Russell's hiring one of the greatest recruiting campaigns he had ever seen. Former Georgia Southern President Dr. Dale Lick was the driving force behind bringing Coach Russell to the college and his foresight and efforts helped to make Georgia Southern football a reality. The people of Statesboro, including the Georgia Southern community, have yet to let up on their enthusiasm and support for the Eagles. Coach Russell proved true to their commitment when he was named this year's Coach of the Year by the Kodak University Division 1-AA and the prestigious Washington, DC, Touchdown Club.

While the team did not play a schedule in the fall of 1981, the 1982 and 1983 seasons featured the Eagles playing a full schedule at the 5,000 seat Statesboro High School football stadium. Only 2 short years after the initial season, Georgia Southern found itself playing in a brandnew stadium that could accommodate 18,000 fans.

Contributions from throughout the southeast of the State and a $1 million contribution by Mr. Allen Paulson of Savannah made the stadium a reality quicker than anyone had imagined. Mr. M.C. Anderson of Statesboro's commitment of heavy equipment, manpower, and time was also crucial to the construction of the stadium. Generous contributors also helped to build the Morris and Ann Lupton Building, which houses the team dressing rooms and meeting rooms, and the football field was named for Georgia State Senator Glenn Bryant of Hinesville. For the 1986 season, the stadium boasted a 15,000-seat attendance average, 3,000 of which were loyal season ticketholders.

Both crowds at football games and school enrollment are on the increase. Enrollment in 1984 stood at approximately 6,700 students. Estimates are that enrollment for the fall of 1987 will increase to about 8,500 students.

The football program's quick rise to fame has certainly not left out the central academic aspect of the players' campus life. Of the 18 senior players on this year's team, all of them will be graduating by June of this year. This is indicative of how closely Coach Russell and the other coaches emphasize academics for the players.

Another case in point is the coach's antidrug program that he presented to the team. Last year when the players filed into a team meeting, they noticed baking powder arranged on a front table to simulate drugs. Coach Russell went on to talk about the perils of drugs and toward the end of the meeting, someone walked in carrying a large box, about 2 feet by 3 feet, and dumped a rattlesnake out on the table.

The players scrambled to get out of the room and away from the dangerous snake. Coach Russell pointed out that while no football player had ever been killed by a rattlesnake, the players were running away from it. On the other hand he noted, several athletes in the last few months had been killed by drugs and yet not one player had moved away from the sample he had arranged on the table. Coach Russell's great effort to make a point about drugs netted him national attention, but more importantly, he made a lasting impression on his players on a subject of great importance.

Another story that is associated with the growing legend of Coach Russell and his players is his lucky "beautiful Eagle Creek water." Legend has it that the coach brought along a jug of the water to the 1985 semifinal playoff game that was straight from beautiful Eagle Creek, which runs amazingly close to the Georgia Southern's practice field.

Before the game, he sprinkled water in the end zones and some on the playing field for a little extra luck. There must have been something in that water, because Georgia Southern won the game and then went on to win its first national title. The tradition has continued this year, and so have the winning ways of the Eagles.

In closing, Mr. Speaker, I would like to congratulate the Georgia Southern football team and coaches not only for their accomplishments this year, but also for all that they have achieved in the short history of their program.

But I am sure that Coach Russell would be the first to agree when I say that special commendation goes to those who made their success on the field possible—the student body, the faculty and administration, and the men and women throughout Georgia and elsewhere who have turned a plan into reality.

The Eagles have done more than win two championships. They have carried the hopes and dreams of thousands of their supporters to the pinnacle of success. They have taught us all that win or lose, we can all fly with the eagles when we work together.

HOUSE SCHEDULING REFORM

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. LOTT. Mr. Speaker, today I am introducing the House Scheduling Reform Amendments of 1987, that is aimed at improving House operations in three important respects.

First, it would require the Speaker to announce a legislative program at the beginning of each session with specific dates for the consideration of major bills, and assumed 5-day workweeks interspersed with periodic district workweeks.

Second, it would require that committees not only be elected within 7 calendar days of the convening of a new Congress, but that they organize within 3 legislative days thereafter.

And third, strict conditions would be imposed on measures that could be considered under the suspension of the rules procedure to prevent abuse of this limited debate, no-amendment process.

Mr. Speaker, the way the House has been run in recent years, very little work is done early in the year, and nearly all of our work seems to crash down on us at the end of a session. This tendency to put off major decisions until the last minute leads to sloppy, dangerous, and undemocratic legislating. We are seeing more and more omnibus bills that have not been submitting to the usual committee deliberations, and yet are being considered under restrictive procedures preventing little or no Member floor participation.

While we can look back with some pride and amazement at the accomplishments of the last Congress, it must be with some sense of guilt and trepidation. For so much of our work was pulled out of the fire at the last minute with little knowledge of the specifics being voted. That is just as true for the omnibus continuing appropriations bills as it is for several authorization bills.

While some may argue that the important thing is that we got our work done and not so much how we got it done, I would submit that this attitude is contrary to the deliberative and representative qualities that should characterize and drive this body. We should be concerned if this Congress is enacting laws without all due deliberation, participation, and scrutiny by the full membership of this House.

To avoid this dangerous legislative rush to judgment in the future, it is clear that the House and its committees must get organized earlier; committees must have guidance from the leadership as to when they are expected to bring certain bills to the floor; committees must be given fuller work weeks for oversight, hearings, and bill markup; more bills must get to the floor earlier in the session to prevent authorization squeezeout by the budget and appropriations processes; and fewer bills should be considered under procedures which prevent adequate debate and amendment.

The resolution which I am introducing today is designed to accomplish these objectives through the mandatory announcement by the Speaker at the beginning of each session of the year's legislative program, early organization of committees, 5-day workweeks, and appropriate limitations on the suspension procedure. These three proposals were part of the Republican Conference's Bicentennial Restoration project which was our House Rules' substitute on the opening day of this 100th Congress. I am pleased to introduce this scheduling portion as a separate package today and urge its serious consideration by the majority leadership and my colleagues on the Rules Committee.

At this point in the RECORD, Mr. Speaker, I include a summary of the resolution. The summary follows:

SECTION-BY-SECTION SUMMARY OF HOUSE SCHEDULING REFORM AMENDMENTS

(AMENDMENTS TO HOUSE RULES PROPOSED BY REPRESENTATIVE LOTT)

SECTION. 1. Title—"House Scheduling Reform Amendments of 1987."

SEC. 2. Announcement of Legislative Program—The Speaker would be required at the beginning of each session to announce a legislative program for the session that would include target dates for the consideration of major legislation, weeks in which the House would be in session (with full, five-day work weeks assumed unless otherwise indicated), district work periods, and the target date for adjournment. The Speaker would also be required to consult with the minority leader in developing each week's legislative program.

SEC. 3. Early Committee Organization—Committees must be elected within seven calendar days of the convening of a new Congress and must hold their organization meeting not later than three legislative days after their election.

SEC. 4. Suspension of the Rules—Measures could not be considered under the suspension of the rules procedure except by direction of the committee(s) of jurisdiction or on the request of the chairman and ranking minority member of such committee(s). No measure could be considered under suspension which authorizes or appropriates more than $50 million for any fiscal year. Notice of any suspension must be placed in the Congressional Record at least one day in advance of its consideration together with the text of any amendment to be offered to it. No constitutional amendment could be considered under suspension.

THE FAMILY AND MEDICAL LEAVE ACT OF 1987

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Ms. OAKAR. Mr. Speaker, I call my colleagues' attention to a thoughtful editorial on the need for family and medical leave which appeared in the January 19, 1987, issue of USA Today. The author of this piece is my friend and colleague, PAT SCHROEDER, who was also one of the primary architects of the Family and Medical Leave Act of 1986.

The Family and Medical Leave Act would provide for a minimum of 18 weeks of unpaid, job-protected leave for employees who need time after the birth or adoption of a child or who need to care for a sick child or dependent parent. In addition, it would provide 26 weeks of unpaid, job-protected leave for any employee with an extended illness or disability.

This legislation is vitally important to all Americans—male and female, young and old—who must meet both family and job responsibilities. I look forward to being an original cosponsor of the Family and Medical Leave Act of 1987 when it is reintroduced in the 100th Congress, and I recommend Mrs. SCHROEDER'S editorial to all Members of Congress as we consider this legislation.

[From the USA Today, Jan. 19, 1987]

MAKE FAMILY LEAVE AVAILABLE TO ALL

(By Patricia Schroeder)

WASHINGTON.—Last week's decision upholding California's law guaranteeing pregnant women up to four months of job-protected leave is a victory for working women. Pregnant workers in California no longer face the dilemma of choosing between having a baby or keeping their jobs.

Unfortunately, only 10 states—California, Connecticut, Montana, Massachusetts, Hawaii, Kansas, Illinois, New Hampshire, Ohio, and Washington—guarantee pregnant women job-protected leave. Pregnant workers in the other 40 states have no job guarantee. Worse, no states have job-protected leave for the millions of other workers who risk job loss when they are temporarily unable to work because of a serious health condition like a heart attack or cancer.

Rep. Bill Clay, D-Mo., and I will soon reintroduce the Family and Medical Leave Act that grants all men and women up to 26 weeks' unpaid medical leave because of a serious health condition. It entitles both mothers and fathers a job-protected family leave of up to four months in a two-year span for the birth, adoption, or serious illness of a child or parent.

This legislation would help close the gap between a new diverse work force and outdated employment practices that place an impossible burden on parents to maintain their economic security and care for their children.

Justice Thurgood Marshall, in his opinion, underscored women's changing role: "By taking pregnancy into account, California's pregnancy disability leave statute allows women, as well as men, to have families without losing their jobs."

Women are the fastest growing segment of the labor force. In 1985, 65 percent of mothers with children under age 3 worked full time. And 50 percent of mothers with 1-year-olds are back in the work force within one year after the birth of their child. About 25 million children—over half in married-couple families—are in families where the mother works outside the home.

This makes the Family and Medical Leave Act the No. 1 issue for families. I am confident the 100th Congress will pass this important legislation and go down in history as the most pro-family Congress. The time for the future is now. Our families cannot afford to wait.

PETE WILSON QUESTIONS MIDGETMAN MISSILE PROGRAM

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. COURTER. Mr. Speaker, question: What proposed weapons system costs as much as the strategic defense initiative and the MX missile combined yet enjoys stubborn support from leading congressional Democrats? Answer: The Midgetman single-warhead missile program. What is the explanation for this seeming paradox?

In the following essay by Senator PETE WILSON, which appeared in the San Jose Mercury News, one of the Republican Party's foremost defense experts explores the Democrat fascination with a missile whose per-warhead cost approaches $100 million. According to advance billing, the Midgetman will be both survivable and nonprovocative. It appears not to matter to Midgetman backers that its cost may approach $52 billion, that it will require 6,000-10,000 trained personnel to operate and that it will gobble up thousands of square miles of desert land.

Midgetman alone is a colossal waste of money, a boondoggle far exceeding the worst nightmares conjured up by SDI opponents. However, Midgetman deployed in smaller numbers along with railmobile MX may be the salvation of the land-based missile force. I urge my colleagues to give careful consideration to Senator WILSON's arguments, because we will soon be asked to vote on the fiscal year 1988-89 Midgetman funding request.

THE WORST OF BOTH WORLDS: NEITHER PRACTICAL NOR CREDIBLE

(By Pete Wilson)

In one form or another modernizing our land-based ballistic missile force has been a key part of America's defense policy for the past eight years. Yet we have only deployed a handful of new ICBMs.

The primary reason for this inability to modernize is a lack of consensus on a specific modernization plan.

To shore up our aging missile defense, the newest entrant to be proposed for deployment is a small, mobile, single-warhead missile called the Midgetman. While this ICBM has the virtue of survivability, it falls short on affordability, practicality and credibility as a deterrent.

The genesis of the Midgetman dates to the Carter administration. At that time, strategic planners discussed a new deterrent strategy based on the potential to wage and survive a protracted nuclear conflict.

Among the new weapons designs proposed to implement this strategy was an inexpensive, light (25,000 pounds), mobile missile, that could survive multiple nuclear attacks, thereby multiple nuclear attacks, thereby serving as a long-term postwar deterrent.

The missile never saw the light of day although as originally designed, it was sufficiently credible, survivable, practical and affordable to meet this strategic objective.

Almost six years later, the Scowcroft Commission resurrected the small ICBM as part of its bipartisan plan for ICBM modernization. The new missile, however, included major—and expensive—design changes. The commission's version of the small ICBM was larger (over 30,000 pounds), had a more complex guidance system that was heavy and costly, and carried a heavier, more powerful warhead.

Together, these changes gave the small missile a prompt-response capability and new strategic roles.

For many who had philosophical predispositions to single warhead weapons, this small ICBM—dubbed the Midgetman—was touted as an attractive alternative to the MX missile rather than a backup or reserve missile for deterrence against a protracted battle.

In their view, it was the best of all worlds. It was mobile, survivable and especially, non-provocative, since it had a highly accurate warhead capable of hard-target kill (selective strike against missile silos).

In fact, the Midgetman, as currently configured, is the worst of both worlds. Total cost estimates for 500 missiles range as high as $52 billion, a per warhead cost of nearly $100 million.

To put this in perspective, the cost per warhead of the new Trident II submarine-launched ballistic missile is $13 million, including the cost of the submarine. The cost per warhead of the MX missile is only $4 million.

The Midgetman, while achieving a high degree of survivability, cannot claim to have equal marks in either practicality or credibility.

To operate, maintain and protect the proposed Midgetman, the General Accounting Office estimates 6,000 to 10,000 Air Force personnel would be required. Yet, the Air Force does not now have the personnel for this mission, and is not likely to have additional people in the future. Between defense budget slashing and an overall manpower shortage, the Air Force may be looking at a reduction in its force over the next five years.

Another problem with Midgetman relates to deployment. Americans may simply not like the idea of using thousands of acres of public land to operate nuclear weapons roaming around on wheels.

Finally, the Midgetman alone is neither a sufficiently credible nuclear deterrent nor arms control bargaining chip. The facts are: a single-warhead missile poses too small a threat to the Soviets either to deter them from using their massive ballistic missile forces or to bargain those forces away.

Overall, the new, small ICBM is extraordinarily expensive and inefficient as a prompt hard target weapon. Still, we should not dismiss out of hand the contribution it could make to national security if it could be made more cost effective and credible.

I believe this can be done without sacrificing its mobility and therefore its survivability, which can contribute much to strategic stability.

For instance, we could pair the existing program with a highly cost-effective MX missile, deploying fewer Midgetmen and more MXs. We could also redesign Midgetman to carry two or three warheads per missile to make it more cost effective.

Failure to make such changes would pose the threat that either Midgetman will not be built at all, or that it will siphon off scarce defense dollars from other vitally important strategic weapon systems that cost much less.

COMPELLING COLONEL NORTH'S TESTIMONY WILL BRING US THE TRUTH

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. BROOMFIELD. Mr. Speaker, the House of Representatives has established a Select Committee To Investigate Covert Arms Transactions with Iran. The committee has a clear mandate from the House to get the facts of the Iran initiative quickly, get them out to the American people, and recommend corrective action. Although the resolution establishing the select committee would permit it to wait until October 31, 1987, to issue its final report, the committee should make every effort to complete its investigation and issue its report much earlier.

The preliminary investigations conducted by the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs produced a good record on the decisions made in Washington and on the flow of arms to Iran, but they did not develop a good record on what happened to the money generated by the arms sales. Developing that record remains a key objective for the new Iran select committee.

It appears that Lt. Col. Oliver North holds the key that opens the lock on information about the disposition of funds generated by the arms sales. To get to the bottom of the matter expeditiously, the Iran select committee should seek a court order compelling Colonel North to tell the committee what he knows. Such an order would bring out the information needed while at the same time protecting Colonel North's constitutional privilege against self-incrimination.

Prof. Ronald L. Carlson of the University of Georgia Law School has written a paper on the subject which I commend to the House:

WITNESS IMMUNITY: AN URGENT CONSIDERATION

(By Ronald L. Carlson)

Refusals to testify by witnesses North, Poindexter and Secord have kindled popular interest in the fifth amendment. Senators debate whether to grant immunity in order to secure a full accounting of funds in the Iran arms deal. Disclosures about contra aid, momentarily stilled during the holiday season, are certain to break into banner headlines as Congress opens fresh investigations in January.

The most important issue before the investigators is whether to grant immunity to Oliver North and if so, when to do it. President Reagan has urged limited immunity in order to get the full story out. Representative William Broomfield identified the missing links in the House inquiry: "I think once we can get the information from both Col. North and Poindexter, you'd be surprised how close we would be to concluding this investigation." This accurate summary of the current state of the Iran episode suggests a fitting climax—immunize any needed witness or witnesses, end unwholesome speculation about higher involvement by confirming or denying it, complete the testimony on important points, and then allow the business of the nation's governance to proceed.

Those desiring to lengthen the span of national attention with a "go slow" approach may balk. The point is, if the step suggested here appears inevitably to be required, why prolong the agony? Responsible preliminary investigations point to the singular need for certain critical evidence. Senate Intelligence Committee chairman David Durenberger stated: "[I]t's up to [North] to come forward now and produce the rest of the puzzle, and we'll have it done."

Some have suggested there are other ways to secure this needed information, as by the President calling in his former aides and ordering them to talk. The privilege against self-incrimination has deep roots in English and American history. Its adoption was in large part inspired by public outrage over the use of the Star Chamber and the whipping of witnesses who refused to give evidence against themselves. The privilege protects all Americans, including former government officials. Any president should be reluctant to direct witnesses to relinquish this great constitutional safeguard.

Nor have North and Poindexter abrogated their fifth amendment protection in future trials by speaking with Justice Department lawyers. When an individual's fifth amendment rights remain intact, immunity laws represent an attempt to balance society's need for testimony with an individual's right to silence. Occasionally, a witness will be successfully prosecuted for a crime after he has given immunized testimony. The federal statute is not an immunity bath. On the other hand, one federal judge has correctly observed that criminal prosecution of defendants is uncommon after they have been granted immunity.

Admittedly, the giving of immunity makes it tougher for prosecutors to bring charges later. While not deciding the point, let us assume for the moment that a successful criminal trial is rendered virtually impossible by a Congressional request for witness immunity. Would any resulting inability in bringing criminal prosecutions against a couple of key figures in the Iran probe be hopelessly inconsistent with current procedure in the courts? The answer is no. In federal practice, it is the custom in the office of some United States Attorneys to never indict anyone who has previously given compelled testimony—except in cases involving perjury. Moreover, the common state pattern rejects limited immunity and provides wide protection against criminal charges under a procedure known as transactional immunity. Only the federal and a minority of state codes permit future prosecution for the offense to which the compelled testimony relates. In any event, whatever steps are ultimately taken in prosecutions against Iran arms figures, the pressing and primary concern today is one of information.

In the end, the issue becomes what the public has a right to know, and when they have a right to know it. Those who believe that an informed populace is the key to democratic government will demand an important step: immunity now. Subject to limited areas of nondisclosure for matters of national security, the air needs to be cleared. This topic should be the first, and not the last, order of committee business when the House and Senate investigative panels convene.

CONGRESSIONAL SALUTE TO FIRE CHIEF GERALD DERR

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. MATSUI. Mr. Speaker, I would like to acknowledge before Congress, Elk Grove Fire Chief Gerald Derr. Seldom can one find a citizen who has done more to serve his community than Mr. Derr. For over 30 years he has dedicated his life to fire prevention and protection. His community of Elk Grove, CA, recently awarded his dedication by bestowing upon him the title of Citizen of the Year.

Mr. Derr is a native of Elk Grove who began his career at the age of 15 when he became a volunteer firefighter. A year after his graduation from Sacramento State College, Mr. Derr became assistant fire chief and 12 years later on July 1, 1969, the Elk Grove fire commissioners hired him as the Elk Grove fire chief, a position he has held ever since.

Mr. Derr is one of the most respected fire experts in the State of California and is a member of the State Board of Fire Services and National Fire Chiefs and is chairman of the Sacramento Emergency Medical Call Committee.

Besides being a dedicated fire chief, Mr. Derr is also a member of the Elk Grove Masonic Lodge, Sacramento Scottish Rite and Ben Ali Temple of the Shrine, a past president of the Elk Grove Lions Club, and a past chairman of the Elk Grove Community Planning Board.

Mr. Speaker, in a State such as California where fire poses such a threat to the economic well-being of the people, we have nothing but admiration for a man such as Fire Chief Derr. I offer my sincere congratulations to this outstanding citizen, leader and public servant. We can only praise a man such as Fire Chief Derr, who has dedicated his life to the safety of his fellow Californians.

SPEECH OF GOV. ALEXANDER A. FARRELLY

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. DE LUGO. Mr. Speaker, I am including excerpts of Governor Farrelly's State of the Territories Speech as part of the extension of my remarks, which I believe will be of interest to my colleagues.

SPEECH OF GOV. ALEXANDER A. FARRELLY

Good afternoon, members of the 17th Legislature of the Virgin Islands, fellow Virgin Islanders and friends.

I will report to you today on the state of the government of the Virgin Islands as honestly and fully as I can, given the fact that I have been governor of the Virgin Islands for only 11 days. But before I begin this narrower report, I wish to remind us all that the state of the territory is not the state of the territorial government.

For I am happy to report that the spirit and confidence of the people of the Virgin Islands is high and optimistic. The state of mind of the people of the Virgin Islands is one willing to accept the challenges that face us and pay the price and bear the burdens necessary to solve our problems, provided all share the burden equally and all are asked to sacrifice equally. This is what I shall ask us to do.

The state of the private economy in the Virgin Islands is one that can be accurately described as booming. And as your governor I assure you that the benefits of the expanding and vigorous economy shall be shared by us all and shared fully and fairly.

But ladies and gentlemen, the state of the territorial government is deplorable. I believe it is charitable to describe the government that I now head as being in a shambles—bankrupt in its legal meaning, dispirited, often in violation of the law, and operating often without rhyme or reason, benefitting neither the persons for whom services are to be provided, nor fairly and fully compensating those who are to provide the services.

As I said in my inaugural address, we should all join together and climb on the train of progress, the train of freedom, the train of fairness. The government of the Virgin Islands, however, is a train out of control, heading downward, and down the tracks pretending not to know the dangers of derailment that lie ahead.

Our government is about to be derailed by its deficit. Over the past several years, in violation of the law, we have allowed the deficit of the government of the Virgin Islands to grow so that by the best measure available to me, as of this month, it totals approximately $80 million for fiscal 1987.

We have gotten to this point through a charade entered into and played along by both the executive and legislative branches of this government. That charade has been the 'balancing' of a budget each year by intentionally understating our expenses and obligations, and by similarly overstating projections of revenues to meet those expenses.

Over the past several years, through a process described in glowing terms by the former administration, the Budget Director and the Commissioner of Finance gained great experience in juggling numbers, juggling accounts and juggling obligations. But the opportunity to do so in the future, even if we desired to, which we do not, has been lost to this administration for several reasons.

First, the salary increases put into effect in the month of December raised the cash obligations of this government by approximately $17 million per year, or approximately $700,000 for each governmental pay period.

Additionally, as of Jan. 1, we are operating under a new tax law which drops hundreds if not thousands of Virgin Islanders from the rolls of taxpayers and reduces substantially the amount withheld from the checks of those persons who continue to be taxpayers. Thus, our collections on an ongoing and regular basis are greatly reduced.

We now have an ongoing, regular, institutionalized deficit totalling more than $40 million a year. This sum does not include the accumulated retroactive salary obligations of this government to its employees, which by itself totals approximately $33 million and is growing due to the imposition of interest obligations.

I have pledged, and I restate this pledge, to lead this government out of its present deficit crisis and to pay its workers every penny that is owed to them. But this cannot be done and it will not be done until such time as the financial footings of this government are firmly established and we are able to meet our obligations. Indeed, with present projected collections, we will not have money necessary to pay current salaries to the end of the fiscal year, Sept. 30, 1987.

We shall not continue to borrow from our children's future to pay for the excesses of the past of our continuing and present excesses. In 1984 this government borrowed $30 million, of which the vast majority was used to pay salaries and current operating expenses. This borrowing lulled us into illusion that we had no problem—that we could continue to borrow from Peter to pay Paul, and that the piper need not be paid. This shall not happen again.

What we must do in some respects is extremely simple. There are only two ways to put our financial and governmental house in order. We must cut costs and raise revenues. And revenues can be raised by only two means—increasing the base of economic activity and raising taxes. We must do all these things and we must do them now.

Costs can and will be cut. Costs will be cut through the reorganization of the government of the Virgin Islands . . . I believe that a reorganization of the executive branch will allow efficiency, will eliminate duplication and will allow us to set government salaries at a sufficiently high level that we can attract the good managers that we must have if we are to have a good government.

The first area that I wish to address involves the retirement system of the government of the Virgin Islands. Our retirement system is unique. It was established at a time when the Social Security System of the United States did not extend to residents of the Virgin Islands. Accordingly, our levels of contribution to the system were set at a level high enough to provide a level of retirement benefits that did not include Social Security payments.

When Social Security was extended to the Virgin Islands, however, no adjustment to the local retirement system was then made . . . I will submit to you legislation which will revise the retirement system so that Social Security benefits serve as the base on top of which the government retirement system benefits will be added.

I would like to announce today my intention to stop talking about the question of government holidays. I intend to submit to you legislation cutting back legal holidays in the Virgin Islands to those recognized by the federal government. . . If we are to speak truthfully about economic development and industrialization we must recognize that productivity in the private sector must be matched by government productivity.

I turn now to another item of this government's budget, which, due to the pressure of politics, has been allowed to get out of control. I speak of our system of water distribution and collection. Presently, this system costs the government in excess of $10 million by way of direct appropriations to the government's Water Purchases Revolving Fund and untold millions of dollars of more revenues lost to system leaks, defective water meters, illegal connections and a completely inadequate billing and collection procedure.

Title 30 of the Virgin Islands Code clearly places the responsibility for the development and management of our public water system—including both production and distribution—with the Virgin Islands Water and Power Authority. It is my intention to implement that long ignored legislative mandate without further delay. This will have the salubrious effect of putting the entire system of distribution and sale of water, and the collection of revenues arising from those sales, under the spotlight of public scrutiny through the supervision of the Public Services Commission.

Another area in which some sense of order must be brought to bear is our current system of dispute resolution with our unionized government workers. Presently payroll and other personnel costs represent over 70 percent of this government's total operating budget.

Under our present Public Employee Bargaining statute, neither the legislative nor the executive branch of or government controls this greatest item of government expenditure. We are compelled to ask how this can be. The fact is that when a union and the government come to an impasse in negotiations over wages, the law provides that an arbitrator is brought in to resolve the dispute.

This must stop. I, as governor, and you as senators, must have the final word on how any employee of this government is to be paid. Accordingly, I will be submitting legislation to repeal this provision of the Public Employees Relations Act.

But I pledge to each and every government worker today that once this government is able to meet its current obligations and to pay your salaries without interruption, then one half of every dollar raised through increased revenues will be set aside for the purpose of paying the past obligations to you which I have inherited and which I have committed to pay. The remaining one-half is essential if we are to fulfill our obligations to educate our children, to care for the sick and the needy, and to protect the general public.

The thrust of economic development activities, be they in the tourism area, in the area of industrial development, or in the areas of stimulating minority business activities, can only be justified if they test positive on the measure of benefitting those of us living and working in this territory.

Let me be very blunt. It makes no sense for us to stimulate local employment opportunity by forgiving taxes through our tax incentive program only to have persons not living here take the jobs . . . I would repeat again my commitment to send you legislation requiring that beneficiaries of our tax incentive programs as well as the government itself purchase an established percentage of their material needs from businesses certified by this government as being eligible minority businesses.

But our immediate problems must be solved in the other half of the revenue equation. We cannot ignore the necessity that we must raise taxes. But I recognize, as all businessmen recognize, that certain taxes imposed and collected in the Virgin Islands are not only regressive in nature but actively work against the expansion of business activity and promote tax evasion.

The gross receipts tax is such a tax. Accordingly, I will not at this time support any increase in the gross receipts tax. I do not intend that those who have been paying their taxes to continue to pay more taxes while those who have been evading taxation continue in their unlawful practices . . . The resources of the Bureau of Internal Revenue will be substantially increased so that persons who owe this government taxes are identified and caused to pay their taxes.

I shall be recommending legislation to accelerate the collection of real property taxes so that we may end up with these taxes collected on a current basis semi-annually, during each tax year.

I've concluded that on an emergency basis, until our deficit is resolved, we must impose a 10 percent income tax surcharge on all income taxes due and owing the Virgin Islands government for 1986, be they corporate or individual taxes. This must be done now. I shall also order a full study of our tax system. But until I can receive and review a full study of our entire tax system so as to be assured that we are not simply tinkering with a faulty machine I wish to impose only this immediate tax surcharge.

What I have outlined is very strong medicine. My proposals clearly will be bitter pills to swallow. But this therapy is the therapy that I believe is essential if we are to save our government.

I have already taken steps directing the Budget Director to prepare regular, periodic reports to me, not less frequently than quarterly, which reports will be made public . . . I intend to order an independent, outside audit of the Virgin Islands, and I shall be seeking from you the necessary legislative

> authority and appropriations to fulfill this pledge.
>
> I shall put an end to the practice of allowing federal funding and federal programs to be coordinated outside of the overall budgetary process. To this end, the Office of Federal Programs shall be moved administratively under the Budget Director's Office.
>
> I do not believe that by defining our present condition we define despair. To describe our present condition is to define the challenge that confronts us all. I accepted these challenges when I took my oath of office 11 days ago. You accepted the same challenge in taking your oaths of office. I ask you to join with me, to work with me.

THE COST OF DOING BUSINESS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. HOYER. Mr. Speaker, I would like to bring to the attention of the House the entire report of the Commission on Executive, Legislative and Judicial Salaries and the President's subsequent recommendation for executive salaries. I do this because the majority of the attention has been focused on the salaries of Members of Congress. Though our own salaries certainly deserve close review and scrutiny, we should not allow the analysis of 549 legislative positions to overshadow our concern for the 2,488 executive and judicial positions which are included in these pay recommendations.

Since 1969 the Consumer Price Index has risen 226 percent. The real income of most Americans has kept pace with this increase, and most private sector executives have experienced real gains. By contrast, the people to whom we entrust the execution and management of our laws, have suffered a 40-percent decline in real income over the same period.

The Commission asked the Hay Group to review the gap between level II executive positions and the private sector. In their review, the Hay Group examined only cash benefits, ignoring such private sector benefits such as stock options and other perks. Despite the narrow scope of their study, they found that a pay increase of 90 percent would be required in 1987 just to maintain the gap which existed in 1970—when Government executives were 37 percent below the low end of comparable private sector jobs.

In the executive branch, this noncompetitiveness translates into a loss of talent and an inability to recruit new talent into Government management. For example, an executive at NASA who supervised 9,000 employees recently left the Government for a job with an aerospace firm where his starting salary was double the highest Government salary. And we recently lost the director of an HHS research program who had been the winner of the Federal Woman's Award and the President's Meritorious Executive Award.

Once this talent is gone, it is increasingly hard to replace and many positions go unfilled. The position of Director of the Center for Drugs and Biologics at FDA has been vacant for a year, along with a cancer prevention research position at NIH. A directorship in clinical research at NIH has been open for 2½ years and NIH has spent over $50,000 in unsuccessful advertising for that position. And the list goes on and on. This vacancy problem is compounded by increasing turnover rates. NASA's headquarters executives' turnover rate was 45 percent from 1981-84 and it was 30 percent for field executives during the same period.

Now it is true that service at the highest levels of Government has other rewards besides financial remuneration. But these personal feelings of prestige are increasingly offset by the loss of personal privacy and increase of public scrutiny imposed by the growing number of conflict of interest regulations. We cannot expect high quality staff to place their call to public service above the well-being of their families and personal security. Those of us with families are all too aware that the costs of college education have risen steadily, while the salaries of these executives has remained far behind the curve. Had their salaries kept pace with the CPI since 1969, we would be paying Cabinet members $180,000 today. And this would still be far below their private sector counterparts.

I turn now to the judicial branch, which is the most impacted by this new pay recommendation, with its 1,639 positions. The Commission reported as astonishing fact in this regard:

> The average deputy counsel in a corporate legal department earned $134,100, 24 percent more than the Chief Justice of the United States ($108,400) and about 70 percent more than the salary of a district court judge ($78,700).

It is a national disgrace that we would allow such a situation to exist. It jeopardizes one of our most valuable and prized national possessions—an independent judiciary.

The Nation and the protection of our liberties will suffer if judges begin to view their appointments not as lifetime tenures, but as stepping stones to higher paying private sector positions. We cannot ignore that more judges have resigned from the Federal bench in the last 15 years than at any time before in the history of our constitutional Republic. If the current resignation rates continue, we can expect 40 judges to depart before the end of the decade.

It is a myth that judges are older men and women at the end of their careers. During the past 10 years of appointments, almost 70 percent of judges were 40 to 55 years old. Because of this, concerns for family security and future financial planning are paramount. It would be naive to expect them to ignore their earning potential, their family and future retirement for a lifetime of underpayment on the Federal bench.

To close, Mr. Speaker, we owe it to our country and our future that the Government attract and retain the highest quality individuals available. These people regulate industries to preserve the health and welfare of our citizens, defend our freedom, research our illnesses and develop cures, executive and adjudicate and law and preserve, protect and defend our Constitution. This honored duty should be preserved from tarnish. We must reverse the erosion of pay to avoid the slippery slope of "contingency planning" by those with whom this trust is placed. I urge my colleagues to support the President's recommendation on compensation.

RESOLUTION CALLING FOR A WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES IN 1989

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. FORD of Michigan. Mr. Speaker, last year I introduced House Joint Resolution 244, authorizing and requesting the President to call for a White House Conference on Library and Information Services, to be held not later than 1989. The first White House conference on this subject was held in 1979.

Although in the waning hours of the 99th Congress the resolution failed to reach the floor for consideration, it had 172 cosponsors representing broad bipartisan support among Members of the House of Representatives. The Senate companion resolution (Senate Joint Resolution 112) had 50 cosponsors from both parties.

Today, I am reintroducing the resolution, and hope that my colleagues will again join me in cosponsoring it as an expression of their strong belief in and commitment to Library Information and Services as we have come to know them in America, and their recognition that those services are gravely endangered.

There are two changes in this resolution from last year's House Joint Resolution 244. One is that State participation in State-level preliminary conferences and the national conference is optional rather than mandatory, and the second is that State and territorial delegates and alternatives to the national conference may participate in the respective State-level—or regional—preliminary conferences, rather than being required to participate.

This administration, as all of my colleagues know, has proposed for the past 6 years to eliminate all Federal support for library programs at the school, college, and public library levels. Their justification for this recommendation remains the same year in and year out—that all problems that ever existed at the State and local levels requiring Federal assistance have been met, and that should library needs become a problem in the furture, such need would be readily met using State and local resources rather than requiring Federal support.

The congressional response, from Members of both parties in both the House and the Senate has been to reject the President's recommendation, every year for 6 years, to abolish federally supported library programs. This fiscal year, appropriations for library services of all kinds total $132.5 million. That amount is nowhere near the amount needed to meet State and local requirements for library services, but it is far more than the President and the Department of Education care to see spent for those purposes. Yet they know and we know that the termination of revenue sharing, a large measure of which went to support State and local library needs, has placed them in more serious jeopardy than they have faced in the recent past in coming up with sufficient support for libraries.

The Congress has learned that it is not only the repeated threats to curtail and abolish funding that are the greatest dangers facing libraries today, but is a combination of interrelated policy issues that confront and make it vital for us to provide a public forum, such as a White House conference, through which the American public will be encouraged and allowed to examine the impact on libraries of the many new Government policies that have been imposed over the last decade. Many of those new policies include those which are seemingly trangential but which, in fact, jeopardize America's library community to the core. That is why we need to move quickly to approve the resolution which I am introducing today.

Another example of the administration's blatant attempts to terminate all Federal aid to libraries was the implementation, last year, of OMB Circular A-130 titled "Management of Federal Information." The intent of this directive is to privatize the gathering, publishing, and dissemination of public information and data. The intended effect will be to deny access to the general public, schoolchildren, research scholars, and those who are elderly, infirm, and handicapped. In most cases, such information will not be available from any source because so-called private entrepreneurs will set up businesses to provide information and data on a selective basis only, and the costs of such information services will be driven by the profit motive and thus will become unaffordable to most library users.

As chairman of the Committee on Post Office and Civil Service, it has been an unending battle over the past 6 years to fight off the administration's efforts to undermine libraries further through the elimination of the postal subsidy that allows and promotes the dissemination of information throughout the Nation by means of mailing newspapers, magazines, books, and classroom materials. The postal subsidy tradition, that dates back to 1904, allows the mailing of library materials to the blind, the physically handicapped, the elderly, and infirm at no cost—providing access to those who otherwise could not use libraries or receive any benefit from them. This is particularly true of those people identified above who live in rural, isolated locations without public or private means of transportation, and who depend on library books-by-mail services.

The first White House Conference on Library and Information Services, which took place in 1979, cost $3.5 million in federally appropriated funds. In today's dollars, the conference would cost in the neighborhood of $15 million. While the resolution I am introducing calls for such sums in authorized funding, I can assure my colleagues that the Federal costs for the 1989 conference will not exceed $5 million.

While I am not unmindful of the fiscal constraints we are facing in the coming budget process, and certainly I am deeply aware that $5 million is no small sum, I was impressed by testimony presented by representatives of the White House Conference Preliminary Design Task Force at a hearing I held in April of last year. They have identified alternate sources of financing the 1989 conference that would pick up the tab for at least $10 million of the anticipated costs. This commitment form the private sector to pay two-thirds of the costs for a White House Conference on Libraries and Information Services tells me that the conference is considered to be of vital importance to the library community, and that the Federal Government should find a way to pay at least its one-third share of those costs.

Even though we do not have this administration's support, it is interesting to note that in Secretary Bennett's report on elementary education in America, titled "First Lessons" (page 24), he cited his belief that——

> Every elementary school should have a library. Every classroom should have a mini-library or reading corner . . . and every child should have a public library card and be taught to use it . . . and that a librarian should be an integral part of a school's instructional staff * * *.

While I couldn't agree more, I wonder if the Secretary is so out of it that he doesn't realize how many thousands of elementary and secondary schools there are in this country today that no longer have libraries within their walls, much less a trained librarian as part of the instructional staff? I wonder how it has escaped his notice that thousands of public libraries have either had to close their doors permanently, or to severely cutback on the number of hours they can remain open during the week and on weekends to serve the public need?

In the report "A Nation at Risk," we were told that the risk to our Nation was not just that the Japanese were making cars more efficiently and of higher quality than Americans, nor that South Korea had just built the world's most efficient steel mill at a time when the steel industry in the United States is closing down and laying off thousands of workers—but the risk to us is that such developments signify a redistribution of trained capability throughout the globe. It tells us that knowledge, learning, information, and skilled intelligence are the new raw materials of international commerce, and are today spreading throughout the world as vigorously as miracle drugs and blue jeans once did. Technological changes are having enormous impact on our economy today, and as our society becomes rapidly more information based and information driven, our ability to locate, acquire, disseminate, and effectively use information is essential to our future competitiveness in the global marketplace. Most certainly, it will be crucial to any increased productivity and the quality of that productivity here at home.

Many recent and believable reports warn us that the literacy rate in this country is down—and thus the richest country in the world, and one of the so-called superpowers, stands in disgrace because it cannot produce an educated citizenry. Yet the attack on illiteracy will go nowhere, no matter how many programs we authorize or how much funding we pour into such programs, if the public's access to libraries continues to be severely curtailed, and if the costs of delivering library services to the people of this country are not fully met. Information always has been and always will be, crucial to the preservation of a democratic society—information upon which electors make their decision, and information upon which elected and appointed officials make decisions that affect those who are governed.

It seems to me that providing a national forum to discuss ways in which to protect, maintain, and enhance library and information services, by convening a White House conference on the subject once every decade, is not too much to ask.

Prior to the national conference, States—or regions—will convene preliminary conferences so that State delegates and representatives of the library community can develop recommendations for what they deem to be priority needs of libraries of every kind. Ultimately, when they meet in Washington, they will design an agenda of priorities taken from individual State and local recommendations that have national significance. All of these will be finally forged into a number of resolutions voted on by a majority of delegates to the national conference, and they will be presented to the President and the Congress for our future consideration. For example, the 1979 conference produced 64 such resolutions which stated national priorities that needed to be addressed or remedied by statute or administratively. The national conference delegates reaffirmed the continuing need for a Federal role in State and local library and information services. Fifty-five of those 64 recommendations have either been enacted into law or implemented administratively over the past 8 years, with the support of both the Democrats and Republicans of the House and Senate.

Mr. Speaker, I introduce this joint resolution authorizing and requesting the President to convene a White House Conference on Libraries and Information Services not later than 1989, and I strongly urge my colleagues to support its speedy consideration and passage.

COMMUNITY ADJUSTMENT ACT OF 1987

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. OBERSTAR. Mr. Speaker, today I have introduced the Community Adjustment Act of 1987, which would establish a program addressed specifically to those areas of this country which are hardest hit by economic dislocations—those suffering long-term economic dislocations, primarily those based on declining industrial sectors, where there are no replacement jobs to provide alternative employment and tax base; and those areas which have lost, or are threatened with the loss of, their major employer.

The important features of this program are that they couple this place-oriented assistance with the people-oriented help provided by title III of the Job Training Partnership Act. JTPA has effectively provided training for displaced workers where alternative employment exists, but it cannot be fully effective where there are no jobs for which to train dislocated workers.

My bill also puts more emphasis on prospective action: It requires the Secretary of Commerce to monitor the national economy for potential nationwide dislocations and, where needed, to assist local jurisdictions in monitoring their own economies so they can take action either to keep a plant open, or help it reopen, with as little disruption to employees' lives and the local economy as possible.

It provides grants to States, economic development districts, Indian tribes and units of local government to design community adjustment strategies, and then to establish locally run revolving loan funds. These RLF's could be used for loans or loan guarantees for startup and working capital, fixed assets, purchase, rehabilitation or expansion of facilities or equipment, or to keep the failing business in operation.

The bill also contains an extensive technical assistance section.

It is extremely important, in this time of fiscal restraint, to make our scarce resources go as far as they can. The bill, therefore, relies to a great extent on technical assistance to do what the limited grant program cannot. We know that we cannot provide financial assistance to every community faced with economic dislocation. Therefore, the bill contains a broad range of alternative forms of assistance.

Prior to applying for any further help, the community can go to the Secretary as soon as it learns that its main employer, be it a plant or government installation, is going to close, or if it has already closed. The community can ask for, and the Secretary must provide, advisers, consultants, or other assistance, to try to keep the plant open, to find a new buyer, organize an ESOP or workers' coop, or whatever other assistance is needed, to keep the plant open, or to reopen it.

Some communities will be able to receive full funding under this program, first for the adjustment strategy, then for the RLF. But there simply isn't enough money for this full range of aid to all communities.

My bill therefore provides a full range of technical assistance to other communities, including technical assistance teams and nationally recognized experts, to come in and do an analysis, working with the community, to try to find alternative employment—not fast food, minimum wage, low skill type jobs, but real, substantive and skilled replacement employment of the kind the workers used to enjoy.

Finally, because limited resources will not allow even technical assistance to all areas, the bill provides for broad dissemination of the experiences gained under this program, for many more communities to learn from, and pursue their adjustment on their own without any further help from this program.

The bill also requires the Secretary to give priority funding to new, innovative, or previously unevaluated approaches to economic adjustment. Grant recipients are required to report on the implementation of their strategies for 5 years after the first grant, so that the Secretary will have, for the first time, a full survey of the successes and failures of various approaches, which will be made available to any community.

The bill also puts new emphasis on capacity building at the local level. Applicants must not only show how they intend to implement the adjustment strategy, but must also show how they will be able to continue the adjustment on their own after the grant period. The point is to get the Federal Government in as soon as possible, and out again in 2 years, leaving the community able to continue the adjustment process on its own.

Finally, my bill puts new emphasis on the private sector, not only to participate in the adjustment, but to use its tremendous expertise in identifying replacement industry, and in locating venture and other capital and sources of expertise to help in the adjustment.

I realize that one of the greatest criticisms of the current Economic Development Administration program is that 80 percent of the Nation is currently eligible. My amendment therefore would single out those most hard-hit areas by requiring the Secretary to develop criteria to make only 20 percent to 25 percent of the population eligible, under the long-term economic dislocation criterion.

Of course, any area would be eligible for assistance if its major employer closes with little or no advance warning, or if it is stricken by a Presidentially declared natural disaster. A particular industry could also be eligible, such as fishermen who are badly hurt by a natural phenomenon such as El Nino, which wiped out the fisheries of the Northwest several years ago.

The bill authorizes $100 million per year over 3 years for community adjustment strategies and revolving loan funds, and $25 million per year for the technical assistance programs.

I believe that this bill is necessary, and will provide the greatest bang for the economic development buck—providing the full range of assistance for some communities, extensive technical assistance for others, and the accumulated experiences of the program for any community stricken by severe economic dislocation, short or long term.

It is a fresh, innovative approach to help those areas which are left behind when the economy is good, and which are almost destroyed when the national economy falters.

I include with my statement a brief summary of the bill.

COMMUNITY ADJUSTMENT ACT SUMMARY

Purpose.—To provide anticipatory and prompt response to the most hard-pressed areas experiencing or threatened with economic dislocation, either because of long-term economic deterioration, or because of loss or threatened loss of major employer, including Department of Defense and other Federal installations.

Eligible criteria.—Long term economic deterioration; Secretary to develop criteria limiting eligibility to 25% of U.S. population; sudden and severe economic dislocations; Presidentially declared natural disasters.

Eligible applicants.—States, Economic Development Districts, Indian Tribes, Units of local government, Public and private nonprofit organizations.

Assistance available.—Grants for Community Adjustment Strategies; Grants for Revolving Loan Funds for: Public entities, for construction, renovation, rehabilitation, improvement of public facilities; Private entities, for loans and loan guaranties for initial and working capital, fixed assets, purchase, rehabilitation or expansion of facilities or equipment.

Technical assistance: To predict, to extent possible, potential dislocations at national and local levels; to help an area find new employers and replacement jobs; to provide immediate assistance to prevent closure or to help reopen a plant; to test and evaluate new or previously unevaluated responses to economic dislocations; to make available to all areas the experiences accumulated under this program.

PERSONAL EXPLANATION

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. GREEN. Mr. Speaker, on Thursday, January 8, 1987, I was absent for a recorded vote due to my attendance at an international conference in Israel. I should like to note for the record that had I been present, I would have voted "aye" on rollcall No. 8, the Water Quality Act of 1987 (H.R. 1).

RECONCILIATION REFORM

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. LOTT. Mr. Speaker, today I am introducing the reconciliation reform amendments, a resolution that would amend House Rule XXI by adding a new clause barring extraneous matters in reconciliation bills.

Mr. Speaker, some of my colleagues may recall that in the last two Congresses I have been urging the leadership and the Rules Committee to crack down of this practice of attaching nonsavings provisions to reconciliation bills. I am well aware of the temptation and convenience involved, since reconciliation bills, like continuing resolutions and debt limit extensions, are must bills that are almost veto proof. Moreover, they tend to be brought to the floor in the House under restrictive or closed rules, barring challenges in the form of alternative amendments or motions to strike.

But, as tempting and as convenient as this abuse of the reconciliation process might be, the fact remains that it undermines and prolongs that process by injecting new areas of conflict between the two Houses and between Congress and the executive branch.

Recognizing that this situation was getting worse each year, I introduced House Resolution 444 on May 1, 1986, a special House rule barring extraneous matters in reconciliation that would be applicable only with respect to the fiscal 1987 budget process. I thought a pilot test might be desirable.

The gentleman from South Carolina [Mr. DERRICK], chairman of our Rules Subcommittee on Legislative Process, and also of the Budget Committee's Task Force on Reconciliation, was kind enough to schedule two subcommittee hearings on the problem of extraneous matters in reconciliation on July 30 and 31, 1986. And while the subcommittee did not bring any specific proposals to a vote, the chairman made it clear that the Rules Committee would take a harder line on such matters when the reconciliation bill came before the Rules Committee for a rule.

It is true that the Rules Committee, on September 23, reported a rule which automatically struck four extraneous provisions from the bill—provisions relating to meat inspections, the National Defense Reserve Fleet, a dam study, and a provision taking various transportation trust funds off budget. But, it is also true that the relatively closed rule made it impossible to get at various other extraneous matters, including some $1.5 billion in spending addons.

Mr. Speaker, I think the time has come to put our foot down more firmly against such extraneous matters in reconciliation. The other body now has such a rule, but we can't depend on it to clean up our act. We must also adopt such a firm and enforceable rule.

I am, therefore, proposing that we incorporate such a rule in the standing rules of the House rather than put all the pressure on the Budget or Rules Committee to weed these provisions out on an ad hoc basis.

At this point in the RECORD I include the text of my proposed rule:

H. RES. —

Resolved, That this resolution may be cited as the "Reconciliation Reform Amendments".

SEC. 2. The Rules of the House of Representatives are amended in the following way:

In Rule XXI, add the following new clause:

"8.(a) No provision shall be reported in the House in any reconciliation bill pursuant to the most recently agreed to concurrent resolution on the budget, or be in order as an amendment thereto in the House or Committee of the Whole, which is not related to achieving the purposes of the directives to House committees contained in such concurrent resolution.

"(b) Nothing in this clause shall be construed to prevent the consideration of any provision in a reconciliation bill, or any amendment thereto, which achieves savings greater than those directed of a committee and which conforms to paragraph (c) of this clause, or to prevent the consideration of motions to strike made in order by the Committee on Rules to achieve the purposes of the directives.

"(c) For the purposes of this clause, a provision shall be considered related to achieving the purposes of directives contained in the most recently agreed to concurrent resolution on the budget if it is estimated by the House Committee on the Budget, in consultation with the Congressional Budget Office, to effectuate or implement a reduction in budget authority or in new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act, or to raise revenues, or both, and, in the case of an amendment, if it is within (in whole or in part) the jurisdiction of any committee instructed in the concurrent resolution.

"(d) The point of order provided for by this clause shall not apply to Senate amendments or to conference reports.

"(e) For the purposes of this clause, all points of order shall be considered as having been reserved against a reconciliation bill at the time it was reported.".

THE NEED FOR H.R. 65: "THE CATASTROPHIC HEALTH INSURANCE ACT OF 1987: MEDICARE PART C"

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. PEPPER. Mr. Speaker, on the first day of this historic 100th Congress, January 6, 1987, I introduced legislation which I believe holds great promise for vastly improving the health and well-being of older Americans. This proposal, "Medicare Part C: The Catastrophic Health Insurance Act of 1987," would provide comprehensive catastrophic and preventive health care coverage to our Nation's 31 million Medicare beneficiaries.

For the last 4 years, the Subcommittee on Health and Long-Term Care of the House Select Committee on Aging, which I have the privilege to chair, has convened dozens of hearings and received thousands of pages of witness testimony in Washington, DC, and across the country regarding the need for a Federal response to ensure the solvency and to improve the benefit structure of our Medicare Program.

What is clear is that Medicare has been a Godsend to seniors and their families. While no one would suggest that this vital program be eliminated, all agree that major change is warranted. I was pleased that Hon. Otis Bowen, Secretary of the Department of Health and Human Services made his first congressional appearance before my subcommittee on February 19, 1986, outlining the administration's recognition of growing dissatisfaction with Medicare shrinking benefit package. After nearly a year of study, Secretary Bowen has recommended to the President that certain steps be taken to begin to address the inadequacies of Medicare. While his proposal is very limited—it provides coverage only for extraordinary amounts of Medicare copayments and deductibles and thus would help less than 3 percent of Medicare beneficiaries—Secretary Bowen should be congratulated in forwarding this most important debate. I would challenge our President to support the Secretary's plan and build on it to provide older Americans with the health security they so desperately need.

It is our challenge in Congress to build on the wide bipartisan support for change and enact comprehensive health care reform. We have the chance to bring about an improved Medicare Program with comprehensive benefits at no additional cost to the Government or consumer—simply by better management of our health care dollar I believe that H.R. 65, the Catastrophic Health Insurance Act of 1987, can accomplish that noble objective.

This bill is a substantially revised and improved version of H.R. 4287 introduced late in the 99th Congress. It enjoyed widespread support with the sponsorship of over 50 Members of the House and many outside organizations.

QUESTIONS AND ANSWERS REGARDING CONGRESSMAN PEPPER'S H.R. 65 "MEDICARE PART C: THE CATASTROPHIC HEALTH INSURANCE ACT OF 1987"

WHAT WOULD THE NEW MEDICARE PART C OFFER SENIORS?

Part C would provide all Medicare beneficiaries with comprehensive catastrophic and preventive health care coverage currently unavailable under private or public insurance. Its benefits would include the elimination of current copayments for Medicare doctor and hospital care, and the following new services:

unlimited hospital stays;

comprehensive long-term care managed by geriatric specialists (services would include home health care, nursing home care, adult day care, community-based services, respite care, and outpatient drug therapy);

eye care;

hearing care;

dental care;

prescription drugs; and,

disease prevention and health promotion (including annual preventive tests such as pap smears, colon-rectal exams, mamograms, blood pressure and cholesterol checks and information on healthy diets and lifestyles).

HOW WOULD THESE SERVICES UNDER "PART C" BE PROVIDED?

The new part C of Medicare would be provided through an innovative approach to health care delivery and payment designed to increase efficiency and eliminate waste. Part C incorporates the best of the social health maintenance organization (SHMO) and preferred provider organization (PPO) models along with a strong Federal Quality Assurance System. Eligible organizations (doctor groups, hospitals, HMO's, PPO's, insurance companies and others) would be allowed to contract with Medicare to provide the comprehensive package of benefits outlined above as well as the standard covered services under parts A and B of Medicare. To be eligible for a part C contract, organizations would have to meet stringent requirements related to access to care, quality of care, and financial viability.

In return for providing this full range of services, part C contract holders would receive a set capitated rate per beneficiary based on the cost to Medicare of providing care to the average beneficiary in a particular area (like that now paid to HMO's). In 1987, this capitated rate would be approximately $3,200 per beneficiary. Payments would be higher for high-cost Medicaid eligible individuals, most of whom reside in nursing homes.

Direct health care providers (doctors, dentists, home health agencies, hospitals, nursing homes, etc) would be paid set fees negotiated by the organization awarded the part C contract. This may be done either on a fee-for-service or capitated basis. Thus health care professionals could be guaranteed payment of set fees with the option of maintaining a fee-for-service payment system. These negotiated fees must be accepted as payment in full for services provided, eliminating all current Medicare copayments and deductibles for Medicare part C beneficiaries.

HOW WOULD SENIOR CITIZENS RECEIVE "PART C" SERVICES?

All Medicare beneficiaries would be covered under the new part C. Beneficiaries would select from the organizations in their area which hold part C contracts (as described above). They would receive all their needed health care from any direct care provider under contract with their selected organization. Once part C has been fully implemented, virtually all health care providers would have contracts with these organizations, allowing seniors full freedom of choice among doctors, hospitals, long-term care providers and others. There would be an "open enrollment" period annually at which time beneficiaries could change their selection of preferred providers.

HOW WOULD "PART C" BE FINANCED?

Part C requires no new Federal expenditures, but would be funded by more sensible and efficient management of current health care payments and from a more equitable distribution of the Medicare tax base. Sources of funding would include:

(1) Current Medicare payments under parts A and B;

(2) Seniors' payments for private Medigap policies;

(3) Seniors' Medicare part B premiums;

(4) State and Federal Medicaid payments for seniors for services now to be covered under part C; and,

(5) Revenues from improving Medicare's revenue base.

The new part C services would include services currently available under parts A and B of Medicare. Therefore, the first source of part C funding would be the amount Medicare pays now for services provided under parts A and B ($2,400 was spent on average in 1986 for each Medicare beneficiary).

Second, the vast majority of seniors now purchase private supplemental MediGap insurance to cover the costs of required Medicare copayments and deductibles. The average older American spends around $600 per year for these MediGap policies. Because part C offers comprehensive health care coverage including current Medicare copayments and deductibles, participation in this new program would eliminate seniors' need for supplemental insurance. Seniors would instead remit $600, in the form of a monthly premium of $50 to the Federal Government to pay for part C coverage.

Third, Medicare beneficiaries now pay $17.90 a month in premiums for coverage under part B of Medicare (physicians' services). This premium would continue as a part of the beneficiaries' share of part C costs.

Elderly and disabled persons covered by part C would thus pay a total annual premium of around $800 for comprehensive health care. This is less than half of what they are now paying on average to meet their health care needs. Also, recognizing that for many low income elderly this cost might prove burdensome, part C premiums could not exceed 10 percent of a beneficiary's annual gross income (earned and unearned).

Payments to make up the difference in premium payments for these individuals for whom premiums would exceed 10 percent of gross income, would come from funds generated from lifting the current income subject to the Medicare payroll tax. Currently earnings over $42,000 a year are not subject to the Medicare payroll tax of 1.45 percent. Therefore, while the average wage earner pays the tax on all he or she makes, the very rich only pay the payroll tax on a small portion of their earnings. This change would simply require the very wealthy to pay their fair share into the Medicare System of social insurance. John or Jane Doe, executive, making $2 million a year, would simply contribute the same portion of their earnings as John or Jane Doe, blue-collar worker, making $15,000 a year. Preliminary estimates by the Congressional Budget Office indicate that this change would generate over $40 billion annually by 1991.

Finally, Federal and State expenditures for nursing home care through the Medicaid Program total about $20 billion annually and are expected to double in the next 10-15 years. Part C represents an attempt to meet this growing need. States would be required to purchase part C coverage for Medicaid eligible beneficiaries at a rate equal to 90 percent of their projected average Medicaid payments for these individuals in the following year. Part C contractors would receive this 90-percent payment along with Medicare moneys for each of these individuals under their care. Since State expenditures for elderly health care represent the largest and fastest growing segment of their Medicaid budgets, this 10 percent savings would prove very attractive to State governments.

HOW WOULD SENIOR CITIZENS BE INVOLVED IN ASSURING HIGH QUALITY CARE?

Medicare part C gives seniors a strong role in monitoring the quality of care they receive. It mandates the establishment of local part C community advisory and appeals councils. These councils would be strictly independent of part C providers and would be made up of senior citizens from the community as well as independent medical experts. Councils would hear all appeals directly and would have vested authority to reverse decisions made by the provider. These citizen councils would also participate in an annual Federal performance review to guarantee that all part C beneficiaries are being provided high quality health care.

HOW CAN WE BE SURE THAT PART C WOULD PAY FOR ITSELF—NOW AND IN THE FUTURE?

H.R. 65 strictly prohibits the spending of general revenue funds to pay for the new Medicare part C—now and in the future. It requires that all new payments for part C come from Medicare's own funding source and other moneys currently spent by seniors, the States and the Federal Government for elderly health care.

HOW CAN THE NEW MEDICARE PART C PROVIDE MORE SERVICES TO THE ELDERLY WITHOUT A HUGE INCREASE IN SPENDING?

Additional services, especially in the area of long-term care, can be provided under part C while actually reducing out-of-pocket costs for seniors simply by more efficient use of moneys currently being spent and by improving the types of benefits offered under the program.

Nearly $200 billion is spent on health care for the elderly in our Nation each year. Yet, this huge amount of money is spent in a very fragmented and sometimes haphazard manner—out of the pockets of millions of individual seniors, by Federal and State governments and private insurers. By pooling together the resources and market share of 31 million Medicare beneficiaries, greater efficiencies are achieved through group purchasing and elimination of duplicate coverage.

By restructuring Medicare benefits to gear coverage toward keeping the elderly healthy (providing preventive care benefits such as health screening and eye and dental care), the costs of expensive hospital care can be avoided. For example, by providing mammograms to older women, breast cancer can be detected in its early stages, avoiding the need for dangerous and expensive surgery now often required when the disease goes undetected until its late stages.

Because all long-term care services provided under part C would be planned by a specialized team of experts and geared toward noninstitutional care, significant institutional long-term care costs would be reduced by less expensive and more appropriate home and community-based care.

Finally, because part C contractors are fully financially responsible for the care of their members, they have a strong incentive to be efficient and eliminate waste in the provision of that care.

WOULD THE NEW PART C HELP THE VICTIMS OF CHRONIC DISEASES SUCH AS ALZHEIMER'S AND PARKINSON'S?

Yes; Medicare part C benefits include comprehensive long-term care services for chronically ill elderly. Such services will include home and community based services, adult day care, nursing home care, respite care, and outpatient drug therapy. These services would be approved by a geriatric assessment team of health professionals trained in the special needs of chronically ill elderly.

WOULD PART C INCREASE SENIOR'S HEALTH CARE COSTS?

Some seniors would be required to pay higher Medicare premiums, but their out-of-pocket expenses for needed health care would drop considerably more on average. Thus, for most seniors, the total cost for health care would drop considerably. The average senior now spends over $1,600 for Medicare copayments, private MediGap insurance, and items and services not currently covered by Medicare such as prescription drugs, eye care, dental care, hearing care and nursing home care. Part C coverage would provide all of these for a maximum of around $800 or just over $60 a month. In the final analysis part C proves to be a health care bargain for senior citizens.

WON'T THERE BE SOME ELDERLY WHO COULD NOT AFFORD TO PAY THE FULL PREMIUM?

Yes; there are a good number of elderly, especially those 85 and older and living alone, whose income is very low but not low enough to qualify for Medicaid. To prevent excessively burdensome costs to these needy seniors, the annual premium required of beneficiaries could not exceed 10 percent of an individual's total income. For example, if the premium was $800 and an individual had an income of $5,000, that person's part C premium would be limited to $500.

DOES H.R. 65 ADDRESS MEDICARE'S PROJECTED SOLVENCY PROBLEM?

Yes; latest estimates are that the Medicare Program will begin running into financial difficulties by the early 1990's. H.R. 65 helps to address this impending problem by injecting additional revenues into the Medicare system. By lifting the ceiling of income subject to the Medicare payroll tax, some $40 billion annually would be added to the Medicare trust fund. Part of these new funds would go toward paying the part C premiums of lower income seniors, but the rest would go toward bolstering Medicare reserves. Therefore, H.R. 65 would help to keep Medicare financially sound for the workers of today.

WHAT ADVANTAGES DOES THIS BILL HOLD FOR HEALTH CARE PROVIDERS?

By agreeing to provide services to individuals covered under Medicare part C, doctors, hospitals, long-term care providers, dentists and other health care professionals will be guaranteed a steady client pool. These providers can also continue to be paid on a fee-for-service basis at a time when there is a continuous shift to salaried positions.

WHAT ADVANTAGES DOES THIS BILL HOLD FOR PRIVATE HEALTH INSURERS?

While Medicare part C will eliminate the need for private MediGap insurance, it does not end the involvement of private insurers in elderly health care. In fact, those private insuers which can meet rigorous quality tests can significantly expand their business by becoming a part C contractor.

DOES MEDIGAP INSURANCE PROVIDE ABOUT THE SAME COVERAGE AS IS OFFERED TO SENIORS UNDER MEDICARE PART C?

No; while many believe this to be true, the only MediGap policies now offered provide coverage for only a small portion of what Medicare doesn't pay. MediGap policies usually provide limited coverage for required Medicare copayments for hospital and doctor care, but they do not cover most nursing home care, home care prescription drugs, eye care, hearing care, dental care and other expenses which are not covered by Medicare. Part C would offer coverage for all of these. The type of benefits offered under part C are currently unavailable from either private or public health insurance.

ARE VETERANS ELIGIBLE FOR PART C ENROLLMENT?

Yes; the Veterans' Administration can enroll veterans in Medicare part C in the same manner as States can enroll Medicaid eligible individuals. The Veterans' Administration would pay a premium equal to 90 percent of its anticipated costs of providing similar services to aging veterans.

WHY CHANGE THE MEDICARE TAX BASE?

Medicare is an entitlement program, not a welfare program. It has no means test for eligibility. Part C will instead benefit persons 65 and over regardless of income levels. Medicare funds come from taxes levied on employers and employees. Just as Medicare's benefits are shared by the whole economic spectrum, its expenses should be shared in an equitable fashion among wage earners. Under the proposed change, lower and middle income workers would experience no change in their Medicare tax. However, those in higher income brackets would be asked to bear a share of expenses.

WHY MAKE PART C MANDATORY?

Part C benefits such as prescription drugs, dental care, eye care and hearing care would certainly attract a very high portion of Medicare beneficiaries to the new program. However, experts including the Congressional Budget Office argue that leaving participation in part C voluntary might lead to some adverse selection—the chance that a greater number of sicker and thus more costly elderly would choose part C than healthier Medicare beneficiaries, resulting in inordinately high costs. Having all 28 million Medicare beneficiaries in part C, creates a very large pool of individuals to spread risk over—thus allowing the offering of such a comprehensive set of benefits at an affordable price. By combining the purchasing power of so many, everyone can get a better deal.

NATIONAL SHUT-IN DAY

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. RAHALL. Mr. Speaker, I would like to take this opportunity to inform my colleagues that I will be reintroducing House Joint Resolution 145, "National Shut-In Day," which I am sure would be of great interest to many of your constituents. It would be a pleasure to have you join me as a cosponsor of this legislation.

Let me take this opportunity to describe a problem which I feel certain affects a number of your constituents. "Shut-In's" are those confined to the home, being physically unable to move around and, therefore, "shut in" their environment. They are members of society whose once productive lives have been impeded by illness or accident. This is not to say, however, that they cannot continue to contribute greatly to society, only that they need to be recognized and given the opportunity to do so.

Although it may seem a small issue, the national recognition afforded these people by the ratification of "National Shut-In Day" could make a drastic change in their sheltered lives. Other Americans would realize that "Shut-In's" have a wealth of knowledge, experience, and friendship to share. It would show that we in Congress have not forgotten the less fortunate in our society, especially in light of the continuing reductions in social programs. I urge your support for this worthwhile resolution.

EULOGY FOR McDILL "HUCK" BOYD

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. WHITTAKER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

EULOGY FOR McDILL "HUCK" BOYD BY CONGRESSMAN PAT ROBERTS, PHILLIPSBURG, KS, JANUARY 13, 1987

Yesterday, on a beautiful day in Kansas, our new Governor Mike Hayden spoke from the sun-splashed steps of our state capitol and said during his inaugural address:

"On this occasion of great joy, it is with sadness that one Kansan who lived his life in the finest tradition is not here with us today. Huck Boyd served as an inspiration to Patti and I and he leaves behind a legacy of dedication to his community, his state and to his country that we respect and will never forget . . . and we will miss him greatly."

Indeed, Mike spoke for all of us—just as I am privileged to speak today in behalf of Nancy Kassebaum, our Kansas Congressional delegation, a man with whom he had such a special and personal relationship—Bob Dole—members of our Legislature and state officials, all of us gathered here today. And it is a sad duty we perform today, we friends and family of Huck Boyd. It is a benediction pronounced by all who ever had the good fortune to know or work with a devoted husband, a loving father, a steadfast friend, a consummate professional. Yet, tears are out of season, for the triumphs of Huck's long life will far outdistance the tragedy of his death. How long he lived is less important than how well he lived. And so today we draw closer in our sadness. We take comfort in knowing that Huck lived truly well, his accomplishments towering over five generations, his tall shadow guiding generations to come.

If I may, a personal memory. Twelve years ago Huck delivered the eulogy for my father, Wes Roberts. Huck recalled that it was Wes who, sitting on a Jayhawk Hotel windowsill in Topeka, persuaded him to "help out in the campaign. It was an unpaid assignment, but he sold me and I worked at his side on one campaign after another."

So it was for my father and Huck, so it has been for Huck and all of us.

Then Huck went on to pay my father the highest compliment he could pay a man and a colleague:

"Wes . . . was a true politician—defined in the dictionary as a person 'versed in the art and science of government.' He truly made politics an art. He loved people. He knew how to work with people. He knew how to make government work for people."

Our friend Huck, too, was a true politician in the finest sense of his own definition. I humbly and proudly apply those words today to a man who practiced the art and science of politics whether he was wearing the hat of a family man, the hat of a small-town journalist, the hat of a community builder or the hat of a political partisan. To Huck, the hats were all the same: to do with dignity and with integrity the jobs that had to be done to make things work better for people, to leave this place better than he found it.

To generations of young journalists, he preached the virtue of smalltown Kansas newspapering as community service. Huck's own pen was sharp and to the point but always tempered with human compassion and purpose. He lived every day with the consequences of his journalistic prose—at the coffee shop, at the church and up and down mainstreet. Where the new journalism holds for isolation of the journalist in the name of integrity, Huck staked his community and political involvement on integrity. His editorial words were as quick to praise as to criticize and, always, they were written with a keen appreciation for the direction those words would move his readers.

That is small town and community journalism at its finest. Huck practiced it as a true politican in his own best definition.

So, too, did Huck wear the hat of community builder. The community of Phillipsburg is stamped indelibly with his personal commitment to progress and to excellence. "Tireless" is merely a feeble attempt to describe the determined energy Huck threw at projects.

This man was the architect of important programs of public service spanning a broad range of issues from education to rural health care. This man's work kept his friend and Dane Hansen's dream alive through the Hansen Foundation. The skill and determination and energy Huck applied to the brick and mortar of his beloved community, he also applied to building young Western Kansas minds through foundation scholarship funds. This man built a railroad, literally from the ground up, at a time of his life when most men would have been enjoying a well-earned retirement. He did it not for personal profit, but because Kansas needed it and because Huck, as a true politician, knew how to make government work for people.

People, other people. Huck believed in them. His duty, as he saw it and lived it, was to them. I well recall the day several months ago when Huck came to my office with a pithy criticism of some federal bureaucrat's latest energy decision. "Now, I have to tell you," Huck said with that twinkle in his eye, "this decision is going to make money for one of the companies where I serve on the board." But the twinkle left his eye when he leaned over my desk and said, "Get the decision reversed. It's going to cause some real hardship for a lot of Western Kansas families."

The thing about Huck's community involvement is that it did not stop at the Phillips County line. Kansas was his community, and the 50 states and Washington, D.C. If Journalism and community service were the work hats of Huck's life, family and politics were dress-up finest, the knot that held many diverse strands together. Family, whether his pioneer parents, his beloved wife Marie—"Mama"—or his children or grandchildren always brought the twinkle to Huck's eye.

And so did the art and science of partisan—make that Republican—politics. His political career is the stuff of legends—from the precinct to the national committee, in that order. Of course, he believed deeply in the two-party system. By his own recollection, Huck's love of politics first took root in the soil of the Jeffersonian Democrats, then flourished under his beloved GOP. He carried the banner of conservative Republican proudly. To Huck, it meant believing in individual human dignity and a government strong enough to preserve that dignity and no stronger. He was fierce in pursuit of that philosophy, as the many on the sharp end of Huck's barbs will recall.

But Huck's heart was the heart of a gentleman. And that, too, his political adversaries will recall.

Huck was a consort with and advisor to presidents, senators, congressmen and governors. He was a strategist, an oil-can man, a don of diplomacy, a molder of events. His strength in that role was twofold: A knowledge that democracy's grassroots remain at the precinct and community level; a common-sense Kansas instinct for applying that grassroots philosophy to government at all levels. Huck never let us forget what was important. Being a President or a Governor or a Congressman was important—but no more important than being a mayor or a county commissioner or a citizen from Phillipsburg, for that matter. Perhaps that helps explain why Huck, after failing in his own campaigns for governor of Kansas, never despaired and never faltered in his work on behalf of other candidates for public office. A true politician he was, right through the elections last November in giving away his time, his skills, his advice and his experience.

Huck last fall was a young man on the campaign trail. "I haven't had so much fun since I was 30," he told me at one point. And we could believe it when we saw Huck, flushed and radiant and with the twinkle in his eye, standing next to the new Governor of Kansas on election night.

My dear friends, that is how we should remember our good friend Huck, the man, the true politician well versed in the art and science of government and making government work for people. If we do, then I am confident that both Huck, our friend, and Huck, a Kansas institution, will continue to be our rock and our guiding light for years and years to come.

We can hardly hope to banish sadness here today. But our sorrow is mixed with pride. Huck Boyd most certainly takes a well-earned place among the giants of Kansas history. And Huck Boyd the man, our husband, father, grandfather and friend, will always fill a special place in our hearts.

We thank you, Lord, for having known such a man and for having shared with him this space and time.

BONNEVILLE POWER ADMINISTRATION INTERTIE ACCESS POLICY

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. COELHO. Mr. Speaker, early this month, the Edison Electric Institute held its governmental affairs conference in Phoenix, AZ. Among those who addressed the conference was the chairman of the House Subcommittee on Water and Power Resources, Congressman GEORGE MILLER. In his speech, Chairman MILLER outlined several important priorities for the subcommittee. Of special note is his concern with public power preference and the Bonneville Power Administration's intertie access policy. I thought my colleagues would be interested in reading his remarks:

INTRODUCTION

Ladies and gentlemen, I appreciate this opportunity to address EEI's annual governmental affairs conference. EEI has a long and distinguished reputation of service to the electric utility industry. I'm pleased to have this opportunity to address those who represent the industry so ably on Capitol Hill and in State capitols.

As Chairman of the Interior Water and Power Subcommittee, I'll be directly involved in a number of issues affecting you and your companies. In addition, as ranking Democrat on the Full Interior Committee, I'm sure our paths will cross on other energy or nuclear safety matters.

Since I haven't had the opportunity to work with most of you, I thought I'd take this chance to let you know more about me. My preferences and prejudices; what I'm for and against; the approach I'll take on issues affecting your industry.

YOUR PRINCIPLES

Environmental laws

During my twelve years in Congress, I have developed a strong voting record on environmental issues. I'm proud of that record and I don't intend to change. I believe strong and effective environmental laws are essential and should not be ignored or abused. However, environmental laws must be flexible and allow for reasonable economic development, including energy development.

It is inevitable that conflicts will arise between development and preservation. The Interior Committee will face a classic case when we consider legislation to open the Arctic National Wildlife Refuge to oil and gas leasing. I believe we must address each of these conflicts openly. I can assure you that I will be open, accessible and willing to listen to both sides.

Subsidies

Throughout my career, I have worked hard to reduce or eliminate subsidies to those who develop resources on public lands. These resources shouldn't be indiscriminately "locked up," but on the other hand, they shouldn't be given away at "rock bottom prices."

A fair and competitive price for public resources is often the best mechanism for judging whether such resources should be developed, when and where. Too often in the past, we have made these resources available at ridiculously low prices and under lax development standards. The results are predictable.

The Federal treasury has been denied billions of dollars in revenue and environmental conflicts have needlessly developed. Our present need for revenues to balance the budget demands that we receive top dollar for Federal resources.

Nuclear power

Concerning nuclear power, I recognize it is an important element in our energy mix. However, safety is a major concern wth the public and that concern can't be ignored.

I don't believe nuclear power will assume increased importance as an energy option until it regains the public's confidence. This won't be done with slick advertising campaigns. Plants will have to be operated safely and efficiently. Waste will have to be transported and stored safely.

The best test of nuclear power's viability remains the private market place. If nuclear power is to gain a larger share of energy production, several things will have to happen. The industry will have to recognize the concerns regarding safety and their responsibilities under Price-Anderson to share the costs of accidents. They shouldn't expect a free ride.

The Federal government, on the other hand, has a responsibility to address such problems as nuclear waste and licensing reform. The Government must do so in a manner which develops public confidence and trust, rather than suspicion about using these programs as a political football.

Public power preference

I'd like to say a few words about public power preference. As you may know, our Subcommittee has jurisdiction over the basic statutes which control the marketing of Federal power and its sale under preference conditions.

My views on preference have been shaped by the area I'm proud to represent. Contra Costa County is served entirely by Pacific Gas and Electric, an investor-owned utility. My constituents have not had the benefit of receiving low-cost power from Federal dams on a permanent basis. As taxpayers, they have helped subsidize public power in California and thoughout the West.

Given the realities of the political process, I don't see any impending events which will change this state of affairs.

However, we must all recognize that public power is a valuable resource, and it is presently undervalued. This subsidy was originally provided to meet important social goals. Are these goals still relevant in light of today's $200 billion budget deficits? I don't know the answer, and I'm not afraid to ask the question.

It is important to note that realistic pricing leads to more efficient use of public resources. That's the approach I've been pursuing in the water area for 12 years. It is reasonable to assume that the same approach applies to public power.

I would note that many in Congress share this view. In 1980, the Congress significantly altered preference in the Northwest Power Act. Last year, Congress rejected preference with respect to relicensing of hydroelectric facilities. It is reasonable to expect future Congresses to take similar actions.

AGENDA FOR 100TH CONGRESS: FULL COMMITTEE

Now I'd like to turn to the activities I expect our Committee will address during the 100th Congress. Let me begin by discussing several issues to be considered by the Full Interior Committee.

1. Price-Anderson. The need to reauthorize the Price-Anderson Act will be one of the major legislative issues facing the Committee next year. It is likely we will begin our discussions with the compromise bill which nearly passed the House in the waning days of the 99th Congress. I would also expect that the key issues to be debated will be the liability limit and a cap on payments by participating utilities. It is my hope we can address this issue quickly and meet the summer termination date for the present authorization.

I don't enter this debate from the perspective of a card-carrying "anti-nuke." However, I do believe that if there is an accident with one of the plants currently in operation, the industry should pay for it. For this reason, I supported the Markey/Nuclear Regulatory Commission proposal of unlimited liability, but with a cap on annual payments as a means to protect the industry from financial ruin.

I would urge you and others in the industry to quickly develop a unified, defendable position on the question of a liability limit and stick with that position. Last year, the industry first supported a $1 billion limit, then $2.5 billion, $4 billion and finally $6 billion. This constant changing of position weakened your case and dragged on the debate.

2. Nuclear relicensing. Chairman Udall has stated on several occasions his desire to hold a series of hearings on nuclear licensing reform. I expect we will begin those hearings next year and I look forward to them. The industry has raised a number of interesting issues in this regard. I believe we have a responsibility to address them. I don't enter this debate with any preconceived notions. It is a complex and important subject which we should address thoroughly.

3. Nuclear waste repository. Next year, I think it is reasonable to assume the Committee will hold a series of hearings on the nuclear waste program. There are a number of issues we will likely address.

The Congress has established 1998 as the goal for getting a Permanent Waste Repository on-line. Given the actions on the last year's appropriations bill, it is questionable that this goal can be achieved.

DOE was required to submit a proposal for a Monitored Retrievable Storage site in 1985. Now that a court challenge to this directive has been lifted, I would expect that DOE will submit their proposal.

The Administration is looking for the Congress to ratify their decision to postpone the selection of a Second Repository. I would expect this will be one of the important issues for the Committee to address, especially since the Administration has decided to use this program as a political football.

4. Oil and gas leasing. The Interior Committee will give serious consideration next year to legislation. I have introduced to reform the simultaneous oil and gas leasing system on pubic lands.

The present system is a mess. The Federal government is being denied hundreds of millions of dollars in revenue. Criminal violations of the law are commonplace. The lottery system has been used by profiteers to swindle small investors of millions of dollars. In short, the system is an outrage.

During the 99th Congress, hearings were held and a number of proposals were discussed, especially during the final days of the session. I anticipate we will move a bill this year in the House, and now that the Senate is controlled by the Democrats, chances for some type of reform legislation are improved.

AGENDA FOR 100TH CONGRESS: SUBCOMMITTEE ON WATER AND POWER

There are two major issues of concern to my Water and Power Subcommittee I would like to mention this morning.

1. Bonneville Power Administration (BPA) intertie access policy. The Bonneville Power Administration (BPA) has recently proposed implementing a "long-term intertie access policy". This policy outlines the manner in which BPA will provide access to their transmission facilities and price power sold to California.

This policy has been sharply criticized by California regulatory bodies, and public and private utilities alike. The policy, they maintain, will cost California consumers hundreds of millions of dollars, and unfairly deny them access to low-cost power in the Pacific Northwest and Canada.

BPA has a poor record in meeting its repayment obligations. These obligations have grown in recent years with several management mistakes like Whoops 1 and 3. The decline of the aluminum industry has left BPA with only one major source for increased revenues if they want to keep Northwest residential rates artificially low. That source is exports to California.

BPA must understand there is a limit to how far California taxpayers and electric consumers will go to subsidize residential rates in the Pacific Northwest. I think we may have reached that limit.

As a result, I intend to hold early oversight hearings on BPA's intertie access policy. This will be a major priority for the Subcommittee during the 100th Congress.

2. Power marketing administration proposal. The Administration is expected to once again submit proposals to sell the power marketing administrations (PMA's) and initiate rate reforms for Federal power.

I also expect these proposals will receive absolutely no support in the Congress. This is unfortunate since both proposals merit consideration.

The PMA sale involves two important questions. Should they be sold? And if so, under what conditions?

So far, the Administration has refused to seriously address either question. Instead, they have included the sale proposal just to "pad" the revenue side of the budget.

The rate reform proposal would require debt for Federal hydro facilities to be carried at today's interest rates, and repaid in equal, annual installments. I believe this proposal has merit since it would lead to Federal power being marketed at realistic rates.

However, both the sale and rate reform proposals will involve considerable political pain if they are to be implemented. I would be willing to examine those questions if the Administration were genuinely serious about either one.

They aren't.

The Administration has simply sent up both proposals and washed their hands of them. They have failed to lobby for either one in a serious manner. Since the Administration isn't serious about either proposal, I don't intend to waste any time to address them.

OTHER ISSUES

Acid rain

I would be remiss if I didn't say a few words concerning acid rain legislation. Although this legislation won't be considered by the Interior Committee, I realize it is an important issue for each of your companies.

I cosponsored legislation introduced by my colleague Henry Waxman because I believe it is a tough, workable bill. I expect some acid rain legislation will be seriously considered during the 100th Congress.

I'm sure that some of you, or your technical people, would love to jump up here on the podium with me to debate the science of acid rain. I'm not a scientist, so such a debate would not be terribly fruitful for either of us.

I would point out that the vast majority of Members of Congress are not scientists either. However, they are politicians and good politicians are hearing from their constituents. Our constituents perceive a problem and they are demanding that it be solved.

Many in your industry has consistently maintained there isn't a problem and all we need is additional study. Regardless of what your scientists say, when the public thinks there is a problem, there is a problem.

Thus, I would urge you to take a message back to your executives concerning acid rain. The message is: acid rain is a real problem which has substantial political support. Some form of legislation is inevitable. Therefore, the industry should be prepared to work with the Congress to shape a workable bill that will solve the problem consistent with the needs of your industry.

CONCLUSION

Again, I want to thank you for the opportunity to discuss my perspective on the agenda for the 100th Congress. It promises to be a busy year. I look forward to working closely with all of you on these and other issues.

CONGRESSIONAL SALUTE TO CHANCELLOR JAMES H. MEYER

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. MATSUI. Mr. Speaker, I would like to take this opportunity to recognize one of Sacramento's outstanding citizens, Chancellor James H. Meyer who is retiring after 35 years of service at the University of California at Davis.

Throughout his tenure, Chancellor Meyer has served both the people of Sacramento and the university community conscientiously and professionally. Since he began his service to Davis 35 years ago as a junior animal husbandman, Dr. Meyer has been active in the phenomenal growth at the school. He oversaw the transformation of the university from a small agricultural college to a major scientific and research center. Chancellor Meyer has also distinguished himself as an innovator, and he is considered the leading authority on education at UC Davis. Under his administration the university began graduate programs in biology, statistics, computer science and environmental studies. In addition, Chancellor Meyer helped UC Davis double its enrollment, triple its staff, and vastly increase revenues. Dr. Meyers also provided the leadership in Davis' construction programs and this led to the construction of a major medical center, a hospital and a recreation facility.

Prior to his appointment to UC Davis, Dr. Meyer was a research associate at the University of Wisconsin. After earning his Ph.D., he joined the staff at UC Davis in 1951 as a junior animal husbandman. It was from this position that Dr. Meyer began his rise up the ladder at UC Davis, finally obtaining the coveted post of Chancellor in 1969. In addition to his regular university duties, Dr. Meyer has been an active member of the scientific community. He is a member of several professional societies, including the American Association for the Advancement of Science, the American Institute of Nutrition, and the American Society of Animal Production.

Mr. Speaker, on behalf of the people of Sacramento, I would like to congratulate Dr. Meyer on his outstanding accomplishments. His long years of service at Davis have enriched both the culture and education of all of those fortunate enough to have known him. I offer my sincere best wishes to this outstanding scholar, teacher, and administrator as he enters a well deserved period of rest and relaxation in retirement.

AGENT ORANGE SETTLEMENT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. BONIOR of Michigan. Mr. Speaker, I would like to submit for the RECORD an editorial which appeared in the Los Angeles Times on December 29, 1986. The article examines the issue of allocating the $180 million class action settlement to compensate veterans exposed to agent orange in Vietnam.

The authors. Mr. Joseph Zengerle and Mr. Charles Hagel, capture the tremendous depth and complexity of this problem, and arrive at a very poignant and effective solution. This article points our country in a direction that continues the essential process of welcoming our Vietnam veterans home and instructs that we, as a Nation, must fully address the extraordinary challenges our Vietnam veterans face.

[From the Los Angeles Times, Dec. 29, 1986]

A LIVING MEMORIAL TO VIETNAM VETS—FOUNDATION CHANNELS BENEFITS FROM AGENT ORANGE SETTLEMENT

(By Joseph C. Zengerle and Charles T. Hagel)

(Joseph C. Zengerle served as assistant secretary of the Air Force under President Carter; a lawyer, he chairs the board of the National Foundation for Vietnam Veterans and Their Families. Charles T. Hagel, served as deputy administrator of the Veterans Administration under President Reagan; now a Washington businessman, he chairs the payment program's advisory board.)

After years of trial-court delays, Vietnam War veterans and the manufacturers of Agent Orange agreed to a $180-million settlement of the class action between them. Now both the fairness of the overall settlement and the plan of distributing that fund are being challenged in federal appellate court.

While the settlement is the largest of its kind in American history, its size is dwarfed by the need. Assuming that the settlement itself is upheld, disbursing the $180 million plus interest presents profound difficulties. Of the 2.5 million veterans and family members who make up the class, nearly 10% have filed claims since the settlement. A pro-rate distribution to those claimants alone would give each less than $1,000—an unsatisfactory outcome.

The truth is that the settlement imposes on the federal courts a "Sophie's Choice" of agonizing dimensions. To help one child with miltiple birth defects would mean that hundreds of others could not be helped.

Recognizing the difficulty of such decisions, Chief Judge Jack B. Weinstein of the U.S. District Court in Brooklyn, N.Y., involved Vietnam veterans in making them. Thirty Vietnam veterans from around the country convened to help formulate the distribution plan. Veterans remain just as actively involved in implementing the plan's payment program, which will administer the claims of individual class members, and the National Foundation for Vietnam Veterans and Their Families, which will make grants to serve the needs of the class.

As chairman of these two distribution mechanisms, we are among hundreds of Vietnam veterans nationwide who, at the request of the trial court, have contributed substantial time without compensation in the struggle to make the best in a series of bad choices and who now stand behind those choices, knowing their limitations.

Years of further proceedings—and millions of dollars diverted to administrative costs—might enable the payment program to identify among the quarter of million claims those with the most direct link to Agent Orange exposure, as some have suggested. We chose instead to act now by requiring claimants to show only exposure. There has been enough effort expended in this case in chasing the causation will-o'-the wisp.

To make the awards a reasonable size, we chose to concentrate on those who have the worst problems—the totally disabled and the families of the deceased. That decision is now under challenge, but we believe that it reflects a fundamental fairness to a community that finally deserves cost-efficient and speedy attention.

It may seem like rough justice to seek only minimum indications of eligibility and to treat only the most compelling claims. But whatever principles govern the resolution of such a unique dispute, they at least require the provision of a remedy that ends controversy and helps the claimants get on with their lives.

The actuaries told us that even these tough choices (the choices that others want to pretend that they can avoid) left us with awards averaging under $10,000 each, spread over 10 long years of annual $1,000 payments.

And it left us knowing not only that we were unlikely to address effectively the needs of those who would receive payments but also that we would not even touch the lives of the remaining claimants and the millions of other Vietnam veterans and their families in the class.

So we stepped back and did something that is perhaps unusual, though not unprecedented. We conceived the foundation and gave it enough money to do a great thing—create a productive legacy out of the Vietnam War through programs whose benefits could indirectly extend to all of its veterans and the nation that they served with courage. The national foundation would symbolize in perpetuity the desire of Vietnam veterans, whose board would direct its activities, to help each other and to serve their local communities and their nation as they did once before in Vietnam.

Perhaps we overreached. Perhaps the only lives that deserve attention are those of individuals who filed lawsuits, followed the long course of litigation to the settlement and then made their claims. We think not.

For Agent Orange is more than a nickname for a defoliant. It is a metaphor of the Vietnam War that represents for many the unhappy aftermath of a period that divided Americans like nothing since the Civil War. It is the lightning rod at which are hurled the frustrations of people who were caught up at a young age in a maelstrom that the overwhelming majority weathered well but that hurt many, and left those many to heal themselves.

Consider the alternative to the foundation: a $180-million settlement plus interest, the largest sum of money that Vietnam veterans will ever see, disappears in small checks that leave no enduring contribution either in the lives of the claimants or their country.

If the Court of Appeals could triple the settlement, that would be wonderful. But if the settlement size is left untouched, we hope that the court will uphold the elements of what we think is a visionary distribution plan.

The hard-fought battle of yesterday for recognition of Vietnam veterans' military service has been won. Our memorial in Washington will stand forever as its witness. The objective of today's fight includes survival of the national foundation as a living memorial to give a healing voice to the spirit of service that persists in us all.

LOUISVILLE—ONE OF NORTH AMERICA'S MOST LIVABLE CITIES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. MAZZOLI. Mr. Speaker, I rise to pay tribute to my hometown—a community I am privileged to represent in the House of Representatives—Louisville, KY. Louisville was recognized recently as one of North America's "Most Livable Places."

Louisville's title was bestowed by Partners for Livable Places, which assesses cities for their economic and artistic vitality, architectural variety, and general quality of life.

This accolade echoes Louisville's 1985 ranking as the eighth most livable city in America among 329 cities rated in Rand McNally's "Places Rated Almanac." This represented a climb from 19th in that firm's study for the previous year.

Such surveys, I think, do serve as a convenient point of departure for taking stock, assessing where we are as a community, where we've been, and where we ought to be going.

But, we should not get lost in all the maze of cold, insensitive statistics upon which such surveys draw their supposed strength. There are intangible qualities which cannot be measured, which do not show up on any rating sheet which are the heart and soul of a community. Louisville has these intangible qualities in abundance.

Not unlike other urban areas, Metropolitan Louisville is transitioning one era into another. This is painful and discomforting as one industry is replaced by another, as one job is replaced by another. Yet, to its everlasting credit, the Louisville community has maintained its balance, its character and optimism throughout this transition period.

Louisville continues to be a community of energetic, friendly, caring people who give of themselves to those less fortunate. There is a firm sense of commitment to improving education, scientific and medical research, and the arts, while ensuring the delivery of essential services in lean budgetary times. In short, its real wealth is its people.

I think the distinction of these rankings really points up the strength, diversity, and creativity of Louisville's people. We who are Louisvillians by birth or by choice can take great pride in these honors.

Mr. Speaker, I'm proud of my hometown—proud of its achievements and the contributions its sons and daughters have made to our Nation and the world. And, I'm excited by its opportunities, its potential for the future, moving through the 1980's and into the decades beyond.

As a native-born Louisvillian, I am very happy that the experts now know what we Louisvillians have known a long time: We live in a great community!

UPSTATE WEATHER MISTRUTHS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. HORTON. Mr. Speaker, from Virginia to California, from the sunny shores of Florida to the rain-drenched Cascade Mountain foothills in the Northwest, the legend of the fabled upstate New York winter has been passed down from generation to generation all across these United States. Well, Mr. Speaker, I am here to once again try to dispel this fallacy.

While the people of my district in upstate New York were relaxing in balmy 44 degree weather last Wednesday, cities as diverse as Las Vegas and St. Louis, Seattle and Detroit, were being bludgeoned by climates far more frigid. Even London, Peking, and Paris withstood temperatures lower than Rochester, as the capital of China dipped down to 11 degrees. But do we see television commercials of the people of Peking or the pedestrians of Buffalo when a company advertises its cold medicines?

A good friend of mine, Andy Wolfe, is the publisher of Wolfe Newspapers in upstate New York. Andy recently published an editorial which eloquently expresses my exasperation in dealing with upstate weather mistruths, and I commend him for his fine words.

Mr. Speaker, I hope all those who have in the past maligned upstate and western New York's winter climes will take Andy's words to heart.

THE MYTH OF THE ABOMINABLE UPSTATE WINTER

Not very many years ago this area received a total of 43 inches of snow during one storm.

Transportation was slowed, and several roads were blocked for hours.

But no one panicked.

No black headlines.

No warnings on the airwaves of impending disaster.

No fearsome suggestion that this is part of the dire toll of living in the Snowbelt.

We think it is about time that people stop talking as if a snowstorm was something inflicted by a wrathful God on a sinful land.

Snowstorms can create problems.

But they also can create a kind of beauty unknown in many parts of the world.

They can create opportunities for fun.

A century ago children looked forward to being snowbound.

Families had a long roster of things to do during and after a major snowstorm. There is a whole literature of prose and poetry about the beauty of snow and the fun of snowstorms:

Storytelling in front of an open fire.

Treats made by pouring syrup on snow.

The beauty of snow slanting past frosty windows.

Sledding parties and sleigh-ride parties.

Skating on the Erie Canal.

All this is part of the lore of the land in which we live.

Last week we had a minor storm, the first real storm of an unusually warm Winter.

The storm was very ordinary, and it was followed by glorious, clear Winter weather.

But the rush of Winter mythology caused by this ordinary storm was fierce.

Whence comes this mythology?

Partly, it stemmed from the severe storm of February, 1977. It admittedly was a nasty storm, but it gained national mythological importance because snow control in the Buffalo area was so faulty that it created a disaster.

From that has grown the theory that Winter in Upstate New York is an arctic catastrophe.

The silliest thing about all this is that people who live here have come to believe a legend created by outsiders, people who have never been here in Winter, or have recently arrived.

People who never knew a real storm move here, accept the legend, and then go about perpetuating it.

The trouble with all this is that the myth now hurts us.

Recruiters for industry and for our colleges find people accepting the myth.

One recruiter reports: "I don't know how many times I've heard people say, 'It's probably a nice place, but I've heard the Winter climate is awful.' "

The curious result is the myth has become widespread at a time when snow control has been so perfected that that 43-inch blizzard of 1977 probably could be handled with relative ease.

What we've got to project is the image of Winter Upstate as a time of beauty and excitement.

Georgia and Texas don't go around telling people how awful their Summer heat and humidity are, and how drab their Winter landscape.

Why then do we shoot ourselves in the foot by spreading the myth of the "horrible Upstate Winter?

Get intelligent clothing, start the fire, mix the toddies, and enjoy!

INTRODUCTION OF DAV VIETNAM VETERANS' NATIONAL MEMORIAL BILL

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. RICHARDSON. Mr. Speaker, I am proud to introduce a bill today that will declare the DAV Vietnam Veterans National Memorial in Angel Fire, NM, as a memorial of national significance. In 1968, Dr. and Mrs. Victor Westphall along with their younger son Douglas sought to build a lasting memorial to their son and brother, David, who was killed in Vietnam. The chapel in Angel Fire stands on a hill in northern New Mexico overlooking the Moreno Valley. The structure rises above the brow of the hill to a height of nearly 50 feet with inward curving walls sweeping down each side. It truly makes an impression when seen from a distance—one of the reasons why it has received an award for architectural excellence from the New Mexico Society of Architects. The chapel they built served for many years without official recognition. In fact, Dr. Westphall had exhausted all funds for the chapel before it was completed. But fortunately Mr. Speaker, the DAV—Disabled American Veterans—learned of the memorial in 1977 and began providing funding. On Memorial Day, 1983, the chapel was rededicated and named the DAV Vietnam Veterans Memorial. It was made a State memorial in 1983 during the first session of the 36th New Mexico State Legislature.

The chapel is a place where people can come to pray for peace and pray that the painful and lonely feeling of losing a loved one in combat need not happen again. It is a place where people can come to remember. I would like to read for my colleagues a quote written by the late David Westphall III which I think symbolizes the ethical principles behind the meaning of this memorial:

> At the sight of the heavenly throne Ezekiel fell on his face, but the voice of God commanded, "Son of Man, stand upon your feet and I will speak with you." If we are to stand on our feet in the presence of God, what, then, is one man that he should debase the dignity of another?

Dr. Westphall writes of his late son's feelings:

> David believed that the cause for which he gave his life was just. Yet his words bear testimony to his belief in a more ultimate justice, and in an ethical code whereby peace could prevail.

Mr. Speaker, it is a great honor for me to ask the U.S. House of Representatives to give this chapel the special recognition it deserves by declaring it a national memorial. Many of our citizens come from all over the country to experience the kinds of emotions associated with Vietnam. The chapel has inspired the construction of other memorials to Vietnam veterans throughout the United States including the Vietnam Veterans' Memorial in Washington, DC. It truly represents a place where veterans and civilians can come to observe, share, and think. I urge my colleagues to recognize this chapel by making it a national memorial.

CONGRESSIONAL AWARD FOR EXEMPLARY SERVICE TO THE PUBLIC BILL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. GILMAN. Mr. Speaker, today I am introducing, along with the gentleman from Michigan [Mr. FORD], H.R. 648 legislation to amend title 5, United States Code, to codify the Congressional Award for Exemplary Public Service Program. This bill indicates the concern of the Congress for securing proper levels of courtesy and responsiveness in the delivery of services to the public. The Federal Government is the leader in supplying and maintaining exemplary service to the public. Without its fine example, other large employers would lack a role model.

Exemplary Public Service Program recognizes and publicizes exemplary and courteous service to the public. An additional objective of the Exemplary Public Service Program is to ensure that the public is approached with concern and responsibility.

This bill provides that the nominee has demonstrated a degree of courtesy in associating with the public that is outstanding in normal circumstances. Courtesy that is most outstanding to normal expectations is displayed by frequent promptness in responding to requests for assistance. Moreover, more efficient, economic, and effective procedures must have been taken to satisfy the needs of the citizens.

Passage of this legislation will put the Congress on record that it seeks to support Federal Government workers' responsiveness that exceed normal expectations. The impact of the adoption of this legislation will certainly be with our Nation for a long time to come. Accordingly, I urge my colleagues to support this bill.

Mr. Speaker, I insert at this point in the RECORD, the full copy of our bill:

H.R. 648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) the nature and quality of the contacts citizens have with Government personnel at all levels influence the way Americans think and feel about their Government;

(2) public recognition for consistently courteous service to the public, encouragement of a concerned and responsible attitude toward the public among Government personnel, and underscoring of the previously expressed interest of the President and the Congress in the importance of courtesy throughout Government, should provide greater incentive for courteous conduct by Government personnel;

(3) during the period from 1980 through 1985, the program for the Congressional Award for Exemplary Service to the Public, administratively established by the executive and legislative branches, has generated such interest, enthusiasm, and favorable publicity that 41 departments and agencies participated in the program in 1985, each nominating outstanding employees; and

(4) the success of such program justifies that it be enacted into permanent law.

SECTION 2. CONGRESSIONAL AWARD FOR EXEMPLARY PUBLIC SERVICE.

Title 5 of the United States Code is amended by redesignating sections 4505, 4506, and 4507, as sections 4506, 4507, and 4508, respectively, and by inserting after section 4504 the following:

"§ 4505. Congressional award for exemplary public service

"The Office of Personnel Management may incur necessary expenses for the honorary recognition of 5 employees annually who provide exemplary and courteous service to the public. Such award may be in addition to any other award under this chapter.".

SEC. 3. CONFORMING AMENDMENT.

Section 4507 of title 5, United States Code, (as redesignated by section 2 of this Act), is amended—

(1) by inserting "(a)" before "The Office"; and

(2) by adding at the end the following:

"(b) The Office shall—

"(1) prescribe regulations and instructions under which nominations for the award under section 4505 shall be made;

"(2) prepare recommendations concerning each nominee for such award; and

"(3) submit such recommendations for consideration by 4 Members of Congress, 2 to be chosen by the Speaker of the House of Representatives (or his designee) and the chairman and the ranking minority member of the Committee on Post Office and Civil Service of the House of Representatives, and 2 to be chosen by the President pro tempore of the Senate (or his designee) and the chairman and the ranking minority member of the Committee on Governmental Affairs of the Senate. The 4 Members of Congress so chosen shall annually select from such recommendations recipients of the Congressional Award for Exemplary Public Service and shall, with the Director of the Office of Personnel Management, present such award to the recipients.".

SEC. 4. TECHNICAL AMENDMENTS.

(a) CLERICAL AMENDMENTS.—The following provisions of law are each amended by striking "4507" and inserting "4508":

(1) Sections 5383(b) and 5384(a)(2) of title 5, United States Code.

(2) Section 160(c) of title 10, United States Code.

(3) Section 405(b) of the Foreign Service Act of 1980 (22 U.S.C. 3965).

(4) Section 733(a)(5) of title 31, United States Code.

(5) Sections 4101(e) and 4107(c)(3) of title 38, United States Code.

(b) AMENDMENT OF SECTION ANALYSIS.—The section analysis for chapter 45 of title 5, United States Code, is amended by striking the items relating to sections 4505 through 4507 and inserting the following:

"4505. Congressional award for exemplary public service.

"4506. Awards to former employees.

"4507. Regulations.

"4508. Awarding of ranks in the Senior Executive Service.".

NATIONAL CANCER INSTITUTE MONTH

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. PEPPER. Mr. Speaker, on January 7, 1987, I introduced House Joint Resolution 54, designating the month of May 1987 as National Cancer Institute Month.

The National Cancer Institute [NCI] will be 50 years old in 1987. The authorizing legislation for the Institute was passed in 1937, and required the Institute to organize a major research effort to deal with the terrible scourge of cancer. As you know, the Congress continues to stress the importance of cancer research and, through the creation of the National Cancer Act in 1971 and its renewal in 1974, 1978, 1982 and 1985, has constantly reaffirmed its support of the Institute.

The progress made in cancer research, and the benefits in terms of the health of the American people and persons around the world, are simply incalculable. The National Cancer Institute's studies have indicated that through systematic therapies, largely developed through NCI-supported clinical trials, more than 50 percent of all cancer patients are potentially curable, and numerous cancers now have 5-year survival rates of about 75 percent, in diseases such as thyroid, endometrium, breast, bladder, testis and prostate cancer, Hodgkin's disease. In addition, children's 5-year cancer survival rates are reaching an all-time high of 62 percent.

Cancer research programs have contributed enormously to the revolution in cell biology and biomedical knowledge in general, affecting not only cancer research but all other disease research. A network of 59 cancer centers across the country now exists, providing the Nation with an invaluable national resource for cancer research, treatment, control, prevention, and training.

A network has been established across the Nation that links basic science laboratories, cancer centers, community cancer centers, cooperative groups of clinical researchers, community oncologists, practicing physicians and nurse oncologists. This network also facilitates the application of the results of research.

Also, the National Cancer Institute has mounted a major program of research on cancer prevention, which serves as the basis for a national prevention awareness program, by stressing what individuals can do to lower personal cancer risks—modifying lifestyle factors such as diet, for example, and stopping smoking.

Fifty years ago, it was my great pleasure to be part of the effort to establish the National Cancer Institute. Fifty years later, it gives me great pleasure to introduce this commemorative joint resolution. It is expected that this resolution and the subsequent Presidential proclamation will be helpful in calling to the attention of the American people: First, the great research advances that have been made at the National Cancer Institute, the NCI-supported cancer centers and by hardworking researchers supported individually by the Institute; and second, to inform the public about opportunities for the prevention of cancer and the promoting of good health, to alert them to the need for early detection of cancer, and to the opportunities for improved patient care as a result of the research advances that have occurred.

The National Cancer Institute is one most worthy of special recognition. Therefore, I urge my colleagues' support of House Joint Resolution 54.

THE NATIONAL ANTHEM

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. RAHALL. Mr. Speaker, it is my great pleasure to submit for the RECORD the following letter to the editor on behalf of a constituent of mine, Warren L. Bock of Huntington, WV. The letter, which was written by Norman J. Tweel, also of Huntington, appeared recently in the Herald Dispatch:

TO THE EDITOR:

Recently, I saw a television program in which four or five grown Americans (I assume) were asked to sing "The Star Spangled Banner." Not one of the people designated could get to the fourth line and more appalling, one couldn't even get the first line. What did they do? They laughed at what I thought was tragic.

Even more disgusting is the fact that some Members of Congress and others are trying to do away with "The Star Spangled Banner" and replace it with "America the Beautiful" as our national anthem.

What is going on in the minds and hearts of such people and what type puppets are we becoming for all that this country and its servicemen have gone through and the blood shed? Our national anthem is representative of and the reason for its perpetuation.

P.S. Yes, my good American blood is boiling. If our children are not allowed to pray, recite the Pledge of Allegiance or learn the "Star Spangled Banner," we have lost the sacred heart of America and history.

AUTO TECH: A PARTNERSHIP TODAY, AN INDUSTRY TOMORROW

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. WYDEN. Mr. Speaker, the State of Oregon may be a long way from Detroit, and known more for its timber than its cars, but Oregon is pioneering an automotive training program that shuold become a model for the rest of the country. It is a creative partnership forged by business and education—one that is setting the standard in the auto mechanics arena, but also has the potential to stimulate similar partnerships in all sectors of our economy.

The program is a joint venture between the 95 Metro Portland Auto Dealers and the Portland Public Schools. It is called the Auto Tech Society, and what it does is provide high school students interested in cars with 2-week internships in dealerships so they can get real work experience outside the classroom. The Auto Tech Society also awards scholarships to students so they can study automotive science in junior college or other advanced training programs.

Oregon is no different than the rest of the country. One of our highest rates of unemployment is among youths 17 to 21. The Auto Tech Society begins training, and begins it early, in the schools so that students are not only prepared to find work upon graduation, but are actually motivated to stay in school. With a 27- to 28-percent dropout rate among high school students in Oregon, and equally high dropout rates across the rest of the country, such programs to motivate students and keep them in school are essential.

We talk about being industrially, and technologically, competitive in the United States. We talk about being able to stand up to the pressures exerted by foreign markets with cheaper labor which send goods into this country, and about how that is going to take away jobs in the future.

Not so in the area of automotive service. The major manufacturers are projecting a 38-percent increase in the need for trained automotive technicians by 1995. These technicians, however, will have to be highly trained. Gone are the days when all you needed was a lug wrench and a pair of coveralls to fix a car. Quite simply, the automobiles of today are high technology machines, and they are only going to become more so. Tomorrow's auto technician is going to have to be able to work on everything from airbags mandated by 1991, to auto burglar alarms to electronic suspensions. And he, or she, will have to be prepared to work on as many as 38 different lines of cars—not models, but lines. Multiply the number of models within each line, such as Chrysler, Ford, or Chevrolet, and you are talking about complexity.

But it all starts today, not tomorrow. And it starts in the high schools of Oregon, and across the rest of the country—with young people who know they cannot afford to go on to college, or are not motiviated to do so, but who are interested in working with their hands, and their brains, on cars.

The Metro Portland Auto Dealers realize this fact. That is why they are going into the schools and are offering the training and are helping to arrange for better equipment in the classroom, donated in part by the manufacturers. And it is paying off. Three years ago, before the program began, one high school automotive teacher in my district had only 22 students sign up for his class. After the Auto Tech Society was born, and automotive shop was marketed properly to the kids themselves, his class filled to 46 students. Many of these students are now walking around proudly, wearing the special Auto Tech jackets they earn after completing an internship at a dealership, many of them with $1,000 scholarship checks in their pockets to continue their schooling.

In its first year, the Auto Tech Society sponsored 53 students in internships. This year, it is sponsoring more than 100. The first year scholarships were awarded, there were 17 applicants competing for four of them. This year, both the number of applicants and the scholarship money will double.

Portland's 95 participating auto dealers know what being competitive is all about. They are on the front lines of competition. They realize that to be competitive in today's, and tomorrow's, markets, they must be able to provide the kind of service that will build loyalty and bring the customer back. But if the customer is to come back, it is going to depend upon the auto technician—one not trained in "automotive shop," yesterday's dumping ground for the kids who couldn't do anything else, but in "automotive science", a new discipline that is sure to earn respect in the days to come. As a representative from one of the major manufacturers recently asked, "What good will all this high technology be without the high technicians?"

The kind of commitment and creative thinking that spawned Oregon's Auto Tech Program is exactly what we need to get this country moving again—to keep kids in school, to put skilled workers into jobs, and to raise American competitiveness to new and higher levels. Moreover, it achieves these goals without spending a single Federal dollar. I commend this innovative business-education partnership, pioneered by Oregon's Auto Tech Society, to my colleagues. It's a winner.

DRUG TESTING FOR TRANSPORTATION EMPLOYEES

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. WHITTAKER. Mr. Speaker, it seems hypocritical of our society that we demand drug testing of sports heroes to whom we look for entertainment, but we do not require this same treatment of men and women who hold our lives in their hands every day.

For this reason, I am joining my good friend, CLAY SHAW of Florida, in introducing a bill requiring random drug testing for railroad and airline employees, as well as air traffic controllers.

The need for this legislation is all the more urgent in view of the recent Amtrak-Conrail collision, in which two Conrail employees involved in the accident tested positive for marijuana use.

It is not my place to lay blame for the accident on these men. However, the fact that railroad employees tested positive after this fatal crash raises the possibility of this happening again if we do not take these steps to prevent it.

I urge my colleagues to join in sponsoring this legislation to help insure safe transportation for all our citizens in the future.

CONGRESSIONAL SALUTE TO JASON SCOTT KAMRAS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. MATSUI. Mr. Speaker, I would like to congratulate before Congress, Jason Scott Kamras, a young man who on December 27, 1986, celebrated his bar mitzvah.

The ceremony was held at the Mosaic Law Congregation in Sacramento, CA. Family, friends, and the congregation helped Jason celebrate his coming of age.

This ceremony was particularly special as Jason chose to symbolically share his day with a young man, Emil Guberman, of the Soviet Union. Emil is the son of Refuseniks, Russian Jews who have been denied the ability to practice their religion,, or to emigrate to a country where they could find religious freedom.

Mr. Speaker, not only do I congratulate Jason on his bar mitzvah, but I also commend him for sharing a very special day with a young man who was not as fortunate.

IMPORTED FOOD SAFETY ACT OF 1987

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. WYDEN. Mr. Speaker, today I am introducing legislation that calls on the FDA to close a dangerous gap that currently allows pesticide-ridden food imports to reach U.S. consumers. This bill, "The Imported Food Safety Act of 1987," requires the FDA to seize and destroy imported food found to be in violation of U.S. health standards for pesticide residue levels.

Over the past 50 years, we have built a regulatory system that attempts to guarantee consumers that U.S. food meets tough Federal health safety standards. However, we have failed to carefully monitor food that enters the United States from other countries—many of which do not have our tough pesticide laws.

This situation undermines consumers' ability to purchase foods confidently, and it also undercuts the American farmer, who is struggling to sell commodities at home and abroad.

A recent GAO report discussed some disturbing findings about our current inspection system:

FDA inspects less than 1 percent of all imported food shipments; 6.1 percent of the food sampled between 1979 and 1985 contained illegal pesticide residue levels; and violations were often found after the food had gone to market. Although importers were requested to recall the tainted shipments and fines were assessed, in many of these cases, the FDA failed to follow through to ensure that the food was actually recalled. In other cases, the food had already reached the consumer.

The current find-and-fine policy of the FDA punishes the violators, which I support, but does nothing to address the important public health issue of unsafe pesticide residue levels in some imported food. Standards for U.S. food were set because we have found that serious health problems, including cancer and birth defects, could result from pesticide residue exposure.

We need to assure the American public that unsafe food does not make it to market. And we need to assure American farmers that their foreign counterparts cannot get away with less stringent safety standards for food sold in the United States.

By requiring the seizure and destruction of all foods found in violation of our standards, the FDA will no longer be all bark with no bite. With the passage of "The Imported Food and Safety Act of 1987," we can do just that.

THE NEED TO PROTECT THE CLIFF WALK IN NEWPORT, RI

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. ST GERMAIN. Mr. Speaker, in 1975 the Cliff Walk in Newport, RI, received the designation of National Recreational Trail. The Cliff Walk is a dramatic 3.5-mile path on cliffs above the Atlantic Ocean and alongside the elegant 19th century mansions for which Newport is renowned. The combination of architectural heritage and natural beauty makes the Cliff Walk a unique attraction which is visited by thousands each year.

The very dramatic forces of nature which makes the Cliff Walk distinctive may also prove to be its destruction. Portions of the walk have already eroded substantially. It is imperative that action be taken to preserve this very special part of our heritage.

Today I am introducing legislation that would provide for a study to determine the appropriateness of including the Cliff Walk in the National Park System. This would elevate the status of the area and provide a boost to preservation efforts.

Rhode Island currently has only one National Park Service facility, Roger Williams National Memorial in downtown Providence. The inclusion of the Cliff Walk in the National Park System would be a boon to the citizens of Rhode Island and the Nation. The legislation I am introducing today will be a step toward bringing the Cliff Walk into the Park System and preserving it for future generations.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, January 22, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 23

9:30 a.m.

Appropriations

To resume hearings on the President's proposed budget for fiscal year 1988.

SD-192

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1988 budget.

SD-608

Environment and Public Works

To hold oversight hearings to review problems posed by ozone depletion, the greenhouse effect, and climate change.

SD-406

Finance
Social Security and Income Maintenance Programs Subcommittee
To hold hearings on welfare reform.
SD-215

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings to review Federal Savings and Loan Insurance Corporation recapitalization, emergency bank acquisitions, nonbank banks, securities powers for bank holding companies, and bank check holds.
SD-538

Foreign Relations
To resume hearings on U.S. policy toward Iran.
SD-419

Joint Economic
To hold hearings on international trade and international economic policy.
SD-628

2:00 p.m.
Select on Indian Affairs
Business meeting, to consider pending committee business, and to mark up S. 129, to authorize funds for and revise certain provisions of the Indian Health Care Improvement Act, and S. 142, to authorize funds for fiscal years 1987-1991 for the Native American Programs Act.
SR-385

JANUARY 26

9:30 a.m.
Armed Services
To resume hearings on the national security strategy of the United States.
SD-G50

10:00 a.m.
Special on Aging
To hold hearings on catastrophic health care costs.
SD-628

JANUARY 27

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to review the Administration's drug program proposals.
SD-192

Armed Services
To continue hearings in open and closed sessions on the national security strategy of the United States.
SR-222

10:00 a.m.
Foreign Relations
To resume hearings on U.S. policy toward Iran.
SD-419

2:00 p.m.
Armed Services
To continue hearings on the national security strategy of the United States.
SD-342

3:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider committee rules of procedure, subcommittee assignments, and to resume markup of S. 341, to require the Secretary of Agriculture to make disaster payments to producers who were prevented from planting the 1987 wheat crop in time to ensure normal crop production.
SR-332

JANUARY 28

9:30 a.m.
Armed Services
To continue hearings on the national security strategy of the United States.
SD-342

Banking, Housing, and Urban Affairs
To hold oversight hearings on corporate takeovers.
SD-538

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To hold hearings on ozone depletion and protection of the stratosphere.
SD-406

Foreign Relations
To hold hearings on S. 184, to provide economic assistance to Central American democracies.
SD-419

Labor and Human Resources
To hold hearings on national equal opportunity policy.
SD-430

2:00 p.m.
Special on Aging
To hold joint hearings with the House Select Committee on Aging on catastrophic health care costs.
345 Cannon Building

JANUARY 29

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on aviation safety.
SR-253

10:00 a.m.
Foreign Relations
To continue hearings on S. 184, to provide economic assistance to Central American democracies.
SD-419

11:30 a.m.
Joint Economic
To hold hearings on the economic report of the President
SD-562

JANUARY 30

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue oversight hearings on aviation safety.
SR-253

10:00 a.m.
Joint Economic
To resume hearings on the economic outlook and economic policy for 1987.
SD-628

FEBRUARY 2

10:00 a.m.
Joint Economic
To resume hearings on the economic outlook and economic policy for 1987.
SD-628

FEBRUARY 3

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
SR-253

FEBRUARY 4

9:00 a.m.
Select on Indian Affairs
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988.
SD-G50

9:15 a.m.
Veterans' Affairs
To hold hearings on S. 12, to remove the expiration date for eligibility for educational assistance programs for veterans of the All-Volunteer Force.
SR-418

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the current status of the Department of Energy's nuclear waste activities.
SD-366

Foreign Relations
To resume hearings on U.S. policy toward Iran.
SD-419

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988.
SR-385

Finance
To hold hearings on revenue increases as contained in the President's proposed budget for fiscal year 1988.
SD-215

FEBRUARY 5

9:30 a.m.
Energy and Natural Resources
To continue oversight hearings on the current status of the Department of Energy's nuclear waste activities.
SD-366

10:00 a.m.
Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988, focusing on the Environmental Protection Agency.
SD-406

FEBRUARY 18

9:30 a.m.
Veterans' Affairs
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988.
SR-418

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

FEBRUARY 19

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 56, to establish the El Malpais National Monument, the Masau Trail, and the Grants National Conservation Area in the State of New Mexico, and S. 90, to establish the Big Cypress National Preserve Addition in the State of Florida.
SD-366

FEBRUARY 24

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Disabled American Veterans.

345 Cannon Building

11:00 a.m.

Veterans' Affairs

Business meeting, to consider those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988, with a view toward making its recommendations to the Committee on the Budget, and S. 12, to remove the expiration date for eligibility for the educational assistance programs for veterans of the All-Volunteer Force.

SR-418

FEBRUARY 25

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Paralyzed Veterans of America, Blinded Veterans of America, World War I Veterans, and the Military Order of the Purple Hearts.

334 Cannon Building

MARCH 3

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.

345 Cannon Building

MARCH 5

10:00 a.m.

Labor and Human Resources

To hold hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.

SD-430

MARCH 16

10:00 a.m.

Labor and Human Resources

To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.

2175 Rayburn Building

APRIL 1

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, and the Jewish War Veterans.

334 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, January 22, 1987*

The House met at 1 p.m. and was called to order by the Speaker pro tempore (Mr. FOLEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.,
January 22, 1987.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on this day.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Almighty God, as the Psalmist reminds that we can never flee from Your presence or hide from Your spirit, so we express our gratitude that we are constantly embraced by Your love, Your mercies, and Your forgiveness. For as You nurture the soil with the rain and the Sun, so we pray, O God, that You will continue to nurture our land with the abundance of Your blessings—with justice and integrity, with righteousness and peace. As we pray for our Nation, so we pray for ourselves that You would strengthen us and give us faithful hearts to do the work set before us. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. FOLEY). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Hallen, one of its clerks, announced that the Senate had passed a joint resolution and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 24. Joint resolution to designate January 28, 1987, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*.

S. Con. Res. 8. Concurrent resolution relating to the current human rights policies of the Soviet Union; and

S. Con. Res. 12. Concurrent resolution to allow another member of the Committee on Rules and Administration of the Senate to serve on the Joint Committee of Congress on the Library in place of the chairman of the committee.

The message also announced that pursuant to section 301(b)(1)(D) of Public Law 99-371, the Chair on behalf of the President pro tempore appoints Ms. Gertrude Galloway, of Maryland, to the Commission on Education of the Deaf, vice Jack Brady, resigned.

The message also announced that pursuant to section 2(b)(1)(B) of Public Law 98-183, the Chair on behalf of the President pro tempore appoints Blandina Cardenas Ramirez, of Texas, to the U.S. Commission on Civil Rights.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS TODAY SUBJECT TO THE CALL OF THE CHAIR

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to declare a recess today subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

Mr. MICHEL. Mr. Speaker, reserving the right to object, and I certainly do not intend to, but I request a little bit of review. Would it be to a time certain or would we have an open-ended request here? This is just to get a better idea for other Members who may be standing by.

The SPEAKER pro tempore. In response to the inquiry of the distinguished Republican leader, it would be the intention of the Chair to declare a recess until approximately 3 p.m. with the usual assurance that 15-minute notice bells will be rung to advise Members of the imminent reconvening of the House.

Mr. MICHEL. Further reserving the right to object, would it be this gentleman's understanding that the only business to be transacted upon reconvening would be committee resolutions?

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MICHEL] is correct.

Mr. MICHEL. Mr. Speaker, I thank the gentleman and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON JOINT RESOLUTION AUTHORIZING TRANSFER OF EMERGENCY ADDITIONAL FUNDS

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on a joint resolution making emergency additional funds available by transfer for the fiscal year 1987 for the Emergency Food and Shelter Program of the Federal Emergency Management Agency.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. MICHEL. Reserving the right to object, Mr. Speaker, I have nobody on my side here from the Committee on Appropriations who knows when you are intending to bring this measure up and under what procedure.

If the gentleman from Mississippi would enlighten the gentleman from Illinois, it would help.

Mr. WHITTEN. That is up to the leadership. Mr. CONTE is advised that I am here asking for this now. I just left him downstairs.

Insofar as bringing it up, that will be left up to the leadership rather than to the committee.

I understand there is little if any difference in the committee. We will find out shortly.

Mr. MICHEL. I wonder if the gentleman would be good enough to withhold his request until we reconvene at 3 so that the gentleman from Illinois can run this down a little bit. I must confess I have a problem. I know there are about $5.5 billion of rescissions up here. Why we need to have a $50 million new appropriation without being able to get it from some other quarter, I have a problem with that, just off the cuff without at least looking into the prospects of other avenues of getting that kind of money available.

Mr. WHITTEN. May I say to my colleague we are trying our best to cooperate, with the weather being like it is. We are trying to meet at the moment. We will be up here to vote in the Democratic caucus shortly. Since there is no opposition that I know of on his side, and since Mr. GREEN who is the ranking Republican on the subcommittee and to Mr. CONTE with whom I talked a moment ago both support the resolution I would not feel that I could agree to the delay. Of course, the gentleman can protect himself, if he wishes to.

I am not in a position to agree in view of the stituation we have.

Mr. MICHEL. Would the gentleman enlighten me as to when he would expect to bring this measure before the House?

Mr. WHITTEN. I will tell the leadership that we will bring it up as soon as they can arrange it. Presumably, that would be done by agreement.

The SPEAKER pro tempore. The Chair would advise the distinguished Republican leader that when the House reconvenes, it would be the intention of the majority leadership to announce the schedule for next week which would include either a consideration of the legislation described by the gentleman from Mississippi on the Suspension Calendar on Tuesday next or on Thursday next if unanimous consent is obtained to consider it on Thursday as a suspension.

Mr. MICHEL. Mr. Speaker, I thank the gentleman and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of today, the Chair declares the House in recess subject to the call of the Chair. Bells will be rung 15 minutes before the House reconvenes.

Accordingly (at 1 o'clock and 7 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. COELHO] at 3 o'clock and 28 minutes p.m.

ELECTION AS MEMBERS TO CERTAIN STANDING COMMITTEES

Mr. GEPHARDT. Mr. Speaker, I offer a privileged resolution (H. Res. 54) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 54

Resolved, That the following named Members, Resident Commissioner, and Delegates, be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Walter B. Jones, North Carolina; Ed Jones, Tennessee; George E. Brown, Jr., California; Charles Rose, North Carolina; Glenn English, Oklahoma; Leon E. Panetta, California; Jerry Huckaby, Louisiana; Dan Glickman, Kansas; Tony Coelho, California; Charles W. Senholm, Texas; Harold Volkmer, Missouri; Charles Hatcher, Georgia; Robin Tallon, South Carolina; Harley O. Staggers, Jr., West Virginia; Lane Evans, Illinois; Robert Lindsay Thomas, Georgia; Jim Olin, Virginia; Timothy J. Penny, Minnesota; Richard H. Stallings, Idaho; David Nagle, Iowa; Jim Jontz, Indiana; Tim Johnson, South Dakota; Claude Harris, Alabama; Ben Nighthorse Campbell, Colorado; Mike Espy, Mississippi.

Committee on Armed Services: Les Aspin, Wisconsin; Chairman; Melvin Price, Illinois; Charles E. Bennett, Florida; Samuel S. Stratton, New York; Bill Nichols, Alabama; Dan Daniel, Virginia; G.V. (Sonny) Montgomery, Mississippi; Ronald V. Dellums, California; Patricia Schroeder, Colorado; Beverly B. Byron, Maryland; Nicholas Mavroules, Massachusetts; Earl Hutto, Florida; Ike Skelton, Missouri; Marvin Leath, Texas; Dave McCurdy, Oklahoma; Thomas M. Foglietta, Pennsylvania; Roy Dyson, Maryland; Dennis M. Hertel, Michigan; Marilyn Lloyd, Tennessee; Norman Sisisky, Virginia; Richard Ray, Georgia; John M. Spratt, Jr., South Carolina; Frank McCloskey, Indiana; Solomon P. Ortiz, Texas; George (Buddy) Darden, Georgia; Tommy F. Robinson, Arkansas; Albert G. Bustamante, Texas; Barbara Boxer, California; George J. Hochbrueckner, New York; Joseph E. Brennan, Maine; Owen B. Pickett, Virginia.

Committee on Banking, Finance and Urban Affairs: Henry B. Gonzalez, Texas; Frank Annunzio, Illinois; Walter E. Fauntroy, District of Columbia; Stephen L. Neal, North Carolina; Carroll Hubbard, Jr., Kentucky; John J. LaFalce, New York; Mary Rose Oakar, Ohio; Bruce F. Vento, Minnesota; Doug Barnard, Jr., Georgia; Robert Garcia, New York; Charles E. Schumer, New York; Barney Frank, Massachusetts; Buddy Roemer, Louisiana; Richard H. Lehman, California; Bruce A. Morrison, Connecticut; Marcy Kaptur, Ohio; Ben Erdreich, Alabama; Thomas R. Carper, Delaware; Esteban Edward Torres, California; Gerald D. Kleczka, Wisconsin; Bill Nelson, Florida; Paul E. Kanjorski, Pennsylvania; Bart Gordon, Tennessee; Thomas J. Manton, New York; Elizabeth Patterson, South Carolina; Thomas McMillen, Maryland; Joseph P. Kennedy II, Massachusetts; Floyd H. Flake, New York; Kweisi Mfume, Maryland; David E. Price, North Carolina.

Committee on the District of Columbia: Walter E. Fauntroy, District of Columbia; Romano L. Mazzoli, Kentucky; Fortney H. (Pete) Stark, California; William H. Gray III, Pennsylvania; Mervyn M. Dymally, California; Alan Wheat, Missouri; vacancy.

Committee on Education and Labor: William D. Ford, Michigan; Joseph M. Gaydos, Pennsylvania; William (Bill) Clay, Missouri; Mario Biaggi, New York; Austin J. Murphy, Pennsylvania; Dale E. Kildee, Michigan; Pat Williams, Montana; Matthew G. Martinez, California; Major R. Owens, New York; Charles A. Hayes, Illinois; Carl C. Perkins, Kentucky; Tom Sawyer, Ohio; Stephen J. Solarz, New York; Robert E. Wise, Jr., West Virginia; Timothy J. Penny, Minnesota; Bill Richardson, New Mexico; Tommy F. Robinson, Arkansas; Peter J. Visclosky, Indiana; Chester G. Atkins, Massachusetts; John Jontz, Indiana.

Committee on Energy and Commerce: James H. Scheuer, New York; Henry A. Waxman, California; Philip R. Sharp, Indiana; James J. Florio, New Jersey; Edward J. Markey, Massachusetts; Thomas A. Luken, Ohio; Doug Walgren, Pennsylvania; Al Swift, Washington; Mickey Leland, Texas, Cardiss Collins, Illinois; Mike Synar, Oklahoma; W.J. (Billy) Tauzin, Louisiana; Ron Wyden, Oregon; Ralph M. Hall, Texas, Dennis E. Eckart, Ohio; Wayne Dowdy, Mississippi; Bill Richardson, New Mexico; Jim Slattery, Kansas; Gerry Sikorski, Minnesota; John Bryant, Texas; Jim Bates, California; Frederick C. Boucher, Virginia; Jim Cooper, Tennessee; Terry Bruce, Illinois.

Committee on Foreign Affairs: Wayne Owens, Utah; Fofo I.F. Sunia, American Samoa.

Committee on Government Operations: John Conyers, Jr., Michigan; Cardiss Collins, Illinois; Glenn English, Oklahoma; Henry A. Waxman, California; Ted Weiss, New York; Mike Synar, Oklahoma; Stephen L. Neal, North Carolina; Doug Barnard, Jr., Georgia; Barney Frank, Massachusetts; Tom Lantos, California; Robert E. Wise, Jr., West Virginia; Major R. Owens, New York; Edolphus Towns, New York; John M. Spratt, Jr., South Carolina; Joe Kolter, Pennsylvania; Ben Erdreich, Alabama; Gerald D. Kleczka, Wisconsin; Albert G. Bustamante, Texas; Matthew G. Martinez, California; Tom Sawyer, Ohio; David Skaggs, Colorado; Louise Slaughter, New York; Bill Grant, Florida.

Committee on House Administration: Joseph M. Gaydos, Pennsylvania; Ed Jones, Tennessee; Charles Rose, North Carolina; Leon E. Panetta, California; Al Swift, Washington, Mary Rose Oakar, Ohio; Tony Coelho, California; Jim Bates, California; William (Bill) Clay, Missouri; Sam Gejdenson, Connecticut; vacancy.

Committee on Interior and Insular Affairs: George Miller, California; Philip R. Sharp, Indiana; Edward J. Markey, Massachusetts; Austin J. Murphy, Pennsylvania; Nick Joe Rahall II, West Virginia; Bruce F. Vento, Minnesota; Jerry Huckaby, Louisiana; Dale E. Kildee, Michigan; Tony Coelho, California; Beverly B. Byron, Maryland; Ron de Lugo, Virgin Islands; Sam Gejdenson, Connecticut; Peter H. Kostmayer, Pennsylvania; Richard H. Lehman, California; Bill Richardson, New Mexico; Fofo I.F. Sunia, American Samoa; George (Buddy) Darden, Georgia; Peter J. Visclosky, Indiana; Jaime B. Fuster, Puerto Rico; Mel Levine, California; James McClure Clarke, North Carolina; Wayne Owens, Utah; John Lewis, Georgia; Ben Nighthorse Campbell, Colorado; Peter A. DeFazio, Oregon.

Committee on the Judiciary: Jack Brooks, Texas; Robert W. Kastenmeier, Wisconsin; Don Edwards, California; John Conyers, Jr., Michigan; Romano L. Mazzoli, Kentucky; William J. Hughes, New Jersey; Mike Synar, Oklahoma; Patricia Schroeder, Colorado; Dan Glickman, Kansas; Barney Frank, Massachusetts; George W. Crockett, Jr., Michigan; Charles E. Schumer, New York; Bruce A. Morrison, Connecticut; Edward F. Feighan, Ohio; Lawrence J. Smith, Florida; Howard L. Berman, California; Frederick C. Boucher, Virginia; Harley O. Staggers, Jr., West Virginia; John Bryant, Texas; Benjamin L. Cardin, Maryland.

Committee on Merchant Marine and Fisheries: Mario Biaggi, New York; Glenn M. Anderson, California; Gerry E. Studds, Massachusetts; Carroll Hubbard, Jr., Kentucky; Don Bonker, Washington; William J. Hughes, New Jersey; Mike Lowry, Washington; Earl Hutto, Florida; W.J. (Billy) Tauzin, Louisiana; Thomas M. Foglietta, Pennsylvania; Dennis M. Hertel, Michigan; Roy Dyson, Maryland; William O. Lipinski, Illinois; Robert A. Borski, Pennsylvania; Thomas R. Carper, Delaware; Douglas H. Bosco, California; Robin Tallon, South Carolina; Robert Lindsay Thomas, Georgia; Solomon P. Ortiz, Texas; Charles E. Bennett, Florida; Thomas J. Manton, New York; Owen B. Pickett, Virginia; Joseph E. Brennan, Maine; George J. Hochbrueckner, New York.

Committee on Post Office and Civil Service: William (Bill) Clay, Missouri; Patricia Schroeder, Colorado; Stephen J. Solarz, New York; Robert Garcia, New York; Mickey Leland, Texas; Gus Yatron, Pennsylvania; Mary Rose Oakar, Ohio; Gerry Sikorski, Minnesota; Frank McCloskey, Indiana; Gary L. Ackerman, New York; Mervyn M. Dymally, California; Morris K. Udall, Arizona; Ron de Lugo, Virgin Islands.

Committee on Public Works and Transportation: Carl C. Perkins, Kentucky.

Committee on Science, Space and Technology: George E. Brown, Jr., California; James H. Scheuer, New York; Marilyn Lloyd, Tennessee; Doug Walgren, Pennsylvania; Dan Glickman, Kansas; Harold L. Volkmer, Missouri; Bill Nelson, Florida; Ralph M. Hall, Texas; Dave McCurdy, Oklahoma; Norman Y. Mineta, California; Buddy MacKay, Florida; Tim Valentine, North Carolina; Robert G. Torricelli, New Jersey; Frederick C. Boucher, Virginia; Terry L. Bruce, Illinois; Richard H. Stallings, Idaho; Bart Gordon, Tennessee; James A. Traficant, Jr., Ohio; Jim Chapman, Texas; Lee Hamilton, Idaho; Henry J. Nowak, New York; Carl Perkins, Kentucky; Thomas McMillen, Maryland; David E. Price, North Carolina; David R. Nagle, Iowa; Jimmy Hayes, Louisiana.

Committee on Small Business: Neal Smith, Iowa, Henry B. Gonzalez, Texas; Thomas A. Luken, Ohio; Ike Skelton, Missouri; Romano L. Mazzoli, Kentucky; Nicholas Mavroules, Massachusetts; Charles Hatcher, Georgia; Ron Wyden, Oregon; Dennis E. Eckart, Ohio; Gus Savage, Illinois; Buddy Roemer, Louisiana; Norman Sisisky, Virginia; Esteban Edward Torres, California; Jim Cooper, Tennessee; Jim Olin, Virginia; Richard Ray, Georgia; Charles A. Hayes, Illinois; John Conyers, Michigan; James Bilbray, Nevada; Kweisi Mfume, Maryland; Floyd Flake, New York; Martin Lancaster, North Carolina; Ben Nighthorse Campbell, Colorado; Peter A. DeFazio, Oregon; vacancy; vacancy.

Committee on Veterans' Affairs: Don Edwards, California; Douglas Applegate, Ohio; Dan Mica, Florida; Wayne Dowdy, Mississippi; Lane Evans, Illinois; Marcy Kaptur, Ohio; Timothy J. Penny, Minnesota; Harley O. Staggers, Jr., West Virginia; J. Roy Rowland, Georgia; John Bryant, Texas; James J. Floria, New Jersey; Kenneth J. Gray, Illinois; Paul E. Kanjorski, Pennsylvania; Tommy F. Robinson, Arkansas; Charles W. Stenholm, Texas; Claude Harris, Alabama; Joseph P. Kennedy II, Massachusetts; Elizabeth Patterson, South Carolina; Tim Johnson, South Dakota; James Jontz, Indiana.

Mr. GEPHARDT (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. GEPHARDT. Mr. Speaker, this is a resolution that I am bringing, as chairman of the House Democratic caucus, which contains the names of the Members on the Democratic side for each of the following committees: The Committees on Agriculture; Armed Services; Banking, Finance and Urban Affairs; District of Columbia; Education and Labor; Energy and Commerce; Foreign Affairs; Government Operations; House Administration; Interior and Insular Affairs; Judiciary; Merchant Marine and Fisheries; Post Office and Civil Service, Public Works and Transportation; Science, Space, and Technology; Small Business; and Veterans' Affairs.

Mr. Speaker, I ask that it be accepted and approved by the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING INCREASE IN SIZE OF SELECT COMMITTEE ON HUNGER

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that during the 100th Congress the size of the Select Committee on Hunger be increased to 26 members.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

□ 1530

APPOINTMENT AS ADDITIONAL MEMBERS OF SELECT COMMITTEE ON HUNGER

The SPEAKER pro tempore (Mr. Coelho). Pursuant to the provisions of section 103 of House Resolution 26, 100th Congress, and the order of the House of today, the Chair, without objection, appoints as an additional member of the Select Committee on Hunger, the gentleman from California, Mr. Fazio, to rank after the gentleman from California, Mr. Panetta; and the Chair, without objection, appoints as additional members to the Select Committee on Hunger the following Members of the House, to rank after the gentleman from New York, Mr. Flake:

The gentleman from Nevada, Mr. Bilbray; and

The gentleman from Maryland, Mr. Mfume.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have taken this time for the purpose of inquiring of the distinguished majority leader what he has in store for us next week.

Mr. FOLEY. Mr. Speaker, will the distinguished Republican leader yield?

Mr. MICHEL. I yield to the majority leader.

Mr. FOLEY. Mr. Speaker, it is my intention at the conclusion of this colloquy to ask unanimous consent that when the House adjourns, it adjourn to meet at noon on Monday. This will conclude the business of the House for this week, and the House will not be in session tomorrow, subject to the unanimous-consent agreement.

On Monday the House will meet at noon in a pro forma session, and on Tuesday, January 27, it is our intention to consider two bills under suspension of the rules. Those bills are as follows:

H.R. 431, to extend the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act; and

An unnumbered House joint resolution, urgent supplemental appropriations for homeless initiative.

The House would recess until 8:30 p.m. to receive the State of the Union Message of the President of the United States.

On Wednesday, January 28, and Thursday, January 29, the House would meet at 2 p.m. on Wednesday and at 11 a.m on Thursday. The schedule for these meetings will be announced later.

Mr. MICHEL. Mr. Speaker, I appreciate the gentleman's response to my inquiry, and I yield back the balance of my time.

ADJOURNMENT UNTIL MONDAY, JANUARY 26, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

COMMUNICATION FROM COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore (Mr. Coelho) laid before the House the following communication from the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations:

Committee on Public Works
and Transportation,
Washington, DC, January 15, 1987.

Hon. Jim Wright,
The Speaker, U.S. House of Representatives, Washington, DC.

Dear Mr. Speaker: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects on April 26, 1986:

REPAIR AND ALTERATION

(1) Federal Building and Courthouse, East St. Louis, Illinois.

LEASE PROSPECTUSES

(1) I.R.S., Consolidation, Los Angeles, California.
(2) I.R.S., Carson, California.
(3) I.R.S., Sacramento, California.
(4) U.S.G.S., San Francisco, California.
(5) E.P.A., San Francisco, California.
(6) FSS Distribution Facility, Duluth, Georgia.
(7) Bureau of Land Management, Boise, Idaho.
(8) M.E.P.S., Detroit, Michigan.
(9) I.R.S., Las Vegas, Nevada.
(10) U.S. Courts, Hauppauge, New York.
(11) I.R.S., Brookhaven, New York.
(12) 1515 Broadway, New York, New York.
(13) Social Security Administration, New York, New York.
(14) Social Security Administration, Wilkes Barre, Pennsylvania.
(15) I.R.S., Houston, Texas.
(16) I.R.S., Austin, Texas.
(17) F.B.I. Houston, Texas.
(18) U.S. District Court, McAllen, Texas
(19) 1120 Vermont Avenue, Washington, D.C.
(20) I.R.S., Washington, D.C.
(21) D.E.A., Washington, D.C.
(22) E.P.A. in the Waterside Mall, Washington, D.C.
(23) S.B.A. in the Imperial Bldg., Washington, D.C.
(24) One McPherson Square, 1425 K Street, N.W., Washington, D.C.
(25) F.C.C., 1919 M. Street N.W., Washington, D.C.
(26) Scurderi Building, Hillcrest Heights, Maryland.
(27) N.R.C., Rockville, Maryland.
(28) Presidential Building, Hyattsville, Maryland.
(29) Silver Spring Plaza, Silver Spring, Maryland.
(30) Minerals Management Service, Dept. of Interior, Northern Virginia Area.
(31) Park Center One Building, Alexandria, Virginia.
(32) Architect Building, 1400 Wilson Blvd., Arlington, Virginia.
(33) Rosslyn Plaza C. Building, Arlington, Virginia.
(34) Dept. of Health & Human Services/Social Security Administration, Arlington, Virginia.
(35) Department of Defense/Department of Navy, Crystal Gateway Building, 1235 Jefferson Davis Highway, Arlington, Virginia.
(36) Department of Defense/Department of Navy, Crystal Plaza 5 Building, 2211 Jefferson Davis Highway, Arlington, Virginia.
(37) 621 North Payne Street, Alexandria, Virginia.
(38) 1201 Fern Street, Alexandria, Virginia.

The original and one copy of the authorizing resolution is enclosed.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

PERSONAL EXPLANATION

Mr. STRATTON. Mr. Speaker, on Wednesday, January 21, 1987, I had a commitment and had to leave the Chamber before the vote on final passage of H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987. I fully support quick and sure action on this bill and would have voted "yea" on rollcall No. 12 had I been present.

RESIGNATION AS A MEMBER OF THE COMMITTEE ON FOREIGN AFFAIRS

The SPEAKER pro tempore (Mr. COELHO) laid before the House the following resignation as a member of the Committee on Foreign Affairs:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 12, 1987.

Hon. JIM WRIGHT,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I wish to resign from the Foreign Affairs Committee, and I will appreciate your consideration of this request.

Sincerely,

BUDDY MACKAY.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

STATEMENT OF THE HONORABLE LEON E. PANETTA UPON INTRODUCTION OF THE MONTEREY BAY NATIONAL MARINE SANCTUARY ACT

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation designed to provide protection for Monterey Bay, a marine resource of truly national significance and one of tremendous importance to the people of central California. The bay provides a livelihood for fishermen, hotel and restaurant workers, tour guides and researchers. The deep marine canyon which lies beneath its waters provides the habitat and food source for an extraordinary variety of marine life. Unfortunately, this bountiful environment is threatened, and unless action is taken to preserve it, future generations may not enjoy the opportunities for recreation, study and contemplation offered by Monterey Bay.

Because of its unique biological, environmental, and economic significance, Monterey Bay was nominated by the State of California for national marine sanctuary status in 1977 and added to the National Oceanic Atmospheric Administration's list of active candidates in 1978. The Monterey Bay sanctuary site is unique in many ways. The site is the only west coast candidate site including a submarine canyon, the Pacific coast's largest. In addition, the bay within the proposed Monterey sanctuary hosts a number of endangered and threatened species of marine mammals and birds, as well as commercial and recreational fisheries and many tourist activities. The bay is also the focus of extensive national and international marine research efforts. The site was seriously considered as an active candidate until NOAA made a decision to remove it from the list in November 1983.

Unfortunately, Monterey Bay and its vast array of marine life are threatened unless immediate action is taken to protect them. Finding during the past few years suggest that the bay and its tributaries are slowly being contaminated by toxic chemicals. Record levels of pesticides have been found in Watsonvile, Espinosa, and Elkhorn Sloughs as well as the Salinas River; all of which empty into the bay. Residues of pesticides banned over a decade ago are still being found at high levels in the soils that drain into the bay. At the same time, several cities use Monterey Bay as an ocean outfall source for their sewage, and the demand by other cities to do the same is on the rise.

The decision to remove the bay from the list of active candidate sites was at best arbitrary, and at worst misguided. The reasons given by NOAA at the time bore little relationship to the facts involved. It was argued that there were already two sanctuaries offshore California protecting "similar resources." The large size of the bay was sited as placing an unacceptable enforcement burden on NOAA and finally, the argument was made that the bay was already protected by State and local agencies.

It should be noted that nowhere in the Marine Sanctuaries Act is it contemplated that geographical distribution would be decisive in determining protection or that a coastline as extensive and varied as California's would be limited to the number of potential sanctuaries. It should also be noted that a third California sanctuary, Cordell Banks, is now pending final approval. Also, no other marine sanctuary protects resources similar to Monterey because these resources are indeed unique, including the largest submarine canyon on the west coast and an extraordinary variety of marine life including the threatened California sea otter.

Second, while the exact size of a Monterey Bay sanctuary has not been determined, it would certainly be smaller than the Channel Islands sanctuary in southern California—500 square miles versus 1,200. Finally, there is no comprehensive management plan for the bay, and it is currently threatened by the drainage of sewage and toxic pesticides. The bay faces immediate threats from the proposed establishment of new sewage outfalls by the cities of Gilroy and Morgan Hill and by the proposal by the Bureau of Reclamation to use the bay for the disposal of toxic drainage water from the San Joaquin Valley.

Joined by other members of the California congressional delegation, I have made numerous attempts to have NOAA place the bay back on its list of active candidates. Unfortunately the agency will not reconsider its position until after the current list of 29 sites has been designated or rejected—a process which will take us well into the 1990's. According to the latest communication from NOAA, "the (Monterey) site will not be further evaluated as a national marine sanctuary."

It is clear that this unique national resource must be preserved, and that the threats posed by potential new industrial sewage outflows and toxic agricultural discharges are too immediate to wait for NOAA to take action it may never take. Because NOAA has closed the door on attempts to designate the bay as a marine sanctuary through the established process, I am today introducing the Monterey Bay National Marine Sanctuary Act. This legislation would designate the bay as a national marine sanctuary and would require the Secretary of Commerce to establish a management plan for the bay in accordance with goals and purposes of the Marine Sanctuaries Act.

Monterey Bay's unique physical and biological qualities, its economic productivity, and its national cultural and research significance clearly warrant marine sanctuary designation and protection from the growing threat of toxic contamination. It is my hope that this legislation will bring about the protection needed for this unique national resource.

H.R. 734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Monterey Bay National Marine Sanctuary Act".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the Monterey Bay in California, because of its—

(A) unique physical characteristics, including the largest submarine canyon on the Pacific coast of the United States,

(B) unique ecological and biological characteristics and productivity, including the presence of many endangered or threatened species of marine mammals and birds, and

(C) important economic values, including commercial and recreational fishing and tourism,

has special national cultural, educational, research, and economic significance;

(2) the contamination of the Monterey Bay, particularly from—

(A) the drainage of pesticides and other toxic chemicals into the tributaries of the Bay,

(B) the outfall of municipal sewage, and

(C) the proximity of growing adjacent urban populations and expanding economic uses of the Bay,

is increasing at an alarming rate;

(3) the existing State and Federal regulatory and management authorities applicable to Monterey Bay are inadequate to provide the kind of comprehensive and coordinated conservation and management of this nationally significant marine environment that is available under the Sanctuary Act;

(4) Monterey Bay is a discrete ecological unit with definite boundaries, and is accessible and suitable for monitoring and enforcement activities;

(5) the benefits from designating Monterey Bay as a National Marine Sanctuary, including the socio-economic benefits and the protection of its nationally significant resources and habitats, and resources supporting major tourism activities, outweigh any potential negative impacts on other economic uses of the area; and

(6) the designation and treatment of the Monterey Bay as a national marine sanctuary is necessary for the protection and preservation of this unique area of the national marine environment as an area of national significance.

SEC. 3. CONGRESSIONAL DESIGNATION.

The Congress—

(1) declares that the Monterey Bay area meets the standards set forth in section 303(a) of the Sanctuaries Act; and

(2) designates the area, subject to section 5, as a national marine sanctuary.

SEC. 4. SECRETARIAL FUNCTIONS.

(a) IN GENERAL.—Before the close of the 18th month after the month in which this Act is enacted, the Secretary shall—

(1) prepare a draft environmental impact statement, as provided for in the National Environmental Policy Act of 1969 (42 U.S.C. et seq.), on the designation made under section 3, which statement shall include, with respect to the Monterey Bay area—

(A) a resource assessment report of the kind described in section 303(b)(3) of the Sanctuary Act,

(B) maps depicting the boundaries, and

(C) a description of the existing and potential uses;

(2) make copies of the draft environmental impact statement available to the public, and thereafter hold at least one public hearing in the coastal area or areas that will be most affected by the designation for purposes of receiving the views of interested persons;

(3) prepare, after taking into account the views received under paragraph (2) and after consulting with the appropriate State and local officials, a draft management plan detailing—

(A) the proposed goals and objectives for the sanctuary;

(B) the respective management, educational, and enforcement responsibilities of the appropriate Federal, State, and local government agencies for achieving the goals and objectives referred to in subparagraph (A); and

(C) proposed regulations to implement the Federal responsibilities under subparagraph (B); and

(4) submit the draft management plan prepared under paragraph (3) to each House of Congress on the same day.

(b) FISHING REGULATIONS.—Section 304(a)(5) of the Sanctuary Act applies to the preparation and issuance of regulations regarding fishing in the United States fishery conservation zone that are necessary to implement the designation of the area.

SEC. 5. DESIGNATION OF APPROVAL AND IMPLEMENTATION.

(a) IN GENERAL.—The designation of the Monterey Bay area under section 3 and the draft management plan and regulations prepared under section 4 shall take effect at the close of the 45-day period beginning on the day after the date on which the draft management plan is submitted to Congress under section 4(a)(4) unless before the close of such period there is enacted a joint resolution which states after the resolving clause the following: "That the Congress disapproves the designation of the Monterey Bay National Marine Sanctuary.". Any such resolution shall be treated as being a resolution to which section 304(b)(4) of the Sanctuary Act applies, and subparagraph (C) of such section shall be treated as including this subsection.

(b) APPLICATION OF SANCTUARY ACT.—The following provisions of the Sanctuary Act apply with respect to the Monterey Bay National Marine Sanctuary to the same extent as if such sanctuary had been designated and approved under that Act:

(1) Section 304(c) (relating to access and valid rights).

(2) Section 305 (relating to application of regulations and international agreements).

(3) Section 306 (relating to research and education).

(4) Section 307 (relating to enforcement).

(5) Section 308 (relating to appropriations).

SEC. 6. DEFINITIONS.

As used in this Act:

(1) The term "Monterey Bay area" or "area" means that portion of Monterey Bay, California, and the adjacent area, that was considered by the National Oceanic and Atmospheric Administration as an active candidate for designation as a national marine sanctuary, but removed from consideration, by notice dated December 14, 1983, and published in 48 FR 245 at page 26253.

(2) The term "Sanctuary Act" means title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.).

(3) The term "Secretary" means the Secretary of Commerce.

MEMBERS SHOULD HAVE CHANCE TO VOTE FOR OR AGAINST SALARY INCREASE

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, in the 4 years I have been in the Congress there is one impression that stands out and that is the quality of our colleagues. The dedication to our jobs, the hard work and the long hours is proof of our commitment to service—but that is not the issue.

The issue is the integrity of the institution. A democracy works because of a bond that exists between its leaders and its people. That bond is based on faith and credibility.

How do we ask the people back home to have faith in our leadership when we will not do what we are asking them to do; that is, to ask less of Government or pay higher taxes to solve the deficit problem.

It just doesn't fit—that we should ask others to do with less and then raise our salaries without a vote.

Join me in signing this letter asking the Speaker for a vote before February 5.

SUPPORT URGED FOR EFFORTS TO OBTAIN RELEASE OF AMERICAN HOSTAGES

(Mr. COBLE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, committee hearings get the headlines, but the fact remains that American hostages are still being held in the Middle East. The Washington Post reported this week that Anglican Church envoy Terry Waite has completed a round of direct contacts with the Islamic Jihad, which reportedly is holding Terry Anderson and Thomas Sutherland.

Earlier efforts to influence the release of Americans by applying pressure through better relations with Tehran have stalled. Regardless of the merits of this plan, steps at least were taken to secure the safe return of the American hostages. I believe we should now turn our attention to the efforts of Terry Waite, who has established a dialog with the Islamic Jihad. Mr. Waite has expressed cautious optimism that Terry Anderson and Thomas Sutherland could be released, along with several British hostages.

Mr. Speaker, Mr. Waite deserves our support. All American hostages must be released, and we should settle for nothing else.

□ 1540

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that the special orders made in order be called first on Monday.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

SPACE—AMERICA'S NEW COMPETITIVE FRONTIER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

Mr. NELSON of Florida. Mr. Speaker, in October of last year, I had the pleasure of participating in a National Issues Forum on "The U.S. Space Program: Directions for the Future," sponsored by the Brookings Institution. This was an excellent program featuring speakers from Federal agencies, the space industry, and academic institutions, as well as from Congress. The discussion focused on several key issues of public policy, rather than the technological and operational aspects of space endeavors. In my view the Brookings program represented exactly the right kind of debate that should be occurring as the United States looks ahead to a new era in space following the *Challenger* disaster.

Another endeavor that has stimulated interest in future U.S. space activities among leaders in both the public and private sector is a report by the Business-Higher Education Forum, "Space: America's New Competitive Frontier." What makes this report particularly significant is the organization that produced it. The Forum, founded 8 years ago by the American Council on Education, has a membership composed of chairmen, presidents and chief executive officers of major U.S. corporations, and presidents and chancellors of major U.S. collegues and universities. The report presents an agenda for near-term civilian space development, with recommendations for both Government and the private sector.

In order to encourage Members to be aware of its contents, I am including in the RECORD an edited version of the "Executive Summary" from the Business-Higher Education Forum report.

THE EXECUTIVE SUMMARY

This report seeks to examine how American business and higher education can leverage and promote accomplishments in space, as well as develop the vast potential of space in a new era. The focus of these efforts is to sustain America's long-term competitive advantage and leadership in world markets, and to increase scientific knowledge for the benefit of the American people and other citizens of the world.

The primary objective of the report is to provide a stimulus:

For institutions of higher education to become more involved in space;

For businesses to pursue opportunities in space;

For business and higher education to join in collaborative ventures to leverage America's resources in space research, technology development and commercial market application; and

For government to provide the proper environment and incentives for higher education and business to maximize the full potential of space.

While the United States is currently the acknowledged world leader in space development, the next 10 years will be critical to maintaining U.S. leadership. Many opportunities lie ahead, but there are also a number of factors inhibiting progress. Overall, there is reason to be concerned about the adequacy of general federal funding for basic science. Furthermore there is a need for better linkages between science and applications across the board.

Specifically, today's space program is not powered by a Sputnik-like affront to America's pride or a national goal of the magnitude of Apollo. Although the American people support the nation's space efforts, a sense of competitive urgency is lacking and a need exists for a broader understanding of the potential of space.

The space station, an important component for maintaining a strong U.S. position in research and technology, will face continuing budgetary pressures, which threaten to delay its completion and reduce its operational capacity. During the interim before this project becomes a reality, the United States must continue a high level of space science research activity.

Heads of some business firms interested in the commercial uses of space are frustrated by uncertainties and constraints which discourage entrepreneurship. In contrast, Europe, Japan and other competitors are working steadily on commercial development. Obviously these circumstances demand attention.

The Business-Higher Education Forum strongly believes that advancement of basic science and expansion of knowledge about space should be high on the nation's agenda. The Forum advocates as important national priorities the following: expanded exploration of our solar system and the universe; examination of the advantages of the properties of space for increased technological and commercial purposes; and the laying of a foundation for long-term development of space for the mutual benefit of all people of the world.

It is not the Forum's intent to make an assessment of all federally funded science programs or to allocate priorities for financial support but rather to present a statement of timely concern on a subject of great importance for present and future generations.

While the Forum recognizes the important role played by the federal government in developing the U.S. space program, it encourages more involvement by the private sector, specifically business and higher education, in future space endeavors.

A vigorous and consistent U.S. space program is necessary if the nation's leadership position is to be maintained, and if there is to be a solid base from which private initiatives can grow. The National Commission on Space, authorized by Congress and appointed by the President, has developed recommendations for U.S. space activities extending into the next century. For this report, the Forum proposes a complementary, near-term agenda for future space development, which includes a number of major recommendations for government, higher education and business.

NATIONAL OBJECTIVES

To achieve an effective program of near-term (10-year) space development, the Forum offers one primary recommendation: clear, consistent objectives must be established, toward which government, industry, colleges and universities can work together. These must be combined with the rules and procedures to support those goals.

Within this framework, the Forum believes the U.S. space program should strive to balance pure science and applied development as well as manned and unmanned missions. A cost-effective approach must be applied to all aspects of the nation's space efforts. To the extent possible within budgetary limitations imposed by the 1985 deficit-reduction law, the Forum believes programs of the National Aeronautics and Space Administration (NASA) should be maintained at a high level. National Science Foundation (NSF) funding for space science research also should be sustained.

In forming a plan for future space development, special attention should be given to five areas, in which the Forum proposes the following actions:

Expanded Scientific Research

U.S. scientific space experiments have produced a significant amount of valuable information. Scientific experimentation has been expanding and there are classes of experiments that may have importance for applications.

The Forum advocates incentives for research by business, higher education and government to maximize the full potential of space. Specifically, the Forum believes a strong space science effort should include:

new missions to gather data in and from space; a corresponding set of projects to guarantee adequate analysis of these data; a stable infrastructure of facilities and support technologies; and applied research related to product development.

In the area of commercial development, prospective participants would find it highly beneficial to have access to a data base that both describes the scientific research that has been done and identifies what needs to be done. One readily identifiable need is for additional microgravity research.

Policies and institutions created to advance technology transfer and the commercial development of space should take into account the scientific discoveries from military and other governmental space research activities that may have commercial application.

The Forum endorses NASA's program of Centers for the Commercial Development of Space, which use the characteristics of space to stimulate the basic research needed to produce new ideas applicable for commercial endeavors. However, the Forum believes the program needs a broader perspective, including a longer time horizon.

Automation and Robotics

The use of automation and robotics can enhance human endeavors in future space development. A judicious blending of human resources with automation will lead to the most effective use of the U.S. space station, for example.

The current state of space-qualified automation and robotics is not advanced enough to achieve maximum effectiveness of people in space. Knowledge-based systems able to sense situation dynamics, assimilate inputs and adapt courses of action are needed to minimize astronaut workload. Important work is being done in the field at some universities, and Congress has mandated allocation of part of the space station budget to automation and robotics. But the full potential for development of advanced automation and robotics is not being achieved.

The Forum believes increased emphasis should be placed on development of automation and robotics, along with the related artificial intelligence and systems required, to multiply the impact of human endeavors in space.

U.S. Space Station

Funding of the permanently manned space station, proposed by President Reagan in 1984, is not assured. The program, now in its early stages, already is subject to cutbacks which threaten to reduce its capacity and postpone start of operations. The space station can be a powerful stimulus to the private sector because it will provide a place where sustained research, development and operations can be carried out, in both basic science and technological applications.

Because the space station is the centerpiece of America's space infrastructure for the next decade, and because it holds great potential for future space development, the Forum believes it deserves the broad support of the American people. In the interim before the space station becomes operational, the Forum recommends careful thought be given to short-term actions that will enable the United States to have more capability in space for experimentation and subsequent applications.

International Relations

Within the U.S. government there are two points of view regarding U.S. relations with other countries on civilian space matters. One view holds that the United States should strengthen and promote its competitive posture and prevent technology transfer. The other view suggests that space should be used as a diplomatic tool to promote cooperation and synergism among nations. Because these conflicting positions have not been reconciled, the potential benefits of international cooperation have not been fully realized.

As a world leader, the United States should accelerate its efforts to explore mechanisms for international collaboration on the peaceful uses of space. The Forum recommends that the Administration and Congress review policies affecting international space relations and seek ways for the United States to cooperate with other space nations without endangering any competitive advantage.

Advisory Council and Action Agenda

To help develop a set of national objectives necessary for an effective near-term space program, the Forum recommends the establishment of a presidentially appointed Business-Higher Education Space Development Advisory Council. This group would involve the corporate and academic communities, along with government, in the civilian space program. This council should not only review current national space objectives and their impact on business and higher education, but should make appropriate recommendations to the Administration and Congress regarding the future course of U.S. space development.

The Forum recommends the council consider an action agenda focusing on the general areas of scientific research, automation and robotics, the space station and international space relations, as previously discussed, as well as on the following specific areas that require attention:

Reduction in cost of space transportation.—Access to space must be affordable in order to encourage and stimulate increased activity in space by the private sector. NASA, as a high-priority goal, should continue efforts at significantly lowering the costs of transportation to space.

A coherent approach to the relationship between government and industry.—The different perceptions and priorities of government and industry sometimes result in delayed decision-making and loss of valuable time. All levels of government management with roles in space activity should clearly understand, and be encouraged to support, commercial development objectives, with a view toward nurturing a culture more supportive of entrepreneurial efforts.

More time in space for microgravity research.—With the resumption of space shuttle operations, NASA should continue its efforts to make more shuttle time and space available for extensive and affordable research in a low-gravity environment. The feasibility of alternative methods of providing such an environment also should be studied.

An enlarged outreach effort.—NASA should coordinate an expanded effort to make information available to colleges, universities and industries (particularly those industries from the non-aerospace sector) that will help them assess commercial development opportunities.

Promotion of consortium arrangements.—The Forum advocates the promotion of multi-industry consortia or joint ventures to help spread the risk and enhance the probability of return on investments in space research, and encourages government cooperation with such efforts.

Special attention to the needs of new ventures and entrepreneurs.—NASA should simplify the process and shorten the time required to complete agreements with business firms for joint research projects and should supply technical assistance to firms in developing experiments.

Fostering private investment in major space activities.—The private sector will have opportunities for investing in space hardware and activities that previously have been viewed exclusively as government endeavors. NASA should make known what projects will be available for private investments and under what conditions.

Protection of intellectual property.—To alleviate concerns by companies reluctant to take their proprietary ideas into space, NASA should consider adopting policies similar to those used by the National Institutes of Health for protection of intellectual property.

Examination of space insurance.—The cost and limited availability of insurance for space ventures is another restraint on development. Further study and suggestions from the insurance industry are needed. * * *

* * * The Forum hopes that by combining its observations with a compendium of background information on America's space endeavors, a greater awareness will be created among business and academic leaders, policymakers in government and other fields, and the general public. While the Forum seeks to generate interest in future space development, no effort is being made to predict the outcome in terms of economic impact, market potential or specific scientific and technological gains. To do so would risk overpromising and overselling an endeavor which is naturally endowed with uncertainty, but which is nonetheless exciting, challenging and important to the future of the nation.

ADMINISTRATION NATURALIZATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. Rodino] is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, today I am introducing legislation to amend the Immigration and Nationality Act of facilitate the often time-consuming and frustrating process of acquiring U.S. citizens by allowing for administrative naturalization.

This legislation passed the House last Congress and continues to be desperately needed in areas of the country where fully qualified applicants for naturalization must sometimes wait 2 years to be sworn in as U.S. citizens.

Today's bifurcated system provides that the Immigration and Naturalization Service does virtually all the processing and preliminary determinations and then makes recommendations on the cases to the courts. The courts, however, have the role of final disposition in the manner of swearing in the applicant. It is generally recognized that the role of the court is almost exclusively ceremonial and that recommendations of the Attorney General are rarely overturned by the court.

For those immigrants adopting this country, U.S. citizenship is a priceless possession. In return, our country is enriched with their contributions and each nationality and heritage is woven into rich tapestry of American society. These people wish to enjoy the rights of this great land, the right to practice religion freely, the right to participate in a Democratic form of government, the right of free expression, and the inalienable rights of life, liberty, and the pursuit of happiness. Yet the present system does them an injustice. Due to lengthy delays in the naturalization process, they are being denied employment opportunities, travel, the ability to confer immigration benefits on Relatives, and most importantly they are denied the right to vote.

The system has impediments including administrative and logistical problems and has not kept pace with the exponential increase in applications for citizenship. The number of applications for naturalization has increased from 171,000 in 1981 to 420,000 in 1986. In my district alone the waiting period is 20 months with a current backlog of 10,000 applicants in New Jersey.

This legislation will address these increased workloads and administrative problems by streamlining the two-step burdensome process by allowing the Attorney General to make the determinations on citizenship and perform the swearing in of applicants.

First, it directs that the sole procedure for naturalization is vested with the Attorney General. Second, the bill provides an administrative review with the Board of Immigrations Appeals of denied applications. It also provides district courts with appellate authority. Third, the bill retains significant elements of the judicial system in order to retain the dignity and decorum generally associated with the citizenship ceremony. It requires ceremonies be conducted in "open session" and that the Attorney General designate certain days for final hearings on citizenship cases. The Attorney General is required "to ensure that the public ceremonies conducted by the Attorney General for the administration of oaths of allegiance * * * are in keeping with the dignity of the occasion." An applicant also has the option of being sworn in before a district court judge.

Under my legislation qualified applicants for naturalization would simply submit an application for naturalization to the Immigration and Naturalization Service and it will be on one track through the final swearing of allegiance ceremony consecrating the ultimate act of gaining citizenship. It would simply codify existing practice in a more cost-effective, efficient manner.

Movement to administrative naturalization is not a step taken lightly, the Congress, the executive branch, and the judiciary have all attempted to address the backlogs through legislation in 1981, through more funding and manpower, through management improvements, computerization, and more logistical support. These efforts have met with only limited success.

The time has arrived, I believe, to relieve the applicant fornaturalization of onerous paperwork and administrative hurdles. It is imperative that the system welcome its citizens in a timely and orderly fashion and with the dignity they deserve. My bill will accomplish this goal.

CONTRA ARMS CREWS SAID TO SMUGGLE DRUGS

PRESIDENT SHOULD DISCLOSE KNOWLEDGE OF CONTRA FUNDING EFFORTS AT STATE OF THE UNION ADDRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] is recognized for 30 minutes.

Mr. CONYERS. Mr. Speaker, I ask your consideration in the following request that I respectfully make to the President of the United States: That on the day of the State of the Union Message, January 27 at 9 p.m. here in this chamber, the President of the United States utilize this opportunity to do two things that would be very important. One, to unburden himself by telling us what, if anything, he knows personally about the Iran-Contra scandal and all other Contra supply efforts, and two, report to us what the members in the executive branch of Government, including those who were former employees, have told him in connection with this matter.

This would have two very important effects. First, it would take the cloud off the White House that they are now under by us eliminating in our minds the smoking gun possibilities that go back to the White House crisis of 1972 by eliminating the President from the worry of what he knew and when he knew it.

Second, it would have a very important effect of expediting the work of the two select committees in the House and the Senate and the special prosecutor. It would shorten that period of time because then most of what we need would be forthcoming and the usual delays over subpoena authority, executive privilege, fifth amendment, and other immunity questions would be curtailed.

As a basis for those recommendations respectfully forwarded to the President, I would like to remind my colleagues of an article on January 20 in the New York Times written by Joel Brinkley. The article follows:

CONTRA ARMS CREWS SAID TO SMUGGLE DRUGS

Federal drug investigators uncovered evidence last fall that the American flight crews covertly ferrying arms to the Nicaraguan rebels were smuggling cocaine and other drugs on their return trips to the United States, Administration officials said today.

When the crew members, based in El Salvador, learned that Drug Enforcement Administration agents were investigating their activities, one of them warned that they had White House protection, the officials said.

Recent Congressional investigations have shown that the covert arms-supply operation was set up and managed with significant direction from Lieut. Col. Oliver L. North, the National Security Council aide who was dismissed in November. The flight crew member in El Salvador used Colonel North's name, officials said.

The crew member's warning, made after investigators had searched his house in San Salvador for drugs, caused "quite a stir" at the Ilopango Air Base, where the covert contra supply operation was based, said an American official familiar with intelligence reports on the matter. But the incident did not attract wider attention at the time and Federal narcotics investigators continued their work, apparently without interference from the White House or elsewhere, Drug Enforcement Administration officials said.

Several Congressional, Administration and drug enforcement officials said that, to date, they had found no evidence that Colonel North or anyone else in the White House interfered with the drug investigation or were even aware of it. Officials have concluded that the crew member's warning was probably a bluff.

The officials also say the evidence suggests that the drug smuggling was "a freelance operation" carried out for the personal profit of the flight crews, not for the benefit of the contras or anyone else. Several unrelated Government investigations have suggested but never proved that the contras themselves smuggled drugs to raise cash for the war effort.

Still, early this month, word of this incident began circulating in the White House and in other Government agencies, and some senior officials became "very, very worried that Ollie really had stopped that investigation, and this would be the next big scandal" in the evolving Iran-contra affair, a former White House official said, using Colonel North's nickname.

An official at another Federal agency said last week, "Word of this has just come in to the very senior people."

The officials' concern increased in light of the recent disclosure that Colonel North had told the Federal Bureau of Investigation last October to stop investigating Southern Air Transport, the Miami airfreight company involved in the contra supply operation and in the Iran arms deals. At that time, Colonel North told the F.B.I. that the investigation would jeopardize negotiations for the release of the American hostages in Lebanon.

Officials also realized that if the new charge proved to be true, the White House could be accused of trying to stymie a drug-smuggling investigation at the same time last fall that President Reagan and other senior officials were carrying out a major, public anti-drug campaign.

As a result, intelligence officials from several agencies were asked this month to investigate the matter.

Officials from several agencies said that by early last fall the Drug Enforcement Administration office in Guatamala had compiled convincing evidence that the contra military supply operation was smuggling cocaine and marijuana. The Guatamala office is responsible for El Salvador.

After dropping arms in El Salvador rather than returning to the United States in empty cargo planes, the pilots stopped on occasion in Panama, a major drug transshipment center, to pick up cocaine or marijuana.

Drug enforcement officials will not describe the evidence they uncovered demonstrating that the smuggling was occurring. But the Drug Enforcement Administration says no Federal agency interfered with the investigation.

On October 4, a short time after the crew member warned the investigators that he had protection from Colonel North, one of the contra supply planes crashed inside Nicaragua, and a crew member, Eugene Hasenfus, was captured by the Sandinista Government. As a result, the supply operation folded, and the crew members scattered.

Although the drug investigation was not officially closed, it was no longer actively pursued. "It was not one of the big smuggling rings anyway", a drug enforcement official said.

An investigator with the Tower commission, the special panel President Reagan appointed to examine the National Security Council, asked drug enforcement officials about the case recently. And the House Foreign Affairs Committee, as part of its hearings on the Iran-Contra affair last year, studied the drug smuggling allegations, committee sources said.

These and related inquiries brought the incident to the White House's attention.

Although investigators have found no evidence that the crew member's statements last fall were true, Congressional investigators said the incident will be studied again as one part of the larger Iran-Contra investigations this year.

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So I conclude my remarks by urging the President of the United States to join with all of the Members of the House of Representatives who are anxious to get to the bottom of this cloud that hangs over the White House, indeed, over the Federal Government, and set the example for all the citizens that will be coming before the two blue ribbon panels of the prosecutor.

Please, Mr. President, use your time on January 27 in your State of the Union Address to dispose of the question that haunts us all in this House and throughout America.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. NELSON of Florida for 5 minutes today.

Mr. RODINO for 5 minutes today.

Mr. CONYERS for 30 minutes today.

Mr. GONZALEZ for 60 minutes on January 26.

Mr. GONZALEZ for 60 minutes on January 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BALLENGER) and to include extraneous matter:)

Mr. FRENZEL.

Mr. DAUB.

Mr. MICHEL.

Mr. LEACH of Iowa.

Mr. GUNDERSON.

Mr. JEFFORDS.

Mrs. JOHNSON of Connecticut.

Mr. BARTON of Texas.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. YATRON.

Mr. TRAFICANT in two instances.

Mr. STARK in two instances.

Mr. HOYER.

Mrs. LLOYD.

Mr. GAYDOS in two instances.

Mr. MANTON.

Mr. ST GERMAIN.

Mr. FEIGHAN in two instances.

Mr. WEISS.

Mr. LIPINSKI.

SENATE JOINT RESOLUTION AND CONCURRENT RESOLUTION REFERRED

A joint resolution and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 24. Joint resolution to designate January 28, 1987, as "National Challenger Center Day" to honor the crew of the space shuttle Challenger; to the Committee on Post Office and Civil Service.

S. Con. Res. 8. Concurrent resolution relating to the current human rights policies of the Soviet Union; to the Committee on Foreign Affairs.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 52 minutes p.m.), under its previous order, the House adjourned until Monday, January 26, 1987, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

419. A letter from the Secretary of Agriculture, transmitting the first annual report on the agricultural trade policies of other governments and market opportunities for U.S. agricultural exports, pursuant to 7 U.S.C. 1736r(c); to the Committee on Agriculture.

420. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-277, "D.C. Alcoholic Beverage Control Act Reform Amendment Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

421. A letter from the Chairman, Federal Trade Commission, transmitting a report on the description of current sales, advertising and marketing practices associated with smokeless tobacco products and legislative recommendations, pursuant to 15 U.S.C. 4407(b); to the Committee on Energy and Commerce.

422. A letter from the Secretary of Transportation, transmitting the annual report, fiscal year 1986, on Railroad Financial Assistance, pursuant to Public Law 96-448, section 409; to the Committee on Energy and Commerce.

423. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of the proposed issuance of an export license for the export of defense articles or defense services sold commercially under a contract to Saudi Arabia (Transmittal No. MC-3-87), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

424. A letter from the Secretary of Commerce, transmitting a copy of the statistical report on average annual amounts of imports of strategic and critical materials from member and observer countries of the Council for Mutual Economic Assistance, pursuant to 22 U.S.C. 5092(b)(1); jointly, to the Committees on Foreign Affairs and Ways and Means.

425. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting a report on the status of negotiations with Mexico aimed at facilitating international commerce and reducing impediments to international trade, pursuant to Public Law 99-83, section 717(c) (99 Stat. 247); to the Committee on Foreign Affairs.

426. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting notification of the intent to continue assistance for El Salvador under the Anti-Terrorism Assistance [ATA] Program, pursuant to FAA section 571, as amended; to the Committee on Foreign Affairs.

427. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued by GAO during the month of December 1986, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

428. A letter from the Administrator, Panama Canal Commission transmitting notification of nine proposed new Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

429. A letter from the Director, Office of Personnel Management; transmitting a draft of proposed legislation to amend title 5, United States Code, to establish a simplified management system for Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

430. A letter from the Secretary of Transportation; transmitting the annual report on all the Nation Transportation Safety Board's recommendations regarding transportation safety and the Department's response thereto covering calendar year 1986, pursuant to 49 U.S.C. app. 1906(b); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WHITTEN: Committee on Appropriations. H.J. Res. 102. Joint resolution making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and

Shelter Program of the Federal Emergency Management Agency (Rept. No. 100-4). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 717. A bill to promote economic competitiveness in the United States, and for other purposes; jointly, to the Committees on Science, Space and Technology, Education and Labor, Ways and Means, and Banking, Finance and Urban Affairs.

By Mrs. COLLINS:

H.R. 718. A bill to improve the safety and efficiency of the Nation's rail and air transportation systems; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. DORNAN of California (for himself, Mr. Smith of New Hampshire, Mr. Boulter, Mr. Hunter, Mr. Stangeland, Mr. DeLay, Mr. Bliley, and Mrs. Smith of Nebraska):

H.R. 719. A bill to amend the Internal Revenue Code of 1986 to deny status as a tax-exempt organization, and as a charitable contribution recipient, for organizations which directly or indirectly perform or finance abortions; to the Committee on Ways and Means.

By Mr. DORNAN of California (for himself, Mr. Hutto, Mr. Packard, Mr. DeWine, Mr. Lagomarsino, Mr. Moorhead, Mr. Smith of New Hampshire, Mr. Boulter, Mr. Hunter, Mr. Stangeland, Mr. DeLay, Mr. Bliley, Mr. Daniel, Mr. Hopkins, Mr. Smith of New Jersey, Mr. Rinaldo, Mr. Staggers, Mrs. Smith of Nebraska, Mr. Daub, and Mr. Henry):

H.R. 720. A bill to protect the life of a preborn child; jointly, to the Committees on the Judiciary, Energy and Commerce, Education and Labor, and Post Office and Civil Service.

By Mr. FEIGHAN:

H.R. 721. A bill to amend the Housing and Community Development Act of 1974 to permit the use of assistance under the community development block grant program for uniform emergency telephone number systems; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FISH (for himself, Mr. Biaggi, Mrs. Bentley, Mr. Boland, Mrs. Burton of California, Mr. Bustamante, Mr. DeWine, Mr. DioGuardi, Mr. Downey of New York, Mr. Fauntroy, Mr. Feighan, Mr. Frank, Mr. Garcia, Mr. Jacobs, Mr. Kanjorski, Mr. Lent, Mr. Thomas Luken, Mr. Manton, Mr. McKinney, Mr. Moakley, Mr. Morrison of Connecticut, Mr. Mrazek, Mr. Nowak, Mrs. Schroeder, Mr. Stratton, Mr. Towns, and Mr. Traxler):

H.R. 722. A bill to provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland; jointly, to the Committees on Foreign Affairs, Ways and Means, and Rules.

By Mr. GUNDERSON (for himself, Mr. Tauke, Mr. Roth, and Mr. Stangeland):

H.R. 723. A bill to provide for a nationwide milk marketing order with multiple basing points, and for other purposes; to the Committee on Agriculture.

By Mr. GUNDERSON (for himself, Mr. Stangeland, and Mr. Roth):

H.R. 724. A bill to amend the Agricultural Act of 1949 to establish a new program to support the price of milk; to the Committee on Agriculture.

H.R. 725. A bill to amend the Agricultural Act of 1949 to freeze the current level of price support applicable to milk; to the Committee on Agriculture.

By Mr. GUNDERSON (for himself, Mr. Tauke, Mr. Combest, and Mr. Stangeland):

H.R. 726. A bill to establish a National Advisory Commission on the Future of Rural America; to the Committee on Agriculture.

H.R. 727. A bill to provide for the accreditation, as congressional delegates to trade negotiations, of members of the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry; to the Committee on Ways and Means.

By Mr. JEFFORDS (for himself, Mr. Petri, Mrs. Johnson of Connecticut, Mr. Levin of Michigan, Mr. Boland, Mr. Fish, Mr. Henry, Mr. Fawell, Mr. Tauke, Mr. Bryant, and Mr. Gunderson):

H.R. 728. A bill to amend title III of the Job Training Partnership Act to improve the delivery of services and information to dislocated workers, and for other purposes; to the Committee on Education and Labor.

By Mr. LEHMAN of California (for himself, Mrs. Burton of California, Mr. Miller of California, Mr. Coelho, and Mr. Fazio):

H.R. 729. A bill to designate certain lands now managed by the Bureau of Land Management in the State of California as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. McCOLLUM:

H.R. 730. A bill to award a congressional gold medal to Joe Kittinger; to the Committee on Banking, Finance and Urban Affairs.

By Mr. McCOLLUM (for himself and Mr. Hunter):

H.R. 731. A bill to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to establish procedures for the adjudication by courts-martial of sentences of capital punishment; to the Committee on Armed Services.

By Mr. McMILLEN of Maryland:

H.R. 732. A bill to recognize the organization known as the Retired Enlisted Association, Inc.; to the Committee on the Judiciary.

By Mr. MONTGOMERY (for himself and Mr. Solomon):

H.R. 733. A bill to exempt retired members of the Armed Forces called to active duty and assigned to full-time duty with the American Battle Monuments Commission from grade limitations on officers of the Armed Forces; jointly, to the Committees on Armed Services, and Veterans' Affairs.

By Mr. PANETTA:

H.R. 734. A bill to designate Monterey Bay, CA, as a national marine sanctuary; to the Committee on Merchant Marine and Fisheries.

By Mr. RODINO:

H.R. 735. A bill to amend title III of the Immigration and Naturalization Act to provide for administrative naturalization, and for other purposes; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 736. A bill to amend title 23, United States Code, to improve safety on the National System of Interstate and Defense Highways by transferring rearward, to other internal axle groups, a part of the load weight carried on the steering axle of a three axle truck-tractor and triaxle semitrailer; to the Committee on Public Works and Transportation.

By Mr. WHITTEN:

H.J. Res. 102. Joint resolution making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program of the Federal Emergency Management Agency; to the Committee on Appropriations.

By Mr. DORNAN of California (for himself, Mr. Hutto, Mr. Smith of New Hampshire, Mr. Boulter, Mr. Hunter, Mr. Stangeland, Mr. DeWine, Mr. Lagomarsino, Mr. Moorhead, Mr. DeLay, Mr. Bliley, Mr. Rinaldo, Mr. Armey, Mr. Daub, and Mr. Barton of Texas):

H.J. Res. 103. Joint resolution to amend the Constitution of the United States to protect the right to life; to the Committee on the Judiciary.

By Mr. THOMAS LUKEN (for himself, Mr. Kanjorski, Mr. Henry, Mr. Kolter, Mr. Stallings, Mr. Tauzin, Mr. Holloway, Mr. Smith of New Jersey, Mr. Tauke, Mr. Boulter, Mr. Mazzoli, Mr. Shumway, Mr. Armey, Mr. Young of Alaska, Mr. Smith of New Hampshire, Mr. DeWine, Mr. Kleczka, Mr. Sundquist, Mr. Kemp, Mr. Murphy, Mr. Daub, Mr. Staggers, Mr. Hyde, Mr. Lungren, Mr. Lagomarsino, Mr. Bilirakis, Mr. Bunning, Mr. Traxler, Mr. Livingston, Mr. Bliley, Mr. Molinari, Mr. Barton of Texas, Mr. Solomon, Mr. Lightfoot, Mr. Hopkins, Mr. Donald Lukens, and Mr. Ireland):

H.J. Res. 104. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H. Con. Res. 29. Concurrent resolution to condemn deceptive Soviet emigration policies and to call on the Soviet Union to abide by the human rights provisions of the Helsinki Accords; to the Committee on Foreign Affairs.

By Mr. KOLTER (for himself, Mr. Madigan, Mr. Gibbons, Mr. Lott, Mr. Stenholm, Mr. Cheney, Mr. Rowland of Georgia, Mr. Duncan, Mr. Grant, Mr. Tauke, Mr. Daub, Mr. Solomon, Mr. Dannemeyer, Mr. Bliley, Mr. Archer, Mr. Nielson of Utah, Mr. Courter, Mr. Fazio, and Mr. Gray of Illinois):

H. Con. Res. 30. Concurrent resolution expressing the sense of Congress that no major change in the payment methodology for physicians' services, including services furnished to hospital inpatients, under the Medicare Program should be made until reports required by the 99th Congress have been received and evaluated; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mrs. SMITH of Nebraska:

H. Con. Res. 31. Concurrent resolution expressing the sense of Congress with respect to the use of ethanol in reducing air pollution, and for other purposes; jointly, to the Committees on Agriculture, and Energy and Commerce.

By Mr. GEPHARDT:

H. Res. 54. Resolution designating membership on certain standing committees of the House.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. Kildee, Mr. Garcia, Mr. Annunzio, Mr. Roemer, Mr. Kleczka, Ms. Oakar, Mr. Bereuter, Mr. Wortley, Mr. Ackerman, Mr. Gonzalez, Mr. Smith of Florida, Mr. Guarini, Mr. Dellums, Mr. Vento, Mr. Lehman of Florida, Mr. Owens of New York, Mr. Saxton, Mr. Kastenmeier, Mr. Manton, Mr. Fauntroy, Mr. Stokes, Mr. Henry, Mr. Biaggi, Mr. Atkins, Mr. Fuster, Mr. Oberstar, Mr. Fascell, Mr. Swindall, Mr. McCollum, Mr. Sensenbrenner, Mr. Downey of New York, Mr. McKinney, Mr. Levin of Michigan, Mr. Weiss, Mr. Hayes of Illinois, Mr. Hawkins, Mr. Leach of Iowa, Mr. McGrath, Mr. Rangel, Mr. Roybal, Mr. Crockett, Mr. Ford of Michigan, Mr. Mrazek, Mr. Eckart, Mr. Lehman of California, Mr. McMillen of Maryland, Mr. Nelson of Florida, Ms. Kaptur, Mr. Torres, Mr. Schumer, Mr. Flake, Mr. Morrison of Connecticut, Mr. Nielson of Utah, Mr. Moody, Mr. Markey, Mr. Hughes, Mr. Hefner, Mr. Kostmayer, Mr. Price of North Carolina, Mr. Gibbons, Mr. Rodino, Mr. Bryant, Mr. Sunia, Mr. Sabo, Mr. Traficant, Mr. Bustamante, Mr. Blaz, Mr. McMillan of North Carolina, Mr. Udall, Mr. Walgren, Mr. Waxman, Mr. Martinez, Mr. Yates, Mr. Conyers, Mr. Lipinski, Mr. Daniel, Mr. Donnelly, Mr. Dymally, Mr. Visclosky, Mr. Green, Mr. Boehlert, Mr. Towns, Mr. Frank, Mr. Wise, Mr. Durbin, Mr. Bruce, Mr. Dwyer of New Jersey, and Mr. Levine of California.

H.R. 280: Mr. Ewards of California, Mr. Scheuer, Mr. Owens of New York, Mr. Kastenmeier, Mr. Crockett, and Mr. Evans.

H.R. 316: Mr. Barton of Texas, Mr. Boucher, Mr. Olin, Mr. Smith of Florida, Mr. Armey, Mr. Montgomery, Mr. Kleczka, Mr. Stenholm, Mr. Daniel, Mr. Archer, Mr. Coleman of Texas, Mr. Dornan of California, Mr. Robinson, Mr. Bustamante, Mr. Fuster, and Mr. Andrews.

H.R. 323: Mr. Martinez.

H.R. 334: Mr. Thomas Luken, and Mr. Martinez.

H.R. 514: Mr. Wortley, Mr. Kastenmeier, Mr. Ridge, Mr. Dwyer of New Jersey, Mr. Bruce, Mr. Dyson, and Mr. Hayes of Illinois.

H.R. 551: Mr. Dicks, Mr. Lehman of Florida, Mr. Solarz, Mrs. Smith of Nebraska, Mr. Fuster, Mr. Murphy, Mr. Leland, Mr. Perkins, Mr. Boland, Mr. Chappell, Mr. Pickett, Mr. Davis of Michigan, Mr. Lagomarsino, Mr. Dannemeyer, Mr. Mfume, Mr. DeWine, Mr. Atkins, Mr. McDade, Mr. Kildee, Mr. Staggers, Mr. Yatron, Mr. Stenholm, Mr. Fawell, Mr. Quillen, Mr. Frank, Mr. Wortley, Mr. Visclosky, Mr. Swift, Mr. Fascell, Mr. Gunderson, Ms. Kaptur, Mr. Hyde, and Mr. Robinson.

H.R. 605: Mr. Archer.

H.J. Res. 9: Mr. Oxley, Mr. Moorhead, Mr. Fawell, Mr. Daniel, Mr. Hutto, Mr. DioGuardi, Mr. Sensenbrenner, Mr. Nielson of Utah, Mrs. Bentley, Mr. Daub, Mr. Lent, Mr. Roemer, Mr. Clinger, and Mr. Whittaker.

SENATE—*Thursday, January 22, 1987*

The Senate met at 2 p.m. and was called to order by the Honorable PAUL SIMON, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of Abraham, Isaac, and Israel, today at noon we were reminded of the plight of Soviet Jews—their oppression, their frustration in not being permitted to emigrate, their incredible perseverance, and that of all Jewish people universally throughout their generations. With profound gratitude, we thank Thee for the presence of Yuri Orlov and the influence of his life before and since his liberation. Our minds and hearts go to all the peoples of the world who suffer from human rights abuses, and we ask Gracious God that our Nation shall never fail in its commitment to those rights.

Help us to remember, mighty Lord, that human rights are rooted in Biblical values—Judeo-Christian traditions. Engrave on our hearts the words of Thomas Jefferson as they are engraved on the wall of his memorial: "God who gave us life, gave us liberty. Can the liberties of a nation be secure when we have removed the conviction that those liberties are the gift of God?" Give us ears to hear, minds to understand, and wills to obey this sacred obligation and legacy. We pray in His name Who is universal love and justice. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. BYRD. Mr. President, after the two leaders have been recognized under the standing order, there are certain orders for the recognition of Senators, for not to exceed 5 minutes each. I think most of those will be vitiated, in light of the storm.

The Senate will move quickly then to the funding resolutions. I do not anticipate that the Senate will be very long on the adoption of those resolutions, or, if it is a single omnibus resolution, on the adoption of the resolution.

I know of no other business that will be taken up before the Senate today, and the Senate will go over until Monday. So I do not anticipate any rollcall votes being ordered. If there were to be, they would be put over until Monday.

WHY THE DELAY IN NAMING MEMBERS OF THE AVIATION SAFETY COMMISSION?

Mr. BYRD. Mr. President, on January 12, 1987, I made a lengthy statement to this body reiterating my concerns regarding the issue of aviation safety, and I renewed my request that the administration immediately appoint members to the Aviation Safety Commission as required by law.

Subsequently, I was assured by the White House that the administration would soon be naming the Commission members. A week has passed, and I have yet to hear anything from the administration regarding the appointment of Commission members.

Mr. President, we experienced last Thursday, January 15, 1987, a tragic reminder of the need to have a thorough and immediate evaluation of our aviation safety system. It was on that afternoon that a commuter airliner collided in midair with a smaller plane about 8 miles south of Salt Lake City's international airport, killing 10 people.

Preliminary indications are that the smaller aircraft was flying illegally in the restricted airspace around the Salt Lake City airport. Circumstances involving this crash unfortunately bear a remarkable resemblance to the circumstances that led to the Aeromexico disaster that occurred in the skies over Los Angeles last August.

Mr. President, despite the administration's assertion that 1986 was one of the safest years for aviation, these two events are grim reminders that the aviation safety system needs a thorough review.

That is the purpose of the Aviation Safety Commission—to study the causes of the declining margin of safety in our skies and recommend changes that can reverse that trend. The law establishing the Commission required that the members be named by the President within 30 days of enactment. The law was enacted on October 18, 1986. Yet, to date, more than 3 months later, no action has been taken by the administration to appoint the members.

Mr. President, the air traveling public does not have the luxury of waiting. The longer the delay in appointing members, the longer the delay in getting corrective action.

This is not a partisan issue. It is an issue that will affect the safety of air passengers, all air passengers. I would again urge the President to fulfull his responsibility and appoint the members of the Aviation Safety Commission without further delay and allow the Commission to begin its vital work.

Mr. President, it will be my intention to speak on this matter frequently until the Commission is appointed. The Congress has spoken. It has been the decision by the elected representatives of the people in both Houses that such a Commission be appointed. Time is passing. This is an urgent matter. I urge the administration to act without further delay.

Mr. President, I yield back the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished minority leader is recognized.

JANUARY 22, (1917): WILSON'S "PEACE WITHOUT VICTORY" SPEECH

Mr. DOLE. Mr. President, Senators have made many memorable speeches in this Chamber but 70 years ago today a President of the United States delivered an important address, from the rostrum before us. At 1 p.m. on January 22, 1917, President Woodrow Wilson was escorted into the Chamber by a committee of Senators, and took a seat to the right of Vice President Thomas R. Marshall, the presiding officer.

At that time the first World War was raging in Europe, with England, France, and Russia combatting Germany and Austria. The United States had maintained its neutrality—Wilson had just won reelection under the slogan: "He kept us out of war"—but German infringements upon United States neutrality rights were increasingly pressuring the Nation into war. On this day, however, President Wilson addressed the Senate, "as the council associated with me in the final determination of our international obligations," to outline his vision for permanent peace in the future.

Wilson took the bold step of calling for a "peace without victory." This

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

was difficult to propose in wartime, but he argued that:

> Victory would mean peace forced upon the loser * * * it would be accepted in humiliation, under duress, at an intolerable sacrifice, and would leave a sting, resentment, a bitter memory upon which terms of peace would rest, not permanently, but only as upon quicksand. Only a peace between equals can last.

The warring powers, of course, ignored and ridiculed Wilson's proposals, and even the United States forgot them as soon as this Nation entered the war in April 1917. When World War I ended not by peace without victory, but with the total defeat of Germany, the resulting peace was built upon the quicksand that Wilson had predicted, leading, a Second World War just 20 years later.

REMEMBERING ANATOLY MARCHENKO

Mr. DOLE. Mr. President, yesterday afternoon the Senate, by a vote of 99 to 0, approved a resolution condemning the Soviet Union's emigration policies and its human rights abuses.

Today as we remember a man, Anatoly Marchenko, the meaning of that vote becomes clear. For Marchenko was a man who literally gave his life for the Soviet human rights movement. January 23 would have been Mr. Marchenko's 49th birthday. But on December 8, after 20 years in a Soviet prison camp, after suffering systematic beatings; and months of hunger strikes, he died.

The Voice of America recently recorded an interview with Noble Prize winner, physicist, and recently released dissident, Andrei Sakharov—an interview that will be broadcast tomorrow on Marchenko's birthday.

Sakharov was asked if he wanted to comment on Marchenko, who was one of the founders of the Moscow Helsinki watch and someone he knew well.

"I love Marchenko very much," Sakharov said.

> He possessed unusual strength of character, and was a man of rare integrity and intelligence. And he was also exceptionally talented. His book, "My Testimony" which was the first treatise on the post-Stalinist Camps, played an enormous role in the formation of the human rights movement both in the U.S.S.R. and even throughout the entire world. They could not forgive Marchenko for having written this book. And his entire subsequent tragic life was merely a slow, protracted execution for this book, the carrying out of his sentence.

His sentence was the harshest of all. And to honor his memory, and his tremendous contribution to the human rights movement, three of Anatoly Marchenko's allies, three who were fortunate enough to be allowed to emigrate, Dr. Yury Orlov, Natan Shcharansky, and Ludmilla Alexeyeva, are here in Washington today and will hold a memorial for him.

All of us, all who cherish the freedom to live and work where we want, how we want, should take one moment today to remember Anatoly Marchenko.

CITIZENSHIP FOR ANNE BRUSSELMANS

Mr. DOLE. Mr. President, on Tuesday, Senator Chiles introduced S. 333, which I cosponsored, to exempt Anne Brusselmans from the 5-year residency requirement for citizenship.

When American fliers were shot down in Nazi-occupied Belgium during World War II, a courageous young woman named Anne Brusselmans was there to help them escape. When Jews needed a place to hide from Nazi persecution, Anne Brusselmans gave them shelter. When Allied Forces required intelligence information, Anne Brusselmans did her best to provide it. In recognition of those heroic and courageous efforts, the United States awarded her the Medal of Freedom.

Now, more than 40 years later, Anne Brusselmans has only one simple desire—to live out the rest of her days with her daughter, here in the United States—the country she has helped in so many ways.

Until recently, our Nation has not responded as it should have to Anne Brusselmans' plight. When she applied for U.S. residency in 1980 at the American Embassy in Brussels, she was rejected because she did not fit into a preferred-status category for emigration. So Anne turned to Canada, where she was given residency status out of gratitude for the Canadian fliers she helped save. For the past several years, Anne has been traveling back and forth from Canada to be with her daughter in Florida, all the while continuing efforts to seek permanent residency status in the United States. Last week, President Reagan, learning of her situation, granted her residency status by Executive order.

But Anne Brusselmans deserves more than residency status. She has earned the full benefits of U.S. citizenship. The President has written asking that I lend my support to passing legislation that would grant her citizenship. I have joined with Senators Chiles, Graham, Helms, and Moynihan to introduce a bill allowing her to become a U.S. citizen. I would hope all Senators, Democrats and Republicans, will join with me in supporting the immediate passage of this legislation.

America may never be able to fully thank Anne Brusselmans for her heroism and dedication to the Allied cause. But we can express our appreciation by granting her the privilege of citizenship, which she courageously earned.

Mr. President, at this time, I ask unanimous consent that the President's letter, my response to him, and a letter I sent to Anne Brusselmans be included in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

The White House,
Washington, January 14, 1987.

Hon. Bob Dole,
Republican Leader, U.S. Senate, Washington, DC.

Dear Bob: Today, by administrative action, Anne Brusselmans has been granted permanent residence in the United States. This is an important first step on the road to full citizenship.

Anne Brusselmans is a courageous woman to whom this country owes a great debt of gratitude. From 1941 to 1945, she helped run the "Comet Escape Line" from Nazi-occupied Belgium to England, through which hundreds of American and Allied pilots shot down behind enemy lines made it to safety. She ran a spy network that provided intelligence on Nazi troop movements to the Allies, and helped Jews by providing them with forged documentation. She fed and clothed American, British and Australian flyers and hid them in her small Brussels apartment, all at great risk to herself and to her family.

After the war her daughter, Anne, moved to America. Mrs. Brusselmans, now 81 with a bad heart, has for the last six years worked unsuccessfully to attain the legal privilege of permanently joining her daughter here in this country. It is ironic that America, which has seen fit to bestow upon Anne Brusselmans the Medal of Freedom for her extraordinary contributions to our Nation, has yet to grant her the simple rights of citizenship that we all enjoy, and that she so valiantly defended. I believe there is no one among us more worthy of the rights of full United States citizenship than Anne Brusselmans. She has earned it.

Several Members of Congress have already recognized the merits of Mrs. Brusselmans' case. As a result of the attention that they focused on her, and the actions the Administration has taken today, her goal of becoming a permanent legal resident of the United States has been realized. But our task will not be complete until we see to it that one so deserving as she can enjoy all of the benefits of American citizenship. I now urge you and each of the Members of the House and Senate to quickly pass legislation that will complete the process of granting full citizenship to Anne Brusselmans.

Sincerely,

Ronald Reagan.

U.S. Senate,
January 20, 1987.

The President,
The White House,
Washington.

Dear Mr. President: Thank you for bringing the case of Mrs. Anne Brusselmans to my attention.

I am pleased to offer my assistance to granting citizenship to this remarkable woman.

Sincerely,

U.S. Senate.

Bob Dole,
U.S. Senate,
January 20, 1987.

Mrs. Anne Brusselmans,
1345 Drew Street,
Clearwater, FL.

Dear Mrs. Brusselmans: As a World War II veteran and a U.S. Senator, I want to express my gratitude for your dedicated and heroic assistance to Allied fighters and Jews during that war.

In recognition of your courageous actions, I am honored to join in sponsoring legislation that would grant you the full benefits of United States citizenship.

Thank you for your service and best wishes for a speedy recovery.

Sincerely,

Bob Dole,
U.S. Senate.

Mr. DOLE. I yield back the remainder of my time.

VITIATION OF SPECIAL ORDERS

Mr. BYRD. Mr. President, I ask unanimous consent that the orders for recognition of the following Senators be vitiated in light of the very severe weather conditions today: Senators Murkowski, Sasser, Reid, Grassley, Baucus, and Wirth.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDENT pro tempore. The Senator from Wisconsin is recognized for 5 minutes.

ABM TREATY MADE SENSE IN 1972—IT MAKES SENSE NOW

Mr. PROXMIRE. Mr. President, in what year did the Congress appropriate the biggest amount to defend the country against an ICBM attack by the Soviet Union? Was it in the past Congress when we hiked the Star Wars Program to $3.7 billion? No. Guess again. Not many members of the public and not even many Members of the Congress or the two Appropriations Committees would know that the year when star wars spending reached its apex—in constant 1987 dollars—was, get ready for this, way back in 1971 when the Congress appropriated more than $4 billion. In 1986 dollars as military and space technologies go, star wars is not a new program. It is an old program. The Congress had provided and the Defense Department had expended amounts rising from $3 billion to more than $4 billion for this earlier Star Wars Program. Those very high expenditures took place in 7 out of the 9 years between 1964 and 1973. Did that earlier technology of antimissile defense advance? Yes, indeed. Missile defense in the period from 1958 to 1973 scored solid advances in conventional interceptors. But that wasn't all. A great deal of successful research went on such exotic devices as particle beam and laser weapons.

As long ago as 1958 the Defense Department had developed the Bambi, a space based weapon to hurl a rotating web laced with steel pellets to destroy enemy missiles. By 1960 the Eisenhower administration had researched the Dynosoar. This was a manned space plane designed to spy on the Soviets and carry aloft antimissile payloads. By 1962 the Saint Robot was researched to hunt for enemy H-bombs in space. It would fire beams of electrons into the target.

Defense Secretaries in the Kennedy, Johnson, and Nixon administrations had a long and relatively successful record of research and development in what was then considered the antimissile field and is now called star wars. What did the defense experts who served in Democratic and Republican administrations and fought for this earlier star wars research decide to do with this remarkable technology? The answer should make star wars advocates stop and reconsider this program. The very top officials who had fought for and won billions of dollars for star wars research became the leaders in the struggle to persuade the Soviet Union to agree to the 1972 ABM treaty. And what did that treaty do? It took dead aim at eventual deployment of a complete nationwide antimissile defense or star wars. Those experts who led the fight for funding this research fully understood the possibilities as well as the limitations of a star wars defense. They had led the push for billions of dollars in appropriations to bring on the new technology. They certainly fully appreciated the decisive advantage that the United States enjoyed technologically as well as economically over the Soviet Union. What did that mean? That meant they know that our country could deploy a far more advanced missile defense system than the Soviet Union. They knew that this was an arms race that we could surely win, if we proceeded with it. And yet they vigorously sought an agreement with the Soviet Union to stop any comprehensive future deployment of such a system. Why?

The answer, Mr. President, is that they understood that there were two fatal drawbacks to the kind of sledlength, go-for-broke Star Wars Program that President Reagan has now called for. First they understood that no matter how swiftly and magically the U.S. technology could advance the star wars defense. The Soviets could use their present technology to overwhelm it. They knew that even if only 2 or 3 percent of the Soviet arsenal of 10,000 strategic nuclear warheads should break through the star wars defense, American cities would be totally destroyed. They also understood from our long technological competition with the Soviet Union that whatever we developed in exotic particle beam, laser, and other new techniques to strike and destroy incoming missiles, the Soviets could use that same technology to overcome the defense. They understood that technology would not stand still on either side.

Second, the experts in the Johnson and Nixon administration who negotiated the ABM treaty knew in detail the enormous cost of researching, developing, producing, and deploying star wars. They also perceived the relatively limited cost for the Soviet Union of developing the new technologies to overcome it.

Mr. President, this Senator hopes and prays that this body will keep in mind that the Senate of the United States knew what it was doing when it ratified the ABM treaty in 1972 by a resounding 89 to 2 vote. That treaty pledged this country not to deploy a comprehensive star wars system. It was based on a thorough understanding of both the technological problems and the colossal cost involved in proceeding with star wars. It was based not simply on the trillion dollar cost of researching, developing, producing, and deploying star wars. These experts knew well the continuing, perpetual cost of $100 billion to $200 billion every year in perpetuity to maintain, operate and especially to modernize star wars. And they also foresaw the danger and the cost of an unlimited offensive, defensive nuclear arms race that star wars would certainly kick off.

Mr. President, I ask unanimous consent that an article from the Tuesday October 28, 1986, edition of the New York Times by William Broad and headlined "Star Wars" Traced to Eisenhower Era be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Oct. 28, 1986]

'STAR WARS' TRACED TO EISENHOWER ERA

(By William J. Broad)

The quest for ways to shoot down enemy missiles, the goal of President Reagan's "Star Wars" plan, is more than a quarter century old, a review of 1950's documents and recently declassified materials show. President Eisenhower began it all in the late 1950's when he embarked on a crash program of research that eventually cost billions of dollars and involved thousands of the nation's best scientists.

By 1972, when the Antiballistic Missile Treaty sharply limited all such work, the quest had produced advances not only in conventional interceptors but in such exotic devices as particle beam and laser weapons.

The story of these early efforts has been lost in the uproar over President Reagan's plan, known officially as the Strategic Defense Initiative. Yet detractors and defenders of "Star Wars" agree that this neglected history is crucial to understanding the international debate that has heated up in the wake of the Iceland summit meeting, which ended without agreement when Mr. Reagan refused the Soviet demand for limits on "Star Wars" testing.

The current debate centers on the interpretation of small sections of the 1972 treaty, whose overall intent was to ban nationwide antimissile defenses.

Detractors of "Star Wars," including some of the treaty's drafters, say the treaty marked the culmination of long years of failed antimissile research. The futile expenditure of billions of dollars, they say, showed the goal was unattainable, regardless of technological progress. The treaty was drafted to eliminate not only ABM systems already in existence but also those on the horizon.

"We saw what was coming," said John B. Rhinelander, legal adviser to negotiators of the ABM treaty and a leading "Star Wars" critic. "We tried to do an end run around lasers and that kind of thing."

Defenders of "Star Wars" disagree, saying progress in top-secret technology in the 1950's and 1960's was considerable and that the 1972 treaty specifically exempted the development and testing of exotic projects such as those now at the forefront of Mr. Reagan's program.

"It doesn't cover the new technologies," said James T. Hackett, a former Reagan Administration official now at the Heritage Foundation, a conservative research organization in Washington. The treaty had a loophole, he said, "to take cognizance of the fact that there were lasers out there."

No matter how much experts differ on the meaning of the ABM treaty, both sides agree that at the time it was negotiated antimissile weaponry was far more advanced than is generally realized. The history of ABM development illuminates the positions and assumptions of both sides, they say.

The story starts in the late 1940's as American military planners struggled to cope with the threat posed by Soviet long-range bombers carrying nuclear weapons. One interceptor deployed widely throughout the United States in the early 1950's was the Nike missile, named after the winged Greek goddess of victory. Nike was to explode upon striking bombers.

By the mid 1950's, the cost of such "air defense" interceptors reached $30 billion a year. Then, in 1957, the Soviet Union tested its first intercontinental ballistic missile. No air-defense weapon was fast enough or accurate enough to stop a speeding warhead from space.

In response to the new ICBM threat, the Eisenhower Administration cut back on defenses against bombers and embarked on a huge, two-track program of antiballistic missile research. One track aimed to upgrade Nike interceptors, radars and computers to try to match the new threat. The other, "Project Defender," explored exotic new antimissile techniques and technologies.

"Project Defender" got under way in 1958 as a top-secret, multimillion-dollar venture involving thousands of the nation's best scientists. One proposal was to destroy Soviet missiles early in flight with Ballistic Missile Boost Intercepts—Bambi.

The scientists envisioned Bambi as hundreds of space-based battle stations using infrared sensors to track the fiery exhaust of enemy missiles. The Bambi weapon itself, propelled by rockets, would simply smash into the rising enemy missile. To increase the chance of a direct hit, the Bambi weapon would release a 60-foot rotating wire net laced with deadly steel pellets. Components were tested on Atlas and Titan missiles.

"If we went that far, that fast, with a primitive industrial base, I hesitate to think what we could do today," said John T. Bosma, an expert on Project Defender who participated in the 1982 High Frontier study that helped pave the way for the "Star Wars" plan. The study drew heavily on the Bambi proposal.

In 1959, officials at the Pentagon's Advanced Research Projects Agency, ARPA, decided to explore what they envisioned as the most futuristic arm of all, a new device known as the laser. "Everybody at APRA was electrified at the thought of being able to create a controlled beam of light of great power," said Dr. Gordon Gould, a scientist who succeeded in building one of the world's first lasers in 1961 under a top-secret ARPA contract. He said the Pentagon wanted to see if lasers could be used as "radars" that could pinpoint enemy missiles and as "light guns."

By March 1962, Gen. Curtis E. LeMay, Air Force Chief of Staff, was predicting the development of "directed energy weapons" such as lasers that would "strike with the speed of light" to destroy missiles.

As antimissile work forged ahead in the early 1960's, Penagon planners prepared for manned space missions that could perform surveillance and attacks. The candidate vehicle, a winged forerunner to the space shuttle, got the go-ahead in 1960. It was known as Dynasoar, for Dynamic Soaring, and in 1962 six Air Force pilots were selected to test it in flight. Like the shuttle, Dynasoar and its successors were designed to carry large antimissile payloads into space.

Pentagon planners also began a Satellite Inspection, or Saint, program in which a beam of electrons would be fired from an unmanned Saint vehicle into an enemy target. Emissions from the the target would show if it carried a hydrogen bomb. The top-secret idea, perfected in April 1962, was declassified in March 1982.

As some scientists raced ahead on such exotic projects a Bambi and Saint, others worked on the more conventional goal of perfecting groundbased intercepter missiles. One was Nike-Zeus. It was to carry a one-megaton nuclear warhead, which would ease the job of destroying enemy missiles. The prime contractor was the telephone company's respected research arm, A.T.&T. Bell Laboratories. Bell Labs had the most difficult job of all: to find a way of guiding Nike-Zeus interceptors toward their targets. About a third of the Nike-Zeus test interceptions were ending in failure.

By 1962, the antimissile quest was under fire from critics who said it was fundamentally flawed. They argued that an enemy, rather than building defenses, would always find it cheaper and easier to outwit antimissile systems—by simply deploying decoys among speeding warheads, for example. The critics centered their attack on Nike-Zeus.

"By the time it is ready, the technology of attack may have pulled far ahead, making the defense instrument obsolete," said Dr. Ralph E. Lapp, a physicist and Pentagon consultant, in his 1962 book, "Kill and Overkill." He said it would cost about $60 billion to deploy Nike-Zeus, whose main beneficiaries would be some 80 aerospace companies.

And it was becoming clear that zeroing in on missiles in space was more difficult than expected. One solution was to replace Bambi's spinning nets with nuclear warheads whose explosions in space would knock out targets miles away. One study, conducted by Lockheed, envisioned 3,000 nuclear battle stations in orbit, each armed with a four-megaton warhead.

"We wanted to make sure we really splattered them," said Saunders B. Kramer, a former Lockheed engineer.

But antimissile scientists soon discovered a strange new complication. On a warm evening in July 1962, the United States exploded a 1.4-megaton warhead 248 miles above Johnston Atoll, a tiny speck in the Pacific about 800 miles southwest of Hawaii. It was the first large antimissile test in space of nuclear weapons.

"All of a sudden a greenish-white flash lit up all of Hawaii," recalled an eyewitness. "The sky started turning pink, then orange, then red. The heavens were filled with a ghastly light."

Street lights and power lines suddenly broke down, and burglar alarms started ringing. The Hawaiian electrical systems had been knocked out of whack. Later, scientists dubbed this strange effect the Electromagnetic Pulse, or EMP. A bomb exploded high above Nebraska, they decided, would cause a coast-to-coast EMP, knocking out computers, radars, and communications. Bombs exploded on the ground cause no such problems.

By 1963, these and other problems led the Pentagon to slow the quest. It canceled Dynasoar and some of the more exotic antimissile projects. It also turned Nike-Zeus into the Nike-X research program, which aimed to intercept enemy warheads not in space but in the earth's atmosphere after lightweight decoys had a chance to burn up.

But in 1967, partially in response to antimissile developments in the Soviet Union, the Johnson Administration announced it would build the Sentinel ABM system of ground-based interceptor rockets tipped with nuclear warheads. It was the first Presidential proposal for a nationwide defense. While acknowledging its limits for blunting a full-scale Soviet attack, planners said it could slow a "light" strike. The project was managed by the Army.

Also in 1967, the Navy began to study a system known as Sabmis, for Seaborne Anti-Ballistic Missile Intercept System. Fired from ships and submarines located as close as possible to the Arctic Circle, these interceptors were to knock out enemy missiles as they flew over the North Pole.

Not to be outdone, the Air Force in 1968 began to explore interceptors that would be fired from Lockheed C-5A cargo planes to defend American coastal cities from attack by enemy submarines.

In 1969, the Nixon Administration halted the interservice rivalry by scrapping the whole idea of trying to defend cities. Instead it refocused the Army's Sentinel program to defense of only missile silos. The new program was known as Safeguard.

Up to that point, antimissile defense had been only research and development, tests and prototypes, hopes and dreams. But in 1970 the engineers prepared to "bend metal."

At the same time, Washington and Moscow had begun to talk about halting the antimissile arms race. Despite progress in all kinds of weaponry, both superpowers had decided that antimissile systems were futile, costly and provocative. First, they reasoned, the technology was inadequate. Second, the move to antimissile defenses would touch off an expensive new round of offensive weaponry meant to try to penetrate those defenses. Finally, defenses threatened to upset the tension that had long kept an uneasy peace between East and West.

On the American side, treaty framers saw no hope in the current work on advanced technology, whose promise always seemed to recede on the horizon. "The basic ideas of particle beams were understood back in the 1960's," said Spurgeon M. Keeny, a Nixon Administration official involved in the ABM treaty negotiations.

The 1972 treaty limited Washington and Moscow to a token force of 200 antiballistic missiles each, split evenly between two sites. Two years later, the two sides agreed to limit themselves to one side with 100 interceptors.

In 1975, warheads were fitted atop interceptors of the $7 billion Safeguard system, at the allowed site, built at the very northern edge of North Dakota. Safeguard was put in operation on April 1.

Soon after the Safeguard site came to life, Congress voted to close it down because of high cost and ineffectiveness. It was deactivated in 1976. The Russians have kept their ABM system in operation, ringed around Moscow.

In the late 1970's, however, several factors conspired to renew interest in large-scale antimissile systems. First, there was growing fear among military officials that American land-based strategic missiles were becoming vulnerable to a surprise Soviet attack, and a belief that ABM systems might protect at least some American missiles. Second, while critics of ABM systems continued to assert that they were bound to be flawed, costly and dangerous, military scientists kept reporting steady technical progress in the construction of lasers, particle beams and other exotic technologies.

This interest culminated in President Reagan's "Star Wars" speech of March 23, 1983, in which he called on the nation's scientists to renew the vigor of their antimissile quest. Soon testing picked up. In the 1984 Homing Overlay Experiment or HOE, the Army fired an earth-based interceptor at a mock warhead, destroying it with a weapon reminiscent of Bambi. The interceptor had been launched from a fixed ABM test range, as permitted by the ABM treaty.

In 1985, however, debate heated up over just how far the Administration could go in testing new kinds of antimissile devices without violating the treaty, which said the parties pledged "not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile-land-based." The American negotiators of the treaty said it ruled out tests of space-based devices like Bambi.

But experts at the Sate and Defense Departments came up with what they call the "broad" interpretation, focusing in particular on "Agreed Statement D" of the ABM treaty.

"The parties agree," Statement D says, "that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion."

Mr. Hackett, the former Reagan Administration official now at the Heritage Foundation, said: "In theory, the President can develop, test and even produce systems" to be based in space, "just so long as they aren't deployed."

For example, the "broad" interpretation holds that a $1 billion "Star Wars" laser now being readied in the New Mexican desert will not violate the treaty when, in the 1990's, its beam of concentrated light flashes into space and is bounced off an orbiting mirror to test its ability to destroy Soviet missiles. In contrast, the "narrow" interpretation of the treaty, put forth by the framers themselves, holds that the laser can be shot into space, but not bounced off the mirror.

"With space systems, by nature, you're trying to defend the whole country," said Dr. Raymond L. Garthoff, who was executive secretary of the ABM delegation in the early 1970's and today is an analyst at the Brookings Institution. "We were well aware of that. It was our intention to ban defenses for the country as a whole."

The "narrow" interpretation says Agreed Statement D is not a loophole but an open-ended statement meant to gather all possible technical strides under the umbrella of the ABM treaty. The Administration says it is currently abiding by the "narrow" interpretation.

In addition to fueling debates on treaty interpretation, the long history of antimissile research figures in the dispute over the feasibility of ABM goals.

"The moral of the story is that people tend to grotesquely overrate the difficulties" of the Strategic Defense Initiative, said Mr. Bosma, the Project Defender expert. "Some of the technologies we developed back then were amazing."

But Mr. Kramer, formerly a Lockheed engineer, said: "My feeling today is that this whole thing is entirely too complex. The Soviets have 10,000 warheads. Let's say we get 90 percent of them. That's still 1,000 getting through."

Although "Star Wars" advocates disagree, the ABM framers say the immense power of nuclear weapons will continue to hold the upper hand in the future. They remain unswayed by recent tests of antimissile prowess.

"Over the past three years I haven't seen anything that makes me think technology is the way out of the nuclear dilemma," said Mr. Rhinelander, the legal adviser to the ABM framers. "You just can't build a technical defense. Nuclear weapons are too powerful and too widespread. The fundamentals haven't changed one whit."

Mr. PROXMIRE. Mr. President, I yield the floor.

Mr. PRYOR. Mr. President, before the distinguished Senator yields his time, could I have 30 seconds if he has it?

Mr. PROXMIRE. Mr. President, if I have 30 seconds remaining, I yield it to the Senator from Arkansas.

Mr. PRYOR. I thank my friend from Wisconsin.

PRIVILEGE OF THE FLOOR

Mr. PRYOR. Mr. President, I ask unanimous consent that Mr. Jeff Trinca of my staff be allowed on the floor for the remainder of the session today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR WILSON

The PRESIDENT pro tempore. The Senator from California [Mr. WILSON] is recognized for 5 minutes.

GOOD LUCK TO "STARS AND STRIPES"

Mr. WILSON. Mr. President, we are on the eve of another Super Bowl, whatever excitement that contest is likely to engender. I bring to the notice of my colleagues that not even the Rose Bowl, the site of that contest, will be able to compete with the blue and stormy arena off Australia's west coast, where another contest is about to take place, one that harkens back to the earliest maritime traditions of this great Nation.

We no longer depend on wind and sail for our commerce, but the skill, the daring, and the competitiveness of those early sailors is alive today in a crew from San Diego which is bound to win the America's Cup and bring it back to the United States, where it belongs.

The seas may be rough but the sailing has all been smooth for San Diego's Dennis Conner and America's flagship, *Stars and Stripes.* Nearly 4 months ago, 13 boats from six nations assembled in the waters off Freemantle. They were there for the first round of a long nautical drama. Now, 223 races later, there can be no doubt who's the class of the fleet.

No one who watched last week's dramatic contest between *Stars and Stripes* and New Zealand can doubt the superiority of the California crew. In five dramatic encounters, Dennis and his teammates took the magic out of *Kiwi Magic.* They also took the wind out of New Zealand's sails. To use a popular analogy, the dragster came out smoking. And the *Porsche* was left in its wake. Not even a band of chanting Maori tribesmen could put a hex on the waterborne rocket from San Diego.

While a boatload of Kiwis decided to play it safe, Conner's kids did what Californians always do—innovate.

Even as the Freemantle winds shredded their sails, they shredded the popular image of invincibility that had grown up around the fiberglass contender from Auckland. Those who worried about an all-Antipodes cup final can rest assured: Uncle Sam is an old salt who wants his cup back where it belongs: in San Diego.

One more act remains to be played out in this nautical drama. In a few days, a final competition will pit *Stars and Stripes* against Australia's *Kookaburra.*

On January 31, in a best four-out-of-seven contest, we can anticipate brilliant seamanship. I understand that a kookaburra is an Australian kingfisher with a cry very much like laughter. All I can say is: Kook, you're going to have your wings clipped, because we will have the last laugh. As for America's Cup—California, here she comes.

I hope millions of Americans will rally around the flag and the crew which is carrying it for the United States in next week's races. Among those millions, I now have the signatures of 50 of my colleagues, and I need 50 more to wish victory and Godspeed to the crew of *Stars and Stripes.* So I invite my colleagues to affix their signatures on this poster next to the State they represent, so that we can send it to them in time for the race.

The folks Down Under are about to get a comeuppance. Sailing's greatest trophy is about to get a new home—in America's finest city. America can win with America's best—and that's *Stars and Stripes.*

The cup is about to get a new home in America's finest city. America can win with America's best the America's Cup, and America's best in this contest is represented by that crew and that boat, *Stars and Stripes.*

So let me invite my colleagues who have not yet done so to add their signatures, so that we can send to this crew our good wishes for the victory they have richly earned.

AMERICA'S LIVING STANDARD ACT OF 1987

Mr. BINGAMAN. Mr. President, the legislation I am introducing today is on behalf of myself and Senators BYRD, BAUCUS, LEVIN, MATSUNAGA, ROCKEFELLER, BURDICK, CHILES, LAUTENBERG, SASSER, KERRY, and MOYNIHAN and is entitled America's Living Standard Act of 1987.

Mr. President, the issue of how we sustain economic growth in future years and maintain for our children and grandchildren the same or greater opportunity then we ourselves have enjoyed is emerging as the central issue of our time.

The question is a real one because of clear and disturbing national economic trends.

I. THE CHALLENGE

The economic challenge facing this country and State for the rest of this century is immense. The Young Commission report and the Reports of the Business-Higher Education Forum all have described the problem.

That challenge is essentially "How can we reverse the decline in the standard of living that we have experienced in the United States for at least the last decade?" And, to be more specific, how do we conduct ourselves so that we as a nation can earn, rather than borrow, a rising standard of living for our citizens?

Put another way, how can we as a nation achieve and sustain the ability to grow economically in the years to come?

The answer we supply to that question will affect our lives, but even more it will affect the lives of our children and grandchildren. I know the stock market broke 2,000 yesterday, but the trouble signs are clear:

First, the real average weekly earnings of the average American worker have dropped 13 percent since 1973. Families overall saw their real incomes decline also, but not as much because many wives now work.

Second, since the 1960's we have seen an upward trend in unemployment rates until now 7 to 8 percent unemployment has come to be accepted as the norm.

Third, also, over the last two decades, growth in the GNP has slowed—a sure sign of trouble.

Fourth, total debt is at an all-time high and the Federal debt is now growing six times faster than the GNP.

Fifth, this last quarter, productivity grew two-tenths of 1 percent, substantially less than the level of growth enjoyed by our major competitors in world markets.

IN NEW MEXICO

These signs are replicated in New Mexico and elsewhere:

First, we have seen the loss of good-paying jobs in many of our traditional industries—mining, oil and gas, and agriculture. In mining, 16,000 in 1980, 4,800 in 1986, oil and gas lost 4,000 jobs in 1986.

Second, even non-defense-related manufacturing—the semiconductor industry for instance—has suffered.

Third, the trend is toward greater and greater dependence on Federal dollars.

Fourth, 30 percent of New Mexico's jobs directly or indirectly result from Federal Government spending.

Fifth, I grew up in a town heavily dependent on one industry—copper. We cannot allow New Mexico to become a State more and more dependent on a single industry, especially an unstable industry—like Government.

II. THE THRESHOLD IMPERATIVE

Before anything serious will be done to cope with the problem, we need a recognition by the President, by the Congress, and other leaders in public and private life that:

First, these problems exist, and

Second, that these problems have worsened in recent years and, we need a serious nationwide debate to develop a new agenda for the nation, an agenda of concrete steps which can be taken, some by Government, and some by the private sector, to meet this challenge.

Mr. President, during the 99th Congress I was fortunate to have been asked by the distinguished majority leader, Senator BYRD, to chair the Democratic Working Group on Economic Competitiveness. Our working group produced an important report: "Economic Competitiveness—Promoting America's Living Standard" and an accompanying bill—America's Living Standard Act of 1986. I am pleased to say we are reintroducing this bill and hope it will receive early and favorable action.

I therefore send to the desk a bill entitled America's Living Standard Act of 1987, on behalf of myself, Mr. BYRD, and others, and ask that the bill be referred to the appropriate committee.

I ask further that the bill be printed in the RECORD following my remarks.

Before I explain the bill let me make some comments on our report and let me ask that the executive summary of the report also be reprinted in the RECORD following my remarks.

Mr. President, what we first did was try to examine the breadth and the depth of the competitiveness challenge being faced by this country, and we looked at various economic indicators over a long period of time.

We looked at the real average weekly earnings which American workers have enjoyed during the period from 1960 to 1985. During that period we showed that the real average weekly earnings of the American worker have declined from 1962 to 1985—a problem and a concern for all of us in this body.

We looked at the problem of productivity growth and the fact that the U.S. rate of growth of productivity has been less than that of any of the other major industrialized nations in the world during the last 30 to 35 years.

We looked at the U.S. merchandise trade balance and saw of course, that that trade balance has become a major problem and is expected to approach $180 billion for 1986.

We looked at the U.S. net international investment position, and again saw that just in the last 2 or 3 years, the United States has fallen into a deficit position in investments, and that the situation is worsening every month.

We looked at the amount invested in plants and equipment by American businesses, and again saw a decline in the 1980's from the level of investment in plant and equipment that we enjoyed in the 1960's and the 1970's.

Those were some of the economic indicators we looked at.

Mr. President, based on these trends—I believe they are irrefutable trends—we then went on to try to fashion a list of concrete recommendations that we could make to try to come to grips with some of the underlying problems causing these adverse economic trends. We came up with 11 specific, concrete legislative recommendations which are contained in the measure I introduced a few months ago. There are five major areas of concern we must come to grips with if we are to meet this competitiveness challenge.

The first area is the need to have a better understanding of technologies and changes in technologies that are developed by our trading partners.

Today we have a very inadequate ability to understand what changes are taking place abroad. We have always had the luxury of essentially ignoring technological advance elsewhere, assuming that we were at the cutting edge of all technological developments. That luxury is no longer with us, and we need to put increased emphasis on learning how to understand and monitor what is going on in the technologies of Japan, of South Korea, of Germany, and of other countries able to compete very effectively with us in these international markets.

As a result we propose to establish within the U.S. Patent Office a new Office of Technology Assessment, Forecast and Outreach, and to establish within the Department of Commerce a new on-site function for monitoring developments in foreign science and technology.

Second, we need to do much more to support excellence in the development of U.S. technology. A tremendous amount of the Federal dollar goes into research and development of technology. Unfortunately, the bulk of that goes to the military research and development activities. When you look at how much we are putting into commercially relevant research and development as a percentage of our gross national product, we rate substantially lower than several of our trading partners. That has to be a concern for us. We have to find some specific ways to deal with it, and we have recommended several specific ways to deal with it.

We propose an expansion of the engineering research center idea that the National Science Foundation has been pursuing for the last several years. The NSF has received many more meritorious proposals for the establishment of those centers than they have been able to fund.

Our proposal is that we increase funding so that the universities in this country which do have good proposals can get the necessary funding to go forward with the development of those centers.

Third, we must strive for excellence in education and training.

Our ability to compete in a world economy begins with excellence in education. Yet the future of education in America is uncertain. In the past few years numerous education reports have called for dramatic changes. Many States have taken up the challenge to reform their systems, only to find themselves faced with a severe shortage of qualified teachers.

With student enrollment multiplying as the children of the baby boomers enter school, half of all current teachers now plan to leave their jobs by 1992. As early as next year, 171,000 new teachers will be needed, and only 142,000 new teaching graduates will be available. By 1992, 1.3 million new teachers will be needed. Yet between 1973 and 1983 the number of teachers graduated dropped 53 percent, enrollment in teacher education programs decreased by a third, and persons newly admitted into teacher education decreased by 44 percent. Compounding the problem is the dramatic increase in the minority student population, while the proportion of minority teachers declines.

The Federal Government should provide incentives to encourage students to pursue teaching degrees, while setting certain preconditions for excellence. The recent report released by the Carnegie Forum on Education and the Economy calls for a refocus of all Federal financial aid for the preparation of teachers on the graduate level and it supports the masters degree in teaching with a bachelors degree in academic discipline.

As a result, we are calling for the establishment of a graduate fellowship program for teacher training, and the expansion of Federal funding to develop and disseminate quality instructional software and video technologies, and to train teachers to use them.

Fourth, we must encourage mobility of the work force. More than 2 million workers enter or re-enter the American work force each year. Millions of others change jobs as firms grow and decline, start up, and close down. The mobility of the U.S. work force has long been a major asset to our economy, lending the flexibility needed to adapt to change. The quickening and competitive pace of technological and economic change now requires even greater labor mobility. Today, men and women who work typically change jobs four or more times during their careers—more than twice as often as a generation ago.

We, therefore, propose to provide the States with additional resources to help the unemployed to become fully productive members of society, to provide the Department of Labor with sufficient funding to fully implement a nationwide computerized job bank, and to examine the merits and the costs of initiating a personal portable pension for all Americans.

Fifth, we must create a single independent body to provide an ongoing forum for national leadership and cooperation to address the competitiveness challenge.

We are proposing to establish a National Council on Industrial Competitiveness to:

First, collect and analyze data about current and future economic trends and market opportunities.

Second, monitor the changing nature of the U.S. economy and its international competitive capacity.

Third, create a forum where national leaders in business, labor, academia, public interest groups, and Government will identify national economic problems, develop recommendations to address such problems, and create a broad public consensus to support the recommendations.

Fourth, develop and promote a national vision and specific policies which enhance U.S. productivity.

Fifth, assess private sector requests for governmental assistance or relief, and to recommend any reciprocal actions or conditions of such assistance or relief.

Sixth, establish industry subcouncils of public and private leaders to develop similar long-term forecasts and vision for sectors of the economy.

Seventh, review legislative and executive policies which affect national economic competitiveness.

Eighth, report annually to the President and Congress on ways to increase American competitiveness in world markets.

Ninth, examine all international agreements on foreign trade agreed to by the United States monitoring the effect of imports on U.S. industries.

These initiatives will arm Americans with the tools they need to keep the country competitive. But they do have a cost—about $525 million per year. The return on the investment, however, will pay for itself many times over. It will increase economic growth, save jobs, and help to maintain and improve American living standards.

Our economic future is at risk. We cannot afford the continuing decline in our living standard, the massive accumulation of debt, and the further erosion of our competitive vitality. Americans must unite to meet the new realities of international competitiveness. Our future economic well-being demands it.

I call upon my colleagues on both sides of the aisle to take a serious look at these consensus first step proposals to address our competitiveness problems. These and other similar proposals are cost efficient and they can make a real difference in our future, but time is running short and we must act now.

Thank you, Mr. President.

Mr. President, I ask unanimous consent that a copy of the bill and the executive summary of the working group's report be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "America's Living Standard Act of 1987".

FINDINGS

SEC. 2. The Congress finds that—

(1) competitiveness refers to a nation's ability to earn, and not borrow, a rising

standard of living for its citizens with sufficient productive investment to assure sustained growth and security in the future;

(2) new technologies and successful economic development strategies abroad have created a fundamentally new and highly competitive challenge to American economic growth and prosperity;

(3) the President's Commission on Industrial Competitiveness found that "our ability to compete is eroding" threatening our world leadership and our standard of living;

(4) the President's Commission on Industrial Competitiveness urged that this "New Reality" requires that competitiveness become the economic agenda for the next decade; and

(5) United States living standards continue to decline despite massive accumulation of debt and further decline in the growth of productive investment for the future.

(b) The Congress further finds that—

(1) weekly earnings, in the United States, are, on the average, now below 1963 levels;

(2) unemployment rates are increasing;

(3) the gross national product is decelerating from 4 percent in the 1950-1960's, to 2.8 percent in the 1970's and only 2 percent in the 1980's;

(4) the Federal debt is growing 6 times faster than the gross national product and now equals more than 50 percent of the gross national product;

(5) business, consumer, and government debt are at post-1920's highs and the total now equals almost twice the gross national product;

(6) the United States became a debtor Nation in 1985, is now the world's largest debtor, and could owe more than all of Latin America combined by 1988;

(7) the merchandise trade deficit is larger than the gross national product of 169 of the 179 countries with which we trade;

(8) traded services deficits will soon be joined by enormous outflows to service United States foreign debt;

(9) investment and productivity are decelerating and are only a fraction of foreign growth rates; and

(10) in the area of educational excellence, in competition with students from other developed nations, Americans score near the bottom.

TITLE I—ESTABLISHMENT OF AN OFFICE OF TECHNOLOGY ASSESSMENT IN CERTAIN FOREIGN NATIONS TO CATALOGUE, ABSTRACT, TRANSLATE, AND REPORT ON SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

AMENDMENTS TO STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980

SEC. 101. Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) FOREIGN SCIENTIFIC AND TECHNOLOGICAL LITERATURE.—(1) The Secretary, in consultation with the Secretary of State, shall establish an Office of Technology Assessment within the United States Embassy in five foreign nations identified by the Secretary as—

"(A) maintaining a high level of scientific and technological development; and

"(B) potentially contributing the most to such development in the United States pursuant to the provisions of this section.

"(2) The Secretary, in consultation with the Secretary of State, shall direct the Office of Technology Assessment to—

"(A) participate in the scientific and technical community of the host nation and issue a monthly catalogue of activities;

"(B) monitor, select, abstract, and translate important articles from scientific and technical journals of the host nation, in coordination with the National Technical Information Service and other relevant agencies; and

"(C) prepare an annual analysis of technological trends and a directory listing government and private sources of information about scientific and engineering developments of the host nation.".

ADDITIONAL AUTHORIZATION

SEC. 102. Section 14 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3713) is amended—

(1) by redesignating subsection (d) as subsection (e);

(2) by amending subsection (c) to read as follows:

"(d) Such sums as may be appropriated under subsections (a), (b), and (c) of this section shall remain available until expended."; and

(3) by inserting after subsection (b) the following new subsection:

"(c) In addition to authorization of appropriations under subsections (a) and (b) of this section, there is authorized to be appropriated to the Secretary for purposes of carrying out the provisions of section 5(d) of this Act, not to exceed $5,000,000 for the fiscal year ending September 30, 1988".

TITLE II—OFFICE OF TECHNOLOGY ASSESSMENT, FORECAST AND OUTREACH

ESTABLISHMENT OF OFFICE

SEC. 201. (a) There is established within the Department of Commerce the Office of Technology Assessment, Forecast and Outreach (hereinafter referred to as "Office").

(b) The Office shall be headed by a Director of the Office of Technology Assessment, Forecast and Outreach (hereinafter referred to as "Director"), who shall be appointed by the Secretary of Commerce. The Director shall be under the direction and supervision of the Commissioner of Patents and Trademarks.

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"Director of the Office of Technology Assessment, Forecast and Outreach.".

FUNCTIONS OF OFFICE

SEC. 202. It shall be the function of the Office to—

(1) identify emerging areas of technology throughout the world;

(2) analyze the sources of new technology;

(3) develop and administer a program involving the identification of the ownership of United States patents, including by country and firm;

(4) determine trends in patent behavior throughout the world;

(5) assure regular reviews by relevant industry sector advisory committees;

(6) assure broad private sector knowledge of, and access to, findings, data, and other information made or acquired by the Office in carrying out its functions under this title; and

(7) carry out such other duties and functions as may be imposed by the Secretary of Commerce.

AUTHORIZATION OF APPROPRIATION

SEC. 203. For carrying out the provisions of this title, there are authorized to be appropriated, for the fiscal year 1988, the sum of $2,000,000, and for each fiscal year thereafter, such sum as may be necessary.

TITLE III—NATIONAL SCIENCE FOUNDATION ENGINEERING RESEARCH ASSISTANCE

SHORT TITLE

SEC. 301. This title may be cited as the "National Science Foundation Engineering Research Assistance Act".

AUTHORIZATION OF APPROPRIATION

SEC. 302. There are authorized to be appropriated for fiscal year 1988 to the National Science Foundation $12,000,000 for engineering research centers in addition to amounts otherwise authorized for such centers.

AMENDMENT TO NATIONAL SCIENCE FOUNDATION ACT OF 1950

SEC. 303. Section 14 of the National Science Foundation Act of 1950 is amended by adding at the end thereof the following new subsection:

"(j) The Foundation shall, in cooperation with participating institutions of higher education, seek methods of excluding from participation in engineering research activities any corporate entity which is primarily based, or whose parent is primarily based, in a foreign country and which does not allow reciprocal participation by United States corporate entities in similar research activities.".

TITLE IV—SCIENTIFIC RESEARCH FELLOWS PROGRAM

FELLOWSHIPS

SEC. 401. This title may be cited as the "Scientific Research Fellows Program Act".

AMENDMENT TO NATIONAL SCIENCE FOUNDATION ACT OF 1950

SEC. 402. Section 10 of the National Science Foundation Act of 1950 is amended—

(1) by inserting "(a)" after the section designation;

(2) by adding at the end thereof the following new subsection:

"(b)(1) The National Science Foundation shall award, within the limits of funds made available specifically for such purpose pursuant to paragraph (5), not to exceed 500 fellowships in each fiscal year to outstanding graduate students who pursue studies which give promise to contribute significantly to the efficiency, economic productivity, and international competitiveness of the United States.

"(2)(A) In carrying out the provisions of this subsection, the National Science Foundation shall identify specific business industries, technologies and foreign countries in which American leadership in efficiency, productivity, or international competitiveness is being most effectively challenged.

"(B) In awarding fellowships under this subsection, the National Science Foundation shall give preference to fellowship applicants whose qualifications and intended course of study give promise to meet the needs identified pursuant to this paragraph. In carrying out the provisions of this subsection, the National Science Foundation shall give special consideration to applicants who demonstrate competence in the foreign language in one of the foreign countries identified pursuant to this paragraph and who intend to perform a minimum of two years of research in the foreign country.

"(3)(A) The National Science Foundation shall apply the same terms and conditions (not inconsistent with this subsection) to the fellows appointed under this subsection as to fellowship awards made under subsection (a) of this section.

"(B) In addition, the National Science Foundation shall provide fellows performing research pursuant to this subsection in a foreign country identified pursuant to paragraph (2) allowances for two round-trip visits per year from the foreign country in which the research is being performed to the institution of higher education or other location at which the individual pursued professional activity prior to the award of the fellowship. The National Science Foundation may grant assistance to fellows for foreign language instruction and tutorials.

"(4) Individuals awarded fellowships under this subsection shall be known as 'scientific leadership fellows'.

"(5) There are authorized to be appropriated such sums as may be necessary for the fiscal year 1988 and for each of the four succeeding fiscal years to carry out the provisions of this subsection.".

TITLE V—UNIVERSITY RESEARCH FACILITIES FUND

SHORT TITLE

SEC. 501. This title may be cited as the "University Research Facilities Act of 1987".

DEFINITIONS

SEC. 502. For the purpose of this title—

(1) the term "Director" means the Director of the National Science Foundation;

(2) the term "Fund" means the University Research Facilities Fund established pursuant to section 504;

(3) the term "institution of higher education" has the same meaning as in section 1201(a) of the Higher Education Act of 1965; and

(4) the term "Secretary" means the Secretary of the Treasury.

ESTABLISHMENT OF UNIVERSITY FACILITIES DIVISION

SEC. 503. The Director shall establish a University Facilities Division pursuant to section 8 of the National Science Foundation Act of 1950, within the Directorate for Science and Engineering Education of the National Science Foundation.

ESTABLISHMENT OF FUND

SEC. 504. (a) There is established, within the United States Treasury, a University Research Facilities Fund.

(b) The Secretary shall act as trustee of the Fund, and shall make such payments from the Fund upon certification by the Director.

(c) The Secretary shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

(1) on original issue at the issue price; or

(2) by purchase of outstanding obligations at the market price.

(d) Amounts in the Fund may be used only for awards made in accordance with the provisions of this title.

USES OF AWARDS

SEC. 505. (a) Awards made under this title shall be used by institutions of higher education for the Federal share of the cost of acquiring, replacing, renovating, upgrading, or constructing facilities and equipment to be principally used for scientific research or laboratory instruction.

(b)(1) Not more than 50 percent of the amount of each award approved under section 507 may be used for permanently installed experimental equipment.

(2) Not more than 25 percent of any such award may be used for the purchase of stand-alone equipment.

APPLICATION FOR AWARD

SEC. 506. Any institution of higher education desiring an award under this title shall submit to the Director an application at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Each such application shall—

(1) describe the facilities or equipment to be constructed or acquired;

(2) describe the type of research to be performed using such facilities or equipment;

(3) describe the contribution such research will make in meeting national, regional, and State research and related training needs; and

(4) identify the source of the matching non-Federal funds for such facilities or equipment as required by section 508.

REVIEW OF APPLICATION AND AWARD OF FUNDS; CERTIFICATION

SEC. 507. (a) Subject to the provisions of subsection (b), the Director shall approve applications submitted pursuant to section 506, and grant awards from the Fund to carry out the provisions of this title.

(b) The University Facilities Division established pursuant to section 503 shall establish peer review panels composed of members of the relevant scientific and technological community with substantial representation from smaller institutions, to review applications and recommend awards to be granted by the Director. The evaluation by such panels shall be based on—

(1) the quality of the research and training to be carried out in the facility; and

(2) the contribution which the project will make toward meeting national, regional, and State research and related training needs.

(c) The Director shall certify to the Secretary the amount of each award approved under this section.

MATCHING REQUIREMENT

SEC. 508. Any institution of higher education receiving an award under this title shall provide a matching amount for any project. Such amount shall derive from a non-Federal source and may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services.

AUTHORIZATION OF APPROPRIATIONS

SEC. 509. There are authorized to be appropriated for the fiscal year ending September 30, 1988, and each fiscal year thereafter ending prior to October 1, 1997, $250,000,000 to be deposited in the Fund established pursuant to section 504 of this title and to remain available until expended.

TITLE VI—FUTURE TEACHER TRAINING CORPS

SHORT TITLE

SEC. 601. This title may be cited as the "Future Teacher Training Corps Act".

AMENDMENT TO HIGHER EDUCATION ACT OF 1965

SEC. 602. Title V of the Higher Education Act of 1965 is amended by adding at the end thereof the following new part:

"PART F—FUTURE TEACHER TRAINING CORPS FELLOWSHIPS

"FINDINGS AND STATEMENT OF PURPOSE

"SEC. 581. (a) The Congress finds that—

"(1) excellence in and access to education is a national priority to improve human resources of the Nation, particularly to maintain economic competitiveness of the Nation;

"(2) although the States and localities bear primary responsibility for elementary and secondary education, educational achievement is a national concern;

"(3) demographic trends show a serious teacher shortage with some estimates projecting by 1990 1 million new teachers will be needed in the United States;

"(4) shortages of teachers exist in certain geographic areas of each State and in certain subject matter areas;

"(5) while there is a dramatic increase in minority student population, the proportion of minority teachers is declining, so that by 1990 minorities will constitute 30 percent of the total school population and comprise less than 5 percent of the elementary and secondary teaching force; and

"(6) it is appropriate to provide fellowship funds for outstanding students and experienced individuals to encourage them to pursue careers in teaching and to help address the serious teacher shortage.

"(b) The purpose of this part is to make available, through grants to the States, fellowships to individuals—

"(1) who are outstanding postsecondary students or experienced individuals, and

"(2) who demonstrate an interest in a teaching career and a desire to teach in areas of the State in which there is a shortage of elementary or secondary school teachers or in fields of study in which there is a shortage of elementary or secondary school teachers in the State, or both.

"ALLOTMENT OF FUNDS

"SEC. 582. (a) GENERAL ALLOTMENT.—From the sums available pursuant to section 590(a) to carry out this part in any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than one-half of 1 percent of such remainder.

"(b) MOST RECENT DATA.—For the purpose of this section, the population of a State and of all States shall be determined by the most recently available data from the United States Census Bureau.

"(c) REALLOTMENT.—If any State elects not to receive its allotment under this part, the Secretary shall reallot, among the remaining States, amounts from such State in accordance with subsection (a) of this section.

"(d) DEFINITION.—For the purpose of this section, the term 'school-age population' means the population 5 years of age through 17 years of age.

"SELECTION OF FELLOWSHIP RECIPIENTS

"SEC. 583. (a) SELECTION REVIEW PANEL.—The Governor shall appoint a Selection Review Panel for the purpose of selecting individuals who will be awarded fellowships under this part who are interested in careers in teaching and who agree to teach in areas of the State in which there is a shortage of elementary or secondary school teachers or in fields of study in which there is a shortage of elementary or secondary school teachers in the State, or both.

"(b) Selection Procedure.—(1) The Governor shall establish selection procedures to be applied by the Selection Review Panel appointed pursuant to subsection (a), together with such application procedures as may be necessary.

"(2) The application procedures established under paragraph (1) shall include—

"(A) rank in the graduating class at an institution of higher education,

"(B) grade point average in the institution of higher education,

"(C) leadership activities in the institution of higher education,

"(D) scores on recognized admission examinations for institutions of higher education and for graduate education, if applicable,

"(E) recommendations of faculty at an institution of higher education,

"(F) submission of evidence of scholarship, including a writing sample or a completed project, and

"(G) a description of previous work experience.

"GRANT APPLICATIONS

"Sec. 584. (a) In General.—The Secretary is authorized to make grants to States in accordance with the provisions of this part. In order to receive a grant under this part, a State shall submit an application at such time, in such manner, and containing or accompanying such information as the Secretary may prescribe. Each application shall set forth a program of activities for carrying out the purpose set forth in section 581 in such detail as will enable the Secretary to determine the degree to which such program will accomplish such purpose.

"(b) Terms of Applications.—The Secretary shall approve an application only if the application—

"(1) describes the selection criteria and procedures to be used by the State in the selection of fellowships under this part which meet the requirements of section 583 and the other provisions of this part;

"(2) provides that the Governor of the State will administer the program;

"(3)(A) describes the outreach effort the Governor intends to use to publicize the availability of the fellowships authorized by this part to postsecondary students in the State and to potential midcareer applicants in the State;

"(B) provides assurances that the State will recruit among under represented groups for the program authorized by this part, particularly Black Americans, Hispanics, Asian Americans, and American Indians;

"(4) provides assurances that each recipient eligible under section 586(c) who receives a fellowship shall enter into an agreement with the Governor under which the recipient shall—

"(A) within the 3-year period after completing the postsecondary education for which the fellowship was awarded—

"(i) teach in areas of the State in which there is a shortage of elementary or secondary school teachers or in fields of study in which there is a shortage of elementary or secondary school teachers in the State for a period of not less than 3 years for the first year for which assistance was received and 4 years if the recipient receives assistance for 2 years; and

"(ii) teach in areas of the State in which there is a shortage of elementary or secondary school teachers in a field of study in which there is a shortage of elementary or secondary school teachers in the State for a period of not less than 2 years for the first year for which assistance was received, and 3 years if the recipient receives assistance for 2 years,

in an elementary or secondary school of a local educational agency of such State, a public elementary or secondary school of such State, an Indian school funded by the Bureau of Indian Affairs, or a public educational program in such State, any of which may be determined by such State, but in no event shall any recipient be required to teach for less than 2 years or more than 4 years;

"(B) provide the Governor with evidence of compliance with section 586 as required by such agency; and

"(C) repay all or part of a fellowship received under section 585 plus interest and, if applicable, reasonable collection fees, in compliance with section 587 and regulations issued by the Secretary under section 588, in the event that the conditions of clause (A) are not complied with, except as provided for in section 589;

"(5) provides (A) that the agreement entered into with recipients shall fully disclose the terms and conditions under which assistance under this part is provided and under which repayment may be required, and (B) a description of the manner in which the Governor will collect amounts owed under the program authorized by this part;

"(6) provides assurances that fellowship recipients may only attend institutions of higher education that have a clinical internship or experience program approved by the State;

"(7) provides that the State has a continuing education requirement for practicing teachers within the State;

"(8) provides assurances that a precertification teachers examination program will be in effect not later than 2 years after the first fellowships are awarded in the State under this part;

"(9) provides assurances that fellowships authorized by this part will be awarded without regard to sex, race, handicapping condition, or creed;

"(10) provides assurances that, with respect to the awarding of fellowships under this part, equal opportunity will be given to all postsecondary students in the State; and

"(11) provides that not more than 3 per centum of the grant shall be used for the administrative costs of the State in carrying out the provisions of this part.

"(c) Consultation.—In developing the selection criteria and procedures to be used by the State, the State shall solicit the views of local educational agencies and other interested parties as the State deems appropriate, including classroom teachers, representatives of institutions of higher education, and representatives of the general public.

"AMOUNT AND DURATION OF ASSISTANCE

"Sec. 585. (a) In General.—Each recipient shall receive a fellowship not to exceed $5,000 for each academic year of graduate education in preparation to become an elementary or secondary school teacher. No individual shall receive fellowship assistance for more than 2 years of graduate education, as determined by the Governor.

"(b) Internship Assistance.—Each institution of higher education, at which fellows receiving assistance under this part are enrolled in a post-baccalaureate program, is encouraged to insure that each such fellow will participate in an internship program at an elementary or secondary school of a local educational agency under which the local educational agency will provide assistance to the participating fellow.

"FELLOWSHIP CONDITIONS

"Sec. 586. (a) Recipients of fellowship assistance under this part shall continue to receive such fellowship payments only during such periods that the Governor finds that the recipient is—

"(1) enrolled in a post baccalaureate program in an institution of higher education;

"(2) pursuing such a program for teacher certification, and, if necessary, together with courses in an academic field in which the student intends to teach;

"(3) participate in a clinical internship experience program approved by the State; and

"(4) maintaining satisfactory progress as determined by such institution of higher education.

"(b) At the time a recipient of a fellowship is chosen, the recipient may not meet the teacher certification standards of the State.

"FELLOWSHIP REPAYMENT PROVISIONS

"Sec. 587. Recipients found by the Governor to be in noncompliance with the agreement entered into under section 584(b)(4) shall be required to repay a pro rata amount of the fellowship awards received, plus interest, a penalty equal to 100 percent of such pro rata amount of such fellowship awards (without regard to interest thereon), and, where applicable, reasonable collection fees, on a schedule and at a rate of interest to be prescribed by the Secretary by regulations issued pursuant to this part.

"EXCEPTIONS TO REPAYMENT PROVISIONS

"Sec. 588. (a) In General.—A recipient shall not be considered in violation of the agreement entered into pursuant to section 584(b)(4)(C) if the recipient—

"(1) is serving, not in excess of 3 years, as a member of the armed services of the United States;

"(2) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

"(3) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

"(4) is seeking and unable to find full-time employment for a single period not to exceed 12 months; or

"(5) satisfies the provisions of additional repayment exceptions that may be prescribed by the Secretary in regulations issued pursuant to this part.

"(b) Total Disability.—A recipient shall be excused from repayment of any fellowship assistance received under this part if the recipient becomes permanently and totally disabled as established by sworn affidavit of a qualified physician.

"AUTHORIZATION

"Sec. 589. (a) Authorization and Number of Fellowships Authorized.—(1) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this part for the fiscal year 1988 and for each of the succeeding fiscal years ending prior to October 1, 1991.

"(2) The Secretary is authorized during the fiscal year 1988 and for each of the succeeding fiscal years ending prior to October 1, 1991, to award not to exceed 5,000 fellowships under this part.

"(b) Availability of Funds.—Sums appropriated pursuant to this section for any fiscal year shall be available until the end of the second fiscal year succeeding the fiscal year for which they were appropriated.

"DEFINITIONS

"SEC. 590. As used in this part—

"(1) 'clinical internship or experience program' means a program that provides the student with a progressive series of preprofessional field experiences in a regular school classroom setting on a regular basis throughout the student's graduate education, including classroom observation, tutorial roles with students, teacher helper roles, teacher aide roles, and internships or periods of student teaching;

"(2) 'continuing education' means a program of education that takes into account developments in theories of learning and content areas, and may include locally based in-service instruction;

"(3) 'fields of study in which there is a shortage of elementary or secondary school teachers' means mathematics, the sciences, and any 3 other fields of study designated by the Governor;

"(4) 'Governor' means the chief executive of a State; and

"(5) 'State' means the several States of the Union, the District of Columbia, and the Commonwealth of Puerto Rico.".

TITLE VII—COMPUTER SOFTWARE AND VIDEOTAPE ASSISTANCE

SHORT TITLE

SEC. 701. This title may be cited as the "Computer Software and Videotape Assistance Act".

NATIONAL INSTITUTE OF EDUCATION PROGRAM AUTHORIZED

SEC. 702. (a) For the purpose of providing advice and technical assistance to State and local educational agencies on the expenditure of funds for the acquisition of suitable computer software and videotapes, the Secretary of Education and the National Science Foundation, in accordance with an interagency agreement between the Secretary and the Foundation, shall—

(1) evaluate available computer hardware and software, in terms of its usefulness in the classroom, particularly in basic skills instruction and instruction in secondary education;

(2) evaluate the use of videotapes on basic skills instruction and secondary education;

(3) disseminate the results of such evaluation; and

(4) develop model computer educational software and educational videotapes, and make such model software (and its design premises) and videotapes available to computer software and videotape producers and distributors, as the case may be, and to teachers and school administrators.

(b) The Secretary of Education shall carry out the functions required by this section through the National Institute of Education.

(c) The Secretary of Education and the Foundation are authorized to make grants and enter into contracts to carry out the functions described in clauses (1), (2), and (3) of subsection (a).

(d) There are authorized to be appropriated to carry out this section such sums as may be necessary for the fiscal year 1988 and for each succeeding fiscal year ending prior to October 1, 1991.

PRIVATE EVALUATION AND DISSEMINATION CENTERS

SEC. 703. (a) The National Science Foundation shall, through grants to or contracts with professional scientific or engineering organizations, science museums, regional science education centers, public television, consortia of local educational agencies, regional laboratories and university based research centers and institutions of higher education (including community colleges), conduct, assist, and foster research and experimentation on, and dissemination of, models of instruction in the operation and use of computers and videotapes. Such models of instruction may include model training programs for adults. In carrying out the provisions of this section, the Foundation shall give priority to proposals prepared with active and broad community involvement of such groups as parents, teachers, school boards and administrators, and local business.

(b) Funds available under a grant or contract pursuant to this section may be used for the acquisition of computer hardware and software and videotapes.

(c) The Director of the National Science Foundation shall report to the Congress annually on the results of research and experimentation performed with funds made available under this section. The Director, in conjunction with the National Institute of Education, shall take such steps as may be necessary to disseminate information concerning such results to local educational agencies.

(d) There are authorized to be appropriated to carry out this section such sums as may be necessary for the fiscal year 1988 and for each succeeding fiscal year ending prior to October 1, 1991.

NATIONAL SCIENCE FOUNDATION PROGRAM

SEC. 704. (a)(1) From the amount appropriated pursuant to section 706 for any fiscal year, the National Science Foundation shall arrange for the development and operation by entities described in paragraph (2) of short-term or regular session institutes for study to improve the qualifications of individuals who are engaged in or preparing to engage in the teaching, or supervising or training of teachers, in the use of computers for computer education instruction and other education programs in elementary and secondary schools.

(2) In carrying out paragraph (1), the National Science Foundation shall make grants and enter into contracts with professional scientific or engineering organizations, science museums, regional science education centers, consortia of local educational agencies, intrastate resource and service centers, and institutions of higher education (including community colleges).

(b) In making grants and contracts under subsection (a), the National Science Foundation shall give special consideration to applicants who will train teachers, or supervisors or trainers of teachers, serving or preparing to serve in elementary and secondary schools that enroll substantial numbers of culturally, economically, socially, and educationally disadvantaged youth or in programs for children of limited English language proficiency.

STIPENDS

SEC. 705. Each individual who attends an institute operated under the provisions of section 704 of this title shall be eligible (after application therefor) to receive a stipend at the rate of $275 per week for the period of attendance at such institute.

AUTHORIZATION OF APPROPRIATIONS

SEC. 706. There are authorized to be appropriated to carry out this title $20,000,000 for the fiscal year 1988 and for each succeeding fiscal year ending prior to October 1, 1991.

TITLE VIII—WORK OPPORTUNITIES AND RETRAINING COMPACT

SHORT TITLE

SEC. 801. This title may be cited as the "Work Opportunities and Retraining Compact (WORC) of 1987".

STATEMENT OF PURPOSE

SEC. 802. It is the purpose of this title to establish a comprehensive and flexible work, training, and education opportunities program for AFDC recipients so that they may be prepared for entry into the labor force where they can earn an adequate income and thus no longer be dependent on welfare.

STATE PLAN REQUIREMENTS: REGISTRATION OF AFDC APPLICANTS AND RECIPIENTS FOR WORK-RELATED COUNSELING, ASSESSMENT, AND ASSIGNMENT

SEC. 803. (a) Section 402(a)(19) of the Social Security Act is amended—

(1) in subparagraph (A)—

(A) by striking out "shall register" and all that follows down through "regulations issued by him," in the matter preceding clause (i) and inserting in lieu thereof "shall register with the State agency, in accordance with regulations issued by the Secretary, for work-related counseling, assessment, and assignment to manpower services, training, employment, and other employment-related activities as described in section 416(b),";

(B) by striking out clause (iii) and inserting in lieu thereof the following:

"(iii) a person so remote from any available employment or training project that his or her effective participation in such a project is precluded;";

(C) by inserting ", unless the State otherwise provides" immediately before the semicolon at the end of clause (v);

(D) by striking out "to participate under a work incentive program or accept" in clause (vi) and inserting in lieu thereof "to participate in good faith in counseling and assessment with the State agency under section 416 and in employment, training, or education pursuant to an assignment under that section, or to accept"; and

(E) by striking out "any individual referred to in clause (v)" in the matter following clause (ix) and inserting in lieu thereof "any individual exempt from registration under the preceding provisions of this subparagraph";

(2) in subparagraph (B), by striking out "or the individual's certification" and all that follows and inserting in lieu thereof "or the individual's certification to the State agency under subparagraph (G) of this paragraph, or by reason of an individual's participation in employment, training, or education pursuant to an assignment made by such agency under section 416(b)(6);";

(3) in subparagraph (C), by striking out "a non-Federal contribution to the work incentive programs" and all that follows and inserting in lieu thereof "a non-Federal contribution by appropriate State and local agencies and private organizations to the work incentive programs established by part C, and to any other work-related programs to which individuals are assigned by the State agency under section 416, equal to the portion of the cost of such programs not specifically financed by Federal contributions;";

(4) in subparagraph (D), by striking out "under section 434" and "a program established by section 432(b)(2) or (3)" and in-

serting in lieu thereof "under a program to which individuals are assigned by the State agency under section 416" and "such a program", respectively;

(5) in subparagraph (F)—

(A) by striking out "that if" and all that follows down through "purposes of such part C" (in the matter preceding clause (i)) and inserting in lieu thereof "that if (and for such period as is prescribed under regulations of the Secretary) any child, relative, or individual required to register under subparagraph (A) has been found by the Secretary to have refused without good cause to so register, or has refused without good cause to participate in good faith in counseling and assessment with the State agency under section 416 or in employment, training, or education pursuant to an assignment made by such agency under section 416(b)(6),"; and

(B) by adding after and below clause (v) the following:

"and for purposes of this subparagraph a refusal by an individual to accept employment shall be considered to have been made with good cause if the acceptance of such employment would result in a net loss of income by such individual;";

(6) in subparagraph (G)—

(A) by striking out "for the administration of programs established pursuant to section 432(b)(1), (2), or (3)" and inserting in lieu thereof "by the State agency established or designated under section 416";

(B) by striking out "the order of priority listed in section 433(a)" and inserting in lieu thereof "any order of priority which may apply under the work-related program involved";

(C) by striking out "under section 432(b)(1), (2), or (3)" each place it appears and inserting in lieu thereof "under the work-related program involved";

(D) by striking out "the Secretary of Labor" each place it appears and inserting in lieu thereof "the State agency";

(E) by striking out "accepts employment" and "retain such employment" and inserting in lieu "accepts employment, training, or education" and "retain such employment or continue in such training or education", respectively; and

(F) by striking out clause (iii) and redesignating clause (iv) as clause (iii); and

(7) in subparagraph (H), by striking out "under section 432(b)(1), (2), or (3)" and inserting in lieu thereof "under section 416".

(b) Section 402(a) of such Act is further amended—

(1) by striking out "and" after the semicolon at the end of paragraph (38);

(2) by striking out the period at the end of paragraph (39) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after paragraph (39) the following new paragraph:

"(40) consolidate the administration of the State's work-related functions under this part, by providing for the assignment of registered individuals by the State agency to employment and training programs as described in section 416 and for the performance by such agency of its other duties under such section and under paragraph (19) of this section.".

CONSOLIDATED ADMINISTRATION OF WORK-RELATED PROGRAMS

SEC. 804. Part A of title IV of the Social Security Act is amended by adding at the end thereof the following new section:

"CONSOLIDATED ADMINISTRATION OF WORK-RELATED PROGRAMS

"SEC. 416. (a)(1) The State agency administering or supervising the administration of the plan approved under this part shall perform the functions specified in this section and in section 402(a)(19).

"(2) It shall be the general purpose of the State agency, in carrying out its duties under this section and section 402(a)(19), to assist applicants for and recipients of aid to families with dependent children in finding gainful employment and in obtaining any training and education which may be necessary to enable them to perform such employment, with the objective of reducing the number of individuals on the welfare rolls by providing such applicants and recipients with a realistic opportunity to become self-sufficient.

"(b) In carrying out the purpose described in subsection (a)(2), the State agency (in addition to performing its other duties under this part) shall—

"(1) establish a single intake and registration process for all applicants for and recipients of aid to families with dependent children, consistent with section 402(a)(19);

"(2) assess the employment capabilities of each registered applicant and recipient in order to determine whether immediate employment is a realistic possibility or whether training or education is needed in order to prepare such applicant or recipient for employment;

"(3) provide in-depth counseling for each such applicant and recipient with respect to his or her potential for such immediate employment or such training or education and with respect to the program or programs (Federal, State, local, or private) which might be available to such applicant or recipient and most appropriately serve his or her interests;

"(4) administer, or enter into arrangements with administering authorities for, the participation of such applicants and recipients in appropriate employment, training, and education activities in furtherance of the objective stated in subsection (a)(2), including activities authorized in—

"(A) the work incentive program under part C of this title,

"(B) the work incentive demonstration program under section 445,

"(C) the State's community work experience program under section 409,

"(D) the State's work supplementation program under section 414,

"(E) a work demonstration program under section 1115;

"(F) any program under the Job Training Partnership Act,

"(G) any program of job search and related services, including services offered by vocational education agencies and the public employment offices of the State, and

"(H) any other program (Federal, State, local, or private) which could be made effectively available to such applicants and recipients and participation in which would further such objective;

"(5) develop an employment plan for each such applicant and recipient, in partnership with the administering authorities of the programs with respect to which arrangements have been entered into under paragraph (4);

"(6) assign each such applicant or recipient to one or more of the programs with respect to which arrangements have been entered into under paragraph (4) and which are determined by the State agency, on the basis of the assessment made under paragraph (2) and the counseling provided under paragraph (3), to be appropriate for such applicant or recipient, and provide all possible assistance to such applicant or recipient in preparing for, enrolling in, and participating in such program or programs; and

"(7) take all other actions, not inconsistent with the provisions of this section or of the law governing the program or programs involved, which may be necessary or appropriate to achieve the objective stated in subsection (a)(2).

"(c)(1) The terms and conditions of participation in employment, training, and education activities as described in subsection (b)(4), and the manner in which the provisions of the programs involved are to apply with respect to applicants and recipients registered under section 402(a)(19), shall be determined (subject to the specific requirements of this title and of such programs) by the State agency in consultation with the administering authorities of such programs.

"(2) To the maximum extent possible, the steps taken in providing for participation in employment, training, and education activities as described in subsection (b)(4) shall include coordination of the services furnished and activities conducted under the various programs involved with respect to registered applicants and recipients in order to avoid inefficiency and duplication of effort and to assure the widest possible availability to such applicants and recipients of services and activities which will further the objective stated in subsection (a)(2).

"(d) The State agency shall provide registered applicants and recipients who are assigned for employment, training, or education under subsection (b)(6) with such child care services and transportation, and such other assistance not inconsistent with law, as may be necessary or appropriate to achieve the objective stated in subsection (a)(2).

"(e)(1) Notwithstanding any other provision of law, the Federal contribution to the costs incurred by the State agency in counseling, assessing, and assigning individuals under this section in any fiscal year, and to the costs incurred by any other State agency or entity in carrying out a program referred to in subparagraphs (A) through (G) of subsection (b)(4) with respect to individuals assigned to that program under subsection (b)(6) (other than costs described in paragraph (7)) in any fiscal year, shall be equal to the applicable percentage of such costs as determined under this subsection.

"(2) For purposes of paragraph (1) (but subject to paragraph (3)), the applicable percentage of the costs described in that paragraph which are incurred by any agency or entity in any fiscal year shall be 70 percent.

"(3) In any fiscal year after the fiscal year 1987, the applicable percentage of the costs described in paragraph (1) which are incurred by agencies and entities in any State shall be increased to 75 percent if such State, in carrying out the program or programs involved in such fiscal year with respect to registered individuals assigned under subsection (b)(6), meets or exceeds the performance standards which are developed and prescribed as provided in paragraph (4) and applied in the State in accordance with paragraph (6).

"(4) The performance standards referred to in paragraph (3) shall be developed and prescribed by the Office of Technology Assessment in consultation with the Secretary of Health and Human Services, the Secretary of Labor, appropriate State officials designated for purposes of this paragraph by the Governors of the several States, and other appropriate experts. Such performance standards (which shall be coordinated with the corresponding performance standards under the Job Training Partnership Act)—

"(A) shall be measured by outcomes and not by levels of activity or participation, and shall be based on the degree of success which may reasonably be expected of States (in carrying out their work-related programs with respect to registered individuals assigned under subsection (b)(6)) in helping such individuals to achieve self-sufficiency and reducing welfare costs;

"(B) shall take into account job placement rates, wages, job retention, reduced levels of aid under the State plan, case closures, improvements in registered individuals' educational levels, and the extent to which registered individuals are able to obtain jobs providing health benefits;

"(C) shall encourage States to give appropriate recognition to the greater difficulties in achieving self-sufficiency which face individuals who have greater barriers to employment; and

"(D) shall include guidelines permitting appropriate variations to take account of the differing conditions (including unemployment rates) which may exist in different States.

"(5) Measures for the performance standards referred to in paragraph (3) shall be established within 6 months after the date of the enactment of this section; and the standards themselves shall be established, prescribed, and published no later than 18 months after the establishment of such measures.

"(6) The performance standards developed and prescribed under paragraph (4) shall be varied in any State, to the extent permitted under paragraph (4)(D), to the extent necessary to take account of specific economic, geographic, and demographic factors in the State, the characteristics of the population to be served, and the types of services to be provided.

"(7) The Federal contribution to the administrative costs incurred by any agency or entity of a State in performing its duties under this section and to the costs of providing child care, transportation, and other support services, with respect to individuals for whom work-related services are being provided by the State agency or by an agency or entity administering a program to which such individuals have been assigned pursuant to subsection (b)(6), shall be 50 percent.

"(f) Under regulations prescribed by the Secretary, this section and all functions performed by State agencies and entities under this section shall be coordinated with the work and training requirements which apply to applicants for and recipients of benefits under the Food Stamp Act of 1977.".

TECHNICAL, CONFORMING, AND MISCELLANEOUS AMENDMENTS

SEC. 805. (a)(1) Section 402(a)(8)(A)(iv)(II) of the Social Security Act is amended by striking out "under the programs established by section 432(b) (2) and (3)" and inserting in lieu thereof "under any training, education, or public service employment program to which such child or relative has been assigned pursuant to section 416(b)(6)".

(2) Section 403(c) of such Act is amended by striking out all beginning with "certified" through "432(b) (1), (2), or (3)" and inserting in lieu thereof "assigned by the State agency for employment, training, or education pursuant to section 416(b)(6)".

(3) Section 407(b)(2)(C)(i) of such Act is amended by striking out "for the work incentive program" and all that follows and inserting in lieu thereof ", and".

(4) Section 407(d)(1) of such Act is amended by striking out "a community work experience program under section 409, or the work incentive program established under part C" and inserting in lieu thereof "a program with respect to which the State agency has provided under section 416(b)(4) for participation by registered individuals in employment, training, and education activities".

(5) Section 407(e) of such Act is amended—

(A) by striking out "and the Secretary of Labor shall jointly" and inserting in lieu thereof "shall";

(B) by striking out "for the work incentive program" and all that follows down through "or in connection" and inserting in lieu thereof "and in connection"; and

(C) by striking out "both the work incentive program" and inserting in lieu thereof "both the programs referred to in section 416(b)(4)".

(6) Section 414(h) of such Act is amended by striking out "or part C".

(b)(1) Part C of title IV of such Act is amended—

(A) in section 431, by striking out the text of the section and inserting in lieu thereof the following:

"SEC. 431. There is hereby authorized to be appropriated to the Secretary for each fiscal year a sum sufficient to carry out the purpose set forth in section 430 with respect to individuals assigned to the work incentive program pursuant to section 416(b)(6). The sums made available under the preceding sentence shall be used for making payments to States in accordance with this part.";

(B) in section 432(a), by striking out "The Secretary of Labor (hereinafter in this part referred to as the Secretary)" and inserting in lieu thereof "The Secretary";

(C) in section 436(b), by striking out "prescribed jointly by him and the Secretary of Health and Human Services" and inserting in lieu thereof "prescribed by the Secretary";

(D) in section 439—

(i) by striking out "and the Secretary of Health and Human Services" where it first appears, and

(ii) by striking out ", jointly by the Secretary and the Secretary of Health and Human Services," and inserting in lieu thereof "by the Secretary";

(E) in section 441, by striking out "(jointly with the Secretary of Health and Human Services)";

(F) in section 443—

(i) by striking out "of Health and Human Services" in the first and second sentences, and

(ii) by striking out "and shall be paid by the Secretary of Health and Human Services to the Secretary" in the fourth sentence;

(G) in section 444(a), by striking out "by the Secretary of Health and Human Services"; and

(H) in section 445—

(i) by striking out "of Health and Human Services" each place it appears in paragraphs (1) and (2) of subsection (b) and in subsection (e), and

(ii) by striking out paragraph (3) of subsection (b).

(2) Section 433(a) of such Act is amended—

(A) by striking out "certified to him by a State, pursuant to section 402(a)(19)(G)" and inserting in lieu thereof "assigned to the work incentive program pursuant to section 416(b)(6)"; and

(B) by striking out "certified to him under section 402(a)(19)(G)" and inserting in lieu thereof "assigned to the work incentive program pursuant to section 416(b)(6)".

(3) Section 433(b)(3) of such Act is amended by striking out "certified to him pursuant to section 402(a)(19)(G)" and inserting in lieu thereof "assigned to the work incentive program pursuant to section 416(b)(6)".

(4) Section 433(g) of such Act is amended by striking out "certified to the Secretary pursuant to section 402(a)(19)(G)" and inserting in lieu thereof "assigned to the work incentive program pursuant to section 416(b)(6)".

(5) Section 435(a) of such Act is amended by striking out "shall not exceed 90 per centum of the costs of carrying out this part" and inserting in lieu thereof "shall be equal to the applicable percentage of the costs of carrying out this part as determined under section 416(e)".

(6) Section 444(a) of such Act is amended by striking out "individuals certified" the first place it appears and all that follows and inserting in lieu thereof "individuals assigned to the work incentive program pursuant to section 416(b)(6).".

(7) Section 444(d) of such Act is amended by striking out "certified to the Secretary by such agency under section 402(a)(19)(G)" and inserting in lieu thereof "assigned to such agency under section 416".

(8) Section 445 of such Act is amended—

(A) by striking out "Not later than June 30, 1985, the" in subsection (b)(1) (in the matter preceding subparagraph (A)) and inserting in lieu thereof "The";

(B) by striking out ", and shall be required to participate in," in subsection (b)(1)(B); and

(C) by striking out "shall be in force for a three-year period" in subsection (d) and inserting in lieu thereof "shall be in force for such period as may be specified in the letter of application submitted under subsection (b)(1), and may be renewed (upon the submission by the Governor of an appropriate letter of application, subject to approval in the manner described in subsection (b)(2)) for an additional period or periods".

(c) Whenever a provision of section 416 of the Social Security Act, or any other provision of such Act which is amended by the preceding provisions of this title, is determined to be inconsistent with a provision of any of the work-related programs referred to in section 416(b)(4) of such Act or of any other work-related program which may involve or affect individuals who have registered under section 402(a)(19) of such Act and are assigned to such program under section 416(b)(6) of such Act, the provision of section 416 of the Social Security Act (or other provisions of such Act as amended by this title) shall govern.

EFFECTIVE DATE

SEC. 806. Except to the extent otherwise specifically provided, the amendments made by this title shall take effect October 1, 1987.

TITLE IX—STATE JOB BANK SYSTEMS

SHORT TITLE

SEC. 901. This title may be cited as the "State Job Bank Assistance Act of 1987".

AMENDMENT TO JOB TRAINING PARTNERSHIP ACT

SEC. 902. (a) Title V of the Job Training Partnership Act is amended by adding at the end thereof the following new section:

"STATE JOB BANK SYSTEMS

"SEC. 505. (a) The Secretary shall carry out this section with sums made available pursuant to subsection (d) of this section.

"(b) The Secretary shall make such sums available through the United States Employment Service for the development and implementation of job bank systems in each State. Such systems shall be designed to use computerized electronic data processing and telecommunications systems for such purposes as—

"(1) identifying job openings and referring jobseekers to job openings, with continual updating of such information;

"(2) providing information on occupational supply and demand; and

"(3) utilization of such systems by career information delivery systems (including career counseling programs in schools).

"(c) Wherever possible, computerized data systems developed with assistance under this section shall be capable of utilizing software compatible with other systems (including management information systems and unemployment insurance and other income maintenance programs) used in the administration of employment and training programs. In developing such systems, special consideration shall be given to the advice and recommendations of the State occupational information coordinating committees (established under section 422(b) of the Carl D. Perkins Vocational Education Act), and other users of such systems for the various purposes described in subsection (b).

"(d) There are authorized to be appropriated such sums as may be necessary to carry out this section.".

(b) The table of contents of such Act is amended by adding after item "Sec. 504". the following new item:

"Sec. 505. State job bank systems.".

STUDY

SEC. 903. (a) The Secretary of Labor shall, within 6 months after the date of enactment of this title, commence a study of the feasibility of providing portability for pensions and health benefits for dislocated workers. Such study shall also evaluate the benefits of providing early retirement benefits without penalty for older dislocated workers. A report on the study conducted under this subsection shall be submitted to the Congress not later than 18 months after such date of enactment.

(b) There are authorized to be appropriated $5,000,000 to carry out subsection (a) of this section.

TITLE X—COUNCIL ON INDUSTRIAL COMPETITIVENESS

SHORT TITLE

SEC. 1001. This title may be cited as the "Council on Industrial Competitiveness Act".

FINDINGS AND PURPOSE

SEC. 1002. (a) The Congress hereby finds that—

(1) the preeminence of the United States in international industrial competition is seriously threatened and the insulation of United States domestic markets from international competition is at an end;

(2) the United States has been slow to accept and adapt to the reality of a highly competitive global marketplace and to regard the industrial development of competing countries as a challenge and an opportunity for its own economic growth;

(3) some major consequences of this failure to adapt are unnecessary plant closings, high unemployment, and a deterioration in the quality of jobs available for American workers;

(4) to be successful in the world arena, the United States must address the erosion of comparative advantage of its basic industries in a number of areas, including innovation, investment, and productivity;

(5) efforts to reverse the decline of American industry have been hindered by a number of factors, including—

(A) a long-term decline in relative productivity growth;

(B) insufficient capital investment in the revitalization of basic industries and in the commercialization and diffusion of new technologies;

(C) a lack of adequate patient capital to invest in smaller, innovative firms;

(D) insufficient investment in civilian research and development in comparison with our major competitors;

(E) a series of systemic inefficiencies in the management and organization of business, including adversarial labor-management relations and short-term time horizons; and

(F) a serious erosion in the institutional support for production, including a lack of high quality domestic and international economic data needed to—

(i) reveal sectoral strengths and weaknesses;

(ii) identify potential new markets and future trends; and

(iii) provide necessary information regarding the industrial strategies of our foreign competitors;

(6) helping to support the competitiveness of United States industries is a proper and necessary role for government, working with the private sector;

(7) at present, industrial policy in the United States is composed of a variety of Government programs, subsidies, and regulatory oversight functions which often are not coordinated, cohesive, or consistent;

(8) while our economy benefits when business, labor, government, academia, and public interest groups work together cooperatively, there exists no effective, high-level forum for developing a consensus on economic policies;

(9) the decline in United States industrial competitiveness endangers the economic stability of the Nation;

(10) such decline also endangers the ability of the United States to maintain the defense industrial base which is necessary to the national security of the United States;

(11) progress on the issue of competitiveness requires a recognition that the world is moving rapidly toward the creation of an integrated and interdependent economy, a world economy in which the policies of one nation have a major impact on other nations;

(12) effective management of such an integrated world economy requires a significant increase in multilateral solutions to such issues as trade, tax, investment, and the distribution of world markets and world production;

(13) effective participation by the United States in this process has been inhibited by the lack of specific mechanisms—

(A) to identify the problems of particular industries and sectors; and

(B) to develop specific solutions to those sectoral problems within the broader range of national economic policies;

(14) such lack of specific mechanisms has been particularly harmful to those labor intensive industries which must compete with very low wages paid in foreign countries;

(15) it is now imperative that Government, business, labor, academia, and public interest groups act together to develop and coordinate long-range forecasts and visions for helping to assure the international competitiveness of United States industries; and

(16) such forecasts and visions should be balanced by—

(A) encouraging the development of emerging industries which can provide substantial economic growth and employment; and

(B) directing resources into the revitalization of mature and linkage industries.

(b) It is the purpose of this title—

(1) to develop recommendations for long-range forecasts and visions for promoting the international competitiveness of United States industries; and

(2) to establish the Council on Industrial Competitiveness which will—

(A) gather and analyze information regarding the competitiveness of United States industries;

(B) create an institutional forum where national leaders with experience and background in business, labor, government, academia, and public interest activities will—

(i) identify economic problems inhibiting the competitiveness of United States industries;

(ii) develop long-term forecasts and visions to address such problems; and

(iii) create a broad consensus in support of such forecasts and visions; and

(C) make recommendations on issues crucial to the development of coordinated economic policies.

ESTABLISHMENT

SEC. 1003. There is established in the executive branch of the Government an independent agency to be known as the Council on Industrial Competitiveness.

DUTIES OF THE COUNCIL

SEC. 1004. The duties of the Council are—

(1) to collect and analyze relevant domestic and international data concerning current and future economic trends and market opportunities;

(2) to monitor the changing nature of the United States industrial economy and its capacity—

(A) to provide marketable goods and services in domestic and international markets; and

(B) to respond to international competition;

(3) to create a forum or forums where national leaders with experience and background in business, labor, academia, public interest activities, and Government will—

(A) identify national economic problems;

(B) develop recommendations to address such problems; and

(C) create a broad consensus in support of such recommendations;

(4) to develop and promote a national vision and specific policies which enhance the productivity and international competitiveness of United States industries;

(5) to assess private sector requests for governmental assistance or relief and to recommend, as a condition of such assistance or relief—

(A) those actions of the private sector which will ensure that the applicant involved, by receiving the assistance or relief, will become internationally competitive in the future; and

(B) any adjustment commitments which should be entered into by relevant parties, such as management and employees of the applicant, shareholders, creditors, suppliers and dealers, and financial institutions, to ensure that the applicant will become internationally competitive in the future;

(6) to prepare and publish reports containing the recommendations of the Council with respect to industrial development priorities;

(7) to establish industry subcouncils of public and private leaders to develop similar long-term forecasts and visions for sectors of the economy;

(8) to provide policy recommendations and guidance to the Congress, the President, and the Federal departments and agencies regarding specific issues concerning economic policies;

(9) to annually report to the President and the Congress—

(A) on the state of the national economy;

(B) on the status of major sectors of the national economy; and

(C) on the effect of existing Government policies on industries;

(10) to review and evaluate specific policy recommendations developed by the industry subcouncils and transmit such recommendations to the implementing agencies concerned; and

(11) to evaluate existing Government policies and business practices in terms of the competitive impact of such policies and practices.

MEMBERSHIP

SEC. 1005. (a)(1) The Council shall consist fifteen members, of which—

(A) five members shall be appointed by the President;

(B) five members shall be appointed by the majority leader and the minority leader of the Senate, acting jointly; and

(C) five members shall be appointed by the Speaker of the House of Representatives.

(2)(A) Members shall be appointed to the Council from among individuals who are—

(i) national leaders with experience and background in business, including small business;

(ii) national leaders with experience and background in the labor community;

(iii) individuals from the academic community and individuals who have been active in public interest activities; and

(iv) representatives of State and local governments.

(B) All members of the Council shall be individuals who have a broad understanding of the United States economy and the United States position in the world economy.

(3) Not more than nine members of the Council shall be of the same political party.

(b) All of the first members of the Council shall be appointed within 90 days after the date of enactment of this Act.

(c) The term of office of each member of the Council shall be six years, except that—

(1) of the members first appointed under subsection (a)(1)(A), one shall serve for a term of two years, two shall serve for a term of four years, and two shall serve for a term of six years, as designated by the President at the time of appointment;

(2) of the members first appointed under subsection (a)(1)(B), one shall serve for a term of two years, two shall serve for a term of four years, and two shall serve for a term of six years, as designated by the majority leader and the minority leader of the Senate at the time of appointment; and

(3) of the members first appointed under subsection (a)(1)(C), one shall serve for a term of two years, two shall serve for a term of four years, and two shall serve for a term of six years, as designated by the Speaker of the House of Representatives at the time of appointment.

(d) No member of the Council may serve more than two consecutive terms.

(e)(1) A vacancy in the Council shall be filled in the same manner in which the original appointment was made.

(2) Any member appointed to fill a vacancy in the Council occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

(3) A member of the Council may serve after the expiration of such member's term until such member's successor has taken office.

(f) Members of the Council may be removed only for malfeasance in office.

(g)(1) An individual may not be appointed as a member of the Council if, at any time within the 1-year period ending on the date on which any such appointment would otherwise be effective, such individual has acted as an agent or attorney for, or performed any other professional service for or on behalf of, the government of any foreign country, any agency or instrumentality of the government of a foreign country, or any foreign political party.

(2) If, after an individual is appointed as a member of the Council, such individual acts or performs in any manner or capacity described in paragraph (1), such individual shall cease to be a member of the Council as of the date such individual acts or performs in such manner or capacity.

(h)(1) Each member of the Council who is not otherwise in the service of the Government of the United States or any State or local government—

(A) shall receive a sum equivalent to the compensation paid at level II of the Executive Schedule, pursuant to section 5315 of title 5, United States Code, prorated on a daily basis for each day spent in the work of the Council; and

(B) shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with section 5703 of such title.

(2) Each member of the Council who is otherwise in the service of the Government of the United States or any State or local government shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(i) Eight members of the Council constitute a quorum, except that a lesser number may hold hearings if such action is approved by a majority vote of the entire Council.

(j)(1) The Council shall elect, by a majority vote of the entire Council, a Chairman.

(2) The Chairman of the Council shall serve full time.

(k) The Council shall meet at the call of the Chairman or a majority of its members, except that the Council shall meet not less than six times during each calendar year.

(l)(1) Each member of the Council shall designate one alternate representative to attend any meeting that such member is unable to attend.

(2) In the course of attending any such meeting, an alternate representative shall be considered a member of the Council for all purposes, including voting.

(m)(1) Except as provided in subsection (k), no action whatsoever (whether involving administrative or personnel matters, establishing policy, or any other type of action) shall be taken by the Council unless approved by a majority of the entire membership of the Council.

(2)(A) If a consensus of the majority of the entire membership of the Council, as required under paragraph (1), cannot be reached on a matter referred to the Council by the President or either House of the Congress, the Council shall transmit a report to the President and both Houses of the Congress explaining why a consensus could not be reached on such matter.

(B) Any report by the Council under subparagraph (A) shall include all information gathered by the Council on such matter and a list of potential policy options for addressing the concern involved.

(n) The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay for GS-16 of the General Schedule.

(o) Upon request of the Council, the head of any other Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Council to assist the Council in carrying out its duties under this title.

EXECUTIVE DIRECTOR AND STAFF

SEC. 1006. (a)(1) The principal administrative officer of the Council shall be an Executive Director, who shall be appointed by the Council.

(2) The Council shall consult with the President and leaders of the Congress before appointing an individual to the position of Executive Director.

(3) The Executive Director shall serve full-time.

(b) Within the limitations of the Council's appropriations, the Executive Director may appoint the personnel of the Council in accordance with the civil service and classification laws.

POWERS OF THE COUNCIL

SEC. 1007. (a) The Council may, for the purpose of carrying out the provisions of this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Council considers appropriate. The Council may administer oaths or affirmations to witnesses appearing before the Council.

(b) If so authorized by the Council, any member or agent of the Council may take any action which the Council is authorized to take under this section.

(c)(1)(A) The Council may secure directly from any department or agency of the United States information necessary to enable the Council to carry out the provisions of this title.

(B) Upon request of the Chairman of the Council, the head of such department or agency shall furnish such information to the Council.

(2) In any case in which the Council receives any information from a department or agency of the United States, the Council shall not disclose such information to the public unless such department or agency is

authorized to disclose such information pursuant to Federal law.

(d) The Council may accept, use, and dispose of gifts or donations of services or property.

(e) The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) The Administrator of General Services shall provide to the Council, on a reimbursable basis, such administrative and support services as the Council may request.

(g)(1) The Council shall establish, when and for such period of time as the Council deems appropriate, industry subcouncils of public and private leaders representing the major economic interests affected by sectoral policies.

(2) Subcouncil members shall serve on a part-time basis.

(3)(A) Such subcouncils shall examine the competitive problems facing individual industries in the economy and develop recommendations regarding long-term projections which could improve the competitiveness of such industries.

(B) In the course of developing recommendations, the industry subcouncils shall hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as such subcouncils consider appropriate.

(4)(A) The industry subcouncils shall report their findings and recommendations to the Council.

(B) Where appropriate, each of a subcouncil's reports shall assess the effectiveness of employee ownership as one of the tools and long-term needs for improving the competitive problems facing the industry.

(C) The Council shall review the findings and recommendations of the subcouncils in preparing the Council's recommendations.

EFFECTS OF IMPORTS ON DOMESTIC INDUSTRIES

SEC. 1008. (a) The Council shall examine and make available to the public all international agreements on foreign trade that have been agreed to by the United States.

(b) The Council shall continuously monitor, and maintain public records regarding, the effect of imports on all major United States industries and on such other United States industries as may be specified by the Council.

REPORTS

SEC. 1009. (a) Not later than one year after the date of the enactment of this Act, the Council shall transmit a report to both Houses of the Congress and the President containing recommendations of the Council for changes in any Federal policy necessary to implement effective, productive economic policies.

(b)(1) The Council shall annually prepare and transmit to the President and to each House of the Congress a report setting forth—

(A) a vision of a competitive United States economy;

(B) the policies needed to meet such priorities; and

(C) a summary of existing Government policies affecting industries.

(2) Such report shall contain a statement of the findings and conclusions of the Council during the previous fiscal year, together with any recommendations of the Council for such legislative or administrative actions as the Council considers appropriate.

(c)(1) Upon receipt by either House of the Congress, the report shall be referred to the appropriate committee or committees of each House.

(2) The Council shall consult with each such committee with respect to such report and, following such consultation, each such committee shall submit to its respective House a report setting forth the views and recommendations of such committee with respect to the report of the Council.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1010. There are authorized to be appropriated for fiscal year 1988 not to exceed $25,000,000 to carry out the provisions of this title.

DEFINITIONS

SEC. 1011. For purposes of this title—

(1) the term "Council" means the Council on Industrial Competitiveness established under section 1003;

(2) the term "member" means a member of the Council on Industrial Competitiveness; and

(3) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, American Samoa, and any other territory or possession of the United States.

ECONOMIC COMPETITIVENESS PROMOTING AMERICA'S LIVING STANDARD

(The Senate Democratic Working Group on Economic Competitiveness—September 1986)

EXECUTIVE SUMMARY

The Challenge of Competiveness

Being competitive for a nation in today's world means being able to earn—not borrow—a rising standard of living for its citizens. It means maintaining the productive ability to assure sustained economic growth and security into the future. New technologies and successful economic development strategies abroad have created a fundamentally new and highly competitive challenge for the U.S. The President's Commission on Industrial Competitiveness found that "our ability to compete is eroding," threatening our world leadership and our standard of living. It said that this "New Reality" requires that competitiveness become the economic agenda for America for the next decade. Unfortunately, this and many other calls for urgent action have been ignored. Therefore, U.S. living standards continue to decline. We continue to accumulate massive debt and our productive capacity continues to erode.

Ten Major Aspects of U.S. Competitive Decline:

1. Weekly Earnings: On average, in real terms, are now below 1963 levels;
2. Unemployment Rates: Are trending upward;
3. GNP Growth: Is decelerating from 4 percent in 1950—1960s, to 2.8 percent in 1970s and only 2 percent in 1980s;
4. Federal Debt: Is growing six times faster than GNP and now equals more than 50% of GNP;
5. Total Debt: Business, consumer and government debt are at post 1920s highs—the total now equals almost twice GNP;
6. International Debt: The U.S. became a debtor nation in 1985, is not the world's largest debtor, could owe more than all of Latin America combined by 1988;
7. Merchandise Trade Deficit: Is larger than the GNP of 169 of the 179 countries with which we trade;
8. Services Trade Deficit: Traded services deficits will soon be joined by enormous outflows to service U.S. foreign debt;
9. Investment and Productivity: Are decelerating and are only a fraction of foreign growth rates; and
10. Educational Excellence: In competition with students from other developed nations, Americans score near the bottom.

AN ACTION AGENDA

Making Competitiveness the National Priority

By far, the action most urgently needed is for the U.S. to acknowledge the competitiveness challenge and to make competitiveness the national priority. While most Americans are uneasy about their jobs, the economy and their children's future, they have been confused by the constant barrage of confident, complacent rhetoric by the Republican Administration. Firms are being forced to export jobs abroad, the middle class standard of living is declining, and Americans are not learning the new skills they need to compete. Opportunities are being lost; debts are accumulating. But the Republican message is more of the same, business as usual.

Democrats have always been the party of economic growth. And the key to economic growth and prosperity in today's international economy is to be competitive. As long as the nation remains confused about whether or not a competitiveness challenge exists, Democrats must keep the nation's attention focused on that challenge. We must also present a vision of what is required to meet the challenge.

Trade and Exchange Rates

For too long competitiveness has been discussed strictly in terms of trade and exchange rates. Certainly it is important that the U.S. and our trading partners play by the same rules. American workers and firms cannot be expected to suffer indefinitely at the hands of a naive Republican policy that pretends foreign governments and firms are always free traders or will become so if we ask them politely. In fact very little world trade is free, and foreign interests are reluctant to change their self-serving behavior unless we are willing to act to bring about change.

Senate Democrats have long sought a comprehensive trade policy to avoid the ad-hoc protectionism of the Administration. We have introduced numerous such bills, and a year ago several Democrats and Republicans drafted bi-partisan omnibus legislation. The House of Representatives has recently passed such a bill. Yet the Republican majority in the Senate refuses to act. We urge Senate Republicans to join us to send a comprehensive, fair trade reform bill to the President this year.

Our declining ability to compete has also been blamed on the strong dollar. Certainly, at some extremely weak exchange rate, the U.S. trade deficit would be eliminated. Three years of Democratic initiative to persuade the Administration to act on the exchange rate was finally rewarded this past year by the efforts of Treasury Secretary Jim Baker. We urge continued such efforts from the Administration. Unfortunately, a weak dollar drastically undercuts the U.S. living standard and our ability to exercise economic leadership. A more realistic and stable exchange rate, while necessary, will not make us more competitive—in many ways it will only make the challenge more immediate.

Productivity Growth: the Central Challenge of Competitiveness

Our central competitive challenge is to strengthen our economy to the point where we can sustain a strong dollar and raise living standards. This calls for a renewed national focus and a commitment to productivity growth.

Much of the innovation America needs will come from the unmatched, diverse ingenuity, talents and muscle of each individual citizen and firm. Public policy's role is to support private initiatives. The federal government can provide information about technological developments of foreign competitors. It can support excellence in U.S. technology and education. And it can encourage a more mobile workforce. We must also create a single independent body that can cut through the governmental bureaucracy and can help bring those traditional adversaries—management and labor—together to address the competitiveness challenge.

Democrats believe that valuable time and opportunities have been wasted in fruitless searches for a single, sweeping solution to the competitiveness challenge. The time has come for a do-able action. Most of the legislation we are introducing has been recommended time and again by panels of leaders from business, labor, academia and government. But it has been ignored.

There is much to be done. The legislation we recommend will help cast the competitiveness challenge in the proper perspective. It will take us through the first essential steps toward meeting that challenge and assuring our future economic growth.

ESSENTIAL FIRST STEPS

I. Information on Foreign Technologies

We must provide better and much more broadly disseminated information on the rapid changes in technologies occurring abroad:

A. Establish within the U.S. Patent Office a new Office of Technology Assessment, Forecast and Outreach.

B. Establish within the Department of Commerce a new onsite function for monitoring development in foreign science and technology.

II. Technological Excellence

We must support excellence in the development of U.S. technology:

A. Expand and diversify the engineering research centers of the National Science Foundation.

B. Establish an economic competitiveness program to grant 500 graduate fellowships in science and engineering.

C. Establish a fund to assist America's colleges and universities rebuild their R&D infrastructures.

III. Educational Improvement

We must strive for excellence in education and training:

A. Establish a graduate fellowship program for teacher training.

B. Expand Federal funding to develop and disseminate quality instructional software and video technologies, and train teachers to use them.

IV. Workforce Mobility

We must encourage participation and mobility of the workforce:

A. Provide the States with additional resources to help the unemployed to become fully productive members of society.

B. Provide the Department of Labor with sufficient funding to fully implement a nationwide computerized job bank.

C. Examine the merits and the cost of initiating a personal portable pension for all Americans.

V. Forum for National Consensus Building

We must create a single independent body to provide an on-going forum for national leadership and cooperation to address the competitiveness challenge.

Establish a National Council on Industrial Competitiveness to:

A. Collect an analyze data about current and future economic trends and market opportunities.

B. Monitor the changing nature of the United States economy and its international competitive capacity.

C. Create forum where national leaders in business, labor, academia, public interest groups, and Government will identify national economic problems, develop recommendations to address such problems, and create a broad public consensus to support the recommendations.

D. Develop and promote a national vision and specific policies which enhance U.S. productivity.

E. Assess private sector requests for governmental assistance or relief, and to recommend any reciprocal actions or conditions of such assistance or relief.

F. Establish industry subcouncils of public and private leaders to develop similar long-term forecasts and visions for sectors of the economy.

G. Review legislative and executive policies which affect national economic competitiveness.

H. Report annually to the President and Congress on ways to increase American competitiveness in world markets.

I. Examine all international agreements on foreign trade agreed to by the United States monitoring the effect of imports on U.S. industries.

These initiatives will arm Americans with the tools they need to keep the country competitive. But they do have a cost—about $525 million per year. The return on the investment, however, will pay for itself many times over. It will increase economic growth, save jobs and help to maintain and improve American living standards.

Our economic future is at risk. We cannot afford the continuing decline in our living standard, the massive accumulation of debt, and the further erosion of our competitive vitality. Americans must unite to meet the new realities of international competitiveness. Our future economic well-being demands it.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with Senators permitted to speak therein for not to exceed 3 minutes each.

The Senator from Nebraska.

Mr. EXON. Mr. President, I do not wish to delay the operation of the Senate, but I have a bill that I want to introduce that will take more than 3 minutes. I will make inquiry of the Chair, will there be time following the present procedures where we will be into regular morning business for the purpose of this Senator introducing a bill and making a statement that will take 5, 6, or 7 minutes?

The PRESIDENT pro tempore. The Senator can speak now for 3 minutes but he wants 5 minutes, correct? Is there objection to the Senator being extended his 3 original minutes and 2 additional minutes?

The Chair hears none. The Senator will proceed.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, will the distinguished Senator yield to me for a unanimous-consent request?

Mr. EXON. I will be glad to yield.

Mr. BYRD. I ask that the time not be charged against the distinguished Senator.

Mr. President, while Mr. Stevens is on the floor—he is the ranking member of the Senate Rules Committee—I ask unanimous consent that upon the conclusion of morning business the Senate then proceed to the consideration of the committee funding resolution.

The PRESIDENT pro tempore. Is there objection? That is following the remarks of the Senator from Nebraska?

Mr. BYRD. Following the transaction of morning business.

The PRESIDENT pro tempore. Is there objection?

The Chair hears none. It will be so ordered.

Mr. BYRD. Mr. President, I again thank the Senator. I thank Mr. Stevens.

FEDERAL AND STATE CONTROL OF THE NATIONAL GUARD

Mr. EXON. Mr. President, I send a bill to the desk and ask for its proper referral. I also ask unanimous consent that the bill be printed in full in the Record at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. Mr. President, I rise today to offer legislation regarding the division of Federal and State control of the National Guard. This is an important issue which I believe was dealt with too hastily in last year's Defense Authorization Act. The issue at that time was whether Governors could block the training of their State's National Guard units in Central America. The conferees to the bill decided that Governors could not object to the President ordering Guard units to active duty outside the United States and its possessions because of any objection to the location, purpose, type, or schedule of this duty.

What especially troubles me is that this important decision was made after very little public debate. Yet this is an important issue which impacts many areas such as the execution and oversight of foreign policy, the formulation and health of our national security, and the ability of States to deal with local emergencies.

Meeting the diverse demands of each of these concerns is indeed a difficult task, but the change made to the law last year fails to do this. Indeed, the Congress overreacted to a real problem and made it even more of a problem than it originally was.

Many here in the Congress question the President's policy toward Central America. Governors across the Nation have also objected to their State Guard being drawn into a controversial policy of training in Honduras. As one who has opposed a strictly military solution to the problems of Central America, I share this objection.

As a former Governor, I recognize the need for the Governor to have access to the Guard to respond quickly to State emergencies. I also understand the responsibility a Governor feels for the safety and well-being of members of the Guard.

However, I also recognize and support the fundamental shift in our defense policy, called the total force concept, which places greater reliance upon our reserve components, including the National Guard. Put simply, Guard units are now expected to deploy overseas and fight immediately in time of war. In a future conflict, we will not have the luxury of 6 months or a year to train these forces. They must be ready for war now and realistic training is absolutely essential to that readiness.

I also support having one Commander in Chief of all our Armed Forces, Active and Reserve. From a national security perspective, we cannot have 50 independent armies and air forces under 50 different commanders in addition to 'our regular, active duty Armed Forces. While I do not support all aspects of the President's Central America policy, I do recognize his constitutional right and duty to carry out that policy with congressional oversight. Use of the Guard as an expression of opposition to a foreign policy is not relevant.

What is needed is an approach that acknowledges the dual responsibility of the National Guard to the Governor and to the Commander in Chief. This dual responsibility is not as conflicting as last year's legislation seems to imply. By assuming a serious conflict existed, the new law in fact ensures that this will actually be the case in the future.

Rather than removing Governors completely from the decision as to how, when, and where the Guard should train as did last year's action, I propose an alternative with the legislation I am introducing today.

My approach would allow a Governor to object to the active duty of the Guard, no matter what his or her reason. This should be the Governor's right. The President also has a right as Commander in Chief to override any objection and assign the Guard to whatever mission or assignment he deems necessary for the common good of the Nation. Clearly, the President is in a much better position to make that decision since he has access to intelligence information and contingency plans that Governors do not. Therefore, on a case-by-case basis, the President should be able to overrule the objection of a Governor.

Obviously, commonsense, reasonableness, and respect for the views of others must come into play if this is to work. But these traits are at the very heart of a democracy. Last year's legislation ignores this. In essence, it tells Governors "you have nothing to say at all." It tells Governors they must deal with the National Guard Bureau, not the President. This is repugnant in a democratic society such as ours.

Yet when this legislation was being approved last year, there was no real opposition to it. Insufficient time was dedicated to it in hearings. State adjutants general were compelled to go along with it, fearing the cutoff of Federal funds to the National Guard if their Governors opposed sending the Guard to Honduras for training. This is not how a democracy should work.

Mr. President, I propose that the Senate take another look at this issue and reconsider what has happened. I believe the problem of who controls the Guard has been overblown, but is a potentially serious problem. Common sense and reasonableness should prevail with this issue. Neither Governors nor the President should make the Guard a political pawn. The National Guard Bureau should not be executing foreign policy. My bill would go a long way in defusing this problem. It offers a sound approach in that the Governors' authority under the militia clause of the Constitution, a Governor's sole authority over the Guard, remains unchanged but the reality of the total force concept is acknowledged.

I urge my colleagues to support this approach in dealing with this complex but very important issue. I will pursue incorporation of this legislation in next year's defense authorization bill.

EXHIBIT 1

S. 375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL AUTHORITY OF THE PRESIDENT.

Subsection (f) of section 672 of title 10, United States Code, is amended to read as follows:

"(f) The President may order a unit or member of the National Guard of the United States or the Air National Guard of the United States to active duty under subsection (b) or (d) even though the governor or other appropriate authority, as the case may be, withholds consent, if the President determines and certifies to the governor or other appropriate authority that the national security of the United States requires such action by the President.".

THE NEW W-4 FORM

Mr. PRYOR. I hold in my hand the now infamous 1987 W-4 form. The new W-4 form is a fiasco. It has resulted in nothing short of mass confusion. With a mandate from Congress to create a better form, the Internal Revenue Service has managed only to create a longer chaotic form—from its original size of 1 page to 4 pages plus instructions. In addition, the form requires taxpayers to make difficult, if not at times impossible, assumptions about outside income. For these reasons, Mr. President, I am announcing hearings to be held on February 6 in the Finance Subcommittee on Oversight of the Internal Revenue Service to discuss alternatives to this new form.

Mr. President, a constituent from my home State of Arkansas recently sent me a copy of this form that he had filled out and he obviously had worked himself into a state of considerable consternation and frustration in the process of filling it out.

In responding to the question on line J of the form, which asked if he was over 65 or blind, my constituent wrote in the reply: "Not before I started working on this form, but now I'm aging fast and I'm going quickly blind." [Laughter.]

Mr. President, do my colleagues in the Senate realize that this new form is so complicated that the Service has created 20,000 video tapes to explain it? Or that Federal employee groups are holding seminars to explain it? Or that one private tax preparing service even plans to spend the better part of a month providing their services free to explain how to fill out this form?

But even so, I'm still hearing complaints from taxpayers who come away from many of these sessions saying they are now more confused than ever. Mr. President, one would be tempted to surmise that the spirit of Rube Goldberg lives on over at the IRS.

I understand that the Service issued the new W-4 form with the best of intentions. There is certainly something to be said for the goal of making taxes withheld from an employee's paycheck more evenly match what is actually owed at the end of the year. No one wants to give the Government an interest-free loan or pay the penalties for under withholding, but clearly there has to be a better way to achieve that goal.

If I may, I would like to quote from the President's original tax reform report to Congress on why the overwhelming majority of Americans were dissatisfied with the tax system, "For some, the system seems a difficult—

and sometimes even ridiculous—administrative burden. About half of all Americans seek professional tax advice; no doubt, more feel they may need it." After this form, the W-4, most likely all Americans will feel the need to consult with an expert.

RAISES FOR MEMBERS OF CONGRESS

Mr. BURDICK. Mr. President, I speak out today on a subject that I grow increasingly more alarmed about with each passing day.

As we all know, unless both Houses of Congress act to disapprove them, raises for Members of Congress and other top Government officials will take effect on February 5.

It is ironic that on the one hand, I sit here on the Senate floor and listen to my colleagues denounce the horrible budget situation the country faces and yet, at the same time, many are willing to accept 16 percent pay raises. There are many, many places that this money could be better spent.

I know that our distinguished majority leader, Mr. BYRD, has agreed to allow this body to vote on the issue prior to the 5th of February. However, our colleagues in the House have not scheduled such a vote. If they do not vote up or down on these pay raises, they will go into effect over many of our objections.

Personally, I cannot justify accepting this money. Therefore, I have decided that if this Congress allows these raises to occur, I will immediately return my raise to the U.S. Treasury. The general public believes, and I believe, that $77,400 is more than adequate. It is a fact that most Americans support families on far less than this. It would be an insult to the people in North Dakota for me to say that I needed this pay raise.

Several weeks ago, I was informed that North Dakota had to drop 1,300 children who are at nutritional risk from the Women, Infants and Childrens Supplemental Food Program because the State has run out of funds. It saddens me to hear this. What is wrong with our Government that we think it is more important to give ourselves raises than to insure the well-being of our children?

I have also been told that the President will probably submit a deferral request to Congress to remove money that States like North Dakota use to dispense surplus cheese and dairy products to the Nation's poorest citizens. North Dakota currently has 35,000 families who depend on these commodities.

Many people in my State are suffering. The economic policies of recent years have fallen particularly hard on rural America. Hundreds of North Dakota farmers have lost their farms. Hundreds more are struggling to keep their land. Those that are surviving have seen their standard of living fall—their dreams fade.

In December 1986, there were 750 farm families on food stamps in North Dakota. If that does not sound like a lot, consider this—in October 1985, there were only half that many.

As my constituents fight to hold on to their way of life, they are outraged that some here in Washington think we should have more, while they must struggle with less—that we should take hard-earned tax money from them in the midst of these hard times and fatten our own pockets.

Farmers in my State are looking to Washington for help. If Congress allows this pay raise to occur, we will show them how little we think of their plight and how much we think of ourselves.

Couldn't this pay raise money be better spent on some of these programs?

We must remember that we were not elected to this body to make money. We in the Senate are not a poor lot. I am not aware that any of my colleagues are hurting. I cannot in good conscience accept this raise while I know there are people all over the country going hungry. I would hope that my colleagues in the House and Senate will reject these raises.

LEAVE OF ABSENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that I be excused from attendance in the Senate on January 26, 27, 28, 29, and 30.

Mr. President, I shall return to my home State to participate in Brimfrost, an exercise involving the defense forces of our country, and participate in several events in my State that I consider to be of utmost importance.

I will return to my desk on the 2d of February.

The PRESIDENT pro tempore. Without objection, the request is agreed to.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for 10 minutes and under the same conditions as heretofore ordered.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR 3-MINUTE RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that when Mr. SIMPSON has had an opportunity to introduce some visiting parliamentarians, the Senate stand in recess following his having made that introduction for not to exceed 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR—SENATE RESOLUTION 80

Mr. SYMMS. Mr. President, I ask unanimous consent that the privileges of the floor be granted to members of my staff, Taylor Bowlden and Mike Hammond, during the consideration of the committee funding resolution.

The PRESIDENT pro tempore. Without objection, it is so ordered.

VISIT TO THE SENATE BY MEMBERS OF THE AUSTRALIAN PARLIAMENT

Mr. SIMPSON. Mr. President, let me take just a moment to bring to my colleagues' attention the presence on the floor of a group of Members of the Australian Parliament. They are here visiting.

We have with us the Honorable Kerry W. Sibraa, Senator from New South Wales, Australian Labor Party; Hon. David F. Jull, Member, House of Representatives, Liberal Party; Hon. David J. Macgibbon, Senator for Queensland, Liberal Party; the Honorable Graham R. Maguire, Senator from South Australia, Australian Labor Party; and the Honorable Eamon J. Lindsay, Member, House of Representatives, Australian Labor Party. The group is being escorted today by Mr. Tim McDonnell, of the Australian Embassy.

It is a great pleasure to have them here. I have known Senator Macgibbon from years back.

This group is visiting during the latter part of January under the auspices of the U.S. Information Agency, and their business is being coordinated by the Meridian House International. The primary focus of their visit is foreign assistance and defense, but in visiting with the group I know they have serious concerns in other areas such as Australia's trade relationship with the United States, the European Economic Community, and their other trading partners.

Trade and agricultural issues will indeed be confronting all of us in this Congress, and I am sure our deliberations will be of interest to this particular group, especially following their visit this month.

I suspect they may also have some interest in the activities with the America's Cup race. I can assure them that I did not post this poster in the Chamber as part of their greeting, a poster which says, "America Can Win With America's Best, *Stars and Stripes.*"

I did not know they had spread that upon the RECORD when I invited you gentlemen in. But do not disregard it, however. [Laughter.]

We wish you good luck—and limited success—in that effort.

Mr. President, I am sure my colleagues on the floor, though their number is limited by the press of other concerns and the heavy weather we have today, would wish to greet these distinguished visitors from the Parliament of our long time and lovely friends and great allies of decades, the Australians.

Welcome to the U.S. Senate Chamber.

RECESS UNTIL 2:51 P.M.

The PRESIDENT pro tempore. Under the previous order, the Senate will now stand in recess for 3 minutes.

Thereupon, at 2:48 p.m., the Senate recessed until 2:51 p.m.; whereupon, the Senate reassembled when called to order by the President pro tempore.

1986 YEAR-END REPORT

Mr. BYRD. Mr. President, the mailing and filing date of the 1986 year-end report required by the Federal Election Campaign Act, as amended, is Saturday, January 31, 1987. Principal campaign committees supporting Senate candidates file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records Office will be open from 10 a.m. until 4 p.m. on the filing date for the purpose of accepting these filings. In general reports will be available to the public 24 hours after receipt. For further information, please contact the Public Records Office on (202) 224-0322.

ANNIVERSARY OF UKRAINIAN INDEPENDENCE

Mr. DOLE. Mr. President, today we observe the 69th anniversary of the Proclamation of Independence of the Ukrainian Republic. The fact that the independent Ukrainian Republic was in existence for only 3 years, between the period during which it was part of the Czarist Russian Empire and 1921 when the country was overrun by Communist troops, does not diminish the importance of this remembrance.

The Ukrainian people have a long and distinguished heritage as an independent Slavic nation. Although the Ukraine is now a part of the Soviet Union and Ukrainians are, unfortunately, often not distinguished from the Russian people, Ukrainians have a distinct Slavic language, and a distinct culture encompassing literature, architecture, folklore and customs. In fact, scholars write that Kiev was once the cultural center of Eastern Europe.

In this country we worry about the loss of regional folk traditions due to the impact of television and other mass media. It is difficult to imagine the difficulties encountered by a people who no longer have an independent nation to help maintain their traditions. But the Ukrainian people are resilient; they are strong in their will to remain a distinct cultural group, and they continue to look to the day when they will once again have an independent homeland.

It is, therefore, important that we add our voices to give moral support to Ukrainians around the world. The anniversary of their lost independence is an appropriate time to do so.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE

The PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

A resolution (S. Res. 80) authorizing expenditures by the committees of the Senate.

The Senate proceeded to consider the resolution, which reads as follows:

S. RES. 80

Resolved, That this resolution may be cited as the Omnibus Committee Funding Resolution of 1987.

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized in the aggregate $45,087,512, in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) Each committee referred to in subsection (a) shall report its fundings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1988.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committees who are paid at an annual rate, or (2) for the payment of long-distance phone calls.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1987, through February 29, 1988, to be paid from the appropriations account for "Expenses of inquiries and investigations".

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,304,430, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 201(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,119,856, of which amount (1) not to exceed $135,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,167,877, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,659,572, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorizes by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,970,655, of which amount not to exceed $22,660 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $3,322,736, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,704 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,405,168, of which amount not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,341,434, of which amount not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,223,333, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,442,798, of which amount not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,453,972, of which amount (1) not to exceed $49,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,560 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents;

(iii) the adequacy of present intergovernmental relationships between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular reference to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1987, through February 29, 1988, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Permanent Subcommittee on Investigations specifically authorized by the chairman, by deposition.

(4) All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 353 of the Ninety-ninth Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department of agency.

(b) The expenses of the committee under this section shall not exceed $4,262,841, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,471,270, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the Services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,231,058, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $956,048.

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $907,901.

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,077,424, of which amount (1) not to exceed $33,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $800 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,926,804, of which amount not to exceed $41,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Lgislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed on it by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, the Select Committee on Indian Affairs is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $842,335, of which (1) amount not to exceed $9,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

AMENDMENT TO RULE XXXIX OF THE STANDING RULES OF THE SENATE

SEC. 22. Paragraph 1 of rule XXXIX of the Standing Rules of the Senate is amended by—

(1) inserting "(a)" after "1.";

(2) redesignating clauses (a) and (a) as clauses (1) and (2), respectively; and

(3) inserting at the end thereof the following:

"(b) The travel restrictions provided by subparagraph (a) with respect to a Member of the Senate whose term will expire at the end of a Congress shall apply to travel by—

"(1) any employee of the Member;

"(2) any elected officer of the Senate whose employment will terminate at the end of a Congress; and

"(3) any employee of a committee whose employment will terminate at the end of a Congress".

Mr. FORD. Mr. President, I am privileged and proud to present to the Senate for its passage Senate Resolution 80. It is the omnibus funding resolution which will authorize expenditures by committees of the Senate for the committee fiscal year beginning March 1, 1987 through February 29, 1988.

And you might observe by that statement that next year is leapyear.

The Rules Committee met this morning at 8:30. Senators came through the snow, arrived here and worked diligently with a quorum at the Rules Committee, and after full and thoughtful consideration ordered this resolution reported.

Mr. President, the leadership has expedited Senate consideration by obtaining unanimous consent for this action this afternoon. I want to thank all of my colleagues, all members of the Rules Committee, and all Members of the Senate, for the extraordinary cooperation without which this resolution could not now be before us.

Mr. President, this is, of course, my first year as chairman of the Committee on Rules and Administration. It is also my friend and colleague's, the distinguished Senator from Alaska [Mr. STEVENS], first year as ranking member of the committee. If this past week's activities are an indication of the future, my expectation of friendly and constructive cooperation from my distinguished friend, the Senator from Alaska in our new relationship will be happily and completely fulfilled.

On November 20, 1986, our majority leader, the senior Senator from West Virginia [Mr. BYRD] requested on behalf of himself and the Democratic Conference that each committee limit its 1987 budget request to the levels authorized for 1986.

In December, the former chairman of the committee, Mr. Mathias, and I wrote each affected committee advising of the leadership request, and further informing the committees that, in view of the prospect that the cost-of-living salary adjustment proposed by the President of the United States would be approved by the President pro tempore, as indeed it has been, 1986 authorization levels could be increased by 3 percent of salary portions of the budget.

I am happy to report that most committees complied with these requests. Those committees which did not, presented sound justifications for their requested increases.

However, when the Rules Committee met this morning to mark up this resolution, it was the judgment of the committee members that rather than attempt to predict at this time, almost a month and a half before the new committee fiscal year begins, what the actual funding requirements of each committee would be, we would hold committees to the guidelines of the 1986 levels plus the 3 percent of salary cost-of-living adjustment.

With but few and very minor exceptions, Mr. President, this is what the resolution before you does. And the committee has advised all committees that if future circumstances demonstrate that there will be a need for additional funds, the Rules Committee will then consider requests for supplemental authorizations as early as June of this year.

Accordingly, this resolution would authorize for the 18 affected committees a reduction of $683,879 from the total amount requested by all committees. This recommended amount, $45,087,512, is 3.4 percent over the amount authorized in 1986 and less than two-tenths of 1 percent over the leadership's guidelines.

Mr. President, no committee came before us with unjustifiable requests. The presentations in fact were very good and persuasive. The Rules Committee, however, believes that no harm will be done to any committee by complying with the 3-percent increase guideline and that after a few months into the new fiscal year we can do a far more reliable job of assessing the cost of each committee's requirements and deal with those requests, if any, for additional funds in a more sure-footed manner.

Mr. President, there is one additional section of this resolution. A loophole was discovered in rule XXXIX of the Standing Rules of the Senate which the Rules Committee proposes to close. Rule XXXIX restricts foreign travel by lameduck Members of the Senate but it does not apply such restrictions to comparably situated elected officers and employees of the Senate. The final section of this resolution will amend rule XXXIX to extend the restrictions to such officers and employees as well as their employing Members. And for the RECORD, Mr. President, I ask unanimous consent that no amendments to that section of this resolution be agreed to.

Mr. STEVENS. Reserving the right to object, Mr. President, and I shall not object, I just want to clarify one matter that has been raised with me and I have not had a chance to speak with my good friend, the chairman of our committee, and that is the operation of this section is prospective only?

Mr. FORD. That is correct.

Mr. STEVENS. That it is not meant to impede recovery of costs of people who traveled under the previously existing rule?

Mr. FORD. The Senator is absolutely correct. What has been done has been done and this in no way jeopardizes any funding for those trips.

Mr. STEVENS. Yes; I have no objection, Mr. President.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FORD. I urge my colleagues to approve this original resolution from the Rules Committee. We worked hard. We think we have a good resolution. We have many areas in which we would like to have had more money. We rejected almost three-quarters of a million dollars of requests. We have allowed, as has the President pro tempore and as recommended by the President of these United States, a cost-of-living increase for salaries. This is included in there. We also are striving very hard to find a mechanism whereby we might be able to help those committees which might have some external activity that generates extra work, so we might be able to accommodate that in the future.

Mr. President, I hope no one will attempt to amend this resolution because on balance I think it is a good piece of legislation. We have worked hard at it and I compliment the ranking member for being cooperative and extremely sincere in his effort to see that all of our colleagues have been adequately taken care of, and I yield to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, I thank my good friend, the chairman of the Rules Committee.

I support the funding resolutions for the various committees of the Senate which have been reported to the Senate by the Committee on Rules and Administration. As a matter of fact, this resolution was reported out of committee on my motion, after being presented by the chairman.

This is a delightful Alaska morning. I loaned the chairman my reindeer and sent a dogsled for the Senator from Washington. I notice that he is here on the floor. He is my southern neighbor. We are pleased to be able to have had such an overwhelming attendance of our committee this morning to report this matter to the Senate.

My predecessor, Senator Mathias, joined Senator FORD in requesting that the level of last year's funding be kept, subject only to the increase required by the statutory cost-of-living increase that went into effect for all our employees, affected by this resolution.

It is my judgment that the request that Senator MATHIAS and Senator FORD made on behalf of the leadership last year was a good one. The result is that the funding resolution before us reflects the austere authorization that was adopted by Congress in the last session of the 99th Congress, and I think it is already a good example of fiscal responsibility. We have recognized the cost-of-living adjustment that has been made pursuant to law for Senate employees.

When the Rules Committee solicited pre-fiscal-year funding requests from the chairmen and ranking minority members of each Senate committee, we urged our colleagues to work diligently in preparing their requests with a view toward keeping the request at a level equal to 30 percent, which would reflect the statutory cost-of-living allowance for Senate employees during January 1987. As a result, the funding resolutions which are before the Senate today reflect austere authorizations adopted by the Senate for the second session of the 99th Congress. That, Mr. President, is an example of fiscal responsibility which is worthy of some note.

Over the course of 2 days of testimony before the Rules Committee, each committee chairman and ranking member justified his particular request. It is safe to say that each chairman could have easily justified a larger budget request than was made. We recognize that these are times which call for unprecedented fiscal responsibility. This awareness is embodied in the funding resolutions which are before us today.

As has been outlined by Chairman FORD, each of the standing committees has been held to an authorization which is only marginally over the 3-percent guideline originally projected by the Rules Committee. The only exception to the 3-percent guideline has been granted to the select committees and only because of the special needs of these few committees which we have recognized in the proposal before you.

During the course of our hearings, there was some discussion of the application of certain of the unexpended balance of the funds authorized by the Omnibus Committee Funding Resolution of 1985 which had been made available, on a one-time basis, to the Committees on Finance and Armed Services. We at the Rules Committee are agreed that these funds, which I would call special one-time authorizations, were not intended to be and are not now reflected in the base budgets of the Committees on Finance and Armed Services.

Mr. President, these budget authorizations can only reflect the committee chairman's best estimate, and the Rules Committee's view of the current fiscal situation, based upon currently assessed needs. We recognize that the situation can, and probably will, change. In that regard, the Rules Committee will promptly look at supplemental requests from the committees when additional requirements are found to be necessary.

In closing, let me reiterate that this is a very tight budget, one which the Senate can be proud of and one which is consistent with our determination to keep the costs of the operation of the Senate within a strictly defined limit and yet, we believe, meet the obligations the American public has placed on us.

Mr. President, I join in support of the pending amendment which would modify rule 39 of the Standing Rules of the Senate.

As my colleagues may recall, rule 39 was adopted in April 1977 as a part of Senate Resolution 110, the Senate "Code of Official Conduct." At the time of its adoption by the Senate, rule 39 was intended to place a general restriction on the ability of retiring Members of the Senate from traveling abroad at taxpayer expense. The rule has been in effect since 1977 and has worked, without difficulty or criticism.

Recently, the Committee on Rules and Administration has become aware that because rule 39, as adopted, applies only to Members of the Senate, some question has been raised about the ability of the employees of a retiring Senator to travel abroad, at taxpayer expense, before their employment with the Senate terminates.

The amendment before us today will, upon adoption, make it clear that rule 39 applies with equal effect to the staff of the Senate, just as it does to Members of the Senate.

The question has been raised about the ability of employees of a retiring Senator to travel abroad at taxpayers' expense before their employment in the Senate terminates. We believe that the intent of the original rule is clear, and that is, following the determination that a Member will retire, he and his staff should not travel at taxpayers' expense.

Upon the adoption of the amendment before us today, it will be clear that rule XXXIX applies with equal effect to the Member and to his personal staff as well as to those on committee staffs who worked with that Member or work for that Member whose term will similarly expire.

We discussed this issue in the committee this morning, and we believe that the proper interpretation is that this applies to any elected officer of the Senate whose term will end, or any employee of the Member whose term will end, without regard to whether the Member who appointed him would have his term end at the end of that Congress. It covers all people who work for the Senate whose term is known to expire at the end of a session of Congress. They will no longer be able to travel abroad on official business at the expense of the taxpayers.

I support that amendment, and I believe an action that is very timely.

AMENDMENT NO. 4

Purpose: To reduce expenditures for Senate committees)

Mr. SYMMS. Mr. President, I call up an amendment I have at the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 4:

At the appropriate place add the following: Each of the monetary amounts contained herein is reduced by five per centum.

Mr. SYMMS. Mr. President, I am sorry that I have to call up this amendment, because I know that the new chairman of the Rules Committee and the ranking member have gone to great lengths to try to present what appears to be a responsible resolution before this body. I compliment them for that, and I compliment the members of the committee which made the quorum this morning to get it here.

I in no way wish to impede the progress of the Senate. It is not this Senator's wish to be an obstructionist or to slow things down. But we have to remember that this session of Congress marks the 100th Congress. It was 200 years ago when the first Congress convened.

I would venture a guess—and I think the distinguished President pro tempore would probably agree—that if General Washington and some of his colleagues from that era could see the rivers of red ink that flow down the Potomac River because of the irresponsibility of Members of the Senate and the House and the administrations of both parties, with respect to spending the taxpayers' money, they would literally turn over in their graves.

It seems to me that the right place to start is on every soft authorization and appropriation. When I say "soft," I mean something that does not deal with law enforcement or security; I mean something that in no way will jeopardize the security of the people of this Nation or the ability of this country to have civil law and order and to do business internally. We should tighten up the budget, and a good place to start is in the Senate's own committee staff arrangements.

I could go through this thing and pick out some committees I am familiar with—the Armed Services Committee and the Finance Committee. The appropriations for those committees are not excessive; $2,271,000 for the Armed Services Committee is a very responsible number. For the Finance Committee, another committee with enormous responsibilities, the figure is $2,455,000—very responsible.

However, in the aggregate, the funding authorization is too much.

I am not impugning the motives of any colleague. But it appears to this Senator that if we are ever going to get control of the budget, we need to start with our own operations. That means that we have to reduce the number of people. Any of us who have been in business realize that the way to save money in operating a business is to reduce the number of people. We cannot pay some of these people less because we have to compete in the market to hire attorneys, accountants, and professional investigators who have the experience to be on these legislative staffs. But we do not need so many people.

My amendment simply reduces, across the board, every committee appropriation by 5 percent. It is easy to understand. We are just going to tighten the belt by 5 percent from where we were last year. I think we should try to do that in every other instance as much as possible. We should reduce Government expenditures wherever possible by 3, 4, or 5 percent, small amounts, so that we can bring the budget back into balance and stop pumping the red ink that is literally bleeding this country to death.

If our staffs feel the pinch here, they will be more responsive to the need for reduced expenditures in other areas.

In the commodity-producing sector of my State of Idaho, we have farmers, miners, and loggers whose products are not getting the same receipts they used to get. They have had to suffer pay cuts to stay in business and reduce personnel by 10 percent. It has not been unusual for people to take a 10-percent pay cut. There are farmers who have not been paid at all and are hanging on to their farms by sheer dedication and a very conservative lifestyle.

That is why I offer this amendment, and I think we should vote on it. I do not want to slow down the process here. As I told the distinguished Senator from Kentucky, I do not care if the leader wants to set this vote for next week. But I think the Members of the Senate should go on record as to whether they are serious about budgetary control or whether it is just rhetoric, because these votes can send a message to the American people regarding who is serious about budget reduction and who is not. I think the amendment is self-explanatory.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDENT pro tempore. Is there a sufficient second? There is not a sufficient second.

The yeas and nays were not ordered.

Mr. SYMMS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. SYMMS. I object.

The PRESIDENT pro tempore. Objection is heard.

The legislative clerk continued the call of the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I have already indicated to the Senate I shall not be here next week because of the Birm Frost exercises in my State. I do want to state my position on the amendment of my good friend from Idaho.

I understand his rationale in terms of saying that Congress has to start somewhere if it is going to reduce the deficit. We have, in fact, stopped the trend of the increase in spending by committees. This resolution covers only committees. It does not cover the total operation of the Senate. This is the money to operate our committees. I would call attention to the fact that we have reduced the requests that were presented us by almost $1 million in terms of the presentations that were made. Keeping in mind that at the request of the leadership, the chairman and ranking member of each committee presented what they considered to be a bare-bones budget to start with.

I can remember requests coming to our committee of 17 and 20 percent. There is no increase in this resolution beyond that which is required by existing law for the cost-of-living increases that our employees have received this year and are scheduled to receive, if it is enacted, the beginning of next year. Even some committees, including that of the distinguished President pro tempore, kept it just to the amount of the increase that is in effect for this year, 1987.

I think we have kept committee budgets down.

There is one exception to what I have said and that is in the select committees. The budget of the select committees over the years have been insufficient for the areas that they have been charged to observe and report on to the Senate. I am talking now about the Small Business Committee, the Veterans' Affairs Committee, the Committee on Aging, and, in particular, the Committee on Indian Affairs.

The Senator from Kentucky, and I am sure he will not mind my saying, accepted my suggestion that they be considered in a separate category because they are all very low funded. None of them really has any excessive staffs, but they have monstrous responsibilities to deal with.

We have recognized the need in some of those areas for increased money.

The impact of the amendment of the Senator from Idaho would be to take out of the budget the amounts that we have allocated to those committees that have special responsibilities in this Senate. I think the Veterans' Affairs Committee, the Small Business Committee, and the Indian Affairs Committee have really an assignment during this Congress that is unique. I hope the Senate will not adopt the amendment which is pending. I think the Senate ought to be prepared for the fact that if we are going to have the oversight capability to deal with each one of the major bills and subjects that came before us in a way to reduce the deficit, we must have the manpower to be able to discriminate between the wheat and the chaff. We have to have the ability to get into department budgets, to examine them in minute detail, and to make the reductions in the areas where the national economy can stand that reduction, and not impact programs that are stimulating and maintaining our economy and assisting those in need.

I am sorry to say, Mr. President, that while I am not going to be here Monday I ask that, during my absence I be recorded as opposed to the amendment of the Senator from Idaho. I am sure he will understand my position and the reasons which I have stated.

Mr. FORD addressed the Chair.

The PRESIDENT pro tempore. The Senator from Kentucky.

Mr. FORD. Mr. President, I, too, am disappointed in the amendment. What I wanted to remind my distinguished friend from Idaho was that when I got on the Rules Committee we began to cut the committees. We cut the committees 10 percent. As inflation increased, we kept it at the same level. So over the last 5 or 6 years, as inflation has eaten into our abilities, we have not increased the funding of the committees.

The only thing we are doing here is allowing the staff to have a small 3-percent cost-of-living increase. We find that the distinguished Senator from Idaho is saying to the veterans of this country, "We want to cut the Senate's ability to help you." The Veterans' Affairs Committee will look into veterans' hospitals, veterans' care, agent orange. All of these problems that the veterans are faced with today, he is saying to those veterans, "I want to reduce the ability to help you and to look into your problems." He is also saying that he wants to cut back on the Committee on Aging. He is saying to our older folks in this country, "We are not going to help you but by 95 percent. We are not going to give it a 100-percent effort." We are going to reduce the Senate's ability under the select committee to help the aged. The Senator from Idaho is saying to those people out there, who he says are having a hard time, that small business man, "We are going to reduce our ability to help you; we are spending too much to try to help you out of the economic problems in which you have found yourselves in the last 5 or 6 years."

He is also saying to the Armed Services Committee, those who are responsible for funding the Defense Department and defense of this country, "We want to cut you back. We do not want to give you the full help."

Let me say this: The Armed Services Committee asked for more money than we gave them. We cut them $103,000 based on what they requested, and I want to tell you they were very persuasive about their need for that money. But in addition to the Rules Committee's reduction of the Armed Services Committee budget, my distinguished colleague wants to cut them back 5 percent more. Oh, sure, we hear about fat, fraud, and abuse everywhere. We do not pinpoint any of it. We just want to hurt the good as well as the bad. So when you paint with a broad brush, you say to all of them you get more than you need, you do not work enough, but go over and look at some of the staff members who were still here at 1 or 2 o'clock this morning and came back to work through the snow and were ready to go at 7:30 this morning. And yet the Senator says they are not worth their salt. It is a little bit disturbing when you work hard and individuals, who do not get involved in the structure of the committee, who are not there listening to the chairman and ranking committee member tell you how they need this amount of money, just come in and throw an amendment down and say everybody is getting too much, cut them 5 percent. That is the Senator's right. I do not fault that. However, I hope this amendment does not pass. It is not right. It is not fair.

Senator STEVENS and I have been together now less than a month. I think we have already made some good progress. We have worked well together. Senator STEVENS has not been hesitant to make suggestions to me, and I have not been hesitant with him. We have a good relationship. I think you are going to see some positive progress come out of the Rules Committee. But we cannot continue to work long hours into the night, early morning, the way we came in through the snow this morning—Senator STEVENS jokingly said he sent the dogsled out from Alaska to bring some of the Senators in; it was that tough, but there is a dedication by some of our new Members who have come into the Senate and they also have worked very hard on this resolution.

So I urge my colleagues, when we have this vote, whenever it comes now—it will not come today. I hope the majority leader will get a time certain that we can vote—to vote "no." I regret that the ranking member, the Senator from Alaska, will not be here. He just explained why he could not, that he has certain things in Alaska which he feels are important to him as a civic duty and as an elected official of Alaska. But I think the record is very clear from his statements today that he opposes this amendment and hopes that his colleagues reject it.

I yield the floor, Mr. President.

Mr. SYMMS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Idaho.

Mr. BYRD. Mr. President, will the distinguished Senator yield to me?

Mr. SYMMS. I will be happy to yield.

Mr. BYRD. So that I may make an announcement. Mr. President, this rollcall vote will not occur today. It will occur either on tomorrow or on Monday. I had indicated it was my plan to go over from today until Monday. I think that is the course I should take inasmuch as I stated that earlier. So Senators need not be concerned about having this rollcall vote today. I have discussed this with the distinguished Senator, and he understands that in view of the weather conditions it would be a severe inconvenience on Members if we attempted to have this rollcall vote this afternoon. I have discussed it with Mr. STEVENS and the distinguished Republican leader.

Mr. President, I thank the distinguished Senator for yielding.

Mr. SYMMS. Mr. President, I would be remiss if I did not make a comment to clarify the record. This vote is not a vote against the aged, or the veterans, or any special interest group in this country. This vote is a vote to try to get a handle on Government spending. I remember well when I was in the House we had the controversy over building the Hart Senate Office Building. Normally, the House and Senate had not talked about each other's budgets. But one time the House voted down a continuation of funding of the Hart Senate Office Building, and I am sure the distinguished President pro tempore remembers that. In that debate then, as a Member of the House, I said I had no objection to having adequate services for constituents, or adequate offices for Senators, but I do object to this proliferation of staff in the House and Senate of the United States and building bigger buildings. And they said, "Oh, if we build a bigger building and have a better facility, then we will get control of Government."

What has happened in the last 15 years is that the Federal budget has grown in the aggregate from about $200 billion now to over a trillion dollars, and Government grows and grows and grows and the taxpayers get taxed more and more and more. They are forced to pay for this either through interest on the debt, printing money, or raising taxes. There is no other way to pay for it.

I am not asking to do anything to damage our ability to take care of our veterans or our senior citizens or the armed services of the country. I am asking the Senate to do the same thing that a fuel distribution company in my State had to do about 4 years ago. They called in all the employees and said, "We have a choice. We are either going to have to get rid of six of you or take a 10-percent pay cut." The employees voted to take a 10-percent pay cut so they could keep the people working. It is happening in mining companies, in forest product companies. There are new union contracts being negotiated where people actually get less pay. I am not denigrating the value of our fine staff. I have the highest respect for the Senate staff. But the fact is we have to do more with less. The Federal Government does not have any money that it does not take away from somebody out in the private sector. The best place to start reducing spending is right here. Go out and tell the miner, who is getting 10 or 15 or 20 percent less wages than he was getting 5 years ago, that it is OK to have the Government programs expand. Explain that to them out in the hinterland where they are producing commodities, where they are producing the minerals and farm products, forest products to make this economy run. Tell them that we have to have more money in Washington, DC.

I think you will find that most of them would say it is about time they start cutting Government instead of expanding Government. This is just a simple thing that we are asking—let us vote to reduce it 5 percent. If it does not work out, the distinguished chairman of the committee and the distinguished Senator from Alaska will determine which committees need more money. Look at the differences in these committees: Governmental Affairs, $4,313,000, and then you look up to Armed Services, where we have a $300 billion budget, it is a $270,000 budget.

Mr. FORD. Will the Senator yield for a question?

Mr. SYMMS. There is a difference in those. It may be that the Senator—

Mr. FORD. Will the Senator yield for a question?

Mr. SYMMS. I will be happy to yield for a question.

Mr. FORD. The Senator is going by monetary value alone. That is all he is taking into account here.

Mr. SYMMS. I am just making the point that there is a difference.

I am just making a point.

Mr. FORD. You are making references as between committees. What is the labor of work in one committee compared to the other? Tell me that. What are the man-hours needed for one committee compared to man-hours needed for the other committee? Lay that out. Because you are going just by dollars and not by the need for staff hours.

Mr. SYMMS. I do not claim to be an expert on the activities of each committee. I am a member of the Armed Services Committee. In my first 6 years in the Senate, I was a member of the Finance Committee. Those committees have enormous responsibilities and have big budgets. But they do not have as big a budget as several other committees.

Mr. FORD. I ask if you can tell me the number of man-hours that are needed in each committee?

Mr. SYMMS. I will say this: I am for less Government by giving them less money. This country is being buried with Government. We excessively tax people; we overregulate them; we interfere with them. Then we wonder why we have a competition lag with foreign countries.

Maybe the budget for Governmental Affairs is inadequate. But I am sure the chairman and the Senator from Alaska will come back with an answer to that. I am only talking about a 2-percent cut.

I favored the 10-percent cut when the Republicans took over the Senate. It was an improvement, in my mind. We need to do less.

Mr. FORD. I was on the committee and supported the reduction, so do not take 100 percent of the credit.

Mr. SYMMS. I give you great credit for that.

Mr. FORD. What I am trying to say is that we took a 10-percent cut in 1981. We held the level of 1982, and we later sequestered portions of the committee budgets, and now we are asking for 3 percent. We are not even up to where you cut it in 1981. We are behind that. I think we have done an excellent job.

What you are asking us to do is to cut across the board. You are asking us to cut the select committees as well as the major committees and the B committees. You are making no judgment, as the Rules Committee made, as to what is in the best interests of the operation of the Senate. We held the line. We gave the staff a little increase, and you got it in your Senate office. You did not deny a cost-of-living increase in the salaries of members of your office. So why deny that increase to staffs of the committees?

Mr. SYMMS. You would not have to deny it. You may have to have less people. By attrition, it may be that all you need do is not hire additional people, and you may even be able to give those meritorious raises.

Mr. FORD. You remind me of a lawyer I knew when I was president of an organization. I said, "What should we do on this?"

He said: "I don't really know, but whichever way you go, we'll make a good case for it."

Whichever way you want to go here, you can make a good case for it. But I am trying to see that the function of this body is kept on an even keel, No. 1. No. 2, in a time of urgent need, now is not the time to cut our ability to help.

You can wave the flag, and I can. But when the farmers need help and you say to the Agriculture Committee, "We're going to cut you back more than last year or the year before; and you can't go to Idaho or North Dakota or Nebraska and talk to the farmers themselves"—all these things we have taken into consideration in making this budget, and you say that cannot be done.

Now is not the time to cut back here. Now is the time we need the best we have to help our constituents.

You can say they are taking a cut and that is partly our fault, but I have as much political courage as you have.

Mr. SYMMS. Mr. President, I in no way want to impugn the motives and political courage of the distinguished Senator from Kentucky. That is not the purpose of my amendment, in any way, shape or form. I have the highest esteem and regard for my good friend from Kentucky. I appreciate the ability he has to chair this committee. I have the utmost confidence that he and the Senator from Alaska will find a way, if this amendment is adopted, to run these committees, as will the staff directors. They will do the same thing we have had to do in the private sector, in the commodity producing part of our economy, namely, operate on leaner budgets. I say we should do the same thing in the U.S. Senate.

Mr. FORD. Mr. President, my distinguished colleague from Idaho has talked about the coal miners taking a cut. That goes right on down the line. My State is the largest coal-producing State in the Nation and has been for a good many years.

What we need is a way to find new uses for coal. We need to find ways to stop this Government from lending money and giving grants to other countries to start coal operations, to bring that coal back into our country, sell it to our utilities, and put our people out of work.

What we need to do is to use committee staff and our ability to hold hearings, to bring people in to help us determine what is the best route to go in order to find new uses for coal.

When this administration came in, it killed the Synfuels Corporation. Maybe it was the right thing to do; maybe it was not. I disagreed with it. I lost on that. But today we are getting ready to be clobbered, in my opinion, with an acid rain bill. If we had kept the Synfuels Program and stayed on that same track from 1981 to today, I suspect that we would have commercial plants in operation using coal, our own resource, cleanly, under clean coal technologies. But that did not happen. What we are finding today is that this coal from other countries is being shipped in here. Our operators and coal miners are being put out of work. That is the reason they have to take a reduction in pay.

Second, we find that less is being done as it relates to clean coal technology, and that is part of our problem.

So, Mr. President, it is not the time for us to say we are going to reduce our effort to help those coal miners be restored to full pay. I think it is time that we said we are going to put forth every effort, because it takes Government to coordinate the effort of all those involved.

It took the State government in Kentucky, it took the Federal Government, it took, I believe, Duke Power, it took those and several others to coordinate it to secure enough to install the combustion installation at the Shawnee generating facility so that we could operate that and see if we could burn our coal and help as it relates to our air pollution standards.

Now are we going to say we are going to cut back on things like that? What is 5 percent? Well, 5 percent may cut out a whole subcommittee in a committee. Five percent could reduce the staff to the point where we could not complete the committee's agenda.

Mr. SYMMS. Will the Senator yield?

Mr. FORD. Yes.

Mr. SYMMS. It might cut out the ones who are writing the acid rain bill.

Mr. FORD. That is something that will not happen. There are enough people downtown to write it and send it up here, but we do need some help.

I am saying that the 5 percent does not seem like much, but when you get right down to it, the committees are so tight that a small amount will make a great deal of difference. I think when you look at it you are spending a lot less money for 1987 than you spent in 1980, with all of the inflation, whether it be small—2 or 3 percent a year, in 7 years it is 21 percent—with no growth and little increase in salary for those people who labor so hard, the staffs on these committees.

I just say that there are a lot of good reasons that this budget resolution is appropriate.

Mr. President, I am ready to ask the leadership if we can set this aside and move on, but I see that they are not here. I ask that they come to the floor so that we might be able to enter into a colloquy and maybe arrive at a decision whether this legislation could be completed on Monday next.

Mr. SYMMS. Mr. President, the Senator from Kentucky said something that I really agree with. I might say to him and the distinguished President pro tempore that one of the reasons I have offered this amendment is that the administration's budget includes authorization to continue our practice of lending money to people all over the world who go into business to compete against our producers, including copper miners, coal miners, that the Senator from Kentucky has, silver miners, and lead miners, or farmers that we have in Idaho. The U.S. taxpayers have financed our own competition all over the world.

My thought is that if we take the 5-percent cut, I am going to offer an amendment when the budget resolution gets before the Budget Committee and again on the floor to cut the $1.8 billion which the administration wants to dump into the International Development Bank to compete against our producers in this country. Then we wonder why we have a trade imbalance. I would say to the Senator if I had my choice, I would rather cut out the $1.8 billion and let the Senate committees have their money to use here. But maybe if we take the 5-percent reduction, which is really just a 2-percent reduction because the committees have asked for 3 percent, maybe it will have an impact. Senators may come in here and cut some of the giveaway programs where we try to pave the world with our money. We have been doing that at the expense of the working men and women of this country. It has been happening with Republicans and Democrats in office for the past 40 years and it is still happening.

I know the distinguished Secretary of State will be testifying tomorrow and he will probably be in there asking for an expanded foreign aid program and an expanded loan portfolio to dump money into the World Bank and the International Development Bank to compete against the Kentucky coal miners and Idaho's silver miners and forest product worker. That is not good policy in the judgment of this Senator. It is irresponsible and irrational.

I yield the floor.

Mr. STEVENS. Mr. President, I am hopeful that we can get the time set for this vote, if that is agreeable with everybody concerned.

I am happy to yield to my good friend, the distinguished majority leader. I did not mean to seek the floor, but I would like to get this settled before I go.

UNANIMOUS CONSENT AGREEMENT—SENATE RESOLUTION 80

Mr. BYRD. Mr. President, I have discussed the request that I am about to make with the distinguished Republican leader, with the distinguished ranking manager of the Committee on Rules and Administration [Mr. STEVENS], and the distinguished chairman of the Committee on Rules and Administration [Mr. FORD].

I ask unanimous consent that the vote in relation to the amendment offered by Mr. SYMMS occur on Monday next at 4 p.m., that no amendments thereto be in order, and that no further amendments to the resolution be in order.

The PRESIDENT pro tempore. Is there objection?

Mr. SYMMS. Reserving the right to object, and I do not wish to object, I ask the distinguished majority leader, is there any reason why we cannot just have an up-or-down vote on the amendment?

Mr. BYRD. I inquired, but I think there may be a motion to table.

Mr. FORD. I would like to have that prerogative, the motion to table.

Mr. SYMMS. I do not want to cause any problem.

Mr. FORD. The Senator is not causing any problem.

Mr. SYMMS. It seems to this Senator that just an up-or-down vote at 4 p.m., Monday, would certainly be more acceptable to me. I do not wish to object, though I guess I could object. That would be my right.

Mr. BYRD. The Senator can object but that would not waive the right of any Senator to move to table his amendment.

Mr. SYMMS. I believe the majority leader is probably correct. I will not object.

Mr. BYRD. I thank the distinguished Senator.

The PRESIDENT pro tempore. Is there objection?

The Chair hears none. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, it is my understanding that there is an agreement, if the Senator will yield——

Mr. BYRD. I still have the floor but I am glad to yield.

Mr. STEVENS. Is there an agreement concerning further amendments to this bill? I will be out of town and I would like to know that I have finished my business before I leave.

Mr. BYRD. Under the order, there would be no further amendments in order either to the resolution or to the amendment.

Mr. STEVENS. I thank the distinguished majority leader.

The PRESIDENT pro tempore. The unanimous-consent agreement is that there will be a rollcall vote at 4 p.m. on the amendment to Senate Resolution 80.

REPRESENTATION OF COMMITTEE STAFF

Mr. BYRD. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 81) to direct the Senate legal counsel to represent the chief clerks of the Committee on Foreign Relations and the Select Committee on Intelligence in the case of United States v. Morales, et al.

Mr. BYRD. Mr. President, this resolution has been cleared on both sides. If the Senate proceeds to the immediate consideration of the resolution, I have a statement which I will make.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, in the case of United States versus George Morales, et al., pending in the United States District Court for the Southern District of Florida, the Government has charged the defendants with a conspiracy to import cocaine into the United States. The trial is expected to begin on January 26.

One of the defendants has caused subpoenas to be issued to Senator Pell, chairman of the Committee on Foreign Relations, and Senator Durenberger, the former chairman of the Select Committee on Intelligence. The subpoenas call for any committee documents which refer to the defendant or other named persons. They also call for any documents in the possession of the two committees which refer to any activity from January 1, 1982, to the present, relating to the transportation, purchase, and sale of any controlled substances, the proceeds of which were to be used by the Nicaraguan Contra movement.

Defendant's counsel has agreed with the Senate legal counsel to substitute the chief clerks of the two committees as subpoena respondents in place of the members who were named in the subpoenas. The chief clerks have responsibility for maintaining the records of the committees.

This resolution would direct the Senate legal counsel to represent the chief clerks. Senate counsel will move to quash the subpoenas in order to protect the investigatory records of Senate committees.

Mr. President, I move adoption of the resolution.

The PRESIDENT pro tempore. Does anyone seek recognition to debate this matter?

The Chair hears no one.

The question is on agreeing to the resolution.

The resolution (S. Res. 81) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 81) with its preamble, is as follows:

S. Res. 81

Whereas, in the case of United States v. George Morales, et al., No. 86-6129-Cr, pending in the United States District Court for the Southern District of Florida, one of the defendants has obtained subpoenas for documents addressed to Senator Pell, the Chairman of the Committee on Foreign Relations, and Senator Durenberger, the former Chairman of the Select Committee on Intelligence;

Whereas, Barbara F. Allem, chief clerk of the Committee on Foreign Relations, and Kathleen P. McGhee, chief clerk of the Select Committee on Intelligence, as the custodians of records for their committees, have been substituted for Chairman Pell and former Chairman Durenberger as subpoena respondents;

Whereas, pursuant to section 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1982), the Senate may direct its counsel to defend the committees, Members, officers or employees of the Senate with respect to any subpoenas issued to them in their official capacities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Barbara F. Allem and Kathleen P. McGhee and any committees, Members, officers, or other employees of the Senate, in the case of United States v. George Morales, et al.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF TIME FOR SUBMISSION OF THE PRESIDENT'S ECONOMIC REPORT TO THE CONGRESS

Mr. BYRD. Mr. President, I ask unanimous consent that the clerk lay before the Senate, House Joint Resolution 88, which has been cleared on both sides of the aisle.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (H.J. Res. 88) extending the time within which the President may transmit the Economic Report to the Congress.

The Senate proceeded to consider the joint resolution.

The PRESIDENT pro tempore. Is there further debate in consideration of this matter?

If not, the question is on the third reading and passage of the joint resolution.

The joint resolution was passed.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. HUMPHREY. Is there any business pending, Mr. President?

The PRESIDENT pro tempore. Senate Resolution 80 is still pending. There has been an agreement as to when the vote will be, but that is carried over until next week.

FOURTEEN YEARS AFTER ROE VERSUS WADE

Mr. HUMPHREY. Mr. President, today, January 22, is the anniversary date of the famous or infamous decision, depending upon your point of view, of Roe versus Wade, handed down in 1973 which had the effect of striking down all of the laws in the various States which at that time prohibited abortion. Roe versus Wade, in other words, legalized abortion and along with its companion decisions legalized abortion at any time during the 9 months of pregnancy. Indeed, abortions are done every day, not only in the first few weeks but in the last few weeks and certainly in the last 3 months as well.

In the 14 years since 1973, some 20 million babies have perished through this procedure called abortion. I use the word "babies" advisedly, Mr. President. That is certainly the crux of the argument. What is it that is killed by abortion? No one will argue that abortion kills. That is its very purpose. It takes away life. And what is the nature of that life? It seems to me the central fact—and I assert that it is a fact—the central fact in the abortion controversy is that the offspring of human beings are human beings and abortion kills human beings. That is why those of us who oppose abortion do so with such persistence and such determination.

The offspring of human beings are human beings. Of course. How could it be otherwise? One does not have to be a geneticist or biologist to know logically that the offspring of human beings are not chickens, pigs, or horses. The offspring of human beings are human beings.

Fourteen years after Roe versus Wade, 20 million dead babies later, is it not time that we at least address this issue honestly? Is it not time that in this Chamber and in this institution, the Congress, we address the issue honestly and at last own up to the central fact that the offspring of human beings are human beings? It cannot be otherwise. And that abortion kills human beings and therefore it is wrong, it is a violation of natural law upon which this Nation is founded and upon which the fate of this Nation rests? That is the way we feel who style ourselves prolife.

Today I was proud to be part of that vast army of prolife marchers who gathered on this anniversary date as we do annually for the march for life. I need not tell Senators or anyone in Washington that the weather today is abysmal; a mighty snow storm is raging outside, has been for several hours, 6 or 8 inches of snow are upon the ground and nonetheless thousands came from all across this country, undaunted. I saw them marching. I marched with them. I saw people perhaps from the more southerly States wearing only sneakers.

They did not know that we get once in a while severe blizzards in Washington. They were marching in sneakers with wet and cold feet and many without gloves and without hats but they marched nonetheless, determined and spirited, in a very orderly yet determined and spirited way. I take off my hat to those people who have been coming year after year for they shall prevail, we shall prevail. In this civil rights movement of this generation we, too, shall overcome.

The tragedy, Mr. President, is that this issue is rarely debated with any honesty. We hear resorts to euphemisms and slogans, that which is destroyed by abortion is not a human being, it is a blob, it is the product of conception. What rubbish. If only we could debate this issue honestly.

I challenge any Senator, now or in the future, to prove that the offspring of human beings are not human beings. If they are not human beings, then obviously the controversy of abortion is of no consequence. I challenge any Senator to make a convincing argument that the offspring of human beings are not human beings. And if a Senator can do that, then perhaps I will change my views on this issue, and I will stop in my persistence.

I know that Senators want to go home, and staff want to go home; they are worried about their family, traffic is a mess here in the city, but this is January 22, the anniversary. This is our day to speak out, and we have spoken in protest by marching and now for my small part I will speak on the floor of the Senate and in just a moment introduce two resolutions whose purpose is to amend the Constitution to restore to human beings, prenatal human beings, the protection of the Constitution which was swept away abruptly in wholesale by the Supreme Court 14 years ago in that infamous Roe versus Wade decision. If only we could debate this issue honestly, if only we could cease this resort to euphemisms which perhaps salve our conscience a little bit but continue the holocaust.

An interesting sidelight on this subject of honest terms, Mr. President, in the context of the right to life: in these last few weeks those Senators who live in Washington have seen on one of the local television stations a public service ad, a meritorious public service ad whose purpose is to encourage women to seek prenatal care, to take good care of themselves while they are pregnant. That of course is very good advice, and I for one certainly commend WRC for its series of ads.

In one of those ads the pop singer, the well known entertainer, Dionne Warwick, says: "I want you to take good care of your babies before they are born." Take good care of your babies, she says, before they are born. She does not say, "Take good care of your blobs, take good care of your product of conception." She says, "Take good care of your babies before they are born."

It is interesting that we can describe prenatal human beings as babies in the context of encouraging good prenatal care; but when we discuss the same beings in the context of abortion they are just blobs, just trash—throw them away.

The truth has a way of coming out in honest terms, a way of being used sometimes unconsciously, as is the case of whoever wrote these scripts.

In another ad, the announcer says that the most critical time for an unborn child is the first 3 months of pregnancy. The most critical time—not for a blob, not for a product of conception. The most critical time for an unborn child is the first 3 months of pregnancy. It happens that most abortions take place in those same 3 months. Are we killing blobs or are we killing the unborn children and babies alluded to in these ads?

It is not only here in Washington. I am glad to say that the March of Dimes is likewise airing a series of ads nationwide encouraging women not to smoke, not to take drugs, including alcohol while they are pregnant, because these drugs cross the placenta freely. What a wonderful thing it is for the March of Dimes to conduct this educational program, because evidently a great many women are unaware that drugs cross the placenta freely.

When a woman smokes, her child smokes. When a woman takes drugs, her child takes drugs. When a woman is addicted, her child is born addicted. There have been a number of cases in the news recently where children were born addicted to heroin and must go through the agony of several weeks of withdrawal.

So we take off our hats and congratulate the March of Dimes for airing this series of public service announcements encouraging women to take care of themselves and the children they are carrying.

In one of those ads, actress Michele Lee, of the series "Knots Landing," says: "If you are pregnant and use drugs, your baby does, too." She does not say, "your blob." She does not say "your product of conception."

Another entertainer, Debbie Allen, a dance instructor on the series "Fame," lends her name to this effort.

In all these March of Dimes ads—there are several in the series, and each is different—but nearly every one of them ends with the voice of a little girl plaintively saying, "Mommy, don't." Of course, this refers to the use of drugs during pregnancy.

Because of these ads, lots of mommies will not, and lots of babies will be born who otherwise would be impaired.

In the context of saying, "Mommy, don't," should we not also, if we are to be intellectually honest, consistent, and humane, include in the "Mommy, don'ts," "Mommy, don't let the abortionists kill your child"?

I think we should, and I cite these public service announcements to show the discrepancy in our society; to show the fact that on the one hand we can talk about babies when we want to foster their good health while they are being carried, and on the other hand when we talk about destroying them, we talk about blobs and objects and products of conception.

You cannot have it both ways. Either the offsprings of human beings are human beings and entitled to the protection of the law and the Constitution, consistent with natural law, upon which this Nation is founded, or they are in effect blobs, and we can stop talking about abortion because it does not matter. I think it is clear to everyone that the offsprings of human beings are human beings.

Many in public life, knowing that this is a controversial issue, try to dodge it by saying: "Well, I'm personally opposed, but I don't want to impose my views on anyone else."

I think we are all personally opposed to robbery, and yet we are willing to have laws that impose our views on others with respect to robbery. It is a crime to steal something.

So it is a copout to say "I am opposed, but I don't want to impose my views on someone else."

Why could anybody possibly be opposed to abortion? Because our logic and our conscience tell us that abortion kills a human being. That is why public servants are personally opposed.

I suggest, with all due respect, that my fellow public servants who are not yet outspokenly prolife should take that further step and display the courage of their convictions, to be not only personally opposed to abortion but also to be publicly opposed to abortion, and be willing to restore to the unborn the protection of the law under the Constitution, to which those unborn are entitled.

Let us recall that in the most organic of our documents, the Declaration of Independence, there is the passage which for all time and for all the world makes it clear from whence rights come and what purpose Government should serve. That passage reads: "We hold these truths to be self-evident; that all men are created equal; that they are endowed"—not by Congress, not by politicians—"by their Creator with certain inalienable rights," among which is the right to life; that the purpose of Government is to secure these rights, to protect these rights.

We are endowed by our Creator. When? At the moment of birth? At quickening, at 3 months, at 13 weeks, at some manmade arbitrary point? Of course not.

If we believe the sentiment expressed in the Declaration of Independence, if it is more to us than just 4th of July rhetoric, then we have to recognize that under natural law, all men—mankind—are endowed by their Creator at the time of creation.

So much intellectual dishonesty, it is heartbreaking, and it perpetuates a bloody holocaust. Someday, that will end, Mr. President. I do not know when it will be. But I believe that with every step of every prolife march, whether here in the capital or in the various States, the foundation of this bloody institution of abortion is cracking and crumbling; and one day it will fall before our eyes in a cloud of dust.

I do not know when that will be, but I pray it will come soon.

Toward that end, Mr. President, today I am introducing two joint resolutions which propose to amend the Constitution.

The first is on behalf of Senators HELMS, ZORINSKY, HECHT, GRASSLEY, SYMMS, and myself, to wit, that the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States not later than 7 years after the date of final passage of this joint resolution.

ARTICLE

> Section 1. The right to life is the paramount and most fundamental right of a person.
>
> Section 2. With respect to the right to life guaranteed to persons by the 5th and 14th articles of amendment to the Constitution, the word "person" applies to all human beings, irrespective of age, health, function, or condition of dependency, including their unborn offspring at every stage of their biological development including fertilization.
>
> Section 3. No unborn person shall be deprived of life by any person: Provided, however, That nothing in this article shall prohibit a law allowing justification to be shown for only those medical procedures required to prevent the death of either the pregnant woman or her unborn offspring, as long as such law requires every reasonable effort to be made to preserve the life of each.
>
> Section 4. The Congress and the several States shall have the power to enforce this article by appropriate legislation.

Mr. President, with respect to this first joint resolution, let me reiterate the word "person" applies to all human beings.

It is interesting, is it not, that some in this country would split hairs about which human beings are persons and which are not. That is something new, is it not? I am not a constitutional scholar, but until recent times I knew of no country, save the Soviet Union and other totalitarian countries, where there were nonpersons, where some human beings were persons and some human beings were not persons. But it is under that doctrine of nonpersonhood that prenatal human beings are being killed in this country. So we seek to resolve that question, which should not have to be resolved in this country of all countries, about which human beings are persons and which are not.

All human beings are persons. The words are synonymous.

Mr. President, the second joint resolution proposes an amendment to the Constitution with respect to the right to life. The text is as follows:

"Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, that the following article is proposed as an amendment to the Constitution" et cetera.

> The paramount right to life is vested in each human being at the moment of fertilization without regard to age, health or condition of dependency.

Mr. President, I would add that the second joint resolution is sponsored by the following Senators: Mr. HELMS, Mr. HECHT, Mr. ZORINSKY, Mr. GRASSLEY, Mr. SYMMS, and myself.

THE PARAMOUNT HUMAN LIFE AMENDMENT

Mr. SYMMS. Mr. President, I am pleased to join Senator HUMPHREY and others, as an original cosponsor of this needed legislation.

Today marks the 14th anniversary of the Roe versus Wade Supreme Court decision, which legalizes abortion on demand. In 1983, President Reagan stated:

> *Roe* v. *Wade* has become a continuing prod to the conscience of the Nation . . . We cannot survive as a free Nation when some men decide that others are not fit to live and should be abandoned to abortion or infanticide . . . Americans do not want to play God with the value of human life. It is not for us to decide who is worthy to live and who is not.

In recognizing that infamous Supreme Court decision, we again have introduced this simple, one sentence amendment to the Constitution which states: "The paramount right to life is vested in each human being at the moment of fertilization, without regard to age, health, or condition of dependency."

At this time, Mr. President, I wish to reaffirm my commitment to provide the necessary protection to the lives of the unborn; to promote alternatives to abortion; and to abolish the use of taxpayer's money to fund abortion except when the life of the mother would be endangered if the baby is carried to full term.

Moreover, I want to congratulate my esteemed colleagues who have cosponsored this and other prolife efforts, for their perseverence.

Mr. HUMPHREY. Mr. President, I thank my colleagues. I am aware of the urgent need to be away from this place. I thank them profoundly for their patience and forebearance and humbly beg Senators to examine their hearts and if their hearts be hardened against the prenatal life to soften their hearts and to come to the aid of those helpless people, those helpless human beings who are being destroyed by the millions in this darkest violation of human and civil rights.

The PRESIDING OFFICER. The joint resolutions will be received and appropriately——

Mr. BYRD. Would the Senator withhold offering the joint resolutions until I put the Senate into morning business?

Mr. HUMPHREY. I will be pleased to do so.

UNANIMOUS-CONSENT AGREEMENT, AS MODIFIED

Mr. BYRD. Mr. President, I ask unanimous consent that the vote which was to occur on Monday next at 4 p.m. in relation to the amendment by Mr. SYMMS occur instead at 5 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. This request has been cleared with the distinguished Republican leader.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I now ask unanimous consent that there be a period for the transaction of routine morning business for not to exceed 10 minutes and that Senators be permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished Senator for withholding.

PROPOSED CONSTITUTIONAL AMENDMENT—RIGHT TO LIFE

Mr. HUMPHREY. Mr. President, I send to the desk the proposed joint resolutions and ask unanimous consent that they be printed in the RECORD.

There being no objection, the joint resolutions were ordered to be printed in the RECORD, as follows:

S.J. RES. 31

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE—

"The paramount right to life is vested in each human being at the moment of fertilization, without regard to age, health, or condition of dependency.".

S.J. RES. 32

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States not later than seven years after the date of the final passage of this joint resolution:

"ARTICLE—

"SECTION 1. The right to life is the paramount and most fundamental right of a person.

"SECTION 2. With respect to the right to life guaranteed to persons by the fifth and fourteenth articles of amendment to the Constitution, the word 'person' applies to all human beings, irrespective of age, health, function, or condition of dependency, including their unborn offspring at every stage of their biological development including fertilization.

"SECTION 3. No unborn person shall be deprived of life by any person: *Provided, however,* That nothing in this article shall prohibit a law allowing justification to be shown for only those medical procedures required to prevent the death of either the pregnant woman or her unborn offspring, as long as such law requires every reasonable effort to be made to preserve the life of each.

"SECTION 4. The Congress and the several States shall have the power to enforce this article by appropriate legislation.".

S. 381—TO PROTECT THE LIVES OF UNBORN HUMAN BEINGS

Mr. HUMPHREY. Mr. President, I send a bill to the desk on behalf of Senator HELMS and ask for its first reading.

The PRESIDING OFFICER. The bill will be read for the first time.

The assistant legislative clerk read as follows:

A bill (S. 381) to protect the lives of unborn human beings.

Mr. HUMPHREY. Mr. President, I now ask that the bill be read for the second time.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, the distinguished Senator is seeking to bring his bill to the calendar without referral to committee, and he can do that by the exercise of rule XIV. In order to expedite his ability to do that, I shall object to the second reading, in which case the second reading will occur on the next legislative day.

The PRESIDING OFFICER. Objection has been heard to second reading on this legislative day. The measure will remain at the desk pending second reading on the next legislative day.

Mr. BYRD. May I say on the next legislative day after the measure has been read the second time under the rule, if there is objection to proceeding on that matter then the measure will go, the following legislative day, on the calendar.

So that I might make clear for the record the reason for those objections, it is the fact that those objections, even though they may sound otherwise, are certainly operative in assisting the Senator in getting his bill on the calendar.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a statement by Mr. HELMS and a copy of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNBORN CHILDREN'S CIVIL RIGHTS ACT

Mr. HELMS. 14 years have passed since the Supreme Court struck down the traditional criminal laws against abortion in all 50 states. During this time untold millions of living unborn children have lost their lives at the hands of abortionists operating under the protection of the tragic Roe versus Wade decision.

Mr. President, Roe versus Wade was, simply put, an unconstitutional decision. It had no foundation whatsoever in the text or history of the Constitution. It was invented out of whole cloth. As Justice White said in his dissent, Roe was an exercise in raw judicial power.

How has it endured for 14 long years? Why do we permit some 4,000 unborn babies to perish every day through legalized abortion?

The answer is woefully simple, Mr. President. Even though Roe versus Wade is an unconstitutional decision, Congress has been unwilling to right the wrong—to exercise its powers to check and balance a usurping Supreme Court which has destroyed the right to life of the most defenseless among us. The powers exist, but Congress has nonetheless permitted Roe to stand because many members of Congress are apparently committed to legalized abortion. These members share the same anti-historical, secularized, liberal view of law and public order as those justices who gave us Roe versus Wade in the first place.

In this view, the Ten Commandments are not the eternal rules of Almighty God which give authority to human law, but the transitory precepts of a bygone age in need of periodic updating by wiser heads here on earth. Of course, human nature being what it is, there is never any shortage of wiser heads.

For these reasons, Roe versus Wade stands and the barbarism of legalized abortion goes on. It is not the Constitution or our system of government which is at fault. Ample means exist within them, even apart from a constitutional amendment, to overturn Roe. The fault, on the part of Members of Congress, lies in a failure of intellect to perceive the true nature of abortion and a failure of will to do something about it. These are the ingredients which perpetuate the travesty of Roe versus Wade.

But, Mr. President, the Senator from North Carolina is ever hopeful that, with God's help and human effort, hearts and minds—even in Congress—will change. That is why I am today introducing the Unborn Children's Civil Rights Act, which is similar to S. 46 from the 99th Congress. If enacted, this bill would be a small first step in overcoming the Roe decision. In addition to getting the federal government completely out of the business of promoting abortion even indirectly, it would also point the way for the states to resume enforcement of abortion restrictions.

Mr. President, the Unborn Children's Civil Rights Act basically accomplishes four things. First, it puts Congress clearly on record as finding that abortion takes the life of an unborn child, that the Constitution sanctions no right to abortion, and the Roe versus Wade was erroneously decided. Second, it prohibits congressional appropriations from being used to pay for or promote abortion. In this regard, it effects a permanent defunding of abortion, thereby relieving Congress of annual fights over abortion restrictions in appropriations bills.

Third, it stops certain indirect federal support for abortion by prohibiting discrimination at federally funded institutions against individuals who object in conscience to abortion and by curtailing attorneys' fees in abortion-related cases. Fourth, it provides for appeals to the Supreme Court as of right if a federal court declares state restrictions on abortion unconstitutional. As a practical matter, this provision will assure Supreme Court reconsideration of the abortion issue in the future.

S. 381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Unborn Children's Civil Rights Act".

SEC. 2. Congress finds that—

(1) scientific evidence demonstrates that abortion takes the life of an unborn child who is a living human being;

(2) a right to abortion is not secured by the Constitution;

(3) in the cases of Roe v. Wade (410 U.S. 113) and Doe v. Bolton (410 U.S. 179) the United States Supreme Court erred in not recognizing the humanity of the unborn child and the compelling interest of the States in protecting the life of each person before birth.

SEC. 3. No funds appropriated by the Congress shall be used to take the life of an unborn child, except that such funds may be used for only those medical procedures required to prevent the death of either the pregnant woman or her unborn child so long as every reasonable effort is made to preserve the life of each.

SEC. 4. No funds appropriated by the Congress shall be used to promote, encourage, counsel for, refer for, pay for (including travel expenses), or do research on any procedure to take the life of an unborn child, except that such funds may be used in connection with only those medical procedures required to prevent the death of either the pregnant woman or her unborn child so long as every reasonable effort is made to preserve the life of each.

SEC. 5. Neither the United States, nor any agency or department thereof shall enter into any contract for insurance that provides for payment or reimbursement for any procedure to take the life of an unborn child, except that the United States, or an agency or department thereof may enter into contracts for payment or reimbursement for only those medical procedures required to prevent the death of either the pregnant woman or her unborn child so long as every reasonable effort is made to preserve the life of each.

SEC. 6. No institution, organization, or other entity receiving Federal financial assistance shall—

(1) discriminate against any employee, applicant for employment, student, or applicant for admission as a student on the basis of such person's opposition to procedures to take the life of an unborn child or to counseling for or assisting in such procedures;

(2) require any employee or student to participate, directly or indirectly, in a health insurance program which includes procedures to take the life of an unborn child or which provides counseling or referral for such procedures; or

(3) require any employee or student to participate, directly or indirectly, in procedures to take the life of an unborn child or in counseling, referral, or any other administrative arrangements for such procedures.

SEC. 7. Notwithstanding any other provision of Federal law, attorneys' fees shall not be allowable in any civil action involving, directly or indirectly, a law, ordinance, regulation, or rule prohibiting or restricting procedures to take the life of an unborn child.

SEC. 8. Between the first and second paragraphs of section 1252 of title 28, United States Code, add the following new paragraph:

"Notwithstanding the absence of the United States as a party, should any State or any subdivision of any State enforce or enact a law, ordinance, regulation, or rule prohibiting procedures to take the life of an unborn child, and such law, ordinance, regulation, or rule is declared unconstitutional in an interlocutory or final judgment, decree, or order of any court of the United States, any party in such a case may appeal such case to the United States Supreme Court, notwithstanding any other provision of law.".

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 21, 1987, the Secretary of the Senate, on January 21, 1987, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 1. An act to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes.

Under the authority of the order of the Senate of January 21, 1987, the enrolled bill was signed on January 21, 1987, during the adjournment of the Senate, by the President pro tempore (Mr. STENNIS).

MESSAGES FROM THE HOUSE

At 3:37 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 88. Joint resolution extending the time within which the President may transmit the Economic Report to the Congress.

The message also announced that pursuant to the provisions of section 1024(a) of title 15, United States Code, the Speaker appoints as majority members of the Joint Economic Committee the following Members on the part of the House: Mr. HAMILTON, Mr. OBEY, Mr. HAWKINS, Mr. SCHEUER, and Mr. STARK.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 80. An original resolution authorizing expenditures by committees of the Senate (Rept. No. 100-1).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself, Mr. BYRD, Mr. LEVIN, Mr. ROCKEFELLER, Mr. CHILES, Mr. KERRY, Mr. BAUCUS, Mr. MATSUNAGA, Mr. LAUTENBERG, Mr. SASSER, Mr. BURDICK, and Mr. MOYNIHAN):

S. 374. A bill to promote economic competitiveness in the United States, and for other purposes; to the Committee on Governmental Affairs.

By Mr. EXON:

S. 375. A bill to amend title 10, United States Code, to permit the President to order to active duty units and members of the Army National Guard of the United States and the Air National Guard of the United States in cases in which the Governor of a State or other appropriate authority withholds consent; to the Committee on Armed Services.

By Mr. ROTH:

S. 376. A bill to amend the Tax Reform Act of 1986 to restore the full deductibility of IRA contributions; to the Committee on Finance.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 377. A bill to impose a moratorium on the ability of foreign-built vessels to qualify for certain benefits under the Magnuson Fishery Conservation and Management Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THURMOND:

S. 378. A bill to amend the Tariff Schedules of the United States to continue the suspension of duty on menthol feedstocks; to the Committee on Finance.

S. 379. A bill to amend the Tariff Schedules of the United States with respect to extracorporeal shock wave lithotripters; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 380. A bill to suspend temporarily the duty on dicyclohexylbenzothiazylsulfenamide; to the Committee on Finance.

By Mr. HUMPHREY (for Mr. HELMS (for himself, Mr. HUMPHREY, Mr. ZORINSKY, Mr. GRAMM and Mr. HECHT)):

S. 381. A bill to protect the lives of unborn human beings; read the first time.

By Mr. GARN (for himself, Mr. DANFORTH, Mr. DECONCINI, Mr. FORD, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HELMS, Mr. HUMPHREY, Mr. KASTEN, Mr. LUGAR, Mr. MCCONNELL, Mr. MCCLURE, Mr. NICKLES, Mr. PRESSLER, Mr. PROXMIRE, Mr. SYMMS, Mr. ZORINSKY, and Mr. HATFIELD):

S.J. Res. 27. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

By Mr. DOLE:

S.J. Res. 28. Joint resolution designating "American Physiologists Week"; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. NICKLES, Mr. HUMPHREY, Mr. GARN, and Mr. HATCH):

S.J. Res. 29. Joint resolution proposing an amendment to the constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. WILSON (for himself, Mr. WARNER, Mr. GRAMM, and Mr. SIMPSON):

S.J. Res. 30. Joint resolution to disapprove the proposed pay raise for Members of Congress; to the Committee on Governmental Affairs..

By Mr. HUMPHREY (for himself, Mr. HELMS, Mr. HECHT, Mr. ZORINSKY, Mr. GRASSLEY, and Mr. SYMMS):

S.J. Res. 31. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. HELMS, Mr. HECHT, Mr. ZORINSKY, and Mr. GRASSLEY):

S.J. Res. 32. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD from the Committee on Rules and Administration:

S. Res. 80. An original resolution authorizing expenditures by Committees of the Senate.

By Mr. BYRD (for himself and Mr. DOLE):

S. Res. 81. Resolution to direct the Senate Legal Counsel to represent the chief clerks of the Committee on Foreign Relations and the Select Committee on Intelligence in the case of *United States* v. *Morales*, et al; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. BYRD, Mr. LEVIN, Mr. ROCKEFELLER, Mr. CHILES, Mr. KERRY, Mr. BAUCUS, Mr. MATSUNAGA, Mr. LAUTENBERG, Mr. SASSER, Mr. BURDICK, and Mr. MOYNIHAN):

S. 374. A bill to promote economic competitiveness in the United States, and for other purposes; to the Committee on Governmental Affairs.

(The remarks of Mr. BINGAMAN and the text of the legislation appear earlier in today's RECORD.)

By Mr. EXON:

S. 375. A bill to amend title 10, United States Code, to permit the President to order to active duty units and members of the Army National Guard of the United States and the Air National Guard of the United States in cases in which the Governor of a State or other appropriate authority withholds consent; to the Committee on Armed Services.

(The remarks of Mr. EXON and the text of the legislation appear earlier in today's RECORD.)

By Mr. ROTH:

S. 376. A bill to amend the Tax Reform Act of 1986 to restore the full deductibility of IRA contributions; to the Committee on Finance.

DEDUCTIBILITY OF IRA CONTRIBUTIONS

● Mr. ROTH. Mr. President, today I rise to introduce legislation amending the Tax Reform Act of 1986.

This legislation is intended to correct a serious shortcoming in the tax bill passed last year. Despite the positive steps taken in the bill such as reduction of marginal rates and institution of a minimum tax for corporations, the bill took a giant step backwards in encouraging people to save money.

The restrictions placed on individual retirement accounts last year strike at the heart of middle-income families who are trying to earn a decent living, educate their children and save for their retirement years. While I am pleased to have helped preserve IRA's for a great portion of taxpayers, I am disappointed that millions of others have been cut off. These are working couples, in many cases, whose combined salaries push them over the income limit for fully deductible IRA's. Or, they are young workers—the young professionals in our society—whose ambition keeps our country moving forward in a fast changing world.

Mr. President, in my judgment, there is no issue of more critical importance to the American people and this Nation than the issue of savings. We simply cannot meet the challenge of becoming competitive in the emerging world economy without addressing the need to increase our national savings rate. That is what we attempted to do when, in 1981, Congress voted to promote an individual retirement program for the American people. The idea was that each working individual could save up to $2,000 a year tax free, and that money would help citizens meet their needs for retirement.

There has been much debate on the effectiveness of the program. In 5 years, 28 million families made a commitment to create an IRA for their future. Those individual decisions resulted in savings of $250 billion, including a tremendous amount of new income for long-term capital investment.

Until this year, the IRA was the best available savings program for the middle class, working individuals of this country. Roughly 80 percent of those who have IRA's have incomes of $50,000 or less; 65 percent have incomes of $40,000 or less. With such statistics, it is difficult for me to understand how this savings program could ever be misapprehended as a rich person's tax break.

Under the new law, an individual who has earnings of $25,000 or less continues to enjoy a tax deduction for his IRA. A married person with up to $40,000 of earned income can have the same. But unfortunately, from that point on the benefits are phased out. It makes little sense to provide a tax deduction to encourage a young man or woman earning $25,000 or less to save, and then to send them the signal that it is less important that they save when they start to earn a little more.

The same is true of two wage-earners who make $40,000 or more. As long as a married couple is earning $40,000 or less they can deduct their IRA. But if their joint earnings are in excess of that figure, the deduction is phased out, and at $50,000 it is eliminated. The current law penalizes those who are ambitious who are working hard, and who are suceeding. It penalizes those who are preparing for a secure and comfortable retirement with an IRA.

Under the new law, people who are not covered by a pension plan where they work can continue to deduct their IRA. However, this ignores the fact that many workers see their IRA not as a substitute for their private pension plan, but as a reliable supplement to that plan. With a deductible IRA to fall back on, workers would have the peace of mind of knowing their retirement security would not be completely dependent upon employer pension plans which may later be corporate takeovers or bankruptcy.

I can tell you there are many families in my State of Delaware, with two wage-earners, who don't think there is anything fair about what the tax bill did to their IRA. Take a young autoworker at a Chrysler plant in my State, earning $33,000 with overtime. The spouse can be working, perhaps as a schoolteacher. Before long they are over the $50,000 limit, and their deductible IRA is eliminated. Making the inequity even more apparent is another chilling aspect of the new law: If one spouse is an active participant in a qualified pension plan, no deduction for an IRA is allowed.

In closing Mr. President, I introduce this legislation today with a reminder to my colleagues. Much will be said in the upcoming days of this session about the need to preserve American jobs and expanding competitiveness of American manufacturers abroad. To that end we will try to determine how to reduce the cost of capital in this country relative to our trading partners. One place to start is to expand the tax incentives for savings, rather than reducing or eliminating them as was done by the Tax Reform Act of 1986.●

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 377. A bill to impose a moratorium on the ability of foreign-built vessels to qualify for certain benefits under the Magnuson Fishery Conservation and Management Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MORATORIUM ON BENEFITS FOR FOREIGN-BUILT VESSELS

Mr. STEVENS. Mr. President, I would like to bring to the attention of the Senate an immediate and potentially devastating threat to the development of the U.S. fishing industry in the North Pacific. The threat is being caused by various interpretations of the vessel documentation laws and Magnuson Fishery Conservation and Management Act [MFCMA] which, if carried to extremes, would permit foreign fish processing companies to receive preferential treatment that Congress intended to reserve for the U.S. fishing industry.

The MFCMA has a three-tier process used in determining allocations of fish within an established conservation quota. Section 204 grants the domestic industry the preferential right to harvest and process fish to the maximum extent of its capacity.

The second tier involves an allocation to foreign fish processing vessels which receive fish at sea from U.S. harvesting vessels, but this allocation is permitted only if there is a surplus of fish left after the capacity of the domestic sector has been reached.

The third tier is established in section 201 of the MFCMA. It is lowest in priority and provides foreign harvesting fleets an allocation of any fish remaining after the first two allocations have been made.

In order to benefit from the preference reserved for the domestic industry, a fish processing vessel operating offshore within our Exclusive Economic Zone must be documented under the laws of the United States so as to be a U.S. fish processor under the statute. Those processing vessels not so documented under the laws of the United States are foreign fishing vessels under the MFCMA and cannot qualify for a processor preference.

This so-called processor preference has become increasingly important and valuable as our domestic capacity to harvest and process fish grows and the amount of surplus fish from our zone available for foreigners declines. This is precisely what the Congress intended—the domestic industry is growing and the fishery resources of the United States are becoming Americanized.

The problem is caused by an apparent loophole in the law that could allow foreign fishing companies to document foreign-built fish processing vessels under the laws of the United States. These re-flagged vessels could then be considered U.S. fish processors and fall within the scope of the processor preference category outlined in section 204.

The foreign fishing companies, using foreign-built vessels, might thereby benefit from a preference that was never intended to be granted them and also put the U.S. fishing industry at a competitive disadvantage due to lower vessel construction and labor costs.

Title 46 of the United States Code governs the documentation of vessels. Any vessel of at least 5 net tons may be documented if it is owned by a U.S citizen, partnership, association, or corporation, 46 U.S.C. 12102.

It is possible for a corporation to be foreign-owned and still operate a vessel eligible for U.S. documentation. The law requires that the corporation must be established under U.S. law, and that the president and chairman of the board be U.S. citizens.

In addition, the law requires the number of a corporation's board of directors who are noncitizens be no more than a minority of the number of directors necessary to constitute a quorum. There is no requirement that the corporation be owned by U.S. citizens in whole or in part.

Title 46 prohibits the use of foreign-built, U.S.-flag vessels as fish harvesting vessel, 46 U.S.C. 12108. There is no prohibition on the use of such vessels as fish processors.

The domestic processing industry in Alaska has also raised concerns about the ability to use foreign labor on both reflagged and domestic fish processing vessels.

The law currently requires 75 percent of all seamen employed on a U.S. vessel which departs from a U.S. port to be citizens of the United States, 46 U.S.C. 8103(b). This applies to fish processing workers as well as the crew.

However, the Coast Guard has informed me that this labor requirement is not applicable if the vessel departs from a foreign port.

Therefore, a foreign fish processing company is legally capable of establishing a corporate subsidiary with U.S. management to document foreign-built processing vessels under the laws of the United States. By doing so, these vessels could be entitled to the domestic processor preference embodied in section 204 of the MFCMA. In addition, both foreign and domestic processing vessels may avoid the U.S. labor requirements if the vessels are based in foreign ports.

These loopholes in the law hinder any meaningful attempt on the part of Federal fishery managers to develop a management regime which encourages the continued development of domestic processing capacity.

Widespread reflagging would impose a competitive disadvantage on legitimate domestic operations which have made substantial investments in onshore processing equipment and U.S.-built vessels. Unless something is done, foreign companies will have the ability to claim the domestic preference, and compete with the domestic industry at greatly reduced capital costs.

There is also the potential for reflagging to create a competitive disadvantage within the domestic sector. The ability to reflag foreign-built vessels received little attention in the North Pacific until recently.

Domestic processors are now concerned that a decision to build vessels in U.S. shipyards in anticipation of the domestic preference could be turned into a costly mistake by the reflagging loophole.

In response to the growing concern of the North Pacific fishing industry, I am introducing legislation which will eliminate the ability of reflagged vessels to process fish.

This bill is designed to establish a level playing field for all domestic operators without impeding the free flow of investment capital necessary for the development of the fishing industry.

Section 1 imposes a 10-year moratorium on the ability of foreign-built vessels to engage in fish processing under the U.S. flag. The moratorium applies to foreign-built vessels documented after January 1, 1987. I know of no such vessels documented after January 1, and believe it is fair and equitable to close the loophole as of that date.

I want to put forth foreign and domestic companies on notice that a race to reflag vessels during the pendency of the congressional review process will not be tolerated. Any companies which reflag vessels after January 1 in anticipation of a different effective date do so at their peril.

Section 2 imposes a permanent requirement that all seamen employed on fish processing vessels documented under the laws of the United States be U.S. citizens, irrespective of the port from which such vessels may depart.

Section 3 addresses an issue which is related to another aspect of activities by foreign fish processors. It has come to my attention that the law permits U.S. cargo vessels to deliver fish into U.S. ports from foreign fish processors, even though direct delivery by the foreign processor itself is prohibited.

The Federal Government has very little information about the actual extent of such transhipment of fish products. This section grants the Secretary of Commerce the authority to issue regulations requiring U.S. cargo vessels engaged in transshipment to provide information on the extent to which this activity is taking place. It also requires the Secretary to submit a report within 6 months on the potential impact of such transshipment on the development of the U.S. fishing industry, and to provide recommendations on how to best regulate this practice, if necessary.

Section 4 provides for the termination of the provisions of this act at the end of a 10-year period. This sunset provision is necessary to ensure that the provisions of this legislation did in fact assist in the continuing Americanization of the U.S. fishing industry.

The fishermen and processors of Alaska have convinced me of the urgency of addressing these issues so that investments in the domestic fishing industry can continue apace. I urge the Senate to review this issue as quickly as possible.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, it shall be unlawful for any foreign-built vessel documented under the laws of the United States after January 1, 1987, to engage in the processing of fish for commercial use or consumption.

SEC. 2. Section 8103(b) of title 46, United States Code, is amended—

(1) by striking "or yacht" and inserting in lieu thereof ", yacht, or foreign-built fish processing vessel"; and

(2) by adding immediately after the first sentence the following: "All of the seamen employed on a fish processing vessel documented under the laws of the United States shall be citizens of the United States.".

SEC. 3. Section 4311(a) of the Revised Statutes of the United States (46 App. U.S.C. 251(a)) is amended by adding at the end the following: "The Secretary of Commerce may issue such regulations as the Secretary considers necessary to obtain information on the transportation of fish products by vessels of the United States from foreign fish processing vessels to points in the United States. The Secretary shall submit a report to the Senate Committee on Commerce, Science and Transporation, and to the House Committee on Merchant Marine and Fisheries—

(1) setting forth, within six months of the date of enactment of this Act—

(A) an evaluation of the potential impact of such transportation of fish products on the development of the domestic United States fishing industry; and

(B) recommendations, if any, for legislation or other action to regulate such transportation of fish products in a manner most beneficial to the future development of the domestic United States fishing industry; and

(2) at such other times as the Secretary of Commerce determines that legislation is needed to assure the full development of the domestic United States fishing industry.

SEC. 4. The provisions of this Act shall be effective until June 1, 1997.

Mr. MURKOWSKI. Mr. President, it is a pleasure to join my colleague, Senator STEVENS, in introducing this legislation of vital importance to the development of a strong U.S. fish processing industry.

This legislation would remove a loophole caused by various interpretations of the vessel documentation laws and the Magnuson Fisheries and Conservation Management Act. It would impose a 10-year prohibition on the use of reflagged foreign vessels for the purposes of fish processing.

Documentation does not require that a vessel be built in the United States or that corporations seeking to document a vessel have U.S. shareholders. The law does restrict the use of reflagged vessels in the coastwise trade and as fish harvesting vessels. However, there is no restriction on the use of reflagged vessels as fish processing vessels.

This loophole, if not closed, could result in a situation in which a foreign processing company can, by merely establishing a U.S. subsidiary and employing minimal U.S. management, document a foreign vessel as a "vessel of the United States" and thereby receive access to prime fishing areas reserved for the domestic industry. The fish processed on such a vessel could then be directly delivered to markets in the United States.

In order to encourage the development of a strong domestic fish processing industry, the MFCMA grants the authority to reserve access to prime U.S. fishing resources for the domestic fishing industry. Under U.S. law, a vessel is considered "a vessel of the United States" if it is documented under U.S. law.

Because U.S. law does not require "vessels of the United States" which embark from foreign ports to employ U.S. labor other than the master and chief of this ship, vessels could enjoy this access while employing predominantly foreign seamen.

The law as it currently stands has put U.S. built and manned offshore processors and onshore processors at a competitive disadvantage in relation to reflagged processors. While the bill would grandfather in the rights of existing reflagged processing vessels, a 100 percent U.S. citizenship requirement would be imposed for crews working on these vessels. This requirement, and the 10-year prohibition on the use of reflagged vessels for fish processing would serve to level the playing field for all fish processors.

Finally, let me note the importance of additional provisions of this legislation requiring the Secretary of Commerce to investigate the extent to which transshipment, the practice by which foreign processors transfer processed fish to U.S. cargo vessels for delivery to the U.S. market, may impair the continuing effort to fully develop the U.S. fishing industry.

In the closing days of the 99th Congress, I introduced similar legislation to call to my colleagues' attention the need to address this serious problem. I am pleased to join my colleague, the senior Senator from Alaska in once again addressing this issue and I urge my colleagues to join us in supporing this legislation.

By Mr. THURMOND:

S. 378. A bill to amend the Tariff Schedules of the United States to continue the suspension of duty on menthol feedstocks; to the Committee on Finance.

SUSPENSION OF DUTY ON MENTHOL FEEDSTOCKS

● Mr. THURMOND. Mr. President, today I am introducing a bill that was introduced by me in the 99th Congress which would further extend the temporary suspension of the duty on certain menthol feedstocks. These feedstocks are utilized by domestic manufacturers to produce synthetic menthol. A duty is imposed on these chemicals when they are imported into the United States from West Germany. Since there are no domestic industries that produce these particular feedstocks, this duty affords no protection to any chemical manufacturer in the United States. To the contrary, it imposes an unnecessary financial burden on the U.S. menthol industry by increasing production costs.

To relieve this unnecessary burden, I introduced a bill in 1983 to temporarily suspend the duty on menthol feedstocks. That legislation was ultimately incorporated into the Miscellaneous Tariff Act of 1984 which became law in October 1984. It provided for the suspension of this duty until December 31, 1987.

Unfortunately, the situation facing our domestic menthol industry has worsened since 1984. There are still no American producers of menthol feedstocks. The American menthol industry must import these vital feedstocks to produce menthol products. The American menthol industry is then forced to compete against foreign, cheaply produced menthol products in domestic and international markets. In 1984, the market price for the finished menthol product was $10.70 per pound. Since that time, the market price has steadily declined. The decline in market prices is due to foreign countries which subsidize and protect their menthol producers. This decline in prices has had a severe impact on our domestic industry. The United States has only one domestic manufacturer of menthol. This producer has suffered a 40-percent drop in operating profits from 1985–1986. Despite eroding profits, this company has managed to maintain its market share over the past few years. However, if the suspension of this duty is not extended, the future of domestic menthol production looks bleak.

This bill would simply extend the suspension of the duty on menthol feedstocks for 5 more years, until December 31, 1992. It would permit the continued receipt of the particular feedstocks necessary to produce menthol without paying a duty.

Mr. President, I realize this bill will not solve all the numerous trade difficulties faced by our domestic menthol industry. However, it would assist one domestic business in its competition against foreign manufacturers. It will help preserve the American menthol industry and many American jobs. For these reasons, I urge the prompt passage of this important legislation.●

By Mr. THURMOND:

S. 379. A bill to amend the Tariff Schedules of the United States with respect to extracorporeal shock wave lithotripters; to the Committee on Finance.

EXTRACORPOREAL SHOCK-WAVE LITHOTRIPTERS

● Mr. THURMOND. Mr. President, today I am introducing legislation which is designed to remedy an existing inequity in the Tariff Schedules of the United States concerning the classification of extracorporeal shock wave lithotripters.

The extracorporeal shock wave lithotripter is a new invention which generates a shock wave to disintegrate kidney stones without invasive surgery. At present, the only lithotripter manufacturer which has received Food and Drug Administration approval for use in the United States is Dornier Medical Systems, which is based in West Germany. There are no domestic manufacturers presently producing a lithotripter approved by our Government.

The lithotripter enables patients to avoid surgery. It reduces pain and suffering, inpatient hospitalization, and the cost of kidney stone treatment. In fact, many lithotripter procedures can be performed on an outpatient basis.

Under the present tariff schedule, lithotripters fall under the "electromedical apparatus" category. Within this category there are two different duty schedules. A duty of 9.2 percent is imposed on an "electrosurgical apparatus." All other items in this category carry a 4.4-percent duty. Whether the procedure is surgical or nonsurgical is apparently a determining factor in regards to the amount of the duty. The duty on a surgical apparatus is over twice the duty on any other electromedical apparatus, and represents a great deal of money on costly items like lithotripters. Specifically, the difference in duties when applied to the present price of the lithotripter is approximately $100,000.

In 1983, the Customs Service made a determination that the lithotripter should be treated as a surgical apparatus. That decision is surprising since no surgery is actually performed with the lithotripter. Indeed, the whole utility of the machine lies in the fact that its use avoids invasion of the body or other surgical techniques. Nevertheless, the Customs Service reasoned that a surgical device is one used by surgeons. Since urologists are surgeons, and since urologists are expected to operate these machines, the Customs Service ruled that the device waa a surgical device.

This decision seems to contradict an equally important decision taken by another Federal agency on the same question.

For purposes of Medicare reimbursement, the Federal Government assigns diagnostic related groups [DRG] classifications to each surgical procedure and pays accordingly. The choice for most lithotripter applications is either medical treatment of kidney stones [DRG 324] or surgical treatment of kidney stones [DRG 305].

Presently, Medicare is reimbursing the lithotripter treatment under the medical treatment DRG and not the surgical DRG. The reimbursement is substantially lower than if the surgical DRG was used.

Thus, the Federal Government determines that this is a surgical procedure for customs purposes and a medical procedure for reimbursement purposes. These determinations are unfair and inconsistent with good Government policy.

Mr. President, my bill would correct this inequity by reclassifying lithotripters entered, or withdrawn from warehouse for consumption, on or after April 30, 1986, at the lower 4.4-percent duty rate.

I strongly encourage my colleagues to favorably support this bill and help patients avoid surgery by making these machines available at reasonable costs.●

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 380. A bill to suspend temporarily the duty on dicyclohexylbenzothiazylsulfenamide; to the Committee on Finance.

SUSPENSION OF DUTY ON CHEMICAL DCBS

● Mr. THURMOND. Mr. President, today I am introducing legislation that was introduced by me in the 99th Congress to temporarily suspend the duty on the chemical dicyclohexylbenzothiazylsulfenamide [DCBS], which is used as an accelerator in the production of radial tires.

Mr. President, with the enactment of the Trade and Tariff Act of 1984, Public Law 98-573, the duties on a wide array of items, including numerous chemicals, were temporarily suspended. The suspended duties generally involved items not domestically manufactured or produced and for which there is no readily available substitute produced domestically. Although that is the case insofar as DCBS is concerned, unfortunately this request was not brought to the attention of Congress during consideration of the Trade and Tariff Act of 1984. Therefore, the duty on DCBS—$0.017/lb, plus 16.2 percent ad valorem—was unaffected by enactment of that measure.

Ironically, another chemical, diphenyl guanidine [DPG], which is also used as an accelerator in the manufacture of radial tires, and for which there is neither a domestic manufacturer nor a domestically produced substitute, was listed for temporary duty suspension in the 1984 act. However, as the respective manufacturing processes involving these two chemicals differ, they cannot be substituted. Thus, a situation exists where radial tire manufacturers utilizing one process can import an essential chemical duty free, while those employing another process must pay a duty. Enactment of the legislation I am introducing today would rectify this unfair situation.

Mr. President, the policy considerations surrounding the issue of duty suspension on items or substances for which there is no domestic manufacturer, nor a readily available domestically produced substitute, strongly favor suspension of those duties. Suspending the duties on such imported items benefits consumers, as well as industries in which those items are critical to the production process.

In the case of the chemical DCBS, suspension of the currently imposed duty will lessen the cost of producing radial tires. As a result, the competitiveness of our domestic producers in the world market will be strengthened, American jobs will be preserved, and consumers will gain the benefit of lower prices for domestically produced radial tires. In addition, as I mentioned earlier, suspension would also eliminate an inequity which currently exists in our tariff laws.

Mr. President, I urge my Senate colleagues to join me in supporting swift Senate passage of this measure.●

By Mr. GARN (for himself, Mr. DANFORTH, Mr. DECONCINI, Mr. FORD, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HELMS, Mr. HUMPHREY, Mr. KASTEN, Mr. LUGAR, Mr. MCCLURE, Mr. MCCONNELL, Mr. NICKLES, Mr. PRESSLER, Mr. PROXMIRE, Mr. SYMMS, Mr. ZORINSKY, and Mr. HATFIELD):

S.J. Res. 27. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT WITH RESPECT TO RIGHTS OF THE UNBORN

● Mr. GARN. Mr. President, I am pleased today to join with 18 of my colleagues to offer an amendment to the Constitution of the United States to protect human life. Today, January 22, 1987, marks the 14th anniversary of the Supreme Court's decisions legalizing abortion. We join together on this anniversary to both censure the Court's error in this regard and to mourn the deaths of millions of unborn children who have become victims of it. It is my concern about the destruction of human life, as well as the abuse of those rights guaranteed to all of us in our Constitution, that leads me to introduce this amendment again. I have sponsored it previously in the 95th, 96th, 97th, 98th, and 99th Congresses. In fact, this amendment is the traditional human life amendment that has been introduced each Congress since those Court decisions in 1973.

The amendment states that—

> With respect to the right to life, the word "person" as used . . . in the fifth and fourteenth amendments to the Constitution . . . applies to all human beings, irrespective of age, health, function, or condition of dependency, including their unborn offspring at every stage of their biological development.

It goes on to specify that measures necessary to prevent the death of the mother should not be prohibited.

I thank those in this body who have joined with me in cosponsoring this effort. I appreciate your support, not only as colleagues, but because it is again an indicator to me of the broad support among the people of our Nation in the effort to resolve the tragedy of abortion. I commend, as well, the individual efforts of several colleagues in their fight to protect the unborn. I also thank the thousands who have come to this city and those throughout our country who have gathered to peacefully protest the Supreme Court's decisions, as well as mourn the violent deaths of the unborn that continue to take place even now. I lend my voice to the protest and call upon you in this Congress to join with me.

As we look to celebrate the 200th anniversary of our Constitution, it is fitting that we renew our efforts to protect its most basic guarantees. I have always understood that it was the function of that document to protect what Jefferson called those "unalienable rights," first and foremost of which is life. I do not see how it can at the same time be construed to sanction the wholesale destruction of human life that is taking place in our society today at the rate of over 1.5 million lives per year.

In my readings of the Constitution, I have never found an all-encompassing right to abortion. That the Supreme Court erred in its holding in 1973 is unquestionable. The Court assumed for itself a legislative role and in effect wrote a statute governing abortions for the entire country, a statute more permissive than those enacted by any of the 50 States before then. I think that it is fair to say that these abortion decisions are the most criticized of our time.

In fact, criticism is often leveled by those who, for the most part, are proabortion. They not only recognize the necessity for judicial restraint, they respect the explicit language of the Constitution, the implications that are reasonably derived therefrom, the powers of the States within our system of government, and certainly the moral beliefs and sensibilities of the people of the United States. The abortion decisions ought to be overturned by a constitutional amendment primarily because of the human havoc they are spreading. But they ought also to be overturned because they are an affront to the excellence that ought to characterize our constitutional law.

We have just celebrated a national holiday commemorating civil and human rights. The abortion issue, itself, is often—and properly—addressed as a conflict of rights, namely, a woman's right to control her own body versus the unborn child's right to live. Advocates of abortion often speak as though they have some kind of corner on rights, justice, equality, and humanitarianism. They are free to believe that, if they wish, but I don't think there can be much justice or humaneness in a philosophy which espouses abortion on demand.

None of the statutes which have come before the Congress presume to "force" a woman to become pregnant, to prohibit the use of contraceptives, or to otherwise regulate the kind of behavior which results in pregnancy. However, the tragedy that has evolved because of our abortion policies is that abortion is now used by many as a substitute for birth control. Over one-third of all abortions are performed on women who acknowledge at least one previous abortion. The fact that is so conveniently overlooked, though, is that once a woman becomes pregnant, another separate living human being is then involved who ought to have some sort of protection, whose rights ought to be considered. Because the Supreme Court entirely disregarded this fact does not justify our doing so.

Medical and biological science teaches unequivocally that new life begins at conception, not at birth. Indeed, medical advances are changing the way that many regard life in the womb. Surgery is performed on fetuses to correct medical problems before birth. Premature babies are surviving at younger ages. Doctors and others are acknowledging the very real possibility that fetuses endure terrible pain as result of abortion techniques. Additionally, the moral and ethical questions of responsibility and, indeed, life are and must be addressed for babies who survive abortion procedures. Given all this, can it be possible to say that a nonviable fetus at 7 or 8 months' gestation—who is eligible for abortion under Roe versus Wade—is not human or alive when compared with a newborn at 9 months' gestation.

It is a value question, then. The Court says that a mother has the right to end the life of her fetus in order to continue leading a life she prefers. Is human life so inconsequential that the difference depends only upon whether or not a child is wanted or convenient? Can one infant be human and another subhuman or nonhuman as a matter of convenience or desire? I know these can be difficult, even heart-rending questions, but I must continue to stand for the supremacy of human life itself: not meaningful life, nor wanted life, nor normal life, nor convenient life, but simply life itself.

Obviously, arguments about the meaningfulness of life have value only after the right to life has been recognized. I don't want to minimize the size, cost, and personal impact of problems resulting from unwanted pregnancies or potential birth defects. It is true that there are too few families, neighbors, churches, and communities that offer meaningful assistance to rape victims, parents of the handicapped, or pregnant teenagers. There are several measures before this body to enhance those services. Additionally, we are seeing efforts at the local level to offer alternatives. But even this lack of help is no justification for the deliberate termination of innocent human life. Dignified and charitable alternatives can and must be expanded at all levels. To so willingly abandon the search for alternatives in favor of such violence demonstrates an appalling lack of imagination and belief in ourselves.

Mr. President, I am hopeful that steps can be taken in this historic Congress to preserve those guarantees found in our Constitution and to protect the lives of our unborn.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 27

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. With respect to the right to life, the word 'person', as used in this article and in the fifth and fourteenth articles of amendment to the Constitution of the United States, applies to all human beings, irrespective of age, health, function, or condition of dependency, including their unborn offspring at every stage of their biological development.

"Sec. 2. No unborn person shall be deprived of life by any person: *Provided, however*, That nothing in this article shall prohibit a law permitting only those medical procedures required to prevent the death of the mother.

"Sec. 3. Congress and the several States shall have the power to enforce this article by appropriate legislation within their respective jurisdictions."●

By Mr. GRASSLEY (for himself, Mr. Nickles, Mr. Humphrey, Mr. Garn, and Mr. Hatch):

S.J. Res. 29. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right of life; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT WITH RESPECT TO THE RIGHT TO LIFE

● Mr. GRASSLEY. Mr. President, I rise today to introduce an amendment to the Constitution of the United States on behalf of myself and Senators Nickles, Humphrey, Garn, and Hatch relative to the practice of abortion.

Mr. President, the Constitution of the United States is one of the most important documents in the history of human rights. The rights that it safeguards are fundamental and can only be preserved by maintaining limits on Government power, and by insuring that no single branch of Government exceeds its authorized powers. The Constitution should not be amended, in the words of the framers, for "light and transient causes." The protection of innocent human life is, however, the right most worthy of inclusion in the Constitution.

Fourteen years ago today, the Supreme Court of the United States rendered a decision that I believe was wrong in its substance and in its legal reasoning.

Fourteen years ago today, the Court ruled that State laws prohibiting the termination of the life of human beings not yet born were unconstitutional.

Fourteen years later, over 19 million human lives in the United States have been terminated.

Mr. President, in 1973, when Roe versus Wade was decided, we did not have the technology enabling us to look inside a mother's womb in order to see what we all should have known was there—a young human being. Without today's medical knowledge, our Supreme Court handed down a decision that began a slaughter of innocent Americans, unborn.

An argument given before the court was that with legalized abortion, the rate of child abuse would surely drop, because unwanted pregnancies could be done away with. Instead, since legalized abortion, child abuse has skyrocketed. I believe this to be directly related to abortion's effect on how our Nation values human life. When a Nation no longer has respect for the life of the unborn it will no longer have respect for the newborn.

In Roe versus Wade, the Supreme Court first declared that one of the liberties constitutionally protected by the 14th amendment against State infringement was the right of privacy which, "encompasses a woman's decision whether or not to terminate her pregnancy." Finding this right of privacy to be a fundamental right, the Court declared that State laws infringing upon this right cannot be sustained unless they are necessary to effectuate a "compelling State interest."

In other words, Mr. President, whether or not the State law that was the subject of the Roe Case was a desirable law, it did not offend any specific prohibition of the Constitution. In order to find the State law unconstitutional, a new constitutional prohibition had to be found. So, the Court read the first, third, fourth, fifth, ninth, and 14th amendments together, and since some parts of those constitutional protections dealt with aspects of privacy, they, in the Court's view, created a general right of privacy.

Having carved this new and independent fundamental right of privacy out of the stone of six separate constitutional amendments, the Supreme Court in 1973 proceeded to strike down a State law against the procurement of abortion on the authority, not of the Constitution, not of the amendments that made up the Bill of Rights, but under the authority of its 1965 decision in Griswold versus Connecticut that privacy was a fundamental right, secured against all but the most compelling of State interests, and then concluding that the State did not have a sufficient interest in protecting human beings that were not yet born.

Mr. President, what could be a more compelling State interest than the protection of innocent human life? The 14th amendment and the fifth amendment specifically prohibit Federal and State governments from depriving "any person of life—without due process of law." The Declaration of Independence states that, "We hold these truths to be self-evident, that all men are created equal. That they are endowed by their Creator with certain inalienable rights. That among these are life . . ." and that "to secure these rights, governments are instituted among men . . .".

Mr. President, ours is a constitutional republic, with democratic institutions. Those elected to these institutions are to make laws to secure the rights promised in the Declaration of Independence and in the Constitution itself. The courts, which are neither elected nor subject to the popular control of the people are to interpret the laws made by elected officials, and to apply those laws to the specific facts before them.

The legalization of abortion is a practice that Congress would not have done, and that the Supreme Court should not have done. It should not have legalized abortion both because it is questionable whether the Court was authorized to strike down State laws, because State laws prohibiting abortion did not violate the Constitution, and most importantly, because State laws prohibiting abortion were right.

What our judicial system has failed to correct we must now propose in our hearts to do. We can no longer remain indifferent to the medical proof that an unborn child is a real person—a real human being—with the same inalienable, God given rights as we. The rights to ". . . life, liberty and the pursuit of happiness . . ." as our Nation's lawmakers, we must defend the rights of the helpless—and the unborn. The destiny of our Nation depends on this decision.

Mr. President, I am a farmer. Maybe it is that I have lived all my life in Iowa and worked close to the land that makes me believe what I do. On the farm we see life day by day. Farmers are not afraid to get a little dirt under their fingernails when they till the soil. The tillage of the soil is a necessary part of growth and respect for nature. I have seen the birth of many animals as a natural course of daily life. No farmer would dream of aborting a calf. Not only would it hurt the cow, it would break the uninterrupted cycle of life God intended when he put us here. A farmer recognizes that each life, whether it is the offspring of his livestock or of his own family, is a resource of limitless value. Each offspring is a God-given resource, that perpetuates and enhances the lives of all creatures.

If we fail to act, future generations will look back in bewilderment, as to how we allowed abortion on demand to continue undaunted. In much the same way we look back now in sadness at how our Nation denied constitutional rights to blacks in the Dred Scott decision, and denied rights to women up to the early part of this century.

Mr. President, we no longer can excuse ourselves from this decision. We must act during this Congress to end abortion on demand and secure the constitutional rights for all persons, whether born or unborn. I, therefore, propose this joint resolution and ask that it be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 29

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

"Article—

"Section 1. With respect to the right to life, the word 'person' as used in this article and in the Fifth and Fourteenth Amendments applies to all human beings regardless of age, health, function, or condition of dependency, and includes the unborn offspring of any such human, at every stage of the biological development of such offspring.

"Section 2. No unborn person shall be deprived of life by any person, except that nothing in this article shall prohibit a law permitting only those medical procedures required to prevent the death of the mother.

"Section 3. The Congress and the several States shall have power to enforce this article by appropriate legislation.".●

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. Boren, the name of the Senator from Michigan [Mr. Levin] was added as a cosponsor of S. 2, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 245

At the request of Mr. Bentsen, the names of the Senator from Wyoming [Mr. Simpson], the Senator from Virginia [Mr. Warner], and the Senator from Vermont [Mr. Stafford] were added as cosponsors of S. 245, a bill to provide for the reimbursement of States for advance construction of highways.

S. 328

At the request of Mr. Sasser, the names of the Senator from Hawaii [Mr. Inouye], the Senator from Louisiana [Mr. Johnston], the Senator from Texas [Mr. Bentsen], and the Senator from Maryland [Mr. Sarbanes] were added as cosponsors of S. 328, a bill to amend chapter 39, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes.

S. 332

At the request of Mr. DeConcini, the names of the Senator from Ohio [Mr. Metzenbaum] and the Senator from Massachusetts [Mr. Kerry] were added as cosponsors of S. 332, a bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes.

S. 347

At the request of Mr. Sasser, the name of the Senator from Ohio [Mr. Metzenbaum] was added as a cosponsor of S. 347, a bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care provided during peacetime.

SENATE RESOLUTION 80—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was considered:

S. Res. 80

Resolved, That this resolution may be cited as the Omnibus Committee Funding Resolution of 1987.

AGGREGATE AUTHORIZATION

Sec. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized in the aggregate $45,087,512, in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) Each committee referred to in subsection (a) shall report its fundings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1988.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committees who are paid at an annual rate, or (2) for the payment of long-distance phone calls.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1987, through February 29, 1988, to be paid from the appropriations account for "Expenses of inquiries and investigations".

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Sec. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,304,430, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 201(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

Sec. 4. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,119,856, of which amount (1) not to exceed $135,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

Sec. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,167,877, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Sec. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,659,572, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorizes by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,970,655, of which amount not to exceed $22,660 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $3,322,736, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,704 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,405,168, of which amount not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,341,434, of which amount not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contigent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,223,333, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,442,798, of which amount not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,453,972, of which amount (1) not to exceed $49,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,560 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents;

(iii) the adequacy of present intergovernmental relationships between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular reference to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1987, through February 29, 1988, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Permanent Subcommittee on Investigations specifically authorized by the chairman, by deposition.

(4) All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 353 of the Ninety-ninth Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,262,841, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,471,270, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the Services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,231,058, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $956,048.

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $907,901.

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,077,424, of which amount (1) not to exceed $33,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $800 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,926,804, of which amount not to exceed $41,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Lgislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed on it by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, the Select Committee on Indian Affairs is authorized from March 1, 1987, through February 29, 1988, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $842,335, of which (1) amount not to exceed $9,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

AMENDMENT TO RULE XXXIX OF THE STANDING RULES OF THE SENATE

SEC. 22. Paragraph 1 of rule XXXIX of the Standing Rules of the Senate is amended by—

(1) inserting "(a)" after "1.";

(2) redesignating clauses (a) and (a) as clauses (1) and (2), respectively; and

(3) inserting at the end thereof the following:

"(b) The travel restrictions provided by subparagraph (a) with respect to a Member of the Senate whose term will expire at the end of a Congress shall apply to travel by—

"(1) any employee of the Member;

"(2) any elected officer of the Senate whose employment will terminate at the end of a Congress; and

"(3) any employee of a committee whose employment will terminate at the end of a Congress".

SENATE RESOLUTION 81—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 81

Whereas, in the case of United States v. George Morales, et al., No. 86-6129-Cr, pending in the United States District Court for the Southern District of Florida, one of the defendants has obtained subpoenas for documents addressed to Senator Pell, the Chairman of the Committee on Foreign Relations, and Senator Durenberger, the former Chairman of the Select Committee on Intelligence;

Whereas, Barbara F. Allem, chief clerk of the Committee on Foreign Relations, and Kathleen P. McGhee, chief clerk of the Select Committee on Intelligence, as the custodians of records for their committees, have been substituted for Chairman Pell and former Chairman Durenberger as subpoena respondents;

Whereas, pursuant to section 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1982), the Senate may direct its counsel to defend the committees, Members, officers or employees of the Senate with respect to any subpoenas issued to them in their official capacities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Barbara F. Allem and Kathleen P. McGhee and any committees, Members, officers, or other employees of the Senate, in the case of United States v. George Morales, et al.

AMENDMENTS SUBMITTED

OMNIBUS COMMITTEE FUNDING RESOLUTION

SYMMS AMENDMENT NO. 4

Mr. SYMMS proposed an amendment to the resolution (S. Res. 80) authorizing expenditures by committees of the Senate; as follows:

At the appropriate place add the following: Each of the monetary amounts contained herein is reduced by five per centum.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Thursday, January 29, 1987, 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony concerning the President's proposed budget for the Department of the Interior for fiscal year 1988. Secretary of the Interior Donald Paul Hodel is scheduled to testify.

For further information, please contact D. Michael Harvey at 202-224-0611.

Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Thursday, January 29, 1987, 11 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony concerning the current status of the Department of Energy's nuclear waste activities. Secretary of Energy, John S. Herrington, is scheduled to testify.

For further information, please contact Mary Louise Wagner at 202-224-7569.

ADDITIONAL STATEMENTS

UKRAINIAN INDEPENDENCE DAY

● Mr. LAUTENBERG. Mr. President, I rise today to commemorate the 69th anniversary of the declaration of the independent Ukrainian state. Last week, we joined in solidarity with political prisoners in the Ukraine. Today, we should reflect on the 3-year period of Ukrainian independence and pay tribute to the brave Ukrainians who have kept the struggle for freedom and independence alive.

On January 22, 1918, a sovereign Ukrainian National Republic was established. From that time until the Soviet takeover in 1921, Ukrainians reaped the fruits of independence. Although the period of independence lasted for only 3 years, it has provided a source of inspiration for Ukrainians who respect and cherish freedom. It has sparked a flame in every Ukrainian heart. A raging flame, kindled by a passion for freedom and fueled by a relentless pursuit for independence.

It is particularly fitting to pay tribute today to Miroslav Medvid, the Ukrainian sailor who twice jumped off a Soviet freighter in his quest for freedom. Like so many Ukrainians, Miroslav Medvid sought freedom from political and religious persecution. He sought the opportunity to live his life, free from the burden of repression and denegration.

I am proud to honor the brave men and women of the Ukraine today. Their strong will has kept the Ukrainian independence movement alive. They have continually proven that their commitment to cultural, religious, and political freedoms is strong. That they can survive the harsh treatment of the Soviet Union—Russification of Ukrainian schools, government induced famine, grueling prison sentences, persecution of religious leaders, and continual harrassment.

With our support, these courageous individuals can keep the quest for independence alive in the Ukraine. Today, we give them that support and the hope to continue fighting for independence.●

CONGRATULATIONS TO THE IOWA HAWKEYES

● Mr. HARKIN. Mr. President, I rise to congratulate some exceptional young Iowans for their outstanding athletic performance this past Monday night. For the first time in the school's history, the University of Iowa men's basketball team became the top-ranked club in the Nation by the Associated Press college basketball poll. Iowa's fine ball handlers including Roy Marble, Kevin Gamble, Ed Horton, Jeff Moe, Brad Lohaus, and B.J. Armstrong carried the club to victory over Purdue Monday night, bringing this season's perfect record to 17 to 0, the Nation's longest winning streak.

The Purdue game proved for all to see that the first year Iowa coach, Tom Davis, has some truly inspired players. The Hawkeyes came to West La Fayette, IN, and put another spectacular game performance into the record books. After finishing sixth in the Big Ten last season, the Hawkeyes needed some healthy encouragement. And this season, in Iowa City, Coach Davis has created just the atmosphere of discipline, confidence, and sportsmanship that the Hawkeyes needed to bring it all together.

Playing most of the first half and all of the second half without leading scorer Roy Marble, playing from behind in the second half, and playing on the road, Iowa beat fifth-ranked Purdue 70 to 67 much to the dismay of Purdue Coach Gene Keady's Boilermakers. Along with their victory over Purdue on the road, Iowa had recently defeated the Fighting Illini of Illinois, a game in which the Hawkeyes overcame a 22-point deficit with only 16 minutes remaining in the game.

Mr. President, as you know, deficit reduction is the only game in town for this 100th Congress. Today, I urge my colleagues to draw a lesson from the world of college athletics. The Iowa Hawkeyes have set the standard for deficit reduction and we in the Senate should follow their fine example.

Winning on the road against two ranked Big Ten teams just is not done except, of course, when the Iowa Hawkeyes come to town. That's the true test. The most difficult task in basketball is beating a top-ranked team on its home floor.

The Iowa Hawkeyes have once again lifted the spirits of a people who know adversity and hard times. Winning, like losing, is a test of the spirit of people everywhere. As the Iowa school fight song says:

On Iowa with our wealth untold,
A heritage to us you did unfold,
Love of family, love of friend,
Love of country too,
Makes us proud for what you stand.

These words express the spirit of Iowans toward a truly number one school—one which emphasizes excellence in both academics and athletics. I hope you will join me in congratulating the number one basketball team in America—the Iowa Hawkeyes. As we say in Iowa, "Go Hawks!"●

USA FOR AFRICA

● Mr. LEAHY. Mr. President, one of the scenes that we will long remember from 1985 is of thousands of Ethiopians dying of starvation. That famine, a result of years of drought and civil war, might have been averted if the Ethiopian Government had not waited months before notifying the international community of the disaster. A million Ethiopians died before an outpouring of humanitarian aid from the United States and other countries saved an estimated 7 million.

One of the most remarkable relief efforts was by USA for Africa, which produced the song "We Are The World." The sales of that record raised more than $51 million, $49.5 million of which have now been spent or committed in Ethiopia, Sudan, and eight other African countries hardest hit by famine.

USA for Africa would be the first to agree that concerts and events like "Hands Across America," which it also sponsored, are no substitute for the ongoing efforts of governments and private voluntary organizations to fight hunger. However, in just 2 years USA for Africa, under the able leadership of Marty Rogol, has won praise for tightfisted management and innovative strategies for distributing its proceeds. One of its most successful strategies was to seek the help of representatives of the established relief agencies who were stationed in the field where the funds would be used. Those representatives were asked to pretend, for 1 day, that they were one agency, not competing for those funds.

Mr. President, USA for Africa is an example of how private citizens, acting together, can make the difference between life and death for millions of people. It is an inspiration to all of us, and I ask that a recent Associated Press article about USA for Africa be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

USA FOR AFRICA FORCES CRITICS TO CHANGE TUNE

(By Richard De Atley)

LOS ANGELES.—Look at that publicity photo from the recording session. There are Lionel Richie, who wrote the song, Michael Jackson, Tina Turner, Kenny Rogers, Bob Dylan, Bruce Springsteen, Bette Midler, Ray Charles, Diana Ross, Kim Carnes and Cyndi Lauper.

No American organization involved in African famine relief got more attention than USA for Africa, the star-studded charity that raised more than $51 million singing *We Are the World*.

And no organization faced so much initial resentment—or took more trouble spending its money.

Marty Rogol, director of USA for Africa, recalls meeting with executives of charitable organizations shortly after the record was released. One questioner was blunt: "Who do you think you are? To all of a sudden, out of nowhere, run a relief operation?"

Despite initial skepticism, USA for Africa won the admiration of established agencies for its tight-fisted management and innovative strategies.

"There were a lot of resentments about us, because of who the money comes from," Rogol said. "Here are these organizations, working away, doing all their good work, and then here comes a bunch of musical stars, and all of a sudden, they've got to deal with us."

We Are the World was recorded in January 1985 by 45 celebrities. The record went on sale early in March.

People who normally wouldn't drop a dime in a poor box bought the album or the single, the T-shirts or the video, or simply made a donation, and the organization said in October the total collection was $51.2 million.

USA for Africa decided in May that its few top people with some charity experience could not handle the flood of money coming in and requests for how to send it out.

"We had several choices when we first started, one of which would have been to have divided the money among X number of agencies and just give it out. Or the other extreme would be to set up a new agency," Rogol said. "We chose something in between."

USA for Africa approached the United Nations and various relief agencies, but not to hand over money.

"What we did say to them was, 'You definitely know more than we do about what's going on. So let's set up a system that uses that information, and your experience, but still allows us to maintain accountability,' " Rogol said.

Peter Davies, president and chief executive officer of InterAction, an umbrella organization representing 112 domestic private volunteer organizations, said about $250 million was raised for African relief in the United States from November 1984 to March 1986, including contributions to the American Red Cross and Live Aid, the U.S. arm of Bob Geldof's Band Aid group.

USA for Africa has spent or committed $49.5 million in Ethiopia, the Sudan and eight other African countries. It did it with seven to 10 staffers. It claims an operating overhead of just 1.5 percent.

That was accomplished by having representatives of various relief organizations working in Africa meet in the field and "pretend, for one day, that they were one agency, not competing for these moneys," Rogol said.

USA for Africa asked the representatives at those meetings to reach a consensus on the importance of relief projects.

There were other guidelines for longterm projects; USA for Africa did not want to be the sole source of funds for any project; progress reports were required; projects were to aim at making beneficiaries self-sufficient, and local people were to participate.

Proposals were reviewed in New York by InterAction and the United Nations Office for Emergency Operations in Africa. Those approved by both agencies were submitted to USA for Africa for consideration.

"It has worked unevenly in some countries, but it was better than just giving the money to whomever came through the door," said InterAction's Davies.

"They could be criticized because it took a long time for a decision to be made, but I think it was an asset," said Ann McKusick, director of resource development for World Vision International. "They gave authority to the people closest to the action."

USA for Africa officials say they have delivered millions of dollars more than the reported value of items, thanks to discounts, donations and bargain-hunting on the world market for food, medicine and equipment.

"For instance, the first emergency shipment we made to Ethiopia and Sudan was reported at the amount we paid for it—$613,000," said Tracy Gordon, USA for Africa director of grants. "But its actual retail value was $3.4 million."

That shipment included 240,000 pounds of food and medicine, destined for Sudan and Ethiopia aboard a chartered 747.

Gordon said cooperation with Bob Geldof's Live Aid organization saved money. A lot of USA for Africa goods bought in Europe were given free transit to Africa on cargo ships leased by Live Aid.

USA for Africa was among several charity organizations that contributed to a $1 million fund, elected CARE to represent them and obtained substantial discounts on trucks from Mercedes-Benz and British Leyland.

"The difference between coming to these companies individually with $50,000 in hand, or as a group with $1 million is pretty substantial," Gordon said.

While long-term projects were being considered, USA for Africa's "Rapid Response Fund" made emergency cash quickly available. One expenditure was $2.2 million for a joint project with Live Aid and the U.S. Agency for International Development in June 1985 to move 39,360 metric tons of food to the Sudan border.

Other emergency requests included $300,000 to finance food and medical aid deliveries by the Polish Air Force, Britain's Royal Air Force and the West German Luftwaffe into Ethiopian refugee camps.

USA for Africa was able to act quickly on emergency requests because of its small staff, said Jane Jacqz, who headed the UN's Office for Emergency Operations in Africa.

USA for Africa said it has spent or committed $6 million in Sudan and $5.5 million in Ethiopia. About $1 million in funds for Ethiopia is being held in abeyance "depending on how the human rights issue has been dealt with."

Chad has received $2.75 million in aid, with $3.25 million to Mali, $2 million to Burkina Faso, $1.7 million to Mauritania, $2.9 million to Mozambique, $1.9 million to Niger and $750,000 to Senegal. Somalia received emergency aid only.

An additional $5.227 million was placed in a trust for joint projects on food production with the African Development Bank, and $6.55 million was allocated for a medical task force fund.

"From the United Nations' point of view," Ms. Jacqz said, "the cooperation that came about in the field between the UN and the private volunteer organizations because of USA for Africa is really a model for future efforts."

"There was a bit of wariness at first," said Shelly Kessler, a CARE official, of USA for Africa's first attempts at reviewing bids. "There was a time when they needed to rework their ideas. The people involved had a lot of good ideas, but no idea what it meant in terms of implementation."

What developed was a tight organization that rejected pressure from Ethiopia to spend half its money there and gained a reputation for sending funding proposals back for more work.

USA for Africa's future is under review. Rogol has said that options include dissolving the organization, rather than have it become a self-promoting bureaucracy.

USA for Africa also sponsored the May 25 Hands Across America event that raised about half its goal of $50 million. For now, the organization has no projects planned.

Here is how USA for Africa reports allocating its funds:

Funds use reported by USA for Africa

Recovery and development projects:	*Millions*
Burkina Faso	$1.00
Chad	1.00
Ethiopia	2.50
Mali	1.50
Mauritania	.75
Mozambique	1.00
Niger	1.50
Senegal	.75
Sudan	2.50
Relief allocations:	
Burkina Faso	1.00
Chad	1.75
Mali	1.75
Niger	1.00
Ethiopia	3.00
Sudan	3.50
Mauritania	1.00
Mozambique	2.00
Other:	
Eritrea and Tigre, emergency allocations	.285
African Development Bank	5.20
Medical needs	7.80
Domestic relief	5.00
Rapid Response	4.00

INAUGURAL ADDRESS OF PETER MacDONALD, CHAIRMAN THE NAVAJO NATION

● **Mr. DOMENICI.** Mr. President, on Tuesday, January 13, 1987, Peter MacDonald was sworn in for an unprecedented fourth term as chairman of the Navajo Nation. His inauguration received national attention. Peter MacDonald is a good friend of mine, and I have pledged to help him achieve the goals he has set for himself and the Navajo Nation.

"The Navajo Nation is one of America's last economic frontiers," he said. "We must come out of our long hibernation, and enter into Spring. Let us forge ahead along the path toward economic self-sufficiency. Let us, once and for all, share in the bounty of America!"

"On this reservation we still live with housing and health standards from the last century," he said. "Let me be very clear: the traditional Navajo values do not include poverty!" Chairman MacDonald offered this challenge: "To the private sector, I say simply: Do business with us. Explore us, challenge us; we won't let you down."

Remarking about the Federal Government, Chairman MacDonald said, "To the Federal Government, I say: you are our Trustee. We hold our Treaty relationship with you sacred. It is written that you will help us. We need your help, but in a way that will make us less in need of it in the future. Give us a hand, so that we may walk with both feet."

Mr. President, the challenges facing the Navajo Nation are our challenges.

The new chairman of the Navajo Tribe stresses the unique status of Navajo Indians when he says, "We are after all, not only American Indians but Indian Americans." I believe my colleagues will appreciate the new energy for the Navajo leader and his positive program for the Navajo people.

The Congress of the United States has a special relationship and responsibility with Indian Americans. It is inspiring to me to see the leader of the largest Indian tribe in America state his intentions clearly and forcefully. I hope that we in the Congress will be ready to assist in every way possible to help the Navajo Nation and its new leader reach their important and attainable goals.

I would like to make Chairman MacDonald's address available to my congressional colleagues. Therefore, I ask that the full text of Chairman Peter MacDonald's inaugural address in Window Rock, AZ, be printed in the CONGRESSIONAL RECORD.

The address follows:

INAUGURAL ADDRESS OF PETER MACDONALD, CHAIRMAN, THE NAVAJO NATION, WINDOW ROCK, AZ

Fellow Navajo Tribal Members; distinguished guests; ladies and gentlemen:

One hundred and twenty years ago, we, the Navajo People returned from the Long Walk to reclaim this land as our home. Today I feel, I, too, have completed a long and difficult journey, and have returned home to serve my People. Honored Navajo elders, Navajo youth, Navajo Brothers and Sisters . . . with a humble heart and a soaring spirit, once again I accept your call to the Chairmanship of the Navajo Nation.

For the next four years, I will lead you with great determination—and as I look around this exciting country of ours, I see a wealth of opportunity for all of us. Our great Navajo Nation is a small, but vital part of the greatest nation on earth. We must take every advantage of the prosperity around us.

The Navajo Nation is one of America's last economic frontiers. We have precious resources waiting to be tapped intelligently. Resources like our land, water, minerals, natural beauty and most of all, ourselves. We need to direct these resources to meet and conquer the challenges of the future. Today, we must come out of our long hibernation, and enter into Spring. Let us forge ahead along the path toward economic self-sufficiency. Let us, once and for all, share in the bounty of America!

Our challenge is unmistakable.

Since I first become your Chairman in 1971, the Navajo population has doubled. By the year 2000, it could double again. If we are to prosper as a Nation, we must create jobs, for ourselves today, and for our children tomorrow.

This puts an enormous responsibility on our shoulders. Today on the Reservation, one of every two Navajos cannot find work. There are simply not enough jobs to go around. Day by day, the situation grows worse.

It is not acceptable that our children suffer the humiliation of not being able to find work. It is no less a tragedy when our children must leave family and friends in order to seek jobs in a strange city. All around us, hundreds of millions of dollars are invested every day.

These are private investments, not public grants. These dollars build power plants. They fund banks, and construct office parks, and open stores, and create jobs. We see the fruits of these private investments every time we leave the Reservation. I say to you that it is now time to see them here on the Reservation!

Our goal must be to go out, and find those jobs, and bring them home.

And here is how we will do it:

First, by streamlining our own bureaucracy. I learned recently that a company which came here wanting a business-site lease, had to obtain thirty-seven different approvals and wait countless months. That's appalling. Bureaucracy has been the death of our good intentions. It is time we used our power as a Government to attract businesses to Navajo, not frighten them off with unnecessary delay and redtape.

Second, we will start paying attention to the needs of the business world. We will offer each serious investor a package of incentives which will help ensure the profitability and security of their investment. We will turn to the Federal Government to aid us in this effort to make Navajo a magnet for free enterprise which complements our resource base and human skills. Navajo skills. Navajo talents.

And third, we will work hard. We will not rest until we have identified every potential business partner. We will not rest until we have studied their needs, made them proposals and sold them on us. We will not get those jobs by sitting here in Window Rock and shuffling paper. We will get them by going after them. We will get them by letting the world know that Navajo means business! And business means jobs!

Our drive to attain true economic self-sufficiency must also focus on education. Every year, more than 2,000 Navajo youth graduate from high school. Only three out of ten can afford to go on to college. This is a national disgrace, and it must be stopped. Money is keeping the classroom doors shut to our Navajo children. We must open those doors, and open them wide!

Our goal for the next four years is clear. We shall see to it that no Navajo student be denied a college education because of inability to pay. We must double or triple our scholarship funds. We must provide a full package of educational assistance to those who need it. We must not deny our sons and daughters the chance to develop our most precious natural resource: their minds.

It may be 1987 across America, in Gallup and Flagstaff and Farmington. But on this Reservation we still live with housing and health care standards from the last century. Let me be very clear: the traditional Navajo values do not include poverty! We produce more power than any other American community—and still, thousands of our homes are without electricity! Our reservation contains great bodies of clear blue water—and still, thousands of Navahos must drive ten miles or more to get water for basic cooking and washing needs. This is wrong, wrong, wrong!

We know it's 1987. And we know it's time that each and every Navajo have what every American in 1987 is entitled to as a matter of right?

We are, after all, not only American Indians but Indian Americans. Sixteen-thousand Navahos are veterans of our wars. When America needed a secret code to shorten the Second World War, we offered our language. On the sands of Iwo Jima, and in the forests of Germany and the jungles of Viet Nam, we gave our lives. Fifty percent of our Navaho families are families of veterans. But we have no veterans benefits—no health care, no housing loans, no educational assistance.

Why?

Our sacrifices to this country were no less great because we are Navajos. Our needs as veterans are no less worthy because we live on our Reservation. This Administration will see to it that veterans benefits no longer stop at the Reservation line!

Together, we will fight for our fundamental human rights as Navajos. We will insist upon a solution to the Navajo-Hopi land issue which respects human dignity. We have suffered as we watched 6,000 of our own people uprooted from the land of their forefathers. Today, they are refugees, in their own country. Their human rights have been abused in a manner that our leaders in Washington would never allow, if it had occurred in Afganistan, or in South Africa.

Believe ME when I say that I will not rest, until I know that these Navajos have adequate housing and health care. I will not rest until I know they have adequate land for their crops and sheep. And I will not tolerate others being removed from their homelands against their will.

These are our goals, our vision as a People. In my heart I know we will succeed in our quest if we move forward together. In times past our common bond as the Navajo People has kept us from despair. We survived the Long Walk . . . we survived Kit Carson and Fort Sumner . . . we survived the days of livestock reduction and termination. And we shall survive these days of Gramm-Rudman budget cuts and forced dislocations—if we face them as One. Together we are strong. Together, we are invincible.

Here we are—assembled, a Tribe united, with the 1986 Navajo election behind us. Today I assume office with a mandate from you not to undo all the important achievements of past administrations, but to build upon them. New leaders must always build upon the accomplishments of their predecessors. For instance, during the late 1970's we seized the initiative and established taxation on our Reservation to improve our Tribal income. Today, many court battles and two Administrations later, our right to tax is a recognized reality.

We will move forward as a Nation. And everyone of us here today, has a special role to play.

To the private sector, I say simply: Do business with us. Explore us, challenge us; we won't let you down. We understand your past frustrations. You must understand that those days are behind us now. You have seen what our people can do with their hands. Now come discover what we can do with our minds!

To state governments, I say: Let's not waste our energies quarreling over jurisdiction. We have common enemies to worry about, like the pollution which threatens our air and water. Or the economic stagnation which wastes our talents. We must trust and respect each other.

To the Federal Government, I say: you are our Trustee. We hold our Treaty relationship with you sacred. It is written, that you will help us. We need your help, but in a way that will make us less in need of it in the future. Give us a hand, so that we may walk with both feet. Cooperate with us to manage and protect our God-given resources. Give us the legislative tools we will need to realize our true economic potential.

To my fellow Navajo Tribal Council members, I say: bring us ideas from across the Reservation. Tell us what our constituents are saying and what they need. We will have a working council. Be prepared to work long and hard as leaders. All of us will need to go where the opportunities lie for our People. You won't have to wait outside my door, or ask any staff attorney's approval to go out there and do what the voters elected you to do.

Finally, let me speak to you, my Navajo constituents.

During the past months I spoke some very simple truths in chapter after chapter—that was my strength. I simply said things we all know to be true.

Our people lack jobs.

Our children are poorly educated.

Our young adults cannot continue onto college.

Our houses do not keep out the cold.

6,000 of our people have been made refugees in their own land.

Our veterans have been forgotten and abondoned.

I am here because you believe me, when I said we could do something about those problems.

Not me, but we; me and you.

Not just the Chairman's Office.

Not just the tribal government, but all of us—you and me together, every man, woman and child.

In the past, we have united against common enemies. We have fought paternalism and colonialism and racism. Now, we must unit around the common purpose:

To house the homeless,

To repatriate our refugees,

To honor our obligations to our veterans,

To educate our young,

To provide higher education to our young adults,

To create jobs for the unemployed.

In the past our greatest progress has come from our unity as a people. Our sovereignty is based on that unity. That unity gave us the strength to create a new program that brought tax money to our Reservation. Now with new authority given to tribal governments by Congress and with new tools that states and municipalities have tested, we can forge new strategies that will bring additional capital to the Reservation, new jobs, new businesses.

We can create a whole new arsenal of economic tools. But it will take more than new businesses, new capital and new tax revenues.

We have people and we have problems. We must put the two together. We must use our people to solve our problems. We must mobilize our human resources to meet our needs—these are the ways. It can be done, but only if we work together.

The wealth of our people is our people. I am not just talking about individual Navajos. I am talking about how we can help each other: that is the Navajo way.

The most efficient economic system ever created is the family. And the Navajo family, the extended Navajo family, the clans has strength greater than the nuclear family.

The Navajo Nation itself is the greatest family of all. We are bound together by blood and by history, by geography and by culture, by sovereignty and by tradition.

Are we not all one people?

Are we not all one family?

Are we not all one nation?

That unity gives us strength; we must find ways to tap that strength. We can do it if we build on the family and if we mobilize our own resources to address our own problems.

No individual can do it alone. No Chairman can do it alone, it will take all of us. But it can be done, you have my word. You have my oath.

So today, I pledge myself to a new partnership; between the Chairman's office and the Tribal Council;

Between the government here in Window Rock and the Chapters spread out across the Reservation;

Between those of us on the Reservation and those many Navajos residing off the Reservation.

But above all between the Navajo people of today and the Navajo people of the 21st century, our children and their children and their children's children. Let this day be known not simply as an inauguration of a new Chairman, but as the beginning of a new partnership—a partnership of and by and for the Navajo people.

A partnership that mobilizes our most precious resources, our people, to meet our most critical needs.

A partnership that builds family and clan and community and chapters.

A partnership that builds homes and creates jobs and businesses; that rights wrongs and creates opportunities; that educates our children and provides scholarships for our young adults.

Together we can.

Together we will.

I need you.

We need each other.

Our journey the next four years will not be easy. The Navajo path has always been full of obstacles as well as opportunities. But we have always walked together with dignity, toward the summit of our destiny.

Our hibernation is over. A new Spring is just beginning to dawn across this wonderful land of ours. Together we have . . . together we can . . . and together we will surely triumph.

Thank you, and God Bless You.●

CHEMICAL WEAPONS DISPOSAL

● Mr. SASSER. Mr. President, the Department of Defense has requested a $250 million supplemental to begin building facilities for the disposal of our aging stockpile of chemical weapons.

Because of the high priority of chemical munitions disposal, I have scheduled a special hearing of the Subcommittee on Military Construction Appropriations to review the supplemental request. The hearing will be March 3 in room 124 of the Dirksen Building.

Today, however, I want to begin to publicly discuss some of the important issues which I believe must be debated before the Army, the Congress, and the communities involved make final decisions on the method, locations, and timing of stockpile destruction.

Mr. President, the last Congress approved legislation mandating that the stockpile of aging chemical weapons be destroyed by the fall of 1994. The selection of the 1994 date, in my view, failed to recognize the technical and political uncertainties which must first be solved before destruction activities can commence.

The Army has told my subcommittee that the Congress must provide $250 million in construction funds early this year if there is any hope the 1994 deadline is to be met. I believe the Army and the Congress should end the charade: 1994 is not a realistic date. It cannot be achieved without potentially serious technical risks, and it does not need to be achieved to assure timely and safe chemical munitions destruction.

Based on Public Law 99-145, which mandates the 1994 date, the Army established what was clearly a compressed schedule for achieving the 1994 deadline. Under that compressed schedule, the Army wrote the draft environmental impact statement in only 2 months. Clearly, that was an inadequate amount of time to do a quality job.

Today, the Army is already at least 1 year behind that compressed schedule which was hurriedly adopted. A final environmental impact statement will not be issued for at least 10 more months. It was due 2 weeks ago.

The environmental impact statement being prepared by the Army is merely a programmatic concept environmental impact statement. The Army will not even choose the sites for munition destruction activities for at least 1 year.

For my subcommittee, this process raises several issues. First, the supplemental currently pending would require the Congress to appropriate a quarter of a billion dollars without knowing specifically where or how those funds will be spent.

I have been a member of the Military Construction Subcommittee for 10 years. During that time, I have never supported appropriating large sums of taxpayers' dollars without knowing where and how those funds are to be spent.

The burden of proof is on the Army. Army officials must prove to the subcommittee why it is good public policy to provide $250 million before specific site selections are made.

With regard to the Army filing only a programmatic environmental impact statement, I would indicate that the policy of the subcommittee has been, when it comes to unique major projects, to require that site specific impact statements must be issued before the committee will permit appropriated funds to be obligated. The process of preparing and issuing site specific environmental impact statements could add yet another year to the demilitarization schedule.

The Army must make an extraordinary case that a programmatic environmental impact statement is sufficient and that site specific statements are not necessary for the Congress to approve construction of demilitarization facilities.

Mr. President, I am most troubled by the fact that the Department of Defense appears to be rushing into decisions regarding chemical munitions destruction before the technology has been fully proven.

Three years ago, the subcommittee approved $46 million to build munition disposal facilities on Johnston Island in the Pacific. When those funds were approved, it was my view that the best approach would be for the Army to build those facilities and operate them for a year or two before designing and constructing disposal facilities in the continental United States.

The Army apparently believes that the incineration technology to be used on Johnston Island will be the best method of destruction. But the Army has no real experience with large size incineration facilities or procedures. The Johnston Island facilities are still under construction.

There can be little doubt but that once the Johnston Island facilities are operated, the Army will find that there will have to be numerous design changes made before facilities can be built and operated inside the United States. To proceed with design and construction of disposal facilities in the United States before Johnston Island is complete and operated for an appropriate period of time will likely lead to massive cost overruns, and quite possibly, the construction and operation of technically inferior facilities.

The need to establish public confidence in disposal methods indicates that we must be sure to select sites and procedures only after getting some real experience under the belt. The only way to get that experience is to operate Johnston Island before proceeding with construction of U.S. facilities.

I am advised that proceeding in such a deliberative manner would delay the accomplishment of munitions disposal 4 years, until 1998. One primary focus of the hearings I have scheduled will be to determine, not only if the existing 1994 deadline is realistic, but also if that deadline is necessary. It is important to know if the deadline can be slipped without leading to unacceptable risks.

The purpose of the demilitarization program is to destroy the aging stockpile. Some of that stockpile is 40 years old.

However, when the Army recently ran propellant tests, it was discovered that the stockpile is degrading much more slowly than was originally thought. If those tests can be verified, proceeding with a program of disposal by 1994 would be unnecessary.

The Army has had many years experience with safe storage of the stockpile. Certainly, simple storage is not the long-term solution. The stockpile must be destroyed. But safe storage can reliably be accomplished for a few additional years before the stockpile is eliminated.

Mr. President, as I indicated the most important element of a successful chemical munition disposal program is to build public confidence and public consensus in the program. We are a long way from building the level of public confidence needed for a successful program.

The Army has stated that its preferred alternative is onsite destruction. I have supported that direction for the program, but some of the communities involved and their representatives in the Congress do not. I am convinced that the only way to achieve public consensus is to follow a more deliberate path toward destruction, not an accelerated, compressed schedule which is fraught with so many uncertainties.

Unfortunately, Mr. President, the Army's draft environmental impact statement failed to adequately make the case for a preferred option. I do believe, however, the case for onsite destruction can be made and will be made to the satisfaction of even the impacted communities if enough time is given for a more deliberate development of a disposal program.

I would also add, Mr. President, that the draft environmental impact statement failed to adequately study the large risks associated with the transportation of chemical munitions to regional or national disposal sites.

For my constituents in Tennessee, these issues are especially important. If the regional or national site option were to be chosen, hundreds of tons of chemical weapons would be transported through west Tennessee, including large towns such as Jackson.

The draft environmental impact statement failed to assess the risks associated with the rail transportation option. Terrorism and sabotage and en route emergency response procedures and techniques were not adequately studied. The necessity to upgrade rail beds was not even considered.

Mr. President, last year, I viewed an Army film made during tests on chemical weapons transportation containers which would be used on rail cars during the transportation of the munitions to offsite disposal facilities. I intend to ask the Army to show that film in open session during the March hearing. It will show that one well-placed rifle round could result in a chemical explosion and tragedy like this Nation has never seen.

So, Mr. President, there are too many unanswered questions. Only the Army can provide us with a well-thought out approach to the disposal problem. I have every confidence that the Army can develop an acceptable disposal plan and implement that plan if the arbitrary 1994 deadline is removed.

I believe that the hearings will provide evidence that prudent planning demands that we build and operate Johnston Island before we build facilities inside the United States.

The hearings should also demonstrate that destruction by the end of the 1990's rather than 1994 can be achieved with less risk than the current compressed program.

Mr. President, I will continue to keep the Senate advised of the findings of my subcommittee once the hearing process is completed.●

AFGHANISTAN: LETTERS FROM THE STATE OF NEW JERSEY

● Mr. HUMPHREY. Mr. President, last month the brutal Soviet occupation of Afghanistan entered its eighth year. The condition of human rights in Afghanistan was recently described in a United Nations report as: "a situation approaching genocide."

As chairman of the congressional task force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of New Jersey written by eighth graders from the Manasquan Elementary School.

The letters follow:

GENTLEMEN: I am an eighth grade student from Manasquan, N.J., and I would like to express my concern on your story, "Agony in Afghanistan" printed in the March issue of Reader's Digest.

After I read your story, I just sat astonished. I couldn't believe that any humans could possibly do such horrible things to other people. I cannot imagine going outside to a friend's house, or just to walk, and know that you could easily be killed. Or, walking into your house, and finding your whole family slaughtered. Here in America, I'm not even afraid of going out to play at 9 or 10 o'clock at night, but the people that lived or still live in Afghanistan, are probably terrified of even falling asleep, because of fear that they might never wake up because terrorists might come into their house and murder them. That's not right! How could anyone hurt such innocent people like that with no reason? That really upsets me.

I am very interested in any other work you may do, and I would really like to learn more of this problem. I would really like to read more of this situation. Thank you for your time.

Sincerely yours,

KATHLEEN BALDAUF.

DEAR SENATOR HUMPHREY: I am a thirteen year old student. I go to school at Manasquan Elementary School. In our English class we were assigned to read "Agony in Afghanistan" and to write to you about our feelings toward that story. I feel that the Russians are very cruel to do this. They are killing people who have not done anything wrong. I think you should be able to stop this. I also think that there should be more of these stories published so more people can read about this horrible ordeal because it really hurt me to read about it and maybe we could all stop them.

Sincerely yours,

DIANE KOVACS.●

UKRAINIAN INDEPENDENCE DAY

● Mr. ZORINSKY. Mr. President, Ukrainians in this country and around the world pause to mark the 69th anniversary of the Ukrainian declaration of independence. As always, it's a bittersweet commemoration—a sad reminder of ongoing Communist domination and a time for rededication to the goal of Ukrainian freedom.

Proclaimed in Kiev by the Fourth Universal, the independent Ukrainian republic lasted only 3 years. It was invaded by Communist Russia in 1921 and became one of the original republics of the U.S.S.R. In the years that followed, the Soviets attempted to crush the Ukraine's national identity through industrialization and collectivization of its rich farmland. The result was a famine that took the lives of 7 million people in 1932-33.

Over the years, the Soviets have worked consistently to deprive the Ukraine of its national identity, culture and religious traditions. Today, persecution of Catholics and Jews is commonplace, as is harassment of religious activists. Especially harsh treatment, including long prison terms, is reserved for those who speak out against oppression and voice their belief in the principles of democracy.

Still, the spirit of freedom survives in the Ukraine, as strong today as it was in 1918. John Kennedy said the most powerful force in the world is "man's eternal desire to be free." And so it is with the people of the Ukraine. Freedom and independence live on in their hearts and in the hearts of those who express solidarity with them.

Mr. President, on this anniversary of the declaration of Ukrainian independence, I ask my colleagues to join in expressing support for the Ukrainian nation in its struggle for freedom, human rights and national independence. The light of freedom will not be extinguished so long as we remember those living under Soviet domination and call attention to their plight.●

UKRAINIAN INDEPENDENCE DAY

● Mr. D'AMATO. Mr. President, today we observe the 69th anniversary of Ukrainian independence, a celebration marred by the continuing human rights abuses by the Soviet authorities against the people of Ukraine. For more than six decades now, Ukrainians have fought for, and in many instances died for, genuine freedom for their people. Despite the tyranny and forced annexation of the 1920's, the 1930's manmade famine which claimed the lives of 7 million Ukrainians, the repression of Ukrainian intellectuals in the 1960's, and the Ukrainian Helsinki Group today, Ukrainians have not given up their quest for human and national rights and fundamental freedoms.

One individual who exemplifies the Ukrainian struggle for freedom is Vitaliy Kalynychenko, a member of the Ukrainian Helsinki Monitoring Group, sentenced in May 1980 to 10 years imprisonment in a special-regime camp and 5 years internal exile. Attached is an article which appeared in the Ukrainian Weekly on January 11 about Vitaliy Kalynychenko which gives us an insight into the determination of one Ukrainian, and the aspirations of his countrymen.

Mr. President, I ask that this article be printed in the RECORD.

In closing, I ask that my colleagues and all Americans take special note of this 69th anniversary of Ukrainian Indpendence Day. Their fate, their courage, and their defiant struggle for freedom and their own national identity carry a message for all of us—they remind us of what is at stake in our own efforts as the leader of the free world.

The article follows:

[From the Ukrainian Weekly, Jan. 11, 1987]

VITALIY KALYNYCHENKO: ONE OF MANY

(By Nina Strokata)

If we wish to acquaint ourselves with the fate of Soviet political prisoners, we shall have to enter into a world that arouses our surprise and sympathy. The surprise results not only from acquaintance with an oppressive social order, but also from the details of Soviet life which are known to us but which we often prefer not to know.

Vitaliy Kalynychenko's story is one that many Soviet citizens have lived in silence, not wanting to reveal its indignities.

Vitaliy is still relatively young. He was born in 1937 in the village of Vasylkivka in the Dnipropetrovske region.

From 1960 to 1964 Vitaliy studied at the Kiev Institute of National Economy. This educational institution, as many others in the USSR, is attended by students from various parts of the world, especially from the Third World. These students are often kept under surveillance since they are, after all, foreigners.

Vitaliy was one of those who was told to spy on students: one from Ghana and one from Kenya, and one American citizen. Like perhaps most Soviet citizens, Vitaliy did not refuse. He did not refuse, but he suffered from taking part in this base action—suffered to the point of deciding to flee the country that forced him into such a deed.

Filled with hate for an ideology that is incapable of surviving without the support of police informers, Vitaliy turned to the very foreigners "assigned" to him. To the American, Vitaliy wrote and told of his desire to fight the Communist evil, if only he could escape and receive political asylum. To the student from Ghana, Vitaliy gave his personal papers, hoping that these could be smuggled out of the USSR. But the Ghanian had already learned the art of informing and took Vitaliy's papers to where he was "supposed" to. Meanwhile Vitaliy continued to consider ways of escaping from the USSR. He bought a backpack and a map of Tadzhikistan, and it is with such innocent preparations that he was arrested by the KGB.

Vitaliy's first arrest was in September 1964. But since he was not very open with the investigator, not enough evidence was produced and the case against him was dropped. In January 1965 he had his freedom.

In due course, Vitaliy left for Leningrad, where he found work as a senior engineer in the All-Union Institute of Technological Projects. But the thought of escaping from a country where anyone can be turned into an informer never left him.

In 1966 Vitaliy asked to be released from his job, and he disappeared. Later he was seized by Soviet guards on the border between Finland and the USSR The subsequent short pre-trial investigation in Leningrad and the criminal-psychiatric hearing at the Serbsky Institute in Moscow was followed by a trial and sentencing: 10 years of imprisonment for "treason" in a camp of severe regimen.

But the court needed a reason for the sentence, and such a reason was duly found by the judge. We can see this from the text of the sentence, which found its way into the Ukrainian samvydav (literally, "self-publishing) organs:

". . . led an improper mode of life, taught the reactionary philosophy of existentialism . . . resulting in the appearance of anti-soviet sentiments . . . Destroyed his Komsomol membership card . . . began to form a plan for escaping across the border . . . Publicized facts about certain instructions given to him in matters concerning the committee of state security [KGB] . . ."

As a prisoner deprived of freedom in a labor camp, Vitaliy worked conscientiously and did not wish to take part in any oppositional activities. He hoped that as a "model prisoner" he might be released after serving only half a term (after all, the laws of the USSR make provision for such cases). But, as it turned out, mere obedience and hard work were not enough to receive a reprieve under the laws of the USSR.

And so, sometime in the mid-1970s, Vitaliy decided to change his tactics and give up the passive anticipation of his release. He began to pursue a new course and set his hopes on a return to freedom through protesting the original pretext for his arrest.

In a written appeal to the government of the USSR and to the Human Rights Commission at the United Nations, Vitaliy protested against the view that his distaste for life in the USSR was interpreted as a crime—a crime called treason. Vitaliy did not deny that his views were different from those allowed in the USSR. But what court can try something like that? Vitaliy demanded, without result, that his case be made known to appropriate representatives of the United Nations.

During his term of imprisonment Vitaliy met fellow Ukrainians who constitute at least half of all the prisoners in the political camps of the USSR. The steady increase of the camp population with people from

Ukraine made it possible to become acquainted with the situation in Ukraine. In the camp Vitaliy became sensitive to the problems of contemporary Ukraine, especially those linked with the liquidation of Ukrainian schools and with other phenomena known under the general name of Russification.

In March 1976, Vitaliy's 10-year sentence came to an end and only then was he finally released. He returned to Ukraine and to the village in which he was born. The district procurator approved a decree from the camp administration and the local police permitting the surveillance of the former prisoner. According to the decree, Vitaliy was not allowed to leave the village limits or to leave his living quarters in the evening and during the night. The decree included a whole list of humiliating restrictions.

At this time in Moscow and Ukraine, citizens groups began to be formed to monitor implementation of the Helsinki Accords. Vitaliy began to provide information, about these groups to the people around him. When the KGB learned of his activities, it immediately organized a small meeting of Vitaliy's co-workers in his place of employment in order to have his views condemned without too much publicity. During the meeting Vitaliy's views were labelled nationalistic, since he had never concealed his opinion about such matters as "Soviet patriotism," the excessive glorification of the "older brother"—that is the Russian nation—or the suppression of Ukrainian national consciousness.

In the resulting atmosphere of threats and intimidation. Vitaliy decided that renouncing his Soviet citizenship had become an act long overdue. He carried out his decision, sending the highest government organs of the USSR a declaration renouncing his citizenship. He included his Soviet citizen's passport his engineer's diploma, and a copy of the court decision sentencing him to 10 years in prison. Vitaliy demanded the right to emigrate from the USSR.

In October 1977 Vitaliy Kalynychenko became a member of the Ukrainian Helsinki Group (UHG) and signed a series of documents on behalf of the group. That year saw a campaign in the USSR for the drafting of a new constitution; in 1978 the constitution was ratified. Vitaliy refused to take part in these campaigns which, having taken place under the dictates of the party and the repressive organs, did not take into consideration the real will of the people. This show of citizen indocility led to Vitaliy's third arrest. This time however, the arrest was not of a long duration: he was sentenced to 14 days in jail on trumped-up charges of "hooliganism."

At the end of 1979 a document was circulated in the Ukrainian samrydav organs by a group calling itself the Ukrainian National Liberation Movement. The document was an appeal to the United Nations, and Vitaliy Kalynychenkio was one of the signatories from this new and independent Ukrainian group.

In November 1979, Vitaliy was arrested again for the fourth time. He was tried in May of the following year, found guilty of "anti-Soviet agitation and propaganda," labelled an "especially dangerous recidivist," and sentenced to 10 years of imprisonment in a special-regimen camp and five years of internal exile.

When will Vitaliy regain his freedom? It could happen in 1994—if he should live that long.

Vitaliy Kalynychenko is incarcerated in the same camp in which Oleksiy Tykhy, Yuriy Lytvyn, Valeriy Marchenko and Vasyl Stus died.

We know from the camp notes of Vasyl Stus that in 1981 Vitaliy Kalynychynko tried several times to communicate with the world beyond the camp's barbed wire. These attempts proved to be in vain. The ever-present KGB, in the meantime got a hold of one of Vitaliy's protest appeals with the result that, for the "violation of regimen," Vitaliy was confined for a whole year to an isolation cell.

Vitaliy has no family except for sister, but she maintains no contacts with a brother who has fallen into disfavor.●

UKRAINIAN INDEPENDENCE DAY

● Mr. LEVIN. Mr. President, on this day in 1918, the Ukraine was established as an independent and sovereign nation. Under the leadership of the Ukrainian Central Rada—Council—in Kiev, an autonomous Ukraine became reality for the first time since the late 18th century. Unfortunately, it was a short-lived reality. No sooner did the Ukraine proclaim its independence than the young state was attacked from every direction: From the west by Poland and Romania; from the south by the White Guard Russians of General Denikin; and from the north by the Red Army of Lenin and Trotsky.

By 1922, the Soviets had established control over the Ukraine. In subsequent years, the Soviet Government sought to eradicate the national identity, culture, and religious traditions of the Ukraine people. Sixty-five years later, they are still trying.

The resilience of the Ukrainian people in the face of incredible hardship should serve as an inspiration to all those who cherish freedom. The people of the Ukraine insist on the right to practice the religion of their forebears, and to speak their national language. They are still fighting for the right to transmit an ancient heritage to their children.

The nationalist feeling of 40 million Ukrainians has always been a source of concern to the Soviet Government. It is revealing that although Ukrainians account for 20 percent of the Soviet population, they comprise 40 percent of all Soviet prisoners of conscience. This is a terrible statistic—and yet, at the same time, a proud one. Ukrainians can be proud that they are courageously resisting the Russification of their culture, and that they are keeping alive the hope of a free Ukraine.

On this anniversary of the independence of a great nation, we should all pay special tribute to the brave men and women who, at great personal risk, maintain the struggle for freedom and dignity. And on behalf of the Ukrainian people and others deprived of their basic human rights, we should renew our pledge to seek Soviet compliance with international human rights agreements.●

PROMPT PAYMENT ACT AMENDMENTS OF 1987

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of S. 328, the Prompt Payment Act Amendments of 1987. I commend Senator SASSER for his commitment to resolving this matter.

The fact that some Federal agencies continue to resist their obligations set out so clearly under Public Law 97-177, the original Prompt Payment Act enacted 4 years ago, by continually making late payments to Government contractors clearly suggests a need for additional measures. S. 328 is designed to close the unforeseen loopholes in, and improve the congressionally intended implementation of, the Prompt Payment Act of 1982.

The Prompt Payment Act of 1982 was enacted to ensure that businesses providing goods and services to the Federal Government be paid on time. It requires Federal agencies to pay its contractors by a date specified under contract or within 30 days in the absence of such a date. Failing to do so, the act entitles these contractors to a late-payment interest penalty.

While this law without a doubt has improved the timeliness of the Government's bill-paying practices, abuses still occur. Some 25 percent of Federal agencies continue to pay their bills late, and many disregard the resulting late-payment interest penalty. S. 328 speaks to these problems by expanding the protections of Public Law 99-177 and strengthening its enforcement provisions. These abuses must be stopped. They are injurious to a business enterprise, especially to a small business, which is the hardest hit by late government payments.

The Small Business Committee, of which I am a member, has amassed an extensive hearing record in support of the need for corrective legislative action to stop these abuses. To date, administrative attempts to remedy this problem have fallen short of enforcing the act's protections; appropriate regulatory changes have yet to materialize. Therefore, it is up to this Congress to take the necessary corrective action.

The need for such action is clearly reflected in the wide, bipartican support S. 328 has received. The Senate unanimously passed an identical version of this bill in the waning days of the 99th Congress, but time did not allow the House to reciprocate. The need is clear, and the time to act is now. I urge this Congress to expedite the processing of this important initiative.●

UKRAINIAN INDEPENDENCE DAY

● Mr. SARBANES. Mr. President, on January 22, 1918, the brave people of Ukraine declared their independence after hundreds of years of foreign domination. Though the sovereignty of the Ukrainian republic was short-lived, the courage and determination demonstrated by the Ukrainian people remains a source of hope and inspiration for all of us.

As we honor those who sought and won their freedom some 69 years ago, it is fitting that we should pay special tribute to the men and women of Ukraine who today carry forward, at great personal sacrifice, the quest for human liberty. It is now more than a decade since the founding of the Ukrainian Public Group to Promote the Implementation of the Helsinki Accords: 4 of its members have died, 9 are currently imprisoned, 6 are in internal exile, 7 have been forced to emigrate, and 14—all of whom were previously political prisoners—remain in Ukraine. Countless others whose names are not as well known as those of Mykola Horbal, Lev Lukyanenko, Oksana Meshko, Mykola Rudenko, Yuri Shukhevych, and Yosyf Zisels, have joined in openly protesting cultural oppression, religious persecution, and violation of basic human rights and freedoms.

At the same time, we are deeply aware of the outstanding contributions made by Ukrainian immigrants of our own country. We in Maryland are very fortunate to have a large and active Ukrainian-American community, a community which through its cultural, social, and religious activities has greatly enriched the life of our State. Through their stable family life, their sense of community responsibility, and their participation in the arts, science politics, business, academia, and other endeavors, Americans of Ukrainian descent have distinguished themselves and strengthened our society.

As we look back upon the rich and diverse contributions of the Ukrainian people we are seized with a sense of pride in their accomplishments and also with a deep concern for those who continue to suffer, whether through denial of their religious and political rights or from loss of life, health, and home in the wake of the tragic disaster at Chernobyl. As we salute the achievements of the Ukrainian people on this anniversary of Ukrainian independence, we also renew our commitment to speak out on behalf of those who suffer deprivation under a government which continues to deny basic human rights.●

IN HONOR OF HUGO D. MENENDEZ ON THE OCCASION OF HIS RETIREMENT FROM FEDERAL SERVICE

● Mr. CHILES. Mr. President, on behalf of myself and other Members of the Senate, I am today submitting to the CONGRESSIONAL RECORD a recognition of the outstanding career of Hugo D. Menendez upon his retirement.

I am happy to take this opportunity to recognize the retirement of a very special Federal law enforcement officer.

Hugo D. Menendez has retired from the Department of Labor, Inspector, General's Office after a distinguished career which has benefited his department, his country and the American people.

Hugo began his career with a masters degree from the University of Florida and soon became a respected and admired teacher. Shortly after that, Hugo went to work at the U.S. Civil Service Commission conducting top security clearances for critical Government positions.

Hugo joined the Department of Labor in 1971. His talents were immediately recognized. He was assigned to the Department of Justice Organized Crime Strike Force in Miami, FL. Prior to his assignment, labor-management racketeering ran rampant and generally undetected in Florida. Miami was the haven for organized crime figures who controlled major labor unions with an iron-grip.

Hugo organized a highly trained team of accountants and investigators who uncovered extortion, union-management payoffs, theft from union funds, and pension and benefit plan rip-offs. His leadership, and guidance led to convictions in numerous racketeering cases involving the highest ranking labor racketeers in the country. The attendant publicity and interest fostered an era of labor investigations and convictions and led Congress to address serious deficiencies in laws protecting the working man.

In 1984 and 1985 Hugo received the ultimate accolade from his Nation by virtue of a Presidential appointment to the President's Commission on Organized Crime.

Hugo is that rare individual who is respected and admired by labor and management alike for his remarkable efforts to protect the integrity of the labor/management process. Hugo D. Menendez has earned a special place in our hearts and minds. Congratulations to Hugo D. Menendez a job well done by a man we respect and admire.●

UNION OF COUNCILS FOR SOVIET JEWS

● Mr. SIMON. Mr. President, today and tomorrow the Union of Councils for Soviet Jews is conducting their biennial meeting here in Washington, DC. I want to wish them the very best as they bring the issue of Soviet Jewry to the Nation's attention.

I also want to remind my colleagues of the plight of Naum Meiman, founder of the Helsinki Watch Group in Moscow. Naum's wife, Inna, arrived in this country last Monday to obtain treatment for her cancer. Unfortunately, Naum was not permitted to accompany her.

I strongly encourage the Soviet Government to allow Naum to join his wife here in the United States.●

RULES OF PROCEDURE OF SENATE SELECT COMMITTEE ON SECRET MILITARY ASSISTANCE TO IRAN

● Mr. INOUYE. Mr. President, the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Contras recently met to adopt committee rules and security guidelines. I ask that these rules and guidelines be printed in the RECORD.

The material follows:

RULES OF PROCEDURE OF THE SENATE SELECT COMMITTEE ON SECRET MILITARY ASSISTANCE TO IRAN AND THE NICARAGUAN CONTRAS

RULE 1. CONVENING OF MEETINGS AND HEARINGS

1.1 *Meetings.* The committee shall meet at the call of the chairman. The members of the committee may call special meetings as provided in Senate Rule XXVI(3).

1.2 *Notice.* The committee shall publicly announce the date, place, and subject matter of any hearing at least one week before its commencement. A hearing may be called on shorter notice if the chairman, after consultation with the vice chairman, determines that there is good cause to begin it at an earlier date.

1.3 *Presiding Officer.* The chairman shall preside when present. If the chairman is not present at any meeting or hearing, the vice chairman shall preside. The chairman may designate any member of the committee to preside in the absence of the chairman or vice chairman.

RULE 2. CLOSED SESSIONS

2.1 *Procedure.* All meetings and hearings shall be open to the public unless closed. To close all or part of a hearing or meeting, or a series of hearings or meetings for a period of no more than 14 days, the committee shall vote in open session by a record vote, including proxy votes, of a majority of the members of the committee. If discussion is necessary, a motion shall be made and seconded to go into closed session to discuss whether the meeting or hearing will concern the matters enumerated in Rule 2.2. Immediately after such discussion the committee shall return to open session and the meeting or hearing may then be closed by a record vote.

2.2 *Closed Session Subjects.* A meeting or hearing may be closed if the matters to be discussed concern: (1) national security or the confidential conduct of foreign relations; (2) committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation, or to invade the privacy, of any individuals; (4) matters that will disclose the identity of any informer or undercover law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or (5) other matters enumerated in Senate Rule XXVI(5)(b).

2.3 *Witness Request.* Any witness may submit to the chairman, no later than 24 hours in advance of a hearing, a written request to be examined in closed or open session. The chairman shall inform the committee of the request, and the committee shall take such action pursuant to Rule 2.1 as it deems appropriate.

2.4 *Broadcasting.*

(a) *Control.* Any meeting or hearing open to the public may be covered by television, radio, or still photography. Coverage must be conducted in an orderly and unobtrusive manner, and the presiding officer may for good cause terminate coverage in whole or in part or take other action to promote orderly proceedings.

(b) *Request.* A witness may request of the presiding officer on grounds of distraction, harrassment, personal safety, or physical discomfort that during his or her testimony cameras, media microphones, and lights shall not be directed at the witness, and the presiding officer may take such action as he deems appropriate.

RULE 3. QUORUMS AND VOTING

3.1 *Reporting.* Six members shall constitute a quorum for reporting a matter or recommendation to the Senate.

3.2 *Other Business.* Six members, or four members providing that a member of the minority is present, shall constitute a quorum for the conduct of other business.

3.3 *Testimony.* One member shall constitute a quorum for hearing testimony.

3.4 *Proxies.* Proxies shall be in writing, and shall be filed with the chief clerk by the absent member or by a member present at the meeting. Proxies shall contain sufficient reference to the pending matter to show that the absent member has been informed of it and has affirmatively requested that he be recorded as voting on it. Proxies shall not be counted towards a quorum.

3.5 *Polling.*

(a) *Subjects.* The committee may poll only (1) internal committee matters including the committee's staff, records, and budget; (2) authorization for steps in the investigation, including the authorization and issuance of subpoenas and deposition notices, applications for immunity orders, and requests for documents; (3) other committee business, not including a vote on reporting to the Senate, that the committee at a meeting has designated for polling at a subsequent time.

(b) *Procedure.* At the direction of the committee or the chairman, as provided in Rule 3.5(a), polling sheets shall be circulated to each member specifying the matter being polled and the time limit for completion of the poll. If any member so requests, the matter shall be held for consideration at a meeting. The chief clerk shall keep a record of polls; if the chairman, with the approval of a majority of the members, determines that the polled matter is in one of the areas enumerated in Rule 2.3, the record of the poll shall be confidential.

RULE 4. SUBPOENAS

4.1 *Authorization.* Subpoenas may be authorized by the committee or by the chairman and may be issued by the chairman or by any other member designated by him. The chief clerk shall keep a log, and a file, of all subpoenas.

4.2 *Return.* A subpoena duces tecum or order for documents may be issued whose return shall occur at a deposition or at another time and place other than at a hearing. When a return on such a subpoena or order is incomplete or accompanied by an objection, the chairman may convene a meeting or hearing on shortened notice to determine the adequacy of the return and to rule on the objection or may refer the issues raised by the return for decision by poll of the committee. At a meeting or hearing on such a return, one member shall constitute a quorum.

RULE 5. HEARINGS

5.1 *Notice.* Witnesses shall be given at least 48 hours notice, unless the chairman determines that extraordinary circumstances warrant shorter notice, and all witnesses shall be furnished with a copy of Senate Resolution —— and of these rules.

5.2 *Oath.* All witnesses who testify to matters of fact shall be sworn unless the committee authorizes waiver of an oath.

5.3 *Statement.* Any witness desiring to make an introductory statement shall file 20 copies of the statement with the chairman or chief clerk 48 hours in advance of the appearance, unless the chairman determines that there is good cause for a witness's failure to do so. A witness may be required to summarize a prepared statement if it exceeds ten minutes.

5.4 *Counsel.*

(a) *Presence.* A witness's counsel shall be permitted to be present during the witness's testimony at any public or closed hearing or deposition of staff interview to advise the witness of his or her rights; provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the chairman or the committee may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association or not representing other witnesses.

(b) *Inability to Obtain Counsel.* A witness who is unable for indigence or other reason to obtain counsel shall inform the committee at least 48 hours prior to the witness's appearance, and the committee will endeavor to obtain volunteer counsel for the witness. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(c) *Conduct.* Counsel shall behave in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject counsel to disciplinary action, which may include warning, censure, or ejection.

5.5 *Transcript.* An accurate electronic or stenographic record shall be kept of all testimony in closed and public hearings. At a witness's request and expense, access to a copy of a witness' testimony in public or closed session shall be provided to the witness. Upon inspecting the transcript, within a time limit set by the chief clerk, a witness may in writing request changes in the transcript to correct errors of transcription, grammatical errors, and obvious errors of fact; the chairman or a staff officer designated by him shall rule on such requests.

5.6 *Impugned Persons.* Any person who believes that evidence presented, or comment made by a member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the committee to testify in his or her own behalf; or

(c) request that submitted written questions be used for the cross-examination of witnesses called by the committee. The chairman shall inform the committee of requests for appearance or cross-examination. If the committee so decides, the requested questions, or paraphrased versions or portions of them, shall be put to the other witnesses by a member or by staff.

5.7 *Additional Witnesses.* Any three members of the committee shall be entitled, upon a timely request made to the chairman, to call additional witnesses or to require the production of documents during at least one day of hearing.

RULE 6. DEPOSITIONS, EXAMINATION OF RECORDS, AND INTERROGATORIES

6.1 *Deposition Notices.* Notices for the taking of depositions shall be authorized and issued by the chairman or by a staff member designated by him. Such notices shall specify a time and place for examination, and the name of the staff member or members who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a subpoena authorized by the committee or the chairman.

6.2 *Counsel at Depositions.* Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule 5.4.

6.3 *Deposition Procedure.* Witnesses at depositions shall be examined upon oath administered by a member or an individual authorized by local law to administer oaths. Questions shall be propounded orally by staff members. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the chairman of the committee or a member designated by him. If the chairman or designated member overrules the objection, he may refer the matter to the committee or he may order and direct the witness to answer the questions, but the committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after having been ordered and directed to answer.

6.4 *Filing of Depositions.* The committee staff shall see that deposition testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy, or access to a copy, for review. No later than five days thereafter, if a copy is provided, the witness shall return it with his or her signature, and the staff may enter the changes, if any, requested by the witness in accordance with Rule 5.5. If the witness fails to return a signed copy the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk. Committee staff may stipulate with the witness to changes in this procedure. Objections to errors in this procedure that might be cured if promptly presented are waived unless timely objection is made.

6.5 *Examination of Records.* The committee or the chairman may authorize the staff to inspect locations or systems of records on behalf of the committee.

6.6 *Written Interrogatories.* Written interrogatories may be authorized and issued by the chairman or by any member designated by the chairman and shall specify a date for filing an answer with the chief clerk. Written interrogatories shall be answered under oath.

RULE 7. PROCEDURES FOR HANDLING OF SENSITIVE OR CLASSIFIED MATERIALS.

7.1 *Security.* Committee offices shall operate under strict security precautions. The chairman may request the Senate Sergeant at Arms to provide assistance necessary to ensure strict security.

7.2 *Sensitive or Classified Materials.* Sensitive or classified materials shall be segregated in a secure storage area. The committee shall adopt security regulations governing the handling of sensitive or classified materials. The chairman may enter into agreements to obtain materials and information under assurances concerning confidentiality. Each member of the committee shall be notified of such agreements.

7.3 *Access.* Staff access to classified materials shall be limited to staff members with appropriate security clearances and a need to know. The committee shall adopt internal guidelines governing staff access to particular categories of classified materials, which shall be applied by the chairman and vice chairman. Staff access to sensitive materials may be limited by the chairman and vice chairman.

7.4 *Nondisclosure.* No member of the committee or its staff shall disclose, in whole or in part or by way of summary, to any person outside the committee and its staff, for any purpose or in connection with any proceeding, judicial or otherwise, any testimony taken, including the names of witnesses testifying, or material presented, in depositions or at closed hearings, or any confidential materials or information, unless authorized by the committee or the chairman, and, for classified materials or information, pursuant to the provisions of section 8 of Senate Resolution 400 of the 94th Congress.

7.5 *Nondisclosure Agreement.* All members of the committee staff shall agree in writing, as a condition of employment, to abide by the conditions of the nondisclosure agreement promulgated by the committee pursuant to section 6(a)(2) of Senate Resolution —.

7.6 *Violations.* Allegations concerning unauthorized disclosure may be addressed by the committee or may be referred by a majority vote of the committee to the Select Committee on Ethics. Any member of the staff who fails to conform to the provisions of Rule 7 shall be subject to disciplinary sanction, including termination of employment.

7.7 *Applicability of Rules.* For purposes of Rules 6 and 7, committee staff include the employees of the committee, staff designated by the members, with the approval of the chairman, to work on committee business, the officers and employees of the Office of Senate Legal Counsel who are requested by the chairman to work on committee business, and detailees and consultants to the committee.

RULE 8. DETAILEES AND CONSULTANTS

The chairman shall have authority to use on a reimbursable basis, with the prior consent of the Committee on Rules and Administration, the services of personnel of any department or agency of the United States and shall have authority to procure the temporary or intermittent services of individual consultants or organizations.

RULE 9. EFFECTIVE CHANGES IN RULES

9.1 These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the committee so long as any witnesses who may be affected by the change in rules are provided with them.

Guidelines on Staff Access to Particular Categories of Classified or Sensitive Materials

Members of the staff shall be granted access to classified or sensitive materials in possession of the Committee only if they have the necessary security clearances, have executed the appropriate nondisclosure agreement, and have a need to know such information as determined pursuant to the following paragraphs:

1. The Staff Director, Chief Counsel, and Deputy Chief Counsel shall have access to all classified or sensitive materials in possession of the Committee. The Staff Director, at the direction of the Chairman and Vice Chairman, may limit the access of all other Committee staff to any classified or sensitive information.

2. Assistant Counsels shall, subject to paragraph 1, have access to all classified or sensitive materials in possession of the Committee, except to the extent that such materials are controlled on the basis of compartments other than those related to the program of clandestine contacts with and arms sales to Iran, any program of clandestine contacts with or support of any form to the Nicaraguan resistance, or other compartmented activities which the Chairman and Vice Chairman may designate for access by the Assistant Counsels.

3. The Staff Director, upon the direction of the Chairman and Vice Chairman, shall designate special groups of Assistant Counsels or other employees, detailees or consultants of the Committee to be granted access to classified materials which are controlled through compartments other than those mentioned in the previous paragraph. These shall include, for example, compartmented materials related to general covert action approval and monitoring procedures and to other, specific covert action programs.

4. Employees, detailees or consultants of the Committee other than those referred to in paragraph 1-3 shall be provided access to whatever classified or sensitive material that the Staff Director, upon direction of the Chairman and Vice Chairman, determines is necessary and appropriate for the discharge of their duties for the Committee.

5. Staff designees of the members of the Committee who are employed in Senate offices outside the Committee shall be granted the fullest access to classified or sensitive materials in possession of the Committee that the Chairman and Vice Chairman determine is necessary and appropriate for the discharge of their duties for the Members.

6. Support staff of the Committee shall be permitted access to classified or sensitive materials in possession of the Committee to the extent that their duties warrant. The Staff Director may designate particular members of the support staff to perform duties related to materials that are specially controlled under these guidelines.●

PROTECTION FOR THE LIVES OF UNBORN CHILDREN

● Mr. NICKLES. Mr. President, today marks the 14th anniversary of the Supreme Court's ruling concerning Roe versus Wade; the decision which effectively overturned every State law concerning abortion. Rather than uphold the fundamental rights of all persons, the Justices denied the most basic right of all, life, to unborn children. That fatal decision has legalized the destruction of 20 million unborn children—a staggering 1.5 million lives are lost every year.

Yet each year we discuss this, each year I wonder how it is that our Congress has to even debate the right to life. And each year we add another 1.5 million aborted children to our death toll.

In 1987, however, this debate is particularly different. It marks the anniversary of our Constitution which, contrary to Roe versus Wade, states clearly our right to life. Specifically, the fifth amendment says Americans have the "right not to be deprived of life, liberty or property. * * *" In the 14th amendment, it says again, "* * * nor shall any state deprive any person of life, liberty, or property. * * *" How else are we to interpret this?

As our forefathers stated in the Declaration of Independence, "We hold these truths to be self-evident. * * *" There is no question what they meant, they are self-evident. How the Supreme Court could ignore the supreme law of the land and do so for 14 years should be a cause for serious concern to all of us.

It is my hope that as we celebrate the 200th anniversary of our Constitution, the freedom our forefathers intended to preserve in that document will be rekindled. As we remember what Thomas Jefferson called our "unalienable rights," I hope we can put this 14-year deviation from justice far behind us.

To the extent that we allow any citizen's rights to be trampled on, we are all in danger. Today is a time to reflect on this tragedy in our country and to renew our vow to return the most fundamental right of life to all of our citizens, large and small, old and young.●

ORDERS FOR MONDAY

Mr. BYRD. Mr. President, I have now cleared with the distinguished Republican leader the following:

ADJOURNMENT UNTIL MONDAY, JANUARY 26, 1987, AT 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 2 p.m. Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. I ask unanimous consent that after the two leaders have been recognized under the standing order, Senators PROXMIRE and BAUCUS be recognized for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BYRD. I ask unanimous consent that following the execution of the orders for the recognition of Senators on Monday, there be a period for the transaction of routine morning business not to exceed beyond the hour of 3 p.m., and that Senators be permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR CERTAIN ACTION ON MONDAY

Mr. BYRD. Mr. President, I ask unanimous consent that on Monday next the call of the calendar under rule VIII be waived and that no resolutions come over under the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

FILING OF BILLS AND RESOLUTIONS

Mr. BYRD. Mr. President, I ask unanimous consent that committees may be authorized to file bills and resolutions and reports between the hours of noon and 3 p.m. on tomorrow, Friday, January 23.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE NEXT WEEK

Mr. BYRD. Mr. President, on Monday, if the committee resolution is adopted, and the work is completed thereon, which I fully expect will occur, it will be my intention then to go over until Tuesday evening at circa 8 p.m. so as to facilitate the gathering in the Chamber of Senators prior to their going to the other Chamber for the joint session to be addressed by the President of the United States, when he gives his State of the Union Message. So I would not anticipate any business in the Senate on Tuesday.

It will be my intention on Monday to also ask that upon the conclusion of the President's State of the Union speech, the Senate stand in adjournment until the following day, Wednesday, at a specific time.

Meanwhile, I urge committees to continue to meet on tomorrow and Monday and Tuesday and do their work so as to expedite the getting of legislation on the calendar for action on the Senate floor, and also that committees may continue their fine work in conducting their oversight and informative responsibilities under the Constitution.

PROGRAM

Mr. BYRD. Mr. President, I am authorized by the distinguished Republican leader to proceed now to state the program and to close the Senate for the day and for the week.

Mr. President, on Monday, the Senate will convene at 2 p.m. After the two leaders or their designees have been recognized under the standing order, Senators PROXMIRE and BAUCUS will be recognized each for not to exceed 5 minutes, after which there will be a period for the transaction of morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

At 3 p.m., the Senate will automatically resume consideration of the committee resolution, that being the then unfinished business. The pending question will be on the Symms amendment, and debate will ensue thereon.

ORDER FOR TIME TO BE EQUALLY DIVIDED

Mr. BYRD. Mr. President, I ask unanimous consent that the debate be equally divided and controlled between the chairman of the committee, Mr. FORD, and the ranking member, Mr. STEVENS, or his designee. I ask unanimous consent that it be equally divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Upon disposition of the Symms amendment—and it is quite likely that a motion to table will be made—there being no other amendments in order, I anticipate that the Senate then will proceed to vote on final passage of the resolution.

At this time I do not anticipate any other business that would require a rollcall vote on Monday. There may be a rollcall vote on the final passage of the resolution funding the various committees. There will be at least one rollcall vote on Monday. There may be more.

ADJOURNMENT UNTIL MONDAY, JANUARY 26, 1987, AT 2 P.M.

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 2 p.m., Monday next.

There being no objection, the motion was agreed to; and, at 4:25 p.m., the Senate adjourned until Monday, January 26, 1987, at 2 p.m.

EXTENSIONS OF REMARKS

END TAX WRITE-OFFS FOR ABORTION

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. DORNAN of California. Mr. Speaker, nonprofit clinics and hospitals, which regularly take the lives of preborn children via induced abortion, are classified by the Internal Revenue Service, under the present United States Tax Code, as charitable, tax-exempt, nonprofit health entities. Planned Parenthood alone—a more than $200 million a year organization—which performed 91,065 abortions in 1985, conducts its holocaust against the preborn under the status of a nonprofit, tax-exempt, charitable organization. Such clinics and hospitals are making a double killing.

On December 1, 1985, the National Catholic Register published, "For Population Control Groups, It's Fat City," by Mary Meehan. The article clearly documents foundation funding not only of population control and contraceptive programs, but of organizations which actually perform abortions. Since the article was published the situation has only gotten worse.

On Thursday, January 22—the 14th anniversary of the tragic Supreme Court Roe versus Wade decision—I will introduce "The Tax Exemption Equity Act of 1987." This bill will deny tax exemptions, like those outlined in the article, to groups which directly or indirectly perform abortions.

I urge my colleagues to read the article and join with me as a cosponsor of the Tax Exemption Equity Act.

FOR POPULATION CONTROL GROUPS, IT'S FAT CITY

(By Mary Meehan)

WASHINGTON.—According to a just-completed Register survey, 296 private and community foundations gave $41.4 million to population and pregnancy programs in fiscal year 1983.

Foundations contributed vast sums in support of population studies, contraception, abortion and projects to discourage teenage pregnancy. They sent smaller grants—totaling $1.4 million—to pregnancy aid centers and pro-life groups. Foundations gave an additional $3.3 million for pre-natal care and other programs helping expectant mothers and new parents.

But its been groups supporting abortion and population control projects which have reaped most of the foundation largess.

When Catholics for a Free Choice sought foundation money in fiscal year 1983, it was able to raise nearly a quarter of a million dollars. The American Civil Liberties Union and its affiliates received a like sum for pro-abortion lawsuits. Others received funding for projects ranging from a "training program in new contraceptive technology" to "population control in Mexico."

Planned Parenthood [PP] groups outstripped the rest by gaining $9.1 million in foundation grants in 1983. In its annual report for the year, the Planned Parenthood Federation of America [PPFA] said that PP affiliates provided 83,000 abortions as well as "contraceptive services for 1.3 million people." PPFA boasted of court victories for abortion and of fighting "antichoice groups" through the media.

The Register survey was based on foundation tax returns and annual reports on file at the Foundation Center Library here. It focused on fiscal 1983 because that is the latest year for which most tax returns are available.

The survey identified $2.8 million in grants to abortion providers—chiefly Planned Parenthood affiliates that operate abortion clinics. Rep. Robert Dornan (R-Calif.) is trying to end such grants through a bill called the Tax Exemption Equity Act of 1985. The Dornan bill, H.R. 2897, would deny tax exemption to groups that "directly or indirectly perform or finance abortions." It may be offered as a floor amendment or "rider" to tax reform legislation.

In an Oct. 31 interview, Planned Parenthood lobbyist William Hamilton described the Dornan bill as "patently unconstitutional" and "a nonsense act by a nonsense member of Congress."

Hamilton said, "You can't deny tax-exempt status to an organization on the basis of their performance of a legal medical service."

Dornan told the Register Nov. 5 that Hamilton was mistaken and that "Congress can deny tax-exempt status to any group they want." He said that Planned Parenthood is "into the abortion business up to their eyebrows" and that "the time is up for them." Dornan called his bill "a very common-sense amendment" and said he was not bothered by Hamilton's attack.

The Ford Foundation, the largest donor to population groups, gave $8.3 million in fiscal 1983. As in the past, Ford supported the Population Council and other groups involved in population control abroad. It was also one of 14 foundations funding Catholics for a Free Choice (see chart, this page).

Ford Foundation President Franklin Thomas, in his report for fiscal 1984, declared that contraceptives and family planning programs cannot by themselves "reduce excessive rates of population growth." Choices about child-bearing, he said, would be "profoundly influenced" by "a woman's education and parental expectations of their children's life chances."

Thomas indicated that Ford was supporting various women's programs because "improving women's education and broadening their options for economic activity and security are universally regarded as powerful influences in bringing about long-term reductions in fertility."

Ford's Child Survival/Fair Start for Children program (involving prenatal and postnatal care) "is based on the assumption that as more children survive, and as their growth and development needs are recognized, parents will want fewer children so that they can provide them with better nutrition and education," he said.

The Register survey counted the Child Survival/Fair Start program in the $3.3 million category of "pregnancy/parenting support." Projects in this category often included contraception—and sometimes abortion referrals—but primarily helped young parents through pregnancy and early parenting. Some tried to keep young mothers in high school so they would not "dead end" in welfare programs. Others concentrated on prenatal care, obstetrical aid and instruction in child care.

Some foundations supporting this work also financed pro-abortion groups such as Planned Parenthood.

Several foundations showed a special interest in pro-abortion groups claiming religious connections. The Missouri-based Sunnen Foundation dominated this field, with grants of $70,000 to Catholics for a Free Choice (CFFC) and $115,000 to the Religious Coalition for Abortion Rights (RCAR). Most of its RCAR money was channeled through the largest Presbyterian denomination, according to a 1984 interview with Presbyterian spokesman Allen Krantz.

Sunnen also gave $25,000 to the National Council of Jewish Women (NCJW). Either that or an earlier grant helped finance a prochoice program guide for NCJW. Speaking of the Jewish community, the guide advised: "Emphasis on First Amendment rights, attempts to limit court jurisdiction and civil liberties are more persuasive arguments than women's rights or even teen-age pregnancy."

NCJW staff member Holly Sloan Smith told the Register last month that her group's work in family planning and abortion is no longer financed by foundations, but rather by the NCJW membership. She said that NCJW members tend to identify with the Reform tradition of Judaism, but that the group is not an official religious organization.

One of the last foundation-financed NCJW projects was a publication on teen sexuality, family planning and similar topics. Published earlier this year, it acknowledged "the generous contribution of the Playboy Foundation which helped underwrite this program idea guide."

Foundation support for Catholics for a Free Choice has not diminished, according to Frances Kissling, CFFC director, but she said the CFFC prominence in the "Vatican 24" controversy has not increased the group's foundation support, either. "It's had almost no effect whatsoever" on foundation aid, although it "has certainly helped our public visibility," Kissling remarked.

As reported earlier in the Register (May 20, 1984, and March 3, 1985), foundations provide nearly all CFFC money. The 1983 CFFC tax return showed that membership dues accounted for only 2.5 percent of the group's income.

The Register survey found more than $260,000 in foundation money for the Religious Coalition for Abortion Rights (RCAR). But in a recent fundraising appeal, the RCAR director, Fredrica Hodges, said, "It is much harder for us to raise the money we need for RCAR's programs than it is for the Moral Majority and New Right groups to finance their simplistic, judgmental campaigns which ignore the real needs of real people."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

FOUNDATION FUNDING FOR PRO-ABORTION GROUPS (1983)

Foundation	To CFFC	To RCAR	To NCJW
Mary Reynolds Babcock (North Carolina)	$20,000		
Bing Fund (California)		$300	
Bing Fund Corp. (Nevada)	500	300	
Brush (Ohio)	30,000		
Cabot Family Char. Trust (Massachusetts)	2,500		
Cowles Char. Trust (New York)	100		
Educational Foundation of America (Connecticut)	25,000		
Ford (New York)	25,000		
George Gund (Ohio)	20,000	45,000	$10,000
Huber (New Jersey)	18,000		10,000
J. Roderick MacArthur (Illinois)	10,000		
New York Community Trust & Community Funds (New York)		12,000	
North Shore Unitarian Universalist Veatch Program (New York) [1]	5,000	70,000	
David & Lucile Packard (California)	10,000		
Playboy (Illinois)	10,000	5,000	3,000
Scherman (New York)		15,000	
Sunnen (Missouri)	70,000	115,000	25,000
Total	246,100	262,600	48,000

[1] Technically not a foundation. Sources: 1983 tax returns and annual reports; Source Book Profiles 1984 (pub. by Foundation Center). Figures are based on each foundation's fiscal year, which in some cases did not coincide with the calendar year.

FOUNDATION GRANTS TO ABORTION PROVIDERS, FISCAL 1983

Abortion Provider	Grants	Major Foundations
Planned Parenthood of Alabama	$51,425	Sunnen (Missouri).
Planned Parenthood Alameda/San Francisco (California).	99,784	Compton (New York); Wallace Alexander Gerbode; Jessie Smith Noyes (New York); Rosenberg; Levi Strauss.
Planned Parenthood/World Population Los Angeles (California).	397,910	Ahmanson; Bing Fund Corp. (Nevada); James Irvine; W.M. Keck; Kenneth T. & Eileen L. Norris; Phillips (Minnesota); Times Mirror; Torrey H. & Dorothy K. Webb Char. Trust.
Rocky Mountain Planned Parenthood (Colorado).	27,875	Boettcher; Denver; Huber (New Jersey).
Planned Parenthood Association of Maryland.	260,000	Morris Goldseker Foundation of Maryland; New York Community Trust & Community Funds (New York); Jessie Smith Noyes (New York); Aaron Straus & Lillie Straus; U.S.F. & G.
Reproductive Health Care Center of South Central Michigan (a Planned Parenthood affiliate).	179,916	Kalamazoo; Harold & Grace Upjohn.
Planned Parenthood of Minnesota.	104,825	Cargill; Dayton Hudson; General Mills; Greystone; McKnight; Pillsbury Co.
Reproductive Health Services, St. Louis, Missouri.	70,000	Sunnen.
Planned Parenthood of Vermont (now called Planned Parenthood of Northern New England).	123,000	Brush (Ohio); Cleveland H. Dodge (New York); General Service (Colorado); Huber (New Jersey); Jessie Smith Noyes (New York); Turrell Fund (New Jersey).
Planned Parenthood of Monmouth Co. (New Jersey).	35,250	Huber; New York Comm. Trust & Comm. Funds (New York).
Planned Parenthood of New York City (New York).	876,750	Achelis; Vincent Astor; Bodman; Bristol-Myers Fund; Louis Calder; Edna McConnell Clark; Robert Sterling Clark; Educational Fdn. of America (Connecticut); Charles Engelhard (New Jersey); Ford; Fdn. for the Needs of Others; Huber (New Jersey); J.M.; W. Alton Jones (Virginia); J.M. Kaplan; Morgan Guaranty Trust Co. Char. Trust; New York Comm. Trust & Comm. Funds; Edward John Noble; Jessie Smith Noyes; Scherman; Union Pacific Uris Brothers; Weyerhaeuser (Minnesota).
Planned Parenthood of Greater Charlotte (North Carolina).	47,770	Aetna Life & Casualty (Connecticut); Greater Charlotte; Z. Smith Reynolds.
Elizabeth Blackwell Health Center for Women, Philadelphia (Pennsylvania).	61,850	William Penn; Philadelphia.
Planned Parenthood Association of Southeastern Pennsylvania.	97,400	Brush (Ohio); Samuel S. Fels Fund; Independence; Jessie Smith Noyes (New York); Philadelphia.
Planned Parenthood Center of Pittsburgh (Pennsylvania).	60,400	Alcoa; Ernest N. & Cynthia S. Calhoun; H.J. Heinz Co.; Hunt; McCune.
Planned Parenthood of Houston & Southeast Texas.	201,300	Brown; Clayton Fund; Houston Endowment; McAshan Education & Char. Trust.

Note.—Some of the grantees listed below are abortion clinics, while the others operate such clinics. Many of the clinics offer contraception and sterilization as well as abortion; some also offer prenatal care. In some cases, such as Minnesota and southeastern Pennsylvania, a Planned Parenthood affiliate provides abortion at only one of its many clinics. Unless otherwise indicated, the donor foundation is in the same state as its grantee. Agencies receiving less than $25,000 are not listed here.

Sources: Foundation tax returns and annual reports, Planned Parenthood congressional testimony, 1981; "yellow pages" clinic advertising, telephone interviews.

The Tax Exemption Equity Act

A bill to amend the Internal Revenue Code of 1954 to deny status as a tax-exempt organization, and as a charitable contribution recipient, for organizations which directly or indirectly perform or finance abortions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tax Exemption Equity Act of 1987".

SEC. 2. DENIAL OF TAX BENEFITS FOR ORGANIZATIONS WHICH PERFORM OR FINANCE ABORTIONS.

(a) DENIAL OF TAX-EXEMPT STATUS.—Section 501 of the Internal Revenue Code of 1954 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) DENIAL OF EXEMPTION FOR ORGANIZATIONS WHICH PERFORM OR FINANCE ABORTIONS.—

"(1) IN GENERAL.—An organization shall not be treated as described in subsection (a) if such organization performs or finances abortions.

"(2) ORGANIZATIONS WHICH PERFORM OR FINANCE ABORTIONS.—

"(A) IN GENERAL.—For purposes of paragraph (1), an organization performs or finances abortions if such organization, directly or indirectly, performs or finances any medical procedure which takes the life of a preborn child.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any medical procedure required to prevent the death of either the pregnant woman or her preborn child so long as every reasonable effort is made to preserve the life of each."

(b) DENIAL OF ELIGIBILITY FOR CHARITABLE CONTRIBUTION.—

(1) INCOME TAX.—Subsection (c) of section 170 of such Code (defining charitable contribution) is amended by adding at the end thereof the following: "For purposes of this section, such term does not include a contribution or gift to or for the use of any organization which performs or finances abortions (within the meaning of section 501(m)(2))."

(2) ESTATE TAX.—

(A) IN GENERAL.—Section 2055 of such Code (relating to transfers for public, charitable, and religious uses) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) DENIAL OF DEDUCTION FOR CONTRIBUTIONS TO ORGANIZATIONS WHICH PERFORM OR FINANCE ABORTIONS.—No deduction shall be allowed under this section for a transfer to or for the use of any organization which performs or finances abortions (within the meaning of section 501(m)(2))."

(B) TECHNICAL AMENDMENTS.—

(i) Subparagraph (E) of section 2106(a)(2) of such Code (relating to taxable estates of nonresidents not citizens) is amended by striking out "section 2055(e)" and inserting in lieu thereof "subsections (e) and (f) of section 2055".

(ii) Clause (ii) of section 2106(a)(2)(F) of such Code is amended by striking out "section 2055(f)" and inserting in lieu thereof "section 2055(g)".

(3) GIFT TAX.—Section 2522 of such Code (relating to charitable and similar gifts) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) DENIAL OF DEDUCTION FOR CONTRIBUTIONS TO ORGANIZATIONS WHICH PERFORM OR FINANCE ABORTIONS.—No deduction shall be allowed under this section for a gift to or for the use of any organization which performs or finances abortions (within the meaning of section 501(m)(2))."

(c) EFFECTIVE DATES.—

(1) ABORTIONS AFTER DATE OF ENACTMENT.—The amendments made by this section shall take into account only medical procedures performed after the date of the enactment of this Act.

(2) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act.

(3) SUBSECTION (b).—The amendments made by subsection (b) shall apply to estates of decedents dying, and transfers, after the date of the enactment of this Act.

CARIBBEAN BASIN INITIATIVE

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. DYMALLY. Mr. Speaker, I am pleased to bring to your attention the remarks of the Honorable Errol W. Barrow, Prime Minister, Barbados, West Indies, regarding the Caribbean Basin Initiative.

CARIBBEAN BASIN INITIATIVE—ADDRESS BY THE RT. HON. ERROL W. BARROW, PRIME MINISTER OF BARBADOS

I wish to thank Mr. David Rockefeller and the Caribbean Central American Action for the invitation to attend the 10th Annual Miami Conference and Exposition on the Caribbean and to address the luncheon today.

This is the first of these annual conferences that I have had the opportunity to attend, because the past decade in which they have been held coincided with the ten years that the political party that I am privileged to lead spent in opposition in Barbados. I emphasize the word "coincided" because I am sure that there was no connection between my departure from office in 1976 and the institution of these annual meetings.

One of the advantages of being in political opposition—and, believe me, there are more than you may imagine—is that, free from the daily demands of government, one has more time to look critically at the working of our economic and political system. In the past few years I have given some thought to the evolving relationship between the Caribbean and the United States of America and I must confess that there are elements that have crept into that relationship that frankly disturb me. I say this, without apology, as one who is convinced that close cooperation between the Caribbean and our neighbours in the Western Hemisphere is both necessary and desirable. The United States of America is not the least among these. Indeed our government has proclaimed the expansion of friendly relations with the United States as one of the main goals of its foreign policy. Yet, as I say, there are elements in the recent evolution of U.S.-Caribbean relations that I find disturbing.

First and foremost, it seems to me that U.S.-Caribbean cooperation is being based—or at least being justified—increasingly on negative rather than positive considerations. Let me explain precisely what I am referring to.

If one examines many of the arguments used over the past few years, both by American and Caribbean persons, to persuade the American people of the desirability of assisting with the economic development of the Caribbean, one finds that essentially negative themes have tended to predominate.

If I may be allowed to summarize rather crudely, the case for cooperating with the Caribbean is put something like this: if the United States does not help the Caribbean: (1) the communists, who are conveniently hiding behind every palm tree, will take over and surround the U.S. with a ring of hostile islands; (2) if the communists don't succeed, then the drug traffickers will take over and use the islands as bases to flood the United States with dope; and (3) in either case, the entire population of the islands will flee to the United States legally or illegally and take away jobs from American workers.

This may be a caricature but it is not, I suggest, a misrepresentation of the kind of negative reasoning that is frequently used to justify U.S.-Caribbean cooperation.

The first thing that strikes one, or ought to strike one, about this line of reasoning is that it paints a terrifying, degrading and totally false picture of the Caribbean. For it suggests that what America has lurking offshore is nothing but a sea of troubles, with waves of disasters threatening your domestic tranquillity. And unless one throws a whole lot of money and possibly guns at the situation, it might blow up in the face of the United States. The cynical view of course is that in the context of American domestic politics such rhetoric is needed to "sell" the idea of helping the Caribbean to the American electorate. The problem is that you might end up believing such nonsense.

It is dehumanising and false to view the Caribbean as potential American problems. We are peoples with an identity and a culture and a history—the Parliament of Barbados will be 350 years old in 1989. We don't need lessons in democracy from anyone. However severe the economic difficulties facing the Caribbean we are viable, functioning societies with the intellectual and institutional resources to understand and grapple with our problems. Collectively we have the resource potential necessary for our continued development and, of course, we have a heritage of exquisite natural beauty entrusted to us. The Caribbean is after all a civilization.

The second thing that strikes one about the negative justification for American-Caribbean cooperation is that it paints a less than flattering portrait of the American people. Whatever the demands of political realism, it is, in my view, demeaning to suggest that Americans can be motivated to cooperate with their Caribbean neighbours only by fear for their own security. This is certainly not true of the many American tourists and businessmen I meet in the Caribbean. Indeed the negative line of argument seriously short-sells the idealism, generosity and sheer good sense of the American people.

In more practical terms, such negative considerations will tend to engender crisis-oriented and "quick-fix" attitudes to the region—attitudes which will be detrimental to the future of Caribbean-American cooperation.

There are many strong ties between the American and Caribbean peoples—ties of history, culture and shared values. It is these positive considerations that should be emphasized as the basis of our mutually beneficial cooperation.

The second disturbing element that I have detected in the evolution of Caribbean-American relations is the trend towards an excessive reliance by the Caribbean on the United States. The patronage mendicancy syndrome. The Caribbean is not the responsibility of the United States, and it is totally unfair and unkind to Americans to ask them to shoulder all our burdens. However poor we may be, however severe the economic difficulties we face, it must be clearly understood that the well-being and security of our peoples are our own responsibility. Let us face it, with all the money, all the technology and all the will in the world, the United States cannot solve the problems of the Caribbean. In the first fifteen years that my political party managed the affairs of Barbados, we received no aid from the U.S. of A., financial or military, neither did we ask for any. The United States can contribute, and can contribute enormously, but only if the peoples of the Caribbean are themselves determined in a spirit of self-reliance to grapple with those problems.

The utmost priority has to be attached both by the Caribbean and the United States to the movement for regional cooperation in the Caribbean. For self-reliance in the situation of the Caribbean must necessarily mean collective self-reliance.

Thus the most useful role that the United States and other industrialized states can play in cooperating with the Caribbean is by strongly supporting multilateralism in the region and by channelling as much of their assistance as possible through the appropriate regional institutions. This approach offers the best prospects for self-sustaining development in the Caribbean.

It is a pity that the original multilateral approach to the Caribbean Basin Initiative was never fully realized in practice, so that the CBI is now almost exclusively associated with the United States. But I believe there is still hope for greater coordination of all the programmes of cooperation undertaken by various industrialized countries, such as Canada and the European Community with the Caribbean. Those same countries might also use their influence in the international financial institutions to get them to change their policies on lending to very small island states. Right now, because of an inflexible application of the per capita income criterion, access of the English-speaking Caribbean countries to soft loans from the International Development Association is being limited and several of them are being told that they will soon not be eligible for any type of loans from the World Bank. In the light of the serious economic difficulties facing the Caribbean today, this is a situation that is nothing short of shameful and demoralising.

I am convinced that the encouragement and support of multilateralism in the Caribbean, and among those friendly countries cooperating with the Caribbean, is the most productive and positive path to follow.

Let me say something about the CBI itself. I doubt that any similar initiative has generated such a torrent of words. Indeed the CBI is a victim of its own rhetoric in that it has created expectations beyond anything that it could realistically be expected to fulfill. When one examines the actual Caribbean Basin Economic Recovery Act of 1983 one finds a very modest but useful effort at helping the Caribbean by providing restricted preferential access for Caribbean exports to the American market. And we really have to stop judging the CBI on what it ought to have or might have been. Political realism perhaps also dictates that with the Gramm-Rudman-Hollings balanced budget amendment, the current American trade deficit and the tide of protectionism sweeping the United States, there is little prospect of getting Congress to improve the CBI. Thus if the CBI is producing only very modest results, it is not because it is a failure, but because it is a very modest instrument. It is regrettable that the media in the Caribbean and the United States and our own mendicant politicians find it convenient to forget that the whole concept of the Caribbean Basin as an object of economic development originated with the late Dr. Eric Williams of Trinidad and Tobago when he put forward his Caribbean Basin Plan involving one billion dollars to be raised totally from our own resources. Perhaps, therefore it is necessary for us to review together the CBI Program to see how we can improve it.

I can only say and say again to my friends in Congress: if you are serious about wanting to help the Caribbean, the best thing you can do is to allow all of our exports free and unrestricted access to the American market. Not as a matter of largesse or aid but as a means of redressing the unfavourable balance of trade which enures exclusively to the benefit of the U.S.A.

One area that offers considerable scope for growth in the Caribbean is the service sector. In a country as small and resource-poor as Barbados, the service sector is and will possibly become even more so a vital component of economic survival. Barbados has therefore developed both a tourism sector as well as an offshore sector designed to attract only legitimate business enterprises, whether bankers, foreign sales corporations or captive insurance companies.

Through our own tax treaty and tax information exchange with the United States, we cooperate in the investigation of tax fraud and related illegal activities. The tax treaty was designed to strengthen economic cooperation between our two countries and any attempt to undermine the treaty will strike a severe blow at this cooperation. I therefore trust that the U.S. Government will honour its commitment to this international instrument and not take any action to alter the lengthily negotiated provisions of the treaty, for any action to alter the provisions of the treaty would be a set back to investment tax cooperation and trade not only between Barbados and the United States, but possibly between the United States and other Caribbean countries contemplating the signing of tax and information agreements with the United States.

Upon assuming office in May of this year, my Government commenced upon a programme of economic restructuring aimed at revitalizing the economy of Barbados. Our economic policy goals were, and are, the reduction of high levels of unemployment, overcoming persistent economic stagnation; the restoration of private business confidence and performance; the curtailment of substantial losses in public sector commercial ventures and the rebuilding of export competitiveness.

The achievement of these goals has been tackled, initially, under the purview of budgetary measures which have sought to restore incentives to individuals to work, save and invest; reduce the costs of business operation; provide incentives to encourage reinvestment of capital; provide for business to build up healthy reserves, place resources behind small business and reduce the tax burden on private individuals and business. Most salient of the measures was the reduction in the maximum rate of personal income tax from 60 to 50%; with all persons earing BDS$15,000 a year or less, being exempted from paying income tax. In addition, the maximum rate of corporate tax was reduced from 45 to 35%, and will soon move to a graduated tax ranging from 15 to 35%. The tourist sector, in particular, was relieved of an onerous tax burden.

We took these actions because we were convinced that the personal income and corporate tax regimes were stifling the creativity and entrepreneurial talents of our people, and also because of our firm belief that the private sector has a big role to play in bringing the economy back on track. The rate of return to the community of investment by the private sector is more efficiently realised, and that sector subsumes more importantly the individual working with his own hands.

These measures will, in the short run, generate substantial impact upon deposable income, demand for goods and services and the growth of government revenue from indirect taxation. Over the medium term, the growth in purchasing power, correctly channelled, will lead to the emergence of new businesses and expansion of those already established, thereby creating more job opportunities. Over the long run as businesses expand and new ventures develop, additional rounds of revenues and employment will be generated.

One other complementary area of reform which the Government is pledged to undertake as a matter of urgency in order to restore economic health, is the problem of wasteful expenditure and inefficiency in the public sector generally, and particularly in Government-owned commercial enterprises. Our public enterprises policy recognises that Government must play a role in this provision of private goods and services for purchase by individuals, and therefore Government will continue to invest, appropriately, in and promote the production and distribution of private goods. However, we intend to put an end to the practice whereby publicly-owned enterprises producing non-strategic goods and services are permitted to operate at a substantial loss with little likelihood of ever making a profit. In the extreme case where complete divestment is the appropriate course, such action will be taken.

Much of the infrastructural and institutional framework for business activity in Barbados was laid down during the years 1961 to 1976 when I had the privilege of heading the Government of Barbados for three successive terms. Just as we in Barbados do not need instructions on the virtues of democracy, neither do we need instructions on the virtues of free enterprise. The Government is committed to fostering the most healthy and positive climate for private sector investment, both domestic and foreign, in Barbados. We recognise that the ability to produce and export at internationally competitive prices will be critical to our success, and we welcome the foreign, and especially the American investor, as one who can make an important contribution to that objective.

I look forward to close and friendly cooperation with the people of the United States during my tenure in office. I am convinced that such cooperation is to the mutual benefit of both the Caribbean and American people. But I feel equally strong that such cooperation must be based on positive and not negative considerations, and should reinforce the self-reliance and independence of the Caribbean. It has become fashionable in American domestic politics to invoke the name of Franklin D. Roosevelt in order to inspire Americans with a unity of purpose and vision and faith in this great country. I would urge that in the field of foreign relations you also invoke the spirit of that great American statesman in dealing with your good neighbours in the Caribbean—"The only thing you have to fear is fear itself". Thank you.

THE ALLIANCE FOR EDUCATION ACT OF 1987

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. BIAGGI. Mr. Speaker, during the past several years, a number of studies and reports have called attention to the problems in American education and the challenges facing our public school systems in the future. All of these studies have reached the same conclusion—in order to improve and enhance our schools, ensure a quality American education system, and bring forth the full potential of this Nation, we must marshal all of our community resources and involve every segment of society.

To this end, I am pleased to introduce today a bill to encourage and facilitate the establishment of alliances between local educational agencies and the private and nonprofit sectors. This measure, the Alliance for Education Act, establishes a model grant program to develop cooperative programs linking the needs of schools, and the resources of the private and nonprofit sectors of the community for the betterment of elementary and secondary education. It represents an important step in efforts to make optimum use of available resources—human and financial—to address the problems facing our schools. Simply put, we need a wide constituency in long-range efforts to improve the quality of schools.

Specifically, this legislation provides for grants to begin building alliances between the public schools and the private and nonprofit sectors. Grants will be made to apply the full resources of the private and nonprofit sections to elementary and secondary school needs in the community, to encourage business to work with educationally disadvantaged as well as gifted students, and to broaden the career awareness of secondary school students. Grants may also be made for developing model State statutes in support of cooperative ties between the private sector and schools, for academic internship programs, for tutorial and volunteer work, and for staff training. Federal support is on a declining scale, with the projects to be self-supporting at the end of the grant period. Grant criteria and program policy will be made by a presidentially appointed board composed of 15 members from specified backgrounds, including the Secretaries of Education, Commerce, and Labor, and the Chairman for the National Endowment for the Arts and the National Endowment for the Humanities. The Secretary of Education administers the program, conducts an annual evaluation of grants made under the act, and disseminates information in order to encourage the broadest possible use of successful strategies and methods.

This Nation has recognized the need for substantial reforms in public education. At all levels, Americans are reassessing and reevaluating the education system and clamoring for new and innovative reforms. The National Commission on Excellence in Education reported in A Nation At Risk the need for collaboration between individuals, businesses, and parent and civic groups to strengthen education programs. Education for the 21st Century, issued by the National Science Foundation, High School, by Ernest Boyer for the Carnegie Foundation for the Advancement of Teaching, and Action for Excellence released by the Education Commission of the States all discuss the critical need for school reform and point to the same recommendation—business-school partnerships are a strategic component of comprehensive long-range school improvement efforts and represent one of the most effective means of encouraging cooperation between schools and communities in support of public education.

Every person in this Nation wants, needs, and deserves a quality education. After all, education is the very foundation upon which we build a future—the future of an individual, and more importantly, the future of this great Nation. The minds of our citizens are our most precious national resource vital to this country's security, its economic well-being, and its strength and position as a leader of the world. If we really expect our people to take advantage of the many opportunities this Nation offers, if we really expect our people to be full contributing members of society, then we must be prepared to concentrate our efforts on improving our schools—an effort that must involve every segment of the community. We have come to realize that excellence in education and the future of our Nation are synonymous—and everyone's responsibility.

The business community has collaborated with the New York City public schools since 1915, when co-op education began in this country. Last year, co-op students earned over $25 million in part-time jobs with over 3,000 employers. In recent years, New York City has developed various school-business partnership models. The partners for the Advancement of Electronics Program at George Westinghouse Vocational-Technical High School, developed with Youthwork, Inc., and assisted by the New York City Private Industry Council, brought local business people in the electrical-electronics industry together with teachers in one school to refine the curriculum, upgrade equipment, and develop work-study programs in local small- and medium-sized companies. The Murray Bergtraum High School for business careers was planned and developed through collaboration among the lower Manhattan financial community and teams of educators from the board of education.

The most recent development, the "Join-a-School" Program, pairs New York City high schools with a corporation or other institution, such as a labor union or a foundation, or a group of small neighborhood businesses. The program was created to stimulate community-wide interest and involvement in local schools, and to restore public concern and support for them. Unquestionably, one of the most successful examples involves the American Can Co. which joined Martin Luther King High School. Mr. William Woodside, president of the American Can Co., made the graduation speech at Martin Luther King High School in 1983. The following year, the company's annual stockholder's meeting was held at the school, and students were involved in all aspects of the event, from writing a draft of the annual corporate report to providing security for the event. Burns Security Co., trained students, who were subsequently eligible for jobs at that company; American Can Co. paid for the training. This partnership has served to benefit all involved by facilitating communication and understanding between education and the private sector, thereby strengthening the bonds of the community as a whole.

It is in the clear national interest for the Federal Government to fund model projects and programs that foster a better understanding of the school system, strengthen and improve school programs and curricula, and create a climate of involvement and interaction between the communities and their schools. Our schools remain the principal lever for the creation and development of the minds of our citizens, and ultimately, define the course of this Nation. In this time of wide publicity about deterioration in the schools, and a growing demand for quality improvement in the schools, such partnerships offer us the tools by which to forge a permanent solution—a lasting and spirited commitment to improve and support our Nation's public schools.

PRESERVING THE ABANDONED MINED LANDS PROGRAM

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. CHENEY. Mr. Speaker, I have today introduced legislation to preserve the Abandoned Mine Lands Reclamation Program by making it clear that program expenditures and benefits are not to be taxed by the Internal Revenue Service.

This legislation became necessary after a recent district IRS ruling in Ohio which has cast a pall over mine reclamation programs of the Federal Government and the several States.

The IRS case concerned a reclamation project sponsored by the State of Ohio under its Abandoned Mine Reclamation Program. The State paid part of the cost of cleaning up an area seriously damaged by past mining. The district office of the IRS subsequently ruled that the entire amount of the State's payment had to be considered as gross income by the taxpayer participating in the project, even though part of the project was located on a neighbor's property, and even though a significant portion of the project's benefits accrued to the public at large, rather than the taxpayer.

Although this ruling applied only to a particular case in Ohio, it has already had the effect of seriously disrupting reclamation efforts throughout the country. Citizens involved in reclamation activities are reluctant to proceed for fear of the tax consequences raised by this action.

For example, the program manager of Wyoming's Abandoned Mine Reclamation Program indicated in a recent letter that—

> [T]he current undefined nature of the problem places the AML Program in a position where it cannot accurately inform landowners of the potential tax consequences when they consent to have their land reclaimed or the hazards on their property abated. Unable to obtain landowner consent, some $20 million worth of construction work shall be delayed by late spring, 1987.

Officials at the U.S. Department of the Interior who administer the Federal Abandoned Mine Land Reclamation Program have expressed a similar concern. In September 1985, Assistant Secretary Steven Griles wrote a letter to IRS Commissioner Lawrence Gibbs seeking the withdrawal of the Ohio opinion on the grounds that it contained "both factual and legal errors * * *." Mr. Griles noted, "We are particularly concerned about the possibility that this opinion may be considered for application on a national basis."

Mr. Speaker, it would be a shame if the considerable worthwhile activity going on throughout the country to heal the scars and clean up the messes caused by past mining were to be hindered because of this obscure action by the IRS.

To keep that from happening, the legislation I have introduced would change current law to specify that gross income does not include payments or economic benefits resulting from payments under the Federal Abandoned Mine Reclamation Program enacted by Congress in 1977.

For the benefit of those who are not familiar with the problems caused by the Ohio ruling, following is the test of the Interior Department's letter to IRS. It makes clear the need for legislation.

I invite my colleagues from States with Mine Reclamation Programs to join in cosponsoring this bill, Mr. Speaker.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, September 25, 1986.

Hon. LAWRENCE B. GIBBS,
Commissioner, Internal Revenue Service, Washington, DC.

DEAR COMMISSIONER: We are enclosing a District Internal Revenue Service Opinion concerning the tax consequences for an Ohio family that participated in a State sponsored mine land reclamation program. We believe the opinion includes both factual and legal errors and respectfully request that the opinion be withdrawn. We are particularly concerned about the possibility that this opinion may be considered for application on a national basis.

The case in question concerns two cost-sharing grants from the State of Ohio under its Abandoned Mine Land Cost-Share Program, Ohio revised Code 1513.28. This program funded solely from State revenues provided grants to landowners to reclaim lands that have been adversely affected by past mining practices. These mining activities have imposed social and environmental costs in the form of unusable unreclaimed lands, water pollution, erosion, loss of fish and wildlife resources and a decline in the natural environment. In many instances, the condition of these lands creates serious health and safety threats to the general public through uncontrolled refuse and underground fires, unstable spoil and waste piles and unsafe impoundments. Indeed, the lands are truly "abandoned" in the sense that neither current nor prior landowners have a legal responsibility to reclaim them.

The Ohio reclamation program, much like other reclamation programs, seeks to correct this past legacy by providing landowners funds necessary to restore the land to its original productivity. It is the general public that gains from this program and not specific individuals.

The case in point involved the restoration of 132 acres of strip-mined land owned by the taxpayer and 68 acres owned by a neighbor. There was no agreement between the taxpayer and this adjoining landowner for reimbursement, and the State required the reclamation of the entire 200 acres in order for the taxpayer to participate. Pre-appraisals of the taxpayer's land placed the value of approximately $15,200 or at about $100 an acre. The land in question contained old refuse piles and sediment filled streams that caused the flooding of nearby agricultural lands which were not owned or controlled by the taxpayer. To correct this continuing threat to the public at large and to prevent further economic decline of local agricultural production, the State provided the taxpayer $930,000 in two grants to remove the sediment from the streams and reclaim the old gob piles. The post-appraisal of the 200 acres placed its new market value at $35,000 with its highest and best use still being wildlife habitat or pasture land. The benefits derived from this project clearly accrued to the community at large and not to the taxpayer.

The local Internal Revenue opinion found, based on these facts, that the total cost-share payments ($930,000) for the reclamation of the taxpayers' 132 acres and the 68 acres of his neighbor were includable in the gross income of the taxpayer in the years received. In our opinion, this is an absurd result, one that would have dire consequences for many Government sponsored reclamation programs.

Our specific concerns with the District Opinion are:

1. The opinion incorrectly links the State reclamation program with the reclamation programs administered by the Department of the Interior's Office of Surface Mining Reclamation and Enforcement. The Ohio cost-share program is not administered under the auspices of Section 401 of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87. 30 U.S.C. 1201 et seq. Indeed, the Department has no control, financial or administrative, over this program. By making this linkage, however, the opinion totally jeopardizes the Department's own three billion dollar reclamation effort involving thousands of acres of privately held land.

2. The opinion disallows the tax exclusion provided in Section 126(a)(10) of the Internal Revenue Code. This section of the code provides that "gross income does not include the excludable portion of payments received under any program of a State . . . under which payments are made to individuals primarily for the purpose of conserving soil, protecting or restoring the environment, improving forests, or providing a habitat for wildlife." The opinion does not dispute the purpose of the Ohio program or the nature of the reclamation grants. Rather, the opinion finds that because the State of Ohio failed to file certain documents with the Department of Agriculture concerning the reclamation purpose of the program, all landowners who participate will be unable to claim the exclusion. Such filings, however, are totally outside the ability or influence of the Ohio citizens.

3. The opinion finds that the taxpayers must include the total cost of the reclamation, $930,000 in their gross income despite the fact that the reclamation was carried out to correct proven dangers to the public at large and not to benefit the landowner directly. The Internal Revenue Service has held in other areas, however, that disbursement from a general welfare fund made in the interest and improvement of the general welfare and not includable in a recipient's gross income. (See Rev. Ruling No. 63-136 concerning payments under the Manpower Development and Training Act; Rev. Ruling No. 68-38, involving payments under Title II-A of the Economic Opportunity Act of 1964; Rev. Rule No. 72-340, concerning monies paid by city to unemployed probationers; Rev. Ruling No. 74-205, holding the replacement housing payments received by individuals under the Housing and Urban Development Act of 1968 and the Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970, are not includable in a recipient's gross income; Rev. Ruling No. 75-271, holding that mortgage assistance payments that are interest subsidies paid under S. 235 of the National Housing Act are in the nature of general welfare and not includable in gross income; Rev. Ruling No. 76-144, holding that Government assistance under the Disaster Relief Act of 1974 to help affected people are in the interest of the general public; Rev. Ruling 76-395, concerning home rehabilitation grants under the Community Development Program and Rev. Ruling 7777, concerning nonreimbursable grants under the Indian Financing Act of 1974.)

We believe all of these rulings as cited, establish a firm basis for finding that programs such as those of the Ohio reclamation program are fully exempt from taxes under varying interpretations of the Tax Code.

4. The opinion cites several revenue rulings concerning Government cost-share payments as precedent for holding the present payments includable in a recipient's gross income. These holdings, however, are clearly distinguishable as programs designed to increase the profitability and productivity of the lands involved. In the present situation, the grants are made not to increase the profitability of a specific landowner but to correct an existing environmental danger that threatens the community-at-large. Indeed, a simple review of the financial data supports this conclusion.

The streams on the taxpayers lands have been filled with coal sediment from nearby gob piles and periodically flood adjacent agricultural lands. The cost of removing the sediment and reclaiming the land was approximately $930,000. The highest and best use of the taxpayers land was not altered, however, and the taxpayer only realized a value increment of some $13,000. Nevertheless the opinion would still hold the taxpayer accountable for the total $930,000.

5. The opinion states that the cost-share payments used to reclaim the adjoining 68 acres are also includable in the taxpayer's gross income. We cannot understand this assumption particularly in light of the fact that it is wholly unsupported by citation or tax code reference. The taxpayer clearly has received only marginal economic benefit from performing the reclamation and undertook to reclaim the additional 68 acres only because he believed that it would be considered a business venture for which all associated costs would be deductible. Further, we believe that under current tax laws any marginal economic benefit derived should under no circumstances be taxed as gross income.

For the reasons stated, I urge you to withdraw this opinion until its errors can be corrected and a more thorough review of its holdings conducted. Although the Ohio program does not involve the Department directly, this opinion if allowed to stand could have far-reaching consequences on our programs.

We are ready to meet with you at your convenience to discuss these matters in more detail.

Sincerely yours,

J. Steven Griles,
Assistant Secretary,
Lands and Minerals Management.

CIVIL RIGHTS ACT AMENDMENTS OF 1987

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. WEISS. Mr. Speaker, today I have the privilege of reintroducing legislation to prohibit discrimination on the basis of sexual orientation in housing, employment, education, accommodations, and public facilities.

A person's sexual orientation should not be considered as legitimate grounds for bias, any more than skin color or religious expression. Moreover, as these fundamental rights are undermined whenever an individual's sexual orientation is used as the basis for discrimination, this legislation will reinforce the constitutional guarantee of the right to privacy.

Homosexual men and women serve in every occupation and institution in our Nation. They are doctors, lawyers, professors, writers, Government workers, and streetsweepers. They are rich and poor, black and white, city dwellers, and rural residents. There are an estimated 20 million homosexual men and women in the United States, and like most Americans, they obey the law and work hard.

But unlike other minority groups, homosexuals do not have legal recourse when they encounter discrimination. A man or woman may meet every possible criterion for housing or employment and yet if he or she is a homosexual, an apartment or job can be denied him or her simply on the basis of personal, private sexual orientation.

Organizations, representing a cross-section of America, strongly support civil rights protections for gays. These include the American Psychiatric Association, the National Council of Churches, and the National Organizations for Women [NOW], Lutheran Church in America, the United Church of Christ, the Union of American Hebrew Congregations, the Episcopal Church, United Presbyterian Church, the American Federation of State, County and Municipal Employees [AFSCME], the Service Employees International Union [SEIU], the International Ladies Garment Workers Union [ILGWU], the AFL-CIO, and the U.S. Conference of Mayors.

I believe that the majority of Americans oppose this form of bias just as they reject discrimination directed against racial and religious minorities. There is no less compelling a need to protect the ability of homosexuals to enjoy basic opportunities. Like all Americans, they deserve the full and equal protection of the law.

I want to urge my colleagues to join me and the original cosponsors of this legislation, Mr. Waxman, Mr. Berman, Mrs. Burton of California, Mr. Fauntroy, Mr. Ackerman, Mr. Frank, Mr. Schumer, Mr. Green, Mr. Stark, Mr. Markey, Mr. Kastenmeier, Mr. Towns, Mr. Owens of New York, Mr. Clay, Mr. Hoyer, Mrs. Boxer, Mr. Studds, Mrs. Schroeder, Mr. Fazio, Mr. Stokes, Mr. Leland, Mr. Sabo, Mr. AuCoin, Mr. Conyers, Mr. Foglietta, Mr. Dymally, Mrs. Collins, Mr. Bates, Mr. Morrison of Connecticut, Mr. Atkins, Mr. Levine, Mr. Torricelli, Mr. Matsui, Mr. Moody, Mr. Martinez, Mr. McKinney, Mr. Dixon, Mr. Kostmayer, Mr. Hawkins, Mr. Roybal, Mr. Crocket, Mr. Rangel, Mr. Hayes of Illinois, Mr. Udall, Mr. Dellums, Mr. Brown of California, Mr. Garcia, Mr. Miller of California, and Mrs. Morella in supporting this effort to insure equal rights under the law.

A copy of the legislation follows:

A bill to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Amendments Act of 1987."

PUBLIC ACCOMMODATIONS

Sec. 2. (a) Section 201(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000a(a)) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

(b) Section 202 of such Act (42 U.S.C. 200a-1) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

PUBLIC FACILITIES

SEC. 3. Section 301(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000b(a) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

FEDERALLY ASSISTED OPPORTUNITIES

SEC. 4. Section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d) is amended by inserting after "color," the following: "affectional or sexual orientation,".

EQUAL EMPLOYMENT OPPORTUNITIES

SEC. 5. (a) Sections 703(a), 703(b), 703(c), 703(d), 703(e), 703(j), 704(b), 706(g), and 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2, 2000e-3, 2000e-5, 2000e-16) are amended by inserting after "sex," each place it appears the following: "affectional or sexual orientation,".

(b) Section 717(c) of such Act (42 U.S.C. 2000e-16) is amended by inserting ", affectional or sexual orientation," after "sex".

(c)(1) Section 703(h) of such Act (42 U.S.C. 2000e-2) is amended by inserting after "sex" the first place it appears the following: "affectional or sexual orientation,".

(2) Such section 703(h) is further amended by inserting ", affectional or sexual orientation," after "sex" the second place it appears.

INTERVENTION AND PROCEDURE

SEC. 6. Section 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000h-2) is amended by inserting after "sex" the following: ", affectional or sexual orientation,".

HOUSING SALE, RENTAL, FINANCING, AND BROKERAGE SERVICES

SEC. 7. (a) Section 804 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (42 U.S.C. 3604), is amended by inserting after "religion," each place it appears the following: "affectional or sexual orientation,".

(b) Section 805 of such Act (42 U.S.C. 3605) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

(c) Section 806 of such Act (42 U.S.C. 3606) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

PREVENTION OF INTIMIDATION

SEC. 8. Section 901 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes: (42 U.S.C. 3631), is amended by inserting after "religion," each place it appears the following: "affectional or sexual orientation,".

DEFINITION

SEC. 9. As used in the amendments made by this Act, the term "affectional or sexual orientation" means male or female homosexuality, heterosexuality, and bisexuality by orientation or practice, by and between consenting adults.

RULE OF INTERPRETATION

SEC. 10. No amendment made by this Act shall be construed to permit or require—

(1) the determination that discrimination exists to be based on any statistical differences in the incidence of persons of a particular affectional or sexual orientation in the general population as opposed to in the activity wherein such discrimination is alleged; or

(2) the fashioning of any remedy requiring any sort of quota for the activity wherein such discrimination is alleged for persons of any particular affectional or sexual orientation.

RIGHT OF PRIVACY PROTECTED

SEC. 11. Nothing in this Act or any amendment made by this Act shall be construed to require any person to disclose a personal sexual orientation.

INVESTMENT IN EDUCATION AND RESEARCH: A STRATEGY FOR THE FUTURE

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. ANDREWS. Mr. Speaker, as we are all painfully aware, Texas is in severe economic trouble. However, with hard work I believe we can pull ourselves out of this downturn and assure long-term economic health for our State. The key to future prosperity lies in new technology-driven developments, such as space commerce, and I believe Texas is uniquely suited to take advantage of such progress.

Economic diversification through the use of space-derived and other high-tech research can offer us numerous benefits. From new jobs to a rising standard of living and a better trained work force, technology-intensive industries will be key components of Texas' recovery. With preparation and effort, Texas could gain thousands of new jobs in private space development alone in the coming decades.

However, many have talked of attracting new high-tech firms as a cure all for what ails our State. While efforts like those of the HEDC should be components of our economic strategy, we should also be using new technological developments to revitalize our existing economic base. The stunning scientific advances we hear of are not limited to microchips and satellites and wonder drugs. The frontier of new knowledge is advancing in chemical industries along the Houston Ship Channel and in agriculture as well. We must help our basic industries make the transition to higher levels of technology use if we really want to snap out of the doldrums.

Another misconception is that high technology will produce huge numbers of jobs. Such industries will create jobs, but not in the same magnitude as our more familiar manufacturing companies. But we have to make a distinction there. The highly technical requirements of these new jobs will help create a more highly skilled and educated work force in our State—an advantage that will reap benefits for years to come.

The task before us is difficult and will require subtle and comprehensive planning by our State's political, business, and academic leaders. I see this situation as an opportunity for our State and our cities to take the lead. We need to create an environment conducive to new growth industries and to the enhancement of existing ones—through our tax structure, educational and training systems, universities, economic development programs, and political attitudes.

In exploiting this opportunity there are several approaches we need to explore. Let me review them with you.

First, in space development, as I said, we are extremely well placed to make the most of this existing opportunity. In particular, Houstonians and many other Texans correctly place much hope on the development of the space station at the Johnson Space Center. We have watched the coming of new aerospace companies like Grumman, to our area with pride and anticipation, fully aware of the tremendous benefits to be gained as JSC attracts ever more jobs to the region.

The eventually successful battle that raged this summer over the future of the station program had the positive effect of focussing our community on the importance of the Federal space program to our economic recovery. The fact is that Texas is in a unique position to capitalize upon these space markets as a way of strengthening and broadening the Texas economy.

The contribution JSC makes to this effort is obvious. What was most important about the space station victory, in addition to the cooperation it fostered, was the preservation of the manned systems technology that has been developed over the past 25 years. That technology is what will drive the development of the space station—and attract new jobs and talent to our area.

Also in Houston is the Texas Medical Center, a tremendous resource for biomedical and pharmaceutical research. Moreover, Texas possesses a number of world-class universities like the University of Texas, Texas A&M, Rice, and the University of Houston.

Despite these inherent resources and advantages, Texans will have to make a concerted effort to realize the benefits of high technology growth. What we have lacked is not resources, but rather a concerted plan to utilize them—a strategy to pull our resources together. Let me lay out for you the specific ways in which Texans at the Federal, State, and local level can make this happen.

At the Federal level, Texans need to support a comprehensive approach to space development. Let's face it: the Federal Government created our Nation's role in space, and it will continue to provide the framework for private development of space for many years to come. I am encouraged by the excellent cooperation that Texans in Congress have shown in the space station fight. It bodes well for our ability to work together in the future.

I think our first concrete task is replacing the lost shuttle orbiter. Without a four orbiter fleet our role in space will be seriously hampered for decades. This administration, working with the Congress, must make a realistic decision on how to pay for a replacement shuttle, and soon, or our Nation's space program will continue to drift. By making the fix and getting with the program, we can ensure that our Nation will remain competitive in the international arena.

Second, We need to insure that our Federal space policy promotes public-private partnerships in using space. I am very supportive of the NASA Commercial Centers. The University of Houston's successful bid to become just such a center is very encouraging. This program draws together universities and industries with Federal support to pursue research with potential commercial applications.

In a similar vein, Senator BENTSEN and I introduced in the 99th Congress the National Space Grant College Act, a bill designed to promote further alliances between our universities and businesses and to foster the growth of space science expertise in our institutions of research and education. I look forward to pressing this legislation again in the 100th Congress.

Third, we must not overlook the role Federal tax policy will play in promoting research. I am very pleased by the Tax Reform Act's reauthorization and improvement of the reseach and development tax credit as well as its provision of equitable treatment for products made in space. I look forward to pressing similar concerns in my new role on the House Ways and Means Committee.

A fourth goal I and others will be pursuing this year is the attraction of more Federal research funds to Texas. Our State's share of this money has been less than equitable for years. Now more than ever, we must bring our fair portion of Federal tax dollars back to Texas. Let me share some facts with you that clarify the importance of this effort:

Texas ranks 45th among the States in composite scholastic aptitude test, or SAT scores.

The level of research and development activity in Texas is about one-half of the national per capita average.

While Texas is the third most populous State in the Nation, it ranks ninth, behind New Mexico, in Federal research and development funds expended in the State.

The University of Texas system receives just one-third of the funds now going to the University of California system.

Of the 100 top-funded universities in total Federal R&D spending, you won't find a Texas school until you hit UT-Austin at 21st. Then you find Texas A&M at 46th.

In fiscal year 1983, the National Science Foundation alone disbursed $800 million in research funds. Of that $800 million, the 20 top-funded universities received $366 million—46 percent of the funds. Of those 20 schools, again, none were in Texas. In fact, none were in the South or Southwest.

Overall, Texas receives a smaller percentage of Federal research and development dollars today than it did 10 years ago.

One reason for this imbalance is certainly the lack of a coordinated effort between State officials and the Texas delegation in the Congress and in the executive branch. But another, equally important problem is the lack of attention given to our State's educational system.

What has happened in Austin in the last few months—the initial improvements in education and then the immediate cuts in higher education funding once the budget deficit reached crisis proportions—has sent all the wrong signals about our intentions. One result is that it has become increasingly difficult for the Texas Medical Center to keep the top-notch researchers we need to compete for Federal research grants. This is not progress.

In 1836, Mirabeau B. Lamar said, "Education is the guardian of democracy." Today, in 1986, education is much more than that. For Texas today, education is the pathway to our future.

Speaking to the University of Houston Business School recently, Labor Secretary William Brock pointed out that 80 percent of the new jobs created in the next 5 years will require postsecondary education. These are the jobs of the future—and to attract them, we must invest in our State's schools at every level.

Decisions made in Austin next year will be critical for our State's economic future. We are now truly at a crossroads: We will either go forward to achieve academic excellence in Texas or we will fall further behind. The Nation is now looking to Texas to see what we will do about our educational system. When companies like Grumman search for a place to relocate, our educational system is a fundamental element of their decision.

To address this goal on the State level, we need to take several approaches. Our first and most important goal must be to move forward with the improvement of our educational system and ensure that it encourages scientific and technical training. We simply cannot compete in the high-technology economy without having a high-technology work force. Putting our efforts and our money toward improving our educational system is an important key to diversifying our economy and getting out of our current crisis.

One concept of real merit for Texas in this time of scarce State revenue is the creation of Centers of Technological Excellence to bring together our universities, our businesses, and our local development councils. This approach, which has proven very effective in Massachusetts, would use State grants to encourage institutions in each of our major cities to focus on a specific area of technological expertise.

Each of our universities could develop technological specialties in areas like biomedical research, materials processing, or communications. In this way, new businesses could share resources and expertise; and the State could avoid squandering our limited resources on redundant research programs.

During the current biennium, Texas will spend $215 million on university research, with the bulk of the funding concentrated on special research entities. The Select Committee on Higher Education recently proposed beefing up that funding level to $297.5 million. Further, they suggested supplementing grants for basic scientific research with a Texas Advanced Technology Program to funnel $50 million a year into applied research designed to promote economic growth. This is definitely the direction in which we must move. In this time of scarce resources, we must spend more on education—not less.

Finally, I feel there is an important role for local communities in this drive for economic diversification. By providing economic development plans, supporting a base of new business incubators, and fostering business-to-business communication, cities like Pasadena can play important roles in the success of our drive for economic growth.

Taken as a whole, my message is a simple one. The key to our high technology development and growth is working together. If Texans in Congress cannot only hold on to the resources we have but also promote a strong and visionary national space program, we can encourage our universities to pursue research opportunities never before dreamed of.

If our State leaders both maintain and enhance our education system, and harness the entrepreneurial skill that is the hallmark of Texas, we can make a diversified and robust Texas economy a reality for generations to come.

Many years ago, Daniel Webster challenged us to "Develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests and see whether we, in our day and generation, can perform something worthy to be remembered."

That is our shared goal. Working together, business and government, private institutions and public universities, we can build a future as innovative and energetic as our past.

UMTA'S PRIVATIZATION FOLLY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. OWENS of New York. Mr. Speaker, this year marks the sesquicentennial of the birth of Charles Tyson Yerkes and the Urban Mass Transportation Administration has taken charge of the national commemoration. For those unfamiliar with the man and his works, Yerkes achieved notoriety and untold wealth in the turn of the century in Chicago through his expert exploitation of that city's privately operated mass transit system. By bribing public officials, harassing his competitors, and committing sundry criminal acts, Yerkes was able to acquire most of Chicago's street car franchises in a matter of a few years. For riders, his reign was a nightmare; cars were perpetually overcrowded, forever late, and continually prone to serious accidents and breakdowns. But Yerkes never lost any sleep over his riders' complaints and was known to explain that service was poor because poor service was profitable. During the late 1890's, Yerkes worked to further strengthen his empire by doling out $1 million in bribes to city and State legislators to win enactment of a law that granted him with a 100 year title to his franchise as a gift. By then, however, the people of Chicago had had more than enough of Yerkes and his street cars. On the night the terms of the new law were to be carried out, angry riders marched in protest through the streets of Chicago and a crowd bearing guns and nooses surrounded city hall. At that, the legislators quickly and wisely reconsidered, the law was soon repealed, and Yerkes packed his bags for London to help that city build its subways. Left behind in Chicago as his legacy was a powerful citizens' movement that eventually won public control of the city's mass transit system.

As a fitting tribute to the Yerkes sesquicentennial, UMTA is now trying to revive the system that Yerkes so adeptly drove into the ground. First by persuasion and more lately by coercion, UMTA has been seeking to compel local transit authorities to contract out many of their routes to the private sector. Never mind that UMTA's privatization scheme will only increase the long-run costs of mass transit for both riders and taxpayers. Never mind that privatization will yield poorer quality service for riders. And never mind that mass transit privatization is opposed by the Congress. UMTA's lonely tribute to Yerkes goes on.

In a recent address, John Lawe, president of the Transport Workers Union International, eloquently refuted the misleading claims that UMTA has used to promote its "Yerkes Redux" privatization plan. I commend Mr. Lawe's excellent remarks to my colleagues:

Transport Workers Union of America, AFL-CIO Position and Opinion on Privatization of Urban Mass Transit.

We at the Transport Workers Union of America find it more than a little puzzling that the concept of widespread privatization of big city mass transit persists as an issue.

We're also more than a little disturbed that despite the clear instructions of the 99th Congress to back off forced privatization, UMTA continues to push arrogantly ahead to shove privatization down the throats of local authorities.

We're not here today to argue politics, or whether UMTA is overstepping its authority to withhold federal funds from transit authorities. Although for the record, TWU will continue to doggedly oppose forced privatization through Congress.

The Reagan Administration has made it a habit of dismissing the concerns of unions as blatant self interest. But our concerns over privatization go far beyond the negative impact it would have on the jobs and wages of our members. We're also deeply concerned about the fair and equitable delivery of transit services to the riding public in all areas of the city in question. And we're concerned over the integrity of the neighborhoods where our members work and live, as well as the chaos that forced privatization will cause in numerous sectors of local government.

First of all, we believe that the Reagan Administration appointees at UMTA have a very basic misunderstanding of what public transit is, and how it fits into the total picture of a strong and growing national economy. At the very least, UMTA's position on privatization reveals little knowledge of history of the mass transportation industry in this country, and even less knowledge on the history of UMTA itself.

Apparently, the Reagan Administration does not realize or care that UMTA was formed by Congress in 1964 to bail out the private sector, which was no longer able to do the job for profit, and replace it with the public operating authorities still functioning today.

The Reagan Administration obviously looks at public transportation as a commodity. On the contrary, we at TWU believe that mass transit is an essential service, like police, fire department, telephone and sanitation.

We also believe that public transit is a basic foundation for a strong economy for our major urban centers, and carries with it an important ripple effect in the overall economic picture of the nation.

In all our growing urban centers today, city planners put the expansion of mass transportation as a top priority to sustain the growth of the population and to ensure that people have access to transportation to get to work.

By the same token, in the older cities, where urban decay has taken place over the years, local leaders look first to the improvement of mass transit services as a very basic and crucial part of urban renewal.

When our big cities' economies are strong and growing, then the states' economies are strong, which means the nation's economy is strong.

On the other side of the coin, failing urban economies are directly and immediately felt in Washington.

So, the question we're discussing today is, will privatization enhance the delivery of transportation services to the public at large, and is privatization a long term solution to the problems of urban mass transit?

From where we sit, the answer to both questions is an emphatic NO.[1]

UMTA's approach on mass transit is an outgrowth of the Reagan Administration's ideological belief that "the best government is no government at all" and that "private is better than public."

This ideology sounds good in campaign speeches, but it is totally impractical as applied to urban mass transit.

The very nature of public transit in our big urban centers defies profitability for private operators.

The experience in Westchester County, New York, is a good example. Westchester went totally private some years back with as many as 16 private companies delivering services. Today, just a few years later, only one company is left, and that company receives subsidy.

Another case in point is the City of Phoenix, which pioneered the privatization of formerly public services, such as garbage collection, building security and more. However, Phoenix is finding out the hard way that they have opened a Pandora's box. The city is facing increased costs in many areas they never dreamed of. They have had to hire more administrative people to monitor the whole mess. They are facing mounting legal problems, and are fearful of corruption scandals.

An offshoot of this, is that the morale of city workers in Phoenix is at an all time low, and citizens are complaining about sloppy, incomplete work on projects performed by private companies.

So how can an entrepreneur come into big city transit and make a profit? There is only one way. They will cherry pick the best, and busiest routes; slash service on underutilized routes, and take a meat ax to the wages and benefits of the work force.

Under this scenario, a profit can be turned. But it is not enhancing or improving the delivery of transit services to the riding public.

The UMTA people are obviously not concerned about wages. In fact, UMTA cites labor cost advantages in privatization. In other words, public employees, earning decent wages and benefits, will be replaced by other workers making $5 or $6 an hour, with no or minimal benefits.

But there are many hidden costs here as well, including unemployment compensation benefits and placement programs for laid off workers; the loss of tax revenue when higher paid employees are replaced in the workforce by those earning minimum or slightly higher wages, and last but not least, the total destruction of morale for those public employees left on the job. Why would any worker in his right mind try to improve productivity when he or she feels that the ax will soon be cutting their jobs as well.

Moreover, contracting out public work to private enterprise defeats crucial social goals of equal opportunity and equal employment for women and minorities.

It should be noted that when the City of New York last announced the written test for bus driver, more than 55,000 people lined up to take it.

These people recognize the job of bus driver in New York as a good job with an excellent future.

Since TWU represents the transit workers in New York, we take pride in the fact that NY City transit has a very stable workforce, with experienced professional people delivering the services with an outstanding safety record.

Under the scenario of privatization, there would be a huge turnover of personnel, meaning there would be a constant influx of green, inexperienced people doing the job. In our opinion, this would create a safety nightmare.

Further, with a public operating authority, a huge workforce is better controlled and regulated. In New York for instance, all prospective new employees must undergo background checks and drug screening before they are hired. This ensures a higher quality worker performing the services. Under privatization, there is absolutely no way that a city or other locality can have any degree of control over the people who are coming into contact with the general public in a very important and sensitive manner.

Public authorities are also able to oversee quality control of equipment and are in the position to maintain the equipment in good and safe condition.

This control over safety and equipment is lost under the privatization scenario. And in the long run, it will come back to haunt localities in the form of lawsuits and other legal actions because of accidents and passenger injuries.

What the UMTA people don't seem to understand is that they did not invent the idea of privatization. Public operating authorities have been contracting out work for years, and the record shows many problems. We could list many, many examples of how contracting out has failed miserably. But maybe the best example is the recent fiasco in New York. The Transit Authority sidestepped their own engineering staff, and contracted a $40 million track/station job to outside engineers. Everything was fine, until the job was finished and people on the D line in Brooklyn found in one station that they had to step up 11 inches from the platform to the train for boarding. Any gap over 4 inches is considered dangerous and life threatening.

Widespread privatization also brings with it the very real specter of corruption. The parking violations bureau scandal in New York is just one example of what can happen when public figures control the contracting out of public services.

Another question. Will competition from the private sector lower fares to the riding public? The answer to this is NO as well.

In New York again, for example, private vans and deregulated bus operators charge the same fares as City express buses. When fares were recently raised by the Transit Authority, the private carriers followed suit by raising their fares. Obviously, privatization will not help the riding public from a consumer standpoint.

Despite the foregoing, we at TWU believe there is a very definite place for the private sector in public transit.

TWU has maintained long term relationships, which do an excellent job of delivering transit services to the public. They are fine companies, run by good managers who keep their equipment in good repair and keep their buses on the streets 24-hours a day. But none of them make a profit. They are subsidized by their city or county.

The point here is that all things being equal—that is, service requirements, safety regulations, equipment maintenance, and the continuity of a stable, professional work force—the private entrepreneur cannot compete in today's transit marketplace. And the entrepreneur cannot compete against the public sector.

We believe that UMTA has overstepped its authority and mandated role on the privatization issue.

Costs can be cut. Fares can be kept down. And service can be improved through progressive labor-management relations. UMTA would better serve the public and the long term interests of public transit, by working to bring labor and management together, rather than push the two sides farther apart through forced privatization.

GILMAN AUTHORS LEGISLATION TO ALLEVIATE SOCIAL SECURITY INCOME LIMITATIONS FOR OUR WORKING SENIORS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to draw the attention of my colleagues to a bill I recently introduced, H.R. 351, which liberalizes the outside earnings test for Social Security beneficiaries under the age of 70 who continue to work.

Under current law, Social Security beneficiaries under age 70 who are employed or self-employed received their full benefits unless their earnings exceed the annual exempt amount. My bill increases this exempt amount from the current level of $6,000 to $8,160 for beneficiaries under age 65, and from $8,160 to $10,920 for Social Security recipients 65 to 70 years of age.

I strongly believe that honest, hard-working people should not be denied the benefits to which they are entitled simply because they choose to work through their retirement years. I am hopeful that my legislation will, in part, rectify this unfortunate situation.

The principal premise of Social Security has been that the benefits are intended to replace income lost due to retirement. Consistent with that belief, the Social Security system has imposed an earnings limitation or retirement test since enactment of the original 1935 statute.

Initially, the law restricted benefits for any month in which a worker received any wages covered by employment. In 1939, Congress amended the law to permit beneficiaries to receive up to $15 a month in income gained by employment.

In 1950, the $15 exempt income level was increased to $50 and benefits were provided to those age 75 or older who continued to work in recognition of the need to guarantee some return on contributions made to the Social Security system. Since 1950, the annual exempt amount has increased significantly and the age 75 ceiling has been lowered.

I trust that the irrationality of requiring workers to pay into Social Security all of their working lives only to be denied their full benefits at retirement age merely because they choose to continue working is not lost on any of my fellow colleagues. As many as 4.75 million persons between the ages of 60 and 64, approximately 44 percent of that group, are employed full or part time.

As of 1985, roughly 1.6 million persons between the ages of 65 to 69, 10.5 percent of that age group, were members of the labor force. Obviously, this is a significant segment of our society, a segment, I might add, that often does not report their income because they cannot afford to lose any portion of their Social Security benefits.

I am optimistic that the increased tax revenues from those working senior citizens who decide to report their income after adoption of this legislation will help offset any additional outlays brought about by liberalization of the earnings test.

We are all too familiar with the heavy financial burden already borne by senior citizens. This, coupled with the depression and loneliness that often accompanies the later years in an individual's life, speaks for the need to encourage older Americans to continue being productive, enterprising members of our community.

I hope that the Committee on Ways and Means will move swiftly to consider H.R. 351 and that the many Members on both sides of the aisle who have advocated liberalizing or repealing the earnings test in the past will support this legislation.

Mr. Speaker, at this point I request that the full text of H.R. 351 be printed in the CONGRESSIONAL RECORD and urge my colleagues to cosponsor this important measure.

[The text of the bill follows:]

H.R. 351

A bill to amend title II of the Social Security Act to increase to $8,160 in the case of an individual under age 65, and to $10,920 in the case of an individual age 65 or over, the amount of outside earnings which is permitted in 1987 (subject to further increases in subsequent taxable years under the automatic adjustment provisions) without any deductions from his or her benefits

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN EXEMPT AMOUNTS.

(a) IN GENERAL.—Section 203(f)(8)(D) of the Social Security Act is amended to read as follows:

"(D) Notwithstanding any other provision of this subsection, the exempt amount for each month of any taxable year ending after 1986 and before 1988—

"(i) shall be $680 in the case of an individual who has not attained retirement age (as defined in section 216(l)) before the close of such taxable year; and

"(ii) shall be $910 in the case of an individual who has attained retirement age (as so defined) before the close of such taxable year.".

(b) CONFORMING AMENDMENTS.—(1) Section 203(f)(8)(A) of such Act is amended by striking out "(separately stated for individuals described in subparagraph (D) and for other individuals)" and inserting in lieu thereof "(separately stated for individuals described in subparagraph (D)(i) and for individuals described in subparagraph (D)(ii)".

(2) Section 203(f)(8)(B) of such Act is amended by striking out "the exempt amount which is applicable to individuals described in such subparagraph and the exempt amount which is applicable to other individuals" (in the matter preceding clause (i)) and inserting in lieu thereof "the exempt amount which is applicable in the case of individuals described in clause (i) of such subparagraph and the exempt amount which is applicable in the case of individuals described in clause (ii) of such subparagraph".

SEC. 2. EFFECTIVE DATE.

The amendments made by the first section of this Act shall apply only with respect to taxable years ending in or after 1987 (and section 203(f)(8)(C) of the Social Security Act shall apply as though this Act had been enacted in 1986).

MARC ROBERT TULE EARNS EAGLE AWARD

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. GEKAS. Mr. Speaker, I would like to take this opportunity to express my congratulations to Marc Robert Tule of Watsontown, PA, who received the Boy Scouts' highest award—the Eagle Award—before family, friends, and his Congressman on Sunday January 4, 1987, at the Watsontown United Methodist Church.

Marc, a graduate of Warrior Run High School and a current student at Texas A&M University at Galveston, is a member of Boy Scout Troop 610 of Watsontown. He began the scouting program as a Cub Scout and worked his way up through Webelos and Boy Scouts. At Warrior Run High School, he was an active member of the track team. Marc was also a member of the marching band and concert band.

Marc has displayed excellent service and leadership capabilities in his work with the Scouts. For his Eagle project, Marc revised and updated dwelling, landmark, and road maps for Delaware Township, Northumberland County to improve response time for emergency operations.

I would ask my colleagues in the U.S. Congress to join me in extending congratulations to Ryan Barner for earning this worthy and special award. I wish him great success in his future endeavors.

WHO CARES ANYWAY?

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mrs. SCHROEDER. Mr. Speaker, the High School Journalism Day Program is sponsored by various organizations in Colorado. It encourages high school students, who write for their school newspapers, to participate by entering an essay, which focuses on problems facing some of our children, for example, alcohol and drug abuse and teen suicide.

These essays are well-written. Reading these articles made me feel ill at ease—it's a shame that limited space in the CONGRESSIONAL RECORD will not allow my colleagues the opportunity to read all of these fine pieces.

Because of the number of students entering the contest, it is impossible to share with my colleagues all the oustanding articles, which were honored by the sponsors. The following, however, is a list of the students who were recognized for their fine composition:

Jennifer Peterson of Aurora Central High School's The Trojan Tribune was awarded First Prize by The Denver Post based on her composition. And, Mary Lou Hidalgo of St. Mary's Academy's The Square was awarded First Prize by Channel 4 of Denver.

The Second Prize was awarded to Bobby Townsend of Montrose High Schools' The Chieftain. Other Second Place recipients were Mary Bornhofen of Heritage High School's Heritage Pioneer, Michael P. Hodgkin of Smoke Hills Estate High School's Meatal Days, and Larry Kramer of Brighton High School's The Brightonian.

The Third Place winners were Jenny Chocole of St. Mary's Academy, Robert Brown of Aurora Central High School; Melissa Kay Stark of Alamosa High School's The Alamosan, Joni McLaughlin of Brighton High School, and Linda Carpio of Platte Valley High School's Bronco Kicks.

The Grand Prize winner was Gretchen Hampton, who attends Evergreen High School and writes for the school paper, Claw. Gretchen's composition, entitled "Who Cares Anyway?", follows:

WHO CARES ANYWAY?

(By Gretchen Hampton)

On March 8, 1986, I attended a High School Journalism Day hosted by News-Center 4, The Denver Post, and the Denver Broncos Youth Foundation. It was a fabulous day, meeting with people from the above firms, and learning about many different journalism techniques. An opportunity was offered to us, to write an article, have it published by a newspaper or broadcasted, and then submit it to a Writing Challenge sponsored by the above hosts. The article was to be based on alcohol, drugs, peer pressure or any type of teenage problem. I thought it would be great to enter, though I figured I didn't have a chance to win. Compete among the best High School journalists? No way could I come out on top. But I figured, I'd give it a shot. But what was I to write about? Peer pressure? No, because I didn't have a solution for it. Alcohol and drugs? Forget that. People were always writing or those two subjects and kids never listened. That would be useless.

That night, or actually the next morning at approximately 4:00 a.m. my mother woke me. She nervously told me to set my alarm so I could wake up for church. When I asked why, she told me that one of my older stepbrothers had been in a car accident. They had to go to the hospital and that's all they knew, and for me to please remember to unplug my curling iron before I went to church so the house wouldn't burn down.

That afternoon my mother called from the hospital. "It's not good," she told me. "It's his face."

My brother had been driving home to Golden. He ran off the road and plummetted head-on into a boulder. With no seat belt to hold him, his face had broken his fall. Every bone was broken from his brow bone to his jaw. His face was the size of a basketball and his features were unidentifiable. He was drenched in pools of blood, and when he tried to talk his teeth would float around having nothing solid to hold them in place. At that moment, though, he wasn't feeling the pain. First, he was unconscious. Second, he was drunk. Very drunk. After strenuous plastic surgery on his face and many tears and pain, my brother is getting better. Though still in the hospital, he is past the critical stage. He's starting to look like himself. Now, four weeks later, it's still hard to understand him. His mouth is wired shut just like the rest of his face; and all he can eat are protein milkshakes.

So why am I telling you this? Like I said, most people probably read it, say 'Oh too bad, 'and go buy a six-pack on Friday. If only we could all learn from others' mistakes. If only we didn't wait until our face gets smashed before we realize. If only we cared a little more. I hope that I didn't write this in vain. I hope someone listened, or someone understood. We all build this wall around ourselves, accepting the "cool things" through our walls, turning the "uncool" things away.

I wonder if anyone realized how cool it is to look in a mirror and not even recognize yourself?

I care. I cared enough to write this article, hoping to reach anyone, maybe you. I realize that winning a contest isn't what is important, it's that I may have helped just one person win—against alcohol or drugs.

I don't think a "cool buzz" is worth losing your face. Or maybe losing you life . . .

INTRODUCTION OF LEGISLATION TO RESOLVE THE LONG ISLAND RAIL ROAD STRIKE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. LENT. Mr. Speaker, today I am introducing emergency legislation to get New York commuters out of traffic jams and back on the Long Island Rail Road [LIRR]. I am pleased to be joined in this effort by my colleague and friend from New Jersey, Mr. FLORIO.

On Sunday, January 18, the employees of the LIRR walked off their jobs, shutting down the Nation's busiest commuter railroad. This shutdown has left the approximately 112,000 passengers who board the train during a weekday rush hour stranded. They have had to turn to other forms of transportation, resulting in a jammed Long Island Expressway, overcrowded subways, and bogged down buses. Some commuters have even resorted to finding lodging in the city. This situation is a commuters' nightmare.

The bill I am introducing today will:

Get rail workers back to work by restoring the status quo as it existed Saturday, January 17, the day before the strike, and maintaining that "status quo," no strike, negotiation period for 60 days.

Establish a three member panel appointed by the National Mediation Board to study the dispute and make recommendations on solving it to Congress.

Since the summer of 1984, the LIRR and its 15 labor unions have been negotiating new collective-bargaining agreements to replace those that expired on December 31, 1984. Largely due to historical accident, the LIRR and its labor agreements are covered by the Federal Railway Labor Act rather than New York law. That act provides that if the parties cannot resolve a dispute on their own, they may seek assistance from the National Mediation Board. After Federal mediation, if the dispute remains unresolved, the President may then establish an Emergency Board to investigate the dispute and make recommendations.

In 1985, the National Mediation Board's services were invoked in the LIRR negotiations. Additionally, in 1986, two Presidential Emergency Boards have attempted to resolve the dispute. One of the major drawbacks to the successful completion of an agreement has been the unprecedented, large number of unions involved in the negotiations. In December 1986 five of the unions, including the two largest—the United Transportation Union [UTU] and the Brotherhood of Railway and Airline Clerks [BRAC]—ratified agreements. However, 10 unions and the maintenance of way employees of the UTU have not ratified agreements. This situation has created chaos which has made it difficult to complete an agreement.

Time is needed to straighten out this chaos. My bill will provide this much needed time. This legislation is modeled after the bipartisan legislation which helped resolve the dispute between rail workers and management of the Guilford system, and its two subsidiaries, the Maine Central Railroad and the Portland Terminal Co. last year.

The parties to the LIRR dispute are currently meeting and I sincerely hope that those negotiations will be successful. I am introducing this legislation because Congress must be prepared to act if those negotiations fall through. We cannot idly stand by while 112,000 commuters are stranded in 40 mile backups.

DICK FAHEY REPRESENTS THE BEST IN PUBLIC SERVICE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. STARK. Mr. Speaker, I rise today with a great sense of respect and admiration to pay tribute to a dedicated public servant and friend, Richard H. "Dick" Fahey. On January 31, 1986, the Dublin-San Ramon Services District of Dublin, CA, will honor Dick for his outstanding record of nearly 20 years of public service.

Dick Fahey is a rare find among individuals who choose to dedicate themselves to serving their fellow men and women. His record of solid achievements and commitment is unprecedented within the Amador-Livermore and San Ramon Valley.

Throughout the past two decades of serving on the board of directors, Dick has provided outstanding leadership and direction through representation of his constituents. There are literally hundreds of initiatives and accomplishments that are a result of his abilities and hard work.

Be it establishing park and recreation facilities, working to provide a better environment, or providing effective and responsive district area government, Dick has been a vital and integral component of the board's effective representation. Simply put, Dick Fahey has established the standard by which elected public officials should be measured.

It is with much pride and a great amount of gratitude that I join with the rest of the Dublin-San Ramon Services District board of directors in honoring and thanking Dick Fahey for his dedication to his fellow citizens. We wish him much fortune in his future endeavors.

RECOGNIZING DR. GLADYS TURNER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. FLORIO. Mr. Speaker, I'd like to take this opportunity to recognize an outstanding educator and resident of New Jersey's First Congressional District, Dr. Gladys Turner.

There are few people who would deny the fact that education is the key to our Nation's future. Clearly, we are dependent upon our teachers to supply much of the knowledge and social skills that will enable our children to take their place in an increasingly competitive world. Few people have contributed as much toward ensuring that our children are well prepared to enter that world as Dr. Turner.

Over the span of her career, Dr. Turner has affected the lives of thousands of students and teachers. Whether teaching in the classroom, providing guidance and leadership for a reading program, or serving in the capacity of assistant principal of Erial School, Dr. Turner has served as an unparalleled example of what an educator can be. Perhaps even more important, she has demonstrated what a person can achieve, despite personal and professional adversity.

On Friday, January 23, Dr. Turner will be honored by her colleagues and friends on the occasion of her retirement from the Gloucester township public school system.

Mr. Speaker, I am certain that my colleagues would join me in wishing Dr. Gladys Turner many years of health and happiness, and in thanking her for her many years of service and dedication to our youth.

BRAVING EPILEPSY'S STORM

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. COELHO. Mr. Speaker, I would like to call attention to an outstanding article that appeared in the New York Times on Sunday, January 11, 1987.

It is not often that a writer can so eloquently express a tale of his own suffering. Kurt Eichenwald has epilepsy, a condition that I, too, have. His article tells how he came to terms with his condition and learned that he could control his epilepsy and function in society. The article touches on subjects that I understand very well. People with epilepsy often face problems of job discrimination and rejection from family and friends. However, Mr. Eichenwald's article makes epilepsy easy to understand and a condition that we should not fear.

I would like to commend Mr. Eichenwald for his outstanding article and I truly hope that others who read the article will understand what epilepsy is, and more importantly, what it is not.

I would like to share with you the following article from the New York Times.

[From the New York Times, Jan. 11, 1987]

BRAVING EPILEPSY'S STORM

(By Kurt Eichenwald)

I witnessed an epileptic seizure for the first time in 1979, when I was 18. In the center of my college dining hall, a young man who worked in the kitchen had collapsed in a convulsion. Four students quickly piled on top of him. His arms and legs jerked violently and, in the process of trying to hold him down, the students seemed to be smothering him. The young man's face, twisted and red, made him appear to be in great pain and, somehow, inhuman. Yet I could see myself in his place—I had just found out that I had epilepsy.

I did not want to say anything, but I thought the four students, in their panic, might kill the young man. So I told the largest of them, who by then had a headlock on the kitchen worker, to let go. The student brushed off my concern and seemed irritated that I would bother him at such a time. I paused, then repeated my statement in louder tones.

The student was angry. "Look, kid," he said, "I'm a pre-med. I know what I'm doing. What makes you think you know so much?"

I opened my mouth, but no words came. Instead, I walked to a corner and leaned against the wall. As the young man's convulsions grew more violent, I whispered an apology to him and began to cry.

Just four weeks before, back home in Dallas, a neurologist had diagnosed my epilepsy. The doctor warned me—and so did members of my family soon afterward—that if I did not keep my epilepsy a secret, people would fear me and I would be subject to discrimination. Even now, seven years after that scene in the dining hall, it is difficult for me to say that I have epilepsy. Back then, it was impossible.

In the years since, I have had hundreds of various types of seizures. I have experienced the mental, physical and emotional side effects caused by changes in the anticonvulsant drugs I take each day. Yet, for the first two years, I refused to learn about epilepsy. My fears of being found out were my real concern.

But from the beginning, I kept a sporadic record of the impact epilepsy had on my life. I wrote notes to myself and eventually made tape recordings, expressing feelings I thought no one else could understand. Later, I asked my family and friends to record their own feelings about dealing with someone with epilepsy, promising not to listen to the tapes for years. I heard the tapes and read all of the notes for the first time in preparation for this article.

My note-taking began the evening after the kitchen worker's seizure. In my room, I took out a piece of paper and wrote. "Look, kid, I'm a pre-med, I know what I'm doing."

Epilepsy is a condition encompassing about 20 different types of seizures, uncontrolled bursts of electrical energy in the brain. Convulsions, while among the most dramatic, are only one type of seizure.

According to the Epilepsy Foundation of America, there are more than two million Americans with epilepsy. Half have what I have, idiopathic epilepsy, meaning there is no known cause for the seizures. Of the two million, partly because of misunderstanding about the symptoms, about three-quarters of a million go undiagnosed or untreated.

By the time I arrived for my freshman year at Swarthmore College in 1979, I had already had many seizures, although my family, friends and I did not know it.

"You always had these staring spells, but it never worried me," Mari Cossaboom, a longtime friend, recalled. "Everyone always said they were happening to you because you were tired."

My staring spells—periods of a few seconds of mental absence—had been going on for as long as I could remember. Although I mentioned them to my doctor and my parents occasionally, the events did not seem significant.

Then, in my first semester at college, I was horsing around in the dorm with my roommates, and I fell, hitting my head against a chair. I had a concussion. No one to this day knows if the concussion affected my seizures, but the staring spells soon increased in frequency and severity. I learned they were different from other people's passing moments of distraction.

I remember once, in the dining hall, suddenly realizing everyone was looking at me. My lap was wet. I thought someone had thrown something at me. In fact, I had begun to stare while holding a glass of Coca-Cola in my hand. It had fallen between my legs and shattered.

I do not remember my first major seizure, which followed soon after. Mostly, I remember my own stunned silence. My memory of the visit to my first neurologist, in Dallas that Thanksgiving, is sketchy, although, sitting in a hospital hallway waiting to have my first CAT scan, I recall thinking that I might have a brain tumor and could die.

After the scan, an electroence-phalogram and other tests were over, my neurologist told me that I had epilepsy. I was overjoyed. I did not completely understand the meaning of the diagnosis, but I knew I was not dying.

The doctor gave me several warnings: Never tell anyone unless necessary, because I might be ostracized. Call it "seizure disorder," not epilepsy, because fewer people would be frightened. Try to choose a profession as free from stress as possible.

For a long time, I followed his advice, afraid that if the truth were known, I would lose my friends and never get a job.

I was given a prescription of Tegretol, an anticonvulsant, which I believed would stop the seizures almost immediately. I was wrong.

"So many people come in and think seizure control is easy," Steven Linder, a neurologist in Dallas who later witnessed one of my convulsions, said to me recently. "Seizures often aren't controlled on the first try, or the side effects are too severe. So we have to adjust the medication or eventually try another."

That Thanksgiving vacation, I started adjusting to my new restrictions: I could not drive until the seizures were controlled, I could not drink alcohol and I had to stay rested.

I first learned of the difficulty epilepsy posed for my relatives in a conversation with my father. When I mentioned my concern that my epilepsy was not controlled, he tersely replied that I had a seizure disorder, not epilepsy. When I said the words meant the same thing and he refused to listen, I realized that he did not accept my condition.

My father is a pediatrician, but with his own family, his reactions were more human than scientific. "I went through a fairly long period of denial," he would say later. "I kept thinking this was a passing sort of a thing, perhaps because you'd taken a fall. I thought it would just heal and go away. Then when it didn't, I tried to put it out of my mind."

At the time, I could not understand my father's reaction. Much later, however, I realized it was the same as my own. Over the next two years I sometimes ignored the limitations on my life and sometimes did not talk to my doctor. I also asked the doctor to say nothing to my parents. I knew my condition deeply troubled my family and that made me feel guilty. Unlike the other feelings that accompanied my condition, guilt was one I could control. I stopped talking about my epilepsy.

When I returned to Swarthmore, I told my roommates about the diagnosis and emphasized the importance of secrecy. Carl Moor and Franz Paasche took it in stride. For the next few years, they would learn to cope with my deteriorating health.

At night, when the seizures most often occurred, I stayed in my room, hiding my condition. My roommates understood. "It was tremendously important for you," Franz said later, "to see that those of us who knew still loved you and that you weren't going to become a pariah."

The seizures always felt the same way, and Carl and Franz told me of my consistent behavior. As my brain builds towards a convulsion, I slow down, mentally and physically. My speech slurs and my syntax inverts. My face gets pale and my eyes dilate. I become difficult to engage in conversation.

I experience what is called an "aura" as random brain cells start to fire. I feel a sense of separation. My head throbs, and I see a flash of lights. Even today, I am not sure of the order of these feelings or the amount of time separating them.

As the electrical firestorm sweeps across my brain, I lose consciousness and fall to the ground. The muscles in my body tighten up and my jaw clenches, the teeth possibly biting and bloodying my lips, tongue or cheek. My body jerks for a period, usually for less than a minute. During that time, I often get excessive amounts of saliva in my mouth, creating a froth. My breathing becomes irregular, sometimes even stopping. I also can become incontinent.

The convulsion ends, and I fall into a deep, though brief, sleep. As I wake up, another seizure can be triggered, starting the process again.

While unconscious, I do not respond to pain, such as the injection of needles. I have awakened half-frozen in a snowdrift but unaware, until my waking, of the cold.

When fully awake, I am very confused and panicked. Often, it takes time for me to realize a seizure has occurred. I am unsure where I am, who is with me or even what day it is. My speech is broken, and I stutter horribly, so that I am unable to ask questions except of the most patient observers.

Carl and Franz developed a routine that always reassured me when I woke up. They would identify themselves, tell me I had had a seizure, where I was, the time and, if they knew, what I was doing before it began. Carl would make jokes to lighten the event, such as reciting dialogue from the scene in "The Wizard of Oz" where Dorothy wakes up in Kansas. The humor and the consistency let me know I was safe. My fears calmed, I would fall asleep for anywhere between 15 and 23 hours.

Over time, my roommates won my complete trust. While they occasionally made mistakes, they were always calm when I awoke. They never treated me with pity; my seizures were treated with an attentive disregard. We were normal friends who had fights along with fun, petty hatreds along with love.

That was enormously important in helping me believe I could live in the world with epilepsy without excuses. Each time I began to get an emotional foothold, however, a seizure would send me back into despair.

After each convulsion, I called my doctor in Dallas, hoping to learn what had gone wrong. In late April of 1980, he added another anticonvulsant, Depakene, to my daily drug regimen. Weeks later, my seizure control still had not improved, but I had no thought of changing doctors. I still saw him as my only chance.

"If people are not happy with their seizure control and have not been re-evaluated for a couple of years," William N. McLin, executive vice president of the Epilepsy Foundation, said in a recent interview, "our advice is run, do not walk, to a new doctor."

Because of my trust in my roommates, I began to go out at night with them, increasing the likelihood of a public seizure. My hopes that I could keep my secret ended one morning in the dining hall, when two acquaintances were talking about a rock concert that had taken place the previous night. One complained that the fans were having "epileptic seizures."

"They couldn't be," the second student said. "Kurt wasn't there."

Embrassed and ashamed, I stared down at my breakfast. His comment, while not malicious, stunned me. I had lost control of my secret.

Because of my expanded freedom, though, I met Julia Cutler, a junior, and soon faced a new problem—explaining my seizures to a girlfriend. It took me days to overcome my fear of rejection. Finally, I realized that if I did not tell her, my symptoms eventually would.

One night, sitting on a curb with Julia, staring at my knees as I spoke, I rambled through an explanation of my condition. She was compassionate and wanted to know what she should do if I had a seizure. Some of what I told her, I later learned, is part of the first aid recommended by the Epilepsy Foundation to anyone who witnesses a seizure.

The first thing to remember is to stay calm and reassure others. Clear away hard objects and loosen neckties. Then, put something soft, such as a jacket, under the head. Turn the person on his side to keep the airway open. Do not hold the person down. And do not worry about tongue swallowing.

The myth that people with epilepsy swallow their tongues is very injurious. When I had seizures without my roommates present, I would often wake up with my gums bleeding, my teeth hurting or my jaw aching. Often, well-intentioned people, believing I would choke on my tongue, tried to force open my clenched jaw to put in a hard object. My teeth would then crush against it. One person I know of had his mouth pried open with a bottle opener, several teeth were broken.

An ambulance is not necessary unless the seizure lasts for longer than 10 minutes, or unless another begins soon after the first, or unless the person cannot be awakened.

After the person wakes up, someone should calmly describe what happened and, if the person is ready, help him to leave or, if he wants to go to sleep, ask him if there is anyone to call who can get him home.

In the months that followed this conversation, as I began to talk about my fears, I recognized the mistakes I had made. I told my parents that I was very sick, that I had kept them in the dark to protect myself. With their help, I arranged to see a new neurologist near the school in March 1981. He said I had complex-partial seizures and generalized seizures but that my prior treatment had been insufficient. He increased my dosage and told me to call after every convulsion.

After my third call, he told me to increase my dosage again and continued to increase the drugs until late April, by which time I was taking 11 pills a day.

I began to stagger slightly and developed continual nausea coupled with intense heartburn. I thought I had the flu. Most confusing for me, my convulsions increased until they occurred every other day.

When my hair began to come out in my hands, I knew the medicine was making me sick. My doctor, however, attributed my symptoms to stress.

In June, dazed by seizures and 35 pounds lighter than just four months before, I traveled with my roommate Carl to his home in Chicago. A doctor there, in the course of a routine blood test, found that the drugs I had been given had reached a toxic level and were killing me. They were suppressing bonemarrow production and giving me the symptoms of leukemia. The medication was stopped, and phenobarbital, another anticonvulsant, was substituted.

Carl had invited me to Chicago that summer because he knew that, unable to drive, I often got stranded in Dallas. Chicago had a subway system, and I could get around. I got a job as an intern for a political action group.

My blood tests returned to normal, but my seizures, though milder, often occurred more than once a day and were more varied because of the rapid change of medicine. I began to fall to the ground with little warning. I fell against a pot of boiling water. I fell down staircases and in the middle of a busy street.

I had decided by then that nothing could be done for me, that my seizures simply could not be controlled. I had no choice but to live my life always expecting another seizure.

My parents begged me to return home, but I told them that, with a doctor in Chicago, leaving my job for Dallas would not make any difference. Unsure of what to do, my mother tried to understand the nonmedical aspects of epilepsy. She went to the Epilepsy Foundation in Dallas and told a counselor my story. She asked if she and my father should take me home despite a threat I had made to run away if they tried.

She was told, she said on a tape, that "Kurt must be allowed to come to terms with this in his best way, and that he must be allowed to make his own decisions. Otherwise, he might give up."

Toward the end of the summer, with my work at the office suffering badly, I reluctantly went home to see a new neurologist my mother had found. I had grown tired of doctors and did not want them to hurt me anymore. I was convinced I would not live to see my college graduation. I would die from an accident, a stroke or by my own hand.

When I met Allan Naarden, the doctor whose patience and wisdom would save my life, I thought he was odd. He was cheerful, not aloof like the others. He quoted Greek mythology and Henry James as often as medical textbooks. He explained to me why he thought we should try a particular treatment. No doctor had done that before. He was against hiding, saying it encouraged ignorance in the people around me. He also said that he could not guarantee I would ever get complete control, but I could get better control. I cried, relieved to have found a doctor who was honest about the limits of medical knowledge.

After tests, Dr. Naarden prescribed Dilantin, another anticonvulsant. My sudden "drop attacks" stopped. Soon, with convulsions occurring only twice a month, I finally believed that my life was coming together.

In September, I returned to Swarthmore for my junior year. I was happy, even though the medication gave me severe drowsiness and slightly changed my personality, making me more dour than I usually am. I began to tell friends about my condition, easing the burden on Carl and Franz. For the first time in two years, I walked the campus by myself. Over the next weeks, I had two seizures outside and campus security and the health center, not my roommates, dealt with them.

In the first week of November, the administration of Swarthmore dismissed me from school because of my health. My fears from years earlier were realized. After my first eight weeks of honesty, control of my life had been taken away from me.

My parents and Dr. Naarden had been told of the pending dismissal. Dr. Naarden wrote to the dean advising against it. "Educational opportunities lost in youth cannot be made up for later in life," he wrote. "It is extremely important for students to continue their education even if seizure control is not perfect." My mother flew east to the school to meet with me and the college authorities.

"Kurt began to come apart," she said later. "He cried and he hollered and he begged and he pleaded. He said, 'Don't do this, don't do this to me now. If you send me away from here, I will not come back. I will not be able to make it.'"

The administration's misunderstanding of epilepsy contributed to my dismissal. "At Swarthmore, we had put epilepsy in a closet," Janet Smith Dickerson, dean of the college, recently recalled. "People were frightened, because no one knew what was causing the seizures. But you had already reached a turning point. We didn't understand enough to recognize that."

After I arrived back home, my dismissal triggered an intense rage. I screamed at my family, my friends, sometime at myself on my tape recordings. The explosion of anger was so strong that all of us worried that I was losing my sanity.

My father changed. When it appeared that I would not be readmitted to Swarthmore, his own anger overtook him. Finally accepting my condition, he became enraged that anyone would deny me a normal life.

By December, I learned that I could not be dismissed from school because of my health under section 504 of the Rehabilitation Act of 1973, which provides rights to the handicapped. With advice from the Government's Health and Human Services, my family and I contacted school officials and lawyers to get me back to school.

At the end of the first week of the second semester of my junior year, without going to court, I was readmitted to Swarthmore and continued my studies as a political science major.

The school was beginning to understand my condition. "We learned, as a school, that epilepsy is a handicap," Ms. Dickerson said. "But certainly one that is manageable and not one that should be regarded as a significantly limiting disability."

In my final years at school, I did not go back into hiding, but I never stopped being cautious. In June of 1983, I graduated with distinction.

I found work as a political speechwriter and a writer with CBS News before joining the staff of this newspaper. I now live in New York, where I can function without a car. The man and wife from whom I rent my apartment know all about my condition. I carry an emergency card with the phone numbers of people who can help. My epilepsy is under good control, although I still sporadically have convulsions. I have had to struggle with various problems, such as the difficulty of obtaining health insurance and sometimes of working with colleagues who are unsure, or wary of me. My doctor tries for better control, still making occasional changes in my medication dosage, including one which I worked on this article.

I still get angry that people with epilepsy feel driven to hide their condition, but I understand why. I know now that there is discrimination and fear but have learned that the best way to address that is through educating people and if necessary, turning to the law.

I now believe what Carl once said to me: "If everybody in the world knew how to deal with epilepsy, if everybody in the world were not mystified by a seizure, if everybody in the world were willing to help out when they see a stranger have a seizure, then the life of people with epilepsy would be infinitely easier. They would be able to go everywhere and do just about everything and not worry."

I witnessed a seizure for the second time when I was 22. I was in Washington for my first job interview after college, and, while answering a question, heard a panicked voice cry out, "Does anybody know anything about seizures?"

I stopped in mid-sentence and yelled, "I do."

I was taken outside where an elderly man was having a convulsion in the street. One passerby was pinning the man's shoulders to the ground. When I told him to let go, he did. I leaned down and pulled off my coat to put under the man's head so that he would not hit himself on the sidewalk.

As I checked the man's pockets for signs that he had epilepsy—a bottle of medicine or a card—I noticed the look of fear on the faces of the people surrounding him, a look I knew. And I was surprised that something so minor was so shocking.

Someone came out of a building with a spoon to put in the man's mouth. I stopped him and explained why it was unnecessary. The tension of the crowd eased.

The man woke up and was very disoriented. I explained what was going on, and he seemed calm. Two people helped me get him back to the office I had left, where he sat and gradually became more coherent.

Soon he said he wanted to go home. I got up and went with him to make sure he was ready to leave.

Walking down the street on a sunny day in Washington, I told the man not to feel embarrassed, although I understand how he felt, because I had the same condition.

When we reached the corner, he took my hand and squeezed it. "We're both gonna be all right," he said.

I watched him slowly cross the street, and, for the first time, I believed that was true.

THE PRODUCT LIABILITY UNIFORM STANDARDS AND REFORM ACT

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. DANNEMEYER. Mr. Speaker, there can be no doubt that the United States is a litigious society, but until recently this penchant to sue was just America's way of redressing her grievances. Now it threatens the very heart of society by reducing the availability, adequacy and affordability of insurance thus affecting the existence of a variety of consumer goods and services. The apparent culprit in this scheme of devastation is none other than the vast array of State tort laws.

Manufacturers, sellers, insurance companies, and consumers are all victims. Manufacturers are unable to manufacture quality products free from the threat of paralyzing litigation because they cannot predict with any regularity, the impact of 50 different State laws on their product. Our current tort system is nothing more than a myriad of disjointed rules pertaining to what actions or omissions will be determinative of liability and who will pay. Similarly, insurance companies are unable to determine with sufficient precision the potential for, and extent of, possible liability under such a wide variety of laws. Most importantly this unpredictable system leaves corporations and consumers unprotected and unable to purchase reasonable insurance. Most frustrating for businesses is that denial of insurance is not always linked to risks associated with their product or history of service. Ultimately, inability to obtain insurance can result in business forfeiture, bankruptcy, and higher cost to the consumer.

The upheaval in the liability system is reflected in both the size and number of awards. The number of product liability cases filed in Federal district court soared from 1,579 in 1974 to 13,554 in 1985, a 758-percent increase. Similarly the average size of awards has tripled during the past 25 years from an average of $49,000 in the early 1960's to $130,000 in the late 1970's. The increase in the average is largely due to the dramatic increase in awards over $1 million. In the 1960's, awards that exceeded $1 million accounted for only 8 percent of damages awarded. In the late 1970's, however, awards of $1 million and up accounted for 48 percent of all money awarded. Equally at fault is the increase in punitive damage awards. These awards, intended only to penalize, have increased approximately 12,000 percent since the early 1960's from levels between $4,000–$54,000 in the 1960's to $395,000–$489,000 in the late 1970's.

In my home State of California, cities have paid $75.4 million in deep pocket liability claims and defense costs in the last 3 years alone. In addition, a League of California Cities study of 347 municipalities, including 23 in my home county of Orange County, found that nearly $250 million in claims are pending. The response to this situation has been to put proposition 51 on the June 3, 1986 ballot. This proposal would limit a city's liability to its percentage of fault. While I commend the organizers of the proposition 51 coalition for a prompt response to this crisis, I believe that the extent of this problem and its adverse impact on interstate commerce demands Federal action.

It is clear that our tort system, which was designed to compensate the victim for wrongful injury, has become so debilitated that the question of liability is now a secondary issue. A few examples highlight the dramatic shift away from fault-based compensation standards: A 41-year-old body builder in California entered a footrace with a refrigerator strapped to his back. During the race a strap slipped and he was injured. He collected $1 million in damages (*Columbo* v. *Transworld International, et al.).* Two Maryland men decided to dry their hot air balloon in a clothes dryer. When the dryer exploded the men were injured and collected $885,000 in damages (*American Laundry Machinery* v. *Horan*).

For the above reasons, I am introducing the Product Liability Voluntary Claims and Uniform Standards Act of 1986. This bill would preempt conflicting State law and provide for uniform standards of liability. The most salient features of the bill include elimination of joint and several liability in favor of comparative responsibility, a cap on punitive damages to two times the amount of economic damages or $100,000, whichever is less, settlement incentives and an alternative dispute resolution mechanism. While I recognize that no one bill will be the cure-all, I do believe that uniform laws will add stability and predictability to the system which will result in improved underwriting practices and ultimately available and affordable insurance.

A comprehensive reform of our fragmented tort system is long overdue and I submit this bill with the hope that it will serve as a vehicle for reform. I welcome a discussion of this and other proposals aimed at reform of our Nation's tort laws. While I believe my bill represents a balance of all interests involved and is the most comprehensive effort to date, I am amenable to any suggestions which may improve this approach. I urge the Energy and Commerce and Judiciary Committees to schedule hearings and expedite consideration of this vital legislation.

Below is a section-by-section description of the bill.

Section 101. Title. "Product Liability Uniform Standards and Reform Act".

Section 102. Definitions.

Section 103. Preemption. This Act preempts any civil action brought against a manufacturer or product seller, on any theory, for personal injury or property damage caused by a product. Does not include loss or damage to a product or commercial loss. This Act also supersedes relevant state law to the extent that it overlaps with state law. Any issue not governed by this Act shall be governed by applicable state or federal law.

Section 104. Record Retention. A manufacturer shall retain for 25 years a copy of all studies or reports within his custody/control which assess the risks or hazards posed by the design or formulation of the product. The manufacturer shall also retain for 25 years a record of each reported incident of death, injury or illness resulting from use of the product.

Any claimant/person who is party or who has notice that he or she may be made a party to an action under this Act shall retain all material documents and data within that person's custody/control that are relevant to the action or may lead to discovery of evidence relevant to the action.

If a party wilfully disposes of a document in violation of this section, there shall be a rebuttable presumption that the facts contained in the document are adverse to the party who committed the violation. In addition, the court shall assess a civil penalty against the guilty party in the amount of $1,000 or more and order the guilty party to pay the other party's costs, including reasonable attorney's fees incurred in proving the violation. Nonwilful violations in which no other means are available to establish the facts contained in the destroyed document will result in a rebuttable presumption against the nonwilful violator. No penalty will be assessed.

Section 105. Attorney Disclosure. An attorney contacted about rights and recovery under this Act must disclose the options available to the client, the potential recovery, time period for recovery and an estimate of attorney's fees and all other potential costs and penalties pursuant to recovery under Title II (Expedited Claims) or Title II (Civil Action).

If an attorney fails to disclose information required by this section, the client may bring a civil action for damages in the court in which an action under title II was, or could have, been brought. Recoverable damages include exemplary damages in the amount of client's net economic loss.

Section 106. Service of Process. The summons and complaint shall be served as provided by applicable law.

Section 107. Admissibility of Certain Evidence. Evidence of an admission of liability, either expressly, or impliedly, is inadmissible in any other action brought under or subject to this Act.

This is a codification of the federal rules of evidence. The rationale for finding this type of evidence inadmissible is that public policy wants to encourage product improvement and voluntary payment to a claimant.

Section 108. Expert Opinion. Expert scientific or medical opinion is not sufficient evidence to establish a fact absent support in peer-reviewed scientific or medical studies.

Section 109. Subsequent Remedial Measures. Evidence of subsequent remedial measures taken by a manufacturer or product seller after the occurrence of a claimant's harm which, if taken previously, would have made the harm less likely to occur is not admissible to prove liability. (Codification of Federal Rules of Evidence)

Section 110. Product Liability Registry. Any manufacturer who is not incorporated or registered to do business under the law of the State shall contact the Secretary with the name of an appointed agent to receive service of process. The Secretary shall maintain a registry of agents and furnish the name and address of the agent to any person requesting such for the purpose of making a claim under this Act.

Within 12 months of enactment the Secretary shall establish regulations regarding the financial responsibility of manufacturers through either insurance, guaranty, surety bond, letter of credit or any combination.

A manufacturer who fails to comply shall be liable to the U.S. for a civil penalty not to exceed $5,000 for each day of noncompliance. The penalty will be assessed by the Secretary after the alleged violator has had the opportunity for a hearing. A person wishing to challenge the penalty may file a petition for judicial review with the U.S. Court of Appeals for the District of Columbia with 30 days. If the manufacturer fails to pay the penalty after the court has issued a final order, the Attorney General shall recover the amount assessed plus interest without reviewing the validity, amount and appropriateness of the penalty.

Section 111. Effective Date. This Act shall be effective on the date of its enactment. If any provision of this Act would shorten the period which a manufacturer or product seller would be exposed to liability, the claimant may submit a claim under this Act within one year after the effective date.

TITLE II. (EXPEDITED CLAIMS PROCEDURE)

Section 201. Expedited Product Liability Claims Procedure. A person who has suffered harm caused by a product (other than an employee of the product's manufacturer who suffers harm in the course of his employment) may submit an expedited claim to the manufacturer.

A person who submits a claim under Title II (expedited claims) may not seek recovery for the same harm in a civil action under Title III of this Act if the manufacturer:

(1) makes payment of net economic loss;

(2) declines to make full payment solely because of a dispute over the amount of the net economic loss; or

(3) declines liability for harm or fails to respond and claimant has received a notice from the manufacturer denying liability and claimant seeks recovery under Section 208 (order enforcing claimant's right).

A person may not submit an expedited claim if they have already brought a civil action against the manufacturer under any theory/law to recovery damages for the same harm.

A manufacturer who makes payment under Title II or who is found not liable may not be made a defendant in any action brought by any other party for contribution, reimbursement or indemnity for damages arising from the same harm.

Payment of an expedited claim, or a finding of nonliability will not bar an action for associated harm which is physical damage to property other than the product itself.

Section 202. Manufacturer's Liability For Net Economic Loss. A manufacturer's liability is limited to "net economic loss" under Title II. "Net economic loss" is defined as:

(1) reasonable expenses incurred for reasonably needed and used medical and rehabilitation services;

(2) lost income from work reduced by any income earned from substitute work actual-

ly performed or by income the claimant would have earned in available appropriate work which claimant was capable of performing but unreasonably failed to undertake. This amount shall be reduced by the amount of all Federal, State and local income taxes and any Social Security which is not considered compensation;

(3) reasonable expenses incurred in obtaining ordinary and necessary services claimant would have performed;

(4) lost earnings of deceased person who suffered fatal harm caused by a product which would have been contributed to claimants entitled to receive benefits under law; and

(5) reasonable expenses incurred by claimant in preparation and submission of voluntary expedited claim including reasonable attorney's fees—

minus the amount of compensation paid by any other source including a government program, employee benefit plan or insurance.

When harm occurs that may entitle a claimant to benefits which would reduce the amount of "Net economic loss" to be paid by the manufacturer, the manufacturer may place in an interest-bearing escrow account that portion of the economic loss which the manufacturer anticipates the claimant will receive from other sources until claimant's right to such benefits has been determined. The total amount of compensation paid to a claimant from any other source shall be reduced by the amount of legal fees and other costs incurred by claimant in collecting the compensation.

Attorney's fees may be on a contingent basis but for purposes of calculating costs must be based on an hourly rate which should not exceed that which is considered acceptable in the community.

Section 203. Submission of an Expedited Claim. Within 120 days of the effective date of this Act, the Secretary shall make available a model explanation of claimant's rights which the manufaturer will provide to a claimant within 10 days of receipt of notice of injury. An expedited claim must be accompanied by material proof of the injury and records of "net economic loss".

Toxic Harm. A person seeking to recover for toxic harm of a kind which manifests itself only many years after exposure and where it is not possible for the claimant to identify the manufacturer, may submit an expedited claim to any manufacturer of a product that is chemically indistinguishable from the product which caused the harm if the manufacturer's product was available at the time the product that caused the harm was purchased. Claimant must also provide a written explanation of efforts to identify the manufacturer of the individual product unit.

Statute of Limitations. Two years. A person under legal disability may submit a claim within 2 years after the disability ceases.

Section 204. Duty To Disclose Information. A claimant must cooperate fully with the manufacturer in the manufacturer's investigation of the claim.

Section 205. Liability For Harm. A manufacturer will be liable to a claimant under an expedited claims procedure if:

(1) the product, when it left the manufacturer's control, was unreasonably dangerous; and

(2) the unreasonably dangerous aspect of the product was the proximate cause of claimant's harm while the product was being used in a manner intended or reasonably anticipated by the manufacturer.

a. "Unreasonably dangerous" is established when:

(1) the product's utility so outweighs the risk of harm that a person knowing of the risk would still be justified in placing the product in the stream of commerce; or

(2) a. the risk of harm would be apparent to a reasonably observant person or would have been a matter of common knowledge; or

b. if the risk of harm would not have been apparent, the manufacturer provided adequate warnings to enable a reasonable person to avoid the risk or to make an informed decision whether to assume the risk.

(3) A product which is a drug or device which may only be administered by a licensed practitioner will not be found unreasonably dangerous if the manufacturer provided warnings in compliance with FDA requirements.

(4) If the claimant has suffered toxic harm of a kind which manifests itself only after many years of exposure, proximate cause will be presumed if:

(a) the claimant was exposed to the product at the relevant time; and

(b) the claimant's exposure to the product would "significantly increase" (incidence in an exposed population exceeds incidence in an unexposed population by 30% or more) the risk of incurring the toxic harm unless another toxic agent is more likely to have independently produced claimant's harm.

The claimant must establish by a preponderance of the evidence that, in the best available scientific opinion, exposure to a product of a certain chemical composition, in the circumstances of claimant's case, significantly increased the claimant's risk of incurring toxic harm.

Section 206. Payment or Rejection of an Expedited Claim. Within 90 days of receipt of an expedited claim a manufacturer shall determine whether it is liable for the claimed harm and notify the claimant.

If a manufacturer agrees it is liable, it shall make payment for net economic loss or enter into an agreement with claimant for another acceptable disposition of the claim.

If manufacturer determines it is not liable, it shall give the claimant written notice of rejection and a written explanation of claimant's rights to bring a civil action for an order enforcing those rights.

If a manufacturer does not contest liability but disputes the amount of the claim, the manufacturer shall pay the undisputed portion and provide claimant with an explanation of claimant's rights to initiate binding arbitration within 90 days. Arbitration will be the exclusive remedy when the dispute is over the amount of net economic loss.

Section 207. Rights Upon Denial of Full Payment. If a manufacturer disputes the amount of a claim and the claimant initiates arbitration proceedings within 90 days, the Federal Mediation and Conciliation Service will appoint an arbitrator to make a final determination within 60 days, of the amount owed by manufacturer. No court shall have the power to review this determination except where either party alleges fraud or misrepresentation.

Section 208. Rights Upon Denial of Liability. If a manufacturer declines liability or fails to respond to a claim, the claimant may bring a civil action enforcing the claimant's rights under this title. If the manufacturer provides claimant with a notice of rejection, the issues at trial shall be limited to those issues raised by claimant and set forth in such notice. All issues shall be tried by the court without a jury. Such action may be brought within one year of the date of submission of the claim, or within 90 days of the manufacturer's rejection of the claim, whichever is later.

If the court finds that the manufacturer is liable the court shall enter an order enforcing the claimant's rights and directing arbitration to settle any dispute over net economic loss and award reasonable attorney's fees and expenses as well as interest on the amount of claimant's net economic loss equal to 2% per month.

If the court finds there was not good cause for the manufacturer's denial of liability or failure to respond within the time required, the court shall award exemplary damages in an amount not to exceed twice the amount of net economic loss or $10,000 whichever is greater.

If the court finds there was not good cause for claimant to file an action, the court shall require the claimant or claimant's attorney to pay all of the manufacturer's costs of investigating and defending the claim.

A person who willfully violates an enforcement order or an order of an arbitrator shall, upon conviction, be subject to a fine of not more than $2,000 for each day of violation, or imprisonment, not to exceed two years, or both.

Section 209. Supplemental Expedited Claim. If claimant incurs additional net economic loss arising from the same harm, and manufacturer has admitted liability, claimant may submit supplement claims. These claims will be handled like the original claim.

Section 210. Time Limitation on Liability. Statute of Repose for all harms which are not toxic harm is 25 years from the date of delivery of the product to its first purchaser or lessee not engaged in the business of selling or leasing the product or using the product as a component in the manufacture of another product.

Section 211. Reimbursement of Manufacturer. Any manufacturer who pays an expedited claim may seek reimbursement, contribution, or indemnity on the basis of comparative responsibility within 2 years of such payment. Contribution, reimbursement or indemnity may be sought in a State court with original jurisdiction or a Distict Court.

Section 212. Collective Processing of Claims. Nothing in this title or in the antitrust laws shall preclude manufacturers or product sellers from establishing and maintaining collective means of processing claims.

TITLE III (CIVIL ACTIONS)

Section 301. Civil Actions. A person may bring a civil action against a manufacturer or product seller pursuant to applicable law except where such law is superceded by this Act. By bringing a civil action, a person waives all rights to recovery under the expedited claims procedure in Title II.

Section 302. Uniform Standards of Manufacturer Liability. A manufacturer will be liable if claimant proves by a preponderance of the evidence that:

(1) a product unit manufactured by the manufacturer was a proximate cause of the harm; and

(2) the manufacturer was negligent in constructing, designing, providing warnings about the proper use of the product or that the product did not conform to the express warranty made by the manufacturer. (provi-

sions for negligence conform to general negligence standards).

Section 303. Uniform Standards of Product Seller Liability. A product seller may be found liable if claimant can prove by a preponderance of the evidence that:

(1) the product unit which caused the harm was sold by the defendant; and

(2) the product seller failed to exercise reasonable care; and

(3) seller's failure to exercise care was the proximate cause of claimant's harm; or

(1) the product seller made an express warranty, independent of any express warranty made by the manufacturer; and

(2) the product failed to conform to the warranty; and

(3) the failure to conform to the warranty caused the claimant's harm.

A product seller shall be treated as a manufacturer and shall be liable for harm as if it were the manufacturer if the manufacturer is not subject to service of process or the court determines that the claimant would be unable to enforce the judgment against the manufacturer.

Section 304. Determination of Responsibility in a Product Liability Action.—All claims under this Act shall be governed by principles of comparative responsibility. The court shall instruct the jury to make findings indicating the total amount of damages to each claimant for claimant's harm and the percentage of total responsibility for harm attributable to each claimant, each defendant, and to any other cause. The percentage attributable to each defendant or third-party defendant shall be determined by subtracting the percentage of responsibility attributable to the claimant and to any other cause or person who is not a party to the action from 100% and allocating the percentage remaining to the defendants according to their individual responsibility for harm.

Evidence of claimant's misuse, alteration of modification of a product shall be considered in determining claimant's responsibility for harm.

Joint and several liability shall be determined in accordance with state law except that the basis for contribution shall be each joint tortfeasor's percentage of responsibility for harm. If an amount is not collectible from one joint tortfeasor, the portion which is uncollectible shall be reallocated among other tortfeasors according to their percentage of responsibility.

Section 305. Relevance of Government Standards and Contracts.—If a product seller proves by a preponderance of the evidence that the aspect of the product or its use which claimant cites as defective substantially complies with applicable mandatory contract specifications of a Federal, State, or local government pertaining directly to that aspect of the product or its use, the claimant shall be deemed to have failed to satisfy the proof requirements.

This section will not apply if a product identical to the product at issue is identical in all significant aspects to one which is commercially available prior to the date of the product's first sale to Federal, State, or local government.

Section 306. Uniform Standards for Offset of Worker's Compensation Benefits. The judgment shall be reduced by the sum of the amount paid as workers' compensation benefits for that harm and the present value of all workers' compensation benefits to which the employee is or would be entitled for the harm.

Section 307. Uniform Standards for Award of Punitive Damages. Punitive damages may be awarded upon establishment of clear and convincing evidence that the harm suffered was the result of conduct manifesting conscious, flagrant indifference to the safety of persons who may be harmed by a product. Punitive damages may not be awarded in the absence of a compensatory award unless death results from product use.

In determining whether punitive damages are appropriate the trier of fact shall take into account the conduct of manufacturer/seller upon learning that the product caused harm and the duration of the conduct and any concealment.

The amount of punitive damages may not exceed twice the amount of other damages awarded or $1,000,000 whichever is greater.

Section 308. Uniform Standards of Limitation and Repose. Statute of Limitations shall be 2 years from the date the claimant discovered the harm, or in the exercise of reasonable care, should have discovered the harm. In the case of a disabled claimant, an action may commence within 2 years after the disability ceases.

The Statute of Repose will be 12 years for non-toxic harm and 25 years for toxic harm.

Section 309. Uniform Standard for Settlement Incentives. If either party offers a "reasonable" settlement which is rejected by the opposing party who is later determined to be at fault and who receives damages less than or equal to those offered in the settlement, that party will also be responsible for attorneys fees and costs attributed to prolonged litigation.

Section 310. Uniform Standard for Periodic Payment of Awards. Provides that payments for future economic damages may be made periodically.

Section 311. Application of Other Law. Except as otherwise provided in this act, nothing shall be construed to affect any statutory or common law rule governing recovery by a claimant. * * *

ON BEHALF OF YULI EDELSHTEIN, SOVIET REFUSNIK

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. KOLBE. Mr. Speaker, I rise today to once again focus the attention of this body on the continuing problem of Soviet Jewry. I wish to address not only the generic issue, but the plight of one individual—Yuli Edelshtein.

We all know the systematic oppression imposed by the Soviet Union on its Jewish population. Jews are discriminated against not only as a religious group, but as a national group as well. The U.S.S.R. denies basic rights exclusively to Jews that it awards to all other national groups. Jews are not permitted, for example, to study their own history, culture, nor even their own language. Imagine, teaching Hebrew is against the law in the Soviet Union. It is the only language to enjoy such a status. Jews are arrested for the crime of teaching Hebrew and for the dissemination of Jewish culture.

In addition, the position of the Jewish religion fares no better. Moscow, a city of 500,000 Jews, has only two synagogues and one rabbi. Thinly disguised attacks on lionism, as well as caricatures of Zionists—Jews, really—appear frequently in the Soviet press. Yet, despite the systematic repression of Jewish culture and religion—or perhaps because of it, there has been a Jewish renaissance occurring in the U.S.S.R. over the past 20 years. At great personal risk, many Jews have founded groups to study their culture, history, and language.

Yuli Edelshtein is one such young Jew willing to take those risks. Now 29 years old, several years ago he began studying Hebrew and eventually became proficient enough to start teaching it to others. And how did the Soviet Union respond? Well, it has something of a unique method of dealing with such malcontents. It plants drugs on known teachers of Hebrew. The individuals are then arrested, not for teaching Hebrew, but on trumped-up drug charges. This is precisely what happened to Yuli Edelshtein.

On December 19, 1984, Yuli was sentenced to 3 years in a labor camp in Siberia on charges of illegally possessing drugs—planted on him by the KGB. Yuli has steadfastly maintained his innocence, despite the hardship that has entailed. On January 9, 1986, Yuli fell from a 13-foot ladder and sustained multiple fractures to the pelvis and hip region which resulted in a rupture of the urethra. For months, Yuli went without treatment of his serious urological and orthopedic problems. His wife, Tanya, appealed several times to the Soviet authorities to provide Yuli the immediate medical attention he needed which was unavailable at the prison hospital in Siberia. The Department of Labor camps within the Minstry of Interior Affairs refused. Tanya then pleaded that Yuli be transferred to a civilian hospital that had facilities for a necessary urological operation. The prison hospital did not have the proper facilities.

Once again the Soviets refused. When Yuli finally did receive his operation, it was at a prison camp many months later. But the operation to repair his urethra was not entirely successful. At the same time, his general physical health had deteriorated, caused in part because of the extended delay in treatment. He has lost over 50 pounds and his weight is now reported to be 110 pounds. One of his legs is now shorter than the other, due apparently to the deferred medical attention to the multiple fractures received in his fall.

According to reliable information, Yuli was recently asked to sign a confession that he was guilty of possessing drugs. He refused, and was then removed from convalescence and placed in a transit camp. He is now being threatened to be returned to a labor camp to complete his 3-year sentence. Given his weakened condition and his still incomplete recovery, his family is fearful that such a move would prove fatal.

However, according to Soviet law, Yuli could be released from prison now. Article 362 of the Soviet Procedural Code states that a prisoner can be released before completion of his sentence if illness prevents him from continuing his labor. Items 98 and 100 of the Corrective Labor Code cite poor health as grounds for early release from prison.

Yuli Edelshtein has suffered enough. I hope you will join me in my efforts to press the Soviets to abide by their own law, and permit his release so that he may receive the proper medical attention he needs and so that he may be returned to his home and family—and ultimately so that he, and others like him, may realize their dream to live free lives in Israel, the country of their choosing.

GORDON P. ERSPAMER

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. EVANS. Mr. Speaker, in July, 1986, a group of surviving "Crossroads" veterans, children of veterans, and representatives of the Bikini people gathered on Marshall Island in the South Pacific. They met in commemoration of the 40th anniversary of the atomic bomb tests.

Among those at the meeting was Gordon P. Erspamer, the son of an "atomic veteran" who serves as the counsel for the National Association of Radiation Survivors and has dedicated his working life to helping those who have been exposed to radiation. Mr. Erspamer recently won a landmark decision in the Federal courts of California which resulted in a $115,000 penalty against the Veterans' Administration. The suit dealt with VA's purposeful destruction of documents pertinent to the lawsuit brought by the veterans exposed to radiation during their tours of duty.

At the "Crossroads" reunion, Mr. Erspamer read two poems which he wrote upon the occasion of his father's death in 1980. The poems Mr. Erspamer read on that summer day on Marshall Island have been published by one of the veterans present that day. As the son of an "atomic veteran" and a member of the House Veterans' Affairs Committee, I would like to share with my colleagues these poignant expressions:

ATOMIC VETERANS

(By Gordon P. Erspamer)

There are war babies and heroes
And war brides and buddies and even war novels
Who are visible
In the popular culture
And romanticize the experience.
Yet seldom is heard the murmurings and wails
Of the war victims alive
Who fester and suffer
In interstices and dropped-thru-holes
And I speak of those,
Those who inhaled the ambience of Enola Gay,
Absorbed or were absorbed into the Smoky valence
Or rode the waves of Bikini in '46
When life and death were at the Crossroads,
And the Wigwam boys
Who didn't construct their own teepees
When we tested our toys,
And exhilarated about mushrooms and clouds,
When we placed sacrifices
Before our searing God-furnace
Then discharged them in the wild
And spanked their behinds.
And when they nipped at the gate
Displaying their sores arisen
We excluded them from the corral,
Tossed them an antiseptic lozenge,
And they tasted our gratitude.
There were no scabs to lick,
And the pain inside ran rampant
Amidst the army of whites who rode triumphant.—

BIKINI

(By Gordon P. Erspamer)

Cloudy thoughts and aching joints abound
And the question is
Will they now accept the blame
And deign to recognize
As flush and forcefully
As Baker pierced the Marshall tides
The it
The acceptance of which
Is theirs alone
The it
That might ease the pain
Of those who grew and glow caustic
Having inhaled plumes fired for naught
But the sight of illumination
Or whether they will continue
To put prime over wallpaper
And paint over that
And claim not to perceive
The original pigments of the scene
And scratch marks on ship hulls and gun barrels
Left by white rats felled indelibly
By the blasts of forty-six,
Aimed only at ourselves.

THE ROLE OF GOVERNMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 21, 1987, into the CONGRESSIONAL RECORD:

The role of Government is the grand issue of American politics. Should the Federal Government manage, guide, and regulate the economy? Should it set up broad social programs to help the disadvantaged? Should it endorse or mandate certain social values, such as racial equality, sexual mores, or religious rights? This issue of Government's proper role has been fought over since the earliest days of the Nation; in the politics of recent years there is little sign that it has been resolved.

In the 19th century, conservatives wanted to use the Federal Government to reform and control the economy and society; the liberals supported States rights, religious freedom, and non-interference in the affairs of others. But as the country grew, the role of government changed, and the positions of the liberals and conservatives changed too. For the liberals, Government became the best means to promote economic justice and to reform society, while conservatives began to see Government as intrusive. Today the situation is strangely mixed. Conservatives tend to favor weak Government for economic regulation and social programs, but strong Government for national defense and enforcement of religious and moral values. Liberals, on the other hand, tend to favor the use of Government to promote broad social and economic justice, but not to dictate personal values. These shifting positions only emphasize that the role of Government has been the pivotal issue in American politics throughout the Nation's history.

America has just come through a period of widespread disillusionment with Government. Over the past 20 years, people increasingly questioned both what Government should be doing and how it should be doing it. They did not want to eliminate the legitimate and necessary functions of Government, such as national defense or helping the Nation's truly needy. Yet they felt that too often Government was excessively wasteful and ineffective in carrying out its responsibilities. Now, the polls tell us, the anti-Government mood is receding, and confidence in Government has begun to increase. People apparently favor more Government efforts, for example, to deal with pressing social problems like hunger and homelessness. This shift may be occurring partly because people sense that some of the past excesses of Government have been tamed.

The question today remains: What should the role of Government be in this country? In answering that question, one new and overriding fact looms: there is much less money to spend because of the huge Federal budget deficits.

For the Democrats, the current situation presents very special problems. Most people like the fact that the Democratic Party stands more for the average person and the ordinary worker, and less for the elite, the powerful, and the rich. What they do not like about the party is its past record of too much Government spending. They doubt that the Democrats are competent to run Government programs once they set them up. So the problem for the Democrats becomes how to maintain their commitment to fairness and equity for all people, without talking about more spending and bigger Government programs. The Republicans have problems too. They want to protect the Reagan revolution, but they are often unsure about just what it is they are protecting or how to enhance it. They are proud of their efforts to curb Government, but recognize that some of the cutbacks have done more than just nibble away at "waste, fraud, and abuse". Some Americans have been hurt by the cutbacks, such as elderly paying larger health-care bills or middle-income families shouldering enormous college loans. Republicans are faced with the problem of either glossing over the difficulties or calling for an expansion in the role of Government.

How do these problems for the political parties affect the voter? The answer is, I think, not much. I am continually impressed with the lack of ideology among ordinary voters. They do not pay much attention to the finely spun arguments made by politicians and pundits about what is the proper role of Government. Although ideological purists tend to dominate both parties, the ordinary voter just is not ideological. The test that matters for him is: Is it a reasonable policy and will it work?

The debate over the role of Government will be at the heart of the 1988 election campaign, already getting underway. At this early date, my guess is that the race for President will be fascinating and very close. More than 20 candidates are in the field, and the nomination of the two major political parties is open for the first time in two decades. Both parties are keenly aware of the emergence of a new generation of voters. The campaigns of Jimmy Carter in 1976 and Ronald Reagan in 1980 were successful in large part because they ran against Government and against Washington, but I have noticed none of the major candidates for 1988 taking the same line. Polls show that voters are interested in the ability of the candidates to govern and to make the country work. The candidates know they will not convey their ability to govern by running against Government. While voters have always been interested in where candidates want to take the country, they are now equally interested in their competence to accomplish it.

My sense is that voters generally still do not favor a large role for the Federal Government. They want to stabilize the economy, protect the poor and the elderly, help the beleaguered middle class, and strengthen our defense, but they want to do it with a leaner, more efficient Government. If the economy dropped into recession, my guess is that they would want Government to become much more active again. They want a candidate with compassion as well as an underlying toughness, and a clear sense of how to make Government work. It would not be accurate to say that a consensus on the role of Government has emerged, but public sentiment is shifting somewhat toward a more positive role for Government as the Nation prepares for another presidential campaign.

(The first several paragraphs of this newsletter are drawn, in part, from William Schneider's article in the January 1987 Atlantic Monthly.)

H.R. 575—CREATING A SECONDARY MARKET FOR AGRICULTURAL LOANS

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. LIGHTFOOT. Mr. Speaker, farm credit continues to be a problem and it is expected that we will have to reconsider this issue again in the 100th Congress.

For that reason, I have introduced H.R. 575, to create a secondary market for agricultural loans to lend stability to the farm lending sector. This approach is considered to be one of the more practical and realistic options we have in dealing with the agricultural credit situation. The use of secondary markets has been highly successful in other sectors of the lending industry, such as with student loans—Sallie Mae—and home mortgages—Fannie Mae.

Known as the Farm Credit Enhancement Act of 1987, the legislation I've introduced is similar to H.R. 4984 sponsored in the last Congress by retired Congressman Cooper Evans of Iowa. The measure would guarantee pools of agricultural mortgage loans and provide for the issuance of securities representing interests in such pools.

The bill authorizes USDA to guarantee pools of farm mortgage loans by private lenders, and provide for the issuance of securities representing the interest that lenders have in such pools. The securities, in turn, can be sold to investors.

Groups of lenders would be allowed to set up approved agricultural loan facilities—the loan pools—funding them at a minimum of $25 million from private sources for a period of up to 5 years.

USDA would guarantee these "facilities," or packaged mortgage pools, at 90 percent of the principal and interest. Guarantee fees would be up to one-half of 1 percent of the principal, with administrative fees commensurate with the costs.

The loan facility would have to maintain reserves of 10 percent of the principal balances of the pooled loans. These reserves would have to be exhausted before the Federal guarantee would kick in. The Federal guarantee is limited to $4 billion.

Individual farm mortgage loans cannot exceed $2 million, or exceed 5 percent of the total of the reserve pool, and must be to U.S. citizens or corporations/partnerships majority-owned by U.S. citizens.

The most attractive feature of this approach is that it would not require outlays by the U.S. Treasury; rather it works in the form of guarantees. The concept is similar to those being advanced by the American Bankers Association, the American Council of Life Insurance, and the Independent Bankers Association of America.

I urge my colleagues to consider supporting this practical measure.

RESOLUTION DESIGNATING SEPTEMBER 18, 1987, "NATIONAL POW/MIA RECOGNITION DAY"

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. SOLARZ. Mr. Speaker, yesterday, I rose with my distinguished colleagues GERALD SOLOMON and BEN GILMAN to introduce a resolution that designates September 18, 1987, as National POW/MIA Recognition Day.

This resolution is of particular importance to me because, as chairman of the Subcommittee on Asian and Pacific Affairs, I have been actively involved in the effort to achieve a full accounting of our missing men from the conflict in Southeast Asia.

Resolving the fate of the 2,421 Americans missing and unaccounted for in Indochina is an issue of fundamental importance. It is also an humanitarian issue which has garnered broad bipartisan support in the Congress. Indeed, it is incumbent upon us in the Congress as well as the administration to do everything within our power to attempt to heal this festering wound of the Indochina War by achieving a satisfactory answer to the fate of those Americans who did not return from that war.

It is particularly appropriate that this resolution is introduced at this time because January 27 marks the 14th anniversary of the signing of the Paris peace accords. While we all would have liked to have witnessed the resolution of this issue with the passing of 14 years, this anniversary serves to remind us that we must continue to keep faith with our men who sacrficed so much for their country and whose untold suffering must never be forgotten.

It is with some pleasure, therefore, that I can report that we have made substantive progress on this issue over the course of this last year.

In January of last year, Assistant Secretary of Defense Armitage led a delegation to Hanoi and held significant talks on this issue with Vietnamese Foreign Minister Thach and Deputy Foreign Minister Son. This was the highest level U.S. delegation that has visited Hanoi since the end of our involvement in the Vietnam conflict. As such, it underscores the deep commitment of our Government to resolving this issue on a humanitarian basis apart from the other issues which separate our two countries.

In line with this spirit of cooperation, the U.S. Government formalized its support in July for the Vietnamese 2-year plan to resolve this issue. For their part, the Vietnamese gave specific pledges to implement their workplan and have continued to cooperate in the periodic technical meetings on this issue.

I look forward to seeing a pattern of progress and cooperation established between the U.S. Government and Vietnam and am encouraged that the Vietnamese appear to have finally seen it in their best interest to try to resolve this issue.

The Loas Government has also continued to exhibit a sustained pattern of progress on this issue as demonstrated by their participation in a joint excavation last February in Southern Laos. As a result of this excavation, the remains of five American servicemen have been identified thus far.

In addition to the active involvement of the administration, the Congress continues to play a significant role in maintaining the high priority this issue deserves.

On March 12, the Subcommittee on Asian and Pacific Affairs, in conjunction with its task force on POW/MIA's held one in its continuing series of oversight hearings on this issue, at which top officials of the Defense Department, the State Department and the Defense Intelligence Agency provided extensive testimony. The subcommittee also heard from Ann Mills Griffiths, the executive director of the National League of Families.

On October 15, the subcommittee held an additional hearing on the question of Americans Missing in Southeast Asia at which the former director of the Defense Intelligence Agency, Eugene Tighe, provided testimony about his report to the DIA which concluded that, based on the body of available evidence, there remains a strong possibility that Americans are being held against their will in Southeast Asia.

Over the years, these hearings have served as an important vehicle through which the Subcommittee on Asian and Pacific Affairs keeps the American people apprised of any and all relevant information about the status of our unaccounted for Americans. In fact, over 150 witnesses have provided nearly 4,000 pages of testimony since the subcommittee began hearings on this issue. As chairman of this subcommittee, I will continue to hold these hearings in an effort to ensure that literally no stone is left unturned in the effort to resolve this issue.

It is critically important that the administration and the Congress press Vietnam and Laos to continue cooperating with us. This resolution sends a strong and clear signal to Hanoi and Vientiane that the United States will not cease to pursue a resolution to this issue unless and until we reach the fullest possible accounting of our missing.

By adopting the resolution, however, we do more than signal Vietnam and Laos; we reaffirm our debt to our servicemen and civilian personnel who dedicated their lives to defend our freedom and who were either captured by enemy forces, or were declared missing in action by our Government. This resolution pays tribute as well to those who were captured by the enemy, and who were returned from imprisonment.

Furthermore, this resolution aims to recognize the tremendous sacrifice made by the families of our missing men and acknowledges the continued debt we owe these brave men, women, and children.

Over the past several years, National POW/MIA Recognition Day has been commemorated across the Nation, with appropriate ceremonies at the local, State and national level. The designation of this day as National POW/MIA Recognition Day coincides with the activities planned by the National League of Families and other veterans and community organizations. Such events are not just ceremonies; they serve to increase awareness in the United States, and throughout the world, that Congress is committed to achieving the fullest possible accounting of these men.

INTRODUCTION OF LEGISLATION PROVIDING A TAX CREDIT FOR CARE OF THE ELDERLY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. CONTE. Mr. Speaker, I am introducing legislation today to provide a tax credit for individuals who care for certain family members in the home. This legislation is similar to bills which I filed in the two previous Congresses, and I am happy to do so once again.

Mr. Speaker, incentives should exist to encourage families to remain together. Often, however, when illness strikes an elderly or disabled member of a family, expenses force the family to consider alternative forms of care such as nursing homes. In turn, Medicaid frequently ends up paying for the care.

Under my legislation, certain expenses associated with home health care of an elderly family member would be eligible for a tax credit. Generally, the credit would be available with respect to expenses incurred on behalf of individuals over 70 years of age, disabled individuals, or individuals who are diagnosed as having Alzheimer's disease.

The credit is generally equal to 30 percent of qualified expenses. The credit percentage is reduced by one point for each $2,000 by which the taxpayer's adjusted gross income exceeds $25,000. Thus, for example, a taxpayer with adjusted gross income of $29,000 would take a credit equal to 28 percent of qualified expenses. In no event, however, could the credit percentage fall below 20 percent, and the credit would be eliminated for taxpayers with adjusted gross incomes over $75,000.

Expenses eligible for the credit would include payments on behalf of the qualified individuals for home health agency services, homemaker services, adult day care, respite care, or health care equipment. Generally, the services or equipment cannot be provided by an organization or individual not related to the taxpayer or the qualifying family member. In addition, amounts expended that are compensated for by insurance are not eligible for the credit. Thus, for example, if a taxpayer spends $1,000 on health care equipment, and $800 is compensated for by insurance, only the remaining $200 is eligible for the credit.

Qualified expenses also include the costs of nursing home care for Alzheimer's disease victims only. This provision is in partial recognition of the devastating costs which nursing home care may impose on Alzheimer's victims and their families. Of course, if the victim remains in the home, the costs incurred would still be eligible for the credit.

The bill also imposes an upper limit on amounts paid by the taxpayer that are eligible for the credit. Generally, the credit can be taken on no more than $5,000 of qualified expenses; there is also an overall limit on expenditures of $10,000 per taxpayer. For example, if a taxpayer claims the credit on expenses incurred for three family members, and total expenditures are $6,000 for family member one, $3,000 for the second, and $4,000 for the third, the total expenses eligible for the credit would be $10,000 for the three family members. Moreover, only $5,000 in expenses could be counted for the first family member.

My legislation also imposes several restrictions on the availability of the credit to prevent abuses. For example, if two or more taxpayers make expenditures on behalf of the same individual, the credit is determined on a prorated basis. Thus, if Taxpayer A spends $4,000, Taxpayer B spends $3,000, and Taxpayer C spends $1,500, then taxpayer A may take 47 percent of the allowable credit, Taxpayer B takes 35 percent, and taxpayer C takes 18 percent.

Mr. Speaker, my legislation makes important and necessary changes in the law. It will insure that taxpayers make an effort to care for elderly relatives in the home where possible while also partially limiting the costs of that care. It will also partially alleviate the devastating costs of Alzheimer's disease. This is a good bill, and I urge support for it.

CLEARINGHOUSE ON ELDER ABUSE

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. BONER of Tennessee. Mr. Speaker, last year I chaired a Select Subcommittee on Aging hearing in Nashville, TN, on the subject of elder abuse. As a result of that hearing, I introduced legislation intended to address this tragic situation in our country. Today, I am reintroducing that legislation.

It is estimated that at least 10 percent of persons age 65 years or older are victims of elder abuse—whether it be physical, financial, or emotional abuse. And, sadly enough, the abuser is usually a relative, friend, or caretaker of the victim.

Elder abuse is the social issue of the eighties. While certainly still a problem, child and spouse abuse have been focused at the Federal level. But, with the so-called graying of America, the passage of a Federal law on elder abuse is long overdue.

My legislation, which would become effective January 1, 1988, would establish a national clearinghouse on elder abuse within the Department of Health and Human Service's Administration on Aging. The clearinghouse would bring a needed coordination to nationwide efforts in dealing with elder abuse. My bill would also offer financial assistance in the form of grants to public and nonprofit agencies and matching grants to States which have a mandatory elder abuse reporting requirement in effect.

I urge support of this very important piece of legislation. As a matter of American pride and patriotic duty, it is time that we here in Congress protect the dignity of our elderly citizens.

SOBER DRIVERS MAKE SAFER HIGHWAYS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, today I would like to share with my colleagues a few startling facts about a crime which has caused more death, injuries, and destruction than has been caused by murders, robberies, and rapes. This crime is drunk driving and we have to do something to combat it.

Drunk driving crimes account for fully half of all auto fatalities.

Every 23 minutes someone dies because of a drunk driver.

Within the last 10 years, over a quarter of a million Americans have died because of drunk drivers. This is more than five times the number of United States combat deaths in Vietnam.

Drunk drivers cost society $24 billion each year in rehabilitation, lost earnings, and court costs.

One out of two Americans will be the victim, one way or another, of an alcohol related crash.

The drunk driver is on highways and local streets all over our Nation. These statistics are frightening. We need to take action.

Today I am introducing legislation to encourage the States to take a stronger stance against drunk driving. This bill requires States to enact laws that put the legal intoxication level at 0.10 and prohibits open alcohol containers in a vehicle. Similar to the law setting 21 as the legal age for purchasing alcohol, this bill would withhold 5 percent of the State's highway funds if it does not comply.

All but 10 States currently have laws recognizing that drivers with a blood-alcohol level of 0.10 are intoxicated; 2 States have a more stringent level. Unfortunately; however, only 19 States currently prohibit drinking while driving.

It is possible to drive—following a reasonably direct route—from the New Hampshire-Canadian border south to Pensacola, FL, and then west to Reno, NV—approximately 4,000 miles, drinking all the way.

Withholding State highway moneys is a serious penalty. I agree, but drunk driving is a serious nationwide problem; a problem that the Congress must take strong action to deal with.

HONORING BOBBIE SEAL

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. TORRES. Mr. Speaker, I rise today in recognition of a very special and dedicated woman of the 34th Congressional District. I ask my colleagues to join with me in honoring Bobbie Seal, cofounder and executive director of the Delhaven Community Center who has been selected to receive the Greater La Puente Valley Chamber of Commerce Citizen of the Year Award.

As cofounder and executive director of the Delhaven Community Center, Bobbie addresses the needs of the community, particularly those of minorities, the developmentally disabled, and the economically disadvantaged.

Under her guidance the Greater La Puente Valley Special Olympics Program has grown from 5 participants to 125. Bobbie has played an active role in the Congressional Awards Program, which I established last year to reward young people for their volunteer work, by recommending that guidelines to facilitate the participation of the mentally retarded be developed. Throughout the year, Bobbie provides welfare services to the needy by distributing emergency clothing, food, and shoes. During the holidays she works hard to make sure that those less fortunate in the community are provided with Christmas baskets.

Bobbie Seal is a woman of compassion and integrity who enjoys the respect of her friends and colleagues. She gives freely of her time, talent, and most importantly, of her love to the community of the Greater La Puente Valley.

Mr. Speaker, I call now on all of my colleagues in the U.S. House of Representatives to join me in tribute to Bobbie Seal in congratulating her for her many accomplishments, and in sending her our best wishes for the future.

TRIBUTE TO JACK BROOKS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. HUBBARD. Mr. Speaker, today I would like to pay tribute to James P. "Jack" Brooks, Jr., of Paducah, KY, who died Monday, November 17, 1986, at the age of 59.

A longtime friend of mine, Jack Brooks was the president of Brooks Bus Line, Inc., and he was the son of the late James P. Brooks, Sr., founder of the esteemed bus line.

A native of Detroit, MI, Jack Brooks was a founding member of the Paducah Area Transit Board, a member of the board of directors of Peoples First National Bank & Trust Co., and a member of the board of directors of Investors Heritage Life Insurance Co. at Frankfort, KY. He was a member of the Broadway United Methodist Church in Paducah.

Survivors of Jack Brooks include his mother, Mrs. Saidee James Brooks of Paducah; his wife, Mrs. Jean Chapman Brooks; a son, Kevin Brooks of Paducah; three daughters, Jackie Ladner of Gulfport, MI, Jill Pellerin of Hilton Head, SC, and Lenora Goode of Athens, GA; a sister, Carol Brooks of Paducah, and seven grandchildren.

Two of my best friends through the years have been Jack Brooks and his beautiful and talented sister Carol Brooks. Jack Brooks was an outstanding businessman. He was a great asset to Paducah and indeed to the entire State of Kentucky. He will be missed for years to come. My wife Carol and I join with the many friends of this outstanding Kentuckian in extending our sympathy to the family of James P. "Jack" Brooks, Jr.

THE KEETHLERS 40TH WEDDING ANNIVERSARY: PROFILES IN PATRIOTISM

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. COLEMAN of Texas. Mr. Speaker, it has come to my attention that two longtime residents of El Paso, TX, which I have the privilege of representing in the U.S. House of Representatives, will celebrate their 40th wedding anniversary on January 25, 1987. Mr. and Mrs. Keethler of northeast El Paso are both veterans of World War II and are retired civil servants. They remain active in their retirement in community affairs, and their children also keep their permanent residence in El Paso as well. Both sons graduated from El Paso high schools and now serve as commissioned officers in the U.S. Air Force.

Mr. Speaker, 40 years of successful marriage is worthy enough of recognition in this day and age, and when you look at the contributions of this family to Texas and to the United States, you understand that patriotism and national service are not unknown in our part of the country. I have had the good fortune of representing a district where these virtues are alive and well, and Mr. and Mrs. Keethler and their family are prime examples. Having served in the Army myself, I fully appreciate the sacrifices and difficulties they encountered in their years of service and how, at times, these sacrifices made raising a family and even marriage itself seem impossible. I hope they accept a flag flown over the Capitol in their honor with the knowledge that every Member of this House extends to them their best wishes for their many years of dedicated, honorable, and patriotic service.

LOWELL J. TOOLEY

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. DIOGUARDI. Mr. Speaker, I rise today to bring to the attention of my colleagues the distinguished accomplishments of Mr. Lowell J. Tooley, the village manager for the village of Scarsdale, NY. Mr. Tooley has recently been nominated for the S. Kenneth Howard Award for public budgeting and financial management, an award he more than deserves.

Mr. Tooley has managed the revenues of Scarsdale for the past 25 years. He has managed the village by formulating and instituting unique financial policies that utilize village residents with financial expertise to help guide and assist with investment and borrowing matters. This procedure has been so successful that it has been recommended and approved by the New York State comptroller. In addition, the Westchester County Association, a group of leading businessmen, has urged my county to adopt the Tooley budgeting plan to improve the county's financial management.

Mr. Tooley's expertise has also been used in Washington, DC, by the National Council on Public Works Improvement Advisory Commission. This Board was created by the President of the United States to evaluate various aspects pertaining to public works on a national level in order to determine the current and future state of the Nation. The Board was specifically set up to determine the possible means of financing and maintaining capital projects.

In 1986, Mr. Lowell Tooley's financial accomplishments included raising Scarsdale's Moody credit report rating from a AAL to AAA. This makes Scarsdale the only village in New York State to have this rating.

Mr. Tooley has been passing on his skills as an efficient village manager and financial wizard by means of his Village Intern Program. This program provides college students and other individuals who have an interest in public administration with a chance to learn the inner workings of a village and see how it runs so that some day, they too may become effective civic leaders.

Mr. Lowell J. Tooley's managerial and financial performance has established a precedence of excellence. As an ideal role model, and an invaluable mentor for this vanguard profession, Mr. Tooley represents all that government should and can be. We in Washington could learn a lot from him.

AMERICAN FOOTWEAR INDUSTRY SELF-HELP ACT OF 1987

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. GOODLING. Mr. Speaker, the domestic shoe industry in this country is in shambles. Nonrubber footwear is being imported to the United States in increasing proportions. As of November 1986, import penetration of nonrubber footwear was 81 percent.

There are severe consequences to high level market penetration in shoes. Domestic shoe production decreased in the first 11 months of 1986 by 12.2 percent. Fifty-two shoe production plants closed within the same time period. Unemployment in this industry is rampant.

The footwear industry is vital to the economic well-being of many small towns in our Nation, as well as to the national security needs of our country. Action must be taken to limit the amount of foreign-produced footwear allowed into this country.

I offer a solution to this problem in the American Footwear Industry Self-Help Act of 1987 which I am introducing today. This bill proposes to limit imports to certain specific percentages of the domestic consumption over a 5-year period. The percentage quota, as opposed to a numerical quota, should prove fair for all involved parties. This bill is identical to the International Trade Commission's recommendation of June 1985 which was rejected by the President, except for the different type of quota used.

I urge you to join me in aiding our domestic shoe industry and helping preserve the jobs of American workers by supporting this bill.

KILDEE HONORS CONGRESSIONAL PAGES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to express my personal gratitude to all of the Pages who have served the House of Representatives so diligently this past year.

I would particularly like to honor the 1986–87 First Semester Congressional Pages who will soon be leaving to finish their 2 years of high school. They are: Keisha Aguilard, Juan Jose "Kiki" Alaniz, Jennifer Bilz, Beth Broughton, Malcolm Bruni, Jeannie Buckner, Jennifer Clarke, Heather Cronk, Jennifer DeLaney, Karen Felder, Howard Fincher, Mellodee Freeman, Shannon Gerhart, Michael Hendrick, Anne Hendricks, Amy Henshaw, Melisa Juarez, Sara Kent, Marci Kevane, Fred Knight, Sandra Loera-Yanez, Ayanna McClinton, Christopher McKenzie, Jennifer Post, Rowena Poythress, Elizabeth Smith, Krista Summerville, Harold Thomas, Lisa Tripp, Anders Vestergaard, and Jodi Wilkof.

It is sometimes easy for Members of Congress and their staffs to take Congressional Pages for granted. However, all Members realize what an important role the Congressional Pages have in helping the House of Representatives operate. These young people, who have come from all across our Nation, represent what is good about our country. They are young people who have proven themselves to be academically superior. They have left their homes and schools for a period of time to come to an unknown city to experience a new culture, to make new friends, and to learn what their Government is all about.

As we all have witnessed, the job of a Congressional Page is often not easy. In order to balance their schoolwork and their congressional responsibilities, the Pages must have the maturity to set their priorities, the dedication to work long hours, and the necessary skills to deal with people on a personal level. I am sure that no Congressional Page would trade this unique experience for anything in the world, for this experience has made them, and indeed all of us, better people.

NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG IN CAPITOL ROTUNDA

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. SOLARZ. Mr. Speaker, yesterday I rose with my distinguished colleagues from New York to introduce a resolution which would provide for the display of the National League of Families POW/MIA flag in the Capitol rotunda. Until there has been the fullest possible accounting of the Americans who are prisoners, missing, or unaccounted for as a result of the conflict in Indochina, this flag shall serve as a symbol of our commitment to learning the fate of these courageous Americans.

Through this symbol, we acknowledge the vital need to resolve this issue and put an end to the prolonged agony of the family and friends who have yet to learn the fate of their love ones who served our country so faithfully in Southeast Asia.

It is particularly appropriate that the symbol we have chosen to remind us of those unaccounted for Americans is that of the National League of Families. Over the years, the league, which is the largest organization of family members in the country, has played a critical role in ensuring that we keep faith with these brave Americans.

Indeed, I am convinced that whatever successes we have been able to achieve in bringing about a resolution of this deeply painful issue are due in no small part to the tremendously tenacious efforts of the executive director of the league, Ann Mills Griffiths. Her dedication, commitment, and hard work know no bounds.

Under her leadership, the league continues to remind those of us in Government that while the pain of the Vietnam war is over for most Americans, it lives on in the hearts and homes of many others.

The final chapter of our involvement in the war in Indochina cannot be written unless and until this deep wound is finally healed. That is why, as chairman of the Subcommittee on Asian and Pacific Affairs, I have convened numerous hearings in an effort to maintain the high priority this issue needs and deserves and will continue to work within the bipartisan spirit of cooperation that has characterized this issue over the years.

AN APPROACH TO IMPROVING AMERICAN COMPETITIVENESS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. BROWN of California. Mr. Speaker, the 100th Congress is faced with a $175 billion trade deficit. According to the Commerce Department, it is roughly estimated that for each billion dollars in the trade deficit, 25,000 jobs are lost or not created. We cannot afford to study this issue any longer.

Last fall, I inserted a statement in the CONGRESSIONAL RECORD entitled "Attacking our Trade Deficit in Earnest." In this statement, I discussed several of the factors contributing to our inability to compete. I listed several of the respected reports and recommendations published in the last few years regarding U.S. industrial competitiveness. I provided this bibliography for those who were interested in learning more about competitiveness issues.

Today, Senator BINGAMAN and I are introducing the America's Living Standard Act of 1987. This is a revised version of the America's Living Standard Act of 1986 (S. 2810/H.R. 5717), which we introduced in the 99th Congress. This legislation is multi-dimensional, and addresses several factors which affect our ability to compete.

The legislation was developed by the Senate Democratic Working Group on Economic Competitiveness which conferred with leading experts in business, labor and academia during its 1986 study. The bill is more fully explained in the working group's September 1986 report. I encourage all who are concerned about the competitiveness issue to review this impressive study.

The trade deficit threatens our national security. As C.B. Duke, editor-in-chief, Journal of Materials Research, stated, "American industry is dying: the result of suicide, however, rather than murder. Economic competition has succeeded where warfare has failed.* * * In 1941, the Japanese attacked Honolulu; in 1986, they practically own it." Either military or economic weakness threatens America's security. Both require America to change her attitudes. This bill proposes some of the changes we must make.

The America's Living Standard Act of 1987 is one of several approaches which I have proposed in the past to improve our international competitiveness. This legislation, along with other proposals, should provide focal points in the upcoming trade debate, and serve as a foundation for developing a broad-reaching agenda to improve our ability to compete.

While some believe the strength of the U.S. dollar and trade barriers have caused our trade deficit, the problem runs much deeper. Several factors have hampered our ability to compete in the international marketplace, perhaps the most insurmountable is our attitude.

Frankly, the reason that the United States has lost shares of the international marketplace is because several other countries have learned how to compete. Plainly speaking, our competition has grown stronger. We hold two simple choices: we can either rise to this economic challenge, or we can lose the economic game.

Some feel that our current system has worked for—almost—200 years and that, left alone, it will continue to work. I am among those who disagree.

Fact: We no longer have a corner on technology development and technological products. Other countries have challenged our lead by placing a strong emphasis, even Government support, on research and product development. The Japanese have now developed ceramics—originally and American invention—to a level where they are marketing products the United States does not even know how to reproduce.

Fact: Our education system is no longer supporting our needs. Our educational system is not generating enough trained engineers and scientists to support today's work force. Other countries are placing a high emphasis on education and are clearly developing their own pools of highly trained scientists and engineers. In 1984, 55.4 percent of all U.S. doctorate engineering degrees were awarded to foreign students. Japan is currently producing twice as many engineers as the United States.

At the same time, changes in the marketplace have displaced thousands of U.S. workers. Their reemployment will require retraining.

Fact: We no longer can claim that our industries lead the world in productivity. Between 1950 and 1985, Japan and West Germany enjoyed annual productivity growths of 5.9 and 4.2 percent respectively; during that same period, U.S. productivity increased only 1.5 percent annually. In the spirit of "we're No. 2, we try harder," Japan and others have worked to improve their productivity, efficiency and quality in manufacturing. In several areas, American consumers are finding foreign products provide higher quality at lower prices. The United States is now being forced to turn, in retrospect, to the overlooked teachings of Professor Demming and others who many years ago developed methods for improving industrial management, product quality and worker productivity. Their teachings, while widely ignored in the United States, were made a matter of national priority by the Japanese.

Fact: We can not rely on or expect our agricultural base to put our balance of trade in the black. Last year, for the first time in our Nation's history, the U.S. imported more agricultural products than it exported.

These facts lead to only one conclusion. The growing sophistication of European and Eastern countries, coupled with the increased output of third world countries, have changed the rules of the trade game. In today's marketplace, our abundant natural resources and home inventions can no longer, on their own, provide us with the tools needed to reverse the trade deficit.

Mr. Speaker, the new rules of the marketplace demand that we cultivate a dynamic, mobile, productive, efficient, and highly innovative industrial base. To meet these new requirements, we will have to change federal policies so as to support and encourage such an economy. Industry, in turn, will have to join this competitiveness challenge by reassessing and adjusting many of its current policies as well.

In the coming session, Congress can either study, debate and lecture about U.S. competitiveness, or we can begin developing the policies which will provide the foundation and encouragement our industries need to regain a proper share of the international marketplace. The America's Living Standard Act is a contribution to the latter.

SUMMARY OF AMERICA'S LIVING STANDARD ACT OF 1987

The America's Living Standards Act of 1987 embodies several programs designed to improve our competitiveness.

(1) *Increasing Our Information of Foreign Technologies:* We must provide better and much more broadly disseminated information on the rapid changes in technologies occurring abroad. This bill would:

(a) Establish within the U.S. Patent Office a new office of Technology Assessment, Forecast and Outreach; and

(b) Establish within the Department of Commerce, a new on-site function for monitoring developments in foreign science and technology.

(2) *Improving Our Technological Excellence:* We must support excellence in the development of U.S. technology. This bill would:

(a) Expand and diversify the Engineering Research Centers of the National Science Foundation;

(b) Establish an economic competitiveness program to grant graduate fellowships in science and engineering; and

(c) Assist America's colleges and universities to rebuild their research and development infrastructures.

(3) *Improving the Education of Our Work Force:* We must strive for excellence in education and training. This bill would:

(a) Establish a graduate fellowship program for teacher training; and

(b) Expand federal funding to develop and disseminate quality instructional software and video technologies, and train teachers to use them.

(4) *Increasing the Mobility of Our Work Force:* We must encourage participation and mobility of the work force. This bill would:

(a) Provide the states with additional resources to help the unemployed to become fully productive members of society;

(b) Provide the Department of Labor with sufficient funding to fully implement a nationwide computerized job bank; and

(c) Examine the merits and the costs of initiating a personal portable pension for all Americans.

(5) *Establish a Forum for National Consensus Building:* We must create a single independent body to provide an ongoing forum for national leadership and cooperation to address the competitiveness challenge. This bill would establish a National Council on Industrial Competitiveness.

A NEW STANDARD OF EXCELLENCE FOR THE PENTAGON

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. STARK. Mr. Speaker, a couple of weeks ago, the Navy staged its first test firing of the new Trident II submarine-launched ballistic missile. In media reports, the Navy characterized the test as a "complete success." Under questioning, the Navy acknowledged that, yes, the launch was delayed more than 2 hours by computer malfunctions and antenna problems but that the missile "operated as advertised" once the test got underway. Unfortunately, in a nuclear war, I don't think the Soviet Union would be magnanimous enough to wait a couple of hours so that we can get our act together before they launch a strike.

Although it was only the first test, the posture of the Navy was uncomfortably similar to that of the Army and the Air Force in their defense of the Bradley fighting vehicle. the Sergeant York antiaircraft gun and the B-1 bomber—weapons which were hailed as rousing successes but which may or may not actually work. Remember the Bradley fighting vehicle? It is the amphibious personnel carrier with hydrophobia. Drive it into a river and the odds are pretty short that it will sink before it gets to the other side. Also, in live-fire tests it showed a disconcerting tendency to explode when hit, incinerating the troops inside. The Army, however, wanted a new personnel carrier so badly that it fudged the tests, intimidated soldiers who spoke out against it and lobbied Congress fiercely to authorize continued production. And they won.

How about the Sergeant York? That was the antiaircraft system that reportedly was a bear on fixed, ground-based latrines but was cast into befuddled impotence by just about anything that actually flew. Some soldiers reported that they could shoot more accurately when they turned off the high-tech radar system and aimed with the naked eye. Under a storm of protest, Secretary Weinberger finally canceled the system after having spent about $1.2 billion on it. Now the Army is pursuing a new antiaircraft system called FAAD—forward area air defense—which is several times more complex and expensive but may not be much more useful. Even the Pentagon's senior weapons review panel has serious reservations about the system.

The newest problem weapon we have is the B-1B bomber. At $205 million apiece, it is the most expensive airplane in history. That may be its only mark of distinction. President Carter wisely canceled its precursor, the B-1, in the late 1970's but President Reagan revived the program to assuage the hawks who fervently believed that we needed a new bomber that could penetrate Soviet air defenses to serve as a bridge between the B-52's and the Stealth bomber. Whether we do in fact need that capability is open to debate. What is also open to debate is whether the B-1B can do what we've been told it can. Reports are surfacing that the bomber is big, fat, and out of control, and that it leaks fuel.

There are real questions about whether it can fly low enough to evade detection and about whether its crew could function with all the pounding they will suffer through because of the plane's inability to fly smoothly. One test pilot likened the experience to "flying an elephant." Probably a white elephant.

Mr. Speaker, I'm trying to make a serious point with these examples. Clearly, the Armed Forces hold their new weapons to a performance standard that I think is inexcusably low for our taxpayers and our soldiers. If we're going to take tax money from our constituents, we should spend it wisely. And if we're going to ask young men to risk their lives for this country, we should at least give them equipment that works. Congress has tried to exercise more oversight by requiring live-fire tests and congressional review at various stages of development but has been fought bitterly by the Pentagon and the defense contractors, who have done all they can to subvert the will of Congress to ensure effectiveness and efficiency in defense procurement. We have neither money to waste nor a margin of military superiority to squander on phony, bogus testing and ineffective weapons.

TRIBUTE TO MATT CAVANAUGH AND MICHAEL ZORDICH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. TRAFICANT. Mr. Speaker, on February 3, 1987, two fine individuals will be honored by Chaney High School of Youngstown, OH, in my district. Matt Cavanaugh and Michael Zordich, both alumni of Chaney High, are being recognized for their outstanding achievements on the football field and for their commitment to excellence both on and off the field.

Matt Cavanaugh was a stand-out quarterback during his high school days at Chaney. In 1972 Matt was "all city, all northeast Ohio and all Ohio." He then went on to attend my alma mater, the University of Pittsburgh. In 1976 Matt was named the MVP in the Sugar Bowl, a game which clinched the National Championship for the Pitt Panthers. In 1977, despite an injury early in the season, Matt was selected as a First Team All-American by the Nation's football coaches. That same year he was named All-East, All-American by the Associated Press, and was named MVP of the Gator Bowl. Following his amazing college career, Matt went on to the National Football league where he has played on some outstanding teams with the New England Patriots and San Francisco 49ers. Throughout his illustrious career, Matt has never forgotten his roots and has maintained a strong commitment to his community. He has made all of us in the Youngstown area proud and I wish him and his family all the best.

Michael Zordich is perhaps one of the finest defensive football players to come out of the Youngstown area in many years. As a junior at Chaney High School he was the team MVP and made the All-City team. In 1981, as a senior at Chaney, he was again the team MVP and All-City. He was also the cocaptain of the North squad in the annual Ohio All-Star game classic. Highly recruited out of high school, Michael chose to attend Penn State University under the tutelage of the legendary Joe Paterno. In his freshman season in 1982, he played on Penn State's National Championship team. In his next season, the Football News named him to its Sophomore All-American Team. In 1984 Michael started to come into his own as a fierce defensive player. That year he made the Associated Press' All-East Team and was an Honorable Mention All-American. In his final season at Penn State, Michael emerged as a true team leader—on and off the field. He was one of the Nation's premier defensive players in 1985. That year he had the honor of serving as one of Penn State's cocaptains. He was named Penn State Player of the Year, TCS Defensive Player of the Year, First Team AP All-East, First Team All-American by the Football Writers Association, First Team All-American by Scripps-Howard, Second Team All-American by the AP and Football News, Second Team All-American by the College and Pro Football Newsweekly, and Honorable Mention All-American by UPI. He finished his distinguished college career by playing in the Japan Bowl All-Star game, no doubt giving our friends in Japan a crash course in how hard-hitting American football is played.

Mr. Speaker, I am honored to pay tribute to these two fine gentlemen. They have distinguished themselves, not only as outstanding athletes, but as leaders of men and leaders in their communities. The people in the Youngstown community are very proud of both Matt and Michael, and no where is this more true than at Chaney High School, where both their careers began. I wish both Matt and Michael the best of luck in the future, I know that they will continue to prosper and succeed in whatever endeavors that pursue.

UKRAINIAN INDEPENDENCE DAY

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. FEIGHAN. Mr. Speaker, January 22, 1987, marks the 69th anniversary of the Ukrainian Independence Day. On January 22, 1918, Ukrainians proclaimed their independence from the Russian Empire. Exactly 1 year later on January 22, 1919, the Ukraine's Parliament—the Rada—passed the Act of Union which incorporated all Ukrainian lands into one nation. At last, the Ukrainian people were able to enjoy the fruits of freedom previously unknown—the freedom of speech, of the press, of religion, of assembly, and of association. But in 1920, after 3 long years of struggle against its neighbor's stronger military forces, the Ukrainian National Republic fell to the Russian Bolsheviks.

Since that time, Ukrainians have been subjected to persecution, repression, and genocide by the Soviet Union. When Stalin exported grain from the Ukraine in 1932-33, deliberately producing a famine in the Ukraine, 7-million Ukrainians died. Countless other Ukrainians were deported to Siberia to serve in labor camps. Ukrainian culture and history have been suppressed throughout these decades as well. The Ukrainian language was abolished from Ukrainian schools, and certain Ukrainian religions were forbidden.

Today, 5 million Ukrainians still live under Soviet repression. Ukrainian artists, scientists, students, and others who promote Ukrainian national and human rights are arrested and tortured. This past November marked the 10th anniversary of the Ukrainian Helsinki Monitoring Group. A decade ago, 10 brave people in the city of Kiev formed this group in order to monitor the Soviet Union's adherence to the Helsinki accords inside the Ukraine. The group later expanded to 37 people. Four members of the group have since died, tragically, resulting from their treatment at the hands of Soviet officials. All but one of the remainder of the group have been sent outside of their homeland, to prisons, or to labor camps. In spite of this extreme adversity, the group has never disbanded and continues its crucial human rights work.

On behalf of the Ukrainian community in the 19th District of Ohio, I call upon the Soviet Union to adhere to its commitment to protect human rights in the Ukraine. We join American Ukrainians throughout the United States in sending our messages of hope and courage to those living in the Ukraine today.

ABORTION—A GRUESOME REALITY MANY CHOOSE TO IGNORE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. WELDON. Mr. Speaker, I rise to praise all the people from Delaware County and Philadelphia who took time to come to our Nation's Capitol today in the midst of what probably will be the worst snow storm of the year to protest the judicial activism of January 22, 1973, which made abortion on demand a legal right. They left their homes and jobs because they realize how offensive the practice of abortion is for a nation established, in part, to protect the inalienable rights of those in a minority, however silent.

While there are many ways to approach this debate, Mr. Speaker, I would like to address the question from a political perspective—political in the classical sense, for abortion is not just a medical or religious problem. Rev. Richard John Newhaus, a Lutheran clergyman and prominent intellectual, has asked the question I believe we should all consider today:

> Who constitutes the community for which we accept shared responsibility? If you eliminate the unborn, by what criteria do you eliminate the unborn without by the same criteria eliminating a great many other people?

In this sense, abortion is indeed a political question, and as such a political response is appropriate. But, how do we formulate a political response.

Again, Pastor Newhaus writes:

> I think politics is what Aristotle said it was . . . rational creatures responding to the

question, How ought we to order our lives together?

The "ought" is clearly moral and as such inextricably links our moral judgments to public policy. The practice of linking moral judgments to public policy is certainly not without precedent. Indeed, prior to the Supreme Court decision moral judgments were offered to justify the legality of abortion. For example, we were told that abortion on demand would reduce child abuse. Instead, child abuse has climbed over 400 percent since 1973, even though we have allowed the termination of over 8 million unwanted children. The point, of course, is that abortion is a political problem but one that cannot be resolved by severing values from the debate.

Today, over 1.5 million children each year are terminated through the practice of abortion on demand, 150,000 of whom are second and third trimester babies. We have come to a point where public policy has neutered the Hippocratic tradition of preserving human life. Doctors have been led to become nonchalant terminators in order to bring about a better society. Again, the question, How ought we to order our lives?

Our country which prides itself on its lack of discrimination on any grounds has succumbed to discrimination against the unborn because they cannot speak for themselves and, by and large, many Americans in their daily lives do not have to face the reality of abortion. The fact is, we eliminate these babies before they enter our line of moral vision. Even Justice Blackmun in Roe versus Wade admitted that the best experts could not definitely tell the Court when life began, and yet the Court went ahead and decided. Obviously, a political decision was made by the Court. The solution to the abortion question lies squarely here in the Congress of the United States where it should have been decided all along.

Mr. Speaker, the people of the Delaware Valley have made their voices heard today. I join with them in anguish at the reality of abortion—a gruesome reality many choose to ignore; I praise them for their respect for the sanctity of life; and finally, I commend them for taking a stand for those who cannot take a stand for themselves.

WE HOPE FOR AN INDEPENDENT AND FREE UKRAINE

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. KYL. Mr. Speaker, "* * * And so that neither the Russian Government nor any other hinder Ukraine from establishing the desired peace and lead our country to order, to creative life, to the strengthening of the revolution and our freedom, we, the Ukrainian Central Rada, do hereby announce to all citizens of Ukraine: From this day on the Ukrainian National Republic becomes an independent, subordinate to no one, free, sovereign state of the Ukrainian people."

The day was January 22, 1918, and these words proclaimed Ukrainian independence—an independence which lasted a brief 3 years, ended by a Soviet takeover of their new republic.

On this, the 69th anniversary of the proclamation of independence in Ukraine, I stand here to pay tribute to the Ukrainian people whose spirit and determination to one day be free again has not been diminished by nearly seven decades of Sovet oppression; to pay tribute to the Ukrainian determination to preserve their cultural and national heritage against relentless and systematic efforts by the Soviets to destroy them; to their fight for religious freedom in spite of continued persecution of Ukrainian Catholic and Orthodox believers; and to their fight for basic human rights, brutally denied by the Soviet Union.

The Ukrainian struggle for freedom and independence should stand as an inspiration to all people struggling for freedom. We who enjoy the freedoms that others can only dream about must commit ourselves to supporting these struggles by others who seek their freedom from totalitarian repression.

I stand here today in solidarity with the Ukrainian people in their fight for freedom and independence, and I offer my heartfelt hopes and prayers that someday soon the Ukraine once again becomes an independent, subordinate to no one, free sovereign state of the Ukrainian people.

UKRAINIAN NATIONAL INDEPENDENCE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. RITTER. Mr. Speaker, as the Congressman of the 15th district of Pennsylvania, I am fortunate to represent a large number of constituents who are of Ukrainian heritage. As cochairman of the Ad Hoc Committee on the Baltic States and Ukraine, I'm proud to be a part of a larger national Ukrainian American effort to bring human rights, justice, and recognition of the national traditions of Ukraine to the forefront of our political process. As the ranking Republican on the House side of the congressional Helsinki Commission, I'm also very much aware of the continued suffering of Ukrainian human rights activists at the hands of Soviet authorities.

Events such as this celebration of the Declaration of Independence for Ukraine help keep alive the flame of freedom, human rights and nationhood for 50,000,000 Ukrainian people living under Soviet Communist domination in the U.S.S.R.

Under unanimous consent, I include the following notice on the 69th Anniversary of the Declaration of Ukrainian National Independence in Kyiv.

[The notice follows:]

On the Sixty-ninth Anniversary of the Declaration of Ukrainian National Independence in Kyiv, January 22, 1918

Only one year remains before the seventieth anniversary of the declaration of the independent sovereign state of the Ukrainian people—the Ukrainian National Republic. This occurred in Kyiv on January 22, 1918, and a year later, under the Act of Union, all Ukrainian lands which were inhabited by Ukrainians from the earliest times were united under one state. With these two acts the Ukrainian people once again emerged onto the historical arena as a nation, free and equal among other nations.

In the past the Ukrainian people had possessed their own great state—Kyivan Rus'. The Ukrainians were among the first Slavic people able to achieve a national life as far back as the crossroads of the eighth and ninth centuries A.D. This state was a powerful one with an extensively developed social order and with its own state and legal system, codified in the Rus'ka Pravda. But these were times of great migrations of peoples from east to west, and the continuous attacks and invasions of nomadic tribes from the east weakened the Ukrainian state. With the great invasion of the Mongols, the state fell in 1240. The Mongols conquered and ruined the capital of Kyiv, but even this catastrophe did not break the will of the Ukrainian people to a national statehood. The capital was moved west to Halych, where the Ukrainian state lasted for over a hundred years as the Halych-Volhynian kingdom. This state, however, also fell under pressure from the nomads in the east and from the neighboring states in the west that saw the opportunity to grow stronger and enlarge their power through force. But the Ukrainian people did not give up their aspirations to rebuild their own state whenever the least opportunity presented itself.

Such an opportunity came in the first half of the seventeenth century when, after numerous bloody national uprisings, Hetman Bohdan Khmelnytsky became the national leader. But this state too did not last long. In a difficult struggle with three neighboring states—Poland, Turkey, and Russian—a struggle which except for short intervals, lasted for over seventy years, the Ukrainian state finally fell to the Russian tsar Peter I.

The Ukrainian people survived the period of the Great Ruin, as it is called by historians, bloodied and weakened. And only after the fall of the Russian Empire in 1917 did they begin to rebuild their nation. Their efforts were crowned on January 22, 1918. But this time also the Ukrainian people were not able to strengthen and sustain their nation. The red wave of imperialistic bolshevism that replaced the Tsarist system triumphed through military might and the deceptive maneuvering of slogans about social justice and international equality.

But this most recent failure of the Ukrainian people in its nation-building struggle was only a lost battle, not a lost war. The unshakeable effort to renew the Ukrainina state bore fruit in Carpatho-Ukraine in 1939 and in Lviv in Western Ukraine in 1941. The political and military struggle of OUN-UPA under the leadership of the UHVR was the next manifestation of the unbroken spirit of the Ukrainian people and their unchangeable goal to be sovereign on their own land and in their own state. The war of liberation continues and takes various forms, depending on the political situation in any given circumstances. Thus, the Ukrainian people give proof of the fact that they have never abandoned the idea of renewing their own state and that they will continue to wage liberation struggle until they reach their goal. Without a Ukrainian state, without the freedom for all subjugated peoples in the USSR, without the cessation, once and for all, of the rule of one nation over others, there will never be justice or peace in Eastern Europe and in all of the Eurasian territories of the USSR which are populated by subjugated peoples.

This is the reason that Ukrainian communities all over the world annualy commemorate the proclamation of the Fourth Universal of January 22nd. In the USSR, where millions of Ukrainian live, and especially in Ukraine, this historical even not only is forbidden to be written about but cannot even be spoken of. Soviet historiography ignores it, since, according to Marxism-Leninism, "to whom the past belongs, to him belongs the future." Thus, Moscow systematically and determinedly rewrites and falsifies not only the history of the Ukrainian people but the history of all the subjugated peoples of the USSR.

In their struggle for a national state the Ukranian people, like all other subjugated peoples of the USSR, have made great sacrifices. But these sacrifices are not in vain. They define and strengthen our will to live, our will to be free, not to be a second or third class people who must carry out the commands of a colonial metropolis and serve foreign demands and foreign laws. To be a true nation is to be a free nation having its own state. We want to be ourselves; we want every nation to be itself.

Only when all people will be masters of their own house will they be able to live according to their own will to develop their own talents. Only when all people will fully be masters of their territory and no others will claim their land and freedoms will there be real peace and real justice in the world.

In January, as every year, Ukrainian Independence Day will be celebrated in the U.S. Congress. Ukrainian communities, with their local U.C.C.A. Branches, will mark most solemnly this great Anniversary.

UKRAINIAN INDEPENDENCE DAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. LIPINSKI. Mr. Speaker, the independent, sovereign state of Ukraine was proclaimed by the Ukrainian Central Rada on January 22, 1918—69 years ago today. But instead of proud history on which to look back on and take pride, Ukrainians must cope with being one of many occupied republics in the illegitimate Soviet empire. This independent, self-governing country lasted only a short while before being crushed and absorbed by the Soviet Union. Celebrating this day, however, demonstrates to all peoples throughout the world that the hope and dream of a free Ukraine is still alive in the hearts of Ukrainians. It also provides a context from which to speak out and condemn the current political, cultural, and religious persecution in the Ukraine.

The tragic death on December 8, 1986 of the Ukrainian Anatoly Marchenko one of the founding members of the Moscow Helsinki Group, is stark testimony to how seriously the Soviet Union lives up to its human rights committments. Nearly all the members of the Moscow and Ukrainian monitoring groups have been arrested at one time or another—many still languish in Soviet prisons, labor camps, psychiatric hospitals, and internal exile. The way in which the Soviets handled the April 26, 1986 Chernobyl nuclear disaster further reveals their disregard for human rights. Tens of thousands of Ukrainians might have been spared the damaging effects of radiation had they been given adequate warning and had evacuation measures been taken promptly. As it is, many have lost their livelihood and homes and may suffer the long-term effects of the accident.

The Soviet Union continues to follow a policy of cultural repression in the Ukraine. Russification takes the form of discouraging the study of the Ukrainian history, culture, and language, of diluting the local population by resettlement of Russians, and of dominating the media with Russian-language books and television. Ukrainians account for 80 percent of the population of the country and yet their culture and way of life are constantly forced to give way to the acceptable Soviet model.

Perhaps the most serious development in recent times has been the extent of religious intolerance in the country. This is especially true since 1988 will mark the millenium of Christianity in the Ukraine. Iosyf Terelia, leader of the Catholic movement in Ukraine, remains a prisoner because of his religious beliefs and his documentation of the persecution of fellow believers. Terelia has been in prison for most of his adult life and has been the subject of numerous letters and appeals for his release. He and others, such as Rev. Vasyl Kobryn, are the latest in the long, sad line of Ukrainian Catholics who refuse to bend to the will of Moscow. Using the Russian Orthodox Church as its willing tool, the Soviet Union has persecuted hundreds of priests and thousands of faithful. The millenium celebration has already been promoted by the Russian Church as a distinctly Russian event, a strategy that seeks to stifle any Ukrainian nationalism the event may arouse.

Clearly, Ukrainian Independence Day needs to be remembered and commemorated not only to keep the idea of a free Ukraine alive but to maintain a close watch on the current situation in the country.

HOUSE OF REPRESENTATIVES—*Monday, January 26, 1987*

The House met at 12 noon.

The gentleman from Georgia, the Honorable DOUG BARNARD, JR., offered the following prayer:

Almighty God, source of wisdom and power, we give thanks for Your blessing to us as individuals and as a nation.

We are grateful for the high and holy traditions of generations past, for those eternal values that have given us purpose and direction in spite of confusion and doubt. We are conscious that Your creative handiwork is the basis of all we hold dear, that our Nation from the beginning has professed that we are a people under Your divine guidance and in Your Word we could trust. May we continue that awareness as we seek to serve You and our Nation in our time and day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

THE NATIONAL GUARD CAN DO THE JOB

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I would like to take this opportunity to commend you for calling the House to order on this very snowy day in Washington, and also to thank the gentleman from Georgia [Mr. BARNARD] for offering the opening prayer.

Also, Mr. Speaker, I notice the minority leader is here, the gentleman from Illinois, BOB MICHEL, and I guess we could do business if we needed to.

In my 1 minute, I would like to say that I have talked to some press people covering the civil rights march in Georgia last Saturday. I was told that the 1,500 Georgia National Guardsmen on State duty did an excellent job in maintaining the control of the crowd in Forsyth County.

The guardsmen were properly dressed for riot duty; they were well-trained and were firm in handling different groups involved. The idea of no weapons but carrying nightsticks is a logical decision.

Mr. Speaker, where the National Guard is given the proper equipment and proper training, they can do the job for the Nation as well as for State Governors.

PERSONAL EXPLANATION

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, in visiting my district in the last few days, it was brought to my attention that in the closing days of Congress, remarks were made here on the floor of the House to the effect that I was a party to and cooperated in bringing about a revision of our statutes relative to the Cross-Florida Barge Canal, and thereby implied that I favored the deauthorization of the canal.

I do not favor the deauthorization of the canal, and as a matter of fact I voted against that bill which contained its deauthorization—that is, the Cross-Florida Barge Canal.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
January 22, 1987.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 4:35 p.m. on Thursday, January 22, 1987, the following message from the Secretary of the Senate: That the Senate passed, without amendment, House Joint Resolution 88.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BARNARD) to revise and extend their remarks and include extraneous material:)

Mr. PENNY, for 5 minutes, on January 28.

Mr. GAYDOS, for 60 minutes, on January 27 and 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WORTLEY) and to include extraneous matter:)

Ms. SNOWE.

Mr. COURTER.

Mr. DANNEMEYER.

(The following Members (at the request of Mr. BARNARD) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 88. Joint resolution extending the time within which the President may transmit the Economic Report to the Congress.

ADJOURNMENT

Mr. BARNARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Tuesday, January 27, 1987, at 12 noon.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DYSON:

H.R. 737. A bill relating to the incineration at sea of hazardous waste; jointly, to the Committees on Merchant Marine and Fisheries, and Science, Space, and Technology.

By Mr. HAYES of Illinois (for himself, Mr. ACKERMAN, Mr. ANNUNZIO, Mr. BARNARD, Mr. BIAGGI, Mr. BONER of Tennessee, Mr. BOUCHER, Mrs. BOXER, Mrs. BURTON of California, Mr. CLAY, Mrs. COLLINS, Mr. CONYERS, Mr. COYNE, Mr. CROCKETT, Mr.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Dymally, Mr. Edwards of California, Mr. Fauntroy, Mr. Fuster, Mr. Garcia, Mr. Gaydos, Mr. Gilman, Mr. Gonzalez, Mr. Jeffords, Mr. Kildee, Mr. Lehman of Florida, Mr. Leland, Mr. Manton, Mr. Martinez, Mr. Moakley, Mr. Morrison of Connecticut, Mr. Mrazek, Mr. Murphy, Mr. Owens of New York, Mr. Pepper, Mr. Perkins, Mr. Rahall, Mr. Rodino, Mr. Roemer, Mr. Rostenkowski, Mr. Savage, Mr. Scheuer, Mr. Smith of Florida, Mr. Stokes, Mr. Tauzin, Mr. Torres, Mr. Towns, Mr. Traficant, Mr. Wheat, Mr. Williams, and Mr. Valentine):

H.R. 738. A bill to authorize the Secretary of Education to make grants to local educational agencies for dropout prevention and reentry demonstration projects; to the Committee on Education and Labor.

By Ms. SNOWE (for herself, and Mr. Brennan):

H.R. 739. A bill to provide for State regulation of nuclear production and utilization facilities; and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Energy and Commerce.

By Mr. ROE:

H. Res. 55. Resolution in memorium of the crew of the space shuttle *Challenger*, to the Committee on Science, Space and Technology.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 740. A bill for the relief of Thomas Wilson; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 134: Mr. Martinez and Mr. Yatron.

H.R. 177: Mr. Crockett, Mr. Stark, Mrs. Burton of California, Mr. Traficant, Ms. Oakar, Mrs. Collins, Mr. Hall of Ohio, and Mr. Mfume.

H.R. 178: Mr. Crockett, Mr. Stark, Mrs. Burton of California, Mr. Traficant, Ms. Oakar, Mrs. Collins, Mr. Hall of Ohio, and Mr. Mfume.

H.R. 179: Mr. Crockett, Mr. Stark, Mrs. Burton of California, Mr. Traficant, Ms. Oakar, Mrs. Collins, Mr. Hall of Ohio, and Mr. Mfume.

H.R. 180: Mr. Crockett, Mr. Stark, Mrs. Burton of California, Mr. Traficant, Ms. Oakar, Mrs. Collins, Mr. Hall of Ohio, and Mr. Mfume.

H.R. 181: Mr. Crockett, Mrs. Burton of California, Mr. Traficant, Ms. Oakar, Mrs. Collins, Mr. Hall of Ohio, and Mr. Mfume.

H.R. 286: Mrs. Boxer, Mr. Dymally, Mr. Garcia, Mr. Lantos, Mr. Hall of Ohio, Mr. Espy, Mrs. Burton of California, Mr. Mineta, and Mr. Mfume.

H.R. 287: Mr. Crockett, Mr. Stark, Mrs. Burton of California, Mr. Traficant, Ms. Oakar, Mrs. Collins, Mr. Hall of Ohio, and Mr. Mfume.

H.R. 288: Mr. Crockett, Mr. Stark, Mrs. Burton of California, Mr. Traficant, Ms. Oakar, Mrs. Collins, Mr. Hall of Ohio, and Mr. Mfume.

H.R. 289: Mr. Crockett, Mr. Stark, Mrs. Burton of California, Mr. Traficant, Ms. Oakar, Mrs. Collins, Mr. Mfume, and Mr. Hall of Ohio.

H.R. 290: Mr. Crockett, Mr. Stark, Mrs. Burton of California, Mr. Traficant, Ms. Oakar, Mrs. Collins, Mr. Hall of Ohio, and Mr. Mfume.

H.R. 306: Mr. Kemp, Mr. Mack, Mr. Eckart, Mr. Roberts, Mr. Lightfoot, Mr. Armey, Mr. Dannemeyer, Mr. Solomon, Mr. Skeen, and Mr. Schuette.

SENATE—*Monday, January 26, 1987*

The Senate met at 2 p.m. and was called to order by the Honorable William Proxmire, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Gracious God, all powerful, full of mercy and compassion, help us heed the profound lessons in the snow. In it we see the power of God—power which reminds us of our powerlessness—our helplessness—against this might of nature. Power which forces cancellation or postponement of important engagements. Power which is able to paralyze the movements of our vaunted technology. We recall how snow caused the defeat of Napoleon's great armies. Teach us, Lord, to heed.

We thank Thee for the reminder of the infinite variety as millions of snow flakes fall quietly and each is distinct from all the others. We are reminded that Thou dost not create duplicates—only originals. Each human being is unique—a divine original.

As the snow covers the ugliness of the Earth, gracious Father, we think of the words of the prophet Isaiah: "Come now and let us reason together saith the Lord; though your sins be as scarlet, they shall be white as snow * * *."—Isaiah 1:18.

Thank You, merciful God, for unconditional love and absolute forgiveness. In the name of Him who is universal, eternal love.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, January 26, 1987.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable William Proxmire, a Senator from the State of Wisconsin, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. **PROXMIRE** thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The **ACTING PRESIDENT** pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. **BYRD**. Mr. President, I ask unanimous consent that the Journal stand approved to date.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

POSTPONEMENT OF VOTE ON SYMMS AMENDMENT

Mr. **BYRD**. Mr. President, the schedule that had been laid out on last weekend called for a rollcall vote to occur today at 5 p.m. on the amendment by Mr. Symms to Senate Resolution 80, the committee funding resolution. Because of the severe storm that has descended upon Washington and the fact that we have less than half a quorum, I have discussed the following consent request with the leadership on the other side of the aisle.

Mr. President, I ask unanimous consent that the vote which was to have occurred in relation to the Symms amendment on today at 5 p.m. occur on Wednesday next at the hour of 2:30 p.m.

The **ACTING PRESIDENT** pro tempore. Is there objection?

Mr. **HATFIELD**. Mr. President, reserving the right to object, the majority leader is correct. The matter has been cleared on the minority side and there is no objection to the unanimous consent agreement.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. **BYRD**. Mr. President, I thank the distinguished acting Republican leader [Mr. Hatfield].

ORDERS FOR TOMORROW, JANUARY 27, 1987 AND WEDNESDAY, JANUARY 28, 1987

ADJOURNMENT UNTIL 8 P.M. TOMORROW

Mr. **BYRD**. Mr. President, so that the schedule and the program fit the timeframe in which the Senate will be working over the next 2 days, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 8 p.m., tomorrow.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

ADJOURNMENT TOMORROW UNTIL 1 P.M. WEDNESDAY

Mr. **BYRD**. Mr. President, I ask unanimous consent that at the conclusion of the President's State of the Union Message on tomorrow, the Senate stand in adjournment until the hour of 1 p.m. Wednesday.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. **BYRD**. Mr. President, I shall fill in the details shortly.

These orders that have just been entered will mean that there will be no rollcall votes today. I expect the Senate to adjourn shortly. There were two special orders, one of which was for the able Senator from Wisconsin [Mr. Proxmire] who is now presiding. There was another special order. There was then a period for the transaction of morning business that was ordered.

Following these orders, and I do not expect the order for morning business to carry on until the hour of 3 o'clock today as was originally set, the Senate will go out.

PROGRAM

TUESDAY, JANUARY 27, 1987

Mr. **BYRD**. Tomorrow evening, at 8 p.m., the Senate will convene, and after the prayer by the Chaplain, the Vice President will appoint a committee of Senators to escort the President of the United States into the Hall of the House of Representatives, where both Houses, sitting in joint session, will hear the President's address.

Following the appointment of that committee of Senators by the Vice President, the Senators will gather here, in this Chamber, to proceed in a body to the Hall of the House of Representatives, where we will receive the address of the President of the United States on the State of the Union. Upon the conclusion of that address, the Senate will stand in adjournment over until Wednesday at 1 p.m.

WEDNESDAY, JANUARY 28, 1987

On Wednesday, there will be possibly one or more special orders and some morning business. I hope that we could have a half hour of debate, at least, on the amendment by Mr. Symms to the committee funding resolution.

A rollcall vote then will occur in relation to the amendment by Mr. Symms, which means that there could be a tabling motion. That is the only amendment that will be in order under the agreement previously entered. Consequently, I would expect that once the Symms amendment is disposed of one way or another, the Senate will then vote on the passage of Senate Resolution 80, the committee funding resolution. I do not anticipate a rollcall vote on the passing of that resolution. However, a Senator may wish to have a rollcall vote thereon.

It is also my hope and plan, if at all possible, on Wednesday or certainly no later than Thursday, that the Senate could proceed to the consideration of the highway legislation. It is anticipated that there will be an amendment dealing with mass transit that will have been reported by the Committee on Banking, chaired by the distinguished Senator from Wisconsin [Mr. PROXMIRE]. There will probably be a funding amendment by Mr. BENTSEN that will come out of his Finance Committee. There will be rollcall votes on the highway legislation.

It is exceedingly important that action on that legislation be completed as soon as possible so that the States will be able to proceed in ample time for the construction season to begin. Consequently, I would expect rollcall votes during Wednesday, Thursday, and Friday.

Also, Mr. President, I anticipate that there will be a vote on a disapproval resolution with respect to the proposed pay recommendations on Thursday or Friday of this week.

Beyond that, I have, I think, nothing to add at this time with respect to the program for today and tomorrow and the rest of the week. Therefore, if I have any time left under the standing order for the leaders, I yield it back.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the distinguished Senator from Oregon, the acting Republican leader, is recognized.

Mr. HATFIELD. Mr. President, I reserve any time which has been allocated to the minority leader at this time.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS BETWEEN 9 A.M. AND 5 P.M. ON TUESDAY

Mr. BYRD. Mr. President, I ask unanimous consent that committees may be authorized to file reports between the hours of 9 a.m. and 5 p.m. on tomorrow, Tuesday, January 27, 1987. I have cleared this with the distinguished acting Republican leader [Mr. HATFIELD].

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

Mr BYRD. Mr. President, I have another request which I have cleared with the able acting Republican leader [Mr. HATFIELD]. It is as follows:

Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States to the House Chamber for the joint session to be held Tuesday, January 27, 1987.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR—S. 381

Mr. BYRD. Mr. President, would the Chair like to proceed at this time with the rule XIV action on S. 381?

The ACTING PRESIDENT pro tempore. The clerk will read S. 381 for the second time.

The legislative clerk read as follows:

A bill (S. 381) to protect the lives of unborn human beings.

Mr. BYRD. Mr. President, Mr. HUMPHREY recently offered this bill and is utilizing rule XIV to force the bill on the calendar rather than having it referred to a committee. That effort on the part of Mr. HUMPHREY can be expedited if there is now an objection to further proceedings on this measures.

So, for the record, I have stated briefly the purpose of the objection, and I now object to any further proceedings on S. 381 at this time.

The ACTING PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. BYRD. Mr. President, in order to expedite the business of the Senate and allow the staff, officers of the Senate, and others to be able to leave early to return, over treacherous and hazardous roads, to their respective homes, I now suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATFIELD). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I am a staunch believer that the party that controls the Senate should have the responsibility of presiding.

However, today we have a very short program and severe weather conditions outside. It is important that the Senate not stay in session for any extended length of time. I have asked the distinguished acting Republican leader to take the chair briefly so that the Senate can proceed with the fulfillment of the orders that have been previously entered.

I could just as well have taken the chair myself and had the distinguished acting Republican leader take care of the floor situation, but I chose to ask him to preside and he is very graciously doing that.

The PRESIDING OFFICER. The Chair will note the comments made by the distinguished majority leader.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

LET'S PUT THE UNEMPLOYED TO WORK

Mr. PROXMIRE. Mr. President, has the time come for this country to try to lead a world movement for sharing the work of the world by taking the first action in more than 50 years to shorten the work day and the work week? American unemployment fell a little in December. But at a rate of 6.7 percent, it still remains about as high as it was in the worst recessions of the 1950's, 1960's, or the early 1970's. More than 8 million Americans are still out of work.

Why do we have this persistent unemployment problem? The Federal Government has gone through 5 years of the most stimulative peacetime fiscal deficits in the history of our country. That should have reduced unemployment. It didn't. For the past 2 years, the Federal Reserve Board has flooded our country in easy money. Interest rates are down. This should have diminished unemployment. It didn't. The Dow Jones Index of the stock market rose by an astonishing 50 percent since a year ago. This has enormously enriched millions of American families. Unemployment should have fallen as our corporations and their stockholders prospered. It didn't. The dollar dropped somewhat with respect to other nations' currencies. In fact, it went into a nosedive in relation to the Japanese yen and the German mark—two of our biggest trading partners. That should have slashed imports, expanded exports, and reduced unemployment. It didn't.

Why do we still have such an appalling proportion of our work force unable to find jobs? It is true that more of this country's adult population is in the work force than ever before. Fifty years ago, few women, especially few married women, were at work. Today, a substantial majority of women are working or seeking work. More Americans are working than ever before. But we still have high unemployment. The increased number of workers, of course, also means increased income and expanded spending. That is exactly what has happened. The American people are saving less and spending more in relation to their income than ever before in our history. And that should have reduced unemployment. It didn't. The Social Security System now distributes $208 billion a year to 35 million Americans who are retired and receive and spend these benefits. This colossal increase in spending should have reduced unemployment. It didn't.

Mr. President, 50 years ago, Congress ended a process it had pursued for the preceding 30 years. During those years, Congress greatly reduced the hours of work for Americans. Over that roughly 30-year period, the country moved from a standard 12-hour day and 6-day week to a 10-hour day, and then to an 8-hour day and a 5-day week. That process helped reduce unemployment. It shared the work. To enforce that new share-the-work policy, Congress required employers to pay time and a half for overtime. Today, that time and a half for overtime is a much less effective enforcement tool. Why? Here's why: New employees require additional fringe costs including a payroll tax, unemployment compensation taxes, and frequently health insurance costs and even life insurance costs. Overtime increases these fringe costs relatively little, compared to the fringe costs associated with hiring new workers.

In view of the stubborn level of unemployment, has the time come to recognize that production per worker has immensely increased in the past 50 years? Thanks to new technology and improved manpower training, the same number of employees can produce far more today than 50 years ago. As a result there is a glut—not just an American glut but a worldwide glut of labor, of production, of goods and services. Unemployment is not only still very high in America; it is even higher in most other industrial countries, and it is cruelly high in developing countries.

So hasn't the time come to resume sharing the work? We can do it simply and surely. We can do it by increasing the penalty-reward for overtime work from time and a half to double time. The Bureau of Labor Statistics has estimated that by itself that would increase the available jobs in our country by 1 million. Second, we can work to reduce the hours of work before overtime wages are required from 40 hours of work per week to 35. This is estimated to increase employment by about 5 million. These two actions together would increase American employment by roughly 6 million. It would solve America's unemployment problem.

But how do we cope with the disadvantage this would bring to American producers in the world market? Here's how: We should try to negotiate a worldwide 35-hour week, and double time for overtime. That's right—worldwide. Why not? Think of the benefits. For most people everywhere in the world, it would mean more time with their family, more time for leisure, more time for enrichment, more time for enjoying the fruits of this marvelous 20th century, in entertainment, travel, and creative activities of all kinds. And above all, it would mean that far more people would have what they want more than anything else—productive, useful jobs. This would solve at least three-quarters of our American welfare problem. It would sharply reduce crime. It would give millions of people throughout the world the chance they earnestly want to become full-fledged partners in their country's and the world's work.

What would be the burden on our Federal budget? Answer: Exactly nothing. This reduction in unemployment would not cost the Federal Government or the taxpayer one nickel. It would cost nothing.

WHAT SHOULD THE CONGRESS DO IN BANKING LEGISLATION?

Mr. PROXMIRE. Mr. President, the Senate Banking Committee has just completed 3 days of intensive hearings on urgently needed banking legislation. As chairman of the Senate Banking Committee, I expect the committee to report legislation to the floor of the Senate next month for action. Some of this legislation has virtually unanimous support from our committee. Some of it is controversial. There is no question we need action on this legislation. We need it now. Why? Why do we need this action so urgently?

First, if Congress fails to pass legislation to strengthen the Federal Savings and Loan Insurance Corporation—known as FSLIC—a number of savings and loan institutions located primarily in the Southwest and West will fail under circumstances that will seriously threaten the savings and loan insurance fund. In fact, it could mandate a multibillion dollar appropriation from the Federal Government to make good the implicit "full faith and credit" commitment that lies behind Federal insurance of the Nation's savings and loans.

Meanwhile what happens with every month that passes without congressional action? Consider: FSLIC is the federally backed S&L insurance fund. That fund has been depleted because of a sharply increased series of failures of insured S&L's. More such failures are expected later this year. Faced with this outlook, the Home Loan Bank Board is kept from moving promptly to remedy the situation because it has insufficient resources to do so. The consequences: The eventual losses of the system sharply increase. The likelihood that FSLIC funds will become inadequate greatly increases because the need for funds will be so much greater because FSLIC did not act in a timely way.

So what are the long-term actions the industry must take to prevent the situation from getting worse? What must the industry do to move onto a sound basis in the future?

Certainly Congress should promptly pass legislation to meet the imperative borrowing needs of FSLIC. This will not effect the budget. It will not come from appropriated funds. It will come from borrowing from funds supplied by the regular insurance premium charge on the country's S&L's.

Aside from this, should Congress mandate a substantial increase in the notoriously low capital ratios with which so many S&L's now operate? How can Congress require savings and loans throughout the country to increase their capital ratio within a reasonable period? Can this be done without closing many more S&L's that cannot reach a reasonable standard? Why is it that this industry was able to function for so many years with little difficulty and few failures through a number of recessions? Why has there been such a series of failures in the recent past? Is it related to the end of the S&L's advantage that was enjoyed with their favorable regulation Q differential? Has it been caused by the movement of S&L's out of home financing and into much riskier and more speculative areas? These disasters have not occurred in a deep depression. They have occurred in the middle of one of the longest uninterrupted economic recoveries in the past 50 years. Imagine the problem we could face when the country has its next recession, which is overdue right now.

One action the Senate could take to help the savings and loan industry is to end the potential big-scale invasion of their deposit base by nonbank banks. Nonbank banks also pose a threat to S&L's because they dramatically diminish the market for failed S&L's. Why should a big bank or S&L that is anxious to get into a particular market do so by taking over a failed S&L when it can avoid that grief and achieve the same end by forming a nonbank bank? S&L's, like commercial banks, would also suffer from nonbank bank competition because the nonbank owned by a Sears or Prudential-Bache or Merrill Lynch has a far larger capital base. It also has a ready-made market which it can serve with the forceful coordination of its parent by cross-marketing its services. Unlike the holding company of the commercial bank or the savings and loan, the nonbank bank parent can engage in any activity: brokerage, real estate, retailing, manufacturing. There is no limit.

Mr. President, back in 1984 this body passed legislation that among other things included limited new securities powers for banks. These powers would, in effect, have brought the Glass-Steagall Act up to date. That bill died because the House failed to pass banking legislation. The banking powers are supported by the bank regulators, including the Federal Reserve Board. They would not lessen the safety and soundness of our banks. They would not create any conflict of interest. They would introduce effective if limited competition. We should pass those powers again. Here they are: The right to underwrite mortgage-backed securities, the right to underwrite revenue bonds, the right to sell commercial paper. Banks should also be allowed to sell mutual funds. Each of these powers are closely related to banking.

As so often happens in this body, this crucial nonbank bank loophole closing legislation will not pass unless the people in the affected industry work and work hard for its passage. Both banks and savings and loans have a very large stake in ending the unfair competition of nonbank banks. But, Mr. President, far stronger and more effective lobbying on this issue has been done by the nonbank bank people who understandably want to hold on to their unfair advantage. If the banks are to achieve justice and fairness, they are going to have to fight and fight hard for it. What does that mean? That means they should make sure their Senators have no doubt about where they stand. The time for our banks to act is now.

So, Mr. President, as a minimum, we need to pass the FSLIC recapitalization legislation. We also need to pass legislation that will permanently and finally close the nonbank bank loophole. But that isn't enough. We should push the grandfather date for nonbank banks as far as possible. Nevertheless, it is clear that there will still be a number of these institutions—free to compete unfairly with banks that are restricted to businesses that are engaged in banking and businesses closely related to banking. On its face this nonbank bank competition is unfair.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, with Senators permitted to speak therein for 5 minutes each.

NOTICE CONCERNING ANNUAL REGISTRATIONS OF MASS MAILINGS

Mr. BYRD. In view of the approaching February 2 filing date, I would like to remind Senators of the requirements concerning registration of mass mailings under Senate rule 40.

Members are required to register annually such mass mailings. The 1986 calendar year filing will be due on February 2, 1987. Mass mailings are also accepted on an "as mailed" basis if Members so desire.

For your information, following are excerpts from rule 40:

> * * * 3. (a) When a Senator disseminates information under the frank, by a mass mailing (as defined in Section 3210 (a)(6)(E) of Title 39, United States Code), the Senator shall register annually with Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary a copy of the matter mailed and providing, on a form supplied by the Secretary, a description of the group or groups of persons to whom the mass mailing was mailed.
>
> (b) the Secretary of the Senate shall promptly make available for public inspection and copying a copy of the matter mailed, and a description of the group or groups of persons to whom the mass mailing was mailed * * *."

The Senate Office of Public Records will be open from 8 a.m. until 9 p.m. on the filing date for the purpose of accepting these filings.

For further information, please do not hesitate to contact the Public Records Office on 202-224-0322.

ORDERS FOR WEDNESDAY, JANUARY 28, 1987

Mr. BYRD. Mr. President, I ask unanimous consent that on Wednesday, following the recognition of the two leaders under the standing order, Mr. PROXMIRE be recognized for not to exceed 5 minutes; that Mr. MURKOWSKI be recognized for not to exceed 5 minutes; that there then be a period for the transaction of morning business, not to exceed beyond 1:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I also ask unanimous consent that on Wednesday, at the conclusion of morning business, no resolutions come over under the rule and that the call of the calendar under rule VIII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow evening, following the prayer, there be a period for the transaction of morning business for not to exceed 15 minutes; that Senators may be permitted to speak therein for not to exceed 5 minutes each.

I also ask unanimous consent that no resolutions come over under the rule on tomorrow evening when the Senate again convenes; that the call of the calendar under rule VIII be waived; and that the Journal of the proceedings be considered approved to date at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDATION OF SENATOR HATFIELD

Mr. PROXMIRE. Mr. President, I commend my good friend the majority leader. He is very conscientious and careful about the fact that we fulfill our responsibilities in presiding over the Senate.

If there is any Member of this body, Republican or Democrat, whom I trust implicity and completely, a man of absolute integrity, it is MARK HATFIELD. It was an honor for me to have MARK HATFIELD succeed me in the Chair. I have worked with him for years on the Appropriations Committee, and hope to work with him a long time in the future. He is a marvelous man and a great addition to this body.

Mr. HATFIELD. I thank the Senator.

Mr. BYRD. Mr. President, I subscribe totally to the comments by my distinguished colleague and friend, Mr. PROXMIRE.

I know of no one in this Chamber who is held in higher regard than the distinguished Senator from Oregon [Mr. HATFIELD], who presently is acting as the Republican leader.

Mr. President, may I say further that with respect to presiding over the Senate, it is not a matter of trust, so much. It simply boils down to the fact that, in my judgment, the party that has control of the Senate has the responsibility and the duty of presiding, and I think it is important to the party in control that it does fulfill the duties of the Chair.

INTERNATIONAL EXCHANGE RATES

Mr. BAUCUS. Mr. President, if we ever needed any signal that we need to consider international currency reform, we received it in the last few days. In the last month, the dollar has fallen against both the yen and the deutsch mark by about 8 percent.

Mr. President, the magnitude of that drop may be healthy. It is very likely that a significant further drop in the U.S. dollar, coupled with U.S. budget deficit reduction and dramatic improvements in productivity and exports, is just the formula this Nation must follow to regain its international competitive position.

I am not objecting to the fall of the dollar itself. Instead, I am concerned about the speed and volatility of the fluctuations. In my judgment, Mr. President, it demonstrates once again that we labor under an international monetary system that strains the international trading system.

The monetary system debate has continued for some time. Almost 1 year ago, in his State of the Union Address, President Reagan addressed this issue. At that time, he stated that—

> The constant expansion of our economy and exports requires a sound and stable dollar at home and reliable exchange rates around the world.

Mr. President, that is laudable rhetoric, but the fact is that the President has not followed that up with action. In the same State of the Union Address, President Reagan indicated that mere coordination between the G-5 might not be sufficient to solve the problem. He directed Treasury Secretary Baker to determine whether the nations of the world should convene to discuss the role and relationship of our currencies.

Mr. President, I think everyone watching that speech believed the President finally had agreed to consider international monetary reform. We saw it as the first step toward remedying the wild volatility we had experienced in the currency markets.

But, frankly, Mr. President, we have been disappointed. Today, almost 1 year later, the Treasury Secretary has issued no report, and we continue to face wild currency fluctuations. In other words, nothing has been done about fundamental reform.

The volatility of all major currencies under the current system creates a level of uncertainty that impedes efficient business transactions. Regardless what the value of the dollar should be, we can all agree that we should seek to adopt a system that finds a proper value for the dollar, then keeps it there.

Mr. President, those who oppose reform argue that the market will correct currency distortions. That may be true in the long run, but, as Keynes said, "In the long run, we are all dead." The fact is that the presence of currency speculators and arbitragers in today's market means that we cannot count on the market to reach balanced levels quickly and automatically. Speculation has a life of its own.

Others argue that it is simply capital flows that cause currency fluctuations. That may be true, but it misses the point. The point is that we must develop a system that helps to equilibrate trade between nations, despite the presence of massive capital flows.

The current system was designed at a time when capital flows did not so heavily determine exchange rates. We live in a different world today. And we must determine whether a new system is needed for that new world.

I do not know what that system should be. But I do know that the experience of the last week demonstrates that we must explore other alternatives.

Almost 1 year ago, President Reagan directed Treasury Secretary Baker to explore this problem. Today, I request that Secretary Baker explain what he has done to follow up on President Reagan's directive. If a report has been prepared, release it.

If little or nothing has been done, I urge President Reagan to address the issue again in his upcoming State of the Union Address. This year, we should expect more than another directive to conduct further studies. This year, the President should tell us what he intends to do about the problem.

The United States is the leader of the free world. If the free world is to undertake fundamental monetary reform, the United States must lead the way. If we do not, the free world will continue to be subject to the wild swings we are now experiencing. That is a situation we cannot and should not accept.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that all Senators may be permitted to insert statements in the RECORD today, and that they may have until the hour of 3 p.m. to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that Senators may be authorized to introduce bills and resolutions today, and that they may have until 3 p.m. to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the Senate will shortly be adjourning over until tomorrow evening. I understand that a Senator is now coming to the floor to make a statement and transact some morning business. If the Chair will momentarily indulge me.

ORDER OF PROCEDURE ON WEDNESDAY

Mr. BYRD. Mr. President, I ask unanimous consent that on Wednesday, at the conclusion of routine morning business, which under the order is not to extend beyond the hour of 1:30 p.m., the time between that hour and the hour of 2:30 p.m. be equally divided and controlled by Mr. FORD, chairman of the Committee on Rules and Administration, and Mr. SYMMS, the author of the pending amendment. Mr. President, no other amendments are in order, and I am sure that the hour provided will be more than ample for the discussion of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE ACCOMPLISHMENTS TO DATE

Mr. BYRD. Mr. President, while awaiting the arrival of a Senator, I should take time to note that the Foreign Relations Committee has held hearings on the two nuclear testing treaties that have been gathering dust since the mid-1970's but which are being generally observed by both sides. They are the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty, both of which date back to the years 1974 and 1976, respectively. I wish to commend the chairman of the Foreign Relations Committee, Mr. PELL, for moving so expeditiously on these matters. The only thing which has slightly delayed the committee in terms of markup was the fact that our Republican friends had not yet fully organized on their side of the committee, but now that that organization has taken place, progress, I hope, will be expedited. The administration has sent up a suggested reservation to the treaty. I would certainly support verification language, and I would hope that the committee can complete its markup and that the Senate can take up the two treaties at an early date.

The President, before going to Reykjavik, indicated that if Congress would remove the arms control restrictions that were in the continuing resolution, he would be supportive of early action by the Congress on these two treaties. I want to help the President to keep his commitment, and again I hope for early progress which will enable us to move closer to action on these arms control measures.

I should also compliment the other committees of the Senate for having been very active during the days of

January in conducting oversight hearings and in marking up and reporting legislation to the calendar.

The Senate acted early to create a select committee to look into the Iran-Contra misadventure. The committee is a bipartisan committee; both leaders appointed able Senators to the committee, and the committee is rapidly getting organized and staffed. The House select committee was also established.

Meanwhile, the Senate and the House proceeded to act on the bill to clean up the Nation's waters, and that bill has been sent to the President with very stong supportive votes in both Houses. I hope that the President will sign the measure and not veto it. However, the bill passed both Houses by such strong majorities that the likelihood of overriding any veto would seem to be very great.

The committee funding resolution, which is going to be disposed of on Wednesday, usually requires a good bit longer for the Senate to act upon, but this early action will enable committees to get on with other business.

The highway legislation, which is being reported to the Senate, is legislation which passed the Senate and House last year but died in conference. There may be some changes in the legislation as it comes to the floor this year, but early action by the Senate will enable the States to proceed with their planning and be ready for the construction season without losing valuable time therein. I have already indicated also that the Senate will expect to act this week on a disapproval resolution anent the Presidential commission's proposed pay increases. That will be well in time prior to the deadline when those increases would otherwise go into effect.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there any other Member of the Senate who desires recognition?

Mr. MOYNIHAN. Mr. President, I seek recognition.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. I thank the Chair.

PROVISION FOR ENDING LONG ISLAND RAIL ROAD STRIKE

Mr. MOYNIHAN. Mr. President, almost 2½ years ago, representatives from the Long Island Rail Road and the 15 unions representing almost 92 percent of its employees began negotiating for new collective bargaining agreements. However, on December 31, 1984, the old collective bargaining agreements expired.

For the next 18 months the negotiation was conducted under the guidance of a Federal mediator. However, this proved fruitless, and on May 15, 1986, the Long Island Rail Road invoked the procedures of section 9A of the Railway Labor Act. Unfortunately, all of the procedures for resolving labor disputes under the Railway Labor Act have expired and this has made the unions free to strike, as of January 17, 1981.

The Long Island Rail Road [LIRR] provides a vital public service, which allows over 110,000 New Yorkers to travel to and from work on a daily basis. The strike, which began on Sunday, January 18, is now in its ninth day, and is no closer to settlement.

It has not been made any more manageable by the weather, of which the Senate Chamber is an indication that here in Washington is not different or better than New York.

The commuters remain without transportation and some of the unions remain without contracts. We are in one of those situations where there are many unions—15. Many have agreed, many have not. It is for this reason that my esteemed colleague [Mr. D'Amato] and I feel, with the reluctance you always do in situations where collective bargaining has not worked, that congressional intervention is necessary. Therefore, I join with my colleague from New York in offering legislation that would provide for a temporary prohibition of strikes or lockouts by the unions representing the LIRR, and to provide for binding arbitration if the parties fail to settle the dispute. Our legislation has the support of Governor Cuomo. It establishes tripartite panels to resolve the disputes. The panels' decisions will be final and binding.

I note, Mr. President, that this is a resort to which we have had to turn on more than one occasion with respect to railroad disputes over the last quarter century. It is in the interest of the workers as much as of the public that congressional intervention should happen when no seemingly viable situation can resolve the dispute—largely in consequence of there being so many actors. Fifteen unions cannot easily negotiate one contract. That is where we are right now.

I urge my colleagues—I see the distinguished majority leader and the eminent senior Senator from Oregon on the floor—to act swiftly on this legislation so that we might return rail service to Long Island and to the commuters in the City of New York who depend on this singularly necessary artery. Long Island is just that: It is long and it is narrow and there is one railroad with two branches; one on the north, and the other servicing the south. If it is not working, the highways cannot handle the matter.

So, Mr. President, I send this legislation to the desk. It is designated as by Mr. D'Amato, for himself and Mr. Moynihan. I ask unanimous consent that that designation may be retained.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. I thank the Chair.

At this point, Mr. President, there is a statement by Mr. D'Amato that I ask unanimous consent to have printed in the Record as if read by the distinguished Senator. I am aware that it is unusual that statements be printed in the Record as if read when, in fact, that is not the case, but, as the distinguished Presiding Officer may know, being from other climes, we have a snow emergency of great consequence. It is not possible for Senator D'Amato to be here. He cannot get here. So I ask unanimous consent, in these special circumstances, that his statement be printed in the Record as if read.

The PRESIDING OFFICER. Without objection, in recognition of the special climatic circumstances, it is so ordered.

Mr. MOYNIHAN. Circumstances without which certain parts of our Nation would not now be flourishing.

LEGISLATION TO END THE LONG ISLAND RAIL ROAD STRIKE

Mr. D'AMATO. Mr. President, I rise to propose legislation which I hope will receive expeditious consideration by the Senate.

The bill I am submitting with my friend and colleague [Mr. Moynihan] is designed to end a crippling rail strike in New York on the Nation's largest commuter railroad, the Long Island Rail Road. The LIRR provides over 250,000 daily commuter trips and is a critical component of the New York metropolitan region's transportation network. Indeed, it is the lifeblood of Long Island's transit system.

After two 120-day cooling-off periods and the recommendations of two Presidential emergency panels pursuant to the Railway Labor Act, the carrier and the various unions failed to reach labor agreements, and a strike resulted. It is now in its ninth day.

The legislative proposal we are making today represents a reasoned approach toward ending this devastating strike and providing relief to the LIRR commuters who suffer each day. Businesses, which are incurring the loss of untold manhours and excess travel and lodging expenses as a result of the strike, will also receive relief under our legislation.

The legislation provides for an immediate return to work of employees and resumption of rail service. Furthermore, it calls for a 28-day mandatory negotiation period during which time the LIRR and unions will bargain and hopefully reach contract settlements.

Any outstanding issues at the end of the 28-day period would then be submitted to three-member arbitration panels whose findings will be binding on both the carrier and the unions. These tripartite panels would consist of one member selected by the respective union involved in the labor dispute, a second chosen by the carrier, and a third selected by the two aforementioned panel members.

Mr. President, this legislation enjoys bipartisan support and was developed with the assistance of my colleague [Mr. Moynihan] and Gov. Mario Cuomo of New York. We have worked vigorously to bring the parties together to arrive at a resolution, and we now believe that this legislation is required.

In conclusion, I am convinced that this legislation is sensible, fair, and in the best interests of the LIRR commuters, the unions, and their members. I also ask unanimous consent that the full text of this legislation be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 33

Whereas the labor dispute between the rail carrier, Long Island Rail Road, and certain of the employees of the carrier represented by several labor organizations threatens essential transportation services of the Nation;

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained;

Whereas Congress finds that emergency measures are essential to security and continuity of transportation services by the carrier;

Whereas it is desirable to resolve the dispute in a manner that encourages solutions reached through collective bargaining;

Whereas the parties were unable to resolve the dispute according to the recommendations of Presidential Emergency Board No. 210, issued June 25, 1986;

Whereas the President, pursuant to the Railway Labor Act (45 U.S.C. 151 et seq.), by Executive Order No. 12563 of September 12, 1986, created Presidential Emergency Board No. 212 to investigate the dispute and report findings;

Whereas the recommendations of Presidential Emergency Board No. 212 for settlement of the dispute have not yet resulted in a settlement; and

Whereas all the procedures for resolving the dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

As used in this joint resolution:

(1) Carrier.—The term "carrier" means the Long Island Rail Road.

(2) Dispute.—The term "dispute" means a dispute referred to in Executive Order No. 12563 of September 12, 1986 between the carrier and employees of the carrier represented by a labor organization.

(3) Dispute Period.—The term "dispute period" means the period—

(A) beginning on the date of the approval of this joint resolution; and

(B) ending on the earlier of—

(i) the date each issue in a dispute is resolved by the carrier and a labor organization; or

(ii) the date the determination of a panel becomes effective.

(4) Labor organization.—The term "labor organization" means a labor organization that is a party to the dispute.

(5) Panel.—The term "panel" means a panel established under section 3(a) for resolution of the dispute.

SEC. 2. RESTORATION OF SERVICE AND MAINTENANCE OF STATUS QUO DURING DISPUTE PERIOD.

(a) Restoration of Service.—The carrier and the employees of the carrier represented by each labor organization shall take all necessary steps to restore and maintain service during the dispute period.

(b) Maintenance of Status Quo.—Section 9A(h) of the Railway Labor Act (45 U.S.C. 159a(h)) shall apply during the dispute period, so that no change, except by agreement, shall be made by the carrier or by employees of the carrier represented by the labor organization, in the conditions out of which the dispute arose as such conditions existed before 12:01 ante meridian of January 17, 1987.

SEC. 3. MEDIATION AND ARBITRATION.

(a) Establishment.—

(1) In general.—There is established a separate panel for the resolution of the dispute between the carrier and employees of the carrier represented by each labor organization in accordance with this section, composed of—

(A) one member appointed by the carrier;

(B) one member appointed by the labor organization; and

(C) one neutral member appointed jointly by the members appointed under subparagraphs (A) and (B), subject to paragraph (2).

(2) Disagreement over neutral member.—If the members appointed under subparagraphs (A) and (B) of paragraph (1) do not appoint the neutral member of a panel during the 5-day period beginning on the date of the approval of this joint resolution, the National Mediation Board shall immediately appoint the neutral member of the panel.

(b) Mediation.—During the 28-day period beginning on the date of the approval of this joint resolution, the neutral member of a panel appointed under subsection (a) shall attempt by mediation to bring about a resolution of the dispute and to complete the collective bargaining process.

(c) Arbitration.—

(1) Unresolved issues.—Except as provided in section 4, if agreement has not been reached by the carrier and employees of the carrier represented by a labor organization on the expiration of the period referred to in subsection (b), each issue that has not been resolved by the parties to the dispute shall be submitted to a panel for final and binding arbitration.

(2) Binding decision.—The determination of the panel with respect to each outstanding issue shall be final and binding on the parties.

(3) Resolved issues.—The panel shall not consider any issue resolved by the parties prior to the expiration of the period referred to in subsection (b).

(4) Determination of panel.—The determination of the panel shall have the same effect (including the preclusion of resort to either strike or lock-out) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.).

(d) Jurisdiction.—The United States District Court for the District of Columbia shall have exclusive jurisdiction of all suits concerning the determination of a panel.

(e) Administration.—The National Mediation Board shall—

(1) compensate the members of a panel at such rate as the Board determines appropriate, together with necessary travel and subsistence expenses; and

(2) provide such services and facilities as may be necessary and appropriate to carry out this section.

(f) Termination.—Each panel shall terminate on the date the decision of the panel is rendered.

SEC. 4. ALTERNATIVE MEANS OF DISPUTE SETTLEMENT.

Except as provided in section 2 and notwithstanding section 3, the carrier and a labor organization may voluntarily settle, or utilize an alternative means (other than final and binding arbitration, as described in section 3) to settle, each issue that has not been resolved by the parties to the dispute.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:10 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced the that Speaker has signed the enrolled joint resolution (H.J. Res. 88) extending the time within which the President may transmit the Economic Report to the Congress.

(The joint resolution was subsequently signed by the Acting President pro tempore [Mr. Proxmire].)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO (for himself and Mr. Moynihan):

S.J. Res. 33. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the Long Island Rail Road labor-management dispute and to provide for binding arbitration if the parties fail to settle the dispute; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PROXMIRE:

S. Res. 82. Resolution expressing the sense of the Senate regarding additional actions which may be taken to end apartheid in South Africa; to the Committee on Foreign Relations.

SENATE RESOLUTION 82—SENSE OF THE SENATE REGARDING NEW SOUTH AFRICA SANCTIONS

Mr. PROXMIRE submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 82

Whereas South Africa engages in a form of rule known as apartheid, a system which is based on race and denies equal rights for and shared power with its black citizens who comprise about 70 percent of its population;

Whereas more than 2,000 people, many of them members of the oppressed black majority, have died needlessly in South Africa since September 1984, due to violence and unrest over apartheid rule;

Whereas the Government of South Africa has imposed a martial-like state of emergency, which, since June 1986, has resulted in the arrests of more than 20,000 of its citizens, most of them members of the oppressed black majority, the arrests coming without formal charge;

Whereas the Government of South Africa continues to hold in custody Nelson Mandela and other political prisoners opposed to apartheid rule;

Whereas United States policy toward South Africa does not appear to be working to the point of getting the Government of South Africa to dismantle its apartheid system in favor of a fairer and more inclusive government of all its people; and

Whereas the Government of South Africa does not appear to be making any rapid progress in seeking to negotiate with true and recognized representatives of the black community in attempts to come up with and implement reforms: Now, therefore, be it

Resolved, That the Senate hereby—

(1) urges the Government of South Africa to release all political prisoners and begin negotiation within 90 days after the date of the adoption of this resolution with the recognized black leaders of South Africa to end apartheid;

(2) urges the Government of South Africa to propose a specific plan of action, as well as a firm date, for instituting reforms in place of apartheid, the plan to be announced publicly not later than 90 days after the date discussions begin with South African leaders on ending apartheid;

(3) urges the Government of South Africa to abolish apartheid and install a new democratic government that guarantees equal rights to all its citizens not later than one year after the date of adoption of this resolution;

(4) urges the United States Government, in the event that at least one of the timetable provisions described in paragraphs (1) through (3) is not met—

(A) to discontinue the use of United States veto power to block mandatory sanctions, proposals that may arise against South Africa in the Security Council of the United Nations;

(B) to cut off all telecommunications between South Africa and the United States;

(C) to continue such actions until the abolition of apartheid and the installation of a government as described in paragraph (3); and

(5) urges the United States Government publicly and directly to support the ensuring of white minority rights and to discourage divestment of American business in South Africa, if South Africa successfully dismantles its apartheid system according to the aforementioned timetable.

Mr. PROXMIRE. Mr. President, today I am submitting a sense of the Senate resolution that deals with the escalating crisis in South Africa; a troublesome crisis over apartheid that has grown to enormous proportions in recent months and involves one of the most intense struggles for democracy the world has seen in recent times. This resolution I am offering seeks support for further sanctions and attempts to further isolate South Africa from ours and other true democratic states in the hope of spurring its own leadership to a full and whole democracy.

As the acknowledged leaders of the free world, we must seek to put an end to the stalemate in the South African Government toward moving to a free and just society. The efforts of South African officials at this time appear, at best, to be only of a token nature. We appear to be on a long and arduous, but not certain, crawl toward the elimination of apartheid. It must happen quicker than that, or soon there will be no South Africa. We must seek to end the daily accounts of bloodshed and the unnecessary loss of precious human life that has marked this crisis and has marred such a beautiful and modern land.

Since South Africa declared a martial-like new state of emergency in June of 1986, roughly 22,000 people have been detained without charge at one time or another. The latest outbreak of violence that erupted in the fall of 1984 has resulted in an estimated 2,000-plus deaths to date, many of the victims members of the black majority. Such statistics portend anything but a stable and civilized government.

In what will be a catalyst for moving things forward at a more reasonable and productive pace, I am proposing that we urge the administration, through this resolution, to strengthen sanctions against South Africa that were enacted by the 99th Congress. I am proposing that we discontinue using our veto power to block sanctions proposed against South Africa by the United Nations Security Council, and that we cut off all telecommunications with South Africa if the South African Government does not meet deadlines specified in this resolution for a step-by-step tearing down of apartheid.

The resolution would give the South African Government 90 days from the date of adoption to begin negotiations with that country's recognized black leadership and to release all political prisoners, chiefly Nelson Mandela. It would allow another 90 days after negotiations begin for the South African Government to publicly announce a plan of action as well as a firm date for the abolition of apartheid. South African officials would then have another 180 days to put a new and democratic government in place. Effectively, my resolution proposes to give South Africa exactly 1 year from the date of adoption to send apartheid to its deserved death.

If any of the above deadlines are not met by the South African Government, additional sanctions—the foregoing of our U.N. sanctions veto power and the cutting off of all telecommunications—would take effect and remain in effect until apartheid is completely abolished.

This resolution not only seeks to punish, but offers rewards as well. I am proposing that the U.S. Government offer full support for the ensuring of white and other minority rights and support for reversing American business divestment in South Africa, should the South African Government follow the proposed timetable provisions to end apartheid.

Why, you may ask, should America continue to pursue this issue? What business is it of ours? Some skeptics may ask why we are involved in an apparently hopeless undertaking in which we appear to be spinning our wheels.

I would answer such queries by saying that results do not often come at once. Sometimes, results do not come at all. But it has been my experience that results will almost always come from persistence and from a belief that one is doing what is right and what is fair.

The United States must persist in this matter because, from thousands of miles across the Atlantic Ocean, we are beginning to feel the very pain of the South African apartheid crisis.

Some of the most respected organizations in corporate America have abandoned the battleground of South Africa, because, in these times, it is not a fertile ground morally or financially for profit. Some of our most talented artists and performers have chosen not to make appearances in South Africa, feeling, perhaps, that it is not worth the time if their upbeat musical strains about life's joys are to be muffled by the hail of bullets and flying rocks, and by the sounds of shouted epithets. Some of the best competitors in sports from America and South Africa have never met on the various playing fields because, I would suspect, it is difficult to realize true victory in sports competition when such a large segment of South Africa's populaton has been losing on the playing field of life for so long.

Does this sound anything at all like the kind of relationship that one might expect between two of the most advanced civilizations in the so-called free world? Certainly not.

South Africa, rife with all its gems and minerals, has a lot more to offer to this complex world of ours, and mainly to the free world. But unless apartheid is dispensed with quickly, none of us in the democratic world can realize the fullness of that potential. We must all deal on the same plane of freedom, justice, and an open society.

The respected Bishop Tutu, who abhors any violent means of resolving this dispute, has so rightly observed that the South African Government will be slow to any type of real progressive change so long as it feels protected in its actions by Britain, West Germany and the United States. As leaders in the free world, we must do all within our power to convince South Africa that such a miscalculated state of self-assurance is morally wrong. Unless we move further away from the sidelines and use all of our powerful influence to seek timely and meaningful change, we are denying, to our own country, the unarguable right to claim that we stand for freedom and democracy around the world.

Let me reemphasize that this resolution, although harsh in its proposals, is not just a form of punishment. There are rewards for timely progress. And besides, I really do not believe that we could punish the South African Government much more than it is punishing itself.

Although we have not really seen any significant change toward the full abolition of apartheid, I believe all of South Africa desires change. In the end, it will be our Government that provides the definitive push needed to resolve this conflict.

South African President Botha has already said in this new year that any reforms in his government would be based more on the principle of the preservation of white and other minority rights, rather than the simple democratic principle of one man, one vote. My resolution clearly addresses U.S. support for the guaranteeing of minority rights along with the proper protection under law for the country's black majority. These two elements can be bound together successfully under a new South Africa.

Time can be both a friend and an enemy, and, in this case, it is without doubt an enemy. If we wait much longer for change in South Africa, we may witness the explosion of a ticking time bomb whose fuse is now burning rapidly with racial hatred.

The administration remains reluctant in pushing for a more aggressive policy toward South Africa. It is up to the Congress to show them the wisdom of even further action in the case of South Africa. If we can enact this resolution and if the administratrion can then act upon these recommendations, we can bring about change that would make South Africa the real and total democracy that it wants to be and that it deserves to be.

Let us move again, in the same responsible and bipartisan fashion in which we supported sanctions legislation during the last Congress, to bring about a new and more free South Africa. Let us help ourselves as we help South Africa. Mr. President, I urge your thoughtful support for this resolution which will send a signal to the administration to take stronger action against South Africa.

ADDITIONAL STATEMENTS

ANNIVERSARY OF THE PASSING OF SIR WINSTON CHURCHILL

● Mr. EVANS. Mr. President, January 24 marked the 22d anniversary of the passing of the greatest statesman of our century and an honorary American citizen: Sir Winston S. Churchill.

Upon his death in 1965 there were many—in and outside the Congress—who were moved to set down in words a sketch of the contributions that grand Englishman had made to the life of the West. One such memorial was written, as Churchill lay near death, for the Spectator, the newspaper of Seattle University, by Charles R. Harmon, professor of history.

Mr. President, I ask that the text of the article be printed in the Record.

The article follows:

[From the Spectator, Jan. 20, 1965]

Nothing but Blood, Toil, Tears and Sweat

Winston Spencer Churchill was born in 1874 during the reign of Queen Victoria and participated as spectator, author, soldier, diplomat, foreign correspondent, statesman and critic in virtually every major development in English history since his graduation from Sandhurst in 1895. An incredible combination of ability, genius and a well-justified belief in a lucky star carried him to positions of importance in the military, administrative and academic worlds stretching from Colonial India to Africa, Flanders, Gallipoli and the Prime Ministry. His offices, responsibilities and personal activities are a roll-call of modern English history.

Born into a monumental English family at the height of the British era of Splendid Isolation, he lived to prophesy the demise of England's economic and military supremacy, the rise of industrial democracy in his own country, and to lead the argument for a United Europe at the same time he defined the east-west division intrinsic to the Cold War. No great English events in the past 65 years escaped his forceful—if not always accurate—evaluation. As a soldier, his career is Kipling incarnate. As a statesman, he had the sound vision to rebuke the empty estimates of most of the European General staffs and predicted the catastrophic consequences of modern, industrialized warfare.

As a historian, his books have all of the brilliance, and only some of the defects, of a man writing well of events with which he was closely connected.

After World War One, his career seemed to eclipse and he almost resigned himself to a permanent life of letters and retirement from public life in just those years in which Adolf Hitler was preparing the nightmare which prompted Churchill's return to Whitehall as Prime Minister in 1940. He assumed the seals of office with every confidence that training, experience, observation and judgment had prepared him to lead England out of the defeat in France and on to eventual victory over Hitler.

He fully justified England's confidence and his own faith in himself.

Justice Holmes once remarked that a man must share the actions and passions of his own times or risk being judged not to have lived. Churchill shared them most spectacularly in World War One and World War Two. His contributions in World War One are still clouded by the failure at Gallipoli which left his reputation questioned and undefined. His contribution in World War Two is simple, immeasurable: he refused to accept defeat for England, demanded victory and made not merely history but destiny. Insofar as he saw history, made history, and is history himself, he truly shared the actions and passions of his times. As long as England retains a value for Western Civilization, Churchill will be considered, criticized, remembered and admired. His whole life was a statement that our heritage is preserved only by men of fact as well as faith, that there is no escape from conflict and danger, that Marathon is always now.●

AFGHANISTAN: LETTERS FROM THE STATE OF FLORIDA

● Mr. HUMPHREY. Mr. President, last month the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations' report as: "A situation approaching genocide."

As chairman of the congressional task force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the Record two letters each day from various States in the Nation. Today, I submit two letters from the State of Florida, and ask that they be printed in the Record.

The letters follow:

Dear Senator Humphrey: I pray that the proper words will come through in this letter to make a difference. Our country faces many of its own problems right now, but we also appreciate the blessings of freedom only dreamed of by much of the world. With freedom comes the responsibility to assist those who suffer while clinging to the dream we so richly enjoy. The brutal and senseless massacre of the Afghan people by the Soviets has to be stopped.

The reports of the horrors committed against these people leaves me appalled and completely dismayed as to why this has been allowed to continue. After the holocaust, the world stood in shame saying "Never again." Well, the United States has to intervene in any way possible. It is a matter of compassion and conscience. We cannot afford to ignore these atrocities.

With God's help, and leaders who are willing to really stand for the heartbeat of the American people, a change can be made, but there has to be a commitment to aggressively oppose those things which are in abhorrance to what we believe in—human rights violations such as these cannot be allowed.

Our prayers are with you, and also, for the people of Afghanistan.

Sincerely,

Todd and Jay Benson.

Delray Beach, FL, *October 6, 1986.*

Dear Senator Humphrey: I continue to read of the terrible atrocities inflicted upon the Afghan people by the Russian occupation army. Such inhumane treatment and devious posturing by the Soviets to hide it is completely unacceptable.

I would support any actions we can take to publicize and otherwise expose this barbaric activity to the world, especially the United States, and to offer aid and comfort to the Afghan people.

Sincerely,

Phillip A. Lomax.

Pensacola, FL.●

ORDER FOR SENATE RESOLUTION 80 TO BE PENDING BUSINESS ON WEDNESDAY

Mr. BYRD. Mr. President, I ask unanimous consent that on Wednesday, at the conclusion of the period for the transaction of routine morning business, Senate Resolution 80, the committee funding resolution which will be the unfinished business, be laid before the Senate at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If there be no further morning business, morning business is closed.

AUTHORIZATION OF EXPENDITURES BY COMMITTEES OF THE SENATE

The PRESIDING OFFICER. The clerk will state the unfinished business.

The legislative clerk read as follows:

A Senate resolution (S. Res. 80) authorizing expenditures by the committees of the Senate.

ADJOURNMENT UNTIL 8 P.M. TOMORROW

Mr. BYRD. Mr. President, there being no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until tomorrow at 8 p.m.

The motion was agreed to and, at 2:49 p.m., the Senate adjourned until tomorrow, Tuesday, January 27, 1987, at 8 p.m.

NOMINATIONS

Executive nominations received by the Senate January 26, 1987:

DEPARTMENT OF STATE

Alfred Hugh Kingon, of New York, to be the Representative of the United States of America to the European Communities, with the rank and status of Ambassador Extraordinary and Plenipotentiary, vice J. William Middendorf II, resigning.

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Peter H. Dailey, of California, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency, vice Laurence Hirsch Silberman.

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

Max Charles Graeber, of Virginia, to be a member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1989, vice David J. Armor, resigned.

BOARD FOR INTERNATIONAL BROADCASTING

Malcolm Forbes, Jr., of New Jersey, to be a member of the Board for International Broadcasting for a term expiring April 28, 1989. (Reappointment.)

MISSISSIPPI RIVER COMMISSION

Brig. Gen. Charles Ernest Edgar III, U.S. Army, to be a member of the Mississippi River Commission, vice Robert Joseph Dacey.

Frank H. Walk, of Louisiana, to be a member of the Mississippi River Commission for a term of 9 years, vice Roy T. Sessums, deceased.

NATIONAL COUNCIL ON THE HANDICAPPED

Carolyn L. Vash, of California, to be a member of the National Council on the Handicapped for a term expiring September 17, 1989, vice H. Latham Breunig, term expired.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

George H. Nash, of Iowa, to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1991, vice Byron Leeds, term expired.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

David N. Baker, of Indiana, to be a member of the National Council on the Arts for a term expiring September 3, 1992, vice Toni Morrison, term expired.

Nina Brock, of Tennessee, to be a member of the National Council on the Arts for a term expiring September 3, 1992, vice Lida Rogers, term expired.

Robert Garfias, of California, to be a member of the National Council on the Arts for a term expiring September 3, 1992, vice Arthur I. Jacobs, term expired.

Robert M. Johnson, of Florida, to be a member of the National Council on the Arts for a term expiring September 3, 1992, vice Margo Albert, deceased.

Ardis Krainik, of Illinois, to be a member of the National Council on the Arts for a term expiring September 3, 1992, vice Ieoh Ming Pei, term expired.

Harvey Lichtenstein, of New York, to be a member of the National Council on the Arts for a term expiring September 3, 1992, vice Robert Joffrey, term expired.

Arthur Mitchell, of New York, to be a member of the National Council on the Arts for a term expiring September 3, 1992, vice Kurt Herbert Adler, term expired.

Rosemary G. McMillan, of Nevada, to be a member of the National Museum Services for a term expiring December 6, 1990, vice Fucheng Richard Hsu, term expired.

NATIONAL RAILROAD PASSENGER CORPORATION

Charles Luna, of Texas, to be a member of the Board of Directors of the National Railroad Passenger Corporation for a term expiring April 27, 1990. (Reappointment.)

Darrell M. Trent, of Kansas, to be a member of the Board of Directors of the National Railroad Passenger Corporation for a term expiring April 27, 1990, vice Ross E. Rowland, term expired.

NATIONAL SCIENCE FOUNDATION

Frank H.T. Rhodes, of New York, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1992, vice Donald B. Rice, term expired.

SECURITIES INVESTOR PROTECTION CORPORATION

Thomas J. Healey, of New Jersey, to be a member of the Board of Directors of the Securities Investor Protection Corporation for a term expiring December 31, 1988, vice Stephen L. Hammerman, term expired.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Priscilla L. Buckley, of Connecticut, to be a member of the U.S. Advisory Commission on Public Diplomacy for a term expiring July 1, 1989. (Reappointment.)

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Martin Anderson, of California, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency, vice Shirley N. Pettis, resigned.

James T. Hackett, of Virginia, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency, vice George M. Seignious II, resigned.

Richard Salisbury Williamson, of Illinois, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency, vice Douglas A. Fraser.

DEPARTMENT OF AGRICULTURE

Milton J. Hertz, of North Dakota, to be a member of the Board of Directors of the Commodity Credit Corporation, vice Everett George Rank, Jr., resigned.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND DEVELOPMENT

Wallie Cooper Simpson, of New York, to be a member of the National Advisory Council on Educational Research and Development for a term expiring September 30, 1988. (Reappointment.)

BOARD FOR INTERNATIONAL BROADCASTING

Joseph Lane Kirkland, of the District of Columbia, to be a member of the Board for International Broadcasting for a term expiring April 28, 1987. (Reappointment.)

Michael Novak, of the District of Columbia, to be a member of the Board for International Broadcasting for a term expiring April 28, 1988. (Reappointment.)

Ben J. Wattenberg, of the District of Columbia, to be a member of the Board for International Broadcasting for a term expiring April 28, 1989. (Reappointment.)

COMMUNICATIONS SATELLITE CORPORATION

E. Pendleton James, of Connecticut, to be a member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1989. (Reappointment.)

CORPORATION FOR PUBLIC BROADCASTING

Sheila Tate, of Virginia, to be a member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 26, 1991, vice Lillie E. Herndon, term expired.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

James H. Duff, of Pennsylvania, to be a member of the National Museum Services Board for a term expiring December 6, 1991. (Reappointment.)

NATIONAL SCIENCE FOUNDATION

Howard H. Schneiderman, of Missouri, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1992, vice Mary Jane Osborn, term expired.

SECURITIES INVESTOR PROTECTION CORPORATION

James G. Stearns, of Nevada, to be a member of the Board of Directors of the Securities Investor Protection Corporation for a term expiring December 31, 1988. (Reappointment.)

U.S. POSTAL SERVICE

Norma Pace, of Connecticut, to be a Governor of the U.S. Postal Service for the term expiring December 8, 1994, vice George Watson Camp, term expired.

EXTENSIONS OF REMARKS

INDEPENDENCE IN UKRAINE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. MICHEL. Mr. Speaker, I am glad to join with our colleagues today in commemorating the 69th anniversary of the proclamation of independence in Ukraine.

This independent republic survived only a brief time—from January 22, 1918, to 1921, when Lenin's Communists crushed it. But during that time, the world learned something about the fierce desire for freedom of the people of Ukraine—a desire which has grown since the Communist takeover.

In recent years, scholarship has brought to the attention of the world the policy of starvation used against Ukrainians by Stalin prior to World War II. By most estimates, using official Soviet demographic figures as a basis, probably 7 million Ukrainians were starved to death by Stalin in the only recorded manmade famine in world history. The world stood by in silence while these innocent people died. Even today, many people do not know the facts of this unimaginable horror.

Today, the rulers of the Soviet Union continue their vicious war against the people of Ukraine. Religious persecution, persecution of those who seek nothing but adherence by the Soviets to the Helsinki accords—this is the order of the day in Ukraine.

In the 1930's the world turned its back on the worst atrocity ever committed up until that time. We should not remain silent about what Ukraine is enduring today.

STRUGGLE FOR UKRAINE INDEPENDENCE

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. MORRISON of Connecticut. Mr. Speaker, 69 years ago, on January 22, 1918, the Ukrainian people, through the Ukrainian Central Rada, proclaimed Ukraine as a full-fledged sovereign and independent state. I urge my colleagues to join me today in commemorating with Ukrainians worldwide this great event in the long struggle of the Ukrainian people for freedom.

Tragically, Ukrainian independence was short-lived. The new state was attacked late in 1918 by the Polish army from the west and the Red and White Russian armies from the east. Although Ukrainians of all ages rallied to its defense and struggled heroically for 3 years, the Ukrainian National Republic succumbed to the numerically superior military forces of Communist Russia.

To the Ukrainian people, the Soviet conquest brought political, cultural and religious repression, economic exploitation and all-encompassing Russification, and the brutal government-sponsored famine in which some 7 million Ukrainians were starved to death.

In World War II, the Ukrainian people supported resistance movements which fought first against the Nazis and then against the Soviets after the Soviet Union reoccupied Ukraine. Hundreds of thousands of Ukrainians were deported, exiled or killed in consequence.

Today, the struggle for Ukrainian rights continues. Scores of intellectual and cultural activists bravely criticize the Soviet regime despite the great personal risks they take in doing so. Almost half of all political prisoners in the U.S.S.R. are Ukrainians.

As we commemorate Ukrainian Independence Day, we remember the cost the Ukrainian people have paid in their struggle for freedom. The celebrations honoring Ukrainian independence that are taking place in Ukrainian communities around the world this week are not only a salute to those who have kept the dream of an independent Ukraine alive, but also celebrate the ideal of freedom, the right of all people to self-determination.

IN HONOR OF GEORGE SANDY'S 80TH BIRTHDAY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. STARK. Mr. Speaker, on February 8, 1987, the largest California coalition of senior organizations, the Congress of California Seniors, will honor its president, George Sandy of Oakland, CA on his 80th birthday.

Mr. Sandy has been a powerful force in senior affairs. He is a cofounder and former president of the Seniors Non-Partisan Legislative Club. He was a member of the founding committee which created the Congress of California Seniors. Mr. Sandy was president of region III and was a member of the California Senior Legislature. Currently, he serves on the Board of the National Council of Senior Citizens.

The major purpose of the Congress of California Seniors is to improve the quality of life for senior citizens in the State. As president, Mr. Sandy provides leadership for an affiliated membership of over 400 clubs, including church groups, senior centers, retired trade union clubs, Gray Panthers, and others.

George Sandy is an outstanding leader who works tirelessly for the health and welfare of our Nation's seniors. I join with his colleagues in paying tribute to him for his dedicated efforts and wish him well in future endeavors.

A TRIBUTE TO THE CREW OF THE "CHALLENGER"

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. TRAFICANT. Mr. Speaker, at this time I would like to submit into the RECORD a moving poem written by a fine young man, Derrick Philips. Derrick was raised in Greenford, OH, and his parents now live in Salem, OH, which is in my district. Having known Derrick for quite some time now, I am proud of him and honored to share his poem with my colleagues. Derrick's mom is a fine woman known for her creative art work. It's obvious that her creative talents have been passed on to Derrick. I hope all of my colleagues take the time to read this poem, which was written as a tribute to the courageous crew of the space shuttle *Challenger.*

MISSION ACCOMPLISHED

Born of fire, thirsting for knowledge,
Curiousity of life and beyond,
Challenging it to venture forth.
Its destiny: Instinctive.
Striving for progression,
Voyager of the heavens,
Dominating the lessers . . .
Alas, the fiery phoenix is doused in the
Abyss of the blue unknown.
Its mission halts only to pass through
Mortal boundaries, altering its
Final destination to a place where all
Answers are known and all hunger for
Knowledge is infinitely satisfied.

—*Derrick Philips.*

SIXTY-NINTH ANNIVERSARY OF 3-YEAR PERIOD OF INDEPENDENCE OF UKRAINE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. WELDON. Mr. Speaker, today we note the 69th anniversary of the short-lived 3-year period of independence in the former nation of Ukraine. Over 2 million Ukrainians in the United States observe this anniversary with strong feelings of sadness and frustration.

On January 22, 1918, the Ukraine issued its Proclamation of Independence. A year later, in Kiev, a formal Act of Union was proclaimed between the Western Ukrainian Republic and the Ukrainian National Republic of Russia. From the date of independence, while the Ukraine served as a battleground among the Bolsheviks, the White Russians, and the expansionists Poles, the Ukrainian people did enjoy for a short while the freedoms of a Western democracy.

An elected Parliament, called the Rada, governed the nation from the capital in Kiev.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The nation established close diplomatic ties to England, France, and other countries as well. The people of the Ukraine pursued their own destinies: economic, cultural, and religious.

However, in 1921, the fate of the young nation was resolved. The life of this sovereign nation was terminated as the Bolshevik army swept the Ukraine. The Ukraine was devastated and placed under the Bolshevik-installed Ukrainian Soviet Socialist Republic, the first phase of the complete sovietization of the Ukraine.

Later under Stalin, the Communists' final drive for centralization and central industrialization eliminated even the scant autonomy enjoyed during the early and midtwenties. The Ukrainian elite and local leadership were purged and the region was traumatized by the brutality of Stalin's reign. For many Ukrainians in the Delaware Valley and in the United States, the reality of Soviet rule in the Ukraine is impossible to discuss without evoking harsh and bitter memories, memories the Ukrainians have shared, but some here in the West choose to ignore or dismiss.

So, today, Mr. Speaker, Ukrainians in the United States remember a very brief Ukrainian independence, and dream of what may have been. They know that their homeland is dominated by a Soviet state which has denied and replaced the self-evident truth about the proper relationship between a people and its government. They know that because of Soviet military power today, and the moral weakness of the West in the past, their vision of an independent Ukraine grows more and more illusive. Finally, Mr. Speaker, they know their strength and courage, indeed their hope, derive only from the continued existence of an unrelenting Ukrainian nationalism which undermines the current Soviet nationality policy.

Whether Ukrainian nationalism can be wholly suppressed and transformed into Soviet patriotism is the question in which Ukrainians will never allow resolution.

Mr. Speaker, this is really what we commemorate today, and it is in this spirit that I join with the Ukrainian people of the Delaware Valley in offering our prayers and moral support to the captive people of the Ukraine in their solitary struggle for human rights, freedom, and an independent Ukraine.

Thank you, Mr. Speaker.

UKRAINIAN INDEPENDENCE DAY

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. HERTEL. Mr. Speaker, today we commemorate the 69th anniversary of the independence of the Ukraine. The Ukrainian nation realized its freedom for only 3 short years and today remains under the domination of the Soviet Union. Yet the Ukrainian people have persevered in their efforts to preserve their culture and maintain their national identity. As we commemorate this brief, shining moment in the history of the Ukrainian people, a moment when the highest aspiration of mankind—freedom—was realized, let us remember those who today remain under the control of a cruel and unfeeling government.

We have seen the Soviet Union demonstrate its callous disregard for the people of the Ukraine. When the Soviet nuclear reactor at Chernobyl released poisonous radiation over the Ukraine this past year, little was done for the people of the region to mitigate the effects of the accident. Soviet officials, rather than protecting the population in danger, endeavored to protect the government's image. At first denying to the world that anything was wrong, later reports hid the extent of the tragedy, minimized the effects of the radiation, and thus discouraged the population from taking any precautions to protect themselves from danger. By so doing, Soviet officials unwittingly demonstrated once again their true regard for the people of the Ukraine—another incident in the long list of cruelties the Soviet Government has engaged in to suppress the spirit of the Ukrainian people.

The Soviet Government has sought to destroy the national consciousness of the Ukrainian people for many years. Through the Stalin era, enforced export of grains from the Ukraine resulted in the starvation of millions of people in an area of the world renowned for agricultural productivity. Dissident Ukrainians have been jailed, deported and executed for no more serious crime than being ethnic Ukrainian. The Soviet Union requires instruction in Russian at the universities serving the Ukraine, ignoring the language of the people that attend the schools. Ukrainian intellectuals, writers, professors, and students are subject to arrest and prosecution for being "anti-Soviet" should their work not follow the required Communist doctrine. The persecution of the Ukrainian people continues to this day.

Those of us who enjoy the fruits of freedom have an obligation to recognize that others in the world are not so fortunate. While the Ukrainian people enjoyed freedom in their homeland for only 3 short years, the Ukrainian community in the United States and elsewhere have labored to maintain the rich cultural heritage of their forefathers. No people should have their cultural, religious, and political rights denied to them. As this anniversary of Ukrainian independence is remembered, we ought to reflect for a moment on the struggle the Ukrainian people have waged for their freedom, and the fight they wage daily to preserve their culture. As we commend the Ukrainian people for their continuing struggle against captivity and repression, let us also reflect on the freedom we enjoy.

UKRAINIAN INDEPENDENCE DAY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. VISCLOSKY. Mr. Speaker, today marks the 69th anniversary of the establishment of the independent Ukrainian state. With the fall of the Russian and Austro-Hungarian empires, both of which controlled Ukrainian territory at the time, the Ukrainians took a decisive step toward obtaining national freedom when they declared their independence from foreign powers on January 22, 1918. However, this independence was short lived and ceased with the military takeover of the Ukraine by the Bolshevik government under Lenin.

Americans should have a special empathy for the plight of the Ukrainians. Our history has also been marked by a struggle to achieve independence and freedom. Because of this special bond, we are struck today with a deep sense of concern as our hearts and minds turn to our Ukrainian brothers and sisters in their efforts to achieve respect for basic, fundamental human rights.

We can find inspiration and leadership in those who, at great peril to themselves, have fought for what we all too often take for granted in our great country. Mykola and Raisa Rudenko, Lev Lukyanenko, Petro Vins, and Valentin Moroz have courageously and openly protested cultural oppression, religious persecution, and economic exploitation. Their efforts, as well as others, have the admiration and support not only of the countless dedicated Ukrainian Americans, but all Americans.

As we honor and remember those across the sea in the Ukraine, we are also aware of the hundreds of thousands of Americans of Ukrainian descent who have made valuable contributions to our country. I am fortunate to have in my district a substantial and active Ukrainian-American community. Ukrainians in America have distinguished themselves in all aspects of our society.

Today we look back in time to recall an historic event and look forward to the time when the Ukrainian people will not suffer under a government which continues to deny basic human rights.

ROE VERSUS WADE 14 YEARS LATER: THE VIOLENCE CONTINUES

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. WEISS. Mr. Speaker, today, the 14th anniversary of the Supreme Court's historic decision in Roe versus Wade, I come before this House to reiterate my unwavering support for the right of women to choose abortion and to condemn the increasingly violent acts directed against abortion clinics, employees, doctors, and patients.

Since the landmark 1973 decision, a well-financed, well-orchestrated campaign has been waged to criminalize abortion and force women back to the butchers—but to no avail. Just last year, the Supreme Court upheld Roe and ballot referendums restricting abortion rights were defeated across the country.

I believe that it is the frustration brought on by the constant demonstration of a lack of public support that has led to the violence we have seen in the past few years. In addition, I believe that President Reagan's continued antiabortion rhetoric has served to aggravate this confrontational situation.

Between 1977 and 1985, 82 incidences of bomb and arson attacks were reported against reproductive health care facilities. Fifty-three of those attacks were committed in 1984 and 1985. In 1986 that number fell to nine.

In spite of the national decrease in bombings last year, New York has been the scene of escalating violence and harassment.

On October 29, 1986, a bomb exploded in the Eastern Women's Center in Manhattan, damaging the reception area and injuring two pedestrians outside the clinic. On November 11, three sticks of dynamite were discovered in the waiting room of the Queens Women's Medical Office. And on December 14, a gunman forced his way into a New York City Planned Parenthood Office and planted 15 sticks of dynamite—one of the most powerful bombs ever planted in any abortion clinic. Were it not for a defect in the blasting caps, there is no doubt that lives would have been lost and extensive physical damage would have occurred.

The Bureau of Alcohol, Tobacco and Firearms [BATF] has been diligent in investigating these attacks. Of the 48 incidents investigated by BATF since 1982, 27 have been solved, with 18 arrests, and 14 convictions. In addition, the BATF has worked with groups and clinics across the country to advise them of security measures they might pursue in the face of continued threats and violence. I commend the BATF for these highly appropriate actions.

But it is not enough to prepare clinics for attack and then react after the fact. Action must be taken to look beyond the specific criminal acts to determine whether there is a widespread and organized conspiracy to close down abortion facilities. This sort of investigation is not within the jurisdiction of the BATF, but rather, must be carried out by the Federal Bureau of Investigation [FBI], under the direction of the Department of Justice.

Thus far, Attorney General Edwin Meese has been unwilling to call in the FBI. In addition, the Justice Department has refused to recognize that this violence and intimidation is a clear violation of the civil rights of women seeking to obtain legal medical attention.

It is ironic that abortion, now one of the safest surgical procedures practiced, continues to be surrounded by unnecessary violence. No one can forget that before 1973 it is estimated that between 200,000 and 1.2 million women a year were subjected to life and health endangering abortions. Hundreds of women died annually as a result of botched abortions, and thousands of women suffered permanent disability as a consequence of the procedures used by them in their homes and in the underground network of back alley abortionists. I saw the results of this butchery as a young prosecutor in New York charged with investigating and prosecuting these illegal abortionists.

And now, 14 years to the day since the highest court in the land confirmed the constitutional right to abortion, the protection of women's lives can still not be guaranteed. While bystanders have been injured and significant property damage has been suffered, I am concerned that it will take a greater tragedy before the Reagan administration takes this issue seriously.

The House Judiciary Subcommittee on Civil and Constitutional Rights, chaired by Representative DON EDWARDS, has held a series of hearings on abortion clinic violence and has made specific recommendations to the Department of Justice. And last fall, the New York City Council's Committee on Women, chaired by Councilwoman Miriam Friedlander, held a hearing on the issue. On November 20, 1986, the New York City Council unanimously adopted a resolution introduced by Councilwoman Carol Greitzer calling on the FBI to enter an investigation of the violence at abortion clinics in New York City and throughout the country. I congratulate the council for this action.

Abortion is legal. A broad majority of Americans support this constitutional right. We, in Congress, hold the responsibility to support the will and protect the rights of the people. We must continue to fight to guarantee safe and accessible abortion services to all women. And we must restore full abortion services to those who suffer unfairly under legislative restrictions.

A woman's right to choose a safe abortion is as sacred a right as any right American citizens enjoy. Today, I call on Attorney General Meese to order an investigation by the FBI into the rampant and increasingly violent attacks against reproductive health clinics. We cannot wait.

ANATOLY MARCHENKO, A MAN OF COURAGE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. HOYER. Mr. Speaker, in a recent interview Dr. Sakharov expressed his love for Anatoly Marchenko. He went on to note the unusual strength of character, rare integrity and intelligence that was Marchenko. Mr. Speaker, the world recently lost a man of great courage, Anatoly Marchenko. Tragically, tommorrow would have been Marchenko's 49th birthday. On December 8, 1986—2 days before International Human Rights Day—the dissident Russian writer, Anatoly Marchenko, 48, died in Chistopol prison. It was Marchenko's trials and tribulations—he spent over 20 years in the camps—plus his great talent that made Marchenko a famous writer.

Marchenko was born in 1938, the son of a Siberian railroad worker. Since his first conviction in 1960 on political charges—for trying to escape across the Iranian border—Marchenko has spent more time imprisoned than free. He wrote My Testimony (1967), the first expose of the post-Stalinist camps. In 1976, Marchenko helped found the Moscow Helsinki Group. Four years later, Marchenko published his second book, From Tarusa to Chuna, about his 4-year term of internal exile.

Arrested again in March 1981, after he signed a statement in support of the Interfactory Strike Committee in Poland, Marchenko was charged with "anti-Soviet agitation and propaganda." In September, he was tried and sentenced to 10 years camp plus 5 years exile on these charges.

Marchenko was severely beaten by camp guards in December 1983—his head was pounded on a cement floor. After this, he suffered from dizziness and auditory hallucinations; then he was transferred to the notorious Chistopol prison.

For 2½ years, he was denied a visit with his wife, Larisa Bogoraz. In his last statement in August 1986, Marchenko called his treatment in prison "an assembly line to annihilation."

In protest, Marchenko announced he would go on a hunger-strike on August 4, 1986 to last as long as the Vienna CSCE Follow-up Meeting. He demanded "prohibition of the abuse of prisoners, including beatings, cold punishment cells, feeding every other day, deprivation of visits; public legal inquiry and punishment of those who physically assaulted (him) in December 1983; immediate resumption of visits from (his) family; (and) that the Soviet Government declare an amnesty for political prisoners."

The real circumstances of Marchenko's death will probably never be known. Soviet officials have said that he died from a stroke after a long illness. Others maintain that Marchenko's death was due to maltreatment. Marchenko's widow has recently stated that she feels the prison wardens in effect murdered him. Mr. Speaker, an international medical commission should be convened to examine conditions in Soviet camps, prisons, and psychiatric hospitals—to try to avert such tragic deaths in the future.

Despite the laudable steps which the Soviet Government has already undertaken in the glasnost campaign, more needs to be done. Andrei Sakharov, one of the chief beneficiaries of glasnost, has said it cannot be complete until all Soviet prisoners of conscience are released.

In light of the tragic history of Marchenko—and all too many others—I urge the Soviet leaders to heed Sakharov's—and Marchenko's—advice. An amnesty for all Soviet political prisoners would possibly do more than any other single step to increase trust and promote understanding between America and the Soviet Union.

TRIBUTE TO JOSEPH SABBA AND THE WOODSIDE HERALD

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. MANTON. Mr. Speaker, I know my colleagues agree with me on the importance of the role played by our Nation's local weekly newspapers. In a time when much of the print and broadcast media deal primarily with metropolitan, regional, statewide, national, and world news, there is frequently nowhere else to turn for news of the community or neighborhood but the local weekly newspaper.

The Woodside Herald is the weekly newspaper that serves the Sunnyside/Woodside area in the Ninth District in New York City. The Herald is currently celebrating the 50th anniversary of its founding. The paper's editor and publisher, Joseph Sabba, has been churning out the news to the Sunnyside/Woodside community for over 40 of those 50 years.

Joe Sabba serves an important role as the editor of the community's newspaper. However, he wears many hats. In addition to his newspaper activities, he is the backbone of the Sunnyside Kiwanis, Chamber of Commerce, Drum Corps, and other organizations. Each year, he helps organize the Christmas tree lighting and the Flag Day parade. Joe was one of the foresighted business leaders in the community who rallied the local merchants and businesses to participate in the extraordinary display of Christmas lights and decorations on the Queensborough Bridge that welcome drivers to Queens during the holiday season. He helps cook and serve a big annual spaghetti dinner for local senior citizens. And this is just a sampling of the work that Joe does for the community.

In addition to bringing local news to the community, Joe continually takes on the city government through his editorials regarding city services or the lack of them in western Queens. And he does beat city hall—not every time but he is always willing to give every problem his undivided attention and energy.

Joe Sabba and the Woodside Herald have played a significant role in the development of the Sunnyside/Woodside community. The newspaper and its feisty editor have helped to maintain the stability of this community while it has undergone many changes. As a result, during the past five decades, the community has reason to be grateful to Joe Sabba and the Woodside Herald for their services to the area.

Mr. Speaker, it gives me great pleasure to congratulate Joseph Sabba and the Woodside Herald on this important anniversary. I know my colleagues join me in sending him our congratulations.

UNACCEPTABLE CUT FOR FEDERAL EDUCATION FUNDING

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mrs. LLOYD. Mr. Speaker, the Reagan administration's proposed budget for fiscal year 1988, which includes a $5.5 billion cut for Federal education funding, is unacceptable and must be soundly rejected.

The proposed Education Department budget represents a 28-percent cut from the fiscal 1987 appropriation of $19.5 billion. Outlays under the plan would drop from $17 billion to $14.7 billion. The budget would eliminate Federal funds for vocational education, cut a year-old program for handicapped preschoolers, drop funding for public libraries and make deep reductions in Federal aid to college students.

I have always been a strong proponent of a quality, public education system and have made education a priority for my work in the 100th Congress. I believe that, clearly, this budget would be a disaster for educational opportunity in this country. Its $2.5 billion cut in student aid, a 46-percent reduction, would be a crippling blow to financial assistance programs. Pell grants would be cut dramatically from $4.2 billion this fiscal year to $2.7 billion and the administration would slash budget authority for guaranteed student loans to $1.2 billion in fiscal 1988, a reduction of $1.8 billion from the $3 billion authorized in fiscal 1987. The proposal to eliminate the $880 million Vocational Education Program would be devastating to many deserving, hard-working students and the plan to eliminate a $132.5 million program of aid to public libraries would result in critical shortages of vital information services.

America must make itself competitive again—particularly in this time of crippling trade and budget deficits. Our education system is the key to technological advancement for the United States and must be strengthened and enhanced throughout every level. The education of our children is an investment in the future well being of our Nation and we must act now to ensure that the necessary tools are acquired to enable us to compete aggressively and effectively on the world market. I urge my colleagues to reject the administration's proposed budget and give education the high priority it so richly deserves.

BOY SCOUT TROOP 2 OF CENTRAL FALLS, RI, CELEBRATES 50TH ANNIVERSARY

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. ST GERMAIN. Mr. Speaker, I would like to inform my colleagues that Troop 2 of the Narragansett Council Boy Scouts of America will be celebrating its 50th anniversary on February 18, 1987. This organization has devotedly served the youth of the city of Central Falls, RI, for the past 50 years, giving them the opportunity to experience fellowship in the outdoors. Troop 2 is also proud to have 25 of its members attain the rank of Eagle Scout, the highest rank in scouting.

The troop was founded in 1937 by the members of St. Mathieu's parish for the expressed purpose of providing outdoor experiences for Catholic boys. St. Mathieu's parish continues to sponsor this group today. The auspicious occasion of the 50th anniversary was originally made possible by the two men who organized the troop and founded Camp Ker-Anna in Cumberland, RI, as a place for the Boy Scouts to camp. These two men were the Reverend Father Renaldo Gadoury, the parish priest, and Mr. Ernest St. Louis, the troop's first scoutmaster.

The following men also deserve recognition for their dedicated service as volunteer scoutmaster for Troop 2 over the past 50 years; Mr. Rosaire Marcotte, Mr. Laurent Lussier, Mr. Walter Laurie, Mr. Robert Corriveau, Mr. George Marcotte, Mr. Russell Bourski, Mr. Donald Benoit, and the present scoutmaster Mr. Patrick Carr. It is my hope that with the continued support of men like those mentioned, Troop 2 will continue to flourish and serve the youth of Central Falls for another 50 years.

UKRAINIAN INDEPENDENCE DAY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. YATRON. Mr. Speaker, January 22, 1987, marks the 69th anniversary of the independence for the Ukraine. I am most pleased to join with my House colleagues and with the people of Ukrainian origin in commemorating this special and momentous occasion.

Unfortunately, as we know all too well, the freedom of the Ukrainian nation lasted only 3 years before the Bolshevik armies invaded the newly independent state and reestablished Russian control. Since that time the Ukrainian people have endured unspeakable forms of repression, persecution, and human rights abuses at the hands of the Soviet oppressors. The Chernobyl tragedy served to compound the desperate situation of many Ukrainians.

However, this brave and valiant people have refused to succumb to such acts of inhumanity and have maintained their vibrant culture and unquenchable thirst for freedom. It is most fitting that we pay tribute to their courage, which should serve as an inspiration to all of us. This occasion should also serve to remind us how precious the freedoms we enjoy as Americans truly are, and the degree to which they are cherished by many of the world's oppressed.

As chairman of the House Subcommittee on Human Rights and International Organizations, I have actively worked to reduce the suffering of the Ukrainian people. The subcommittee has conducted extensive hearings on the countless human rights abuses committed by the Soviet Union, and I have initiated legislation on this subject. In fact, last year, I, along with my good friend and colleague, Congressman BILL BROOMFIELD, sponsored legislation to honor the 10th anniversary of the Ukrainian Helsinki monitors and to recognize their important contribution to the cause of human rights and the Helsinki process. I am proud that this measure was enacted.

I am also proud to have played an active role several years ago in the passage of legislation to establish a congressional commission to study the causes and effects of the great famine in the Ukraine. The famine-holocaust was one of the most tragic events in recent history and it is an example of the cruelty of the Soviet system and what the Ukrainian people had to endure. During this man-made famine, 7 to 10 million Ukrainian people starved to death as a result of Stalin's brutal collectivization program, and efforts to eradicate Ukrainian cultural identity.

The Soviet Government continues to wage its campaign of oppression and terror against the Ukrainian people, and it is most fitting that we use this opportunity to remind ourselves and the world of this fact in the hopes of effecting greater freedom in that vast land.

FIVE BILLS TO HELP FARMERS

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. GUNDERSON. Mr. Speaker, today, I am introducing a package of five bills covering a number of agricultural areas which need our attention. Included are three bills dealing with dairy policy, a bill to ensure that agricultural interests are properly represented at the upcoming General Agreement on Tariffs and Trade [GATT] talks and a bill which would establish a blue ribbon commission to study ways to improve the quality of life in rural America.

The dairy termination program which was included in the Farm Security Act of 1985 has been highly successful in reducing the dairy surplus. The slaughter of nearly 1 million head of dairy animals already has significantly decreased total milk production, reduced Government purchases of cheese, butter, and nonfat dry milk and increased milk prices.

The Minnesota-Wisconsin price series, which is the base price in determining what dairy producers around the country receive for their milk, increased a total of 93 cents and reached a high of $11.91 in November 1986. In general, dairy economists from around the country are predicting higher prices for farmers in 1987 than they received in 1986.

So, why am I introducing legislation that will change our current dairy policy when everything seems to be going quite well?

Considerable study of the current dairy program and the future course it should take will be considered both inside and outside of Government over the next several months. The National Milk Producers Federation, which represents about 70 percent of the milk marketed in the United States, has created a study committee to consider the future of the current dairy price support purchase program and whether it should be replaced by an alternate program. In addition, the National Dairy Policy Commission, which was established through the Food Security Act of 1985, is also evaluating our current dairy policy and will be making recommendations to Congress.

DAIRY TARGET PRICE ACT

Believing it is the proper time to provide incentives to the dairy industry to better market and distribute our dairy products while still supporting the dairy producer, I am reintroducing my Dairy Target Price Act which will direct limited Federal dollars to our small- and medium-sized family farms, create additional sales of dairy products, promote orderly marketing of those products and eliminate Commodity Credit Corporation purchases.

Specifically, a target price would be established at $12.10 per hundredweight of 3.67 percent butterfat milk. A dairy producer will receive a direct deficiency payment equal to the amount by which the target price exceeds the greater of the M-W series price for a particular month and the recourse loan rate of $10.10 per hundredweight which would be available to plants and processors.

Payments would be made directly to producers on a quarterly basis and would be limited to $20,000 per producer.

Due to the fact that the Dairy Target Price Act would replace the current purchase program, a recourse loan program is created for plants and processors to provide for the orderly marketing of dairy products.

If a plant or processor cannot sell a product due to poor market conditions, a loan from the Federal Government in amount of $10.10 per hundredweight of 3.67-percent butterfat milk equivalent to facilitate in the storage of dairy products until market conditions improve. The loans would be made on a recourse basis and bear interest at the rate of 12 percent per annum. Loans would have to be repaid within 9 months—products could not be forfeited to the CCC.

FREEZING THE PRICE SUPPORT LEVEL

The dairy price support level was reduced to $11.35 per hundredweight from $11.60 per hundredweight on Jaunary 1, 1987. Another 25-cent reduction is scheduled for October 1, 1987. Since the dairy termination program has brought supply and demand into better balance, the authority for the Secretary of Agriculture to reduce the price support level is no longer necessary. Being able to assure farmers of a stable minimum price over the next 4 years and knowing the possibility that major dairy legislation will not be considered by Congress, prompted me to introduce this bill. In the short term, this legislation may be the one vehicle in which we can gain consensus in the dairy industry.

Specifically, the bill eliminates the authority for the Secretary of Agriculture to impose a 25-cent cut in the support price this October and the additional 50-cent cuts slated for January 1, 1988, January 1, 1989, and January 1, 1990 if dairy products exceed 5 billion pounds on those dates. The bill gives dairy producers an incentive to cut back by keeping the authority to raise the support price by 50 cents annually if CCC purchases are projected to be below 2.5 billion pounds annually.

CONSOLIDATION OF MARKET ORDERS

The present system of marketing fluid milk, with the 44 separate Federal milk marketing orders, has restricted the marketing of fresh fluid milk to areas which experience shortages of milk at certain times of the year from those areas which can supply fluid milk needs year around.

The bill would remove the artificial barriers to the transportation of milk which are now in place and thus provide greater market flexibility. By regionalizing the transportation of milk we would permit more equitable sharing of proceeds from the sale of fluid milk and reduce the consumer cost of fluid milk through smaller transportation differentials.

Specifically, the bill would consolidate the 44 Federal milk market orders into a single national order with between three and six basing points. A basing point is the place from which transportation differentials—the cost of moving fluid milk—are calculated.

AGRICULTURAL ADVISERS FOR THE GATT

For the first time ever, agricultural trade will be a focal point in the GATT talks. The Food Security Act of 1985 has brought the major agricultural trading countries to the GATT table because of their concern over the grain and export provisions in it. Perhaps, at no other time in history has the United States had so much to gain and so much to lose with regard to agriculture trade.

The upcoming GATT talks are providing us with a forum in which we can strengthen our export share and regain lost markets. Due to the vital importance of agricultural trade to our economy it is imperative that our negotiators receive the proper advice on agriculture issues from Members of Congress who are experienced and knowledgeable in the area of agriculture.

My bill would allow the Speaker of the House to select members of the House Agriculture Committee and the President pro tempore of the other body to select members from their Agriculture Committee to advise our negotiators at the GATT talks in Geneva, Switzerland. These advisers would be in addition to the advisers appointed from the House Ways and Means Committee and the other body's Finance Committee.

NATIONAL COMMISSION ON THE FUTURE OF RURAL AMERICA

The problems in rural America are not uniquely farm problems. The entire socioeconomic fiber and the traditional institutional base of rural America are threatened. Our transition in agriculture is forcing a transition in rural communities. It is time we call upon our best experts in America to guide us in the necessary steps to maintain or upgrade the quality of life and delivery of services to this changing rural landscape.

Farmers and members of their communities have made progress in developing solutions to the problems they face. The bill would establish a blue ribbon Presidential commission which would make recommendations to promote and develop the agricultural and nonagricultural economic base in rural America. The commission would study ways to improve the integrity and delivery of quality health care, education, housing, and transportation service to our rural areas.

The President would appoint a bipartisan group of 28 commissioners, who would be private citizens or representatives of State and local government.

Certainly, we have seen positive results and made significant strides in reducing our dairy surplus. The dairy related bills I am introducing today are viable and passable alternatives to our current dairy policy and give us a positive, long-term approach to dairy policy.

Likewise, the bills to appoint agriculture adviser to the GATT talks and the establishment of a commission to study ways to improve the agricultural and nonagricultural base in rural America will give farmers a voice in the trade talks and the opportunity to come to Congress with a unified position on what needs to be done to ensure the future economic vitality and quality of life of our rural community.

OBSERVING UKRAINIAN NATIONAL INDEPENDENCE DAY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise to commemorate the 69th anniversary of the Ukrainian National Independence Day, January 22, 1918. I am honored to take this opportunity to pay tribute to the resolute spirit of the Ukrainian people and their struggle to perpetuate the flame of freedom and independence, and to resist all efforts to see this flame extinguished under the boot of Soviet cultural and religious hegemony.

A moment in history now seemingly far removed, yet forever vital in the hearts and memories of free-minded men and women everywhere, Ukrainian National Independence Day reminds one of the three brief but shining years that the Independent Ukraine Republic flourished in the garden of democracy. It also serves as a poignant reminder of the repeated Soviet attempts to harass, sabotage, and persecute free-spirited Ukraines who struggle daily to preserve their own unique cultural identity, and to be allowed to demonstrate fidelity to their religious traditions and obligations.

Indeed, free-minded men and women everywhere bear witness today to the unabated Soviet imposition of indiscriminate persecution of Ukrainian Catholic and Orthodox believers as well as Baptists, Pentecostals, Jews, and others who peacefully seek to gain a sense of spiritual fortification and religious union. Those Ukrainians who, compelled by a sense of individual, moral outrage choose to speak out against this calculated persecution are punished for their brave impetuousness with harsh prison sentences, isolation, and familial separation.

So, while joining all Ukrainians in celebrating the anniversary of their independence, and sharing in their deserved sense of pride and determination, it seems apposite to remain ever vigilant and mindful of the daily hardships and burdens which Ukrainians must bear in order to perpetuate their unique and precious cultural and ethnic heritage.

In recognition of this fact, I will no doubt be articulating the sentiment of my colleagues, in addition to my own, in declaring our solidarity with the Ukraine nation in its struggle for individual liberty, respect for the sanctity of religion, and the allowance of fundamental human rights.

I salute the Ukraine people in their celebration of this important day of historical remembrance, and urge all Americans to rededicate themselves to keeping the vision of an independent, democratic future alive, not only in the hearts and minds of those affected today, but in the children who represent the hope of a new tomorrow.

IN OPPOSITION TO THE PROPOSED CONGRESSIONAL PAY RAISE

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. BARTON of Texas. Mr. Speaker, last month a special commission recommended to President Reagan that the salaries of Congressmen, Federal judges, and certain high-level executive branch officials be substantially increased. The President took these recommendations, scaled them back considerably, and included the reduced salary increases in his budget proposal recently submitted to the Congress.

The suggested increase for Congressmen is $12,100. If adopted, it would raise our salary from $77,400 to $89,500.

I am opposed to this salary increase. I am opposed for several reasons. First, because of the timing of the increase, and second because of the legislative procedure employed to obtain the increase.

I, as do many Members and a majority of the country, believe that the multibillion-dollar annual Federal budget deficits we have been experiencing are our most pressing national problem. In the time I have been in Congress, I have worked and voted to reduce the size of the deficit. Much has been done, Gramm-Rudman-Hollings in particular, but much is yet to be done to balance the budget.

It is not proper to increase congressional salaries now while we still face large deficits. We need to continue to cut back, freeze, and eliminate spending in all areas. The Congress must set an example by not increasing our salaries until we have balanced the budget. Then and only then will it be proper to consider a pay raise.

The legislative procedure utilized for the proposed pay increase is incorrect, in my view. Realizing how sensitive voting on one's own salary level is, I still believe that a straightforward open debate, followed by a recorded up or down vote, is the best procedure to follow. We are not automatically elected to be Members of the House of Representatives and we should not resort to legislative maneuvers to automatically increase our salaries.

I did not run for the House of Representatives because of the salary and I do not serve in the House because of the salary. Few, if any, Members do. There is not a magic, perfect level for congressional pay, but the current level is certainly adequate. I will work to obtain a recorded vote on the proposed increase and if a vote is taken I will vote against the salary increase. I urge all Members to do likewise.

EXPORT CONTROLS CAUSE MAJOR U.S. JOB LOSSES

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. FRENZEL. Mr. Speaker, below is an editorial from the January 20 Washington Post which praises the National Academy of Science's recent study on U.S. export controls.

That study's conclusion was that United States export controls have injured United States exports more than they have stopped the flow of militarily critical items to the Soviets. The report concludes that over $9 billion of U.S. sales per year have been lost to the U.S. economy due to U.S. unilateral export controls. That is a lot of U.S. jobs.

My congressional district contains many small- and medium-sized, high-technology companies, most of which sell equipment that I would hardly designate as state-of-the-art technology. Many of them have had extreme difficulty obtaining export licenses to sell even low-technology items to the Eastern bloc nations. My most recent experience is the loss of a major sale to a small company of computer parts. These same parts had been previously approved for sale in the Eastern bloc nation. The technology was so outdated that there was no market for the product in the United States, yet the Defense Department felt it necessary to issue a notice of recommended denial for the license. While willing to open the case again after protest, DOD requested information from the company that was impossible to obtain. Even though the license was eventually approved, the sale was lost prior to that approval. A British company picked up the sale, procuring an export license in several days from its government. The purchasing country also could have brought the material from another Eastern bloc nation.

This is only one example of how U.S. companies lose sales through unnecessary export controls. Militarily critical technology was not denied to an Eastern bloc nation—the technology was already there in other Eastern bloc nations. Foreign availability, which is supposed to be a factor in the licensing procedure, was ignored.

The National Academy of Sciences study points up the need for further changes in our export control laws, and in the administration of those laws. The Department of Defense has been a one-agency trade deficit all by itself. Its whimsical position must be changed before more U.S. jobs are lost.

Controls on Which Exports?

Everybody agrees that the government has to control certain sensitive exports—military weapons and, sometimes, civilian goods with military uses. The buyers are often Russian. But for years there's been a rancorous quarrel within the Reagan administration over the breadth of these controls. The Defense Department has pressed incessantly to keep adding items to the list—often goods openly available abroad. Almost everyone else in the administration has been arguing that the controls are already too broad to be effective. But in this administration the Defense Department has usually had the upper hand.

As the complaints continued to rise, the administration eventually set up a commission to look into the controls. It was headed by Lew Allen Jr., a former chief of staff of the Air Force, and included a former secretary of defense, Melvin R. Laird, as well as a former deputy director of the CIA and a former director of defense research and engineering. Their report, which appeared this week, offers sensible and useful advice.

The Soviets make strenuous, and frequently successful, efforts to acquire Western technology by hook or by crook. But they lag behind the West in most fields and, the commission concluded, the gap may actually be widening because of Soviet dependence on Western equipment which, by the time it comes onto the commercial market, is always a little behind the work going on in the labs.

The commission urged the administration to give more weight to economic considerations—the urgent need to increase American exports, and particularly the exports of the high-technology industries that are this country's special strength. The commission found that by 1985 fully 40 percent of this country's manufactured exports, not counting military goods, were covered by export controls. The sheer volume diminishes the attention to the few truly critical items. Meanwhile, the commission says, American companies are losing sales because of licensing delays. It takes on average six weeks to get an export license from the Commerce Department; a Japanese exporter can get one from its government in two or three days.

The commission described the case of an American exporter trying to sell a nuclear magnetic resonance (NMR) spectrometer to a medical institute in Eastern Europe. The licensing procedure took nearly three years because of the device's microprocessors and disk drives—components, the commission noted, produced by the millions in several countries. "Although U.S. firms pioneered the development of NMR technology," it added, "German and Japanese companies now hold two-thirds of the world market for instruments incorporating it."

The West's technological advantage is best preserved not by secrecy, but by maintaining a high rate of innovation. The present swollen and cumbersome system of export controls is doing more damage to American security than to the Soviets.

FEIGHAN INTRODUCES 911 BILL

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. FEIGHAN. Mr. Speaker, I am introducing a 911 bill similar to the bill I introduced in the 99th Congress. My distinguished colleague in the Senate, Senator JOHN GLENN, is introducing the same bill.

This 911 bill will amend the Housing and Community Development Act of 1974 to permit the use of assistance under the Community Development Block Grant Program [CDBG] for uniform emergency telephone number systems. Under this legislation, CDBG moneys can be used for the development, establishment, and operation for not to exceed 2 years after its establishment of a uniform emergency telephone number system. There are also additional criteria as determined by the Secretary of Housing and Urban Development. Those criteria are: such system will contribute substantially to the safety of the residents of the area served by such system; not less than 51 percent of the use of the system will be by persons of low and moderate income; and other Federal funds received by the grantee are not available for the development, establishment, and operation of such system due to the insufficiency of the amount of such funds, the restrictions on the use of such funds, or the prior commitment of such funds for other purposes by the grantee.

Under the 911 bill, the percentage of the cost of the development, establishment, and operation of such emergency number system that may be paid from assistance under this legislation may not exceed the percentage of the population to be served that is made up of persons of low and moderate income.

Mr. Speaker, this 911 bill is another step to protect our citizens in an emergency. In the 99th Congress, Congress approved a joint resolution that Senator GLENN and I introduced to designate September 11, 1987, as "911 Emergency Number Day." This resolution recognizes the importance of establishing the emergency 911 system throughout the country. As a State legislator and county commissioner, I fought to establish a 911 emergency system of dialing in Ohio and now I want to amplify the profile of the system in the Nation.

Many communities still do not have a 911 system. Only 40 percent of the country's population have adopted the 911 emergency system of dialing as a means of providing immediate emergency services to local residents. The ability of all persons to summon help quickly in an emergency is essential to a community's well-being. Emergency telephone systems have saved many lives and enhanced the quality of life in communities throughout the Nation; 911 emergency telephone systems increase public confidence and provide efficient emergency services and cost savings to the public.

Mr. Speaker, I recognize that protecting life and insuring safety are important responsibilities of local governments but we also have a responsibility to let those municipalities know their representatives in Washington support them, too. This is the reason I introduced this 911 bill.

H.R. 349 CREATES SANITATION STANDARD FOR FARMWORKERS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. GAYDOS. Mr. Speaker, more than 20 years ago, Public Health Service workers noted that large-scale agriculture is a notable exception to the rule requiring the maintenance of sanitation standards at work locations. In other business and industry, we do not tolerate a complete lack of toilets, drinking water, or handwashing facilities where people are employed all day.

The tragedy of the report from the Public Health Service is that the situation remains the same today as it was more than 20 years ago and it is why on January 6, 1987, I again introduced my bill to require a national standard for field sanitation, H.R. 349, the Farmworker, Health and Safety Act of 1987.

What bothers me most about the conditions faced by most farmworkers is that little is being done to correct this long-standing problem.

OSHA, the Occupational Safety and Health Administration, first considered the development of a field sanitation standard in 1974, just 4 years after it was created. Proposed standards for field toilets, drinking water, and handwashing facilities were withdrawn in 1976 after strong protests from employers on the basis of the high costs and the lack of evidence to establish a need.

In 1983 OSHA's declaration of intent to regulate field sanitation again drew strong protests, with agricultural interests taking the positions that "The proposed regulations should not be promulgated unless those who have petitioned for such regulations are able to present objective facts that the lack of field sanitation facilities, results in health hazards to agricultural workers, or unless OSHA itself has such factual data that is reliable."

It is noteworthy to mention that similar documentation of need has not been required in other industries, and in any case reasonable documentation has long been available.

In 1956, some 30 years ago, a local sanitation director summed it up as follows:

> During * * * harvesting operations, the farm or orchard virtually becomes a food processing plant with little or no preparation or provisions being made to solve the basic problems of sanitation such as water supply, sewage disposal, personal hygiene, and general cleanliness of the environment. This situation poses three basic public health problems.
>
> First, the risk to the workers themselves of contracting a communicable disease through drinking contaminated water or being required to work or eat without washing facilities to at least cleanse their hands.
>
> Secondly, the risk that food designed for human consumption will become contaminated.
>
> Thirdly, the risk of the spread of communicable disease to the general public if the field harvesting crews become infected with, and carriers of, diseases of enteric origin.

That statement, mind you, was made more than 30 years ago and here we are no further along, except that the current Secretary of Labor has said that if enough States take action, OSHA won't.

Twenty-five years after the local sanitation director outlined the health problems, the compiler of a field sanitation manual again summarized the health problems resulting from a lack of sanitation facilities for field workers: "* * * dehydration leading to heat cramps, heat exhaustion, or heat stroke; the spread of infectious diseases such as typhoid, infectious hepatitis, and parasitic diseases; pesticide poisoning; skin rashes, and chronic health problems such as kidney damage and the effects of exposure to pesticides. * * *"

So, here we are, hardly any further along today than we were 30 or 40 years ago.

In 1984, OSHA released proposed requirements that agricultural employers provide toilets, potable water, and handwashing facilities for their workers.

At that same time, OSHA leadership still questioned the need for such requirements and in April 1985, then Assistant Secretary of Labor for OSHA, Bob Rowland, told the courts that such a standard was unnecessary.

Well, here we are 2 years later and despite a statement by Secretary of Labor William Brock during his confirmation hearing that such a standard was necessary, we are still waiting.

Secretary Brock, as I indicated earlier, is in favor of leaving the decision to the individual States. He—Brock—says that if a sufficient number of States take action to meet his guidelines, there won't be a national standard. There is only one small problem with that—Secretary Brock has never defined what he meant by a sufficient number of States.

That is why, Mr. Speaker, I have reintroduced this bill to create a field sanitation standard.

As a courtesy to Secretary Brock, I will hold off action on this bill until April 1987, the time when the Secretary is to announce his decision. However, if he fails to impose a single national field sanitation standard, I will move rapidly to bring this bill forward.

Even testimony to OSHA during the long and arduous hearing process on the proposed standard clearly noted the high degree of susceptibility to a variety of diseases that hand-harvesters suffer. Why OSHA is so opposed to this simple standard is beyond the understanding of any reasonable person.

First, it is a matter of dignity. Why should farmworkers be the only group of employees denied the same rights and privileges as workers in other industries.

Second, it is a matter of health. Ample evidence has been introduced at a host of hearings before OSHA as well as the courts to prove that drinking water and handwashing facilities are vital elements in the prevention of disease and infection.

Finally, a national standard meets every test. These workers travel from State-to-State, often unaware of State laws governing sanitation. If ever any group of American workers deserved to be covered by a single national standard because of interstate commerce activities, it is those farmworkers who follow the harvest trail.

I am attaching a copy of H.R. 349, the Farmworkers Health and Safety Act of 1987 so that it, too, can be easily read and understood.

This is an important issue. It deserves the full attention of the House.

H.R. 349

A bill to establish an occupational health and safety standard on field sanitation with respect to agricultural employees engaged in hand-labor operations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farmworkers Health and Safety Act of 1987".

SEC. 2. FIELD SANITATION STANDARDS.

(a) POTABLE DRINKING WATER AND SANITATION FACILITIES.—Any agricultural employer shall provide the following to agricultural employees engaged in hand-labor operations in the field, without cost to those employees:

(1) Potable drinking water—

(A) placed in locations readily accessible to the employees;

(B) suitably cool and in sufficient amounts to meet employees' needs, taking into account air temperature, humidity, and the nature of the work performed; and

(C) dispensed in single use drinking cups or by fountains, but not in common cups or dippers.

(2) Toilet and handwashing facilities—

(A) one toilet facility containing an adequate supply of toilet paper and one handwashing facility with an adequate supply of disposable towels shall be available for each group of 20 or fewer employees, except that such facilities are not required for employees who perform field work for a period of three hours or less (including transportation time to and from the field) during any given day;

(B) toilet facilities must be enclosed and constructed to ensure privacy and must have doors which can be closed and latched from the inside; and

(C) toilet and handwashing facilities located in close proximity to each other and within a normal five-minute, unimpeded walk, not to exceed one-quarter mile, of each employee's workplace in the field, except that where it is not feasible to so locate facilities due to terrain, the facilities shall be located at the point of closest vehicular access.

(b) MAINTENANCE.—Any agricultural employer shall provide potable drinking water, and toilet and handwashing facilities maintained in accordance with appropriate public health sanitation practices, including—

(1) drinking water containers which are covered, cleaned and filled daily;

(2) toilet facilities which are operational and maintained in a clean and sanitary condition, including the control of odors;

(3) handwashing facilities which are operational and maintained in a clean and sanitary condition; and

(4) waste disposal in a manner which does not cause unsanitary conditions.

(c) ACCESS.—At the beginning of each day, the employer shall notify each employee of the location of the facilities and shall allow each employee reasonable opportunities to use the facilities during the workday.

(d) TRAINING AND EDUCATION.—The employer shall inform each employee of his rights under this standard and of the potential health hazards in field work arising from inadequate exercise of personal hygiene activities in the field.

(e) DEFINITIONS.—For purposes of this Act—

(1) the term "agricultural employer" means any person, corporation, association, or other legal entity employing more than five persons, which—

(A) owns or operates an agricultural establishment or on whose premises or in whose interest an agricultural establishment is operated and who either recruits solicits, hires, employs, or furnishes migrant or seasonal agricultural workers; or

(B) is responsible for the management and condition of an agricultural establishment or which acts with direct or indirect involvement in the interest of an agricultural employer in relation to any employee;

(2) the term "agricultural establishment" means any business operation which uses paid employees in the production of food, fiber, or other materials such as seed, plants, or parts of plants;

(3) the term "hand-labor"—

(A) means agricultural activities or operations performed by hand or with hand tools, including the hand harvesting of vegetables, fruit, nuts, and other crops; and

(B) does not include logging operations, the care and feeding of livestock, or hand-labor operations in permanent structures, including canning facilities and packing houses;

(4) the term "handwashing facility" means any facility providing either a basin, container, or outlet with an adequate supply of potable water, soap, and single-use towels;

(5) the term "potable water" means any water which meets the standards for drinking purposes by the State or local authority having jurisdiction or water which meets the standards of quality prescribed by the United States Environmental Protection Agency's National Interim Primary Drinking Water Regulations (published in 40 C.F.R. 141); and

(6) the term "toilet facility" means any fixed or portable facility designed for the purpose of defecation and urination, including biological or chemical toilets, combustion toilets, and sanitary privies, with an adequate supply of toilet paper.

SEC. 3. ENFORCEMENT UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970.

(a) PROMULGATED HEALTH AND SAFETY STANDARD.—The standard established under section 2 of this Act shall be deemed to be an occupational safety and health standard promulgated under section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655) and enforceable under section 8, 9, 10, 11, and 13 of such Act (29 U.S.C. 657, 658, 659, 660, 662). Any violation of the standard shall be subject to the penalties under section 17 of such Act (29 U.S.C. 655).

(b) STANDARD IRREVOCABLE.—The standard established under section 2 may not be modified, revoked, or challenged under section 6 of such Act (29 U.S.C. 655).

(c) EFFECT ON STATE STANDARDS.—(1) With respect to any State which has a State Occupational Safety and Health Plan approved under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) which is more effective in providing sanitized potable drinking water, toilet facilities, and handwashing facilities for agricultural employees than the standard established under section 2 of this Act, the standard established under such section shall not preempt any such State standard or any provision thereof, if the Secretary of Labor certifies an inspection program submitted by such State.

(2) Any other State having a standard which is more effective in providing potable drinking water, toilet facilities, and handwashing facilities for agricultural workers than the standard established under section 2 of this Act, may submit such standard, including an inspection program, to the Secretary for certification. The standard established under section 2 shall not preempt any certified State standard or any provision thereof.

(d) REPORTS.—(1) Within 90 days after the effective date of this Act, the Secretary of Labor shall submit to the Congress a report on the inspection programs to be carried out either by the Department of Labor or by States with certified programs.

(2) Within two years after the effective date of this Act, the Secretary shall submit to the Congress a report listing the number of agricultural establishments inspected by the Department of Labor and by States with certified standards or certified inspection programs, the number of citations issued for those violations, and the disposition of such citations.

SEC. 4. EFFECTIVE DATE.

This Act shall become effective 90 days after the date its enactment.

WORKER READJUSTMENT AND PLACEMENT ACT [WRAP]

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 22, 1987

Mr. JEFFORDS. Mr. Speaker, I am pleased to introduce today, along with 10 cosponsors from both sides of the aisle, the "Worker Readjustment and Placement Act" [WRAP]. WRAP would institute a Federal system for providing grants and technical assistance to joint labor-management committees established for the purpose of assisting workers who lose their jobs as part of a plant closing or mass layoff.

One of the most pressing issues we will confront this year is the problem of dislocated workers. I find it most encouraging that we are starting with a new perspective that has broadened considerably since the previous Congress.

For the past decade, the primary focus in this area has been upon proposed mandates for employers—advance notice, consultation with unions, relocation penalties, et cetera. However, these proposals have only addressed a portion of the problem.

Even if you provide notice to workers of an impending layoff, what options do they have to remain a productive part of the work force and to maintain the quality of living to which they are accustomed? The previous legislative proposals have not focused upon this problem.

It was this frustration which prompted me to join with Representatives MARGE ROUKEMA and STEVE GUNDERSON in requesting Labor Secretary William Brock to appoint a task force composed of business and labor leaders, Government officials and academicians to study the dislocated worker problem and seek a consensus.

The result of our request has exceeded our highest expectations. Not only was a consensus reached, but the Task Force on Economic Adjustment and Worker Dislocation has combined with other forces to prompt the administration to seek a new dislocated worker initiative as a high priority within its budget. While the details of this initiative have not yet been provided, the proposed tripling of Federal resources to address this problem is in itself a major step forward and our Secretary of Labor, William Brock, is to be commended for including it in his Department's budget.

The gentleman from Michigan, Mr. FORD, whose tireless efforts have brought this issue to the forefront, has already announced that he will join with Representatives CLAY and CONTE to introduce legislation based upon the task force report. In addition, an administration bill incorporating its disclocated worker initiative will be introduced soon.

The task of fashioning an adequate solution to the dislocated worker problem is indeed a formidable one and will require a comprehensive approach. As the vice-chairman of the Education and Labor Committee, I intend to work closely with Messrs. FORD, CLAY, and CONTE and with the administration to forge a consensus which reflects that of those who participated in the task force.

The legislation I offer today will provide a valuable component to any approach. It is based largely upon the Canadian Industrial Adjustment Service [IAS], which has proven highly successful in encouraging and assisting employers and workers in working together to find new jobs and provide other needed assistance to affected employees. In the task force report, the IAS is cited as an effective approach and is singled out among all foreign endeavors studied as the one offering the highest degree of replicability in the United States.

The WRAP bill, like the IAS, offers a simple, low-cost approach which is purely voluntary on the part of employers and workers. It establishes within the Department of Labor a corps of regionally based officers who would be Senior Executive Service employees hired on the basis of their experience in the private sector. Because of the voluntary nature of the program, this private sector experience on the part of WRAP officers is an essential component in establishing credibility and a communication network with the business community.

The WRAP officers are authorized to provide in installments a 50-percent match—up to a total of $15,000—for the operating costs of committees existing at the plant site for the purpose of devising and implementing a worker assistance strategy. In order to facilitate a rapid response, the WRAP officer is able to provide the initial, startup installment immediately. Not more than one-half of the operating costs of the committee are the only costs assumed by the WRAP Program. However, it is expected that the committee will also likely tie into other separately funded programs.

The committees are to be composed of an equal number of employer and employee representatives and chaired by a mutually selected person from outside the company. The committee assists displaced workers through coordination with applicable Federal, State, and local programs and through the committee's own direct efforts to seek placements with other firms.

Under the Canadian system, one of the first tasks of each committee is to compile all relevant information regarding each employee through a questionnaire. With this information, the committee develops marketing strategy for each employee and then makes an aggressive search of businesses in the geographic area which might have openings.

Ideally, committee members are individuals whose own position—for example, plant manager, foreman—has given them personal knowledge of the abilities and skills of each employee. This knowledge not only enables them to focus upon relevant positions for reemployment, but also gives them credibility in getting a potential employer to set up a job interview.

The WRAP bill works entirely on a cooperative basis and does not require uninterested employers to do anything. It will incur no additional costs to the Federal Government since it will be funded from discretionary funds already provided under title III—displaced workers—of the Job Training Partnership Act.

However, if the program works as effectively as the IAS system, it will result in net savings through reduced unemployment insurance costs. In Canada, this program has resulted in estimated savings of $25.5 million, offset by only $9.9 million in Government costs.

While I recognize that the displaced worker problem will require a much more comprehensive approach, my proposal will fit into virtually any larger package. At the same time, it promotes the worthy goal of labor-management cooperation, thereby minimizing the disruptions caused by necessary changes in a dynamic economy.

I welcome any of my colleagues to join me in this effort.

STATE NUCLEAR SAFETY PARTICIPATION ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1987

Ms. SNOWE. Mr. Speaker, today I am introducing legislation which amends Federal law to grant States a clearer, more authoritative role with respect to the licensing, production, and continued operation of commercially produced nuclear power.

This bill, the State Nuclear Safety Participation Act, amends the Atomic Energy Act of 1954, and removes the Federal preemption of States' rights governing the licensing of nuclear powerplants and the early decommissioning of existing plants.

This legislation has three major provisions: First, States are authorized to establish regulations in order to protect the public health and safety from the radiological hazards associated with nuclear power production; second, States may veto, by law, the issuance of an operating license for new powerplants to be located within their boundaries; and, third, States will have the constitutional authority, by law, to decommission existing and operational powerplants before their licenses normally expire.

Because the production of nuclear power has been, and will always be, a matter of concern and importance to all citizens, I feel it is essential that States which have powerplants should have a clear legal voice over their use. Currently, the Federal Government reserves to itself the authority to make decisions regarding nuclear power, particularly concerning matters relating to health and safety.

With 16 percent of the Nation's energy usage now attributed to nuclear power, we must recognize that this source of energy is no longer in its infancy and no longer just a matter of concern to scientists, specialists, and bureaucrats in Washington. The Federal authority mapped out by policymakers during nuclear power's infancy in the early 1950's made sense at the time, but Congress should now recognize that excluding this authority from our States is outdated, and unnecessarily excludes State populations from the licensing and decommissioning process.

Along with a new role, we must recognize that States have a responsibility to help their citizens make informed judgments on the use of nuclear power. America's utilization of nuclear power is clearly in a state of transition, with no new orders for plants having been placed since 1978. Regardless of the direction in which energy sources go in, the United States has 101 existing plants to contend with, and many of these plants are well into the 40-year terms of their licenses. States need and deserve an expanded role to allow the will of their people to have an impact over the operation of these nuclear powerplants.

Voters in the State of Maine, for a third time, are likely to be asked to determine the fate of the Maine Yankee nuclear powerplant by referendum next November. I firmly believe that if the people of Maine, after weighing all of the relevant factors, decide Maine Yankee should be closed, their collective will should be heeded. Such a statewide referendum or State law should not become an irrelevant exercise. Unless Federal law is clarified for States, however, especially with regard to factors relating to health and safety, this expression of will would face a legally doubtful future.

Mr. Speaker, the consensus for exclusive Federal authority over commercial nuclear power usage has eroded, and the rationale no longer exists for keeping State input out of the decisionmaking process for operating these plants. The State Nuclear Safety Participation Act is a logical and necessary measure for Congress to adopt, and I urge my colleagues in the House to lend their support to this important legislation.

PISCATAWAY, NJ: KEEPING THE DREAM ALIVE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1987

Mr. COURTER. Mr. Speaker, the township of Piscataway, in conjunction with the Piscataway Civil Rights Advisory Commission, has once again shown its dedication to furthering individual and minority rights by setting aside 4 days for special events to honor Dr. Martin Luther King, Jr.

The program of activities was designed to celebrate Dr. King, by using his life, legacy, and dream as catalysts to raise public awareness and promote action to help resolve today's social problems as they relate to all minorities. Each day was devoted to a particular theme, such as commemoration or celebration.

The final day, however, was a day of commitment, where local government, business, education, library, and religious leaders would publicly commit themselves to work in furtherance of Dr. King's dream. Citizens were encouraged to complete a "living the dream pledge," which would identify that particular behavior or service they will follow during 1987 to advance the principles of equality, justice, peace, and freedom. The pledge is witnessed by another person who is in the position to help pursue the commitment throughout the coming year. I believe this pledge, in particular, is an excellent way to keep the dream alive each day of 1987.

So many active citizens in Piscataway, including Mayor Ted Light and Piscataway Civil Rights Advisory Commission member Shirley Schram, deserve recognition for their tremendous efforts to make Martin Luther King Day a day of importance in this country. This is the spirit and enthusiasm we hoped to ignite when the Federal holiday was created. Piscataway's efforts will encourage other municipalities to plan and work for this important cause for many years to come.

DEVELOPMENT OF CALIFORNIA'S OUTER CONTINENTAL SHELF WOULD ADD TO U.S. MUSSEL

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 26, 1987

Mr. DANNEMEYER. Mr. Speaker, one of the most important issues that we face during the 100th Congress is the need to ensure U.S. energy independence. In my view, the development of the enormous oil and gas resources on California's Outer Continental Shelf presents one of the best opportunities to assure domestic energy independence. The biggest concern of many who are opposed to expanding our OCS resources, however, relates to the potential degradation of the environment. Although this is a complex issue, I wish to commend an article to my colleagues which appeared in the autumn 1986 issue of Sun magazine. That the mussels which cling to offshore oil rigs are of superior quality and can secure a premium price on the mussel market is a testament to the environmental quality of the area surrounding these oil rigs.

"MUSSEL" BOUND PLATFORM LEGS YIELD UNLIKELY SEA HARVEST

(By Mary Coady)

For the gourmets and gourmands throughout Europe and the United States, mussels constitute one of the greatest treats the bivalve world has to offer.

For the people who manage and maintain oil platforms in the Santa Barbara channel, however, mussels present an expensive problem.

And therein lies a tale of a happy synergy between Sun Company, other large oil producers, and Ecomar Inc., a Santa Barbara, California-based environmental consulting company founded and run by marine biologist Bob Meek.

In 1973, Meek was studying marine growth on offshore platforms for some oil company clients when he discovered that mytilus edulus, the bay mussel, quickly established itself and continued for several years as the predominant form of marine life on platform legs.

The bay mussel grows rapidly in the ocean water beneath offshore platforms, forming large horizontal masses attached to the legs and diagonal bracings of the platforms. It takes only about a year for one million mussels to accumulate on an average-sized platform.

That massive growth stimulates added wave action on a platform—something oil companies don't want.

"When the growth gets out past about three inches or so, it adds to the stresses of the platform in terms of weight and exposure to the waves," explains Garland Robbins, offshore California project manager for Sun Exploration and Production Company.

Oil companies must regularly contract for the removal of marine growth. And that's expensive. Troval Pipkin, Sun E&P's offshore California production superintendent, recalls that the last bill for that cleaning job well exceeded $100,000.

Meek knew that the bay mussel, the principal cause of all this trouble, was widely cultivated and prized in Europe as a food source. And he knew that the water surrounding the offshore platforms was an excellent growth medium for a very fine mussel.

It occurred to him that he could solve the oil companies' problems with mussel growth and launch a viable new mariculture project at the same time.

He presented a proposal to some of his oil company clients: Ecomar would regularly clean the platforms of mussels and other marine life at no cost to the companies.

In exchange, Meek asked the companies to allow him to harvest and sell the edible bay mussel to restaurants and wholesalers.

It seemed like a simple and creative example of entrepreneurship. But Meek recalls, "The headaches were horrendous!"

The first, and biggest headache was proving to the local public health board something that Meek and oil companies knew quite well: that the waters surrounding offshore platforms were extremely clean. Proving it, though, took years of extensive testing and masses of accumulated data.

And while Sun has been an enthusiastic supporter of the program, Meek didn't fare too well with some oil companies. "There was all the usual hierarchical folderol," Meek recalls. "Nobody seemed to want to take a chance at that point."

Finally, in 1980, a full seven years after he had first proposed the idea, Meek closed an agreement to harvest and clean his first platform: with Phillips Petroleum. Shortly thereafter, he signed on with Sun.

Marketing the mussels was the final hurdle. To do so, Meek took on a tremendous consumer education job. Although mussels are considered a delicacy in the eastern United States and in Europe, they were relatively unknown in California.

"When we first started, I think there were two restaurants in all of Santa Barbara that had mussels on the menu, and those were East Coast imports," Meek recalls. "It took about a year of pounding on doors and having people try them."

John Downey, the chef and co-owner of Downey's, a fine Santa Barbara restaurant, was one of the two restauranteurs serving Eastern mussels. He became one of Ecomar's first customers, and may be largely responsible for introducing the bay mussel to Santa Barbara.

Downey remembers that Meek brought him a sampling of the Ecomar mussel, and asked him to try them. Downey's verdict: "They were really interesting, they were delicious . . . They're plump and to my mind a little more tender . . . and I was impressed by the fact that there was no sand and that they were that fresh."

Today, Meek estimates that 45 restaurants in Santa Barbara alone serve the Ecomar bay mussel.

The Ecomar mussel is a premium product: restaurants pay about $1.50 per pound for them, versus about $1.00 a pound for Eastern mussels. What makes them special enough to command a higher price? Meek credits the high quality of his shellfish to the environment in which they're grown: the open ocean, as opposed to an embayment.

The open sea combines strong current with plenty of plankton, the food source for mussels. "They have a much purer food source out here that's brought by at a more constant rate, continuously.

"It's a lot like cattle grazing on sweet grass, versus cattle out in the desert," he points out. "They taste different."

To harvest the mussels, Ecomar sets its operation on the lowest deck of an offshore platform, anywhere from ten to fifteen feet above the ocean's surface. Once work commences, Ecomar will remain based there for two to three months, depending on platform size and the extent of marine growth.

Two-man diving teams, working in approximately one hour shifts, dive to depths of 30 to 40 feet to remove the mussels from the platform's tubular surfaces. One diver loosens the mussels with a hoe; the other collects them with a long vacuum hose, suctioning the mussels up through hosing to the processing area on the lower deck of the platform.

There, great torrents of mussels and ocean water cascade from the hosing into an enclosed drum equipped with a flat metal blade that breaks the clumps of mussels and marine life into individual pieces. Next, the pieces are propelled into an adjoining revolving cage for sifting to eliminate barnacles and bits of broken mussel.

The remaining shellfish shoot from the cage to an adjacent processing table. Here a four-person processing team cleans the mussels of any remaining barnacles, throws back unwanted marine life, and sorts the mussels by size.

The mussels are then bagged by the half bushel and stored in large 30-bushel aluminum bins, into which a steady supply of sea water flows to insure that the mussels stay healthy, fresh and alive.

At the end of a good day, Ecomar's crew will have harvested 50 bushels of mussels.

Their work isn't finished, however. The mussels must be transported back to land by workboat, and then immediately transferred to Ecomar's refrigerators, where they are stored at near freezing temperatures.

From there, some mussels are packed for overnight air transport to cities throughout the western United States, and Chicago. Others are trucked to wholesalers in Los Angeles, and to customers in Santa Barbara.

Bob Meek has plans to expand Ecomar's mariculture program beyond mussels. He has seeded a crop of oysters off Sun's platform Hillhouse. Meek has used a tray culture for the Hillhouse oyster crop, seeding young oysters in heavy duty plastic trays, which are suspended in stacks in 80 feet of water.

The oyster, called Kumamoto, is especially prized by restaurants for its beautiful ruffled-edge and purple banded shell. The Kumamoto has the same growth time as the bay mussel, a little over a year. Meek is hoping to harvest both crops in the course of a regular platform cleaning; then reseed a new crop of oysters to be harvested the following year.

With 60,000 oysters seeded on Hillhouse, the first crop should be ready for market later this fall.

Meek is also experimenting with a species of clam which he discovered on Sun's platform Henry. The clam is unusual in that it grows in the mussel beds in ocean water as opposed to sand, making it tenderer than other clams, and a likely prospect for tray culture. Meek has seeded some of the clams in the trays off Hillhouse and is hopeful that he has discovered yet another cultivated crop.

Sun is pleased with the partnership that has evolved with Ecomar.

As Garland Robbins sums up, "I think Meek's story is our best story. Not only are our mussels clean, they're premium.

"To me that's the best selling point we have. We can show people water samples, but when you can say these animals were grown on the platform, and they're not only edible, they're premium—to me that speaks for the superior quality of the environment right in that area."

For Garland Robbins, the Ecomar project reflects a fundamental value held by Sun and its employees: "Sun, I think has the reputation of trying to work harder with industry and political areas. We're sort of prone to look for programs like that mariculture project, something that we think we can use to educate people."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, January 27, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 27

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to review the Administration's drug program proposals.
SD-192

Armed Services
To continue hearings in open and closed session on the national security strategy of the United States.
SR-222

10:00 a.m.
Foreign Relations
To resume hearings on U.S. policy toward Iran.
SD-419

2:00 p.m.
Armed Services
To continue hearing on the national security strategy of the United States.
SD-342

2:30 p.m.
Foreign Relations
Business meeting, to consider two treaties between the United States of America and the Union of Soviet Socialist Republics on (1) the Limitation of Underground Nuclear Weapon Tests, and the Protocol thereto, known as the Threshold Test Ban Treaty (TTBT) signed in Moscow on July 3, 1974, and (2) the Underground Nuclear Explosions for Peaceful Purposes, and the Protocol thereto, known as the Peaceful Nuclear Explosions Treaty (PNET) signed in Washington and Moscow on May 28, 1976 (Ex. N, 94th Cong., 2nd Sess.).
SD-419

3:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider committee rules of procedure, subcommittee assignments, and to resume markup of S. 341, to require the Secretary of Agriculture to make disaster payments to producers who were prevented from planting the 1987 wheat crop in time to ensure normal crop production.
SR-332

JANUARY 28

9:30 a.m.
Armed Services
To continue hearings on the national security strategy of the United States.
SD-342

Banking, Housing, and Urban Affairs
To hold oversight hearings on corporate takeovers.
SD-538

10:10 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Hazardous Wastes and Toxic Substances Subcommittee
To hold hearings on ozone depletion and protection of the stratosphere.
SD-406

Finance
To hold hearings to review catastrophic health insurance issues.
SD-215

Foreign Relations
To hold hearings on S. 184, to provide economic assistance to Central American democracies.
SD-419

2:00 p.m.
Special on Aging
To hold joint hearings with the House Select Committee on Aging on catastrophic health care costs.
345 Cannon Building

JANUARY 29

9:30 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee

To hold oversight hearings on aviation safety.

SR-253

Energy and Natural Resources

To hold hearings on the President's proposed budget requests for the Department of the Interior.

SD-366

10:00 a.m.

Foreign Relations

To continue hearings on S. 184, to provide economic assistance to Central American democracies.

SD-419

Judiciary

Business meeting, to consider pending committee business.

SD-226

11:00 a.m.

Energy and Natural Resources

To hold oversight hearings on the current status of the Department of Energy's nuclear waste activities.

SD-366

11:30 a.m.

Joint Economic

To hold hearings on the economic report of the President.

SD-562

JANUARY 30

9:00 a.m.

Finance
Energy and Agricultural Taxation Subcommittee

To hold hearings on energy taxation issues, including S. 233, to encourage increased production of domestic crude oil, S. 255, to repeal the windfall profit tax on domestic crude oil, and S. 302, to impose a tax on the importation of crude oil and refined petroleum products.

SD-215

9:30 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee

To continue oversight hearings on aviation safety.

SR-253

10:00 a.m.

Joint Economic

To resume hearings on the economic outlook and economic policy for 1987.

SD-628

FEBRUARY 2

10:00 a.m.

Joint Economic

To resume hearings on the economic outlook and economic policy for 1987.

SD-628

FEBRUARY 3

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.

SR-253

FEBRUARY 4

9:00 a.m.

Select on Indian Affairs

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988.

SD-G50

9:15 a.m.

Veterans' Affairs

To hold hearings on S. 12, to remove the expiration date for eligibility for educational assistance programs for veterans of the All-Volunteer Force.

SR-418

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings on the current status of the Department of Energy's nuclear waste activities.

SD-366

Foreign Relations

To resume hearings on U.S. policy toward Iran.

SD-419

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988.

SR-385

Finance

To hold hearings on revenue increases as contained in the President's proposed budget for fiscal year 1988.

SD-215

FEBRUARY 5

9:30 a.m.

Energy and Natural Resources

To continue oversight hearings on the current status of the Department of Energy's nuclear waste activities.

SD-366

10:00 a.m.

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988, focusing on the Environmental Protection Agency.

SD-406

FEBRUARY 6

10:00 a.m.

Finance
Oversight of the Internal Revenue Service Subcommittee

To hold oversight hearings on the new Internal Revenue Service W-4 form for withholding.

SD-215

FEBRUARY 18

9:30 a.m.

Veterans' Affairs

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988.

SR-418

10:00 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

FEBRUARY 19

10:00 a.m.

Energy and Natural Resources

To hold hearings on S. 56, to establish the El Malpais National Monument, the Masau Trail, and the Grants National Conservation Area in the State of New Mexico, and S. 90, to establish the Big Cypress National Preserve Addition in the State of Florida.

SD-366

FEBRUARY 24

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Disabled American Veterans.

345 Cannon Building

11:00 a.m.

Veterans' Affairs

Business meeting, to consider those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988, with a view toward making its recommendations to the Committee on the Budget, and S. 12, to remove the expiration date for eligibility for the educational assistance programs for veterans of the All-Volunteer Force.

SR-418

FEBRUARY 25

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Paralyzed Veterans of America, Blinded Veterans of America, World War I Veterans, and the Military Order of the Purple Hearts.

334 Cannon Building

MARCH 3

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.

345 Cannon Building

MARCH 5

10:00 a.m.

Labor and Human Resources

To hold hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.

SD-430

MARCH 16

10:00 a.m.

Labor and Human Resources

To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.

2175 Rayburn Building

APRIL 1

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, and the Jewish War Veterans.
334 Cannon Building

CANCELLATIONS

JANUARY 28

10:00 a.m.
Labor and Human Resources
To hold hearings on national equal opportunity policy.
SD-430

SENATE—*Tuesday, January 27, 1987*

The Senate met at 8 p.m. and was called to order by the Honorable George J. Mitchell, a Senator from the State of Maine.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., offered the following prayer:

Eternal, God, all wise, all powerful, and everywhere at once, we pray that You will cover this building this evening with Your love and mercy and grace. Congress gathers to hear the President at a very critical time, with uncertainty and confusion hanging over our Nation as a heavy cloud. In Your grace, make us aware of Your presence and infuse the Congress with hope and confidence in divine providence which cannot, will not fail. Surprise, us, Lord, with unexpected blessing.

And gracious Father in our preoccupation with affairs of state, help us not to forget the pain and hurt of many around us. The winter storm has been an inconvenience to us, but it has been a tragedy for many. We remember the homeless, the forgotten in the streets, the lonely elderly in their unheated apartments, unable to get out to purchase food, and the poor. May we, who always have more than we need of everything, in gratitude be compassionate to those who never have enough of anything they need. In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Stennis).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, January 27, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable George Mitchell, a Senator from the State of Maine, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. MITCHELL thereupon assumed the chair as Acting President pro tempore.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with Senators permitted to speak therein for not more than 5 minutes each.

NEW MEXICO DAY

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I send a resolution to the desk on behalf of myself and my distinguished junior colleague, Senator Bingaman. I ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 84) that January 27, 1987, is recognized and acknowledged as New Mexico Day.

Mr. BYRD. Mr. President, this has been cleared on this side of the aisle and there is no objection.

The ACTING PRESIDENT pro tempore. Without objection, the resolution will be considered.

Mr. DOMENICI. Mr. President, I send to the desk, so as to conform with the rules of the Judiciary Committee, the cosponsors, 30 Republicans, 26 Democrats, and ask that they be shown in the Record as original cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the list was ordered to be printed in the Record, as follows:

Mr. Dole, Mr. Boschwitz, Mr. Chafee, Mr. Cohen, Mr. D'Amato, Mr. Evans, Mr. Hatch, Mr. Hecht, Mr. Heinz, Mr. Helms, Mrs. Kassebaum, Mr. Lugar, Mr. McClure, Mr. Nickles, Mr. Packwood, Mr. Pressler, Mr. Roth, Mr. Rudman, Mr. Stevens, Mr. Symms, Mr. Weicker, Mr. Wilson, Mr. Durenberger, Mr. Garn, Mr. Grassley, Mr. Trible, Mr. Wallop, Mr. Danforth, Mr. Gramm, Mr. Boren, Mr. Daschle, Mr. Wirth, Mr. Zorinsky, Mr. Chiles, Mr. Burdick, Mr. Pryor, Mr. Kerry, Mr. Pell, Mr. Bumpers, Mr. Hollings, Mr. Dodd, Mr. Matsunaga, Mr. Riegle, Mr. Stennis, Mr. Moynihan, Mr. DeConcini, Mr. Johnston, Mr. Kennedy, Mr. Conrad, Mr. Adams, Mr. Sanford, Mr. Rockefeller, Mr. Simon, Mr. Levin, and Mr. Dixon.

Mr. DOMENICI. Mr. President, today at the suggestion of many New Mexicans, New Mexico as a State is engaged in a celebration of its 75th anniversary of statehood, but more than that, through the distinguished leadership of Representative Lujan, joined by our other two Representatives, Representative Skeen and Representative Richardson, we are today asking the House to pass a resolution that not only celebrates 75 years of statehood but in a sense attempts once again to tell the United States, all of its people, and the world that we are indeed a State.

Mr. President, on January 6, 1912, President William Howard Taft signed a proclamation that admitted the Territory of New Mexico as the 47th State of the United States.

Mr. President, that day three-quarters of a century ago was a glorious one for New Mexico.

It is appropriate that today we take note of the importance of New Mexico to the Union, and the significance that our unification has brought for the people of New Mexico, as well as the entire United States.

There is something very special about New Mexico; it is truly a land of enchantment, the land of opportunity.

In New Mexico, three cultures live together in harmony and friendship. We have built in New Mexico a society that exemplifies the very reason America exists, our greatness as the world's melting pot.

My father came to New Mexico when it was still a territory. He came to put down roots in Albuquerque, which was then a town of 3,000 souls. My dad spoke almost no English in those days. Yet he grasped the opportunity in New Mexico, the opportunity to build a family and a life of achievement and happiness.

Others came to New Mexico long before he did; many others long since.

Archaelogists say that possibly as long as 25,000 years ago humans wandered into the land we call New Mexico. These nomadic hunters found a good land, one providing sufficient animals and vegetation to sustain life.

Early Americans came in growing numbers, establishing communities at various sites around the State. By the year 600, these Early Americans were living at what we now call Acoma, the Sky City atop a mesa.

Other communities developed at Chaco Canyon, at Bandelier, Puye, Gila, and other localities. These villages, with their rich cultures, were flourishing at a time when Europe was lost in the Dark Ages.

Then, mysteriously, it all vanished. Around the year 1,200, historians say, the advanced culture of the Anasazi disappeared, surviving, we think, in the Pueblos of the Rio Grande Valley.

But the land continued to attract the adventurous. Long before the settlement at Jamestown, VA, Spanish settlers were moving north into New Mexico from old Mexico. They came first in 1539, just 47 years after Columbus. They returned again and

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

again, establishing Sante Fe as their capital, the first capital in what is today the United States.

By the time of the Pilgrims, two great cultures were established in the Valley of the Rio Grande, two great cultures living together, sometimes in harmony, sometimes not.

For more than two centuries, New Mexico was under Spanish, then Mexican rule. Eventually, New Mexico's third great culture, the Anglo culture, came. The United States took official control of New Mexico in 1848.

For the next 64 years, the population grew on waves of the western migration. The railroad reached Albuquerque in 1880. And the people of the territory struggled to achieve statehood. They petitioned and petitioned, but it did not come until 1912, when New Mexico was finally admitted as the 47th State.

New Mexicans are proud of their land, which descends from pine forests and mountain streams to the Great Plains on one side of the Continental Divide, to the Great Deserts on the other.

New Mexicans are proud of what we have given to America. We have given from our vast stores of natural resources—great reserves of oil and gas, gold and silver, potash, copper, and nearly all of the uranium found in the United States.

We have developed our waters to help the land bloom.

We have produced agricultural wealth in our fields and on our rangeland.

We have given America distinctive art, the pottery of Maria Martinez, the paintings of Georgia O'Keeffe and R.C. Gorman, the writings of D.H. Lawrence, and the creativity of the Santa Fe Opera.

We have given our land to the development of the first atomic device, which was detonated far off in the desert at Trinity Site.

During World War II, we gave more of our sons per capita than any other State, most tragically during the terror of the Bataan Death March.

And, Mr. President, we are ready for the future, for America's future.

We have great universities, which are centers of learning. We probably have the greatest concentration of scientific talent anywhere in the world at our Los Alamos and Sandia laboratories.

From the work of rocket pioneer Robert Goddard to those using the very large array to look back to the beginnings of time, we stand at the frontier.

We are three peoples with our hands locked in friendship, our eyes searching the stars.

Mr. President, I am proud to be a New Mexican. I am proud of our history as a State, our history that melds the best that comprise our society.

I hope my colleagues will come to share my sense of joy on this great day of celebration.

Mr. President, frequently, because our State is New Mexico, we are confused with the Republic of Mexico, our citizens are frequently accused of being foreigners, and we are occasionally asked what the exchange rate will be, or whether the water is safe to drink. When we call the State Department, some of their personnel do not know, when we ask about a New Mexican in a foreign country, that we are a State. And believe me, I say to the Senate, occasionally they have said, "We only respond if they are United States citizens." And so what I have done tonight on behalf of myself and my friend, Senator BINGAMAN, is ask that the Senate declare today "New Mexico Day" so that in tandem with the House, through the leadership of Representative LUJAN, joined by Representatives SKEEN and RICHARDSON, we will show that we understand New Mexico is a State of the Union and join in the celebration of its diamond jubilee, its 75 years as a State.

If I have some additional time, I yield it to my friend, the junior Senator from New Mexico [Mr. BINGAMAN].

Mr. BINGAMAN. Mr. President, it is my pleasure to join my senior colleague, Senator DOMENICI, in sponsoring this resolution calling for the establishment of "New Mexico Day."

To all who have lived their lives in our State and to those who have visited it for even a few hours, it is a place of rare beauty and special memory. Its great charm is derived from the variety of its landscape and the warmth of its people. It is a charm to which many have succumbed. Statesmen, painters, scientists, ranchers, writers, farmers, athletes, bankers, teachers, miners, merchants * * * all of these and more and a few scoundrels, too, have fallen under its spell. As I observed in a statement on January 6, offered on the 75th anniversary date of our admission to the Union, "those of us who call it home love it."

To honor New Mexico on this special anniversary of statehood, I urge the support of my colleagues for this resolution, Mr. President.

Mr. D'AMATO. Mr. President, as we are all aware the scenic beauty and unique cultural characteristics of our 47th State are reflected in New Mexico's nickname, the Land of Enchantment. Although New Mexico is among the youngest States in the Union, it has experienced an exciting history beginning with exploration as early as 1540.

New Mexico is part of the "old west" of cattle drivers, cowboys, and clashes between pioneers and Apache Indians. Because of the geographic isolation and low population density of the State, ancient customs among Indians and rural Spanish-Americans have survived.

New Mexico has a blend of diverse landscape and culture. It encompasses parts of the four main physiographic provinces of the United States: Rocky Mountains; Colorado Plateaus; Basin and Range province; and the Great Plains. The heritage of the Anglo-American, Indian, and Spanish-American cultures have attracted tourists, archeologists, sportsmen, artists, writers, and scholars from all over the world.

Therefore, I am pleased to cosponsor this resolution and I urge my colleagues to support it as we celebrate the 75th commemoration of this great State being admitted to the United States.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 84) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 84

Whereas the area that comprises the State of New Mexico has been inhabited for approximately 25,000 years, and contains the most diverse and extensive remains of ancient American cultures;

Whereas the Pueblo of Acoma, established around 600 A.D., is considered the oldest continually inhabited village in the United States;

Whereas New Mexico is home to 24 Indian peoples, and has the largest population of Native Americans of any State in our Union;

Whereas Spanish explorers arrived in New Mexico in 1539 to establish the first European settlement in what is now the United States;

Whereas three great cultures thrive today in harmony within the borders of New Mexico, exemplifying the very essence of our Union, a harmony symbolized in the State Flag of New Mexico, which combines the sun symbol of the Zia people and the colors of Queen Isabella of Spain;

Whereas Santa Fe, New Mexico, is the oldest State capital among the 50 States, and the Palace of the Governors served as a seat of government for nearly three centuries;

Whereas New Mexico, the Land of Enchantment, has become one of the fastest growing States in the Union;

Whereas the land we call New Mexico was ceded to the United States by Mexico in 1848 in the Treaty of Guadalupe Hidalgo;

Whereas New Mexico became a territory of the United States on September 9, 1850;

Whereas New Mexico is the site of numerous man-made wonders identified with the development of the Union and its people, including the ancient ruins at Chaco Canyon, Bandelier, Puye, and Gila, as well as the Pueblos of the Rio Grande Valley and the Santa Fe Trail;

Whereas New Mexico is also the site of many natural wonders, including Carlsbad Caverns, the White Sands of Alamogordo, and the lava flows of El Malpais;

Whereas New Mexico, with its vast reserves of natural resources, including oil, gas, uranium, copper, potash, gold, and silver, together with its lush fields of grains and rangeland, has brought prosperity to America;

Whereas New Mexico has developed its water resources to lessen the danger of flooding and make the desert bloom;

Whereas Southwestern art and architecture, as exemplified in the buildings and as exhibited in the galleries of New Mexico, have been praised in and adopted by many other States and regions of the Nation;

Whereas cultural greatness has flowered in the soil of New Mexico, in the paintings of Georgia O'Keeffe Peter Hurd, and R.C. Gorman, the pottery of Maria Martinez, the writings of D.H. Lawrence and Willa Cather, as well as the works of other artists drawn by the magic of New Mexico;

Whereas the Santa Fe Opera stands among the world's most important and innovative musical organizations;

Whereas New Mexico has also given to the Nation many distinguished political leaders, including Senators Clinton Anderson and Dennis Chavez;

Whereas New Mexico athletes such as the auto racing Unser family, Olympic runner Frank Shorter, and baseball great Ralph Kiner have made important contributions to the world of sports;

Whereas New Mexicans have made extraordinary contributions to the defense of the Union, including work on the Manhattan Project, culminating in the nuclear age, which dawned near Alamogordo, New Mexico, on July 16, 1945, and led to the end of World War II;

Whereas the unrivaled talents of the Navajo code-talkers during World War II, those who suffered during the infamous Bataan Death March, and other New Mexicans have represented their country well during wartime;

Whereas New Mexico continues to stand in the forefront of our Nation's defense through the work of its citizens at White Sands Missile Range, Holloman Air Force Base, Cannon Air Force Base, Kirtland Air Force Base, and the Air Force Weapons Laboratory;

Whereas the Los Alamos and Sandia National Laboratories are among the world's most important centers of scientific thinking;

Whereas New Mexicans such as Robert H. Goddard, the father of modern rocketry, and Harrison (Jack) Schmitt, Apollo astronaut and former U.S. Senator, have led America to the stars;

Whereas New Mexicans continue to serve on the frontiers of exploration, from the courageous adventure of Ben Abruzzo, Maxie Anderson, and Larry Newman crossing the Atlantic in a balloon to the scientists who use the Very Large Array radio telescope to search the very borders of knowledge of the universe;

Whereas New Mexico entered the Union as a State 75 years ago this month; and

Whereas New Mexico and 1,400,000 New Mexicans celebrate that fact with pride in their accomplishments and in anticipation of the future: Now, therefore, be it

Resolved, That January 27, 1987, is recognized and acknowledged as "New Mexico Day".

TRIBUTES PAID TO McDILL "HUCK" BOYD

Mr. DOLE. Mr. President, last week on the Senate floor I paid tribute to a good man, a close friend, and a Kansas legend who passed away recently. That man was McDill "Huck" Boyd, a member of the Republican National Committee for 21 years and publisher of the Phillips County Review newspaper in Phillipsburg, KS.

I want to share with my colleagues, and my Kansas friends, the wonderful tributes paid Huck at services held in the Phillipsburg High School gymnasium, where nearly 2,000 Kansans from all walks of life paid their respects. I am also including in the official record copies of tributes printed in Kansas newspapers by Huck's professional colleagues and admirers—and there were many.

I ask unanimous consent that these heartfelt tributes be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Remarks by Rev. James R. Hawthorne, Phillipsburg (KS) United Presbyterian Church

In the context of Old Testament literature, Job was a faithful and upright individual. He did his best to discern the will of the Lord, striving to maintain a close and abiding relationship with the Almighty in every aspect of his existence. On one particular occasion, he was beset by tragedy so devastating that his spiritual conviction was put to the test. The way he chose to respond transcends time and space to speak to us this afternoon. Listen for the Word of God:

"The day when Job's sons and daughters were feasting at the oldest brothers house, a messenger came to Job and said, "Your oxen were plowing and your donkeys were grazing nearby when the Sabeans attacked and carried them off, putting the herdsmen to the sword. While he was still speaking, another messenger arrived and said, "Fire fell from the sky, consuming both your sheep and your shepherds." Not long afterward, a third messenger appeared with news of a Chaldean raid which caught the cameltenders by surprise and led to their untimely demise. Before he could finish, a fourth bearer of bad tidings, stood, waiting to be heard. "A great wind swept across the wilderness," he said, "and struck the house where your children were gathered. No one survived." Stunned by what he heard, Job fell to the ground and worshiped saying, "The Lord giveth and the Lord taketh away; blessed be the name of the Lord."

In a manner of speaking, Huck was God's gift to us * * * a man who considered our personal and corporate welfare to be of primary importance. His impact on us, on the quality of life in our community, the State of Kansas and the nation we cherish has been so strongly felt and deeply appreciated that we cannot begin to imagine what life will be like without him. During this time of worship, let us give thanks for the many special ways he touched us and entrust him to our Heavenly Father, affirming, with Job, the Lord's presence in life and death, triumph and tragedy, joy and sorrow.

I would like to share with you a portion of Matthew's Gospel * * * chapter 20, verses 17-28:

As Jesus was going up to Jerusalem, He took the twelve disciples aside and said to them, "Behold, the Son of man will be delivered to the chief priests and scribes. They will hand Him over to the Gentiles to be mocked, scourged and crucified. And He will be raised on the third day." Then the mother of James and John came to Him with her sons and, kneeling before Him, said, "Command that my children may sit, one at your right hand and one at your left in your Kingdom." Jesus replied, "You do not know what you are asking. Are you able to drink the cup from which I must drink?" They answered, "We are able." He said to them, "You will drink my cup, but to sit at my right hand and my left is not mine to grant. Only the father may do so." When the remaining disciples heard about this request, they were indignant toward the two brothers. But Jesus called them to Him and said, "You know that the rulers of the Gentiles lord it over them and their great men exercize authority inappropriately. It shall not be so with you. Whoever would be great among you must be your servant and whoever would be first must be your slave; even as the Son of man came not to be served, but to serve, and to give His life as a ransom for many."

May God bless to our understanding this reading from His Word.

I spent most of yesterday afternoon reading through a stack of telegrams, letters and speeches which the Boyds saved as a reminder of a very special day (May 29, 1977 to be exact) when Huck was honored for a lifetime of service to those he appreciated most . . . people like you and me.

Gathered here to mourn his passing almost ten years later, we are a diverse group, representing interests, concerns, abilities and positions in the social strata too numerous to list. There are among us, local, state and national political leaders, corporate executives, business people, laborers . . . folks from virtually every walk of life. We are rich and poor, young and old, renowned and nameless.

What we share in common, especially this afternoon, is an unforgettable encounter, somewhere in the past, with Huck Boyd. In all likelihood, we found him cast in the role of a servant, addressing needs as complex as retaining essential railroad service or as simple as providing a sympathetic ear and a seasoned bit of advice in time of personal crisis.

He brought to this selfless and highly productive role a unique combination of beneficial attributes. Having grown up in a family which valued social and political involvement, he had a parental mandate "to pay for his keep on this earth" by doing what he could to assist others. Across the years, he developed an ability to relate to the powerful and the powerless, to bring together people of different persuasions in a reconciling manner, to identify a need, mobilize human and financial resources, overcome potentially debilitating obstacles and accomplish objectives few of us would deem possible.

Huck did so with a sense of agressiveness and humility, with political savvy and hometown compassion, with serious intent balanced by an occasional infusion of humor, with a deep and abiding commitment to people like us.

Needless to say, His death leaves a void in our lives of undefinable dimension. We'll miss all he did "to pay for his keep", for, in the process, He improved the quality of our existence many times over.

I promised myself that I was going to avoid eulogizing . . . that I would leave expressions of praise and gratitude to Congressman Roberts and Bud Broun in an effort to focus in on how the Gospel addresses what God had given and what He has taken away . . . on the victory Christ secured for us by His willingness to assume the servant's role . . . to drink from a cup of suffering, that we might be delivered from the power of sin and death.

Scripture clearly indicates that gratitude for Jesus' sacrificial love is best measured in terms of selfless servitude. It's not all that difficult to see why this is the case. A life so lived is a blessing to everyone.

We come to this moment with the conviction that he who is great in the Lord's eyes must be the servant of humankind. Though few of us are in a position to accomplish what Huck did, nevertheless, we are challenged to follow in his footsteps . . . to give ourselves to others as he gave himself to us.

If given the opportunity, many of us could elaborate, at great length, on Huck's friendly, supportive nature and numerous accomplishments. In lieu of this seemingly appropriate, but unfeasible alternative, United States Congressman Pat Roberts and Mr. Bud Broun will each offer a personal tribute.

REMARKS BY MR. BUD BROUN, PHILLIPSBURG (KS) BUSINESSMAN

Just 10 years ago, on a more joyous occasion, we joined together in this same spot to honor our friend, Huck Boyd. It was "Huck Boyd Day" in western Kansas. I would like to quote from the mayor's proclamation for that day. "Whereas, Huck's home town and area friends are aware of the lifetime of service he has given to them, we honor him today at home. We have joined together to convey to Huck our thanks, our gratitude, our pride, and our love to a man who has affected, in a positive way, almost every man, woman, and child in the area."

Today, in sorrow, we join together for the same purpose—to honor Huck.

Mr friendship with the Boyd family goes back almost 50 years to when I first arrived in Phillipsburg. Huck was very kind to the newcomer and helped my getting started in business in many ways. I soon discovered that Huck helped everyone and that when something community-wide needed doing, he called on everyone to help.

The progress and character of the Phillipsburg and Phillips County community has been interwoven with the Huck Boyd story. Huck was rarely in the limelight when something happened, but you could bet that he knew what was going on, and that somewhere in the background, his guiding hand was helping to steer the project toward success. Huck knew everyone in his community, their capabilities, and how to get them to apply their energies for the common good. Huck has the respect of all of us, and when he asked us to do something for the community, we responded. No one else could ask so many different people to do so many things, and have them buckle down and get the job done.

Every community needs, and is lucky if it has, an individual who can get people to work together, to rally people together to settle their differences, to smooth out obstacles for progress to keep would-be factions from not being factions; a glue, as it were, to get scattered groups with different ideas to stick together and go forward together. Huck was the guy that did this for our community. Huck was our glue.

Huck was the catalyst who energized our citizens to action when a particular job needed doing. The problem could relate to anything: to help organize a rodeo, 4-H, Scouts, new industry, education at all levels, mental health, building a hospital, getting a refinery, pulling a shingle plant from red to black, keeping a railroad, keeping an old folks home from going under, recreation, garbage, the library, city streets, help for old industry, serving as a director of the Hansen Foundation since its inception, or whatever. Huck knew what related to what. When he was needed, he was there. As Al Polczinski put it, "Huck has been the kind of newsman who backed up words with action. He never wrote an editorial that cited a need for some community project and then left the work of bringing it about to his fellow townspeople. He was in there moving and shaking with the best of them. Phillipsburg is the better for it."

Huck has left us with a legacy of respect for his many accomplishments in helping all of us to have a better place to live. But, he has also left us with a challenge to carry on the battle he has so ably fought all his life. Our community could do Huck no greater honor than to accept that challenge.

EULOGY BY U.S. REPRESENTATIVE PAT ROBERTS, MEMBER OF CONGRESS, 1ST DISTRICT OF KANSAS

It is a sad duty we perform today, we friends and family of Huck Boyd. It is a benediction pronounced by all who ever had the good fortune to know or work with a devoted husband, a loving father, a steadfast friend, a consummate professional. Yet, tears are out of season, for the triumphs of Huck's long life will far outdistance the tragedy of his death. How long he lived is less important than how well he lived. And so today we draw closer in our sadness. We take comfort in knowing that Huck lived truly well, his accomplishments towering over five generations, his tall shadow guiding generations to come.

Let me digress for a personal memory. Twelve years ago Huck delivered the eulogy for my father, Wes Roberts. Huck recalled that it was Wes who, sitting on a Jayhawk Hotel windowsill in Topeka, persuaded him to "help out in the campaign. It was an unpaid assignment, but he sold me and I worked at his side on one campaign after another."

Then Huck went on to pay my father the highest compliment he could pay a man and a colleague:

"Wes . . . was a true politician—defined in the dictionary as a person 'versed in the art and science of government.' He truly made politics an art. He loved people. He knew how to work with people. He knew how to make government work for people."

Our friend Huck, too, was a true politician in the finest sense of his own definition. I humbly and proudly apply those words today to a man who practiced the art and science of politics whether he was wearing the hat of a family man, the hat of a smalltown journalist, the hat of a community builder or the hat of a political partisan. To Huck, the hats were all the same: to do with dignity and with integrity the jobs that had to be done to make things work better for people, to leave this place better than he found it.

To generations of young journalists, he preached the virtue of smalltown Kansas newspapering as community service. Where textbook journalistic idealism holds the shining of the light of truth into darkness, Huck's own sharp pen was tempered with human compassion and purpose. He lived every day with the consequences of his journalistic prose—at the coffee shop, at the church and up and down mainstreet. Where the new journalism holds for isolation of the journalist in the name of integrity, Huck staked his community and political involvement on integrity. His editorial words were as quick to praise as to criticize and, always, they were written with a keen appreciation for the direction those words would move his readers.

That is smalltown and community journalism at its finest. Huck practiced it as a true politican—true in his own best definition.

So, too, did Huck wear the hat of community builder. The community of Phillipsburg is stamped with his personal commitment to progress and to excellence. "Tireless" is merely a feeble attempt to describe the determined energy Huck threw at projects.

This man was the architect of important programs of public service spanning a broad range of issues from education to rural health care. This man's work kept his friend Dane Hansen's dream alive through the Hansen Foundation. The skill and determination and energy Huck applied to the brick and morter of his beloved community, he also applied to building young Western Kansas minds through foundation scholarship funds. This man built a railroad, literally from the ground up, at a time of his life when most men would have been enjoying a well-earned retirement. He did it not for personal profit, but because Kansas needed it and because Huck, as a true politician, knew how to make government work for people.

People, other people. Huck believed in them. His duty, as he saw it and lived it, was to them. I well recall the day several months ago when Huck came to my office with a pithy criticism of some federal bureaucrat's latest energy decision. "Now, I have to tell you," Huck said with that twinkle in his eye, "this decision is going to make money for one of the companies where I serve on the board." But the twinkle left his eye when he leaned over my desk and said. "Get the decision reversed. It's going to cause some real hardship for a lot of Western Kansas families."

The thing about Huck's community involvement is that it did not stop at the Phillips County line. Kansas was his community, and the 50 states and Washington, D.C. If Journalism and community service were the work hats of Huck's life, family and politics were dress-up finest, the knot that held many diverse strands together. Family, whether his pioneer parents, his beloved wife Marie—"Mama"—or his children or grandchildren always brought the twinkle to Huck's eye.

And so did the art and science of partisan—make that Republican—politics. His political career is the stuff of legends—from the precinct to the national committee, in that order. Of course, he believed deeply in the two-party system. By his own recollection, Huck's love of politics first took root in the soil of the Jeffersonian Democrats, then flourished under his beloved GOP. He carried the banner of conservative Republican proudly. To Huck, it meant believing in individual human dignity and a government strong enough to preserve that dignity and no stronger. He was fierce in pursuit of that philosophy, as the many on the sharp end of Huck's barbs will recall.

But Huck's heart was the heart of a gentleman. And that, too, his political adversaries will recall.

Huck was a consort with and advisor to presidents, senators, congressmen and governors. He was a strategist, on oil-can man, a don of diplomacy, a molder of events. His strength in that role was twofold: A knowledge that democracy's grassroots remain at the precinct and community level; a common-sense Kansas instinct for applying that grassroots philosophy to government at all levels. Huck never let us forget what was important. Being a President or a Governor or a Congressman was important—but not more important than being a mayor or a county commissioner or a citizen from Phillipsburg, for that matter. Perhaps that helps explain why Huck, after failing in his own campaigns for governor of Kansas, never despaired and never faltered in his work on behalf of other candidates for public office. A true politican he was, right through the elections last November in giving away his time, his skills, his advice and his experience.

Huck last fall was a young man on the campaign trail. "I haven't had so much fun since I was 30," he told me at one point. And we could believe it when we saw Huck, flushed and radiant and with the twinkle in his eye, standing next to the new Governor of Kansas on election night.

That is how we should remember our good friend Huck, the man, the true politican well versed in the art and science of government and making government work for people. If we do, then I am confident that both Huck, our friend, and Huck, a Kansas institution, will continue to be our rock and our guiding light for years and years to come.

We can hardly hope to banish sadness here today. But our sorrow is mixed with pride. Huck Boyd most certainly takes a well-earned place among the giants of Kansas history. And Huck Boyd the man, our husband, father, grandfather and friend, will always fill an empty place in our hearts.

We thank you, Lord, for having known such a man and for having shared with him this space and time.

[Editorial, Iola [KS] Register]

McDill 'Huck' Boyd

Several years ago Huck Boyd of Phillipsburg established a community service award to be given each year to a Kansas newspaper publisher who had served his or her community in an outstanding manner.

He made the award a memorial to his parents, the later Frank and Mamie Boyd, who published The Phillipsburg Review before him.

Huck created that award and forked up the cash stipend that goes with it because he thought the world of his parents and believed with all his heart that the first purpose of a newspaper publisher was to make his community a better place to live.

Huck died Friday at the age of 79, following major lung surgery Dec. 29. The funeral was postponed until Tuesday, the day after the inauguration of Gov. Mike Hayden.

The postponement was necessary to avoid a conflict for hundreds of Kansas Republicans, including the new governor.

Huck, you see, had followed his own advice so well that he made himself one of the most useful and effective citizens of the state in his 58 years with The Review.

He had a hand in most of the good things that happened in Phillipsburg and Phillips County during the last half century. So hundreds of his townsfolk flocked to the high school gym, where the funeral was held.

He had carried water to the Republican elephant in Kansas for 60 years and earned the title of "Mr. Republican" many times over—so the first three rows of the center section on the gym floor at the funeral were filled with Republican officeholders and party leaders, including Sen. and Mrs. Robert Dole, Sen. Nancy Kassebaum, Rep. Bob Whittaker, Rep. Jan Meyers, Gov. Mike Hayden, Senate President Bob Talkington and a long, long list of others.

Rep. Pat Roberts read a heart-felt, upbeat, tribute to Huck which stressed the late editor's dedication to his community and to the practice of partisan politics for the purpose of solving the problems of society through government.

What gifts did Huck possess that carried him to such heights? The inventory contains no surprises: He worked hard with great determination; he was a patient listener; he had the knack of recruiting others to work beside him and could motivate them to work almost as hard as he did.

His major triumphs, without exception, brought him no direct personal gain. He seemed always focused outside himself: Usually he worked for Phillipsburg, on a state project, on behalf of a Republican candidate or for the Republican party at any level. Quite often he worked behind the scenes and took no credit for the success gained.

He was always a gentleman.

Huck at 79 worked at his regular pace until illness struck him down. He didn't retire and didn't vacation much because he enjoyed running a newspaper and politicking much more than anything else he could imagine doing.

Surely he felt no loss when he realized that he wasn't going to get a chance to "take it easy and enjoy life."

He always enjoyed life. He never confused "easy" with "good."

He left Phillipsburg, Kansas, the nation and hundreds of people who were lucky enough to have known him better than he found them.

His passing leaves a vacant place against the Western Kansas sky.

[Editorial, Emporia [KS] Gazette]

Emporia and Huck

An Emporia man's death created the vacancy that was filled when Huck Boyd became the Republican National Committeeman for Kansas.

Mr. Boyd got the job in 1966 after Emporia attorney Samuel Mellinger—who had been named Committeeman in 1964—succumbed to cancer.

Last week cancer struck again, and the post of National Committeeman is open once more. Huck Boyd died in Wichita after undergoing lung-cancer surgery.

There were other links between Emporia and Huck. As a newspaperman, he had been a friend of The Gazette's editors, William Allen White and W.L. White.

Of course Mr. Boyd's real name was not "Huck." It was McDill Boyd. But he got the nickname "Huckleberry" in his youth and it stayed with him until he died. Here is Huck's own explanation:

My father brought me a trombone when I was about 10. Eventually I began to play in the town band. There were no uniforms in those days, but George Attebery, who played with John Philip Sousa at one time during his career, demanded discipline, and all the members were properly attired at concert time. One pleasant Saturday evening I stayed down on Plotner Creek in my cave until the band started to play, before ambling home. My mother met me at the door, handed me my horn and said: "McDill, you're late. Go on to the band concert." I had on my overalls but no shirt, no socks, no shoes. . . . As I stumbled up the steps to the bandstand, tousle-headed, freckle-faced, completely in disarray, Attebery said: "Well, here comes Huckleberry Finn"; and the name stuck.

The nickname was shortened to "Huck" as he grew older, and it seemed appropriate. Mr. Boyd was an unpretentious, comfortable fellow, He spoke softly, in measured phrases. He was thoughtful and wise.

He was also a smart politician. When Senator Robert Dole fell behind Dr. William Roy in their 1974 race, Huck came to the rescue. He rallied the troops and helped Mr. Dole retain his senate seat.

He also helped Michael Hayden, the new Governor of Kansas. Huck saw Mr. Hayden through a shaky period in his race with Democrat Tom Docking. Mr. Hayden got into trouble when he opposed wheat sales to South Africa.

Huck offered his services to Mr. Hayden and spent a couple of weeks in Topeka observing and advising the campaign staff.

"Everyone was trying to do a good job, but they seemed to be firing in all directions," Mr. Boyd said in an interview after Governor Hayden's victory. "All I suggested was they focus on one thing: contrasting Mike's attributes against those of Docking—Mike's attributes and farm background against one with limited experience who came from wealth."

Huck knew what the voters of Kansas wanted.

[Editorial, Manhattan [KS] Mercury]

Huck: Kansas Loses a Giant

On this day in Topeka particularly—but elsewhere in Kansas as well—when festivity and an upbeat mood should have prevailed there was an unwelcome but apparent air of sadness and loss over the death late last week of McDill "Huck" Boyd.

And although it was the Republicans who were the celebrants on this inauguration day, the sorrow over the death of Huck Boyd also was shared by Democrats. And why not? Mr. Boyd, despite possible impressions to the contrary because of his long association and leadership in highest circles of the Republican Party, was first a Kansan and a politician after that. If, however, it took his good offices, quiet persuasion or perhaps a hint of pressure in order to achieve something for his native state, so be it. His influential posts in the Republican Party were, to Huck Boyd, merely a means to nonpartisan ends for bettering Kansas or a community thereof.

His inclination to political impartiality when it came to working in behalf of the common weal probably stems from the fact that Mr. Boyd grew up in a Jeffersonian Democrat family. He cast his first presidential votes for Al Smith and Franklin D. Roosevelt in FDR's first bid. His conversion to the Republican Party was largely attributable to the influence of Frank Carlson. It was he who was Mr. Boyd's chief role model as the quiet but effective man of decency who rose from precinct committeeman to state legislator, member of the U.S. House, governor and finally U.S. Senator.

One of Mr. Boyd's greatest joys was helping to shape the careers of younger people, both professionally and politically. The Kansas State University department of journalism and mass communications should be eternally grateful for the contributions (as well as students sent its direction) by the Boyd family.

In U.S. Sen. Bob Dole and Mike Hayden, inaugurated today as Kansas' 41st governor, are but two (and the ultimate, of course) in a long line of budding political office holders who have won their degrees from the Huck Boyd doctoral course. What a proud professor he would have been today had he been granted time to watch his protege sworn in. Mike Hayden will be a better governor not only because of Mr. Boyd's tutelage but also because of his having a hand in picking some of the top Hayden administrators.

One must not, however, overly dwell on the political facets of Huck Boyd's extraordinarily active and contributory life that extended 78 years. His is a legacy to small town journalism, transportation, economic development and humanitarian needs of rural areas (not to mention the feeling of hope and achievement he imparted by his presence) that approaches incomparability in the annals of Kansas, which he twice unsuccessfully sought to serve as governor.

Kansas has lost a giant among its many notable native sons. The sense of loss occasioned by Huck Boyd's death is tempered to some extent, however, in the feeling of appreciation for all he has done for the Sunflower State in more than 50 years of decent and compassionate leadership.

[Editorial, Topeka [KS] Capital-Journal]

A LIFE OF LEADERSHIP

McDill "Huck" Boyd, the newspaper publisher and politician extraordinaire, once admitted that those dual passions sometimes made his life difficult. His Republican zeal often ran counter to the newspaperman's need to maintain objectivity.

"I can easily see the good points of a Bob Dole or a Jim Pearson," he once said. "But Bob Docking's admirable traits are more obscure."

Always known as a man of his word, Boyd somehow maintained his equilibrium. Both the publishing world and the political arena are better because of it.

The late Henry Jameson, another Kansas publisher, summed it up: "Like President Eisenhower, he has that rare knack for pulling people together and getting things done, with a minimum of fuss and fanfare. He never hogs the spotlight. He appears to be in the background—but all the time he's out front calling the signals."

As a newspaperman, Huck Boyd was one of the best. His numerous awards attest to that. In 1971, Boyd was named Kansas Editor of the Year by the William Allen White Foundation. In 1985, the International Society of Newspaper Editors bestowed on him their award for public service through community journalism.

In politics, Boyd had few peers, either on the state or national levels. He was a speaker of the Kansas House and twice ran for his party's nomination for governor. Since 1966 he had been a member of the Republican National Committee, taking charge of media requests during several GOP national conventions.

Boyd was at home with presidents, visiting the White House several times. He counseled candidates, most recently Mike Hayden, who sought out the veteran when his gubernatorial campaign seemed to be stalled last year. It was a bittersweet coincidence that Hayden's inauguration was the day before Boyd's funeral.

Senator Dole, considered one of the favorites for the 1988 Republican presidential nomination, called Boyd his mentor.

Not all of Boyd's causes were political. He took up the bugle for renewable energy sources during the oil shortage of the 1970s. He also called attention to the shortage of physicians in rural areas.

So Boyd's death leaves several voids—in Phillipsburg, his beloved hometown in northwest Kansas which knew Boyd as a friend and civic activist; in journalism; in state and national politics.

Though there is sadness at his death, there also must be joy for the life Huck Boyd so generously shared with us the past 79 years.

TRIBUTE TO BENJAMIN G. LEVICH

Mr. KENNEDY. Mr. President, the death of Dr. Benjamin Levich last week was a sad occasion for all of us involved in his great cause—the cause of human rights.

Benjamin Levich was a man of high intellect and unusual courage. He was renowned internationally not only as a physical chemist but also as the only member of the Soviet Academy of Sciences ever allowed to emigrate from the Soviet Union. Benjamin, his wife Tanya and their two sons, Evgeny and Alexander, endured the wrath of the Soviet authorities for many years—but never lost sight of their dream of "next year in Jerusalem."

Shortly after he had applied for permission to emigrate in 1972, Dr. Levich lost both his positions as a professor at Moscow University and as head of the Hydrodynamics Institute. His sons were permitted to emigrate in 1975, but Dr. and Mrs. Levich were forbidden to join them.

The Levich case provoked an international outcry from scientists and from the human rights community. I became personally involved in urging their release. During a visit to the Soviet Union in 1978, I was given assurances by the Soviet authorities that Dr. and Mrs. Levich would at last be given permission to emigrate. They left Moscow in December 1978 and spent the rest of their lives as Israeli citizens, dividing their time between Israel and the United States.

Throughout his life and his brilliant career, Benjamin Levich was dedicated to the advancement of science and to the cause of justice, dignity and freedom. He was a pioneer for science and a pioneer for human rights, and his loss will be felt deeply by those who knew him, and by countless others who benefited from his immense contributions.

Benjamin Levich was able to spend his last years in freedom—but many others continue to wait for their own opportunity to depart from the Soviet Union. Evgeny Levich's mother-in-law, Zoya Rostomova, was denied permission to travel to Benjamin's funeral in Israel. She was told by Soviet officials that they had "special instructions" not to give permission for any Soviet citizen to visit Israel for any humanitarian reasons.

By his example, Benjamin Levich provided hope and courage to the hundreds of thousands of others who are denied their basic human rights because of the Soviet Union's repressive policies. In paying tribute to this brave man, let us also pledge to redouble our efforts to ensure that all those who seek to leave the Soviet Union are permitted to do so.

Mr. President, I ask unanimous consent that Dr. Levich's obituary from the New York Times may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, January 21, 1987]

DR. BENJAMIN G. LEVICH DIES; SCIENTIST AND SOVIET EMIGRÉ

(By Thomas W. Ennis)

Dr. Benjamin G. Levich, an internationally prominent physical chemist who won a six-year effort to emigrate from the Soviet Union, died of cardiac arrest Monday at Englewood (N.J.) Hospital. He was 69 years old and lived in Fort Lee, N.J.

Dr. Levich was the founder of physicochemical hydrodynamics, a field of science that brings together several disciplines. He was regarded as the most prominent Jewish scientist to be permitted to leave the Soviet Union when he and his late wife, Tanya, received exit visas in 1978, six years after applying for them. In 1974, the couple's sons, Evgeny and Alexander, were told they could leave, and they did so in 1975.

Dr. Levich was a professor at Moscow University when he applied in March 1972 to leave for Israel. He was told he could not go because he had been privy to nuclear secrets. He was dismissed from his teaching post and removed as head of the Hydrodynamics Institute.

RELEASE FROM SOVIET GRANTED

He was allowed to leave after an outcry from the international scientific community. In July 1977, more than 100 Western scientists held a three-day conference in Oxford, England, to draw attention to Dr. Levich's plight.

His release was finally secured after a visit to the Soviet Union in September 1978 by Senator Edward M. Kennedy, who was told that authorities were reviewing the Levich case.

Dr. Levich was the only member of the Soviet Academy of Sciences ever allowed to emigrate, but in 1979 he was dismissed from the academy because he had given up his citizenship as part of emigration.

When Dr. Levich and his wife left the Soviet Union in December 1978, they went to Israel, but Dr. Levich had invitations to teach at universities in Britain, the United States and other countries.

In March 1979, Dr. Levich accepted an invitation to become Albert Einstein professor of science at City College of the City University of New York, a post he held at his death. He was also director of the Institute of Applied Chemical Physics at City College and Distinguished Professor of Chemical Engineering and Physics. At his death, he was also professor of engineering at Tel Aviv University in Israel.

Dr. Levich is survived by his sons, Evgeny, of Edgewater, N.J., who is a physics professor at City College, and Alexander, who lives in London, and is with the British Broadcasting Corporation, and three grandchildren. His wife died in 1983 in Switzerland. There are no members of the Levich family living in the Soviet Union, Evgeny Levich said yesterday. He said his father would be buried in Israel on Thursday, and that a memorial service would be held in February at City College.

DR. BENJAMIN G. LEVICH

Mr. LAUTENBERG. Mr. President, I join my colleague Senator KENNEDY in reflecting today on the life of Dr. Benjamin G. Levich, a prominent Soviet Jewish scientist who died on January 19.

His two sons, his grandchildren, and the world will feel his loss. Dr. Benjamin Levich, who lived part of the time in Fort Lee, NJ, was a man of international scientific renown, and a figure of importance in the struggle for human rights in the Soviet Union. Dr. Levich was the founder of physicochemical hydrodynamics, a field that bridges several disciplines. He was also the only member of the Soviet Academy of Sciences ever allowed to emigrate from the Soviet Union.

He, his wife, Tanya, and their two sons were harassed for many years by the Soviet system which they sought to leave. Despite professional isolation and harassment by the Soviet system, they never abandoned their dream of living in Eretz Yisrael. After Dr. Levich applied to emigrate in 1972, he lost his job as a professor at Moscow University. He was also dismissed from his position as the head of the Hydrodynamics Institute. Although his sons were allowed to emigrate in 1975, Benjamin and Tanya were not allowed to go with them.

An international protest was mounted on Benjamin and Tanya's behalf. Over 100 Western scientists held a 3-day conference in Oxford, England to draw attention to their plight. Senator KENNEDY, too, visited the Soviet Union and raised the Leviches' case. Finally, the Leviches' were permitted to emigrate. They spent the rest of their lives as Israeli citizens, dividing their lives between Israel and the United States.

Benjamin and Tanya's story is a lesson for us all. Because of the outcry on their behalf, the free world was able to benefit from Benjamin's scientific knowledge, and his valiant and courageous spirit. The outcry won him the right to spend his last years in freedom.

His death must remind us of how many more wait to be free; and how they depend on us to plead their case, to make their names known in the West. Not everyone has the prominence to generate conferences at Oxford on their behalf. But everyone has the same human right to be free.

Dr. Levich was one of the lucky ones who was permitted to emigrate. His death should remind us that it is up to us to see that the rest of those waiting in the Soviet Union get lucky too.

DR. BENJAMIN G. LEVICH

Mr. MOYNIHAN. Mr. President, I rise to join the senior Senator from Massachusetts in commemorating the life of Dr. Benjamin G. Levich, and also to take note of the efforts made by my distinguished colleague to help Dr. Levich emigrate from the Soviet Union.

After applying for permission to emigrate in 1972, Dr. Levich lost both his positions as a professor at Moscow University and as head of the Hydrodynamics Institute. And while his sons were finally permitted to emigrate in 1975, Dr. Levich and his wife, Tanya, were forbidden to join them.

My distinguished colleague from Massachusetts began urging their release, as he has for so many others in similar circumstances, and during a visit to the Soviet Union in 1978 was assured by Soviet authorities that Dr. Levich and his wife would be allowed to emigrate.

And Dr. Levich—in manner so characteristic of him—used his new freedom to share his scientific expertise with others. In March 1979, Dr. Levich accepted an invitation to become Albert Einstein professor of science at City College of the City University of New York. He was also director of the Institute of Applied Chemical Physics at City College.

Mr. President, individuals such as Benjamin Levich serve as an inspiration to the thousands of who remain in the Soviet Union against their will. And, as shown by the efforts of my distinguished colleagues from Massachusetts, those who are not yet free must know that we support their struggle.

UNITED STATES MILITARY BUILDUP FAR BIGGER THAN THE SOVIET'S

Mr. PROXMIRE. Mr. President, has there been a Soviet increase in military spending that should require this Congress to agree to the 3-percent plus inflation increase that the administration has called for? Defense Secretary Weinberger has repeatedly charged that the Soviets have sharply increased their military spending. Is he right? No; he is wrong. For instance, Secretary Weinberger appeared on the NcNeil-Lehrer news hour on January 12. Here are some excerpts from Weinberger's remarks:

> They (the Soviets) have done nothing but increase their military strength, increase their ability to project power, increase their ability to conduct war in various parts of the world simultaneously.
>
> We need a defense budget because the threats against us have done nothing but increase. The Soviets don't worry about Gramm-Rudman or any kinds of justification of budgets. Three or four men in the Kremlin decide what they need. And this gives them the ability to make very large increases each year as they've done now for 23 years. And this obviously has given them a major advantage.

On what does this Senator base his conclusion that the Secretary of Defense is wrong? Less than a year ago experts from the Central Intelligence Agency and the Defense Intelligence Agency appeared before a Joint Economic Subcommittee chaired by this Senator. On March 19, 1986, the agencies told the subcommittee that the Soviet Union has slowed the growth of its defense spending over a protracted period. The estimate at that time shows the slowdown began in 1975 when the growth of overall annual defense spending by the Soviet Union measured in dollars was reduced from 4 to 2 percent. In the same year, procurement spending nearly stopped growing. In fact, Soviet procurement spending rose by only 1 percent annually throughout the 10-year period.

So there we have it, Mr. President. This Senator does not rely on the estimates of Soviet spending by some international group. This Senator does not cite the guesses of some independent American group of critics of the Defense Department or the administration. This Senator relies on the testimony of the Central Intelligence Agency which has the responsibility of gathering and analyzing the intelligence under the command and jurisdiction of the Reagan administration. This Senator has also relied on the documented findings of the Defense Intelligence Agency which is in the Secretary of Defense's own shop, under his command. These are the official findings of Secretary of Defense Weinberger's own Defense Department.

Meanwhile, what has happened to the defense spending of our own country in the last 10 years? Keep in mind that the intelligence agencies of our own Government tell us that the Soviets have slowed their overall defense spending increase from 4 to 20 percent for the past 10 years. The CIA and DIA also tell us that for the past 10 years the Soviets have almost eliminated increases in procurement spending by reducing the increases to 1 percent per year. Now contrast that with increases in spending by this Government on our military forces. In the past 12 years—since 1975—U.S. military spending has risen by about $100 billion or about 50 percent in real terms, that is allowing fully for inflation. This constitutes an annual increase of nearly 4.3 percent per year compounded—more than twice the rate of overall military spending increased by the Soviet Union. Meanwhile, the rate of increase in procurement by the United States has increased by 4.1 percent in real terms. This means United States procurement has been growing for the last 10 years four times as fast as Soviet procurement.

The buildup appears to be the exact opposite of what the Secretary described. The Soviets have slowed their military buildup. Our country has sharply increased its military spending. This is even more striking for two additional reasons. First, the U.S. buildup follows a period of sharply increased military spending caused by the Vietnam war. For the past 10 years the United States had been at peace. Throughout our history defense spending has moderated or even fallen in peacetime. The past 10 years have been a dramatic exception.

On the other hand, the Soviet Union started a major military aggression 7 years ago, in 1979, when it invaded Afghanistan. In spite of this greatly accelerated military activity that has involved hundreds of thousands of Soviet troops, tanks, helicopters, and bombers, as well as biological warfare, the Soviets have actually slowed their spending to an annual average rate of increase of a bare 2 percent with an even smaller increase for procurement.

Mr. President, Secretary Weinberger is absolutely right in arguing that the resources we should provide for defense depend primarily on the threat we face from our major potential adversary, the Soviet Union. So, following the Secretary's logic, how should the Congress react to the 10-year slowdown in Soviet military spending?

Mr. President, this Senator submits that on the basis of the relatively weak Soviet military buildup as contrasted with the far stronger United States military buildup, there is every reason for the Congress to meet its obligation to reduce the appalling Federal deficit by a substantial reduction in the administration's military spending request.

Mr. President look at the abundance of other evidence. Here you have this great Russian superpower that has been stumbling around primitive and feeble little Afghanistan for 7 long years. Here is the Russian military put to the test and put to the test where they are supposed to excel, in strictly conventional war. And what is the result? A dismal Soviet failure. A Soviet military that may be about to throw in the sponge in Afghanistan.

For several years the administration has been rightly praising the greatly increased skill and morale of our American troops. Every hard, statistical indication points to improvement: Higher educational attainments, better score on intelligence tests, less AWOL, and a surprisingly sharp drop in drug and alcohol abuse. Meanwhile the Soviet soldiers suffer from increased alcohol problems, poorer health and continuing morale problems. And which nation's military personnel has enjoyed the greatest time for training and maneuvers? American troops have far greater time in maneuvers. Our pilots' hourly flying time per month greatly exceeds the flying time of Soviet pilots. Our ships are at sea three or four times as much as Soviet ships, giving our naval personnel the skill that can only come with experience. And how about the crucial technology differences? The Undersecretary of Defense for Research and Development has told the Congress that in the 20 most important technological areas, the United States is ahead in 14. The two superpowers are tied in six. The Soviets lead in exactly none.

Finally, Mr. President, consider the sharp contrast in the strength of the allies of the two superpowers. The NATO Alliance has a substantially larger population than the Warsaw Pact. It enjoys three times the economic production. It is even farther ahead in military technology. It includes three nuclear powers—the United States, the United Kingdom and the non-NATO member but closely allied nation—France. The Soviet Union stands alone as the only Warsaw Pact nuclear power.

Mr. President, in determining the extent of the military buildup necessary for this Nation to match the Soviet Union and providing an adequate deterrence, it is clear our country right now deals from greater military strength and I mean far greater than our potential adversary.

SCHEDULE

Mr. BYRD. Mr. President, while awaiting hopefully a messenger from the House, the Senate will stand in adjournment following the address by the President of the United States in the Hall of the House of Representatives on the state of the Union. The Senate will come in tomorrow at 1 o'clock and there will be a period for the transaction of routine morning business which will not extend beyond 1:30 p.m. The matter before the Senate at that time will be the pending Symms amendment to the Senate committee funding resolution, Senate Resolution 80. A rollcall vote has been ordered on the Symms amendment and a vote has been ordered in relation to the Symms amendment. There very likely will be a motion to table, but in any event there will be a rollcall vote at the hour of 2:30 p.m., and there may be a rollcall vote on final adoption of the funding resolution. No rollcall vote has been ordered, at this point.

It is my hope that the Senate may be able to proceed at some time tomorrow on the highway bill and later in the week, or perhaps even tomorrow, if it could be cleared, I would hope the Senate could act on the measure that has been passed by the House of Representatives today dealing with the homeless. I will make every effort to get that cleared by the Republican side of the aisle. Hopefully, we can complete action on that measure and the highway bill this week.

TEMPORARY PROHIBITION OF STRIKES OR LOCKOUTS WITH RESPECT TO THE LONG ISLAND RAIL ROAD AND LABOR-MANAGEMENT DISPUTE

Mr. BYRD. Mr. President, there is a message at the desk that has just been delivered from the other body, House Joint Resolution 93. I have cleared this for action this evening. The distinguished Republican leader is here, and so I ask that the Chair lay the message before the Senate.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 93) to provide for a temporary prohibition of strikes or lockouts with respect to the Long Island Rail Road labor-management dispute.

The ACTING PRESIDENT pro tempore. Without objection, the joint resolution will be considered as having been read the second time by title.

Mr. D'AMATO. Mr. President, at the outset I would like to commend and to thank the majority leader and the minority leader for their leadership and cooperation. I also would like to thank my good friend and colleague, Representative LENT, whose legislation we have before us, and of course the senior Senator from our great State of New York, Senator MOYNIHAN. All have come together to help with this legislation which will assist in ending a crippling strike on our Nation's largest commuter railroad, the Long Island Rail Road.

On January 17, after two 120-day cooling-off periods and the recommendations of two Presidential emergency panels provided for under the Railway Labor Act, a strike now in its 10th day, resulted on the Long Island Rail Road. This is a cruel, punishing curtailment of a vital transportation link which has become intolerable and life-threatening.

The LIRR, which provides over 250,000 commuter trips each day, is a vital element of the New York metropolitan region's transportation network. The disruption of rail service has exacted a tremendous toll on the LIRR commuters, the business community, as well as those employees who are not working. Traffic on major roadways leading into New York City, which under the best of circumstances moves at a snail's pace, has become even worse. Commuters suffer each day and businesses lose untold manhours and incur increased expenditures on travel and lodging.

This legislation would provide for a 60-day cooling-off period during which time those unions which have not reached agreements with the LIRR would collectively bargain with the carrier in an effort to reach settlements. A three-member arbitration panel selected by the National Mediation Board would make recommendations within 50 days to the Congress for a proposed solution to the labor dispute. The findings of this panel would not be binding.

Mr. President, I am hopeful that the carrier and the unions will succeed in reaching labor accords during this cooling-off period through the collective bargaining process. And I would urge them strongly to do so. If this were not to occur, however, I would urge all parties to voluntarily accept the recommendations of this neutral panel.

There is ample precedent for congressional intervention under the Railway Labor Act in circumstances such as this where the continued disruption of service on a major transit system is crippling a region. Congressional action is essential here.

I want to thank my friend and colleague Senator MOYNIHAN for his invaluable assistance, as well as Congressman LENT who was instrumental in developing and having the House pass this legislation earlier today. I also would like to thank Gov. Mario Cuomo who assisted us greatly in devising a reasoned approach in an effort to end this devastating strike.

Mr. President, I would like to clarify some of the language in the preamble to this joint resolution. Our use of the phrase "essential transportation services" in the whereas clause of the joint resolution is not intended as, and should not be read as precedent for, construction of that phrase as it appears in section 10 of the Railway Labor Act.

Mr. President, I urge this legislation's immediate consideration and passage.

Mr. President, the people of Long Island, New York City and its surrounding regions, desperately need passage of this legislation. Again, I am grateful to all my colleagues in the Senate, especially to Senator MOYNIHAN, and also to our Governor for working to see that we might bring this legislation to the floor so expeditiously.

Mr. MOYNIHAN. Mr. President, almost 2½ years ago, representatives from the Long Island Rail Road and the 15 unions representing almost 92 percent of its employees began negotiating for new collective bargaining agreements. However, on December 31, 1984, the old collective bargaining agreements expired.

For the next 18 months the negotiation was conducted under the guidance of a Federal mediator. However, this proved fruitless, and on May 15, 1986, the Long Island Rail Road invoked the procedures of section 9A of the Railway Labor Act. Unfortunately all of the procedures for resolving labor disputes under the Railway Labor Act have expired, and the unions were free to strike, as of January 17, 1987.

The Long Island Rail Road [LIRR] provides a vital public service, which allows over 110,000 New Yorkers to travel to and from work on a daily basis. The strike, which began on Sunday, January 18, is now in its 10th day. Some progress has been made toward a settlement—but a final agreement with all parties remains elusive. And the commuters remain without transportation.

The time for congressional action had arrived. So yesterday, Senator D'AMATO and I introduced legislation, Senate Joint Resolution 33, with the support of Governor Cuomo, calling for the employees to go back to work, for negotiations to continue for 28 days, and for the parties to submit any remaining disputes to binding arbitration before a tripartite panel after that time. We knew that this approach was not universally supported, but believed it to be fair, and noted that several of the unions had already reached agreements with the LIRR providing for arbitration of those disputes they could not settle themselves.

In the interests of expedited action, however, Senator D'AMATO and I have agreed with the Governor that we should seek swift passage of the same measure which was passed earlier today by the House of Representatives, and introduced last week by Representative LENT.

House Joint Resolution 93 provides for the employees to go back to work for 60 days. In the interim, the National Mediation Board will appoint a three-member board to prepare and submit to Congress, not later than 10 days before the expiration of the 60-day back-to-work period, a comprehensive report on the dispute, the progress of the negotiations, and recommendations for a proposed solution. In the—what I hope is unlikely—event that the dispute is not fully resolved at that time, Congress will consider what, if any, further action to take. I remind my colleagues that Congress followed a similar course of action in August and September of last year with respect to the Maine Central Railroad dispute.

Yet while the approach is different the goal is the same: facilitating a fair resolution of the issues raised by the men and women who work for the railroad while allowing many other New Yorkers to get to and from their jobs, an enterprise made all the more difficult by the seasonal elements.

Mr. President, I would like to join with my esteemed colleague, Senator D'AMATO, in thanking the majority leader and Republican leader for making this measure possible in an expeditious way that would not ordinarily have occurred. I would like especially to associate myself with the remarks of Senator D'AMATO with regard to any future precedent that this measure might imply for the Railway Labor Act.

The ACTING PRESIDENT pro tempore. Is there further debate on the joint resolution? If not, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 93) was read the third time and passed.

The preamble was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

The following two messages were delivered by the President of the United States to the President of the Senate.

STATE OF THE UNION—MESSAGE FROM THE PRESIDENT—PM 9

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to lie on the table:

To the Congress of the United States:

May I congratulate all of you who are Members of this historic 100th Congress of the United States of America. In this 200th anniversary year of our Constitution, you and I stand on the shoulders of giants—men whose words and deeds put wind in the sails of freedom.

However, we must always remember that our Constitution is to be celebrated not for being old, but for being young—young with the same energy, spirit, and promise that filled each eventful day in Philadelphia's State House. We will be guided tonight by their acts; we will be guided forever by their words.

Now, forgive me, but I can't resist sharing a story from those historic days. Philadelphia was bursting with civic pride in the spring of 1787, and its newspapers began embellishing the arrival of the Convention delegates with elaborate social classifications.

Governors of States were called "Excellency." Justices and Chancellors had reserved for them "Honorable" with a capital "H." For Congressmen, it was "honorable" with a small "h." All others were referred to as "the following respectable characters."

Well, for this 100th Congress, I invoke special Executive powers to declare that each of you must never be titled less than Honorable with a capital "H."

Now, there's a new face at this place of honor tonight. Please join me in warm congratulations to Speaker of the House, JIM WRIGHT. Mr. Speaker, you might recall a similar situation in your very first session of Congress, 32 years ago. Then, as now, the Speakership had changed hands, and another great son of Texas, Sam Rayburn—"Mr. Sam"—sat in your chair. I cannot find better words than those used by President Eisenhower that evening: "We shall have much to do together; I am sure that we shall get it done—and, that we shall do it in harmony and good will."

Tonight, I renew that pledge. To you, Mr. Speaker, and to Senate Majority Leader BOB BYRD and brings 34 years of distinguished service to the Congress, may I say: though there are changes in this Congress, America's interests remain the same. I am confident that, along with Republican leaders BOB MICHEL and BOB DOLE, this Congress can make history.

Six years ago, I was here to ask the Congress to join me in America's New Beginning.

The results are something of which we can all be proud. Our inflation rate is now the lowest in a quarter of a century. The prime interest rate has fallen from the 21½ percent the month before we took office to 7½ percent today, and those rates have triggered the most housing starts in 8 years.

The unemployment rate—still too high—is the lowest in nearly 7 years, and our people have created nearly 13 million new jobs. Over 61 percent of everyone over the age of 16, male and female, is employed—the highest percentage on record.

Let's roll up our sleeves, go to work, and put America's economic engine at full throttle.

We can also be heartened by our progress across the world. Most important, America is at peace tonight, and freedom is on the march. We have done much these past years to restore our defenses, our alliances, and our leadership in the world. Our sons and daughters in the services once again wear their uniforms with pride.

But though we have made much progress, I have one major regret. I took a risk with regard to our action in Iran. It did not work, and for that I assume full responsibility.

The goals were worthy. I do not believe it was wrong to try to establish contacts with a country of strategic importance or to try to save lives. And certainly it was not wrong to try to secure freedom for our citizens held in barbaric captivity. But we did not achieve what we wished, and serious mistakes were made in trying to do so. We will get to the bottom of this, and I will take whatever action is called for.

But in debating the past, we must not deny ourselves the successes of the future. Let it never be said of this generation of Americans that we became so obsessed with failure that we refused to take risks that could further the cause of peace and freedom in the world.

Much is at stake here, and the Nation and the world are watching—to see if we go forward together in the national interest, of if we let partisanship weaken us.

And let there be no mistake about American policy: We will not sit idly by if our interests or our friends in the Middle East are threatened, not will we yield to terrorist blackmail.

Now, ladies and gentleman of the Congress, why don't we get to work?

I am pleased to report that, because of our efforts to rebuild the strength of America, the world is a safer place. Earlier this month, I submitted a budget to defend America and maintain our momentum to make up for neglect in the last decade. I ask you to vote out a defense and foreign affairs budget that says "yes" to protecting our country.

While the world is safer, it is not safe.

Since 1970, the Soviets have invested $500 billion more on their military forces than we have. Even today, though nearly one in three Soviet families is without running hot water, and the average family spends 2 hours a day shopping for the basic necessities of life, their government still found the resources to transfer $75 billion in weapons to client states in the past 5 years—clients like Syria, Vietnam, Cuba, Libya, Angola, Ethiopia, Afghanistan, and Nicaragua.

With 120,000 Soviet combat and military personnel and 15,000 military advisers in Asia, Africa, and Latin America, can anyone still doubt their single-minded determination to expand their power? Despite this, the Congress cut my request for critical U.S. security assistance to free nations by 21 percent this year, and cut defense requests by $85 billion in the last 3 years. These assistance programs serve our national interests as well as mutual interests, and when the programs are devastated, American interests are harmed. My friends, it is my duty as President to say to you again tonight that there is no surer way to lose freedom than to lose our resolve.

Today, the brave people of Afghanistan are showing that resolve. The Soviet Union says it wants a peaceful settlement in Afghanistan, yet it continues a brutal war and props up a regime whose days are clearly numbered. We are ready to support a political solution that guarantees the rapid withdrawal of all Soviet troops and genuine self-determination for the Afghan people.

In Central America, too, the cause of freedom is being tested. And our resolve is being tested there as well. Here, especially, the world is watching to see how this Nation responds.

Today, over 90 percent of the people of Latin America live in democracy. Democracy is on the march in Central America and South America. Communist Nicaragua is the odd man out—suppressing the Church, the press, and democratic dissent and promoting subversion in the region. We support diplomatic efforts, but these efforts can never succeed if the Sandinistas win their war against the Nicaraguan people.

Our commitment to a Western Hemisphere safe from aggression did not occur by spontaneous generation on the day we took office. It begin with the Monroe Doctrine in 1823 and continues our historic bipartisan American policy. Franklin Roosevelt said we ". . . are determined to do everything possible to maintain peace on this hemisphere." President Truman was very blunt: "International communism, . . . seeks to crush and undermine and . . . destroy the independence of the Americas, . . . We can't let that happen here."

And John F. Kennedy made clear that ". . . Communist domination in this hemisphere can never be negotiated."

Some in this Congress may choose to depart from this historic commitment, but I will not.

This year, we celebrate the second century of our Constitution. The Sandinistas just signed theirs 2 weeks ago—and then suspended it. We won't know how my words tonight will be reported there, for one simple reason: there is no free press in Nicaragua.

Nicaraguan freedom fighters have never asked us to wage their battle, but I will fight any effort to shut off their lifeblood and consign them to death, defeat, or a life without freedom. There must be no Soviet beachhead in Central America.

We Americans have always preferred dialogue to conflict, and so we always remain open to more constructive relations with the Soviet Union. But more responsible Soviet conduct around the world is a key element of the United Soviet-Soviet agenda. Progress is also required on the other items of our agenda as well—real respect for human rights, and more open contracts between our societies, and, of course, arms reduction.

In Iceland last October, we had one moment of opportunity that the Soviets dashed because they sought to cripple our Strategic Defense Initiative—S.D.I. I wouldn't let them do it then. I won't let them do it now or in the future. this is the most positive and promising defense program we have undertaken. It's the path—for both sides—to a safer future; a system that defends human life instead of threatening it. S.D.I. will go forward.

The United States has made serious, fair, and far-reaching proposals to the Soviet Union, and this is a moment of rare opportunity for arms reduction. But I will need, and American negotiators in Geneva will need Congress' support. Enacting the Soviet negotiating position into American law would not be the way to win a good agreement. So I must tell this Congress I will veto any effort that undercuts our national security and our negotiating leverage.

Today, we also find ourselves engaged in expanding peaceful commerce across the world. We will work to expand our opportunities in international markets through the Uruguay round of trade negotiations and to complete an historic free trade arrangement between the world's two largest trading partners—Canada and the United States.

Our basic trade policy remains the same: we remain opposed as ever to protectionism because America's growth and future depend on trade. But we will insist on trade that is fair and free. We are always willing to be trade partners but never trade patsies.

Now from foreign borders, let us return to our own because America in the world is only as strong as America at home.

This 100th Congress has high responsibilities. I begin with a gentle reminder that many of these are simply the incomplete obligations of the past. The American people deserve to be impatient because we do not yet have the public house in order.

We've had great success in restoring our economic integrity, and we've rescued our Nation from the worst economic mess since the Depression.

But there's more to do. For starters, the Federal deficit is outrageous.

For years I've asked that we stop pushing onto our children the excesses of our government. What the Congress finally needs to do is pass a constitutional amendment that mandates a balanced budget and forces government to live within its means. States, cities, and the families of America balance their budgets. Why can't we?

Next—the budget process is a sorry spectacle. The missing of deadlines and the nightmare of monstrous continuing resolutions packing hundreds of billions of dollars of spending into one bill must be stopped.

We ask the Congress, once again: Give us the same tool that 43 Governors have—a line-item veto so we can carve out the boondoggles and pork that would never survive on their own. I will send the Congress broad recommendations on the budget, but first I'd like to see yours. Let's go to work and get this done together.

Now, let's talk about this year's budget. Even though I have submitted it within the Gramm-Rudman-Hollings deficit reduction target, I've seen suggestions that we might postpone that timetable. Well, I think the American people are tired of hearing the same old excuses. Together, we made a commitment to balance the budget; now, let's keep it.

As for those suggestions that the answer is higher taxes, the American people have repeatedly rejected that shopworn advice. They know that we don't have deficits because people are taxed too little; we have deficits because big government spends too much.

Next month, I will place two additional reforms before the Congress.

We've created a welfare monster that is a shocking indictment of our sense of priorities. Our national welfare system consists of some 59 major programs and over 6,000 pages of Federal laws and regulations on which more than $132 billion was spent in 1985.

I will propose a new national welfare strategy—a program of welfare reform through state-sponsored, community-based demonstration projects. This is the time to reform this outmoded social dinosaur and finally break the poverty trap. We will never abandon those who, through no fault of their own, must have our help. But let us work to see how many can be freed from the dependency of welfare and made self-supporting.

Next, let us remove a financial specter facing our older Americans—the fear of an illness so expensive that it can result in having to make an intolerable choice between bankruptcy and death. I will submit legislation shortly to help free the elderly from the fear of catastrophic illness.

Now, let's turn to the future.

It is widely said that America is losing her competitive edge. Well, that won't happen if we act now. How well prepared are we to enter the 21st century? In my lifetime, America set the standard for the world. It is now time to determine that we should enter the next century having achieved a level of excellence unsurpassed in history.

We will achieve this: first, by guaranteeing that government does everything possible to promote America's ability to compete. Second, we must act as individuals in a quest for excellence that will not be measured by new proposals or billions in new funding. Rather, it involves an expenditure of American spirit and just plain American grit.

The Congress will soon receive my comprehensive proposals to enhance our competitiveness—including new science and technology centers and strong new funding for basic research.

The bill will include legal and regulatory reforms and weapons to fight unfair trade practices. Competitiveness also means giving our farmers a shot at participating fairly and fully in a changing world market.

Preparing for the future must begin, as always, with our children.

We need to set for them new and more rigorous goals. We must demand more of ourselves and our children by raising literacy levels dramatically by the year 2000. Our children should master the basic concepts of math and science, and let's insist that students not leave high school until they have studied and understood the basic documents of our national heritage.

There's one more thing we can't let up on. Let's redouble our personal efforts to provide for every child a safe and drug-free learning environment. If the crusade against drugs succeeds with our children, we will defeat that scourge all over our country.

Finally, let's stop suppressing the spiritual core of our national being. Our Nation could not have been conceived without divine help. Why is it that we can build a Nation with our prayers but we can't use a schoolroom for voluntary prayer? The 100th Congress of the United States should be remembered as the one that ended the expulsion of God from America's classrooms.

The quest for excellence into the 21st century begins in the schoolroom but must go next to the workplace. More than 20 million new jobs will be created before the new century unfolds, and, by then, our economy should be able to provide a job for everyone who wants to work.

We must also enable our workers to adapt to the rapidly changing nature of the workplace, and I will propose substantial new Federal commitments keyed to re-training and job mobility.

Over the next few weeks, I will be sending the Congress a complete series of these special messages—on budget reform, welfare reform, catastrophic illness, competitiveness, including education, trade, worker training and assistance, agriculture, and other subjects.

The Congress can give us these tools, but to make these tools work, it really comes down to just being our best. That is the core of American greatness.

The responsibility of freedom presses us towards higher knowledge and, I believe, moral and spiritual greatness. Through lower taxes and smaller government, government has its ways of freeing people's spirits. But only we, each of us, can let the spirit soar against our own individual standards.

Excellence is what makes freedom ring. And isn't that what we do best?

We're entering our third century now, but it's wrong to judge our Nation by its years. The calendar can't measure America because we were meant to be an endless experiment in freedom—with no limit to our reaches, no boundaries to what we can do, no end point to our hopes.

The United States Constitution is the impassioned and inspired vehicle by which we travel through history. It grew out of the most fundamental inspiration of our existence: that we are here to serve Him by living free—that living free releases in us the noblest of impulses and the best of our abilities. That we would use these gifts for good and generous purposes and would secure them not just for ourselves, and for our children, but for all mankind.

Over the years, nothing has been so heartwarming to me as speaking to America's young. And the little ones especially—so fresh-faced and so eager to know—well, from time to time, they'll ask about our Constitution.

I hope you Members of Congress will not deem this a breach of protocol if you'll permit me to share these thoughts again with the young people who might be listening or watching this evening.

I have read the constitutions of a number of countries—including the Soviet Union's. Some people are surprised to hear they have a constitution, and it even supposedly grants a number of freedoms to its people. Many countries have written into their constitutions provisions for freedom of speech and freedom of assembly. If this is true, why is the Constitution of the United States so exceptional?

The difference is so small, it almost escapes you—but it's so great it tells you the whole story in just three words: We the people.

In those other constitutions, the government tells the people what they are allowed to do. In our Constitution, we the people tell the government what it can do and that it can do only those things listed in that document and no others.

Virtually every other revolution in history just exchanged one set of rules for another. Our revolution is the first to say the people are the masters, and government is their servant.

Don't ever forget that. Some day, you could be in this room—but wherever you are, America is depending on you to reach your highest and be your best—because here, in America, we the people are in charge.

Just three words. Some words.

We the people.

Those are the kids on Christmas day looking out from a frozen sentry post on the 38th Parallel or aboard an aircraft carrier in the Mediterranean. A million miles from home. But doing their duty.

We the people.

Those are the warm-hearted whose numbers we can't begin to count who'll begin the day with a little prayer for hostages they will never know and M.I.A. families they will never meet. Why? Because that's the way we are, this unique breed we call Americans.

We the people.

They're farmers on tough times, but who never stop feeding a hungry world. They're the volunteers at the hospital choking back their tears for the hundredth time caring for a baby struggling for life because of a mother who used drugs. And you'll forgive me a special memory—it's a million mothers like Nelle Reagan who never knew a stranger or turned a hungry person away from her kitchen.

We the people.

They refute last week's television commentary downgrading our optimism and idealism. They are the entrepreneurs, the builders, the pioneers, and a lot of regular folks—the true heroes of our land who make up the most uncommon Nation of doers in history. You know they're Americans because their spirit is as big as the universe, and their hearts are bigger than their spirit.

We the people.

Starting the third century of a dream and standing up to some cynic who's trying to tell us we're not going to get any better.

Are we at the end? Or are we at the beginning? Well, I can't tell it any better than the real thing—a story recorded by James Madison from the final moments of the Constitutional Convention—September 17, 1787. As the last few members signed the document, Benjamin Franklin—the oldest delegate at 81 years, and in frail health—looked over towards the chair where George Washington daily presided. At the back of the chair was painted the picture of a sun on the horizon. Turning to those sitting next to him, Franklin observed that artists found it difficult in their painting to distinguish between a rising and setting sun.

I know if we were there, we could see those delegates sitting around Franklin—leaning in to listen more closely to him. Then Dr. Franklin began to share his deepest hopes and fears about the outcome of their efforts, and this is what he said:

"I have often . . . looked at that behind the President without being able to tell whether it was rising or setting: But now at length I have the happiness to know that it is a rising and not a setting Sun."

You can bet it's rising, because—my fellow citizens—America isn't finished; her best days have just begun.

RONALD REAGAN.

THE WHITE HOUSE, *January 27, 1987.*

STATE OF THE UNION, A QUEST FOR EXCELLENCE—MESSAGE FROM THE PRESIDENT—PM 10

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to lie on the table;

To the Congress of the United States:

A QUEST FOR EXCELLENCE

I. INTRODUCTION

Tonight, I have come personally before the Congress to report on the State of our Union and outlined how we can meet the goal of renewing the American spirit—a spirit of excellence. To achieve this, I have asked all Americans to commence a new Quest for Excellence that will produce the third great American century. I said about America: her best days have just begun.

This message—*A Quest for Excellence*—spells out in greater detail how we as a nation can successfully meet the challenge of that century.

II. PREPARING FOR THE CHALLENGES AND OPPORTUNITIES OF THE TWENTY-FIRST CENTURY

Meeting the Competitive Challenge

America's competitiveness in world markets is critical to maintaining and expanding our standard of living and the national security. I have established a national goal of assuring American competitive pre-eminence into the 21st century. Achieving that goal is the responsibility of all Americans.

Businesses must work more efficiently, setting high standards of quality, streamlining operations, discarding outmoded systems and management styles, adapting to change, and building on their tradition as entrepreneurs who saw a better way, had a better idea, worked a little harder. Workers must be enabled to reach their potential by taking advantage of new technologies and investing in education, training, self-improvement, and a pride in their work. Families, in concert with State and local governments, have the greatest responsibility of all—creating an educational environment that can make our children productive citizens, able to achieve the best both spiritually and materially.

We must strive for excellence in education.

To fulfill the Federal Government's responsibilities, I am launching a six-part program aimed at:

1. Increasing investment in human and intellectual capital;
2. Promoting the development of science and technology;
3. Better protecting intellectual property;
4. Enacting essential legal and regulatory reforms;
5. Shaping the international economic environment; and
6. Eliminating the Federal budget deficit.

Increasing Investment in Human Capital

The National Commission on Excellence in Education concluded in its report, *A Nation at Risk*, that "our once unchallenged pre-eminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world. . . . If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war."

Much progress has been made since the Commission's report, but much remains to be done;

—Forty percent of thirteen year olds are reading below the skill level for their age;

—Only 75 percent of high school students graduate on time;

—SAT scores are considerably below where they were in the 1960's.

In order to correct this situation, our society must continue the reforms sparked by the National Commission's report and focus education, particularly in the elementary and secondary schools, on acquiring the basic skills that will be necessary for jobs and careers in the 21st century. We must teach our children to read, write, and compute in the early grades. By the time of graduation from high school, at a minimum the student should have:

—four years of English;

—three years of mathematics;

—three years of science;

—three years of social science; and

—proficiency in the use of computers.

I am charging the Secretary of Education with continuing to work with our Nation's governors to identify what works in American education and to seek out places of educational excellence that will serve as national models.

In addition, our colleges and universities should adopt more rigorous standards and higher expectations for academic and student conduct. Our teacher preparation curricula should shift from heavy emphasis on technique to subject matter mastery, and schools overall should do more to help parents form the character of their children. State and local governments also should consider extending the school year, as well as making better use of the time spent in school.

In addition, so that no one is left behind, we must renew our efforts and refocus our resources to help disadvantaged youth to enter the mainstream of our society. The Department of Education will be developing and publishing a *What Works* on the education of the disadvantaged. Furthermore, my Administration is proposing reauthorization of Chapters 1 and 2 of the Education Consolidation and Improvement Act (ECIA) and targeting resources on the neediest schools and youngsters; fostering greater innovation, experimentation, and parental choice; building accountability into the program; and providing incentives and rewards for success.

To assure that every American—no matter what age—learns to speak, read, and write English so as to be able to fully participate in our society and take advantage of the opportunities it affords, I am announcing a goal of raising literacy levels dramatically by the year 2000. In addition, we will be submitting proposals to reform bilingual education, allowing greater flexibility and innovation in federally funded bilingual education programs.

Promoting flexible job skills and greater work force mobility is also an important part of competitiveness. We will be proposing a new program to help all workers who are displaced by adverse economic factors, such as rural economic problems, technological changes at the workplace, or increased imports. This $1 billion program, combining the best elements of the current Trade Adjustment Assistance (TAA) and Job Training Partnership Act (JTPA) programs, will help an estimated 700,000 additional workers each year to adjust to change, learn new skills, or update old ones through retraining and counseling programs developed under the guidance of local private industry councils (PICs). It will also provide incentives for early return to the work force to lessen the burden on our unemployment insurance program.

In addition, we will be proposing necessary legislative changes in the administration of our Employment Service (ES) and Unemployment Insurance (UI) programs. These changes will give States greater flexibility in developing comprehensive approaches to target human capital problems. Specifically, we will ask that we amend our UI laws to devolve the financing, operation, and administration of these programs to the States, and that we amend the Wagner-Peyser Act to enhance State capability in designing and administering community labor exchange services.

Equally as important as helping dislocated workers to adjust to new demands of an increasingly global market is assuring that economically disadvantaged youth are not forgotten. We must assure that they are given the help and opportunities to acquire skills to make them productive citizens in an America that will critically need their talents.

My Administration is proposing an $800 million youth initiative targeted towards improving the skills of children in welfare families. This program would permit States and localities to use Federal funds to provide summer jobs, develop year-round remedial education and job training services, or a mixture of both. In addition, we will propose a new employment and training effort under the AFDC program: Greater Opportunities through Work (GROW). This program will encourage teenage parents and other young recipients of AFDC assistance who do not have a high school education to either stay in or return to school. Services under these programs could include remedial education and skills training that would help these young people break out of the welfare cycle and move towards real opportunities for rewarding careers and jobs.

Finally, I have asked the Secretary of Labor to initiate a study of the private pension system to see how it could be improved to reduce barriers to greater mobility in the U.S. work force. In addition, to enhance the effectiveness of the private pension system in providing retirement income security to American workers, my Administration will propose statutory changes to the Employee Retirement Income Security Act (ERISA) to make it more flexible in dealing with overfunded pension plans while requiring employers to take needed steps to strengthen underfunded plans.

Promoting the Development of Science and Technology

Science and technology are fundamental to U.S. competitiveness. America's pre-eminence in research and innovation has long been the envy of the world and a critical source of our national strength. Breakthroughs by Americans in such areas as medicine and transportation have consistently set the pace for an improved standard of living around the world, and American developments in communications, space, and even entertainment have captured the imagination of successive generations, setting benchmarks for American excellence in the years to come.

But, we must recognize that our trading partners, in their desire to improve their standards of living and market share, are catching up. We must ensure that adequate incentives are in place that will not only maintain our pre-eminence in initiating ideas and know-how, but also our lead in setting the pace at which these are translated into new products and processes.

Our policies must serve three broad objectives:

1. Generating new knowledge in the sciences and advanced technologies;
2. Swiftly transferring technologies to the marketplace; and
3. Expanding the Nation's talent base in science and technology fields.

We will initiate a number of measures to achieve these objectives. I am proposing that we double over 5 years the budget of the National Science Foundation. My Administration will establish a number of new government-private "science and technology centers" based at U.S. universities. These centers will focus on fundamental science that has the potential to contribute to our Nation's economic competitiveness, including areas such as robotics for automated manufacturing and micro electronics, new materials processing, and biotechnology.

I am directing the Departments of Agriculture, Commerce, Energy, and Health and Human Services and the National Aeronautics and Space Administration to initiate a "Technology Share" program involving multi-year, joint basic and applied research with consortia of U.S. firms and universities.

We also will initiate a "People-to-People" exchange program in which scientists and engineers from Federal laboratories and the private sector will be encouraged to make their expertise available to each other through temporary assignment exchanges.

In addition to improved access to the know-how of our Federal scientists, the U.S. private sector must be encouraged to take advantage of our Federal science and technology enterprise. Since 1982, we have taken several actions to help commercialize the results of federally funded research by transferring management of Federal technology to those closest to its invention and encouraging cooperation on basic research between government and industry and among businesses. To enhance these efforts, I will issue an Executive order containing a number of measures:

—To encourage scientists working in Federal laboratories to patent, license, and commercialize their research so that the private sector, including consumers, can benefit, Federal agencies must implement royalty sharing programs with Federal inventors;

—To fully exploit foreign science and technology, the Department of State will develop a vigorous recruitment policy that encourages scientists and engineers from other Federal agencies, academia, and industry to apply for assignments in U.S. embassies abroad; and

—To promote technology transfers and commercial spin-offs from Federal research and development efforts, Federal agencies and federally operated laboratories will seek out "science entrepreneurs" to act as conduits between the laboratories and business, venture capitalists, and universities;

—To ensure that industry and academia benefit from research and technology abroad, the Departments of State and Commerce and the National Science Foundation will develop a mechanism to ensure that this information is made available in a prompt and efficient manner.

My Administration will implement a policy permitting all Federal contractors to own software, engineering drawings, and other technical data generated by Federal contracts in exchange for royalty-free use by the government. This will help commercialize non-patentable results of federally funded research.

Because it is important that business have adequate incentives to fund research here in the United States, we are seeking legal and regulatory stability for research and development in the R&D tax credit, as well in Section 861 tax rulings on the allocation of R&D expenditures overseas.

Speaking of incentives, we must not forget the scientists and engineers of tomorrow—our children. Not only should we help our young people become more familiar and interested in science and engineering careers, but we must also broaden our notions of "basic skills". I am directing that the National Science Foundation and other Federal science agencies work with the Department of Education and State and local governments to assure that our children have the scientific literacy needed for the 21st century. To promote interest in careers in science and engineering, these agencies will:

—establish internships for promising students at Federally supported research labs;

—advise in the development of first-rate scientific and technical curricula—textbooks, software, and lab materials—using the expertise of top U.S. scientists and engineers;

—provide matching contributions to schools and universities for instructional scientific equipment and computers; and

—undertake promotional efforts regarding science and technology careers for minorities and women.

My Administration is also expanding our strong budgetary support for basic research, which has grown in real terms by 42 percent since 1981. Key new or expanded initiatives proposed in my 1988 Budget include design and construction by the United States, in conjunction with our friends and allies, of a permanently manned space station; development of a National Aerospace Plane; development of advanced civil space technology; global geospace science and planetary sciences programs; improved manufacturing technologies; hyper-speed integrated circuits; and mapping human DNA.

The Department of Defense in fulfilling its mission of ensuring our national security, also plays an important role in contributing to U.S. economic competitiveness. I am directing the Department of Defense, whose investment in R&D, testing, and evaluation will increase about 17 percent this year, and has more than doubled since 1982, to accelerate its ongoing efforts to "spin off" technologies to the private sector. Previous commercial applications of defense technology have included such things as night vision capability for use in police and rescue work and computer-based reading training programs to develop basic and job skills. Technologies targeted for future potential spin offs include: ceramic composite materials for more efficient engines; ultra-reliable radar for air traffic control systems and commercial aircraft; and enzymes for improved toxic waste disposal and decontamination. In addition to its primary function of strengthening deterrence, our Strategic Defense Initiative (SDI) should yield important spin-offs. As with the Apollo and space shuttle programs before it, SDI will advance scientific progress across a broad range. The Department of Defense will also work to assist industry in renewing its manufacturing competitiveness in the critical technologies.

Better protecting intellectual property

Critically related to improving development of science and technology is ensuring protection, both domestically and internationally, of the property rights of inventors of new products and services and creators of new ideas and works of art.

We will seek statutory changes to: encourage patent owners to engage in newer and more novel ways to license their patents by limiting the "patent misuse doctrine;" raise protection for products resulting from patented processes to the same level as that accorded such products by our major trading partners; and amend the Clayton Antitrust Act to provide a more flexible standard of review for intellectual property licensing arrangements. Furthermore, we will restore the bargaining power of parties contracting to license technology by codifying and clarifying the Supreme Court holding in *Lear* v. *Adkins;* eliminating the current injury requirement from Section 337 ITC proceedings to exclude imports; and restoring the term of patents covering agricultural chemical products and animal drugs up to a maximum of 5 years to account for the period lost due to mandatory Federal premarketing regulatory review and testing. My Administration will propose statutory changes to: reduce the cost of defending patent rights by: (1) mandating an award of attorneys' fees in frivolous suits on cases of willful infringement; and (2) requiring challenges to patent validity to first go through an administrative proceeding before going to court.

We will also seek a "technological" solution to the potential problem of unauthorized copying of copyrighted material on digital audio tape recorders.

We will also be proposing the necessary statutory changes to our copyright law to permit the United States to join the Berne Convention for the Protection of Literary and Artistic Works. Seventy-six countries have signed this treaty; by joining, our country will gain copyright relations with approximately 20 countries with which we currently have none, or relations are unclear.

I am directing all Federal agencies to take into account the treatment of U.S. intellectual property when they are negotiating international agreements or providing bilateral economic assistance.

I will issue an Executive order to better protect business confidentiality under the Freedom of Information Act (FOIA) by giving businesses the opportunity to object to the release of commercial information submitted to the government.

My Administration will also propose statutory changes to FOIA expanding the definition of the "trade secrets" and "confidential commercial information" exemption to permit the government to withhold information that would cause harm to the Federal Government or commercial sector if released.

In addition, the Patent and Trademark Office will be making its technology file of U.S. patents and English language abstracts of Japanese and European patents available as a research tool to business and universities through private contractors or regional search centers.

Enacting Essential Legal and Regulatory Reform

Outmoded rules, regulations, excessive paperwork, and self-imposed disincentives can place us at a major disadvantage in an increasingly competitive world marketplace. We will propose a number of legal and regulatory reforms to eliminate these obstacles to competitiveness.

We must stop draining off resources from our economy through product liability judgments that have gotten out of hand. We will propose legislative measures to reduce the costly product liability insurance spiral affecting the production costs of U.S. goods while still providing the necessary protections for consumer health and safety.

Businesses in the 21st century will have to compete on a global scale; to do so, they cannot be bound by rules designed to fit the far different markets of the early 20th century. Thus we will be proposing antitrust refinements to allow firms to develop new ways of organizing and operating that take account of the increasingly global nature of markets.

I am directing the Cabinet to undertake a review of the export controls program and report to me by early March, 1987. While preserving U.S. security interests, the Cabinet is to provide recommendations to achieve the following: decontrolling technologies that offer no serious threat to U.S. security; eliminating unilateral controls in those areas where there is widespread foreign availability; and reducing the time necessary to acquire a license by at least one-third and implementing a fair, equitable, and timely dispute resolution process. These actions must be coordinated with efforts by our allies to make procedures more uniform and enforcement more rigorous.

We will reinforce our efforts to improve the competitiveness of American industry through deregulation and paperwork reduction. I have asked Vice President Bush to direct the Task Force on Regulatory Relief to take a fresh look at the Federal regulatory structure from the competitiveness standpoint and to improve or eliminate unnecessary regulatory and paperwork burdens. We will press for legislation to complete the deregulation of the trucking industry and will oppose efforts to re-regulate air and rail transportation. We will continue to pursue legislation to seek full deregulation of the pricing and transportation of natural gas, including repeal of demand restraints in the Fuel Use Act, and to repeal the windfall profit tax. We will also propose legislation to implement oil pipeline deregulation.

Shaping the International Economic Environment

The litmus test of whether we will be truly competitive in the 21st century will be our ability to meet the competition head-on—and win—in the international marketplace. The Federal Government can play a key role here by helping to shape an international environment in which American knowledge, talent, and entrepreneurship can flourish.

In an increasingly interdependent world, currency flows, foreign government policies with respect to spending, saving and taxes, and trends in foreign investment all have a major impact on the competitiveness of American firms. We must shape these factors in ways that enhance, not inhibit, our competitiveness. This will require improved economic and monetary cooperation on a global scale. We will build on progress over the past year, including the new institutional arrangements we have developed both multilaterally and bilaterally, to guarantee a more stable and realistic value for the dollar, improved growth abroad, and an accompanying growth in markets for American firms.

The developing countries, particularly those in Latin America, represent new, growth markets of the next century. We will work to ensure that these markets meet their full potential by pressing our initiative on the debt problem, with a view towards increasing private investment and encouraging the necessary policy reforms within the developing world.

My Administration has aggressively used the funding provided in last year's "war chest" legislation to combat aggressively foreign predatory financing practices. We will focus our efforts on achieving an international agreement limiting these practices. But at the same time, our trading partners and competitors should be on notice that we will use our full authorities to counter foreign subsidized credit offers. To this end, we will be seeking the additional $200 million in "war chest" monies promised last year.

We will not tolerate closed markets, trade barriers, and unfair foreign subsidies that disadvantage American firms in the world marketplace. We will aggressively seek to open foreign markets through multilateral and bilateral negotiations and eliminate foreign unfair trade practices wherever and whenever they occur through the active use of our trade laws.

We must ensure that the laws of the trading system recognize the commercial realities of the 21st century. We made major progress this past year in securing the launch of a new round of multilateral trade negotiations in GATT. We will push hard for quick results from the Uruguay Round in areas critical to our competitive future, including agriculture, services, intellectual property, and investment.

We will also seek to achieve a major market opening close to home. More trade passes between the United States and Canada than between any other two countries in the world. We are now engaged in historic negotiations with Prime Minister Mulroney's government on a free trade agreement that will improve commercial opportunities on both sides of the border and serve as a model for trade liberalization on a global scale. We will work with the Canadians and the Congress to conclude an agreement in our mutual interests.

We will continue to assure that bribery to gain markets is deterred with criminal sanctions. However, uncertainty and ambiguity arising from portions of the Foreign Corrupt Practices Act serve as a needless disincentive to American business. My Administration will again propose amendments that eliminate these uncertainties by clarifying the Act's "reason to know" and other provisions and reduce its costly and duplicative accounting requirements.

Our trade laws have proven to be effective instruments for opening foreign markets and defending American industries against unfair practices on the part of our competitors. I will propose improvements to these laws that will enhance our ability to meet the challenges from abroad without erecting protectionist barriers at home. Our proposals will emphasize opening markets through multilateral and bilateral negotiation, not closing them; encouraging adjustment while providing improved relief to industries injured by import competition; and tightening our laws to make them more effective in dealing with unfair foreign competition.

REFORMING FEDERAL SPENDING

Controlling Federal spending remains an essential element of our efforts to strengthen the economy and place it on a firm footing for the future. My Administration is continuing efforts to reduce the deficit. We have proposed a budget that meets the Gramm-Rudman-Hollings deficit target, and does so by reducing spending, not by raising taxes. I urge its passage by the Congress.

Working together, we need to begin to explore ways in which the budget process itself can be reformed and improved. Many Members of Congress feel that the system through which budget decisions are made is not working the way it should, and I share that view. Its deficiencies, unfortunately, are reflected in the results. Deadlines for congressional action too often are missed or ignored; the threat of a government-wide shutdown has become an almost regular feature of the beginning of fiscal years; and the end product of this process remains a Federal budget that provides for excessive spending and a large deficit. I am committed to working with the Congress to establish procedures to encourage cooperation rather than confrontation between the Executive and Legislative branches on the crucial issues of Federal spending and to adopt measures that will help make the budget process more responsible and more accountable.

Finally, I will again propose that the Congress adopt a Balanced Budget Amendment to the Constitution and the establishment of a line-item veto. Adoption of a Balanced Budget Amendment would represent our acceptance of a simple yet fundamental principle—the Federal government must live within its means. A line-item veto would further enhance our capacity to reduce and eliminate wasteful and redundant expenditures. I strongly recommend that these two reforms be adopted.

AGRICULTURE

From the beginning of this Republic, agriculture has been the backbone of America and is the Nation's largest single industry. We can be proud that each American farmer now feeds 88 of our citizens plus 30 people abroad. Yet in spite of this bounty, all is not well in rural America. Farmers have suffered from events that in many cases have been beyond their control, such as unfavorable currency exchange rates, unfair competition, and government interference. Still, most farmers retain their faith in America and their dedication to our free enterprise system. We must stand by them through these troubled times.

Major farm legislation was put into effect last year to address those concerns. The Food Security Act of 1985 was a significant improvement over previous legislation but has not addressed several continuing problems. Commodity programs still provide too much incentive for overproduction. Our farmers are required to produce to qualify for payments and loans. Program costs are at an historic high, and some farmers receive very large individual payments. In addition, our sugar program is unfair to our consumers, our trading partners, and many developing countries.

We will ask the Congress to make improvements in farm legislation. Our proposal will be designed to break the link between eligibility for payments and production decisions, to further lower target prices and loan rates and to impose tighter limits on farm program payments. We will also ask for an overhaul of our sugar program. These changes will help U.S. agriculture focus more on market forces and less on Washington; net outlays for agriculture will come down gradually and will still be very generous for the next several years. The resulting reduced government influence and greater reliance on the marketplace will be essential to the long-term competitiveness and viability of U.S. agriculture. At the same time, we will continue to press aggressively for comprehensive agricultural negotiations during the Uruguay Round. Our farmers deserve a level playing field in order to compete fairly in international trade and we are committed to make that objective a reality.

COMPETITIVE FINANCIAL SERVICES

The financial services industry must be permitted to keep pace with changing technology, global competition, and consumer demand for expanded services. I am proposing that the Congress implement the recommendations of Vice President BUSH's Task Force on the Regulation of Financial Services. We must rationalize our Federal regulatory structure.

A little over 1 year ago, the Congress asked us to devise a plan to rescue the Federal Savings and Loan Insurance Corporation (FSLIC). We responded early in 1986 with a plan based on two fundamental principles. First, we have devised a truly self-help plan; the taxpayers will not be required to bailout a profitable industry that, with some measure of sacrifice over time, can help itself. Second, our recapitalization plan has sufficient resources (about $25-30 billion over 5 years), available when necessary, to meet the very real problems that exist today. By giving FSLIC the resources to handle the hundreds of insolvent Savings & Loans still in operation, we will protect almost $900 billion of depositors' savings insured by FSLIC.

Both Houses of Congress passed our FSLIC recapitalization plan in the closing days of the 99th Congress, but it was not enacted into law because of disagreements about unrelated amendments. We cannot afford additional delay. I urge the 100th Congress to enact our FSLIC plan quickly and cleanly so that it can get the resources it needs to safeguard America's small savers.

I also urge the Congress to work with us and the rapidly growing coalition of forward-looking financial firms to develop a comprehensive modernized legal structure for the financial services industry. The "protectionist" approach of repairing the crumbling walls of 50-year-old financial oligopolies will not work: consumer tastes, technology, the marketplace, and our international competition will move beyond.

Working men and women want to receive the best services at the lowest prices. They also seek safety and convenience. Our businesses and local governments want competitive and innovative financial offerings. Many banks and other firms are pressing for an opportunity to supply these products and services. Our laws should not stop them.

We need to promote a freer, more competitive financial services marketplace, complete with proper supervision and meaningful disclosure. In doing so, we can help this vital American industry to reposition itself on the leading edge of the financial services world.

MANAGEMENT, CIVIL SERVICE, AND PROCUREMENT REFORM

We will submit proposals to improve the management of the Federal Government. These management reform measures are designed to achieve long-term gains in Federal efficiency and productivity and include proposals to improve existing financial procedures, combat fraud, waste and abuse, and generally make more effective tools available to Federal managers. The Congress should establish productivity improvement as a national goal. There can be no more important task than that of delivering government services to all our citizens in a more efficient, effective, and timely manner.

As part of this effort, we will submit a number of proposals for civil service reform—proposals that will help our government give the American people what they pay for by deregulating the bureaucracy and by rewarding individual merit and achievement. By straightening out the way our Federal bureaucracy does its work, we can deliver on our promises to the American people quickly and efficiently. The proposed Civil Service Simplification Act will streamline an overly complex system. It will free our public servants from thousands of pages of unnecessary rules and regulations that have made it hard for them to do their jobs. As with deregulation of *private* business, this proposal will deregulate the *public's* business; it will provide for a Federal pay system truly based on merit and individual performance; it will, in other words, introduce into our Federal Government the traditional productive values of the American workplace: entrepreneurial freedom, responsiveness to the people, and reward for hard work.

To aid in achieving the goal of a 3 percent annual productivity increase, we will also propose reform of seniority pay for Federal employees. This will introduce pay-for-performance throughout the government by shifting from the current system—which gives seniority-based salary raises to virtually all Federal employees regardless of personal achievement—to one based solidly on merit and individual performance. With stronger incentives to deliver, Federal employees will participate more in the program and apply their insights and skills to the development of productivity initiatives.

My Administration will propose that the Congress enact the Health Insurance and Payment Verification Act. This legislation would establish a process to ensure that existing employment based health insurance would pay health care costs before payment was sought from taxpayer funded health programs.

An expiring provision of the Deficit Reduction Act of 1984 allows the Federal Government to recover delinquent debts owed Federal agencies through the offset of income tax refunds otherwise due the taxpayer. This program is very successful and through legislation we will seek to extend this authority for another 2 years.

Last year, significant changes were made in defense procurement processes. My Administration will work with the Congress this year to make numerous needed reforms in the Federal Government's non-defense procurement area. These will include a comprehensive recodification of all existing procurement statutes into one simplified, consistent statute, as well as authority for Federal civilian agencies to enter into multiyear contracts. The Federal Government should depend more on the private sector to provide support services for Federal activities. We will pursue this objective through a variety of initiatives aimed at reducing any adverse effects on government employees from contracting out. For example, we will explore measures to encourage employees to form their own business and take over their government jobs as private contractors.

Government procurement should be competitive in all aspects, including keeping pace with costs and salaries for comparable services procured by the private sector. We will propose legislation to increase the Davis-Bacon and Service Contract Act threshold levels to $1 million for defense contracts and $100,000 for non-defense Federal contracts. This increase is important in light of increases in salaries and other costs over the past several decades.

Credit Reform and Privatization

In order to operate more efficiently to the benefit of taxpayers, the government must take better account of the true budget costs of Federal credit programs. We are proposing legislation to reform government assistance programs by requiring that the present value of federally provided subsidies from any agency making or guaranteeing loans be appropriated in advance into a new central revolving fund within the Department of the Treasury. Newly made direct loans will be sold and new guarantees reinsured in order to establish the market value of federally assisted credit and measure the subsidy. This will improve both the allocation and management of Federal credit.

The private sector should have the opportunity wherever possible to produce goods and services currently provided by the Federal Government in order to reduce government expenditures as well as provide the benefits of market competition to consumers. In light of our successful efforts to authorize the sale of Conrail, we are now proposing the sale to the private sector of the Naval Petroleum Reserves, the Alaska Power Administration, the helium program, and excess real estate, as well as the disposition of certain Amtrak assets. We are proposing legislation to authorize a study of a possible potential divestiture of the Southeastern Power Administration. In addition, my Administration will expand our pilot program of selling existing loan assets without recourse.

Small Business and Entrepreneurship

Small business is at the cutting edge of America's competitiveness. The 1986 National White House Conference on Small Business has provided us with recommendations on many issues addressed by my legislative agenda. These recommendations are directed toward creating a better environment for our Nation's small business owners who, through their vitality and creativity, contribute significantly toward our prosperity. The recommendations range from tort law and product liability reform to reducing the deficit and improving our international trade position. These views have been incorporated in framing our positions on these issues. In addition, we soon will have a permanent Administrator for the Small Business Administration (SBA), and I can assure you that the small business will continue to have an important voice in the councils of government.

III. VALUES: THE SOURCE OF OUR EXCELLENCE

As we work to expand economic opportunity for all Americans, we must also take steps to sustain the traditional cultural and moral values that are the bedrock of American democracy. We must renew our belief in the dignity of self-supporting individuals and families, in safe and self-governing neighborhoods and communities, and in a government that is both limited and close to average citizens. By promoting policies that sustain and enrich these values, we can help to create an environment in which all Americans utilize their individual talents to achieve excellence and contribute to family, community, and nation.

Education

I have already said how important quality education is to our future economic success. But we must also promote policies that recognize the importance of education as the main transmitter of our shared history and values and as the primary means of escape from poverty for America's poor. Following the pattern of *What Works* and *Schools Without Drugs*, the practical handbooks issued in 1986, my Administration will prepare a clear and reliable handbook this year to explain what works in the education of the disadvantaged.

Low income opportunity

A year ago, I asked the White House Domestic Policy Council to evaluate our Federal public assistance programs and to propose a new national strategy for helping poor Americans "escape the spider's web of dependency." This year, I will address the main findings of that evaluation, which was contained in our report, "Up From Dependency," released in December.

Our report shows, clearly and persuasively, that our vast and expensive welfare system is a tender trap: while it rescues many Americans from short-term distress, it also sustains far too many in long-term dependency. Our current welfare system is a complex labyrinth of 59 major programs that cost more than $132 billion in fiscal year 1985. Forty other Federal programs for the poor brought total low income spending to $150 billion, yet our poor and our taxpayers receive little in return for this enormous annual investment. The current welfare system is so complex and its incentives so perverse that it demoralizes the poor, undermines the willingness to work, and weakens families and communities.

I will propose a major new national strategy to reform this flawed welfare system. Our goal is to create a system that gives poor Americans the opportunity and aid to escape the tender trap of welfare and become more productive and self-reliant contributors to American society. Our proposal will ask that Federal welfare requirements be waived to allow States to establish a series of demonstrations in welfare policy. We are not proposing to cut Federal welfare benefits for the truly needy. The idea is to begin a process that will tap the hundreds of good self-help and anti-poverty ideas currently blossoming around the country. For too many years our Federal welfare policies have assumed that all of the answers could come from experts in Washington, DC. Those policies have had 20 years to work and have failed. Our demonstration strategy seeks to find solutions to poverty and welfare dependency in the practical genius of the States, communities, and individuals who must cope with those problems every day.

The family

The problem of welfare dependency cannot be separated from the well-being and solidity of America's families. Both common sense and social science tell us that intact, two-parent families will be far better off financially and socially than will families led by a single father or mother. Family breakup remains the primary reason that family income falls below the poverty line.

My Administration is committed to supporting public policies that strengthen the role and bond of families in American life. Last year at this time, I charged my Domestic Policy Council's Working Group on the Family to study and issue a report on the state of the American family. This year I am endorsing the report, released to the public in November, as a landmark in understanding the ways in which government policies have affected, often adversely, family life in our Nation. My Administration will also work to implement the recommendations contained in the report.

Since 1973, after a divided Supreme Court ruled in *Roe* v. *Wade*, nearly 20 million unborn children have perished in our land due to abortion. This toll continues to climb—despite increasing evidence of the humanity of the unborn child and the growing desire of millions of young couples to adopt. My Administration will submit legislation this year to further my commitment to protect the rights of unborn children. Our proposals would prohibit Federal Government funds from being used to: (1) perform abortions, except when the life of the mother is endangered if the unborn baby were carried to term; and (2) support, through Title X family planning grants or contracts, any organization (except a grant or contract directly administered by a State or local government) that provides abortion procedures or referral for abortion, unless the life of the mother would be endangered.

Health

Our Nation's health care system is the finest in the world, yet it is also a very expensive system with costs that are continuing to rise faster than the rate of inflation. My Administration has worked since 1981 to create incentives that would keep health costs down and improve quality by encouraging more competition in health care delivery. In 1987, we will again ask the Congress to pass legislation to expand the use of private health plan options—paying a fixed, predetermined price for health services—to the government medical programs of Medicare and Medicaid. My Administration will also propose that Medicare payments to doctors who practice in hospitals be reflected in a set price for each medical diagnosis; this will provide further incentives for doctors to provide quality care at lower costs.

To encourage private health care competition, my Administration will propose an optional Medicaid health plan, offering States fiscal incentives to place Medicaid beneficiaries in private health insurance plans that provide comprehensive, managed care for a predetermined price. We will also ask Congress to pass a Medicare Expanded Choice Act, which will allow the elderly to choose the private health plan that best suits their needs. Each plan would have to offer coverage at least equivalent to that of basic Medicare.

My Administration will also continue to invest in research to cure heart disease, cancer, and other life-threatening diseases. In particular, we will continue our work to find a cure for acquired immune deficiency syndrome, or AIDS. We are also increasing basic research to better understand the causes of AIDS and to find a cure for AIDS or a vaccine to prevent it. Last year the Surgeon General issued a report that was a landmark in public education about AIDS. We will expand that education effort this year, stressing that education about AIDS to schoolchildren must be grounded in the moral and cultural values of parents and communities.

Catastrophic Illness Coverage

All Americans, and especially our elderly, face a small but significant risk of a devastating illness or accident that will bring with it crushing medical bills. Most of us have adequate financial protection through private or public insurance, but because the risk is small, not all of us pay attention to the implications of a truly disastrous illness. We need to remind ourselves to make sure we are adequately protected, and both private industry and government should continue to work together to be sure that such protection is available to all of us at affordable prices.

With this in mind, I will shortly submit to the Congress a proposal to improve catastrophic illness coverage to the elderly to avoid the fear of an acute care illness so expensive that it can result in having to make an intolerable choice between bankruptcy and death.

The Crusade Against Drugs

Nothing erodes our Nation's basic social fabric more than drug abuse. Last year our Administration made the fight against drug abuse a top priority, working with Congress to pass sweeping legislation to attack this problem both among users and suppliers.

This fight is a top priority again this year. We will continue to implement our six-point program to achieve a drug-free America, through achieving drug-free workplaces and schools, expanding drug treatment and research, greater international cooperation, enhanced law enforcement, and increased awareness and prevention of illegal drug use. We are devoting large and appropriate amounts of money to this fight. From 1981 to 1986, Federal drug enforcement funding increased by 130 percent, and the number of FBI and Drug Enforcement Agency agents assigned to drug investigations nearly doubled. Our task this year is to implement the new legislation and to use our money wisely, even as we continue our public and educational campaign to change, once and for all, any lingering perception that drug abuse is a victimless crime. We will work through the National Drug Enforcement Policy Board, and with our friends and allies in the world community, to implement the enforcement provisions of the anti-drug law aimed at reducing the supply of drugs into our country. Just as important, our Departments of Education and Health and Human Services will expand their efforts to reduce the demand for drugs, especially among our children. The resources in the fight against drug abuse consist of much more than Federal money, however. They include the efforts of all Americans and institutions—parents, schools, churches, civic groups, and State and local governments. We must continue, as an Administration and as a nation, to encourage every American to "Just Say No" to illegal drugs.

Housing and Community Development

Part of the American dream has always included safe and affordable housing, and this Nation's housing quality and rate of home ownership are among the best in the world. Our last 4 years of economic progress have reduced interest rates and raised take-home pay, putting home ownership within the reach of even more Americans. Industry studies show that more Americans are now able to afford housing than at any time in the last 8 years.

Our challenge now is to bring quality housing within the reach of even poor Americans. To do this, we will continue to expand the use of rental housing vouchers, which increase mobility and housing choices for the poor. Since 1984 more than 141,000 vouchers have been appropriated for poor families. We will also continue our public housing home ownership initiative. On January 8 of last year, a McKeesport, Pennsylvania, family became the first in the country to buy its own home under this initiative, which seeks to give poor Americans the sense of personal pride and responsibility that comes with home ownership. We will also continue our efforts to reduce housing construction costs through the Joint Venture for Affordable Housing, to improve the management and upkeep of existing public housing units, to fight housing discrimination by strengthening government law enforcement, and to better target our public housing aid by asking the Congress to approve a Tenant Income Verification proposal that would make it easier to determine who is truly in need.

Pride in ownership also depends on pride in neighborhood, and once again this year we intend to ask the Congress to revitalize our Nation's poor neighborhoods by passing legislation to create enterprise zones. More than half of the States have already demonstrated how much these zones can contribute to economic growth by removing tax and regulatory obstacles to development in depressed urban and rural areas. My Administration will also work to help distressed communities by asking Congress to extend the National Flood Insurance Program to 1992, and by seeking legislation to make disaster assistance more timely, cost-effective, and better managed. As part of my Administration's emphasis on strengthening Federalism, we will continue to eliminate excessive Federal directives for State and local community development activities under our Community Development Block Grant program.

Federalism

In this 200th year of our Constitution, we as a Nation need to reaffirm the basic federal principle that the best form of government is often the one closest to our citizens. In April of last year I signed a "Statement of Federalism Principles" to begin this reaffirmation, and last November I reviewed a report on the "Status of Federalism in America" prepared by our Administration's Federalism Working Group. The revitalization of Federalism as our system of constitutional government is a return to the vision of an indivisible union of States—a system in which the national government exercises sovereign authority in accord with the limits of its constitutionally enumerated powers, and the States exercise sovereign authority in all other areas.

This year we intend to implement reforms outlined in our report. We will review proposed legislation and executive actions to identify their constitutional authority and justification and their impact on our Federal system's balance of powers. We will also continue to oppose the use of grants as a means to indirectly regulate States in areas, such as the 55-mile-per-hour speed limit, in which they have traditionally exercised authority. We will oppose efforts to preempt State laws, except when the Constitution plainly indicates a legitimate Federal concern.

Justice and Personal Freedom

Our Constitution is dedicated to the belief that our system of justice must strike a balance between enforcing the rules of a civilized society and sustaining human liberty. In areas where our laws or court decisions have tilted too far in either direction, we must do what we can to restore the proper balance.

My Administration will work first of all to regain this balance in our criminal justice process. In 1987, I will again support legislation to impose the death penalty in appropriate Federal criminal cases and to modify *habeas corpus* procedures to reduce delay in State courts and make it clear to criminals and society that justice is swift and sure. I will also submit legislation to modify the exclusionary rule so that evidence seized by police in a good-faith belief that the seizure was lawful may be introduced as evidence at a trial. Based on last year's report of the Commission on Pornography, I have also approved a seven-point program designed to curb the growth of child pornography and obscenity. I call upon the Congress to pass swiftly the legislation we will propose to protect our children from this menace.

On behalf of human and religious liberty, I will again ask the Congress to pass a constitutional amendment to restore the right of students to voluntary, vocal prayer in the public schools.

In appointing members of the judiciary, I have tried to select women and men committed to justice under law. Chief Justice Rehnquist and Justice Scalia, confirmed last year to their positions on the Supreme Court, understand well John Marshall's insight that our Constitution provides "a rule for the government of courts, as well as of the legislature" and the executive. I will ask the Senate to continue working with me to appoint judges who understand the dangers of unrestrained judicial power, and who are committed to legal interpretation based on our Constitution rather than on individual policy preferences.

I will also propose initiatives to reduce the increasing burden of litigation in our society. I have already mentioned that we will again propose tort reform legislation. We will also investigate potential reforms to help with the problems of increasingly high attorneys' fees and damage awards.

My Administration remains committed to enforcing our civil rights laws. We must not be diverted from our pursuit of justice because of government policies that treat individuals differently based on their race or ethnic background, even when those policies are well-intentioned. My Administration will oppose legislation that provides government preferences based on race or other special categories, and not to all Americans. The American ideal is to allow equal opportunity for all, not to enforce equality of results or outcomes.

Energy and Environment

My Administration has worked throughout its time in office to protect our environment, even as we have worked to develop our enormous natural resource wealth—on and off shore. Last year I signed bills committing Federal money to clean up toxic waste and to protect the Nation's supplies of drinking water.

This year we will continue to study the issue of stratospheric ozone depletion. We will also continue to work with private industry, the scientific community, and our neighbors in Canada to monitor and find solutions to the presence of acid rain in forests and waterways. We are also developing proposals that make use of market incentives to control air pollution caused by sulfur dioxide and nitrogen oxide emissions and the causes of acid rain. We hope to work with the Congress to ensure that air quality is improved without reducing economic growth or damaging the competitiveness of our Nation's industry.

We recognize the importance of maintaining America's energy security. In 1987 we will consider one of the decade's most important resource management decisions—the future use of the coastal plain of the Arctic National Wildlife Refuge in Alaska. This area is blessed both with abundant wildlife and potentially enormous oil reserves that are vital to America's energy security. My Administration will recommend to the Congress a management solution that best balances our environmental heritage with the Nation's economic and national security needs. I have received the report of my Commission on Americans Outdoors, and it will be studied by the Domestic Policy Council. We will also continue to fill the Strategic Petroleum Reserve, to reach an eventual goal of 750 million barrels. And once again, we will seek legislation to standardize designs and simplify licensing for nuclear power plants. Our goal is a stable, predictable process that encourages nuclear plant construction that is reliable, cost-effective, and environmentally sound. Our democratic allies in the developed world have proven that well managed nuclear power can be a major source of safe and cheap home-grown energy; thus, America needs to revitalize its own nuclear power industry. I have also ordered a high-level interagency review of U.S. energy security to determine what other actions we can take to avoid overdependence on foreign oil and to strengthen our domestic oil industry.

Transportation

America's transportation network is the envy of the world, yet the demands of our expanding economy require that we continue making expansions and improvements. For 1987 I will propose legislation to extend and amend the Airport and Airway Improvement Act. This legislation will allow my Administration to continue to modernize the Nation's air-traffic control system, increase the number of air-traffic controllers and aviation inspectors, and improve the Airport Grant Program. Last year was one of the busiest but safest ever in America's air transport history, and these new proposals will ensure the continued safety, reliability, and capacity of our national aviation system.

My Administration will also seek continued authorization of Highway and Mass Transit Programs through FY 1990, and we will propose legislation to increase both State and local discretion in using Federal highway funds. In accordance with our federalism principles, we believe that State and local governments are usually better able than the Federal Government to determine local transportation improvement needs.

Private Sector Initiatives

In the past 6 years, my Administration has worked to inspire private individuals and companies to play a more active role in their communities. We will continue this successful effort, which is now being copied around the world. If individuals and community groups take more responsibility for public affairs, we are less likely as a Nation to cede our freedom and opportunity to the Federal Government.

IV. INTERNATIONAL PEACE AND FREEDOM

In the past 6 years my Administration has pursued a foreign policy based on realism—about the world we live in, about the nature of our adversaries, about the need for American leadership. To close gaps that had opened in the past, we were obliged to undertake a significant rebuilding of our defense capabilities. As a result, our allies have greater confidence in America, and the Soviet Union is more willing to work seriously for arms reduction.

Peace and progress, of course, depend on much more than a sound military balance. That is why, in the same spirit of realism, we encourage democracy, freedom, and respect for human rights by all nations. In this decade democracy has been on the march. Country after country has joined those nations where the people rule. We have supported those freedom fighters who bravely make sacrifices so their nations will enjoy freedom and independence.

The successful conduct of foreign policy rests upon a strong bipartisan spirit in the Congress, and close cooperation between the Legislative and Executive branches. I am pledged to continue this long-held tradition, and hope the Congress will see the importance of doing the same. Toward that end, in the near future, I will send the Congress a full and comprehensive report on American foreign policy.

East-West Relations

Last October, my Iceland meeting with General Secretary Gorbachev brought great progress in the area of arms reduction. There is much work to do, and we continue to work in this area. It is, however, only one of several items on our agenda with the Soviets. No fundamental and lasting progress is possible in one area of our relations without improvement elsewhere.

My Administration is engaged in a broad range of bilateral and multilateral arms control negotiations. Our objectives include: Deep, equitable, and verifiable reductions of nuclear arsenals; a cooperative transition by the United States and the USSR to a strategic regime based increasingly upon defenses; verifiable limits on nuclear testing, a global ban on chemical weapons; and conventional force reductions to redress imbalances in Europe. In each of these negotiations, we are guided by principles of equity, increased stability, effective verification and strict compliance with both past and future agreements. I look forward to meeting again with Mr. Gorbachev to advance this important work.

Responsible Soviet conduct abroad is essential to a peaceful international environment. I have urged Mr. Gorbachev to withdraw all Soviet forces from Afghanistan and to allow genuine Afghan self-determination, to cease support for Cuban expeditionary forces in Africa, and to promote a withdrawal of Vietnamese forces from Cambodia. In the absence of such actions, the Soviet Union can hardly expect to be treated as a respectable member of the international community.

In the Soviet Union today there is much talk of change. We must hope for a true break with the past, but we see both hopeful and discouraging signs, especially in the critical area of human rights. Certain better-known dissidents have been released while others continue to receive very harsh treatment; tragically, emigration remains at an historic low, and religious persecution continues unabated. My Administration will welcome, and respond to, positive steps toward greater respect for human rights, while expressing our views on the enduring nature of the Soviet system.

Since I met General Secretary Gorbachev in Geneva, exchanges between our two societies have gained momentum. I hope for further expansion of people-to-people contacts in 1987.

One of the most important obstacles to improved East-West relations, which touches on all elements of our agenda, is the continuing unnatural division of the European continent. Toward the states of Eastern Europe, our policy of differentiation remains intact; in particular our trade relations with them will continue to reflect the extent of internal freedom and foreign-policy independence from Moscow.

America in the World

The extraordinary surge of democracy that we have seen in the past 6 years, particularly in the developing world, benefits us politically, economically, and strategically. Democratic transitions are nonetheless fragile; they require constant nurturing and careful support. This Administration will continue to work with and support those nations that share our interests and values. By diplomatic and other means we can help create the peaceful environment in which free institutions flourish.

To help create such an environment, the Congress should support adequate funding levels for economic and security assistance. The year 1987 is the 40th anniversary of the Marshall Plan, a reminder that American commitment and generosity serve our own interests while changing the course of history for the better. Our goal is to foster peace and stability by helping friendly nations to defend themselves and by encouraging market-oriented economic growth abroad. We continue to work toward the elimination of hunger and extreme poverty for both humanitarian and security reasons. Thus, *American* interests are harmed if our programs in this area are cut by the Congress below adequate levels, as they have been.

The advance of democracy and the strengthening of peace are closely related. Nowhere is this clearer than in our own hemisphere. We must continue to provide support and assistance to freedom fighters in Central America. To that end I will ask the Congress for renewed assistance for the Nicaraguan democratic resistance, which faces a Leninist dictatorship that has received over a billion dollars of Soviet-bloc arms. I also strongly support a supplemental appropriation for the economic development of the Central American democracies.

State-sponsored terrorism has increased dramatically in the last few years. When such incidents go unpenalized, further terrorist efforts are encouraged. We will continue to build our capability to deter and, when necessary, to combat swiftly and effectively state-sponsored terrorism worldwide. In this regard, I am requiring necessary funding to continue the multiyear program to improve the protection and security of our personnel and facilities overseas.

The people of the Philippines, whose history is closely linked with ours, acted last year to reconfirm their democratic traditions. We encouraged them, and applauded their success. This year, my Administration will seek additional support to assist the Aquino Government, as it confronts serious economic and security problems. The rebuilding of political institutions and restoration of investor confidence are Filipino goals that America must support.

My Administration will continue to enforce the Comprehensive Anti-Apartheid Act of 1986. We seek an end to apartheid and will use our influence to foster a peaceful transition to a truly free, democratic, and multi-racial society. We will offer a special economic assistance program for southern Africa. We will also seek to restructure economic assistance to Africa so as to reinforce positive policy reforms in a growing number of African nations. This approach, whose goal is to promote investment and economic growth in Sub-Saharan Africa, is reflected in the Administration's FY 1988 budget request.

The United States must be able to communicate information and ideas on a worldwide basis. Ongoing expansion of America's international broadcasting capability—the Voice of America, Radio Free Europe/Radio Liberty, and Radio Marti—must therefore continue. Increased resources for the United States Information Agency are also needed to reach this goal. In addition, the National Endowment for Democracy and its subsidiary elements—including free labor, free enterprise, and the political parties—permit the United States to help strengthen the infrastructure of democracy, particularly in the less developed countries. Funding for this program is very small; the potential return on our investment, very high.

In the past, the ideals of the UN Charter have often been trampled under foot. The United States remains committed to restoring efficiency and impartiality to the United Nations and effectiveness to its peacekeeping activities. We will use our influence to restore respect in the UN for the principles on which it was founded.

My Administration will continue efforts to achieve the fullest possible accounting of our servicemen missing from the Vietnam War. Recent progress can continue with the strong bipartisan support in the Congress for this humanitarian issue. Also, my Administration is committed to aiding refugees and those countries providing first asylum to them. International organization support, multilateral and bilateral programs, and resettlement opportunities in the international community are all required to ensure humanitarian treatment of these homeless and shattered peoples.

The Administration is proud of a path-breaking agreement reached this past year with the Pacific island states over the long-contentious tuna fishing issue, one that our adversaries have tried to exploit. Modest but indispensable funds are needed to meet our obligations under the agreement.

Maintaining a strong national defense

The increased resources we have devoted to national defense in the past 6 years have brought many benefits—above all, a lasting peace. Our forces have been modernized, the quality and spirit of those in uniform have risen to the highest levels, and we have begun work on new technologies that can protect America in the future and free us from the nuclear balance of terror.

All these efforts must continue. We need realistic and sustained growth in defense funding to consolidate the real gains we have made. The budget I have proposed meets this goal. The alternative is unacceptable: spending less will unavoidably mean less security. We cannot keep America strong without committing the resources that this effort requires.

In keeping with the recommendation of the Packard Commission, and as required by the 1986 Defense Authorization Act, I have submitted a two-year national defense budget for 1988-1989. The Packard Commission stressed no point more than the need for greater stability in defense funding. Roller-coaster, surge-and-starve budgeting leads to higher costs and dangerous risks to national security. Furthermore, I want us to get our money's worth from every defense dollar spent. Under the leadership of the Secretary of Defense, with the expert help of the new Under Secretary of Defense for Acquisition, this Administration will continue to take important strides toward improving the acquisition system. Other major changes in DoD organization and the procurement system have been underway, some since the beginning of this Administration. So I hope the Congress will withhold further efforts to legislate defense procurement reform until the effect of these changes can be fully evaluated.

Our Strategic Modernization Program is essential to assuring our national safety in the years ahead. The strength it provides is also the indispensable foundation for negotiating the deep cuts we seek in nuclear arsenals. The Soviets are willing to bargain and make concessions only if they understand that—in the absence of agreements—America will provide for her own security.

Strategic Defense Initiative research explores the way to move toward a world in which effective defenses, rather than threats of retaliation, keep the peace. This vital program reinforces our policy for arms reductions—as an incentive for the Soviets to agree to real arms reductions and as an insurance against cheating on arms reductions agreements. The pace of research to date has been impressive, and I will ask the Congress to increase funding so that we can continue moving forward.

My Administration will continue to maintain an effective nuclear deterrent, but at the same time it is essential that we and our Allies modernize and strengthen conventional land, air, and naval forces so they can carry out their missions in the face of a steadily increasing Soviet threat. That will cost more money than the Congress has been willing to vote the last 2 years, but it is essential.

America will continue to deploy military forces throughout the free world as proof of solidarity with our Allies and other friendly nations, and as a deterrent to those who might threaten our peace and freedom. Forward deployments not only underscore our national policies, but also provide valuable exercises and training for Active, Guard, and Reserve Component Forces.

The Soviet Union has the world's only operational ASAT system. The U.S. miniature homing vehicle ASAT system that can deter the Soviets from using their system in times of crisis is in development. Its test program, however, has been blocked by a congressional unilateral ban that prohibits tests against targets in space. The Soviets are under no such prohibition. I will continue to urge the Congress to lift this moratorium as soon as possible. I will strongly oppose its extension beyond October 1, 1987. Such unilateral restrictions on the U.S. leave the Soviets with capabilities that endanger America's security.

Keeping America strong means more than acquiring ships, tanks, and planes. Those who wear the uniforms of our armed forces must receive appropriate recognition for the sacrifices and hardships that they are called upon to endure on our behalf. My Administration will take the necessary steps to continue to improve the quality of life for those in uniform. In this way we can retain the high-quality trained people serving now, all as volunteers, and provide sufficient incentives to recruit the qualified people that we need in the future.

As we revitalize our naval forces, we face the need to build home port facilities that can accommodate our growing fleet and to protect our vital merchant ports in the least vulnerable but affordable way. We must continue to implement and expand our strategic home-porting program.

Last fall I sent to the Congress a classified report on the threat to our security from the activities of hostile intelligence services. The report set out a blueprint of legislative and administrative measures to enhance our ability to meet this threat. I hope the Congress will act on our recommendations.

We must maintain the viability of our technology base and pursue new developments in conventional weapons technology. The armaments cooperation initiative with our Allies helps us to improve acquisition management, share technological advances within the Alliance, and enhance collective defense. The Soviet Union should regard the industrial unity of the West as an unbeatable force. We must not squander our gains through careless or felonious transfers of technology to potential adversaries. My Administration will continue our successful effort to curb the theft of strategic technology by the Soviet bloc.

V. CONCLUSION

This year of the 200th anniversary of our Constitution affords us the opportunity to make momentous strides in our quest for national excellence. It will require the efforts of all of us—not just the government, but all the people. To achieve this greatness really comes down to just being our best. No government plan or program is capable of enacting such sweeping change and reform. All the Federal spending in the land cannot buy excellence. It must occur as part of the natural instinct of free people to compete for the highest standard. The proposals and actions outlined in this message will form the foundation to meet the challenge of the third American century.

I look forward to working with the Congress in a bipartisan fashion in order to achieve this worthy goal. For when it comes to the future of America, there must be no Republicans or Democrats—only Americans.

RONALD REAGAN.

THE WHITE HOUSE, *January 27, 1987.*

MESSAGES FROM THE HOUSE

At 8:13 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 93. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the Long Island Rail Road labor-management dispute.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 24. Joint resolution to designate January 28, 1987, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 382. An original bill to amend and extend the authorization for the Urban Mass Transportation Act of 1964 (Rept. No. 100-3).

A special report entitled "Budget Allocations of the Committee on Banking, Housing, and Urban Affairs." (Rept. 100-2).

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

S. 387. An original bill to authorize appropriations for certain highways in accordance with title 23, United States Code, and for other purposes (Rept. No. 100-4).

By Mr. CRANSTON, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 83. An original resolution waiving section 303(a) of the Congressional Budget Act of 1974 for the consideration of S. 382, the Urban Mass Transportation Act of 1987.

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

S. Res. 85. An original resolution waiving section 303(a) of the Congressional Budget Act of 1974 for the consideration of S. 387.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PROXMIRE:

S. 382. An original bill to amend and extend the authorization for the Urban Mass Transportation Act of 1964; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. QUAYLE (for himself and Mr. HATCH):

S. 383. A bill to amend the Bilingual Education Act to make Federal financial assistance available for children of limited English proficiency without mandating a specific method of instruction, to encourage innovation at the State and local level through greater administrative flexibility, to improve program operations at the Federal level, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BENTSEN:

S. 384. A bill to designate the Dr. Hector Perez Garcia Post Office Building; to the Committee on Governmental Affairs.

By Mr. RIEGLE:

S. 385. A bill to amend title II of the Social Security Act to provide that an individual's "years of coverage" for purposes of computing the special minimum benefit may include up to 10 additional years (not otherwise includible for that purpose) in which such individual had a child age 6 or under in his or her care; to the Committee on Finance.

By Mr. INOUYE:

S. 386. A bill for the relief of Joseph Y.; wife, Jean Marichu; sons, Franz Joseph L.; Felix Roy L.; daughters, Maria Estrella L.; Milche L. Quijano; to the Committee on the Judiciary.

By Mr. BURDICK:

S. 387. An original bill to authorize appropriations for certain highways in accordance with title 23, United States Code, and for other purposes; from the Committee on Environment and Public Works; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRANSTON:

S. Res. 83. An original resolution waiving section 303(a) of the Congressional Budget Act of 1974 for the consideration of S. 382, the Urban Mass Transportation Act of 1987; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on the Budget.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. DOLE, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. COHEN, Mr. D'AMATO, Mr. EVANS, Mr. HATCH, Mr. HECHT, Mr. HEINZ, Mr. HELMS, Mrs. KASSEBAUM, Mr. LUGAR, Mr. MCCLURE, Mr. NICKLES, Mr. PACKWOOD, Mr. PRESSLER, Mr. ROTH, Mr. RUDMAN, Mr. STEVENS, Mr. SYMMS, Mr. WEICKER, Mr. WILSON, Mr. DURENBERGER, Mr. GARN, Mr. GRASSLEY, Mr. TRIBLE, Mr. WALLOP, Mr. DANFORTH, Mr. GRAMM, Mr. BOREN, Mr. DASCHLE, Mr. WIRTH, Mr. ZORINSKY, Mr. CHILES, Mr. BURDICK, Mr.

PRYOR, Mr. KERRY, Mr. PELL, Mr. BUMPERS, Mr. HOLLINGS, Mr. DODD, Mr. MATSUNAGA, Mr. RIEGLE, Mr. STENNIS, Mr. MOYNIHAN, Mr. DECONCINI, Mr. JOHNSTON, Mr. KENNEDY, Mr. CONRAD, Mr. ADAMS, Mr. SANFORD, Mr. ROCKEFELLER, Mr. SIMON, Mr. LEVIN, and Mr. DIXON):

S. Res. 84. A resolution providing January 27, 1987, is recognized and acknowledged as "New Mexico Day"; considered and agreed to.

By Mr. BURDICK:

S. Res. 85. An original resolution waiving section 303(a) of the Congressional Budget Act of 1974 for the consideration of S. 387; from the Committee on Environment and Public Works; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. QUAYLE (for himself and Mr. HATCH):

S. 383. A bill to amend the Bilingual Education Act to make Federal financial assistance available for children of limited English proficiency without mandating a specific method of instruction, to encourage innovation at the State and local level through greater administrative flexibility, to improve program operations at the Federal level, and for other purposes; to the Committee on Labor and Human Resources.

BILINGUAL EDUCATION ACT AMENDMENTS

● Mr. QUAYLE. Mr. President, I am pleased to introduce the Bilingual Education Act Amendments of 1987 with my colleague, Senator HATCH. This legislation will allow flexibility in the bilingual education programs provided by school districts to more effectively meet the needs of the non-English speaking and limited-English proficient students.

The best way to provide bilingual education has been much debated by educators, policymakers, students, and parents themselves. The discussion focuses on what type of language training is most effective to bring non-English-speaking children up to par with their English-speaking peers. Positions range from strong support of transitional bilingual education, an approach that employs instruction in the student's native language at the beginning and increasing to the use of English as time goes by, to strong support of structured immersion, to all combinations in between.

For certain types of students, depending on their age, their literacy in their native language, and their parents' literacy in their native language and fluency in English, an approach closer to structured immersion may be more effective than transitional bilingual education. For other children who are older and who may have a low functional literacy in their own languages, a transitional approach may be more effective.

Other children will learn at different speeds, thereby necessitating review of the appropriate placement in transitional bilingual education classes or in classes that rely more heavily on English. Such students should be able to move ahead at their own speed and ability to allow them to achieve fluency in English as quickly as possible. After all, that is the goal of the Federal Bilingual Education Program.

The legislation that I am introducing today with my good friend, Senator HATCH, the ranking Republican of the Committee on Labor and Human Resources, will address the need for more flexibility in the Federal Bilingual Education Program at the local level. This bill would remove the statutory requirement in current law that mandates that 75 percent of the funds appropriated for local bilingual education programs be used for transitional bilingual education programs. By removing this 75 percent set-aside, the Secretary of Education will be able to allow greater flexibility in funding projects that rely less heavily on transitional bilingual education and more so on other forms of bilingual curriculum.

The legislation will also remove the 4 percent cap on the special alternative instructional programs that the Secretary of Education can fund. This 4 percent cap on the use of bilingual education moneys, enacted in 1984, was seen as a way to provide more freedom to school districts and this new program has been a huge success at the local level.

Under this legislation, grants will continue to be awarded subject to all the current guidelines in the law, and the need of the school district will continue to be assessed according to current law and guidelines. By deleting the 75 percent requirement and the 4 percent cap, school districts will be able to design programs that are more flexible in order to meet the needs of the often many different language speakers attending their schools.

Students have learned English in all types of bilingual education programs, some more quickly in one type than another. We are not making judgments about which type of language training is best; indeed, researchers themselves disagree about the best approach. Congress certainly should not be in the business of telling schools what type of language training to use. We prefer to leave that decision to the local school district which is closest to the needs and desires of its community. And that is all this bill does.

Last year, this identical bill had 15 cosponsors and a great deal of interest was raised about how to increase flexibility at the local level. This year, as the Bilingual Education Act is reviewed by Congress with the other elementary and secondary education programs, I am confident that this proposal will receive strong support.

The Federal Government will continue to support bilingual education. With the passage of this legislation, we will ensure that the needs of non-English-speaking children will be met quickly and efficiently, and that they are given the tools to become productive and participating members of our society and to share fully in what our Nation has to offer.

Mr. President, I ask that the text of the bill, a section-by-section of the bill, be printed in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bilingual Education Act Amendments of 1987".

PURPOSE

SEC. 2. Section 702(a) of the Bilingual Education Act (20 U.S.C. 3221 et seq.) (hereafter in this Act referred to as the "Act") is amended—

(1) by redesignating clauses (4) through (14) as clauses (5) through (15), respectively; and

(2) by adding after clause (3) the following new clause:

"(4) that, regardless of the method of instruction, programs which serve limited English proficient students have the equally important goals of developing academic achievement and English proficiency;".

FUNDING FLEXIBILITY

SEC. 3. Section 702(b) of the Act is amended—

(1) by striking out paragraph (3);

(2) in paragraph (4), by striking out the semicolon and everything that follows through the end thereof and inserting in lieu thereof a period; and

(3) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively.

TECHNICAL AMENDMENTS

SEC. 4. (a) Section 703(a)(13) of the Act is amended by striking out "areas of high concentrations of persons" and inserting in lieu thereof "individuals".

(b) Section 721(b) of the Act is amended—

(1) by striking out the paragraph designation "(1)"; and

(2) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(c) Section 721(f)(7)(C) of the Act is amended by striking out "and with" and inserting in lieu thereof "with".

(d) Section 733 of the Act is amended by striking out the subsection designation "(a)".

EFFECTIVE DATE

SEC. 5. The amendments made by this Act shall take effect on July 1, 1987.

SECTION-BY-SECTION OF BILINGUAL EDUCATION AMENDMENTS OF 1986

Section 2. Section 2 would add a new statement in the policy section of the Bilingual Education Act (hereinafter referred to as "the Act") that the goal of every bilingual education program, despite the method of instruction, is to achieve academic excellence and English proficiency.

Section 3. Section 3 of the bill would amend the authorization of appropriations under the Act. This section would remove a requirement from current law that restricts the amount of funds available for special alternative instructional programs to four percent of appropriations not in excess of $140 million, and 50 percent of appropriations over $140 million, provided that no more than 10 percent of appropriations for the Act are reserved for these programs. Section 3 would also remove a restrictive provision that reserves for transitional bilingual education programs 75 percent of the funds appropriated for the basic programs under Part A of the Act. These amendments would provide greater flexibility to meet changing needs in bilingual education and would expand the prerogatives of local education agencies.

Section 4. Section 4 of the bill would make technical amendments to (1) more accurately describe the services for limited English proficient individuals under the Library Services and Construction Act, and (2) correct certain technical errors in Sections 721(b), 721(f) and 733 of the Act.

Section 5. Section 5 of the bill would provide that the amendments would take effect on July 1, 1987, so that these changes could be implemented for the 1987-88 academic year.●

● Mr. HATCH. Mr. President, once again I am pleased to cosponsor legislation which will afford limited English-proficient schoolchildren a greater chance to learn our common language. To be able to utilize the full range of opportunities of our common national life, these children need to learn English even while maintaining their own native language and culture. This can be accomplished by allowing local teachers and school officials, in consultation with parents, more discretion in choosing the method of instruction most suitable for the language group or groups in that school system. That is the intent of the legislation I join my distinguished colleague, Senator QUAYLE, in introducing today.

We have learned in the last few years that school districts are eager to have this increased flexibility. There have been far more applications than available Federal funds for alternative bilingual instruction programs under the current law. Educators from my own State of Utah have told me that the instructional needs of their Hispanic, Asian, and Indian students seeking to learn English vary. I have faith in their evaluation and ability to select appropriate ways to teach their students. We in Washington can best help these students, their parents, and teachers by allowing a greater variety of English-language instruction programs to receive Federal bilingual education dollars.

Mr. President, I hope that this year the Congress will act on this important legislation, It will benefit students especially deserving assistance from the Federal Government.●

By Mr. BENTSEN:

S. 384. A bill to designate the Dr. Hector Perez Garcia Post Office Building; to the Committee on Government Affairs.

DR. HECTOR PEREZ GARCIA

● Mr. BENTSEN. Mr. President, today I introduce a bill that will enable us to honor a man who has devoted his life to helping others. This measure will designate the U.S. Post Office Building located at 809 Nueces Bay Boulevard in Corpus Christi, TX, as the Dr. Hector Perez Garcia Post Office Building.

Dr. Garcia's accomplishments are truly outstanding. Let me cite only a few examples. Between 1942 and 1946, he served as an infantry officer in the Engineer and Medical Corps, during which he was awarded the Bronze Star Medal with six Battle Stars.

Upon returning home, Dr. Garcia became actively involved in community affairs ranging from serving on the board of the Red Cross to working on the Texas Advisory Committee to the U.S. Commission on Civil Rights. Perhaps he is best known as the founding father of the American GI Forum, a veterans group composed of Americans of Mexican origin.

His talents and achievements have been recognized nationally. Dr. Garcia has served as a Presidential representative of both Presidents Kennedy and Johnson, and he has held an array of advisory positions under President Johnson and Carter. In 1984, he was awarded the highest civilian award, the Medal of Freedom, by President Reagan.

It is quite fitting when a man selflessly pursues a life for the benefit of society, that he be recognized for his contributions. Dr. Garcia has helped bring the struggle of the Hispanic community to a national focus in an attempt to rectify the social inequities that exist. He has proven himself a dedicated and effective leader both locally and nationally.

In recognition of his accomplishments and services, I urge the Senate to approve this legislation to rename the Corpus Christi Post Office in his honor.●

ADDITIONAL COSPONSORS

S. 79

At the request of Mr. METZENBAUM, the names of the Senator from Illinois [Mr. SIMON], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 79, a bill to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers, and for other purposes.

S. 104

At the request of Mr. INOUYE, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 104, a bill to recognize the organization known as the National Academies of Practice.

S. 151

At the request of Mr. INOUYE, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 151, a bill to permit educational institutions with graduate programs in clinical social work to apply for grants and contracts to provide educational assistance to individuals from disadvantaged backgrounds.

S. 153

At the request of Mr. INOUYE, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 153, a bill to specify that health maintenance organizations may provide the service of clinical social workers.

S. 241

At the request of Mr. D'AMATO, the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 241, a bill to amend the Truth in Lending Act.

S. 347

At the request of Mr. SASSER, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 347, a bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care provided during peacetime.

SENATE JOINT RESOLUTION 5

At the request of Mr. D'AMATO, the names of the Senator from Washington [Mr. ADAMS], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 5, a joint resolution designating June 14, 1987, as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 9

At the request of Mr. SARBANES, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution to designate the week of March 1, 1987, through March 7, 1987, as "Federal Employees Recognition Week."

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. DOLE, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution to provide for the display of the National League of Families POW/MIA flag in the Capitol rotunda.

SENATE RESOLUTION 46

At the request of Mr. DOLE, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of Senate Resolution 46, a resolution expressing the sense of the Senate regarding tax rates.

SENATE RESOLUTION 83—WAIVING SECTION 303(a) OF THE BUDGET ACT WITH RESPECT TO THE CONSIDERATION OF S. 382

Mr. CRANSTON, from the Committee on Banking, Housing, and Urban Affairs, reported the following original resolution; which was referred to the Committee on the Budget.

S. RES. 83

Resolved, That section 303(a) of the Congressional Budget Act of 1974 is hereby waived with respect to the consideration of S. 382, the Urban Mass Transportation Authorization Act of 1987.

SEC. 2. This waiver is necessary so that multiyear mass transit legislation may be considered by the Senate. Authorizations for the use of amounts in the Mass Transit Account of the Highway Trust Fund are contract authority which when enacted create new spending authority. To consider this multiyear urban mass transportation bill such a waiver is required by section 303(a).

SENATE RESOLUTION 85—WAIVING SECTION 303(a) OF THE CONGRESSIONAL BUDGET ACT WITH RESPECT TO THE CONSIDERATION OF S. 378

Mr. BURDICK, from the Committee on Environment and Public Works, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 85

Resolved, That section 303(a) of the Congressional Budget Act of 1974 is hereby waived with respect to the consideration of S. 387, the Federal-Aid Highway Act of 1987.

SEC. 2. This waiver is necessary so that multiyear highway legislation may be considered by the Senate. Highway authorizations are contract authority which when enacted create new spending authority. To consider this multiyear highway bill such a waiver is required by section 303(a)

SENATE RESOLUTION 86—AUTHORIZING AND REQUESTING THE PRESIDENT TO ISSUE A PROCLAMATION DESIGNATING JANUARY 28, 1987 AS SPACE SHUTTLE CHALLENGER DAY

Mr. HOLLINGS. (for himself and Mr. RIEGLE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 86

Resolved, That the President is authorized and requested to issue a proclamation designating January 28, 1987 as Space Shuttle Challenger Day, and calling upon—

(1) the people of the United States to observe such day in schools and churches, or other suitable places, with appropriate ceremonies, educational activities, and space-related achievement programs in commemoration of the crew of the Space Shuttle Challenger (Dick Scobee, Mike Smith, Greg Jarvis, Christa McAuliffe, Ron McNair, Ellison Onizuka, and Judy Resnik); and

(2) officials of the Government to display the flag of the United States at half-mast on all Government buildings on such day.

● Mr. HOLLINGS. Mr. President, tomorrow marks the first anniversary of the greatest tragedy in the history of the Nation's space program—the explosion of the space shuttle *Challenger*.

In recognition of that tragedy and in the hope that such an event will never again occur, I am introducing the Space Shuttle *Challenger* Day resolution.

The resolution calls upon the President of the United States to proclaim January 28, 1987, as the Space Shuttle *Challenger* Day and to call upon the people of the United States to observe this day in schools and churches, and other suitable places, with appropriate ceremonies. It also calls upon the people of the United States to establish educational activities and space-related achievement programs in commemoration of the crew of the space shuttle *Challenger*—Dick Scobee, Mike Smith, Greg Jarvis, Christa McAuliffe, Ron McNair, Ellison Onizuka, and Judy Resnik.

In my effort to formulate a fitting tribute to the *Challenger* crew, their families and the Nation who so dearly loved these brave few, I could not help but recall the words of Dr. Benjamin E. Mays:

> The tragedy of life doesn't lie in not reaching your goal. The tragedy lies in having no goal to reach. It is not a disgrace to reach for the stars, but it is a disgrace to have no stars to reach for.

As we recall the events of last year, let us not dwell on the disaster, but on the dreams of the *Challenger* crew, seven bold adventurers who believed that a man's reach should far exceed his grasp and who spent their lives reaching for the stars.

Mr. President, I ask that this resolution be introduced as a simple but fitting tribute to the *Challenger* crew and their dreams and aspirations.●

● Mr. RIEGLE. Mr. President, January 28 will mark the first anniversary of the loss of the space shuttle *Challenger* with its crew of seven astronauts. The memory of that terrible moment is indelibly etched on our minds, and we can never forget that instant when the Nation's Space Program was shattered.

A million tears have been shed over the seven lives, and our hearts still ache at their loss and the pain that their families have endured this last year. Those seven people gave so much of themselves to advance science, and to push the boundaries of our Nation beyond the Earth just a little bit farther, and they did it with obvious enthusiasm and energy and joy—and that may be what is most painful about the memory.

Many questions were raised after the accident concerning the direction of our Space Program, some even inquiring whether the United States should even maintain a Space Program. But one needs only to remember the *Challenger* crew to answer these concerns, and the Apollo astronauts who died in 1967.

The loss of the shuttle has brought our entire Space Program to a virtual halt, and forced all of us who are involved in space policy decisions to reexamine the decisions that we must make today to safely return the program to flight status and to continue the commercial development of space and the exploration of the outer reaches of the solar system.

So, Mr. President, we should all pause tomorrow and remember the loss of the *Challenger* and the seven astronauts. But we should also take a moment to reaffirm our own commitment to the continued exploration and development of space.

Today I am introducing with Senator HOLLINGS a resolution requesting that tomorrow be a day of official recognition of the *Challenger* tragedy, and that citizens everywhere honor the memory of the crew.●

ADDITIONAL STATEMENTS

VIOLENCE ON TELEVISION

● Mr. SIMON. Mr. President, Noel Holston of the Minneapolis Star and Tribune has written an article which appeared in the Cleveland Plain Dealer and which talks about the problems we have with violence on television.

The reality is, we have created a monster. We are encouraging violence in our society through violence on our television sets.

During the last session of Congress, the Senate unanimously passed a bill of mine which would permit the television industry people to get together to establish standards without violating antitrust laws.

That still seems like a sensible solution to me, and I will be introducing legislation along that line soon.

The most violent hour on TV today is the hour in which most children are watching.

We can do better.

I ask unanimous consent that Mr. Holston's article be inserted in the RECORD and I urge my colleagues to read it.●

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIOLENCE IS RAMPANT ON EARLY EVENING TV

(By Noel Holston)

Flesh-eating zombies, knife-wielding maniacs, neck-breaking karate experts—all this and gore, gore, gore. Welcome to family viewing time, when almost anything goes.

Attitudes have changed radically since 1975, when the commercial broadcast networks and the National Association of Broadcasters, by whose code of conduct most TV stations abide, adopted the policy of "family viewing time."

At the urging of Richard Wiley, Federal Communications Commission chairman, who was under pressure from Congress, the broadcasters agreed to stick to family fare during the first two hours of prime time.

The policy was intended to shield children from brutality, sexual situations and profanity on TV during the early evening when they were most likely to be watching.

In practice, the policy meant that shows as different as "All in the Family" and "The Rookies" were shifted to later times, leaving little but pablum on the air early.

Disgruntled program producers filed suit. Within a year of its initiation, the family viewing policy was abolished by U.S. District Court Judge Warren Ferguson, who ruled that it violated First Amendment guarantees of free speech.

The networks and the NAB nevertheless said that, individually and unofficially, they would continue to schedule family oriented shows in those early hours of prime time. For a time, they did.

Then shows like CBS' "The Dukes of Hazzard" and NBC's "The A Team" began to creep onto the schedules—shows in which cars and other property were destroyed left and right but people never suffered a scratch.

These days, what with increased competition and relaxed accountability—the latter engendered by deregulation-minded FCC Chairman Mark Fowler—broadcasters' promises of good citizenship and self-restraint have gone out the window.

Research released recently by the University of Pennsylvania's Annenberg School of Communications showed that the first hour of prime time contains more violent incidents than the later hours.

Witness CBS' recent shift of "The New Mike Hammer" to Wednesdays in early prime time. According to the National Coalition on Television Violence (NCTV), "Mike Hammer" is the third-most-violent nighttime series, averaging 50 violent acts per hour.

CBS isn't the only network that has backslid. The premiere episode of "Matlock," the new NBC series starring Andy Griffith as a criminal lawyer, opened with a shot of a man and woman in the afterglow of lovemaking.

After the man went into the bathroom to shower, a character played by Dick Van Dyke slipped into the bedroom. In a sequence reminiscent of "Psycho," Van Dyke's character stabbed the woman to death in her bed with a big butcher knife.

"Matlock," another early prime time show, typically begins with an on-camera murder. Another episode began with a man's mistress sticking a knife in his back as he sat down on the bed to remove his slippers. There are incidents of serious violence throughout most episodes; sniper fire, attempts to run people down with cars.

Why is this show running so early in the evening? Is it because NBC figured that "The A Team," the previous occupant of the early Tuesday slot, had so dulled viewers' sensitivities with its wall-to-wall "comic" mayhem that no one would notice or care?

The most blatant offenders, however, are not the networks or the affiliated stations they depend on to get their programs into our homes. The stations that show the most shocking disregard for program content and young viewers' sensibilities are independent stations. They're grabbing up and showing violence-saturated movies rejected by ABC, CBS and NBC.

Monetary gain aside, what possible justification can a TV station claim for running a pornographically violent movie, or a series episode with a bloodstained opening, at 7 p.m.? To schedule such programming at such an early hour is a gesture of contempt.

It's precisely because of such cavalier attitudes that Congress is rumbling about TV violence again. Sen. Paul Simon, D-Ill., has introduced legislation that would exempt broadcasters from certain antitrust actions to enable them collectively to devise ways to limit violence in entertainment programming.

The Senate passed the bill unanimously in September but it did not clear the House this past session.

A second Simon bill, still under review by the Senate Commerce Committee, would direct the FCC to study the effects of televised violence and make recommendations to Congress.

"In the last two years," said Simon press secretary David Carle, "the U.S. surgeon general, the National Institute of Mental Health and other heavy hitters have weighed in with research in which they've concluded that violence does have a harmful effect on children."

Yet, by design, neither of Simon's bills have any teeth.

Simon understands that, like the "family viewing hour" of a decade ago, any attempt to coerce the industry to limit televised violence probably would be ruled an infringement of free speech. Thus, he is counting on the decency, common sense and social responsibility of industry leaders.

BUDGET SCOREKEEPING REPORT, JANUARY 27, 1987

● Mr. CHILES. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

The report follows:

U.S. Congress,
Congressional Budget Office,
Washington, DC, January 27, 1987.

Hon. Lawton Chiles,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The attached report shows the effects of Congressional action on the budget for fiscal year 1987. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution, S. Con. Res. 120. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32 and is current through January 22, 1987. The report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report Congress has cleared for the President's signature H.R. 1, the Water Quality Act of 1987, changing budget authority and outlay estimates for 1987. At your request this report incorporates the latest CBO economic and technical estimating assumptions issued on January 2, 1987.

With best wishes,
Sincerely,
Rudolph G. Penner,
Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 100TH CONGRESS, 1ST SESSION AS OF JAN. 22, 1987—FISCAL YEAR 1987

[In billions of dollars]

	Current level [1]	Budget resolution S. Con. Res. 120	Current level +/− resolution
Budget authority	1,079.0	1,093.4	−14.4
Outlays	1,008.4	995.0	13.4
Revenues	833.9	852.4	−18.5
Debt subject to limit	2,214.6	[2] 2,322.8	−108.2
Direct loan obligations	42.5	34.6	7.9
Guaranteed loan commitments	140.5	100.8	39.7

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,299 billion (P.L. 99-509).

FISCAL YEAR 1987—SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 100TH CONGRESS, 1ST SESSION AS OF JAN. 22, 1987—FISCAL YEAR 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			833,855
Permanent appropriations and trust funds	720,451	638,771	
Other appropriations	542,890	554,239	
Offsetting receipts	−185,071	−185,071	
Total enacted in previous sessions	1,078,269	1,007,938	833,855
II. Enacted this session			
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses: Water Quality Act of 1987 (H.R. 1)	−4	−4	
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Special milk	6	3	
Veterans compensation	173		
Readjustment benefits	9		
Federal unemployment benefits and allowances	33	33	
Advances to the unemployment trust fund	(3)	(3)	
Payments to health care trust funds	(224)	(224)	
Family social services	110		
Medical facilities guarantee and loan fund	5	4	
Payment to civil service retirement and disability fund	(33)	(33)	
Coast Guard retired pay	3	3	
Civilian agency pay raises	358	373	
Total entitlements	697	417	
Total current level as of January 22, 1987	1,078,962	1,008,351	833,855
1987 budget resolution (S. Con. Res. 120)	1,093,350	995,000	852,400
Amount remaining:			
Over budget resolution		13,351	
Under budget resolution	14,388		18,545

Note: Numbers may not add due to rounding.

IF CONGRESS HALTS CONTRA FUNDING

● Mr. BOSCHWITZ. Mr. President, I ask consent to place in the RECORD a thoughtful editorial by Ronald Radosh, a historian who teaches at the City University of New York. The article is entitled "If Congress Halts Contra Funding" and it recently appeared in the Wall Street Journal. Mr. Radosh gives a good description of the current situation in Central America and outlines several things the United States can do to assert pressure on the Sandinistas to live up to their revolution.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IF CONGRESS HALTS CONTRA FUNDING

(By Ronald Radosh)

One of the casualties of the Iran-contra arms scandal may well be further congressional funding of the Nicaraguan contras. Longtime opponents of such funding are now arguing that the secrecy, opportunism and corruption of this episode reflect the true morality of the contra venture. This leaves Congress and the administration with the need to come to terms with their lack of a realistic U.S. policy on Nicaragua and fashion one that will meet both the security needs of the region and current U.S. political realities.

Even before erosion of congressional support for the contras, their plight was serious. Costa Rica has taken severe steps to isolate the southern-front rebels. The Hondurans insist that the contra forces abandon their Honduran camps and move as quickly as possible into Nicaragua proper, something that seems militarily impossible.

The contras also have failed to score a dramatic military success, such as the seizure of a town. In a recent Commentary article, Penn Kemble and Arturo Cruz Jr. argue that the contras should not be put to such a severe test; that they have gained more than the Sandinistas did in a comparable period of activity against Somoza, and that the totalitarian structure of Nicaragua makes the kind of active support the Sandinistas obtained impossible to achieve. Rather than seeking dramatic results, they plead, Congress should look at their ability to sustain a long-term military presence that will produce growing instability within Nicaragua.

REPRESSION HAS INCREASED

Such a course is hardly likely to be adopted. Expecting quick results, Congress seems in little frame of mind to finance the kind of enduring, indecisive guerrilla warfare that Messrs. Kemble and Cruz make the case for. With the new scandal, the chances are even slimmer. The need for pressure against the regime is, however, more necessary than ever.

Today, clearly, the extent and depth of repression has increased, as the Sandinistas move to consolidate their power and finalize the growing Bolshevization of the once broad-based original revolution of 1979. Indeed, one is struck about how little political space now exists. In contrast, since the demise of severe death-squad activity in El Salvador, even the guerrilla-linked mass organizations have revived, and left-led unions and action groups openly demonstrate and parade in Jose Napoleon Duarte's El Salvador. A breakaway faction from Guillermo Ungo's guerrilla-aligned socialist party has decided to enter politics and run candidates opposed to the ruling Christian Democrats.

In Nicaragua, by contrast, a broken and token opposition serves only to cement the fig-leaf of pluralism needed to gather Western support for the Sandinistas.

Democratic opponents of the contras have argued for months that their opposition is to the contra war, and that they are not defending the Sandinistas. Yet, they have failed to offer any meaningful alternatives that would provide U.S. protection to the democratic resistance. Their actions make it appear that they would remain content to sign a regional treaty with Nicaragua that would mean the abandonment of the opposition.

The new crisis, however, provides an opportunity. Except for the die-hards of the Democratic party's left wing, who probably in reality favor the Sandinistas, a bipartisan consensus can be achieved that recognizes the threat posed by a Soviet-aligned government to U.S. security, and seeks to exert pressure of a strong character that can force the comandantes to back down. These include:

Massive financing of democratic opponents of the Sandinistas. Recently, the remaining Nicaraguan opposition groups, from Social Christians to the communists, have pledged to run joint unity candidates for coming local elections—they think they can win the mayorality race in Masaya as well as Managua (where, despite the government's tight organizational hold, economic decline is most evident). Such an event would thoroughly embarrass the Sandinistas and reveal their lack of genuine popular support.

Friends of the Nicaraguan people should express as much solidarity with the Sandinistas' opponents as their supporters show for the comandantes. (Last year, some of America's greatest legal minds met at New York University to help the Sandinistas begin writing a new "democratic" constitution. When the work is finished, the Sandinistas will reveal how American democrats wrote their document, proving once again how committed their government is to pluralism.) To achieve this end, the disorganized, weak and demolished opposition groups desperately need funding. Now is the time for the Congress to allocate sufficient funds, through the already existing National Endowment for Democracy, to finance an effective campaign by the opposition forces. Such above-board support of a nonmilitary campaign should prove hard for even the Democratic Party's left to oppose.

The Nicaraguan government should be told that internal peace depends upon their willingness to negotiate with all interested parties, including the contra rebels, who will no doubt have enough resources to keep fighting even if Congress cuts off the aid pipeline. The Sandinistas should be pressured to do no less than the Duarte government did in El Salvador.

If the Sandinistas demonstrated a willingness to negotiate with the rebels and then allow free elections, Ronald Reagan could in turn apply pressure on the contras to reduce their military activity against the government in step with the restoration of basic freedoms in Nicaragua. The same kind of pressure persuaded many conservative El Salvadorans to give qualified support to Mr. Duarte in 1982 and 1983.

Pressure to reopen La Prensa. The Sandinistas used the contra war as an excuse to close down La Prensa, which they claimed was subversive. Without the contra war, they argued, La Prensa could have been allowed to function. The current situation gives the lie to their arguments. The rebels have suffered setbacks, but the government has not moved to reopen the only free news source in the country. The real reason is clear. La Prensa allowed the opposition to give people the truth, and the government couldn't allow the paper to function. NED funding of the paper could also be renewed by Congress.

Should other steps fail, the U.S. should consider a formal break in diplomatic relations. In an earlier era, President Woodrow Wilson gave support to the policy recommendation of his last secretary of state, Bainbridge Colby, who issued the Colby Note on Relations with Russia in August 1920. Written for the secretary by the American socialist John Spargo, the Note proclaimed it was the intention of the U.S. not to have diplomatic relations with the Soviets, and that it urged other powers to follow suit. The Note also opposed those who wanted direct U.S. military intervention against the Bolsheviks.

Such a statement, if presented today, would do much to reassure Nicaraguans who fear a U.S. military invasion, but who have no use for the Sandinistas. The U.S. could signal a formal agreement that it would respect any government freely elected by the Nicaraguan people, even a revolutionary one, as long as all elements of the population had full access to a truly free electoral campaign. In the language of the original Colby Note, the U.S. should reject relations with "a government which is determined and bound to conspire against our institutions," of a regime based "upon the negation of every principle of honor and good faith."

In another troubled time, Herbert Hoover pursued the policy of nonrecognition of Japanese-occupied Manchuria: a policy meant to pressure and isolate Japan, and, in historian Richard Current's words, to be a "final and sufficient measure, a substitute for economic pressure or military force, a formula looking toward conciliation and peace and relying on the moral force of public opinion for its effect."

Liberal opponents of the Reagan administration have rightly objected to the hypocrisy involved in aiding rebel forces seeking to overturn a government the U.S. recognizes. They are correct. The first step in meeting this objection is to break diplomatic relations.

SERIOUS ALTERNATIVES NEEDED

Contra supporters will object that such mechanisms have little chance of success; that military muscle is the best single method of restraining the Sandinistas.

It remains to be seen just how the current crisis will affect the chances that remain for support of the contras. I formerly was a strong opponent of any assistance, humanitarian or military, to the contras. I am still ambivalent about the wisdom of the U.S. providing such aid. However, everyone who genuinely cares about the condition of freedom in Nicaragua, whatever his views on the contras, has a responsibility to come up with serious alternatives that will put effective pressure on the Sandinistas—diplomatically, politically and economically. Failure to do so casts adrift the entire Nicaraguan people, not just the contras. Whether such pressure will be enough to make a difference, only time will tell. But it would be a start, and would offer hope that sometime in the future the generation of 1979 that overthrew Somoza will again see a free Nicaragua.●

FINANCE COMMITTEE APPROVED AMENDMENT TO FEDERAL HIGHWAY REAUTHORIZATION

● Mr. BENTSEN. Mr. President, on January 22, 1987, the Senate Finance Committee approved an amendment which would extend the highway trust fund excise taxes for 4 years. The amendment will fund programs authorized in the highway bill. In substance, the revenue title approved by the Finance Committee is virtually identical to the revenue title of the highway bill that passed the Senate last year.

The Finance Committee approved amendment will be offered at the appropriate time on the Senate floor.

Mr. President, I ask that the text of the Finance Committee approved amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

At the end of the bill, insert the following new title:

TITLE II—HIGHWAY REVENUE ACT OF 1987

SEC. 201. SHORT TITLE.

This title may be cited as the "Highway Revenue Act of 1987".

SEC. 202. 4-YEAR EXTENSION OF HIGHWAY TRUST FUND TAXES AND RELATED EXEMPTIONS.

(a) EXTENSION OF TAXES.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking out "1988" each place it appears and inserting in lieu thereof "1992".

(1) Section 4041(a)(3) (relating to special fuels tax).

(2) Section 4051(c) (relating to tax on heavy trucks and trailers sold at retail).

(3) Section 4071(d) (relating to tax on tires and tread rubber).

(4) Section 4081(e)(1) (relating to gasoline tax) (as amended by the Tax Reform Tax Act of 1986 and section 521(a)(1)(B) of the Superfund Revenue Act of 1986).

(5) sections 4481(e), 4482(c)(4), and 4482(d) (relating to highway use tax).

(b) EXTENSION OF EXEMPTIONS, ETC.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking out "1988" each place it appears and inserting in lieu thereof "1992";

(1) Section 4041(b)(2)(C) (relating to qualified methanol and ethanol fuel).

(2) Section 4041(f)(3) (relating to exemption for farm use use).

(3) Section 4041(g) (relating to other exemptions).

(4) Section 4221(a) (relating to certain tax-free sales).

(5) Section 4483(f) (relating to exemption for highway use tax).

(6) Section 6420(h) (relating to gasoline used on farms).

(7) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems) (as in effect before its redesignation by section 1703(c) of the Tax Reform Act of 1986).

(8) Section 6427(g)(5) (relating to advance repayment of increased diesel fuel tax).

(9) Section 6427(m) (relating to fuels not used for taxable purposes) (as in effect before its redesignation by section 1703(e)(1) of the Tax Reform Act of 1986).

(c) OTHER PROVISIONS.—

(1) FLOOR STOCKS REFUNDS.—Paragraph (1) of section 6412(a) of the Internal Revenue Code of 1986 (relating to floor stocks refunds) is amended—

(A) by striking out "1988" each place it appears and inserting in lieu thereof "1992", and

(B) by striking out "1989" each place it appears and inserting in lieu thereof "1993".

(2) INSTALLMENT PAYMENTS OF HIGHWAY USE TAX.—Paragraph (2) of section 6156(e) of such Code (relating to installment payments of tax on use of highway motor vehicles) is amended by striking out "1988" and inserting in lieu thereof "1992".

SEC. 203. 4-YEAR EXTENSION OF HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsections (b), (c), and (e) of section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) are each amended—

(1) by striking out "1988" each place it appears and inserting in lieu thereof "1992", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1993".

(b) EXPENDITURES FROM HIGHWAY TRUST FUND.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 (relating to expenditures from Highway Trust Fund) is amended by striking out "or" at the end of subparagraph (B) and by striking out subparagraph (C) and inserting in lieu thereof the following new paragraphs:

"(C) authorized to be paid out of the Highway Trust Fund under the Federal-Aid Highway Act of 1987, or

"(D) hereafter authorized by a law which does not authorize the expenditure out of the Highway Trust Fund of any amount for a general purpose not covered by subparagraph (A), (B), or (C) as in effect on the date of enactment of the Federal-Aid Highway Act of 1987.".

(c) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-11) is amended—

(1) by striking out "1988" and inserting in lieu thereof "1992", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1993".

SEC. 204. CERTAIN TRANSFERS FROM HIGHWAY TRUST FUND TO BE MADE PROPORTIONATELY FROM MASS TRANSIT ACCOUNT.

Subsection (e) of section 9503 of the Internal Revenue Code of 1986 (relating to establishment of Mass Transit Account) is amended by adding at the end thereof the following new paragraph:

"(5) PORTION OF CERTAIN TRANSFERS TO BE MADE FROM ACCOUNT.—

"(A) IN GENERAL.—Transfers under paragraphs (2), (3), and (4) of subsection (c) shall be borne by the Highway Account and the Mass Transit Account in proportion to the respective revenues transferred under this section to the Highway Account (after the application of paragraph (2)) and the Mass Transit Account; except that any such transfers of the extent attributable to section 6427(g) shall be borne by the Highway Account.

"(B) HIGHWAY ACCOUNT.—For purposes of subparagraph (A), the term 'Highway Account' means the portion of the Highway Trust Fund which is not the Mass Transit Account.".

SEC. 205. IMPOSITION OF HIGHWAY USE TAX ON ALL MOTOR VEHICLES OPERATING IN UNITED STATES.

(a) IN GENERAL.—Subsection (b) of section 4481 of the Internal Revenue Code of 1986 (relating to tax paid by whom) is amended by inserting "or contiguous foreign country" after "State".

(b) REGULATIONS REQUIRED WITHIN 120 DAYS.—The Secretary of the Treasury or the delegate of the Secretary shall within 120 days after the date of the enactment of this section prescribe regulations governing payment of the tax imposed by section 4481 of the Internal Revenue Code of 1986 on any highway motor vehicle operated by a motor carrier domiciled in any contiguous foreign country or owned or controlled by persons of any contiguous foreign country. Such regulations shall include a procedure by which the operator of such motor vehicle shall evidence that such operator has paid such tax at the time such motor vehicle enters the United States. In the event of the failure to provide evidence of payment, such regulations may provide for denial of entry of such motor vehicle into the United States.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 1987.●

ORDER FOR RECOGNITION OF ADDITIONAL SENATORS TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the two orders which have already been entered for the recognition of Messrs. PROXMIRE and MURKOWSKI, the following Senators be recognized each for not to exceed 5 minutes: Senators MITCHELL, REID, LEVIN, SASSER, and SPECTER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR CERTAIN ACTION TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the period for the transaction of morning business, which under the previous order will begin at the conclusion of the orders for the recognition of Senators, extend not beyond 2 p.m., and that the time then between that point and 2:30 be equally divided and controlled by Mr. FORD and by Mr. SYMMS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. This would mean then that on tomorrow the rollcall vote would still occur at 2:30 p.m. on the amendment by Mr. SYMMS to the funding resolution for committees with a half hour debate on that pending amendment. The vote would occur in relation to the amendment and that could entail a tabling motion.

PROGRAM

Mr. BYRD. Mr. President, that means that on tomorrow, after the two leaders have been recognized under the standing order, the following Senators will be recognized each for not to exceed 5 minutes: Messrs. PROXMIRE, MURKOWSKI, MITCHELL, REID, LEVIN, SASSER, and SPECTER. There will then be a period for the transaction of morning business with Senators permitted to speak therein not to extend beyond 2 p.m., at which time the then unfinished business, Senate Resolution 80, will be laid before the Senate under the order previously entered and there will be a time on the pending amendment by Mr. SYMMS of 30 minutes to be equally divided, and the vote will occur in relation to the Symms amendment then at the hour of 2:30 p.m.

There may be other rollcall votes tomorrow. I do not know of any. However, I would hope that it might be possible to clear the highway legislation and begin work on it tomorrow and hopefully complete action on that measure Thursday, and get action on the measure providing for the homeless which will be coming over. I will be discussing these measures with the distinguished Republican leader.

Also, Mr. President, the distinguished Republican leader has reminded me that something should be said with respect to the pay raise resolution. I had indicated earlier I expected the vote to occur in relation to such a resolution before this week is out. I still expect that vote to occur before the week is out, Thursday or Friday, hopefully, which will be well within the timeframe provided by the law on such resolutions.

Now, Mr. President, if no Senator seeks recognition, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 8:35 p.m. having arrived, the Senators will proceed to the Hall of the House of Representatives for the joint session; and upon the conclusion of the joint session, the Senate will stand in adjournment until 1 p.m., Wednesday, January 28, 1987.

Thereupon, at 8:35 p.m., the Senators, proceeded by the Sergeant at Arms, Henry Kuualoha Giugni; the Secretary of the Senate, Walter J. Stewart; and the Vice President, GEORGE BUSH, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, Ronald Reagan.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT UNTIL TOMORROW AT 1 P.M.

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered into, at 9:47 p.m. the Senate adjourned until tomorrow, Wednesday, January 28, at 1 p.m.

HOUSE OF REPRESENTATIVES—*Tuesday, January 27, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

The Psalm of David reminds us that You, O Lord, are our Shepherd, and we shall not want, and even though we walk through the valley of the shadow of death, we need fear no evil, for You comfort us. We pray, Almighty God, that Your gracious presence will be with all people in need, and cause them to sense the abundance of Your grace, the fullness of Your love, and the power of Your spirit. We are grateful, O God, that Your goodness to us is without end and Your mercy is with us all our days. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands as approved.

DELAY THE NUCLEAR TEST, MR. PRESIDENT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, tonight this body is going to be honored with the President and his State of the Union Address. Many of us hope that one of the top priorities he addresses is arms control, because we have had no significant arms control agreements in the last 6 years.

One very critical issue is whether or not the United States will go through with the nuclear test it has now scheduled on February 5. If it does proceed with that test, then both the Soviet Union and China will resume testing.

The Soviet Union has not tested in over 17 months, but they announced that if the United States tested at all in 1987, they would begin testing again, and boom! The genie is out of the bottle.

Many Members of Congress are writing the President today, asking him please to defer the test, try and negotiate and try and get a test ban in the Kennedy spirit that we have had before. I think this is a very important day to remember that, and to remember the clock is ticking and that February 5 is very close.

Please Mr. President, do delay the test and negotiate first.

LIKE A FIREMAN RUNNING INTO A BURNING HOUSE WITH A HOSE THAT IS NOT CONNECTED WITH THE WATER PLUG

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, the following quotation is from a former Member of this House, Representative Howard Buffett from Nebraska:

> You may be saying to yourself: "The politicians are thinking of votes when they ought to think about the future of the country. What we need is a Congress with some guts. A Congress with intestinal fortitude would surely stop the spending." I went to Washington with exactly that hope and belief, but I had to discard it. Why? Because an economy-minded Congressman under our printing-money system is like a fireman running into a burning house with a hose that is not connected with the water plug. His courage is commendable, but he is not hooked up right at the other end of the line. So it is now with a Congressman working for economy. There is no sustained hook-up with the taxpayers to give him strength.
>
> With a restoration of the gold standard, Congress would once more have to resist handouts. If Congress appeared receptive to reckless spending schemes, depositor's withdrawal of gold would soon become serious. That alarm would quickly be reflected in the Halls of Congress. The legislators would learn from the banks back home and from Treasury officials that confidence was endangered. Then Congress would be forced to confront spending demands with firmness.
>
> Our finances will never be brought into order until Congress is compelled to do so. Making our money redeemable in gold will create this compulsion. The gold standard will act as a silent watchdog to prevent unlimited public spending.
>
> (Human Freedom Rests on Gold Redeemable Money, by Howard Buffett, The Commercial and Financial Chronicle, May 6, 1948.)

CHILD ABUSE LAW DESERVES SEPARATE FUNDING

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, it was reported today in the New York Times that the number of reported deaths of abused and neglected children in 24 different States, rose by 29 percent in 1986.

Specifically, a total of 498 such deaths—a rate of more than 1 a day—were reported last year compared to 386 in 1985.

Among those States recording the sharpest increases were Kansas with a 133-percent increase and Maryland which showed a 120-percent increase.

My home State of New York had the largest number of child abuse deaths last year with 162.

Notwithstanding these terrible increases, the administration's budget for the first time in the 13-year history of the Child Abuse Prevention and Treatment Act, proposes no specific funds for the program.

Instead, it lumps 26 programs together into what is called a generic appropriation, since all the programs are funded by the Office of Human Development Services.

This is totally unacceptable in my mind. The child abuse law deserves separate funding and a significant increase as well. The funds provided by this law serve two distinct purposes. They treat the victims of child abuse and they work to provide the type of intervention to avert cases of child abuse and neglect.

If there was a childhood illness which claimed that many lives in 1 year, there would be a clamoring for more funds. We must address child abuse and neglect in the same fashion and direct sufficient resources toward its prevention.

Later this year, we will reauthorize the child abuse law. We must recognize the growing severity of this problem and recommit ourselves to reducing the horrors of child abuse and neglect.

CONGRESS CANNOT IGNORE THE SANDINISTA THREAT TO THE DEMOCRACIES OF CENTRAL AMERICA

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, let there be no mistake. The democracies of Central America are just as concerned about the threat from the Sandinista regime in Nicaragua as we are.

A report in the January 21 Washington Times describes the harsh denunciation by Honduran President Jose Azcona of the Sandinistas and his blaming "the Soviet-Cuban challenge hiding behind the Sandinista government" for the problems in Central America.

In his meeting with Contadora peace negotiators, President Azcona warned

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

there could be no regional peace agreement until there is a change in Nicaragua's behavior. A letter from the Honduran President to the Contadora group explicitly criticized the Soviet presence in Nicaragua in three specific instances, an indication, it is reported, that Honduras' diplomatic position has hardened.

It was also reported that the Contadora negotiators had heard similar complaints from Costa Rican President Arias, only phrased in more diplomatic language. We in the Congress would do well to heed the warnings from our close allies in the region who are most directly affected by the threat from Nicaragua.

A NATIONAL CHARTER FOR THE RETIRED ENLISTED ASSOCIATION

(Mr. McMILLEN of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to introduce a bill to grant a national charter to the Retired Enlisted Association. It is my pleasure to introduce as my first bill this legislation to recognize nationally the outstanding leadership role and community service record of this fine organization.

Founded over 20 years ago, the Retired Enlisted Association is a nonprofit military retirees' organization dedicated to a strong national defense, the professional and cultural well-being of its members, and the promotion of understanding between the military and civilian communities. I share with the members of this group these same ideals and goals.

During their years of service, the members of the Retired Enlisted Association contributed greatly to our Nation's defense. In their retirement, they continue in their dedication and devotion to their country. A national charter for the Retired Enlisted Association is recognition much-deserved for their service.

Mr. Speaker, I call upon my colleagues in Congress to join me in honoring the Retired Enlisted Association with a national charter. It is a long overdue tribute to those who have served us so well.

WELCOME BACK, MR. PRESIDENT

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, the American people are somewhat confused when they pick up a paper which has nationwide distribution, and they read a poll watch which comes out with some negatives about President Reagan.

Then a small town newspaper, like where I come from, carries that poll a little bit farther and they say, "But only 38 percent of the American people disapprove of the way the President is doing his job."

I just got back a questionnaire—we have tabulated 3,500 so far, and we expect to get 20,000 to 22,000 questionnaires back—and I am very proud to say that the people in my congressional district overwhelmingly support the job the President has done over the last 6 years by a 71-percent plurality.

Thank you, Mr. President, for a job well done and welcome back. We will see you tonight.

□ 1210

A TRIBUTE TO PHIL SIMMS AND THE NEW YORK GIANTS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, when I was watching the Super Bowl on Sunday, I was watching with very mixed emotions. I had hoped that the Washington Redskins would be in that preeminent affair but, of course, the New York Giants were.

So I was somewhat saddened but my heart was lifted when the performance of the little native, Phil Simms, quarterback for the New York Giants, actually not only won the bowl game but earned him most valuable player honors.

As the Chamber knows, it is my honor to represent the community of Louisville and Jefferson County in which Phil grew up and played high school football.

Of course, he played his college football in the Commonwealth of Kentucky at Morehead State.

Let me just say that it was with mixed emotions, but the general emotion and the one that won out at the end was to salute Phil Simms and of course Tom Jackson, who played with Denver and played his collegiate ball at the University of Louisville, on a job well done for America and since that game was beamed around the world to sort of introduce football at that level to the entire globe.

I wish you well, and good luck to you in the coming year.

WE SHOULD NOT RAISE OUR SALARIES WITHOUT A RECORD VOTE

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, in the 4 years I have been in the Congress there is one impression that stands out and that is the quality of our colleagues. The dedication to our jobs, the hard work and the long hours is proof of our commitment to service—but that is not the issue.

The issue is the integrity of the institution. A democracy works because of a bond that exists between its leaders and its people. That bond is based on faith and credibility.

How do we ask the people back home to have faith in our leadership when we will not do what we are asking them to do—that is, to ask less of government or pay higher taxes to solve the deficit problem.

It just doesn't fit—that we should ask others to do with less and then raise our salaries without a vote.

Join me in signing this letter asking the Speaker for a vote before February 5.

PRESIDENT REAGAN SHOULD ANNOUNCE OPPOSITION TO THE CONTINUING RESOLUTION

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, tonight President Reagan will deliver his seventh annual State of the Union Address to the 100th Congress at the beginning of the 200th anniversary of the Federal Constitution.

When future historians reflect on the events of recent years, they will no doubt hold us all accountable for the continued record Federal budget deficits and accompanying collapse of the congressional budget process that has characterized the past several years.

We are currently leaving a legacy of debt for our children and grandchildren vividly symbolized by the now routine use of the continuing resolution.

The continuing resolution has become an annual escape mechanism which confounds a rational Federal fiscal policy.

I urge President Reagan in his State of the Union Address tonight to issue the 100th Congress a warning—that he will not tolerate another bloated continuing resolution. He should say tonight that he will veto any continuing resolution that reaches his desk and thereby force the Congress to pass each of the 13 appropriations bills—separately and on time before October 1.

A TRIBUTE TO GOV. WILLIAM DONALD SCHAEFER

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, last week the State of Maryland prepared to take a major step toward becoming the Nation's best, just as the city of Baltimore has become known as Baltimore's best.

On Tuesday last the man who had led Baltimore to becoming the best city in the U.S.A. was presented, gift-wrapped, in a cargo box on a ship to the State of Maryland.

The State has accepted that gift, and we in Maryland are looking forward to an active and exciting 4 years under William Donald Schaefer as Governor, and I want to take this opportunity to salute him as our new Governor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GRAY of Illinois). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken at 5 p.m. today.

AUTHORIZING THE SPEAKER TO DECLARE ADDITIONAL RECESSES AT ANY TIME TODAY

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare additional recesses at any time today, subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so to inquire of the gentleman whether or not the additional recess authority that he is seeking is specifically to allow us to have the votes rolled over until 5 o'clock and would go no further than that?

Mr. THOMAS A. LUKEN. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. THOMAS A. LUKEN. I thank the gentleman for yielding.

Mr. Speaker, the gentleman is correct.

Mr. WALKER. And we would have the votes at 5 o'clock based upon the ruling of the Chair, that is a time certain, is the correct?

Mr. THOMAS A. LUKEN. The gentleman is correct.

Mr. WALKER. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. It there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING FOR A TEMPORARY PROHIBITION OF STRIKES OR LOCKOUTS WITH RESPECT TO LONG ISLAND RAIL ROAD LABOR-MANAGEMENT DISPUTE

Mr. THOMAS A. LUKEN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 93) to provide for a temporary prohibition of strikes or lockouts with respect to the Long Island Rail Road labor-management dispute.

The Clerk read as follows:

H.J. RES. 93

Whereas the labor dispute between the rail carrier, Long Island Rail Road, and certain of the employees of such carrier represented by several labor organizations threatens essential transportation services of the Nation;

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained;

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carrier;

Whereas it is desirable to resolve such dispute in a manner which encourages solutions reached through collective bargaining;

Whereas the parties were unable to resolve the dispute according to the recommendations of Presidential Emergency Board No. 210, issued June 25, 1986;

Whereas the President, pursuant to the Railway Labor Act, by Executive Order No. 12563 of September 12, 1986, created Presidential Emergency Board No. 212 to investigate the dispute and report findings;

Whereas the recommendations of Presidential Emergency Board No. 212 for settlement of such dispute have not yet resulted in a settlement; and

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9A(h) of the Railway Labor Act (45 U.S.C. 159a(h)) shall apply and be extended for an additional period of 60 days beginning on January 17, 1987, with respect to the dispute referred to in Executive Order No. 12563 of September 12, 1986, so that no change, except by agreement, shall be made by the rail carrier, Long Island Rail Road, or by the employees of such carrier represented by labor organizations which are party to such dispute, in the conditions out of which such dispute arose as such conditions existed before 12:01 ante meridiem of January 17, 1987.

SEC. 2. (a) Not later than 10 days before the expiration of the 60-day period referred to in the first section of this joint resolution, the board established under subsection (b) shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiations between the rail carrier, Long Island Rail Road, and the employees of such carrier represented by labor organizations which are party to such dispute;

(2) findings of fact regarding circumstances related to the dispute described in this joint resolution; and

(3) recommendations for a proposed solution of the dispute described in this joint resolution, including, but not limited to, the issues covered by Presidential Emergency Board No. 212.

(b) The National Mediation Board shall appoint a three-member board for the purpose of preparing and submitting the report described in subsection (a). No member appointed to such board shall be pecuniarily or otherwise interested in any organization of employees or any carrier. The compensation of such members shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply to the expenses of the board established under this subsection as if such board were a board created under subsection 10.

(c) The board appointed under subsection (b) shall terminate upon the submission to the Congress of the report required under subsection (a).

The SPEAKER pro tempore. Is a second demanded?

Mr. LENT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. THOMAS A. LUKEN] will be recognized for 20 minutes and the gentleman from New York [Mr. LENT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. THOMAS A. LUKEN].

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House is now considering House Joint Resolution 93. This resolution was introduced last week by my colleagues on the Energy and Commerce Committee, the distinguished gentleman from New York [Mr. LENT], and the distinguished gentleman from New Jersey [Mr. FLORIO]. It has strong bipartisan support. I want to extend at this time congratulations to the gentlemen from New York and New Jersey for their foresight in introducing this very timely resolution which I think will be beneficial to all concerned and will reinstate the much needed transportation in the New York-New Jersey area.

This legislation has been necessitated by the decision of certain railroad employees last week to strike the Long Island Rail Road. That strike has shut down the Nation's busiest commuter line and left approximately 112,000 commuters stranded.

As of this time, unions representing over 70 percent of the LIRR employees have settled and others are close to settlement. This joint resolution would provide an additional 60-day negotiating period during which the few unions who have been unable to make progress toward an agreement may do so. This additional negotiating period would extend until mid-March.

The legislation also provides for the appointment of a three-member advisory board to be appointed by the National Mediation Board. This advisory board would report to Congress no later than 10 days before the expiration of the extended negotiating period.

The report is to address the progress in negotiations, make findings of fact regarding circumstances related to the dispute, and make recommendations for a proposed solution. The parties, of course, remain free during the 60-day period to reach their own settlements.

I should also point out that we have been careful in this legislation not to trample indiscriminately on the collective bargaining process by attempting to impose binding arbitration on the unions, as some have suggested. The power that Congress possesses to impose settlements in rail labor disputes ought to be exercised with the greatest care and only when every effort has been made to allow voluntary collective bargaining to work.

I commend my good friends from New York and New Jersey and I commend the distinguished ranking minority member of the committee for his swift action in moving to resolve this difficult problem for his constituents, and I urge support of this resolution.

Mr. LENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would first like to thank the distinguished chairman of the Committee on Energy and Commerce, Mr. DINGELL, and the gentleman from New Jersey, Mr. FLORIO, who is a cosponsor of this legislation, for their efforts in bringing House Joint Resolution 93 to the floor today.

As most of the Nation is aware, the Long Island Rail Road has been on strike since January 18, 1987.

Because the Long Island Rail Road is both a freight carrier and a commuter rail passenger line carrying 110,000 commuters on daily round trips, the impact of this strike on the Long Island region has been devastating.

The two severe snowstorms that have hit the New York metropolitan area within the last few days have clogged Long Island's roads and further aggravated the situation since the Long Island Rail Road usually accommodates an even greater ridership during bad weather.

Hundreds of thousands of workers have been unable to reach their jobs as a result of this strike. Loss of earnings and impaired productivity are the unfortunate results.

This bill is a simple, and I believe a noncontroversial approach. It would require Long Island workers to return to work by restoring railroad service and the status quo as it existed on January 17, the day before the strike. No strike would be allowed for 60 days, dating from January 17. During this "cooling off" period I believe that agreement can be reached with the representatives of the 30 percent, or so, of the remaining Long Island employees who have not yet agreed to terms with management.

One of the problems in negotiating this dispute is that 15 separate unions and 6,600 employees are involved. The 10 major unions have already settled. Only the smaller unions are holding out and of course each one wants more than the other.

This legislation, I would emphasize, would not, and I repeat, would not, affect new contracts already agreed to by labor and management.

Therefore, the roughly 70 percent of the work force that has already reached agreement with management will be able to work under those new agreements. In case labor and management are not able resolve the remaining disputes within the "cooling off" period, the resolution then establishes a three-member panel appointed by the National Mediation Board to study the dispute and make recommendations on resolving it to Congress 10 days before the end of the "cooling off" period.

This legislation is modeled after the successful legislation the House passed last year with respect to the Guilford Rail System, including the Maine Central Railroad and the Portland terminal.

Mr. DOWNEY of New York. Mr. Speaker, will the gentleman yield?

Mr. LENT. I yield to my distinguished colleague from the State of New York.

Mr. DOWNEY of New York. I thank the gentleman for yielding.

Mr. Speaker, I would like to first congratulate the gentleman for his prompt action. Those of you who have ever read "Dante's Inferno" remember that the coldest and most horrible place in hell was reserved for the worst sinners, and what happened to the worst sinners is they were frozen in place, unable to move. That has become a reality for some 100,000 Long Islanders attempting to get to work. They have found and realize now what it is like to be in the middle of "Dante's Inferno," frozen, because of the weather, in place because of the traffic that they have to fight to get into the city.

This strike must end, it must end swiftly.

Mr. Speaker, the gentleman from New York, my esteemed colleague, Mr. LENT, has provided the mechanism modeled after what we did last year for a congressional solution, or at least a congressional attempt at a solution.

Clearly, any strike of this magnitude is best resolved by the parties, but when the parties have proven incapable of reaching a conclusion, they need help. This legislation provides that help. This legislation sends a strong and, in my opinion, necessary and important message from Washington that this strike must end and must end quickly.

Mr. Speaker, I thank the gentleman for offering this resolution. I am going to urge all our colleagues to strongly support it and to recognize the hardship that this strike has visited on Long Islanders.

As one who has taken the Long Island Rail Road to work for a year and a half, the idea that it is no longer available to 100,000 people is clearly unacceptable.

I thank the gentleman.

Mr. LENT. I thank the distinguished gentleman from Suffolk County.

The gentleman speaks with the eloquence of a Dante. I thank him for his very eloquent support.

☐ 1225

Mr. McGRATH. Mr. Speaker, will the gentleman yield?

Mr. LENT. I yield to the gentleman from New York.

Mr. McGRATH. Mr. Speaker, I rise in strong support of House Joint Resolution 93.

Over a week ago, employees of the Long Island Rail Road went on strike. Since then, over 110,000 commuters have been forced to seek alternate routes of transportation in and out of our Nation's largest city. Forty-mile backups are now common place on Long Island's major highways. While negotiations do continue, the need for the immediate resumption of the LIRR is of paramount concern.

Today, I am more than pleased to support House Joint Resolution 93, introduced by Congressman LENT. This measure will get LIRR workers back to work and maintain the status quo, as it existed before the strike, for a 60-day negotiation period. The bill also establishes a three-member panel to study the dispute and make recommendations on resolving it to Congress.

In the wake of severe winter weather, the need for the return of the LIRR is of utmost importance. House Joint Resolution 93 will hasten the resumption of commuter rail service to Long Island and at the same time provide the time needed to resolve this dispute. I urge all of my colleagues to pass this legislation.

Mr. LENT. Mr. Speaker, I thank the gentleman from New York [Mr. McGRATH] for his statement and for his support.

In conclusion, I indicate to my colleagues in the House that today, after New York commuters shovel their way out of the snowstorm of 1987, they are gong to find their options limited to a jammed and icy Long Island Expressway, overcrowded subways or bogged-down buses. The Long Island Rail Road operates under the Federal Railway Labor Act, not New York law.

Thus, Congress must act to rescue 110,000 New York commuters from economic distress and tremendous inconvenience.

I might also point out that since the summer of 1984, the railroad and its labor unions have been negotiating new collective-bargaining agreements under the Federal Railway Labor Act. All of the procedures of that statute have now been exhausted. Only a few of the 15 unions involved have not been able to settle.

This situation has made it difficult, if not impossible, to end the strike. This legislation will end the strike, send workers back to work and restore service for Long Island commuters.

It is unfortunate, and I think my colleagues appreciate this, that the Long Island Rail Road dispute has not been, as yet, solved through collective bargaining. More unfortunate, however, is the detrimental effects that this strike has had on the economy, the citizens, and communities of Long Island and on those employees of the railroad who have already reached good-faith agreements with management.

House Joint Resolution 93 is a fair approach to the strike. It will give management and labor a second chance to resolve their differences. Therefore, I urge my colleagues to support the legislation.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. FLORIO], a cosponsor of the joint resolution and a member of the committee.

Mr. FLORIO. Mr. Speaker, I rise in support of House Joint Resolution 93. This important resolution, introduced by the distinguished gentleman from New York [Mr. LENT], will provide more time for labor and management on the Long Island Rail Road to resolve their current contract dispute while enabling vital commuter rail service to be restored.

This legislation is similar to the legislation that was passed last year to extend the cooling-off period in the labor dispute on Guilford Transportation. House Joint Resolution 93 does two things. First, it extends the cooling-off period for 60 days to allow more time for negotiation and, in the meantime, restores rail service. Second, it establishes a three-member board, to be appointed by the National Mediation Board, to investigate the dispute and make recommendations on its resolution.

No one likes to see Congress intervene in a labor dispute. However, the current dispute is disrupting commerce. This legislation is a moderate approach and I urge its approach and I urge its passage.

Mr. HOCHBRUECKNER. Mr. Speaker, today the House is considering House Joint Resolution 93 under a suspension of the rules. This legislation will provide relief to the thousands of Long Island Rail Road commuters who have been forced to find alternative methods of transportation.

Last week following the breakdown of negotiations, the Long Island Rail Road went out on strike causing untold inconvenience to over 112,000 passengers.

The Long Island Expressway, the principal alternative route into New York City from Long Island has for years been justly known as the "World's Longest Parking Lot." A trip that may take only 1 hour during the nonrush hour takes over 2 hours during the rush hour. Now, with over 100,000 additional Long Island commuters trying to use the road, the result has been 40-mile-long backups in traffic and rush hours beginning well before sunrise. I experienced this frustration first hand while driving to Washington from my home on Long Island this morning. This week, driving on the Long Island Expressway is a horror even Steven King would have trouble imagining.

House Joint Resolution 93 will provide immediate relief for all hard-pressed commuters and allow a negotiating cooling-off period while a fair and long-lasting solution to this dispute can be established.

I hope that all Members will support this bill. This is an emergency bill, a bill that hopefully will lead to a fair and lasting settlement of a labor dispute. This bill will help provide relief for many Long Island commuters.

Mr. LENT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Ohio [Mr. THOMAS A. LUKEN] that the House suspend the rules and pass the joint resolution, House Joint Resolution 93.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF HOUSE JOINT RESOLUTION 93

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that in the engrossment of the resolution, House Joint Resolution 93, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in passing this joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter therein, on House Joint Resolution 93, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

EMERGENCY ADDITIONAL SUPPLEMENTAL APPROPRIATION FOR THE HOMELESS

Mr. WHITTEN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 102) making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program of the Federal Emergency Management Agency.

The Clerk read as follows:

H.J. RES. 102

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is transferred, out of funds previously appropriated, for the fiscal year ending September 30, 1987, namely:

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY FOOD AND SHELTER PROGRAM

(BY TRANSFER)

For an additional amount for the "Emergency Food and Shelter Program", $50,000,000, which shall be derived by transfer from the Federal Emergency Management Agency appropriation "Disaster relief".

The SPEAKER pro tempore. Is a second demanded?

Mr. CONTE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WHITTEN] will be recognized for 20 minutes and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution will provide an additional $50 million for transfer for the National Program for the Homeless.

These funds will be fed into the existing national program and will most quickly provide help for the homeless during this critical winter period.

Mr. Speaker, this is not a program of major outlays per family. It will not fund any $2,000- or $3,000-a-month apartments, but instead will provide emergency shelter and emergency meals. This does not foreclose future actions.

The program is coordinated by the Federal Emergency Management Agency [FEMA], and a board composed of representatives of the United Way of America, the Salvation Army, the National Council of Churches of Christ in the USA, the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., and the American Red Cross.

Every Member of the House has worked with these organizations and knows the serious, steady, down-to-earth work they do. The actual administration of the program is done by the Federal Emergency Management Agency, the agency that administers the Federal Disaster Program.

This approach of immediately providing an additional $50 million by transfer will allow the Congress the necessary time to enact a comprehensive authorization bill that deals adequately with this major national problem, along with additional funds as needed.

The joint resolution makes available this $50 million by transfer from the disaster relief appropriation for the Federal Emergency Management Agency. This transfer will not disrupt the Disaster Relief Program as sufficient unobligated balances are currently on hand. If necessary, funds for the disaster program could be replenished in a subsequent supplemental appropriations bill.

Mr. Speaker, the Speaker of the House recently visited in Washington some of the areas where these problems are very much apparent. The present condition of the weather, the ice and snow, makes it imperative that we move quickly.

□ 1235

When the Speaker spoke to us on the Appropriations Committee, we looked to see how we could move most expeditiously. Again let me say there is no new appropriation involved in this bill, although we may have to replace it in the future. This leaves us in a position where we can use existing facilities and existing organizations so we can move now.

Mr. Speaker, I think it is imperative that we act speedily to meet this need. For that reason we brought the resolution up under the waiver of the regular appropriation process. Again our committee will deal, along with the legislative committees, in the future with other aspects of this problem. This allows us to move now in an expeditious way with the money that is already available.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 102, to provide an additional $50 million for the Emergency Food and Shelter Program by transfer from the President's disaster relief account.

Mr. Speaker, I have heard many of my colleagues refer to this resolution as the first supplemental of fiscal year 1987, so I would like to take a moment to join my chairman in setting the record straight.

House Joint Resolution 102 provides for the transfer of $50 million in funds already appropriated in the FEMA disaster relief account to the FEMA Emergency Food and Shelter Program. No new budget authority is included in this bill. It is a transfer, not a supplemental.

I will point out, though, that we will most likely have to act to restore this $50 million later in the year with a real supplemental.

Many of our colleagues have asked why we have settled on a figure of $50 million. I have no good answer for you. Our committee's intention is to provide the Emergency Food and Shelter National Board with additional funds to distribute as quickly as possible this winter while the Congress continues to work on a more comprehensive authorization measure.

The National Board has done a good job over the past 4 years in distributing $320 million in grant funds, and it is our hope and our expectation that they act again to make awards to localities in the next 30 to 60 days.

By transferring the $50 million from the President's disaster relief account, we are literally betting against Mother Nature. And we only have to look out the window to know that she holds all the cards.

At last count, there was $228 million in the disaster relief account. I don't know—no one knows—if that will be enough with or without any transfers.

In the first 3 months of fiscal year 1987, the fund was tapped for $96 million, and that's a little higher than average. In all likelihood the fund will be exhausted by this spring, so we will need an urgent supplemental and a waiver of the Budget Act as we will for the CCC. But for today, and for the immediate short term, the reserve in the disaster relief account should be adequate.

For the record, I will also state that the administration is opposed to this resolution. In a letter to me dated January 22, the Director of the Office of Management and Budget, Jim Miller, states that—and I quote:

> A reduction of $50 million (in the Disaster Relief Fund) would jeopardize our ability to respond to a major disaster because it would require the administration to request a supplemental from Congress and Congress to act on the request before funds could be obligated.

He goes on to point out that our committee's action is inconsistent with the Gramm-Rudman-Hollings requirement that all new spending be offset, and that the diversion of disaster relief funds for other uses is unprecedented. And, finally, he projects that the $50 million in food and shelter funds will probably not reach the homeless in time to meet winter needs. I will place the full text of his letter in the RECORD at this point.

I will be doing everything in my power, as I know my chairman will, to urge the National Board to distribute this $50 million as fairly and as quickly as possible. We are all aware of the pressing needs of the homeless and the hungry in our communities, and we will work very closely with FEMA officials, Board members, and our colleagues on the authorizing committees to see that these needs are met in the weeks ahead.

So, despite the objections of the administration, I support this joint resolution, and urge my colleagues to suspend the rules and pass it this afternoon.

Mr. Speaker, the full text of the letter to me from Mr. Miller from which I quoted is as follows:

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, January 22, 1987.

Hon. SILVIO CONTE,
Ranking Republican Member, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR SIL: I understand that you have under consideration a proposal to transfer $50 million from the Disaster Relief Fund to FEMA's Emergency Food and Shelter program for FY 1987. We oppose the transfer of funds from the Disaster Relief Fund to FEMA's Emergency Food and Shelter program for the following reasons:

The current balance in the Disaster Relief Fund is the minimum prudent level needed to assure a quick response capability to a disaster. A reduction of $50 million would jeopardize our ability to respond to a major disaster because it would require the Administration to request a supplemental from Congress and Congress to act on the request before funds could be obligated.

Because the transfer would force the Administration to seek a supplemental appropriation at a later date, it is inconsistent with the Gramm-Rudman-Hollings requirement that all new spending be offset.

Moreover, diverting Disaster Relief Funds for other uses is unprecedented. This Administration as well as previous administrations (Nixon, Carter, and Ford) have opposed such actions and previous Congresses have sustained that inviolability principle. Once the Fund is tapped for other purposes, the concept of a Disaster Relief Fund, ready to respond to emergencies, will end.

In addition, you should be aware that the existing Emergency Food and Shelter funds have just begun to be spent to meet the current winter needs of the homeless. At present, $3 million of the $70 million appropriated for FY 1987 has been spent. FEMA expects the National Board of Charities, which allocates the funds, to expend the rest of the funds over the next three months. Supplemental funding at this point would probably not reach the homeless in time to meet winter needs.

Sincerely yours,

James C. Miller III,
Director.

Mr. WHITTEN. Mr. Speaker, I yield such time as he may require to the gentleman from Massachusetts [Mr. Boland], the chairman of the subcommittee that handles these various programs.

Mr. BOLAND. Mr. Speaker, first of all, I want to commend the chairman of the full Committee on Appropriations and the ranking minority member for bringing this bill to the floor in the expeditious fashion in which it has reached us. I also want to congratulate the entire Committee on Appropriations.

We had a meeting last week and reported this joint resolution. There was literally no objection to it. So we bring this joint resolution to the floor, I think, with almost the unanimous support of the members of that committee and, I hope, with the unanimous support of the Members of the House.

Mr. Speaker, anyone here who has looked at the TV news over the past 3 or 4 months, I am sure, would have caught an item or two on the homeless. The homeless have always been with us. And their plight is a tragic one—often driven by factors that neither they nor society can easily control.

But we must try to do our best—our very best—in providing help and assistance to these people. And at no time has that been more important than today. Because today, my friends, we are seeing in these shelters more and more families.

Some of these families have been displaced from their homes because of the extraordinary economic problems experienced in the upper Middle West and in Pennsylvania, Texas, Oklahoma, and so on. We cannot stand idly by and watch thousands of Americans spend night after night without shelter or a warm meal.

Now what this joint resolution does is to get some additional resources into a program that works. The Emergency Food and Shelter Program was established within the HUD Subcommittee 4 years ago. We drafted the basic legislation and provided the first money. The program was put together in response to an unemployment rate of over 10 percent. It was part of the emergency jobs bill.

The concept of the program is simple. What we did was to channel the money through FEMA—much like a conduit—to a national board of charitable organizations such as the Salvation Army, the National Conference of Catholic Charities, the Council of Jewish Federations, and so forth. The National Board then distributes the money on the basis of unemployment and poverty to hundreds of local boards throughout the country.

Mr. Speaker, this program has worked. This program has provided more than 65 million nights of shelter. It has provided more than 260 million meals at a cost of less than $1 per meal. In fact, the Emergency Food and Shelter Program has worked so well that FEMA—which has never been happy with the program—recently nominated it for an award—the President's Volunteer Action Award—for the program's outstanding accomplishments.

One other point about its success. After 4 years of providing a zero budget request for the Emergency Food and Shelter Program, the President's 1988 budget includes $80 million. That request represents the largest single appropriation for this activity since the program's inception.

As we all know, the Speaker has the Banking, Finance and Urban Affairs and Energy and Commerce Committees hard at work in putting together an authorization for a substantially broader and more comprehensive bill. The current plan is to report that bill, I believe, about February 10, and have it on the floor after the Lincoln-Washington Birthday recess. When we see that bill enacted—we can come back and provide additional resources in the regular supplemental bill to address the Homeless Program.

But in the meantime, this is the best stopgap approach to getting additional money out on the streets and into the shelters and into the soup kitchens.

Let me remind you again of the organizations that run this program:

The United Way of America,

The Salvation Army,

The National Council of Churches of Christ in the U.S.A.,

The National Conference of Catholic Charities,

The Council of Jewish Federations, Inc.; and

The American Red Cross.

They deserve your support—and I urge that we move this resolution to the President as quickly as possible.

□ 1245

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. Walker].

Mr. WALKER. I thank the gentleman for yielding me this time.

Mr. Speaker, one would wonder why some of us might call this particular bill a supplemental appropriations bill early in the Congress. That is because that is what the committee calls it. There it is in the title of the report they handed us that says that it is an emergency additional supplemental appropriation. An emergency additional supplemental appropriation; this is spending more money, period.

One would wonder whether or not if we are going to spend money whether or not we ought to have looked into it fairly carefully. The committee says, in its report:

> It is evident to the committee that emergency additional funding is required to address immediately the Nation's homeless situation.

On what basis did the committee make that decision? Did they hold any hearings? No. Did they call any witnesses? No. Was there any request from the administration for this money? No. Has the $70 million that is already in the pipeline for this program been spent? No. It has been obligated but it has not been spent.

The need for this money is entirely questionable and at least should have been subjected to hearings in the Congress. It was subjected to none.

Now, what are they doing; by what method are they coming up with this funding? They are transferring money out of FEMA. They are transferring it out of the Disaster Relief Program. If we run into a disaster, there may not be enough money to cover it as a result of what is happening here today.

How much money are they transferring? Well, they are transferring $50 million out of a $236 million appropriation, some of which has already been spent. Almost a quarter of the money in the FEMA Disaster Relief Program is being transferred under this program.

Is there enough left in the FEMA appropriation then to cover disasters? No, because last year the appropriation was $345.7 million. So there was not even enough in the original appropriation to cover disasters, and now we are taking money away from that.

It seems to me that we are playing politics out here with a very tragic plight. The plight of the homeless is extremely tragic and it is something that we as a nation want to address, and we addressed it to the tune of $70 million. That money is being spent, it is in the pipeline. It has not all been spent. If we run out of that money, we might want to come back with an emergency additional supplemental appropriation. But at this time what we are out here doing is we are out here playing politics with the plight of the homeless. I think that is a shame, and I think it is a particular shame that what is happening is that it is being done by adding to the deficit. By adding up additional spending that we do not really have.

Oh, it will be claimed that it is under our budget authority. Well, what budget authority are they using to come up with this money? Well, they claim they have $7 billion in additional budget authority. It turns out that most of that is money has to be obligated under the CCC. So it is the farmers that we are going to end up taking this money away from because ultimately we are going to have to say, "Well, we have got to come up with additional money for the farmers; we have got to come up with additional money for FEMA," and that is when this money will actually get appropriated and spent.

This is a terrible bill and it ought to be voted down.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. Wyden].

Mr. WYDEN. I thank the gentleman for yielding me this time.

Mr. Speaker, mention was just made of playing politics with this homeless issue. There is nothing political here and certainly nothing partisan. This bill is desperately needed to reduce terrible suffering on the streets of America. The question is whether or not we are going to be able to reduce that suffering now, during the winter, where literally from Portland, OR, to Portland, ME, thousands of our citizens are scrambling for shelter and desperately trying to find a place to keep warm.

What I would say to my colleague from Pennsylvania, and I know he is sincere in this regard, we cannot afford to wait. It would not be morally right to wait, and if we do wait, Americans are going to die. I think we cannot let that happen. There is nothing political or partisan about this issue. The question is whether or not we are going to pass this modest bill and reduce suffering on the streets of America.

Mr. CONTE. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. Green].

Mr. GREEN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this bill. This bill adds money to a tried and true program, the Emergency Food and Shelter Program, which has already provided for approximately 55 million nights of shelter and 250 million meals for the homeless. There is no reason why this money, once appropriated, cannot be put to work quickly through the already existing mechanism for distributing these funds.

Is there some risk that we shall ultimately have to appropriate additional money to make up for the money that we are transferring from the disaster relief fund in this program? Yes, there is certainly such a possibility. But my colleagues should know that in addition to the $120 million fiscal year 1987 appropriation for disaster relief, there is $180 million in carryover funds from previous years and there is an expectation that some $50 million can be recaptured from past allocations for disasters which did not use the full amount of money allocated for them.

So, yes, there is a chance that we are going to have to deal with this in a supplemental appropriation bill in the future, and we may have to take a hard look at cutting back on some other things to deal with this. But at least for the moment we are not adding additional money to Federal spending, we are moving money from one account to another within FEMA.

The need is plainly there. The Federal dollars have been but a drop in the bucket in terms of the total homeless problem in this country, and I do not think anyone can challenge that there is need for more effort.

Let me deal with one other problem with this program that is covered in the language in the report, and that is my concern that the formula by which this money is distributed has not always accurately mirrored the number of homeless, community by community. This program had its origin in the emergency jobs bill in the spring of 1983, and, quite naturally, the formula at the outset was heavily oriented toward the unemployment numbers. Subsequently that has been modified somewhat by FEMA, but the program still heavily stresses the number of unemployed.

The fact of the matter is that many of the homeless are not in the job market; they do not hold jobs and they are not applying for jobs. Therefore, the numbers in the unemployment figures really do not reflect the numbers of the homeless.

For that reason, the committee in its report has asked FEMA, not on this appropriation which we want to get out as fast as possible, but in future funding for this program which we know is going to occur, we have asked FEMA to develop a formula which will more accurately reflect the number of homeless community by community as this money is distributed.

Again, I do not think anyone who has any familiarity with this program can have any doubt that the Federal dollars are falling way short of the need out there on the streets, and I hope that my colleagues will pass this shift in appropriations from one FEMA function to another to provide more money for the homeless account by an overwhelming majority.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the majority whip, the gentleman from California [Mr. Coelho].

Mr. COELHO. I thank the gentleman from yielding me this time.

Mr. Speaker, I rise in support of the bill, and I wish to applaud the chairman of the committee and the chairman of the subcommittee, Mr. Whitten and Mr. Boland, and also the chairman of the Subcommittee on Housing, Mr. Gonzalez, for moving rapidly on this issue and also my colleagues on the other side of the aisle, Mr. Conte, Mr. McKinney, and Mr. Green for their support and involvement in this bill.

This is not a partisan issue; this is something that needs to be done. A question was raised about the need. There is every indication that there are 800,000 children that are homeless. We are talking about people that want to participate in the American dream; not to have the light turned off on that American dream.

This is a needed bill and we appreciate the coordinated support that has occurred so far. I urge the support of the Members.

Mr. Speaker, I would like to express my strong support for this emergency supplemental appropriations legislation. During this critical winter period, this resolution will utilize our existing program so that we can begin to quickly deal with this crisis.

Mr. Speaker, much has been written about the homelessness crisis in our country. Through my meetings with homeless advocates and the many articles and reports on this issue, I was struck by one overriding fact—families with children are now the fastest growing segment of the Nation's homeless population.

Family shelters around the country are straining to keep up with as many as 800,000 children. Reports indicate that the new homeless are the economically dispossessed: Single mothers who cannot afford to pay the rent and support their children at the same time; families who are not making ends meet; young men who have fallen on hard times and low-income families who have been forced out of their homes and cannot find nor afford a new place to live. As one of the articles on this subject pointed out, "many are homeless for the first time and deeply shamed by the experience—they certainly never expected it."

There are many reasons for this crisis—among some of the causes for homelessness is growing poverty in our country; lack of affordable housing and low welfare benefits. We must begin to look at the root of the problem so that we may comprehensively address this issue.

Mr. Speaker, this legislation is the first step of the needed Federal response to the homelessness crisis—and I would urge my colleagues to pass this resolution today so that we can begin to effectively deal with this crisis.

□ 1255

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the minority whip, my good friend, the gentleman from Mississippi [Mr. Lott].

Mr. LOTT. Mr. Speaker, I have a number of objections to this suspension today. First of all, this is in effect the third closed rule that we have had. We have only had two other bills this year, the clean water and highway. They were both closed. Now this is being brought up on suspension, and, you know, it is beginning to look like we are never going to get a chance as Members to offer any kind of amendments that may really need to be considered.

I am also very much concerned about that process that has been used here. There have not been hearings. There are a lot of questions that need to be answered.

For instance, it really bothers me that the transfer of this $50 million for the homeless will be taken out of the FEMA funds. Since I am from an area that is prone to have disasters—not necessarily at this time of the year, but at other times of the year—I really worry about their ability to respond to a major disaster.

Then I have the question, What about the traditional assistance programs for the poor? Why are they not taking care of these homeless needs, housing needs? It is not as if we have not had a considerable amount of assistance going into that area. FEMA has received $370 million for its Emergency Food and Shelter Program since 1983. Millions of other dollars have gone into such programs as USDA's Emergency Feeding Program, $1 billion in surplus commodities since 1982, $50 million a year for distribution costs, and $75 million for emergency feeding centers. Then you have the HHS Program for runaway and homeless youth, $23 million. General revenue sharing goes to cities and States; they could use that money for this purpose, block grant funds. So it is not as if we have been ignoring the problem in this particular area.

I also wonder, since this was just done in the Committee on Appropriations, have we had adequate hearings? Have we really looked into it? Who are these people? Do they really want to be brought in off the streets? There is also a constitutional question here. The courts have ruled that we cannot go out and just take these people and force them into housing. How do you address that question?

But the main concern that I have is that this is another crash program, and when you have crash programs like this, even though there is a time sensitivity here, you tend to make a mess.

For instance, just this past Sunday there was a front-page article in a local newspaper that pointed out that there are at least 12 apartments in Washington, DC, for the homeless, that are being paid for to the tune of $3,078 a month—$3,078 a month for 1 apartment, and there are at least 12 of those.

There are other instances in this article about apartments. Here is one showing that they paid between $2,500 and $2,700 a month each for 42 apartments. Plus there are other examples of where up to $64 a night is being paid for downtown hotel rooms.

I wonder how these programs are being administered. So I wish those Members that are just going to march in here and have sympathy and automatically vote for this so-called Homeless Program would be aware that some of this money very well may be spent to the tune of $3,078 a month rent for one facility.

So I think that there are real problems with this. I ask a "no" vote on this suspension. We can consider it later on this week or next week under a process that would allow us to debate it more freely and have amendments.

Mr. Speaker, I submit the article to which I referred for inclusion in the RECORD at this point.

The text of the article is as follows:

[From the Washington Post, Jan. 25, 1987]

12 APARTMENTS FOR HOMELESS COST CITY $3,078 A MONTH EACH

(By Sharon LaFraniere)

The D.C. Department of Human Services is paying $3,078 a month for each of 12 furnished apartments in a Southeast apartment building near RFK Stadium where the city is housing homeless families, contract records show.

The agency also is spending between $2,500 and $2,700 a month for each of 42 apartments for homeless families at 2115 R St. SE and 16 17th St. NE—a cost that includes various counseling and relocation services, the records indicate. For the same services, a local nonprofit organization charges the city $848 a month per apartment.

Audrey Rowe, the agency's commissioner of social services, said recent estimates by the agency show the city is paying 40 percent more than it should for the R Street and 17th Street apartments. She also described as "extremely high" the cost of the $3,078-a-month apartments at 1634 Independence Ave. SE, which the city rents from Washington & Washington Enterprises Inc.

Rowe said that agency officials agreed to pay the prices because, with the rising number of homeless families, "we had no leverage." The city has experienced a 500 percent increase in homeless families in the past year.

"If you've got people that you've got to find places for and you've got pressure on you and you've got everybody screaming at you that hotel costs are too high, you make some decisions for the short term," Rowe said.

The fees paid to Washington & Washington cover rent for 10 one-bedroom and two two-bedroom apartments in the Independence Avenue building, which are furnished and equipped with linens and kitchen utensils. A small percentage of the money paid to the firm also goes to provide emergency food for the families on occasion. Unfurnished, unequipped one-bedroom apartments in the same neighborhood rent for about $350 a month, real estate agents said.

Byron C. Marshall, acting director of the Human Services Department, said the agency has issued a new request for bids from contractors and hopes to negotiate lower prices with the contractors. "We've learned a lot going through this, and we've got more places developed, and more leverage," Rowe said.

Disclosure of the high costs follows widespread criticism of the way the city houses homeless families. D.C. Auditor Otis H. Troupe charged last year that the city was "grossly derelict" in protecting the taxpayers' interest in providing emergency shelter to families at the Pitts Motor Hotel, paying 10 times the going rate for office space for DHS employes there. The city has since dropped its contract with the hotel.

Earlier this month, city officials moved more than 20 homeless families out of a rooming house called The Annex on Rhode Island Avenue NW after published reports indicated the building was frequented by prostitutes and drug addicts. Officials drew further criticism after moving most of the families to a downtown hotel where rooms cost $54 to $64 a night.

Marshall said the high costs at the three apartment buildings result partly from the city's agreement to pay a given rate for each person housed, rather than negotiating a rate for each apartment. Records show two of the three contractors house an average of five persons per one-bedroom apartment.

"I don't know why they are willing to spend that money," said the Rev. Thomas Nees, executive director of the nonprofit Community of Hope Inc., which houses 12 families a month at 1417 Belmont St. NW and provides counseling and relocation services, charging $848 a month per family. "It doesn't make sense to me."

Rollie Washington, owner of Washington & Washington Enterprises Inc., which has rented the $3,078-a-month apartments to the city for two years, said he had yet to make any money from his contract, partly because of extensive renovation costs.

Washington said the contract cost is "fair, based on my actual costs," which he said include furnishing and repairing the apartments and providing pots, pans and linens, round-the-clock security, and, on occasion, emergency food. "We'd had situations where kids have pulled the toilets off the floor, sinks have been pulled off the wall," he said. "I've always given the city a good service for a fair price."

Washington's $450,775-a-year contract calls for him to provide "comprehensive social services," including helping families move into permanent housing. But Washington said the Department of Human Services has detailed two social workers to work out of his apartment building and provides the social services at its own cost. Washington said $6,000 of the contract cost goes annually to provide emergency food.

The department initially rejected Washington's bid for the contract, submitted along with several others in the fall of 1984, but later accepted it along with the proposals of all other contractors who submitted bids.

Roy Littlejohn, whose firm, Urban Shelters and Health Care Systems Inc., houses and provides services to homeless families at the R Street building, declined to comment on the cost of his contract. Contract records show the city pays the firm $2,661 a month for each of 12 apartments and for the services.

Elsie Walters, director of shelter programs for Comprehensive Marketing Systems Inc., the third contractor, said her firm's costs "are not high at all," given the services provided. She said as part of its $528,505-a-year contract for 20 apartments on 17th Street, the company provides a housing counselor, a job counselor, a social service director, a resident assistant and round-the-clock security.

Contract records show that nearly half of the contract cost goes toward a subcontract to another firm, Trans-Management Systems Corp. According to Walters, the subcontractor provides the bulk of the social service employees. The department pays for overhead and profit fees to both firms.

Nees, who also is a member of the D.C. Commission on Homelessness, said Community of Hope has offered for more than a year to house more families at a far cheaper cost, but agency officials have not taken him up on the offer. Rowe said that the city has been willing to place more families with Community of Hope but that Nees only recently found more apartments.

Contract records show Community of Hope charges between $270 and $315 a month for unfurnished, one-bedroom apartments. For an additional $533 to $578 a month per family, the organization provides counseling by professional social workers, relocation services, health care services, job training, legal aid, tutoring services for children and child care.

Nees said that as a nonprofit organization, Community of Hope absorbs a substantial portion of its administrative costs, enabling it to lower the charges to the city.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I rise in support of this supplemental. This is truly in the nature of emergency help. It is urgent help that is needed now.

The fact of homelessness in our society is a national shame that has to be addressed on a bipartisan basis, and quickly. For those that think that somehow this is anecdotal information about the homeless, I would recommend that they visit the nearest shelter and see what that is like, and then decide whether they need to support this kind of emergency aid. It is a national shame when one block from the White House and one block from the Capitol there are people sleeping on grates. That needs to be addressed, and that is what we try to do with this legislation.

In addition to that I have particular concerns about the temporary emergency feeding program. The administration has recommended a deferral of funds needed now for emergency food. That needs to be addressed as well. Unfortunately we have not received the message yet, and so we cannot attack the deferral, but I hope that the committee will also respond to do away with that deferral so that we can provide that food as well as this funding to try to deal with this shame in our society. It is in the nature of an emergency, it is in the nature of urgent relief that is needed, and let us act at this time in that manner.

Mr. Speaker, I rise in strong support of this supplemental. One of the most urgent priorities we face is to provide for the homeless in our society. Particularly, with the severe winter conditions here in the East, we must move rapidly to prevent death from the elements. The word "urgent" in the title of this resolution is, therefore, most appropriate.

Another urgent issue is addressed by the Committee on Appropriations in its report on this supplemental. This issue is the proposed deferral by the Reagan administration of more than half of the funds which the Congress appropriated for the Temporary Emergency Food Assistance Program [TEFAP]. TEFAP is the way by which surplus agriculture commodities are distributed to the poor and the homeless. TEFAP has a demonstrated track record of being the fastest way to get food to the homeless.

In fact, a deferral message has yet to be transmitted as required by law even though the officials of the Department of Agriculture's Food and Nutrition Service are already notifiying the States that substantial amounts of their allotment for the current quarter will be withheld. The announcement that funds will be deferred has created understandable consternation among program administrators at the State and local levels.

What is particularly outrageous about the Reagan administration's proposal is that this deferral would effectively close down the program for the second half of fiscal year 1987. It also cuts State administrative funding in the current quarter with no forewarning. Few States would have the flexibility to pick up the slack with so little notice. Furthermore, the President's budget indicates that authority will be requested from the Congress to use these deferred funds to finance the pay raise and retirement benefits of Federal workers in the Department of Agriculture. Given the increasing problem of homelessness in the United States, which was very well documented in a report by the Conference of Mayors released last month, I frankly find it obscene that TEFAP would be effectively terminated to finance pay raises and retirement benefits for Federal workers.

In addition, this proposed deferral is a backdoor way to close down the TEFAP Program. The President's budget for fiscal year 1988 again proposes no funds for the administrative costs associated with the distribution of surplus TEFAP commodities on the State and local levels. The deferral of more than half of what Congress appropriated this year for TEFAP would effectively terminate the program even earlier than the President proposes. Given the growing problem of hunger and homelessness in America today, the debate should not be about whether to terminate or continue TEFAP. Instead, the debate should be about how much to increase funding for this program.

In conclusion, when we consider this supplemental and the urgent assistance also included in the Foley-McKinney bill, H.R. 558, I hope that we will not simply react to the short-term crisis created by the unusual weather conditions which we are now experiencing.

We must also develop permanent long-term solutions to the problems of homelessness in America. This will require a sustained commitment and permanent changes in programs which can address this problem, including housing assistance, improved community mental health services, adequate funding of drug and alcohol abuse prevention programs, employment, and training programs, and improvements in nutrition assistance programs.

Mr. CONTE. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Connecticut [Mr. McKINNEY].

Mr. McKINNEY. Mr. Speaker, I have never been ashamed to be an American. I was in the service of this country in a war. I think that it is the greatest country in the world. It is the richest country in the world, but we have prosperity with holes, and how do we fill in those holes?

I was ashamed the other day. I drove past my Nation's Capitol, the building with the fountains you see on TV throughout this great country, and there were people sleeping on the sidewalk, huddled in their blankets on a day that was so cold that I was cold just waiting for a heated train. Then I went by the FBI Building on the "Avenue of the Presidents," and people were sleeping and hungry and cold.

Mr. Speaker, the Governor of the State of Connecticut, who happens to be of another political party, put it just right: We don't have to chase prosperity, we have to chase people into it that have been missed. We are missing people.

We were originally missing the drunks and the drug addicts, but now we are missing the families. We have got to do something about providing health care, adequate housing, and all of that, and I am the chief Republican cosponsor of a major bill which we will take up very soon that will do a lot of these things in the near future. But now it is snowing outside, and we need to move quickly.

This $50 million will not break the budget. It is a transfer from a fund that has been sitting there. It can be used. We might not even have to add back to FEMA; we do not know. Let us hope that we do not. But I have never seen the Congress move as quickly as it is right now.

It is moving very quickly, and with good reason, because those people are cold out there, and they are hungry out there, and they make a lie of the American dream—they make a lie of the American dream. Let us help them, let us help ourselves, be fully proud of what we have and what we are.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I commend the chairman of the Appropriations Committee, Mr. WHITTEN, the ranking member, Mr. CONTE, the chairman of the HUD-Independent Agencies Subcommittee, Mr. ROLAND, the ranking minority member, Mr. GREEN, and the entire committee for their swift action to bring this legislation to the floor today.

It is appropriate that this emergency legislation is one of the first orders of business of the 100th Congress. We have a crisis of homelessness in our cities and towns across America. Each of us in the body knows that the number of homeless people is dramatically increasing. Literally within blocks of this Capitol Building the homeless are huddled for warmth on heating grates and in doorways. Across this Nation emergency shelters are filled beyond capacity.

The causes of this increase in homelessness are many. A lack of low income housing, unemployment, inadequate community mental health facilities and personal and family problems all contribute to drive people to a life on the streets. The legislation we consider today can only deal with the most immediate need of the homeless, food and a warm place to sleep. But for the tens of thousands of people who will be fed or given a safe place to sleep because of these funds, it may be the difference between life and death.

The fact that the House is considering the legislation so quickly demonstrates our resolve to do what we can, as quickly as we can. I am confident that it also is indicative of the commitment of the House leadership to act early this session on H.R. 558, introduced by Majority Leader Tom Foley and cosponsored by the entire Democratic leadership and many senior Republicans.

H.R. 558 would authorize a $500 million supplemental appropriation for programs specifically focused on the needs of the homeless. This legislation provides a more comprehensive approach to the problem of homelessness than other legislation that has been considered by Congress. It would fund programs for emergency shelters, transitional housing, increased medical and mental health care, and better utilization of surplus Federal facilities. Most funds authorized by the legislation would flow to existing programs so that the assistance would quickly be used in our communities. I urge Members to study this legislation and to cosponsor H.R. 558.

The Banking, Finance and Urban Affairs Committee has already scheduled hearings on H.R. 558 in the Housing and Community Development Subcommittee on February 4. Subcommittee markup is scheduled for the 5th and full committee markup on the 10th.

I also want to acknowledge that the committee report indicates the committee's strong opposition to deferral requests for the Temporary Emergency Food Assistance Program [TEFAP]. Reportedly, the President intends to request deferring 56 percent of the funds appropriated for this program in fiscal year 1987. This is a critically needed program which assists food banks and provides food products for low income people. The President's deferral request is counter to the intent of Congress which is considering legislation which I have introduced to provide more surplus food products for our Nation's poor. The chairman of the full Agriculture Committee, Mr. de la Garza, and the chairman of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, Mr. Panetta, have cosponsored this legislation. I am pleased that the Appropriations Committee has expressed its disapproval of this deferral and I look forward to working with them and members of the Agriculture Committee to expand this essential program.

Mr. Speaker, our attention naturally turns to the homeless during the winter when most of our citizens can give thanks for a decent home and sufficient food. Yet the national tragedy of the homeless exists throughout the year. In each of our districts there are dedicated and self sacrificing people and organizations which shelter, clothe, and nourish our poorest citizens. The Federal Government with the exception of the FEMA Program and two new programs funded in the fiscal year 1987 continuing resolution has virtually ignored its responsibility to be a partner with our cities and charitable organizations. It is time for the Federal Government to assume its responsibility as a partner in these efforts. House Joint Resolution 102 and H.R. 558 are important steps in the Federal Government's assumption of its proper role.

Mr. Speaker, I urge my colleagues to pass this legislation.

Mr. CONTE. Mr. Speaker, I yield 2½ minutes to the gentleman from Washington [Mr. Miller].

□ 1305

Mr. MILLER of Washington. Mr. Speaker, I rise in support of House Joint Resolution 102. Last recess I spent a night at Seattle's major municipal shelter for the homeless. It was not a freezing night, and yet the shelter was full; 230 people sleeping on thin mattresses, 6 inches apart on a hardwood floor, with very limited sanitation facilities.

The problem of the homeless faces not just Seattle, but all cities and States. It is especially acute in this winter. The problem has been recognized by both the President and Members of Congress, who have both proposed Federal assistance far greater than the $50 million asked for today.

There are tough questions that we can and should address in the comming month as we deal with legislation on the homeless. Should we put Federal dollars into transitional housing? How do we encourage all localities to do their part, and to do it without wasting dollars? How do we make sure that we work in partnership with nonprofit and religious organizations?

For now, it is enough to recognize the national obligation, to see that those on the streets this winter have a roof over their heads. This bill allows the Federal Emergency Management Agency to transfer $50 million in funds from the disaster relief account to the homeless account. This is a necessary but modest first step to get people off the streets this winter, now. Let's pass it.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. Lowry], the chairman of the task force.

Mr. LOWRY of Washington. Mr. Speaker, I thank the chairman for yielding, and I, too, want to commend the chairman of the committee and the chairman of the subcommittee and the ranking minority member of the full committee and the subcommittee for their work on this.

I also want to say, it is a pleasure to follow to the microphone people like Stu McKinney, who are doing a tremendous job on the broad legislation that we are all working on, to really handle this problem. The ranking member of the full Banking Committee, Mr. Chalmers Wylie, is also a sponsor of that bill, along with the leadership of Mr. Gonzalez on his Housing Subcommittee, we are making real progress.

I would like to point out, Mr. Speaker, that the $50 million that we are talking about here today is needed today. The $70 million that this Congress correctly moved forward on last year has been obligated. Essentially what happens in the way this excellent nonprofit board operates, is that the local nonprofits are notified of their amount that they will have, and they essentially have a credit for that, and they just simply have that yet to be disbursed to them.

That $70 million has totally been obligated. Through the leadership of Mr. Boland, bringing this to the floor, this $50 million is absolutely needed at this time, until we can get to a more comprehensive program. I thank everybody for the work on this.

Mr. CONTE. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. Green].

Mr. GREEN. Mr. Speaker, I thank the gentleman for yielding to me again, and I rise simply to respond to the statement regarding thousands of dollars per month being spent to house the homeless.

That is not occurring under this program. That occurs under the emergency shelter grant in the welfare program; and well we should look at that and find a better way to house those people. This program isn't spending that kind of money on people, and I hope everyone understands that when we vote.

This program provides the shelters—the kind that my colleague from Washington, Mr. MILLER, described, where you have a bed for the night. There are no expensive hotels, there are no fancy apartments in this program, and I hope everyone understands that. This is the barest minimum shelter, so people are not freezing to death on the streets.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I want to thank and commend the chairman of the Appropriations Committee and the subcommittee chairman as well, the gentleman from Massachusetts [Mr. BOLAND], and the minority leaders, and my own chairman, the gentleman from Texas [Mr. GONZALEZ]. We have had a lot of hearings in our authorizing committee on this.

One of the basic needs of every human being is shelter, and it is really a national disgrace that we cannot provide minimal, minimal shelter for every American in this country; and we are not doing that. There is a crisis today—because of the weather, yes, because it is wintertime—and that is why this legislation, because of the House leadership's desire to address a crisis, is bring it up under this guise.

I think FEMA is the best way, the most expeditious way to bring it up, because we know they will get the shelter to these people in need.

Mr. Speaker, I want to say a few words about the mentally deinstitutionalized. I think it is a total national disgrace that we deinstitutionalize people who need mental help and we do not even provide assistance with respect to food and shelter and congregate services.

These are the people with no political clout. So if we have any humanitarian needs, and anything in our own feelings about what we ought to be doing as a country, we certainly ought to pass this under suspension, because there is a crisis, not only in Washington, DC, but all over this country.

Mr. Speaker, I rise in strong support of this urgent supplemental for homeless shelters, House Joint Resolution 102, and to commend the chairman of the Appropriation's Committee and the committee members for their expeditions action to help the homeless. The frigid temperatures that exist all along the east coast and in the Northeast-Midwest region present life-threatening conditions to those without shelter. It is imperative that we act on this legislation and that the funds be made available as quickly as possible. Passage of this resolution will make available $50 million in fiscal year 1987 funds from FEMA's Disaster Relief Program to its Emergency Food and Shelter Program.

Although providing an additional $50 million in funding for emergency shelters will alleviate some of the suffering temporarily, we must begin to focus on medium- and long-term solutions to the problem of homelessness. Soon the Subcommittee on Housing and Community Development will consider legislation that will authorize funding for new and innovative approaches to resolving the homeless crisis in America. We must go beyond the provision of emergency shelter to find new ways to help the homeless with counseling, medical, and psychiatric examinations, and general assistance to get them back on their feet and back into the mainstream of society.

To help the homeless, however, we all need to have a greater understanding of who they are and the reasons for their homelessness. The Ohio Department of Mental Health completed a study that examines in depth the characteristics of the homeless and suggests ways to provide effective assistance. For example, the report identified that unemployment, family crisis, insufficient public housing, alcohol and drug abuse, and deinstitutionalization of mentally ill without proper accommodations are the primary reasons for homelessness.

If we truly want to resolve the problem of homelessness it will take commitment, both personal and financial. There already exists thousands of dedicated voluteers who give of their time and effort to help those alone and on the streets. It is now time for us to do the right thing and provide them the resources they need to get the job done. I rise in strong support of this resolution and I urge my colleagues to join me.

Mr. CONTE. Mr. Speaker, I yield one-half a minute to the minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, we have heard a lot of talk from the other side of the aisle about the need to get the deficit under control, but the way we are going so far, this may very well turn out to be the biggest spending Congress of all time.

We have had three major bills before us so far this year, and every single one of them has provided for major spending increases. Furthermore, they all have come up under procedures that prevent cost-cutting amendments from being offered.

At some point in time, we have to call a halt to these spending proclivities, unless of course, a tax increase is what the Democrats have in mind to pay for them. I note in the latest ABC poll that 72 percent of all Americans oppose any tax increase, so any move in that direction would obviously be contrary to public opinion.

The $50 million in this proposed supplemental today is theoretically being transferred from FEMA's to disaster assistance funds, presumably so that the sponsors can claim no new funding. But I am told that replenishment of this fund will almost certainly be required, so this is for all practical purposes new funding.

If we feel so strongly about this program, why can't we offset it with reductions elsewhere? The President submitted $5.8 billion worth of rescissions on which this House has yet to act. Less than 1 percent of those recissions would offset the spending increase before us today.

It is always interesting how fast we can move when it comes to spending increases, and how long we must deliberate when the issue is spending reductions. The clock on rescissions is running. When are we going to see some action?

In terms of the substance of today's legislation, no one can quarrel with the need to assist the homeless. But why does it always have to come from the Federal Government? We are the ones running the big deficit. The States, on the other hand, are trying to figure out how to dispose of the revenue windfall accruing to them under the tax reform bill. Even the District of Columbia is talking about tax reductions. If there is a local need to assist the homeless, why not use some of those funds, rather than adding further to the Federal deficit and the Federal bureaucracy.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GRAY], a member of the Committee on Appropriations.

Mr. GRAY of Pennsylvania. Mr. Speaker, I stand in support of this vital piece of legislation. It is needed because there are millions of people in this country who are homeless; not because of laziness or irresponsible action; but as I saw in a center in my district just a few days ago, I met a woman who was in a shelter simply because she had been abused by her husband and could not stay in her home any longer.

I saw another family that was there because their housing had burned down because of a fire.

I saw someone else who was there because they could not find low-income housing.

So, Mr. Speaker, this legislation is needed to address that kind of a problem. I would say, in my role as chairman of the House Budget Committee, that we are not adding to the deficit here; what we are doing is taking $50 million out of a $225 million pot for FEMA, in disaster assistance, and saying: "Spend $50 million of the 225 this way."

So those who say this is a budget buster are those who once again are trying to raise false issues. It comes out of existing funds, and it is going to be within the budget. I support it and urge all of my colleagues to do the same so that we can try to address this great need in our society.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Speaker, I am delighted that my colleague from New York, the ranking minority member on this subcommittee, addressed the question that was asked by the minority whip, Mr. LOTT, about whether or not any of the $2,000 to $3,000 per month used in the District of Columbia was from the Emergency Food and Shelter Program. The answer of course is "no," and Mr. GREEN gave that answer. None of that money was used for the Shelter Program in which the District of Columbia is paying from $2,000 to $3,000 per month to shelter a homeless family.

Another question was raised, Mr. Speaker, one that I think ought to be answered. The Office of Management and Budget says that "we're not going to get the money out in time for the needs that are so essential and so necessary during these very cold winter months."

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Well, that could be a self-fulfilling prophecy. The OMB controls the apportionment of the funds. I would suggest to the OMB that if it does not use its 30 days to apportion the funds, why we will have no problem. If it does, of course, we will have a problem. So really, Mr. Speaker, it is up to the OMB. Of course, it is up to both the House and the Senate and the office down the street to determine whether or not we are going to get the funds out when they are needed so desperately now.

Mr. LELAND. Mr. Speaker, I would like to commend the chairman and ranking minority members of the Appropriations Committee and the House for their expeditious consideration of House Joint Resolution 102, the urgent supplemental appropriations for homeless initiative. This resolution, which transfers $50 million within the Federal Emergency Management Agency [FEMA] from its Disaster Relief Program to its Emergency Food and Shelter Program, sends a clear message to the Nation that we in Congress are serious about moving forward on efforts to alleviate the needs of the homeless. This legislation would assure the immediate disbursal of funds to local organizations so that they can provide immediate relief for the shelter and food aid needs of the homeless nationwide.

I strongly support House Joint Resolution 102 and encourage our colleagues in the Senate to act swiftly after our vote today. Further, I urge the Office of Management and Budget to take all steps necessary to distribute these funds immediately to the Emergency Food and Shelter Program upon enactment of House Joint Resolution 102.

It is my hope that this relief legislation provides the impetus for legislation genuinely aimed at long-term solutions to the problem of homelessness. Each year for the past 5 years, the U.S. Conference of Mayors' Task Force on Hunger and Homelessness, along with numerous State and local organizations, have reported a dramatic increase in the number of homeless persons. Homelessness is now a nationwide crisis affecting persons of all ages and in all regions of the Nation. Those most affected are the growing number of homeless families with young children—now estimated to comprise 28 percent of the homeless population.

Focusing almost exclusively on time-limited, emergency operations to date, Federal legislation has failed to secure either adequate emergency assistance or to address the underlying causes of homelessness. While supplemental appropriations are critically needed for fiscal year 1987, homelessness is a symptom of a much deeper problem which requires urgent legislative action with long-term preventive policies.

This year I will work, along with my colleagues on the authorization and appropriations committees, to secure bipartisan support and passage of H.R. 286, the Homeless Persons Survival Act of 1987. This bill, which to date has 61 cosponsors, would put into place policies to alleviate the immediate misery of homeless individuals and families and address the precipitating and long-term causes of homelessness. H.R. 286 would initiate a serious commitment to ending hunger and health problems among the homeless; assuring education, shelter, and supportive services for homeless infants and youth; assuring that Social Security and supplemental security income [SSI] benefits are available to the homeless and those at risk of homelessness; expanding community residential programs for the chronically mentally ill; providing incentives to localities to preserve and maintain existing low-income housing; and, increasing the availability of adequate and affordable housing for low-income persons.

I firmly believe that we must assure emergency assistance is provided to the homeless; however, our commitment cannot end here. I urge my colleagues to vote for this resolution as a first step toward the elimination of homelessness.

Mr. BIAGGI. Mr. Speaker, I rise in full support of this legislation, House Joint Resolution 102, to provide an additional $50 million for the Emergency Food and Shelter Program administered by the Federal Emergency Management Agency [FEMA].

This legislation seeks to address one of the most serious problems facing our country—the plight of our Nation's homeless. The money appropriated by this measure would go to a program providing financial assistance to nonprofit voluntary organizations and local governments which provide food and shelter to the homeless. Funds are allocated by a national board of charitable organizations and FEMA. Currently, this program is funded at a level of $70 million for fiscal year 1987, an amount that has proven to be far too little to keep pace with the growing homeless problem.

This legislation would help to improve this situation by transferring $50 million from FEMA's Disaster Relief Program, which had approximately $227 million in its account at the end of 1986, to FEMA's Emergency Food and Shelter Program.

Those of us who support this legislation have no false illusions that it will magically eliminate the homeless crisis that our Nation is experiencing. No; that will take far more comprehensive legislation, and I am pleased to observe that the House Committees on Energy and Commerce, and Banking, Finance and Urban Affairs are soon expected to act on such broad legislation. However, this resolution before us today will help to effectively deal with the short-term and very critical needs being faced by our Nation's homeless during this particularly harsh winter season. The simple fact is that this year's weather and a growing homeless population has resulted in a very serious shortage of food and shelter. The situation is life threatening and we must act immediately. By providing additional Federal assistance to existing food and shelter programs run by nonprofit voluntary organizations and local governments, we are ensuring that our input will be felt right away, during these severe winter months when the homeless need our help more than ever.

There are an estimated 3 million homeless individuals in our country, and this number is on the increase. Particularly alarming is the fact that more and more of our homeless are women, children, entire families, minorities, mental patients, and elderly individuals. Recently, a former New York City police officer, Bob Falcone, sent me a song he had written, entitled "Graffiti on the Wall." The song was about the homeless, and he described them with these words:

> Some wish to be there, most wish not.
> Some remember the good life, most just forgot.
> Some are crazy, most are sane.
> They themselves are not to blame.
> They sleep in an alley, or out in the street.
> They once were strong, but now they're weak.
> Too far down to climb back alone,
> They need our help to get back home . . .
> They are human beings, with names and faces.
> They just slipped off the edge and have taken a fall.
> They're like you and I, not just hopeless cases.
> They won't wash away like graffiti on the wall.

These are words worth remembering.

Perhaps one of the best illustrations of just how serious and widespread our Nation's homeless problem is, can be found in Westchester County, NY, an area I represent and one of our country's richest communities. Westchester County Executive Andrew P. O'Rourke wrote me last year describing the problem there this way:

> Between 1983 and 1984 the homeless caseload went up by a factor of four. During the same period the average length of stay for the homeless doubled from two months to four months. Between 1984 and 1985 the average length of stay further increased to five and one-half months. In 1983 the direct cost for housing the homeless, that is the cost of providing emergency housing in shelters, motels and with contracted agencies was $750,000. In 1984 it escalated to $6 million. In 1985 it increased further to approximately $9 million. If indirect costs are added, which include transportation, restaurant allowances and county staff, the total comes to $14 million for 1985.

Again, I emphasize, these numbers are not from one of our poorest urban communities; they are from one of our Nation's richest, a community that most would wrongly assume has no homeless problem. To make matters worse, I am told that three-fourths of Westchester County's homeless are children.

These are compelling facts and figures and there is only one possible conclusion, the time to take strong corrective measures is now, and House Joint Resolution 102 would begin that process.

Finally, Mr. Speaker, I would like to raise a related concern. Not only must we expand our network of food and shelter facilities for the homeless, but we must also ensure that there is adequate security at those facilities. This is a problem that became shockingly clear this past weekend when an elderly nun died after having her throat slashed at a homeless shelter in my home area of the Bronx, NY. Chief among the suspects is a former shelter resident who was expelled after breaking a house rule not to use drugs. I would strongly urge my colleagues to join me in working for tighter security at all homeless shelters across the country, and I am hopeful that future homeless legislation will address this concern. Mr. Speaker, at this time, I insert a recent newspaper article discussing the brutal slaying of Sister Virginia Thomann at the Bronx homeless shelter where she worked:

[From the New York Post, Jan. 27, 1987]

KILLER SLASHES NUN'S THROAT IN BRONX SHELTER

(By Sam Rosensohn, Kieran Crowley, and Bill Hoffmann)

A manhunt was under way last night for the cold-blooded killer who savagely stabbed an elderly Bronx nun in the throat and left her to die.

The body of Sister Virginia Thomann, 65, was found early yesterday slumped over a desk in the tiny office of a homeless shelter where she worked at 342 Willis Ave.

The frail nun—wearing a gray skirt and white blouse—had been stabbed four times in the neck with a knife or letter opener, cops said.

There were no signs of sexual assault.

Authorities believe she knew her killer because there appeared to be no struggle, said Bronx Chief of Detectives Emil Ciccotelli.

Shocked neighbors and shelter co-workers described the nun as a kindly woman who dedicated her life to helping the poor.

"She was a very nice lady," said a counselor who worked with her.

Police said they want to question a former shelter resident who was expelled Saturday after failing to help pay for his lodging there and breaking a house rule not to use drugs.

Noberto Torres, about 20, apparently left the My Brother's Place shelter in anger Saturday.

He was enraged because he felt he was owed $50 for work he had performed at the shelter, which regularly houses seven to 12 homeless people, Ciccotelli said.

Torres returned Sunday to get his property. He spoke with the nun and a priest and watched the Super Bowl with residents.

His whereabouts are unknown.

But he is not considered a suspect at this time, the chief detective added.

The murder occurred between 10 p.m. and midnight Sunday as the nun worked in the shelter's cramped basement office.

Cops said that after stabbing the nun the killer fled—locking the door behind him.

Seven residents and staff members who watched the Super Bowl together became worried when they could not find the sister. They went to the locked office and banged on the door in vain for several minutes.

Sister Virginia was a member of the Sisters of the Good Shepherd, a Maryland-based Catholic order of women that provides social programs and child care for the needy.

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 102. I commend the distinguished chairman of the Appropriations Committee, the gentleman from Mississippi [Mr. WHITTEN], for recognizing the urgent need for food and shelter of the countless numbers of homeless people across the Nation and I thank him for introducing this resolution to address the immediate needs of these destitute people.

In my daily travels to the Capitol and throughout the District of Columbia, I am struck by the contrast between those who have the privilege to conduct business in our Nation's Capitol and those who are unable to eat a warm meal or have a roof over their heads. These days of ice, snow, and bitter winds only increase our constant concern for the plight of these people.

The homeless relief bill, H.R. 558, currently being reviewed in committee, provides necessary funds for programs for the homeless throughout the United States. However, something must be done now to enable the Emergency Food and Shelter Program to continue serving the homeless in all of our cities.

House Joint Resolution 102 authorizes the transfer of $50 million to the Federal Emergency Management Agency [FEMA] Emergency Food and Shelter Program from FEMA's disaster relief appropriation. This money would be used to meet the immediate demand to feed and shelter our ever-growing homeless population. It is my understanding that this transfer will not disrupt the disaster relief program and that, if necessary, these funds will be replenished in a subsequent supplemental appropriations bill.

The estimates on the number of homeless individuals in the United States vary. I believe the bottom line on this issue is indicated in the 1986 Conference of Mayors report which states that every city in the country has been forced to turn away homeless people in need of food and shelter.

In my congressional district in New York there are significant numbers of homeless people in each of the counties that I represent: Sullivan, Orange, Rockland, and Westchester. Indeed, I have heard from the county executives, legislators, and concerned citizens throughout my district, regarding the urgent and growing need to feed and shelter those families and individuals who find themselves suddenly displaced and homeless.

I am pleased to note that in his fiscal year 1988 budget request, the President proposes to continue and expand efforts to aid the homeless. This aid is crucial to these efforts and I am hopeful that in considering the fiscal year 1988 budget that Congress will grant it like support.

Accordingly, I urge my colleagues to meet their responsibility as the Representatives of all of those who reside—with or without permanent shelter—in our respective districts, and support House Joint Resolution 102.

Mr. TOWNS. Mr. Speaker, in light of the blizzard conditions and life-threatening cold we have experienced during the last few days, it is fitting and appropriate that we consider and pass this joint resolution.

The snowstorm of 1987 has forced a record number of homeless people to seek shelter in New York City. Shelters are filled passed capacity here in the Nation's Capital. Delays in opening new shelters has caused a serious lack of bed space in both cities.

I encourage my colleagues to adopt this resolution without delay.

Mr. KILDEE. Mr. Speaker, I rise today in support of House Joint Resolution 102, introduced by my distinguished colleague from Mississippi, Chairman WHITTEN, and in support of H.R. 558, the Urgent Relief for the Homeless Act, introduced by my distinguished colleague from Washington, Majority Leader FOLEY.

By providing for the transfer of $50 million from the Disaster Relief Program of the Federal Emergency Management Agency to the Agency's Emergency Food and Shelter Program, House Joint Resolution 102 acts as a down payment to nonprofit relief agencies nationwide whose purpose is to provide food and shelter to the most vulnerable in our society: the homeless. I support this resolution in anticipation of passage of H.R. 558, which provides for a much higher, but equally urgent, level of funding. However, additional moneys are needed now because, as all of us who have been here in Washington, DC, over the past several days and who have experienced the bitter cold blizzard conditions know, the plight of the homeless during this critical winter period should be considered a national emergency. House Joint Resolution 102 is an attempt to address this urgent need immediately.

I also wish to take this time to express my outrage at the Reagan administration's intention to propose a deferral of $28 million of the $50 million this body appropriated for fiscal year 1987 to the Temporary Emergency Food Assistance Program [TEFAP]. The relatively tiny amount of money appropriated to TEFAP goes to provide many homeless and poor people across the Nation with the most basic human need: food. We in Government have not only a moral obligation, but a public obligation to protect the basic need of food and shelter for all of our citizens. Directors of food distribution centers in all 50 States are faced with the possibility of running out of funds to provide these services by March of this year if this proposal should ever come to be. I am pleased House Joint Resolution 102 includes an expression of strong objection to such a proposal. Therefore, this measure both recognizes and acts upon the obligation Government has to provide its needy citizens with food and shelter, the most basic of human needs. I wish to thank Chairman WHITTEN for his leadership and urge the immediate adoption of House Joint Resolution 102.

Mr. FAZIO. Mr. Speaker, I strongly support the passage of House Joint Resolution 102, the urgent supplemental appropriations for the homeless initiative, which will immediately make available much needed emergency food and shelter funds for our Nation's homeless.

I would first like to commend Mr. LELAND, Mr. WHITTEN, and Mr. BOLAND as well as all members of the Select Committee on Hunger and the House Appropriations Committee for their leadership in addressing this important issue and for their prompt consideration of House Joint Resolution 102.

We have all suffered the inconvenience of the inclement weather this past week. But for our Nation's homeless, the weather is much more than an inconvenience: it is life threatening. It exacerbates an already urgent need for shelters and assistance for the homeless.

Passage of House Joint Resolution 102 will not solve all of our Nation's homeless problems, but it will mean that the homeless will get immediate food and shelter assistance when the demand is greatest. By transferring existing funds already appropriated by Congress to a proven and successful program already in place, we can avoid wasting valuable time and ensure that our Nation's homeless immediately receive the essential food and shelter necessary for survival. We have before us the opportunity to realistically address this problem. I, therefore, urge favorable consideration of this resolution on behalf of our Nation's homeless.

Mr. MOAKLEY. Mr. Speaker, I would like to express my strong support for House Joint Resolution 102 which would make available emergency additional funds for the homeless in our Nation. All of us have seen firsthand the tragedy of increased homeless persons that now occurs in our streets. Not only are the numbers increasing, a staggering 25 percent increase in recent months, but the type of homeless as well. Now included in these sobering homelessness statistics are entire families, once a rarity, who have no place to turn for shelter. These are families who had jobs and homes and, because of layoffs, illness, and other unforeseen circumstances, have lost everything. And to add to the crisis, they are being turned away from shelters because of the lack of resources. These shelters are already filled beyond capacity and simply cannot take on more homeless without these additional funds.

The winter months are of course the most dangerous for these Americans. The recent snows and freezing temperatures make it life threatening for the homeless to be out on the streets without adequate shelter. Passage of this emergency resolution will greatly assist existing programs and facilities in helping the homeless survive this critical winter season.

Congress has, in the last few years, enacted legislation to address the problem of homelessness. Although the programs have provided assistance, the constant increase in this segment of the population continues to provide a challenge to fully address chronic homelessness. Among the top priorities of the 100th Congress will be the national homeless crisis. However, this measure is desperately needed now to protect those in need while such congressional deliberation is taking place.

Mr. Speaker, I urge my colleagues to join with me in swift approval of this resolution.

Mr. MANTON. Mr. Speaker, I rise in strong support of House Joint Resolution 102 to provide an urgent supplemental appropriation of $50 million to aid the homeless. This much needed legislation would transfer $50 million from the Disaster Relief Program operated by the Federal Emergency Management Agency to FEMA's Emergency Food and Shelter Program.

Mr. Speaker, there are an estimated 2 to 3 million homeless people in the United States. Furthermore, a rising number of families who have lost their homes and cannot find affordable housing are joining the ranks of the homeless. In New York City and in many cities across the Nation, the problem of homelessness has reached crisis proportions. Local authorities and nonprofit groups are unable to handle the rising number of persons seeking shelter from the elements.

House Joint Resolution 109 will provide the funds necesssary to meet the immediate needs of the homeless by providing emergency shelter while the Congress develops a long-term plan to address this national tragedy. I have joined a number of my colleagues in cosponsoring legislation, H.R. 558, to establish a comprehensive homeless relief plan. This bipartisan legislation would provide $500 million for emergency shelter, food and health care programs to assist the homeless. In addition to funding FEMA's Emergency Shelter Programs, funding would be provided for a newly authorized transitional housing program that would move the homeless out of shelters and into group homes with support services. In addition, the measure would establish a new program to convert underutilized Government buildings to shelters for the homeless.

While this comprehensive legislation envisions a long-term solution to the problem of homelessness, there is an immmediate problem which we must address. Congress must enact House Joint Resolution 102 to provide emergency assistance to those less fortunate Americans who are without shelter.

Mr. Speaker, I want to commend you and the distinguished chairman of the Appropriations Committee for bringing this emergency legislation to the floor. I urge my colleagues to vote for House Joint Resolution 102.

Mr. STOKES. Mr. Speaker, I rise in strong support of House Joint Resolution 102, the emergency supplemental appropriations bill that had been approved last week by the Appropriations Committee, transferring $50 million from the Federal Emergency Management Agency's [FEMA] Disaster Relief Program to its Emergency Food and Shelter Program to aid the homeless in our society. The Appropriations Committee's actions follow the House Democratic Steering and Policy Committee's resolution on January 21st, urging this Congress to take a leadership role in the effort to provide the food, shelter, and critical medical assistance needed by homeless people throughout America.

Mr. Speaker, homelessness is an urgent and growing problem. It is a problem that we would be inhumane to ignore. Although exact statistics have been subject to debate, it is, nevertheless, clear that more Americans are homeless today than at any time since the Great Depression, and the number is growing. This reality becomes even more disturbing when we consider that the needs of the homeless extend far beyond the need for simple protection from the elements.

According to a recent study conducted by the U.S. Conference of Mayors, in 1986, our Nation experienced a 20-percent increase in the demand for emergency shelter. Furthermore, it is anticipated that homelessness will increase by 87 percent in the 25 largest U.S. cities in 1987.

According to the U.S. Task Force on Hunger and Homelessness, an average of 24 percent of the demand by American cities for funding support for homelessness is currently unmet, causing cities to turn away an average of 32 percent of individuals seeking food and shelter. The Task Force's findings also conclude that among the current homeless population in the United States, 56 percent are single men, 28 percent are families with children, 15 percent are single women, 29 percent are chronically mentally ill, and only 20 percent are employed in full or part-time jobs.

Many homeless persons are disabled and will never be able to adequately care for themselves. Others suffer from serious mental health disorders and require appropriate psychiatric care. It is also estimated that the homeless suffer the more common illnesses and diseases in greater proportions than the average person. Due to their exposure to extremes of heat and cold, stress, hunger, and street violence, homeless people have seven times more limb disorders, six times more nerve problems, four times more colds, and three times more skin troubles than other Americans.

Who are the homeless? They are black, white, Asian, and Hispanic. They are the very old and the very young. They are to be found in every region and every State. Both their needs and their numbers are too great to be ignored.

Mr. Speaker, as we begin the historic 100th Congress, I urge my colleagues to follow the lead of the Democratic Steering and Policy Committee, and support legislation and funding levels that adequately address the needs of the homeless.

Mr. WHITTEN. Mr. Speaker, I yield myself the remaining time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The gentleman from Mississippi is recognized for 3 minutes.

Mr. WHITTEN. Mr. Speaker, may I say that this situation was called to the attention of the Committee on Appropriations something over a year ago. That is the need to deal with, to meet the problems of the people who are homeless in our cities as well as in rural areas. That report was filed last year.

Let me point out again, this is not a program of major outlays for homeless families. As I said earlier, it will not fund any $2,000 or $3,000 per month apartment. But it will provide emergency shelter and emergency meals. This does not foreclose future action.

Mr. Speaker, this money is used for the purposes for which it was first appropriated—for disasters, but disasters involving the homeless. It makes use of the United Way of America, the Salvation Army, the National Council of Churches of Christ in the U.S.A., the National Conference of Catholic Charities, the Council of Jewish Federations Inc., and the American Red Cross.

Mr. Speaker, I say this bill provides money already available but it says, "Use it now." That is slightly different from waiting. And if my friends on the other side find fault with the way we are approaching this, where it is money already appropriated, where it does not take any additional money out of the Treasury for us to meet an immediate program, with 24 inches of snow here, if they argue about that, what would they do if we had a rescission or if we had waited for the regular program? We would wait until August to pass this. So I would urge everybody to support this bill, including our President.

I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

Mr. Speaker, I rise to support this legislation. I compliment the gentleman from Mississippi and his committee.

Mr. Speaker, I rise in strong support of House Joint Resolution 102, which calls for the transfer of $50 million in fiscal year 1987 funds from the Federal Emergency Management Agency's disaster relief program to its emergency food and shelter program. These funds are urgently needed. There may be as many as 3 million homeless men, women, and children in America, and this population appears to be increasing by as much as 38 percent a year. Homelessness in America exists in epidemic proportions. The demand for emergency services in virtually every area of the United States is greater than at any time since the Great Depression.

The responses of Federal, State, and local governments, and the private sector to the homeless crisis has been limited and inadequate. Shelters and soup kitchens are strained beyond capacity and, in too many cases, these facilities are unsanitary, unsafe, and dehumanizing. The extra funds for the FEMA Program can be used to improve these conditions.

Numerous studies indicate that mass homelessness is becoming entrenched in our society, and that despite changing economic conditions, more Americans are becoming permanent members of the U.S. homeless population.

Homelessness is a national emergency to which the Federal response has been "inadequate, disorganized, and ineffective," according to a report of the House Government Operations Committee. The report is based on an ongoing investigation conducted by the Intergovernmental Relations and Human Resources Subcommittee, which I chair.

The report cited several key reasons for the continuing increase in homelessness, including scarcity of low-income housing, the deinstitutionalization of the mentally ill, unemployment, and cuts in Federal assistance programs.

The committee noted that there may be as many as 3 million homeless men, women, and children, and found that this population of dispossessed Americans may be increasing by as much as 38 percent a year.

The report called upon the President to issue an Executive order, declaring homelessness a national emergency, and directing the Federal Government to provide a speedy response to the problem.

The committee also recommended that Congress enact a program to provide emergency shelter, food, medical care, mental health treatment, and employment counseling for individuals and families, I have introduced the Homeless Emergency Relief Act, H.R. 437, to establish shelter and recovery centers that will provide local communities with the resources to provide these services.

I have also introduced legislation to permit the use of AFDC funds for the creation of new emergency shelters.

The Federal Government is currently paying half the costs of emergency shelter for families in welfare hotel rooms that cost more per month than the Watergate Hotel, one of the poshest apartment buildings in the Capital.

Under the emergency assistance component of the Social Security Administration's Aid to Families With Dependent Children Program [AFDC], States have the option of receiving 50-percent Federal funding for emergency shelter for homeless families. In fiscal year 1986, AFDC provided $81 million to assist 33,000 homeless family cases a month.

An ongoing investigation by the Subcommittee on Intergovernmental Relations and Human Resources found that the shelters funded by AFDC are often unsafe and exorbitant, costing as much as $3,000 a month to house a family in a single room. The congregate shelters and welfare hotels which receive funds from AFDC are dilapidated buildings located in such dangerous environments that mental health experts warn of serious emotional damage to the children who reside in these facilities.

Federal and local officials have testified that they have been forced to use such inadequate shelters because no other shelter exists, and the Social Security Act does not allow emergency assistance funds to be used to create new shelter.

To correct this senseless situation, I have introduced H.R. 274, the Emergency Aid to Homeless Families Act, which would amend the Social Security Act to allow States the option of using emergency assistance funds for the creation of new shelters. In the long run, this added flexibility should reduce the costs of the program by eliminating Federal subsidization of inhumane family shelters.

The Federal Government must take the leading role in providing the minimum emergency services, such as shelter, food and medical care, that are so desperately needed. Americans truly incapable of helping themselves should be entitled to these most basic requirements of survival.

Homelessness is a complex problem in need of long-range solutions. The emergency will undoubtedly worsen in the coming years. The FEMA Program will not solve the emergency problem, but it provides immediate help in alleviating the crisis, and is desperately needed by emergency service providers across the country. I urge my colleagues to support this resolution.

Mr. LEVINE of California. Mr. Speaker, we are in the grips of a national catastrophe—homelessness is reaching epic proportions throughout the country.

The second largest homeless population in the country spans my district. Los Angeles County has approximately 30,000 to 50,000 homeless individuals—and the population is constantly growing.

Not only is the population growing, but the demographics of homelessness are changing as well. Originally homeless shelters in my district saw mostly out of towners, individuals who are chronically homeless. Now more local residents, who have not been homeless in the past, are without basic shelter and seeking help. Families with children and elderly individuals are regularly arriving at the shelters in my district. The Venice Family Clinic in my district offers health care for the homeless. Of the individuals receiving treatment during the last quarter of 1986, 14 percent were under age 5, and 28 percent were under age 20. As homelessness increases, populations which have not formerly been at risk are now becoming vulnerable.

Additionally, the homeless population is especially vulnerable to serious health problems. A recent study of the Los Angeles homeless population indicated that a high percentage tested positive for TB. This poses a serious health risk not only for the homeless but for the general population as well.

Of course, homeless individuals are also constantly threatened by exposure and hypothermia. In Los Angeles three homeless people died of exposure during a cold snap earlier this month.

The Federal Government must act now to relieve the plight of the homeless.

The legislation we are considering, House Joint Resolution 102, the urgent supplemental appropriations for the homeless, would make an additional $50 million available to FEMA immediately for the emergency food and shelter program. Congress needs to formulate long-term policies on homelessness, and I understand that such legislation will be coming soon. But this measure is vital because it provides funds now—during the worst part of the year—when the homeless are most at risk. House Joint Resolution 102 has wide bipartisan support. It does not appropriate new funds. If enacted now, it will save lives and provide shelter for homeless people this winter.

Homelessness is a national concern. It is not confined to one part of the country, to the cities, or to one segment of the population. It affects all individuals, and it requires national solution. I urge my colleagues to support this measure.

Mr. WHITTEN. Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, I call attention to the fact that we had an agreement earlier today that the vote would come at 5 o'clock this afternoon.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN] that the House suspend the rules and pass the joint resolution, House Joint Resolution 102.

The question was taken.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of order of no quorum is considered as withdrawn.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the Houses meet in joint session to receive a message from the President only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor and the cooperation of all the Members is requested.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. Gonzalez] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, this last week and continuing today this week the Committee on Banking, Finance and Urban Affairs, of which I have been a member since I came to the Congress, has been holding hearings even though the committee has not been fully organized, because of the emergency nature and the distressful situation that confronts us and some, if not all, of the financial institutions of our country.

In this particular case, the hearings have been concerning the rather distressful plight of the savings and loan industry. As a result of the conditions that continue to fester as they have clearly indicated for some time now and which some of us had foreseen, spoken about as long ago as over 20 years ago, to be exact, 1965-66, particularly, this is what I want to discuss because I am afraid that even though there is an atmosphere of emergency in the case of these hearings, which I very sincerely compliment the chairman of the full committee, Mr. St Germain, as well as Members of the representative body of the industry itself, for calling for these hearings, I believe the time has long been past for proper, efficacious, and effective remedies.

I believe no matter what we do now, as has been suggested, that is the hearings concerning the proposed legislation that gives the basis or the predicate for the hearings, as wise as it is for the moment and for the nonce, is not at all addressing the very serious fundamental malaise and the very serious crisis that confronts us in this country with respect to not only our financial but our fiscal and monetary situation.

It has been said that coming events cast their shadows before. Also I happen to be one who believes very firmly, and has since his privilege of being elected to legislative bodies from the local level to the State to the national level of recourse of 33 years and 7 months, of being honored with holding, and in the guise of trusteeship, a public elective office, that when one is charged with knowledge that one must speak. As a very famous French thinker and hero also—a hero in World War I, where he died in battle—but a great philosopher, Charles Peguy—who said, "He who knows and is charged with that knowledge but does not speak out is an accomplice of liars and cheats and frauds." I firmly believe that, particularly in our participatory democracy.

Now that sounds great. It sounds as if, "Well, whoever said who shouldn't?"

But it is easier said than done. As a result of believing firmly as a matter of conviction this thinking, I have been exposed to attempts to framing, to smear and blemish my name, to be attacked both personally in a slanderous way as well as physical. I have faced several attacks on my life, all borne out of some activity or some pronunciamento that I made with respect to some ongoing issue that at the moment happened to be passionate.

In the case of banking and finance nobody fears any particular single voice, unless for some reason that voice is catapulated into some decisive level of judgment-making decisions that will impact. However, in our country, since long ago, those interests have been well able to defend themselves and, in fact, have so much done more than defend themselves that they have actually shaped and molded the policies and dictates that are going to determine in any long range fashion the standard of living, the quality of living of American citizens.

In 1965, in studying the annual Federal Reserve report, I noticed that the level of procurement on the national level, on the Federal level, had reached over $35 billion, obviously for the prosecution of the war, mostly. It was not called a war. It was never legally declared a war because only the Congress under the Constitution has the power to declare war. It was one of those developments since 1945, that have crept into our national soul and being without it being ever confronted either by the people themselves through their representatives or by any policymaking body on the national level which, in effect, would be the Congress. That is, twilight wars, Presidential wars. Now what happens as a sequel to those Presidential wars? In looking at this Federal Reserve report and seeing what was happening back home where two of the school districts within my congressional district at that time, which included the whole county—it was the second largest district in the whole country—where school districts had voted bond issues only to find that at the time of carrying out the dictates of that bond election the money voted was insufficient because of the exponential increase in vital materials such as lumber, steel, copper, and labor. Now simultaneously with those reports I read the want ads in the newspapers where, on the west coast, in San Francisco, there were full page ads for skilled workers, carpenters, plumbers, welders, at such inflated wages that the average union wage in my district for a plumber was, in these ads, offered at 500-percent increase, over five times, but also in the case of prime material.

□ 1330

At that time, the ongoing construction of Kamranh Bay, which was costing the U.S. Treasury almost a half billion dollars for which, at that time, there was no equal because, at that time, we were thinking in terms of millions, and now and then in billions, but we had not reached the point where we have today where we have megadollars, megabillions, and a trillion dollar budget that the President presented to us earlier this month.

So that in looking over this report, I saw where the statistics and the figures, as reported, in a report which seldom has been perused by Members of the Congress, even members of the Banking Committee, but which, in some parts, is pretty good because it reflects statisically some honesty that the Board will not be known for in its secret meetings of the Open Market Committee, in which the basic decisions are made that are going to determine just what the fiscal and the monetary policies of this country really will be.

Fiscal and monetary are highfalutin words, but they simply mean it is the Federal Reserve Board that is going to determine just what kind of a standard of living, what kind of a grocery budget the families are going to have in our country; what kind of credit availability our average little businessman is going to have, if any.

These are all the decisions that are being made, not here in the halls of the representatives of the people, not even in the White House by the President, but over in the Federal Reserve Board, by men who have never been elected to anything; who answer to nobody except their big bosses, the biggest financial institutions in the world. That means the United States.

Outside of that, they do not respond to Presidents. The Board is not a Federal agency, just because it is called the Federal Reserve Board. It is a select group of bankers representing bankers, private bankers. Since the beginning of our Nation, that was the critical issue, but you had men who knew what national honor was; who knew what the ever, ever seeking power hungry elements in every society throughout history would do, if given the chance.

So that is the First Continental Congress, in the Second Continental Congress, that was the big issue. You do not read about it in the history books, any more than you read what the real issue was on May 1, 1985, when President Reagan went to Bonn, to the big conference, economic summit. You would have thought that he had gone there just to go lay a wreath at a cemetery for fallen Nazi soldiers. Of course not.

He was there for the economic summit meeting, which first started there in Bonn in 1979, and which first unveiled the EMS, the European Monetary System, and th ECU, the European Currency Unit, when Mr. Carter was President, also in the month of May, also in Bonn in 1979.

But in 1985, what the big 6, or the big 10, were telling our financial leaders who accompanied the President, but whose big findings and decisions you did not read about in the press, they were telling us that they had finally flushed out this system. The prime intent of that system: Knock out the American dollar as the reserve unit or the world trading currency unit.

What does that mean to us, you say? Everything, but who has discussed it? It is no pride on my part that I take to tell you that I am the only Member of Congress that even mentioned this, on either the House or the Senate side. I do not take any particular comfort, any more than I did when I wrote President Johnson after reviewing the Federal Reserve Board and asked him to seriously consider recommending action, such as President Harry Truman, during the Korean war, and President Franklin Roosevelt, during World War II.

President Johnson bucked it over to some not well known Treasury underling who wrote me a letter and said that they had received the letter and, in effect, what he said was, we do not know what you are talking about and we do not want to know, and there is nothing to worry about.

I wrote another letter to the President, in which I said that I felt he would live to see the day where we would have abnormalities in our economy, that given the nature of our economic life at the time, that they would be new and novel. If allowed to deteriorate, we would be suffering with a combination of distress and inflation.

I suggested a method that had been tried by some European governments after World War II, that were emerging from a similar situation, and who developed a very unique scheme of taxation involving the setting up of a trust fund in order to anticipate the rise of inflation.

I could not get any kind of reaction or consideration. I contacted the then chairman of the Ways and Means Committee, who would not see me, or could not, or maybe did not have the opportunity, and I ended up with a staff member who seemed to think that I was intruding on his time. So I wrote the other letter to President Johnson and I never heard—I had an acknowledgment, one of President Johnson's acknowledgment letters, by way of saying "I received your letter."

This is something that President Reagan does not do. President Reagan is the first of six that does not acknowledge a Congressman's letter.

That is neither here nor there. The essence of what I am saying today is that, like an underlying disease that has invaded a living body or set of living cells, that takes 15 to 20 years to appear, by the time it does, it is too late to do too much and, therefore, anticipatory legislation, which is what I have prided myself in being my contribution to politics since I served on the city council of the city of San Antonio.

The reason I was pointing these things out to the President were, to me, quite obvious, without abrogating to myself the title of an expert or an economist or any such thing as that. I have always been a very keen student of things human, be they history or be they economic activity, and it did not take much to see, and even mathematically conclude.

Before I studied law, I studied engineering and completed my engineering training, so I had 4 full years of college mathematics.

Therefore, my thinking processes are pretty much synthesized with the inductive and the deductive trends.

So in terms of mathematics, it was obvious that we had reached a point where our national leadership would have to take action.

□ 1340

So I did the unprecedented. I introduced a couple of bills that were not even noted by anybody. One was asking for a mild form of credit control to accompany the enhanced outlays for the conduct of the Vietnam activities.

I also pointed out that what was happening in the international markets was that as our gold reserves dwindled and our commitments in exchanging our dollars at that time under the gold reserve balance type of situation increased—we had abandoned the gold standard after the Depression set in in 1930-31, after England first abandoned it—it was obvious that even this gold reserve program would be unable to accommodate us, and when this come to fruition, nobody even received it that way. In fact, there was not one report in the American reports that called it a devaluation of the dollar, and yet that was exactly what President Nixon did in August 1971, when he announced that he would no longer exchange gold in any manner, shape or form for dollars. In effect what he was doing was devaluating. We did not call it that until we had a formal devaluation bill. We passed two in 1971 and 1973, but nobody called them that around here.

In the meanwhile, our financial leaders then and subsequently announced joyously that gold was done, that in effect gold had demonetized. We believed that so strongly that the Secretary of the Treasury, in January 1976 or 1975, after the Congress repealed the 1932 Gold Hoarding Prohibition Act, announced that he would also even sell some of our gold to show that we were no longer premised on that.

It would have been fine if the rest of the industrial world had accepted that. But France never did abandon that standard and was accumulating gold. I contacted the Secretary of the Treasury, Mr. William Simon, who is a very charming individual and who told me that there was absolutely nothing to fear, that this would be helpful. I pointed out that unless the sale, through bidding or otherwise, was restricted—and I did not know how that could be controlled—the gold we sold would end up in the vaults of the French Central Bank. And I was laughed at. The then chairman of the full committee in fact contradicted that.

I was the chairman of the Subcommittee on International Finance at the time and held that position for 10 years, so I felt that I had picked up some knowledge. I raised the question: Why should we be feeding the central banks and their reserves in Europe and continue losing the battle on the financial tables? And, of course, nothing came of that.

It was not too long after that, I think after the third sale, that the Treasury suspended sales. When it did, it then raised questions of doubt in the minds of the very people who had been trading off on those sales.

In the meanwhile, I also felt that the American public once again, as after World War I, was going to be ripped apart by the speculators, when we repealed that Gold Hoarding Act of 1932, if we did not also provide some statutory protection for the people through their depositories, that is, the banks where they deposited their earnings, their moneys, their investments.

That was not done. But I was called in by the then chairman, because in each instance I did what I am doing today; I came and I reported to the Congress, because, remember what I told you at the outset, I felt that I was charged with knowledge. I had seen nobody rebut what I was thinking and what I was saying. Therefore, I came forward to speak, whether anybody listened or whether they did not.

And I might remind my colleagues that this was before we had televised coverage. I first started making use of special orders in the second week after I came to Congress, in 1962. So television is a late comer as far as I am concerned. The main reason is so it is on the record. It is my responsibility to speak out. If I am wrong, I can be judged wrong, and it is no satisfaction for me to say, "I told you so."

So I again am saying that the distress now has run out of control, causing thousands of our financial institutions to go under, others to merge into the ever-increasing holdings and reduced numbers of those holdings in our country, and causing the greatest concentration of wealth in this Nation to be in relatively fewer hands than ever before in the history of our Nation. I doubt seriously that those who have power of this nature are going to relinquish it voluntarily.

So as we look at these things that we now speak of, the homeless on our streets, the farming families being thrown out of their land and their homes, and the small businessmen who are out in thousands, and even now as I am speaking, going out, this is the result of what was obviously going to be the end result when the banks overnight in one single fell swoop raised by 1 whole percent what we used to call the prime interest rate on June 19, 1966. The handwriting was on the wall.

But then, ever since President Lincoln's day, this problem has been with us. And I will remind my colleagues that even in Lincoln's time, as in Andrew Jackson's time, when he abolished the Second Bank of the United States, this has been true. And it was also in the time of Thomas Jefferson. And if you want to know how bitterly words can be spoken toward the banking class, read Thomas Jefferson. The harshest words I have used are mild compared to what he had to say.

In the beginning, with the formation of our Nation under the First and Second Continental Congresses, all human beings and all civilized citizens, as well as all forms of government, have to have their bankers. They have to have their fiscal agents. Incidentally, that is the statutory description of the Federal Reserve Board, that it is the fiscal agent of the U.S. Treasury. But in effect the U.S. Treasury is the lap dog of the Federal Reserve Board. And the Federal Reserve Board today has more power and has wielded it longer and more overwhelmingly than ever before in the history of our Government since we became a nation, since we first had the semblance of nationhood after the First and Second Continental Congresses.

What did they do when they discovered that they would have to fund the Revolution and the Treasury was broke and the First Continental Congress was prosecuting the Revolution? Well, they had to find a banker. What did the bankers want? Well, they wanted a pretty hefty interest rate.

☐ 1350

So what did they do? They then chartered the Bank of North America in Philadelphia. The first big crisis came when Jefferson said, "Under no circumstances are we going to pay more than 6 percent; take it or leave it." They took it.

Why could, then, coming to another point in our history, Franklin Roosevelt, at a time when 46 percent of our gross national income was being utilized on the Federal level to successfully prosecute the war, why could he finance our debt at 2 percent or less? Why? Why could Harry Truman, and not in the sixties and seventies and eighties where we are paying through the nose.

You talk about the deficit, the deficit today is almost, well, the interest payment that the American taxpayer is paying right now is almost as big as that deficit. Interest is the most inflationary force by definition; something for nothing. The Federal Government, I am sure that all of these ancestral founders of the Nation and their inheritors, President Andrew Jackson, Abraham Lincoln, Woodrow Wilson, the last one to warn about it, all of them, and my great fellow Texan, Wright Patman, must be turning over in their graves 50 times a day when they read about 14 percent, 16 percent, 11 percent interest as something that is good?

It is absolutely a sellout. The American people have been sold down the river. That is the long and the short of it. Naturally the financial institutions, naturally, as I said in 1982, if you homogenize these institutions, if you make savings and loans and credit unions banks and you put them in there with banks, what do you want? That is like putting a lightweight into a boxing ring with a heavyweight. It is like putting a bantamweight in the boxing ring with a heavyweight. What do you think the odds are? That is what we are seeing.

We are seeing the gobbling up, the great mergers, the literal swallowing up of ventures that cannot be again be brought to life but which mean that more and more power and control is reduced to less and less numbers of Americans. Some of them trading supranational where there is no loyalty to the Nation, only loyalty to money. That is what we are talking about. When we say that we are going to try to do something to save the S&L's now, about all we can do is what they are asking us to do: To increase by some $15 or more billion the Federal Savings and Loan Insurance Fund. But, in 1979, I took this same floor and said that our whole banking system had reached the point of no return because what the big, international bankers, the International Bank for Settlement, international settlements, these are the big boys that are going and always have. They never relinquished that ultimate power, even when, after Bretton Woods, we set up what we liked to think was the world's system.

They still had that reserve power to undo everything if they did not get their pound of flesh. By golly, those fellows, for hundreds of years have developed the rule of thumb in banking, what they call the 22-to-1 ratio. When the total assets and the total debt structure, the capitalization structure and the debt structure, when that debt reaches 22-to-1 ratio, you are gone. In 1979, in August, I got up and said that I had summed up for the United States and that we were exceeding the 22-to-1 ratio.

Who cared? Who even wanted to even know what the heck I was talking about? I was put down as a recent couple of banking lobbyists reported to the Wall Street Journal, that I was an eccentric. Of course, in this world today you either are an eccentric or, as the Washington Post called me, "archaic" because I turned back $4,000 that was sent to me 3 weeks after the election 2 years ago from the National Home Builders Association. I had prior to that turned back about $2,000 or $3,000 from some banking organizations. Those lobbyists around here think you are crazy, not only archaic, for anybody to turn money down. So I do not mind being called an eccentric; I certainly have been called a lot worse names than that.

What I am saying today for the record is that the only thing that could be done will be done out of emergency and out of crisis. What I see as a coming, rather chaotic crisis. There is nothing you can do at this point other than to try to soberly suggest, and I think I have done that by introducing a total of four basic legislative acts; I am not saying they are the answer. No one man has ever drafted the perfect bill. But at least it is an anticipatory, suggested course to take when and if that big bubble busts. We have already had a few of those bubbles bursting within the big one. We have had, in fact, a total of five money manias in just a matter of less than 15 years.

All bubbles burst, and oh, while the highfliers were having a grand time and making those 30-year-olds making $200 milion in half a year, it was great, except for the fact that those bubbles always burst. I feel that charged with the responsibility of representing my constituents, they are an integral part of this Nation, and no nation, it is like a chain, it is no stronger than the weakest link in it. We cannot afford to have our communities sunk in misery, poverty, no hope. We cannot have interest rates at the bottom of the cause of it all. The advance invader has always been interest rates. The history of interest rates shows that empires have risen and fallen on the basis of interest rates. When the great rulers and sovereigns of Imperial Spain began to have to pay their money lenders usurious rates, that began the decline of the Spanish Empire.

It is the same thing with our society. You cannot, without having the abnormalities that you have today, impose and flagellate or crucify a nation with a crown of usurious thorns without eventually destroying its economic well-being. Until we extricate ourselves from that, and you cannot do that unless you go to first things first. That is, to bring back to the people the power that has been taken from them. That is easier said than done.

As apprehensive as I am, only because I see that you do not have to be a prophet to know that if certain things happen you are going to have social disturbances, there is such a thing as having a social balance sheet, and anybody who has any cognizance of life at all or has any kind of intimate association with his district on all levels, not only among the affluent and the powermakers but the poor and the powerless, unless one is out of touch, one could not help but just find it quite sad and distressful but nevertheless relatively easy to predict.

You cannot subject human beings to an animal existence without long having animal behavior.

□ 1400

It is just as simple as that. It comes back fundamentally to these causes that for years and years the Chairman of the Federal Reserve Board, great colleagues of mine that were considered financial experts, look at me and say, "Interest rates, why they are like every other thing, demand and supply," or like so many of the last three Chairmen of the Federal Reserve Boards would talk to us as if interest rates are an act of God. You cannot do anything about them. Of course, you can. The main thing is, do not sell out.

What I am saying is that the American people have been sold out.

What to do? Well, right now except under this power of emergency and at this particular moment, as I said at the outset in our committee, these emergencies hearings on what do do about these failing S&L's that are going out like popcorn in a popper, we can do something to alleviate temporarily, give a little aspirin; it might help the headache, it may not; but we are not attacking the fundamental thing that is going to avoid the real crisis and that is going to be imposed on us. There will not be much we can do domestically, because like after World War I it will come from the external world which now is far more interrelated and interdependent than the world was after World War I.

What I am saying is that unless we are willing to discuss these fundamental developments outside the world that are going to impact and are impacting us, we had better do it, because in just 3 years our country has become the biggest debtor country. We are no longer a creditor nation. We are back to where we were in 1914. We were the only creditor nation during World War I and World War II.

History was right, where we gave our substance, traded our inheritance, for what? Will it be a mess of pottage or will it be something that in time the American people can retrieve?

I am an everlasting optimist. I also like to think to myself that I am a realist and accept what I see, not what I want to see. What I would like to see would be some reaction, particularly from the colleagues that have the responsibility on these committees of addressing this challenge of the European monetary system, the European currency unit which is an adjunct to the system, which we should have done 6 or 7 years ago, but now we can at least bring it in and factor it in, because no matter what we do domestically, we will find that we have little or no control over those external forces, very much like what we see happening in some of these benighted lands that have gone back to beyond the Middle Ages into hostage taking, into killing human beings, and acting as perhaps savage nations once acted.

It remains to be seen whether we revert to our savagery or whether we become the promised image of the Creator himself who has very different lessons and injunctions given us.

I think it comes fundamentally to those very dry and dusty discussions, but nevertheless these financial tables, where our real liberties are.

What good does it do to have political freedom if you do not have economic freedom in the type of structured society that we dwell in in the 20th century.

I have always felt that the essence in our day and time is economic freedom accompanied, of course, basically with political freedom. We do not have it.

I have had a hard time trying to make this point to the leaders since 1973, at a conference at the L.B.J. School in Austin, it was 1972, the President was still living, about 4 or 5 months before he died. I was invited. I could not make the point to some of the veterans of the civil rights struggle and I said, "Look, you want them. Thank God we live in a country that still is governed by a framework of institutional reference of freedom."

We have wrongs, but we have the power and the liberty to redress them eventually. You won the right and we fought in the 1950's. I did in Texas, a very lonely fight for that day in time. It was before Marthin Luther King was even heard of, at least in that part of the country; but it was a fight again impelled by the oath of office that I swore to uphold, nothing else. There was no other motivation. It would have been ridiculous to say that it was political, since my county has never had even 8 percent, it has always been less than 7½ percent, of our fellow Americans who happen to be of black descent; so for me to say that it was political would have been revealing a very poor politician.

The idea is that I had been conscious because of my background of what a great privilege and privileges I have been given. I want to deserve them by acting in such a way that I will not diminish one bit, one iota for those generations following me, that they too, have the opportunities that were given me.

Where in the world, as my father used to say, would a man with no particular economic background or power or social position have been elected from the lowest legislative officers that his fellow neighbors could concede to him? Nowhere else, and I know that. I am grateful for it. This is the reason that I have tried to maintain the standards that I feel will justify the honor and the tribute I have been given for 33 years and 7 months.

I know that I antagonize people. I know that when I introduced the impeachment resolution, which I am reintroducing on the Chairman of the Federal Reserve Board, that I was laughed at. Some thought it would be bombastic, even though there was no publicity to it; but I did it because I had a case and I had specifics. I felt that Thomas Jefferson in his day would have justified it, because in the Constitional Convention they debated very much that proviso on what to do about a faithless or inefficient, incidentially, servant who had been elected or had been appointed to office. They then after great debate, after great reading in the English tradition and the mother parliament tradition wrote the impeachment section in article II.

I think that there would have been no hesitation had the same acts been perpetrated by the same official in that high power of Chairman of the Federal Reserve Board a hundred years ago, or 50 years ago, or more than 50, 70 years ago; there would have been an impeachment resolution.

I certainly would not do it because it was frivolous or I thought it was frivolous, but because I thought there were high crimes and misdemeanors and I had specifics, such as the leaking of the Federal Reserve Open Market Committee, open market but secret proceedings, which benefited through leakage by one member, benefited two big banks in New York who made millions by that leakage.

Now, who oversees that? The Federal Reserve Board does not have an inspector general. They fight us tooth and nail when we introduce a bill to provide an audit of the Federal Reserve Board, so they do not account to anybody.

The Congress has not been willing to do anything to oversee its creature. What the Congress has done is to create a Frankenstein that does not know or does not want to try to get back and see how they can get him on the operating table and control his actions.

□ 1410

But the Congress created it. To talk to some of my colleagues you would think that the Federal Reserve Board was an act of God, that it was struck from the brow of the Greek God Jove, but the truth is that it is a creature created by the Federal Reserve Board Act of 1913. But subsequently, through some secret riders, the whole thrust of the original intent of the Federal Reserve Board Act of 1913 was changed.

So with that I will leave it, Mr. Speaker, by saying that I have some bits of legislation that I think in anticipating will enable us to have some clinchers or pliers to handle that hot potato without getting burned.

I am pessimistic in that regard. I do not think that that desire is going to be fulfilled, but I am always hopeful. I am on the record, and I am saying that when I am told by a Chairman of the Federal Reserve Board, as I was in 1976, and as I was in 1979, that I am right, and they ask me to have breakfast and in confidence tell me, "You're right, but there's nothing I can do," that is when I lose hope, because I have read the Federal Reserve Board statutes. There is very much that they could have done, especially in 1979, when the overhang on foreign debt, mostly to Third World countries that would not be able to pay back their debts, rose in 1 year from $3 billion to over $40 billion. That is when I spoke out.

A WAY OUT OF REYKJAVIK

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York [Mr. Stratton] is recognized for 5 minutes.

Mr. STRATTON. Mr. Speaker, the long struggle for the chairmanship of the House Armed Services Committee appeared to result in a generally accepted conclusion that, on matters dealing with defense, those in authority on defense matters should be guided by the views of the Democratic Caucus.

Since there are not too many members of the Democratic Caucus who could be called defense experts—and, after all, defense is of tremendous interest to our Nation—what we as members of the Democratic Caucus desperately need are informed judgments on these highly relevant issues.

In that connection, Mr. Speaker, a very important article on defense matters and arms control appeared in the New York Times Magazine section for January 25, written by three recognized defense experts: Gen. Brent Scowcroft, John Deutch, and James Woolsey, Under Secretary of the Navy from 1977 to 1979. It is an outstanding analysis of what is required at this point in time and what Congress should do to support these excellent recommendations.

A Way Out of Reykjavik

(By Brent Scowcroft, John Deutch and R. James Woolsey)

Events during the autumn of 1986 have produced greater confusion in American strategic policy than perhaps at any other time in the nuclear age. After unveiling its startling proposal at the Reykjavik summit meeting in October that the United States and the Soviet Union agree to ban all ballistic missiles within a decade—a proposal that was a major departure from NATO strategy that has kept peace in Europe for 40 years—the Reagan Administration has hesitantly begun to develop a rationale for that position. At the same time, the Administration is seeking to persuade the nation not only to maintain at least some nuclear deterrent, including ballistic missiles, but also to make major improvements in the survivability of its ICBM force. Administration officials are not finding the intellectual task of squaring this circle an easy one.

Perhaps this confusion results at least in part from the fact that more than mere rationality has been at work. A comparision with an earlier major policy decision of the Reagan Administration—the massive tax cut of 1981—may be instructive.

In a brief period in 1981, the key executive-branch decision-makers, in an effort to take command of the national agenda, decided that government and the source of finances that maintains it, taxes, could be clearly painted as the problem. The less of both, they argued, the better. The decision-makers had flirted with such an idea before, but in the exhilarting atmosphere of a new Administration two sets of interests, each proceeding from a different point, came together to produce a powerful force that pushed through the 1981 tax bill and the huge cuts in the revenue base that resulted from it. One was the President's philosophical conviction about the evil of big government and taxes, and his ebullience about the future if taxes could be deeply cut. Several of his senior advisers shared this vision. The second was the calculated agenda of some of his other advisers—David Stockman among them—to use tax cuts and the deficits they would produce as a political lever to force drastic cutbacks in, or even the elimination of, the American social welfare system.

In this atmosphere of enthusiastic confusion and mixed purposes, the Administration put forth a theory with a patina of technical respectability based on the thesis that a tax cut raises revenues. The theory held that trashing the nation's revenue base would not interfere with either prosperity or necessary government activities. Congress was so persuaded, and the tax bill became law.

The results are well known. Although there have been certain short-term economic benefits, the Government has locked itself into a regime of collecting about a fifth of the nation's gross national product in taxes while spending about a quarter of the G.N.P. Thus the country will more than double its national debt during the Reagan Administration's two terms, while neglecting important defense and domestic programs. And it is slowly but steadily coming under the thumbs of foreign creditors.

Compare this to what has happened in strategic-arms policy. In 1986, in another flurry of activity during a heady weekend in Reykjavik, the key decision-makers in the executive branch developed a single-minded approach to seize the national and international agenda. To accomplish this, a single enemy had to be identified. The decision-makers felt that offensive nuclear weapons could be painted as the problem—the fewer the better. Moreover, the deeper the reductions, the more politically popular they would be.

The decision-makers had flirted with such an idea before, but in this new exhilarating environment two sets of interests came together to produce a powerful force that pushed through a breathtaking series of proposals at Reykjavik—including one to ban all ballistic missiles within a decade. The first was the President's philosophical conviction that offensive nuclear weapons are evil, and his ebullience about the future if their numbers could be deeply cut, to the vanishing point if possible. Several of his senior advisers shared this vision. The second was the desire of some of the President's defense and arms-control advisers to use proposals for drastic cuts as a negotiating lever for tough bargaining—or even as a device to make agreement with the Russians impossible.

In this spirit of enthusiastic confusion and mixed purposes, the Administration developed a theory that also had a patina of technical respectability: the agreed abolition of ballistic missiles and the development of a Strategic Defense Initiative (known to its opponents as Star Wars), now to be an "insurance policy." This theory held that trashing the strategy of deterrence would not interfere either with the pursuit of peace or the protection of freedom. It was reportedly one word away from becoming the common policy of the United States and the Soviet Union; only the Russians' insistence on the word "laboratory" as the key to limiting the S.D.I. testing program prevented the new dawn from breaking.

What could possibly be wrong with banishing the horror of ballistic missiles and the nuclear weapons they carry, a program to give the world hope in place of despair? To understand the perils of the proposals placed on the table at Reykjavik—American and Soviet—it is necessary to understand the deterrent strategy of the United States and the North Atlantic Treaty Organization over the past 40 years.

After World War II, the United States and its allies were faced with a Soviet Union that seemed ruthlessly bent on expansion. However, rather than build the conventional military strength to defend against Soviet aggression, the West took a cheaper route, threatening the use of nuclear weapons to deter a Soviet conventional—or nuclear—attack.

Although the early imbalance in conventional strength has somewhat improved, the Russians still maintain a decided advantage and the West still relies on the threat of nuclear weapons to deter Soviet expansionism. Indeed, much of the military history of NATO derives from the repeated attempts to shore up the political credibility of that draconian, but comparatively inexpensive, strategy.

One of the larger crises of confidence over the willingness of the United States to use its nuclear weapons in defense of Europe emerged in the late 1950's and early 1960's when it became clear that the Russians had the nuclear capability to devastate the United States. Europeans were unsure whether Americans would be willing to risk the destruction of their own cities to defend Europe.

Steps were taken to restore confidence in NATO's nuclear strategy. Tactical nuclear weapons were deployed to serve as an intermediate stage between the use of conventional forces and United States strategic weapons. More accurate strategic missiles were developed that would enable the United States to destroy Soviet military targets without destroying Soviet cities. Most recently, intermediate-range cruise and Pershing II missiles were deployed in several NATO countries, missiles that were designed to reassure Europeans that American strategic nuclear forces would indeed be used, if necessary, to defend Europe.

All this does not mean that there has been no progress toward a NATO strategy less dependent on nuclear weapons. Many knowledgeable observers of and participants in defense policy-making have long advocated that NATO place more weight on modernized conventional forces. The improving technology of conventional anti-tank weaponry may help by allowing the United States and its allies to edge away from extensive reliance on battlefield nuclear weapons to deter the concentration of Soviet armor that would precede an attack against NATO's defenses. But most participants in this debate have properly put the horse of conventional-force improvements before the cart of de-emphasizing nuclear weapons. This sequence is essential for deterring a conventional attack, and—more likely—the Soviet political domination of Europe that would accompany the tacit threat of the Russians being able to use their dominant conventional military power.

This is why Sam Nunn of Georgia, the new chairman of the Senate Armed Services Committee, and others advocate moving toward a posture that permits avoidance of early use of nuclear weapons in the event of war. Americans who support a pledge of "no first use" of nuclear weapons today—even in the face of a massive conventional attack—either delude themselves about the willingness and ability of the democracies to quickly cooper together enough conventional forces to defeat a militarily powerful dictatorship (after the abandonment of the nuclear guarantee), or are willing to see the United States drift by default into isolationism and narrow self-interest. These two historically persistent American attitudes contributed to one terribly destructive war in Europe in the last half-century. Trying for two seems inadvisable.

But suppose Europe and the United States could be convinced to spend enough now to buy and maintain conventional and chemical forces that are so clearly able to defeat any Soviet attack that nuclear weapons aren't needed? Wouldn't the world be safer?

Well, yes. And if wishes were horses, we all would be riders. It has been said that while the United States has a military-industrial complex, the Soviet Union is a military-industrial complex. This is why an effective nuclear deterrent will be required as long as Russian ambitions remain the same.

Moreover, to keep control of Warsaw Pact nations, the Russians must have a large standing army in Eastern Europe. If Westerners have forgotten Poland in 1980-81, Czechoslovakia in 1968, Hungary in 1956 and East Germany in 1953, Moscow has not. Some reductions are imaginable, but the Soviet Army is in the Warsaw Pact nations to stay, unless and until there are major changes in the nature of the Soviet state. This alone puts it at NATO's jugular.

Abandoning ballistic missiles, as proposed at Reykjavik, would eliminate two legs of the American triad—made up of land-based, sea-based and airborne nuclear weapons—a structure designed to enhance the mutual survivability of the three parts of American strategic forces.

It would mean the total elimination of submarine-launched ballistic missiles, which can both survive a Soviet attack and penetrate Soviet defenses.

The American bomber forces at their bases would be especially vulnerable to Soviet cruise missiles, which could presumably replace the ballistic missiles on Soviet submarines. The United States does not currently have the capability to detect such an attack, much less to defend against it.

True, the United States bomber and cruise-missile force is much more capable then the Russians'. But, unlike ballistic missiles, bombers and cruise missiles would be forced to penetrate massive Soviet air defenses to reach their targets. And they would have to do so unaided by ballistic-missile attacks designed to suppress such air defenses. The United States, on the other hand, has essentially no air defense.

And what about verification of a ban on ballistic missiles, much less one on all nuclear weapons? At an agreed level of zero for anything—ballistic missiles, nuclear weapons—when a few can convey great advantage, complete verification becomes extraordinarily important. And when ICBM's can fit onto 18-wheel trucks, it also becomes exceedingly difficult. A Soviet state in which the United States could verify with even a modicum of confidence the total absence of ballistic missiles, much less the abolition of all nuclear weapons, would have to be a state very different from the Soviet Union of today.

The Administration admits such an agreement would not be perfect. But, officials argue, the Strategic Defense Initiative will be an insurance policy if the Russians cheat. Though S.D.I. under the proposal would be doubly weakened from its most robust form—a highly classified, multitiered American system—the Administration would have us believe that it could still overcome any Soviet cheating. Though the Russians would be provided with S.D.I. technology, the program is to be so perfect that presumably no level of knowledge could hurt it. Further, a system designed only as "insurance" against Soviet cheating would be less capable than one designed to defend against current Soviet forces.

At the same time the United States is undertaking these offensive cuts and defensive redirections, the Administration will apparently be trying to convince the public that the country also needs a major conventional and chemical military buildup and a massive air-defense system. The new air defenses would have to be more effective, one would suppose, if the Russians and Washington were permitted bombers and cruise missiles under the agreement. But even if Washington agreed to sign the unrealistic ban-all-nukes Soviet proposal discussed in Reykjavik, covert nuclear weapons can fit into suitcases—which means they can be carried by Aeroflot or even the drugsmuggler aircraft that flood America's night-time skies. The United States would need heavy air defenses in either case, and they would have to be perfect too, for the Administration would have trashed the most survivable and effective part of the country's offensive deterrent.

How did the President and his advisers come to put the United States into this precarious spot? The Administration's position is a logical, but hardly necessary, extension of its decision in 1983 to steal the antinuclear movement's clothes. The Administration had seen the nuclear-freeze movement sweep the balloting in the 1982 election, when its party lost 26 seats in Congress. Even that was overshadowed by a pastoral letter from the National Conference of Catholic Bishops. The letter ultimately offered conditional support for nuclear deterrents—but except for "a centimeter of uncertainty," in the words of its principal draftsman, it would have repudiated the morality even of maintaining such a deterrent. Anti-American demonstrations swept Europe, opposing nuclear deployments. Just after the election, the lame-duck Congress soundly rejected the Administration's Dense Pack basing for the MX missile, and, by implication, the MX itself. This seemed to many to spell the end of ICBM modernization, and eventually the end of the ICBM force.

Moreover, some in the Administration were coming to realize that more than fickle public opinion was against them. They had created many of their problems themselves. They had scorned the early warnings of a handful of experts in and out of Congress that the 1981 cut in the revenue base would undermine support for defense. Further, the defense budget increase had not been accompained by any persuasive strategy for easing concern about the coming tide of red ink. Finally, their abandonment of the Carter Administration's proposal for deployment of 200 MX missiles in multiple shelters and the sudden birth of Dense Pack—MX missiles in tight clusters—had seriously shaken support for strategic modernization.

Thus in early 1983 the Administration was pessimistic about whether the United States and its allies would be able to maintain offensive nuclear forces over the long run. The President appointed a special commission, on which the authors of this article served, to rethink strategic-force issues, and the Administration later gave some recognition to the commission's recommendations to move toward a small mobile ICBM and to mesh offensive modernization with careful and stabilizing arms-control measures. But it is now clear that by the spring of 1983, the hopes, the attention and the objectives of at least the President and the Secretary of Defense had swerved onto a completely different track.

In a speech on March 23, 1983, the President announced plans for the Strategic Defense Initiative, implicitly involving exotic new antiballistic-missile weapons based in space, which would make nuclear weapons impotent and obsolete. The plan, which pulled out all of the policy underpinnings of earlier programs, threw the President's domestic and foreign allies into confusion. But it was also a political coup that swept the nuclear-freeze movement aside and regained Presidential initiative. Despite the surprisingly broad technical and policy criticism, S.D.I. has become a substantial claimant on an already stressed defense budget.

Sophisticated defenders of S.D.I. point to the important bargaining leverage it provides with the Russians and to the attention it brings to defense technologies such as space surveillance, early warning, electro-optics, battle management and antisatellite capability. Critics of S.D.I. see it as a technical invention similar to President Carter's solar-energy initiative: public discomfort with reality being met with an inachievable technological promise.

The decision was made, moreover, to move forward with the most ambitious possible version of a strategic defensive system, using the most advanced technology that would emphasise interception shortly after launch of large Soviet ICBM's equipped with multiple independently targetable reentry vehicles. The top levels of the Administration have not deviated from that early commitment to the system's ambitious objective—making nuclear weapons impotent and obsolete. This has been in the face of doubts, revisions, amendments and redirections urged by scores of lesser executive-branch officials, Administration partisans in Congress and scientists—all of whom support defensive systems but are worried about the boldness of S.D.I.

The danger seen by shrewder supporters of S.D.I. was that stealing all the antinuclear movement's clothes meant the Administration's becoming antinuclear as well. It is clear from Reykjavik that the Administration saw this too, but choose to advance toward the nuclear-free millennium by emphasizing, not freezing, American technology.

Politically, it played well. The Administration by 1984 had so successfully outflanked the antinuclear movement that the Democrats were unable to use the arms-control issue effectively in that year's campaign. Administration officials found it delicious to be able to tout the glories of a world made free by American technology of nuclear fear.

But a price had to be paid. The Administration had to begin to buy the antinuclear movement's notion that the principal barrier to world peace was posed not by the existence of an ambitious and expansionist totalitarian state but rather by the existence of nuclear weapons, period. Some Administration officials began to describe nuclear weapons almost as the antinuclear movement describes them, as a sort of deadly virus—a common enemy of man.

This blinking at the key problem—expansive totalitarianism backed by nuclear power—was masked by strong rhetoric and efforts to confront the Russians in the third world. But the Administration's approach to strategic and nuclear matters was best signaled by one feature of its new policy: the United States would give (or, sometimes, sell at cost) S.D.I. technology or its benefits to the Russians. If all nuclear weapons are like a virus, this makes perfect sense. If, on the other hand, they are instruments of state power—if, given the nature of the current Soviet regime, Soviet nuclear weapons are in a different category than, say, British or French ones—it does not.

Almost all supporters of the Administration policy have regarded the President's persistence about giving S.D.I. technology to the Russians as an embarrassment that is best avoided in discussions. It appears clear after Reykjavik, however, that it is at the heart of the logic of the Administration's position.

A more sensible strain of thought, embodied in President Reagan's agreement with British Prime Minister Margaret Thatcher last November, was that S.D.I. exists to enhance deterrence, not replace it. But that thinking appears to have been nearly stamped out in the executive branch. It is reiterated for form's sake now and then, but many Administration officials can no longer say the word "deterrence" without signaling its alien character with unspoken quotation marks, somewhat the way many now speak of "détente."

No wonder. The official line has become a sort of strategic Manichaeanism: that there exist only the dawn of S.D.I. and the darkness of mutual assured destruction that went before it. The concept of careful and stable deterrence, with modernization of nuclear weapons to improve their survivability, some militarily useful work on defensive systems and moderate arms control, was abandoned. The Administration's recent, reluctant decision to begin full-scale development of a small, mobile ICBM has not shaken this underlying view.

Where does this leave the prospect for arms control? In the current environment, there are doubtless some senior officials who regard the Administration's zero ballistic-missile proposal at Reykjavik as a sincere effort to establish a radically new basis for United States-Soviet relations. But there are others for whom tactics are paramount, and this can produce extreme demands.

In any negotiations, there is an imprecise border between mere tough bargaining and an intentional thwarting of an agreement by the statement of wholly unacceptable terms. If you cross the border you may lose the deal. In bartering to buy something, you often have nothing to lose by taking a tough stance; perhaps you were ambivalent about the purchase anyway. The best way to get a good price from a rug merchant is to half-convince yourself that you don't really want the rug; the merchant may cut the price just as you're walking out.

But in strategic-arms negotiations, there is a symmetry to most agreed-upon limitations. If Washington proposes that Moscow have zero intermediate-range missiles in Europe, or zero mobile ICBM's, or zero ballistic missiles, it can expect the same demand in return. Tough bargaining proposals here should be ones that you are prepared to live with, because you can lose not just the deal itself but—by undermining public support for your programs—also lose what you already have.

Tough bargaining helped lead to the "zero option"—the proposal to deploy no American or Soviet intermediate-range missiles in Europe. When it was first proposed in 1981, this may have seemed unacceptable to the Russians; it has some attractive features for Americans, however, since the United States had not yet deployed intermediate-range missiles and would have been trading potential United States systems for existing Soviet ones.

Now, however, the Russians have agreed to a version of the zero option, and it is a very different matter. Today, zero intermediate-range on each side in Europe means completely withdrawing the intermediate-range missiles that the United States and its allies have recently worked hard to deploy. The current zero option would leave Western Europe naked to the 600 or so Soviet shorter-range missiles that are essentially unmatched by United States systems. A sounder American proposal—for each side to keep 100 intermediate-range warheads in Europe (in addition to a similar number in Asia and the United States)—was apparently scrapped and the zero option for Europe resuscitated in the heady atmosphere of Reykjavik.

Another, more troubling United States position is the proposal—set forth in Reykjavik, and now tabled in Geneva—to ban all ballistic missiles within 10 years. This proposal would mean that the United States, in order to maintain a deterrent, would have to rely solely on its bombers and cruise missiles to penetrate the numerous Soviet radar installations, surface-to-air missiles and fighter interceptors that constitute the world's most massive air-defense network.

Underlying this tactical negotiating approach is the view of some Administration officials that the American people cannot be counted on to support reasonable modernization of strategic forces for offensive use and careful, gradual arms control. This fear, which may in part be based on the unwise but temporary efforts by Congress to restrict United States strategic programs in the mid-1970's following SALT I, is overblown.

Admittedly, politicians need to do a better job explaining major strategic notions—the degree to which NATO rests on nuclear deterrence, for instance, and the fact that modernization is needed to improve the survivability of weaponry and to deter Soviet conventional and nuclear attack—not to add to the size of our arsenal. Explanations are harder when events—Vietnam, Watergate, the Iran-contra imbroglio—disrupt executive-legislative and Republican-Democratic cooperation. But Americans are generally far more willing to support sensible strategic programs and careful arms-control talks than some would suggest.

In addition to domestic politics, sincere beliefs and negotiating tactics, another factor contributing to the Administration's trashing of deterrence has been a propensity for flashy, staged public events and for proposals that attract television news cameras. There is certainly nothing wrong with presenting national strategy in a favorable light, but if one begins and ends strategic planning with an eye to the next evening's news and polls, one courts eventual disaster—especially considering that the opponents, the current world chess champions, plan many moves ahead.

For all these reasons, there is now a great deal of uncertainty about our nation's strategic policy. It is unclear whether the Administration has fundamentally undermined the country's ability, and the public's support of that ability, to maintain nuclear deterrence. It is also unclear whether it is too late to drop back into a more modest, careful, gradual approach toward strategic modernization. It is clear, though, that thus far S.D.I. has already protected the United States, by preventing an agreement at Reykjavik that would have: destroyed the American ballistic-missile deterrent within a decade; left American bombers and cruise missiles facing extensive air defenses and the Russians facing essentially none; weakened the announced S.D.I. rationale (because it would become only an "insurance policy"); removed United States intermediate-range forces from Europe and left some 600 Soviet shorter range missiles unopposed; allowed the Russians to maintain their advantage in conventional and chemical forces, and undercut the West's support for maintaining its defense.

The Reykjavik proposals may well have set back the cause of responsible arms control by many years. Since the early 1970's, leaders of both parties (when not running for office or addressing blatantly antinuclear groups) have been urging a more realistic approach to arms negotiations. While recognizing the understandable public urge for a dramatic and simple agreement that would transform the nuclear competition, most leaders have urged more modest expectations for formal agreements. They have felt that agreements should focus on stabilizing measures that reduce the probability of nuclear war and not on expected earthshaking breakthroughs between two competing superpowers. The Administration's initiative at Reykjavik has now been seized upon by both the right and the left, for different reasons, as demonstrating that it is possible for the leaders of East and West, merely by signing the right paper, to bring lasting peace.

One of the many unfortunate aspects of this illusion is that it could undermine the willingness of many in the West to be patient about deterrence just as patience is beginning to pay off. The Soviet Union faces many problems, which should lend us some reasonable hope that firmness, strength, and careful arms-control proposals could help produce a positive trend. Under Mikhail Gorbachev, there have been some signs of change in Russia. Information on disasters and riots has been provided more openly than in the past, and a few prominent dissidents have been freed. But we must be cautious here.

From Peter the Great to Nikita Khrushchev, Russian leaders who have been domestic reformers have often been the most aggressive in foreign policy. Morever, leaders who dare to sponsor bold changes can be ousted if internal reaction is strongly negative; this happened to both Georgi Malenkov and Khrushchev. If domestic reform or—less likely—both domestic reform and foreign-policy retrenchment should be on Gorbachev's mind, this could happen to him as well—and happen faster than we could rebuild an abandoned deterrent. Further, by undermining the case for modernizing and making more survivable our offensive weaponry, the Administration has risked creating an unstable environment for its successor. A later President who might want to return to a policy of careful negotiation and strategic-force modernization—whatever his policy on S.D.I.—could find that path more difficult. And a President who wanted S.D.I. to be something more than an insurance policy could find his hands tied.

In spite of this, it may not be too late for the center to hold, for the restoration of an intellectual basis for a system of credible deterrence, strategic stability and step-by-step arms control. A bipartisan consensus can be rebuilt for such an approach.

Strategic stability can be enhanced by insuring the survivability of our strategic weaponry, and not locking ourselves into systems such as silo-based ICBM's, even if that means not using arms control to block Soviet survivability improvements, such as a shift to mobile forces. But within a framework of defending Western values, stability must also mean that the United States continue to support NATO by holding Soviet military forces at bay with nuclear weapons when it cannot effectively do so with conventional ones.

Such an approach would require some modernization of American offensive forces—including the development of a small mobile ICBM. It would also require continuing improvement in American ability to put Soviet ICBM's at risk—with Trident II, an accurate small mobile ICBM and the MX. Together, these efforts might encourage the Russians to agree to arms reductions emphasizing cuts in large ICBM's equipped with MIRV's.

Work on defensive systems should also continue. However, if major reductions in large Soviet ICBM's with MIRV's were carried out under an arms-control agreement, more attention could be paid to aspects of the S.D.I. program other than the boost-phase intercept, which is useful principally against such ICBM's. A defense against tactical ballistic missiles could be undertaken with European and other allies, such as Israel. Defense against Soviet cruise missiles and depressed-trajectory ballistic missiles carried by submarines could be given a higher priority. The anti-tactical defense would protect European-based United States forces from conventional as well as nuclear attack. The defense against cruise missiles, and perhaps against some ballistic missiles, would protect our bomber bases and at least some command and control sites from sudden attack from close-in submarines.

There is clearly a role for research and development on spaced-based and exotic S.D.I. technology, including an orderly testing program. The Soviet program alone requires such an American effort. But it should be scientifically sound—a work horse, not a show horse—and realistic in its content, size and growth.

Efforts should also be maintained to negotiate an agreement on intermediate-range missiles with the Russians that would allow some relatively small number of such missiles to remain in Europe. A move away from battlefield nuclear weapons and toward modern conventional weapons to combat Soviet tank concentrations would further reduce reliance on nuclear weapons without abandoning their deterrent value. Some modernization of NATO's chemical-warfare capability is required to deter Soviet use of chemicals in wartime. Agreed restraints on nuclear tests would help reduce reliance on nuclear weapons without crippling the safety improvements that only some types of testing can provide, and would complete a plausible package.

It is time to stop and regroup. The United States can ill afford suddenly to cast off the strategy that has, however precariously, preserved peace for 40 years. Congress must have a central role in any effort to return to moderation. Because of its structure and organization, however, Congress has no naturally coherent view of defense and arms-control policy. It is currently divided among those who passionately believe that the military competition between the United States and the Soviet Union is a ghastly mistake; those who support realistic policies to deal with difficult defense questions, and those who—like the Administration—have great faith in single solutions. There is considerable strain among these groups, notwithstanding the fact that some Congressmen are at various times adherents of more than one of them.

It is, of course, in the executive branch that foreign policy and national-security policy should be crafted. But when the executive branch proposes to cripple the nation's deterrent, as it did at Reykjavik, the security of the nation, indeed of the world's democracies as a whole, demands that Congress demonstrate great responsibility and exert its constitutional powers wisely and carefully. This is no time to try to take advantage of the apparent confusion in the executive branch or to impair even further America's deterrent posture. It is time, rather, for Congressional statesmanship of the highest order to repair the damage already done. There is a core of members from both political parties who understand these issues and who can contribute to a policy of maintaining nuclear deterrence, strengthening conventional forces and conducting responsible arms-control negotiations. In the 100th Congress, they have their work cut out for them.

The decision to undercut the revenue base in 1981 and the decision to trash deterrence in 1986 had certain features in common. Both leave the country now with huge deficits—political and financial—and require dedication and rebuilding so that the nation can merely return to where it once was. Such rebuilding, and even progress, is not beyond us. But we must begin. Now.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of today, the Chair declares the House in recess until 5 p.m. today.

Accordingly (at 2 o'clock and 14 minutes p.m.), the House stood in recess until 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. Bonior of Michigan] at 5 o'clock and 1 minute p.m.

EMERGENCY ADDITIONAL SUPPLEMENTAL APPROPRIATION FOR THE HOMELESS

The **SPEAKER** pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 102.

The Clerk read the title of the joint resolution.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN] that the House suspend the rules and pass the joint resolution, House Joint Resolution 102.

The question was taken.

Mr. **WALKER**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 296, nays 79, not voting, 59, as follows:

[Roll No. 13]

YEAS—296

Ackerman
Akaka
Anderson
Andrews
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bateman
Bates
Bennett
Bentley
Bereuter
Berman
Biaggi
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Brennan
Brooks
Broomfield
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Daniel
Darden
Davis (MI)
de la Garza
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dyson
Early
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jacobs
Jeffords
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Leach (IA)
Leath (TX)
Lehman (FL)
Leland
Levin (MI)
Lewis (FL)
Lewis (GA)
Livingston
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McEwen
McHugh
McKinney
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Morella
Morrison (WA)
Mrazek
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Penny
Pepper
Perkins
Pickett
Pickle
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Rinaldo
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stratton
Studds
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Watkins
Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron

NAYS—79

Archer
Armey
Ballenger
Bartlett
Barton
Boulter
Brown (CO)
Buechner
Bunning
Burton (IN)
Callahan
Cheney
Coble
Combest
Craig
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
Edwards (OK)
Fawell
Fields
Frenzel
Gekas
Gingrich
Goodling
Grandy
Gregg
Gunderson
Hastert
Hefley
Herger
Hiler
Hunter
Inhofe
Kolbe
Konnyu
Kyl
Latta
Lewis (CA)
Lott
Lukens, Donald
Lungren
Mack
Martin (IL)
McCollum
Michel
Moorhead
Myers
Nielson
Oxley
Packard
Pashayan
Petri
Rhodes
Ritter
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stump
Sundquist
Sweeney
Swindall
Upton
Vander Jagt
Walker
Weber
Young (FL)

NOT VOTING—59

Alexander
Annunzio
Badham
Baker
Beilenson
Bevill
Boner (TN)
Boxer
Brown (CA)
Burton (CA)
Clay
Clinger
Crane
DeFazio
Dornan (CA)
Dreier
Dymally
Eckart
Fish
Gephardt
Hansen
Hawkins
Ireland
Jenkins
Jones (TN)
Kemp
Lantos
Lehman (CA)
Lent
Levine (CA)
Lightfoot
Lipinski
Lowery (CA)
MacKay
Madigan
Marlenee
Martin (NY)
McCandless
McGrath
Miller (CA)
Morrison (CT)
Murphy
Parris
Pease
Porter
Price (IL)
Ridge
Rostenkowski
Roybal
Schaefer
Sharp
Smith (IA)
Stenholm
Stokes
Thomas (CA)
Towns
Vucanovich
Walgren
Young (AK)

□ 1720

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio and Mr. Miller of California for, with Mr. Crane against.

Mr. Levine of California and Mr. DeFazio for, with Mr. Lightfoot against.

Mr. **BUECHNER** changed his vote from "yea" to "nay."

Mr. **BLILEY** changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL CHALLENGER CENTER DAY

Mr. **GARCIA**. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 24) to designate January 28, 1987, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The **SPEAKER** pro tempore (Mr. BONIOR of Michigan). Is there objection to the request of the gentleman from New York?

Mr. **MYERS** of Indiana. Mr. Speaker, reserving the right to object, I certainly do not intend to, I rise in support of Senate Joint Resolution 24 designating January 28, 1987 as "National Challenger Center Day."

Mr. Speaker, the Challenger Center for Space Science Education is a product born on that tragic day last year at the request of the families of the crew. The Center is designed to stimulate and enhance young people's knowledge and participation in science, particularly in space science.

Mr. Speaker, I feel the Challenger Center will be a living memorial to the *Challenger* crew which will express their ideals and goals to not only our Nation's youth today, but for generations to come.

The Challenger Center is a fitting tribute not only to the *Challenger* astronauts but to the spirit that makes this country great. I urge my colleagues to join me in supporting this memorial for the seven brave Americans who gave up their lives to promote our future endeavors in space.

Mr. Speaker, it certainly is most appropriate that the United States recognizes the bravery and the service and the tragic loss of the astronauts a year ago tomorrow by designating tomorrow as "National Challenger Center Day."

Mr. Speaker, at this time I would like to yield to the gentleman from Florida [Mr. Nelson], who rode the last successful mission that this Nation had and who can speak firsthand of the experience.

Mr. NELSON of Florida. I thank the gentleman for yielding to me.

Mr. Speaker, I had the privilege of training with the seven-member crew from *Challenger* and getting to know them as personal friends. Having had long consultations with their representatives and members of their families I can say this is important to them. It is important that there be a living memory of those seven who were aboard *Challenger* through the means of an educational opportunity for generations to come.

□ 1730

The families would like this to be called the Challenger Educational Center, and so I rise in joining my colleagues, the gentleman from Indiana and the gentleman from New York, and urge the passage of this resolution. It is timely and it is appropriate.

Mr. MYERS of Indiana. Mr. Speaker, I yield to the chairman, the gentleman from New York [Mr. Garcia].

Mr. GARCIA. Mr. Speaker, I would just like to join with my colleague, the gentleman from Florida [Mr. Nelson] and congratulate him as one of those who was on our last *Challenger* mission that this country has had. He was amongst those counted in that crew.

I think I would also like to take this opportunity and thank my colleague, the gentleman from Texas [Mr. Brooks] because it is the gentleman from Texas [Mr. Brooks] who brought this up on the floor of the House and sponsored on the other side by another astronaut, the Senator from Utah.

I would like at this point to ask my colleague, the gentleman from Indiana, if he would be kind enough to yield to our colleague, the gentleman from Texas, so that he may say a few words.

Mr. MYERS of Indiana. Mr. Speaker, I am pleased to yield to my former neighbor, the gentleman from Texas [Mr. Brooks].

Mr. BROOKS. Mr. Speaker, I thank my distinguished friend for his gracious help in getting this legislation passed, to both gentlemen.

Mr. Speaker, I would like to express my heartfelt appreciation to my distinguished colleagues, Robert Garcia, the chairman of the Census and Population Subcommittee and the minority member, John Myers, who have agreed to ask for unanimous consent to pass this legislation.

Passage of the measure will certainly encourage and hearten the survivors of the *Challenger* crew. In addition, by acting on the resolution, this House will recognize the efforts of these families to establish a National Challenger Center to encourage educational opportunities for all Americans in the fields of space research and science.

Passage of this resolution, Mr. Speaker will serve not only as a memorial to the brave men and women lost in the *Challenger* accident but will also help in the creation of a lasting, working tribute to their ideals and sacrifices. I encourage my colleagues to support the resolution.

Mr. MYERS of Indiana. Certainly the gentlemen who have spoken were great supporters of the experiences and of the travel that we have had, the successful travel. We all certainly join in our sympathy to the families who tragically lost loved ones last year; but it is most appropriate for this House to take the time to designate this Center in memory of those courageous brave Americans who rode the *Challenger.*

Mr. Speaker, I yield to the gentleman from Texas [Mr. Andrews].

Mr. ANDREWS. Mr. Speaker, what is important about the Challenger Center is education. The goal of the *Challenger* families is to create educational centers all around the country so that young children of the next generation as they learn about space, as they learn about all the issues that confront us in the 1990's, will be better prepared to address the issues of the next century.

Mr. Speaker, this is a very, very important resolution. I urge all our colleagues to join in support of it. As we rededicate ourselves to moving ahead in space, there is no better thing to do in fundamental education and that is what this issue is all about this afternoon.

Mr. MYERS of Indiana. Mr. Speaker, I thank all who have contributed this afternoon.

A few weeks ago I was watching a program and they were inquiring of young people, particularly about what they expected in space. All of them had inquisitive minds. They were asking what space was like from the astronauts who had flown. None of them expressed any fear for the future.

This Center will serve not only as an educating vehicle, but hopefully will solve some of the mysteries that we all know exist in space.

Mr. Speaker, I particularly thank our colleague, the gentleman from Florida, who has firsthand experience and certainly knew the crew, as well as the experience of traveling in space that most of us will never experience.

Mr. MYERS of Indiana. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 24

Whereas the crew of the space shuttle Challenger was dedicated to stimulating the interest of American children in space flight and science generally, and in scientific and technological research and advancement;

Whereas the members of the Challenger crew gave their lives trying to benefit the education of American children;

Whereas a fitting tribute to that effort and to the sacrifice of the Challenger crew and their families is needed;

Whereas an appropriate form for such a tribute would be to expand educational opportunities in science by the creation of a center that will offer children and teachers activities and information derived from American space research; and

Whereas the Challenger Center is the only institution expressly established by the immediate families of the crew of the Challenger for the above-named purposes, and is intended to be the living expression of the nation's commemoration of the Challenger crew: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, January 28, 1987, is designated as "National Challenger Center Day" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day—

(1) by resolving that in the course of their regular activities the people of the United States will remember both the Challenger astronauts who died while serving their country, and the importance of the Challenger Center in honoring the accomplishments of the Challenger crew by continuing their goal of the expansion of interest and ability in space and science education; and

(2) with other appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT AS A MEMBER OF THE BOARD OF TRUSTEES TO THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Mr. FOLEY. Mr. Speaker, I rise to announce that pursuant to section 1404 of Public Law 99-661, I have today appointed the gentleman from Mississippi, Mr. Montgomery, as a member of the Board of Trustees to the Barry Goldwater Scholarship and Excellence in Education Foundation.

APPOINTMENT AS A MEMBER OF THE BOARD OF TRUSTEES TO THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Mr. MICHEL. Mr. Speaker, following up on the comments of the distinguished majority leader, pursuant to section 1404 of Public Law 99-661, I have today appointed the gentleman from New York, Mr. Martin, as a member of the Board of Trustees to the Barry Goldwater Scholarship and Excellence in Education Foundation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Thomas of California (at the request of Mr. Michel), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. Bentley) to revise and extend their remarks and include extraneous material:)

Mrs. Bentley, for 60 minutes, on February 3.

Mrs. Bentley, for 60 minutes, on February 4.

Mrs. Bentley, for 60 minutes, on February 10.

Mrs. Bentley, for 60 minutes, on February 11.

Mrs. Bentley, for 5 minutes, on January 28.

Mr. Jeffords, for 15 minutes, on January 28.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Schumer, for 5 minutes, today.

Mr. Conyers, for 30 minutes, today.

Mr. Coyne, for 5 minutes, on January 29.

Mr. Stratton, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. Bentley) and to include extraneous matter:)

Mr. Hopkins.
Mr. Broomfield.
Mr. Lagomarsino.
Mr. Tauke.
Mr. Gilman.
Mr. Dannemeyer.
Mr. Goodling.
Mr. Duncan in two instances.
Mr. Lewis of California.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Torricelli.
Mr. Fascell in two instances.
Mr. Dymally in two instances.
Mr. Lantos.
Mr. Fazio.
Mr. Lowry of Washington.
Mr. Florio.
Mr. Conyers.
Mr. Coleman of Texas.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 1987, the Chair declares the House in recess until approximately 8:40 p.m.

Accordingly (at 5 o'clock and 36 minutes p.m.) the House stood in recess until 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 42 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 1 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Washington, Mr. Foley;

The gentleman from California, Mr. Coelho;

The gentleman from Missouri, Mr. Gephardt;

The gentleman from Michigan, Mr. Bonior;

The gentleman from California, Mr. Edwards;

The gentlewoman from Ohio, Ms. Oakar;

The gentleman from Illinois, Mr. Michel;

The gentleman from Mississippi, Mr. Lott;

The gentleman from California, Mr. Moorhead;

The gentleman from California, Mr. Lagomarsino; and

The gentleman from Wyoming, Mr. Cheney.

The VICE PRESIDENT. The President of the Senate at the direction of that body appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from West Virginia, Mr. Byrd;

The Senator from California, Mr. Cranston;

The Senator from Rhode Island, Mr. Pell;

The Senator from Florida, Mr. Chiles;

The Senator from Maryland, Ms. Mikulski;

The Senator from Hawaii, Mr. Matsunaga;

The Senator from Kansas, Mr. Dole;

The Senator from Wyoming, Mr. Simpson;

The Senator from South Carolina, Mr. Thurmond;

The Senator from Rhode Island, Mr. Chafee;

The Senator from Mississippi, Mr. Cochran;

The Senator from Colorado, Mr. Armstrong;

The Senator from Minnesota, Mr. Boschwitz; and

The Senator from Oregon, Mr. Hatfield.

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 2 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-1)

The PRESIDENT. Mr. Speaker, Mr. President, distinguished Members of Congress, honored guests, and fellow citizens.

May I congratulate all of you who are Members of this historic 100th Congress of the United States of America. In this 200th anniversary year of our Constitution, you and I stand on the shoulders of giants—men whose words and deeds put wind in the sails of freedom.

However, we must always remember that our Constitution is to be celebrated not for being old, but for being young—young with the same energy, spirit, and promise that filled each eventful day in Philadelphia's State House. We will be guided tonight by their acts; we will be guided forever by their words.

Now, forgive me, but I can't resist sharing a story from those historic days. Philadelphia was bursting with civic pride in the spring of 1787, and its newspapers began embellishing the arrival of the Convention delegates with elaborate social classifications.

Governors of States were called "Excellency." Justices and Chancellors had reserved for them "Honorable" with a capital "H." For Congressmen, it was "honorable" with a small "h." All others were referred to as "the following respectable characters."

Well, for this 100th Congress, I invoke special Executive powers to declare that each of you must never be titled less than Honorable with a capital "H."

Incidentally, I am delighted we are celebrating the 100th birthday of the Congress. It is always a pleasure to congratulate someone with more birthdays than I have had.

Now, there's a new face at this place to honor tonight. Please join me in warm congratulations to Speaker of the House Jim Wright. Mr. Speaker, you might recall a similar situation in your very first session of Congress, 32 years ago. Then, as now, the Speakership had changed hands, and another great son of Texas, Sam Rayburn—"Mr. Sam"—sat in your chair. I cannot find better words than those used by President Eisenhower that evening: "We still have much to do together; I am sure that we will get it done—and, that we shall do it in harmony and good will."

Tonight, I renew that pledge. To you, Mr. Speaker, and to Senate Majority Leader Robert Byrd who brings 34 years of distinguished service to the Congress, may I say: Though there are changes in this Congress, America's interest remain the same. I am confident that, along with Republican leaders Bob Michel and Bob Dole, this Congress can make history.

Six years ago, I was here to ask the Congress to join me in America's New Beginning.

The results are something of which we can all be proud. Our inflation rate is now the lowest in a quarter of a century. The prime interest rate has fallen from the 21½ percent the month before we took office to 7½ percent today, and those rates have triggered the most housing starts in 8 years.

The unemployment rate—still too high—is the lowest in nearly 7 years, and our people have created nearly 13 million new jobs. Over 61 percent of everyone over the age of 16, male and female, is employed—the highest percentage on record.

Let's roll up our sleeves, go to work, and put America's economic engine at full throttle.

We can also be heartened by our progress across the world. Most important, America is at peace tonight, and freedom is on the march. We have done much these past years to restore our defenses, our alliances, and our leadership in the world. Our sons and daughters in the services once again wear their uniforms with pride.

But though we have made much progress, I have one major regret. I took a risk with regard to our action in Iran. It did not work, and for that I assume full responsibility.

The goals were worthy. I do not believe it was wrong to try to establish contacts with a country of strategic importance or to try to save lives. And certainly it was not wrong to try to secure freedom for our citizens held in barbaric captivity. But we did not achieve what we wished, and serious mistakes were made in trying to do so. We will get to the bottom of this, and I will take whatever action is called for.

But in debating the past, we must not deny ourselves the successes of the future. Let it never be said of this generation of Americans that we became so obsessed with failure that we refused to take risks that could further the cause of peace and freedom in the world.

Much is at stake here, and the Nation and the world are watching—to see if we go forward together in the national interest, or if we let partisanship weaken us.

And let there be no mistake about American policy: We will not sit idly by if our interests or our friends in the Middle East are threatened, nor will we yield to terrorist blackmail.

Now, ladies and gentlemen of the Congress, why don't we get to work?

I am pleased to report that, because of our efforts to rebuild the strength of America, the world is a safer place. Earlier this month, I submitted a budget to defend America and maintain our momentum to make up for neglect in the last decade. I ask you to vote out a defense and foreign affairs budget that says "yes" to protecting our country.

While the world is safer, it is not safe.

Since 1970, the Soviets have invested $500 billion more on their military forces than we have. Even today, though nearly one in three Soviet families is without running hot water, and the average family spends 2 hours a day shopping for the basic necessities of life, their government still found the resources to transfer $75 billion in weapons to client states in the past 5 years—clients like Syria, Vietnam, Cuba, Libya, Angola, Ethiopia, Afghanistan, and Nicaragua.

With 120,000 Soviet combat and military personnel and 15,000 military advisers in Asia, and Latin America, can anyone still doubt their single-minded determination to expand their power? Despite this, the Congress cut my request for critical U.S. security assistance to free nations by 21 percent this year, and cut defense requests by $85 billion in the last 3 years. These assistance programs serve our national interest as well as mutual interests, and when the programs are devastated, American interests are harmed. My friends, it is my duty as President to say to you again tonight that there is no surer way to lose freedom than to lose our resolve.

Today, the brave people of Afghanistan are showing that resolve. The Soviet Union says it wants a peaceful settlement in Afghanistan, yet it continues a brutal war and props up a regime whose days are clearly numbered. We are ready to support a political solution that guarantees the rapid withdrawal of all Soviet troops and genuine self-determination for the Afghan people.

In Central America, too, the cause of freedom is being tested. And our resolve is being tested there as well. Here, especially, the world is watching to see how this Nation responds.

Today, over 90 percent of the people of Latin America live in democracy. Democracy is on the march in Central and South America. Communist Nicaragua is the odd man out—suppressing the Church, the press, and democratic dissent and promoting subversion in the region. We support diplomatic efforts, but these efforts can never succeed if the Sandinistas win their war against the Nicaraguan people.

Our commitment to a Western Hemisphere safe from aggression did not occur by spontaneous generation on the day we took office. It began with the Monroe Doctrine in 1823 and continues our historic bipartisan American policy. Franklin Roosevelt said we "* * * are determined to do everything possible to maintain peace on this hemisphere." President Truman was very blunt. "International communism, * * * seeks to crush and undermine and * * * destroy the independence of the Americas, * * * We cannot let that happen here."

And John F. Kennedy made clear that "* * * Communist domination in this hemisphere can never be negotiated."

Some in this Congress may choose to depart from this historic commitment, but I will not.

This year, we celebrate the second century of our Constitution. The Sandinistas just signed theirs 2 weeks ago—and then suspended it. We won't know how my words tonight will be reported there, for one simple reason: There is no free press in Nicaragua.

Nicaraguan freedom fighters have never asked us to wage their battle, but I will fight any effort to shut off their lifeblood and consign them to death, defeat, or a life without freedom. There must be no Soviet beachhead in Central America.

We Americans have always preferred dialog to conflict, and so we always remain open to more constructive relations with the Soviet Union. But more responsible Soviet conduct around the world is a key element of the U.S.-Soviet agenda. Progress is also required on the other items of our agenda as well—real respect for human rights, and more open contacts between our societies, and, of course, arms reduction.

In Iceland last October, we had one moment of opportunity that the Soviets dashed because they sought to cripple our strategic defense initiative—SDI I wouldn't let them do it then. I won't let them do it now or in the future. This is the most positive and promising defense program we have undertaken. It's the path—for both sides—to a safer future, a system that defends human life instead of threatening it. SDI will go forward.

The United States has made serious, fair, and far-reaching proposals to the Soviet Union, and this is a moment of rare opportunity for arms reduction. But I will need, and American negotiators in Geneva will need Congress' support. Enacting the Soviet negotiating position into American law would not be the way to win a good agreement. So I must tell this Congress I will veto any effort that undercuts our national security and our negotiating leverage.

Today, we also find ourselves engaged in expanding peaceful commerce across the world. We will work to expand our opportunities in international markets through the Uruguay round of trade negotiations and to complete a historic free trade arrangement between the world's two largest trading partners—Canada and the United States.

Our basic trade policy remains the same: We remain opposed as ever to protectionism because America's growth and future depend on trade. But we will insist on trade that is fair and free. We are always willing to be trade partners but never trade patsies.

Now from foreign borders, let us return to our own because America in the world is only as strong as America at home.

This 100th Congress has high responsibilities. I begin with a gentle reminder that many of these are simply the incomplete obligations of the past. The American people deserve to be impatient because we do not yet have the public house in order.

We've had great success in restoring our economic integrity, and we've rescued our Nation from the worst economic mess since the Depression.

But there's more to do. For starters, the Federal deficit is outrageous.

For years I've asked that we stop pushing onto our children the excesses of our Government. What the Congress finally needs to do is pass a constitutional amendment that mandates a balanced budget and forces Government to live within its means. States, cities, and the families of America balance their budgets. Why can't we?

Next—the budget process is a sorry spectacle. The missing of deadlines and the nightmare of monstrous continuing resolutions packing hundreds of billions of dollars of spending into one bill must be stopped.

We ask the Congress, once again: Give us the same tool that 43 Governors have—a line-item veto so we can carve out the boondoggles and pork and those items that would never survive on their own. I will send the Congress broad recommendations on the budget, but first I'd like to see yours. Let's go to work and get this done together.

Now, let's talk about this year's budget. Even though I have submitted it within the Gramm-Rudman-Hollings deficit reduction target, I've seen suggestions that we might postpone that timetable. Well, I think the American people are tired of hearing the same old excuses. Together, we made a commitment to balance the budget; now, let's keep it.

As for those suggestions that the answer is higher taxes, the American people have repeatedly rejected that shopworn advice. They know that we don't have deficits because people are taxed too little; we have deficits because big government spends too much.

Next month, I will place two additional reforms before the Congress.

We've created a welfare monster that is a shocking indictment of our sense of priorities. Our national welfare system consists of some 59 major programs and over 6,000 pages of Federal laws and regulations on which more than $132 billion was spent in 1985.

I will propose a new national welfare strategy—a program of welfare reform through State-sponsored, community-based demonstration projects. This is the time to reform this outmoded social dinosaur and finally break the poverty trap. We will never abandon those who, through no fault of their own, must have our help. But let us work to see how many can be freed from the dependency of welfare and made self-supporting which the great majority of welfare recipients want more than anything else.

Next, let us remove a financial specter facing our older Americans—the fear of an illness so expensive that it can result in having to make an intolerable choice between bankruptcy and death. I will submit legislation shortly to help free the elderly from the fear of catastrophic illness.

Now, let's turn to the future.

It is widely said that America is losing her competitive edge. Well, that won't happen if we act now. How well prepared are we to enter the 21st century? In my lifetime, America set the standard for the world. It is now time to determine that we should enter the next century having achieved a level of excellence unsurpassed in history.

We will achieve this: First, by guaranteeing that Government does everything possible to promote America's ability to compete. Second, we must act as individuals in a quest for excellence that will not be measured by new proposals or billions in new funding. Rather, it involves an expenditure of American spirit and just plain American grit.

The Congress will soon receive my comprehensive proposals to enhance our competitiveness—including new science and technology centers and strong new funding for basic research.

The bill will include legal and regulatory reforms and weapons to fight unfair trade practices. Competitiveness also means giving our farmers a shot at participating fairly and fully in a changing world market.

Preparing for the future must begin, as always, with our children.

We need to set for them new and more rigorous goals. We must demand more of ourselves and our children by raising literacy levels dramatically by the year 2000. Our children should master the basic concepts of math and science, and let's insist that students not leave high school until they have studied and understood the basic documents of our national heritage.

There's one more thing we can't let up on. Let's redouble our personal efforts to provide for every child a safe and drug-free learning environment. If the crusade against drugs succeeds with our children, we will defeat that scourge all over our country.

Finally, let's stop suppressing the spiritual core of our national being. Our Nation could not have been conceived without divine help. Why is it that we can build a Nation with our prayers but we can't use a schoolroom for voluntary prayer? The 100th Congress of the United States should be remembered as the one that ended the expulsion of God from America's classrooms.

The quest for excellence into the 21st century begins in the schoolroom but must go next to the workplace. More than 20 million new jobs will be created before the new century unfolds, and, by then, our economy should be able to provide a job for everyone who wants to work.

We must also enable our workers to adapt to the rapidly changing nature of the workplace, and I will propose substantial new Federal commitments keyed to retraining and job mobility.

Over the next few weeks, I will be sending the Congress a complete series of these special messages—on budget reform, welfare reform, competitiveness, including education, trade, worker training and assistance, agriculture, and other subjects.

The Congress can give us these tools, but to make these tools work, it really comes down to just being our best. That is the core of American greatness.

The responsibility of freedom presses us toward higher knowledge and, I believe, moral and spiritual greatness. Through lower taxes and smaller Government, Government has its ways of freeing people's spirit. But only we, each of us, can let the spirit soar against our own individual standards.

Excellence is what makes freedom ring. And isn't that what we do best?

We're entering our third century now, but it's wrong to judge our Nation by its years. The calendar can't measure America because we were meant to be an endless experiment in freedom—with no limit to our reaches, no boundaries to what we can do, no end point to our hopes.

The United States Constitution is the impassioned and inspired vehicle by which we travel through history. It grew out of the most fundamental inspiration of our existence: That we are here to serve Him by living free—that living free releases in us the noblest of impulses and the best of our abilities. That we would use these gifts for good and generous purposes and would secure them not just for ourselves, and for our children, but for all mankind.

Over the years—I won't count if you won't—nothing has been so heartwarming to me as speaking to America's young. And the little ones especially—so fresh-faced and so eager to know—well, from time to time, they'll ask about our Constitution.

I hope you Members of Congress will not deem this a breach of protocol if you'll permit me to share these thoughts again with the young people who might be listening or watching this evening.

I have read the constitutions of a number of countries—including the Soviet Union's. Some people are surprised to hear they have a constitution, and it even supposedly grants a number of freedoms to its people. Many countries have written into their constitutions provisions for freedom of speech and freedom of assembly. But if this is true, why is the Constitution of the United States so exceptional?

The difference is so small that it almost escapes you—but it's so great it tells you the whole story in just three words: We the people.

In those other constitutions, the government tells the people of those countries what they are allowed to do. In our Constitution, we the people tell the Government what it can do and that it can do only those things listed in that document and no others.

Virtually every other revolution in history has just exchanged one set of rulers for another. Our revolution is the first to say the people are the masters, and Government is their servant.

And you young people out there, don't ever forget that. Some day, you could be in this room—but wherever you are, America is depending on you to reach your highest and be your best—because here, in America, we the people are in charge.

Just three words. Some words.

We the people.

Those are the kids on Christmas day looking out from a frozen sentry post on the 38th Parallel in Korea or aboard an aircraft carrier in the Mediterranean. A million miles from home. But doing their duty.

We the people.

Those are the warm-hearted whose numbers we can't begin to count who'll begin the day with a little prayer for hostages they will never know and MIA families they will never meet. Why? Because that's the way we are, this unique breed we call Americans.

We the people.

They're farmers on tough times, but who never stop feeding a hungry world. They're the volunteers at the hospital choking back their tears for the hundredth time caring for a baby struggling for life because of a mother who used drugs. And you'll forgive me a special memory—it's a million mothers like Nelle Reagan who never knew a stranger or turned a hungry person away from her kitchen door.

We the people.

They refute last week's television commentary downgrading our optimism and idealism. They are the entrepreneurs, the builders, the pioneers, and a lot of regular folks—the true heroes of our land who make up the most uncommon Nation of doers in history. You know they're Americans because their spirit is as big as the universe, and their hearts are bigger than their spirit.

We the people.

Starting the third century of a dream and standing up to some cynic who's trying to tell us we're not going to get any better.

Are we at the end? Well, I can't tell it any better than the real thing—a story recorded by James Madison from the final moments of the Constitutional Convention—September 17, 1787. As the last few members signed the document, Benjamin Franklin—the oldest delegate at 81 years, and in frail health—looked over toward the chair where George Washington daily presided. At the back of the chair was painted the picture of a Sun on the horizon. Turning to those sitting next to him, Franklin observed that artists found it difficult in their painting to distinguish between a rising and setting Sun.

I know if we were there, we could see those delegates sitting around Franklin—leaning in to listen more closely to him. Then Dr. Franklin began to share his deepest hopes and fears about the outcome of their efforts, and this is what he said:

"I have often * * * looked at that (picture) behind the President without being able to tell whether it was rising or setting: But now at length I have the happiness to know that it is a rising and not a setting Sun."

You can bet it's rising, because—my fellow citizens—America isn't finished; her best days have just begun.

Thank you. God bless you. And God bless America.

[Applause, the Members rising.]

At 9 o'clock and 40 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER pro tempore. (Mr. FOLEY) the Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 9 o'clock and 47 minutes p.m., the joint session of the Houses was dissovled.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. MOAKLEY. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed with accompanying papers.

The motion was agreed to.

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 28, 1987, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

431. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer to Egypt for defense articles estimated to cost $50 million or more (Transmittal No. 87-10), pursuant to 10 U.S.C. 118 (96 Stat. 1288); to the Committee on Armed Services.

432. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer to Bahrain for defense articles estimated to cost $50 million or more (Transmittal No. 87-12), pursuant to 10 U.S.C. 118 (96 Stat. 1288); to the Committee on Armed Services.

433. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer to Korea for defense articles estimated to cost $50 million or more (Transmittal No. 87-13), pursuant to 10 U.S.C. 118 (96 Stat. 1288); to the Committee on Armed Services.

434. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize additional construction at certain military installations for fiscal year 1987, and for other purposes; to the Committee on Armed Services.

435. A letter from the Secretary of Education, transmitting a copy of Final Regulations—Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

436. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer to Korea for defense articles and services estimated to cost $65 million (Transmittal No. 87-13), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

437. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer to Bahrain for defense articles and services estimated to cost $400 million (Transmittal No. 87-12), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

438. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer to Egypt for defense articles and services estimated to cost $1.3 billion (Transmittal No. 87-10), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

439. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Richard Noyes Viets, of Florida, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Portugal, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

440. A letter from the General Counsel, Administrative Conference of the United States, transmitting a report of the agency's activities under the Freedom of Information Act during calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

441. A letter from the Director, ACTION, transmitting a report on the evaluation of the systems of internal accounting and administrative control in effect during the year ending September 30, 1986, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

442. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

443. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on the 15 positions (grades 16, 17, and 18) allocated by statute; to the Committee on Post Office and Civil Service.

444. A letter from the Secretary of State, transmitting a copy of the Department's certification that the Government of Bolivia has developed a narcotics control plan and is prepared to enter into an agreement with the United States to implement that plan; jointly, to the Committees on Foreign Affairs and Appropriations.

445. A letter from the Secretary of Energy, transmitting a copy of the annual determination of the viability of the domestic uranium mining and milling industries for calendar year 1985, pursuant to AEA, sec. 170B(a) (96 Stat. 2081); jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Colorado:

H.R. 741. A bill to amend the Internal Revenue Code of 1986 to increase from 70½ to 72½ the age at which an individual is required to begin receiving distributions from individual retirement accounts and annuities, and for other purposes; to the Committee on Ways and Means.

By Mr. CONYERS:

H.R. 742. A bill to clarify the effect of an amendment to rule 35 of the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.R. 743. A bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers; to the Committee on Ways and Means.

H.R. 744. A bill to amend the Internal Revenue Code of 1954 to exempt from tax gain the sale of an individual's principal residence; to the Committee on Ways and Means.

H.R. 745. A bill to amend the Internal Revenue Code of 1954 relating to group-term life insurance purchased for employees; to the Committee on Ways and Means.

H.R. 746. A bill to amend the Internal Revenue Code of 1954 to allow a business deduction for certain self-insurance reserves; to the Committee on Ways and Means.

H.R. 747. A bill to provide for deductibility of business expenses of attending conventions in Bermuda; to the Committee on Ways and Means.

H.R. 748. A bill to suspend for a 9-month period the duty of certain mixtures of cross-linked sodium polyacrylate polymers; to the Committee on Ways and Means.

H.R. 749. A bill to amend the Internal Revenue Code of 1954 to provide that the amount of the charitable deduction allowable for expenses incurred in the operation of a motor vehicle will be determined in the same manner Government employees determine reimbursement for use of their vehicles on Government business; to the Committee on Ways and Means.

By Mr. PANETTA:

H.R. 750. A bill to amend the Tariff Schedules of the United States to provide for rates of duty on imported roses consistent with those maintained by the European Economic Community on imports of roses from the United States and other nations; to the Committee on Ways and Means.

By Mr. FRENZEL:

H.R. 751. A bill to amend the Internal Revenue Code of 1954 relating to the tax-exempt interest on certain governmental obligations; to the Committee on Ways and Means.

H.R. 752. A bill to amend the Internal Revenue Code of 1954 to make certain changes in the tax treatment of private foundations; to the Committee on Ways and Means.

H.R. 753. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income certain expense reimbursement allowances received by State police officers; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 754. A bill to provide for greater accountability for all congressional travel, and for other purposes; to the Committee on House Administration.

H.R. 755. A bill to extend the authority of the Secretary of the Treasury to enter into agreements with certain cities and counties for the withholding of city and county income and employment taxes from the pay of Federal employees who are residents of, or regularly employed in, such cities and counties; to the Committee on Post Office and Civil Service.

H.R. 756. A bill to restrict the closing and downgrading of field offices of the Social Security Administration; to the Committee on Ways and Means.

By Mr. KANJORSKI (for himself and Mr. Kostmayer):

H.R. 757. A bill to recognize the organization known as Veterans of the Vietnam War, Inc.; to the Committee on the Judiciary.

By Mr. LEWIS of California (for himself and Mr. Fazio):

H.R. 758. A bill to establish a National Commission on Acquired Immune Deficiency Syndrome; to the Committee on Energy and Commerce.

By Mr. TAUKE (for himself, Mr. Lagomarsino, Mr. Synar, Mr. Glickman, Mrs. Vucanovich, Mr. Pursell, Mr. Evans, Mr. Ritter, Mr. Craig, Mr. Thomas of Georgia, Mr. Coats, Mr. Gilman, Mr. Roberts, Mrs. Martin of Illinois, Mrs. Johnson of Connecticut, Mr. Smith of New Jersey, Mr. Lightfoot, Mr. Nielson of Utah, Mr. Bilirakis, Mr. Dannemeyer, Mr. Miller of Washington, Mr. Stenholm, Ms. Snowe, Mr. Clinger, Mr. Rhodes, Mr. Kyl, Mr. Bereuter, and Mr. Daub):

H.R. 759. A bill to defer congressional pay adjustments until the first March 1 following the beginning of the Congress next following the Congress during which certain actions with respect to pay rates are taken, to provide that appropriations of funds for congressional pay be considered separately from appropriations for other purposes; to require a recorded vote in each House on such appropriations, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Rules.

By Mr. TORRICELLI:

H.R. 760. A bill to amend title XVIII of the Social Security Act to provide Medicare coverage of wigs and hairpieces for individuals with alopecia that resulted from treatment of malignant disease; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. TRAFICANT:

H.R. 761. A bill to amend title 11 of the United States Code to prevent the rejection of contracts, whether executory or not, that provide hospitalization and health benefits to current or former employees of the debtor; to the Committee on the Judiciary.

H.R. 762. A bill to amend chapter 44 (relating to firearms) of title 18, United States Code, to prohibit the sale or possession of the laser weapon, other than under governmental authority; to the Committee on the Judiciary.

By Mr. CHAPPELL:

H.R. 763. A bill to provide for the Mary McCleod Bethune Memorial Fine Arts Center to be established by the Bethune-Cookman College in Volusia County, FL; to the Committee on Education and Labor.

H.R. 764. A bill to authorize the Attorney General to exchange criminal record information with certain State and local agencies; to the Committee on the Judiciary.

H.R. 765. A bill to authorize the Secretary of the Interior to classify and inventory wetland resources, to measure wetlands degradation, to evaluate the environmental contribution of natural wetlands, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 766. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income certain amounts received by members of certain firefighting and rescue units; to the Committee on Ways and Means.

H.R. 767. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period which is presently a prerequisite of eligibility for disability insurance benefits or the disability freeze; to the Committee on Ways and Means.

H.R. 768. A bill to amend title II of the Social Security Act to provide that the waiting period for disability benefits shall not be applicable in the case of a disabled individual suffering from a terminal illness; to the Committee on Ways and Means.

H.R. 769. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has forty quarters of coverage, regardless of when such quarters were earned; to the Committee on Ways and Means.

H.R. 770. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 771. A bill to amend titles II and XVIII of the Social Security Act to eliminate the requirement that an individual must have been entitled to disability benefits for at least 24 months in order to qualify for Medicare on the basis of disability; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. COYNE:

H.R. 772. A bill to require community impact statements by certain corporations involved in mergers which will result in reducing the number of persons employed in any community by at least 100 individuals, and for other purposes; jointly, to the Committees on the Judiciary, and Ways and Means.

By Mr. FOGLIETTA (for himself, Mr. Coughlin, Mr. Kostmayer, Mr. Murphy, and Mr. Schulze):

H.R. 773. A bill to prohibit the Secretary of the Interior from the charging a fee for admission to National Historical Parks, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GUARINI:

H.R. 774. A bill to make certain unauthorized ticket resales an offense under title 18 of the United States Code; to the Committees on the Judiciary.

By Mr. HUCKABY (for himself, Mrs. Boggs, Mr. Livingston, Mr. Tauzin, Mr. Roemer, Mr. Hayes of Louisiana, Mr. Baker, and Mr. Holloway):

H.R. 775. A bill to provide for the establishment of the Poverty Point National Monument, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LELAND (for himself, Mr. Conte, Mr. Dorgan of North Dakota, Mr. Gilman, Mr. Fazio, Mr. Ackerman, Mr. Carr, Mr. Gray of Pennsylvania, Mr. Crockett, Mr. Dymally, Mr. Feighan, and Mrs. Schroeder):

H.R. 776. A bill to authorize assistance for humanitarian relief and recovery for the countries of southern Africa; to the Committee on Foreign Affairs.

By Mrs. LLOYD:

H.R. 777. A bill to amend the Congressional Budget Act of 1974 to provide for a 2-year budgeting cycle, to provide for separate and timely consideration each of authorizing legislation, budget resolutions, and appropriations, and for other purposes; jointly, to the Committees on Government Operations, and Rules.

By Mr. MRAZEK (for himself, Mr. Frost, Mr. Chapman, Mr. Lipinski, Mr. Smith of Florida, Mr. Edwards of California, Mr. Crockett, Mr. Jacobs, Mr. Florio, Mrs. Schroeder, Mr. Horton, Mr. Foglietta, Mr. Bates, Mr. Downey of New York, Mr. Rodino, Mr. Roe, Mr. Russo, Mr. Wilson, Mr. Tauzin, Mr. Feighan, Mr. Dornan of California, Mr. Bennett, Mr. Rangel, Mr. Schumer, Mr. Lantos, Mrs. Boxer, Mrs. Burton of California, Mr. Fish, Mr. Towns, Mr. Rahall, Mr. Dwyer of New Jersey, Mr. Hayes of Illinois, Mr. Donnelly, Mr. Borski, and Mr. Young of Florida):

H.R. 778. A bill to establish, with respect to any grant or research protocol of the National Institute of Health, a restriction that any person obtaining or using for any research purpose any animal acquired from any animal shelter shall not be eligible to receive any such grant or research protocol; to the Committee on Energy and Commerce.

By Mr. MRAZEK (for himself, Mr. Owens of New York, Mr. Lipinski, Mr. Atkins, Mr. Stark, Mr. Smith of Florida, Mr. Mineta, Mr. Sabo, Mr. Edwards of California, Mr. Crockett, Mr. Manton, Mr. Beilenson, Mr. Jacobs, Mr. Oberstar, Mr. Foglietta, Mrs. Collins, Mr. Yates, Mr. Downey of New York, Mr. Rodino, Mr. Horton, Mr. Lowry of Washington, Mr. Frank, Mr. Andrews, Mr. Roe, Mr. Torres, Mr. Levin of Michigan, Mr. Kastenmeier, Mr. Roybal, Mr. Lantos, Mr. Dixon, Mr. Fish, Mrs. Boxer, Mr. Waxman, Mr. Moakley, Mr. Howard, Mrs. Burton of California, Mr. Fauntroy, Mr. McKinney, Mr. Towns, Mr. Martinez, Mr. Green, Mr. Darden, Mr. Anderson, Mr. Jeffords, Miss Schneider, Mr. Dwyer of New Jersey, Mr. Hayes of Illinois, Mr. Donnelly, Mr. Kolter, and Mr. Boehlert):

H.R. 779. A bill to prohibit the importation into the United States of Australian kangaroos and products made therefrom; to the Committee on Merchant Marine and Fisheries.

By Mr. MRAZEK (for himself, Mr. Coleman of Texas, Mr. Akaka, Mr. Dowdy of Mississippi, Mr. Weiss, Ms. Kaptur, Mr. Lewis of Florida, Mr. Bryant, Mr. Dwyer of New Jersey, and Mr. Fazio):

H.R. 780. A bill to allow the Internal Revenue Code of 1986 to be applied and administered as if the 3-year basis recovery rule applicable to employees' annuities had not been repealed; to the Committee on Ways and Means.

By Mr. ORTIZ:

H.R. 781. A bill to designate the U.S. Post Office Building located at 809 Nueces Bay Boulevard in Corpus Christi, TX, as the "Dr. Hector Perez Garcia Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. WYDEN (for himself, Mr. Swift, Mr. LeLand, Mr. Bryant, Mr. Thomas A. Luken, Mr. Synar, Mr. Slattery, Mr. Scheuer, Mr. Waxman, Mr. Richardson, Mr. Sikorski, Mr. Cooper, Mr. Craig, Mr. Smith of New Jersey, Mr. Wise, Mr. Staggers, Mr. Bosco, Mr. Jontz, Mr. Traficant, Mr. Frank, Mr. Skelton, Mr. DeFazio, and Mr. Dorgan of North Dakota):

H.R. 782. A bill to amend the Communications Act of 1934 to prohibit access charges in excess of the current rate of subscriber line charges; to the Committee on Energy and Commerce.

By Mr. WYDEN (for himself, Mr. Miller of Washington, Mr. Swift, Mr. DeFazio, Mr. Thomas A. Luken, and Mr. Synar):

H.R. 783. A bill to require the Secretary of Energy to ensure the compliance of certain operations of the Department of Energy with Federal environmental standards, and for other purposes; jointly, to the Committees on Energy and Commerce, and Interior and Insular Affairs.

By Mr. COLEMAN of Texas:

H.J. Res. 105. Joint resolution disapproving the salary increases recommended by the President for certain executive, legislative, and judicial positions; to the Committee on Post Office and Civil Service.

By Mr. DYMALLY (for himself, Mr. Owens of New York, Mr. Fauntroy, Mr. Espy, Mr. Rangel, Mr. Rodino, Mr. Rahall, Mrs. Collins, Mr. Hayes of Illinois, Mr. Towns, and Mr. Frank):

H.J. Res. 106. Joint resolution to designate June 19, 1987, as "American Gospel Arts Day"; to the Committee on Post Office and Civil Service.

By Mr. ENGLISH:

H.J. Res. 107. Joint resolution disapproving the salary increases recommended by the President for certain executive, legislative, and judicial positions; to the Committee on Post Office and Civil Service.

By Mr. HUTTO:

H.J. Res. 108. Joint resolution designating May 17, 1987, through May 23, 1987, as "Just Say No to Drugs Week"; to the Committee on Post Office and Civil Service.

By Mr. LUJAN (for himself, Mr. Richardson, and Mr. Skeen):

H.J. Res. 109. Joint resolution designating 1987 as "New Mexico's Diamond Jubilee Year"; to the Committee on Post Office and Civil Service.

By Mr. RIDGE (for himself, Mr. Montgomery, and Mr. Solomon):

H.J. Res. 110. Joint resolution to express the disapproval of the Congress with respect to the proposed rescission of budget authority for Veterans' Administration medical care; to the Committee on Appropriations.

By Mr. BIAGGI (for himself and Mr. Pepper):

H.J. Res. 111. Joint resolution to designate the week beginning May 17, 1987, as "National Parkinson's Disease Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. LEACH of Iowa (for himself and Mr. Yatron):

H.J. Res. 112. Joint resolution to establish a U.S. Commission on Improving the Effectiveness of the United Nations; to the Committee on Foreign Affairs.

By Mr. McGRATH (for himself, Mr. Flippo, Mr. Murphy, Mr. Lagomarsino, Mr. Mack, Mr. Jones of North Carolina, Mr. Hatcher, Mr. Dyson, Mr. Livingston, Mr. Espy, Mr. Hutto, Mr. Wortley, Mr. Jenkins, Mr. Mrazek, Mr. Gregg, Mr. Coble, Mr. Buechner, Mr. Weber, and Mr. Towns):

H.J. Res. 113. Joint resolution to provide for the issuance of a commemorative postage stamp to honor the crew of the space shuttle *Challenger;* to the Committee on Post Office and Civil Service.

By Mr. RIDGE (for himself, Mr. Montgomery, and Mr. Solomon)

H. Con. Res. 32. Concurrent resolution reaffirming the sense of Congress that the 1-percent fee charged by the Veterans' Administration to veterans obtaining a home loan guaranteed by the Veterans' Administration should not be increased; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. Dixon, Mr. Boucher, Mr. Clay, Mr. Dorgan of North Dakota, Mr. Florio, Mr. Howard, Mr. Kolter, Mr. Kostmayer, Mr. Leland, Mr. Martinez, Mr. Sabo, Mr. Smith of Florida, Mr. Solarz, Mr. Waxman, Mr. Dwyer of New Jersey, Mrs. Boxer, Ms. Kaptur, Mr. Frost, Mr. Borski, Mr. LaFalce, Mr. Skaggs, Mr. Visclosky, Mr. Anderson, Mr. Owens of New York, Mr. Wolpe, Mr. Evans, and Mr. DeFazio.

H.R. 162: Mr. Gonzalez, Mr. Mfume, Mr. Murtha, Mr. Dwyer of New Jersey, Mr. Sikorski, Mr. DeFazio, Mr. Borski, Mr. Evans, Mr. Atkins, Mr. Gray of Illinois, and Mr. Wheat.

H.R. 316: Mr. Tallon, Mr. Evans, Mr. Owens of Utah, and Mr. Frost.

H.R. 348: Mr. Penny.

H.R. 349: Mr. Gonzalez, Mr. Sikorski, and Mr. Schumer.

H.R. 371: Mr. Lantos, Mrs. Burton of California, Mr. Bates, Mrs. Boxer, Mr. Dellums, Mr. Stark, Mr. Edwards of California, Mr. Berman, Mr. Hawkins, Mr. Dymally, Mr. Brown of California, and Mr. Beilenson.

H.R. 374: Mr. DeLay, Mr. Lowry of Washington, Mr. Sundquist, and Mr. Gonzalez.

H.R. 376: Mr. de Lugo.

H.R. 378: Mr. Schumer, Mr. Evans, Mr. Chandler, and Mr. Dwyer of New Jersey.

H.R. 385: Mr. Owens of New York, Mr. Hughes, and Mr. Martinez.

H.R. 386: Mr. Owens of New York, Mrs. Byron, Mr. Howard, Mr. Downey of New York, and Mr. Martinez.

H.R. 387: Mr. Fish, Ms. Snowe, Mrs. Burton of California, Mr. Rodino, and Mr. Hayes of Illinois.

H.R. 388: Mr. Lewis of Florida, Mr. Dwyer of New Jersey, Mrs. Bentley, Mr. de la Garza, Mr. Nowak, Mr. Chappell, Mr. Armey, Mr. Matsui, Mr. Owens of New York, Mr. Manton, Mrs. Morella, Mr. Hall of Ohio, Mr. Volkmer, Mr. Hertel, Mr. Boucher, Mr. Sensenbrenner, Mr. Young of Florida, Mr. Flippo, Mr. Gibbons, Mr. Hughes, Mr. Williams, Mr. Kanjorski, Mr. Biaggi, and Mr. Hatcher.

H.R. 459: Mr. Matsui, Mr. Rahall, Mr. Towns, Mr. Murphy, and Mr. Roe.

H.R. 468: Mr. Lewis of Florida.

H.R. 469: Mr. Daub, Mr. Clinger, Mr. Lewis of Florida, and Mr. Saxton.

H.R. 514: Mr. Johnson of South Dakota, Mrs. Boxer, Mr. Torres, Mr. Schumer, Mr. Frost, Mr. Lehman of California, Mrs. Byron, Mr. Young of Florida, and Mr. Towns.

H.R. 515: Mr. St Germain, Mr. Garcia, Mr. Morrison of Connecticut, Mrs. Burton of California, Mr. Donnelly, Mr. Nelson of Florida, Ms. Kaptur, Mr. Scheuer, Mr. Owens of New York, Mr. Fuster, Mr. Lehman of California, Mr. Kleczka, Mr. Brown of California, and Mr. McKinney.

H.R. 543: Ms. Kaptur, Mrs. Byron, Mr. Frost, Mr. Towns, Mr. Gray of Illinois, Mr. Rangel, and Mrs. Bentley.

H.R. 603: Mr. Bruce, Mr. Armey, Mr. Kolbe, and Mr. Boehlert.

H.R. 627: Mr. Rahall, Mr. Towns, and Mr. Murphy.

H.J. Res. 53: Mrs. Burton of California, Mr. Leland, Mr. Fuster, Mr. Dymally, Mr. Kastenmeier, Mr. Chappell, Mr. Howard, Mr. Fauntroy, Mr. Sisisky, Mr. Crockett, Mr. Flippo, Mr. Solarz, Mr. Bryant, Mr. Pickett, Mr. Boner of Tennessee, Mrs. Collins, Mr. Hoyer, Mrs. Bentley, Mrs. Byron, Mr. Coelho, Mr. Olin, Mr. Young of Alaska, Mr. Dowdy of Mississippi, Mr. Martinez, Mr. Wilson, Mr. Thomas Luken, Mr. Florio, Mr. Chapman, Mr. Ackerman, Mr. Hatcher, Mr. Bateman, Mr. Tallon, and Mr. Levin of Michigan.

H.J. Res. 89: Mr. Archer, Mr. Baker, Mr. Bilbray, Mr. Bliley, Mr. Boner of Tennessee, Mr. Boucher, Mrs. Boxer, Mr. Bryant, Mr. Bustamante, Mr. Cardin, Mr. Chapman, Mr. Coleman of Texas, Mrs. Collins, Mr. Dyson, Mr. English, Mr. Erdreich, Mr. Fazio, Mr. Fields, Mr. Flippo, Mr. Frank, Mr. Gallo, Mr. Gregg, Mr. Hall of Texas, Mr. Harris, Mr. Hatcher, Mr. Hefner, Mr. Henry, Mr. Horton, Mr. Hutto, Mr. Jones of North Carolina, Mr. Kemp, Mr. Lancaster, Mr. Levin of Michigan, Mr. Lewis of California, Mr. Lipinski, Mr. Livingston, Mr. Mack, Mr. Martinez, Mr. McDade, Mr. McGrath, Mr. Montgomery, Mr. Moorhead, Mr. Murphy, Mr. Natcher, Mr. Nelson of Florida, Ms. Oakar, Mr. Owens of New York, Mr. Owens of Utah, Mr. Pepper, Mr. Perkins, Mr. Pickett, Mr. Pickle, Mr. Price of North Carolina, Mr. Ravenel, Mr. Ritter, Mr. Rowland of Georgia, Mr. Skaggs, Mr. Smith of Florida, Mr. Tallon, Mr. Volkmer, Mr. Wylie, Mr. Mrazek, Mr. Rangel, Mr. Gray of Illinois, Mr. Borski, and Mr. Towns.

H.J. Res. 93: Mr. Downey of New York, Mr. Scheuer, Mr. Hochbrueckner, and Mr. McGrath.

H. Con. Res. 21: Ms. Oakar.

H. Res. 44: Mr. Fawell, Mrs. Johnson of Connecticut, Mr. Rogers, Mr. Hastert, Mr. Bilirakis, and Mr. Crane.

H. Res. 55: Mr. Lujan.

EXTENSIONS OF REMARKS

REPUBLIC OF CHINA MAKING STRONG EFFORTS TO CORRECT TRADE IMBALANCE WITH THE UNITED STATES

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. KLECZKA. Mr. Speaker, I recently had the opportunity to travel to Taiwan, the Republic of China, my second trip to that country, and my first as a Member of Congress. For my colleagues and others who are interested, I would like to share briefly my perspectives of what I saw and heard during this important and timely visit.

I was especially honored to meet with President Chiang Ching-Kuo, son of the revered late Generalissimo Chiang Kai-Shek whose birthday centennial was recently observed. President Chiang was in good health, good spirits, engaging and articulate in both domestic and international issues. This truly remarkable man spoke frankly, as I did, on the major issue of concern to both of our countries: our trade relations.

Indeed, the principal topic of my conversation with all of Taiwan's leading Government officials was the same: trade, trade, trade. From Prime Minister Yu Kuo-Hwa, to Foreign Affairs Minister Chu Fu-Sung and Vice Minister Ding Mou-Shih, to the Secretary General of the Chinese National Association of Industry and Commerce Mr. Tzu-Ping Wu, the subject of the trade imbalance between our countries and the possible remedies was the paramount focus.

My discussions with each of these distinguished individuals were frank, blunt, and to the point. There was a marked apprehensiveness about what the Congress intends to do this session in response to our worsening deficit with our trading partners, and particularly what effect congressional action will have on Taiwan's economy. Their apprehensions are easy to understand: The United States is Taiwan's largest export market, with nearly half—$14.8 billion—of Taiwan's total exports in 1985 coming to the United States.

I made clear to each that the U.S. Congress, and the people we represent, have run out of patience on this issue. I cited the damage that has been wrought on the U.S. economy as a result of our trade deficit: Thousands of lost jobs and lost productivity; closed factories and businesses; an a growing sense of frustration—even desperation—with a situation that seems resistant to resolution.

As my colleagues know, and as the Taiwanese officials were aware, I am skeptical to the wisdom and value of legislative trade remedies which are purely "protectionist." At some political cost, I voted against the textile bill—H.R. 1562 which passed the Congress in the last session, and subsequently voted to uphold the President's veto of that measure.

I cautioned these leaders, however, that the Congress could not be expected to continue this posture indefinitely. I expressed the fervent hope that our long-standing friendship, and our mutual desire to avoid economic confrontation and calamity, would enable us to forge a mutually acceptable solution to this volatile issue.

I encouraged and offered to assist in arranging Taiwan procurement missions to the United States, and especially to my district which has been hard hit by the adverse effects of our burgeoning trade deficit. I also recommended that Taiwan businesses make more aggressive use of joint ventures with American companies using United States facilities and United States labor.

There are, I believe, a number of different routes we can pursue that will ease the trade imbalance between us and our trading partners that stop short of slamming our doors to foreign imports. Indeed, the Government of Taiwan has in recent years taken positive steps to address some of the more egregious trade difficulties we experience. I was, for example, quite impressed with the progress Taiwan has made in protecting intellectual property rights and weeding out counterfeit products being exported from Taiwan to the United States

Still, we both have a ways to go. Although the perception of our trade problems and the most desirable methods for dealing with them differ, I found myself in agreement with one suggestion I heard from my friends in Taiwan: The need for a more visible U.S. sales presence in that country.

I met and spoke with several American businessmen during my stay, but I found to my disappointment that every one of them was a buyer of products manufactured in that country. Not a one was a United States manufacturer trying to sell his United States-made products in Taiwan. Meanwhile, I heard repeatedly from Taiwan officials that Taiwan wants to buy United States products and that United States-made merchandise is respected for its quality, but that United States businessmen seem to have "written off" the Taiwan market, except for agricultural products, beer, wine, tobacco, and fast food.

The jury on the receptiveness of the Taiwan market for United States-made products is still out, but I agree completely that our businesses ought to take the Taiwanese up on their stated interest in our products. We need a concerted and vigorously maintained sales posture in that country. Without it, we will never know whether Taiwan's consuming public is really interested in what we have to sell.

It is my hope, my colleagues, that we fashion a resolution to this problem which is fair, and which ensures that we and the Taiwan Government exhaust all of the positive, nonpunitive options available to us. Free trade is preferable to protectionism, whether the market is Taipei or Toledo; but free trade is also a two-way street. We have some work to do, and so do the Taiwanese. As I indicated to the Government representatives, our mutual friendship and interdependence should give us both the wisdom to act in the mutual best interest of the people we represent.

For a different and well-reasoned perspective on this issue, and in the interest of promoting a better understanding of its complexity, I commend to my colleagues the following article written by Dr. Nathan Mao, a consultant to the coordinating council for North American Affairs for the Republic of China, who accompanied me on this trip. Dr. Mao is known to many Members of this body, and in the Senate, as a respected and articulate spokesman for the ROC before the Congress.

Dr. Mao's article follows:

REPUBLIC OF CHINA MAKING STRONG EFFORTS TO CORRECT TRADE IMBALANCE WITH THE UNITED STATES

(By Nathan Mao, Ph.D.)

"As much as we talk about U.S. trade deficit with Taiwan, it's hard to find U.S. salesmen in Taiwan," a Taiwanese businessman commented to a visiting U.S. Congressman at a luncheon sponsored by Taiwan's National Association of Industry and Commerce last week.

The comment brought to mind the presence of dozens of U.S. buyers in downtown Taipei hotels. They are coming in droves to Taipei with open orders to buy millions of dollars of Taiwan-made shoes, plastics, textile products and small home appliances for their sales outlets in the U.S., thus contributing to a US$1 billion a month U.S. trade deficit with Taiwan.

Such a whopping trade gap between the U.S. and Taiwan worries Taiwan officials. One official spoke of ROC's concerted efforts to close the trade gap with the U.S.: tariff negotiations with the U.S., sponsorship of U.S. products exhibits and trade seminars, elimination of commercial counterfeiting and protection of intellectual property rights.

More specifically, the official noted ROC's purchase of 18.15 metric tons of U.S. agricultural products valued at US$2.8 billion over the next five years, the dispatch of special procurement teams to the U.S., the purchase of Alaskan oil, the dropping of import visa requirements for 3,046 textile, electrical, metal and other products, many of which are duty free, the imposition of quotas for ROC-made steel exports to the U.S., and the opening of ROC's market to American wine and tobacco products. In fact, Taiwan's other trading partners have openly accused the ROC of showing favoritism towards the U.S.

As much as Taiwan has done for the United States, it is, however, unlikely that the U.S. will enjoy a trade surplus with Taiwan in the near future. The reason is simple. Dr. Fredrick Chien, the top ROC envoy in Washington, explains it this way: "The trade imbalance is due primarily to the disparity in the size of our markets—ours a nation of 19 million people, yours of 240 million. . . Simply stated, it is natural that a highly productive 19 million people

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

would be able to sell more in a market of 240 million. . ."

This does not mean that the U.S. can't increase its exports to Taiwan. In fact, trade figures show that in 1976, U.S. exports to Taiwan were US$1.6 billion and in 1985 U.S. exports increased to US$5 billion, making Taiwan one of the fastest growing export markets for the United States.

Even greater exports to Taiwan are possible. At present each of the 19 million Taiwanese spends on the average 5.25 cents out of every dollar to buy U.S. goods. While he spends US$157.89 a year on U.S. goods, his U.S. counterpart spends 0.5 percent out of every dollar to buy Taiwan products, averaging US$54.17 on Taiwanese products annually.

Taiwanese preference for U.S. goods and services is even documented in their warm reception given to McDonalds, Pizza Hut and Baskin Robins, which now dot Taipei cityscape. One consumer survey indicated that a majority of the local people prefer U.S. consumer goods, including big ticket items such as autos, wash machines and television sets.

Why then are the U.S. sales lagging? Part of the answer is that U.S. manufacturers have yet to take the Taiwan market seriously. So far few U.S. companies have done any market surveys on selling products and services to Taiwan, protecting patents, finding buyers and distributors, the purchasing habits of Taiwan consumers and the general market conditions.

Until such studies have been completed and efforts made to capture the Taiwan market, U.S. manufacturers will lag behind their Japanese counterparts who now dominate the Taiwan market.

"Our local market is yours to take," a Taiwanese banker told the Congressman during lunch. "Your dollar is low and your goods and services are very competitive against the Japanese. Send us your sales people. Sell us your goods."

"Don't punish us for hard work," a Taiwanese manufacturer pleaded with the U.S. legislator. "Protectionist legislation will bring about a worldwide recession and even depression. The NT dollar has already appreciated 11 percent against the U.S. dollar in the last twelve months. Any further appreciation of the NT dollar will make us unable to compete with South Korea, Hong Kong and Singapore."

Indeed, any additional pressure from the U.S. to force the NT dollar upward will ruin many of the 40,000 small Taiwanese manufacturers who represent 98 percent of all companies and produce up to 65 percent of exports to the U.S. Their bankruptcy will cripple Taiwan's prosperity.

On the other hand, if they are allowed to compete fairly and freely with South Korea, Hong Kong and Singapore, they will survive and thus guarantee a ready and steady market for U.S. goods and services now and in the future.

"There's no question that the ROC is sincere in wanting to solve the trade crisis with the U.S.," the Congressman was told at the luncheon.

The Congressman was also told that although the upcoming Sino-American trade negotiations in 1987 on the opening of the Taiwan insurance market, the further lowering of tariffs, the importation of American animal intestines and other agricultural products as well as the easing of restrictions on American banks' operations in Taiwan will be difficult for both Taiwan and U.S. negotiators, solutions must be and will be found to satisfy both countries.

Envoy Fredrick Chien sums it well: "We will continue to demonstrate our willingness to be a responsible trade partner. We well understand the stakes involved and we place a high value on our close and friendly relationship with the U.S."

May 1987 prove to be a year of success for both the Republic of China and the United States!

THE ATTORNEY GENERAL AND THE MIRANDA RULE

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. DYMALLY. Mr. Speaker, Attorney General Edwin Meese has proposed that the Supreme Court overturn its ruling in the Miranda case, which established that criminal suspects must be advised of certain constitutional rights upon arrest or before interrogation in policy custody. Lawyers and nonlawyers alike know this requirement as the Miranda rule; an accused person refers to the practice as a reading of Miranda rights.

This is not the first time Mr. Meese has expressed his opposition to the Miranda rule. Over the years, he has suggested that the requirements of the rule be relaxed, ostensibly because it hampers law enforcement officials in their investigative duties. With each suggestion, Mr. Meese has prompted an outcry from civil rights groups, attorneys, and legal scholars, who believe the Miranda rule protects important constitutional rights that distinguish our democracy from totalitarian regimes.

Last week, the Attorney General renewed his attack on Miranda by calling for a revised Miranda rule to replace the guidelines established by the Supreme Court. Criminal suspects, Mr. Meese argued, should be entitled only to an abridged reading of their rights, accompanied by a warning that failure to answer police questions will be looked upon disfavorably by a judge.

With all due respect, I submit that the Nation's top law enforcement officer might want to review the legal history of constitutional law and criminal justice. However, in case this is not possible, let me provide my own outline of the constitutional principles on which the Miranda rule is based, for the benefit of the Attorney General.

First, I suggest there are more than a few professors of law who are cringing at the suggestion that failure to give a statement to police will be used against a suspect in court. The fifth amendment to the Constitution provides that no person in a criminal case "shall be compelled * * * to be a witness against himself." Most of us are familiar with the line of cases that interpret this clause to mean that an accused person shall not be forced to incriminate himself.

And there are cases which confirm the obvious: If the accused invokes the right not to incriminate himself, his silence shall not be construed as an admission of guilt. Now, assuming there is no intention of deleting this provision from the Constitution, how do we preserve the fundamental right to abstain from self-incrimination if refusal to give information which might tend to incriminate oneself will be viewed as an admission that the suspect has something to hide?

Second, the last clause of the sixth amendment guarantees the accused the right "to have Assistance of Counsel for his defense [sic]." The Supreme Court has developed, through a series of cases, guidelines for determining when the the right to counsel has been violated. Among the principles laid down are: First, the accused must have effective assistance of counsel; and second, the right to counsel attaches at any critical stage of the criminal process.

It seems obvious that "if anything you say may be used against you in a court of law", police interrogation constitutes a critical stage of a criminal proceeding, since the prosecution builds its case on information—testimonial and nontestimonial—which it gathers prior to trial. Now, assuming that we want this clause to retain some practical meaning, how do we preserve the rights that counsel presumably protects if we do not guarantee the right to have counsel present during the critical stage of interrogation?

Third, Americans are proud of the fact that one is innocent, in the eyes of the law at least, until proven guilty by judge or jury in a court of law. We cherish this principle because too often we see persons in other nations who suffer intolerable consequences when the state singlehandedly pronounces guilt on the accused.

While I understand Mr. Meese's concern for victims of crime and society's interest in seeing criminals brought to justice, we must never forget that the accused is not a criminal until proven guilty.

Unfortunately, I fear that the Attorney General has confused a person accused of a crime with a person convicted of a crime. Worse yet, Mr. Meese's attack on the Miranda rule presumes that every person arrested is guilty, or that every person who is innocent would be eager to tell his story to the police officer who has just slipped a pair of handcuffs on his wrists.

Granted, as a nonlawyer, I may not be privy to all of the obstacles faced by lawyers and law enforcement officials as a result of judicial requirements designed to uphold constitutional rights. But the fourth, fifth, and sixth amendments were not written to protect lawyers, prosecutors, and police, acting in those capacities. They protect citizens of the United States, whether or not they have been accused of a crime, against potential excesses of government.

I respectfully suggest to the Attorney General that instead of issuing a stream of reports on defects in our criminal justice system, he would take a moment to read "The Trial," by Franz Kafka. This glimpse of a man accused of a crime with which he has not been charged, by a judicial system of which he is not aware, who must defend himself without knowing his accusers, and withstand confinement and searches with no recourse, may make Mr. Meese more appreciative of the diligent efforts to protect the inalienable rights of individuals, as provided in the Constitution.

These constitutional rights must be preserved. They separate this Nation from totalitarian regimes around the world.

MOUNT LAUREL REGIONAL BALLET FLOURISHES

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. FLORIO. Mr. Speaker, I would like to bring to your attention a group of talented performers from my district in New Jersey. In addition to the varied and prime entertainment available to Camden, there are many groups who provide valuable cultural activities throughout the First District of New Jersey as well as the State. One of those groups is the Mount Laurel Regional Ballet Company. Serving the southern part of New Jersey, this company and its many talented members have brought to communities throughout the State the opportunity to experience and enjoy the pleasures of the ballet.

Well-known in not only southern New Jersey but also Pennsylvania, Delaware, and New York City, the Mount Laurel Company has brought to the region a love of the arts. The people of the region have benefited and learned from such performances as the annual, traditional presentation of "The Nutcracker." They have enjoyed companies from all over the area, such as the Haddonfield Symphony Woodwind Trio, the Philadelphia Civic Ballet Company, and the Vineland Regional Dance Company, at the New Jersey Invitational Dance Festival every year.

I commend the company and the many other cultural activities throughout my State for bringing the arts that much closer to home. But I also commend them for teaching us an appreciation of the arts. Led by its artistic director, Lorraine McAdams, the company has brought the arts into our schools, where children are given the opportunity to experience ballet perhaps for the very first time in their lives. The company has taken its productions and workshops on the road in an effort to reach every individual of the community that they possibly can. Through diligent fund-raising, the company has survived and flourished, proof that the communities of New Jersey and the Mid-Atlantic region appreciate and want the arts to continue. The New Jersey Council on the Arts, the National Endowment for the Arts, the Mobil Foundation, the RCA Corp., and thousands of other individuals have recognized the importance of the arts by donating time and money to fund these activities and by coming to the performance of the company.

It is companies and museums such as this that bring the community together to participate in activities that enhance their daily lives. They are the testimony to the strength of our culture and to the character of our Nation. They can only add to our lives by bringing the arts into our towns, into our communities, and into our homes.

LTV BANKRUPTCY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. TRAFICANT. Mr. Speaker, when the LTV Steel Co. filed for bankruptcy on July 17, 1986, thousands of LTV employees and retirees, and former employees on disability, had their hospitalization and health benefits arbitrarily terminated. Fortunately, the continuing resolution passed by the 99th Congress requires LTV to continue paying health and hospitalization benefits—but only until May 15, 1987. But what happens after May 15? Will employees find themselves without proper coverage once again?

There are many unanswered questions surrounding the LTV bankruptcy but one fact is certain: While the Bankruptcy Code is being used for legitimate business reorganization, it can also be used as a weapon to unfairly take away the benefits of the working people of America. When LTV filed bankruptcy, over 11,000 workers in my district found themselves without proper health or hospitalization coverage. These benefits were stripped away without warning. This type of action is just not acceptable.

That's why, today, I will be reintroducing legislation which would amend title 11, section 365 of the Bankruptcy Code to prevent the rejection of any contract that provides health and hospitalization benefits to current or former employees. These benefits, earned through hard work and loyalty, were contracted for in good faith. Company employees contributed to these plans and it is my strong belief that they should be protected. I urge my colleagues in the House to join with me in this worthwhile effort to protect the health and hospitalization benefits of hard working Americans. It's time to give American workers the helping hand they need in protecting the health benefits that they worked for and rightly deserve.

TRIBUTE TO SPORTSCASTING LEGEND LINDSEY NELSON

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. DUNCAN. Mr. Speaker, it gives me great pleasure to pay tribute to one of Knoxville, TN's finest citizens, Mr. Lindsey Nelson. Mr. Nelson, recognized worldwide as one of the leading sportscasters of all time, was recently honored for his many years of service at a testimonial dinner in Knoxville.

Lindsey made his broadcasting debut at the 1939 Tennessee-Vanderbilt football game. Since that time he has become a legend in sports broadcasting. He has announced most major sporting events, including the World Series, the Davis Cup, the Rose Bowl, the Sugar Bowl, the NFL Championship, the NBA Championship and the NIT Tournament. He was the voice for 26 Cotton Bowl games, unfortunately having to miss the latest one due to an illness. Baseball fans will remember Lindsey as the voice who brought them New York Mets baseball for over 15 years.

Along with announcing most of sports greatest events, Lindsey has been honored with numerous industry awards. Several times he has been named National Sportscaster of the Year by his contemporaries and on five occasions the critics and columnists have honored him with a similar award. Currently, Lindsey is a member of the National Sportscaster and Sportswriters Hall of Fame, as well as the Tennessee Sports Hall of Fame.

Lindsey Nelson has provided this country with some of its greatest sports memories and it is certainly a privilege to be able to recognize his achievements here today.

IN HONOR OF BRUCE CORWIN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. LEVINE of California. Mr. Speaker, it is with great pleasure that I pay tribute today to a man who is not only a dear and lifelong friend, but also a person whose distinguished community and charitable activities are unparalleled both in quality and quantity. His name is Bruce Corwin.

On February 4, 1987, Bruce will be honored at a major civic event celebrating his unprecedented 3-year term as president of Variety Club, and producing, for the first time, a million dollar telethon benefiting disadvantaged children. Bruce will also be recognized for his leadership roles in community service, charitable and philanthropic efforts.

Bruce Corwin has held positions so numerous to defy succinct description. Within the city of Los Angeles, he served on Mayor Bradley's Blue Ribbon Committee of 40. He was appointed by Mayor Bradley to the Los Angeles Fire Commission where he served as president for 2 years. The main accomplishment of the Commission under his leadership was to increase the number of paramedic ambulances in the city from 7 in 1973 to 35 in 1976. Bruce was the founding president of the newly created Los Angeles Children's Museum. This downtown facility draws children from all over to participate in a real "hands on" experience.

Bruce serves on the board of directors of Temple Israel of Hollywood. He has chaired the Theatre and Motion Picture Distribution Division of the United Jewish Welfare Fund and is currently a member of the America Jewish Committee Board of Directors. Bruce continues to help where he can as a member of the Central City Association Board of Directors, the UCLA Foundation Board of Trustees, the American Film Institute Board of Trustees, the Fraternity of Friends of the Music Center, the Beverly Hills Little League Board of Directors, the Maple Center Community Health Center, the Los Angeles Conservancy Advisory Committee and with the California Conservation Project "Treepeople", where he was the founding chairman of the board of trustees and now serves as a member of the board.

These are but the highlights of his involvement.

Throughout his endeavors, in both joy and adversity, Bruce has enjoyed the love and support of his marvelous family, including his wife, Toni, and their two sons, David and Daniel. And he has carried on the tradition of his loving and distinguished parents, Sherrill and Dorothy Corwin.

Bruce and Toni have been especially important to me personally, as devoted community leaders, as wonderfully caring people, and as special friends. I fully expect our Palm Springs Angels to be the jewel of class A ball in 1987.

It is a pleasure to share the news of this special tribute with my colleagues in the U.S. House of Representatives. I ask that they join me in wishing Bruce Corwin and his family the best of luck in all future endeavors.

KANGAROOS

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. MRAZEK. Mr. Speaker, I rise to reintroduce the Kangaroo Protection Act. Recent actions of the Australian Government demonstrate that now, more than ever, the kangaroo is in need of protection by the United States.

As you may be aware, the Australian Government has repeatedly demonstrated that it is either unable or unwilling to assume responsibility for protecting Australia's national symbol, the kangaroo. Despite Australian Government statistics showing a decrease in the kangaroo population, the country continues to permit the brutal massacre of millions of these threatened animals.

Last year Australia was confronted with the fact that its wildlife management program inadequately protected the kangaroo. An Administrative Appeals Tribunal decision found that the management program in Queensland state was invalid. It also found possible cartels, illegal shipment of skins, and other questionable activities of the kangaroo industry, which is supposed to be regulated by the National Parks and Wildlife Service.

In response to this finding, the Australian Government suspended the processing of new export permits for 22 days, and then resumed exporting as if nothing had happened. The Government has now demonstrated even more dramatically that it is not interested in the facts. The 1987 kangaroo kill quotas are higher than the 1986 quotas. The increase in Queensland's Red kangaroo quota is particularly shocking because the Australian Government states that Queensland's Red kangaroo population has declined by at least 4 percent.

The Kangaroo Protection Act would reinstate a ban on the importation of kangaroo products. Passage of this bill would send a clear signal to the Australian Government that it must take control of its wildlife management program.

I insert the Kangaroo Protection Act at the conclusion of my remarks:

H.R. 779

A bill to prohibit the importation into the United States of Australian kangaroos and products made therefrom

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Kangaroo Protection Act".

SEC. 2. Effective on and after the date of the enactment of this Act—

(1) any administrative exception made under the authority of the Endangered Species Act of 1973 which permits the importation into the United States of any species of kangaroo, and the parts and products of any such species, shall not apply to any kangaroo, or any part of product of any kangaroo, that is tagged or otherwise identified as having been removed from the wild in accordance with the management plan of any Australian state; and

(2) no regulation the purpose of which is to permit any importation of the kind prohibited under paragraph (1) may be issued under the authority of such Act of 1973 or any other provision of law.

LIST OF COSPONSORS

Major Owens, William Lipinski, Chester Atkins, Pete Stark, Larry Smith, Norman Mineta, Martin Sabo, Don Edwards, George Crockett, Thomas Manton.

Anthony Beilenson, Andrew Jacobs, James Oberstar, Thomas Foglietta, Cardiss Collins, Sidney Yates, Thomas Downey, Peter Rodino, Frank Horton, Mike Lowry.

Barney Frank, Michael Andrews, Robert Roe, Esteban Torres, Sander Levin, Robert Kastenmeier, Edward Roybal, Tom Lantos, Julian Dixon, Hamilton Fish.

Barbara Boxer, Henry Waxman, Joe Moakley, James Howard, Sala Burton, Walter Fauntroy, Stewart McKinney, Ed Towns, Matthew Martinez, Bill Green.

George, Darden, Glenn Anderson, James Jeffords, Claudine Schneider, Bernard Dwyer, Charles Hayes, Brian Donnelly, Joe Kolter, Sherwood Boehlert, Sidney Yates.

TRIBUTE TO JACOB REINGOLD, PIONEER IN EFFORTS TO GAIN NATIONAL RECOGNITION FOR GRANDPARENTS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. BIAGGI. Mr. Speaker, on September 29, 1986, Congress gave its final approval to House Concurrent Resolution 67 calling upon all 50 States to adopt a uniform Grandparent Visitation Act. As the author of the resolution, I was especially proud that after 4 years of work this measure finally got full congressional approval. The House had passed the measure in 1983 but final action was not completed in time during the 98th Congress.

There were many individuals who contributed to this successful legislative effort. Yet one person who was most responsible for initiating national recognition of the vital role of grandparents is my good friend Jacob Reingold, the executive director of the Hebrew Home for the Aged located in Riverdale, NY. Specifically, Jacob was responsible for the idea which ultimately became law in 1978 to declare the first Sunday after Labor Day each year as "National Grandparents Day." This day will always have special significance to me because in 1983 I had the honor of being named Grandparent of the Year by the National Council for Observance of Grandparents Day. I accepted the award with great pride and with my six grandchildren. Those ranks have now increased to seven.

A full 17 years before Grandparents Day became law, Jacob Reingold was a participant in the 1961 White House Conference on Aging. As he recalled it, he was especially inspired by a speech delivered by Rabbi Abraham Herschel of the Jewish Theological Seminary. Rabbi Herschel called for a "new image of the aged" an image which would not only emphasize and dramatize their past contributions but also call attention to their capacity to continue as productive members of society.

Jacob Reingold took the challenge and committed himself to putting it into practice. He began with a focus on a recognition of a role enjoyed by millions of older Americans in our Nation—the role of grandparents. That same year, September 16, 1961, the first day specifically honoring grandparents was held at the Hebrew Home for the Aged. An extraordinary effort by Jacob Reingold and a dedicated staff as well as residents of the home produced a memorable day.

The Mayor of New York at the time, Robert Wagner, led a parade of honored guests who paid tribute to the grandparents at the Hebrew Home. Grandparents Day was such a success, it was continued and by the year 1963 it became an official holiday in the borough of the Bronx. On that occasion, Congressman Charles Buckley accepted an award on behalf of President Kennedy. In 1964 Grandparents Day was celebrated with larger crowds and a special guest of honor, Robert F. Kennedy. Kennedy spoke with great emotion about his late brother's devotion and commitment to the aged of our Nation, a commitment he continued until his own tragic death by assassination.

The tradition associated with Grandparents Day has continued at the Hebrew Home for the Aged. Jacob Reingold has continued his special leadership and advocacy for grandparent rights. It was therefore appropriate that his efforts result in the development of a national day of recognition for grandparents which has become such an important part of American life.

The issue that my legislation sought to address was the special and oftimes tragic situation which befalls grandparents following the dissolution of a marriage between the parents of their grandchildren. In another context we refer to grandparents being the other victims of divorce. At the time I began work on my legislation, an effort which began on the basis of 1 letter, only 34 States in the Union had laws permitting grandparents to petition courts to gain visitation with the grandchildren. After 4 years all 50 States had adopted such laws. The problem was that they lacked any uniformity and were not recognized on an interstate basis. The objective of my resolution was to work to have all States readopt a uniform law to ensure that grandparents had the same rights from State to State with determinations on visitation being made in the best interest of the child.

Throughout the process, I worked closely with Jacob Reingold for he was a strong advocate for the rights of these and all grandparents. It was he that helped provide national recognition and respect for grandparents. It was he that recognized the critical role which grandparents play in family life, especially with respect to grandchildren. It was he that advocated that grandparent visitation was a cause worth fighting for.

I want the record to reflect the unique and critical and longstanding commitment which Jacob Reingold has made to the millions of grandparents who are such a vital element of our society. His quarter century of advocacy helped pave the way for others to advance policy proposals at all levels of government. I have had the honor of serving as an original member of the House Select Committee on Aging these past 12 years. I have been involved with a number of causes and legislative efforts. Yet few have been as meaningful to me as my efforts to help preserve the relationship between grandparents and grandchildren. Jacob Reingold was a pioneer in this effort and his contributions to the success of aging in America continue to this day.

I would like to include for the RECORD an article written by Jacob Reingold and Rose Dobrof, who is presently the director of the Brookdale Center on Aging at Hunter College, New York City, and a good friend as well. This article was written for the Journal of the American Hospital Association in March 1964. I think you will find it of interest.

GRANDPARENTS' DAY

(By Jacob Reingold and Rose Dobrof)

How to help the aged create a new self-image, to free them to use their potential, their inner resources, their impulse to live fully and creatively is a problem common to all hospitals and homes that provide care for older people. Moreover, a corollary problem of our times is how to create a new image of the aged in society, so that in Dr. Abraham J. Heschel's words, "(being) good to the old (would not be) to cater to their prejudices and shortcomings," but rather would mean creating a partnership in which there would be demands and rewards, expectations and support. It would mean creating an image of old age as a period of life which, like any other, includes challenges and opportunities, problems and satisfactions.

In our daily relationships with residents at the Hebrew Home for the Aged and with their families, with committees, auxiliaries and volunteers, these are the goals we try to convey, but they do not seem enough. For many years a more dramatic, convincing technique has been needed—not to supplant our day-to-day efforts, but to supplement and dramatize them. Accordingly, Grandparents' Day came into being and has been an annual event and symbol at the Hebrew Home since 1961.

Consistent with Jewish tradition, the day was seen as a time of reverence for the aged. We chose our residents' role as grandparents rather than as "senior citizens" or "golden agers," partly because these euphemisms have become clichés and partly because the role of grandparents seems to symbolize the contributions and achievements of these older people as individuals. Although they live in the home, most are still part of a family, a precious link between past and present, a living symbol of the continuum of life.

SETTING THE PROGRAM

The idea of Grandparents' Day was discussed first with staff, then with the executive committee of the board and then with the aged residents themselves. The program took shape quickly when it became understood that the relationship between the resident and his family was to be dramatized. Exhibits were planned of the residents' handicrafts—the afghans, pot holders, paintings and aprons. Photographs of life in the home, showing the elderly at work, were to be displayed. These were looked on as evidence of the aged persons' ability to function productively and to develop new skills and discover untapped talent. As part of this same goal, a formal program was planned, to include presentations by the residents' choir, dance group, and dramatics group.

The exhibit and program provided us with a way of saying that life in a home for the aged does not necessarily mean stagnation, idleness, and boredom; that the later years can be years of fulfillment and creativity. But there was another and more important picture of these years which we wanted to display. In our home 170 residents out of a total population of 410 serve as resident volunteers, as aides in the clinics, laboratory, and pharmacy; as receptionists in our social service department; as clerical assistant in the offices; as hostesses and guides. The impulse to give, to serve, the need to be needed, to continue to feel responsibility and commitment survives advancing years and physical infirmities, and this survival was an important part of the picture we wished to present. Therefore, hand-lettered recognition scrolls listing the names of the residents and their service in the home became part of the exhibits. Moreover each year has seen an increase in the number of residents actively involved in the planning for Grandparents' Day and serving as committee members, hostesses, guides, sales personnel, and ushers. In 1983 more than 100 residents served in such capacities.

Grandparents' Day was also to be a reminder of the past accomplishments of our residents, of their role as parents, breadwinners, and citizens. As we talked about this role, the picture of our residents as a precious link to the past emerged. The family pictures of our residents, assembled in a beautiful exhibit, told the history not of each of the families, but of the American Jewish community. There were pictures of the residents as young soldiers in the Czarist army, as nurses in World War I, as founders of societies, lodges, and synagogues. Primitive in photographic technique, battered by the years, these pictures stood side by side with the handsome, recent pictures of a great-granddaughter graduating from Smith College, a son receiving a medal from General Patton, or a great-grandson celebrating his Bar Mitzvah. Clearly our residents and their offspring made a viable, lasting contribution to our nation. Their imprint on the social, cultural, political, and economic life of our country is indelible; it is impossible to conceive of the survival of the American Jewish community without the contribution they made.

We sent questionnaires to the families of our residents, asking for information which could be used in the exhibits—how many grandchildren and great-grandchildren the residents have, where they live, what they are doing. The families of 20 percent of our residents replied, providing material to be used on Grandparents' Day, and opening our eyes to possibilities in sociological research. In the years since 1961 we have been able to pursue some of the lines of inquiry suggested by the material included in these questionnaires.

ASSISTANCE ON ALL SIDES

We wanted Grandparents' Day to be a happy, joyful family day—so that it would provide pleasure and enjoyment for residents and their families. On the home's 20 acres of land, we set up a picnic and carnival, complete with ponies and merry-go-rounds and games and prizes. For the first time we felt we had cracked the feeling of isolation from the mainstream of life which is the plague of all institutions. The sight of children running and playing on our grounds, the sound of their laughter, the picture of residents enjoying the day surrounded by their families opened up new program possibilities and encouraged the participation of many individuals and groups.

Because it demanded the combined efforts of residents, staff, and volunteers, Grandparents' Day provided a medium through which auxiliary groups could be involved as program volunteers, and so this involvement became an additional goal. Eleven of the 14 groups that comprise our board, women's auxiliary, and men's clubs became part of the project, each taking responsibility for a specific job. More than 300 auxiliary members were part of Grandparents' Day, and the lines of demarcation separating the specific jobs were blurred by the willingness of the auxiliary members to "pitch in" where needed. Grandparents' Day has each year provided this opportunity for auxiliary and men's clubs participation, and each year has seen an increase in the number of individuals so involved and the degree of responsibility assumed by them.

RESIDENTS AND FAMILIES PARTICIPATE

Residents of the home became part of the planning for Grandparents' Day in two ways. First, the existing groups—the Golden Age Club, the choir, the drama group, the dance group, the newspaper staff, and a discussion group—served as media through which the day was discussed and plans were made, and these groups then accepted responsibility for specific parts of the preparations and the program. The Grandparents' Day Resident Planning Committee has become increasingly active and has attracted a greater number of residents each year.

The 1200 relatives of the residents have not been directly involved in planning. A variety of different ways were used to tell them about the day, including direct mailings, posters in the home, and newspaper publicity. Children have been urged by mail to write essays about their grandparents that could be included in a booklet to be distributed on Grandparents' Day and have been invited to present a talent show as part of the program.

Attendance for the first Grandparents' Day in 1961 was 3500, and in 1963 over 5000 people joined in the third annual celebration. How many of these were the families of our residents, and how many were board and auxiliary members and other guests is not known. Our social service department each year has determined which residents were likely not to have visitors, and offered to provide substitute "families" from our corps of volunteers. For the first Grandparents' Day only three residents requested an auxiliary guest; others, without guests of their own, were included spontaneously and informally in the family groups of their friends. By 1963 the resident committee requested that this be part of their responsibility, and members of the committee worked in close cooperation with the social service department to guarantee a pleasant day for every resident.

EVALUATION

After the first Grandparents' Day the staff, executive committee of the board, and residents were asked to evaluate the program and make recommendations for "next time." They considered the day enormously successful. Attendance exceeded their realistic goal and subjective hopes, and the high percentage of relatives who attended meant that the people who were important to the residents came, so that the day was truly a family day.

The immediate move by staff, residents, board and auxiliary members to suggest and plan for next time was another indication of the success of the program. Their willingness to engage themselves in evaluation and future planning was in itself a valuable outcome of the project.

REACTIONS TO THE PAST

Discussions with residents elicited a wide variety of reactions some totally unexpected. For many there was a sense of vindication mixed with hope for the future—"Now maybe they'll respect me," or "The home honors me—nu, what about my children—is it just for today or will they come see me oftener?" or "I've been a grandparent for 32 years and this is the first time anyone honored me," or "Now maybe they'll understand how hard I worked and what I went through." The "they" always referred to the children, and the attitude of the older person toward being old seemed essentially dependent upon the attitude of the family toward him.

Some residents were not sure of how their children might react to so much emphasis on the elderly as immigrants to the U.S. and on the problems which had once confronted them. "My daughter doesn't like me to talk about those days" or "My family never wanted to hear about what happened before." For some there was awareness that their children are mobile, second-generation Americans, anxious to be a part of the homogeneity of suburbia, and that the emphasis on their immigrant roots detracts from their image of themselves. Other residents, less sophisticated and knowledgeable, were denied the comfort of being able to ascribe their children's attitude to the sociology of status and mobility, and for them "My daughter doesn't like me to talk about those days" meant "My daughter isn't interested in me."

For all the residents whose family albums were exhibited, whose names were on the volunteers' recognition scrolls, who served on the committees, the preparation for the day and the day itself provided a climate which made it possible to say that the path each resident had traveled was important, that every individual's story had a place.

OTHER ATTITUDES

The impact of the day on the picture which the children of our residents have of their parents is most difficult to measure. In the month following the program, a significant number of the children communicated to staff their approval of the day and their pleasure in having been a part of it. Some spoke of their feeling of pride when they saw their parent being honored or when they looked at her handiwork in the occupational therapy exhibit, or listened to her perform in the program. Others spoke of their surprise—they had not known mother was so active in the home, or could do so much. Here again was a note of condescension which is so commonly a part of the attitude toward old age, destroying dignity and pride, rather than enhancing self-esteem.

To some children came a new appreciation of and respect for their parent. "I had forgotten how hard mom had it—I had only remembered how hard it was on me," said one daughter, and this response meant at least a moment of empathy between parent and child on an adult level.

On tremendous importance to the staff was the response of the grandchildren and great-grandchildren. Their reaction to the day and to their grandparents or great-grandparents as people seemed much less ambivalent than the response of the children to the residents. Separated by a generation from the reality struggle of the immigrant and its impact on family relations, frequently remembering their grandparents as allies on the battleground of family relationships, the grandchildren seemed more able to see the elderly as people and as beloved although secondary figures in their lives. Grandparents' Day, then, opened the possibility of new approaches to working with relatives. Perhaps with encouragement from the home, the grandchild can become a key to maintaining the link between the resident and his family and community.

To the families of our residents, Grandparents' Day said that the aged person still counts in the home, and should still count in the family constellation; that he is seen as a person who lives in the home but still has a place and a role in his own family group. Translated, this means that the older person has not been "put away," and that his being in a home does not signify that his family has abdicated all responsibility to him.

For the board and the auxiliary members, their involvement was an educational experience, as well as a program through which they could reaffirm a commitment to serve the aged and the home itself. For board members who assign first priority to the home in their community service life, the day provided something which their previous experience in the home had not—a dramatic portrayal of the scope and breadth of the institution. Many board members spoke of this, and of the increased dedication which they felt. For other, less active board and auxiliary members the dramatic portrayal of the life of the resident was an important first step in the development of real understanding and commitment to the responsibility of membership. Finally, the rapid development of our volunteer service program in the month following Grandparents' Day and the new recruits to direct volunteer service from our auxiliary members are tangible evidence of the efficacy of a program like Grandparents' Day as a technique in the recruitment and education of day-leadership. Each year has seen these gains strengthened and deepened, so that Grandparents' Day, now an official holiday in the Borough of the Bronx, has become a happy family day for our residents and a day of rededication for board, volunteers and staff.

RULE 35(B) OF THE FEDERAL RULES OF CRIMINAL PROCEDURE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. CONYERS. Mr. Speaker, rule 35(b) of the Federal Rules of Criminal Procedure provided, before August 1, 1985, that "A motion to reduce a sentence may be made, or the court may reduce a sentence without motion, within 120 days after" imposition of sentence, revocation of probation, receipt by the sentencing court of a mandate issued upon affirmance of the judgment or dismissal of the appeal, or the entry of any order or judgment of the Supreme Court denying review of, or having the effect of upholding, a judgment of conviction or probation revocation. The rule was unclear on its face whether a motion filed within the 120 days permitted by the rule also had to be ruled upon within the 120-day period.

The Supreme Court, pursuant to the Rules Enabling Act, ordered transmitted to the Congress on April 29, 1985 an amendment to rule 35(b) that clarifies the rule by requiring that the sentencing court determine a rule 35(b) motion "within a reasonable time" after the motion is filed.[1] The Court ordered that the amendment "shall be effective until November 1, 1986 when section 215(b) of the Comprehensive Crime Control Act of 1984, Public Law 98-473, approved October 12, 1984, 98 Stat. 2015, goes into effect." [2] A subsequent development, however, has rendered this part of the Court's order ambiguous.

Section 215(b) of the Comprehensive Crime Control Act of 1984 amends rule 35(b) of the Federal Rules of Criminal Procedure to abolish both the defendant's ability to move to reduce sentence and the court's authority, sua sponte, to reduce sentence.[3] Section 215(b) was to have taken effect on November 1, 1986,[4] but on December 26, 1985—nearly 8 months after the Supreme Court's order of April 29, 1985—Congress delayed the effective date of section 215(b) until November 1, 1987.[5]

That enactment made the Supreme Court's order of April 29, 1985 concerning rule 35(b) ambiguous. Did the Court's amendment to rule 35(b) cease to have effect on November 1, 1986, or does it continue in effect until section 215(b) of the Comprehensive Crime Control Act of 1984 takes effect?

In my opinion, the Court intended that its amendment to rule 35(b) remain effective until the congressionally enacted change in rule 35(b) takes effect. The need to clarify rule 35(b) continues until section 215(b) takes effect. There is no good reason why the Court would want its amendment to lapse before section 215(b) takes effect, and I am confident that, if the matter were litigated, the Federal courts would hold that the Supreme Court's amendment continues in effect until section 215(b) takes effect.

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[1] House Doc. No. 99-69 at 5, 18-19 (1985).

[2] Id. at 1.

[3] Public Law No. 98-473, § 215(b), 98 Stat. 2015-16 (1984).

[4] Id. at § 235(a)(1), 98 Stat. 2031-32.

[5] Sentencing Reform Amendments Act of 1985, Public Law No. 99-217, § 4, 99 Stat. 1728.

However, in hopes of foreclosing any such litigation, Mr. Speaker, I am today introducing a bill that clarifies that the Court's amendment to rule 35(b) of the Federal Rules of Criminal Procedure continues in effect until section 215(b) of the Comprehensive Crime Control Act of 1984 takes effect. I expect the Subcommittee on Criminal Justice to be able to move promptly on the bill.

MARTIN LUTHER KING HOLIDAY

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. ANDREWS. Mr. Speaker, yesterday we celebrated Martin Luther King, Jr.'s birthday with a much deserved national holiday. Recognized as a national speaker at age 25, Dr. King was instrumental not only in changing our civil rights laws but also in altering our history. Nineteen years after his death, he remains an inspiration for all Americans.

A compassionate and courageous man, Dr. King advocated peaceful non-violence and civil disobedience as the surest avenues to freedom and justice. His peaceful policies were in sharp contrast to the violence that surrounded him. As he himself said during the height of the civil rights struggle, "The greatness of this period is that we armed ourselves with dignity and self respect."

Dr. King had a dream but was not a dreamer. Through sit-ins, marches, and speeches he achieved social, political, and economic freedom for his people. Most importantly, he said his followers won respect for their rights as free Americans. Acknowledged worldwide as a moral and social leader, he was a powerful orator and a true hero.

In 1964 he was awarded the Nobel Peace Prize. After his assassination in 1968, a Martin Luther King, Jr. Non-violent Peace Prize was created in his memory. His legacy lives on in many ways but most notably in this annual award.

This year's recipient is Corazon Aquino, whose peaceful resolution of the crisis in the Phillipines won freedom and democracy for her people. Like Martin Luther King, Mrs. Aquino provides a continuing example of what can be accomplished through thoughtful words and inspired deeds. It is only fitting that we honor Dr. King, and those who succeed him in his struggle, with this annual memorial.

HUMAN RIGHTS VIOLATIONS IN CUBA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. FASCELL. Mr. Speaker, 21 years ago last week, a group of heroic Cuban exiles gathered in Key West, FL, to sign a declaration of freedom. They reaffirmed their commitment to the principles of democracy and respect for human rights, which had been so brutally suppressed under Castro's rule, and expressed their fervent hope that these freedoms would be restored to the Cuban people.

Mr. Speaker, as we observe this important anniversary, I regret that those hopes, which are shared by so many, have yet to be realized. Indeed, two recent publications draw attention to the flagrant violations of human rights occurring daily in Cuba. Last month, the Department of State released a special report entitled "Human Rights in Castro's Cuba," and, earlier this month, the Committee on Foreign Affairs released the record of a hearing on Cuban Political Prisoners conducted by the Subcommittee on Human Rights and International Organizations. Both documents offer chilling testimony to continuing Cuban repression and violations of human rights and fundamental freedoms. They follow the publication last year of Armando Valladares' vivid and eloquent chronicle of his 22 years in Cuban prisons, "Against All Hope," and the memoirs of Jorge Valls, "Twenty Years and Forty Days, Life in a Cuban Prison," both of which exposed the tyranny of Cuban authorities to the world.

Castro can ill afford such damning evidence of his regime's deplorable treatment of its citizens. In fact, he has mounted a concerted campaign against those that would report on Cuban human rights abuses. Last September, as a group of 69 former long-term political prisoners were flown to the United States, at last escaping what they refer to as the "Big Prison" that is Cuba, others were put in their place. Three members of the fledgling Cuban Human Rights Committee—Adolfo Rivero Caro, Enrique Hernandez, and Elizarado Sanchez—were arrested and imprisoned. The month before, two colleagues—Jose Luis Alvarado and Domingo Jorge Delgado Castro—had been arrested and beaten after they tried to register the committee with the Interior Ministry. In August, Antonio Frias Sosa, a 17-year-old student who had worked for the committee was arrested for possessing a copy of the Universal Declaration of Human Rights and, hours later, was found dead—a suicide according to the authorities. It is little wonder that the founder of the Cuban Human Rights Committee, Ricardo Bofill, sought asylum in the French Embassy in Havana and remains there today.

The stories of horror and deprivation inside Cuban prisons and of the repression and persecution outside that these courageous men sought to document are shocking. Mr. Speaker, we cannot allow these abuses to continue unabated. It is our duty to draw international attention to the plight of the Cuban Human Rights Committee and the hundreds—perhaps thousands—of political prisoners on whose behalf the committee was founded. It is time for our Government to garner the support of all other freedom-loving democracies in pressing the Cuban Government to end their deplorable human rights practices. The release of the five imprisoned Cuban human rights monitors should be an immediate first step toward the restoration of the rights of all Cubans—a noble goal envisioned 21 years ago in the Declaration of Freedom.

The text of the Declaration of Freedom follows:

DECLARATION OF FREEDOM

In the City of Key West, Monroe County, State of Florida, United States of America, we, the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the Martyr Island, do say:

That on January 1, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century, was resumed.

That those responsible for this high treason to our Fatherland and to our People are just a score of traitors who, usurpating the Government of the Country, have been acting as mercenary agents for the Sino/Soviet imperialism, and have surrendered to that imperialism our Freedom and our Dignity, also betraying the American Hemisphere.

That as a consequence of this high treason, those who are usurpating the Power in Cuba (as they were never elected by the People), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being or the most elementary human rights.

That in their hunger for power, these traitors, following the pattern of totalitarian regimes, are trying, within Cuba, to separate the Family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hopes of extending the length of time for this abominable system.

That the rule of the Law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their master, the Sino/Soviet imperialists.

In view of the aforegoing, we declare:

First: That the actual Cuban regime is guilty of high treason to our Fatherland and to the ideas of the Freedom Revolution which was started on October 10th, 1868.

Second: That this score of traitors who have committed treason against our Fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the Ordinary Courts of Justice of Cuba.

Third: That as the Noble Cuban People will not ever surrender, because that Nation was not born to be slaves, we, the Cuban People, hereby make the present declaration of freedom.

We hereby swear before God Almighty to fight constantly, until death comes to us to free Cuba from Communism.

The fundamentals of this Revolution for Freedom are.

First: God Almighty, above all things, in Whom we believe as the essence of Life.

Second: The Fatherland, with all of its laws, traditions, customs and history as a spiritual value, only surpassed by the concept of God.

Third: The Family, as the cornerstone of the Human Society.

Fourth: Human Rights, for each and every citizen, regardless of race or creed.

Fifth: The Law, as the foundation for the proper development of the Human Society.

Sixth: Democratic Government, with its three independent branches: Legislative, Executive, and Judicial.

Seventh: Representative Democracy, through the exercise of Universal Suffrage, Periodically, Free and Secretive, as the expression of Popular Sovereignty.

Eighth: Freedom of Worship, Freedom of Teaching, Freedom of the Press and Free Enterprise.

Ninth: Private Property and Ownership, as the basic expression of Liberty.

Tenth: The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both Labor and Capital.

Eleventh: The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned and specifically, the abolition of Communism and any other form of totalitarian manifestation.

Signed and sealed in Key West, Florida, on the 23d day of January, 1966.

ORGAN TRANSPLANT GAINS THREATENED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. FLORIO. Mr. Speaker, last year I had the privilege of knowing a little 18-month-old girl named Julianne McLaughlin. Julianne was a patient at Children's Hospital in Philadelphia. She was a little girl who would die unless she received a liver transplant.

As it turned out Julianne did not receive a new liver and her passing added to the thousands of Americans who have died for want of transplanted organs since the 1984 National Organ Transplant Act was enacted.

Last year I introduced H.R. 5587, a bill which would have established a national organ donor registry with available organs being allocated strictly on a basis of medical need. The bill also called for required request provisions to be utilized in any hospital receiving Medicare or Medicaid funding. Patients would at least be informed about the possibility of potential organ donation when hospitalized.

Each aspect of H.R. 5587 was made law with the enactment of the 1987 Budget Reconciliation Act. Now, finally, a workable organ donor system is in place.

The following column written by Ellen Goodman, however, points to new and disturbing signs that the administration intends to thwart the will of the Congress—and what is now the law. I urge my colleagues to read this column and to keep it in mind when meeting with constituents. The 99th Congress accomplished much in the field of organ transplants. Members can be proud of their record and should be aware of the intentions of the administration.

The article follows:

HANGING UP ON DESPERATE FAMILIES

(By Ellen Goodman)

BOSTON.—Get out your note pads, your television cameras and your hankies. Here come the anecdotes:

It is July 1983, and President Reagan is talking on the radio about little Ashley Bailey from Texas, who needs an organ transplant. "Time is running out," he says. "I'm issuing a plea to the nation to find Ashley a donor."

It is May 1986, and the first lady is on the telephone calling the family of Alex Girard, a 9-month-old waiting in Massachusetts for a liver transplant. She offers sympathy and an Air Force jet to rush a donor organ to their baby.

Now put away the note pads, cameras and hankies. Here comes the public policy.

It is January 1987, and the budget submitted by the president is missing something. It's missing the $500,000 for the Office of Organ Transplantation. It's missing the $1.2 million for the national computer network to match donors with the people who are waiting.

In Year Seven of the Reagan administration, we have grown used to these gaps between Reagan sentiments and actions. We have grown used to presidential sympathy for the victims of his own decisions. We have grown used to the fact that some internal connection is broken, a synapse unmade, between the man and the policy maker. But for the hundreds of Americans waiting for livers, hearts, pancreases, this particular patch of ground between publicity and policy seems especially barren.

In recent years, the waiting room for those who need organ transplants has often looked like a wrestling ring where families compete for a scarce resource. We have seen people who use money and the media to jump to the top of the list. There have been organs wasted in one state while patients waited in another.

This is why Congress passed the National Organ Transplant Act in 1984, and passed it almost unanimously. The cornerstone of the bill was the network to match donors with recipients and to make sure organs were distributed on medical grounds and priorities.

The administration opposed this bill when it was in Congress, insisting that these programs should be privately financed. When the bill—finally signed by the president—became law, the administration went on resisting it. The money for the network was withheld until the last possible legal moment, Sept. 30, 1986. Now, a mere four months later, it has axed the fledgling program out of the new budget.

As Sen. Albert Gore, Jr. of Tennessee, who has watchdogged this program, notes in frustration, this is not an administration bothered much by the laws of Congress: "They think they're above the law. It makes very little difference if the Congress passes a law, even if the margin is 366-6 in the House, and 100-0 in the Senate. If some willful, ideological bureaucrat thinks it's inconsistent with his philosophy, that's enough to countermand the whole system." What is true in foreign policy is true at home.

This transplant bill is a small ticket item. It adds up to less than $4 million in a $1 trillion budget. If the president refuses to put it back in, Congress can. But it is a revealing miniature of an administration that comforts with one hand the people it strikes with the other.

Gore sent the president a polite and personal plea reminding him—in case he forgot—"both you and Mrs. Reagan have shown a great deal of personal interest on behalf of so many of these families. Your pledges to help have been a source of comfort for many of them." He has yet to hear back.

Without this national system for gathering and fairly distributing such a scarce human resource, we are back in the game of wait and waste. Desperate families will again compete for publicity. Their best hope will be to become the anecdote of the week. Remember that when you read about the next sympathy call from the White House.

A TRIBUTE TO STEPHEN R. OLENICK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. TRAFICANT. Mr. Speaker, I would like to take this opportunity to pay tribute to Stephen R. Olenick, a constituent from my district who will be honored at a public dinner on March 1 for a long and distinguished career.

Mr. Olenick will be retiring in March as Mahoning County auditor, a position he has held for the past 24 years. Unopposed in his last three elections, and having held this position longer than any before him, he has been a public official who has truly endeared himself to the respect and gratitude of the people of Mahoning County.

Mr. Olenick will be ending his public service career after nearly 40 years. After serving as county councilman for the seventh ward in Youngstown for 8 years, he then went on to serve as State senator for three terms. This long career also included having served as deputy sheriff and deputy of courts, as well as having served as Mahoning County Democratic Party chairman and a three-time delegate to the national convention.

In addition, he is past president of County Officials of Ohio, Northeastern Ohio County Auditors Association and the County Auditors Association of Ohio.

Mr. Olenick has been more than a dedicated public servant of his many supporters in Mahoning County. He has been, and continues to be, an active supporter of his community and church. He has been a member or chairman of several groups, including having been a member of the local bicentennial committee.

He was a great baseball player in his youth and has managed seven local championship teams over the years. In 1933 he pitched for the St. Stanislaus baseball team when it won the first national amateur championship. More recently, he was just inducted by the Curbstone Coaches Hall of Fame and was elected to his 11th term as president of the Baseball Oldtimers Association.

Mr. Olenick has also given of himself to his local church, St. Mathias, not only as a member, but as a church councilman and national chairman of Slovak Catholic Sokols.

Stephen Olenick has contributed much to Mahoning County, by way not only of his long and distinguished public career, but by his commitment to caring for and contributing to his community and society in private life as well. Mr. Speaker, it is with great honor that I pay tribute to Stephen and also to his wife Ann who has supported his successes for 48 years. I wish them both the best of luck in Stephen's retirement, much deserved after a lifetime of distinguished community service.

LITTON T. COCHRAN, JR.: A LIFE OF SERVICE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. DUNCAN. Mr. Speaker, upon the death of Litton T. Cochran, Jr., Knoxville, TN, lost one of its greatest assets. From a personal point of view, Litton was a good friend, whom I will greatly miss. Litton served the Knoxville community faithfully throughout his lifetime, contributing to and leading many civic organizations in the city.

The University of Tennessee can also count his death as a great loss. Litton served tirelessly in the alumni association, and as a member of the UT Development Council, raising money toward various scholastic and administrative programs.

Litton's philosophy throughout his lifetime was simple: If you benefit from the services of the community, you have a personal responsibility to return through service what you can to make the city a better place for all citizens. Students, church members, businessmen, veterans, virtually every citizen of Knoxville, benefited from Litton's outreach and philosophy.

After opening the first McDonald's Restaurant in Knoxville, Litton expanded his business to 24 restaurants, and finally, a Ronald McDonald House for housing parents of hospitalized children in the area.

Though he will be missed personally by his family and close friends, Litton's outreach touched thousands in the area who may not even have been aware of his name. Knoxville will be hard-pressed to replace such a capable civic leader, and good friend.

PENSION CONTRIBUTIONS

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. MRAZEK. Mr. Speaker, I rise to reintroduce legislation to restore the 3-year recovery rule. I urge my colleagues to join me in support of this important bill.

By now it is widely recognized that the Tax Reform Act of 1986 harmed Federal workers by retroactively eliminating the 3-year recovery rule on pension contributions. Not as well publicized is the fact that this retroactive pension provision also applies to some other public service employees who, unlike the vast majority of private-sector employees, contribute to their own pension plans. The legislation I will reintroduce repeals this burdensome retroactive provision as it applies to all retirees.

As you already know, Federal, municipal, and certain other employees contribute to their own pensions with taxed dollars. Upon retirement, former law allowed them up to 3 years to recover their contributions, tax free, before they were taxed for their employers' nontaxed pension contributions. Affected employees now planning for their future retirement have done so with the expectation that they would be entitled to 3 tax-free years.

The bill I am introducing today would repeal the provision of the tax package affecting the 3-year recovery rule. Its impact would be not only on Federal workers, but also on all other employees affected by this retroactive provision.

I insert the text of this bill at the conclusion of my remarks:

H.R. 780

A bill to allow the Internal Revenue Code of 1986 to be applied and administered as if the 3-year basis recovery rule applicable to employees' annuities had not been repealed

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Tax Reform Act of 1986 and any amendment made by such Act, the Internal Revenue Code of 1986 shall be applied and administered as if section 72(d) of such Code continued in effect.

LIST OF COSPONSORS

Ron Coleman, Daniel Akaka, Wayne Dowdy, Ted Weiss, Marcy Kaptur, Tom Lewis, John Bryant, Bernard Dwyer, and Vic Fazio.

TRIBUTE TO THE NEW YORK GIANTS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. BIAGGI. Mr. Speaker, it is with a great sense of pride that I rise today to pay tribute to the champions of professional football, the New York Giants, who captured this title with a convincing 39 to 20 victory over the talented Denver Broncos.

The Giants were the 1986-87 team of destiny in the National Football League. They were a team which combined an awesome defense with a consistently effective offense which resulted in their winning of 16 of 18 games. They compiled their most impressive, if not amazing record, during the playoffs when they thrashed their opponents by the combined score of 105 to 23. This included a shutout of the Washington Redskins—a team with one of the NFL's most potent offenses—in the NFC championship game.

The Giants ended the season with a 12-game winning streak, which included such prestigious victims as the Washington Redskins on three occasions, the San Francisco 49'ers on two, and the Denver Broncos on two occasions; 3 perfect months of football capped by a Super Bowl win.

This was a great Super Bowl for the team, but the brightest star was without question the quarterback, Phil Simms, from Morehead State. Phil Simms set two new Super Bowl records with most consecutive completed passes—10—as well as highest completion percentage—88. The previous record being 73 percent. All told, his was perhaps the most effective performance ever by a quarterback in the Super Bowl—completing 22 of 25 passes and tossing for three touchdowns. The Giants also set another Super Bowl record for most points scored in one half, 30 in the pivotal and decisive second half.

The Giants are the pride of New York and New Jersey. This was their first Super Bowl—and they won it. It was their first NFL championship since 1956. The Giants have been supported over these years by some of the most loyal fans known to sports. It was no wonder that their triumph on Sunday was relished by millions and the celebration slated for today at Giants Stadium will be such a success.

New York has the extreme good fortune of having captured two world championships in sports—the Mets in baseball and the Giants in football. These are joyous times in our city. The hard work and dedication of players, coaches, owners, and fans produced this championship for the Giants in 1987. Let us recall the tremendous seasons of Joe Morris, Larwence Taylor, Carl Banks, Mark Bavaro, Phil McConkey, Harry Carson, Raul Allegre, and Sean Landetta. These are names known throughout the world now but names that have long been appreciated by New York Giants fans. Of course the championship would not have occurred were it not for the tremendous leadership and coaching genius of Bill Parcells. This is a coach who believed in his personnel, brought them out to play to their maximum potential week after week and consequently they entered the Super Bowl as prohibitive favorites and emerged even more impressively.

As a New York Giant fan I am delighted over their victory Sunday and their entire season. It is said it is hard to repeat as champions, but the New York Giants may again prove that to be nothing more than an outdated if not hopeful sentiment.

At this point in the RECORD I wish to insert an article written in today's New York Daily News by their accomplished sportwriter Mike Lupica—entitled "Champs on Both Sides of the River".

CHAMPS ON BOTH SIDES OF THE RIVER

(By Mike Lupica)

Sometimes there is one season when you get it all, in your own backyard. Sometimes you can go from the baseball championship of the world to the football championship in maybe half an hour.

Look around today. Over here, in Queens, you have the Mets. Over there, in New Jersey, you have the Giants. Enjoy the view. Enjoy the season. And let the rest of the country worry about all this.

It began back in April with the Mets. And then there was the Monday night in October when it all connected when it ended for the Mets and really began for the Giants and became this great season in the metropolitan region, one long championship piece. October 27 it was. The Mets won the seventh game of the World Series. The Giants beat the Redskins, 27-20, and began the 12-game winning streak that ended Sunday at the Rose Bowl in Super Bowl XXI.

They are great champions. The Mets won 116 games, won the playoffs and the World Series in a most dramatic fashion: You know, 16 innings here and 10 innings there. The Giants ended up with the biggest playoff margin of victory—82 points—in National Football League history.

METS PASSED THE TORCH

Once before we had the Jets and Mets winning in the same year, 1969. But not since 1956 has New York/New Jersey owned the same season in the two sports.

It has been one 10-month season, baseball connecting to football, ending with Phil Simms going 10 for 10 in the second half against the Broncos, tying everything up.

The Mets gave a nod to the Giants on Oct. 27 and let the Giants take it from there.

It is a special time. Sports can breathe life into a city, a region, sometimes. It has done it here, with the New York Mets and the New Jersey Giants. I wish the Giants still played at Yankee Stadium. I stand with Healey, a Giants fan I know. He will go to the Stadium today with a bottle of champagne; while the Giants parade around Giants Stadium, he will toast his team in the Bronx. To him, they are still the New York Giants. And they are his team; who's going to tell Healey or anybody else they're not still the New York Giants? You do not tell fans how to root, you do not tell them how to dream.

And there is enough of this Giant team to go around, anyway. There is enough triumph for Wellington Mara and Tim Mara, the J.R. and Bobby Ewing of pro football. And enough triumph for George Young and Bill Parcells. And for this remarkable group of players, offense and defense, young and old, little and big: Simms and Lawrence Taylor, Harry Carson and Jim Burt, Martin and Morris and McConkey and Manuel and Marshall. For one season, it was as dominant as any team has ever been. Put the Packers in there. Put the 17-0 Dolphins. Throw in last year's Chicago Bears. Check that playoff score one more time: 105-23.

The Giants gave up three postseason field goals and two touchdowns, and one of the touchdowns came in garbage time Sunday when it was already 39-13.

Bill Parcells is right. The Giants have put all those Giant ghosts to rest. There was never a Giant team better than this. It is a team to easily fill up a couple of states. Throw in Connecticut, too.

From Oct. 27 on, the Giants beat the Redskins three times, they beat the 49ers twice, they beat the Broncos twice. That is merely 7-0 against playoff teams. After falling behind the 49ers, 17-0, in their first meeting, the Giants outscored the 49ers, 70-3, after that. They shut out the Redskins two weeks ago. Three perfect months of football, ending with that perfect third quarter Sunday when they ran the Broncos out of the Rose Bowl and into next season.

Phil Simms thinks the only offense in pro football that would stand a chance against the Giant defense is the Giant offense.

"We'd do just fine," Simms said with a smile one day before Super Bowl XXI. It is the way he thinks. Why not? From the time he completed the fourth-down pass to Bobby Johnson against the Vikings, Simms has been supremely confident, a nearly flawless quarterback. It all came together in the Rose Bowl when Phil Simms threw for 88%—22 for 25—the highest completion average in the history of the NFL postseason. Maybe he would find a way against Taylor and Banks and Carson and Martin.

Phil Simms isn't going to the Pro Bowl, which means that his fellow players have been as slow to get the picture as all the Giant fans who booed him and doubted him. He hears a lot about John Elway, and everybody says Dan Marino is the best now, and Joe Montana has been the best of the '80s. But Montana's day is past. Marino hasn't won any Super Bowls; neither has Elway. No quarterback ever had a Super Bowl like Simms. He is only 30. Look out for him. He is just getting started.

They asked him Sunday what Giant fans think of Phil Simms now. Phil Simms said, "They think he's a hell of a quarterback, no question."

Simms can take a punch. Parcells' first big move as coach was to give the quarterback job to Scott Brunner. Simms came from there. Harry Carson and George Martin came from all those 3-12-1 years. Taylor came from rehab. Phil McConkey came back this season from Green Bay, "another community," as Parcells put it. Joe Morris came from a holdout. Lionel Manuel came off the injured list. It seems as if they all came back from somewhere.

They take their cue from the coach, who came from out of the game. Nearly eight years ago, Parcells left football because his family needed him, giving up a job with the Giants in the process. Now he is on top of the world.

Yeah. Top of the world. George Young started building the giants about the same time Frank Cashen started building the Mets. Each quiet man did it right. It took time. Now the Mets and Giants have given us the season, this one great season. There are champions around here again. Just look. Better yet, just listen.

AMERICAN GOSPEL ARTS DAY

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. DYMALLY. Mr. Speaker, today I am introducing legislation to designate June 19, 1987, as American Gospel Arts Day. Undisputedly, gospel music is an important part of our cultural heritage and it is my hope that passage of this bill will encourage the preservation and advancement of gospel music and history.

If one had to cite an art form that is truly American in origin, gospel music would be at the top of the list. A product of the fusion between the European and African cultures, gospel is the forerunner of popular music in America. With its spiritual messages and rich tones, gospel is a unique testimony to our zest for life and our belief in freedom and dignity for all mankind.

As we move further away from our cultural roots, it is important that we take steps to preserve and enhance the gospel tradition. American Gospel Arts Day, I believe, will give the Nation an opportunity to recognize the cultural and historical contributions of gospel music and pay tribute to the great musical artists who have kept the gospel tradition alive.

June 19 is traditionally observed in the black community as a special day of appreciation for black American cultural heritage and civil rights. But while gospel music has its roots in the black church, the ability to enjoy its rich sound and draw upon its uplifting rhythms is not confined to the black community. Many of today's popular singers acknowledge the influence of gospel music on their own compositions and style.

I urge my colleagues to support this tribute to our gospel heritage by cosponsoring the American Gospel Arts Day resolution.

OMB SHOULD NOT CONTROL THE SUPERFUND PROGRAM

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. FLORIO. Mr. Speaker, one of the accomplishments of the 99th Congress was passage of a comprehensive $9 billion Superfund reauthorization law. But the ink was barely dry on this important environmental measure when it became apparent that the Office of Management and Budget [OMB] planned to assert unwarranted control over the new program.

OMB's power grab arose in the context of the Executive order which will delegate aspects of the program to specific Federal agencies and departments for implementation. OMB asserts that under the Executive order, it should have overriding authority not only to review but also to approve any Superfund regulation put out by the Environmental Protection Agency [EPA]. We all know that EPA is the primary agency responsible for implementing Superfund. OMB's assertion of blanket veto authority over EPA rules is an unjustified and dangerous effort to transfer real power over implementation of hazardous waste cleanup to those without environmental expertise or concern.

I would draw my colleagues' attention to a recent editorial in the Philadelphia Inquirer on this unfortunate development.

The editorial follows:

[From the Philadelphia Inquirer, Jan. 6, 1987]

LET EPA CONTROL SUPERFUND

Last fall, when Congress was debating legislation to extend the Superfund program to clean up abandoned hazardous waste sites, members saw a serious problem coming down the pike from 1600 Pennsylvania Avenue and decided to leave no doubts about how that problem was to be solved.

When it came to deciding where to use Superfund dollars and how that money was to be spent, the final decision was to rest with the agency best equipped to make those choices; the Environmental Protection Agency.

Unfortunately, however, the Reagan administration seems intent on ignoring the will of Congress and transferring the final decisions to the White House Office of Management and Budget. That, according to U.S. Rep. James J. Florio (D-N.J.), is "exactly what we didn't want to happen." OMB accountants, rather than environmental experts, will be deciding how and where to apply the $9 billion Superfund clean-up money.

The issue of final authority is being thrashed out in the White House. To implement the new provisions of the Superfund law, President Reagan must sign an executive order that among other things designates a lead agency to oversee the program. The EPA has submitted a draft of that order, as has OMB. EPA gives itself final authority after consultation with OMB. OMB's draft makes it the lead agency.

There is one other substantive difference between the OMB and EPA drafts. It deals with the serious problem of cleaning up thousands of toxic waste sites on federal property, primarily defense installations. Many of these sites are severely contaminated with hazardous chemicals and nuclear materials and pose a potential threat not only to persons at those installations but to the public living nearby.

Congress dictated that the final authority for setting cleanup standards for military sites rests with EPA. OMB wants to let the occupants of the sites set their own environmental standards, a position "so blatantly in opposition to the clear legislative intent that it almost violates the [Superfund] law just by stating it" in the draft order, according to Mr. Florio. "You shouldn't have one standard of cleanup for the Navy and another for the rest of the world."

While the dispute rages in the White House, none of the many new aspects of the Superfund law are being implemented. They are of great importance to the public and include such things as community right-to-know requirements for toxic chemicals.

The administration could save itself a lot of trouble by adopting the EPA proposal. OMB would have authority to review EPA's plans, but when final decisions were made, they would be made for environmental, not solely economic, reasons—just as Congress intended.

IN HONOR OF RUBY E. BARTLETT

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. LEVINE of California. Mr. Speaker, I rise today on behalf of Ms. Ruby E. Bartlett as she is honored by the Affiliated Committees on Aging of Los Angeles County with the prestigious John Anson Ford Award for 1986. This award is presented to an individual volunteer of any age residing in Los Angeles County who has made an outstanding contribution for the enhancement of the older person.

Ms. Bartlett has enriched the lives of many through her numerous volunteer activities. Currently, she serves the senior community through her memberships in the following organizations: ISCA [International Senior Citizens Association], the LA County Area Agency on Aging, the Affiliated Committees on Aging, SCPAC [Senior Coalition Political Action Committee], United Way, WISE [Westside Independent Services to the Elderly], Santa Monica College, Emeritus College, SM/WLA Council for Seniors, the senior task force, and RSVP [Retired Senior Volunteer Program].

Ruby Bartlett continues to be involved with many organizations at the national level. Some of these include AARP [American Association of Retired Persons], NCSC [National Council of Senior Citizens], OWL [Older Women's League], WOMEN FOR:, and the League of Women Voters.

Ms. Bartlett served her country as a member of the Women's Army Corps where she attained the rank of lieutenant colonel.

It is a pleasure to bring Ruby Bartlett's outstanding record of public service to the attention of my colleagues in the House of Representatives and I ask that they join me in congratulating her on this fine achievement.

THE TASER GUN PROHIBITION ACT OF 1987

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to prohibit the private sale or possession of the Taser gun. Under Federal law, the Taser is classified as a firearm. It is a flashlight-sized unit that fires two barbed darts attached to about 15 feet of fine conducting wire. The barbs, when lodged in skin or clothing, transmit a 50,000-volt shock for as long as the trigger is depressed. This shock is sufficient to cause contraction of the skeletal muscles and will invariably incapacitate the victim.

This legislation would in no way affect the sale, transfer, or possession of the more popular and less expensive stun gun. Unlike the Taser, the stun gun is not classified as a firearm. In order to use the stun gun, one must come in direct contact with the victim. The stun gun has also proven to have some utility as a self-protection device.

As a former sheriff, I recognize the utility of the Taser as a law enforcement device. Police departments in eight major cities—including Los Angeles and Washington, DC—use the Taser. Those law enforcement officers who carry and use this weapon are well-trained in its use. I do not question or dispute the value of the Taser as a tool of law enforcement. My bill would allow Federal, State, and local law enforcement officers to possess and use this weapon.

My major concern, Mr. Speaker, is that, unlike other types of firearms, the Taser has no legitimate civilian or sporting purpose. Because it can be used from up to 15 feet away, the Taser remains an attractive weapon of choice for criminals—especially organized crime. Several States have already passed legislation banning the Taser. My bill would simply expand this wise action to all States.

I am deeply concerned over the fact that the criminal element is growing increasingly more sophisticated in its approach to crime. There have been several instances where the Taser has been used by organized crime hit men to abduct individuals who were later killed. Without question, in the wrong hands the Taser poses a threat to both the law enforcement and civilian communities.

Let's take action now to remove this threat. I urge all my colleagues to support the Taser Gun Prohibition Act of 1987.

POUND SEIZURE

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. MRAZEK. Mr. Speaker, I rise to reintroduce the Pet Protection Act. This legislation, which already has the support of 35 original cosponsors, aims to ensure that federally funded research is scientifically valid.

As you know, shelter animals are not suitable for use in research because nothing is known about their genetic, environmental or medical background. Despite claims that shelter animals provide needed diversity, the fact remains that diversity can be achieved without sacrificing quality.

The National Institutes of Health [NIH] has long recognized that diversity in experiments does not have to mean chaos. Rather than acquiring animals from pounds and shelters, NIH uses only purpose-bred animals for in-house research. When experiments call for a wide range of research subjects, the entire range is supplied from the purpose-bred pool. In this way, no unknown variables can call an experiment's findings into question.

Unfortunately, NIH's sensible in-house policy does not extend to outside researchers funded through NIH grants. For this reason, some federally funded researchers purchase dogs and cats from local animal shelters, both directly and through intermediaries, without regard to the unknown variables inherent in the animals' background.

Because it is widely recognized that data obtained through research on shelter animals may not be scientifically valid, these animals now constitute less than 1 percent of the total number of animals used in biomedical research. The continued use of these animals is a tradition, not a necessity, and suitable, purpose-bred alternatives are readily available.

Eleven States and four foreign countries have already prohibited the research use of shelter animals. It is time for the Federal Government to do the same. I urge my colleagues to help accomplish this goal by joining me in support of this important bill.

I insert the Pet Protection Act at the conclusion of my remarks:

H.R. —

A bill to establish, with respect to any grant or research protocol of the National Institutes of Health, a restriction that any person obtaining or using for any research purpose any animal acquired from any animal shelter shall not be eligible to receive any such grant or research protocol

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pet Protection Act of 1987".

SEC. 2. RESTRICTION ON ELIGIBILITY TO RECEIVE FEDERAL FUNDS.

(a) IN GENERAL.—Any person obtaining or using for any research purpose any animal acquired directly or indirectly from any animal shelter shall not be eligible to receive Federal funds under any grant or research protocol of the National Institutes of Health.

(b) ANIMAL SHELTER DEFINED.—As used in subsection (a), the term "animal shelter" means any organization or government agency which—

(1) cares for lost, stray, unwanted, abandoned, or homeless animals; or

(2) is given custody of animals seized under State or local law.

SEC. 3. REGULATIONS.

The Secretary of Health and Human Services shall prescribe such regulations as may be necessary to carry out this Act.

SEC. 4. PENALTY.

The violation of this Act or any regulation prescribed under this Act in connection with any research project or protocol shall result in the immediate termination of funds for the project or research protocol.

SEC. 5. APPLICABILITY.

This Act shall apply with respect to funds appropriated in any Act or joint resolution that becomes law after the expiration of the 6-month period beginning on the date of the enactment of this Act.

LIST OF COSPONSORS

Martin Frost, Jim Chapman, William Lipinski, Larry Smith, Don Edwards, George Crockett, Andrew Jacobs, James Florio, Pat Schroeder, and Frank Horton.

Thomas Foglietta, Jim Bates, Thomas Downey, Peter Rodino, Robert Roe, Marty Russo, Charles Wilson, Billy Tauzin, Edward Feighan, and Robert Dornan.

Charles Bennett, Charles Rangel, Charles Schumer, Tom Lantos, Barbara Boxer, Sala Burton, and Hamilton Fish.

Ed Towns, Nick Rahall, Bernard Dwyer, Charles Hayes, Brian Donnelly, Robert Borski, and Bill Young.

CLARIFICATION OF U.S. POLICY CONCERNING SOLICITATION OF THIRD COUNTRY CONTRIBUTIONS TO THE CONTRAS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. HAMILTON. Mr. Speaker, in the CONGRESSIONAL RECORD of January 7, 1987, page 880, I inserted correspondence I had with the Department of State concerning allegations of Saudi assistance to the Contras. In light of news reports regarding possible contributions by the State of Brunei and other governments to the Contras, I wrote a letter to the Secretary of State on January 9, 1987, seeking clarification of the reply to my original letter. I received a reply on January 21 from the Secretary which regrets the errors in the original letter sent by the Department of State on November 21.

A related discrepancy in the administration's reply of November 21, concerning the legality of U.S. solicitations of third country contributions to the Contras, was brought to the attention of the Department of State by minority chief counsel, David S. Addington, of the Foreign Affairs Committee on January 13. Mr. Addington received a reply which specifies under what conditions U.S. solicitations of third country contributions for assistance to the Contras are lawful, in view of the Office of the Legal Adviser of the Department of State.

Attached for the attention of my colleagues are the six letters: First, my original letter of October 14, 1986; second, the State Department's reply of November 21, 1986; third, my letter of January 9, 1987; fourth, Secretary Shultz's reply of January 17, 1987; fifth, Mr. Addington's letter of January 13, 1987; and sixth, the State Department's reply of January 21, 1987.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, October 14, 1986.

Hon. GEORGE P. SHULTZ,
The Secretary, Department of State, Washington, DC.

DEAR MR. SECRETARY: There have been several recent reports that Saudi Arabia has been providing funds to the Contra forces fighting the Nicaraguan Government.

I would appreciate having the following questions answered. Do you have any evidence that Saudi Arabia has or is providing any assistance or financial aid directly or indirectly to the Contras? Has the United States raised this issue with the appropriate Saudi officials? Has the United States ever encouraged any Saudi officials or citizens to provide aid to the Contras? And finally, is there any linkage between the AWACS sale to Saudi Arabia and Saudi assistance provided to the Contras?

This issue has been brought up in two hearings with the Department to State before the subcommittee, but I would appreciate answers to the questions posed.

With best regards,
Sincerely yours,
LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

WASHINGTON, DC.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am responding to your letter of October 14 asking Secretary Shultz to address several questions relating to reports that Saudi Arabia has or is providing aid to the Contras.

Despite reports which appeared in the San Francisco Examiner and the New York Times alleging that Saudi Arabia is providing aid to the Contras, the Department of State has no evidence that Saudi Arabia or any other country has or is providing such assistance or financial aid either directly or indirectly. We note also that the Saudi Embassy had denied the allegations. Moreover, we have not discussed this issue with the Saudis nor encouraged Saudi officials or citizens to aid the Contras. In fact, the 1985 Foreign Assistance Authorization Act specifically forbade us from soliciting third-country support for the Contras.

Furthermore, there was no linkage between the AWACS sale to Saudi Arabia and alleged Saudi assistance to the Contras. In 1981, the terms of the original agreement to sell Saudi Arabia five E-3A Airborne Warning and Control System (AWACS) aircraft were notified to Congress. President Reagan reaffirmed these terms of sale in a June 18, 1986 letter to the Congressional leadership. The President's letter described arrangements made with the Government of Saudi Arabia to implement assurances provided in October 1981 to then Senate Majority Leader Baker.

The President did assure Congress that Saudi Arabia had been helpful in a broad range of regional security and peace objectives. This commitment did not explicitly or implicitly extend to assisting the Contras.

Please let me know if I can be of further assistance.

Sincerely,
LOUISE R. HOPPE,
Acting Assistant Secretary, Legislative and Integovernmental Affairs.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, January 9, 1987.

Hon. GEORGE P. SHULTZ,
Secretary, Department of State, Washington, DC.

DEAR MR. SECRETARY: On November 21, 1986 in reply to a letter I sent you regarding allegations of Saudi Assistance to the Contras, you said that the Department of State "has no evidence that Saudi Arabia or any other country has or is providing such assistance or financial aid either directly or indirectly."

In light of revelations regarding possible contributions by the State of Brunei and possibly other states, does the State Department stand by its statement of November 21st or do you revise it?

I appreciate your consideration of the attached.

With best regards,
Sincerely yours,
LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

THE SECRETARY OF STATE,
Washington, DC, January 17, 1987.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives,

DEAR LEE: Thank you for bringing to my attention a November 21 letter you received from the Department relating to third country contributions to the Nicaraguan Democratic Resistance. As you know, the passage in our letter to which you referred is not consistent with my testimony before the Senate Select Committee on Intelligence concerning the Department's request to the Government of Brunei. We regret that this letter was inadequately cleared and factually wrong. I will be available for any additional questions on this subject in my closed session testimony before your committee on January 21.

Thank you for your concern and patience in this matter. I appreciate the opportunity to ensure that the record is correct.

Sincerely yours,
GEORGE P. SHULTZ.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, January 13, 1987.

Hon. J. EDWARD FOX,
Assistant Secretary of State for Legislative and Intergovernmental Affairs, Department of State, Washington, DC.

DEAR MR. SECRETARY: The Congressional Record of January 7, 1987 (page 880) contained correspondence between the Department of State and the House Foreign Affairs Subcommittee on Europe and the Middle East about allegations of assistance by Saudi Arabia to the Nicaraguan democratic resistance. The State Department letter said that "* * * the 1985 Foreign Assistance Authorization Act specifically forbade us from soliciting third-country support for the Contras." Presumably, the reference is to section 722 of the International

Security and Development Cooperation Act of 1985 (Public Law 99-83).

I was surprised by the quoted statement, especially in light of statements made concerning the legality of a reported effort by an Assistant Secretary of State to solicit funds for humanitarian assistance for the Nicaraguan resistance from a third country, which press reports identify as Brunei.

I would recommend that the Department's Office of the Legal Adviser review carefully the statement quoted above from the Department's letter. The Department may wish to consider advising the Subcommittee on Europe and the Middle East of any inaccuracy of imprecision to quoted statement.

Sincerely,

DAVID S. ADDINGTON,
Minority Chief Counsel.

U.S. DEPARTMENT OF STATE,
Washington, DC, January 21, 1987.

Mr. DAVID S. ADDINGTON,
Minority Chief Counsel, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. ADDINGTON: Thank you for your letter of January 13 inquiring about a letter sent by the Department to the Subcommittee on Europe and the Middle East regarding allegations of assistance by Saudi Arabia to the Nicaraguan democratic resistance. You questioned the accuracy of the passage stating that ". . . the 1985 Foreign Assistance Authorization Act forbade [the Department] from soliciting third-country support for the Contras." The statute referred to was the International Security and Development Cooperation Act of 1985 ("1985 ISDCA"), authorizing foreign assistance for FY 86-87.

The Office of the Legal Adviser has reviewed this statement and confirms that it is not an accurate description of the Department's view of the law. We are aware of only two statutory provisions bearing on Department solicitation of third-country support for the resistance. Section 105(b) of the 1986 Intelligence Authorization Act specified that the general prohibition on assistance to the resistance (beyond the $27 million in humanitarian assistance and other specified support) contained in section 105(a) did not preclude "activities of the Department of State to solicit such humanitarian assistance for the Nicaraguan democratic resistance." Section 722(d) of the 1985 ISDCA (the "Pell Amendment") prohibited any arrangement conditioning provision of U.S. assistance on the recipient's assisting the Nicaraguan resistance.

Section 105(b) simply restated the Department's authority to conduct such solicitation, and in itself bears no implication that solicitation in previous years was unlawful or improper. We know of no other basis in law for concluding that solicitation of assistance for the resistance from other governments would have been unlawful under the terms of P.L. 99-83 or any other statute applicable at that time. The Pell Admendment was entirely consistent with Executive branch policy, and in any event did not purport to restrict the Executive from soliciting assistance consistent with its terms.

I regret the inaccurate statement contained in our earlier letter, and thank you for drawing it to my attention. As the Secretary explained to Subcommittee Chairman Hamilton in a January 18 letter, the November 1986 letter had not been adequately cleared within the Department.

I am sending a copy of this letter to the Chairman of the Subcommittee on Europe and the Middle East.

Sincerely,

J. EDWARD FOX,
Assistant Secretary, Legislative and Intergovernmental Affairs.

SUPPLEMENTAL APPROPRIATIONS FOR URGENT HUMANITARIAN NEEDS IN SOUTHERN AFRICA

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. LELAND. Mr. Speaker, I rise in support of this critical legislation designed to provide urgent humanitarian assistance for the people of southern Africa.

Mr. Speaker, in the last session of Congress, the Members of this body took the historic and courageous step of overriding the President's veto and supporting legislation which imposed strict economic sanctions against the Government of the Republic of South Africa. By doing so, we expressed our firm opposition to the apartheid system and our support for those who are oppressed by that illegal, immoral, and racist system.

We can be proud of that vote and of the sanctions that were imposed on South Africa. But the imposition of sanctions does not signify an end to our concern for the victims, direct and indirect, of apartheid and for the future of the region. It must, instead, signify a beginning. It is now time to demonstrate our support and concern for those in the region who are victimized by this illegitimate Government.

The legislation that we have introduced addresses the urgent humanitarian needs of the people of southern Africa. Those needs are great, and with the imposition of sanctions against the Pretoria regime by the Western nations, perhaps greater than ever before. The front-line states of southern Africa are all the victims of South African Government oppression and aggression. That aggression takes many forms. Nations such as Lesotho, Swaziland, and Botswana are almost entirely dependent on South Africa for energy and for external trade, and South Africa has used this dependence repeatedly to violate their sovereignty. By imposing an economic stranglehold on Lesotho in March 1986, South Africa was able to force the ouster of a Government which they perceived as supporting national liberation forces.

In Mozambique and Angola, South Africa's aggression has been more overt, through economic and military support of insurgencies. South Africa has used the insurgency movements to destabilize these Governments which are opposed to its regime; unfortunately, they have been very effective in creating chaos in both countries. In Mozambique alone, South African-supported rebels have destroyed 718 health clinics; immunization rates for life-threatening diseases have dropped from 44 percent in 1984 to 33 percent in 1985. The war has been directly responsible for 100,000 deaths and the displacement of 500,000 to 1 million people within Mozambique. As a result, an estimated 4 million people in Mozambique are currently at risk of starvation.

In addition to the military and economic warfare being waged on the people of southern Africa by the forces of apartheid, the region is suffering from general steep economic decline, a horrible locust infestation with the potential of destroying vast amounts of food crops, and a continuing drought. The combination of these phenomena is leading to increasing suffering on a wide scale throughout the southern Africa region. There is increasing malnutrition, disease, dislocation and family separation, and death from starvation. The people of southern Africa are experiencing famine conditions. We cannot stand by and ignore this tragedy now any more than we could when drought-induced famine threatened so many in Ethiopia and the Sudan. The response at that time from the American people and the U.S. Government was swift, efficient, and generous. We must be just as swift and generous now when millions of innocent men, women, and children are threatened with certain death.

The need for additional assistance is real and immediate. This legislation is an essential step in assuring that assistance by increasing support to humanitarian relief and assistance agencies working in the region. The bill provides $144 million in supplemental funding for humanitarian needs in southern Africa. The funds would be used for refugee assistance programs, urgent health care, disaster relief programs, projects to boost local food production, resuming basic education programs disrupted by the chaos, and for the provision of water supplies to the millions of displaced persons. Funds provided by this legislation are to be distributed by such organizations as UNICEF, AID's disaster assistance office, the UN High Commissioner for Refugees, the International Red Cross, the African Development Foundation, the Southern Africa Development Coordination Conference [SADCC], the International Fund for Agricultural Development [IFAD], the United Nations Development Fund for Women [UNIFEM] and the American private and voluntary organizations which have worked so tirelessly on behalf of the famine victims throughout sub-Saharan Africa over the past few years.

I strongly urge all of my colleagues to support this humanitarian legislation. We must continue our fight to bring an end to apartheid, and an essential aspect of that fight is to support those who are directly and indirectly oppressed by the regime in Pretoria. Humanitarian assistance to the region will not only save lives; it will send a strong message to the front-line states that Americans stand firmly and unquestionably united with them in their struggle against tyranny.

NATIONAL PARKS ARE A NATIONAL TREASURE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. FOGLIETTA. Mr. Speaker, our national park system is one of this country's most treasured resources. From Independence National Historical Park in Philadelphia, PA, to Klondike Gold Rush National Historical Park in Alaska, millions of Americans enjoy our national preserves each year.

Today I am introducing legislation which will ensure free access to our Nation's historical parks, and provide a fair system for the imposition of entrance fees on other public lands.

The maintenance of our historical parks is not inexpensive, but it is a responsibility that the Federal Government should continue to uphold. This year the National Park Service has announced that it is planning to impose entrance fees at over 70 more parks than it presently charges. Among those parks where the Park Service would impose new fees is Independence National Historical Park, the site of the signing of the Declaration of Independence and probably the most important historical landmark in this country. The Park Service admits that this action would decrease the number of people who would be able to visit the park. This would be a great disservice to all Americans by restricting the enjoyment of our national heritage to only those who can afford it.

The legislation I am introducing today is intended to ensure that important parks, like Independence National Historical Park, remain accessible to everyone by making all of them free to the public.

I am not opposed to the idea of entrance fees at some national parks. But I feel that the National Park Service has been inconsistent in deciding at which parks a fee should be charged. There are certain national parks which have many recreational activities that must be maintained. At these parks, the Government should be allowed to recoup some of its costs. But there are other national parks which are not only historical monuments but educational facilities. These parks should be open to all Americans.

Independence National Historical Park is a perfect example. This park is the birthplace of our great country. To charge an admittance fee which exclude people from understanding the historical importance of this landmark flies in the face of everything for which the Founding Fathers created this Nation.

Independence National Historical Park is a vital part of this country's history. It is especially distressing that the Park Service would choose this year, the bicentennial of the signing of the Constitution, to impose an entrance fee. In this year particularly, we should be encouraging more Americans to visit the place where our forefathers laid the foundation for our Government. To deprive anyone of this very important educational experience would be a tragedy.

This action by the National Park Service is typical of the Reagan administration's desire to remove all services from Federal responsibility. If this administration had its way, the only purpose for our Federal taxes would be the development of star wars.

The Federal Government has an obligation to maintain our historical landmarks. This legislation will ensure that they do. During this period of extreme budgetary constraints, I agree that the Government must reassess the role it plays, but eliminating support for these parks is not the answer. As I have stated before, there are other areas where fees could be charged fairly.

To this end, my legislation directs the Secretary of the Interior to submit to the Congress no more than 6 months after the enactment, a full report outlining its entrance fee system. This report must fully describe the parks in which the Park Service plans to impose fees, the reasons for choosing these parks over others, an explanation of the social and economic ramifications of the imposition of these fees, and a full outline on how this system is to be implemented.

This report will be reviewed by Congress in order to ensure that our park systems remains accessible, and at the same time viable under existing budgetary restraints.

The year 1987, the bicentennial of the signing of the Constitution, should be a year for all of us to take time to remember the ideals for which this Nation was created. The most important of these ideals are liberty and equality. It is the Congress' responsibility to ensure that these ideals are upheld. To exclude anyone from the enjoyment of our Nation's history would be an abrogation of our duty.

ESTABLISH POVERTY POINT AS A NATIONAL MONUMENT

HON. JERRY HUCKABY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. HUCKABY. Mr. Speaker, today I am reintroducing a bill to designate Poverty Point in the State of Louisiana as a national monument. The entire Louisiana congressional delegation has joined me as original cosponsors. Poverty Point, located in my congressional district, is the site of the earliest aboriginal culture group yet discovered in the lower Mississippi Valley, dated between 700 and 1700 B.C. This 400-acre area contains a complex of manmade earthern mounds, with the central group consisting of six rows of concentric octagonal ridges, 5 to 10 feet high. The dominant feature of the site is a great effigy mound, depicting a spectacular bird in flight. It measures about 700 by 800 feet at its base and rises about 60 feet into the air. It is unknown for what purpose these structures served, but their age, size, and character clearly place them among the more significant archaeological finds in America today.

The people who fashioned Poverty Point had probably migrated to this part of the world from Asia via the Bering Strait and Alaska. An apt comparison can be made to the Egyptians who dragged huge stones across the desert to build the great pyramids; it has been estimated that some 5 million manhours were devoted to building these massive structures at Poverty Point, with these ancient laborers carrying the earth to the site in baskets of about a 50 pound capacity.

One of the remarkable aspects of this culture was the people's efforts to import materials from great distances and their ability to adapt to the environment. Hard brick-like clay balls were fashioned, heated, and used for cooking because there were no stones available at Poverty Point for this purpose. Flint knives and spears were made from stones from 30 miles away, and soapstone vessels were made of material from the mountains of North Carolina 500 miles away. There are many other rich archaeological treasures at Poverty Point, such as a unique crematory site and a museum display of weapons that predate the bow and arrow.

One of the most important finds was the discovery of post holes (carbon deposits) which indicate the placement of posts that were used in sightings of the autumnal and vernal equinoxes, as well as the summer and winter solstices. This could prove a link to Stonehenge in England, thereby dating Poverty Point back many more thousands of years and completely changing ancient history as it is being taught today.

I have had a continuing interest in affording Poverty Point some kind of Federal protection since 1977. However, the State of Louisiana did step in soon after and declared the site as a State commemorative area.

Because of the serious financial situation our great State is in right now, it is unfortunate that the State government was forced to close all its commemorative areas September 1 of last year. There is only a roving maintenance and security crew to oversee all our commemorative areas, and the public has no access to Poverty Point.

Poverty Point is already on the list of National Historic Places and is recognized as a Historical National Landmark by the National Park Service. It is considered nationally signficant by the standards set in the Historic Act of 1935 and by its accessibility, suitability, and feasibility aspects. I cannot foresee any objections or obstacles to establishing Poverty Point as a national monument.

Louisiana State Gov. Edwin Edwards has endorsed my proposal, and the people of Louisiana, plus visitors to our State, students, and researchers are overwhelmingly supportive of keeping Poverty Point open to the public.

Overall, I think we need to provide adequate protection to this valuable resource, so steeped in historical and archaeological information. This bill is noncontroversial and straightforward. I urge its quick consideration and approval by Congress.

UKRAINIAN INDEPENDENCE DAY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. VISCLOSKY. Mr. Speaker, last Thursday marked the 69th anniversary of the establishment of the independent Ukrainian state. With the fall of the Russian and Austria-Hungarian empires, both of which controlled

Ukrainian territory at the time, the Ukrainians took a decisive step toward obtaining national freedom when they declared their independence from foreign powers on January 22, 1918. However, this independence was short lived and ceased with the military takeover of the Ukraine by the Bolshevik government under Lenin.

Americans should have a special empathy for the plight of the Ukrainians. Our history has also been marked by a struggle to achieve independence and freedom. Because of this special bond, we are struck today with a deep sense of concern as our hearts and minds turn to our Ukrainian brothers and sisters in their effort to achieve respect for basic, fundamental human rights.

We can find inspiration and leadership in those who, at great peril to themselves, have fought for what we all too often take for granted in our great country. Mykola and Raisa Rudenko, Lev Lukyanenko, Petro Vins, and Valentin Moroz have courageously and openly protested cultural oppression, religious persecution, and economic exploitation. Their efforts, as well as others, have the admiration and support not only of the countless dedicated Ukrainian Americans, but all Americans.

As we honor and remember those across the sea in the Ukraine, we are also aware of the hundreds of thousands of Americans of Ukrainian descent who have made valuable contributions to our country. I am fortunate to have in my district a substantial and active Ukrainian-American community. Ukrainians in America have distinguished themselves in all aspects of our society.

Today we look back in time to recall an historic event and look forward to the time when the Ukrainian people will not suffer under a government which continues to deny basic human rights.

SEATTLE ACTIVIST SPEAKS FOR HUMAN RIGHTS

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. LOWRY of Washington. Mr. Speaker, I wanted my colleagues to be aware of thoughtful testimony that one of my constituents, Steven L. Kendall, submitted this past fall to the House Subcommittee on Criminal Justice as it examined the serious problem of violence directed against gay persons. The testimony was as follows:

In July 1983, Capitol Hill—Seattle, WA—was rocked by a series of assaults on gay men in at least six incidents. Commonly known as "gay bashings," the worst assault occurred when approximately a dozen teenagers carrying a crowbar and clubs attacked a man, beating him senseless, and then forcibly inserting the crowbar up his rectum. Fortunately, he fully recovered—physically—and several of the assailants were later convicted of felony assault.

State Representative Janice Niemi—Seattle—and Jim Dorn, president of the Dorian Group, a Seattle gay rights organization, met with Seattle Police Chief Patrick Fitzsimons to stress the need for greater police protection in the area of the assaults. Police patrols were increased in the area as a result of this meeting.

These ongoing incidents prompted me to write to each of the nine members of the Seattle City Council and Seattle Mayor Charles Royer. I asked that they enact a malicious harassment ordinance patterned after the Washington State felony malicious harassment state—RCW title 9A, chapter 36, section 80—which would protect persons based upon their sexual orientation from immediate threats to their life, limb, or property. The response I received was uniformly positive.

In the spring of 1984 such an ordinance was introduced. In May of that year the city council held a hearing on the matter in a packed council chamber. The vast majority of the audience were self-acknowledged fundamentalist Christians—most of whom didn't live in the city—who came to the hearing to oppose enactment of the ordinance.

Jim Holm, president of the Dorian Group, presented results of a survey of local gays done by the National Gay and Lesbian Task Force, which showed a large percentage of gay persons had either been threatened with violence or actually been assaulted with or without a weapon.

In my testimony to the council, I urged them to amend the ordinance to include language making it clear that malicious harassment didn't include insulting, demeaning, or deprecatory language. Such language is included in the Washington State felony statute, and I felt it would quiet critics who contend that without such language the ordinance would deny constitutional protections of free speech and religion.

Those speaking in opposition to the ordinance based their arguments upon the Biblical condemnation of homosexuality and claimed that the ordinance would create a protected class of citizens based on sexual orientation. They also expressed the concern that the ordinance would deny Christians their right to free speech and religion.

I found considerable irony in the opposition's "religious" arguments against the ordinance. Apparently, they were unaware or chose to ignore that Christ was confronted with an incident of malicious harassment of an individual and, in effect, denounced and put a stop to it. In the Book of John 8:3-11, Revised Standard Edition, it says:

> The Scribes and the Pharisees brought a woman who had been caught in adultery, and they said to him, 'Teacher, this woman has been caught in adultery. Now in the law Moses commanded us to stone such. What do you say about her?' He stood up and said to them, 'Let him who is without sin cast the first stone at her.' When they heard it they went away, one by one.

When gay men are being threatened and assaulted, and while women are being terrorized, where are these people? Do they picket, write letters to legislators and editors to denounce such activity and demand action? No. Instead, they've chosen to use the Bible as a political and social tract to persecute and humiliate gay people and women.

The ordinance was amended to extend its protections to classes based on age, gender, marital status, parental status, and political ideology. Also, exclusionary language was added to protect it from judicial attack on free speech grounds. On June 11, 1984, the Seattle City Council passed the ordinance on a vote of 8 to 0. After the ordinance was signed into law, its opponents attempted to repeal it through a ballot referendum. They failed to collect the required number of signatures and the measure has been in effect for over 2 years now.

I would propose the enactment of a Federal Malicious Harassment Act patterned after the Washington State and Seattle statutes. Specifically, such Federal legislation should make crossing of State or territorial borders to willfully commit malicious harassment a felony. It should be illegal for any person or persons to cross State or territorial borders to either physically, telephonically, or through the mails to threaten the life, health, or property of any person because of their age, ancestry, race, creed, marital status, parental status, political ideology, race, religion, sex, sexual orientation, or physical, mental, or sensory handicap, whether real or perceived. I would propose that people found guilty of such an offense be subjected to imprisonment of up to 5 years, and a fine of up to $10,000. I would further propose that such penalties be doubled if any physical assault or property damage has occurred.

A corollary to the problem of violence against gay and lesbian people is the recent U.S. Supreme Court ruling in Bowers versus Hardwick, June 30, 1986. A 5-to-4 majority of the Court ruled that States may enact legislation prohibiting private, noncommercial sexual activity—anal and oral—between consenting adults of the same gender. In a footnote, the majority specifically excluded from their decision a ruling on married or unmarried couples of the opposite gender engaging in the same type of sexual activity even though such couples are also included under the Georgia sodomy statute at issue before the Court.

This ruling has created an enhanced sense of official sanctioning of the persecution and violence toward gay and lesbian persons regardless of whether their own jurisdiction has a sodomy statute. I would urge Congress to encourage those States with sodomy laws directed against gay men and lesbians to repeal them.

There is a need for Federal intervention in the area of interstate violence and threats against gay and lesbian people. Such action could have a positive and significant impact in reducing violence and legalized harassment and intimidation against those who love their own gender, or are perceived to.

Opponents will argue that there are plenty of State and Federal felony assault statutes, and they're correct—as far as they go. However, the unique concept of malicious harassment laws is to provide a statutory means of arresting a harasser at the stage of written or oral threats, rather than having to wait until an actual violent crime has occurred.

In closing I'd like to paraphrase a passage from President John F. Kennedy's "Radio and Television Report to the American People on Civil Rights," delivered on June 11, 1963, from the Oval Office:

We preach freedom, and we mean it, but are we to say to the world, and much more importantly, to each other that this is a land of the free except for those who are gay or lesbian; that we have no second-class citizens except those who are gay or lesbian, that we have no class or caste system, no master race except with respect to those who are gay or lesbian?

I respectfully submit that it is time to fulfill this promise to all Americans, including its sexual minorities.

CIVIL RIGHTS OF A SELECT FEW

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. DANNEMEYER. Mr. Speaker, I commend the following letter to my colleagues for their review. Dr. Alvig makes a very pertinent and very obvious point. At what point did our Nation's public health authorities switch allegiance from protecting the health of our citizens to protecting the civil rights of a select few?

OLAV H. ALVIG, MD.,
Cumming, GA, November 21, 1985.

AMA News.

TO THE EDITOR: There is a sexually transmitted disease with a very long incubation period, that is life threatening, and incurable. AIDS? No, syphilis prior to 1945. It was defeated by routine epidemiologic techniques. Everyone was tested when hospitalized, married, or inducted into the Armed Forces until the affected were identified, counselled, and all contacts followed.

Prior to this public health effort, syphilis filled one-half of the hospital beds in the USA, just as AIDS will do in 5 years unless the Federal Government changes its lackadaisical attitude.

Syphilis never had civil rights. Why is AIDS different? What about the rights of health care workers who frequently are not informed of those with ARCS and AIDS, but are required to work with infected body fluids without giving informed consent. I feel the legal profession will have a field day when a health care worker and his family come down with AIDS and nobody warned them.

Sincerely,

OLAV H. ALVIG.

CONGRESSIONAL SALUTE TO THE READING AMBUCS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to the Reading, PA, chapter of the National Association of American Business Clubs, better know as AMBUCS. On February 17, 1987, the chapter will be celebrating Reading AMBUCS Day to coincide with the National Association's National AMBUCS Radio Day.

This celebration provides an excellent opportunity for all of us to recognize the many achievements of the Reading AMBUCS membership. AMBUCS was founded in 1922 as a national service organization dedicated to Americanism, brotherhood and character. Since its founding in 1925, the Reading Chapter (AMBUCS' 10th oldest chapter) has focused on these goals in its effort to promote a better community life for all.

The Reading AMBUCS chapter focuses on charitable work. Over the years, they have assisted countless individuals and their annual projects are well-known throughout the Reading area. In 1947, the membership established a Spastic Paralysis Program which later became Berks County's Easter Seals Society. They also sponsor an annual Eyeglass Benefit Basketball Game with the proceeds going to provide eyecare and glasses for needy children. Reading AMBUCS also sponsors a Baseball Night with the Reading Phillies and a food stand at local fairs with the proceeds from these projects contributed to a variety of charitable groups. Finally, Reading AMBUCS is active in the National Association's Scholarship Program for therapists. With the help of Reading AMBUCS, a number of students have been able to pursue their dream of higher education in this most important field.

The Reading AMBUCS membership is a fine example of the type of dedication and community involvement which we should all try to emulate. Through their devotion and commitment to the principles of Americanism, brotherhood and character, our community life has been enhanced and countless individuals have been benefited. I know that my colleagues will join me in honoring the chapter on Reading AMBUCS Day and in wishing the membership continued success and good fortune in the years to come.

TRIBUTE TO ARMENAK MARDIROSSIAN

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. TORRICELLI. Mr. Speaker, I rise in honor of Armenak Mardirossian. Mr. Mardirossian is being honored as president of the board of trustees of the Home for the Armenian Aged, Inc. For 34 years, he served in this position without remuneration. As a tireless promoter of Armenian-American causes, he was instrumental in numerous projects of interest to the Armenian community, such as helping the congregation of St. Leon's Armenian Church move to Fair Lawn, building St. Vartan Armenian Cathedral in New York City, and improving the Home for the Armenian Aged.

During the Depression years, he served as treasurer and parish council president of St. Leon's Armenian Church in Paterson, NJ. When the congregation grew too large for the facility, Mr. Mardirossian led a fundraising drive and personally guaranteed the $23,000 mortgage to purchase the Fair Lawn property on which St. Leon's stands.

In 1951 when Mr. Mardirossian joined the board of trustees for the Home for the Armenian Aged, the home had only 10 boarders and was staffed entirely by volunteers. Under his leadership, the home has grown to a 150-bed facility offering both nursing and boarding care to the elderly, the handicapped, and the retarded.

All who have known and worked with Mr. Mardirossian have the deepest admiration, respect, and affection for him. Armenak Mardirossian has set a high example as an Armenian leader and as a patriotic American, and is truly deserving of recognition from our Nation.

PRESENTATION OF CONGRESSIONAL ARTS CAUCUS AWARD TO BILLY JOEL

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. DOWNEY of New York. Mr. Speaker, today the Congressional Arts Caucus was proud to honor singer, songwriter, and musician Billy Joel for his outstanding contribution to our cultural legacy.

Loved by audiences that span generations, Billy Joel's current album is called, "The Bridge"—and the title is most appropriate. For we do not just listen to a Billy Joel song. His music reaches out and connects with our feelings. His vivid and rich lyrics are written for all of us—to be identified with, then adapted into our own experiences.

With his Grammy Awards, his best-selling albums, and consistently sold-out concert tours, Billy Joel has made his mark as one of America's popular music greats. Yet his rise to fame came through hard work, perseverance, and adversity. He was born in the Bronx, then raised on Long Island. He first played piano at age 2, started lessons at 4, and recorded an album before he was 20. His subsequent experience as a piano bar performer on the west coast provided much of the material and inspiration for his album "Piano Man." The album not only went gold, but also launched his career which has been studded with a lengthy list of classic, hit records including "She's Always a Woman," "The Longest Time," and "New York State of Mind."

And whether he is touching our hearts in "Just the Way You Are" or lifting our spirits in "It's Still Rock and Roll to Me," Billy Joel's versatile and catchy music makes him an acknowledged melody master. His songs cover the full spectrum of human emotion, expressed through rollicking rock 'n roll or his trademark—poignant rock love ballads. Often his music is a backdrop for messages on social issues—the soulful commentary about a Vietnam veteran in "Goodnight Saigon" and the unemployed workers in "Allentown." Most powerful, though, is the antisuicide plea in "You're Only Human"—directed to young people and made especially meaningful because its musical roots came from his own personal struggles.

It was most appropriate then for the Arts Caucus to recognize Billy Joel for his outstanding achievement and dedication to the enrichment of our Nation's cultural legacy. He has been a model and inspiration to struggling young musicians—as well as all people—that success depends on a unique combination of talent, hard work, and dedication. His dozens of incomparable classic songs and his multitude of honors have secured him a unique place among our musical matters and a special identity. Billy Joel is America's "Piano Man."

THE CONGRESSIONAL PAY REFORM ACT

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. TAUKE. Mr. Speaker, 1987 is not only the beginning of the historic 100th Congress, but the celebration of the Bicentennial of the United States Constitution as well. It seems fitting that we address the controversial issue surrounding congressional pay increases at this time.

During the first session of Congress, Members debated the issue of congressional pay and the manner in which increases should be determined. In fact, in 1789, one of the proposed 12 amendments to the Constitution stated:

> No law varying the compensation of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

As everyone is aware, 10 of these amendments became the Bill of Rights, but 2 of them, including the pay resolution, failed to win the necessary support in three-fourths of the States.

Today I reintroduced the Congressional Pay Reform Act, a measure I originally introduced in 1979. In nearly every Congress over the past decade, Members have been embarrassed by the controversy which surrounds congressional pay adjustments. Things have gotten so bad that the American people believe Congress is incapable of dealing with salary adjustments in other than a chaotic and complicated manner. And they may be right.

The Congressional Pay Reform Act mandates three simple, yet important, reforms in the way we consider our salaries. Under this bill, congressional pay adjustments would be deferred until an election had intervened and the next Congress was seated, thus preventing us from voting for a pay raise which would go into effect during our current term of office.

Second, recorded votes would be required in both the House and Senate so that the public would know how each elected official stood on salary issues. In the past, many pay raises were approved by anonymous voice vote.

Finally, congressional pay questions would be considered independently of other appropriations bills, thus ending the current practice of combining congressional salary increases with adjustments for Federal employees and agency appropriations. This bill would free the question of salary adjustments from the entanglements of other appropriations bills and would prevent Federal agency appropriations from being held hostage to congressional pay increases. Moreover, automatic cost-of-living increases would not accrue to Members, and future increases for other governmental officials would not be tied to congressional pay increases.

Furthermore, this legislation would not only prevent Members from voting for a pay increase for themselves during their current term of office, it would also require each Member to take a public stand on this issue. At the very least, we owe this to our constituents.

Congressional pay adjustments seem to have become a perpetual source of debate, controversy and embarrassment. The Congressional Pay Reform Act is an important step toward providing us with a simple, yet effective, way to equitably deal with this issue and help prevent the interruption of the normal operation of the Federal Government.

NATIONAL COMMISSION ON AIDS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. LEWIS of California. Mr. Speaker, each one of us should be acutely aware of the reality of the threat of acquired immune deficiency syndrome [AIDS] in American society. Just a week ago, U.S. Surgeon General Everett Koop predicted that 100 million people will die of AIDS by the year 2000 if their is no change in our present policy concerning AIDS. Predominantly striking individuals in their twenties and thirties—at the peak of their productive lives—more than 16,000 Americans have died, with 1 to 1.5 million currently carrying the AIDS virus. Once believed to affect only drug users and homosexuals, AIDS now threatens men, women, and children from all walks of life.

Clearly, a national policy on AIDS is needed. Coordination of AIDS-related activities nationwide—in both public and private sectors—is crucial to our combined efforts to address the many problems associated with this devastating disease. The National Commission on AIDS will provide the cohesion critical to dealing with AIDS. Utilizing existing resources and mobilizing activities nationwide, the National Commission will recommend to Congress and the President a national response to AIDS and a strategy for effectively meeting the AIDS crisis.

WORKER READJUSTMENT AND PLACEMENT ACT [WRAP]

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. JEFFORDS. Mr. Speaker, last Thursday, I introduced, along with 10 cosponsors from both sides of the aisle, H.R. 728, the Worker Readjustment and Placement Act [WRAP]. WRAP would institute a Federal system for providing grants and technical assistance to joint labor-management committees established for the purpose of assisting workers who lose their jobs as part of a plant closing or mass layoff.

One of the most pressing issues we will confront this year is the problem of dislocated workers. I find it most encouraging that we are starting with a new perspective that has broadened considerably since the previous Congress.

For the past decade, the primary focus in this area has been upon proposed mandates for employers—advance notice, consultation with unions, relocation penalties, and so forth. However, these proposals have only addressed a portion of the problem. Even if you provide notice to workers of an impending layoff, what options do they have to remain a productive part of the work force and to maintain the quality of living to which they are accustomed? The previous legislative proposals have not focused upon this problem.

It was this frustration which prompted me to join with Representatives MARGE ROUKEMA and STEVE GUNDERSON in requesting Labor Secretary William Brock to appoint a task force composed of business and labor leaders, Government officials and academicians to study the dislocated worker problem and seek a consensus.

The result of our request has exceeded our highest expectations. Not only was a consensus reached, but the Task Force on Economic Adjustment and Worker Dislocation has combined with other forces to prompt the administration to seek a new dislocated worker initiative as a high priority within its budget. While the details of this initiative have not yet been provided, the proposed tripling of Federal resources to address this problem is in itself a major step forward and our Secretary of Labor, William Brock, is to be commended for including it in his Department's budget.

The gentleman from Michigan, Mr. FORD, whose tireless efforts have brought this issue to the forefront, has already announced that he will join with Representatives CLAY and CONTE to introduce legislation based upon the task force report. In addition, an administration bill incorporating its dislocated worker initiative will be introduced soon.

The task of fashioning an adequate solution to the dislocated worker problem is indeed a formidable one and will require a comprehensive approach. As the vice-chairman of the Education and Labor Committee, I intend to work closely with Messrs. FORD, CLAY, and CONTE and with the administration to forge a consensus which reflects that of those who participated in the task force.

The legislation I offer today will provide a valuable component to any approach. It is based largely upon the Canadian Industrial Adjustment Service (IAS), which has proven highly successful in encouraging and assisting employees and workers in working together to find new jobs and provide other needed assistance to affected employees. In the task force report, the IAS is cited as an effective approach and is singled out among all foreign endeavors studied as the one offering "the highest degree of replicability" in the United States.

The WRAP bill, like the IAS, offers a simple, low-cost approach which is purely voluntary on the part of employers and workers. It establishes within the Department of Labor a corps of regionally-based officers who would be Senior Executive Service employees hired on the basis of their experience in the private sector. Because of the voluntary nature of the program, this private sector experience on the part of WRAP officers is an essential component in establishing credibility and a communication network with the business community.

The WRAP officers are authorized to provide in installments a 50 percent match (up to a total of $15,000) for the operating costs of committees existing at the plant site for the purpose of devising and implementing a worker assistance strategy. In order to facilitate a rapid response, the WRAP officer is able to provide the initial, start-up installment immediately. Not more than one-half of the operating costs of the committee are the only costs assumed by the WRAP program. However, it is expected that the committee will also likely tie into other separately-funded programs.

The committees are to be composed of an equal number of employer and employee representatives and chaired by a mutually selected person from outside the company. The committee assists displaced workers through coordination with applicable Federal, State and local programs and through the committee's own direct efforts to seek placements with other firms.

Under the Canadian system, one of the first tasks of each committee is to compile all relevant information regarding each employee through a questionnaire. With this information, the committee develops a marketing strategy for each employee and then makes an aggressive search of businesses in the geographic area which might have openings. Ideally, committee members are individuals whose own position (for example, plant manager, foreman) has given them personal knowledge of the abilities and skills of each employee. This knowledge not only enables them to focus upon relevant positions for reemployment, but also gives them credibility in getting a potential employer to set up a job interview.

The WRAP bill works entirely on a cooperative basis and does not require uninterested employers to do anything. It will incur no additional costs to the Federal Government since it will be funded from discretionary funds already provided under title III (Displaced Workers) of the Job Training Partnership Act. However, if the program works as effectively as the IAS system, it will result in net savings through reduced unemployment insurance costs. In Canada, this program has resulted in estimated savings of $25.5 million, offset by only $9.9 million in Government costs.

While I recognize that the displaced worker problem will require a much more comprehensive approach, my proposal will fit into virtually any larger package. At the same time, it promotes the worthy goal of labor-management cooperation, thereby minimizing the disruptions caused by necessary changes in a dynamic economy.

I welcome any of my colleagues to join me in this effort.

THE STATE OF THE REALITY ADDRESS TO CONGRESS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. JACOBS. Mr. Speaker, wouldn't it be nice if we could have a State of the Reality Address to Congress?

It would start off like this: "Mr. President, Mr. Speaker, Members of the Congress, this year I have asked your approval for $1 trillion in spending and $850 billion in taxing."

"Come to think of it, I have either asked for too much spending or too little taxing."

CONGRESSIONAL SALUTE TO THE SACRAMENTO BOCHO DOSHI KAI

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. MATSUI. Mr. Speaker, I would like to bring to Congress' attention the 75th anniversary of a fine and time-honored Sacramento institution, the Bocho Kai. Originally founded as the Yamaguchi Ken Jin Kai, Bocho Doshi Kai has stood as a cornerstone of Sacramento's Japanese community since 1912.

Established in the midst of the first large wave of Japanese immigration to the United States, Yamaguchi Ken Jin Kai acted as a cohesive force for those newly arrived from Yamaguchi Prefecture. Mr. Manzuchi Yoshinaga, a dentist by profession, acted as it's first chairman, and Mr. Soichi Nakatani, an employee of the Bank of Japan in Sacramento served as the general secretary. Even in its infancy the Yamaguchi Ken Jin Kai boasted a formidable membership of 150 people, making it the largest organization of its kind outside of Japan. The Yamaguchi Ken Jin Kai and the later-formed Bocho Goh-Yu Kai acted not only as vibrant ties to the old country, but they worked as strong, unifying and protective forces for their members. They were places of refuge and sources of support during the early 20th century when journalistic visions of the "yellow hoard" ran rampant and anti-Japanese sentiment and laws gripped the land. This was a time when laws blocked Isseis from ever owning agricultural land—the life blood of a farmer. This was a time when Isseis, by law, could never become American citizens. This was a time of fear and great racial prejudice. Rather than disperse in the face of adversity, the Yamaguchi Ken Jin Kai and the Bocho Goh-Yu joined forces around 1925 to become the Sacramento Branch of the Bocho Kai-Gai Kyo-Kai. This larger organization gave its members greater access to the financial and emotional support of its community. It acted as a prominent focal point of the Japanese in Sacramento.

Throughout its 75 years, the Bocho Doshi Kai has shown its enduring strength. It was instrumental in maintaining ties to the Japanese culture, with its concerns for family unity, hard work, respect, and diligence. It has provided a framework and support network for its members' daily lives. This vital organization brings people together and helps them through those important and often frightening times of personal change. Yet the Bocho Doshi Kai symbolizes something much larger as well. It stands as a sentinel against future abuse, lest we respect the errors of the past.

Mr. Speaker, I am proud to recognize this outstanding institution before Congress. Throughout its history, it has embodied many of our most noble and basic principles. For through its support of the Japanese community it has in fact strengthened the American dream.

A SPEECH BY MR. HARRY McLAUGHLIN

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. GOODLING. Mr. Speaker, it came to my attention shortly after adjournment of the 99th Congress that one of the veteran journalists in my district, Mr. Harry McLaughlin of the Patriot-News, was the guest speaker during a wreath-laying ceremony at the Dwight Eisenhower statue on the campus of Gettysburg College. This was to pay tribute to the most recent birthday of our late President. Mr. McLaughlin's speech was entitled "Ike and the GI Joes." The speech follows:

IKE AND THE GI JOES

Friends, in the past years, this gathering has listened to the famous leaders of our country, to those who worked with the man we honor here today. We also have heard from those who were friends of his wife.

Your speaker does not fall into any of these categories. Dwight David Eisenhower was my leader, not directly but his decisions directed the course of my destiny for 37 months, and the destiny of 3 million others who served in his command in World War II.

I accepted this honor today in commemorating Eisenhower's birthday as an opportunity to again remind the world, and those of us who served him, that his leadership preserved our democracy and the democracies and liberties of many nations and billions of people.

As commander of troops of numerous nations, and the man who called the decisions that led to the defeat of Hitler and Nazi Germany, Eisenhower never backed away from battle reversals, or from military and political leaders who wanted others to be the supreme commander.

I was not elected or appointed to represent the millions of former GIs at this ceremony, but I accepted the invitation of the Eisenhower Society of Gettyburg as a distinct honor for my World War II unit—the 94th Infantry Division—which now as an association holds annual reunions that are attended by as many as 2,500 members. I was privileged to serve as the first president of the National 94th Association.

Ike recalled that the 94th under General Patton and the Third Army had broken the German Army defenses in the Saar Basin and smashed to the Rhine River, capturing thousands of German soldiers. This drive came after the 94th had participated in the tail-end of the Battle of the Bulge.

It was Ike and others who later said this Saar campaign was the beginning of the end of the wars. (Enough of the bragging about the 94th Division.)

The men of our division, like millions of others, respected and admired Eisenhower the man and as a leader. He did not earn that respect by a casual effort on his part.

General Eisenhower, from his early career days in the Philippines, never for one moment forgot that the morale and welfare of the servicemen were extremely important to the success of battles.

The historians who write of Ike say he had one enduring responsibility—to visit the troops, mingle with them, inspect them and in turn, be inspected by them in order to win their trust and confidence.

During the 143 days before the cross-channel D-Day invasion, Ike visited 26 divisions, 24 airfields, five warships, many supply depots, airfields, ports and other installations.

He enjoyed talking to the troops, and talking with them, listening to them, signing autographs in an effortless bid to win their trust and affection. General Bradley recalled watching Eisenhower lean against a tree and sign autographs for nearly an hour.

Ike felt the task of molding morale was even more important since he was an American and speaking for the United States when he was with the troops of other nations. He was concerned early on in the war about the British image that American soldiers were overpaid, oversexed and over here—meaning over here in Great Britain.

At one point, Ike asked his deputy, General John Lee, to warn the American troops to behave and avoid excessive drinking to improve the image of the Americans. Unfortunately, Lee was less popular than Ike and the troops did not pay attention to Lee. Ike then issued a personal order to all commanders to inform the troops to stop swaggering and to behave. Their behavior was important, but it was not an overriding issue with him, because he was more interested in their physical and mental fitness.

Shortly before D-Day, Ike visited the 101st Airborne Division and talked to the men about to go into combat. He later told friends it is difficult to look a soldier in the eye when you know you are sending them to their deaths.

In a book entitled, "Crusade in Europe," which he wrote immediately after the war, Eisenhower said he wanted his commanders who are directing the operations to be seen by the troops. If the troops do not see the commanders, they have a right to resent the action and look upon it as neglect or indifference. Even a short visit indicates the commanders concern for them. Ike dedicated his book to the "allied soldier, sailor and the airman of WWII."

Ike pointed out that from September 1, 1939 until VJ Day, 322,188 servicemen died or were lost in battle, and another 700,000 were wounded.

In one visit to the 29th Division, Ike was standing on a muddy and slippery hillside while talking to the troops. He fell and landed flat on his back. He wrote that from the shouts of laughter, no other meeting would ever be more of a success. He said talking to the GIs created confidence and esprit-de-corps.

In another visit to the 100th Division, Ike, who liked to kid the troops and take kidding from them, asked for men with Silver Stars to step forward. According to Franklin Gurley, the 100th Division historian, Ike was surprised that none came forward and remarked, "You must have been hiding behind rocks." There was laughter.

Ike did not tolerate nonsense by the troops, especially those who became involved in black market activities, selling food and cigarettes destined for front line soldiers. In one instance, he rounded up the guilty ones and gave them a chance to redeem themselves by offering them a second chance. They could go to the front and fight, or face long terms in the stockades.

His action in that episode showed again that he was always interested in the welfare of his men. He later wrote that all commanders should be interested in the business of the welfare of the troops.

David Eisenhower, in his recently released book about his grandfather as a General in the War, said he told him about his concern for the welfare of the troops. After Ike became Chief-of-Staff—after the war—he wrote a book *At Ease*, which concentrates specifically about morale of the men.

After each major victory, Ike always credited the troops for their victories. After the Sicily victory, he told them, ". . . from the heart, I thank each one of you for the services you have performed so well in the air, on the sea, on the front lines, and in our ports and bases."

Ike supported his men even against Generals. Cartoonist Bill Mauldin had done cartoons on bearded disheveled soldiers in combat and the Generals tried to stop publication. Ike said the cartoons should and could be published in the armed forces newspaper. Later, after Ike died, Mauldin did a cartoon showing a military cemetery and wrote, "Pass the word, Ike is here."

Eisenhower patterned his philosophy about morale after Revolutionary War hero, Von Steubing, who said the American soldier must reason why he does thus and so.

Eisenhower and Von Steubing noted that the constants of morale are loyalty, patriotism, unity and determination.

PRESIDENT IS WRONG ON PAY RAISE

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. COLEMAN of Texas. Mr. Speaker, I rise to introduce legislation to disallow the President's recommended pay raise for top Government officials, Members of Congress, and the judiciary. Unless the President's proposed pay raise is disapproved by Congress, the increases will go into effect on February 5.

I am not unsympathetic to the argument that salaries for public service must be made more competitive with the private sector. But in these hard economic times, a pay raise would be the wrong signal at the wrong time when others are making sacrifices. Military retirees for example, will only receive a 1.3 percent COLA, a net reduction when you include taxes, and both domestic and defense spending have been cut below necessary levels.

Mr. Speaker, I have introduced this legislation because in this case the President is wrong. His proposed pay increase for top Government officials is unwarranted at this time. I urge its disapproval through speedy adoption of my legislation.

IN HONOR OF ELIE WIESEL—NOBEL PEACE LAUREATE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. LANTOS. Mr. Speaker, just over a month ago the Nobel Peace Prize was awarded to our fellow American, Elie Wiesel, in recognition of his activities in behalf of human rights throughout the world. There is no individual who is more profoundly deserving of this high honor than Professor Wiesel.

A survivor and chronicler of the Holocaust, he is the conscience of mankind. His message is the paramount message of our age: Human rights are indivisible. The violation of human rights in Hitler's Germany, in the Soviet Union, in South Africa, in the Iran of the Ayatollah, is a violation of the human rights of all of us. The message is clear: Respect for individual rights is the fundamental precondition of peace on our globe.

As he said in that acceptance speech, "There is much to be done, there is much that can be done . . . . One person of integrity can make a difference." Mr. Speaker, Elie Wiesel has the vision to see what must be done and the intellect to understand what can be done.

I know my colleagues will be interested in reading the Nobel acceptance speech which he delivered in Oslo, Norway.

Mr. Wiesel's speech follows:

[From the New York Times, Dec. 11, 1986]

WIESEL'S SPEECH AT NOBEL CEREMONY

It is with a profound sense of humility that I accept the honor you have chosen to bestow upon me. I know: your choice transcends me. This both frightens and pleases me.

It frightens me because I wonder: do I have the right to represent the multitudes who have perished? Do I have the right to accept this great honor on their behalf? I do not. That would be presumptuous. No one may speak for the dead, no one may interpret their mutilated dreams and visions.

It pleases me because I may say that this honor belongs to all the survivors and their children, and through us, to the Jewish people with whose distiny I have always identified.

I remember: it happened yesterday or eternities ago. A young Jewish boy discovered the kingdom of night. I remember his bewilderment, I remember his anguish. It all happened so fast. The ghetto. The deportation. The sealed cattle car. The fiery altar upon which the history of our people and the future of mankind were meant to be sacrificed.

CAN THIS BE TRUE?

I remember: he asked his father: "Can this be true? This is the 20th century, not the Middle Ages. Who would allow such crimes to be committed? How could the world remain silent?"

And now the boy is turning to me: "Tell me," he asks. "What have you done with my future?" "What have you done with your life?"

And I tell him that I have tried. That I have tried to keep memory alive, and I have tried to fight those who would forget. Because if we forget, we are guilty, we are accomplices.

And then I explained to him how naive we were, that the world did know and remain silent And that is why I swore never to be silent whenever and wherever human beings endure suffering and humiliation. We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.

SOMETIMES WE MUST INTERFERE

Sometimes we must interfere. When human lives are endangered, when human dignity is in jeopardy, national borders and sensitivities become irrelevant. Wherever men or women are persecuted because of their race, religion or political views, that place must—at that moment—become the center of the universe.

Of course, since I am a Jew profoundly rooted in my people's memory and traditon, my first response is to Jewish fears, Jewish needs, Jewish crises. For I belong to a traumatized generation, one that experienced the abandonment and solitude of our people. It would be unnatural for me not to make Jewish priorities my own: Israel, Soviet Jewry, Jews in Arab lands.

But there are others as important to me. Apartheid is, in my view, as abhorrent as anti-Semitism. To me, Andrei Sakharov's isolation is as much of a disgrace as Iosif Begun's imprisonment. As is the denial of Solidarity and its leader Lech Walesa's right to dissent. And Nelson Mandela's interminable imprisonment.

There is so much injustice and suffering crying out for our attention: victims of hunger, or racism and political persecution, writers and poets, prisoners in so many lands governed by the left and by the right. Human rights are being violated on every continent. More people are oppressed than free.

PALESTINIANS AND ISRAELIS

And then, too, there are the Palestinians to whose plight I am sensitive but whose methods I deplore. Violence and terrorism are not the answer. Something must be done about their suffering, and soon. I trust Israel, for I have faith in the Jewish people. Let Israel be given a chance, let hatred and danger be removed from her horizons, and there will be peace in and around the Holy Land.

Yes, I have faith. Faith in God and even in His creation. Without it no action would be possible. And action is the only remedy to indifference: the most insidious danger of all. Isn't this the meaning of Alfred Nobel's legacy? Wasn't his fear of war a shield against war?

There is much to be done, there is much that can be done. One person—a Raoul Wallenberg, an Albert Schweitzer, one person of integrity, can make a difference, a difference of life and death. As long as one dissident is in prison, our freedom will not be true. As long as one child is hungry, our lives will be filled with anguish and shame.

What all these victims need above all is to know that they are not alone; that we are not forgetting them, that when their voices are stifled we shall lend them ours, that while their freedom depends on ours, the quality of our freedom depends on theirs.

EVERY HOUR AN OFFERING

This is what I say to the young Jewish boy wondering what I have done with his years. It is in his name that I speak to you and that I express to you my deepest gratitude. No one is as capable of gratitude as one who has emerged from the kingdom of night.

We know that every moment is a moment of grace, every hour an offering; not to share them would mean to betray them. Our lives no longer belong to us alone; they belong to all those who need us desperately.

Thank you Chairman Aarvik. Thank you, members of the Nobel Committee. Thank you, people of Norway, for declaring on this singular occasion that our survival has meaning for mankind.

LITERACY VOLUNTEERS WEEK

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I rise to call attention to Literacy Volunteers Week, a week set aside to honor the dedicated men and women who every day share, freely and generously, a gift that many of us take for granted: the ability to read and write.

Like the weather, everyone talks about how important reading and writing skills are for Americans, and for America as a Nation. But unlike the weather, somebody—the dedicated corps of literacy volunteers—is really doing something about literacy.

Through Literacy Volunteers of America, carefully trained tutors donate their time teaching adult students, one on one, the reading and writing skills they need to get a job, a better job, a diploma, U.S. citizenship, or just increased independence.

In my State, Literacy Volunteers of Connecticut alone has helped more than 13,000 adults since 1972.

But much more work lies ahead. More than 400,000 adults in Connecticut alone cannot read even simple things like a grocery list. That's one in five adults cannot read well enough to perform basic functions such as completing applications, comparison shopping, reading a newspaper, or voting. This decade dawned with approximately 600,000 adults over the age of 20 lacking a high school diploma, a statistic that leans heavily on blacks, hispanics, and women.

Please join me during the week of February 1 through 7 to honor the volunteer tutors and students who give their time and effort, to encourage more adults who need help to come forward, and to recruit more volunteers and community resources.

Together we can bring visibility to the invisible problem of illiteracy in America.

THE SITUATION IN CYPRUS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. BROOMFIELD. Mr. Speaker, the United States remains committed to withdrawal of Turkish military forces from Cyprus. Section 620C of the Foreign Assistance Act declares that "a just settlement on Cyprus must include the withdrawal of Turkish military forces from Cyprus," and provides that the "United States shall use its influence to achieve the withdrawal of Turkish military forces from Cyprus in the context of a solution to the Cyprus problem."

Despite the efforts of the United States and other interested parties to facilitate a just and lasting solution to the dispute in the eastern Mediterranean, including withdrawal of Turkish forces from Cyprus, the Turkish Government has included in its program to upgrade and modernize its armed forces generally, the upgrading and modernization of its forces on Cyprus.

The United States and its European allies, including Greece and Turkey, have a critical interest in strengthening the NATO southern flank. Resolution of regional disputes between Greece and Turkey would contribute immeasurably to that objective, because it would permit those two countries to concentrate their defense resources fully on advancing NATO defense objectives. The key obstacle preventing such a strong, unified effort on the NATO southern flank is the presence of Turkish military forces on Cyprus and the modernization of such forces.

The United States cannot fail to take into account the size and composition of Turkish forces on Cyprus in determining the content and scope of United States military assistance to Turkey and Greece. While Turkish forces in Turkey merit United States assistance to enable them to serve as valuable elements of the NATO alliance defense forces, Turkish forces in Cyprus merit no United States assistance whatever. The Turkish forces on Cyprus serve only as an instrument to enforce the will of the Turkish Government in denying the Cypriot people the right to self-determination.

As the Congress considers funds for military assistance to Turkey in the coming months, it will watch closely the conduct of the Turkish Government with respect to its forces on Cyprus.

I recently corresponded with the Department of State on the military and diplomatic situation on Cyprus. The Department provided an excellent, detailed response, which I comment to my colleagues. The correspondence follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 1986.

Hon. GEORGE SHULTZ,
Secretary of State, Washington, DC.

DEAR MR. SECRETARY: The United States has long sought a just settlement of disputes in the eastern Mediterranean involving Cyprus, Greece, and Turkey. Recent reports in the press have described an increase in Turkish troop levels in Cyprus and an upgrading and modernization of the weaponry of those troops. If the reports are accurate, they bode ill for the prospects for peace in the region.

The achievement of a just and lasting peace in the eastern Mediterranean ranks high among the priorities of U.S. foreign policy. The United States should redouble its efforts to explore the possibilities for pacific settlement of disputes in the eastern Mediterranean, including through the good offices of the United Nations. Without effective U.S. diplomatic efforts to facilitate settlement, the stalemate of the past may lead to direct conflict in the future, which is in no country's long-term interest.

The Congress will address the eastern Mediterranean disputes in the session beginning next month. It would be helpful to have the benefit of your Department's expertise in that effort. I would ask that your Department help advise me of views and the policy of the United States on: Levels of Turkish and Greek military and air forces on Cyprus; levels of Turkish and Greek naval forces around Cyprus; emigration of persons to Cyprus from Turkey and from Greece; and negotiations among individuals representing the governmental interests of Cyprus, Greece, and Turkey.

Your thoughts on the best way for the United States to contribute toward achievement of U.S. policy goals in the region also would be much appreciated.

With every good wish, I am

Sincerely,

WILLIAM S. BROOMFIELD,
Member of Congress.

UNITED STATES DEPARTMENT OF STATE
Washington, DC, January 13, 1987.

DEAR MR. BROOMFIELD: I am responding to your letter of December 12 to the Secretary on U.S. policy toward the eastern Mediterranean and recent developments in Cyprus.

We agree on the importance of peace and stability in the eastern Mediterranean as priority goals of U.S. foreign policy. We have sought to strengthen our important relationships with Greece and Turkey, our NATO allies in the region, while urging that they resolve their differences. We have also actively supported the UN Secretary General's continuing efforts to achieve progress toward a just and lasting settlement in Cyprus. In this regard, we have expressed to the parties our strong view that they should avoid any actions which could create misunderstandings and complicate the search for a negotiated solution.

We have been following the reports you mention to increased Turkish troop levels in Cyprus and an upgrading of their equipment. Turkish mainland forces on Cyprus consist of a corps, with two divisions and support units. These forces have in recent years fluctuated between 22,000-30,000 and their present strength could be at the upper level of this range. I would also note that the Turkish Army, as part of its modernization program, is upgrading its tanks with the M48A5 model. Turkish forces deployed on Cyprus are in the process of being equipped with this tank, as are Turkish forces elsewhere.

You have also requested data on other military forces on Cyprus. The Republic of Cyprus National Guard, the Greek cypriot military force, consists of 12-13,000 men, with 30,000 immediate reserves and another 30,000 second-line reserves. The National Guard consists of 3 reconnaissance battalions with Cascavel wheeled armored vehicles; 2 mechanized infantry battalions with VAB armored personnel carriers; 20-25 infantry battalions; 8 artillery battalions; and transport, signal and engineer support units. Greek mainland forces on the island consist of one infantry battalion of 950 men, a commando unit of 350 men, and a substantial number of officers, specialists, and other personnel seconded to the National Guard. The Turkish Cypriot Security Force, for its part, consists of 4,500 men, with 7 infantry battalions and 1 armor company. Some Turkish mainland personnel are assigned to this force.

Naval and air assets deployed on the island by the above forces are negligible. Turkish naval support vessels periodically visit northern Cyprus but do not appear to be permanently based there. Turkish mainland forces on Cyprus have several helicopters. Greece and Turkey, of course, have naval and air forces in the eastern Mediterranean in proximity to Cyprus.

The UN Forces on Cyprus (UNFICYP) also continue to play an essential peacekeeping role on the island. UNFICYP includes 2,328 personnel, with major contingents from Austria, Canada, Denmark, Sweden, and the United Kingdom.

You also asked for Cypriot population data. Cyprus has a population of about 670,000, with 77 percent Greek-speaking Orthodox Christians, 18 percent Turkish-speaking Muslims and the remaining 5 percent Armenians, Latins, Maronites and other minorities. Emigration from Greece in recent years appears to have been negligible. Since 1974, we estimate that about 30-35,000 Turkish mainlanders have emigrated to northern Cyprus.

Regarding the search for a negotiated settlement in Cyprus, in late March the UN Secretary General provided the two Cypriot sides with a draft framework agreement for an overall settlement. The Turkish Cypriot side accepted the document. The Greek Cypriot side, however, has not accepted the draft agreement and has proposed as alternatives an international conference for Cyprus or a high-level Cypriot meeting to discuss those issues of most importance to it. The UN Secretary General met with the Greek and Turkish Cypriot leaders in September. A senior UN Secretariat official visited Cyprus in November to follow up on those discussions. The Secretary General is continuing his efforts. We are, as in the past, providing him our full support.

With best wishes,

Sincerely,

J. EDWARD FOX,
Assistant Secretary,
Legislative and Intergovernmental Affairs.

NEWFANE HEALTH FACILITY—ARTHRITIS FOUNDATION VISITATHON MONTH

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. LAFALCE. Mr. Speaker, I rise today to share with my fellow Members of Congress a special event occurring in February in western New York.

As part of its yearly fundraiser for the Arthritis Foundation, the Newfane Health Facility, a nursing home in Newfane, NY, is sponsoring a "visitathon." Local clubs and organizations will be coming into the facility to participate with the residents in a wide variety of events. Also, individuals from the community will be paired up with residents and encouraged to visit as frequently as possible during the month of February.

I bring this event to the attention of my colleagues because it is such an ingenious way of achieving two noble and important goals: Raising money for the cure of arthritis and increasing the interaction between the nursing facility and the community.

Once thought of as an "old woman's disease," arthritis can affect either sex at any time—250,000 American children, as well as 97 percent of those over 60, suffer from it. The No. 1 crippler in the Nation, arthritis costs us approximately $6 billion annually in lost wages. This is a serious and widespread disease; the Newfane Health Facility is to be commended for its efforts to raise money to stop it.

The visitathon is also intended to contribute to a greater understanding and appreciation of both nursing homes and the men and women who reside in them. Too often we assume that once one enters a nursing home, one is no longer a part of the larger community. By bringing people into the facility, it is hoped that the fear and apprehension which many of us feel toward nursing homes will be reduced. At the same time, it is hoped that the residents' feelings of isolation from the larger community will also be lessened.

Mr. Speaker, I know I speak for all my colleagues in expressing admiration for the good work taking place at the Newfane Health Facility. The 32d Congressional District of New York is deeply proud of the Newfane Health Facility.

KODAK ANNOUNCES WITHDRAWAL FROM SOUTH AFRICA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. DELLUMS. Mr. Speaker, the situation in South Africa continues to deteriorate. The oppressive regime has arrested close to 9,000 children in the last 6 months. Some have been subjected to torture. Black relocation continues. Press censorship has increased.

Significant pressure must be applied to South Africa to bring the South African Government to a change of policy. To this end, I will soon reintroduce the full sanctions bill which passed the House in the last session of Congress.

Many United States companies are now withdrawing from South Africa. The Eastman Kodak Co. has announced a plan which is consistent with the intent of my sanctions legislation. It is a model to be followed.

I would like to share with the House the Kodak announcement of withdrawal issued last November.

The Kodak announcement follows:

KODAK ANNOUNCES WITHDRAWAL FROM SOUTH AFRICA

ROCHESTER, NY, Nov. 19.—Eastman Kodak Company today announced plans to withdraw from South Africa.

Under terms of the withdrawal, no Kodak unit anywhere in the world will be permitted to supply products to South Africa, and the assests of Kodak South Africa will be sold. Employees will be terminated with a generous separation package.

Kodak chairman and chief executive officer Colby H. Chandler said the decision to withdraw came only after long and careful consideration.

"The economics of the situation are a major factor in our decision to withdraw," Chandler said. "Our South African business has been affected negatively by weakness in the South African economy, and we have no doubt that the system of apartheid has played a major role in the economy's underperformance.

"We had hoped that by now the signs in South Africa concerning plans to dismantle statutory apartheid would be clear. Unfortunately, we cannot see with any certainty a time when South Africa will be free from apartheid. The implication of that situation is a degree of business risk which we do not consider prudent and thus, we have concluded with reluctance that Kodak should withdraw from that troubled country.

"We have worked hard for the cause of peaceful change in South Africa," Chandler noted. "We have had an active public affairs program for a number of years, and our people in South Africa, with active support from Rochester, have worked to enhance the quality of life of blacks and to dismantle the apartheid system itself.

"By far the most difficult part of this decision," Chandler noted, "is that our loyal and dedicated South African employees will no longer be part of our company.

"Employees will receive a generous separation package: for example, an employee with average length of service would receive a separation package of approximately one year's pay. Medical coverage and life insurance benefits will be continued for four months, and re-employment counseling will also be offered."

Shipment of products by Kodak to South Africa will cease no later than April 30, 1987.

HONDURAN PRESIDENT SCATHES SANDINISTAS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring the following article concerning the situation in Central America to the attention of my colleagues. President Azcona of Honduras correctly notes that the Sandinistas, backed by the Soviets and the Cubans, are the reason for the region's troubles. The Costa Ricans have voiced the same concerns. I urge my colleagues to carefully consider President Azcona's remarks.

HONDURAN PRESIDENT SCATHES SANDINISTAS

(By Glenn Garvin)

TEGUCIGALPA, HONDURAS.—President Jose Azcona made the harshest denunciation of Nicaragua ever heard from a Central American leader yesterday, blaming "the Soviet-Cuban challenge hiding behind the Sandinista government" for the region's ills.

He bluntly told Contadora peace negotiators that Honduras intended to maintain strong military ties with the United States and will allow anti-Sandinista resistance fighters to continue operating from Honduran soil.

In a 25-point, eight-page letter to the Contadora group, later reinforced by a press conference after his meeting with the Central American delegates, Mr. Azcona warned there could be no regional peace agreement until Nicaragua changes its ways.

Although Honduras has complained in the past about the size of Nicaragua's armed forces, Honduran officials have rarely mentioned the Managua regime's ties to the Soviet Union. Mr. Azcona's letter cited the Soviet presence in Nicaragua three-times—a clear sign that Hondura's diplomatic position had hardened.

Mr. Azcona also issued a veiled challenge to the continued participation of Peru in the Contadora peace talks. Peruvian President Alan Garcia attended a ceremony in Nicaragua earlier this month in honor of the new Sandinista constitution, angering many Central American officials who felt his presence amounted to an endorsement of the Managua government.

The Contadora countries "must behave in a serene manner and offer a neutral disposition," he said. "It would be inconceivable that states offering their good offices or a mediation would be inclined in favor or against a protagonist of the negotiation."

Peru is part of the so-called Contadora support group, which joined the negotiations after they already were under way. The other support group countries are Brazil, Argentina and Uruguay. The support group was to have included Ecuador, but the Ecuadorans were banned on the grounds they lacked neutrality after breaking diplomatic relations with Nicaragua.

Besides the foreign ministers from the support group countries and the original Contadora members—Mexico, Venezuela, Panama and Colombia—the delegation included Javier Perez de Cuellar, secretary-general of the United Nations, and Joao Baena Soares, secretary-general of the Organization of American States.

It was not clear how the delegation reacted to Mr. Azcona's letter. After two hours of meetings with Mr. Azcona and other Honduran officials, it left for El Salvador without comment.

But sources close to the delegates said they were already unhappy with their reception in Costa Rica the previous day. Costa Rican President Oscar Arias made some of the same points as Mr. Azcona, although he used more diplomatic language.

Mr. Azcona, who earlier in the week told Honduran reporters the Contadora negotiators had been "lazy and tolerant" with Nicaragua, continued in much the same vein in his letter.

He told the negotiators Nicaragua has singlehandedly stalled the Contadora talks by filing suit against Honduras in the World Court, then added that no peace talks would even be necessary if it weren't for the Sandinistas.

"The insecurity and instability factors prevailing in the area are caused by the Sandinistas' authoritarianism, their arms buildup and the regime's alignment with the Soviet bloc," Mr. Azcona said.

Honduras has strengthened its military ties with the United States, he continued, as "the logical result and natural reaction" to "the threats we feel from Nicaragua."

"It is unreasonable for Honduras to face, on its own, the Soviet-Cuban challenge hiding behind the Sandinista government, which has made it possible to arm and train around 150,000 men," Mr. Azcona said.

He added that Honduras will "maintain the special security relationship with the United States as long as Nicaragua represents a threat to our security and our way of life and government."

Honduras doesn't intend to curb the activities of several thousand anti-Sandinista Contras, who operate from bases here, Mr. Azcona said, noting that Managua "would not face military pressure if it decided to govern democratically and to break its political-military alliance with the Soviet bloc."

"We are not going to devote our limited resources to protect the security of a government that represents a threat to Honduras," he added, although he promised that Honduras will not "encourage" the rebels.

Mr. Azcona also said he will not sign the document that officials of the eight Contadora nations will issue later this week in Mexico, making recommendations about further negotiations.

Throughout the morning meetings here, a crowd of some 300 Honduran leftists stood outside the presidential palace chanting pro-Contadora and anti-Contra slogans. Their favorite was, "Contra trash out of Honduras," but they also added "Long live the Honduran army" occasionally when Honduran soldiers guarding the palace seemed restive.

TICKET SCALPING LEGISLATION

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. GUARINI. Mr. Speaker, I am introducing legislation today which would make ticket scalping a Federal crime. The practice of reselling tickets for profit has burgeoned into big business, fueling an underground economy. News reports in the past have estimated that ticket scalping for the 1981 Superbowl generated nearly $7 million in revenue from as much as a third of the 75,000 fans attending the game. Some paid between $150 and $500 for tickets with a face value of $50. The need to crack down on this industry was made clear to me during this past Superbowl game when $75 seats were resold for a record $1,500. Abuses of this magnitude call for quick congressional action.

New Jersey hosts many popular athletic events and performances at the Meadowlands complex. Unfortunately, this site serves as a lucrative lure for shady characters who profit from these events and has become the ticket-scalping capital of the world. It is time to pass legislation which would protect the public from the fraud, extortion, and exorbitant prices that are part of ticket scalping.

My bill would allow a reasonable limit on the amount ticket brokers can charge for their services. It is similar to New Jersey State law and existing statutes in States and municipalities throughout the country. Provisions in this bill would not affect the ticket broker who charges reasonable fees, or the family with an extra ticket which they cannot use and must resell; rather, it is aimed at profiteers who have made the scalping of large quantities of tickets their livelihood. If the resale price is greater than 25 percent of or $5 more than the original face value of the ticket, a repeated offender could be fined up to $1,000 or be sentenced to 1 year in prison. A first offense is punishable by a fine of only $500.

I have sought to safeguard the public from this national billion-dollar cheat industry. This measure supplements provisions written into the new tax code in the Tax Reform Act of 1986 which prohibit business deductions of more than face value for sports and entertainment tickets. Both measures give scalpers the one, two punch needed to eliminate this practice.

I do not call for establishing an additional bureaucracy for monitoring and enforcing these violations. This bill simply gives the Federal Government the authority it needs to protect consumers from fraud, extortion, and exorbitant rates by making use of existing law enforcement resources. Mr. Speaker, it is time to take away all incentives for the unjust resale of tickets. The public has been forced into paying unfair prices for sports and entertainment events, while ticket brokers are enriched. I urge my colleagues' prompt attention to this matter, and ask their support for this timely legislation.

UNION HIGH SCHOOL FARMERS—NEW JERSEY FOOTBALL CHAMPIONS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. RINALDO. Mr. Speaker, the great State of New Jersey produces some of the finest high school athletic competition in the Nation. It is not only the home of the Superbowl champions, the Giants, but it also boasts the Union High School Farmers, the defending group 4 football champions in section 2.

The winning tradition at Union High School has been firmly established under the guidance of head coach Lou Rettino and his staff that includes Fred Stengel, Jack DeBarbieri, Jeff Longueil, Chet Czaplinski, Gary Zakovic, Brian Shanahan, Sam Iacobone, Carmine Guarino, Charles King, and Russell Cannovo.

They defeated the finest teams in the powerful Watchung Conference, including 2 of the top 10 high school teams in New Jersey, Elizabeth and Linden. Through their determination, hard work and team spirit, the Union Farmers built a reputation as the No. 1 high school football team in New Jersey, as rated by the Star Ledger, the Daily Journal and other newspapers in the State that cover high school sports.

The accomplishments of the team on the field have been matched by the strides that high school athletics in New Jersey and at Union High School are making in the classroom, too. Under new academic guidelines of the New Jersey Department of Education, student athletes must achieve at least average or better grade levels in order to compete. The Union team members met those academic goals.

Residents of my hometown of Union, NJ, will honor the members of the championship team at a ceremony on February 1 at the high school. Among those participating in the program will be the superintendent of schools, Dr. James Caulfield, members of the high school football boosters club, parents, and students.

The members of the 1986 Union High School State championship team, the No. 1 ranked team in New Jersey, are:

UNION HIGH SCHOOL CHAMPIONS

GRADE 12

Eddie Baffige, Antonio Burgman, Mike Caufield, A.J. DiGiovanni, Robert Gotsch, Steven Hightower, Mike Jarmolowich, Nick Kouroupas, Michael Levy, Angel Nartinez, Anthony McEnroe, Clarence Morris, Mark Richards, Jeffrey Scott, Chris Siedelhofer, Cliff Vongroj, Kurt Wachter, Michael Wakefield, Pat White, DeJuan Wilmore.

GRADE 11

Joe Amabile, Keith Capers, Mark Cordero, Joe Cruz, Nick Cucinello, Hank Czerwinski, Joe dotro, Bob Falzarano, Dean Ferdinandi, Nike Ferroni, Steve Filiaci, Guy Francis, Frank Goveia, Taiwan Green, Vic Hartzfeld, Daniel Johnson, Michael Katz, George Kostis, Chris Markovich, Joe Natina, Luis Medeiros, Marc Nilano, Al Miller, Anthony Nardone, Joseph Nuzzo, Tom O'Rourke, Eugene Pierce, John Power, Ray Tambascia, Billy Vignes.

GRADE 10

Clifton Baskerville, Marcus Coley, Steven Donaway, Robert Jones, Jim Ludolph, Marlon Mathews, Russell Menoni, Frank Napolitano, Paul Palmucci, Jamal Patterson, Frank Pontoriero, David Rego, Ray Reilly, Nick Ricigliano, Fred Scott, Mike Scott, Marvin Simpson, Gerald Smith, Doug Solla, Lamont Stephen, Bill Tambascia, Derick Vaughan, Anthony Wakefield, James Young.

STATISTICIANS

Sue Gentasse, Dianne Lang, Tricia McKune, Kim Policastro.

ATHLETIC TRAINER

Mike Zurlini.

STUDENT TRAINERS

Karen French, Billy Grobes, Karen Ostroski, Ken DesRochers, Tom Krauth, Tom Ollemar, Jenn Regan, Robin Colder, Mike Salerno.

IN MEMORY OF LANCE CPL. THOMAS H. BADDELEY III

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. KOSTMAYER. Mr. Speaker, Thomas H. Baddeley, from Lower Makefield Township, Bucks County, in the Eighth Congressional District of Pennsylvania, lost his life in a helicopter crash in the California desert, on Thursday, January 8, 1987.

Corporal Baddeley, who had served in the Marines for 2 years, was a helicopter mechanic. He died at the age of 21 during night landing practice with Marine Heavy Helicopter Squadron 465. He was accompanied by four crewmates, none of whom survived.

Tom Baddeley had a passion for flying since the age of 2. In his junior year at Pennsbury High School, he informed his family of his decision not to enroll in college, but rather to serve his country by joining the Marines. Baddeley's outstanding performance had earned him a nomination to be made "Marine of the Month" 4 days prior to the fatal crash.

The death of Corporal Baddeley is a grim reminder of the immense sacrifices made by those who serve their country in the Marines, even during peacetime. We owe a tremendous debt to all those capable individuals like Thomas H. Baddeley III, who devote their lives to the protection of the United States of America.

And Corporal Baddeley's death is a grim reminder, also, of the contribution of the families of our servicemen. Thomas H. Baddeley III leaves a wife, Jeanette, and their two sons, 1½-year-old Thomas IV, and 6-week-old Kyle.

The family and friends of Thomas H. Baddeley III, in Yardley, PA will miss him, and on the behalf of the House of Representatives, I want to extend our prayers and sympathy to his wife and family.

THE RENAMING OF THE CORPUS CHRISTI POST OFFICE FOR DR. HECTOR GARCIA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. ORTIZ. Mr. Speaker, today I am introducing legislation that would rename the U.S. Post Office Building located at 809 Nueces Bay Boulevard in Corpus Christi, the "Dr. Hector Perez Garcia Post Office Building."

This tribute is indeed befitting to a man who has dedicated his life to improving the quality of life of the Hispanics and his fellowman. Dr. Garcia's accomplishments and contributions are numerous as are the awards he has received in his recognition. He is probably best known as being the founder of the American G.I. Forum, a veterans group composed of Americans of Mexican origin. He served in the Engineer and Medical Crops in World War II and was awarded the Bronze Star Medal along with six Battle Stars.

Dr. Garcia has served as an adviser and representative to Presidents Kennedy, Johnson, and Carter in many capacities ranging from various commission positions to special ambassador. Most recently, Dr. Garcia was awarded the Medal of Freedom from President Reagan. Dr. Garcia is a well-loved and admired leader in the Corpus Christi community, south Texas, and the Nation. He is truly a role model and inspiration to the current as well as future generations of the Hispanic community. He is deserving of recognition, especially that which the renaming of the Corpus Christi main post office would provide.

I pay tribute to this man for his accomplishments, but more importantly, I salute him for his sensibilities, motivation, and dedication to improving the lives of his fellow citizens. Few can match his career which will reach into eternity through the lives of those he has touched.

THE ROSE TARIFF EQUITY ACT OF 1987

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Mr. PANETTA. Mr. Speaker, I am today reintroducing legislation to bring equity to the trade relations in the rose industry between the United States and the European Community. This legislation would align tariff rates on fresh-cut roses with those imposed by the European Economic Community in an effort to ensure the future survival of the domestic rose industry. I am very pleased to be joined in sponsoring this legislation by Representatives TONY COELHO and BOB CARR.

At present, the future of America's rose producers in being seriously endangered by underpriced, underassessed foreign imports flooding our markets, and the situation is not improving but rather significantly worsening. From 1977 to 1983, imports increased from 10.3 million blooms to 126 million, with the latter representing 20 percent of the domestic market. In 1986, almost 215 million blooms were imported, nearly 100 million more than in 1983 and a 24-percent increase from just 1 year earlier, 1985. Imported roses now capture almost 27 percent of the total U.S. market for roses, and this growth in imports has already been devastating to domestic rose growers. In the past decade, over 30 percent of domestic rose growers have been forced out of business. Without action to correct the present inequities, we can expect to see more departures from this industry and possibly even its eventual demise.

One of the major reasons for the strong penetration of the domestic market by foreign rose producers is the very low import duty enjoyed by foreign exporters to this country. The European Economic Community imposes a duty three times as high as that imposed by the United States during the prime marketing season. In addition to this tariff advantage, major exporters of roses to this country enjoy competitive advantages resulting from unfair trade practices and subsidies.

Since 1977, domestic rose growers have repeatedly attempted to obtain relief through administrative channels, including two requests for section 301 investigations by the U.S. Trade Representative that were both turned down. The unfair trade practices of several rose-exporting countries have been well-documented and upheld by the International Trade Administration and the Court of International Trade, but domestic rose growers have nonetheless still been unable to secure a remedy to their problem through these channels. The only remaining avenue of relief is through legislation.

The bill I am reintroducing today would align U.S. tariff rates on fresh-cut roses with the same levels currently imposed by the EEC for both peak and off-peak seasons. This legislation will return a greater degree of fairness and equity to this industry and could help to prevent our Nation's rose growers from experiencing the fate suffered by domestic producers of other cut flowers. Similar inequitable tariffs on carnations and chrysanthemums have pushed the foreign market share of these flowers to levels that are causing the virtual dissolution of the domestic industry for these flowers. This may happen in the fairly near future to the rose industry if action is not taken soon.

The Rose Tariff Equity Act has the support of growers and wholesalers throughout the American rose industry and will help prevent this industry's demise. I urge my colleagues to join Representatives COELHO, CARR, and myself in support of this legislation.

Text of the bill follows:

H.R. 750

A bill to amend the Tariff Schedules of the United States to provide for rates of duty on imported roses consistent with those maintained by the European Economic Community on imports of roses from the United States and other nations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart G of part 15 of schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out item 192.18 and inserting in lieu thereof the following:

	Roses:		
"192.14	If entered during the period from November 1 of any year to May 31 of the following year, inclusive.	17% ad val.	40% ad val.
192.16	If entered during the period from June 1 to October 31 of any year, inclusive.	24% ad val.	40% ad val."

(b) Items 192.15 and 192.17 are redesignated as 192.11 and 192.13, respectively.

SEC. 2. The amendments made by the first section of the Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the fifteenth day after the date of the enactment of this Act.

PREEBE AWARDED DOCTORATE DEGREE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 27, 1987

Ms. OAKAR. Mr. Speaker, one of Greater Cleveland's most respected citizens was recently honored. The following is a brief statement about Stanley Preebe.

Stanley J. Preebe, retired chief executive officer and owner of a multimillion dollar corporation, was conferred with a honorary doctorate degree in humane letters by Alliance College at a special convocation held on October 16, 1986.

This honorary degree was bestowed on Stanley J. Preebe for his lifetime of active participation in the mainstream of Polonia activities. He along with his wife, Ursula, have shared their good fortunes and talents with others. They are known as "Polish Philanthropists" for their generous grants to worthwhile Polonia and community projects. They are proud to be Americans of Polish descent and continue to foster the cultural traditions of Poland and to promote American citizenship. The Preebes have a close relationship with Marymount Hospital. Stanley J. Preebe serves as the vice president of the Marymount Civic Advisory Committee. Satisfied with the hospital's care, the Preebes financed the building of the "Visitation Chapel." They wanted to do something for the hospital and for the families of the patients that were visiting their loved ones. They wanted to provide a quiet place where visitors could meditate and find a moment of peace and solitude. After the chapel was built, the Preebes spearheaded the financing of a closed TV channel within the hospital. This allowed bedridden patients to see and hear chapel services in their rooms.

Dr. Stanley J. Preebe joins other distinguished Polish Americans that have received doctorate degrees at Alliance College. Some of these are: Zbigniew Brzezinski, Cardinal John J. Krol, Congressman DAN ROSTENKOWSKI, Lt. Gen. Edward J. Rowny, Senator Edmund S. Muskie, Valentino Liberace, and Lech Walesa, Polish Solidarity Leader (given in absentia).

Alliance College established in 1912 is located in Cambridge Springs, PA. The Polish National Alliance is the sponsoring fraternity group of the college. Aloysius Mazewski, vice chairman of the board of trustrees, is the president of the PNA. He is also the national president of the Polish American Congress.

A large delegation of friends and relatives attended from the Greater Cleveland area along with members from the Cleveland Society of Poles, Polonia Foundation of Ohio, Polish Legion of American Veterans, Polish National Alliance, Ohio Polish American Congress, the Chaplain and Provincial Board of Sisters of St. Joseph, Third Order of St. Francis, Maymount Hospital and Rotary Club.

Over his lifetime, Dr. Stanley J. Preebe has held top leadership positions in many community groups. He served as a director on the Regional Transit Authority (RTA). He presently serves as a director of the Polonia Foundation of Ohio and as a trustee of the Cleveland Society of Poles. He was appointed by President Ronald Reagan as a member of the National Highway Safety Committee. He has been a frequent visitor to the White House with direct access to the White House. He is considered as the most influential behind the scenes Republican on the local scene. President Ronald Reagan sent congratulations.

Dr. Stanley J. Preebe has earned the respect of others by his unselfish and unfaltering commitment to those in need. He is worthy of the highest praise and recognition. Expressing a sense of humility he considers himself blessed. He claims that he received more than he has given. "Through giving, he said, you receive."

After living in Parma for 35 years, the Preebes moved recently to Strongsville, OH.

HOUSE OF REPRESENTATIVES—*Wednesday, January 28, 1987*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

On this day, O gracious God, of remembrance for the crew of the spacecraft *Challenger*, we are reminded of the commitment of those who gave their lives. We remember them with gratitude for their devotion to duty and for their love of country.

We pray, O gracious God, for their families and for those near and dear to them, that Your blessing will be with them and sustain them all their days.

As we remember their sacrifice, we pray for Your peace that passes all human understanding, that it will continue to give comfort and assurance and peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, *January 28, 1987.*

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 10:30 a.m. on Wednesday, January 28, 1987, the following message from the Secretary of the Senate: That the Senate passed, without amendment, House Joint Resolution 93.

With great respect, I am,

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

FIRST ANNUAL REPORT ON THE NATIONAL SECURITY STRATEGY OF THE UNITED STATES, 1987—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Armed Services:

(For message, see proceedings of the Senate of today, Wednesday, January 28, 1987.)

ALLOWING ANOTHER MEMBER OF COMMITTEE ON RULES AND ADMINISTRATION OF THE SENATE TO SERVE ON JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 12) to allow another member of the Committee on Rules and Administration of the Senate to serve on the Joint Committee of Congress on the Library in place of the chairman of the committee, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I yield to the distinguished subcommittee chairman for a brief explanation.

Mr. GAYDOS. Mr. Speaker, the Senate has asked the House to concur in Senate Concurrent Resolution 12. The resolution authorizes the chairman of the Senate Committee on Rules and Administration to designate another Senator to serve in his stead on the Joint Committee on the Library during the 100th Congress. In the absence of this authorization, the chairman of the Senate Committee on Rules and Administration automatically serves on the Joint Committee on the Library. The Senate has expressed its wish to modify the practice during the 100th Congress, and I am not aware of any problems which granting such a Senate request would cause.

Mr. FRENZEL. Further reserving the right to object, Mr. Speaker, the minority agrees with the distinguished subcommittee chairman that this is a matter of comity rather than substance. We urge that the resolution be adopted.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 12

Resolved by the Senate (the House of Representatives concurring), That effective for the One Hundredth Congress, the Chairman of the Committee on Rules and Administration of the Senate may designate another member of the Committee to serve on the Joint Committee of the Congress on the Library in place of the Chairman.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

ASSISTANCE TO WINTER WHEAT PRODUCERS

(Mr. WHITTAKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTAKER. Mr. Speaker, today I am introducing legislation to assist winter wheat producers who, because of severe weather last fall, have been unable to plant their 1987 wheat crop.

Last year, Congress adopted a fairly comprehensive disaster assistance package to assist the many producers all over the country who suffered crop damage due to floods, drought, and excessive moisture. Unfortunately, this legislation stopped short in its assistance by not providing relief for those producers who were unable to get into their fields last fall to plant their wheat.

This problem is particularly acute in southeast Kansas where damages and losses due to flooding were so severe last October that a Presidential disaster declaration was made. The disaster, unfortunately, did not end when the floodwaters receded.

Due to subsequent rainfall, more than half the wheat in the area has not been planted. In fact, Mr. Speaker, in several Kansas counties, we have a situation where less than 10 percent of the wheat has been planted. Coming on the heels of a disastrous fall, this is a situation which calls out for sympathy and action.

To respond to this situation, I am introducing a bill today which would address this problem by providing relief for those farmers who are attempting to recover from this disaster. I urge the expenditious consideration of this legislation.

THE PRESIDENT'S AGENDA

(Mr. SWINDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWINDALL. Mr. Speaker, for those who would prematurely attempt to turn our President out to pasture, last night's speech ought to send a loud and clear signal that our President has a definite agenda for the remaining 2 years of his second term, as well as a comprehensive strategy to implement it.

It is the same agenda which 49 of our 50 States ratified just 2 years ago. It is an agenda which says "no" to proposed tax increases, which if allowed would penalize the American family by saying that they, rather than the too-large, too-inefficient, too-wasteful Federal Government are responsible for the embarrassingly large Federal deficit which threatens not only our children but their children.

It is an agenda which says that good intentions, in spite of the negative results, can no longer serve as an excuse to perpetuate a welfare system which is a disservice not only to those to whom it supposedly benefits, but to those who are required to finance it as well.

□ 1410

THE PEOPLE OF NEW HAMPSHIRE PAY TRIBUTE TO THE SHUTTLE "CHALLENGER" AND CHRISTA McAULIFFE

(Mr. GREGG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREGG. Mr. Speaker, I rise today on behalf of the people of New Hampshire to remember and honor our teacher and our friend and our neighbor, Christa McAuliffe, and her fellow astronauts aboard the shuttle *Challenger*. It is right that we dedicate today as a day of national excellence and that we pass a resolution memorializing the desires and the hopes and the dreams, and the sense of limitless opportunity that these astronauts personified for our country.

Of course it is impossible for us to adequately address this loss. But we should remember this tragedy and this day as events of rededication of our Nation to Christa's dream to reach for the stars and to bring out the best in America.

POINTS OF DISAGREEMENT BETWEEN OUR FOUNDING FATHERS AND PRESIDENT REAGAN

(Mr. BOSCO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSCO. Mr. Speaker, Mr. Reagan's speechwriter must have read the book "Miracle at Philadelphia" for all of the President's anecdotes about the Constitution came verbatim from that source. While the President seems taken with the imagery of small "h's" and capital ones, rising and setting suns, his own proposals for constitutional amendments would not have gone over well at the Philadelphia Convention. The President seems to think Congress has the power to expel God from the public schools—most of the Founding Fathers believed God was beyond Congress' power—so much so that the Government has no power to tell any American, young or old, what to pray, when to pray, or where to pray.

The President thinks debt should be forbidden by constitutional amendment. The Founding Fathers were not a cash and carry group, however. Most were personally in debt and the country was deeply in debt. They realized that borrowing has its place and the Revolution could not have been successful without it. Unlike the President, who seeks magic wand solutions, our founders empowered a Congress and President to make prudent, tough decisions over borrowing and spending in accordance with the Nation's needs.

And the line-item veto? The Founding Fathers argued long and hard over whether the Executive should have any veto at all, much less the power to control the purse strings, which they wisely gave to Congress.

Ronald Reagan has a limitless imagination when it comes to rewriting the Constitution. Part of the "Miracle of Philadelphia" is that his ideas aren't going over any better today than they did then.

LEGISLATION TO PROMOTE TAX FAIRNESS FOR FARMERS, RANCHERS, AND SMALL BUSINESSES

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, today I am introducing the Tax Fairness for Farmers, Ranchers, and Small Business Act of 1987. My legislation amends the Internal Revenue Code of 1986 in six ways to promote greater equity for this country's farmers and ranchers and small businesses under the new tax laws.

First, my bill would allow taxpayers to continue to use income averaging. This provision will be helpful to small merchants, and also farmers and ranchers who have particularly depended upon income averaging to moderate large fluctuations in income. It is absolutely vital that this important tool be restored.

Further assisting small business, ranchers, and farmers, my legislation provides a permanent 50-percent deduction for the health-care costs of the self-employed.

The third provision of my legislation repeals the requirement that agriculture capitalize preproductive costs. This change addresses a portion of the tax reform bill that promises to be a bookkeeping nightmare for farmers and ranchers.

Next, my bill closes an expensive and abusive loophole in the current Tax Code that allows multimillion-dollar food processing companies to qualify for cash accounting, a tax break intended for family farmers and small businessmen and women who cannot afford to employ the technical help needed to use other accounting methods.

The fifth provision of my legislation allows farmers and ranchers to carry forward the full value of their unused investment tax credits. Farmers and ranchers hold a great deal of unused credits because, while the industry requires large investments in equipment and machinery, and hence, accumulation of credits, little taxable income is available for those credits to offset. Under these circumstances, a full value carry forward is justifiable.

Finally, my legislation allows for a one-time exclusion from tax of up to $125,000 in income from the sale of a farm or ranch. While my provision will be helpful to farmers and ranchers who need a retirement nestegg, it will also dramatically reduce the tax liability of those who must sell their land during foreclosure or under threat of foreclosure.

I will be sending out a "Dear Colleague" letter explaining this legislation in more detail and encouraging your cosponsorship. I hope you will join my fight to provide greater tax fairness for agriculture and Main Street America.

PRESIDENT REAGAN WOULD HAVE US MARCH WITHOUT BOOTS AND WITHOUT FOOD IN OUR STOMACHS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, yesterday the President said America is on the march. There is some truth to that; but once again his budget will force Americans to march without boots and to march without food in their stomachs. There is a sad commentary that exists here in this House, and that is while the President talked about families and education, he cuts $5.5 billion from education. America is graduating students who cannot read.

If we are to, certainly, achieve excellence, as the President has called for, he should echo the comments of John Kennedy that said: "We will conquer space." But he put his money where his mouth was and he put billions of dollars into education and America became competitive. We will not become competitive as a second-rate educational nation and I think there is some truth to his comments yesterday, but unfortunately they are not congruent with the needs of the American people.

THE CONSTITUTION DOES NOT ALLOW THE SPEAKER TO BEHEAD THE KING, EITHER

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, you went on television last night and explained to the Nation that the position of the Speaker dates back to England in the 1370's. The Speaker's duty was to speak up to the King, and some of the early English Speakers were beheaded in the performance of this duty. Then you went on to point an accusing finger to the President, laying our horrendous budget deficits at his door. You said:

> The President sometimes likes to criticize Congress for what he calls "big spending." But the plain truth is that for the six years of this administration Congress actually has appropriated less in total spending than Mr. Reagan has asked us to appropriate.

Sir, this is not a case of the pot calling the kettle black; this is a case of a Speaker trying to behead the King. By a special order of this House, on January 6 of this year, I presented the following figures:

[In billions of dollars]

Year	President recommended that Congress spend	Congress actually spent
1982	695.5	745.7
1983	757.6	808.3
1984	848.5	851.8
1985	925.5	946.0
1986	973.7	989.8

And added that the data indicated quite clearly that in each of those 5 years for which this President was responsible, Congress appropriated more than what the President had asked for. I stand by my figures and invite you to take back your statement concerning President Reagan's alleged profligacy before the same audience the original charge was made.

Mr. Speaker, you thank God for the Constitution. The King can no longer behead the Speaker. But then, by the same token, the Constitution does not allow the Speaker to behead the King, either.

A TRIBUTE TO THE CREW OF THE CHALLENGER

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, 1 year ago, almost to the hour, the shuttle *Challenger* left her pad at Cape Canaveral for the last time. Few living that day will ever forget the space shuttle *Challenger* and crew of seven perishing in a fireball over the Atlantic Ocean. Without any doubt, the sight of the *Challenger* that morning will remain—like Pearl Harbor and John F. Kennedy's death—one of those brief moments forever embedded in the American consciousness.

It is perhaps ironic that on that particular day, this Member was meeting with a member of a local school board and sharing the delight of sending a school teacher into space. We had little reason to suspect anything could possibly go wrong.

Few of us knew their names—Scobee, Smith, Resnick, McNair, Onizuka, Jarvis, and McAuliffe. We know them now. The memory of them smiling and waving as they left to board the shuttle haunts us still.

Now, like then, words do not adequately express our shock and sorrow. We should recognize that the best America has to offer gave their last full measure on the cutting edge of technology. They challenged the unknown in order to know, reaching for the future in order to better teach us all about our world and ourselves.

It now remains for us to better understand their challenge and to go forward with their commitment. It is the least they would ask; it is the least we can do.

PRESIDENT REAGAN STILL A RALLYING POINT FOR THE AMERICAN PEOPLE

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, in spite of his recent illness, and in spite of the recent foreign policy setback, the President established that he is still the rallying point for the American people.

In the past 6 years President Reagan almost single-handidly helped the American people lift this country up by its bootstraps and make it great again. Thank God we had him as our President for the last 6 years.

Although the speech touched on many important areas, two issues stood out in my mind:

On foreign policy he remained strong in his determination to stop communism in this hemisphere.

Second, on the over-blown Iranian issue, mainly of interest to leftwing liberals and some of the national media, he said what needed to be said:

He said he took a risk in dealing with Iran. It did not work, and he assumed full responsibility for it. He ended by saying that "Although it was not wrong to negotiate with Iran to try to free American citizens, it was unfortunate that some serious mistakes were made in doing so," and he said he would get to the bottom of it. In my opinion, that says it all.

On the domestic side the most important issue was his commitment to establish a program to "free the elderly from the fear of financial ruin due to a catastrophic illness."

Nothing is more important than that single issue and I personally will do all I can to see that the legislation is enacted into law.

PRESIDENT REAGAN IS NO LAMEDUCK

(Mr. SHUMWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUMWAY. Mr. Speaker, the President's State of the Union Address was candid, bold, and pragmatic. Clearly, he is no lameduck President. Instead, he is a strong leader who is in tune with the needs of the American people.

First, the President restated his pledge to resolve any mistakes that may have been made concerning Iran, taking full responsibility for that situation. He reaffirmed his commitment to budgetary balance, a strong national defense, and "free and fair" trade. He proposed new initiatives for welfare reform, catastrophic illness coverage, increased competitiveness, and sound education. The President also pledged himself to "moral literacy," supporting antidrug programs, voluntary school prayer and national unity. Most of all, President Reagan reminded us that, as a nation, our best days have just begun. He has challenged the 100th Congress to work in harmony with him to achieve some very noble goals. I hope we will meet that challenge.

THE MESSAGE OF THE PRESIDENT IS CLEAR: LET US GET ON WITH THE WORK FACING THIS HISTORIC CONGRESS

(Mr. ROWLAND of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Connecticut. Mr. Speaker, last night the President sent this Congress and the American people a clear message. He showed us that he is vibrant and he is anxious to get on with the work facing this historic Congress. The President made strong overtures to this Congress that he wants to work with both sides of the aisle on domestic and foreign policy. Quite frankly, Mr. Speaker, I was very disappointed and embarrassed with the partisanship, shown during his address, from both sides of the aisle.

Regardless of whether you agree or disagree with the President's position, he is our President. He has earned our respect and we owe it to this Nation to at least try to work in a bipartisan fashion.

This is not going to be an easy session. With budget deficits, trade problems, health issues, and, yes, foreign policy problems. A true concerted effort to work together in harmony will not only benefit this historic Congress but also the entire Nation.

VUCANOVICH SUPPORTS PRESIDENT'S STATE OF THE UNION ADDRESS

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mrs. VUCANOVICH. Mr. Speaker, I rise today to support President Reagan's State of the Union Address which he gave in this Chamber last night. It was clear to me that the President has an agenda to maintain throughout his last 2 years in office and will not be a lameduck President as many have stated. He wants to continue the economic prosperity he has achieved these past 6 years into the 21st century and I believe this Congress should pass legislation to accomplish that goal.

By assuming full responsibility for our actions in Iran, President Reagan has proven that he is truly a great President. The buck stops with him and I believe he will take the actions necessary so that the American public will know the facts behind the Iran-Contra affair.

President Reagan outlined many of his priorities for this 100th Congress: Reduced Government spending without tax increases, new science and technology centers to establish greater American competitiveness throughout the world, reducing the fear among our elderly of catastrophic illnesses, continued U.S. support of freedom fighters throughout the world and especially in our own hemisphere, and maintaining world peace through a strong national defense.

These are goals Members in this body can help our President achieve. These are goals the American people support. Let's not let them down. Let's hope this historic 100th Congress will achieve many of the President's priorities.

OLIVER TAMBO CAN'T HELP

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTER. Mr. Speaker, I rise to voice my opposition to the meeeting the Secretary of State is holding with the ANC's Oliver Tambo today. Tambo represents everything we should not be working for in South Africa.

Two years ago, on December 4, 1984, I was among those Republican Members who wrote to the South African Ambassador to inform him that unless his government began to show "a demonstrated sense of urgency about ending apartheid," we would become supporters of sanctions.

Now I've voted for sanctions, and I'm glad sanctions are in place.

But the American adminstration, having seen constructive engagement with the white government fail, seems now to believe that it will work with the most violent, least democratic South African alternative. The ANC is in large part a Communist organization. And Oliver Tambo is an unhesitant, outspoken advocate of terrorism, that is, of the deliberate use of violence against civilians, most of whom thus far have been black.

Mr. Speaker, this is not what we stand for. I would insist—the State Department must insist—that there is nothing in our well known opposition to racial dictatorship which implies advocacy of, or indifference to, any other form of dictatorship. It would defy logic, and speak ill of the common sense of the moderate majority of South Africans, black and white, to suggest that if we would not have Mr. Botha we must have Oliver Tambo.

Equality and democracy are what we have always tried to promote, and equality and democracy are what we should be working for now. Oliver Tambo stands for neither and fights against both. We shouldn't be talking to him.

We would do far better, as a number of us suggested to President Reagan in a letter of August 15, to do what we can to turn discussion here and in South Africa to wide-ranging constitutional reform. There have already been a number of suggestions, some very elaborate, all constructive, from powerful and responsible black South African groups like the Inkatha of Zulu chief Buthelezi. The need is to deal with these, and proposals like them, which represent the path of reason. We can and must shun the advocates of class war.

BUDGET REFORM BEGINS WITH ENDING CR'S

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, there's been a great deal of talk about budget reform—and many excellent ideas proposed. But the President identified the most basic reform of all in his State of the Union Address when he said, "[t]he missing of deadlines and the nightmare of monstrous continuing resolutions packing hundreds of billions of dollars of spending into one bill must be stopped." The President understands that budget reform starts with meeting deadlines and not using CR's to camouflage excess spending.

Late last year I sent a letter to the President signed by many Members of this body—on both sides of the aisle—urging him to condemn continuing resolutions, and I am greatful for his started opposition.

The President, however, should go one step further by announcing that he will veto any CR. I urge him to do so. If he won't sign one, we can't send him one.

□ 1425

But if he leaves the option open, we will almost certainly procrastinate and then use the excuse of making up lost time to bring forth still another CR. Our children and grandchildren, Mr. Speaker, will once again pay.

SOVIET UNION IS TRYING TO SEVER AMERICAN HEMISPHERE

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, as the 100th Congress moves into action, I think it is very clear that the attention of the media and the Congress remains focused on the Iranian-to-Contra arms situation.

Yet, while we remain fixated on this situation, I think it would be wise for us to remember that the Soviet Union is continuing to move undistracted toward their goal of securing Nicaragua and thereby severing the American Hemisphere.

The shocking news is out, Mr. Speaker, 1986 was the year in which the Soviet Union sent 1 billion dollars' worth of war materiel to their Communist allies in Nicaragua. That is 10 times as much as this Congress dedicated to the freedom fighters.

Soviet naval bases are going into Bluefields and into Corinto on the Pacific side, which will give an unprecedented naval capability for the Soviet Union.

Our hemisphere is at risk, Mr. Speaker, and the time is short. Let it not be said of the 100th Congress that this was the Congress without the resolve to protect America.

WORKING WITH THE PRESIDENT ON HIS AGENDA

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, I rise today in support of the agenda outlined by our President last night in his historic State of the Union Address. The President set forth a national plan that will help Congress and the American people address many of the problems and challenges that the Nation now faces.

Whether it be creating more jobs for American workers, protecting our senior citizens from the financial disaster of catastrophic illness, or making the world more stable for our children, the President has shown his resolve to stand up in the interests of the American people. He will soon be submitting legal and regulatory reforms to improve our trade deficit and open up foreign markets to American products.

We in Congress must help the President fight against the unfair trading practices that so many of our competitors currently employ. The President has also provided the groundwork for Congress and the administration to begin work on a catastrophic illness program. Older Americans need protection from the financial ruin that plagues many families when long term illness strikes a member. Let's cooperate with this effort.

I support President Reagan's efforts to ensure peace for America without sacrificing our national integrity. His meeting last year with Mr. Gorbachev has placed arms control negotiations in a more productive realm. We must not let his efforts for world peace become burdened with unnecessary legislative restraints.

I look forward to 2 more years of President Reagan's leadership. Mr. Speaker, as the Representative of a district which overwhelmingly supported President Reagan in both his national elections, I plan to work with the President on his agenda.

IN SUPPORT OF THE STATE OF THE UNION ADDRESS

(Mr. GALLEGLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GALLEGLY. Mr. Speaker, I rise today in strong support of the President's State of the Union Address last night. The President combined fiscal realism with the optimistic vision of the future that is his trademark. The theme of welfare reform addressed in his speech is a truly important initiative that should receive a high priority in this Congress. I would remind my colleagues that in 1973, then-Governor Reagan of California achieved a major reform of the State welfare system with the passage of the landmark California Welfare Reform Act.

Our economy has continued to flourish under President Reagan's economic policies. We should not, as the country's elected leaders, turn our collective backs to our President's proven policies. Rather, we should embrace and support these economic policies as the path to a prosperous future for America.

It is my hope that the bipartisan spirit of President Reagan's address will be an inspiration to the leaders of the Congress and our country to join together and work for a better America as we approach the 21st century.

DEMOCRATIC BUDGET IS BOGGED DOWN LIKE METRO

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, last night, President Reagan, in his State of the Union Address, spoke of a need to work together on a budget that meets the needs of the American people. The President has presented his budget. It is now time, I would say past time, for the Democratic majority to do the same.

Let us see exactly what it is that the Democratic majority in the House proposes; not rhetoric, not complaints, pious wishes nor partisan sniping. Let us see a Democratic budget, the facts and the figures, the vision and the cost, the numbers and the priorities.

The President has his budget on the table. Where is yours?

Now that you have control of both Houses of Congress, you have a responsibility to produce one on your own.

Those of us in the Washington area have been troubled by the breakdown of the mass transportation system, especially Metro, during the recent snowstorms. It seems to me that so far as the budget is concerned, the Democratic majority is just like Metro in a snowstorm, unable to meet commitments and late getting started.

When it comes to the budget, it is time for the Demoratic majority to get a budget started down the track.

HELPING THE PRESIDENT TO PUT AMERICA FIRST

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, last night the President extended his hand and asked us—all of us—to join him in addressing the difficult problems facing this Nation. Especially in the conduct of foreign policy, the President asked for and needs bipartisan support.

He invoked the wisdom of Presidents Roosevelt, Truman, and Kennedy to illustrate the bipartisan nature of our continuing policy to stop communism in Latin America.

Our allies are confused and dismayed by the lack of bipartisan support for the foreign policy of the President, who was overwhelmingly elected by the American people.

Mr. Speaker, I urge my colleagues on both sides of the aisle to look forward, not to dwell on the past, and to get behind the President—at least in this area of his constitutional authority.

Let's put America first. Our constituents will appreciate it; and our Nation will be better off for it.

A SALUTE TO THE PRESIDENT

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, I rise today to commend the President on last night's heartfelt, patriotic State of the Union speech. He spoke eloquently and forcefully about his legislative agenda and our Nation's future. The speech was characteristic of this President and what he reminds us is characteristic of this Nation: optimistic, upbeat and full of promise for the future. What can you say about a man who at 75, after extensive surgery, can keep the weight of the world on his shoulders and still deliver a speech that touches all Americans, young and old. Ronald Reagan clearly dispelled any notion that his last 2 years was to be that of a caretaker President. I salute him for his remarks on Iran. He has acknowledged that mistakes were made, assumed full responsibility for the affair and pledged to the American people to get to the bottom and take whatever action is called for.

His promise to tackle the welfare system and provide elderly citizens a way out of the catastrophic illness nightmare is timely and recognizes his administration's commitment to the poor and the elderly. I also salute his pledge to work with Congress in a bipartisan manner on the budget and in drafting trade legislation, the two top economic priorities in this Congress.

The State of the Union, however, is not the place for an extensive legislative monologue. His speech in this Chamber symbolizes his reaching out to the American people to remind us all, in this historic session of Congress, of America's place in the world and its destiny. No one could of done it like the Gipper and I salute him for his oratory and his stewardship at the Nation's helm.

DEMOCRATS ARE FOR MORE TAXES

(Mr. WALKER asked and was given permission, to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, last night in his State of the Union Message, President Reagan said, and I quote, "For starters, the Federal deficit is outrageous." On a bipartisan basis, this House stood and cheered that sentiment, as well we should.

The President then went on and said, "What Congress finally needs to do is pass a constitutional amendment that mandates a balanced budget and forces Government to live within its means." Republicans, at that point, stood and cheered that sentiment. Democrats did not stand and cheer; in fact, there were some hisses and even a few boos at that point.

If they are going to boo and hiss the balanced budget amendment, what is their solution? We heard from them later; it is a pay-as-you-go scheme.

We know which way they are going. They are going to be spending.

Yesterday, unanimously, every Democrat in this House voted for a bill to add $50 billion more of spending. If we are going to pay as you go and going to pay for that spending, how are we going to do it? Increase taxes. The very first substantive vote cast in this Congress this year put the Democrats on record, every single one of them, saying they are for more taxes.

☐ 1435

CALLING FOR A RECORD VOTE ON PROPOSED CONGRESSIONAL PAY RAISE

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, last night the Congress expressed its support for controlling the Federal deficit when it rose to its feet, on both sides of the aisle, when the President said: "There's more to do. For starters, the Federal deficit is outrageous."

We are making a mockery of ourselves and this institution if we just sit back and allow an automatic pay increase of 16 percent to go into effect in 10 days without a vote.

The message I have gotten loud and clear from my colleagues is that we, as Members of Congress, have some very special problems: two homes, families to educate, travel and social requirements placed on us just because of the nature of our jobs. I do not deny those statements, it is tough—but it's tough for a lot of our constituents. Can we really ask them to understand why they should do with less when we are asking for more.

We can show both our leadership and our commitment in dealing with the deficit by bringing up the proposed congressional pay raise for a vote before February 5.

Won't you join me in signing this letter to the Speaker asking for a vote before February 5.

HOUSE MEMBERS COMMENDED FOR PROVIDING FUNDS FOR THE HOMELESS

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, I am proud to note that yesterday, on the vote to transfer $50 million from one aspect of the FEMA organization to the other, the Democratic Members of this body unanimously and the Republican Members of this body by almost 50 percent voted to provide $50 million so that in this bitterest of winters that we have seen across this country people would have some chance of not having to spend their nights as well as their days out of doors.

The subcommittee of the Committee on Government Operations which I chair has had occasion to hold hearings around the country on the problem of homelessness. If you listen to mayors across this country, you will note that each year the problem of homelessness grows by something like 38 percent. There are hundreds of thousands and perhaps millions of Americans who have no place to stay.

Mr. Speaker, I am proud of the action that this body took yesterday by an overwhelming percentage of the Members of the House of Representatives.

"AMERICA'S CUP I"—PENNSYLVANIA'S BILL PACKER LED AMERICA'S CUP CHALLENGE

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, as the United States moves to challenge Australia to bring the America's Cup—the most prestigious prize of yachting—back to America, I note with both pride and sorrow the contribution of *America II.*

America II was the New York Yacht Club's entry in the America's Cup sweepstakes. The effort was managed, however, by none other than Pennsylvania's—and Philadelphia's—Bill Packer.

Yachtsman, businessman, sports enthusiast, and community leader, Bill Packer, put together the earliest challenge to win back the trophy held for the United States for 132 years until lost to Australia in 1983.

Without taking anything away from the spectacular effort of the successful challenger, *Stars and Stripes,* skippered by Dennis Conner, *America II* was also the product of the best the United States has to offer in organization, crew, and technology.

Many millions of dollars organized by Bill Packer went into her design, by Sparkman & Stephens, and execution. Her young skipper, John Kolius, and his dedicated crew were the first on the scene in the fierce and unknown waters off Fremantle, Australia, more than a year before the event.

With honed skills, tactics, and craft, *America II* was in first place at the end of October. In November, she lost only 2 races and was second among 13 challengers, behind only New Zealand.

Then other teams reworked their hulls and added new masts, keels, and winglets. *America II* lost four times in December and fell short of the semifinals by 1 point.

It was typical of Bill Packer to resist finger-pointing and share the blame. It was also typical of this yachtsman, sportsman, and enthusiast to cheer the *Stars and Stripes* victory over New Zealand and boost her chances to return the America's Cup to the United States, even if not to New York.

A FUMBLE BY THE GIPPER

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, yesterday many of us looked forward to the President's speech as a new beginning. Today we are disappointed.

There was in the President's speech much of the same old rhetoric but very little that was new, very little to be encouraged about. In fact, it was only words and rhetoric, and as the Iran crisis has shown, the days of words and rhetoric are over.

In fact, Mr. Speaker, the very same things that got the President into trouble in Iran were endemic in his speech. In Iran the President did not know detail, and detail did not square with reality. It was the same in the President's speech. With our Iran policy, it was overarching and beautiful rhetoric which in reality did not match. Similarly, in the President's speech there was talk about a balanced budget, but the President has submitted the most unbalanced of budgets six times. There was talk about freedom fighters in Nicaragua when the people we are supporting are the very same people who under Somoza opposed freedom in Nicaragua for 40 years.

Mr. Speaker, the speech was a disappointment, and I am sure throughout America, Mr. President, the American people are saying today, "The Gipper has fumbled the ball and he hasn't yet recovered."

IN MEMORIAM OF THE CREW OF THE SPACE SHUTTLE "CHALLENGER"

Mr. ROE. Mr. Speaker, I ask unanimous consent that the Committee on Science, Space, and Technology be discharged from further consideration of the resolution (H. Res. 55) in memoriam of the crew of the space shuttle *Challenger*, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. SMITH of Florida). Is there objection to the request of the gentleman from New Jersey?

Mr. LUJAN. Mr. Speaker, reserving the right to object, I take this occasion just to ask the gentleman from New Jersey [Mr. ROE] to explain what it is we are considering here today.

Mr. ROE. Mr. Speaker, if the gentleman will yield, we are considering House Resolution 55, which establishes the national view and commemorative relationship today of the terrible accident that took place with the shuttle 1 year ago today.

Mr. Speaker, I believe it would be appropriate if I might ask unanimous consent that the resolution be read in full by the Clerk.

The SPEAKER pro tempore. The Clerk will report the resolution in full.

The Clerk read the resolution, as follows:

H. RES. 55

Whereas this day marks the one year anniversary of the tragic crash of the space shuttle Challenger, Mission 51-L and the loss of seven of America's bravest and most dedicated citizens;

Whereas our country has mourned this national tragedy during the last twelve months, while we also have methodically and relentlessly sought answers as to its cause;

Whereas the outstanding work of the Rogers Commission investigated the Challenger accident in a most expedient and thorough manner;

Whereas the subsequent investigation of the Challenger accident by the Committee on Science and Technology was concerned with the cause of the accident;

Whereas the committee was concerned, in addition, with the larger objective and greater responsibility to insure that the National Aeronautics and Space Administration, as the Nation's civilian space agency, maintain organizational and programmatic excellence across the board; and

Whereas space leadership is vital to our present technological strength and our future pre-eminence: Now, therefore, be it

Resolved, That the Committee on Science, Space, and Technology, the Congress, the Administration, and the Nation commit themselves to utilizing the lessons we have learned in these painstaking inquiries in order to get America's space program back into operation on a strong and stable foundation; and be it further

Resolved, That this Nation is resilient in its response to adversity and dedicated in its goal to continuously explore and exploit space for the benefit of all mankind; and be it further

Resolved, That the United States is committed to both the continuation and advancement of its leadership posture in space through our manpower, our technology, and our missions.

The SPEAKER pro tempore. Does the gentleman from New Mexico [Mr. LUJAN] withdraw his reservation of objection?

Mr. LUJAN. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey [Mr. ROE]?

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. ROE] is recognized for 1 hour.

Mr. ROE. Mr. Speaker, I yield one-half of my time to the distinguished ranking minority member of the Committee on Science, Space, and Technology, the gentleman from New Mexico [Mr. LUJAN] pending which I yield myself such time as I may consume.

Mr. Speaker, today marks the 1-year anniversary of the tragedy and the crash of the space shuttle *Challenger*, Mission 51-L, and the loss of seven of America's bravest and most dedicated citizens.

Mr. Speaker, it is important for us to reflect today on two highly significant dates in contemporary history. One had to do with the assassination of President John F. Kennedy, and the other had to do with the tragedy of the *Challenger* accident.

□ 1445

You know, it happened in 73 seconds; that was the timeframe. I think that if we reflect on these two highly important, significant dates in history, there are none of us who do not remember where we were at the time of the assassination of John F. Kennedy and what we were doing, and certainly where we were and what we were doing at the time of the accident of the *Challenger* space shuttle that happened 1 year ago today.

We remember and we honor. The crew was Francis R. Scobee, commander; Michael J. Smith, pilot; Judith A. Resnik was a mission specialist; Ellison S. Onizuka was a mission specialist; Ronald E McNair was a mission specialist; Gregory B. Jarvis was the payload specialist; and S. Christa McAuliffe was the teacher and observer.

What was their mission? I think it is significant. Their mission in that flight had to do with the cargo and the payload. It was tracking and data-relay satellites, TDSRB. The Spartan Halley Mission. The teacher-in-space project. The Comet Halley Active Monitoring Program. The Fluid Dynamics Research Experiment. Phase Partitioning Experiment. The Radiation Monitoring Experiment and three student experiments.

I mention that to bring into clear focus the comments that have been made by different Members today and the comments of the Members who will follow after I have finished my comments. This speaks to the import of what they were doing in space and high technology and the use of outer space which is the future of mankind and the future of this country.

We have investigated the accident's cause and committed ourselves to putting America's space program back on a safe and forward-moving track again. Now it is time to look to the future with determination and optimism. We must dedicate ourselves to the personal goals of 51-L's courageous crew. We as Americans have a national commitment to carry on the noble spirit and purpose of the *Challenger* seven.

Their lives personified the excitement of exploration, the guest for knowledge, and the belief in American preeminence in space. Their goals were and are our goals. Their mission was to ignite an everlasting flame of excitement about space in every young mind across this Nation.

It is our responsibility to carry out that task. The families of the *Challenger* crew have come together to establish the National Challenger Center, a science education center offering the knowledge derived from American space research to students and teachers.

I was proud to join with many of our colleagues throughout the House and the Senate to cosponsor the joint resolution designating January the 28, 1987, as the "National Challenger Center Day."

Mr. Speaker, I am also introducing a House resolution in coordination with my good friend and ranking minority leader of our committee, the Honorable MANUEL LUJAN, JR., from New Mexico, that in memorian commemorates the first anniversary of the *Challenger* accident and rededicates this Nation to a strong and superlative space program that will continously attract America's best minds and bravest spirits.

Let it be known that this Nation is not only resilient in its response to adversity but also resolute in its commitment to explore and utilize space for the benefit of all mankind. We will make January 28 not only a remembrance, but also a marker for future generations to note well that America devoted the memory of that day to the future without forgetting the past.

The families of these great American heroes should also be saluted today for their stalwart leadership in furthering America's leadership in space. As it has been written in the last many days, as we are reflecting on this terrible tragedy, the incompleteness of the mission was written in one headline, and they did not fear the risks. I would leave the Members with one point I think we have to give attention to and pay attention to and do something about, and that is the point that Congress should establish, in my judgment, a survivors' family insurance program for our astronaut corps for their hazardous duty.

I think today is an extremely important day. It is the day of remembrance and respect, but in order to remember and respect we have to do for tomorrow and achieve and accomplish. Otherwise, the efforts would have been for naught.

America's future lies in space. It lies in high technology. All of the encomiums and speeches that are made about competitiveness and all of the buzzwords that we hear today are not going to make this country or the world free. The only way we can do that is to look to the future, and that is what we are going to do.

Mr. Speaker, I reserve the balance of my time.

Mr. LUJAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Americans were accustomed to viewing NASA's space exploits on television and had become almost nonchalant over the Space Program. We had come to believe that nothing would go wrong. NASA was the "can-do" agency; they were the experts with the right stuff.

One year ago today, that was all changed. Because on that day millions of Americans watched—stunned as the *Challenger,* with seven astronauts aboard, exploded shortly after takeoff.

We have learned much from that tragic experience. We were reminded that space travel is not as routine as we had come to expect. It requires constant vigilance. We had forgotten that and put efficiency and cost-effectiveness above safety and attention to detail.

We have paid dearly for that lapse, but let us not become so discouraged that we give up the challenge. Let us not forget that this country was founded on challenge and adversity. We have the talent within this Nation to rebuild our Space Program and assume our leadership position—so let's do it.

I urge all my colleagues to join Mr. ROE and myself in supporting House Resolution 55. Let us learn from this tragedy and move into the future with an even stronger Space Program.

Mr. Speaker, I reserve the balance of my time.

Mr. ROE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. I thank the gentleman for yielding me this time.

Mr. Speaker, it is with sorrow that I rise today to commemorate the first anniversary of the tragic loss of the crew of the space shuttle *Challenger.* One year ago today, we lost seven of the bravest, most talented individuals we have ever known. The passage of time has not made this loss any less poignant or their sacrifice any less valiant.

The *Challenger* crew risked everything so that we as a nation might understand space and all of its mysteries. Now it is time to rededicate ourselves to the goals that initially inspired these seven men and women to join the space program.

We have been reminded by this tragedy that our space program is in its infancy; that our knowledge about space is scant; and that our technology is fragile. When space missions do resume, the finest craftsmanship, the very best planning, and the greatest talent must be brought to bear. And, above all else, wariness, not hubris must prevail.

In the aftermath of the *Challenger* tragedy, we have searched for ways to properly honor the memory of the seven lost astronauts. There is perhaps no better way to honor their memory than to re-create a space program that they would be proud to join. This is not an easy task because the revelations over the last year about our space program have been bitter, and we all have been shocked by the news that we were not doing the best job possible.

Now, we must rebuild, not with arrogance, but with humility and with sincere dedication to the quality of our program. I am sure this is what the seven *Challenger* astronauts would have wanted. So, let us take our guidance from the resolution before us today and commemorate today's sad anniversary by utilizing the lessons we have learned and go forward.

□ 1455

Mr. ROE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida [Mr. NELSON].

Mr. NELSON of Florida. Mr. Speaker, I have just returned from Arlington National Cemetery, where I attended a private memorial that was given with the families of the crew. There were two very moving speeches that were made at this memorial, one by NASA Administrator Jim Fletcher, and the other by the space shuttle chief, Rear Adm. Dick Truly. I will insert in the CONGRESSIONAL RECORD the speech given by NASA Administrator Jim Fletcher.

Mr. Speaker, from the text you will see that he is visionary in his comments and touching in his poignant truths of reflection into these seven lives.

Mr. Speaker, it has been a tough time, and it has been a tough year, but the time has come for us to stop looking backward, and look forward, for indeed, that is what these seven that became seven friends of mine, that I trained with, that I lived together with in the crew quarters, would want.

They would want nothing less than what the American people absolutely expect of the United States of America, and that is excellence in our Space Program. So, it is time for us to put aside the nagging questions, to recognize that indeed space flight is risky business, recognize that you cannot solve everything with just promises and press releases, but you have to put it together in the best of skill of the American minds and go forward.

Now that is simply what we in America want. We have a tall order this year. It is a time of budgetary restraint and fiscal crisis, a time in which the dollars are not necessarily available.

I have the privilege of sharing this in a conversation just yesterday with the chairman of our full committee, the gentleman from New Jersey [Mr. ROE]. Rather than our always asking, "Can we afford to do this, or afford to do that?" vis-a-vis the budget that is in front of us, let us ask the question on our financial agenda, "What should be the priority for the United States of America in its budgetary agenda?"

If we would go back home and ask our folks, we would find out indeed that they would say that excellence in space is one of the top agenda items, because it is our future. It fulfills the hopes and dreams of all of us.

We used to have always an expanding frontier in this country. It used to go westward. But that frontier goes upward now.

There is something that I have found out about the character of the American people in this last year during which I have had the privilege of traveling all over this country speaking to folks who were concerned about the Space Program. I particularly learned a lot from the school kids of this Nation. What I learned is that they understand, they have grown up to expect that the Space Program is a part of their daily lives. So many of the students today were born after the time that we landed on the Moon in 1969. They are now flocking to the box office to see Star Trek IV. It is a part of their lives, and they expect it and want it.

There is one other thing that I learned throughout the breadth of this land and that was the nature of our people. We are by nature explorers; we are by nature adventurers.

I got a glimpse of that with the test pilots who are pilot-astronauts. They are always in an adventure, trying to press the edge. They call it "pressing the edge of the envelope."

But I learned it from somebody else. This lady was a teacher; she became an astronaut. Christa McAuliffe gave to us a vision, a vision of the future for this country, when she said that we need to continue to press on out there just because it is there. She said we need to continue to reach for the stars. And that is exactly what this country needs to do—continue to reach for the stars.

Mr. Speaker, I thank the chairman and the ranking member for this opportunity to speak to the resolution which they have introduced today.

The text of speech referred to follows:

EXCERPTS FROM REMARKS PREPARED FOR DELIVERY: "CHALLENGER" ACCIDENT COMMEMORATION, JANUARY 28, 1987

It is written in the Old Testament's Book of Psalms: "What is man, that thou art mindful of him? . . . . Thou hast made him a little lower than the angels."

The NASA family comes together today to remember some of the finest of God's creatures—seven brave Americans: Dick Scobee, Mike Smith, Judy Resnik, El Onizuka, Ron McNair, Greg Jarvis and Christa McAuliffe.

The crew of the Space Shuttle *Challenger* loved their work.

They believed deeply in what they were doing together.

They knew that by touching the future, they could help change tomorrow today.

They would be pleased to know that the NASA family and the nation are carrying on in that spirit.

A year is a brief interval on the scale of cosmic time. But when that year is one of pain, of remembrance and of rededication, as was the past year, it can be a watershed in our lives.

The past year was such a year for all of us at NASA.

The loss of *Challenger* and our selfless and courageous colleagues deepened our dedication and reaffirmed our commitment to move the nation forward into a new era of space flight, one more stable, more reliable and safer than before.

We owe it to ourselves and to our nation to do that. But we owe it especially to seven brave explorers who dreamed that one day they would reach the stars: the crew of the Space Shuttle *Challenger*—Dick; Mike; J.R.; El; Ron; Greg and Christa.

We will never forget their sacrifice.

We will never forget their dream.

We will never let them down, but we will all miss them very much.

Mr. LUJAN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, 1 year ago, seven of this Nation's bravest pioneers set forth on a voyage of discovery that ended in tragedy.

My thoughts and prayers were with those explorers and their families then and they are today as we honor their supreme sacrifice. So often it seems, we Americans undertake momentous tasks in the interest of bettering our knowledge of our world.

As the *Challenger* tragedy demonstrates so painfully, that quest for understanding can exact a horrifying toll. What we all must remember in this time of introspection, however, is that life's greatest achievements sometimes demand a supreme sacrifice.

History will remember and honor these brave pioneers who accepted the danger of their mission and strode willingly in its face to seek answers to questions of the universe. And all Americans will be forever indebted to these seven astronauts for their bravery and spirit.

The Manned Space Program for decades has offered valuable, often priceless, information that has led to innovation in medicine, astrophysics, biology, and many other areas. This information has made life better for so many and hopefully will continue to seek truths of the universe for the benefit of all mankind.

I am sure that all Americans will mark this day of tragedy in their hearts and pray that nothing like it ever happens in the future. We must all remember how fortunate we are in this great Nation to have men and women like these brave seven who are willing to risk and pay any cost for the benefit of their fellow man.

Mr. LUJAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding time to me.

Mr. Speaker, 1 year ago today in the words of Yeats, "All changed, changed utterly."

For the families of the *Challenger* crew the change was most obvious, the pain of the tragedy was the deepest. But for all of us, there was a sadness and a loss of innocence. Most of us had adopted an attitude that we were invincible in space, that we had conquered this particular unknown, just as our ancestors had conquered the unknown continents of the world. With incredible suddenness we were made humble again.

Another reason that the tragedy affected us was because we saw ourselves in the shuttle crew. In this group there were men and women of three races represented.

One of the *Challenger* crew in particular stood out. She was my friend of more than 10 years. An effervescent, effective teacher, Christa McAuliffe was to be the first civilian and the first teacher in space.

I recently spoke to a group gathered at her old school to honor Christa. And I said, "It is such a great tragedy that all of the school children of America did not have the chance to meet Christa, as their teacher in space."

They would have learned so much from her. Still Christa has inspired young people across America. She has dignified the teaching profession. Through the lesson of her life, Christa has, as she said, "touched the future."

But they will not be able to do so unless we continue to support a strong space program. Our system failed the astronauts. And we will fail them again, if we do not go forward. I do not believe that one of the seven would want us to suspend our commitment to the space program.

It is fitting that we remember the *Challenger* crew on this day, and that we rededicate ourselves to their mission. In Christa McAuliffe's words, we must continue to "reach for the stars."

Mr. SMITH of Texas. Mr. Speaker, I join my colleagues and all the Nation today in resolving that the tragic explosion of the space shuttle *Challenger* 1 year ago shall serve to further clarify our national mission in space and reaffirm our national commitment to exceed our own goals.

On this anniversary, the families of the *Challenger* astronauts have urged us not to fear the risk of space exploration. They also have proposed creation of a national network of space learning centers, an idea that poignantly encourages our young to let their dreams and their excitement about the future roam free.

I anticipate working closely with my new colleagues on the Science, Space, and Technology Committee to ensure that the Congress does everything possible to guarantee Americans continued opportunity in the frontier of space.

As the *Challenger* crew families have already recognized, keeping our commitment to our young is the starting point for keeping our commitment to a leadership role in space exploration into the next century. And to do that, we must first continue to provide our children with opportunity for careers in scientific space research that are as rewarding as they are challenging.

This will be a difficult challenge for us. Fifty shuttle missions had been scheduled between 1986 and 1992; since the tragedy a year ago, the number has been reduced to 17 and their departure will probably be further delayed. That immediate loss of opportunity for young scientists could discourage some of our most promising talents.

It is my understanding young space scientists are expected to establish their reputation for research within 5 years of earning their doctorates; failure to do so could stall a promising career that might have yielded important results for decades. The drastic reduction in the number of space missions in the coming years must not be paralleled by a similarly smaller number of opportunities for blossoming scientists to pursue their projects.

The shuttle families, in their letter to America this week, say their loved ones were pioneers who "worked hard to extend the reach of humanity." In their absence and in their honor we as a nation must continue to extend that reach through research close to the stars.

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Resolution 55, a resolution in remembrance of the crew of the space shuttle *Challenger.* I commend the gentleman from New Jersey [Mr. ROE] for introducing this resolution which sheds light upon the tragedy which took the lives of seven brave Americans.

A year ago today millions of Americans watched in disbelief at the explosion which destroyed the space shuttle *Challenger* and its crew of seven. It was a moment that very few of us will ever forget and that we never should forget. We must remember those seven heroes who lost their lives for this great country of ours and use this tragedy as an inspiration to return to safe space flight and to secure our position of leadership in space. The families of those seven courageous astronauts have continued to move ahead and so must we.

These seven Americans should be enshrined forever in history so our children and grandchildren can learn of their unselfish deeds for years to come.

The mission commander, Francis R. Scobee, who flew on the space shuttle as the pilot of mission 41-C in April 1984;

The mission pilot, Capt. Michael J. Smith, was on his first shuttle flight after being selected an astronaut in 1980;

Mission specialist Lt. Col. Ellison Onizuka, who flew on the first military mission in January 1985, aboard the space shuttle *Discovery* and was the first Japanese-American in space;

Mission specialist Judith A. Resnick, the first Jewish astronaut as well as one of the first women on board;

Mission specialist Ronald E. McNair became one of the first black astronauts in 1978;

Payload specialist Christa McAuliffe, a school teacher, who was to conduct a series of classroom lessons from orbit and conduct several basic classroom experiments; and

Payload specialist Gregory Jarvis, a Hughes Aircraft specialist, who was to perform a series of fluid dynamics experiments that would support satellite redesign.

This week, many Americans will remember those heroes in ceremonies and memorials throughout the country. In my own congressional district in Monticello, NY, citizens and clergy will join together in a remembrance ceremony for the sevem *Challenger* 10 astronauts. I know that we all will be joining them in spirit for that event.

It is hoped that this tragedy will not deter our space program but rather that the pioneering spirit of the dedicated crew of the *Challenger* will inspire us and motivate us to continue to pursue our explorations of space. In closing, I am reminded of a quote by an anonymous author: "Looking back is sometimes painful. But, if we don't, their sacrifices will have been in vain."

Mr. ANDREWS. Mr. Speaker, 1 year has passed since the tragic loss of the space shuttle *Challenger* and her crew. As we remember that disaster and its aftermath, we mourn not just for a symbol of our country's progress, but for individuals—Capt. Dick Scobee, Michael Smith, Judith Resnik, Ellison Onizuka, Ronald McNair, Gregory Jarvis, and Christa McAuliffe.

This loss saddened all Americans, but touched painfully close to home in my district in Houston. Several of the crewmembers were my constituents, and their deaths cast a pall over the neighborhoods near the Johnson Space Center.

During the past year, we have gradually come to terms with our sorrow, and resolved as a nation to pursue the goals that these men and women gave their lives for. We have come to realize that the commitment of the crew is best honored by our own rededication to their dream.

Each of us can help keep the dream alive. First, we can support the *Challenger* families in their effort to build children's space life centers—designed to give hands-on learning experiences to the next generation. Their plan is to establish centers in Washington and Houston first, and then assist in developing additional ones around the country. The nonprofit National Challenger Center Foundation established to fund the centers, with an office in Houston and Washington, can use any and all help.

The second avenue is continued funding for NASA's exploration and research programs, despite our current budget problems. Federal spending for NASA has always been cost-effective, providing secondary benefits and advances in technological development, private sector job creation, and scientific education and training. It is important that we continue our Nation's commitment and leadership in space.

Finally, we must all join the employees at NASA in rededicating ourselves to the ultimate goal of safety in the space program. We in the Congress, like many Americans, had begun to expect flawless performance from the space shuttle, becoming irritated or surprised by malfunctions and delays. If there is one lesson of the *Challenger* disaster, it is that the safety of human lives must be our No. 1 priority. Nothing is more sacred, or more worthy of remembrance.

Mr. DREIER of California. Mr. Speaker, none of us will ever forget the shock and anguish we felt on this day last year upon learning that the space shuttle *Challenger* and its crew had been lost only 73 seconds after launch. Along with all Americans, we not only shared the grief of the crew members' families, but also concern over the general safety and future of the space program following the *Challenger* mishap.

One year later, we are still saddened by the tragic loss of seven brave Americans. However, the direction of the space program is once again clear: full speed ahead. The challenge NASA has faced—restoring the confidence necessary to maintain public support—has been as great as the challenge it faced getting the first space shuttle off the ground. The shuttle, and indeed the entire manned flight program, could have been jeopardized had the American people not been willing to thoroughly and honestly examine the mistakes that had been made and correct them.

It has indeed been a struggle to turn the *Challenger* tragedy into a positive reassessment of NASA's technical and managerial processes. However, with the next shuttle launch scheduled for just over 1 year from now, a majority of Americans not only support continuing the program, but are willing to accept the painstaking delay necessary to ensure the safety of the launch.

Those who would scale back the shuttle program because of the dangers involved might be interested in the open letter commemorating the tragedy which was released today by the families of the seven crew members. The letter tells us that, if the *Challenger* crew were alive today, they would encourage us to "not fear risk. All exploration, all growth is calculated risk. Without frontiers, civilizations stagnate." Our greatest memorial to the crew would be to follow that advice, to continue learning all that our space programs can teach about our universe.

Mr. BUECHNER. Mr. Speaker, I rise in support of House Resolution 55, a commemorative resolution in memory of the seven brave astronauts who lost their lives 1 year ago today in the tragic *Challenger* accident. The seven: Michael Smith, Ellison Onizuka, Francis "Dick" Scobee, Judy Resnik, Ronald McNair, Gregory Jarvis, and Christa McAuliffe will forever live in our memories.

After 1 year of mourning our great loss, and learning from that loss, let us take this occasion to recommit ourselves to our fine space program. We can look forward to a bright future in space exploration, but only if we have the courage to make it happen.

The families of the *Challenger* crew wrote an open letter to the Nation in which they implored us to "carry on *Challenger's* mission." They write:

> Since their loss, we have been troubled by the incompleteness of their mission * * *. If they were alive and could speak to all Americans, we believe the *Challenger* crew would say this: Do not fear risk. All exploration, all growth is a calculated risk. Without frontiers, civilizations stagnate.

That is the challenge before us today. To carry on that same spirit of exploration. To push onward to greater frontiers. To complete the *Challenger* mission.

Mr. BONER of Tennessee. Mr. Speaker, I am proud to join my colleagues in saluting the seven *Challenger* astronauts and the spirit of adventure which they embodied.

As we remember Commander Dick Scobee, Pilot Michael Smith, Astronauts Judy Resnik, Ronald McNair, Ellison Onizuka, and Gregory Jarvis, and civilian school teacher Christa McAuliffe, we recall their bravery and commitment. Like the many explorers who preceded them, the seven *Challenger* astronauts exhibited a selfless devotion to bettering our understanding of the universe and our place in it.

It is our curiousity about the unknown, our amazement at the wonders of nature, and the excitement of discovery which characterizes our Nation's explorers and, most particularly, the members of our astronaut corps.

Many of these traits are found in our children and, perhaps most appropriately, one of the consequences of the *Challenger* tragedy has been our Nation's efforts to improve education and further foster the childhood excitement and curiousity about the stars.

As I have discovered in my visits to schools since last January, nearly all children are anxious to continue our Nation's Space Program and learn more about the universe and themselves. Many children express a genuine interest in becoming an astronaut, a member of that special group of explorers which has so consistently characterized our Nation's history and democratic spirit.

I believe that one of the legacies of the *Challenger* crew will be the continued excellence of future members of the astronaut corps and the recruitment of young people excited by our Nation's exploration of space.

On this anniversary of the ill-fated flight of the *Challenger,* I am proud to join my colleagues in paying tribute to her dedicated crew. Last January 28, the seven crew members joined the stars, the very heavens they hoped to explore for all of us. On that day the crew also became part of our collective memories and they will forever be remembered by a grateful nation for their dedication, their courage, and their attempt at fulfilling our Nation's ideals and promise.

Mrs. LLOYD. Mr. Speaker, I rise in support of this resolution submitted by my distinguished colleagues, Chairman ROE and Mr. LUJAN, that commemorates the 1-year anniversary of the *Challenger* accident by stating the clear resolve of this body to continue a strong and vigorous space program. I had the privilege of working with Chairman ROE during the past summer as he led a series of emotionally difficult, yet thorough, hearings into the causes of this tragic event. From that experience, I, as well as I am sure all my colleagues on the committee, gained a deeper appreciation of the complex human factors that embrace an enterprise as extensive and difficult as the implementation of a major space transportation system such as the shuttle. Even though some of the Nation's best minds and technical expertise have been involved in our manned space program, these hearings demonstrated to me that there is a need for continuing self-evaluation by all participants in the program and ongoing review of all the processes and procedures that go into the performance of a task as complex and as important as the space transportation system. I also became more firmly convinced than ever that we must not abandon the goals of our space program; but that we must continue with greater energy and higher resolve to continue our space exploration activities. Our Nation cannot do less than match the effort and sacrifice that was made by those seven brave souls that lost their lives 1 year ago.

I, therefore, believe that on this anniversary date it is indeed appropriate that the House reflect the belief of the American people that we must continue in this quest, and I urge colleagues to support this resolution.

Mr. LEVINE of California. Mr. Speaker, I rise today in strong support of House Resolution 55, the *Challenger* space shuttle commemoration.

Mr. Speaker, the *Challenger* disaster occurred 1 year ago today. Although that seems like a long time, for most Americans January 28, 1986, will always feel like yesterday. Who can forget the exhilaration of that launch, knowing that the first civilian selected to enter space—schoolteacher Christa McAuliffe—was on board, having captured the hearts of an entire nation with her unbounded enthusiasm in taking what she called the "ultimate field trip?"

And who can forget how our expressions of awe and delight after the *Challenger* launch turned to horror as we watched the shuttle explode? Who can forget the numbing shock that followed? The grief? the questions asked of how and why this could happen to seven of America's best and brightest? To this day, Mr. Speaker, many of us still ask why.

On a day of commemoration, let us remember and pay tribute to the brave individuals who gave their lives for our Nation. Residents in my district had the good fortune to know three of the *Challenger* astronauts: Gregory Jarvis, Judith Resnik, and Ronald McNair. Yet all of us in Congress—and all Americans—were touched and inspired by all seven of these brave Americans—the three from my district, plus Ellison Onizuka, Francis Scobee, Michael Smith, and Christa McAuliffe.

We owe them as a nation an incalculable debt of gratitude. And we owe them as a nation a strengthened commitment to our manned space program. The *Challenger* disaster seemed to shake public and congressional confidence in NASA's ability to manage our civilian space program. Nonetheless, this country has been committed to leadership in the exploration of outer space for over two decades, with spectacular results.

With that in mind, and in the memory of the *Challenger* seven, let us rededicate ourselves to their dream of a successful manned space program devoted to the conquest of space for peaceful means for all mankind.

□ 1505

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SMITH of Florida). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 55, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

APPOINTMENT AS MINORITY MEMBERS OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Pursuant to clause 6(f), rule X, and clause 1, rule XLVIII, the Chair, without objection, appoints as minority members of the Permanent Select Committee on Intelligence, the following Members of the House:

Mr. HYDE of Illinois;
Mr. CHENEY of Wyoming;
Mr. LIVINGSTON of Louisiana;
Mr. MCEWEN of Ohio;
Mr. LUNGREN of California; and
Mr. SHUSTER of Pennsylvania.

There was no objection.

APPOINTMENT AS MINORITY MEMBERS OF SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

The SPEAKER pro tempore. Pursuant to section 303 of House Resolution 26, 100th Congress, the Chair without objection, appoints as minority members of the Select Committee on Narcotics Abuse and Control the following Members of the House.

Mr. GILMAN of New York;
Mr. COUGHLIN of Pennsylvania;
Mr. SHAW of Florida;
Mr. OXLEY of Ohio;
Mr. PARRIS of Virginia;
Mr. HUNTER of California;
Mr. DIOGUARDI of New York;
Mr. MCKINNEY of Connecticut;
Mr. SENSENBRENNER of Wisconsin; and
Mr. DORNAN of California;

There was no objection.

APPOINTMENT AS MINORITY MEMBERS OF JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Pursuant to the provisions of 15 United States Code 1024(a) the Chair, without objection, appoints as minority members of the Joint Economic Committee the following Members on the part of the House:

Mr. WYLIE of Ohio;
Ms. SNOWE of Maine;
Mr. FISH of New York; and
Mr. MCMILLAN of North Carolina.

There was no objection.

SNOW REMOVAL IN THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, snowstorms are devastating to urban areas which are hit by the white substance only 2 or 3 times a winter. Those cities such as St. Paul or Detroit live with snow from 4 to 6 months a year and know how to handle it at all times.

I come from the Greater Baltimore metropolitan area, only a short 58 miles away from the District of Columbia, and both of these urban areas have the same weather, give or take a degree or two. However, I must say that upon arriving in Washington yesterday for the first time since the twin storms hit, I was shocked to see how little progress had been made in cleaning up the snow, particularly right here around the Capitol area.

And then I learned that one of the key reasons that staff and others who live in the suburbs have had difficulty reaching their place of employment has been because a subway line remains frozen. News report yesterday say that the people responsible for building the subway decided to save $5 million by not purchasing technology to protect the necessary third rail from inclement weather, and this leaves me wondering about their bookkeeping abilities.

The costs of closing down the city on a work day must run into the hundreds of millions of dollars for both the Federal Government and private sector. Workers stranded in subfreezing temperatures by the breakdown of public transportation will continue to swell the expense of the snow emergency with medical costs for colds and flue over the coming weeks, plus the added cost of increased absenteeism.

Municipalities will run bills way in excess of $5 million moving stranded cars and running extra hours to work around cars parked on business streets. Public transportation should serve its greatest need at a time of dangerous traveling conditions. Workers and operators of the system should not be criticized for budget decisions made several years ago by penny-wise and pound-foolish planners.

Before the next winter is upon us, the necessary $5 million should be found. It will be cheaper in the long run.

Going back to the Capitol area, I am chagrined to note that the steps and front porches of the U.S Capitol Building still remain covered with several inches of snow. Perhaps the Architect is having trouble obtaining cleaning crews because they are not able to get in from the suburbs or move along the snow-covered streets, or perhaps the Gramm-Rudman budget cuts have reduced the staffing to where it is impossible to pay for the necessary extra staff.

If the Architect needs help and will supply the shovels and brooms, I offer my services to head up a cleaning team so that the stairs of the Capitol can be seen again. We in Maryland, from Gov. William Donald Schaefer on down, are happy to offer advice and help to the District of Columbia in every way possible under this crisis of snow.

THE BUDGET PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. PENNY] is recognized for 5 minutes.

Mr. PENNY. Mr. Speaker, it's time to reform the budget process.

Since the 1974 Budget Act went into effect, only in 1 year, 1976, did the Congress pass all 13 regular appropriations bills. Typically, we now roll most Federal spending into one continuing resolution and then pass it after the new fiscal year has already begun. And despite the fact that the budget process was intended to force Congress to reconcile spending with revenues—in other words keep a balanced budget—the Federal budget has grown, and today record high deficits threaten the economic well being of the country.

Today, along with a bipartisan group of our colleagues, I am introducing the Commonsense Budgeting Act of 1987.

This measure requires that:

First, spending be frozen,

Second, pay-as-you-go budgeting be instituted so that any spending increases are offset by cuts in another area;

Third, appropriating and budgeting be placed on a 2-year cycle in order to better plan, implement, and oversee Federal spending;

Fourth, the President be given line-item veto authority.

Just this past week, Speaker Wright wrote in a New York Times article, "Instead of adopting a prudent pay-as-you approach during the last 6 years, we've imposed a huge bill on the taxpayer for annual debt service."

I agree, Mr. Speaker, and I hope that you and others will join in support of this measure, so we can begin down the road to significant budget deficit reduction through reform of the budget process.

Mr. Speaker, at this point I set forth the text of my Commonsense Budgeting Act of 1987.

H.R. 805

A bill to amend the congressional budget process to provide for a pay-as-you-go budget for the United States, to provide for a biennial budget for the United States, and to provide line-item veto authority for the President, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PAY-AS-YOU-GO-BUDGET

SECTION 101. SHORT TITLE.

This title may be cited as the "Pay-As-You-Go Budget Act".

SEC. 102. POINT OF ORDER.

(a) GENERAL RULE.—

(1) Notwithstanding any other provision of law, and except as provided in paragraph (2), it shall not be in order in the Senate or the House of Representatives to consider any concurrent resolution on the budget for any fiscal year beginning after September 30, 1987, or any amendment thereto, or any conference report thereon, if—

(A) the adoption of such concurrent resolution as reported;

(B) the adoption of such amendment; or

(C) the adoption of the concurrent resolution in the form recommended in such conference report,

would cause—

(i) the appropriate level of total budget outlays set forth in such concurrent resolution for such fiscal year to exceed the appropriate level of total budget outlays set forth for the preceding fiscal year in the most recently agreed to concurrent resolution on the budget for that preceding fiscal year; or

(ii) the recommended level of Federal revenues set forth in such concurrent resolution for such fiscal year to be less than the recommended level of Federal revenues for the preceding fiscal year set forth in the most recently agreed to concurrent resolution on the budget for that preceding fiscal year.

(2) Notwithstanding paragraph (1), a concurrent resolution on the budget for a fiscal year may—

(A) provide for an amount of budget outlays for such fiscal year in excess of the appropriate level of total budget outlays for the preceding fiscal year set forth in the most recently agreed to concurrent resolution on the budget for that preceding fiscal year if the concurrent resolution on the budget for such fiscal year also—

(i) provides for an amount of revenues for such fiscal year (in addition to an amount of revenues equal to the recommended level of Federal revenues for the preceding fiscal year set forth in the most recently agreed to concurrent resolution on the budget for that preceding fiscal year) that is not less than such amount of budget outlays; and

(ii) identifies the source of such additional amount of revenues and proposes changes in law to achieve such additional amount of revenues; or

(B) provide for reduction in the recommended level of Federal revenues for such fiscal year below the recommended level of Federal revenues for the preceding fiscal year set forth in the most recently agreed to concurrent resolution on the budget for that preceding fiscal year if the concurrent resolution on the budget for such fiscal year also—

(i) provides for a reduction in budget outlays for such fiscal year below the appropriate level of total budget outlays for the preceding fiscal year set forth in the most recently agreed to concurrent resolution on the budget for that preceding fiscal year, in an amount not less than the amount of the reduction in revenues for such fiscal year; and

(ii) identifies the program or activity in which such reduction in budget outlays is to be made and proposes changes in law to accomplish such reduction in budget outlays.

(3) Any additional amount of revenues contained in a concurrent resolution on the budget pursuant to paragraph (2)(A)(i) shall only include additional revenues which will result from proposed changes in law. Any reduction in budget outlays contained in a concurrent resolution on the budget pursuant to paragraph (2)(B)(i) shall only include reductions in budget outlays which will result from proposed changes in law.

(b) WAIVER.—Subsection (a) may be waived by a two-thirds vote of the Members of each House of Congress, duly chosen and sworn.

(c) PURPOSE OF EXCESS REVENUES.—Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider a concurrent resolution on the budget for a fiscal year that sets forth a recommended level of revenues for such fiscal year in excess of the appropriate level of total budget outlays for such fiscal year, unless such concurrent resolution specifies the purposes for which such excess revenues are to be allocated.

SEC. 103. PRESIDENT'S BUDGET.

(a) GENERAL RULE.—Notwithstanding any other provision of law and except as provided in subsection (b), the budget transmitted pursuant to section 1105(a) of title 31, United States Code, for the following fiscal year shall not contain—

(1) an estimate of total budget outlays for such following fiscal year which exceeds the appropriate level of total budget outlays for the fiscal year in progress set forth in the most recently agreed to concurrent resolution on the budget for the fiscal year in progress; or

(2) an estimate of total revenues for such following fiscal year which is less than the recommended level of revenues for the fiscal year in progress set forth in the most recently agreed to concurrent resolution on the budget for the fiscal year in progress.

(b) EXCEPTION.—Nothwithstanding subsection (a), the budget transmitted pursuant to section 1105(a) of title 31, United States Code, for the following fiscal year may—

(1) contain an estimate of budget outlays for such following fiscal year in excess of the appropriate level of total budget outlays for the fiscal year in progress set forth in the most recently agreed to concurrent resolution on the budget for the fiscal year in progress if the budget also—

(A) contains an estimate of revenues for such following fiscal year (in addition to an amount of revenues equal to the recommended level of Federal revenues for the fiscal year in progress set forth in the most recently agreed to concurrent resolution on the budget for the fiscal year in progress) that is not less than the amount of such excess budget outlays; and

(B) identifies the source of such additional estimated revenues and proposes changes in law to achieve such additional estimated revenues; or

(2) contain an estimate of a reduction in revenues for such following fiscal year below the recommended level of Federal revenues for the fiscal year in progress set forth in the most recently agreed to concurrent resolution on the budget for the fiscal year in progress if such budget also—

(A) contains an estimate of a reduction in budget outlays for the following fiscal year below the appropriate level of total budget outlays for the fiscal year in progress set forth in the most recently agreed to concurrent resolution on the budget for the fiscal year in progress, in an amount not less than the amount of the reduction in revenues for such following fiscal year; and

(B) identifies the program or activity for which such estimated reduction in budget outlays is proposed and proposes changes in law to achieve such estimated reduction in budget outlays.

(c) REVENUE ESTIMATION.—Any additional estimated revenues that, pursuant to subsection (b)(1)(A), are contained in the budget transmitted pursuant to section 1105(a) of title 31, United States Code, shall only include additional estimated revenues that will result from proposed changes in law. Any estimated reductions in budget outlays, that, pursuant to subsection (b)(2)(A), are contained in any such budget shall only include estimated reductions in budget outlays that will result from proposed changes in law.

SEC. 104. DEFINITIONS.

For purposes of this title—

(1) the term "budget outlays" has the meaning given to such term in section 3(1) of the Congressional Budget and Impoundment Control Act of 1974; and

(2) the term "concurrent resolution on the budget" has the same meaning as in section 3(4) of such Act.

SEC. 105. RULEMAKING POWER.

(a) The provisions of sections 102 and 104 of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

TITLE II—BIENNIAL BUDGET

SEC. 201. SHORT TITLE.

This title may be cited as the "Biennial Budgeting Act of 1987".

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress hereby finds and declares that the present annual budgeting process of the Congress—

(1) allows too little time for the fulfillment by the Congress of its legislative oversight responsibilities;

(2) allows too little time for the review and consideration by the Congress of authorizing legislation, of budget resolutions, and of appropriation bills; and

(3) allows too little time for the evaluation of costly and complicated Federal programs and consequently contributes to the unrestrained growth of the Federal budget.

(b) PURPOSE.—It is the purpose and intent of the Congress in this title to establish a more thorough and timely process for the enactment of the Federal budget by—

(1) establishing a two-year cycle for the adoption of the budget;

(2) providing clearly allocated time for the holding of oversight hearings by the several committees of each House in order to review the various programs and agencies of the Federal Government; and

(3) requiring that consideration of authorizing legislation, of the budget, and of appropriation bills and resolutions be separate and distinct, thus allowing full evaluation of the need for and the merits and costs of the various programs and agencies of the Federal Government.

SEC. 203. ESTABLISHMENT OF TWO-YEAR CYCLE FOR CONGRESSIONAL BUDGET PROCESS

Section 300 of the Congressional Budget Act of 1974 is amended to read as follows:

"TIMETABLE

"SEC. 300. The timetable with respect to the congressional budget process for any Congress (beginning with the one-hundred and first Congress) is as follows:

"First Session

"On or before	Action to be completed:
January 3	President submits current services budget.
15th day after Congress meets.	President submits his budget for 2-fiscal-year period beginning in succeeding calendar year (the 2-fiscal-year budget period).
	All committees begin oversight hearings with respect to 2-fiscal-year budget period.
June 30	Committees complete oversight hearings and submit their reports thereon.
July 1	All committees begin legislative work for 2-year budget period.
October 31	Committees and joint committees submit reports to Budget Committee with respect to 2-fiscal-year budget period.
November 10	Congressional Budget Office submits report to Budget Committees with respect to 2-fiscal-year budget period.
November 30	Budget Committees in both Houses report first concurrent resolution on budget for 2-fiscal-year budget period.
December 31	Committees report bills and resolutions authorizing new budget authority and providing new spending authority for 2-fiscal-year budget period.

"Second Session

"On or before:	Action to be completed:
January 3	President submits current services budget.
15th day after Congress meets.	President submits revised budget for 2-fiscal-year budget period.
March 10	Congress completes action on bills and resolutions authorizing new budget authority and providing new spending authority for 2-fiscal-year budget period.
March 31	Congress completes action on concurrent resolution on budget for 2-fiscal-year budget period.
April 15	Appropriations Committee report bills and resolutions providing new budget authority for 2-fiscal-year budget period.
7th day after Labor Day.	Congress completes action on bills and resolutions providing new budget authority and new entitlement authority for 2-fiscal-year budget period.
September 25	Congress completes action on reconciliation bill or resolution, or both, implementing concurrent resolution.
October 1	2-fiscal-year budget period begins.

SEC. 204. OVERSIGHT ACTIVITIES.

(a) Oversight Activities.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following new section:

"OVERSIGHT ACTIVITIES OF COMMITTEES

"Sec. 312. During the period beginning on the 15th day after the Congress meets in each odd-numbered year and ending June 30 of such year, each standing committee of the House of Representatives and the Senate shall review and study the application, administration, execution, and effectiveness of those laws (or parts of laws) the subject matter of which is within the jurisdiction of that committee and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, each such committee (during such period) shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that committee (whether or not any bill or resolution has been introduced with respect thereto). The findings and determinations made by each such committee as a result of its oversight activities under the preceding provisions of this section in any year shall be reported to the House of Representatives or the Senate no later than June 30 of such year, and shall constitute the basis for such committee's legislative work with respect to the 2-fiscal-year budget period beginning on October 1 in the succeeding year.".

(b) Conforming Amendment.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 311 the following new item:

"Sec. 312. Oversight activities of committees.".

SEC. 205. CONFORMING AMENDMENTS TO CONGRESSIONAL BUDGET ACT.

(a) Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out "each year" and inserting in lieu thereof "biennially".

(b) Section 3 of such Act is amended by adding at the end thereof the following new paragraph:

"(11) The term '2-fiscal-year budget period' means the period of 2 complete fiscal years beginning on October 1 in any even-numbered year."

(c)(1) Section 202(f)(1) of such Act is amended—

(A) by striking out "February 15 of each year" and inserting in lieu thereof "November 10 of each odd-numbered year"; and

(B) by striking out "October 1 of that year" and inserting in lieu thereof "October 1 of the succeeding year".

(2) Section 202(f)(3) of such Act is amended to read as follows:

"(3) On or before January 15 of each even-numbered year, the Director, after consultation with the appropriate committees of the House of Representatives and Senate, shall submit to the Congress a report listing (A) all programs and activities funded during the 2-fiscal-year budget period ending September 30 of that calendar year for which authorizations for appropriations have not been enacted for that period, and (B) all programs and activities for which authorizations for appropriations have been enacted for such period, but for which no authorizations for appropriations have been enacted for the 2-fiscal-year budget period beginning October 1 of that calendar year.".

(d)(1) Section 301(a) of such Act is amended by striking out "April 15 of each year" in the first sentence and inserting in lieu thereof "March 31 of each even-numbered year".

(2) Section 301(d) of such Act is amended by striking out "February 25 of each year" and inserting in lieu thereof "October 31 of each odd-numbered year".

(3) Section 301(e) of such Act is amended—

(A) by striking out "fiscal year" in the first sentence and inserting in lieu thereof "2-fiscal-year budget period"; and

(B) by striking out "such fiscal year" and "such period" in paragraph (6) and inserting in lieu thereof "the first fiscal year of such 2-fiscal-year budget period" and "such 5-year period", respectively.

(e)(1) Section 307 of such Act is amended to read as follows:

"APPROPRIATION BILLS

"(a) Except as provided in subsection (b), all bills and resolutions containing appropriations or otherwise providing budget authority for any 2-fiscal-year budget period shall be reported in the House of Representatives and Senate no later than April 15 of the year in which such period begins.

"(b) If the Committee on Appropriations of the House of Representatives or the Senate determines that changes in circumstances with the passage of time require a waiver of subsection (a) with respect to any bill or resolution providing supplemental appropriations or otherwise providing budget authority for any period, such committee may report, and the House or Senate may consider and adopt, a resolution waiving the application of such subsection in the case of such bill or subsection.".

(2) The table of contents in section 1(b) of such Act is amended by striking out "all appropriations bills to be completed by June 10" in the item relating to section 307 and inserting in lieu thereof "appropriation bills".

(f) Section 308 of such Act is amended—

(1) by striking out "such fiscal year" in paragraph (1)(A) of subsection (a) and inserting in lieu thereof "such 2-fiscal-year budget period"; and

(2) by striking out "such fiscal year" and "such period" (each place it appears) in subsection (c) and inserting in lieu thereof "the first fiscal year of such 2-fiscal-year budget period" and "such 5-year period", respectively.

(g) Section 309 of such Act is amended by inserting "of each even-numbered year" after "July" and by striking out "annual".

(h) Section 310 of such Act is amended—

(1) by striking out "June 15 of each year" in subsection (f)(1) and inserting in lieu thereof "September 25 of each even-numbered year";

(2) by striking out "(1) In General.—" in subsection (f)(1); and

(3) by striking out paragraph (2) of such subsection (f).

(i) Section 401(b)(1) of such Act is amended by striking out "the fiscal year which begins during the calendar year in which" and inserting in lieu thereof "the first 2-fiscal-year budget period which begins after".

(j)(1) Section 402 of such Act is amended—

(A) in the heading by inserting "; REQUIRED REPORTING DATE" after "AUTHORITY"; and

(B) by adding at the end thereof the following new subsection:

"(b) Required Reporting Date.—The Congress shall complete action on all bills and resolutions directly or indirectly authorizing the enactment of new budget authority for a 2-fiscal-year budget period no later than March 10 preceding the beginning of such period.".

(2) The table of contents in section 1(b) of such Act is amended in the item relating to section 402 by inserting "; required reporting date" after "authority".

(k) Section 904(a) of such Act is amended by inserting "(as enacted or as amended by the Biennial Budgeting Act of 1987)" after "and IV" in the matter preceding paragraph (1).

(l) The following sections of such Act are amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "2-fiscal-year budget period": 3 (l); (4)(A), (4)(B), and (4)(C); 202(f)(1); 301(a)(1), (b)(3), and (d) (first sentence); 302(c) and (f); 303(a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (b); 304(a); 307(a); 308(a)(1) (before subparagraph (A)), (a)(1)(A), (b)(1), and (c); 309 (first sentence); 310(a) (first sentence), (a)(1)(A), (a)(1)(C), (a)(1)(D), (d), and (f); 311(a), (b), and (c); 401(a) and (b)(2); and 402(a).

(m) The following sections of such Act are amended by striking out "such year" each place it appears and inserting in lieu thereof "such period": 3(l); and 303(a) (after paragraph (5)).

SEC. 206. AMENDMENTS TO BUDGET PROCESS PROVISIONS OF TITLE 31 OF THE UNITED STATES CODE.

(a) So much of section 1105(a) of title 31 of the United States Code as precedes paragraph (1) thereof is amended to read as follows:

"(a) The President shall transmit to the Congress, during the first 15 days of the first session of each Congress beginning with the One-hundred and first Congress the budget for the 2-fiscal-year budget period (as defined in paragraph (11) of section 3 of the Congressional Budget Act of 1974) beginning on October 1 of the succeeding calendar year. The budget so transmitted shall include a tentative budget for each of the two fiscal years in such period, shall contain the President's budget message together with summary data and text and supporting detail, and shall set forth in such form and detail as the President may determine (with respect to each such fiscal year) the following:".

(b) Section 1105(a)(5) of title 31 of the United States Code is amended by striking out "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting in lieu thereof "each such fiscal year and the 3 fiscal years after the second such year".

(c) Section 1105(a)(6) of title 31 of the United States Code is amended by striking out "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting in lieu thereof "each such fiscal year and the 3 fiscal years after the second year".

(d) Section 1105(a)(9) of title 31 of the United States Code is amended by striking out "ensuing fiscal year for which the budget is submitted" and inserting in lieu thereof "2-fiscal-year budget period involved".

(e) Section 1105(a)(12) of title 31 of the United States Code is amended—

(1) by striking out "fiscal year" in subparagraph (A) and inserting in lieu thereof "2-fiscal-year budget period"; and

(2) by striking out "each of the 4 fiscal years after that year" and inserting in lieu thereof "each of the 3 fiscal years after such period".

(f) Section 1105(a)(13) of title 31 of the United States Code is amended by striking out "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period".

(g) Section 1105(a)(14) of title 31 of the United States Code is amended by striking out "that year" and inserting in lieu thereof "the 2-fiscal-year budget period".

(h) Section 1105(a) of title 31 of the United States Code is further amended by adding at the end thereof (after and below paragraph (24)) the following new sentences: "During the first 15 days of the second session of each such Congress the President shall transmit to the Congress any revisions he may desire to make in the budget transmitted in the first session of that Congress. In applying the succeeding provisions of this section with respect to any budget transmitted to the Congress for a 2-fiscal-year budget period, the term 'ensuing fiscal year' shall be deemed to read 'first year of the 2-fiscal-year budget period involved', and other references to fiscal years shall be deemed to be references to the 2-fiscal-year budget periods in which the years involved respectively fall.".

SEC. 207. EFFECTIVE DATE.

Except as specfically otherwise indicated, the amendments made by this title shall become effective on the first day of the first session of the One-hundred and first Congress.

TITLE III—LINE ITEM VETO

SEC. 301. LINE ITEM VETO.

The President may disapprove any item of appropriation in any Act or joint resolution, except any item of appropriation for the legislative branch or the judicial branch of the Government. If an Act or joint resolution is approved by the President, any item of appropriation contained therein which is not disapproved shall become law. The President shall return with his objections any item of appropriation disapproved to the House of Congress in which the Act or joint resolution containing such item originated. The Congress may, in the manner prescribed under section 7 of article I of the Constitution for Acts disapproved by the President, reconsider any item of appropriation disapproved under this Act. If, after such reconsideration each House of Congress shall agree to pass such item by a simple majority of that House, it shall become law.

SEC. 302. EFFECTIVENESS OF ACT.

This title shall be effective only during the 2-year period beginning on the first day beginning after the date of the enactment of this Act.

□ 1515

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. PENNY. I yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, I thank the gentleman from Minnesota for yielding, and I think that the program he has outlined sounds very interesting; and something I would like to join with the gentleman in, in pursuing.

One question, if I could. The gentleman mentioned the idea of a pay-as-you-go, that if there were new spending proposals over and above a level that we had frozen previous years; is that correct?

Mr. PENNY. That is correct.

Mr. MACK. In which we freeze spending and say, in essence, "If you're going to raise any additional spending, you're going to have to show where you're going to pay for it."

Mr. PENNY. That is right.

Mr. MACK. And the gentleman says that that would be done through reductions, in essence, in other programs?

Mr. PENNY. That is my emphasis. I think the wording of the bill, and I want to be clear on this, Mr. Speaker, because I do not want Members to be uncertain.

The wording of the bill would provide that the amendment process be deficit-neutral.

Mr. MACK. So, in other words, we could have an option there——

Mr. PENNY. We would have the option of ——

Mr. MACK. Of either raising taxes or cutting programs——

Mr. PENNY. Cutting another program to provide for any increase in a higher priority program.

It seems to me that puts the issue before the Congress in the manner it ought to be put before the Congress, so that we have to show where our priorities are; but the bottom line is that we cannot, from one year to the next, automatically increase the budget and then not pay for it.

We want to move to a pay-as-you-go system where we develop a budget, knowing that if something gets, something else gives; and then throughout the appropriating process, apply the same principle. So all amendments must pay for themselves in some way.

My concept is, if you increase somewhere, show where else you are going to reduce spending to compensate for that increase.

Mr. MACK. Mr. Speaker, I thank the gentleman for the explanation. Again, I want to thank him for making the argument or the need to go to that kind of approach to control spending and to offer options as to, if you are going to have new programs, how you are going to pay for them.

Mr. PENNY. I appreciate the gentleman's remarks.

GENOCIDE CONVENTION IMPLEMENTATION ACT OF 1987

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, today I am introducing the Genocide Convention Implementation Act of 1987, a measure designed to give effect to our international obligation to prohibit and severely punish acts of genocide committed in the United States or by U.S. nationals abroad.

By way of background, my colleagues will recall that earlier this year the Senate gave its advice and consent to the ratification of the Genocide Convention, subject to eight provisos. Nonetheless, because the convention, by its very terms, establishes the enactment of implementing legislation as a prerequisite to ratification, the United States will not be able to formally ratify the convention until legislation of the type I am introducing is enacted into law. Thus, it is vitally important that we act promptly on this measure.

My bill exends protection against genocide to all national, ethnic, racial, and religious groups and defines those terms. It imposes stiff criminal penalties on anyone who, with intent to destroy a group, either kills, seriously injures, or mentally damages, a group member or tries to prevent group members from having children or forcibly removes children from their control.

Mr. Speaker, ratification of the Genocide Convention is long overdue. Now that after decades of consideration the Senate has finally given its advice and consent to ratification, it is incumbent upon us to fulfill our legal and moral obligation to outlaw domestically the heinous practice of genocide. I urge my colleagues to join me in this endeavor.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STOKES] is recognized for 5 minutes.

Mr. STOKES. Mr. Speaker, on Tuesday, January 27, 1987, I was unavoidably detained on rollcall No. 13, House Joint Resolution 102 making urgent supplemental appropriations for the homeless and had I been present I would have voted "yes."

ECONOMIC DILEMMAS NO. 2

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise to supplement the remarks that I made yesterday with respect to the fact that the Committee on Banking, which finally organized today, had been holding a series of hearings beginning last week and continuing into the first part of this week, without having been organized formally because of the emergency nature of the legislation proposed in view of the severe financial institutions conditions and failures that have been recorded in the last year and confronting us this year.

Last year, 138 banks failed. This of course was a record number. This year, Federal regulators expect an even higher number of banks to go under.

Meanwhile, one out of every five savings and loan associations is in deep trouble. Regulators say that it will take perhaps $23 billion to straighten out the savings and loan mess; this being the amount that is presently under consideration, and the suggested legislation that would increase the Federal savings loan insurance account or fund by that amount.

However, that is still far from resolving the dilemma. All the witnesses that have come before us to recommend this agree that it may only temporarily stave off disaster, but at least it ought to be available, and I told a story that I have said on occasions here on the House floor since 1979, time and time again, that the danger point had long ago been reached in both the FSLIC, the Federal savings loan insurance fund, or account, and the Federal deposit insurance fund, in the case of the banks.

Obviously, if we talk about balanced budgets, if you reached, as we had by 1981, where you had only available to insure the deposits that were subject to insurance, eligible for insurance, if you had less than $13 billion all told, even drawing the special reserve obtainable from the Treasury, to cover about $650 billion of deposits, you could know that you had reached the point of no return.

In the case of the banks and the FDIC, it was even greater than that; tremendously greater, exponentially greater. So that obviously the answer is not there.

The American trade deficit hit almost $20 billion for the month of November alone. Incredibly, this was almost 50 percent worse than the record in that same month of 1985. Our trade deficit now is five times worse than it was in 1981. Millions of manufacturing jobs have been wiped out as a result.

The Federal deficit, far from disappearing under the Reagan version of economic policy, has remained stuck at record levels. Much of the deficit is owed to foreign countries. The U.S. Treasury today owes $250 billion to foreign interests, that I first invade against and about in 1968, when we developed the famous "Rossa two-tier gold dollar."

Altogether, the Federal debt stands at more than $2 trillion, equal to all the debt of all American corporations plus all the installment debt owed by all consumers.

Meanwhile, 8 million Americans remain unemployed. In some areas, unemployment stands at depression levels. Wages continue to slip, making it harder for American families to make ends meet. The dollar is falling wildly on world currency markets at the moment.

This means many imported goods will increase substantially in price. It may also mean that the Federal Reserve will raise interest rates to keep the fall from becoming chaotic, and a free-fall. Either way, it is bad news.

Strangely, though, the stock market remains in the grips of a speculative fever. The activity is not based on a solid growth; it is based on purely paper speculative fever.

In all these figures, there is danger. We face real dilemmas; but judging from the State of the Union last night, the President either does not know it or hopes the problem will just simply go away. He proposes no concrete program for dealing with any of these dangerous problems.

Mr. Speaker, last year 138 banks failed, a record number. This year Federal regulators expect an even higher number of banks to go under. Meanwhile, one out of every five savings and loan associations is in deep trouble. Regulators say it will take perhaps $23 billion to straighten out the savings and loan mess.

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In all these figures there is danger. We face real dilemmas, but judging from his State of the Union message, the President either does not know it or hopes the problems will go away. He proposed no concrete program for dealing with any of these dangerous problems.

For instance, if foreign investors stop buying American Treasury notes, the economic bubble could burst. A drop in foreign financing of the Federal deficit would force the Federal Reserve either to print more money or raise interest rates. One way you get inflation, the other way you get recession. The danger is real: the drop in the dollar could erode foreign confidence enough to discourage further investment in Treasury notes.

There is widespread worry about the state of the economy. A month ago about one American in four thought that some economic program was the most critical thing the Nation faces; today, 40 percent say they are worried about the Nation's economic prospects.

Unhappily, the prospects of a coordinated, bipartisan effort to address these worries seems remote.

President Reagan remains serenely removed from the scene, his messages echoing the same themes of past years. The decisionmaking process in the White House seems unable to cope with any important problem. For example, the President proved unable to settle a months-long quarrel on what to do about a program to provide catastrophic health care insurance.

The President ended up saying he would propose something, sometime. Likewise, the White House for months has expressed unhappiness with the budget process, but the President ended up unable to say how it should be changed.

The problem facing the Congress is whether the President will become part of the decisionmaking process or continue to stay out of it. Thus far there is no sign the President sees any need even to settle quarrels within his administration, let alone become involved in the business of negotiating differences with Congress.

The outlook then is for continued deadlock on most economic issues. If the deadlock continues, the dilemmas the Nation must face will grow larger and more dangerous. Reality must be faced some day, for as one distinguished observer put it:

> We do not have sustainable prosperity. And what we do have is not so hot: for the last 15 years there has been virtually zero growth in the real-family income in our country.

In other words, it's time to stop whistling past the graveyard. We've got serious problems to deal with.

RAISING MEMBERS' SALARIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire [Mr. SMITH] is recognized for 60 minutes.

Mr. SMITH of New Hampshire. Mr. Speaker, I am here this afternoon to call attention to and basically urge action on an issue which has caused an uproar among American citizens, to say the least. That issue, unfortunately though, however, which has been ignored in the House of Representatives; and that is the 15.6-percent pay raise, proposed pay raise for Members of Congress.

More importantly, I think, than the pay raise itself, is the back door procedure which will allow this increase to go into effect without a vote on February 5.

The merits of the pay raise aside, regardless of how much some of us feel we deserve it, or do not deserve it, I think the people, at least in my State in New Hampshire, are most disturbed with the procedure by which we are allowing this raise to take effect on February 5 with no vote. I repeat, with no vote in the U.S. Congress.

All the American people want to see is a vote. We vote on Social Security, we vote on defense, we vote on the environment, we vote on education, we vote on almost everything; in fact, everything, apparently with one exception: The pay increases for Members.

□ 1525

I would ask: Why not? Why not vote? Why not have the courage to come forth in this body and vote "Yes, I favor the raise" or "No, I do not."

Well, quite frankly, unless the procedure is changed we are not going to have that opportunity. I think that that is a real tragedy.

I yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman from yielding.

I just wanted to take the opportunity to clarify a point. One could get the impression from what the gentleman has said so far that the legislation or the Commission, as it has been established, itself denies a vote. In other words, it says that this arrangement that has been developed in essence denies the opportunity to vote. Is that the case? Or just exactly what does control the situation as far as a vote is concerned?

Mr. SMITH of New Hampshire. As it stands now, the way the law reads, this automatic pay raise automatically will take effect on the 5th of February so that everyone in the House of Representatives will get roughly $12,000 annual pay increase with no recorded vote.

Mr. MACK. There is nothing though in the Commission's report or in the process that has been established that says that we cannot have a vote, is there?

Mr. SMITH of New Hampshire. No there is not, not that I am aware of.

As a matter of fact, the historical process regarding this is very interesting.

Previous to this continuing resolution for fiscal year 1986 where this language was put in, all pay increases had to be voted on by Members of Congress. From 1789 to 1967 the pay received by Members of Congress, judges, and other high level executive positions was set by Congress, sometimes after considering recommendations from the President.

In 1967 Congress established a Commission, as you know, on executive, legislative, and judicial salaries to recommend appropriate "levels of pay." The President wants to take the Commission report and use it as a basis to make recommendations to the Congress.

From 1967 to 1977 Congress could approve or disapprove these salary increases with a majority vote.

Each House was required to vote on any such proposal within 60 days after the President submitted his proposal.

In the continuing resolution for 1986, Congress changed this procedure so that recommendations of the President will become effective at the beginning of the first pay period after 30 days from its transmittal to Congress unless it is disapproved by a joint resolution agreed to by the Congress not later than the last day of the 30-day period, in this case being February 5.

So again why is it, Mr. Speaker, we are going to change 200 years of American history and not allow a recorded vote on this issue?

Mr. MACK. I would like to carry this a step further if I may.

So there is no prohibition in the legislation that was passed in late 1985, in 1986 fiscal year continuing resolution, there is no prohibition on voting? It just says that if the Congress is to deny the pay raise, it must act within 30 days, is that correct?

Mr. SMITH of New Hampshire. That is correct. I believe the gentleman is correct on that line.

Mr. MACK. I wonder if the gentleman is aware of the fact that hearings will be held on this issue, and I guess I grin a little bit in the sense that those hearings, as I understand it, have now been established for February 3, just 2 days prior to the deadline. I am just wondering if the gentleman has any feeling as to whether there is any chance that might get out of committee even though the number of days is rather short between the committee hearing and the deadline.

Mr. SMITH of New Hampshire. I think the gentleman knows, and certainly we should recognize the gentleman's leadership on this issue as well, to his credit, because he has also introduced legislation as I have, in effect, to block this pay raise and at least provide for a recorded vote. The gentleman is absolutely correct. This is a committee hearing in the Committee on Post Office and Civil Service to which we have both been invited to testify on February 3, which gives us really one working day thereafter before this pay raise takes effect. And is that "a fair hearing"? I have some difficulty in believing that it is.

I think the timing, if it is not intentional, it is certainly going to be construed as being intentional by the American people. They deserve better, I believe, than that kind of a speed-up process whereby a pay raise is literally, or at least has the perception of, being railroaded through.

Mr. MACK. One could make the argument that really it is impossible for the Congress to act within that 30 days? I mean that we should really allow for the time for public input, for hearings on the issue, for both sides to have the opportunity to make their cases as to whether it is warranted or not, whether it has been earned, whether it is deserved, whether it fits in with the overall economic picture, whether it fits into the rhetoric of what we in the Congress have been talking about as far as solving deficit problems and so forth.

Again the point is that some people would argue that the process just cannot get out that legislation within 30 days. So it is unreasonable for us to even ask for it to get out within 30 days.

Does the gentleman agree with that?

Mr. SMITH of New Hampshire. I certainly do. The gentleman is entirely correct.

As the gentleman well knows, in this body if you get a bill through from its conception to its end in the 2-year cycle, you are extremely fortunate. As the gentleman knows, with the failure rate of most bills in Congress, also.

Now to force us to deny a pay raise, if you will, or disapprove a pay raise in the 30-day period, given the fact that there was a long recess in-between when Members of Congress were not even here but were back in their districts, and the weekend times in-between there, you are talking very few working days or legislative days in order to be able to move this issue.

A case in point—I do not know how many cosponsors the gentleman has on his bill—but I have roughly 30. Now that is using basically a full court press on this issue. Now I think many Members would like to get on but have yet to get really filled in on the issue. It is a flawed process.

Mr. MACK. Let me make this argument or at least raise this question: Certainly, though, if it is the intention of the Congress to get the legislation out within 30 days, it could be done, could it not?

Mr. SMITH of New Hampshire. I believe so. I think the Speaker has that authority. I think certainly the committee has that authority. I do not think either one of us is looking for pride of authorship, whether it is your bill, my bill, anyone else's bill. I think the issue here is let us get something out of committee within the next few days so that the Members of Congress and the American people will get a vote on the pay increase.

Mr. MACK. I thank the gentleman for yielding and for taking this special order.

Mr. SMITH of New Hampshire. I thank the gentleman for his comments.

Mr. Speaker, I yield to the gentleman from Idaho.

Mr. STALLINGS. Mr. Speaker, I rise in strong opposition to the proposed pay increase for Members of Congress.

I was shocked when the official Commission on Executive, Legislative and Judicial Salaries recommended that Members of Congress receive a pay increase of some 75 percent. And even President Reagan's sharply scaled-back recommendation of a 16-percent raise still is not acceptable to me.

Since coming to Congress in 1985, I have made reducing the burgeoning Federal budget deficit my highest priority—and pay increases for Members of Congress have no place in this budget battle.

As my colleagues know, I represent a predominantly agricultural district in southeast Idaho. It is beautiful country and the people there are tough and independent. But they are in trouble now because of depressed commodity prices, plummeting land values and shrinking exports. And in my district, when the farmers are in trouble, so are the businesses that service them and the communities in which they live.

When the President submitted his 1988 budget proposal, he recommended a pay raise for Members of Congress. In that very same budget proposal, he recommended a dismantling of the Domestic Sugar Program which is one of the few bright spots in agriculture these days.

When I think of the depressed state of Idaho's economy, there can be no justification for raising the pay of Members of Congress. And in the past few weeks, many of my constituents have let me know in no uncertain terms that they are outraged by such proposals.

But unfortunately, as we all know, the President's recommended pay raise is scheduled to go into effect automatically on February 5, unless it is "disapproved" by Congress. Already I have cosponsored legislation to stop this ill-advised pay increase. I am hopeful that my colleagues will take similar action.

Mr. SMITH of New Hampshire. I thank the gentleman for his comments and leadership and support on this issue.

I yield to the gentleman from New York [Mr. WORTLEY].

Mr. WORTLEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 518.

I commend our distinguished colleague from New Hampshire and those who have cosponsored this bill to disapprove the pay raise for Members of Congress.

Last night, our President told us that the American people are tired of hearing the same old excuses of why this Congress and the administration are falling back on the timetable to reduce budget deficits.

President Reagan told it like it is. On both sides of the aisle, we know, in our hearts, that our timetable is rapidly running short.

If ever there was a time to show the American people that we are determined to reduce the budget and the $2 trillion national debt, now is the time.

When we in the Congress are grappling with hard budget decisions, this is not the time to let a $12,100 pay raise for ourselves sneak through the backdoor.

This is the time for us to stand up and be counted by recorded votes.

I am adamantly opposed to an automatic pay raise for Members of Congress. Such a procedure is an insult to our constituencies who, understandably, have the right to expect us in the Congress to make tough budget decisions not just for them, but for ourselves.

The President has already cut the unconscionable pay raise proposed by the Commission on Executive, Legislative, and Judicial Salaries. His recommendation was a commendable first step. But, let us go a step farther and, regardless of any partisan considerations, approve H.R. 518.

Let us give the proposed $12,100 raise a timely funeral, and get on with the pressing and serious business of this 100th Congress.

Let us accelerate our efforts to balance the budget and reduce the debt.

Let us bury the temptation to permit any procedure that flaunts the concept of an open democratic government. Let us seal the coffin lid on the idea of having to confront the resurrection of any tax increase.

Mr. SMITH of New Hampshire. I thank the gentleman for his comments.

I think just to follow up on a couple of points that the gentleman from New York made, one of the frustrating things in the legislative process here in this particular case, not only are we dealing with something that is automatically going to take place in a very few days without the opportunity to vote, we are really in a very, very difficult position no matter even if it was another piece of legislation on something else other than a pay raise. I want to reiterate that we now have until February 5 only to disapprove this raise. In other words, to get a bill through the House of Representatives in less than 30 days, which is almost unheard of on any type of bill, No. 1; No. 2, for the majority, the large majority of both sides of the aisle in this body it is totally out of our hands unless we can get this bill to disapprove passed.

In other words, the committee chairman of the Committee on Post Office and Civil Service, the Speaker of the House of Representatives, have it in their power to move a bill, whether it is my bill, H.R. 518, or somebody else's bill or any similar bill to the floor, they have that in their power to do that and the American people need to understand that and to know that, that they do have it in their power. Even if we got 250, 275 cosponsors on a piece of legislation like this, it still does not mean that it has to be let out of the committee unless we get into the discharge petition and all those sorts of things, and we literally do not have the time.

As the gentleman correctly said, the American people are fed up enough with the fiscal irresponsibility of this place, and now to have us do this at this time with a new Speaker coming in, trying to set the tone, hopefully, as was mentioned in the President's State of the Union last night, working together to get at this deficit, to come on now without a vote and pass a pay raise for Members of the U.S. Congress is so outrageous that I could not tolerate it and, therefore, much to the consternation of some of my colleagues—I am not the most popular guy on the block around here—but I do not represent my colleagues.

□ 1540

I represent 550,000 people in the State of New Hampshire, and I think, quite frankly, these ideas that we have expressed here thus far this afternoon represent a heck of a lot more than that. I think they represent millions of American people in every congressional district all across this country.

Mr. WORTLEY. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Hampshire. I yield to the gentleman from New York.

Mr. WORTLEY. Mr. Speaker, let me tell the gentleman that he is a man of courage. When he stands up in this great body and protests a pay raise, and I look around this Chamber and see the reaction of most of his colleagues who are looking forward to pocketing $12,100 and running home with it, and look around this floor this afternoon and I see a couple of our colleagues on the Republican side and a gentleman or two over on the Democratic side, there are very few of us who are willing to stand up and be counted.

You are a leader in this body, and I am proud to be associated with your bill.

Mr. SMITH of New Hampshire. Mr. Speaker, I am pleased to have the gentleman's support.

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Hampshire. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, I thank my colleague and friend, the gentleman from New Hampshire, for yielding me this time to discuss this issue and to express my support for his bill and for the entire effort of this Congress, we hope, to disapprove this raise at this time.

I probably will take a little different tack than the previous speaker with regard to this because I would like for us to recall for a moment the spirit in which we all entered the 100th Congress just a few days ago. We realize we have enough problems to solve, problems that encompass numerous substantive issues, as well as problems of process and public perception.

On the substantive side, no issue is more serious than our mammoth budget deficits. On the process side, our problems involve simply how we, in Congress, do business, frequently hiding from the public unpopular measures in omnibus legislation or passing controversial matters in ways such as voice votes. And on the perception side, there seems to be a prevalent attitude held by the public that fairness is a low priority to Congress, especially when the fairness might detract from the privileges Congress grants itself.

Given such an environment, I find it wholly unacceptable for Congress not to respond to the President's recommendation that congressional salaries be increased by approximately 15 percent to $89,500. My objections are based precisely on those problems just mentioned: Our budget cannot bear the additional weight of salary increases; the process is faulty for allowing a sitting Congress to accept a pay raise for itself, especially without being required to cast individual votes on the matter; and the public's sense of injustice over this pay raise is nearly universal.

I am not saying that I disagree with the concept of comparability in pay for Federal employees, including Members of Congress. Numerous studies by public organizations such as the General Accounting Office and private organizations such as the Hay Group have found that Federal employees are increasingly lagging in pay, as well as in overall compensation, when compared to their counterparts in the private sector. Specifically, the gap between comparable employees is particularly large in the higher positions, such as agency and department heads and Members of Congress. While the concept of public service is a valuable one, it can only withstand demands for sacrifice for so long. The cost of extreme incomparability is a serious one: we end up with a government of either those people who are unable to compete in the private sector or those people who are so independently wealthy that they are unconcerned with compensation—in other words, a rich man's club.

As you see, my dispute is not with the mere idea of a salary increase, but rather with its timing currently, given budget constraints; with the process by which it is being implemented; and with the damage which, understandably, will be done to congressional credibility in the public's eye. As I frequently tell visitors to my office, just because a policy or program supports a worthy idea is not sufficient argument for the Government to commit the taxpayers' money to it. In the environment of limited resources, priorities must be established. A congressional pay raise at this time, provided without a single vote, cannot be considered a priority.

Therefore, I am very happy to join my colleague, BOB SMITH, in his effort to bring some responsibility and accountability into this process of increasing Members' salaries. Furthermore, I applaud and join the efforts being made by the Honorable Member from Iowa, TOM TAUKE, in his Congressional Pay Reform Act. This act would require that congressional pay adjustments be deferred until an election had intervened and the next Congress was seated, that recorded votes on all salary increases would be tallied so that the public would know how each Member stood on salary issues, and that congressional pay questions would be considered independently of other appropriations bills.

For the sake of our Federal budget, as well as our public credibility, I urge all Members to join in this effort to "disapprove" the President's recommended pay increase before the February 5 deadline. Our country and our constituents deserve nothing less.

Mr. Speaker, my reason for being here today and rising in support of this effort at this point in time is to say I think we have to establish credibility. I do not believe, unfortunately, the President of the United States brought very much credibility to the balanced budget question last night, and I think we in the Congress are fine ones to point the finger at the President and say that he has no credibility on the balanced budget, if we, ourselves, do not begin to establish some credibility.

That is really the issue of this raise at this point in time.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Hampshire. I yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, I would just like to express my feelings along the line of credibility.

I think that it is very difficult for the Congress to be taken seriously if we go back home and preach the idea that people ought to ask less of Government, or ought to do with less of Government, at the same time that we are asking for more.

A democracy works because of a bond between its people and the leaders. That bond is, again, based on faith and credibility. It is based on our doing what we say we are going to do. It is our willingness to provide the leadership. It is our willingness to do the same thing we are asking the folks back home to do.

So, again, I agree with the gentleman from Texas [Mr. STENHOLM] for the Congress to rise up last night in full support of the concept of controling those deficits which have become outrageous, and then within a 10-day period, to just allow an automatic increase in our salaries is not a good example for the country and it is a not an example that indicates leadership.

Until we can, in fact, restore that credibility and that faith, we are going to have a great deal of difficulty in coming to an agreement as to how we are going to solve the question of the deficit and the amount of debt that has accumulated over the years in this Nation.

I thank the gentleman for yielding.

Mr. STENHOLM. Mr. Speaker, will the gentleman yield further?

Mr. SMITH of New Hampshire. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, I think that is the key to why we are here today. It is not the merit of the increase or the need, as I tried to point out in many instances. I think we are making some very shortsighted decisions in some areas, but we are doing this in so many areas that this is not the time for us to look at a salary increase for Members of Congress.

I think that the American people would be much more receptive to paying us an increased wage if that is deserved, and I happen to believe that most Members of Congress earn every penny that we get. Again, that is not the issue. The issue is whether we are going to establish credibility on the budget when, at a time if we do not do it, nobody else is going to do it.

If we cannot establish that credibility, then I fear what is going to continue to happen to our Federal deficit, and I know what will happen to each and every one of us as we try to explain to others why their programs should be cut down or cut out, as this Member will vote. At the same time, they say, why did you not do it to yourself, too.

It is a pretty tough question to answer, and I commend the gentleman for this effort today.

Mr. SMITH of New Hampshire. Mr. Speaker, I thank the gentleman from Texas [Mr. STENHOLM] for his comments, his insight, and his leadership.

I might point out that regarding voting for the next Congress, rather than voting for yourself for a pay raise, the gentleman is in pretty good company with James Madison, who also felt the same way.

□ 1550

So I think the Founding Fathers also foresaw the drawbacks here. I think some of them would be turning over in their graves if they knew we were going to grant ourselves a pay raise with no vote, because it is certainly, in my opinion, a direct violation of the Constitution. That is a subject which I intend to get into a little later.

Mr. CRAIG. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Hampshire. I yield to the gentleman from Idaho.

Mr. CRAIG. Mr. Speaker, I thank the gentleman very much, and let me thank my colleague for providing us with this special order.

I was privileged to join with the gentleman in cosponsoring the legislation that he proposes and that we are discussing in this special order this afternoon. I am especially pleased to echo the concerns of my colleague, the gentleman from Texas. He and I have worked very closely with the gentleman and others in the last several years to force the issue, an issue that many Members of the House wish to deny, and that is, of course, a constitutional amendment requiring a balanced budget until this Congress puts its fiscal business in order. And one way to do that is to show the American people that we are going to be responsible with their tax dollars and that we are going to be responsible with our borrowing capacity, borrowing their money out of the system so that they ultimately pay higher interest rates for the goods and services they seek.

Until all that is said and done, I think it is unconscionable, through a back-door approach, to attempt to provide ourselves with an increase in salary.

I had a phone call from a gentleman the other day, and he said,

> Congressman, you know, most salary increases are a result of merit. Those who receive salary increases are usually judged on their performance, and,

He said,

> Based on the performance of the past Congresses, with the $200 billion deficit, I find it very difficult to see where any of you deserve the kind of pay increase you are proposing for yourselves.

I think that gentleman made a very clear point, and it is a point that many Members have made on the floor during this afternoon in this special order. When we can prove our fiscal responsibility, when we can show that we can provide the services of government that people want to do it in a responsible fashion, in a way that keeps our budget in balance, then I think we might be able to legitimately turn to the American people and say, "We are performing well, and we are performing responsibly, at least in the most critical areas of government, and that is in the budgetary process." If we did that and we could say that, maybe we could then honestly and forthrightly ask for a pay increase, because it is the American people that ultimately pay our wages. That is something that I think, once we have been here for a while, we tend to forget, as to where our responsibility lies. Every 2 years we are tested on that, and I think Members of this House who are not going to stand up and insist that there be a clear, recognizable, recordable rollcall vote on this most important issue are going to have to be tested at the polls in the next election process, because that is what we are here to do.

That is the responsible fashion under which we govern, and until we bring this House in order and bring our budget in balance, I think that the approach that is currently being proposed is irresponsible, and I hope the leadership of this House will then take the responsibility and allow the gentleman's legislation to come to the floor for a clear up-or-down recorded vote.

Mr. Speaker, I thank my colleague for providing us with this special order.

Mr. SMITH of New Hampshire. Mr. Speaker, I thank the gentleman for his comments. I appreciate them very much. I would like to just pick up very quickly on one point before yielding to the gentleman from Florida [Mr. MACK].

If the board of directors of a large corporation ran the corporation collectively the way the U.S. Congress runs the United States of America, at least fiscally, I do not think they would be rehired. I do not think they would be given pay raises. Certainly they would not be rehired, let alone given a pay raise.

Whether we feel individually that we have participated in this, we have participated in it collectively and we are certainly responsible for it. And we are talking about, as the gentleman mentioned, $200 billion annual deficits, and on top of that, a $2.1 trillion national debt. As the gentleman from Texas pointed out, when we have massive cutbacks in programs and some eliminations of programs, when we are asking people to take a reduction in COLA's and sometimes not getting COLA's at all, then to do this at this time is just so very inappropriate, to put it mildly. But then not to have a vote on it is just intolerable.

Mr. CRAIG. Mr. Speaker, one of the approaches that I think the gentleman supports, one that I and several others have supported also over the last several years, is that we have struggled with these very, very important issues and we have often traded one group off against another, and that has created divisiveness out there among those who are the recipients of some sort of Federal benefit or Federal pay. The idea has been that we should freeze the budget and we should treat everyone fairly and equitably in all programs as we work to get this deficit down. That also means congressional pay.

When I talk about this issue before my constituents in Idaho, from the Social Security recipient to the veterans' benefit recipient and I say, "In a freeze we are going to treat all of you exactly alike; all of us who are either receiving our salaries through the Government or our benefits through the Government are going to share equally in bringing this deficit under control," almost every one of them says, "Congressman, that's fair. I will share, and I will participate when I know that everyone else is participating as equally as I am being asked to do."

So the gentleman is absolutely correct. For us to bring about the level of pay increase that is now proposed and yet in the process of this next budget cycle we will turn to a good many recipients of Federal programs, and say, "But your program will have to be cut," is almost unconscionable. I find it is going to be very, very difficult to do unless I have the privilege to register my concern and my vote on legislation such as that proposed by the gentleman.

Mr. SMITH of New Hampshire. Mr. Speaker, I think Members need to understand that they are not going to be able, because of the numerous bills that are in here now on this issue, to go back to their districts and say, "Well, I didn't have a chance to be recorded on this issue," because they can by simply cosponsoring one of these pieces of legislation or all of these pieces of legislation which will in effect disapprove the raise.

Now, whether it passes or whether the leadership allows that bill to come to the floor or not is one question we have to decide in the next days, but at least if Members want to be recorded in opposition, perhaps the only way they can be recorded in opposition to this pay raise is by cosponsoring one of these bills. And to date there are only about 30 or 40 Members on all of these bills collectively.

Mr. CRAIG. Mr. Speaker, my colleague is absolutely correct. Whether we are able to get the leadership to grant us a vote or not, certainly by cosponsoring we are able to record the intent and the sincere wishes of Members involved in this issue.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Hampshire. I yield to my colleague, the gentleman from Florida.

Mr. MACK. Mr. Speaker, I think it is important to discuss for just a moment the question of deserving. That issue has been raised several times, I think, by most of us who are involved in this question about pay raises for Congress. At least I do not take the position of saying that all Congressmen do not work hard enough, are not dedicated enough, have not put in the hours, and have not pursued in their own way an effort to solve the problem. Sometimes the impression is given as we get into this debate that the Members of the Congress really do not deserve an increase, that they do not deserve any discussion of the issue. I would say that the Members of Congress are as deserving as any other body or any other group of individuals, any other collection of special interests in this country.

We all face it; we all see it as we go home. Each group we talk to says, "We want you to balance that budget." They are willing to cut foreign aid, they are willing to cut defense, they are willing to cut this, and they are willing to cut that, but when we get to their program, they say, "Don't touch it." Their feeling is that they deserve it, whether it is someone in my own district or not.

I happen to represent the oldest district in the Nation; that is, the average age is older than any place else in the country. Certainly there are many such people in my district, single women, for example, in their seventies and eighties, whose only income is from Social Security, and they are living below the poverty line, so they then go for supplemental security income. And somewhere along the line they still do not have enough to make ends meet.

For us then to turn around and say, "We just don't have the money to do it," we have to understand that it just does not hold water for us to make the argument that we are more deserving than that individual. Granted that we do the work, granted that we make the effort, I think one of the things we have found in this Nation is that we reward not the effort but the result. I think that is what the gentleman from Idaho was talking about. It is the result we are looking for.

I would just make one other point before I conclude my portion of this debate, and that is that the gentleman from Texas indicated that one of the things we ought to change in the process is that we ought to have a vote but, even after we have voted, that increase in salary should not go into effect until after the next election, that Members of the Congress should have the ability to stand up and defend the position that they have taken.

I feel strongly that if we accomplish the things that we say we want to accomplish, if we have the results, then we should have no question about going back home and being able to indicate why we have supported a position that would increase future Congressmen's salaries and stand for reelection, and as a result of that, if we are reelected, then so be it.

But I just wanted to get back to that point about "deserving." I have really been impressed in the time I have been here from both sides of the aisle by the commitment to ideals that individual Members have and the efforts that they are willing to make to try to accomplish those ideals. But in fact it is the results that we have got to be measured on, not just the effort or the activity.

Mr. Speaker, I thank the gentleman for yielding.

□ 1600

Mr. SMITH of New Hampshire. I thank the gentleman for his comments and I would like to say on the record that I certainly agree with him, along with Mr. STENHOLM and with James Madison, that any vote taken ought to be effective, if it does pass, ought to be effective in the next Congress so that the people throughout the United States of America in all the congressional districts have the opportunity to pass judgment on their Congressmen, one way or the other, in terms of how he or she supported or did not support that issue. I think that is only fair and I think that is all the American people are asking. Considering all of the bad things that seem to be said about this body out there at times, why feed that fire when we do not have to. It is really a slap in the face to the American people. It is an insult to the American people to grant this raise without a vote.

I would again repeat that I encourage the Speaker to, in the interest of the Constitution, in the interest of the high morality of this body, to call for a vote on this very sensitive issue.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. I thank the gentleman for yielding to me.

Mr. Speaker, I want to thank my colleague from New Hampshire [Mr. SMITH], for organizing this special order on the proposed pay raise for Members of Congress.

I can't help but think about President Reagan's State of the Union Address last night in which he reminded us that, "This 100th Congress has high responsibilities." I intend to accept the President's challenge.

We are doing a disservice to our constituents who look for our leadership on the deficit, welfare reforms, trade, health care, and many other areas when we fail to call for a vote on this double-digit pay hike. My constituents have spoken very clearly in opposition to the process which allows the increase without formal consideration or a recorded vote.

Let's transcend the politics of this issue so we can all go on record. I urge the leadership to allow the Congress to work its will.

Mr. SMITH of New Hampshire. I thank the gentleman for his comments.

Mr. Speaker, I yield to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. I thank the gentleman for yielding to me.

Mr. Speaker, I wish to thank the gentleman from New Hampshire for taking this special order today and letting some of us make a few comments about this very important subject.

I am sure the gentleman from New Hampshire and other Members of this body would agree that we are concerned about the level of compensation that we pay those in the Judiciary, the level of compensation that we pay our executives in the executive branch, and certainly the level of compensation that we pay Members of Congress, who, after all, hold one of the, if not the most important, policymaking positions in the U.S. Government.

The issue today here is not the question of what we pay those individuals. The issue today is not whether or not we are paying sufficiently to keep up with the cost of living; whether we have fallen further and further behind, as indeed we have if measured against the Consumer Price Index or the cost of living in 1969 or just about any other year that you want to make the comparison to. There is no question we have fallen behind.

There is no question that we are losing Federal judges. There is no question that we run the danger in this body of turning it into, as the gentleman from Texas referred to it earlier, a "rich man's club." None of us want to see that.

But that is not the question that is before us in the issue of this pay raise. The issue which we must address, as the gentleman from New Hampshire so correctly put it, is the credibility of this Congress itself. Of its ability to deal with the mounting deficit crisis that this country faces. There can be no question that that is the single most important issue that the 100th Congress must address.

We began to tackle this in the 99th Congress with the adoption of Gramm-Rudman. We have begun to feel some of the pain of that. Some of the cuts that have necessarily been made and some of the increases that have been foregone or some of the programs that many of our constituents have talked about that are, that they tell us are important that we have not been able to support.

It seems to me that we have great difficulty in this 100th Congress going to those same groups and saying once again we are not going to be able to support those kinds of programs or once again we are going to have to forego increases.

If we in this body are giving ourselves the kind of pay increase that is contemplated by this Commission's recommendation, at the very heart of this question is our credibility; our ability to deal in a forthright and a real manner with the problem of the Federal deficit. We can hardly look our constituents in the eye and say, "We are going to not give you the program you so desperately need. But we are going to give ourselves a pay increase."

The other side of that coin is also true. If we are willing to forego the pay increase for ourselves in this 100th Congress, it seems to me all of us, no matter whether we are conservatives or liberals, Republicans or Democrats, all of us can be much more honest in looking our constituents in the eye and saying to them, "This is just not the year for that program." So the issue goes far beyond a few million dollars that are involved in the pay increase for the Members of Congress. The issue goes to the heart of how we are going to deal with this deficit in this 100th Congress.

Many things have been suggested on the floor here today which I strongly support. Most importantly the proposal that has been made by the gentleman from Iowa [Mr. TAUKE] to require that any pay increases have a recorded vote by Members of Congress and that they not go into effect until the next Congress convenes.

As you, the gentleman from New Hampshire, so correctly pointed out, this was something the Founding Fathers contemplated and talked about; the necessity of doing that. I think it is long past due for us to correct what may have been an oversight or in any event clearly now in retrospect is an error in the way we do business in this body in terms of providing pay increases.

Most other legislative bodies or other executive bodies have that kind of a provision that the requirement, that the pay raise cannot go into effect until after it has, after there has been an intervening election.

So I commend the gentleman for bringing this issue to this body and I do hope the leadership, for the sake of the American people, for the sake of this budget deficit crisis, and I do not think that is an overstatement of the word, the crisis that we face, that they will allow this to be brought to a vote of the House of Representatives before the deadline of February 5.

Mr. SMITH of New Hampshire. I thank the gentleman from Arizona for his comments.

Mr. Speaker, I think we should make no mistake about it, it should be clearly understood that if we do not get a recorded vote on the pay increase that is about to take effect, if we do not get that vote, that the responsibility for not getting that vote lies with the Speaker of the House of Representatives. There is no question about that. That needs to be understood quite frankly and quite bluntly that the Speaker of the House of Representatives has within his power the authority to call this matter to a vote. It is what the American people want. It is only right; it is only fair.

I think a little bit of background in terms of what happened as to how this occurred is very important. In the continuing resolution which passed last fall, in 1986, there was a, it left the House of Representatives and it went to conference, between the Senate and the House conference. In that conference, language was included provided that this pay raise would take effect automatically. In doing the research for this special order today, I have made what I consider to be a rather valiant attempt to find out who put the language in there. I cannot find out who put it in there. Nobody has owned up to it yet, which again goes to the very heart of the credibility of not only all of us as Members of this place, but the very body itself.

How can we stand here and look our constituents in the eye, look each other in the eye, quite frankly, but certainly our constituents, and say that in a continuing resolution was included wording which would provide an automatic $12,000 pay increase for each one of us, automatically taking effect on February 5, and nobody knows who put it in there, or at least nobody is saying who put it in there; let us put it that way.

Let me call your attention to a comment made in our own Roll Call, January 26, 1987, in an article regarding this issue.

> At a recent press conference, Smith—

Meaning myself—

> said he couldn't find out who had put the provision changing the pay raise procedure into the budget resolution. He challenged reporters to find out.

□ 1610

I challenged the reporters at that press conference to come back to me if they could find out. Nobody has come back to me yet and said who put it in.

The Roll Call reporter said:

> Our checking reveals no one willing to own up. Appropriations Committee staffers in the House say the provision came from the Senate. Staffers in the Senate say it came from the House.

So here we go. Credibility—Mr. Speaker, the credibility of the House of Representatives, perhaps even the honor of the House of Representatives is at stake.

Two things, Mr. Speaker, One. Who put the language in?

Two. Let us have a vote, please, Mr. Speaker.

I think another issue which needs to be addressed regarding this matter is the very constitutionality of it, or lack thereof would probably be a better way to say it, because I believe that this provision is clearly, as clear as anything can be, is clearly unconstitutional.

I feel so strongly about this and I would like to refer quickly back to what my friend from Arizona said when he referred to the Tauke bill, a bill which I totally endorse and support. We are now dealing with time constraints here.

One. My legislation if it does not get to the floor and pass February 5, the pay raise will take effect. The Tauke bill would kick in later, so if we in the future have a pay increase if this is passed, then it would take effect in the following Congress. I support that.

What I am trying to do now is to block this pay raise so that we can have the opportunity hopefully to vote on it one way or the other, and time is against us; but the constitutional issue here, and I hope those who feel in this body that we came here to uphold the Constitution, not to trample on it, will listen carefully here, because it goes to the heart of the U.S. Constitution.

In a lawsuit which I am filing jointly with Senator HUMPHREY of New Hampshire and the National Taxpayers' Union as joint plaintiffs, we are basically saying that the statute which established this procedure is unconstitutional for three basic reasons:

One. It violates the requirement that congressional compensation be "ascertained by law." That is, Members of Congress fix their own salaries subject to the accountability of the political process. Madison himself said that. James Madison said: "The power vested in Congress to set its Members' pay is a power which cannot be abused without arousing universal attention and indignation."

Ascertained by law—Congress has not voted. I think clearly the Founding Fathers meant when they said "ascertained by law" that this provision to raise the salaries of its Members would be by a vote of the body. It has been that way for 200 years. We are now changing it by sneaking language in a CR that nobody in the U.S. Government owns up to. Nobody in the U.S. Government has said, "I put it in. I had to put it in." No staffer, no Congressman, no Senator, nobody in the White House, nobody is saying that they put it in.

If you wish to go back to your constituents as a Member of this body when they ask you that question and try to respond to it, fine; but I cannot do that without at least making some attempt, feeble as it might be, and I know the deck is stacked, I know it is difficult, I am hoping that the Speaker, though, will come forth and bring this legislation or similar legislation to the floor so that we can get a vote on this thing.

The second basic constitutional principle which is violated, basic as it can be in an elementary high school textbook, civics book, it violates the principle of the separation of powers; three branches of government, Executive, legislative and judicial, by giving the President of the United States, any President, the authority to propose increases or decreases, for that matter, in congressional pay, this statute gives him the power to reward or penalize Members of Congress, depending on how he feels about what they just did or have done to him.

Thereby, he has the impact of influencing the decisions of Members of Congress. That was not intended by the framers and certainly contrary to the purposes of the compensation clauses not only in article I, but articles II and III of the U.S. Constitution.

The third constitutional point, or should I say unconstitutional point, it is an unconstitutional delegation of legislative authority because it provides no standards whatsoever to guide and limit the President's exercise of his delegated authority.

Under this statute the President need only set congressional pay at any level he "deems advisable," any level he deems advisable.

Now, to the President's credit, the original proposal was $135,000 a year for Members of Congress. He scaled it back to $89,000. Fortunately he did not deem it advisable that we would have this large amount in a pay raise.

The issue is did that Commission, did that law intend that this Congress would not vote on this pay raise, and the answer is no, it did not.

It is unconstitutional for those three reasons.

If other speakers wish to respond, I would be happy to yield to them. I do want to make a couple other final points in conclusion here.

People in my State have written me, telephoned me, talked to me personally back in my district last week, on this issue more than any other issue that I have dealt with since I have been here. They are outraged. They are irate that this matter now with the mismanagement of this huge trillion dollar government that we run, and I emphasize mismanagement, because when you spent $200 billion a year more than you take in, you are mismanaging, no matter how you put it, and it is mismanagement and the people see it that way. It is mismanagement to cut people, to cut the poor, to cut the elderly, to cut out programs, to cut defense, cut anything by vote in this body, which we do everyday, every legislative day, and then not to apply the same standards to your own compensation, in violation of the U.S. Constitution, is intolerable.

I taught the Constitution.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Hampshire. Yes, I yield to the gentleman from Arizona.

Mr. KYL. Mr. Speaker, I would like to point out that in the State of Arizona in my hometown of Phoenix, apparently our constituents were as concerned as the constituents that the gentleman has just described. As a matter of fact, we have a radio talk show host whose name is Tom Leykis on radio station KFYI who became so exercised as a result of the many hundreds of telephone calls that he received on this proposal that he began a letter-writing campaign in our community and tomorrow he is going to be delivering to our district offices bundles of mail. Listening to him on the radio, I can assure the gentleman that the mail is running about 100 to 0 opposed to this proposition. We await the letters that will be delivered to us.

When I left Phoenix on Monday, by lastest count they had received some 3,000 letters in opposition to the pay raise.

I might also point out to the gentleman that prior to the time the President submitted his budget, my colleague, the gentleman from Arizona, and I joined in a letter to the President requesting on behalf of our constituents who did not believe that Congress deserved a big pay increase, that he not submit that pay increase to the Congress in his budget message, and as the gentleman points out, to his credit it was reduced substantially; but the significant constitutional question remains as to whether that is his obligation or the responsibility of the Congress.

For that reason, I support much of what the gentleman has said, as well as the proposal discussed earlier proposed by the Representative from Iowa, which would forbid a pay raise taking effect during the Congress in which it is voted and would, of course, require a roll call vote by the body assembled at that point.

Mr. Speaker, I appreciate the opportunity to speak on the matter.

Mr. SMITH of New Hampshire. Mr. Speaker, I would just like to conclude and reiterate again, the process is such now that I believe unconstitutionally on February 5 the Members of the U.S. House of Representatives will receive a $12,000 annual raise with no vote. Even though we vote on everything else in this place from Social Security to defense, to the environment, to education, et cetera, et cetera, we will have no vote and the raise will take effect automatically unless legislation to block it is allowed to come to the floor or unless the Speaker himself calls for a rollcall vote on this issue.

□ 1620

I will repeat it again. I will challenge the Speaker, "Mr. Speaker, please, in the interest of the Constitution and in the interest of the honor and integrity of the House of Representatives, and in the interest of the American people, call for a vote on this pay raise issue."

GENERAL LEAVE

Mr. SMITH of New Hampshire. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER pro tempore (Mr. PENNY). Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

FURTHER MESSAGES FROM THE PRESIDENT

Further messages in writing from the President of the United States were communicated to the House by Mrs. Emery, one of his secretaries.

THE NATIONAL DAY OF EXCELLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KOLBE] is recognized for 60 minutes.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. KOLBE. Mr. Speaker, I have asked for this special order for the purpose of talking about the "National Day of Excellence" which is the subject of a commemorative resolution which this body adopted last September, a resolution which was adopted to commemorate this particular day, on which, as we all know and so sharply remember a year ago, the tragedy of the astronauts took place.

I think that it is appropriate that we mark the anniversary of the space shuttle disaster with special observances in memory of Gregory B. Jarvis, Christa McAuliffe, Ronald E. McNair, Ellison D. Onizuka, Judith A. Resnik, Francis R. Scobbe, and Michael J. Smith, the crew of the space shuttle *Challenger.*

Members of the astronaut families attended a memorial service this afternoon here in Washington. NASA observed 73 seconds of silence at 11:38 a.m. this morning, representing the 73 seconds that the *Challenger* flew on its mission toward disaster.

There have been a number of other public memorial events across the country, and I participated in one at Arlington Cemetery at the gravesites of astronauts Mike Smith and Dick Scobbe this morning, but I think all of us, as Americans, have paused in some way today to remember the special American heroes whom we lost on January 28, 1986.

It was a very special loss to the schoolchildren of America, who watched that shuttle launch with much more anticipation than we have watched most of the shuttles. Among those were the students at Concord High School in New Hampshire, who sat in stunned silence as they watched the national disaster unfold before their eyes. They were witness to the loss of the *Challenger* and its crew, which included their own teacher, Christa McAuliffe. Other students across this country mourned the loss, among them the students in my own community of Tucson, AZ, of schoolteacher Ed McDonald.

In a search to bring meaning to the loss, Ed and his students discussed a vision of not just a memorial, a remembrance, but a tribute to the essence of our American astronauts who exemplified the best spirit of America. The proposal was to recognize a "National Day of Excellence" in tribute to the crew of the space shuttle *Challenger* to honor the dedication and commitment to their pursuit of excellence; to those who gave their lives while striving for an excellence of technology, of goal, and of personal achievement.

The idea grew and gained support by many local and national organizations, including approval by the representatives of the astronaut families. Congress passed a joint resolution authorizing and requesting the President to proclaim January 28, 1987, as a National Day of Excellence. The President signed the bill last autumn.

The National Day of Excellence should, most emphatically, not be a holiday. On the contrary, it should be a day when Americans rededicate themselves to the simple, but sometimes forgotten, pursuit of excellence. It is to be a time to focus our attention on the rewards and, yes, the risks of extending our reach beyond the familiar and mediocre toward new knowledge, toward new insights, and toward a final embrace of the ideal of excellence pursued so fervently by the crew of the *Challenger.*

Indeed, in an open letter by the families of the seven who died aboard the shuttle, the crew is characterized as pioneers who "worked hard to extend the reach of humanity." The letter continues "If they were alive and could speak to all Americans, we believe the *Challenger* crew would say this: "Do not fear risk. All exploration, all growth is a calculated risk * * * without frontiers, civilizations stagnate."

Today—January 28, 1987, the National Day of Excellence—should be a day when people look forward to their work, performing their work with the greatest pride and success that is possible. It should be a day dedicated to the ideal of excellence which the *Challenger* crew represented so well. In lieu of a passive or static event, this tribute should provide an opportunity for all of us to participate and to be made better by virtue of our participation. Indeed, if it is observed in its spirit, it could measurably improve the quality of our work and increase our productivity as individuals and as a Nation.

It ought to be the day when the very best cars roll off the assembly line, when the very best airplanes are assembled at the factories across the United States, when educators teach their best lessons, when the best national ideas are born, when students do their very best to perform on an exam or in the writing of a paper. Whatever it is that we do on this particular day, we ought to set aside or make a commitment to excel in that endeavor. Each year we would like to see the products that are manufactured in the United States on this day bear the label "Manufactured January 28." Then we would know that this is America's very finest product.

I was gratified to learn of one very positive response to this challenge that was initiated by the Boeing Co. This company has a program called Operation Eagle, which has as its purpose the creation of an awareness among all their employees, who through their individual efforts can contribute to the increased security and economic welfare of this Nation.

They honor employees who have made some contribution to increasing productivity, to reducing the paperwork, to an invention that has made something new, or in some way has improved the company and thereby has improved the United States, because Boeing contributes much to this country.

On this January 28, this first National Day of Excellence, the Boeing Co. has named six employees who through their individual accomplishments have exemplified their goals within Operation Eagle to the highest extent, and in so doing so have most exemplified excellence in the workplace. The individuals to whom I refer, and whom Boeing Corp. brought to Washington, DC, for this week of activities, and whom we honored this morning in a ceremony in the House of Representatives, quite appropriately in the committee room of the Committee on Science, Space, and Technology, are: Dean Johnson, Thomas Keer, Fred Royer, Ed Satterlee, David Smukowski, and John Stevens, each of them representing a division within the Boeing Corp.

I know that what they represent is just the tip of excellence for Boeing Corp.

□ 1630

I hope that other companies in the future will adopt this program and do something similar to exemplify excellence within their own corporations. So I commend the Boeing Co. for its endorsement and its commitment to the National Day of Excellence and urge not only companies but organizations, schools, community groups, to participate in the National Day of Excellence by taking on some activity that exemplifies excellence in the work or the service that they provide in our community.

So I am pleased to be here today to take part in this first National Day of Excellence which is a rededication to the spirit and the ideal of excellence that is represented so well by the crew of our space shuttle *Challenger.*

Mr. Speaker, I think it is appropriate that on this January 28, the first anniversary of the space shuttle *Challenger,* that we do make this commitment to excellence which each of them represented. Certainly the tragedy of the space shuttle is something that all of us will remember and we shall also mourn the loss of those seven brave Americans. But there is a way for us to turn this tragedy into a very positive event. There is a way for us to turn this event into something that can be positive not only for the memory of those seven but for all America. We can do that through a National Day of Excellence and the renewal of our own national commitment.

Last night the President said it best. He said there is no limit to our reaches, no boundary to what we can do, no end point to our hopes. And I trust that that will be the commitment that each of us will make today on this first National Day of Excellence.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Arizona.

Mr. KYL. Mr. Speaker, on January 27, we sat in this Chamber for the President's State of the Union Address. After outlining a number of his initiatives for the coming year, the President said,

"Now, let's turn to the future.

"It is widely said that America is losing her competitive edge. Well, that won't happen if we act now. How well prepared are we to enter the 21st century? In my lifetime, America set the standard for the world. It is now time to determine that we should enter the next century having achieved a level of excellence unsurpassed in history."

The President's words are appropriate today as we commemorate our "National Day of Excellence." When I learned that my good friend, JIM KOLBE, had called this special order, the first institution I thought of as being worthy of special recognition was the Program for Engineering Excellence at Arizona State University's College of Engineering.

ASU's excellence program came about in the way the President had hoped: "not by new proposals or billions in new funding. Rather, it involves an expenditure of American spirit and just plain American grit."

The excellence program was brought about by dedicated individuals in the Arizona engineering and business community. It had the strong support of the Arizona Legislature, the Phoenix Metropolitan Chamber of Commerce and our Governor. The goal was to develop a quality teaching program to rival the best in the Nation, and to enhance the school's capability to train additional engineers to contribute to the State's growing economy.

The program is certainly living up to those expectations, and it will be a major force in Arizona's economy for years to come. Beside providing industry in the State with quality engineers, it will attract talent from across the country to Arizona.

The Program for Engineering Excellence represents the pursuit of excellence that has made our country the greatest on Earth. It is a pursuit of excellence by the leaders of our community who had the foresight to turn this program into a reality. And, it is the pursuit of excellence that drives individuals to enter the program and become the best they can be. Those who brought about the program deserve our sincere thanks for a job well done.

Mr. KOLBE. Mr. Speaker, I appreciate the remarks of my colleague, whom I also am very pleased to welcome to this House. I have not had an opportunity to do that publicly on this floor. I am, as a Member from Arizona as well, very familiar, of course, with the program at Arizona State University that the gentleman refers to of engineering excellence and know that it is one of the very finest engineering programs. Moreover, it has been the kind of commitment that that program has made to pursuing excellence as a standard in and of itself that I think exemplifies so well what the *Challenger* astronauts sought to do and which I hope this day will long be remembered for. I appreciate the gentleman's addition to this special order.

Mr. HUTTO. Mr. Speaker, will the gentleman yield?

Mr. KOLBE. I am very pleased to yield to my distinguished colleague and friend, the gentleman from Florida.

Mr. HUTTO. Mr. Speaker, I want to thank my colleague from Arizona for obtaining this time today to discuss the "National Day of Excellence."

One year ago today, America suffered a tragedy unknown to us before. After more than two decades of successful space flights, the space shuttle *Challenger* exploded shortly after its launch from Cape Canaveral, killing the seven men and women on board. It was the worst accident in the history of our space exploration program, and the first time any American had been killed during a space flight.

We all deeply mourned the loss of those seven Americans who, knowing the inherent dangers of such flights, eagerly embraced the opportunity to serve as part of the shuttle program. They were the embodiment of the spirit of America—the spirit that produces people who seek the adventure and are willing to take the risks that have enabled America to lead the world in many fields of endeavor, including space exploration.

Last October, Congress passed and the President signed into law a resolution designating today as a "National Day of Excellence." Our hope was that, on this anniversary of that tragic disaster, Americans would pay tribute to the crew of *Challenger* by rededicating ourselves to the pursuit of excellence in all our activities.

We want to continue this tribute to the *Challenger* crew again next year by passing legislation to designate January 28, 1988, as a "National Day of Excellence" and I hope that all of our colleagues will join with us in cosponsoring the resolution to accomplish this.

Mr. KOLBE. Mr. Speaker, I appreciate the comments of the gentleman from Florida who has himself been a leader in this area.

Yesterday this body adopted, quite appropriately, a memorial resolution for the seven *Challenger* astronauts who perished, but I think the Day of Excellence resolution which I hope we will make an annual event, and certainly appreciate the participation of the gentleman from Florida in that and his leadership in cosponsoring that with me for 1988, I think it is a more fitting way for us to remember this event in a positive way because something positive can come out of this.

I mentioned the teacher in Tucson who gave me the idea of doing this, and I would just like to, for just a moment, say a word about him. He is Ed McDonald. He is a teacher at a school in Tuscon called Project More, which works with students who have had special problems, who have dropped out of school, have lacked motivation or for one reason or another have not performed well in school and have been brought back into the school system for this, if you will, last chance.

□ 1640

What Ed does with those students is give them more than just a last chance; he motivates them. He motivates them to do what is their very best, and that is what excellence is all about.

It was Ed McDonald who had this idea, and took it as more than just an idea of—pursued it, getting a resolution from the Educators' Association in Tucson, AZ. Then a resolution of support from the city council in Tucson, Arizona, and then a resolution from the legislature, and on and on from that, until it came to us and we said. "This is something that is worthy; this is a way of really remembering this tragic event and making something positive come from it."

So today we are able to celebrate this first National Day of Excellence, and I am pleased that he has been able to be with us here in Washington to be a part of this.

Mr. Speaker, I am pleased to yield to my distinguished colleague, the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, today we gather to celebrate a "National Day of Excellence," a day set aside as a tribute to the spirit and courage of seven *Challenger* astronauts who lost their lives just 1 year ago—reaching for the stars.

I want to express my appreciation to the gentleman from Arizona [Mr. KOLBE] for organizing this opportunity for us to come to the floor and talk about the pursuit of excellence which we find in our home communities.

I would like to take a moment to tell the House about a project in my district, in the city of Aurora—the Illinois Mathematics and Science Academy. This public academy, only the third of its kind in the Nation, is the creation of men and women, who like the *Challenger* astronauts, were committed to excellence and dared to dream.

In 1983, the Director of Fermi National Accelerator Laboratory in Batavia, IL—in my district—Dr. Leon Lederman, a scientist of limitless vision and boundless energy, first proposed the creation of a math and science academy. Its purpose would be to inspire and challenge young men and women gifted with mathematical and scientific ability to maximize their talents for the benefit of society.

As a member of the Illinois General Assembly, I was proud to join with my distinguished colleagues State Senator

Forest Etheredge and State Representative Suzanne Deuchler, and with our Governor, James R. Thompson, to pass legislation that turned the dream into reality.

Today, 210 of Illinois' best and brightest are studying at the Illinois Mathematics and Science Academy. I'm including a list of the students from my district for the record. Like the shuttle astronauts, these young people seek a challenge and meet it with joy.

Two of the astronauts who lives we celebrate here today, have, in a special way, had an impact upon the Illinois Mathematics and Science Academy. Astronauts Michael Smith and Ronald McNair were great boosters of the Math and Science Academy founded in North Carolina. Illinois is indebted to the North Carolina academy for the wisdom and assistance they so freely offered to us as we pursued our dream. That academy in turn helped give rise to ours in Illinois. That is what education and excellence are all about—a passing on of knowledge and inspiration.

Last night in this House, President Reagan said "being our best is the core of America's greatness" and that "excellence is what makes freedom ring."

The men and women who helped found the Illinos Mathematics and Science Academy, and the bright young people who study there today, are shining examples of the excellence which is America. And in their service to humanity in the years ahead, they are going to make freedom ring. I'm proud to share their story with this House today.

STUDENTS AT MATH/SCIENCE ACADEMY FROM 14TH DISTRICT OF ILLINOIS

Portia Blume, Utica, Thandeka Chapman, DeKalb, Jill Mitchell, DeKalb, John Schweitzer, Malta, Tracy Wiley, DeKalb, Karin Yang, DeKalb, Sarah Yates, DeKalb, Rebecca Arnal, Elgin, Chris Bullinger, Sleepy Hollow, Nick Bullinger, Sleepy Hollow.

Denise Chatfield, West Dundee, Erin Roche, Elgin, Christopher Smith, Elgin, Amy Courtin, West Chicago, Pamela A. Lawhorn, Geneva, Tim Callaghan, Aurora, David Colclasure, Aurora, Phillip Dunham, Aurora, Richard Dunham, Aurora, William F. Grambley, Elburn.

Dave Joerg, Batavia, Karl A. Koschnitzke IV, Aurora, Kevin Narimatsu, Geneva, Derek Wolfgram, Aurora, Lydia Leong, Wheaton, Daniel Frakes, Senaca, Diana Rios, Aurora, Debi Jump, Yorkville, Steven Roman, Aurora, Suzanne Sibley, Sycamore, Randi Stouffer, Mendota, Kristine Weiss, Sycamore.

Mr. KOLBE. Mr. Speaker, I appreciate the comments of the gentleman from Illinois [Mr. HASTERT].

As he was describing the program in his public school system there, in northern Illinois, I was reminded of something in my own school districts in Arizona that I would like to share that I think also exemplifies what we are talking about with excellence.

Mr. Speaker, it is a program that we have come to call Wright Flight with Wright being spelled for the Wright Brothers. Wright Flight is designed as a program to encourage youngsters who have not been doing well in school, or not as well as they might do, to do better with the reward of having an airplane ride at the end of their 6 weeks or one semester goal.

This is the idea, the brainchild, if you will, of a young Air Force captain stationed at Davis Monthan Air Force Base in my hometown of Tucson, by the name of Robin Stoddard.

I first met Captain Stoddard when he spoke at a ceremony that I was also attending at the Air Force base commemorating the POW's and MIA's, and then subsequently got to know him a bit better, and made a recommendation to him for the White House Fellow Program, which he has been a finalist in that program for at least years.

Captain Stoddard wanted to do something that would help young people, young people in inner city schools who did not have the motivation or the opportunity or the rewards that they could look forward to; to give them some reason to do better, to show them that they could become something that they might not otherwise believe that they could achieve.

So he started this program on his own; first working with taking the youngsters up himself, and then gradually putting together this program where there are many volunteer pilots that participate in this program, and put together a curriculum which is now used at several schools, all of the science and math problems they work on are oriented around aviation; and at the end of this they know their reward is to not only get a ride in an aircraft, but to actually fly the aircraft themselves with the pilot, of course, in the other seat.

For many of these youngsters who have never taken a plane flight and for many who probably never will take another plane flight, it is an opportunity for them to see that there are horizons out there, greater horizons. There are opportunities that they can have that they can break out of the sometimes environment that they find themselves in.

I think this is the kind of example, Mr. Speaker, of excellence; excellence not only in our military officers, excellence in the community leadership, but also giving a spur to excellence in education for these youngsters that I wanted to bring to the attention of my colleagues today.

Mr. Speaker, I am very pleased to yield to the gentleman from Oklahoma [Mr. INHOFE] at this point.

Mr. INHOFE. Mr. Speaker, I rise for three reasons. First of all, to commend the gentleman from Arizona for calling this eloquently to the attention of the American people, what the significance of this anniversary today is.

The second reason is one that I discussed with several of the people who were involved in a ceremony this morning, sharing a personal experience that, quite some number of years ago in the city of Tulsa when I was mayor of Tulsa, we had, in a smaller dimension, perhaps, but a tragedy nonetheless, of a similar nature, where we lost three of our uniformed officers. The widows of the families of these officers used this in a very forceful way to promote the program for which they had given their lives.

This is something that concerns me a great deal. I think all too often, Mr. Speaker, we will look at a program like this and think this is a tragedy that took place; but I suggest the real tragedy would be that if those, the crew members of the *Challenger* shall have died in vain.

Lastly, the young people, the impact of the young people. I think sometimes we do not realize the millions of young people who were so emotionally involved a year ago today, and what this did to their lives and the changes that it made. To me, the worst tragedy of all would be if for some reason after they had lost their lives, that they lost their lives in vain.

I know that young people today in this country are so emotionally moved by the heroes of this Nation. "The shot heard round the world"; they recognize that they were signing their own death warrant, and were willing to do that.

I think that the dimension of the sacrifice that was made by those American heroes that died a year ago is every bit as significant to the young people; and I think we should keep in mind that they are looking at what we are doing today, at the future of this program, and at the excellence that was exhibited by these very brave American heroes, and are telling us loudly and clearly that they should not have lost their lives in vain.

Mr. KOLBE. I thank the gentleman from Oklahoma for his remarks, and appreciate the example that he gave of what happened in his own community of Tulsa. I also appreciate the fact that he participated this morning in the ceremony we had with the employees of Boeing Corp., and to recognize their own, the excellence that those employees, for each of their divisions have so exemplified.

Mr. Speaker, I think the gentleman's comments about making sure that the astronauts, the seven brave astronauts did not die in vain is a good note on which to close this special order.

Certainly the President last night talked a great deal in his State of the Union Address about excellence; we have been hearing a great deal in recent days about the need for the

United States to restore a position of competition, of being competitive in a world marketplace.

One of the ways we can do that is to produce goods and services that are just a little better than our competitors, and just a little better than what we produced before.

So, I would hope that we can say that out of this tragedy which today we pause in memory of, this tragedy of the loss of seven *Challenger* astronauts, that we will find something good and something positive that comes out of this for all of America—for our Space Program, for the young people of America whose hopes rode so high with the *Challenger* as it rode into space, and for all Americans who want to make this commitment to excellence.

I thank my colleagues for participating in this special order.

Mr. FAUNTROY. Mr. Speaker, I rise in support of a "National Day of Excellence." There can be no more appropriate day to celebrate America's dedication to excellence than on this date commemorating the *Challenger* astronauts, for there is no greater symbol of that commitment than our Space Program. Since the challenge of Sputnik and President Kennedy's call for a manned lunar landing, Americans have risen to new and unprecedented heights of scientific excellence and personal courage. Not the least of these heights of courage was the sacrifice of the seven whose memory we celebrate today, including Ronald E. McNair. Astronaut McNair is important as a role model to black youth in particular—as well as all American youth.

Americans of all colors and both sexes continue to meet the challenge of excellence in fields other than science every day. The District of Columbia is privileged to be the home of the D.C. Youth Orchestra. Organized by the public school system in 1960, the Youth Orchestra provides musical training for our elementary and secondary students, and this training instills in them that drive to excel which has built our country. The Youth Orchestra's alumni have gone on to positions in over 60 different symphonies worldwide, including Boston, New York, Vienna, Heidelberg, and our own armed services.

As we dedicate the 100th Congress to renewing America's excellence in education and commerce, let us also hold up the D.C. Youth Orchestra as a symbol of American excellence in the spirit of the *Challenger* 7.

Mr. GALLO. Mr. Speaker, today, on the day following President Reagan's sixth State of the Union message, I am reminded that the President's strength lies in his determination to decide on a course of action and then stick to it.

As I watched the President deliver his speech last night, I was impressed with Mr. Reagan's consistency—the strength of his convictions.

The President's message was classic Reagan. He projected a strong feeling of confidence and hope for the future.

Once again, Mr. Reagan stood firm in his commitment to rebuild the strength of America at home and abroad.

His call for bipartisan cooperation is critically important as we face a number of challenges in the 100th Congress.

In particular, his call for reform of the current, unworkable Federal budget process and his initiatives to make us more competitive in world markets are absolutely essential for the future.

On the issue of competitiveness in international markets, I support the President's strong stand against unfair trading practices on one hand and protectionism on the other hand.

I join with my colleagues in calling for development of a trade policy that is based on the positive approach being taken by the Reagan administration to reverse the dangerous trend toward higher and higher trade deficits.

Mr. Reagan's continued support for reform of our current catastrophic health care system addresses a critically important need among millions of senior citizens nationwide.

This ongoing effort, which began with the President's call for action in his 1986 State of the Union message, is a major breakthrough in our fight to bring both public and private medical insurance programs into the 1980's.

The need for a Federal health care policy that is family-oriented and emphasizes the real needs of our senior citizens and disabled Americans is a top priority of those of us in Congress who have seen the shortcomings of the current health insurance system.

Mr. Reagan's renewed support for catastrophic health care is very important to millions of senior citizens in need of this important program.

We had reached a crossroad as a nation when Mr. Reagan took office in 1981. In a firm and consistent way, Mr. Reagan has proven that his critics were wrong about him and about his policies.

Last night, Mr. Reagan reminded us that we have come a long way together, but that we still have a number of important challenges ahead of us as a nation.

There has been a great deal said recently about the decisionmaking process within the Reagan White House. As Congress takes up the President's challenge to complete the important work we have begun, we should be equally conscious of the decisionmaking process at work within the Capitol.

We need to look toward the future, as the President has done, and take up the challenges that we face together as a nation.

I share Mr. Reagan's hope for the future, and I call upon my colleagues to fulfill the promise of cooperation and accomplishment that can be possible, if we work together.

Mr. TALLON. It is with a great sense of pride and appreciation that I join my colleagues in this special order paying tribute to the spirit and courage of the *Challenger* astronauts. On this day a year ago, seven of this Nation's brightest and best perished in the shuttle crash. It is very appropriate that we honor them with a "National Day of Excellence." The crew members of the *Challenger* represented so much of what is good about America—they were courageous, highly intelligent, and dedicated individuals.

Today, I am reminded of the words of another great American whose young life was snuffed out—President John Fitzgerald Kennedy. Speaking to the Massachusetts State Legislature, he said, "For of those to whom much is given, much is required. And when at some future date the high court of history sits in judgment on each of us, recording whether in our brief span of service we fulfilled our responsibilities to the State, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly individuals of courage? Second, were we truly individuals of judgment? Third, were we truly individuals of integrity? Finally, were we truly individuals of dedication?" We answer a resounding "yes" for the *Challenger* crew to all of these questions.

The pain of this great loss is still very much with us. We continue to search for appropriate ways to preserve the memories of our heroes. We realize all too well the difficulty and the importance of making sure that their contributions and achievements are protected so that generations of Americans can learn from their high examples.

In South Carolina and my congressional district, we have made numerous tributes to *Challenger* mission specialist, Dr. Ronald E. McNair. Dr. McNair was a native South Carolinian, he made us all very proud. Recently, Dr. McNair was named South Carolinian of the year and on Sunday, his old high school in Lake City will be renamed Ronald McNair Junior High.

Ronald McNair demanded excellence of himself in every aspect of his life. There have been many words of praise for him, many moving tributes and memorials, but I think the very best, the most fitting probably came from Ron McNair himself.

In 1984, Ron McNair was the commencement speaker for the University of South Carolina, he told the graduates:

> This is the message I would like to leave in South Carolina this afternoon. You're better than good enough.
>
> You may not come from a well-to-do background; you may not have glided through the University of South Carolina with the greatest of ease. But if you're willing to work hard, sacrifice and struggle, then I proclaim today that you're better than good enough.
>
> Don't let the world's adversity stifle your enthusiasm or blind your vision. The struggle toward excellence must ever be conducted on the high planes of self-confidence, a sense of purpose and positive thought.

Mr. YOUNG of Florida. Mr. Speaker, Congress has established today a "National Day of Excellence" in tribute to the spirit and courage of the seven *Challenger* astronauts who died so tragically 1 year ago.

Our Nation pauses not only to mourn the loss of these great American heroes, but to give thanks for the important personal qualities and lessons they imparted upon each of us. It is their sense of pride, courage, bravery, and their devotion to the pursuit of excellence that we honor today.

We have been challenged in the past year to carry on their commitment to excellence in all of our endeavors. Our space program is moving forward again toward a resumption of shuttle flights. The American people have placed a renewed emphasis on our goal to remain the world leader in new fields of science, engineering, and technology. And we realize that to achieve these goals our Nation must rededicate itself to a program of excellence in the education of our children.

The Pinellas County, FL, Classroom Teachers Association has accepted the challenge by establishing a Christa McAuliffe college scholarship fund for Pinellas County students pursuing a career in teaching. There is no more fitting memorial to Christa McAuliffe, who dedicated her life to sharing the thrill and joy of learing with her students.

The association already has awarded three scholarships to students in their freshman year at three of Florida's universities. The PCTA also has just completed another successful fundraising project to provide funds for additional scholarships in the coming year. The ultimate goal of the program is to award 4-year scholarships to defray the cost of college educations for students from each of Pinellas County's 14 high schools.

The Christa McAuliffe Scholarship Fund seeks to encourage the best and the brightest of our high school students to pursue careers in teaching. It is the inspiration of teachers that will shape our next generation of scientists, engineers, and astronauts who will continue into the next century the work of the *Challenger* crew members.

The Pinellas Classroom Teachers Association is to be commended on this "National Day of Excellence" for establishing a program that will carry forth for years to come the dedication and spirit of the *Challenger* crew.

□ 1650

NATIONAL DAY OF EXCELLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. JEFFORDS] is recognized for 15 minutes.

Mr. JEFFORDS. Mr. Speaker, I am here this evening to also participate in some sense in the recognition of the National Day of Excellence. Previous speakers have outlined dramatically as to why this day of excellence was created. I would now like to focus the attention of the Members on the solutions to our problems that we have had in the area of competitiveness and excellence.

I am pleased that the President in his State of the Union Address embraced a number of proposals to improve our competitive trade position. Specifically the President emphasized improvements in the math/science education, combatting problems of functional illiteracy, Federal support for worker retraining and relocation assistance and the need to enhance our research and development.

These are a few of the themes of a trade bill which I introduced last year. Parts of that bill that I introduced were put into H.R. 4800 which passed the House, but as we all know, did not get enacted into law. I am particularly encouraged this year by the fact that we are not predominately talking about protectionism but we are turning our attention, as the President did, to the solutions to the problems of our competitiveness. I am hopeful that this will lead, as it already has been demonstrated by our meetings this afternoon with the speaker, on how to devise bipartisan proposals to face some of the serious problems that we have in the trade area.

The "think positive, think export" theme of this kind of competitiveness revitalization is the theme that America must have if we are to try to solve some of the problems.

I am here today to try to emphasize the need for these programs and at the same time to be realistic about how we can fund them. It is one thing to talk about programs, it is another thing to put them into fact and to be able to take these difficult situations that we face and find solutions to them that we can fund and we can make workable under the strict problems we have with the severe national deficit.

In order to do this, it is important for us to find a system, a mechanism of deriving the funds that will be necessary, especially in the educational areas, which will seem fair to America. In my view it is only rational that those that benefit from the vast imports that we have, by the lower cost, should be the ones that should participate in finding the solutions to those problems. It appears to me perfectly proper for those that benefit to be those, the ones that would provide the funds necessary in order to solve the problems and not those that are suffering from the problems.

Thus I am proposing and introduced, as I did last year, a competitiveness surcharge, an ad valorem tax of not more than nine-tenths of 1 percent on all dutiable imports. This small surcharge will feed a trust fund dedicated specifically to fund programs to enhance our competitiveness. This will not run us afoul of the GATT situations. I am informed it will also raise a substantial amount of money in terms of somewhere between $3 billion and $4 billion per year. What can we do with this? As I outlined earlier, there are a number of programs which need funding.

We need to retrain and to educate our displaced workers. The administration, Secretary Brock have proposed a program in this area, and it is expensive. It is some $900 million.

We should try to help and relieve the tremendous pressures on the Pension Benefit Guaranty Corporation and the funds there which are in dire need of help, without putting more pressure on our employers who have survived to come forth to take care of the underfunded pension programs.

This is another area for those businesses which have been forced to go out of business and have heaped millions of dollars upon PBGC. We ought to find a way to fund that. Also to support our Math and Science Education Programs. Most proposals have said, "Well, you know, put a few million dollars in." Well, the problem will not be solved with a few million dollars. We have to fund it more toward its authorization level.

We have to use some sort of mechanism in funding to assist our schools to be able to take full advantage of the modern technology available in the educational area now. We have an opportunity in this country to take a leap forward in education if we take and utilize the many systems which are now available, even starting as early as kindergarten.

We must support foreign language instructions in this country. We cannot be a competitive government or a competitive force in the field of exporting if we can only speak English. We cannot any longer take the position that because we are the dominant provider of goods, that we need not learn how to be competitive in the sense of speaking languages of those that we desire to sell to.

Adult literacy problems, it has been pointed out very, very articulately in the past few weeks, in fact the past few years, the serious problems we have with adult literacy. If you have adult illiteracy, you cannot have the proper skills needed in order for the people who suffer from those skill deficiencies to be able to take meaningful part in our society and in improving our competitiveness. We need to assist in the formation of labor-management committees, to improve productivity. We need to provide support for the upgrading of research and development facilities in our colleges and universities. There are vast needs here.

Congressman Fuqua, who is no longer with us, had a bill in this past session; I adopted parts of it which became part of the trade bill; and in addition to that the White House studies have indicated a serious need here as well as hearings held by the Northeast/Midwest coalition throughout the country. We need to enhance the ability of graduate students to be able to attend graduate school without the huge loans now required to do that. We must get the colleges and universities involved in improving the economic performance in the areas which they serve.

These are just a few of the programs which must have significant funding if we are able to solve the problems of our competitiveness.

The surcharge funds would be placed in a trust fund under my scheme, earmarked for these and other programs specifically designed to improve our competitiveness and to handle our problems as a result of trade.

Goods imported into this country should help fund positive steps to improve our world trade position and help education and retrain American workers displaced by these very imports. It is only fair to have those creating our trade problems to pay for solving them. The competitive surcharge would not violate our obligations under GATT and would not violate our trade laws.

It would not require cuts in other programs to finance these important proposals. The question of whether we are serious about dealing with competitiveness depends upon our desire to fund these programs. We can talk and we can talk, but unless we come forward with funds, we will not make any progress in these critical areas.

The global competition is a basic economic reality of our time. A protectionist trade strategy may provide short-term relief but will not help enhance the long-term economic position of the United States in world trade. Education is the key to our present and future work force to face this stiff global competition.

The average American worker is likely to hold five jobs in his or her lifetime, and basic literacy skills are vital for American workers if they are to make these transitions with a minimum of destruction and displacement.

The National Commission on Jobs and Small Business, a bipartisan group of 20 business and Government leaders, estimates that during the next 5 years virtually every community in America will have to replace 50 percent of its jobs and businesses. The sheer number of workers affected in this massive economic transition makes it imperative that worker retraining and placement be a priority of any efforts to address our trade problems.

Our educational system can and must play a vital role in this national effort to prepare our work force for increasing global competition.

□ 1700

Look at the Massachusetts example. Ten years ago, the State's unemployment rate was the highest in the country as textile and leather goods industries went under. Today, the State's unemployment rate is among the Nation's lowest.

The State's schools and universities were the base from which high tech entrepreneurs replaced every one of the 225,000 jobs swept away a decade ago.

Mr. Speaker, in conclusion, with a better educated, more highly skilled workforce, America can retain and reclaim its position as a leader in world trade.

Although the programs I have mentioned are ambitious, I want to emphasize that their cost will be borne not by additional tax dollars, but from the proceeds of a competitive surcharge on dutiable imported goods. Those benefiting from our import problems should not be reluctant to pay for the solutions that are necessary to prevent those problems.

Mr. Speaker, I think it is important for us to look, not just at a political bill, but one that will mean something as we go through this Congress. I hope that this method of funding will receive the serious consideration by the appropriate committees.

SUNDRY RESCISSIONS AND DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-25)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations:

(For message, see proceedings of the Senate of today, Wednesday, January 28, 1987.)

ANNUAL REPORT OF TOURISM POLICY COUNCIL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Wednesday, January 28, 1987.)

SUBMISSION OF RULES OF THE COMMITTEE ON RULES OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, rule XI, clause 2(a) of the House of Representatives in part directs each standing committee of the House to adopt written rules governing its procedure and requires publication of those rules in the CONGRESSIONAL RECORD not later than 30 days after a new Congress convenes; for this Congress that date occurs on February 5, 1987.

Pursuant to clause 2(a) of rule XI, I submit for printing the rules of the Committee on Rules for the present Congress, adopted at the committee's organizational meeting on January 6, 1987:

RULE 1—APPLICABILITY OF HOUSE RULES

The Rules of the House of Representatives are the rules of the Committee on Rules (hereafter in these rules referred to as the "Committee") so far as applicable, together with the rules contained herein.

RULE 2—SCHEDULING AND NOTICE OF MEETINGS AND HEARINGS

REGULAR MEETINGS

(a)(1) The Committee shall regularly meet at 10:30 a.m. on Tuesday of each week when the House is in session.

(2) A Tuesday meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereafter in these rules referred to as the "Chair"), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair or by the filing of a written request, signed by a majority of the members of the Committee, with the Staff Director of the Committee.

NOTICE FOR REGULAR MEETINGS

(b) The Chair shall notify each member of the Committee of the agenda of each regular meeting or hearing of the Committee at least 48 hours before the time of the meeting or hearing and shall provide to each such member, at least 24 hours before the time of each regular meeting or hearing—

(1) for each bill or resolution scheduled on the agenda for consideration of a rule, a copy of (A) the bill or resolution,

(B) any committee reports thereon, and (C) any letter requesting a rule for the bill or resolution; and

(2) for each other bill, resolution, report, or other matter on the agenda, a copy of (A) the bill, resolution, report, or materials relating to the other matter in question, and (B) any report on the bill, resolution, report, or other matter made by any subcommittee of the Committee.

EMERGENCY MEETINGS AND HEARINGS

(c)(1) The Chair may call an emergency meeting or hearing of the Committee at any time on any measure or matter which the Chair determines to be of an emergency nature; provided, however, that the Chair has made an effort to consult the Ranking Minority Member.

(2) As soon as possible after calling an emergency meeting or hearing of the Committee, the Chair shall notify each member of the Committee of the time and location of the meeting or hearing and shall particularly make an effort to consult the Ranking Minority member of the Committee or, in such Member's absence, the next ranking minority party members of the Committee.

(3) To the extent feasible, the notice provided under paragraph (2) shall include the agenda for the emergency meeting or hearing and copies of available materials which would otherwise have been provided under subsection (b) if the emergency meeting or hearing was a regular meeting or hearing.

RULE 3—MEETING PROCEDURES

IN GENERAL

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the Ranking Majority Member of the Committee present as Acting Chair.

(2) Meetings and hearings of the Committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(3) The five-minute rule shall be observed in the interrogation of each witness before the Committee until each member of the Committee has had an opportunity to question the witness.

(4) When a recommendation is made as to the kind of rule which should be granted for consideration of a bill, or resolution, a copy of the language recommended shall be furnished to each member of the Committee at the beginning of the Committee meeting at which the rule is to be considered or as soon thereafter as the proposed language becomes available.

VOTING

(b)(1) No measure or recommendation shall be reported, deferred, or tabled by the Committee unless a majority of the members of the Committee is actually present.

(2) A rollcall vote of the Committee shall be provided on any question before the Committee upon the request of any member of the Committee.

(3) A record of the vote of each member of the Committee on each rollcall vote on any matter before the Committee shall be available for public inspection at the offices of the Committee.

(4) Notwithstanding subsection (f)(3), the members of the Committee, or one of its subcommittees, present at a meeting or hearing of the Committee or the subcommittee, respectively, may, by majority vote, limit the duration of debate, testimony, or Committee or subcommittee consideration with respect to any measure or matter before the Committee or subcommittee, respectively, or provide for such debate, testimony, or consideration to end at a time certain.

MEDIA COVERAGE OF COMMITTEE AND SUBCOMMITTEE PROCEEDINGS

(c)(1) The Committee and each of its subcommittees may permit, by majority vote for each day of an open meeting or hearing of the Committee or of that subcommittee, respectively, the coverage of that meeting or hearing, in whole or in part, by television broadcast, radio broadcast, or still photography.

(2) Any media coverage under this subsection shall be subject to all the requirements and limitations set forth in clause 3 of rule XI of the Rules of the House of Representatives, and the provisions of subparagraphs (1) through (13) of paragraph (f) of such clause are hereby incorporated as part of the rules of the Committee applicable to such coverage.

QUORUM

(d)(1) For the purpose of hearing testimony on requests for rules, five members of the Committee shall constitute a quorum.

(2) For the purpose of hearing and taking testimony on measures or matters of original jurisdiction before the Committee, three members of the Committee shall constitute a quorum.

(3) For the purpose of the Committee's ordering a measure or recommendation reported, closing any of its meetings or hearings to the public, sitting in executive session, or issuing a subpoena, a majority of the members of the Committee shall constitute a quorum.

SUBPOENAS AND OATHS

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, a subpoena may be authorized and issued by the Committee, on its own initiative or on behalf of a subcommittee thereof, in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

(2) The Chair may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee, may administer oaths to witnesses before the Committee.

HEARINGS ON RULES

(f) The following procedures shall apply, as determined by the Chair, acting on behalf of the Committee, in cooperation with the Ranking Minority Member of the Committee, to Committee meetings and hearings on rules:

(1) A measure or matter before the Committee which is determined to be non-controversial as to both type of rule and substantive content may be scheduled for consideration by the Committee without any hearing.

(2) A measure or matter before the Committee which is determined non-controversial as to substantive content but controversial as to type of rule may be the subject of a Committee hearing at which the principal proponents and opponents of the rule will be provided an opportunity to testify only as to the type of rule to be granted.

(3) A measure or matter before the Committee which is determined to be controversial as to substantive content by at least six members of the Committee will be the subject of a Committee hearing at which all interested Members of Congress who are proponents or opponents of the measure or matter will be provided a reasonable opportunity to testify.

GENERAL OVERSIGHT RESPONSIBILITY

(g)(1) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its jurisdiction.

(2) Upon direction of the Chair, the Committee shall meet to discuss and formulate oversight plans for each new Congress, as described in clause 2(c) of rule X of the Rules of the House of Representatives.

RULE 4—SUBCOMMITTEES

APPLICATION OF HOUSE AND COMMITTEE RULES

(a)(1) As provided by clause 1(a)(2) of rule XI of the Rules of the House of Representatives, subcommittees of the committee are a part of the Committee and are subject to its authority and direction.

(2) Subcommittees of the Committee shall be subject (insofar as applicable) to the Rules of the House of Representatives and, except as provided in this rule, to the rules of the Committee.

ESTABLISHMENT AND RESPONSIBILITIES OF SUBCOMMITTEES

(b)(1) There shall be two subcommittees of the Committee as follows:

(A) *Subcommittee on the Legislative Process*, which shall have general responsibility for measures or matters related to relations between the Congress and the Executive branch.

(B) *Subcommittee on Rules of the House*, which shall have general responsibility for measures or matters related to relations between the two Houses of Congress, relations between the Congress and the Judiciary, and internal operations of the House.

In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(2) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

REFERENCE OF MEASURES AND MATTERS TO SUBCOMMITTEES

(c)(1) In view of the unique procedural responsibilities of the Committee—

(A) no special order providing for the consideration of any bill or resolution shall be referred to a subcommittee of the Committee, and

(B) all other measures or matters shall be subject to consideration by the full Committee except for those measures or matters referred by the Chair to one or both subcommittees of the Committee.

(2) The Chair may refer a measure or matter, which is within the general responsibility of one of the subcommittees of the Committee, jointly or exclusively to the other subcommittee of the Committee where the Chair deems it appropriate.

(3) In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(4) The Chair or a majority of the members of the Committee may re-call for full Committee consideration any measure or matter referred to a subcommittee of the Committee.

SUBCOMMITTEE MEMBERSHIP

(d) The size and ratio of each subcommittee shall be determined by the Committee at its organizational meeting at the beginning of each Congress. Members of the Committee shall be appointed to subcommittee by the Chair in accordance with the rules applicable to each party.

SUBCOMMITTEE LEADERSHIP

(e)(1) The majority party members of the Committee shall have the right, in order of full Committee seniority, to bid to be the chairman of one of the subcommittees of the Committee. Any such bid shall be subject to approval by secret ballot of a majority of the members of the majority party caucus of the Committee. If such members reject a member's bid to chair a subcommittee, the next most senior majority member of the Committee may bid for the chair as in the first instance.

(2) The Ranking Minority Member of the Committee shall designate one of the minority party members appointed to each subcommittee of the Committee to serve as ranking minority member for that subcommittee.

SUBCOMMITTEE MEETINGS AND HEARINGS

(f)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may, without the Chair's approval, meet or hold a hearing at the same time as a meeting or hearing of the full Committee is being held.

(3) The chair of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

(4) A member of the Committee who is not a member of a particular subcommittee of the Committee may sit with the subcommittee during any of its meetings and hear-

ings, but shall not have authority to vote, cannot be counted for a quorum, and cannot raise a point of order at the meeting or hearing.

QUORUM

(g) A quorum of each subcommittee of the Committee shall consist of a majority of the members of the subcommittee for purposes of closing a meeting or hearing of the subcommittee to the public or for ordering a measure or recommendation reported to the full Committee. For all other purposes, one-third of the members of a subcommittee shall constitute a quorum. Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee.

RECORDS

(h) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 5—BUDGET AND TRAVEL

BUDGET

(a) The Chair, in consultation with other members of the Committee, shall prepare for each session of Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

TRAVEL

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

RULE 6—STAFF

IN GENERAL

(a)(1) Except as otherwise provided in this rule, a Staff Director of the Committee, professional and clerical staff of the Committee, and investigating staff of the Committee compensated from funds provided by any expense resolution, shall be appointed, and may be removed, by the Chair and shall work under the general supervision and direction of the Chair.

(2) Except for any staff appointed by the ranking minority party member of a subcommittee (pursuant to subsection (c)) or by any other minority party member of the Committee (pursuant to subsection (b)), all professional and clerical staff provided to the minority party members of the Committee under paragraphs (a)(2) and (b)(2), respectively, of clause 6 of rule XI of the Rules of the House of Representatives, shall be appointed, and may be removed, by the Ranking Minority Member of the Committee and shall work under the general supervision and direction of such Member.

ASSOCIATE STAFF

(b) Each member of the Committee is authorized to designate one person, whom the Chair shall appoint to the staff of the Committee and who shall work under the general supervision and direction of the member. The type of staff to which such a person is appointed shall be determined by the Chair, in the case of a person recommended by a majority party member, and shall be determined by the Ranking Minority Member of the Committee, in the case of a person recommended by a minority party member.

SUBCOMMITTEE STAFF

(c)(1) The chair and ranking minority member of each subcommittee of the Committee are each authorized to designate one person, whom the Chair shall appoint to the professional staff of the Committee and who shall work under the general supervision and direction of the chair or the ranking minority member, respectively, of the subcommittee.

(2) The chair may assign investigating staff of the Committee compensated from funds provided by any expense resolution to assist in work of a subcommittee of the Committee to the extent the Chair determines it to be appropriate, and any such staff to the extent so assigned shall work under the general supervision and direction of the chair of the subcommittee.

COMPENSATION OF STAFF

(d)(1) Subject to paragraph (2), the Chair shall fix the compensation of all professional, clerical, and investigating staff of the Committee, as provided by clause 6(c) of rule XI of the Rules of the House of Representatives.

(2) Compensation paid to associate staff appointed under subsection (b) shall not exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives.

CERTIFICATION OF STAFF

(e)(1) To the extent any staff member of the Committee or any of its subcommittees does not work under the supervision and direction of the Chair, the member of the Committee who supervises and directs the staff member's work shall file with the Staff Director of the Committee (not later than the tenth day of each month) a certification regarding the staff member's work for that member for the preceding calendar month.

(2) The certification required by paragraph (1) shall be in such form as the Chair may prescribe, shall identify each staff member by name, and shall state that the work engaged in by the staff member and the duties assigned to the staff member for the member of the Committee with respect to the month in question met the requirements of clause 6 of rule XI of the Rules of the House of Representatives.

(3) Any certification of staff of the Committee, or any of its subcommittees, made by the Chair in compliance with any provision of law or regulation shall be made (A) on the basis of the certifications filed under paragraph (1) to the extent the staff is not under the Chair's supervision and direction, and (B) on his own responsibility to the extent the staff is under the Chair's supervision and direction.

RULE 7—COMMITTEE ADMINISTRATION

REPORTING

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee—

(1) the Chair or Acting Chair shall report it to the House or designate a member of the Committee to do so, and

(2) in the case of a bill or resolution in which the Committee has original jurisdiction, the Chair shall allow, to the extent that the anticipated floor schedule permits, any member of the Committee a reasonable amount of time to submit views for inclusion in the Committee report on the bill or resolution.

Any such report shall contain all matters required by the Rules of the House of Representatives (or by any provision of law enacted as an exercise of the rulemaking power of the House) and such other information as the Chair deems appropriate.

RECORDS

(b)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the members of the Committee requests such printing.

(2) The minutes of each executive meeting of the Committee shall be available to all Members of the House of Representatives in compliance with clause 2(e)(2) of rule XI of the Rules of the House of Representatives.

(3) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House of Representatives and shall be available for public inspection at reasonable times in the offices of the Committee.

CALENDARS

(c)(1) The Committee shall maintain a Committee Calendar, which shall include all bills, resolutions, and other matters referred to or reported by the Committee and all bills, resolutions, and other matters reported by any other Committee on which a rule has been granted or formally requested. The Calendar shall contain (A) the number, a brief description, and the name of the principal sponsoring Member of each such bill or resolution, (B) the name of the committee or committees which reported such bill or resolution (in the case of measures on which a rule has been granted or formally requested), and (C) such further information as the Chair may direct. The Calendar shall be published periodically, but in no case less often than once in each session of Congress.

(2) The staff of the Committee shall furnish each member of the Committee with a list of all bills or resolutions on which a rule has been formally requested but not yet granted. The list shall be updated each week when the House is in session and shall contain (A) the number, a brief description, and the name of the principal sponsoring Member, of each such bill or resolution, (B) the name of the committee or committees which reported such bill or resolution and the dates of such reports, (C) the date on which a rule was formally requested, and (D) a description (if any) of the rule requested by each such committee.

(3) For purposes of paragraphs (1) and (2), a rule is considered as formally requested

when the chairman of a committee which has reported a bill or resolution (or a member of such committee authorized to act on the chairman's behalf) (A) has requested, in writing to the Chair, that a hearing be scheduled on a rule for the consideration of the bill or resolution, and (B) has supplied the Committee with an adequate number of copies of the bill or resolution, as reported, together with the final printed committee report thereon.

OTHER PROCEDURES

(d) The Chair may establish such other Committee procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee and its subcommittees.

RULE 8—AMENDMENTS TO COMMITTEE RULES

The rules of the Committee may be modified, amended, or repealed by a vote of a majority vote of its members, but only if written notice of the proposed change has been provided to each such member at least 48 hours before the time of the meeting at which the vote on the change occurs.

SUBMISSION OF RULES OF THE SELECT COMMITTEE TO INVESTIGATE COVERT ARMS TRANSACTIONS WITH IRAN OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. HAMILTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMILTON. Mr. Speaker, pursuant to rule XI, clause 2(a) of the House of Representatives, I present the rules of the Select Committee To Investigate Covert Arms Transactions With Iran for the 100th Congress, as follows:

RULES OF PROCEDURE OF THE HOUSE SELECT COMMITTEE TO INVESTIGATE COVERT ARMS TRANSACTIONS WITH IRAN

RULE 1. RULES

1.1 The provisions of House Resolution 12, 100th Congress, 1st Session, establishing this committee, and the Rules of the House of Representatives where not inconsistent therewith, are the rules of the committee, together with these Rules.

1.2 These Rules may be modified, amended, or repealed by the committee, provided that a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. Notwithstanding the provisions of Rule 3, proxies may not be used in any vote to modify, amend, adopt, or repeal any rule of the committee. The changes shall become effective immediately and shall be published in the Congressional Record.

RULE 2. CONVENING OF MEETINGS

2.1 The committee may schedule a regular day and hour to meet.

2.2 The chairman shall have authority, upon proper notice, to call such additional meetings of the committee as he may deem necessary, and to dispense with regular meetings when, in his judgment, there is no need therefor, and may delegate such authority to the vice chairman or to any other member of the committee.

2.3 A majority of the members of the committee may call a special meeting for a specific matter pursuant to the procedures specified in House Rule XI(2)(c)(2).

2.4 In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C., and at least 48 hours in the case of any meeting held outside Washington, D.C.

RULE 3. MEETING PROCEDURES

3.1 Five members of the select committee shall constitute a quorum for the transaction of business other than the reporting of a matter, which shall require a majority of the committee to be actually present, except that two members shall constitute a quorum for the purpose of hearings to take testimony.

3.2 All meetings or hearings of the committee shall be conducted in open session, unless a majority of members of the select committee voting, there being in attendance at least two members of the committee, vote to close a meeting or hearing.

3.3 When a quorum for any particular purpose is present, general proxies may be counted for that purpose. Proxies may be general or may be limited to specific matters. A vote by any member of the committee with respect to any matter being considered may be cast by proxy if the proxy authorization is in writing, asserts that the member is absent on official business or is otherwise unable to be present, and designates the member or alternate member who is to execute the proxy authorization. Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time that the proxy is signed. Proxies shall be effective at the session for which they are provided, or if that session is rescheduled, at the rescheduled session. Proxies shall not reduce the quorum required for reporting contempt matters and will not be counted toward the two-thirds minimum requirement pursuant to 18 U.S.C. § 6005 needed to seek an immunity order.

3.4 It shall be the duty of a staff officer designated by the chairman to keep or cause to be kept a stenographic record of all committee proceedings. All transcripts, affidavits, and depositions, and copies and extracts thereof, shall be the property of the select committee, and not of the witnesses.

3.5 The chairman, or in his absence the vice chairman, or in their absence a member designated by the chairman, shall preside over all meetings and hearings of the committee.

RULE 4. SUBPOENAS

4.1 Unless otherwise determined by the select committee the chairman, upon consultation with the ranking minority member, shall authorize and issue subpoenas. In addition, the select committee may itself vote to authorize and issue subpoenas. Subpoenas shall be issued under the seal of the House and attested by the Clerk, and may be served by any persons designated by the chairman or any member. Subpoenas shall be issued upon the chairman's signature or that of a member designated by him or by the committee.

4.2 Orders for the furnishing of information by interrogatory, the inspecting of locations and systems of records upon notice except in exigent circumstances, the obtaining of evidence in other countries by means of letters rogatory or otherwise, and the other process for obtaining information available to the committee, shall be authorized and issued by the chairman, upon consultation with the ranking minority member, or by the select committee. Requests for investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the federal government, shall be made by the chairman, upon consultation with the ranking minority member, or by the committee.

4.3 Provisions may be included in the process of the committee to prevent the disclosure of committee demands for information, when deemed necessary for the security of information or the progress of the investigation by the chairman or member designated by him or the committee, such as requiring that companies receiving subpoenas for financial or toll records make no disclosure to customers regarding the subpoena for ninety days or prohibiting the revelation by witnesses and their counsel of committee inquiries.

4.4 A subpoena duces tecum may be issued whose return shall occur at a time and place other than that of a regularly scheduled meeting. Upon the return of such a subpoena, the chairman or vice chairman, or in their absence the ranking member of the majority party who is present, on two hours' telephonic notice to all other committee members, may convene a hearing for the sole purpose of elucidating further information about the return on the subpoena and deciding any objections to the subpoena.

RULE 5. BROADCASTING, TELEVISION, AND PHOTOGRAPHY

5.1 Whenever any hearing or meeting conducted by the committee is open to the public, the committee may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, under the following rules:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) Broadcast and photographic coverage of testimony of subpoenaed witnesses will, at their request, not be permitted, unless a majority of members of the committee voting, there being in attendance the requisite number required for the conduct of business, vote otherwise.

(3) The chairman may set limits on the number of television cameras, all operating from fixed positions, that shall be permitted in a hearing room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee, or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from the hearing room while the committee is in session.

(7) Floodlights, spotlights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage of the hearing at the current state of the art of television coverage.

(8) The chairman may set limits on the number of press photographers permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than the limit set for the chairman for coverage of the hearing by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the committee members.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 6. TAKING OF TESTIMONY AT HEARINGS

6.1 Witnesses required to appear before the committee shall be given, absent extraordinary circumstances, at least forty-eight hours' notice and all witnesses shall be furnished with a copy of these rules.

6.2 All witnesses at public or executive hearings who testify to matters of fact shall be sworn unless the committee provides otherwise.

6.3 Members of the committee who so desire shall have not to exceed five minutes to interrogate each witness until such time as each member has had an opportunity to interrogate such witness. The presiding member, in consultation with the ranking minority member present, may establish a format for additional or sustained questioning of any witness by the chair or otherwise.

6.4 Personal counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he is testifying on his legal rights. The presiding member may require that the witness not be accompanied by anyone except such personal counsel.

6.5 The chairman, upon consultation with the ranking minority member, if he deems it necessary to maintain the security of classified subjects being discussed at closed hearings, may require that any personal counsel be qualified by having appropriate clearance, and that the witness or counsel, or both, execute nondisclosure agreements with the committee.

6.6 A witness who is unable to obtain counsel, or to obtain counsel with requisite clearance, may inform the committee of such fact, and if, consistent with the notice given under section 6.1 hereof the committee is so informed at least 24 hours prior to the witness' appearance, the committee shall then endeavor to obtain voluntary counsel for the witness. Such counsel shall act solely for the witness and not the committee. Failure to obtain qualified counsel will not excuse the witness from appearing and testifying.

6.7 Counsel shall conduct themselves in an ethical and professional manner. The presiding member may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings, and the committee may cite the offender to the House for contempt. If counsel is excluded, the provisions of Rule 6.6 hereof for a witness who is unable to obtain qualified counsel shall apply.

6.8 Any witness desiring to make an introductory statement in executive or public hearings shall file a copy of such statement with the chairman or clerk of the committee 48 hours in advance of the hearings at which the statement is to be presented unless the presiding member waives this requirement. The presiding member shall reduce the 48 hours proportionately for witnesses who receive less than 72 hours notice of the hearing. The presiding member shall determine whether such statement may be read or placed in the record of the hearing.

6.9 An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. A witness may obtain a transcript copy of his testimony given at a public session. If the witness testified at an executive session, the record of his testimony shall be made available for inspection by the witness and his counsel, and the chairman may authorize provision of a copy to the witness or his counsel if such testimony does not include classified information.

6.10 Whenever it is asserted that the evidence or testimony at any investigatory hearings may tend to defame, degrade, or incriminate any person, the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses. Otherwise, the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses. In the case of persons so mentioned or identified at public sessions, a request to appear personally or to subpoena additional witnesses before the committee shall be considered untimely if it is not received by the chairman in writing on or before fifteen days subsequent to the day on which said person's name was mentioned or otherwise specifically identified during a public hearing held before the committee, unless the chairman waives this requirement.

6.11 No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee, which shall require a vote, counting proxy votes, of a majority of the members of the committee.

6.12 In the presiding member's discretion, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The presiding member may condition the filing of such a sworn statement upon the offeror's agreeing to appear personally before the committee and to testify concerning the matters contained in his sworn statement, as well as any other matters related to the subject of the investigation before the committee.

RULE 7. AFFIDAVITS AND DEPOSITIONS

7.1 Unless otherwise determined by the select committee the chairman, upon consultation with the ranking minority member, or the select committee, may authorize the taking of affidavits, and of depositions pursuant to notice or subpoena. Such authorization may occur on a case-by-case basis, or by instructions to take a series of affidavits of depositions. The chairman may either issue the deposition notices himself, or direct the chief counsel to do so. Notices for the taking of depositions shall specify a time and place for examination. Affidavits and depositions shall be taken under oath administered by a member or a person otherwise authorized by law to administer oaths.

7.2 The committee shall not initiate procedures leading to contempt proceedings in the event a witness fails to appear at a deposition unless the deposition notice was accompanied by a committee subpoena authorized and issued by the chairman or the committee pursuant to Rule 4 hereof regarding subpoenas.

7.3 Witnesses may be accompanied at a deposition by personal counsel to advise them of their rights, subject to the provisions of Rules 6.4, 6.5, 6.6. and 6.7 hereof. Absent special permission or instructions from the chairman, no one may be present in depositions except members, staff designated by the chairman, an official reporter, the witness and any personal counsel; observers or counsel for other persons or for the agencies under investigation may not attend.

7.4 Witnesses shall be examined in depositions by a member or members or by staff designated by the chairman. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to answer, the members or staff may proceed with the deposition, or may obtain, at that time or at a subsequent time, a ruling on the objection by telephone or otherwise from the chairman or his designee. The committee shall not initiate procedures leading to contempt for refusals to answer questions at a deposition unless the witness refuses to testify after his objection has been overruled and after he has been ordered and directed to answer by the chairman or his designee upon consultation with the ranking minority member or his designee.

7.5 The committee staff shall insure that the testimony is either transcribed or electronically recorded, or both. If a witness's testimony is transcribed, he shall be furnished with an opportunity to review a copy. No later than five days thereafter, the staff shall enter the changes, if any, requested by the witness, with a statement of the witness's reasons for the changes, and the witness shall be instructed to sign the transcript. The individual administering the oath, if other than a Member, shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, D.C. Affidavits and depositions shall be deemed to have been taken in Washington, D.C. once filed there with the clerk of the committee for the committee's use.

7.6 Unless otherwise directed by the committee, all depositions, affidavits, and other materials received in the investigation shall be considered nonpublic until received by the select committee. Once received by the select committee, use of such materials shall be governed by the select committee rules. All such material shall, unless otherwise directed by the committee, be available for use by the members of the select committee in open session; provided, that classified information or material shall not be used in open session except as permitted by the committee, which shall require a vote, counting proxy votes, of a majority of the members of the committee.

RULE 8. PROCEDURES FOR HANDLING OF CLASSIFIED OR SENSITIVE MATERIALS

8.1 Committee staff offices shall operate under strict security precautions. The chairman shall request the Permanent Select Committee on Intelligence and the Clerk and Sergeant at Arms to provide assistance necessary to insure strict security. Sensitive or classified documents and material shall be segregated and stored in an appropriately secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the committee offices of such documents and other materials are prohibited except as is necessary for authorized use in, or preparation for, interviews, depositions, or committee meetings or hearings.

8.2 Each member of the committee shall at all times have access to all papers and other materials received from any source. The chief counsel or staff director, as designated by the chairman, shall be responsible for the control, under appropriate security procedures, of all classified papers and other classified materials in the possession of the committee, and for the maintenance, under such procedures, of a registry which will number and identify all such materials. Such registry shall be available to any member of the committee.

8.3 Access by staff to classified information supplied to the committee shall be limited on a need-to-know basis, pursuant to instructions of the chairman, acting in consultation with the ranking minority member, either on a case-by-case basis or by general instructions to the chief counsel or staff director. All staff with such access shall be required to have appropriate security clearance. The chief counsel or staff director shall maintain a list of those staff, including associate staff, who may attend executive sessions and have access to classified materials. The names of such associate staff shall be entered by the chief counsel or staff director on the list only after the committee member has designated the staff members in writing, and the staff members have been determined by the chairman, in consultation with the ranking minority member, to have an appropriate security clearance.

8.4 The chairman, in consultation with the ranking minority member, may limit staff attendance at certain executive sessions, and staff access to certain categories of classified materials, which involve matters of particularly high sensitivity.

8.5 Members who are not members of the committee shall be granted access to such hearings, records, data, charts and files of the committee and shall be admitted on a nonparticipatory basis to hearings of the committee which involve classified material, apart from material otherwise restricted by the committee, on the basis of the following provisions:

(1) Members who desire to examine materials in the possession of the committee or to attend committee hearings on a nonparticipatory basis should notify the clerk of the committee in writing.

(2) Each such request by a member must be considered by the committee, a quorum for the reporting of a matter being present, at the earliest practicable opportunity. The committee must determine by record vote whatever action it deems necessary in light of all the circumstances of each individual request. The committee shall take into account in its deliberations, such considerations as the sensitivity of the information sought to the national defense or the confidential conduct of the foreign relations of the United States, the likelihood of its being directly or indirectly disclosed, the jurisdictional interest of the member making the request and such other concerns—constitutional or otherwise—as affect the public interest of the United States. Such actions as the committee may take include, but are not limited to: (i) approving the request, in whole or part; (ii) denying the request; (iii) providing in different form that requested information or material which is the subject of the request.

(3) In matters touching on such requests, the committee may, in its discretion, consult the Director of Central Intelligence and such other officials as it may deem necessary.

(4) In the event that the member making the request in question does not accede to the determination or any part thereof of the committee as regards the request, that member should notify the committee in writing of the grounds for such disagreement. The committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, it will take.

(5) Members examining material pursuant to this rule shall be prohibited to disclose the material further, and every member shall be furnished a copy of this rule prior to examining such material.

8.6 The committee may direct that particular matters or classes of matter shall not be made available to any person by its members, staff, or others, or may impose any other restriction. Classified information or classified material possessed or controlled by the committee, or information deemed sensitive by the committee shall not be made available to any person by its members or staff except by vote of the committee, which shall require a vote, counting proxy votes, of a majority of the members of the committee.

8.7 The chairman and ranking minority member shall be authorized to insure that the Speaker and Minority Leader are fully informed regarding the investigation, any other provisions of these rules notwithstanding.

RULE 9. STAFF, DETAILEES, AND CONSULTANTS

9.1 All staff of the committee shall be appointed by the chairman, either by hiring, contracting, detailing, or pursuant to Rule 9.4. Upon termination of employment by the committee, each member of the staff, or consultant, shall surrender all classified and other material relating to the work of the committee which came into his possession while in the employ of the committee.

9.2 In the event of an unauthorized release of information or other violation the chairman or the committee may refer the matter to the House Committee on Standards of Official Conduct. Nothing in these rules shall be construed to abridge the right of a Member to make or transmit a complaint to the Committee on the Standards of Official Conduct, or shall be construed to expand the authority of that committee, over matters related to the conduct of this committee's investigation pursuant to House Resolution 12, beyond what that resolution provides. The employment of any member of the staff or consultant who fails to conform to any of these Rules may be immediately terminated.

9.3 The chairman shall have the authority to utilize the services, information, facilities, and personnel of the departments and agencies of the government, including personnel of the General Accounting Office pursuant to section 734(a) of Title 31, United State Code. Requests by the chairman may specify by name, or describe otherwise, the personnel to be detailed.

9.4 Upon request of the chairman, staff of the House, or of House or joint committees, at the direction of their members, committee chairman, or the Speaker, as appropriate, may serve as associate staff to the select committee for designated purposes starting with their appointment by the chairman.

9.5 All travel, including foreign travel, shall be approved by the chairman.

9.6 The chairman shall have the authority to procure the temporary or intermittent services of experts or consultants or organizations thereof to make studies or assist or advise the subcommittee with respect to any matter under investigation. Associate staff, government personnel detailed to the subcommittee, and consultants, shall be deemed staff of the select committee to the extent necessary for the purposes of their designated association, detail, or consultancy, including the purposes of interrogation of witnesses and security of information under Rules 5, 6, 7, 8 and 9 hereof.

9.7 The chairman, upon consultation with the ranking minority member, may establish such additional personnel, physical, communications, and document security procedures, not inconsistent with these rules, as he deems necessary to safeguard classified information or materials possessed or controlled by the select committee.

9.7 No member of the committee staff shall be employed by or detailed or otherwise assigned to the committee unless and until he agrees in writing, as a condition of employment, with regard to any classified information which comes into such person's possession either while a member of the committee staff or by virtue of such position:

(a) not to disclose such information either while a member of the committee staff or at any time thereafter;

(b) in response to any request for testimony about such information, to provide notice to, and not to disclose such information,

except as directed by the committee in accordance with these rules, or after the committee's termination, in such manner as may be determined by the House.

SUBMISSION OF RULES OF THE COMMITTEE ON FOREIGN AFFAIRS OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, pursuant to the requirements of clause 2(a) of rule XXI of the House of Representatives, I submit herewith the rules of the Committee on Foreign Affairs for the 100th Congress for printing in the RECORD.

These rules were adopted by the Committee on Foreign Affairs in open session on January 21, 1987.

RULES OF THE COMMITTEE ON FOREIGN AFFAIRS, 100TH CONGRESS

(Adopted January 21, 1987)

1. GENERAL PROVISIONS

The Rules of the House, and in particular, the committee rules enumerated in Clause 2 of Rule XI, are the rules of the Committee on Foreign Affairs, to the extent applicable. The Chairman shall consult the Ranking Minority Member to the extent possible with respect to the business of the Committee. Each subcommittee of the Committee on Foreign Affairs (hereinafter referred to as the "Committee") is a part of the Committee and is subject to the authority and direction of the Committee, and to its rules to the extent applicable.

2. DATE OF MEETING

The regular meeting date of the Committee shall be the first Tuesday of every month when the House is in session pursuant to Clause 2(b) of Rule XI of the House. Additional meetings may be called by the Chairman as he may deem necessary or at the request of a minority of the Members of the Committee in accordance with Clause 2(c) of Rule XI of the House of Representatives.

The determination of the business to be considered at each meeting shall be made by the Chairman subject to Clause 2(c) of Rule XI of the House of Representatives.

A regular scheduled meeting need not be held if there is no business to be considered.

3. QUORUM

For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

One-third of the Members of the Committee shall constitute a quorum for taking any action, with the following exceptions: (1) Reporting a measure of recommendations, (2) closing Committee meetings and hearings to the public, and (3) authorizing the issuance of subpoenas.

No measure or recommendations shall be reported to the House unless a majority of the Committee is actually present.

4. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Each meeting for the transaction of business, including the markup of legislation, of the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. No person other than Members of the Committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This subsection does not apply to open Committee hearings which are provided for by subsection (b) of this rule or any meeting that relates solely to internal budget or personnel matters.

(b)(1) Each hearing conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony—

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate paragraph (2) of this subsection; or

(B) may vote to close the hearing, as provided in paragraph (2) of this subsection.

(2) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person—

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (1) of this subsection if by a majority of those present, there being in attendance the requiste number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the Committee or subcommittee shall proceed to receive such testimony in open session only if a majority of the Members, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(3) No Member of the House may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee unless the House of Representatives has by majority vote authorized the Committee or subcommittee, for purposes of a particular series of hearings, on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public.

(4) The Committee or a subcommittee may by the procedure designated in this subsection vote to close 1 subsequent day of hearing.

(c) No congressional staff person shall be present at any meeting or hearing of the Committee or a subcommittee which has been closed to the public, and at which classified information will be involved, unless such person is authorized access to such classified information in accordance with Rule 20.

5. ANNOUNCEMENT OF HEARINGS AND MARKUPS

Public announcement shall be made of the date, place, and subject matter of any hearing or markup to be conducted by the Committee or a subcommittee at least 1 week before the commencement of that hearing or markup unless the Committee or subcommittee determines that there is good cause to begin meeting at an earlier date. Such determination may be made with respect to any hearing or markup by the Chairman or subcommittee chairman, as appropriate.

Public announcement of all hearings and markups shall be made at the earliest possible date and shall be published in the Daily Digest portion of the CONGRESSIONAL RECORD, and promptly entered into the committee scheduling service of the House Information Systems.

Members shall be notified by the Chief of Staff, whenever it is practicable, 1 week in advance of all meetings (including markups and hearings) and briefings of subcommittees and of the full Committee.

The agenda for each Committee and subcommittee meeting, setting out all items of business to be considered, including a copy of any bill or other document scheduled for markup, shall be furnished to each Committee or subcommittee Member by delivery to the Member's office at least 2 full calendar days (excluding Saturday, Sundays, and legal holidays) before the meeting, whenever possible.

6. WITNESSES

A. Interrogation of witnesses

Insofar as practicable, witnesses shall be permitted to present their oral statements without interruption, questioning by the Committee Members taking place afterward. In recognizing Members, the Chairman may give preference to the Members on the basis of their arrival at the hearing, taking into consideration the majority and minority ratio of the Members actually present. A Member desiring to speak or ask a question shall address the Chairman and not the witness in order to insure orderly procedure.

Each Member may interrogate the witness for 5 minutes, the reply of the witness being included in the 5-minute period. After all Members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

The Chairman shall take note of Members who are in their chairs when each day's hearing begins and insofar as practicable, when the time occurs for interrogation, shall recognize each such Member ahead of all others.

B. Statements of witnesses

So far as practicable, each witness shall file with the Committee, 48 hours in advance of his appearance, a written statement of his proposed testimony and shall make a brief oral summary of his views.

7. PREPARATION AND MAINTENANCE OF COMMITTEE RECORDS

An accurate stenographic record shall be made of all hearings and markup sessions. Members of the Committee and any witness may examine the transcript of his or her own remarks and may make any grammatical or technical changes that do not substantially alter the record. Any such Member or witness shall return the transcript to the Committee offices within 5 calendar days (not including Saturdays, Sundays, and legal holidays) after receipt of the transcript, or as soon thereafter as is practicable.

Any information supplied for the record at the request of a Member of the Committee shall be provided to the Member when received by the Committee.

Transcripts of hearings and markup sessions (except for the record of a meeting or hearing which is closed to the public) shall be printed as soon as is practicable after receipt of the corrected versions, except that the Chairman may order the transcript of a hearing to be printed without the corrections of a Member or witness if the Chairman determines that such Member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

8. EXTRANEOUS MATERIAL IN COMMITTEE HEARINGS

No extraneous material shall be printed in either body or appendixes to any Committee or subcommittee hearing, except matter which has been accepted for inclusion in the record during the hearing. Copies of bills and other legislation under consideration and responses to written questions submitted by Members shall not be considered extraneous material.

Extraneous material in either the body or appendixes to any hearing to be printed which would be in excess of eight printed pages (for any one submission) shall be accompanied by a written request to the Chairman, such written request to contain an estimate in writing from the Public Printer of the probable cost of publishing such material.

9. PUBLIC ANNOUNCEMENT OF COMMITTEE VOTES

The result of each rollcall vote in any meeting of the Committee shall be made available for inspection by the public at reasonable times at the Committee offices—including a description of the amendment, motion, order, or other proposition; the name of each Member voting for and against and whether by proxy or in person; and the Members present but not voting.

A rollcall vote shall be ordered on any question at the request of 20 percent of those present.

10. PROXIES

Proxy voting is permitted in the Committee and in subcommittees only under the following conditions:

The proxy authorization—

(a) Shall be in writing;

(b) Shall assert that the Member is absent on official business or is otherwise unable to be present at the meeting; and

(c) Shall be limited to a motion to report a bill or a resolution.

Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies are not counted for a quorum.

11. PRIOR APPROVAL OF REPORTS

No Committee, subcommittee, or staff report, study, or other document which purports to express publicly the views, findings, conclusions, or recommendations of the Committee or the subcommittee may be released to the public or filed with the Clerk of the House unless approved by a majority of the Members of the Committee or subcommittee, as appropriate. In any case in which Clause 2(l)(5) of House Rule XI does not apply; each Member of the Committee or subcommittee shall be given an opportunity to have views or a disclaimer included as part of the material filed or released, as the case may be.

12. REPORTING BILLS AND RESOLUTIONS

Except in unusual circumstances, bills and resolutions will not be considered by the Committee unless and until the appropriate subcommittee has recommended the bill or resolution for Committee action, and will not be taken to the House for action unless and until the Committee has ordered reported such bill or resolution, a quorum being present. Unusual circumstances will be determined by the Chairman of the Committee, after consultation with such Members of the Committee as the Chairman deems appropriate.

13. STAFF SERVICES

The Committee staff shall be selected and organized so that it can provide a comprehensive range of professional services in the field of foreign affairs to the Committee, the subcommittees, and all its Members.

The staff shall include persons with training and experience in foreign affairs who have a variety of backgrounds and skills so as to make available to the Committee services of individuals who have a first-hand acquaintance with major countries and areas and with major aspects of U.S. overseas programs and operations.

It is intended that the skills and experience of all members of the Committee staff shall be available to all Members of the Committee.

(a) The professional and clerical employees of the Committee, except those assigned to the minority or to a subcommittee as provided below, shall be appointed, and may be removed, by the Chairman with the approval of the majority of the Members of the Committee. Their remuneration shall be fixed by the Chairman within the ceilings set in Clause 6(c) of Rule XI, and they shall be under the general supervision and direction of the Chairman. Staff assignments are to be authorized by the Chairman or by the Chief of Staff under the direction of the Chairman.

(b) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined as the minority Members of the Committee shall determine within the general ceiling in Clause 6(c) of Rule XI: *Provided, however,* That no minority staff person shall be compensated at a rate which exceeds that paid his or her majority party staff counterpart. Such staff shall be under the general supervision and direction of the ranking minority Member with the approval or consultation of the minority Members of the Committee.

(c) In the matter of subcommittee staffing:

(1) The chairman of each standing subcommittee of this Committee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) The ranking minority Member of each of six standing subcommittees on this Committee is authorized to appoint one staff person who shall serve at the pleasure of said ranking minority Member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed (A) 75 per centum of the maximum established in Paragraph (c) of Clause 6 of Rule XI of the Rules of the House or (B) the rate paid the staff member appointed pursuant to subparagraph (1) of this paragraph.

(4) No Member shall appoint more than one person pursuant to the above provisions.

(5) The staff positions made available to the ranking minority party Members pursuant to subparagraph (2) of this paragraph shall be made available from the staff positions provided under Clause 6 of Rule XI of the Rules of the House.

14. NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) The full Committee will handle the markup and reporting of general legislation relating to foreign assistance (including development assistance security-related aid, and Public Law 480 programs abroad) or relating to the Peace Corps. Regional subcommittees will have responsibility with respect to foreign assistance as follows:

(1) The annual legislative programs of foreign assistance for each region shall be referred to the appropriate subcommittee for review and legislative recommendations, within a time frame to be set by the Committee.

(2) Those subcommittees shall be responsible for ongoing oversight of all foreign assistance activities affecting their region.

(3) Those subcommittees shall have the responsibility of annually reporting to the full Committee, on a timely basis, the findings and conclusions of their oversight, including specific recommendations for legislation relating to foreign assistance.

(b) There shall be eight standing subcommittees. The names and jurisdiction of those subcommittees shall be as follows:

A. Functional subcommittees

There shall be four subcommittees with functional jurisdiction:

Subcommittee on Arms Control, International Security and Science.—To deal with national security and scientific developments affecting foreign policy; strategic planning and agreements; war powers and executive agreements legislation; Arms Control and Disarmament Agency and all aspects of arms control and disarmament with particular emphasis on the investigation and evaluation of arms control and disarmament proposals and concepts; security aspects of nuclear technology and materials; international terrorism with special focus on the U.S. Government's policies and programs for combatting international terrorist movements and actions; oversight of military aspects of foreign policy and foreign intelligence; and oversight of State and Defense Department activities involving arms transfers, arms export licenses, administration of security assistance, arms sales, foreign military training and advisory programs, and conventional arms control.

Subcommittee on International Operations.—To deal with Department of State and U.S. Information Agency operations and legislation; the diplomatic service; international education and cultural affairs; foreign buildings; international terrorism with special emphasis on policies and programs relating to the enhancement of embassy security and the protection of U.S. personnel and institutions abroad; parliamentary conferences and exchanges; protection of American citizens abroad; international broadcasting; and international communication and information policy.

Subcommittee on International Economic Policy and Trade.—To deal with measures relating to international economic and trade policy; measures to foster commercial intercourse with foreign countries; export administration; international investment policy; trade and economic aspects of nuclear technology and materials and international communication and information policy; legislation pertaining to and oversight of the Overseas Private Investment Corporation; commodity agreements; and special oversight of international financial and monetary institutions, the Export-Import Bank, and customs.

Subcommittee on Human Rights and International Organizations.—To deal with oversight of, and legislation pertaining to, the United Nations, its related agencies, and other international organizations; international law; implementation of the Universal Declaration of Human Rights and other matters relating to internationally recognized human rights generally; the American Red Cross; international environmental policy; and oversight of international fishing agreements.

B. Regional subcommittee

There shall be four subcommittees with regional jurisdiction: Subcommittee on Europe and the Middle East; Subcommittee on Asian and Pacific Affairs (including South Asia); Subcommittee on Western Hemisphere Affairs; and the Subcommittee on Africa.

In addition to the responsibilities provided by subsection (a) of this rule, the regional subcommittees shall have jurisdiction over the following:

(1) Matters affecting the political relations between the United States and other countries and regions, including resolutions or other legislative measures directed to such relations.

(2) Legislation with respect to disaster assistance outside the Foreign Assistance Act, boundary issues, and international claims.

(3) Legislation with respect to region- or country-specific loans or other financial relations outside the Foreign Assistance Act.

(4) Resolutions of disapproval under section 36(b) of the Arms Export Control Act, with respect to foreign military sales.

(5) Oversight of regional lending institutions.

(6) Identification and development of options for meeting future problems and issues relating to U.S. interests in the region.

(7) Environmental, population, and energy affairs affecting the region.

(8) Base agreements and regional security pacts.

(9) Oversight of matters relating to parliamentary conferences and exchanges involving the region.

(10) Concurrent oversight jurisdiction with respect to matters assigned to the functional subcommittees insofar as they may affect the region.

15. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other subcommittee chairmen, with a view toward avoiding simultaneous scheduling of Committee or subcommittee meetings or hearings whenever possible. It shall be the practice of the Committee that meetings of subcommittees not be scheduled to occur simultaneously with meetings of the full Committee.

In order to insure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the Chairman through the Chief of Staff of the Committee.

The Chairman and the ranking minority Member of the full Committee may attend the meetings and participate in the activities of all subcommittees, except for voting and being counted for a quorum.

16. REFERRAL OF BILLS BY CHAIRMAN

All legislation and other matters referred to the Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within 2 weeks, unless by majority vote of the majority party Members of the full Committee, consideration is to be otherwise effected. Any subcommittee chairman who believes that the subcommittee has jurisdiction over the legislation or other matter may so notify the Chairman within the 2-week period.

The Chairman may designate a subcommittee chairman or other Member to take responsibility as "floor manager" of a bill during its consideration in the House.

17. PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

The majority party caucus of the Committee shall determine an appropriate ratio of majority to minority party Members for each subcommittee: *Provided, however,* That party representation on each subcommittee or conference committee shall be no less favorable to the majority party than the ratio for the full Committee. The Chairman of the full Committee and the ranking minority Member are authorized to negotiate matters affecting such ratios including the size of subcommittees and conference committees.

18. SUBCOMMITTEE BUDGETS AND RECORDS

(a) Each subcommittee shall have an adequate budget to discharge its responsibility for legislation and oversight.

(b) In order to facilitate Committee compliance with Paragraph (e)(1) of Clause 2, Rule XI, each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be promptly made available to the full Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those Members present but not voting.

All subcommittee hearings, records, data, charts, and files shall be kept distinct from the congressional office records of the Member serving as chairman of the subcommittee. Such records shall be coordinated with the records of the full Committee, shall be the property of the House, and all Members of the House shall have access thereto.

19. MEETINGS OF SUBCOMMITTEE CHAIRMEN

The subcommittee chairmen shall meet on a regularly scheduled basis to be determined by the subcommittee chairmen, but in any event not less frequently than once a month. Such a meeting need not be held if there is no business to conduct. It shall be the practice at such meetings to review the current agenda and activities of each of the subcommittees. Each majority party Member of the Committee shall have the right to attend such meetings.

20. ACCESS TO CLASSIFIED INFORMATION

It shall be the policy of the Committee to afford access to classified information under its control for its own Members and other Members of the House of Representatives.

AUTHORIZED PERSONS.—In accordance with the stipulations of the House Rules, all Members of the House shall be construed to be persons authorized to have access to classified information within the possession of the Committee.

Members of the Committee staff shall be construed to be authorized access to classified information within the possession of the Committee (1) when they have the proper clearances, and (2) when they have a demonstrable "need to know". The decision on whether a given staff member has a "need to know" will be made on the following basis:

(a) In the case of the full Committee majority staff, by the Chairman, acting through the Chief of Staff;

(b) In the case of the full Committee minority staff, by the ranking minority Member of the Committee, acting through the Minority Chief of Staff;

(c) In the case of subcommittee majority staff, by the Chairman of the subcommittee;

(d) In the case of the subcommittee minority staff, by the ranking minority Member of the subcommittee.

No other individuals shall be considered authorized persons, unless so designated by the Committee Chairman.

Designated persons.—Each Committee Member is permitted to designate one member of his or her staff as having the right of access to classified information in the "confidential" category. Such designated persons must have the proper security clearance and a "need to know" as determined by his or her principal. Upon request of a Committee Member in specific instances, a designated person also shall be permitted access to information classified "secret" which has been furnished to the Committee pursuant to section 36(b) of the Arms Export Control Act, as amended. Designation of a staff person shall be by letter from the Committee Member to the Committee Chairman.

Location.—Classified information will be kept in secure safes in the Committee rooms. All materials bearing the designation "top secret" must be kept in secured safes located in the main Committee offices, 2170 Rayburn House Office Building. "Top Secret" materials may not be taken from that location for any purpose.

Materials bearing designations "confidential" or "secret" may be taken from Committee offices to other Committee offices and hearing rooms by Members of the Committee and authorized Committee staff in connection with hearings and briefings of the Committee or its subunits for which such information is deemed to be essential. Removal of such information from the Committee offices shall be only with the permission of the Chairman of the full Committee, under procedures designed to insure the safe handling and storage of such information at all times.

Notice.—Notice of the receipt of classified documents received by the Committee from the Executive will be sent promptly to Committee Members. The notice will contain information on the level of classification.

Access.—Except as provided for above, access to classified materials held by the Committee will be in the main Committee offices in a designated "reading room". The following procedures will be observed.

(a) Authorized or designated persons will be admitted to the reading room after inquiring of the Chief of Staff or an assigned staff member. The reading room will be open during regular Committee hours.

(b) Authorized or designated persons will be required to identify themselves, to identify the documents or information they wish to view, and to sign the Classified Materials Log, which is kept with the classified information.

(c) No photocopying or other exact reproduction, oral recording, or reading by telephone, of such classified information is permitted.

(d) The assigned staff member will be present in the reading room at the option of the authorized person. Such staff member will be responsible for maintaining a log which identifies (1) authorized and designated persons seeking access, (2) the classified information requested, and (3) the time of arrival and departure of such persons. The assigned staff member will also assure that the classified materials are returned to the proper location.

(e) The Classified Materials Log will contain a statement acknowledged by the signature of the authorized or designated person that he or she has read the Committee rules and will abide by them.

DIVULGENCE.—Any classified information to which access has been gained through the Committee may not be divulged to any unauthorized person in any way, shape, form or manner. Apparent violations of this rule should be reported to the Chairman of the full Committee at once, and by him to the full Committee as promptly as possible.

TECHNICAL SECURITY COUNTERMEASURES.—Committee rooms and equipment shall be maintained in accordance with such technical security standards as the Chairman deems necessary to safeguard classified information from unauthorized disclosure. Such standards may include requirements for technical security monitoring during closed sessions involving classified information, conducted under the direction and control of the Chairman by personnel responsible to the Sergeant at Arms of the House of Representatives.

OTHER REGULATIONS.—So long as they do not conflict with any of the rules herein set down, the Chairman of the full Committee may establish other regulations and procedures as in his judgment may be necessary to safeguard classified information under the control of the Committee. Members of the Committee will be given notice of any such regulations and procedures promptly. They may be modified or waived in any or all particulars by a majority vote of the full Committee. Furthermore, any additional regulations and procedures should be incorporated into the written rules of the Committee at the earliest opportunity.

21. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

When requested by the Superintendent of the House Radio and Television Gallery and upon approval by the Committee or its subcommittees, all Committee and subcommittee hearings which are open to the public may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage, *Provided,* That such request is submitted to the Committee or its subcommittees not later than 4 p.m. of the day preceding such hearings.

The Chairman of the full Committee or the chairmen of the subcommittees are authorized to determine on behalf of the full Committee or its subcommittees respectively whether hearings which are open may be broadcast, unless the Committee or its subcommittees respectively by majority vote determine otherwise. The Committee or subcommittee chairman shall determine, in his discretion, the number of television and still cameras permitted in a hearing or meeting room.

Such coverage shall be in accordance with the following requirements (Section 116(b) of the Legislative Reorganization Act of 1970; Clause 3(f) of Rule XI of the Rules of the House of Representatives):

(a) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(b) No witness served with a subpoena by the Committee shall be required against his will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) The allocation among cameras permitted by the Committee or subcommittee chairman in a hearing room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or its subcommittees or the visibility of that witness and that Member to each other.

(e) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(f) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee or subcommittee is in session.

(g) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage to the hearing or meeting at the then current state of the art of television coverage.

(h) In the allocation of the number of still photographers permitted by the Committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by the Committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangment devised by the Standing Committee of Press Photographers.

(i) Photographers shall not position themselves, at any time during the course of the hearing or meeting, beteween the witness table and the Members of the Committee or its subcommittees.

(j) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(k) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(l) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(m) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

22. SUBPOENA POWERS

A subpoena may be authorized and issued by the Committee or its subcommittees, in accord with House Rule XI, Clause 2(m), in the conduct of any investigation or series of investigations, only when authorized by a majority of the Members voting, a majority of the Committee or subcommittee being present. Pursuant to House Rules and under such limitations as the Committee may prescribe, the Chairman may be delegated the power to authorize and issue subpoenas in the conduct of any investigation or series of investigations. Authorized subpoenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee.

23. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever the Speaker is to appoint a conference committee, the Chairman shall recommend to the Speaker as conferees those Members of the Committee who are primarily responsible for the legislation (including to the fullest extent feasible the principal proponents of the major provisions of the bill as it passed the House), who have actively participated in the Committee or subcommittee consideration of the legislation, and who agree to attend the meetings of the conference. With regard to the appointment of minority Members, the Chairman shall consult with the Ranking Minority Member.

24. OTHER PROCEDURES AND REGULATIONS

The Chairman of the full Committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Any additional procedures or regulations may be modified or rescinded in any or all particulars by a majority vote of the full Committee.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. RODINO, for 5 minutes, today.

Mr. STOKES, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today and for 60 minutes, each on January 29 and February 2.

Mr. ALEXANDER, for 5 minutes, on January 29.

Mr. BROWN of California, for 45 minutes, on January 29.

Mr. DORGAN of North Dakota, for 60 minutes, on February 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BUECHNER) and to include extraneous matter:)

Mr. LAGOMARSINO in four instances.

Mr. COATS.

Mr. GREEN.

Mr. Buechner.
Mr. Michel.
Mr. Gilman.
Mr. Bliley.
Mr. Denny Smith in two instances.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Ford of Tennessee.
Mr. Jacobs.
Mr. Gaydos.
Mr. Hamilton.
Mr. Ortiz.
Mr. Tallon.
Mrs. Lloyd.
Mr. Bosco.
Mr. Grant.
Mr. Bonker.
Mr. McHugh.
Mr. Weiss.
Mr. Applegate.
Mr. Akaka.
Mr. Miller of California

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 93. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the Long Island railroad labor management dispute.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 24. Joint Resolution to designate January 28, 1987, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger.*

A BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, a bill and joint resolution of the House of the following titles:

On January 21, 1987:

H.R. 1. An act to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes.

On January 26, 1987:

H.J. Res. 88. Joint resolution extending the time within which the President may transmit the Economic Report to the Congress.

ADJOURNMENT

Mr. JEFFORDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Thursday, January 29, 1987, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

446. Under clause 2 of rule XXIV, a letter from the Secretary of Transportation, transmitting a revised estimate of the cost to complete the National System of Interstate and Defense Highways, pursuant to 23 U.S.C. 104(b)(5); to the Committee on Public Works and Transportation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BONKER:

H.R. 784. A bill to amend part B of title XVIII of the Social Security Act to provide for two additional voluntary insurance options for Medicare beneficiaries permitting coverage of certain gaps in Medicare coverage and covering selected outpatient prescription drugs for the treatment of chronic illness; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. BIAGGI:

H.R. 785. A bill to prevent crimes committed in connection with the operation or use of automated teller machines; jointly, to the Committees on Banking, Finance and Urban Affairs and the Judiciary.

By Mr. BLILEY (for himself, Mr. Barton of Texas, Mr. Armey, Mr. Badham, Mr. Baker, Mr. Bateman, Mrs. Bentley, Mr. Bonior of Michigan, Mr. Coats, Mr. Daub, Mr. DeWine, Mr. Dornan of California, Mr. Fields, Mr. Henry, Mr. Hunter, Mr. Hyde, Mr. Kemp, Mr. Kyl, Mr. Lagomarsino, Mr. Leath of Texas, Mr. Lent, Mr. Lightfoot, Mr. Thomas Luken, Mr. Moorhead, Mr. Nielson of Utah, Mr. St Germain, Mr. Smith of New Jersey, Mr. Smith of New Hampshire, Mrs. Smith of Nebraska, Mr. Stallings, Mr. Stangeland, Mr. Swindall, Mr. Tauke, Mrs. Vucanovich, and Mr. Wortley):

H.R. 786. A bill to amend the Internal Revenue Code of 1986 to deny a taxpayer's personal exemption deduction for a child who lives temporarily after an abortion, and for other purposes; to the Committee on Ways and Means.

By Mr. BOSCO:

H.R. 787. A bill to prohibit temporarily certain hard mineral leasing in the Gorda Ridge Outer Continental Shelf area, to require a report on the effects of such potential leasing, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. BROWN of Colorado:

H.R. 788. A bill to amend title 23 of the United States Code to limit application of the 55-mile-per-hour speed limit; to the Committee on Public Works and Transportation.

By Mr. BROWN of Colorado:

H.R. 789. A bill to repeal the provisions of the Tax Reform Act of 1986 which require partnerships, S corporations, and personal service corporations to adopt certain taxable years; to the Committee on Ways and Means.

By Mr. DORNAN of California:

H.R. 790. A bill entitled the "National Space Policy Act of 1987"; to the Committee on Science, Space and Technology.

By Mr. GEJDENSON (for himself, Mr. Miller of California, Mr. Udall, Mr. Lujan, Mr. Lehman, of California, Mr. Kildee, Mrs. Byron, Mr. Kostmayer, Mr. Owens of Utah, Mr. Richardson, Mr. de Lugo, Mr. Studds, Mrs. Johnson of Connecticut, Mr. Leland, Mr. Henry, Mr. Hawkins, Mr. Fazio, Mrs. Burton of California, Mr. Solarz, Mr. Moody, Mr. Saxton, Mr. Martinez, Mr. Lipinski, Mr. Tallon, Mr. Jeffords, Mr. Morrison of Connecticut, Mr. Fuster, Mr. Kolter, Mr. Dwyer of New Jersey, Mr. Moakley, Mrs. Kennelly, Mr. Smith of Florida, Mr. Wolpe, Mr. Tauke, Mr. Whittaker, Mr. McKinney, Mr. Beilenson, Mr. Atkins, Mr. Bustamante, Mr. Shaw, Mr. Towns, Mr. Mrazek, and Mr. Murphy):

H.R. 791. A bill to authorize the water resources research activities of the United States Geological Survey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GREGG:

H.R. 792. A bill to amend the Tax Reform Act of 1986 to delay for 2 years the exception for certain technical personnel from certain rules for determining whether an individual is an employee or independent contractor for employment tax purposes; to the Committee on Ways and Means.

By Mr. HOWARD (for himself, Mr. Hammerschmidt, and Mr. Shuster) (by request):

H.R. 793. A bill to amend the Urban Mass Transportation Act of 1964 to provide authorizations for appropriations and for other purposes; to the Committee on Public Works and Transportation.

By Mr. JACOBS:

H.R. 794. A bill to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the 10th Pan American Games to be held in Indianapolis, IN, in 1987; to the Committee on Ways and Means.

By Mr. LEHMAN of California (for himself, Mr. Coelho, and Mr. Pashayan):

H.R. 795. A bill to amend the Social Security Act to provide for a demonstration of the extent to which eliminating the 100-hour rule under the AFDC-U program, and requiring parents under such program to accept any reasonable job offers while preserving the eligibility of their families, would effectively encourage such parents to enter the permanent work force and thereby significantly reduce program costs; to the Committee on Ways and Means.

By Mr. KOLBE (for himself and Mr. Kyl):

H.R. 796. A bill disapproving the proposed deferral of budget authority for the temporary emergency food assistance program under the Department of Agriculture; to the Committee on Appropriations.

By Mr. KOSTMAYER (for himself and Mr. Goodling):

H.R. 797. A bill to authorize the donation of certain non-Federal Lands to Gettysburg National Military Park and to require a study and report on the final development of the park; to the Committee on Interior and Insular Affairs.

By Mr. LATTA:

H.R. 798. A bill to promote the interests of consumers and to ensure that the free flow of products in interstate commerce is not impeded by product liability law, and for other purposes; jointly, to the Committee on the Judiciary and Energy and Commerce.

By Mr. LEHMAN of California (for himself, Mr. Anderson, Mr. Miller of California, Mr. Coelho, Mr. Berman, Mr. Bosco, Mr. Edwards of California, Mr. Dellums, Mrs. Burton of California, Mr. Beilenson, Mr. Lantos, Mr. Dymally, Mr. Bates, Mrs. Boxer, Mr. Waxman, Mr. Stark, Mr. Levine of California, Mr. Fazio, Mr. Brown of California, Mr. Dixon, Mr. Matsui, Mr. Roybal, Mr. Torres, Mr. Mineta, Mr. Hawkins, Mr. Panetta, Mr. Martinez, Mr. Gejdenson, Mr. Rahall, Mr. Murphy, Mr. Kildee, Mr. Clarke, Mr. Campbell, Mr. Sunia, Mr. Fuster, Mr. Darden, Mr. de Lugo, Mr. Kostmayer, Mr. Markey, Mr. Richardson, Mr. Sharp, Mr. Visclosky, Mr. Bennett, Mr. Atkins, Mr. Conyers, Mr. Eckart, Mr. Gordon, Mr. Ackerman, Mr. Garcia, Mr. Towns, Mr. Hoyer, Mr. AuCoin, Mr. Smith of Florida, Mr. Levin of Michigan, Mr. Evans, Mr. Studds, Mr. Bonior of Michigan, Mr. Moody, Mr. Kleczka, Mr. Feighan, Mr. Mrazek, Mr. Schumer, Mr. Coleman of Texas, Mrs. Collins, Mr. Crockett, Mr. Sabo, Mr. Bilbray, Mrs. Lloyd, Mr. Robinson, Mr. Staggers, Mr. Price of Illinois, Mr. Mollohan, Ms. Oakar, Mr. Synar, Mr. St Germain, Mr. Carper, Mr. Erdreich, Mr. Morrison of Connecticut, Ms. Kaptur, Mr. LaFalce, Mr. Frank, Mr. Manton, Mr. Kanjorski, Mr. Jontz, Mr. Lowry of Washington, Mr. Perkins, Mr. Fauntroy, Mr. Lehman of Florida, Mr. Pepper, Mr. Cooper, Mr. Hutto, Mr. Russo, Mr. Durbin, Mr. Neal, Mr. Gonzalez, Mr. Jacobs, Mr. Sikorski, Mr. Carr, Mr. Wise, Mr. Wyden, and Mr. Foglietta):

H.R. 799. A bill to designate a segment of the Kings River in California as a wild and scenic river; to the Committee on Interior and Insular Affairs.

By Mrs. LLOYD:

H.R. 800. A bill to amend title II of the Social Security Act to provide that the waiting period for disability benefits shall not be applicable in the case of a disabled individual suffering from a terminal illness; to the Committee on Ways and Means.

H.R. 801. A bill to increase the criminal penalties for the intentional poisoning or adulteration of food and drugs for human consumption; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. OWENS of New York:

H.R. 802. A bill to amend the Immigration and Nationality Act to permit the entry as immediate relatives of spouses, children, and parents of persons who died a service-connected death while on active duty in the Armed Forces of the United States; to the Committee on the Judiciary.

H.R. 803. A bill to amend title 38, United States Code, to provide that surviving spouses of enlisted members of the Armed Forces who served during a period of war before World War II and who died of a service-connected disability shall be entitled to dependency and indemnity compensation (DIC) at no less than the rates for the surviving spouses of veterans whose highest pay grade was E-3; to the Committee on Veterans' Affairs.

By Mr. PENNY:

H.R. 804. A bill proposing an amendment to the Constitution of the United States allowing an item veto in appropriations acts; to the Committee on the Judiciary.

By Mr. PENNY (for himself, Mr. Frenzel, Mr. Dorgan of North Dakota, Mr. Spence, Mr. Stallings, Mr. Lujan, and Mr. Wilson):

H.R. 805. A bill to amend the congressional budget process to provide for a pay-as-you-go budget for the United States, to provide for a biennial budget for the United States, and to provide line item veto authority for the President, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. QUILLEN:

H.R. 806. A bill to repeal the provision of the Tax Reform Act of 1986 which eliminates the deduction for State and local sales taxes; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 807. A bill to implement the International Convention on the Prevention and Punishment of Genocide; to the Committee on the Judiciary.

By Mrs. SMITH of Nebraska:

H.R. 808. A bill to amend the Federal Aviation Act of 1958 to make permanent the small community air service program; to the Committee on Public Works and Transportation.

H.R. 809. A bill to amend the Internal Revenue Code of 1986 to restore fairness for farmers, ranchers, and small businessmen under the tax laws by restoring certain provisions changed by the Tax Reform Act of 1986, and for other purposes; to the Committee on Ways and Means.

By Mr. DENNY SMITH:

H.R. 810. A bill to amend the Federal Aviation Act of 1958 to require that complaint forms and information on an airline's service record be included with each passenger's ticket and made available at ticket counters, to direct the Secretary of Transportation to determine within 90 days whether any air carrier's scheduling practices constitute unfair and deceptive practices, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. DENNY SMITH (for himself, Mr. Robert F. Smith, Mr. DeFazio, Mr. AuCoin, and Mr. Wyden):

H.R. 811. A bill to designate the National Forage Seed Production Research Center in Corvallis, OR, as the "Mark O. Hatfield National Forage Seed Production Research Center; to the Committee on Agriculture.

By Mr. WALGREN (for himself and Mr. Boehlert):

H.R. 812. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to establish a National Quality Improvement Award, with the objective of encouraging American business and other organizations to practice effective quality control in the provision of their goods and services; to the Committee on Science, Space, and Technology.

By Mr. WEISS (for himself, Mr. Mavroules, Mr. Dellums, Mr. St Germain, Mrs. Boxer, Mr. Hayes of Illinois, Mr. Nowak, Mr. Edwards of California, Mr. Oberstar, Mr. Crockett, Mrs. Kennelly, Mr. Lehman of Florida, Mr. Fauntroy, Mr. Owens of New York, Mr. Towns, Mr. Moakley, Mr. Kolter, Mr. Conyers, Mr. Studds, Mr. Ackerman, Mr. Kildee, Mr. Stokes, Mr. Dixon, Mr. Leland, Mr. Bates, Mr. Matsui, Mr. Martinez, Mr. Markey, and Mr. Rangel):

H.R. 813. A bill to facilitate the economic adjustment of communities, industries, and workers to reductions or realignments in defense or aerospace contracts, military facilities, and arms export, and for other purposes; jointly, to the Committees on Armed Services; Banking, Finance and Urban Affairs; Education and Labor; Government Operations; and Ways and Means.

By Mr. WHITTAKER (for himself and Mr. Roberts):

H.R. 814. A bill to amend section 107D(c)(1) of the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. STAGGERS:

H.J. Res. 114. Joint resolution to designate the week beginning August 2, 1987, as "National Podiatric Medicine Week"; to the Committee on Post Office and Civil Service.

By Mr. BIAGGI (for himself and Mr. Pepper):

H.J. Res. 115. Joint resolution to designate the week beginning May 17, 1987, as "National Parkinson's Disease Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. CHAPPELL (for himself, Mr. Panetta, Mr. Fazio, Mr. Coelho, Mr. Tauke, Mr. Dyson, Mr. Kostmayer, Mr. Dornan of California, Mr. Carper, Mr. Rahall, Mr. Lagomarsino, Mr. Young of Florida, Mr. Dannemeyer, Mr. de la Garza, Mr. Gray of Illinois, Mr. de Lugo, Mr. Wilson, Mr. Boner of Tennessee, Mr. Towns, Mr. Daub, Mr. Roe, Mr. Erdreich, Mr. Smith of Florida, Mr. Bryant, and Mrs. Bentley):

H.J. Res. 116. Joint resolution to designate the week beginning April 12, 1987, as "National Telecommunicators' Week"; to the Committee on Post Office and Civil Service.

By Mr. LATTA:

H.J. Res. 117. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills; to the Committee on the Judiciary.

By Mr. OWENS of New York:

H.J. Res. 118. Joint resolution proposing an amendment to the Constitution of the United States to provide that the United States shall guarantee to each person the right to employment opportunity; to the Committee on the Judiciary.

H. Con. Res. 33. Concurrent resolution calling upon the President to grant asylum to those individuals who seek asylum in the United States rather than serve in the South African Armed Forces in support of apartheid; to the Committee on the Judiciary.

By Mr. DORNAN of California (for himself, Mr. Crane, Mr. McGrath, and Mr. Bliley):

H. Res. 56. Resolution concerning observance by the Government of Romania of the human rights of Hungarians in Transylvania, especially the right of self-determination; to the Committee on Foreign Affairs.

By Mrs. LLOYD:

H. Res. 57. Resolution to amend the Rules of the House of Representatives to require a rollcall vote on passage of any measure making appropriations or providing revenue; to the Committee on Rules.

By Ms. SNOWE:

H. Res. 58. Resolution to amend the Rules of the House of Representatives to require a recorded vote upon final passage of legislation that adjusts the pay of Members, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOSCO:

H.R. 815. A bill for the relief of James F. and Shirley M. Silva and Walter F. and Mary L. Stuart; to the Committee on the Judiciary.

By Mr. BROWN of Colorado:

H.R. 816. A bill for the relief of Larry Land, Marie Land, Brian Land, Keith Land, Patricia Vandenberg, Lorri Vandenberg James W. Land, Lois Land, Tamra Lee Land, Sandra Gay Land, Vincent James Land, Viola Hollenbaugh, William L. Phinney, Senior, Emily V. Phinney, Lora Phinney, and William L. Phinney, Junior; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 175: Mr. Stump.

H.R. 299: Mr. Lightfoot, Mr. Sensenbrenner, Mr. Roberts, Mr. Towns, and Mr. Penny.

H.R. 347: Mr. Anderson, Mr. Andrews, Mr. Beilenson, Mr. Bonker, Mrs. Boxer, Mr. Bustamante, Mr. Cardin, Mrs. Collins, Mr. DeFazio, Mr. Durbin, Mr. Edwards of California, Mr. Evans, Mr. Fauntroy, Mr. Frank, Mr. Frenzel, Mr. Hamilton, Mr. Hayes of Illinois, Mr. Hertel, Ms. Kaptur, Mr. Kildee, Mr. Kleczka, Mr. Kostmayer, Mr. LaFalce, Mr. Lehman of Florida, Mr. Lowry of Washington, Mr. Manton, Mr. Markey, Mr. McKinney, Mr. Moakley, Mr. Mrazek, Mr. Neal, Mr. Nowak, Mr. Oberstar, Mr. Olin, Mr. Penny, Mr. Rodino, Mr. Rose, Mr. Sabo, Mr. St Germain, Mr. Scheuer, Mr. Sikorski, Mr. Skaggs, Mr. Smith of Florida, Mr. Stark, Mr. Studds, Mr. Swift, Mr. Tauke, Mr. Traxler, Mr. Torres, Mr. Towns, Mr. Udall, Mr. Visclosky, Mr. Wolpe, Mrs. Byron, Mr. Mavroules, Mr. Mineta, and Mr. Bosco.

H.R. 348: Mr. Mrazek, Mr. Fauntroy, and Mr. de Lugo.

H.R. 434: Mr. Sweeney, Mr. Fields, and Mr. Spence.

H.R. 459: Mr. Mrazek, Mr. Smith of Florida, and Mr. Solarz.

H.R. 491: Mr. Archer.

H.R. 518: Mr. Schaefer, Mr. Petri, Mr. Bilirakis, Mr. Rowland of Connecticut, Mr. Stenholm, Mrs. Johnson of Connecticut, and Mr. Staggers.

H.R. 543: Mr. Mavroules and Mr. Atkins.

H.R. 551: Mr. Armey, Mrs. Johnson of Connecticut, Mr. Morrison of Connecticut, Mr. Hayes of Illinois, Mr. Jeffords, Mr. Fauntroy, Mr. de la Garza, Mr. Mrazek, Mr. Regula, Mr. Derrick, Mr. Vento, Mrs. Bentley, Mr. McCollum, Mr. Boehlert, and Mr. Fazio.

H.R. 559: Mr. Goodling and Mr. Armey.

H.R. 570: Mr. Bereuter, Mr. Atkins, and Mrs. Roukema.

H.R. 574: Mrs. Boxer, Mr. Atkins, Mr. Torricelli, Mr. Owens of Utah, Mr. Torres, Mr. Gordon, Mr. Wolpe, Mr. Hayes of Illinois, Mr. Skaggs, Mr. Dicks, Mr. Rangel, Mr. Dellums, Mr. Jacobs, Mr. Mavroules, Mr. Fazio, Mr. Dymally, and Mr. Hughes.

H.R. 579: Mr. Guarini, Mr. Kostmayer, Mr. Jones of North Carolina, Mr. Murphy, Mr. Foglietta, Mr. Levine of California, Mr. Coelho, Mr. Kolter, Mrs. Johnson of Connecticut, Mr. Matsui, Mrs. Bentley, Mr. Rangel, Mr. Flake, and Mr. Traficant.

H.R. 617: Mr. Smith of New Hampshire, Mr. Wortley, Mr. Ballenger, Mr. Nielson of Utah, and Mr. Boulter.

H.R. 627: Mr. Solarz.

H.R. 631: Mr. Smith of Florida, Mr. Solarz, Mr. Murphy, Mr. Stokes, and Mr. Roe.

H.R. 632: Mr. Roe, Mr. Moakley, and Mr. Solarz.

H.R. 637: Mr. Lagomarsino and Mr. Torricelli.

H.R. 722: Mr. Ackerman, Mr. Borski, Mr. Dwyer of New Jersey, Mrs. Martin of Illinois, Ms. Slaughter of New York, and Mr. Wortley.

H.R. 778: Mr. McMillen of Maryland, Mr. Torricelli, Mr. Howard, and Mr. Dellums.

H.R. 779: Mr. Sundquist, Mr. McMillen of Maryland, Mr. Torricelli, and Mr. Dellums.

H.J. Res. 8: Mr. McEwen, Mr. Young of Florida, Mr. Clinger, Mr. Baker, Mr. Bunning, Mr. Hastert, Mr. Konnyu, Mr. Kyl, Mr. Roemer, Mr. Sundquist, Mr. Parris, Mrs. Meyers of Kansas, Mr. Inhofe, Mr. Ballenger, Mr. Craig, Mr. Donald Lukens, Mrs. Martin of Illinois, Mr. Upton, and Mr. DioGuardi.

H.J. Res. 40: Mr. Lent, Mr. Pashayan, Mr. Crockett, Mr. Fazio, Mr. Chappell, Mr. Kostmayer, Mr. Mack, Mr. Hefner, Mr. Lagomarsino, Mr. Wortley, Mr. Horton, Mr. Weber, Mr. Hayes of Illinois, Mr. Stump, Mr. Neal, Mr. Mrazek, Mr. Bliley, Mr. Smith of Florida, Mr. Wolf, Mr. Espy, Mr. Frank, Mr. Schuette, Mr. Coelho, Mr. Rahall, Mr. McDade, Mr. Green, Mr. Gray of Illinois, Mrs. Bentley, Mr. Towns, Mr. Roe, and Mr. Carper.

H.J. Res. 81: Mr. Evans.

H.J. Res. 106: Mr. Clay and Mr. Roe.

H. Con. Res. 26: Mr. Broomfield, Mr. Sikorski, Mr. Pepper, Mr. Dorgan of North Dakota, Mr. Ackerman, Mr. Dellums, Mr. Gray of Pennsylvania, Mr. Levin of Michigan, Mr. Fauntroy, Mr. Evans, Mr. Henry, Mr. Bereuter, Mr. Atkins, Mr. Bustamante, Mr. Manton, Mr. Aspin, Mr. Mavroules, Mr. Thomas Luken, Mr. Fazio, Mr. Lantos, Mrs. Schroeder, Mr. Mrazek, Mr. Hughes, and Ms. Kaptur.

H. Res. 53: Mr. Hansen, Mr. Dorgan of North Dakota, Mr. Daub, Mr. Craig, and Mr. Hastert.

H. Res. 55: Mr. Sawyer.

SENATE—*Wednesday, January 28, 1987*

The Senate met at 1 p.m. and was called to order by the Honorable BOB GRAHAM, a Senator from the State of Florida.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

One year ago today, this Chamber was stunned to silence and the State of the Union Message postponed by the trauma of the *Challenger* disaster. Seven of America's finest gave their lives to the Nation's venture into space.

In painful memory, let us observe a period of silence.

(The Senate observed a period of silence.)

Gracious Father in heaven, it is easy to recall the shock, the unbelief, the grief, we felt in this place, as we watched the *Challenger* explode and disintegrate before our eyes. As we recovered from the paralysis, the numbness, we gathered to pray and to express our sorrow. Thank you, loving Lord, for faithful women and men who are heroes because they are doing their duty in the best tradition of America's greatness, allegiance, and loyalty. We pray for their families who sacrificed them to the future of our country's destiny. As their memories renew their agony, may the peace of God which passes all understanding fill their hearts. In the name of God, El Shaddai, "God Almighty, All-Power." Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

Mr. BYRD. I thank the Chair.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. BYRD. Mr. President, following the recognition of the two leaders under the standing order, there will be orders for the recognition of seven Senators, each for not to exceed 5 minutes, following which there will be a period for the transaction of routine morning business, not to extend beyond 2 p.m. Senators will be permitted to speak therein for not to exceed 5 minutes each.

At the conclusion of routine morning business, no later than 2 p.m., the Senate will resume consideration of the unfinished business, Senate Resolution 80, a resolution making fundings for the various committees. There will be a vote in relation to a pending amendment by Mr. SYMMS at 2:30 p.m. That very likely will be a tabling motion.

Following that vote, the vote will occur on the resolution itself. No other amendments are in order. No rollcall vote has been ordered on the final passage of the resolution. Conceivably, there could be such a request.

I am discussing with the distinguished Republican leader the possibility of calling up the highway legislation at some point today or tomorrow.

Preceding that, it would be the hope that we could call up the measure that the House acted upon yesterday dealing with moneys for the homeless. I have had a discussion with the able chairman of the Appropriations Committee, Mr. STENNIS, the President pro tempore, who is now presiding, and he has stated that if the matter is referred to his Committee on Appropriations, he would expect to report it tomorrow, fairly early. He will have a meeting of Senators tomorrow morning to discuss it and mark it up.

Then I would hope that the distinguished Republican leader and I could clear on both sides of the aisle the approval to go ahead with taking up that measure tomorrow and acting on it.

As to the joint resolution disapproving the pay recommendations of the President, I indicated several days ago that the Senate would be voting at some point on such a resolution. I intend to keep that commitment. Resolutions have been introduced and have been referred to the Committee on Governmental Affairs.

We could follow any one of several approaches. We could offer a freestanding resolution if we could get it cleared for unanimous consent.

Mr. THURMOND. Mr. President, will the distinguished majority leader yield?

Mr. BYRD. Will the distinguished Senator allow me just 1 minute?

So we could act on a freestanding resolution.

A motion to discharge the committee could be offered. If there were an objection to such a motion, that motion would go on the calendar of resolutions and motions over, under the rule. That does not appear to be too sanguine an approach right at this point. A joint resolution could be offered and, through rule XIV, brought to the calendar. If that were offered today, then that would mean that by this coming Friday that resolution would be eligible to be motioned up.

Rule XIV would have put it on the calendar with two adjournments, and the 1-day rule would be satisfied on Friday.

So, having given my word that there will be a rollcall vote on such a resolution, or in relation thereto, it will be up to the Senate as to how it wants to act on a resolution. It would be my desire to further discuss this with the Republican leader and with our colleagues and try to get consent to call the resolution up tomorrow. I think we ought to call it up tomorrow rather than today if we get consent, so that Senators may have notice that there will be a rollcall vote or rollcall votes on the pay resolution, depending upon amendments being offered.

So, I will leave the record stand that there will be action on or in relation to that matter tomorrow if consent can be gotten in time; no later than Friday, if the resolution has to go the rule XIV way, with the clearance of the 1-day rule being accomplished on Friday.

I will be happy to yield to the distinguished Senator and I thank him for withholding.

Mr. THURMOND. Mr. President, the first day of the session I introduced Senate Joint Resolution 10, reference: disallowance of pay increases for Members of Congress, Federal judges, and certain high level Federal officials.

Time is fleeing. It is only about 10 days now in which we have to act.

I commend the able majority leader and the able Republican leader in their position that there should be a vote on this matter.

Mr. BYRD. I thank the distinguished Senator.

We discussed this prior to this moment. Senator DOLE and I discussed it briefly last evening. I certainly will be glad to seek unanimous consent. I will have to check with our Cloakroom, and Mr. DOLE is here.

Whenever this matter can be cleared, we could either call it up as a freestanding resolution tomorrow by unanimous consent or, if we cannot get such consent cleared, we could begin the rule XIV approach today which would make the resolution eligible to be called up on Friday.

● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

I will be happy to do it and, as far as I am concerned, the Senator's resolution could be the subject of the action by the Senate at that time.

Mr. THURMOND. I will be glad to introduce it again today under rule XIV so we could get it on the calendar for action.

However, if we could withdraw it from the committee and act on it, that would be a quicker way to handle it.

Mr. BYRD. As I have given the Senator assurance, we will seek unanimous consent to have the Senator's resolution called up before this body tomorrow.

I want to give Senators some notice, if it could be tomorrow, and if we cannot get consent to call it up directly, I will be certainly happy to inform the Senator and he can offer the resolution under rule XIV. That would make it eligible for action on Friday.

Mr. THURMOND. I will introduce it again today then and ask it be held at the desk under rule XIV.

In the meantime, if the distinguished Senator, the majority leader, or the distinguished Republican leader have any other suggestions, I would be very pleased to cooperate in any way I can.

Mr. BYRD. I thank the distinguished Senator.

As far as I am concerned, on my time, if he wishes, he may introduce his resolution and just ask that it be read the first time. In that way, it will assure us of something by Friday. In the meantime, if I can get consent to call it up tomorrow, we will have action on it tomorrow, Thursday.

Mr. THURMOND. If there is no objection, then I would like to introduce the joint resolution again today so it could be considered as a freestanding resolution.

Mr. BYRD. Yes. Will the Senator withhold his statement, however, until the two leaders have an opportunity to conclude?

Mr. THURMOND. I am pleased to.

Mr. BYRD. If the Senator would like to introduce it at this point, I have no objection.

DISAPPROVAL OF RECOMMENDATIONS OF THE PRESIDENT RELATING TO CERTAIN RATES OF PAY

Mr. THURMOND. Mr. President, I send to the desk a joint resolution and ask that it be reported.

The PRESIDENT pro tempore. Is there objection?

The Chair hears none.

Mr. HUMPHREY. Mr. President, if the majority leader will yield?

The PRESIDENT pro tempore. The clerk will report the joint resolution.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 34) disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government.

Mr. THURMOND. Mr. President, as I understand the majority leader will prefer for me just to place it on the calendar at this time. Of course, I would be glad to have it brought up at this time if he did not object.

Mr. BYRD. I think I said to the distinguished Senator, to have it brought up at this time I would have to get consent. We have not had an opportunity to clear that.

Mr. THURMOND. Yes.

Mr. BYRD. If the distinguished Senator at this time would ask for a second reading the matter would be well on its way to the calendar.

Mr. THURMOND. Mr. President, I now request second reading of the joint resolution.

Mr. BYRD. Mr. President, I object.

The PRESIDENT pro tempore. Will the Senator from South Carolina repeat his remarks?

Mr. THURMOND. I now request a second reading of the joint resolution.

The PRESIDENT pro tempore. Is there objection?

Mr. BYRD. Mr. President, I object and I do this in order to help the Senator get his measure on the calendar.

Mr. THURMOND. Mr. President, time is running out on one of the most important matters currently facing the 100th Congress. I am speaking of the issue of pay raises for Members of Congress, high-level Federal officials, and Federal judges. Congress has less than 2 weeks to pass a joint resolution disallowing the big pay increases or they take effect automatically.

It is understandable that the sentiment of the American people against these major pay increases is overwhelming. The average family in the United States earns $27,735 per year. The proposed pay increase would raise congressional salaries $12,100 per year. For Cabinet officers the increase is $10,700. District court judges would be paid an additional $9,300 per year. Few Americans understand the need for these large increases when they have to struggle to make ends meet on salaries much lower than ours.

Presently, our Government faces massive deficits in excess of $2 trillion. In the last fiscal year, $170 billion of red ink was added to this already huge national debt. We cannot ignore these statistics as we consider whether to allow these pay increases.

In closing, I thank the distinguished majority leader and the distinguished Republican leader for agreeing to bring this issue before the full Senate for a vote prior to the February 5 deadline, at which time these increases would automatically take effect. I urge the House to do likewise. The American taxpayer deserves a recorded vote on this issue.

I am just wondering if the able majority leader would object if we would get this joint resolution up as a freestanding resolution or would object if I would request that it be withdrawn from the Governmental Affairs Committee, to which it was referred, so we could get action on it to be sure that we do have a vote on it. Of course, it could be amended, I guess, when it comes up if anyone wishes to amend it in any way. I do think we ought to have a vote.

The PRESIDENT pro tempore. I will call attention to the body that under the standing order, the Republican leader is to be recognized as the next business.

Mr. BYRD. Mr. President, I yielded on my time to the distinguished Senator for the purpose of his trying to get his resolution on the calendar.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may be listed as a cosponsor of the Thurmond resolution to disapprove the pay increase.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Before we go further, objection having been heard to the second reading of the measure on this legislative day, the measure will remain at the desk pending a second reading on the next legislative day.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. Under the present standing order of the Senate, it is the Chair's understanding that the Senator from Kansas, the Republican floor leader, is to be recognized if the Senator from West Virginia has yielded the floor.

All right. The Senator from Kansas.

Mr. DOLE. Mr. President, I am happy to yield my time or part of it to the distinguished majority leader.

Mr. BYRD. Mr. President, the distinguished Republican leader is very generous and gracious as is characteristic of him. I think I have said enough at the moment. I will get a little time in morning business.

I thank the Senator.

"CHALLENGER"—1 YEAR LATER

Mr. DOLE. Mr. President, as we have been reminded earlier today by Chaplain Halverson, 1 year ago today, America stood still in the stunned silence as it heard the terrible news from the Kennedy Space Center that the space shuttle *Challenger* was gone.

Our scientific "Pride and Joy," our heroic space explorers, our first civilian in space, were all lost in one shattering moment over the Florida shoreline.

ELOQUENT TRIBUTES

The Nation mourned. Here in the Senate, the tragedy was a personal one as our astronaut colleagues JOHN

GLENN and JAKE GARN delivered eloquent and emotional tributes to their friends and fellow pioneers. All of us tried to cope with the unthinkable: We will always remember where we were, and what we were doing, when we heard the news. And this Senator will always remember the words of Senators GLENN and GARN.

A DAY OF REMEMBRANCE

And so, Mr. President, it is 1 year later. Throughout the Nation today, Americans will honor the memory of our seven space heroes. In hundreds of different ways, and in hundreds of different places, the Nation will recall the sacrifice of Dick Scobee, Michael Smith, Ellison Onizuka, Ronald McNair, Judy Resnik, Gregory Jarvis, and Christa McAuliffe.

I know that my Senate colleagues join me in honoring these seven brave Americans, and we extend to their families our sincere prayers and remembrances. America will always keep a special place in our hearts for these courageous friends.

CAPITOL MEMORIAL

I am pleased to say that 1 year later we are very close to completing a memorial here in the Capitol to the *Challenger* crew, and the other astronauts who have given their lives to America's space program. It was my thought a year ago that one way to honor these men and women was to place a special *Challenger* mural in the famous Brumidi corridor.

Within the next 6 weeks, a final selection will be made, and the artists' work will be installed in the glittering hallway where great Americans have been honored since 1855. I can think of no better tribute to these astronauts than to have their mural placed directly across the corridor from the picture of the Apollo astronauts landing on the Moon.

For years to come, the millions of Americans who travel to the Capitol will be able to gaze at the special mural and remember with pride the crew of the *Challenger*.

PROMINENT COLUMNIST ACKNOWLEDGES SANCTIONS BACKFIRE

RASPBERRY SAYS SANCTIONS HAVE BACKFIRED

Mr. DOLE. Mr. President, I also wish to have printed in the RECORD an excellent article which appeared in today's Washington Post by William Raspberry which said, in effect, that sanctions in South Africa backfired. I thought it was an exceptional article. I know that many of us in this Congress struggled with the question of whether or not sanctions make a difference in South Africa. A great, substantial majority in this body voted to override the President's veto and I assume they felt that something had to be done and maybe sanctions were the only way to go.

But I think we see in Mr. Raspberry one of those rare writers—indeed one of those rare people—who avoids getting locked into set attitudes, and knee-jerk reactions to tough problems. And he showed again this morning in his column that ability to take a fresh look at a longstanding and emotional issue.

In today's Post, he writes what, for many commentators, would not only be unwritable, but unthinkable—that we in the Senate, in the Congress, were flatout wrong in imposing the sweeping sanctions that we did on South Africa. Our intent was not wrong—to speed the end of apartheid. But our strategy was. Instead of helping end apartheid, we have led those who practice it to dig in ever more deeply. Instead of bringing our leverage to bear to speed real reform in South Africa, we have forfeited a good deal of the influence we might have had over the course of events in South Africa. In short, we have fired some of our biggest guns, and apartheid is still standing; as firmly entrenched as before. And it is not clear where we can go from here.

The column concludes with these words:

> The only people who can be cheered by events in South Africa * * * are those who believe that bloody revolution is the only solution and that sanctions, by making conditions completely intolerable for blacks, will bring on the revolution. Is that what we really want?

A LESSON FOR US ALL

I think it is clear that is not what the Senate wanted, or what the Congress wanted. I hope that all of us can be impartial and intellectually honest enough to take the same kind of unbiased look at what has been done as Mr. Raspberry has. I think we will reach the same conclusion he has.

I really do not need to say more about the column—it speaks eloquently for itself. But I do hope that any Senators who might have missed it this morning will take the opportunity to read it now. There are lessons in it for us all.

I am certain that my colleagues have read this column, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 28, 1987]

SANCTIONS BACKFIRED

(By William Raspberry)

Have economic sanctions against South Africa backfired? Probably yes.

Is there anybody in America who supported sanctions who now thinks that maybe sanctions weren't such a wonderful idea after all? Probably not.

The congressional imposition of sanctions, underscored by a resounding override of a presidential veto, will still be remembered as such a magnificent victory for the forces of righteousness that it may be impossible for the pro-sanctions activists to entertain second thoughts.

And yet the clear evidence is that Pretoria's principal reaction to international sanctions has been what seasoned observers of South Africa had long predicted: a white retreat into the *laager*—a circling of the wagons—and an end to any pretense of serious reform.

A report commissioned last May by the South African Catholic Bishops Conference argues that the sanctions imposed to force reform of apartheid are having the opposite effect:

"The whole sanctions issue has consolidated the government in its retreat from meaningful and, indeed, any reform. . . . What was anticipated by the pro-sanctions lobby—an early change in government policy with expectations of imminent meaningful black participation in a regime overcome by the pressures of economic boycotts—is not likely to materialize."

How could so many intelligent, well-meaning people have thought otherwise? The answer, I think, is that South Africa's racism is so clear-cut an evil, so conducive to good-guy/bad-guy analyses that it's difficult for anti-apartheid partisans to think their way from policy proposal to probable outcome.

Disinvestment, divestiture and, finally, sanctions became such rallying cries for campus activists, civil rights activists and other haters of apartheid that their demands became ends in themselves. In general, only political conservatives who saw apartheid as less threatening to their interests than the prospective loss of vital minerals, sea routes and an anti-communist bastion could bring themselves to question the advisability of sanctions.

For most of the rest, the operative question was: How can you oppose sanctions, which would surely hurt the supporters of apartheid, and still call yourself a supporter of justice for blacks?

The answer, which too few of us found the voice to utter, is that hurting white people is not the same thing as helping black people.

Many were misled by the fact that the threat of sanctions had, from time to time, led the South African government to undertake at least cosmetic reforms of apartheid and concluded that the actual imposition of sanctions would be even more effective.

In fact, South Africa's concessions were undertaken to keep as much as possible of the goodwill of the international community and to avoid wrecking its Western-style economy. Once the damage was inflicted, the threat-induced incentive to change evaporated.

It is a bit like blackmail. Threaten to publish my darkest secrets, and I might pay you hush money. Actually publish them, and you won't collect a dime.

It does not follow, by the way, that failure to impose sanctions would have produced true reform of the South African system. You can't blackmail me into suicide, which is precisely how many in the white South African minority view the one-man/one-vote demands that strike Americans as simple justice.

When it comes to the National Party, which, despite its deepening troubles still is the dominant political force in the country, the only way to force it into giving up its overweening power is to persuade it that the alternative is worse. It's hard to think of anything the United States could do that would strike Afrikaners as worse than giving up control not constructive engagement, the ineffectual Reagan policy; not economically destructive disengagement, which sanctions have become.

The only people who can be cheered by events in South Africa, including the devastation of the economy and the tightening of the screws of repression, are those who believe that bloody revolution is the only solution and that sanctions, by making conditions completely intolerable for blacks, will bring on the revolution.

Is that what we really want?

VISIT OF ANC HEAD OLIVER TAMBO

DOLE-WALLOP RESOLUTION

Mr. DOLE. Mr. President, the distinguished Senator from Wyoming, Senator WALLOP, will introduce a resolution on his behalf and mine, dealing with the visit of Oliver Tambo, the head of the African National Congress [ANC].

Regrettably, objections on the other side of the aisle will prevent us from getting a vote, as we had hoped, on this resolution. The vagaries of the weather have also prevented us from discussing the resolution before now.

TAMBO MEETINGS QUESTIONABLE

As I think most of us know, Tambo is here in Washington and will be meeting today with Secretary of State Shultz, and other administration officials. It is a close call whether these meetings ought to be held at all.

The ANC practices, condones, and refuses to disavow the use of terrorism as a political tactic. Meeting with Tambo without the precondition that the "ANC" disavow terror tactics comes perilously close to sending the wrong kind of message on terrorism—the same wrong kind of message that may have inadvertently been sent in our arms dealings with Iran.

On the other hand, we do want all significant parties to the conflict in South Africa to be heard, and I assume that is the rationale behind the Tambo visit.

So the administration had a tough call, and it's made that call. But, if these meetings are to go on, I think, at the least, we need to use the meetings to deliver a message to Tambo, loud and clear. That was the main thrust of our resolution.

ANC MUST DISAVOW TERRORISM

Basically, the resolution called upon the Secretary to put two topics at the very top of his agenda. First, the demand that Tambo and the ANC, publicly and sincerely, disavow the use of terrorism to advance their political aims.

In particular, the resolution demanded a clearcut condemnation from Tambo of the barbaric practice of "necklacing:" Murdering political opponents—and let me make this clear, black, not white, political opponents—by tying burning tires around their neck. There is no—absolutely no—justification for the use of necklacing.

I hope Secretary Shultz will use these meeting to make one more—one last—try. Tambo must be told that the ANC—if it is to have any legitimacy; if it is to become a participant in any political dialog with us—must give up terrorism, now and forever.

U.S. WILL OPPOSE TERRORISM IN SOUTH AFRICA

And, as a second point on the agenda, the Secretary is urged to make clear to Tambo that—if his answer is "no;" if the ANC continues to use and espouse terrorism—then the United States will oppose any ANC participation in the political future of South Africa, period—until such day that the ANC relents.

The question is not racism: Racism must go, from South Africa and anywhere else it is manifest.

The question is not apartheid: Apartheid must go, and it must go now.

The question is terrorism; and whether or not we believe that it is a legitimate political tool. I do not, and I am certain the Senate does not. Until the ANC decides it does not, then we really do not have much to talk to them about.

THE MESSAGE TO TAMBO

This ought to be the message that Secretary Shultz puts across to Oliver Tambo. And if that message takes, then, and only then, will it make sense to go forward on discussions of the other urgent items on the political agenda of southern Africa.

Mr. DOLE. Mr. President, I thank the distinguished Presiding Officer and I reserve the remainder of my time.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

CONGRATULATIONS TO SENATOR BYRD

Mr. PROXMIRE. Mr. President, I wish to congratulate the majority leader, Senator BYRD, for his excellent statement and appearance last night on television in responding to the President's address. I thought it had force, it was in excellent taste, and it expressed the firm position of our Democratic Party. It made me proud, Mr. President, to be a Senator, and proud to be a Democrat.

DOES THE MERGER MANIA IN BANKING THREATEN INDEPENDENT BUSINESS?

Mr. PROXMIRE. Mr. President, this session of the Congress must act and act fast if we are to prevent bank mergers and acquisitions that will destroy the vigorous competitive credit market that has served our country so well in the past 50 years. In 1986 mergers came on with a rush; 8 of the 10 largest domestic bank mergers in this Nation's entire history were announced in 1986, including a pair of billion dollar deals. A New York expert in the bank and thrift field declared:

> There has been a complete change in antitrust attitude and with the natural tendency toward monopoly, transactions that were unthinkable 5 years ago can be done today.

A First Boston Corp. bank specialist declared:

> Nationwide banking is coming faster than most believed even as recently as a year ago. By early 1989, New York banks will have the opportunity to make acquisitions in 14 states, including many of significant size such as Ohio and Michigan, as well as opportunities to enter faster-growing markets, primarily in the west.

Mr. President, American independent businessmen have taken for granted that they would always be able to walk down the street in their local community, breeze into their local bank and discuss their credit needs with a familiar friend whose primary reason for being in business was to provide credit to him and other local businessmen. In the last few years that opportunity has begun to diminish. In the next few years it will disappear in thousands of communities across this Nation unless the Congress acts and acts promptly. The grim fact is that this country is on the verge of losing the capital markets that are a unique American treasure. In every other major country in the world five or six banks do 95 percent or more of the banking business but not in America.

In our country we still have 14,000 independent vigorously competing banks. Even in our smaller cities several independently owned banks compete vigorously to provide better service and lower rates to its borrowing customers. In our major cities even the big banks usually have less than 20 percent of the credit business in the metropolitan area. Borrowers have a variety of choices. They are served by the fairest and most efficient possible regulators: competition. But in the near future? I repeat the wise observations of the New York expert:

> There has been a complete change in antitrust attitudes and with the natural tendency toward monopoly, transactions that were unthinkable 5 years ago can be done today.

A month ago the country witnessed a dramatic example of this. The two biggest banks in Dallas until last month were the Republic Bank Corp. and Interfirst. For years these two major banks fought like tigers for loans in the Texas oil fields, in real estate and throughout the Dallas and Austin market. No longer. In December they announced that they are merging into a single bank. A former

Federal Reserve Board official who has spent his career in Dallas announced his shock at this merger. I telephoned that official. He has since left the Fed. He told me that he felt the Republic-Interfirst merger raised serious antitrust problems. There is no question this merger will diminish competition in both Dallas, where the new bank will have 35 percent of the city's commercial banking business, and in Austin, where it will have about 25 percent. Why doesn't the fact that 65 percent of the Dallas banking business and 75 percent of Austin banking will be handled by competitors provide ample outside competition?

Answer: The large Dallas and Austin firms whose loans were handled by these two major banks will no longer have a choice between local banks big enough to handle credit of the size they require. For them it will be the merged bank or nothing. What will happen without competition for better service and lower rates? It is true that the Federal Reserve has not as yet signed off on this merger, but there are strong indications that it will do so.

Mr. President, what is happening in Dallas, TX, may happen throughout the country. If it does, it will happen because the owners of the merging banks will gain—at least in the near term by the mergers. But the far more numerous bank customers can only lose. Mr. President, the Congress should take a long, hard look at this merger mania that has come to the Nation's banks.

Independent business has been the backbone of our marvelous economy. It could suffer a serious deterioration in the availability of credit—the lifeblood of our free enterprise system, unless Congress acts promptly to stop this runaway merger mania.

Mr. President, I ask unanimous consent that the article to which I have referred from the January 20, 1987 issue of the American Banker headlined: "Some Banking Myths Shattered in 1986" be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the American Banker, Jan. 20, 1987]

SOME BANKING MYTHS SHATTERED IN 1986

(By Bart Fraust)

NEW YORK.—Bankers began to think the unthinkable last year. In the process, they shattered several myths about bank mergers and acquisitions as the aggressive takeover environment common in corporate America began to spread to the previously protected world of banking.

For example, the idea that some banks are too big to be sold was disproved. Eight of the 10 largest domestic bank mergers ever were announced last year, including a pair of billion-dollar deals: the acquisitions of the Crocker National Corp. by Wells Fargo & Co. and of Texas Commerce Bancshares Inc. by the Chemical New York Corp.

Three bank holding companies that had ranked among the nation's 25 largest at yearend 1985—No. 14, Inter-First Corp.; No. 22, Texas Commerce; and No. 25, Crocker—accepted takeover offers.

And No. 2, the BankAmerica Corp., continues to flee a takeover attempt by the First Interstate Bancorp, destroying another long-held view that no large U.S. bank ever will have to worry about a hostile takeover.

Other notions that came crashing down last year were that acquisitions of healthy thrifts were off limits to bank holding companies, that regulators will block mergers of multibillion-dollar banks in the same market on antitrust grounds, that interstate banking will evolve slowly, and that twice book value is as high as banks will go to buy other banks.

"There has been a complete change in antitrust attitudes, and with the natural tendency toward monopoly, transactions that were unthinkable five years ago can be done today," said John Lyons, a principal with Lyons, Zomback & Ostrowski Inc., a New York bank and thrift consultant.

In addition, the bull market in bank stocks during the last few years created an environment in which banks could do megamergers without seriously cutting into their earnings per share, Mr. Lyons said.

The landmark Supreme Court decision in June 1985 permitting regional interstate banking also was a major factor. Of the 20 biggest deals of the year, 12 were interstate transactions.

BANKERS' ATTITUDES CHANGING

Bankers' attitudes about mergers also are changing. "Today's banker feels that almost anything is possible," Mr. Lyons said. And that includes hostile takeovers of giants such as Bank-America.

"Hostile takeovers occur throughout the corporate world," he added. "There is a feeling that this is your right as a corporate citizen."

Managements of industrial companies now operate in an environment in which, if they make a mistake, corporate raiders are standing by ready to pounce on them.

Banking, too, is headed in that direction. "It's happened already," Mr. Lyons said. "The major entrepreneurs are heavily involved in banking through their ownership of savings and loans, and it has created a real problem for the S&Ls."

The acquisition of healthy thrifts is another area where bankers broke new ground last year. Previously, it was thought that thrift acquisitions were off limits to bank holding companies under federal law except in cases of failing thrifts. Citicorp entered Florida, California, Illinois, and Washington, D.C., through this kind of transaction.

In 1986, though, bank holding companies began to acquire healthy thrifts in a complex process that actually boils down to one simple idea—convert the thrift to a bank and then acquire the converted institution.

The Federal Home Loan Bank Board, concerned about losing its healthiest members, moved to block these deals by requiring the participants to pay hefty "exit fees" and then subjecting the deals to its prior approval. Barnett Banks of Florida, Jacksonville, went to federal court in Jacksonville and obtained a temporary restraining order against the Bank Board. Barnett completed the acquisition without Bank Board approval.

"These deals won't be attractive to every bank, to every thrift, in every market," said Thomas Vartanian, a partner at the Washington law firm of Fried, Frank, Harris, Shriver & Jacobson.

"Too many moons have to be in line," said Mr. Vartanian, a former general counsel to the Bank Board and one of the architects of these arrangements.

He added that he expects the Bank Board to seek aid from Congress on the matter and that the issue will be resolved with the buyers paying some kind of monetary compensation to the agency.

SEE BANKS ACQUIRING MUTUALS

Barring congressional action, Mr. Vartanian said, he sees no more than a dozen bank-thrift deals a year, with the bulk being bank acquisitions of mutuals. By buying mutuals, a bank could pay the Bank Board's exit fee without having to worry about compensating shareholders of the acquired company, he said.

Another notion that has been invalidated is that interstate banking will evolve slowly from regional to national banking. "Nationwide banking is coming faster than most believed even as recently as a year ago," said bank analyst William Weiant, in a recently published research report for the First Boston Corp.

Forty-one states and Washington, D.C., now have some form of interstate banking legislation on their books. Of these, nine have national banking laws and another nine have a trigger date for interstate banking.

"By early 1989, New York banks will have the opportunity to make acquisitions in 14 states, including many of significant size such as Ohio and Michigan, as well as opportunities to enter faster-growing markets, primarily in the West," Mr. Weiant said.

Last year, New York banks began their nationwide acquisition moves. Chemical New York Corp. soon will be operating in Texas through the acquisition of Texas Commerce. By 1988, it probably will be able to complete the acquisition of the Horizon Bancorp, Morristown, N.J., in a deal also announced last year.

By 1989, Marine Midland Banks Inc. should be operating in Pennsylvania through the acquisition of First Pennsylvania Banks Inc., Philadelphia, in a transaction anounced in 1986. In October, Citicorp and Chase Manhattan were able to complete their proposed Arizona bank acquisitions.

Twice the book value used to be the ceiling for bank acquisitions; it rapidly became the floor in 1986.

Although three mammoth acquisitions were announced at prices representing book value or less (Well-Crocker, Chemical-Texas Commerce, and RepublicBank Corp.-Inter-First Corp.), banking mergers and acquisitions were set at prices representing substantial premiums to book value.

For the 302 bank and thrift acquisitions included in the *American Banker's* universe of "big deals," the average multiple to book value was 1.7 and the average multiple to earnings was 16.8. For the first nine months of the year, the deals were priced at an even twice book value, but the average for the year was lowered by the Chemical-Texas Commerce and RepublicBank-InterFirst deals, both announced in December.

MANY BIG DEALS HIGHER PRICED

Many of the biggest deals of the year were priced well in excess of twice book. First Union Corp., Charlotte, N.C., bought First Railroad & Banking Co., Augusta, Ga., for about 2.4 times book; Sun Trust Banks Inc., Atlanta, got the Third National Corp., Nashville, for 2.3 times book; the PNC Financial Corp., Pittsburgh, won the Citizens Fidelity Corp., Louisville, Ky., for 2.6 times book; Midlantic Banks Inc., Edison, N.J., lured the Continental Bancorp, Philadelphia, with an offer worth 2.2 times book; and the Banc One Corp., Columbus, Ohio, attracted the American Fletcher Corp., Indianapolis, with 2.4 times book.

Sometimes, however, even well in excess of twice book value is not enough to hook the big fish. In July, the Fleet Financial Group, Providence, R.I., offered the Conifer Group Inc., Worcester, Mass., about 2.6 times book. The following month, Conifer accepted a rival offer from the Bank of New England Corp. worth over three times book. Former shareholders of the Patriot Bancorp, Boston, probably were the happiest about the deal. In January, they accepted an offer from Conifer worth 2.4 times book and, after the Bank of New England deal, they recorded one of the quickest and most lucrative "double-dips" in banking history.

The following are some other conclusions gleaned from the 1986 deals:

In every region of the nation, interstate deals on average were priced at higher multiples to book value and earnings than instate deals.

Differences in pricing between interstate and in-state deals is greatest in the Southeast.

The highest premiums, whether for instate or interstate deals, are available in the Northeast.

The lowest are available in the West.

The greatest merger activity took place in the Midwest, closely followed by the Southeast.

Thrifts cost less to buy than banks on average.

Will the acquisition wave continue?

One school of thought expects a significant drop in activity at least until the national triggers in several states take effect beginning in 1988. Mark Alpert, a bank analyst at Bear, Stearns & Co., noted that in recent months, the stock prices of large regional banks have fallen 15% to 20% from their 1986 highs as investors began to show their wariness about the effects of the bank merger wave. At the same time, sellers continue to expect high acquisition prices.

"Unless big banks' stock prices go up or smaller banks lower their price expectations, I think there will be a dropoff in activity," he said.

In contrast, Bradford M. Johnson, a bank analyst at Johnson, Lane, Space, Smith & Co. in Atlanta, said he believes, that the recent decline in bank stock prices will cause acquisitions to be priced more reasonably and thus spur merger activity this year.

BIGGEST DEALS OF 1986

[Dollars in millions]

Acquirer	Acquired	Price ($ Mil.)
Chemical New York Corp., New York.	Texas Commerce Bancshares, Houston, Tex.	$1,190
Wells Fargo & Co., San Francisco, Calif.	Crocker National Corp., San Francisco, Calif.	1,080
First Union Crop., Charlotte, N.C.	First Railroad & Banking, Augusta, Ga.	779
Sun Trust Banks Inc., Atlanta, Ga.	Third National Corp., Nashville, Tenn.	757.5
PNC Financial Corp., Pittsburgh, Pa.	Citizens Fidelity Corp., Louisville, Ky.	700
Midlantic Banks Inc., Edison, N.J.	Continental Bancorp, Philadelphia, Pa.	680
Bank of New England, Boston, Mass.	Conifer Group, Worcester, Mass	656
Banc One Corp., Columbus, Ohio	American Fletcher Corp., Indianapolis, Ind.	597.3
Republic Bank Corp., Dallas, Tex	InterFirst Corp., Dallas, Tex	588
Marine Midland Banks, Buffalo, N.Y.	First Pennsylvania Corp., Philadelphia, Pa.	585
Chemical New York Corp., New York, N.Y.	Horizon Bancorp, Morristown, N.J.	465
CoreStates Financial Corp., Philadelphia, Pa.	New Jersey National Corp., Pennington, N.J.	439
Maryland National Corp., Baltimore, Md.	American Security Corp., Washington, D.C.	438
Fidelcor, Philadelphia, Pa	Merchants National Corp., Allentown, Pa.	380
Bank of New York Co., New York, N.Y.	Long Island Trust Co., Garden City, N.Y.	300
United Jersey Banks, Trenton, N.J.	Commercial Bancshares, Jersey City, N.J.	280
Golden State Sanwa Bank, San Francisco, Calif.	Lloyds Bank California, Los Angeles, Calif.	263
NBD Bancorp, Detroit, Mich	USAmeribancs Inc., Highland Park, Ill.	250
U.S. Bancorp Portland, Ore	ONB Corp., Spokane, Wash	174
Barnett Banks of Florida, Jacksonville, Fla.	Home Federal Bank, St. Petersburg, Fla.	155

Mr. PROXMIRE. I thank the Chair. Mr. President, I yield the floor.

RECOGNITION OF SENATOR MURKOWSKI

The PRESIDENT pro tempore. Under the previous order, the Senator from Alaska, Senator MURKOWSKI, is recognized for not to exceed 5 minutes.

Mr. MURKOWSKI. I thank the Chair.

THE BEDROCK OF DEMOCRACY

Mr. MURKOWSKI. Mr. President, democracy rests on the bedrock of this truth: The people have a right to know.

The Iran arms operation first came to public attention on November 6 of last year. On November 25 Attorney General Meese revealed that there was a Nicaraguan connection—that profits from the Iranian arms sales apparently had been diverted to the Contras.

For 9 weeks now, this affair has dominated the news. Twice the President has gone on national television to discuss it with the American people. A special prosecutor, a blue ribbon commission to overhaul the NSC, and two special select congressional committees have all been established to address all or some aspects of this affair. The capacity of the administration to govern at home and conduct foreign policy abroad has been severely undermined. The Secretary of State must begin each public appearance by reaffirming that he will not resign. A crescendo of voices demand that the President's Chief of Staff step aside and the same thing would be happening to the Director of Central Intelligence if he were not gravely ill.

When the Iranian affair first became public, there was a consensus call in the press, the Congress, and the President for the earliest possible presentation of the whole story to the public of our Nation. In response, the Senate Intelligence Committee immediately launched a fact-finding inquiry.

Members and staff worked long hours through the recess, holidays, and weekends. By the end of December the committee had heard from 36 witnesses—some more than once—recording nearly 4,000 pages of testimony. Thousands of documents were obtained either by request or subpoena from the administration, from corporations, and from individuals.

At that point it was clear the committee had far more information in its possession and more knowledge of the whole affair than did anyone else, including the White House and the CIA. As a consequence, the committee had a unique responsibility to share what it had learned.

At great effort the committee staff produced a detailed chronological history of the Iran/Contra affair complete with quotations from relevant documents. The draft report was reviewed and declassified by the appropriate executive agencies and presented to the committee members of January 5, the last day of the 99th Congress. The chairman of the committee, the Senate majority leader, and the President—not to mention the press—called for the committee to release the report. Instead, the committee decided by one vote—7 to 6—not to do so. That vote was largely partisan.

As a member of the Intelligence Committee I say that decision was wrong then, and it is wrong now.

The committee report is not the last word on the Iran matter, nor does it purport to be. Three key witnesses chose not to testify—Admiral Poindexter, Lieutenant Colonel North, and General Secord—as a result the chronology as presented in the committee draft is neither perfect nor complete. But it is a remarkable achievement and it is the best record available. It can be an invaluable benchmark by which the public can measure what we know so far. It can greatly shorten the work of the special select committees, and others who will investigate this matter.

Contrary to some critics, the committee draft contains no conclusions regarding such matters as the degree of Presidential knowledge or whether laws were broken. Material that was recently printed and characterized in the New York Times as committee conclusions, in fact had been explicitly removed from the draft report by the committee.

Because it reaches no conclusions, the report is neither a coverup nor an indictment—simply a recitation of known facts from those who were involved. Since the facts were gathered without any promise of immunity, their release would not jeopardize any future prosecutions emerging from the various investigations. Promises of confidentiality provided some witnesses in return for testimony are respected.

In the process of review for classification, some material was inadvisedly removed for reasons of "diplomatic sensitivity." The White House agrees that those passages should be restored. Our diplomatic relationships with our friends are strong enough to withstand public scrutiny.

In the wake of the committee's decision to withhold the report, regrettably and predictably portions of an early draft began to leak to the media. The result has been confusion based on purported revelations and findings, some accurate and some not. As long as the report is withheld, this process will no doubt continue.

Mr. Chairman, having said this much, I am also aware that the committee staff is preparing a new draft report using additional documents and testimony that have become available to the committee. That report is expected to be available within the next few days for consideration by the committee. The present intention, pursuant to Senate Resolution 23, is to give the approved report of the new Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition. That is not sufficient; by itself it does not serve the public's right to know. Therefore, let me state for the Record now, that I will press hard in the Intelligence Committee for a decision to release the new staff report to the public as soon as it is approved by the committee.

I thank the Chair.

SPECIAL ORDER FOR SENATOR MITCHELL

The PRESIDENT pro tempore. Under the previous order, the Senator from Maine [Mr. MITCHELL], is recognized for not to exceed 5 minutes.

Mr. BYRD addressed the Chair.

The PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I am informed that Mr. MITCHELL will not want to take his 5 minutes under this order. I ask unanimous consent that I may control the time.

The PRESIDENT pro tempore. The Chair points out that the Senator from Wisconsin has 5 minutes.

Mr. PROXMIRE. Mr. President, I have spoken.

DEMOCRATIC RESPONSE TO THE PRESIDENT'S STATE OF THE UNION MESSAGE

Mr. PROXMIRE. Mr. President, I ask unanimous consent, if I might, to have the Democratic speeches and the State of the Union Address of last night by the President of the United States printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENTIAL ADDRESS: STATE OF THE UNION MESSAGE, TUESDAY, JANUARY 27, 1987

The PRESIDENT. Mr. Speaker, Mr. President, distinguished Members of Congress, honored guests, and fellow citizens.

May I congratulate all of you who are Members of this historic 100th Congress of the United States of America. In this 200th anniversary year of our Constitution, you and I stand on the shoulders of giants—men whose words and deeds put wind in the sails of freedom.

However, we must always remember that our Constitution is to be celebrated not for being old, but for being young—young with the same energy, spirit, and promise that filled each eventful day in Philadelphia's State House. We will be guided tonight by their acts; we will be guided forever by their words.

Now, forgive me, but I can't resist sharing a story from those historic days. Philadelphia was bursting with civic pride in the spring of 1787, and its newspapers began embellishing the arrival of the Convention delegates with elaborate social classifications.

Governors of States were called "Excellency." Justices and Chancellors had reserved for them "Honorable" with a capital "H." For Congressmen, it was "honorable" with a small "h." All others were referred to as "the following respectable characters."

Well, for this 100th Congress, I invoke special Executive powers to declare that each of you must never be titled less than Honorable with a capital "H."

Incidentally, I am delighted we are celebrating the 100th birthday of the Congress. It is always a pleasure to congratulate someone with more birthdays than I have had.

Now, there's a new face at this place to honor tonight. Please join me in warm congratulations to Speaker of the House JIM WRIGHT. Mr. Speaker, you might recall a similar situation in your very first session of Congress, 32 years ago. Then, as now, the Speakership had changed hands, and another great son of Texas, Sam Rayburn—"Mr. Sam"—sat in your chair. I cannot find better words than those used by President Eisenhower that evening: "We still have much to do together; I am sure that we will get it done—and, that we shall do it in harmony and good will."

Tonight, I renew that pledge. To you, Mr. Speaker, and to Senate Majority Leader ROBERT BYRD who brings 34 years of distinguished service to the Congress, may I say: though there are changes in this Congress, America's interest remain the same. I am confident that, along with Republican leaders BOB MICHEL and BOB DOLE, this Congress can make history.

Six years ago, I was here to ask the Congress to join me in America's New Beginning.

The results are something of which we can all be proud. Our inflation rate is now the lowest in a quarter of a century. The prime interest rate has fallen from the 21½ percent the month before we took office to 7½ percent today, and those rates have triggered the most housing starts in 8 years.

The unemployment rate—still too high—is the lowest in nearly 7 years, and our people have created nearly 13 million new jobs. Over 61 percent of everyone over the age of 16, male and female, is employed—the highest percentage on record.

Let's roll up our sleeves, go to work, and put America's economic engine at full throttle.

We can also be heartened by our progress across the world. Most important, America is at peace tonight, and freedom is on the march. We have done much these past years to restore our defenses, our alliances, and our leadership in the world. Our sons and daughters in the services once again wear their uniforms with pride.

But though we have made much progress, I have one major regret. I took a risk with regard to our action in Iran. It did not work, and for that I assume full responsibility.

The goals were worthy. I do not believe it was wrong to try to establish contacts with a country of strategic importance or to try to save lives. And certainly it was not wrong to try to secure freedom for our citizens held in barbaric captivity. But we did not achieve what we wished, and serious mistakes were made in trying to do so. We will get to the bottom of this, and I will take whatever action is called for.

But in debating the past, we must not deny ourselves the successes of the future. Let it never be said of this generation of Americans that we became so obsessed with failure that we refused to take risks that could further the cause of peace and freedom in the world.

Much is at stake here, and the Nation and the world are watching—to see if we go forward together in the national interest, or if we let partisanship weaken us.

And let there be no mistake about American policy: We will not sit idly by if our interests or our friends in the Middle East are threatened, nor will we yield to terrorist blackmail.

Now, ladies and gentlemen of the Congress, why don't we get to work?

I am pleased to report that, because of our efforts to rebuild the strength of America, the world is a safer place. Earlier this month, I submitted a budget to defend America and maintain our momentum to make up for neglect in the last decade. I ask you to vote out a defense and foreign affairs budget that says "yes" to protecting our country.

While the world is safer, it is not safe.

Since 1970, the Soviets have invested $500 billion more on their military forces than we have. Even today, though nearly one in three Soviet families is without running hot water, and the average family spends 2 hours a day shopping for the basic necessities of life, their government still found the resources to transfer $75 billion in weapons to client states in the past 5 years—clients like Syria, Vietnam, Cuba, Libya, Angola, Ethiopia, Afghanistan, and Nicaragua.

With 120,000 Soviet combat and military personnel and 15,000 military advisers in Asia, and Latin America, can anyone still doubt their single-minded determination to expand their power? Despite this, the Congress cut my request for critical U.S. security assistance to free nations by 21 percent this year, and cut defense requests by $85 billion in the last 3 years. These assistance programs serve our national interest as well as mutual interests, and when the programs are devastated, American interests are harmed. My friends, it is my duty as President to say to you again tonight that there is no surer way to lose freedom than to lose our resolve.

Today, the brave people of Afghanistan are showing that resolve. The Soviet Union says it wants a peaceful settlement in Afghanistan, yet it continues a brutal war and props up a regime whose days are clearly numbered. We are ready to support a political solution that guarantees the rapid withdrawal of all Soviet troops and genuine self-determination for the Afghan people.

In Central America, too, the cause of freedom is being tested. And our resolve is being tested there as well. Here, especially, the world is watching to see how this Nation responds.

Today, over 90 percent of the people of Latin America live in democracy. Democracy is on the march in Central and South America. Communist Nicaragua is the odd man out—suppressing the Church, the press, and democratic dissent and promoting subversion in the region. We support diplomatic efforts, but these efforts can never succeed if the Sandinistas win their war against the Nicaraguan people.

Our commitment to a Western Hemisphere safe from aggression did not occur by spontaneous generation on the day we took office. It began with the Monroe Doctrine in 1823 and continues our historic bipartisan American policy. Franklin Roosevelt said we "* * * are determined to do everything possible to maintain peace on this hemisphere." President Truman was very blunt. "International communism, * * * seeks to crush and undermine and * * * destroy the independence of the Americas. * * * We cannot let that happen here."

And John F. Kennedy made clear that "* * * Communist domination in this hemisphere can never be negotiated."

Some in this Congress may choose to depart from this historic commitment, but I will not.

This year, we celebrate the second century of our Constitution. The Sandinistas just signed theirs 2 weeks ago—and then suspended it. We won't know how my words tonight will be reported there, for one simple reason: there is no free press in Nicaragua.

Nicaraguan freedom fighters have never asked us to wage their battle, but I will fight any effort to shut off their lifeblood and consign them to death, defeat, or a life without freedom. There must be no Soviet beachhead in Central America.

We Americans have always preferred dialogue to conflict, and so we always remain open to more constructive relations with the Soviet Union. But more responsible Soviet conduct around the world is a key element of the U.S.-Soviet agenda. Progress is also required on the other items of our agenda as well—real respect for human rights, and more open contacts between our societies, and, of course, arms reduction.

In Iceland last October, we had one moment of opportunity that the Soviets dashed because they sought to cripple our Strategic Defense Initiative—S.D.I. I wouldn't let them do it then. I won't let them do it now or in the future. This is the most positive and promising defense program we have undertaken. It's the path—for both sides—to a safer future, a system that defends human life instead of threatening it. S.D.I. will go forward.

The United States has made serious, fair, and far-reaching proposals to the Soviet Union, and this is a moment of rare opportunity for arms reduction. But I will need, and American negotiators in Geneva will need Congress' support. Enacting the Soviet negotiating position into American law would not be the way to win a good agreement. So I must tell this Congress I will veto any effort that undercuts our national security and our negotiating leverage.

Today, we also find ourselves engaged in expanding peaceful commerce across the world. We will work to expand our opportunities in international markets through the Uruguay round of trade negotiations and to complete an historic free trade arrangement between the world's two largest trading partners—Canada and the United States.

Our basic trade policy remains the same: we remain opposed as ever to protectionism because America's growth and future depend on trade. But we will insist on trade that is fair and free. We are always willing to be trade partners but never trade patsies.

Now from foreign borders, let us return to our own because America in the world is only as strong as America at home.

This 100th Congress has high responsibilities. I begin with a gentle reminder that many of these are simply the incomplete obligations of the past. The American people deserve to be impatient because we do not yet have the public house in order.

We've had great success in restoring our economic integrity, and we've rescued our Nation from the worst economic mess since the Depression.

But there's more to do. For starters, the Federal deficit is outrageous.

For years I've asked that we stop pushing onto our children the excesses of our government. What the Congress finally needs to do is pass a constitutional amendment that mandates a balanced budget and forces government to live within its means. States, cities, and the families of America balance their budgets. Why can't we?

Next—the budget process is a sorry spectacle. The missing of deadlines and the nightmare of monstrous continuing resolutions packing hundreds of billions of dollars of spending into one bill must be stopped.

We ask the Congress, once again: Give us the same tool that 43 Governors have—a line-item veto so we can carve out the boondoggles and pork and those items that would never survive on their own. I will send the Congress broad recommendations on the budget, but first I'd like to see yours. Let's go to work and get this done together.

Now, let's talk about this year's budget. Even though I have submitted it within the Gramm-Rudman-Hollings deficit reduction target, I've seen suggestions that we might postpone that timetable. Well, I think the American people are tired of hearing the same old excuses. Together, we made a commitment to balance the budget; now, let's keep it.

As for those suggestions that the answer is higher taxes, the American people have repeatedly rejected that shopworn advice. They know that we don't have deficits because people are taxed too little; we have deficits because big government spends too much.

Next month, I will place two additional reforms before the Congress.

We've created a welfare monster that is a shocking indictment of our sense of priorities. Our national welfare system consists of some 59 major programs and over 6,000 pages of Federal laws and regulations on which more than $132 billion was spent in 1985.

I will propose a new national welfare strategy—a program of welfare reform through state-sponsored, community-based demonstration projects. This is the time to reform this outmoded social dinosaur and finally break the poverty trap. We will never abandon those who, through no fault of their own, must have our help. But let us work to see how many can be freed from the dependency of welfare and made self-supporting which the great majority of welfare recipients want more than anything else.

Next, let us remove a financial specter facing our older Americans—the fear of an illness so expensive that it can result in having to make an intolerable choice between bankruptcy and death. I will submit legislation shortly to help free the elderly from the fear of catastrophic illness.

Now, let's turn to the future.

It is widely said that America is losing her competitive edge. Well, that won't happen if we act now. How well prepared are we to enter the 21st century? In my lifetime, America set the standard for the world. It is now time to determine that we should enter the next century having achieved a level of excellence unsurpassed in history.

We will achieve this: first, by guaranteeing that government does everything possible to promote America's ability to compete. Second, we must act as individuals in a quest for excellence that will not be measured by new proposals or billions in new funding. Rather, it involves an expenditure of American spirit and just plain American grit.

The Congress will soon receive my comprehensive proposals to enhance our competitiveness—including new science and technology centers and strong new funding for basic research.

The bill will include legal and regulatory reforms and weapons to fight unfair trade practices. Competitiveness also means giving our farmers a shot at participating fairly and fully in a changing world market.

Preparing for the future must begin, as always, with our children.

We need to set for them new and more rigorous goals. We must demand more of ourselves and our children by raising literacy levels dramatically by the year 2000. Our children should master the basic concepts of math and science, and let's insist that students not leave high school until they have studied and understood the basic documents of our national heritage.

There's one more thing we can't let up on. Let's redouble our personal efforts to provide for every child a safe and drug-free learning environment. If the crusade against drugs succeeds with our children, we will defeat that scourge all over our country.

Finally, let's stop suppressing the spiritual core of our national being. Our Nation could not have been conceived without divine help. Why is it that we can build a Nation with our prayers but we can't use a schoolroom for voluntary prayer? The 100th Congress of the United States should be remembered as the one that ended the expulsion of God from America's classrooms.

The quest for excellence into the 21st century begins in the schoolroom but must go next to the workplace. More than 20 million new jobs will be created before the new century unfolds, and, by then, our economy should be able to provide a job for everyone who wants to work.

We must also enable our workers to adapt to the rapidly changing nature of the workplace, and I will propose substantial new Federal commitments keyed to re-training and job mobility.

Over the next few weeks, I will be sending the Congress a complete series of these special messages—on budget reform, welfare reform, competitiveness, including education, trade, worker training and assistance, agriculture, and other subjects.

The Congress can give us these tools, but to make these tools work, it really comes down to just being our best. That is the core of American greatness.

The responsibility of freedom presses us towards higher knowledge and, I believe, moral and spiritual greatness. Through lower taxes and smaller government, government has its ways of freeing people's spirit. But only we, each of us, can let the spirit soar against our own individual standards.

Excellence is what makes freedom ring. And isn't that what we do best?

We're entering our third century now, but it's wrong to judge our Nation by its years. The calendar can't measure America because we were meant to be an endless experiment in freedom—with no limit to our reaches, no boundaries to what we can do, no end point to our hopes.

The United States Constitution is the impassioned and inspired vehicle by which we travel through history. It grew out of the most fundamental inspiration of our existence: that we are here to serve Him by living free—that living free releases in us the noblest of impulses and the best of our abilities. That we would use these gifts for good and generous purposes and would secure them not just for ourselves, and for our children, but for all mankind.

Over the years—I won't count if you won't—nothing has been so heartwarming to me as speaking to America's young. And the little ones especially—so fresh-faced and so eager to know—well, from time to time, they'll ask about our Constitution.

I hope you Members of Congress will not deem this a breach of protocol if you'll permit me to share these thoughts again with the young people who might be listening or watching this evening.

I have read the constitutions of a number of countries—including the Soviet Union's. Some people are surprised to hear they have a constitution, and it even supposedly grants a number of freedoms to its people. Many countries have written into their constitutions provisions for freedom of speech and freedom of assembly. But if this is true, why is the Constitution of the United States so exceptional?

The difference is so small that it almost escapes you—but it's so great it tells you the whole story in just three words: We the people.

In those other constitutions, the government tells the people of those countries what they are allowed to do. In our Constitution, we the people tell the government what it can do and that it can do only those things listed in that document and no others.

Virtually every other revolution in history has just exchanged one set of rulers for another. Our revolution is the first to say the people are the masters, and government is their servant.

And you young people out there, don't ever forget that. Some day, you could be in this room—but wherever you are, America is depending on you to reach your highest and be your best—because here, in America, we the people are in charge.

Just three words. Some words.

We the people.

Those are the kids on Christmas day looking out from a frozen sentry post on the 38th Parallel in Korea or aboard an aircraft carrier in the Mediterranean. A million miles from home. But doing their duty.

We the people.

Those are the warm-hearted whose numbers we can't begin to count who'll begin the day with a little prayer for hostages they will never know and M.I.A. families they will never meet. Why? Because that's the way we are, this unique breed we call Americans.

We the people.

They're farmers on tough times, but who never stop feeding a hungry world. They're the volunteers at the hospital choking back their tears for the hundredth time caring for a baby struggling for life because of a mother who used drugs. And you'll forgive me a special memory—it's a million mothers like Nelle Reagan who never knew a stranger or turned a hungry person away from her kitchen door.

We the people.

They refute last week's television commentary downgrading our optimism and idealism. They are the entrepreneurs, the builders, the pioneers, and a lot of regular folks—the true heroes of our land who make up the most uncommon Nation of doers in history. You know they're Americans because their spirit is as big as the universe, and their hearts are bigger than their spirit.

We the people.

Starting the third century of a dream and standing up to some cynic who's trying to tell us we're not going to get any better.

Are we at the end? Well, I can't tell it any better than the real thing—a story recorded by James Madison from the final moments of the Constitutional Convention—September 17, 1787. As the last few members signed the document, Benjamin Franklin—the oldest delegate at 81 years, and in frail health—looked over toward the chair where George Washington daily presided. At the back of the chair was painted the picture of a sun on the horizon. Turning to those sitting next to him, Franklin observed that artists found it difficult in their painting to distinguish between a rising and setting sun.

I know if we were there, we could see those delegates sitting around Franklin—leaning in to listen more closely to him. Then Dr. Franklin began to share his deepest hopes and fears about the outcome of their efforts, and this is what he said:

"I have often * * * looked at that (picture) behind the President without being able to tell whether it was rising or setting: But now at length I have the happiness to know that it is a rising and not a setting Sun."

You can bet it's rising, because—my fellow citizens—America isn't finished; her best days have just begun.

Thank you. God bless you. And God bless America.

The Democratic Response to the President's State of the Union—House Speaker Jim Wright and Senate Majority Leader Robert Byrd, January 27, 1987

Just a few minutes ago I was in the House chamber, standing behind the President. That is part of the Speaker's duty in this system where we put patriotism above partisanship.

But the position of Speaker also has another Constitutional aspect. In fact it dates all the way back to England in the 1370's. The idea of a Speaker was to have someone speak to the King in behalf of the House of Commons about the needs of the people.

Several of the early English Speakers of the House were beheaded in the performance of this duty. When I think of that, I thank God for the Constitution, and for those who wrote it.

They created a system of checks and balances in which the President and the Congress can work together, as equal partners, in carrying out your will.

The American people last November chose Democratic majorities to serve them in both Houses of Congress. This doesn't mean that we have to pursue two years of unrelieved conflict.

There are many things on which we all can agree. There are some on which we honorably disagree. There are some, no doubt, on which we can find avenues of reasonable compromise.

Lest there be any question of our good faith, let me stress, right up front, that we will be ready right now or at any time, to sit down with the President and his top advisors to seek ways to stop piling up deficits by adopting a pay-as-we-go plan. No gimmicks. No selling off assets. No tampering with the Social Security Trust Fund. Just get every annual appropriation and every source of revenue right out on the table and see if we can make them match. Mr. President, you and I both have grandchildren. We need to stop sending them our bills.

With new leadership in both House and Senate, I have asked Senate Majority Leader Robert Byrd to join me in describing our vision for America.

He will point out a way to build strength, credibility for America's foreign policy, and respect for America's word.

But if America is to be strong in the world, we have to be true to our own ideals at home. Talk is not enough. What counts is action.

Since this Congress convened three weeks ago today, we have already taken action on three major legislative programs that perform urgent duties for this land of ours.

The first is a Clean Water bill, renewing our commitment to clean up this nation's streams for this and future generations. That bill has been passed and sent to the President. We hope he signs it.

The second is a highway bill to complete the Interstate Highway system with straight, safe highways for America's people. Fifteen hundred needed highway projects in all of our states await the speedy passage of this bill to put 165,000 Americans to work on this constructive undertaking. That bill has passed both House and Senate.

The third bill, which passed the House today, is emergency help for the homeless. We have twice the number of homeless families as last year—people who huddle against the icy blasts of winter on street grates and in boxcars and culverts throughout America. A warm place to sleep, a hot meal and minimal medical attention is not too much to ask for America's own.

These bills are not "budget busters." All of them are within the budget resolution. And let me hasten to say that they've had a strong bipartisan support. Republicans have rallied with Democrats in a cooperative effort to get these bills passed in record time.

Throughout our history, America has grown stronger when we've faced our problems openly and overcome them together.

Three of our most urgent problems are the trade deficit, the farm crisis, and the education crisis.

In the past few years, we've been hit by a staggering trade deficit. Last year that deficit represented a drain on our economy of more than $2,600 per family. It has robbed us of three million American jobs in four years. Every few days another factory closes or announces a big lay-off somewhere in America. Just four years ago we were the world's largest creditor nation. Today we're the world's largest debtor nation. We can do better than that.

We welcome the Administration's new words of concern about the trade deficit. For three years we have implored the President to take action. Last year the House passed a comprehensive trade bill, with a huge bipartisan vote. That bill died without any action in the then Republican Senate, and the problem grew steadily worse. This year large majorities in both Houses are determined to act. And we will act.

We believe in free trade. We think it has to be fair trade. America has a right to insist that other countries treat American-made products the same way that we treat their products.

Do you know what our number one export is from the Port of New York? I'm almost ashamed to mention it. It's not machinery. It's not computers. It's junk. It's scrap metal—mostly junked automobiles.

And if that isn't bad enough, do you know that the second biggest export is? It's paper. Waste paper. Trash. It is shipped to the Far East and made into cardboard boxes for the foreign-made clothing and shoes they sell back to us.

From our number one port, in the most industrialized country in the world, our two leading exports are junk metal and scrap paper.

We need strong incentives to invest in those things that modernize and improve our aging American industrial plants, make them more competitive. Then "Made in the USA" once again can be the badge of quality and value throughout the world. That is our number one congressional objective this year.

Our second major problem is the plight of America's family farms.

America's farm economy is in a desperate condition. There were more farm foreclosures in the last two years than at any time since the Great Depression. Thousands of family farms right now hang by a thread.

The trouble is that the Administration has seemed not to care—or perhaps just not to understand. In 1985 the government put up $4.5 billion of public money to bail out one big bank in Chicago. But the President vetoed a much smaller bill of loan guarantees that would have allowed local banks to give many thousands of America's farm families a breathing spell to save themselves from foreclosure. Because of that veto, thousands of families have lost their farms.

We don't have to spend more to do better. Too much of our $25 billion support program goes to a few huge corporate enterprises—not family farms at all.

America stands in danger of losing one of our greatest and most valuable treasures. Our system of individual family farms has made us the best-fed nation on earth. We think that's worth saving—and that is another of our Democratic Congressional objectives this year.

A third is to revitalize American education—for all of America's children—until once again we lead the world in literacy, in learning, in research and job skills.

We'll talk more about that in a few minutes. But, first, let's hear from Senate Majority Leader Robert Byrd—about America's place in the world and how we preserve it.

SENATE MAJORITY LEADER ROBERT C. BYRD—DEMOCRATIC RESPONSE TO THE PRESIDENT'S STATE OF THE UNION ADDRESS

Jim Wright and I are the new leaders in Congress. He in the House—I in the Senate. We're from rural America. We're veterans of the most dramatic debates of our time. We've seen this country in triumph—and we've seen it in depression. And we know what a resilient and trusting people we are.

The Administration's recent dealings with Iran have cast a long shadow over this country. There's a gathering sense of mistrust.

The sale of arms to Iran—in direct contradiction to our stated foreign policy—raises real questions about trust. But it also raises real doubts about competence. Without competence—and a good measure of common sense—government will have a tough time earning the nation's trust.

And government without trust is government without power.

That's why so many find the Iranian affair so troubling. It was a breach of faith—both here and abroad.

Like people, a nation, is only as good as its word. If our word is good—our nation is strong. If our word is in doubt—our nation is weak. We do not hold the free world together at gun point. It is a mutual trust that binds us—a respect for one another and a common commitment to human dignity and to peace.

This Democratic Congress wants to work with the President and the Administration in advancing our national interests abroad. We need a coherent foreign policy that aggressively seeks to get the peace movement back on track in the Middle East; a policy that does not just offer the Contras as a solution to our problems in Central America; a foreign policy that utilizes all the resources available—diplomatic, political, economic, and military—to achieve America's goals in the world.

For the moment, our allies and our friends are bewildered and question our motives. They wonder how we can rail against terrorism—and then sell arms to terrorists. Many of you are wondering, too. Foreign policy is too crucial in today's world to be decided in the dark. Tonight, Americans are once again held hostage by terrorists. We must stand together and have the courage of our convictions. Americans love liberty and human freedom. All of us want to see our hostages brought home. But if risks must be taken, then all Americans must understand those risks—and take them together.

Bold actions can succeed, but they must be based on carefully considered and sound judgement. The President owes us all a more open debate on foreign policy in return for our trust. And, we owe our allies and friends a firmer handshake in return for theirs.

The Administration has the obligation to tell the American people exactly what led to the arms-for-hostage-deal—and what happened to accountability in the White House. Meanwhile, the world moves on—and so do the nation's concerns.

The Democratic agenda—as Jim outlined—is as short as it is monumental. Set the deficit on a downward trend. Regain our prominence in world markets as creators, producers and exporters. And make this country the most secure in the world.

We live in a hostile world. Behind the outer perimeter of diplomacy, America must have ready an awesome force to meet force. Democrats are committed to a strong defense.

Real national defense isn't just measured by missiles or destroyers. We know we have to spend billions. But we must manage our defense dollar better—to really get our money's worth—and still meet the world on the terms that are offered—whether it's terrorism, a conventional war, or a nuclear threat.

While we must maintain a strong defense, we must also work to reduce the risk of nuclear war. Democrats have backed the President's efforts to negotiate a tough, verifiable, and lasting arms control agreement. It is a pursuit—like balancing our foreign policy—that must override partisan differences. Congress wants a tough arms treaty to be our monument to the last half of this century. And, I would caution any adversary that qestions that resolve.

We want to work with the Administration to see that sound, solid proposals are put on the negotiating table—proposals that do not leave the United States and the rest of the free world at a disadvantage.

Right now, Congress wants to get on with the business of governing. We are too well aware that when Congress and the President do not work together, the nation's business goes undone.

The President was elected to govern. His is the final signature on our work. His is the final word echoed around the world. Without the President as an equal and active partner, Congress is stymied.

It was all laid out in the Constitution just two hundred years ago—the creation of Congress as the people's branch—the concept of checks and balances between Congress and the President—the burden of bipartisan consensus.

It has taught us over the years that government is at its best when Congress and the President hitch themselves to the same wagon—and pull together in the same direction. No force abroad is as great as America united.

The last two years of the Reagan presidency need not be a period of discord. A weakened President serves no one. A strong President serves us all.

We can rebound from the Iranian misadventure. We can rebuild our foreign policy. We can rethink our military budget. But we must begin by winning back the nation's trust.

And Jim and I are committed to helping the President regain that trust. With God's help, we stand ready to do our part.

SPEAKER JIM WRIGHT RESUMES SPEAKING

Throughout our history America has stood for something.

Like a great locomotive that pulls a long train, a powerful ideal has pulled our country forward for all these 200 years.

We've believed that each generation should do a little better than the one before—be better educated, better employed, better housed, have more opportunity and a better chance for our children. That's the American dream.

Now we see a disturbing new reality—not upward mobility but downward mobility. The average 30 year old American today is making 26 percent less than his older brother did just ten years ago.

The average 45 year old couple is finding it harder, not easier, to send their children to college.

Last year the Japanese, with just half our population, graduated half again more scientists and engineers than we did. The Soviet Union graduated more technicians than we did. That's just not good enough. That could be suicidal.

We are not satisfied with educational mediocrity. It isn't good enough when other countries outrank us in literacy, when high school graduates cannot read.

Education is the fuel that funds the locomotive. And the 100th Congress is determined to restore education to its rightful place at the pinacle of our national priorities.

President Reagan spoke of education tonight in glowing terms. But the sad truth is that his budget—delivered to Congress earlier this month—would actually cut our educational commitment by about 28 percent.

With more technical skills required by young people entering the job market, the White House wants to abolish vocational education. The President's budget cuts student assistance and would make college virtually impossible next year for about three million young Americans who want to go to college.

That's false economy! That's unilateral disarmament.

We simply cannot underfund education and do anything positive about the trade deficit . . . or even about defense.

In six years, this administration has doubled Pentagon spending and actually shrunk educational opportunity.

However splendid our weapons, we won't be first in defense—or first in trade—if we settle for second best in education.

The very best financial investment this country ever made was the G.I. Bill of Rights at the end of World War II. It sent an entire generation of Americans to college. And our country has been reaping the dividends ever since.

That program—simply in greater taxes paid from higher earnings—has actually repaid the U.S. Treasury about $20 for every dollar invested.

The President sometimes likes to criticize Congress for what he calls "big spending." But the plain truth is that for the six years of this administration Congress actually has appropriated less in total spending than Mr. Reagan has asked us to appropriate.

The basic disagreement is not over how much we spend. It's where we spend it—what we get for it—and who pays the bill, ourselves or our children.

The president's newest budget would cut $5.5 billion from the education of our young—and spend that same amount on research for just one new weapon.

It asks more for the Pentagon, more for foreign aid, more for space, more for "Star Wars," more for the war in Latin America.

But it could cut education, cut the clean water program, cut medicare and medicaid, cut what we do for the disadvantaged, and—are you ready for this?—it would make deep cuts in our commitment to drug enforcement.

Last year Congress, Democrats and Republicans together, passed a very important anti-drug initiative. President Reagan signed that bill with great fanfare and called the war on drugs our "first line of defense." Remember?

Now, just three months later, he wants to cut that pledge in half. He wants to cut in half the commitment we made for anti-drug training in the schools. He wants to cut in half the amount we promised local law enforcement agencies to combat drugs in the streets of our cities.

This is the kind of gap between rhetoric and reality that we just can't tolerate and maintain people's trust in government.

Mr. President, we think promises are important. This is one that Congress—Democrats and Republicans alike—are determined to keep.

Are there fundamental differences between the White House and the Democratic Congress? Yes, there are some.

But there also are things on which we can work together. We'll work with the White House to create a fair and equitable system of welfare reform—to help get people off the welfare rolls and onto productive payrolls.

We'll enthusiastically embrace an insurance plan to indemnify Americans against the sudden financial ravage of a catastrophic illness.

We'll actively promote productivity and increased competitiveness.

And we will support with our votes and with our hearts and with our prayers any reasonable effort to reduce the terrible tensions that afflict the world.

That's what America stands for. And America can't stand still. We've moved forward only when we've raised our sights, not when we've lowered them.

Our children and our children's children will hold us accountable not for what we've said we'd do, but for what we've done.

We wish the President good health. We offer him our friendship. We are anxious to work with him as full and equal partners in this, the freest and greatest government on earth.

Mr. PROXMIRE. Mr. President, I particularly want to commend to the attention of the Senate and the House the excellent statements by Speaker WRIGHT and by the majority leader, Senator BYRD, which followed the President's speech last night. Those are excellent statements that I think many people might have missed because the speeches were on television and most Members were down here in the Congress at the time.

The PRESIDENT pro tempore. Does the Senator from West Virginia wish recognition?

Mr. BYRD. Mr. President, I will repeat my unanimous-consent request, that being that the 5-minute order for Mr. MITCHELL be vitiated, and that I be given control of it.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Wisconsin for his overly charitable and gracious remarks concerning the response which was made last evening by the Speaker of the House and by me to the President's State of the Union Address. I am very grateful. I am sure the Speaker will be likewise. We are most appreciative.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF SENATOR SASSER

The PRESIDENT pro tempore. Under the previous order, the Senator from Tennessee [Mr. SASSER] is recognized for not to exceed 5 minutes.

THE DEMOCRATIC RESPONSE TO THE STATE OF THE UNION MESSAGE

Mr. SASSER. Mr. President, I also want to join in the accolades and congratulations to the distinguished majority leader for the very eloquent and perceptive statement that he made last night in response to the President's State of the Union Address. I thought the majority leader spoke very well for all of us on this side of the aisle, indeed for all Americans, in expressing the willingness to work with the President and the administration where possible, but also pointing out some of the problems and the shortcomings as he perceived them in the administration's program.

I want to join in the expressions of appreciation to the majority leader for a job well done and a response well delivered.

Mr. BYRD. Will the distinguished Senator yield?

Mr. SASSER. I yield to the distinguished majority leader.

Mr. BYRD. Mr. President, I thank the distinguished senior Senator from Tennessee for his exceedingly kind comments in respect to my response last night with the Speaker of the House of Representatives. I thank him for his generous comments.

THE LACK OF CATASTROPHIC HEALTH INSURANCE

Mr. SASSER. Mr. President, I will be delivering a series of addresses on the Senate floor focusing on the most critical problem facing our Nation's senior citizens today—the lack of catastrophic health insurance.

Older Americans live with a constant fear of being stricken by a catastrophic illness. They fear such an illness will leave them dependent on others for the rest of their lives. They fear the tremendous costs of long-term care will impoverish them. Sadly, I submit that such fears by many older Americans are warranted and justified.

In his state of the Union message last evening, President Reagan mentioned the problem of catastrophic illness expenses. I am pleased that the President has at long last recognized that problem and is personally concerned about this problem. However, I am worried that the White House does not plan to offer a viable solution. There is no mention of catastrophic health insurance in the President's fiscal year 1988 budget request. Also, the President failed to offer a detailed proposal in his address last evening.

The problem the elderly face in paying for long-term health care was made painfully clear to me at a recent hearing I conducted here in the Nation's Capital last December. At that hearing, I heard the testimony of two women from my State of Tennessee.

Both of these women testified they have elderly fathers who are suffering from catastrophic illnesses.

Mrs. Bettie Durham from Memphis told me that her 87-year-old father—James Platt—has Alzheimer's disease. Mr. Platt has been confined to a nursing home for the last 4½ years. His income is $1,115 a month. However, his nursing home bill alone is $1,650 a month.

Neither Medicare nor Mr. Platt's private insurance cover any of these tremendous nursing home costs. And his income is $50 a month too much for him to qualify for Medicaid. His children, working people, must pay over $500 a month out of their own pockets to keep their father in the nursing home.

Mrs. Dean Carr from Piney Flats, TN, told a similar story. Her 92-year-old father—Ollie Shell—has cancer. Mr. Shell has been in a nursing home since March. His life savings of $10,000 were rapidly consumed by medical and nursing home bills—which run about $2,000 a month.

Mr. Shell receives $450 a month in Social Security retirement benefits. That covers only a small portion of his medical expenses. Medicare and his supplemental insurance policy cover none of the nursing home costs. Mr. Shell's four children, who themselves have limited resources—have to pay for most of his care.

In relating her father's plight at the hearing, Mrs. Carr said, "I just pray that no one in this room ever has to go through what we have gone through * * * because it tears your heart out."

The stories of Mr. Platt and Mr. Shell are tragic but they are commonplace. In fact, a recent report by the Department of Health and Human Services indicates that the financial nightmare of long-term care is reaching epidemic proportions among the elderly. The report estimates that as many as 500,000 elderly persons a year completely exhaust their personal resources paying for nursing home care.

There are several reasons for this health care crisis. First, the elderly are much more likely to be stricken by a catastrophic illness that requires long-term care. One in three Americans over age 85 require some form of intensive long-term care which is exceedingly expensive.

Second, and we thank God for this, our population is getting older. We are living much longer. I was astonished to learn a couple of years ago that at the time when the Social Security bill was signed into law by Franklin Delano Roosevelt, the average life expectancy of a male in this country was 63 years of age. Thanks to the advanced health techniques, better nutrition, better living conditions, we are living much longer, and estimates show that the number of persons who are 85 years of age or older will increase by nearly 800 percent in the next 60 years, from 2.2 million 85 and older in 1980 to 16 million in the year 2050.

Finally, the problem is compounded by the fact that Medicare and most private insurance policies cover practically none of the costs of long-term care. Without adequate insurance coverage, it does not take long for an elderly person to spend everything he or she has. For example, reports show that half of the 75-year-olds and older who enter private nursing homes are bankrupt within 13 weeks.

The elderly currently have few options to help them pay for expensive long-term care. Most must pay for this care out of their own pockets when they have spent all their life's savings. When they are destitute, when they are bankrupt, then Medicaid, the Federal Health Insurance Program for the poor, will help them, but not until. Medicaid will not help our elderly until they have impoverished themselves trying to pay for their own catastrophic health costs.

Mr. President, our senior citizens desperately need financial protection from the tremendous costs associated with a catastrophic illness. We must no longer force older Americans to bankrupt themselves and their families in order to pay for long-term care.

I think it is ironic that here we stand, almost two decades after Medicare was passed into law by this body, with the disturbing fact that older Americans now are allocating just as much of their private resources to health care as they did prior to the passage of the Medicare bill.

I submit that our senior citizens and their families suffer enough physically and emotionally when a catastrophic illness strikes. The tragedy should not be made any worse by the fear of not being able to pay for adequate care of a loved one.

We can relieve their fears and we should do it. We should do it now.

Mr. President, I yield the floor.

RECOGNITION OF SENATOR SPECTER

The **PRESIDENT** pro tempore. In accordance with the previous order, the Chair now recognizes the Senator from Pennsylvania (Mr. SPECTER) for 5 minutes.

Mr. SPECTER. I thank the Chair.

THE EXTRADITION OF MOHAMMED ALI HAMADEI

Mr. SPECTER. Mr. President, the extradition of Mohammed Ali Hamadei from West Germany to the United States to be tried for hijacking and murder is a critical event in the international fight against terrorism. Beyond the extradition and trial of Hamadei, this case should activate the free world to unite, adopt, and enforce an international policy of nonnegotiation with and tough prosecutions of terrorists as called for by U.S. law enacted last August.

This extradition's significance is evidenced by the reaction of the terrorists themselves: an all-out effort to intimidate Western nations, and prevent them from bringing Hamadei to justice. The Department of Justice's actions in obtaining an indictment of Hamadei and seeking his extradition carry out new U.S. laws in extending our legitimate extraterritorial jurisdiction to such suspects.

These laws will be meaningless unless we are able to obtain custody of the terrorists for trial.

A decision by West Germany to retain custody of Hamadei and prosecute him for unrelated violations of German law would not be reasonable under the circumstances of this case. Given the much greater international significance of the crimes for which the United States seeks extradition—airline hijacking and terrorist murder—a West German decision to try Hamadei on the lesser charges would be a way of avoiding extradition.

A delay in extradition would be a victory for the terrorists, who have threatened retaliation if Hamadei is extradited, especially since the West Germans had already indicated extradition would be granted once the United States ruled out the possibility of the death penalty. Hamadei should be tried in the United States for murder and hijacking, not in West Germany for an offense carrying a sentence of only 6 months to 6 years imprisonment.

If Hamadei's fellow terrorists succeed through the recent kidnappings in thwarting or delaying extradition, then every American who flies internationally, every West German who travels on business in the Mid East—indeed, every person in the world—will be at increased risk of being kidnapped and held hostage. If the alleged murderer of U.S. serviceman Robert Stetham can avoid prosecution because his compatriots have kidnapped West Germans and Americans, then terrorists will be free to murder others. The message we will have sent to terrorists is that, if apprehended, their freedom can be won simply by kidnapping others.

The pressures which this case puts on West Germany to trade Hamadei for its citizens illustrates the importance of having the nations of the free world establish and follow a policy of nonnegotiation with terrorists, just as law enforcement officials do not negotiate with other kidnappers and murderers. Last August, the Congress passed and the President signed into law title XII of the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 which calls for an international convention to prevent and control all aspects of international terrorism and the possibility of eventually establishing an international tribunal for prosecuting terrorists.

Such a convention would require the United States as well as other nations to adhere to a consistent policy against dealing with terrorists. Our Government was wrong on our recent sale of arms to Iran which gave the appearance, if not the reality, of a bargain of arms for hostages. We must concede any such error and take the lead on a clear-cut international policy against terrorism.

Of all the efforts to combat international terrorism, the requested extradition of Hamadei from West Germany casts in the starkest terms the ultimate issue: can the forces of law and order and justice withstand the threat of terrorist retaliation? Because civilized nations must not surrender to terrorism, West Germany immediately should fulfill its treaty obligations by extraditing Hamadei. And the United States should fulfill its moral and legal obligations by vigorously prosecuting Hamadei once extradition is obtained.

Mr. President, I ask unanimous consent that a longer statement, of which my remarks were a condensed version, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD as follows:

THE EXTRADITION OF MOHAMMED ALI HAMADEI

The extradition of Mohammed Ali Hamadei from West Germany to the United States to be tried for murder and hijacking the TWA airliner in Beirut on June 14, 1985 is a critical event in the international fight against terrorism. Beyond the extradition and trial of Hamadei, this case should activate the free world to unite, adopt and enforce an international policy of non-negotiation with and tough prosecutions of terrorists as called for by U.S. law enacted last August.

This extradition's significance is evidenced by the reaction of the terrorists themselves: an all-out effort to intimidate Western nations, and prevent them from bringing Hamadei to justice, by kidnapping two West German businessmen and four Americans. To yield to such blackmail would be to: (1) admit that terrorists can hijack our planes and murder our citizens with impunity by gaining the suspect's release in exchange for hostages, and (2) place at risk all citizens of the free world who would be subject to kidnapping for later barter when a terrorist is apprehended.

The Department of Justice's actions in obtaining an indictment of Hamadei and seeking his extradition are very important to carry out recent Congressional actions extending our legitimate extra-territorial jurisdiction to such suspects. The Omnibus Crime Control Act of 1984 made sabotage of our planes or taking our citizens hostages anywhere in the world a violation of U.S. law. Legislation enacted last August makes it a violation of U.S. law for a terrorist to assault, maim or murder our citizens anywhere in the world.

These recent important advances in the law, which give such jurisdiction to our courts, are meaningless unless we are able to obtain custody of the terrorists for trial. While irrevelant to the Hamadei case since extradition is available, Secretary of State Shultz and Attorney General Meese have testified that consideration be given to resorting to limited force, where other alternatives are not available and under carefully prescribed circumstances, to bring terrorists to trial in the United States.[1]

The Achille Lauro incident illustrates the importance of the U.S. obtaining custody of terrorists, and the consequences of our failing to do so. On October 10, 1985, U.S. Navy pilots forced down an Egyptian airliner carrying the Achille Lauro hijackers in Sicily. At the insistence of Italian forces that their jurisdiction was paramount, U.S. forces stepped aside. The result was that four of the lesser suspects were held for trial while Muhammed Abbas Zaida—alias Abu Abbas—was released by Italian authorities under pressure from Egyptian President Mubarak and P.L.O. leader Yasser Arafat. Only later—after it was too late because Abbas had been released from Italian custody—did Italian authorities seek to prosecute him. Had the United States maintained custody of Abbas from the outset, he could have been brought to the United States for trial.

The current efforts to extradite Hamadei present a relatively easy case: all existing principles of international law have been complied with; probable cause has been established; and indictment has been returned by a competent court; and the applicable extradition treaty thus has been fulfilled. Accordingly, custody of Hamadei should be transferred forthwith to the United States Government by the West German authorities.

A decision by West Germany to retain custody of Hamadei and prosecute him for unrelated violations of German law would not be reasonable under the circumstances of this case. Given the much greater international significance of the crimes for which the U.S. seeks extradition—airline hijacking and terrorist murder—a West German decision to try Hamadei on the lesser charges would be a way of avoiding extradition. Given the preliminary indications, prior to the kidnappings of West German businessmen, that Hamadei would be extradited immediately, once the U.S. ruled out the possibility of the death penalty, a delay in extradition would appear to be a victory for the terrorists, who have threatened retaliation if Hamadei is extradited. Hamadei should be tried in the U.S. for murder and hijacking, not in West Germany for an offense carrying a sentence of only six months to six years imprisonment.

If Hamadei's fellow terrorists succeed through the recent kidnappings in thwarting or delaying extradition, then every American who flies internationally, every West German who travels on business in the Mid East—indeed, every person in the world—will be at increased risk of being kidnapped and held hostage. If the alleged murderer of Navyman Robert Stetham can avoid prosecution because his compatriots have kidnapped West Germans and Americans, then terrorists will be free to murder others. The message we will have sent to terrorists is that, if apprehended—and that is a tough thing to do, but we finally got Hamadei—their freedom can be won simply by kidnapping others. In short, a failure to extradite Hamadei is a prescription for more persons like Stetham to be murdered and more persons like the German businessmen and others to be kidnapped.

The pressures which this case puts on West Germany to trade Hamadei for its citizens illustrates the importance of having the nations of the free world establish, articulate and follow a policy of non-negotiation with terrorists just as law enforcement officials do not negotiate with other kidnappers and murderers. Last August the Congress passed and the President signed into law Title XII of the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 which provides in part that:

(a) Sense of Congress.—It is the sense of the Congress that the President should establish a process to encourage the negotiations of an international convention to prevent and control all aspects of international terrorism, and

(d) Consideration of an International Tribunal.—The President should also consider including on the agenda for these negotiations the possibility of eventually establishing an international tribunal for prosecuting terrorists."

Such a convention would require the United States as well as other nations to adhere to a consistent policy against dealing with terrorists. Our Government was wrong on our recent sale of arms to Iran which gave the appearance, if not the reality, of a bargain of arms for hostages. We must concede any such error and now take the lead on a clear-cut international policy against terrorism.

Kuwait is an excellent example of a nation which has steadfastly refused to be intimidated by terrorists, in the interest of punishing convicted terrorists. On December 12, 1983, terrorists attacked several sites in Kuwait, including the U.S. Embassy. Seventeen terrorists were tried and convicted—six have been sentenced to the death penalty—and are imprisoned in Kuwait. Many threats and terrorist acts have been directed at Kuwait—including an attempt to assassinate the Kuwaiti Monarch—in order to gain the release of these terrorists. Other acts directed against Kuwait include the 1984 hijacking of a Kuwaiti airliner to Teheran; the bombing of a cafe in 1985 wiich killed two and injured 100; and bombings of Kuwaiti oil facilities in 1986 and already in 1987. Any yet Kuwait has stood firm in refusing to release the convicted terrorists.

Law-abiding nations recently have made significant progress in the international fight against terrorism. In England, a terrorist was tried and convicted for attempting to plant a bomb on an El Al airliner, and England formally broke off relations with Syria because of its links to the terrorism. Similarly, the West German government has taken positive action against terrorism by apprehending and convicting the Syrian terrorist Ahmed Hindawi for the March 29, 1986 bombing of the German-Arab Friendship Society in West Berlin. In addition, the West Germans have recalled their ambassador to Syria, cut off financial aid to Syria, and denied recognition of Syrian service passports. And France is proceeding with the trial of Georges Abdullah for the murder of Col. Charles Ray, our military attache in Paris.

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[1] See testimony of Secretary Shultz before the Senate Appropriations Committee's Subcommittee on Foreign Operations on March 13, 1986 and testimony of Attorney General Meese before the Senate Judiciary Committee on April 29, 1986.

Of all the efforts to combat international terrorism the requested extradition of Hamadei from West Germany casts in the starkest terms the Ultimate issue: can the forces of law and order and justice withstand the threat of terrorist retaliation? Because civilized nations must not surrender to terrorism, West Germany immediately should fulfill its treaty obligations by extraditing Hamadei. And the United States should fulfill its moral and legal obligations by vigorously prosecuting Hamadei once extradition is obtained.

POSTPONEMENT OF VOTE ON SYMMS AMENDMENT

Mr. BYRD. Mr. President, a rollcall vote is scheduled for 2:30 today after debate in relation to the Symms amendment. The debate on that amendment is supposed to begin at 2 o'clock, the time to be equally divided. I ask unanimous consent that that time extend for an additional 5 minutes and that the time I am now consuming not come out of Mr. Levin's time; and that the rollcall vote ordered for 2:30 in relation to the Symms amendment be taken at 2:35.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR LEVIN

The PRESIDENT pro tempore. Under the previous order, the Senator from Michigan [Mr. Levin] is now recognized for not to exceed 5 minutes.

Mr. LEVIN. I thank the Chair.

THE NEW W-4 WITHHOLDING TAX FORMS

Mr. LEVIN. Mr. President, in the next few weeks and months, the people of this country will feel the first real effects of the tax reform legislation that was enacted last year. The requirement that all employees file new W-4 withholding forms will, for many taxpayers, be their first actual taste of the new law. These forms are used to determine how much of an employee's paycheck is taken out in Federal income taxes.

Many are already asking in bewilderment how the new four-page form is simpler than the previous two-page form. Moreover, many two wage-earner couples who were assured that tax reform would reduce the "marriage penalty tax" may be surprised when preparing their W-4 forms to find out that a marriage penalty tax still exists and that it has, in some instances, greatly reduced the number of allowances that they can take for withholding purposes. The fewer the number of withholding allowances, the lower will be a taxpayer's take-home pay.

But these early and disturbing insights into the new tax reform law aside, the new W-4 forms themselves may well create practical problems for taxpayers. I am today introducing legislation which seeks to address these problems.

First, the tax reform law requires that all taxpayers file new W-4 forms before October 1. This new filing is, in part, necessitated by the fact that the amount allowed for each exemption has been almost doubled, from $1,080 to $1,900 for 1987. The exemption allowance is designed to reflect the deductions which will be available to taxpayers. If taxpayers use the same number of exemptions as before, even though the withholding allowance for each exemption has almost doubled in size, the result would likely be that their taxes would be underwithheld. If the underwithholding is substantial, then the taxpayer will not only owe a large lump-sum payment to the Internal Revenue Service in April 1988, but a penalty on top of that.

So, under the new law, there is a need for taxpayers to review the number of exemptions claimed. What concerns me, in the first instance, is the following situation. A taxpayer acts conscientiously in filing a new W-4 form and requests a change in the number of exemptions; but because the employer is overwhelmed by the sheer volume of W-4 forms that results from the requirement that all employees file new W-4 forms, the employer does not act in a timely fashion to make the requested adjustments. The end result may be that employees may be substantially underwithheld through no fault of their own.

The legislation I am proposing has two parts. The first part would eliminate any penalty on an employee for underwithholding when that employee properly filed a W-4 form which would have prevented substantial underwithholding had the employer adjusted the employee's exemptions on the withholding schedule in the time period as required by law, which is approximately 30 days. This legislation would be in effect for 1987 and 1988, the 2 years in which it is envisioned that all employees would have to file new W-4 forms.

The second section of the legislation, I am introducing today is also necessary to protect taxpayers from being unfairly penalized as a result of how they fill out their W-4 form. Under the new tax reform law, the margin of error permitted when taxpayers are underwithheld has been decreased. Previously, taxpayers were subject to a penalty if less than 80 percent of what they owed in a current taxable year was withheld during that year. The tax reform law raised that figure from 80 to 90 percent. In other words, the margin of error has been reduced from 20 to 10 percent.

Although this might have made sense as a measure to improve taxpayer compliance if the Tax Code were otherwise relatively unchanged, requiring greater technical precision on the W-4 form for withholding at a time when there are massive changes in the Tax Code—and great uncertainty in the taxpayers' understanding of it—is downright unfair. In a very real sense, it seems that the new tax law is narrowing the bull's-eye at the same time that it is itself shaking the target. Those who favored the tax reform bill last year talked of the bond of trust which it was intended to engender between the taxpayer and the Government. But I am concerned that the requirement of greater technical precision in withholding at the same time that taxpayers are uncertain about the provisions of the new law—and how those provisions are likely to affect them—will create cynicism and not trust, anger and not goodwill.

Now, it is true that under the tax reform law taxpayers may avoid the penalty for underwithholding if the amount withheld in the current year is 100 percent of the taxes owed in the previous year, even if the amount withheld in the current year is less than 90 percent of what turns out to be owing in taxes in the current year. The difficulty, however, is that we are told that most taxpayers will receive a tax cut in the current year as compared to last year. If so, it only logically follows that many taxpayers in the current year will have withheld less than 100 percent of what they owed in taxes last year. Therefore, looking to the relationship between the amount withheld in taxes in the current year compared to the amount paid in taxes last year is not an adequate safeguard against taxpayers' being unfairly penalized.

The legislation I am introducing today would retain the 80-percent withholding standard for 1987 and 1988, the years during which there is likely to be the greatest uncertainty about the tax reform bill. As such, it is not at all inconsistent with the basic thrust of the tax reform bill of improving taxpayer compliance. It seeks to assure, however, that what we gain in compliance is not at the cost of common sense and common fairness.

This legislation will have some impact on revenues and I have asked the Joint Committee on Taxation for an official estimate. We must be mindful of the revenue impact and, therefore, the deficit impact of the legislation we propose. However, it should be clear at the outset that a Congress which granted billions of dollars of special relief and special privileges to specific businesses as part of last year's tax bill simply must now find the money to provide relief to the general taxpayer who might otherwise be penalized through no real fault of their own.

Mr. President, it is no secret that I have many doubts about the wisdom of many aspects of the new tax reform law and that I voted against both the Senate version and the final conference report. It would not surprise me if during the next few years there are calls for major changes in it. However, at a minimum we should try first off to ensure that taxpayers' initial encounter with it not result in their being penalized when they have made a good faith effort to comply. The spirit of fairness which tax reform strove to embody requires nothing less.

I ask unanimous consent that the text of this legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. WAIVER OF ESTIMATED TAX PENALTIES DUE TO EMPLOYER FAILURE TO WITHHOLD.

a) In General.—No amount shall be added to tax under section 6654 of the Internal Revenue Code of 1986 with respect to an underpayment of estimated tax described in subsection (b).

b) Underpayments To Which Section Applies.—An underpayment is described in this subsection if—

1) it is for a taxable year beginning in 1987 or in 1988, and

2) it results from a failure—

(A) by the individual to make a required installment (within the meaning of section 6654(d) of such Code), and

(B) which would not have occurred if the employer of such individual had withheld tax in accordance with a withholding exemption certificate described in section 3402 (f)(2) of such Code which was properly filed by such individual.

SEC. 2. TWO YEAR DELAY IN THE INCREASE FROM 80 PERCENT TO 90 PERCENT IN THE CURRENT YEAR LIABILITY TEST FOR ESTIMATED TAX PAYMENTS.

a) Section 1541 (c) of the Tax Reform Act of 1986 is amended by striking out "1986" and inserting in lieu thereof "1988".

b) The amendment made by subsection (a) of this section shall take effect as if included in the provisions of the Tax Reform Act of 1986.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 2 p.m. with Senators permitted to speak therein for 5 minutes each.

The Senator from Alabama is recognized for 5 minutes.

A TRIBUTE TO THE GEORGE C. MARSHALL SPACE FLIGHT CENTER

Mr. HEFLIN. Mr. President, this year NASA's George C. Marshall Space Flight Center, located in Huntsville, AL, will celebrate its 27th anniversary. Established in June of 1960 by a team of rocket experts led by Dr. Wernher Von Braun, Marshall has become one of the Nation's leading pioneering space centers. Originally, NASA's Rocket Propulsion Development Center, Marshall has diversified into a center for the development of a wide array of payload and space science activities.

Throughout its history, Marshall has amassed a remarkable record of space-related achievements. However, because today, January 28, marks the first anniversary of the tragic and numbing loss of the space shuttle *Challenger,* it would not be appropriate to tribute NASA and Marshall's achievements without first taking a moment to reflect upon our loss of that day. The *Challenger* disaster is still fresh in our minds and weighs heavily on our hearts. Immediately after this tragedy occurred, NASA and Marshall was determined to pick themselves up, determine the cause of the accident, make the necessary corrections, and return to flight; thus, continuing its long and impressive string of spectacular and important scientific and technological feats which have captured the curiosity and awe of the entire world. Now, the shuttle manifest is out; Marshall and NASA are making excellent progress in the redesign and testing of the solid rocket booster joint which was determined to be the cause of the disaster, and NASA has named a veteran crew for the first flight in 1988. I believe that NASA, Marshall Space Flight Center, and the other NASA centers have done an outstanding job of weathering the storm of the last year.

Marshall has been able to weather this storm because of the great team spirit of all the scientists, engineers, technicians, management, personnel, and support staff of the Space Center. There were many prophets of doom who predicted that Marshall would be abolished or that its role in future space endeavors would diminish. But knowledgeable scientists soon realized that the resident expertise and professionalism was on a solid, sound foundation. It was an unescapable fact that the best brains of the Space Program were either in Huntsville or had been trained there.

During the trying times, many people spoke out for Marshall. Scientists, engineers, Senators, Congressmen, and the community as a whole spoke up for the Marshall Space Flight Center. Children wrote letters urging Marshall technicians not to give up hope. This effort, they wrote, was too important not to continue. Encouraged by such displays of support, all personnel worked together to learn from this tragedy, and to devise new solutions to problems they discovered. Marshall, has, indeed, passed all tests with flying colors, as was evident when the allocation of work packages on the future space station were finalized. This was true recognition. But, perhaps the words spoken by Gen. Donald Kutyna, of the Air Force Space Division in Los Angeles, who served on the Rogers Presidential Commission, best state Marshall's comeback. With an unquestioned belief in Marshall's ability to redesign the faulty solid rocket boosters, He said:

> After Marshall fixes it, I'd be happy to fly on it. They are damn good.

Now, let me take a few moments to chronicle some of the Marshall Center's outstanding accomplishments. Among Marshall's early achievements during the embryonic years of our national Space Program was the launching of Explorer I, the free world's first satellite. In the 1960's, the Center was responsible for developing the Saturn series of launch vehicles for the Apollo Space Program, which was one of the most ambitious and successful scientific initiatives ever undertaken. The giant Saturn V launch vehicle, developed by Marshall engineers and the largest of the Saturn series, was the world's largest and most powerful propulsion system of its time. The Saturn V was the 36-story, multistage rocket that successfully carried 27 Americans to the moon. Twelve of them landed on the lunar surface and several of them explored the lunar surface by way of the lunar roving vehicle—another in the long line of Marshall projects.

Marshall was also responsible for the design and development of the free world's first space station, the Skylab. Under Marshall's direction, one of the upper stages of the Saturn V was transformed into a laboratory and living area where three-astronaut crews would eventually spend a total of 6 months probing the unknown of long-duration space flight and conducting numerous other scientific experiments.

Skylab was the first American Space Program wholly dedicated to scientific research. Conceived as a laboratory for simultaneous research in several disciplines, Skylab contributed to solar physics, astronomy, biomedical science, material science, Earth observations, and basic technology. Marshall played an important part of this unprecedented scientific venture, both before the mission by managing the development and integration of the experiments and later by supporting their operations in flight. Skylab operated in orbit from May 1973, through February 1974. It was occupied for three periods for a total of 171 days.

In 1975, Marshall managed the Apollo-Soyuz Test Project, in which a two-man Russian crew docked in orbit with a three-man American crew. This project heralded the end of the Apollo era in the United States.

Continuing in its tradition of technical excellence, Marshall successfully developed the three high energy astronomy observatories, which provided the scientific community with invaluable information about our universe.

Mr. President, as the Apollo Program came to a close, Marshall Space Flight Center was given the task of managing the conceptual design for a new, reusable space vehicle. The vehicle would be called the space shuttle and would become the cornerstone of our current U.S. Manned Space Program. Marshall was given the responsibility for three of the four main shuttle elements. First, Marshall managed the development of the main engines on the orbitor, which are the most complex and sophisticated rocket engines ever designed; second, the twin solid rocket boosters, which provide about 75 percent of the shuttle's thrust at lift-off; and finally, Marshall manages the huge external tank, which holds more than one-half million gallons of liquid oxygen and liquid hydrogen fuel for the three space shuttle main engines.

Marshall managed the development of the space lab, a versatile and reusable space laboratory and observatory facility which rests in the cargo bay of the space shuttle. Marshall was also responsible for a number of space lab payloads. This international program enables career scientists to travel into space to acquire a new knowledge about the Sun, the stars, the Earth, and life itself. The Marshall Center controlled the first three space lab missions from a facility adjacent to mission control in Houston located at Marshall's sister center—the Johnson Space Center in Houston.

The Center was responsible for developing the Hubble Space Telescope, a stellar observatory that will be placed into Earth orbit and will penetrate deep into the universe in the visible and ultraviolet portion of the light spectrum expanding the volume of observable space several hundred times. The space telescope is currently scheduled for the first shuttle flight of 1989.

Marshall has also been assigned substantial responsibilities for the development of the space station, a permanently manned orbiting station to be launched within a decade. The space station represents a major evolutionary step in man's experimentation, use and conquest of space and will enhance our country's scientific and applications programs. The facility will also encourage development of capabilities for the commercialization of space and it will stimulate advanced technologies. When launched in the 1990's, it will provide a permanent platform from which we can explore our solar system and continue our fundamental studies of the universe.

In a relatively new technological area, the Center has the responsibility of managing the materials processing and space activities for NASA, an area with which I am particularly optimistic. This program emphasizes the science and technology of processing materials in a gravity-free environment. As we have seen with experiments already conducted in space, such as a electrophoresis and crystalography, the potential technological, medical and economic benefits from producing products in space is unlimited. I am especially pleased that Marshall is at the forefront of this exciting and promising area.

A program which is very important to Marshall and the future of our Nation's use of space is the orbital maneuvering vehicle [OMV], or the space tug as it is sometimes called. This Marshall-managed program was NASA's only new start in 1986. The OMV is a low Earth vehicle which will extend the space shuttle's capability and provide an essential element to the Space Station Program. The OMV will provide the capability for deploying, retrieving, reboosting and servicing satellites in orbit beyond the reach of the shuttle and the space station.

The Marshall Center has been and will continue to be involved in many other new and exciting programs contributing to our Nation's continuing exploration into space.

During its brief history, the Marshall Space Flight Center's efforts in space and space exploration have resulted in numerous and significant technological advances which have been sucessfully applied to the benefit of mankind and to the improvement of our quality of life. The Center's scientists, engineers, technicians, management and support personnel, in conjunction with both the industrial and the scientific and academic communities, have achieved and retained a formidable record of success and a reputation for technical excellence. Under the leadership of its Center Directors, the late Dr. Wernher Von Braun, Dr. Eberhard, F.M. Rees, Dr. Rocco Petrone, Dr. William R. Lucas, and the present director, J.R. Thompson, Marshall Space Flight Center has made immeasurable contributions toward man's pursuit to expand his knowledge of the universe and himself. As I have mentioned, Marshall has truly weathered the storm of the troubling past year.

I congratulate the men and women who have been a part of the Marshall Space Flight Center throughout its history. They have contributed significantly to America's role as the world leader in space.

HIGHWAY BEAUTIFICATION AN ENVIRONMENTAL ISSUE

Mr. STAFFORD. Mr. President, when the Senate considers the 1987 highway legislation, I will offer an amendment on behalf of myself and of the Senator from Texas [Mr. BENTSEN], Rhode Island [Mr. CHAFEE], New York [Mr. MOYNIHAN], and California [Mr. WILSON] that will give the Senate its first opportunity of the 100th Congress to reaffirm its traditional bipartisan support for vigorous protection of our Nation's environment.

The amendment we offer is designed to strengthen the Highway Beautification Program that was started in 1965 with high promise, but which has been taken over by the big billboard industry—the very industry it was designed to regulate.

When reauthorization of the Federal-aid highway legislation was given high priority at the beginning of this session of the Congress, I had no idea we would have to submit this amendment to the full Senate for action.

After all, the Environment and Public Works Committee last year voted 11 to 4 in favor of an amendment to strengthen the Beautification Program. That was a bipartisan vote for an amendment that was supported by the Senator from Texas [Mr. BENTSEN], who was then the ranking Democrat on the committee, and myself, as the then-chairman of the committee.

Our proposal was later approved without opposition when the full Senate passed the highway bill by a vote of 99 to 0.

But, a funny thing happened on the way to the floor in the 100th Congress. The Environment and Public Works Committee earlier this month defeated the same proposal by a tie vote of 8 to 8.

Frankly, I was disappointed by that vote and even more so by the fact that five of the six new members of the committee voted against the effort to strengthen the Highway Beautification Program.

It is for that reason that I and my fellow sponsors are bringing before the full Senate an amended version of the proposal.

Our amendment is designed to achieve three major objectives:

Retain the original scheme of cash payments for billboard removal authorized by the 1965 Beautification Act.

Restrict construction of new billboards in environmentally sensitive areas, even while permitting new billboards to go up in urbanized areas.

Prohibit cutting of trees and vegetation on Federal land that is Interstate and primary highway rights-of-way—solely for the purpose of making it easier to see billboards.

The Highway Beautification Act was passed in 1965 in part due to the efforts of Lady Bird Johnson, who remains an active player in the effort to beautify America.

The act was designed to establish a national policy for the control of outdoor advertising along federally funded Interstate and primary highways. It was designed to protect motorists from billboard pollution.

Not only has the act failed to achieve that goal. Not only has the act become unworkable and ineffective; in fact, the act has been taken over by the very industry it was designed to regulate. The Highway Beautification Act has become the Billboard Protection and Compensation Act.

Little wonder that the only supporter of the current law is the billboard industry, which has worked so hard and so effectively to protect its special interest. No wonder that the only opposition to amendments designed to strengthen the law come from the billboard industry.

So effective is the billboard lobby that it has become the only industry to receive special Federal treatment regarding cash compensation. The federally imposed requirement of cash compensation has stymied the efforts of hundreds of localities and many States across the Nation that want to remove billboards.

No other industry is exempted from the States' constitutional right to use amortization as a form of compensation. This special treatment, while a tribute to the enormous influence of the billboard industry, comes at an enormous cost to our Government and to the taxpayers. The General Accounting Office estimates that the requirement for cash compensation will cost taxpayers nearly $1 billion.

States and local governments have traditionally regulated and removed billboards through laws derived from their constitutional police powers. This authority has repeatedly been upheld by Federal and State courts.

States and localities lost that authority when the billboard industry won Federal legislation in 1978 that gave that industry a unique exemption from such States' rights.

Our amendment would return that right to the States when it comes to billboard removal.

It was widely believed that the 1966 Highway Beautification Act would mean a reduction in billboard blight. Not so. So effectively has the billboard industry captured this legislation that more billboards are going up than are coming down.

The General Accounting Office and the Office of the Inspector General of the Department of Transportation tell us that the number of new billboards on Federal highways is increasing due to weaknesses in the Federal law.

For example, the State of Florida has issued 8,218 new permits but removed only 1,957 billboards since September 1979. Alabama has issued 5,515 new permits, but removed only 2,147 billboards since 1965. In 1983, the GAO tells us, 2,235 noncomforming billboards were taken down—but 13,522 new billboards went up. Another tribute to the effectiveness of the industry, not only here in Washington, but also around the Nation.

That effectiveness by the industry has often resulted in circumstances that should be embarrasssing to everyone in Government.

As part of the Federal Highway Beautification Program, trees and other types of vegetation are often planted along highway rights-of-way to enhance their beauty.

Yet, in circumstances that are a tribute to the influence of the billboard industry but that stretch credibility, countless instances have been uncovered where those trees and other vegetation have been cut down—at Government expense—simply because they were blocking out the view of billboards from the highway.

The amendment we will offer is intended to correct the three urgent problems I have mentioned. These problems have been created by the unrestrained growth of billboards permitted by the current Federal law.

The amendment is different from that passed by the Senate last year and that offered in committee this year in that it does not seek to address all of the problems of the present law, but just the most urgent ones. In that respect it is not unlike the billboard amendment passed by the House of Representatives this year.

We believe our amendment provides a reasonable and workable solution to the increasing problem of billboard pollution. We believe our amendment will bring the Highway Beautification Act more closely in line with the hopes and expectations of the American driving public and tourists.

The vast majority of all billboards have nothing to do with tourism, of course. And, there are many alternatives to billboards that provide information to tourists without polluting our landscape—and at less cost to roadside businesses. More than 90 percent of billboard revenues come from product advertising, almost half of that from alcohol and tobacco products. Hotels and resorts accounted for only 7.3 percent of billboard expenditures in 1984, according to Advertising Age.

Control of billboards is an environmental issue.

The amendment we offer to the highway bill is an environmental amendment.

The Senate will have an opportunity to reaffirm the traditional bipartisan support of the Congress for effective environmental legislation when this amendment comes to a vote.

The Senate in the 99th Congress met that test.

I anticipate that the Senate in the 100th Congress will do no less.

SOUTH AFRICANS SANCTIONS COUNTER-PRODUCTIVE

Mr. PRESSLER. Mr. President, an excellent column appeared in today's Washington Post regarding the failure of the policy of international economic sanctions against South Africa.

As one who is vehemently opposed to apartheid, I fought the enactment of United States sanctions against South Africa. My argument was then, and still is, that economic sanctions would only hurt most the victims of apartheid. Yet Congress failed to listen to the voices of progressive South Africans who for decades have worked to destroy the apartheid system. Those progressives and liberals correctly maintained that sanctions imposed by the outside world would unfairly punish nonwhite South Africans most of all and would stall the quickening pace of reform in their nation.

William Raspberry's column summarizes the destructive nature of the sanctions, Mr. President, and I ask unanimous consent that it appear at this point in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

SANCTIONS BACKFIRED

Have economic sanctions against South Africa backfired? Probably yes.

Is there anybody in America who supported sanctions who now thinks that maybe sanctions weren't such a wonderful idea after all? Probably not.

The congressional imposition of sanctions, underscored by a resounding override of a presidential veto, will still be remembered as such a magnificent victory for the forces of righteousness that it may be impossible for the pro-sanctions activists to entertain second thoughts.

And yet the clear evidence is that Pretoria's principal reaction to international sanctions has been what seasoned observers of South Africa had long predicted: a white retreat into the *laager*—a circling of the wagons—and an end to any pretense of serious reform.

A report commissioned last May by the South African Catholic Bishops' Conference argues that the sanctions imposed to force reform of apartheid are having the opposite effect:

"The whole sanctions issue has consolidated the government in its retreat from meaningful and, indeed, any reform. . . . What was anticipated by the pro-sanctions lobby—an early change in government policy with expectations of imminent meaningful black participation in a regime overcome by the pressures of economic boycotts—is not likely to materialize."

How could so many intelligent, well-meaning people have thought otherwise? The answer, I think is that South Africa's racism is so clear-cut an evil, so conducive to good guy/bad-guy analyses that it's difficult for anti-apartheid partisans to think their way from policy proposal to probable outcome.

Disinvestment, divestiture and, finally, sanctions became such rallying cries for campus activists, civil rights activists and other haters of apartheid that their demands became ends in themselves. In general, only political conservatives who saw apartheid as less threatening to their interests than the prospective loss of vital minerals, sea routes and an anti-communist bastion could bring themselves to question the advisability of sanctions.

For most of the rest, the operative question was: How can you oppose sanctions, which would surely hurt the supporters of apartheid, and still call yourself a supporter of justice for blacks?

The answer, which too few of us found the voice to utter, is that hurting white people is not the same thing as helping black people.

Many were misled by the fact that the threat of sanctions had, from time to time, led the South African government to undertake at least cosmetic reforms of apartheid and concluded that the actual imposition of sanctions would be even more effective.

In fact, South Africa's concessions were undertaken to keep as much as possible of the goodwill of the international community and to avoid wrecking its Western-style economy. Once the damage was inflicted, the threat-induced incentive to change evaporated.

It is a bit like blackmail. Threaten to publish my darkest secrets, and I might pay you hush money. Actually publish them, and you won't collect a dime.

It does not follow, by the way, that failure to impose sanctions would have produced true reform of the South African system. You can't blackmail me into suicide, which is precisely how many in the white South African minority view the one-man/one-vote demands that strike Americans as simple justice.

When it comes to the National Party, which, despite its deepening troubles, still is the dominant political force in the country, the only way to force it into giving up its overweening power is to persuade it that the alternative is worse. It's hard to think of anything the United States could do that would strike Afrikaners as worse than giving up control: not constructive engagement, the ineffectual Reagan policy; not economically destructive disengagement, which sanctions have become.

The only people who can be cheered by events in South Africa, including the devastation of the economy and the tightening of the screws of repression, are those who believe the bloody revolution is the only solution and that sanctions, by making conditions completely intolerable for blacks, will bring on the revolution.

Is that what we really want?

ARMS CONTROL: WINDOW OF OPPORTUNITY

Mr. MITCHELL. Mr. President, as we begin this 100th Congress, the Nation faces many grave questions of national policy. Our economy is being undermined by an unprecedented trade deficit. The Federal budget is severely out of balance. We must find the resources to meet immediate environmental problems and to provide health care for our elderly. And we must find those resources without saddling the next generation with a crippling debt.

I intend to be actively involved as this Congress turns its attention to each of these challenges.

However, it is my firm belief that nothing on our national agenda today is more vital than reducing the possibility of nuclear conflict.

We know that a nuclear war can never be won and must never be fought. We have lived with atomic weapons for more than 40 years. Over four decades of major changes in weapons capability, and of evolution of military strategy, one truth has emerged. Nuclear arms control is essential to a secure future.

By arms control, I do not mean the simple urge to rid ourselves of these weapons now, though that urge is understandable. Nor is arms control a certain road to peace and security. There is no such shortcut in our complex world. Rather, arms control is a vital part of a workable strategy to stabilize and reduce our nuclear arsenals. That strategy must reduce to a minimum the temptations and the fears that might lead to those fearful weapons being used.

Since the late fifties, this has been the goal of every American administration. Though different in philosophy, and facing widely disparate political circumstances, each of our seven Presidents during that time came separately to the same strategy. Each of the seven sought to strengthen the body of verifiable arms controls and limitations:

President Eisenhower achieved agreement for a nuclear free Antarctic.

President Kennedy negotiated a ban on atmospheric testing.

President Johnson produced the Non-Proliferation Treaty.

President Nixon negotiated SALT I, establishing the first limits on nuclear arsenals.

President Ford reached agreement to limit peaceful nuclear explosions.

President Carter negotiated SALT II.

I believe that today our Nation may have the possibility of further, very significant agreement. President Reagan has the opportunity to conclude a comprehensive agreement more significant than any achieved by his predecessors. But such an agreement will take determination, it will take decisiveness, and it will take support. But there is little time within which to achieve such an agreement.

Despite initial disappointment, last year's Reykjavik meeting substantially increased the possibility of a comprehensive agreement. In their desire to restrain SDI, the Soviets changed their usual obstructive tactics. They made significant concessions on many issues which have long stood in the way of agreement. Among the generally agreed proposals:

A 50-percent reduction in strategic forces over 5 years.

The biggest cuts would be in the destabilizing heavy ICBM's with lesser cuts in other categories.

British and French missiles would not be counted against United States totals.

The U.S. inventory of 1,850 bombs and short range missiles would not count against our warhead limit, though the 1,500 air-launched cruise missiles would.

All intermediate range missiles would be removed from Europe. The 100 remaining in Soviet Asia would be balanced by 100 on United States soil.

These major developments were overshadowed by the later breakdown of the summit and the confusion that ensued over the ill-conceived U.S. counteroffer. Yet the proposals under discussion addressed the vital question of stability, the heart of effective arms control.

A stable arms control agreement is one that eliminates or at least reduces uncertainty on both sides. Little would be accomplished by merely balancing total numbers of weapons. That each side could blow up the world an equivalent number of times implies stability only to the mad.

We will achieve stability with an agreement that leaves Soviet leaders with the certainty that they could not destroy American nuclear forces by striking first and escaping retaliation. That agreement must also leave the Soviets with the certainty that we also do not possess the means to obliterate their nuclear forces and ourselves escape retaliation. Otherwise they might be tempted into the first, disastrous, move.

Consider then the negotiation on missiles and warheads. At Reykjavik, the discussion was on stricter limits for heavy, more accurate missiles, missiles designed to destroy those of the other side before launch. These are precisely the weapons that must be restrained if neither side is to perceive in the other an ability to strike first.

This then is the direction any agreement must take if it is to bring stability. This is, I earnestly hope, the direction in which our negotiators are moving.

Yet we all must be aware that events external to the negotiations are moving in a different and troubling direction. While devoting great effort to modernizing our nuclear forces, this administration has elected to stretch, if not directly violate, most of the significant arms control agreements achieved by its predecessors:

Last November the 131st cruise missile equipped B-52 reported for duty, pushing the United States over the SALT II limit. This fulfilled the President's policy announced last May to ignore those limits. The 133d B-52 so equipped will report this month.

The ABM Treaty is under pressure from all sides. Two United States phased array radar stations may violate that treaty as the Soviet station at Krasnoyarsk certainly does.

Testing plans for SDI should begin to violate ABM provisions in the next 2 years. The administration has suggested a controversial and probably unsound interpretation of ABM which would allow it to get by with the tests.

The Soviets have announced that they will end their 18-month nuclear testing moratorium as soon as the United States conducts its next test. With stony indifference, the administration has not altered the scheduled date for that test, late this month.

Mr. President, as we consider arms control prospects, we must also be conscious of our country's political rhythm. We are all aware of next year's national election. Many candidates for high office will be presenting their views forcefully to the public. Such a climate may well not prove hospitable to the sober and measured consideration vital if this Senate is to give the President its advice and consent on as complex a matter as a comprehensive arms control agreement.

Any conceivable agreement would involve an intricate series of tradeoffs among specific Soviet and United States concerns. Each side has different weapons now deployed, and differing systems under development. Adequacy of verification procedures, probable differences in the number of warheads permitted each side, questionable calculations as to how the agreement would affect each side's development of higher tech weapons are but a few examples of issues that will be open to serious debate.

Our consideration of such an agreement should and would take time. How much time, and how that time would be allotted from the other pressing issues before this body will be decided by the majority leader. But surely, a treaty would have to be submitted this year, if it is to receive the needed measure of our consideration before the tumult of a Presidential election year.

Further, we must consider the likely consequences if no arms control agreement can be reached during this administration. The next President would have to start negotiations over from scratch. And negotiations would begin at substantially higher levels of weapons than we now have.

The fact is that the Soviets are better prepared than we for a breakout from SALT II levels. Yet that breakout is seemingly encouraged by the administration's actions. Even the most ambitious administration forecast, which assumes substantial yearly increases in defense spending, would only put us 5 percent over SALT II limits by the end of 1989. The Soviets, by contrast, are much more rapidly turning out missiles and only are remaining below SALT limits by dismantling large numbers from their current arsenal. By some estimates, current Soviet production is several times the United States rate and also has the potential to expand much faster.

Even as nuclear arms inventories were rising, our next President would be unable to begin immediate negotiations. Regardless of how committed to arms control that President will be, he will need time to consolidate his administration and establish foreign policy credibility before taking on so formidable an adversary as the Soviets.

If current administration arms buildup activities continue without reaching a new agreement, we may well see a substantial breakdown of SALT and ABM. The next President will be bequeathed the difficult problem of negotiating while playing nuclear catch-up.

I also urge the Soviet Government to carefully consider its own interest in moving to an agreement now. Contradictory reports have emerged from Moscow. Some contend that the Soviets have decided to wait, to try to get a better deal from the next President. That would be a mistake.

Last year at this time, General Secretary Gorbachev announced his intention to seek the elimination of all nuclear weapons by the year 2000. That speech also signaled the shifts in Soviet strategy which led to negotiating developments at Reykjavik.

If the Soviets are indeed serious, and we all hope they are, they should realize that now is their chance for a realistic arms control agreement. An agreement is now possible that would afford a genuine reduction in the threat to their country, in return for a genuine reduction in the threat to ours.

To delay would not serve Soviet interests, if those interests are in stabilizing the arms race. To delay until next year would only risk that the agreement would be derailed in an election year. To delay until the next administration would only ensure that the Soviets would face a higher level of threat from more weapons and from newly deployed systems.

Last week, our negotiators sat down with the Soviets in Geneva to continue work on the recent breakthrough proposals. From public statements, it appears that both sides have reassessed and abandoned earlier proposals for total elimination of all nuclear weapons or of strategic missile systems. This is to be welcomed as neither route would lead to our goal, stability.

The previous sticking point, as we all remember, was Soviet insistence on tying the entire package to restrictions on SDI that this administration was unprepared to accept at Reykjavik. Yet the space between the respective positions is smaller than many suppose. The Soviets left room to negotiate. An agreement still is possible.

Briefly, the Soviet position now on the table is for a 10-year adherence to ABM limitations on testing and an additional 3-year period of a Soviet veto on any United States deployment of an SDI system. The U.S. counter is the 10-year adherence to ABM provided that agreement is reached on reduction of ballistic misssiles and on how SDI could be deployed at the end of that period.

The major difference between the proposals is permissible testing. Without exploring the technical details, let me just say that both proposals would place some restrictions on SDI testing. That difference, though difficult, surely is negotiable.

I do not mean to suggest that achieving a reasonable agreement with the Soviets will be easy. Far from it. While we seek an agreement that will encourage stability by increasing the nuclear security of both sides, much evidence suggests that the Soviets still seek an agreement which would serve as a tool for them to reach nuclear preponderance.

Yet the Soviets also give every sign of wishing to channel more attention and resources toward their increasingly pressing domestic economic problems. Despite current United States actions, the Soviets continue to dismantle sufficient weapons to remain under SALT II ceilings.

Time is limited, but we do have a window of opportunity.

Rapid progress is possible given the will on both sides. In the aftermath of the Cuban missile crisis, the Limited Test Ban Treaty was negotiated, ratified, and entered into force within the space of 3 months.

The task facing this administration is far more complex, of course. This should not be a partisan issue. Americans of both parties are vitally interested in a truly comprehensive, mutually stabilizing, and fully verifiable arms control agreement.

We must offer our support and every encouragement. The President must proceed deliberately but with dispatch for the sake of our Nation, our future, and our world.

FACING THE CHALLENGE—JON YOUNG'S COURAGEOUS STRUGGLE

Mr. KENNEDY. Mr. President, a recent article in the Washington Post tells the inspirational story of Jon Young's heroic struggle to overcome the tragic paralysis he suffered as a result of a sudden serious injury in a high school wrestling meet. Jon nearly died in the first few hours after his accident. He believed that he might suffer permanent and nearly total paralysis, but as a result of excellent medical care, his own hard work, and his extraordinary religious faith, his prospects for recovery are now much more encouraging.

I want to take this occasion to note my admiration for Jon in this ordeal, his spirit of optimism, and his commitment to achieving the maximum possible progress against his unfortunate injury. Because of my own son's struggle with cancer a decade ago, I can understand something of the roller-coaster feelings that Jon, his mother Leanne, and his father Frank Young, who is Commissioner of the Food and Drug Administration have experienced. Jon and his family have displayed unusual courage in these difficult times, and I extend my best wishes for continuing rapid progress in his recovery.

Mr. President, I ask unanimous consent that the text of the Washington Post article on Jon Young may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 21, 1987]

YOUNG: 'I'LL NEVER GIVE UP' FAITH HELPS WRESTLER, 17, PROGRESS AFTER PARALYSIS

(By Steve Berkowitz)

"I was going to do a hip throw," Jonathan Young said recently, recalling the events of Dec. 19.

"I was going to stand up, reach behind, hip and throw him," said Young, a 17-year-old senior at Walt Whitman High School in Bethesda, describing a 112-pound wrestling match at the Magruder High School holiday tournament in Rockville.

"I guess what happened was that I didn't get my hips into it enough and I came down on top of my head.

"When I hit the mat, my dad came out and I said, 'Dad, I'm floating away, I'm floating away.' It was weird. I could see myself lying there."

Young, a son of Food and Drug Administration Commissioner Frank E. Young, didn't know he had fractured his neck. All he knew was that he couldn't move.

"Mother," he said he told Leanne Young, who had rushed out from the stands, "I'm paralyzed. I'm never going to walk again."

Young, who last year placed third in the Maryland state 98-pound tournament, was ranked second in the 112-pound division this year. He won his first five matches of the season on first-period pins and was legitimately dreaming of a state championship and a successful college wrestling career. Now, though, there are other thoughts.

"When it first happened," Young said, "I was sure I was never going to walk again. I had no problem dealing with that. I wasn't going to worry about it. I mean, there was nothing you could do about what happened. It happened. I had no choice. I couldn't fight it. I had to just totally give myself up and just trust in God that everything was going to be all right."

So far, it has.

"Oh, my God, it's been incredible."

The words are Dr. John E. Toerge's. A physiatrist who is the National Rehabilitation Hospital's associate medical director, he has been coordinating Young's rehabilitation program since Young transferred to his facility from the Washington Hospital Center Jan. 12.

"He's just blasting right along," Toerge said. "The speed with which Jonathan is regaining function gives you an idea of how much function he will ultimately recover. Although it's very early to tell, I would say that this bodes very well for the future."

Young, who underwent surgery Jan. 2 to fuse together two fractured vertebrae and stablize his neck, has regained motor function in both arms and some limited movement in both of his hands, including fingers, and legs. With a tutor, he has resumed his schoolwork.

Toerge said that based on Young's progress so far, his patient stands "a really good shot" of being able to stand and walk again.

"I'm not talking about running or jumping around yet," Toerge said, "and he may or may not need braces, but if I had to guess [if Young will walk again], I would say yes."

For a time, however, the answer was no. To everything. The night of the injury, as Young was being transported by helicopter from Montgomery General Hospital in Olney to the Washington Hospital Center's MedStar unit, his heart stopped beating for 40 seconds. And as far as Young is concerned, his resuscitation was as much a product of his religious faith as of the medical attention he received.

"I was so close to the point of death," Young said. "I was so physically weak the only thing I had to rely on was my spiritual strength."

"It's kind of hard to explain," he said of one particularly intense experience during the time between the injury and the surgery. "But what I saw was real.

"I said, 'God, what are you doing here? I'm Jon Young. I'm no one special.' I guess he just chose me to come close to Him. He put me down physically so I could see Him and gain a better understanding of Him.

"It was kind of scary when I saw how powerful He was," Young said. "I said that if I were to have my way, I wish I could die right now because it was so cool, so powerful. I just wanted to be with Him."

"Now," Young added, "I don't feel that same power because I'm getting physically stronger. But I know it was there for those two weeks. Not everyone can understand that. I mean, no one can understand that unless they've been brought to the same position."

If you look at the 24 months of rehabilitation Young probably faces as one day, it is now only a little past 1 a.m. And although the first hour may not have been Young's finest, it will almost assuredly have been his fastest.

"The tough part is still ahead," Toerge said. "It's easy when you see change every day. It becomes hard when you don't see change, when your recovery begins to plateau—and sometime, Jonathan's will begin to plateau. People get a little bored of going to the hospital. They start to back away a little bit . . ."

"You never know how much or how many people care until something like this happens," said Young, whose room (including the ceiling) looked as though it had been decorated by Hallmark. "It's been very encouraging . . .

"The President called me. [Young has also received a letter from the White House.] I couldn't talk to him right then, but after I got the letter, I called him back. It was pretty wild. When the operator finally got the call through to his office, I said, 'Oh, no, I better hang up.'

"But then he got on and said, 'Hello?' I said, 'Hello? Mr. President?' He said, 'Yes?' He wasn't real stern or anything like that. He was just really warm and really caring. I said to myself, 'Wait a minute, the president of the United States is actually caring about me?' It was very big."

No bigger or more important than Young's own attitude and outlook.

"There's risk in everything you do," Young said. "I was physically in great shape. I was strong. I was quick. I had excellent coaching and I wasn't doing some fabulous, crazy move that would take Superman to do. I've done more dangerous moves in practice. It was a freak accident."

"I had a great six years of wrestling," he said. "I loved it then and I still love it. But for now I'm just going to work as hard as I can. I'll never give up. But at the same time, I'm not expecting anything to happen.

"Still, I know if I just lie here, no one's going to come in here, pick me up and make me walk. It's going to be a matter of time and of hard work. And when God says walk, I'll walk."

THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. DOLE. Mr. President, last evening President Reagan delivered his sixth State of the Union Address. In that address he did not duck the tough issues—he acknowledged where mistakes had been made. He also, even more importantly, urged us to get to work—and indicated his willingness to work with us in addressing some very difficult issues.

So that all will have an opportunity to renew what the President said and the scope of his legislative agenda, I am asking that the full State of the Union Address, and the fact sheet and full text of his legislative agenda be printed in the RECORD.

It is time for Congress to move on and focus on the task before us. The President has given us his agenda. I look forward to working with him and with my colleagues here in the Senate.

There being no objection, the address, fact sheet, and agenda were ordered to be printed in the RECORD, as follows:

THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. No. 100-1)

The PRESIDENT. Mr. Speaker, Mr. President, distinguished Members of Congress, honored guests, and fellow citizens.

May I congratulate all of you who are Members of this historic 100th Congress of the United States of America. In this 200th anniversary year of our Constitution, you and I stand on the shoulders of giants—men whose words and deeds put wind in the sails of freedom.

However, we must always remember that our Constitution is to be celebrated not for being old, but for being young—young with the same energy, spirit, and promise that filled each eventful day in Philadelphia's State House. We will be guided tonight by their acts; we will be guided forever by their words.

Now, forgive me, but I can't resist sharing a story from those historic days. Philadelphia was bursting with civic pride in the spring of 1787, and its newspapers began embellishing the arrival of the Convention delegates with elaborate social classifications.

Governors of States were called "Excellency." Justices and Chancellors had reserved for them "Honorable" with a capital "H." For Congressmen, it was "honorable" with a small "h." All others were referred to as "the following respectable characters."

Well, for this 100th Congress, I invoke special Executive powers to declare that each of you must never be titled less than Honorable with a capital "H."

Incidentally, I am delighted we are celebrating the 100th birthday of the Congress. It is always a pleasure to congratulate someone with more birthdays than I have had.

Now, there's a new face at this place to honor tonight. Please join me in warm congratulations to Speaker of the House JIM WRIGHT. Mr. Speaker, you might recall a similar situation in your very first session of Congress, 32 years ago. Then, as now, the Speakership had changed hands, and another great son of Texas, Sam Rayburn—"Mr. Sam"—sat in your chair. I cannot find better words than those used by President Eisenhower that evening: "We still have much to do together; I am sure that we will get it done—and, that we shall do it in harmony and good will."

Tonight, I renew that pledge. To you, Mr. Speaker, and to Senate Majority Leader ROBERT BYRD who brings 34 years of distinguished service to the Congress, may I say: though there are changes in this Congress, America's interest remain the same. I am confident that, along with Republican leaders BOB MICHEL and BOB DOLE, this Congress can make history.

Six years ago, I was here to ask the Congress to join me in America's New Beginning.

The results are something of which we can all be proud. Our inflation rate is now the lowest in a quarter of a century. The prime interest rate has fallen from the 21½ percent the month before we took office to 7½ percent today, and those rates have triggered the most housing starts in 8 years.

The unemployment rate—still too high—is the lowest in nearly 7 years, and our people have created nearly 13 million new jobs. Over 61 percent of everyone over the age of 16, male and female, is employed—the highest percentage on record.

Let's roll up our sleeves, go to work, and put America's economic engine at full throttle.

We can also be heartened by our progress across the world. Most important, America is at peace tonight, and freedom is on the march. We have done much these past years to restore our defenses, our alliances, and our leadership in the world. Our sons and daughters in the services once again wear their uniforms with pride.

But though we have made much progress, I have one major regret. I took a risk with regard to our action in Iran. It did not work, and for that I assume full responsibility.

The goals were worthy. I do not believe it was wrong to try to establish contacts with a country of strategic importance or to try to save lives. And certainly it was not wrong to try to secure freedom for our citizens held in barbaric captivity. But we did not achieve what we wished, and serious mistakes were made in trying to do so. We will get to the bottom of this, and I will take whatever action is called for.

But in debating the past, we must not deny ourselves the successes of the future. Let it never be said of this generation of Americans that we became so obsessed with failure that we refused to take risks that could further the cause of peace and freedom in the world.

Much is at stake here, and the Nation and the world are watching—to see if we go forward together in the national interest, or if we let partisanship weaken us.

And let there be no mistake about American policy: We will not sit idly by if our interests or our friends in the Middle East are threatened, nor will we yield to terrorist blackmail.

Now, ladies and gentlemen of the Congress, why don't we get to work?

I am pleased to report that, because of our efforts to rebuild the strength of America, the world is a safer place. Earlier this month, I submitted a budget to defend America and maintain our momentum to make up for neglect in the last decade. I ask you to vote out a defense and foreign affairs budget that says "yes" to protecting our country.

While the world is safer, it is not safe.

Since 1970, the Soviets have invested $500 billion more on their military forces than we have. Even today, though nearly one in three Soviet families is without running hot water, and the average family spends 2 hours a day shopping for the basic necessities of life, their government still found the resources to transfer $75 billion in weapons to client states in the past 5 years—clients like Syria, Vietnam, Cuba, Libya, Angola, Ethiopia, Afghanistan, and Nicaragua.

With 120,000 Soviet combat and military personnel and 15,000 military advisers in Asia, and Latin America, can anyone still doubt their single-minded determination to expand their power? Despite this, the Congress cut my request for critical U.S. security assistance to free nations by 21 percent this year, and cut defense requests by $85 billion in the last 3 years. These assistance programs serve our national interest as well as mutual interests, and when the programs are devastated, American interests are harmed. My friends, it is my duty as President to say to you again tonight that there is no surer way to lose freedom than to lose our resolve.

Today, the brave people of Afghanistan are showing that resolve. The Soviet Union says it wants a peaceful settlement in Afghanistan, yet it continues a brutal war and props up a regime whose days are clearly numbered. We are ready to support a political solution that guarantees the rapid withdrawal of all Soviet troops and genuine self-determination for the Afghan people.

In Central America, too, the cause of freedom is being tested. And our resolve is being tested there as well. Here, especially, the world is watching to see how this Nation responds.

Today, over 90 percent of the people of Latin America live in democracy. Democracy is on the march in Central and South America. Communist Nicaragua is the odd man out—suppressing the Church, the press, and democratic dissent and promoting subversion in the region. We support diplomatic efforts, but these efforts can never succeed if the Sandinistas win their war against the Nicaraguan people.

Our commitment to a Western Hemisphere safe from aggression did not occur by spontaneous generation on the day we took office. It began with the Monroe Doctrine in 1823 and continues our historic bipartisan American policy. Franklin Roosevelt said we "* * * are determined to do everything possible to maintain peace on this hemisphere." President Truman was very blunt. "International communism, * * * seeks to crush and undermine and * * * destroy the independence of the Americas, * * * We cannot let that happen here."

And John F. Kennedy made clear that "* * * Communist domination in this hemisphere can never be negotiated."

Some in this Congress may choose to depart from this historic commitment, but I will not.

This year, we celebrate the second century of our Constitution. The Sandinistas just signed theirs 2 weeks ago—and then suspended it. We won't know how my words tonight will be reported there, for one simple reason: there is no free press in Nicaragua.

Nicaraguan freedom fighters have never asked us to wage their battle, but I will fight any effort to shut off their lifeblood and consign them to death, defeat, or a life without freedom. There must be no Soviet beachhead in Central America.

We Americans have always preferred dialogue to conflict, and so we always remain open to more constructive relations with the Soviet Union. But more responsible Soviet conduct around the world is a key element of the U.S.-Soviet agenda. Progress is also required on the other items of our agenda as well—real respect for human rights, and more open contacts between our societies, and, of course, arms reduction.

In Iceland last October, we had one moment of opportunity that the Soviets dashed because they sought to cripple our Strategic Defense Initiative—S.D.I. I wouldn't let them do it then. I won't let them do it now or in the future. This is the most positive and promising defense program we have undertaken. It's the path—for both sides—to a safer future, a system that defends human life instead of threatening it. S.D.I. will go forward.

The United States has made serious, fair, and far-reaching proposals to the Soviet Union, and this is a moment of rare opportunity for arms reduction. But I will need, and American negotiators in Geneva will need Congress' support. Enacting the Soviet negotiating position into American law would not be the way to win a good agreement. So I must tell this Congress I will veto any effort that undercuts our national security and our negotiating leverage.

Today, we also find ourselves engaged in expanding peaceful commerce across the world. We will work to expand our opportunities in international markets through the Uruguay round of trade negotiations and to complete an historic free trade arrangement between the world's two largest trading partners—Canada and the United States.

Our basic trade policy remains the same: we remain opposed as ever to protectionism because America's growth and future depend on trade. But we will insist on trade that is fair and free. We are always willing to be trade partners but never trade patsies.

Now from foreign borders, let us return to our own because America in the world is only as strong as America at home.

This 100th Congress has high responsibilities. I begin with a gentle reminder that many of these are simply the incomplete obligations of the past. The American people deserve to be impatient because we do not yet have the public house in order.

We've had great success in restoring our economic integrity, and we've rescued our Nation from the worst economic mess since the Depression.

But there's more to do. For starters, the Federal deficit is outrageous.

For years I've asked that we stop pushing onto our children the excesses of our government. What the Congress finally needs to do is pass a constitutional amendment that mandates a balanced budget and forces government to live within its means. States, cities, and the families of America balance their budgets. Why can't we?

Next—the budget process is a sorry spectacle. The missing of deadlines and the nightmare of monstrous continuing resolutions packing hundreds of billions of dollars of spending into one bill must be stopped.

We ask the Congress once again: Give us the same tool that 43 Governors have—a line-item veto so we can carve out the boondoggles and pork and those items that would never survive on their own. I will send the Congress broad recommendations on the budget, but first I'd like to see yours. Let's go to work and get this done together.

Now, let's talk about this year's budget. Even though I have submitted it within the Gramm-Rudman-Hollings deficit reduction target, I've seen suggestions that we might postpone that timetable. Well, I think the American people are tired of hearing the same old excuses. Together, we made a commitment to balance the budget; now, let's keep it.

As for those suggestions that the answer is higher taxes, the American people have repeatedly rejected that shopworn advice. They know that we don't have deficits because people are taxed too little; we have deficits because big government spends too much.

Next month, I will place two additional reforms before the Congress.

We've created a welfare monster that is a shocking indictment of our sense of priorities. Our national welfare system consists of some 59 major programs and over 6,000 pages of Federal laws and regulations on which more than $132 billion was spent in 1985.

I will propose a new national welfare strategy—a program of welfare reform through state-sponsored, community-based demonstration projects. This is the time to reform this outmoded social dinosaur and finally break the poverty trap. We will never abandon those who, through no fault of their own, must have our help. But let us work to see how many can be freed from the dependency of welfare and made self-supporting which the great majority of welfare recipients want more than anything else.

Next, let us remove a financial specter facing our older Americans—the fear of an illness so expensive that it can result in having to make an intolerable choice between bankruptcy and death. I will submit legislation shortly to help free the elderly from the fear of catastrophic illness.

Now, let's turn to the future.

It is widely said that America is losing her competitive edge. Well, that won't happen if we act now. How well prepared are we to enter the 21st century? In my lifetime, America set the standard for the world. It is now time to determine that we should enter the next century having achieved a level of excellence unsurpassed in history.

We will achieve this: first, by guaranteeing that government does everything possible to promote America's ability to compete. Second, we must act as individuals in a quest for excellence that will not be measured by new proposals or billions in new funding. Rather, it involves an expenditure of American spirit and just plain American grit.

The Congress will soon receive my comprehensive proposals to enhance our competitiveness—including new science and technology centers and strong new funding for basic research.

The bill will include legal and regulatory reforms and weapons to fight unfair trade practices. Competitiveness also means giving our farmers a shot at participating fairly and fully in a changing world market.

Preparing for the future must begin, as always, with our children.

We need to set for them new and more rigorous goals. We must demand more of ourselves and our children by raising literacy levels dramatically by the year 2000. Our children should master the basic concepts of math and science, and let's insist that students not leave high school until they have studied and understood the basic documents of our national heritage.

There's one more thing we can't let up on. Let's redouble our personal efforts to provide for every child a safe and drug-free learning environment. If the crusade against drugs succeeds with our children, we will defeat that scourge all over our country.

Finally, let's stop suppressing the spiritual core of our national being. Our Nation could not have been conceived without divine help. Why is it that we can build a Nation with our prayers but we can't use a schoolroom for voluntary prayer? The 100th Congress of the United States should be remembered as the one that ended the expulsion of God from America's classrooms.

The quest for excellence into the 21st century begins in the schoolroom but must go next to the workplace. More than 20 million new jobs will be created before the new century unfolds, and, by then, our economy should be able to provide a job for everyone who wants to work.

We must also enable our workers to adapt to the rapidly changing nature of the workplace, and I will propose substantial new Federal commitments keyed to re-training and job mobility.

Over the next few weeks, I will be sending the Congress a complete series of these special messages—on budget reform, welfare reform, competitiveness, including education, trade, worker training and assistance, agriculture, and other subjects.

The Congress can give us these tools, but to make these tools work, it really comes down to just being our best. That is the core of American greatness.

The responsibility of freedom presses us towards higher knowledge and, I believe, moral and spiritual greatness. Through lower taxes and smaller government, government has its ways of freeing people's spirit. But only we, each of us, can let the spirit soar against our own individual standards.

Excellence is what makes freedom ring. And isn't that what we do best?

We're entering our third century now, but it's wrong to judge our Nation by its years. The calendar can't measure America because we were meant to be an endless experiment in freedom—with no limit to our reaches, no boundaries to what we can do, no end point to our hopes.

The United States Constitution is the impassioned and inspired vehicle by which we travel through history. It grew out of the most fundamental inspiration of our existence: that we are here to serve Him by living free—that living free releases in us the noblest of impulses and the best of our abilities. That we would use these gifts for good and generous purposes and would secure them not just for ourselves, and for our children, but for all mankind.

Over the years—I won't count if you won't—nothing has been so heartwarming to me as speaking to America's young. And the little ones especially—so fresh-faced and so eager to know—well, from time to time, they'll ask about our Constitution.

I hope you Members of Congress will not deem this a breach of protocol if you'll permit me to share these thoughts again with the young people who might be listening or watching this evening.

I have read the constitutions of a number of countries—including the Soviet Union's. Some people are surprised to hear they have a constitution, and it even supposedly grants a number of freedoms to its people. Many countries have written into their constitutions provisions for freedom of speech and freedom of assembly. But if this is true, why is the Constitution of the United States so exceptional?

The difference is so small that it almost escapes you—but it's so great it tells you the whole story in just three words: We the people.

In those other constitutions, the government tells the people of those countries what they are allowed to do. In our Constitution, we the people tell the government what it can do and that it can do only those things listed in that document and no others.

Virtually every other revolution in history has just exchanged one set of rulers for another. Our revolution is the first to say the people are the masters, and government is their servant.

And you young people out there, don't ever forget that. Some day, you could be in this room—but wherever you are, America is depending on you to reach your highest and be your best—because here, in America, we the people are in charge.

Just three words. Some words.

We the people.

Those are the kids on Christmas day looking out from a frozen sentry post on the 38th Parallel in Korea or aboard an aircraft carrier in the Mediterranean. A million miles from home. But doing their duty.

We the people.

Those are the warm-hearted whose numbers we can't begin to count who'll begin the day with a little prayer for hostages they will never know and M.I.A. families they will never meet. Why? Because that's the way we are, this unique breed we call Americans.

We the people.

They're farmers on tough times, but who never stop feeding a hungry world. They're the volunteers at the hospital choking back their tears for the hundredth time caring for a baby struggling for life because of a mother who used drugs. And you'll forgive me a special memory—it's a million mothers like Nelle Reagan who never knew a stranger or turned a hungry person away from her kitchen door.

We the people.

They refute last week's television commentary downgrading our optimism and idealism. They are the entrepreneurs, the builders, the pioneers, and a lot of regular folks—the true heroes of our land who make up the most uncommon Nation of doers in history. You know they're Americans because their spirit is as big as the universe, and their hearts are bigger than their spirit.

We the people.

Starting the third century of a dream and standing up to some cynic who's trying to tell us we're not going to get any better.

Are we at the end? Well, I can't tell it any better than the real thing—a story recorded by James Madison from the final moments of the Constitutional Convention—September 17, 1787. As the last few members signed the document, Benjamin Franklin—the oldest delegate at 81 years, and in frail health—looked over toward the chair where George Washington daily presided. At the back of the chair was painted the picture of a sun on the horizon. Turning to those sitting next to him, Franklin observed that artists found it difficult in their painting to distinguish between a rising and setting sun.

I know if we were there, we could see those delegates sitting around Franklin—leaning in to listen more closely to him. Then Dr. Franklin began to share his deepest hopes and fears about the outcome of their efforts, and this is what he said:

"I have often * * * looked at that (picture) behind the President without being able to tell whether it was rising or setting: But now at length I have the happiness to know that it is a rising and not a setting Sun."

You can bet it's rising, because—my fellow citizens—America isn't finished; her best days have just begun.

Thank you. God bless you. And God bless America.

THE PRESIDENT'S LEGISLATIVE MESSAGE TO CONGRESS

FACT SHEET

Tonight the President reported to the Congress on the State of our Union, and he outlined a goal of making it better—a Quest for Excellence. He also submitted to Congress a Legislative Message that describes the specific measures we as a Nation can take to begin that quest. He said about America: "her best days have just begun."

PREPARING FOR THE CHALLENGES AND OPPORTUNITIES OF THE 21ST CENTURY

Meeting the Competitive Challenge

America's competitive preeminence in the world economy is critical to our standard of living and national security. The President is launching a six-part program that will mobilize Federal government resources to help us maintain our preeminence well into the 21st century. The program will include:

Increasing Investment in Human Capital. The American worker has always been second to none, but we as a Nation need to do more to prepare our workers for the competitive, high-tech economy of the coming decades. Specifically, we must:

1. Continue our efforts at education reform. Teachers and students need to focus their attention on developing the basic skills in English, mathematics, the sciences and social sciences that are critical to later success. The Administration is proposing to improve bilingual education and to reauthorize the Chapter I program for the disadvantaged.

2. Promote flexible job skills and greater workforce mobility. The President will propose several programs to improve worker skills and training, and to aid workers displaced by economic conditions beyond their control. Our $1 billion displacement program will help an additional 700,000 workers each year adjust through retraining.

Promoting the Development of Science and Technology. The Administration is introducing new ideas and incentives to keep American know-how the envy of the world. The President proposes to double the budget of the National Science Foundation over five years; establish new government-private "science and technology centers"; initiate programs to encourage exchanges among scientists, private industry, and the government; and promote the study of science in schools.

Protecting Intellectual Property. The President will propose reforms to better protect America's inventive genius and, in particular, to make the way other countries treat intellectual property a major plank in trade talks.

Enacting Legal and Regulatory Reform. The President has directed Vice President Bush to revitalize his Task Force on Regulatory reform to remove government obstacles to U.S. business competitiveness. He will propose refinements in antitrust regulations, pension-law reforms to allow greater flexibility in dealing with overfunded plans and to strengthen underfunded plans, tort reform to limit the burden of dubious law suits, and further deregulation of the trucking and natural gas industries. The President has also asked his Cabinet to review the export control program.

Shaping the International Economic Environment. We live in a global economy, so the President will continue to work to create a better world environment for U.S. business—through realistic exchange rates, faster growth abroad, improved international economic and monetary cooperation, and, above all, a tough policy against unfair foreign trade practices.

Reforming the Federal Budget Process. A major burden on our industrial competitiveness is excessive federal spending. The President will continue his efforts to reduce the budget deficit and propose reforms in the budgetary process to supply much-needed spending discipline, including a constitutional amendment to enforce a balanced budget and a line-item veto.

Reforms for a Better Economy

Beyond this six-point program, the Administration will propose other measures to sustain our 50-month-old economic recovery.

Legislation to improve farm policy through market discipline, while still protecting farm income;

Reforms to improve federal government management, including a Civil Service Simplification Act to make it easier for federal managers to reward excellence;

Continued sale of government operations, such as parts of Amtrak and oil reserves, best run by the private sector;

VALUES: THE SOURCE OF OUR EXCELLENCE

As we expand economic opportunity, we must also work to sustain our traditional cultural and moral values. The President will propose several initiatives designed to support our belief in the dignity of self-supporting individuals and families, in safe and self-governing communities, and in a government both limited and close to average citizens. These include:

Low-Income Opportunity. The President is endorsing the report, "Up From Dependency," released in December by his Domestic Policy Council. The report shows beyond doubt the ways in which our centralized welfare system has failed both taxpayers and the poor. He will propose a major new national strategy to reform this flawed welfare system. This will be done through a series of long-term, State-sponsored and community-based demonstrations that will tap the enterprise and energy now blossoming in welfare reform experiments across the country.

The Family. The President will work to strengthen America's families by implementing the recommendations in the report released last November by his Working Group on the Family. The Administration will also submit legislation to protect the rights of unborn children by reducing the use of federal funds by organizations that perform abortions.

Health Care. The President will propose several initiatives to reduce rising costs and to expand opportunities for private competition in health care delivery. The Administration will also expand its effort to find a cure for the tragic AIDS epidemic.

Catastrophic Illness Coverage. The President will soon submit a proposal to improve catastrophic illness coverage for the elderly.

Drug Abuse Prevention. Last year's landmark legislation made the fight against drug abuse a national priority. This year the Administration will continue to implement the President's six-point program to produce a drug-free America by reducing both the supply of and the demand for, illegal drugs.

Housing and Community Development. The Administration will continue its efforts to make housing affordable for all Americans, through rental housing vouchers for the poor, the initiative for public housing ownership, and legislation to revitalize poor neighborhoods through enterprise zones.

Federalism. In this 200th anniversary of our Constitution, the President will work to strengthen our federal system by implementing the reforms outlined in the "Status of Federalism in America" report, released in November by his Federalism Working Group.

Justice and Personal Freedom. The President will propose legislation to improve our criminal justice system by allowing the death penalty in certain cases, modifying habeas corpus procedures to reduce court delay, and modifying the exclusionary rule to allow evidence seized in good faith to be used as evidence.

Energy and Environmental. The Administration will continue to study the issues of stratospheric ozone depletion and acid rain. We will also address the report of the President's Commission on American Outdoors and the issue of Alaska's Arctic National Wildlife Refuge by developing proposals that best balance our environmental heritage with economic and national security needs.

Transportation. The President will propose legislation to increase air safety by improving our air-traffic system, and to improve our roads and public transport by giving local and State governments more discretion in using Federal highway funds.

INTERNATIONAL PEACE AND FREEDOM

In the past six years, the President has pursued a foreign policy based on realism—about the nature of our adversaries, the need to rebuild our military strength, and the opportunities to expand democracy and economic freedom around the world. He has also operated with the belief that a stong bipartisan consensus in Congress is essential for a successful foreign policy, and toward that end the President will present in the near future, a comprehensive report to

American foreign policy. Specific areas of concern included:

East-West Relations. The President will work to build on the arms-control progress made at the Iceland meeting with General Secretary Gorbachev, including progress on verification and toward a strategic nuclear regime based increasingly on defense. But he has made clear that the state of U.S.-Soviet relations also depends on Soviet respect for human rights at home and responsible Soviet conduct abroad.

America in the World. The Administration will continue to support the expansion of democracy and free enterprise we have seen in the past six years. In particular, the President will ask Congress to support adequate funding for economic and security aid for our friends; to promote policy reforms to spur economic growth in sub-Saharan Africa; to expand America's international broadcasting capability, and for anti-Communist freedom fighters in Nicaragua.

Maintaining a Strong National Defense. Our defence buildup of the last six years has yielded many benefits, and to keep them we must continue with realistic and sustained growth in defense spending. Spending less than the President's budget proposes means less security. In particular, funding for the Strategic Defense Initiative must be increased if SDI is to fulfill its great promise for improving U.S. security and keeping the peace.

CONCLUSION

The Administration's goal in the 200th anniversary of our Constitution is to lay the groundwork for continued excellence in America's third century. These initiatives will lead us toward that goal. The President looks forward to working with Congress in a bipartisan fashion that will benefit all Americans.

THE PRESIDENT'S AGRICULTURE INITIATIVES

FACT SHEET

In his sixth annual State of the Union address, President Reagan called for changes in the Food Security Act of 1985 which would allow American farmers to compete more fully in a changing world agricultural environment.

When the President signed the 1985 Act, he stated that, on balance, the legislation was beneficial, but that he intended to work with Congress to improve certain deficiencies. In fiscal year 1986, the Federal Government spent $25.8 billion on farm programs—almost ten times the amount spent in fiscal year 1980. Yet many of America's farmers are still hurting. Changes to existing law must be made. The President's plan would:

Diminish government interference in the market place;

Promote fairness and equity in existing programs; and

Help level the international playing field for American farmers.

DIMINISH GOVERNMENT INTERFERENCE IN THE MARKET PLACE

Current law requires a farmer to produce specific crops to qualify for Federal support payments. Over the years, payments have become such a large part of farm income that most farmers cannot afford not to participate in the government programs. The Administration will encourage production decisions based on the marketplace rather than artificial government incentives. The President will propose:

1. Removing the link between government payments and crop production decisions. This would allow farmers to receive support payments regardless of how much they planted, thereby reducing the current incentive to overproduce.

2. Reducing target prices for wheat, cotton, rice and feedgrains by 10 percent per year. Result: less incentive to overproduce; reduced cost to American taxpayers.

3. Reforming the sugar support program. The current sugar program is unfair to consumers. Through more realistic support prices, the incentive to overproduce can be removed and costs to consumers can be reduced. Sugar producers would be compensated during the transition period.

PROMOTE FAIRNESS AND EQUITY IN EXISTING PROGRAMS

Currently 15 percent of farm program payments go to just 2 percent of U.S. farmers. Some farmers have set up artificial corporations and partnerships to qualify for extra payments. The President will propose limiting all direct payments to $50,000 per person and tightening rules to prevent abuse.

LEVEL THE INTERNATIONAL PLAYING FIELD FOR AMERICAN FARMERS

U.S. agricultural exports declined from $44 billion in 1981 to $26 billion last year, in part due to unfair practices of some trading partners and in part as a result of government policies which have priced American farmers out of world markets.

The President intends to reverse this trend by:

1. *Seeking comprehensive international agricultural negotiations.* The U.S. will encourage its trading partners to remove agricultural subsidies and move toward a more free market. The reforms in the President's plan will be successful only if there is international agreement to remove government interference in agriculture.

2. *Providing more flexibility in establishing loan rates.* The ability to adjust loan rates will help make our wheat, feedgrain and soybeans more competitive in global markets. The Administration is committed to a worldwide reduction of agricultural subsidies and will not abandon American farmers.

The President has great concern for the American farmer and is determined that the farm economy will right itself by moving closer to the market.

THE PRESIDENT'S COMPETITIVENESS INITIATIVE

FACT SHEET

The President has established a national goal of assuring American competitive preeminence into the 21st Century. Achieving that goal is the responsibility of *all* Americans:

Business must work more efficiently: setting high standards of quality; streamlining operations; discarding outmoded systems and management styles; adapting to change; and building on their tradition as entrepreneurs who saw a better way, had a better idea, worked a little harder.

Workers must be enabled to reach their potential by taking advantage of new technologies; investing in education, training and skill improvement; and taking pride in their work.

Families, supported by State and local governments, have the greatest responsibility of all—creating an educational environment that can make our children productive citizens, able to achieve the best both spiritually and materially. We must strive for excellence in education.

To fulfill the Federal Government's responsibilities, the President has launched a six-part program aimed at:

1. Increasing investment in human and intellectual capital;
2. Promoting the development of science and technology;
3. Better protecting intellectual property;
4. Enacting essential legal and regulatory reforms;
5. Shaping the international economic environment; and
6. Eliminating the budget deficit.

I. INCREASING INVESTMENT IN HUMAN AND INTELLECTUAL CAPITAL

The National Commission on Excellence in Education, in its 1983 report *A Nation at Risk*, concluded:

"Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world. . . . If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war."

Much progress has been made since the Commission's report. Much remains to be done: 40 percent of thirteen year-olds are reading below the skill level for their age. Only 75 percent of high school students graduate on time. Though markedly improved in the last three years, Scholastic Aptitude Test scores are considerably below where they were in the 1960s.

The President believes that to achieve competitive preeminence, our society must continue the reforms for excellence in our schools.

1. *Improving Basic Skills:* We must teach our children to read, write, and compute in the early grades. The Administration has produced several helpful studies and reports on education reform and excellence recently, including *What Works: Research About Teaching and Learning;* the Education Department report on elementary education *First Lessons;* and *Japanese Education Today.*

The President is charging the Secretary of Education with working with our Nation's governors to identify what works in American education and seek places of excellence that will serve as models.

2. *Raising Standards:* We must focus education, particularly in the elementary and secondary schools, on mastering the basic subject matter and skills that will be necessary for excellence in the 21st Century. By the time a student graduate from high school, he or she should have at a minimum: four years of English; three years of math; three years of science; three years of social science; and demonstrated proficiency in the use of computers.

In addition to seeking better use of time spent in school, parents and school officials should consider extending the school year.

3. *Helping Needy Schools and Youth:* We must renew our efforts and refocus our resources to help economically disadvantaged youth enter the mainstream of our society. The Department of Education will publish a report detailing *What Works* in the education of the disadvantaged. The Administration will also propose the reauthorization of Chapters 1 and 2 of the Education Consolidation and Improvement Act (ECIA) to target resources on the neediest schools and youngsters; foster greater innovation, experimentation and parental choice; build accountability into the program; and provide incentives and rewards for success.

4. *Promoting Literacy:* We must assure that every American—no matter what age—learns to speak and write English so as to be able to participate fully in our society. To help achieve this goal, the President: Has established a national goal of reducing illiteracy dramatically by the year 2000; and Will submit proposals to reform bilingual education, allowing greater flexibility and innovation in Federally funded programs.

5. *Instilling Productive Habits and Values:* We must develop in our children values and habits essential to a fulfilling life and a useful contribution in our society. We must ensure a drug-free learning environment and foster "moral literacy." Our children should also study and understand the basic documents of our national heritage. These values are fundamental to the character of our people.

Another component of increasing investment in human and intellectual capital is promoting the skills and training necessary for the workforce of the future. We must help dislocated workers adapt to changes in our economy and provide economically disadvantaged youth the opportunity to become productive members of our society.

6. *Assisting Dislocated Workers:* The President will propose a new, $1 billion worker adjustment program that will: Help an estimated 700,000 additional dislocated workers each year (almost triple the number served under existing programs). The program will cover all dislocated workers, including farmers, not just those demonstrably affected by imports; Offer counseling, job search assistance, basic education and job skill training; and Provide training and adjustment opportunities to workers early—long before they exhaust unemployment benefits.

7. *Creating Opportunities for Needy Youth:* The President will propose an $800 million program under the Job Training Partnership Act (JTPA) intended to help economically disadvantaged youth become productive adults, open to the opportunities that America provides and returning to society the talents that are critically needed. The program will give communities a range of options for using the JTPA funds, including summer jobs and/or remedial education and skills training for more than one-half million young people receiving assistance under the Aid to Families with Dependent Children (AFDC) program.

8. *Providing Greater Opportunities Through Work:* The President will propose a new employment and training effort under the AFDC program: Greater Opportunities through Work (GROW). The purpose of this new program is to encourage young teenage parents and children receiving AFDC who lack a high school education to stay in or return to school. Older AFDC recipients will participate in a variety of employment and training activities, including remedial education, as determined by each state.

9. *Improving Labor Mobility:* The Secretary of Labor will study the private pension system to see how it can be improved to reduce barriers to labor mobility.

10. *Seeking Unemployment Insurance and Employment Service Reforms:* The President will propose giving States greater flexibility in developing comprehensive approaches to the problems of the unemployed by decentralizing authority, financing, and responsibility for the Unemployment Insurance (UI) and Employment Service (ES) programs.

II. PROMOTING THE DEVELOPMENT OF SCIENCE AND TECHNOLOGY

Advancing science and technology is fundamental to U.S. competitiveness. The President's initiatives focus on maintaining U.S. preeminence in initiating ideas and know-how and translating these ideas into new products and processes. Federal policies must serve three broad objectives:

Generating new knowledge in advanced technologies;

Swiftly transferring new technologies to the marketplace; and

Expanding the Nation's talent base in the sciences and technologies.

The President has developed a variety of initiatives designed to achieve these objectives, including:

11. *Establishing Science and Technology Centers:* The President proposes the establishment of a number of new university-based, interdisciplinary "Science and Technology Centers" that will focus on fundamental science that directly contributes to our nation's economic competitiveness. These centers will perform long-term science and engineering research in areas such as robotics for automated manufacturing and microelectronics, new materials processing, and biotechnology.

12. *Funding the National Science Foundation:* In his fiscal year 1988 budget, the President proposes doubling the National Science Foundation's budget over the next five years.

13. *Creating a Technology Share Program:* At the President's direction, the Departments of Agriculture, Commerce, Energy, and Health and Human Services, and the National Aeronautics and Space Administration will initiate a "Technology Share" program involving multi-year, joint basic and applied research with consortia of U.S. firms and universities.

14. *Initiating People-to-People Program:* The President proposes a "people-to-people" exchange program in which scientists and engineers in private industry will be encouraged to take temporary assignments at national laboratories. Federal scientists and engineers will be encouraged to make their expertise available to the private sector through temporary assignments.

15. *Increasing Federal Technology Transfers:* The President will issue an Executive Order to improve industry access to the Federal science and technology enterprise:

To encourage scientists working in Federal laboratories to patent, license, and commercialize their research so that the private sector, including consumers, can benefit, Federal agencies must implement royalty sharing programs with Federal inventors.

To promote technology transfers and commercial spin-offs from Federal research and development efforts Federal agencies and Federally operated laboratories will seek out "science entrepreneurs" to act as conduits between the laboratories and business, venture capitalists, and universities.

To exploit fully foreign science and technology, the Department of State will develop a vigorous recruitment policy that encourages scientists and engineers from other Federal agencies, academia, and industry to apply for assignments in U.S. embassies abroad.

To ensure that our industry and academia benefit from research and techology abroad, the Departments of State and Commerce and the National Science Foundation will develop a mechanism to ensure that information on foreign research is made available in a prompt and efficient manner.

16. *Ensuring Incentives for Private R&D:* The Reagan Administration seeks legal and regulatory stability for research and development in the R&D tax credit, as well as Section 861 rulings on the allocation of R&D expenditures overseas.

17. *Increasing Scientific Literacy:* The President is directing the National Science Foundation and all other Federal agencies to work with the Department of Education and State and local governments to assure that our children have the basic scientific literacy needed for the 21st Century.

To promote interest in careers in science and engineering, these agencies will:

Establish internships for promising students at Federally supported research labs;

Advise in the development of first-rate scientific and technical curricula—textbooks, software, and lab materials—for all educational levels using the expertise of top U.S. scientists and engineers;

Provide matching contributions to primary and secondary schools and universities for instructional scientific equipment and computers; and

Undertake promotional efforts regarding science and techology careers for minorities and women.

18. *Pursuing Key 1988 R&D Initiatives:* The President proposes expanding the Administration's strong budgetary support for basic research, which has already grown in real terms by 47 percent since 1981. The President's fiscal year 1988 budget proposes a 12 percent increase in R&D, including a nearly 4 percent increase in basic research. Key new or expanded initiatives include:

Design and construction of a U.S. space station;

Development of the National Aerospace Plane, a hypersonic aircraft;

Development of advanced civil space technology, which will explore a variety of generic space technologies important to continued U.S. leadership in space;

A global geosciences program to understand the earth, its oceans, and its atmosphere as a unified system;

A plant sciences program to improve the quality of agricultural products;

Improved manufacturing technologies;

New synchrotron light source facilities for basic research;

Hyper-speed integrated circuits; and

Mapping and sequencing human DNA.

19. *Accelerating Defense Spin-Offs:* The President is directing the Department of Defense, whose investment in R&D, testing, and evaluation will increase about 17 percent this year or more than double since 1982, to accelerate its efforts to "spin off" technologies to the private sector. Previous successful commercial applications of technology developed in Defense R&D programs include:

High-power permanent magnet materials enabling small and light weight electric motors for products ranging from electric fans to automobile starters. (These have also substantially reduced U.S. dependence on foreign critical materials);

Night-vision technology for such uses as police work and rescue helicopters; and

Computer-based reading/training systems for adult education centers, adopted from military personnel development programs.

Technologies targeted for future spin-offs include:

Ceramic composite materials for higher efficiency auto and turbine engines;

Lithium batteries that offer 5 to 10 times the energy storage capacity for a given volume or weight;

Ultra-reliable radar for air traffic control systems and commercial aircraft; and

Enzymes for improved toxic waste disposal and decontamination.

In addition to the primary function of strengthening deterrence, our Strategic Defense Initiative (SDI) should yield important spin-offs. As with the Apollo and Space Shuttle programs before it, SDI will advance scientific progress across a broad range.

20. *Promoting a Private Sector Space Industry:* The Administration is promoting the development of a private sector space launch industry to improve U.S. competitiveness in unmanned launches and free NASA to return to cutting-edge technological research.

21. *Commercializing Federal Technical Information:* The Reagan Administration will implement a policy to help commercialize non-patentable results of Federally funded research by permitting Federal contractors to own software, engineering drawings, and other technical data generated by Federal contracts in exchange for royalty-free use by the Government.

III. BETTER PROTECTING INTELLECTUAL PROPERTY

The President believes it is vital to ensure that we provide adequate protection, both domestically and internationally, to those who create new ideas and invent new products and services. He will do this by:

22. *Financing Omnibus Intellectual Property Reform:* The President is seeking statutory changes to:

Encourage licensing of patented technology by limiting the "patent misuse doctrine" to actual anticompetitive conduct;

Raise protection for products resulting from patented processes to the same level as that accorded such products by our major trading partners;

Amend the Clayton antitrust act to provide a more flexible standard of review for intellectual property licensing arrangements;

Restore the bargaining power of parties contracting to license technology by codifying and clarifying the Supreme Court holding in *Lear v. Adkins*;

Make ITC proceedings under Section 337 more effective by eliminating the current requirement to prove injury to a domestic industry when intellectual property infringement is involved;

Restore the term of patents covering agricultural chemical products and animal drugs up to a maximum of five years to compensate for the period of patent term lost due to mandatory Federal premarketing regulatory review and testing; and

Reduce the cost of defending patent rights by: (1) awarding attorney fees to the winning party in cases of frivolous actions or willful infringement; and (2) requiring challenges to patent validity based on publications to be considered first in an administrative proceeding before going to court.

23. *Protecting Copyrights:* The Reagan Administration seeks a "technological" solution to the potential problem of unauthorized copying of copyrighted material on digital audio tape recordings.

24. *Protecting Business Confidentiality:* The President will soon issue an Executive Order to better protect business confidentiality under the Freedom of Information Act (FOIA) by giving business the opportunity to object to the release of commercial information submitted to the Government if release would cause competitive harm.

25. *Reforming FOIA:* The President is seeking to broaden the statutory definition of trade secrets and confidential commercial information under the FOIA to permit agencies to withhold information if disclosure would be harmful to agency programs or commercial interests.

26. *Sharing Patent Files:* The President is directing the Patent and Trademark Office to make its technology file of U.S. patents and English language abstracts of Japanese and European patents available as a research tool to businesses and universities through private industry or regional search centers.

27. *Joining the Berne Convention:* The Administration will propose the necessary statutory changes to our Copyright Law to permit the U.S. to join the Berne Convention for the Protection of Literary and Artistic Works. Seventy six countries have signed this treaty; by joining, the U.S. will gain copyright relations with approximately twenty countries with which we currently have none.

28. *Protecting U.S. Intellectual Property Abroad:* The President is directing Federal agencies to take into account when negotiating international agreements or providing bilateral economic assistance whether those countries adequately protect U.S. intellectual property rights.

IV. ENACTING ESSENTIAL LEGAL AND REGULATORY REFORMS

Outmoded rules and regulations and self-imposed disincentives place us at a disadvantage in the world marketplace. The President is proposing a number of legal and regulatory reforms to eliminate these obstacles to competitiveness. The President will accomplish this by:

29. *Enacting Product Liability Reform:* The President is proposing statutory reforms to reduce the costly product liability insurance spiral that affects the production costs of U.S. goods and undermines the ability of U.S. manufacturers to develop and market new and innovative products. The Administration's proposed legislation would:

Retain a fault-based standard of liability;

Eliminate joint and several liability except in cases where defendants have acted in concert;

Limit noneconomic damages to a fair and reasonable amount;

Provide for periodic, instead of lump sum, payments of damages for future medical care or lost income;

Reduce awards in cases where a plaintiff also is compensated by other sources, such as government benefits;

Reduce transaction costs by limiting attorneys' contingent fees to reasonable amounts on a sliding scale; and

Encourage litigants to resolve more cases out of court.

30. *Enacting Antitrust Refinements:* The Administration proposes statutory changes so that our antitrust laws reflect the dynamics of world trade. These comprehensive changes are aimed at enhancing the vigor of American businesses, while continuing to protect consumers and firms from monopolies, cartels, and price fixing. These proposals include:

Amending Section 7 of the Clayton Act to distinguish more clearly between pro-competitive mergers and mergers that would create a significant probability of increased prices to consumers;

Limiting private and Government antitrust actions to actual (rather than treble) damages, except for damages caused by overcharges or underpayments;

Removing unwarranted and cumbersome restrictions on interlocking directorates;

Clarifying the application of U.S. antitrust laws in private cases involving international trade; and

Requiring that any antitrust claims remaining against other defendants after a partial settlement in a case be appropriately reduced.

31. *Improving Export Controls:* The President is directing the Cabinet to undertake a review of the export controls program and report to him by early March. The Cabinet is to provide recommendations to achieve the following:

Decontrolling those technologies that offer no serious threat to U.S. security;

Strengthening enforcement controls on those technologies that could harm U.S. security;

Eliminating unilateral controls in those areas where there is widespread foreign availability;

Reducing the time required to acquire a license by at least one-third and implementing a fair, equitable, and timely dispute resolution process;

Seeking agreement with our allies for concrete actions to be taken which will make export control procedures more uniform and enforcement more rigorous;

Seeking overall to level the competitive playing field while strengthening multinational controls over products and technologies that can contribute to Soviet military capabilities; and

Recognizing the continued improvement in U.S./People's Republic of China (PRC) relations and the commitment of the PRC to protect sensitive technology, and working with our allies to further liberalize high technology trade with China.

32. *Pursuing Regulatory Relief:* The President is asking Vice President Bush to direct the Task Force on Regulatory Relief to take a fresh look at the Federal regulatory structure from the competitiveness standpoint and to improve the cost-effectiveness of regulations or eliminate unnecessary regulatory burdens.

33. *Providing Competitive Financial services:* The Administration will work with Congress to enact vital safety and soundness legislation and proposals to modernize our financial institutions laws, including:

The recommendations of Vice President Bush's Task Force on the Regulation of Financial Services;

The Administration's plan, passed by both Houses of Congress in the 99th Congress, to recapitalize the Federal Savings and Loan Insurance Corporation and ensure the safety of American depositors; and

A comprehensive reform of the 50-year old legal structure governing the financial services industry so that consumers and other customers can receive the best services at the lowest prices and so U.S. financial institutions can reposition themselves on the leading edge of this competitive world market.

34. *Deregulating Transportation and Natural Gas:* American industry cannot expect to compete in world markets if product prices are needlessly inflated by transportation costs, which can account for as much as 25 percent of the cost of a delivered product. The President will press for legislation to complete the deregulation of surface transportation (other than railroads) and will oppose efforts to re-regulate air and rail transportation.

The President will also propose statutory changes to fully deregulate the pricing and transportation of natural gas, including repeal of demand restraints in the Fuel Use Act. He will also propose oil pipeline deregulation.

35. *Strengthening the Private Pension System:* The Reagan Administration proposes statutory changes to the Employee Retirement Income Security Act (ERISA) of 1974 to enhance the effectiveness of the private pension system in providing retirement income security for American workers by:

Making ERISA more flexible in dealing with significantly overfunded defined benefit pension plans;

Permitting employers to use excess assets in overfunded plans to fund on a tax preferred basis health benefits for current retirees; and

Making ERISA less lenient in dealing with employer underfunding of defined benefit pension plans.

V. SHAPING THE INTERNATIONAL ECONOMIC ENVIRONMENT

Government can play a key role in enhancing the Nation's competitiveness by shaping an international environment in which American knowledge, talent and entrepreneurship can flourish.

36. *Pursuing International Economic and Monetary Cooperation:* The Secretary of the Treasury will seek to improve economic and monetary cooperation on a global scale. He will expand on the new institutional arrangements for economic cooperation developed at the Summit and on a bilateral basis to guarantee a more stable and realistic value of the dollar and increased growth abroad. These measures will in turn stimulate foreign demand for American goods.

37. *Pressing our LDC Initiative:* To reignite growth and recapture markets lost as a result of the debt crisis, the Secretary of the Treasury will press forward with our initiative on LDC debt. He will work to ensure that these countries meet their full potential as the growth markets of tomorrow by encouraging increased private sector investment and appropriate policy reforms today.

38. *Attacking Foreign Predatory Financing:* The Administration has aggressively used the "war chest" funding provided last year to attack foreign predatory financing practices. The Administration will concentrate its efforts on achieving an international agreement limiting these practices. To support these efforts and to put our trading partners on notice that we will use our full authorities to counter foreign subsidized credit offers, the President is asking Congress for the additional $200 million promised for the "war chest."

39. *Aggressively Opening Markets:* The President will not tolerate closed markets, trade barriers, and unfair subsidies which deny American firms a fair chance to compete. The Administration will aggressively seek to open foreign markets through vigorous bilateral and multilateral negotiations and by using our trade laws to attack unfair trade practices wherever they occur.

40. *Negotiating a Fair Trade Arrangement with Canada:* More trade passes between the United States and Canada than between any other two countries in the world. The Administration is now engaged in historic negotiations with Prime Minister Mulroney's government on a free trade agreement that will improve commercial opportunities on both sides of the border and serve as a model for trade liberalization on a global scale. We will work with the Canadians and Congress to conclude an agreement in our mutual interest.

41. *Negotiating in the GATT:* The President will work to ensure that the laws of the trading system are relevant to the commercial realities of the 21st Century. The United States Trade Representatives will press hard for quick results from the Uruguay Round of multilateral trade negotiations in areas critical to America's competitive future, including agriculture, services, intellectual property, and investment.

42. *Reforming the FCPA:* While assuring that bribery to gain foreign sales is deterred through criminal sanctions, the President will again propose statutory changes to eliminate the uncertainties and clarify ambiguities in the Foreign Corrupt Practices Act (FCPA). Specific reforms include:

Replacing the "reason to know" standard with a more objective standard, such as "directs or authorizes";

Specifying what types of payments should be exempt from the Act; and

Clarifying required bookkeeping under the Act.

43. *Improving U.S. Trade Laws:* Our trade laws have proven to be effective instruments for opening foreign markets and defending American industries against unfair practices on the part of our competitors. The President will propose improvements to these laws that will enhance our ability to meet the challenges from abroad without erecting protectionist barriers at home. Our proposals will emphasize opening markets through multilateral and bilateral negotiation, not closing U.S. markets; encouraging adjustment while providing improved relief to industries injured by import competition; and tightening our laws to make them more effective in dealing with unfair foreign competition. Specific proposals will include:

Seeking negotiating authority for the Uruguay Round and substantially expanding the Congressional/private sector consultation process;

Replacing the antidumping law with a new, predictable pricing remedy to cover products from non-market economies and tightening the antidumping and countervailing duty laws through new anti-circumvention provisions to prevent evasion of duties;

Amending Section 301 to establish a 24-month deadline on dispute settlement cases and to improve coordination with Congress through reports on the commercial effects of Section 301 cases;

Establishing reciprocal access to foreign markets as an additional factor for consideration in a Section 301 case;

Amending Section 201 to: provide expedited relief for perishable agricultural products; create additional options for relief, including multilateral negotiations and regulatory reform; and clarify that relief can be granted during a recession; and

Seeking improvements to the Export Trading Company Act and establishing an export promotion data and information system.

VI. CONTROLLING FEDERAL SPENDING

The President has underscored his commitment to controlling Federal spending by introducing a fiscal year 1988 budget that meets the Gramm-Rudman-Hollings target, without increasing taxes. He urges Congress to pass his budget.

THE PRESIDENT'S INITIATIVE ON CATASTROPHIC ILLNESS COVERAGE

FACT SHEET

The President recognizes that catastrophic illness can debilitate individuals and families financially, emotionally and physically. In proposing new initiatives to protect against the financial costs of catastrophic illness, the President is looking for ways to protect the millions whose present coverage is either non-existent or inadequate.

Coverage under present system

The American health care financing system is a broad network of private insurance mechanisms and public programs which, taken together, protect the majority of persons from the financial costs of catastrophic illness. Many people, however, still fear that potential devasting illnesses can destroy their financial security.

In addressing the catastrophic illness problem in the United States, there are three groups of people to consider: the general population under age 65; the elderly facing long-term care expenses; and the elderly facing acute-care expenses. The risks that these groups face are different, and programs to deal with their problems must vary accordingly.

1. General Population Under Age 65:

The majority of the general population is covered by employment-related *group health insurance* with costs borne by employers as one component of fringe benefit packages. A large number of persons who do not work are covered for health expenses by *Medicaid*, a program designed for the elderly poor, the blind, disabled persons, and poor families with dependent children.

There are, however, an estimated 30 million people under the age of 65 who have no health insurance at all, and 10 million who have inadequate coverage for catastrophically high expenses. Many are self-employed or are employees of firms that do not offer group health insurance to their employees. Federal, State, and local governments annually spend several billions of dollars to care for the uninsured.

2. Elderly Americans Under Long-Term Care: The urgency of long-term care is an increasingly important policy issue. By the year 2030, an estimated 8.6 million Americans will be over the age of 85, compared to 2.7 million in 1985.

About 1.4 million elderly now receive care in nursing homes, at an average expense of over $22,000 a year. These costs are not covered by Medicare or private insurance, although many elderly are under the impression that they are. Of the $32 billion in 1985 nursing home costs, less than 2 percent was paid by private insurance. Of the remainder, half was paid out of savings of patients and their families and the other half was covered by Medicaid.

3. Elderly Under Acute Care: Virtually all elder Americans are entitled to acute care coverage under *Medicare.* Nearly two-thirds also supplement their coverage with so-called "Medigap" policies purchased in the private insurance market.

Medicare is designed as an acute care coverage program. Much of the costs of physician services and of hospital stays under 60 days are covered. Longer hospital stays are not fully covered and prescription drugs are not covered at all. Some Medigap policies cover these additional expenses, but many do not.

The major source of fear for the elderly is that they could be faced with expenses that are *not* covered either by Medicare or Medigap. In addition, confusion often exists over what acute care coverage the elderly have and do not have. Some elderly buy too much insurance, while others believe they have more coverage than they actually have.

Administration proposal

The President's Initiative on acute care Catastrophic Illness Insurance for the elderly is based on the following guidelines:

We must provide meaningful protection against out-of-pocket expenses that substantially threaten family savings;

The importance of Medicare, Medicaid and Medigap should be maintained and we should not encourage excessive use of services;

Any catastrophic illness coverage should be voluntary, not a new government entitlement; and

The proposal must be fully budget-neutral, without the explosive potential of program expansions.

The President, in his 1987 State of the Union Address, spoke of the "specter" facing older Americans—that of often having to make an "unacceptable choice between bankruptcy and death." The President will submit legislation shortly to free the elderly from the fear of not being able to meet the costs of catastrophic illness.

THE PRESIDENT'S NATIONAL WELFARE STRATEGY

FACT SHEET

Last year, in his fifth State of the Union address, President Reagan charged his Domestic Policy Council with presenting within one year an evaluation of all government welfare programs and a new strategy to promote "real and lasting emancipation" from welfare.

To fulfill this Presidential directive, a Working Group on Low Income Opportunity undertook an exhaustive, nationwide study of the needs of poor Americans. In his 1987 State of the Union address, the President endorsed the findings and recommendations of this Working Group, as contained in the report "Up From Dependency" released in December, and asked Congress to approve a major new national strategy to reform America's flawed welfare system.

The President proposes:

A program of widespread, long-term experimentation in welfare reform through community-based and state-sponsored demonstration projects.

Legislation will be prepared to implement this experimental program and assure that successful results are gradually incorporated into the national welfare system.

The goal is to create a system that gives poor Americans the opportunity and aid to escape the trap of welfare and become productive and self-reliant contributors to American society. The strategy is based on a number of realistic assumptions, including:

Reform attempts should treat welfare as the *system* it is, not simply as a series of unconnected programs.

No more "national" welfare reforms should be adopted unless they have first been tested and have proven they reduce dependency.

Specific reform goals should define federal requirements for welfare reform, guide state—and community-based reform efforts, and retain enacted levels of federal spending.

Current welfare policies fail taxpayers and the poor

The Administration's study, contained in a 70-page main report and six companion volumes, concludes that the system is too complex, with a multitude of programs, regulations, and rules that confuse and demoralize the poor.

America's current welfare system is a vast and complex labyrinth of *59 direct programs* that spent more than *$132 billion in FY 1985.* Forty other Federal programs for the poor brought total spending to *$150 billion* (All figures are in constant 1985 dollars). These programs run the gamut from cash grants to food stamps, housing subsidies, Medicaid, and education and training.

Welfare spending has soared since the Great Society era, from $21 billion in 1960 to $132 billion in FY 1985. Today, some 52 million Americans, one in five, benefit from these programs in any given year.

The nature of most welfare benefits has changed from cash to non-cash assistance such as food stamps. This non-cash assistance is not counted in official poverty figures, so official poverty measures are artificially inflated. Non-cash assistance also takes responsibility for decision-making away from recipients and gives it to the government, *increasing their sense of dependency.*

Welfare spending has increased under the Reagan Administration, from $127 billion in 1981 to $132 billion in FY 1985 (in constant 1985 dollars). Yet several key weaknesses in the current, centralized, welfare system have allowed poverty and dependency to continue.

This complexity causes too many benefits to go to the wrong people. Important new data show that current government welfare spending is more than twice as great as the "poverty gap," or the amount it would take to lift all Americans above the official poverty level. The result is that *many* Americans who are not poor receive welfare.

The system creates *perverse incentives that undermine the willingness to work and become self-reliant.* Many welfare recipients can earn more on welfare than they can in a full-time job.

Current welfare programs weaken families. Welfare provides valuable temporary help to families, but that help replaces the breadwinner. It enables young mothers to have and raise children without fathers.

While welfare rescues many Americans from short-term distress, it also mires too many in long-term, unwanted dependency. Evidence shows that 65 percent of those receiving Aid to Families with Dependent Children benefits at any given time will spend a total of eight or more years dependent on the state.

Our centralized welfare system weakens communities by parachuting aid to individuals from faraway government capitals. It undermines the implicit social contract among neighbors and neighborhoods that keeps any community peaceful and livable.

A new national welfare strategy

The President believes it is time to learn from the mistakes of our centralized welfare system by implementing a new national strategy that stresses grassroots participation, State and local initiative, and ideas for reducing dependency. This strategy includes:

A Federal-State-community partnership. In preparing its report, the President's Working Group spoke with governors of nearly half the States about welfare experiments. All indicated an interest and nine submitted some form of proposal in the short time available. The President envisions that his strategy will inspire hundreds of proposals, developed by dozens of communities, and channelled through all 50 State governments. These demonstrations should be long-term (roughly five years in duration), community-based and State-sponsored.

The adoption of 10 specific goals that will guide State and local welfare reform:

1. Insure that public assistance is an adequate supplement for other resources in meeting essential needs.

2. Focus public assistance resources on efforts to reduce future dependency on public assistance.

3. Individualize determinations of need for public assistance, and make such determintions, to the extent possible, through local decisions.

4. Provide public assistance only to those in need and only to the extent of that need.

5. Make work more rewarding than welfare.

6. Require that those who are able to work do so for their public assistance benefits.

7. Encourage the formation of economically self-reliant families.

8. Require public assistance recipients to take greater responsibility for managing their resources, and encourage community-based administration of public assistance.

9. Create opportunities for self-reliance through education and enterprise.

10. Reduce the future cost of public assistance by reducing the need for it.

The strategy does not of itself necessitate any change in the level of financing, and a continued Federal role in enforcing civil rights and due process standards.

Federal legislation to provide a general and system-wide waiver authority to allow State demonstrations to differ in whole or part from current rules and procedures.

The designation of a Federal office to evaluate and monitor State proposals. Any proposal would be approved so long as it was consistent with the 10 policy goals and with Federal civil rights and due process standards.

Americans want welfare reform

The President believes there is reason to be optimistic about the potential for welfare reform. The best evidence is the enterprise that individuals, communities, and State governments have shown in recent months and years by creating their own alternatives to the current welfare system. These include:

Hundreds of community self-help initiatives around the country: A two-month search discovered and documented 385 such successful projects in 47 states; these projects are described in a separate self-help volume that is part of the President's welfare study.

Effort to Reduce Dependency: Numerous State government proposals for welfare reform that put a premium on reducing dependency and instilling a sense of pride and accomplishment among welfare recipients.

Community versus national solutions

Any successful welfare reform effort must acknowledge the importance of creating solutions that can adapt to the unique character of 50 States and hundreds of diverse communities. A Brooklyn ghetto does not have the same needs as an Iowa farm town, yet our current centralized system imposes rules that allow for little variation or experimentation.

The President believes a better system would have simpler rules at the top, but allow more flexibility and complexity at the bottom in treating individual welfare cases and community problems

America was formed from various States, and these States have long served as laboratories for social change. Federalism provides an opportunity for government to experiment on a small scale before it proposes national reforms.

CONCLUSION OF MORNING BUSINESS

Mr. BOSCHWITZ addressed the Chair.

The PRESIDENT pro tempore. The Senator from Minnesota.

Mr. BYRD. Mr. President, we have an order, and time is running on the next order, if we could have the Chair lay it down.

The PRESIDENT pro tempore. Morning business is closed.

AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE

The PRESIDENT pro tempore. The clerk will report the pending business.

The bill clerk read as follows:

A resolution (S. Res. 80) authorizing expenditures by the committees of the Senate.

The Senate resumed the consideration of the resolution.

PENDING: AMENDMENT NO. 4

(Purpose: To reduce expenditures for Senate committees)

The Senator from Idaho [Mr. SYMMS] proposed an amendment numbered 4:

At the appropriate place add the following: Each of the monetary amounts contained herein is reduced by 5 per centum.

Mr. FORD addressed the Chair.

The PRESIDENT pro tempore. The Senator from Kentucky now controls the time.

Mr. FORD. Mr. President, I ask unanimous consent that the following Democratic and Republican staff members of the Rules Committee be granted the privilege of the floor:

Jim King, Chris Shunk, Dennis O'Donovan, Byron Hoover, Gerry Siegel, and Wayne Schley.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kentucky has charge of the time. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, I understood that the time would be equally divided between this Senator and the Senator from Idaho (Mr. SYMMS).

The PRESIDENT pro tempore. The Senator is correct.

Mr. FORD. Mr. President, I rise in opposition to the amendment of the distinguished Senator from Idaho [Mr. SYMMS]. It should not be necessary, and I do not intend, to repeat all that I said last Thursday when the Senator offered his amendment to cut 5 percent across the board from all Senate committee budgets.

The proposed additional cut in committee budgets is not appropriate, it is not sound, and it is not fair. The Rules Committee, in reporting Senate Resolution 80, already carefully and selectively reduced the committees' budget requests by a total of $683,879. The Rules Committee's recommendation for committees for fiscal 1987 is a standstill budget. It is merely 3 percent above the 1986 level, to allow for the staff cost-of-living salary adjustments.

More significant is the fact that because of previous reductions in committee budgets, and the continuous restraint by the Rules Committee and the Senate in the past 6 years, the 1987 real spending levels are still below what the Senate authorized for 1980. There is simply no justification for the blind cut proposed by this amendment.

Even more important, as I said on the floor last Thursday, the effect of the Senator from Idaho's amendment is a declaration that the Senate does not believe it should make a 100-percent effort to deal with the serious problems faced by our farmers, miners, small businessmen, war veterans, aging citizens, and others. It is also a declaration that the Senate intends to reduce its abilities and efforts to deal effectively with the complex issues of national security and our Space Program.

This simply is not the time to reduce our efforts. The Senator's amendment is ill-advised and ill-timed. I urge my colleagues to reject it resoundingly. To approve it would be penny wise and pound foolish in the extreme.

At a time when we have an aggressive program for our veterans, to help them in all their areas of need, we find that we want to cut it back. The President said last night that he wants to get into reform as it relates to catastrophic illness for the aging, and we want to cut it back. There are some in the Western States who have an interest in Indian affairs. But do not help them; let us cut it back.

Mr. President, I would be delighted to yield back my time if the Senator from Idaho wants to yield back his time, and we will get on with the vote. But as of now, I reserve the remainder of my time.

Mr. SYMMS. Mr. President, I yield 5 minutes to the distinguished Senator from Minnesota.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized for 5 minutes.

Mr. BOSCHWITZ. Mr. President, if I may, I would like this opportunity to talk to my friend from Kentucky and ask him one or two questions about the budgets of the various committees, as we discussed briefly on the phone last evening.

As I look at the budgets of all the committees, without making particular comment on the budget of one or the other, I wonder if the chairman of the Rules Committee can tell me if any type of judgment about the budgets of the committees has been made as to whether or not they are in juxtaposition. For example, Agriculture has half the budget of either the Judiciary, Governmental Affairs, or Labor Committees.

Now I must say I am not familiar with the details of the jurisdiction of each committee. But as a Senator, I see the results of their work on the floor. So I ask the distinguished chairman of the Rules Committee whether or not a study has been made of the needs of each of these committees. Such as whether an increase or a decrease is needed based on the workload et cetera, of the particular committee.

Mr. FORD. If we were to do what the distinguished Senator from Minnesota is asking us to do, we would have to start at zero budget. Each of the committees have a full plate. They have a designated arena by the Senate, and when a bill is introduced here, it is referred to those various committees based on the judgment of the Parliamentarian as to which category it fits, and after that judgment is made, it is referred to a particular committee.

We have some real problems as it relates to which committee is hot, if I could use that term, and which is not.

When I first came here in the mid-1970's, the Energy Committee was one of the most active committees in the Senate, and its budget was never raised during that time. That is one item. We had the deregulation legislation, we had the embargo, we had all those things that were under the Energy Committee and we also had the Alaskan lands.

Last year, if you recall, we were in the tax reform arena and the reform of the Defense Department.

So here on the Senate floor on March 13, 1986, we made a judgment that the Finance Committee needed some more money because of tax reform, and I think by unanimous consent—no one here objected to it—we gave an additional amount of money to the Finance Committee and we also gave an additional amount to the Armed Services Committee.

So on that basis, we have been making judgments all along.

If we want to change the jurisdiction of the various committees, we can do that, but that would take a vote of the Senate. That would be changing the rules and neither the Rules Committee, nor any other Senator, has proposed any type of rule change.

Mr. BOSCHWITZ. I thank the Senator from Kentucky.

I would hope that he would ask for no increase in the budgets of all of the committees. I would hope that he would indeed oversee what the jurisdiction of all those committees is and make some judgments with respect to their budgets.

Mr. FORD. If I may interrupt, the scope of the Governmental Affairs Committee, which is one of the larger committees, one that receives probably, if not the highest, one of the highest budgets for any fiscal year, is unlimited as it relates to the ability to have oversight. Under that particular committee not much legislation is sent out. Some very valuable oversight is important, and they do have full range.

Mr. BOSCHWITZ. Before my 5 minutes are used up——

Mr. FORD. I am doing the best I can to help.

Mr. BOSCHWITZ. I noted that.

Certainly some experience could be brought to bear as to what each one of those committees does. A very small increase was given to the Finance Committee last year. As a matter of fact, over a 7-year-period, they had only less than an 8-percent increase.

Mr. FORD. We gave them an increase of $235,000 for one 12-month period.

Mr. BOSCHWITZ. I notice in 1985 it was $2,217,000; in 1986; it went down to $2,153,000; and in 1987, apparently it is going to be $2,223,000.

Mr. FORD. You have to take into consideration——

The PRESIDENT pro tempore. I hate to interfere. The Senator from Minnesota has only 5 minutes.

Mr. SYMMS. Might I inquire, Mr. President, how much time I have remaining?

The PRESIDENT pro tempore. The Senator has 5 minutes and 50 seconds remaining.

Mr. SYMMS. I yield the Senator from Minnesota 3 additional minutes.

Mr. BOSCHWITZ. Two will be adequate.

Mr. FORD. Take it off of my time.

Mr. BOSCHWITZ. Pardon me.

Mr. FORD. Take 2 minutes out of my time.

Mr. President, the Senator says we are reducing the Finance Committee. We did not reduce them based on what their 1985 budget was. We reduced them based on that one-time appropriation for fiscal 1986. They mistakenly took that increase as a base amount addition; therefore, we said they could not treat that as a part of their base amount. We went back to what their 1986 base would have been, gave them the 3-percent cost-of-living for their staff, and that is how we arrived at their 1987 budget.

Mr. BOSCHWITZ. I would hope that the distinguished chairman of the Rules Committee and his colleagues would review the activities of all the budgets.

It seems unusual to me, as I said, that the Finance Committee should have half of the budget that the Governmental Affairs or the Labor and Human Resources Committee has or that the Judiciary Committee has.

It is unusual, in my judgment, that the Agriculture Committee, to which the distinguished Senator from Kentucky made reference, has such a very, very small budget in relationship to other budgets.

And it is unusual, in my judgment, that the Armed Services Committee would have a budget that is half of what the Governmental Affairs or half what the Judiciary is when they deal with the defense of our Nation.

So I would say to my friend from Kentucky, I would hope that we would be in a position to review the jurisdictions and the activities of all these committees. Certainly over the years there will be a sound basis for making such a review, and then the various budgets could be more fairly or perhaps more broadly reviewed.

I ask unanimous consent that this table which shows the budgets of each one of the committees over the last 7 years be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DOLLAR TOTALS, 1981–87

[In thousands]

	97th 1st, 1981	97th 2d, 1982	98th 1st, 1983	98th 2d, 1984	99th 1st, 1985	99th 2d, 1986	100th 1st, rules 1987	1981–87 percent change
Agriculture	1,322	1,309	1,363	1,390	1,300	1,263	1,304	(1.35)
Appropriations	3,791	3,780	4,080	4,317	4,117	3,999	4,119	8.6
Armed Services	1,554	1,607	1,902	2,239	2,158	2,097	2,167	39.4
Banking	1,583	1,563	1,704	1,806	1,660	1,613	1,659	4.8
Budget	2,693	2,645	2,949	3,197	2,958	2,873	2,970	10.3
Commerce	3,171	3,161	3,461	3,648	3,312	3,217	3,322	4.7
Energy	2,029	2,102	2,338	2,524	2,397	2,329	2,405	18.5
Environment	2,166	2,213	2,373	2,550	2,333	2,267	2,341	8.1
Finance	2,063	2,118	2,223	2,379	2,217	2,153	2,223	7.8
Foreign Relations	2,333	2,404	2,540	2,732	2,434	2,365	2,442	4.7
Government Affairs	4,672	4,432	4,574	4,964	4,440	4,313	4,453	(4.7)
Judiciary	4,398	4,398	4,451	4,670	4,246	4,125	4,262	3.1
Labor	4,004	4,046	4,368	4,852	4,453	4,326	4,471	11.7
Rules	1,273	1,243	1,298	1,340	1,229	1,194	1,231	(3.3)
Small Business	902	897	934	1,001	926	899	956	6.0
Veterans	748	784	852	935	887	861	902	21.3
Aging	901	901	1,036	1,159	1,072	1,041	1,077	19.5
Intelligence	1,760	1,728	1,882	2,064	1,918	1,864	1,926	9.4
Indian	567	600	745	836	814	790	842	48.5
Total	41,936	41,939	45,081	48,050	44,878	43,597	45,087	7.5

Mr. BOSCHWITZ. I yield the floor.

Mr. SYMMS. Mr. President, I yield myself 2 minutes.

Mr. President, the purpose of this amendment is very simple. Outside of this beltway, in Idaho, Kentucky, or Minnesota, where people are living and working hard in the private sector, and people all across America, especially in the commodity-producing sector of our economy such as loggers and farmers; these people have taken substantial reductions in pay in the last several years. These are pay cuts that individual people have taken.

I am not asking that any of the fine people we have here on the Senate staff have to work for less. I am saying that the managers of those staffs will have to operate with just a slightly less amount of money than they had to operate on last year.

It may mean when someone retires from the committee staff, that we cannot hire anyone to replace him. We have to work our way around it, do some different management, allow people to work less time, allow people to get out.

I am saying the Senate is a good place to start on fiscal restraint.

As I mentioned last week in the debate, it is a miracle the Potomac River is not red with red ink that spills out of the Capitol here in the Washington, DC, area and runs out in the river.

Last night, over on the House floor, everyone gave the President a round of applause when he mentioned reducing Government spending and balancing the budget. Here is an opportunity. I say to my colleagues "Fish or cut bait." Let us reduce all these budgets in the Senate on the committee staffs by 5 percent.

If it comes out that we simply have to have a little more money for one committee or another, we may be able to come back with a supplemental bill and take care of that particular committee. But let us save some money and set an example and start the year off right. It is, after all, the 200th anniversary of our Constitution, and I shudder to think that the people who wrote and ratified the Constitution would literally be turning over in their graves if they could see the fiscal mess we brought on this country by not being able to restrain spending.

It is a very simple, easy vote of up or down. Those voting for my amendment are voting to reduce across the board 5 percent the amount of money that came out from the committee.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Kentucky has 4 minutes remaining, and the Senator from Idaho has 4 minutes remaining.

Mr. FORD. I yield myself 2 minutes, Mr. President.

Over the last 7 years, we have cut. We cut these committee budgets one time 10 percent. We zeroed the budget. There has been a 1- or 2-percent increase, maybe, since that time. But over this period of time, we have relatively cut 10 percent off the committee budgets in 1981. I was on the Rules Committee when we did it. We have had a virtual balance since then.

Now, we are saying if we approve this amendment we do not want to do our best for veterans. We talk about defense of this country. We are talking about those who have allowed us to have the privilege of meeting in this 100th Congress and we are saying to those veterans, "No, we do not want to help you. We are going to cut off our ability by another 5 percent. We are not going to worry about your hospitals. We are not going to worry about your insurance. We are not going to worry about agent orange. We are not going to take an opportunity to go into the country and listen to the veterans who cannot come here."

So we are saying we are going to reduce that effort. We are saying to our elderly, "We are not going to go any further with catastrophic insurance." The President wants it. Secretary Bowen wants it. I believe the Congress wants it, but we want to do it in the right way.

So, what happens is we say, "We want to cut our ability to help the aging by another 5 percent." Mr. President, it does not work. It just does not work.

Let me give you just one little item about Indians. I believe the Senator from Idaho has some interest in Indians. The committee gave that committee a little bit of additional money.

Let me give you some statistics about the Indian community that is a matter of record; 75 to 90 percent of them are unemployed. It has the highest rate of alcoholism in children for any ethnic age group, the highest rate of cancer, and the highest rate of diabetes. It has the highest rate of poverty, with a severe lack of sanitary housing facilities with running water and heat.

Of the 370 treaties signed with the Indian tribes in the past 200 years, 369 of them have been violated by the U.S. Government. Only one has never been violated, one of those treaties that said that every Indian in the Northeast should be provided with 1 yard of calico per year.

Now, if you look at all the problems we have, you are saying, "Cut the ability of that committee back 5 percent. We don't worry about their children who are alcoholics. We don't worry about poverty. We don't worry about their being diabetics."

Mr. President, I think the Senator from Idaho, if he reaches down into himself and really thinks this one through, that he is just saying that we want to cut. Well, where else can you cut besides our ability to help people? And that is what government is all about—the ability to help people. And if we do not have the ability to help people, we do not need a government.

I say to my distinguished friend, I hope that he considers what he is trying to do here. We can wave the flag and do a lot of things, but I think what we ought to do on those committees is work out something where we can provide help to people.

I say to the Senator last year he used several committees that he served on and I would say he probably had some hearings that cost money so that he could do a better job as U.S. Senator. Well, I would say now, this year, he wants to cut them back 5 percent. I did not hear any noise much last year about reducing the committees' budgets.

The PRESIDENT pro tempore. All the time for the Senator from Kentucky has expired.

The Senator from Idaho has 3 remaining minutes.

Mr. SYMMS. Mr. President, I yield myself my remaining time.

I thank my colleague for his comments. I would just remind the rest of my colleagues, I agreed, as a Member of the Senate, in the cuts that we did impose on how much money we spend. We actually reduced the cost of running the U.S. Senate by about 10 percent. If we had done that with the rest of Government we would not have in excess of a trillion dollars of debt.

Now, I realize that you cannot necessarily apply the cost of running a committee staff with entitlement programs or procuring a bomber or what have you. But there are many, many areas in Government that we all know we could probably operate a little leaner with a few less people and maybe even give better service to the people that the Government is supposed to do.

I think if you look at the chart, most of these committees increased approximately 3.4, 3.25, 3 percent, 3.37, and so on, for an average of about 3 percent, maybe slightly more. But they are increased.

Mr. FORD. Will the Senator allow me one moment?

Mr. SYMMS. And that is the cost-of-living increase.

Mr. FORD. But we have to add 2 months onto that because the fiscal year of the committees is not the same as the fiscal year of Government. It is not the calendar year. So we had to add 2 extra months, which put it over the 3 percent. I just want to be sure the Senator was factually correct.

Mr. SYMMS. So it is 3 percent. So if we offer an amendment to reduce it by 5 percent, we are really talking about operating the committees with 2 percent less dollars than we had last year.

Mr. FORD. Will the Senator yield?

Mr. SYMMS. Yes.

Mr. FORD. You are asking for 5 percent across the board on a committee, and we have only allowed a 3-percent cost of living for salaries. Therefore, you are digging deeper in your 5 percent than you suggest.

Mr. SYMMS. The only point I would like to make is the person who runs the committee, the chairman and his executive assistants, can make the determinations of how many people they hire and how much money they spend. If they want to pay people 3 percent more or some maybe 3 percent less on merits, I have no objection. I have no objection to what the intent of the distinguished chairman of the committee was.

But what I am trying to say is if we want to really go out and wring out the fat and reduce the spending of this Government, the only way to do it is to do it by starting right here in our own house and operate with a little bit less money.

I am not talking about denying the soldiers, denying the veterans, or denying the aged their opportunities for those services they want from Government. What we are talking about is voting on whether or not we need more money to run the committee staffs.

I would have to say that one of the things that happened in the last 40 or 50 years around here was the Congress, probably if they had smaller staffs during the 1960's and 1970's and 1980's, might have passed less laws. If we got the Government out of the way there might be less people that are impoverished because they would not be regulated out of existence, legislated out of the job market by Congress passing laws and interfering with the Americans' ability to compete. And you can go to countless industries. The mining industry in my State is a good example, where our mining companies have to comply with OSHA, MSHA, EPA, with NEPA, you can go on down the long list, the Clean Air Act, and what have you, and then they have to compete against foreign-produced minerals that do not comply with those.

So I say that is all this vote is. We should not be put out too much. This is just a test vote to see how many people in this Senate really want to do something about stopping the hemorrhage of red ink that is turning the Potomac River literally red.

I yield the floor. I ask for support on my amendment and I hope my colleagues will vote for it.

The PRESIDENT pro tempore. All time for debate has expired.

Mr. HECHT. Mr. President, the economy of our country is in a condition in which many families and individuals must make changes in their spending habits. Americans must sacrifice, spending money on only the necessities and often less than that, to get along. In Congress we must also make changes in our spending habits. These spending habits must be examined closer and decreased in line with the reductions that the rest of our country are making.

The Symms amendment is only the beginning of what must be done within the Senate to keep up with the austerity programs we have imposed. I ask that my distinguished colleagues look carefully at this piece of legislation and convey responsibility to the American public.

Mr. President, I encourage my fellow Senators to vote for this amendment.

Mr. FORD. Mr. President, all time has expired or been yielded back?

The PRESIDENT pro tempore. Yes, all time has expired or has been yielded back.

Mr. FORD. Mr. President, I now move to table the amendment by the distinguished Senator from Idaho.

Mr. SYMMS. Will the Senator yield for me to make a unanimous-consent request?

Mr. FORD. I yield.

Mr. SYMMS. I ask unanimous consent that Jade West may have privileges of the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FORD. Mr. President, I now move to table the amendment of the distinguished Senator from Idaho and ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 2 minutes.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

DISCHARGE OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow at the hour of 1:30 p.m., the Senate proceed to the consideration of Senate Joint Resolution 10 which is the joint resolution that was offered by the distinguished Senator from South Carolina, [Mr. THURMOND], which was referred to the Committee on Governmental Affairs. I have cleared it now with the committee and with Senators on this side. I understand Mr. DOLE, the distinguished Republican leader, has done the same on his side so that the Senate can proceed with the joint resolution.

In other words, I ask unanimous consent that the Committee on Governmental Affairs be discharged from further consideration of Senate Joint Resolution 10, and that on tomorrow at the hour of 1:30 the Senate proceed to the consideration thereof.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection. Without objection, it is so ordered.

EMERGENCY FOOD AND SHELTER PROGRAM

Mr. BYRD. Mr. President, I ask unanimous consent that upon the disposition of Senate Joint Resolution 10 on tomorrow the Senate then proceed to the consideration of House Joint Resolution 102 which makes emergency additional funds available for the emergency food and shelter program of the Federal Emergency Manpower Management Agency conditioned on Appropriations Committees having reported that measure prior to that time.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection. Without objection, it is so ordered.

Mr. DOLE. Mr. President, will the distinguished Democratic leader yield?

Mr. BYRD. Yes.

Mr. DOLE. Mr. President, as I discussed earlier with the distinguished majority leader that so-called homeless proposal would be subject to amendment. It would be open to amendment.

Mr. BYRD. Yes it would.

Mr. DOLE. I have had one request from this side by the distinguished Senator from New Hampshire [Mr. HUMPHREY] to have an amendment.

Mr. BYRD. Yes; it would be.

ORDERS FOR THURSDAY

ADJOURNMENT UNTIL 12 NOON

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon tomorrow.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Mr. President, there are several requests for the recognition of Senators on tomorrow.

I ask unanimous consent that upon the completion of orders for the recognition of the two leaders, the following Senators will be recognized, each for not to exceed 5 minutes: Senators PROXMIRE, SASSER, MITCHELL, BUMPERS, LEAHY, CHAFEE, HEINZ, MURKOWSKI, SPECTER, MCCAIN, REID, and BAUCUS, but not necessarily in that order.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that upon the disposition of those special orders, there be a period for the transaction of routine morning business with Senators permitted to speak therein for not to exceed 5 minutes each, and that the period for morning business not extend beyond the hour of 1:30 p.m.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, there may be rollcall votes, I should say, on either the pay recommendation resolution or the resolution providing funds for the homeless, or on both. Both will be subject to amendment. So there will be rollcall votes I would say tomorrow.

I want to thank the Republican leader, Mr. DOLE, for his cooperation in clearing those two measures for tomorrow.

I thank the Chair. I thank all Senators.

AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Kentucky to lay on the table the amendment of the Senator from Idaho. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. Wirth] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. Armstrong], the Senator from Kentucky [Mr. McConnell], the Senator from Indiana [Mr. Quayle], and the Senator from Alaska [Mr. Stevens] are necessarily absent.

I further announce that the Senator from Missouri [Mr. Bond] is absent due to illness.

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 36, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—58

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Cohen
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Evans
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Hatfield
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Stafford
Stennis
Warner
Weicker

NAYS—36

Boschwitz
Chafee
Cochran
Conrad
Danforth
Dole
Domenici
Durenberger
Garn
Gramm
Grassley
Hatch
Hecht
Heflin
Heinz
Helms
Humphrey
Kassebaum
Kasten
Lugar
McCain
McClure
Murkowski
Nickles
Pressler
Proxmire
Roth
Rudman
Simpson
Specter
Symms
Thurmond
Trible
Wallop
Wilson
Zorinsky

NOT VOTING—6

Armstrong
Bond
McConnell
Quayle
Stevens
Wirth

So the motion to lay on the table amendment No. 4 was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. Is there further debate on the resolution? If not, the question is on agreeing to the resolution itself.

The resolution (S. Res. 80) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BENTSEN. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR ACTION ON SENATE JOINT RESOLUTION 34

Mr. BYRD. Mr. President, if Senators will lend me their ears, I will attempt to give some indication of what the voting situation will be for the rest of the day and tomorrow.

Mr. President, earlier, consent was given to take up on tomorrow Senate Joint Resolution 10, introduced by Mr. Thurmond, having to do with the pay raise recommendations of the President.

I ask unanimous consent to transfer that order to Senate Joint Resolution 34. Both were introduced by Mr. Thurmond. They are identical, each like the other. We would simply be taking up the resolution that was introduced today by Mr. Thurmond and read the first time under rule XIV rather than discharge the Committee on Governmental Affairs from further consideration of Senate Joint Resolution 10.

The PRESIDENT pro tempore. Is there objection?

The Chair hears none. It is so ordered.

ORDER OF BUSINESS TOMORROW

Mr. BYRD. Mr. President, there will be no more rollcall votes today. On tomorrow, the Senate will come in at 12 o'clock noon. There are 12 orders for the recognition of Senators, not to exceed 5 minutes each. At the conclusion of those orders, there will be a period for the transaction of morning business not to extend beyond 1:30 p.m., at which time the Senate will proceed to the consideration of Senate Joint Resolution 34, the pay raise resolution. Amendments are in order thereto. There may be amendments offered. There will certainly be at least one rollcall vote, a rollcall vote on the adoption of the disapproval resolution. Upon the disposition of Senate Joint Resolution 34, the pay raise resolution, the Senate will proceed to the consideration of the legislation that came over from the House on today providing funds for the homeless, Senate Joint Resolution 102, if reported from the Committee on Appropriations by that time.

The distinguished chairman of the committee, Mr. Stennis, has stated that the committee will meet tomorrow morning and mark up the resolution and report it. Consent has already been given for it to be taken up following the pay raise disapproval resolution.

ORDER TO PROCEED TO CONSIDER S. 387

Mr. BYRD. Mr. President, I ask unanimous consent, having cleared this request with Mr. Dole and other Senators, that upon the disposition of the resolution on the homeless, House Joint Resolution 102, the Senate then proceed to the consideration of Calendar Order No. 10, S. 387, a bill to authorize appropriations for certain highways and for other purposes—and this request has been cleared with Mr. Stafford, Mr. Burdick, Mr. Bentsen, the Republican leader, and Members on the other side of the aisle—with the understanding that opening remarks only be made thereon and that there be no rollcall votes on that measure or on any amendments thereto on tomorrow, provided further, and only in the event, that the Senate has completed action on the pay raise disapproval resolution and on the resolution providing funds for the homeless by tomorrow at the close of business.

Now, in the event that action has not been completed on both of those resolutions then the Senate will be in session Friday to continue work thereon. But in the event action has been completed on the pay raise disapproval resolution and on the funding for the homeless resolution on Thursday, the highway bill will then be laid down, opening statements could be made thereon, there will be no rollcall votes thereon on Thursday, and the Senate will go over until Monday. At least there would not be any rollcall votes on Friday if this program is carried out. Senators could be assured of that.

Mr. President, will the majority leader yield?

Mr. BYRD. I will be happy to yield.

Mr. DOLE. Mr. President, I thank the distinguished majority leader. As he has properly indicated, we have no objection, if there was a request just stated, that we do take up the highway bill, there would be opening statements and then we would resume consideration on Monday, February 2, with the understanding, of course, that if we do not complete action on the pay raise and the homeless bill, we are back here on Friday and everything is moved ahead accordingly.

Mr. BYRD. The Senator is exactly right.

Mr. DOLE. I would say to the distinguished majority leader, we want to cooperate. We are prepared to do that. The report on the highway bill will be available at 5 p.m. on Friday. This would give every Member ample opportunity over the weekend to have an opportunity to review that report and then we could go to work on the bill next week. I am wondering if the distinguished majority leader might indicate—maybe it is too far in the future—following disposition of the highway bill next week, will there be other matters that may be available for the Senate to take up, are there other matters on the calendar that may be ready to take up next, say, Tuesday or Wednesday?

Mr. BYRD. Mr. President, I am not in a position to respond to the distinguished Republican leader at this time. There may be other measures that will be reported in the meantime and I would not want to rule out action on them. But I will certainly be conferring with the Republican leader, and whatever information that I can have for him, I will certainly be glad to report to him.

The PRESIDENT pro tempore. Is there objection to the request? The Chair hears none, and it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business and that Senators be permitted to speak therein for up to 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, there will be no further rollcall votes today.

On tomorrow, at 1:30 p.m., the Senate will take up the pay raise resolution offered by Mr Thurmond, Senate Joint Resolution 34. There may be amendments thereto. Rollcall votes are expected. There will be a rollcall vote on final adoption of that disapproval resolution as amended, if amended.

That will be followed by House Joint Resolution 102, legislation providing funds for the homeless. There may be amendments offered thereto. There certainly will be a rollcall vote on the adoption of the resolution as amended, if amended.

Then the Senate will lay down the highway bill, with no votes or amendments thereto, but only opening statements on tomorrow evening—with the proviso that if the Senate has not completed action on both the disapproval resolution on the pay raise and the resolution providing funds for the homeless by the close of tomorrow evening, the Senate will come in on Friday.

The Senate would then be in on Friday to complete action on the pay raise resolution and/or the homeless resolution, whichever may be the case, after which the highway measure would be laid down, and action would be taken by way of votes and amendments thereto on Monday.

The PRESIDING OFFICER (Mr. Adams). The Senator from New Jersey.

Mr. LAUTENBERG. I thank you, Mr. President.

CONGRATULATIONS GIANTS

Mr. LAUTENBERG. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Jersey?

Mr. BYRD. Mr. President, may we have the title read so we will know what we are not objecting to.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 87) to congratulate the Giants.

Mr. BYRD. Mr. President, there is no objection to the immediate consideration of this resolution.

Mr. LAUTENBERG. I understand the majority leader has also the consent of the minority.

Mr. BYRD. Mr. President, the resolution has been cleared on both sides of the aisle.

Mr. LAUTENBERG. I thank the majority leader.

The PRESIDING OFFICER. Without objection, the Senate will proceed with the consideration of the resolution.

Mr. LAUTENBERG. I ask that the resolution be read in full, please.

The PRESIDING OFFICER. The clerk will read the resolution.

The legislative clerk read as follows:

S. Res. 87

Whereas the Giants, in convincing fashion, defeated the Denver Broncos to win the twenty-first Super Bowl;

Whereas the Giants are now the world champions of professional football;

Whereas this is the first championship won by the Giants in 30 years;

Whereas the Giants have made their home in East Rutherford, New Jersey since 1976;

Whereas this is the first football world championship won for the great state of New Jersey;

Whereas the Giants have many loyal fans throughout the New Jersey-New York metropolitan area who have waited patiently for such a championship;

Whereas Coach Bill Parcells has taken his last Gatorade bath for the season;

Whereas New Jerseyan Phil Simms' record-breaking performance won him most valuable player honors;

Whereas the Denver Broncos, champions of the American Football Conference, had a very successful season, and displayed great effort and sportsmanship in the Super Bowl;

Whereas the Giants have endeared themselves to fans throughout the nation with their exuberance and spirit;

Now, therefore, be it

Resolved, That the Senate of the United States joins with Giant fans throughout New Jersey, New York, and the nation in honoring the Giants for their championship season, and congratulates them on becoming the world champions of professional football.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise, as I did 2 weeks ago, to honor the New Jersey Giants. Obviously, I take even more pleasure at this time, because I am commending the team not only for winning the National Football Conference Championship, but for becoming the world champions of professional football. I am pleased to be joined in introducing this resolution by my colleague, Senator Bradley.

I would first like to extend my condolences to my colleagues from the State of Colorado. Their Broncos are a fine team. They put up a valiant struggle. As a matter of fact, in the first half, they might have even had a few of the Giants faithful on the edge of their seats. But the second half proved that the Giants are truly the top team in professional football, just as they have shown us all season long.

I now look forward to dining with the distinguished Senator from Colorado, Mr. Wirth, as we feast on Colorado's finest foods—to be presented here at the Nation's Capitol.

Mr. President, January 25 was a particularly proud day for those of us living in New Jersey. By winning the 21st Superfund—Super Bowl, the Giants brought New Jersey its first football world championship.

They won this game, as they have done all season, in a very convincing fashion. New Jerseyan Phil Simms passed his way into the record books, earning himself the Most Valuable Player Award. The vaunted Giants defense shut down quarterback John Elway's offense in the second half, again showing themselves to be as good as any defense has ever been.

We in New Jersey are very proud of our Giants. And, Mr. President, this is a team we can all be proud of. They have displayed a spirit that is contagious. They have demonstrated a sense of sportsmanship that can serve as an example to the many youngsters who look up to them. And the way they have shared their championship season with their loyal fans has been a pleasure to watch.

In 1976, New Jersey welcomed the Giants with open arms. Yesterday, New Jersey welcomed them home to a celebration in Giants Stadium, Meadowlands in East Rutherford, NJ. To us, they are, and always will be, the New Jersey Giants. Next year, we hope to celebrate another championship. But come what may, we will be rooting for our Giants.

Mr. President, I know that there are those in this body whose allegiances lie with other teams. But today, the country has but one football champion. I urge the adoption of this resolution and ask unanimous consent that the text of the resolution be printed in the RECORD in full.

The PRESIDING OFFICER. Is there any further debate on the resolution?

The Senator from New Jersey, [Mr. BRADLEY.]

Mr. BRADLEY. Mr. President, I join with my colleague, Senator LAUTENBERG, in offering this resolution.

The New Jersey Giants are Super Bowl champions. The Meadowlands is the home of the Super Bowl champions. All of New Jersey is proud. I respect this team. Their play was superb and their conduct was exemplary.

I might also say that all Giants fans should be proud today wherever they are.

Once a world championship is won, the proudest people are the players. That combination of euphoria and sense of accomplishment lasts about 48 hours, maybe 60 hours, and then it is over and the next season begins.

But the memory of those 48 or 60 hours is something that lasts a lifetime. And for those who shared in a very small way with the experience of this Super Bowl champion team, Senator LAUTENBERG and I compliment them and offer our strong congratulations.

If there ever was a resolution that said it all, it is this resolution. I am pleased to cosponsor it and I might also say, as an aside, that the junior Senator from Colorado, if I recall our understanding, also needs to send several John Denver disks to my office and I will keep my Bruce Springsteens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, if the Senators from New Jersey will yield and answer the questions which I have, I would be happy to cosponsor the resolution with them. My question is, who are the New Jersey Giants? I have never heard of the New Jersey Giants. I watched the Super Bowl championship game on television and watched the New York Giants play and win it.

Who are the New Jersey Giants, may I ask?

Mr. LAUTENBERG. The Senator from Hawaii has a right to ask the question. It is a question that has been asked across this great Nation. Who are the New Jersey Giants? They are the Super Bowl champions who just brought home the trophy to New Jersey. It will be deposited in the Meadowlands Stadium located in East Rutherford, NJ.

The name New York Giants is one that has been there, I think, since the development of that franchise and what I am hoping, though we certainly want to continue our regional representation—we are a team that represents the New Jersey-New York region—we would like to have a closer identification and make it clear to all those, including our distinguished and intelligent colleague who asks honestly, "Who are the New Jersey Giants?"

Hopefully, this question will be resolved once and for all if we can just persuade those who are in control, the owners of the team, that a stronger New Jersey identification would remove once and for all the question that was just asked by our distinguished Senator.

Mr. MATSUNAGA. If the Senator from New Jersey will yield further, I thought I had the question answered when I heard the Senator from New Jersey say that the New Jersey Giants won the Superfund and not the Super Bowl, so I thought, oh, well, this must be another team of some importance. And Giants, the term applied to that team, also puzzles me. When I look at Joe Morris, Joe Morris who sneaks through the line and gains yardage every time he handles the ball, and well, of course, when he is placed next to me, he may appear like a giant, but placed against the Senator from New Jersey, the great former basketball player, he certainly does not appear to be a giant.

But, nevertheless, I have had my question answered and I will ask unanimous consent that I be placed as a cosponsor of the resolution because I feel it is a great honor to be associated with the two Senators from New Jersey in congratulating a great bunch of football players.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. We are pleased to have the Senator from Hawaii join us as a cosponsor of this resolution. And just in a single, short response, I wish to tell him that the Giants are not of physical stature, but, rather, of character and skill.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 87) was agreed to.

The preamble was agreed to.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SOVIET UNION AND INTERNATIONAL NARCOTICS TRAFFICKING

Mr. HELMS. Mr. President, I am deeply concerned about the involvement of the Soviet Union in international narcotics trafficking. The matter of drug trafficking has been and is being investigated by Congress, as the distinguished occupant of the Chair knows. A number of hearings have already revealed the active involvement of Nicaragua, Cuba, and Bulgaria among other Communist countries.

But there is more to the problem, something much more fundamental, which we will ignore at our peril. It is the active involvement of the Soviet Union on a global basis for three decades in the international narcotics trade.

Just last month, the highly respected Journal of Defense and Diplomacy, published an article detailing the evolution of the Soviet involvement and management of significant international drug trafficking operations. This article clearly demonstrates the Soviet use of drugs as an element in its global strategy aimed at the subversion of the West. Two particular targets have been selected by the Soviet Union: the youth and military personnel. In addition, drugs have been an integral part in the acquisition of Western high technology and technical information by suborning those who were in a position to turn over such technology and information to Soviet bloc intelligence services.

During the late 1940's, when the Chinese Communists seized control of mainland China, a decision was made to incorporate narcotics trafficking as part of their global strategy. Primary targets were the United States and Japan. When the Korean war began, Red China, working closely with the North Koreans, used narcotics to undermine the effectiveness of United States military forces. Opium and heroin were the drugs that were used. United States Treasury agents, United States Army Intelligence, and other United States investigative bodies identified in detail the Red Chinese strategy and its consequences.

It is important to understand that during the Korean war, the Soviet Union together with the Communist regime in Czechoslovakia studied the effects of the use of the Red Chinese and North Korean drugs on United States combat effectiveness. As a result of this research, after the Korean war, the Soviets undertook a major study with the Czechs and North Koreans about the use of drugs as a strategic weapon. Intelligence, scientific, and medical personnel were involved in the study.

Mr. President, the research that these Communist countries did focused on the long-term impact of drugs on health, education, economy, labor productivity, intelligence services, security, and defense over several generations. The study concluded that the effects could be very damaging to the West and that the most vulnerable countries were the United States, Canada, France, and West Germany.

American troops fighting in the Vietnam war were subjected to a massive campaign to involve them in drug use. The Soviets and the Czechs negotiated an agreement with North Vietnam to produce narcotics in North Vietnam. By 1967, Soviet intelligence services estimated that the use of drugs against American soldiers was even more effective than it had been during the Korean war. As a result of these assessments, drug transfers to United States troops in Vietnam and United States and NATO forces in Europe were targeted for a similar campaign.

According to the authors of this article, the Soviet Defense Council approved the study and officially entered the international narcotics trade in 1956.

In late 1961, or early 1962, the Czechoslovakian Defense Council received instructions from the Soviet Defense Council to direct Cuban intelligence services, with whom the Czechs were working closely, to expand their operations by infiltrating all the Latin American drug production and distribution networks. So began the massive drug assault against the youth of this hemisphere with Communist Cuba as the spearhead.

Mr. President, when Nicaragua fell to the Communists in 1979, a second drug trafficking base in the New World was added to the Soviet's international drug apparatus. A former minister-counselor of Nicaragua, Antonio Farach, plainly stated the Nicaraguan regime's activity in drug trafficking. He said,

> In the first place, drugs did not remain in Nicaragua. The drugs were destined for the United States, the youth of our enemy. Therefore, the drugs were used as a political weapon because in that way we were delivering a blow to our principal enemy.

The authors of this important article conclude by warning that, and I quote,

> Evidence relating to Soviet (and Chinese) actions has been ignored, often not collected or actively pursued and, in certain cases, possibly even suppressed.

It is certainly high time that this aspect of Soviet global strategy, the utilization of international drug trafficking as a weapon against the West, be fully investigated. The American people have a right to know the truth about the Soviet Union's drug empire. After all, our children are the prime target.

Mr. President, I ask unanimous consent that the article by Joseph D. Douglas, Jr. and Maj. Gen. Jan Sejna, a former Secretary of the Czechoslovakian Defense Council who defected to the West, entitled "International Narcotics Trafficking: The Soviet Connection," which appeared in the December issue of the Journal of Defense and Diplomacy be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of Defense and Diplomacy, Dec. 1986]

INTERNATIONAL NARCOTICS TRAFFICKING: THE SOVIET CONNECTION

(By Joseph D. Douglas, Jr., and Jan Sejna)

Since 1982, U.S. law enforcement officials have acquired considerable evidence implicating Cuba and other communist nations in international drug trafficking.

Former Cuban intelligence (DGI) agents have testified that the DGI runs drugs into the United States and uses its agents as drug pushers in the United States. As needed, the DGI is assisted in this business by other Cuban officials such as military officials and diplomats. DGI officials have directed their agents to "load up the United States with drugs."

Former Nicaraguan officials have described how Cuban Gen. Raúl Castro, minister of the Revolutionary Armed Forces and second secretary of the Cuban politburo, encouraged and assisted Nicaragua to join the drug trafficking business. Former diplomats and intelligence officials who have fled Nicaragua to seek asylum in the United States have testified that the drug business is an official government operation run by Nicaraguan intelligence, which in turn is controlled by Cuban and Soviet advisers.

Drug dealers and operators-turned-informers have provided elaborate detail on Cuban and Nicaraguan production, transshipment and distribution, mainly directed against the United States and increasingly against Europe. Both Cuba and Nicaragua have been linked to numerous Latin American terrorist organizations, predominately pro-Soviet, providing them guns in exchange for drugs that are then delivered to the United States, all of which are controlled by the Soviet intelligence services, and organizing "safe havens" for drug traffickers en route to the United States.

Numerous sources have also tied Bulgarian intelligence and other East European intelligence services to drug trafficking against both U.S. and NATO forces and against all the NATO nations, beginning with the United States.

The objectives of these intertwined drug trafficking operations, as stated by many independent sources, especially former high-level officials, are to use drugs as a political weapon against the United States. Money is an important incentive, they explain, but the real motivation is political, and the main target is the U.S. youth.

The most recent statement is that of the former Nicaraguan minister-counselor, Antonio Farach. He explained how the Nicaraguan officials justified their drug business. "In the first place, drugs did not remain in Nicaragua. The drugs were destined for the United States, the youth of our enemy. Therefore, the drugs were used as a political weapon because in that way we were delivering a blow to our principal enemy."

Carlos Lehder Rivas, the Cuban-supported Colombian drug kingpin, in an interview in 1985 on Colombian television announced, "He who plants coca denounces imperialism," and "Cocaine is the Latin American atomic bomb."

THE POLITICS OF DRUGS

Unfortunately, the political side of drug trafficking—perhaps its most important dimension—somehow seems to get lost. Attention is focused on the domestic side of the problem. Few people ask how the problem arose and why it has become so severe in the past three decades. Most people simply assume the lure of high profits has caused the rise in narcotics trafficking.

Even the State Department stresses the apolitical, profit-motivated nature of international drug trafficking. At congressional hearings on international terrorism and drug trafficking in May 1985, Clyde D. Taylor, deputy assistant secretary of state, Bureau of International Narcotics Matters, emphasized in his opening statement, "Another fact which we would like to establish . . . is that narcotics trafficking in Latin America, in Asia, in the Middle East and in Europe, is dominated by narcotics traffickers who are governed only by their greed and whose only ideology—if you can call it one—is the pursuit of profit . . . nor do we have evidence of a Communist conspiracy to use drugs to undermine Western democracies or our own society in particular."

However, just based on the types of evidence summarized above, there are good reasons to question the State Department's position. Accepting the notion that politics are not a significant factor and that there is no communist conspiracy may be a serious oversight in light of the magnitude of the drug-associated problems, both in the United States and abroad, and the desire of President Ronald Reagan and the public to wage an effective war on drugs. The motivations, organizations and strategy behind the drug business are critically important. These should be critical targets in the battle. If there is an important dimension—a political plan or conspiracy—that is not recognized, then the United States and its allies may be fighting a losing battle.

It is important to recognize that the Soviet Union has had a hand in the growth of international narcotics trafficking. There is considerable data, which has gone unreported, that sets forth the origins of Soviet interests, formation of their strategy and management of satellite intelligence services for employing drugs as a potitical weapon against the West.

Since there is no indication that the Soviet operation has ceased in recent years and numerous telltale indications that it remains a major force, the data deserves serious attention. Whether the Soviet operation is 60 percent of the cause behind the current problem or 90 percent cannot be determined. More research is required to make that judgment. What can be said, however, is that it would be most unwise to ignore or to treat lightly the potential importance of the Soviet narcotics strategy and of the *coordinated* efforts of all the communist satellites and surrogates.

TAKING A CUE FROM THE CHINESE

The drug problem has its origins in the late 1940s, when the Chinese communists seized control of mainland China and incorporated narcotics trafficking into their strategy to destroy the bourgeois of the world. Their initial targets were the United States and Japan. When the Korean War began, China, acting with the North Koreans, used narcotics, mainly opium and heroin, to undermine the effectiveness of U.S. military forces. These Chinese operations were identified in detail by undercover U.S. Treasury agents, U.S. Army intelligence and subsequently confirmed by Chinese defectors.

During the Korean War, the Soviets, together with the North Koreans and Czechs, studied the tactics and equipment of the U.S. forces. In the process, they became particularly interested in the effect of the Chinese and North Korean drugs on U.S. combat effectiveness. Through autopsies conducted on dead U.S. soldiers, the communists learned that a large number of young U.S. soldiers—up to 22 percent—had suffered heart damage or, as the Soviets called them, "mini-heart attacks." These statistics astounded the communist doctors. The heart damage was not the results of battle or the cause of death. The damage had occurred earlier, and considering the age of the soldiers, 18 to 21 years old, the only possible cause the doctors could identify was the use of hard narcotics, which Soviet intelligence had estimated to be widespread among the U.S. servicemen.

This finding so excited the Soviets that after the war they initiated a detailed study of the use of drugs and narcotics as a strategic weapon that could be used to cripple capitalist, societies. This was a joint military-civilian study that involved the Soviets, Czechs and North Koreans. Key participants were military intelligence, civilian intelligence, the Ministry of Health and the Academy of Sciences.

The study team examined the long-term impact of drugs on health, education, economy, labor productivity, intelligence services, security and defense over several generations. The study concluded that the effects would be enormous and that the most vulnerable countries were the United States, Canada, France and West Germany. The Soviet Defense Council approved the study and officially entered the drug business in early 1956.

The Soviets spent the next four years developing production techniques, marketing strategy, and tactics and training intelligence cadres for the operation. Former premier Nikita Khrushchev viewed this business as a strategic operation that needed to be carefully prepared, especially so that it could be conducted covertly, without raising the suspicions of the targeted countries, most specifically the United States.

The Soviets went operational against the United States shortly after the Cuban revolution. The opportunity came when Raúl Castro, then deputy prime minister of Cuba, visited Czechoslovakia in the early fall of 1960 in search of military aid and assistance. At that time, the Soviets regarded Fidel Castro as an anarchist rather than communist and did not trust him. Fidel Castro resented the Soviets' lack of trust, and in return, he distrusted the Soviets. This is why the Cubans went to Czechoslovakia seeking aid rather than to the Soviet Union. The Czechs arranged to have Khrushchev invite Raúl Castro to Moscow for discussions, and upon his return to Prague, Khrushchev directed Czechoslovakia to work with the Cubans and pave the way for an eventual Soviet takeover of Cuba.

Czechoslovakia agreed to help the Cubans obtain military equipment, train the Cubans in military operations and set up Cuban intelligence and counterintelligence. In return, Cuba agreed to become a revolutionary center in the West and to allow Czechoslovakia to establish an intelligence station in Cuba. Roughly 50 percent of the Czech adviser and intelligence agents that went to Cuba were actually Soviets operating under Czech cover. Within three years, all Czechs in key positions were replaced by Soviets.

After the first Cubans were trained as intelligence agents, they received their first directions from Moscow: to infiltrate the United States and all Latin American countries and begin the production and distribution of drugs and narcotics into the United States. The Czech advisers helped the Cubans initiate production and set up transportation routes through Canada and Mexico, where the Czechs had good agent networks, into the United States. It is worth noting that in congressional hearings in 1984, U.S. officials identified 1962 as the year when the United States became aware that Cuba was running drugs into the United States.

In late 1961 or early 1962, the Czech Defense Council received instructions from the Soviet Defense Council to direct Cuban intelligence to expand its operation by infiltrating all the Latin American drug production and distribution networks. As part of this operation, the Cubans were to collect information on the corruption that accompanies the drug trade. Obtaining such information was also one of the main reasons for infiltrating the drug networks. The information would be used to covertly coordinate drug operations and enable the Soviets ultimately to exercise strategic control over presumably independent drug operations. Additionally, the information would be used to blackmail and recruit a near-inexhaustible supply of both willing and unwitting Soviet agents of influence throughout the Americas for strategic operations. The implications of this often-overlooked dimension of the drug trafficking business, in the long run, may be even more serious than the societal and economic disruptions caused by drug pushing itself.

The operation to infiltrate and collect data on corruption was organized in Cuba in 1962 during the Second Havana Conference. During the conference, Cuban and Czech intelligence held a secret meeting of Soviet and Soviet-trained intelligence agents who were members of the various Latin American organizations attending the conference. The meeting served to coordinate plans for sabotage and other strategic intelligence operations throughout the Western Hemisphere, including the infiltration of existing drug and narcotics production and distribution networks and the collection of incriminating information on corruption.

Later, in the fall of that year, Khrushchev called the top Warsaw Pact leaders to a secret meeting in Moscow. Attending the meeting were the first secretaries, premier ministers, ministers of defense and their key staff, roughly 15 officials from each country. Jan Sejna attended as part of the Czech delegation. The meeting was called to discuss negative economic tendencies and corrective measures. Midway through the meeting, Khrushchev turned to the subject of drugs. Mao Tse-tung and the Chinese were smart, he said, and he praised their imagination and operativeness. But, he continued, the Warsaw Pact intelligence services were more well developed and better organized and should step in and exploit the drug opportunities as fast as possible.

Khrushchev carefully explained how the business would cripple the democratic societies while simultaneously generating much-needed foreign exchange for intelligence operations. It would undermine the health and morale of U.S. soldiers and weaken the human factor in the defense situation, he said. Further, it would cripple the educational system. U.S. schools were high-priority targets because this is where the future leaders of the bourgeois were to be found. Another high-priority target Khrushchev identified was the U.S. work ethic, pride and loyalty. Finally, drugs and narcotics would lessen the influence of religions and, he added, under certain conditions, could be used to create chaos.

Sejna's recollection of Khrushchev's remarks remains clear, especially his closing words. "When we discuss this strategy," Khrushchev said, "there were some who were concerned that this operation might be immoral. But we must state categorically," he then emphasized, "that anything that speeds the destruction of capitalism is moral."

Later in the day at an informal gathering of the Pact officials, Khrushchev talked further about the importance of the drug business with the Czech delegation. This was when Sejna learned the code name of the operation. Khrushchev grinned, nudged Sejna in the ribs and told him the name of the operation was *Druzba Narobov*, that is, "National Friendship." The name was pure Khrushchev—clever deception but with a clear and obvious meaning: the drugs were friends that would help destroy the enemy.

Following this meeting, the satellite leaders returned home and began to organize the narcotics trafficking. Initially, the most active countries, besides the Soviet Union, were Czechoslovakia, Bulgaria and Hungary. Within roughly two years, East Germany and Poland were also strong participants.

TIGHTEST SECURITY

In the case of Czechoslovakia, the operations plan was immediately developed under the tighest security. Nine individuals who were to put the plan together were sequestered in an MOD villa for a week. They came from the Administrative Organs Department, International (Foreign) Department, Military Health Administration, GRU (strategic intelligence) and Ministry of Interior (Second Administration). When completed, the plan was presented to the Defense Council by the minister of interior, Rudolf Barak. At that meeting, in response to a question on finances from the first secretary, he estimated that the operation would bring in enough revenues to pay for the entire Czech military intelligence operation. Actually, in 1964, the operation paid for 50 percent of the GRU foreign operations expenses (not including salaries or operations financed by the Soviets). This grew to 70 percent (or about $22 million) in 1966, and at that time, the GRU profit (after all expenses were paid) from just the Cuban portion of the operation totaled about $8 million. Further, in 1966, the GRU estimated that by 1968 the total income from narcotics trafficking would cover all foreign GRU expenses.

Throughout the satellites and the Soviet Union, the drug business was accorded the highest secrecy classification, that of "state importance," which is above the level of top secret. Documentation was extremely guarded. In Czechoslovakia, there were only three copies of the Defense Council's decision and approved plan. These copies were held in the Second Administration of the Ministry of Interior (the civilian secret police), the GRU and the Defense Council Secretariat. All instructions to the heads of participating agencies were oral, and most people working on the various facets of the operation were given deceptive explanations for what they were doing so that even they were unaware of the basic plan. Aside from the Defense Council itself, very few people, even among the top leadership, were aware of operation *Druzba Narobov*.

Almost as soon as the satellite operations had begun, Khrushchev decided that the implementation was not proceeding fast enough. Khrushchev even admitted that he was partially to blame in being too cautious. Accordingly, in 1963 he instructed Gen. Maj. Nikolai Savinkin, the deputy head of the Administrative Organs Department (he became head of the department in 1964 and is still in that position today), to visit all the satellite countries and Cuba and prepare a coordinated plan to speed up the narcotics operation. Savinkin's plan was approved by the Soviet Defense Council, and instructions were sent to all the satellites and Cuba.

The instructions from the Soviet Defense Council following its approval of Savinkin's plan dealt with a wide variety of matters, including 1) which banks in different countries were to be used to handle the income, 2) the cooperation to be provided by the East European intelligence services in assisting in the infiltration of Latin American drug networks and in the collection of corruption data, 3) the instruction on propaganda and disinformation, 4) the directions for research, development and testing of more effective drugs, which was to be conducted within the military medical services for security reasons, 5) the directions on which satellite countries' operations were to be coordinated and in what countries, 6) the names of people in different countries who would help with the distribution, 7) instructions organizing transportation and logistics support for the trafficking and 8) points of contact for getting advice on additional vulnerabilities (markets) and techniques from experts who were continuing to study the impact of drugs in the different countries.

The instructions on propaganda were of such importance that a special office was established in the Administrative Organs Department to oversee the activities, which were planned in Moscow and implemented mainly by the departments of propaganda of the Central Committee and the GRU departments of special propaganda. The propaganda was intended to make society blame itself for the West's narcotics problem. Moreover, organizations and individuals considered inimical to Soviet policy were to be discredited (for example, by revealing their internal drug-related corruption). Finally, following special instructions received from First Secretary Leonid Brezhnev in 1964, the satellites were to publicize the Chinese narcotics operation and, by so doing, distract the world's attention away from the Soviet operation.

During the Vietnam War, the Soviets and Czechs negotiated an agreement with the North Vietnamese to produce narcotics in North Vietnam. This was part of a practice begun in roughly 1963 to produce the drugs locally, in the vicinity of the target audience, rather than ship them in from Eastern Europe or the Soviet Union. In the case of the Vietnam War, the products were shipped through Thailand and via the Viet Cong to the U.S. forces in the south. By 1967, the Soviet intelligence services estimated that the use of drugs against the U.S. soldiers had become even more effective than it had been in the Korean War. At that time, the KGB estimated that 90 percent of the U.S. servicemen were using drugs of one variety or another. Seeking to capitalize on this situation and on the antiwar movement of the youth in the United States, which itself was also fueled by Soviet propaganda and deception operations, in the spring of 1967, Savinkin stressed to a visiting delegation of high-level Czech officials the need to increase the drug trade, specifically against U.S. and NATO forces to "corrupt the officers, recruit intelligence agents and impair the functioning of soldiers."

In January 1967, the Soviets finished a study that concluded that the drugs would be an effective weapon to use against a new rising class in the United States, the "technical elite." Drugs and narcotics were to be used to sabotage this important class and to facilitate the Soviet theft of high-tech equipment. At the end of 1967, during a special display of stolen technology, the chief of Czech military intelligence explained to visiting Soviet officials that, by his estimate, 20 to 25 percent of the technology stolen from the West during 1967 was facilitated by the use of drugs.

In a sense, 1967 was another watershed year in the Soviet operation, the first being 1960 and the second, 1962. In 1967, the Soviets directed the further intensification of the narcotics operations—in Cuba and throughout Latin America, in technology theft operations and against the U.S. and NATO military forces. And, in the fall, Moscow again summoned all the satellite intelligence chiefs to a meeting to receive instructions to speed the exploitation of the many opportunities that had become available.

By the end of 1967, Cuba had infiltrated 90 percent of all the Latin American drug operations, and discussions with Raúl Castro had shifted from increasing infiltration to the need to destroy those drug operations that were still independent and "noncooperative." Finally, it was clear during the review of the Czechoslovak intelligence plan in December that Cuban intelligence planning had been fully coordinated with the Warsaw Pact "integrated intelligence system," which itself has been set up in 1964 to give the Soviet intelligence services direct control and supervision of all the satellite intelligence services and operations.

FOLLY TO CLOSE OUR EYES

Over the past 15 years, international narcotics trafficking has multiplied manyfold. It now has solid roots in all Latin American countries. It has corrupted countless Latin American officials, and one must assume many in the United States as well. It has led to the brutal torture and murder of U.S. Drug Enforcement Agency agents and to the ruthless killing of public officials who have attempted to resist the drug dealers, most notably the 24 ministers of justice in Colombia. It has become married to international terrorism, whose links to the Soviet Union the U.S. government also remains reluctant to confront. This, on top of the magnitude of the domestic problems, is why fighting the drug business has become so important.

At the same time, it seems only reasonable not to mislead the public about the prospects for success in this war. That is, it may be quite difficult to combat the drug and narcotics problem effectively if the role of the Soviet Union—its strategy, plans, tactics and organization—is not taken into account. The combination of Western industrial and financial interests, coupled with an overwhelming desire to reach nuclear arms control agreements with the Soviets, has generated considerable pressure for the United States to avoid actions or words that might be considered confrontational or anti-Soviet.

Evidence relating to Soviet (and Chinese) actions has been ignored, often not collected or actively pursued and, in certain cases, possibly even suppressed. The problem is not a lack of evidence, as many bureaucrats would have congress and the public believe. Rather, the problem is a failure to assemble and analyze available evidence. The foregoing material is presented as an example of evidence that is available but not pursued. Moreover, this is only the tip of the iceberg.

The apparent disinclination to collect, assemble and analyze available evidence has resulted in a perception of the drug and narcotics problem that does not include what may be a critical dimension of the problem: the Soviet operation that coordinates its many resources in using drugs and narcotics as a political weapon to cripple Western societies. The drugs are political weapons. In the 1960s, the communists implemented a plan to coordinate resources and use the weapon to its greatest effectiveness. The main target was the United States. There is no reason to our knowledge to believe this is no longer the case.

Until this possibility is recognized and seriously examined, which is not happening now, the war on drugs is not being taken seriously by those responsible for carrying it out, and the prospects for success in the war are signficantly diminished.

Mr. HELMS. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION ON SECRETARY SHULTZ' MEETING WITH OLIVER TAMBO

Mr. WALLOP. Mr. President, it is my intention to submit a Senate resolution and ask for its immediate consideration upon the conclusion of the remarks I am about to make.

Mr. President, I rise today to submit this resolution, along with the Republican leader Senator DOLE, and other cosponsors. Mr. President, it seems to me our policy with respect to South Africa, and more generally, on the issue of terrorism, is out of "sync" with our rhetoric. At a time when we have imposed economic sanctions against the Government of South Africa, Secretary of State George Shultz, has decided to meet with ANC President Oliver Tambo, the leader of an anti-Western organization, run through the Communist Party of South Africa, promoted, funded, and supported by the Soviet Union, and whose principal purpose in life is to promote and perpetrate terrorist acts against innocent blacks inside South Africa.

Does Secretary Shultz not realize that in meeting with Oliver Tambo he is handing to the Communist-led ANC a credibility that it cannot get anywhere else in the world? What does Secretary Shultz think about an organization which systematically supports violence against blacks and whites in South Africa? Does he not believe that the bloody necklace—one of the most gruesome forms of execution yet invented by man—is an act of terror against a people. Does he not care that those who are necklaced are blacks? Does this Senate not care that those who are necklaced are blacks? Has he not read the words of Winnie Mandela, patron saint of the ANC, when she said less than a year ago that, "Together, hand in hand, with our boxes of matches and our necklaces, we shall liberate this country," killing their black brethern? Or Oliver Tambo's statement before the Foreign Affairs Committee, of the British House of Commons, that while he regrets "necklacing," he cannot condemn it?

Is it possible for our Secretary of State, and is it possible for this Senate to condemn the killing of innocent blacks by putting tires around their necks, setting them afire, and waiting for their screams to die out, snuffed in the fumes of gasoline, petroleum and burning rubber? Have we got in ourselves to say that this is a bad thing?

Mr. President, this violence is primarily directed against innocents, not the Government of South Africa or the security forces. Like those forces of the North Vietnamese, it is designed to terrorize those who seek peaceful change and progress in their own country. It is designed specifically to put out the urgent desires for freedom and progress, and to bring people to the conclusion that they better join in the committing of terror lest the terror be visited on them and their families. But more important, what kind of South Africa can we expect to emerge if the ANC wins its "people's war."

They are not seeking one man-one vote. Oliver Tambo said so yesterday. They are not seeking democracy. They are seeking power. They are not seeking freedom. They are seeking to impose their own peculiar form of authoritarian, totalitarian, dictatorial rule.

They are not seeking the relation of blacks with black. They are not seeking the relation of blacks with Indians. They are not seeking the relation of blacks with colored. They are not seeking the relation of blacks with whites. They are seeking to dominate South Africa with Communist rule, directed and controlled specifically from Moscow.

Can we expect a freer South Africa out of this? Does anyone in this Senate suppose that if the ANC somehow or another kills the last white, that the blacks of South Africa will have a freer time, unless they belong to some dominant tribe? The answer is no.

We can expect, based on the close alliance between the South African Communist Party and the ANC, the imposition of a so-called "people's dictatorship." Freedoms, as those which exist throughout the Marxist States of Africa and all Eastern Europe, will be guaranteed. The freedom not to own private property, since the state will own everything; the freedom from having to speak freely, since the media will be controlled by the Government and those who speak out against it will be punished, even necklaced; freedom from political choice and participation, since the politics of the new nation will be the sole purview of the ANC under the dictatorship of the proletariat.

This is why I believe that our Secretary of State should not have met with Oliver Tambo, because such a meeting would bestow this country's recognition of and support for the African National Congress when there are far larger and far more peaceful organizations representing the black people of South Africa, with whom the dignity of a meeting with the Secretary of State would be far more suited.

If this meeting had to take place—and apparently it had to since it is happening even as I speak—then the Secretary must inform the leader of the ANC that the United States will oppose the participation of the ANC in political negotiations over the future of South Africa or the system of governance of South Africa unless and until the ANC disavows violence and cuts its ties with the Communist Party of South Africa and the Soviet Union.

Mr. President, this is not a question of whether apartheid is good or bad. No civilized person and no civilized nation believes it to be good. The more important question is, in our zeal to end apartheid, will we usher in forces of a new regime that will make the system of government in South Africa even more tyrannical, even more repressive, even more cruel, as well as anti-Western?

Mr. President, the ANC has become a greater instrument of violence than any other inside South Africa, perhaps even than any other inside Africa. We will not help bring freedom and prosperity to all South Africans by legitimizing this organization. I hope that my colleagues will join me in supporting this resolution in order that we may send a strong, consistent message to Oliver Tambo, the Secretary of State of the United States, and the world, that the U.S. Senate will not legitimize violence against innocents in the pursuit of political aims and will not enhance the credibility of an organization which is largely controlled by the Soviet Government and the Communist Party.

Mr. President, I send the resolution to the desk on behalf of myself and Senator DOLE and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. LEVIN). Is there objection?

Mr. BYRD. Mr. President, may we hear the title of the resolution?

The PRESIDING OFFICER. The clerk will report.

Mr. WALLOP. I am happy to supply the able majority leader with a copy of the resolution.

The PRESIDING OFFICER. The clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 88) on the visit of Oliver Tambo.

Mr. BYRD. Mr. President, this resolution has not been cleared on this side. Therefore, I would be constrained to object at this point.

The PRESIDING OFFICER. Objection being heard, the resolution will go over under the rule.

Mr. WALLOP. Mr. President, I understand the objection. I would be happy were we able to have immediate consideration after some short period of debate that can be allowed and have the Senate vote on it. I would ask the majority leader if there is any possibility that he could consider that at this moment.

Mr. BYRD. Mr. President, I am in no position to clear this measure on either side at this moment. I understand the distinguished Senator is trying to get the measure on the calendar in the event unanimous consent cannot be given for immediate consideration. The matter has not been cleared. If he wished to proceed under rule XIV to put the measure on the calendar, I would understand his disposition to do that.

Mr. WALLOP. Mr. President, I thank the able majority leader. I regret his decision. I believe that sometime, we ought to place the ideals of the United States before the convenience of the Senate.

Mr. BYRD. Mr. President, rule XIV is being utilized by the distinguished Senator. It is not the convenience of the Senate that is involved here. This is the rule which has been invoked for many years. I have used it myself from time to time in order to get measures on the calendar when I cannot get consent to immediately consider them. I never feel it is for the convenience of the Senate. The Senator certainly has the right to do what he has done and that is to utilize the rules.

Mr. WALLOP. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EVANS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. EVANS and Mr. HUMPHREY pertaining to the introduction of legislation are printed in the RECORD under Introduction of Bills and Joint Resolutions.)

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ABORTION: INFORMED CONSENT

Mr. HUMPHREY. Mr. President, 2 days ago I filed a bill which has been numbered S. 273. It is a bill that would require medical facilities which receive Federal funds and which also perform abortions to ensure that women who are about to undergo abortions not only give their consent but also give a truly informed consent to the procedure.

It is certainly no secret that on the fundamental issue of abortion, this Senator is outspokenly opposed. But I would address Senators who are of a mixed mind on this matter, and even Senators who support abortion, to consider whether it is not essential and important that all women—in this case, women who are about to undergo an abortion at a medical facility which receives Federal funds—are adequately informed about the procedure, about the potential medical and psychological injuries that might be suffered during an abortion to themselves; and not only that, but also to be informed about the nature of the being which the abortionist will destroy.

Wherever a Senator may be on this issue, surely all Senators will support the concept of informed consent; for, to undergo an abortion is one of the most serious medical experiences any woman will ever have in her life. So I am sure that all Senators will support the concept that women should approach abortions on the basis of well-informed consent. Unfortunately, that is not the case, I suggest and insist.

We often hear the shibboleth that an abortion is between a woman and her doctor. That sounds nice in theory; but the practical experience is that a woman, particularly a younger woman, under a great deal of distress, facing an unexpected pregnancy, will go to a clinic which advertises pregnancy testing and will very often be counseled by persons who are enthusiasts, shall I say, or supporters of abortion and think it is a perfectly legitimate option for a woman to exercise.

Women who go into these clinics are not often counseled about the option of adoption, for example, not told how they might be helped through a troubled pregnancy by various agencies that are there to help women in those circumstances, are not counseled about the humanity of the being that they are carrying and, as a consequence, undergo abortions on a less than informed basis.

I became active in this area and because of my activities have received quite a large number of letters from women all around the country who are coming forward publicly and with great courage, usually quite willing and anxious to have their names cited to raise the issue of informed consent. These are women who feel they were not informed and who now regret having had their abortion.

It is my intent, as far as practicable, to read into the record each day a letter from such a woman. Today's is from a woman named Nancy Berger who lives in Nebraska.

> DEAR SENATOR HUMPHREY: Like the unborn child, the woman also becomes a victim of abortion. Abortion's effects can last for years. Women are not told all there is to be told. Young teens (as young as 13) do not even need their parents consent to have an abortion, and doctors are not required to advise their patients on the effects of abortion.
>
> I had an abortion 12 years ago. I was 27 at the time. I was married and the mother of 3. My decision to abort was made. I was not told anything by my doctor, nor the Planned Parenthood Clinic I went to. I was not told that at 3 weeks, my baby's heart started to beat; and at three months, my baby had all it was going to have, except the time to grow. I didn't give my daughter a chance.
>
> When I finally realized what I had done, my life was almost destroyed. For years I suffered the guilt. I couldn't love, not even my own children. I drank, took pills and had many affairs. At times I thought about running away or taking my life. I couldn't deal with the fact that I had taken a life, the life of my own child. The guilt will hit you, maybe a week, maybe a day, a month or even a year down the road, but when it hits it can destroy you. My marriage broke up because, somewhere down the line, I had lost love and respect for my husband. My love turned to hate, not only for him but for myself.
>
> Senator, thank you for taking the time to read my story.

Mr. President, we are going to hear increasingly, I believe, of other cases such as this. It usually happens, counsellors tell us, that this devastating guilt and sorrow comes on usually years and years after an abortion, after years and years of denial of the significance of the event, but it comes on in many, many cases, and it is devastating. It can be prevented with informed consent.

I suggest that and believe that Senators, whatever their views may be about abortion—and I am perfectly clear in stating mine: I think it is a terrible thing; I think clearly the offspring of human beings are human beings and abortion destroys human beings—but whatever the views of Senators may be on this issue, surely all Senators would support the concept of truly informed consent, and I urge them to go beyond the concept and consider supporting S. 273, which would advance in a practical way the cause that I am espousing today.

Mr. President, I suggest the absence of a quorum

Mr. BYRD. Mr. President, will the Senator withhold that?

Mr. HUMPHREY. I withhold.

Mr. BYRD. I thank the Senator.

ORDERS FOR TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that no resolutions come over under the rule tomorrow and I ask unanimous consent, also, that the calendar call under rule VIII be waived on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 5:15 P.M.

Mr. BRYD. Mr. President, I move that the Senate stand in recess for 30 minutes.

The motion was agreed to, and at 4:45 p.m., the Senate recessed until 5:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DIXON).

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BICENTENNIAL MINUTES

JANUARY 28, 1916: SUPREME COURT NOMINATION OF LOUIS D. BRANDEIS

Mr. DOLE. Mr. President, 71 years ago today the Senate received from President Woodrow Wilson the nomination of Louis D. Brandeis to be an Associate Justice of the U.S. Supreme Court. This nomination initiated a 4-month confirmation battle that ranks as one of the bitterest in Senate history. Among those who opposed the nominee were seven previous heads of the American Bar Association, including former President Taft.

Louis Brandeis was born in 1856 of Jewish parents who had fled central Europe following the collapse of the 1848 liberal movement. A brilliant student, he graduated from Harvard Law School at 21. Brandeis quickly made a fortune as a lawyer and turned his legal skills to the task of social reform. He excelled in "translating parochial controversies into universal moral terms." In arguing cases before the Supreme Court, Brandeis emphasized social consequences and views of substantive experts rather than the applicable principles of law. He became known as "the people's lawyer."

In 1912, Brandeis served as a valued adviser in Wilson's Presidential campaign. Many expected he would secure a Cabinet position in the new Wilson administration. His judaism and his attacks on powerful financial interests, led opponents to brand him as a dangerous radical. In 1916, Wilson decided to name him to the Court, partly in recognition of his gifted legal mind, and partly to curry favor with Brandeis' fellow progressives. In those days, tradition dictated that Supreme Court nominees not appear before the Senate Judiciary Committee, so Brandeis directed his campaign from Boston.

A biographer recently concluded, "perhaps no nominee, before or since, has been subjected to as searching examination as he was. The target of such baseless charges and innuendoes." Ultimately, on June 1, 1916, the Senate confirmed the nominee on a straight party line vote. Brandeis went on to become one of the Court's greatest Justices, retiring in 1939.

THE LINE-ITEM VETO

Mr. DOLE. Mr. President, last night, to a standing ovation from both sides of the aisle, the President called for Congress to help him reduce the staggering Federal deficit—to get it under control.

We are all for reducing the deficit, and we are all for apple pie and baseball. But the solution to our deficit problems has eluded us. The United States is over $1 trillion in debt—$1 trillion, and all we do is deep on saying we are for reducing the deficit.

SPENDING

Once again last night, the President offered us one possible solution, and that will work to reduce Government spending. And, let us not fool ourselves, spending is at the root of our deficit problem. We simply spend more than we take in. It takes no economic wizard to figure it out.

Many in Congress want to blame the President for the deficits—The Reagan deficits. Of course, only Congress can tell the President how much he can and must spend. Yet for some reason, we still hear about those Reagan deficits.

LINE-ITEM VETO

Today all of my colleagues have an opportunity, an opportunity to blame the President for future deficits. For today I am introducing a constitutional amendment granting the President the authority to disapprove any item of an appropriation measure—the so-called "line item veto."

In addition, I am cosponsoring a bill introduced by the senior Senator from Washington [Mr. EVANS], which would grant similar statutory authority for 2 years.

The constitutional amendment is identical to the bill introduced last year, and similar to the proposal I first introduced in 1977 along with the distinguished Senator from Indiana [DICK LUGAR], and former Senator Carl Curtis of Nebraska.

The statutory approach is an additional effort to get our financial house in order. We are going to need one or the other, we are giving our colleagues the choice—whether they want to go the statutory route or the constitutional amendment route.

THE CURRENT SYSTEM

Our current budget and appropriations process is a mess; I do not know of one Senator who fully endorses it. It is not as much the fault of the committees or the leadership as it is the fault of an unworkable system—it desperately needs to be changed.

In one bill last year—in just one bill—Congress spent over $1.5 trillion. Tucked in there were a few little goodies, some beneficial goodies, some of questionable merit. But all the goodies had something in common: They resulted in the spending of the people's money, in adding to the deficit.

Yet we go on claiming credit for the goodies and blaming the President for the deficit. The line-item veto proposal is nothing more than a change in the rules of the game to foster fair play. I am sure we're all for fair play.

If you want to dump the responsibility at the President's doorstep, then you have to give him the authority to turn around the mess we created. So today, all of my colleagues get the chance to get themselves out from under the burden of the deficit, to choose which approach to endorse, which to cosponsor, which to support.

CONGRESSIONAL PROTECTION

The line-item veto has been criticized as weakening the power of Congress. Quite the contrary, Congress would continue to possess the power to override a Presidential veto of any item. And best of all, the line-item veto will allow those who want to blame the President to be able to do so with a conscience more clear.

Mr. President, as I have said, today I am introducing a joint resolution that would give the President the line-item veto authority. I am joined in that by Senators TRIBLE, GRASSLEY, and NICKLES. I also cosponsored earlier today a variation of the line-item veto bill introduced by the distinguished Senator from Washington [Mr. EVANS].

Last night, President Ronald Reagan touched on the need for a line-item veto. We have had a test of the line-item veto's strength in this Chamber. As I recall, the distinguished Presiding Officer was one of the key players in that battle. We were short two votes. We had 58 votes and, as I recall, needed 60 to shut off debate.

I think there is a lot of support for the idea. Certainly, there are some concerns and some may be justified, particularly those of members of the Appropriations Committee. I must say, there are Members on both sides of the aisle who have concerns, so it is not a party-line issue.

I do not suggest for one moment that a line-item veto would resolve our problems on the deficit, but it would help. This line-item veto would apply only to appropriations. Many think we ought to expand it to cover a lot of other areas in addition to money bills. But once again, last night, the President offered us one possible solution to deal with the deficit, a small part of it. He said, as I recall, and I do not have the text before me, "Give me the same authority that 43 Governors have; give me the line-item veto."

Today, all of my colleagues have an opportunity—some will and some will not—to blame the President for future deficits. I am going to submit a constitutional amendment granting the President the authority to disapprove any item of an appropriations measure, the so-called line-item veto. As I said, I am also cosponsoring a bill introduced by Senator EVANS which would grant statutory authority for 2 years.

The constitutional amendment is identical to a bill I introduced last year; the statutory approach is an additional effort to get our financial house in order. We are giving our colleagues the choice. Some have different ideas.

I suggest that this is, in my view, responsible legislation. Others certainly will have different views. It has been criticized by some as weakening Congress, that we in effect delegate too much authority to the President. It seems to me that Congress would still have a great deal of authority, a great deal of power. They could override the veto. It could show up in the next appropriations bill.

(Mr. SIMON assumed the chair.)

Mr. DIXON. I wonder if my distinguished colleague would yield for a question?

Mr. DOLE. I am happy to yield.

Mr. DIXON. I am delighted to hear about my friend from Kansas' introduction of this legislation of both the constitutional amendment and the statutory provision. May I say, quite candidly, to my colleague that I have done a lot of research on this matter and I still entertain some doubts about the constitutionality of the statutory approach. However, I would like to confer at the first opportunity and compare legislation I have introduced with him.

Though I may be in the minority on this side, I share my colleague's enthusiasm for this approach. As he points out, 43 of the 50 Governors in our Union have this power. It has worked extremely well under both Democratic and Republican Governors and has saved billions of the taxpayers' dollars in my State. So, I would like to pursue this with him.

My constitutional approach to this problem permits Congress to override, by a constitutional majority in both Houses, a line-item or reduction veto by the President. I think it is significant to point that out. If we are required to override line-item and reduction vetoes by two-thirds majorities in two Houses, then my colleagues on this side who oppose it are right: it does change the balance of power appreciably between the Executive and the Congress. So, I urge my colleague, for whom I have the greatest respect, to preserve that question of keeping Congress in the game by giving us an override power considerably less than the two-thirds majority now required for an ordinary veto. I invite him to examine the constitutions of most States, which do provide for a lesser majority for the override of line-item and reduction vetoes as distinguished from a veto of omnibus legislation.

I thank my distinguished colleague.

Mr. DOLE. I thank my distinguished colleague from Illinois and I thank him for his efforts since he has been here to persuade our colleagues. We had a majority and I assume we still have a majority of Democrats and Republicans who believe we ought to find some way to give veto power to the President on line items. Perhaps that would be more palatable if we did not have that supernumber needed to override.

We provide in our legislation that if there is a veto, we can put the vetoed item in another appropriations bill. But there is the argument that we have given away too much authority to the President. It seems to me that is a matter that we will have an opportunity to debate this year or next year. We will be offering this amendment and, I assume, the statutory provision. I hope there could be hearings on other proposals—constitutional amendments, those of the Senator from Illinois and the Senator from Kansas and others.

It does seem to me that it is certainly not going to solve the deficit problem. We do not want to deceive anybody out there, it will not do that. But it seems to me it strengthens the hand of any President, any Governor, anyone who has used it—Democrat or Republican. It gives them a bit of—maybe "leverage" is not the right word, but some additional authority they do not have at this time.

I ask unanimous consent that a copy of the joint resolution I am introducing be printed in the RECORD following my statement.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 33

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE—

"The President may disapprove any item of appropriation in any Act or joint resolution. If an Act or joint resolution is approved by the President, any item of appropriation contained therein which is not disapproved shall become law. The President shall return with his objections any item of appropriation disapproved to the House in which the Act or joint resolution containing such item originated. The Congress may, in the manner prescribed under Section 7 of Article I for Acts disapproved by the President, reconsider any item of appropriation disapproved under this Article.".

RETURN OF ABDUCTED AMERICAN CHILDREN

Mr. DIXON. Mr. President, I am particularly pleased that my warm friend and distinguished colleague from Illinois is in the chair as I make some brief remarks about a press conference I held this morning concerning an Illinois citizen by the name of Patricia Roush from Cicero, IL. The subject matter of the press conference was the very serious problem of the abduction of children who are lawfully in the custody of the custodial parent, the surreptitious kidnaping of those children and the taking of them to foreign countries where they are held against the lawful orders of American courts.

In the case of Patricia Roush, of Cicero, IL, she married a citizen of Saudi Arabia. That individual did not live with her for any length of time, but they did have two daughters, one 8 and one 4. The Saudi citizen did not support those daughters. Thereafter, Patricia Roush, of Cicero, IL, having obtained a nurse's education and becoming an R.N., continued to support her children, obtained a divorce decree in the Circuit Court of Cook County, and was granted lawful custody of those two daughters. Thereafter, out of the goodness of her heart, she granted the right of visitation to the father, and he abducted the children and returned them to Saudi Arabia.

The sad part of this case is not only that that occurred but women do not have, as I understand it, a standing in the courts in Saudi Arabia in connection with these kinds of problems, so she does not have redress in the courts in Saudi Arabia. Those two children are still held in Saudi Arabia by their father, notwithstanding the fact that the lawful order of a court in this country gives the custody of those two little daughters, 8 and 4, to the mother, Patricia Roush.

Now, the sad fact, Mr. President—and I want the record to show and my colleagues to understand this problem—is that there are now 2,300 cases where American citizens, who had the lawful custody of their children granted to them by courts, have had their children surreptitiously taken or kidnaped to foreign countries where they are now held against the lawful order of our courts. I am sorry to say, Mr. President, that my information is that the State Department simply is not doing a great deal about it. Currently, the State Department finds out the whereabouts of the child and then notifies the American citizens who have lawful custody as to the whereabouts of the child. Then the State Department suggests that the parent hire a lawyer.

But obviously in the case of Patricia Roush, who has no standing in the Saudi Arabian courts that will not do much good. The plain fact is that in every case it will not do much good. It is very important that the State Department become actively involved to support Americans who have lawful rights to their children and are deprived of those rights because of international parental child abduction.

Mr. President, I have prepared a letter to the Secretary of State, George Shultz, which I am circulating to my 99 distinguished colleagues in the Senate, asking them to join me in requesting that the Secretary of State work closely with these thousands of American families to help bring these children back home to their custodial parents. I have also prepared a letter, which I am asking my colleagues to sign, to the Ambassador to the United States from Saudi Arabia, one of the distinguished princes and members of the ruling house, asking him to intervene on our behalf in an effort to resolve the tragic case of Patricia Roush.

Not long ago, in fact, one of the ruling princes in Saudi Arabia had agreed with my office to bring in this father with the two daughters and discuss the problem. The American Ambassador to Saudi Arabia had agreed to be there at the time this took place, and I am sure we would have been successful in bringing these two children home. The American Ambassador to Saudi Arabia then called the State Department here for instructions. Mr. President, much to the dismay of my office and Patricia Roush, the State Department told him not to go to the meeting. Of course, the prince in Saudi Arabia said,

> If your own State Department and your Government and your country does not care, why should I get involved with one of my citizens to return those two children to America?

I wish to make this further point, Mr. President. There are 2,300 of these cases. Mr. President, I hold the list of the 2,300 cases. Interestingly, many of these countries are highly civilized countries and great friends of the United States of America, yet these children are not being brought home to their custodial parents. I point out that the largest number is in West Germany, believe it or not—232 cases. I have no doubt, Mr. President, that most of these cases are a consequence of our involvement in Europe with the NATO alliance and the fact that we have 350,000 troops in Europe. So West Germany has a large number. Mexico, our good friend to the south, has 146 cases; the United Kingdom, one of our greatest friends, 126 cases; Italy, 108, and I could go on down the list. Canada has a great many, Israel a great many. The point I make is these are countries with which we ought to be able to discuss this problem.

Last year we approved of the Hague Convention on the Civil Aspects of International Parental Child Abduction, where they adopted a policy which simply states that signatory nations agree to return these children to the status quo, to the situation before the abduction took place. That would bring home Patricia Roush's two children.

We have agreed to sign that treaty. I understand we have not completed all the work that needs to be done in the Congress to facilitate that matter, but 29 nations have signed. Unfortunately, only 6 countries have actually ratified the convention.

The bottom line, Mr. President, is that right now the State Department can and should be doing more about this. This involves the rights of American citizens who have already been ruled by the courts to be the lawful custodial parents of their children.

Mr. President, so many people have gone through these custody disputes. There is no more traumatic or emotional a problem. As a former trial lawyer, I can tell you I have participated in these cases. There are no sadder cases; these parents are deprived of a lawful right to the custody of their children. It is an outrage that our Government is not doing more. And so, Mr. President, I intend to continue to make a considerable effort on behalf of Patricia Roush and other similarly situated people in Illinois and all over the country, to remedy this problem.

I might say that Sarah Pang in my office in Chicago, who the President knows, who has been working with this problem and has a great deal of empathy for these people, tells me that many, many people, dozens, perhaps hundreds have already called from all over the United States because we are involved in attempting to solve this problem. It is a serious problem. The number may not be many—2,300 against a couple hundred million people in this country—but the problem is a desperately serious one for those affected, and I believe there is a solution. If our State Department simply maintained a greater level of active involvement on this issue by conducting a dialog with the appropriate government officials of the country in question, 9 out of 10 times these civilized nations would, I believe, recognize the integrity of our court system, and return these children. I give that challenge to the State Department and the distinguished Secretary of State, for whom I have the highest regard.

Mr. President, I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

SENATOR MIKULSKI PRESIDES

Mr. DIXON. Madam President, may I say it is a high honor and a great privilege to be the first Senator from the floor to address the distinguished lady from Maryland on her first occasion as the Presiding Officer of the U.S. Senate. I say to you, Madam President, that we look forward to your presiding here on many occasions. Your great reputation for good humor, fairness, and integrity is well known to all Members of Congress. So it is a privilege of this Senator, Madam President, to be the first to have an opportunity to be here and to be recognized by you in your important position as the Presiding Officer here in the Senate. I congratulate you on your taking that role.

The PRESIDING OFFICER. Well, I thank the Senator from Illinois for his most gracious and gallant comments, and I hope my parlimentary skills match your oratorical ones.

Mr. DIXON. I thank the President.

CHILD ABDUCTION

Mr. DIXON. Madam President, before you assumed the chair, I had spoken briefly about a very serious problem concerning a press conference I held this morning on the problem of child abduction. In the United States there are 2,300 recorded cases now known, where parents who had the legal custody of children granted them by American courts lose the custody of their children because of a surreptitious taking of those children, a kidnaping, if you will, of those children by the other parents without any color of law and against, in fact, the authority of law in this country.

I was talking about an Illinois citizen, Madam President, Patricia Roush, of Cicero, IL, a registered nurse who married a citizen of Saudi Arabia, had two daughters, now 8 and 4, by that gentleman, who did not support the children, and ultimately abandoned her.

She has supported the children. The Circuit Court of Cook County gave her legal custody of those children. To be fair, she permitted her former husband to visit with the children. He took the children home to Saudi Arabia and, Madam President, I am informed—I do not entirely know this to be the fact—that, in fact, the woman has no standing in the courts in Saudi Arabia and this poor woman is not in any way able to enter the legal system of Saudi Arabia to obtain a just redress of her rights.

I wanted to quickly put in the RECORD, Madam President, because I have spoken on this subject before, a little background on the Patricia Roush-Saudi Arabia parental abduction case.

Madam President, Khalid Al-Gheshayan came to the United States in 1974 as a student from the Saudi Arabian Educational Mission. He was sent to San Francisco City College where he met Patricia Roush, a resident of Cicero, IL. They were married in 1978 and had two daughters, Alia, now 8, and Aisha, now 4. Both children are U.S. citizens by birth. Gheshayan spent little time with his family while married to Roush, regularly going to Saudi Arabia for months at a time, and rarely sending his family money to live on. In 1982, Gheshayan left the United States for good, leaving his family behind. Patricia entered nursing school, got her degree, and has since supported and raised Alia and Aisha alone.

In 1985, Patricia, Alia, and Aisha visited Gheshayan in Saudi Arabia to see if the marriage could be saved. While Roush was there, Gheshayan beat her in front of her daughters, breaking several of her ribs. With assistance from the U.S. Embassy in Saudi Arabia, they escaped and returned to Illinois. Patricia filed for divorce and on December 26, 1985, the U.S. courts granted Patricia the divorce and gave her sole custody of Alia and Aisha.

Gheshayan then returned to the United States and began to harass the Roush family. Under extreme pressure from the harassment and Gheshayan's attorney, Roush granted her ex-husband limited visitation of the children, with the understanding that he would stop harassing the family. The second time he was allowed to see Alia and Aisha, on January 25, 1986, he kidnaped them, using Saudi passports he obtained from his government.

Madam President, I ask unanimous consent that the background to the Patricia Roush case be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKGROUND: PATRICIA ROUSH SAUDI ARABIAN PARENTAL ABDUCTION CASE

Khalid Al-Gheshayan came to the United States in 1974 as a student from the Saudi Arabian Educational Mission. He was sent to San Francisco City College where he met Patricia Roush, a resident of Cicero, Illinois. They were married in 1978 and had two daughters, Alia, now 8, and Aisha, now 4. Both children are U.S. citizens by birth. Gheshayan spent little time with his family while married to Roush, regularly going to Saudi Arabia for months at a time, and rarely sending his family money to live on. In 1982, Gheshayan left the United States for good, leaving his family behind. Patricia entered nursing school, got her degree, and has since supported and raised Alia and Aisha alone.

In 1985, Patricia, Alia, and Aisha visited Gheshayan in Saudi Arabia to see if the marriage could be saved. While Roush was there, Gheshayan beat her in front of her daughters, breaking several of her ribs. With assistance from the United States Embassy in Saudi Arabia, they escaped and returned to Illinois. Patricia filed for divorce and on December 26, 1985, the U.S. courts granted Patricia the divorce and gave her sole custody of Alia and Aisha.

Gheshayan then returned to the U.S. and began to harass the Roush family. Under extreme pressure from the harassment and Gheshayan's attorney, Roush granted her ex-husband limited visitation of the children, with the understanding that he would stop harassing the family. The second time he was allowed to see Alia and Aisha. On January 25, 1986, he kidnaped them, using Saudi passports he obtained from his Government.

Since the kidnaping, the office of Senator Alan Dixon has been in daily contact with Patricia. Together, they have succeeded in building high-level contacts with Prince Bandar, Saudi Arabia's Ambassador to the U.S., and Prince Soliman, the Governor of Saudi Arabia's capital city of Riyadh.

Dixon is now seeking the help of his colleagues in the United States Senate urging them to co-sign a letter to Prince Bandar asking that he intercede in the case, and a letter to Secretary of State Schultz asking that the U.S. Government become more active in its involvement in all cases of international parental child abduction.

Mr. DIXON. Madam President, I further would like the record to show that there are 2,300 of these known cases recorded by the State Department. Many of our friends, I think would cooperate with the State Department, if they made an honest effort. I ask unanimous consent that the list of countries be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Numerical breakdown [by country] of parental child abductions

West Germany	232
Mexico	146
United Kingdom	126
Italy	108
Nigeria	75
Canada	65
Netherlands	50
Greece	49
Philippines	48
France	46
Israel	43
Australia	41
Japan	37
Spain	37
Lebanon	35
Iran	32
Dominican Republic	30
Colombia	29
Ecuador	29
Brazil	28
India	27
Switzerland	27
Sweden	26
Trinidad and Tobago	26
Egypt	25
Costa Rica	24
Denmark	22
Jordan	22
Thailand	19
Yugoslavia	19
Chile	18
Argentina	17
Ireland	17
Poland	17
Guatemala	16
Haiti	16
Jerusalem	15
Pakistan	15
Saudi Arabia	15
Bolivia	14
South Africa	14
Belgium	13
Panama	13
Turkey	13
Kuwait	12
Norway	12
Portugal	12
Austria	11
Belize	11
Jamaica	11
Peru	11
El Salvador	10
Honduras	10
Guyana	8
Venezuela	8
Czechoslovakia	7
Hungary	7
Iceland	7
Korea	7
Liberia	7
Libya	7
Singapore	7
Taiwan	7
United Arab Emirates	7
Bahamas	6
Finland	6
Hong Hong	6
Uruguay	6
Bangaladesh	5
Paraguay	5
Zambia	5
New Zealand	4
Syria	4
Yemen	4
Bermuda	3
Cyprus	3
Dominica	3
Indonesia	3
Nicaragua	3
Sri Lanka	3
USSR	3
Antigua	2
Algeria	2
Ghana	2
Malta	2
Tonga	2
Tunisia	2
China	1
Grenada	1
Iraq	1
Malaysia	1
Martinique	1
Montserrat	1
Morocco	1
Nepal	1
Netherlands Antilles	1
Oman	1
Romania	1
Senegal	1
Sudan	1
Zimbabwe	1

Mr. DIXON. Madam President, I have prepared a letter that I am circulating among my 99 distinguished colleagues, requesting them to sign a message to the Secretary of State, whom I regard highly, asking him to become active in these cases. I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 28, 1987.

Hon. GEORGE P. SHULTZ,
Secretary of State,
Department of State,
Washington, DC

DEAR MR. SECRETARY: We would like to call your attention to the urgent and increasing problem of international parental child abduction.

State Department records show that there are currently more than 2000 cases of international parental child abduction. In all of these cases the victimized parent has been given sole legal custody of the child by the U.S. Courts, and in the majority of cases kidnapping charges have been filed against the abducting parent.

Experts on international abduction report that the problem is on the rise. However, the mechanisms for helping these victims are virtually nonexistent. The office of Juvenile Justice and Delinquency Prevention (U.S. Department of Justice) funds programs for missing children, such as the National Center for Missing and Exploited Children, counseling services, and a database of missing children. The Department does not, however, have an office to handle international abductions.

The Department of State has jurisdiction and responsibility over cases of international abduction. As you know, the Office of Citizen Consular Services will conduct a "Welfare and Whereabouts Search" when a child is abducted internationally. Without regard to the particulars of the country's judicial system, the Department also routinely provides a list of attorneys working in the country to where the child has been kidnapped. Neither of these services can assist the victimized family in bringing the child home.

We believe the responsibility clearly lies with the Department of State for seeking solutions to this serious problem. As you know, the Hague Convention on the Civil Aspects of International Child Abduction, negotiated in 1980, offers hope to many families of abducted children. However, this convention is not retroactive, and, further, provides no recourse to families whose children have been taken to nations not party to the treaty.

Respectfully, we urge the Department of State to increase the scope of its activities on behalf of abducted young American citizens. Specifically, we should:

(1) Actively seek worldwide ratification of the Hague Convention on Civil Aspect of International Child Abduction. Worldwide ratification is essential if the convention is to offer any solution.

(2) Develop, with the assistance and expertise offered by the Department of Justice's Juvenile Justice and Delinquency Prevention Office, services within the Department of State to adequately address international child abductions. These services must include the training and counseling of State Department personnel responsible for working with victimized families. Particular attention should be paid to the judicial system of the nation in question.

(3) Utilize existing diplomatic channels to inform appropriate foreign government officials of each particular abduction case, custody decisions, and pending felony warrants.

International parental child abduction is a growing problem that must be addressed. In the absence of effective international agreements to facilitate the safe return of abducted American children, we strongly urge the Department of State to actively seek a resolution on a case-by-case basis. It is the U.S. Government's responsibility to protect the rights of these children around the world.

Respectfully yours,

——.

Mr. DIXON. Madam President, I have another letter, to the Ambassador of Saudi Arabia, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC.

His Royal Highness Prince BANDAR BIN SULTAN,
Ambassador Extraordinary and Plenipotentiary, Office of the Saudi Arabian Embassy, Washington, DC

EXCELLENCY: We are writing to request your assistance with an extremely sensitive and urgent matter.

As you know, Alia and Aisha Gheshayan were abducted by their father Khalid Al-Gheshayan on January 25, 1986 and taken to Saudi Arabia. At the time of the abduction, Alia and Aisha were in the legal custody of only their mother, Patricia Roush-Samuta, who had been their sole caregiver throughout their entire lives.

As we approach the one-year anniversary of the Kidnapping, we are still searching for help in reuniting the girls with their mother. This tragedy cannot be allowed to continue indefinitely. We urge you and your government to do everything possible to help us resolve this matter in an appropriate and humanitarian manner.

Sincerely,

——.

Mr. GORE. Madam President, I would like to echo the sentiments and sense of urgency that my distinguished colleague from Illinois has just expressed minutes ago.

Last August, I was called by a young woman—Holly Plannels—whose son was taken to Jordan by her ex-husband, though the boy was in her full legal custody. Taking advantage of a visitation weekend—weekends the judge had restricted because of fears that the husband would abduct the boy—her ex-husband took the boy out of the country and to Jordan, where the two of them have been ever since.

Parental kidnapping may not yet be recognized by international law as the serious offense that it is. But to the parents—mothers like Holly Plannels—it is a heart-rending, frustrating ordeal.

I am grateful to see my distinguished colleague's interest in this issue. I look forward to working with him on solutions.

Mr. DIXON. Madam President, I thank the Chair for giving me this time. I only conclude by saying I believe a minimal effort by the State Department on behalf of the American citizens deprived of their lawful rights will get us the kind of result that will bring these children home to their lawful custodial parents.

I thank the Chair and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNUAL REPORT ON THE NATIONAL SECURITY STRATEGY OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT—PM 11

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

In accordance with section 603 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (P.L. 99-433; 50 U.S.C. 404a), I hereby transmit the first annual report on the National Security Strategy of the United States, 1987.

RONALD REAGAN.
THE WHITE HOUSE, *January 28, 1987.*

BUDGET RESCISSIONS AND DEFERRALS—MESSAGE FROM THE PRESIDENT—PM 12

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Foreign Relations, the Committee on Governmental Affairs, and the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report seven revised rescission proposals now totaling $723,461,329, twenty-five new deferrals of budget authority totaling $257,977,000, and one revised deferral of budget authority now totaling $7,162,831.

The rescissions affect programs in the Departments of Agriculture, Commerce, Education, Energy, Health and Human Services, and Interior.

The deferrals affect programs in the Departments of Agriculture, Defense-Civil, Health and Human Services, Labor and Transportation, Funds Appropriated to the President, the Environmental Protection Agency, and the United States Railway Association.

The details of these rescission proposals and deferrals are contained in the attached report.

RONALD REAGAN.
THE WHITE HOUSE, *January 28, 1987.*

ANNUAL REPORT OF THE TOURISM POLICY COUNCIL—MESSAGE FROM THE PRESIDENT—PM 13

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with section 302 of the International Travel Act of 1961, as amended (22 U.S.C. 2124a), I hereby transmit the fifth annual report of the Tourism Policy Council, which covers fiscal year 1986.

RONALD REAGAN.
THE WHITE HOUSE, *January 28, 1987.*

MESSAGES FROM THE HOUSE

At 1:28 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2. An act to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the Relocation Assistance Program, and for other purposes.

The message also announced that pursuant to section 1404 of Public Law 99-661, the majority leader appoints Mr. MONTGOMERY as a member of the Board of Trustees to the Barry Goldwater Scholarship and Excellence in Education Foundation.

The message further announced that pursuant to section 1404 of Public Law 99-661, the majority leader appoints Mr. MARTIN of New York as a member of the Board of Trustees to the Barry Goldwater Scholarship and Excellence in Education Foundation.

ENROLLED JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 24. Joint resolution to designate January 28, 1987, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*; and

H.J. Res. 93. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the Long Island Rail Road labor management dispute.

The enrolled joint resolutions were subsequently signed by the President pro tempore [Mr. STENNIS].

At 2:06 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 102. Joint resolution making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program of the Federal Emergency Management Agency.

MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 102. Joint resolution making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program of the Federal Emergency Management Agency; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2. An act to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the Relocation Assistance Program, and for other purposes.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, January 28, 1987, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 24. Joint resolution to designate January 28, 1987, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-398. A communication from the Acting Secretary of Agriculture, transmitting, pursuant to law, a study on the detection and management of pesticide resistance; to the Committee on Agriculture, Nutrition, and Forestry.

EC-399. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the first annual report on the agricultural trade policies of other governments and market opportunities for U.S. agricultural exports; to the Committee on Agriculture, Nutrition, and Forestry.

EC-400. A communication from the Clerk of the United States Claims Court, transmitting, pursuant to law, a copy of the Court's judgement in "Navajo Tribe of Indians v. the United States, Nos. 69 and 299; to the Committee on Appropriations.

EC-401. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, notice that the Defense Logistics Agency intends to exercise the exclusion of the clause providing for examination of records by the Comptroller General; to the Committee on Armed Services.

EC-402. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Air Force's proposed letter of offer to Bahrain for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-403. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Air Force's proposed letter of offer to Egypt for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-404. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize additional construction at certain military installations for fiscal year 1987, and for other purposes; to the Committee on Armed Services.

EC-405. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Urban Mass Transportation Act of 1964 to provide authorizations for appropriations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-406. A communication from the Secretary of Commerce, transmitting, pursuant to law, notice of the extension of export controls maintained for foreign policy purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-407. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the recommendations made to the Secretary by the National Transportation Safety Board during calendar year 1986; to the Committee on Commerce, Science, and Transportation.

EC-408. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on Railroad Financial Assistance for fiscal year 1986; to the Committee on Commerce, Science, and Transportation.

EC-409. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report required under the Comprehensive Smokeless Tobacco Health Education Act for 1986; to the Committee on Commerce, Science, and Transportation.

EC-410. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain excess royalty payments; to the Committee on Energy and Natural Resources.

EC-411. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting a draft of proposed legislation to amend the Energy Reorganization Act of 1974, as amended, to clarify notification requirements for noncompliance, and for other purposes; to the Committee on Environment and Public Works.

EC-412. A communication from the Secretary of State, transmitting, pursuant to law, certification that the Government of Bolivia has developed a narcotics control plan and is prepared to enter into an agreement with the United States to implement that plan; to the Committee on Foreign Relations.

EC-413. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the provision of certain emergency military assistance to Honduras; to the Committee on Foreign Relations.

EC-414. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a report on the status of negotiations with Mexico for the elimination or reduction of Mexican impediments to in-transit truck trade from Central American countries destined for the U.S. market; to the Committee on Foreign Relations.

EC-415. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, a report on nine new Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-416. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-277 adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-417. A communication from the Acting Director of the Selective Service System, transmitting, pursuant to law, a report on a new Privacy Act system or records; to the Committee on Governmental Affairs.

EC-418. A communication from the Director of ACTION, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1986; to the Committee on Governmental Affairs.

EC-419. A communication from the Director of the Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to establish a simplified management system for Federal employees, and for other purposes; to the Committee on Governmental Affairs.

EC-420. A communication from the Secretary of the Mississippi River Commission, Corps of Engineers, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1986; to the Committee on Governmental Affairs.

EC-421. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the annual report of the Federal Judicial Center for fiscal year 1986; to the Committee on the Judiciary.

EC-422. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act to clarify that the Nuclear Regulatory Commission is authorized to protect from public disclosure certain sensitive generic safeguards information, the disclosure of which could negate or compromise site specific security measures; to the Committee on the Judiciary.

EC-423. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954 to make it a federal crime to carry or otherwise introduce or cause to be introduced any dangerous weapon or other dangerous instrumentality onto sites regulated by the Nuclear Regulatory Commission; to the Committee on the Judiciary.

EC-424. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act to provide criminal sanctions for an act of sabotage of a nuclear power plant during its construction which could affect the public health and safety were it to go undetected; to the Committee on the Judiciary.

EC-425. A communication from the General Counsel of the Administrative Conference of the United States, transmitting, pursuant to law, the annual report of the Conference under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-426. A communication from the Secretary, of Education, transmitting, pursuant to law, final regulations—Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-16. A concurrent resolution adopted by the legislature of the State of Louisiana; to the Committee on Commerce, Science, and Transportation.

"House Concurrent Resolution No. 13

"Whereas, the National Oceanic and Atmospheric Administration within the United States Department of Commerce has proposed revisions to their shrimp plan which would restrict, in federal coastal zone waters, the trawl towing time for fishing vessels pulling trawls forty feet wide or greater without a National Marine Fisheries Service approved device for excluding turtles; and

"Whereas, the administrator of the National Oceanic and Atmospheric Administration has indicated his intent to require, under the Endangered Species Act, that turtle exclusion devices be required in specified areas of Louisiana and Texas where sea turtles occur; and

"Whereas, such trawl towing restrictions and turtle exclusion device requirements would place an unnecessary hardship on commercial fishermen operating in the Gulf of Mexico waters; and

"Whereas, the National Marine Fisheries Service, state agencies, and universities are presently working to develop more efficient turtle exclusion devices; and

"Whereas, the presently available turtle exclusion devices and the turtle exclusion devices under development should be thoroughly tested before considering the imposition of such requirements on commercial fishermen.

"*Therefore, be it resolved,* That the Legislature of Louisiana does hereby memorialize the Congress of the United States to oppose the proposed action by the United States Department of Commerce to restrict trawl towing time on certain trawls without a turtle exclusion device or to require such turtle exclusion devices on trawls used in certain Gulf of Mexico waters.

"*Be it further resolved,* That Congress is urged and requested to require the United States Department of Commerce to thoroughly test turtle exclusion devices currently available and those now under development prior to considering the imposition of such equipment on commercial fishermen.

"*Be it further resolved,* That certified copies of this Resolution shall be transmitted to the president of the Senate and the speaker of the House of Representative of the Congress of the United States, to the secretary of the United States Department of Commerce, to the administrator of the National Oceanic and Atmospheric Administration within the United States Department of Commerce, and to each member of the Louisiana delegation to the United States Congress."

POM-17. A resolution adopted by the Senate of the Commonwealth of Massachusetts; to the Committee on Finance:

"Resolutions Memorializing the Congress of the United States To Enact the MacBride Principles Bill, So-Called, Into Law

"Whereas, British rule continues to violate national sovereignty and self-determination on the island of Ireland; and

"Whereas, one of the basic pillars of British rule is anti-Catholic discrimination in Northern Ireland; and

"Whereas, according to the British appointed fair employment agency, it is two and one-half times more difficult for a Catholic to get a job in Northern Ireland than for a Protestant; and

"Whereas, overall unemployment in Northern Ireland exceeds twenty percent and in some Catholic areas over fifty percent; and

"Whereas, the United States is the single largest foreign investor in Northern Ireland, employing one out of ten members of the work force at its twenty-five companies; and

"Whereas, many of these twenty-five United States companies are caught up in the systematic pattern of anti-Catholic discrimination; and

"Whereas, a corporate code of conduct, called the MacBride Principles, has been formulated for United States companies doing business in Northern Ireland and which code does not call for disinvestment or quotas; and

"Whereas, the State of New York and the Commonwealth of Massachusetts have already enacted the MacBride Principles into law; and

"Whereas, a bill is before the United States Congress to make the MacBride Principles federal law: Now therefore be it

"*Resolved,* That the Commonwealth of Massachusetts expresses its support for this bill before Congress and call upon all Members to support it, especially our own Massachusetts congressional delegation; and be it further

"*Resolved,* That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, to the presiding officer of each branch of Congress and to each Member thereof from the Commonwealth."

POM-18. A resolution adopted by the California Federation of Republican Women supporting the President while he deals with issues relating to the Iran-Contra issue; to the Committee on Foreign Relations.

POM-19. A concurrent resolution adopted by the legislature of the State of Louisiana to the Committee on Finance.

"House Concurrent Resolution No. 12

"Whereas, oil producing states are experiencing unemployment rates in excess of the national average, and the imposition of such a fee could rejuvenate the economies of these states; and

"Whereas, further economic damage to the domestic oil industry may endanger national security by subjecting the United States to an increasingly dependent relationship with the Organization of Petroleum Exporting Countries; and

"Whereas, an oil import fee would raise billions of dollars that could be applied to the national budget deficit.

"*Therefore, be it resolved,* That the Legislature of Louisiana does hereby memorialize the Congress of the United States to enact an oil import fee.

"*Be it further resolved,* That certified copies of this Resolution shall be transmitted to the President of the United States, to the secretary of the United States Senate, the clerk of the United States House of Representatives, to the chairman of the House Ways and Means Committee, to the chairman of the Senate Finance Committee, and to each member of the Louisiana delegation to the United States Congress."

POM-20. A concurrent resolution adopted by the legislature of the State of Louisiana; to the Committee on Finance:

House Concurrent Resolution No. 41

"Whereas, the economy of the state of Louisiana has historically depended upon the petrochemical industry as one of its mainstays; and

"Whereas, the worldwide decline in the price of oil has had a devastating effect on the state of Louisiana, including an adverse effect on the state's petroleum industry and employees due to the shutdown of many rigs and plants, and to the welfare of the people of Louisiana due to the sharp decline in the state's economy; and

"Whereas, the decline of the domestic petroleum industry poses a serious threat to the economic security of the United States of America by fostering a dependence on petroleum imported from areas which have a historically unstable political, social and economic climate; and

"Whereas, it is in the common interest of the state of Louisiana and the United States of America to ensure that the flow of oil and other petrochemical products remains undeterred.

"Therefore, be it resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States and in particular the members of the Louisiana Congressional delegation to impose an import duty on foreign petrochemicals sufficient to guarantee the continued existence of a viable domestic petrochemical industry which can withstand the market pressures of cheap foreign oil, thereby keeping the United States free from the prospect of energy domination by potentially unfriendly foreign powers.

"Be it further resolved, That certified copies of this Resolution shall be forwarded to the secretary of the United States Senate, and the clerk of the House of Representatives of the Congress of the United States, and to each member of the Louisiana congressional delegation."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 388. A bill to provide that no penalty shall be imposed on an employee for taxable years 1987 or 1988 in cases where an employer fails to withhold on the basis of valid withholding certificates, and that the increase from 80 percent to 90 percent in the current year liability test for estimated tax payments be delayed for two years; to the Committee on Finance.

S. 389. A bill for the relief of Denise Glenn; to the Committee on the Judiciary.

S. 390. A bill for the relief of Abdul Hafiz Tannir; to the Committee on the Judiciary.

S. 391. A bill for the relief of Hyong Cha Kim Kay; to the Committee on the Judiciary.

S. 392. A bill for the relief of Nabil Yaldo; to the Committee on the Judiciary.

S. 393. A bill for the relief of Emilie Santos; to the Committee on the Judiciary.

S. 394. A bill for the relief of Akram Yousif; to the Committee on the Judiciary.

S. 395. A bill for the relief of Maria Theresa Chung; to the Committee on the Judiciary.

By Mr. FORD:

S. 396. A bill for the relief of Ljubica Warren; to the Committee on the Judiciary.

By Mrs. KASSEBAUM:

S. 397. A bill to amend the Federal Deposit Insurance Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SYMMS (for himself and Mr. McClure):

S. 398. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit Federal agencies to use pesticides without duplicating the research or analyses of the Environmental Protection Agency under that act; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY (for himself, Mr. Danforth, Mr. Baucus, Mr. Pryor, Mr. Pressler, and Mr. Zorinsky):

S. 399. A bill to amend the Tariff Act of 1930 with respect to the definition of industry in antidumping and countervailing duty investigations involving certain processed agricultural products; to the Committee on Finance.

By Mr. DURENBERGER:

S. 400. A bill for the relief of Stanley C. Bourassa and Katherine V. Bourassa; to the Committee on the Judiciary.

By Mr. ARMSTRONG (for himself, Mr. Dole, Mr. Proxmire, and Mr. Nickles):

S. 401. A bill to amend the impoundment Control Act of 1974 to provide for enhanced rescission procedures; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, providing that if one committee reports, the other committee has 30 days of continuous session to report or be discharged.

By Mr. EVANS (for himself, Mr. Humphrey, Mr. Boren, Mr. Proxmire, Mr. Dole, Mr. Thurmond, Mr. Hollings, Mr. D'Amato, Mr. Danforth, Mr. Bond, Mr. Lugar, Mr. Nickles, Mr. Hecht, Mr. McCain, Mr. Boschwitz, Mr. Zorinsky, Mr. Roth, Mr. Garn, Mr. Helms, Mr. Stevens, Mr. Murkowski, Mr. McConnell, Mr. Trible, Mr. Symms, Mr. Warner, Mr. Simpson, and Mrs. Kassebaum):

S. 402. A bill to provide that during a 2-year period each item of any joint resolution making continuing appropriations that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate joint resolution for presentation to the President; to the Committee on Rules and Administration.

By Mr. ZORINSKY (for himself and Mr. Exon):

S. 403. A bill to cost-sharing rules of the Missouri National Recreation Area; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. Melcher):

S. 404. A bill for the relief of Jon Engen; to the Committee on the Judiciary.

By Mr. McCAIN (for himself, Mr. Boschwitz, Mr. DeConcini, Mr. Chafee, Mr. Cohen, Mr. Dole, Mr. Wilson, Mr. McConnell, and Mr. Ford):

S. 405. A bill disapproving the proposed deferral of budget authority for the temporary emergency food assistance program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PELL (for himself, Mr. Dodd, and Mr. Simon):

S. 406. A bill to provide additional Federal education programs designed to strengthen competitiveness of American industry, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GARN (for himself and Mr. Glenn):

S. 407. A bill to grant a Federal charter to the Challenger Center, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Mr. Kennedy):

S. 408. A bill to amend the Atomic Energy Act of 1954 to allow full participation by State and local governments in the licensing process for nuclear power facilities and to require that emergency planning extend to a minimum of 10 miles radius around each nuclear power facility; to the Committee on Environment and Public Works.

By Mr. THURMOND (for himself, Mr. Helms, Mr. Humphrey, Mrs. Kassebaum, Mr. Grassley, Mr. Wallop, Mr. Nickles, Mr. McCain, Mr. Kasten, Mr. Hecht, Mr. Armstrong, Mr. Proxmire, Mr. Simpson, Mr. DeConcini, Mr. Burdick, Mr. Hatch, Mr. Heflin, and Mr. Bumpers):

S.J. Res. 34. A joint resolution disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government.

By Mr. McCAIN for himself, Mr. Dole, Mr. Gramm, Mr. Thurmond, Mr. Zorinsky, Mr. Warner, Mr. Helms, Mr. Trible, Mr. DeConcini, Mr. Nunn, Mr. Hatch, Mr. Stennis, Mr. Inouye, Mr. Boren, Mr. Simon, Mr. Quayle, Mr. Hecht, Mrs. Kassebaum, and Mr. Graham):

S.J. Res. 35. A joint resolution relating to the commemoration of January 28, 1988, as a "National Day of Excellence"; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. Thurmond, Mr. DeConcini, Mr. Danforth, Mr. Grassley, Mr. Humphrey, Mr. McConnell, Mr. Nickles, Mr. Zorinsky, Mr. Boschwitz, and Mr. Durenberger):

S.J. Res. 36. A joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. Thurmond):

S.J. Res. 37. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary silent prayer or reflection; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. Trible, Mr. Grassley, Mr. Nickles, Mr. Proxmire, Mr. Roth, Mr. Wallop, Mr. Boren, Mr. Kasten, Mr. Hecht, Mr. Hollings, Mr. Humphrey, Mr. Murkowski, Mr. Thurmond, and Mr. Symms):

S.J. Res. 38. A joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mr. Bradley, and Mr. Matsunaga):

S. Res. 87. A resolution to congratulate the Giants; considered and agreed to.

By Mr. WALLOP (for himself, Mr. Dole, Mr. Nickles, and Mr. Humphrey):

S. Res. 88. A resolution on the visit of Oliver Tambo.

By Mr. DOLE:

S. Res. 89. A resolution to establish positions of Chief of Staff for the Office of the Majority and Minority Leaders; considered and agreed to.

By Mr. BYRD:

S. Res. 90. A resolution relating to the designation of a Senator to hold the office of Deputy President pro tempore of the Senate; considered and agreed to.

S. Res. 91. A resolution designating George J. Mitchell, of the State of Maine, as the Deputy President pro tempore of the Senate; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN:

S. 388. A bill to provide that no penalty shall be imposed on an employee for taxable years 1987 or 1988 in cases where an employer fails to withhold on the basis of valid withholding certificates, and that the increase from 80 percent to 90 percent in the current year liability test for estimated tax payments be delayed for 2 years; to the Committee on Finance.

(The remarks of Mr. LEVIN and the text of the legislation appear earlier in today's RECORD.)

By Mrs. KASSEBAUM:

S. 397. A bill to amend the Federal Deposit Insurance Act; to the Committee on Banking, Housing, and Urban Affairs.

EMERGENCY FARM CREDIT ACT

● Mrs. KASSEBAUM. Mr. President, the legislation I send to the desk allows farm banks to write off farm loans losses over a 10-year period. This legislation encourages bankers and farmers to get together and renegotiate outstanding loans so the farmer can realistically carry his debt burden. In many instances it would be in the bank's interest to leave the farmer on the land with a reduced debt burden rather than to foreclose and try to resell it. The problem is that if the bank writes down the loan it must recognize a loss. Since many of the agricultural banks are operating at the edge of their capital requirements they must inject an equal amount of capital if they recognize a loss. Banks have thus been reluctant to renegotiate or write off loans. This has resulted in much of the friction between bankers and regulators.

To address this problem, my legislation allows bankers to place all the losses resulting from agricultural loan renegotiation and repossession into a special account and write off that account over a 10-year period. Similar legislation has been introduced in the past. On January 6, 1987 Senator DIXON introduced S. 244 which outlines a similar proposal. The legislation I have just introduced, however, adds two significant provisions. It requires the lending bank to maintain the same proportion of its loan portfolio in agricultural loans. This provision is necessary to prevent the bank's withdrawal from agricultural lending. It also, contains a retroactive effective date of January 1, 1984. This provision is necessary to equitably include banks that have recently undergone comprehensive writedown programs. It is my hope the Banking, Housing, and Urban Affairs Committee will promptly act on this legislation. I ask unanimous consent the text of my bill be included in the CONGRESSIONAL RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Farm Credit Act of 1986".

SEC. 2. Section 13 of the Federal Deposit Insurance Act (12 U.S.C. 1823) is amended by adding at the end thereof the following:

"(j)(1) The appropriate Federal banking agency shall permit an agricultural bank to take the actions referred to in paragraph (2) if it finds that there is no evidence that fraud or criminal abuse on the part of the bank led to the losses referred to in paragraph (2).

"(2) Any loss on any qualified agricultural loan that an agricultural bank would otherwise be required to show on its annual financial statement for any fiscal year of that bank beginning between December 31, 1983, and January 1, 1989, may be amortized on its financial statements over a period of not to exceed 10 years, as specified in regulations issued by the appropriate Federal banking agency.

"(3) The appropriate Federal banking agency may issue regulations implementing this subsection with respect to banks that it supervises.

"(4) As used in this subsection—

"(A) the term 'agricultural bank' means a bank—

"(i) the deposits of which are insured by the Federal Deposit Insurance Corporation;

"(ii) which is located in an agricultural area the economy of which is dependent on agriculture;

"(iii) which has assets of $100,000,000 or less; and

"(iv)(I) which has at least 25 percent of its total loans in qualified agricultural loans; or

"(II) which has fewer than 25 percent of its total loans in qualified agricultural loans but which the appropriate Federal banking agency or State bank commissioner recommends to the Corporation for eligibility under this section, or which the Corporation, on its own motion, deems eligible; and

"(B) the term 'qualified agricultural loan' means a loan made to finance the production of agricultural products or livestock in the United States, a loan secured by farmland or farm machinery, or such other category of loans as the appropriate Federal banking agency may deem eligible.

"(5) As a condition of eligibility under this subsection, the agricultural bank must agree to maintain in its loan portfolio a percentage of agricultural loans which is not lower than the percentage of such loans in its loan portfolio on January 1, 1985.".●

By Mr. SYMMS (for himself and Mr. MCCLURE):

S. 398. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit Federal agencies to use pesticides without duplicating the research or analyses of the Environmental Protection Agency under that act; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL PESTICIDE PROGRAMS IMPROVEMENT ACT

Mr. SYMMS. Mr. President, this legislation solves a major problem facing rural and agricultural States like Idaho. The Federal Pesticide Program Improvement Act makes some important clarifications in our current pesticide registration law.

First. Federal agencies may use registered pesticides as prescribed on the label, unless the Administrator of the Environmental Protection Agency [EPA] determines that missing or deficient data is sufficiently important to warrant a suspension or cancellation.

Second. The research and analysis done by EPA when registering pesticides is to an Environmental Impact Statement, and that research may be incorporated by reference and relied on in any other Federal document developed in compliance with the National Environmental Policy Act of 1969.

Third. Other Federal agencies are not required to duplicate research already reviewed during EPA's registration process.

These clarifications are unneeded in most parts of the country. In some Federal districts, however, courts are not clear whether research done under FIFRA satisfies the testing requirements of the National Environmental Policy Act.

Clarification is urgently needed. It simply is not wise environmental policy to have Federal agencies review, let alone conduct, detailed scientific research, when they have absolutely no facilities, manpower, or expertise in that area. They don't even receive appropriations for such research.

This legislation is even more urgently needed by the already depressed agricultural sector of the Nation. Earlier this year, farmers and ranchers in Idaho were notified that the State's largest landlord, the Federal Government, would have to suspend control of noxious weeds on Government lands. Thistle leafy spurge, knapweed, and other noxious weeds will now grow unchecked on millions of acres in Idaho.

The impact on agriculture is devastating. Under current conditions, noxious weeds in Idaho cost the State an estimated $50 million a year in lost agricultural production. If current control programs are suspended, and millions of acres of Government lands become weed infested, the losses to agriculture could double or even triple.

How can we in Congress justify such willful negligence and disregard for a sector of society that is already facing enormous difficulties? Could it be that noxious weed control programs are being suspended in order to save lives, protect vital species of animal or plant, or prevent some major environmental disruption? No. Noxious weeds are spreading uncontrolled while we wait for the Bureau of Land Management to complete research and paperwork that will yield no new information beyond what was already discovered when EPA registered the pesticide in the first place.

The cost of duplicating this research is phenomenal. The Bureau of Land Management estimates that it could cost as much as $5 million per compound. Just to illustrate what that adds up to, take for example the Federal Forest Vegetation Management Program. That program uses 14 different compounds, translating into 70 million dollars' worth of research required before the program could proceed. Furthermore, this research could take from 5 to 7 years. The timber lost during that period is estimated by the Bureau of Land Management to be worth $21,720,000 annually.

Further, there are numerous Government pesticide and herbicide programs that could be affected in a similar way. The Animal and Plant Health Inspection Service's programs could be suspended, the Drug Enforcement Administration's marijuana control could be halted, and the Forest Service's seedling protection programs could come to a standstill. All of this at tremendous cost, both directly to the people of the United States and to their Treasury.

If we wish to have a credible—reasonable—Federal pesticide policy, confusion of the type addressed by this legislation must be cleared away. I urge this body to move swiftly toward its final enactment.

By Mr. GRASSLEY (for himself, Mr. Danforth, Mr. Baucus, Mr. Pryor, Mr. Pressler, and Mr. Zorinsky):

S. 399. A bill to amend the Tariff Act of 1930 with respect to the definition of industry in antidumping and countervailing duty investigations involving certain processed agricultural products; to the Committee on Finance.

INDUSTRY PRODUCING PROCESSED AGRICULTURAL PRODUCTS

Mr. GRASSLEY. Mr. President, today I am introducing legislation to amend the Traiff Act of 1930, with respect to the definition of industry in antidumping and countervailing duty investigations involving certain processed agricultural products.

This legislation was introduced last session originally as S. 1629, then reintroduced as S. 2244 with modifications made at the request of the administration in a hearing held by the Finance Committee. The bill that is being introduced today is exactly the same as S. 2244 and the legislation passed in the House omnibus trade bill H.R. 4800 last year.

Basically, the bill does the following:

First. Places the focus on the industry producing the processed agricultural product, rather than attempting to equate the raw and processed agricultural products as like products.

Second. Maintains the two part test currently applied by the International Trade Commission to determine when an industry will be deemed to include procedures of both the raw and the processed agricultural product.

Third. Adds the concept of value-added as one of the economic factors to be considered in examining coincidence of economic interest. In addition, guidance is provided to the ITC with respect to its consideration of price and value-added relationships.

Fourth. The language would direct the ITC in making decisions regarding threat of material injury, to focus upon the impact which the imposition of duties on either the raw or the processed product—but not both—would have upon imports of the other product.

Fifth. The Commission would also be required to aggregate imports of both the raw and processed agricultural product—where both are being imported—to determine the level of market penetration of import cases involving an industry made up of producers of the raw and processed agricultural product.

Sixth. Last, the language would make it clear that producers of the raw product which were deemed to be part of the industry producing the processed agricultural product would have standing to initiate countervailing duty and antidumping cases concerning imports of the processed product.

It should be noted that Congress during its consideration of the 1979 Trade Agreement Act, emphasized the "special nature of agriculture" relative to the countervailing duty and the antidumping statutes. This legislative history can be found in Senate report 96-209, 96th Congress, 1st session 88 (1979).

Based on this legislative history, the ITC has found producers of raw and processed commodities to be part of the same industry where there exist a single continuous line of production or other evidence of economic interdependence.

In sharp contrast, however, in 1985 the Commission diverted from this line of reasoning and held that hog producers and pork packers were not producing a like product because there was not a sufficient legal integration between producers and packers regardless of the economic interdependence.

Regardless of the reasoning for this major shift, the flaws of the outcome are obvious in light of the purpose of these laws.

Pork can only be produced from hogs. That is very obvious. But it was not so obvious to the International Trade Commission. Hogs are completely devoted to the production of pork. That is very obvious, is it not?

And, as the saying goes, "You can't make a silk purse out of a sow's ear." Moreover, the value of hogs represents approximately 90 percent of the value of fresh, chilled, and frozen pork produced by pork processors.

In short—and this is the important point with this decision of the International Trade Commission—it is hard to imagine an agricultural product whose producers are more closely aligned than the industry between the farmers producing the pork and the pork processor.

The Commission's decision is devasting not only to our pork producers, but also to other producers of agricultural products who come to the ITC for assistance in the future. It is for this reason that I urge my colleagues to join me in cosponsoring this legislation, and hope that the Senate Finance Committee can soon hold hearings and act favorably on this important piece of legislation.

Mr. President, at this point, I would ask unanimous consent that the bill be printed and that the following Senators be added as original cosponsors: Mr. Danforth, Mr. Baucus, Mr. Pryor, Mr. Pressler, and Mr. Zorinsky.

The PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INDUSTRY.

Paragraph (4) of section 771 of the Tariff Act of 1930 (19 U.S.C. 1677(4)) is amended by adding at the end thereof the following new subparagraph:

"(E) Industry producing processing agricultural products.—

"(i) In general.—In an investigation involving a processed agricultural product produced from any raw agricultural product, the producers or growers of the raw agricultural product shall be considered part of the industry producing the processed product if—

"(I) the processed agricultural product is produced from the raw agricultural product through a single continuous line of production, and

"(II) there is a substantial coincidence of economic interest between the producers of the raw agricultural product and the producers of the processed agricultural product based upon relevant economic factors, which may include price, market value added by the producers, or other economic interrelationships (regardless of whether such coincidence of economic interest is based upon any legal relationship).

"(ii) Process.—For the purposes of this subparagraph, the processed agricultural product shall be considered to be processed from a raw agricultural product through a single continuous line of production if—

"(I) the raw agricultural product is substantially or completely devoted to the production of the processed agricultural product, and

"(II) the processed agricultural product is produced substantially or completely from the raw product.

"(iii) Evaluation of factors.—For purposes of this subparagraph, in evaluating the factors relevant to the question of coincidence of economic interest, the Commission shall—

"(I) if price is taken into account, consider the degree of correlation between the price of the raw agricultural product and the price of the processed agricultural product, and

"(II) if market value added by the producers is taken into account, consider whether the value of the raw agricultural product constitutes a significant percentage of the value of the processed agricultural product.

"(iv) RAW AGRICULTURAL PRODUCT.—For purposes of this subparagraph, the term 'raw agricultural product' means any farm, forest, or fishery product.".

SEC. 2. MATERIAL INJURY.

Paragraph (7) of section 771 of the Tariff Act of 1930 (19 U.S.C. 1677(7)) is amended—

(1) by striking out "and" at the end of subparagraph (F)(i)(VII),

(2) by striking out the period at the end of subparagraph (F)(i)(VIII) and inserting in lieu thereof", and", and

(3) by adding at the end of subparagraph (F)(i) the following new subclause:

"(IX) in any investigation under this title which involves imports of both a raw agricultural product (within the meaning of paragraph (4)(E)(iv)) and any product processed from such raw agricultural product, the Commission shall, in addition to any other relevant economic factors, consider the likelihood that an affirmative determination by the Commission with respect to either the raw agricultural product or the processed agricultural product (but not both) would result in an increase in the imports of the other agricultural product to an injurious level.".

SEC. 3. INTERESTED PARTIES.

(a) IN GENERAL. —Paragraph (9) of section 771 of the Tariff Act of 1930 (19 U.S.C. 1677(9)) is amended—

(1) by striking out "and" at the end of subparagraph (E) and inserting in lieu thereof a comma,

(2) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof ", and",

(3) by adding at the end thereof the following new subparagraph:

"(G) in any investigation under this title involving a processed agricultural product, a manufacturer, producer, or wholesaler (or an association thereof) in the United States that is defined as representative of an industry engaged in the production of such processed agricultural product (determined in accordance with section 771(4)(E)).".

(b) CONFORMING AMENDMENTS.—

(1) Title VII of the Tariff Act of 1930 is amended by striking out "subparagraph (C), (D), (E), or (F) of section 771(9)" each place it appears and inserting in lieu thereof "subparagraph (C), (D), (E), (F), or (G) of section 771(9)".

(2) Subsections (g)(2) and (h)(1) of sections 704 and 734 of the Tariff Act of 1930 (19 U.S.C. 1671c; 1673c) are each amended by striking out "subparagraphs (C), (D), (E), and (F)" and inserting in lieu thereof "subparagraphs (C), (D), (E), (F), or (G)".

(3) Subsection (a) of section 516 of the Tariff Act of 1930 (19 U.S.C. 1516(a)) is amended by adding at the end thereof the following new paragraph:

"(3) Any producer of a raw agricultural product who is considered under section 771(4)(E) to be part of the industry producing a processed agricultural product of the same class or kind as the designated imported merchandise shall, for purposes of this section, be treated as an interested party producing such processed agricultural product.".

Mr. DANFORTH. Mr. President, I am pleased to join today with Senator GRASSLEY in introducing legislation that would clarify the definition of industry in antidumping and countervailing duty investigations involving agricultural commodities.

The special nature of agriculture relative to the countervailing and antidumping duty statutes makes the adoption of this legislation imperative. The 1985 decision of the U.S. International Trade Commission in its countervailing duty investigation involving imports of subsidized pork from Canada exemplifies the difficulties which producers of agricultural commodities have in obtaining relief from unfairly traded imports under U.S. law.

In the pork industry case, the ITC determined that live swine imports from Canada were materially injuring domestic hog producers but that imports of fresh, chilled, and frozen pork were not injuring American pork packers. In so ruling, the ITC reversed an initial decision and found that swine and pork were not "like" products and that producers and packers were therefore not part of the same industry. The Commission reached this decision despite its concession that fresh, chilled, and frozen pork is produced from live swine through a single continuous line of production.

The ITC apparently based its decision on the presumed absence of a sufficient legal connection between producers and packers—such as instances of packing facilities owned by producers or contractual relationships between hog and pork prices—to indicate a coincidence of economic interests between them. This determination defies commonsense and was made despite strong evidence of a close price correlation between these products imposed by market conditions.

Subsequent to the Commission's decision, countervailing duties were imposed on imports of Canadian hogs but not on imports of fresh, chilled, and frozen pork. As expected, the Canadians have simply reduced their shipments of subsidized swine to the United States, slaughtered more hogs in Canada, and increased their shipments of fresh pork to this country. Subsidized imports have not been reduced, but merely shifted to another form. Any relief which might have been provided by the countervailing duty investigation essentially has been nullified. The injury to our pork industry as a whole remains unchanged.

According to the Foreign Argicultural Service [FAS], an estimated 215,000 to 225,000 tons of fresh, chilled, and frozen pork was imported from Canada during 1986. That estimate was 20 percent higher than the amount imported during 1985, itself a record year.

Our bill would clarify the definition of industry in determining whether or not imports are causing material injury to our domestic agricultural producers. It would amend section 771(4) of the Tariff Act of 1930 (19 U.S.C. 1667(4)) to provide that producers of a raw agricultural product may be considered part of the industry producing the processed product if two tests are met: First, the processed agricultural product must be produced from the raw agricultural product through a single continuous line of production, and second, there must be a substantial coincidence of economic interest between the raw product and processed product sectors.

A "single continuous line of production" would exist if: (1) the raw agricultural product were substantially or completely devoted to the production of the processed product, and (2) the processed product were produced substantially or completely from the raw product.

The existence of a "substantial coincidence of economic interest" would depend on a demonstrable economic relationship between the two groups of producers.

It is ironic to note that the Canadian Government recently adopted a much more aggressive position than the one embodied in this bill. In a recent countervailing duty investigation concerning Canadian imports of subsidized boned beef from the European Community, the Canadian Import Tribunal ruled that cattlemen were part of the industry producing boned beef and, as such, had standing to file a petition—without the packers—to impose a countervailing duty on such boned beef imports from the EC. Furthermore, the tribunal ruled that injury to the Canadian cattlemen was tantamount to injury to the Canadian boned beef industry. This case indicates that at least one other GATT member country has explicitly confirmed the GATT compatibility of the concept of industry as embodied in our bill.

We must provide our producers with an adequate defense against unfair trade practices, and I believe that this bill is a positive step in that direction. It does not expand current law beyond what was originally intended by Congress, and it is supported by producers of several agricultural products, including hogs, beef, and lamb.

I urge my colleagues to join as cosponsors of our bill, and I look forward to working with other members of the Senate Finance Committee to ensure the passage of this important legislation.

By Mr. ARMSTRONG (for himself, Mr. Dole, Mr. Proxmire, and Mr. Nickles):

S. 401. A bill to amend the Impoundment Control Act of 1974 to provide for enhanced rescission procedures; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

ENHANCED PRESIDENTIAL RESCISSION LEGISLATION

● Mr. ARMSTRONG. Mr. President, today, along with the Republican leader, Senator Dole, Senator Proxmire of Wisconsin and Senator Nickles of Oklahoma, I am introducing legislation to strengthen the executive power of the President to control Federal spending. Specifically, this legislation would enhance the President's ability to rescind appropriated funds. This proposal would accomplish many, if not all, of the goals of a line-item veto, but would do so in a much simpler fashion by enhancing an existing authority rather than creating new powers and complicated procedures.

Under current law, the President may propose to Congress that previously appropriated budget authority be rescinded. A proposed rescission does not take effect unless Congress specifically approves it by joint resolution within 45 calendar days of submission. Congress can simply ignore rescissions and kill these proposed savings by inaction. In contrast, a proposal by the President to defer spending for a period of time takes effect unless specifically rejected by Congress.

This legislation would amend the Budget and Impoundment Act of 1974 to provide that proposed rescissions take effect unless specifically disapproved by Congress by joint resolution. The current veto by inaction would be replaced by a requirement that Congress step to the plate and openly reject proposed savings, if that is its determination.

The President of the United States presides over the largest budget in the world and yet has less executive control over that budget than the chief executive of a business corporation or most State Governors. The rescission power as currently drawn has more often than not been ineffective in allowing the President executive control over appropriated funds. Since 1975, Congress has rejected more than $32 billion in proposed savings that three Presidents determined were necessary. In most years since the power has existed, only a fraction of proposed Presidential rescissions have been granted.

Mr. President, the Budget and Impoundment Act of 1974 severely restricted Presidential authority over appropriated funds while establishing what most believed would be a budget process creating incentives for Congress to control fiscal policy. After a decade's experience, it is clear that spending money is still the main incentive in Congress. The time has come to reestablish a greater role for the President in the budget process. Under this legislation Congress would still have the opportunity to reject a Presidential rescission if it believes appropriated funds should be spent. What it could not do is simply ignore the proposal and allow billions to be spent that our Nation's chief executive believes should be saved.

Mr. President, I ask unanimous consent that a table detailing the historical data on proposed Presidential rescissions be printed at this point in the Record. I also ask unanimous consent that this proposed legislation be printed at this point in the Record.

There being no objection, the table and bill were ordered to be printed in the Record, as follows:

HISTORICAL DATA ON PROPOSED PRESIDENTIAL RESCISSIONS

[Dollar amounts in millions]

	Proposed		Accepted		Percent amount accepted
	Number	Amount	Number	Amount	
Ford:					
1975	87	$2,722	39	$391	14
1976	50	3,582	7	138	4
1977	13	1,100	0	0	0
Total	150	7,404	46	529	7
Carter:					
1977	17	1,787	6	712	40
1978	12	1,290	6	594	46
1979	11	909	9	724	80
1980	59	1,618	33	551	34
1981	33	1,142	0	0	0
Total	132	6,746	54	2,581	38
Reagan:					
1981	133	15,362	105	11,715	76
1982	32	7,907	5	4,365	55
1983	21	1,569	0	0	0
1984	9	636	3	55	9
1985	244	1,843	96	166	9
1986	84	10,127	3	143	1
Total	523	37,444	212	16,445	44
Grand total	805	51,594	312	19,554	38

Amount rejected: $32,040. Percent rejected: 62 percent.

S. 401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1011(3) of the Impoundment Control Act of 1974 is amended to read as follows:

"(3) 'rescission resolution' means a joint resolution of the Congress that—

"(A) disapproves, in whole or in part, the rescission of budget authority proposed in a special message transmitted by the President under section 1012; and

"(B) is adopted by the Congress and becomes law before the end of the first period of 45 calendar days of continuous session of the Congress after the date on which the President's message is recieved by the Congress;".

(b) Section 1012(b) of such Act is amended to read as follows:

"(b) Requirement To Make Available for Obligation.—Any amount of budget authority or any part thereof proposed to be rescinded or that is to be reserved as set forth in such special message shall be made available for obligation if, within the prescribed 45-day period, a rescission resolution disapproving the rescission or reservation of such amount or part thereof is adopted by the Congress and becomes law.".

(c)(1) Section 1017 of such Act is amended—

(A) by striking out "rescission bill" each place it appears and inserting in lieu thereof "rescission resolution"; and

(B) by striking out "bill or" each place it appears.

(2) Section 1017(c)(5) of such Act is amended by striking out "bills and".

(3) Section 1017(d)(2) of such Act is amended—

(A) by striking out "the bill" in the first sentence and inserting in lieu thereof "the resolution";

(B) by striking out "such a bill" the first place it appears in the second sentence and inserting in lieu thereof "such a resolution"; and

(C) by striking out "such a bill" the second place it appears in the second sentence and inserting in lieu thereof "a rescission resolution".●

By Mr. EVANS (for himself, Mr. Humphrey, Mr. Boren, Mr. Proxmire, Mr. Dole, Mr. Thurmond, Mr. Hollings, Mr. D'Amato, Mr. Danforth, Mr. Bond, Mr. Lugar, Mr. Nickles, Mr. Hecht, Mr. McCain, Mr. Boschwitz, Mr. Zorinsky, Mr. Roth, Mr. Garn, Mr. Helms, Mr. Stevens, Mr. Murkowski, Mr. McConnell, Mr. Trible, Mr. Symms, Mr. Warner, Mr. Simpson, Mr. Gramm, Mr. Chafee, Mr. Wallop, and Mrs. Kassebaum):

S. 402. A bill to provide that during a 2-year period each item of any joint resolution making continuing appropriations that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate joint resolution for presentation to the President; to the Committee on Rules and Administration.

LINE-ITEM VETO

Mr. EVANS. Mr. President, I send a bill to the desk on behalf of myself, Mr. Humphrey, and 28 other cosponsors, and ask for its appropriate referral.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. EVANS. Mr. President, I introduce today a bill to give the President a line-item veto.

I was gratified that the President in his State of the Union Address last night once again asked for this power from the Congress.

It seems to me that our actions last year more clearly than at any year in recent history or perhaps in the history of the Congress itself proved that the President really does need this tool to help control spending.

We for years have operated under a system that calls for 13 separate appropriations bills giving both to the

Congress and ultimately the President an opportunity to examine each of these bills and in turn, if the President finds it necessary, to veto one or several of those and send them back to Congress. That can be done without undue harm to the immediate operations of our Government.

Last year, however, Congress contrived to bring all of these appropriations acts together into a single continuing resolution. Some would call it really the approach of a consolidated appropriations act, which may, in fact, be desirable at some time if done appropriately.

But when that is accomplished, Congress presents the President with, in fact, no opportunity for a veto. I believe we have discovered a way to keep the President from his constitutional right of veto.

No President would veto an appropriations act containing all of the appropriations of the Government, for it would then call for an immediate cessation of all governmental operations, until such time as the differences between the Senate, the House, and the President were ameliorated.

Our forefathers could not have contemplated such a ridiculous state of affairs.

Thus, Mr. President, if we are going to work toward a more consolidated appropriations act, we ought to even the scales, as our forefathers would have appropriately suggested, by giving the President an opportunity for a line-item veto.

This proposal is very similar to the one introduced by Senator Mattingly of Georgia during the 99th Congress, which I was proud to cosponsor. It is a bill for a 2-year trial period. It cannot be carried beyond that period without reratification by Congress. So it is a low-risk proposition. It is a trial period.

It gives us a chance to see if this really, in fact, will help. But we have added a new element. This time, it would apply only to those appropriations bills which have been combined. If Congress, as it is supposed to do, passes separate appropriations bills, they would not be subject to this line-item veto and the President could examine each of the 13 independently and separately. If Congress, on the other hand, decides it is more convenient or, for whatever purposes, wants to weld them together, then to the degree we weld them together, the President would have an opportunity for a line-item veto.

I think it has two potential benefits, Mr. President. One, it would redress the imbalance which occurs when Congress wraps things together and prevents the President from exercising his veto. Second, it might have the even more desirable result of causing us to abandon the practice of continuing resolutions and combining of appropriations and, instead, present them to the President one by one, separately, and allow him to act on them as a single unit.

Finally, Mr. President, let me say that as Governor of Washington, I had a strong line-item veto, as other States had. Some say it is really not comparable, that this Government, at this level, is different from the individual State governments. It is different all right. We are nowhere near as competent when it comes to budgetmaking and appropriations. We come nowhere near as close as States do to balancing their budgets and operating in a fiscally responsible manner. And I certainly believe, Mr. President, that no State—no State—would suggest that a Governor should be forced to deal with a comprehensive, unified State appropriations act without being given the chance to comment upon it through veto of single items. Nor would Congress act in that manner should we go ahead with the line-item veto at this time.

I believe we have a somewhat modified proposal which has substantial benefits over the one of last year. It gives us a chance to try things and may well prove to be a better rein on our own acts than on any acts of the President.

Mr. President, I ask unanimous consent that a summary of the provisions of this bill be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Modified Line-Item Veto Legislation—Summary of Provisions

(a)(1): Bill Enrolling Provisions—Upon the agreement of a continuing resolution by both Houses of Congress, directs the enrolling Clerk of the House where such appropriation measure originates to enroll each item of a continuing resolution as a separate bill.

Comments: Under Rules of the House of Representatives, Rule XLIX—Establishment of Statutory Limit on the Public Debt, the House established its procedure to consider any concurrent budget resolution and public debt limit simultaneously within the same bill. However, since this procedure was established independently under House rules and not under Senate procedure, the House engrossing clerk was directed to divide the issues, thus transmitting separate public debt limit and concurrent budget resolution bills to the Senate. This process is referred to as the "Gephardt Rule," named after its author Congressman Richard Gephardt (1979).

(a)(2)(A): Bill Integrity—bill should be enrolled without substantial revision.

(a)(2)(B): Bill Definition—bill should be consistent with the provisions of the United States Code as to what is included in a bill—"Be it enacted that . . ." or "Be it resolved that . . ."

(a)(2)(C): Bill Identity—bill should be enrolled to include appropriate introductory language.

(b): Bill Process Remains Unchanged—bills enrolled by the enrolling clerk and sent to the President are treated like any other bill passed by both Houses of Congress and sent to the President.

(c): Item Defined:—the term "Item" means any numbered section and any unnumbered paragraph of a joint resolution making continuing appropriations.

Comments: The definition of "Item" is based upon the structure of appropriation bills currently reported to the Senate and the House. Efforts to develop more restrictive definitions have been sought; however, this specificity could most probably be circumvented if so desired by Congress. A general definition, as used in this amendment, assumes appropriation bills contained in a continuing resolution will be drafted in current structure and assumes that the Committee on Appropriations will comply with the legislation's intent.

(d): Sunset Clause—establishes a two-year sunset clause.

Mr. D'AMATO. Mr. President, I rise today to again cosponsor important legislation allowing for a 2-year test of a Presidential line-item veto. My former distinguished colleague from Georgia, Senator Mattingly, led this crusade very ably in past Congresses. I am pleased that my colleagues from Washington and New Hampshire continue to pursue this issue. Even though I am a member of the Appropriations Committee, I am pleased to be a cosponsor of this necessary reform legislation.

Although the U.S. economy continues to grow without significant inflation, continued economic progress is seriously threatened by continuing our large Federal budget deficits. Increased Government consumption above and beyond Government's ability to pay robs industry of the capital needed to put ideas and people to work. There is little difference between financing increased Government spending through the issuance of new debt or through the imposition of higher taxes. Both methods are equally damaging to our economy. Deficit financing and excessive taxes both redirect private sector funds to the Federal Government. The result of either action is that the pool of available investment capital is depleted and industrial expansion is stifled.

The root cause of the mammoth Federal budget deficits is runaway Government spending and Congress' inability to control the urge to spend. Since fiscal year 1965, Federal spending has increased at an annual average rate of approximately 11 percent. Revenue growth has not kept up. During this period, our annual deficits have grown from approximately $1 billion to over $200 billion, although considerable progress has been made in reducing the annual deficit as a result of the Gramm-Rudman-Hollings deficit reduction legislation. The national debt has grown virtually without control.

Given the fact that the Federal budget is such a disaster, drastic action is needed urgently. Providing the President with line-item veto authority will be an important first step toward gaining control of Government spending. This legislation will allow the President to reject specific appropriations contained in omnibus continuing appropriations legislation without creating the crisis of vetoing an entire continuing resolution package. This limited line-item veto is a budgetary reform that may be the simplest way to cut the fat out of the budget.

Many will talk of the need to curb excesses of the congressional pork barrel and Government waste. Others will talk about how providing the President with line-item veto authority will eliminate the fiscal crisis that ensues in this Nation when veto of an omnibus continuing resolution is threatened or actually carried out. Still others will talk of the success of the line-item veto at the State level. I will not reiterate these arguments here: I will merely endorse them.

A line-item veto is one of the most important tools we can provide the President in his effort to control wasteful and excessive Government spending. The American taxpayers deserve no less. Let this be the Congress in which we finally enact this modest 2-year test of this important budgetary reform. Mr. President, I urge my colleagues on both sides of the aisle to lend their support to this important legislation.

Mr. HUMPHREY. Mr. President, I am pleased to join with Senator EVANS in presenting this bill to our colleagues. I congratulate him for his pioneering efforts in this area and likewise congratulate our former colleague, Mack Mattingly of Georgia, who was the original pioneer, I believe, in the concept of a temporary grant of a line-item veto authority to the President.

Mr. President, President Reagan has repeatedly threatened a budget shootout at the OK Corral, saying, "I'll have my veto pen in hand." But in recent years, Congress has found a way to ensure that the President shoots himself in the foot if he vetoes appropriations bills.

Last night, in his State of the Union Address, President Reagan reminded the Congress that the budget process is a "sorry spectacle," and he once again asked Congress for a tool to help get that process under control: the line-item veto.

Mr. President, I doubt you could find a single Senator or Congressman who would dispute the President's assertion that the budget process is not working. Last year, on October 17, Congress combined all 13 of the annual appropriations bills into a single, huge bill, dropped it on the White House doorstep, and rode out of town. Either the President could accept every item in this $576 billion monstrosity, or he could veto the entire bill and throw the Government into chaos. It was a take-it-or-leave-it proposition, and President Reagan took it.

Congress increasingly has undermined the President's authority to veto legislation, by sending him fewer and fewer but larger and larger appropriations bills. For fiscal year 1985, Congress passed 4 of the 13 annual appropriations bills. The remainder were dumped into a $365 billion continuing resolution; 1986 saw something of an improvement, with Congress passing six bills and dumping the rest into a $368 billion "CR." But for 1987, as we know, all 13 bills were combined into the largest single spending measure in history.

Not only are appropriations bills larger and larger, generally they are later and later. The Federal fiscal year begins on October 1, by which date Congress is supposed to have provided the necessary funds. For 1985, Congress missed its deadline by 10 days. For 1986, by 79 days, and for 1987 by 16 days. In the interim, the Government departments limped along on very short-term funding bills, unsure of what their ultimate appropriations would be and, therefore, unable to plan efficiently or institute necessary reforms.

When the President finally receives long overdue appropriations bills, he is loathe to create any further delays and signs them, when he might have vetoed bills sent him on time. For 1987, the appropriations for the Department of the Interior are $1.7 billion over what the President requested; for Labor/Health and Human Services, $10 billion over; Transportation, $3 billion over; Housing and Urban Development, $10 billion over.

As separate bills, any one or all might have been vetoed, but because they were combined into one massive bill 16 days after the start of the fiscal year, the President had no practical choice but to accept the funding levels.

Further, knowing a bill sent the President several weeks late is practically veto-proof, Members of Congress cannot resist the temptation to pack the barrel with pork. The 1987 megabill contained, for example, $68 million for site acquisition and planning for four Federal office buildings—those favorite monuments of Congressmen—in the districts of influential legislators. Three of the buildings are low on GSA's priority list, and the fourth—for which $32 million was appropriated—GSA does not want at all.

Appropriations bills inevitably contain a host of handouts, none of them requested by the President, such as grants to universities to build libraries and learning centers in privileged States. The fiscal 1987 continuing resolution, for example, contained $55 million in defense research grants to 12 universities in the home States of influential legislators, thereby circumventing the normal, competitive bidding process. A list of items in the bill which either were not requested by the President or whose costs exceed the President's request would easily fill several newspaper pages.

The line-item veto is such a modest reform, yet it would be such a valuable tool in revamping the budget process, in making it more responsible and more accountable. In 1985, 59 Senators from all across the political spectrum thought line-item veto ought to at least be debated on the Senate floor. They voted to end a filibuster against debating, S. 43, a bill introduced by former Senator Mack Mattingly of Georgia. Clearly, a majority of Senators—47 Republicans and 12 Democrats—believed the line-item veto deserved serious discussion.

I hope the Senate will see fit to increase the accountability of both the Congress and the President to the American people. That is the simple purpose behind the bill Senator EVANS and I are introducing today: a line-item veto which would give the President authority to veto specific parts of continuing resolutions—only continuing resolutions; the proposal does not apply to all appropriations bills—so that we are not stuck with the kind of monstrosities that have steamrolled through this body and down to the White House in recent years.

Our proposal for a line-item veto would allow the President to challenge wasteful spending, and I hope that Congress at long, long last will grant him that opportunity.

Mr. President, I modestly ask unanimous consent that an article which I wrote and which was published in the Christian Science Monitor on December 4 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Dec. 4, 1986]

THE CASE FOR GIVING THE PRESIDENT A LINE-ITEM VETO

(By Gordon J. Humphrey)

President Reagan has repeatedly threatened budget showdowns at the OK Corral. But in recent years Congress has found a way to make the President shoot himself in the foot if he vetoes appropriations.

On Oct. 17 Congress combined all 13 of the annual appropriations bills into a single, huge bill, dropped it on the White House doorstep, and rode out of town. Either the President could accept every item in this $576 billion monstrosity, or he could veto the entire bill and throw the government into chaos. It was a take-it-or-leave-it proposition, and Ronald Reagan took it.

Increasingly, Congress has undermined the President's authority to veto appropriations by sending him fewer and fewer but larger and larger bills. For fiscal year 1985, Congress passed four of the 13 annual appropriations bills. The rest were dumped into a $365 billion continuing resolution. The year 1986 saw an improvement, with Congress passing six bills and dumping the rest into a $368 billion "CR." But for 1987, all 13 bills were combined into the largest spending measure in history.

Not only are bills larger and larger, generally they are later. The federal fiscal year begins on Oct. 1, by which date Congress is supposed to have provided the necessary funds. For 1985, Congress missed its deadline by 10 days; for 1986, by 79 days; and for 1987, by 16 days. In the interim, the government departments limped along on very short-term funding bills, unsure of what their ultimate appropriations would be and, therefore, unable to plan efficiently.

When the President finally receives long-overdue bills, he is loath to create any further delays and signs them, when he might have vetoed bills that were sent him on time. For 1987, the appropriations for the Department of Interior are $1.7 billion over what the President requested; for the Departments of Labor and of Health and Human Services, $10 billion over; Transportation, $3 billion over; Housing and Urban Development, $10 billion over.

As separate bills, any one or all might have been vetoed, but because they were combined into one massive bill 16 days after the start of the fiscal year, the President had no practical choice but to sign them.

Further, knowing a bill sent the President several weeks late is practically veto-proof, members of Congress cannot resist the temptation to pack the barrel with pork.

The 1987 megabill contained, for example, $68 million for site acquisition and planning for four federal office buildings—those favorite monuments of congressmen—in the districts of influential legislators. Three of the buildings are low on the General Services Administration priority list, and the fourth—for which $32 million was appropriated—was never asked for.

Appropriations bills inevitably contain a host of handouts, none of them requested by the President, such as grants to universities to build libraries and learning centers in privileged states. The 1987 continuing resolution, for example, contained $55 million in defense research grants to 12 universities in the home states of influential legislators, in circumvention of the normal competitive bidding process. A list of items in the bill which either were not requested by the President or whose costs exceed the President's request would easily fill several newspaper pages.

President Reagan has announced that revamping the budget process will be one of his primary goals for the 100th Congress. The most practical tool is the line-item veto. In 1985, 59 senators from all across the political spectrum thought line-item veto ought to at least be considered and voted to end a filibuster against debating S 43, a bill introduced by Sen. Mack Mattingly of Georgia. Under Senate rules, 60 votes are needed to end a filibuster, one more than could be mustered in 1985, and the bill never received the consideration it deserved.

Nonetheless, the votes appeared to show a majority of senators (47 Republicans and 12 Democrats) at least sympathetic to giving line-item veto a trial. Since the budget process has deteriorated further in the last year, line-item veto may pass in 1987 if the President goes all out for it.

In January, I will introduce a bill to begin a two-year trial of presidential line-item veto authority. It would require that each section or paragraph in every appropriations bill, however large or small, be enrolled as a separate bill for presentation to the president. While a line-item veto could be overridden just like any other presidential veto, by two-thirds vote of both Houses, I believe a vast majority of vetoes would be sustained.

Furthermore, as the governors in the 43 states with line-item veto can attest, its utility lies not exclusively in its actual exercise, but also simply in the executive's threat to use it. Restoring a president's option to veto appropriations bills would equalize the odds between the president and Congress and restore to the budget process a good deal of the discipline so lacking in recent years.

By Mr. ZORINSKY (for himself and Mr. EXON):

S. 403. A bill relating to cost sharing rules of the Missouri National Recreation Area; to the Committee on Energy and Natural Resources.

COST SHARING RULES OF THE MISSOURI NATIONAL RECREATION AREA

● Mr. ZORINSKY. Mr. President, today I am reintroducing a bill I originally introduced near the end of the 99th Congress dramatically affecting the Missouri National Recreation River, a National Park Service project bordering the States of Nebraska and South Dakota. I drafted the bill, S. 2778, when it became apparent throughout the course of the year that the Missouri National Recreation River [MNRR] would be swept along with a mass of water development projects that were brought under the new cost-sharing provisions of Public Law 99-962, better known as H.R. 6, and Public Law 99-88. For reasons that appear below, I feel that subjecting the MNRR to the new cost-sharing provisions is inappropriate, ill-advised, and confuses the otherwise separate and distinct funding rationales for water development projects and national assets in the Park Service.

My purpose in introducing S. 2778 last year was to put the Congress on notice that funding status of the MNRR remains an active and open issue, that Public Law 99-962 and Public Law 99-88 are not the last work on cost-sharing for the MNRR. This is a matter for the new leadership in the Senate to consider thoughtfully what kinds of Federal projects should be cost-shared and, especially, what kinds of projects should not. This bill should also lead us to consider whether funding for National Park Service assets should be routed through the Army Corps of Engineer's budget, thus becoming subject to Corps of Engineers policy and cost-sharing-by-association, as is the case with the MNRR. But for this curious anomaly in the budget process, I feel there is a reasonable likelihood that the MNRR and cost-sharing would never have been mentioned in the same breath, and this problem would not have arisen.

Mr. President, I ask unanimous consent that my introductory statement that accompanied S. 2778 detailing the specifics and the history of the Missouri National Recreation River controversy be reprinted in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COST SHARING RULES OF THE MISSOURI NATIONAL RECREATION AREA

Mr. ZORINSKY. Mr. President, the bill I am introducing today is designed to resolve a problem that threatens to prevent construction of the Missouri National Recreation River, a unit of the Wild and Scenic Rivers System.

Under the provisions of Public Law 99-88, the project would proceed not as originally authorized, but subject to the new cost-sharing rules prescribed by the bill. I know of a number of projects in Nebraska that will be dramatically affected by the new cost sharing policies, and the changes appears inevitable in light of modern fiscal attitudes linking local responsibility to local benefits. However, the special status of the Missouri Recreation River requires special consideration of its unique character and why it should be distinguished from other, more routine flood control/bank stabilization projects within the jurisdiction of the Army Corps of Engineers for the purposes of a cost-sharing analysis.

Under 16 U.S.C. 1274 (22), the Missouri National Recreation River project was authorized within the jurisdiction of the Department of the Interior as a unit of the National Park Service. The pertinent language in 16 U.S.C. (22) is as follows:

> Such segment shall be administered as a recreational river by the Secretary (of the Interior). The Secretary shall enter into a written cooperative agreement with the Secretary of the Army (acting through the Chief of Engineers) for construction and maintenance of bank stabilization work and appropriate recreational development . . . . Administration of the river segment designated by this paragraph shall be in coordination with, and pursuant to the advice of a Recreational River Advisory Group which shall be established by the Secretary of the Interior.

The above language became law in Public Law 95-625, which designated new river project areas and reaffirmed the reasoning and purpose of the fountainhead legislation in this area, Public Law 90-542, the Wild and Scenic Rivers Act. The following exerpts are taken from House Report 1623 (90th Congress), accompanying the House version of the bill, H.R. 18260.

PRINCIPLES OF H.R. 18260

H.R. 18260 rests upon and embodies several simple but basic principles. The first is that, just as the Nation has set aside some of its land areas in national parks, monuments, national historic sites, and the like, so some of its streams which have exceptional values of the sort mentioned above—scenic, recreational, esthetic, and scientific—ought to be preserved for public use and enjoyment.

WHAT DESIGNATION AS A NATIONAL SCENIC RIVER MEANS

Designation of these six rivers as components of the National Scenic River System means three things: First, it means that they have been studied and appraised by competent experts and have been found to have, in the words of the bill, "outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values." Second, it means that it has been decided that these values make preservation of the rivers themselves and the countryside through which they flow worthwhile and that, to achieve this objective, it has been decided to authorize the accquisition of the lands, or of interests in the lands, bordering on them to a depth averaging a quarter mile on each side. Third, it means furthermore that it has been decided that, in order to achieve the same objective, the licensing of projects under the Federal Power Act on or directly affecting these rivers should be forbidden, that no Federal water project should be constructed on them without being thoroughly reviewed both in the Departments and in Congress, that no Federal agency should make any loans or grants for or give any other form of assistance to such a project without assurance from the head of the Department administering the scenic river that the project will not have a direct and adverse effect on the river and that, in those cases in which the scenic river flows through public lands, those lands are withdrawn from disposition under the public land laws and that such minerals activities on them as remain permissible must be constructed in accordance with regulations designed to effectuate the purposes of the act."

In passing this legislation, Congress was addressing an issue that, in the language of Report 1623, Congress had neglected while enacting a vast body of law concerning development and control of water resources. "The Federal Government has programs—some of them old, others of comparatively recent origin—respecting virtually every aspect of the Nation's rivers except the one that will be of prime importance under the present bill . . . " After summarizing the multitude of programs administered by the Army Corps of Engineers and the Bureau of Reclamation, the report makes the stark contrast of the Wild and Scenic Rivers Act by noting that up to that time, "however, the desirability of preserving some of our rivers simply for the sake of being able to enjoy them in their natural state or for their recreational value has not been noticed in any overall piece of Federal legislation. Enactment of (the bill) will close this gap in the law."

The language and the legislative history of the Wild and Scenic Rivers Act and Public Law 95-625 leave no doubt that the intent of Congress was to deal with an issue separate and distinct from other issues normally within the purview of the Army Corps of Engineers or the Bureau of Reclamation. Indeed, the issue raised by the act is more properly described as an environmental one based on what we refer to today as "quality-of-life" concerns. While the purpose of the vast majority of corps and bureau projects were authorized solely to promote and develop hydropower, flood control, bank stabilization, irrigation, municipal and industrial water supplies, recreation, hurricane and storm damage, and so on, the act specifically prohibits most of these activities in an effort to minimize the effects of development on certain sections of rivers and generally preserve those areas for other purposes. From the outset, the Wild and Scenic Rivers Act developed on a different track from other water bills, for different reasons, and should not automatically be grouped with general water legislation with conflicting purposes when promulgating water policy, like cost sharing.

My objection to including the Missouri River project under the new cost-sharing requirements is based on the inconsistency with cost-sharing per se as well as the inconsistency with the Wild and Scenic Rivers Act. Much of the reasoning underlying increased cost sharing for federally-funded water projects is founded on the fact that much, if not most, of the benefits provided by water projects accrue to local residents. Often, the tangible local benefits and the intangible Federal benefits appear to be inversely proportional, with the greater portion going to the local component. However, the Wild and Scenic Rivers Act was developed to promote a specifically annunciated national interest, and project areas like the Missouri River location were set out to meet that national priority.

The legislative history of the act demonstrates an intent to treat designated rivers as national assets, dwindling resources that should be saved for their unique wild, scenic, or recreational character. Thus, the designated areas were placed under the authority of the National Park Service, and the analogy to other Park Service properties and Federal funding thereof is sound. Although there are local benefits accruing to residents near designated areas and the Missouri River projects enjoys local support, it is important to note that a designation under the act greatly restricts future uses and future exploitation of the river. As is the usual case when the Federal Government chooses to set aside areas for a national purpose, there is a substantial opportunity cost to local residents who are the most affected by those restrictions. I know that local residents near the Missouri River project are very supportive of the project and look forward to its completion, but that may not be the case on other projects, and in any event, should not affect our analysis on the propriety of cost-sharing. To require local residents to assume major construction costs on National Park Service assets such as this would be unduly burdensome and not in keeping with the intent of the act. The very nature of the locations suitable for wild and scenic designations dictates that local interests will not have the tax or income base to cost-share the units. I have calculated the estimated local cost on the Missouri River project under the Public Law 99-88 provisions, and there is no way the local interests can meet the requirements. In this case, the inappropriate application of cost-sharing will effectively kill the project.

It would be a very disturbing precedent to begin cost-sharing on elements of the National Park Service without a comprehensive analysis of the rationale and the impact of such a move on the future well-being of the Park Service. I feel very strongly that Congress did not consciously and affimatively sweep away the the existing Park Service funding structure when it included the Missouri River project among a page-full of Army Corps of Engineers projects in Public Law 99-88. I know that I certainly had no intention to do so when both the Senate version and the conference report on this legislation were passed by voice vote last summer. Such a change in Park Service policy would represent a major departure from past practice, a change that warrants broader discussion in the Senate and among the various committees with jurisdiction over this issue. It is apparent that other members of Congress similarly situated with Wild and Scenic Rivers Act projects in their jurisdiction would be equally interested in this problem.

Mr. President, I realize it is very late in the session to expect action on this bill before the 99th Congress draws to a close. However, I think it is very important to engage the debate as quickly as possible on this matter and lay the groundwork for future consideration. This is a project that could proceed but for the problem herein addressed. We should not wait until February to discuss the ramifications of the change. And interested parties should have time to take note of the issue and determine how it should be addressed going into the 100th Congress, when a number of factors affecting the outcome of this discussion may be radically different from what they are now. I want to make it abundantly clear that I am not satisfied with the current status of the Missouri National Recreation River project, or any other similar project that might be likewise affected, and that the matter should be considered open for review.●

By Mr. BAUCUS (for himself and Mr. MELCHER):

S. 404. A bill for the relief of Jon Engen; to the Committee on the Judiciary.

RELIEF OF JON ENGEN

● Mr. BAUCUS. Mr. President, Senator MELCHER and I are today introducing a private relief bill to expedite U.S. citizenship for Mr. Jon Engen of Bozeman, MT.

Mr. Engen is originally from Norway and has lived in the United States since 1980. He studied at Montana State University, married a U.S. citizen from Montana, and has taken all the appropriate steps to become an American. Indeed, he has met all the requirements to become a citizen of the United States in January 1988.

Mr. Engen has coached and trained with the U.S. Biathlon team and wishes to compete for his new country. However, the international federation requires that he be a U.S. citizen to compete with his team.

If granted immediate U.S. citizenship, Mr. Engen would be eligible to represent the United States at the World Biathlon Championship at Lake Placid, NY, in February 1987. He will then be able to face tough international competition and prepare for the 1988 Olympics.

I have received many letters of support for speedy approval of Mr. Engen's application because he is an exemplary person and a gifted athlete.

Mr. Engen meets all the requirements for citizenship except passage of 3 years from his receipt of permanent resident alien status. Further, there are precedents for this unusual step. Prior to the 1976 and 1984 Olympics, the United States granted citizenship to two athletes who wished to compete for their new country.

Therefore, I am urging that my colleagues join me in approving this legislation.●

By Mr. McCAIN (for himself, Mr. BOSCHWITZ, Mr. DECONCINI, Mr. CHAFEE, Mr. COHEN, Mr. DOLE, Mr. WILSON, Mr. MITCHELL, and Mr. FORD):

S. 405. A bill disapproving the proposed deferral of budget authority for the Temporary Emergency Food Assistance Program; to the Committee on Agriculture, Nutrition, and Forestry.

DISAPPROVING THE PROPOSED DEFERRAL OF BUDGET AUTHORITY FOR THE TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

● Mr. McCAIN. Mr. President, I rise today in opposition to a provision that was included in the administration's budget proposal for fiscal year 1988. The provision affects the Temporary Emergency Food Assistance Program, known as TEFAP. TEFAP is a program that was initiated in 1981 for the express purpose of distributing surplus food held by the Federal Government to low-income persons. Through TEFAP, needy people are provided foodstuffs, from cheese and butter to rice and flour, by local governments, food banks, and soup kitchens that are assisted with TEFAP funds.

The program is not profligate by any means—Congress appropriated only $50 million for TEFAP for fiscal year 1987—and yet it serves a large number of people. In Arizona alone 72,000 households—roughly 275,000 poor people—benefit from TEFAP every month. Roughly 35 to 40 percent of those served are senior citizens.

This program has been among those singled out by the President for elimination in the past. This year, the President has proposed to take $28 million out of TEFAP, transfer those funds to pay for salary increases for Department of Agriculture employees. If Congress were to approve this measure, the TEFAP Program would essentially be terminated as of the middle of March. Those who have benefited from it will have to find another source of food—one which is affordable to those with so little in the way of resources.

Mr. President, I have no quarrel with either the pay raises or the retirement program, but I find the notion of taking money from the poor and homeless to pay for pay raises and the like egregious and offensive. In my view, this provision flies in the face of the President's comments in his State of the Union message as well as measures Congress has taken in the recent past, and, more significantly, contradicts the compassion and sense of sharing that this country has always felt and acted upon.

The administration today sent a deferral to Congress in order to prevent the $28 million from being dispersed. I strenuously object to this deferral—just as I object to the transfer of TEFAP funds—and, therefore, I am introducing a bill to overturn it.

I urge my colleagues on both sides of the aisle to join me in freeing these funds. I believe that TEFAP is an appropriate program, and I believe it has been an effective one. I hope we can overturn this deferral quickly and move on to more important and pressing issues.●

By Mr. PELL (for himself, Mr. DODD, and Mr. SIMON):

S. 406. A bill to provide additional Federal education programs designed to strengthen competitiveness of American industry, and for other purposes; to the Committee on Labor and Human Resources.

EDUCATION FOR COMPETITIVE AMERICA ACT

● Mr. PELL. Mr. President, today I rise to introduce the Education for a Competitive America Act. I am very proud to be joined in this endeavor by two of my colleagues from the Subcommittee on Education: Senator DODD and Senator SIMON. Both Senators DODD and SIMON have long demonstrated their commitment to educational improvement and reform. And it is out of their concern for the educational well-being of our future that they have worked with me in fashioning this legislation.

The Education for a Competitive America Act outlines what we consider to be the central elements of any education component of an omnibus package of trade legislation. While these initiatives are by no means inclusive, they provide a solid platform for strengthening our trade position by increasing our investment in education.

The watchcry of the present day is competitiveness. There is no question that we are greatly challenged by increased economic competition from abroad. The emergence of a global economy brought this situation to bear. And it places us in an arena where I fear we are ill-prepared to excel.

This is a challenge that we must address, and I am confident that it is a challenge that we can meet. But the fate of our nation in such a competition rests squarely on the groundwork we lay this Congress to prepare to do battle. In that regard, education must be the front-line of our defense.

For in the words of Horace Mann: "Education is our only political safety. Outside of this ark all is deluge."

The trade challenge will be uppermost in our minds throughout this session of Congress. It is clear that education must play a key part in this battle. In light of the central role that education must play, we felt it important to put forward our ideas for what we feel are essential elements of the education seige on the trade problem.

It is most unfortunate that for the past 6 years we have been unable to turn our attention to securing a strengthened economic position through education. Instead, all our efforts have been spent in fighting—and fighting hard—against the annual education cutbacks proposed by this administration.

While I am happy to say that we have waged a successful battle in preventing these cuts from taking place, I am deeply disturbed by the fact that we have been able to do little more than hold the line. It is bitterly ironic that while we should have been preparing to fight against the economic threat from abroad, we were instead waging a battle within our own borders.

The education cuts proposed by this administration have taken a terrible toll on our ability to meet today's challenge to be competitive. Our battle to protect current programs has prevented us from moving forward. And today we are suffering from the effect of what the administration has sought to do. For, in the international marketplace we have fallen far behind.

It is important to realize that the primary tools in our fight to remain competitive in the global economy already exist in law. They need only the teeth of better funding in order to be effective. The Education for a Competitive America Act stakes out the areas in Federal education programs where substantial increases would fortify our assault.

Title I of this act calls for a 5 year reauthorization and full funding of the Education for Economic Security Act. This act provides assistance to local and State educational agencies as well as higher education institutions to upgrade instruction in math, science and computer education.

Funding for the Education for Economic Security Act was first made available in fiscal year 1985. While the authorization for this important program is $350 million, appropriations have never exceeded $80 million. The need in this area, however, continues to be considerable. A recent U.S. News & World Report comparison of mathematics and science achievement levels with other industrialized nations placed the United States at or near the bottom in all categories.

When we first introduced the Education for Economic Security Act in 1982, we were gravely aware that our failure to provide adequate resources in math and science instruction would weaken our place in the world economy. Five years later, we are in an even more vulnerable position. As we begin to address the need to be competitive head-on, I can only reflect upon how much further along we would be in that effort had we been able to see this program fully funded at its authorized level of $350 million.

Title II of the Education for a Competitive America Act provides an additional authorization of $35 million for foreign language instruction. While foreign language instruction is a permissive activity under the Education for Economic Security Act, I am concerned that it has been given short shrift under this law simply because the need to upgrade math and science instruction is so great.

A specified authorization for foreign language instruction would ensure that State and local educational agencies develop, expand and implement model programs of this nature. Our efforts to increase foreign language instruction in the schools will be of great benefit to business and industry.

In the international market, we are clearly at a language disadvantage. More than 95 percent of Japanese students study English. Yet, less than 1 percent of our students study any Oriental language. In addition, fewer than 3 percent of American high school graduates are proficient in a second language. This is extremely troubling considering that 7,000 corporations operate overseas. It is critical, therefore, to increase our investment in this area.

Title III of this legislation authorizes an additional $100 million under the Carl D. Perkins Vocational Education Act. Funds under this title would make special provision under part C of title III of the Vocational Education Act for workers who are adversely affected by foreign competition. Funds could be used for training and retraining these workers, and for assisting workers in obtaining employment in new industries or high technology occupations. Special consideration shall be made under this title to older workers who have reached the age of 55 or older.

Title IV calls for an addition of $50 million to the Adult Education Act. This program currently serves 3 million adults, providing them with literacy instruction and education that would enable them to complete a high school degree. The need for this program is considerable. For example, in my own State of Rhode Island, waiting lists alone for adult programs would allow enrollments to double overnight. Funds under this title would be targeted to individuals who need to learn or improve their basic skills in order to enhance their employability.

Title V authorizes $3 million for the Technology Training Transfer Act. This act would facilitate the transfer of training technology among Federal agencies, the private sector, State and local governments, educational institutions and the military. Such transfer capability would improve training programs for workers in business and industry. It would further enable all sectors to identify exemplary training and education software packages, and allow them to avoid the high cost of developing state of the art programs.

Title VI increases authorizations under the international education title (title VI) of the higher education reauthorization. Most critical in this area is a $5 million increase in authorization under part B of title VI to assist universities in offering joint degrees in business and international studies. At least half of the top Fortune 500 companies are foreign-controlled and international activities produce a third of all U.S. corporate profits. In light of this situation, it is readily apparent that graduate business schools must require sophistication in international studies and foreign languages. The future captains and CEO's of American industries must have dexterity in this area if we are to keep our businesses on the cutting edge.

To that we have added a $25 million increase in part A of the international education title in the Higher Education Act. This would enable us to fund 70 new language and area study centers. Additional funding for this program will provide for new centers focussing on areas of importance to strengthen our position in the international economy, including such critical areas as Arabic, Korean or Farsi.

Finally, we have made additional provision for the acquisition, translation and dissemination of technical and scientific periodicals published outside of the United States in critical languages. Such periodicals would be disseminated to businesses, professional societies, libararies and institutions of higher education.

To my mind, the equation is a simple one. Strong schools secure a strong economy. Increases in adult training increase our available pool of skilled workers. Improving our instruction in math and science serves to improve our edge in new industries.

The path we must choose at the present time is a clear one. Education is our most powerful weapon. In the words of H.G. Wells: "Human history becomes more and more a race between education and catastrophe."

The challenge at hand does not require large, new education programs. The structure is already in place. What is called for is the underpinning of better funding.

I was heartened by the President's words in his State of the Union Message last evening that Government should do everything possible to promote America's competitiveness. I agree wholeheartedly with him that this mission must begin in the classroom. But to make these words real, schools need better resources.

The Education for a Competitive America Act identifies those education programs where substantial increases would significantly contribute to our trade preparedness. We have introduced this bill so that it may serve as a vehicle for discussion and consideration.

In this effort, we hope to work closely with Senator BENTSEN and members of the Finance Committee. Our efforts in concert will enable us to secure a foothold in the battle to improve our economic strength. We commend this legislation to our colleagues and hope that they will carefully examine its contents.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education for Competitive America Act".

TITLE I—EDUCATION FOR ECONOMIC SECURITY

SHORT TITLE

SEC. 101. This title may be cited as the "Education for Economic Security Reauthorization Act".

MATHEMATICS AND SCIENCE EDUCATION REAUTHORIZED

SEC. 102. (a) GENERAL REAUTHORIZATION.—Section 203(b) of the Education for Economic Security Act (hereafter in this title referred to as the "Act") is amended by inserting after "1988," the following: "and such sums as may be necessary for each of the fiscal years 1989 through 1993".

(b) TECHNICAL AMENDMENT.—Section 205 of the Act is amended by striking "the fiscal years 1984, 1985, 1986, 1987, and 1988" and inserting in lieu thereof "the fiscal years 1984 through 1993".

PARTNERSHIPS IN EDUCATION FOR MATHEMATICS, SCIENCE, AND ENGINEERING

SEC. 103. Section 304(b) is amended by inserting after "1988," the following: "and such sums as may be necessary for each of the fiscal years 1989 through 1993".

TITLE II—FOREIGN LANGUAGE ASSISTANCE

SHORT TITLE

SEC. 201. This title may be cited as the "Foreign Language Assistance Act of 1987".

FINDINGS

SEC. 202. The Congress finds that the economic and security interests of this Nation require significant improvement in the quantity and quality of foreign language instruction offered in the Nation's elementary and secondary schools, and Federal funds should be made available to assist this purpose.

PROGRAM AUTHORIZED

SEC. 203. (a) GENERAL AUTHORITY.—The Secretary shall make grants to State educational agencies whose applications are approved under subsection (b) in order that such agencies may fund model programs, designed and operated by local educational agencies, providing for commencement or improvement and expansion of foreign language study for students residing within their school districts. Any State whose application is approved shall receive an amount equal to the sum of (1) $275,000, plus (2) the product of $0.06 multiplied by the population of the State (as determined in accordance with the most recent decennial census). The amount described in the preceding sentence shall be made available to the State for two additional years after the first fiscal year during which the State received a grant under this section if the Secretary determines that the funds made available to the State during the first year of funding were used in the manner required under the State's approved application.

(b) APPLICATION.—Any State educational agency desiring to receive a grant under this section shall submit an application therefor to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No application may be approved by the Secretary unless the application—

(1) contains a description of model programs designed by local educational agencies, and representing a variety of alternative and innovative approaches to foreign language instruction, which were selected school district of the local educational agency shall be eligible to participate in any model program funded under this section (without regard to whether such children attend schools operated by such agency);

(2) provides assurances that, if the application of the State educational agency is approved, each model program described in the application shall have available to it sufficient funds from State and local sources, in addition to any funds under this section, to ensure that the program is carried out as described in the application; and

(3) provides that the local educational agency will provide reliable and valid evaluations of pupils' proficiency at appropriate intervals in the program, and provide such evaluations to the State educational agency.

(c) PARTICIPATION OF PRIVATE SCHOOLS.—(1) To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private elementary and secondary schools, such State or agency shall, after consultation with appropriate private school representatives, make provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) in which such children can participate and which meet the requirements of this section. Expenditures for educational services and arrangements pursuant to this subsection for children in private schools shall be equal (taking into account the number of children to be served and the needs of such children) to expenditures for children enrolled in the public schools of the State or local educational agency.

(2) If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation of children from private schools as required by paragraph (1), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children which shall be subject to the requirements of this subsection. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with section 557(b) (3) and (4) of the Education Consolidation and Improvement Act of 1981.

(d) APPROPRIATIONS RULE.—If sums appropriated to carry out this section are not sufficient to permit the Secretary to pay in full the grants which State educational agencies may receive under subsection (a), the amount of such grants shall be ratably reduced.

(e) EXEMPLARY PROGRAMS.—(1) From sums reserved for each fiscal year pursuant to section 205 to carry out the provisions of this subsection, the Secretary is authorized to make grants to local educational agencies whose applications are approved under paragraph (3) in order that such agencies may support exemplary programs providing for commencing or improving and expanding foreign language study for students residing within their school districts.

(2) The Secretary may not approve any application for a grant under this subsection unless the Secretary determines that the exemplary program described in the application is consistent with the State programs approved under subsection (a) for the State in which the local educational agency is located.

(3) Each local educational agency desiring to receive a grant under this subsection shall submit an application to the Secretary at such time, in such form, and containing or accompanied by such information and assurances as the Secretary may require.

DEFINITIONS

SEC. 204. For purposes of this title:

(1) The terms "local educational agency" and "State educational agency" have the same meaning given such terms under section 198 of the Elementary and Secondary Education Act of 1965.

(2) The term "Secretary" means the Secretary of Education.

(3) The term "State" means any of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

AUTHORIZATION OF APPROPRIATIONS

SEC. 205. There are authorized to be appropriated $35,000,000 for each of the fiscal years 1988 through 1993 to carry out this title of which $5,000,000 in each fiscal year shall be available to carry out subsection (e) of section 203.

TITLE III—VOCATIONAL EDUCATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. Section 3(b)(3) of the Carl D. Perkins Vocational Education Act is amended by adding at the end thereof the following new subparagraph:

"(C) There are authorized to be appropriated an additional $100,000,000 for the fiscal year 1988 and for the fiscal year 1989 to carry out part C of title III, for workers described in section 302.

PROGRAM AUTHORIZED

SEC. 302. Section 322 of the Carl D. Perkins Vocational Education Act is amended by adding at the end thereof the following new subsection:

"(c)(1) Funds made available pursuant to section 3(b)(3)(C) of this Act may be used, in accordance with this part, to provide vocational training—

"(A) to workers who have been or who are about to be adversely affected by foreign competition, in order to assist such workers to obtain and retain employment and to upgrade their job skills;

"(B) to unemployed or underemployed individuals in order to assist them to obtain and retain employment in new, expanding, or export-related industries or businesses;

"(C) to current employees in existing industries and businesses in order to make such industries and businesses more competitive; and

"(D) to individuals in order to assist their entry into, or advancement in, high technology occupations or to meet the technological demands of other industries or businesses.

"(2) Special consideration shall be given to individuals described in paragraph (1) who have attained 55 years of age.".

TITLE IV—ADULT EDUCATION

PROGRAM AUTHORIZED

SEC. 401. Section 304 of the Adult Education Act is amended by adding at the end thereof the following new subsection:

"(c) From amounts appropriated pursuant to section 314(c), the Secretary is authorized to make grants to States, in accordance with the provision of this Act, to pay the Federal share of the cost of providing literacy training to—

"(1) unemployed or underemployed individuals who need to learn or improve their basic skills in order to enhance their employability;

"(2) displaced workers in order to assist them to enter into adult basic education or to benefit from additional job training or retraining;

"(3) illiterate adults; and

"(4) illiterate, out-of-school youth who are not enrolled in other education programs.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 402. Section 314 of the Adult Education Act is amended by adding at the end thereof the following new subsection:

"(c) There are authorized to be appropriated an additional $50,000,000 for the fiscal year 1988 and for the fiscal year 1989 to carry out the provisions of section 302(c).".

TITLE V—TECHNOLOGY TRANSFER TRAINING

SHORT TITLE

SEC. 501. This title may be cited as the "Training Technology Transfer Act of 1987".

FINDINGS AND PURPOSE

SEC. 502. (a) FINDINGS.—The Congress finds and declares that—

(1) Federal agencies, particularly the Department of Defense, have made extensive investments of public funds in the development of training technology;

(2) much training technology, especially computer programs and videodisc systems, is directly transferable to the private sector or could be transferable to the private sector after conversion;

(3) the transfer of training technology to the private sector could properly augment existing Federal programs for the training of new industrial workers or the retraining of workers whose jobs have been disrupted because of technological developments, foreign trade, and changes in consumer requirements; and

(4) the transfer of training technology to the private sector would be especially beneficial to small business concerns which lack the resources to develop such technology independently.

(b) PURPOSE.—Therefore, it is the purpose of this title to facilitate the transfer of training technology from Federal agencies to the private sector and to State and local governments and agencies thereof, including educational systems and educational institutions, in order to support the education, training, and retraining of industrial workers, especially workers in small business concerns.

DEFINITIONS

SEC. 503. For the purpose of this title—

(1) the term "Board" means the Training Technology Transfer Advisory Board established pursuant to section 507;

(2) the term "commercial user" means any individual, corporation, partnership, or other legal entity which operates for profit and which uses or intends to use the training technology of a Federal agency;

(3) the term "community-based organizations" has the same meaning as in section 504(5) of the Job Training Partnership Act;

(4) the term "conversion" means the process whereby training technology is modified and revised to meet the needs of a commercial user or a public interest user;

(5) the term "Director" means the Director of the Office of Training Technology Transfer established pursuant to section 504;

(6) the term "Federal agency" has the meaning given to the term "agency" in section 551(1) of title 5, United States Code;

(7) the term "National Occupational Information Coordinating Committee" means the National Occupational Information Coordinating Committee established under section 422(a) of the Carl D. Perkins Vocational Education Act;

(8) the term "Office" means the Office of Training Technology Transfer established pursuant to section 504;

(9) the term "private industry council" means a private industry council established under section 102 of the Job Training Partnership Act;

(10) the term "public interest user" means—

(A) any nonprofit entity which—

(i) provides job training, vocational education or other educational services, including public school systems, vocational schools, private preparatory schools, colleges, universities, community colleges, private industry councils, community-based organizations, and State and local governments and agencies thereof; and

(ii) which uses or intends to use the training technology of a Federal agency; or

(B) any Federal agency which uses or intends to use the training technology of another Federal agency;

(11) the term "Secretary" means the Secretary of Commerce;

(12) the term "small business concern" has the same meaning as in section 3 of the Small Business Act;

(13) the term "State job training coordinating council" means a State job training coordinating council established under section 122 of the Job Training Partnership Act;

(14) the term "State occupational information coordinating committee" means a State occupational information coordinating committee established under section 422(b) of the Carl D. Perkins Vocational Education Act;

(15) the term "training technology" means computer software which is developed by a Federal agency to train employees of the agency and which may be transferred to or converted for use by a commercial user or a public interest user, and includes software for computer based instructional systems, interactive video disc systems, microcomputer training devices, audiovisual devices, and programmed learning kits, and associated manuals and devices if such manuals and devices are integrally related to a software program; and

(16) the term "transfer" means the process whereby training technology is made available to a commercial user or a public interest user for the training of the employees of such user, with or without the conversion of such technology.

OFFICE OF TRAINING TECHNOLOGY TRANSFER

SEC. 504. (a) OFFICE ESTABLISHED.—There is established in the National Technical Information Service of the Department of Commerce an Office of Training Technology Transfer. The Office shall be headed by a Director, who shall be appointed by the Secretary of Commerce, in consultation with the Secretaries of Education and Labor. The Director shall be compensated at the rate provided for GS-16 of the General Schedule under section 5332 of title 5, United States Code.

(b) PERSONNEL.—To carry out this title, the Director may appoint not in excess of 15 individuals in accordance with the civil service laws, and may compensate such individuals in accordance with the General Schedule under section 5332 of title 5, United States Code.

(c) USE OF FEDERAL PROGRAMS.—In carrying out this title, the Director shall utilize, to the fullest possible extent, all existing Federal programs to promote the identification, conversion, and transfer of training technology in accordance with this title.

(d) TRAINING TECHNOLOGY TRANSFER OFFICER.—The head of each Federal agency which uses training technology shall designate, from the officers and employees of the agency, a Training Technology Transfer Officer. The Training Technology Transfer Officer of an agency shall—

(1) supply information to the Office of Training Technology Transfer for inclusion in the inventory required by section 505;

(2) receive and process inquiries and requests from prospective users of training technology employed by such agency;

(3) promote direct contact between prospective users of training technology and personnel of the agency;

(4) facilitate the prompt transfer of training technology to public interest users; and

(5) refer requests for training technology from commercial users to the Office of Training Technology Transfer for the negotiation of the purchase or lease of such technology.

FUNCTIONS OF THE OFFICE

SEC. 505. (a) INVENTORY REQUIRED.—(1) The Director shall compile and maintain a current and comprehensive inventory of all training technology developed or scheduled for development by or under the supervision of Federal agencies. The inventory shall include, with respect to each item of training technology listed in the inventory—

(A) a complete description of such technology, including the purpose, content, intended academic level or competency level, date of development, and mode of presentation of such technology;

(B) a description of each type of computer hardware which is compatible with such technology and of any other equipment required to use such technology;

(C) a specification of any patent, copyright, or proprietary interest affecting the copying, conversion, or transfer of such technology; and

(D) information with respect to any conversion or transfer of such technology pursuant to this title.

(2) In compiling the inventory required by this subsection, the Director shall—

(A) consult with and utilize fully the resources of all Federal agencies engaged in the collection and dissemination of information concerning training technology; and

(B) request the participation and cooperation of entities in the legislative and judicial branches of Government.

(b) DISSEMINATION REQUIRED.—(1) The Director shall disseminate widely and on a regular basis the inventory required by subsection (a) and any revisions thereof in order to enable all potential commercial users and public interest users of training technology to receive ample notice that Federal agencies have developed such technology, or have scheduled such technology for development. In carrying out the preceding sentence, the Director shall—

(A) utilize all interagency and intergovernmental communication mechanisms, including the National Occupational Information Committee, State occupational information coordinating committees, State job training coordinating councils, private industry councils, State economic development agencies, and the Small Business Administration; and

(B) encourage the participation of independent private sector organizations, including organizations representing educational institutions, technical and professional organizations, and trade associations.

(2) The Director shall develop and distribute, in conjunction with the dissemination of the inventory required under subsection (a), detailed instructions and procedures for securing copies, including such rights thereto as may be required, of training technology listed in such inventory and guidelines for cooperative agreements between commercial users and public interest users under subsection (d).

(c) CONSULTATION; PUBLIC INTEREST USER.—The Director shall advise and consult with any prospective public interest user of a training technology listed in the inventory required under subsection (a) and shall assist such user in securing the transfer of such technology from the Federal agency which developed such technology. In providing such assistance, the Director shall encourage such public interest user to obtain such technology by working with the Training Technology Transfer Officer of such agency. If an agency has not established procedures for the transfer of training technology, the Director shall negotiate the transfer of such technology upon application by such user.

(d) CONSULTATION COMMERCIAL USER.—(1) The Director shall advise and consult with any prospective commercial user of a training technology listed in the inventory required under subsection (a). The Director may sell or lease such training technology, including exclusive or nonexclusive rights in copyrights or patents pertaining thereto, to a commercial user for a price or fee which reflects a reasonable return to the Government.

(2) The Director may waive purchase prices or lease fees for a commercial user of training technology, may negotiate reduced purchase prices or lease fees for such commercial user, or may negotiate exclusive sale or lease agreements or other terms favorable to such commercial user if such commercial user agrees to enter into a cooperative agreement with a public interest user or a group of public interest users in accordance with this section. Under the preceding sentence, the Director may not waive such prices or fees, negotiate reduced prices or fees, or negotiate exclusive agreements or favorable terms for a commercial user unless such cooperative agreement—

(A) provides for the conversion of the training technology by the commercial user in order to meet the specific needs of the public interest user or group of public interest users;

(B) provides that such conversion will be performed without charge to the public interest user or group of users; and

(C) is acceptable to the Director.

(3) In negotiating terms for the sale or lease of training technology pursuant to paragraph (2), the Director shall give preferential consideration to cooperative agreements which—

(A) will result in enhancing the employment potential and potential earnings of the maximum number of individuals;

(B) encourage and promote multiple uses of training technology converted pursuant to this section by users with similar training needs; and

(C) provide beneficial uses of training technology for small businesses.

(4) Any training technology converted pursuant to paragraph (2) shall be listed in the inventory required by subsection (a) and shall be available for transfer to any other public interest user.

(e) STUDY REQUIRED.—The Director shall study the effectiveness of transfers and conversions of training technology pursuant to this title, and shall analyze national needs for methods to convert training technology which are in addition to the method provided in subsection (d)(2). Within three years after the date of enactment of this Act, the Director shall prepare and transmit to the Congress a report which describes the study and analysis conducted pursuant to the preceding sentence and which contains the recommendations of the Director concerning whether the public interest would be served through the establishment of a program of grants to support the conversion of training technology.

(f) COOPERATION PROVISIONS.—All Federal agencies shall cooperate with the Director in the implementation of this title. If the head of a Federal agency finds that such agency is unable to cooperate with the Director for reasons of national security, or for any other reason, such agency head shall report such finding to the Secretary. The Secretary shall report to the Congress by July 1 of each year all such findings received by the Secretary during the preceding twelve-month period.

(2) The Director shall cooperate with the Federal Software Exchange Center of the National Technical Information Service to facilitate the transfer of training technology between Federal agencies.

(g) HUMAN FACTOR RULE.—In carrying out the purposes of this title, the Director shall take into account the human factors, including psychological, physiological, sociological, and socioeconomic factors, which are involved in integrating the work force with new technological developments.

ADMINISTRATIVE PROVISIONS

SEC. 506. (a) IN GENERAL.—In carrying out this title, the Director is authorized—

(1) to promulgate such rules, regulations, procedures, and forms as may be necessary to carry out the functions of the Office, and delegate authority for the performance of any function to any officer or employee of the Office under the direction and supervision of the Director;

(2) to utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal agencies and of State, local, and private agencies and instrumentalities, with or without reimbursement therefor;

(3) to enter into agreements with other Federal agencies as may be appropriate;

(4) to accept voluntary and uncompensated services, without regard to the provisions of section 1342 of title 31, United States Code; and

(5) to request such information, data, and reports from any Federal agency as the Director may from time to time require and as may be produced consistent with other law.

(b) AVAILABILITY OF FEDERAL SERVICES, EQUIPMENT, PERSONNEL, AND FACILITIES.—Upon request of the Director, the head of each Federal agency shall promptly make the services, equipment, personnel, facilities, and information of the agency (including suggestions, estimates, and statistics) available to the Office to the greatest extent practicable.

TRAINING TECHNOLOGY TRANSFER ADVISORY BOARD

SEC. 507. (a) ADVISORY BOARD ESTABLISHED.—There is established the Training Technology Transfer Advisory Board, which shall be composed of—

(1) six members representing educational institutions, job training services organizations, labor organizations, small business concerns, other business concerns, and community-based organizations; and

(2) the Secretaries of Education and Labor (or their designees), who shall be ex officio members.

(b) EXECUTIVE SECRETARY.—The Director shall serve ex officio as Executive Secretary of the Board.

(c) TERMS; COMPENSATION; CHAIRMAN.—(1) Each member of the Board described in subsection (a)(1) shall be appointed by the Secretary for a three-year term.

(2) Each such member shall receive compensation at a rate equal to the daily rate prescribed for GS-16 under the General Schedule under section 5332 of title 5, United States Code, including traveltime, for each day such member is engaged in the actual performance of duties as a member of the Board, and shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(3) The Secretary shall designate one of the members appointed under subsection (a)(1) as Chairman of the Board.

(d) MEETING REQUIREMENT.—The Board shall meet at least twice yearly at the call of the Chairman, or more frequently upon motion of a majority of its members.

(e) FUNCTIONS.—The Board shall—

(1) consult with and advise the Director on the operations of the Office;

(2) monitor and review the performance of the Office and the implementation of this title;

(3) suggest new applications of training technology transfer and conversion;

(4) make recommendations for legislation to amend this title and to revise regulations and procedures issued thereunder; and

(5) prepare and transmit reports to the Secretary and to the Congress as the Board considers appropriate.

AUTHORIZATION OF APPROPRIATIONS

SEC. 508. There are authorized to be appropriated to carry out this title $3,000,000 for fiscal year 1988, and such sums as may be necessary for each succeeding fiscal year.

TITLE VI—HIGHER EDUCATION PROGRAMS

FOREIGN TECHNICAL AND SCIENTIFIC PERIODICALS

SEC. 601. (a) AUTHORIZATION OF APPROPRIATIONS.—(1) Section 607(a) of the Higher Education Act of 1965 (hereafter in this title referred to as the "Act") is amended—

(A) by inserting "(1)" after the subsection designation; and

(B) by adding at the end thereof the following new paragraph:

"(2) In addition to amounts authorized to be appropriated by section 610 and paragraph (1) of this subsection, there are authorized to be appropriated $10,000,000 for the fiscal year 1988 and for each of the 3 succeeding fiscal years to carry out the provisions of subsection (d) of this section.".

(2) Section 607(b) of the Act is amended by striking out "subsection (a)" and inserting in lieu thereof "subsection (a)(1)".

(b) PROGRAM AUTHORIZED.—Section 607 of the Act is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d)(1) From amounts appropriated pursuant to subsection (a)(2), the Secretary shall provide for the acquisition, translation, and dissemination of technical and scientific periodicals published outside the United States. The Secretary shall disseminate translated periodicals acquired under this subsection to businesses, professional societies, libraries, and institutions of higher education.

"(2) In carrying out the provisions of paragraph (1), the Secretary shall select periodicals published outside the United States which the Secretary, after consultation with other departments and agencies of the Federal Government and with businesses and professional societies, determines may be of value to departments and agencies of the Federal Government, to businesses, and to researchers in the United States.".

ADDITIONAL INTERNATIONAL AND FOREIGN LANGUAGE CENTERS AND PROGRAMS AUTHORIZED

SEC. 602. Section 610 of the Act is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) There are authorized to be appropriated an additional $25,000,000 for the fiscal year 1988 and for each of the 3 succeeding fiscal years to carry out this part.

"(2) From additional amounts appropriated pursuant to paragraph (1) of this subsection, the Secretary shall make grants for additional centers and programs under this part which are designed to address the issues of competitiveness of American industry.".

ADDITIONAL INTERNATIONAL BUSINESS EDUCATION PROGRAMS

SEC. 603. Section 613 of the Act is amended—

(1) inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) There are authorized to be appropriated an additional $5,000,000 for the fiscal year 1988 and for each of the 3 succeeding fiscal years to carry out the provisions of this part.

"(2) From additional amounts appropriated pursuant to paragraph (1) of this subsection, the Secretary shall make grants and enter into contracts with institutions of higher education for graduate programs which offer joint degrees or coordinate degrees in business and international studies.●

● Mr. SIMON. Mr. President, the word competitiveness has come quickly into the national vocabulary, and now is an overworked word. It has no one meaning, nor is it a condition we can attain overnight. Competitiveness means modernized steel plants; innovative research and development; and a productive, flexible, and educated workforce.

I'm pleased to join my colleagues Senators Pell and Dodd in sponsoring legislation which focuses on one element, perhaps the most important element, in U.S. competitiveness. Today we are asking for an increased Federal commitment to the people who can and must be at the center of our national status in the international marketplace.

Our bill contains several elements to provide for an educated and flexible workforce and to provide the human resources for service and manufacturing industries. The bill provides:

Authorization of $100 million in the Vocational Education Act for dislocated workers to provide training for such workers to enter high technology and other growing industries.

Full funding of the Education for Economic Security Act at $350 million. Currently, the act is funded at less than 25 percent of its authorization which targets funds to States for improved mathematics, science, and foreign language instruction at the precollege level. In addition, $35 million is authorized for grants to State education agencies for foreign language instruction in elementary and secondary grades. We can buy in any language, but more and more we must sell in the language of our trading partners. Also, technological advances are occurring all over the world, and we must have the ability to read and understand these developments—whether they appear in a German language journal of physics, or a Japanese language industrial magazine.

Some $50 million is added to the Adult Basic Education Act to focus on adult illiteracy. A priority in the fiscal year 1988 administration proposal, this program currently has long waiting lists, and cannot serve all those who need remedial education. The cost of illiteracy runs in the billions in our domestic economy through unemployment, underemployment, crime, and the unquantifiable loss of willing and eager minds who cannot express themselves through the written word.

A modest program of $3 million provides for the transfer of Government developed technology to State and local government agencies as well as to the private sector and educational institutions. In particular, Government developed training programs would be facilitated into existing and planned private and local programs.

Through the International Education provisions of the Higher Education Act, this bill would increase the number of individuals trained in area studies, language and various business, service, agricultural and trade specialities. Provisions increase the college-private partnerships to gear education to the requirements of specific industries and services and which provide internship opportunities for those students in training.

Also within this section of the Higher Education Act, this bill provides translation services to other schools and the private sector for up to date journals and publications from abroad in a variety of fields which affect our international trade position.

Congress will debate a comprehensive trade bill with far more components than development of our human resources. Our package, introduced today, clearly demonstrates that we have not ignored those resources which are the most valuable of all to our status in world trade.

I do not doubt our national capacity to invent, produce, and compete. I do not doubt our workforce can help bring around our trade imbalance by the best process of all—cost competitiveness, quality products, and human resources to pull all of these positive factors together and to the forefront in the international market. But I do have some doubts as to our recognition of education as a key component pulling all this together, making true competitiveness possible. Our bill improves what we already have—good workers, good products, and an ability to offer them to the world.●

By Mr. GARN (for himself and Mr. Glenn):

S. 407. A bill to grant a Federal charter to the Challenger Center, and for other purposes; to the Committee on the Judiciary.

FEDERAL CHARTER TO THE CHALLENGER CENTER

Mr. GARN. Mr. President, I am pleased today to introduce legislation which will have the effect of granting a Federal charter to the *Challenger* Center for Space Science Education. The concept for this center has grown out of the combined thinking and efforts of the immediate family members of the *Challenger* crew.

Those family members came together in the aftermath of the tragedy to share their sorrow and support each other at that time of great difficulty. As they shared their thoughts, they agreed that there should be a living memorial to their loved ones; something that, rather than simply bricks and mortar, or an obelisk somewhere, would be a facility which would carry on the mission of the *Challenger* crew, and their common dream of expanding the educational horizons for young people and for teachers.

The *Challenger* Center is the embodiment of that common vision adopted by the immediate family members of the *Challenger's* crew.

My colleagues will recall that last week this body unanimously adopted a resolution calling on the President to proclaim today to be "National *Challenger* Center Day". That resolution was adopted by the House yesterday and today has been so proclaimed by the President. It is fitting that this date, then be remembered, not only for the sacrifice made by the crew, 1 year ago today, but for the dedication manifested today by their surviving family members to fulfill their dream. And it is fitting that we, as a Congress, give the *Challenger* Center the blessings of the Congress of the United States, on behalf of the American People, as the Nation's principle commemorative effort in honor of seven brave Americans, by granting them this Federal charter.

Mr. President, I ask unanimous consent that some explanatory materials outlining briefly the families' plans for the center be included in the Record after the language of the legislation.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARTER.

The Challenger Center, a nonprofit corporation organized under the laws of the State of Texas, is recognized as such and is granted a Federal charter.

SEC. 2. POWERS.

The Challenger Center (hereinafter in this Act referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

SEC. 3. OBJECTS AND PURPOSES OF CORPORATION.

The objects and purposes of the corporation are those provided in its articles of incorporation and, for the purpose of perpetuating the memories of the Members of the Crew of the space shuttle Challenger, who lost their lives on January 28, 1986, during the launch of flight 51-L, shall include—

(1) building and maintaining a Challenger Center (referred to in this Act as "the Center"), to serve as a "living memorial" to the Challenger crewmembers;

(2) developing within the Center a dynamic national learning center which shall serve as a model for the stimulation of interest in and the development of curricula and teaching aids for space science education and shall include scholarship and residential training programs for students and teachers;

(3) providing within the Center "hands-on" learning experiences for children, including interactive exhibits, in areas which shall be free and open to the public;

(4) developing and producing space science educational programs, to be made available for distribution through such media as nationwide cable broadcasts, in association with other entities involved in the dissemination of information related to the sci-

ences, such as the Smithsonian Institution; and

(5) participating, in a spirit of cooperation and reciprocity, in programs with other societies devoted to the expansion of space science education and the commemoration of the significant achievements of America's space exploration programs.

The corporation shall function as a space science education organization as authorized by the laws of the State or States in which it is incorporated.

SEC. 4. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 5. ELIGIBILITY FOR MEMBERSHIP.

Eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the constitution and bylaws of the corporation, except that terms of membership and requirements for holding office within the corporation shall not be discriminatory on the basis of race, color, religion, or national origin.

SEC. 6. BOARD OF DIRECTORS.

The composition of the board of directors of the corporation and the responsibilities of such board shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 7. OFFICERS OF CORPORATION.

The positions of officers of the corporation and the election of members to such positions shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 8. RESTRICTIONS ON CORPORATE POWER.

(a) DISTRIBUTION OF INCOME OR ASSETS TO MEMBERS OR OFFICERS OF THE CORPORATION.—No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection shall be construed to prevent the payment of compensation to the officers of the corporation for services rendered to the corporation or to prevent their reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) LOANS OR ADVANCES.—The corporation shall have no power to make loans or advances to any member, officer, director, or employee of the corporation.

(c) ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS.—The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(d) NONPOLITICAL NATURE OF THE CORPORATION.—(1) The corporation and its officers, employees, and agents acting as such shall have no power to contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation. The provisions of this paragraph shall not preclude the corporation from responding to Congressional requests for testimony regarding legislation dealing with the matters within the scope of the corporation's activities, or with respect to legislation affecting space science educational programs of the Federal Government.

(2) No officer or director of the corporation, acting as such officer or director, may commit any act prohibited under paragraph (1) of this subsection.

(e) APPROVAL OF THE CONGRESS OR THE FEDERAL GOVERNMENT.—The corporation shall have no power to claim congressional approval or Federal Government authority for any of its activities, unless such approval or authorization is provided by action of the Congress or by the appropriate Federal officials, in accordance with established laws and administrative procedures, or unless such activities are expressly within the scope of this Act.

SEC. 9. LIABILITY.

The corporation shall be liable for the acts of its officers and agents when they have acted within the scope of their authority.

SEC. 10. BOOKS AND RECORDS: INSPECTION.

The corporation shall keep correct and complete books and records of accounts and shall keep minutes of any proceeding involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of the corporation may be inspected by any member, or any agent or attorney of such member, for any proper purpose, at any reasonable time.

SEC. 11. ADUIT OF FINANCIAL TRANSACTIONS.

The first section of the entitled "An Act to provide for audit of accounts of private corporations establsihed under Federal law.", approved August 30, 1964 (78 Stat. 636; U.S.C. 1101), is amended by adding at the end thereof the following:

"(72) Challenger Center.".

SEC. 12. ANNUAL REPORT.

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit of the corporation required pursuant to section 2 of the Act entitled "An Act to provide for audit for accounts of private corporations established under Federal law.", approved August 30, 1964 (78 Stat. 636; 36 U.S.C. 1102). The report shall not be printed as a public document.

SEC. 13. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

SEC. 14. DEFINITION OF "STATE".

For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

SEC. 15. TAX-EXEMPT STATUS.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954.

SEC. 16. TERMINATION.

If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted by this Act shall expire.

SEC. 17. AUTHORIZATION.

There are authorized to be appropriated such sums as are necessary, but not to exceed $10,000,000, for the purpose of assisting the Challenger Center in becoming a national learning center.

THE CHALLENGER CENTER—A SUMMARY OF PROGRAMS, SERVICES, AND DEVELOPMENT PLANS

INTRODUCTION

Only rarely in the life of a nation does an event occur which becomes part of the collective consciousness and memory of its citizenry. Such events were the tragedy of Pearl Harbor, the joy of V-E Day, and the shock of the death of John F. Kennedy. What is common is that every individual old enough to understand remembers that moment, that day, and that feeling for the rest of his or her life. Such an event was the flight of 51-L, the tenth mission of the *Challenger*. Americans as one, and indeed many throughout the world, remember that day.

However, the families of the *Challenger* crew have committed themselves to the idea that though the *Challenger* crew will not return, the *Challenger* educational mission will continue and will serve the nation. They are determined that the dreams and potential accomplishments of their loved ones will be revived and thrive well into the next century.

They also realize that a great symbol has been created which can be used for the benefit of public education. The name, "*Challenger,*" is now recognized and understood universally. Its use can spawn unique opportunities, activities, and achievements within our public schools. Through this realization, and the determination of the family members that their losses will not have occurred in vain, the idea of the Challenger Center for Space Science Education has been born. The families want to return something to the American people for the kindness, the support, the strength and the care that has been given to them.

EXECUTIVE OVERVIEW

The families of the *Challenger* crew members—seeking to accomplish the goal of their loved ones and recognizing the unique opportunity available to them—have created the Challenger Center for Space Science Education.

The purpose of the Challenger Center is to facilitate the acquisition of space science and math concepts and skills by students and teachers involved in each level of the educational process in America.

The Challenger Center will address this purpose through educational programs based upon the cognitive, behavorial and affective aspects of human learning.

Programs, Facilities and Services

Programs and Facilities

Space science and math curriculum program: Development of supplementary curriculum guides, space science laboratory activities, PC software, texts.

Space life stations: Equipped with labs and learning centers which will support space science exploration scenarios.

Services

Teacher support services.

Visual communication services (e.g., interactive TV channels).

Classroom of the future design services.

Cooperative extension services.

The programs will be implemented first in D.C. (fall, 1989), then at Johnson Space Center (spring, 1990), and gradually, at regional Space Life Stations across the U.S.

A 50 million dollar capital and endowment campaign began October, 1986. A one-year, nationwide campaign will officially begin on January 28, 1987 and conclude on January

28, 1988. Corporate sponsors are being sought to lead the 12-month campaign.

PURPOSE AND OBJECTIVES

The purpose of The Challenger Center is to help students develop scientific problem-solving skills and to overcome illiteracy in the field of space science and technology. This effort is the continuation and elaboration of the *Challenger* 51-L Educational Shuttle Mission which ended tragically on January 28, 1986.

This purpose will be pursued through four means:

Creating hands-on, experiential learning facilities called Space Life Stations for students and teachers.

Developing new space science curricula and pursuing innovative uses of communication media.

Providing learning opportunities for teachers.

Developing network of interactions between schools, science centers, universities, industries, and agencies.

PROGRAMS

Space Life Stations

Multi-level, space station structures equipped with:

Space science laboratories and learning centers (e.g. astronomy, inter-planetary physics, plant and animal physiology, microgravity environments, chemistry, biology, earth resource management, alternative futures for earth, historical analysis of our planet, solar system and universe).

Flight control decks for mathematical computation of trajectories, docking rates, consummable depletion.

Space Science and Math Curriculum Design Program

Finite set of critical space science and math concepts.

Prototype software and texts for national distribution and use in conjunction with Space Life Station mission scenarios via interactive satellite TV channel.

Curriculum program packages available at three levels (elementary, secondary, collegiate).

12-month Space Life Station curriculum schedule to guide public school teachers in planning their local classroom activity schedule.

Visual Communications Program

Space Science and Math Training videos supporting Challenger Center Curriculum Program.

Interactive TV channel allowing classes across U.S. to participate in innovative space mission science scenarios conducted by fellow students at the Space Life Stations.

Software simulations of space missions, Space Life Station experiment data.

Modifications of visual archives of U.S. space activity for classroom use.

SCHOOL SUPPORT SERVICES [1]

Teacher Support Service

Space science and math curriculum modules (content, PC support software, texts, directions for interacting with Space Lift Station programs.)

On-site training opportunities at one of the Space Life Stations.

Participation in space mission problem-solving scenarios.

Serving as mentors for secondary students.

Attending or viewing seminars directed by university and business science leaders.

Education and Career Guidance Service

Our "Quality Assurance Partnership" with sponsoring corporations includes an agreement that they support our career guidance program with recruiting counselors and corporate career guidance materials.

Classroom of the Future Design Service

Educational research opportunities for university faculty using Challenger Center Space Life Station laboratories, learning centers and participants.

Testing of the interface between evolving educational technologies and student human factors.

Cooperative Extension Service

Recruit involvement of industries, universities, agencies, and other organizations.

Arrange for teacher visitation and internships in corporations and universities.

Encourage industry and university personnel to come to Centers to assist staff, teachers and students.

Share facilities, exhibits, and equipment.

Co-locate projects and activities.

Educate industries and universities that involvement in Center activities is vital to their futures.

RELATIONSHIPS BETWEEN CENTERS

A series of Challenger Centers throughout the nation is necessary to provide replicable, educational experiences for the maximum number of students and teachers. The Challenger Center in Washington, D.C. will function as the Center's headquarters. We hope it will serve as an inspiring national symbol for excellence in science and math education programs. The Johnson Space Center Space Life Station will be identical to the D.C. model. However, the topics and content addressed in learning centers might vary.

Through the development of a diverse and complementary system of facilities housed in science museums, universities, etc., the Challenger Center for Space Science Education will meet the needs of and have an impact upon a broad and balanced segment of the American people.

FINANCIAL DEVELOPMENT

During the 12-month period between January 28, 1987 and January 28, 1988, we will conduct a national fund-raising campaign to meet our projected capital and endowment requirements. We intend to solicit funds through direct mail, radio and television public service announcements, newspaper advertisements, and personal contacts by the Center's founding directors and officers.

THE CHALLENGER CENTER BOARD OF DIRECTORS

1. June Scobee,[1] Chairman, 1550 W. Bay Area Blvd., Suite 102, Friendswood, Texas 77456.
2. Marcia Jarvis,[1] 1550 W. Bay Area Blvd., Suite 102, Friendswood, Texas 77456.
3. Steven McAuliffe,[1] 1550 W. Bay Area Blvd., Suite 102, Friendswood, Texas 77456.
4. Cheryl McNair,[1] 1550 W. Bay Area Blvd., Suite 102, Friendswood, Texas 77456.
5. Lorna Onizuka,[1] 1550 W. Bay Area Blvd., Suite 102, Friendswood, Texas 77456.
6. Charles Resnik,[1] 1550 W. Bay Area Blvd., Suite 102, Friendswood, Texas 77456.
7. Jane Smith,[1] 1550 W. Bay Area Blvd., Suite 102, Friendswood, Texas 77456.
8. The Honorable Robert McC. Adams, Secretary, The Smithsonian Institution, Washington, D.C. 20560.
9. Jack Anderson, Chairman, Young Astronaut Council, 1211 Connecticut Ave., NW, Suite 800, Washington, D.C. 20036.
10. Robert Anderson, Chairman, Rockwell International, 2230 E. Imperial Hwy., El Segundo, CA 90245.
11. The Honorable Donald Fuqua, President, Aerospace Industries Assoc., 1725 DeSalle St., NW, Washington, D.C. 20036.
12. The Honorable Jake Garn, 505 Dirkson Building, Washington, D.C. 20510.
13. The Honorable John Glenn, 503 Hart Building, Washington, D.C. 20510.
14. Gerald Griffin, President, Houston Chamber of Commerce, 1100 Milan Building, 25th Floor, Houston, Texas 77002
15. Dr. Thomas Stauffer, President, University of Houston: Clear Lake, 2700 Bay Area Boulevard, Houston, Texas 77058-1050.
16. Dr. Kathryn Sullivan, NASA Code CB, Johnson Space Center, Houston, Texas 77058.
17. Mrs. Barbara Morgan, NASA: Teacher-In-Space Designee, Box 1525, McCall, Idaho 83638.

THE CHALLENGER CENTER ADVISORS

Jeannie M. Buderer, Community Relations, Omniplan, 17226 Mercury Drive, Houston, Texas 77058.

Dr. Owen Garriott, Space Science Consultant, 1902 Back Bay Court, Houston, Texas 770062.

Richard Garriott, Origin Systems, 1889 Elm Street, Manchester, New Hampshire 03104.

Charles Jacobson, Vice President and General Manager, McDonnell Douglas Astronautics, 16055 Space Center Blvd., Houston, Texas 77062.

Robert McCall, 4816 Moonlight Way, Paradise Valley, Phoenix, Arizona 85253.

Doug Michels, 1409 21st Street NW, Washington, D.C. 20036.

Steve Sandstedt, Facilities Committee Chairman, Clear Lake Area Economic Development Foundation, 2525 Bay Area Blvd., Suite 420, Houston, Texas 77058.

Aaron Schein, Finance Committee Chairman, President, MBank Clear Lake, P.O. Box 58000, Houston, Texas 77258-8000.

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[1] Service fees may apply.

[1] Challenger family members.

THE CHALLENGER CENTER—DEVELOPMENT TIMELINE

[Major milestones]

Objectives	Jan. 28, 1986 to June 1, 1986	June 1, 1986 to Sept. 1, 1986	Sept. 1, 1986 to Dec. 31, 1986	Jan. 1, 1987 to Mar. 30, 1987	Apr. 1, 1987 to June 30, 1987	July 1, 1987 to Sept. 31, 1987	
1. Refine mission					X		X
2. Define educational program					X		
3. D.C. negotiate site					X		
4. Complete MOU/JSC				X			
5. Capital and endowment campaign 25/25							Jan. 28, 1989.
6. Federal legislation					X		
7. Begin educational program component by component							X
8. Design space life station						X	
9. Build SLS—DC							X
10. Keep mission alive in media							X
11. Build natl. board and support groups					X		
12. Begin construction satellite center JSC							Jan. 28, 1988.
13. Identify possible regional science centers							X

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 408. A bill to amend the Atomic Energy Act of 1954 to allow full participation by State and local governments in the licensing process for nuclear power facilities and to require that emergency planning extend to a minimum of 10 miles in a radius around each nuclear power facility; to the Committee on Environment and Public Works.

NUCLEAR EMERGENCY PREPAREDNESS ACT

Mr. KERRY. Mr. President, I am pleased to introduce today with my colleague from Massachusetts, the Nuclear Emergency Preparedness Act of 1987, which will serve to clarify what I believe to be the intent of Congress when it last amended the Atomic Energy Act of 1954. Those amendments, enacted in the wake of the incident at the Three Mile Island Nuclear Plant instituted the use of emergency planning zones around nuclear power plants. The regulations issued by the Nuclear Regulatory Commission indicated that the zones should be about 10 miles.

Now a situation in New Hampshire, just over the Massachusetts border, where a utility has requested that the zone be reduced to 1 mile for the area around the Seabrook Nuclear Power Plant has demanded that attention of Congress again. I believe that if the Nuclear Regulatory Commission were to approve this proposal it would make a mockery of the amendments this body worked so hard to enact. This situation demands our attention and action.

Let me also state at the outset that this legislation is not just about an isolated incident in the middle of New England. This legislation makes a statement about how we should be dealing with nuclear energy into the future.

In introducing this bill we are saying two important things: That ensuring public safety should be paramount in the way that we regulate nuclear energy and that those on the battle lines—our State and local public safety officials—are in the best position to evaluate the efficiency and adequacy of emergency evacuation plans.

Three Mile Island should have been warning enough that emergency evacuation planning is of a great importance to protecting public safety. But then along came the tragedy at Chernobyl which taught us the much harder lesson that worst-case scenarios should never be assumed to be academic exercises. At Chernobyl, evacuations were needed for many more people in a much larger area than was earlier anticipated.

In light of this and a great deal of other documentation about emergency planning, it seems clear to me that the 10-mile radius that was initially embraced by the NRC makes a great deal of sense and that in the interest of adequately protecting the public, it should serve merely as the minimum for planning purposes.

In addition, we felt that it was necessary to vest in State and local officials a right that they have in almost every other siting decision—the right to pass on whether the proposed facililty meets regional and community safety needs. Any national need for nuclear energy cannot outweigh the importance given to the opinions of the administrators, the fire and police personnel who must put together safety plans. This legislation requires that before review by FEMA and review and approval by the NRC, all plans will have been developed by State and local officials with the approval in writing of the Governor of each State that is part of the emergency planning zone. After NRC approval, the Governor would once again be given the final plans to approve before an operating license could actually be issued for the plant. If at either point the Governor determined that emergency planning was impossible, he could decline to sign the plans, thereby freezing the process. We believe that no plan could possibly do the full job without the approval of State government in consultation with local authorities. This legislation will make that a reality.

In designating the Governor as the responsible party, we have also taken out a loophole that allows utilities to circumvent State and local offlcals by giving them the right to introduce their own plans, without any review by either State or local authorities.

Finally, let me indicate that I think Congress has an obligation to revisit the larger issue of nuclear power to see whether it fits efficiently into our energy plan. I have always believed that nuclear energy had possibilities since my exposure to what I believe is a very successful nuclear powered submarine program in the Navy. However, the civilian applications have been mixed despite massive investments by the Government and consumers. Certainly Seabrook is not a glowing example of the best applications of the technology. I am also deeply troubled by the waste problems that have not yet been dealt with to my satisfaction or to that or many others. Let us continue our research on nuclear technologies, but let us also redouble our efforts to develop other promising, safer forms of energy production.

I ask unanimous consent that a section-by-section summary followed by the text of the bill be included in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION BY SECTION OF THE KERRY NUCLEAR PREPAREDNESS BILL

SEC. 1. TITLE. "The Nuclear Emergency Preparedness Act of 1987.

SEC. 2. FINDINGS. That any major nuclear accident would create grave public safety problems that would only be minimized by careful planning by state and local authorities. States that the purpose of the Act is to (1) require Federal Emergency Management Agency (FEMA) review and Nuclear Regulatory Commission (NRC) review and approval of State and local plans; (2) establish emergency planning zones (EPZ's) that are at least 10 miles; and (3) establish public health and safety standards that are at least as protective as those currently in effect.

SEC. 3. EMERGENCY RESPONSE PLANNING. This section adds a new Section 193 to Chapter 16 of the Atomic Energy Act of 1954.

"SEC. 193. EMERGENCY PLANNING.

(a) New Licenses. Provides that plants may not be issued an operating license for a greater power capacity than they had on January 1, 1987 unless the Governor of each state within a EPZ that is at least 10 miles in radius has certified the plan which has then been reviewed by FEMA and reviewed and approved by the NRC. The final step before issuance of the operating license would be a second certification of the final plans by each Governor.

(b) Existing Licenses. The NRC can not reduce the EPZ for any facility issued an operating license before January 1, 1987.

(c) Standards. Both NRC and FEMA response plans for nuclear reactors will be required to be at least as protective as those in effect on January 1, 1987.

(d) Definitions. Defines "emergency planning zone" as the area around a nuclear power reactor which will be no less than 10 miles in radius for which plans for evacuation of all people who reside and who are known to frequent the area have been developed. This would include known beach populations.

Defines "State plans" as being emergency plans that have been developed by State public safety agencies which have been approved in writing by the Governor of each state in the EPZ, in consultation with local public safety officials.

S. 408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Emergency Preparedness Act of 1987".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) in the event of a major accident at a nuclear power reactor there would be a significant threat to public health and safety;

(2) in order to provide for the protection of public health and safety, it is necessary for the States, in consultation with local governments, to establish emergency and evacuation procedures around nuclear power plants;

(3) current law requires the development of emergency plans for an emergency planning zone of about 10 miles in radius in order to provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency;

(4) in addition to the requirements of current law, emergency planning procedures should include plans to evacuate, in a manner consistent with the protection of public health and safety, all transient and permanent populations within an emergency planning zone of at least 10 miles in radius; and

(5) such emergency planning should be required for issuance of an operating license and Federal emergency planning guidance should be provided for all operating nuclear power reactors.

(b) PURPOSE.—The purpose of this Act is to establish safety standards for nuclear reactors by—

(1) requiring review by the Federal Emergency Management Agency and review and approval by the Nuclear Regulatory Commission of State emergency plans that have been developed by the State in consultation with local government;

(2) establishing an emergency planning zone of at least 10 miles; and

(3) establishing public health and safety standards which are at least as protective of public health and safety as those which are currently in effect.

SEC. 3. EMERGENCY RESPONSE PLANNING.

(a) IN GENERAL.—Chapter 16 of the Atomic Energy Act of 1954 (42 U.S.C. 2231 et seq.) is amended by adding at the end the following new section:

"SEC. 193. EMERGENCY PLANNING.

"(a) NEW LICENSES.—No operating license shall be issued by the Commission to any applicant authorizing operation at a greater power level than that which was authorized on January 1, 1987, unless—

"(1) the Federal Emergency Management Agency has—

"(A) reviewed emergency plans which have been prepared by each State in consultation with the local governments which lie within the emergency planning zone and which have been submitted by the applicant for an emergency planning zone which is at least 10 miles in radius; and

"(B) provided findings and determinations to the Commission as to whether the plans reviewed pursuant to clause (A) are adequate and whether there is reasonable assurance that they can be implemented;

"(2) the Nuclear Regulatory Commission reviews the findings of the Federal Emergency Management Agency under paragraph (1) and makes a determination that the State plans—

"(A) comply with the standards prescribed in paragraph (1)(A); and

"(B) in addition to compliance with the standards set forth in paragraph (1)(A), provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency; and

"(3) the Chief Executive Officer of each State submitting an emergency plan has approved in writing the final emergency plan.

"(b) EXISTING LICENSES.—The Commission shall not reduce the existing emergency planning zone for a nuclear power reactor issued an operating license before January 1, 1987.

"(c) STANDARDS.—The standards of—

"(1) the Commission for onsite and offsite emergency response plans for nuclear power reactors; and

"(2) the Federal Emergency Management Agency for offsite emergency response plans for nuclear power reactors,

shall be at least as protective of public health and safety as those which are in effect as of January 1, 1987.

"(d) DEFINITION.—As used in this section—

"(1) the term 'emergency planning zone' means an area around a nuclear power reactor which in no case shall be less than 10 miles in radius in which emergency plans, including evacuation and a range of protective actions, have been developed for emergency workers and for the transient and permanent populations with such zone to provide reasonable assurance that public health and safety can and will be protected in the event of a radiological emergency; and

"(2) the term "State plans" means emergency plans developed by State public safety agencies which have been approved in writing by the Chief Executive Officer of each such State, in consultation with local public safety officials.".

(b) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. 2011 prec.) is amended by inserting after the item relating to section 192 the following new item:

"Sec. 193. Emergency planning.".

By Mr. THURMOND (for himself, Mr. HELMS, Mr. HUMPHREY, Mrs. KASSEBAUM, Mr. GRASSLEY, Mr. WALLOP, Mr. NICKLES, Mr. MCCAIN, Mr. KASTEN, Mr. HECHT, Mr. ARMSTRONG, Mr. PROXMIRE, Mr. SIMPSON, Mr. DECONCINI, Mr. BURDICK, Mr. HATCH, Mr. HEFLIN, and Mr. BUMPERS):

S.J. Res. 34. A joint resolution disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government.

(The remarks of Mr. THURMOND and the text of the legislation appear earlier in today's RECORD.)

By Mr. McCAIN (for himself, Mr. DOLE, Mr. GRAMM, Mr. THURMOND, Mr. ZORINSKY, Mr. WARNER, Mr. HELMS, Mr. TRIBLE, Mr. DECONCINI, Mr. NUNN, Mr. HATCH, Mr. STENNIS, Mr. INOUYE, Mr. BOREN, Mr. SIMON, Mr. QUAYLE, Mr. HECHT, Mrs. KASSEBAUM, and Mr. GRAHAM):

S.J. Res. 35 A joint resolution relating to the commemoration of January 28, 1988, as a "National Day of Excellence"; to the Committee on the Judiciary.

NATIONAL DAY OF EXCELLENCE

Mr. McCAIN. Mr. President, I am honored to introduce a Senate Joint Resolution along with 18 of my colleagues to authorize the President to issue a proclamation designating January 28, 1988, as a "National Day of Excellence" to honor and to pay tribute to the memory of the crew of the space shuttle *Challenger.* Last year a similar resolution was enacted into law which proclaims January 28, 1987, as a National Day of Excellence.

The tragedy and the unexpected loss of life which occurred on this date last year lives only too vividly in our memories. Let us not dwell on the shock we felt while watching our television sets, let us instead rededicate and redirect this memory into one that exemplifies the very best America has to offer.

Throughout our history as a Nation, brave men and women have risked their lives in order to conquer new frontiers. It is because of their efforts that we have become the greatest Nation on earth. It is because of this spirit that we honor Gregory B. Jarvis, Christa McAuliffe, Ronald E. McNair, Ellison D. Onizuka, Judith A. Resnik, Francis R. Scobee, and Michael J. Smith, the crew of the space shuttle *Challenger.* These seven heroes gave us this excellence, let us, in turn, honor their memory by dedicating this day to the ideal of excellence—an ideal which our Nation is based upon.

By Mr. HATCH (for himself, Mr. THURMOND, Mr. DECONCINI, Mr. DANFORTH, Mr. GRASSLEY, Mr. HUMPHREY, Mr. MCCONNELL, Mr. NICKLES, Mr. ZORIN-

SKY, Mr. BOSCHWITZ, and Mr. DURENBERGER.)

S.J. Res. 36. Joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

CONSTITUTIONAL AMENDMENT WITH RESPECT TO ABORTION

● Mr. HATCH. Mr. President, I am pleased to propose today, the 14th anniversity of the Supreme Court decision *Roe* v. *Wade*, 410 U.S. 113 (1973), an amendment to the Constitution—the human life federalism amendment—which could overturn that infamous decision.

This amendment was first introduced in the 97th Congress and was the subject of 7 days of hearings featuring 74 expert witnesses from all vantage points. It was approved by the Judiciary Committee in the 97th Congress, but was not considered by the Senate prior to adjournment. The opportunity for the Senate to consider this amendment proposal came in the 98th Congress. In an historic debate, the Senate for the first time considered a constitutional amendment with the authority to overturn the erroneous Roe decision. This was the debate amongst representatives of the people that was not held over 14 years ago when America fell subject to this indulgent policy. This was the chance America did not have then to carefully weigh all the implications of permitting wholesale abortions. This was the opportunity Americans did not enjoy then to participate in the decision by apprising their Senator of their own unique and informed vantage points. This was the occasion America did not have to consider what other options might guarantee maternal safety while protecting the unborn. This was one national opportunity to reconsider *Roe* v. *Wade*, 410 U.S. 113 (1973). At the conclusion of that debate, the Senate did not approve this proposal by the two-thirds majority necessary for passage of a constitutional amendment. Accordingly, I propose the amendment again today with confidence that the Senate will receive another opportunity to reconsider the injustices of the Roe decision.

Roe and its companion case, *Doe* v. *Bolton*, 401 U.S. 179 (1973), granted abortion the elevated status of a fundamental constitutional right and invalidated almost all effective restrictions on abortion. The only apparent restriction in Roe's abortion policy, permission for a State, in the third trimster of pregnancy, to regulate abortion, unless necessary to preserve the health of the mother, 410 U.S. 132, was simultaneously withdrawn by Doe which defined the health exception broadly enough to encompass the mother's physical, emotional, or psychological well-being. 410 U.S. at 192. In the words of Prof. John Noonan of the University of California Law School, the absolute and plenary right to abortion created by the Court was curbed in the final stages of pregnancy only by the necessity of a physician's finding that she needed an abortion. Noonan, *Private Choice* 12 (1979). In short, no significant legal barriers of any kind whatsoever exist today in the United States for a woman to obtain an abortion for any reason during any stage of her pregnancy. Any lingering misconceptions about the extreme scope of the right to abortion created by the Court were laid to rest in *Akron* v. *Akron Center for Reproductive Health*, 462 U.S. 41 (1983) when the Court struck down even simple State laws requiring a 24-hour waiting period for elective abortions. Moreover, this past year, in *Thornburgh* v. *American College of Obstetricians*, 106 S.Ct. 2169 (1986), the Court invalidated State laws requiring the attending physician to inform the patient in a balanced manner of the risks and effects of abortion, and also struck down provisions governing the degree of care for postviability abortions.

Frankly, it is this rule of abortion on demand imposed upon a citizenry whose values are sharply at variance that has caused a decade of intense divisions and passions on the issue of abortion. This proposal offers a way to still those passions and divisions by returning to the people and their elected representatives the authority to resolve the lingering issues.

This proposal is a modest measure, in that it merely overrules Roe versus Wade without establishing a national policy on abortion. It reverses Roe and thus restores the status quo that existed for nearly two centuries. The States could replace the Supreme Court's extreme policy with policies tailored to respect, to the maximum degree possible, both maternal health and the life of the unborn. I will return to explain more fully the legal operation of this resolution.

Meantime we are left to contemplate the policy which this proposal will replace, namely the Roe decision. Its effects are painfully apparent. The primary effect is, of course, the loss of more than 10 times more American lives than were lost in all of our Nation's wars lumped together. Of course, when the cost of Roe in terms of lives is at stake, I must unequivocally reiterate my utmost dedication to preserving the life of the mother, even to the point of denying the unborn child's right to life if absolutely necessary. Preserving a mother's life is hardly at stake, however, when abortions are performed in America at the rate of over 4,000 per day, nearly 170 per hour, and 3 per minute. Preserving the life of the mother is hardly at stake, when in some American cities, like the Nation's Capital and its largest city, more children are aborted than are permitted to be born alive. Nor can preserving the life of the mother be the explanation for the skyrocketing increase in total abortions since Roe. Since Roe, the number of abortions performed yearly in America has risen to the astounding total of nearly 2 million per year. Since 1973, more than 18 million unborn children have been aborted.

This obvious and dramatic rise in the incidence of abortions can hardly be attributed to any of the so-called hard cases, namely abortions necessary to preserve the life of the mother or to terminate pregnancies caused by rape or incest. As a result of Roe, a right to abortion was effectively established for the entire term of the pregnancy for virtually any imaginable reason, including for the sake of personal finances, social convenience, or individual life-style. One ardent proponent of abortion, Dr. Irvin Cushner estimated that only 2 percent of all abortions could be justified as medically expedient. Hearing on Constitutional Amendments, 97th Congress, 1st session (1981). Even increasing his liberal estimate by 50 percent still means only 3 percent of all abortions are really necessary to prevent medical complications. Several other qualified physicians have averred that never in their lengthy medical careers had they encountered an abortion necessary to save the life of the mother.

No other witness at our subcommittee hearings expressed as exact a numerical estimate, but many expressed agreement that the number of abortions performed in one of the hard cases is a very tiny percentage of the total number. For example, Dr. Bernard Nathanson, who estimates that he himself has presided over about 75,000 abortions during his lifetime, could recall only one case in which the mother's life could reasonably be said to have been at stake. For various reasons, pregnancy from rape is so rare that it is difficult to pin down a percentage figure for its occurrence, but most studies indicate that it could only be a tiny fraction of 1 percent of the current abortion rate. Abortion for fetal handicap is a tiny subset within the minority of abortions performed around or after the 20th week of pregnancy—ammiocentesis can only be performed beginning around the 16th week, and test results can take weeks to obtain because of the time needed to culture the cells obtained in the procedure. Dr. Nathanson testified that these eugenic abortions were a tiny, insignificant, and vanishingly small fraction of the total number of abortions done in the United States. Hearings, supra, at 169. Another practicing obstetrician-gynecologist, Dr. Jasper Williams of Chicago, testified that the number of medical cases in which abortion is an indicated and appropriate part of the treatment is practically nil. Hearings, supra, at 266. Dr. Williams said he had not seen a case of abortion necessary to save a woman's life since 1953. Even Bella Abzug, testifying before our subcommittee to oppose legal restrictions on abortion, defended abortion primarily as a method of birth control—though, to be sure, she described it as "the last desirable method of birth control." Hearing, supra, at 1174.

By emphasizing how soft the reasons for the great majority of abortions are, I do not intend in any way to imply that women take this in a frivolous way. In fact, one of the most striking features of the published interviews with women having abortions is that, in one way or another, the abortion is something she is going into with outside influence and even a certain amount of pressure. In many cases, the offer of an abortion has become a way for men to escape responsibility for their own sexual behavior. It has become a way for parents and relatives to avoid the burden and scandal of a pregnant but unwed family member. It has become an escape valve for married couples who face serious personal and financial problems of various kinds but who, instead of confronting those problems squarely, are persuaded by the mores of our society to place the burden of those very real problems on the defenseless unborn child. The blame for this scandalous situation must fall upon us all.

Understanding the reasons for abortion is particularly relevant to the constant debate over the public opinion polls on abortion. It is easy to find polls that claim to show majority support for abortion being between a woman and her physician. The problem here is that the survey question implies a genuine medical consultation for some health-related condition—which is in fact a very rare occurrence indeed. The Supreme Court has told us that the city of Akron cannot even require that the woman talk with the physician before he performs an abortion upon her. When ABC-TV broadcast the documentary called "Abortion Clinic," hosted by Jessica Savitch, one of the most revealing comments made by the young abortion counselor at the clinic was that even she did not know which abortionist would be performing a particular abortion until the pregnant woman was already lying on the operating table and the physician walked into the room for the 10-minute procedure. In this context, the woman and her physician slogan seems a hollow phrase.

Fortunately, the Gallup organization has conducted much more precise and impartial set of polls on this question; and because the same questions have been asked seven times from 1975 to 1985, with remarkable consistency in the answers, these polls should be given special attention. The people surveyed were simply asked whether abortion should be illegal in all, some, or no circumstances. Those who supported legalization were asked further about those particular circumstances and the stage of pregnancy in which the abortion should be allowed. Consistently, a majority of Americans wanted even early abortion to be legal only under very specific circumstances: Danger to the mother's life or physical health, or pregnancy due to rape or incest. Less than 25 percent want legalization for all reasons, even in the first trimester—which is our present situation. According to this series of seven careful surveys taken over the last 10 years, about 97 percent of the abortions now performed would not be permitted if the majority of Americans had their say in the matter. And if I may anticipate objection about the gender gap, Gallup found that women were more opposed to legalization than men were.

I hasten to add, however, that we must not allow these statistics about the extent to which abortion has become a tool of convenience to obscure the individual tragedy of each abortion. Consider the case, based on fact, of a woman weighing the consequences of the pregnancy of which she has just learned. She announces to her physician that her husband is an alcoholic with a syphilitic infection; that one of her children was born dead, another is blind, and another had tuberculosis. Finally she confesses that her family has a history of deafness. Given the absence of standards in Roe, there is no question that the physician could recommend termination of her present pregnancy. Indeed when the hypothetical situation was posed for classes of medical students, they reached that conclusion almost without exception. This hypothetical fifth child of the woman seeking medical advice perfectly describes Ludwig Von Beethoven. Moreover, who can question that every child is really an irreplaceable Beethoven able to make his own unique contribution to his family, community, nation, and indeed to all mankind? We will hear much about the nebulous principle of freedom of choice later in this debate. I will ask further questions: Freedom to choose what? Freedom to choose to deny life to Beethoven or any human being? In essence, this frames the real abortion dilemma, posed concisely by President Reagan:

> *Roe* v. *Wade* has become a continuing prod to the conscience of the Nation * * * . We cannot survive as a free Nation when some men decide that others are not fit to live and should be abandoned to abortion or infanticide * * * Americans do not want to play God with the value of human life. It is not for us to decide who is worthy to live and who is not. Human Life Review, spring 1983.

The President's characterization of the abortion crisis is not overstated. Our Nation has regrettably witnessed hundreds of thousands of late-term abortions since 1973. Experts verify that 15,000 abortions a year are performed after the child's 20th week, the verge of viability when the child could be delivered and live on its own. Abortions after this point are more accurately described as judicially legalized infanticides.

Although the 18 million abortions performed legally since 1973 are all tragedies, there is a special horror to the hundreds of thousands of late-term abortions which the Court's policy has permitted. Biologically, the life of each human individual comes into existence at conception; but even the most unsophisticated glance at an unborn child after the 12th week recognizes him or her immediately as a distinctive member of the human family. All of these children have distinctively human brain waves, easily recorded heartbeats, and a full array of formed and functioning organ systems. They can move spontaneously, manipulate their limbs and react immediately to painful stimuli.

As the Supreme Court noted in its recent abortion rulings, the most popular method of abortion after the 12th week is something called "dilation and evacuation," in which the unanesthetized unborn child is literally torn to pieces with a strong forceps. This is done because at this later stage, cartilage and bone have begun to harden too much to allow for complete success with the suction curette. The body parts are removed from the womb—sometimes the skull and ribcage must be crushed to accomplish this—and manually reassembled on a nearby table to ensure that none is missing.

When dilation and evacuation is used, of course, the chances for the child's survival are nil. But other techniques—most notably the use of saline and prostaglandin and the surgical removal of the child by hysterotomy—are known to result at times in live births. The U.S. Centers for Disease Control estimate that this occurs more than once every day in the United States. These newborn children usually die soon after they leave the womb, due to the effects of the abortion technique and their low birthweight. In 1979, a Pennsylvania law which required life-saving treatment for abortion survivors who might be viable was knocked down as unconstitutional by the Supreme Court—*Collautti* v. *Franklin,* 439 U.S. 379 (1979). In the Akron case the Court ruled that a State has discretion as to whether or not to require a second physician in the case of abortions performed well after viability, so that these children will not die of neglect after birth—Akron, supra. The Court seems to be saying that even newborn infants, if their live birth is unintended, are not legal "persons" demanding equitable treatment. Can there be any doubt that the Court's extremism has brought us to the brink of legalized infanticide?

Once again, we need to be specific about what is being aborted. I was very deeply impressed by the impactful story of an atheist obstetrician who presided for years over the largest abortion clinic in New York City. Indeed he was one of four founders of the National Abortion Rights Action League [NARAL]. A skillful and able physician, he began to study an advancing new field of medicine, fetology, study of the unborn human. He can describe in detail his growing awareness of the humanity of the unborn. At 3 weeks, the new life has already developed its own blood cells; at 4 weeks, a muscle may flex—this will become a beating heart within a few weeks, a heart which is fully audible at 8 weeks, at 6 weeks, the child's skeletal system is complete; at 7 weeks, electrical brain patterns are discernible; at 12 weeks, all organ systems are functioning, stomach, liver, kidney, brain—in fact, some infants will have already acquired a thumbsucking habit; at 20 weeks, the fetus is punching, kicking, swimming, and hears his mother's voice; at 22 weeks, he can survive outside the womb. With these observations at his disposal, Dr. Nathanson, for medical reasons, abandoned his earlier point of view, stopped performing abortions, and began actively campaigning to acquaint the Nation with the scientific reasons that the fetus is a distinct, living human. In the doctor's own words:

> I changed my mind because of advances in the field of fetology which have allowed us to understand the fetus much more completely and much more carefully than we ever did before. This has posed a very severe philosophical problem, in that you can't be operating on the fetus and giving it drugs to cure it, and at the same time/be/destroying it.—Washington Times, 3C, Jan. 17, 1983.

Because our fellow citizens have been confronted with the irrefutable findings of fetology and have been informed by their President of the "excruciating pain the unborn must feel as their lives are snuffed away," speech to National Religious Broadcaster's Convention, January 31, 1983, it is very understandable why reliable opinion polls demonstrate that 80 to 90 percent of Americans see abortions at some stage as the destruction of a living being. On the question of when the fetus becomes a living being, there is a gender gap. Most women believe life begins at conception.

Women, making up that segment of the population which actually experiences pregnancy, "quickening," childbirth, and abortion, have a much stronger conviction than men do that life begins at conception. A similar gap has been demonstrated in many other surveys: Women are more likely to say that abortion is morally wrong, and more likely to oppose unrestricted abortion, than men are.

Since we have drawn special attention to the woman's point of view, we should also examine the claim of those who will maintain that this is actually an issue involving primarily the right of life of pregnant women. This argument maintains that only legalized abortion can protect women from the merciless knife of the back-alley abortionist. To the contrary, legalization should receive little credit, if any, for saving women's lives. Since 1941, the biggest factors leading to a drop in women's abortion deaths have been simple medical advances: sulfa drugs, penicillin, and finally the widespread use of the safer suction curette instead of the sharp curette, a 1970 innovation. The regime of elective abortion is intended to secure far different values than those associated with maternal safety. Every State's body of law prior to 1973 acknowledged and permitted abortions necessary to save the life of the mother.

A common argument used to justify Roe is that legalization has saved women's lives, by replacing dangerous illegal abortions with "safe and legal" abortions. The situation is not so simple. Maternal mortality from abortion has been dropping at a rapid rate since 1940, chiefly because of medical advances of various kinds. By far the largest number of abortion related deaths has always been due to infection, and these deaths have been averted by the development of better drugs to treat or prevent sepsis—first by the development of sulfa drugs, then by the discovery of penicillin. After these two advances produced their effect, abortion deaths essentially leveled off again until the late 1960's and took a sharp drop again in 1970. This is the year that abortion on demand was legalized in New York—but it is also the year when the sharp curette, which had previously been the method used in most abortions, was largely replaced nationwide in the practice of both legal and illegal abortion by the suction curette. The sharp curette, which had been used to scrape the uterine wall, had been responsible for many a perforated uterus and therefore many dangerous infections; suction curettage used a soft plastic instrument and induced abortion by a vacuum action, eliminating many of the risks from the older procedure.

Dr. Bernard Nathason, testifying before the Senate Subcommittee on the Constitution in 1961, emphasized that it was this technological advance and not legalization that caused the sudden further decrease in maternal abortion deaths. Dr. Nathason emphasized in his testimony that the specter of unsafe back alley abortions in the event of renewed restrictions on abortion is a myth based on outdated assumptions about the available technology.

It is of interest that after 1973, when the Supreme Court legalized abortion on demand throughout the country, maternal deaths did not continue to drop but leveled off instead. They actually went up again slightly in 1975, and again in 1977. There seems to be general agreement among statisticians that, even if abortion is now safer than ever before, total maternal deaths from abortion are not continuing to drop because the total annual number of abortions continues to rise alarmingly. Some abortion clinic scandals in recent years, most notably in Chicago and Miami, indicate another possible reason: Some safe and legal clinics operate no more conscientiously than the old back alley abortionists did, and the Federal courts have placed serious obstacles in the way of State and city authorities that try to regulate these clinics to protect women's lives and health. Some illegal abortions continue to be performed every year and result in some women's deaths.

If 14 years ago, the Supreme Court had possessed the same scientific and medical data we have today, it is difficult to conjecture whether they would have made the same finding as appears in Roe. And since they based their most recent ruling on the judicial principle of stare decisis, it is difficult to conjecture whether they might have reversed Roe if they had reconsidered its holding on the merits.

Current medical treatment for prenatal patients includes bladder surgery, inserting shunts, ex utero surgery and reinsertion of the fetus into the womb. In *Akron* v. *Akron Center for Reproductive Health*, 462 U.S. 416 (1983), Justice O'Connor points out that the Court's choice of viability as the point at which the State's interest becomes compelling is entirely arbitrary. As the Justice notes, Roe's framework "is clearly on a collision course with itself. As the medical risks of various abortion procedures decrease, the point at which the State may regulate for reasons of maternal health is moved further forward to actual childbirth. As medical science becomes better able to provide for the separate existence of the fetus, the point of viability is moved further back toward conception." Justice White adds to this concern in his dissent in *Thornburgh* v. *American College of Obstetricians*, 106 S. Ct. 2169 (1986), "The governmental interest at issue is in protecting those who will be citizens if their lives are not ended in the womb. The substantiality of this interest is in no way dependent on the probability that the fetus may be capable of surviving outside the womb

. . . [a]ccordingly, the State's interest, if compelling after viability, is equally compelling before viability." Id. at 2197.

Nonetheless it is clear that the American citizenry has the scientific evidence at its disposal. This, again, is reflected in their rejection of abortion as an acceptable ethic for a moral life. Moreover, they reach this conclusion in nearly the same proportions regardless of political persuasion.

The two-thirds majority opposed, on moral grounds, to abortion is by no means a "soft number." This majority is clearly willing to back up its convictions with meaningful action when a loved one faces the question of abortion.

According to this finding, two-thirds of those surveyed said they would not recommend abortion if a 15-year-old daughter were pregnant. Another way of handling the problem would be found.

Of course, statistics show that almost half of the unwed teen pregnancies do end in abortion at present. One factor here is that since 1976, the Supreme Court has consistently invalidated any law which might be construed to provide what the Court calls a "parental veto" of an unwed minor's abortion. It insists that the minor must be given the alternative of a court hearing, at which a judge can decide she is mature enough to get the abortion without her parents' knowledge or that an abortion is in her "best interests"—this last could potentially become a very large hook on which to hang the judge's personal predilections about abortion. In 1983, the Supreme Court ruled it was unconstitutional even to require parental involvement in the abortion decision of an unemancipated minor under the age of 15—Akron, supra. In other words, the parents surveyed in this poll would most likely never have the opportunity to counsel with their 15-year-old daughter to find an alternative to abortion.

In most States, a minor is still required to have parental consent before marrying, getting a job, undergoing surgery, attending an adult movie, or, in some cases, even getting her ears pierced. By Court decree, however, a 15-year-old can have an abortion without any parental consultation whatsoever. This logic contradicts the reasoning of Roe. Roe placed great importance on the woman's decision to have an abortion. Yet a 15-year-old minor may not have the capacity to make such decisions in their own best interest without parental involvement. For precisely this reason, States have traditionally sought to protect children from their own immature decisions by requiring parental consent for a wide variety of activities. Yet abortion, notwithstanding its remarkable consequences, can be performed on a minor without the slightest parental participation.

THE LEGAL OPERATION OF THE AMENDMENT PROPOSAL

As I have mentioned, this proposal is carefully crafted, to nullify the Roe decision and restore the balance upset by that decision.

In addition, I would like to thank Senator THURMOND of the Judiciary Committee and each of the other cosponsors for their contributions to this proposal.

In the decade since Roe, Federal courts have been trying to correct tangential problems relating to abortion, and the number of unborn aborted annually has increased to over 1.5 million. These violent disruptions of our social fabric were accomplished by an equally wrenching disruption of our constitutional fabric. In short, Roe did not carry out the intent of the Constitution, but upset the Constitution's intended balance.

Although, in the words of Prof. John Hart Ely, the Constitution "simply says nothing, clear or fuzzy about abortion," Ely, "The Wages of Crying Wolf," 82 Yale L.R., 920, 947 (1973), the Supreme Court created a constitutional right to abortion. This upset the preexisting constitutional balance that for nearly 200 years had allowed State legislative processes to carry out the will of the people with respect to this sensitive social policy. The new right created by Roe overturned the Texas abortion statute and related laws in each of the 50 States. Not only did this decision upset the federalistic balance between State and national institutions, it also disturbed the constitutional separation of powers between legislative and judicial functions. Prof. Lynn Wardle of Brigham Young University Law School makes this point very eloquently:

> By giving the right to choose abortion the status of a fundamental right, the Supreme Court substantially restricted the authority of the legislative branch to legislate concerning the subject and substantially increased the responsibility of the judiciary for defining and monitoring regulation of the fundamental right. (Statement of Feb. 28, 1983).

In essence, Roe made abortion a constitutional doctrine. Despite my great reluctance to amend the Constitution, Roe upset the constitutional balance. Thus, it is incumbent upon this Senate in my view, to take the appropriate constitutional steps to restore that balance.

The most simple, direct, and effective way to accomplish that objective without disturbing other established constitutional doctrines is to nullify the Roe ruling. If Roe were fully deprived of legal significance, the constitutional balance that existed prior to 1973 would be restored. The people in the States would be reenfranchised to shape abortion policy through their legislators. Policymaking that for a decade has been centralized in the nonrepresentative judicial branch would be subject again to democratic processes. Only by restoring this constitutional balance and permitting the people to participate directly in this policymaking process will the Nation ever achieve a consensus on this devisive question.

The primary effect of the Roe decision was to make abortion a legal entitlement deserving of the strict constitutional protections afforded fundamental liberties. 410 U.S. at 728.

The right to abortion became, by court edict, a fundamental liberty which a State's legislature could limit even in the slightest degree only by demonstrating a "compelling" justification. 410 U.S. at 728. This compelling State interest standard is very exacting. Kramer, 395 U.S. 621 (1969). Even such seemingly inconsequential State regulations as a 24-hour waiting period prior to an abortion failed to meet this standard of review. Akron, supra. Although the Supreme Court has repeatedly conceded that protecting maternal safety and the life of the unborn are "legitimate State interests." Roe, 410 U.S. at 732, Akron, and so forth, these profound interests have not risen to the level of "compelling" in the eyes of the Court. Accordingly, the right to abortion has operated time and again to strike down the will of State legislatures. Protected by the Court's constitutional interpretation, one absolute extreme on abortion, namely abortion on demand throughout all 9 months of pregnancy, has become enshrined as an unassailable tenet of American law.

This amendment proposal removes the abnormally elevated status afforded the right created in Roe. After ratification of this amendment, a State statute concerning abortion would be subject to ordinary standards of constitutional review. This standard requires a State to demonstrate a rational relationship between its policy and a legitimately protectible State interest, the rational basis test. Since the Court has already acknowledged at least two legitimate State interests, maternal safety and unborn human life, any statue rationally related to these objectives would pass constitutional muster. Thus, the will of the people, as reflected in State legislatures, would be respected. The traditional constitutional balance which governs other aspects of domestic relations law; namely, State regulation in practically all aspects, would be restored.

In short, this amendment removes the right created in Roe. The removal of this impediment to the traditional operation of the Constitution permits the framework of our Nation's foundational document to govern in this sensitive area of social policy as it did nearly two centuries until 1973. Hence, this proposal is built upon the system of governance created by the Framers of the Constitution in 1787, rather than the special right created by the Supreme Court in 1973.

Some critics of this proposal may, I suppose, accuse me and the other proponents of this amendment of attempting to impose our personal moral values upon others with this proposal. Frankly the amendment itself rebuts that assertion. It does not contain my personal position on the question of abortion at all. If I could ratify an amendment reflecting my personal moral values, it would contain a guarantee for the right to life of the unborn, except when necessary to preserve the life of the mother. This amendment does nothing of the kind. Instead it merely eliminates one absolute extreme moral position, abortion on demand as legalized by Roe, and frees the people in the States to set their own standards of governance on this subject, instead of making the whole Nation subject to the outdated doctrines of the few men and women in black robes.

No doubt some critics will also raise a hue and cry about this amendment injecting government into the bedrooms of America. On the contrary, this amendment was carefully crafted to avoid any jeopardy to doctrines of privacy. The term "right to abortion" is specifically limited to affect only legal entitlements for abortion, not the right to privacy. Other extensions of the right of privacy, such as in contraception, birth control or family privacy cases, would not be affected in the slightest by the narrow language of the amendment. In a more general sense, abortion can hardly be classified as a matter of privacy in the sense of something done alone, at home, in a confidential manner. The abortion right is exercised with the help of a trained professional and depends on a large medical support staff. This is a right that has required over 100 lower Federal court decisions and 18 Supreme Court decisions to guarantee its continued effectiveness. This is a right whose champions maintain cannot be exercised without public funding. This is a right, ultimately, whose effect is not private at all in the sense of touching upon only intimate personal matters of the one exercising the right, instead it has a devastating impact on at least one other, the unborn child. To call this right private is to convolute that term. As stated by the 78th National Convention in 1976 of the Union of Orthodox Jewish Congregations of America, "Abortion is not a private matter between a woman and her physician. It infringes upon the most fundamental right of a third party—that of the unborn child."

This amendment will remove the misleading character of this entire question as well as the special right created by Roe. The removal of this impediment to the traditional operation of the Constitution permits the framework of our Nation's foundational document to govern in this sensitive area of social policy as it did for nearly two centuries until 1973.

By "deconstitutionalizing" the issue of abortion, the proposed amendment would allow the States a wide variety of options with respect to this matter. In their best judgment, the States might choose to have no policy regarding abortion or might restrict and condition it in a variety of ways. For example.

First, they could place restrictions of some form upon later term abortions;

Second, they could impose obligations upon physicians to save the lives of fetuses capable of surviving an abortion;

Third, they could place limitations upon genetic engineering and other experimental and medical research involving the use of human embryos and fetuses;

Fourth, they could require that women contemplating abortions be fully apprised of the risks of abortion and the alternatives to abortion;

Fifth, they would require some form of parental consent to abortions performed upon minors;

Sixth, they could require some form of spousal consent to abortions;

Seventh, they could establish some minimum waiting period before an abortion could take place or require some form of professional consultation prior to an abortion;

Eighth, they could establish rights of refusal to perform abortions by physicians or nurses, or in entire hospitals;

Ninth, they could limit the commerce in abortifacient devices;

Tenth, they could prohibit abortion generally subject to certain well-defined exceptions and safeguards; or

Eleventh, they could undertake any other form of restriction or regulation upon the abortion procedure.

For the sake of clarity, I would like to list what this amendment would and would not do. Ratification of this resolution would accomplish the following:

First, it would nullify the special right to abortion created by the Supreme Court in 1973. Even the Supreme Court has referred to the right created in Roe as the "right to abortion." *Conn.* v. *Menillo,* 423 U.S. 9, 10. More than 80 Federal court cases have also used this phrase as shorthand for the new Roe right. This amendment simply, cleanly, directly, conclusively states that "A right to abortion is not secured by this Constitution."

Second, it would prevent the creation of any other right to abortion in the harbor of the Constitution. The article "a" makes the scope of the repeal broader than if the article "the" were used. "The" might be construed as limiting the repealer to the particular doctrine or doctrines that have developed in Roe and its progeny as a justification for abortion. Use of the article "a" makes it clear that no other "right to abortion," however conceived or justified, is provided by the Constitution. Under the language there would exist no constitutional authority for any right to abortion.

Third, it would avoid any unnecessary repudiation of the doctrine of privacy. The use of the careful phrase "right to abortion" clarifies that the amendment only repeals the abortion decisions. Other extensions of the right to privacy, such as in contraception or family privacy cases, would not be affected by the narrow language of the amendment.

Fourth, it would mean that State statutes concerning abortion would be subject to ordinary standards of judicial review; that is, the rational basis test instead of the compelling State interest test. An obvious point of explanation is needed at this point to clarify a higher standard would still apply to a State enactment that infringed some other constitutional rights unrelated to the "right to abortion" question—for example, a law prohibiting only black women from obtaining abortions would still be examined under a compelling standard—or strict scrutiny—due to the obvious racial classification, not due to any remaining right to abortion.

Fifth, it would restore to the States their general police power to restrict and prohibit abortion, or elect to refrain from doing so. The States would be restored to the legal status they enjoyed prior to Roe.

Sixth, it would reenfranchise the people, acting through their elected State representatives to participate in the formation of abortion policy. Abortion policymaking that has been centralized in the nonrepresentative judicial branch will be returned to State legislative discretion. This will facilitate the kind of compromises and consensus formation that is impossible in the judicial branch.

Seventh, it would restore the constitutional balance of powers between the States and Federal Governments and between the legislative and judicial branches. In sum, it would restore the status quo ante Roe insofar as the power and responsibility to resolve abortion issue is concerned.

This proposed amendment would not do the following:

One, it would not establish any new constitutional right favoring either an absolute right to life or an absolute right to abortion. It would simply restore the operation of the constitutional system, favoring States rights to resolve abortion issues, that existed prior to 1973.

Two, it would not compel the adoption by any State legislature of any legislation restricting abortion.

Three, it would not preclude judicial review of abortion laws or prevent a court from holding abortion laws unconstitutional. A court could hold abortion laws invalid if they failed to comply with the Constitution except to the degree that such a ruling would create a "right to abortion." Thus, racially discriminatory abortion laws would be invalidated, but not ordinary abortion restrictions.

Four, it would not affect State constitutions. It would not prohibit the citizens in any State from adopting—or, for that matter, any State supreme court from fashioning—a right to abortion under the State constitution.

Five, it would not grant Congress any power to directly restrict or prohibit abortion. Congress would retain its authority under its enumerated constitutional powers to regulate interstate commerce and other areas that might tangentially touch upon abortion. This limited authority is nothing more than exists for every other form of domestic relations law—or any other law for that matter—which is subject to the plenary jurisdiction of the States.

Six, it would not give to the States any new authority to regulate abortion. Their general police powers to regulate abortion would be restored, but would not be enhanced.

Seven, it would not alter the constitutional allocation of power between the State and Federal Governments, or between the legislative and judicial branches.

This proposal can appropriately be called a States rights amendment. After ratification of this resolution, abortion policy will be within the plenary jurisdiction of the States in the same sense that any area of law under our Constitution is reserved to the States. The States, under our constitutional system, govern every body of law not found within the enumerated powers of the Federal Government in articles I through III, primarily article I, section 8 which defines and confines Congress' power to legislate. Nowhere in those enumerated powers is there any mention of domestic relations, or familial relations, or general police powers, or any other designation that would suggest a Federal power to regulate abortion. Thus, the States have plenary authority over the subject, just as the States enjoy plenary authority, within the obvious limits of the Constitution such as the first amendment, to regulate corporation and business association laws, property laws, trust and estates laws, insurance laws, and any other potential topic of legal concern outside of the specific Federal powers granted by the Constitution.

In recent debates, some Senators have attempted to redefine the concept of States rights which is as old as the Constitution in an effort to make this amendment appear to be something it is not. For the duration of our Republic, States rights has meant nothing more nor less than what our Constitution defines, namely, the extensive power of the States to govern within their constitutional jurisdiction as qualified by the power of the Federal Government to govern within its constitution jurisdiction. This is the traditional, indeed, the only definition of States rights because it is the definition given by the defining document, the Constitution. We understand this amendment to restore to the States full authority to restrict, prohibit or refrain from restricting and prohibiting abortion. The Federal Government is to have no authority over abortion per se, but only authority within its established constitutional limits.

In summary, this is a States rights approach to the abortion controversy in the sense that anything under our Constitution can be said to be a States rights matter. Moreover beyond the terms of the Constitution, a popular understanding or misunderstanding of States rights has no meaning. Those who argue that this is not a States rights proposal have not consulted the document which defines all States rights, the Constitution.

LEGAL CONTEST OF ROE

The Supreme Court's decision in Roe versus Wade, should be viewed in its proper legal and historical context. The Court's sweeping decision resulting in abortion on demand is clearly in opposition to the treatment of abortion at common law, early American abortion laws, laws enacted by the legislative bodies of the States at the time of the decision, and even the abortion laws of most other countries of the world.

ABORTION AT COMMON LAW

After reviewing the development of abortion as a crime at common law, relying heavily on the analysis of Prof. Cyril H. Means, an advocate of legalized abortion, the majority in Roe concluded:

> It is thus apparent that at common law, at the time of the adoption of our Constitution, and throughout the major portion of the 19th Century, abortion was viewed with less disfavor than under most American statutes currently in effect. Phrasing it another way, a woman enjoyed a substantially broader right to terminate a pregnancy than she does in most States today. 410 U.S. at 140.

The Court's treatment of the development of abortion as a crime at common law has been severely and repeatedly criticized for both its conclusions and its uncritical acceptance of the common-law analysis of Professor Means. See, for example, Byrn, "An American Tragedy: The Supreme Court on Abortion" (41 Fordham L. Rev. 807 (1973)); "Abortion and the Constitution: The Need for a Life-Protective Amendment" (63 Calif. L. Rev. 1250 (1975)). It is not necessary at this time for me to engage in an exhaustive analysis of the treatment of abortion as a crime at common law. It is enough simply to point out that the majority's sweeping decision in Roe was clearly contrary to the way abortion was viewed at common law, with respect not only to maternal health but also to the protection of the life of the fetus.

In the 13th century, Bracton wrote that abortion by blow or poison was homicide if the fetus was "already formed and animated, and particularly if it be animated." (2. H. Bracton, De Legibus et Consuetudinibus Angliae 29 (Twiss ed. 1879)). Another authority later in that century, Fleta, also condemned abortion of a "formed and animated" fetus as homicide. "Justificable abortion—Medical and Legal Foundations" (49 Geo. L.J. 395, 431 (1961)). At that time, biologists taught that a new life came into being when the fetus assumed recognizable human form, which was thought to occur 40 days after conception. See Means, "The Law of New York Concerning Abortion and the Status of the Fetus, 1664-1968: A Case of Cessation of Constitutionality" (14 N.Y.L.F. 411,411-12 (1968)).

A difficulty encountered with the abortion crime at common law was the impossibility of proving the cause of the child's death. This severe evidentiary problem led to a paucity of indictments for abortion and led some 16th century writers to conclude that, as a practical matter, abortion was not a crime (Modern L. Rev. 203 (1937)). Seventeenth century abortion reform tried to resolve the proof problem by declaring that an abortion was murder if the child was born alive with marks of the abortion and then died. If the child was stillborn, there was no murder because it could not be known "whether the child was living at the time of the batterie or not, or if the batterie was the cause of the death . . ." *R.* v. *Sims* (75 Eng. Rep. 1075 (K.B. 1601)).

Coke attempted, later in the 17th century, to resolve the problem further, and, in so doing, again indicated the concern the common law attached to the life of the fetus—a concern which Roe totally abandoned:

> If a woman be quick with childe, and by a Potion or otherwise killeth it in her wombe; or if a man beat her, whereby the childe dieth in her body, and she is delivered of a dead childe, this is a great misprision, and no murder, but if the childe be born alive, and dieth of the Potion, battery, or other cause, this is murder: for in the law it is accounted a reasonable creature, in rerum

natura, when it is born alive. E. Coke, Third Institute 50 (1664).

The majority in Roe, relying on Professor Means' interpretation of the sketchy reports of two cases from 1327 and 1348 (three centuries before Coke wrote), suggested that Coke was either mistaken or intentionally misstated the status of abortion as a common law crime (410 U.S. at 134). Other commentators such as Byrn and Destro strongly dispute Means' analysis of those cases and suggest that the cases stand for the opposite conclusion. The great common law scholars clearly indicated that abortion was a crime with respect, at the very least, to a quick fetus. Blackstone stated:

> Life is the immediate gift of God, a right inherent by nature in every individual; and it begins in contemplation of law as soon as an infant is able to stir in the mother's womb. For if a woman is quick with child, and by a potion or otherwise, killeth it in her womb; or if any one beat her, whereby the child dieth in her body, and she is delivered of a dead child; this, though not murder, was by the ancient law homicide or manslaughter . . . . But (Coke) doth not look upon this offence in quite so atrocious a light but merely as a heinous misdemeanor Black's Law Dictionary, 5th Ed. (1979) at 1122.

Finally, as Blackstone indicated, the common law recognized the life of the fetus at the time of quickening. The first English abortion statute, recognizing this understanding of human generation, provided for greater penalties for an abortion of a woman "quick with child" than a woman "not being, or not being proved to be, quick with child" (43 Geo. 3 ch. 58 and 2 (1803)). This statute was changed by a new statute, enacted in 1837, which imposed a penalty for all abortional acts without distinction (7 Will. 4 and 1 Vict., c. 85 (1837)). A possible motive for this change was the discovery of the ovum, and a more accurate idea of the nature of conception, in 1827.

The decision in Roe, which, as discussed previously, eliminated any consideration for the life of the fetus, was clearly contrary to the thrust of the common law understanding of abortion.

NINETEENTH CENTURY AMERICAN ABORTION LAW

The abortion law in effect in this country, in most States, until the mid-19th century was derived from English common law (410. U.S. at 138). While the vast majority of the States retained the common-law distinction that abortion before quickening was not a crime, no State held that there was no crime of abortion after quickening (Bryn at 827). Later in the 19th century, several States interpreted the common law to mean that abortion was a crime at any time during pregnancy. For example, *Mills* v. *Commonwealth* (13 Pa. 630 (1850)).

Almost all of the States enacted abortion statutes during the 19th century. (See 410 U.S. at 175-76 notes 1 and 2 (dissenting opinion). Connecticut adopted the first State abortion statute in 1821 (Conn. Stat. Tit. 20, § 14 (1821)). The Connecticut statute retained the quickening distinction for the abortion crime. Quickening, however, soon began to disappear as the practical distinction to determine criminality. The intention behind enactment of these statutes is illustrated by the Maine Supreme Court which, in interpreting the Maine statute, abrogated the quickening requirement in the abortion crime; the court pointed out that if the pleading did not allege the destruction of the child, it would be fatally defective for not charging the essential element of the crime, *State* v. *Smith* (33 Me. 48, 60 (1851)).

In 1859, the American Medical Association Committee on Criminal Abortion criticized the quickening distinction in criminal abortion laws for the "grave defects of our laws, both common and statute, as regards the independent and actual existence of the child before birth, as a living being," and called upon State legislatures to revise their abortion laws (12 Transactions of the Am. Med. Assn. 73-78 (1859)). This position of the AMA seems to have had its impact because during this period many States abolished the requirement that an abortion had to follow quickening to be a crime. At the time of the ratification of the 14th amendment, in 1868, at least 28 of the 37 States had made abortions before quickening a crime (Quay at 447-520). In the next 15 years, seven more of these States incriminated prequickening abortional acts. By 1871, the AMA could quote with approval from Archbold's Criminal Practice and Pleadings with regard to the new consensus:

> It was generally supposed that the foetus becomes animated at the period of quickening; but this idea is exploded. Physiology considers the foetus as much a living being immediately after conception as at any other time before delivery, and its future progress as the development and increase of those contituent principles which it then received. It considers quickening as a mere adventitious event. . . . Indeed, no other doctrine appears to be consonant with reason or physiology but that which admits the embryo to possess vitality from the very moment of conception. 22 Transactions of the Am. Med. Assn. 250 (1871).

Further evidence that at least one motivation behind these laws was the protection of the life of the fetus, is seen in several court decisions interpreting these statutes.

We hold that the anti-abortion statutes in Oklahoma were enacted and designed for the protection of the unborn child and through it society. *Bowlan* v. *Lunsford*, 76 Okla. 115 (1936).

Thus, again, the Court's decision in Roe, resulting in a practical situation of abortion on demand, was clearly contrary to the early American law on abortion.

STATE ABORTION LAWS AT THE TIME OF ROE

The Supreme Court's decision in Roe held every State's criminal abortion statute unconstitutional (410 U.S. at 118, note 2).

Between 1967 and 1972, most of the State legislatures had considered changing their abortion laws. Nineteen States did make changes in their abortion law (1972 Univ. of Illinois L.F. 177). All of these 19 States changed their law to permit abortion to prevent grave health damage to the mother. In addition, some of the States permitted abortions when the unborn child was conceived in rape or incest, or where the child would be born with substantial deformity. Four States required no grounds at all. But all States limited abortions in terms of age of the fetus; for example, Washington had a limit of 4 lunar months.

The other 31 States did not change their abortion law despite the fact that abortion legislation was introduced in most of them. In two States, Michigan and North Dakota, proposed liberalized abortion statutes were rejected by referendum—by majorities of 61 and 77 percent respectively. In 21 of the States, the abortion statutes in effect in 1968, the year the 14th amendment was ratified, were still in effect at the time of the *Roe* decision (410 U.S. at 176 note 2).

In sum, no State—including the four States which allowed abortion on demand—made abortion legal for the entire 9 months. None of the States had abortion laws as expansive as that created by the Court in Roe versus Wade.

INTERNATIONAL ABORTION LAW

Not only was the Court's creation of an abortion right more permissive than the law that had been enacted by the representatives of the people of the 50 States, but the abortion right found in Roe was one of the most permissive in the world.

In 1981, according to one study, the United States was one of 7 percent of the countries of the world in which something approximating abortion on demand was legal (Tietze, Induced Abortion: A World Review (1981) (The Population Council)). But the current status of abortion in the United States may be more extreme than that figure indicates since many of the other countries in that category have enforceable time limits on the legal availability of abortions. Other countries in this category include the U.S.S.R., the People's Republic of China, Denmark, France, Singapore, Sweden, Yugoslavia, and Vietnam. The vast majority of countries of the world have at least some effective legal control over the performing of abortions. As Prof. Richard Stith has observed about Roe versus Wade:

> As a teacher of comparative law, I find this decision unique in the world. No other modern domestic state or foreign nation has ever, to my knowledge, privatized the value of new human life to this agree. No one, except our Court has ever left the unborn entirely without public protection for the first six months of gestation, and with only nominal protection even just before birth. Moreover, this extremist position has been imposed on our country not as a matter of temporary legislative experimentation, but by practically unchangeable judicial fiat—and this with scarcely any principled basis in the Constitution. Senate hearings, November 12, 1981, Professor Richard Stith, Valparaiso University School of Law.

Indeed, the single judicial decision in Western law which is most directly comparable to Roe on terms of the issues presented has come to almost diametrically opposite conclusions. In 1975, the Federal Constitutional Court of West Germany handed down its own decision on abortion, in which the majority opinion of the court (A) accepted as fact the position that human life exists at least within a few days after conception, (B) rejected the view that this life could legitimately be classified as having little or no value under the law, and (C) invalidated as unconstitutional a policy of unrestricted abortion during the first 3 months of pregnancy. See generally, Robert Jonas and John Gorby, "West German Abortion Decision: A Contrast to *Roe* v. *Wade*" (9 John Marshall, J. Practice and Procedure (1976)).

Thus, it can be seen that the Court's decision in Roe versus Wade had a devastating impact on existing law. This far-reaching decision was clearly contrary to at least part of the purpose behind the treatment of abortion as a crime at common law and the development of 19th century abortion law in America. The abortion right found in Roe was broader than any existing State abortion law, and, finally, was one of the most permissive, if not the most permissive, in the world.

I have attempted only to portray some flavor of the jurisprudential criticism that has been directed at the Roe and Doe decisions. In large part, this criticism has come from individuals who do not look with disfavor upon the substantive policies generated by these decisions. They simply question how these policies came suddenly to be mandated by a Constitution that had never been thought prior to 1973 to contain anything approaching the "rights" set forth in Roe and Doe. As Professor Ely again has observed;

> What is frightening about *Roe* is that this super-protected right [to abortion] is not inferable from the language of the Constitution, the Framers thinking respecting the specific problem in issue, any general value derivable from the provisions they included, or the Nation's governmental structure. . . . At times the inferences the Court has drawn from the values the Constitution marks for special protection have been controversial, even shaky, but never before has its sense of an obligation to draw one been so obviously lacking. (Ely at 935-7).

As Professor Epstein has similarly concluded, the Roe decision is "symptomatic of the analytical poverty possible in constitutional litigation" (Epstein at 184).

Among other constitutional scholars who have been sharply critical of the jurisprudence in Roe are the late Alexander Bickel of the Yale Law School, Arthur Miller of the Harvard Law School, Harry Wellington, former dean of the Yale Law School, and Archibald Cox, former Solicitor General of the United States (A. Bickel, The Morality of Consent (1975)).

Perhaps even more compelling criticism of the Roe decision, however, has come from the Justices themselves who were in dissent in that case. In a dissent far stronger than normally seen on the Supreme Court, Justice White stated;

> I find nothing in the language or history of the Constitution to support the Court's judgment. The Court simply fashions a new constitutional right for pregnant mothers and, with scarcely any reason or authority for its action invests that right with sufficient substance to override most existing State abortion statutes. The upshot is that the people and the legislatures of the 50 States are constitutionally disentitled to weigh the relative importance of the continued existence and development of the fetus, on the one hand, against a spectrum of possible impacts on the mother, on the other hand. As an exercise of raw judicial power, the Court perhaps has authority to do what it does today; but in my view its judgment is an improvident and extravagant exercise of the power of judicial review which the Constitution extends to this Court. 410 U.S. at 221-22 (Justice White dissenting).

Justice Rehnquist similarly observed:

> The decision here to break the term of pregnancy into three distinct terms and to outline the permissible restrictions the State may impose in each one, for example, partakes more of judicial legislation than it does of a determination of the intent of the drafters of the Fourteenth Amendment. 410 U.S. at 174 (Justice Rehnquist dissenting).

While fully respecting the authority of the Supreme Court to interpret the provisions of the Constitution, supporters of this amendment recognize also the authority reposed in Congress under article V of the Constitution to amend the document in response to what it views as wrongful or inappropriate decisions. To this end, this amendment amends the Constitution to overcome the effects of Roe versus Wade and its progeny and to restore authority in the States to legislate with regard to the practice of abortion.

CONCLUSION

In conclusion, I think we would profit by measuring the abortion regime established by Roe against the basic tenets that animated the creation of our Republic. Those principles were best articulated by Thomas Jefferson in the Declaration of Independence:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed.

Thus our infant Nation established the protection of human life as the foremost duty of government. Roe's blatant conflict with this fundamental national value is apparent. In the words of President Reagan, "We cannot diminish the value of one category of human life—the unborn—without diminishing the value of all human life." Human Life Review, supra, at 8. Perhaps only one act of our Government has conflicted more with the founding tenets of our Republic than Roe and that was the last infamous Supreme Court case that denied the value of certain classes of humanity, the Dred Scott case. Dred Scott was not easily corrected either. It took more than a decade and an intervening war to secure a constitutional amendment reinstating constitutional protections for blacks. Indeed securing a constitutional amendment is never an easy process. The women's suffrage amendment, the 19th, was first rejected by the Senate in 1868 and failed twice more to gain approval in the Senate before its adoption in 1919 and ratification in 1920. Nonetheless correction of the Dred Scott error serves as an excellent analog for our consideration of the modern civil rights disgrace, Roe against Wade.

In his Farewell Address, President George Washington remarked that "It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government." His insightful thesis that the strength of our freedoms springs from the shared morality and convictions of our people lies at the heart of this great historic debate. This is a great moral issue. This is a great human rights issue. I posit with President Washington that, in ways more fundamental than we may now realize, the future of our free Nation may depend upon the outcome of this debate. Consider for a moment the role of the family as an institution promoting respect for other people, their dignity and inherent rights. Consider for a moment that if the family fails to teach principles of decency, our governments—already struggling to maintain civil order in the face of a crime epidemic—will be compelled to use more force to protect our liberties. Consider for a moment the essential role of individual responsibility in parents for raising their children. Consider for a moment an ethic that treats a child's entrance into his or her own family as if it were a matter of whether he were "wanted". Consider for a moment whether such callous attitudes and practices as are fostered by the abortion regime promote a society in which the instinctive acceptance of others is supplanted by a more self-centered and grudging attitude. Combined with the Federal courts tendency to treat abortion in terms of the totally isolated pregnant woman and her decision, this aspect of legalized abortion on demand could have long-term effects on the strength of those interpersonal bonds which hold our society—indeed any society—together.

Consider as well these insightful comments by national leaders:

> "It seems to be as clear as daylight that abortion would be a crime." Mahatma Gandhi.
>
> ". . . The child, by reason of his physical and mental immaturity needs special safeguards and care, including appropriate legal protection, before as well as after birth." Declaration on the Rights of the Child, United Nations, 11/20/59.
>
> "It is a very great poverty to decide that a child must die so that you may live as you wish." Mother Teresa.
>
> "We will stand up every time that human life is threatened. When the sacredness of life before birth is attacked, we will stand up and proclaim that no one even has the authority to destroy unborn life." Pope John Paul II.
>
> "No woman is the final arbiter about the disposition of her body and the embryonic human life flourishing therein. Doctors, too, must face up to the moral dilemma whether they can play havoc with the basic worth and dignity of human life when they freely perform abortions at all stages of pregnancy . . ." Rabbi Bernard L. Berzon, President of the Rabbinical Council of America.
>
> "No right is more fundamental than the right to life itself and no innocent human life already begun can be deliberately terminated without offense to the Author of all life." National Conference of Catholic Bishops.
>
> "I fear the power of choice over life or death at human hands. I see no human being whom I could ever trust with such power—not myself nor any other. Human wisdom and human integrity are not great enough." Pearl S. Buck.
>
> "Social acceptance of abortion has begun to dull society's respect for all human life, leading to growing occurrences of infanticide, child abuse, and active euthanasia." Resolution, Southern Baptists Annual Convention 1981.
>
> "The unborn belongs neither to father nor mother, and not even to the self, but to God." Very Rev. Thaddeus P. Wojcik, a Priest of the Orthodox Church of America.

This is a moral issue, a moral issue literally, of life and death. Life and death of a society as well as countless unborn children.

Perhaps the foremost objective of the proposed amendment is to facilitate the development of a social consensus on the difficult issue of abortion. The abortion issue, if it is to be elevated into an issue of constitutional proportions, should be elevated only through the normal consensus-building procedure of the article V amendment process rather than through the process of judicial reinterpretation. This proposal would reenfranchise all the people in fashioning a solution to the abortion controversy or, if not a solution, at least an equilibrium. This can only be done by placing this issue back within the representative branches of State governments where it should have remained all along. If the result is that difficult legislative compromises are reached through bitter sessions of negotiation and give and take—compromises that are not entirely satisfactory to those on either end of the spectrum on this issue—then the issue of abortion will have been dealt with in the same manner that most other difficult matters are dealt within a democratic system of government.

If the social divisions that have beset this country since the Roe decision are to be overcome, they will have to be overcome through a process in which all shades of opinion are considered and weighed, not simply those of a small minority of the citizenry. There is no more appropriate forum in a free society for these kinds of controversies to be debated and resolved than in State representative, legislative forums. Although some may observe—correctly—that basic issues of individual rights are not subject to referendum in a free society, this, of course, begs the basic question, which is precisely what those rights are and what their relative priorities are. It is the resolution of these precise questions that is unlikely to occur in the absence of a constitutional amendment of the sort of the human life federalism amendment.●

By Mr. HATCH (for himself and Mr. THURMOND):

S.J. Res. 37. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary silent prayer or reflection.

VOLUNTARY SILENT PRAYER CONSTITUTIONAL AMENDMENT

● Mr. HATCH. Mr. President, I rise today to reintroduce a voluntary silent prayer constitutional amendment.

In its 1985 decision in *Jaffree* v. *Wallace*, 105 S. Ct. 2479 (1985), the U.S. Supreme Court held that the "establishment clause" of the first amendment was violated by a State law providing for "a period of silence * * * for meditation or voluntary prayer." This decision marked the culmination of more than two decades of Court decisions relating to the validity of various forms of reverential expression in public school classrooms under the U.S. Constitution.

The purpose of the amendment is to restore, in the limited area of silent public school prayer, the original understanding of the establishment clause. The proposed constitutional amendment would allow for a brief period of silent prayer or reflection by public school students. Such prayer or reflection would be administered at the discretion of State or local officials; it would be conducted in silence; and it would allow for entirely voluntary participation by the student. Because of its silent character, there would be no need on the part of the State to have to distinguish between religious and denominations by composing or selecting any particular prayer. At the same time, potential embarrassment to the minority-religion student would be limited since there would be no need for such a student to have to conspicuously ab- sent himself from the classrooms— although reasonable accommodations would have to be made if that were the student's desire. The minority-religion student, as with all other students, would be able to pray in privacy according to those values most important to himself or herself. Such a prayer could be as robust and as intense as the student desired, with each student being provided an identical opportunity.

The present amendment is necessary to restore the historic meaning of the first amendment, sharply altered by the Court's decision in Jaffee. The laws of at least 23 States were apparently overturned by the Court's decision in this case. Historically, the establishment clause had been understood primarily to prohibit the State from establishing any official church or from preferring any particular church or denomination as a matter of general policy. As Justice Story observed in his "Commentaries on the Constitution":

> The real object of the First Amendment was . . . to prevent any national ecclesiastical establishment which would give to a hierarchy the exclusive patronage of the national government." Story III "Commentaries on the Constitution." 1871.

Similarly, Prof. Edward Corwin, the distinguished constitutional scholar, has written:

> The historical record shows beyond peradventure that the core idea of an "establishment of religion" comprises the idea of preference; and that any act of public authority favorable to religion in general cannot, without manifest falsification of history, be brought under the ban of that phrase. Corwin, "The Supreme Court as National School Board," as reprinted in "A Constitution of Powers in a Secular State" (Charlottesville, Va. 1951) at 116.

During most of the Nation's history, this view of the first amendment influenced the development of public policy. While the Constitution took scrupulous pains to ensure freedom of worship for all persons, it did not, according to this understanding, attempt to create an absolute and unbridgeable division between the State and all things of a spiritual character. Indeed, there was a profound awareness of the religious roots of the Nation and a desire to ensure that the religious impulse remain a part of the Nation's constitutional and political fabric. As De Tocqueville observed, religion was "the first of America's political institutions." De Tocqueville, vol. 1 "Democracy in America," at 269 (Harper & Row, 1966).

The voluntary silent prayer constitutional amendment establishes an appropriate balance in public policy relating to school prayer. At the same time that the amendment restores to the establishment clause its lost original understanding in the area of prayer, and recognized the value of prayer to the overall development of the young American citizen, the amendment also takes careful cognizance of traditional American precepts of religious tolerance and secular public institutions. It would establish a policy consistent with each of the principal strains in the religion clauses of the Constitution—an appreciation of the fundamental contribution of religion in the development of the American character, with the equally important recognition of the need to maintain respect for widely diverse and disparate religious views.

PURPOSES OF VOLUNTARY SILENT PRAYER CONSTITUTIONAL AMENDMENT

Nothing in this Constitution shall be construed to prohibit individual or group silent prayer or reflection in public schools. Neither the United States nor any State shall require any person to participate in such prayer or reflection, nor shall they encourage any particular form of silent prayer or reflection.

The purpose of the amendment is to remove any constitutional barrier to "individual or group silent prayer or reflection" by public school students at a time, place, and manner that may be established by State or local authorities. In particular, it is intended to reverse the effects of Jaffree versus Wallace as it relates to silent prayer in the public schools. To the extent that there is ambiguity or lack of clarity about the application of this decision in the area of silent prayer or reflection, the amendment is designed to clarify that they are not to establish any constitutional barriers to this form of devotional exercise.

The silent prayer amendment is not intended to alter any existing understanding of the first amendment, or more particularly its religion clauses, except to the extent that this is necessary to restore discretion to State or local authorities to structure a religious exercise consistent with the terms of this amendment. It is not intended to alter the understanding of the establishment clause in any regard except to allow the opportunity under the appropriate circumstances for such an exercise. Nor is it intended to alter any existing understanding of the free exercise clause; the amendment would grant no right in any student to participate in any form of prayer, nor any other right in any person—except for the appropriate public authorities—to demand that prayer be allowed. Whether or not to structure a devotional exercise consistent with this amendment would be a decision in the sole discretion of those State and local authorities who are otherwise responsible for determining and administering public school policies. These authorities could choose to allow devotional opportunities to the fullest extent permitted by this amendment; they could choose to allow them to a more limited extent; for example, on a weekly basis rather than a daily basis; or they could choose to prohibit them entirely.

The amendment, further, is not intended to preclude or prejudice any subsequent decisions by courts that may interpret the first amendment or any other provision of the Constitution in a manner offering more expansive opportunities for devotional exercises. The amendment would merely establish a minimum standard in this regard. The amendment would only preclude subsequent court decisions attempting to read the first amendment or any other provision of the Constitution in a manner outlawing "individual or group silent prayer or reflection" in public schools.

The silent prayer amendment is limited in its application, as well, to public schools. It has no application to any other form of public institution. Specifically, it neither limits nor permits any devotional exercise that may take place in the context of legislative bodies, military units, penal institutions, and so forth.

In the context of the silent prayer amendment, the term "public schools" is meant to refer to the educational curriculum or regimen to which all students are normally subject. It is not meant to refer to the brick and mortar of the public school building within which this curriculum or regimen is normally experienced. Thus, if such a curriculum or regimen takes place in a nontraditional educational facility, the provisions of the amendment would continue to be applicable. The intent of the silent prayer amendment is to focus, not upon the structure in which public education takes place, but upon the curriculum or regimen of education itself.

The corollary of this is that there will be issues of church-state relations that may relate to the public school building but that will remain outside the scope of the amendment. These would be matters which did not directly relate to the public school educational curriculum or regimen itself. Among these would be such matters as the extent to which religious institutions could employ public school facilities during nonschool hours, the accommodation to be made by public schools in allowing students to attend private religious exercises or religious training, the propriety of religious inscriptions upon public school structures, nativity scenes in schools, the propriety of posting religious statements or documents, and so forth. Each of these issues would continue to be decided in a manner consistent with existing provisions of the Constitution. Issues relating to religion in the public schools, in such nonprayer contexts, as education in comparative religions, the teaching of evolution versus creationism, and so forth, would also be outside the scope of the provisions of the silent prayer amendment.

In addition, nothing in this amendment is designed to address the issue of religious activities which have been permitted in the public schools on the basis of being ceremonial or educational or patriotic. This would include public school Christmas assemblies, religious invocations at graduation, grace before meals, the profession of faith in a Supreme Being in the "Pledge of Allegiance," and so forth. Such matters would continue to be addressed in their current first amendment context.

While the voluntary silent prayer constitutional amendment has a principal objective the maintenance of a neutral and limited role for the Government with respect to the described manner of silent prayer or reflection, it is intended that the Government be authorized to sponsor such prayer or reflection, to the extent of permitting the classroom teacher or other school administrator to structure the opportunity for prayer by formally announcing the period for silent prayer or reflection, ensuring discipline during the period for prayer, and formally concluding the period for prayer. Such a role is anticipated to be largely ministerial in nature, and is subject to the requirements of the second sentence of the amendment relating to the voluntariness of the student's participation and the neutrality of the Government as to the form of the prayer.

By the term "individual or group" silent prayer or reflection, it is meant only that State and local authorities should have reasonable discretion in administering the time, place, and manner of the prayer. The concept of group prayer is simply meant to signify the simultaneous opportunity for individual students to pray or reflect in the described manner. The use of the conjunctive "silent prayer or reflection" is meant to ensure that school authorities, should they choose to allow such devout moments of silence, make clear that either silent prayer or silent reflection is permissible. School authorities would not be permitted to authorize only silent prayer.

While the proponents of the silent prayer amendment recognize that there will be occasional questions as to what constitutes silent prayer or reflection, we believe that most such questions can be resolved by the proper State and local authorities. The purpose of the amendment is not to establish a code of conduct or a set of disciplinary rules for school districts throughout the country. We would see no difficulty, for example, with authorities permitting Jewish students to wear skullcaps during the moment of silence, or Catholic students to hold rosary beads or other students to read from a written card supplied by their church. On the other hand, such incidental physical displays should not become instruments of pressure used by a majority to single out a minority within a classroom. The standard to be employed, generally, by local school authorities in determining whether they are being used in a public manner, or in a purely personal manner. If used in the latter way, they would be consistent with the amendment. Specific decisions on such incidental forms of conduct, however, should remain in the purview of State and local authorities consistent with the fundamental principles of the silent prayer amendment.

The amendment emphasizes again that teachers and other school officials are not, by their words or actions, to encourage either prayer or reflection, or any particular form of prayer or reflection. For example, it would not be permissible for a teacher to write a prayer on a blackboard or to distribute language of a prayer. The operative idea here is that the teacher is limited to communicating to the students that the period has arrived for "silent prayer or reflection"; he or she may not encourage any particular form of activity falling within this definition.

The second sentence of the silent prayer amendment essentially restates present law in its prohibition upon the Government requiring any person to participate in prayer or meditation. The intent of this sentence is to ensure that participation is entirely voluntary and that there shall be no forced participation directly or indirectly in the exercise of the silent prayer or reflection or the accompanying procedure. Not only would such compulsion be in violation of the Constitution, but the clear intent of the amendment that public authorities undertake to make reasonable accommodation for those students who choose not to participate in any way in the devotional exercise authorized by this provision. Such students should, if they choose, be allowed to leave the classroom or other premises in which the prayer is conducted, remain seated, or otherwise be facilitated in their nonparticipation. A reasonable effort should be made to minimize any inconvenience or embarrassment caused the nonparticipating student, and to minimize the conspicuousness with which his nonparticipation is accommodated. No inquiries into the reason for such nonparticipation would be permitted.

The use of the term "United States" is meant to signify that the National Government should not, either in its capacity as direct authority for the public schools in certain jurisdictions—for example District of Columbia, Indian reservations, territories—or indirectly, through Federal grants-in-aid, require any person to participate in prayer in the context of the voluntary silent prayer constitutional amendment. The use of the term "State" connotes both the actual States of the Union as well as local units of government established under their authority. School officials and administrators, teachers, and other public employees—in their official capacities—would, of course, be encompassed, within the meaning of both the terms "United States" and "State."

While subtle as well as overt forms of coercion would be prohibited by the second sentence of the amendment, the proponents of this amendment explicitly reject the theory of "implied coercion" which suggests that the fact of group silent prayer by consenting students, in and of itself, has a coercive impact upon objecting students. The right of objecting students not to participate in silent prayer is fully protected by the amendment, any "implied coercion" notion denying concomitant right to participate by consenting students is rejected.

The use of the term "such" prior to "prayer or reflection" in the final sentence of the voluntary silent prayer constitutional amendment is meant only to clarify that the provisions of the second sentence apply to the specific prayer authorized by sentence 1. These are dependent sentences and refer to the same religious exercise. The prohibition upon the encouragement of "any particular form of prayer or reflection" refers to the substantive content or religious statement involved in the silent prayer or reflection, and includes a prohibition against favoring prayer over reflection. It is implicit in the first sentence; first, that the Government can "encourage" silent prayer to the extent that it continues to enforce the—existing—constitutional prohibition against other forms of prayer; and second, that it can "encourage" a disciplined, personal moment of silent prayer or reflection to the extent that it enforce either normal rules of school conduct or incidental rules relating to religious gestures, rituals, or ornaments.

In summary, the purpose of the voluntary silent prayer constitutional amendment is to allow the Government to facilitate a reasonable expression of religious values by the public school student while ensuring that the rights of minority-religion and other students are fully respected. No religious sect or tradition would be placed in a preferred position under the first amendment.

The proposed constitutional amendment is virtually identical to Senate Joint Resolution 2 reported to the Senate by the full Judiciary Committee during the 99th Congress. I would call to the attention of my colleagues Senate Report 99-165 which fully describes the provisions of this proposal.●

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. Boren, the name of the Senator from Arkansas [Mr. Bumpers] was added as a cosponsor of S. 2, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 5

At the request of Mr. Cranston, the name of the Senator from Montana [Mr. Melcher] was added as a cosponsor of S. 5, a bill to require the executive branch to enforce applicable equal employment opportunity laws and directives so as to promote pay equity by eliminating wage-setting practices which discriminate on the basis of sex, race, ethnicity, age, or disability, and result in discriminatory wage differentials.

S. 12

At the request of Mr. Cranston, the names of the Senator from Illinois [Mr. Simon], and the Senator from South Dakota [Mr. Daschle] were added as cosponsors of S. 12, a bill to amend title 38, United States Code, to remove the expiration date for eligibility for the educational assistance programs for veterans of the All-Volunteer Force; and for other purposes.

S. 83

At the request of Mr. Johnston, the names of the Senator from South Carolina [Mr. Hollings], the Senator from Iowa [Mr. Grassley], the Senator from Georgia [Mr. Fowler], the Senator from Nevada [Mr. Reid], and the Senator from Delaware [Mr. Roth] were added as cosponsors of S. 83, a bill to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances

S. 85

At the request of Mr. JOHNSTON, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 85, a bill to amend the Powerplant and Industrial Fuel Use Act of 1978 to repeal the end use constraints on natural gas, and to amend the Natural Gas Policy Act of 1978 to repeal the incremental pricing requirements.

S. 184

At the request of Mr. DODD, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Washington [Mr. ADAMS], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 184, a bill to provide economic assistance to the Central American democracies, and for other purposes.

S. 187

At the request of Mr. MELCHER, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 187, a bill to provide for the protection of native American rights for the remains of their dead and sacred artifacts, and for the creation of native American cultural museums.

S. 200

At the request of Mr. NICKLES, the names of the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 200, a bill to amend the Internal Revenue Code of 1954 to repeal the windfall profit tax on crude oil.

S. 225

At the request of Mr. D'AMATO, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 225, a bill to amend title II of the Social Security Act to protect the benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity (resulting from changes made in 1977 in the benefit computation formula) between those levels and the benefit levels of persons who become eligible for benefits before 1979.

S. 232

At the request of Mr. WILSON, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Indiana [Mr. QUAYLE], and the Senator from Nevada [Mr. HECHT] were added as cosponsors of S. 232, a bill to permit placement of a privately funded statue of Haym Salomon in the Capitol Building or on the Capitol Grounds and to erect a privately funded monument to Haym Salomon on Federal land in the District of Columbia.

S. 245

At the request of Mr. BENTSEN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 245, a bill to provide for the reimbursement of States for advance construction of highways.

S. 265

At the request of Mr. HUMPHREY, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 265, a bill to require executive agencies of the Federal Government to contract with private sector sources for the performance of commercial activities.

S. 350

At the request of Mr. DURENBERGER, the names of the Senator from Idaho [Mr. SYMMS], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 350, a bill to amend the Tax Reform Act of 1986 to extend for 1 year the waiver of estimated penalties for underpayments by individuals attributable to such act.

S. 381

At the request of Mr. HELMS, the names of the Senator from Iowa [Mr. GRASSLEY], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 381, a bill to protect the lives of unborn human beings.

SENATE JOINT RESOLUTION 5

At the request of Mr. D'AMATO, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Joint Resolution 5, a joint resolution designating June 14, 1987, as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 11

At the request of Mr. THURMOND, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 11, a joint resolution proposing an amendment to the Constitution relating to Federal balanced budget.

SENATE CONCURRENT RESOLUTION 8

At the request of Mr. BYRD, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Concurrent Resolution 8, a concurrent resolution relating to the current human rights policies of the Soviet Union.

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. DOLE, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution to provide for the display of the National League of Families POW/MIA flag in the Capitol Rotunda.

AMENDMENT NO. 4

At the request of Mr. SYMMS, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of amendment No. 4 proposed to Senate Resolution 80, an original resolution authorizing expenditures by committees of the Senate.

SENATE RESOLUTION 87—TO CONGRATULATE THE GIANTS

Mr. LAUTENBERG (for himself and Mr. BRADLEY) submited the following resolution; which was considered and agreed to:

S. RES. 87

Whereas the Giants, in convincing fashion, defeated the Denver Broncos to win the Twenty-first Super Bowl;

Whereas the Giants are now the world champions of professional football;

Whereas this is the first championship won by the Giants in 30 years;

Whereas the Giants have made their home in East Rutherford, New Jersey since 1976;

Whereas this is the first football world championship won for the great State of New Jersey;

Whereas the Giants have many loyal fans throughout the New Jersey-New York metropolitan area who have waited patiently for such a championship;

Whereas Coach Bill Parcells has taken his last Gatorade bath for the season;

Whereas New Jerseyan Phil Simms' record-breaking performance won him most valuable player honors;

Whereas the Denver Broncos, champions of the American Football Conference, had a very successful season, and displayed great effort and sportsmanship in the Super Bowl;

Whereas the Giants have endeared themselves to fans throughout the nation with their exuberance and spirit: Now, therefore, be it

Resolved, That the Senate of the United States join with Giants fans throughout New Jersey, New York, and the nation in honoring the Giants for their championship season, and congratulates them on becoming the world champions of professional footfall.

SENATE RESOLUTION 88—RELATING TO THE VISIT OF OLIVER TAMBO

Mr. WALLOP (for himself, Mr. DOLE, Mr. NICKLES, and Mr. HUMPHREY) submitted the following resolution; which was ordered to lie over under the rule:

S. RES. 88

Whereas Secretary of State George Shultz met with Oliver Tambo of the African National Congress (ANC) on January 28, 1987; and

Whereas the African National Congress has been recognized as a group perpetrating and supporting terrorism and violence aimed at innocent people in South Africa, including the hideous form of execution known as "necklacing"; and

Whereas the African National Congress has openly disclosed its close ties to both the South African Communist Party and the Communist Party of the Soviet Union; and

Whereas the Senate made clear in two amendments to the Anti-Apartheid Act of 1986, both of which are now law, that the African National Congress is culpable in perpetuating the destructive cycle of violence in South Africa and that the United States is prohibited from providing aid to any individual, group or organization that supports, condones, or practices "necklacing"; and

Whereas the ANC has not stopped its support of violence and destruction in South Africa, but has increased it, nor have they renounced the use of "necklacing" as a method of political intimidation and execution;

Whereas the United States has a clear and consistent policy of opposing all forms of terrorism, no matter what their political basis or objective, and of not negotiating with terrorists: Now, therefore, be it

Resolved, That it is the Sense of the Senate that the Secretary of State, having met with ANC leader Oliver Tambo despite these facts and this U.S. policy, should:

(1) Demand that the ANC publicly disavow the use of terrorism, including the abhorrent practice of "necklacing," to advance its political aims.

(2) Inform Tambo that the United States will oppose the participation of the ANC in political negotiations over the future of South Africa or in the system of governance in South Africa unless and until the ANC has publicly disavowed the use of terrorism or violence directed at innocent people, made clear through its actions that it is no longer practicing or advocating terrorism to advance its political aims, and demonstrates that it can act as a responsible, independent political force in South Africa, not closely tied to or under the influence of the South Africa Communist Party or the Soviet Union.

SENATE RESOLUTION 89—TO ESTABLISH POSITIONS OF CHIEF OF STAFF FOR THE OFFICES OF THE MAJORITY AND MINORITY LEADERS

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. Res. 89

Resolved, That (a) there is established within the Offices of the Majority and Minority Leaders the positions of Chief of Staff for the Majority Leader and Chief of Staff for the Minority Leader, respectively. Individuals appointed to such positions by the Majority Leader and Minority Leader, respectively, shall receive compensation at a rate fixed by the appropriate leader not to exceed the maximum annual rate of gross compensation of the Assistant Secretary of the Senate.

(b) Gross compensation for employees filling positions established by subsection (a) for the fiscal year ending September 30, 1987, shall be paid out of any funds available in the Senate appropriation for such year under the item "Salaries, Officers and Employees".

SENATE RESOLUTION 90—RELATING TO THE DESIGNATION OF A SENATOR TO HOLD THE OFFICE OF DEPUTY PRESIDENT PRO TEMPORE OF THE SENATE

Mr. BYRD submitted the following resolution; which was considered and agreed to:

S. Res. 90

Resolved, That (a) In addition to Senators who hold the office of Deputy President pro tempore under authority of S. Res. 17 of the 95th Congress (agreed to January 10, 1977), any other Member of the Senate who is designated as such by the Senate in a Senate resolution shall be the Deputy President pro tempore of the Senate, and shall hold office at the pleasure of the Senate during the 100th Congress.

(b) The Deputy President pro tempore who is designated as such pursuant to the authority contained in this resolution is authorized to appoint and fix the compensation of such employees as he deems appropriate: *Provided,* That the gross compensation paid to such employees shall not exceed $90,000 for any fiscal year.

(c) The following provisions shall not be applicable to the Deputy President pro tempore who is designated as such pursuant to the authority contained in this resolution:

(1) the provisions of S. Res. 17 of the 95th Congress (agreed to January 10, 1977);

(2) the provisions relating to compensation of a Deputy President pro tempore which appear in chapter VIII of title I of the Supplemental Appropriations Act, 1977, and which are carried in section 32a of title 2, United States Code; and

(3) the provisions relating to staff of a Deputy President pro tempore which appear in chapter VIII of title I of the Supplemental Appropriations Act, 1977, and which are carried in section 611 of title 2, United States Code.

(d) Salaries under authority of this section shall be paid from any funds available in the Senate appropriation account for Salaries, Officers and Employees.

Sec. 2. (a) The Sergeant at Arms and Doorkeeper is authorized to provide, by lease or purchase, and maintain an automobile for the former President pro tempore.

(b) The Secretary of the Senate is authorized to pay from the contingent fund of the Senate such amounts as may be necessary for expenses to carry out the provisions of this section. Such expenses shall be paid upon vouchers approved by the Sergeant at Arms and Doorkeeper.

SENATE RESOLUTION 91—DESIGNATING GEORGE J. MITCHELL, OF THE STATE OF MAINE, AS THE DEPUTY PRESIDENT PRO TEMPORE OF THE SENATE

Mr. BYRD submitted the following resolution; which was considered and agreed to:

S. Res. 91

Resolved, That George J. Mitchell, a Senator from the State of Maine, is hereby designated as the Deputy President pro tempore of the Senate.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, February 17, 1987, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony concerning the President's proposed budget for the Federal Energy Regulatory Commission and the Department of Agriculture—Forest Service.

For further information concerning the FERC budget, please contact Elizabeth Moler at (202) 224-0612. For further information concerning the Forest Service budget, please contact Thomas Williams at (202) 224-7145.

Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Wednesday, February 18, at 2 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony concerning the President's proposed budget for the Department of Energy for fiscal year 1988. Secretary of Energy, John S. Herrington, is scheduled to testify.

For further information, please contact D. Michael Harvey at (202) 224-0611.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, January 28, 1987, at 2 p.m. to hear and consider the nomination of Gen. Robert T. Herres, USAF, to serve as the Vice Chairman of the Joint Chiefs of Staff, and to consider other military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. FORD. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, January 28, 1987, at 2 p.m. to hold joint hearings with the House Select Committee on Aging on catastrophic health care costs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RECOGNITION OF KENTUCKY'S FAMOUS FRIED CHICKEN

● Mr. McCONNELL. Mr. President, I rise today before this body to pay special tribute to an age-old delicacy from the great Commonwealth of Kentucky—homemade Kentucky fried chicken.

Kentuckians take a great deal of pride in their work and their cooking. Many cooks treat each dish as a homemade work of art. As a result, there are a number of special dishes which originated in Kentucky and have since been enjoyed by connoisseurs worldwide—derby pie, burgoo, Kentucky cured country ham, benedictine, beer cheese, bourbon balls and Kentucky fried chicken—to name a few.

Kentucky fried chicken's reputation grew when Colonel Sanders decided to franchise the truly outstanding Kentucky product and take it first nationwide, then all across the globe. As a matter of fact, when I first visited Japan in 1985 I was struck by one thing—in Japan the word "Kentucky" is a synonym for the delicious fried fowl which is so ordinary in our lives that we sometimes fail to appreciate it. Many young Japanese are very knowledgeable about Kentucky because of the popularity and outstanding reputation one Kentucky entrepreneur made from his favorite food.

I was reminded of just how special Kentucky fried chicken is, particularly to those of you who do not live in a State where it is a common delicacy, by a recent article in the Foods Section of Sunday's Washington Post.

Mr. President, I ask that the article be printed in the CONGRESSIONAL RECORD so all my Senate colleagues can whet their appetites from this first-hand account of a fine Kentucky tradition.

The article follows:

[From the Washington Post, Jan. 18, 1987]

BUT DO THEY SERVE CHICKEN? SEEKING OUT THE BEST KENTUCKY-FRIED IN THE HILLS OF KENTUCKY

(By Daniella Sigman)

"Fried chicken," announced the handwritten sign of a restaurant in Bourbon County, Ky. The possibility of actually eating "Kentucky" fried chicken in Kentucky was foremost on our minds. It would be our first taste in what we hoped would be many, for we had come to these beautiful rolling hills to try to discover the best Kentucky fried chicken of all.

Traveling west on U.S. Rte. 60 through the pretty town of Shelbyville (east of Louisville), our attention was caught by a sign: "Science Hill Inn. Luncheon 11:30 a.m. to 2:30 p.m. Served daily except Monday." It was Wednesday. Perhaps they served fried chicken.

We hurried into the old, red brick building, and in just minutes we were sitting in the dining room savoring the pleasures of Kentucky cooking: crunchy morsels of "just fried" corn fritters, buttermilk biscuits, biscuit pudding with bourbon sauce and chocolate chip pecan pie. And then there was the chicken. "Country fried" chicken—chicken that was slowly fried in a skillet to a luscious dark brown, the crust delicately peppery, the flesh juicy. There was no question about it. Our search had begun propitiously.

In the days that followed, we zigzagged across the countryside, eating fried chicken at every opportunity. Often, we found that less well-known and more out-of-the-way places, usually at the end of narrow, dusty roads, produced memorable meals.

"What brings you to the boondocks of Kentucky?" The amused drawl of the fisherman on Doe Run Creek broke the quiet. He was fishing for trout and "hullfish," describing hullfish to us as "small like a minnow, with a head like a frog and a body like a fish." We were staying at Doe Run Inn, a converted stone mill on Doe Run Creek near Brandenburg, along the Ohio River west of Louisville. Set on more than 1,000 unspoiled acres and reached by a winding road that passed an old log cabin, Doe Run conjured up images of Daniel Boone.

The dining room, with its panorama of stream and meadow, boasted distinctive chicken. "Water, flour, water, flour and then lard. That's why the crust is so!" our hostess confided. Serenaded by a mockingbird, we marveled at the thick, crunchy crust of the pan-fried chicken. Serving bowls held tender baking powder biscuits and baked apples fragrant with cinnamon. "We just always made our own," the waitress commented when we praised the French-style salad dressing. A flaky, custardy lemon chess pie was also from the Doe Run kitchen.

We found it easy to get sidetracked in Kentucky. About six miles from Doe Run Inn, just off U.S. Rte. 31W, was mysterious Fort Knox. Standing solitary in a field, like a gigantic granite wedding cake, it guards vast underground vaults that hold the U.S. gold reserves. East of Fort Knox, in the town of Clermont, was Jim Beam's American Outpost, the home of some of the world's best-selling Kentucky straight bourbon whiskey. Here, by film and self-conducted tour, we explored the time-honored technique for making "corn likkor"—by act of Congress, America's only authentic spirit.

Passing black and white cows cooling their feet in shady ponds, we meandered our way eastward to the small town of Perryville and Elmwood Inn on the Chaplin River. Built in the Greek revival style, Elmwood originally was a 19th-century plantation house, and once housed a girls' school. Staff members told us that Col. Sanders himself (of Kentucky Fried Chicken fame) ate fried chicken there three times. "He was all in white, even his shoes and socks were white," they said in amazement.

The colonel knew good fried chicken. "The best, the best," muttered two locals at the table next to us, shaking their heads and holding large portions in both hands. Fried chicken at Elmwood is a magnificent tour de force—it is greaseless, well-browned with a lovely crisp crust, deliciously seasoned, juicy throughout. The series of side dishes did honor to the chicken: tiny corn muffins, a salad topped with a lime-colored dressing subtly hinting of cottage cheese, creamy scalloped potatoes, green beans cooked with clove-studded onions, Portuguese bread and exceptional milk gravy (thick and smoky with pan drippings). Dessert brought ice cream covered with a strongly flavored chocolate bourbon sauce.

We tried to uncover a few house secrets. The reply to our question about how the chicken was made was an airy, "Just flour and egg. Finally we were told that the recipe called for Lawry salt and that the chicken was skillet-fried in "hot fat." To questions of etiquette, however, the response was absolutely clear. Our waitress was emphatic. "I personally think fried chicken should be eaten with your fingers. I used to work at the Beaumont. Even at the Beaumont, some people ate chicken with their fingers."

Intrigued by this announcement we decided to have a look. Located in Harrodsburg, a short drive north on U.S. Rte. 68 from Perryville, the Beaumont is a large 29-room country inn complex, owned and operated since 1917 by the Goddard-Dedman family. The large main building with its six white pillars had also been a girls' school. We enjoyed the bounty of the large dining room, where seconds were offered not only from the side dishes (the best of which was a soufflé-like kernel-studed corn pudding) but also from the meat selection—for us the freshly fried chicken. Throughout the meal, which finished with fluffy "Gen. Robert E. Lee" orange-lemon layer cake, we took note of our fellow diners. Impeccably proper and correct, some ate fried chicken with their fingers.

It was a jarring shock in our travels through Kentucky to discover that meal reservations were not always mere formalities. "We're all full. Can I book you for another Sunday?" came the discouraging response to a Sunday morning phone call to the restored Shaker Village of Pleasant Hill. Located on 2,500 acres, seven miles northeast of Harrodsburg, the Shaker Village tries to preserve not only the serenely beautiful architecture and crafts of the 19th-century celibate religious sect, but its tradition of good cooking as well. Our pleas finally brought a response of "Just a moment. I can squeeze you in at 3:15." A smiling hostess in long brown Shaker dress, white pinafore and cap escorted us at 3:05 into the dining room. The operation is efficient—the meals enormously popular. We chose a combination plate of fried chicken and Kentucky ham.

What arrived was a Kentucky banquet. Sticks of corn bread accompanied a giant relish tray. A cream-topped tomato and celery soup was complemented by homemade crackers. There were jellied fruit salad, watermelon pickles, parsley-buttered new red potatoes, white and whole-wheat dinner rolls, lemon pie made from sliced whole lemons (a Shaker recipe). The ham was tender and salty, the chicken crisp and deep-fried. Afterward, we found Shaker cookbooks in the village gift shops, which also sold Kentucky arts and crafts, including hand-made pitchers, plates and bowls from Bybee Pottery.

"They think we punch them out," Buzz Cornelison told us with some exasperation in his voice as he recalled the time that Bybee Pottery (run by his family since the 19th century) had refused a large order from Bloomingdale's. He spoke more kindly of Col. Sanders' famous chicken, saying that the Cornelison family, when he was growing up, would go to Corbin to eat it every Sunday. Corbin (south on I-75, near the Tennessee border) is where the colonel's chicken fame began.

At Corbin, we met the unexpected. Less than 100 yards from the crowded parking area of "Sister Roberts, Palm Reader and Adviser" was an inconspicuous, stark, white frame building with a gabled roof and an old front entrance no longer in use. The original home of Col. Sanders Kentucky Fried Chicken, it is far from being a sterile museum. Many Kentuckians insist that the best Col. Sanders chicken is served here, and shortly after 4:30, there was a lively hustle and bustle as local families lined up to place their orders.

Munching on Col. Sanders "fast food" deep-fried chicken, in the place where it all began, we agreed that his personal blend of 11 herbs and spices made a tasty seasoning. As we slowly spooned our mashed potatoes from paper containers, we reflected on our Kentucky adventures. Which of our favorite fried chicken meals, we pondered, was really the best?

It was a difficult choice. We thought immediately of our splendid meal at the elegant Elmwood Inn. But then the many merits of Science Hill and Doe Run and the Beaumont and Shaker Village were impossible to ignore. What bad luck it would have been, we agreed, to have missed any of them.●

A REFUSENIK'S STORY

● Mr. CRANSTON. Mr. President, in the December 28, 1986, edition of the New York Times magazine, there appeared a remarkable story entitled "A Refusenik's Story" by Dr. David Goldfarb.

In it, Dr. Goldfarb recounts the incidents leading to his release from a Soviet hospital and transportation to New York, after many had done their best to help and had contributed significantly, because of the intervention in his behalf by Dr. Armand Hammer.

Dr. Goldfarb's story provides a fascinating insight into the Soviet system, the KGB, the Nick Daniloff incident, and into the always amazing, if somewhat mysterious, world of Armand Hammer.

I should like to share it with my colleagues and ask that it appear in this place in the RECORD.

The article follows:

A REFUSENIK'S STORY

(By David Goldfarb)

Last fall, after seven years as a refusenik—a Soviet jew refused an emigration visa—I was abruptly allowed, with my wife, to leave the Soviet Union for New York. The event was precipitated by a remarkable coincidence: the intervention with Soviet authorities of the American industrialist, Armand Hammer, whom I had never met; and at the same time, the fortuitous, if unfortunate onset of an international political crisis in which I unwittingly played a part. Two years earlier, I had refused to cooperate with the K.G.B., the Soviet secret police, when they first tried to entrap my friend and occasional dinner companion, the American journalist Nicholas S. Daniloff. It was only last summer, when Nick was at last arrested on the false charge of espionage, that the previous episode was made public.

Much of what happened I pieced together after the facts. And so although I was the central figure in the events I will describe, my part was limited to staying quietly in bed, providing other characters with an opportunity to say their lines. A seriously-ill man who had been in critical condition twice in the last year, I did not expect to live long, and the story unfolded to me as a succession of visitors came to my small world, a four-patient ward at the Vishnevsky Institute of Surgery in Moscow, where I'd had a toe amputation necessitated by diabetic complications.

The first indication that powerful forces had somehow gotten interested in me came on an afternoon early in September. Without any warning or explanation, I was transported from my ward to a large, empty room. There I was left alone.

After awhile, I heard a murmur of voices, and about 30 people in white robes marched in. Two figures approached me, and a gentleman with a thoughtful face said: "David Moiseevich, I am Professor Kuzin, the director of this institute, and this is Academician Petrovsky. You've been here for quite a while but your progress has been slow. So we decided to bring in some experts."

In my previous life as a professor of microbiology at the Academy of Sciences in Moscow, before I applied for emigration in 1979 and thus became a pariah among most of my colleagues, I had met Boris Petrovsky, who, as the ex-Minister of Health and the bearer of every thinkable honor and decoration, is probably the No. 1 man in the Soviet medical hierarchy. Several of my other visitors were known to me from editorial boards and committees years ago, and they watched silently as Dr. Petrovsky examined me, chatting and joking as if the situation was nothing out of the ordinary.

After consulting with his entourage, Dr. Petrovsky told me what I already knew: that my foot was not healing well, a common problem with diabetics. They would eventually, perhaps, have to amputate my leg, an awesome proposition, considering that my other leg was already missing, lost in 1942 at the Battle of Stalingrad. He finished on an optimistic note, however, saying that all modern advances in medicine would be at my service.

I was stunned. Suddenly, I was being given the kind of attention normally accorded to the party's Central Committee members. Such an assembly could not have been possible without a very high-level intervention. I was even more surprised when, through a friendly doctor, I learned that the previous afternoon Professor Kuzin had received a phone call from the Minister of Health, regarding the progress of David Goldfarb "in whose case there is an interest at the very top."

I could not come up with a rational explanation for this. In my pre-refusenik life, I had met a couple of the Central Committee people, but I could hardly have called them friends; I had surrendered my party card when I applied for emigration. I kept wondering about the identity of my highly placed benefactor until the next day, when my wife brought me a recent issue of Pravda.

In it, Tass, the Soviet news agency, reported that Dr. Armand Hammer had had a friendly meeting with Nikolai I. Ryzhkov, a member of the Politburo, and Anatoly F. Dobrynin, a secretary of the Central Committee of the Communist Party and Mikhail S. Gorbachev's chief adviser on foreign relations. Sometime earlier, my son in New York had written to Dr. Hammer, asking him to intervene on my behalf. The pieces fit together: an inquiry from Dr. Hammer could promote a phone call from Dobrynin or Ryzhkov, which would be sufficient to stir up the Health Ministry.

After the President and the Secretary of State, Armand Hammer is the best-known American in Russia, the mysterious foreigner who mingles with the top members of the Soviet hierarchy. His image in the Russian media sharply contradicts standard ideological clichés: a capitalist who is not anti-Soviet, a multimillionaire who was a friend of Lenin. After a life-time's experience with "proper political evaluations," I still would be at a loss if asked to give a Marxist assessment of Armand Hammer. Is he the friendliest of our adversaries or the most independent of our friends? Whichever is true, his status in Moscow is unique.

In the subculture of Moscow refuseniks, Dr. Hammer's visits were watched with special attention. Each time he appeared in the news together with Soviet leaders, we wondered whether somebody's release had been negotiated behind the scenes. This time, I thought: Alas, it is too late for me. Boris Petrovsky has reported that Goldfarb is too ill to be moved or cured. Dr. Hammer will be offered a healthier substitute; there is no shortage of refuseniks in Moscow.

It was not even two days later that my wife brought news that Nick Daniloff had been arrested. He had been picked up by the K.G.B. after a Soviet acquaintance handed him a package containing secret papers.

Since Nick was not a spy, there must have been a political reason for his arrest, I thought, probably related to a presummit propaganda game between Moscow and Washington; it was widely anticipated that President Reagan and Gorbachev were to meet before the end of the year. I concocted the following scenario: an American journalist is squeezed by the K.G.B. Then, on the eve of the summit, he is released as the result of Gorbachev's personal intervention. The Soviet leadership is universally praised for restraining its secret police, and an "atmosphere of trust" is created without the Russians needing to release dissidents or ease up on Jewish emigration.

Not for a moment did I doubt that Nick would be released soon, so I did not worry about him too much. I could not help thinking, however, about Misha, the friend who had handed Nick the secret package. I did not know Misha; the rumor was that he was a provincial schoolteacher. I wondered what kind of arguments were used by the K.G.B. to persuade Misha to set up his friend. Poor Misha, I thought. Many people will call you a coward and a traitor, but I will be the last to throw stones at you.

No friendship is more unequal than that between a foreigner and a Soviet citizen: one can travel, while the other is locked; one can shop at Beriozka foreign-currency stores, while the other must spend hours standing in line for potatoes; one is protected by his passport, while the other is at the mercy of the K.G.B., which tries to "discourage" such relationships.

I had realized that my friendship with Nick Daniloff put me on the K.G.B.'s "to be closely watched" list. I knew that my apartment was probably bugged, my telephone and mail monitored. In the spring of 1984, my suspicions were impressively confirmed by Officer Gusev of the Moscow K.G.B., who "invited" me to the Lubyanka headquarters and produced photographs of Nick Daniloff entering and leaving my house. He quoted conversations held at my home and presented items fished out of my garbage to convince me that he "knew everything" about my "anti-Soviet" activities. "You underestimate us," I was told. "We have enough material to put you away." However, he said, everything would be forgiven and I would be allowed to leave the country if I would agree to do them a small favor. I was to lure Nick Daniloff into my apartment, where agents would be waiting; what they were planning to do with Nick I never knew, because I did not go along with the plan.

My emigration permit fell casualty to my stubborness.

After Nick's arrest, I followed his story as best I could, listening to foreign news broadcasts through the earphones of my shortwave Sony, a gift from my son that, ironically, Nick had delivered. Each time the name Daniloff was mentioned, a jamming of the radio signals ensued, but I could still make out bits and pieces through the static. And before long I heard my own name. Apparently the episode of 1984 had somehow come out.

I was extremely pleased to hear my name on the radio. After all, my 1984 experience made the story of Misha and his secret package a barely credible one. But too, it would not hurt to have my name out in the

Western press. When an individual becomes involved in a controversy with the Soviet state, his safety is only enhanced by the interest paid to him by Western media. Hearing your name on the BBC or the Voice of America is the best assurance that the K.G.B. will think twice before cracking down on you. Other branches of the Government are likewise fearful that their performance will interst a foreign journalist, whose investigative zeal cannot be restrained by a telephone call from a party secretary. In effect, Western journalists in Moscow, whose reports are broadcast into Russia by foreign stations, substitute for a free domestic press, which is perhaps the reason that the best of them are so disliked by the K.G.B.

It turned out to be my son who had released the story about me, Daniloff and Gusev to the press. His radio interview in New York was heard by a friend out in the country, where the radio-jamming signal is not as strong as it is in Moscow. My son said he had released the story in order to make sure that "the K.G.B. does not have an incentive to keep my father from leaving the hospital alive." The stakes are getting high, I thought. Next I should expect visitors from Gusev's department.

My next visitor, however, was Ruth Daniloff, Nick's wife.

"David Moiseevich, I wanted to keep an appointment that Nick could not keep," she said. From Ruth, I learned about Gennadi F. Zakharov, the Soviet citizen arrested the previous week in New York for spying. It was only then that I realized the actual significance of my story. The Soviet side obviously wanted to portray Nick as a mirror image of Zakharov. Every detail of the two cases had been to look symmetrical: the police plant giving secret material to the foreigner, the agents waiting in the bushes. Nick would probably be put on trial and the world would be able to compare the credibility of Misha's testimony with that of the American friend who gave Zakharov his secret package. Ultimately at stake was the credibility of Mikhail Gorbachev against that of Ronald Reagan, both of whom were calling their respective captives spies. I thought, I am the only one who can shatter the mirror. I told Ruth to count on me as Nick's defense witness, and we agreed that she would mention my offer to reporters.

Apparently the news played well, because the next morning I was effectively put under house arrest in my bed. An announcement was made in the hospital that due to the outbreak of an unspecified infection, our section was being quarantined. No visitors on the floor would be permitted. I called for the doctor, Vladimir Karlov.

"Look," I said, "as a diabetic, I need a proper diet. I request that the quarantine be waived for my wife and daughter, who deliver my lunch and dinner." I do not know how much Karlov knew when he replied: "You are right. I'll go and see what I can do." Yet, I was sure that he would help me, no matter what. It is because of people like him that I think Russia is not completely hopeless. In half an hour, the permission was granted.

The expected visitors finally appeared next morning.

I was transported into the same room where I had been examined by Petrovsky. This time, my guests were two well-dressed gentlemen.

"David Moiseevich," said one of them, "I am a political commentator from Tass and my colleague is from the Novosti Press Agency. We would like to talk about stories spread about you by the hostile propaganda abroad. They link you with Nicholas Daniloff. Do you know him?"

"Yes, he is my friend," I replied.

"You know, his case has been blown out of proportion. Even the summit meeting is now in jeopardy, can you imagine?"

"Is that so?" I said.

"There are reports abroad that some time ago, our state security people tried to force you to take part in a provocation against Daniloff?"

"It would not be fair to say that they were forcing me. They asked me to do them a favor. When I refused, they raided my apartment and confiscated a couple of books and a bunch of letters from my son. They were returned later, though."

"David Moiseevich, Western propaganda portrays you as an enemy of our Soviet Motherland. You, the veteran of the Great Patriotic War. What do you think about it?"

This is the classic catch, I thought. There is a struggle going on, and there are only two sides. Such an appeal to blind patriotism might have worked with me as late as a decade earlier. But not now.

"I don't think this is the proper question to ask," I replied. "I paid my dues to this country, which I loved, and now I want to leave it to go to my son in New York. Let me make a statement on Daniloff before you leave. I have known him for five years and we met quite often. I never noticed in him any interest in matters that go beyond his work as a reporter. I do not believe he is a spy."

This interview was indeed used by the Soviets. As I learned later, Gennadi I. Gerasimov, the Soviet Foreign Ministry spokesman, quoting Tass, stated that I had denied the 1984 episode and "rejected the use of my name in foreign propaganda for anti-Soviet purposes."

Wednesday, Oct. 15, 1986, began uneventually. Doctors' visits in the morning, lunch brought by my wife, nothing deviating from the routine that, after four and a half months in hospitals, had become intolerably monotonous. The Daniloff affair was over. Nick and Ruth were safely in Vermont. There had been no sign of interest in me by anyone important in the month since the Tass interview.

About 5 P.M., I was awakened from a nap by the chief surgeon, Dr. Vishnevsky (no relation to the founder of the hospital). "Do you accept high visitors?" he asked.

"Depending on the height," I answered, still half asleep.

"Armand Hammer is coming to see you," said Vishnevsky. "He will be here by 7."

A flurry of activity followed this announcement. All available personnel, including nurses and duty physicians, were sweeping floors, wiping windows and polishing bed railings.

At 7 o'clock sharp, the door opened and a smiling Professor Kuzin announced: "David Moiseevich, Dr. Armand Hammer to see you."

Dr. Hammer walked straight to my bed, took both my hands and said in English: "Dr. Goldfarb, I want to take you to New York tomorrow."

I did not believe my ears. Even if the emigration permit was granted, the collecting of papers, processing of visas, paying fees and getting tickets would take at least a week. Also, I could not even sit up in my bed; how could I get to the airport, through customs?

"Dr. Kuzin," I said, "would you care to translate what Dr. Hammer just said into Russian?" "Dr. Hammer wants to take you to New York tomorrow," said Dr. Kuzin.

Dr. Hammer, who had obviously understood my question, said: "Don't worry about the details. The matter was cleared with Dobrynin. We are leaving tomorrow at noon."

That night, the sleeping pill did not work. I lay listening to the troubled sounds of the hospital, trying to balance the account of the last seven years. In the equation of the life of a refusenik, time is a negative factor. A visa is a mixed blessing if it comes too late.

In 1979, when I'd first applied for emigration, I was 60 years old. A professor's position was waiting for me at the Weizmann Institute of Science in Israel, where I would continue my research in microbial genetics. I was full of energy and plans. But the last seven years had changed things, and I was realistic enough to understand that a nearly blind individual in a wheelchair, who has been out of touch with his field for half a decade is hardly an asset for any institution. I did not want to become a burden to my son. And I did not want my wife, who does not speak English, to remain alone in a totally different culture.

On the other hand, I knew that the medical treatment I was getting was hardly state of the art, in spite of my doctors' best efforts. In New York, I would probably have an extra year or two. I badly wanted to see my son before I died. I also felt that my daughter's family would have a better chance of leaving the Soviet Union if I was already out of the country; she could then use family reunification as grounds for an emigration request. On the positive side of the scale was also the pleasure of at last winning a point from the K.G.B. I concluded, before I finally slept, that to emigrate now was not so bad.

The infected-wound unit of the Vishnevsky Institute is in a two-story, 18th-century mansion across the courtyard from the main building. The stairway leading to the main hallway is too narrow to accommodate a stretcher, so I was carried out in a wheelchair. I was accompanied by my three doctors, Vadim Zhukov, Vladimir Karlov and Rafael Begichev, surgeons who had done a remarkable job in spite of all insufficiencies and shortages. Outside, the first time in the fresh air in five months, I was put down at the top of a small stairway. I remember the farewell scene as being as unreal and grotesque as the finale of a heroic opera: the bronze statue of the hospital founder in the middle of the courtyard; a black limousine and a white ambulance placed at an angle between the stairs and the statue; a semicircle of spectators behind the vehicles; and at the bottom of the stairs, the main figures: Dr. Hammer in black, Dr. Kuzin and Dr. Vishnevsky in white, and my daughter Olga, with her two little girls, running up the stairs toward my wheelchair, where I sat, flanked by doctors, like a patriarch.

On the way to the airport, my wife named the streets out loud, but I felt neither sorrow nor joy about leaving the city where I had spent my life. I remembered how I took my son to the airport 11 years before, along this same route, and how the car broke down and he almost missed the plane. Then I remembered my only previous departure to the United States, in 1963, as a member of a Soviet scientific delegation; as we drove along these same streets, we made bets as to whether some bureaucratic twist would cancel our trip at the last moment. The fact that I was leaving forever did not seem real until the Soviet border policeman stamped our passports in the middle of a deserted airfield, where our cars had stopped alongside Dr. Hammer's jet.

My wife and I have been in this country for a bit over two months. We have been reunited with our son. Our daughter has been allowed to visit; she and her family in Moscow await permission to emigrate. I am being treated at Columbia-Presbyterian Medical Center for disabetes and lung cancer. I will, it seems, keep my leg. I would like to reiterate the thanks I expressed in a letter to The New York Times, published Oct. 25: "I am overwhelmed by the warmth of welcome and the sympathy accorded to me. . . . Many people called, wrote or cabled from every corner of the United States . . . from President and Mrs. Reagan to the third-grade class at Honiss School of Dumont, N.J.

"I am grateful to my doctors, to the staff and administration of Columbia-Presbyterian Medical Center, to the National Conference on Soviet Jewry. I want to thank colleagues who bombarded the Soviet Academy of Sciences with cables and letters, Jewish communities and individuals who contacted their representatives and members of Congress who wrote to Soviet officials.

"I am grateful to two American doctors, Kenneth Prager and Glenn Geelhoed, who volunteered to go to Moscow to treat me (and whose visa requests were turned down), to officials at the State Department who presented my case during negotiations, and to the journalists and editors who brought the plight of a sick man on the other side of the globe to American public attention. Most of all, I am grateful to Dr. Armand Hammer, who virtually saved my life.

"I hope my story will bring the world closer to the day when transferring a patient from one hospital to another will require less sophisticated arrangements."●

IN SUPPORT OF S. 1, THE CLEAN WATER ACT

● Mr. MURKOWSKI. Mr. President, I rise in strong support of S. 1, the Clean Water Act amendments.

This is the third Congress that has labored over Clean Water Act amendments, and I believe this bill represents a hard won consensus that truly reflects our best efforts.

In the 99th Congress the Clean Water Act amendments were unanimously passed by both the House and the Senate. This bill still merits our support in the 100th Congress. Its water quality goals are ambitious but achievable, and the bill addresses some of the most important water quality issues facing us today.

The bill before the Senate today is of tremendous local importance in my own State of Alaska, where we still have communities without basic sewage treatment facilities—communities in desperate need of the sewage treatment grants made available by this legislation.

Additionally, this measure revises current law to better address existing problems. For example, it allows States to assume portions of the national pollution discharge elimination system [NPDES]. Until now, States had to assume all or none of the program—an option that imposed considerable financial and regulatory burdens on State administrations that chose to get involved in the monitoring and enforcement of the Clean Water Act.

Alaska has considered assuming the program in order to obtain permitting authority over the placer mining industry, but the cost of assuming the entire program barred the possibility. With the passage of this bill, Alaska can assume only that part of the program pertaining to its own unique problems and situations. This, I believe, is a responsible approach.

Mr. President, I also wish to commend Senators STAFFORD, CHAFEE, and MITCHELL and their staff for their assistance in addressing a purely Alaskan issue—the duplicative regulation of log transfer facilities. A provision of S. 1 requires the EPA and corps to coordinate their permitting procedures to reduce costly and delay-creating duplicative regulation. Like so many other situations we face in crafting Federal law, the uniqueness of Alaska sometimes requires special attention. I appreciate the understanding of my colleagues in this regard.

Mr. President, there are objections to the price tag of this bill—and there is little doubt that this is an expensive piece of legislation. But let's not delude ourselves about the real, long-term costs that we will face if we don't pass this legislation. States and local communities will have to fund what we don't—yet many can't simply because they don't have the money. So who suffers? We all do. Inadequate sewage treatment facilities threatens our health, our very well-being—costs that are far more significant than the price tag of this bill.

But while the bill is expensive, it's responsible in that it doesn't authorize a program of never-ending Federal grants. Instead, direct Federal funding for future sewage treatment assistance is phased out in favor of a revolving loan fund to meet future needs.

For all these reasons and others beyond the scope of this brief statement, Mr. President, I support this legislation, and I urge my colleagues on both sides of the aisle to give it their fullest support.●

THE ANNIVERSARY OF THE DECLARATION OF FREEDOM

● Mr. CHILES. Mr. President, last Friday, the Cuban American community commemorated the 21st anniversity of the signing of the Declaration of Freedom. On January 23, 1966, 1,500 Cubans gathered in Key West, FL, and produced this historic document. We pay tribute to these original signers, and more importantly, we pay tribute to the Declaration of Freedom itself. Like our own Declaration of Independence, it lays the groundwork for a free and democratic nation.

The passage of 21 years has not altered at all the timeliness of this document. Last week in South Florida, the Cuban American community participated in what could best be described as a true exercise in democratic freedom. Members of the Municipios in El Exilio, hometown clubs, held their annual officer's elections. These hometown clubs consist of former office holders and citizens of Cuban cities and towns who were driven from their country by Fidel Castro. Such a meeting would have never taken place in Castro's Cuba, because there are no elections in a dictatorship. That Cuban Americans continue to exercise their freedom of choice in the annual hometown elections is a demonstration of their time-tested love for democracy, a principle which the Cuban Government persistently refuses to recognize.

In Cuba, freedom is only a word. The Cuban people continue to be denied the most basic human rights and civil liberties. Fidel Castro has no sympathy for freedom of speech, freedom of the press, or freedom of religion. He has denied his people the right to emigration, and he harbors little tolerance for dissenting opinion. The fact that Cuba's prisons remain full of political prisoners seeking to emigrate more than attests to this intolerance.

The Declaration of Freedom serves as a rallying cry against the crimes committed by Castro's merciless Government. It protests the cruel and lengthy prison sentences and the harsh forms of physical abuse and mental torture to which the regime's prisoners are subjected. The Declaration of Freedom is an affirmation of the belief in democratic principles, principles which Cuban Americans have always honored and practiced.

We commemorate the 21st anniversary of the signing of the Declaration of Freedom to underscore the desire in every Cuban to see his homeland once again free. It embodies a spirit which burns as fervently today as it did 27 years ago when Fidel Castro first came to power. It is a statement by free men desiring to break the chains of their brothers who are enslaved. And it stands in defiance of the actions and priorities of a ruthless dictatorship.

Mr. President, today I honor the Declaration of Freedom itself, the 1,500 individuals who originally drafted and signed the document, and the principles of freedom and democracy upon which it is founded.

Submit for the RECORD a copy of the Declaration of Freedom.

DECLARATION OF FREEDOM

In the city of Key West, Monroe County, State of Florida, United States of America, we, the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the Martyr Island, do say:

That on January 1st, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century, was resumed.

That those responsible for this high treason to our Fatherland and our People are just a score of traitors who, usurpating the Government of the Country have been acting as mercenary agents for the Sino-Soviet imperialism, and have surrendered to that imperialism our Freedom and our Dignity, also betraying the American Hemisphere.

That as a consequence of this high treason, those who are usurpating the Power in Cuba (as they were never elected by the People), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being or the most elementary human rights.

That in their hunger for Power, these traitors, following the pattern of totalitarian regimes, are trying, within Cuba, to separate the Family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hope of extending the length of time for this abominable system.

That the rule of the Law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their masters, the Sino-Soviet imperialists.

In view of the aforegoing,

WE DECLARE

First: That the actual Cuban regime is guilty of high treason to our Fatherland and to the ideals of the Freedom of Revolution which was started on October 10th, 1868.

Second, That this score of traitors who have committed treason against our Fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives, before the Ordinary Courts of Justice of Cuba.

Third: That as the Noble Cuban People will not ever surrender, because that Nation was not born to be slave, we, the Cuban People, hereby make the present

DECLARATION OF FREEDOM

We hereby swear before God Almighty to fight constantly, until death comes to us, to free Cuba from communism.

The fundamentals of this Revolution for Freedom are:

First: God Almighty, above all things, in Whom we believe as the essence of Life.

Second: The Fatherland, with all of its Laws, traditions, customs and history as a spiritual value, only surpassed by the concept of God.

Third: The Family, as the cornerstone of the Human Society.

Fourth: Human Rights, for each and every citizen, regardless of race or creed.

Fifth: The Law, as the foundation for the proper development of the Human Society.

Sixth: Democratic Government, with its three independent branches: Legislative, Executive and Judicial.

Seventh: Representative Democracy, through the exercise of Universal Suffrage, Periodically, Free and Secretive, as the expression of Popular Sovereignity.

Eighth: Freedom of Worship, Freedom of Teaching, Freedom of the Press and Free Enterprise.

Ninth: Private Property and Ownership, as the basic expression of Liberty.●

PROPOSED DEFERRAL OF FOOD ASSISTANCE FUNDING FOR FISCAL YEAR 1987

● Mr. **DANFORTH**. Mr. President, it is my understanding that the White House will soon send a message to the Senate announcing a deferral of more than $28 million earmarked for the Temporary Emergency Food Assistance Program, or TEFAP, in current fiscal year. I strongly oppose this redirection of food assistance dollars, and will introduce legislation to block such action when the President's message is received.

TEFAP is one of the most basic of all Federal programs. Simply stated, the program makes a small amount of Government's vast stockpile of basic commodities like cheese, butter, and rice available to those who might otherwise go hungry. The program offers assistance to men, women, and children who need it most, while making use of goods that would otherwise remain in warehouses, stored at Federal expenses. The Temporary Emergency Food Assistance Program is good policy that makes common sense.

Congress has expressed unequivocal support for TEFAP. Almost 3 billion pounds of surplus commodities have been distributed since the Reagan administration conceived the Special Dairy Program in December 1981. The Food Security Act of 1985—the farm bill—extended TEFAP through fiscal year 1987 at an authorized level of $50 million per year, and House Joint Resolution 738, the continuing resolution for fiscal year 1987, provided funding to meet this target level.

Nonetheless, the President's budget for fiscal year 1988 proposes cutting this assistance to the needy by more than half, using the $28.6 million for Federal pay raises and retirement contributions. That reduction would cut funding for Missouri's Commodity Distribution Program by $67,000 in the first 3 months of 1987, reducing program expenditures by 28 percent during the bitter winter season. I can think of few initiatives that make less sense, or that should be more soundly rejected by the Senate.

Federal budget deficits are the most urgent problem facing our Nation and the Congress. But the budget must never be balanced on the back of the needy. I believe that the Federal Government as an institution, and each one of us as individuals, have an obligation to assist the hungry until we finally succeed in eradicating hunger.

Our land is one of immeasurable abundance, stretching from the waters and hills of New England, across the fertile fields of the Midwest, and the wheat-laden Great Plains to the rich valleys of California. Our farmers are so productive that they have built an unprecedented agricultural surplus, one that by its very size now threatens those that feed the United States and the world. In the face of this wealth and excess, it is simply unacceptable to withhold a minimal level of food assistance from those in need.

Mr. President, new cost-sharing responsibilities for the TEFAP Program were implemented just 4 weeks ago. Effective January 1, 1987, the States must match Federal funds for commodity storage and distribution dollar-for-dollar, meaning that Federal funds will have an even greater impact. The administration is proposing withdrawing from this partnership even as States are shouldering a greater share, making the proposal that much more nonsensical. As long as hunger and malnutrition are facts of life in America, there will never be a good time to reduce domestic food assistance efforts, but now is an especially bad time.

If the administration does move forward with its proposed deferral, I will introduce legislation to fund TEFAP at the level established by Congress and ratified by the President throughout the remainder of this fiscal year. I invite my colleagues to join me in this effort to preserve the vitality of Federal hunger relief efforts.

OPERATION HAYLIFT

● Mr. **HOLLINGS**. Mr. President, the drought of the summer of 1986 was the worst natural disaster of its kind to ever hit the Southeastern United States. Week upon arduous week of searing heat and no rain left the land parched, and the crops dead.

Not only did farmers lose their crops, but also they were threatened with the loss of their livestock. Without a change in the weather or a quick infusion of hay and other feedstocks, whole herds would have died, and rural communities would have been even more devastated.

Yet, when it appeared that all hope was lost, help appeared, as farmers in the Northeast and Midwest offered to donate surplus hay to those in South Carolina and other States in the Southeast. It was once again evidence of the American spirit of people willing to help those in need.

The problem remained, however, of how to move this enormous amount of goodwill thousands of miles in a timeframe short enough to aid the farmers of the Southeast. Once again, everyone chipped in, as truckers, railroads, and even cargo airlines donated their services to transport the hay from points throughout the country to those in need.

Mr. President, there were thousands of people who generously donated their time, their resources, and their efforts to ensure that the hay reached States like South Carolina, and I think it is important that as many as possible be recognized. As such, I ask that the following article on "Operation Haylift" which appeared in the Private Courier be printed in the RECORD.

In addition, I would like to make special mention of the many railroads that provided transportation, and Federal Express which provided free delivery of hay from Massachusetts to my hometown of Charleston, SC, while the crisis was still particularly acute.

The article follows:

[From the Private Courier, November 1986]

OPERATION HAYLIFT: AMERICA COMES THROUGH

It all began in mid-July when an ABC newscast carried a news report describing the plight of Tom Trantham, a Pelzer, South Carolina, farmer.

Trantham's 200-cow dairy herd was starving from lack of hay. His predicament resulted from unusual weather patterns affecting the entire Southeast. Only a few inches of rain had fallen since March, resulting in the worst drought in the area's history.

Across the country, television viewers responded. In Iowa, farmer Peter Owenson knew what he had to do. Responding to the news report, Owenson contacted the local ABC-TV affiliate to offer 450 bales of hay to Trantham. The phone call led to a televised phone conversation between the two farmers. This, in turn, triggered an avalanche of help in the form of donated hay, trucks, planes, fuel, labor, and money. ABC named Owneson "Person of the Week."

And in Indiana, farmer Gayle McFarland saw the same broadcast. McFarland offered to send hay to farmers in South Carolina if someone could find a way to get it there.

Other television stations across the country received similar calls. The August 6 *Washington Post* explains what happened next: "The national response to the drought of 1986 has become the moral equivalent of a barn raising—a movement that began without politicians and that goes on gathering momentum.

"Thousands of tons of hay cut by farmers in 39 states are on their way to South Carolina and other drought-stricken Southeastern and Mid-Atlantic states, where crop and livestock damage is estimated at $2 billion—with higher figures certain to follow.

"Trucks, trains, and planes have been mobilized to carry the freight, loaded by armies of volunteers. . . . The federal government isn't involved; state offices are playing a minor role. And no one knows when the flood of hay and volunteer help will stop."

During the next few months, tens of thousands of tons of hay were delivered to farmers in the South and Southeast.

Every shipment was special. Here are just a few of the stories.

ADOLPH COORS CO.

The Adolph Coors Co., by the end of July, had donated about 80 tons of cattle feed to the farmers in the Southeast. In fact, the company entered into a 30-day contract with railroad companies to ship the feed.

Coors has also worked with its distributors and others in the effort. Marshall Distributing Co., for example, is the Fort Collins, Colorado, Coors distributor. According to Ed Menges, Marshall Distributing Co. president and general manager, "We were trying to determine if there was something we could do to help the people out. Coors officials said if we could get a couple of tons of hay to Denver they could get it to the Southeast."

The firm shipped two tons of hay from High Plains Genetics to Denver, where it was loaded on trains with other donated hay.

BENJAMIN MOORE & CO.

Benjamin Moore & Co. recently donated five tractor trailer units to help farmers in the Southeast. Drivers William Baker, Morris Carswell, Donnie Dickerson, Wayne Jones, Tom O'Kennon and Doug Rice—all based at the company's Colonial Heights, Virginia, facility—donated their time because "we were concerned about the plight of our neighbors."

The trailers were loaded to capacity with hay donated by farmers in Butler, Pennsylvania, and delivered to the Southern States Co-op in Cumberland, Virginia, for distribution to area farmers.

"We are pleased to provide equipment and drivers and to participate in such a worthy cause," said Ben Garrett, transportation manager of the company's Eastern Division.

BERNHARDT INDUSTRIES

Bernhardt Industries' involvement with the haylift began with Williamsburg, Iowa, Ruritan club member Harold Joseph. The problem was not only one of hay, but also of transporting it where it was needed. He was put in touch with the Colletsville, North Carolina, Ruritan club.

The club's secretary-treasurer, Ken Stories, was a retired dispatcher for Bernhardt, and he used his influence and contacts to arrange for drivers from Bernhardt—which distributes furniture and carpet in the Midwest—to take the hay on their backhauls.

Roger Boebbels, a Bernhardt driver who helped haul the hay, noted that the drivers also donated their time for the backhaul.

BURLINGTON INDUSTRIES TRANSPORTATION

Burlington Industries Transportation has been actively involved in assisting drought-stricken farmers in the Southeast by transporting badly needed hay. In the past two months, Burlington Transportation has hauled 72 loads of hay. Most requests for help have come from farmers in North Carolina, but some Virginia and South Carolina farmers have also benefited from Burlington's assistance program.

Cooperating with the North Carolina agricultural extension offices, Burlington has hauled hay principally from Ohio, but has also hauled loads from New Hampshire, New York, Pennsylvania, West Virginia, Virginia, Iowa, Illinois, Indiana, and Michigan.

C&F STAMPING CO.

Acting as coordinators for C&F Stamping Co.'s participation in the haylift were Dick Root and Bill Priest. Priest explains, "Some of our employees approached us and wondered if we couldn't do something to help those farmers, and we contacted the Michigan Department of Agriculture to offer our services."

At about the same time, Brian Klingenberg—a 17-year-old high school senior and president of the Hamilton (Michigan) Future Farmers of America (FFA)—began contacting other FFA members, friends, and families. They quickly collected 650 bales of hay to send to members of the Oconee County, Georgia, FFA club.

Oconee was at the head of a list of three Georgia counties because its FFA has one of the largest livestock programs in the state.

The Michigan FFA chapter contacted the Michigan Department of Agriculture, and was referred to C&F Stamping.

Bev Bosch, the Michigan FFA advisor, writing, to C&F Stamping, picks up the story. "You have a very fine employee in (driver) Gene Byrne. He made the trip so simple for us! All we had to do was follow the 'just in time' delivery truck, which was an ironic slogan for the situation. The FFA members were always eager to talk with Gene on our stops and got to know him quite well by the end of the trip. He must have been hand picked for the job as he was just super!"

She adds, "We couldn't have done it without you!"

C&F Stamping Co. is a leading supplier of O.E.M. plastic and steel parts to the automotive industry. With corporate headquarters in Grand Rapids and manufacturing plants in Grand Rapids, Walker (MI), and Hopkinsville (KY), C&F is able to provide "just-in-time" delivery with its private fleet throughout the continental United States.

CHAMPION INTERNATIONAL

Butler County, Ohio, farmers responded generously to the needs of Southeastern farmers during the recent drought. Not only did Butler County adopt a "sister" location—Gaston County, North Carolina—but also with the help of Champion provided much-needed relief to Haywood county farmers as well.

Champion's tractor trailers delivered more than 4,500 bales—close to 100 tons—more than 57 percent of all the hay donated for Haywood County.

COLLINS & AIKMAN

Collins & Aikman Corp. of New London, North Carolina, has been an active participant in hauling hay from Illinois, Indiana, and Ohio to farmers near its plant facilities.

Between late July and early October, the company had moved 64 truckloads of hay from the Midwest. Those loads have been delivered to livestock and dairy farms in the Stanly County area surrounding Albemarle, North Carolina . . . to the Nazareth Children's Home farm located in Rowan County near Faith, North Carolina . . . in Iredell County in the area around Harmony . . . and to the Halifax County Virginia Cattlemen Producers Association near South Boston, Virginia.

Linda Benge, superintendent of Nazareth Children's Home, wrote to George Reeves, vice president, traffic and transportation, Collins & Aikman: "Your drivers were most courteous and considerate. They called to tell us when to expect the hay and dropped the trailers to give us time to unload them.

"We are extremely proud of the Nazareth Herd and have won several prizes at the County Fair. Our prize winners are all registered Black Angus and both our staff and children are deeply involved in the farm. The boys help on the farm and care for the young calves, treating them like babies, so they were also concerned for their feed this fall and winter. I can assure you that the big blue and white Collins & Aikman trucks will always remain in the hearts of those young boys and girls who call Nazareth their home.

"Since we are a non-profit organization, we are grateful for your support. Your gift to us will come back to you many times over and in ways you can never imagine. There is simply no greater satisfaction known to any human being than the knowledge that you helped worthy children find a better life for themselves. Our sincere thanks to all who made this a success."

CONE MILLS CORPORATION

On July 29, a Cone Mills truck, driven by George Holton, unloaded 15 rolls of hay into Yadkin County, located in the foothills of North Carolina. Each roll was five feet high and weighed 800 pounds. The hay was intended for farmers with large dairy and cattle farms in the immediate area.

The hay was backhauled from a generous farmer in Liberty, Kentucky, who was taking part in the Governor's Operation Hay.

A few days later, another Cone driver, Donald Hancock, hauled 14 rolls of hay from Liberty Kentucky, to a farm just outside of East Bend, North Carolina.

CRANSTON TRUCKING CO.

On August 1, Cranston Trucking of Cranston, Rhode Island, was on the road to Dighton Regional High School, Dighton, Massachusetts, for a hay pickup sponsored by Future Farmers of America and local farmers in the area.

On August 4, Cranston Trucking rolled into Lexington, South Carolina with a no-charge delivery of 20 tons of hay.

Mike Emmett, division manager of Cranston, said, "We were happy to do our part along with New England farmers and other local trucking companies."

Cranston Trucking is a division of Cranston Print Works Company.

DE CAROLIS TRUCK RENTAL

In early August, DeCarolis Truck Rental of Rochester, New York, together with its lease customer, Penerex Carpet Service, assisted the Monroe County Cooperative Extension by donating the equipment and people needed to transport eight tractor loads of hay to the drought-stricken areas of the South.

The next weekend, DeCarolis donated a tractor and two trailers to the Genesee County Cooperative Extension. The equipment was used to deliver hay from farms in Genesee County to the Rochester railroad terminal, where it was shipped south.

Brad Grover, DeCarolis safety director, says: "We are proud of our involvement in this compassionate campaign to aid the innocent victims of this unfortunate natural disaster."

DELTA NU ALPHA

When the Governor of Tennessee declared 22 counties in the southeastern portion of the state a disaster area, it was the starting signal for Tennessee Alpha Chapter No. 27 of the Delta Nu Alpha Transportation Fraternity to begin mobilizing. Even though the regular sessions of the University of Tennessee had already been dismissed, planning started on June 1 for a haylift to the drought stricken farmers.

The students at the University of Tennessee's Marketing and Transportation School of Business dedicated themselves to becoming involved with the real-world applications of their classroom-learned techniques.

In an effort to provide a public service and solve a community need, the students coordinated delivery of hay donated from farmers in Iowa, Indiana, and Ohio to farmers in eastern Tennessee. The students were also able to apply their negotiating skills and costing techniques to develop a structure fair to all.

The students have helped move approximately 15 loads.

DIVERSIFIED TRUCKING CORP.

Diversified Products, a large manufacturer of physical fitness equipment, is based in the heart of the drought-stricken Southeast—in Opelika, Alabama. Diversified Trucking Corporation is the transportation arm of the company.

Employees of the firm persuaded company president Cal James to join in the hay transport—instead of bringing back empty trucks from the Midwest, they could bring back hay for suffering cattle farmers in the state.

The hay was donated by Midwestern family farmers who are members of the National Save the Farm Coalition. It was received by the Federation of Southern Cooperatives, a member of the same program.

The first shipment, from Iowa, consisted of 435 bales of hay. Several more shipments arrived within a few days.

To qualify for the free hay, a livestock farmer couldn't own more than 50 head of cattle. The average co-op member owns about 25 head. Each farmer could claim 40 bales.

DOMINO'S PIZZA

Domino's pizza Distribution Corp. has a set of goals, one of which is for the "community to consider us a fine example of what business should be." Recent efforts by the E&S New Stores Division have helped fulfill the community goal.

Domino's recalls: "Most everyone now knows about the plight of the drought-stricken farmers. Many of us initially thought only of the poor crop yield and what that will mean at harvest time. As news coverage continued, we learned that farmers' livestock were suffering from lack of feed due to the drought. Instead of only wishing to help, Pete Niedbala, Fleet Team Leader at New Stores, decided to actually do something to help the farmers."

On July 30-31, E&S New Stores donated the use of their tractor trailers to haul approximately 50,000 pounds of donated hay for needy farmers. Organized by the Steelcase Company, and working with the Michigen Department of Agriculture, the trucks were loaded in Fair Haven, Michigan, and hauled to Grand Rapids, where the hay was shipped by rail to the Southeast during the weekend of August 2.

On August 5, one load of hay donated by Domino's Farms and another donated by a local farmer were loaded on two New Stores trucks. The two New Stores vehicles were joined by a truck donated by K-Mart Corp, forming a three-truck convoy. The convoy arrived August 6 at the Atlanta Farmers Market with a total of approximately 60,000 pounds of hay for local farmers . . . a trip of 800 miles.

The following Delivery & Service team members contributed time and effort to the project: Gary Holmes, Sherman Snow, Ed Terberg, Lorenzo Williams, Gray Hipps, Bill Loesch, Bruce Ludwig, John Ledford, and Eric Wurster.

EASTMAN KODAK

Only goats would be able to get any nourishment out of eating a roll of photographic film. However, there is a by-product of film producing which provided cattle and other animals in South Carolina with a better chance of surviving the worst drought in the state's history.

The by-product is dicalcium phosphate. It's devived from gelatine production by Eastman Gelatine Corporation of Peabody, Massachusetts, a subsidiary of Eastman Kodak Company.

According to Frank Butler, Eastman Gelatine's president, dicalcium phosphate is an excellent animal feed supplement. "We have been selling it for this purpose to farmers in Northeastern states," he said.

In early August, Eastman Gelatine donated 100,000 pounds of this animal feed supplement to South Carolina farmers. The value of the dicalcium phosphate was placed at $10,000 by Mr. Butler.

FIRESTONE INDUSTRIAL PRODUCTS

The Firestone Industrial Products Co. of Noblelsville, Indiana, a division of the Firestone Tire & Rubber Co., donated the use of two semitractor-trailers with drivers James Gaffin and Phil Eitel. It moved three loads of hay from various pickup points in Indiana to the rail loading siding in Indianapolis.

According to traffic manager R.E. Ott, "We were glad to be able to participate in this show of friendship."

FOOTE & DAVIS

When Foote & Davis driver Felton Bishop pulled into the Atlanta Farmer's Market with 400 bales of hay, among those to greet him with open arms was Assistant Commissioner of Agriculture Charlie Mann.

Mann, who was directing traffic in the massive effort to bring relief to Georgia's drought-stricken livestock producers, was looking for every scrap of hay he could find. While the income had been steady, he said, so had the outgo.

"The truckers have helped a lot," he said. "They've put out the word, and now we're getting five to 10 trucks a day in here."

Much of the increasing truck traffic was in response to an appeal by Georgia Motor Trucking Association for its members to participate in "Operation Hayride," a joint effort between GMTA and the Georgia Department of Agriculture.

Trucking firms with empty backhauls from hay-producing regions—principally the Midwest—were asked to contact GMTA or the Department of Agriculture, which matched equipment and loads.

Bishop, who had picked up his load in Middleton, Ohio, said the "people sure were nice up there." He said that besides donating and helping load the hay, gracious farmers offered meals to participating truckers and otherwise tried to make them feel at home.

A similar experience was reported by Herman Tucker, a driver for Pet, Inc., who picked up a load in Duncan, Oklahoma.

"The people I met were just as nice as they could be," he said. "It really makes you feel good to run into people who are willing to help like that."

Among the grateful recipients of the hay was Robert Emerson of Cartersville, who is an independent trucker in addition to running a farming operation. Emerson was loading his trailer with feed for his livestock as well as that of several neighbors.

Many of his neighbors are elderly, he said, and could not easily come to the farmer's market, nor do they have vehicles that could haul appreciable amounts of hay.

"We all stick together," Emerson said. "They've done for me in the past, and this is a chance for me to help them a little." He left with more than 200 bales.

Emerson's tractor-trailer rig was the exception, however. As if to underscore the desperate nature of their situation, farmers showed up in pickups, livestock trailers, dump trucks, and nearly anything else that could carry a few bales of hay.

"The show of support from Georgia truckers has been outstanding," said Agriculture Commissioner Tommy Irvin, "and I know I speak for Georgia farmers in extending heartfelt thanks. Georgia farmers are in a crisis situation, and the help provided by farmers across this nation in donating hay, and from Georgia truckers in bring the hay to us free of charge, is very much appreciated."

MICHIGAN FRUIT CANNERS

"You always hear stories of farmers helping their neighbors; farmers have always helped farmers," said David Mroczek, director of Berrien County Michigan Agricultural Stabilization and Conservation Service. "This is neighbors to the north helping neighbors to the south."

Two trucks left Berrien County in mid-August, including one filled with about 400 bales of hay. The truck to carry the hay to Schoolcraft, Michigan, was donated by Michigan Fruit Canners of Benton Harbor. From Schoolcraft, the hay was shipped by train to the Southeast.

MINSTER MACHINE CO.

The Minster Machine Co. of Minster, Ohio, dedicated both of its rigs, normally used in machinery hauling, to transport hay. Each made six trips to various points in South Carolina. Combined, they delivered approximately 6,000 bales of hay, and logged over 15,000 miles.

MACK TRUCKS

Earl W. Brunner, vice president of fleet sales and product planning, was responsible for the transportation of a shipment of hay from Allentown, Pennsylvania, to South Carolina. Also participating in the effort was T.J. Makovsky, a sales engineer.

PACEMAKER DRIVER SERVICES

Robert D. Malarney, president of Pacemaker Driver Service, Indianapolis, Indiana, was watching television network news one day and saw a report on two typical farmers. One in the Midwest had an excess of hay; the other in the Southeast has hungry dairy cattle due to lack of grazing. The Midwest farmer was offering the excess hay to the dairy farmer but, unfortunately, has no way to transport it to him. The report ended there with no solution.

Seeing this, Malarney put his people into action. Calls were made to the Departments of Commerce, to the farmers, local concern groups, and state media. A tractor-trailer was leased for a week by Pacemaker and two drivers—Chuck Huffman from Indiana and John Heaton from South Carolina—were put on to run the hay down to the Southeast.

Beginning with the Sam Daneway Farm in western Indiana, the effort mushroomed to the point where Emerald Acres in New Richmond, Indiana, was a collection point for over 20 trucks of hay being sent to North and South Carolina. What made the effort unusual was the fact that it was conducted on a farmer-to-farmer basis. No officials were involved.

Through the help of local radio stations and increasing coverage by other media, the word spread. Farmers and companies like Pacemaker contributed their services.

A total of 24 trucks hauled 11,400 bales of hay the first week from western Indiana.

Jim Malarney, executive vice president of Pacemaker Driver Service, Inc., said: "If someone is in need of help and you're in a position to render that help, I think you have a moral obligation to do so. That's the way this country should work."

PHILIP MORRIS

The first convoy of Overnite Transportation Company trucks loaded with emergency hay supplies from Illinois arrived August 6 at the Philip Morris U.S.A. Cabarrus Manufacturing Center. The much-needed hay was distributed to drought-stricken farmers in Cabarrus County, North Carolina.

Despite their steadily mounting losses from the drought, the county's farmers paid for the hay. Unlike hay giveaway programs, Cabarrus farmers purchased the feed in Wabash County, Illinois, through the Cabarrus County Agricultural Extension Service. A community-wide fundraising effort helped pay the transportation costs.

Philip Morris, in addition to providing a centrally-located site for distributing the hay, contributed $5,000 to help defray transportation costs. Overnite Transportation Company of Richmond, Virginia, one of the nation's largest motor carriers, donated 60 trucks and drivers.

Paul Heaton, Overnite vice president of operations, said, "We're glad to be partners in this total endeavor by Philip Morris and Cabarrus County people to aid the farmers. We're aware of the difficulties confronting the farmers and we're gratified that we can help by furnishing trucks and drivers."

Newton O. Fowler, Jr., general manager of Philip Morris' Cabarrus operations said, "Farmers are vital to our economy and our well-being. The drought has hurt them severely, and what hurts them affects all of us. Philip Morris is proud to be part of this community effort, a heartfelt example of neighbor helping neighbor, and we're pleased we could use our facility as a distribution point."

The participation of Overnite and Philip Morris helped transport 935 tons of hay from Grayville, Illinois, to Cabarrus County.

Overnite Transportation Company is a motor carrier of general commodities headquartered in Richmond, Virginia. It serves over 28,000 points in 33 states and the District of Columbia from 115 terminal facilities.

Philip Morris U.S.A., the largest company within Philip Morris Incorporated, produces major cigarette brands.

REEVES CURON

Last spring, a youth group from St. Peter's Lutheran Church near Wooster, Ohio, on its way to missionary work in Florida, spent the night at St. Mark's Lutheran Church near Mooresville, North Carolina. The youths and adults accompanying them got to know their North Carolina counterparts.

When St. Peter's people learned of the drought in the Southest, they decided to help their new friends. Transportation was provided courtesy of Reeves Curon, a division of Reeves Bros., in Cornelius, North Carolina. August was the beginning of the haylift, with each farmer receiving about 35 bales of hay. Several months later, Reeves Curon was continuing to transport hay from Ohio to North Carolina.

A Reeves Curon spokesperson says, "We are very proud to have been a part of the transporting of hay for farmers."

ROHM AND HAAS

Normally, Rohm and Hass company trucks carry such agricultural products as Hybrex seeds, Blazer, Dithane, and Kelthane to the nation's heartland. But on July 24, Rohm and Hass agricultural trucks picked up donated hay from farms in the northern and southern parts of Indiana. They delivered it to the Indianapolis railhead for transportation to the Southeast.

According to Jeffrey Matus, staff assistant in the Rohm and Hass transportation department, "We delivered four truckloads of hay to the railhead before the weekend. Initially we picked up rolled hay, but we're now concentrating on baled hay. You can't get as much rolled hay into a truck."

The emotional and material outpouring spread rapidly. Matus cites this example: "Near the Indianapolis railhead, an affiliate of Chemical Leaman offered to wash and clean all of our trucks taking part in the hay haul. This is worth about $50 a truck."

Rohm and Hass truck deliveries were primarily originating farther west, where there was much hay but few transportation opportunities. Rohm and Hass trucks made pickups in Iowa, Kansas, and Oklahoma.

Matus said, "As trucks and drivers become available, we now contact the various state agricultural extension services to find out donated hay origins and destinations." He added that the various state agencies "smoothed the way" in facilitating donations, eliminating many of the routine stumbling blocks often associated with such bureaucracies.

By September the initial publicity had died down. But Rohm and Hass trucks were still plying their way between the hay-rich and hay-poor parts of the country. No charge.

SEALED POWER

During the week of August 4, 41 carloads of hay (over two million pounds) started to arrive in Georgia, Alabama, North Carolina, and South Carolina due to the generosity of numerous Michigan farmers. The hay came from more than 15 different counties across the state. It was collected and transported to the Grand Rapids collection point at the Conrail Freight Yards within three days. Helping out in this effort was the Sealed Power Division, Sealed Power Corporation, of Muskegon, Michigan.

SIECOR CORPORATION

Cargos of hay were recently provided to Catawba County, North Carolina, with the help of Siecor Corporation's trucks. Reels of fiber optic cable transported to Florida were replaced on the backhaul with eight tons of hay to help ease the plight of farmers in the Southeast.

The special delivery shipment of 350 bales of hay was taken to a dairy farm, serving as a distribution center for the incoming cattle feed. During a two week period, nearly 200 tons of hay were delivered to the Catawba County area from Florida and the Midwest.

"These truckers are doing a tremendous service," said Gary A. Whitener, chairman of the Catawba County Board of Commissioners. "I'm overwhelmed at the response. It's just snowballed."

Siecor continues to offer its services to aid the farmers. "When we have a truck coming now that otherwise would have been empty, we'll call to see if we can bring back some hay," said J. Ray Huffman, Siecor's traffic manager. Also aiding in the Siecor effort are Larry Tester and Mike Propst.

SILVER BROS. CO.

On August 23, Silver Bros. Co., Inc., of Manchester, New Hampshire, and eight other Miller Brewing Co. distributors from the New England area loaded approximately 7,000 bales of hay at Battles Farms in Bradford New Hampshire. The hay was hauled to Reidsville, North Carolina, and Martinsville, Virginia.

The hay was donated by New England farmers to aid their counterparts in the Southeast. The collection of the donated hay was helped by the 744th Transportation Group of the New Hampshire National Guard. The storage of the hay, and the administration and dispatching of the loads, was accomplished through the efforts of Joe Battles, owner of Battles Farms. Silver

Bros. and Miller Brewing Co. donated tractors, trailers, management personnel, and drivers to aid in the effort.

The company points out that the trip was out of the normal operating area for all of these distributors. Consequently, none of the vehicles had the proper permits. However, due to excellent cooperation by all of the involved states, and pre-trip coordination, the entire move took place without incident.

David Higgins, Silver Bros. fleet director, says: "It was a genuine pleasure to be personally involved, on a first-hand basis, to aid in the drought relief. I drove the lead tractor and was responsible for communication to the various agencies enroute, and was doubly pleased with the end result. The hay was unloaded on August 25 to the delight and pleasure of all concerned."

TRANS-CARRIERS

Recently, Michigan dairy farmers Don and Sharon Speerstra were down to nearly no hay or grain. Production was cut drastically because Don had injured his back and couldn't work their 100-acre farm. With production cut and bills coming due, local financial agents were swarming around.

Fortunately, some farmer friends and the Speerstras gave them some much-needed hay.

Some months later, the Speerstras heard about the hard-hit farmers in the Southeast. Remembering what it was like when they were struggling—and what it was like when someone came to their assistance—the Speerstras decided to get mid-Michigan farmers involved.

They called a Mount Pleasant radio station to get some publicity . . . and it worked. Several farmers began donating hay. The Speerstras then started looking for ways to transport it. A friend mentioned Dow Chemical Co.; a call was made and the company said yes.

Trans Carriers Inc. of Memphis, Tennessee, and another Dow carrier which asked to remain anonymous carried the product and absorbed some of the shipping costs.

U.S. FUNDS EXPRESS

In August, U.S. Funds Express worked with one of its Arkansas-based U.S. Fuel customers in providing hay to drought-stricken livestock farmers. On August 16, a convoy of nine tractor-trailers supplied by Harold Ives Trucking Co., carrying 80 tons of donated hay, left North Little Rock bound for Columbus, South Carolina. U.S. Funds donated 1,000 gallons of diesel fuel to the relief effort.

WEST POINT PEPPERELL

Among the companies offering transportation services to move hay to Southeastern farmers was West Point Pepperell.

WPP's involvement began in late July when the president of the Troup County Chapter of the Georgia Farm Bureau called Herman Granberry, vice president/general manager of WPP Transportation Company, to ask if WPP trucks could bring shipments of donated hay from Kentucky and Ohio to Troup County.

After obtaining the approval of Charles H. Crowder, vice president-manufacturing, and Vance L. Cathey, senior vice president-personnel/public affairs, Mr. Granberry gave his go-ahead to WPP's participation in the relief effort. John Stone, manager-trucking at Transportation Center, located drivers who could bring hay shipments to Troup County as backhauls.

The first shipment was picked up July 30 in Bardstown, Kentucky, by Tom Britt and arrived the next day at West Georgia Community shopping mall in LaGrange, Georgia. The approximately 400 bales were distributed to needy cattlemen who had earlier contacted the Troup County Farm Bureau. A second shipment of approximately 500 bales departed Findlay, Ohio, on August 1.

THE BIRTHDAY OF JOSE MARTI

● Mr. CHILES. Mr. President, on this day, 134 years ago, Jose Marti was born. Recognized in Cuban history as the apostle of the Cuban Revolution, Jose Marti is a symbol of the struggle for a free Cuba. Today, members of Florida's Cuban American community will commemorate and celebrate both the birth and life of Jose Marti. Liberty was so dear to Jose Marti that he gave this life in the battle for Cuba's independence. Today we pay special homage to this great man, for his words and his deeds are a source of inspiration to all Americans. His love of freedom is also a poignant reminder that the struggle for Cuba's independence is not yet completed.

The Cuban Revolution of the 1800's—the revolution which took with it the life of Jose Marti—culminated with Cuba's freedom from an oppressive Spanish regime. The more recent Cuban revolution culminated with the dictatorship of Fidel Castro and an ensuing denial of human rights. While one revolution brought freedom to a freedom loving people, the more recent one has brought Cubans a bleak future which promises only a constant denial of liberty. On this 134th anniversary of the birth of Jose Marti, it is important that we remember that the goal of freedom for which Jose Marti lived and died is not yet a reality in Cuba.

I can think of no greater tribute to bestow upon the legacy of Jose Marti than the radio station approved by this Congress, the radio station which bears his name—Radio Marti. From its initial broadcasts on May 20, 1985, Radio Marti has been a steady and reliable voice. Much like Jose Marti himself, it serves as a source of inspiration for the Cuban people.

As we commemorate Jose Marti and his struggle for freedom, we recognize the Cuban American community's commitment to a free Cuba. Radio Marti's signal is heard loud and clear in that nation. I am confident that, by providing Cubans this uncensored voice, we will once again prove that the pen is mightier than the sword. Radio Marti's truth will crush the Cuban Government's lies and thereby fulfill the dreams and goals for which Jose Marti died.

In remembering the example of Jose Marti's life, it is important that we not forget Cuba's political prisoners. Like Jose Marti, they too have shown a total disregard for their own safety in order to protest the restraints which the Castro regime places on individual freedoms. Their imprisonment is the very emblem of political repression in Cuba.

Castro's jails are still not empty of political prisoners. Nor will they ever be if the slow pace at which political prisoners are released does not quicken significantly. By the time a new release occurs, the Castro regime has already made an additional arrest, and the cells stay full. Thus Cuba continues its systematic violation of human rights, maintaining one of the worst records in the world.

The recent release earlier this fall of a number of political prisoners has only confirmed the abuses of basic human rights conducted by Castro's totalitarian government. The Cuban Government and the Cuban Communist Party continue to place a stranglehold on Cuban society. They maintain a system of neighborhood informers and block wardens that stifle all dissent. Arrests continue, fair trial is denied, torture is practiced, and many political prisoners are kept in jail after their sentences have expired.

In the face of this evidence, the administration has not always backed up its words with actions. Although the President promised in June to make "any effort" to help former and current political prisoners, the Immigration and Naturalization Service [INS] has been dragging its feet. Between 10,000 and 30,000 Cuban political prisoners and their families are waiting to come to the United States, but only 111 have entered since the summer. Several hundred have been prescreened by our interests section in Havana, but have been waiting for their final applications to be processed since November. Thousands more have not even been prescreened.

After screening, the Cuban Government often erects further roadblocks to emigration, refusing to grant the necessary exit visas to those political prisoners who have been cleared for entry into the United States. On December 17, 1986, Castro denied visas at the very last minute to 48 political prisoners and their families. The Cuban Government told the United States interests section that no exit permits of the type sought by these 48 would be available until January or later. This unexplained refusal by the Castro regime further complicates relations between our nations with regard to emigration. It clearly underscores the need to have a strong and consistent policy in place by the U.S. Government to facilitate entry.

The example of Jose Marti calls us to action. In remembering his birth and his love for freedom, we must renew our efforts on behalf of Cuba's political prisoners. They suffer now for their belief in the same principles which motivated Jose Marti. These same principles of freedom are the basis for our own Nation. That is why we honor the birth of Jose Marti today.●

UKRAINIAN INDEPENDENCE DAY

● Mr. DECONCINI. Mr. President, 69 years ago, on January 22, 1918, the Independent Ukrainian National Republic was born. Although Ukrainian independence lasted only 3 years, its existence serves as a tremendous inspiration for the millions of Ukrainians living under the totalitarian regime of the Soviet Union.

For the last half century the Ukrainians have suffered immense persecution, famine, and religious oppression. They are subjected to a systematic campaign of Russification aimed at destroying their culture and language.

As a member of the Ukrainians Famine Commission, I have come to truly understand the extent of the Ukrainians subjugation by the Soviet Union. My position on the Helsinki Commission as well as my three visits to the Soviet Union have increased my knowledge of and disdain for the blatant disregard of the human rights of the Ukrainians. Once again, we call upon the Soviet Government to honor its commitment under the Helsinki Final Act—to protect the human rights of all its people.

As a nation which was founded on the principles of freedom and democracy, I believe that we have a duty to support the Ukrainians in their struggle for the right to live as free individuals. We must demonstrate solidarity with the Ukrainians whose courage and determination for freedom will not die. Remembrance of the continuing drive for self-determination of the people of the Ukraine symbolizes that solidarity.

Mr. President, I ask that the following proclamation by the city of Tucson, AZ, be printed in the RECORD.

The proclamation follows:

PROCLAMATION

Whereas, January 22, 1987 will mark the 69th anniversary of the proclamation of the free and independent Ukrainian National Republic; and

Whereas, the young Ukrainian National Republic fell in 1920 as the first victim of Communist Russia aggression, and for the past half century Ukraine has suffered unfold persecution, manmade famine, religious oppression, Russification and outright genocide; and

Whereas, at last the story of Russian man-made famine in Ukraine was told in a TV documentary "Harvest of Despair" on nationwide PBS stations on September 24, 1986; and

Whereas, the people of Ukraine last year experienced untold sufferings for generations to come from the nuclear disaster at Chernobyl which was under Moscow's control; and

Whereas, on this occasion, it is appropriate to reflect upon our perception and understanding of the Ukrainian people and their aspirations, as well as the plight of all other subjugated peoples under the domination of Communist Russia, including the most recent victim—Afghanistan; and

Whereas, the record of communist Russia's inhuman persecution of the Ukrainian people is appalling and terrifying, but their courage and determination to have national independence is part of what we celebrate today,

Now, therefore, I, Lew Murphy, Mayor of the City of Tucson, Arizona, do hereby proclaim Thursday, January 22, 1987, to be Ukrainian Independence Day in this community and call upon all of our citizens to join those of Ukrainian descent in prayers for peace and freedom throughout the world.

SOUTH AFRICA

● Mr. KERRY. Mr. President, today marks an important step forward in American diplomacy toward South Africa. The meeting today between Secretary of State Shultz and Oliver Tambo, leader of the African National Congress, is a move toward greater realism in American policy with regard to South Africa. This is the first meeting between any top American official and the leadership of the ANC, and it is long overdue.

I commend Secretary of State Shultz for going ahead with this important meeting. Over the objections of some conservatives, who are even to the right of the Reagan administration, Secretary Shultz has recognized the need for dialog between the United States Government and representatives of the blacks of South Africa who are struggling against the apartheid system. Secretary Shultz is not alone in seeking a dialog with the ANC. White leaders of South African industry, and even the chairman of the secret Afrikaner Broederbond Society in South Africa, have traveled to Lusaka, Zambia, to meet with Mr. Tambo and other leaders of the ANC. They recognize that the ANC is an important player in the South African equation, one which commands the respect and following of many South African blacks, and one which cannot be ignored in seeking a political solution to the problems of South Africa.

Of course, while Secretary Shultz and Oliver Tambo meet in Washington, the founder and spiritual leader of the ANC, Nelson Mandela, remains imprisoned in Pollsmoor Prison in South Africa. I call upon the South African Government, once again, to release Nelson Mandela unconditionally, and to enter into negotiations with him and other authentic black leaders. As Nelson Mandela himself has said, "Only free men can negotiate. Prisoners cannot enter into contracts."

Many charges have been made against the ANC and its leadership. It has been alleged that the ANC is a terrorist, Communist-dominated organization, which condones the practice of necklacing in South Africa. When considering these charges, let us recall the words of the Eminent Persons Group of the British Commonwealth, which visited last year with Mr. Mandela, the leader of the ANC.

The Eminent Persons Group said in their report:

> We questioned Nelson Mandela extensively about his views on violence. The ANC, he said, had for many years operated as a non-violent organization and had been forced into armed struggle only because it became the unavoidable response to the violence of apartheid. He stressed that violence could never be an ultimate solution and that the nature of human relationships required negotiation. He was not in a position to renounce the use of violence as a condition of his release, and we recognized that in the circumstances currently prevailing in South Africa it would be unreasonable to expect that of him or anyone else.

The Eminent Persons Group also met with Oliver Tambo and the leadership of the ANC in Zambia. The report of the Eminent Persons Group states that in these discussions:

> We questioned them particularly about the possibility of a suspension of violence on both sides leading towards cessation. The ANC's response was that it was important to understand the nature of the violence, how it came about, who started it and how the others had reacted. The introduction of apartheid in 1948 had heralded an era of unprecedented violence by the South African State. The ANC's response had been to counteract Government-sponsored violence with a campaign of non-violence which had been pursued throughout the 1950's, despite the employment of increased violence by the South African government to restrict the ANC and to stifle black rights. This culminated at the end of the 1950's with Sharpeville and a calamitous decade of killing.
>
> Still the ANC persisted with its policy of non-violence. It was only in 1961, when the army was deployed in a massive way, nationwide, to stamp out a peaceful strike organized by Nelson Mandela, that the ANC decided that it was necessary to embark on an armed struggle. Despite this, over the past twenty years or so the ANC said it had been very selective in its targets and the number of deaths resulting from ANC activities was hardly twenty. In one single incident in Soweto about a thousand children were shot at indiscriminantly by the security forces.
>
> Violence in South Africa was attributed as being the result of an apartheid system which needed guns, arrests and prisons to maintain it; violence would abate if the system was dismantled. With the abandonment of apartheid the way would open for a cessation of violence on both sides. If the army and the police pulled out of the townships, the ANC could begin to consider a suspension of violence.
>
> In any event the ANC's stand on violence did not mean there could not be serious negotiation . . . If the conditions set out in the Nassau Accord were fulfilled by the South African Government and if there were seen to be prospects for resolving fundamental issues within a short period, it would go a long way in demonstrating that there was no need for violence and help to reduce the level of the armed struggle. It was conceivable that the struggle could be called off altogether. But before that stage was reached the ANC could hardly be expected to act unilaterally. For the ANC to renounce violence now would be to reduce

itself to a state of helplessness. There must first be sufficient indications of the South African Government's readiness to negotiate the transition to non-racial sovereignty.

Those were the words of the Eminent Persons Group last year. And nothing has changed for the better in South Africa since that time. Indeed, the situation has only deteriorated, and the Botha regime has become even more intransigent.

Mr. President, no one condones violence. I do not condone violent actions, whether they come from the South African Government or from the ANC and its supporters. No one can condone the horrible, brutal practice of necklacing or burning alive with rubber tires, which takes place in the townships of South Africa. But let us be clear about the roots of this violence. It comes out of the brutality of the apartheid system. Necklacing is the action of people so desperate, so full of anger and rage, and so radicalized by the violence of the apartheid system itself, that they themselves resort to brutality. I condemn all of the violence in South Africa, on both sides.

I hope that today's meeting between Secretary of State Shultz and Oliver Tambo marks an end and a beginning. I hope that it marks an end to the discredited policy of constructive engagement, a policy which has made the U.S. Government an ally of the racist regime in Pretoria. And I hope that today's meeting marks the beginning of a new policy and a new realism in our approach to South Africa, a policy which recognizes that there must be dialog between the United States and the black leadership of South Africa, and even more importantly between the white regime in South Africa and the black leadership of that country. I hope that today's meeting will be only the first step in that process, and that there will be a continuing and growing dialog between all parties to the conflict in South Africa. Then, and only then, can we begin to hope to see an end to the cycle of violence in South Africa.●

AFGHANISTAN: LETTERS FROM THE STATE OF TENNESSEE

● Mr. HUMPHREY. Mr. President, last month the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a U.N. report as: "A situation approaching genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being commited today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of Tennessee.

The letters follow:

KINGSPORT, TN,
February 21, 1986.

Hon. GORDON J. HUMPHREY:

My two daughters Gena and Georgia, ages 10 and 7, read with horror a Reader's Digest article entitled "Agony in Afghanistan" (March 1986 issue).

They came to me asking how we as a nation and as individuals can allow such atrocities to be happening.

They both decided to write letters to you as chairman of the Congressional Task Force on Afghanistan.

My children are concerned about the way in which we are contributing to the Soviet campaign by not vocally and forcefully condemning it—by ignoring these atrocities—by not wanting to add more "discomfort" between the U.S. and the Soviet Union.

Obviously, I add my voice of concern to that of my children in the defense of their innocent brothers and sisters in Afghanistan.

We must support the brave people in Afghanistan in any way we can. As individuals, my daughters have decided that they can write letters of concern, they can pray for the Afghans, and they can also pray for their tormenters. As a nation, we must now take a stronger stand.

Sincerely,

DOLLY GHEARING.

DEAR MR. HUMPHREY: I am a ten year old girl in the fifth grade. I am writing in concern of the problems the Afghans are having with the Russians. I think we should support the Afghans.

It is terrible to think of all the men, women, and children tortured and killed. We must stop them now!

Sincerely,

GENA GHEARING.

DEAR MR. HUMPHREY: I'm a little girl. I'm seven years old. I'm crying as I write this letter. Please stop killing baby's! I want to help the Afghan's people. The U.S.A. cannot let this happen. I can't let this happen. It is too sad, don't let it happen, I mean it! Let's pass laws to give Afghanistan food, money and medicine.

Love,

GEORGIA GHEARING.●

THE ANNIVERSARY OF THE "CHALLENGER"

● Mr. SIMON. Mr. President, 1 year ago today, we turned a painful page in American history. One year ago, the *Challenger* space shuttle took off from its launch pad at Cape Canaveral, never to return. This incident was particularly tragic because those who died represent America—Christa McAuliffe, the first civilian to go into space and a teacher of the young people who are America's future; Ellison Onizuka, an Asian-American; Judith Resnik, a woman scientist; Ronald McNair a black American; pilot Michael J. Smith; commander Francis R. Scobee; and astronaut Gregory Jarvis.

However, something worthwhile has grown out of the courageous spirit of their lives—the families of the astronauts have started a $50 million fundraising drive for the establishment of a network of space learning centers to "carry on *Challenger's* mission," and the National Education Association has begun funding of a scholarship fund in Christa McAuliffe's name. Today, we remember these explorers and commend those who carry on their names for worthy endeavors.

Mr. President, I ask that an article written by Lynnell Mickelsen for the Chicago Tribune be printed in the RECORD.

The article follows:

[From the Chicago Tribune, Jan. 25, 1987]

KIDS OK, BUT ADULTS STILL GRIEVE FOR CHRISTA MCAULIFFE

(By Lynnell Mickelsen)

CONCORD N.H.—In the beginning, everyone worried about the children. The children, everyone said, were in terrible danger. Especially the kids at Concord High who had just seen their teacher, Christa McAuliffe, instantly killed in living color on national television.

They would need psychological counseling, predicted the solemn experts on the morning talk shows. And some would be "severely disturbed" from the trauma.

But nearly a year after the explosion of the Challenger space shuttle, the kids at Concord High do not act terribly traumatized. They act like teenagers. Which can be terribly traumatizing for everyone else. Last month, for example, an unknown person at Concord High painted a mustache on the large portrait of Christa McAuliffe hanging in a hallway.

"Mr. Foley, the principal, he got on the intercom and said 'Whoever did that is sick and should be in therapy,' said a 17-year-old boy, lowering his voice to make it sound more booming and official. "But it was just a joke." He paused. "All right, it was a bad joke. But let's not blow it all out of proportion."

No, it is the adults who still seem to be suffering the most from the explosion, sifting through their mixed reactions to fame, power and sudden, terrifying death. Most people in Concord, a quiet, picturesque town of 32,000, seem to dread the coming anniversary of the Jan. 28th tragedy.

There is lingering bitterness over the media battalions who stormed the local church services right after the explosion; over the camera crews who climbed over pews with muddy boots, pointed blazing television lights at grieving worshippers and ask attractive women to dab their eyes with handkerchiefs for the camera.

And there is a more subtle sense of guilt and complicity. There is a feeling that the media created the public life of Christa McAuliffe, the public life that took an innocent, spirited woman away from her family, put her on a rocket and ultimately destroyed her. To talk about her is to keep feeding the death machine.

"No, we're not talking," says McAuliffe's father, Ed Corrigan as soon as a reporter calls. His voice is abrupt and sharp. "No. No. No. Goodbye."

"I'm sorry, but I just don't want to give any more pieces of my friend away," said Eileen O'Hara, a fellow teacher who once lived with the McAuliffes for three months while waiting for an apartment. Her voice sounded weary and sad. "I have nothing to hide, but I need to save what's left of her for me."

The most conspicuous silence has been from her husband, Steven McAuliffe, who went into seclusion from the media immediately after the explosion and hasn't given an interview since. The number listed in the telephone book is for an answering machine. He does not return phone calls.

McAuliffe appeared briefly at a Jan. 8th press conference that kicked off a fund-raising campaign for a space education center, but he would not discuss any family issues or his feelings toward National Aeronautics and Space Administration. A secretary at McAuliffe's law firm said the Concord lawyer would not be talking to the press during the upcoming anniversary or for the foreseeable future.

Friends say McAuliffe, devastated by his wife's death, is painfully trying to adjust to life as a single parent and protect the privacy of his children, Scott, 10 and Caroline, 7.

He has kept Christa's name off buildings and street signs. Plans to name a new school in Concord after Christa were quietly put aside out of deference to him. ["His kids have to live in this town," said a friend. "It's bad enough to see your mother killed without having to face her name everywhere."]

For six months, her grave remained unmarked. Some people say it was because Steve did not want hordes of tourists tramping through the cemetery, mobbing and trivializing her death as they had her life. Others say it was simply because the huge granite headstone now in place wasn't ready.

"I think Steve feels burned by everyone," said a friend who doesn't want to be identified. "By NASA, by the press. He's still furious. For a while he felt guilty because he encouraged her to do it. As though he somehow should have known better. But who could know? For us, it was all a great new adventure."

For Robert Hohler, it was also the beginning of a new kind of career. The 35-year-old columnist for the Concord Monitor [circulation: 21,000] was assigned full-time to cover Christa after she was selected to be the first teacher and private citizen in space.

For seven months, he followed her from New Hampshire to the White House to Houston and came to know her well. For a small-town reporter, it was a sudden, glamorous entry into big-time journalism. Shortly before the launch, the Washington Post even wrote a story about him headlined: "To Here From Obscurity."

It was a headline that would haunt Hohler after the explosion when he was deluged with offers from newspapers, magazines and talk shows to tell Christa's story. He hid in his hotel room, lied to the talk shows ["I told them I was leaving town on the next plane"], and struggled with his conscience and guilt. He had just watched a friend die, and yet it could do great things for his career.

Three weeks after the explosion, Hohler accepted a book contract, took a leave of absence and wrote "I Touch The Future: The Story of Christa McAuliffe" [Random House, $16.95]. His book portrays Christa as a feisty, unabashed Democrat and union activist who refused to talk NASA-ese, junked the agency's highly scripted lesson plans as insulting ["This isn't a stage play. Teachers don't need speeches"] and threatened to boycott her own White House press conference unless certain changes were made.

The book is better than its title and cheerleader cover, but Hohler still seems uncomfortable. He is back at the paper, working as a columnist and interrupted an interview in a small, cramped office to autograph a copy of his book. He will not autograph books in local stores, he explained shyly. He's afraid it would look too commercial, too exploitive. "I guess I will have mixed feelings," he said. "I'm giving a third of the book proceeds to scholarship funds. That makes me feel better."

The six months of writing the book helped him work through his grief. But he and others are still feeling the effects of McAuliffe's very public death. When Hohler goes to pick up his seven-year-old daughter for the weekend, she sometimes turns to her mother and says, "Mommy, don't die while I'm away."

"She never did that before Christa's death," said Hohler, who also has started to worry about friends dying suddenly. "And I know she feels. I now have a very real sense of how fragile life is. I don't know when I'll overcome it. Maybe never."

Beverly Grappone, a neighbor of the McAuliffes, had flown down to Houston to watch the launch. After the shuttle exploded, she immediately flew back to Concord, wondering how her seven-year-old daughter, a playmate of Caroline McAuliffe, would react.

"Actually, the kids have all done very well," said Grappone, a pleasant, motherly woman sitting on her living room couch with her daughter, Allison. "We still have Christa things around, patches and pictures and things. We packed them away when Caroline comes over to play, don't we darling?"

She smoothed her daughter's hair. "But it's hard. I think I'm over it. Then I'll be out driving in the car and I see the white trail that a jet leaves in the sky. And I lose my breath. Because that's how the shuttle looked. It brings it all back. Icicles, too. I look at icicles and I suddenly remember how cold it was the morning of the launch."

There is still anger in Concord over the revelations of NASA mismanagement, faulty shuttle designs and political pressure that led to the disastrous launch in subfreezing weather. Almost no one refers to the explosion as an accident.

"When Gus Grissom and the others were burned to death, now that was an accident. They were testing the unknown," said Charles Foley, the principal of Concord High. His office is filled with official NASA photos of Christa McAuliffe and other memorabilia from the Challenger flight that was moved from a hall display case after several teachers complained that the constant reminders were too depressing.

"But the shuttle wasn't some unknown new thing. It had gone up plenty of times before. And when I heard a lot of people knew it had problems, you bet I was mad."

His voice dropped to a near whisper. "But Christa knew the risks. Before that thing look off, NASA called in each and every one of those astronauts and told them what could happen."

Others aren't so convinced. "I hear that line all the time, but I'm not sure what Mrs. McAuliffe really knew," said Matt Mead, 18, who graduated from Concord High last spring. "She used to say the shuttle was as safe as flying a plane. But Mrs. McAuliffe was always the outsider with NASA. She only knew what they told her. And of course, she didn't know about the O-rings."

Yet along with the anger in Concord, there still seems to be a remarkable amount of good will toward the space program and NASA. One might expect some cynicism about large bureaucracies, technology or all-knowing scientific experts. But people talk about the space program with the same relentless optimism Christa McAuliffe showed during her months of training.

Most say they plan to watch the next shuttle launch, tentatively scheduled for 1988. "I don't know why," said Foley. "Maybe a psychiatrist would have some interesting explanation. Space is still fascinating. People will always want to explore. But I just want to see the thing go off."●

NATIONAL TEACHER APPRECIATION DAY

● Mr. BINGAMAN. Mr. President, as the son of two teachers and the brother of another, I think I have learned something about teaching, and I rise in recognition of this date as "National Teacher Appreciation Day." Recently, the teaching profession has received considerable and deserved attention. Important problems relating to quality and quantity of teachers have been highlighted. But amidst the criticism, we must remember the majority of dedicated, hard-working teachers responsible for the education of our youth.

One example of such a teacher in New Mexico is Jose Armendariz. Perhaps the ideal teacher for our future, Mr. Armendariz is not only a teacher of quality but also a role model for students with very few education role models—Hispanics, American Indians, and other minority children in our society.

Mr. Armendariz came to this country as a boy, speaking broken English and bound to the life of a poor campesino immigrant destined to back-bending work in the fields. Working for years as a fieldhand, laborer, truck driver, gas attendant, and engine repairman, he earned enough money to go to school at night. He worked his way to a bachelor's degree from New Mexico State University and learned to speak not only his native Spanish, but fluent English and German.

Mr. Armendariz chose to give his drive, his education, and his talent to teaching. He is now an elementary bilingual education teacher at Chaparral Elementary School in the Gadsden School District and a part-time English-as-a-second-language teacher at the Dona Ana Community College in Las Cruces. He is working on a masters degree in education at the University of Texas at El Paso.

A native of Chihuahua, Mr. Armendariz has become a naturalized U.S. citizen and has been teaching for 7 years in New Mexico. And for 7 years he has enriched the lives of his students, contributed to the educational excellence of our State, and showed us by his example what one good teacher can do. He is by no means the only good teacher, but his example certainly speaks admirably for all teachers on this day.●

ANNIVERSARY OF THE "CHALLENGER" TRAGEDY

● Mr. KERRY. Mr. President, today is a special and historic day, and a sad day. We mark today the 1-year anniversary of the *Challenger* tragedy.

The American people have always been impressed and inspired by the challenge and achievement of the American Space Program. It has exemplified the best in American technology and spirit.

In 1961, President Kennedy inspired America with a bold vision of the future. He said,

> I believe this nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to the earth.

And as President Kennedy added at the same time,

> In a very real sense, it will not be one man going to the moon—it will be an entire nation. For all of us must work to put him there.

The entire Nation made a commitment to fulfill President Kennedy's vision—and we succeeded. But just as we have seen triumph in the Space Program, we have also witnessed tragedy. All of us mourned last year when seven brave men and women lost their lives in the *Challenger* disaster—when, as President Reagan so eloquently put it, our astronauts "slipped the surly bonds of Earth, and reached up to touch the face of God." Today, we pause to commemorate and remember those seven heroic astronauts.

It is especially fitting to remember and honor the courage and vision of a Massachusetts native, Christa McAuliffe. Her skill, imagination, and vitality attracted hundreds of thousands of schoolchildren to join in her flight, "the ultimate field trip," only to witness the *Challenger's* fiery explosion. It was a traumatic, personal loss for our Nation's children. But they have acknowledged it with balance and maturity. They do not step aside from the universal challenge to know the unexplored. As one Eskimo youngster in Mount Valley, AK, put it:

> If our ancestors would have been afraid to cross over the ice, we wouldn't be here today.

The *Challenger* tragedy was not only a loss in our national family. It also shook our faith in our Space Program, a program which had previously been above question. That faith needs to be restored, and it is the responsibility of NASA to take actions which will restore the confidence of the American people in our Space Program. I hope that, as a member of the Senate Commerce Committee which has responsibility over that program, I can play a role in that effort.

I believe that space still holds a vision for all the world, a vision for the exploration of this universe. We must come on to new scientific and commercial achievements in space to equal and surpass the great advancements in the field of satellite communications and the computer industry. Today's absence of launch capability creates an extraordinary international challenge to America's space leadership. Without transportation, many scientific and commercial ventures languish, their launch dates slipped or terminated. It is imperative that we move ahead with development of a safe, reliable mixed fleet which can sustain a balance of science, commerce, and defense in our payloads.

Space also holds a vision of hope for international cooperation. Making these visions come true demands a spirit of commitment to this Nation's Space Program which I believe the American people and this Congress have demonstrated.

It is those qualities of hope, commitment, and accomplishment that we address today. Moving our Space Program back to the flight line is critical if America is to retain its leadership in the peaceful exploration of space. It will take the best of all of our concerted efforts in the Congress, at NASA and in the aerospace industry, working together, to accomplish that goal. As we pause to remember the brave men and women of the *Challenger,* let us also rededicate ourselves to fulfillment of the goals for which they gave their lives.●

POLITICAL FUNDAMENTALISTS EMBARRASSING THE CHURCH AND POLLUTING POLITICS

● Mr. SIMON. Mr. President, this body has the good fortune of having a number of people of religious persuasion helping us, giving us their opinions on pending legislation.

Sometimes I agree with these people, sometimes I do not. Frequently, they differ among themselves.

But, whether they are representatives of the Roman Catholic bishops or representatives of Jerry Falwell, they contribute to the dialog that is important to democracy.

One of those who has contributed a great deal is Dr. Charles V. Bergstrom, executive director of the Office for Governmental Affairs for Lutheran Council in the United States of America.

Recently, in their publication, he outlined what he sees as some of the dangers in this area of applying faith to life, particularly in the political arena.

Because Dr. Bergstrom has been such a thoughtful contributor to the Washington scene, as well as to the Lutheran Church, I urge my colleagues to read his article, and I ask that it be printed in the RECORD.

The article follows:

POLITICAL FUNDAMENTALISTS EMBARRASSING THE CHURCH AND POLLUTING POLITICS

Any article on political fundamentalists must recognize that these are times when the chief critics of democratic government work hardest to use the governmental process. Insidious in the mixing of church and state by the fundamentalists has been the un-biblical "Christianizing" of government. Particularly damaging to our political system is the growing emphasis on the idea of "God-approved" candidates.

Early leaders of the Christian government heresy openly claimed as their purpose the Christianizing of America and the establishing of a Christian Embassy. The best way to challenge such an approach is not to advocate the separation of "religion and politics", but rather the essential separation of the institutions of church and government. This article seeks to do just that. Traditionally religious fundamentalists were the faithful conservatives of evangelical Christianity. I write of modern political fundamentalists. They use religious phrases but may not attend church, tithe, or even seek to be Christ-like.

Previous feature articles in FOCUS—December, 1979, and August, 1984, made clear that the fundamentalist coalitions, including the well-known religious entertainers of radio and T.V., are astute manipulators of the political process. They have every legal right to be involved. This article argues not against their right to political involvement but differs with their theology, process, spirit, methods, and claims of being the Christian political body. Mainline churches and other religious bodies should feel challenged to do exactly that. All issues are moral. No legislation is the "Christian" bill.

I reflect the experience of this main-line church advocate after nine years of efforts to dialog and differ about legislation and regulations. The public face of political fundamentalist politicians can appear pleasant enough at times—They all can smile! But in the give and take of politics, many give evidence of being mean-spirited, vindictive, and already in 1986 "sore-head loser cry babies." That is a phrase from my midwest boyhood, but fitting here.

Back in 1980 journalist Bill Moyers wrote:

"It is not that the Evangelicals have taken politics seriously that bothers me. It's the lie they're being told by the demagogs who flatter them into believing they can achieve politically, the servitute they have embraced theologically.

"So, they're being misled, these people, by manipulators of politics masquerading as messengers of heaven. And their hearts will be broken by false gods who, having taken their corn, or their vote, or their purse, will move on to work the next crowd.

"The same Reverend Jerry Falwell who claims a divine mandate to go right into the halls of Congress and fight for laws that will save America is caught lying in public about a meeting he had with the President. Some majority. Some morality."

And in 1986 there are still not many evidences of evangelical spirit on the part of political fundamentalists within or outside the most recent of their many-titled coalitions—"The coalition for Traditional Values."

The secular media has been helpful in portraying the actions of the radical right. Interviews and articles during these past nine years have educated many to a better use of terms. It is also heartening to see the "clearer-from-a-distance" view that interviewers from Great Britain, Scandinavia, and Germany have of American Political Fundamentalism.

Most of the same people are still claiming leadership in the fundamentalist political groups; among them are Richard Viguerie, head of a fund raising company; Paul Weyrich, President of the Committee for a Free Congress; and Terry Dolan, head of the National Conservative Political Action Committee. However, Viguerie's exorbitant fees and money problems as a fundraiser have slowed him down. Weyrich's goals for a "Christian America" are less often proclaimed, and his latest group—"The American Election Commission" receives little publicity. Dolan's defense of the involvement of gays in the fundamentalist movement has caused expected negative reaction among his natural constituency.

The Religious Roundtable now has less diameter but did indeed lead the take-over of the large Southern Baptist convention. Imagine any Baptists with their strong support for the "Wall of Separation" endorsing mandated group prayer in public school! Of the T.V. preachers, Falwell, while winning and losing law suits, has suffered the most from over-exposure, aided by his comments about Anglican Bishop Tutu as a "phony" and his attack this year on respected Lutheran Senator Paul Simon of Illinois. Simon was called a "bigot" in a Fawell publication. Few will be fooled by Falwell's latest club—"The Christian Anti-Discrimination Committee" to "declare war against the press—who hate Christ." One can only note that thousands continue to listen to Jerry Falwell, Pat Robertson, Jimmy Swaggart, and James Kennedy; thousands accept their claims of "call" and "Biblical authority"; and thousands answer their pleas for money with millions of dollars. While the political arms of these televangelists have encountered difficulty, their weakness is by no means terminal.

What is there to note of progress in the political movement of fundamentalists calling themselves evangelicals? Change and adoption are the key words of description. First of all, readers are reminded to note carefully the growing close cooperation between right-wing fundamentalist coalitions and the cults—very very interesting. The January 1983 edition of the "Ripon Forum," respected publication of moderate Republicans; the May 14, 1985, broadcast of CBS "West 57th;" and the 1985 articles by the magazine "Mother Jones," all chronicle the "odd-couple" cooperation—especially of fundamentalist coalitions with Rev. Sun Myung Moon. Mr. Moon funds many programs and conferences—including those aimed at state legislators and for clergy. He meets with fundamentalist leaders and funds many of their enterprises—especially through his "Causa" organization. Terry Dolan and other fundamentalists defend their groups accepting Moon money. I recommend your reading more about this political comradeship. Note also Moon's ownership of the daily "Washington Times" and the use of right wing editorial writers of political fundamentalism.

The Republican Party's relationship to the radical right is almost regularly reported—either about the failure of some party leaders to repudiate fundamentalist claims, or "regular" candidates being villified by so called "Christian Republicans" in primary contests. Pat Robertson has added confusion as he waits for the polls or God to help him decide about running for President.

Efforts at censorship of books—especially text books and portrayals of early Americans as promoters of a Christian America continue. Such efforts conveniently ignore Jefferson's words:

"I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man. I contemplate with sovereign reverence that act of the whole American people . . . building of a wall of separation between church and state."

A newly developed attack against mainline churches with charges of "universalism" are growing in the midwest, and creationism trials are being held in the south. One of the most frightening developments is the "prayers for death" by fundamentalist preachers—especially for the death of Supreme Court Justices with whom they find fault.—That's the Gospel?

Note again fundamentalist efforts to support "Christian Candidates"—for school committees in Florida and for the House of Representatives in the Nation's capitol. Much of this is concealed. Prepared instructions in Iowa told workers to hide their real identity and goals—and that is called Christian politics! Congressman Mark Siljander, Republican, was defeated in the Michigan primary because his campaign comments and tapes revealed his real politics and agenda—not because he made some "unfortunate statement." He mailed a tape to fundamentalist clergy asking help against "Satan" and humanists. Here is an example of the "cry baby phase", copious fundamentalist tears, as one of the "Christian" incumbents loses. Gary Jarmin of Christian Voice and former Moonie said: "Comments taken out of context." "Hostility toward conservative Christians." "Christian bashing." A Falwell aide claimed, "It is possible to use language that sends a wrong message." Congressman Henry Hyde of Illinois said, "A perception of religious extremism did him in." No—Mark Siljander, claiming to be the Christian, who campaigned in 1984 for another Christian against a Jew, was defeated; deservedly voted out.

Religious fundamentalists have shown an extremely strong influence in and on the Judiciary—expecially the Department of Justice under Attorney General Edwin Meese. The American Bar Association's lowest rating was given to 6 per cent of President Jimmy Carter's nominations for Federal Judgeships, to similar percentage during Reagan's first term, but to 40 per cent since Edwin Meese became Attorney General. Being a political fundamentalist is not sufficient.

President Ronald Reagan and George Bush have made clear their support of fundamentalist groups and causes since 1980 and in some cases—such as mandated group prayer in public schools—they have ridiculed the positions of Lutherans and others. The White House—Fundamentalist linkage will likely continue—at least through the 1988 election. Vice President Bush, seeking support of conservative and fundamentalist Christians, said he shared Falwell's Liberty Federation (formerly the Moral Majority) goals on abortion and school prayer and said to Falwell on January 24th of this year. "America is in crying need of the moral vision you (Jerry Falwell) have brought to our political life . . . what great goals you have!" adding "We must not be driven out of the political arena by those who do not share our views." Fifty activist fundamentalists were recently given a private reception at Bush's home, even though his Michigan campaign warned of religious take-over of the Republican party.

Well, there are bright spots. People for the American Way is a leading and growing organization of religious and secular leaders and people doing excellent work against censorship, judge appointments, and opposing election prejudice. Its studies showed increasing cases of religious prejudice in campaigns. Common Cause and other groups continue valued efforts for interaction and election fair practices. Mainline church leaders speak out with conviction and members are alerted to the dangers from the religious right.

It is an election year, an important time to detect and oppose religious bias and bigotry—especially in the name of Christianity. More work is needed. The issue is to oppose a mind-set of absolutes which some want implanted in federal law and elections. Both Republicans and Democrats must guard that they not be used by religious groups which reflect prejudice and pursue goals of evangelism of their beliefs. Pious phrases can cover radical political agendas.

Happily, the Constitution—not the Bible as the religious right interprets it, governs this land. As Norman Redlich, noted Jewish attorney, recently stated, "Jews are not strangers in a Christian home!" Amen.

In this election year, we need to avoid giving credence to pious phrases which pollute the political waters and stagnate debate. Listen carefully to the voices of those who claim to represent all Christians or all Evangelicals, who brag about being more pro-American than you are. Challenge them in debate on issues related to civil rights and treatment of the poor. Remind people of the positive results of government in caring for people and serving justice. The church is called to that kind of interaction.

So, fundamentalist preachers err when they claim to be the "evangelicals" and representatives of genuine "born-again Christians." On the basis of scripture, all Christians are born again. You can read that in the third chapter of St. John's gospel!

As a born again Lutheran Christian I do not take too seriously the theology of a religious entertainer who says the Bible, in Ezekiel, Chapter 38, speaks specifically about Russia and the USA. I do, however, as a Christian who is also committed to the U.S. Constitution and to the health of our pluralistic society, take very seriously the campaign of any fundamentalist politician who says: "Christians feel more strongly about love of country", and "the Democrats are more accommodating to Communism," and "the 'evangelicals' can take over the political process," and "The Christians have won".

A cheerleader at a Pat Robertson rally in Dearborn, Michigan shouted—"If we get God in office, we don't have to worry about the politicians!" Whose God? After all, fundamentalist Jerry Falwell of the defunct Moral Majority supports George Bush, and fundamentalist fund raiser Richard Viguerie supports Jack Kemp!

It is better to say that God cannot be used by any group of politicans—those claiming to be the "Christians" or those not having such pride and prejudice. Rejoice and be exceedingly glad about the Constitutional Article VI "No religious test shall ever be required as a qualification to any office or public trust under the United States." Rejoice that there are American voters who have common sense, patriotism, and human patience to see through the maze of political goals translated into fundamentalist phrases, whoever the candidate may be.●

LECTURE BY JOHN LINDSAY CELEBRATING MEMORY OF HERBERT H. LEHMAN

Mr. SIMON. Mr. President, I have had the chance during the recess to read a lecture given by the distinguished former mayor of the city of New York, John V. Lindsay, honoring a former Member of this body, Senator Herbert H. Lehman.

The lecture was given before the Iceland Summit meeting, but it contains wisdom that is as pertinent today as it was before the Iceland meeting.

I particularly am concerned about what John Lindsay calls, "An arrogant tone set by Federal leadership." It is not that we are consciously arrogant but that through our insensitivity, we convey arrogance. John Lindsay's call for concern on our part for those within our country and those beyond the borders of our country is one we ought to be responding to.

I ask that John Lindsay's address be inserted in the RECORD at this point, and I urge my colleagues to read his fine message.

The address follows:

BIPARTISAN HOPES IN AN AGE OF POLARIZATION

(By John V. Lindsay)

I am honored to join you this morning in celebrating the memory of Herbert H. Lehman, a great American and a great New Yorker.

It is fitting that this superb institution be named for an individual who played so vital and affirmative a role in our nation's life. Contemplating Herbert Lehman's distinguished career in public service is itself an education in the values that have animated American history's proudest moments. During his years as governor of New York, first director general of the United Nations Relief and Rehabilitation Administration, and United States senator, our country took some of its longest strides toward achieving true moral stature in both domestic and foreign policy. No wonder the rest of the Free World looked to us with confidence for leadership.

Herbert Lehman was on the right side of so many issues whose resolution displayed America at its most open, tolerant, and generous.

Look at the record:

He opposed Franklin Roosevelt's attempt to pack the Supreme Court, but ardently supported that same president's ambitious legislative agenda to end a massive economic crisis and to secure a decent standard of living for all Americans.

He was a prime mover in the campaign to make the United Nations a messenger of mercy as well as an instrument for peace.

He led New York to new levels of respect as the "Empire State" throughout the country.

He was one of the first on the line in the long battle to defeat the divisive demagogue, Senator Joseph McCarthy.

In these and a score of other struggles, Herbert Lehman represented the best of the bipartisan tradition in American politics. His victories were sought and won by alliance of Democrats and Republicans whose allegiance to the nation's best interests transcended party loyalties and ideological dogma.

That precious bipartisan heritage has been on my mind lately as I observe the widening divisions both within our country and between America and its allies. The spirit of inquiry, the willingness to negotiate, the capacity to compromise, and the instinct for conciliation that made possible shining bipartisan triumphs throughout our history are rare commodities in official Washington these days.

In T.H. White's haunting and oddly modern retelling of the Arthurian legend, the wizard Merlin advises his student, young Arthur, soon to be King of the Britains, that the most important thing a leader does is to set the tone for his realm's conduct. I think Merlin was right.

This morning I want to discuss the disturbing tone America's leaders are setting and its implications for us all.

A stinging case-in-point is the recent dispute between Flora Lewis, the *New York Times* columnist, and Evan G. Galbraith, United States Ambassador to France. One of Ms. Lewis columns had criticized the ambassador for charging that the Foreign Service "has no guts" and that the State Department "has too big a role to play in foreign policy."

The ambassador wrote in response as follows:

Dear Flora: Don't be such a sore loser. It's all over. You and the other liberal spokesmen are no longer in the mainstream. In other words, you have had it. I know you don't like Ronald Reagan, low taxes, spending cuts, large defense budgets, reduced government, being beastly to Communists, and defending ourselves against Soviet missiles, and it's no surprise you don't approve of me. But the American people have rejected liberlism and liberal leaders, and if you put up another one in 1988, he too will be wiped out."

Ms. Lewis rejoined by pointing out that the ambassador was saying that President Reagan's landslide victory in November made further debate over the course of American foreign policy superfluous, if not illegitimate. "By pasting on the label of liberal," she wrote, all matters become a mere litmus test thereby polarizing the debate and "leaving no room for analysis, though that should be part of an ambassador's job. A view of disagreement as sinful isn't a helpful way to promote United States interests abroad.

The tone coming from the top is clear: If you're not with us, you're against us and America. And if you're against us, you'll lose because we've got the power. Ambassador Galbraith sees America's government as the possession of the party that won the White House, not as a complex interactive process in which the Congress, the courts, the press, and the rest of us are involved. That process was inscribed in our Constitution to ensure that American domestic and foreign policy would reflect the broad spectrum of national opinion. But the ambassador's rhetoric is permitted. The tone has been set.

Success at the polls can be intoxicating. In the wake of an election victory, some have mistaken a mandate from the voters for a license to use power in any way that seems necessary to accomplish their purposes. All too soon, such victors may begin to believe that might makes right, and that the world consists of either winners or losers, friends or enemies. In such a frame of mind, these leaders are likely to become self-preoccupied, doctrinaire, indifferent to the substance of issues, and disconnected from the complexities of reality. That can be very dangerous.

The spirit or tone of a national administration finds expression in our daily lives, just as it does in America's relationship with the world beyond our borders.

The proper exercise of political power in a democracy demands a sensitivity to all groups, and the ability to build coalitions between different factions to pursue the common interest. In the past, this kind of bipartisan coalition-building has been the genius of our democratic system. As one who participated in, helping form, and led several such coalitions, both as congressman and mayor, I can assure you that we would not have sweeping civil rights legislation or revenue sharing today had Republicans and Democrats representing all sorts of constituencies not pulled together for the sake of improving people's lives. Nor in earlier times would we have created the Marshall Plan, formed Pacific Basin Alliances, or built the Tennessee Valley Authority.

America is not being led that way today. Instead, the political process is based on the clever use of polarizing code words—often cast in media-appealing one-liners. This technique is not only accepted, but admired for its effectiveness. That's part of the tone set at the top, too. The vast majority quietly falls in line, if not to be with the "winners," then to dissociate themselves from the "losers."

This negative approach can lead to a dark period ahead for America on both domestic and foreign fronts.

Internationally, issues on which nations may disagree pale in significance before the possibility of planetary destruction. The globe's survival is, after all, the ultimate common interest. A foreign policy based primarily on military superiority is not worthy of this country. Increasingly, America stands for armed might in the eyes of the world. We've been the major military power on earth for seven decades. Yet America once represented not an arsenal, but a bastion of freedom and justice.

I don't doubt that President Reagan and his colleagues sincerely want a more harmonious and peaceful existence for America and its neighbors in the community of nations. But Ambassador Galbraith's fiercely partisan posture is in keeping with, and takes its signal from, the administration's dogmatic rigidity.

This reliance on military force as the preeminent instrument of foreign policy is but one alarming aspect of our international posture. The other is the unchecked growth of America's federal deficit. Because most of the world depends on the stability of the American dollar, such self-indulgence at home poses fiscal problems for our allies abroad. How can they keep capital within their own borders for domestic use when America is offering unbeatable interest rates?

This month, for the first time in 51 years, the United States of America, the richest country on earth, became the most indebted country on earth. The Current Account, which measures trade in merchandise and services, reached a record deficit of $101.6 billion in 1984. Until now, merchandise trade deficits have been offset by having more of America's capital being invested in other nations than foreign nations have invested here. That situation is now rapidly reversing.

We are becoming a debtor nation, and we haven't accumulated our debtor's position in order to fund domestic expansion the way poor countries have. Argentina, Brazil, and Mexico had no choice but to borrow to try to build themselves up from poverty. The United States faced no such necessity. Our debt mounted because the federal government has been borrowing money from foreigners at the highest rates to close the gap between what Washington owes and what our political establishment is willing to ask from taxpayers, or of itself by way of budgetary discipline.

This fiscal chaos has stirred outrage from American and foreign critics alike. Robert McNamara, former president of the World Bank and former secretary of defense, recently said that if he still held the former post, the dollar's instability would disqualify the United States for a loan. Malcolm Fraser, who served as prime minister of Australia, warned a gathering of prominent American executives last month against complacently assuming that foreign money would continue to finance America's debt service indefinitely. Moreover, he said, the longer America delayed in decisively addressing its deficit, the riskier it would become for offshore parties to invest in the United States' future.

Should foreigners take their money elsewhere—which could happen—our government would have to raise domestic interest rates to make up the shortfall. As a result, no capital would be left to finance home construction and sales, manufacturing, plant construction, or research and development. Businesses would collapse, jobs would be lost, our economy would slam to a halt, and distress would be felt from Maine to California. The burgeoning federal debt has indeed mortgaged our country's prospects for economic growth to pay off both foreign and domestic creditors. This self-centered strategy has especially dismayed our oldest and closest allies—the nations of Western Europe. Such is the price of supply-side economics.

The combination of a destabilizing federal deficit and a destabilizing foreign military posture highlights this administration's tenuous contact with the real world. We're spending more and more on missiles and less and less to educate, employ, heal, and house our own people. In this respect, our government's budgetary priorities are beginning to resemble Moscow's.

The administration's fixation on the Soviet Union has prompted a gross overestimate of its power. The U.S.S.R.'s capacity for cold-blooded behavior, as displayed last Sunday by the brutal murder of an American Army major and, in 1983, by the senseless downing of a civilian Korean airline, requires us to be realistic, vigilant, and strong in dealing with this antagonistic nation. All of this said, our strategy toward the Soviets must accurately read not only the Politburo's aggressive malevolent intentions, but the U.S.S.R.'s strengths and weaknesses as well.

Russia is a formidable adversary operating at cross purposes from us, but 68 years after the Bolshevik Revolution, most of its citizens lack for the consumer goods an American takes for granted. The sharpest personal memory I have of my several trips to Moscow is of the long queues of Soviet citizens waiting in front of any stores that had even a small supply of the most basic necessities. And try to have a decent meal in a Moscow restaurant.

The U.S.S.R. also confronts serious domestic economic problems and internal ethnic conflicts, an impressive rival beyond its Chinese border, and a protracted battle with a tattered band of hill bandits in Afghanistan that is approaching its sixth inconclusive year. To contain this country, though, we have foisted Pershing missiles on our Western European allies, who accepted them with firm expressions of reluctance.

To stave off the Russian Bear, we also plan to militarize the heavens with a multibillion-dollar Strategic Defense Initiative, commonly known as "Star Wars." This celestial artillery is portrayed as a device whose sole purpose is to protect us so effectively from a Russian missile attack that the Soviets will abandon such ambitions.

Is President Reagan's claim that Star Wars is the first step toward making nuclear weapons "impotent and obsolete" a valid one? Even his own secretary of defense notes that bombers and pilotless cruise missiles would penetrate this system. As to the argument that Star Wars would make the Russians lay down their arms with a sense of futility, the opposite is the case. As Thomas B. Watson, former U.S. ambassador to the Soviet Union, recently wrote, "The Soviets are not intimidated by tough talk."

Star Wars would present such a challenge to a potential aggressor like the Soviet Union because of its capability of striking offensively. The system's net effects would be to provoke the Russians to develop larger missiles, increase the possibility of a nuclear exchange, and guarantee a towering federal deficit in perpetuity. Or, as Ambassador Watson put it in the same article: "The point is, there's no real way to erect a 100-percent-effective shield around this country, no matter what the cost. Thus, discussions of new weapons development, new testing in the atmosphere, and deployment of weapons in space shake the whole foundation of the treaty-making process."

Recently, I was on the Floor of the House of Representatives in Washington and then on the Senate side during the MX missile vote. I witnessed part of the Senate debate on MX and spoke my mind to a few Senate friends. Having traveled the world a good deal and examined attitudes of East and West on the subject of arms control, the administration's argument that a vote for MX would give America a bargaining chip in the current Geneva talk appalled me.

Even John J. Kilpatrick, one of the most respected conservative columnists, wrote in *The Washington Post* on Tuesday, "Talk of a 'chip' dissipates the seriousness of our determination with regard to arms control."

Even giving the president his due for a smart political ploy, the real question for the Congress now is not whether MX is a "bargaining chip," but whether this weapons system is needed for America's defense. The answer is that it is not. As Mr. Kilpatrick notes, "We are talking of squandering billions and billions of dollars in tax funds, merely to achieve some temporary enhancement of a destructive capacity that is more than sufficient already." In sum, MX would be destabilizing both to our domestic economy and to the delicate balance of terror that this administration has made more precarious.

At this point some might say that I'm just another woolly headed liberal who's against the defense establishment. In fact, as a member of the House of Representatives, I voted for most every defense appropriations bill before us, believing then, as I do now, in a strong defense. But I did so in the context of President Eisenhower's stern warning to the country to beware of the military-industrial complex. This necessary skepticism and discipline that prevailed until recently—a tone set at the top—has been all but crushed under the most powerful public relations juggernaut in the history of the United States. There's a different tone being set today, though, and we hear the cadence of a different drummer on Pennsylvania Avenue.

Martial is also the keynote of America's behavior throughout our hemisphere. A few weeks ago, President Reagan insisted that America would go on aiding the Nicaraguan rebels until the government in power cried "uncle". That's yet another example of six-shooter foreign policy. Such tactics won't work. They only serve to dissipate the efforts of constructive, genuinely tough, and effective diplomacy.

The tone America's leadership sets—the values it communicates—is felt acutely around the globe. But the polarization produced by a doctrine-ridden administration that divides the world into categories of friends and enemies, winners and losers, has also infected our national spirit.

A sharp illustration of how the temper of American life has changed appeared in the *New York Times Magazine* last month. A two-part article titled "The Fall of the House of Lehman" described the acquisition of the great investment-banking firm by a large financial-services company, American Express. This final episode in the long history of this pathfinding company was marked by a bitter scramble for its assets among opposing factions of executives. Profits were riding high, but the chance to bail out with enormous capital distributions was more alluring than keeping the team together on its own and working at the task of financing our country's capital base as well as the research and development activity that, over time, generates products, services, and jobs. Instead of being united by a common goal, the House of Lehman was divided by greed. Instead of attending to its vocation as a financier committed to building America's economy, the members of the House of Lehman were waging an internecine war for control of revenues and the biggest take-out they could get.

For all its eminence and talent, the House of Lehman lost touch with its original purpose and the world beyond its boardroom. No institution is stronger than its values. When the House of Lehman forgot the values that made it a great institution, it became fragile and fell. One involved party, quoted at the end of the story, echoed the illusion of our time on Wall Street and elsewhere. According to this executive, the tragedy here was that the partners would have realized even greater gains had Lehman Brothers been sold earler.

This is not what the American free-enterprise system should stand for. Indeed, it exemplifies the quick-fix, get-rich-quick ethos that diverts capital from investments in growth, productivity, and our country's future. This waste of the nation's financial resources simply sets us back further in the competition with more farsighted, assertive trading partners like Japan.

The demise of the great investment-banking house, which took its name from the same gifted family that gave us Herbert Lehman, offers a parable for this moment in American history. The appearance of strength can be deceptive. the most powerful-seeming institutions may be more fragile than one could have imagined. The values of sharing, caring, patience, and professionalism determine the success of all collective endeavors from colleges to investment-banking houses to national governments.

Quite obviously this talk presses alarm bells. That is its purpose, and although it sounds a minority view in today's America, I trust it is still in keeping with the American tradition of free debate and open dissent.

Our great country has been built on strong foundations. In our own time, we have withstood the nighmares of Watergate and of Vietnam. I have confidence in that basic strength, just as I have confidence in you—in the generation of young people that stands poised to take over the reins of power.

But I do not want to see our capital—moral, human, and economic—misspent as our country is now doing both internationally and domestically. We should all be concerned that an arrogant tone set by federal leadership is beginning to turn many people across the world against America. And we are starting to see rents in the strong fabric that has held us together. The current cult of selfishness has obscured the vision of many citizens in our land and the institutions that shape their destinies, just as partisan ideology has distorted the thinking of federal policymakers. the divisiveness that plagues our society has made some Americans forget that the things that unite us are far more important than the things that divide us. Enlightened national and individual self-interest requires a sincere regard for the well-being of those down the block, in another section of the country, or on another continent. Only by seeing the world for the interdependent place it really is, can we act in a sensible and just manner that advances the causes of peace and prosperity.

Not long ago the great historian Henry Steele Commager asked the following about America:

Do we have the ingenuity to adapt to the realities of a global economy? Do we have the common sense to adjust our nationalism to a world of technology and science that is totally indifferent to national frontiers? Do we have the wisdom to realize that our fate is inextricably bound up with the fate of all the peoples of the globe? Can we practice a self-interest that is enlightened?●

THE ELECTRIC LAMP BY THOMAS A. EDISON

● Mr. MOYNIHAN. Mr. President, yesterday marked the 107th anniversary of Thomas Alva Edison's electric lamp. Although this was by no means Edison's first patent, it was thought to be his most revolutionary invention. Not only did the electric lamp make it possible for thousands of people to light their homes in a more economical fashion; it set the stage for the entire electrical industry, as we know it today.

When Edison announced his intention to invent the electrical light, he was scoffed at by both his peers and the press. In a leading scientific journal, one professor remarked that anyone trying to invent the incandescent light was "doomed to failure." Edison, himself, was not deterred by such criticism and boasted in the papers that he would soon light up the entire downtown area of New York with 500,000 such lights. The Edison Electric Light Co. was created to aid in the production of his dream and Edison continued his work, undaunted.

One must wonder if Edison realized the impact this seemingly simple invention would have. The patent inspired the birth of the electric industry and the livelihood of thousands of workers emerged. Factories would dot the landscape of the Northeast and Midwest. Soon, this region of the country would be swept up on the modern industrial revolution.

Mr. Edison—never one to be lost in the shuffle—oversaw the creation of the General Electric Co. which resulted from a merger between the Thomas-Houston Co. and the Edison General Electric Co. Founded in 1892 in Schenectady, NY. G.E. started as a single factory and has rapidly grown into a multinational corporation, one of the largest in the world.

G.E.'s rapid growth has been nowhere apparent than in Schenectady. In the early 1900's, the Schenectady G.E. plant employed nearly three thousand people; by the Second World War, 45,000 people were working for G.E. in the Schenectady area. To many, the prosperous city of Schenectady was a "one horse town" and as General Electric grew, the main plant attracted employees from such upstate towns as Perth, Sharon Springs, and Oneonta.

General Electric remains an industrial giant. But sadly, the city of its birth no longer shares the wealth. In 1974, G.E. employed 29,000; by the end of this year, as few as 12,400 will work within the plant gates. To no one's surprise, local businesses linked closely with the fate of the plant have greatly suffered.

So, this 107th anniversary of the electric lamp is an occasion of both celebration and consternation for the good people of upstate New York, who have had generations of family connected with General Electric. I can only suggest that we use this occasion to reflect on the spirit of Thomas Alva Edison in the pursuit of the electric lamp. Edison dreamed and created things that did not exist. For those of us in the once thriving industrial belt, we too dream, and plan, and invent and create. And like Edison 107 years ago, we, too, are looking for the light.●

PROTECTING DEMOCRACY IN THE PHILIPPINES

● Mr. CRANSTON. Mr. President, friends of democracy everywhere have watched anxiously as new challenges have arisen to the Aquino government in the Philippines.

Under the leadership of Cory Aquino, the Philippine people have continued their gallant struggle to secure the blessings of democracy.

Make no mistake about it, this long march back to democracy still has a difficult road to travel.

Next Monday, February 2, the Philippine people will take a crucial step down this road when they go the polls to pass judgment on a new constitution.

Extremists on the far right and the far left are, of course, threatened by such a democratic endeavor. They have done their utmost to unsettle the political environment in which the proposed constitution is considered. In an attempt to topple the Aquino government and to embarrass the Philippine nation, radicals have repeatedly provoked incidents and confrontations. These have, quite regrettably, led to the loss of lives.

President Aquino has met these challenges fairly and firmly, even as she has insisted that the nation look to the future, not the past. She has pledged prompt action in response to allegations that security forces overreacted to threats to Government officials.

Time and again, extremists have challenged President Aquino's efforts to open up the democratic process. Communist guerrillas, Moslem separatists, and diehard backers of the corrupt Marcos regime have all assaulted this effort, seizing television stations, threatening Government officials and the Presidential offices, boycotting elections and provoking violent confrontations with security forces.

President Aquino has met every such challenge with remarkable courage and an unswerving vision. Rarely has any democratic leader been called to govern in such troubled times—in our Nation's history, perhaps only Lincoln confronted such domestic strife at the outset of his Presidency.

Friends of the Philippine democracy will remain steadfast in our support for the Aquino government's efforts.

As chairman of the Asia and Pacific Affairs Subcommittee of the Senate Foreign Relations Committee, I will be holding hearings in late February or early March to examine how the United States can best assist the cause of democracy. I, for one, am determined to ensure that American aid moves forward in support of democratic development and does not become needlessly ensnared in the Philippine base rights controversy.●

VIDAL SASSOON TRIBUTE

● Mr. CRANSTON. Mr. President, almost exactly 7 months ago, America celebrated the centennial of the

Statue of Liberty. At that time, we also celebrated the courage and accomplishments of the individuals who, born elsewhere, have added so much to our national life.

I am very honored to bring attention here today to such a person, my friend Vidal Sassoon.

Born in London, Vidal started life with virtually nothing. Poverty that would have broken lesser men defined his childhood and forced his mother to place Vidal and his brother in an orphanage. They stayed there for 6 years.

Once reunited, Vidal's mother wasted no time in making sure her son learned a trade. She suggested he become a hairdresser. He was less than thrilled with the idea. But, as he said in his autobiography, "even in those days, I had the good sense to make the best of it."

And, make the best of it, he certainly did.

Today, Vidal Sassoon is one of the most widely known and respected leaders of the hair care industry. I do not exaggerate one bit when I say that he has revolutionized that industry—not once, but many times. His talent and energy have combined to make him a quadruple threat: He is an artist-entrepreneur-author-lecturer.

But Vidal's accomplishments are not limited to business alone. He is active in his community, in the arts, in education and in fighting intolerance at home and abroad.

For example, he founded and presides over the Vidal Sassoon Foundation, which provides aid to all people regardless of age, color, or creed. He serves on the board of directors of the Boys Club Foundation of southern California. He is a benefactor and founding member of the Los Angeles Music Center. He is active in the Los Angeles County Museum of Art and the UCLA board of regents. And, he serves as cochairman of the International Center for the Study of Anti-Semitism and Related Bigotries at the Hebrew University.

Mr. President, on February 3, the Jewish community of Los Angeles will honor Vidal Sassoon at a banquet, hosted by the Sephardic Hebrew Academy. I join my friends and neighbors in Los Angeles and throughout California in commemorating both the success and the philanthropy of this fine American.●

THE OBSERVANCE OF BLACK HISTORY MONTH BY THE BLACK ARCHIVES OF MID-AMERICA

● Mr. DANFORTH. Mr. President, During the celebration of Black History Month in February, The Black Archives of Mid-America, Inc. will sponsor an exhibit entitled, "The Black Olympians: 1940-1984," at the H. Roe Bartle Hall in Kansas City.

The exhibition was organized by the California Afro-American Museum of Los Angeles, as a part of the Olympic Arts Festival. The display presents the important contributions of black Americans to America's efforts in national and international sports. These individuals have captured the imagination of our people and serve as role models for young Americans.

I commend the Black Archives of Mid-America, Inc. for creating this inspiring collection of Olympic memorabilia and for making it accessible to Kansas Citians and those who visit Kansas City during Black History Month 1987. I am pleased to call this important exhibition to the attention of my colleagues.●

COMMENDATION OF SENATORS FORD AND STEVENS

Mr. BYRD. Madam President, I compliment the distinguished Senators FORD and STEVENS on the work that was put into the developing of the committee funding resolution, Senate Resolution 80. Normally, the committee budgets which run from March 1 to February 28 or 29, whichever is the case, are not enacted until around March 1, certainly the last week of February. This year, Mr. FORD and Mr. STEVENS brought these resolutions into one omnibus resolution, and what we see now is the committees have organized and funding has been established a full month early. This gives the committees the opportunity to quickly focus on the important issues before them.

I thank Mr. FORD and I thank Mr. STEVENS for their cooperation in this matter.

Some weeks ago I urged that all committee chairmen get the information to the Rules Committee, make their requests for their committee budgets, and expedite those requests. They did that. And Mr. FORD and Mr. STEVENS then responded accordingly and completed their work early. I want to thank them again.

ESTABLISHMENT FOR POSITIONS OF CHIEF OF STAFF

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Madam President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 89) to establish positions of chief of staff for the Offices of the Majority and Minority Leaders.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Is there debate on the resolution? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 89) was agreed to as follows:

S. RES. 89

Resolved, That (a) there is established within the Offices of the Majority and Minority Leaders the positions of Chief of Staff for the Majority Leader and Chief of Staff for the Minority Leader, respectively. Individuals appointed to such positions by the Majority Leader and Minority Leader, respectively, shall receive compensation at a rate fixed by the appropriate Leader not to exceed the maximum annual rate of gross compensation of the Assistant Secretary of the Senate.

(b) Gross compensation for employees filling positions established by subsection (a) for the fiscal year ending September 30, 1987, shall be paid out of any funds available in the Senate appropriation for such year under the item "Salaries, Officers and Employees".

Mr. DOLE. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DESIGNATION OF A DEPUTY PRESIDENT PRO TEMPORE OF THE SENATE AND DESIGNATION OF SENATOR GEORGE J. MITCHELL AS DEPUTY PRESIDENT PRO TEMPORE OF THE SENATE

Mr. BYRD. Madam President, I send to the desk two resolutions. I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 90) relating to the designation of a Senator to hold the office of Deputy President pro tempore of the Senate.

A resolution (S. Res. 91) designating George J. Mitchell, of the State of Maine, as the Deputy President pro tempore of the Senate.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the resolutions.

The Senate proceeded to consider the resolutions.

The PRESIDING OFFICER. The question is on agreeing to the resolutions, en bloc.

The resolutions (S. Res. 90 and S. Res. 91) were agreed to, en bloc, as follows:

S. Res. 90

Resolved, That (a) In addition to Senators who hold the office of Deputy President pro tempore under authority of S. Res. 17 of the 95th Congress (agreed to January 10, 1977), any other Member of the Senate who is designated as such by the Senate in a Senate resolution shall be the Deputy President pro tempore of the Senate, and shall hold office at the pleasure of the Senate during the 100th Congress.

(b) The Deputy President pro tempore who is designated as such pursuant to the authority contained in this resolution is authorized to appoint and fix the compensation of such employees as he deems appropriate: *Provided,* That the gross compensation paid to such employees shall not exceed $90,000 for any fiscal year.

(c) The following provisions shall not be applicable to the Deputy President pro tempore who is designated as such pursuant to the authority contained in this resolution:

(1) the provisions of S. Res. 17 of the 95th Congress (agreed to January 10, 1977);

(2) the provisions relating to compensation of a Deputy President pro tempore which appear in chapter VIII of title I of the Supplemental Appropriations Act, 1977, and which are carried in section 32a of title 2, United States Code; and

(3) the provisions relating to staff of a Deputy President pro tempore which appear in chapter VIII of title I of the Supplemental Appropriations Act, 1977, and which are carried in section 611 of title 2, United States Code.

(d) Salaries under authority of this section shall be paid from any funds available in the Senate appropriation account for Salaries, Officers and Employees.

Sec. 2. (a) The Sergeant at Arms and Doorkeeper is authorized to provide, by lease or purchase, and maintain an automobile for the former President pro tempore.

(b) The Secretary of the Senate is authorized to pay from the contingent fund of the Senate such amounts as may be necessary for expenses to carry out the provisions of this section. Such expenses shall be paid upon vouchers approved by the Sergeant at Arms and Doorkeeper.

S. Res. 91

Resolved, That George J. Mitchell, a Senator from the State of Maine, is hereby designated as the Deputy President pro tempore of the Senate.

Mr. BYRD. Madam President, I move to reconsider the vote by which the resolutions were agreed to en bloc.

Mr. DOLE. Madam President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

CHALLENGER ANNIVERSARY

Mr. BYRD. Mr. President, 1 year ago today, seven courageous Americans smiled and waved at us, and then began an ascent into eternity.

We cheered as they boarded the *Challenger* space shuttle. Soon we cried. The pain and the sorrow of that brief moment will forever be a part of our lives, and of American history. But this Nation will forever be inspired by these seven Americans, and we will be emboldened by their boldness.

While we will never forget that awful moment, we cannot look backward. To be an American is to look and move forward, to push back the parameters of the unknown, and to grasp the future. And we have. Since that terrible day, we have been thrilled by the heroic flight of the *Voyager.* Next month, we will celebrate the 25th anniversary of the day our distinguished colleague, Senator JOHN GLENN, became the first American to orbit the Earth.

But today, on the first anniversary of the *Challenger* disaster, we are reminded of the tragedy as well as the triumph of exploration; that exploration has defeats as well as victories, grief as well as joy, and tears as well as smiles.

The death of these seven courageous Americans reminds us that scientific achievement and the inevitable conquest of space can never be taken lightly or for granted when the dangers are so many. But the rewards make it all worthwhile.

Their deaths united us in sorrow, but also united us in our destiny to go forward; to face the unknowns of tomorrow with courage and determination.

As long as the United States has men and women like Francis Scobee, Michael Smith, Ronald McNair, Judith Resnik, Gregory Jarvis, Ellison Onizuka, and Christa McAuliffe, this Nation will continue to be a great and proud nation, and we will continue to explore and achieve.

ADJOURNMENT

Mr. BYRD. Madam President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 12 noon tomorrow.

The motion was agreed to, and the Senate, at 6:26 p.m., adjourned until Thursday, January 29, 1987, at 12 noon.

EXTENSIONS OF REMARKS

NICARAGUA'S OWN "MEIN KAMPF"

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring the following commentary to the attention of my colleagues. Mr. Fein, its author, adroitly analyzes the new Sandinista constitution pointing out how really undemocratic and authoritarian it is. Using Hitler's Mein Kampf as an analogy, Mr. Fein shows how Sandinista President Ortega is using his constitution to advertise his dangerous political designs. Unfortunately, the world ignored Mein Kampf. The price of this inaction was World War II. We should learn a lesson from history and support those forces in Nicaragua, like the democratic resistance (Contras), who are fighting for freedom and democracy. The alternative is clearly spelled out by Ortega in his "Mein Kampf," the new constitution. That alternative is institutionalized tyranny. I urge my colleagues to carefully review Mr. Fein's insightful remarks.

NICARAGUA'S OWN "MEIN KAMPF"?

The Nicaraguan constitution approved by Sandinista President Daniel Ortega on Jan. 14, evokes the haunting memory of Adolf Hitler's *Mein Kampf*.

Just as Hitler's book advertised to the Germans and to the international community his nefarious political designs, so the Sandinista Constitution transparently aims at the perpetual enslavement of the Nicaraguan people and their Central American neighbors.

The world community was unmoved by *Mein Kampf* and paid a sanguinary political price. A comparable price will be paid if the Nicaraguan constitution fails to elicit international gambits to oust the Sandinistas from power. If the Democrats in Congress are sincerely dedicated to promoting human rights they, should hold hearings to examine the Sandinista constitution.

Generally speaking, the new constitution is a charter of rights for the government to suppress individual citizens and to trample on the interests of minorities, such as the Miskito Indians inhabiting the Atlantic coastline. Article 4 anoints the state as "the fundamental instrument of the people to eliminate all forms of exploitation and submission of human beings," and "to ensure that the interests and rights of the popular majority prevail."

Accordingly, political rights are denied to "those who seek a return to the past or advocate the establishment of a similar political system." All individual rights are subordinate to "the reasonable requirements of the common good." Private homes may be searched, and individuals detained without cause to suspect criminal activity, on the written authorization of any official specified in law, including police officers or prosecutors. There is no right to bail, no grand jury indictment, nor jury trial in criminal cases.

Freedom of religion, speech, press, and association are explicitly denied. Article 69 requires compliance with any law, irrespective of religious belief, including laws requiring homage to secular officials in violation of religious creeds.

Article 52 grants citizens the right to "denounce irregularities" or to "make constructive criticisms" of the government. A right to assail government officials for ineptitude, corruption, or a disagreement over policy is withheld.

Article 68 enjoins the print media, broadcasting, and other means of mass communications to serve only "national interests." Thus, the state is empowered to regulate access to the means of communication, and to prohibit the expression of viewpoints that respond to foreign interests or economic monopolies.

The constitution virtually eliminates private property and economic liberties. Article 86 requires that any profession or trade "serve a social purpose." Article 81 compels worker participation in management. Article 82 requires all employers to guarantee employees work compatible with "well being" and "human dignity," vacations, paid holidays, bonuses, and a minimization of work hazards. There is no protection against expropriation of private property without compensation.

Power over all health care is entrusted to the state by Article 59. Articles 98-105 empower the state to redistribute wealth earned by private activity, to operate all banking and insurance, to plan for all sectors of the economy, to make all private property subservient to "the human interests of the nation" and social functions, and to control the production and distribution of basic consumer goods.

Article 107 authorizes the state to expropriate land without compensation for transfer to peasants to further the economic and social objectives of the nation.

The omnipresence of state power over private arrangements is exemplified by Chapter IV, misnamed "Family Rights." There the constitution ordains that parents must share equally in the upbringing of children, that children must respect and assist parents, and that the state shall establish special centers for the care of minors.

All authority over education is assigned to the state by Article 119. Education is to serve the development and transformation of the country, and to combine manual and intellectual labor. The state is to promote research and dissemination of the sciences, arts, and letters. The earmarks of a Nicaraguan-style "Chinese Cultural Revolution" are manifest.

Article 89 grants the Miskitos a right to preserve cultural identity, but only "within the framework of national unity." Thus, any genuine autonomy or protection for the Miskitos is denied.

The constitution lacks checks and that might safeguard tyranny and centralization of power. A unicameral legislature is created with members serving six-year terms. The legislature, however, performs judicial and executive functions. It interprets the law, appoints judges, decrees pardons and commutes sentences. Its legislative powers are unrestricted, and reach such questions as regulating "all matters relating to symbols of the nation." Vetoes of legislation by the president can be overridden by majority vote.

The president is elected for a six-year term, with potent legislative powers. He can make law by decree regarding any fiscal or administrative matter, and assumes all powers of the legislature during its recess period. The president further administers the economy, and determines the socio-economic policy and program. Moreover, the president may suspend a broad array of constitutional rights "in case of war or when demanded by the security of the nation, economic conditions, or a national catastrophe." President Ortega has already employed this open-sided emergency powers article, as Hitler used Article 48 in the Weimar constitution, to curb constitutional guarantees.

The judiciary is impotent to protect individual rights or respect for ostensible constitutional safeguards. Judges of the Supreme Court are elected by the legislature for six-year terms and may be removed for any cause specified in law, and may have their salaries reduced or eliminated for unpopular rulings. The jurisdiction of the Supreme Court is limited by the legislature which may also assign it non-judicial functions.

The constitution rejects municipal autonomy as a means of diffusing government power. Article 175 creates municipalities for administrative purposes only.

That the Sandinista constitution is an instrument to oppress the Nicaraguan people is underscored by the absence of its ratification by the electorate, and the denial of power to the people to initiate constitutional amendments.

In addition to the legions of domestic evils perpetrated by the constitution, it also incorporates a truculent foreign policy.

Non-alignment is proclaimed, but not non-interference in other countries. Indeed, Article 3 commits the nation to struggle for "a just world order," and against "imperialist domination and exploitation," and against "oppression and discrimination."

As experience teaches, these flowery phrases are Communist code-words for military intervention in other countries, illustrated by Cuban intervention in Venezuela, Colombia, Angola, and Ethiopia. Indeed, Articles 8 and 9 herald Nicaraguan military intervention into the affairs of its Central American neighbors by declaring that the Nicaraguan people are an "integral part of the Central American nation," and that Nicaragua will spare no efforts to achieve "political and economic integration" in the region.

Since Nicaragua is surrounded by more democratic regimes friendly to the United States, only belligerence can achieve Nicaragua's declared quest for Central American unity.

In sum, the Nicaraguan constitution unwittingly unbosoms the Sandinista's devotion to the absolute supremacy of the state, contempt for individual or minority rights, civil liberties, and private property, and militant designs on neighboring countries.

Led by the United States, the free countries of the world should be galvanized by

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that constitution to forestall the tyranny it seeks to institutionalize in Nicaragua or elsewhere.

Mein Kampf teaches that the price of inaction will not be cheap.

METRIC POLICY

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. WALGREN. Mr. Speaker, our colleague, GEORGE BROWN, is clearly an expert in many areas of science and technology, having served with distinction on the Committee on Science and Technology for over 20 years. He is also one of the few Members of Congress who both trained and worked as a scientist before his election to Congress. One scientific area where Congressman BROWN has longstanding interest and expertise is metric policy. He has long been a supporter of greater use of the metric system of measurement and has served on the board of directors of the American National Metric Council for a number of years. I, therefore, urge my colleagues to give careful consideration to the compelling arguments for increased use of metric in the United States that Congressman BROWN put forth in the following interview which first appeared in the December 1986 isue of the Metric Reporter:

1. Do you believe the United States should adopt the metric system as its predominant measurement system?

BROWN. Most certainly. The United States is the only developed country—in fact only one of three countries in the world—which has not or is not currently converting to metric.

Measurement-sensitive products account for one-half to two-thirds of U.S. exports. This has been the case since 1955. It is very arrogant of us to assume that the international marketplace will be willing to cater to our special needs, or that it will succumb to buying American products produced with the inch/pound measurement system, when similar products in metric will be available. Quite frankly, the clinging of our companies to a non-metric system increasingly will affect their ability to compete.

As the "global community," including the United States, becomes more extensively involved in muiltinational efforts, it will be increasingly important for the people and equipment from several nations to be capable of performing in a compatible measurement system. We see this in the area of defense, satellites and space programs, and several international scientific and research efforts.

Furthermore, many of the products which we are importing are produced in metric—and several American products containing imported parts are constructed using both systems. We have seen this in automobiles. This means that portions of our society, such as auto mechanics, already have had to undergo the inconvenience of conversion. They have had to purchase tools in both measurement systems, which was one of the basic complaints about converting to metric in the first place. The fact is, we already have begun a metric conversion. The products we import will be increasingly in metric, so it would be to our benefit to join the rest of the world, instead of fighting a lost battle. It would be much simpler for us.

2. In your opinion, what consequences would ensure as a result of adoption?

BROWN. I suspect most of these consequences have long been understood. There will be an interim period of confusion—one we already are in, in which Americans will have to be familiar with both systems. Old tools must be saved to repair old products; new tools must be bought to work on new products. This will be an economic burden in the short term. However, since we already are in this situation, the shorter the time it takes us to convert, and the more systematic our transition, the more we will be able to minimize the detriments.

The bottom line is that many of our companies will have to convert some time, and the cost of conversion in 10 years will be close to the cost of conversion today. The only difference will be that they may be losing a valuable market by delaying the conversion. The long-term consequences of not converting could be much greater to our nation's economy.

Interestingly, Rockwell International, in analyzing the cost differences of using metric when bidding on the Space Station, found that the cost of designing the system in metric vs. inch/pound was only 1 percent. Lockheed, in a review of performance of its engineers discovered that, once acclimated, they were more efficient working in metric.

3. To what extent do you believe metric already is used in the U.S.?

BROWN. We are now in a period where we see metric measurements every day. Close to 60 percent of the *Fortune* "1000" companies now produce at least one metric product. More than 30 percent of these companies' new products are designed using metric. The nutritional content of our food often is labelled in metric, many of our cars are tooled in metric, and weekend foot races are measured in metric, to name a few. Many of the imported products we use in our homes were produced in metric, computers and cosmetics use metric units, some cities are even posting speed limits in metric. However, the greater population has not yet made the leap of thinking in metric. This will come only after a concerted effort and commitment is made by our federal and local governments, in conjunction with our industries. What is needed is to get the message out that it is to our benefit to convert.

4. Do you have any professional (or other) experience with metric you'd care to share with our subscribers?

BROWN. Having been educated in a science (physics), I have been accustomed to thinking in metric terms all my life. In my home workshop I have measurement tools in both systems (and other tools, as well) and have little trouble converting back and forth. For the general public, however, converting back and forth is confusing, and the efficient operation of our economic system would be improved by using only metric. But I probably would keep my inch/pound tools for nostalgic reasons.

5. Please describe the role the federal government should play in the adoption of the metric system.

BROWN. A federal role in the conversion process is not a new idea. In 1975, Congress passed the Metric Conversion Act which set the long-range goal of voluntary conversion. This act gave the government responsibility for helping our conversion by setting up a metric board. Unfortunately, President Reagan, apparently not agreeing with this priority, abolished the Board and transferred its responsibility to the Office of Productivity, Technology and Innovation. There currently is only a skeleton effort with regard to this program. This is unfortunate because the larger companies have the resources to convert and already are converting. It is the smaller businesses which really need that help and will be hurt by non-conversion.

I believe the federal government should act as a resource for assisting in the conversion, especially to the smaller businesses. While each company must work out the best program for its needs, the federal government should support these efforts by providing technical information on metric conversion, advice on conversion methods, and instructional tools.

6. Are you willing to venture any opinions or forecasts about U.S. metric conversion?

BROWN. I am certain we will convert some time in the future to metric. How soon we will pass through this period of using both systems is up to individual industries, as well as the level of priority our national government puts on conversion. Since the Reagan Administration has made it quite clear that it is unwilling to support even a voluntary conversion program, I see few large gains in the next two years. However, depending on the view of the next administration, as well as the commitment to conversion by various industry associations, we could get the conversion program back on track, and get down to business. We conceivably could convert at least our industrial sector within 10 years.

On a more social level, I suspect that many Americans will be inclined to use the inch/pound measurement system when working on their own, or sharing home recipes or designs, and there really is nothing wrong with this, as long as they can use metric when they need to.

7. Any other comments you'd care to make?

BROWN. Yes. The idea of converting to an alien measurement system, after using the inch/pound system for centuries, is frightening to many people. Because it is different from what many of us grew up with, I agree that it should be a voluntary and long-term goal. However, we have had several years now to get used to the idea. In fact, most of our children have learned metric in school, and many of our younger employees have had ample instruction in this system. Metric is no longer such a stranger. We have gotten used to seeing it on speedometers, food containers, and the other side of a ruler. We've even seen how much easier it is to figure sums of measurements in the metric system. It is now time to join the 95 percent of the world which is committed to using the metric system and get down to business.

HOW A BILL BECOMES A LAW

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. MICHEL. Mr. Speaker, those of us in Congress are so close to the legislative process that we sometimes forget that the way in which a bill becomes law is not clearly understood by many of our fellow Americans. I receive inquiries from time to time about this question. I have prepared a brief summary of the process in the hope it may be useful to anyone who is interested in the machinery of Government.

HOW A BILL BECOMES LAW

Ours is a Government of the people, by the people, for the people. It is not a pure democracy. It is a republic in a democracy. It is a representative democracy.

Our laws are the embodiment of the wishes and wants, the ideas and ideals of the American people as expressed through their Representatives in the Congress: 435 in the House of Representatives and 100 in the Senate. Any Member of the House or Senate may introduce a bill embodying a proposed law or revision of existing laws, at any time when his respective House is in session. When introduced, the bill will be entered in the Journal of the House and the title and sponsors of it printed in the CONGRESSIONAL RECORD of that day.

EACH BILL NUMBERED

Each bill introduced is assigned a number by the clerk of each House and referred to the committee having jurisdiction over the subject matter by the presiding officer, that is, the Speaker of the House or the President of the Senate. Copies of the bill are printed by the Government Printing Office and made publicly available from the congressional document rooms.

Acting through its chairman, the committee decides whether a bill should be taken up by the full committee or referred to a subcommittee for its initial consideration.

THE DELIBERATIVE STAGE

The committee's deliberations are the most important stage of the legislative process. It is here that detailed study of the proposed legislation is made and where people are given the right to present their views in public hearings. When the chairman has set a date for public hearings it is generally announced by publication in the CONGRESSIONAL RECORD.

Copies of the bill under consideration by the committee are customarily sent to the executive departments or agencies concerned with the subject matter for their official views to be presented in writing or by oral testimony before the committee. The number of witnesses, pro and con, heard by the committee is largely dictated by the importance of the proposed legislation and degree of public interest in it.

TESTIMONY HEARD

The transcript of the testimony taken is available for inspection in the individual committee offices. Quite frequently, dependent on the importance of the subject matter, the committee hearings on a bill are printed and copies made available to the public.

After conclusion of the hearings the committee proceeds to meet in executive sessions—sometimes referred to as "markup" sessions—to discuss the bill in detail and to consider such amendments as any member of the committee may wish to offer. Each committee has its own rules of procedure but they generally conform to the rules of the House itself.

THE COMMITTEE VOTE

By a formal vote of the committee, it decides whether to report favorably to the House the bill with or without committee amendments. A committee report must accompany the bill, setting forth the nature of the bill and reasons for the committee's recommended approval. The report sets forth specifically the committee amendments and, in compliance with the rules of each House, indicates all changes the bill would make in existing law. Any committee member, individually or jointly, may file additional, supplemental or minority views to accompany the majority committee report. The committee report, accompanying the bill, is viewed by the courts and the administrative agencies as the most important document as to the intent of the Congress in the proposed legislation.

When a bill is reported by the committee it is placed on the appropriate calendar. The majority leadership decides how and when the bill will be considered on the floor. In general the bill is allowed to remain on the calendar for several days to enable Members to become acquainted with its provisions.

In both the House and the Senate innumerable measures of relatively minor importance are disposed of by unanimous consent. In the Senate, where debate is unlimited, major bills are brought up on motion of the majority leader and in the House are called up under a privileged resolution reported from the Rules Committee which fixes the limits of debate and whether amendments may be offered from the floor. The Rules Committee resolution is called a rule of consideration of a bill; a closed rule if no amendments are allowed, as is generally the case in tax bills, and an open rule if amendments can be offered.

REACHING CONSENSUS

While there are distant differences between the House and Senate procedures, in general a bill is debated at length with the proponents and opponents presenting their views to acquaint the membership, as well as the general public, with the issues involved, and all with a view to arriving at the consensus. Amendments are frequently offered to make the measure more in conformity with the judgment of the majority. In the course of consideration of the bill there are various parliamentary motions, in both the House and the Senate, which may be offered to determine the sentiment of the Members with respect to the pending legislation. The measure may be postponed to some future date or referred back to the committee which reported it.

With the conclusion of general debate and the reading of the bill for amendments, the question becomes whether the House or Senate, as the case may be, will pass the bill in its final form. The CONGRESSIONAL RECORD of the day the bill was under consideration will set forth the verbatim debate on the bill and the disposition made of such amendments as were offered.

AFTER PASSAGE

With the passage of a bill by either body it is messaged to the other with the request that they concur. If no action has been taken on the like measure by the body receiving the message the bill is usually referred to the appropriate committee of that body for consideration. Hearings are again held and the bill reported for floor action. On relatively minor or noncontroversial matters the Senate or the House accepts the measure as messaged to it by the other body.

If there are substantial differences between the House and Senate versions of a given bill, the measure is sent to a conference committee which is appointed by the Speaker and the President of the Senate from the ranking committee members of each body having original jurisdiction over the bill. The object of the conference committee is to adjust the differences between the two bodies, and to report back to each its agreement. The report of the conference committee must be in writing and signed by those agreeing thereto and must have the signature of the majority of the conferees of each House.

CONFERENCE REPORT

The report of the conference committee cannot be amended and must be accepted or rejected by each House as it stands. If either House finds itself unable to accept the conference committee report a further conference is usually requested.

When the bill has been agreed to in identical form by both bodies a copy of the bill is enrolled, signed by the Speaker and by the President of the Senate, for presentation to the President. The bill becomes law with the President's signature of approval, or it may become law without his signature if he does not return it, with his objections, to the Congress within 10 days of its presentation to him.

If the President should return the bill, with his objections, to the originating body of the Congress, his veto may be overriden by two-thirds of both the House and Senate respectively voting to have the measure become law, the President's objections to the contrary notwithstanding. Both the President's veto message and a record of the vote of the individual Members in the motion to override are required by the Constitution and set forth in the CONGRESSIONAL RECORD.

TRIBUTE TO JOHN H. JOHNSON

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. FORD of Tennessee. Mr. Speaker, I stand here today in order to pay tribute to a man whose career is an inspiration symbol of achievement and potential. A man who rose from poverty to become one of the most powerful men in America.

That man is none other than John H. Johnson, publisher of the largest black-oriented publication in the world and chairman of the board and chief executive officer of Supreme Life, one of the largest black-owned insurance companies in America.

Forty years ago, John Johnson was an office boy at the Supreme Life Insurance Co. in Chicago earning $25 a month. During that time John Johnson started his first publishing company. This idea was conceived while he was clipping stories about black people for his boss at Supreme Life. As a result he launched his first magazine, the Negro Digest. Within a year the company was selling 50,000 copies a month.

In 1945, Johnson conceived yet another publishing idea. This idea gave birth to what has come to be known as Ebony magazine. Ebony reaches about 45 percent of the Nation's black adults and sells 1.7 million copies monthly. Add to that the circulation of Jet magazine, his Digest Weekly, and you have two Johnson publications that reach nearly 60 percent of all American black adults.

John Johnson is to be admired for the manner in which he has risen from poverty to become one of the most powerful men in America. He is to be admired for how he managed successes in the commercial magazine industry when many others who attempted similar ventures failed. Back in 1945, it wasn't easy for a black man to become successful. Nevertheless, John Johnson has been able to achieve his goals in life, primarily because of his perseverance and his attitude that "instead of trying to change the world, accept it as is and make the best of the situation, however hopeless the situation may seem.

This along with his confidence, his burning commitment to succeed and above all his faith in God serves as an inspiration to us all.

He will be remembered for how he was able to change the negative image black people had of themselves, how he gave black people faith and confidence in themselves and how he communicated the heritage of a great people.

Mr. Speaker, I therefore take this opportunity to express my deepest appreciation for the work John Harold Johnson has done in making his goals a living reality for many people.

Thank you.

ATOP THE EBONY EMPIRE

At the Johnson Publishing Company in Chicago, employees still talk about the time a few years ago that a determined, elderly black woman named Florence Taylor showed up at corporate headquarters demanding to see what she called "the beginner."

For years, Taylor explained, she had been reading stories in *Ebony* magazine about black doctors, black scientists, black women engineers, and black heroes in American history. It was all very uplifting, she said, but before she died she wanted to see for herself some evidence of black achievement. So for months she had set aside a few dollars of her Social Security check to invest in an all-night train trip from Wilmington, Delaware, to Chicago. And now she had come directly from the train station to the Johnson headquarters to see for herself this famous building, its writers, and, most important, "the beginner."

At first the puzzled guard at the front desk referred her to a tour guide, but Taylor was so persistent that the guard called a vice-president, who in turn called John Johnson, who descended from his eleventh-floor suite to the lobby. "I'm the publisher and editor," he told her. "I started the magazine."

"Then you're the beginner," the woman replied. "You're the man I came to see."

At most $100-million-a-year corporations, the president would not have time to greet a stranger who wanders in unannounced. But there is nothing ordinary about John Johnson or his company. At 66, he has become the richest black man in America by marketing the dream of black success. And no black success story is more salable than his own.

On the surface Johnson is not the sort of fellow one would remember: he's short, slightly stocky, and given to conservative business suits and easygoing conversation. Even after 42 years at the head of his company, he still says, "I believe my success is a miracle. I issue edicts and statements and policy as though it were the final word and I'd gotten it from on high. But I'm still trembling in my boots." Nevertheless, black Americans see him in much the same way as Dorothy perceived the Wizard of Oz, with one important difference—the wizard was a fake. Johnson's achievements are genuine.

Since getting his start in the slums of Chicago, Johnson has put together a business empire that now embraces *Ebony* and *Jet* magazines, two radio stations (WJPC in Chicago and WLOU in Louisville), and the highly profitable Fashion Fair Cosmetics Company, all of which he runs from a palatial penthouse executive suite that includes a private barbershop and gym. With an estimated net worth of $150 million (a figure he doesn't dispute), he's the only black on *Forbes'* 1984 list of America's 400 wealthiest people. He represented the U.S. at the independence ceremonies of the Ivory Coast and Kenya at the requests of Presidents Kennedy and Johnson, respectively. And he accompanied then-Vice-President Nixon on goodwill tours to Russia, Poland, and nine African countries. Put it all together and you have much more than a capable entrepreneur; you have a celebrity whose unique career has become a highly marketable commodity as well as a source of inspiration for millions of people.

That explains why Johnson's $8-million headquarters, a building that was designed and built by black Americans, seems not so much an office complex as a shrine to black achievement, filled as it is with sculpture and paintings by black artists and even an 8,000-volume library of books by, about, or relating to blacks. It explains why Johnson is usually willing and anxious to greet the more than 500 visitors, both white and black, who tour his building daily. It explains why Johnson came downstairs to meet his unexpected guest, Florence Taylor, and what's more, why he reimbursed her for travel expenses and dedicated an issue of *Ebony* to her. And it may even explain why he never tires of being interviewed for publications like *Fortune*, *The Washington Post*, and the *Harvard Business Review*.

"I come from the welfare rolls," Johnson explains, "so I feel I have an obligation to talk about my success as long as I can make the time to do it. Our visitors all leave with a sense that here, at least, are some black people who are successful and are doing things in a positive way. When you're in a minority, you look for something successful you can identify with. *Ebony* tries to present positive role models, so people can say, 'If someone like John Johnson can do it, I can do it.' "

Johnson made it big by thinking small. Instead of trying to change the world, at each step of his career he has searched for ways to make the best of his situation, however hopeless that situation may have seemed. It is an approach he inherited from his widowed mother, who left her second husband and her home in Arkansas, where there was no high school for black children, when Johnson was 15. They moved to Chicago, where he could attend high school.

It was during the depths of the Depression era that Johnson read Dale Carnegie's *How to Win Friends and Influence People* while his high school classmates were reading W.E.B. DuBois and other black firebrands. Johnson says the Carnegie book drummed an important lesson into his head: "Don't get mad, get smart."

By senior year he was editor of his high school paper and president of his class. At an honors assembly he met Harry Pace, president of the black-owned Supreme Life Insurance Company. Pace offered him a $25-a-week job as an office boy. Within six years, Johnson became editor of the company's inhouse magazine.

One of Johnson's responsibilities as editor was to peruse newspapers and magazines in order to prepare a daily digest of black-oriented articles for his boss, who was too busy to do the reading himself. In 1942 this task inspired Johnson's first publishing idea: If *Reader's Digest* worked for whites, why couldn't the same principle succeed for blacks?

In retrospect, there are several reasons why Johnson's *Negro Digest* should not have succeeded. The fundamental obstacle was that he had neither capital nor financing. Johnson recalls that Chicago's First National Bank told him the bank simply was not lending money to blacks.

"I can't say I wasn't bitter," Johnson remembers, "but I tried not to lose sight of my goal. I don't want to curse someone out, I want to succeed. It's better to light a candle than curse the darkness."

Instead of stalking out of First National, Johnson asked the bank officer to suggest another potential lending source. The officer sent him to a loan company, which extended him $500 against the value of his mother's furniture. That lump sum, together with his access to Supreme Life's list of policyholders, enabled Johnson to mail offers for discount charter subscriptions to some 20,000 households. He got back 3,000 responses, each with $2 enclosed, enough to finance his first issue.

To convince a distributor to take the magazine, Johnson says he recruited 30 fellow Supreme Life employees to ask for "that new magazine, Negro Digest," at newsstands on Chicago's South Side. He also reimbursed friends who bought most of the available copies in order to convince dealers that Negro Digest was in demand. He then resold these copies, and repeated the same ploy in New York, Philadelphia, and Detroit.

Within a year Negro Digest was selling 50,000 copies a month. The magazine lasted into the sixties, and finally folded because in the interim Johnson had begun to focus his attention on even more lucrative projects.

In 1945 Johnson seized on another publishing idea; he launched Ebony, a monthly magazine that he considered to be the black equivalent of Henry Luce's Life. Ebony was the first glossy magazine for blacks. Today its pages carry stories and pictures of black celebrities, self-held articles ("How black women can cope with divorce," "The Ebony Adviser"), and black morale boosters ("What's right about black men," "The 10 biggest myths about black history"). Ebony sells 1.7 million copies monthly and reaches about 45 percent of the nation's black adults. Add to that the circulation of Jet magazine, his breezy, digest-size weekly, and you have two Johnson publications that reach nearly 60 percent of all American black adults.

Johnson and his wife and daughter own all of the stock in the company. "In the beginning," he says, "I couldn't sell stock to anyone. And now I see no reason to sell." Johnson was in business for more than 10 years before he could get a bank loan; up to that point, he raised cash whenever the till was empty by promoting lifetime subscriptions to Ebony and Jet for $100 each. This strategy, later utilized by Playboy and Ms., brought in more than 10,000 lifetime subscribers and more than $1 million in badly needed working capital.

"Of course, we're paying for that now," Johnson laughs. "No one tells us when they die." But he's characteristically philosophical about the price paid for his early financing. "This was the only way I could get money," he shrugs. "That's the way life is."

This theme appears throughout the Johnson saga. If you can't get in through the front door, don't waste your time and energy complaining; just use the back door, a window, or whatever is available. In fact, that's literally what he has done. During *Ebony's* early days, when Johnson and his advertising salesmen were on the road, many centrally located top-notch hotels refused to take black guests. Johnson did not let that stop him. He would hire a very lightskinned black man to register for a room in a good hotel. Then Johnson and his salesmen would go up in the freight elevator where, he says, "everybody assumed we were workmen," and conduct their business in the room, leaving the hotel management none the wiser.

Although *Ebony* was an instant hit with readers, advertisers were tougher to attract. Johnson's strategy was simple—he persisted until they caved in. It took 6 years for Johnson to sell ad space to Procter & Gamble and 10 to sell the Detroit auto makers. Even today, when the pages of *Ebony* boast such blue-chip advertisers as Ford, Whirlpool, Campbell Soup, New York Life Insurance, and Winston cigarettes, Johnson takes nothing for granted. Any advertising agency that pulls an ad from *Ebony* or *Jet* may get a personal visit from Johnson himself, armed with fusillades of demographics and hard-sell pitch. "If we lose an account, it's up to me to get it back," he says. "If I can't sell better than anybody else, I don't deserve to be president.

Johnson landed his first national advertising account in 1946 when, frustrated in his dealings with corporated advertising executives, he decided to go right to the top of Zenith Radio Corporation, which he picked because, he says, "My mother had a Zenith and I knew a lot of black people did."

After a bit of correspondence, he got an appointment to see Eugene McDonald, Jr., Zenith's president. Before the meeting he looked up McDonald's entry in *Who's Who in America* and discovered that McDonald had been to the North Pole with Admiral Robert Peary in 1909. Coincidentally, *Ebony* had just run an article about Matthew Henson, a black explorer who had also been on the Peary expedition. Johnson called Henson and had him inscribe a copy of his autobiography to McDonald.

When Johnson walked into McDonald's office, things could not have gone more smoothly. "Young man, do you see those snowshoes?" McDonald asked, pointing to a pair hanging on the wall. "They were given to me by Matthew Henson. He is worth any two white men I have ever known, and if you are smart, you will emulate him."

Johnson promptly took out an issue of *Ebony* and showed McDonald the article about Henson.

"I understand Henson has written a book," McDonald remarked. And Johnson offered McDonald the book. He read the inscription, thumbed through *Ebony*, and said, "I don't know why we shouldn't be advertising in this magazine. And you can use my name when you talk to other advertisers."

In fact, other advertisers did listen, and the magazine prospered. This year, in celebration of *Ebony's* fortieth anniversary, Johnson Publishing Company is embarking on a full-blown $1 million advertising campaign with the slogan, "Nothing sells black consumers better." It is scheduled to run in *The New York Times; The Wall Street Journal;* newspapers in Chicago, Detroit, and Los Angeles; and numerous trade publications.

Even today, Johnson runs his company more like a family store than a multimedia empire. He has interviewed each of the 300 or so employees in his Chicago building and he watches them closely, promoting those who live up to his expectations and firing those who do not. He continues to be closely involved with the editorial contents of *Ebony* and *Jet*, approving and rejecting story ideas suggested by staff members. ("I don't care who does the story," he says, "just what goes in.") His approach to corporate growth remains more that of the resourceful enterpreneur seizing opportunities than that of a tycoon coasting on the power of his assets.

For more than 25 years, for example, Johnson has sponsored the *Ebony* Fashion Fair, the world's largest touring fashion show. Years ago, when he had trouble finding cosmetic shades dark enough for his models, he tried unsuccessfully to convince Estée Lauder and Revlon to produce them. (Both now do.) So in 1973 he started Fashion Fair, his own cosmetics company, which he promoted through direct mailings to *Ebony* and *Jet* subscribers, through ads in both magazines, and by making department store owners an offer they couldn't refuse.

"We can bring customers into your store who've never been here before," Johnson recalls telling Stanley Marcus of the Neiman-Marcus chain. Today Fashion Fair accounts for 40 percent of Johnson Publishing's annual revenues, and its products are sold in more than 1,500 department stores in the U.S., Canada, the West Indies, Africa, and Great Britain.

As far as Johnson is concerned, the cosmetics business is quite compatible with what he's been doing all along. "Women would rather look beautiful than read a magazine." he says, "but I'm very confortable with it. We're dedicated to improving the image of blacks in whatever way possible."

Some critics complain that the images promoted by Johnson encourage blacks to ignore the harsh racial realities of American society. They say that Johnson himself is less a role model for aspiring blacks than the exception to the rule, the solitary black who, because of his success, overlooks the need for broader social change. And they argue that the steady diet of success stories and celebrity profiles in *Ebony* and *Jet* is actually an insult to intelligent blacks.

"*Ebony* is very much a reflection of Johnson's own estimation of the black intellect," says former *Ebony* writer Grayson Mitchell. "And it's a perception not much different from those of whites. He thinks black people must be entertained. He thinks you must make them sing and dance. He doesn't view them as serious people who want to be informed about the world."

To be sure *Ebony* has tackled serious black concerns, as it did in a recent issue devoted to black-on-black crime. But for the most part, *Ebony* and *Jet* thrive by offering the print equivalent of a private club, a refuge. Judging from the circulation figures, Johnson has perceived his readers' needs astutely indeed.

"Many people assume that *Ebony* is saying everything is great," he explains. "But we're not saying that. We're saying we have to deal with the world as we find it." Which is, after all, precisely what John Johnson has done all his life.

"I don't say everyone can be a John Johnson," he insists. "You have to be in the right place at the right time. You have to have a bit of luck. But I'm saying whatever your're in, if you apply yourself you'll do better."

That, he says, is all he ever wanted to do in the first place. "When I started *Negro Digest* I was making fifty dollars a week. I thought that if the magazine succeeded, I could make two hundred."

COUNTERFEIT FASTENERS ENDANGER PUBLIC WELFARE AT U.S. NUCLEAR POWERPLANTS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. FEIGHAN. Mr. Speaker, for years now, Mr. Charles Wilson of the Industrial Fastener Institute in Cleveland has worked hard to draw congressional and public attention to the use of counterfeit fasteners in U.S. nuclear powerplants as well as in other parts of the Nation's manufacturing sector. There are now reports that substandard bolts have been found at one U.S. nuclear powerplant and may well be in place at other plants, ready to give way at the first serious vibration or ultrahigh temperature. Maybe now we will heed Mr. Wilson's warnings and take action to stop counterfeit bolts from penetrating the U.S. market.

The low grade, counterfeit bolts, mostly from Taiwan, Korea, and Japan look like high-grade bolts and bear false industry markings designating top quality manufacture. However, they are made of substandard metals or are inadequately tempered to withstand stress. Since 1983 at 11 nuclear powerplants, the Nuclear Regulatory Commission inspectors have reported quality control problems. According to one report, one or two substandard bolts in the wrong place could mean the difference between a shutdown and a meltdown.

A big part of the problem is the widespread use of unmarked or improperly marked steel fasteners, even though Nuclear Regulatory Commission regulations require bolts in sensitive areas to be stamped according to industry grading standards. There are reports that Federal inspectors had to cut pieces out of unmarked bolts to test them to be sure they meet approved specifications.

Mr. Speaker, in Greater Cleveland the fastener industry has been devastated with unfair competition from imported fasteners. Now those same companies face the serious problem of competing against counterfeit bolts—bolts that are being used in the Naiton's nuclear powerplants, thereby endangering the safety of our citizens. This country cannot justify using inferior imported bolts in these plants when we have the domestic capability and work force to produce a superior—and safer product—in the United States.

For the record, I want to include these two articles from the Washington Post that clearly describes this problem.

[From the Washington Post, Jan. 22, 1987]

COUNTERFEIT BOLTS ENDANGER A-PLANTS

(By Jack Anderson and Joseph Spear)

Substandard bolts have been found at one U.S. nuclear power plant and may well be in place at others, ready to give way at the first serious vibration or ultra-high temperature. And the Nuclear Regulatory Commission is alarmingly relaxed about the danger that the faulty fasterner could cause a Chernobyl-like disaster.

The bolts are counterfeits, mostly from Taiwan, Korea and Japan. They look like high-grade bolts and bear false industry markings designating top-quality manufacture. But they are made of substandard metals or are inadequately tempered to withstand stress.

A quality-control offical at the commission told our associate Stewart Harris he was reasonably certain that there were no counterfeits in nuclear power plants, because a recent random test had turned up none. Asked how many bolts were actually tested, the official replied: "13."

Further tests will be made on perhaps 30 more bolts taken from three to five power plants, the official said.

We have news for the commission: Counterfeit bolts have already been found in storage at a nuclear power plant. Bill Windt of Texas Bolt conducted laboratory tests on bolts taken from a plant that he said had bought "tons" of substandard steel fasterners. He was told he'd be sued if he revealed the name of the plant, but he was able to tell us the nuts and bolts he tested at his Houston lab did not meet specifications and could fail under such conditions as the extreme temperatures that are common in nuclear cooling systems. The bolts were subsequently discarded.

The substandard fasteners discovered by Windt aren't the only ones that have been palmed off on the nuclear industry. We have also learned that bogus bolts were purchased by PosiSeal International, a Connecticut firm that makes butterfly valves for nuclear plants.

We spent weeks poring over Nuclear Regulatory Commission documents for any mention of counterfeit bolts, and found absolutely nothing. But we were told that commission inspectors might not recognize a spurious bolt if they tripped over one.

We presented our evidence to a number of experts in the industry. Their responses were chilling. Tommy Grant of Grant Fasteners in Houston, said: "Frightening."

Frank Akstens, an engineer and editor of Fastener Technology International magazine, said: "The documented evidence you send is appalling testimony on the behavior and shortcomings within the nuclear power industry."

John Cole of Product Risk Reduction Inc. of Westlake, Ohio, said, "I see many of the assumptions and decisions indicated in the [commission's] reports as basic ignorance of the products and the world fastener base."

Charles Wilson of the Industrial Fastener Institute in Cleveland agreed. Some of the engineers who wrote the reports appeared unaware, for example, that bolts that are too hard can be as dangerous as ones that are too soft. If they've too hard, Wilson explained, they won't break loose under extremely high pressure as they're intended to; lacking this safety feature, the entire cooling system could explode.

[From the Washington Post, Jan. 23, 1987]

COUNTERFEIT BOLTS USED IN NUCLEAR UNITS

(By Jack Anderson and Dale Van Atta)

Low-grade bolts, counterfeited in Asia and made to look like high-quality industrial fasteners, are flooding the country. Some have turned up in the nuclear industry, but some nuclear power plants fail to make sure their potentially dangerous equipment is held together by bolts of the required strength.

Nuclear Regulatory Commission inspectors have reported quality-control problems with bolts at 11 power plants since 1983. In an emergency, one or two substandard bolts in the wrong place could mean the difference between a shutdown and a meltdown.

A big part of the problem is the widespread use of unmarked or improperly marked steel fasteners, even though the commission's regulations specifically require bolts in sensitive areas to be marked according to industry grading standards. In some cases, the federal inspectors have had to cut chunks out of unmarked bolts to test them chemically and make sure they meet specifications.

As we have reported, counterfeit bolts have been detected at one nuclear power plant and by a Connecticut company that makes valves for the industry. NRC documents reviewed by our associate Stewart Harris give details of the difficulties some nuclear plants have encountered trying to keep track of their essential nuts and bolts. Here's what the NRC's inspectors found and had to correct:

At the South Texas plant near Bay City, Tex., unmarked, low-strength bolts intended for electrical raceway supports may have been used in more sensitive equipment. The bolts were distributed throughout the plant in "bulk quantities," according to an NRC report last year.

"This condition may have resulted in the indiscriminate use of the unmarked fasteners in other types of equipment installations because the bolting is readily available and presumed to be adequate," the NRC's construction appraisal team reported.

On another visit to the same plant, inspectors noted that low-strength bolts had been substituted for high-strength bolts on mechanical equipment.

Quality-control officials at Washington Nuclear Plant No. 2 near Richland, Wash., lost track of the types of nuts installed at various locations. Many were unmarked, but just by looking at them NRC inspectors determined they were not the kind specified, according to a 1983 report. The inspectors also found nuts and bolts of different grades mixed in storage bins instead of being stored separately.

Anchor bolts of high and low strength were mixed at the Shearon Harris nuclear plant near Raleigh, N.C. The mix-up caused some equipment to be held in place by low-strength bolts where stronger ones should have been used. In this case, NRC officials decided there was no safety problem, however, and allowed the weaker bolts to stay put.

The use of unmarked and incorrect bolts on pumps, motors and other equipment "indicates a generic lack of attention to fastener details" by the Commonwealth Edison Co. and firms supplying equipment for the Byron Station Unit 2 plant near Rockford, Ill., according to a 1985 report. "This matter requires management attention," the NRC inspectors wrote.

INSIGHTS ON NATO BY AN EXPERT

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. GARCIA. Mr. Speaker, as chairman of the North Atlantic Assembly's Civilian Affairs Committee, I have learned over the years that NATO is more than bombs and bullets. While I am by no means a hawk on defense, I, nonetheless, have come to appreciate the importance of the Atlantic Alliance.

It is in that light that I am inserting in the RECORD an article from yesterday's Wall Street Journal on U.S. NATO Ambassador David Abshire. I hope my colleagues take the time to read the article so that they may benefit from the Ambassador's insightful comments on the future of NATO.

ATLANTIC ALLIANCE MUST BE RETHOUGHT, SAY REAGAN ADVISER AND NATO ENVOY

(By Robert Keatley)

BRUSSELS, BELGIUM.—The U.S. ambassador to the North Atlantic Treaty Organization sits in the White House these days, where he is the administration's point man for the Iran-Contra affair. But David Abshire's thoughts often return to the Atlantic alliance, where he has worked since 1983—and they aren't particularly sanguine.

The outgoing diplomat (his term here at NATO headquarters lasts until Saturday, although he's already in Washington doing a damage-control job for President Reagan) does believe NATO functions a bit better than before. He even takes some of the credit. Yet he fears that momentum may be lost, that NATO could lose effectiveness in the years just ahead, unless Europeans—as well as Americans—challenge some "cherished assumptions."

But there's no certainty they'll do so, and NATO's ability to serve as Western Europe's main defense might weaken. Possible causes include Soviet smiles and general boredom.

The leading problem, according to Mr. Abshire, is to convince member states that NATO remains worth improving in this age of superpower negotiations and Gorbachev friendship campaigns. Solving it involves publicity as much as gunnery. He wants a greater lobbying effort to persuade Europe and North America that the alliance is still essential and must be upgraded—though this will cost an inconvenient amount of effort and money.

But neither Europeans nor Americans seem especially eager. Some even contend that conventional defenses are adequate, or are growing irrelevant. "Not so," insists Mr. Abshire, who believes enhancing NATO's capabilities is of "accelerating" importance.

Looking ahead to the 1990s doesn't make him any more complacent. Like most officials at NATO, he doesn't see much chance of actual war, though he'll rattle off statistics about Soviet arms superiority whenever an audience seems impressed. But he does worry about possible Soviet "blackmail"—Moscow's potential ability to use military pressure against the West for political or economic gain.

Payoffs to Moscow by the West could range from softening human-rights policies to extending cheap loans to relaxing technology controls. The available Soviet instruments include its North Sea navy, its mobile armored forces in Central Europe and its array of conventionally armed tactical missiles. Whether such "blackmail" would ever be sensible or possible is arguable, but officials like Mr. Abshire don't want Moscow to have the ability to try.

So what to do?

PERSUADING POLITICIANS

Reflecting in Washington, Mr. Abshire puts great stress on an improved NATO sales campaign—selling itself. This means going beyond conventional diplomatic and military groups and beyond rounding up the usual suspects who are already true believers. He thinks member governments must persuade politicans and publics of several things: The threat is real, NATO must be strengthened and much can be done by spending available cash more efficiently.

Like others enmeshed in the NATO bureaucracy, he doesn't seek a gun-for-gun, dollar-for-ruble arms race. But he wants more push behind certain existing programs. These include increased standardization of weapons (NATO uses four quite different—and costly—main battle tanks), unified research and development ("you'll go broke letting technology run in all directions"), plus selective extra spending in key spots (NATO's northern German forces are short of ammunition).

"We've got to convince people they're wrong if they think these things don't really make a difference," the ambassador says.

Mr. Abshire also says the NATO mission of the U.S. must be as the lead salesman, with Congress—increasingly stocked with skeptics—as its first target. If the Americans disengage even partially, it isn't likely that other NATO states will fill the vacuum; at best, the alliance would merely limp along.

DULL BUT IMPORTANT

There is also the boredom factor. For many, NATO is one of those subjects that get labeled as DBI—dull but important. Arousing enthusiasm for bigger ammunition depots or common usage of rockets is hard to do. In fact, they fight closing down inefficient factories and importing other people's weapons; jobs and votes are at stake.

Yet results are possible. With restrained modesty, Mr. Abshire takes much credit for congressional votes against withdrawing U.S. troops a few years ago, and for funding joint military research with Europeans. He hopes others will continue such battles.

It isn't necessary to buy all the Abshire arguments to give him general support. But many NATO flaws could be repaired by more intelligent spending, without budget increases. Doing so would strengthen the Western hand as diverse talks with the Soviets proceed. Negotiating from weakness—especially with Moscow—has never been a wise tactic, and that won't change soon.

TRIBUTE TO ANDREW SALAZAR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. LAGOMARSINO. Mr. Speaker, I rise to pay tribute to an outstanding civic leader and Federal worker, Andrew Salazar.

A mere listing of Mr. Salazar's accomplishments and contributions to his community, extensive though it would be, only begins to suggest his pivotal role in his adopted home in the "Valley of the Flowers," Lompoc, CA.

Mr. Salazar, a native of the "Land of Enchantment," New Mexico, started his career at White Sands Missile Range. In 1966, he moved to Lompoc as an employee of the Western Test Range at Vandenberg Air Force Base, where he currently serves as director of engineering for the Western Space and Missile Center. In his outstanding career, he has been recognized for his achievements and contributions to this vital installation, being named Manager of the Year by the California Central Coast Area Council of the National Management Association in 1985.

In 1980, Mr. Salazar was elected to the Lompoc City Council, and in 1982, he became the city's first elected mayor, a position in which he served for two terms before stepping down last December. While mayor, Mr. Salazar initiated a 15-point program of civil improvements, established a public-private sector partnership to promote economic development, coordinated the formation of a sister-city relationship with Inca, Spain, and represented the city on numerous commissions and boards, including the North County Community Impact Committee, the Crime Prevention Committee, and the Economic Development Coordinating Committee.

One of the accomplishments of which he was most proud, I'm sure, was the founding of the Western Spaceport Museum and Science Center in Lompoc.

Nor has he limited his activities to official duties. A past president of the Lompoc Toastmasters Club, he has been involved in a wide range of civic interests, including the Little League, the Girls Club, the Elks Lodge, the Chamber of Commerce, the Jaycees, and church work. Currently, he is working on the creation of a cultural center for the city.

In summary, Mr. Speaker, Andrew Salazar is a man of many talents, which he has employed effectively for the benefit of his community and the Nation, and I want to extend my thanks on behalf of the community and the House of Representatives, to my friend Andy and his wife Priscilla for their tireless efforts and contributions to making Lompoc a better place in which to live and serving his country well.

THE NATIONAL QUALITY IMPROVEMENT AWARD ACT OF 1987

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. WALGREN. Mr. Speaker, today Mr. BOEHLERT and I are introducing a bill which would take an important step in making the United States more competitive in the world marketplace. This bill builds on legislation proposed by the former chairman of the Committee on Science and Technology, Don Fuqua, and is based on hearings on Federal Organization for Technological Innovation which Congressman GEORGE BROWN and I chaired last year.

One of the ironies of our trade deficit is the extent to which we taught our competition to beat us. Immediately following World War II some of our best scholars in management science were looking for places to apply their ideas. Dr. Joseph Juran and Dr. Edward Deming began promoting a vision of quality in manufacturing that would change the world. Unfortunately we in the United States were too prosperous and too set in our ways to be open to their ideas. They found a ready audience and a clean slate to work with in the war-ravaged industries of Japan. While the United States fell into a system of planned obsolescence, the Japanese accepted the Juran/Deming emphasis on quality products and management. Year after year they chipped away at our seemingly insurmountable lead in industries such as steel and manufacturing. Deming and Juran received national recognition in Japan. Dr. Deming was honored through the establishment of the Deming Prize which is presented annually to the Japanese company which does the best job of infusing quality throughout its organization.

The United States finds itself in the classic tortoise and hare situation. But our story does not have to end the same way as the original. We are now waking up late in the race, and we are behind. Yet we are not without options. If we realize the seriousness of our situation we can compete with our most advanced trading partners. But we cannot delay, and we cannot ignore the good ideas which are in place elsewhere. We must combine the best of our Yankee ingenuity with the best of what is in use elsewhere in the world.

This bill follows the advice of several of the witnesses at our hearing last year by creating the American equivalent of the Deming Prize in Japan. The Secretary of Commerce is authorized to present annual awards to the best organizations in each of four categories, according to audits by private sector quality experts, covering the pursuit of quality in planning, day-to-day operations, products, and customer relations. These audits can lead to great cost savings through improved efficiencies whether a company wins or not.

This program is "low or no cost" to the Government. Startup funds will be sought from private donors while participant fees will cover ongoing costs of running the award program.

The award itself can be very significant. In Japan, the man on the street knows that the winner of the Deming Prize is a very special company. Winners, without exception, use the award in their advertising which both adds to the significance of the award and the prominence of the company. Other countries are following Japan's lead. Australia has had a J.M. Juran Award since 1975; Margaret Thatcher has announced the British National Quality Campaign and the British Quality Award; the French have instituted the Industrial Quality Prize.

Given our perilous situation in manufacturing, we must give high priority to trying programs which have led to major quality improvements elsewhere. I urge my colleagues to support this simple step we can all take together.

A SALUTE TO COLONIAL FLAG CO. OF COSHOCTON, OH

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. APPLEGATE. Mr. Speaker, all throughout Washington, DC, and especially on Capitol Hill, a constant stream of waving flags and assorted colorful banners greet the thousands of people who live and work in our Nation's Capital as well as the millions of visitors who travel from all corners of the world each year to see the historic landmarks and to experience the vitality of the most important city in the free world.

But sometimes we take for granted the hundreds of flags flying above the rooftops of Washington, visually blurring the reds, whites, and blues of the American flag into everyday things that we just always assume will be raised in the morning and taken down at the end of the day.

Do we ever wonder where all of these flags come from? Do we ever think about the people who fabricate many of the flags that fly in Washington and throughout our country, to say nothing of those also to be found in many parts of the rest of the world? Well, Cathie McCullough, a writer for "Farm & Dairy," one of the most important and influential newspapers in my congressional district, recently came forth with some very interesting answers.

Mr. Speaker, I would like to have included in the CONGRESSIONAL RECORD an article written by Mrs. McCullough about the Colonial Flag Co. of Coshocton, OH, located in my district. I'm certain that my colleagues in the House and Senate will find her story very interesting and informative. I would also like to extend recognition to "Farm & Dairy" publisher Wayne T. Darling and editor Tim Reeves for the tremendous job that they do in keeping the farmers and citizens of my district informed of the important news of eastern Ohio. My hat's off to them.

COLONIAL FLAG COMPANY ON THE FRONT LINE OF PATRIOTISM

(By Cathie McCullough)

First-time visitors to Colonial Flag Co. in Coshocton can't help but be overwhelmed by the grandeur of all that red, white and blue material snaking its way through the production room.

The action starts in an adjacent room where an operator on what has been comically termed a "bologna slicer" cuts rolls of red and white fabric into the proper width for stripes. Back in the main room, in production line fashion, all the stages of flag making are in progress at various stations. There is constant movement. Sewing machine operators piece stripes together with surprising speed and accuracy. Others at the "further along" stations are busy cutting 175-foot-long sections of sewn stripes into proper widths, attaching the star field to the seven-stripe section of the flag, cutting the actual lengths of finished flags, and clipping them banner-style to a rod from where they're moved along to a sewing machine operator who sews on the canvas header. The flags are then packed in home flag sets at a station back to back with the beginning of the production line.

Division manager Vane Scott says Colonial Flag makes more home flag sets—more than 2,000 a day—than anyone else in the United States. Other sizes are made as well, with the company turning out a total of some 3,000 U.S. flags a day. "We make the U.S. Flag faster, cheaper, and better than anyone else in the world," Scott says. The sewing department handles more than 12 *miles* of stripes a day. "All this is done in *one* room, in *one* day, in *one* shift," he says.

Colonial Flag is a family affair. Wife Barbara is plant manager, and their son, Vane Scott III, is production manager. The company does specialty items, and is now preparing some replacement team pennants for Super Bowl XXI (they also did the NFL Super Bowl in 1982-85).

COMPANY HISTORY

Colonial Flag Company was started in 1967 in Newcomerstown by Vane and Barbara Scott as a small part of "Great Scott" Displays, a flag and parade float rental company that traveled coast to coast for many years. ("We traveled the U.S. before there were interstates," Vane says.) During the recession of 1968, "Great Scott" Displays closed permanently, and Colonial Flag Company was sold to some investors in, and moved to, Coshocton, with the Scotts continuing as managers. Barbara and Vane have run every machine in the shop themselves, so they're not strangers to the demands of production.

The first location was a small barn in an alley off Orange Street where they started with three employees. A big break for the flag company came when the Scotts, through earlier business contacts, got contracts to make flags for the State of Ohio.

With this increase in business, the business moved to larger quarters in the former Wright Bottling Plant on Second Street in 1969. The number of employees eventually grew to 12.

The war in Vietnam caused a small boom in flag manufacturing, and the Scotts were in the process of laying groundwork for the "really big boom" they knew would happen in 1975 and 1976 for the Bicentennial.

As time progressed, they established over 200 dealers across the nation and were selling directly to many cities, counties and organizations. More space was needed, so the business moved into the renovated former Pope-Gosser China Complex at 333 N. 15th St. in the spring of 1972. With over 10,000 square feet of floor space, the potential in business growth was getting bigger. Colonial became a recognized name in the Flag industry when it received the contract to make 25,000 flags for the United States Congress.

With potential and growth far outspacing local financing, Vane says, the Scotts arranged negotiations for the sale of the company to Annin & Company, of Verona, New Jersey, the largest flag company in the world. The transaction was completed in August of 1975 with Colonial Flag Company remaining in Coshocton as a Division of Annin & Company, and the Scotts continuing as general managers. Annin's corporate offices are in Roseland, N.J.

With the new owners being the world's largest, Colonial experienced phenomenal growth. Adding more machinery and utilizing almost 15,000 square feet of floor space, the number of employees has increased to over 50, and production of flags is well over 3,000 per day and still rising.

WHERE THEY 'FLY'

The bulk of Colonial's present 3000 flags-per-day go to nationwide commercial outlets such as K-Mart Corporation, Sears & Roebuck, Ace Hardware, as well as the national headquarters of the American Legion, VFW, DAR, Boy Scouts, and others.

Flags manufactured by Colonial Flag Company have been, and are, being displayed around the world through past Boy Scout World Jamborees, student exchange programs, large companies with world-wide operations and the U.S. Armed Forces.

Some of Colonial Flag's noteworthy credits to date include: Over 100,000 flags flown or displayed by the State of Ohio.

Colonial makes more boat flags than anyone else in the world, is one of the largest makers of truckers' Danger Flags, and is official flagmaker for Pro-Football Hall of Fame and the NFL.

The official "Operation Sail" pennants for the 100 tall ships that sailed into New York for the U.S. Bicentennial were made by Colonial, and all the vehicles of the United Nations Peace-keeping forces in Lebanon are flying U.N. flags from Colonial. Even yacht clubs around the Great Lakes and Midwest have their custom pennants made at Colonial.

Flags made by Colonial are also currently displayed or flying in these locations: all the municipal courtrooms in Cleveland, Columbus, and council chambers and mayors' offices of Columbus, Los Angeles, and others; Sea World, Cedar Point, Geauga Lake, Ohio State University campus and stadium, Ohio U, Muskingum, Kent, USC, and others nationwide; United States Power Squadrons, Ohio National Guard, Ohio Defense Corps, throughout Puerto Rico, Honda of America, Volkswagen of America, all U.S. Army convoy flags and Combat Vehicle flags, International Harvester, Ashland Oil, all Brown Derbys, Sperry-New Holland, Weirton Steel, and many TV and radio stations.

City halls, county courthouses, schools, churches, state and national parks, shrines, tourist attractions and marching groups fly or carry flags from Colonial, which also made 1000 new design flags for the navy of Saudi Arabia. Colonial made the official Olympic flags that opened the winter games in Sarajevo, Yugoslavia, in 1984, and made the decorations for all major candidates in the 1984 presidential election and decorations for the Washington D.C. Reagan Inaugural in 1985.

Production is just beginning on the Texas state flag at Colonial, where they will be "made by the thousands," Scott said.

HERE AND NOW

Parent company Annin has reportedly assured the Scotts Colonial Flag Company will stay in Coshocton and remain an important part of Coshocton's industrial community.

Current employees range in age from 17 to 77, with the youngest employees representing students from the Occupational Work Experience (O.W.E.) program at Coshocton High School. Scott says Colonial continues to serve as an outside work program experience for area schools.

Production demands reveal much about current patriotic trends, Scott says. "We're on the front line of patriotism." He says ever since the hostage incident in Iran, sales mushroomed and "have never slowed—they just kept climbing."

When this reporter remarked how proud (or at least how truly amazed) Betsy Ross would be in this plant, Vane Scott pointed out the rack that holds employees' time cards. There, at the top, is a card bearing the name "Betsy Ross." The card is used to demonstrate use of the employee time clock, Scott explains, but he keeps the card in the rack because, "Really, she was our first 'employee.'"

REPRESENTATIVE MILLER SALUTES FOOTBALL CHAMPIONS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. MILLER of California. Mr. Speaker, Contra Costa County is honored to have two championship football teams—De La Salle in Concord and Monte Vista in Danville. Both teams played honest, good football all season long. Both teams went undefeated until they met on the playing field on Saturday, December 6, 1986.

Contra Costa County's "Super Bowl" is played out in the North Coast Section game. De La Salle won the championship game played that Saturday, and we congratulate De La Salle for their masterful season. In fact, they have been the champions for the last three seasons, and hold the record for a 33-game win streak—the longest in the State of California and fourth in the Nation. Our congratulations also go to the athletes at Monte Vista, who had a season to remember.

I am sure the coaches, fellow students, and their families join me in honoring the athletes of Monte Vista and De La Salle.

DE LA SALLE HIGH SCHOOL

Coaches: Bob Ladouceur, head coach; Luke Wurzel, Terry Eidson, Blair Thomas.

Players: Christopher O'Rourke, Brad Heyde, Woody Mason William, Mark Van Slambrook, Michael Schaefer, Dave Leaf, Tuan Van Le, Ron Rusca, Mike Gibson, Carl Silva, Jim King, Marshall Cochrane, Paul Hockel, Steve Steinbach, Greg Pron, Chris Hobson, Kevin Hedges, Rob Lietz, Kirk Pulver, John Erdmann, Todd Butler, Patrick Muller, Jim Starkey, Andy Zyla, John Kamola, Mike Zuliani, Jim Hinckley, Mike Vanderklugt, Brad Thompson, Paul Still, Paul McKinney, Matt Lipelt, Bob Savarese, Neil Tobin, Jeff Lacour, Mike Salvemini, Tim Roberts, Lon Grammer, David Jackson, Chris Toffoli, Rob Forrester.

MONTE VISTA HIGH SCHOOL

Coaches: Rob Stockberger, head coach; George Cockerton, Tom Ladouceur, Craig Condon.

Players: Rick Lineweaver, Dave Smiddy, Ken Christopher, Dave Greulich, Chris Swartz, Jeff Brown, Joe Wagda, Stewart Hansen, Paul Gambs, Mike Wakeman, Sol Ortiz, Mike Gervolino, Rich Rask, Rob Kittle, Steve Abrams, Craig Jersild, Schon Branum, Brad Moore, Chris Craig, Chris Boughey, Jon Glubetich, Wendel Richardson, Trent Wachner, Scot Boatright, Pat Lewis, Colby Heaton, Todd Booth, David Husted, Jim Coleman, John Rhodes, Eric Lee, Kevin Carter, Jeff Boettger, Scott Larrabee, Shad Hansen, Mike Ericksen, Chris Geremia, Jeff Rhine, Marc Peters, Greg Mandoli, Jason Strickland.

An account of the game which appeared in the Contra Costa Times on December 7, 1986, follows:

DE LA SALLE MAKES HISTORY IN 24-7 WIN

(By Darrell Moody)

OAKLAND.—De La Salle High School made it into the North Coast Section record books in prolific style Saturday night.

The top-ranked Spartans pounded out a 24-7 win over No. 2 Monte Vista to win the North Coast Section 3A championship before a high school-record crowd of 12,298 at the Oakland Coliseum.

The Spartans, who have now won 33 straight games, are the first team to win four NCS titles. They've won four of the last five and three straight. Three of the previous titles came as a 2A team.

"I always felt that 2A or 3A, it didn't make a difference," he said. "If people want to still say that, maybe this will say something to them."

It should. The Spartans outgained MV, 350-177. The Mustangs averaged 420 yards per game during the regular season, and MV quarterback Stewart Hansen threw four interceptions after being picked off once in the previous 12 games.

Dave Leaf had two thefts, and Tuan Van Le and Mike Gibson added one each. It was the worst performance in every offensive category by the Mustangs.

"The thing that's carried our defense a lot this year has been our secondary," said Ladouceur. "We read that (Hansen's interception total). It kind of got our kids excited. They were so up. The kids knew they'd have to have a great game, and they responded real well.

"We anticipated well on their counter and trap plays, which are their big plays. We were vulnerable to the sweep, but we stopped their big plays."

Most of the scoring was done in the first half when the Spartans held a 21-7 lead thanks to TD runs by Greg Pron and Chris O'Rourke plus an O'Rourke TD pass to Tuan Van Le.

The Spartans were in trouble early, however.

O'Rourke's pass from his own 31 was picked off by Scot Boatright, who returned it to the Spartan 23.

On third-and-seven from the DLS 20, Stewart Hansen tried to hit Rick Lineweaver. Cornerback Van Le deflected the ball into Lineweaver's hands at the 9-yard line.

Three plays later, Hansen hit tight end Paul Gambs with an 8-yard lob pass for the score. Dave Smiddy's extra point made it 7-0 with 7:44 remaining in the quarter.

After that it was all De La Salle.

The top-ranked Spartans tied the game late in the first period after Van Le intercepted a pass at his own 16 and returned it to the 37. The Spartans were hit with a clipping penalty, moving the ball back to the 22.

"He (Van Le) played like he was capable of playing," said Ladouceur. "He's a real big-time player."

A 12-yard run by Pron and a 13-yard reception by Mike Gibson moved the ball to the Monte Vista 46. A 9-yard run by Bob Savarese and a 5-yard carry by Pron pushed the ball to the 27. Facing a fourth-and-one from the 23, O'Rourke rolled right, turned the corner and took it all the way in. Mike Salvemini's kick made it 7-7 with 1:27 left.

"I told him to read it, then pull it out and run," said Ladouceur. "He read it perfectly."

Field position and De La Salle's defense played a big role the remainder of the half. MV was held to just 64 yards total offense, 42 from Schon Branum.

Another DLS interception, this one by Dave Leaf, gave DLS great field position at the MV 19.

Runs by Savarese and Pron pushed the ball to the 14, O'Rourke was sacked by Boatright back at the 20. On fourth-and-11, DLS lined up in field goal formation. Reserve quarterback Brad Heyde tried to hit O'Rourke down the right sideline, but overthrew him.

De La Salle didn't have to work as hard for its second score, driving just 54 yards.

Following an incomplete pass by O'Rourke and a 5-yard penalty that put the ball at the DLS 41, O'Rourke tossed a bomb down the right sideline to Van Le, who worked his way behind Craig Jerslid. Jerslid appeared to stop running on the play. Salvemini's kick made it 14-7 with 7:56 left in the half.

"It was supposed to be a clearing patern," explained Van Le. "I was supposed to clear out for our tight end (Mike Gibson), but I got behind the cornerback threw a perfect pass."

The Spartans made it 21-7 in the final minute of the first half, driving 47 yards in five plays. Pron covered the final 3 yards on a run around left end.

Salvemini finished the scoring with a 30-yard field goal with 1:09 left in the game.

NOTES: Bob Savarese had a productive game, gaining 86 yards on 18 carries, while: Pron, who played in extreme pain most of the game, gained 68—Branum had 63 of Monte Vista's 72 rushing yards. Following the game, several members of the DLS team, including O'Rourke, Van Le, Pron and Savarese, strutted around the field smoking cigars.

WHAT'S WRONG WITH FOREIGN AID?

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. McHUGH. Mr. Speaker, I would like to call the attention of our colleagues to two recent editorials in the New York Times that help explain what's wrong with our Foreign Assistance Program.

Commenting on the Secretary of State's recent trip to Africa, the Times pointed out on January 17 that "Africa's troubles and America's interests there require more" than good advice. It then went on to note that the amount of bilateral economic assistance our country provides to sub-Saharan Africa has been falling in recent years.

In light of the administration's allocation of aid resources this year, an allocation announced after the Times editorial was written, the situation is even worse than the Times portrayed. Pursuant to its allocation for this fiscal year, U.S. economic assistance to sub-Saharan Africa, excluding food aid, will fall to $486 million.

That is only $23 million higher than the amount of economic aid we provided to this desperately poor region in fiscal year 1981, the last year of the Carter administration. In other words, although funding for economic aid programs has increased more than 50 percent under the Reagan administration, economic aid for Africa has increased only about 5 percent. In real terms, after taking inflation into account, there has been a decrease in bilateral economic aid, largely because the Reagan administration does not consider Africa a priority.

Yet, Africa is among the poorest regions of the world. Although the American people are skeptical of foreign aid, they are generally more supportive of United States aid when it is effectively directed to those who are neediest. They strongly demonstrated their support for aid to Africa when millions were recently threatened with starvation from famine there.

What's wrong with foreign aid is the administration's current priorities, which strongly favor military aid, and the fact that we are not providing assistance in the most cost-effective way. Can anything be done to change the current priorities and to provide more help to sub-Saharan Africa?

While I hope that both Congress and the administration will recognize that the United States needs to do better by sub-Saharan Africa in our bilateral economic aid programs, the best chance for substantially increasing assistance to that region now is through congressional approval of the eighth replenishment of the International Development Association [IDA].

As the Times notes in its editorial of January 19, IDA "aids the poorest of the poor, nations whose per capita income is less than $790." Because so may of those nations are located in sub-Saharan Africa, the expectation is that 50 percent of IDA's $12.4 billion replenishment will go to help countries in that region. This could have a substantial impact on their future development prospects.

One major advantage of IDA is that other nations will contribute more than $3 to this IDA replenishment for every $1 the United States contributes. That is why the Times went on to add that "strengthening the International Development Association is enlightened self-interest."

Unfortunately, prospects for congressional approval of the administration's IDA VIII request are not very good at present. The United States is already more than $200 million in arrears in its pledge to the previous IDA replenishment. Moreover, the administration is seeking almost $2 billion more in foreign aid next year than Congress approved this year. Such an increase is not likely to fly with the American people or with Congress. The combination of large budget deficits and the administration's continuing assault on domestic programs makes foreign aid even more vulnerable than usual.

Given the likelihood of further cuts in foreign assistance, Congress must focus carefully on the areas of highest priority—those areas which reflect U.S. interests, which are supported by most Americans, and which are cost effective.

Our interest in helping the poorest nations in Africa in a cost-efficient way suggests that funding for IDA should be among the highest priorities when we consider the foreign aid budget this year.

[From the New York Times, Jan. 17, 1987]

ONLY ANOTHER FOOTNOTE IN AFRICA?

On his long-overdue visit to Africa, what Secretary of State George Shultz prescribed for the troubled continent is more private enterprise and more local initiative. That's good advice, but Africa's troubles and America's interests there require more. Apart from a discordant note on human rights, the trip was a welcome undertaking, especially if the Administration is now ready to add substance to this new message.

The continent with the world's fastest population growth, Africa has in recent years been transformed from a net exporter of agricultural products into a net importer. Fluctuating world commodity prices have brought growing debt and shrinking revenues. The cycle of drought and famine and emergency relief has grown cruelly familiar.

These crushing problems have African leaders groping for solutions. Increasingly, as seen, for example, in the United Nations special session on Africa last May, their answers square with Mr. Shultz's emphasis on a free market and local initiative. Africa's leaders have been selling off state enterprises and emphasizing management training, commerce and agricultural research. But encouraging economic growth and cutting public spending will be of limited use without better commodity prices, manageable debt terms and foreign aid U.S. assistance to the region has declined from more than $1 billion in 1985 to $664 million this year.

Mr. Shultz picked six especially friendly and moderate African nations to visit: Liberia, Senegal, Kenya, Cameroon, Nigeria and Ivory Coast. Even so, he heard some unhappy messages. Black Africa has been far lower on Ronald Reagan's priority list than on Jimmy Carter's, with the exception of troubled southern Africa. The constructive engagement policy Mr. Reagan long practiced there never played well in the rest of the continent. And in Liberia, Mr. Shultz's claims of democratic gains under President Samuel Doe perplexed and offended the Doe regime's victims and critics.

Mr. Shultz's trip, the first by a Reagan secretary of state south of the Sahara, showed Africans they finally have the Administration's attention. African initiatives toward the free market demonstrate that they have been listening to the Administration. The only way to sustain the momentum is to begin practical efforts together in one or two areas—debt management and food aid, say—and start accomplishing something concrete. Otherwise, the Shultz visit will follow similar high-level American trips into the footnotes of history.

[From the New York Times, Jan. 19, 1987]

HELPING POOR NATIONS HELPS AMERICA

Too little and six years late, the Reagan Administration has finally come to appreciate the importance of the International Development Assocation. An affiliate of the World Bank, this agency aids the poorest of the poor, nations whose per capita income is less than $790. The Administration stopped its growth in 1981. Now, with substantial aid from Japan, Washington is working to restore the institution's previous lending capacity. That's among the best ways to help poor nations grow, which helps America recover debts and expand trade.

The association was formed a quarter-century ago by 24 of the World Bank's wealthier members. It has lent some $40 billion to 85 countries, charging zero interest and requiring no repayment of principal for 10 years. Until now, loans were for 50 years. Future terms will be 35 and 40 years. The success of this agency is manifest. Example: Two countries that were once poor enough to borrow are now donors—South Korea for $17 million and Colombia for $9 million.

President Reagan was initially contemptuous of multinational aid agencies, and reneged on America's share of the donors' three-year agreement in 1980 to provide the development association with $12 billion. For the next refill in 1983 the Administration offered only enough to make $9 billion, claiming that Congress would balk at more. Other donors gave extra funds for Africa, and then Congress put the Administration to shame by adding to this fund.

Approaching another negotiation this year, the association cautiously looked for a maximum of $13 billion through 1989. It was a pleasant surprise when, last month in Rome, 32 nations committed themselves to $12.4 billion, including $2.9 billion from the United States. Even so, the total is barely more than the 1980 agreement; with inflation, it's less. Moreover, it took some finagling.

Japan, under constant pressure to allot more of its expanding wealth to foreign aid, demanded in return more voting power in the parent agency, the World Bank. The United States, with slightly more than 20 percent of the votes, held a veto over policy decisions that required 80 percent approval. To extract more money from Japan, the Administration ceded some votes, but got the rules rewritten to maintain its veto power.

Getting Congress now to vote $2.9 billion more aid for destitute foreigners will be hard when the President seeks less aid for destitute Americans. But strengthening the International Development Association is enlightened self-interest.

TRIBUTE TO BILL COLTRIN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. LAGOMARSINO. Mr. Speaker, I rise to bring to the attention of my colleagues a gentleman who has recently been honored by the residents of Santa Maria, CA, as their "Citizen of the Year of 1986."

Mr. Bill Coltrin exemplifies the volunteer spirit that exists in America today. His mark on the community began in 1939 when he helped build Camp Cooke, now known a Vandenberg Air Force Base, one of the Nation's key military assets. He left that position to devote a decade to military service, returning to Santa Maria in 1969.

Since that time, Mr. Bill Coltrin has devoted countless hours of volunteer service to a wide variety of organizations and agencies. He has served 4 years as a member of the Santa Barbara County Fair Board: vice president and a member of the board of directors of National "WE TIP"; past president and board member of Santa Maria Area Transit; board member of the Santa Maria Valley Chamber of Commerce and chairman of the Visitors and Convention Bureau.

In short, Bill Coltrin always found the time to assist others and he is Santa Maria's "Number One Volunteer."

I take tremendous pride in congratulating Bill Coltrin on this award and know my colleagues join with me in saluting a man who has devoted so much of his time to helping others.

LEADERSHIP, NOT RHETORIC, ON DRUG PROBLEM

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. MORRISON of Connecticut. Mr. Speaker, last night the President called once again for a crusade against drugs. Unfortunately, he and his administration have utterly failed to take action to make that rhetoric a reality. I want to share with my colleagues an eloquent column on the subject by Mathea Falco, Assistant Secretary of State for International Narcotics Matters from 1977 to 1981, which appeared in the New York Times on January 13, 1987. Ms. Falco is absolutely right. If the President is unwilling to provide real leadership on this critical issue, then we must do so.

REAGAN'S DRUG POLICY: A BUST

(By Mathea Falco)

President Reagan's proposal to reduce drastically Federal anti-drug funding in fiscal 1988 and 1989 proves he never really believed in his own drug abuse policies.

Before last November's elections, when political pollsters reported that drug abuse was voters' No. 1 concern, surpassing even nuclear war, President Reagan made this his No. 1 priority.

In a major speech last August, he declared a "national crusade against drugs, a sustained, relentless effort to rid America of this scourge." Now he wants to eliminate all of the $225 million for fiscal 1988 state and local drug law enforcement that he approved in October. He also wants to cut by 60 percent the $250 million for drug prevention and education programs and to provide no new funds at all for drug treatment in fiscal 1988.

The reality behind the rhetoric of the Reagan anti-drug program is dismal failure. After six years of highly publicized drug "strike forces," and a $700 million increase in enforcement programs, Attorney General Edwin Meese 3d acknowledges that "the gap between the amount of drugs seized and the amount imported and consumed is growing annually."

In his speech last August, Mr. Reagan admitted publicly that "all the confiscation and law enforcement in the world will not cure this plague."

It is scant comfort that he remains totally committed to his constitutionally vulnerable urinalysis program for Federal employees, for which he has already diverted $56 million from other scarce drug program funds.

Nancy Reagan's highly publicized personal crusade against drug use by children seems to have had no effect whatsoever on public policy, for Federal funds for drug abuse education, prevention and treatment have been reduced by more than half since 1981.

Drug abuse is too serious and complex a problem to be solved by campaign speeches and good intentions. The swings of political enthusiasm tied to our election cycles—when drug abuse emerges as a major concern, then recedes after the votes are in—make developing a coherent, long-term national strategy difficult. The Reagan record demonstrates that the absence of a well considered plan cannot be disguised by exhortations to "just say no to drugs."

Highly visible and dramatic law enforcment programs seem to offer the most politically salable results: seizures of cocaine and marijuana and arrests of drug pushers are the kinds of action voters are used to watching on television programs.

Unfortunately, long-term drug prevention and treatment efforts are often less attractive politically. They do not produce overnight results, and their impact may not be felt for decades. Since funding in these areas has been erratic and inadequate, America has not used the enormous research potential it could bring to bear on this critical national problem.

Investment in research into prevention and treatment is as important in combating drug abuse as it is in the fight against cancer. It must be protected against the vagaries of the political cycle if long-term results are to be achieved.

What chance do we have to defeat the $100 billion a year drug traffic if we fight it badly with only hundreds of millions of dollars? A sustained national effort with strong bipartisan support is needed.

If President Reagan is unwilling to provide leadership, Congress should develop a 10-year strategy with adequate and assured funding for drug enforcement, research, prevention and treatment as well as a vigorous international control program.

Responsibility for this effort should be centralized in a single Cabinet-level office in order to prevent the dozens of Federal agencies involved in foreign and domestic drug programs from setting competing priorities. Congress voted overwhelmingly to create such a drug "czar" in 1983, but Mr. Reagan vetoed the legislation. He objected to creating another Cabinet department, but the real reason was the Justice Department did not want to cede any prerogatives.

How many more personal tragedies and empty political promises do we have to witness, how many more lives and opportunities do we have to lose before the country makes a credible, cost-effective, long-term commitment to reduce drug abuse?

TIGHTER SECURITY NEEDED AT AUTOMATED TELLER MACHINES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. BIAGGI. Mr. Speaker, today I am introducing a bill to combat a growing problem in our Nation—automated teller machine [ATM] crime. This legislation, entitled the Automated Teller Machine Crime Prevention Act, would address both violent crime and fraud committed at our Nation's 68,000 ATM's.

I have been researching this problem for the last year and my conclusions are these: While ATM business is booming, security measures are lacking and customers are being careless. As ATM business grows, so will the crime problem, if left unchecked.

Specifically, my bill would: (1) establish Federal security standards for ATM's operated by banks or savings and loans (no such standards now exist); (2) require the Federal Bureau of Investigation to report on the number and type of ATM-related crimes as part of their uniform crime report (no official ATM crime date is now kept); and (3) provide enhanced Federal penalties for crimes involving ATM fraud.

Federal financial regulatory agencies would ultimately decide what security measures to impose, but my bill directs them to consider the following: An emergency alarm system; surveillance cameras and video transaction recorders; controlled access to the ATM; and a consumer education program aimed at helping ATM customers better protect themselves.

This legislation was developed after I read an article in the Nielsen report, a Los Angeles-based credit card newsletter. In what I found to be the most comprehensive discussion of the growing ATM crime problem to date, the Nielsen report stated last year that their own survey indicated that approximately 350 violent crimes occurred at ATM's in 1985—nearly one a day. ATM fraud robbed the Nation's banks of an estimated $70 million to $100 million in 1983, the latest year covered by the U.S. Bureau of Justice Statistics.

During the last year, I have accumulated a file full of ATM crime incidents from around the country. They include a Maryland bank employee, who was shot and killed while servicing an ATM (the servicing schedule had been posted at the machine), and a California rapist who would force his victims to withdraw money from their ATM's.

As a 23-year police veteran, I could not help but conclude that once again the criminal saw the potential before us lawmakers saw the problem. I believe my bill is a strong and appropriate response to this troubling situation.

History tells us that ATM's were first available in the United States in 1969. Statistics compiled by the Nielsen report show that the number of ATM's in the United States increased by 9,000 in 1986 (from 59,075 to 68,075). That figure is expected to grow by nearly 50 percent (to 98,000 machines) by 1990, and the number of ATM transactions is expected to more than double, from 4.4 billion transactions in 1986 to 9.8 billion in 1990. The average volume of business at a single ATM in 1986 was $6 million.

California has more ATM customers than any other State with 22 million, followed by New York (11.6 million), Pennsylvania (11.3 million), Ohio (8 million), and Texas (6 million).

Mr. Speaker, while some progress has been made within the ATM industry to address the potential for criminal abuse, I believe we must do more. Further, the security measures that have proven effective in some areas of the country should be applied across the country on a uniform basis. My bill would help to achieve that worthy objective, while also strengthening penalties for ATM crimes, and providing the crime data we need to learn more about the rates and trends associated with ATM crime, and the most effective deterrents. I urge my colleagues to join me in pushing for prompt and favorable action on this important crime prevention measure.

At this time, Mr. Speaker, I wish to insert the full text of my bill:

H.R. 785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Automated Teller Machine Crime Prevention Act of 1987".

SEC. 2. MINIMUM SECURITY STANDARDS FOR AUTOMATED TELLER MACHINES.

(a) IN GENERAL.—The Bank Protection Act of 1968 (12 U.S.C. 1881 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 7. MINIMUM SECURITY STANDARDS FOR AUTOMATED TELLER MACHINES.

"(a) STANDARDS REQUIRED.—Each appropriate Federal supervisory agency shall prescribe by regulation minimum security standards for the protection of customers using automated teller machines owned or operated by banks or savings and loan associations.

"(b) REQUIREMENTS TO BE CONSIDERED BY AGENCIES.—In developing the security standards referred to in subsection (a), the appropriate Federal supervisory agency shall consider the following items:

"(1) The need for an emergency alarm system at each automated teller machine, such as a telephone, an alarm button, or a secret alarm code that is programmed into the computer system of the automated teller machine.

"(2) The need for surveillance cameras and video transaction recorders at automated teller machines.

"(3) The need for secure enclosures around automated teller machines with access into the enclosures limited in the same manner as access is limited to the use of such machines.

"(4) The need for a consumer education program designed to help customers of automated teller machines protect themselves from crimes related to the use of automated teller machines.

"(c) COMPLIANCE PROVISIONS.—

"(1) VOLUNTARY COMPLIANCE DURING 1ST 3 YEARS.—During the 3-year period beginning on the effective date of regulations prescribed under subsection (a), compliance with such regulations by banks and savings and loan associations shall be voluntary and the penalty established under section 5 shall not apply during such 3-year period for any failure to comply with such regulations.

"(2) MANDATORY COMPLIANCE.—After the end of the 3-year period referred to in paragraph (1), compliance by banks and savings and loan associations with regulations prescribed under subsection (a) shall be enforced under section 5.

"(d) REPORT TO CONGRESS.—Before the end of the 3-year period beginning on the date of the enactment of this Act, each appropriate Federal supervisory agency shall submit a report to the Congress on extent of compliance by banks and savings and loan associations, as the case may be, with the regulations prescribed under subsection (a).".

(b) EFFECTIVE DATE.—The regulations required to be prescribed under the amendment made by subsection (a) shall take effect before the end of the 180-day period beginning on the date of the enactment of this Act.

SEC. 3. ATM-RELATED CRIMES REQUIRED TO BE INCLUDED IN UNIFORM CRIME REPORT.

Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire, and shall include in the uniform crime reports, information on the number and types of crimes committed in connection with the operation or use of automated teller machines for each calendar year beginning after the date of the enactment of this Act.

SEC. 4. INCREASE IN CRIMINAL PENALTIES FOR VIOLATION OF ELECTRONIC FUND TRANSFER ACT.

(a) IN GENERAL.—Section 916(b) of the Electronic Fund Transfer Act (15 U.S.C. 1693n) is amended—

(1) by striking out "$10,000" and inserting in lieu thereof "$20,000"; and

(2) by striking out "ten years" and inserting in lieu thereof "20 years".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to violations committed after the date of the enactment of this Act.

AIRLINE DELAYS

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. DENNY SMITH. Mr. Speaker, I hardly need to tell anyone on this floor today or in this country that there is a serious problem in our Nation's airports with delays. All of us have been stuck at one time or another, and probably more than once.

That airline passengers have almost come to expect delays as the norm may come as no surprise. What is surprising is that, in many cases, the airlines know darn well—and long before you board their plane—that there is going to be a delay.

Now I flew for Pan American for 10 years. Long enough to know that weather accounts for over 50 percent of the delays in our system. But consider the following evidence and draw your own conclusions about where at least a good portion of the delays originate:

In 1986 a 25-percent increase in delayed commercial flights.

At Logan airport in Boston, 23 departures are scheduled between 9:00 and 9:06 a.m. several mornings each week. You don't need to be a pilot or air traffic controller to realize how ludicrous a situation this is.

Similarly, at O'Hare field in Chicago, where max capacity for total operations is 135 an hour under ideal VFR conditions, 117 departures are scheduled between 8:00 and 9:00 a.m. each weekday. Ridiculous.

To help alleviate this problem, I have introduced legislation today which I am calling the Airline Passenger's bill of rights.

Let me begin by telling you what this legislation doesn't do.

It doesn't re-regulate the airline industry.

It doesn't bring back to life the Civil Aeronautics Board.

It doesn't adversely affect airline safety—which must always remain the preeminent concern.

What does my legislation do?

First, it streamlines the passenger complaint process, and requires the airlines to provide their customers with a pre-addressed form such as the one you see here. Passengers must have an avenue of appeal so they know their complaints are being heard.

Second, the public has a right to know the quality of service each airline is providing. My bill requires the airline to make public their service records right on the ticket jacket, and it requires them to publish a statement of their policy in dealing with cancellations and delays.

The information I am requiring is nothing new. Airlines keep those records now. I'm simply bringing them out in the open so consumers can make an informed decision. And by requiring this information to be out in the open, we may just convince the airlines to work harder to regulate themselves.

Third, finally, this bill directs the Secretary of Transportation to investigate, under existing statute, a whole variety of deceptive scheduling practices rumored to be in use by a number of airlines, to take action to correct these situations, and to report back to Congress within 90 days.

I believe we can and should continue to enjoy the many benefits that deregulation of the airline industry has brought us—Again, this bill in no way attempts to re-regulate the industry, so its a good vehicle for those who want to do something about this problem without re-regulating—What the bill does do is encourage the airlines to clean up their own act.

So I encourage my colleagues who are fed up with airline delays not to, themselves, delay taking action. Join me in support of this bill.

TRIBUTE TO JUDGE LEO A. JACKSON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. STOKES. Mr. Speaker, I rise today to pay tribute to a good friend and outstanding jurist, Judge Leo A. Jackson, who retired from the Ohio Court of Appeals, Eighth Appellate District in December 1986, after 29 years of public service.

Although Judge Jackson has served on the bench of the Eighth Court of Appeals since 1970, he began his service to the community upon his 1957 election to the Cleveland City Council representing ward 24. He diligently and responsibly served his constituency for seven terms, relinquishing his seat upon his appointment to the bench. During his tenure as a jurist, Judge Jackson served as chief justice in 1976 and 1981.

Mr. Speaker, in recognition of his distinguished career on the bench, the Ohio State Bar Association will host a luncheon to honor Judge Jackson on Friday, January 30, 1987, at the Bond Court Hotel in Cleveland, OH. The luncheon will afford members of the Cleveland community an opportunity to pay tribute to a man held in high esteem by all who have had the privilege to know and work with him.

This is not the first time Judge Jackson has been recognized for his outstanding work and civic contributions. His honors and awards include: Honorary life membership in the Ohio Congress of Parents and Teachers; Outstanding Leadership Award from the Veterans of Foreign Wars, Post 3362; testimonial dinner and plaque from Citizens of Greater Cleveland; appointment by President Johnson as a member of the planning committee for and participant in 1966 White House Conference entitled "To Fulfill These Rights"; Cleveland Business League Award of Honor; Glenville Youth Athletic Organization outstanding service plaque; appointed Democratic member to Ohio electorai college; Outstanding Community Service Award from the Cleveland Diocesan Union of Holy Name Societies, Catholic Church; Brother's Keeper Award by Cleveland Jewish Community Federation; Award for Outstanding Judicial Service from the Ohio Supreme Court; outstanding leadership plaque by NAACP of Orange County, Florida Branch; honorary doctor of law degree from Morehouse College in Atlanta, GA, and Edward F. Meyers Outstanding Hospital Trustee Award by the Greater Cleveland Hospital Association, 1982.

On behalf of the residents of the 21st Congressional District of Ohio, I would like to offer my most sincere congratulations to Judge Jackson on his retirement, with best wishes for continued health and happiness in the many more productive years to come.

TRIBUTE TO THE HARD WORK OF THE INDIAN AMERICAN COMMUNITY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. GARCIA. Mr. Speaker, yesterday's Wall Street Journal had an insightful article on the Indian American community, that is those living in this country who are from India or whose family is from India.

I am inserting excerpts from the article in the RECORD so that my colleagues can become more familiar with the remarkable achievements of this community. The Journal article correctly points out that this rapidly growing community has made significant contributions to our Nation. I urge my colleagues to read the Journal article.

The article follows:

INDIANS IN U.S. PROSPER IN THEIR NEW COUNTRY, AND NOT JUST IN MOTELS

(By James P. Sterba)

To understand why every other motel in America now seems to be owned by somebody named Patel, it helps to know something about Benjamin Disraeli and a girl nicknamed Drina.

She grew up to become Queen Victoria. He was a politician who kept extending his term of endearment by doing things she liked, such as wheedling out of Parliament in 1876 a new imperial title for her: empress of India. This meant she couldn't help but invite Indian colonial troops to England for royal celebrations, like the Diamond Jubilee in 1897 marking her 60th year on the throne.

Some went. Some returned home by way of Canada, which left such a deep impression that many of them returned and became farmers and foresters along the Canadian and U.S. west coasts.

And that, more or less, is how Indians discovered America.

ANOTHER STORY

How they discovered motels many years later is a more complicated saga involving both the U.S. Congress and former Ugandan dictator Idi Amin. In any case, one study estimated that by last year, 28% of the 53,629 motels and hotels (mostly small ones) in the U.S. were Indian-owned. In Anaheim and along San Francisco's Route 1 and in sections of Georgia, Oklahoma and Texas, it is hard to find one that isn't.

Motels, however, are small chapatis for Indian immigrants, who now number more than 500,000 and who are arriving in the U.S. at the rate of 500 a week. For a group that the U.S. government until recently categorized as "Asians—Others," Indians, like the newsstands they run in New York City, have become highly visible.

Their education and income levels are higher than those of most of the 5.1 million Asians who now call the U.S. home. And their success in business, science and a wide variety of other pursuits may be unmatched by any other recent group of immigrants.

GENES AND JEANS

To mention only a few among the significant "Others":

Har Gobind Khorana, the first person to synthesize a gene in a laboratory; Mohan Murjani, the man who put Gloria Vanderbilt's name on the blue-jeaned derrieres of millions of American women; Jaydev Patel, the best of New York Life Insurance Co.'s 9,000-odd agents; Didhar Singh Baines, the biggest peach farmer in America; Sankar Chatterjee, the paleontologist who discovered the fossil bones that may prove that dinosaurs evolved into birds; Raj Reddy, the president-elect of the American Association for Artificial Intelligence; and Subrahmanyan Chandrasekhar, the astrophysicist who discovered what would become known as black holes and white dwarfs in a universe of dying stars.

If you have surgery, chances are one in 10 that your anesthesiologist is from India. Many of the 28,000 Indian-trained physicians in the U.S. went into this specialty when anesthesiologists were in short supply here. Indian doctors are also filling other medical jobs, manning the U.S.'s inner-city hospitals, psychiatric wards and rural clinics. Others, who can't get medical jobs right away, are selling shoes, clerking and doing hospital laboratory work while they wait for hard-to-get internships and residencies.

If you have a toxic dump to clean up, there is a good chance that an Indian engineers' company will do it. Not many U.S. firms want such dirty work. At universities, tenured professors prefer young Indian graduate students as research assistants. They work hard without complaining, knowing that this ticket to eventual U.S. residence can be punched or canceled at professorial whim.

RHYTHM AND ALGORITHM

Among other diverse success stories are those of Zubin Mehta, the director of the New York Philharmonic Orchestra; Sant Singh Chatwal, a restaurateur and hotel keeper; Narendra Karmarkar, the Bell Laboratories wizard whose algorithm for linear programming is making computers speedier; Sirjan Lal Tandon, the founder of Silicon Valley's Tandon Corp.; Amar G. Bose, who reinvented stereo speakers; and Ostaro, a swami, astrologer and market forecaster whose uncanny World Series predictions were marred only when the sixth game lasted beyond midnight, thus confounding his prediction of a Saturday Red Sox victory. The Mets won several minutes into Sunday.

All immigrant groups, of course, have their success stories. Asians now seem particularly zealous in pursuit of the American dream. The Indians—despite discrimination—have made it look almost easy. Nearly two-thirds of male Indian immigrants hold managerial or professional jobs.

It is true that for every rising entrepreneur there are poor Indians scrubbing restaurant kitchens, but 1980 census data showed that while the overall U.S. poverty rate was 12.4%, it was only 9.9% for ethnic Indians. The median income for all Indian households was $25,644, compared with $18,544 for Chinese-immigrant households and $16,841 for all U.S. households. In India, per-capita income is only $284 a year.

Higher education gives the Indians an edge. Some 78% of the men and 52% of the women, according to the same 1980 census data, had college degrees. Less than 20% of all Americans do. Many Indians come to the U.S. at first for graduate study, then stay on. (Today there are some 16,000 Indian college students in the U.S.) In this way, India loses many of its best and brightest. Back home, only one in three Indians is literate.

Already speaking, thinking and dreaming in English helped give the Indians a leg up. But in dozens of talks, Indian immigrants say that they were helped the most by growing up in a country that, like the U.S., is democratic and pluralistic. India's is a more raucous democracy, with more than 100 political parties and a bureaucracy that hobbles economic initiative with red tape and makes political issues of the tiniest decisions. But anyone who survives, let alone succeeds, in such an environment is likely to acquire talents to put the average American tax-shelter promoter to shame.

Few other Asian immigrants come from nations with such social and cultural diversity as India, with 33 major languages and some 1,500 minor ones, seven major religions and new ones propounded by every sidewalk guru, and a melange of six major ethnic groups. "There is nothing homogeneous about Indians," says K.G. Jan Pillai, a Yale Law School graduate. "Tolerance and adaptability are rooted in our culture. We are not pigeonholed." Thus in the U.S., he observes of Indians, "we're scattered all over; we don't have Indiatowns."

RECOGNITION AS MINORITY

Mr. Pillai, who oversees analysis for the Federal Energy Regulatory Commission, is the highest-ranking Indian in the government. He was the founding chairman in 1980 of the National Association of Americans of Asian Indian Descent, formed to enhance Indian visibility and political influence. In 1982, the group got the Small Business Administration to recognize Indians as a minority group, eligible for the preferences given black, Hispanic and other minority businesses in competing for government work.

It came too late to help immigrants like Jaydev R. Patel, who arrived at New York's Port Authority bus terminal one day in 1969 with little more than a master's degree in organic chemistry and a U.S. residence permit, or green card.

Mr. Patel had gone to New York from the small farming town of Sojitra in the west-coast Indian state of Gujarat, north of

Bombay, by way of Kenya and Canada. The name Patel, from a landowning clan that evolved into a merchant class, is common in Gujarat. (Next to Hasidic Jews, Indians make up the largest group of merchants in New York's diamond district. Almost all of them come from the single Gujarati town of Palanpur.)

Under British rule, Mr. Patel's grandfather, father and uncle were among Gujaratis encouraged by the British to man plantations in East Africa, where they took up trade. Mr Patel followed his family to Kenya and taught for a year there before deciding to move to Canada.

TORONTO TO NEWARK

He earned a meager living in a Toronto unemployment office as a $1.21-an-hour clerk and stayed only 18 months. Once in the U.S., he got a chemist's job in a Newark, N.J., laboratory. Over the next three years, he saved enough to return to India to acquire a wife, a common practice among Indian immigrant men. Back in the U.S., he was jobless again but aware of certain trends.

Patels, he knew, were going into motels. Why?

From the turn of the century until 1965, only about 16,000 Indians came to the U.S., largely because of a "Hindu exclusion" policy that paralleled that set by the Chinese Exclusion Act of 1882. There were anti-Indian riots in Washington state in 1907, and as late as 1935 billboards that read "No jobs for Japs or Hindus." After the more liberal immigration act of 1965, Indians and other Asians began arriving at the allowable rate of about 20,000 a year. In 1972, Idi Amin expelled tens of thousands of Indians from Uganda. Many of them were Patels who ended up "by hook or by crook," says Mr. Patel, in the U.S.

It is a phenomenon of emigration that success by pioneers in one business in a new land gets trumpeted back home, encouraging others to emigrate and go into the same business. That happened with the Patels, for whom the motel business seemed a perfect fit: The Patels were security-conscious savers, eager to own property; small motels were relatively cheap up to the early 1970s, and it amazed the Patels that up to 95% of the purchase price could be financed at interest rates that were rock-bottom by India's standards. A motel provided property, home, business and employment for a large extended family.

LIFE INSURANCE

Later the motel business became harder and more expensive to enter. In some places, Indian owners have had to hire non-Indians as receptionists to make guests feel more comfortable, and Caucasian competitors have advertised their own motels as "American-owned." So while Jaydev Patel didn't buy a motel, he did begin selling life insurance to motel keepers named Patel. He found many of them in telephone books, along with other Gujarati prospects with names like Gandhi and Mehta.

In 1973, Mr. Patel broke New York Life's record for first-year agents, selling coverage of about $4 million. In 1983, he sold policies with $86.5 million in coverage, the company's all-time record for sales by a single agent. Today Mr. Patel, now 44, serves some 4,000 clients from his Livingston, N.J., office. Almost all are of Indian origin, and about half are named Patel.

New York Life is delighted, and not only because of Mr. Patel's sales. His clients are mostly nondrinking, nonsmoking vegetarians, and their claims rate is low.

Mr. Patel says he now has too many potential customers to handle. In part, this is because of an influx of less affluent Indian relatives of established immigrants. Relatives get entry priority under current U.S. rules.

By the 1990 census, Indians expect their numbers in the U.S. to exceed 900,000. The largest concentrations are in the New York-New Jersey-Pennsylvania area (about 120,000) and in California (about 60,000), but generally the Indian immigrants are widely dispersed. That makes it difficult for them to flex their muscle at the polls, although Dalip Singh Saund represented a Los Angeles district in Congress for three terms in the 1960s. The Indians hope to gain electoral clout through political-action committees instead.

THE 100-HOUR WORK RULE—A FLAW IN AFDC-UP

HON. RICHARD H. LEHMAN

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 28, 1987

Mr. LEHMAN of California. Mr. Speaker, today I am introducing legislation which will address a serious flaw in the Aid to Families With Dependent Children Unemployed Parent Program [AFDC-UP]. The flaw is commonly known as the 100-hour work rule.

The AFDC-UP Program, which currently operates in 23 States, the District of Columbia, and Guam, provides benefits to needy two-parent families where the principal wage earner is unemployed. In this program unemployment is currently defined as, "not working, or working less that 100 hours per month." Consequently, when the principal wage earner works 100 hours or more, regardless of the amount of income he receives, he becomes ineligible for all aid.

In 1984, the average AFDC-UP payment per family was $479 per month. Simple math tells us that the primary wage earner would have to work 140 hours at minimum wages in order to match this average grant payment. The Federal Government, however, takes away all his benefits if he works just 100 hours. It is my view that this 100-hour work rule results in a clear disincentive to find employment. It discourages the wage earner in an AFDC-UP family from accepting job offers, or results in the principal wage earner limiting his or her hours of work to less than 100 in order to protect vital benefits for the family.

It is time to address this shortcoming in the AFDC Program and to eliminate the work disincentive that has evolved. The bill I am introducing will do precisely that. It encourages participation in the job market by establishing demonstration projects nationwide where the 100-hour rule would be waived. Wage earners would be allowed to work in excess of 100 hours a month without the threat of losing all AFDC and other related benefits such as medicaid. Families, instead of becoming ineligible for assistance would see their AFDC grants reduced. As a result there would be a reduced expenditure of AFDC Program funds for each family receiving earned income.

The potential significance of maintaining policies that discourage employment are great. We need to implement policies that encourage, not discourage AFDC recipients to enter the job market. Penalizing recipients who work over a 100 hours a month does not make prudent policy and will ultimately result in a longterm dependency on the AFDC-UP Program.

The time has come to allow more flexibility in our welfare programs so that we can test the waters on new approaches to reducing welfare dependency. We need to break the cycle of welfare dependency passed on from generation to generation of welfare families. Working parents set role models, restore dignity and provide hope in families caught in the welfare trap.

Waiving this 100-hour rule will allow able bodied citizens to work without placing their family's health and welfare in jeopardy. I encourage my colleagues to join me in efforts to enact this important legislation.

TRIBUTE TO LEE LIBERMAN

HON. JACK BUECHNER

OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 28, 1987

Mr. BUECHNER. Mr. Speaker, I would like to take this opportunity to express congratulations and pay tribute to a diligent, civic-minded St. Louis business leader, Mr. Lee Liberman, chairman and chief executive officer of Laclede Gas Co., who today will be honored as the "1986 St. Louis Man of the Year."

Lee Liberman is a selfless individual who feels a sense of duty to his fellow men and women. He indeed has the heart of a servant. Currently chairman of the United Way campaign, Mr. Liberman has an impressive record of community service: past chairman of the Salvation Army Tree of Lights campaign, past president of the Family and Personal Support Center, and past president of the St. Louis Symphony Society.

Mr. Liberman remains active with the St. Louis Symphony Society, serving as its chairman. He is also the newly-elected chairman of the St. Louis Regional Commerce and Growth Association, vice-chairman of Civic Progress, and president of the Executive Service Corps of St. Louis.

His compassion and concern for those needing health care is well-established. Lee Liberman is a trustee of Jewish Hospital, Washington University Medical Center, Associated Hospitals, Cardinal Glennon Hospital, and is cochairman of the St. Louis Regional Medical Center project.

As a teenager, Lee Liberman earned the high honor of Eagle Scout. Into his adult years, he stayed active in Scouting—serving on the local council, executive board, and advisory council.

Lee Liberman has been described as a "corporate executive with a Boy Scout heart, a big city leader with the civic pride of a small town mayor."

We in government talk a lot about voluntarism, about people helping people, and about the spirit of community, but Lee Liberman embodies that spirit. He lives the American dream, indeed Lee Liberman is a man we can all look up to. I join all St. Louisans today in honoring and thanking Lee Liberman for his dedication in helping to make our town what it is. We wish him continued success in his future endeavors.18180—Cooper, F.W.—Wed., Jan. 28th—Fol. 1jB—%118.0—

OZONE DEPLETION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 28, 1987 in the CONGRESSIONAL RECORD:

OZONE DEPLETION

Protection of the global environment poses an especially difficult challenge for Congress. Slowly-developing, long-term environmental problems have always been difficult for Congress to address. When the problem is global in scope, and the U.S. is not the sole cause, the difficulty is even greater. Congressional action tends to be reactive rather than preventive, and this usual approach may be inadequate to confront such environmental threats as the depletion of ozone in our atmosphere.

Ozone is a form of oxygen which, though a pollutant at ground level, is a critical part of our atmosphere. Six to thirty miles above earth, a protective ozone layer shields the earth by absorbing harmful ultraviolet radiation from the sun. Yet this ozone supply can be seriously depleted by man-made compounds. Without a sufficient amount of ozone, major environmental damage will occur. The Environmental Protection Agency (EPA) recently estimated that the current level of ozone depletion could cause 800,000 cancer deaths by the middle of the next century. Further depletion could cause damage to crops and aquatic life, and significant global warming.

First theorized in 1974, it is now widely believed that chlorofluorocarbon (CFC) chemicals rise to the atmosphere and help destroy the ozone layer. CFCs are used worldwide as aerosol propellants and industrial solvents, and for refrigeration and air conditioning. Despite a 1978 U.S. ban on CFCs as aerosol propellants, the production and use of CFCs is increasing worldwide. CFCs are cheap, non-toxic, and non-flammable, but they accumulate at high altitudes and travel rapidly with air currents. Emissions in Europe can reach the California coast in a month. Approximately twelve million tons of man-made CFCs are not in the atmosphere, with nearly one million added each year.

U.S. consumers were quick to join a boycott of aerosol sprays containing CFCs after the discovery that they contributed directly to the destruction of the ozone layer. And when the EPA banned aerosol use of CFCs in 1978, many believed that we had averted environmental damage. The EPA had planned further regulation of CFCs, but decided to defer action until alternatives were available for use in air conditioners and the manufacture of foam materials, and until other nations had made efforts to restrict CFC use. Between 1976 and 1979, Sweden, Canada, and Norway joined the U.S. ban; Japan, major European producers, and the Soviet Union did not.

The confirmation in 1985 of a "hole" in the ozone layer above Antarctica renewed public interest in ozone depletion. The concept of gradual, imperceptible changes in ozone distribution collapsed in light of evidence that a 40% decrease in ozone level occurred each spring over the Antarctic. We do not know precisely how the hole will affect life on earth, but it suggests rapid future ozone depletion. Evidence of holes over the Arctic and Switzerland also suggests that the steady emission of CFCs may have put the total amount over a threshold level.

Between 1974 and 1985, the production of CFCs for non-aerosol uses increased steadily. Since there was a considerable amount of scientific uncertainly over the extent of ozone depletion which was occurring because of CFCs, and since other nations did not ban aerosols, the federal government was not inclined to take further action. Environmental damage was perceived to be a distant problem, and there was no incentive for producers to develop substitutes for CFCs. The debate over how much ozone depletion was acceptable masked the possibility that too much damage had already occurred.

Awareness of the ozone hole sped efforts of the United Nations Environmental Program to negotiate an international agreement on the ozone problem. The Vienna Convention signed by twenty countries, and ratified by the Senate last July, declared the signers' general obligation to control activities suspected to have adverse effects on the ozone layer. Providing a basis for negotiations to limit CFCs emissions, the Vienna Convention is the first anticipatory, rather than an after-the-fact, approach to environmental harm.

In December, representatives of industiral countries met in Geneva to decide how to implement the Convention agreements. The U.S. took its strongest stance to date, proposing an immediate freeze on the level of CFCs with plans to phase out production in the long-run. Although there was still no agreement by European nations and Japan on the extent of CFC limits, a general consensus did emerge from the Geneva talks: significant controls on CFC production are needed. This may hardly seem a great leap forward after twelve years of debate, but given the extent of international resistance during this period, such a consensus may indeed be a turning point.

Although the U.S. uses only 30% of CFCs produced worldwide, it can still take a decisive lead in protecting the ozone layer. Federal efforts are underway on several fronts. The EPA is deciding whether to regulate non-aerosol use of CFCs. Congress may consider bills which would spur the development of substitutes, further restrict CFC use at home, and ban imports containing CFCs. Legislation has also been introduced to address the problem of government shortsightedness by setting up a federal office to report regularly on critical long-term trends, including environmental ones. Perhaps most importantly, the U.S. must redouble its efforts to achieve an agreement on international controls at the various diplomatic conferences that will be held this year. The most effective steps to preserve the ozone layer will be global in scope.

The threat of ozone depletion is clear. The U.S. can do nothing—and let the dangers build—or we can take the lead, with anticipatory action which considers the needs of industrial and developing countries. We must balance short-term economic priorities and long-term environmental goals. This is a difficult but achievable task.

URGENT RELIEF FOR THE HOMELESS

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. DEFAZIO. Mr. Speaker, due to weather conditions in Washington and on the west coast, I was unable to vote on H.R. 558. However, I would like to take this opportunity to state my support of this important legislation.

Government and private sector responses to the homeless crisis have been inadequate. Shelters for the homeless have been strained beyond capacity.

I commend my colleagues for approving H.R. 558. Reaching out to the homeless is particularly pressing this time of year. Frigid temperatures and record snowfalls have killed several homeless Americans. While the winter is a desperate time for those without homes, we must continue this effort all year long, every year.

Homelessness is a complex problem. In addition to providing this $500 million, I believe that Congress must also address the causes of the homeless, such as: deinstitutionalization of mentally ill, budget cuts in Federal housing and antipoverty programs, and unemployment.

1987 has been declared the International Year of Shelter for the Homeless by the United Nations, and there are many in Congress who support duplicating this effort at home. With the homeless reaching epidemic proportions in this country, 1987 should be the year that we develop and execute a national response to this problem.

THE LIVE BIRTH ABORTION REVISION ACT

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. BLILEY. Mr. Speaker, last year at about this time the gentleman from Texas, Mr. BARTON, and I introduced a bill to correct an injustice in our tax system. Today, I am joined by 34 Members in reintroducing that same legislation.

The bill I am speaking of is the Live Birth Abortion Revision Act. Currently, under the Internal Revenue Service's interpretation of tax laws, a parent whose child is the object of an induced abortion may claim the personal exemption deduction for that child if he manages to survive for a few painful moments. The IRS was requested many times to eliminate this terrible loophole but to date it has not done so. This allowance makes a mockery of the brief but precious life of that child. And it is a child. No one has denied that. But we do believe that the personal exemption deduction has a definite reason for existence. It is a recognition by the Government of parental support and care for children. It is a recognition that a parent's responsibility toward his child comes first.

The taxpayer who chooses abortion does not want to, or believes that he cannot, contribute to the support of his child. Clearly then, that person should not be allowed to claim the dependency exemption. Moreover, it would be a grave injustice to defend that deduction when, in spite of the best efforts of the abortionist and the clear intent of the parent, an aborted infant actually clings to life for a short time.

Our bill makes it clear that if an abortion is performed and the child is born alive and subsequently dies, the parent is not eligible to claim an exemption for that child.

Our bill also corrects a related injustice that allows the personal exemption deduction to be taken by a person who has killed a spouse or dependent. Under this legislation, if a court finds that a taxpayer has intentionally caused or substantially contributed to the death of his spouse or dependent, the deduction will not be allowed.

Finally, the bill will amend the Tax Code so that the expenses of an abortion cannot be claimed as deductible medical expenses by the taxpayer—unless the abortion is performed to save the life of the mother. We do not support or promote abortion as an acceptable method of family planning in our health care and health insurance programs. I believe the spirit of the Hyde amendment is violated by allowing tax savings to those who have abortions.

Mr. Speaker, I ask my colleagues to consider this measure seriously and to give it their support.

H.R. 786

A bill to amend the Internal Revenue Code of 1986 to deny a taxpayer's personal exemption deduction for a child who lives temporarily after an abortion, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Live Birth Abortion Revision Act".

SEC. 2. DEDUCTION FOR PERSONAL EXEMPTION DENIED FOR CHILD WHO DIES AFTER AN ABORTION OR FOR SPOUSE OR DEPENDENT IN CASE OF TAXPAYER WHO INTENTIONALLY CAUSES THE DEATH OF SUCH SPOUSE OR DEPENDENT.

Section 151 of the Internal Revenue Code of 1986 (allowing deduction for personal exemptions) is amended by adding at the end the following new subsection:

"(e) Deduction Denied if Taxpayer Causes the Death of a Spouse or Dependent.—

"(1) General rule.—No deduction shall be allowed under subsection (a) for any amount determined under subsection (b) or (c) with respect to the spouse of, or any dependent of, the taxpayer if the taxpayer intentionally causes the death of such spouse or dependent.

"(2) Court determination of intentional cause of death.—For purposes of paragraph (1), a taxpayer shall be considered to have intentionally caused the death of the spouse or a dependent of the taxpayer only if the Secretary determines that, on the basis of a criminal conviction of the taxpayer or a civil judgment against the taxpayer in a court of competent jurisdiction, there is a reasonable basis to believe that the taxpayer intentionally caused or substantially contributed to the death of such spouse or dependent.

"(3) Deduction denied for child who dies after abortion.—No deduction shall be allowed under subsection (a) for any child who—

"(A) is born alive after an induced abortion or an attempt to perform an abortion, and

"(B) dies as a result thereof (or of complications resulting therefrom).

"(4) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection."

SEC. 3. DENIAL OF DEDUCTION FOR ABORTION EXPENSES.

Subparagraph (A) of section 213(d)(1) of the Internal Revenue Code of 1986 (defining medical care) is amended by striking out the comma at the end and inserting in lieu thereof the following: "(except for the purpose of abortion unless the abortion was performed to save the life of the mother),".

SEC. 4. EFFECTIVE DATE.

The amendments made by sections 2 and 3 shall apply to taxable years beginning after December 31, 1986.

SELF-SUFFICIENCY FOR THE POOR ACT OF 1987

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. FEIGHAN. Mr. Speaker, today I am introducing legislation which will have a significant effect on the lives of millions of people. This bill, the Self-Sufficiency for the Poor Act of 1987, will put resources directly into the hands of some of the poorest people in the developing world at no additional cost to U.S. taxpayers.

Poor people are the world's greatest untapped resource. The Self-Sufficiency for the Poor Act would give small loans to the poorest of the poor in order to help them start small businesses or increase food production. Programs like this have been remarkably successful in every region of the developing world. The Grameen Bank in Bangladesh, for example, gave loans averaging $60 each to 200,000 people. Close to 99 percent of the loans have been repaid. In addition, the Agency for International Development has many very successful credit programs in its portfolio, including a small farmer production project in Egypt which has made loans to some 40,000 poor farmers, and has a repayment rate of virtually 100 percent. Finally, the Inter-American Development Bank, the International Fund for Agricultural Development, ACCION International and the Foundation for International Community Assistance have all developed effective microenterprise credit programs in Latin America.

The bill would require that 10 percent of economic assistance given to foreign countries, or $400 million, whichever is greater, be converted to loans repayable in foreign currencies. Recipient governments have a 1-year grace period and 10 years to repay the loan at 1 percent interest. These local currency repayments would then be used to establish a loan program exclusively for people in that country who have a per capita income of $250 per year or less. Activities eligible for support include small-scale farming, the acquisition of livestock, construction and maintenance of wells, fishing—including aquaculture—crafts, trades, small businesses, and the provision of legal assistance to poor people. In addition, up to 20 percent of the local currency accruing in a foreign country may be used for grants for small-scale development projects, particularly health projects and other activities which have limited income-generating potential.

Twenty-eight of my colleagues, Democrats and Republicans, have agreed to become original cosponsors of this exciting legislation. I'd like to thank them for that crucial support and welcome additional cosponsors for this effort to give hundreds of thousands of poor families the opportunity to be adequately fed, to send their children to school, and to stimulate economic growth in the developing world—all at no additional cost to U.S. taxpayers.

Following is the list of cosponsors and the text of the bill:

List of Cosponsors

Edward Feighan, Benjamin Gilman, Tony Hall, Carlos Moorhead, John Miller, Sam Gejdenson, Jim Bates, Gerry Studds, James Jeffords, Silvio Conte, Mel Levine, John Conyers, Robert Torricelli, Thomas Downey.

Marty Russo, Howard Berman, Edolphus Towns, Bill Richardson, Manuel Lujan, Frank McCloskey, Esteban Torres, Don Edwards, Sala Burton, Ronald Dellums, E. Clay Shaw, Stewart McKinney, William Hughes, Walter Fauntroy, F. James Sensenbrenner.

H.R. —

A bill to put resources directly into the hands of poor people in developing countries for the purpose of achieving self-sufficiency, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Self-Sufficiency for the Poor Act of 1987".

TITLE I—HUMAN SCALE DEVELOPMENT

SEC. 101. FINDINGS.

The Congress makes the following findings:

(1) We are at a moment in history when hunger and hunger-related disease take the lives of 13 to 18 million people annually, year in and year out. Three-quarters of these deaths are children under the age of 5. Every minute that passes, day in and day out, 18 children die needlessly as a consequence of the persistence of hunger and hunger-related disease.

(2) No other disaster compares to the devastation and disruption of hunger.

(3) The rural and urban poor comprise the developing world's greatest untapped resource, and the health of national economies and democratic institutions is vastly improved when resources are available to the poorest people in a way that eradicates hunger.

(4) The opportunity for oral rehydration therapy, immunizations, and other child survival activities to save 7 million children a year in the early 1990's is hopeful, but these activities are scandalously underutilized.

(5) Experiments with making credit available to poor people, notably the Grameen Bank in Bangladesh, have adequately demonstrated the vitality of this sector. The Grameen Bank has made loans to 200,000 poor people and has a repayment rate of more than 98 percent. But, with few exceptions, current mechanisms for making credit available to poor people are completely inadequate.

(6) Women in Gambia, who traditionally till and harvest rice in tidal swamps, have gained title to their land and have increased rice production sixfold, aiding 15,000 people in 40 villages. But, present arrangements for land title, utilization of capital, and availability of credit, tend to discriminate against the poorest people in developing countries, especially women.

(7) Human-scale development projects, notably those managed by the International Fund for Agricultural Development and private and voluntary organizations which have focused on the poorest people and have included the beneficiaries in the planning process, have established beyond reasonable doubt, the viability of development projects that direct resources to the poorest people.

(8) The best method for making resources available to poor people is to make resources available to poor people directly.

(9) The opportunity to improve the quality of life for people living in poverty in developing countries, at a time when there is a decline in Federal resources available for foreign assistance, makes it imperative that we find innovative ways to eradicate poverty and improve basic health care facilities without worsening the Federal deficit and without diverting resources from other worthy projects.

SEC. 102. PUTTING RESOURCES DIRECTLY INTO THE HANDS OF POOR PEOPLE.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) is amended by adding at the end thereof the following new section:

"SEC. 129. CREDIT AND OTHER DIRECT ASSISTANCE FOR THE POOREST PEOPLE

"(a) CREDIT AND OTHER DIRECT ASSISTANCE.—

"(1) IN GENERAL.—The President shall use the foreign currencies paid by the government of a developing country pursuant to subsection (b) to make grants to financial and other intermediaries operating in that country pursuant to an agreement requiring that those local currencies be used to provide credit and other assistance directly to the poorest people in that country for locally chosen self-help investment activities and small-scale private enterprise activities.

"(2) TYPES OF ASSISTANCE TO BE PROVIDED.—The local currencies made available to an intermediary pursuant to paragraph (1) shall be used for the following purposes:

"(A) CREDIT FOR THE POOREST PEOPLE.—The local currency shall be used to provide credit directly to the poorest people in the country for locally chosen self-help investment activities and other small-scale private enterprise activities. Special attention shall be given to the provision of credit to women. Credit shall be made available at a rate of interest approximating the prevailing rate of interest in the country. It is the intent of this legislation that no individual will be given a loan greater than $150.

"(B) TRAINING FOR THE POOREST PEOPLE.—The local currency may also be used to provide training directly to the poorest people to assist them in making the best use of the credit made available under subparagraph (A).

"(C) GRANTS FOR SMALL-SCALE PROJECTS BENEFITING THE POOREST PEOPLE.—Up to 20 percent of the local currency accruing in a foreign country each fiscal year may be used for grants for small-scale development projects, particularly health projects and other activities which have limited income-generating potential.

"(D) ADMINISTRATIVE EXPENSES.—The local currency may also be used for administrative expenses incurred by an intermediary in conjunction with the assistance provided under subparagraphs (A) through (C), including, its audit and evaluation costs. The local currency may, however, be used by an intermediary for only a portion of such expenses, and that portion shall be reduced over time.

"(3) TYPES OF LOCALLY CHOSEN SELF-HELP INVESTMENT ACTIVITIES AND SMALL SCALE PRIVATE ENTERPRISE ACTIVITIES TO BE SUPPORTED.—The locally chosen self-help investment activities and small-scale private enterprise activities which are eligible for support with local currencies made available pursuant to this subsection include but are not limited to farming, the acquisition of farm tools and light equipment, the acquisition of livestock, beekeeping, the construction of greenhouses and storage facilities, the construction and operation of wells, the construction of river defenses, water and soil conservation activities, the establishment and operation of fisheries (including aquaculture), road and bridge construction and repair, the establishment and operation of health facilities, the acquisition of medical supplies for community health workers, the provision of legal assistance, crafts, trading and other small scale economic activities carried out by the very poor. In all cases uses are to be determined by the ultimate borrower consistent with the purposes of this section.

"(4) INTERMEDIARIES ELIGIBLE TO PARTICIPATE.—Local currencies may be granted under paragraph (1) to United States or indigenous private and voluntary organizations, the Peace Corps, international organizations such as the United Nations Children's Fund and the International Fund for Agricultural Development, indigenous financial intermediaries or government entities which are oriented toward assisting the poorest people, and other organizations which have demonstrated effectiveness in providing assistance to the poorest people.

"(5) REQUIREMENT FOR EXPEDITIOUS DISBURSEMENT OF LOCAL CURRENCIES TO INTERMEDIARIES.—Local currencies received under this section shall be disbursed as grants to intermediaries under paragraph (1) as quickly as possible. The average undisbursed amount of those currencies in a foreign country during a fiscal year may not exceed $1,000,000 (unless the President determines, and reports to the Congress, that extraordinary circumstances require that this ceiling be exceeded).

"(6) PRIMARY ROLE OF INTERMEDIARIES IN ADMINISTERING ASSISTANCE.—The intermediaries to which grants are made under this subsection shall be responsible for administering credit and other assistance activities under this subsection. Once the local currencies have been granted to an intermediary, the role of the United States Government shall be limited to oversight and evaluation of the activities of those intermediaries. Such oversight and evaluation shall include appropriate auditing of the intermediaries to ensure that—

"(A) the beneficiaries of the assistance provided pursuant to this subsection meet the income criterion specified in paragraph (7), and

"(B) the intermediaries do not have excessive administrative expenses.

"(7) DEFINITION OF POOREST PEOPLE.—As used in this subsection, the term 'poorest people' means individuals with an annual per capita income of $250 or less.

"(b) SPECIAL LOW-INTEREST LOAN PROGRAM; REPAYMENT IN LOCAL CURRENCIES.—

"(1) AUTHORIZATION FOR SPECIAL LOAN PROGRAM.—In order to generate additional financial resources which can be made available to financial and other intermediaries pursuant to subsection (a) for use in providing credit and other assistance directly to the poorest people in developing countries, the President is authorized to use economic assistance funds to provide economic assistance to the governments of developing countries on a loan basis in accordance with this subsection, rather than section 122(b) of this Act.

"(2) MINIMUM ANNUAL AMOUNT.—Each fiscal year (beginning with fiscal year 1988), the amount of economic assistance funds used for loans under this subsection shall be not less than—

"(A) $400,000,000 or

"(B) 10 percent of the aggregate amount appropriated for economic assistance for that fiscal year,

whichever is greater.

"(3) LIMITATION.—Not more than 25 percent of the aggregate amount allocated for economic assistance for a country each fiscal year may be used for loans pursuant to this subsection.

"(4) TERMS OF LOANS.—

"(A) REPAYMENT OF LOANS IN LOCAL CURRENCY.—Payments on loans pursuant to this subsection shall be made in local currencies rather than dollars, using the market rate of exchange as of the time the payment is due.

"(B) RATE OF INTEREST AND REPAYMENT PERIOD.—Loans provided pursuant to this subsection shall have a rate of interest of one percent per year, with principal to be repaid within a period of ten years following a grace period of one year on repayment of principal.

"(C) NONAPPLICABILITY OF PROVISIONS GENERALLY APPLICABLE TO LOANS.—Section 122 of this Act shall not apply with respect to loans pursuant to this subsection.

"(5) NONAPPLICABILITY OF PROVISIONS GENERALLY APPLICABLE TO FOREIGN CURRENCIES.—Foreign currencies received by the United States pursuant to this subsection shall not be subject to the requirements of section 1306 of title 31, United States Code, or other laws governing the use of foreign currencies accruing to the United States.

"(6) NOTICE TO CONGRESS.—The reprogramming procedures under section 634A of this Act shall apply with respect to any economic assistance provided on a loan basis under this subsection which was not justified to the Congress, or in excess of the amount justified to the Congress, for assistance on that basis.

"(7) DEFINITION OF ECONOMIC ASSISTANCE.—As used in this subsection, the term 'economic assistance' means assistance under this chapter or under chapter 4 of part II of this Act.".

NATIONAL PARKINSON'S DISEASE AWARENESS WEEK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. BIAGGI. Mr. Speaker, today, along with my dear friend and colleague from Florida [Mr. PEPPER], I am introducing a resolution declaring "National Parkinson's Disease Awareness Week." This resolution designates the week beginning May 17, 1987, as Parkinson's Awareness Week. It is my hope that national recognition of this disease will increase public awareness and understanding of Parkinson's, and assist efforts to treat and aid its victims and their families.

Parkinson's disease is a devastating neurological disorder that affects the center of the brain which controls movement. Although little is known about this disease, one fact is clear: Parkinson's is crippling an estimated 1.5 million elderly Americans. It strikes 1 out of every 100 people over the age of 60.

Although there are many all-volunteer Parkinson's support groups across America devoted to the amelioration of Parkinsonism and dedicated to assisting Parkinson's patients and their families cope with this illness, there remains no national commitment to ameliorate this disease. It is imperative that we consolidate our knowledge of this disease, in order to bring new hope to those who bear the burden of this affliction. Establishment of a National Parkinson's Disease Awareness Week is a critical first step in that direction.

I offer this resolution in conjunction with older Americans Month, also being celebrated during the month of May. It is only appropriate that we focus attention on Parkinson's, which disproportionately strikes elderly Americans, during a time we are recognizing senior citizens across our Nation. I urge all of my colleagues to give their support to this important resolution, signifying their commitment to ameliorate Parkinson's disease, and their support of efforts to assist all elderly Americans and their families.

IN HONOR OF SENATOR HATFIELD

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. DENNY SMITH. Mr. Speaker, today I am introducing legislation to rename the National Forage Seed Production Research Center in Corvallis, OR, after the Honorable MARK O. HATFIELD.

Senator HATFIELD's leadership and vision made this important research facility a reality. Although the center will benefit farmers nationwide, the Oregon growers who worked so diligently on this project thought this would be a fitting way to honor the Senator's efforts. I couldn't agree with them more.

Located on the campus of Oregon State University, the center is actually a facility of the Department of Agriculture's Research Service. Designed to house 9 or 10 research scientists, its defined mission is to ensure an adequate technological base for the $143 million forage seed industry, and to provide forage seed for domestic use and export.

The entire Oregon delegation in the House has agreed to join me as original cosponsors of this straightforward legislation. It is my hope that this bill can be enacted in a timely fashion, as a way to say thank you to Oregon's senior Senator for the many steps he has taken through the years to improve the lives of Americans across the country.

TRIBUTE TO JUDGE THOMAS J. PARRINO

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. STOKES. Mr. Speaker, I am pleased to have this opportunity to congratulate Judge Thomas J. Parrino, who recently retired from the bench of the Court of Appeals of Ohio, Eighth Appellate District. On Friday, January 30, 1987, Judge Parrino will be honored at a luncheon given by the Ohio State Bar Association and I would like to take this opportunity to inform my colleagues of his numerous contributions to the Cleveland legal and civic communities.

Judge Parrino was a jurist who served the legal profession with distinction both on and off the bench. He began his public service in 1949 as an assistant county prosecutor in Cuyahoga County and 6 years later was elevated to a judgeship on Cleveland Municipal Court. In 1959 he was elected to the Court of Common Pleas of Cuyahoga County, and served until 1974, including 1 year on that court as chief justice. In 1974, he began his tenure on the Court of Appeals of Ohio.

During this time Judge Parrino actively participated in a number of professional activities. He served as chairman of the Criminal Rules Advisory Committee of the Supreme Court of Ohio; chairman of the Committee to Conduct Seminars for New Judges in Ohio; president of the Ohio Common Pleas Judges Association; member, executive committee, of the State/Federal Judicial Council; member of the American, Ohio State, Cleveland and Cuyahoga County Bar Associations and was a lecturer at the Ohio Academy of Trial Lawyers and the Ohio Legal Center Institute.

Mr. Speaker, despite his considerable involvement in professional activities, Judge Parrino contributed much of his limited spare time to civic activities as well. He served as president of Catholic Big Brothers, Alta Social Settlement House board of trustees and the Columbus Day Committee. He was vice president of the Greater Cleveland Safety Council and was a member of the board of trustees of Good Will Industries and the Cleveland Zoological Society.

Judge Parrino has received three awards for judicial excellence from the Supreme Court of Ohio; the Merit Award from the Ohio Legal Center Institute and the Man of the Year Award from the Italian Sons and Daughters of America.

Mr. Speaker, I take great pleasure in offering my most sincere congratulations to Judge Parrino on his retirement, and ask my colleagues to join me in offering best wishes for many fulfilling years to come.

TO DESIGNATE THE KINGS RIVER AS WILD AND SCENIC

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. LEHMAN of California. Mr. Speaker, I am introducing legislation to save the most endangered river in America—the Kings River in Fresno County, CA. My bill designates 93 miles of the Kings River as part of the National Wild and Scenic Rivers System and in so doing will prevent destruction of the deepest river canyon in North America.

Early explorers in the West named this mighty Sierra river the River of Holy Kings. Today the Kings River continues to live up to its name as it flows undammed from its headwaters in Kings Canyon National Park through the Sierra and Sequoia National Forests to Pine Flat Reservoir in the Central Valley of California. Against a backdrop of snow-capped mountains in winter and blankets of purple wildflowers in spring, the Kings River sweeps through the Sierra for over 90 miles, just as it has for millions of years.

The river as we know it today, however, is threatened by a massive hydroelectric proposal known as Rodgers Crossing Dam. In my view, Rodgers Crossing Dam is uneconomical, unnecessary, and ill-advised. As the son of a San Joaquin Valley farmer and as a Congressman who represents the agricultural heartland of California, I am sympathetic and committed to solving the real water problems of the region. But Rodgers Crossing Dam is not the answer to water shortages in San Joaquin Valley.

Let's take a hard look at the real problem. Each year the San Joaquin Valley sustains a ground water overdraft of 1.5 million acre feet. What we need to solve this problem is water—not power, not flatwater recreation, but water. Rodgers Crossing Dam is fatally flawed, because it is not a water project but primarily a hydroelectric project and not a very good one. Rodgers Crossing Dam proponents seek to provide a mere 3 percent of the overdraft water supply, at little or no cost to irrigators by selling power.

Unfortunately for project supporters, the California State Energy Commission has stated that California's power supply system will produce electrical energy far in excess of projected energy consumption for at least the next 12 years. Rodgers Crossing Dam proponents are essentially asking all Pacific Gas and Electric [PG&E] or Southern California Edison [SCE] ratepayers to foot the bill for the Kings River Conservation District's [KRCD] irrigation needs.

Even as a hydroelectric project Rodgers Crossing is of dubious merit. KRCD was just forced to drop another hydroelectric project known as Dinkey Creek because the economics were so unfavorable that the two potential power purchasers—Southern Cal Edison and PG&E refused to buy the power. It is significant to note that in the past the Dinkey Creek project had a favorable benefit/cost ratio unlike Rodgers Crossing.

I believe there are better ways to bring more water to the San Joaquin Valley. One alternative which deserves serious consideration is to raise the existing Pine Flat Dam, an Army Corps of Engineers project downstream from the proposed Rodgers Crossing Dam. For a fraction of the cost, raising Pine Flat Dam by 20 feet would generate about 23,000 acre feet of new water for irrigation. Another way of comparing Rodgers Crossing to raising Pine Flat is to note that the construction cost of Rodgers Crossing Dam, over $200 million, is 10 times that of raising Pine Flat Dam, about $20 million, but Rodgers will generate only twice the amount of water for irrigation—about 46,000 acre feet at Rodgers versus about 23,000 acre feet from raising Pine Flat.

Yet another alternative to Rodgers Crossing is the construction of Mid-Valley Canal which could deliver 650,000 acre feet of water to the San Joaquin Valley from the Federal Central Valley Project [CVP]. I have already introduced legislation to authorize the Mid-Valley Canal. Still other alternatives to Rodgers Crossing are ground water recharge and offstream reservoirs.

Rodgers Crossing Dam proponents ask us to trade the deepest river canyon in North America, one of the finest trout fisheries in California, the highest flow of white water in the Sierra Nevada, most of a national recreation trail and portions of the most spectacular scenery in California—for what? For hydroelectric power that is not needed in order to pay for a drop in the ground water overdraft bucket of the San Joaquin Valley. The price is far too high; 88 percent of Kings River flows already work for California—for irrigation, power, and urban needs. Sacrificing the remainder of the river for a project that does little to solve the water problems of the Central Valley would be unconscionable.

There are those who say we should wait for more studies before we designate the Kings as wild and scenic. I disagree. First, the Rodgers Crossing proposal has undergone extensive study for over 20 years. In 1972, the Army Corps of Engineers' preliminary review of the project determined it to be economically unsuitable for Federal development. The vast majority of KRCD's own studies of Rodgers Crossing Dam have shown a negative benefit/cost ratio. Second, the only completed Government study of the Kings River prepared in 1982 by the Department of the Interior found that the Kings River qualifies superbly for National Wild and Scenic River status.

The Kings has been called "a national river, for all people, for all time." The Kings will remain as it is only if Congress acts to protect her. I urge my colleagues to join with me to enact legislation to designate the main stem above Pine Flat Reservoir, the Middle Fork and the South Fork of the Kings River as part of the National Wild and Scenic Rivers System.

PRESIDENT REAGAN'S PROPOSED EDUCATIONAL BUDGET CUT MUST BE SOUNDLY REJECTED

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mrs. LLOYD. Mr. Speaker, the Reagan administration's proposed budget for fiscal year 1988, which includes a $5.5 billion cut for Federal education funding, is unacceptable and must be soundly rejected.

The proposed Education Department budget represents a 28-percent cut from the fiscal 1987 appropriation of $19.5 billion. Outlays under the plan would drop from $17 billion to $14.7 billion. The budget would eliminate Federal funds for vocational education, cut a year-old program for handicapped preschoolers, drop funding for public libraries, and make deep reductions in Federal aid to college students.

I have always been a strong proponent of a quality, public education system and have made education a priority for my work in the 100th Congress. I believe that, clearly, this budget would be a disaster for educational opportunity in this country. Its $2.5 billion cut in student aid, a 46 percent reduction, would be a crippling blow to financial assistance programs. Pell grants would be cut dramatically from $4.2 billion this fiscal year to $2.7 billion and the administration would slash budget authority for guaranteed student loans to $1.2 billion in fiscal year 1988, a reduction of $1.8 billion from the $3 billion authorized in fiscal year 1987. The proposal to eliminate the $880 million vocational education program would be devastating to many deserving, hard-working students and the plan to eliminate a $132.5 million program of aid to public libraries would result in critical shortages of vital information services.

America must make itself competitive again—particularly in this time of crippling trade and budget deficits. Our education system is the key to technological advancement for the United States and must be strengthened and enhanced throughout every level. The education of our children is an investment in the future well being of our Nation and we must act now to ensure that the necessary tools are acquired to enable us to compete aggressively and effectively on the world market. I urge my colleagues to reject the administration's proposed budget and give education the high priority it so richly deserves.

INTRODUCTION OF THE SUPPLEMENTAL MEDICAL INSURANCE IMPROVEMENT ACT OF 1987

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. BONKER. Mr. Speaker, today I am pleased to introduce H.R. 784, legislation designed to protect older Americans from soaring health care costs. My bill would expand Medicare, offering two additional supplementary medical insurance options.

This proposal not only will reduce out-of-pocket costs for the elderly and eliminate much of the confusion for both consumers and providers, but will not result in any additional costs to the Federal Government. The first option would allow beneficiaries to purchase more comprehensive coverage of services under Medicare parts A and B and avoid nearly all of the cost-sharing requirements that have increased rapidly over the past decade. The second option would permit beneficiaries to purchase coverage for outpatient prescription drugs used in the treatment of chronic illnesses.

Several months ago, Health and Human Services Secretary Bowen released a report from the Department's Commission on Catastrophic illness. For the first time, the Reagan administration—or at least one component of it—joined the call for expansion of Medicare coverage. The response in the media and among organizations committed to the welfare of the elderly has been positive. In last night's State of the Union Address President Reagan reaffirmed his administration's commitment to addressing catastrophic health care costs. It seems that everyone now recognizes that something must be done to help the elderly cope with the skyrocketing health care costs.

While I applaud the administration's proposal and Secretary Bowen's tenacity in particular, the White House proposal does not go far enough. Even under the Bowen catastrophic care proposal, senior citizens could pay up to $2,000 in out-of-pocket expenses each year. My legislation is far more comprehensive than the Administration's plan, and will provide our Nation's elderly with real security from the threat of devastating medical costs.

Without question, Medicare has been of immense assistance to older persons over the past two decades. Since its enactment, Federal spending for Medicare has risen from $7 billion in 1966 to an estimated $74 billion in outlay projections for 1986. Despite this tremendous growth, health care expenditures not paid by the program have been rising steadily as a percent of the average older person's income. By 1984, health spending not paid by Medicare again equaled 15 percent of the average older person's income—almost equal to the share paid by the elderly prior to the enactment of the Medicare Program. Translated to actual dollars, direct out-of-pocket health care expenses averaged $1,575 per person in 1984, even with Medicare. For all too many Medicare beneficiaries, the cost of an acute and serious illness has once again become catastrophic.

Mr. Speaker, our Nation recently celebrated the 20th anniversary of the Medicare Program. Enacted in 1965 to alleviate the serious health care financing problems faced by growing numbers of older persons, Medicare has emerged as the premiere Federal health program in this country. At the time of its enactment, the cost of basic health care was beyond the reach of many older Americans. On average, the elderly were paying a substantial percent of their income for health care, and their ability to maintain an adequate standard of living was slowly eroding.

Not only has the financial burden for the elderly increased, but the tremendous growth of Medicare expenditures in the last decade has placed severe strain on the Federal budget. Recent data show that total spending for health care in the United States rose 8.9 percent last year, 5 percent higher than the overall consumer price index of 3.9 percent. By contrast, benefit payments under the Medicare Program increased faster than overall health spending. According to the Department of Health and Human Services, Medicare payments rose 12.2 percent last year. Inflationary health costs and mounting pressures for deficit reductions have made Medicare a prime target for budget cuts.

Originally intended to cover 80 percent of the elderly's medical expenses, Medicare currently pays less than one-half of older Americans' health care bill. The elderly must pay a variety of deductibles, coinsurance, and physician charges in excess of what Medicare considers reasonable in the case of unassigned claims. In order to deal with this "gap" in coverage, piecemeal system of private insurance has developed to help pay for expenses not reimbursed by the existing Federal program.

Currently, about two-thirds of Medicare beneficiaries have enrolled in private "medigap" insurance. Although these supplemental insurance programs have helped, the cost of this protection is often very high and the extent of coverage can vary tremendously.

Over the years, the House Select Committee on Aging has examined various "medigap" programs, and has generally determined that such private insurance can help to insulate individuals from health costs not covered by Medicare. Unfortunately, the committee also found that a large portion of the elderly population is confused about various types of supplementary health insurance, and often purchase policies that are duplicative or of little use when actually needed.

In the past I have authored and actively supported legislation to expand Medicare benefits and reduce cost sharing. Gramm-Rudman deficit reduction pressures, however, make expansion of Medicare benefits unlikely at this time or in the near future. In the meantime, Congress can, and should, consider enlarging the Medicare Program, to insure that beneficiaries get the best coverage they can for the money they have to spend. My proposal would not require additional Federal expenditures, since it would be financed through premiums which are anticipated to be much lower than those of traditional insurance programs. Additionally, because the program would be administered by one agency, it would result in far less confusion for older persons and ease the paperwork burden for both the beneficiary and the health care provider. This is the central purpose of my bill. Its specific provisions are as follows.

First, each individual that chooses to enroll in the SMI, or part B program, would be given the opportunity to voluntarily select additional insurance coverage for most cost-sharing requirements under both parts A and B. This medigap coverage would include all but the first hospital deductible in a given year, all copayments for hospital care above the 60th day, and all hospital care beyond the 60th lifetime day. All complicated spell of illness requirements would be eliminated. In addition, the 20 percent part B coinsurance requirement would be covered up to the reasonable charge level allowed by Medicare. Enrollee premiums for this optional comprehensive insurance coverage would be calculated by Medicare actuaries to reflect the acutal cost of coverage. No new payroll tax or Federal revenues would be required. The primary advantage to the beneficiary would be the low cost of the premium, better coverage, and less confusion about their benefits. If implemented immediately, the cost of the comprehensive coverage option would be about $20 per month—an amount considerably lower than medigap insurers charge for similar coverage.

The second part of this legislation would allow each individual who chooses to enroll in the SMI Program a one-time opportunity to voluntarily select coverage of outpatient drugs used in the treatment of chronic illnesses. As with the first option, enrollee premiums would be calculated by the actuaries to reflect the actual cost of coverage. A restricted drug benefit formula would be developed by the Secretary of Health and Human Services as well as a prospective payment rate, and claim processing system in which druggists would be required to take assignment for the payment of covered drugs. This SMI drug option would afford important protection against the heavy costs of long-term disease. We estimate that the premium would be about $9.40 per month.

Mr. Speaker, I believe this legislation offers substantial advantages to both consumers and providers of health care. Clearly, the enactment of this bill would save Medicare beneficiaries money. Additionally, the proposal would also be easy to administer because Medicare already collects premiums and pays bills. Hospitals would no longer need to be bill collectors in their efforts to collect deductibles and copayments. Finally, physicians who take assignment would have all SMI benefits coordinated by Medicare, thus eliminating some of their administrative costs and difficulties.

I want to reemphasize that I do not view my bill as a solution to the health care financing problems facing our Nation's elderly. The costsharing burden placed on older persons under the present program is intolerable and must be removed. In the meantime, my legislation is designed to ease the financial problems faced by older citizens in meeting their basic daily needs. It is one way that we can act to guarantee that the gains they have made will not be eroded. I urge my colleagues to support this measure.

THE DEATH OF LAWRENCE F. MURRAY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Ms. KAPTUR. Mr. Speaker, last month my district lost one of the true giants in our community in the field of urban planning. Lawrence F. Murray served the Toledo-Lucas County Plan Commission for nearly a quarter century. He began his service on the plan commission in 1948 as an assistant. In 1957, Mr. Murray was named plan commission director and held that position until his retirement in 1971. He was named coordinating director of the Toledo Regional Plan for Action Committee in 1964.

Lawrence Murray was one of my earliest professional mentors during my tenure at the plan commission. He taught me important lessons about maximizing available resources to enhance the quality of urban life. Lawrence Murray understood that the most important resource in urban development is people.

Lawrence Murray was an innovator. He was a leader in developing breakthrough concepts such as pedestrian malls. He helped make the Toledo area a more livable community. He was proudest of his accomplishments in expressway construction that respected the surrounding residential neighborhoods, and in downtown redevelopment, locating the main Federal post office on the south end of the downtown to minimize traffic jams in the heart of the central business district.

Lawrence Murray was a former treasurer of the Midwest Faceters Guild and a former member of the Toledo Gem and Rock Hound Club, where he was known as one of the area's finest cutters of gemstones.

I know my colleagues join me in wishing Lawrence Murray's surviving family the very best during these difficult days. Lawrence was a valuable member of his community. His ideas and his dedication will long be remembered. He left a living legacy.

HISTORY OF HOLMES COUNTY PAYS TRIBUTE TO PIONEER SPIRIT OF EARLY FLORIDA

HON. BILL GRANT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. GRANT. Mr. Speaker, in the western end of my district, which has the distinction of being the largest in land area east of the Mississippi River, lies the county of Holmes. It is a unique county with an unusual history.

This has been recorded in "Holmesteading, The History of Holmes County," written by E.W. Carswell, retired newsman and regional historian: Edited by Ray Reynolds and illustrated by Frank Roberts, all natives of the county.

The book gets its title from the country's development of small farms by large families—and because so many of its former residents have returned to establish homes after pursuing opportunities elsewhere. Hence, the title "Holmesteading," meaning those who homestead—establish homes—in Holmes.

Carswell now a Chipley, FL, resident, had been squirreling away bits of information for much of his lifetime, spanning more than half of the county's 138 year history, for the book. He is the author of several other books, several of them with Reynolds as editor, and with at least one with Roberts as illustrator.

On a personal note, "Judge" Carswell, as he is affectionally known, is one of Florida's most distinguished writers. He has written numerous serious and humorous booklets in addition to his newspaper career.

The fact that he can see life in a humorous vein is just a facet of a brilliant mind and journalist—a fact long attested to by his colleagues in the newspaper business, who have often patterned themselves after the style and dedication of this columnist and reporter.

Both of the men who served all or part of this district in the Congress prior to me, Bob Sikes (1941-78) and Don Fuqua (1963-85) told me that not only is Judge Carswell a brilliant writer, his advice in the realm of government is eagerly sought. I intend to avail myself of his time and talent as I begin my service in the Congress, having the privilege of representing Holmes County as a vital part of my district.

In "Holmesteading," the author notes that Holmes was the second county created in Florida after statehood had been achieved in 1845. The area designated as a county in 1848 then contained fewer than 250 families and was divided by a large, unbridged and capricious river. It remained unbridged for 77 years.

The county, divided and sparsely settled at the time of its creation counted no physicians, lawyers, or few other professional people or technicians among its residents. It contained two small churches, but no resident ministers, and it contained no post offices.

Settlers in the area may have been surprised to find themselves in a new county, since they had not actively sought its creation. Legendary reports suggest that they had countyhood thrust upon them, since their county had been created to maintain regional legislative strength that was being weakened by the creation of counties elsewhere.

The State legislature directed that county's business be conducted at Hewett's Bluff, beside the Choctawhatchee River. A post office was designated at the site 6 months later, but it was named Cerro Gordo. The name probably commemorates the Mexican War battle a year earlier. The name is said to translate as "Fat Hill" or "Plump Hill." It was 12 years later that the legislature got around to giving the county seat the same name as its post office.

A small log courthouse was erected early, but it burned in 1870. It had survived the War Between the States, possibly because its destruction was hardly worth the effort. Secretary of War William N. Belknap reported to Congress in 1871 that it had burned a year earlier and that court was being "held in open woods."

The settlers, most homesteading, subsistence farmers with little interest in the cause of the war, were divided in their loyalties. Their sparsely settled area, basically undefended by either army, was at the mercy of the raiding Union troops and deserters from both armies.

The settlers, who had accumulated little material wealth before the war, lost most of what remained during the conflict or during its depressively dehumanizing aftermath. The county remained without a courthouse for 19 years mostly during the Reconstruction era, with court continuing to be held "under the trees." The county finally found the resources in 1889 to build a woodframe courthouse at a cost of $650. It was never painted, but it was surrounded by a whitewashed fence.

Barton D. Jones, who crossed west Florida at about this time, wrote in Lippincott's magazine a year or two later, that—

> This county has no jail, courthouse, schoolhouse, church or other public building and it has no place of business of any kind, not even a grocery at a crossroads point. I doubt if there is a county any where in the wilds of the west as abjectly poor as Holmes County, Florida. It is not only poor in the reality of the present, but in the prospects of the future * * *

By 1980, however, the Florida Gazetteer had credited Cerro Gordo with a population of about 300, and with having a courthouse and jail, a church with a resident minister, at least two retail businesses and daily hack services to neighboring communities.

The jail, built stoutly of squared logs, had a door that was reinforced when locked with a pole propped against it from the outside. That arrangement was the subject of humorous comments from passersby. One such story, handed down orally, says a blind ox stumbled into the pole one dark night, knocking it into the river and enabling the prisoners to escape. At the next meeting of the county commissioners, according to the story, replacement of the pole was the one item on the agenda.

Carswell concludes in his history that Jones, who undoubtedly crossed west Florida by stage coach—then the only means of public conveyance—didn't actually visit any part of the county. The stage routes then existing bypassed the county completely, prompting the "Holmesteading" author to conclude that Jones probably got his information from someone else, possibly a fellow-traveler. Holmes County land, then heavily forested with longleaf pines, was reasonably fertile and in a few places richly so, he says.

In the meantime, at any rate, the county has become a productive farming and livestock-producing area. Family type farms have been home to large families, making for strong family and community ties and an affectionate relationship with the land. Holmes Countians, having shared hardships as a heritage, have lived in a near-classless society. They've been good neighbors and they've had good neighbors. It may be one of the few counties in the Nation to stage a Homecoming observance each year for those who have gone elsewhere, but hasten to return to visit with former neighbors and longtime friends.

It is the memory of the home ties perhaps that has brought hundreds "home" in retirement from the armed services or other career activities. These have been joined by hundred of newcomers, seeking to "Holmestead" in a benign and productive land. From appearances, few Holmes Countians today are among the Nation's or the State's financial elite, but the county's two banks have assets totaling nearly $60,000,000. The county's population exceeds 15,000 and is growing at the rate of about 1,000 per year. Court is held in a building that cost $600,000 in 1963, and "not out under the trees."

But it is not the accumulation of material wealth alone that has impressed the writer of the county's history. More impressive has been evidence of the love Holmes Countians, even those who have pursued career opportunities elsewhere, hold for their native county. Their rate of return has helped make Holmes the second fastest growing county, in terms of population percentages, in that part of Florida west of the Apalachicola River. That prompted him to make this dedication of the book:

> To those who love Holmes County and have remained its residents—and to those who love it and have gone elsewhere, while nourishing within the deeper recesses of their hearts a persistent, yearning for Holmes County and the memory of it as home.

THE ADMINISTRATION'S BUDGET SHOULD BE REJECTED

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mrs. LLOYD. Mr. Speaker, the recently submitted budget by the administration for fiscal year 1988 includes significant reductions in programs Congress authorized last year in the Anti-Drug Abuse Act and deserves to be rejected.

This budget proposes cutting $913 million in Drug Program spending, including the elimination of the State and Local Narcotics Control Assistance Program, which provides $225 million to State and local governments for drug enforcement activities. Congress has authorized this program through 1989.

I believe that drug trafficking, along with terrorism are two of the most insidious and dangerous threats to the hemisphere today and I cannot condone cutbacks called for in the Customs Service and the Coast Guard—our two major drug interdiction agencies.

A total of 1,998 positions are eliminated from the Customs Service in 1987 and 1988, more than wiping out the gains Congress intended for the Customs Service in the drug law. The 1988 request of $86 million for the Customs Air Program—a critical link in our interdiction effort—is half of the 1987 funding level of $171 million. The administration plans to defer until 1988 the spending of $51 million provided for the Air Interdiction Program in 1987. These proposals jeopardize the development of facilities to effectively coordinate interdiction activities, the deployment of upgraded radar on drug surveillance aircraft, and the operation of aircraft to track marine drug smugglers.

In addition, the Coast Guard acquisition, construction, and improvements budget is cut $21 million below last year's figure. This area is one of the primary concerns in the drug bill and must be fully funded.

We, in Congress, must make the commitment to fight the drug problem with the same intensity that we emphasized when we crafted and enacted the omnibus drug bill last year. We must face the facts. This war will not be an easy one to win but we have made significant progress with the enactment of a major drug initiative. I urge my colleagues to reject this budget so that we can enact the measures that are so desperately needed if we are to be successful in our war against drugs.

NATIONAL TEACHER RECOGNITION DAY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. ORTIZ. Mr. Speaker, I rise today to gladly recognize "National Teacher Recognition Day."

The foundation of our Nation's future is the education of our children. It is only fitting that we set aside a day to honor those people who have dedicated their lives to laying this foundation. Our teachers work ceaselessly to educate the youth of this country, expanding imagination, knowledge, and therefore, opportunity. They are the shepherds of the next generation of leadership.

It is a heavy burden, one they do not take lightly. In this era of budget cutbacks and swelling classrooms it takes a strong sense of commitment, a lot of plain sweat and even a sense of humor to maintain the dedication needed to keep America's students interested in learning; a learning that can't help but make their lives better ones.

Yet against impossible odds, teachers are helping mold engineers, artists, architects, financiers, educators, and even a few future Congressmen. It is my sincere hope that such selflessness never goes unlooked upon, or unrewarded.

America's teachers are the guardians of tomorrow; I salute each of them.

GEORGE MIKLOS HONORED AT RETIREMENT DINNER

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. GAYDOS. Mr. Speaker, a long time ago I learned the best way to tell the character of a man is by what he turns up when faced with a challenge—his nose or his sleeve!

So, when I met George Miklos of West Mifflin, PA, more than 20 years ago, it didn't take much time to discover that he was a man, who when something had to be done, rolled up his sleeves and went to it.

Westinghouse Electric Corp. benefited from that trait over 42 years. When George joined the firm's research laboratory in Forest Hills, PA, back in 1945, he worked as an order stock checker. The job paid $100 a month.

Over the next four decades he polished a variety of skills and when he retired in mid-January, Westinghouse lost an employee adept at metal cutting, metal joining, pipe fitting, electrical wiring, complex assembly and something called loop operation.

But, while George may have retired from the private sector, he has no intention of retiring from public service.

He rolled his sleeves up in that career in 1974 when he first was elected to council in West Mifflin. Two years on the board and he was council president, a position he held for the next 10 years. Along the way, he served a term as president of the Allegheny County Boroughs Association and currently is on the executive board of that organization. Still a member of Borough Council, Mr. Miklos has said he plans to continue his service to his community and its residents.

During World War II, George joined the Army, serving with the 350th Infantry Division in Europe. Wounded by shrapnel, he was awarded the Purple Heart and honorably discharged in 1944. Two years later, he married his wife, Cathy. They are the parents of three children and the grandparents of five.

Mr. Speaker, for some people retirement is that time of life when you stop lying about your age and start lying about your house. That won't be the case for George Miklos. He and Cathy are vacationing now in Florida but I'll bet that when we comes back home, he comes back with his sleeves rolled up.

RESPONSE TO THE PRESIDENT'S STATE OF THE UNION ADDRESS

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. AKAKA. Mr. Speaker, last night President Reagan addressed this body with characteristic eloquence. His delivery was precise, and his demeanor was impeccable. Some in this Congress may even say that he displayed sincerity and commitment, but I will not. This Member, Mr. Speaker, refuses to succumb to President Reagan's rhetorical artistry.

The President spoke last night of cooperation; he urged bipartisan consensus. I welcome the President's call for "harmony and good will." I want to cooperate with him. And, I know that my colleagues in the Congress stand prepared to work with him.

But, the success of any cooperative venture rests on one fundamental element: Trust. And, our venture is no different. Our duties rely on trust—trust in government and trust that our Government will meet the needs and expectations of its citizens. To me, there is no better way to show our resolve than through our actions.

Last night our President attempted to prove to the people of America that his actions are deserving of their trust. He failed.

Contrary to his explanations, the President has presented Congress with a budget that does little to prove our resolve to, in his words, "We, the people." You know, the President reminded us that "the people are the masters and government is their servant."

Funny, his budget speaks to the contrary.

In fact, I honestly believe that his is the most antitrust budget we could possibly see because it overrides, once again, the will of the people. While the President extolled the virtues and importance of "We, the people,"—and, my colleagues will most certainly recall last night's laundry list of people objectives—his actions certainly invite confrontation.

In truth, his budget actually reflects the same basic priorities as his six previous budgets—large increases in military spending and large cuts in domestic spending.

The President said that the budget is a "sorry spectacle," and he called our deficit "outrageous." Well, he is absolutely correct on both counts. But, he made no mention of the fact that the national debt, has actually doubled during his term.

The President told us: "Together, we made a commitment to balance the budget; now, let's keep it." Yet, he failed to admit that his budget is itself unbalanced; that it falls short of Gramm-Rudman-Hollings targets by more than $25 billion.

And, the President urged that "Preparing for the future must begin, as always, with our children." Yet, he did not mention that his proposals actually decrease funding for the very programs which would prepare our children—educational ones.

Mr. Speaker, lest I be misunderstood, let me hasten to repeat my desire to work with the President. But, it seems quite clear to this gentleman that the President may not want to work with me—he saw no reason to be candid with me last night.

A TRIBUTE TO THE CREW OF THE "CHALLENGER"

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. TRAFICANT. Mr. Speaker, at this time I would like to submit into the RECORD a moving poem written by a fine young man, Derrick Philips. Derrick was raised in Greenford, OH and his mother now lives in Salem, OH, which is in my district. Having known Derrick for quite some time now, I am proud of him and honored to share his poem with my colleagues. Derrick's mom is a fine woman known for her creative art work. It's obvious that her creative talents have been passed on to Derrick. I hope all of my colleagues take the time to read this poem, which was written as a tribute to the courageous crew of the space shuttle *Challenger.*

MISSION ACCOMPLISHED

(By Derrick Philips)

Born of fire, thirsting for knowledge,
Curiosity of life and beyond
Challenging it to venture forth.
Its destiny: Instinctive.
Striving for progression,
Voyager of the heavens,
Dominating the lessers . . .
Alas, the fiery phoenix is doused in the
Abyss of the blue unknown.
Its mission halts only to pass through
Mortal boundaries, altering its
Final Destination to a place where all
Answers are known and all hunger for
Knowledge is infinitely satisfied.

THE NATIONAL GROUND WATER CONTAMINATION RESEARCH ACT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. GEJDENSON. Mr. Speaker, I am very pleased to be introducing today the National

Ground Water Contamination Research Act. This legislation will help give us the answers we need to solve the problem of ground water contamination.

My interest in the ground water contamination problem goes back to 1982 when I met with families living on Pink Row, in Montville, CT, who had just learned that their water was contaminated with trichlorethylene [TCE], a cancer causing chemical. I cannot even begin to convey the fears and frustrations of the parents who discovered that for years their children had been drinking and bathing in water tainted with toxic chemicals.

In addition to health risks, ground water contamination has serious economic consequences. At a hearing last year in Hartford, CT, Jane Shea of Ellington, CT testified that her home became virtually worthless after her well was contaminated with the pesticide EDB. During the 2-year period that her neighborhood struggled with the EDB problem, not a single home was sold in the area. The cost of extending the town water line to the homes with tainted wells was over $500,000.

The tragedy of ground water contamination has occurred countless times throughout eastern Connecticut and in every other State. In Connecticut alone, over 1,000 wells have been closed because of contamination.

Unfortunately, a major barrier to the protection of ground water from contamination is the lack of basic information on the problem. For example, there is no reliable estimate of how much ground water in the United States is contaminated. It is often impossible to determine the cause of individual cases of ground water contamination.

The National Ground Water Contamination Research Act will provide Federal, State, and local governments, and industry with the basic information they need to resolve ground water problems. The bill expands and focuses existing U.S. Geological Survey ground water research. Except for minor technical changes, the bill is identical to H.R. 5526, which was passed by the House of Representatives on September 22, 1986 with strong bipartisan support.

The bill directs the Geological Survey to report on the adequacy of existing ground water information to meet the needs of Federal agencies, State and local governments, and industry. Following the completion of this report, the Geological Survey is directed to establish a National Ground Water Quality Assessment Program to fill in the information gaps identified by the report.

The bill also establishes a National Ground Water Information Clearinghouse. The clearinghouse will serve as a national reference center for ground water information and will provide decisionmakers with easy access to information they need to solve ground water quality problems.

The bill also expands the Geological Survey Program to provide technical assistance to States and localities experiencing ground water problems. This program has been extremely helpful in many areas, including Connecticut, that have ground water contamination problems.

Until we understand what is causing ground water contamination and how widespread it is, we will continue to simply throw money at the problem in response to individual cases. This bill authorizes an additional $20 million per year for Geological Survey ground water programs. I think that is a very small amount compared to the billions it costs to clean up toxic pollution.

I am confident that the National Ground Water Contamination Research Act will become law before the end of the 100th Congress. With the help of Congressman GEORGE MILLER, the bill should be quickly approved by the House of Representatives.

OCEAN MINERAL RESOURCES DEVELOPMENT ACT REINTRODUCED

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. BOSCO. Mr. Speaker, today I am reintroducing legislation that is designed to address the controversy over the Department of the Interior's plans to offer possible lease sales for undersea mining on the Gorda Ridge off northern California and Oregon. This measure, entitled the Ocean Mineral Resources Development Act, would provide for a moratorium on Gorda Ridge lease sales until more definitive scientific information is gathered and analyzed on both the mining potential of the site and on the environmental effects of such mining. My intent is to ensure that the offshore mining program be conducted in both an environmentally and economically responsible fashion—unlike our Nation's present offshore oil and gas leasing program.

In January 1984, the Minerals Management Service released a draft environmental impact statement [DEIS] on a proposed lease sale. Although the DEIS covered potential mining on 68,000 square miles beginning some 20 to 40 miles offshore, Interior has since scaled back the proposed lease sale by 90 percent and postponed the actual leasing. Last year, marine scientists collected the first direct samples of iron, zinc, and copper in the Gorda Ridge. A joint Federal-State task force established by the Department is scheduled to continue analyzing samples in the weeks ahead.

Both the DEIS and the entire leasing plan have come under intense criticism from environmental, fishing, and State and local interests. Moreover, the mining industry itself has viewed the lease plan with much skepticism and hesitency. This widespread opposition to the first major nonoil or gas offshore mineral lease is premised on the fact that leasing at any point in the next several years, for many reasons, would be premature.

Adequate scientific information is essential to provide a basis for reasoned decisionmaking. As yet, however, beyond the recently collected samples, there is no definitive evidence that such strategic minerals as copper, zinc, chromium, silver, platinum, nickel, and cobalt are extensive enough to warrant commercial mining on the Gorda Ridge. Also, as Interior's DEIS showed, there remains only limited knowledge about the overall physical, chemical, and biological environment of the Gorda Ridge.

Without such scientific information, industry has been understandably hesitant to invest capital in the type of exploration technology necessary to undertake a successful mining venture—particularly at a time when there is a worldwide glut of polymetallic sulfides. In any event, it is widely accepted that the technology necessary for actual mining will not be available for the least 20 years.

At the same time, concerned citizens in California and Oregon have recognized that an adequate assessment of environmental impacts cannot be made until more is known about the type of extraction technology to be used in development. The possible destruction of the ocean-bottom ecosystem is of obvious concern, as are the possible on-shore pollutant effects of polymetallic processing plants. The commercial fishing industry, an economic mainstay of California's north coast, has also raised strong concern over the possible effects of heavy metal discharges on the ocean food chain. Indeed, Gorda Ridge is an area of valuable salmon, albacore, and steelhead fishery resources.

Also, serious questions remain unanswered as to which Federal agency has jurisdiction over the polymetallic minerals on the Gorda Ridge. While Interior claims jurisdiction under the Outer Continental Shelf Lands Act [OCSLA], the Department of Commerce has historically been assigned jurisdiction over the commercial mining of manganese nodules on the deep seabed from the Deep Seabed Hard Minerals Resources Act. This discrepancy should be resolved before any further research, scientific studies, or actual lease sales pertinent to the Gorda Ridge area are undertaken. Resolution of this jurisdictional problem should also facilitate coordination and communication with State and local agencies.

Finally, with little industry interest, a lack of basic information, and a worldwide glut of polymetallics, there is reason to doubt that the Government can receive anything approaching fair market value for leases on the Gorda Ridge.

For all of these reasons, I agree with the overwhelming public consensus that leasing of the Gorda Ridge should be delayed until the Federal Government resolves the many unanswered questions and concerns raised by industry and the citizens of California and Oregon. The Ocean Minerals Resources Development Act is designed to meet these concerns.

First, this act would prohibit lease sales on the Gorda Ridge until such time as the President issues a feasibility report to the Congress and the prohibition is lifted by joint resolution, or until September 30, 1991, whichever occurs earlier.

Second, the Department of Commerce and the Department of the Interior would be authorized to prepare a memorandum of understanding with respect to research and other scientific studies pertinent to the Gorda Ridge. This MOU is to be submitted to Congress no later than 1 year after enactment.

Third, the President is to submit a Gorda Ridge feasibility report to Congress no later than September 30, 1990. The preparation of this report during the moratorium should lay a sufficient scientific foundation upon which future governmental and private industry decisions can be based. Among other things, the report must contain a summary of the physical and biological environment, a determination of what, if any, additional technology is necessary to fill the scientific data gaps, a study on the feasibility of mining the area, and information on the most appropriate leasing procedures and lease values for exploratory and production activities on the Gorda Ridge. I do not believe that the existing Gorda Ridge task force has either the mandate or the resources to thoroughly conduct such analysis.

In sum, Mr. Speaker, there is no practical economic, environmental, or national security rationale for rushing ahead with an offshore mining program on the Gorda Ridge. Rather, I believe the Ocean Minerals Resources Development Act represents a reasoned, pragmatic approach toward meeting our future mineral needs without precipitously endangering our marine and coastal environment.

A TRIBUTE TO AMERICA, AUSTRALIA AND THE AMERICA'S CUP

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. KOLTER. Mr. Speaker, today I rise to pay special tribute to the upcoming finals of the America's Cup sailboat competition, and to praise the work of all those people from both America and Australia who have toiled for the past few years to reach this point, and to congratulate our Southern Hemisphere ally, Australia, the "Lucky Country," for instilling this year's cup competition with an unprecedented excitement and meaning.

Two crew members of the American entry, *Stars and Stripes,* are from my home State of Pennsylvania. And a great many people who sail their boats on Lake Arthur, in my district, have an interest in the cup finals competition. But interest in the event is not limited to my State, or to sailors alone, Most of America is watching with anticipation as this 11-man crew on a 12-meter sailboat labors to return the America's Cup to this country, where it had been for 132 years before the Australians won it in 1983. We are all pulling for them to bring the cup home.

Australia has long been a valuable ally and friend of America, and it has been a suitable place for the America's Cup to rest for a short time. The Australians are a proud, friendly, and courageous people. Their country has a great future. If you travel to that country, you will not fail to be impressed with its warmth, its wonder, and its beauty. Whether you stop to relax in the Pioneer Hotel, also known as the Punt Inn, to share a few moments with Vin and Moira Soraghan, in Footscray outside of Melbourne, or if you tour the wonders of Sydney with Arna Walker, or if you meet any Australian in any part of the outback, you will know that there is a strong bond between our two countries and our two cultures. But it is time to bring the America's Cup back to America. Best of luck to the *Stars and Stripes.*

HUNTING IN OUR NATION'S WILDLIFE REFUGES

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. GREEN. Mr. Speaker, I would like to share with my colleagues a recent article in U.S. News & World Report, which discusses the serious issue of hunting in our Nation's wildlife refuges.

Wildlife refuges were safe havens for animals until the 1960's when Congress allowed recreational hunting on many of our Nation's refuges. It is time for us to reconsider permitting recreational hunting on lands that are supposed to be safe havens for animals.

REFUGE HUNTING: PERVERSE USE OR LOGICAL HARVEST?

Autumn in the high desert of northwestern Nevada is wildlife lover Don Molde's favorite time and place. The Reno psychiatrist hauls his camping gear and cameras to the Sheldon National Wildlife Refuge to patiently stalk and photograph the shy antelope and deer that range the federal preserve. Molde has been doing this for 15 years, but each fall, the experience becomes less enjoyable. The antelope he sees when he pokes his head out of his tent in the morning is likely to be hanging from a set of poles—being skinned and butchered by hunters. "Sometimes, they'll decapitate a deer and mount the head and antlers on the hood of their vehicle like some grotesque trophy," Molde complains. "For an amimal lover, it's really upsetting."

What infuriates Molde more is the fact that hunters are allowed to shoot animals on national wildlife refuges, tracts of prime habitat maintained by the U.S. Fish and Wildlife Service. The reservations ostensibly are sanctuaries, not killing grounds, for a vast variety of creatures from otters to grizzly bears, red foxes to bobwhite quail, whistling swans to bighorn sheep. But largely unknown to the public, the government—with the blessing of Congress—has since the 1960s quietly opened 256 of the nation's 435 refuges to hunters and trappers.

The purpose is not to thin out excessive wildlife populations, though that is occasionally necessary, but to provide additional recreation for hunters. This, say critics, grossly perverts the purpose for which the refuges were intended. "It's bizarre, shocking" to Representative Bill Green (R-NY.). "There ought to be some places that are kept apart from man's predations." Argues John Grandy, vice president for wildlife and environment of the U.S. Humane Society: "The issue is not whether hunting is good or bad but whether blood sports are right or wrong on the only federal land set aside as refuges for wildlife." However, Frank Dunkle, director of the Fish and Wildlife Service, counters that animals and birds are a renewable, exploitable resource and present a valuable recreational opportunity for those who enjoy hunting. "If you're worried about creating a disturbance, then keep everybody off the refuges," he says with thinly disguised disdain. "A guy waltzing through the brush disturbing animals with a camera is as bad as shooting sometimes."

MILLIONS OF ACRES, VISITORS

Since 1903, when President Theodore Roosevelt established the first refuge, the system has grown to encompass close to 90 million acres. Some 27 million people visit the refuges annually, but only about 5 percent come equipped with guns, bows or steel-jawed traps. In addition to the wildlife refuges, the hunters are free to roam some 463 million other acres of federally owned land and national forests.

Though no firm count is taken, the toll from hunting on refuges last year almost certainly exceeded half a million animals and birds. "We allow hunting where it benefits the species," says James Gillett, the Fish and Wildlife Service's chief of refuge management. "How many critters are killed isn't as important to us as managing excellent wildlife habitat."

The arguments and counterarguments boil down to an impassioned debate—not over the morality of hunting itself but over whether hunters should be allowed on refuges that for the most part were established under a law calling for "inviolate sanctuaries" to help preserve some of the nation's rich wildlife resources as well as protect endangered species. While federal officials concede that these lands were set aside as wildlife havens, they maintain that hunting is a legal activity permitted by Congress, a sound wildlife-management practice and a logical recreational use of the areas. However, critics such as the U.S. Humane Society's Grandy wonder what is logical about aggressively poisoning egg-eating predators—fox, mink, coyote, raccoon—at some refuges to help increase duck populations and then allowing hunters to shoot the ducks. "Why not ban duck hunting for a period and quit poisoning animals?" argues Grandy. "Refuges are set up for predators, too."

Equally absurd to critics: Refuge hunters are allowed to use lead shot in place of more-expensive steel-shot ammunition. Nationwide, such lead pellets poison some 2 to 3 million waterfowl each year—and also kill dozens of endangered bald eagles.

Critics further note that more than 137,000 fur-bearing refuge animals each year die agonizing deaths in steel-jawed leg traps that have been outlawed as "inhumane" in more than 60 other nations.

Legal challenges in the federal courts may eventually settle the refuge controversy. Meanwhile, the guns of autumn will continue to roar, shattering the solitude of what once were thought to be the nation's "inviolate sanctuaries."

THE DEFENSE ECONOMIC ADJUSTMENT ACT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. WEISS. Mr. Speaker, I am today reintroducing legislation to create a national plan for the economic conversion of our defense plants and military bases to civilian production. By providing viable civilian alternatives to military spending, this bill would limit the economic dislocation resulting from the cancellation of military contracts that are judged unnecessary for the defense of our Nation.

There are two fundamental imperatives which draw our attention to economic conversion. The first is the need to reverse our Nation's current economic decline. The second is the urgent need to halt the nuclear arms race, which threatens to extinguish life on this planet.

On November 18, 1986, Prof. Seymour Melman of Columbia University gave a major address on the subject of economic conversion in the Rayburn House Office Building. He assessed our current economic situation as follows:

> A process of technical, industrial, and human deterioration has been set in motion within American society. The competence of the industrial system is being eroded at its base. Entire industries are falling into technical disrepair, and there is massive loss of productive employment because of inability to hold even domestic markets against foreign competition.

Professor Melman went on to describe in great detail the evidence of this decline, including a drop in the rate of productivity growth, a rise in the age of manufacturing equipment, the deterioration of our infrastructure, and a drop in the rate of real wage growth.

What are the causes of this distressing decline in American industrial competence? Conventional wisdom, endorsed wholeheartedly by the current administration, holds that military spending provides a stimulus to the economy and a solution to economic distress. However, there is now a growing body of evidence that explodes the myth of prosperity through continually increased arms production. Slowly but surely, concerned Americans are beginning to realize that military spending is not the solution to the problem of industrial decline, but a chief cause.

It is apparent to all that we are now shifting the burden of paying for our military hardware to future generations through deficits of masive proportions. These deficits are themselves a severe threat to our Nation's economic future. But the work of Professor Melman and other economists has described unique elements of the military economy that have also contributed to a growing economic crisis.

While civilian production creates items of value for consumers and producers, military production does not. Rather, money spent on the military leaves our economy for good and deprives us of the secondary benefits that commonly results from civilian production.

Moreover, while civilian firms have typically succeeded in the marketplace by minimizing production costs, military firms operate according to the opposite ethic of maximizing costs and maximizing government subsidies. As a result, many manufacturing industries that do business with the Pentagon have progressively lost the ability to produce civilian products that are competitive at home or abroad.

Finally, there is compelling evidence that military production creats significantly fewer jobs than comparable spending in the civilian sphere. For instance, total employment per $1 billion spent is estimated at 20,715 for guided missile and space vehicle production. This compares with 30,394 jobs created in the motor vehicles industry and 71,550 jobs created in educational services, according to the Bureau of Labor Statistics figures.

The time has come to recognize that the military budget is an oppressive drag on our economy. The vast production resources exhausted by the arms race would, if applied to the civilian economy, encourage productive development on a national scale and reverse the dangerous decline of key industries that we are now experiencing. Economic conversion provides us with the means to achieve this crucial transformation.

However, economic conversion is not only an economic imperative. It is also essential if we hope to make meaningful progress toward arms control.

In recent years, we have become accustomed to extraordinarily large defense budget requests. Many of the weapons requested are unnecessary for the defense of our Nation, and some actually increase the risk of war. A major factor contributing to the approval of unnecessary weapons is concern over the need to preserve and create jobs. Year after year, as crucial votes on defense matters approach, Members of Congress are urged to approve particular weapons not because they are needed for the defense of our Nation, but because they will provide jobs for their constituents.

In an era of continued, problematic unemployment, concern over joblessness is legitimate and understandable. But when it serves to encourage the approval of unneeded weapons of mass destruction, it becomes a tragedy for all involved. It is a tragedy for the workers who produce these weapons, whose interests would be better served by appropriate civilian spending. It is a tragedy for all people around the world who daily face the prospect of nuclear annihilation.

By creating viable alternatives to military spending, economic conversion would assure the millions of workers in military-dependent industries that their jobs will not be sacrificed in the effort to achieve meaningful arms control. As a result, proposals for increased military spending would more likely be assessed on their merits, rather than for reasons of job creation. This would significantly enhance the prospects for ending the nuclear arms race.

The Defense Economic Adjustment Act provides a detailed plan for preserving the jobs of those affected by decisions to eliminate unnecessary military spending. Importantly, it is a decentralized plan that places the decision-making power in the hands of those directly affected by such cutbacks. The plan contains the following key components:

First, the bill calls for the creation of Alternative Use Committees at large defense facilities. These committees, comprised of both labor and management representatives, are charged with developing detailed plans for alternative civilian products.

Second, the bill creates a Cabinet-level Defense Economic Adjustment Council charged with developing plans for public projects that address human needs. The Council also acts as a clearinghouse on existing Federal programs relevant to communities affected by military cutbacks and publishes a guidebook for local conversion planners.

Third, the bill calls for 1 year's advance notification of plans to cut back or terminate a defense contract or a military base. The Defense Economic Adjustment Council is responsible for informing the appropriate local officials and the Alternative Use Committees of pending cutbacks.

Fourth, the bill provides for adjustment assistance for communities and workers while a conversion is underway. Communities seriously affected by defense cutbacks would be eligible for Federal planning assistance, and individual workers would be eligible for adjustment benefits, including funds for retraining.

If Congress terminates a military contract, the local Alternative Use Committee would be notified in advance. This committee would then put in motion an existing plan to convert the affected plant to civilian production. The Federal Government would provide guidance and support for the workers and their community, but the new enterprise would receive no subsidy and would have to compete on its own in the marketplace.

The comprehensive plan for economic conversion contained in the Defense Economic Adjustment Act would free our Nation from the tyranny of jobs blackmail in the approval of military contracts and allow us to pursue a lasting peace without sacrificing our commitment to increased employment. Moreover, it would contribute to a national economic renewal by providing the resources necessary for the revitalization of basic industries and the repair of our infrastructure.

Economic conversion provides the hope that humanity will manage to survive into a peaceful and prosperous future. It is in this spirit that I urge my colleagues to join me in support of the Defense Economic Adjustment Act.

ELDERLY EARNINGS OPPORTUNITY ACT OF 1987

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. WYDEN. Mr. Speaker, recently I introduced the Elderly Earnings Opportunity Act of 1987, to reduce the penalties our older citizens face if they choose to work. Currently, under the earnings test, Social Security benefits are substantially reduced for millions of seniors each year.

My bill will alter the Social Security earnings test in the following ways:

First. Eliminate the current provision in the law that requires larger benefit reductions for workers under age 65 than for those age 65 to 69.

Second. Gradually phase in an increased amount of earnings which are exempt from the reduction—over and above those that would occur under current law.

Third. And, require the Social Security Administration to report to Congress in the year 2000 on the effect of the earnings test on the well being of the elderly and the economy in general.

Mr. Speaker, the earnings test was devised in a different time and under different economic circumstances than we face today. The 1930's was an era that required creative measures to stimulate economic growth and employment while dealing with the enormous hardships and deprivation brought on by the Great Depression. The Social Security Program was an ingenious way to do both these things. There were thousands of older people who needed their jobs and could not afford to retire—very few had pensions or savings to fall back on. And, there were younger people in desperate need of jobs who were frozen out of the stagnant economy because jobs weren't being freed up for them. The earnings test provided a way out of both these problems—benefits were conditioned on the loss of earnings through retirement or death.

But, today's economy needs older workers. It needs their individual service, their production and the cummulative experiences they bring to the workforce—skills, talents, and good judgment. Simply put, we need them to help the United States be competitive. We need to be concerned about the shape of our workforce in the future. As the baby boom generation enters its retirement years early in the next century, we may badly need the skilled labor older workers provide to keep our economy strong, since there will be fewer younger workers following the baby boomers. For these important reasons, the Congress just last year eliminated the mandatory retirement age.

Congress should build on the elimination of the mandatory retirement test by providing more incentives to senior's who would like to work. The best way we can do that is to raise the Social Security earnings test. This may encourage seniors to stay in the workforce and will remove barriers that keep people from working today.

I do understand that some believe there are work incentives in the Social Security System right now: Reductions for early retirement, benefit recomputation for continuing to work, and additional credits fo retiring after age 65.

The earnings test is understood: If a beneficiary earns "so much," his or her benefits are withheld. Some seniors believe that any earnings will jeopardize their benefits, so they don't work at all. And, studies have shown that many who know that only a portion of their benefits will be withheld only work up to that amount. Pure and simple, the earnings test is a psychological barrier.

But, more than that, the test is a tough one. Once the exempt amount is exceeded, a very steep penalty is imposed for working. This year, any earned income above $6,000 for someone under age 65 will cause a reduction in benefits equal to 50 percent of those earnings—in other words, there is an indirect tax of 50 percent. Then, recognizing that the Social Security tax itself has to be paid on those earnings and that a person will incur work-related expenses of some sort, the minimum cost to a 62-year retiree is 65 percent of what he or she earns over $6,000—the earnings test tax rate and the Social Security taxes the worker pays will eat up $.57 of each additional dollar of earnings, and work-related expenses will account for another $.08. So, even an individual who does not have enough income to be liable for income taxes will lose 65 percent of earnings over $6,000. If the worker has to pay income taxes, which is the more typical circumstance, it is conceivable that the effective cost of working is $.70 to $.80 on each additional dollar over the cap. Where else do we penalize work effort to this extent?

More importantly, how can low- and moderate-income elderly people, lacking stocks, bonds, and mutual funds, be expected to supplement their incomes? How can they possibly improve their circumstances? And, how can they contribute to an economy that needs their skills and energy down the road?

My proposal addresses these concerns. It targets its relief on those who need it the most: the "young" elderly—those under 65. Social Security studies have repeatedly shown that they are the needier beneficiaries. They are more likely to have been in arduous occupations, more likely to have done blue-collar work, more likely to be suffering from work-limiting health conditions and more likely to have lower benefit levels. But many of them can do other less demanding jobs than they did in their earlier years—and probably would if it weren't for the earnings test. My bill would aid these people in two ways: By permitting them to earn more without losing benefits and by eliminating the inequity between them and retirees age 65-69.

Under my bill, beginning in 1990, everyone under age 70 would be subject to the same earnings test; that in effect for those 65 to 69 under current law. In today's dollars, it would mean that the exemption amount would be raised by a little more than $2,000. And, under my bill the benefit withholding rate will be lowered to 33 percent for everyone—as is now scheduled to occur in 1990 for the 65 to 69 age group.

Second, my proposal attempts to address the more fundamental psychological barriers created by the earnings test. It gradually raises the earnings allowance so that the test would not affect those elderly who might want to delay retirement. My aim is to eventualy establish an earnings allowance that would be close to the average wage for workers in the economy, which according to the Social Security Administration [SSA] now is about $18,500. The bill would accomplish this by increasing the exempt amount by $1,000 a year beginning in 1990 and continuing through the year 1999.

These increases would be over and above those prescribed under current law. Today's earnings cap is $7,900 for 65 to 69 year olds. The bill adds $10,000 to that amount over the next 13 years. By 1999, the cap will be approximately $20,000—a figure close to what SSA projects the average wage will be at the turn of the century.

Finally, I recognize that after increases of this magnitude have been made, a question remains about whether there should be any earnings test at all. Over the course of increases included in the legislation, my legislation calls on the SSA to study the effects of the bill and report to Congress in the year 2000 on the number of people taking advantage of the higher earnings allowance, the buying power and standard of living the higher test affords the elderly as a group, the economic impact of those older workers on the general economy, and the impact of these changes on the trust funds and the general treasury.

Mr. Speaker, I know that many of my colleagues are interested in this issue. Some will dismiss my approach on the grounds that it doesn't go far enough—they want the cap completely eliminated. But, we must evaluate the expense to the trust funds of lifting the cap—and how that money would be distributed. Lifting the cap immediately could mean costs to the Government of $11 to $12 billion a year. Granted, there would be additional revenues from having more people working—but rough estimates indicate this offset will only be 20 percent of the cost. Clearly, with the budget deficit well above $150 billion in 1986, these approaches are just too expensive.

By the same token, I recognize that my bill carries some costs. But, I have constructed an approach that recognizes today's fiscal limitations. First, I've put the changes off until 1990. Second, by making moderate increases in the earnings allowance, the initial costs of the bill have been minimized. The higher benefit payout estimated by SSA's actuaries is only $1.7 billion in 1990, rising to $2.7 billion by 1994. And, again, these costs could be partially offset by 20 percent in additional revenues. Finally, I have targeted my bill to those low- to moderate-income seniors in the below-65 age group—those that need the extra benefits the most.

Below is a memorandum from SSA actuaries estimating the costs of my proposal.

[Memorandum]

JANUARY 6, 1987.

From: James R. McLaughlin, Office of the Actuary.

Subject: Estimated financial effect of a proposal to liberalize the earnings test—Information.

Under the subject proposal, the earnings test would be modified as follows:

1. Beginning in 1990, the exempt amount for persons under age 65 would be raised to the amount for persons aged 65-69.

2. Beginning in 1990, the withholding rate for persons under age 65 would be lowered to the rate for persons aged 65-69 (namely, $1 of benefits for every $3 of excess earnings).

3. Beginning in 1991, the annual exempt amount would be determined from the amount applicable for the previous year indexed as under present law, then increased by $1,000.

Under this proposal, OASDI benefit payments in calendar years 1990-94 would increase by the following estimated amounts.

Additional OASDI benefit payments

Calendar year:	*Billions*
1990	$1.3
1991	1.7
1992	2.1
1993	2.4
1994	2.7

These estimated are based on the alternative II-B assumptions from the 1986 Trustees Report.

JAMES R. MCLAUGHLIN, PH.D., A.S.A.,
Actuary.

Mr. Speaker, we need a growing economy. And, we need to provide opportunities for our workers. We can't do either if we artificially limit a vital national resource—the elderly who want to work. I believe that the Social Security earnings test does this.

We must reduce the major hidden tax that keeps our seniors of moderate means from working. Those lacking substantial unearned income should be given greater opportunity to improve their own well being while contributing to society to the best of their ability.

I hope my colleagues will join me in sponsoring the Elderly Earning Opportunity Act of 1987. I look forward to expanding the economic opportunity of our Nation's seniors in this historic 100th Congress.

WHAT IS A CONSERVATIVE?

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. JACOBS. Mr. Speaker, well, I think I've finally figured it out.

A Conservative in Russia is one who accuses a Liberal of being soft on capitalism.

A Conservative in America is one who accuses a Liberal of being soft on communism.

A Conservative on the House Education and Labor Committee is one who spends conservatively. A Liberal on the House Education and Labor Committee is one who spends liberally.

A Conservative on the House Armed Services Committee is one who spends liberally. A Liberal on the House Armed Services Committee is one who spends conservatively.

A Conservative in the White House is one who borrows to pay current expenses. A Conservative in business is one who does not borrow to pay current expenses.

So, which you are obviously depends on where you are.

TRIBUTE TO OUR LADY QUEEN OF MARTYRS SCHOOL

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. DIOGUARDI. Mr. Speaker, I rise today to provide well deserved recognition to one of Florida's premier elementary schools—Our Lady Queen of Martyrs School of Ft. Lauderdale. As a small parochial school with 300 students of varying backgrounds, Our Lady Queen of Martyrs is a prime example of the not often enough heralded excellence in America's elementary school system. The school is deeply indebted to its devoted teachers who dedicate more than their time to making it one of Florida's finest elementary schools. Ninety percent of Our Lady Queen of Martyrs' students go on to St. Thomas Aquinas High School in Ft. Lauderdale, which received the Excellence in Education Award by the Secretary of Education. It is important to underscore that St. Thomas High School would not be the school that it is today without the quality students that graduated from Our Lady Queen of Martyrs School next door.

On Thursday, January 29, 1987, a dinner-auction will be held at the Bonaventure Country Club at 7 p.m. On the following day, a celebrity golf tournament will be held. The proceeds from these events will be used to raise teachers' salaries, and provide Our Lady Queen of Martyrs with air-conditioning and a computer workroom so that these students can continue to excel. While I believe that it is important to recognize all those individuals who are giving so unselfishly, I would like to single-out six donor-participants who will be helping to make this event a wonderful success. They are singer Don Cornell, Buffalo Bills quarterback Jim Kelly, New York Jets great Joe Namath, singer and beauty pageant host Burt Parks, singer Bobby Rydell, and Bob Roscioli who has been organizing the fundraising efforts on behalf of Our Lady Queen of Martyrs School.

Mr. Speaker, allow me to conclude by saying hats off to Our Lady Queen of Martyrs School and those individuals dedicated to making that institution the finest elementary school in Florida.

EDUCATION AND HOUSING SAVINGS ACCOUNTS

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 28, 1987

Mr. COATS, Mr. Speaker, on the first day of the session, I introduced legislation which would create an education savings account—H.R. 93—and a housing savings account—H.R. 94—based on the individual retirement account [IRA]. Under these bills, tax deductible contributions to a trust account will accumulate interest tax free for a period of time and then must be used to finance education or the purchase of a first home.

The education savings account would permit potential college students and their families to deposit up to $1,000 per year in a trust account to cover the educational expenses of higher education. Funds in the account would have to be spent on education before the student's 27th birthday, or the money would be returned to the contributors, placed in another education account, or donated to an educational institution.

The housing savings account would allow a prospective first-time home buyer, or parents and friends, to contribute up to $1,500 per year of $3,000 per year in the case of a married couple, over a 10-year period toward a tax-free account. Funds would be used as a downpayment on a first home by the 10th year. One-tenth of the amount would be added to the user's gross income for each of the following 10 years after purchase, thus providing tax repayment to the Treasury.

I urge my colleagues to assist prospective college students and first-time home buyers by cosponsoring my legislation. Help restore the American dream of a college education and homeownership.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, January 29, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 30

9:00 a.m.

Finance

Energy and Agricultural Taxation Subcommittee

To hold hearings on energy taxation issues, including S. 233, to encourage increased production of domestic crude oil, S. 255, to repeal the windfall profit tax on domestic crude oil, and S. 302, to impose a tax on the importation of crude oil and refined petroleum products.

SD-215

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To continue oversight hearings on aviation safety.

SR-253

10:00 a.m.

Joint Economic

To resume hearings on the economic outlook and economic policy for 1987.

SD-628

FEBRUARY 2

10:00 a.m.

Joint Economic

To resume hearings on the economic outlook and economic policy for 1987.

SD-628

FEBRUARY 3

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.

SR-253

Finance

To resume hearings on the world economy and trade issues, focusing on the U.S. response to the international trade deficit.

SD-215

10:00 a.m.

Foreign Relations

Business meeting, to consider two treaties between the United States of America and the Union of Soviet Socialist Republics on (1) the Limitation of Underground Nuclear Weapon Tests, and the Protocol thereto, known as the Threshold Test Ban Treaty (TTBT) signed in Moscow on July 3, 1974, and (2) the Underground

Nuclear Explosions for Peaceful Purposes, and the Protocol thereto, known as the Peaceful Nuclear Explosions Treaty (PNET) signed in Washington and Moscow on May 28, 1976 (Ex. N, 94th Cong., 2d Sess.).

SD-419

Labor and Human Resources

To resume hearings on work and welfare issues.

SD-430

FEBRUARY 4

9:00 a.m.

Select on Indian Affairs

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988.

SD-G50

9:15 a.m.

Veterans' Affairs

To hold hearings on S. 12, to remove the expiration date for eligibility for educational assistance programs for veterans of the All-Volunteer Force.

SR-418

9:30 a.m.

Energy and Natural Resources

To resume oversight hearings on the current status of the Department of Energy's nuclear waste activities.

SD-366

Foreign Relations

To resume hearings on U.S. policy toward Iran.

SD-419

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988.

SR-385

Commerce, Science, and Transportation
Consumer Subcommittee

To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.

SR-253

Finance

To hold hearings on revenue increases as contained in the President's proposed budget for fiscal year 1988.

SD-215

FEBRUARY 5

9:30 a.m.

Energy and Natural Resources

To continue oversight hearings on the current status of the Department of Energy's nuclear waste activities.

SD-366

Finance

To resume hearings on the world economy and trade issues, focusing on the U.S. response to the international trade deficit.

SD-215

10:00 a.m.

Commerce, Science, and Transportation
Consumer Subcommittee

To continue hearings on proposed legislation authorizing funds for the Federal Trade Commission.

SR-253

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988, focusing on the Environmental Protection Agency.

SD-406

2:30 p.m.

Labor and Human Resources

To resume hearings on work and welfare issues.

SD-430

FEBRUARY 6

10:00 a.m.

Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee

To hold oversight hearings on the new Internal Revenue Service W-4 form for withholding.

SD-215

FEBRUARY 17

9:30 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee

To hold hearings on rail safety issues.

SR-253

FEBRUARY 18

9:30 a.m.

Veterans' Affairs

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988.

SR-418

10:00 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

FEBRUARY 19

9:30 a.m.

Finance

To resume hearings on the world economy and trade issues, focusing on the U.S. response to the international trade deficit.

SD-215

10:00 a.m.

Energy and Natural Resources
Public Lands, National Parks, and Forests Subcommittee

To hold hearings on S. 56, to establish the El Malpais National Monument, the Masau Trail, and the Grants National Conservation Area in the State of New Mexico, and S. 90, to establish the Big Cypress National Preserve Addition in the State of Florida.

SD-366

FEBRUARY 24

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Disabled American Veterans.

345 Cannon Building

11:00 a.m.

Veterans' Affairs

Business meeting, to consider those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988, with a view toward making its recommendations to the Committee on the Budget, and S. 12, to remove the expiration date for eligibility for the educational assistance programs for veterans of the All-Volunteer Force.

SR-418

FEBRUARY 25

9:30 a.m.

Finance

To hold hearings on management of the U.S. Customs Service.

SD-215

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Paralyzed Veterans of America, Blinded Veterans of America, World War I Veterans, and the Military Order of the Purple Hearts.

334 Cannon Building

FEBRUARY 26

9:30 a.m.

Finance

To continue hearings on management of the U.S. Customs Service.

SD-215

MARCH 3

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.

345 Cannon Building

MARCH 5

10:00 a.m.

Labor and Human Resources

To hold hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.

SD-430

MARCH 16

10:00 a.m.

Labor and Human Resources

To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.

2175 Rayburn Building

APRIL 1

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, and the Jewish War Veterans.

334 Cannon Building

CANCELLATIONS

JANUARY 29

10:00 a.m.

Judiciary

Business meeting, to consider pending committee business.

SD-226

HOUSE OF REPRESENTATIVES—*Thursday, January 29, 1987*

The House met at 11 o'clock a.m. and was called to order by the Speaker pro tempore [Ms. OAKAR].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 29, 1987.

I hereby designate the Honorable MARY ROSE OAKAR to act as Speaker pro tempore on this day.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We recognize, O God, that in Your spirit there is no east or west, no north or south, but one great fellowship divine. Help us to appreciate that Your good Word shines in darkness and takes away the gloom and thus can bring people together in a new spirit of understanding and peace. May Your light make bright the inner reaches of our hearts that ignorance may be put aside, resentments eased and fears changed to faith. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

A DANGEROUS PRECEDENT IN HEALTH CARE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, for thousands of LTV retirees in my district, May 15, 1987, may be a dark day. It could be the end of their health benefits. LTV filed chapter 11 and denied benefits. The first company to ever do this.

This situation must not be tolerated. LTV's action sets a dangerous precedent. To prevent such a catastrophe, I have introduced legislation to amend the bankruptcy code to prevent companies filing for bankruptcy from terminating any contract providing health and hospitalization benefits, period.

America's workers are now being put through the mill. Trade policies have taken away their jobs. Proposed cuts will take away their children's education. Pensions are in danger and now health benefits that employees earned over an entire lifetime are being thrown out the window. It's time to put our foot down and give American workers the helping hand they need. I'm asking you to cosponsor my legislation, and put an end to this.

EXTEND ESSENTIAL AIR SERVICE PROGRAM

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Madam Speaker, Essential Air Service was enacted in 1978 to help small communities through the initial stages of airline deregulation.

This program, which has been so important to rural, isolated communities, is scheduled to expire in 1988. I have introduced legislation, H.R. 808, that will extend the legislation past the 1988 sunset date.

About 150 communities in 40 States have benefited from this program. Ten of those communities are in the Third District of Nebraska.

Recently, DOT estimated that 87 percent of those communities now receiving subsidy would lose all air service if Essential Air Service were eliminated.

And for most of us, that would be a disaster.

Many Essential Air Service cities no longer need subsidies—proof that the program has been successful in assisting cities to ease into the era of deregulation.

But other communities are still in the process of adjusting to a deregulated environment.

For them, a completely free market in the airline industry would mean losing their air service—and for many of these cities in remote areas, air service is the only link to the national transportation system.

We're trying to adjust to deregulation, and we've come a long way. But we're not ready to have the rug pulled out from under us. Not yet.

I urge my colleagues to support this legislation.

WERE YOU STANDING AND CHEERING, TOO?

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Madam Speaker, Tuesday night's State of the Union audience looked like the wave at the Super Bowl.

Periodically, portions rose to cheer the President's words.

Republicans were trying to create an impression of support where little exists.

They cheered his failed policy of selling arms to Iran.

They cheered selling arms to the terrorists who financed the murder of 241 marines in Beirut.

They cheered circumventing the State Department and the Congress, the democratic procedures and the Constitution of the United States—the one that begins, "We, the people"—so the President could deal with terrorists.

They cheered his cuts in Medicare, education, and drug enforcement.

They cheered $300 billion a year for the Pentagon, including star wars in space, despite a deteriorating economy here at home.

That's what the Republicans were standing and cheering about.

And if Americans want to know, which party is on your side, ask yourself:

Were you standing and cheering, too?

TIME TO BREAK RELATIONS WITH MANAGUA

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTER. Madam Speaker, in 1979 and 1980 we supplied material aid to the Sandinista government in Nicaragua. But apparently its Marxist inclinations were simply beyond influence.

By the second anniversary of the revolution, an editor of the famous anti-Somoza newspaper La Prensa said publicly that the new Sandinista rulers "practically idolize Cuba" and keep "moral and ideological ties that cannot be broken with Cuba, Russia, East Germany, Bulgaria * * *" and the like.

Four years after the revolution, in 1983, the evidence that Nicaragua was treating its subjects like a typical

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Communist country was indisputable by all but the most hardened apologists. As Ismael Reyes, the former President of the Nicaraguan Red Cross said:

> In the American continent, there is no regime more barbaric and sanguinary, no regime that violates human rights in a manner more constant and permanent, than the Sandinista regime.

Mr. Speaker, the time has come to break relations with the Government of Nicaragua. We owe it to the Nicaraguans who long for freedom. We owe it to our own principles of consistency, since we joined the other members of the OAS in 1979 to delegitimize the Somoza dictatorship.

This week I'll be introducing a concurrent resolution to ask the President to make the formal break with Managua, and grant limited political recognition to the democratic resistance. I hope my colleagues will join me as original cosponsors of this resolution.

CANYONLANDS NATIONAL PARK

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Madam Speaker, I am today introducing a bill to expand the boundaries of Canyonlands National Park in the heart of southeastern Utah, an act which is politically both controversial and complicated, here as well as in my State.

I do so, notwithstanding the difficulties, for two reasons: First, Canyonlands National Park is a cherished and unique national scenic treasure which, notwithstanding the 5-year delay in site selection announced yesterday by DOE, is still threatened with the placement of a high-level nuclear waste repository in a canyon within a mile of the park.

Second, my bill would preclude that site selection because the enlargement of Canyonlands National Park to the natural boundaries which were originally proposed for it would include and thus disqualify that proposed site.

We should, once and for all, give legal status to the entirety of that park which nature created over tens of thousands of years ago.

Canyonlands is prized for its abundant scenic, cultural, and wildlife resources. The park currently surrounds the confluence of the Green and Colorado Rivers in an area that is a feast for the eyes and for the human spirit.

The extension is a brilliantly colored wilderness of rock where, over thousands of years, wind and water have carved countless mesas, canyons, natural arches, and soaring spires. The land encompasses habitat for rare birds of prey, bighorn sheep, and mountain lions, among other wildlife. Also the park and the areas proposed for inclusion in new boundaries contain hundreds of ancient Indian pictographs painted onto rock nearly a thousand years ago by Indian artisans. A visitor to the park gains a rich experience which can be enhanced time after time. A study conducted in 1983 indicates that 82 percent of the visitors questioned would be less likely to return if a nuclear waste repository were placed nearby. Tourism is the lifeblood of our State's economy and the key to its future. Furthermore, Utahns have been exposed to much more radiation fallout than citizens of any other State. Residents of Utah are still enduring exposure to radiation leaking from the underground nuclear weapons test site in our neighboring State of Nevada.

Former Interior Secretary Stewart Udall, three other attorneys, and I successfully sued the Federal Government on behalf of victims of fallout in Utah, Arizona, and Nevada, who were exposed to fallout from above ground nuclear tests in the 1950's and early 1960's. The Federal Government was found liable for cancers caused by fallout from the tests.

The Department of Energy still maintains its policy, in existence since open air testing began in 1951, to conduct nuclear tests only when the wind is blowing toward Utah. Research indicates that since the underground testing began in 1963, Utahns have been exposed to radiation equal to one and a half times the amount which leaked during the Soviet Union's Chernobyl disaster, so it is not fair to ask Utah to accept this nuclear waste repository—we've already had far more than our share of nuclear garbage.

The scientific effort to locate the safest, most reasonable repository site has now become a political game of elimination. The intent of the repository legislation is that a site close to a national park should be selected only if all other feasible sites were scientifically excluded.

In addition, the Interior Department's official position is that a nuclear waste repository near Canyonlands would be in conflict with Federal law passed in 1916 which carefully sets down what may or may not be done in or near a national park.

It is a position that the Department of Energy seems to be resisting.

LEGISLATION INTRODUCED FOR EARLY AND ORDERLY RETIREMENT OF FEDERAL EMPLOYEES

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Madam Speaker, today I am introducing legislation which would amend title V of the United States Code to establish an optional early retirement program for Federal Government employees. The purposes of the act are to reduce Federal Government civilian payrolls in an orderly and voluntary manner and to accommodate the personal plans of certain Federal Government employees who desire to retire but have not satisfied the applicable age and service requirements.

Basically, it would allow early retirement during a 90-day period of this year for those who have completed 25 years of service, for those who have become 50 years of age and completed 20 years of service, and those who have become 55 years of age and completed 15 years service, or, after becoming 57 years of age and completing 5 years of service.

As I said, Madam Speaker, the purpose of this is to allow an early and orderly retirement of those who would like to retire now. I urge my colleagues to support this.

□ 1110

JUST SAY NO TO DRUGS WEEK

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Madam Speaker, this week I introduced a resolution designating the week of May 17, 1987, as "Just Say No to Drugs Week."

In 1984 over 7,000 Americans died from drug overdoses, and peer pressure among teenagers is a major factor. Because of greater emphasis on how peer pressure contributes to the drug abuse problem, "Just Say No" clubs have been founded in schools across America. This important resolution recognizes this Nation's young people who are publicly fighting drug abuse by saying no to drugs and are thereby contributing to a monumental goal, the end of drug abuse in America.

Giant steps have been taken over the last year to combat drug use among our Nation's youth. I ask my colleagues to help continue this progress by supporting this resolution and cosponsoring "Just Say No to Drugs Week."

ARMS EXPORT REFORM ACT OF 1987

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Madam Speaker, today I am introducing, along with a bipartisan group of my colleagues, the Arms Export Reform Act of 1987. This legislation would make significant changes in the Arms Export Control Act. It would cut redtape for noncontroversial sales, while providing for more effective congressional oversight of controversial arms sales. In addition, this bill would require future arms sales that are controversial to have the support of a majority of Congress, not a small minority, as current law now requires, if those sales are to survive.

Last year, both Houses of Congress overwhelmingly rejected a proposed sale of missiles to Saudi Arabia. However, because of our outmoded laws on this subject, the sale proceeded nevertheless with the support of only 14 percent of the House and one-third plus one Member of the Senate.

More recently, the Arms Export Control Act may have been violated by the attempt to sell arms to Iran. Although this legislation would not directly affect the Iran arms situation, both the Saudi and the Iranian episodes demonstrate the need for Congress to reestablish its authority in the area of arms sales, and to reassert its rightful and constitutional role—as a coequal of the executive branch—in the conduct of American foreign policy.

I urge my colleagues to support this important legislation.

PRESIDENT'S STATE OF THE UNION ADDRESS

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Madam Speaker, the night before last, in this majestic Hall, the President of the United States gave his State of the Union Address to the 100th Congress and to the American people. I consider myself to be very privileged to have been in this Chamber to witness that historic event, and I have a few thoughts about Mr. Reagan's speech.

I am personally satisfied with the emphasis the President placed on the need for a strong national defense. I feel it is not incompatible with the equal emphasis he placed on balancing the budget.

Mr. Reagan correctly described our massive Federal deficit as "outrageous." As I listened to the applause for the President when he called for a balanced budget, I wondered if Congress would show the same support when the legislation comes up for a recorded vote.

If every Member of Congress who so applauded the emphasis the President placed on a strong national defense and a balanced budget would resolve himself to proper diligence, we could have both.

I am certain that the vast majority of Americans were applauding the President for his emphasis on my two favorite subjects: a strong defense and a balanced budget.

HEARINGS SCHEDULED ON PAY INCREASES

(Mr. FORD of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Michigan. Madam Speaker, today the Committee on Post Office and Civil Service organized and adopted rules for the 100th Congress. Under those rules I have exercised my authority to appoint a five-member task force made up of members of the committee to act on all resolutions affecting pay for the executive, legislative, and judicial pay systems.

The task force will hold hearings and consider resolutions to disapprove the President's recommendations for increasing executive, legislative, and judicial pay. The hearings will be held on February 2 and February 3 in room 311 of the Cannon House Office Building.

They are designed to give Members of Congress as well as proponents, opponents, judicial representatives, and representatives of the executive branch an opportunity to testify prior to action on the various resolutions and bills which we assume are being referred to our committee.

It is imperative that the committee act on the resolutions of disapproval, just as it is critically important that the President's proposals and objections to them get a complete public hearing.

I am inviting all Members who wish to testify or submit testimony for the record to contact me or the committee staff. Of course we will give preference to Members of the House over other witnesses who wish to testify either for or against any resolution pending before the committee.

ACTION URGED TO ANSWER UNFAIR TRADE PRACTICES

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Madam Speaker, today a number of our citizens across this country are wondering why the GNP is sputtering along at approximately 2.5-percent growth, and at the same time the stock market is skyrocketing through the ceiling. Could it be that the investors know that the inflation is being held down as a result of massive cheap imports flooding the United States?

At the same time, this past year the target for the growth in the money supply was between 3 to 8 percent. It actually was a 15.3-percent growth. In all circumstances inflation should have just gone sky high. It did not, because the growth in business and industry productivity occurred overseas, and imports are being shipped into this country.

We are losing the trade battle, and we are losing the standard of living for our citizens under the policies of this administration.

Madam Speaker, it is high time that the people of this country know we are sacrificing their standard of living and the national security of our country. We are sacrificing those kinds of jobs that produce a standard of living for our children and grandchildren that they so rightly deserve.

I came into public service to try to leave the "woodpile" of opportunity a little higher for our children and grandchildren, not less. Yet our policies are not answering the unfair trade practices of other countries that are literally destroying the economy of this country of ours. It is going to take more than the words of the President of the United States; it is going to take action by the President and this Congress to turn it around. Let's do the job necessary to secure a future for the generations ahead.

LEGISLATION EXTENDING FULL CITIZENSHIP TO ANN BRUSSELMANS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Madam Speaker, until recently, not many Americans knew the name Ann Brusselmans. Yet as I have known for almost 3 years, to know her is to respect her extraordinary contributions to this Nation.

President Reagan knows about Ann Brusselmans. On January 12, after he learned that this remarkable woman, who is credited with saving hundreds of lives of soldiers parachuting into Nazi-occupied Belgium, had one dream—to become a permanent resident of the United States—he responded.

The President, by administrative action citing her meaningful contribution to our national security, granted her permanent residency as my bill, H.R. 440, would have done.

The President in a letter to me added that he supported full citizenship for Ann Brusselmans saying "There is no one more worthy than Ann Brusselmans. She has earned it."

Last week I authored my second bill of the 100th Congress for Ann Brusselmans—H.R. 624, a private bill to extend her full citizenship.

A comparable bill has been introduced in the other body.

I am gratified by the more than 80 calls of support I have so far received from my colleagues for this bill.

I appreciate the interest registered by my distinguished colleague, Chairman MAZZOLI, of the Immigration Subcommittee.

Ann Brusselmans is 81 years of age and in declining health. She will be 82 on April 3. What better present could our Nation give her than full citizenship. I urge swift action on my bill to reward this one in a million woman—patriot and heroine.

She too reflects the "we the people" spirit the President cited so eloquently in his State of the Union Address.

□ 1120

HURRICANE DISASTER IN AMERICAN SAMOA

(Mr. de LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. de LUGO. Madam Speaker, a good friend, Fofo Sunia, the Delegate from American Samoa, is not here today. He is back in his district helping his people who are suffering from the after-effects of a devastating hurricane that hit the island of Manua. Over 2,000 of our brothers and sisters, American citizens and nationals in American Samoa, have been left homeless. On some of these smaller islands that were hit every single building was knocked down and livestock was killed. It is estimated that in livestock and crops $9 million of damage was done.

I want to commend the Department of the Interior, in particular Assistant Secretary Montoya, for his response. He took technical assistance money and sent it out there to help in this emergency and FEMA is also trying to help.

But I hope that if this is not enough the Members of Congress will help us to seek additional help for these American citizens and nationals in their time of need.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Ms. Oakar) laid before the House the following communication from the Clerk of the House of Representatives:

January 29, 1987.

Hon. Jim Wright,
The Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: Under Clause 4 of Rule III of the Rules of the U.S. House of Representatives, I herewith designate Mr. W. Raymond Colley, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which he would be authorized to do by virtue of this designation, except such as are provided by statute, in cases of my temporary absence or disability.

If Mr. Colley should not be able to act in my behalf for any reason, then Ms. Dolores C. Snow, Assistant to the Clerk, or Mr. Dallas L. Dendy, Jr., Assistant to the Clerk, should similarly perform such duties under the same conditions as are authorized by this designation.

These designations shall remain in effect for the 100th Congress, or until modified by me.

With great respect, I am,
Sincerely yours,
Donnald K. Anderson,
Clerk, House of Representatives.

LEGISLATIVE PROGRAM

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute.)

The SPEAKER pro tempore. Without objection, the gentlewoman from Maryland is recognized for 1 minute.

There was no objection.

Mrs. BENTLEY. Madam Speaker, I ask for this 1 minute for the purpose of inquiring of the majority what the program will be for the balance of this week and for the next week.

Mr. TRAFICANT. Madam Speaker, will the gentlewoman yield?

Mrs. BENTLEY. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Madam Speaker, in sitting in for our great majority leader, the gentleman from Washington [Mr. Foley], there will be no further business for today.

The calendar, the schedule for next week, Monday, February 2, we are scheduled for a pro forma session.

On Tuesday, February 3, the House will meet at noon. However, there are no bills expected. But Members should be aware of the possible further action on the Clean Water Act amendments in the event that there is an official veto by the President.

On Wednesday the House will meet at 2 p.m., and the remainder of the week at 11 a.m. on Thursday and Friday. Any further schedule over and beyond this announcement will be announced by the majority leader at that time.

Mr. MACK. Madam Speaker, will the gentlewoman yield?

Mrs. BENTLEY. I am happy to yield to the distinguished gentleman from Florida.

Mr. MACK. Madam Speaker, the purpose of my inquiry is to raise the question or make the statement I guess that February 5 is the deadline for the House to act on the question of the pay raise. If we do not act by that time, it automatically goes into effect.

I understand that the chairman of the Post Office and Civil Service Committee did, in fact, indicate that there would be some hearings I believe on Tuesday, February 3. I find it a little bit curious though that there has not been some kind of arrangement, some kind of setting aside of time to, in fact, deal with that issue should it, in fact, come out of the committee. I wonder if the gentleman could respond?

Mr. TRAFICANT. Chairman Ford has already announced that he has set in place a mechanism to deal with that in hearings. Perhaps the gentlewoman could yield to the distinguished chairman to further elaborate on that.

Mr. FORD of Michigan. Madam Speaker, will the gentlewoman yield?

Mrs. BENTLEY. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. I thank the gentlewoman for yielding.

Let me first correct what the gentleman from Florida said. I have just announced that we will have hearings on Monday and Tuesday, and we will go for whatever number of hours it takes to accommodate anyone who wants to be heard. We will also give preferential treatment to Members of the House, like the gentleman from Florida, who wish to be heard.

We have numerous requests from the administration and from the judges in particular, and we will accommodate them.

I want to tell you that we have already taken extraordinary action. If we were to wait until the normal formation of the subcommittees and their organization on my committee, there is no way that there could even be a hearing before the deadline runs out. For that reason, I took the extraordinary action of appointing a special task force and usurping the authority of the other subcommittees to go ahead immediately. My committee unanimously agreed to let me do this so that we could avoid the unfair criticism that we were not actually considering the question and not actually acting on it.

I cannot predict the outcome of the action by that subcommittee, and pending that I cannot speculate on what will follow.

Mrs. BENTLEY. I want to commend the chairman for taking this lead and this action to move ahead on this.

Mr. MACK. Madam Speaker, will the gentlewoman yield?

Mrs. BENTLEY. I yield to the gentleman from Florida.

Mr. MACK. I thank the gentlewoman for yielding.

Again, my question really was not directed as to whether there were going to be hearings. I acknowledge the fact, and again I thank the gentleman.

Mr. FORD of Michigan. If the gentlewoman will yield further, I will go further and would be willing to—of course, I can never commit a committee to do anything because it is a committee—but I would be willing to hazard a very strong guess that no one will be able to say that the Congress did not act on the President's recommendation. There will be some action on the President's recommendation and it will be by a record vote.

Mrs. BENTLEY. It will be a record vote on the floor?

Mr. FORD of Michigan. I did not say on the floor. I said a record vote.

Mr. MACK. Again, I just want to raise the point though that in the schedule for the next week I see there was some notification that we ought to be aware in case the President were to veto the Clean Water Act that we were going to deal with that issue. It seems to me we could have at least recognized that if, in fact, the Post Office and Civil Service Committee did report out a bill that the House could deal with, I would have hoped that it would have been acknowledged on the schedule. That was the only point I was raising.

Mr. FORD of Michigan. I have been assured by the leadership on both sides that if there is a resolution that has to be acted upon on the floor that they will give me an opportunity to bring it up, like a privileged resolution, and it will precede other business. So if we have something to bring to the floor it will get here.

Mr. MACK. I thank the gentleman.

Mrs. BENTLEY. I would like to ask the majority gentleman from Ohio [Mr. TRAFICANT] he mentioned that there would be an 11 a.m. session on Friday. Is a session really anticipated for Friday?

Mr. TRAFICANT. It is scheduled at this particular point. More than likely, it would be a pro forma session on Friday of next week. However, this is subject to further announcement from the majority leader, and there could be some changes.

So I would advise that we would more or less take that in abeyance and wait for his leadership and his report next week.

Mrs. BENTLEY. I thank the gentleman and have no further questions.

Mr. TRAFICANT. I would just like to also commend the words of Chairman FORD from the Post Office and Civil Service Committee and thank him for his leadership in addressing the issue of concern to both the majority and the minority.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. (Mr. PICKETT). Is there objection to the request of the gentleman from Ohio?

There was no objection.

ADJOURNMENT TO MONDAY, FEBRUARY 2, 1987

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1130

A NEW MARKET FOR FARM PRODUCTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, on Tuesday President Reagan stood before a joint session of Congress assembled and addressed the Nation on the State of the Union. He emphasized the need for competitiveness and calling for "giving our farmers a shot at participating fairly and fully in a changing world market."

The President could not have been more correct. To a great extent, agriculture is the fuel of the economic engine. It bodes ill for the rest of the economy if agriculture is depressed, and today agriculture is in critical condition. We need to continue to seek out and find new markets, and I'm sure the President agrees.

We need to recognize the importance of all markets, and there is a major market for our farm products that we have deliberately ignored—the Republic of Cuba.

The farmers want the market and the American people want to reduce the soaring trade deficits. The market is out there if we want it, but we have to go get it.

The Cuban market lies beckoning, full of hungry people, 90 miles off the Florida coast. Cuba can be a good deal for the American farmer, if we just allow him access to the market.

To illustrate the potential bounty that awaits our farmers upon opening up the Cuban market, we only need to cite figures on their imports: From 1981 to 1984, Cuba imported an annual average of 225.2 million dollars' worth of wheat, rice, soybeans, and feed grains; 199.6 million dollars' worth of dairy products; 5 8 million dollars' worth of cotton; and even 11.2 million dollars' worth of tobacco. That comes to a total annual average for those goods of roughly $489 million imported by Cuba.

In Cuba, a $50 million annual market for rice alone awaits our farmers.

For years, the closing of the Cuban market did not make an economic difference to us. The American farmer stood, as he had for decades, as a sort of colossus with a reaper astride a hungry world. We did not need Cuba's business.

But times have changed. Today the American farmer is locked in a mortal struggle for markets.

Under these circumstances, it seems foolish to voluntarily disqualify ourselves from a market next door that has a sales potential of about half a billion dollars a year.

That is why I intend to introduce next week a resolution urging the President to lift America's trade embargo against Cuba as it applies to farm products, and I invite Members to join me in this effort.

The farmers of Arkansas clearly support a resumption of agricultural trade to Cuba. A group of Farm Bureau members from Craighead County, AR, realized that Cuba represents a potential market of 300,000 metric tons last year—just about equal to the amount of surplus rice in storage in Arkansas this past autumn.

They persuaded the Craighead County Farm Bureau Federation to adopt a resolution November 3 calling for resumption of farm trade with Cuba.

The Craighead County resolution went before the Arkansas Farm Bureau Federation's annual convention in December, and the statewide organization followed Craighead County's lead and called for lifting of the embargo on farm trade with Cuba.

Similar actions have been taken by the Riceland Foods Board on November 20, 1986; by the national convention of the American Agriculture Movement on January 17; and by the Arkansas State Senate on January 27.

Opening the Cuba market may not save all farmers, but it would save some of them, and that is a goal well worth pursuing.

Cuba is one important example of many foreign markets for farmers that national policies ought to be seeking. There is a bipartisan movement underway in the 100th Congress to do everything in our power to encourage expansionist export policies, so that the farm products of Arkansas and America can once again flow throughout the world.

SOCIAL SECURITY CLAIMANTS' PROTECTION ACT INTRODUCED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BOUCHER] is recognized for 5 minutes.

Mr. BOUCHER. Mr. Speaker, today, along with our colleagues Mr. ROYBAL, Mr. FRANK, Mr. WAXMAN, Mr. QUILLEN, Mr. WISE, Mr. DERRICK, Mr. FAZIO, Mr. TALLON, Mr. MARTINEZ, and Mr. MFUME, I am introducing legislation which will restore fairness for all Social Security disability applicants. The bill I am submitting today will terminate the use of Government adversaries in the four Social Security offices nationwide where adversaries are currently in place. This legislation is identical to a measure which we introduced during the 99th Congress and which was unanimously approved by the House of Representatives.

In 1982, the Social Security Administration established the Social Security representation project and placed Government adversaries in Social Security offices situated in Baltimore, MD; Columbia, SC; Pasadena, CA; Brentwood, MO; and Kingsport TN. The Kingsport, TN Social Security office handles Social Security claims arising from the western half of Virginia's Ninth Congressional District.

In 1982, the administration's notice stated that the project would last for only 1 year. However, with the exception of the Brentwood, MO project, which has been terminated, the project has continued to present obstacles to Social Security claimants for more that 4 years.

Notwithstanding the fact that Congress never authorized the project, and that the House unanimously approved legislation last year which contained a provision to terminate the project, it expanded by 25 percent in 1986. Just last year, a U.S. district court judge declared the project unconstitutional, and only due to an appeal by the administration does it continue to operate.

The role of the adversary is to oppose disability and supplemental security income applicants who are represented by attorneys in hearings before administrative law judges. In addition to developing case records and appearing in opposition to claimants, these Government adversaries have the authority to call for the review of an ALJ decision with which they are dissatisfied, whether or not the claimant is represented by an attorney.

Among the purposes of the representation project as stated by the administration are: to improve the quality of hearing decisions, to increase the productivity of administrative law judges to reduce delays between the holding of hearings and the issuing of decisions and to reduce hearing costs. It is now apparent that the project has achieved none of these goals. In fact it has been counterproductive.

The use of adversaries has served to lengthen both the time required to conduct hearings and the period between the hearing and the issuance of decisions. The project has not reduced hearing costs—the best available estimates indicate that the project costs at least $450,000 per office. However, because numerous questions by the Congress and by a Federal judge concerning the cost of the project have either gone unanswered or have produced conflicting reports, the true cost of these adversaries is unknown.

Rather than assisting in case preparation, the SSARP has, at best, done nothing to ease the burden of case development, and at worst has caused some ALJ's to rely on Government adveraries to the detriment of the claimant.

The Social Security Administration's representation project has been improperly implemented from its inception. Not only does it violate the intent of the Social Security Act, it also violates the Secretary's published regulations in that it was advertised as nonadversarial but has been adversarial from the outset.

Mr. Speaker, the Social Security Administration's representation project is a failure. It has not achieved its goals, and it is fundamentally unfair to Social Security claimants. The legislation which I am introducing will end the use of Government adversaries in Social Security hearings. I urge my colleagues to join in this effort to terminate this unconstitutional and adversarial project.

BIOLOGICAL WEAPONS ACT OF 1987.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, today I, along with the distinguished gentleman from New York [Mr. FISH], am introducing legislation designed to give teeth to one of the most important international agreements ever entered into by the United States. The formal name of that agreement is the Convention of the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. It is also referred to as the Biological Weapons Convention, and as both names imply, its purpose has been to ensure that the horrors of biological warfare will never be visited upon mankind.

By way of background, the United States, in 1969, unilaterally renounced the use of biological weapons and pledged to destroy its existing stockpile. Coterminously, the United States and other nations were drafting the Biological Weapons Convention. In 1972, the administration endorsed the convention, and by the time the convention was ratified by the United States in 1975, the United States had destroyed all biological weapons in its possession. This policy of renunciation remains the official policy of the United States. In 1984, Secretary of Defense Caspar Weinberger stated, "The United States does not and will not possess biological or toxin weapons. We will not develop such weapons nor assist others to do so."

The purpose of the Biological Weapons Convention is to prohibit the development, production, stockpiling, acquisition or retention of first, biological agents or toxins of types and in quantities that have no justification for peaceful purposes; and second, weapons, equipment, and means of delivery designed to use such agents or toxins for hostile purposes.

The convention, which has been adopted by 102 nations, including the Soviet Union, specifically requires each party to take all measures necessary to prevent and prohibit within its territory, under its jurisdiction, or under its control anywhere, the activities proscribed. The Carter administration submitted legislation to this end, which I introduced in 1980. Regrettably, this administration has not seen fit to submit similar legislation. Because we are convinced that this matter should not and cannot admit of further delay, we have crafted a bill, modeled closely on the 1980 bill, to bring the United States into conformity with its international obligation.

Our legislation would subject to stiff fines and potential life imprisonment anyone—whether a private individual, a corporation, or a Government official—who knowingly develops, produces, stockpiles, transfers, acquires, retains or possesses any agent, toxin, or delivery system for the purpose of causing mass destruction, or who assists a foreign state or international organization to manufacture or otherwise acquire any agent, toxin, or a delivery system for such purpose. This is the very heart of the legislation. Remarkably, there presently is no Federal statute that directly prohibits and punishes those who would use biological weapons to wreak devastation on the United States. In addition, the bill provides definitions of the various technical terms, authorizes the Attorney General to seize and destroy biological agents, toxins, and weapons and to obtain injunctions against those planning to produce or use such contraband. Finally, and very importantly, our bill makes clear that the use of biological entities for peaceful purposes is not prohibited.

Mr. Speaker, biological weapons are fully the equal of nuclear weapons in terms of the horrors they can cause. The rapid advances recently made in gene-splicing technology gives science the ability to create super organisms that combine the most deadly features of a variety of organisms. And because deadly biological agents can be carried in a container as small as a test tube, and therefore can easily be hidden, biological weapons can be smuggled into the United States more easily than any other type of weapon of mass destruction.

It is clear to me that we must do everything in our power to prevent the use of biological weapons. Even if the United States had never ratified the Biological Weapons Convention our duty to outlaw these repugnant instruments of destruction would be clear. That we also have an international obligation under the terms of the convention presents an equally powerful reason for moving forward in this area without further delay.

ORDER OF BUSINESS

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BROWN] be recognized ahead of me on the special order sequence for today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CRISIS IN THE U.S. SPACE SCIENCE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 45 minutes.

Mr. BROWN of California. I thank the Chair.

Mr. TRAFICANT. Mr. Speaker, will the gentleman yield to me for a brief colloquy on a matter of importance to my district that I believe the country needs to know about?

Mr. BROWN of California. I am pleased to do that.

A DANGEROUS PRECEDENT IN HEALTH CARE

Mr. TRAFICANT. Mr. Speaker, I specifically ask the gentleman from California [Mr. BROWN] to engage in this colloquy for several reasons; one being that he has been here for many years; and second of all that I have great confidence in his decisions. I look at the tote board occasionally to check out his vote.

Earlier this day, I had made a brief statement relative to a day coming forward, May 15, 1987, that carries a tremendous burden for many of the LTV retirees relative to the extension of and the continued payment of their health and hospitalization benefits.

The reason I have asked for this, in all of your years in Congress and from the best of your ability, have you ever seen or ever heard of any corporation interpreting the law the way LTV did in taking on such an unprecedented action?

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for his question, and I am very glad that he raises that issue. I want to assure him that this is the first time in my experience that I have ever seen a corporation seek to evade its contractural responsibility in the way that this corporation has done.

I think it is a shame that this has occurred. I think that the Congress is going to have to examine the situation with regard to corporations such as LTV, and I might say that there are similar situations with regard to other companies, both in the steel industry and in other industries; and the Congress would be remiss in its responsibilities if it did not take cognizance of the situation and take appropriate corrective action.

Mr. TRAFICANT. Mr. Speaker, I want to thank the gentleman for affording me that opportunity, and I hope that the gentleman and the other senior Members that are known for their leadership in this body, who can in fact help to move forward legislation that would remedy this wrong, would become actively engaged and to help those parts of the country, now, that are really being injured.

I thank the gentleman for his time and his help in the past.

Mr. BROWN of California. Mr. Speaker, it has been a pleasure to discuss the matter.

Mr. Speaker, yesterday the Nation mourned the first anniversary of the tragic death of seven brave Americans who lost their lives when the space shuttle *Challenger* exploded over Cape Canaveral. Over the course of the past year, much attention has been given to the dramatic implications of the shutdown of our shuttle operations. Attention has been focused on the impact of the shuttle accident on military space activities, on commercial space efforts, and on the future of the Nation's space program in general. Of all the areas where the shuttle accident has taken a heavy toll, however, the area of space science has probably been hit the hardest. Already in a sorry state prior to the shuttle disaster, the Nation's Space Science Program is now in a state of crisis.

In this special order, the second in a series I am conducting on the Nation's space program, I will be focusing on the status of our Space Science Program. This is an area that deserves considerable attention at the present time, given the bleak situation that now prevails. Indeed, if steps are not taken soon to correct the situation facing space science, within the next decade the United States will see itself surpassed in space science by the Soviet Union, by the European Space Agency, and possibly by the space programs of other nations which are reaching for the heavens with impressive vigor.

Some U.S. space scientists already feel that the United States has lost its preeminence in this arena. Reports issued last year by the National Academy of Sciences' Space Science Board and by NASA's Space and Earth Sciences Advisory Committee both reached the conclusion that the Nation's competitive position in space science is now in question. The report from the NASA Advisory Committee was especially alarming, given that most of the document—which describes a program in almost complete disarray—was completed prior to the shuttle accident. Since the accident, the situation has gotten much, much worse.

Although NASA was conceived as an agency for research and development efforts in the space sciences, the past decade has confronted the Nation's top space scientists with a growing sense of frustration, disillusion, and outright anger. Space science efforts of all kinds have been terminated, postponed, delayed and scaled back. The hopes and expectations of established space researchers have been dashed on so many occasions—as the result of program cancellations and stretchouts—that some have simply thrown in the towel and left the field. And now, with the added frustrations caused by the shuttle accident, it will be increasingly difficult to attract new talent to the field. For, without the prospect of new space science launches, which provide the data necessary for young researchers to establish a space science career, talented graduate students that otherwise would look to NASA for a future will look elsewhere instead.

If this occurs—and it will occur unless action is taken to get the Nation's Space Science Program back on track—then the United States will fall even further behind in a field that has brought this Nation some of its greatest triumphs.

What this Nation has accomplished over the past 25 years in the field of space science and exploration is simply astounding. We have gone from the days when primitive satellites first circled the globe, to an era when satellites are absolutely indispensible for communications, weather forecasting, mapping the globe, and keeping the peace between the world's superpowers. We have gone from the first efforts to send a spacecraft to another planet, to the present day when we can successfully send a scientific probe billions of miles into space to fly past some of the most distant planets in our solar system and out into the uncharted reaches of the universe.

What space science provides this Nation is not simply prestige in one of the most dramatic and important areas of science and technology, although it provides plenty of that. NASA's space science efforts provide indispensible advances in our endless search for information about our planet's past, its future, and its place in time. Currently, however, the Nation's prestige and leadership in space science are jeopardized. Moreover, unless action is taken soon to correct this situation, NASA's spectacular accomplishments of the past 25 years will simply fade on the pages of history books.

What is needed is a new national commitment to leadership in space science. Such leadership will require specific policy statements made from the Nation's highest office: The office of the President. Leadership in space science will also require real funding increases for NASA's space science and exploration programs. In both of these areas—policy guidelines and budget support—the Reagan administration has been deficient. Space science has languished during this administration's 6-year reign, although it is not too late to change that situation. Indeed, in looking at the President's budget request for NASA for fiscal year 1988, a few hopeful signs can be identified. On the whole, however, the administration's 1988 budget request includes little that would alter the state of decline of our Nation's space science effort.

Mr. Speaker, for the interest of my colleagues, I would like to provide a survey of the administration's budget request for 1988, with an eye specifically focused on the space science areas. My attention will be focused on other portions of the NASA budget during future special orders.

In aggregate terms, the administration's budget request for NASA for fiscal year 1988 seems generous, calling for a 13-percent increase in funding over the fiscal year 1987 budget level. Much of this increase would help the agency recover from the shuttle accident. It would pay for additional personnel to ensure better safety procedures, and would continue the redesign efforts necessary to get the shuttle back into operation. These funding increases are necessary and important. In the section of NASA's budget responsible for space science and exploration, however, the administration's funding request represents an actual decline from last year's level.

The Office of Space Science and Applications [OSSA] is responsible for experiments in astronomy and astrophysics, planetary exploration, solar and space physics, and Earth science and applications. The budget for OSSA has remained roughly constant throughout the history of the space agency. However, while this budget has remained steady, the cost of doing space science has increased immensely. As scientific questions get answered, new questions emerge. As a result, the fields of scientific inquiry have expanded markedly. These factors have conspired to make competition extremely tight for funds within OSSA's unchanging budget. Fewer high cost missions can be funded, which has had a strangling effect on the Nation's space science community.

In the early days of space science and applications, budget support was steady and reliable. There was every reason to expect that once a project was approved, funding would be available to see it through to completion. In the 1970's, however, the White House and Congress began cutting and delaying programs, in order to save money over the short term. However, this approach to short-term savings resulted in serious long-term cost overruns. And as each space science mission got more expensive due to stretchouts and delays, even fewer space missions could be carved out of OSSA's budget. This resulted in further cancellations, delays, and scaling back of planned space science missions.

Programs that suffered from this policy include the Galileo Saturn Mission, Ulysses Solar Polar Mission, the Magellan Venus mapper, the Gamma Ray Observatory, and data reception from the Pioneer and Voyager Planetary Missions. This cycle of cancellations and stretchouts, leading to more cancellations and stretchouts has snowballed to a point where today a large percentage of the OSSA budget is taken up by paying for delays and stretchouts, resulting in a major loss in funding potential in OSSA.

As the grim reality of the conditions in OSSA have become widely known, the spirits of the Nation's top space scientists have plummeted. The current space science projects are manned by aging scientists who are frustrated by the Nation's inability to place dependable support behind OSSA and its projects. And there is little money or incentive for bright young doctoral students to devote their careers to a field with no guarantees and comparatively little compensation.

To keep young researchers involved in space science, funding must be improved at the university level. NASA has extensive data from past missions that has not been analyzed because funding has not been available. Improving university research and analysis programs with modest but significant funding increases would help attract and maintain new young scientists to NASA space science activities, while at the same time get the most out of past programs. While NASA will spend about $450 million in this area during fiscal year 1987, this amount is not enough compared to what is needed to recruit and maintain bright people to pursue a career in space science. NASA recommends increasing this amount by at least $20 million in fiscal year 1988. Revitalizing the research and analysis effort, however, would require more on the order of a $100-million increase.

Another relatively low-cost way of maintaining a steady flow of activity for space scientists is launching suborbital rockets with single science missions. A Ph.D. candidate in atmospheric science, for example, can complete a thesis during the course of preparing and launching one of these small rockets. When the space shuttle became available for space scientists, NASA began cutting back dramatically on suborbital programs. Currently, the suborbital effort is the only way for space scientists to loft experiments. Even with the shuttle, researchers had been plagued by uncertainties regarding shuttle launch opportunities. The suborbital program today is only $75 million in fiscal year 1987. This important program should be increased by 50 percent or more.

Continuing in the tradition of delays and program stretchouts, NASA's fiscal year 1988 request includes major reductions in two critical programs: the advancement communications technology satellite [ACTS] effort has been zeroed out completely, and the Mars Observer Program is being delayed by 2 years.

ACTS is a research project to test a number of key technologies that could vastly improve the communications satellites in use today. Communications satellites are rapidly reaching their saturation point of orbital slots and frequency bands. ACTS would use scanning beams controlled by the baseband processor which would automatically illuminate only those portions of the country which receive or transmit messages. These beams are rapidly formed and exist only for the time required. The results in an optimum use of the frequency spectrum and maximizes the potential data throughput. In other words, ACTS would have the capacity of more than five typical private sector communications satellites.

Even though the ACTS Program has received half its overall funding, the administration would zero out the program for the second year in a row. The administration's position is that the private sector should do its own research. While it is true that the private sector is capable, and in most cases willing, to do its own research, it simply does not have the resources necessary to compete with Government-sponsored research programs in Europe and Japan. Other countries have aggressive programs in advanced communications technology, and plan to deploy advanced technology satellites in the early 1990's. Japan, in fact, has had an operational advanced technology satellite in orbit since 1983.

The administration's failure to support the ACTS Program raises serious questions about the future of our Nation's satellite communications industry. For instance, will American telecommunications firms purchase their future satellites from Tokyo? Although the telecommunication field is not a major U.S. industry, it is not a miniscule effort either, and losing the market in this area to other countries seems absurd—especially since the United States did so much to create and develop the field of telecommunications.

At this stage of the ACTS Program, the administration is playing an irresponsible numbers game with the budget. By cutting ACTS, the administration is putting Congress in the difficult position of either compromising other NASA programs in order to keep ACTS alive, or increasing the overall NASA budget and risk public criticism for overspending. An investment of $85 million in ACTS is necessary during fiscal year 1988. If this money has to be reprogrammed from other space science efforts, it will simply cause more damage to the overall program.

Of additional concern in the administration's proposed budget for fiscal year 1988 is the cutback in the Mars Observer Program, which would deal a clear setback to the U.S. planetary exploration effort and international cooperation in space. The focus of the Mars mission is on the long-term characterization of the Martian surface and atmosphere. The Mars Observer Program was to be the first of a series of low-cost planetary missions which were outlined in 1983 by NASA's Solar System Exploration Committee. But, because NASA proposes to delay launching the mission from 1990 to 1992, the cost of the program will grow substantially, undermining the cost-effectiveness criteria of the mission. In addition, the upper stage and spacecraft are under fixed-cost contracts—a strong incentive for NASA to remain on schedule. To keep the Mars mission on track for 1990 would require $50 million.

But an increased cost for the program is not the only concern. Delay in launching the Mars observer will introduce a proportionate delay in the next U.S. space exploration mission. This will further despirit the Nation's space science community, which, faced with setback after setback, already is losing some of its top researchers. Delaying the Mars observer will also relinquish to the Soviet Union the United States lead in the exploration of Mars. The United States sent the first unmanned probe to Mars in 1964, the first orbiter to Mars in 1971, and the first landing craft to Mars in 1976. Now, however, the Soviet Union is about to take control of exploring the "red planet."

Two Soviet missions to Mars and its moons are scheduled for 1988 and 1992. Placing the United States spacecraft launch between the Soviet missions would allow for continuous monitoring of Mars for 6 years or more. The science of both nations would be greatly enhanced with this coordination. Indeed, such cooperation could help lay the groundwork for a series of increasingly ambitious United States-Soviet cooperative efforts in space leading to a joint manned mission to Mars. Keeping the Mars observer on track for a 1990 launch, and starting plans for more ambitious missions to Mars should be our goal.

If NASA can't find room on the shuttle for a 1990 launch of the Mars observer—due to a reduced flight rate and crowding on the shuttle because of backlogged military spacecraft—then NASA should look to utilize an expendable launch vehicle [ELV]. Congress and NASA have been pushing the need for a mixed launch fleet to assure access to space. Numerous space scientists have been urging that ELV's be procured for space science and exploration missions. Launching the Mars observer on an ELV would make perfect sense as the Nation's return's toward a mixed launch fleet policy.

NASA has completed a comprehensive study of civilian mixed fleet requirements and options for purchasing ELV's for the purpose of launching science payloads to make up for the launch hiatus and reduced launch schedule. A number of space science missions can easily be modified to fly on ELV's. Options for giving NASA a truly mixed fleet capability would require between $70 million and $300 million per year over the next 5 years. We need this additional launch capability, and must not delay a decision to move forward with assigning science missions to ELV's and begin the ELV procurement process. NASA has requested the purchase of only one Delta rocket in fiscal year 1988, to launch its cosmic background explorer. Additional ELV's should be ordered.

The only new project recommended to begin development in the fiscal year 1988 NASA budget is the global geospace mission [GGM]. This will be the U.S. contribution to the International Solar-Terrestial Physics Program, a global effort to study the interaction of the Sun-Earth system. Japan and Europe are also participating in this multinational effort. This effort will contribute to improving international space science, and deserves strong support.

One of the few science missions scheduled for launch by the space shuttle in fiscal year 1988 is the Hubble space telescope [HST], which will provide the ability to see seven times further into the universe than any telescope before it. Indeed, the advent of the Hubble telescope has been compared to the invention of the simple telescope about 370 years ago. What is not commonly understood about the Hubble telescope, however, is that it is simply one of four "great observatories" scheduled to orbit the Earth. The combined capability of the four telescopes will allow astrophysicists to view the universe through every band of the light spectrum: gamma rays, x rays, ultraviolet, visible light, infrared, and radio. Following the deployment of the Hubble telescope will be the gamma ray observatory [GRO], to be launched in 1990. The advanced x-ray astrophysics facility [AXAF] and the space infrared telescope facility [SIRTF] are the remaining two observatories, and have not yet been funded. The images from these four telescopes will provide an incredible new view, and hence, new understanding, of the universe.

It is encouraging that the Hubble telescope is scheduled to fly in 1988, with the gamma ray observatory to follow soon after. But the fate of the other two space observatories remain uncertain. After being in the wings for several years, NASA recommended that development work on the advanced x-ray astrophysics facility begin in fiscal year 1988. But the administration decided the program could be delayed, ignoring the fact that the true value of the observatories will be their ability to work simultaneously. Delays in launching elements of the entire system will greatly compromise the quality of the science.

Another space science program which is consistently bumped to the back burner is the comet rendezvous and asteroid flyby [CRAF] probe. This program should have been in the fiscal year 1987 NASA budget to start development work, but the administration rejected a new start on the program in fiscal year 1987, and has done so again in the fiscal year 1988 budget.

CRAF is also a recommended project of the Solar System Exploration Committee. Similar to the Mars observer, the CRAF technology would be used in a series of medium-cost solar system explorers. If the probe was ready for a 1992 launch, it could rendezvous with the comet Temple 2 on December 11, 1996. Near the orbit of Jupiter, the spacecraft would match the velocity of the comet and remain with it as it travels around the Sun. This project would provide a constant stream of data over a matter of weeks—compared to the mission of comet Halley which only had a brief encounter with the comet.

If the administration is serious about revitalizing space science, it could demonstrate this seriousness by supporting the comet rendezvous and asteroid flyby probe—which is a high priority for space scientists.

While numerous OSSA activities would be put on hold in fiscal year 1988, other portions of NASA's research and development effort would fare somewhat better. The Space Station Program is earmarked to receive $767 million next year. Although less than the $1 billion which NASA originally requested, it still represents a healthy increase for the program. As the space station effort prepares to begin construction this year, problems with international cooperation are becoming more complex. Indecisiveness at this point in the station's development could lead some legislators to see the space station as a place to cut Federal spending. I would hate to see this happen, and thus I am deeply concerned about delays in the space station effort.

The most recent hold-up in the space station effort is the Pentagon's sudden interest in using the station as a tool of the military. DOD interest has stalled NASA's negotiations with the space station's main partners: Europe, Japan, and Canada. After years of stated opposition to the station, the Defense Department has decided that it wishes to leave its options open for military use of the orbiting lab. DOD's involvement could raise a fundamental question about whether the orbiting lab is for civilian or military purposes. If the latter is the case, our international partners may want out of the project. This may be fine with the Pentagon, but the action could drive a deeper wedge between the United States and other spacefaring nations.

While NASA is in the middle of negotiations with DOD and its foreign partners over security issues of the space station, scientists have voiced concern about the station's scientific utility during the early manned operations. The NASA space station task force has been very critical of the station's initial operating capability. Fewer anticipated shuttle launches, reduced crew size, and increased dependence on the shuttle are making scientists worry that the science on the space station will be greatly diminished.

The low launch rate of the shuttle once it resumes flight will allow for fewer preparatory missions for space science before the station is ready. For example, less frequent shuttle flight will allow a handful of the spacelab missions needed to prepare science programs for the space station. As a result, many of the missions going on the station may be first generation experiments.

NASA has reduced the initial operating crew of the space station down to four from the planned number of six to eight. This cut in personnel will seriously diminish scientific productivity on the station. In addition to fewer crew members, a very high percentage of the shuttle's mid-1990's missions will be dedicated to space station assembly, which could frustrate even further our Nation's ability to conduct space science in orbit. For this reason, NASA should seriously consider a heavy lift vehicle to be used for station deployment. A number of viable and cost-effective options have been proposed for heavy lift capability. This approach would be good for space science, as well as for the integrity of the overall space program.

The space station has been called the next logical step in space. Implied in this statement is that the station is only part of a much larger space infrastructure which one day will extend to the Moon and the outer planets. While the space station is in the throes of reexamination, NASA is taking steps in the fiscal year 1988 budget to improve the technology base needed to build future parts of this space infrastructure. NASA is proposing the civil space technology initiative [CSTI] to do basic research on propulsion, space vehicles, science sensors, large space structures, power, and automation and robotics.

With these technology building blocks, we will be able to assemble an infrastructure as outlined in the report of the National Commission on Space. In its report, the Commission on Space takes a visionary look at the next 50 years in space. Beyond the space station, the report tells of permanent bases in a variety of Earth orbits and on the Moon to enhance space science and commerce. A vehicle that could ferry between the space stations is the orbital transfer vehicle [OTV] now being studied within the civil space technology initiative. The OTV would traverse between low-Earth orbit and geostationary orbit using the upper atmosphere to help change its orbit.

The most advanced work in leading edge space technology, however, has a line item of its own in the NASA fiscal year 1988 budget request—the national aerospace plane [NASP]. The NASP is a project which will culminate in the construction of a research vehicle with the ability to take off from a conventional runway and achieve necessary velocities to place itself into orbit.

The civil space technology initiative and the aerospace plane are encouraging efforts, but absent from the fiscal year 1988 budget was reference to any specific long-term goals in space. The administration has failed to address the fact that NASA has operated without agencywide direction since the days of the Apollo Program. The National Commission on Space, along with all the major space policy advisory bodies, has concluded that the space program lacks leadership and long-range goals. This lack of direction in the space program, due to the absence of a policy statement providing guidance, is what is killing the Nation's Space Science Program. For, without an overarching plan—laying out long-range objectives, priorities, and timelines—it is impossible to keep space science and exploration programs from being sacrificed year after year as the result of diffused and directionless decisionmaking.

Fortunately, there are indications that the administration will come forth with a new vision for space this year. We will welcome the President's leadership when it comes, but we could have used it months ago.

A coherent policy is essential to responsible budget oversight. In the absence of clear goals, the fiscal year 1988 NASA budget suffers from many of the same pitfalls that have plagued the agency for more than a decade.

Rebuilding the shuttle program out of the *Challenger* ashes must take priority in the fiscal year 1988 NASA budget. Unfortunately, the cost of the shuttle recovery effort is cutting into the research and development function of NASA, especially the Office of Space Science and Applications. The cancellation of the ACTS Program undermines the American drive toward international competitiveness. The delay in the Mars Observer will drive up costs for the program, cause delays in subsequent exploration missions, and jeopardize U.S. leadership in the exploration of Mars. For space science and applications to flourish, it will be necessary to ensure that projects, once approved, will not be subject to cutbacks, delays or cancellation.

Of additional importance, priority must be given to creating a stimulating and opportunity-rich environment that helps attract, retain, and inspire young space scientists. In this regard, the next 5 years will be critical, since opportunities for science activities aboard the space shuttle will be limited. Procuring ELV's for space exploration missions and for suborbital space projects could provide a significant boost to the field of space science. Additionally, more money should be invested in the analysis of data gathered from past missions. This could provide the fodder to help hang on to the talented young researchers that will be needed if this Nation hopes to regain its stature as the world leader in space science.

When the space shuttle *Challenger* exploded in flames 1 year ago, the Nation was left with a sense of emptiness. The tragedy devastated the optimism and sense of derring-do that had previously been a trademark of the U.S. space program. We must now work to regain the optimism, sense of direction, and dedication to leadership. The seven astronauts who lost their lives in the *Challenger* accident could hardly have hoped for more. Indeed, what better tribute could possibly be paid to those seven brave Americans than a reinvigorated, bold space program that invokes awe and amazement not only in the United States, but around the world? The time to set out such a program is now, and I urge my fellow colleagues to embrace such an effort. The reward for doing so will be experienced by generations to come.

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Mr. Speaker, I wish to express my very deep thanks to the distinguished gentleman from Texas who has so patiently allowed me to procede him. I hope that he has been inspired by my remarks as I am so frequently inspired by his remarks.

Again, I express my appreciation to the gentleman.

PERMISSION TO POSTPONE CONSIDERATION OF VETO MESSAGE ON WATER QUALITY ACT OF 1987 UNTIL TUESDAY, FEBRUARY 3, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that consideration of any veto message by the President on H.R. 1, the Water Quality Act of 1987, be postponed until Tuesday, February 3, 1987.

The SPEAKER pro tempore (Mr. Pickett). Is there objection to the request of the gentleman from Washington?

Mr. SCHUETTE. Mr. Speaker, reserving the right to object, and I will not object, I have been told that the gentleman from Illinois [Mr. Michel] has been informed of this, and we have no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

THE DEADLY HIGHBALL

The SPEAKER pro tempore (Mr. Pickett). Under a previous order of the House, the gentleman from Texas [Mr. Gonzalez] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I wish to make it clear that I certainly do not intend to use the 1 hour granted me in this special order.

Mr. Speaker, today I have introduced or rather reintroduced, this makes it the 20th year that I have, over a period of 20 years, have introduced and reintroduced in this, the 10th Congress to do so, what I call the National Hazardous Material Control and Prevention Act. It is one that I hope will, in the 100th Congress, the historical 100th, will receive some very definite attention and action. The Nation sorely and desperately needs it.

Mr. Speaker, the bill I have reintroduced today will face, head-on, a growing and a monstrous, menacing problem that citizens, children, women, old and young, are facing in the form of poison death either through noxious and poisonous gases or substances and materials and even such things as radiated, irradiated, toxic, highly poisonous, the most poisonous elements known to mankind. In fact, one of them, plutonium, was not even a matter that we can attribute to the Lord Almighty because only man has put together this most deadly of all poisons with a life of over 60,000 years. Only through manmade processes or man-taken actions has this been developed. It cannot be found in nature; God did not put it there, but we certainly have.

Every day of our lives in this country, whether in the rural communities or particularly in the denser parts of our urban communities, daily hurtling through either the central expressways by truck or by rail, these most deadly and hazardous of all materials and poisons. They range from substances such as sulphuric acid to the deadly gas that those of us in our childhood learned to fear because of its use in World War I, the chlorine gas and far more deadly substances that have been the byproducts of the nuclear age.

What I think is lamentable, to be deplored, condemned, is that nobody seems to think that even the most minimal of information ought to be supplied to the officials of these communities or the train crews or the truck drivers that are hauling these dangerous substances.

The fact remains that the citizens throughout our land are helpless victims and do not have even minimal control over what form of death they are daily being exposed to. In my area alone, just last year, 1986, we have had three very serious derailments of trains. Now, we did not have trucks overturning this last year that were considered to be dangerous; we did have some accidents. But we have had some in the past, not too long ago, Not more than 3 years ago, we had one truck that spilled deadly poison that could cause death on contact, fortunately, in an area that was outside of the city limits but which, nevertheless, created an emergency.

The thing most deplorable is that at the time of the happening of that accident, whether train or truck, there are no means of coping with that immediate danger. In my city of San Antonio, where now my district consists of the inner core or the heart of the city; not all of the city, in my first 8 years, the district was the entire county.

□ 1220

It was the second largest district in the country, but today it is that hardcore heart of the city of San Antonio. I have gone and made visual inspections and oversight visits to the points of crossing of these freights carrying these deadly poisons right through the middle of the city in the neighborhoods that we consider poor and, of course, nobody much paying attention until these accidents happen in the areas that are more affluent, like the last train accident last June 1986 in which an entire neighborhood, I would say middle or upper middle class neighborhood, was evacuated and the railroad in that instance doled out quite a number of hundreds of thousands of dollars in order to put some of these neighbors up in hotels and otherwise try to appease the resentment and the fears; but nothing really was done.

I think it is reflective of our growing lack of feeling and concern for human life as reflected in some of our national activities in other countries and territories, here domestically, where we see such cases as this derailment in which the material being transported caught fire and burned for 6 days. The response readiness of the community simply as improved as it has been in the last 3 years was hardly even minimally able to cope. Nobody knew exactly what the materials were. The train crews themselves were not even aware of the nature and content of the cargo they were transporting. Even their lives were on the line, too.

The fact remains that it was reported that two human bodies were found after 6 days and the fire having been put out. Nobody bothered to say they wondered who it could be. They just very casually dismissed it as probably two aliens, illegal aliens at that. This was the newspaper comment. it was presumed to be two illegal aliens riding the rods. Well, who knows, and let me say, who cares?

We have reached the point that I think is very sad, very dismal, and one that is very eloquent in the way of commentary on the level of acceptance of the cheapness of human life, the degrading of the dignity of a human being.

Those of us who have had the demoralizing experience of trying to represent a particular district such as mine where in the State of Texas I have the second lowest per capita family income, household income, and therefore naturally in response to confronting the obvious situation, I would be sponsoring those bits of legislation that I have in my entire political career, only to see the administration and the President announce that everything connected with those programs has been wrong and that somehow or other they must either be killed outright or reduced to inconsequential activities, whether it is student loans to help so many of those children of wonderful families who have the motivation, who have the ability, who have the intellectual capacity, but have to drop out, as 2,136 did last year alone in my district because of inability to meet the financial costs even of a college education, because the State legislature of Texas last year tripled the cost of tuition in our State-supported educational institutions. When I was in the State senate, all I had to do was have a little baby filibuster of 8 hours and kill the proposal to double the tuition fee at that time from $50 to $100, and succeeded in doing it, only to see that the first year I came to the Congress the legislature went on ahead and approved that increase; but to triple that is just simply such a disappointment that I do not have the words with which to express it.

So when it comes to these railroads, these trains that in our youth were still the main transportation means of transporting goods and human beings, passengers as well as freight, I remember the songs of the Depression, of the hoboes of that day, as we called them then, the ones who rode the rods; the hundreds of thousands of children 14, 15, 16 years of age who were roaming the country, families having to move away because of the dust menace and the Dust Bowl conditions of Oklahoma and the plight of the Okies, which we felt in Texas because those dust clouds came down that central avenue and hit Texas, too; but fortunately Texas being such a diverse State, the impact that was felt so deadly in Oklahoma was not felt to that extent in the State of Texas; however, I remember the songs of Woody Guthrie and I remember meeting Woody Guthrie and later Pete Seeger and remember the songs of those who became famous among them, among that fraternity of Americans, dispossessed, transients, but still writing the celebrated songs that will last forever. "Your land is my land," that was Woody Guthrie, at a time when everything would make him feel that the land did not belong to him, that he was being dispossessed from his native State of Oklahoma; but he sang songs of hope because he traveled with Americans and he met Americans, like those of us who have been demoralized by this administration and its leader, but who have had the chance to visit 65 communities throughout all the sections of our country and 33 States and they will tell you that is our hope; so that the songs of Woody Guthrie about the glory train, the train, the glory train that they were riding in the boxcars and the danger and the discomfort of riding in the highball. That was the priority freight that the owners of the railroads and the businessmen said had to go through, no matter what.

This is what we are having today, except they are not glory trains. They are deadly highballs, because given the conditions of the railroad system which have been allowed to deteriorate, and let me say by way of parenthesis that nobody has been a greater champion of the railroad system than I have, since my first year in the Congress when I introduced an interstate and international compact to provide the States of Texas, New Mexico, Arizona, and California, together with the Republic of Mexico, an international railroad compact in order to foster, stimulate and develop the construction of railroad tracks.

In the United States we have not had 10 miles of new tracks built since 1910; but in Mexico, where you have some of the most beautiful train rides, the train from the border of Texas, Ojinaga, across the border in the state of Chihuahua, up to Chihuahua City, over the plains where you can still see those Mormons who left the United States, the community that saw and gave birth to George Romney, our great American leader, over the Sierras in Chihuahua, over the copper canyon, the most beautiful site in the world, and then down to the Pacific and the tropics, in Topolobampo.

□ 1230

I would recommend to any Americans that if they want to really have a train ride greater than any in the Alps of Europe, for less than $50 you can get a round-trip from the border of Texas, across in Chihuahua in Ojinaga, across from Presidio, and then over, Chihuahua City, up the Sierra, down to the tropics. You will have the most exhilarating train ride you ever will have.

What do they have? They have French-made cars of great modern design. The Mexican railway used to have exclusively United States-made cars, but we have been beat to the line by the Europeans, who maintained a very adequate and viable track system.

In the United States not only have we allowed it to deteriorate, but we have done nothing to compensate for the increased and enhanced traffic on our highway roadbeds through truck traffic, and we still, despite our billions of dollars of expenditures on our Interstate Highway System, live in the stone age as far as that concern. We throw the heaviest kind of trucks, three-trailer trucks, right alongside of Hondas and compacts and motorcycles and bicycles. That I think in the future our children will say was really living in the stone age.

In the meantime the Congress has failed to respond to a most vital national need. There is not a community I know—I know mine does not—that has any information in the hands of the people who would be equipped and who are charged with the duty of trying to control the damage of trying to respond to a crisis and an emergency in order to save lives—to try to save as much property as possible, but mostly lives—that has one single bit of information as to the nature, the route, the quantity or volume, of the hazardous and most poisonous materials known to man that are daily hurtling through those communities.

I predicted 18 years ago that in my native city of San Antonio we were facing disaster. Just a year-and-a-half before that a childhood friend was imprisoned in her car with her small daughter on the side of a Houston expressway and suffocated to death because of chlorine gas, because a tank truck had turned over on that expressway, landed below in the road, and had exploded, or just burst open, disseminated this gas, and killed this family.

Then I began to make inquiries, but though I had first raised the question when I was on city council 33 years ago—more than 33 years ago—even today there is nobody on the local level that can obtain the information. On the State level I have been pressing the State legislatures for the last 15 years to try to set up State safeguards, State commissions. But the State commissions that have been set up depend almost 90 percent on Federal funding, and astoundingly, last year, because of Gramm-Rudman, the inspectors that had been funded by Federal funds were cut, and so the State of Texas has an inadequate number, not even one inspector for say the truck as distinguished from the railroad.

So what we are facing here is a real serious and crying need. In fact, I consider it an emergency. Yet it has been impossible to get the attention and the concentrated effort that is needed to forge legislation. So I have introduced and tried to perfect a bill, as I have introduced and reintroduced it for the last 20 or so years, that would set up or create a Federal hazardous material emergency response trust fund. It would be set up on the basis of a 2½-cent-per-ton fee on those that ship or see fit to transport these dangerous, poisonous, and hazardous materials.

That would provide no less than $100 million a year for this trust fund, which then could be used only on the basis of a distribution formula that would provide funds for the communities to set the resources that would enable them to have the information and also prepare for an emergency response, which no community that I know of has today in America.

On the national level it would reinforce some of the existing statutes that have been meaningless, because again on the national level, the Federal Railroad Administration is more of a lapdog of the industry than it is a watchdog in these matters, and therefore there is no enforcement of the container safety standards, for example.

We had the sulfuric acid spill in September a year before last in which we had a tremendous amount of sulfuric acid spilled, except that it was in the southwestern section of the county in a poor area where you were not going to get too many threats of lawsuits or anything. It had the same basic causes as the recent Federal Railroad Administration report on the last one of last June, mainly the faulty makeup of the train. There was the same cause in all three basic derailments that we have had in the San Antonio area in the last 1 year, 1½ years.

I think that would be the minimum that the Congress could afford to do. It would certainly not in any way endanger the budget or add to the deficit. It is no more, no less, than what is done in other areas of transportation such as in the case of the air transportation trust fund or the airport trust fund. I think that it is absolutely essential that our citizens know that something is being done to try to save their lives from unnecessary deaths.

I know that these things are easier conceived of and thought of than actually done. I also know that there is no such thing as any one individual perfecting the perfect bill. But I feel that at least the Congress ought to consider, ought to ponder, ought to debate, some legislation—whether it is my bill or something like my bill—or some effort on the national level to provide the kind of protection that is basic to a safe and decent way of life in our country.

There is no reason that we should allow this. If we can find ways to have communication satellities, such as my brilliant colleague from California, my predecessor speaker today, the gentleman from California [Mr. BROWN], has so brilliantly explained, why can we not have minimal communication among us here internally in the United States with respect to the routes, the volume, and the nature of the substances that are so dangerous once they are exposed to the atmosphere, to human existence.

Mr. Speaker, I yield back the balance of my time.

TIME FOR MR. AND MRS. MARCOS TO LEAVE?

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. RICHARDSON. Mr. Speaker, President Reagan would do all American citizens a big favor if he ordered Ferdinand and Imelda Marcos out of the United States, lock, stock, and barrel. Ever since they arrived in Honolulu, the Marcos' have caused nothing but trouble. They have been plotting coups, ripping off the United States taxpayer by not paying PX charges, and generally trying to influence U.S. foreign policy toward the Philippines.

By trying to destabilize the Aquino government, Marcos is hurting U.S. security interests. We have an investment in democracy in the Philippines as personified by Cory Aquino. We also have enormous security interests in the Philippine bases. We have expressed support for the ratification of the new Philippine Constitution that will be voted on Monday by the Filipino people.

Mr. Speaker, let us give Mr. Marcos a one-way ticket to join other oppressors of the world. I am sure he would be welcome in Pinochet's Chile; in Stroessner's Paraguay; or in Castro's Cuba. Let him stir up trouble elsewhere; he is not worth the aggravation.

Mr. Speaker, I include, for the information of the Members, the following newspaper article:

SOME NERVE IN THE PHILIPPINES

How Corazon Aquino must enrage her foes: she refuses to fight like a man. On the left, zealots thirst for martyrs and shootings, the stuff of revolution. So what does the President of the Philippines do? She opens her palace to fist-shaking demonstrators and orders her Cabinet ministers to greet them, for heaven's sake, in an arms-linked human chain of bureaucrats, businessmen, students and Roman Catholic nuns.

One can hear revolutionaries fuming at this stratagem, so obviously calculated to win votes in next Monday's plebiscite on the new constitution framed by Mrs. Aquino's year-old Government. One can hear the right-wing reactionaries as well, bemoaning their adversaries' failure to produce chaos.

Last Thursday the police fired into a crowd of 10,000 demonstrators, killing 18 and wounding scores. That was the usual way of dealing with protesters during the Ferdinand Marcos era. Indeed, the shootings occurred at the scene of bloody anti-Government riots in 1983. But Mrs. Aquino refused to play by the old rules. She admitted error and ordered an inquiry.

To those on the right, holding the military accountable for such offenses is akin to treason. In the Marcos era, soldiers were above the law, even when Benigno Aquino returned to Manila's airport in 1983 to his death. Doubtless nostalgia for those good old days ignited yesterday's attempted coup, in which anti-Aquino troops screaming "Marcos Forever!" seized a television station and tried to capture an airfield. The mutiny was quickly contained by the supposedly feeble Aquino regime.

There may be plenty to criticize about Mrs. Aquino. Perhaps she is mistaken in believing she can negotiate peace with Communist guerrillas; yet she is right to try, carefully. Perhaps she is wrong not to have honored pledges of land reform; maybe this will come after next week's vote.

But her achievements cry out for applause. The Philippine Republic is now the liveliest democracy in Asia, and more remarkably, the armed forces are committed to upholding that freedom. For this she shares credit with Gen. Fidel Ramos, the Chief of Staff, and a superlative Defense Minister, the retired Gen. Rafael Ileto.

A decisive victory next Monday for the new constitution would give momentum to the democratic cause and confirm Mrs. Aquino's title as President until her term expires in 1992. Hence the frantic attempt by far left and right alike to discredit her by blaming her regime for the disorder each is trying to provoke. Their schemes might succeed if only Mrs. Aquino played by the rules. Her refusal to do so marks her as a real revolutionary, a genuine original and a democrat.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries, who also informed the House that on the following date the President approved and signed joint resolutions of the House of the following titles:

On January 28, 1987:

H.J. Res. 88. Joint resolution extending the time within which the President may transmit the Economic Report to the Congress; and

H.J. Res. 93. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the Long Island Rail Road labor-management dispute.

□ 1240

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 100-2)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Joint Economic Committee and ordered to be printed.

(For message, see proceedings of the Senate of today, Thursday, January 29, 1987.)

RACIAL TENSIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] is recognized for 15 minutes.

Mr. CONYERS. Mr. Speaker, our colleague from Texas, Mr. GONZALEZ, has in a previous special order raised a number of very important points in connection with the legislation that he introduced today. I want to tell the gentleman who is on the floor that I hope to be the first cosponsor of his legislation, and that I enjoyed the discussion, in which he placed the legislation, in which he reviewed a number of contemporary subjects which I think are important for the American people and those of our colleagues who are looking and watching.

The 14 terms that the gentleman from Texas, HENRY GONZALEZ, has spent in this House, the experience that he has gathered on the Banking, Finance and Urban Affairs Committee, his close association and work with many different constituencies in the caucus, not the least of which is the Congressional Black Caucus itself, lends me to commend him for the great work that he is doing and point out a comparison between some of my work that may have some relationship with some of his.

As the chairman of the Criminal Justice Subcommittee of the Committee on the Judiciary, I have been very concerned about racially and religiously motivated violence about some of the problems of race relations and how we improve them that Dr. Martin King, Jr., addressed so eloquently during his short lifetime, which was recently remembered and celebrated with his holiday. We have a connection, it seems to me, between some of these economic questions and some of the racial incidents that are marring the society, that are jarring us in headlines and in television, and I just would like to approach some points of the subject that the gentleman raised from the point of view of the disturbing incidents of violence that seem to be racially motivated.

Now it goes beyond blacks. It now includes Arab-Americans. Alex Odeh was murdered in Los Angeles. He was a noted leader in human relations and the executive director of the Arab-American Discrimination League in Los Angeles.

□ 1250

His death has been under investigation by the FBI now for more than a year. We have had hearings on it.

Recently in Boston I was met by a number of people who were telling me about the increase in violence directed toward Asian-Americans; and that also is going on in New York and San Francisco.

In the Western States, Jewish-Americans are being subjected to victimization. In Denver, CO, a disc jockey was murdered very brutally.

Our colleague from Kansas, Mr. GLICKMAN, introduced legislation to specifically make criminal the desecration of religious institutions because so many Jewish synagogues have been hit.

We passed a "hate crime statistics" in the House overwhelmingly to require the Department of Justice to keep track specifically of these kinds of crimes. The distinguished Senator from New York [Mr. MOYNIHAN] is going to introduce that legislation in the Senate so that we may quickly pass it into the law and get the Department of Justice working on it.

It seems to me there is a connection between some of the economic dislocation, the unemployment, the joblessness, the closing down of plants and the throwing out of workers, the family farmer in his plight, who is being literally driven off the land. All of these problems are exceedingly related, it seems to me, to many of the remarks that the gentleman from Texas [Mr. GONZALEZ] made mention of.

Mr. Speaker, I yield to him at this point.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman, because he is touching cards in my memory and heart that I think are very much in keeping with accounting for my thinking and my behavior.

I was born in San Antonio, TX, in 1916, and the house that I lived in until the day I left to get married—my father had come from Mexico, actually for his life. He had been scheduled to be executed. He was put up before the wall and saved by a woman revolutionary, Juana Lopes, whose husband and son my father had saved from the Federales just 3 years before.

As I grew up, I grew in a world in which we had strict segregation. The particular group I came from was a minority at that time, but it was a numerous minority. I noticed that when I went to the creek to play, there was a very friendly little fellow. He happend to be black, but I did not particularly pay attention until he told me that he could not come across to the other side of the creek to go to the drugstore with me, and I could not figure it out.

One of the earliest memories I have is my mother taking me, at about the age of 5, 6—could not have been 6; less than 6—on the streetcars that then operated in San Antonio to the corner there, about a block and a half away from Upson Street where I had been born, to the corner of Cadwalder and North Flores.

We boarded the streetcar, and it was full except two seats in the back where they had a little wooden poster sign that said, "Reserved for Colored." So my mother said, "Well, come on, let's go sit down over there." She could not speak English. The conductor—we went and sat on the first seat behind the sign that said "For Colored Only." The conductor came, furious—I will never forget, to me he seemed like a giant. I do not know how big he would seem today—and he said, "Lady, you are not supposed to sit here. This is for the blacks." He did not use the word blacks. But the word they had on the thing was "for colored."

My mother said to me "Que dice?" Well, I did not know English, either; so then I began to get frightened, because the man began to physically try to grab my mother and force her to get out, and stand. And my mother said, "I'm not going to stand. I'm going to sit here" in Spanish.

So finally he went back and drove the streetcar in to the center of Houston and North Flore Streets; and I never got over that. It was a frightening experience; I saw that this man was getting very excited and angry and I thought he was going to hit my mother; and then later my mother would comment on that. She would say, "How ridiculous." It did not make sense to her.

Then when I was on the city council, 1953, San Antonio was one of the cities that has inherited segregation. It had never bothered to pass segregatory ordinances, because the Americans of black descent have never been more than 7½ percent. They are really a minority within numerous minorities that today in San Antonio is really about a majority by 1 percent, it is about 51 percent, the Mexican-American element in San Antonio today is about 51 percent. At that time it could not have been more than 29, 30 percent.

So that all of a sudden we have, in 1954, the Brown versus School Board decision; and the council gets all excited, they call first a secret meeting and say "Hey, what are we going to do about this?" And the city manager says:

> Well, I'm a former FBI, and I have received information that if we open the public swimming pools in 2 weeks, we are going to have violence, because I heard that some Negroes are going to try to force themselves into the Woodlawn Swimming Pool.

All of a sudden they were instructing the city attorney to devise segregatory ordinances; and I could not figure it out. I said, "But this doesn't make sense."

So when they called the formal meeting, of all things, ironically, on June 19, which is commonly known as "June-teenth" because that is emancipation day in Texas, the city council passed, 8 to 1, a series of segregatory ordinances that were ridiculous on their face.

One said that the golf links, the public golf links, to be used by what—they used the word "Negroes"—on Thursdays from 2 p.m. to 7 p.m. The municipal auditorium, only the balcony on Tuesdays, if they wanted to use it. The swimming pools were absolutely prohibited.

I vociferated my objection; I had threats, I had a raw, burning cross, very poorly constructed; and then of all people, a sergeant on the police force comes out condemning me and saying that he is the organizer of the White Citizens Council in the San Antonio Police Department.

Mr. CONYERS. What year was this?

Mr. GONZALEZ. This was 1954.

Well, what happened? I have survived; they have not. I had the great honor of 2 years after that, on April 19, 1956, submitting the complete desegregatory ordinance, and was able to convince four of the dissenting councilmen to at least come out publicly and join us, and we made it unanimous; and San Antonio is the first city south of the Mason-Dixon line, that completely desegregated, in 1956.

So this is the reason for whatever I say; I am very conscious because I try to represent every single element in my district, and I have a very wide-ranging sociological-economic and ethnic and racial cross-section, and I just try to represent it fairly. I do not claim to be any kind of a hero or anything, but I remember the struggle; I remember before Martin Luther King was a name, at least in that part of Texas, I remember the meanness—but it was all born out of fear.

When we have an economic downturn, these ugly sentiments and, born out of fears—a citizen fears another, for whatever reason.

I had a letter today from an American Jewish organization, saying, would we speak out on the very scurrilous material that is being printed and distributed, disseminated on the protocols of the Elders of Zion, which is a great calumny. But yet, you will find, my dear colleague, and one who I consider a leader and honor him—I remember when we were both kind of young and fresh here, that the gentleman from Detroit confronted by going among the people, the terrible feelings and resentments that were pent up.

So I want to say that I am the one that is grateful to the gentleman. I deeply appreciate his kind words, and particularly at a time when we do not get too many kind words.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Texas [Mr. GONZALEZ] for those observations. His experiences are incredible, and I think they are an important part of the history of the Congress.

Rev. Jesse Jackson tried to tie these two subjects of the economic downturn, the joblessness on the one hand and the increase of racial tensions on the other and to explain the relationship between them. I think he did so very magnificently in the New York Times on January 28, and I submit this article, which I commend to all my colleagues, be printed in its entirety in the RECORD at this point:

[From the New York Times, Jan. 28, 1987]

ATONEMENT FOR RACIST EPISODES ISN'T ENOUGH

(By Jesse Jackson)

WASHINGTON.—Howard Beach, N.Y. Forsyth County, Ga. The Citadel in South Carolina. The University of Massachusetts at Amherst. These are new place names on the map of racial violence. As symbols, they remind us that the agenda of the Rev. Dr. Martin Luther King Jr. is still unfinished, that race-conscious behavior continues to endanger our society.

But there is another danger: that these incidents will be seen as isolated episodes and not as broad reminders that much work remains to be done to complete the King agenda—that is, as substitutes for that agenda.

The white working people who live in Queens County and in Forsyth County did not design the economic policy that is costing Americans jobs, closing off education and limiting health care. They cannot invest in the stocks and bonds whose prices soar—while the Federal deficit grows and the trade deficit threatens those middle-class jobs that remain.

The truth is that black, white and Hispanic workers are economic neighbors, sharing assembly lines, lunchrooms and public transportation. We wait on line together for unemployment insurance and for bleacher seats at the stadium where our young men perform as modern gladiators while the business elite enjoy their tax deductible view. Our young people work together at whatever jobs they can find; enlist together in the armed forces and serve together in the same battalions.

There is, in fact, more integration in Queens County than in the board rooms of our major newspapers, or any television network or any Wall Street firm. Those good, comfortable people who react with righteous indignation to the headlines about Howard Beach work in more segregated offices, send their children to more segregated schools, go home to more segregated communities than the residents of Howard Beach.

Dr. King's dream is closer to reality in Queens than on Wall Street.

Meanwhile, for the last six years, President Reagan and his Administration have combined regressive economics with race conscious behavior. Mr. Reagan has never met with the Congressional Black Caucus or with the national civil rights leadership. He has suggested that the question is still open as to whether Dr. King was a Communist—17 years after that great man's death. Representative Charles Rangel, an expert on drug policy, was excluded from a meeting on that subject in the White House because there was "no chair." The White House is more segregated than Howard Beach.

From his earlier language that drew the Ku Klux Klan to his 1980 campaign opener in Philadelphia, Miss., where in 1963 two Jews and a black had been killed in the civil rights struggle; to the Presidential trip to Bitburg, West Germany, where so many Jews died; to the veto of sanctions against South Africa; to the nomination of a Chief Justice whose house deed prevented Jews from buying, Mr. Reagan has sent a consistent series of signals across the land.

The farmers in Forsyth County feel like an endangered species. What can they expect from an Administration that has presided over the decimation of family farming? When people lose their hope, it is hard for them to be open minded. When they are worried about their jobs, their homes, their children's future—when they fear they are losing everything of value, then they will place to much value on the color of their skins—because that is all that they have left.

That is why we cannot allow short-term efforts to atone for these ugly incidents to become a substitute for a national economic strategy and moral leadership in the White House. Of course, the killers of Howard Beach must be punished. People of good will must speak out against racial violence everywhere, against anti-Semitic behavior and anti-Hispanic policies. But to focus on these issues in isolation would be a tragic mistake.

We must move beyond the battleground of race-conscious behavior onto the common ground of economic progress. Instead of confronting one another at the pizza parlor, we must march together to the factory gates. Howard Beach and Harlem are two sides of the same coin—and that coin has been devalued by Reaganomics.

We must speak out together against plant closings that happen without prior notice; against economic royalism while thousands of workers lose their jobs; against factories fleeing to third world countries, where workers' health and safety is ignored and union organizing is forbidden.

We must speak out for racial justice. And we must work for an economic policy that takes the lives of working people seriously; an economic strategy that encourages joint ventures between local governments and local plants, building mutual commitments among manufacturers, consumers and communities; for new strategies that will give workers and local government the technical assistance and financial backing to keep plants open and profitable.

We must insist on an end to sex and race discrimination in the workplace, for an end to huge bonuses for management when workers are being penalized, for a national health program and a national housing policy, for education that prepares our children for the future and for a national Administration that once again gives our children reason to hope.

□ 1300

There is one part in the article which I would like to quote:

The farmers in Forsyth County feel like an endangered species. What can they expect from an Administration that has presided over the decimation of family farming? When people lose their hope, it is hard for them to be open minded. When they are worried about their jobs, their homes, their children's future—when they fear they are losing everything of value, then they will place too much value on the color of their skins—because that is all that they have left.

That is why we cannot allow short-term efforts to atone for these ugly incidents to become a substitute for a national economic strategy and moral leadership in the White House. Of course, the killers of Howard Beach must be punished. People of good will must speak out against racial violence everywhere, against anti-Semitic behavior and anti-Hispanic policies. But to focus on these issues in isolation would be a tragic mistake.

We must move beyond the battleground of race-conscious behavior onto the common ground of economic progress. Instead of confronting one another at the pizza parlor, we must march together to the factory gates. Howard Beach and Harlem are two sides of the same coin—and that coin has been devalued by Reaganomics.

We must speak out together against plant closings that happen without prior notice; against economic royalism while thousands of workers lose their jobs; against factories fleeing to third world countries, where workers' health and safety is ignored and union organizing is forbidden.

We must speak out for racial justice. And we must work for an economic policy that takes the lives of working people seriously; an economic strategy that encourages joint ventures between local governments and local plants, building mutual commitments among manufacturers, consumers and communities; for new strategies that will give workers and local government the technical assistance and financial backing to keep plants open and profitable.

We must insist on an end to sex and race discrimination in the workplace, for an end to huge bonuses for management when workers are being penalized, for a national health program and a national housing policy, for education that prepares out children for the future and for a national Administration that once again gives our children reason to hope.

So I think that our discussion today, the gentleman's legislation, the article by Rev. Jesse Jackson, are all matters that I think this 100th Congress will be exploring as this session proceeds.

Mr. Speaker, I yield back the balance of my time.

SUBMISSION OF RULES OF THE COMMITTEE ON APPROPRIATIONS OF THE HOUSE FOR THE 100TH CONGRESS

Mr. WHITTEN. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Appropriations for the 100th Congress for printing in the RECORD. These rules were adopted by the committee on January 22, 1987.

COMMITTEE ON APPROPRIATIONS

COMMITTEE RULES

(Adopted for the 100th Congress on January 22, 1987)

Resolved, That the rules and practices of the Committee on Appropriations, House of Representatives, in the Ninety-ninth Congress, except as otherwise provided hereinafter, shall be, and are hereby adopted as the rules and practices of the Committee on Appropriations in the One-hundredth Congress.

The foregoing resolution adopts the following rules:

SEC. 1: POWER TO SIT AND ACT

For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House of Representatives, the Committee or any of its subcommittees is authorized:

(a) To sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(b) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, reports, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman, or any Member designated by the Chairman, may administer oaths to any witness.

(c) A subpoena may be authorized and issued by the Committee or its subcommittees under subsection 1(b) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members of the Committee voting, a majority being present. The power to authorize and issue subpoenas under subsection 1(b) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

(d) Compliance with any subpoena issued by the Committee or its subcommittees may be enforced only as authorized or directed by the House.

SEC. 2: SUBCOMMITTEES

(a) The Majority Caucus of the Committee shall establish the number of subcommittees and shall determine the jurisdiction of each subcommittee.

(b) Each subcommittee is authorized to meet, hold hearings, receive evidence and report to the Committee all matters referred to it.

(c) All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the Majority Members of the full Committee, consideration is to be by the full Committee.

(d) The Majority Caucus of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee. The Chairman is authorized to negotiate that ratio with the Minority. Provided, however, that party representation in each subcommittee, including ex-officio members, shall be no less favorable to the Majority than the ratio for the full Committee.

(e) The Chairman is authorized to sit as a Member of any subcommittee and to participate in its work.

SEC. 3: COMMITTEE STAFF

(a) The Chairman is authorized to appoint the staff of the Committee, and make adjustments in the job titles and compensation thereof subject to the maximum rates and conditions established in Clause 6(c) of Rule XI of the Rules of the House of Representatives. In addition he is authorized, in his discretion, to arrange for their specialized training. The Chairman is also authorized to employ additional personnel as necessary.

(b) The chairman of each subcommittee may select and designate a staff member who shall serve at the pleasure of the subcommittee chairman. Such staff member shall be compensated at a rate not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to these provisions.

(c) The ranking minority member of each subcommittee may select and designate a staff member who shall serve at the pleasure of the ranking minority member. Such staff member shall be compensated at a rate not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to these provisions.

(d) The Chairman, and the Ranking Minority Member with the approval of the Chairman, may each select and designate a staff member at an annual gross salary of not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives and may each select and designate one additional staff member.

(e) Each member not mentioned in subsections (a), (b), (c), or (d) of this section may select and designate a staff member who shall serve at the pleasure of that member. Such staff member shall be compensated at a rate, determined by the member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no member shall appoint more than one person pursuant to subsections (a), (b), (c), (d), or (e); Provided further, That members designating a staff member under this subsection must specifically certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

(f) In addition to any staff members appointed pursuant to any other subsection of this section, each Member may select and designate one additional staff member who shall serve at the pleasure of that Member. Such staff member shall be compensated at a rate, determined by the Member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to this subsection; Provided further, That Members designating an additional staff member under this subsection must specifically certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

SEC. 4: COMMITTEE MEETINGS

(a) Regular Meeting Day—The regular meeting day of the Committee shall be the first Wednesday of each month while the House is in session, unless the Committee has met within the past 30 days or the Chairman considers a specific meeting unnecessary in the light of the requirement of the Committee business schedule.

(b) Additional and Special Meetings:

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Committee Members desire that a special meeting of the Committee be called by the Chairman, those Members may file in the Committee Offices a written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Upon the filing of the request, the Committee Clerk shall notify the Chairman.

(3) If within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Committee Members may file in the Committee Offices their written notice that a special meeting will be held, specifying the date and hour of, and the measure or matter to be considered. The Committee shall meet on that date and hour.

(4) Immediately upon the filing of the notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be consdered at the special meeting.

(c) Ranking Majority Member to Preside in the Absence of Chairman—If the Chairman is not present at any meeting of the Committee, the Ranking Majority Member on the Committee who is present shall preside.

(d) Business Meetings:

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee and its subcommittees shall be open to the public except when the Committee or its subcommittees, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed.

(2) No person other than Committee Members and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed.

(3) The provisions of this subsection do not apply to open hearings of the Committee or its subcommittees which are provided for in Section 5(b)(1) of these Rules or to any meeting of the Committee relating solely to internal budget or personnel matters.

(e) Committee Records:

(1) The Committee shall keep a complete record of all Committee action including a record of the votes on any question on which a roll call is demanded. The result of each roll call vote shall be available for inspection by the public during regular business hours in the Committee Offices. The information made available for public inspection shall include a description of the amendment, motion, or other proposition and the name of each Member voting for and each Member voting against, and the names of those Members present but not voting.

(2) All hearings, records, data, charts, and files of the Committee shall be kept separate and distinct from the congressional office records of the Chairman of the Committee. Such records shall be the property of the House and all Members of the House shall have access thereto.

SEC. 5: COMMITTEE AND SUBCOMMITTEE HEARINGS

(a) Overall Budget Hearings—Overall budget hearings by the Committee, including the hearing required by Sec. 242(c) of the Legislative Reorganization Act of 1970 and Clause 4(a)(1) of Rule X of the Rules of the House of Representatives shall be conducted in open session except when the Committee in open session and with a majority present, determines by roll call vote that the testimony to be taken at that hearing on that may be related to a matter of national security; except that the Committee may by the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy furnished to each Member, Delegate and the Resident Commissioner from Puerto Rico.

(b) Other Hearings:

(1) All other hearings conducted by the Committee or its subcommittees shall be open to the public except when the Committee or subcommittee in open session and with a majority present determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present at a hearing conducted by the Committee or any of its subcommittees, there being in attendance the number required under Section 5(c) of these rules to be present for the purpose of taking testimony, (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Clause 2(k)(5) of Rule XI of the rules of the House of Representatives or (2) may vote to close the hearing, as provided in Clause 2(k)(5) of such rule. No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or its subcommittees unless the House of Representatives

shall by majority vote authorize the Committee or any of its subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public; Provided, however, That the Committee or its subcommittees may by the same procedure vote to close five subsequent days of hearings.

(2) Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(3) Each witness who is to appear before the Committee or any of its subcommittees as the case may be, insofar as is practicable, shall file in advance of such appearance a written statement of the proposed testimony and shall limit the oral presentation at such appearance to a brief summary, except that this provision shall not apply to any witness appearing before the Committee in the overall budget hearings.

(c) Quorum for Taking Testimony—The number of members of the Committee which shall constitute a quorum for taking testimony and receiving evidence in any hearing of the Committee shall be two.

(d) Calling and Interrogation of Witnesses:

(1) The Minority Members of the Committee or its subcommittees shall be entitled, upon request to the Chairman or subcommittee chairman, by a majority of them before completion of any hearing, to call witnesses selected by the Minority to testify with respect to the matter under consideration during at least one day of hearings thereon.

(2) The Committee and its subcommittees shall observe the five-minute rule during the interrogation of witnesses until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

(e) Broadcasting and Photographing of Committee Meetings and Hearings:

(1) The Chairman is authorized to determine the extent and nature of broadcasting and photographic coverage for the overall budget hearing and full Committee meetings and hearings, subject to the guidelines for such coverage set forth in Sec. 116(b) of the Legislative Reorganization Act of 1970 and Clause 3(f) of Rule XI of the Rules of the House of Representatives.

(2) Unless approved by the Chairman and concurred in by a majority of the subcommittee, no subcommittee hearings or meetings shall be recorded by electronic device or broadcast by radio or television.

(3) Unless approved by the subcommittee chairman and concurred in by a majority of the subcommittee, no subcommittee hearing or meeting or subcommittee room shall be photographed.

(4) Broadcasting and photographic coverage of subcommittee hearings and meetings authorized under the provisions of (2) and (3) above shall be subject to the guidelines for such coverage set forth in Clause 3(f) of Rule XI of the Rules of the House of Representatives.

(f) Subcommittee Meetings—No Subcommittee shall sit while the House is reading an appropriation measure for amendment under the five-minute rule or while the Committee is in session.

(g) Public Notice of Committee Hearings—The Chairman is authorized and directed to make public announcements of the date, place and subject matter of Committee and subcommittee hearings at least one week before the commencement of such hearings. If the Committee or any of its subcommittees as the case may be, determines that there is good cause to begin a hearing sooner, the Chairman is authorized and directed to make the announcement at the earliest possible date.

SEC. 6: PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) Prompt Reporting Requirement:

(1) It shall be the duty of the Chairman, except as provided in subsection (3) herein, to report or cause to be reported promptly to the House any bill or resolution approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, a report on a bill or resolution which the Committee has approved shall be filed within seven calendar days (exclusive of days in which the House is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of Committee Members, for the reporting of such bill or resolution. Upon the filing of any such request, the Committee Clerk shall notify the Chairman immediately of the filing of the request. This subsection does not apply to the reporting of a regular appropriation bill prior to compliance with subsection (3) herein or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(3) Before reporting the first regular appropriation bill for each fiscal year, the Committee shall, to the extent practicable and in accordance with Sec. 307 of the Congressional Budget Act of 1974, complete subcommittee markup and full Committee action on all regular appropriation bills for that year and submit to the House a report comparing the Committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to concurrent resolution on the budget for that year.

(b) Presence of Committee Majority—No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(c) Roll Call Votes—With respect to each roll call vote on a motion to report any bill or resolution, the total number of votes cast for, and the total number of votes cast against, the reporting of such a bill or resolution shall be included in the Committee report.

(d) Compliance with Congressional Budget Act—A Committee report on a bill or resolution which has been approved by the Committee shall include the statement required by Sec. 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the bill or resolution provides new budget authority.

(e) Inflationary Impact Statement—Each Committee report on a bill or resolution reported by the Committee shall contain a detailed analytical statement as to whether the enactment of such bill or resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(f) Changes in Existing Law—Each Committee report on a general approriation bill shall contain a concise statement describing fully the effect of any provision of the bill which directly or indirectly changes the application of existing law.

(g) Rescissions and Transfers—Each bill or resolution reported by the Committee shall include separate headings for rescissions and transfers of unexpended balances with all proposed rescissions and transfers listed therein. The report of the Committee accompanying such a bill or resolution shall include a separate section with respect to such rescissions or transfers.

(h) Supplemental or Minority Views:

(1) If, at the time the Committee approves any measure or matter, any Committee Member gives notice of intention to file supplemental, minority or additional views, the Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by the Member, with the Clerk of the Committee. All such views so filed shall be included in and shall be a part of the report filed by the Committee with respect to that measure or matter.

(2) The Committee report on that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority or additional views which have been submitted by the time of the filing of the report, and

(ii) shall have on its cover a recital that any such supplemental, minority or additional views are included as part of the report.

(3) Subsection (h)(1) of this section, above, does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority or additional views has been made as provided by such subsection; or

(ii) the filing by the Committee of a supplemental report on a measure or matter which may be required for correction of any technical error in a previous report made by the Committee on that measure or matter.

(4) If, at the time a subcommittee approves any measure or matter for recommendation to the full Committee, any Member of that subcommittee who gives notice of intention to offer supplemental, minority or additional views shall be entitled, insofar as is practicable and in accordance with the printing requirements as determined by the subcommittee, to include such views in the Committee Print with respect to that measure or matter.

(i) Availability of Reports—A copy of each bill, resolution or report shall be made available to each Member of the Committee at least 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in advance of the date on which the Committee is to consider each bill, resolution, or report; Provided, That this subsection may be waived by agreement between the Chairman and the Ranking Minority Member of the Full Committee.

SEC. 7: VOTING

(a) No vote by any Member of the Committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

(b) The vote on any question before the Committee shall be taken by the yeas and nays on the demand of one-fifth of the Members present.

SEC. 8: STUDIES AND EXAMINATIONS

The following procedure shall be applicable with respect to the conduct of studies and examinations of the organization and operation of Executive Agencies under authority contained in Sec. 202(b) of the Legislative Reorganization Act of 1946 and in Clause 2(b)(3) of Rule X, of the Rules of the House of Representatives.

(a) The Chairman is authorized to appoint such staff and, in his discretion, arrange for the procurement of temporary services of consultants, as from time to time may be required.

(b) Studies and examinations will be initiated upon the written request of a subcommittee which shall be reasonably specific and definite in character, and shall be initiated only by a majority vote of the subcommittee, with the chairman of the subcommittee and the ranking minority member thereof participating as part of such majority vote. When so initiated such request shall be filed with the Clerk of the Committee for submission to the Chairman and the Ranking Minority Member and their approval shall be required to make the same effective. Notwithstanding any action taken on such request by the chairman and ranking minority member of the subcommittee, a request may be approved by a majority of the Committee.

(c) Any request approved as provided under subsection (b) shall be immediately turned over to the staff appointed for action.

(d) Any information obtained by such staff shall be reported to the chairman of the subcommittee requesting such study and examination and to the Chairman and Ranking Minority Member, shall be made available to the members of the subcommittee concerned, and shall not be released for publication until the subcommittee so determines.

(e) Any hearings or investigations which may be desired, aside from the regular hearings on appropriation items, when approved by the Committee, shall be conducted by the subcommittee having jurisdiction over the matter.

SEC. 9: OFFICIAL TRAVEL

(a) The chairman of a subcommittee shall approve requests for travel by subcommittee members and staff for official business within the jurisdiction of that subcommittee. The ranking minority member of a subcommittee shall concur in such travel requests by minority members of that subcommittee and the Ranking Minority Member shall concur in such travel requests for Minority Members of the Committee. Requests in writing covering the purpose, itinerary, and dates of proposed travel shall be submitted for final approval to the Chairman. Specific approval shall be required for each and every trip.

(b) The Chairman is authorized during the recess of the Congress to approve travel authorizations for Committee Members and staff, including travel outside the United States.

(c) As soon as practicable the Chairman shall direct the head of each government agency concerned not to honor requests of subcommittees, individual Members, or staff for travel, the direct or indirect expenses of which are to be defrayed from an executive appropriation, except upon request from the Chairman.

(d) In accordance with Clause 2(n) of Rule XI of the Rules of the House of Representatives and section 502(b) of the Mutual Security Act of 1954, as amended, local currencies owned by the United States shall be available to Committee Members and staff engaged in carrying out their official duties outside the United States, its territories or possessions. No Committee Member or staff member shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(e) Travel Reports:

(1) Members or staff shall make a report to the Chairman on their travel covering the purpose, results, itinerary, expenses, and other pertinent comments.

(2) With respect to travel outside the United States or its territories or possessions, the report shall include: (1) an itemized list showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished and any funds expended for any other official purpose; and (2) a summary in these categories of the total foreign currencies and/or appropriated funds expended. All such individual reports on foreign travel shall be filed no later than sixty days following completion of the travel with the Chairman for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(3) Each Member or employee performing such travel shall be solely responsible for supporting the amounts reported by the Member or employee.

(4) No report or statement as to any trip shall be publicized making any recommendations in behalf of the Committee without the authorization of a majority of the Committee.

(f) Members and staff of the Committee performing authorized travel on official business pertaining to the jurisdiction of the Committee shall be governed by applicable laws or regulations of the House and of the Committee on House Administration pertaining to such travel, as promulgated from time to time by the Chairman.

SEC. 10: ELIGIBILITY OF COMMITTEE MEMBER SERVING AS BUDGET COMMITTEE CHAIRMAN FOR APPROPRIATIONS SUBCOMMITTEE CHAIRMANSHIP

If the Chairman of the Budget Committee of the House of Representatives is chairman of a subcommittee on the Appropriations Committee when he becomes Budget Committee Chairman or would be eligible to become chairman of an Appropriations Subcommittee under the rules of the Majority Caucus of the House of Representatives during his tenure as Budget Committee Chairman, the Appropriations Committee may nominate such Member to serve as chairman of such subcommittee subject to the approval of the Majority Caucus. But if so elected and confirmed, the Member shall take a leave of absence while Chairman of the Budget Committee, and the responsibilities of the subcommittee chairmanship shall devolve onto a temporary chairman as determined by the Appropriations Committee and the Majority Caucus of the House.

SUBMISSION OF RULES OF THE COMMITTEE ON VETERANS' AFFAIRS OF THE HOUSE FOR THE 100TH CONGRESS

Mr. MONTGOMERY. Mr. Speaker, pursuant to the rules of the House, I am pleased to submit for printing in the CONGRESSIONAL RECORD a copy of the rules of procedure of the Committee on Veterans' Affairs which were adopted at the organizational meeting today. The rules were agreed to by a unanimous voice vote.

RULES OF COMMITTEE ON VETERANS' AFFAIRS FOR THE 100TH CONGRESS

ADOPTED JANUARY 29, 1987

Rule I—General Provisions

The Rules of the House are the rules of the committee and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Each subcommittee of the committee is a part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

Rule II—Meetings

(a) The regular meeting day for the full committee shall be at 10 a.m. on the second Tuesday of each month, and at such other times and in such places as the chairman may designate; however, a regular Tuesday meeting of the committee may be dispensed with by the chairman.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to the call of the chairman.

(c)(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereto shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however.* That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however.* That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

Rule III—Records and Roll Calls

There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. With respect to each record vote by the committee to report any bill or resolution, the total number of votes cast for and the total number of votes cast against the reporting of such bill or such resolution shall be included in the committee report.

Rule IV—Quorums

A majority of the members of the committee shall constitute a quorum of the committee for business and a majority of the members of any subcommittee shall constitute a quorum thereof for business: *Provided,* That any two members shall constiute a quorum for the purpose of taking testimony and receiving evidence.

Rule V—Hearing Procedures

(a) The chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the chairman or the subcommittee chairman, whichever the case may be, shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of the statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman of a majority of those minority members before the completion of such hearing, to call such witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(e) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

Rule VI—Oversight

(a) In order to assist the House in:

(1) Its analysis, appraisal, evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, the various subcommittees, consistent with their jurisdiction as set forth in Rule VIII, shall have oversight responsibilities as provided in paragraph (b).

(b) Each subcommittee shall review and study, on a continuing basis, the applications, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated.

In addition, each such subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that subcommittee.

(c) Each subcommittee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdictions.

Rule VII—Broadcasting of Committee Hearings

Broadcasting, either by radio or TV of all open committee hearings and meetings shall be permitted when, in the judgment of the chairman, in consultation with the ranking minority member, such action is warranted. Photographs shall be permitted during hearings of the full committee and subcommittees as the chairman decides.

All coverage shall be subject to the following provisions:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any methods of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the medial for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Rule VIII—Number and Jurisdiction of Subcommittees

(a) There shall be five standing subcommittees as follows: Oversight and Investigations; Hospitals and Health Care; Education, Training and Employment; Compensation, Pension and Insurance; and Housing and Memorial Affairs. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees, respectively.

Oversight and Investigations: Investigative authority over matters that are referred to the subcommittee by the chairman of the full committee for investigation and appropriate recommendations.

Hospitals and Health Care: Veterans' hospitals, medical care, and treatment of veterans.

Education, Training and Employment: Education of veterans, vocational rehabilitation, and readjustment of servicemen to civilian life.

Compensation, Pension and Insurance: Compensation, pensions of all the wars of the United States, general and special, and life insurance issued by the Government on account of service in the Armed Forces.

Housing and Memorial Affairs: Veterans' housing programs, and cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior, and burial benefits.

(b) The chairman and the ranking minority member shall serve as ex-officio members of all subcommittees and shall have the right to vote on all matters before the subcommittee.

Rule IX—Powers and Duties of Subcommittees

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings wherever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) In any event, the report of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

SUBMISSION OF RULES OF THE COMMITTEE ON HOUSE ADMINISTRATION OF THE HOUSE FOR THE 100TH CONGRESS

Mr. GAYDOS. Mr. Speaker, pursuant to and in accordance with House rule XI, clause 2(a) I submit for publication in the RECORD a copy of the rules of the Committee on House Administration as approved by the committee on January 28, 1987:

RULES FOR THE COMMITTEE ON HOUSE ADMINISTRATION [100TH CONGRESS]

RULE NO. 1

General provisions

(a) The Rules of the House are the rules of the committee and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Each subcommittee of the committee is a part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of House Rules and (subject to the adoption of expense resolutions as required by Rule XI, clause 5 of House Rules) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the contingent fund of the House.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under Rule X and XI of House Rules during the Congress ending at noon on Janaury 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Congress convenes in each odd-numbered year

RULE NO. 2

Regular and special meetings

(a) The regular meeting date of the Committee on House Administration shall be the first Wednesday of every month when the House is in session in accordance with Clause 2(b) of Rule XI of the Rules of the House. Additional meetings may be called by the chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with Clause 2(c) of Rule XI of the House of Representatives. The determination of the business to be considered at each meeting shall be made by the chairman subject to Clause 2(c) of Rule XI of the House of Representatives. A regularly scheduled meeting need not be held if there is no business to be considered.

(b) If the chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee the ranking member of the majority party on the committee or subcommittee who is present shall preside at the meeting.

(c) The committee may not sit, without special leave, while the House is reading a measure for amendment under the 5-minute rule.

RULE NO. 3

Open meetings

As required by clause 2(g), Rule XI, each meeting for the transaction of business, including the markup of legislation, of the committee or its subcommittees, shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, However,* that no person other than members of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public. This provision does not apply to any meeting that relates solely to internal budget or personnel matters.

RULE NO. 4

Records and rollcalls

(a) The result of each rollcall vote in any meeting of the committee shall be made available for inspection by the public at reasonable times at the committee offices, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against, and whether by proxy or in person, and the members present but not voting.

(b) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(c) In order to facilitate committee compliance with Paragraph (e)(1) of Clause 2, Rule XI, each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each such rollcall vote shall be promptly made available to the full committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or proposition and the name of each member voting for and each member voting against such amendment, motion, order or other proposition, and whether by proxy or in person, and the names of those members present but not voting.

(d) All subcommittee hearings, records, data, charts, and files, shall be kept distinct from the congressional office records of the member serving as chairman of the subcommittee. Such records shall be coordinated with the records of the full committee, shall be the property of the House, and all members of the House shall have access thereto.

RULE NO. 5

Proxies

A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing and in the hands of the chief clerk of the committee or the clerk of the subcommittee, as the case may be, during each rollcall in which such member's proxy is to be voted. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum. The member does not have to appear in person to present the proxy.

RULE NO. 6

Power to sit and act; subpoena power

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI the committee, or any subcommittee thereof, is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books,

records, correspondence, memorandums, papers, and documents as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths to any witness.

(b)(1) A subpoena may be authorized and issued by a committee or subcommittee under subparagraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(2) Compliance with any subpoena issued by the committee or subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

RULE NO. 7

Quorums

No measure or recommendation shall be reported to the House unless a majority of the committee is actually present. For the purposes of taking any action other than reporting any measure, issuance of a subpoena, closing meetings, promulgating Committee orders, or changing the Rules of the Committee, the quorum shall be one-third of the members of the Committee. For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

RULE NO. 8

Amendments

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chair will allow an appropriate period of time for the provision thereof.

RULE NO. 9

Hearing procedures

(a) The chairman, in case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least 1 week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event the chairman or the subcommittee chairman whichever the case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Unless excused by the chairman, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 48 hours in advance of his appearance, a written statement of his proposed testimony and shall limit his oral presentation to a summary of his statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations, but no member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(e) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of a witness in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority. The chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) The following additional rules shall apply to hearings:

(1) The chairman at a hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session; and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULE NO. 10

Procedures for reporting bills and resolutions

(a)(1) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

(2) With respect to each roll call vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(c) The report of the committee on a measure which has been approved by the committee shall include—

(1) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the House separately set out and clearly identified;

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures:

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of Rule X of the House separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days, commencing on the day on which the measure or matter(s) was approved, excluding Saturdays, Sundays, and legal holidays, in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (3) and (4) of subparagraph (c)) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(f) If hearings have been held on any such measure or matter so reported, the committee shall make every reasonable effort to have such hearings printed and available for distribution to the members of the House prior to the consideration of such measure or matter in the House.

RULE NO. 11

Subcommittee oversight

The standing subcommittees of the committee shall conduct oversight of matters within their jurisdiction in accordance with Rule X, clauses 2 and 3 of the Rules of the House of Representatives.

RULE NO. 12

Review of continuing programs; Budget Act provisions

(a) The committee shall, in its consideration of all bills and joint resolutions of a public charter within its jurisdiction, insure that appropriation for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirement, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(c) of Rule XIII of House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain, whether such program could be modified so that appropriations thereof would be made annually.

(c) The committee shall, on or before March 15 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocation made to it the joint explanatory statement accompany the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. 13

Broadcasting of committee hearings

The rule for the broadcasting of committee hearings shall be the same as Rule XI, clause 3 of the Rules of the House of Representatives.

RULE NO. 14

Committee and subcommittee staff

Except as provided in Rule XI, clause 5(d) of the Rules of the House of Representatives, the staff of the Committee on House Administration shall be appointed as follows:

A. The subcommittee staff shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman within the budget approved for the subcommittee by the full committee;

B. The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee;

C. The employees of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the chairman within the budget approved for such purposes by the committee.

RULE NO. 15

Travel of members and staff

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel will occur;

(3) The locations to be visited and the length of time to be spent in each;

(4) The names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittee, prior authorization must be obtained from the chairman. Before such authorization is given, there shall be submitted to the chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States shall be initiated by the chairman and shall be limited to members and permanent employees of the committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

RULE NO. 16

Number and jurisdiction of subcommittees

(a) There shall be six Standing Subcommittees. The ratio (majority/minority) and jurisdiction of the subcommittees shall be:

Subcommittee on Accounts.(7/4)—Internal budget matters; expenditures from the contingent fund; changes in amounts of allowances; and consultant contracts for committees.

Subcommittee on Procurement and Printing. (3/2)—Matters pertaining to procurement contracts for goods. Matters pertaining to printing, depository libraries, material printed in Congressional Record, and executive papers.

Subcommittee on Office Systems. (3/2)—Matter pertaining to furniture, electrical and mechanical office equipment and other accountrements for use in the office of members, officers or committees and matters pertaining to the development of management systems for such offices.

Subcommittee on Personnel and Police. (3/2)—Matters pertaining to House employees and Police, parking, restaurant, barber and beauty shop, and other House facilities and services.

Subcommittee on Elections. (7/4)—Matters pertaining to the election of President, Vice President, and Members of Congress; corrupt practices; credentials and qualifications and Federal elections generally, including the Federal Election Campaign Act of 1971 and the Federal Election Commission.

Subcommittee on Libraries and Memorials. (3/2)—Matters pertaining to the Library of Congress; statuary and pictures; acceptance or purchase of works of art for the Capitol; purchase of books and manuscripts; erection of monuments to the memory of individuals; matters relating to the Smithsonian Institution and the incorporation of similar institutions.

(b) The Chairman of the Committee may appoint such ad hoc subcommittees as he deems appropriate.

(c) The Chairman of the committee and the ranking minority member shall serve as ex officio members without vote of all subcommittee of the committee unless either member is appointed as a voting member of any subcommittee.

RULE NO. 17

Powers and duties of subcommittees

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the chairman of the full committee and other subcommittee chairmen, with a view toward avoiding simultaneous scheduling of committee or subcommittee meetings or hearings wherever possible. It shall be the practice of the committee that meetings of subcommittees not be scheduled to occur simultaneously with meetings of the full committee. In order to ensure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the chairman through the staff director of the committee.

RULE NO. 18

Referral of legislation to subcommittees

All legislation and other matters referred to the committee shall be referred by the chairman to the subcommittee of appropriate jurisdiction within 2 weeks, unless by majority vote of the members of the full committee, consideration is to be otherwise effected. The chairman may refer the matter simultaneously to two or more subcommittees, consistent with House Rule X, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations), or divide the matter into two or more parts and refer each such part to a different subcommittee, or refer the matter pursuant to House Rule X to an ad hoc subcommittee appointed by the chairman for the specific purpose of considering that matter and reporting to the full committee thereon, or make such other provisions as may be considered appropriate. The chairman may designate a subcommittee chairman or other member to take responsibility as "floor manager" of a bill during its consideration in the House.

RULE NO. 19

Other procedures and regulations

The chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

RULE NO. 20

Designation of clerk of the committee

For the purposes of these rules and the Rules of the House of Representatives, the staff director of the committee shall act as the clerk of the committee.

SUBMISSION OF RULES OF THE COMMITTEE ON THE BUDGET OF THE HOUSE FOR THE 100TH CONGRESS

Mr. GRAY of Pennsylvania. Mr. Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith for publication in the RECORD the rules of the Committee on the Budget which were adopted by the committee in open session January 28, 1987.

RULES OF PROCEDURE OF THE COMMITTEE ON THE BUDGET, ADOPTED JANUARY 28, 1987, 100TH CONGRESS, 1ST SESSION

MEETINGS

Rule 1—Regular meetings [1]

The regular meeting day of the Committee shall be the 2nd Wednesday of each month at 11:00 a.m., while the House is in session.

The Chairman is authorized to dispense with a regular meeting when he determines there is no business to be considered by the Committee, provided that he gives written notice to that effect to each member of the Committee as far in advance of the regular meeting day as the circumstances permit.

Regular meetings shall be cancelled when they conflict with meetings of either party's caucus or conference.

Rule 2—Additional and special meetings

The Chairman may call and convene additional meetings of the Committee as he considers necessary, or special meetings at the request of a majority of the members of the Committee in accordance with House Rule XI, clause 2(c).

In the absence of exceptional circumstances, the Chairman shall provide written or verbal notice of additional meetings to the office of each member at least 24 hours in advance while Congress is in session, and at least 3 days in advance when Congress is not in session.

Rule 3—Open business meetings

Each meeting for the transaction of Committee business, including the markup of measures, shall be open to the public except when the Committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, clause 2(g)(1). No person other than members of the Committee and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This rule shall not apply to any meeting that relates solely to matters concerning the internal administration of the Committee.

Rule 4—Quorums

A majority of the Committee shall constitute a quorum. No business shall be transacted and no measure or recommendation shall be reported unless a quorum is actually present.

Rule 5—Recognition

Any member, when recognized by the Chairman, may address the Committee on any bill, motion, or other matter under consideration before the Committee. The time of such member shall be limited to 5 minutes until all members present have been afforded an opportunity to comment.

Rule 6—Consideration of business

Measures or matters may be placed before the Committee, for its consideration, by the Chairman or by a majority vote of the members of the Committee, a quorum being present.

Rule 7—Procedure for consideration of budget resolutions

In developing a concurrent resolution on the budget, the Committee shall first proceed, unless otherwise determined by the Committee, to consider budget aggregates, functional categories, and other appropriate matters on a tentative basis, with the document before the Committee open to amendment; subsequent amendments may be offered to aggregates, functional categories, or other appropriate matters which have already been amended in their entirety.

Following adoption of the aggregates, functional categories, and other matters, the text of a concurrent resolution on the budget incorporating such aggregates, functional categories, and other appropriate matters shall be considered for amendment and a final vote.

Rule 8—Rollcall votes

A rollcall of the members may be had upon the request of at least one-fifth of those present.

Rule 9—Proxies

Any member of the Committee may vote by special proxy if the proxy authorization is in writing, asserts that the member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the person who is to execute the proxy authorization, and is limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Rule 10—Parliamentarian's status report and section 302 status report

(a) In order to carry out its duty under section 311(a) and (b) of the Congressional Budget Act to advise the House of Representatives as to the current level of spending and revenues as compared to the levels set forth in the latest agreed-upon concurrent resolution on the budget, the Committee shall periodically advise the Speaker as to its estimate of the current level of spending and revenue. Such estimates shall be prepared by the staff of the Committee, transmitted to the Speaker in the form of a Parliamentarian's Status Report, and printed in the Congressional Record.

The Committee authorizes the Chairman, in consultation with the ranking minority member, to transmit to the Speaker the Parliamentarian's Status Report described above.

(b) In order to carry out its duty under section 302 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending within the jurisdiction of committees as compared to the appropriate allocations made pursuant to section 302(b) of the Budget Act in conformity with the latest agreed-upon concurrent resolution on the budget, the Committee shall, as necessary, advise the Speaker as to its estimate of the current level of spending within the jurisdiction of appropriate committees. Such estimates shall be prepared by the staff of the Committee and transmitted to the Speaker in the form of a Section 302 Status Report.

The Committee authorizes the Chairman, in consultation with the ranking minority member, to transmit to the Speaker the Section 302 Status Report described above.

HEARINGS

Rule 11—Announcement of hearings

The Chairman shall publicly announce the date, place, and subject matter of any Committee hearing at least once a week before the commencement of that hearing, unless he determines there is good cause to begin such hearing at an earlier date, in which case public announcement shall be made at the earliest possible date.

Rule 12—Open hearings

Each hearing conducted by the Committee or any of its Task Forces shall be open to the public except when the Committee or Task Force, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. The Committee or Task Forces may by the same procedure vote to close one subsequent day of hearing.

For the purposes of House Rule XI, clause 2(g)(2) the Task Forces of the Committee are considered to be subcommittees.

Rule 13—Quorums[1]

For the purpose of hearing testimony, not less than two members of the Committee shall constitute a quorum.

Rule 14—Time for questioning witnesses

Committee members shall have not to exceed 5 minutes to interrogate each witness until such time as each member who so desires has had an opportunity to interrogate such witness.

After all members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

In questioning witnesses under the 5-minute rule, the Chairman and the ranking minority member may be recognized first after which members may be recognized in the order of their arrival at the hearing. Among the members present at the time the hearing is called to order, seniority shall be recognized. In recognizing members to question witnesses, the Chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

Rule 15—Subpoenas and oaths

In accordance with House Rule XI, clause 2(m), subpoenas authorized by a majority of the Committee may be issued over the signature of the Chairman or of any member of the Committee designated by him, and may be served by any person designated by the Chairman or such member.

The Chairman, or any member of the Committee, may administer oaths to witnesses.

Rule 16—Witnesses' statements

So far as practicable, any prepared statement to be presented by a witness shall be submitted to the Committee at least 24 hours in advance of presentation, and shall be distributed to all members of the Committee in advance of delivery.

Rule 17—Committee prints

All Committee prints and other materials prepared for public distribution shall be approved by the Committee prior to any distribution, unless such print or other material shows clearly on its face that it has not been approved by the Committee.

BROADCASTING

Rule 18—Broadcasting of meetings and hearings

It shall be the policy of the Committee to give all news media access to open hearings of the Committee, subject to the requirements and limitations set forth in House Rule XI, clause 3. Whenever any Committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, in accordance with House Rule XI, clause 3. However, radio, television, and still camera equipment may be excluded from the Committee room by a majority vote of the Committee, a quorum being present.

STAFF

Rule 19—Committee staff

(a) Subject to approval by the Committee, and to the provisions of the following paragraphs, the professional and clerical staff of the Committee shall be appointed, and may be removed, by the Chairman.

Committee staff shall not be assigned any duties other than those pertaining to Committee business, and shall be selected without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions.

All Committee staff, shall be entitled to equitable treatment, including comparable salaries, facilities, access to official Committee records, leave, and hours of work.

(b) In addition to the staff provided in paragraph (a) each member of the Committee may select and designate an associate staff member who shall serve at the pleasure of that member. Such staff member shall be compensated at a rate, determined by the member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; *provided,* That no member shall appoint more than one person pursuant to these provisions; *provided further,* that members designating a staff member under this subsection must certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

(c) In addition to the staff provided in the above paragraphs, the Chairman shall appoint no fewer than five staff, recommended by the minority members, who shall provide staff assistance to the minority members.

Rule 20—Staff supervision

Staff shall be under the general supervision and direction of the Chairman, who shall establish and assign their duties and responsibilities, delegate such authority as he deems appropriate, fix and adjust staff salaries (in accordance with House Rule XI, clause 6(c)) and job titles, and, in his discretion, arrange for their specialized training.

Staff assigned to the minority shall be under the general supervision and direction of the minority members of the Committee, who may delegate such authority as they deem appropriate.

COMMITTEE RECORDS

Rule 21—Preparation and maintenance of committee records

An accurate stenographic record shall be made of all hearings.

The proceedings of the Committee shall be recorded in a journal which shall, among other things, include a record of the votes on any question on which a record vote is demanded.

Members of the Committee shall correct and return transcripts of hearings as soon as practicable after receipt thereof.

Any witness may examine the transcript of his own testimony and make grammatical or technical changes that do not substantially alter the record of testimony.

The Chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time for corrections, and that further delay would seriously impede the Committee's responsibility for meeting its deadlines under the Congressional Budget Act of 1974.

Transcripts of hearings and meetings may be printed if the Chairman decides it is appropriate, or if a majority of the members so request.

Rule 22—Access to committee records

The Chairman shall promulgate regulations to provide for public inspection of rollcall votes and to provide access by members to Committee records (in accordance with House Rule XI, clause 2(e)).

Access to classified testimony and information shall be limited to Members of Congress and to House Budget Committee staff and stenographic reporters who have appropriate security clearance.

Notice of the receipt of such information shall be sent to the Committee members. Such information shall be kept in the Committee safe, and shall be available to members in the Committee office.

APPLICABILITY OF HOUSE RULES

Rule 23—Applicability of House rules

Except as otherwise specified herein, the Rules of the House are the rules of the Committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

CONFEREES

Rule 24—Appointment of conferees

Majority party members recommended to the Speaker as conferees shall be recommended by the Chairman subject to the approval of the majority party members of the Committee. The Chairman shall recommend such minority party members as conferees as shall be determined by the minority party, provided that the recommended party representation shall be in approximately the same proportion as that in the Committee.

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[1] Written rule required by House Rules.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. GILMAN, for 60 minutes, on February 4.

(The following Members at the request of Mr. TRAFICANT) to revise and extend their remarks and include extraneous material:)

Mr. WHITTEN, for 5 minutes, today.

Mr. BOUCHER, for 5 minutes, today.

Mr. GRAY of Pennsylvania, for 5 minutes, today.

The following Member (at the request of Mr. CONYERS) to revise and extend his remarks and include extraneous material:)

Mr. CONYERS, for 15 minutes, today.

The following Member (at the request of Mr. GONZALEZ) to revise and extend his remarks and include extraneous material:)

Mr. MONTGOMERY, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. DUNCAN.

Mr. WORTLEY in two instances.

Mr. BROOMFIELD.

Mr. LOWERY of California.

Mr. PORTER.

Mrs. BENTLEY.

Mr. ARMEY.

(The following Members (at the request of Mr. TRAFICANT) and to include extraneous matter:)

Mr. WYDEN.

Mr. FASCELL.

Mr. LOWRY of Washington.

Mr. MAZZOLI.

Mr. FORD of Michigan.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following day present to the President, for his approval, a joint resolution of the House of the following title:

On January 28, 1987:

H.J. Res. 93. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the Long Island Rail Road labor management dispute.

ADJOURNMENT

Mr. GONZALES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 2 minutes p.m.) under its previous order, the House adjourned until Monday, February 2, 1987, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

447. A letter from the Secretary of Education, transmitting a draft of proposed legislation to improve the quality of teaching in American schools and enhance the competence of American students and thereby strengthen the economic competitiveness of the United States, and for other purposes; to the Committee on Education and Labor.

448. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Burton Levin, of Maryland, Ambassador Extraordinary and Plenipotentiary-designate to the Union of Burma, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

449. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Arthur G. Linkletter, of California, for the rank of Ambassador during his tenure of service as Commissioner General of the United States Section of Brisbane Expo '88; also Joseph Carlton Petrone, of Iowa, as the Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

450. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Trusten Frank Crigler, of Virginia, Ambassador Extraordinary and Plenipotentiary-designate to the Somali Democratic Republic, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

451. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Alfred Hugh Kingon, of New York, as the Representative of the United States of America to the European Communities, with rank and status of Ambassador Extraordinary and Plenipotentiary, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

452. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

453. A letter from the Chairman, Board for International Broadcasting, transmitting the Board's annual report on its activities, as well as its review and evaluation of the operation of Radio Europe/Radio Liberty for the period October 1, 1985, through September 30, 1986, pursuant to 22 U.S.C. 2873(a)(9); to the Committee on Foreign Affairs.

454. A letter from the Executive Director, Navajo and Hopi Indian Relocation Commission, transmitting a report on the Commission's review of its compliance with the requirements of the internal accounting and administrative systems in effect during fiscal year 1986, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

455. A letter from the Sergeant-at-Arms, U.S. House of Representatives, transmitting his report of funds drawn, the application and disbursement of same, and the balance remaining as of December 31, 1986, pursuant to 2 U.S.C. 84; to the Committee on House Administration.

456. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

457. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

458. A letter from the Director, Federal Judicial Center, transmitting a copy of the 1986 Annual Report of the Center, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

459. A letter from the Administrator, Panama Canal Commission, transmitting a report, including unaudited financial statements, covering the operations of the canal during fiscal year 1986 and notification that the formal Commission annual report for fiscal year 1986 will be forwarded upon completion of the audit by the Commission General Auditor, pursuant to 22 U.S.C. 3722; to the Committee on Merchant Marines and Fisheries.

460. A letter from the Director, Office of Personnel Management, transmitting notification of a proposal developed to protect Federal employees from the catastrophic costs associated with long-term care, primarily in nursing homes, for chronic, debilitating illnesses; to the Committee on Post Office and Civil Services.

461. A letter from the Comptroller General, General Accounting Office, transmitting a report of the financial audit of the Office of the Sergeant at Arms, U.S. House of Representatives, as of June 30, 1986, and December 31, 1985 (GAO)/AFMD-87-12, December 1986), pursuant to 2 U.S.C. 81a; jointly, to the Committee on Government Operations and House Administration.

462. A letter from the Assistant Attorney General, Office of Legislative and Intergovernmental Affairs, U.S. Department of Justice, transmitting a copy of the proposed Department of Justice Appropriation Authorization Act for Fiscal Year 1988; jointly, the the Committees on the Judiciary and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARMEY (for himself, Mr. DELAY, Mr. COMBEST, Mr. BOULTER, Mr. KOLTER, Mrs. BENTLEY, Mr. NIELSON of Utah, Mr. LAGOMARSINO, Mr. DANNEMEYER, Mr. KOLBE, Mr. WORTLEY, Mrs. VUCANOVICH, Mr. SWINDALL, Mr. CRANE, Mr. SENSENBRENNER, and Mr. DIOGUARDI):

H.R. 817. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to education savings accounts and to provide that amounts paid from such an account for educational expenses shall never be subject to income tax; to the Committee on Ways and Means.

By Mrs. BENTLEY (for herself, Mr. HAMMERSCHMIDT, Mr. FISH, Mr. PARRIS, Mr. DENNY SMITH, and Mr. BOEHLERT):

H.R. 818. A bill to amend title 5, United States Code, to establish an optional early retirement program for Federal Government employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BOUCHER (for himself, Mr. Waxman, Mr. Roybal, Mr. Frank, Mr. Quillen, Mr. Derrick, Mr. Fazio, Mr. Tallon, Mr. Martinez, Mr. Wise, and Mr. Mfume):

H.R. 819. A bill to amend titles II and XVI of the Social Security Act to prohibit, in hearings relating to benefits thereunder, the adversarial involvement of any representative of the Department of Health and Human Services, the Social Security Administration, any other agency of such Department, or any State agency involved; to the Committee on Ways and Means.

By Mr. COMBEST:

H.R. 820. A bill to allow States to increase the maximum speed limit to 65 miles per hour on rural interstate and four-lane highways where the Governor of that State determines that highway safety on that route will not significantly decline; to the Committee on Public Works and Transportation.

By Mr. MICHEL (by request):

H.R. 821. A bill to rescind budget authority for the Agricultural Research Service for buildings and facilities (rescission numbered R87-1) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 822. A bill to rescind budget authority for the Agricultural Stabilization and Conservation Service for the Rural Clean Water Program (rescission numbered R87-2) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 823. A bill to rescind budget authority for the Agricultural Stabilization and Conservation Service for the Agricultural Conservation Program (rescission numbered R87-3) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 824. A bill to rescind budget authority for the Agricultural Stabilization and Conservation Service for the Water Bank Program (rescission numbered R87-4) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5. 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 825. A bill to rescind budget authority for the Agricultural Stabilization and Conservation Service for the Emergency Conservation Program (rescission numbered R87-5) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 826. A bill to rescind budget authority for the Farmers Home Administration for rural water and waste disposal grants (rescission numbered R87-6) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 827. A bill to rescind budget authority for the Farmers Home Administration for rural community fire protection grants (rescission numbered R87-7) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 828. A bill to rescind budget authority for the Farmers Home Administration for rural housing for domestic farm labor (rescission numbered R87-8) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 829. A bill to rescind budget authority for the Farmers Home Administration for mutual and self-help housing (rescission numbered R87-9) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 830. A bill to rescind budget authority for the Farmers Home Administration for very low income housing repair grants (rescission numbered R87-10) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 831. A bill to rescind budget authority for the Farmers Home Administration for compensation for construction defects (rescission numbered R87-11) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 832. A bill to rescind budget authority for the Farmers Home Administration for rural housing preservation grants (rescission numbered R87-12) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 833. A bill to rescind budget authority for the Soil Conservation Service for watershed and flood prevention operations (rescission numbered R87-13) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 834. A bill to rescind budget authority for the Soil Conservation Service for the Great Plains conservation program (rescission numbered R87-14) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 835. A bill to rescind budget authority for the Soil Conservation Service for resource conservation and development (rescission numbered R87-15) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 836. A bill to rescind budget authority for the Forest Service for land acquisition (rescission numbered R87-16) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 837. A bill to rescind budget authority for the Economic Development Administration for economic development assistance programs (rescission numbered R87-17) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 838. A bill to rescind budget authority for the International Trade Administration for operations and administration (rescission numbered R87-18) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 839. A bill to rescind budget authority for the National Oceanic and Atmospheric Administration for operations, research, and facilities (rescission numbered R87-19) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 840. A bill to rescind budget authority for the National Telecommunications and Information Administration for public telecommunications facilities, planning, and construction (rescission numbered R87-20) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 841. A bill to rescind budget authority for the Department of Defense for procurement of weapons and tracked combat vehicles, Army (rescission numbered R87-21), proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 842. A bill to rescind budget authority for the Department of Defense for other procurement, Navy (rescission numbered R87-22) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 843. A bill to rescind budget authority for the Department of Defense for military construction, Air Force (rescission numbered R87-23), proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 844. A bill to rescind budget authority for the Corps of Engineers for construction, general (rescission numbered R87-24), proposed to be rescinded in a special message transmitted to the Congress by the President of January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 845. A bill to rescind budget authority for the Office of Elementary and Secondary Education for compensatory education for the disadvantaged (rescission numbered R87-25) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 846. A bill to rescind budget authority for the Office of Elementary and Secondary Education for impact aid (rescission numbered R87-26) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 847. A bill to rescind budget authority for the Office of Elementary and Secondary Education for special programs (rescission numbered R87-27) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 848. A bill to rescind budget authority for the Office of Bilingual Education and Minority Languages Affairs for bilingual education (rescission numbered R87-28) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 849. A bill to rescind budget authority for the Office of Special Education and Rehabilitative Services for education for the handicapped (rescission numbered R87-29) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 850. A bill to rescind budget authority for the Office of Special Education and Rehabilitative Services for rehabilitation services and handicapped research (rescission numbered R87-30) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 851. A bill to rescind budget authority for the Office of Vocational and Adult Education for vocational and adult education (rescission numbered R87-31) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 852. A bill to rescind budget authority for the Office of Postsecondary Education for student financial assistance (rescission numbered R87-32) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 853. A bill to rescind budget authority for the Office of Postsecondary Education for higher education (rescission numbered R87-33) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 854. A bill to rescind budget authority for the Office of Educational Research and Improvement for Libraries (rescission numbered R87-34) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 855. A bill to rescind budget authority for the Department of Energy for energy supply, research and development activities (rescission numbered R87-35) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 856. A bill to rescind budget authority for the Department of Energy for fossil energy research and development (rescission numbered R87-36) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 857. A bill to rescind budget authority for the Department of Energy for energy conservation (rescission numbered R87-37) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 858. A bill to rescind budget authority for the Food and Drug Administration for buildings and facilities (rescission numbered R87-38) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 859. A bill to rescind budget authority for the Health Resources and Services Administration for health resources and services (rescission numbered R87-39) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 860. A bill to rescind budget authority for the Health Resources and Services Administration for Indian health facilities (rescission numbered R87-40) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 861. A bill to rescind budget authority for the National Institutes of Health for the National Library of Medicine (rescission numbered R87-41) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 862. A bill to rescind budget authority for the Office of the Assistant Secretary of Health for public health service management (rescission numbered R87-42) proposed to be rescinded in a special messsage transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 863. A bill to rescind budget authority for the Department of Health and Human Services for department management-policy research (rescission numbered R87-43) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 864. A bill to rescind budget authority for the President to Housing and Urban Development for annual contributions for assisted housing (rescission numbered R87-44) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 865. A bill to rescind budget authority for the Department of Housing and Urban Development for housing counseling assistance (rescission numbered R87-45) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 866. A bill to rescind budget authority for the Department of Housing and Urban Development for community development grants (rescission numbered R87-46) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 867. A bill to rescind budget authority for the Department of Housing and Urban Development for urban development action grants (rescission numbered R87-47) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 868. A bill to rescind budget authority for the Department of Housing and Urban Development for salaries and expenses (rescission numbered R87-48) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 869. A bill to rescind budget authority for the Bureau of Land Management for management of lands and resources (rescission numbered R87-49) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 870. A bill to rescind budget authority for the Bureau of Land Management for construction and access (rescission numbered R87-50) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 871. A bill to rescind budget authority for the Bureau of Land Management for land acquisition (rescission numbered R87-51) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 872. A bill to rescind budget authority for the Bureau of Mines for mines and minerals (rescission numbered R87-52) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 873. A bill to rescind budget authority for the Fish and Wildlife Service for resource management (rescission numbered R87-53) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 874. A bill to rescind budget authority for the Fish and Wildlife Service for construction (rescission numbered R87-54) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 875. A bill to rescind budget authority for the Fish and Wildlife Service for land acquisition (rescission numbered R87-55) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 876. A bill to rescind budget authority for the National Park Service for operation of the National Park System (rescission numbered R87-56) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 877. A bill to rescind budget authority for the National Park Service for construction (rescission numbered R87-57) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 878. A bill to rescind budget authority for the National Park Service for land acquisition (rescission numbered R87-58) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 879. A bill to rescind budget authority for the National Park Service for historic preservation fund (rescission numbered R87-59) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 880. A bill to rescind budget authority for the Bureau of Indian Affairs for construction (rescission numbered R87-60) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 881. A bill to rescind budget authority for territorial and international affairs for administration of territories (rescission numbered R87-61) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 882. A bill to rescind budget authority for the Immigration and Naturalization Service for salaries and expenses (rescission numbered R87-62) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 883. A bill to rescind budget authority for the Employment Training Administration for training and employment services (rescission numbered R87-63) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 884. A bill to rescind budget authority for the Federal Law Enforcement Training Center for salaries and expenses (rescission numbered R87-64) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 885. A bill to rescind budget authority for the Bureau of Alcohol, Tobacco and Firearms for salaries and expenses (rescission numbered R87-65) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 886. A bill to rescind budget authority for the U.S. Customs Service for salaries and expenses (rescission numbered R87-66) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 887. A bill to rescind budget authority for the Environmental Protection Agency for abatement, control, and compliance (rescission numbered R87-67) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 888. A bill to rescind budget authority for the Environmental Protection Agency for buildings and facilities (rescission numbered R87-68) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 889. A bill to rescind budget authority for the National Aeronautics and Space Administration for research and development (rescission numbered R87-69) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 890. A bill to rescind budget authority for the Veterans' Administration for medical care (rescission numbered R87-70) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 891. A bill to rescind budget authority for the Appalachian Regional Commission for the Appalachian Regional Development Commission (rescission numbered R87-71) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 892. A bill to rescind budget authority for the National Endowment for the Humanities for National Capital arts and cultural affairs (rescission numbered R87-72) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 893. A bill to rescind budget authority for the Selective Service System for salaries and expenses (rescission numbered R87-73) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

By Mr. DUNCAN:

H.R. 894. A bill relating to the tariff classification of certain work gloves; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 895. A bill to amend the Hazardous Materials Transportation Act to provide for the registration of hazardous materials carriers, to provide assistance in the routing of hazardous materials and in the training of personnel to deal with such materials, and for other purposes; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Ways and Means.

By Mr. KOLBE:

H.R. 896. A bill to amend title 5, United States Code, to extend the pay retention provisions of such title to certain prevailing rate employees whose basic pay would otherwise be subject to reduction pursuant to a wage survey; to the Committee on Post Office and Civil Service.

By Mr. LaFALCE:

H.R. 897. A bill to require the Board of Governors of the Federal Reserve System to impose limitations on the number of days a depository institution may restrict the availability of funds which are deposited by check; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEVINE of California (for himself, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Mr. MORRISON of Connecticut, Mr. ACKERMAN, Mr. ASPIN, Mr. ATKINS, Mr. BENNETT, Mrs. BOXER, Mr. BRYANT, Mr. BUSTAMANTE, Mr. FAZIO, Mr. FEIGHAN, Mr. FRANK, Mr. GARCIA, Mr. GILMAN, Mr. GREEN, Mrs. KENNELLY, Mr. KOSTMAYER, Mr. LEVIN of Michigan, Mr. MRAZEK, Mr. MURPHY, Mr. RANGEL, Mr. SCHEUER, Mr. TALLON, Mr. TORRES, Mr. TORRICELLI, Mr. WEBER, and Mr. WOLPE):

H.R. 898. A bill to require specific congressional authorization for certain sales, exports, leases, and loans of defense articles, and for other purposes; jointly, to the Committee on Foreign Affairs and Rules.

By Mr. OWENS of Utah:

H.R. 899. A bill to expand the Canyonlands National Park; to the Committee on Interior and Insular Affairs.

By Mr. RAHALL (for himself, Mr. Staggers, Mr. Wise, Mr. Mollohan, and Mr. Udall):

H.R. 900. A bill to protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New, Gauley, Meadow, and Bluestone Rivers in West Virginia for the benefit of present and future generations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RODINO (for himself and Mr. Fish):

H.R. 901. A bill to implement the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes; to the Committee on the Judiciary.

By Mr. RODINO (for himself and Mr. Fish) (by request):

H.R. 902. A bill, Department of Justice Appropriation Authorization Act, Fiscal Year 1988; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 903. A bill to amend the Internal Revenue Code of 1954 to permit pension and annuity plans to make distributions to participants for purposes of acquiring a principal residence; to the Committee on Ways and Means.

By Mr. SCHUETTE:

H.R. 904. A bill to provide emergency assistance to certain agricultural producers, and for other purposes; to the Committee on Agriculture.

By Mr. TRAFICANT:

H.R. 905. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes on the purchase of a domestically produced automobile; to the Committee on Ways and Means.

By Mr. WYDEN (for himself and Mr. Panetta):

H.R. 906. A bill to require the President to make available for obligation certain funds appropriated for the Temporary Emergency Food Assistance Program; to the Committee on Appropriations.

By Mr. WYDEN (for himself, Mr. Williams, and Mr. Goodling):

H.R. 907. A bill to amend the Older Americans Act to authorize grants to States for demonstration projects that provide to older individuals services in return for certain volunteer services provided to other individuals; to the Committee on Education and Labor.

By Mr. DYMALLY:

H.J. Res. 119. Joint resolution designating the week of April 19, 1987, through April 25, 1987, as "National Minority Cancer Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. OBEY:

H.J. Res. 120. Joint resolution proposing an amendment to the Constitution of the United States to prohibit Members of Congress from determining their own compensation; to the Committee on the Judiciary.

By Mr. JONES of North Carolina:

H.J. Res. 121. Joint resolution to authorize and request the President to issue a proclamation designating June 1 through June 7, 1987, as "National Fishing Week"; to the Committee on Post Office and Civil Service.

By Mr. MOORHEAD (for himself, Mr. Berman, Mr. Dornan of California, Mr. Waxman, Mr. Dannemeyer, and Mr. Dreier of California):

H.J. Res. 122. Joint resolution to designate the week beginning July 13, 1987, as "Snow White Week"; to the Committee on Post Office and Civil Service.

By Mr. SMITH of New Hampshire (for himself, Mr. Gregg, Mr. Ray, Mr. Ridge, Mr. Mavroules, Mr. Rowland of Georgia, Mr. Armey, Mr. Dornan of California, Mr. Boulter, Mr. Davis of Illinois, Mr. Carper, Mr. Wortley, Mr. Stallings, Mr. Hastert, Mr. DioGuardi, Mr. Kemp, Mr. Tauke, Mr. Craig, Mr. Sundquist, Mr. Darden, Mr. Hunter, Mr. Ireland, Mr. Swindall, Mr. Schaefer, Mr. Petri, Mr. Bilirakis, Mr. Rowland of Connecticut, Mr. Stenholm, Mrs. Johnson of Connecticut, Mr. Staggers, Mr. Goodling, Mr. Holloway, and Mr. Kolbe):

H.J. Res. 123. Joint resolution disapproving pay increases proposed by the President for Members of Congress; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. FASCELL (for himself, Mr. Foley, Mr. Coelho, Mr. Gephardt, Mr. Michel, Mr. Lott, Mr. Kemp, Mr. Broomfield, Mr. Ackerman, Mr. Akaka, Mr. Andrews, Mr. Archer, Mr. Atkins, Mr. Bateman, Mr. Bennett, Mrs. Bentley, Mr. Bereuter, Mr. Bilirakis, Mr. Boland, Mr. Boner of Tennessee, Mr. Borski, Mr. Burton of Indiana, Mr. Bustamante, Mr. Cardin, Mr. Chandler, Mr. Clarke, Mr. Conte, Mr. Conyers, Mr. Coughlin, Mr. Courter, Mr. Daub, Mr. DeWine, Mr. Dicks, Mr. Durbin, Mr. Eckart, Mr. Edwards of California, Mr. Evans, Mr. Fawell, Mr. Fazio, Mr. Ford of Michigan, Mr. Frenzel, Mr. Frost, Mr. Fuster, Mr. Gallo, Mr. Gilman, Mr. Gray of Pennsylvania, Mr. Green, Mr. Gunderson, Mr. Hall of Ohio, Mr. Hamilton, Mr. Horton, Mr. Hoyer, Mr. Hughes, Mr. Jeffords, Mr. Jontz, Mrs. Kennelly, Ms. Kaptur, Mr. Kolbe, Mr. Lagomarsino, Mr. Lehman of Florida, Mr. Lent, Mr. Levine of California, Mr. Lewis of California, Mr. Lipinski, Mr. Lowery of California, Mr. McCurdy, Mr. McHugh, Mr. McMillen of Maryland, Mr. Mack, Mr. Mavroules, Mr. Molinari, Mr. Morrison of Connecticut, Mr. Neal, Mr. Nelson of Florida, Mr. Owens of New York, Mr. Porter, Mr. Richardson, Mr. Ritter, Mr. Roe, Mr. Roemer, Ms. Slaughter of New York, Mr. Stokes, Mr. Smith of Florida, Mr. Stratton, Mr. Studds, Mr. Torres, Mr. Towns, Mr. Udall, Mr. Visclosky, Mr. Walker, Mr. Weber, Mr. Weldon, Mr. Wortley, Mr. Wyden, and Mr. Yatron):

H. Con. Res. 34. Concurrent resolution concerning the continued violations by the Soviet Union of its international human rights obligations, especially its violations of the right to emigrate; to the Committee on Foreign Affairs.

By Mr. FORD of Michigan (for himself and Mr. Taylor):

H. Res. 59. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Post Office and Civil Service in the 1st session of the 100th Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DOWDY of Mississippi introduced a bill (H.R. 908) for the relief of Arturo Elacio Tolentino and Grace Tolentino; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. Hawkins, Mr. Fuster, Mr. Kolter, Mr. Waxman, and Mr. Wolpe.

H.R. 85: Mr. Solomon.

H.R. 121: Mr. Tauke, Mr. Stangeland, Mr. Henry, Mr. Hall of Texas, Mr. Montgomery, Mr. Jones of North Carolina, Mr. Baker, Mr. Nichols, Mr. Dyson, Mr. Wortley, and Mrs. Vucanovich.

H.R. 134: Mr. Visclosky and Mr. Towns.

H.R. 311: Mr. Chapman, Mr. Montgomery, Mr. Bates, Mr. Boucher, Mr. Olin, Mr. Jones of North Carolina, Mr. Scheuer, Mr. Andrews, Mr. Watkins, Mr. Tallon, Mr. Kleczka, Mr. Eckart, and Mr. Sikorski.

H.R. 312: Mr. Evans, Mr. Donald E. Lukens, and Mr. Neal.

H.R. 313: Mr. Rose, Mr. Boucher, Mr. Traficant, Mr. English, Mr. Barnard, and Mr. Neal.

H.R. 457: Mr. Saxton, Mr. Dwyer of New Jersey, Mr. Schumer, Mr. Borski, Mr. Neal, Mrs. Lloyd, Mr. Ford of Michigan, Mr. Towns, Mr. Rangel, Mr. Roe, Mr. Bonior of Michigan, Mr. Biaggi, Mr. Feighan, and Mr. Jontz.

H.R. 535: Mr. Shumway, Mr. Swindall, Mr. Young of Florida, Mr. Gingrich, Mr. Brown of Colorado, Mrs. Martin of Illinois, and Mr. Marlenee.

H.R. 536: Mr. Jeffords, Mr. Feighan, Mr. Packard, Mr. Barnard, and Mr. Neal.

H.R. 558: Mr. Bonker, Mr. Hoyer, Mr. Stark, Mr. Dellums, Mr. DeFazio, Mr. Gephardt, Mr. Williams, Mr. Gordon, Mr. Thomas A. Luken, Mr. Borski, Mr. Roybal, Mr. Mrazek, Mr. Towns, Mr. Studds, Mrs. Morella, Mr. Edwards of California, Mr. Lehman of Florida, Mr. Berman, Mr. Roe, Mr. Espy, Mr. Mfume, Mr. Moakley, Mr. Durbin, Mrs. Roukema, Mr. Levine of California, Mr. Dwyer of New Jersey, and Mr. Kolter.

H.R. 574: Mr. Swift and Mr. Beilenson.

H.R. 655: Mr. Fazio.

H.J. Res. 81: Mr. Jontz.

H. Con. Res. 7: Mr. Hastert, Mr. Inhofe, Mr. Konnyu, Mrs. Vucanovich, and Mr. Brown of Colorado.

H. Con. Res. 26: Mr. AuCoin, Mr. Oberstar, Mr. Edwards of California, Mrs. Collins, Mr. Morrison of Connecticut, Mr. Chandler, Mr. Stokes, and Mr. Levine of California.

H. Res. 19: Mr. Henry, Mr. Wortley, Mr. Saxton, Mr. McCandless, Mr. Robert F. Smith, Mr. Mack, Mr. Wolf, Mr. Fawell, Mr. Lagomarsino, Mr. Walker, Mr. Nielson of Utah, Mr. Sensenbrenner, Mr. Weldon, Mr. Hammerschmidt, Mrs. Vucanovich, Mr. Barton of Texas, Mrs. Johnson of Connecticut, Mr. Brown of Colorado, Mr. Armey, Mr. Kolbe, Mr. Tauke, Mr. Frenzel, Mr. Donald E. Lukens, Mr. Dornan of California, Mr. McMillan of North Carolina, Mr. Horton, Mr. Swindall, Mr. McGrath, Mr. DioGuardi, Mr. Dreier of California, Mr. Smith of New Jersey, Mr. DeLay, Mr. Badham, Mr. Emerson, Mr. Oxley, Mr. DeWine, Mr. Schaefer, Mr. Miller of Ohio, Mr. Boehlert, Mr. Pursell, Mr. Inhofe, and Mr. Smith of New Hampshire.

SENATE—*Thursday, January 29, 1987*

The Senate met at 12 noon and was called to order by the Honorable WYCHE FOWLER, JR., a Senator from the State of Georgia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Gracious God, Lord of Heaven and Earth, may we heed the wisdom in the message of his majesty, King George VI, to his people Christmas 1939: "I said to the man who stood at the Gate of the Year, 'Give me a light that I may tread safely into the unknown.' And he replied, 'Go out into the darkness and put your hand into the hand of God. That shall be to you better than light and safer than a known way!' "

Having learned what we can from the irreparable past, help each of us to put his hand in the hand of God, and move into the uncertainty of the irresistible future with confidence. We ask this in the name of Him, Who is the way, the truth, and the life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 29, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WYCHE FOWLER, JR., a Senator from the State of Georgia, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. FOWLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Hearing no objection, it is so ordered.

RESERVATION OF LEADERSHIP TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. BYRD. Mr. President, today following the orders for the recognition of the two leaders, there will be 5-minute orders for the following Senators: Messrs. PROXMIRE, SASSER, MITCHELL, BUMPERS, LEAHY, CHAFEE, HEINZ, MURKOWSKI, SPECTER, MCCAIN, REID, and BAUCUS.

Upon the completion of these several orders, there will be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 5 minutes each. Morning business should extend no longer than 1:30 p.m. today.

At the hour of 1:30, the Senate will then proceed to take up the joint resolution which was offered by Senator THURMOND. That is Senate Joint Resolution 34. It is a joint resolution disapproving the pay recommendations by the President. Amendments to that joint resolution will be in order. There will be a rollcall vote on the joint resolution as amended, if needed.

Upon the disposition of the disapproval resolution, the Senate then will take up the joint resolution that was sent to the Senate by the House, House Joint Resolution 102, emergency funding for the homeless. Amendments would be in order to that joint resolution. I would anticipate final action on both of these joint resolutions today.

I would expect then, if those joint resolutions are disposed of today, to lay down the highway bill. If these circumstances that I have described follow in due train, as I hope they will, then the Senate will not be in tomorrow, or at least there will be no rollcall votes if it were to come in. But on Monday, the Senate then would proceed to take up the highway bill. Opening statements could be made today once it is laid down before the Senate goes out. There would be no votes on that measure today but just opening statements.

In the alternative, if action is not completed today on both the disapproval resolution of the pay recommendations and the legislation to provide funds for the homeless, the Senate will be in tomorrow and will stay in tomorrow until action is completed on those two matters, after which the highway bill would then be laid down.

Summing it up then, there will be rollcall votes today—rollcall votes on final passage of the disapproval resolution and probably on the funding resolution for the homeless. I would anticipate at least one or more amendments thereto.

Let me close by saying it is my hope that the votes on today will be concluded by 6 or 7 o'clock. However, all Senators should remain flexible with respect to their plans because I cannot assure that all the votes will be over by then.

Mr. President, do I have any time remaining under the standing order?

The ACTING PRESIDENT pro tempore. The majority leader has 5 minutes remaining.

COMMITTEE MEETINGS

Mr. BYRD. Mr. President, I hope that committees will take advantage of the opportunity on tomorrow, if the Senate is not in session, to conduct hearings. I am quite proud of the way our committees are functioning. They are holding hearings. They are conducting their oversight responsibilities under the Constitution. They are having markup sessions. The Appropriations Committee is to meet, or probably has already met—I have been down to the White House this morning with the joint leadership in discussions with the President—yes, I have just been informed that it has met and has filed House Joint Resolution 102, the funding for the homeless resolution.

So the committees are meeting. I hope they will continue to meet with vigor, taking time by the forelock and taking advantage of this opportunity on days like tomorrow when they will not be interrupted by quorum calls or by rollcalls so that our calendar will have work. There is always work to do. The sooner we complete our work in committees, the sooner we are able to get to the work on the floor, and the sooner we finish the work on the floor, the people will be better served.

THE CLEAN WATER BILL VOTE

Mr. BYRD. Mr. President, at the White House this morning, the President indicated that it is his intention to veto the clean water bill. This would mean that the House will probably receive the veto message in time to vote to override the President's veto by Tuesday next. In that event, if the House overrides the President's veto, then the measure will come to the Senate. It would be my hope that we could have a vote to override and, hopefully, override the President's veto of the clean water bill on next Wednesday, certainly no later than Thursday. Senators therefore will want to make their plans accordingly. I hope that all Senators will be in attendance on that important vote.

I think the President is making a mistake. He certainly has the power and authority under the Constitution to veto the bill. If he sees it as his duty in good conscience to veto that bill, he certainly has the right to do that. I think it is a mistake. That bill was not put together hastily. It is a bipartisan bill in both Houses and is very, very strongly supported by Republicans and Democrats. It was reported out of the Republican-controlled Senate committee last year and passed by a Republican-controlled Senate overwhelmingly. So it is supported by Members in both Houses from both parties. It is needed. I am sorry the President will veto it.

But I hope that every Senator will be here and will register his vote on the override.

PROPOSED SCHEDULE FOR NEXT WEEK

Mr. BYRD. Mr. President, looking into next week, therefore, I see the highway legislation. I would expect some amendments to be offered to that legislation. There will be a vote on overriding the Presidential veto, assuming—as I have good reason, I think, to assume—that the House will override. Beyond that, the Senate will work on legislation or nominations that may have been cleared for action by that time. So we will have a busy week next week. Committees should plan their hearings accordingly.

The following week, the Senate will be out for the Lincoln Day holiday.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is recognized.

THE MEETING AT THE WHITE HOUSE

Mr. DOLE. Mr. President, I thank the distinguished majority leader for reserving my time. I did not have an opportunity to hear all his remarks, but we did have a very spirited meeting—I guess that is the correct word—at the White House this morning. I think that is healthy. The President, I thought, was in good form, as was the distinguished majority leader and the distinguished Speaker and others who made comments.

Certainly, no one was quarreling. I think everybody was making or stressing their point of view, whether it was on budget or trade or unemployment or welfare. I felt it sort of cleared the air and indicated where people were coming from. It probably helps focus on where we have to go.

Certainly, we know that there are wide gaps on positions that people might take. The water bill was mentioned. The majority leader is correct: it passed this body unanimously last year. The President has indicated he is going to veto it. He indicated, too, he might be overridden. That may be an accurate statement, it probably is. In any event, I had no tendency to doze off at this morning's meeting. It was very good from that standpoint.

I think, without characterizing anyone else's comments, it certainly demonstrated the President's full recovery. He was on top of the issue. He had facts and figures and I thought it was exceptional.

TRAVEL RESTRICTION TO LEBANON

Mr. DOLE. I want to take just a moment to mention the decision made by the Department of State yesterday to impose new restrictions on travel to Lebanon by American citizens. I know the majority leader has spoken out on it as has the Republican leader. In brief, the new regulations require that any citizen wishing to travel to, or—if already there—stay in Lebanon, must obtain a special validation permit. The only blacket exception is for the immediate families of those now held hostage—as appropriate exception, permitting them the chance to pursue the release of their family members. The operative effect of this new regulation ought to be a long-overdue, drastic reduction of the American private presence in Lebanon.

I commend the State Department for this new measure. As I indicated in a statement issued last weekend, it is high time that all Americans leave Lebanon, where they have increasingly become sitting ducks for the many radical and irresponsible splinter political groups active there.

I do not question their commitment and I do not question, maybe, their need. But I think those Americans who are in Lebanon or in other countries where terrorists are apt to be at work must recognize that they are endangering not just their own lives or their families, but they also could be the catalyst for some international confrontation or some international conflict.

So, in my view, the private interests, even the commitment some may have to Beirut University or whatever, must be subordinated to the national interest. In this case, I think the Department of State is correct.

DIPLOMATIC MISSION SHOULD BE CLOSED

The Department has not yet seen fit to close our diplomatic mission there. I hope that step will be taken soon! The security situation in Lebanon has deteriorated so badly, and our influence on events there is so minimal, it is hard to see how the Embassy can play any useful role. Closing the Embassy is not abandoning anyone, or giving in to terrorists. It is merely accepting the tragic reality that Beirut is fast becoming a no-man's land. And bringing our diplomats home will, in fact, enhance our capability to strike back against terrorists by shutting down one inviting target for their retaliation.

We have partly cleared the decks by moving to eliminate the private American presence. It is time, as well, to take the next logical step and withdraw our diplomatic presence and make it a little more difficult for those who engage in terrorism to practice their trade.

BICENTENNIAL MINUTE

Mr. DOLE. Mr. President, during this 100th Congress, I have talked from time to time of what I call bicentennial minutes. Today I would like to mention an event that occurred on January 29, 1850.

BICENTENNIAL MINUTE

JANUARY 29, 1850: HENRY CLAY AND THE COMPROMISE OF 1850

Mr. DOLE. Mr. President, on January 29, 1850, 137 years ago, in the old crimson and gilt Senate Chamber, 73-year-old Henry Clay, "weak in body but strong in spirit," arose to deliver one of the greatest speeches of his career. His colleagues, even his enemies, were held in the spell of his personal magnetism. On this occasion, Clay enlisted the spirit of George Washington to his cause. Lest the power of words alone fail to move his audience, he struck an impressive, if macabre, note by exhibiting a fragment of Washington's coffin. Adding to the drama on that day, was the fact that all knew the aging Clay—"Harry of the West," the "Kentucky Hotspur," "the Great Pacificator," "the Old Prince"—was dying, and that this would very likely be his last crusade.

What cause drew Clay out of retirement in Kentucky? He had already delivered a stirring valedictory in the Senate Chamber in 1842. And, besides having been a Senator on three separate occasions beginning in 1806, he had been a Representative, Speaker of the House, Secretary of State, and perennial Whig Presidential candidate. Clay, the "Great Compromiser," one of the masterminds of the "Missouri Compromise" of 1820-21, came out of retirement in a desperate attempt to save the Nation from the disaster of disunion. Beginning with his speech on this day 137 years ago, Clay introduced the complex series of resolutions that became known as the "Compromise of 1850." Clay hoped that the measures he espoused, which were largely adopted, would settle the sectional struggle threatening disunion. He died in Washington in June 1852, believing they had.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

THE REAGAN ADMINISTRATION: AN ARMS CONTROL DISASTER

Mr. PROXMIRE. Mr. President, the time has come for this Congress to recognize the grim reality that the President of the United States has virtually destroyed superpower arms control in this dangerous nuclear world. This is one of the truths about this remarkable President that no one in the press or in the Congress has spoken. Oh, sure, the Soviet Union, as always, has been difficult. But they have been no more difficult in the past 6 years when arms control has crumbled than they were in the preceding 20 years when slow and limited arms control progress was achieved by both Republican and Democratic administrations. The President has gone through the motions on arms control. He has consistently called arms control his objective. As in many other areas, he has said this well and consistently. Result: No one has challenged the President's dismal record. So, how about the Reagan arms control record?

It is true that the President has not made any attempt to abolish the Arms Control and Disarmament Agency. He has done something far worse. Whom did President Reagan put in charge of this Agency that has had the prime mission of advancing arms control? Answer: Kenneth Adelman! Why Adelman? Here was the American official with the prime responsibility for advancing arms control. What was his experience, his record in arms control? If Adelman had ever had any previous association with arms control in any capacity, it was never disclosed. And what has been the record of the Arms Control and Disarmament Agency under Adelman's leadership? You tell me. If the Arms Control Agency in this administration has taken any action of any kind whatsoever, it has been the secret of the year. Experts on the staff of the Senate Foreign Relations Committee have told me that the Arms Control Agency hasn't even been in on discussions with the committee on the arms control test ban issues that have been taking place most recently. The State Department, the Defense Department, and the Energy Department have all been involved. But not the Arms Control Agency.

Mr. President, the appointment of Kenneth Adelman as head of the Arms Control and Disarmament Agency was not only the appointment of a totally unqualified person with no arms control experience or record, it was worse. As he has proven in spades, Adelman is an unrelenting critic of virtually every arms control agreement this country has negotiated. This Nation's Director of the Arms Control and Disarmament Agency is to arms control what Washington's Mayor Marion Barry is to snow removal.

In all fairness, it is true that some 2 years ago, President Reagan appointed a team of arms control negotiators to conduct arms control negotiations with the Soviet Union. These negotiators have from time to time discussed proposals for eliminating intermediate nuclear weapons from Europe and the reduction of the number of nuclear weapons held by both superpowers. They are now engaged in the seventh—that's right, the seventh—round of negotiations. What has been the result? Zero.

In fact, it is worse. Much worse. When this administration took office on January 20, 1981, the superpowers had in place the modest but definite beginning of an arms control framework. The Antiballistic Missile Treaty provided a permanent and firm basis against a defensive-offensive nuclear arms race between the two superpowers. In 1972, the Senate had confirmed that treaty by an overwhelming 89 to 2 vote. But what is the top military priority of the administration today? It is the strategic defense initiative, or star wars. And what would this Reagan administration top military priority do? It would take dead aim at the ABM Arms Control Treaty. President Reagan's SDI would destroy that ABM treaty root and branch. SDI would then without question set off an all-out offensive-defensive nuclear arms race.

How about the other major arms control treaty to constrain the nuclear arms race? In this case, the offensive arms race. How about SALT II? Mr. President, the Strategic Arms Limitation Treaty signed by this country but never ratified was kept alive by Presidents Carter and Reagan by Executive order until it expired on December 31, 1986. Did the Reagan administration make any attempt to renegotiate and extend this crucial arms control treaty beyond its expiration date? No. In fact, the President announced that he intended to violate its provisions. So SALT II—our other major arms control treaty—is dead.

What other major arms control agreement does all this leave between the two superpowers? Answer: The 1963 treaty limiting test explosions of nuclear weapons by either superpower to the underground—eliminating explosions in the Earth's atmosphere, underwater, or in outer space. This was an excellent environmental protection treaty. For arms control, however, its only significance was the promise it contained in its preamble that the superpowers would negotiate a total ban on nuclear weapons testing. What has happened to that promise? The Reagan administration has refused to even discuss any negotiations for a ban on nuclear weapons testing with the Soviet Union. They have refused, in spite of the fact that the Soviet Union has refrained from nuclear weapons testing since August 5, 1985—that is, for nearly a year and a half. The administration has refused to engage in any negotiations on this issue, although the Soviet Union has announced it will continue the moratorium on testing until the United States carries out its next underground nuclear weapons test.

So where does this leave arms control in this dangerous nuclear world? It leaves arms control in tatters. In 1981, when this administration took office, the superpowers had in place limited and modest arms control agreements. In spite of the great difficulty of negotiating with the Soviet Union, we had built those agreements slowly and painfully over a 20-year period. What arms control do we have today, after 6 years of the Reagan administration? Answer: literally nothing. We do not have a single significant arms control agreement restraining the superpower nuclear arms race. This administration has been a total arms control disaster.

BUREAU OF ENGRAVING AND PRINTING CELEBRATES ITS 125TH ANNIVERSARY

Mr. PROXMIRE. Mr. Speaker, the Bureau of Engraving and Printing, Department of the Treasury, celebrates its 125th anniversary this year. Today, January 29, 1987, marks the beginning of that celebration.

The Bureau's charter, in essence, dates back to July 11, 1862, when Secretary of the Treasury Salmon P. Chase introduced a proposal in Congress authorizing the engraving and printing of notes at the Treasury in Washington.

Thus, Bureau operations began as a force of six people who separated and affixed seals to $1 and $2 U.S. notes in a small room of the Treasury building in 1862. These functions were later embodied in what was known as the First Division of the National Currency Bureau. The actual printing of currency notes by Treasury employees commenced in the fall of 1863. By October 1, 1877, all U.S. currency was printed by the Bureau of Engraving and Printing.

The Bureau's first home was located in the Old Auditor's Building on 14th Street and Independence Avenue SW. The Bureau moved to its present location on 14th and C Streets SW, in April of 1914; in 1938 an annex building was added to house the continually growing industry within the Bureau.

Today, the Bureau is the only producer of U.S. paper currency, and is also responsible for the production of nearly 600 other financial and security items including approximately 36 billion postage stamps annually.

"One-hundred-twenty-five years of service through people and technology" best describes the Bureau's achievements; the devotion and skill with which its craftspeople perfect their art, and their dedication to quality make the Bureau a world leader in the securities technology of today and the future.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MANDATING ADHERENCE TO SALT II ARMS LIMITS

Mr. CHAFEE. Mr. President, it is a pleasure once again to join my distinguished colleagues from Pennsylvania, Arkansas, and Vermont in this, our ongoing endeavor to promote good arms control policy. Today, we are introducing legislation mandating U.S. adherence to the SALT II numerical sublimits.

I must admit, however, that I wish we did not have to be here today. It has always been my preference to stay on the sidelines with regard to arms control policy, to allow the President to set the agenda in this area. It is my conviction that, except in extraordinary circumstances, the President should lead the way in pursuing and adhering to effective arms control and reduction agreements between the United States and the Soviet Union.

I am here today because, unfortunately, one of those extraordinary circumstances has arisen. The administration has moved forward with its decision to discard a cornerstone of arms control, the SALT numerical sublimits. In one respect, this action comes as no surprise—we were given ample warning last spring when the President made clear that it was his intention to end informal U.S. adherence to the unratified SALT II Treaty and it was his intention to cancel the order for the dismantling of strategic systems which kept the United States within the numerical sublimits. The reaction to this policy was so negative—in other words, the President gave warning that he was not going to dismantle our systems to maintain the adherence to that policy—but the reaction was so negative right from the beginning that it was our hope that the President would listen to those from both parties in both Houses of Congress who urged him many times not to make what we considered to be a grievous mistake.

But despite the congressional outcry, expressed most succinctly in the fiscal year 1987 Department of Defense Authorization Act, the President, late last year allowed the U.S. Air Force to deploy the 131st strategic bomber armed with air-launched cruise missiles. In doing so, as I say, he went against the best advice of Members of Congress, treaty negotiators, and many, many experts who have taken a close look at the question and decided, to quote the language in the Defense authorization bill, that "it is in the national security interests of the United States to continue voluntary compliance with the central numerical sublimits of the SALT II Treaty as long as the Soviet Union complies with such sublimits."

The reasons we and others strongly support U.S. adherence to the sublimits are very simple. Without this cap on the nuclear arsenals of the two nations, the United States and the Soviet Union, we are suddenly staring in the face an intensified and unbridled weapons race, in which the Soviets, unfortunately, have a clear and deeply disturbing advantage. It may not have begun yet, and it may not begin for 6 months, but unless the President reverses his decision, this arms race most definitely will begin.

The Soviets possess so-called warm and hot production lines in numbers that far exceed our own. A "hot" production line means one that can be turned on, start grinding out the missiles in very short fashion, and they have the capability to begin a tremendous arms buildup in a relatively short time. With SALT a dead letter—which it will be unless we pass this kind of legislation that we are introducing today—the Soviets are free to step up deployment of their 10-warhead SS-24 missiles, without dismantling other MIRV'd missiles to stay under the SALT limit. The Soviets can add warheads to the huge SS-18 missile, which now carries 10 warheads, the maximum number allowed under SALT, but the Soviets can easily add to the SS-18. In addition, they can now build new silos to deploy extra ICBM's, an action which they have been prohibited from taking under SALT.

If the costs of the President's decision are a new arms race, and a probable strategic disadvantage for the United States what are the benefits of leaving behind SALT? What is on the plus side of abrogating this treaty or the observance of it? I cannot find a single advantage for the United States. I cannot find even one. The administration argues that Soviet violations of the treaty forced the United States to end adherence to it. In my view, abandonment of the treaty is a highly disproportionate response to United States concern over possible Soviet violations of SALT provisions. The violation issues are present and there is no question we should vigorously work to resolve these violations by the Soviets. But none of the possible violations involves the numerical sublimits in other words, the number of these weapons, on MIRV'd ICBM's and SLBM's, and bombers equipped with air-launched cruise missiles.

There is no doubt that the Soviets have adhered to these sublimits, which are the heart and soul of the treaty and they are the heart and soul of the "mutual restraint" provisions that have grown out of the treaty. As long as these limits remain in place, why abandon this extremely valuable instrument of arms control?

The administration points to the possible Soviet violations which I touched on before. The most troubling of these possible violations is deployment of the SS-25, which appears to be a new missile, although the Soviets argue it is a permissible modification of the older SS-13. The other violation issues involve encryption of telemetry and dismantling of the Soviets' Bison bombers, neither of which is a clear-cut issue under the treaty language, although as far as I am concerned I am prepared to consider them violations. These are matters which can and should be taken up in the proper forum, namely, the Strategic Consultative Commission, and these are the kinds of issues that previous administrations have resolved in that body. Why has not the administration attempted this route? I believe it is because vigorous enough efforts have not been used through the SCC to truly consult with the Soviets and, if a violation exists, bring them back into compliance. That is the route to go, not the abrogation of the sublimit ceilings.

In light of this unfortunate decision to abandon the only real brake on a superpower arms race, I am joining today with my three colleagues, the

Senator from Arkansas, Senator BUMPERS, Senator HEINZ from Pennsylvania, and Senator LEAHY from Vermont in deciding, reluctantly, to take legislative action. The bill we are introducing today simply prohibits funds from being obligated or expended in this calendar year to overhaul, operate, or deploy any strategic nuclear weapons launcher or platform that will put us over the sublimits.

It is limited in scope. We do this reluctantly. We do not want to get into the prerogatives of the President. We have urged him with all our power not to exceed those sublimits but it has taken place. So reluctantly we proceed with this legislation.

It is limited in scope because we want to emphasize we have no desire for blanket congressional control over arms control policy. We are certain that we are within our rights with this action, but as a rule, as I said, we would prefer not to intervene in this way. The prohibition that we are imposing may be waived if the President certifies to Congress that the Soviets have exceeded those same sublimits. Thus this bill is not a straitjacket on U.S. policy.

What will passage of this legislation gain us? It will stave off an escalation in the arms race until a new and better agreement can be reached. It will prevent the Soviets from beginning a huge buildup and far outstripping the United States in strategic nuclear weapons. And it will restore our standing among our allies, who are profoundly disturbed that, suddenly, the Soviets may have gained the upper hand in the court of world opinion on arms control issues. I am particularly concerned about this latter issue, about indications that the United States is increasingly preceived as the superpower which is less interested in real, effective arms control. This is the high ground that we should seize and keep. Passage of this legislation will demonstrate to our friends in the world that we know a good, worthwhile arms control framework when we see one, and will not rashly put the security of the West at risk by throwing away the SALT II sublimits.

It is not our intention, as some have quite mistakenly concluded, to gain a bargain-basement ratification vote for SALT II. As far as I am concerned, the SALT II Treaty is, as its critics are wont to point out, unratified, expired, and outdated. That is passed. Even under the terms of the SALT II Treaty, its time limits have passed by. But it is all we have.

The key fact remains that mutual restraint under its central sublimits is our best means to hold back the arms race until a new and better agreement is negotiated. As long as the Soviets stay within the numerical limits, we should do the same. By sticking with those sublimits, we keep arms control alive. By abandoning them, we needlessly open a Pandora's box, and set the stage for a new arms race that will make the world a much more dangerous place within which to live.

I hope that my colleagues will recognize the folly of the administration's decision on the SALT arms limits and join us in working for the passage of this legislation.

Mr. PROXMIRE. Mr. President, will the Senator from Rhode Island yield me 10 seconds?

Mr. CHAFEE. I yield.

Mr. PROXMIRE. I congratulate my good friend from Rhode Island. He is a former marine and a former Secretary of the Navy. He is a man who understands the importance of a strong defense. He has made an excellent speech.

Here is a Senator who wants to join and support the four Senators and the bipartisan proposal by the Senator from Arkansas, I understand, and the Senator from Rhode Island and others. It is an excellent proposal. I certainly want to do all I can to help.

Mr. CHAFEE. I want to thank the distinguished Senator from Wisconsin who has been so active in this issue and indeed speaks every day in the Senate on the arms control effectiveness and the need for good policies, the dangers about violations of the ABM Treaty and of the SALT II sublimit.

We certainly thank him very much.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arkansas [Mr. BUMPERS] is recognized for a time not to exceed 5 minutes.

SALT II SUBLIMIT MUTUAL RESTRAINT ACT OF 1987

Mr. BUMPERS. Mr. President, I am pleased to join my distinguished colleagues, Senator CHAFEE, who just spoke, Senator HEINZ, and Senator LEAHY, in what is a continuing bipartisan effort on the part of the four of us to lead the U.S. Senate and Congress toward a sane, sensible strategic policy which in our view must encompass staying within the sublimits of the SALT II Treaty.

Some have suggested that, if this bill is brought up as an amendment at any time, there are other Members who will then ask that the SALT II Treaty be ratified which, as the Members know, would require 67 votes.

I would hope that would not happen, but I can tell you that my present thought would be that I would vote against the SALT II Treaty unless it were substantially up dated to refect changes over the last 8 years.

We are not trying to ratify the treaty. We are trying to get the United States to stay within one set of provisions of the SALT Treaty that we think makes a lot of sense and hopefully that the Soviet Union will continue to do the same.

As you know, the administration has allowed the United States violate this sublimit of SALT II when it failed to offset the deployment of a cruise missile-equipped B-52 by dismantling an older weapons system, thereby putting us above the 1,320 limit on MIRV'd weapons.

This was the first time that either superpower had violated any of the key sublimits of SALT II. The Soviets have been right up against the SALT II limit of 820 MIRV'd, ICBM's for years, with 818 but they have not gone above that limit. And not only did the Reagan administration cause us to violate SALT II once, but it has done it two more times: on December 22, another B-52 with cruise missiles was deployed without any offsetting reductions; and just this last Tuesday, January 27, still another B-52 with cruise missiles was deployed. And in the name of the American people, the Reagan administration will be violating the treaty many times more while it still is in power: 22 more times just through the end of 1987, according to the Air Force.

Three times in the past 3 years Congress has passed nonbinding language urging the President to keep the United States within the SALT limits. Until last year, he did this, and we applauded that in a bipartisan way in this body. But now that he has steered the ship of state onto a dangerous and uncharted course, Congress must act. In the face of this willful Presidential attempt to junk the last remaining limits on offensive nuclear arms, with no new agreement even on the horizon to take their place, my colleagues and I believe it is time for Congress to exercise its historic and constitutionally sanctioned role to check this unwise decision by the President and put the United States back within the sublimits of SALT II. As the Senator from Rhode Island has correctly pointed out, we do this reluctantly, but we do it because the security interests of the United States and the NATO alliance demand it.

Enactment of the legislation we have introduced today would ensure that the United States would stay within the SALT II sublimits at least through the rest of 1987 as long as the Soviet Union does likewise. In addition, it would require the President and his administration at long last to tell America what SALT I and SALT II have forced the United States and the Soviet Union to dismantle. The administration has kept this information from the American people because its revelation would be damaging to their campaign to scrap these sublimits. The reality is that the sublimit has forced the Soviets, SALT I and SALT

II have forced the Soviet Union, to dismantle far more than the United States: over 550 missiles and bombers for the Soviets versus 48 for the United States, less than one-tenth the Soviet total.

Our legislation is also forward looking. In section 3, we recognize that even more effective interim restraints than SALT II would be for us to encourage the President to pursue possible new approaches with the Soviet Union, new interim restraints, such as a new agreement on warheads, where warheads are defined as they were at Reykjavik. A lot of interim restraints are possible. We would not be prohibited under this legislation from spurring modernization, but a cap on warheads would require each side to dismantle one older warhead for each new one deployed. Simply put, this legislation is necessary if we are going to maintain America's commitment to arms control and if we want to keep some limits on the Soviet nuclear threat.

The Soviets have said they will stay within the SALT numerical limits for the time being, but they are not going to do this indefinitely. If we stay in violation of the SALT limits, we have to expect the Soviets at some point to begin to exceed those limits as well.

For example, SALT II limits both sides to 820 MIRV'd ICBM's, the most destabilizing of all weapons, according to the administration. The Soviets, with 818 MIRV'd ICBM's, have stayed within this limit, bumping right up against the 820 limit. Under SALT II, the Soviets, who will begin deploying their new MIRV'd SS-24 ICBM this year, must begin almost immediately to dismantle an existing MIRV'd ICBM for each new one they deploy. Without SALT, they can keep and deploy all they want. They could have several hundred more MIRV'd ICBM's in the next few years than they have now if we scrap SALT II.

But having junked SALT, the administration is, in effect, saying that our national security will not be affected one scintilla if the Soviets deploy hundreds of new MIRV'd ICBM's. This is downright silly, and a step that will be of great peril to the United States and our allies.

The reality is that a wide variety of sources agree that without SALT the Soviets will have several thousand more warheads than they would with SALT.

Mr. President, I ask unanimous consent that a table showing that be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

INCREASED SOVIET WARHEAD LEVELS WITHOUT SALT

Source	1990-91	1994-95
CIA		+3,000-9,000
Administration report to Congress	+2,000-3,000	
Soviet military power 1986		+5,000
Housed Armed Services Committee	+4,000	+7,000-14,000
Senior ACDA official	+1,000-2,000	+1,000-5,000
Arms control Assn.	+5,000-7,000	+7,000-12,000

Note.—Today the Soviets have about 10,000 warheads. If SALT is continued, the above sources estimate that the Soviets would have 12,000 to 13,000 warheads by 1990-91 and 12,000 to 16,000 by 1994-95.

Mr. BUMPERS. Mr. President, in addition to the 820 limit on MIRV'd ICBM's the Soviets will probably be in a position to exceed the 1,200 limit on all MIRV'd missiles later this year. Now, if one chooses to believe that this is a naive concept, I want you to listen to this. There is a broad spectrum of professional national security experts who agree with our position. Six of the seven living former Secretaries of Defense, Republican and Democrat alike, agree with what we are doing. Six of the last Secretaries of Defense, Democrat and Republican alike: Harold Brown, James Schlesinger, Eliot Richardson, Melvin Laird, Clark Clifford, and Bob McNamara. And the chairman of the President's strategic forces advisory panel, Brent Scowcroft, whom we all have great affection and admiration for, is in this camp, as well as a host of other military leaders.

And, in addition, Mr. President, every single NATO ally we have disagrees with the President on this and they have told him so. It seems to me if the linchpin of Soviet foreign policy is to drive a wedge between us and our NATO allies, we may as well be on their payroll if we keep exceeding the SALT limits. We have deep and legitimate concerns about Soviet's compliance with SALT II. But, as Gen. John Chain, currently commander in chief of the Strategic Air Command, told Congress 16 months ago, the Soviets are abiding by the great majority of SALT's provisions. And there is no disputing their compliance with the numerical sublimits of SALT II.

Congress has endorsed twice in the past 2 years the right of the President to a proportionate response to any violation by the Soviet Union. But trashing the sublimits of the SALT II Treaty is a dangerously disproportionate response that damages our national security.

So, Mr. President, in closing, it is my hope that enactment of this legislation will not be necessary, that the President will find a way to return the United States to compliance with these limits. But, if it is necessary, I plead with my colleagues to act with us and to join us. We have a duty to defend the best interests of our national security.

Who here believes that this planet will be safer by 1995 when the Soviet Union has added an additional 5,000 warheads and we have added an additional 5,000 warheads? I promise you, there is not one soul in this body that believes that.

So, Mr. President, in our most reflective moments, we have to recognize that there are 4 billion souls on this planet. And just two men—you think of this—or either of the two, have the ability to destroy all that there is on and above this planet; either kill everything or make it uninhabitable. Either one of those two over out of 4 billion have that ability. So surely we must do all we can to reduce the possibility of such an unspeakable and unthinkable thing happening.

Mr. President, I send to the desk the bill which we today introduce.

The ACTING PRESIDENT pro tempore. The bill will be appropriately referred.

Mr. BUMPERS. Mr. President, I ask unanimous consent to have printed in the RECORD a SALT fact sheet, together with statements on U.S. SALT policy, and the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SALT FACT SHEET

Past U.S. adherence to SALT has maintained important restraints on Soviet Nuclear Forces.

To stay within SALT numerical limits, the Soviets have been forced to dismantle hundreds of missiles, including 14 Yankee-class missile submarines, with 224 SS-N-6 missiles. These Yankee subs were newer than 80% of our missile subs.

By contrast, the U.S. has dismantled only three operational submarines, with 48 missiles, to comply with SALT.

OPERATIONAL WEAPONS DISMANTLED TO COMPLY WITH SALT, 1973-86

U.S.S.R.	Number	United States	Number
SS-11	72		
SS-7	190		
SS-8	19	Poseidon C-3	48
SS-N-5	21		
SS-N-6	224		
Bison bombers	30		
Totals	556	Total	48

For over 13 years SALT has prevented the Soviets from building new ICBM silos, forcing them to take out older ICBMs as they deployed newer ones.

If we stay with SALT, Soviet dismantling to stay within SALT limits must continue. Without SALT, such dismantling will stop before long, and the Soviet nuclear threat to the United States and NATO will be much greater.

The MIRV ceilings of SALT II have appreciably constrained Soviet force deployments, forcing the Soviets to stay within treaty ceilings on multiple warhead (MIRV) ICBMs, MIRV'd missiles and MIRV'd missile/ALCM bomber limits.

UNITED STATES/SOVIET MIRV'D FORCE LEVELS AS OF JANUARY 28, 1987

	United States	U.S.S.R.	SALT II limit
MIRVed ICBM's	550	818	820
MIRVed ICBM's and SLBM's	1,190	1,170	1,200
MIRVed ICBM's/SLBM's and ALCM-equipped bombers	1,323	1,230	1,320

Source: Congressional Research Service, Joint Chiefs of Staff.

THE U.S.S.R. WILL HAVE TO DISMANTLE MORE THAN THE UNITED STATES UNDER SALT

As shown below, under SALT the Soviets will have to dismantle much more than the United States. The Poseidon subs we would dismantle for SALT reasons will reach their 30 year life limits and have to be dismantled anyway in 1993 and 1994.

ESTIMATED SALT DISMANTLING REQUIRED THROUGH 1987

United States	Number	U.S.S.R.	Number
Poseidon	32	SS–19	5
		SS–17	20
		SS–11	72
		SS–N–18	32
Total	32	Total	129

Source: "Strategic Nuclear Forces: Potential United States/Soviet Trends With or Without SALT, 1985—2000", J. Medalia, A. Tinajero, and P. Zinsmeister", Congressional Research Service, July 15, 1986.

THE SOVIETS COULD FAR EXCEED SALT LEVELS IN THE NEXT DECADE IF THEY ARE FREED FROM SALT RESTRAINTS

"The President . . . was asked to explain [why] he had called the signed but unratified SALT II Treaty of 1979 'fatally flawed,' but has been informally observing its terms as President. *'I learned that the Soviet Union had a capacity to increase weaponry much faster than the treaty permitted, and we didn't.' [emphasis added]*"

President Reagan, quoted in the New York Times Magazine, October 6, 1985, p. 23.

The Defense Department says that without SALT, the Soviets could have 5,000 more warheads, or 33 percent more, by the mid-1990's than they would with SALT. The CIA puts the range at 3,000-9,000 more warheads without SALT than with it. This and other estimates for Soviet warhead levels are presented in the next table.

INCREASED SOVIET WARHEAD LEVELS WITHOUT SALT

Source	1990–91	1994–95
CIA		+3,000–9,000
Administration report to Congress	+2,000–3,000	
Soviet Military Power 1986		+5,000
House Armed Services Committee	+4,000	+7,000–14,000
ACDA Official	+1,000–2,000	+1,000–5,000
Arms Control Association	+5,000–7,000	+7,000–12,000

Note.—Today the Soviets have about 10,000 warheads. If SALT is continued, the above sources estimate that the Soviets would have 12,000–13,000 warheads by 1990–91 and 12,000–16,000 by 1994–95.

While there is disagreement over how much the threat will increase without SALT, no one disputes that the threat will be larger without SALT than with it.

If the U.S. continues to violate the SALT II limit of 1320 MIRVed systems, the Soviets are in a position to break the two other sublimits in 1987:

The 820 limit on MIRVed ICBMs. The Soviets will start deploying their SS-24, with 10 warheads each, this year. Under SALT II, the Soviets, with 818 MIRVed ICBMs, must dismantle an older MIRVed missile for each SS-24 they deploy to stay within the 820 ceiling. Without SALT, the Soviets could quickly exceed the 820 limit.

The 1200 limit on MIRVed missiles. The Soviets now have 1170 MIRVed ICBMs and SLBMs combined. The Soviets are expected to deploy two missile-firing subs this year, a Typhoon (with 20 MIRVed missiles) and a Delta IV (with 16 MIRVed missiles). With these 36 new missiles, the Soviets would have a total of 1206 MIRVed missiles, not counting the SS-24 ICBMs they deploy. SALT would force them to dismantle missiles to stay at 1200, but without SALT the Soviets would be free to go higher still.

The ban on new silo construction contained in SALT would disappear if SALT is ended, allowing the Soviets to build hundreds of new silos with hundreds of new MIRVed ICBMs if they wish. If the Soviets build silos as fast as in the late 1960's (about 300 per year), they could have the launch capability for thousands more warheads by 1996.

IMPORTANT STATEMENTS ON U.S. SALT POLICY

I. DEFENSE AND ARMS CONTROL EXPERTS

"U.S. policy should be to continue not to undercut the [SALT II] Treaty, especially its numerical limits."—Harold Brown, former Secretary of Defense to President Carter; Melvin Laird, former Secretary of Defense to President Nixon; James Schlesinger, former Secretary of Defense to President Ford; Brent Scowcroft, former National Security Adviser to President Ford; Cyrus Vance, former Secretary of State to President Carter and Deputy Secretary of Defense to President Johnson, Letter to Secretary Shultz August 1, 1986.

"Yes, I think we should [comply with SALT II]. There are restraints in the treaty on the Soviets which, however modest, are better than having no restraints at all."—General Brent Scowcroft, Chairman, President's Commission on Strategic Forces (1983-84), National Security Adviser to President Gerald Ford, Defense Week, January 21, 1985, p. 15.

"General Scowcroft said President Reagan's decision to comply for now with the 1979 arms limitation treaty [SALT II] 'made a great deal of sense.' He said the United States had nothing to gain from a policy of 'reciprocal violation [of the treaty] because we have virtually no leverage * * * [the treaty] is in a sense a refuge for us.' "—General Brent Scowcroft, quoted in the New York Times, June 19, 1985.

"I have made that assessment privately today that we should continue to abide by the SALT II limitations."—General Bennie Davis, then-Commander-in-Chief, Strategic Air Command, before the Strategic and Theater Nuclear Forces Subcommittee of the Senate Armed Services Committee, March 6, 1985.

"The Soviet Union, due to its production base, has an enormous capability to field systems. If they were to break out of the treaty limits of SALT II, the disparity between the number of warheads held by the Soviet Union and the United States would be significant * * * Any action by the Soviet Union which would change the nuclear balance so dramatically would adversely affect the strategic balance."—General Bennie Davis, ibid., March 6, 1985.

"I would not like to see the Soviets go beyond the SALT limits."—Lt. Gen. James Abrahamson, Director, Strategic Defense Initiative Organization 1986.

"There's not even a marginal military reason for exceeding the SALT limits * * * these guys have got a lot to learn."—General David C. Jones, then-Chairman of the Joint Chiefs of Staff (1981), as quoted in Deadly Gambits, by Strobe Talbott, p. 226.

"The [Joint] Chiefs [of Staff] want a continuance of the adherence regime rather than deal with breakout on the Soviet side."—General Richard Ellis, then-Commander-in-Chief, Strategic Air Command (1981), as quoted in Deadly Gambits, p. 224.

"At least six good things about SALT II come to mind."—Admiral Bobby Inman, then-Deputy Director, Central Intelligence Agency (1982), quoted in Deadly Gambits, p. 274.

"I am in complete accord [with legislation supporting the SALT no-undercut policy] * * * if approved by a large majority, as it should be, it will be a constructive and needed measure."—General Lew Allen, USAF (ret.), former Air Force Chief of Staff and currently Director of the Jet Propulsion Laboratory, May 31, 1984.

II. CONGRESS

"Continued Adherence to SALT II Numerical Sublimits.—It is the sense of the Congress that it is in the national security interests of the United States to continue voluntary compliance with the central numerical sublimits of the SALT II Treaty as long as the Soviet Union complies with such sublimits."—Department of Defense Authorization Act, 1987, October 14, 1986, p. 147.

"The President should carefully consider the impact of any change in the current policy of the United States regarding strategic offensive arms agreements on the long term security interests of the United States and its allies; and should consult with Congress before making any change in that policy."—Language from the Department of Defense Authorization Act, 1986 July 29, 1985.

"It would be detrimental to the security interests of the United States and its allies and to international peace and stability for the last remaining limitations on strategic offensive nuclear weapons to break down or lapse before replacement by a new strategic arms control agreement between the United States and the Soviet Union."—FY1985 DOD Authorization Act, 98 Stat. 2586.

"If this country were to abandon the existing arms control restraints built into the SALT II Treaty . . . we could unleash a totally unrestricted arms race between the two superpowers. Such an arms race would have the likely effect of undermining any prospect for success at the strategic arms reduction talks in Geneva . . . If the United States chooses to ignore the 1200 limit and to scrap the SALT II Treaty, this country would gain very little . . . The Soviet Union, on the other hand, could reap an immediate benefit from abrogation of the SALT II Treaty."—Senator David Durenberger, Chairman, Senate Select Committee on Intelligence, June 5, 1985.

"[Extending SALT II would be] quite logical [and] conducive to continuation [of the Geneva arms talks] * * * A sharp turn away from that [no-undercut] policy could well be detrimental to the atmosphere in which these talks are being conducted."—Senator John Warner, Chairman of the Strategic and Theater Nuclear Forces Subcommittee of the Senate Armed Services Committee, November 14, 1985.

III. ALLIES

"[West Germany] believes that both superpowers should adhere to the agreed-upon upper limits on strategic weapons systems."—Spokesman for the West German government, in response to U.S. exceeding SALT II Limits, November 28, 1986.

"It would have been very wise and very useful [for the U.S. to continue to comply with SALT II]".—Francois Mitterand, President of France, November 28, 1986.

"Any non-compliance with the provisions of SALT II undertaken by whichever side is regretted."—Spokesman for the Belgian Foreign Ministry, November 28, 1986.

"The provisions [of SALT II] must be observed by both sides * * * difficulties will arise if both sides do not observe them."—Margaret Thatcher, Prime Minister of Britain, November 18, 1986.

"Since we are speaking of disarmament, let us not begin to overarm. Since we are speaking of negotiation, let us not begin to destroy existing treaties * * * France hopes existing treaties will be observed."—Francois Mitterand, President of France, July 10, 1986.

"[The] unanimous advice [of NATO ministers to Secretary Shultz] was to continue observance of the Second Strategic Arms Limitation Treaty."—Lord Carrington, NATO Secretary General, quoted in the Christian Science Monitor, June 12, 1985.

"We warmly welcome President Reagan's announcement that the United States will continue to observe the SALT II constraints, even though the Soviet record on compliance provides real cause for concern. This decision underlines the commitment of the United States to the arms control process."—Official Statement by Spokesman for the United Kingdom, June 11, 1985.

"We supported the United States sentiment of commitment to the SALT II treaty, although it was never ratified. Because it is very difficult to make new agreements in arms control, it is all the more important to most carefully preserve existing treaties and adhere to them."—Hans-Dietrich Genscher, Foreign Minister of West Germany, November 1985.

"The Federal Government welcomes the decision of the American President to continue respecting SALT II provisions. This decision underlines the interest of the West to continue actively the arms control dialogue with the Soviet Union * * * For progress in the ongoing arms control negotiations, especially U.S.-Soviet negotiations in Geneva, it is important that what has been accomplished in arms control is maintained. The Federal Government [West Germany] considers the continued observation of SALT I and SALT II limits, as well as the observation of the ABM Treaty, important contributions to strategic stability."—Peter Boenisch, State Secretary (Public Spokesman), Federal Republic of Germany, June 11, 1985.

"[The Canadian] Government's activity will be * * * encouraging compliance with existing treaties * * * To deviate from a policy of full compliance is to threaten the credibility and hence the viability of arms control. **Canada firmly supports the regime** created by the ABM Treaty and the existing SALT agreements on limiting strategic forces."—Joe Clark, Canadian Secretary of State for External Affairs, January 23, 1986.

"Premier Craxi conveyed immediately his strong approval for such a decision [to continue with SALT]. For the Italian government, that decision represents actually the most effective confirmation and commitment to make substantial progress in the negotiations on nuclear arms reductions."—Palazzo Chigi, official news service for Italian government, June 23, 1985.

"It is a very positive aspect that the American Administration has decided to continue complying with the limits set by the SALT II Treaty. * * * in the field of arms control it is very important not to jeopardize what has already been gained * * * the lack of compliance with existing obligation—and therefore the lack of a set of rules—would involve a risk of an acceleration of the arms race. And that is unacceptable to all. The [Danish] Government hopes that * * * the United States and the Soviet Union on its part will comply with the SALT II Treaty, until new arms control agreements are finalized in Geneva."—Uffe Ellemann-Jensen, Danish Minister for Foreign Affairs, June 11, 1985.

"Australia recently communicated its strong view to the U.S. and USSR that the existing SALT II limits should continue to be observed, pending the negotiation of a new agreement, said the Prime Minister."—Australia News, June 13, 1985.

"[SALT II's] key provisions serve as an important framework of constraint and impart a valuable degree of predictability."—Robert J. Hawke, Prime Minister of Australia, June 7, 1985.

IV. OTHERS

"If President Reagan had decided not to continue complying with SALT II, the Soviet Union would not consider itself to be bound by these provisions and limitations either; it could attach 30 warheads to each of its 300 giant SS-18 intercontinental ballistic missiles rather than the 10 allowed under the treaty. This would mean an increase of 6,000 warheads in the Soviet arsenal. The United States has no missiles of this size which would allow us to match such an action by the Soviets."—President Richard M. Nixon, Foreign Affairs, Fall 1985, pp. 4-5.

"It's perfectly logical to me to say that if the Russians are ahead and we are behind, we don't want them to go even higher. It's to our advantage that they be deterred from pushing the level of their strategic weapons even higher. The SALT II treaty would do this."—Edward Rowny, Chairman of U.S. delegation to the Strategic Arms Reduction Talks (START), in U.S. News and World Report, June 6, 1982.

"I * * * heartily endorse * * * the mutual, informal observance of the SALT I Interim Accord and the SALT II Treaty."—W. Averell Harriman, May 31, 1984.

S. 415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "SALT II Sublimit Mutual Restraint Act of 1987".

SEC. 2. LIMITATION ON STRATEGIC WEAPONS.

Notwithstanding any other provision of law, within 60 days of enactment of this Act no funds may be obligated or expended through December 31, 1987 to overhaul, maintain, operate or deploy any strategic nuclear weapons launcher or platform which would cause the U.S. to exceed those totals permitted under the central numerical sublimits of 820, 1200, and 1320 on categories of strategic launchers and platforms contained and defined in the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Strategic Offensive Arms, subject to the limitations in Section 5. Within 30 days of enactment of this Act, the President shall notify Congress of his plans for carrying out the provisions of this Section.

SEC. 3. REPORTING REQUIREMENT.

The President shall submit to Congress a report by October 15, 1987, in both classified and unclassified versions, describing the operational strategic nuclear weapons launchers and platforms that the United States and the Soviet Union have dismantled which have had the effect of keeping them from exceeding the limits of SALT II and the offensive limits of SALT I.

SEC. 4. INTERIM RESTRAINT POLICY.

Congress reaffirms its statement in Public Law 99-661 that "it is in the national security interests of the United States to continue voluntary compliance with the central numerical sublimits of the SALT II Treaty as long as the Soviet Union complies with such sublimits." Recognizing that even more effective interim restraints by the United States and the Soviet Union would also be in the security interests of the United States, the Congress encourages the President to pursue possible new approaches with the Soviet Union to strengthen the interim restraint framework so that some restraints on offensive nuclear forces will continue until a new comprehensive nuclear arms agreement is concluded.

SEC. 5. WAIVER.

Section 2 of this Act shall be waived if the President notifies the Congress in writing that the Soviet Union has deployed strategic launchers and platforms in excess of the sublimits defined in Section 2. Such notice shall be accompanied by a report, in both classified and unclassified versions, providing information upon which the President bases his notification.

Mr. BUMPERS. Mr. President, I yield the floor.

RECOGNITION OF SENATOR LEAHY

Mr. LEAHY addressed the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Vermont [Mr. Leahy] is recognized for not to exceed 5 minutes.

Mr. LEAHY. I thank the distinguished Presiding Officer.

I also compliment my colleagues—Senators Bumpers, Chafee, and Heinz—for their statements on the bill before us.

SALT II

Mr. LEAHY. Mr. President, last November, in the midst of the uproar over the revelation that our Government has been trading arms for American hostages with the terrorist nation of Iran, President Reagan made a decision which in my estimation received far too little attention. He allowed the Department of Defense to exceed for the first time a key numerical subceiling of the SALT II Treaty. I think this could well be the most important decision of Mr. Reagan's Presidency, but it is also his worst mistake.

It came a full 6 years after President Reagan entered the White House vowing to scrap the "fatally flawed" SALT II Treaty which has been signed in Vienna in June of 1979.

By abandoning his campaign rhetoric and abiding by the unratified SALT II Treaty, the President preserved the single most important restraint on the construction of offensive nuclear weapons. President Reagan surely realized that abiding by these numerical subceilings slowed the arms race, reassured our allies, and provided a base from which our negotiators in Geneva could build an agreement for deep cuts in the nuclear arsenals of both sides.

These arguments remain as true today as they have been during the past 6 years. Nothing in the strategic equation has changed to justify the President's decision to exceed these subceilings. On the contrary, the reasons for the United States and the Soviet Union to continue to abide by these crucial provisions of SALT II are more obvious today than ever before.

Today, Senators BUMPERS, CHAFEE, HEINZ, and I are taking a step we hoped could have been avoided. We are introducing legislation to restore the United States to compliance with the sublimits of the SALT II Treaty through the end of this year, so long as the Soviets remain within these sublimits—something both sides have been doing scrupulously, until the President's recent decision.

The bill that we are offering today leaves maximum discretion to the President, serves the national interest, and meets the basic interests of the Senate in preventing a wide open arms race. The Senate is often called the conscience of the Nation. I would stress to my colleagues that the conscience of this Nation cries out for restraint on a nuclear arms race. What we are saying today is let us not throw away the one restraint that exist between the two superpowers.

Mr. President, the Bumpers-Leahy-Chafee-Heinz coalition is a model of bipartisan cooperation. Since 1984, we have worked closely and harmoniously to build a broad consensus in the Senate in support of maintaining these fragile limitations on the arms race. Some in the press call us the "gang of four."

That is a label we are willing to bear although it has no numerical relationship to the number of Americans who share our cause—and that is a majority of the Congress and the American people, Mr. President.

We have considered legally binding language on treaty compliance for months. But our hope was that President Reagan would continue his policy of abiding by the subceilings, and this action would be unnecessary.

This bill prohibits the expenditure of funds to overhaul, maintain, operate or deploy strategic launchers or platforms that would cause the United States to exceed the main SALT subceilings of 820, 1,200 or 1,320. The President retains discretion to determine specific actions the United States can take to resume compliance with all the SALT subceilings. It gives President Reagan the authority to waive the provisions of our bill should he notify Congress, with adequate documentation, that the Soviets have breached any of these sublimits. There would be no waiting period, nor any requirement for further congressional action once the President makes the necessary notification.

Mr. President, Republicans and Democrats join in this effort. For 3 years, Senators BUMPERS, CHAFEE, HEINZ and I have worked to put the Senate on record in support of continued observance of key elements of the SALT II Treaty. In 1984 and again in 1985, the Republican controlled Senate voted 82 to 17 and 90 to 5 in favor of our amendments. We are guided by national—not partisan—interests.

Support in the Senate for preserving the SALT numerical limits continues to be overwhelming. In a brief few days over a recess, 57 Senators signed a letter to the President in December urging him to restore compliance with the SALT subceilings. I ask unanimous consent that a copy of that letter be included in the RECORD at the conclusion of my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. LEAHY. Some would say the Congress has no business meddling in the sensitive area of arms control. I completely reject that, Mr. President. I said earlier that the Senate is the conscience of the Nation. Does anybody question that the vast majority of Americans—Republicans, Democrats, and independents—want some kind of limits on the nuclear arms race? They know there are no winners in a nuclear war. They know that if we continue the arms race we will reach a point when a nuclear war may come about not by design but by accident.

The unavoidable truth is that the President has received very bad advice during the 2 years since his 1985 meeting with General Secretary Gorbachev in Geneva—advice that has not strengthened our national security, has endangered the gains we were making toward a new arms control agreement, and has damaged relations with our allies.

The President's decision to scrap the last remaining constraints on the nuclear arms race this past November presents us and the world with the risk of a sharp increase in the nuclear competition between the superpowers and declining prospects for any real agreement at the arms talks in Geneva.

Mr. President, those are the stakes. The world cannot afford 2 years with progress in American-Soviet negotiations to reduce nuclear weapons—25,000 strategic warheads are enough.

There is still time for President Reagan to secure his place in history as the first American President to negotiate an agreement with the Soviets for deep cuts in our nuclear arsenals. The legislation we offer today can help move us toward that goal.

All the arms control agreements we have had in the past have allowed certain increases in nuclear weapons. They slowed the buildup, but allowed the number of nuclear weapons to increase. We have reached the point in our history when sanity requires us not to build more nuclear weapons but to cut back on the ones we have. Let us at least keep within the limits of SALT II so that when the leaders of the two superpowers next meet they can begin to talk about cutting back.

I have said many times that my children will live most of their lives in the next century. What we do in the United States and what the Soviets do in the Soviet Union will determine whether we have a next century. Should not the genius of America be directed toward those things that made us a great nation—our competitive spirit, our concern for human rights and liberties—and not directed toward ways to increase the chance of nuclear war? We have an opportunity now to say, "Halt. It is enough. And by our action to urge the President of the United States and the leader of the Soviet Union to finally meet and do the one thing that only the two of them can do—agree finally to stop the arms race and cut back on the enormous number of nuclear weapons in the world today.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, December 15, 1986.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our serious concern over your decision to put the United States in violation of the SALT II limit of 1320 multiple warhead systems when the 131st B-52 equipped with cruise missiles left its conversion facility in Texas last last month. This action is an open invitation to the Soviets to exceed several numerical sublimits of SALT I and SALT II, actions which they have not as yet taken and are exceedingly well positioned to do in the very near future. U.S. violation of a central sublimit of SALT II may well result in a greater Soviet nuclear threat than would otherwise be the case, and it will have a chilling effect on the prospects for following up on the progress you made at Reykjavik.

As the Soviets soon begin to deploy their new MIRVed SS-24 ICBM, SALT II will force them almost immediately to begin dismantling existing silo-based MIRVed ICBMs, which you have rightly and repeatedly called the most destabilizing strategic weapons of all. Given the Soviets' past dismantling record and their ongoing strategic modernization program, U.S. violation of a key SALT sublimit is an open invitation to the Soviets to exceed those same limits, which to date they have respected. This situation will likely increase the Soviet nuclear threat to the U.S. in an especially destabilizing way, add a major new strain to the NATO Alliance, and aggravate the atmosphere necessary to reach the kind of new arms control agreement that we all want.

As you know, the House passed by a significant margin binding language proposed by Congressman Dicks dealing with the SALT sublimits. In the conference on the FY 1987 Defense Authorization bill, this language was dropped, despite strong House sentiments, in order not to tie your hands at Reykjavik. In its place, Congress stated that it is in the national security interests of the United States to continue voluntary compliance with the central numerical sublimits of the SALT II Treaty as long as the Soviet Union complies with such sublimits. This remains our view. In addition, in view of the progress you made at Reykjavik, it is especially damaging to U.S. security interests and the prospects for a new arms agreement for the U.S. to be the first to breach a central sublimits of SALT II.

Accordingly, we urge you to take the steps necessary to put the United States back into compliance with the SALT II numerical sublimits as long as the Soviets continue to remain within those sublimits. We also encourage you to raise with the Soviets possible approaches to strenghten the interim restraint framework to ensure that some restraints on offensive forces remain in place until a new arms agreement is reached. At the same time, we should continue to pursue our concerns about Soviet compliance with some aspects of existing agreements.

We look forward to working with you to forge a strong and durable bipartisan consensus on this and other security issues in the months to come.

Sincerely,

John H. Chafee, Patrick Leahy, William S. Cohen, Mark O. Hatfield, Edward M. Kennedy, Dale Bumpers, John Heinz, Sam Nunn, Claiborne Pell, J. Bennett Johnston, Joseph R. Biden, Albert Gore, Jr., George J. Mitchell, Wendell H. Ford, James R. Sasser, William Proxmire, David Durenberger, John F. Kerry, Daniel P. Moynihan, Lawton Chiles, Carl M. Levin, David Pryor, Bob Packwood, Howard M. Metzenbaum, Paul S. Sarbanes, Donald W. Riegle, Jr., Jeff Bingaman, Max Baucus, John Melcher, Quentin N. Burdick, Tom Harkin, J. James Exon, Christopher J. Dodd, Spark M. Matsunaga, Robert T. Stafford, Frank R. Lautenberg, Daniel K. Inouye, Daniel J. Evans, Arlen Specter, Alan J. Dixon, Lowell P. Weicker, Alan Cranston, Paul Simon, Lloyd Bentsen, Barbara A. Mikulski, Brock Adams, Harry Reid, David L. Boren, Wyche Fowler, Jr., John D. Rockefeller, Kent Conrad, John B. Breaux, Timothy E. Wirth, Thomas A. Daschle, Bill Bradley, John Glenn, Terry Sanford.

RECOGNITION OF SENATOR MURKOWSKI

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alaska [Mr. MURKOWSKI] is recognized for not to exceed 5 minutes.

KANSAI: EXHAUSTION OF REMEDIES

Mr. MURKOWSKI. Mr. President, recently, I addressed the Senate on the issue of American firms access to the Kansai International Airport and other major Japanese public works projects, identified as consisting of approximately 10, totaling about $62 billion in construction over the next decade.

I illustrated the problem with two charts showing almost $2 billion worth of Japanese construction firm business in the United States and no comparable United States firm business in Japan.

I concluded that there will be no progress unless we take concrete action that sets deadlines.

Mr. President, I want to make it very clear that I am not embarking on a mission to bash our good friends in Japan. They are the most important of the bilateral relationships we have. But there is a matter of equity here and it is obvious that the example I have given, the exact figure being $1.8 billion worth of construction done in the United States by Japan's contractors, architects, and engineers, be considered, with none being done in Japan by American firms.

Finally, I announced that I have instructed my staff to begin drafting a petition under section 301 of the 1974 Trade Act.

Mr. President, now some of my colleagues will argue that a section 301 petition is a major step—and it is—in finding the fact of unfair trade practices.

As part of the section 301 drafting process, I instructed my staff to review American Government and private sector contacts with the Japanese on this issue. I wanted to be absolutely certain that we had done all that was humanly possible before we began the process of trade retaliation.

I will add, Mr. President, that I visited the site in September. It is an extraordinary construction project and will be one of the major construction accomplishments in the world. It is some 3 miles out in Osaka Bay. An area some 3 miles long and a mile wide will be constructed in 90 feet of water.

I intend to ask that this written report be made a part of the RECORD in its entirety. Before I do, I would like to note that this report covers only what is on the public record and does not do justice to the daily effort of our fine officers overseas, particularly at the U.S. consulate, Osaka.

Mr. President, I have been working on the Kansai issue since last spring and I thought I knew its history, but I find I did not.

First, this is not a new issue. American industry and negotiators first began to make contact and inquiries over 15 years ago.

This is significant because every other American official and I have consistently been told that it is "too late" for foreign firms to participate in phase 1 of the Kansai project. Phase 1 is undefined but could be as much as 60 percent of the $8 billion project.

Second, Mr. President, the list of those on the United States side who have sent letters to the Japanese is staggering.

President Reagan has sent a letter to the Prime Minister. The distinguished majority leader has sent a letter to the Prime Minister. The distinguished minority leader has sent a letter. Senators TRIBLE, DANFORTH, CHAFEE and ROTH have joined in a letter to Trade Representative Yeutter. Senator DANFORTH has sent several letters. Perhaps a dozen other of our colleagues and I have sent letters. It is hard to keep track to the letters that have been sent by the administration appealing for participation in this project.

Then there are the visits. I have been to Japan. Secretary Baldrige has been to Japan numerous times. Commerce Under Secretary Smart and Deputy United States Trade Representative Smith have been to Japan and are there again this week, joining Assistant Secretary Goldfield who is in Japan for his fifth Kansai visit in the past 9 months.

Finally, there are the hearings, the floor statements, the speeches, and the news conferences. Last June, I held a hearing entirely devoted to Kansai in the Foreign Relations Subcommittee on East Asia and Pacific Affairs. In addition, I testified before the Senate Finance Committee on May 8. There have been over 20 major speeches, floor statements and news conferences by senior American officials in the past 11 months alone.

I might add that the list which I will enter into the RECORD of contacts covers some eight pages, single spaced.

Mr. President, we are coming upon an important anniversary. It was on February 18 of last year that Ambassador Mansfield went to Osaka, met with Kansai International Airport officials and gave a major address on market access. We have been in a full court press ever since.

Who has been on the receiving end of this flood of communciations? Everyone in Japan from the Prime Minister on down. To name a few, the Foreign Minister, the Miti Minister, the construction minister, two transport ministers, three Prefectural Governors.

In the private sector, senior American officials have addressed every known Japanese national and Kansai area economic organization, at least once.

An examination of the written report, will note that the United States is not alone in pressing for market access in Japan. The British, the Canadians, and the Koreans have all written their letters and made their trips to Osaka and Tokyo.

And what has this mountain of effort produced? Precisely nothing. The Japanese bureaucracy digs in its heels and wears us down. They are now working on their second Canadian Trade Minister and their third United States Trade Representative.

The following written report aptly illustrates that we have made the effort, we have walked that extra mile.

In short, Mr. President, we have exhausted our administrative remedies and the time has come to act.

The Kansai project itself has become symbolic and can be interpreted that Japan's markets are closed to United States construction firms.

I ask unanimous consent that a chronological account of U.S. efforts to gain market access to the Kansai International Airport project be included in the RECORD at this point.

There being no objection, the chronological account was ordered to be printed in the RECORD, as follows:

EXHAUSTION OF REMEDIES

Explanatory Note: What follows is a chronological account of official contacts by United States officials and others with Japanese Government officials. It also includes attempts to reach them through the communications media. The subject has been the need for an open, transparent and nondiscriminatory bidding system to be applied to the Kansai International Airport project and other major projects in Japan.

1971—U.S. negotiators first raise the issue of American firm participation in Japanese major public works projects.

April 1978—Tippetts-Abbett-McCarthy-Stratton, consulting firm asked by Japanese trading firm C. Itoh for expertise on Kansai International Airport project.

1979—U.S. industry raises Kansai issue with USTR Robert Strauss.

1980—U.S. industry raises Kansai issue with Ambassador Mike Mansfield.

1981—U.S. industry begins to make contact with Japanese Government officials looking for an opportunity to bid on Kansai project.

1982—U.S. industry raises Kansai issue with USTR William Brock.

1984—U.S. Consul General Osaka meets with local business groups to discuss Kansai.

Lake 1984—Osaka consular officers call on newly formed Kansai International Airport Company (KIAC) officials.

Early January 1985—Osaka Consul General Killion calls on KIAC President Takeuchi.

January 25, 1985—Osaka consulate notifies Washington of Kansai opportunities for U.S. firms.

June 21, 1985—Deputy USTR Michael B. Smith meets with Transport Vice Minister Matsui.

October 1985—British Secretary of State for Trade Nicholas Ridley visits KIAC offices.

January 24, 1986—Ambassador Smith sends follow-up letter to Vice Minister Matsui.

February 18, 1986—Ambassador Mansfield meets with KIAC President Takeuchi, Governor of Osaka Prefecture Kishi, Governor of Kyoto Prefecture, Mayor of Osaka City, Mayor of Kyoto City, The Kansai Productivity Center, Kansai and national Keindanren.

February 19, 1986—Ambassador Mansfield makes keynote address at Kansai Economic Management Seminar in Kyoto.

March 1, 1986—Ambassador Smith and Under Secretary of Commerce Bruce Smart raise Kansai issue at U.S.-Japan subcabinet trade meetings.

April 10, 1986—Foreign Commercial Officer Keith Bovetti holds press luncheon at Toyko Foreign Correspondents Club.

April 12, 1986—European Communities (EC) Director Raymond Phan Van Phi raises issue with Japanese officials.

April 1986—U.S. Delegates to the GATT recommend that KIAC be added to list of industries covered by GATT Government Procurement Code.

April 1986—Foreign Commercial Service Director General Alex Good and Assistant Commerce Secretary Goldfield meet with U.S. business representatives in Tokyo.

May 8, 1986—Senator Frank H. Murkowski testifies before the Senate Finance Committee calling for an open bidding system for Kansai.

May 13, 1986—Assistant Secretary of Commerce Joseph Dennan meets senior officials of KIAC, Osaka Prefecture, Ministry of International Trade and Industry and the Ministry of Transportation.

May 28, 1986—USTR Clayton Yeutter writes Minister of Transportation Hiroshi Mitsuzuka.

May 29, 1986—Canadian Minister of International Trade James Kelleher meets KIAC President Takeuchi.

June 5, 1986—Senator Murkowski receives testimony from Commerce, USTR and industry representatives in Senate Foreign Relations East Asia Subcommittee.

June 5, 1986—Commerce Secretary Baldrige writes to Deputy Prime Minister Masumi Easki.

June 10, 1986—Senator Murkowski writes Secretary of State George Shultz asking that Kansai be raised with appropriate Japanese officials.

June 13, 1986—Floor statement by Senator Murkowski.

June 24, 1986—Acting under Section 305 of the Trade Act of 1974, Senators Murkowski, Danforth, Kassebaum, Mattingly, McClure, Nickles, Roth, Symms, Trible, and Chafee ask USTR Yeutter whether Kansai is actionable under Section 301 of the Trade Act of 1974.

June 26, 1986—USTR Yeutter tells news conference that Kansai policies run counter to free trading principles agreed upon between U.S. and Japan.

June 26, 1986—EC Delegation Chief Brinkhorst in Tokyo calls for foreign participation in Kansai.

July 1, 1986—EC Commissioner Willy de Clercq calls for Kansai to be open to foreign competition.

July 2, 1986—International Engineering and Industries Council Secretary William W. Beddow writes Ambassador Yeutter supporting senatorial Section 305 request for information.

July 7, 1986—Ambassador Yeutter informs Senator Murkowski that Japanese are "in a totally indefensible position on this issue."

July 7, 1986—European Communities officially ask for open bidding at Kansai.

July 16, 1986—Senators Byrd, Dole, Long, Danforth, Bentsen, Heinz, Baucus, Roth, Mitchell, Durenberger, Boren, Moynihan, Matsunaga, Chafee, Pryor, Wallop, Grassley, Bradley, Packwood, Armstrong, and Symms send letters to Prime Minister Nakasone asking for open competition on Kansai.

July 21, 1986—U.S. Embassy Tokyo officials meet with Ministry of Transport officials concerning Kansai.

July 25, 1986—As per June 10 request of Senator Murkowski, U.S. Embassy officers Tokyo deliver demarch to Japanese Ministry of Foreign Affairs.

July 28, 1986—Commerce Secretary Baldridge meets Prime Minister Nakasone, Foreign Minister Kuranari, MITI Minister Tamura and Transport Minister Hashimoto.

July 29, 1986—Kansai speech by Commerce Secretary Baldridge before the Japan External Trade Organization, Japan Economic Foundation and the Japan Foreign Trade Council in Tokyo.

August 1, 1986—Ambassador Mansfield hosts luncheon for new Liberal Democratic Party leadership.

August 7, 1986—South Korean Ministry of Construction makes official request for open bidding.

August 8, 1986—Commerce Secretary Baldridge sends letter to Transport Minister Hashimoto calling for transparent bidding procedures.

August 10, 1986—South Korean representatives raise Kansai issue at Japan-ROK Foreign Ministerial Periodic Consultations.

August 11, 1986—USTR Yeutter writes to Japanese Ambassador Matsunaga that "only a full and immediate implementation of this policy (foreign market access to Kansai) can forestall formal trade action by my Government."

August 11, 12, 1986—U.S. representatives raise Kansai at U.S.-Japan subcabinet trade committee meetings in Hawaii.

August 13, 1986—Commerce Deputy Assistant Secretary James Phillips meets Michihiko Ikeda, Deputy Director General of Ministry of Foreign Affairs Economic Affairs Bureau.

August 14, 1986—Under Secretary of Commerce Smart holds Kansai news conference in Tokyo.

August 15, 1986—President Reagan writes to Prime Minister Nakasone.

August 15, 1986—USTR Yeutter writes to Senator Murkowski confirming Kansai policies are actionable under Section 301.

August 18, 1986—Commerce Under Secretary Smart meets KIAC President Takeuchi, holds news conference in Osaka.

August 21, 1986—Commerce Under Secretary Smart holds Kansai news conference in Tokyo.

August 23, 1986—Under Secretary Smart meets Deputy Foreign Minister for Economic Affairs Teshima.

September 2, 1986—Osaka Consul General John Mallot meets Aichi Prefecture Governor Reiji Suzuki.

September 4, 1986—South Korean Construction Minister Lee Kyu Hyo meets Japanese Construction Minister Kosei Amano.

September 5, 1986—Senator Murkowski writes Secretary Baldridge requesting a status report on other Japanese major projects.

September 10, 1986—South Korean Foreign Minister Choi Kwang Soo meets in Tokyo with Japanese Foreign Minister Tadashi Kuranari and asks for international bidding.

September 11, 1986—Floor statement by Senator Murkowski.

September 19, 1986—Dear Colleague on Kansai by Senator Murkowski.

September 23, 1986—Floor statement by Senator Murkowski.

October 7, 1986—Presidential Trade Delegation (PTD) led by Commerce Assistant Secretary Goldfield meets Foreign Minister Kuranari and Transport Minister Hashimoto.

October 8, 1986—Presidential Trade Delegation meets KIAC President Takeuchi, Osaka Vice Governor Nakagawa, Western Japan Federation of Economic Organizations and Osaka Chamber of Commerce and Industry.

October 9, 1986—Presidential Trade Delegation meets Aichi Prefecture Governor Suzuki. Holds news conference in Osaka.

October 9, 1986—Ambassador Mansfield meets with Economic Planning Agency Director General Kondo.

October 10, 1986—Commerce Assistant Secretary Goldfield gives Kansai speech at Foreign Correspondents Club in Tokyo.

October 11, 1986—Commerce Assistant Secretary Goldfield gives Kansai press interview.

October 15, 1986—Commerce Assistant Secretary Goldfield writes to Transport Vice Minister Kakizawa and Construction Vice Minister Toyokura.

October 20, 1986—Senator Murkowski writes to U.S. Trade Policy Review Group (Under Secretary-level interagency trade committee) urging Administration to self-initiate Section 301 case.

October 29, 1986—U.S. side raises Kansai issue at U.S.-Japan subcabinet Trade Committee meetings in Washington.

October 31, 1986—Presidential Trade Delegation report calls on U.S. to "be prepared to impose immediate restrictions on Japanese participation in the U.S. market if recognizable progress is not achieved in the very near future."

November 7, 1986—In Washington USTR Yeutter tells Kansai Committee for Economic Development that Japan must accept international bidding for Kansai.

November 13, 1986—Representative John Duncan (R-Tenn) raises Kansai issue in meeting with Prime Minister.

November 25, 1986—Canadian Minister of International Trade Pat Carney meets with MITI Minister Tamura, Construction Minister Amano and Keidanren.

December 7, 1986—CODEL Murkowski visits Kansai International Airport site in Osaka Bay.

December 8, 1986—Senator Murkowski meets KIAC President Takeuchi, Osaka Governor Sakae Kishi and Prime Minister Nakasone.

December 8, 1986—Commerce Secretary Goldfield meets KIAC President Takeuchi.

December 9, 1986—Senator Murkowski meets with Foreign Minister Kuranari, Representatives of U.S. firms interested in Kansai and Transport Minister Hashimoto.

December 9, 1986—Assistant Commerce Secretary Goldfield meets Ministry of Foreign Affairs Director General Watanabe, Ministry of Transport Vice Minister Kakizawa and Ministry of Construction Vice Minister Toyokura.

December 10, 1986—Senator Murkowski meets with Construction Minister Amano.

December 10, 1986—Senator Murkowski gives speech on Kansai before the Japan National Press Club.

December 10, 1986—Senate Foreign Relations Committee Professional Staff Member William C. Triplett, II meets with Honshu-Shikoku Bridge Executive Director Yamashia.

December 10, 1986—Commerce Assistant Secretary Goldfield meets with Tokyo Bay Bridge President Oka, Counselor to the Prime Minister Kunihiro and Director Miyashige of the Japan Highway Public Corporation.

December 10, 1986—Commerce Assistant Secretary Goldfield gives Kansai speech at American Embassy Tokyo.

December 12, 1986—Senator Jack Danforth sends letter to Foreign Minister Kuranari, Transport Minister Hashimoto and Construction Minister Amano asking for open bidding on Kansai.

December 16, 1986—Senate Foreign Relations Committee staff member Triplett meets President Oka of Tokyo Bay Bridge Company.

December 18, 1986—Osaka Consul General Mallot meets KIAC President Takeuchi.

December 19, 1986—EC Head of Delegation Brinkhorst sends letter to KIAC President Takeuchi asking for information on bidding.

December 30, 1986—Senator Murkowski sends letters to Senators Danforth, Hollings and Biden as well as Attorney General Meese and Under Secretary of Commerce Smart.

December 31, 1986—Senator Murkowski sends letter to U.S. International Engineering and Construction Industries Council.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER (Mr. DASCHLE). Under the previous order, the Senator form Pennsylvania [Mr. SPECTER] is recognized for not to exceed 5 minutes.

VIOLENT CRIME LEGISLATION

Mr. SPECTER. Mr. President, I am today introducing four bills aimed at the problems of violent crime in this country. These legislative proposals are initiatives which I have introduced in the past and am reintroducing today because I believe it is necessary to maintain a full court press on the problem of crime in the streets and attach a high priority for these measures of importance.

FUNDING TO FIGHT VIOLENT CRIME

Mr. President, I am today introducing a bill for the authorization of substantial funding to fight violent crime in the United States. This bill and the accompanying tables are based upon hearings in the Judiciary Committee, my experience as district attorney of Philadelphia, and the work of the National Commission on Criminal Justice Standards and Goals, of which I was a member.

The essence of this proposal is to spend 1 percent of the Federal budget on domestic defense, which would amount to approximately $10 billion a year over the next 10 years for a total outlay of $100 billion, with a goal of reducing violent crime in this country by some 50 percent, if we directed our attention to the approximately 200,000 career criminals who are presently in this country.

The cost of crime each year on economic ground alone exceeds $100 billion, and when pain, suffering, and psychological duress are considered, the cost of crime in this country exceeds $500 billion each year. On the basis of my experience over the past 28 years, including my work as a prosecuting attorney, in the defense field, and on the Senate Judiciary Committee, I am convinced that if we attack crime systematically, we can reduce violent crime very materially in this country.

Not a day goes by, Mr. President, in virtually every city, town, and hamlet in the United States, without a report of violent crime by someone who is on probation, on parole, or on bail awaiting trial. We know from documented sources and statistics that 70 percent of the violent crimes in this country are committed by 10 percent of the criminals, and they are career criminals.

The American public has lost confidence in law enforcement in this country, and the American public has lost confidence in the ability of government to provide law and order and justice. Our response should be to reconsider our response to crime in the streets and to fashion a system which does, in fact, work.

I am convinced that the American people are prepared to pay for a criminal justice system which works. The State of California, which authored proposition 13 and the tax revolt, passed two referendums authorizing bonds for prison construction. This evidences the fact that even among those who are most concerned about government expenses, there is a willingness to allocate funds to deal with the serious problem of crime control.

In the District of Columbia, Mr. President, substantial initiatives have been undertaken to attempt to make the District a model city, with funds being allocated for realistic rehabilitation where rehabilitation is possible. Although studies show that the most hardened criminals are not subject to rehabilitation, rehabilitation remains viable for juveniles, first offenders, and even some second offenders.

To the extent that it is possible to achieve such rehabilitation, resources ought to be allocated accordingly. To the extent that rehabilitation is not realistic—where we deal with career criminals—then, Mr. President, I think the only alternative is, in effect, to throw away the key, and give career criminals mandatory sentences in order to separate them from the rest of society.

The legislation I am introducing today, Mr. President, is the successor of two bills I previously introduced—S. 889 in the 98th Congress and S. 486 in the 99th Congress. I fully realize that this year, 1987, in the face of the budgetary concerns and the efforts at deficit reduction, it will be difficult to fashion new Federal expenditures, however necessary and cost-effective they may be.

My own view is that we are engaged in a long-term process educating the American public about ways that government can successfully deal violent crime. While this legislation doubtless faces a gloomy prospect at this precise moment, there will come a day—and I am optimistic that it will be a day in the not too distant future—when we recognize that action of this type must be taken if we are to deal effectively with the problems of juvenile rehabilitation and speedy trial, if we are to get people off bail who are committing new offenses, if we are to educate judges to impose tough sentences on tough criminals, and if we are to have sufficient jail space in our country to incarcerate the career criminals who commit so many violent crimes.

This legislation, Mr. President, would provide for 200,000 additional jail cells. Estimates from experts at a series of Judiciary Committee hearings have disclosed that there are approximately 200,000 to 400,000 career criminals in the United States. Hardened criminals, however, are being released from jails without serving their sentences, because there is insufficient space in the jails; judges are not sentencing convicts who ought to go to prison, because there is insufficient space; parole boards are releasing prisoners prematurely, because there is insufficient space; parolees who violate their parole are not being incarcerated, because there is insufficient space; and probation violators are not being reincarcerated, because there is insufficient space.

Violent crime, Mr. President, I submit, exacts more public pain and has a greater long-term impact on the United States than any other single issue with which the Congress deals. This is evidenced by the fact that public opinion polls regularly indicate that crime is the No. 1 concern of the American public.

The proposal I make today would respond to that clearly evidenced concern by devoting substantial Federal funding to the attack on violent crime. It would direct 1 percent of the Federal budget for "domestic defense" with a goal of cutting violent crime in this country by 50 percent.

We appropriate additional billions for necessary foreign defense. But statistics show that in 1985, murders in the United States claimed 18,976 victims—1 every 28 minutes—compared to a few hundred for all our foreign enemies. Here at home, still no serious reforms were implemented in our criminal justice system. Nor was there a national outcry; instead, we meekly accepted the staggering death toll.

The time has come for a concerted attack on violent crime in the United States. My judgment is that the people of this country are prepared to pay for an attack on violent crime if it is well conceived and well executed.

The proposal which is advanced here today would attack the problem of violent crime on all levels: To emphasize the necessity for tough sentencing by trial judges; to provide correctional facilities where there can be realistic rehabilitation efforts for adult offenders on their first and second offenses so that we do not turn out functional illiterates without skills, who, not surprisingly, return to a life of crime; and, where we have career criminals, in effect, to throw away the key where there are multiple convictions by the same individual.

The program would also be directed at breaking the crime cycle of the juvenile offender, where a juvenile is a delinquent at 6 or 7, a truant at 8, into vandalism at 10, robbery at 15, and armed robbery and murder at 17.

The objective of this program—and I think its importance—is to cut violent crime by 50 percent, primarily by directing greater attention to career criminals. According to best estimates, there are approximately 200,000 career criminals in this country at the present time. If we could separate them from society, I think we could actually reduce violent crime by 50 percent.

The United States now suffers four times more violent crime, per capita, than in 1945, and 20 to 100 times more than other industrial democracies. Random violence afflicts 1 in 10 American households every year, serious crime, 1 in every 5. The total loss to our society reaches more than $100 billion a year.

Domestic criminals have succeeded where foreign armies failed: They have terrorized not only millions of victims, but all Americans, denying our constitutional rights and our inalienable birthright to the pursuit of happiness. According to repeated polls of public opinion, Americans worry more about crime than anything except economic distress. Not even the Soviet threat is viewed as more serious.

Most violent felonies are premeditated crimes for profit, committed without passion or provocation against strangers by repeat offenders whose chosen livelihood is to prey on the vulnerable. Although an arrest is made in only one felony in five, most of these career criminals eventually are arrested repeatedly, even if for only a tiny fraction of the scores or hundreds of their crimes.

Once taken into our criminal justice system, however, career criminals often evade justice as effectively as they did arrest in other instances. Dismissals, delays, plea bargains, judge-shopping, unrealistic bail, lenient sentencing, early parole, crowded prisons, insufficient job training, enforced idleness, and many other problems combine to nullify law, blunt deterrence, and undermine public safety. Usually, career criminals are back on the street soon, if not immediately. Even career robbers sent to prison serve, on the average, less than 5 years. Many serve only a few months.

In short, as the President has said, the problem is a breakdown in the system. The solution is simply to reorient it: treat serious defendants seriously. Since career criminals, though comprising less than 10 percent of all persons arrested, commit more than 60 percent of all offenses, they warrant our greatest efforts. From investigation to release, violent career criminals should be singled out for highly concentrated attention and rapid, realistic disposition by all concerned. That is not improper selective prosecution, just common sense, if uncommon practice.

Violent crime for profit truly can be cut in half as proposed in 1973 by the National Commission on Criminal Justice Standards and Goals. What is required is a crash effort to focus far greater resources far more narrowly on correcting the specific deficiencies that prevent the system from incapacitating the truly dangerous criminals. Ten years ago, the reduction would have taken only 5 years; now it may take 10.

The program involves spending 1 percent of the Federal budget on strengthening domestic defense against violent crime by increasing Federal manpower and improving State criminal justice systems, which would still handle over 90 percent of the violent crime caseload. The Federal budget allocation for criminal justice comprises a small fraction of the projected Pentagon budget for the same year.

Cutting serious crime in half would cut the annual cost of crime in half, saving $50 billion. Adding a few billion per year would not only save $50 billion per year, but would also make the other 99 percent of the Federal budget buy billions more value. In short, the program, while it requires modest investment up front, would more than pay for itself within a few years. Moreover, it can be phased in gradually as revenues automatically rise as the economy recovers.

The congressional crime caucus, of which I am cochairman, heard startling testimony on the breakdown of the criminal justice system. Criminals are waging war in our urban centers and appear to be winning the battle against our criminal justice system.

During that hearing, we saw a foreshadowing of the unacceptable consequences of a loss of public confidence in the ability of our criminal justice system to provide law, order, and justice. We must never allow citizens to take the law into their own hands. But in so pronouncing, we must also accept our responsibility to assure that the criminal justice system works, so that no citizen needs to resort to self-help. This legislation is a major step toward revitalizing the criminal justice system and restoring the public's shaken confidence in it.

The issue is not whether our country can find and afford the funds but whether we now know enough about preventing violent career crime to pinpoint the new expenditures like laser beams rather than, as in the past, disperse them like a light bulb and whether doing so would, in fact, produce so large a reduction. The answer, in a word, is "Yes." The attached chart shows in a page how this goal can be accomplished.

Really, the country cannot afford not to undertake this program.

The full psychological impact of violent crime cannot be quantified, because it is suffered not by actual victims but by potential victims—all of us:

What dollar amount can be attributed to the fright Americans experience when they hear an unexpected noise at 3 a.m. and wonder if a burglar is in the house?

What dollar amount can be attributed to the fear women experience as they walk home at night and a sudden movement toward them suggests a rape or assault or worse?

What losses are sustained when business opportunities are ignored because of the risk of crime?

What dollar amount can be attributed to cancellations and reschedulings to avoid events which conclude after dark?

Compounding the agony, much crime is preventable—if only the murderer had not been paroled, the robber had not been placed on probation, the burglar had not been acquitted because the policeman erroneously filled out a search warrant, or the rapist had not been on bail for 6 months, without being tried.

Governments at all levels—Federal, State, and local—now spend approximately $30 billion on crime control, including police, prosecutors, defenders, courts, prisons, and parole programs. My proposal contemplates an increased expenditure of 1 percent of the Federal budget—$10 billion in the first year—with the realistic prospect of reducing violent crime by 50 percent.

Mr. President, a document entitled "National Program To Cut Violent Crime," upon which the proposed program is substantially based, is reprinted in the Congressional Record of March 23, 1983, at pages S3817–S3822. I ask unanimous consent that this bill, accompanying tables, and summary summarizing annual increases by function be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Violent Crime Program Authorization Act, Fiscal Year 1988".

Sec. 2. On the basis of evidence, information, and documents and testimony collected by the committees and subcommittees of the Congress and the reports and recommendations of various national commissions, including the National Commission on Criminal Justice Standards and Goals (1973) and the Attorney General's Violent Crime Task Force (1981), the Congress hereby makes and adopts the following findings:

(1) Violent crime and drug trafficking have become a severe national problem affecting the personal safety and general welfare of citizens of the United States and an intolerable burden upon Insterstate Commerce.

(2) The economic costs of crime are estimated to exceed $100,000,000,000 per year and the total cost of crime including pain, suffering, and psychological duress are estimated to exceed $500,000,000,000 per year.

(3) The Federal Government presently allocates approximately $6,500,000,000 of its annual budget to crime control and criminal justice. This allocation represents just over one-half of 1 per centum of the Federal budget.

(4) It is estimated that spending by State and local law enforcement and criminal justice agencies of the various States is approximately $24,000,000,000 a year. Due to limited revenues, rising costs, and other factors, the States and localities are severely limited in their capability to provide greater resources for law enforcement and criminal justice.

(5) Every year, serious crime afflicts one in every five American households. One in every ten households is affected by criminal violence.

(6) The violent crime rate in America has reached unprecedented and intolerable levels. The violent crime rate has risen 400 per centum since 1945; the United States suffers from a crime rate which is many times that of any other industrial democracy.

(7) The resources available at all levels of government are seriously inadequate to secure public safety. Consequently, only a small fraction of crimes result in an arrest, a small fraction of arrests result in trial and conviction, in contrast to plea bargin, and only a small fraction of convictions for violent offenses result in sentences to prison.

(8) Career criminals constitute less than 10 per centum of all persons arrested but commit more than 60 per centum of the offenses. Despite the priority accorded to them, career criminals are often not handled effectively due to inadequate resources.

(9) Likewise, crime prevention programs have not been given sufficient resources, resulting in much serious crime that could have been prevented. Particular attention is needed for juvenile offenders to break the escalating crime cycle, for drug addicted offenders and for providing literacy and training in marketable job skills to prisoners nearing the end of their sentences.

(10) Drug trafficking, which is estimated to have grown to a $80,000,000,000 a year business that contributes to and causes a high proportion of the violent activity, has not been curtailed despite recent increases in the level of effort, particularly by Federal enforcement agencies.

(11) The prison systems in more than forty States are so overcrowded as to be subject to court orders to release inmates prematurely and to deter judges from imposing sentences in individual cases that fit the crime and the criminal. The prison population has risen sharply in recent years. However, in many States few if any prisons have been built in recent decades.

(12) Major efforts are needed to improve the treatment of victims and witnesses in criminal cases and to compensate them for physical and economic injury and loss.

(13) In order to insure speedy justice, numerous court reforms are needed, including improved case screening and diversion programs, use of computers and other techniques to control judicial calendars.

(14) To improve the arrest rate, conviction rate, and sentences for career criminals, special units are needed in police departments, prosecutors' offices, and other agencies.

In light of the foregoing, a comprehensive national program must be commenced. Such a program should devote 1 per centum of the Federal budget or approximately $10,000,000,000 for a period of up to ten years with the goal of cutting violent crime for profit in half.

Sec. 3. In order to begin such a program in fiscal year 1988 and to begin it in a gradual, orderly manner, there is authorized to be appropriated for the fiscal year ending September 30, 1988, to carry out the National Violent Crime Program:

(a) For the detection, investigation, apprehension, prosecution, and incarceration of individuals involved in violent crime activity and drug trafficking, not otherwise provided for, $1,200,000,000, of which $300,000,000 for construction of new facilities and construction, remodeling, and equipping buildings and facilities at existing detention and correctional institutions shall remain available until expended, and notwithstanding any other provision of law, there is authorized payment in advance for expenses arising out of contractual and reimbursable agreements with State and local enforcement agencies engaged in cooperative violent crime and drug trafficking enforcement activities, as follows:

	Millions
Fugitive programs	125
New Federal prosecutions for violent crimes, such as bank and commercial robbery	175
Drug enforcement	300
Training, lab, identification, and other support services and technical assistance to States by Federal agencies	150
Research and development, for example, design means to end plea-bargaining and cut trial delays in half	150
Construction of correctional facilities for Federal inmates and operating costs	125

	Millions
Temporary detention facilities for State inmate "overflow" and permanent prisons for confinement of all State habitual offenders sentenced to life	175

(b) For Justice assistance and to carry out the functions of the Justice Office of Assistance, $3,650,000,000, all of which shall remain available until expended: *Provided*, That such funds may only be used to carry out the National Violent Crime Program, pursuant to regulations issued by the Head of Justice Office Assistance and policies and priorities established by the Attorney General in consultation with the Congress and appropriate congressional committees, as follows:

	Millions
Improve investigations with special detective squads	300
Improve case screening and diversion	75
Improve violent crime prosecutions by forming career criminal units	75
Improve convict diagnosis, classification, and correctional programming	175
Prison and other construction	625
Job training/prison industry/functional literacy training	175
Juvenile delinquent intervention	425
Runaways and missing children	175
Victim/witness	300
Crime prevention—Schools	300
Crime prevention—Neighborhoods	300
Crime prevention—Commercial	300
Drug treatment	300
Calendar control applying research and development results to specific locations	125

SUMMARY OF ANNUAL INCREASES BY FUNCTION

[In millions of dollars]

Use	Result	Increase
National attack on violent crime	Reduce violent crime by 50 percent in 10 yr	10,000
Federal:		
Fugitive programs	Triple arrest rate	260
Federal robbery prosecutions	Triple arrests	370
Drug enforcement	Triple the number of major arrests, seizures, and forefeitures	620
Training and support services to States	Expand training and speed up support	310
Research and development	For example, weapons detectors and computerization	310
Construction of Federal prisons	Accommodate increased Federal population	260
Temporary detention facilities for State inmate "overflow" and permanent prisons for State habitual offenders sentenced to life.	End State overcrowding	370
Total Federal		2,500
State:		
Special detective squads	Double arrest rate to 40 percent	620
Case screening and diversion	Cut minor and nonviolent trials in half	150
Career criminal units	End plea bargains	150
Diagnosis, classification, and correctional programing	Cut adult crime cycle. Isolate hardened offenders	350
Prison construction	End overcrowding that causes short sentences	1,290
Job and literacy training	Make convicts employable	350
Juvenile delinquent intervention	Cut off escalating crime cycle	880
Housing for runaways	Keep them out of prisons	350
Victim/witness assistance	Compensation	620
Crime prevention:		
Schools	Cut violence and drugs in half	620
Neighborhoods	Cut burglaries in half	620
Commercial	Cut robberies in half	620
Drug treatment	End addiction	620
Calendar control	End delays	260
Total State		7,500

DETAILS OF ANNUAL INCREASES BY FUNCTION

[In millions of dollars]

Use	Agency	Result	Increases
National attack on violent crime	SAVE [Safety Against Violent Events]	Reduce violent crime by 50 percent in 10 yrs	10,000
Federal:			
Fugitive programs	USMS: 80; FBI: 60; DEA: 40; others, 20 quadruple resources	Increase arrests from 40 to 90 percent of 80,000 warrants per year for Federal and State violent and drug offenders.	260
New Federal prosecutions for violent crimes, such as bank and commercial robbery.	FBI 250 (4,000 slots) and U.S. attorneys 50 (500 prosecutors)	Increase Federal arrests from 3 to 13,000 per year, for robberies, especially armed career robbers.	370
Drug enforcement	200 to double DEA (1,900) investigators 100 for accountants, (1,000 CPA Corps) 100 for FBI, 50 for Customs, 50 for additional 500 Assistant U.S. attorneys (25-percent increase).	Triple the number of major arrests, seizures, and forfeitures. Focus action on financing as much as on commodities to take profit away. Immobilize major organizations.	620
Training, lab, identification, and other support services and technical assistance to States by Federal agencies.	FBI, Treasury, DEA, NIC, DOJ, NIJ, double resources	Expand training and speed up support to respond to all State requests in timely fashion..	310
Research and development. Design means to end plea-bargaining and cut trial delays in half.	BJS, NIJ, FBI and others, double resources	Urgent violent crime projects, including weaponds detectors and computerization of fingerprints, modi operandi, weapons, prior records, stolen property, coconspirators, and case management and court calendars.	310
Construction of correctional facilities for Federal inmates and operating costs..	BOP starts 4 new prisons and 4 new camps each year	Build new prisons for increased Federal population to prevent crowding and decreased security..	260
Temporary detention facilities for State inmate "overflow" and permanent habitual offenders sentenced to life..	BOP starts 8 camps and 2 prisons per year.	Build new prison camps and maximum security penitentiaries to end all State overcrowding.	370
Total Federal			2,500
State:			
Improve investigations with special detective squads	Local police departments—100 cities per year	Double violent crime arrest rate to 40 percent	620
Improve case screening and diversion	Local prosecution, courts, and probation agencies in 100 metropolitan jurisdictions per year.	Cut minor and nonviolent trials in half and increase violent crime trials so plea bargains can be reduced, then eliminated.	150
Improve violent crime prosecutions by forming career criminal units	Police, prosecution, court administration 100 cities per year	End plea bargains	150
Improve convict diagnosis, classification, and correctional programing	State prison systems; all States	Cut adult crime cycle, isolate hardened offenders	350
Prison and other construction	State prison systems; all States with overcrowding—about 40	End short sentences and other problems resulting from overcrowding	1290
Job training/prison industry/functional literacy training	All State prison systems	End pressure of economic need as a cause of recidivism for unhardened convicts.	350
Juvenile delinquent	State and local authorities	Cut off escalating crime cycle	880
Runaways and missing children	State authorities	Create homes so these youth are not mingled with juvenile offenders or placed in prisonlike facilities.	350
Victim/witness	do	Aid and compensation, where none other is available, for medical costs and lost wages.	620
Crime prevention			
Schools	School police and counselors	Cut violence and drug sales by or to students in half	620
Neighborhoods	Volunteer observers	Cut burglaries in half	620
Commercial	security devices	Cut robberies in half	620
Drug treatment	Local courts	End addiction whenever possible	620

DETAILS OF ANNUAL INCREASES BY FUNCTION—Continued

[In millions of dollars]

Use	Agency	Result	Increases
Calendar control applying research and development results to specific localities.	do	End delays and judge shopping	260
Total State			7,500

PROVISION OF DEATH PENALTY FOR CERTAIN FEDERAL PRISONERS

Mr. **SPECTER.** The second bill would provide for the death penalty for anybody serving a life sentence in a Federal institution who murders a prison guard, a prison official, or other inmate. That is a continuing problem in our prison system, including our Federal system. There is no deterrent for someone already serving a life sentence if the most that can happen with another murder is an additional life sentence.

Mr. President, I am today introducing a bill designed to protect all persons associated with our Federal prison system from violent death at the hands of prisoners serving life sentences for other crimes.

This bill is based on two previous bills I introduced—S. 1565 in the 98th Congress and S. 1191 in the 99th Congress.

It would permit the death penalty for the murder of any person-such as a prison official, a prison guard, a visitor, a lawyer, a reporter, or a fellow inmate—by a convict already serving a life sentence. Violent and hardened prisoners already serving life sentences far too often feel they have nothing to lose by killing someone in prison, and this legislation is sorely needed to deter such violence.

The level of violence in our prisons today is truly appalling. According to the Federal Bureau of Prisons, 146 inmates have been killed by other prisoners in the Federal prison system during a 10-year period.

Eight Federal prison guards have been murdered in the same time period. Equally disturbing are the nearly 2,300 violent assaults on Federal correctional employees and nearly 3,400 assaults by inmates on other inmates during this time.

Unfortunately, the Federal prison system is only the tip of the iceberg. Nationwide, 421 inmates were brutally murdered by other State prisoners from 1980 to 1983, according to the National Institute of Corrections. During the same period, 11 correctional officers were killed in State prisons. Mr. President, this frightening level of barbarism and brutality must be stopped.

This legislation will apply to those prisoners already beyond redemption or rehabilitation—those already sentenced to life imprisonment for their prior heinous crimes.

This bill will provide such deterrence, by allowing the jury or court to impose a sentence of death, after consideration of numerous relevant factors, including whether the murder occurred during an escape attempt, a kidnaping, a prison riot, the taking of hostages, a sexual assault, or as a result of drug dealing, or by use of a firearm.

Without a more severe punishment for such murders than merely an additional sentence of life imprisonment, assaults and killings by lifers undoubtedly will increase along with our growing prison population. Our Nation's correctional officers and, indeed, our prisoners have the right to be protected from the violence of the most dangerous inmates. No prisoner ever should feel immune from further punishment for his violent acts. We, as lawmakers, must act now to remedy this unjust and tragic situation. I therefore urge my colleagues to pass this important legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 51 of title 18 of the United States Code is amended by adding the following new section after section 1117:

§ . Murder by Federal prisoners

"(a) Whoever, while confined in a Federal correctional institution under sentence for a term of life imprisonment, murders another shall be punished by death or by life imprisonment without the possibility of parole.

"(b) For purposes of this section—

"(1) 'Federal correctional institution' means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house;

"(2) 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death;

"(3) 'murder' means committing first-degree murder or second-degree murder as defined by section 1111 of this title.

"(c) A person shall be subjected to the penalty of death under this section only if a hearing is held in accordance with this section.

"(d) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty under this section, the attorney for the Government, a reasonable time before trial or acceptance by the court of a plea of guilty, shall sign and file with the court, and serve upon the defendant, a notice (1) that the Government in the event of conviction will seek the sentence of death, and (2) setting forth the aggravating factor or factors which the Government will seek to prove as the basis for the death penalty. The court may permit the attorney for the Government to amend this notice for good cause shown.

"(e) HEARING BEFORE COURT OR JURY.—When the attorney for the Government has filed a notice as required under subsection (d) and the defendant is found guilty of or pleads guilty to an offense under this section, the judge who presided at the trial or before whom the guilty plea was entered, or any other judge if the judge who presided at the trial or before whom the guilty plea was entered in unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(1) before the jury which determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury which determined the defendant's guilt has been discharged for good cause; or

"(D) after initial imposition of a sentence under this section, redetermination of the sentence under this section is necessary; or

"(3) before the court alone, upon the motion of the defendant and with the approval of the Government.

A jury impaneled pursuant to paragraph (22) of this subsection shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate with the approval of the court that it shall consist of any number less than twelve.

"(f) PROOF OF AGGRAVATING AND MITIGATING FACTORS.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty of or pleads guilty to an offense under this section, no presentence report shall be prepared. In the sentencing hearing, information may be presented as to any matter relevant to the sentence and shall include matters relating to any of the aggravating or mitigating factors set forth in subsections (i) or (j) or any other mitigating factor. Where information is presented relating to any of the aggravating factors set forth in subsection (j), information may be presented relating to any other aggravating factor.

"Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to such mitigating or aggravating factors may be presented by either the Governmant or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. The Government and the defendant shall be permitted to rebut any information received at the hearing and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any of the aggravating or mitigating factors, and as to the appropriateness in that case of imposing a sentence of death. The Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the Government, and is not satisfied unless established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless established by a preponderance of the information.

"(g) Return of Findings.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any mitigating factors, and any aggravating factors set forth in subsection (j) found to exist.

"(h) Imposition of Sentence.—Upon a finding that a sentence of death is justified, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law.

"(i) Mitigating Factors.—In determining whether a sentence of death is to be imposed on a defendant, the following mitigating factors shall be considered but are not exclusive:

"(1) the defendant was less than eighteen years of age at the time of the crime;

"(2) the defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to the charge;

"(3) the defendant was under unusual and substantial duress, although not such duress as constitutes a defense to the charge;

"(4) the defendant is punishable as a principal (as defined in section 2(a) of this title) in the offense, which was committed by another, but his participation was relatively minor, although not so minor as to constitute a defense to the charge; and

"(5) the defendant could not reasonably have foreseen that his conduct in the course of the commission of murder, or other offense resulting in death for which he was convicted, would cause, or would create a grave risk of causing, death to any person.

"(j) Aggravating Factors.—The following aggravating factors shall be considered but are not exclusive:

"(1) the defendant committed the offense during the course of seizing, confining, inveigling, decoying, kidnaping, abducting, carrying away, holding hostage, or holding for ransom or otherwise any person;

"(2) the death or injury resulting in death occurred during the commission or attempted commission of, or during the immediate flight from the commission or attempted commission of, an offense under section 751 (escape by prisoner in custody of institution or officer);

"(3) the defendant committed the offense during the course of perpetrating or attempting to perpetrate a sexual assault on any person;

"(4) the defendant committed the offense during the course of, on account of, or as a result of any transaction concerning or distribution of any controlled substance as defined by schedules I, II, III, IV, and V of section 812 of title 21;

"(5) the defendant committed the offense while armed with, or having readily available, a firearm, as defined in section 921(a)(3) of this title;

"(6) the defendant committed the offense during the course of inciting, organizing, promoting, encouraging, participating in, carrying out, or aiding or abetting any person in inciting, participating in, or carrying on a riot as defined in section 2102 of this title;

"(7) the defendant has been convicted of another Federal offense, or a State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute;

"(8) the defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury upon another person;

"(9) in the commission of the offense the defendant knowingly created a grave risk of death to one or more persons in addition to the victim of the offense;

"(10) the defendant committed the offense in an especially heinous, cruel, or depraved manner;

"(11) the defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value;

"(12) the defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value; and

"(13) the defendant committed the offense after substantial planning and premeditation to cause the death of a person.

"(k) Instruction to Jury on Right of the Defendant to Justice Without Discrimination.—In any hearing held before a jury under this section, the court shall instruct the jury that in its consideration of whether the sentence of death is justified it shall not consider the race, color, national origin, creed, or sex of the defendant. The jury shall return to the court a certificate signed by each juror that consideration of race, color, national origin, creed, or sex of the defendant was not involved in reaching his or her individual decision.

"(l) Appeal From Sentence of Death.—In any case in which the sentence of death is imposed under this section, the sentence of death shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time prescribed for appeal of judgment in section 2107 of title 28 of the United States Code. An appeal under this section may be consolidated with an appeal of the judgment of conviction. Such review shall have priority over all other cases.

"On review of the sentence, the court of appeals shall consider the record, the evidence submitted during the trial, the information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under this section.

"The court shall affirm the sentence if it determines that: (1) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and (2) the information supports the special finding of the existence of any aggravating factor, or the failure to find any mitigating factors as set forth or allowed in this section. In all other cases the court shall remand the case for reconsideration under this section. The court of appeals shall state in writing the reasons for its disposition of the review of the sentence.

"(m) Implementation of a Sentence of Death.—A person who has been sentenced to death pursuant to the provisions of this section shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the latter State in the manner prescribed by such law. A sentence of death shall not be carried out upon a women while she is pregnant.

"(n) Use of State Facilities.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.".

INCENTIVE FOR CRIMINAL REHABILITATION IN STATE PRISONS

Mr. SPECTER. The third bill, Mr. President, would provide incentives to provide rehabilitation for those who are in the criminal justice system who can be rehabilitated. If you take a first offender and some second offenders, it is possible to have some realistic rehabilitation. It is no surprise when an inmate without a trade or skill, a functional illiterate, is released from jail and goes back to a life of crime. In the District of Columbia, there have been initiatives in the course of the past 4 years, which I worked on in my capacity as chairman of the District of Columbia Subcommittee, which are embryonic, just in their initial phases, but are already proving successful. I believe they can serve as a model on a national basis.

Mr. President, I am today introducing a bill to encourage criminal rehabilitation in State prisons by providing prisoners with training in a marketable job skill and basic literacy.

We must impose tough sentences on tough criminals, particularly career criminals. At the same time, however, we must make a realistic effort at rehabilitation where possible.

As district attorney of Philadelphia, I visited all of the prisons of Pennsylvania, and I have had occasion for more recent visits to Pennsylvania prisons as a Senator. These experiences have shown me that many convicts are routinely released as funcational illiterates without a skill or trade. It is not surprising that many of these convicts return to the streets and commit more crimes.

This bill requires that States make a good-faith effort to ensure that prisoners released after a term of imprisonment of 2 years or more have had training in reading, writing, and a basic job skill. In this way, such prisoners will be able to earn their way lawfully on the outside without resorting to a life of crime.

The Chief Justice of the U.S. Supreme Court repeatedly had emphasized the need for making educational and vocational training available to prisoners. In his yearend report for 1984, Chief Justice Burger states:

> Prisoners must be given the opportunity to learn marketable skills, both to repay the government some of the costs of confinement and to train them for life after release.

Mr. President, this bill is derived from two previous bills I introduced—S. 59 in the 98th Congress and S. 1190 in the 99th Congress.

I believe that the present bill would greatly serve the national interest, by providing our inmates a way out of recidivism. Without the education and training in a marketable vocation that this bill would encourage, these prison inmates stand little chance of leaving crime behind and leading productive, law-abiding lives.

I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the prison authority of a State shall have an obligation to provide prisoners with training in a marketable job skill and basic literacy, and the parole authority shall not release a prisoner sentenced under the law of the State to a term of two years or more prior to the expiration of his sentence unless the State has made reasonable efforts to meet such obligation. The State shall be deemed to have met its obligations under this section if the prisoner already has such training, the prisoner refuses to accept such training, or the Attorney General concurs in the State's judgment that provision of such training would be unreasonably costly in a particular instance: *Provided, however,* That the Attorney General shall not exempt a State generally from its obligations under this section on the basis that compliance would be unreasonably costly.

(b) On or before one hundred and eighty days before the effective date of this Act, the Attorney General of the United States shall, after consultation with the State Prison Vocational Skills Advisory Council, promulgate such regulations as are necessary to carry out the purposes of this Act including a determination of what constitutes a "marketable job skill and basic literacy".

SEC. 2. (a) Notwithstanding any other provision of Federal law, any State desiring to receive any grant, contract, award, or other assistance paid for from Federal funds for use in its prison programs, shall certify to the Attorney General that it is in compliance with the provisions of this Act.

(b) Except as provided in subsection (c), any State which fails to comply with this Act shall be ineligible to receive any Federal funds for its prison programs until such time as the State can certify to the Attorney General that it is in compliance with the provisions of this Act.

(c)(1) If the Attorney General determines that a State has made a good faith effort to comply with the provisions of this Act, the Attorney General may grant such State probationary status for one year during which time the State shall be eligible for any Federal funds for prison programs, notwithstanding subsection (a).

(2) No State shall be eligible for probationary status under paragraph (1) for more than two years.

SEC. 3. (a) There is established the State Prison Vocational Skills Advisory Council (hereinafter in this Act referred to as the "Council") which shall advise the Attorney General of the United States regarding regulations necessary to carry out the provisions of this Act. The Council shall be composed of—

(1) the Associate Attorney General, who shall serve as its chairman;

(2) the Director of the Federal Bureau of Prisons;

(3) the Under Secretary of Labor; and

(4) six representatives from State and local prison systems, each from a different State, to be selected by the Attorney General.

(b) It shall be the duty of the Council to advise the Attorney General in formulating regulations as provided in section 1(b).

SEC. 4. Nothing in this Act shall be—

(1) construed to reflect the intent of Congress to invalidate or modify any State law except insofar as it may be directly inconsistent with this Act, or

(2) construed as creating any right in any State prisoner.

SEC. 5. This Act shall become effective one year after the date of the enactment of this Act.

CAREER CRIMINAL INCARCERATION ASSISTANCE ACT OF 1987

Mr. SPECTER. Mr. President, this fourth bill is directed to providing for Federal incarceration of defendants who are sentenced under habitual criminal statutes by the various States. States have statutes providing that felons who have been convicted three times—in some States four times—would be sentenced to life imprisonment. But because of a prison shortage, these statutes are not used. If the Federal Government would take the initiative and provide the prison facilities, that would encourage these States to use the habitual offender statutes, which would be an enormous step forward for law enforcement in this country.

Mr. President, I am today introducing the Career Criminal Incarceration Assistance Act of 1987. This bill is based upon two bills I previously introduced—S. 58 in the 98th Congress and S. 1189 in the 99th Congress. In 1983, I authored the Armed Career Criminal Act, which made the commission of a felony involving use of a firearm a Federal offense if the defendant had three prior convictions for robbery or burglary. This bill was signed into law by President Reagan as part of the Comprehensive Crime Control Act on October 12, 1984. In the 99th Congress, I offered an amendment to the omnibus drug bill to broaden the scope of the predicate offenses to include serious drug offenses and violent crimes.

The bill I introduce today is an equally important part of our effort to deal with the plague of career criminals—those 10 percent of criminals who are responsible for 70 percent of all serious crime.

The bill grants the Attorney General authority to incarcerate in Federal facilities persons convicted and sentenced to life imprisonment in State courts under State habitual offender statutes.

Permitting these persons to be transferred to Federal prisons will encourage more prosecutions under State career criminal statutes. These statutes normally allow judges to sentence habitual offenders for significant periods in order to keep them from engaging in further criminal activity. Often, local district attorneys have task forces specially created to target career criminals. Unfortunately, however, long-term incarceration of these criminals is nearly impossible due to already crowded conditions in State prisons. Indeed, State prisoners are sometimes set free early to make room for the continuing stream of newly convicted persons.

By holding persons sentenced to life imprisonment under State career criminal statutes, the Federal Government would reduce the burden of such sentences on States, and encourage them to actively seek long sentences for career criminals under such statutes.

Recent statistics show that State prison populations continue to increase at an alarming rate. In 1984, 24,281 prisoners were added to the prison rolls in the States and the District of Columbia. During the same period, 2,337 prisoners entered the Federal prison system. The number of inmates sentenced to State prisons for more than 1 year grew by 6.2 percent, whereas the comparable population in Federal prisons grew by only 4.8 percent. Even these statistics do not tell the full story. At the end of 1984, State prison systems were operating at approximately 110 percent of capacity. There was a backlog in local jails of more than 11,000 prisoners; overcrowding accounted for the early release of more than 17,000 inmates in 14 states. Overcrowding also resulted in the operation of the entire prison systems of six States and the District of Columbia under a court order or consent decree. At least 1 major prison was being operated under court order or consent decree in 25 other States. The prison populations in States without court intervention increased at 9.2

percent compared to a 2.9-percent increase in State systems entirely under court order.

The States need help from the Federal Government to reduce overcrowded prison conditions. Society needs States to actively utilize existing career criminal statutes. This bill serves both of these goals, by allowing special targeting efforts to be directed at career criminals by States without adding to their crowded conditions.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Congress finds that—

(1) career criminals commit a larger percentage of the violent and major felonies afflicting society, causing immeasurable physical injury to innocent persons and damage, destruction, or loss to their property estimated at billions of dollars annually, thereby terrorizing lawabiding citizens, disrupting the community, and undermining respect to law:

(2) the continuing criminal activity of career criminals adversely affects interstate commerce;

(3) despite prior convictions for serious offenses, many repeat offenders are placed on probation or sentenced to unduly short terms of imprisonment by State judges to the detriment of public safety;

(4) many repeat offenders cannot reasonably be rehabilitated and, unless incarcerated for life, will commit further felonies;

(5) many States have "habitual criminal" statutes providing for life sentences for repeat offenders, upon subsequent felony convictions;

(6) many State prison systems are severely overcrowded, understaffed, and unable to confine convicts sentenced to life imprisonment under such statutes in a safe, secure, and humane manner;

(7) State Judges may be deterred by the lack of sufficient prison space, staff, and funding from imposing life sentences for repeat offenders as provided by State law, and the legislatures in those States without habitual criminal statutes may be dissuaded by such considerations from enacting such statutes;

(8) the interests of justice and public safety would be served if State authority felt free to impose life sentences for repeat major offenders unrestrained by such considerations;

(9) the Federal Bureau of Prisons sometimes has empty cells available and can make additional space available by consolidating inmates, consistent with suitable standards, and ultimately can open additional institutions and cells, without great cost or delay, in certain Federal facilities, including abandoned military facilities and Public Health Service Hospitals; and

(10) the Federal Bureau of Prisons has an outstanding record in safety, effectively, and humanely confining inmates sentenced to life imprisonment.

(b) The Congress declares that the purpose of this Act is to remove undue restraints on States imposing life sentences on repeat major offenders by authorizing the Federal Government to assume custody of prisoners sentenced under State habitual criminal statutes to imprisonment for life, without cost to the State.

SEC. 2. (a) Upon request by a State pursuant to section 3, the Federal Bureau of Prisons of the Department of Justice shall promptly arrange and accept custody of convicts who are sentenced to life imprisonment under the habitual criminal statutes of a State, to the extent that space is or can be made readily available in the Federal prison system. The Federal Bureau of Prisons shall confine such convicts until certification to the Attorney General by appropriate authorities of the State that the sentence of a transferred prisoner has been terminated by parole, pardon, or otherwise as provided by State law, or, absent such certification, for the natural life of the prisoner.

(b) This Act shall apply only to the incarceration of persons sentenced to imprisonment for life under the State habitual criminal statutes after the date of enactment.

SEC. 3. (a) All applications for Federal incarceration under this Act shall be subject to approval by the Attorney General of the United States and shall include a certification by the State that the prisoner to be transferred has been sentenced to life imprisonment under a State habitual offender statute.

(b) The Attorney General shall have the authority to review the nature and circumstances of the offenses committed by any prisoner who is proposed for transfer and the existing capacities of the State prison system for which transfer is sought. The Attorney General may reject any application for Federal incarceration based upon each consideration and upon the availability of space in the Federal prison system. The decisions of the Attorney General under this subsection shall not be subject to review by Federal or State courts.

BUDGET AMENDMENT TO RESTORE FUNDING FOR AMTRAK

Mr. SPECTER. Mr. President, I wish to express my strong opposition to the administration's proposal to eliminate subsidies to Amtrak. I have joined Senator LAUTENBERG in support of a resolution calling for restoration of adequate funding for Amtrak.

In 1985, my amendment restored funding for Amtrak and I am committed now, just as I was then, to maintaining a national passenger railroad system. If Amtrak is eliminated, the Nation will be without rail passenger service.

Preservation of Amtrak's passenger service is a matter of great national importance. It provides vital services for the entire Nation, particularly for the populous eastern seaboard. With its elimination, traffic will be snarled all over the east coast, with highways jammed and airports clogged. It would become impossible for traffic to get through the Baltimore Harbor Tunnel. In fact, the U.S. Senate might have difficulty getting a quorum.

The elimination of Amtrak will also have serious economic implications nationwide. Amtrak presently employs approximately 25,000 people across the country, and in 1986 contributed, as annual operating budget, approximately $1.5 billion to the national economy. During 1986, Amtrak remained one of the largest transportation companies in the country.

In my State of Pennsylvania in 1986, Amtrak employed some 3,200 employees, as well as thousands of others in Pennsylvania's rail supply industry. Amtrak contributed another $170 million to Pennsylvania's economy through the purchase of goods and services in 1986.

Amtrak's passenger service plays a vital role in our inter-city transportation network and Amtrak's sustained progress in improving its service and reducing its dependence on Federal funds shows that continued Federal support will pay great dividends in the long run. In 1986, Amtrak covered 62 percent of its costs through revenues, compared with 48 percent just 5 years ago.

Amtrak's capital plant, assembled almost entirely with Federal funds, is now worth over $3 billion. Salvage value on these assets—railline, stations, maintenance facilities, and the like—will be minimal if all inter-city rail passenger service is eliminated.

In addition to the investment of the Federal Government, many States have made capital expenditures that total more than $100 million in order to support and enhance passenger service within their borders. This investment will be lost if Amtrak is phased out.

Amtrak currently carries 20 million passengers each year. The total elimination of rail passenger service will leave many communities, particularly in the more sparsely settled areas of the country, without any common carrier passenger transportation. Even travelers that count on other modes of transportation under normal conditions find they must depend on Amtrak in the event of weather emergency or labor strikes.

Among the major cities between Washington, New York, and intermediate cities, Amtrak trains carry almost 16,500 people daily, or twice as many people as the airlines do to these same points. Elimination of Amtrak service in the Northeast corridor will add to air congestion and will ultimately require billions of dollars in additional Federal investment for airport and highway construction.

Amtrak's Northeast corridor is also used by Conrail freight trains and commuter rail trains. If Amtrak is eliminated, Conrail and the commuter agencies will have to absorb $156.8 million in additional costs to sustain their own operations on the Northeast corridor.

The elimination of funding for Amtrak would trigger a $2.1 billion Amtrak liability for labor protection agreements, which provide up to 6 years full salary for employees who are furloughed. Neither the Government nor the public would derived any benefit in service or value from these payments.

State and local governments are unable or unlikely to pick up Amtrak rail passenger service. If they do, costs will still be borne by the taxpayer but with reduced service because Amtrak's current contracts allow for more favorable operating agreements than outside parties could hope to negotiate.

The private sector will not pick up lost Amtrak service. The cost of doing so in competition with publicly subsidized air and highway transportation would be prohibitive.

The effective elimination of Amtrak will result in serious adverse economic consequences to the Nation in terms of: loss of investment, loss of income to equipment and supply contractors with Amtrak, loss of rail passenger service, and loss of jobs along with the strain on the railroad retirement system.

When these costs and consequences are considered, it is clear that the far better choice is for the Federal Government to continue providing support to Amtrak.

If the Budget Committee's bill comes to the floor without adequate funding to keep Amtrak intact, I will offer an amendment to restore such funding.

Mr. President, I urge my colleagues to consider these arguments as we reduce the Federal deficit while recognizing the critical importance of our national rail passenger service.

I have held hearings on budget issues around Pennsylvania. I have already had strong citizen comment about the need for mass transit. Amtrak is one phase of that.

Mr. President, at this time I ask unanimous consent to print in the Record testimony from Mr. W. Graham Claytor, Jr., president and chairman of the board, National Railroad Passenger Corp., and testimony from Mr. Ross Capon, executive director, National Association of Railroad Passengers, presented before me at a budget hearing that I conducted on January 24, 1987, in Philadelphia, PA.

There being no objection, the material was ordered to be printed in the Record, as follows:

Testimony of W. Graham Claytor, Jr., President and Chairman of the Board, National Railroad Passenger Corporation [Amtrak]

Mr. Chairman, I appreciate the opportunity to provide you a summary of what I believe would be the impact on the Commonwealth of Pennsylvania if all federal funding for Amtrak were eliminated in fiscal year 1988. I will also briefly discuss the proposed sale of Amtrak's Northeast Corridor which is critically important to the Commonwealth of Pennslyvania and the City of Philadelphia.

First let me say that we at Amtrak are grateful for your support and efforts in the Senate the last two years to provide sufficient funds to continue rail passenger service in this country. Amtrak has made great progress in reducing its dependence on federal funding and at the same time has improved the quality and level of service it provides. The company's revenue-to-cost ratio is the best available indicator of the corporation's efforts to improve its level of self-sufficiency. It reflects Amtrak's efforts to make full use of all available resources to offset its passenger train operating expenses. In 1976, Amtrak covered 42 percent of its total costs through revenues, compared to 62 percent more recently in fiscal year 1986. Our fiscal year 1987 budget assumes we will cover 64 percent of our costs in that year, and I am confident that we will achieve that goal. Our fiscal year 1988 request will be predicated on further improvement in our revenue-to-expense ratio.

In addition to eliminating all federal funds for Amtrak in fiscal year 1988, the President's budget assumes the sale of Amtrak's Northeast Corridor which is listed as an offsetting receipt that would generate $1 billion in revenue to the federal government. The summary of the President's fiscal year 1988 Federal Budget, released on January 5, 1987, states the following:

"Amtrak—Following on the sale of Conrail, the administration proposed that the federal government get out of the passenger rail business by severing its financial ties to Amtrak. The budget proposes to terminate all Amtrak subsidies and dispose of some or all of Amtrak's assets, the majority of which are in the Boston-to-Washington corridor, to one or more private sector companies, rail passenger organizations, or other entities. . . . The disposal of Amtrak's assets will generate offsetting receipts estimated to be $1.0 billion in 1988."

The Administration's fiscal year 1988 budget request for Amtrak is based on two major assumptions. The first is that intercity rail passenger service is the only mode of transportation that receives federal assistance. The second is that the Washington-Boston corridor would be profitable in private hands. Both assumptions overlook some fundamental facts.

It is virtually impossible to quantify the subsidies for other modes of transportation since public support for them comes from so many sources. We can pinpoint, for example, that in 1984 more than $3 billion in property-tax receipts went into supporting our municipal road systems, but what portion of law-enforcement costs are attributable to the existence of automobiles? Another unknown is how much state and local real estate tax revenue is lost (and must be made up with higher rates) because roadways remove land from the tax rolls. Intercity buses are largely exempt from federal excise taxes on fuel and tires. Buses, cars and planes enjoy the benefits of many deeply layered indirect infrastructure subsidies, while Amtrak's subsidy is direct and subject to annual scrutiny.

It is important to point out that the Administration has proposed in the past the elimination of all funding for Amtrak, with the assurance that a purchaser would be found for the Northeast Corridor. Congressional hearings revealed that no purchasers could be found. A widely held misconception is that train travel covers its operating costs in the Washington-Boston corridor. That is true only of train-operating costs. However, even excluding interest and depreciation on capital, total costs of the corridor are not covered by passenger revenues. Amtrak, as owner and operator of the Northeast Corridor, must pay for all the support facilities to operate the route's high-speed passenger trains: track, bridge and tunnel maintenance, station facilities, train dispatching, snow removal, security and virtually all the other costs of operating a major mode of intercity transportation.

These or similar services are largely provided to our competitors with money derived from nonuser fees. Unless such infrastructure support is provided for the railroad by some outside source, it is highly unlikely that a well-managed private passenger railroad in the Northeast, no matter how innovative and entrepreneurial, would prove profitable. It's difficult to imagine anyone in the private sector interested enough in the Northeast Corridor to assume a $250 million per year operating loss.

As we have testified in the past, a zero budget in fiscal year 1988 would leave the corporation no alternative but immediate termination of service in all parts of the country at the conclusion of the current fiscal year. This termination of service would trigger labor protection costs to Amtrak of some $2.2 billion and would render the company immediately insolvent. Amtrak's $3 billion investment in relatively new locomotives, cars, stations, shop facilities and the like would have to be scrapped at a fraction of their value if it were possible to find a buyer. As a practical matter, it would never be feasible to start this service again, and our country would be the only developed one in the world with no intercity rail passenger service whatever.

The termination of Amtrak's corridor service would be devastating to the citizens of Philadelphia and eastern Pennsylvania. In 1986, Amtrak carried almost twice as many passengers between and among the stations of New York, Newark, Philadelphia, Wilmington, Baltimore and Washington than all major airlines combined. Amtrak is the most convenient mode of transportation between Philadelphia and New York and Philadelphia and Washington. Without Amtrak, enormous air and highway congestion would add to the already complex and difficult transportation problems in this part of the Northeast Corridor.

The results to SEPTA and New Jersey Transit, as well as to industries served by freight railroads which use the Northeast Corridor, would be devastating. Amtrak not only maintains but owns and operates the entire railroad line between New York and Washington and Philadelphia and Harrisburg. In addition to the 10.8 million Amtrak passengers that used the Northeast Corridor in fiscal year 1986, SEPTA carried 17.2 million passengers and New Jersey Transit carried 21.6 million commuters over Amtrak's right-of-way. Our preliminary analysis indicates that this would cost SEPTA an additional $24.9 million a year, New Jersey Transit an additional $45.4 million a year and Conrail an additional $75.5 million a year. Other costs would also have to be borne by Maryland Department of Transportation and the Delaware and Hudson Railroad.

Apart from the foregoing, a zero budget for Amtrak would result in a layoff of some 25,000 employees of Amtrak and its contract railroads throughout the country, including at least 3200 Amtrak employees in Pennsylvania, as well as thousands of others in the Commonwealth's rail supply industry. In addition, between Amtrak's payroll and the purchase of goods and services there, Amtrak made a direct contribution of more than $170 million to Pennsylvania's economy last year—a contribution that would, of course, be lost.

During the last several years, Congress has not approved the proposed budget cuts that would have threatened Amtrak's existence. I hope that it rejects similar proposals this year and look for your continued support in our efforts to improve and expand rail passenger service in this country.

STATEMENT OF ROSS CAPON, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF RAILROAD PASSENGERS

We appreciate this opportunity to present the views of our non-profit, consumer-oriented Association. We also appreciate your strong support of Amtrak and of improved local public transportation. With me is Lawrence T. Joyce, who has served on our Board of Directors for many years and is also Treasurer of the Keystone Association of Railroad Passengers.

We strongly support continued improvement and expansion of public transportation, including both local mass transit and Amtrak services. Thus we oppose the President's proposals which would cut mass transit funding 56 percent (on top of the 24 percent cut transit sustained from 1981 to 1987) and eliminate Amtrak funding. The President's transit proposal would put upward pressure on transit fares while gasoline prices are lower than in years past; the President's Amtrak proposal would lead to a complete cessation of Amtrak service—while increasing the costs of commuter and freight carriers which now share facilities with Amtrak.

In Pennsylvania, this would increase costs for SEPTA commuter rail service and for Conrail freight operations. The freight impact could also affect Conrail's profitability and efforts to sell Conrail. One sign that this is of concern within the Administration was a Dec. 20 report that the Department of Transportation (DOT) "attempted to derail White House efforts to sell Amtrak's Northeast Corridor, attacking the Office of Management and Budget in a highly unusual letter that almost immediately became public . . . . [Deputy Transportation Secretary James H. Burnley IV] expressed concern that the Amtrak proposal might hurt the department's efforts to sell Conrail." [The Washington Post].

The Administration knows that its Amtrak proposal would mean an end to Amtrak service and that Congress has repeatedly rejected such proposals. In fact, the key Senate vote on saving Amtrak came on the 1985 "Specter Amendment."

Currently, the Administration talks about "selling the Northeast Corridor." I believe that this is an effort to mislead the public into thinking that we can end Amtrak subsidies but keep Amtrak service. We cannot.

In the Northeast Corridor, Amtrak is both carrier and infrastructure, owning not only the intercity trains but also most of the tracks, stations, and traffic control systems, and employing the people who work on them. Amtrak is the rail equivalent of airlines, the federal air traffic control system, and the various airport authorities—all put together. Between New York and Washington, Amtrak now handles about ⅓ of the air-plus-rail market, and Amtrak's market-share rises to about 70 percent when intermediate markets such as Philadelphia and Baltimore are included. To shut down this system while air systems are overloaded makes absolutely no sense.

Once again, the Administration itself provides some evidence that shutting down Amtrak would be a bad idea. Almost a year after President Reagan's fiscal year 1986 "Amtrak shutdown" budget was announced, Federal Railroad Administrator John H. Riley said: "[The Northeast Corridor Improvement Project] is a combination of foresight and good management. This is now the 5th fastest corridor in the world." This was at an October 1, 1985, Washington Union Station ceremony noting the transfer of the project to Amtrak. Since then, Amtrak's performance both within the Corridor and nationwide has steadily improved.

In fiscal year 1986, two key Amtrak performance records were the best ever:

Amtrak generated *5.01 billion passenger-miles nationwide, the highest level in its 15-year history,* 4 percent above fiscal year 1984 and 2 percent above the level of fiscal year 1979 (when there were gasoline supply problems and more Amtrak route miles). (A passenger-mile is one passenger transported one mile.)

Commercial revenues covered 62 percent of Amtrak's costs—up from 58 percent in fiscal year 1985.

Improvements were across-the-board: the long-distance trains accounted for 63 percent of passenger-miles and posted the largest 1985-to-86 increase: 5.1 percent; the Northeast Corridor, meanwhile, posted the biggest year-to-year revenue increase: 12.1 percent.

Amtrak operates two highly successful corridors in California (Los Angeles-San Diego and San Francisco-Bakersfield) and several Chicago-based corridors have great potential.

The long-distance trains (which, incidentally, provide the only intercity railroad passenger service to Pittsburgh) are needed for the substantial number of Americans who, for temporary or permanent medical reasons, are unable to fly; to serve many smaller cities where alternative bus and air transportation is disappearing or has already disappeared; and to provide a foundation upon which future corridor services can be built. (Amtrak is now considering the establishment of Pittsburgh-Cleveland service which would initially consist of a single long-distance train en route between Chicago and the East Coast but which could eventually be expanded to include more service timed for the convenience of travelers within that corridor only.) In addition, several of the long-distance routes provide a matchless way to enjoy the nation's scenic beauty.

The approximately $600 million annual Amtrak subsidy must be seen in the light of the more than $13 billion/year from *non-user* sources which is spent on our highways. Although most of this is not federal money, it is strongly encouraged by federal policies. Also, railroad passengers paid over $2 billion in federal passenger ticket taxes from 1942 to 1962 and the money simply went into the Treasury while the government spent nothing on railroads and invested heavily in the competing modes, laying the groundwork for today's "imbalance" problems.

To junk rail passenger service because its growth has been limited by the lack of even-handed public policies would be to ignore the fact that growing transportation demand is colliding with finite supplies of land, airspace, and petroleum—resources that modern rail service uses more efficiently than its competition.

Again, we thank you for your support of Amtrak and mass transit and ask you to keep up the good fight on their behalf.

RECOGNITION OF SENATOR REID

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada [Mr. REID] is recognized for not to exceed 5 minutes.

Mr. REID. I thank the Chair.

TAXPAYER'S BILL OF RIGHTS

Mr. President, I want to speak briefly again today on the need for enacting a strong taxpayer's bill of rights.

Last year the Congress enacted the most sweeping tax reform legislation in a generation. I supported this legislation because I think that it is important to lower tax rates and make the Tax Code fairer and more simple for the average taxpayer. One of the provisions of last year's Tax Code revision that hasn't gotten the attention given to the new lower rate structure and the elimination of tax loopholes is the provision which awards court costs to taxpayers who prevail in proceedings before the Tax Court.

Title XV of the Tax Reform Act calls for awarding of attorney's fees to the prevailing party in tax cases. For years, taxpayers have had to bear the cost of any action before the Tax Court even when they won. Maybe this change will make the IRS think twice before dragging a taxpayer into Tax Court on a flimsy case—if so, this is an important improvement in the law. I am very pleased that this provision was made part of the Tax Reform Act, because it was included in my taxpayer's bill of rights, which had 50 cosponsors in the House of Representatives last Congress.

The awarding of attorney fees to taxpayers who win their case was a good first step. However, more needs to be done to protect taxpayer's rights in order to complete the job of tax reform we started last year. There can be no more appropriate time than during the 200th anniversary of the adoption of our Constitution to finish the job of tax reform by enacting a taxpayer's bill of rights to insure that taxpayers are protected from abuses of Government power by the Internal Revenue Service, just as our constitutional bill of rights protects citizens from other types of abuses of Government power.

We can soon start down the road to complete the job of tax reform. Next week I will introduce my taxpayer's bill of rights which will:

Require the IRS to prepare a declaration of taxpayer's rights and obligations;

Enable a taxpayer to take legal action against an IRS employee who violates a taxpayer's rights;

Establish an Office of Ombudsman;

Give taxpayers certain rights during an interview including: The right to an attorney or CPA and the right to record interviews;

Require an annual GAO audit of IRS activities;

Prohibit evaluating IRS employees on the basis of how much they collect;

Prohibit the IRS from investigating tax records for purposes other than the enforcement of tax laws, except for investigating drug dealers, organized crime figures, and other limited instances;

Place new limitations on tax levies;

Limit the ability of the IRS to single out a particular group of taxpayers for audit;

Require the IRS to carry the burden of proof in court proceedings; and

Require the IRS to honor agreements made to taxpayers regarding installment payment of taxes.

Mr. President, in the near future I will be contacting my colleagues personally to provide them with more information about my taxpayer's bill of rights. I have already received some interested inquires about moving this legislation, and I hope that all of my colleagues will join in this logical completion of the tax reform effort we began last year.

I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 1:30 p.m., with Senators permitted to speak therein for 5 minutes each.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

THE FEDERAL BUDGET REFORM ACT OF 1987

Mr. ROTH. Mr. President, in an age when our Nation was young and the philosophy of our Founding Fathers was unobscured by time, Thomas Jefferson, the principal intellectual force behind the founding of our Republic, issued a warning we would do well to heed. Speaking of the budget, he wrote:

> * * * The finances of the Union (must be as) clear and intelligible as a merchant's books, so that every Member of Congress, and every man of any mind in the Union, should be able to comprehend them to investigate abuses, amd consequently to control them.

With this preface, I stand today, joined by many of my distinguished and concerned colleagues, to introduce a piece of legislation that is much needed and long overdue. It is called the Federal Budget Reform Act of 1987, and it is designed to reestablish the control and oversight of the budget process, to reaffirm our commitment to public accountability, and to reassess our spending and budget priorities.

In short, the Federal Budget Reform Act of 1987 will make the intangible tangible and from chaos will emerge order.

But the time to act is now. In his State of the Union Address last Tuesday, President Reagan said:

> The budget process is a sorry spectacle. The missing of deadlines and the nightmare of monstrous continuing resolutions packing hundreds of billions of dollars of spending into one bill must be stopped.

Can anyone here disagree? How can we control a budget that controls us? And how can we look at the future of America, faced with the well-echoed challenge of global competition, the defense of democracy and the welfare of Americans everywhere when we cannot even get our own House in order?

In the 20 years I have served in Congress I have never seen such a tangled and confusing maze that we called the budget process of the 99th Congress. With authorizations, appropriations, resolutions, reconciliations, supplementals and Gramm-Rudman to boot, the process was a time consuming nightmare. Was it any wonder that we repeatedly missed our deadlines, that we failed to complete the process until 3 weeks after the fiscal year had begun?

Quite frankly, had it not been for the diligent efforts of Senator Domenici, our chairman, to keep the present budget process on track throughout the 99th Congress, chances are we would still be caught in a web of confusion.

Mr. President, the Federal Budget Reform Act of 1987 is designed to put those days behind us. It is designed to simplify the process, to make it more understandable for us, for our staffs, and for the millions of Americans who are literally concerned about out stewardship and the management of their money. Among other things, it will put the budget process on a biennial basis, giving us the needed time to adequately address other important legislation, not to mention vital oversight of Federal agencies. And as the budget is one of the most important pieces of legislation we consider, the biennial process will allow us to deal with it more effectively.

I am pleased to say that this idea, which I began to promote 6 years ago, is catching hold. It is an idea that has been born legitimately from the frustrations of my colleagues and the concerns of the American people. Alice Rivlin, former Director of the Congressional Budget Office and now director of the economic studies program at the Brookings Institution, has strongly advocated that Congress initiate a 2-year budget cycle. James Miller, Director of the Office of Management and Budget, has also referred to the idea many times, and even the President's budget for fiscal year 1988 has incorporated a 2-year plan for the Defense Department.

The Federal Budget Reform Act of 1987 would give life to these well-founded recommendations. It would amend the budget process by creating a 2-year authorizing, budget resolution, and appropriations process. Each even-numbered year congressional committees would complete authorization measures for the following 2-year period. The first session of the next Congress would be devoted to budget and appropriations, culminating with a 2-year binding resolution effective on the first day of October. And within the limits established by the budget resolution, Congress would approve its appropriation measures.

Mr. President, there is little question that this reform would greatly improve the budget process, not only by putting it under control, but by streamlining the requirements to promote greater accountability to the public. This reform would give Congress the needed time for oversight and other vital legislative activities and it would provide stability and coherence for recipients of Federal funds.

The strength of this bill is clear, not only by what it will do, but by the people who support it. I am honored to have Senator Domenici, the ranking Republican member of the Senate Budget Committee, as a primary cosponsor. Together, we are joined by Senators Boschwitz, Danforth, Kassebaum, Quayle, and Symms—seven Senators who represent more than 70 years of experience in planning and voting on Federal budgets. And we are joined by a mounting voice of public opinion that agrees with us—it is time for a constructive change.

I ask unanimous consent that two articles by Alice M. Rivlin, "The Need for a Better Budget Process" and "Improving the Economic Policy Process: Seven Proposals," be included in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

The Need for a Better Budget Process

(By Alice M. Rivlin)

The time has come to simplify the federal budget process. Hardly anyone likes the complicated and arcane procedure the U.S. government uses to arrive at a budget. The process consumes enormous amounts of executive branch and congressional time and even then is rarely completed. Deadlines are missed, and government agencies frequently run on "continuing resolutions" rather than regular appropriations. Occasionally a president makes a show of closing down the government for a few hours because agreement has not been reached on further funding.

Frustrated with continuing budget deficits and their inability to reduce them, Congress and the president agreed in the fall of 1985 on the Balanced Budget and Emergency Deficit Control Act, better known as the Gramm-Rudman-Hollings law. The law, which set up a mechanism to balance the budget in five years, was enacted in desperation to break the deadlock between Congress and the president and reduce the deficit, but not even its staunchest defenders regard it as a desirable process for making a budget. Whether or not this desperate gamble will work to cut the deficit, the question remains: what can be done to improve the budget process?

A drastic simplification is in order. Most spending decisions should be made for two or more years at a time, and possibly the whole budget should be shifted to a biennial basis. Congressional committees should be restructured to combine the authorization and appropriation functions. The budget itself should be simplified and the number of line items greatly reduced, actions that would help shift congressional attention toward major policy issues and away from detailed micromanagement. As for the Gramm-Rudman-Hollings law, I share the hope that it will hasten agreement on deficit reduction but regard it as a bad budget process. Constraining the budget deficit to a particular number—whether by law or constitutional amendment—risks destabilizing the economy.

WHY MAKING A FEDERAL BUDGET IS SO HARD

Making the budget process simpler and more comprehensible, however, would not make the decisions easier. Budget-making is inherently difficult for any organization, whether it be a family, a business, a university, or a government. There are never enough resources to carry out all desired activities. Choices have to be made, and these choices often bring to the surface deeply divergent views about the organization's purpose, how that purpose should be carried out, and who should bear the burdens or reap the benefits. Nevertheless, most organizations do manage to make budgets and live with them. Why is the U.S. government experiencing such agonizing difficulty?

Four conditions can make it especially difficult for an organization to agree on a budget. First, it is harder to make a budget when there are lots of choices regarding both income and spending. Poor families have to eat and pay the rent; poor governments have to defend the borders and deliver the mail. Neither has many choices. Life is easier for families and governments with more earnings and sources of revenue, but budget choices get more complicated.

Second, budget-making is more complex when the organization has access to credit. Without credit families would be far less adequately housed and equipped, businesses would find it hard to function, states and localities would forgo building needed facilities. It it were unable to borrow, the federal government would be forced to raise taxes or cut spending during recessions, making swings in the economy much wider. But governments, like families and businesses, can over-borrow, and the question of how much to borrow and pay back makes budgeting more complicated and contentious.

Third, variations in prices, employment, incomes, and responsibilities make it difficult for any organization to estimate future costs and revenues and reach decisions about them. Finally, and most important, budget-making is hard when the organization has multiple decision-makers with different convictions about what the organizations ought to do and how it ought to do it. The situation requires a budget process—a procedure for arraying choices, debating what should be done, and making decisions.

The U.S. government is subject to all of these budget-complicating conditions in extreme form. It has the taxing capacity of a wealthy country and faces a high level of world and domestic responsibilities. It has apparently unlimited access to credit and has experienced the uncertainties about costs and revenues associated with wide swings in prices and economic activity and with unexpected world events. But most important is the decision-making complexity inherent in the constitutional separation of powers between Congress and the president. The president can propose changes in budgetary priorities, but the ultimate power to levy taxes and authorize spending of public funds is lodged in Congress, subject only to presidential veto. This divided rule works well when the president and Congress are in broad agreement or are willing to compromise their differences. It leads to deadlock and frustration when congressional and presidential views differ and one or both are unwilling to strike a bargain. Recent deficits have reflected the collision between the president's unwillingness to increase taxes or reduce defense growth and Congress's refusal to cut domestic spending by the amounts or in the ways proposed by the president.

One can imagine a contentious family with differing views on how to reduce its budget deficit arriving at a procedure like Gramm-Rudman-Hollings. First, some members might argue that the deficit is temporary and the family will "grow out of it"; others that the deficit does not matter. Gradually all realize that they are facing a permanent and potentially damaging gap between expected spending and expected revenues and that debt and interest payments are rising rapidly. Members of the family propose different plans for adjusting spending and revenues and are unwilling to compromise. Finally, someone suggests that all spending be cut by a fixed percentage until balance is restored. But some expenditures—the mortgage, car payments—cannot feasibly be reduced, so these are exempted. The percentage by which the remaining items must be cut to meet the target then rises. Everyone recognizes that this is an undesirable way to make budget decisions, but they are so desperate to reduce the deficit that they agree that the formula cuts will automatically come into effect on a specific date if they cannot settle on a more satisfactory way of reducing the deficit in the interim. This is how the U.S. "family" adopted Gramm-Rudman-Hollings.

EVOLUTION OF THE PROCESS

Surprisingly, despite all the talk about the budget and the budget process, no budget for the U.S. government is ever actually enacted as such. Government spending and revenue in any one year result from the application of a large number of separate laws enacted at different times that specify how the government can raise and spend money. The elaborate set of documents labeled The Budget of the United States Government, which the president issues with such fanfare each year, is really a set of proposals, detailed estimates of what will be spent and collected in the next year if the president's recommendations for spending and taxing laws are accepted by Congress and the economy behaves as the administration assumes (or hopes) it will.

Because of the separation of powers, the history of budget-making in the U.S. government is two separate histories: that of executive branch efforts to evolve a procedure for crafting the president's budget proposals and that of congressional efforts to make spending and taxing decisions in a more orderly way. Gramm-Rudman-Hollings is unique because it tries for the first time to deal with the efforts simultaneously and create a procedure for forcing the president and Congress to attain an agreed budget deficit target together. It is not yet clear whether this objective can be achieved in a way that does not violate the constitutional separation of powers.

THE PRESIDENT'S BUDGET

The U.S. government had no budget decision process at all until after World War I. Throughout the nineteenth and early twentieth centuries, the central government had few budget responsibilities, and government agencies took their requests for funds directly to Congress.

The Budget and Accounting Act of 1921 presented a major departure from these practices: it was the first in a series of institutional changes designed to make sure the president controlled requests for funds and proposed a budget that reflected the views and priorities of his administration. The act created a new staff, now called the Office of Management and Budget, charged with examining the requests of agencies and providing the president with the information on which to base budget proposals.

Subsequently, the Employment Act of 1946 charged the newly created Council of Economic Advisers with responsibility for forecasting economic developments, assisting the president in formulating fiscal policy, and making an annual economic report to Congress. In the 1960s and 1970s the executive branch attempted to improve the systematic evaluation of government programs, to look further into the future at needs for government action, to estimate the costs, benefits, and distributional effects of alternative spending or taxing programs, and to put the budget decision-making process on a firm schedule.

Thus by the early 1970s the executive branch of the government had institutionalized budget-making. The president was well equipped to translate his political predilections into budget proposals. But the result of all this executive activity was just a set of proposals. Congress was responsible for making the ultimate budget decisions.

THE CONGRESSIONAL PROCESS

Unlike the executive branch, by the 1970s Congress had evolved no comparably centralized institutions. Before 1974 no committee had legislative responsibility for budget policy as a whole. Many spending decisions were made in two stages. First, legislative committees worked on bills authorizing spending for particular programs. Even after such bills were passed by both houses and signed by the president, no money could be spent until separate appropriations bills made their way through another set of committees in both houses and were approved and signed into law. More than a dozen major appropriations bills were voted on at different times of the year. Relative priorities, such as defense as opposed to education or health, were never explicitly considered.

Spending for social insurance and other entitlement programs, which was growing rapidly in the 1960s and 1970s, remained outside the normal appropriations process. Amounts spent on these programs were determined automatically once the characteristics of beneficiaries and the level of their benefits were defined by legislation.

Revenue bills came out of different committees and were voted on separately from spending measures. Because the spending and taxing sides were never brought together, Congress never voted on the question whether revenues and expenditures were in appropriate relationship to each other. Congressional budget policy was the accidental result of spending and revenue decisions influenced by different committees and made at different times.

Spurred by feelings of frustration and impotence in confronting President Nixon, whose priorities differed from their own, members of Congress finally took a long overdue step and passed the Congressional Budget Act of 1974. The act created budget committees in each house charged with formulating an overall budget policy that, when passed by Congress in the form of budget resolution, would serve as a controlling framework within which individual taxing and spending measures could be fitted. It also created the Congressional Budget Office to give Congress an objective, nonpartisan source of budget analysis and information.

The budget act provided for an elaborate three-stage process spread over a nine-month-period between January, when the president's budget proposal is made, and October 1, when the new fiscal year begins. In the first stage the budget committees would produce a first concurrent resolution on the budget that would specify the aggregate level of federal spending for the next year, break down that spending by major categories (but not by detailed line items), and indicate revenues to be available and the resulting deficit or surplus.

After this resolution was agreed upon, specific appropriations and tax bills would be passed in line with the aggregate numbers specified in the resolution. The figures in the first resolution, however, were regarded as targets and were not absolutely binding. In the final stages Congress would reconsider whether the targets were still appropriate and, if necessary, reconcile specific bills with the desired aggregates. A second concurrent resolution on the budget—this time a binding one—would then be passed.

The 1974 law gave Congress a much needed mechanism for making overall budget decisions. Unfortunately, it also made an already complex and lengthy decision process still more complicated and time-consuming. The new procedure retained all the existing authorizing, appropriating, and tax writing committees and added yet another layer: the budget committees. The resulting schedule of detailed and difficult decisions to be made in sequence each year was impossibly demanding, even if reasonable agreement existed on overall budget policy.

For example, it soon became apparent that two budget resolutions were too many. The compromises on budget priorities needed to pass a first budget resolution were difficult to achieve and often occurred later than the May 15 deadline. Once an agreement was reached, no one wanted to reopen the arguments. Hence the second resolution quickly became a formality, then was officially folded into the first.

The new decision process established by the Congressional Budget Act of 1974 accomplished its major purpose. It gave Congress a forum for deciding fiscal policy. The new procedures were expected to strengthen congressional power at the expense of the president's. However, in 1981 President Reagan, aided by his aggressive budget director David A. Stockman, used the centralized features of the congressional budget process effectively to obtain congressional approval of drastic changes in the federal budget. The major elements of the Reagan programs—tax cuts, increases in defense spending, and reductions in domestic spending—were embodied in a three-year budget resolution and passed by Congress as a package.

Reconciliation, the process originally associated with the second budget resolution, was used to bring entitlement programs and other ongoing spending legislation into conformity with the reduced domestic spending totals in the first (and only) budget resolution. These numerous, complex, and sometimes far-reaching changes in existing laws were also voted as a single package.

The events of 1981 showed that a president with strong views on budget priorities and a recent election mandate could use the congressional budget process to obtain rapid ratification of dramatic changes in the budget as a whole. The fragmented decision process that existed before the 1974 reforms would have made these instant, simultaneous changes in many parts of the budget much less feasible. President Reagan's use of the reconciliation process for wholesale alteration of detailed spending legislation, however, left many congressional committees, especially in the Democratic House of Representatives, bruised and determined to reassert their traditional powers.

The budget decisions made in 1981 resulted in enormous deficits in subsequent years. The tax cuts reduced federal revenues as a percent of gross national product while spending continued to increase. The future deficits were not anticipated in 1981, in part because the budget resolution assumed unspecified future cuts in domestic spending that never materialized. More important, however, the budget resolution was based on optimistic economic assumptions that soon proved totally unrealistic. The recession precipitated by high interest rates in 1981 caused a rapid surge in deficits. Financing an escalating debt at high interest rates led to unprecedented increases in federal spending for interest payments. As a result, increases in spending for defense and interest substantially exceeded cuts in domestic spending, leaving a growing deficit even as the economy recovered.

Beginning in 1982, rapidly escalating deficits subjected the entire federal budget process to extreme stress. Under this stress two weaknesses of the decision process stood out clearly: the basic problem, built into the Constitution, of resolving any difficult problem when the president and Congress disagree, and the layering of the process that made it unwieldy and time-consuming in normal times and close to nonfunctional under stress.

DIFFICULTIES OF DIVIDED POWER

The debate over each successive budget since 1981 has been dominated by clashes of views over the deficit. Between 1982 and 1984 President Reagan vacillated on the seriousness of the deficit, sometimes alleging that it would disappear as the economy grew and sometimes deploring it and calling for reduced domestic spending. Presidential budget proposals reflected a consistent budget strategy that continued the defense buildup, rejected both tax increases and cuts in social security, and proposed substantial reductions in many domestic activities. Congressional leaders generally made stronger statements about the necessity of getting the annual deficits down, but differed with the president and with each other on how to do it. Actual budget actions reflected painfully engineered compromises that generally pared back the president's defense increases, accepted some but by no means all of the proposed domestic cuts, and raised revenues somewhat, most notably in 1982 when aspects of the generous tax cuts of the previous year were rescinded. The result was to reduce anticipated further increases in the deficits but to leave them still at unprecedented levels even though the economy began recovering rapidly in 1983.

By 1985 both the administration and Congress had come to realize that the deficits would not disappear with economic growth and were a threat to the long-run health of the economy. But views on what to do about them had not converged. The battle over the fiscal 1986 budget was long and bitter. It resulted in congressional rejection of further defense increases in that year and of most of the deep domestic spending cuts proposed by the president. The president first accepted and then pulled away from a Senate-passed proposal to suspend the social security cost-of-living adjustment and similarly rejected all efforts to reduce the deficit by increasing revenues. Although final budget actions made inroads on future deficits, the conflict left all parties feeling frustrated, discouraged, and helpless.

In this atmosphere the Gramm-Rudman-Hollings proposal was offered in the fall of 1985 as an amendment to a necessary increase in the debt ceiling. Unexpectedly, it gained wide support. Although members of his administration expressed reservations about the approach, especially about the possible impact on defense spending, the president endorsed the proposal and it passed quickly.

The law sets annual targets that reduce the budget deficit to zero in fiscal 1991. If in any year agreement cannot be reached on the specific measures needed to achieve those targets, the law provides a mechanical formula that cuts defense and civilian spending in approximately equal amounts sufficient to meet the goal.

The impact of the new law was felt immediately. Application of the law's mechanical formula on a limited basis in fiscal 1986 cut $11.7 billion from spending in that year and reduced the spending base by substantially more than that for future years. Reaching the targets by applying the formula in 1987 and beyond, however, would seriously impair the effectiveness of both civilian and defense programs. It is hard to believe Congress and the president will allow this to occur. The hope is that the desire to avoid this outcome will bring about agreement on a more sensible way of reaching the targets.

The current situation is complicated, however, by the possibility that the Supreme Court may uphold a circuit court ruling that the automatic formula is unconstitutional because it involves having an officer of Congress (the comptroller general) certify what cuts are to be made by the president. The lower court held this to be a violation of the constitutional spearation of powers. If the Supreme Court upholds the lower court, Congress can still use a procedure in the law that involves voting to withhold the funds specified by the formula. It might be reluctant to do this, however, and if it did, the president could veto.

Even if Gramm-Rudman-Hollings forces agreement on a deficit reduction plan, it is an undesirable budget process. First, the procedure, which requires cutting every unexempted line item in the budget by a fixed percentage, allows no reconsideration of priorities and could lead to absurd and unintended results. Second, the adoption of a fixed dollar target for the deficit can destabilize fiscal policy.

Finally, Gramm-Rudman-Hollings does nothing to reduce the layering and complexity of the current budget process. The law does strengthen enforcement of the budget resolution, which should improve congresional self-discipline, but it also adds to congressional workloads and accelerates deadlines that were already proving impossible to meet. For example, the law requires Congress to pass the budget resolution by April 15, although the current deadline of May 15 has not been met in some years. Deadlines are missed in large part because the process itself is overly complicated. Congress will not solve this problem merely by exhorting itself to try harder to finish on time.

WAYS TO SIMPLIFY THE PROCESS

Even before it was subjected to the stress of dealing with large deficits and divergent views among the House, Senate, and president, the budget process was showing signs of breaking down of its own weight. Participants complained about the length of time spent on each budget—at least six months for preparation of the president's proposal and at least nine months for congressional decisions. Deadlines were missed regularly, and continuing resolutions became more and more frequent because agreement often could not be reached on regular appropriations. Participants also complained about the multiplicity of congressional committees with overlapping jurisdictions. Testifying on the same issues before several committees on both sides of the Hill consumed the time of executive branch officials and members of Congress alike.

Moreover, the frequency with which the same issues came up for consideration meant that many decisions were never final. Crucial votes on major weapons systems, such as the MX missile, were occurring in each house three or more times in a single year in the context of authorization, appropriation, and budget action. Congress seemed more and more immersed in the details of federal programs and less and less concerned with the overall directions of federal policy. A growing number of members and observers of Congress have come to believe that drastic change is needed to improve the effectiveness of the congressional budget process. But the deficit crisis itself has delayed serious consideration of procedural change.

Three types of reform would make effective decisionmaking more feasible: making decisions less often by moving to a multiyear budget, reducing the number of committees by consolidating the authorizing and appropriating processes, and simplifying the budget itself by reducing the number of accounts and line items.

MULTIYEAR BUDGETING

An obvious way to reduce the time spent on the budget process would be to go through the process less often, perhaps every other year. Less frequent budgeting has many clear benefits. The managers of federal programs and the recipients of federal grants could plan programs more effectively if they could assume funding for a longer period. They could spend more time managing and less time preparing and defending budgets and adjusting to funding changes. And Congress, relieved of annual budget battles, could devote more attention to long-run issues and more careful oversight of federal programs.

Spending levels for some programs are, of course, affected by unpredictable cataclysmic events, such as the outbreak of war. But such events have to be dealt with on an emergency basis even with an annual budget process. It is hard to imagine that most federal programs benefit more from hasty annual review than from more thorough, better prepared evaluation at longer intervals.

It is true that budgeting depends on economic assumptions about the future and that longer-run forecasts are more uncertain. But only a few programs are greatly affected by the state of the economy, and many of these are entitlement programs that adjust automatically. If the economy suffered an unexpected recession in the middle of the multiyear budget period, Congress might well want to consider changing tax rates or accelerating some spending programs. But this could be done—as it is now—without reconsidering the whole budget.

Numerous bills proposing multiyear budgets have been introduced—most calling for biennial budgeting, which is used by many state governments—and some hearings have been held. Some biennial budget bills envision Congress spending the first year of each session on program oversight and other matters and handling the two-year budget in the second year of the session. Under this arrangement a newly elected president who wanted to alter his predecessor's budget either could use the first year of his term to build support and understanding for the changes or could move ahead more rapidly to amend the existing budget. Other bills would have each Congress make a two-year budget in its first session and use the second to consider other legislation.

Even if the whole budget were not moved to a multiyear basis, Congress could get many of the same advantages by shifting to multiyear authorization or appropriation or both in major areas of the budget. Defense seems an especially good area for such a change. Indeed, recently enacted legislation requires the Department of Defense to submit a two-year budget beginning with fiscal 1988 and 1989.

While legislators sometimes argue that they would have less control over federal activities if budgeting were done less often, they actually would be better able to make significant changes. Major shifts in direction, such as bringing down the deficit or modernizing the armed forces, cannot be accomplished in a single year. A longer budgeting period would give greater scope for such major shifts to be designed and carried out. Indeed, in the last several years Congress has of necessity moved to a multiyear budget resolution with accompanying reconciliation measures. The dramatic changes of 1981 involved a three-year budget resolution as well as a three-year tax bill. Subsequent efforts to bring down the deficit necessarily involved more than one year, so three-year budget resolutions have become standard. Nevertheless, appropriations and many authorizations are still done one year at a time. It is time to move the whole process to a two-year cycle.

CONSOLIDATING THE AUTHORIZING AND APPROPRIATING FUNCTIONS

In principle the legislative or authorizing committees write the basic legislation that governs how federal programs function, and the appropriations committees budget specific sums to carry them out. In practice the distinction between the two has often blurred in recent years, perhaps because of the intensity of interest in the budget and the small number of new programs being considered. In working out the defense budget, for example, the authorizing committees and appropriations subcommittees often appear to be doing exactly the same thing—subjecting the budget to line-by-line scrutiny with special attention to procuring weapons systems. Such duplication wastes the time and energy of Congress and executive branch alike.

On the other hand, spending for entitlements, now two-fifths of the budget, is outside the appropriations process. The bulk of entitlement spending is handled by the tax committees, sometimes creating logjams for these overworked committees.

Restructuring the committees would improve the budget process. Ideally each major area of federal activity—defense, income security, national resources, and so forth—should have a program committee responsible both for drafting basic legislation and for reviewing budgets in its area. Each would handle both entitlement programs and discretionary appropriations. Revenue committees would handle only revenue, not spending, programs. The budget committees would be charged with putting together an overall budget strategy that would include both revenue and spending. They would also consider relative priorities among programs and recommend appropriate fiscal policy.

A further step, one with considerable appeal, would be to hold all spending and tax bills for final vote at the same time. Indeed, they could be put into a single bill. Congress would then be voting on a budget for the whole government and sending it to the president in one package. This type of budget action is standard in many governments, but the U.S. government has never had a budget voted this way.

REDUCING MICROMANAGEMENT

Under present procedures a single omnibus appropriations bill would be an appallingly long document. This length is symptomatic of a basic problem of the budget process; the tendency of Congress to budget in too much detail. The current budget is divided into thousands of budget accounts and subaccounts. The executive branch is given very detailed line item budgets with little authority to shift money from one item to another as conditions change. This detail makes the budget process an arcane business and focuses congressional time and energy on minutiae rather than on overriding issues of policy.

Drastically cutting the number of line items in the budget would be desirable but would make a real difference only if accompanied by a genuine change in the way Congress perceives its own role. Congress would have to begin functioning more like a board of directors making major policy decisions for the country and less like a group of 535 managers specifying detailed operations for the executive branch.

None of the changes suggested here would require amending the Constitution. Each could be accomplished by legislation or changes in House and Senate rules and customary practice. All the recommendations, however, would meet with strong opposition in Congress (and to some extent in the executive branch) because each threatens the existing power structure. Multiyear budgeting would deprive Congress of the annual chance to impose its will in appropriations and other budget legislation. Consolidating the authorizing and appropriating processes would reduce the number of committee and subcommittee chairmanships.

Budgeting in less detail is perhaps the most threatening of all, because Congress has a long tradition of making itself felt and protecting constituent interests through tinkering with line items. Nevertheless, Congress is highly frustrated with the current system, which imposes an exhausting workload but yields little satisfaction of accomplishment. Once the deficit crisis is at least partially resolved, but before memories of this stressful period recede, the chance for substantial reform of the budget process seems high.

OTHER POSSIBLE REFORMS

President Reagan favors two major changes in budget procedures that he believes would work to hold down federal spending and deficits: a constitutional amendment to require a balanced budget and a line item presidential veto. Both proposals are troublesome.

Requiring balance in the budget regardless of the state of the economy could force the federal government to adopt an inappropriate fiscal policy. Drafts of constitutional amendments usually have escape clauses, but it is difficult to foresee the variety of special circumstances that could affect future fiscal policy. Such amendments usually empower a super majority (two-thirds or three-fifths of Congress) to override a requirement to balance the budget. Such a clause, however, might create an incentive for legislators with favorite spending projects to trade the inclusion of these projects for their agreement to join the super majority. Spending and deficts might actually end up larger than without the amendment. To the extent that an amendment to balance the budget holds down federal spending, however, it may lead the government to substitute additional regulation for spending and to achieve goals by requiring businesses or state and local governments to make certain kinds of expenditures. Such amendments also provide a strong incentive to create off-budget agencies or engage in "creative" accounting. All in all, the risk of trying to handle a complex issue like fiscal policy by amendment to the Constitution, whose greatest virtue is its brevity and flexibility, seems far greater than the benefits.

The proposed line item veto also presents problems. While the president may use his veto power only to reject a whole bill, many state governors have the power to veto individual line items without rejecting the whole bill. Numerous presidents have asked for a line item veto, a power that they hoped would forestall the congressional tendency to insert spending items with which the president disagrees into bills he needs and does not want to veto.

The line item veto would enhance the power of the president and diminish that of Congress, but it is easy to exaggerate its impact. The president needs congressional support for his programs and is unlikely to risk antagonizing many members, especially chairmen of important committees and subcommittees. Moreover, the latter could doubtless find ingenious alternative ways of protecting favorite line items, such as military bases or other federal installations, from presidential veto. A committee could hide a threatened line item in a larger total, for example, but add language stating that none of the funds are to be used to close the specified installation. Moreover, while a conservative president might use a line item veto to cut pork barrel spending projects, a big-spending president might use the threat of a line item veto to garner votes for spending he favored.

In any case it is not realistic to think that the line item veto would reduce the current deficits appreciably. President Reagan is unlikely to use a line item veto to reduce defense spending. Interest payments cannot be vetoed, and entitlement programs generally do not come to the president in a form in which such a veto would be possible. The president might use the line item veto to kill a few domestic spending items of largely local interest, but the spending impact of such actions would be small.

CONCLUSION

Simplifying the budget process along the lines discussed would make the process more understandable and less exhausting and would probably lead to more thoughtful decisions. It is important, however, not to claim too much for procedural change. A well-designed budget process can, at best, do three things. It can reduce but not eliminate uncertainty by making sure that participants have the best available projections and analyses of budget options in intelligible form. It can also put the sequence of decisions in a logical order so that participants have a chance to make the most important decisions, not just the subsidiary ones. This lack of order was the weakness in the congressional budget process corrected by the reforms of 1974. Finally, a well-designed budget process can save time for decisionmakers so that budget affairs do not overwhelm other activities of government. The current process fails miserably on this last criterion.

No set of procedures, however, can force participants to make choices that they do not want to make or do not regard as necessary. Reforms to the process cannot substitute for political will or for the exercise of leadership in working out compromises among warring parties. As long as the government sticks with a system under which power is divided between the president and Congress—and separation of powers should be maintained—the priorities of the president and Congress will occasionally conflict. Changes in the budget process are unlikely to cure this situation. Resolution of the conflict will still require statesmanship and the willingness of both sides to compromise.

IMPROVING THE ECONOMIC POLICY PROCESS: SEVEN PROPOSALS[1]

Tension and conflict are inherent in political decisions, especially on economic policy. Nothing can make such decisions easy. Nevertheless, it is my contention that economic policymaking in Washington in the last decade has been more frustrating, muddled and confusing than necessary. Part of the problem is that the process by which national economic policy evolves in Washington has become so fragmented and complicated that it is almost impossible to explain how it is supposed to work, let alone how it does work.

A well founded distrust of despots led our forefathers not only to opt for representative democracy, but to divide power among the executive and legislative and judicial branches and between the House and the Senate. On matters of taxing and spending, they were especially protective of the power of the people's representatives, making it clear that while the president could propose taxing and spending, the ultimate authority lies with the Congress, subject only to presidential veto. This divided power creates a built-in hurdle to making and carrying out fiscal policy. The hurdle is low when the president is articulating a policy that has broad support in the country and in the Congress. It can lead to erratic shifts of policy when the president is indecisive and to deadlock when the president is leading in a direction in which the public and its elected representatives do not wish to go. Deadlocks are rare, but can be serious. The failure to reduce the huge structural budget deficit of the mid 1980s largely reflects the fact that the president's solution—drastic reduction of the federal role in the domestic economy—does not command broad popular support.

The separation of powers between the Congress and the president is basic to our system of government and probably worth the price of occasional deadlock. The difficulties of making economic policy, however, are strongly compounded by the propensity of our pluralistic society of diffuse power and decision-making authority both within the executive branch and within Congress. With respect to taxing and spending policy, for example, the simple notion that the president proposes and the Congress disposes is greatly complicated by the fragmentation of power within each branch. Moreover, periodic efforts to make the policy process more coherent within each branch, while often temporarily successful, have added new power-centers without consolidating the old ones.

FRAGMENTATION IN THE EXECUTIVE BRANCH

In the executive branch, the trend since early in the century has been to centralize power in the White House in order to make it easier for the president to formulate and articulate taxing and spending policy and to utilize the growing skills of the economics profession to that end. But this worthy goal has been accomplished in stages, with a new institution added at each stage. The creation of what is now called the Office of Management and Budget (OMB) in the 1920s made it possible for the president to review and evaluate spending requests and impose a set of priorities on his budget proposal to Congress reflecting his administration's view of the appropriate size and role of government. The creation of the Council of Economic Advisers (CEA) in the 1940s provided a focal point for bringing the advice of the economics profession into the service of presidential decision-making and a locus for creating an official forecast of economic activity.

The creation of OMB and CEA improved the president's ability to formulate and articulate macro-economic policy. It also left the president, in addition to his other impossible duties, with the job of resolving a build-in tension over responsibility for economic policy among the CEA, OMB and the Treasury, not to mention the White House staff and the agencies with line responsibility for implementing various aspects of economic policy.

Presidents have tried various coordination mechanisms including "troika" arrangements and an almost infinite variety of broader councils and committees with varying membership, responsibilities and leadership. The system works tolerably well or exceedingly creakily, depending on the president's personal style and the personalities involved. But it encourages battling over turf as well as substance and is hardly designed to minimize the amount of presidential energy needed to evolve a coherent, explainable policy on taxing and spending. One might wonder whether it is not time to do what so many other countries do and give our president the equivalent of a responsible finance minister charged with the functions now diffused to our budget director, Council of Economic Advisers and Treasury Secretary.

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[1] Adapted from the presidential address delivered at the American Economic Association, December 29, 1986, New Orleans, Louisiana.

DIFFUSION OF POWER IN THE CONGRESS

The fragmentation of power and responsibility is, of course, even more extreme in the Congress. The legislative branch also has a long history of attempts to make taxing and spending policy in a more coherent fashion by adding new coordinating institutions—appropriations committees, a joint economic committee, budget committees, a congressional budget office—without eliminating or consolidating any of the old ones.

The most recent attempt to improve congressional economic decision-making—one in which I was an active participant—followed the Budget Reform Act of 1974 which created the budget committees and the Congressional Budget Office. These budget reforms succeeded in their main objective of focussing the attention of the Congress on overall budget policy, not just individual taxing and spending fragments. They have forced the Congress to fit the pieces together, to debate and vote on an overall taxing and spending plan—a budget resolution—to which specific taxing and spending matters must conform. No one can say that the Congress in the last few years has ignored fiscal policy! The creation of the Congressional Budget Office, moreover, has given Congress independent access to forecasts, projections and analysis of economic options.

The downside of the budget reforms, however, was that the budget process was superimposed on the already complex responsibilities of authorizing, appropriating and tax committees. It has added to the layers and stages of congressional policy-making without removing any of them, has made the process of budget decision making nearly impossible even for members of Congress to understand, and increased the workload so much that decisions are routinely made late and in an atmosphere of crisis. Moreover, Congress now frequently has to deal with two sets of estimates, those of the OMB and those of the Congressional Budget Office, which may differ because they are based on different forecasts of economic activity, or for even less obvious technical reasons.

THE INDEPENDENCE OF MONETARY AND BUDGET POLICY

Meanwhile, back in the separate world of the Federal Reserve, monetary policy is being decided and carried out. It is a curious paradox that a nation, which feels it needs many more hands on the tiller of fiscal policy than most countries regard as workable, is content to leave monetary policy to a central bank with fewer visible ties to the rest of the government than the central banks of most countries.

There is plenty of informal communication, of course, especially between the Federal Reserve and the hydraheaded economic establishment of the executive branch. More formal cooperation between the monetary and fiscal authorities, as in the United Kingdom, might contribute only marginally to making monetary and fiscal policy decisions part of a more coherent strategy for the economy—and at the cost of depriving the executive branch of the luxury of blaming the Federal Reserve when things go wrong. The love-hate relation between the Congress and Federal Reserve, however, warrants more attention. Despite occasional outbursts of anxiety over escalating interest rates, Congress has shown little inclination to control monetary policy or even to inquire into the consistency of monetary and fiscal objectives. The Fed is required to report monetary growth targets to the banking committees as though monetary policy were a matter of banking system regulation, but has little genuine interaction with the budget committees whose job is to debate and propose fiscal policy.

SOME DRASTIC NON-SOLUTIONS

Widespread concern that the economic policy process is not working well has spawned proposals for drastic change that move in two quite different directions: one toward circumscribing the discretion of elected officials by putting economic policy on automatic pilot and the other toward making elected officials more directly responsible to the voters for their policies.

The automatic pilot approach flows from the perspective of public choice theory that the decisions of democratically elected officials interested in staying in office cannot be counted on to produce economic policy in the social interest, but are likely to be biased toward excessive government spending, growing deficits, special interest tax and spending programs and easier money. A way to overcome these biases is to agree in advance on strict rules of economic policy, such as a fixed monetary growth path or constitutionally required balance in the federal budget.

Even if one accepts the premises, however, firm rules are hard to define in a rapidly changing world—no one seems to know what "money" is anymore—and can easily lead to perverse results. Recent experience with trying to reduce the federal deficit along the fixed path specified by the Gramm-Rudman-Hollings amendment, for example, has given us a taste of some of the possible disadvantages of a balanced budget rule. There is danger that specific dollar targets for the deficit will require pro-cyclical fiscal policy, perhaps precipitating a recession that would then make budget balance even less attainable. Moreover, the effort to reach the targets can induce cosmetic or self-defeating measures, such as moving spending from one fiscal year to another for no valid reason, selling assets to reduce a current deficit while exacerbating future ones and accomplishing desired purposes by regulatory or other non-budgetary means.

The Gramm-Rudman-Hollings experience, however, has suggested the usefulness of a different approach to deficit reduction than a balanced budget rule; namely, a deficit neutral amendment rule. If legislators advocating a tax preference are required to propose a rate increase to pay for it, special interest tax legislation may falter. Similarly, the requirement that a proposal for additional spending be accompanied by a simultaneous proposal to raise taxes or reduce another spending program may be an effective brake on deficits.

The other direction of reform reflects the contrasting view that the separation of powers and the diffusion of responsibility in our government make it too difficult for the electorate to enforce its will by holding officials responsible for their policies. The potential for deadlock would be reduced if the United States moved toward a parliamentary system or found a way to hold political parties more strictly accountable for proposing or carrying out identifiable policies.

Casual examination of parliamentary democracies, such as the United Kingdom and Sweden, does not provide striking evidence of the superiority of parliamentary systems for making economic choices, even if one did not have two hundred years of tradition to contend with in changing our system. The more modest notion that our system would work more smoothly if political parties had better defined positions and disciplined their elected members more strictly may well be right, but seems to fly in the face of current history. Voters are showing less strong party affiliation and more inclination to choose for themselves among candidates, while members of Congress tend increasingly to be pragmatists willing to work out non-ideological compromises across party lines. These trends seem likely to be the irreversible consequences of greater education, sophistication, and exposure to public issues among voters and elected officials alike and to make a resurgency of party discipline and loyalty unrealistic.

MAKING THE ECONOMIC POLICY SYSTEM WORK BETTER

My own proposals involve less drastic changes in the structure of our government. They reflect a strong faith in the ability of informed citizens and their elected representatives to make policy decisions for the common good, even to make substantial sacrifices and take political risks to further what they perceive as the long-run national interest—once they understand what the choices are. I also believe that the separation of powers between the executive and legislative branches is worth the cost. It provides needed protection against overzealousness in either branch, albeit at some risk of occasional stalemate.

The main problem, it seems to me, is that our economic policy system has gradually become so complex, diffused and fragmented that it impedes rather than fosters informed choices on major issues. The fragmentation imposes two kinds of costs. First, it makes the decision process itself exceedingly inefficient. Decisions are made too often, in too great detail and reviewed by too many layers of decision-makers in the executive branch and in Congress. Too much time is absorbed in procedure and in wrangling over details, not enough on major decisions. It's time to simplify the process, to weed out some of the institutions, and to tip the balance between substance and process back toward substance.

Second, decisions are made separately that ought to be made together, or at least with attention to their impact on each other. The separation of monetary and fiscal policy is one example; the separation of tax and spending decisions is another. Congress has made a good deal of progress in recent years in putting spending decisions together with their revenue or deficit consequences, but more could be done. I have seven steps to suggest that might make the economic policy process work more effectively.

First, seek out decisions that should be made less frequently and arrange to do so. This would economize decisionmaking time and enhance the chances of thoughtful, well-informed decisions. It would free up time and energy for managing the government enterprise more effectively, with a longer planning horizon. It would also reduce the inefficiency and sense of unfairness that goes with frequent changes of the rules. Making the federal budget every other year would be a major advance. Major revisions of the tax code should occur even less frequently. Big ticket acquisitions, such as major weapons systems, should be reviewed thoroughly at infrequent intervals and then put on a steady efficient track, not constantly revised.

With a two-year budget, there would occasionally be major events, such as a sudden escalation of international tension or a sharp unexpected shift in the economic outlook, that would justify reopening the budget in midstream, but the temptation to tinker frequently should be strongly resisted. The argument that economists cannot forecast accurately two years in advance, while quite true, does not undermine the case for a multi-year budget. It simply reinforces the point that discretionary fiscal policy is hazardous and ought to be viewed with great skepticism whether the budget is annual or biennial.

Second, seek out decisions that need not be made at all and stop making them. Some spending programs could be consolidated into block grants or devolved to the states, not necessarily in the interest of smaller government, but in the interest of greater responsiveness to local needs and a less cluttered federal decision schedule. In other cases, the responsibility is clearly federal—as in defense—but Congress should be doing its job more effectively if it concentrated on major policy issues rather than on details of program management.

Third, in the executive branch, consolidate authority for tax, budget and fiscal policy in a single cabinet department. The department could retain the name Treasury, but might better be called the Department of Economic Affairs. The Secretary of Economic Affairs should have a high level chief economist or economic council with a strong professional staff. The chief economist should work closely with the budget director who also should report to the Secretary. The purpose would be to bring together economic decisions now made in OMB, CEA and Treasury under one high level responsible person, to relieve the president of the duty of adjudicating among so many potentially warring power centers, and to increase the chances of building a highly professional permanent economic staff one step removed from the short-run political concerns of the White House.

Fourth, streamline the congressional committee structure to reduce the number of steps in the budget process. The authorizing and appropriating functions should be combined in a single set of "program committees," one for each major area of public spending. This would imply a single defense committee, for example, and a social insurance committee. The tax committees should handle the revenue side—not additional spending programs as at present. The budget committees would be charged with considering fiscal policy and putting the spending and revenue sides together into a budget to be passed by the whole Congress. The Joint Economic Committee should celebrate the important contributions it made to economic understanding in the days before the budget process and then close up shop.

Fifth, bring monetary and fiscal policy into the same conversation. This end could be furthered by closer formal links between the central bank and the Department of Economic Affairs to dramatize the need for consultation and interaction. The Federal Reserve chairman should make a report to the budget committees of Congress laying out recommended short and longer-run economic goals for the nation and discussing combinations of monetary and fiscal strategies to achieve them. The Fed's report should be an important input to congressional deliberations on fiscal policy.

Sixth, strive for a government-wide official economic forecast to be updated on a regular schedule. The main purpose of the common forecast would be to reduce the confusion generated by conflicting estimates, but the increased interaction between the Department of Economic Affairs, the Congressional Budget Office and the Federal Reserve necessary to create such a forecast would increase mutual understanding of what is happening to the economy and what the goals of policy should be. Occasionally, it might be necessary for one of the agencies to dissent and explain why it disagreed with the forecast, but these occasions are likely to be infrequent. There should also be more attention than at present to the consequences for policy of the forecast being wrong.

Finally, bring choices explicitly into the decision process, both in executive branch deliberations and, especially, in Congress. Those proposing spending increases or tax reductions should routinely be required to specify what is to be given up and to offer both the benefit and its cost as a package. In other words, proposals should be deficit neutral.

CONCLUSIONS

Economic policy involves making hard choices under great uncertainty. There is no process or structure of decision-making that can make these choices easy. At best the changes discussed above could conserve the energies of the participants in the process for the most important decisions and make clearer to the participants, the press, and the public what is really going on. That would help.

Mr. ROTH. Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the text of the bill and the analysis were ordered to be printed in the RECORD, as follows:

S. 416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Budget Reform Act of 1987".

SEC. 2. STATEMENT OF PURPOSE

It is the purpose of this Act—

(1) to establish a process through which the Federal budget will be adopted for a two-year period;

(2) to improve congressional control over the Federal budget process;

(3) to streamline the requirements of the budget process in order to promote better accountability to the public;

(4) to improve the legislative and budgetary processes by providing additional time for congressional oversight and other vital legislative activities;

(5) to provide stability and coherence for recipients of Federal funds; and

(6) to implement other improvements in the Federal budget process.

SEC. 3. REVISION OF TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

"TIMETABLE

"SEC. 300. The timetable with respect to the Congressional budget process for any Congress is as follows:

"First Session

"On or before:	Action to be completed:
15th day after the session begins.	President submits budget for the 2-fiscal-year budget period beginning on October 1 of the same calendar year (including current services budget).
February 15	Congressional Budget Office submits report to Budget Committees with respect to the 2-fiscal-year budget period.
March 15	Committees and joint committees submit reports to Budget Committees with respect to the 2-fiscal-year budget period.
April 15	Budget Committees report concurrent resolution on the budget for the 2-fiscal-year budget period to their Houses.
May 15	Congress completes action on the concurrent resolution on the budget for the 2-fiscal-year budget period (including any reconciliation instructions for such period).
June 1	House Appropriations Committee reports all regular appropriation bills for the 2-fiscal-year budget period.
June 15	House completes action on all regular appropriation bills for the 2-fiscal-year budget period.
June 30	Senate Appropriations Committee reports all regular appropriation bills for the 2-fiscal-year budget period.
July 31	Senate completes action on all regular appropriation bills for the 2-fiscal-year budget period.
September 30	Congress completes action on all regular appropriation bills and reconciliation bill or resolution for the 2-fiscal-year budget period.
October 1	2-fiscal-year budget period begins.

"Second Session

"On or before:	Action to be completed:
January 15	President submits revised budget for the 2-fiscal-year budget period beginning on October 1 of the preceding calendar year.
March 31	Congressional Budget Office submits report to Budget Committees with respect to the 2-fiscal-year budget period.
The last day of the session	The Congress completes action on bills and resolutions authorizing new budget authority for the 2-fiscal-year budget period beginning on October 1 of the succeeding odd-numbered calendar year.".

SEC. 4. AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.

(a) PURPOSES.—Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking "each year" and inserting in lieu thereof "biennially".

(b) DEFINITIONS.—

(1) Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking "fiscal year" each place it appears and inserting in lieu thereof "2-fiscal-year budget period".

(2) Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end thereof the following new paragraph:

"(11) The term '2-fiscal-year budget period' means the period of 2 consecutive fiscal years beginning October 1 of any odd-numbered year.".

(c) DUTIES OF CBO.—

(1) Section 202(f)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 602(f)(1)) is amended—

(A) by striking "February 15 of each year" and inserting in lieu thereof "February 15 of each odd-numbered calendar year";

(B) by striking "the fiscal year commencing" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period commencing";

(C) by striking "such fiscal year" the first place it appears and inserting in lieu thereof "such 2-fiscal-year budget period"; and

(D) by striking "such fiscal year" the second place it appears and inserting in lieu thereof "each fiscal year in such 2-fiscal-year budget period".

(2) Section 202(f) of such Act (2 U.S.C. 602(f)) is further amended—

(A) in paragraph (2) by striking "paragraph (1)" and inserting in lieu thereof "paragraph (1) and (2)";

(B) in paragraph (3)—

(i) by striking "each year" and inserting in lieu thereof "each even-numbered calendar year",

(ii) by striking "the fiscal year ending September 30 of that calendar year" in clause (A) and inserting in lieu thereof "either fiscal year in the 2-fiscal-year budget period beginning October 1 of the preceding calendar year",

(iii) by striking "the fiscal year ending September 30 of that calendar year" in clause (B) and inserting in lieu thereof "either fiscal year of such 2-fiscal-year budget period", and

(iv) by striking "fiscal year beginning October 1 of that calendar year" and inserting in lieu thereof "succeeding 2-fiscal-year budget period";

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(D) by inserting after paragraph (1) the following new paragraph:

"(2) On March 31 of each even-numbered year, the Director shall transmit to the Committees on the Budget of the House of Representatives and the Senate such revisions of the report required by paragraph (1) as may be necessary due to changing economic conditions and due to any revisions in the Budget transmitted by the President to the Congress on January 15 of that year pursuant to the last sentence of subsection (a) of section 1105 of title 31, United States Code.".

(d) Biennial Concurrent Resolution of the Budget.—

(1) Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) by striking "April 15 of each year" and inserting in lieu thereof "May 15 of each odd-numbered year";

(B) by striking "the fiscal year beginning on October 1 of such year" the first place it appears and inserting in lieu thereof "2-fiscal-year budget period beginning on October 1 of such year";

(C) by striking "the fiscal year beginning on October 1 of such year" the second place it appears and inserting in lieu thereof "each fiscal year in such period"; and

(D) by striking "each of the two ensuing fiscal years" and inserting in lieu thereof "each fiscal year in the first and second succeeding 2-fiscal-year budget periods".

(2) Section 301(b) of such Act (2 U.S.C. 632(b)) is amended—

(A) in the matter preceding paragraph (1) by inserting "for a 2-fiscal-year budget period" after "concurrent resolution on the budget"; and

(B) in paragraph (3) by striking "for such fiscal year" and inserting in lieu thereof "for either fiscal year in such 2-fiscal-year budget period".

(3) Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by striking "February 25 of each year" and inserting in lieu thereof "March 15 of each odd-numbered year".

(4) Section 301(e) of such Act (2 U.S.C. 632(e)) is amended—

(A) in the first sentence by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period";

(B) by inserting between the second and third sentences the following new sentence: "On or before April 15 of each odd-numbered year the Committee on the Budget of each House shall report to its House the concurrent resolution on the budget referred to in subsection (a) for the 2-fiscal-year budget period beginning on October 1 of that year."; and

(C) in paragraph (6)—

(i) by striking "five" and inserting in lieu thereof "six",

(ii) by striking "such fiscal year" and inserting in lieu thereof "the first fiscal year of such 2-fiscal-year budget periods,", and

(iii) by striking "such period" and inserting in lieu thereof "such six-fiscal-year period".

(5) Section 301(f) of such Act (2 U.S.C. 632(f)) is amended by striking "fiscal year" each place it appears and inserting in lieu thereof "2-fiscal-year budget period".

(6) Section 301(i)(1)(A) of such Act (2 U.S.C. 632(i)(1)(A)) is amended—

(A) by striking "for a fiscal year" and inserting in lieu thereof "for a 2-fiscal-year budget period"; and

(B) by striking "for such fiscal year" the first place it appears and inserting in lieu thereof "for either fiscal year in such 2-fiscal-year budget period".

(7) The section heading of section 301 of such Act is amended by striking "ANNUAL" and inserting in lieu thereof "BIENNIAL".

(8) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking "Annual" in the item relating to section 301 and inserting in lieu thereof "Biennial".

(e) Committee Allocations.—

(1) Paragraphs (1) and (2) of section 302(a) of such Act (2 U.S.C. 633(a)) are amended—

(A) by inserting "for a 2-fiscal-year budget period" after "budget" the first place it appears in each such paragraph; and

(B) by inserting "for each fiscal year in such 2-fiscal-year budget period" after "estimated allocation" each place it appears.

(2) Section 302(c) of such Act (2 U.S.C. 633(c)) is amended—

(A) by striking "for a fiscal year" each place it appears and inserting in lieu thereof "for either fiscal year in a 2-fiscal-year budget period"; and

(B) by striking "for such fiscal year" each place it appears and inserting in lieu thereof "for such 2-fiscal-year budget period".

(3)(A) Section 302(f)(1) of such Act (2 U.S.C. 633(f)(1)) is amended—

(i) by striking "for a fiscal year" and inserting in lieu thereof "for a 2-fiscal-year budget period", and

(ii) by striking "such fiscal year" each place it appears in the matter preceding subparagraph (A) and inserting in lieu thereof "a fiscal year in such 2-fiscal-year budget period".

(B) Section 302(f)(2) of such Act is amended—

(i) by striking "for a fiscal year" and inserting in lieu thereof "for a 2-fiscal-year budget period", and

(ii) by striking "for such fiscal year" and inserting in lieu thereof "for such 2-fiscal-year budget period".

(f) Section 303 Point of Order.—

(1) Section 303(a) of such Act (2 U.S.C. 634(a)) is amended by striking "fiscal year" each place is appears and inserting in lieu thereof "2-fiscal-year budget period".

(2) Section 303(b) of such Act (2 U.S.C. 634(b)) is amended—

(A) by striking "fiscal year" each place it appears and inserting in lieu thereof "2-fiscal-year budget period"; and

(B) in the matter following paragraph (2) by striking "any calendar year" and inserting in lieu thereof "any odd-numbered calendar year".

(g) Permissible Revisions of Concurrent Resolutions on the Budget.—Section 304 of such Act (2 U.S.C. 635) is amended—

(1) by striking "fiscal year" the first two places it appears and inserting in lieu thereof "2-fiscal-year budget period";

(2) by striking "for such fiscal year"; and

(3) by inserting before the period "for such 2-fiscal-year budget period".

(h) Procedures For Consideration of Budget Resolutions.—Section 305(b)(3) of such Act (2 U.S.C. 636(b)(3)) is amended—

(1) by striking "the concurrent" and inserting in lieu thereof "a concurrent"; and

(2) by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period".

(i) Committee Action on Appropriation and Other Spending Bills.—

(1) Section 307 of such Act (2 U.S.C. 638) is amended to read as follows:

"ACTION ON APPROPRIATION BILLS

"Sec. 307. (a) House Committee Action.—On or before June 1 of each odd-numbered calendar year, the Committee on Appropriations of the House of Representatives shall report to the House all regular appropriation bills providing new budget authority for the 2-fiscal-year budget period that begins on October 1 of that year.

"(b) Action by House.—On or before June 15 of each odd-numbered calendar year, the House of Representatives shall pass all regular appropriation bills providing new budget authority for the 2-fiscal-year budget period that begins on October 1 of that year.

"(c) Senate Committee Action.—On or before June 30 of each odd-numbered year, the Committee on Appropriations of the Senate shall report to the Senate all regular appropriation bills providing new budget authority for the 2-fiscal-year budget period that begins on October 1 of that year.

"(d) Action by Senate.—On or before July 31 of each off-numbered calendar year, the Senate shall pass all regular appropriation bills for the 2-fiscal-year budget period that begins on October 1 of that year.

"(e) Completion of Action by Congress.—On or before September 30 of each odd-numbered calendar year, the Congress shall complete action on all regular appropriation bills for the 2-fiscal-year budget period beginning on October 1 of that year.

"(f) Point of Order.—

"(1) Notwithstanding subsections (b) and (d), it shall not be in order in the House of Representatives or the Senate to consider any regular appropriation bill for a 2-fiscal-year budget period until the Committee on Appropriations of that House has reported to its House all of the regular appropriation bills for such 2-fiscal-year budget period.

"(2) Paragraph (1) may be waived or suspended in the House of Representatives or the Senate by a vote of three-fifths of the Members of that House, duly chosen and sworn.

"(3) If the ruling of the presiding officer of the House of Representatives or the Senate sustains a point of order raised pursuant to paragraph (1), a vote of three-fifths of the Members of that House, duly chosen and sworn, shall be required to sustain an appeal of such ruling. Debate on any such appeal shall be limited to two hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees. An appeal of any such point or order is not subject to a motion to table.".

(2) The item relating to section 307 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 307. Action on appropriation bills.".

(j) Reports and Summaries of Congressional Budget Actions.—

(1)(A) Section 308(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 639(a)(1)) is amended—

(i) in the matter preceding subparagraph (A) by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period",

(ii) in subparagraph (A) by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period", and

(iii) in subparagraph (C) by striking "such fiscal year" and inserting in lieu thereof "such 2-fiscal-year budget period".

(B) Section 308(a)(2) of such Act is amended by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period".

(2) Section 308(b)(1) of such Act (2 U.S.C. 639(b)(1)) is amended—

(A) by striking "fiscal year" the first place it appears and inserting in lieu thereof "2-fiscal-year budget period";

(B) by inserting "for such 2-fiscal-year budget period" after "concurrent resolution on the budget"; and

(C) by striking "the fiscal year preceding such fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period preceding such 2-fiscal-year budget period".

(3) Section 308(c) of such Act (2 U.S.C. 639(c)) is amended—

(A) by striking "Five" in the subsection heading and inserting in lieu thereof "Six";

(B) by striking "each fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "each fiscal year in a 2-fiscal-year budget period";

(C) by striking "5 fiscal years" and inserting in lieu thereof "6 fiscal years"; and

(D) by striking "such period" each place it appears and inserting in lieu thereof "such 6-fiscal-year period".

(k) Completion of Action on Regular Appropriation Bills.—Section 309 of such Act (2 U.S.C. 640) is amended—

(1) by inserting "of any odd-numbered calendar year" after "July";

(2) by striking "annual" and inserting in lieu thereof "regular"; and

(3) by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period".

(l) Reconciliation Process.—

(1) Section 310(a) of such Act (2 U.S.C. 641(a)) is amended—

(A) by striking "any fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "any 2-fiscal-year budget period";

(B) in paragraph (1) by striking "such fiscal year" each place it appears and inserting in lieu thereof "each fiscal year in such 2-fiscal-year budget period"; and

(C) in paragraph (2) by inserting "for each fiscal year in such 2-fiscal-year budget period" after "revenues".

(2) Section 310(f) of such Act (2 U.S.C. 641(f)) is amended—

(A) in paragraph (1)—

(i) by inserting "for a 2-fiscal-year budget period" after "subsection (b)", and

(ii) by striking "June 15 of each year" and inserting in lieu thereof "September 30 of the calendar year in which the 2-fiscal-year budget period begins"; and

(B) in paragraph (2)—

(i) by inserting "of any odd-numbered calendar year" after "July",

(ii) by striking "fiscal year beginning on October 1 of the calendar year to which the adjournment resolution pertains" and inserting in lieu thereof "2-fiscal-year budget period beginning on October 1 of such calendar year", and

(iii) by striking "for such fiscal year" and inserting in lieu thereof "for such 2-fiscal-year budget period".

(m) Section 311 Point of Order.—

(1) Section 311(a) of such Act (2 U.S.C. 642(a)) is amended—

(A) by striking "for a fiscal year" and inserting in lieu thereof "for a 2-fiscal-year budget period";

(B) by striking "such fiscal year" the first, second, and third places it appears and inserting in lieu thereof "a fiscal year in such 2-fiscal-year budget period";

(C) by inserting "for such fiscal year" after "outlays";

(D) by striking "concurrent resolution on the budget for such fiscal year" and inserting in lieu thereof "concurrent resolution on the budget for the 2-fiscal-year budget period in which such fiscal year occurs";

(E) by inserting "for such fiscal year" after "revenues" the first place it appears; and

(F) by inserting "for such fiscal year" after "set forth" the second place it appears.

(2) Section 311(b) of such Act (2 U.S.C. 642(b)) is amended—

(A) by striking "such fiscal year" the first place it appears and inserting in lieu thereof "a 2-fiscal-year budget period"; and

(B) by striking "such fiscal year" the second place it appears and inserting in lieu thereof "either fiscal year in such 2-fiscal-year budget period".

(n) Bills Providing New Spending Authority.—Section 401(b)(2) of such Act (2 U.S.C. 651(b)(2)) is amended by striking "for such fiscal year" the second place it appears and inserting in lieu thereof "for the 2-fiscal-year budget period in which such fiscal year occurs".

(o) Analysis By CBO.—Section 403(a) of the Congressional Budget Act of 1974 (2 U.S.C. 653(a)) is amended—

(1) by striking "4" in paragraph (1) and inserting in lieu thereof "five"; and

(2) by striking "four" in paragraph (2) and inserting in lieu thereof "five".

SEC. 5. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) Definition.—Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) 'two-fiscal-year budget period' has the meaning given to such term in paragraph (11) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11))".

(b) Budget and Appropriations Authority of the President.—Section 1104(c) of title 31, United States Code, is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking the second sentence thereof; and

(3) by adding at the end thereof the following new paragraph:

"(2) The budget submitted pursuant to section 1105 for the 2-fiscal-year budget period beginning on October 1, 1989, and the estimates of outlays and proposed budget authority required to be submitted under section 1109 for such 2-fiscal-year budget period, shall be set forth in the same accounts which are set forth in the Budget Accounts Listing contained in the budget submitted for fiscal year 1989 under section 1105. Any change in the accounts used in the budget submitted under section 1105 for the 2-fiscal-year budget period beginning on October 1, 1989, or any succeeding 2-fiscal-year budget period, or in the estimates of outlays and proposed budget authority required under section 1109 for any such 2-fiscal-year budget period, from the accounts set forth in the Budget Accounts Listing contained in the budget submitted under section 1105 for fiscal year 1989 or the preceding 2-fiscal-year budget period, as the case may be, shall be made only in consultation with the Committees on Appropriations, the Committees on the Budget, and the committees having legislative jurisdiction over the programs or activities which will be affected by such changes. The provisions of this paragraph do not prohibit the inclusion of new accounts in the Budget Accounts Listing contained in the budget submitted pursuant to section 1105 solely for purposes of presenting estimates for new programs.".

(c) Budget Contents and Submission to the Congress.—

(1) So much of section 1105(a) of title 31, United States Code, as precedes paragraph (1) thereof is amended to read as follows:

"(a) On or before the fifteenth day after the day on which the first session of a Congress convenes, beginning with the one-hundred-and-first Congress, the President shall transmit to the Congress, the budget for the 2-fiscal-year budget period beginning on October 1 of such calendar year. The budget transmitted under this subsection shall include the President's Budget Message, summary data and text, and supporting detail. The budget shall set forth in such form and detail as the President may determine—".

(2) Section 1105(a)(5) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period for which the budget is submitted and the 4 fiscal years immediately following the second fiscal year in such 2-fiscal-year budget period".

(3) Section 1105(a)(6) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period for which the budget is submitted and the 4 fiscal years immediately following the second fiscal year in such 2-fiscal-year budget period".

(4) Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking "the fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period".

(5) Section 1105(a)(12) of title 31, United States Code, is amended—

(A) by striking "the fiscal year" in subparagraph (A) and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period"; and

(B) by striking "after that year" in subparagraph (B) and inserting in lieu thereof "immediately following the second fiscal year in such 2-fiscal-year budget period".

(6) Section 1105(a)(13) of title 31, United States Code, is amended by striking "the fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period".

(7) Section 1105(a)(14) of title 31, United States Code, is amended by striking "that year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period for which the budget is submitted".

(8) Section 1105(a)(16) of title 31, United States Code, is amended by striking "the fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period".

(9) Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking "fiscal year following the fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period following the 2-fiscal-year budget period";

(B) by striking "that following fiscal year" and inserting in lieu thereof "each such fiscal year"; and

(C) by striking "fiscal year before the fiscal year" and inserting in lieu thereof "2-fiscal-year budget period before the 2-fiscal-year budget period".

(10) Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting in lieu thereof "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting in lieu thereof "with respect to that fiscal year"; and

(C) by striking "in that year" and inserting in lieu thereof "in that fiscal year".

(11) Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting in lieu thereof "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting in lieu thereof "with respect to that fiscal year"; and

(C) by striking "in that year" each place it appears and inserting in lieu thereof "in that fiscal year".

(12) Section 1105(a) of title 31, United States Code, is further amended by adding at the end thereof the following new sentence:

"By January 15 of each even-numbered year, the President shall transmit to the Congress any revisions the President may desire to make in the Budget transmitted in the previous year.".

(d) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking "each year" and inserting in lieu thereof "each even-numbered year".

(e) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCEIS.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking "fiscal year for" each place it appears and inserting in lieu thereof "2-fiscal year budget period for";

(2) by inserting "or current 2-fiscal year budget period, as the case may be," after "current fiscal year"; and

(3) by striking "that year" and inserting in lieu thereof "that period".

(f) STATEMENT WITH RESPECT TO CERTAIN CHANGES.—Section 1105(d) of title 31, United States Code, is amended by striking "fiscal year" and inserting in lieu thereof "2-fiscal year budget period".

(g) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e) of title 31, United States Code, is amended by striking "ensuing fiscal year" and inserting in lieu thereof "2-fiscal-year budget period to which such budget relates".

(h) COMPLIANCE WITH MAXIMUM DEFICIT AMOUNT.—Section 1105(f) of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "a fiscal year" and inserting in lieu thereof "a 2-fiscal-year budget period", and

(B) by striking "such fiscal year" the first place it appears and inserting in lieu thereof "each fiscal year in such 2-fiscal-year budget period"; and

(2) in paragraph (2) by striking "in the budget so transmitted for any fiscal year" and inserting in lieu thereof "for any fiscal year in a budget transmitted pursuant to subsection (a)".

(i) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—

(1) Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1) by striking "fiscal year" and inserting in lieu there of "2-fiscal-year budget period", and

(B) in paragraph (1) by striking "that fiscal year" and inserting in lieu thereof "each fiscal year in such 2-fiscal-year budget period";

(C) in paragraph (2) by striking "following the fiscal year" and inserting in lieu thereof "following the 2-fiscal-year budget period";

(D) by striking "future fiscal years" in paragraph (3) and inserting in lieu thereof "the 4 fiscal years following the 2-fiscal-year budget period for which the budget is submitted"; and

(E) by striking "fiscal year" the last place it appears in paragraph (3) and inserting in lieu thereof "2-fiscal-year budget period".

(2) Section 1106(b) of title 31, United States Code, is amended by striking "the fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period".

(j) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—

(1) Section 1109(a) of title 31, United States Code, is amended—

(A) by striking "On or before the first Monday after January 3 of each year (on or before February 5 in 1986)" and inserting in lieu thereof "At the same time that the President submits the budget for a 2-fiscal-year budget period under section 1105 (beginning with the 2-fiscal-year budget period October 1, 1989)";

(B) by striking "the following fiscal year" and inserting in lieu thereof "each fiscal year in such 2-fiscal-year budget period"; and

(C) by striking "during that year" and inserting in lieu thereof "during each such year".

(2) Section 1109(b) of title 31, United States Code, is amended by inserting "odd-numbered calendar" after "each".

(k) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended—

(1) by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period (beginning on or after October 1, 1989)", and

(2) by striking "year before the year in which the fiscal year begins" and inserting "second calendar year preceding the calendar year in which the 2-fiscal-year budget period begins".

(l) BUDGET INFORMATION ON CONSULTING SERVICES.—Section 1114 of title 31, United States Code, is amended—

(1) by striking "The" each place it appears and inserting in lieu therof "For each 2-fiscal-year budget period, beginning with the 2-fiscal-year budget period beginning on October 1, 1989, the"; and

(2) by striking "each year" each place it appears.

SEC. 6. TITLE AND STYLE OF APPROPRIATION ACTS.

Section 105 of title 1, United States Code, is amended to read as follows:

"§ 105. Title and style of appropriation Acts

"(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: 'An Act making appropriations (here insert the object) for the 2-fiscal-year budget period ending September 30 (here insert the odd-numbered calendar year.).'.

"(b) All Acts making regular appropriations for the support of the Government shall be enacted for a 2-fiscal-year budget period, and shall specify the amount of appropriations provided for each fiscal year in such period.

"(c) For purposes of this section, the term '2-fiscal-year budget period' has the same meaning as in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).".

SEC. 7. AMENDMENTS TO RULES OF HOUSE OF REPRESENTATIVES.

(a) Clause 4(a)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting "odd-numbered" after "each".

(b) Clause 4(a)(2) of rule X of the Rules of the House of Representatives is amended by striking "such fiscal year" and inserting in lieu thereof "the 2-fiscal-year budget period in which such fiscal year occurs".

(c) Clause 4(b)(2) of rule X of the Rules of the House of Representatives is amended by striking "first concurrent resolution on the budget for each fiscal year" and inserting in lieu thereof "concurrent resolution on the budget required under section 301(a) of the Congressional Budget Act of 1974 for each 2-fiscal-year budget period".

(d) Clause 4(f) of rule X of the Rules of the House of Representatives is amended by striking "annually" each place it appears and inserting in lieu thereof "biennially".

(e) Clause 4(g) of rule X of the Rules of the House of Representatives is amended—

(1) by striking "March 15 of each year" and inserting in lieu thereof "March 15 of each odd-numbered year";

(2) by striking "fiscal year" the first place it appears and inserting in lieu thereof "2-fiscal-year budget period"; and

(3) by striking "that fiscal year" and inserting in lieu thereof "each fiscal year in such ensuing 2-fiscal-year budget period".

(f) Clause 4(h) of rule X of the Rules of the House of Representatives is amended by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period".

(g) Subdivision (C) of clause 2(l)(1) of rule XI of the Rules of the House of Representatives is repealed.

(h) Clause 4(a) of rule XI of the Rules of the House of Representatives is amended by striking "fiscal year if reported after September 15 preceding the beginning of such fiscal year" and inserting in lieu thereof "2-fiscal-year budget period if reported after August 1 of the year in which such 2-fiscal-year budget period begins".

(i) Clause 2 of rule XLIX of the Rules of the House of Representatives is amended by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period".

SEC. 8. EFFECTIVE DATE; APPLICATION.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective January 1, 1988, and shall apply to 2-fiscal-year budget periods beginning on or after October 1, 1989.

(b) FISCAL YEARS 1988 AND 1989.—Notwithstanding subsection (a), the provisions of—

(1) the Congressional Budget Act of 1974, and

(2) title 31, United States Code,

(as such provisions were in effect on the day before the effective date of this Act) shall apply to the fiscal years beginning on October 1, 1987, and October 1, 1988.

(c) DEFINITION.—For purposes of this section, the term "2-fiscal-year budget period" shall have the meaning given to such term in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)), as added by section 3(b)(2) of this Act.

SECTION-BY-SECTION ANALYSIS OF THE FEDERAL BUDGET REFORM ACT OF 1987

Section 1 states the title of the legislation—the "Federal Budget Reform Act" of 1987.

Section 2 sets forth the purposes of the legislation. These are to establish a biennial budget process, to improve congressional control over the budget process, to streamline the budget process, to improve legislative and budgetary processes by providing additional time for oversight and other vital activities, to provide stability and coherence for recipients of Federal funds, and to implement other improvements in the Federal budget process.

Section 3 revises section 300 of the Congressional Budget Act to establish a timetable for the biennial budget cycle, as follows:

TIMETABLE

On or before—	Action to be completed—
1ST SESSION	
15th day after the session begins.	President submits budget for the 2-fiscal year budget period beginning on Oct. 1 of the same calendar year (including current services budget).
Feb. 15	Congressional Budget Office submits report to Budget Committees with respect to the 2-fiscal-year budget period.
Mar. 15	Committees and joint committees submit reports to Budget Committees with respect to the 2-fiscal-year budget period.
Apr. 15	Budget Committees report concurrent resolution on the budget for the 2-fiscal-year budget period to their Houses.
May 15	Congress completes action on the concurrent resolution on the budget for the 2-fiscal-year budget period (including any reconciliation instructions for such period).
June 1	House Appropriations Committee reports all regular appropriation bills for the 2-fiscal-year budget period.
June 15	House completes action on all regular appropriation bills for the 2-fiscal-year budget period.
June 30	Senate Appropriations Committee reports all regular appropriations bills for the 2-fiscal-year budget period.
July 31	Senate completes action on all regular appropriation bills for the 2-fiscal-year budget period.
Sept 30	Congress completes action on all regular appropriation bills for the 2-fiscal-year budget period, and on the reconciliation bill, if required.
Oct. 1	2-fiscal-year budget period begins.
2D SESSION	
Jan. 15	President submits revised budget for the 2-fiscal-year budget period beginning on Oct. 1 of the preceding calendar year.
Mar. 15	Congressional Budget Office submits report to Budget Committees with respect to the 2-fiscal-year budget period.
The last day of the session	The Congress completes action on bills and resolutions authorizing new budget authority for the 2-fiscal-year budget period beginning on Oct. 1 of the succeeding odd-numbered calendar year.

Section 4(a) makes a conforming change in section 2 of the Budget Act, regarding the purposes of the Budget Act.

Section 4(b) amends section 3 of the Budget Act to define the "two-fiscal-year budget period."

Section 4(c) makes conforming changes in section 202 of the Budget Act, regarding the duties and functions of the Congressional Budget Office.

Section 4(d) amends section 301 of the Budget Act to change the date for completion of the budget resolution to May 15 of each odd-numbered year, to change the date of the submission of committees' views and estimates to March 15 of each odd-numbered year, to change the date for reporting of the budget resolution to April 15, and to make conforming changes.

Section 4(e) amends section 302 of the Budget Act to make section 302(b) allocations binding for each year in the two-fiscal-year budget period.

Section 4(f) makes conforming amendments in section 303 of the Budget Act, regarding consideration of new budget authority, changes in revenues, changes in the public debt, new entitlement authority, and new credit authority to be effective in a fiscal year for which there is no budget resolution.

Section 4(g) makes conforming amendments in section 304 of the Budget Act, regarding revised budget resolutions.

Section 4(h) makes conforming amendments in section 305 of the Budget Act, regarding procedures for consideration of a budget resolution.

Section 4(i) amends section 307 of the Budget Act to mandate compliance with deadlines for reporting and consideration of regular appropriation bills. A new point of order is created against the consideration of a regular appropriation bill until all thirteen regular bills have been reported. This point of order can be waived or appealed by a vote of three-fifths of the membership of the relevant House.

Section 4(j) makes conforming amendments in section 308 of the Budget Act, regarding reports and summaries of congressional budget action.

Section 4(k) makes conforming amendments in section 309 of the Budget Act, regarding the ability of the House of Representatives to adjourn in July without having passed appropriations bills.

Section 4(l) amends section 310 of the Budget Act to change the date for completing the reconciliation process, and to make conforming changes.

Section 4(m) amends section 311 of the Budget Act to enforce aggregate budgetary levels for each fiscal year in a two-fiscal-year budget period, and to make conforming changes.

Section 4(n) makes conforming amendments to section 401 of the Budget Act, regarding consideration of new contract and borrowing authority which is not controlled by the appropriations process.

Section 4(o) amends section 403 of the Budget Act to require CBO to provide estimates of the cost of registration over 6 years.

Section 5(a) amends 31 U.S.C. 1101 to define the two-fiscal-year budget period.

Section 5(b) amends 31 U.S.C. 1104 to ensure the orderly determination of budget accounts.

Section 5(c) amends 31 U.S.C. 1105 to require the President to submit a two-year budget on or before the 15th day after Congress convenes each odd-numbered year. It also requires the President to update this submission by January 15th of each even-numbered year.

Sections 5(d)-(g) make conforming amendments in 31 U.S.C. 1105.

Section 5(h) amends 31 U.S.C. 1105 to require the President's two-year budget to comply with the Gramm-Rudman-Hollings deficit targets in each of those two years.

Section 5(i) amends 31 U.S.C. 1106 to require that updated budget submissions for the two-fiscal-year budget period meet the Gramm-Rudman-Hollings deficit targets for each year.

Section 5(j) amends 31 U.S.C. 1109 to require that the current services budget be submitted at the same time as the President's budget submitted under 31 U.S.C. 1105.

Section 5(k) makes conforming changes in 31 U.S.C. 1110, regarding year-ahead requests for authorizing legislation.

Section 5(l) makes conforming changes in 31 U.S.C. 1114, regarding budget information and consulting services.

Section 6 amends 1 U.S.C. 105 to conform the title and style of appropriation acts to the biennial cycle.

Section 7 makes conforming changes in the Rules of the House of Representatives.

Section 9 set out the effective dates of the Act. Generally, the provisions of the Act are effective on January 1, 1988, with respect to the two-fiscal-year budget period beginning on October 1, 1989. The current authorizing, budget, and appropriation processes will continue to operate for fiscal years 1988 and 1989.

ORDER OF PROCEDURE

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be given up to 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET REFORM

Mr. DOMENICI. Mr. President, I am pleased to join my distinguished colleague, Senator ROTH, the distinguished Senator from Delaware, in supporting this budget reform measure.

Mr. President, I am introducing the Federal Budget Reform Act of 1987 legislation today based on a simple concept outlined by Henry Bellmon, the distinguished Senator and statesman from Oklahoma prior to his departure from the Senate.

His concept was that, since the Constitution established 2-year congressional terms, appropriations for Federal programs should be biennial to conform to the term of each Congress—with the first year of a Congress used for fiscal matters (budgeting and appropriating) and the second year for authorizations and oversight.

The modern day appropriations process grew out of an earlier ERA of reform, following the Budget and Accounting Act of 1921.

Annual appropriation bills in the mid-1920's funded $4 billion for just a few programs in the Federal Government—with a work force of less than 800,000. Today's annual appropriations exceed $555 billion for thousands of programs—and a work force exceeding 5.2 million.

It is indeed incredible that Congress continues to appropriate today as it did in the 1920's in light of this tremendous growth in responsibility—not to mention the growth in authorization and oversight responsibilities.

It is easy to be skeptical of reform. Reform proposals of the past have clearly been well intentioned but none changed things very much—perhaps because ambitious change is rare in an institution so strongly rooted in history, precedent, and the power of the individual.

However difficult, it is clear that some form of procedural restructuring is necessary. In today's budgeting procedure deadlines are regularly missed, important budget decisions delayed, appropriations and other direct spending legislation held back in committees. When appropriations bills come to the floor they are regularly used as vehicles for authorizations because these bills are viewed as the only vehicle around.

Budget actions themselves become magnets for new authorizations and new programs that can—but would not otherwise—receive Senate consideration.

Committees compete for jurisdiction and, in the end, much of the year's legislation is compressed into a few major bills hundreds of pages in length which are beyond the power of individual members' ability to comprehend or influence.

The result of all this is frustration—and insufficient knowledge about the enacted legislation.

Three charges dominate congressional criticism of our fiscal processes: First, they are too time consuming and lead to catch-all bills at the end of the session; second, they intrude too much of the substantive legislative jurisdiction on individual committees; and third, they have failed—and the budget process in particular—to curb the deficit. I believe there is much merit in the first two charges, the third I believe to be false.

The process of implementing budget decisions in the budget process has often subsumed the authorizing process. This has given rise not only to the regular practice of authorizing on appropriations but also to the excessive practice of amending must do legislation—such as the debt limit—with authorizations.

No reform can substitute for the responsibility of the individual committee or member to conduct the business of government in an orderly and timely manner. There are changes that can, however, lessen the burdens of the current procedures and that is what this legislation I am introducing today intends to do.

This legislation would establish a 2-year budget and appropriations cycle. I am not the first, nor am I alone, in advocating this. Senator Bellmon, former majority leader Howard Baker on the Republican side, and Senator WENDELL FORD on the Democratic side have also been vocal supporters of this change.

Under this legislation, all budget and appropriations would be considered in the first year, with authorizations and oversight to follow in the second. There would have to be a phase-in period, but once operational those spending bills which affect the budget totals would have to conform to the budget limits set out the year before.

This legislation would allow for flexibility within the 2-year cycle to permit truly emergency supplemental appropriations, as well as a simple procedure to change the budget framework to meet changes in circumstances, economic or other.

With all this talk of change, let me emphasize the importance of retaining the goals and the parliamentary restraints of the present Gramm-Rudman-Hollings law. Just over a year ago the Congressional Budget Office projected the budget deficits to rise to nearly $300 billion by the 1990's—these are now expected to fall to almost $100 billion. This means that under current policies—allowing all discretionary programs to increase with the rate of inflation and with no more spending cuts or tax increases—the budget deficit will decline almost $200 billion between fiscal year 1986 and the early 1990's. In the current budget year Federal spending, which had grown 3.6 percent in real terms for the period fiscal year 1980 to fiscal year 1986, is not expected to grow at all. Gramm-Rudman-Hollings—even in its current cumbersome from—helped bring this dramataic change about.

Mr. President, a 2-year budget cycle, combined with the Gramm-Rudman-Hollings parliamentary discipline, would cause a profound change in the way Congress does its business. But such change could be clearly counterproductive if it lessens the ability of Congress to keep the deficit on the current downward path.

Working with my staff and those who are expert, I wrote an article that was published on January 12 in the Washington Post called "Reformation Road." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 12, 1987]

REFORMATION ROAD

(By Pete V. Domenici)

As the 100th Congress begins, the clamor for procedural reform rarely has been more vocal or more broad-based than it is now. Indeed, the president himself has joined the chorus of reform. But line-item vetoes, constitutional amendments to balance the budget, enhanced rescissions and other ideas the president may propose probably have little likelihood of being enacted.

It is easy to be skeptical of reform. The Stevenson Committee in 1976–77 was full of reforms, as were the Pearson-Ribicoff Committee in 1983 and the Quayle Committee in 1984. All were well-intentioned. None changed anything very much, maybe because ambitious change is rarely possible in an institution so strongly rooted in history, precedent and the power of individual members.

However difficult, though, it is clear that some form of "procedural restructuring" is necessary. Deadlines are regularly missed. Important budget decisions are delayed. Appropriations and other direct spending legislation is held back in committees. When appropriations bills do come to the floor, they are used regularly as vehicles for authorizations; Senate rules are ignored or overridden because these bills are viewed as the only vehicle around. Budget actions themselves, insofar as they are included in a single reconciliation bill, become a magnet for new authorizations and new programs that can, or do not otherwise, receive Senate consideration. Committees compete for jurisdiction. In the end, much of the year's legislation is compressed into a few major bills, each of them hundreds of pages in length, well beyond the individual member's ability to comprehend or influence.

Congress will face its first opportunity to consider budget process reform May 15, when the current statutory debt limit runs out. At this time, a revision of the automatic sequester process will likely be introduced, but the forum will be open for broader-reaching reform of the Gramm-Rudman law and the budget process. This may well be the next Gramm-Rudman "crisis," not a crisis of budget policy but rather a crisis of process.

Three charges dominate congressional criticism of our fiscal processes. First, they are too time-consuming and lead to catchall bills at the end of the session; second, they intrude too much of the substantive legislative jurisdiction of individual committees; third, they, and the budget process in particular, have failed to curb the deficit. There is much merit in the first two; the third is false.

The perception and reality that fiscal matters have dominated Congress is understandable. The explosive growth in the federal budget deficit and our inability to control the deficit are at the very top of the national agenda. Policy decisions, therefore, are necessarily fiscal, and almost every national need becomes a question of cost rather than policy or purpose.

Nevertheless, the fact remains that last year the conference agreement on the budget was not finished until June 26. As a practical matter, committees did not receive their budget allocations until after the July 4th recess, and direct spending legislation could not move until the last two months of the session.

Moreover, while implementing budget decisions, the budget process has too often submitted the authorizing process. This has given rise not only to the regular practice of authorizing on appropriations bills but also to the execessive practice of amending "must do" legislation, such as the debt limit, with authorizations.

There is no reform that will substitute for the responsibility of the individual committee or member to conduct the business of government in an orderly or timely manner. But there are changes that could lessen the burdens of the current procedures, and I urge my colleagues to consider these carefully.

First, and possibly the most important, is to move to a two-year budget and appropriations cycle. All budget and appropriations would be considered in the first year, with authorizations and oversight to follow in the second. There would have to be a phase-in but, once fully operative, spending bills that affect the budget totals would have to conform to the budget limits set out the year before.

Second, it is absolutely necessary to restrict further the ability for committees or members to attach authorizing legislation to appropriations bills.

Third, we need flexibility within the two-year cycle to allow truly emergency supplemental appropriations and a simple procedure to change the budget framework for changes in economic or other circumstances.

Fourth, we ought to consider expedited procedures for the annual public debt limit ritual.

Amid all this change, let me emphasize the importance of retaining the goals and the parliamentary restraints of the present Gramm-Rudman law. The budget deficits, which just over a year ago the Congressional Budget Office projected to rise to nearly $300 billion by the 1990s, are now expected to fall to almost $100 billion. This means that under current policies, allowing all discretionary programs to increase with the rate of inflation and with no more spending cuts or tax increases, the budget deficit will decline almost $200 billion between FY 1986 and the early 1990s. And federal spending, which had grown 3.6 percent in real terms for the period FY 1980 to FY 1986, is in the current budget year not expected to grow at all. This is a dramatic change, which Gramm-Rudman helped bring about.

Just doing the first of these reforms—a two-year budget cycle combined with the Gramm-Rudman discipline—would bring about a profound change in the way Congress does its business. But such change would be clearly counterproductive if it were to lessen the ability of Congress to keep the deficit on the current downward path. Indeed, the temptation to modify the goals and procedural restraints in the current Gramm-Rudman law will likely be the first and, over the long term, the most important fiscal challenge to the new Democratic Senate.

Mr. DOMENICI. Mr. President, my recollection is that in 1920 the U.S. Congress, when our budget was about $4 billion and had about 800,000 Federal workers, got on the track of appropriating every year and we created the appropriations process. The budget is now a trillion dollars. The appropriated portion I think exceeds $500 billion, that which goes through this process. Back yonder when we started there were just a few programs. There are literally hundreds now. Somehow or other we start things and we never change.

What we are saying today is that reform is necessary. And let us be realistic. We can talk about restructuring committees. We can talk about having less to do, doing more oversight, but the plain truth is there is very little chance any of those will pass.

Senator Bellmon, now the Governor of Oklahoma, in leaving this institution made a very interesting statement. I think he really was the statesman of that time and we did not know it. He said, "In a 2-year congressional period, why do we have a budget every year? Why not take a year of the two and do all the fiscal matters and leave the other year for the other work."

In essence, Mr. President and Members of the Senate, the Roth-Domenici proposal builds on that. We feel it really is an overly time consuming activity to appropriate every year. Why not appropriate for 2 years, and provide a mechanism for emergencies and the supplementals, and why not provide a budget resolution that covers 2 years, with some process to update it in terms of economics. That means Congress would have, out of each Congress, 1 year to do fiscal things and 1 year to do other things, including authorizations.

It is imperative that we strengthen the authorizing process, that we strengthen the appropriating process, so that it can get its work done, and tied into all of that is doing our budget work and being able to do all of it on time and with thought. It is simplicity that makes this approach have a real chance of getting through and succeeding—1 year to do your budget, fiscal and appropriating work, 1 year to do oversight and authorizations. That is its simplest form. There are other things that have to be done, but basically that is what we are asking the appropriate committees of Congress to do for us, for our people. Sooner or later we have to do it.

This bill will not cure everything. Let me say to those listening, it will not cure willpower shortcomings, it will not cure our inability to make tough decisions, it might not even cure confrontations between Congress and the President, and it may not cure our current deficit, but it clearly gives us a better chance of doing our job right and it is reasonable and simple. Senator Roth has sent the bill to the desk along with the attachment which goes through the bill section by section. I am delighted to be a cosponsor. I hope we get it done. I yield the floor.

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. ESTABLISHES TIES WITH COMMUNIST OUTER MONGOLIA

Mr. HELMS. Mr. President, on Tuesday of this week, the United States for the first time established diplomatic relations with the Communist regime in Outer Mongolia. At the same time, the Deputy Secretary of State, John C. Whitehead, has begun a tour of several Soviet bloc countries behind the Iron Curtain, including Poland, Czechoslovakia, and Bulgaria. These two events are coupled together in a strange irony.

I recently had a note informing me of the establishment of relations with Mongolia from Dr. Gaston Sigur, the Assistant Secretary for East Asian and Pacific Affairs. Now Dr. Sigur is one of our most respected experts on Asia, and I have a high regard for him. But I wonder if he really thought about the letter he signed. He stated:

> As you may have known, the Mongolian People's Republic was admitted to the United Nations in 1961 and has been a fully functioning member of the international community for several decades. Since last December, the Department of State has been engaged in negotiations with representatives of the Mongolian People's Republic with a view to establishing diplomatic relations between our two countries which will enable us to expand educational and cultural contacts, develop trade, and provide better protection for American travelers in Mongolia.

The irony is that you can only consider Mongolia to be a fully functioning member of the international community if you think that a Communist country can be considered a fully functioning country. In my book, any Communist regime ought to be considered, by definition, a violation of the most fundamental human rights. By lending the prestige of our diplomatic relationship to such a regime, we are taking a step backward in the protection and development of human rights everywhere. What possible good can be gained by establishing normal relations with a nation that is dominated by external forces and that crushes the political, religious, and cultural aspirations of its people? The diplomatic triumph, but for the American people, this is a day of shame.

What this means, Mr. President, is that Mongolia will be regarded by the United States as a normal country when everything about the regime that controls it is abnormal. Is this to be the fate of Afghanistan in a few years? Do we no longer seek to liberate a nation once a Communist revolution has been stabilized by crushing the people? Is that what we mean by a fully functioning member of the international community?

Secretary Whitehead's trip to Eastern Europe compounds the irony. It demonstrates how callous we have become to human suffering, how little we care for the principles of freedom. For the fact is that scholars have already established that the Communist takeover of Eastern Europe followed principles that were developed in the Communist takeover of Mongolia.

Specialists in the history of international communism have identified the strategy and tactics used by the Soviets to takeover Outer Mongolia as almost exactly the same techniques as later were applied to take over Poland, East Germany, Bulgaria, Rumania, Hungary, and North Korea. Indeed even the takeover of Czechoslovakia involved a variation of these tactics.

The Mongolian nation is very ancient and has been known throughout history for its extraordinary military prowess. In fact, so powerful was the Mongolian nation that it not only conquered the Russian empire and ruled in Russia for centuries, but also conquered the Chinese empire and ruled China for several centuries. As children, no doubt, we read of the exploits of Ghengis Khan.

The Mongol nation today, however, is a sadly divided one. Its people, who are adherents of the Northern Mahayana School of Budhism, are under the rule of communism. Outer Mongolia is under Soviet control. Inner Mongolia is under Red Chinese control. The Buryat Mongols and the Tuvinian Mongols have had their lands absorbed directly into the Soviet Union itself.

It is significant that the title of the leader of the Northern School of Budhism is from the predominant Mongolian dialect, Khalka. The title, "Dalai Lama," means "ocean of wisdom" in our language. The Dalai Lama's own native land, Tibet, was ruthlessly absorbed by the Red Chinese. The Tibetan nation has been brutally oppressed and its religious heritage cruelly and systematically destroyed.

The Dalai Lama has visited Outer Mongolia in recent years and encountered broad respect and reverence as a spiritual leader in a land where religion was abolished and persecuted by the Communist regime. Indeed, his visit sparked an increased commitment to that religion and an awakening and renewal of its spiritual values among the Mongol nation. The youth, in particular, who have been deprived of knowledge of their great spiritual past came out in thousands to the surprise of the Mongolian Communist regime in order to pay their respects to the Dalai Lama.

Senators are probably asking themselves why is the Senator from North Carolina talking about Mongolia today.

Mr. President, it is for a specific reason. As I pointed out, specialists in the history of international communism have recognized that the Soviet techniques used to impose communism on the Mongolian nation became the leading model for imposing communism on other countries in the post-World War II era.

Prof. Thomas T. Hammond, of the University of Virginia, who specializes in the history of international communism has carefully analyzed the Soviet takeover of Outer Mongolia and the techniques that were used. He found that the same techniques were used in a number of other countries and Soviet leaders have emphasized the Mongolian model for Third World countries as well. Lenin, himself, speaking to the Second Congress of the Communist International stated, and I quote:

> With the help of the proletariat of the more advanced countries, backward countries can skip over to a Soviet system and arrive at communism through special stages of development, avoiding the capitalist stage of development.

Professor Hammond has identified 11 main steps in Communist takeovers using the model established by the Soviet Union in Outer Mongolia. They are:

First. A revolutionary party is organized with the help of Soviet agents.

Second. Foreign—non-Soviet—troops occupy the country, creating dissatisfaction among the population and providing the Soviets with an excuse to invade the country and liberate it.

Third. A provisional government of the country is formed on Soviet territory, under Soviet direction, and adopts a moderate political program, designed to appeal to a majority of the country's population.

Fourth. A native army is organized, armed, and trained on Soviet soil.

Fifth. The country is invaded by Soviet troops, aided by the native army.

Sixth. The provisional government is reorganized into a broad coalition government, including prominent leaders who are not Communists.

Seventh. Comintern agents, pseudonatives who were born in Russia, and russified natives who have long resided in Russia are used by the Soviets to help control the new regime.

Eighth. Soviet advisors are placed in all important departments of the governments and the party to insure Soviet domination and to aid in the introduction of Soviet methods.

Ninth. The government is later replaced by a "People's Democracy."

Tenth. A series of purges is carried out under Soviet supervision until the remaining leaders are completely subservient to Soviet wishes.

Eleventh. The country's political, economic, and cultural institutions are remodeled in imitation of the Soviet pattern.

Senators will note that camouflage and gradualism are consistently used in taking these steps in order to make them appear democratic and to minimize opposition until Soviet officials and reliable native Communist are in firm control. Camouflage and gradualism, as Professor Hammond points out, are vital to the whole process, since the majority of the population do not want a Communist regime.

Mr. President, how many countries can we call to mind that have fallen to communism since World War II? The author of this article points out that Communist takeovers of Poland, East Germany, Bulgaria, Rumania, Hungary, and North Korea followed the Mongolian model. He also indicates that many other Communist takeovers have involved if not all of the 11 main steps, at least several of these steps.

It is certainly interesting and a matter of concern that during the same week that we are establishing relations with the Communist regime in Outer Mongolia that the Deputy Secretary of State, John C. Whitehead, began a trip to captive nations in Eastern Europe. His schedule includes 4 days in Poland with additional stops in Bulgaria and Czechoslovakia. So the Deputy Secretary of State is visiting several of the very nations in which the Mongolian takeover model, or substantial parts of it, were sucessfully employed by the Soviet Union.

Mr. President, I ask unanimous consent that the article entitled, "The Communist Takeover of Outer Mongolia: Model for Eastern Europe?" which appeared in a book edited by Professor Hammon entitled, "The Anatomy of Communist Takeovers," and published by Yale University Press be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE COMMUNIST TAKEOVER OF OUTER MONGOLIA: MODEL FOR EASTERN EUROPE?

(By Thomas T. Hammond)

When the delegates to the First Congress of the Communist International (or Comintern) assembled in March, 1919, they confidently predicted, and undoubtedly believed, that revolutions would soon break out in the advanced countries of Europe, and that eventually the whole world would become Communist. Judged by these expectations, the Comintern proved to be one of the most abject failures in history. In the quarter-century of its existence it carried out *only one* successful revolution, and this was in a primitive, unimportant, and half-forgotten land—Outer Mongolia. The Mongolian revolution went almost unnoticed by Westerners at the time, and even today, with much more information about it available, it is largely ignored by most specialists on the history of world communism.

Nonetheless, for the members of the world Communist movement the Mongolian revolution had a special significance. During the long, frustrating years of the 1920's and 1930's, when revolution failed to materialize elsewhere, Mongolia was the only "proof" of their most cherished hope: that the Bolshevik revolution would prove to be contagious. As one speaker at a Comintern meeting expressed it, "Mongolia is a small country with a population of only 700,000. But it is of exceptional interest and enormous importance." On another occasion a Comintern delegate described the Mongolian People's Revolutionary Party as one that had produced "brilliant results," which it was hoped parties in other countries would emulate.

It can be argued, however, that the greatest significance of the Mongolian revolution lies not in the fact that it was the Comintern's only successful revolution, but rather in its role as a model for the tactics used in carrying out revolutions at the end of World War II, after the Comintern had been abolished. Attempts by the Comintern to imitate the Bolshevik revolution in Europe between 1918 and 1923 were a fiasco, but the use of *quite different tactics* in Mongolia succeeded with little difficulty. Therefore it should not be altogether surprising that the methods used in the 1940's to establish "People's Democracies" in Poland, Rumania, North Korea, etc., showed much greater similarity to the Mongolian revolution than to the Russian revolution.

It is conceivable that Stalin himself learned some of his tricks from the Mongolian example, and the same may be true in the case of Georgi Dimitrov, Boleslav Bierut, Mátyás Rákosi, and other Communist strategists of the 1940's. Wolfgang Leonhard, who attended a Comintern school in the Soviet Union during World War II and later helped to install a Communist regime in East Germany, has stated that Comintern personnel were aware of the Mongolian revolution and were expected to be able to derive the proper lessons from it. One might add that if Roosevelt, Churchill, and their advisers had been familiar with Soviet tactics in Outer Mongolia, they would have had a much better idea of what to expect in Eastern Europe and North Korea at the end of World War II.

An examination of the Mongolian takeover is important for still another reason: Communists claim that it shows backward countries how it is possible to jump directly from feudalism to socialism, without passing through capitalism. Lenin himself declared in 1920:

"It would be incorrect to say that the capitalistic stage of development is inevitable for backward peoples. . . . With the help of the proletariat of the more advanced countries, backward countries can skip over to a Soviet system and arrive at communism through special stages of development, avoiding the capitalist stage of development."

This thesis was reiterated in the 1920's and 1930's by various Comintern officials, who cited Outer Mongolia as an example which other undeveloped colonial peoples should emulate. And many years later, in 1966, Tsedenbal, the present leader of Mongolia, boasted:

"The success of the policy of the MPR [Mongolian People's Republic] has exerted a revolutionizing influence on the oppressed peoples, helping to accelerate the world revolutionary process. . . .

"In recent years Mongolia has been visited by scores of government, party and other delegations from many Asian and African countries which only a short time ago rid themselves of colonial bondage and are now searching for the shortest, most effective and painless ways of social progress."

The significance of the Mongolian model for backward countries has also been affirmed by present-day Soviet leaders. For example, Mikhail Suslov, a long-time member of the Politburo, spoke as follows to the Fourteenth Congress of the Mongolian People's Revolutionary Party in 1966:

"Elaboration by your Party of the theoretical aspects of the non-capitalist path of development to socialism and the practical experience of building socialism in Mongolia are a valuable contribution to the ideological treasure-store of Marxism-Leninism and enrich the collective experience of the international Communist movement. Mongolia's experience in building socialism is of particularly great practical significance today when the face of Asia, Africa and Latin America is changing, when more and more peoples whose mode of life has been characterized by feudal and even pre-feudal relationships are acquiring national independence and taking the destiny of their countries into their own hands."

But while the present or future applicability of Outer Mongolia's experience for underdeveloped countries remains to be demonstrated, there is already much to suggest that the Communist takeover in Mongolia served as a model for the takeovers of the 1940's in Eastern Europe and North Korea. Indeed, the process by which Mongolia became a Soviet satellite is reminiscent of the pattern by which several of the "People's Democracies" were created from 1944 to 1948. At the same time it would be wrong to forget that Communist methods of seizing power have naturally varied from country to country in accordance with local conditions. Among the Communist revolutions of the 1940's six show the closest resemblance to the Mongolian pattern—those in Poland, East Germany, Bulgaria, Rumania, Hungary, and North Korea. The takeovers in Yugoslavia, Albania, and China were largely the outgrowth of guerrilla wars—something which did not occur in Mongolia. The case of Czechoslovakia is in many ways unique. Nevertheless, all these revolutions display some parallels with the Mongolian takeover, and in the six mentioned they are quite striking.

The purpose of this paper is to examine the steps by which Communist rule was established in Mongolia and to indicate, where appropriate, the degree to which this process was repeated in Eastern Europe and North Korea. Eleven main steps may be distinguished:

1. A revolutionary party is organized with the help of Soviet agents.

2. Foreign (non-Soviet) troops occupy the country, creating dissatisfaction among the population and providing the Soviets with an excuse to invade the country and "liberate" it.

3. A provisional government of the country is formed on soviet territory, under Soviet direction, and adopts a moderate political program, designed to appeal to a majority of the country's population.

4. A native army is organized, armed, and trained on Soviet soil.

5. The country is invaded by Soviet troops, aided by the native army.

6. The provisional government is reorganized into a broad coalition government, including prominent leaders who are not Communists.

7. Comintern agents, pseudo-natives who were born in Russia, and russified natives who have long resided in Russia are used by the Soviets to help control the new regime.

8. Soviet advisers are placed in all the important departments of the government and the party to insure Soviet domination and to aid in the introduction of Soviet methods.

9. The government is later replaced by a "People's Democracy."

10. A series of purges is carried out under Soviet supervision until the remaining leaders are completely subservient to Soviet wishes.

11. The country's political, economic, and cultural institutions are remodeled in imitation of the Soviet pattern.

It is important to note that camouflage and gradualism are consistently used in taking these steps in order to make them appear democratic and to minimize opposition until Soviet officials and reliable native Communists are in firm control. Camouflage and gradualism are vital to the success of the whole process, since the majority of the population do not want a Communist regime.

THE BACKGROUND TO THE SOVIET TAKEOVER

The goal of transforming Outer Mongolia in accordance with the Soviet model was necessarily a much slower process than in Eastern Europe and North Korea, because the population of this vast territory was so extremely backward and conservative. If Russia in 1917 was not the kind of advanced capitalist state in which Marx had expected proletarian revolutions to occur, this was true ten times over in Mongolia, where no more than a handful of proletarians existed. Most of the population were nomadic herdsmen, and industry was almost non-existent. Owing largely to the influence of Buddhist lamaism, the formerly aggressive sons of Genghis Khan had become a passive, submissive people, content to live in a state of stagnant poverty, and hostile to notions of change and progress.

For centuries Mongolia had been under the domination of the emperors of China, but in 1911 it asserted its autonomy, recognizing as chief of state the head of the church, the Jebtsun Damba Khutukhtu, or Bogdo Gegen, commonly referred to as a "living Buddha." Tsarist Russia recognized Outer Mongolian autonomy and in return received extensive commercial privileges. The Chinese were furious at this Russian meddling, but were powerless to prevent it. Through a series of treaties, combined with economic, cultural, and political penetration, the Tsarist regime was able to establish a de facto protectorate over Outer Mongolia while continuing to recognize Chinese sovereignty *de jure*—an imperialist technique later to be imitated by the Soviets.

Mongolian autonomy lasted only from 1911 to 1919, because after the Bolshevik revolution Russia became embroiled in civil war and was unable to defend its protectorate. In 1919 a Chinese army occupied the capital, Urga, and the Mongolian government was forced to "request" that its autonomy be abolished. Since the Chinese rulers were oppressive, many Mongols looked forward to the day when Russia would again help them to end Chinese domination and restore self-government.

This hope of Russian intervention happened to coincide neatly with the policy of the new Bolshevik government in Moscow, which had been expressed by Lenin as early as 1916, before the seizure of power:

"We Great Russian workers must demand from our government that it get out of Monogolia, Turkestan, and Persia. . . . But does that mean that *we* proletarians *want* to be separated . . . from the Mongolian, or Turkestani or Indian workers or peasants? . . . Nothing of the kind . . . We shall exert every effort to become friendly and to amalgamate with the Mongolians . . . We shall strive to give these nations, which are more backward and more oppressed than we are, "unselfish cultural aid" . . . i.e., we . . . shall help them on towards democracy, towards socialism."

Thus, even before the Bolshevik revolution, Lenin had formulated the ideological justification later to be used for the new, Soviet style of imperialism—i.e., on the pretext of helping a backward people to advance "towards democracy and socialism" the Soviets would intervene and "amalgamate" Mongolia with Russia. When Lenin voiced this rationalization for Soviet imperialism, he did not think of its as being in any way similar to the imperialism of capitalist nations, and after the Bolshevik revolution he was at pains to dissociate the Soviet regime from the imperialist policies of its Tsarist predecessor. On August 3, 1919, the Bolshevik government issued a declaration to the Mongolian people which is worth quoting at some length, if only for the contrast it provides between Soviet promises and Soviet deeds:

"The Russian people have renounced all treaties with the Japanese and Chinese governments which deal with Mongolia. Mongolia is henceforth a free country. Russian advisers, Tsarist consuls, bankers, and the rich who have mastered the Mongolian people by means of force and gold, and robbed them of their last possessions, must be driven out of Mongolia.

"All institutions of authority and law in Mongolia must henceforth belong to the Mongolian people. Not a single foreigner has the right to interfere with Mongolian affairs. . . . Mongolia now becomes an independent country and has the right to contact independently all other peoples without any guardianship whatsoever on the part of Peking or Petrograd.

"The Soviet government asks the Mongolian people to enter into diplomatic relations with the Russian people immediately and to send representatives of the Mongolian people to meet the advancing Red Army [which was then pursuing the White armies across Siberia]."

Each of these promises was later to be violated by the Soviets, but they may have created a favorable impression on politically conscious Mongolians when they were made, and perhaps were one of the factors which caused the Mongolian leaders to turn to Soviet Russia for assistance.

The establishment of close relations between Russia and Mongolia, as proposed in the declaration, was impossible at the time, since the Bolsheviks were fighting the Whites and Mongolia was controlled by Chinese troops. The most the Soviets could arrange was to send an expedition under the leadership of Ivan Maisky (later to become well known as Soviet ambassador to London). Maisky went to Mongolia ostensibly to investigate the possibilities of trade, but a White Russian who was living in Urga at the time states that Maisky also organized gatherings of Mongolian and Russian revolutionaries. In any event, one result of his visit was the preparation of a most informative book about the country, which provided the Soviet authorities with the latest information on prevailing conditions.

Maisky followed in Lenin's footsteps by also supplying rationalizations for any future Soviet intervention. While granting that Outer Mongolia had the right to "cultural self-determination," he claimed that this did not require "sovereignty." If the country remained under Chinese rule, he asserted, it could expect only "cultural stagnation and economic ruination," whereas with Russia's help it could attain "cultural progress and economic prosperity." Nor did he neglect to mention the advantages that Russia might gain in return. Mongolia could provide livestock, fodder, and minerals, and at the same time serve as a buffer between Russia and China. Unconsciously parroting nineteenth-century imperialists, he even declared that Soviet Russia must fulfill "the natural historic mission" of spreading the benefits of European civilization to the backward countries of Asia, and to Mongolia in particular.

The scene was set for the process of takeover to begin. The steps by which this took place (listed above) will now be examined in detail.

STEP 1: THE FORMATION OF A REVOLUTIONARY PARTY

Whether or not Maisky had anything to do with their formation, by 1919 there were two small revolutionary groups in the Mongolian capital of Urga. One was under the leadership of the twenty-six-year-old Sukhe Bator, who had served in the army, and who after his death came to be known as "the Lenin of the Mongolian Revolution" (which was a gross exaggeration). Sukhe Bator did not learn to read until he was eighteen and never mastered the Russian language. That he ever understood Marxism or could properly be labeled a Communist is dubious. Yet he did lead the small Mongolian "army" that helped to carry out the seizure of power.

The leader of the other revolutionary group was Choibalsan, who was to become Premier of Outer Mongolia from 1939 to 1952, and who is often referred to as "the Stalin of Outer Mongolia" (another dubious comparison). Although younger than Sukhe Bator and less important in the early years of the revolutionary movement, Choibalsan possessed the advantage of having studied at a Russian school in Irkutsk, which meant he could read Bolshevik literature and could serve as a liaison with the Russians. He was perhaps the only native Mongolian in the period from 1919 to 1921 who might accurately be described as a Communist.

In January, 1920, the two small groups of revolutionaries, totaling only about twenty to thirty persons, united to form the "Mongolian People's Party." At a meeting in June they adopted a "Party Oath" which demonstrated clearly that they were not Communists, but held views reflecting a combination of Mongolian nationalism, loyalty to the church, hatred of Chinese rule, and some Bolshevik influence. The Oath said in part:

"The purposes of the People's Party of Outer Mongolia are to rid the country of the fierce enemies who threaten the nation and the religion . . . to recall the lost Mongolian law, to strengthen the State and the religion, inflexibly to defend the Mongolian nation, to revise and change the internal policy of the country, in every way to protect the interests of the *arat* [herder] masses . . . and put an end to the sufferings of the working people."

The conservatism of this "revolutionary" party is also revealed by the fact that several of its members were lamas or nobles. It was revolutionary mainly in its desire to achieve three objectives: to overthrow Chinese rule and achieve autonomy or independence for Mongolia; to modernize the country; and to reduce the powers of the Bogdo Gegen and the princes. Its orientation was thus nationalism and reformist, not Communist.

In the summer of 1920, the Comintern sent one of its agents, S. S. Borisov (an Altai Oirot), together with several other Soviet citizens, to serve as advisers to the Mongolian revolutionaries. Borisov urged the Mongols to send a delegation to the Soviet Union with a request for aid, and, for the reasons explained below, they decided to follow his advice.

It would be a gross mistake to think of the Mongols in 1920 as a people fired with revoluntionary zeal and eager to imitate the Bolshevik pattern. As Maisky pointed out in his book, the outstanding characteristic of the Mongols was passivity, and it is doubtful that more than a handful of them had considered the possibility of overthrowing the old feudal-theocratic order. Most of the "revolutionary" leaders were loyal to the church and to its head, the Khutukhtu, and while a few dozen politically conscious individuals wanted to modernize their country, the majority of the population were not just indifferent to change, but actually opposed to it. To the masses the only real cause for complaint lay in the oppressive policies of the Chinese occupying army. It would therefore be quite unwarranted to say that a revoluntionary situation existed in Mongolia in 1919–1921. In this case why, it may be asked, did the Mongol leaders turn to Soviet Russia for help? Facts of geography and demography largely provide the answer. As one of Outer Mongolia's prime ministers later put it, "Our country is surrounded by the territories of Russia and China, and lies in the center, between the two empires. . . . China has the evil intention of occupying our wide territories and destroying our nation and religion." A similar view was expressed by Rinchino, for several years the top Comintern agent in Mongolia:

"One fact, the number of Mongols, means a great deal. For example, if Russia has 150 millions, Japan has 60 millions, and China in all 400 millions, Mongolia cannot count more than one million inhabitants.

"There are too few Mongols. They can at any time be swallowed, but if they are not swallowed, that is only because . . . next to Mongolia stands Soviet Russia."

As a backward, thinly populated, and militarily weak country, Outer Mongolia was destined to be dominated by either China, Russia, or Japan. Since Russian domination under the Tsarist regime had been rather mild, even benevolent, and since the Russians, unlike the Chinese, had never threatened to engulf the Mongols with colonization, Russia seemed the least of the three possible evils. This is not to say that the Mongolian revolutionaries of 1919 to 1921 wanted their country subjected to Soviet hegemony. On the contrary, they accepted at face value the declaration of August, 1919 (quoted above), in which the Soviet government denounced the Tsarist treaties with Mongolia and asserted that "not a single foreigner has the right to interfere with Mongolian affairs." On the strength of this, they expected the Bolsheviks to help them oust the Chinese and establish Mongolian independence; they did not wish to replace Chinese domination with Soviet rule. Indeed, the Mongolian leaders who appealed to Russia for aid nurtured the nationalist dream of not only restoring Outer Mongolian autonomy, but also of uniting all the other territories inhabited by Mongols—Inner Mongolia, Buryat Mongolia, Tannu Tuva, parts of Sinkiang, and other, less important areas.

With these aims in mind, Sukhe Bator, Choibalsan, and their colleagues decided to go to Soviet Russia to seek assistance. In the summer of 1920 they headed north to Siberia, carrying with them an official letter from the Bogdo Gegen that gave an aura of legitimacy to their mission, and were warmly received by the highest Soviet officials in the area.

In August Sukhe Bator addressed an appeal to the Soviets which read in part:

"We, members of the People's Party . . . turn to great Russia with a request for aid. We . . . aspire to restore the Autonomy of Mongolia and to proclaim the Khutukhtu Bogdo as a limited monarch. Then we wish to take necessary measures to limit the hereditary rights of the princes. Having attained the independence of our country, we, profiting by the experience of other countries, will struggle for the rights and interests of our people. . . . Therefore we ask you:

"1. To extend necessary aid to the People's Party of Mongolia, and to assist in restoring Mongolian Autonomy.

"2. To designate a Soviet representative at Kyakhta who will serve as a connecting link between the Soviet Government and the People's Party."

In November, 1920, a Mongolian delegation went to Moscow and attended a special session of the Politburo at which Lenin and Stalin were present. It is possible that, as a result of this meeting, the Politburo decided to invade Mongolia as soon as the necessary preparations could be made. If so, the decision may have been hastened by the news coming from Mongolia about the activities of a certain Baron von Ungern-Sternberg, news that was disturbing in one sense, but quite encouraging in another.

STEP 2: FOREIGN TROOPS OCCUPY THE COUNTRY, PROVIDING THE SOVIETS WITH AN EXCUSE TO LIBERATE IT

Ungern-Sternberg, or "The Mad Baron" as he is sometimes called, was a most bizarre character. A former officer in the Russian Imperial Army, he claimed to be the reincarnation of Genghis Khan, and dreamed of recreating the old Mongolian empire, which he would then use as a base for a crusade against the heathen Bolsheviks. In February, 1921, with a force of White Russians, Buryats, Japanese, and miscellaneous other nationalities, he attacked Urga, and the Chinese garrison fled. The independence of Outer Mongolia under the nominal leadership of the Bogdo Gegen was proclaimed, with Ungern assuming the title of Commander in Chief of the armed forces.

Ungern's conquest of Mongolia was a godsend for the Bolsheviks, since it provided them with a justification for doing what they apparently had been planning to do anyway—that is, to invade Outer Mongolia and establish a pro-Soviet government. On November 11, 1920, about a month after Ungern's troops first entered Mongolia, the Soviet Commissar of Foreign Affairs, Chicherin, sent a note to Peking which stated in part:

"The Chinese troops in the Urga region are unable to annihilate the White Guardist gangs which operate there; therefore they have turned to our military command and also the command of the Far Eastern Republic asking use to help them combat these gangs of marauders.

"The Soviet government . . . is ready to give aid to the Chinese troops. . . . An appropriate order has been given to our Siberian command. The Soviet government guarantees herewith that its troops dispatched to Mongolia are entering the territory in the capaicty of China's friends; and that as soon as the White Guardist gangs in Mongolia are annihilated, the Soviet troops . . . will leave Chinese territory immediately."

The Chinese did not appreciate in the least this supposedly generous offer of assistance. Correctly suspecting that the Soviets had objectives beyond the mere defeat of Ungern, the Chinese government replied bluntly that it had never requested help, that it would take all steps necessary to defeat the Whites, and that it did "not need foreign intervention." Fortunately for the Soviets, however, the Chinese did nothing in the succeeding months to drive Ungern out of Urga. Meanwhile, "The Mad Baron" announced his intention to invade Russia and liberate the country from bolshevism—an aim obviously beyond the capacity of his small army and proof in itself of the unbalanced state of his mind. But his proclaimed goal provided a convenient excuse for the Red Army to invade Mongolia. In this way Ungern played the same role *vis-à-vis* Mongolia as Hitler later played for Eastern Europe; in both cases these avowed enemies of bolshevism provided the Soviets with a justification for invading neighboring states, liberating them from their foreign occupiers, and imposing Communist regimes upon them.

Preparations for the Soviet invasion of Mongolia now moved forward. From March 1 to March 6, 1921, the First Congress of the Mongolian People's Party met in Kyakhta, a Soviet town just north of the frontier. Only about twenty-five delegates attended—hardly a large or a representative sample of the Outer Mongolian population—but with Soviet support they would provide sufficient leadership to carry out the revolution.

STEP 3: A PROVISIONAL GOVERNMENT IN EXILE IS FORMED ON SOVIET TERRITORY

On March 13, 1921, a few days after the Party Congress, the creation of a "Mongol People's Provisional Revolutionary Government" was announced, with Sukhe Bator as Minister of War and Commander in Chief. The new government issued a proclamation calling for the extirpation of feudalism and slavery, the establishment of an equitable tax system, and the formation of a constitutional, parliamentary monarchy under the Bogdo Gegen. Nothing was said about socialism, communism, or the dictatorship of the proletariat; it was a program that might have been inspired by a Western democracy rather than by Soviet Russia. This was the Soviet intention, since at this time Moscow was eager to hide its ultimate aims in order to win the support of the majority of the Mongolian people. The Provisional Government could be used as a rudimentary administration to replace not only Ungern and the Chinese, but also the old Autonomous Government of the Bogdo Gegen. Moreover, since it had been formed on Soviet soil with Soviet aid, and since it would be installed in power by Soviet arms, it presumably would be susceptible to Soviet control.

Twenty-odd years later, Stalin made recourse to this same convenient device when forming provisional governments for Eastern Europe. In the case of Poland the "Union of Polish Patriots" was formed in Russia in 1943, to be replaced the following year, in the Soviet-occupied city of Lublin, by a Communist-dominated "Polish Committee of National Liberation," which in December, 1944, proclaimed itself the Provisional Government of Poland. In Czechoslovakia a somewhat similar role was played by the Košice government, a coalition agreed upon at negotiations held in Moscow. In Hungary it was the Debrecen government, formed with Soviet encouragement after the city of Debrecen was liberated by the Red Army in 1944. In each instance the political programs enunciated by these governments were moderate—designed to appeal to the majority of the population—and carefully avoided all mention of communism, just as in Mongolia decades earlier.

STEP 4: FORMATION OF A NATIVE ARMY ON SOVIET SOIL

With a Mongolian revolutionary party and a provisional government ready for the forthcoming invasion, the next step was the creation of a Mongolian insurrectionary army. A move in this direction had already been taken in 1920, when Sukhe Bator and Choibalsan were given some training at the Red Army officer's school in Irkutsk. Later they organized a "People's Revolutionary Army" consisting of approximately 400 Mongols, who gather in southern Siberia just north of the Mongolian border. This tiny force obviously was not capable of defeating Ungern, which meant that most of the soldiers needed for the invasion would have to be supplied by the Red Army. It was important, however, to have a Mongol army fighting alongside Soviet troops, in order to give the Russians an aura of legitimacy and to camouflage the fact that the invasion was a case of Soviet aggression against Chinese territory. Therefore Sukhe Bator and his small army were given the honor of striking the first blow. This they did on March 18, 1921, when they crossed the frontier and captured the town of Kyakhta Maimaicheng.

Here the parallel with Soviet tactics in Eastern Europe is evident. It will be remembered that during World War II it was a common practice in the Soviet Union to organize detachments of troops among refugees from countries which the Red Army intended to "liberate." For example, a Polish army was formed in 1943 under the nominal leadership of a Polish general named Berling, although most of its officers were Soviet citizens. Similarly, a Czechoslovak army corps was formed in the Soviet Union under the command of General Ludvik Svoboda, who later co-operated in the Communist takeover of his country.

STEP 5: THE COUNTRY IS INVADED BY SOVIET TROOPS

When Sukhe Bator's army drove the Chinese out of a small strip of northern Mongolia, the leaders of the Party and the Provisional Government moved over from the Soviet side of the border and proclaimed: "Because throughout our Mongol land the power and authority of the Chinese are no more, the supreme power and authority of our Mongol government have passed entirely into the hands of the Mongols themselves." This claim, of course, had no legitimacy and little popular backing. The vast majority of the population had never heard of the People's Provisional Government, nor had the legitimate ruler, the Bogdo Gegen, given them a mandate for their actions; indeed, he was not even aware of what they were doing. Nevertheless, the Provisional Government issued an appeal to the Soviets for military aid in liberating the country from the forces of Baron Ungern, and, needless to say, the Red Army was happy to comply.

Meanwhile, Ungern behaved in a manner that could only please the Bolsheviks. On May 21, 1921, he issued a proclamation recognizing Grand Duke Michael as the "All-Russian Emperor" and declaring his intention "to exterminate commissars, communists and Jews." He marched his army north towards Kyakhta, but in early June the combined Soviet and Mongol troops defeated him easily. The Baron was eventually captured by the Soviets, tried, and executed. Meanwhile, Soviet diplomats helped by providing camouflage: they informed the Chinese that the Bolsheviks would *not* do the very thing that they *did* plan to do. On June 15, 1921, Foreign Commissar Chicherin dispatched a note which claimed that the Soviet invasion of Chinese territory was really an act of friendship:

"[Ungern's] attacks on the armies of Soviet Russia and of the Far Eastern Republic forced Russian troops to cross the Mongolian frontier.

"Opposition to Ungern is to the interest of China, because by taking this task in hand the Russian Republic at the same time gives support to China, assisting her to crush these bands and maintain her authority.

"The Russian Government categorically declares that only with this purpose did it take measures against the traitor Ungern; and likewise declares that when this purpose shall be fulfilled the troops will be withdrawn from Mongolia. By taking arms against Ungern the Russian Government confirms its friendly relations with its neighbor, China."

The destruction of Ungern's army as an effective military force eliminated any legitimate justification that the Bolsheviks might have had for intervening in Mongolia, but they had further plans and proceeded to carry them out. Detachments of the Red Army invaded Mongolia again and marched on the capital city of Urga, which they captured on July 6, 1921, thus winning control of the country—a control which has never been relinquished.

If one looks for later parallels with this particular phase of the Mongolian takeover, the best comparison would probably be Finland. When the Soviet Union attacked Finland on November 30, 1939, it proclaimed the establishment of a "Finnish Democratic Republic" headed by Otto Kuusinen, a veteran Finnish Communist who had worked many years for the Comintern in Moscow. This puppet "People's Government" issued an appeal to the Soviets on December 1, 1939, asking for military assistance in liquidating the Helsinki government. The Red Army had already begun its "assistance" the day before by crossing the Finnish frontier.

STEP 6: THE PROVISIONAL GOVERNMENT IS REORGANIZED INTO A BROAD COALITION GOVERNMENT

After the capture of Urga, the Provisional Government was replaced by a "People's Revolutionary Government," which, despite its name, was in form a theocratic monarchy, the Bogdo Gegen being retained as a figurehead chief of state.

How can one explain the fact that the Bolsheviks not only refrained from immediately establishing a Soviet regime in Mongolia, but even tolerated a theocratic government? There seem to be two explanations. First, the Bolsheviks realized that they were dealing with an extremely backward, feudal country, which had none of the Marxian prerequisites for a proletarian revolution. Second, the Mongolian leaders, including even the most radical ones, wanted reform and modernization, but not a bloody upheaval like the Bolshevik revolution. Whereas in advanced European countries the Bolsheviks attempted to foment proletarian revolutions, they realized that few if any Asian countries were ripe for revolts of this type—certainly not Mongolia. A Mongolian delegation asked Lenin in November, 1921, if they should transform their People's Party into a Communist Party, and he advised against it:

"The Mongolian revolutionaries [he said] have much work ahead of them in political, economic, and cultural development before the pastoral population can be called proletarian masses. Once this is achieved, these masses can help in the "transformation" of the People's Revolutionary Party into a communist one. A mere change of signboards is harmful and dangerous."

A Soviet commentator asserted in 1924 that "the Mongolian People's Party is not only not communistic, but is not even a socialistic party." Soviet and Comintern officials seem, however, to have had considerable difficulty in making up their minds just what to call it, and over the years they devised various formulations. One Soviet spokesman declared in 1926 that it was a "united national revolutionary movement," and in 1934, the Prime Minister of Monogolia referred to his country as follows: "Our republic is a bourgeois, democratic republic of the new type, antifeudalistic and anti-imperialistic, gradually advancing on the road of noncapitalistic development."

A bourgeois democratic republic of a new type" came to be the standard formulation used in Soviet, Comintern, and Mongolian publications. Only much later, after World War II, did it acquire the designation of a "People's Democracy."

Lenin and the other Soviet leaders apparently realized that it was impossible to introduce socialism into Mongolia except after many years of education, industrialization, and modernization. Another possible reason for the "go-slow" policy, including the retention of the Bogdo Gegen, is the Mongol revolutionaries may have demanded it, despite Soviet objections. This is the interpretation offered by D. P. Pershin, a former Tsarist official who lived in Urga for some years and was an eyewitness of the events of 1917 to 1921. In describing the plans made by the Bolsheviks and the Mongolian revolutionaries on the eve of the takeover he says:

"There was to be formed a new revolutionary government for Urga . . . with the proviso, however, that Bogdo Gegen was to remain at the head of this new government. This was done so as to avoid upsetting the Mongolian people, who would feel that no changes had taken place in matters of faith, and that the popular religion would not be infringed upon. . . .

"It was said that there was considerable opposition on the part of the Bolsheviks to the placing of a king at the head of the country—and a "living God" at that . . . Jamtsarano [a prominent Mongol revolutionary], so the story goes, categorically insisted that otherwise further negotiations could not proceed."

Elsewhere Pershin writes: "The People's Revolutionary Party . . . acted with great caution, and in important cases even differed with their Bolshevik instructors . . . . The Party followed the principle that a too crude breaking up of old mainstays might arouse among the Mongols . . . serious discontent."

The policy of camouflage and gradualism may have been due to realism on the part of the Bolsheviks. Or the reverse may be true: that impatient, doctrinaire Bolsheviks were forced to move slowly because of opposition from moderate Mongolian revolutionaries. The policy adopted was undoubtedly the correct one, since most Mongolians, and even many of their revolutionary leaders, looked upon the Bogdo Gegen as the legitimate chief of state, and this helped the new regime to establish itself quickly and easily.

Because of the almost total absence of native Marxist revolutionaries in Mongolia, the Bolsheviks at the beginning not only retained the Bogdo Gegen, but also accepted a rather conservative government. Of the seven members of the "People's Revolutionary Government," the Premier and Vice-Premier were both lamas, two were nobles of high rank, and two others had worked for the former Autonomous Government. The only member of this first Urga cabinet who can possibly be a labeled a radical—and even his case is debatable—was Sukhe Bator, who retained his posts as Minister of War and Commander in Chief. All these ministers, it should be noted, were natives, i.e., Khalka Mongols; none were Buryats or Soviet citizens. Thus in 1921 there seemed to be little reason for the Mongol people to fear that their country was destined to become a Soviet republic completely subject to Moscow. Therefore opposition to the government or to the temporary presence of Soviet troops was almost non-existent. Indeed, the new regime was apparently looked upon as a welcome replacement for the Chinese and Baron Ungern.

But if Outer Mongolia was nominally a monarchy, the leftward direction of its future development was ensured by the continued presence of the Red Army, and when the People's Revolutionary Government requested that these forces remain until the enemy had been entirely defeated, the Soviet government gladly complied. "Soviet troops," said Foreign Commissar Chicherin, "have entered the territory of autonomous Mongolia for one purpose only: to defeat the common enemy, remove the constant danger which threatens Soviet territory, and ensure the self-determination and free development of autonomous Mongolia." The troops would leave, he added, "just as soon as the danger to the free development of Mongolia is removed and the security of the Russian Republic and the Far Eastern Republic assured." In fact, the Soviet troops were there primarily to ensure that Mongolia would again become a Russian protectorate, and they were not removed until this goal had been accomplished.

Whether the "go-slow" policy of 1921, including the retention of the Bogdo, was a clever tactic thought up by the Bolsheviks, or whether it was forced upon them, the Soviets seem to have learned a valuable lesson, because the same tactic of camouflage and gradualism, of appearing to preserve old traditions, old institutions, and even old rulers, was used extensively in the Communist takeovers of the 1940's. The most obvious example is Rumania, where King Michael was allowed to continue as nominal ruler of the country until the Communists were in firm control. In Czechoslovakia, too, the presence of Edward Benes as President and Jan Masaryk as Foreign Minister in the first postwar governments helped to persuade the people that a Soviet-style regime would not be imposed upon them.

STEP 7: COMINTERN AGENTS, PSEUDO-NATIVES, AND RUSSIFIED NATIVES HELP LEAD THE REVOLUTION AND THE NEW REGIME

Comintern agents played a prominent role in the Mongolian revolutionary movement from the very earliest days. In April, 1920, I. A. Sorokovikov was sent to Urga as the special delegate of the Far Eastern Branch of he Comintern, but the following month was replaced by another Comintern agent, S. S. Borisov (an Altay Oirot), who was active in the events leading up to the revolution of 1921. Some of the Mongols also dealt directly with the head of the Comintern Far Eastern Secretariat, Boris Shumyatskiy.

The Comintern official who played the main part in bringing Mongolia under Communist control, however, was a Buryat Mongol from Russia named Rinchino, who for several years was the most powerful man in Outer Mongolia. As Rinchino himself said:

"I have worked from the beginning of the existence of our People's Party. I went with the representatives of our Party to Moscow. I worked in the Far Eastern Section of the Comintern (Mongolian and Tibetan Section) at Irkutsk. I led Mongolia to the Comintern, which supplied the Mongolian People's Party with instructors and indispensable funds."

Rinchino's "dictatorship" ended with his recall to Moscow in 1928 and replacement as top Comintern representative in Mongolia by Amagaev, another Buryat from Russia. Amagaev acted not only as a Comintern agent, but also as Minister of Finance and Chairman of the Economic Council of Mongolia. Direct management of Mongolian affairs by the Comintern seems to have eased only in 1931, when Amagaev in turn was ordered back to Moscow.

These two figures, Rinchino and Amagaev, were only the most prominent of the many Comintern agents in Outer Mongolia who might be described as "pseudo-natives" or "sovietized natives." To the first category belong primarily the Buryat Mongols, an ethnic group inhabiting the area to the north of Outer Mongolia, where, in 1923, the Bolsheviks established a Buryat Mongol Autonomous Soviet Republic. Most Mongols within the Russian borders were Buryats, whereas the majority of the inhabitants of Outer Mongolia were Khalka Mongols, whose language is similar but not identical. Many Buryats had been largely russified and spoke the Russian language, while some had even studied at Russian universities. Since few Russians spoke Mongolian and few Khalkas spoke Russian, it was natural that the Soviets should have used the Buryats as interpreters—and for another purpose as well: the Soviet authorities soon made them the leading element in the new Mongolian government. It was largely Buryats from Russia who served to channel Soviet ideas, methods, and institutions into Outer Mongolia.

This co-operation with Moscow in revolutionizing Outer Mongolia suited the Buryats very well, especially in the early years, since they thought not in terms of subjecting Outer Mongolia to Russian domination, but rather of liberating their brothers from Chinese rule and ultimately creating a strong, independent, progressive nation which would unite all the Mongol peoples (including the Buryats) into a Greater Mongolia. But although motivated by nationalism, the Buryats unwittingly helped to destroy any chances of achieving this nationalist dream. Instead they helped to make Outer Mongolia a satellite of Soviet Russia, while several areas inhabited by Mongols remained or became a part of the USSR.

The degree of Buryat influence in Mongolia may be indicated by the fact that in the 1920's they held the ministries of trade and economy, finance, and education, headed the Central Co-operative organization and the Economic Council, while the trade representative in Moscow and the head of the Mongol Transport Company were also Buryats. They provided the chairman of the Military Council, as well as officers and instructors, thus gaining considerable influence in the army as well. Other nationalities used in Mongolia by the Soviets included Kazakhs. Oirots, and Kalmyks, all of whom, as Asians, were bound, so Moscow doubtless calculated, to be more acceptable to the Mongolians than "white" men such as Russians.

As far as "russified natives" are concerned, the best example is Choibalsan himself, who attended a Russian school in Irkutsk and later received some training at a Red Army officers' academy in the same city. Whether these years in Russia made Choibalsan any less a Mongol cannot be ascertained, but it is clear from his subsequent behavior that he became an obedient servant of Moscow, and this explains in part why he was eventually chosen by Stalin to be ruler of Outer Mongolia.

The career of Choibalsan as a russified (or sovietized) native used by Moscow to further its policies in Mongolia calls to mind a conspicuous example in Eastern Europe after World War II—Marshal Konstantin Rokossovsky, who, although of Polish descent, served his entire career in the Soviet army until in 1949 he was appointed Commander in Chief of the Polish armed forces, Minister of Defense, and a member of the Polish Politburo. In this way, Stalin made sure that a pro-Soviet figure stood at the center of the power structure in Communist Poland.

Another instance of this Soviet use of pseudo- or russified natives is provided by North Korea. When the Red Army invaded Korea in 1945, it brought with it as part of the occupying forces about 300 Soviet Koreans, some of whom had been trained at a special school near Khabarovsk in 1942, while others had in all probability attended the Comintern school near Ufa in 1942 and 1943.

In similar fashion pseudo-natives or russified natives helped to establish Communist rule when the Red Army invaded Estonia, Latvia, Lithuania, Western Belorussia, the Western Ukraine, Bukovina, and Moldavia in 1939-1940 and again in 1944-1945. When the Red Army liberated Eastern Europe, it brought in its train groups of native Communists who had lived for years in the Soviet Union, had been thoroughly indoctrinated there, and who in many cases felt their primary allegiance to Moscow. Many of the Communist leaders in Eastern Europe, moreover, were not "natives" in the fullest sense of the word, or at least were not looked upon as such by the local population. To cite only a few examples: Emil Bodnaras (a Ukrainian) in Rumania, Mátyás Rákosi (a Jew) in Hungary, and František Kriegel (a Galician Jew) in Czechoslovakia.

At the beginning of this section (p. 125) it was stated that the Comintern played an important part in the Mongolian revolution; in seeking a parallel with Soviet policy after World War II, the reader may query the legitimacy of any such comparison on the ground that the Comintern was officially abolished in 1943, and could not, therefore, have been involved in the events of 1944-1949. In actual fact, however, the Comintern did have a role, just as it had earlier in Mongolia, because the Communist cadres who stage-managed Stalin's takeovers of the late 1940's had been selected and trained by the Comintern before its dissolution. Leaders like Georgi Dimitrov, Walter Ulbricht, Klement Gottwald, Mátyás Rákosi, Ana Pauker, Tito, and Ho-chi-Minh had all worked for the Comintern before World War II, and all of them, except Tito and Ho, spent the war years at Comintern headquarters in Russia. Lesser Communists were trained during the war at a special Comintern school near Ufa, attended by students not only from Eastern Europe, but also from Germany, Austria, France, Italy, Spain, and Korea (as mentioned above). Although the Comintern was dissolved in 1943, many of its functions continued to be performed by the selfsame persons working in the same building which had served as its headquarters from 1940 to 1941, but which now bore the name "Institute No. 205."

STEP 8: SOVIET ADVISERS ARE PLACED IN IMPORTANT DEPARTMENTS OF THE GOVERNMENT AND THE PARTY

Moscow did not rely entirely on Soviet citizens of Asian stock in establishing its control over Outer Mongolia; Russians also were used extensively. As a foreigner visiting Urga in 1921 commented: "In every office there are three administrative officials—a Mongol, nominally the chief, a Buriat, and a communist Russian. Actually, the Russian is in every instance the chief, the Buriat is his assistant and go-between, and the local Mongol is a figurehead." And an American consul stationed in northern China reported in October, 1921: "There may be a Mongolian Government, but the authority is the Russian Soviet Commandant. He issues orders for the release of men, even if they have been arrested by the Mongols." A Chinese agent who made an extensive trip through Outer Mongolia in 1926-1927 made a similar statement:

"Since Outer Mongolia has become independent all important organs have had Russians as advisers. To put it bluntly, it is the Russians who are directing everything. The Ministry of Finance, for example, has four Russian advisers. The Ministry of War has eight military advisers . . . The Secret Police . . . has six Russian advisers and is actually headed by one. All the military training officers are Russians. Even the managers and drivers of the motor company are all Russians. On the surface Outer Mongolia is independent, but in point of fact it is not able to be independent in anything."

The Soviets naturally paid special attention to those branches of the administration which controlled armed power. The *secret police* was organized by and at times even headed by Soviet officials. The *army* also was under firm Soviet control, since its original nucleus had been formed on Soviet territory with Soviet equipment and Soviet instructors. After the establishment of the new government in 1921, more Soviet military instructors were sent into the country, with "new and better qualified" personnel arriving as reinforcements in 1923. According to a report by two Japanese observers:

"In each detachment there is a Soviet officer. In general the commander of a cavalry division is a Soviet, but in this case there are two additional Soviet officers. The regiment has only one Soviet officer. The division has a GPU detachment which has police authority over the men in the ranks. The number of Soviet officers in mechanized detachments is greater and the air force consists almost exclusively of Soviet soldiers."

The economy was another area where the Russians acquired a dominant influence. This was done by a variety of means, one of the most important being the establishment in 1921 of the Mongolian Central Co-operative, which soon became the country's largest trading organization. In 1924 it was reported that 45 percent of the employees were Russian. In addition, the Russians also operated through Soviet trading companies, which concentrated on exporting Mongolian goods to Russia, while importing little in return. The most effective weapon for gaining influence over the Mongolian economy, however, was the Mongolian Trade and Industrial Bank, formed in 1924 as a joint Soviet-Mongolian company. Most of the staff and all but one of the members of the directorate of the bank were Russian. As the only bank in the country, it had exclusive authority to issue currency (which was minted or printed in Russia), and provided most of the capital needed for trade, co-operatives, industry, and transport. With all of these economic levers at their disposal, and with the government safely under control, the Soviets were able to accomplish what the Tsarist regime had failed to achieve—the establishment of a monopoly over *Mongolian foreign trade.* Whereas in 1925 the USSR received only 24.1 percent of Mongolian exports, by 1931 the total had grown to 99.2 percent.

In fairness, however, it should be stated that the arrival of Soviet experts in Mongolia brought benefits to the country in the shape of technical "Know-how" and ability which had hitherto been completely lacking. The Mongolian Prime Minister cited an example of this in 1924:

"It was long ago time to change the criminal laws from the old Manchu laws. . . and to introduce criminal law modeled after those of the civilized nations of Europe.

"Starting in 1921, commissions after commissions were appointed to draft criminal laws, but in general the work did not progress. During the present summer we invited a jurist from Soviet Russia, and under his guidance translations from foreign laws are being prepared, and laws selected from these which are compatible with the laws of our country are being drafted."

Soviet doctors introduced medical services and helped to combat the many widespread diseases, especially syphilis. A Central Veterinary Administration, manned entirely by Russians, was set up to improve the quality of the livestock raised by the nomadic herdsmen.

For these reasons the Mongols had mixed feelings about the hordes of Soviet advisers and experts who descended upon their country. On the one hand, they realized the extreme backwardness of their country, the shortage of capable personnel, and the need to modernize; while on the other hand they resented being bossed by Russians who were often arbitrary, arrogant, or condescending, and they naturally were unhappy over the subordination of Mongolian national interests to those of Moscow. As late as 1924, during the discussions at the Third Congress of the Mongolian People's Party, some delegates were still not afraid to voice criticisms of the Soviet presence. One speaker, for example, demanded to know why all the chauffeurs in the army garage were Russian, while another complained that in his district the branch of the Central Co-operative was staffed entirely by Russians, who were, he said, "unsuitable, very coarse, and rude." Still another objected (unsuccessfully) to a proposed increase in the salaries of the Soviet military advisers. Such complaints led nowhere, however, as the Mongolian government was in no position to modernize the country without Soviet personnel. The head of the Central Co-operative explained:

"Certain workers raised the question of our not needing foreign instructors. They said we must somehow get along with only Mongols. But in practice this was found to be impossible because: (1) there are no Mongols who know how to run a co-operative, and (2) Mongols knowing general trading matters and bookkeeping could not be found. Therefore we had to employ foreigners, that is, workers from Soviet Russia."

If we turn our attention briefly to Eastern Europe and North Korea in the 1940's, we find numerous analogies. When the Soviet army entered a country, this automatically meant the arrival of a host of Soviet advisers, who assumed important (sometimes dominant) positions in various government and Party departments, and who supervised the reorganization of the latter along Soviet lines. Foreign trade also followed the Mongolian pattern—the new Soviet satellites being forced to drastically reduce trade with capitalist countries and expand trade with the USSR, usually on unfavorable terms. In contrast to the case of Mongolia, the East European satellites were not at an extremely primitive level of development and in desperate need of assistance. Indeed, Czechoslovakia and East Germany and, to a lesser extent, Hungary, already possessed highly sophisticated branches of industry and were in a position to provide the Russians with technical know-how, not vice-versa. In any case, their economies were exploited by the Soviet Union for its own advantage, much as the Mongolian economy had been earlier. Another precedent for later Soviet policy in Eastern Europe may be seen in the formation of the joint Soviet-Mongolian Bank. Similar joint companies were set up by Stalin to gain control of East European airlines shipping, raw materials, and industrial potential. In the case of Yugoslavia, resistance to Soviet demands for the formation of such companies was one of the causes of the break between Tito and Stalin in 1948.

STEP 9: THE ORIGINAL GOVERNMENT IS REPLACED BY A "PEOPLE'S DEMOCRACY"

As we have seen, the regime installed in Mongolia in 1921 was a theocratic monarchy, nominally headed by the Bogdo Gegen, and the first members of the "Peoples Revolutionary Goverment" were predominantly lamas, nobles, or middle-class elements. The long-term Soviet aim of making Mongolia a Communist state was facilitated by the death in 1924 of the Bogdo, which came as a great stroke of luck for the Communists. At one and the same time fate rid them of the man who was both head of the church and the head of the state, and when the masses wished to find another "living Buddha" to replace him, they were not permitted to do so. Instead, the First Great Khuraldan (parliament) was convened in November, 1924, and declared Mongolia to be a "People's Republic." A new constitution nationalized the forests, rivers, land, and other natural resources, established a state monopoly of trade, declared the church separated from the state, abolished the titles of the princes and nobles, and ended the ruling rights of the reincarnated saints. It was no accident that this constitution was similar to that of the Soviet Union, since a Soviet citizen, Turar Ryskulov, had a hand in drafting it.

It is interesting to note that the Communist takeover of Mongolia seems to have served as a model for later takeovers even in matters of terminology. When the revolutionary regime was established in 1921, as well when the monarchy was abolished in 1924, the term "Soviet" was never used. Mongolia became in 1924 a "People's Republic," not a Soviet Republic." The word "Soviet" may have been avoided partly because the Bolsheviks felt that Mongolia was too backward to be included in the same category as Soviet Russia. A more important reason, however, may have been to avoid alarming the Mongolian people, most of whom were quite conservative.

During and after World War II the Communists in Eastern Europe and North Korea used similar tactics of camouflage. To minimize opposition and to prevent the people from realizing that their countries were being taken over by Communists, the postwar regimes were careful not to use such labels as "soviet," "socialism," "communism," "the dictatorship of the proletariat," and so on. The term eventually chosen to describe the new regimes was "People's Democracies," but during the early period, from about 1945 to 1948, reference was frequently made to "People's Republics"—just as previously in the case of Outer Mongolia. For example, Georgi Dimitrov, the Communist leader of Bulgaria, declared in 1947: "Bulgaria will not be a Soviet republic but a people's republic." And a Soviet ideologist named Farberov, who played a major role in fitting the new regimes into a Marxist theoretical framework, also referred to the East European states as "People's Republics." That the Mongolian example influenced these formulations of the 1940's is indicated by the fact that Farberov devoted a whole chapter to Mongolia in his book on "Peoples Democracies." Similarly, Eugene Varga, the Soviet economist, who also helped to elaborate the theoretical bases for the "democracies of a new type," referred to Mongolia as a predecessor of the East European regimes, pointing out the similarities between Mongolia and its successors. It may be noted, too, that the term "People's Republic" has remained the approved terminology for most Communist countries in Asia. Despite considerable progress along the road to "Soviet-style "socialism," Outer Monogolia has retained this title, which it shares in common with North Korea and China. The Communist regime in North Vietnam, however, has remained since its formation in 1945 the "Democratic Republic of Vietnam."

STEP 10: A SERIES OF PURGES ARE CARRIED OUT UNTIL THE LEADERS ARE COMPLETELY SUBSERVIENT TO SOVIET WISHES

Whether the Mongolian regime should be presided over by a figurehead "living Buddha" or whether it should be a "People's Republic" was not, of course, the vital issue for the Soviet Union. What mattered was that the rulers of Outer Mongolia take orders from Moscow. This objective was accomplished in part by a succession of purges, apparently directed primarily by Soviet officials stationed in Urga.

Most of the members of the first Urga cabinet, including the Prime Minister (Bodo), were shot in August, 1922, only a year after they had taken office. Sukhe Bator, the Minister of War and Commander in Chief of the Army, died in February, 1923, poisoned by the Soviets, according to one source, although this cannot be proved.

Sukhe Bator's successor as War Minister and Commander in Chief, Danzan, was also Vice-Premier of the government and Chairman of the Central Committee of the Party. As head of the Party he presided at the Third Party Congress in August, 1924, but made the mistake of quarreling with the chief representative of the Comintern, Rinchino, and was even foolhardy enough to oppose a resolution calling for the strengthening of friendship between Mongolia and the USSR. In an astonishing sequence of events Danzan, who started out as a chairman of the Congress, had by the end of the Congress been condemned and shot! Witnessing, approving, and apparently engineering this purge were Rinchino and the Soviet Minister to Mongolia, Vasilev.

By the end of 1924 about half of the Mongol leaders who had planned and carried out the revolution had been executed, while others were exiled to Russia, eventually to be liquidated in Stalin's Great Purge of the 1930's. Indeed, if one looks at a list of the most prominent figures in the Mongolian Party and government during the 1920's and 1930's, one cannot but be impressed by the number of biographies which end with the phrase "shot in. . . ." Nor did Rinchino escape the fate of his victims; he was ordered to Moscow in 1928 and was later shot in the Great Purge.

The only one of the original revolutionary leaders of 1919-1921 who managed to survive the various purges and retain a position of prominence was Choibalsan, the so-called "Stalin of Mongolia." At the time of the formation of the first revolutionary government in 1921 he was only Deputy Commander in Chief of the Army. But in 1922 he was the key figure in organizing the secret police, in 1924 he became Commander in Chief of the Army, in 1936 he was named Minister of the Interior and First Deputy Prime Minister, and, finally, in 1939, he reached the top as Prime Minister. He remained dictator of Mongolia until 1952 when, unlike most of his colleagues, he apparently died of natural causes.

Why Stalin chose Choibalsan to be his puppet and imitator is a matter of speculation, but two reasons seem logical: Choibalsan was more willing than other native Mongolian leaders to obey Moscow's dictates without question, to give Russian interests priority over those of Mongolia, and to co-operate in purging his friends. Secondly, he had been Commander in Chief of the Army since 1924, and the role which Mongolian armed forces might play in a possible Soviet-Japanese war assumed great importance in 1939, the year in which Choibalsan was named Prime Minister. Perhaps Stalin wanted to be sure that an experienced military man would be in charge in Mongolia in order to help defend the Soviet Union from any Japanese attack.

The fact remains that the purges helped to accomplish the Soviet objective of establishing absolute control over Mongolia, and by the time Choibalsan became Premier, if not before, he and his colleagues had learned that the only key to survival was to co-operate in ensuring total subservience to Moscow, even though this meant economic exploitation and loss of independence in both domestic and foreign policy.

The particular step in the Mongolian takeover described above had a parallel in Eastern Europe so obvious as scarcely to require reiteration—namely, the purges of the 1940's and 1950's. The Polish leader, Gomulka, was removed from power in 1948, apparently because he felt that his country need not blindly follow Soviet methods and orders in every last detail. Similarly, Tito's refusal to subordinate his country's interests to those of the Soviet Union caused Stalin to attempt to bully the Yugoslav Communist Party into purging Tito, but without success. In other instances, East European purges seem to have been ordered by Moscow mainly as an instrument of terror—that is, to demonstrate to the native Communist leaders that the best way to stay alive was to obey Russia's dictates.

STEP 11: THE COUNTRY'S POLITICAL, ECONOMIC AND CULTURAL INSTITUTIONS ARE REMODELED ALONG SOVIET LINES

It is reasonable to suppose that when the Soviets invaded Outer Mongolia in 1921, one of their objectives was to establish a Communist regime, thereby fulfilling Lenin's assertion that it was possible for an underdeveloped country like Mongolia to jump directly from feudalism to socialism. At the First Great Khuraldan (parliament) a Soviet official declared: "We must prepare the ground for a gradual transition to the principles of Soviet rule and communism." This transition was rendered inevitable by the presence of Red Army units and numerous Soviet officials in Mongolia, combined with the proximity of the USSR. But the extreme backwardness of the country and the almost total lack of support for communism among the population guaranteed that sovietization would occur very gradually.

Things moved especially slowly from 1921 to 1928, during which time the traditional ruling classes—the nobility and the church officials—retained most of their power and wealth, and the new regime remained weak, except in the capital. Still, even in these early years the first steps in imitating the Soviet pattern were taken. The Mongolian People's Revolutionary Party was organized in the manner of its Soviet counterpart, complete with a Presidium (Politburo), Central Committee, Central Control Commission, and Party Congresses. Soviet-type Party organizations for young people included the Revolutionary Union of Youth, or *Revsomol* (equivalent of the Soviet Komsomol), and the Young Pioneers. The constitution adopted in 1924 declared that the supreme organ of government in Mongolia was the Great Khuraldan (which resembled the Congress of Soviets) and it elected a Small Khuraldan (like the Central Executive Committee in the USSR), which in turn chose a Presidium (like the Presidum of the Congress of Soviets). Local khuraldans performed governmental functions on the lower levels in the same way as the local soviets in the USSR.

The formation of a Soviet-style Party and Government in Urga (now Ulan-Bator) had at first little if any effect on the life of the ordinary Mongolian nomad herdsmen, but when, in 1928, Stalin launched his "second revolution" of industrialization and collectivization in Russia, Mongolia was forced to follow suit. "Right-wingers" were ousted from the Party, and a number of radical social and economic policies were adopted, the most important being a Five-Year Plan designed to bring "socialism" to Mongolia. As in the Soviet Union, rapid and forcible collectivization of agriculture brought a drastic decline in the number of livestock, the losses in 1932 alone amounting to more than seven million head out of a former total of about twenty-three million. This hasty and forced collectivization drive was halted and criticized, just as happened in the Soviet Union, but in later years was resumed at a more leisurely pace. "Arat Unions" (comparable to the Soviet *kolkhozes*) were organized, along with state farms (like *sovkhozes*) and hay-cutting stations (similar to the machine tractor stations in the USSR) Private industrial enterprise was banned, along with private trading and transport; the estates of many clerical and lay landlords were confiscated; and a state foreign trade monopoly was established.

The First Five-Year Plan caused such havoc that the population rose up in armed rebellion, whereupon in 1932 the Mongolian leaders officially repudiated the leftist policy, the collective farms were dissolved, and private enterprise was permitted to revive. This was only a tactical retreat, however, and in later years, after the regime had entrenched itself more securely, the process of eliminating the private sector was resumed, but at a slower pace and with more careful planning.

In reality, the chief objective of Soviet economic policy in Mongolia was not the establishment of a socialist economic system, but rather the exploitation of Mongolia for the benefit of Russia. A Soviet official admitted this bluntly in 1929; the Mongolian Five-Year Plan, he said, "must be constructed to permit maximum utilization of the resources of the MPR in the industrialization of the USSR." This policy was efforted primarily through control of Mongolian foreign trade. The bulk of Mongolian commerce had traditionally been with China; this was now changed: as mentioned earlier, Mongolia's exports to the USSR jumped from 24.1 percent in 1925 to a remarkable level of 99.2 percent in 1931. Furthermore, poor, underdeveloped Mongolia was compelled to export to Russia more than it imported in return, thereby extending credits to its richer neighbor. It would be untrue to say that the Soviet did nothing to help the Mongolian economy, but as long as Stalin lived their investments "served primarily the interests of the USSR."

Initially, the institutions through which Moscow controlled the Mongolian economy were special Soviet companies sent to Mongolia to buy up all commodities that the USSR wished to import. Later, Moscow used a device which was introduced after World War II in Eastern Europe and China—joint companies. These joint companies were ostensibly owned and operated by Russia and Mongolia on an equal basis, but in fact were dominated by Russians. The first such company was the Mongolbank, established in 1924 under a Russian director. Others followed, including Mongoltrans, for control of transportation facilities. Mongolsherst, which monopolized the trade in wool, and Mongolstroy, a construction company.

Cultural life in Mongolia also went through a gradual process of sovietization. Writers were organized into a Union of Mongol Writers, patterned after Union of Soviet Writers, and were taught to write according to the Soviet principles of "socialist realism." Russian and Soviet authors have predominated among the books translated from foreign languages, while textbooks used in the schools have been mainly Soviet ones. Russification was facilitated by the adoption of the Russian alphabet, and the leading newspapers were modeled on those in the Soviet Union, even to the extent of being given the same names.

This gradual imposition of the Soviet cultural pattern went hand in hand with a drive to destroy the power of the church and eradicate religious belief. In this field, however, the change came about very slowly because of the great wealth and strength of the Buddhist church, the huge number of lamas, and the traditional devotion of the masses. In addition, many of the original Mongolian revolutionary leaders, some of whom were lamas themselves, were sympathetic both to the church and to the Buddhist religion. As described above, the new regime even made the head of the church the nominal chief of state until his death in 1924. In 1928, however, under Soviet pressure the Mongolian Party officially abandoned toleration and came out openly in opposition to the church and religion. A Central Anti-Religious Commission was established as part of the government, and a League of Militant Atheists was organized, just as in the Soviet Union. By the end of the 1930's most of the monasteries had been closed, the number of lamas had declined drastically, the bulk of church property had been confiscated, and many of the clerical leaders had been imprisoned, exiled, or shot. The church as a political and economic force was dead.

One final example of how the Mongols imitated the Soviet model might be mentioned—the creation of a "cult of personality" around the "Lenin" and the "Stalin" of Mongolia, Sukhe Bator and Choibalsan. To compare Sukhe Bator's rule in the Mongolian revolution with that of Lenin in Russia is the grossest of exaggerations, and it is clear from contemporary records that at the time none of the Mongol revolutionaries looked upon him as being the leader of the movement. But Russia had a Lenin, so Mongolia had to follow suit, and an elaborate myth was created about Sukhe Bator, the so-called father of the Mongolian revolution. Similarly, it is quite an exaggeration to compare Choibalsan with Stalin, since Choibalsan's role in the revolution was rather minor and he did not become the leader of Mongolia until 1939. The process of his deification nevertheless took place. "Choibalsan Prizes" were instituted soon after the appearance of "Stalin Prizes," and the Mongolian constitution was referred to as the "Choibalsan Constitution." A mausoleum similar to that in Moscow was constructed in the central square of Ulan Bator, and today it displays the mummified remains of Sukhe Bator and Choibalsan.

Outer Mongolia is now as thoroughly sovietized as any of the Central Asian republics of the USSR; if it were formally annexed to the Soviet Union, its present situation would not alter in any significant respect. The Soviet satellites in Eastern Europe and North Korea, by contrast, never came under such total control of Moscow. Whether Stalin planned to make them as subservient as Mongolia, or whether he considered this impossible to achieve in Eastern Europe, is an unanswerable question. As for the imitation of Soviet methods in most aspects of the political, economic, and cultural life of the East European client states, the details are so familiar that they need not be repeated here.

CONCLUSION

It has been the purpose of this paper to point out the elements in the Soviet takeover of Mongolia which set precedents for later Soviet actions of this type. There is no way of proving that these precedents were followed consciously by Stalin in the 1940's, and it is true that few if any of the Soviet and Comintern officials who directed the Mongolian operation were active in Eastern Europe or North Korea twenty-odd years later. Stalin himself, who had the final word in determining the takeover tactics of the 1940's had, as far as is known, little to do with Mongolia prior to 1928—the Comintern was the major instrument through which Moscow controlled Mongolia in the early years, and Stalin was not active in Comintern work during this period. However, this does not mean that Stalin could not have taken Mongolia as a useful model for his takeover policies in the postwar world. He was well informed at the time about what was going on in Outer Mongolia, since he was present at the Politburo meeting in 1920 which received the delegation of Mongolian revolutionaries. As Commissar of Nationalities he supervised the Buryat Mongolian Soviet Republic, and Buryats, as we have seen, played a major part in the establishment of communism in Outer Mongolia. In addition, as a member of the Politburo and General Secretary of the Party, Stalin must have been familiar with the tactics that were used in staging the revolution and in introducing communism. Certainly he could not have failed to be impressed by the fact that Mongolia was the only country between 1917 and 1940 where the Soviet Union managed to install a Communist regime. In the years immediately after 1917 most of the Bolshevik leaders, as well as Communists in other countries, nourished the illusion that other countries were ripe for revolt and that the "Great October Revolution" would be imitated elsewhere. But attempted revolutions in Germany, Hungary, Poland, Bulgaria, and other places all collapsed. Stalin seems generally to have been less sanguine about the prospects for Communist revolutions in other lands than were Lenin, Trotsky, Zinoviev, or the other leading Bolsheviks, and in the 1930's he made no attempts to promote them. Judging from his policies, he seems to have come to the conclusion that the best way to bring about revolutions was to export them on the bayonets of the Red Army, which he proceeded to do in the 1940's. That he reached this conclusion partly from his knowledge of the Mongolian revolution is well within the bounds of possibility.

In the 1930's Outer Mongolia was bound to draw Stalin's attention. The Japanese invasion of Manchuria in 1931 created fears in Moscow that Japan might be preparing to attempt once more (as she had in 1918-1922) to seize Soviet territories in the Far East. During 1935 a series of Japanese-provoked clashes along the frontier between Mongolia and Manchukuo fed these suspicions, and in 1936 prompted Stalin to issue a public warning that if Mongolia were attacked, the Soviet Union would come to its aid. When the Japanese army moved into northern China in 1937, Stalin responded by sending Soviet troops back into Mongolia. In the spring and summer of 1939 incidents along the Mongolian frontier turned into large-scale conflicts, the most important being the battle of Khalkhin-gol (Nomonkhan), in which a combined Soviet-Mongolian army defeated the Japanese and inflicted 55,000 casualties. Thus the value of Mongolia as a puppet state on the Soviet border and as a buffer against foreign attack was amply demonstrated to Stalin.

The relevance of this fact to the 1940's is clear. Stalin's policies at the end of World War II were motivated first and foremost by considerations of national security. The Soviet Union required a subservient Eastern Europe to act (like Mongolia in the 1930's) as *a cordon sanitaire* against the capitalist enemies of the socialist Fatherland. Certainly, the tactics of camouflage and gradualism which Stalin decreed for Eastern Europe in the 1940's were remarkably similar to those used in Outer Mongolia (see Steps 1-9, above) but were quite unlike the Bolshevik revolution or the futile attempts to foment revolutions in Europe from 1918 to 1923.

Finally, another interesting possibility deserving of mention is that the takeover of Outer Mongolia influenced Soviet policies in China in the 1920's. Soviet aid to the Kuomintang (Chinese Nationalist Party), including the dispatch of arms, Red Army officers, and political advisers (especially Mikhail Borodin) may have been based on Stalin's assumption that he could repeat in China what had been done in Outer Mongolia in 1921. In both instances Asian revolutionary nationalists asked the Soviets to give them military assistance in carrying out a revolution and seizing power. Since the Mongolian operation had been so successful, the Soviet leaders may have reasoned that they could stage a similar takeover in China by gaining control of the Chinese revolutionary movement. This was not to be, because in 1927 Chiang Kai-shek turned against his Communist allies and slaughtered them, thereby removing the Communists as a significant force from the Chinese political scene for many years.

There is some circumstantial evidence to link the Chinese revolution of 1926-1927 with Outer Mongolia. For example, it is known that Borodin was Urga on April 2-7, 1926, and that while there he talked with General Feng Yü-hsiang, one of the most important of the warlords involved in the Chinese revolution. Borodin's role was to supervise the Communist takeover of China, and since he is known to have had first-hand knowledge of Outer Mongolian affairs, this could have colored his choice of tactics in China. In addition, there were connections between Outer Mongolia and China through General Feng himself, who is reported to have spent about a year in Russia before returning to China in September, 1926. He received money and arms from the Soviets, and apparently promised to help support Soviet policy in China with regard to the revolution. Feng also co-operated for a time in moves designed to bring about the unification of Inner Mongolia (his center of power) with the Mongolian People's Republic, but he proved to be an unreliable ally of the Soviets, and Inner Mongolia remained a part of China.

THE SHAME OF COMMUNIST CHINA

Mr. HELMS. Mr. President, about 1 year ago I noticed something in the wind in Communist China.

First, a noted writer, who had spent 20 years in the Chinese Gulag, was named Culture Minister.

Then, Zhu Housze [Phon. Ju ho zuh], who had also suffered horribly, was named Communist Party propaganda chief.

Between the two of them they began to allow a sliver of fresh air into the cultural life on mainland China. And "sliver" is the right word. By our standards, it was indeed miniscule.

Now, Mr. President, I thought at the time that these moves were as phony as all the other so-called openness in Communist countries which the Western liberal press has trumpeted every so often for the past 70 years—since the Bolshevik Revolution of 1917.

But, out of charity, I held my peace. Anything that will make the lives of the oppressed people in Communist lands a little easier should be encouraged.

Mr. President, it was all a sham. Once again the unfortunate 1 billion prisoners of the Communists have had their hopes raised only to have them destroyed.

Academic freedom? The vice chancellor of an important university in central China has been expelled from his job, purged from the party and vilified by his nation's news media.

His crime? He had the audacity, Mr. President, to say that "men have rights." That's right. He had the temerity to declare that "men have rights." Can you imagine that?

What about freedom of the press? Censorship and control are being tightened according to the January 22 issue of the so-called People's Daily.

The right to petition the Government for redress of grievances? Sure, so long as you don't mind being beaten up by the secret police and spending the rest of your life at a dead end job in the Chinese equivalent of Siberia.

Freedom of thought and scientific inquiry? The president of the Chinese Academy of Sciences—fired. The vice president of the Chinese Academy of Sciences—fired.

Their crimes? Who knows? Maybe they suggested that Marxism wouldn't grow rice.

Remember Propaganda Chief Zhu? Out! Purged!

In Western religious practice, confession is thought to be an uplifting experience. Sinners who confess their sins are considered cleansed and welcomed back into society.

Not so in the Communist world. There, confession is associated with show trials and execution, denunciation and explusion.

That is why it is so ominous to see the self criticism of Party Chief Hu Yao Bang. It brings back all the nightmares of the so-called Cultural Revolution and other crimes the Communist Party has committed against ordinary Chinese people.

So my original intuition was right. It was all lies meant to deceive the Chinese people and the Western liberal press once again.

The Wall Street Journal is right, the Chinese Communist Party has dragged the country on a long, wretched march to nowhere.

Mr. President, it never ceases to amaze me how many times my liberal friends can fall for this trick.

Remember KGB Chief Andropov who briefly clawed his way to the top? He was a closet liberal, so the press would tell you. That will cause great shock to hundreds of people imprisoned for the crime of wishing to emigrate to Israel.

Where are the full page ads in the New York Times denouncing this latest assault on human rights in Communist China? Certain members of the academic community always seem to have the money for full page ads aimed at America's friends.

Where are the thundering editorials in the Washington Post? Again, they always seem to have space to criticize America's admirers and supporters.

You will not mind, Mr. President, if I do not hold my breath waiting.

Two benefits have come out of this latest sacrifice by the Chinese people.

First, there is an idea circulating at high levels of the State Department that the United States should press the strategic relationship with Communist China. Do we really want a strategic relationship with a group who is engaged in a public campaign against our most fundamental values?

Second, there is another idiotic idea circulating at the State Department. This is the idea that the United States should use its leverage to force the Republic of China to negotiate its future with the Communists. This latest assault on human rights in Communist China should put finished to that idea.

Finally, Mr. President, there is the very real tragedy of the Chinese students in the United States.

At any one time there are close to 20,000 Chinese students studying at our universities and institutions. Along with the latest way to combine DNA molecules, they are picking up a taste for freedom. They would not be human beings if they did not.

They had hopes that they could take at least some of these liberties back home with them. Clearly the Chinese Communist Party is telling them that even the most miniscule exercise of human rights is unwelcome and personally dangerous.

In spite of this, they are currently circulating a petition in New York expressing their concern over the crushing of human rights.

I would hope that the State Department would tell the Communists that if they have any hope of continuing to feed at the trough of American technological expertise, they will not enforce a campaign of retribution against the students when they return.

Mr. President, I ask unanimous consent that the Chinese students' letter as it appeared in the Wall Street Journal of January 23 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHINESE STUDENTS RESPOND

The following letter has been signed by 1,000 Chinese citizens who are studying in the U.S. More than 480 have allowed their names to be published in the U.S. Chinese-language press: the rest have requested anonymity. A copy of the document has been delivered to the Chinese government.

We, the Chinese studying abroad . . . are extremely concerned about the recent changes of the political situation in China. We fail to understand why, after the calming down of the student demonstrations, the Party Central Committee took a series of severe measures to remove Hu Yaobang, the party's secretary general, from his post and to adopt penalizing decisions against intellectuals such as Fang Lizhi, Liu Binyan, and Wang Ruowang. All these sudden changes cannot but cause our deep anxiety.

1. Hu Yaobang has made remarkable contributions in many areas since the downfall of the Gang of Four. He has supported the movement to liberalize people's ideas and thinking, helped redress the falsely and unjustly convicted cases left over during the past 30 years, played an important role in initiating the economic and political reforms, and contributed remarkably to the creation of the relaxed atmosphere in the fields of culture and ideology. We are shocked and deeply upset by his departure, which will greatly harm people's confidence in reforms and the four modernizations.

2. The punishment and criticism of Fang Lizhi, Liu Binyan and Wang Ruowang gives people, both at home and abroad, an impression that the historic tragedy is repeated in which intellectuals are attacked and liberal ideas are suppressed. It will destroy the confidence of the people, injure the reputation of the party and government in the minds of the people and interrupt the stability and consistency of China's policies. It will seriously tarnish the image of China in the world. In sum, it is neither conducive to unity and stability nor to the building of the system of democracy and the rule of law, even less so to the development of international economic cooperation and to the cause of the unification of China.

3. We see once again in the party's newspaper the old practice of criticizing people in an unreasonable manner by quoting people's opinions and views out of context. We feel the "ultra-leftist" practice of labeling people arbitrarily and finding faults with others has redominated the areas of communication, culture and ideology. We are deeply concerned about the prospect of the economic and political reforms of China.

We fear the recurrence of the political situation of the Cultural Revolution in which ruthless struggle and merciless criticism were rampant. The recent development . . . seriously violates the spirit of the constitutional rights such as the freedom of speech. If this continues, the economic and political reforms of China will be ruined.

On the nation's rise and fall, everyone shoulders a responsibility. We sincerely hope that the party and the government will persist in reforms, oppose retrogression, preserve the principle of the rule of law and avoid punishing people for voicing their opinions. A deep sense of mission for the future of our motherland has prompted us to write this letter to openly express our views to the party's Central Committee and State Council.

TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

Mr. HARKIN. Mr. President, I would like to take this opportunity to commend the distinguished Senator from North Dakota, Mr. BURDICK, for his swift action today to prevent a deferral by the administration of $28,559,000 from the Temporary Emergency Food Assistance Program, [TEFAP]. This program provides much needed funding for intrastate storage and distributions of USDA donated commodities, which feed millions of low-income and unemployed persons.

The proposed deferral amounts to a 57-percent cut in program funding, and would result in withdrawal by most States from the Temporary Emergency Food Assistance Program. In my home State of Iowa, our second quarter allocation would be cut by 30 percent and third and fourth quarter allocations would be eliminated. Total TEFAP funding for fiscal year 1987 would be cut from $508,000 to $218,000. Iowa simply could not continue to operate a TEFAP distribution system beyond March. And yet, if TEFAP is in effect eliminated, the Federal Government will continue to pay storage costs for commodities that will go unused, and eventually spoil.

The decision to defer funds was announced to States without warning and prior to receipt by Congress of a deferral message. As a result, many States have already put holds on shipments of commodities for March.

Further disruption of shipments in a program that relies heavily on local volunteers should not be tolerated; consistency and dependability are vital if a volunteer system—one this administration promotes—is to work. I hope that my colleagues will join me in support of full TEFAP funding, and again commend the Senator from North Dakota for his diligence in this matter.

Mr. President, I ask that a letter from the Iowa Department of Human Services be inserted for the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

IOWA DEPARTMENT OF HUMAN SERVICES,
Des Moines, IA, January 22, 1987.

Hon. LEON E. PANETTA,
U.S. Representative, Chairman, Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition of the House Committee on Agriculture, Longworth House Office Building Washington, DC.

DEAR REPRESENTATIVE PANETTA: Thank you for your efforts on behalf of the poor and hungry of the nation. To assist you in this effort I have enclosed a completed survey of the Temporary Emergency Food Assistance Program (TEFAP) as it operates in Iowa. Unless Congress takes immediate action to counter USDA plans, this information may be useful only as a historical record of a program which once existed.

Iowa received phone notification on Tuesday (yet to be confirmed in writing) from our USDA Food and Nutrition Regional Office that $28 of the $50 million appropriated for state to distribute TEFAP foods is being "deferred". In Iowa this means that our second quarter allocation will be cut by 30 percent and the third and fourth quarter allocations will be eliminated. Our total share of the TEFAP appropriation for FFY 87 will be cut from $508,000 to $218,000.

Without this money Iowa simply cannot continue to operate a TEFAP distribution system beyond March 1987. It would have been more fitting for USDA to announce this decision on December 7 * * * it is little more than a sneak attack upon the nation's poor and hungry. This decision came without warning and will quickly destroy the most efficient food distribution system the government has ever funded. Since the program's inception in January 1982, Iowa and most other states have painstakingly and deliberately put together systems which rely heavily upon local volunteers. Consistency and dependability make the volunteer systems work. The disruptive impact of this decision will destroy Iowa's ability to provide that consistency and dependability. Even if Congress is later able to reestablish the program, our creditability will be so damaged that reassembly of our volunteers will be difficult, if not impossible.

The timing of this decision leaves states little opportunity to develop alternatives. There is not time to find replacement funding sources nor to deliberately restructure/downsize the program to save what we can.

This "deferment" decision is more than a budget reduction effort; it is an attempt to do administratively what could not be done legislatively.

To summarize, Iowa in FY 86 distributed 16,655,000 pounds of food valued at almost $14,000,000 to 147,000 households or 382,000 individuals. This is 13 percent of the state's population. To accomplish this, Iowa received $581,000 in federal money (3.5 cents per pound) which was supplemented by $25,000 in state money and 126,291 volunteer hours valued at $423,000.

If USDA's deferment of TEFAP funds is not rescinded or nullified by Congress before the end of March the State of Iowa will be forced to curtail food distribution.

Even if funds are later restored, Iowa's volunteer system will be so damaged that costs will be increased and distribution frequency and coverage will be reduced. We will simply be unable to reestablish in short order, a system which has taken five years of deliberate effort to develop.

The fact that this decision was announced without warning is perhaps the hardest pill to swallow. The program will come to a swift and calamitous end. If it were possible to find alternate means or sources of financing or to deliberately change or scale back to provide a reduced level of service we will never know.

I would very much appreciate your forwarding the enclosed extra copy of this letter to Congressman Neal Smith. I will also be forwarding copies (along with your survey) to the remainder of Iowa's Congressional delegation.

Anything you can do to quickly (before March 31) block USDA's deferment of TEFAP funds will be much appreciated here in Iowa especially by the 382,000 individuals who receive food regularly through the program. Thank you again.

Please do not hesitate to call (515-281-5808) if you feel I can be of any further assistance.

Sincerely,
WILLIAM A. ARMSTRONG,
Chief, Bureau of Operations Analysis.

SENATOR WIRTH'S PRO-FARMER STANCE

Mr. HARKIN. Mr. President, an editorial in the January 8, 1987 issue of the Sterling, CO, Journal-Advocate commended Colorado's new U.S. Senator, TIM WIRTH, for his strong position and statements on behalf of the American family farmer. I join the Journal-Advocate in commending him.

Senator WIRTH keenly understands the present state of affairs in rural America. He has outlined several important steps which must be taken by our Government if we are to restore health to our agricultural economy and to one of this Nation's greatest assets—the family farmer.

The root of the crisis in rural America is a disastrous decline in farm income resulting from low commodity prices, combined with high interest rates, declining exports, and Federal monetary, fiscal and trade policies. All have worked to the detriment of the farmer.

The response of the Reagan administration to this problem has been abysmal. The 1985 farm bill is not working. It is busting taxpayers to the tune of $25 billion a year. It's hurting our farmers with more surpluses and lower prices. And it's destroying our small towns and small businesses across America.

The President now proposes an idea known as decoupling. This plan is basically a welfare program for farmers that would eventually phase out all farm programs by reducing target prices each year until the programs are virtually nonexistent. Such a plan would chart a course of disaster for our farmers.

Senator WIRTH, on the other hand, advocates a different course—the implementation of production controls. Limiting production would serve to eliminate the current grain surpluses and eventually increase farm income. In the previous Congress I introduced legislation mandating such controls, and I plan to introduce similar legislation in the near future.

Senator WIRTH has also outlined other steps that should be taken to restore rural America to prosperity, including a change in our national trade policies, backed up by diplomatic actions.

Senator WIRTH's statement that "America is ready to save the family farm" is indeed accurate. I am hopeful that the 100th Congress will move ahead, with the aid of new members such as the distinguished Senator from Colorado, to forge a new farm policy which will revive the rural economy and save our family farms.

I commend both Senator WIRTH and the Journal-Advocate for their pro-farmer stance, and I ask unanimous consent that this editorial be placed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WIRTH'S FARM MESSAGE MAY FIND COCKED EARS

Colorado's new U.S. Senator, Tim Wirth, has some encouraging words for Mr. Farmer. According to Wirth, Americans are ready to save the family farm.

That's not only good news for Mr. Farmer, its good news for everyone, including folks like us who live in rural America and prosper at the side of our farmer friends.

Wirth appears to be heeding the production control message delivered by farmers polled in last year's USDA survey. The majority of producers responding to that query said they would prefer some mandatory controls on their production if that meant a realistic profit margin.

The growers' reasoning appears sound.

For one, mandatory controls may cost the federal government far less to operate. Today, for instance, cooperating farmers are eligible through the Agricultural Stabilization and Conservation Service to receive deficiency payments and other financial support in exchange for reducing their production acreages. Under today's system, such support sees the government dole out several million in ASC payments on a per-county basis.

There are, at times, other drawbacks in the present, voluntary system. For instance, if the government's financial incentives aren't adequate, too few farmers will participate in the production control program. Because these non-participating farmers produce maximum crops, further glutting of the grain market can result.

Others argue that larger farming operations enjoy greater benefits from the farm program; its per-producer benefit ceiling of $250,000, and is the subject of a presidential budget proposal. President Reagan is asking for a new, $50,000 per producer limit be placed on farm program payments.

As valid as all this reasoning may appear, and as much as rural America requires lifesaving attention, the biggest step in rescuing Mr. Farmer will be in selling the American public on several important basics of farm economics.

Wirth outlined them well, and hopefully will be able to convince his urban legislative colleagues to adopt the same reasoning.

First, Congress and the administration must realize farm programs, alone, are not the answer.

Second, Congress and the administration should take a look at national trade policy. Farm commodities present an ideal solution to the trade deficit and are a renewable source of wealth.

Third, such amended and improved trade policies must be backed up diplomatically. Too many times in the past, farm producers have watched foreign markets evaporate when an administrative whim to enforce economic sanctions against another country result in lost buyers for corn, wheat and other U.S. farm products.

And, finally, at least for here, the government must remember to keep in place the services which assist rural America in its economic recovery. We need good roads, a realiable shipping industry, and dependable, low-cost energy.

These are some of the major points Wirth and other farm state senators ought to be making. We hope urban legislators cock an interested and understanding ear.

We tend to believe, for a very good reason, that Wirth's statement—America is ready to save the family farm—is an accurate assumption.

After all, a growing segment of our nation's population was brought up on the farm. They've been phoning home and know the troubles their hometowns and homesteads are up against. And, best for us, they're the same folks who voted for the senators Wirth will be speaking with.

It's time for all rural folks—urban and otherwise—to stand up for the family farm.

THE METRIC WORLD AROUND US

Mr. PELL. Mr. President, I would like to share with my colleagues an interesting article from this morning's Washington Post entitled, "Give 'em An Inch, They'll Take a Meter." This informative piece by writer Rick Greenberg details the extent to which the various aspects of everyday life in the United States have quietly adopted to the metric standard of measurement.

Despite a lack of publicity, literally hundreds of industries have converted to metric, helping to create an environment in which most Americans find themselves using the metric system without realizing that a conversion has taken place. To those of us who have advocated the metric system as a means of improving the competitiveness of U.S. industry, this is encouraging news indeed. The job, however, is far from over. Advances have been made, but our international trade position continues to suffer because of the failure of our Government to officially embrace the metric system and affirmatively support measures that would enable U.S. industries that are not metric to get on the road to conversion and reap the benefits of the untold millions of dollars that are lost annually from the failure to trade in metric products. Senator INOUYE and I will shortly introduce legislation to get our Government back on the path of promoting metric conversion and encouraging metric education. Such a renewed commitment on the part of the Government will help to redouble the rate of progress described in today's Washington Post article.

Mr. President, I ask unanimous consent that the full text of the article from the Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GIVE 'EM AN INCH, THEY'LL TAKE A METER

(By Rick Greenberg)

Check under the hood of your car. If it's fairly new, chances are the engine you're looking at is measured in cubic centimeters or liters. Most of the containers in your cupboard are marked with grams and liters, as well as pound and quarts. Nowadays, when you ask for a "fifth" at the liquor store, you get 750 milliliters of booze.

In short, reports of the metric system's demise have been exaggerated. On the contrary, metric is gradually making inroads into the American marketplace—a transition so slow and low-key that most of us are unaware of it.

"The general public thinks metric has had its day and that it's gone away," said Carl A. Beck, a vice chairman of the Washington-based American National Metric Council (ANMC). "But that's not so."

Indeed not. While the United States continues to define itself primarily by inches, pounds and degrees Fahrenheit, metric has made significant strides in business and industry. At last count (in 1979), 63 percent of the Fortune 1000 firms reported making at least one metrically dimensioned or labeled product. That output has grown since.

Meanwhile, the U.S. government, one of the nation's largest consumers of goods and services, is encouraging and, in some cases, mandating metric procurement.

The quiet, behind-the-scenes growth of metric contrasts with the hoopla of the mid-1970s when Congress declared a national policy of coordinating voluntary conversion to the new system. Some felt the switch would take no more than 10 years.

In short order, metric road signs sprouted. Gas could be pumped by the liter. Television and radio carried metric public service spots. The new system was endorsed by futurists, scorned by traditionalists and ignored by almost no one.

"It became the new religion," antimetric activist Seaver Leslie recalled.

Then something happened. On the heels of growing public backlash, metric gradually receded from view. The federal Metric Board was disbanded in 1982, barely four years after it first convened. Gas pumps reverted to gallons. Kilometers on road signs became a rarity. The metric movement went underground. The government, after having spent more than $20 million on the new system, backed off, abandoning its attempt at social engineering.

Instead, conversions have become private sector decisions made by profit-minded businessmen. Most hope to tap overseas markets, cut production and inventory costs or get a jump on competitors.

"Deep down, there's plenty of metric going on," said Alan S. Whelihan, a spokesman for the Department of Commerce's Office of Metric Programs (OMP). "It's just that it's not visible, and it's not being forced on people."

Unbeknownst to many motorists, the $100-billion-plus domestic automobile and truck industry has become almost completely metric. General Motors converted by late 1982, and the other major car makers are only slightly behind, according to the ANMC. In turning metric, the auto industry adopted the measurement system that prevails in 95 percent of the world outside the United States.

"We figured it would be a hell of a lot easier to become part of the world family," Al Rothenberg, a spokesman for the Motor Vehicle Manufacturers Association, said.

Most car components are measured in liters, millimeters, centimeters and other metric units. Nevertheless, automakers recognize that the metric system remains a mystery to most Americans. As a result, they still list the wheelbase, the overall length and the weight in inch-pound units. "Metric hasn't caught on with the motoring public any more than it has with the American people overall," Rothenberg explained.

Even its staunchest proponents concede that metric has been a popular washout. Hidden hardware may have changed, but the average citizen has virtually no contact with visibly metric things. Few of us are forced to "think metric," although the subject is taught in schools nationwide. The new system has had minimal cultural impact.

In an early 1986 survey of public attitudes, only 20 percent of the respondents said they have a good understanding of the system; 41 percent described their understanding as poor. Fifty-eight percent opposed metric conversion, and 36 percent supported it. That represents little change in public sentiment over the years. In a 1977 survey, 58 percent were opposed, and 28 percent registered support.

Yet most domestic grocery products now are labeled in both traditional and metric designations.

"It's a carryover from the '70s when the big push for metric was on," Allen Matthys of the National Food Processors Association said. "It was done on a voluntary, company-by-company basis, and it stayed."

Most soft drinks are marketed in liter, half-liter and two-liter plastic bottles. All wine and distilled spirits have been bottled in metric containers since 1980. But old ways die hard. Customers still routinely ask for a "fifth" instead of 750 milliliters and a pint instead of a 500-milliliter bottle, the Distilled Spirits Council reports.

Metric hand tools constitute about 25 percent of the market, a near tripling since the late 1970s. The fastener industry (nuts, bolts, screws, etc.) is about 15 percent metric, representing a "major thrust" over the past few years, according to the Fastener Distributors Association.

Conversion is well underway in the computer field. At IBM and Xerox, all new computer designs are either exclusively or mostly metric. Consumer electronics products have long been predominantly metric. Some articles of clothing carry metric markings. So do some major league ballparks (distances to the outfield walls are listed in meters as well as feet).

National Geographic Magazine began converting about eight years ago. Now it uses metric (or dual) units in about one-third of its articles and maps. The change has spawned some 500 letters of opposition, including 100 angry resignations from the National Georgraphic Society. A handful of people wrote in support.

"It was a case of shooting the messenger who brings bad news," National Geographic Editor Wilbur E. Garrett wrote in a June 1985 editorial.

Government procurement policies developed over the last few years have encouraged the transition by directing agencies to use metric items whenever feasible. The Department of Defense is preparing a full spectrum of metric specifications for major weapons systems.

"This is a recognition that going metric is inevitable, and it's best to take appropriate measures early," said Col. Tom Mansperger, the DOD's metric coordinator. Conversion would insure that weapons systems are compatible with those of our NATO allies.

The most ambitious metric project underway is the Army's LHX helicopter program, a $44 billion undertaking. Over the next 25 years, the DOD will produce a new generation of more than 5,000 helicopters, each built almost exclusively to metric specifications.

Elsewhere on the government drawing board, plans call for a mostly metric space station. The $8 billion first phase of the NASA project is slated for completion by the late 1990s.

Despite these and other advances, huge segments of our economy remain customary. (The share claimed by each of the two systems is not known; estimates vary widely.) Major household appliances are built to inch-pound specifications. So is furniture. U.S. real estate has yet to convert, and neither has the commercial civilian aerospace industry. The domestic design-construction industry is another holdout.

"Domestic [design and construction] firms have no contact with the metric system, no interest in it and an unbelievable disdain for the whole issue," G.T. Underwood, director of the OMP, told the publication Engineering Times.

Still, overt opposition has cooled over the years. Debate has given way to apathy, although prometric forces continue to grumble that government inaction has hindered change. Some favor deadlines to speed transition. Most forecasts foresee wholesale conversion in another decade or two.

"Time is on our side," says OMP's Whelihan. "Metric can't flop in this country. It's used more now than ever, and its use will increase. It's an historic change, like changing the language. We're not likely to see anything else like it in our lifetime."

But for Seaver Leslie, metric is a system whose time will never come. A 40-year-old artist from Wiscasset, Maine, he is chairman of Americans for Customary Weight and Measure. The group claims about 3,500 active members, including author Tom Wolfe. In 1981, the organization held an "Anti-Metrication Ball" in New York City which featured a "most beautiful foot" contest.

"It's immoral," Leslie said of metrication. "It's purposeless change; it's tampering with people's customs and tradition, their legacy. It's a way of rationalizing our culture that's already become too cold. There are so few things left in our world that keep us in harmony with nature."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PROPOSED DISAPPROVAL OF PAY INCREASES FOR CERTAIN FEDERAL OFFICERS AND EMPLOYEES

The PRESIDING OFFICER. Under the previous order, the hour of 1:30 p.m. having arrived, the Senate will now proceed to the consideration of Senate Joint Resolution 34, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res 34) disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government.

The Senate proceeded to consider the joint resolution.

Mr. WILSON. Mr. President, I ask unanimous consent that the privilege of the floor be granted to a member of my staff, Ira Goldman, during the pendency of Senate Joint Resolution 34.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I ask unanimous consent that a member of my staff, Kim Elliott, have the privilege of the floor during the debate on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask unanimous consent that two members of my staff, Mike Tongour and Terry Wooten, have the privilege of the floor during the consideration of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I ask unanimous consent that two members of my staff and one member of Senator STEVENS' staff have the privilege of the floor during the debate and votes on this matter: Len Weiss, Jane Jeter, and Jeff Landry.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, what is the pending order of business before the Senate?

The PRESIDING OFFICER. The pending business is Senate Joint Resolution 34.

Mr. GLENN. What is the title of that resolution?

The PRESIDING OFFICER. The title of the joint resolution is "Disapproving the Recommendations of the President Relating to the Rates of Pay of Certain Officers and Employees of the Federal Government."

Mr. GLENN. Mr. President, since the first Congress, the question of congressional pay has generated much passionate oratory. Today, the charge that "he voted to raise his own pay" still makes for good copy in election campaigns. And I think it is fair to say that no one here wants to take the abuse of voting for a salary increase.

The Constitution reads that, "The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law * * *." I am a big believer, of course, as we all are, in the Constitution, and I do not know how else our Nation's Founding Fathers might have written this provision. However, this process has never worked smoothly. In fact, the history of the compensation issue is valuable in understanding where we are today in the 100th Congress in grappling with this issue, this unpleasant issue.

If I were given my druthers, I would not be here on the floor managing this particular resolution, I can guarantee you that, but I am the chairman of the Governmental Affairs Committee to which this legislation gets referred. It was referred to our committee, but it was the leadership position that they wanted this brought to the floor within the 30-day limit. And so I was asked to floor manage the resolution even though the committee that I represent has not taken up all the aspects of this bill. But a resolution like this that is so fraught with political feelings on both sides is not something that we normally would pick to make an initial debut on on the floor in this new Congress.

Since the 1700's, Congress has gone for long periods without changing its salary and in certain instances has reversed itself on pay decisions. We can go clear back to 1816. In 1816, Congress voted for its first real wage adjustment, changing from a per diem payment to an annual salary. In 1817, it repealed this decision. It was almost four decades later, in 1856, before Congress voted again to establish an annual salary. In 1873, Congress voted to give itself a raise. In 1874, it voted to repeal this decision. This shows there was some attention being paid to the matter of congressional salaries even back in those days.

Gradually, Congress accepted the fact that it faced great difficulties in reaching any consensus on the compensation issue. The decision was just too sensitive and divisive. Therefore, Congress passed the Federal Salary Act of 1967 to create an independent nonpartisan commission, composed of private citizens, to review the salaries of high-level Federal employees, including Congress, on a periodic basis.

Now, they were supposed to take this thing out of the political arena, and now what we are dealing with today is putting it back in the political arena, which is exactly what we were trying to get away from.

The act's purpose was to allow Members to get away from the appearance of conflict of interest in having to decide their own salary levels as well as the unenviable political position, we are placed in.

The Federal Salary Act created the Commission on Executive, Legislative, and Judicial Salaries—also known as the Quadrennial Commission—to be convened every 4 years to review the salaries on top Government officials. Each Commission reports its findings to the President, who has the final voice in including pay raises as part of his budget plan. Twice, in 1969 and 1977, Congress has accepted raises under this procedure; twice it has not.

The first and second Quadrennial Commissions recommended that congressional pay be the same as circuit court judges and high-level Federal executives such as Deputy Cabinet Secretaries and agency heads. There was a principle behind this. The principle behind this idea of linkage is that compensation for each of the three equal branches of Government should be balanced. No one branch should be held down substantially below the other for comparable worth or comparable positions of authority.

In general, when Congress has declined to increase its own compensation, top-level officials in the executive and judicial branches have also been denied an increase.

Six Commissions have convened under the Federal Salary Act. Without exception, each Commission has concluded that pay for our Government's top policymakers substantially lags behind private-sector compensation; this shortfall portends serious recruitment and retention problems; and that significant pay increases are in order.

In his fiscal 1988 budget message, President Reagan says that his pay raise proposals are only a "first step" to restoring the loss of real earnings that senior Government officials have suffered since 1969. In his budget message, President Reagan says that we cannot "overcome the erosion or real income since 1969 * * * in one step" due to the "mandate to reduce the Federal deficit." Therefore, the President substantially reduced the salary recommendations of the Commission.

Complete salary parity between the highest level public and private executives is not necessary to attract fine people into Government service. No one claims that. However, our most senior Government officials have now suffered a 40-percent loss in real earning since 1969. Moreover, according to the Commission's most recent report, the compensation differential between top Federal officials and their private-sector counterparts was at its lowest in 1969, when employees in the private sector earned 37 percent more.

As the disparities between the public and private sector increase and the loss of purchasing power becomes more of a hardship, we need to think about the kind of people that Government will be able to attract.

We all recognize that it is not all money when you come into Government service or other compensation. There are satisfactions of a job well done, representing your constituents out there. But, as senior officials leave service, their replacements may increasingly come from the wealthy, the young, the inexperienced, and/or those without obligations. Anne Banning—the Director of Recruitment and Associate Director of White House Personnel—testified before the 1986 Commission, that this group of people "* * * the independently wealthy, the very young * * * increasingly constitute our candidate pool." And, the consequences of Government-private sector shortfall may be that our future executive, legislative, and judicial work force is less well balanced and representative of our population as a whole.

Putting the congressional pay proposal completely aside, I believe the salary issue for high-level career Federal employees is growing into a question of "Will we have a professional civil service in this country?"

We want this country to fight the war on cancer, but do we want to pay our Nation's best cancer researchers to work at the National Institutes of Health [NIH]? Over 85 percent of the physicians leaving NIH during the past 2 years have cited financial factors as their reason for leaving.

Do we want this Nation to continue to be a leader in space? NASA's headquarters executives' turnover rate was 45 percent from 1981 through 1984. That is pre-*Challenger*, obviously.

To demonstrate that 40 percent drop in real earnings cited by the Commission: In 1969, the Administrator of NASA earned $42,500 annually. Adjusted for inflation, that salary would be $131,533 today. NASA's current Administrator earns $75,100. If we translate that back into 1969 dollars, he is earning a salary that he really can go out and do something with of $25,236.

Robert Frosch—a friend of mine and Administrator of NASA from 1977 until 1981—explained his resignation to the 1980 Quadrennial Commission. He said:

> I have simply arrived at a point where I cannot have myself and my family in a government position.

The advantages of the private sector—with shorter work hours and better pay and benefits—are indisputably growing stronger. And, in certain instances, it is not only the private sector. As the 1986 Commission on Executive, Legislative and Judicial Salaries cited in its findings:

> A major metropolitan police chief or fire chief can earn $105,000 or more, while the director of the Federal Bureau of Investigations earns $77,400.
>
> Major metropolitan city managers can earn more than $100,000, while the Chairman of the Federal Trade Commission earns, $75,800.

Ironically, according to the Commission's report, the average civil service employee has done significantly better than senior level executives in maintaining his or her earning power. While other workers have lost some ground to inflation, none—except for our top Government policymakers—have dropped 40 percent.

Just as we have to ask the question of what kind of professional civil service will we have in the future, we also have to ask: "What kind of Federal judiciary will we have in the next generation?"

More judges have resigned from the Federal bench in the last 15 years than at any time in our Nation's history. In a survey done by the 1976 Quadrennial Commission, three-fourths of the former judges cited finances as the determining factor in their decision.

Today, entry level positions at major law firms customarily pay more than Federal appointments. Lawyers just graduating from law school are being paid as much or more than U.S. attorneys and judges in the U.S. Court of Claims and the U.S. Tax Court.

While we do not expect our Federal judges to be "average" in their judgment, integrity, and legal skills, they earn substantially less than many "average" lawyers according to the 1986 Commission report. No one thinks that Federal judges should be paid the salary of top-level lawyers—whether they are criminal lawyers that we hear about that get hundreds and hundreds of thousands of dollars per case, a Melvin Belli or Ed Williams, or those who are from the upper brackets. No one expects that the Federal judiciary should have that same kind of a salary. However, some measure of comparison with general private practice salaries seems in order. In 1985, the national average salary for a 50-year-old law firm partner was $164,000. That is 1985. I will repeat that. In 1985, the national average salary for a 50-year-old law firm partner was $164,000, and in larger cities, the median was $254,200.

On the issue of judicial salaries, the Commission quoted William M. Saxton, of Butzel, Long, Gust, Klein & Van Zile, in Detroit, MI:

> A lifetime salary of $78,700 is not a significant benefit in an economic environment where a successful lawyer is likely to be covered by a pension plan that pays from $80,000 to $90,000 in retirement income at age 65.

On the issue of retirement—it seems that there is much to keep in mind. We need to remember that we have substantially changed the Federal retirement benefits structure so that the old system's incentives and rewards for staying on the job just no longer apply. This is an important point because it used to be said while Federal pay was lower than in the private sector, employees made up for this loss in their retirement benefits.

There is another retirement concern that is more harmful. There is increasingly a life-after-government approach to public service where officials retire to high-paying private-sector jobs to recoup the financial losses of Government service.

This stepping-stone pattern is highly unsettling. In some respects; I guess this could be linked to the revolving door we complain about in the Pentagon. It is akin to that anyway. It is disturbing to think that individuals may be serving on regulatory bodies making decisions many, many, tens or hundreds of millions of dollars to private businesses, and to which they are planning to seek employment after they retire. And, it is my strong hope that this same pattern does not emerge with the Federal judiciary. The idea that nominees might accept Federal judgeships before retiring into private practice disrupts our whole concept of the judiciary. As the Commission's report reads:

> "Any suggestion that a judge may view the attorneys before him in a court not only as current advocates but also potential law partners would clearly do serious damage both to the integrity of the judiciary itself and to public confidence in its fairness.

I could not agree with that more.

This issue of "back-door" compensation is, I believe, increasingly viewed by the public as typical behavior. To the degree that people perceive this back-door access as reality, we will pay a huge price. Ultimately, it undermines this country's faith in government.

Mr. President, just as there is an undesirable conflict of interest issue in voting for a pay raise, there is also an undeniable conflict of interest in accepting high-paying honoraria and certain other financial opportunities. However, beyond any conflict of interest arguments, more fundamentally, and that is just fundamental, it is American, and as fundamental as anything can be, salaries should be commensurate with responsibilities. It should not be necessary for Government officials and Federal judges to exhaust their personal resources, go into debt or seek additional income in order to serve this Nation.

Since enactment of the Federal Salary Act of 1967, six commissions have met. Members of past commissions have included chief executive officers of major corporations, deans and presidents of universities, and other eminent Americans from a broad variety of fields. These individuals have been appointed by five different Presidents, five Presidents of the Senate, three Speakers of the House and two Chief Justices. Despite divergent membership, each commission has concluded that top Government officials are seriously underpaid; it is becoming more difficult to attract and retain the best people for top Government positions; and significant pay increases are necessary for the best Government.

Mr. President, I fully recognize that supporting any pay raise at all this year—or any year as far as that goes—is not politically popular.

I guess that is the understatement of the decade. But I do want to see highly talented people, people with integrity and purpose of thought in Government. I do not want to see what we can just get by with in Government. I do not want to see us go out for bargain-basement type of hunting people willing to serve because congressional salaries are above anything they could possible make anywhere else. We want the best people.

We are talking about a trillion-dollar budget here. We are talking about making decisions on hundreds of billions of dollars. We want the most qualified people, those with the most experience, those with the most education, experience in business, labor, management, government, to be in Government positions—to use their background and experience to make those decisions that can in the long-run save us far, far, far, manyfold over anything that this pay increase may cost. It is a long-term problem.

Can we all get by on what we are making here? Of course we can. We ran for it knowing full well what the salary schedule was. So we have no excuse. But I am very concerned about what happens in attracting the best and the brightest, the people who should be coming into Government who will not just because of the disparity in pay that is getting larger and larger. I want to see the brightest engineers, I want to see the brightest scientists working in public service, as many have in the past, because there is a feeling of working for the Government, working for our country that goes beyond any pay. We cannot expect that kind of inside compensation, if you will, to take the place of being able to take care of your family, educate them, and do the things that anyone wants to do and can do if they are in the private sector as opposed to Government.

(Mr. SIMON assumed the chair.)

Mr. President, a few more statistics here from a fact sheet that the Commission put together, the Commission on Executive, Legislative and Judicial Salaries.

One, more than 3,000 top U.S. Federal officials including Members of Congress, the Federal judiciary, and executive schedule administrators have received no salary increases as such since 1977 other than the sporadic cost-of-living adjustments—no salary increases in the last decade since 1977.

Second, cost of living has risen more than 226 percent since 1969. As a result, our most senior Government officials have suffered more than a 40-percent decline in real earnings. I gave an example a moment ago of the NASA Administrator, and how his salary compared with what it was back in those days.

Another: The pay differential between top Federal officials and their private sector counterparts was lowest in 1969 when private sector officials earned 37 percent more. Since then the annual compensation of chief executive officers has almost quintupled while the level 2 salary has increased by a nominal 77 percent.

Another one: Had top salaries kept pace with the Consumer Price Index, Cabinet members would today earn almost $180,000. Had top salaries kept pace with salary increases given to the average Government schedule employee, Cabinet members would earn about $150,000 today. In 1969 the administrator of the National—this is a repeat of some figures that I gave earlier but I will repeat them again because I think they are impressive—Aeronautics and Space Administration earned $42,500. That salary adjusted for inflation would be $131,533 today. The actual current salary, $75,100 has the real dollar value in 1969 dollars of $25,236. In 1985, the Secretary of Labor earned $88,000, while national and international union presidents earned an average of $101,850. That is in 1985; Secretary of Labor, $88,000; international union presidents, an average of $101,850.

Major metropolitan police chiefs and fire chiefs can earn $105,000 while the Director of the FBI earns $77,400. Major metropolitan city managers can earn more than $100,000 while the Chairman of the Federal Trade Commission earns $75,800.

Those are just some examples out of the fact sheet.

Mr. President, I would like to quote a few more passages from the Commission report. They start off with a premise on page 2 of their report that I think bears repeating here. They start off by saying:

> Financial compensation is becoming a strong negative factor in our ability to attract and retain our best people for the Congress, the federal bench and our executive agencies, despite the great emotional and intellectual rewards and satisfaction which come from public service.

Let me interject into that. There are great rewards. But we should not expect those to be the only rewards. The committee report goes on.

> While we can all appreciate the substantial financial sacrifices many have been willing to make in order to serve, our democracy is strengthened when public service is an option even for those with modest means and family responsibilities.
>
> Moreover, it should not be a necessary condition for those so employed to exhaust their own personal resources, go into debt or seek other income sources in order to be able to serve.
>
> The commission does recognize that parity between the highest level public and private executives is neither necessary nor practical.

I agree with that.

> However, as the disparities increase and the sacrifice from loss of purchasing power becomes an economic hardship, it has and will become increasingly more difficult to attract to and retain in these top leadership positions the best and the brightest people this county can offer.

That is really at the nub of what we are talking about today.

Further, in a later section of the Commission report called the executive summary, they state:

> The interim commission agrees with all past quadrennial commissions that the low salaries paid to the Nation's highest ranking public servants constitutes a serious national concern. Over the last 17 years the problem has worsened significantly. Aside from infrequent cost-of-living adjustments totaling 31 percent, the country's top Federal officials, around 3,000 persons, including Senators and Representatives, the Federal judiciary and executive schedule administrators, have received no salary increases since 1977.

A further quote:

> Our most senior Government officials have suffered more than a 40 percent decline in purchasing power since 1969. The gap between top level public salaries and salaries in the private sector continues to increase. The pay differential between top Federal officials and their counterparts in the private sector came closest in February 1969, a gap of some 37 percent. Since then this gap has grown enormously.
>
> The loss of purchasing power, and the widening of the salary gap versus all other sectors of society, make it more difficult to attract and retain the highest-caliber individuals in top level public positions.
>
> Significant salary increases for top Federal officials are essential to restore this unintended pay cut and move toward more realistic compensation for those with the most responsible jobs in Government.
>
> Both principle and pragmatism prescribe these adjustments. To do less is to risk beyond all reason the quality of our Government's most precious asset, its leadership.

One of their recommendations says:

> We recognize that our recommendations represent substantial percentage increases.

This was what the original Commission proposal was.

> We recognize that our recommendations represent substantial percentage increases. However, it should be kept in mind that over the last 15 years the Consumer Price Index has increased over 200 percent. During this period, most other wage earners have more or less kept pace with the cost of living, while top Federal officials have seen their purchasing power steadily decline. Adjusted to current dollars our recommendations fall entirely within the range suggested by past commissions.

Out of the section in their report entitled "Twin Concerns, Pay Erosion and Pay Disparity," there is one quote I would like to enter into the RECORD also. That is under "Public and Private Sector Pay Disparity."

> The commission has already stated that we do not expect to see the "pay of Government CEO's" and others in our purview equal that of corporate CEO's—despite the often greater responsibilities, much larger budgets and staffs those in Government have to manage. But, neither can these same salaries by absurdly low. The Government must become at least marginally competitive with the private sector to be able to attract and retain the brightest and the best. If top level Government services means both leaving high-paying private sector positions and accepting a salary so low that even minimum family obligations cannot be met, we will see the pool of talents for senior Government positions evaporate.

I think they are right.

In the appendix they referred particularly to the judicial branch and stated:

> The Framers of the Constitution intended judicial appointees to serve for a lifetime. The twin guarantees of life tenure and no dimunition of compensation were designed to secure the total independence sought by the Founding Fathers for the judiciary. Neither guarantee is secure today. Erosion of judicial pay breaches faith with the Constitution.
>
> The commission is concerned that judicial independence is under siege. The decline in the purchasing power of judicial salaries, combined with the fact that such substantially higher earnings are common in the private sector, is beginning to undermine the very concept and reality of lifetime judicial appointments. Scores of people are now considering "career changes" out of, not into, the Federal judiciary.

The Chief Justice has indicated that more people have gone out of the Federal judiciary, district judges, in the last 15 years than has happened in the whole history of this Nation of ours.

Mr. President, under the legislative branch, which is the subject of our debate here today, or our discussion here today, the commission had some words on that that I think are worthy to read into the RECORD also.

> The question of congressional pay has generated much heated debate throughout history. Since the first Congress sat, the subject has elicited, as Congressman Morris K. Udall put it, "more selfrighteousness and more passionate oratory and more posturing and more nonsense * * * than almost any other subject."
>
> Today Representatives and Senators are paid $75,100. Some feel that a pay check of twice or even three times that earned by many of their constituents is something of an embarrassment, and many Members are understandably wary of voting an increase. It has always been that way.
>
> Since the Constitution mandated that "The Senators and Representatives shall receive a compensation for their services, to be ascertained by law * * * Senators and Representatives appear to have been inherently unable to set adequate and rational levels of compensation.
>
> Each attempt to raise pay was met by a public outcry and many in Congress simply refused to vote any pay increase at all. Over 100 years ago, the pattern had emerged. When Congress voted a pay increase from $5,000 to $7,000 in 1873, it was denounced as a "salary grab," as "plunder seized," and the decision was quickly rescinded.
>
> The problem of remuneration became endemic. Today, the charge that "He voted to raise his own pay" is still good copy for election campaign commercials and thus makes many politicians understandably wary. In an attempt to circumvent the dilemma, Congressional pay has been linked to that of top level executive officials and the senior ranks of the judiciary in the hope of seeing congressional salaries rise with them.
>
> In fact, the reverse has been the case. Pay linkage has not overcome congressional reluctance to vote a pay raise for top officials, including themselves. In simple terms Congress has been unwilling to take the abuse for voting itself a salary increase. Instead, it has arbitrarily suppressed all top-level executive and judicial salaries in hopes that the

pressure would eventually build to such a degree that like the "rising tide that lifts all boats" it could no longer effectively hold back other branches and affected salaries would increase.

Since 1967 and the establishment of the Quadrennial Commission system, Congress has reacted to the President's recommendations by allowing increases pursuant to Quadrennial Commission procedures only twice, in 1969 and 1977. All top Government officials have suffered as a result.

After a raise to $42,500 in 1969, there were no increases until 1975, despite a rise in the cost of living of over 50 percent. Today's salary—

Which they list at $75,100, rather than $77,400—

represents an increase less than ½ the rise in the cost of living during the same period. Seventy-seven percent versus 224 percent.

A profile of those serving in Congress shows that most enter in their early 40's, while the average age of a Congressman is around 50 years. Most are married and have children. The typical Senator or Representative is therefore middle aged, with family responsibilities, maintaining two homes.

Some might feel little sympathy for the financial position in which politicans may find themselves. Some former Members have been able to obtain lucrative positions on corporate boards, in law offices, and with special interest groups, as a "reward" for their service to the Nation.

However, the lure of the private sector is getting stronger, and being felt earlier. Although the call to public service and, in the words of one Member, the chance "to do good" leads most Members to try to remain in public service, the benefits of the private sector are becoming increasingly more attractive.

The large and growing gap between congressional pay and private sector salaries is more evident now than ever.

The hidden stresses and strains of life in Congress have been well covered by the media. The New York Times featured Representative Daniel Lungren and his family in May 1986 in an article it called "Down and A Little Out on $75,000 a Year."

As Representative Lungren said, "We are doing fine on a day-to-day basis. My concern is that I'm not able to prepare for the future the way I should." He has three children between the ages of 9 and 12 years.

In this situation, the incentive to increase income by a variety of means is strong. The attractions of high paying honoraria and apparently lucrative investments—with the potential for perceived or possible conflict of interest—is in part a consequence of inadequate congressional pay. To the extent that such "back-door" compensation may approach the norm, or is even publicly perceived to be the norm, the integrity of its elected representatives is undermined and the country's faith in the democratic process is diminished.

Under the executive branch, the Commission has concluded as follows:

This Commission has concluded that present executive level salaries are in no way commensurate with the responsibilities of the positions held. It is not unreasonable to expect the compensation of those to whom we entrust the highest responsibilities and authority in government to bear some reasonable relationship to those received by their peers in the private sector.

What do top government officials sacrifice to serve in government? At what point does that sacrifice become too great? What forces them to leave public service? Why are more individuals asking not to be considered for appointments?

The enormous disparity between public and private sector executive pay is obvious. The gap is so wide one might wonder why anyone would serve in government; and so wide it makes one wonder with renewed respect at the even more significant contribution many of our top public servants make in serving their nation.

The data are compelling. Our top government officials have lost over 40 percent in purchasing power since 1969, and in recent years, the trends are disheartening.

Public-private salary discrepancies at the executive level are at an all-time high. A study done by the Hay Group for the Commission shows that since 1969 the gap between public and private sector executive pay has widened so dramatically that an increase of over 90 percent would be necessary to bring Level II executives back into their 1970 relationship with private corporate executives.

One question addressed here, too, is this question of linkage. The Commission states:

Congressional salaries have historically been placed a little under those of Cabinet Secretaries. The First and Second Quadrennial Commissions recommended that congressional pay should be the same as that of Level II executives and circuit court judges.

There are two schools of thought about such "linkage". In practical terms, it has arbitrarily depressed the pay of judges and executives simply because Congress found it politically unpalatable to raise its own salaries; it has capped the salaries for several thousand senior career officials in the Senior Executive Service and General Schedule. Congress has been reluctant to break that linkage with the other two branches of government in the hope of generating enough political and public support for across-the-board salary increases.

Others see linkage more as a matter of principle. The Constitution has built a framework which balances the three equal branches of government. Compensation for each of the three branches should also be balanced. Lower pay for Congressmen may risk implying lesser status to Congress than to the highest ranks of the judicial or executive branches.

The Founding Fathers intended Members of Congress to be equal to the other branches in status, prestige, ability and integrity. Setting Congress adrift on the pay issue is politically impractical and will not serve the national interest well. Therefore, we have concluded that parity between Level II, Congress and judges on the Circuit Court is important and should be maintained. However if Congress is unable to muster the courage to raise its own pay, it is better to limit the unfairness thereby caused and not impose inadequate pay levels on the two other branches, thus compounding the harm to our government and our country.

Mr. President, that lays out about all aspects of this question, I think, from a side which I obviously favor. That is that we approve this pay riase, the one the President recommended to us—not the larger one that the Commission recommended to us.

I am sure a lot of people wish to speak on this. I do not plan to debate the issue a whole lot further. I hope we can move through this today, get people on the floor. I hope those watching in their offices will get to the floor if they do have statements to make on this. We want to get this through if we possibly can today.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise in support of Senate Joint Resolution 34, a resolution I introduced to disallow salary increases for Members of Congress, high-level Federal officials, and Federal judges. I am pleased that this legislation, which is cosponsored by 17 of my distinguished colleagues, has received strong, bipartisan support.

Today, our national debt exceeds $2 trillion. The Congressional Budget Office estimates that nearly $170 billion was added to this already huge national debt in the last fiscal year. Stated simply, it is not the appropriate time for Members of Congress to vote ourselves or any other high-level public servants a pay raise.

Last year, I sponsored legislation to provide a constitutional amendment to balance the Federal budget. Sixty-six Senators voted in favor of that legislation. Gramm-Rudman-Hollings, which passed overwhelmingly in the 99th Congress, provides a statutory mandate for a balanced budget. These votes clearly reflect the mandate of the American people to have their representatives balance the Federal budget. I believe this salary increase proposal is contrary to that sound fiscal policy.

Not surprisingly, the overwhelming majority of the citizens of this country oppose these pay increases. They know that our economy is burdened by a national debt in excess of $2 trillion.

They are legitimately concerned about the effects of the budget crisis on our economy. We should not ignore these concerns. To the contrary, our vote today in favor of this resolution should set the standard for our future efforts to balance the Federal budget.

We must not forget that in the interest of deficit reduction, Social Security recipients were given only a 1.3-percent increase last year, the lowest in history. We have asked those on Social Security, military retirement, and others, to take small cost of living increases. We have told them that they must take less because the money is simply not available. Yet, we consider giving ourselves a 16-percent salary increase. There is no rational justification for such action. During this critical time when we are trying to reduce Government spending, we must not ask those relying on fixed incomes determined by this Government to accept less while we take more.

The average family in the United States earns $27,735 per year. The proposed pay increase would raise congressional salaries $12,100 per year. For Cabinet officers, the increase is $10,700 per year. District court judges would be paid an additional $9,300 per year. Few Americans understand the need for these large increases when they have to struggle to make ends meet on salaries much lower than ours.

After having served 32 years in the Senate, I am very much aware that Members of Congress have substantial responsibilities. All Members of this distinguished body are deeply committed to the States they serve and the people they represent. To be effective, long-working hours, which separate us from our families, are expected. We make difficult decisions daily. We deserve fair compensation, and I am fully aware of arguments in favor of these salary increases. However, we should not consider increasing our compensation until such time as we fulfill our responsibility to the American people to balance the Federal budget. At some future time when we have achieved that goal, it would be more appropriate to examine this issue.

The President's budget request includes proposed salary increases for Federal judges and certain high-level Federal officials. As chairman of the Senate Judiciary Committee from 1981 until this year, I have had the opportunity to meet many members of the Federal judiciary. These Federal judges are men and women of the highest integrity and professional ability. The Federal judicial system could not function without the enormous personal commitment of the members of the Federal bench.

Federal judges shoulder great responsibility and must routinely make difficult decisions which affect the lives of the litigants before them. Their contributions to our Nation are recognized and appreciated. Accordingly, I understand the merits of increasing compensation for the Federal judiciary. Notwithstanding the contributions of Federal judges, high-level Federal officials, and Members of Congress, I cannot overlook the larger problem of the massive Federal deficit.

In closing, we are the leadership of this country. With our huge national debt, it is imperative that we set the example. The budget deficit cannot be alleviated unless the Federal Government spends less. There is no magical formula to stop run-away spending. Spending less is the only way. The effort to alleviate the budget deficit must begin at the top. The American taxpayers expect us to "bite the bullet." We cannot ask the people of this country to set an example if we fail to do so ourselves. With this vote, let us send a clear, strong message to the American public that we, as leaders of this country, will initiate and continue the fight to reduce the budget deficit, by refusing to spend more on ourselves and other high-level officials until we take adequate steps to balance the Federal budget. I strongly urge my colleagues to vote in favor of this resolution of disapproval.

Mr. KASTEN. Mr. President, I rise today in strong opposition to the congressional pay raise and in support of Senate Joint Resolution 34, of the Senator from South Carolina. I am proud that I was one of the original cosponsors of the Senate joint resolution which would overturn the pay raise.

Now is not the time for Congress to give itself a raise. We should be fighting to reduce Federal spending. Now is not the time for us to ask for a pay raise, not when we are asking American people to tighten their own belts. And now is not the time to raise our own pay. What we should be doing is reinforcing our resolve to get a handle on Federal spending.

Mr. President, we have set ourselves firmly on the path of deficit reduction with the Gramm-Rudman-Hollings proposal and we must not weaken that commitment to seek a balanced Federal budget.

I am pleased that today this debate is going on and we have the opportunity to make our stand known on this issue by voting on the record. I urge my colleagues to join with me in sending a message home to the people of Wisconsin and all across the country that we are serious about controlling congressional spending. Let us vote this pay raise down.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I, too, along with my colleague, the Senator from Wisconsin, rise in support of the legislation offered by the Senator from South Carolina, and that is disapproval of the congressional pay raise. I believe that Members of Congress cannot lecture their constituents on the need for deficit reduction and then turn right around and vote for such a massive salary increase. Back home, oftentimes our actions speak louder than our words.

The central question we have to consider is do the people of our country think we deserve a higher salary. In these times of massive budget deficits, the answer is "No." Maybe not just because of the budget deficits but obviously that has a great deal to do with it. We are now on the road of a Gramm-Rudman commitment to balance the budget by 1991. I believe the people of this Nation at that time would applaud Congress for its accomplishment of balancing the budget and might be more than willing to reward us for accomplishing that goal.

In addition to supporting Senator THURMOND's resolution of disapproval, I want to bring to my colleagues' attention another piece of legislation that I cosponsored along this same line. It deals with a peripheral issue of a pay raise—more importantly, how a pay raise ought to be brought about, whether it ought to be done the way that we are now doing it, which means that by February 5 it will go into effect unless Congress votes this resolution of disapproval, or whether it ought to be the other way around, whether or not Congress should in the first instance before there is any chance of a pay raise actually vote up or down, approval or disapproval of that pay raise.

Mr. President, at this time I call my colleagues' attention to S. 309. It requires that both Houses of Congress vote on a pay raise within 30 days of its submission. The raise, as I said, cannot go into effect unless Congress votes yes or not. There is a 30-day limit in this legislation so that Congress cannot dodge its responsibility by including a pay raise in an omnibus spending bill at the end of the session.

Congress is responsible for voting on any other increase in Federal expenditures. Increase or not, there is not a dollar that can be spent unless Congress votes for it. We are accountable to the voters for our decisions to increase or decrease almost every item in the budget. There is no reason why Congress should be able to duck its responsibilities on this pay raise issue.

Mr. President, maybe we can learn something from history. It was during the Great Depression that Congress cut its pay by 10 percent, to set an example for other Government agencies whose budgets had to be cut at that time.

Given the size of the Federal budget deficit, it is not asking too much to require Congress to have a rollcall vote on Federal pay raises. So I encourage my colleagues to vote for Senator THURMOND's resolution of disapproval, but also to consider, beyond that, S. 309, and change the basic law by which a pay raise is decided, so that no pay raise in the future will ever go into effect through the back door but will have to be done through the front door, where the entire country will be watching.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 5

(Purpose: To disapprove the recommendations of the President relating to rates of pay of Members of Congress and certain other officers and employees of the Federal Government, to prescribe rates of pay for Members of Congress and certain such officers and employees, and to prohibit the acceptance of honoraria by Members of Congress)

Mr. WEICKER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. WEICKER] proposes an amendment numbered 5.

Mr. WEICKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

That (a) the recommendations of the President relating to the following rates of pay, as included, pursuant to section 225(h) of the Federal Salary Act of 1967, in the budget transmitted to Congress for the fiscal year ending September 30, 1988, are disapproved and shall not take effect:

(1) the rates of pay for Senators, Members of the House of Representatives (including the Resident Commissioner from Puerto Rico), the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and the House of Representatives.

(2) The rates of pay under the Executive Schedule pursuant to subchapter II of chapter 53 of title 5, United States Code.

(3) The rates of pay for positions referred to in the table set out in subsection (b).

(b) Effective on the first day of the first applicable pay period that begins on or after February 4, 1987, the annual rate of pay for a position referred to in the following table shall be the amount specified in the table opposite that position:

Position:	*Annual rate of pay*
Vice President of the United States	$154,000
Position in level I of the Executive Schedule	140,800
Position in level II of the Executive Schedule	120,000
Position in level III of the Executive Schedule	114,400
Position in level IV of the Executive Schedule	105,600
Position in level V of the Executive Schedule	96,800
Speaker of the House of Representatives	154,000
The President Pro Tempore of the Senate, Majority Leader and Minority Leader of the Senate, and Majority Leader and Minority Leader of the House of Representatives	140,800
Senators, Members of the House of Representatives, Delegates to the House of Representatives, the Resident Commissioner from Puerto Rico and the Comptroller General	120,000
Director of the Congressional Budget Office, Deputy Comptroller General of the United States, Librarian of Congress, and the Architect of the Capitol	114,400
Deputy Director of the Congressional Budget Office, Public Printer, General Counsel of the General Accounting Office, Deputy Librarian of Congress, and the Assistant Architect of the Capitol	105,600
Chief Justice of the United States Supreme Court	154,000
Associate Justice of the United States Supreme Court	145,200
Judges:	
Circuit Court of Appeals	120,000
Court of Military Appeals	120,000
United States District Courts	114,400
Court of International Trade.	114,400
Tax Court of the United States	114,400
United States Claims Court	114,400
Special Trial Judges of the Tax Court	114,400
Bankruptcy Judges	105,600
Director of the Administrative Office of the United States Courts	114,400
Deputy Director of the Administrative Office of the United States Courts	105,600
United States Magistrates (full-time) (maximum)	96,800

SEC. 2. (a) For the purposes of this section—

(1) "honorarium" means a payment of money or anything of value to a Member for an appearance, speech, or article, by the Member; but there shall not be taken into account for the purposes of this section any actual and necessary travel expenses, incurred by the Member, and spouse or an aide to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed;

(2) "Member" means a United States Senator, a Member of the House of Representatives, a Delegate to the House of Representatives, or the Resident Commissioner from Puerto Rico; and

(3) "travel expenses" means with respect to a Member, and spouse or an aide, the cost of transportation, and the cost of lodging and meals while away from his or her residence or the metropolitan area of Washington, District of Columbia.

(b) Notwithstanding any other provision of law, on and after the date of enactment of this Act, a Member shall not accept honoraria.

(c) Section 908 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1) is repealed.

Mr. WEICKER. Mr. President, let me briefly explain what this amendment does. It establishes an annual rate of pay for a U.S. Senator at $120,000. It establishes the annual rate of pay for members of the executive and judicial branches at 88 percent of the recommendation of the Commission on Federal Pay, as contained in its December 15, 1986, report.

It prohibits a U.S. Senator from earning honoraria. It defines honoraria as a payment of money or anything of value for an appearance, speech, or article.

It allows for the receipt of actual and necessary travel expenses for Senators while away from the Washington, DC, area.

It becomes effective on February 4, 1987.

Mr. President, I am not here to engage in a round of demagoguery with my colleagues, whatever side of the issue they care to take. I am here, first of all, to say that the recommendations which have been made on pay have not been made in a self-serving way by Members of the U.S. Senate or by Members of the U.S. House of Representatives or, indeed, by any other political group, but, rather, by the Commission to which I have referred.

I think it might be of value now to place in the RECORD exactly who served on that Commission:

Appointed by the President: Chairman, James L. Ferguson, chairman and chief executive officer of General Foods Corp.; vice chairman, C. Todd Conover, former Comptroller of the Currency; Edwin L. Harper, senior vice president—finance and chief financial officer of Campbell Soup Co.

Appointed by the President of the Senate: Russell W. Meyer, Jr., chairman and chief executive officer of Cessna Aircraft Corp.; Esther L. Coopersmith, publisher of Spur Magazine.

Appointed by the Speaker of the House of Representives: John J. Creedon, president and chief executive officer of Metropolitan Life Insurance Co.; John E. Lyle of Johnson, Wurzer & Westmoreland.

Appointed by the Chief Justice of the Supreme Court: James T. Lynn, chairman of Aetna Life & Casualty Co.; Robert L. Clare, Jr., of Shearman & Sterling.

That indicates the caliber of the Commission—not a commission composed of politicians, not a commission composed of professional Republicans or Democrats, Senators or Members of the House, but, rather, a commission composed of some of the top lawyers and financial business minds in this Nation.

As is known, the Commission's recommendation for the salary of a Member of the U.S. Senate was $135,000.

It probably would have been better, in terms of my amendment, to strictly follow the Commission's recommendation without any variation. I took a slightly smaller figure—88 percent—and applied it across the board to members of the bench and the other branches of Government.

I think it is an important point to note that in advocating a salary of $120,000, without honoraria, the salary figure in my amendment is less than the figure which will come to pass by virtue of the President's recommendation with honoraria. The President's recommended salary plus the maximum allowable honoraria comes to $125,300. My recommendation is $120,000, period. The Commission's salary recommendation with the maximum allowable honoraria would come to $189,000.

So the issue really before us is whether or not our salaries should be paid in total by the taxpayers of the United States or whether or not they should be paid for in part by the taxpayers of the United States and in part by special interests.

I will personalize this point. I am not interested in any finger pointing exercise. Over the past few years—this would include 1984 and 1985—I earned my salary as a U.S. Senator and the remainder of my salary was paid for by the following:

Boston University School of Law, American Business Conference, Flexible Packaging Association, National Association of Americans of Asian Indian Descent, American Jewish Committee, National Association of Small Business Investment Companies, State of Israel Bonds, Morgan Stanley PAC, Public Interest Law Center of Philadelphia, IBM, College of the Virgin Islands, Association of Independent Corrugated Converters, Kent & O'Connor, Parents Speak Out, American Portrait II of CBS, United Jewish Appeal, U.S. Tobacco, Heublein, American Public Transit Association, and so forth.

Under the President's pay proposal, we will have the basic Senate salary paid for by all the taxpayers, and then the remainder will be picked up, as I indicated, by the type of special interest groups that paid me honoraria. Most Senators have different groups that are paying those honoraria. Does that make everybody feel comfortable?

There is no reason to think that, in any manner, shape, or form, there is anything illegal about the honoraria. But it seems to me that it certainly is not the type of circumstance which creates the greatest confidence on the part of those who govern or those who are governed.

The reason this salary situation has reached the point it has is that the demagoguery that attaches to salary increases has been voluminous, high pitched, and emotional, completely disguising the basic facts involved in this situation.

How is it, in other words, that the public is satisfied to sit by while general tax moneys take care of a good portion of the salary and private interests take care of the other aspect of our salaries?

This is nonsense. This is a corruption waiting to happen.

We go through all these perambulations and contortions insofar as salary is concerned, rather than just going the straight route, the route that is on top of the table for everyone to see and the route where the money comes from all of the taxpayers of the United States.

Sometime this corruption waiting to happen will occur, and then we will enact some convoluted law to make sure it will not happen again. Well the opportunity is right here, right now. A salary recommendation has been made by an outside group. Let's accept it. Let all the taxpayers be responsible for the salary and eliminate this business of honoraria. It is wrong.

That, in essence, Mr. President, and that in its entirety, is this proposal. There is nothing further to say about it.

It is a $120,000 salary, for Senators which is 88 percent of $135,000 recommended, by the Commission with the same proportion for all the other positions of Government, and it is a proposal to do away once and for all, with this business of honoraria.

Mr. President, since the time of Madison and Jefferson, establishment of congressional salaries has been an exercise in futility. It is a process in which the legislative branch of the Federal Government has shown itself to be hypocritical at worst, disorderly at best. Raises have been given and rescinded in the same year. At various times, Congress has set limits on outside earned income and then removed the restriction. We have capped honoraria and conversely, we have allowed unrestricted collection of fees for speeches and articles. This inconsistency regarding congressional compensation has reached a critical point; many of the best qualified men and women do not even consider public service, and many others leave because they cannot afford to stay.

Mr. President, if one looks beyond the political posturing framing this issue you find the startling facts of the matter. The 1985 Report by the Commission on Executive Legislative and Judicial Salaries, headed by our former colleague, Nicholas Brady, found that the purchasing power of corporate executives' pay increased by 68.5 percent between 1969 and 1984; meanwhile Members of Congress have experienced a 39-percent decrease in purchasing power during that same timeframe. The 1986 Commission report points out that between 1969 and 1975, the salary of a Member of Congress represents an increase of less than one-half of the Government-calculated cost-of-living increases during the same timeframe. No wonder qualified people with families to support decline to run for Congress.

Well, my amendment would resolve much of this dilemma. By compensating Senators fairly and by eliminating honoraria, we would assure the American people that their elected representatives are not beholden to special interest groups for 30 or 40 percent of their salaries. This amendment would mean that Senators would not have to travel the countryside annually in search of a decent standard of living from the pockets of special interest groups.

Second, I am not trying to make anyone rich, nor bankrupt anyone with this amendment. I am simply saying, let's pay ourselves a decent wage, from one source—the Federal Treasury. Let's set a pay scale—since it is our obligation under the U.S. Constitution—will encourage men and women from all financial walks of life to serve as U.S. Senators or Members of the House of Representatives, to seek Government careers and to strive to become Federal judges.

I have no apologies for myself or for my 99 colleagues, nor for the Federal Civil or Executive Service. This is a quality group of hard-working and honorable people with whom I am privileged to serve. Fair and sensible compensation is not self-serving to this body, but rather an extension of public service. In fact, I am reminded of the comments of former Congressman Ben Johnson of Kentucky, who said in 1925:

> If my constituents should say that I am not worth $10,000 a year here, then my answer to them is, send somebody who is.

Mr. WEICKER. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered.

Mr. WEICKER. Mr. President, it is my understanding that it is the desire of the leadership and managers of the bill that these votes be postponed for the time being; is that correct?

Mr. GLENN. We had no agreement on that.

Mr. WEICKER. I will withhold the suggestion of the absence of a quorum.

I will suggest the absence of a quorum after I get through speaking.

In any event, I expect the same thing is going to happen to my amendment this time as happened several years ago, that it will go crashing down in defeat. And everyone will go back and cheer about this being a blow for good government, and that Senator WEICKER's amendment was defeated, without mentioning the fact that this is a matter that goes to the integrity of this body.

My amendment, if adopted, would mean that we do not get paid by anybody else but the taxpayers of the United States of America. That is the essence of this proposal. I think it deserves the thoughtful consideration of each Member of this body.

Unless someone else appears to speak, I will suggest the absence of a quorum at this time, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, if it is the desire on the part of any Senator to speak on this amendment, we said we will give them a chance to do so. If there is not, then I move to table the amendment.

Mr. WEICKER. Mr. President, I ask for 1 minute. I yielded the floor because of an accommodation of the manager.

The PRESIDING OFFICER. We have a motion to table. Does the Senator from South Carolina wish to withhold?

Mr. GLENN. Will the Senator withhold temporarily?

Mr. THURMOND. I am pleased to withhold temporarily.

Mr. GLENN. I say to the distinguished floor manager on this side we agreed with the leadership to let them know before any votes start. I think there is a question of some other Members being present or not.

I would like to check with the leadership. We can put in a temporary quorum call if you will not object to that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I do not think there is any subject that we ever address that is more difficult than our own pay. I can certainly say in my 8 years in Congress there has been no issue that I more dreaded facing, debating, and voting on than this issue.

Unfortunately, because of procedures set up 20 years ago, we find ourselves in the position of having a recommendation made on Federal pay which we must address. A recommendation is made every 4 years under permanent law, concerning the pay of Cabinet and sub-Cabinet officers, the pay of Federal judges, and the pay of Congress.

The President has substantially reduced that recommendation and sent to Congress a proposal to raise the pay of officers of all three branches of Government.

I am not going to debate, Mr. President, the merits of the issue. The bottom line is that for a myriad of reasons, the major one being congressional action since 1969, the real wage of Members of Congress has declined by 40 percent. Now the Members of this body can debate whether or not they are 40 percent less valuable than the people who stood in their places in 1969. I came to the Senate following a great Senator and perhaps there are those who might make that argument. But I suspect that argument is not valid for most Members of this body.

But the issue here, Mr. President, is not one of merit. The issue here is one of leading through example. I intend to vote against the pay raise. I intend to vote to veto the President's pay increase proposal on one and only one issue, and it is not the issue of whether Congress should continue to make 40 percent less than it did in 1969. I do not think anyone is going to argue that position. But the bottom line, it seems to me, is this:

If you are going to lead, you have to set the example. We have committed ourselves over the next 5 years to control Federal spending, to try to balance the budget, and for this reason we are calling on all the beneficiaries of the Federal Government to tighten their belts. I submit that under those circumstances leading by example requires us to vote this pay raise down.

I, therefore, intend to vote against the pay raise.

The question, it seems to me, is not whether or not we should raise our pay. I submit that the Senate will decide not to raise our pay. The question is what do we do about the other two branches of Government? We must lead by example. But it is not a choice that they can make.

I intend to support the amendment that will be offered by the Senator from California, Senator WILSON. That amendment would give the pay raise to the Federal judges and to the Cabinet and sub-Cabinet positions of the Government.

I remind my colleagues of the point that was put in the RECORD by the distinguished Senator from Ohio which addresses exactly this concern. When the Commission had looked at this pay proposal, recognized the difficulty that Congress faces in terms of having committed to move toward a balanced budget and, at the same time, facing the prospects of a substantial pay increase, they said, and I quote again: "* * * if Congress is unable to muster the courage to raise its own pay"—and I would alter that by saying if Congress deems it necessary to set the example in a period of fiscal austerity—"it is better to limit the unfairness thereby caused and not impose inadequate pay levels on the other two branches. * * *"

Mr. President, I have worked hard in my 2 years in the Senate to find qualified people to serve on the Federal bench. I had a new Federal judge approved last year who is 33 years old. He was the No. 1 student in his law class, an outstanding legal scholar, who clearly has great potential to make money in the marketplace. He has decided to dedicate his life to Federal service and the judiciary.

I am concerned that, if we continue to let the pay of Federal judges lag, 10 years from now that young judge may see those who were second, third, or fourth in his class making three or four times as much money as he makes and he may decide to leave the Federal bench.

I do not think that is wise public policy. I think it is vitally important that we have the best qualified people on the Federal bench.

Given the paradox we face—a substantial decline in real wages and yet the necessity for us as Members of Congress to lead by example—I think the prudent course of action is to turn down the pay raise for Congress but to give it to the other two branches of Government. I think that is especially important in terms of the judiciary.

I think the Wilson amendment gives us that opportunity. I hope, when that amendment is offered, that our colleagues will listen to it carefully and decide that it is the prudent course of action. Obviously, if that amendment fails and the choice is between the pending resolution and no action, I will vote for the pending joint resolution.

I believe that, under the current circumstances, leadership by example requires us to vote down our pay raise. But I think prudence dictates that while we should lead by example, it is foolish policy to allow the pay of our Federal judges to degenerate to such a state that we have less than the best legal minds that our society can train and generate, that we have young people who refuse to be considered for the Federal bench, and that we have quality people leave the Federal service. I think we can reach an accommodation between leadership by example and prudent public policy and I think the Wilson amendment gives us that opportunity.

I yield the floor.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER (Mr. DIXON). The Senator from New Hampshire.

Mr. HUMPHREY. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HUMPHREY. Is there an amendment pending?

The PRESIDING OFFICER. There is an amendment pending, I advise the Senator from New Hampshire, that has been offered by the Senator from Connecticut.

Mr. HUMPHREY. Is there some agreement to defer a vote on the amendment?

The **PRESIDING OFFICER.** There is no agreement at the pending time, I say to the Senator from New Hampshire.

Mr. HUMPHREY. Well, it is in order, nonetheless, to speak to the bill at this time?

The **PRESIDING OFFICER.** The Senator is correct.

The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, there is an old saying, "You can't tell the players without a program." And it seems to me there are not only players involved here but there is a little game going on that the viewers might be interested in knowing about.

The Senate, thanks to the leadership of the majority leader, is soon going to be voting on a joint resolution of a disapproval with respect to the pay raise. And I commend the majority leader and likewise the Republican leader and thank them for giving the Senate a clear-cut opportunity to vote up or down on the pay raise. I think that is commendable under the circumstances. It is above board.

Unfortunately, it would appear that in the House, the leadership of that body is equally committed to avoiding a vote. There has been no public statement, no commitment, no public commitment to bring this matter to a vote in the House. I think that is regrettable and even reprehensible. So this little game that is going on involves a willingness on the part of the Senate to confront this thing one way or another publicly and on the record and, on the other hand, in the House a willingness and a determination to keep the matter from coming to a vote.

As I said, I am grateful to the majority leader and to the Republican leader for giving us in this body an opportunity to vote up or down on the issue. But let me make the point that a freestanding resolution, which is what is before us, can be ignored, completely ignored, by the House, and no doubt that is what will happen. So in a very real, concrete sense, what we are doing here, or are about to do one way or the other, is going to be meaningless because it will be ignored by the House under this silly new law by which the Congress can receive a pay raise without having to vote on it affirmatively.

Both Houses must vote to overrule a Presidential pay raise recommendation. And so if the House does nothing, which is what the House obviously prefers to do, then anything the Senate does is moot. If, for instance, we vote in favor of the resolution of disapproval, more than likely that will be the end of it. The House will do nothing and the pay raise will go into effect automatically.

What would be superior to a freestanding resolution is an amendment to a bill coming from the House, which bill the House considers to be sufficiently important so that if we amend it with a resolution of disapproval and send that bill back to the House, the House has to deal in some fashion with this resolution of disapproval. And, as a matter of fact, I am contemplating offering such an amendment to the bill transferring money to the benefit of homeless persons, on which I think we will be acting shortly.

I recognize that will in a way be a second vote on this issue. But let me point out again, it will be the only vote that will force the House to, in turn, vote publicly on the pay raise issue.

Now, as to the joint resolution before us, Mr. President, it seems to me that there are a number of questions to resolve. The first question is: Do Members of Congress deserve a pay raise? That is a judgmental question and I am not going to argue that question. I think the answer to that is obvious when you look at, for instance, the dismal performance on the budget last year. But I am not going to argue that. I will leave that to Members. I will leave that to our constituents.

Certainly, in the long run, a more important question is this: Is this new mechanism for raising the pay of Members of Congress constitutional? That is a weighty question and it seems to me it has gotten lost in the shuffle. It is a most important question on an enduring basis, no question, but it is the most important question in this debate.

I believe this new mechanism is unconstitutional and I believe that unless Senators vote in favor of this joint resolution of disapproval, they will be in a way endorsing an unconstitutional means of raising the pay of Members of Congress.

We cannot just say, "Well, let us wait for the courts to rule." And, indeed, there is a suit pending, because I am one of the plaintiffs. We cannot, as Members of Congress say, "Let us leave the enforcement of the Constitution wholly up to the courts." We have a responsibility, as well. And, if Members think this new mechanism is unconstitutional, as I suggest they should, then they ought to vote for this joint resolution of disapproval as a way of cutting off this new method of raising the pay, at least on this occasion, and registering an opinion against the unconstitutional nature of this new mechanism.

Mr. President, article I, section 6 of the Constitution states in the plainest possible terms that the salaries of Members of Congress must be "ascertained by law."

That means both Houses must vote affirmatively and openly to fix their compensation. It does not mean, and it surely was never meant to mean, that Members of Congress can acquiesce in a generous pay raise, or even a niggardly pay raise, for that matter, by passing the buck to the President and receiving pay raises automatically unless the Congress, each body, overrules such a pay raise.

Mr. President, surely it was never meant in writing the Constitution—when this provision was written—that salaries of Members of Congress must be ascertained by law. It was never meant, surely, that Members of Congress could get a pay raise merely by sitting on their hands. But that is precisely how this new mechanism works. Unless both bodies vote against this pay raise it goes in effect. Clearly the House leadership at least intends to sit upon their hands and letting this new pay raise go into effect. It is unconstitutional. We have an obligation to enforce the Constitution. I think that is the most important element in this debate.

Mr. President, I ask unanimous consent that the complaint for declaratory and injunctive relief filed as the suit to which I alluded a moment ago challenging the constitutionality of this law be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Senator Gordon J. Humphrey, Room 531, Hart Senate Office Building, Washington, DC 20510; Representative Robert C. Smith, Room 115, Cannon House Office Building, Washington, DC 20515; and The National Taxpayers Union, 713 Maryland Avenue, NE, Washington, DC 20002, Plaintiffs,

v.

James A. Baker III, Secretary of the Treasury, 15th and Pennsylvania Avenue, NW, Washington, DC 20220; Walter Stewart, Secretary of the U.S. Senate, S-221, U.S. Capitol, Washington, DC 20510; and Jack Russ, Sergeant-at-Arms of the United States, House of Representatives, H-124, U.S. Capitol, Washington, DC 20515, Defendants

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs Senator Gordon J. Humphrey, Representative Robert C. Smith, and the National Taxpayers Union (on behalf of its 150,000 taxpayer members) hereby complain of Defendants James A Baker III, Walter Stewart, and Jack Russ, and allege as follows:

I. INTRODUCTION

1. This is an action (1) to declare that the procedure established by 2 U.S.C. 358-359 for determining the compensation of Members of Congress (a) violates the Article I, Section 6 requirement that the salaries of Members of Congress be "ascertained by Law," (b) violates the principle of separation of powers inherent in Articles I, II, and III, (c) constitutes an unconstitutional delegation of authority from the Congress to the President, and (d) is non-severable from the procedure for determining the compen-

sation of other officers under those provisions of law; and (2) to enjoin the Defendants from making any salary payments to Members of Congress or Legislative, Judicial, or Executive Branch officers which include any increase in pay enacted through the procedure established by 2 U.S.C. 358-359.

2. This action arises under Article I of the Constitution of the United States (including Section 6, Clause 1, and Section 8, Clause 1), and under 2 U.S.C. 358-359. Jurisdiction is proper under 28 U.S.C. 1331.

II. PARTIES

3. Plaintiff Gordon J. Humphrey is a United States Senator representing the State of New Hampshire. Plaintiff Robert C. Smith is a Member of Congress representing the First District of New Hampshire. Plaintiffs Humphrey and Smith are hereinafter referred to a "Congressional Plaintiffs."

4. Plaintiff National Taxpayers Union ("NTU") represents approximately 150,000 taxpayers who have an interest in this action, including certain taxpayers who are constituents of Congressional Plaintiffs.

5. The Defendants are the Executive and Legislative Branch officers charged with disbursing salary increases enacted through the procedure established by 2 U.S.C. 358-359.

III. BACKGROUND

6. Article I, Section 6 of the Constitution provides that "(t)he Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States." The contemporaneous meaning of the expression "ascertained by law," and the declared intent of the Framers, was that Members of Congress were to fix their own salaries with certainty, constrained only by the accountability imposed by the electoral process. For 200 years, this constitutional "ascertainment" requirement was fully and faithfully exercised.

7. Through the enactment of 2 U.S.C., Chapter 11, Congress established a Commission on Executive, Legislative, and Judicial Salaries ("Commission"), whose principal purpose was to "recommend to the President "the appropriate pay levels and relationships between and among" the senior offices of government. Chapter 11 also delegated authority to the President to propose changes in salary levels for Members of Congress and other top level officers of the three branches. From 1967 to 1985, these proposed changes could be prevented through a majority vote of disapproval by either House of Congress. In addition, from 1977 to 1985, each House was required to vote on any such proposals, with Members individually recording their votes, within 60 days after the President submitted his proposal.

8. Each year prior to 1983, Congress enacted an appropriations bill providing necessary funding for Congressional pay. This offered the Congress an additional check on the President's exercise of his delegated power over Members' compensation under 2 U.S.C., Chapter 31. Beginning in 1983, under a new statute (Pub.L. 97-51, sec. 130(c) 96 Stat. 966), Congressional compensation has been paid from a permanent appropriation for that purpose. This ensures that sufficient funds will be available to support any level of compensation proposed by the President, and reduces still further the Congress' control over its Members' salaries.

9. In 1985, 2 U.S.C. Chapter 11 was amended, and Presidential proposals for salary changes were authorized to become effective after 30 days from the time they are proposed, unless Congress enacts a joint resolution of disapproval in the intervening period. For the first time, therefore, the disapproval of just one House of Congress—or the disapproval of both Houses, but by majorities insufficient to override a Presidential veto—is insufficient to prevent a Presidential pay proposal from being effective. Moreover, neither House is now required to vote on any such proposals. In this respect, the procedure authorized by 2 U.S.C. 258-359 makes a striking departure from the prescription for legislative action set forth in Article I, Section 7.

10. Under 2 U.S.C., Chapter 11, as amended, the compensation levels for Members of Congress which are proposed by the President may be whatever he "deems advisable." As a consequence, the increase in Congressional compensation—and the increase in compensation for Legislative, Judicial, and Executive Branch officers—proposed by the President on January 5, 1987, were submitted pursuant to no legislative standards.

11. On December 15, 1986, the Commission submitted its mandated salary review, as required by U.S.C. Chapter 11. It recommended very substantial increases in compensation for all officers subject to its review, although acknowledging that "(i)n spite of our statutory mandate, the Commission has had insufficient time to analyze and review the appropriateness of the 'relationship between and among' the respective positions covered by its mandate."

12. On December 31, 1986, Congressional Plaintiffs' pay was $75,100 per annum. On January 1, they received a $2,300 (3.1%) inflation adjustment, bringing their salary to $77,400 per annum. On January 5, 1987, and pursuant to 2 U.S.C. 358-359, as amended, the President submitted to Congress a proposal to raise all Members' pay, including pay for Congressional Plaintiffs, by an additional $12,100 per annum (15.6%), resulting in a new annual salary of $89,500. This amounts to an overall salary increase of $14,400, including the inflation adjustment, or 19.2% above the 1986 salary base.

13. The President offered Members of Congress a larger percentage pay increase (15.6%) than almost all officers of the Judicial and Executive Branches. For others in the Legislative Branch, the proposed increases range from 10.2% (Librarian of Congress) to 15.6% (Comptroller General). For the Judicial Branch, the proposed increases range from 2.6% (Associate Justices of the Supreme Court) to 14.0% (Claims Court Judges). For the Executive Branch, they range from 2.4% (Level V officers) to 15.6% (Level II officers). In all cases, these proposals are in addition to the 3.1% inflation adjustment of January 1, 1987.

14. This percentage pay raise advantage for Members of Congress substantially alters the salary relationships between Members and top officers of other branches. Presently, Members of Congress earn 4.6% less than District Court judges; under the President's proposal, the Members will earn exactly the same compensation as the judges. Presently, the Speaker of the House earns 6.0% less than Associate Justices of the Supreme Court; under the President's proposal, the Speaker will earn 5.5% more than the Justices. These and other substantial changes in the salary relationships between Members of Congress and officers of the three branches were made despite the Commission's admission that it had "insufficient time to analyze and review" these relationships.

15. Congressional Plaintiffs do not believe such substantial pay raises for Members of Congress are justified or in the best interests of the constituents who elected them. They believe the January 1, 1987, compensation levels and salary relationships to be adequate, in light of the nation's present economic circumstances and the government's present fiscal circumstances.

IV. INJURY

A. Injury to Congressional Plaintiffs

1. Injury to Congressional Plaintiffs through Impairment of Their Opportunity to Vote and Reduced Efficaciousness of Their Legislative Powers

16. Because of 2 U.S.C. 358-359, as amended, Congressional Plaintiffs have been prevented from performing a specific legislative duty expressly mandated by the Constitution.

17. Absent the procedures established when the Congress amended 2 U.S.C. 358-359 in 1985, Congressional Plaintiffs would have a full opportunity to participate, through their votes, in the setting of their own pay—and, in the present case, to pursue legislative actions in opposition to a pay increase. However, the procedure established by 2 U.S.C. 359 creates significant new procedural burdens facing Congressional Plaintiffs: (1) The 30-day time limit, coming in this case during the first month of a new Congress, creates unusual pressure for prompt legislative action; and (2) a vote need not be taken by either House of Congress, so the proposed pay raise can take effect without either or both of Congressional Plaintiffs having the opportunity to vote against it. Therefore, their ability to vote on the setting of their own compensation has been significantly impaired.

18. Absent the procedure established by 2 U.S.C. 358-359, as amended, any proposed change in Congressional compensation could be defeated by a majority vote in either House of Congress. To defeat a change in Congressional compensation proposed by the President pursuant to 2 U.S.C. 358-359, as amended, majority votes in both Houses of Congress would be required. In the event of a subsequent presidential veto, two-thirds majorities in both Houses would be necessary to defeat such a proposal. As a consequence, the individual votes of Congressional Plaintiffs have been rendered less efficacious.

19. Through 2 U.S.C. 358-359, an amended, Congress has granted the President unprecedented power to increase (or reduce) the salaries of Members of Congress, including Congressional Plaintiffs, and to alter the salary relationships among officers of the Legislative, Judicial, and Executive Branches. On January 5, 1987, he exercised this power—on this occasion, to the advantage of Members of Congress. This delegation of authority over Congressional compensation gives a President the ability to reward or penalize Members of Congress, and thereby influence the legislative process in a manner which violates the principle of separation of powers inherent in the compensation clauses of the Constitution (Article I, Section 6, Clause 1; Article II, Section 1, Clause 7; and Article III, Section 1).

2. Other Injury to Congressional Plaintiffs

20. Because of 2 U.S.C. 358-359, as amended, some of Congressional Plaintiffs' constituents will likely hold them responsible

for the Congressional pay increase merely as a consequence of their incumbency. Therefore, as a direct result of this interference with legislative accountability to constituents, Congressional Plaintiffs will suffer injury to reputation, and could ultimately suffer loss of political office.

21. Through 2 U.S.C. 358-359, the President has the power to propose reductions in salary for Members of Congress, or to alter the salary relationships among Legislative, Judicial, and Executive officers to the disadvantage of Members of Congress. To prevent a President from imposing these reductions, a two-thirds majority in both Houses would be required (assuming a Presidential veto of a Congressional Resolution of disapproval). If exercised in an unjustifiable manner, this Presidential power could result in economic injury to Members of Congress, including Congressional Plaintiffs.

B. Injury to Taxpayers

22. This action is brought to enjoin an exercise of legislative power under the taxing and spending clause (Article I, Section 8, Clause 1), and the challenged statute exceeds a specific constitutional limitation imposed upon the exercise of this power: The requirement that the amount to be spent on Congressional compensation be "ascertained by Law."

23. The Presidential proposal for a Congressional pay raise is itself expensive and will impose economic burdens and injuries upon taxpayers. Moreover, this proposal is part of a larger scheme for increasing senior-level salaries throughout the government. This scheme, taken as a whole, is very expensive and imposes substantial economic burdens and injuries upon taxpayers. Moreover, the pay increases enacted pursuant to this scheme will increase the likelihood that middle- and lower-ranking government employees will demand and receive similar increases in compensation, imposing additional economic burdens and injuries upon taxpayers.

V. CAUSES OF ACTION

A. First Cause of Action

24. The procedure established by 2 U.S.C. 358-359 for determining the compensation of Members of Congress violates the requirement of Article I, Section 6, that the salaries of Members of Congress be "ascertained by Law," and thereby constitutes an unconstitutional delegation of authority from the Congress to the President.

B. Second Cause of Action

25. Paragraphs 1 though 22 above are realleged and reasserted as if stated in full.

26. The procedure established by 2 U.S.C. 358-359 for determining the compensation of Members of Congress violates the principle of separation of powers inherent in the compensaton clauses of Articles I, II, and III, and thereby constitutes an unconstitutional delegation of authority from the Congress to the President.

C. Third Cause of Action

27. Paragraphs 1 through 22 above are realleged and reasserted as if stated in full.

28. The procedure established by 2 U.S.C. 358-359 for determining the compensation of Members of Congress has no legislative standards whatsoever to guide and confine a Presidential exercise of delegated authority, either in fixing Members' salaries or in altering their salary relationships with Legislative, Judicial, or Executive Officers. This procedure thereby violates the constitutional requirements for delegation of authority from the Congress to the President.

VI. NON-SEVERABILITY OF THE CHALLENGED STATUTE

29. The challenged statutory provisions (the procedure established by 2 U.S.C. 358-359, as amended, for setting Congressional compensation) are central to 2 U.S.C., Chapter II—a legislative effort to link congressional pay to pay in the Executive and Judicial Branches. The Congress would not have enacted the 1985 amendments to 2 U.S.C. 358-359, had the new procedure been drafted to apply only to Executive and Judicial Branch compensation, and not Congressional compensation. Therefore, the Congressional element of the challenged provisions must be deemed nonseverable, the entire procedure voided, and all pay rate increases proposed by the President on January 5, 1987, declared null and void.

VII. DECLARATORY AND INJUNCTIVE RELIEF

30. In the absence of declaratory and injunctive relief from this Court, and notwithstanding the constitutional defects in the procedure used to enact the pay raises for Members of Congress, the Defendants will begin, on or after February 5, 1987, to issue salary checks reflecting these unconstitutional pay raises.

Wherefore, plaintiffs pray that this Court:

1. Declare that 2 U.S.C. 358-359 does not meet constitutional requirements, that its unconstitutional provisions are non-severable, and that any and all increases in compensation rates enacted through its procedure are null and void.

2. Enjoin the Defendants, beginning on the date of final judgment in this action, from issuing or delivering any salary payments to Members of Congress or Legislative, Judicial, or Executive officers which include any increase in pay enacted through the procedure established by 2 U.S.C. 358-359;

3. Grant to Plaintiffs their reasonable costs and attorneys fees; and

4. Grant such other and further relief as justice may require.

Respectively submitted,
William A. Strauss,
D.C. Bar No. 318782,
William C. Lane,
D.C. Bar No. 184127,
Attorneys for Plaintiffs, 713 Maryland Avenue, NE, Washington, DC 20002 (202) 543-1300.

Mr. HUMPHREY. Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair for recognizing me.

Mr. President, I wonder if I might pose a question to the distinguished Senator from South Carolina and/or the distinguished majority leader? The question relates to several allusions on this floor today that the House will not act, whatever the Senate does with respect to the pending resolution. Does the distinguished majority leader have any information from the Speaker or anyone else on the House side?

Mr. BYRD. The House has gone out for today. So it could not act.

Mr. HELMS. I understand that. But the deadline is next Thursday. Is that correct?

Mr. BYRD. I think the deadline of 30 days expires at the hour of midnight on the third.

Mr. HELMS. Surely the House will be back by Tuesday.

Mr. BYRD. Yes; the Senator asked me if the House would act today.

Mr. HELMS. I did not specify today in my question.

Mr. BYRD. I beg the Senator's pardon. I misunderstood him. They are out. I believe they are out until Tuesday. They are at least out for the remainder of this week.

Mr. HELMS. Could I ask my friend if he has discussed this matter at all with the Speaker?

Mr. BYRD. Yes; I told him we would take up the resolution today.

Mr. HELMS. I do not want to ask the leader to confide in me anything I am not supposed to know. But did the Speaker indicate the House is not going to act on the resolution of disapproval at all?

Mr. BYRD. I will not divulge a private conversation that I may have had with the Senator from North Carolina, and I will not divulge a private conversation with the Speaker of the House of Representatives.

Mr. HELMS. OK. Well, I think I prefaced it by saying I did not want the distinguished Democratic leader to discuss anything that was of a private nature.

Mr. BYRD. The able Senator did say that.

Mr. HELMS. Of course this is sort of a public nature, too.

Mr. BYRD. It is. Yes. It is of a public nature. The Senator is within his right to ask me the question.

Mr. HELMS. The Senator is within his right not to answer me.

Mr. BYRD. It is not a matter of my right. I am asserting here that if I have a private conversation with Mr. Dole, or any other Member of the Congress, I would rather not divulge that.

Mr. HELMS. I am trying to find out whether the House is going to do anything or not.

Mr. BYRD. I can say they are not going to be in session the rest of this week. We hope to vote today on the resolution.

Mr. HELMS. Yes. I thank the Senator.

Mr. BYRD. I thank my friend.

Mr. HELMS. I admire his protection of the confidentiality of conversations.

Mr. BYRD. I try to do that. I thank the distinguished Senator.

Mr. HELMS. He and I have had that experience from time to time. I admire the Senator in that regard.

Mr. BYRD. I thank the Senator. I may disagree with the Senator on something, but I do try to keep my commitments to him or anyone else. I also want to maintain comity with the House of Representatives. I have to work with the leadership there. It is up to the Speaker to state what he will do or will not do. Unless he tells me I can say something, then I am not free to do so.

Mr. HELMS. Let me make one more run at this matter to my friend from West Virginia who was born in North Carolina.

Mr. BYRD. The motto of which State it is "To be rather than to seem."

Mr. HELMS. Yes. Esse Quam Videri. The Senator is right.

Suppose there should be an opportunity to wager on the possibility of the House acting on the resolution of disapproval before the deadline early next week. How would the Senator advise me to bet?

[Laughter.]

I do not ask him to disclose anything of a confidential nature with the Speaker.

Mr. BYRD. I understand. Well, I can recall a quotation from Shakespeare on that point. I can recall at the moment that he did say, "Neither a borrower nor a lender be; For loan oft loses both itself and friend, And borrowing dulls the edge of husbandry."

He did not say anything that I recall about wagering. I do not wager. I learned when I was growing up that I did not have money to throw away. Nickels came pretty hard. I am sure the Senator from North Carolina found it the same way.

If I was able to get a bottle of pop a year—they called it a bottle of pop, Coca-Cola or something else—I was pretty lucky. An ice cream cone cost 5 cents. I could go to the store for the lady next door and she would give me a nickel, and I recall on one occasion buying a cone of ice cream, talking to someone, and the cone tipped, the ice cream dropped on the ground, and I made up my mind then and there that I would eat all of the ice cream I could eat if I lived to be a man and had a few nickels to spare.

So I do not wager. Why do I not wager? Because I might lose my nickels.

So my suggestion to the distinguished Senator would be that he not wager on this matter. He may not win any money, but he certainly will save his own.

Mr. HELMS. My father made the same suggestion, I might say. He put a little more oomph behind it. He flatly said "Do not bet." I do not. So I join the Senator in not being a wagering man.

Nonetheless, I would like to know the prospects of what the House intends to do or not do on this automatic pay raise issue. The Senator has been very helpful. I appreciate it.

Mr. President, let me now pay my respects to the distinguished Senator from South Carolina [Mr. THURMOND] for reintroducing the joint resolution of disapproval, and for bringing it up for a vote today. I have the honor of being a principal cosponsor of the pending resolution.

I thank the Senator from South Carolina for his labors in that regard.

Mr. President, a pay increase for Members of Congress, House and Senate is a controversial issue and rightly so. The vast majority of Americans will, after all, have to furnish the money. They will be taxed to pay for this increase. The vast majority make nowhere near as much money as their Senators and Congressmen.

We hear all sorts of platitudes and explanations, and talk about how difficult it is to survive in Washington, DC, on current congressional salaries. Mr. President, that does not wash. I daresay that there has never been a man or woman elected to either the House or the Senate who was not aware of what the pay would be.

But because this issue is so controversial, if you look back through the history of it, the Congress has engaged in a real copout. Congress created a scheme under which Members of Congress and Federal workers can receive an automatic pay increase without a vote. We do not have to stick our heads up, just stand silent and do what, it is reported, the House is going to do—let opposition to the automatic pay increase die a quiet, painless death.

Then, when constitutents complain, every Senator and every House Member can say with a straight face, "Well, I had nothing to do with that. I would never have voted for such a thing."

That, I say again, is a copout.

Senator THURMOND and I, and many of our distinguished colleagues, want the Senate to vote on this matter. But more importantly this Senator would like to have assurance that the House of Representatives is not going to cop out. I want it clearly understood after the Senate votes today, and I think the Senate will support Senator THURMOND's and my resolution of disapproval, if a copout occurs, it will lie like a dead cat on the doorstep of the House of Representatives—who left town on Thursday afternoon to return sometime Tuesday.

Again, I commend the distinguished majority leader and the distinguished minority leader, Senators BYRD and DOLE, respectively, for recognizing the importance of this issue and for cooperating in allowing it to come before the Senate.

The Senator from New Hampshire [Mr. HUMPHREY] has just raised the constitutional question about this scheme. He is exactly right. I wish the Court could act on it, and I hope that there will be some sort of test of the constitutionality of the system sometime.

But one thing is certain: Congress was given the constitutional responsibility to control the Nation's purse strings. We cannot escape that. We must not continue to allow Congress, by shenanigan or otherwise, to shirk that responsibility by placing it in the lap of the President of the United States.

But that is exactly what has been done. The same old shell game over and over again, with the taxpayer always losing.

I think the President, Mr. Reagan, has been unfairly placed in the difficult position of taking sole responsibility for proposing a major pay increase for Federal employees, while Members of Congress sit up here and throw sanctimonious darts at the President for failing to reduce the Federal deficit.

But they cannot have it both ways. If you try to get some little reduction through this Chamber or the other one, Holy Ned is raised every time: "You can't cut this and you can't cut that."

I never heard as many epithets as I heard about Gramm-Rudman, which may not be the best law in the world, but it is the only game in town in terms of bringing some fiscal sanity to the Federal Government.

I recognize the compromise President Reagan attempted to reach by substantially reducing the pay increases recommended by the so-called Quadrennial Commission, but the fact remains that the President should not have the responsibility of making that decision in the first place.

This pay increase should not be allowed to go into effect automatically.

It does not take a profile in courage to vote yea or nay on this question. I would like to have more compensation. But as I said at the outset, I knew what the salary was going to be. While I do not need a lot of money to live—I do not live ostentatiously—I get along, and I think of that poor guy back home who makes a fraction of what we make.

If Members of Congress are willing to vote themselves a raise, fine. I will not vote with them. I will vote against them. But Members of Congress have a right and a duty to vote one way or the other on this issue and not let it slip through like a ship passing in the night.

It is unconscionable that Senators and other Federal workers should receive a hefty pay raise without even one vote on it in either House of Congress.

I commend the distinguished leadership, Senator BYRD and Senator DOLE, for making it possible at least for the Senate to vote on it regardless of what the House does. I hope the people of this country will be looking next week at the House of Representatives and see what they do. If they do nothing, I hope the people of this country will let the House of Representatives know how they feel about this scam.

I urge my colleagues to support the resolution of the distinguished Senator from South Carolina, the resolution of which I am proud to be an original cosponsor. Mr. President, I yield the floor.

Mr. BURDICK addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. BURDICK. Mr. President, today is the day we will finally vote up or down on the congressional pay raise package.

As you already know, I do not support these raises. I have never supported the process of further lining our own pockets when people in each of our States continue to go hungry. These raises are obscene.

And as I have already stated, I plan to return every penny of increase in my take-home pay to the U.S. Treasury. This is a small step—but it is a step in the right direction. I hope that many of you will join me in rejecting this increase in our pay.

I would like to conclude with the thoughts of one of my constituents, Mr. Bill Snyder, of Fargo, ND. Mr. Snyder dared me to include his poem in the CONGRESSONAL RECORD. Well, here it goes, Mr. Snyder.

Chop the old folks,
Cut the young,
Slice the budget,
Rung by rung.
But never, never,
Vote away,
Any boost
In Congressman's pay!

These are the views of just one person, but I would wager that each of you has more than one Bill Snyder in your State. Something for each of you to think about.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, the vote we are about to take will be one of the most important deficit reduction votes in this Congress—not because of the dollar amount, but because of the principle that is involved. This vote gets to the crux of the problem of this institution and the House as well, and that is that we have not really addressed the deficit of this country. President Reagan's proposal to raise the salaries of Members of Congress, Federal judges, and top administration officials would cost approximately $21 million a year. I cannot understand the President offering this at this time when we have the largest deficit we have ever had. He is increasing it over $120 billion a year, some say upward of $200 billion a year, and we have not had a balanced budget presented to us in the 10 years that I have been here, nor has Congress responded in bringing about a balanced budget.

In the context of a $1 trillion budget and a $2 trillion deficit, $21 million may not sound like so much money to some Senators. To me it is a lot of money. The psychological significance of these proposed raises to the American people should not be underestimated.

The median family income for a family of four was $27,735 in 1985. How do any of us tell these constituents we cannot manage on a salary of $77,400 and that we deserve a 15.6 percent raise, a raise of $12,100 a year. With this raise, pay for Senators and Members of Congress would reach $89,500. I am like anybody else; I would love to have more money, but I think we have to earn it. I do not believe we have earned it when you consider the deficits that we have in this country.

Perhaps if the budget was balanced an argument could be made, "You have done a good job, ladies and gentlemen of the Congress, so reward yourselves." But when the President sends us a budget that includes deep cuts in funding for education, child nutrition, and energy conservation, I cannot support any pay raise at this time. When there are no funds to address the problems of the homeless, I cannot agree to higher cost of Government in the form of more pay to Members of Congress. When the budget proposes deep cuts in the farm programs, cuts that most certainly will result in more foreclosures and more broken dreams, I cannot see raising the amount of money that many of us will spend in restaurants in our Nation's Capital. When the budget proposes big increases in fees for the average American to visit our parks, such as the Grand Canyon in my State, I cannot and will not join in raising the cost of Government and the salaries of Members of this body.

Mr. President, this vote will be a very difficult vote for some of my colleagues, but at least we in the Senate are willing to take a stand and to vote on this particular issue. No matter which side of this issue my colleagues are on, we have all made a commitment to publicly state our position. It appears that the other body may avoid doing the same thing we are in the process of doing today. I hope that is not the case and the Members there will demand that their leadership bring it to a vote.

I think the American people know what is right. I think we in Congress, both Houses, know what is right and what is wrong.

What is right is to vote against any pay raise at this time.

I will vote with the distinguished Senator from South Carolina who has offered this joint resolution, and against the pay raise, not because Senators and Members of the House do not work hard—we work hard; we put in lots of hours—but because we cannot afford it and we have not done our job in bringing about a balanced budget.

Mr. President, I ask unanimous consent that Laurie Sedlmayr be accorded the privilege of the floor during debate and votes on Senate Joint Resolution 34.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DECONCINI). Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I rise today in opposition to the pay raise proposal for Members of Congress. I wish to compliment the Presiding Officer, the Senator from Arizona, for his statement on this issue. I think he is exactly correct. How can we be asking other people in this country to share in deficit reduction if we are not willing to share in it ourselves?

I think it is a very serious question. I think we have some very serious problems in this country, probably the largest of which is our Federal deficit. The Federal deficit, as everyone in this Chamber is well aware, is right at $200 billion. This year it is projected to be $175 billion. We need to bring it down. We need to bring it down for a lot of reasons. We are saddling future generations with enormous debt and it also fuels a negative trade balance.

It is a very, very serious problem, probably, in this Senator's opinion, the biggest problem; certainly the biggest challenge confronting us. We need to get the deficit down and I think everyone is in agreement on that issue, from conservative to liberal.

It is very, very difficult, in this Senator's opinion, to ask other people to share in deficit reduction—I am talking about farmers, I am talking about people on Main Street, I am talking about the cities, communities—to ask other people, "Are you willing to take your fair share of the pain or the cuts or the shared sacrifice necessary to reduce the Federal deficit?", if, at the same time, we are giving ourselves an

18- or 19-percent pay increase. I think it would make it very difficult to sell.

So I think, for that reason alone, we should not be giving ourselves this raise. Not only that, but I think people could legitimately say: Do we deserve it? And, certainly, one could say, in the number of hours worked or the responsibility for dollars, a lot of people would say, "Yes."

I would offer a little different answer. I would say, "No." Because Congress has a responsibility for the Federal deficit, how much money we spend and how much money we take in, and we have not done a very good job.

I have heard other people say, "Well, in the private sector, they make that much or more." But in the private sector if they had this kind of deficit, 20 percent deficit spending, 20 percent more than you are taking in, people would not have their jobs very long. The truth is, in the private sector, if you run those kinds of negative balances, not only are you terminated, but you would find yourself having a very difficult time even getting a job.

I know in my case, in Oklahoma, there are many firms that are going through difficult times right now and people do not have a job. Some of the firms that are in the oil and gas business are just struggling to stay even and their workers have not had a raise in maybe 2 or 3 years because they are trying to stay in the black, trying to keep from going into the red.

Congress has not done that. Federal spending has continued to rise. Federal spending in the last 6 years has gone from $560 billion to $1 trillion today. That is an enormous increase just in the last 6 years alone. So I do not think we have done that good of a job.

I think on the merits, again, a lot of people would question whether or not we deserve that raise. I would be one to say that maybe future raises or pay decreases should be coupled to our success or failure in bringing down the deficit. I would say that if we balanced the budget in the next 3, 4, or 5 years, that we have made some significant progress, then maybe at that time we could ask for a pay raise. Maybe at that time the American people would say, "Yes; you have done a good job. You brought this country which, in 1986, had over a $200 billion deficit, out of its deficit troubles." Then maybe you would be entitled to the increase and this Senator would possibly go along.

But with the kind of red hemorrhage that we are having on Federal deficits, I do not think we could rightly go to the American people and say, "Yes; give us an 18-percent raise."

I compliment the Senator from South Carolina for his joint resolution. I am a cosponsor of it. I expect and hope that it would pass today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, in debating the merits of the congressional pay raise, I cannot help but note just how hard the Members of the House of Representatives have worked this week. They came to work; that is, the House went into session Monday at 12 noon and adjourned today at 1 o'clock. The House will be in pro forma session on Monday, which in plain English means they will not be working on Monday, and they are coming into session on Tuesday at 12 noon.

So I thought that might add something to the argument about how hard Members of Congress are working and whether or not they deserve this generous pay raise.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I shall shortly suggest the absence of a quorum again so as to give Members who are off the Hill—some are over at the State Department, I understand, and in other areas of the city visiting various agencies—notice that a rollcall vote is about to occur. That is the purpose of this quorum call.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I previously made a motion to table the amendment of the able and distinguished Senator from Connecticut. He prefers a direct vote and I am willing to agree to that. Therefore, I withdraw my motion to table and ask for a direct vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Is there further debate on the amendment? If not, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Indiana [Mr. QUAYLE], the Senator from Alaska [Mr. STEVENS], and the Senator from Wyoming [Mr. WALLOP], are necessarily absent.

I further announce that the Senator from Missouri [Mr. BOND], is absent due to illness.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD], the Senator from Alaska [Mr. STEVENS], and the Senator from Wyoming [Mr. WALLOP], would each vote "nay."

The PRESIDING OFFICER (Mr. FORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 2, nays 93, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—2

Stafford
Weicker

NAYS—93

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McCain
McClure
McConnell
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stennis
Symms
Thurmond
Trible
Warner
Wilson
Wirth
Zorinsky

NOT VOTING—5

Bond
Hatfield
Quayle
Stevens
Wallop

So amendment No. 5 was rejected.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I accept the decision of the Senate in good grace. I am back to my usual ratio. [Laughter.]

However, I have to point out, before all is said and done—and I think my colleagues know this—that by the time it goes through the constitutional process, we are going to end up with the figure the President, recommended, and we will still have available to us our honoraria; and the combined total of those two will have us earning far more than the $120,000 that was proposed here. That will be paid partly by the taxpayers and partly by private interests.

So I do not think that, either in a fiscal sense or in a moral sense, the interests of the Nation have been served by this defeat.

AMENDMENT NO. 6

(Purpose: to disapprove the pay raise for Members of Congress)

Mr. WILSON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER (Mr. REID). The amendment will be stated.

The legislative clerk read as follows:

The Senator from California (Mr. WILSON), for himself, Mr. WARNER, and Mr. GRAMM, proposes an amendment numbered 6.

Mr. WILSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the resolving clause and insert in lieu thereof the following:

The recommendations of the President relating to rates of pay for Senators, members of the House of Representative (including Delegates and the Resident Commissioner from Puerto Rico), the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and the House of Representatives, as included (pursuant to section 225(h) of the Federal Salary Act of 1967) in the budget transmitted to the Congress for fiscal year 1988, are disapproved and shall not take effect.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILSON. I thank the Chair.

Mr. President, it will be recalled that when we had the Clean Water Act before us last week, the distinguished majority leader asked Senators to forebear from offering amendments. At that time, I indicated an intention to propose an amendment to the Clean Water Act, one that would strike down the proposed pay increase for Members of Congress. At the time, the majority leader gave assurance to me and to all Senators that there would be a timely vote, allowing Senators to register their approval or disapproval of the proposed pay increase—a timely vote meaning one that would occur sufficiently before the deadline for action, that deadline being imposed by the requirement in the law that disapproval be expressed or that the proposed increase will take effect within 30 days after the receipt by Congress of the President's recommendation. I, of course, agreed with the majority leader's request; and today my friend from South Carolina, the senior Senator, has offered us the opportunity to register that vote of disapproval.

Let me just say that I commend him for doing so. The amendment I have offered is a modification of his proposal. I am joined in that by my colleague from Virginia, Senator WARNER, and my colleague from Texas, Senator GRAMM.

I might say that I am joined by any number of my own constituents, and I am quite sure that the same opinions have been expressed by constituents of other Senators.

In my hand I have a sheaf of correspondence relating to two subjects which, in the minds of my constituents, seem intertwined—deficit reduction and the proposed congressional pay increase. I am not going to take the time to excerpt even one of these, although they are excellent letters. They are not mean spirited, but they do express a genuine concern, and one that I share.

What they say, simply, is that it is wrong for Congress at this time to vote itself a pay raise, when we are compelled to spend the rest of the year trying to find ways to cut spending in order to cut down the deficit to the level of $108 billion as required by law. They understand, if not all of us do, that the way we are going to achieve that legal requirement—if in fact we honor it—is by the very painful method of cutting spending. They know that. Even advocates on this floor of a tax increase, if realistic, will tell you that there is not going to be a serious undertaking of a tax increase in the 100th Congress. In my judgment, quite emphatically, there should not be. But even if that were not the case, that option is not available to us. So if we are to meet the requirements of the law for deficit reduction, we will do so by cutting spending.

That, in turn, offers a number of unpleasant individual decisions. No one enjoys offending constituencies, but that is what we have before us. The only way Congress and the President can reduce the Federal budget deficit is to reduce budget spending. The challenge is one that will require that we not only set but also keep priorities, not simply talk about them.

What do we say to those arguing for services that we will have to cut, if Members of Congress are seen, in that setting and keeping of priorities, to set first the priority of their own compensation? What do we say, that our first priority is the pay of Congress? What do we say to workers who are being asked not only by employers but also by union leaders to forebear from asking for wage increases so that the goods they make can be priced to be competitive with foreign goods both here and abroad?

Do we in Congress tell these same workers that while we are not going to raise their taxes, they are going to get less service for the tax dollars they are paying in order that we can satisfy the priority of a congressional pay raise? No, I do not think that is a tenable response.

So I commend my senior colleague from South Carolina. I think he has done all of us a service.

I must say that I was struck with much in the eloquent presentation of the distinguished manager, the senior Senator from Ohio, in his comments. I do not intend to repeat what he said or even to elaborate upon it, other than by reference to my own experience, which I suspect is shared with virtually everyone on this floor.

Everyone here either has had or will have the experience, the very heavy responsibility, of trying to recruit the best and most talented and dedicated attorneys to serve as members of the Federal bench. Indeed, there is little that our constituents have so clearly indicated that they prize more than the kind of judicial administration that makes them safe in their homes, that results in a fair administration of the laws which Congress enacts.

So, to put it most simply, I think what the Senator from Ohio said makes great sense if we are talking about not those of us who enact the laws but those who are chosen to implement them and particularly those within the judicial branch who are called upon to apply, to interpret, and to construe the laws which we enact.

We necessarily want, as the Senator from Texas said, the best talent that we can find and the most dedicated, but there is obviously a limit to the dedication that we can ask of even the most public-spirited public servants.

I have tried in my search for the better and more dedicated of the attorneys in California to serve as Federal judges to find those young enough so that they could make a career of it, and I would emphasize here that we are talking about a career judiciary; we are talking about people who, having served 10 years as Federal district judges, can then be elevated to be appellate judges and perhaps one day sit upon the High Court, to render truly landmark decisions. That kind of talent is never in strong supply.

So what I am saying is that we should not find ourselves in the very situation which the Senator from Ohio documented in the presentation of statistics about those who, having been recruited, cannot be retained, those who find finally that the siren call of the private sector is irresistible.

I will tell you that I have tried to recruit superior court judges in California. They receive a higher rate of compensation than do Federal district judges. I have had a number say, "I would love to serve as a Federal district court judge. I cannot afford it."

Mr. President, I think that for once we can be adjudged to be penny-wise and pound-foolish if we create the situation in which that kind of response is required of the most conscientious, the most talented, and the most dedicated of lawyers who wish to be the kind of judges that our constituents have indicated they devoutly wish to have.

We have seen judges turned away on the ballot on State initiatives in this last election, law and order, long a byword with vitually every electorate, to depend upon the kind of administration of justice that requires the best, the brightest and the most dedicated.

So, what we are offering in this amendment is simply a revision to the intention of the Senator from South Carolina that will prohibit Members of Congress from gaining this pay increase. I do not say that most of my colleagues have not earned the increase. Do not press me as to which have and which have not. But quite seriously, I think the vast majority of Members have earned an increase.

That is not the point, nor is it the point that certainly some of the younger Members could definitely use the money, those with young families.

The fact of the matter is we do send the wrong signal and this sheaf of letters is one fraction of 1 percent of all of those who express the desire to see us get the deficit down who are willing to participate with us in the sacrifice required. What they do not understand is how we can ask them to sacrifice and at the same time take a 16-percent increase in our own compensation.

Mr. President, I have to agree. It is not the point that it may be justified statistically by all of the information that has been entered into the record. It is that we have not got the deficit down and to do so we are going to have to compel sacrifice. I think we are going to have to share in it.

Let me just say that with the very best of intentions we have before us an independent piece of legislation to allow Members of the Senate and of the House of Representatives to register by their vote whether they approve or disapprove of the President's recommendation. It may very well be, as a number of Members have already expressed on this floor this afternoon, that the Senate will act and send this resolution of the House of Representatives only to have it stagnate there.

Earlier there was an amusing colloquy between the Senator from North Carolina [Mr. HELMS] and the distinguished majority leader, in which the Senator from North Carolina inquired as a matter of interest whether the majority leader was a betting man and, if so, how would he wager on the likelihood of House action on this measure if it passes the Senate. The majority leader gave good fatherly advice to the Senator from North Carolina that he not engage in wagers.

I am ordinarily not a betting man myself. Were the Senator from North Carolina on the floor, I would be more than happy to offer him at least 10-to-1 odds that the House will not act. They have really not heightened the suspense about the matter. They have gone out for the week. They will not be in session until Tuesday. That leaves them about 1 day in which to confirm our action, assuming that we take the right step this afternoon.

So, let me just say that while I hope this amendment passes, while I hope that the underlying legislation, as amended, then will receive the blessing of this Senate, I have no confidence whatever that our colleagues on the other side of the Capitol will in fact follow suit.

Therefore, let me signal my intention to you and to them that at the time that we consider the highway bill I intend to offer an amendment to that legislation that will be retroactive in its effect because it is my suspicion that by the time it is out of conference the conference on the highway bill will have extended past the deadline for congressional action.

As a matter of interest, it is possible retroactively to cancel out that congressional pay raise. If the House acts in time, there will not be a necessity to do so.

But it is my intention to afford those who wish to disapprove of the congressional pay raise the opportunity to do so. Yet, again, that may be speaking against the interest of the success of this amendment. I do not think so. Let us give them the chance this afternoon.

Mr. President, that is why there will be a retroactive amendment in the event the House does not act. I hope they do. I hope I am proved wrong, that I lose my hypothetical bet with the Senator from North Carolina, though I am not sure he would take my offer. But I think that this is serious. It is not a time for demagoguery, but it is a time that we recognize, as have our constituents, that we have a very heavy, very difficult test before us in deficit reduction and that we are going to have to do our part.

Mr. WARNER. Mr. President, I rise to join my distinguished colleague from California, Senator WILSON, as an original cosponsor of this legislation. In my judgment, this proposal provides the most direct and expeditious method of resolving a serious problem in both the judiciary and senior levels of the executive branch.

This issue is the simple but critical need for a pay raise for our senior Government officials. Particularly with respect to Federal judgeships, Federal compensation has fallen far behind comparable remuneration in private practice.

As my colleagues may have heard, a 50-year-old law partner may in today's litigious atmosphere look forward to an average salary of $164,000. Compare that with our salary for Federal judges, beginning at $72,500 for the U.S. Claims Court and increasing to $111,700 for the Chief Justice of the U.S. Supreme Court. How, may I ask, are we to attract the most capable members of the legal community to Federal service if we are in no way competitive in terms of compensation?

I should also like to dwell for just a few minutes on the dilemma facing many of our top level senior officials in the executive branch. The Senior Executive Service was created by the Civil Service Reform Act of 1978 specifically to more closely correlate with private sector managerial practice. Unfortunately, the promise of greater pay comparability made by that legislation has never been kept.

For example, between the years 1969 and 1984, the purchasing power of corporate executive pay rose by 68.5 percent. In the Government, the purchasing power of Executive Level II compensation has declined by 39 percent. Again, how can we expect the best executive and supervisory skills in Federal Government management if we are falling so far behind the private sector?

Chief Judge of the U.S. Tax Court Samuel Sterrett has been kind enough to provide me with a historical reference on yet another aspect of today's debate.

Mr. President, I ask unanimous consent that this excerpt from the 1891 volume "Picturesque Washington" be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

QUOTATION FROM "PICTURESQUE WASHINGTON"

(By Joseph West Moore (1891), p. 109)

Previous to 1816 the compensation of members of Congress was six dollars per day, and when a bill was passed in that year to raise the compensation to $1,500 a session, a sum barely sufficient to pay the expenses of a decent living in Washington, it aroused great excitement throughout the country. In an ancient record it is stated that "the whole nation was shaken to its centre; parties were formed and political armies marshaled, and the patriotism of the country was aroused to ebullient indignation to the bare proposition that a member of Congress should dare to take thought for what he should eat and drink, or wherewithal he should be clothed, and the liberties of the country were menaced with destruction when Congress ventured to demand the necessaries of life in payment of its thankless services." So great was the feeling that Congress, at its next session, repealed the obnoxious bill, and made the compensation eight dollars per day.

Mr. WARNER. Mr. President, as my colleagues will note, congressional pay was a matter of contention in 1816 just as it is today in 1987.

Returning to the issue at hand, I encourage all of my colleagues to join in approving the legislation offered by the distinguished Senator from California. Senator WILSON's proposal provides the most workable means of dealing with the recruiting and attrition problems now occuring in the judicial and executive branches of the U.S. Government.

Mr. WILSON. Mr. President, I will now call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WILSON. Mr. President, I thank the Chair and my colleagues for their courtesy and attention. I think the issue is relatively simple.

With that I yield the floor.

Mr. GLENN. Mr. President, I will address this briefly.

What the Senator brings up is what in the terms of the Commission is called a linkage. It is linking other salaries across Government and the judicial branch of Government to congressional salaries which has been historical.

Briefly, there are two schools of thought about such linkage. Let me read from the Commission report because they address it succinctly. They say:

> There are two schools of thought about such "linkage". In practical terms, it has arbitrarily depressed the pay of judges and executives simply because Congress found it politically unpalatable to raise its own salaries; it has capped the salaries for several thousand senior career officials in the Senior Executive Service and General Schedule. Congress has been reluctant to break that linkage with the other two branches of government in the hope of generating enough political and public support for across-the-board salary increases.

The other side of this:

> Others see linkage more as a matter of principle. The Constitution has built a framework which balances the three equal branches of government. Compensation for each of the three branches should also be balanced. Lower pay for Congressmen may risk implying lesser status to Congress than to the highest ranks of the judicial or executive branches.
>
> The Founding Fathers intended Members of Congress to be equal to the other branches in status, prestige, ability and integrity. Setting Congress adrift on the pay issue is politically impractical and will not serve the national interest well. Therefore, we have concluded that parity between Level II, Congress and judges on the Circuit Court is important and should be maintained.

Now, here is where the Commission turns its hat around. Let me read the last statement which argues then on behalf of the distinguished Senator from California. Their last paragraph reads as follows:

> However if Congress is unable to muster the courage to raise its own pay, it is better to limit the unfairness thereby caused and not impose inadequate pay levels on the two other branches, thus compounding the harm to our government and our country.

In other words, if we are going to diddle ourselves, if we are not going to have guts enough to vote the pay raise, then at least do not foul up the rest of Government, is what the Commission says.

That gives us a dichotomy of views here and you just have to make your own choice. I guess I come down on the side of, regrettably, having to oppose the Senator from California. This is not a position of the Governmental Affairs Committee, but it is my own personal position, because I feel it sort of sets us apart as a lesser branch of Government.

I do not believe we are second-class citizens. I think we should have compensation that is our due here compared to other branches of Government.

So, regrettably, I will vote against this, but I wanted to point out those two things that the Commission took into account here in stressing the importance of linkage. But saying if you are not going to vote your own pay increase, then, for Heaven's sake, do not foul up the rest of the Government.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment of my good friend, the able Senator from California, Mr. WILSON. It will allow salary increases for judges and high-level officials, but not Members of Congress.

There is no reason to single out the judiciary and high-level officials for a pay increase and deny an increase to Members of Congress. Judges and high-level officials work no harder, nor do they have any greater responsibility than do Members of Congress.

I do not doubt that most Federal judges and high-level officials could receive better remuneration in the private sector. Each chose to serve without promise of greater pay.

I reiterate, when the staggering deficit is brought under control, then the issue of salary increases for Federal judges and other Federal officials can be reexamined. But it should be done at the same time as the Congress.

I do not feel we should relegate the Congress to a lower status. We have three branches of Government. Congress makes the law, the executive branch administers the law, and the judiciary interprets the law. They ought to be on the same level and kept on the same level. That was the intention of those who wrote the Constitution. If we adopt the amendment of the distinguished Senator from California, we are going to relegate the Congress to a lower status. I think we ought to pass an increase for all or deny it to all. They should be treated alike.

The PRESIDING OFFICER. Is there further debate on the issue? If not, the question is on agreeing to the amendment of the Senator from California [Mr. WILSON]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROTH (when his name was called). Present.

Mr. BYRD. I announce that the Senator from California [Mr. CRANSTON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Indiana [Mr. QUAYLE], the Senator from Alaska [Mr. STEVENS], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

On this vote, the Senator from Wyoming [Mr. WALLOP] is paired with the Senator from Oregon [Mr. HATFIELD].

If present and voting, the Senator from Wyoming would vote "yea" and the Senator from Oregon would vote "nay."

I further announce that the Senator from Missouri [Mr. BOND] is absent due to illness.

I further announce that, if present and voting, the Senator from Alaska [Mr. STEVENS] would vote "nay."

The result was announced—yeas 27, nays 66, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—27

Baucus
Bentsen
Bradley
Bumpers
Chiles
Cochran
Cohen
D'Amato
Durenberger
Gore
Graham
Gramm
Hatch
Heflin
Lautenberg
Leahy
Lugar
McCain
Mitchell
Moynihan
Packwood
Pryor
Sarbanes
Shelby
Specter
Warner
Wilson

NAYS—66

Adams
Armstrong
Biden
Bingaman
Boren
Boschwitz
Breaux
Burdick
Byrd
Chafee
Conrad
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Evans
Exon
Ford
Fowler
Garn
Glenn
Grassley
Harkin
Hecht
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Levin
Matsunaga
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Murkowski
Nickles
Nunn
Pell
Pressler
Proxmire
Reid
Riegle
Rockefeller
Rudman
Sanford
Sasser
Simon
Simpson
Stafford
Stennis
Symms
Thurmond
Trible
Weicker
Wirth
Zorinsky

ANSWERED "PRESENT"—1

Roth

NOT VOTING—6

Bond	Hatfield	Stevens
Cranston	Quayle	Wallop

So the amendment (No. 6) was rejected.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRAMM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, that now brings us to the last vote, a vote on Senate Joint Resolution 34.

Mr. President, I think we are ready now to cast the last vote on this question. The question is whether Senate Joint Resolution 34 will pass or not. I feel this is simply not the time for Members of Congress to vote themselves and other public servants a pay raise.

Mr. President, the national debt currently exceeds $2 trillion and OMB estimates that nearly $170 billion was added to the national debt just last year.

Mr. President, Gramm-Rudman-Hollings was an expression by this body of political will to balance the budget, and this Senate proposal is contrary to that policy. We cannot ask those on Social Security, welfare, or military retirement to accept less while we take more.

Mr. President, I feel that we should pass this joint resolution, and I hope the Senate will vote accordingly.

Mr. BYRD. Mr. President, may I have the attention of Senators?

The PRESIDING OFFICER. The Senate will come to order.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Will Senators take their seats?

The majority leader.

Mr. BYRD. I thank the Chair.

Mr. President, the situation is as follows: There are Senators who have plane reservations who would like to leave no later than 6:30 p.m. I would hope that the Senate could act on this disapproval resolution and take up the resolution on providing funds for the homeless, vote on that, and go out until Monday morning with the understanding, if we can get consent, that the highway bill will be laid down.

I understand that Senators on both sides of the aisle probably want a rollcall vote on that waiver.

I wonder if we could get on in that fashion: If we could get consent to vote now—soon—on the disapproval resolution, take up the resolution on the homeless, vote on it, and then that would be it for the day and the week.

Mr. DOLE. Mr. President, would the majority leader yield?

Mr. BYRD. Yes, I am happy to yield.

Mr. DOLE. Let me indicate to the majority leader that I have been advised that there will be a request for a vote on the budget waiver on the homeless proposal and that there will be another pay amendment to the homeless proposal. So that will be at least two more votes.

If we could go to the budget waiver very quickly, if we could vote almost immediately after this vote, I do not think it would take long. I do not know how long debate will be on the pay proposal.

Mr. HUMPHREY. It will be short.

Mr. DOLE. Five or ten minutes?

Mr. BYRD. Could we get an agreement of 5 minutes for the author of the amendment, and then vote on passage?

Mr. DOMENICI. If the majority leader will yield——

Mr. BYRD. Yes, I yield.

Mr. DOMENICI. I do not want to insist on a vote on the waiver. I think there is another Senator who does. Frankly, I do not know if I want to agree on finishing as quickly as the majority leader says.

There is a little bit of an issue here that I think we ought to take a little bit of time on to understand what we are doing. I think maybe we ought to let it happen and discuss this point of order and this waiver for a little bit. I am not suggesting that I am going to take a lot of time, but in addition, there just may be a substitute amendment for the entire funding of the proposal. I do not have it, but a Senator has asked me about it. I do not think I have had time to tell the minority leader. Maybe we could reserve time for that—10 or 15 minutes—for an amendment in the nature of a substitute.

Mr. BYRD. I hope we can do that.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. DOMENICI. Yes, Mr. President.

Mr. STENNIS. This bill was before the Appropriations Committee and there are several points involved in it. Several amendments were voted on it. I could not agree to such a very short time. I want to cooperate as far as I could, but it will take some time on several of them.

Mr. BYRD. Mr. President, let me make this proposal to Senators: That we vote immediately, with a brief time on each side—Mr. GLENN and Mr. THURMOND——

Mr. THURMOND. I am through.

Mr. BYRD. Mr. GLENN wants 2 to 5 minutes on the final action on the disapproval resolution. Let us get that out of the way so that Senators who feel that they want and need to vote on that resolution before they have to go may do so. Those of us, then, who can stay will take up the funding resolution for the homeless. If there has to be a vote on the waiver, let us do it and let us act on that tonight or come in tomorrow and finish work on it. In that way, we could dispose of the disapproval resolution.

Now, if a Senator wishes to offer or wants to get another crack at the pay recommendation and wants to try to offer that to the homeless resolution—and he has a right to do that—let us get the other measure out of the way and we will do that.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that there be not to exceed 5 minutes under the control of Mr. GLENN; that upon the expiration of that time or the yielding back thereof, the Senate then proceed to vote on the disapproval resolution.

I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, I rise in opposition to the President's proposed pay raises for high-level Government employees.

It is my opinion that under the current economic circumstances, with budget deficits of nearly $200 billion a year and Federal spending being restrained for many worthwhile programs, it is inappropriate for Members of Congress to accept increases in their salaries.

It is no secret that high-paying jobs can be found in the private sector. In fact, I was surprised to learn that the salaries of Kansas taxpayer-supported city administrators can be as high as $98,000. Additionally, salaries for university presidents in Kansas are between $68,000 and $101,000. I do not, however, believe that comparisons should be made between those of us serving the public interest and those who represent the corporate world of high finance. Top corporate executives can earn up to $12.7 million after receiving long-term compensation increases and stock options. For those of us who choose to be public servants, rewards come in other, not so lucrative, ways.

Just Tuesday, we applauded the President during his State of the Union Address as he implored us to reduce the budget deficit and exert spending discipline. We are facing legislation to reform the welfare system, the Medicare and Medicaid system, and the Veterans' Administration to make these programs more cost effective. Student aid, conservation and environmental programs, and retraining programs are all being cut back. Social Security recipients, military retirees, and railroad tier-I retirees only received a 1.3-percent cost-of-living adjustment for 1987. All these proposals and cuts are being made in the name of eliminating the budget deficit.

Things are no better on a State level. In Kansas, Gov. Mike Hayden has called for 3.8-percent across-the-board cuts in all the State programs. Many counties are suffering from 10 percent or higher unemployment rates because of the loss of jobs in the oil industry. And, there is no escaping the fact that farmers are in serious trouble.

Mr. President, I have a hard time justifying these salary increases in light of all these cutbacks. We in Congress are constantly encouraging fiscal restraint and, when push comes to shove, we must follow through. By opposing these pay increases we acknowledge that sacrifice cannot be selective if deficit reduction is going to be successful. I urge my colleagues to vote for Senate Joint Resolution 34, and oppose the President's proposed salary increase.

Mr. ARMSTRONG. Mr. President, I oppose a pay raise for Members of Congress and have cosponsored a bill with Senator STROM THURMOND to repeal the pay raise provision now pending in the Congress.

There has been much discussion about pay raises for Members of Congress but two important points, which are the crux of the issue, have largely been lost in the controversy. The first has to do with the nature of the position. Members of the U.S. Congress are in a public service occupation. What Members could earn if they were in other pursuits should not even be an issue. Public service work does not lend itself to salary comparisons with other occupations or professions where making money is a primary objective. People who run for Congress make a fundamental choice that they will devote a period of their life to public service—an activity that, by its nature, imposes a distinctly different set of priorities on one's life.

I can sympathize with Members who have children of college age or other pressing financial obligations, but these kinds of personal matters are a part of every family's career decisions. Certainly they are no different for a Member of Congress than for a minister or teacher who has chosen a public service field knowing that large financial rewards were not in prospect. My feeling is that the present level of pay is adequate for the public service position of Members of Congress.

The second point is that the issue of Members' pay cannot be separated from the major financial crisis that our Nation now confronts. The failure of Congress to exercise the necessary political will is the reason that we have a deficit and national debt that are spiraling out of control. When Members of Congress try to impose fiscal discipline for everyone but themselves, their position becomes one of political posturing and the credibility of the legislative branch is severely damaged. Only Congress can correct the deficit problem and it is wrong for any Member to expect a pay raise in the face of failure to control spending.

It is clear that the huge Federal deficits threaten the financial security of every family in America. There is no mystery about what must be done. We must simply cut Federal spending across the board and eliminate annual deficits. Beyond that, we must develop a program of debt reduction.

The character of our Nation is being tested by this crucial challenge. We are surely not going to be content to be recorded as the most irresponsible generation in our history devoid of sufficient honesty and will to shoulder the costs of benefits we have voted for ourselves. Other generations have met the great challenges of their day, including world wars and depression, and displayed the character and courage that are the hallmark of a great nation. Controlling the massive, runaway spending is the test for this generation. Congress is on the front line of this struggle and a pay raise at this time is the white flag of surrender.

NO TO A PAY RAISE

Mr. PROXMIRE. Mr. President, I am going to vote against a pay raise for top Federal executives and Members of Congress. The President deserves two cheers for reducing the proposed raise to a more reasonable level. He would have earned that third cheer had he killed the raise—period.

Why do I say this? Look at the President's budget. Farmers are in terrible trouble, but we are asked to approve a $5 billion cut in agriculture programs. The homeless are roaming the streets in many urban areas, yet we are asked to approve a nearly $7 billion cut in housing and commerce. Education is a top national priority if we are to meet the competitive challenges we face, yet we are asked to approve a $1.4 billion cut in these programs.

Congress will likely reject most of these cuts. It may even increase spending on some key programs. But after all the smoke has cleared most spending will be frozen or, at best, increased only enough to keep pace with inflation. That is the same policy we should follow in dealing with the pay of top Federal officials. How can we ask for sacrifices from so many while rewarding a favored few with a 16-percent pay raise?

Proponents of this increase argue that pay of Federal officials has not kept pace with inflation, that inflation has reduced the value of Federal pay. They are correct, but welcome to the club. Since 1969, the average weekly earnings of workers in private industry has dropped from $189 to $174, after adjusting for inflation. Top Federal officials are not the only ones to have suffered from inflation. And we should not be the only ones to have this suffering corrected.

If we are badly underpaid, that fact has somehow escaped the notice of those who would like to serve in Congress. Every election year, challengers line up and risk millions to serve in the Senate. Are the new Senators any less qualified because of pay? The question answers itself. This new class is among the most qualified and distinguished this Senator has witnessed in his nearly 30 years of service.

In summary, this is not the time to be raising our pay. We are going to have to sweat blood to reduce the deficit. Nearly every citizen is going to suffer because of this effort, which is why reducing the deficit is so difficult. What kind of example do we set when we then turn around and raise our own pay right off the bat? That is reason enough to say "no" to this raise.

Mr. HECHT. Mr. President, the issue we have before us today is a very controversial one. The Federal Pay Commission has recommended salary increases for Members of Congress, and senior Federal officials of 60 to 80 percent. And while President Reagan has scaled down the proposed increase, he has none the less suggested substantial increases in his 1988 budget.

Mr. President, at a time when Social Security recipients were given only a 1.3-percent increase, the lowest in history, and our national debt exceeds $2 trillion, I feel it is ludicrous for Members of Congress to receive the salary hike as outlined in the President's budget proposal.

As Members of Congress, each of us knew what our salaries were when we entered public office, and we each chose to serve the public with no promise of greater remuneration. Mr. President, I adamantly oppose this pay increase.

And finally, Mr. President, judging by the comments I have received from my constituents, I would say that most Nevadans feel Congress deserves a pay cut, and not an increase. I urge my colleagues to vote against this outlandish proposal. Thank you, Mr. President.

Mr. CHAFEE. Mr. President, I support Senator THURMOND's resolution to disapprove the proposed pay raises for Members of Congress and other senior Federal officials, as provided for in the administration's budget request.

Rejection of these pay raises is not an easy step to take. I strongly believe that if the Federal Government is to attract the most qualified individuals, it must provide adequate compensation—salaries that compete with the private sector. There is considerable evidence that the Federal Government lags behind the private sector in the salaries which it offers.

The recent report of the Presidential Commission on Executive, Legislative and Judicial Salaries, found that the gap between top-level public salaries and those in the private sector has continued to widen. The Commission concluded that Federal executives, legislators, and members of the judiciary have experienced a decline of over 40 percent in real income since 1969.

As long as Federal salaries fail to compete with those in the private sector, we run the risk that the pool of talent for senior Government officials will get smaller and smaller. I am deeply concerned about this trend. But there is an even greater risk that we are running when we talk about increasing Federal salaries at this time—the risk that we will lose our credibility with the American people in our efforts to reduce the deficit.

Reducing the deficit remains our No. 1 domestic challenge. We must bring the deficit down in order to preserve our economic recovery, permit our businesses to compete and keep Americans working. Two years ago, with the deficit projected to reach $300 billion by 1991, Congress took the extraordinary step of approving binding legislation to bring spending under control—the bipartisan Gramm-Rudman-Hollings Act.

There are some encouraging signs that the discipline imposed by the Gramm-Rudman-Hollings law has begun to yield results. The deficit, which reached $220 billion in fiscal year 1986, is projected to be $174 billion in the current fiscal year and $169 billion in fiscal year 1988. Although this is good news, the deficit remains alarmingly high. In order to comply with the deficit reduction targets of the Gramm-Rudman Law, savings on the order of $60 billion will be needed.

Reducing the deficit has entailed some very difficult choices in this body during the past several years. In many cases Congress has reduced spending for a number of Federal programs in order to make budgetary savings. Less money is being spent on public works programs such as highways and economic development. Assistance to American cities through general revenue sharing has been halted. In some cases, priority programs such as education, nutrition, and health care have barely kept pace with inflation.

Congress has made reduction of the deficit a national priority and has called upon each American to help bear the burden. For example, last year, Federal retirees were called upon to forgo their annual cost-of-living adjustment in order to help reduce the deficit. Families applying for student loans and veterans seeking medical care are being made subject to a means test before they can qualify.

More difficult choices lie before us: Where and how to reduce spending, and if and when to increase revenues. Whatever steps we take will have important consequences for millions of Americans. I believe the American people will take our efforts seriously as long as we remain committed to the principle of fairness—that everyone has a stake in reducing the deficit.

I do not believe we can permit these pay raises to occur at a time when every segment of the Federal budget is under scrutiny in the search for savings. If the need for austerity requires further cuts or increased taxes in the budget for the next fiscal year, the American people will be justified in asking how we in Congress could grant a pay raise for ourselves and for other Federal executives. In setting national priorities, we have told the American people that reducing the deficit should come first. By permitting these raises we would be saying that we come first and the deficit comes second.

The overwhelming majority of American taxpayers who would foot the bill for these pay raises make nowhere near as much money as their Senator or Congressman or the Federal officials covered by the pay increase. They are still waiting for us to act effectively to bring the Federal budget closer to balance. Until we do, no pay raise can be justified. If we forgo the raises at this time, and maintain the confidence of the American people in the battle to balance the budget, the result will be lower deficits and a stronger economy. If we succeed in this endeavor, the pay raise will have been worth waiting for.

Mr. McCAIN. Mr. President, I rise in opposition to the proposed pay increases for Members of Congress.

I believe that the opinion of the vast majority of Americans is that a pay increase for Members of Congress is outrageous. I know that this effort faces overwhelming opposition from the people of Arizona. I am in full agreement with the people of my State.

It is appalling that Congress would even consider giving itself a raise with the enormity of the Federal deficit. It is even worse that we would talk about granting ourselves pay raises, then turn to consideration of measures to slash the deficit. It is often said that lessening the deficit will require sacrifice on the part of all Americans. Granting ourselves a pay raise hardly indicates a willingness on the part of Congress to sacrifice. It certainly doesn't set an example for the American people to emulate as we search for answers to the dilemmas of the deficit.

Some have advanced the argument that raising pay will attract better people to run for public office. Most of us who were recently elected can testify to the fact that there is no lack of competition for those seeking elective office. I also think the rewards of public service should be just that—serving America, not seeking greater remuneration from the Government. I urge my colleagues to support the resolution disapproving this pay raise. Giving ourselves an increase will only add to the Federal deficit, and lower the esteem in which the American people hold their elected representatives.

Mr. SIMPSON. Mr. President, in a few moments I will have my usual formal announcements regarding Republican Members who are not able to be present for the upcoming vote. However, I would wish to take just a minute of the Senate's time to more fully explain the absence of my senior colleague from Wyoming, Senator Malcolm Wallop.

My friend Senator Wallop is in our home State of Wyoming today and tomorrow, honoring some longstanding commitments to meet with various constituents and groups on issues of particular concern to Wyoming. I know that Senator Wallop very much regrets not being able to be here, because of his dedication to the business of the Senate and especially because of the upcoming vote on the pay raise issue. Senator Wallop is firmly on record in opposition to the proposed pay raise, as am I. We are both original cosponsors of Senator Thurmond's resolution disapproving the pay raise.

I thank all Senators for their time and attention, and this opportunity to provide a brief explanation of my colleague's absence at this time.

Mr. LAUTENBERG. Mr. President, I will vote for the resolution disapproving of the pay increase for Members of Congress.

A pay increase of $12,000 a year for Members of Congress would send the wrong signal to the public. The Congress and the President must reach some solution to the stubborn budget deficits that threaten our economic future. Americans have been asked to tighten their belts, to make certain sacrifices, for the sake of the common good. It would be inappropriate for Congress to exempt itself.

To allow the Congress to receive a pay increase would undermine this body's credibility. It would undermine our ability to elicit the support of the public that we will need, if we are going to put our fiscal house in order.

Mr. President, while I voted against the amendment of my colleague from Connecticut [Mr. Weicker], I want to make it clear that I sympathize with the goal the Senator sought: To end honoraria and to make us answerable to the public, and not special interests. We should be full-time public servants. However, I believe that we need not trade an inappropriate increase in salary, in return for an end to honoraria.

Mr. SIMPSON. I am most pleased to add my full support to Senate Joint Resolution 34, the resolution introduced by Senator Thurmond disapproving the proposed pay raises for

Members of Congress, senior executive service members, and judicial officers. The President's proposals go entirely too far for these difficult times.

This is just not the time to be accepting a congressional pay raise. We are continually asking the American people to cut back. Many in our Nation—including far too many in my home State of Wyoming—are already suffering terribly because there are not enough jobs for people who are willing and able to work, because the businesses and industries of agriculture, mining, oil and gas extraction, oilfield services, and general trade have fallen on hard times.

Members of Congress will each make $77,400 a year with the recent COLA—cost-of-living adjustment—and that does not include any "honoraria," which fees we may receive for traveling about the country in order to share our insights and thoughts with various groups that may wish to hear from us.

Yes, we are very fortunate. Indeed we are a privileged few.

The President's proposal would increase the basic salary to $89,500 at a time when there are nearly 22,000 people unable to find work in my home State. This body will have to grapple with funding reductions in programs which will surely affect some of these people, and I can see no possible or remote circumstance to justify any present increase in our rate of pay.

I have not heard from a single constituent who thinks our pay should be raised, but I have heard from a very vigorous—and vocal—crew who think rather strongly and clearly that it should not.

We are elected here to represent the will of the people. We ask them to suffer through budget cuts in worthwhile programs to help us see this Nation through hard times—to bring the massive Federal budget deficit under control. We make many hard decisions that affect their daily lives. We should also make the hard ones affecting our own.

When I ran for this office the first time, my opponent said of my rather modest net worth, "If that's all he's got, we shouldn't elect him to anything." But we, each of us here, know there are people standing in line for each of our jobs—lusting for them, in fact. Good people do run. They always will. Willing candidates for judicial or executive positions are not lacking. Nor will they ever be. Let us not further divide ourselves from those we govern. We don't need the concept of "ruler and ruled." Those we represent sure do understand what we are up to. So do I.

It should not be said of us that we lack the courage or the strength of will to make those hard decisions affecting our own lives and pocketbooks. It should be said that we personally were and are willing to do our part.

Mr. **BINGAMAN**. Mr. President, I rise today in strong support of Senate Joint Resolution 30, disapproving of the Presidential recommendations on pay raises for executive level employees, including Members of Congress.

The Commission on Executive, Legislative and Judicial Salaries originally recommended sweeping pay raises for all executive level employees, including an increase in congressional salaries from $77,400 to $135,000. In a statement I made December 17, 1986, I urged the President to reject this proposal, for I felt such raises were unconscionable in light of the massive Federal budget deficit. The President subsequently revised the Commission's recommendations downward.

However, in the fiscal year 1988 budget, the President still recommended substantial pay increases, including a $12,100 raise for Members of Congress. These pay increases are requested despite the fact that in the same budget, the President asks for massive cuts in Federal funding for education, health services, and other important domestic programs. At a time when many people in this country are suffering from economic hardships stemming from the twin forces of a $220 billion budget deficit and a $170 billion trade deficit, such pay increases for executive level employees are unjustifiable.

Although the pay levels for Members and certain executive and judicial personnel are far below those of comparable positions in the private sector, any consideration of the subject should, at the very least, be discussed in the context of tighter restrictions on honoraria for members.

Thank you Mr. President.

Mr. **GLENN**. Mr. President, very briefly to summarize, I shall not try to go through all the things we had in the couple of hours of debate earlier in the day.

I do not want to see us become an elitist body. I want to keep this body open for people of more average means if they can run. I had hoped to be able to take this, by the commission process, out of the political arena, but we are in the process of putting it back in.

There will, in fact, always be people willing to serve in the Congress, but we do not want just anybody; we want qualified people, we want the best, we want the best who are willing to serve. If they can make far more outside, those numbers are dwindling. We want this place to be open to all walks of life, not just the millionaires.

I hope the Members as they vote tonight—and I know every Senator has pretty well made up his mind about how he or she is going to vote. But I think for the good of this country, we should think of the long term, not just of the political expediency of the moment, and make the Nation's needs as to the kind of people we have here the basis of their vote.

The total package we are talking about here, the Commission recommended an increase for everyone—the judiciary, the executive, and the Congress—of $77 million. The congressional part of that is only $6.5 million. I would say if we encourage just a few more good people to run, it is worth it in the long run because, just as we find in business, you get what you pay for. If we get talented people in there to make those decisions, we are going to save far more. I urge that we make a nay vote on this amendment.

I think we will save more in the long run if we raise salaries in the other branches of Government, also, the executive and judiciary branches of Government. Having good people in there, the ones who administer the laws we pass, how they administer and the efficiency with which they administer them, is crucial. I think the President has made a reasonable decision. I urge a "no" vote.

Mr. President, I yield such time as I have remaining to the Senator from South Carolina.

Mr. **THURMOND**. Mr. President, I have already expressed myself on this proposal. I am not going to take more time. I yield back my time. I think everybody knows how he wants to vote.

The **PRESIDING OFFICER**. The clerk will read the joint resolution by title.

The assistant legislative clerk read as follows:

> A Senate joint resolution (S.J. Res. 34) disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government.

The **PRESIDING OFFICER**. The question is, Shall the joint resolution pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. **BYRD**. I announce that the Senator from California [Mr. CRANSTON] is necessarily absent.

Mr. **SIMPSON**. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Indiana [Mr. QUAYLE], the Senator from Alaska [Mr. STEVENS], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

On this vote, the Senator from Alaska [Mr. STEVENS] is paired with the Senator from Wyoming [Mr. WALLOP].

If present and voting, the Senator from Alaska would would vote "nay" and the Senator from Wyoming would vote "yea."

I further announce that the Senator from Missouri [Mr. BOND] is absent due to illness.

I further announce, that, if present and voting, the Senator from Missouri [Mr. BOND], the Senator from Oregon [Mr. HATFIELD], and the Senator from Indiana [Mr. QUAYLE] would each vote "yea."

The result was announced—yeas 88, nays 6, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—88

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kerry
Lautenberg
Leahy
Levin
Lugar
McCain
McClure
McConnell
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stennis
Symms
Thurmond
Trible
Warner
Wilson
Wirth
Zorinsky

NAYS—6

Breaux
Evans
Glenn
Kennedy
Stafford
Weicker

NOT VOTING—6

Bond
Cranston
Hatfield
Quayle
Stevens
Wallop

So the joint resolution (S.J. Res. 34) was passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the recommendations of the President relating to rates of pay for offices and positions within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to the Congress for fiscal year 1988, are disapproved.

(Later the following occurred:)

Mr. BIDEN. Mr. President, I ask unanimous consent that a vote cast on rollcall vote No. 9 by me which I originally voted "aye" then I voted "no" be changed back to "aye." It will not change the outcome of the vote. I was mistaken in my understanding of the nature of the motion. I intend to vote "aye" in favor of Senator THURMOND's vote which was vote No. 9. I want to change it from "no" to "aye" in favor of Mr. THURMOND.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I thank the Chair and I thank my colleagues.

(The foregoing vote has been changed to reflect the above order.)

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EMERGENCY FOOD AND SHELTER PROGRAM

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of House Joint Resolution 102, which the clerk will now state.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 102) making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program of the Federal Emergency Management Agency.

The Senate proceeded to consider the joint resolution which had been reported from the Committee on Appropriations with amendments, as follows:

(The parts of the joint resolution intended to be inserted are printed in italic.)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is transferred, out of funds previously appropriated, for the fiscal year ending September 30, 1987, namely:

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(RESCISSION)

Of the funds included under this head in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1987, and made available by Public Laws 99-500 and 99-591, $7,475,000 are rescinded.

EMERGENCY FOOD AND SHELTER PROGRAM

(BY TRANSFER)

For an additional amount for the "Emergency Food and Shelter Program", $50,000,000, which shall be derived by transfer from the Federal Emergency Management Agency appropriation "Disaster relief".

DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

(Disapproval of Deferral)

The Congress disapproves the proposed deferral D87-33, in the amount of $28,559,000, relating to the Department of Agriculture, Food and Nutrition Service, Temporary Emergency Food Assistance Program, as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Joint Resolution and the amount of the proposed deferral disapproved herein shall be made available for obligation.

Mr. BYRD. Mr. President, I wonder if we could ascertain at this time how many amendments are going to be called up to this resolution, whether or not we can get the time agreements on them, and how many rollcall votes will be requested.

The distinguished Republican leader and I have been discussing the matter. We would hope that we could wrap up the action on this in a relatively short period.

The distinguished Senator from New Mexico, I believe, had indicated he would like a rollcall vote on a waiver.

Mr. DOLE. I think the Senator from North Carolina wishes time. It will not take long to debate.

Mr. BYRD. Mr. President, I yield to any Senator who wishes the floor.

Mr. CHILES. Mr. President, I say to the majority leader it is my feeling that this does breach our budget totals and therefore would have to have a waiver.

I intend to move to waiver the Budget Act for this provision and if the Senator from North Carolina wants a rollcall vote on that then that will take time.

Mr. BYRD. Mr. President, the Senator from North Carolina wants a rollcall vote?

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BYRD. I am happy to yield to the distinguished chairman.

Mr. STENNIS. Mr. President, this is from the Appropriations Committee, of course. We had the meeting this morning. These matters were passed and some amendments were on it. But I think that it will be fairly briefly explained and considered and voted on. We favor such a course.

Mr. PROXMIRE is here and very familiar with the major part of the money figures in the bill. I am going to call on him to take the lead on that and explain it.

We will certainly cooperate to get the measure voted on as soon as we can.

Mr. BYRD. Mr. President, I thank the chairman and also thank the chairman for calling the committee together today and getting action by the committee on an expedited basis.

So there will be a rollcall vote then on the waiver. A rollcall vote was requested by Mr. HELMS.

Mr. DOLE. If the majority leader will yield, I think the distinguished Senator from New Hampshire [Mr. HUMPHREY] will have an amendment, and he will be willing to have 10 minutes equally divided on the amendment.

Mr. HUMPHREY. Maximum of 10 minutes and no rollcall vote will be necessary in view of the vote was taken on the same issue, providing there will be a tabling motion.

Mr. BYRD. It will be done by voice vote.

Mr. HUMPHREY. Providing there not be a tabling motion.

Mr. DOLE. Just an-up-or-down——

Mr. BYRD. Ten minutes on the amendment and with a vote on the amendment, not tabled.

Mr. HUMPHREY. Voice vote is sufficient given the vote to sustain it.

Mr. BYRD. Of course, I hesitate to lock the Senate into a voice vote. We do not know what the voice vote is going to be. We do not know what the result of that would be.

Mr. HUMPHREY. That is true. Presumably it would carry.

Mr. DOLE. It is the same one we just had.

Mr. HUMPHREY. It is the same language.

Mr. BYRD. Yes, we have voted on this before. The Senator is entitled to another shot at it if he wants, but does he want a voice vote? Is that what he wants?

Mr. DOLE. Yes.

Mr. HUMPHREY. Will the Senator yield?

Mr. BYRD. Could we get the 10 minutes limitation on the amendment now?

Mr. President, I make that request.

Mr. MURKOWSKI. Mr. President, I advise the majority leader it is my intent to offer an amendment to include veterans in the homeless bill. I have discussed it briefly with the chairman of the Appropriations Committee, and I hope that consideration can be given to including veterans specifically in that. The admendment is being drafted at this time.

Mr. BYRD. Very well. I thank the Senator.

Mr. President, I ask unanimous consent that the amendment by Mr. HUMPHREY be limited to 10 minutes to be equally divided in the usual form and that no amendment to the amendment be in order.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Mr. HUMPHREY. Mr. President, reserving the right to object, I want to make it clear I do not anticipate there be a rollcall vote. It depends on who happens to be present in the Chamber. It is possible the amendment might be voted down by a voice vote. At this point before the Chair rules, I want to request a rollcall.

Mr. BYRD. The Senator has that right.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. We are only agreeing on that vote, nothing else?

The PRESIDING OFFICER. The Senator is correct.

Without objection, it is so ordered.

Mr. BYRD. Is there another amendment we might seek a time agreement on?

Mr. GRAMM. Mr. President, will the distinguished leader yield?

Mr. BYRD. Yes.

Mr. GRAMM. I am concerned about the method of funding proposed here, since we are transferring money out of an emergency fund for disaster relief, without any guarantee from the Lord that there is going to be a commensurate reduction in disasters.

So, I am looking at the possibility of offering an amendment to find a more reasonable way of paying for the housing program that you envision.

I certainly want to reserve the right to offer that amendment.

Mr. BYRD. Very well.

Mr. President, I will yield the floor. We do have a time agreement on the amendment by Mr. HUMPHREY.

Mr. MURKOWSKI. Mr. President, I will be willing to enter into a time agreement. I am not aware whether the chairman of the Appropriations Committee will accept my amendment or not. But I am willing to enter into it.

Mr. BYRD. Suppose we try to develop a time agreement on that while I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, one more word to the floor leader, now the time I believe can be carried forward, though. We normally agree on that as long as it is being said they may offer an amendment here to change the whole course, the whole story about how to handle the money and the way to get it, an improvement.

Mr. BYRD. I thank the able chairman for his willingness to enter into time agreements. But for the moment, perhaps we will just proceed; then we will be able to make some decisions.

Mr. STENNIS. That will be very good.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, as the distinguished chairman of the Appropriations Committee, Senator STENNIS, has indicated, I will make a very short 3-minute explanation of the bill and then I understand the Senator from Florida has a statement.

Mr. President, this resolution was reported from the Senate Appropriations Committee shortly before noon today. Its basic purpose is to transfer $50 million from the Disaster Relief Program into the Emergency Food and Shelter Program. Its intent is to alleviate the hardships being faced by the Nation's homeless because of this cruel winter.

The resolution as reported includes two basic changes in the legislation as it was passed by the House on Tuesday of this week. First, the resolution rescinds $7,475,000 in disaster relief funds to make up a shortfall in outlays that would occur under the House-passed resolution.

The shortfall occurs because disaster relief funds outlay at a rate of about 87 percent while the Emergency Food and Shelter Program outlays at a 100-percent rate. Without the rescission recommended by your committee the resolution would thus be subject to points of order under sections 302 and 311 of the Budget Act by increasing outlays above current levels, which already exceed the ceilings set by the budget resolution.

The resolution also contains language disapproving the deferral of $28 million of the $50 million appropriated in fiscal year 1987 for the Temporary Emergency Food Assistance Program. This language was proposed by Senator BURDICK in response to the fact that such a deferral was recently approved by the Office of Management and Budget. The House report on this resolution included language objecting to the deferral, which at that time had only been proposed but not finally approved. To put it another way, at the time the House acted there was no deferral in front of it to be disapproved. If there had been, it is quite likely the resolution language inserted by your committee would have been endorsed by the House.

Mr. President, there has been some concern that the resolution, by transferring funds from the Disaster Relief Program, is making a phony cut. Although I have some sympathy with the argument, I think it is premature.

At the beginning of this year $180 million was carried into the Disaster Relief Program from funds appropriated in fiscal year 1986, a very large surplus. Now it may be that all of the $227 million currently in the disaster relief fund will be needed in the current fiscal year. Or it may be that even with the $50 million transfer being proposed here today, there will be more than enough money to deal with disasters occurring through the end of this fiscal year.

Basically we are trying to predict what will occur because of natural disasters—acts of God—and anyone who tells you he can predict that with any certainty whatsoever is just dead wrong.

If more money is needed in the Disaster Relief Program because of unforeseen events, then we will have to appropriate that money in a supplemental bill and find a suitable offset elsewhere. But let's not compound our already substantial problems by making assumptions based on sheer guesswork.

Mr. President, these funds are badly needed to feed and house the homeless. I hope that we can act quickly to approve the resolution so that these most deprived members of our society will not have to suffer any more than is necessary.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc and that the bill as thus amended be regarded for purposes of amendment as original text, provided that no point of order will be considered as waived by reason of agreement to this order.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. PROXMIRE. Mr. President, I yield the floor.

(By request of Mr. RUDMAN, the following statement was ordered to be printed in the RECORD:)

● Mr. HATFIELD. Mr. President, I concur with our chairman's remarks. This measure is necessary to provide additional funding for assistance to the Nation's homeless. The plight of these people is evident to us all, and I think it is quite appropriate that we take this action.

Mr. President, the committee is also recommending that we disapprove the President's deferral of funds for the Temporary Emergency Food Assistance Program. Despite district and appeals court rulings that deferrals made pursuant to the Budget Act are unconstitutional, this administration continues to impound funds for programs it opposes. The committee recommends we move swiftly to disapprove this particular deferral, and reinstate funding for the "TEFAP" program, which is strongly supported on both sides of the aisle in both Houses of Congress.

I want to emphasize that the joint resolution is deficit-neutral. That is, the additional spending that will occur in fiscal year 1987 as a result of the transfer of $50 million from disaster relief to emergency food and shelter is offset by a further rescission of disaster relief funds. In fact, CBO tells us that adoption of this resolution with the amendments recommended by the committee will reduce fiscal year 1987 outlays by $3,250.

Mr. President, I urge the adoption of the joint resolution.●

Mr. GORE. Mr. President, I rise to enthusiastically support the amendment adopted in committee to overturn the administration's deferral of funds in the Temporary Emergency Food Assistance Program [TEFAP].

I was dismayed to learn of the administration's insensitivity in seeking to delay funds to State governments appropriated under TEFAP. Such actions disrupt the system for distributing the abundant supplies of stored commodities from warehouses to families in need of assistance—and shatter public trust in our national commitments.

As we know, the Supreme Court is now considering the larger constitutional issue of deferrals. But whether or not the administration's action turns out to be legal, it could not come at a worse time for the homeless and destitute. More than 20 million Americans go to bed hungry some part of each month, according to the Second Harvest National Food Bank Network—if they have a place to sleep. Meanwhile, Federal warehouses are overflowing with surplus commodities, costing taxpayers an estimated $10 to $12 billion in storage and handling. As our farmers suffer for want of a market, poor Americans starve for want of food. The Food Assistance Program to distribute supplemental food is designed to resolve that irony.

The proposed $28 million deferral may seem like a small sum by budget standards. But that money could go a long way. In 1981, Congress determined that such funds were needed to assist and encourage States to participate in helping distribute Government-owned surplus food to the poor. In Tennessee, more than 125,000 households with over 725,000 individuals must use this program for food supplements. In nearly half these homes, the program is the major food supply.

In response to the administration's action, the Director of Commodity Distribution for the Tennessee Department of Agriculture has already ordered county and local officials to shut down TEFAP activities day after tomorrow. All orders for commodities after January 31, 1987, have been canceled.

According to the Community Nutrition Institute:

> The shortage of TEFAP funds this year is already beginning to be felt in several States. Many did not receive their second quarter fiscal year 1987 letters of credit at the end of December, and others received substantially less money than they anticipated or budgeted. The administration is not requesting any funds for TEFAP in fiscal year 1988.

Mr. President, the deferral of the TEFAP appropriations is wrong and I ask my colleagues to support overturning the deferral by supporting the committee's amendment, which is part of this bill.

Mr. CHILES. Mr. President, as we discuss this bill, some background information is needed on the budget implications. I want to be clear, however, that I personally support this needed legislation, and the budgetary implications can be dealt with.

As reported by the Appropriations Committee this morning, this bill transfers money from disaster relief to FEMA's Homeless Program and rescinds a little more to keep outlays down.

Unfortunately, we have a problem here. This transfer and reduction in disaster relief is not a lasting and durable offset. We all know, however, that if disasters occur, we must provide the dollars necessary to help the victims. I am not a weatherman, but I hear we have another snowstorm on the way. If Washington becomes a disaster area—although some would argue it already is—because of snow, we are not going to say "sorry, but we don't have the money."

The disaster relief account has three different types of money: New authorizations, unobligated balances, and recaptured obligations from disasters which were, in effect, overfunded in preliminary estimates. CBO estimates that this account will have a 1987 total of $380 million, composed of new funding of $120 million, unobligated balances of $185 million, and estimated recaptures of $75 million.

Cash on hand, however, is currently only $300 million, because recaptures come in toward the end of the fiscal year. Since obligations generally are made early or in the middle of the fiscal year, this means that raiding the disaster relief account for $57 million brings the disaster relief account below what CBO estimates we need for the year.

The House, in fact, has explicitly said that they intend to make up any shortfalls for disaster relief through supplementals. But this merely puts off addressing the budget issue.

And we know we are going to have to cross this bridge someday. Last year, we spent $519 million for disaster relief. Current CBO estimates say that the $300 million will just get us through this year, if it is not cut today.

Let me repeat, this bill takes $57 million out of the disaster relief fund without replenishing that fund. Nothing that I have seen would lead me to believe that disasters are any less likely to take place. Further, nothing leads me to believe that the Congress will be any less likely to respond to those disasters with relief in the same fashion as before, and appropriate more funds as needed.

The $50 million transfer and $7 million rescission is not deficit neutral. This $57 million creates a future funding requirement. We must score it as such. The Budget Committee has a long history of scoring possible later requirements. This is consistent with past practice.

Mr. President, I ask unanimous consent to have printed in the RECORD the scoring of House Joint Resolution 102.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL ACTION TO DATE: HOMELESS SUPPLEMENTAL—H.J. RES. 102—SENATE REPORTED

[In millions of dollars]

	Fiscal year 1987	
	Budget authority	Outlays
Enacted in previous session	1,078,269	1,007,938
Conference agreements ratified by both Houses	−4	−4
Congressional action to date	1,078,265	1,007,934
H.J. Res. 102, as reported by Senate	−8	0
Possible later requirements:		
Special milk [1]	6	3
Veterans compensation [1]	173	
Readjustment benefits [1]	9	
Federal unemployment benefits and allowances [1]	33	33
Family social services [1]	110	
Medical facilities guarantee and loan fund [1]	5	4
Coast Guard retired pay [1]	3	3

CONGRESSIONAL ACTION TO DATE: HOMELESS SUPPLEMENTAL—H.J. RES. 102—SENATE REPORTED—Continued

[In millions of dollars]

	Fiscal year 1987	
	Budget authority	Outlays
Civilian agency pay raises [1]	358	373
Disaster Relief Fund [2]	58	50
Total PLR's	755	466
Total current level	1,079,012	1,008,400
Budget resolution, S. Con. Res. 120	1,093,350	995,000
Over (+)/under (−) budget resolution	−14,338	+13,400

[1] CBO estimates of entitlements and other mandatory programs which will need the additional funding shown here.

[2] SBC estimate of required later funding as shown here.

302(b) ANALYSIS: DEFICIENCIES AND SUPPLEMENTALS: HOMELESS SUPPLEMENTAL—H.J. RES. 102—SENATE REPORTED

[In millions of dollars]

	Fiscal year 1987	
	Budget authority	Outlays
Enacted in previous session	1,741.3	797.1
H.J. Res. 102, as reported by Senate	(7.5)	0
Possible later requirements:		
Civilian agency pay raises [1]	358.0	373.0
Disaster Relief Fund [2]	57.5	50.0
Total PLR's	415.5	423.0
Total subcommittee spending	2,149.3	1,220.1
Senate appropriations 302(b)	6,500.0	1,200.0
Over (+)/under (−) 302(b) allocation	−4,350.7	+20.1

[1] CBO estimates of entitlements and other mandatory programs which will need the additional funding shown here.

[2] SBC estimate of required later funding as shown here.

Note: Totals may not add due to rounding.

Mr. CHILES. Mr. President, As I stated on the floor of the Senate earlier this month, the total budget outlays set forth in the most recent concurrent budget resolution have already been exceeded.

Consequently, since this bill would result in increased outlays, it is subject to a point of order under section 311(a) of the Budget Act.

In addition, the bill provides new outlays in excess of those remaining in the allocation of outlays in the Appropriations Committee's report under section 302(b) of the Budget Act. As a result, this bill would also be subject to a point of order under section 302(f) of the Budget Act.

However, the Budget Act is not a prison. It is a framework for us to make sure our deficit reduction needs are not ignored.

However, the Budget Act allows these points of order to be waived if three-fifths of the Senate agree that such a waiver is in our national interest.

I personally have no reservations about supporting more help for our Nation's homeless. I can see the need for this emergency funding by just walking the streets in Washington. This help has been a long time coming. The food and housing needs of our Nation's homeless are immediate. We must quickly provide this assistance for the critical winter period. Unemployment has radically increased the need for soup kitchens, food banks, and emergency shelters, and this money is essential.

I want us to do it the right way. I think to do that I have to objectively report to the Senate on the budget issues that we have exceeded our targets already and that, therefore, a new appropriation is subject to the point of order. And, rather than play games with the budget, I think we should confront the question squarely and waive the Budget Act for this pressing national need.

We are talking about a small amount of money, especially in the concept of the budget. Rather than create some precedent of saying anytime we can find a pool of money that we can dip into and we can get into that pool and know that it is a pool that you have to replenish at a later time, I think we ought to do it in the front door and say we are going to put it to the Senate to see whether the Senate will waive the act. Again, I am going to support that.

To that end, I move pursuant to section 904(b) of the Budget Act that sections 302(f) and 311(a) of the Budget Act be waived with respect to the consideration of House Joint Resolution 102 as reported by the Committee on Appropriations.

I yield to my distinguished ranking member, Senator DOMENICI. I would say a part of my warning to keep this thing where we are operating with true figures is a result of the kind of leadership that he gave on the Budget Committee of never trying to fool the Senate and always trying to see that we dealt the way the act required us to deal.

I yield to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank my friend for yielding.

Mr. President, before I address this issue for just a few moments—and I know everyone wants to get out of here, I want to establish a little bit of record on this issue. I think you will understand why shortly.

I say to my friend, the chairman of the Budget Committee, that you have moved to waive the Budget Act, and I assume you will ask that we vote on that shortly, as soon as we can; is that right?

Mr. CHILES. Yes.

Mr. DOMENICI. Mr. President, first of all, let me say that the Senator is moving to waive because he believes that, if the Parliamentarian were asked, the Parliamentarian would say that this bill is subject to a point of order. Let me make sure the Senate knows why I know that. Because the Parliamentarian, on this issue, will do what the chairman of the Budget Committee suggests, because that is the precedent, and the distinguished chairman has told me that it is his view that the bill is subject to a point of order. So let us establish that that is how it would happen.

But, strangely enough, I want the RECORD to reflect that if I were chairman, as I was last year, the result would be the opposite on this issue. It would not be subject to a point of order.

Now, I do not want anyone to think that I was right and Senator CHILES is wrong. I just would like you to know why we have an issue here, and it may come back in the next 4 or 5 months to haunt us. Therefore, I am going to support the waiver, and let me tell you why right now.

I am going to support it because I do not believe there is anything to waive and, consequently, I do not think the waiver sets a precedent. That is just my statement. But everyone should know that is why I am doing it.

Now, let me tell you why as a matter of substance. If you take the bill that we are going to vote on and ask the Congressional Budget Office: "In the normal way to score appropriation bills, is this bill deficit neutral?" They will say, "yes." The reason they will say yes is because it does rescind or cancel enough budget authority of a program that is already appropriated to pick up the outlays to pay for this added $50 million for FEMA for aid to homeless people.

Now, what the Senator from Florida is saying is that he is almost certain that it is somewhat of a sham. He believes we are going to put the $50 million back in later because we took it out of the disaster relief fund which we are really going to need, and that is why we appropriated it.

Well, I regret to say that his conclusion that this transfer is not a lasting savings, it is not durable, may be 99.99 percent right. I do not pick and choose that way, because I do not know which savings when we cancel a program or rescind funding are going to be called lasting, durable, and permanent, and which are not.

And since it would be subject to a point of order later on when Congress replenishes the disaster relief fund, I would choose not to do anything about it on budget grounds. I would not make the point of order, because when Congress tries to replenish funding for disaster relief we would indeed be violating section 311 of the Budget Act and spending more than is allowed.

On the other hand, I am going to vote "aye" with the full understanding that it does not establish any precedent. I do not want to vote "no," just to be honest with you. I think we ought to get on with it. If we want to pass this legislation, let's go ahead and do it and save our budget issues for the time later on if, and when, Congress must replenish funding for disaster relief activities.

I want to compliment the distinguished Senator from Florida, and the Senate tonight because we are acknowledging the deficit, that we are already over the fiscal year 1987 outlay ceiling and therefore no new spending fits within the fiscal year 1987 budget. I think that is a real accomplishment because I do not think the House is there yet. They are scoring only budget authority I think, and they are not sure we broke the budget yet although everyone knows we are over the budget ceiling by $13.4 billion in outlays.

So I think at least we are establishing the precedent that we know are over. So that is the position we are in tonight.

Let me say something to my friends who are pushing this measure. First of all, there are a lot of people in the Senate on both sides of the aisle, including this Senator, who are working on the homeless issue. There is another $500 million bill coming along in House. Frankly, I want to tell the Senate that this $50 million is not an emergency. It will not be used immediately. There is $70 million appropriated, and we have not fully spent it. But nobody can resist voting for this. It passed the House yesterday so that while the President was giving his State of the Union Address some could say they will spend $50 million for the homeless under a program that is already working pretty well. FEMA's help for the homeless is working.

But really the history is that the House wanted to pass it, and now the Senate wants to pass it. We want to send it to the President, right around the time of the State of the Union Address to sort of prove that we are a little more for the homeless than somebody else, and maybe even a little more than the President.

But I do not think we will spend this money for quite a while. In a few weeks we will have another emergency measure. Frankly, it is about to pass the House, and it has another $70 million for this same FEMA Program, and nobody wants to even give credit for this $50 million as I understand it. It has become sort of strange situation. But we are probably going to run the bill on through.

I hope these funds are spent wisely if it ever gets spent because it is as good an expenditure for the homeless as there is around. It buys pots, kettles, food, and blankets for the people running the actual homeless shelters.

Having said this I hope we will vote by voice or otherwise on the waiver. But I want it understood that I do not really believe there is anything to waive yet. Later on when we try to replenish the disaster relief fund there will be something to waive.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, first, let me commend the distinguished chairman of the Budget Committee, the Senator from Florida, for making the point that I think is obvious to everybody; that is, we all know there is not enough money in the disaster relief fund to pay for the disasters that are likely to occur this year. Even if we did nothing, even if we did not take the money out, the chances are that we are going to be back before the fiscal year is over voting to put money into this account.

The problem is you can vote to take money out of the disaster account, you can make the whole process deficit neutral, and meet the point of order requirement as the distinguished Senator from New Mexico said, but unless you can get the Lord to sign onto the bill to reduce the disasters, you are just perpetrating a fraud on the American people and our commitment to balance the budget.

So I want to commend the distinguished Senator from Florida for proposing the legitimate way to do this if you want to do it, which is simply to say that now we are going to come along and waive the Budget Act, claim that because this is such a high priority item it is more important than our commitment to balance the budget. That is what the waiver says.

I agree with the distinguished Senator from New Mexico to a point. But that point ends pretty quickly. This is not an irrelevant vote. This is the first in a long line of votes we are going to have in this Congress which tests whether or not we were shooting with real bullets when we adopted the Gramm-Rudman-Hollings law. What we are voting on here is whether we are going to perpetrate a fraud by taking money out of an account set up for disasters—which in all probability is deficient already—knowing it will have to be replenished, or simply waive the act itself by saying that this is of such high priority that it is more important than balancing the budget.

The point I would like to make, Mr. President, is there is another alternative. There is a better alternative if you really believe that this $50 million is so vitally important. The newest figures that we have show that we have already provided $70 million of funds for emergency food and shelter programs, and only $3 million have been spent. Perhaps we ought to have a resolution demanding that the other $67 million be spent. We could do that within the requirements of Gramm-Rudman. Why do we not do that?

Or you know we are actually spending a total of 1 trillion and 16 billion dollars this year. Surely somewhere in that $1.016 trillion there is $50 million that is not as important as helping people out on the streets.

So I submit to my colleagues that while I seldom differ from the distinguished Senator from New Mexico I strongly differ with him on this subject. As he pointed out, even as we speak, another $100 million bill for the same purpose is on its way. Did we say when we adopted Gramm-Rudman we wanted to balance the budget except for the homeless? Will it be next week that we want to balance the budget except for national defense? Do we want to balance the budget except for the Contras? Do we want to balance the budget except for the farmer, except for the veteran, except for every special interest group in the country that has some claim on the Federal Treasury, and that appeals to us in the name of compassion?

Quite frankly, I think the budget ought to be compassionate, but I never get confused about one thing. Compassion is what I do with my money. It is not what I do with the taxpayers' money. That says nothing about how compassionate I am. What I am willing to vote somebody else's money for says nothing about my compassion. What I do with my own money says something about my compassion, not what I would like to do with yours.

We may be talking about the compassion of the Government here. But we are not talking about the compassion of 100 Members of the U.S. Senate. Our compassion is measured by what we do with our own money.

I submit, Mr. President, that while the hour is late and we all want to go home, what is $50 million, or 50 cents a taxpayer? I will tell you what it is. In this 100th Congress it is the first test of whether or not we are going to live up to a commitment we made which in large part said we were going to set out a budget, and we were going to try to live by it. We have not quite made it, but we set out a procedure, in which we make the commitment that if we had breached the budget and somebody came along with a great idea to spend money that we would have to take the money away from other other purpose.

We do have the procedure of a 60-vote margin to waive a point of order. But I submit to my colleagues that while this cause that we are debating here may be important, does anybody here really believe that in a $1.016 trillion budget that we cannot find a real $50 million to take away from some lower priority item to spend for this? I submit we can. In fact, we can take $50 million right out of the emergency food-shelter program because we have $67 million sitting there we already appropriated for exactly this purpose that has not been spent.

Does anybody here really believe that the winter is not going to be over before this money is spent? Does anybody here really believe that the snow will still be out there on the streets when this program is set up and this money spent?

We are going to be in the springtime. The birds will be in the trees. People will be fighting for the park benches with the cherryblossoms blooming before one cent of this money is spent.

What is the issue here? The issue is this: Can you come up with an issue that is so appealing politically that right out of the chute on the first vote of the 100th Congress the Congress said, "Well, balancing the budget is very important, but it is not as important as the homeless." And then next week, "It is not as important as * * *" and I could go on and rattle off a thousand things.

I submit there is a solution to this problem. I am not proposing an amendment, I could offer an amendment here, but I am not trying to cramp the process. The President has proposed four rescissions that total $54 million. I am not saying those are the ones we ought to pick. But surely with the collective wisdom of this body we can come up with $50 million, out of $1.016 trillion in the budget, that is not being spent on as high a priority item as the poor folks who are out in the streets.

So I urge my colleagues, do not be suckered by the siren song that this is just a little sin, that this is just a little breach of the agreement we made, because the next time when we make this argument people are going to say, "Wait a minute, are you saying that the homeless people are more important than the American farmer? Last week for the homeless people, when we already had $67 million we were not spending, you waived the Budget Act. You said that was more important than balancing the budget. Is that more important than the American farmer, the veteran, than small business, than fighting world communism?"

My point is there is no end to it if we start and there is no reason to start.

If we refuse to do this, in 20 minutes we can all come back, transfer $50 million from one of thousands of accounts, pay for this program, even though we all know the money is not going to be spent in time for the winter, and then everybody can go home and feel good about it. Then we will stay within the budget and I will vote for it, any reasonable rescission from any program that you can show is a lower priority than the people who are sleeping out in the snow. I will vote for it. But do not take the money out of an account that does not have enough money already. Do not waive the Budget Act saying that this is something more important than balancing the budget. If the alternative were no aid to the homeless versus waiving the Budget Act, then I think the argument would be strong.

But that is not the alternative. The alternative is taking the money away from some other use.

Mr. PROXMIRE. Will the Senator yield?

Mr. GRAMM. I will yield in just a moment. Let me make a final point.

Even in the most humble American home tonight, if Johnny was running down the steps and fell and broke his arm, they would come up with a place to take the money out of to pay to have the arm fixed. Every household in America would be able to do that. Surely in a trillion-dollar budget, in the Government of the world's greatest Nation, at a time when we all know we owe $2 trillion, surely we can come up with $50 million from some minor account to pay for homes for the homeless and the street people. I think anybody who argues that we cannot is simply not being realistic. But more importantly, it is really saying that we do not want to fool with this trying to balance the budget thing.

The first little test that comes along, we want to say, "This is unimportant. This is a small item. There are provisions for these emergencies."

The point is there is no emergency. We have $1.016 trillion of programs out there. I urge my colleagues to resist this siren's song. There is no end to it. If I thought this was going to be the last one of the year instead of the first one of the year I would be willing to look the other way and pretend this is not important. But this is the first, it is not the last. Please reject this. Affirm our commitment to control spending. Force those who want to spend money on this worthy, noble cause, a cause of compassion, to have compassion for the people who do the work and pay the taxes and pull the wagon and pay the debts, refusing to waive the Budget Act or to take money out of accounts that will have to be put back later. Cut something that is real and fund the program, if you want to do it. Or mandate that the money we already have be spent. But do not do this thing. I yield the floor.

Mr. PROXMIRE. Will the Senator yield?

Mr. GRAMM. I have yielded the floor.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the Senator from Texas is always very persuasive and eloquent. He has a marvelous mind and is one of the real assets of the Senate. I agree with him we should not waive the the Budget Act. On the other hand, the Senator said we could take this $50 million if we wanted to do so from any one of the thousands of accounts. He has not mentioned which one we should take it from. I can tell you if we take it from any accounts, we will have a long debate here. The committee has decided to take it from a specific account where we had a $170 million carryover. We did not spend it last year. It is in that account. We felt the logical thing to do, if we wanted to spend $50 million for the homeless, was to take it from an account which was in surplus last year and which had a big carryover.

If the Senator has a better suggestion, we would like to hear it. There are thousands of accounts and a $1 trillion budget. I agree there are probably areas we can take it from. But I assure you whatever area we pick, whether it is national defense or health, whatever it is, you will get debate.

If the Senator feels there is a better account, I would like to hear what it is.

Mr. GRAMM. Will the Senator yield?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, my good friend alluded to my remarks, and I would like to respond. I do not want to make a mountain out of a molehill, but I suggest that my good friend from Texas, who Senator PROXMIRE commended so highly, is in fact, a little early in his reference. This is not the time to give the kind of speech he gave because that is not the issue.

Let me say to my friend, I believe the Senator from New Mexico has enough credibility to tell you that the appropriations chose an account from which to rescind funds sufficient to offset the outlays associated with the $50 million transfer. As a matter of fact, that is more effort than the House gave. The distinguished Senator from Wisconsin is worried about breaking the budget. He rescinded funds from an appropriated account in order to spend it on the FEMA Emergency Food and Shelter Program.

If you do not want to vote for this $50 million transfer for the homeless because you think there is enough money available, as the distinguished Senator from Texas has said, or for any other reason, then just vote no. Everybody will understand and you can state your reason here. If the reason is you want to say it breaks the budget, then say that and vote no.

But, as a matter of fact, in my opinion it does not break the budget.

The appropriators made a choice and are telling us, "If you want to spend $50 million for the homeless, we choose to rescind funds from the disaster relief account."

Under the Budget Act, I am not going to second guess when we replenish that account, as the Senator from Texas says we are going to have to do. He says we have not yet controlled God so we are going to have to provide disaster relief.

Let me tell you, the disaster fund is somewhat of a guess anyway. But let me suggest that when you replenish it, if you do, and let us say that happened tomorrow, his speech is in order. He is absolutely right. You have unequivocally added $50 million to the budget deficit.

But I am telling you that is not the issue here tonight.

My friend from Texas may say it is, and he may suspect that we are going to have a whole batch of these when supplementals come before us, and some will say they do not break the budget. If you rescind funding from some account with each supplemental, you will, sooner or later, get to a point where you have to replenish some of the canceled accounts. At that point, you had better be ready to vote that the budget has been broken; the totals that you have committed not to exceed are gone. And that may be a reason to vote no tonight. It may be a reason because you may say that you are going to vote for disaster relief and therefore, you ought not to spend this money.

I just do not want this RECORD to reflect that the Senator from New Mexico is suggesting that the first item out of the box, as my friend from Texas says, breaks the budget. If I do not want to spend this money, I will vote nay. But I do not think we ought to use the budget as an excuse tonight, because it should not be. It just absolutely should not be.

Mr. GRAMM. Mr. President, I do not want, as the distinguished Senator from North Carolina would say, to keep dragging this dead cat back and forth across the table. But I want to remind my colleagues what is being proposed here.

The distinguished Senator from New Mexico is saying, as I understand him—and I hope he will correct me if I am wrong—that rather than taking money out of the disaster account, which the distinguished Senator from Florida says will have to be replenished in all probability, given—though I know it would come as a shock to our constituents—that we lack the ability to control acts of God, let us go ahead and be honest and waive the Budget Act. The problem with that approach is that then, in fact, we are waiving the Budget Act and bypassing our commitment to reduce the deficit.

I think you can slice it any way you want to get down to it, but we are setting up a procedure whereby we are going to spend $50 million more than we committed to spend and we are not going to offset it anywhere. We should not take funds from the disaster account out of a $1.016 trillion budget to offset this proposed expenditure; I think that is a poor choice. I also think the choice of waiving the Budget Act is poor because of exactly the reason the Senator from New Mexico argues. But at least, if we take the money out of disaster relief and we later this year do not have enough money there, we will at least have to debate whether or not to transfer funds from somewhere else to replenish it.

In fact, if I felt we had an agreement that if we are wrong in second-guessing disasters and that if, in fact, we needed the money, we would at that point take it out of some other account, I would be less inclined to oppose this proposal. But the proposal is made by the Senator from New Mexico that we do not bother with the offset because it is probably not valid, meaning we will end up waiving the Budget Act some day, let us not wait until some day, let us do it today; let us do it immediately.

The distinguished Senator says the alternative is a long debate and I am planning to leave town tonight, so I am concerned about a long debate. But I really do not believe the American people are concerned about a long debate. I think they are a lot more concerned about balancing the budget than they are whether we get out of here early Thursday night or not. I am willing to have a long debate.

The Senator asked me to suggest some proposals. I looked at some. I thought at one point about harassing everybody by proposing to cut congressional franking. I mentioned earlier that the President has proposed a set of rescissions that meet the target. Those rescissions relate to an agriculture research building in Illinois, and EDA and National Oceanographic and Atmospheric Administration, and UDAG.

I am not saying those are right, but let me make a point to the distinguished chairman: This is not my bill. My point is this: The people who want to spend money have an obligation under the Budget Act to tell us where it is coming from. I can make all kinds of suggestions. I am not saying they are the right ones. But I did not bring this bill to the floor.

The point I want to make is, and I shall not speak on this subject again, No. 1, if you vote to waive the Budget Act, we are not going to come back and revisit this issue again. You have let this horse out of the barn. There will not be another vote, there will not be another choice, $50 million is gone. You have set a precedent that will be repeated on this floor over and over again, that the homeless were important enough that you waived the Budget Act, why not national security? Why not the farmer? Why not every other group that will make exactly the same arguments and appeals that we have heard tonight?

So I think, in order of reasonableness, that the most reasonable thing to do is to say no to each of the proposals and require the proponents to come up with a real offset that does not count on the Lord cooperating with us in terms of disasters. That is the first preference.

The second preference is to do the offset and if the Lord does not cooperate, then we come back and take the money away from another use. The least desirable course is to waive the Budget Act. I urge my colleagues not to do it.

We all see the street people. We all know public awareness is heightened on this issue. But there is nothing unique about this issue. There are a thousand and one other good ways to spend money and we will be right back here again citing this as precedent.

I urge my colleagues, vote down waiving the point of order. Vote down this alternative which, as the Senator from Florida has pointed out, is simply putting off a decision. That is better than waiving the Budget Act, in my opinion, because we at least get to debate it sometime in the future.

The best solution is to vote this down. We could even come back and deal with this next week, find a real offset where money that would have been spent will not be spent.

I remind my colleagues of this point again: We are hearing the words that this is so timely that it has to be done tonight. I am willing to stay to do it tonight. But I remind my colleagues, we have $70 million appropriated from last year for emergency food and shelter programs. Only $3 million has been spent. Why do we not mandate that the $67 million be spent over the weekend and then let us come back on Monday or Tuesday and do this thing right? I urge my colleagues to view this to be the important issue that it is.

Mr. President, I yield the floor.

Mr. ROCKEFELLER assumed the chair.

Mr. DOMENICI. Mr. President, I want to say one last thing. Actually, I have told the Senate what I think about this situation, but I just want to repeat one thing. On the budget issue, my friend from Texas, just does not think the savings that are recommended here are going to hold up. But budgetwise, the savings are made when the funds are rescinded.

The reason I think this is not the issue—the Senator from Texas thinks it is. I do not. On anything you would propose for rescission or termination or reduction that is currently appropriated, the same argument could be made: Wait a couple of months and it could be appropriated again. And that is true. But that is no reason to say that this is the vote of the century in terms of breaking the budget, because there is no budget being broken here as I see it. I think I have explained it, and I think CBO would say there is no breaking of the budget.

The Senator from Texas thinks disaster relief is not a durable saving, but somebody could say that anything you try to save money on is not durable.

What if we cut the franking money for Congress tonight? It would take almost everything we have available. The Senator from Texas said he thought of that. We could go through that. Would not the argument be that that is a saving? He would say it is a very legitimate saving.

I could get up and say, we are going to spend it in about 2 or 3 weeks and we probably would. But I do not think that is a very solid reason. The reason, as I see it, is either you are for this bill tonight or you are not, and the waiver does not mean very much.

That is why I am going to support it. In fact, I do not think it means anything.

Mr. GRAMM. Mr. President, the distinguished Senator made a statement that, despite the fact that I said I would not speak again, I am going to have to answer.

Mr. CHILES. That is the third time.

Mr. GRAMM. The distinguished Senator makes a good point, that if you are willing to remove funding from disaster relief, this will score by CBO and will be deficit neutral. I have not argued that that is not the case. In fact, I have said tonight that if you do that and you are willing, when the funds are needed, to take it away from somebody else, I do not have an objection to it. But the Senator's argument does not apply to the motion to waive the Budget Act. To say that what has been proposed will score even though it is probably not legitimate and therefore we ought to waive the Budget Act is a non sequitur of the worst sort.

If you agree with the distinguished Senator from New Mexico, then you should vote not to waive the Budget Act and accept the decision to take money out of disaster relief. And then we will worry about that money not being there when it is needed, and at that point we will have this debate again.

Were it done that way then it would not be something about which I could get up and make a budget argument. I do not think it is the way to do it. It is not the way I would like to do it, but if that is what we decide to do, then we have lived within the requirements of Gramm-Rudman. But then, when the disaster money is needed, we will have to take it away from somebody else or waive the Budget Act. If that is what we want to do, I do not think it is good policy, but it does not violate the letter or spirit of Gramm-Rudman.

But having said that, then to say, "Well, it is probably not legitimate, go ahead and waive the Budget Act," that in no way follows and therefore I urge my colleagues to vote down this budget waiver. If you are determined to spend the money and do not want to take it away from a real account, take it out of disaster relief and then when the money is needed for disaster relief, we will rush in here on a Thursday or Friday night, people will say, "We don't want to have a debate over this thing because we have to have the money," but at that point we will have to have the debate. But if you follow the recommendations of the Senator from New Mexico, there never will be a debate. Money will be spent. The horse will be out of the barn.

The PRESIDING OFFICER. Is there further debate?

The Senator from North Carolina.

Mr. HELMS. Mr. President, this has been a constructive and instructive debate. I thoroughly agree with the Senator from Texas and I certainly not only agree with the able chairman from Florida, Mr. CHILES, I commend him for laying it out like it is. Now, let me tell you something. This morning in the Agriculture Committee we were dealing with this very subject, a $400 million cap on disaster relief. And practically every Senator on the Agriculture Committee has a little project, a little commodity, a little extra extension of disaster aid. Now, anybody who believes that that $400 million cap is going to stand in the Agriculture Committee, I have some swamp-land down in North Carolina on sale.

Now, as far as I am concerned, we need to discipline ourselves and understand that there is going to be a recorded vote on every budget waiver motion in this Congress. Earlier today I sent a letter to the distinguished minority leader, Mr. DOLE, making it clear that I wanted that to happen and that I should be protected.

Mr. President, I ask unanimous consent that the text of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, January 29, 1987.

Hon. ROBERT DOLE,
Minority Leader, U.S. Senate, the Capitol, Washington, DC.

DEAR BOB: Given the deficit problems and the prospect of legislation to raise revenues, I do not think it is a good idea for us to waive provisions of the Budget Act routinely and without roll call votes. Therefore, I ask that you not agree to waive the Budget Act on any legislation during the 100th Congress, including H.J. Res. 102 this afternoon, unless there is a roll call vote on such a waiver.

I appreciate you protecting me on this matter.

Kindest personal regards.

Sincerely,

JESSE.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. CHILES. Mr. President, I will not take but just one moment and I know everybody is ready to vote. The only thing I want to say is it was the understanding and feeling of the chairman of the Budget Committee that we had, one, breached our targets in outlays and that to legitimately score this, which is within the province, as the Senator from New Mexico said, of the Budget Committee, we would have to say that we were tapping a fund that would later have to be replaced. The House acknowledged that. I think most of us acknowledged that.

I do not like one of our first acts to be moving to waive the Budget Act, which I believe in very strongly. But I would rather do that than try to do something by the back door that is false. We are talking about a program that we think is important for the Nation. If we look at this budget, we know we are about $10, $12, or $14 billion over now. We are talking about $50 million here.

My feeling is that the question is clear. If you want to see this money appropriated, you are going to have to move this waiver or this program is going to fall.

Now, maybe there will be an offset after that. If there is, you can think of something, fine. But other than that, I think we have to do that. I would rather do it through the front door than to try to do something in any other way.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from California [Mr. CRANSTON], the Senator from Illinois [Mr. DIXON] and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Oregon [Mr. HATFIELD], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Indiana [Mr. QUAYLE], the Senator from Alaska [Mr. STEVENS], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that the Senator from Missouri [Mr. BOND] is absent due to illness.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 67, nays 22, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—67

Adams
Baucus
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Durenberger
Evans
Ford
Fowler
Glenn
Gore
Graham
Harkin
Heinz
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McClure
McConnell
Melcher
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Trible
Weicker
Wilson
Wirth

NAYS—22

Exon
Garn
Gramm
Grassley
Hatch
Hecht
Heflin
Helms
Hollings
Humphrey
Kassebaum
Kasten
Lugar
McCain
Nickles
Pressler
Proxmire
Rudman
Symms
Thurmond
Warner
Zorinsky

NOT VOTING—11

Armstrong
Bentsen
Bond
Cranston
Dixon
Hatfield
Metzenbaum
Murkowski
Quayle
Stevens
Wallop

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 22, three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. BYRD. Mr. President, I will yield if someone wishes to move to reconsider. Does anyone wish to do that?

Mr. President, I would like to inquire as to whether or not we might proceed with a voice vote on the amendment by Mr. HUMPHREY. We have already had a vote on it this afternoon. There is no point of going through that rollcall again. Then, if we could, proceed to final passage, voice vote and final passage.

Mr. KASTEN. I intend to ask for the yeas and nays on final passage.

Mr. BYRD. Then could we do this: Could we get at time agreement, may I ask the distinguished Republican leader—I have not suggested this to him; we have not had time—if we could get the amendment by Mr. HUMPHREY agreed to of 5 minutes, equally divided, or some such, and if nobody seeks a rollcall, which I hope will be the case, then go immediately to final passage and vote.

Mr. DOLE. If the majority leader would yield, I understand there is an amendment by Senator MURKOWSKI. I do not know where he is.

Mr. BYRD. Mr. President, may we have order in the Senate?

Mr. DOLE. As I understand it, the distinguished Senator from Alaska, Senator MURKOWSKI, has an amendment.

The PRESIDING OFFICER (Mr. KERRY). The Senate is not in order. Senators please remove their conversations from the well.

Mr. BYRD. Mr. President, I know the Chair is doing its best to get order in the Senate, but we are not going to expedite business unless we do have order in the Senate.

May we have order in the Senate, Mr. President?

The PRESIDING OFFICER. Conversations will please be taken to the cloakrooms. The Senate is not in order. Senators in the aisle will please cease conversations. The Senate is not in order.

The minority leader.

Mr. DOLE. Mr. President, if the majority leader will yield, I would just say that the Senator from Alaska has an amendment which would provide that $5 million of this money will go to homeless veterans. I do not know if the amendment has been cleared.

Mr. PROXMIRE. Will the minority leader yield?

Mr. DOLE. The majority leader has the floor.

Mr. BYRD. I yield the floor.

Mr. PROXMIRE. Mr. President, I might say to my good friend, I am very strongly opposed to that amendment. We have a bill that is pending in the Banking Committee which is going to be introduced next week, with hearings on it in February and a markup a few weeks later and it will be coming to the floor. We will have had hearings then and we will know exactly what we are doing. This is an important proposal that the Senator from Alaska is making. So I hope it will not be offered here.

He is here now.

Mr. BYRD. Mr. President, could we proceed with the Humphrey amendment while we are thinking about the other one?

AMENDMENT NO. 7

(Purpose: Disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] proposes an amendment numbered 7.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the end of the joint resolution add the following new section:

SEC. . The recommendations of the President relating to rates of pay for offices and positions within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to the Congress for fiscal year 1988, are disapproved.

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats and remove their conversations to the cloakroom. The Senate is not in order and we will not proceed until the Senate is in order.

The Senate is not in order. Senators are asked to please cease their conversations so that the Senator from New Hampshire may proceed.

The Senator from New Hampshire.

Mr. HUMPHREY. I thank the Chair.

Mr. President, this is another resolution of disapproval of the pay raise. It is indeed the very same resolution, word for word, which was adopted about an hour ago by the Senate on a vote of 87 to 7. I am offering it now as an amendment to this bill as a means, I hope, of forcing a vote in the House on a resolution of disapproval.

The difficulty with relying exclusively on the freestanding resolution which we adopted an hour ago is that obviously the House is under no compulsion whatever to pass a resolution of its own. However, by amending this bill the Senate does so with the same language that will require or at least instigate a voice vote in the House on how to deal with this particular amendment when it arrives. The issue has been debated thoroughly enough. Senators have already expressed their opinions on it. I do not see any need to debate it further. But it is simply nothing more or less than the amendment adopted an hour ago overwhelmingly word for word.

The PRESIDING OFFICER. Has all time been yielded back?

Mr. HUMPHREY. I yield back the time.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Hampshire [Mr. HUMPHREY].

The amendment (No. 7) was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, can we get some understanding now as to whether or not the amendment by Mr. MURKOWSKI is going to be called up?

If so, can we get a time agreement on it, a brief one?

Mr. MURKOWSKI. Mr. President, I feel that possibly it could take 10 minutes.

Mr. BYRD. Equally divided?

Mr. MURKOWSKI. I would be willing to pursue that.

Mr. BYRD. Mr. President, I ask unanimous consent that there be a time limitation of 10 minutes to be equally divided on the amendment by Mr. MURKOWSKI.

Mr. PROXMIRE. Mr. President, can we make that 12 minutes with 6 minutes on each side?

Mr. BYRD. Twelve minutes equally divided.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. BYRD. Mr. President, is there going to be request for a rollcall vote?

Mr. MURKOWSKI. Mr. President, I assume. I do not know whether we will accept the amendment or not.

Mr. PROXMIRE. Mr. President, the amendment will not be accepted.

Mr. MURKOWSKI. Then I would ask for a rollcall vote.

Mr. BYRD. Mr. President, are there any other amendments? If not, can we go immediately upon the disposition of this amendment to final passage? Does any Senator ask for a rollcall vote on final passage?

Mr. KASTEN. I do.

Mr. BYRD. Can we have 10-minute votes on each of these two? The Senators are here. I ask unanimous consent that on each of the two rollcall votes, if they are ordered, that they be each limited to 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KASTEN. Parliamentary inquiry: Is a rollcall vote now ordered on final passage of the homeless bill?

The PRESIDING OFFICER. It is not.

Mr. KASTEN. I ask for a rollcall vote on final passage of the homeless bill.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KASTEN. I thank the Chair.

Mr. LAUTENBERG. Mr. President, are we now scheduled as I understand it for two rollcall votes?

Mr. BYRD. Yes.

Mr. KASTEN. Is it possible that we can carry the session over until tomorrow when we can have plenty of time to debate? Can we make our decisions when we can have as many rollcall votes as we like as opposed to carrying on this evening?

Mr. BYRD. Mr. President, I know the situation that the distinguished Senator is in. He has 4,000 of his constituents in town tonight. He and Senator BRADLEY have to be there. I recognize that. But I think we can finish this, and when the second rollcall vote begins, the Senator can vote and leave. I do not think Senators here want to come in tomorrow when we are so close to finishing this evening. I say that with the highest respect and regard for the Senator's problem.

Mr. LAUTENBERG. I appreciate the interest and concern of the majority leader. How soon will it be before the first of these votes?

Mr. BYRD. The first vote will occur in no more than 12 minutes, and maybe some of that time will be used up.

Mr. LAUTENBERG. Will there be an immediate vote without further debate on the second issue?

Mr. BYRD. The Senator is correct. I thank the Senator.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

AMENDMENT NO. 9

(Purpose: To provide the Veterans' Administration with authority to contract for psychiatric residential treatment for certain chronically mentally ill veterans)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration. Joining me as cosponsors are Senators THURMOND, SPECTER, GRASSLEY, SIMPSON, PRESSLER, D'AMATO, and DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself, Mr. THURMOND, Mr. SPECTER, Mr. GRASSLEY, Mr. SIMPSON, Mr. PRESSLER, Mr. D'AMATO, and Mr. DOMENICI, proposes an amendment numbered 9.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike out line 13, and insert in lieu thereof the following: appropriation "Disaster relief": *Provided*, That of such amount $5,000,000 shall be transferred to the Veterans' Administration medical care account to be available for the purpose of section 2 of this joint resolution.

TREATMENT AND REHABILITATION FOR CHRONICALLY MENTALLY ILL VETERANS

SEC. 2. (a) Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 620C. Community-based psychiatric residential treatment for chronically mentally ill veterans

"(a) For the purposes of this section:

"(1) The term 'case management' included the coordination and facilitation of all services furnished to a veteran by the Veterans' Administration, either directly or through a contract, including, but not limited to, screening, assessment of needs, planning, referral (including referral for services to be furnished by either the Veterans' Administration or another entity), monitoring, reassessment, and followup.

"(2) The term 'contract facility' means any facility which has been awarded a contract under subsection (b)(1) of this section.

"(3) The term 'eligible veteran' means a veteran who, at the time of referral to a contract facility—

"(A) is being furnished hospital, domiciliary, or nursing home care by the Administrator for a chronic mental illness disability;

"(B) is homeless and has a chronic mental illness disability; or

"(C) is a veteran described in section 612(a)(1)(B) of this title and has a chronic mental illness disability.

"(b)(1) The Administrator, in furnishing hospital, nursing home, and domiciliary care and medical and rehabilitative services under this chapter, may contract for care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community based treatment facilities for eligible veterans suffering from chronic mental illness disabilities.

"(2) Before furnishing such care and services to any veteran through a contract facility, the Administrator shall approve (in accordance with criteria which the Administrator shall prescribe by regulation) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such care and services.

"(c) In the case of each eligible veteran provided care and services under this section, the Administrator shall designate a Veterans' Administration health-care employee to provide case management services.

"(d) In furnishing care and services under this section, the Administrator shall accord priority for such care and services in the following order:

"(1) To any veteran for a service-connected chronic mental illness disability.

"(2) To any veteran with a disability rated as service-connected.

"(3) To any veteran for a non-service-connected disability, if the veteran is unable to defray the expenses of necessary care as determined under section 622(a)(1) of this title.

"(e) The Administrator may provide in-kind assistance (through the services of Veterans' Administration employees and the sharing of other Veterans' Administration resources) to a contract facility under this section. Any such in-kind assistance shall be provided under a contract between the Veterans' Administration and the contract facility. The Administrator may provide such assistance only for use solely in the furnishing of appropriate services under this section and only if, under such contract, the Veterans' Administration receives reimbursement for the full cost of such assistance, including the cost of services and supplies and normal depreciation and amortization of equipment. Such reimbursement may be made by reduction in the charges to the United States or by payment to the United States. Any funds received through such reimbursement shall be credited to funds allotted to the Veterans' Administration facility that provided the assistance.

"(f) Not later than 3 years after the date of enactment of this section, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the experience under this section. The report shall include the Administrator's evaluation and findings regarding—

"(1) the quality of care furnished to participating veterans through contract facilities;

"(2) any health advantages that may result from furnishing such care and services to veterans in such contract facilities rather than in inpatient facilities over which the Administrator has direct jurisdiction;

"(3) the effectiveness of the use of contract facilities under this section in enabling the participating veterans to live outside of Veterans' Administration inpatient facilities and to achieve independence in living and functioning in their communities;

"(4) the health advantages and cost effectiveness of the use of contract facilities under this section to furnish shelter and health care to homeless veterans who are suffering from chronic mental illness disabilities;

"(5) the cost-effectiveness of furnishing such care through contract facilities under this section, including the effect on the average daily census in the Veterans' Administration hospitals, nursing homes, and domiciliary facilities participating in the program (taking into account whether the beds previously occupied by the participating veterans were subsequently occupied by other eligible veterans or remained unoccupied) and the effect on the numbers of Veterans' Administration staff employed at such facilities; and

"(6) any plans for administrative action, and any recommendations for legislation, that the Administrator considers appropriate to include in such report."

(b) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by inserting after the item relating to section 622B the following new item:

"620C. Community-based psychiatric residential treatment for chronically mentally ill veterans.".

(c) Any contract authority or other spending authority granted by this section shall be limited to $5,000,000.

Mr. MURKOWSKI. Mr. President, as ranking minority member of the Veterans' Affairs Committee, I am offering an amendment to House Joint Resolution 102, the homeless bill, that would earmark $5 million of the transfer for the housing and treatment of homeless and certain other chronically mentally ill veterans.

I believe strongly that we cannot ignore the plight of the homeless, many of whom are suffering from chronic mental illness. It appears, Mr. President, that many of these homeless individuals are veterans.

My amendment is basically the text of a provision of legislation that has passed the Senate on two separate occasions, but was rejected by the House. The provision would have clearly provided authority for the Veterans' Administration to contract for psychiatric residential treatment in halfway houses and other community-based facilities. This authority specified that veterans who are being furnished VA hospital, nursing home, or domiciliary care could be provided psychiatric residential treatment at VA expense, if it is determined to be medically appropriate and in the best interests of the veteran. The House refused to accept this provision.

My amendment this evening would add to the category of eligibles for this treatment, homeless veterans with chronic mental illness.

The VA is the largest single provider of care for long-term-psychiatric patients in the United States. Nearly one-third of the VA's inpatient population, 34 percent of the VA's nursing home care population, and over 60 percent of the VA's domiciliary patient population have psychiatric diagnoses.

According to testimony presented today before a Senate Subcommittee on the Homeless, by Paul Egan, deputy director, National Legislative Commission of the American Legion:

> It is a commonly understood fact that mental illness accounts for a substantial portion of the homeless population. It is further understood that deinstitutionalization of the mentally ill is a leading cause of homelessness.

I do not think there are accurate statistics to reflect the actual numbers of homeless veterans. However, estimates range between 250,000 and 3 million homeless individuals.

Mr. President, my amendment would provide a timely clarification of existing programmatic authority and funds to treat and house chronically mentally ill veterans who are homeless, as well as those who are institutionalized and would be potential homeless veterans, should they be discharged without the provision of community residential and treatment support.

In September 1985, the VA's inspector general found that the primary reason why some chronically mentally ill veterans are not discharged is a lack of appropriate alternatives.

There is a high probability that some of this veteran population, when discharged, will either return to the VA hospital or be added to the numbers of homeless.

Many of today's homeless veterans are remaining victims of the well-meant, but disastrous efforts to deinstitutionalize vast numbers of chronically mentally ill patients during the 1950's and 1960's. A main reason for this failure was a lack of structured community residential and treatment support.

Mr. President, I believe that Dr. Paul Errera, the VA's Director of Mental Health and Behavioral Sciences has designed a pilot program to carry out the intent of this legislation.

This program will only be available in a limited area in the Northeastern United States. I think we are indebted to him for his help and support in the development of my original legislation. This amendment would show strong congressional support for expanding this very worthwhile effort nationwide and to target its benefits to include homeless veterans.

Mr. President, as I indicated, the amendment has passed the Senate on two occasions and today I am adding homeless veterans to those eligible for this important health care service. I urge the support of my colleagues.

I would be happy to respond to any questions concerning this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin.

Mr. STENNIS. Mr. President, may we have quiet in the Chamber so we can hear?

The PRESIDING OFFICER. The Senator from Mississippi is correct. The Senate will be in order.

Mr. PROXMIRE. Mr. President, every Member of the Senate certainly wants to provide as much assistance to homeless veterans as we possibly can. We should do this, however, in an orderly way as well as a prompt way.

The chairman of the Veterans' Affairs Committee, Mr. ALAN CRANSTON of California, cannot be here at the present time. This morning in a hearing before the Banking Committee, Senator CRANSTON, who is also chairman of the Subcommittee on Housing of the Banking Committee, said the following:

> As chairman of the Senate Veterans' Committee I am deeply committed to ensuring America's response to those who have protected our freedom. I plan to introduce legislation next week to alleviate the tragedy of homelessness among veterans.

Among other things, this measure would require the VA, HUD, HHS, and DOD to determine the number of veterans who are homeless and what benefits they are entitled to.

Two, require the VA to increase its outreach assistance to homeless veterans to make sure they receive the health care, job counseling, and income maintenance for which they are eligible.

Three, authorize the VA to make new efforts such as in his home State of California to facilitate assistance to homeless veterans; and finally, provide for the VA under arrangements with veterans' organizations and other nonprofit private or public organizations, to transfer hard to sell houses in the agency's inventory of over 21,000 properties for repair and use primarily by homeless veterans and their families.

Mr. President, not only is this legislation going to be introduced next week, but hearings have been scheduled for next month. As Senator CRANSTON said, the markup will occur shortly after that. The legislation will come to the floor. It will come in proper order, having a record on it, and we will know what we are doing under those circumstances. While I have great respect for Senator MURKOWSKI, and I certainly want to support aid for the homeless veterans, it seems to me we should do this in the most orderly way we can, with a record.

Finally, Mr. President, I would like to point out we have to consider also that the Murkowski amendment would create a separate and distinct class of homeless chronically ill veterans. Leaving aside the cost of such a program, I think it starts us down a slippery slope. If we create a separate veterans' class, how about homeless families or mentally ill citizens who have not served in the military? Should we have a homeless program for all these groups?

A last-minute amendment on the floor of the Senate is no way to attack the problem, especially an amendment to make significant changes in title 38 of the United States Code, and particularly at a time when the chairman of the Veterans' Committee has announced that he is going to introduce legislation in the next few days and we can act on it, as I say, in an orderly way.

The **PRESIDING OFFICER.** Who yields time?

Mr. **STENNIS.** Mr. President, the Senator from Alaska certainly has the right to offer his amendment for the veterans. I do not know of any group which has more honest and rigid attention than the veterans, and they deserve every bit of it. These are very strong assurances that have been given. The Senator from Alaska should share in whatever is done about it but not in this bill.

Mr. **PROXMIRE.** Mr. President, I might point out that this is an emergency bill. The House, as was pointed out, rejected this amendment twice. The way to act is to let this emergency bill go ahead and then act, as I say, in an orderly way on the basis of what the distinguished chairman of the Veterans' Committee is proposing.

The **PRESIDING OFFICER.** Who yields time?

Mr. **MURKOWSKI.** Mr. President, how much time have I remaining?

The **PRESIDING OFFICER.** The Senator has 1 minute remaining.

Mr. **MURKOWSKI.** I thank the Chair.

I think my colleagues would agree, and my friend from Wisconsin and the chairman of the Appropriations Committee, that we have a crisis. The crisis is now. The crisis should include, appropriately, American veterans. Why wait? That is why we are here today. We are being told the homeless veteran can wait, wait until next week. This is an appropriate bill. This is a piece of legislation that addresses the homeless in the United States.

I would correct my friend from Wisconsin by reminding him the veterans of this country are a special class, a very special class. We can never repay our debt to our Nation's veterans. To exclude them from a provision that provides relief for the homeless I think is inappropriate. Obviously, it is in the national interest.

While I concur that my friend from California, the chairman of the Veterans' Affairs Committee, has the veterans' interests at heart as I do, the opportunity for the Senate to speak on this issue is now. The Senate has spoken on two previous instances in favor of the heart of this amendment, and it is appropriate that they do so now to include the homeless and provide $5 million to implement this important authority.

You can imagine the interpretation of the various veterans' organizations if this particular piece of legislation is not supported. It will appear that, indeed, the Senate is excluding the veterans of this country.

As a consequence of that, I think my colleagues would agree that as we consider the homeless of this country, we should also consider the needs of the veterans who are homeless.

Mr. President, I ask for the yeas and nays.

The **PRESIDING OFFICER.** Is there a sufficient second?

Mr. **BYRD.** Mr. President, I ask unanimous consent to proceed for 1 minute.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **BYRD.** Mr. President, I am going to move to table this amendment. We have the assurance that there will be an opportunity soon to vote on this matter on the measure which will come from the committee that has jurisdiction. I hope the Senate will take my word for that and would wait until the committee has an opportunity to bring forth that matter, which the Senate will vote on. If that does not happen, I am going to be as unhappy as anybody.

Mr. **PROXMIRE.** Mr. President, I move to table the amendment and I ask for the yeas and nays.

The **PRESIDING OFFICER.** Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Wisconsin. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. **BYRD.** I announce that the Senator from Texas [Mr. Bentsen], the Senator from New Jersey [Mr. Bradley], the Senator from California [Mr. Cranston], the Senator from Illinois [Mr. Dixon], the Senator from New Jersey [Mr. Lautenberg], and the Senator from North Carolina [Mr. Sanford] are necessarily absent.

Mr. **SIMPSON.** I announce that the Senator from Colorado [Mr. Armstrong], the Senator from Minnesota [Mr. Durenberger], the Senator from Oregon [Mr. Hatfield], the Senator from Idaho [Mr. McClure], the Senator from Indiana [Mr. Quayle], the Senator from Vermont [Mr. Stafford], the Senator from Alaska [Mr. Stevens], the Senator from Wyoming [Mr. Wallop], and the Senator from Connecticut [Mr. Weicker] are necessarily absent.

I further announce, that the Senator from Missouri [Mr. Bond] is absent due to illness.

I further announce that, if present and voting, the Senator from Wyoming [Mr. Wallop], would vote nay.

The **PRESIDING OFFICER** (Mr. Matsunaga). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 2, nays 82, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—2

Proxmire
Stennis

NAYS—82

Adams
Baucus
Biden
Bingaman
Boren
Boschwitz
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Leahy
Levin
Lugar
Matsunaga
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Symms
Thurmond
Trible
Warner
Wilson
Wirth
Zorinsky

NOT VOTING—16

Armstrong
Bentsen
Bond
Bradley
Cranston
Dixon
Durenberger
Hatfield
Lautenberg
McClure
Quayle
Sanford
Stafford
Stevens
Wallop
Weicker

So the motion to lay on the table amendment No. 9 was rejected.

Mr. **MURKOWSKI.** Mr. President, due to the overwhelming support of my amendment, I will not ask for the yeas and nays on my amendment.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment.

So the amendment (No. 9) was agreed to.

Mr. **MURKOWSKI.** I move to reconsider the vote by which the amendment was agreed to.

Mr. **ROTH.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **BYRD.** Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered. The majority leader.

Mr. BYRD. I thank the Chair.

UNANIMOUS-CONSENT REQUEST—ARMS CONTROL NEGOTIATIONS

Mr. BYRD. Mr. President, Senator DOLE and I and Senator BOREN are going to introduce a resolution on arms control negotiations with the Soviet Union. This has been cleared on both sides of the aisle, and the distinguished Republican leader and I will join in asking unanimous consent that a vote occur on this resolution on Monday at 4 o'clock p.m.

The PRESIDING OFFICER. Is there objection?

Mr. SYMMS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Very well. Mr. President, we will try again later.

EMERGENCY FOOD AND SHELTER PROGRAM

Mr. BYRD. Mr. President, there will be no more rollcall votes tonight. The Senate will not be in session tomorrow. The Senate will begin consideration of the highway bill on Monday at 1 o'clock p.m. There will be rollcall votes on Monday afternoon.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that Senator DOMENICI be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

Mr. DECONCINI. Mr. President, the emergency food and shelter supplemental appropriation bill that is before the Senate today is not only an important piece of legislation in its own right, but it symbolizes a long-overdue shift in budget priorities already initiated by the 100th Congress. I applaud the leadership in the House and my distinguished Senate Appropriations Committee Chairman, JOHN STENNIS, for moving this humanitarian, timely piece of legislation to the floor of each House in record fashion. The fact that this bill has been marked up; passed the House; marked up and about to be passed in the Senate within 7 days is truly remarkable and reflects the seriousness with which the leadership in both Houses takes the "emergency" addressed in the bill.

Mr. President, I am sure that before this debate is over, we will hear from Senators who will chastise unfairly the majority party as being big spenders and for rolling out another domestic spending measure that will only worsen the deficit situation. Well, once those colleagues look behind the rhetoric and examine this bill, they will know that it does not affect the deficit, nor does it breach the Gramm-Rudman-Hollings deficit targets that are mandated by law. And, once they look beyond the rhetoric and examine the substance of the bill, they will know that the type of emergency situation that is directly addressed in this supplemental appropriation bill is exactly the type of "emergency" situation that should be addressed in supplemental appropriations bills. During our hearings on January 21 with OMB Director Miller, I recall Chairman STENNIS admonishing all of us that supplemental appropriation bills should only be for truly emergency situations and not for routine matters that could or should have been addressed in regular appropriation bills. Well, Mr. President, I know that Senator STENNIS agrees that this is one of those emergencies that should be the focus of supplemental appropriations measures and which is truly needed to tackle a critical national need right now.

Mr. President, I also would like to put this rather small but important emergency supplemental requirement in perspective by comparing it to some of the fiscal year 1987 supplemental appropriations that the President of the United States has requested in his January 1987 budget of the United States. For example, the State Department is requesting $59,750,000 in supplemental appropriations to help them, in part, restore some of the cuts that were imposed on the State Department in the continuing resolution only 3 months ago. Another $1,150,000,000 is being requested by the President for supplementals in a number of international security and multilateral foreign aid programs, including $261 million more for military foreign assistance. Overall, the President is requesting a total of over $4.5 billion for a number of defense, foreign aid, and domestic supplemental appropriation items, many of which may be very important. But as we pass this deficit neutral, $50 million emergency supplemental bill for the homeless, let's try to put it in the context of the $4.5 billion that we are being asked to provide down the road and not in the context of "just another spending bill."

Mr. President, anyone who has been in Washington, DC, over the last snowy week, whether it be standing at a bus stop or shoveling their driveways, or just running to the comfort of their homes, should stop for just a minute and think of what it must be like to have to sleep outdoors on the Washington streets. What it must be like to have only steaming street grates to call home when the temperatures dip below zero. And what it must be like to go hungry at the same time you are seeking shelter from the cold and snow. Let's do the right thing and pass this deficit-neutral emergency supplemental overwhelmingly and let the homeless of this Nation know that we care at least as much about them as we do about foreign aid; State Department staffing; and other Government agencies that are knocking at Congress' door for more and more money.

Mr. ADAMS. Mr. President, I would like to express my support for House Joint Resolution 102. We here in the Nation's Capital have just suffered the inconvenience of a serious winter storm. Many of us have waited hours for a subway, or been stuck in a traffic jam. But we at least have a warm house to go home to. We do not have to walk through the snow all night, or huddle under a bridge, or be turned away from a crowded shelter. This resolution seeks to address an immediate, desperate need. This is not a matter of political posturing or grandstanding. Millions of our fellow Americans are cold, hungry, and without shelter right now, in the dead of winter; and they need our help. I commend the leadership for responding swiftly and humanely to this crisis by moving this legislation quickly through the Senate.

I would also like to point out that this legislation only addresses the immediate crisis. The problem of homeless Americans is complex, and one that must be addressed on a comprehensive basis. In Seattle in my home State, there has been a serious crisis for many years, and existing resources are being stretched past the breaking point. It is time to move beyond emergency responses, and start putting in place long-term programs to deal with this crisis. It is a good sign that both the President and congressional leaders have put forth thoughtful proposals worthy of consideration, all of which propose to spend far more money than the $50 million asked for today. But the responsibility still lies with us to act, and act quickly so that programs may be put in place for next winter. Mr. President, I urge my colleagues to support this resolution; and I look forward to working further with all of you to tackle this terrible problem.

Mr. GORE. Mr. President, I want to rise to express my strong support for this bill. The emergency relief legislation before the Senate today does not include enough funding to solve the homelessness crisis in this country, and what funds are made available may not be soon enough for many homeless men and women who are facing one of the most bitter winters in memory in some cities. But while this emergency funding bill is not enough to meet the total need, it may actually keep some of the homeless men, women, and children alive through this winter.

Here, and across the country, people are beginning to realize that we can't turn our backs any longer. Homelessness hasn't been this bad since the Great Depression—and it continues to get worse. Requests for emergency shelter increased by 25 percent last year, and are overwhelming local resources during this especially harsh winter in the East, the South, and elsewhere. That doesn't include the hundreds of thousands of the homeless too proud or too downtrodden to seek help.

Mr. President, last year I joined Senator MOYNIHAN in introducing the "Homeless Persons Survival Act." That action was, for me at least, largely an act of faith. The evidence concerning the dimension of the problem and potential solutions was hotly disputed.

So I set out to learn more about the problem in Tennessee. I sponsored a series of workshops across Tennessee last fall to determine the extent of homelessness in our State. And, just before Thanksgiving, we held a statewide workshop in Nashville.

The entire experience has been tremendously rewarding. I have never been so inspired by so many citizens' selfless determination to help their fellow beings. For everyone involved, the effort to eradicate homelessness has reaffirmed faith in the basic generosity and humanity of mankind.

Across Tennessee and the entire country, people simply refuse to give up. The challenge may be great, but the concern and determination are greater.

When I took up this issue last year, there were those who warned me that it was a no-win issue. Homelessness is vastly exaggerated, they said. And what homelessness does exist is mostly voluntary, and that problem will always be with us.

But after 6 months of studying this issue in Tennessee in particular, I can tell you that those critics were wrong on all counts. Addressing the problem of the homeless is not only good public policy, it is an effort that is well understood by people everywhere who know that the need is all too real.

For starters, I think we have managed to bury the myth that these people are bums, or homeless by choice. Surveys show that no more than one homeless person in 20 fits that pattern. The vast majority are out on the street because of forces that are beyond their control or too much for them to handle.

The profile that is emerging looks nothing like the traditional "Skid Row" stereotype. These people aren't urban hermits who have chosen to opt out of life. For the most part, they have somehow fallen through the cracks in our society.

Studies show, for example:

That 25 percent to 30 percent of the homeless are mentally ill. They belong in mental health hospitals or at community health centers, but the funds for those facilities have been cut back steadily over the past decade.

An even greater share—30 percent to 40 percent—are alcoholics or substance abusers. This is the most visible group, and perhaps the least helped. They could be cured, but most treatment centers won't take them in.

A growing portion of the homeless, nearly 30 percent, consists of single parents with young children—typically a mother and her kids fleeing domestic violence. Few shelters are equipped to handle these battered women and children for extended periods.

The ranks of the homeless also include a large number of teenaged runaways, unemployed workers, and recently released offenders. They are transient, displaced, out of touch. Together, they represent "the disappeared" of a democratic society.

Clearly, the principal cause of homelessness is the lack of affordable housing. None of our cities has enough public housing or low-cost private units to house all the families that need it. When I visited shelters for the homeless in Nashville last November, I was struck by the alarming number of children who have no place to go at night. As a society, we clearly have failed to provide the most basic right of all—the right to shelter. Low-income housing programs have been shortchanged far too long.

Other ideas will require a broader commitment. Illiteracy, for example, is one thing that holds the homeless back. Many of us take reading for granted, but for thousands of homeless people—and millions of other Americans—reading is a struggle. Illiteracy robs these people of the basic skills to function in our society. It will take years of better education and higher standards to turn the problem around.

Over the past half century, we have tried to weave a safety net that would catch the less fortunate who stumble. But in recent years, the safety net has frayed as we got cheap with our thread and fell asleep at the loom.

Shortly, Senator MOYNIHAN and I will reintroduce the Homeless Persons Survival Act. The new bill will be similar to the bill last year, recognizing significant progress that the Congress made in passing several key provisions of the bill late in the session last fall. Senator DOMENICI helped coordinate the amendment to the drug bill that gave us the opportunity to move ahead with several aspects of our omnibus bill.

We streamlined a process that has inexplicably prevented homeless people from receiving vital benefits designed to help that population—this mostly by eliminating the worst of the residency requirements.

And we made it possible for homeless people and others eligible for food stamps to use those modest payments to purchase economical hot meals at nonprofit feeding centers. And, we added the homeless to the targeted populations for job training assistance.

These were important and timely changes in current laws which have kept critical benefits from reaching those most in need. However, it is far from enough.

During my sessions on homelessness in Tennessee, I learned that we must deal with the linkage between corrections release programs and homeless ex-offenders, and the linkage between mental health institution release rules and homelessness among the mentally ill. And, as I mentioned before, we cannot begin to eliminate the structural nature of homelessness without considering the incidence of illiteracy.

We must add some new funding for the cities to begin adding to low-income housing stock—clearly the fundamental problem underlying homelessness.

And we must make major improvements in mental health services for the homeless with appropriate grants, and provide new resources for shelters, food distribution programs, and other services designed to prevent homelessness.

We are carefully finetuning our omnibus bill this year. We should also move to provide approximately $500 million for shelters, new mental health initiatives, and other services. This is the so-called Foley bill in the other body, where it has gotten off to a fast start.

But in the meantime, we must act immediately to get the funds in the bill before us today to local agencies to help provide emergency shelter, food, and medical care to homeless men, women, children, families. This is the very least we can do, and I urge my colleagues to support the bill.

Thank you.

Mr. McCAIN. Mr. President, yesterday I introduced legislation to ensure full funding for the Temporary Emergency Food Assistance Program, TEFAP, for the last three quarters of this fiscal year. My efforts were directed at the administration's proposed deferral of over $28 million of the $50 million Congress appropriated for the program in this fiscal year.

Inaugurated in 1981, TEFAP provides funding for the delivery of surplus foods—cheese, milk, rice and butter—to those who might otherwise go hungry. The program has enjoyed unequivocal support here in Congress. That support was again expressed yesterday when I introduced legislation to prohibit deferral of the TEFAP funds. There has been a groundswell of support for this effort to overturn the deferral. Today, Senator BURDICK successfully offered the amendment to House Joint Resolution 102 during markup in the Appropriations Committee. I know that many of my colleagues join me in thanking the senior Senator from North Dakota for ensuring that our efforts were successful.

My objection stemmed from the cuts proposed in the TEFAP Program, and from the purpose for which those funds were to be used—pay raises for employees of the Department of Agriculture.

Mr. President, while I have opposed a congressional pay raise, I have no objection to pay raises for certain Government employees. I submit, however, that the case can be made that the hungry of America have a more pressing need for that $28 million than do Government employees. I am confident that a better source of funding for pay raises can be found in the Department of Agriculture's $55 billion budget.

In my home State of Arizona, about 275,000 people, 40 percent of them elderly, are served by the TEFAP Program. The program is available only to those at or below 150 percent of the poverty line. It brings food and sustenance to people in every town in Arizona, from Tucson and Phoenix to Queen Creek and Stanfield. I am pleased that our efforts here today have helped ensure that the TEFAP lifeline will not be severed.

In short, Mr. President, I believe we have an obligation to ensure this Government follows President Reagan's pledge that "We will never abandon those who, through no fault of their own, must have our help" I would like to commend Senator DANFORTH for his efforts on behalf of the TEFAP Program. I would also like to thank the sponsors of my bill, Senators DOLE, CHAFEE, MCCONNELL, and MITCHELL, and those who also cosponsored the resulting amendment, Senators COHEN, BOSCHWITZ, WILSON, DECONCINI, and FORD.

Mr. METZENBAUM. Mr. President, I rise to add my support for House Joint Resolution 102 to that of my colleagues in both House and Senate. The bill simply provides for a transfer of $50 million in funds already appropriated in the FEMA disaster relief account to the FEMA Emergency Food and Shelter Program. The purpose is to provide the National Board of Charitable Organizations with additional emergency funds for immediate distribution to the homeless and the hungry. No new budget authority is required.

Let me point out the obvious that homelessness to the homeless is both a disaster and an emergency.

Just 2 days ago, the President came before us and declared, "We will never abandon those who, through no fault of their own, must have our help." Who more than the homeless and the hungry need our help! Immediately!

We here are experiencing a severe winter; we complain about transportation, about waiting hours in freezing weather; about digging out of 2 feet of snow. I have trouble conceiving of survival on the streets day and night under such conditions.

Surely, the very least we owe our fellow Americans is shelter and food; not one person should be homeless or hungry in this great and resourceful Nation.

Mr. President, I support House Joint Resolution 102, and the amendment to reject the deferral by the administration of $28.6 million provided for State and local surplus food storage and distribution costs through the Department of Agriculture.

State and local agencies struggle valiantly with ever fewer resources. In my State of Ohio, the Columbus Mid-Ohio Food Bank distributes surplus food to the poor in a 10-county area. Without Federal assistance, the food bank, at best, can only distribute food to Franklin County food pantries, and people in rural counties will suffer.

In small ways, in mean-spirited ways, the Federal Government withdraws from its responsibility to our people, and continues to tighten the screws on the States, at the ultimate expense of the poor, the homeless, the hungry.

Mr. President, I want to believe that we will never abandon those who must have our help. I will make every effort to help the administration keep that pledge. To begin, I support House Joint Resolution 102 and the committee amendment.

Mr. COHEN. Mr. President, I would like to join with my colleagues in voicing support for the House Joint Resolution 102, which would transfer $50 million to the Emergency Food and Shelter Program of the Federal Emergency Management Agency from another Agency account. With prompt action by the Senate, and by those organizations which serve the homeless through the Emergency Food and Shelter Program, this transfer can save lives and ease suffering among the Nation's homeless. This assistance will be especially welcome during the months before warmer weather returns. I commend House Joint Resolution 102 to my colleagues and am confident that the Senate will today approve this measure.

While this measure is before the Senate, I would like to take the liberty of especially commending a provision incorporated into House Joint Resolution 102 by the Senate. The provision of which I speak is the disapproval the President's deferral of current fiscal year appropriations for the Temporary Emergency Food Assistance Program [TEFAP].

The TEFAP enables States to make the best possible use of surplus commodities held by the Federal Government—feeding our own needy citizens. Through this program, the Federal Government distributes to the States cheese, butter, and other foodstuffs. The States, in turn, distribute these foodstuffs to their low-income residents. The TEFAP also reduces the cost to the Federal Government for storage of surplus commodities.

In Maine, 11 Community Action programs hope during this fiscal year to distribute some 4.7 million pounds of commodities worth $3.7 million to more than 63,000 households throughout the State. One of Maine's quarterly distributions of TEFAP food is going forward this very week.

Last year, the Congress appropriated $50 million for fiscal year 1987 to help the States meet some of the costs, such as transportation and storage, of distributing TEFAP commodities to their low-income residents. At this point, more than $28 million of these funds remain unspent. Yesterday, the President notified the Congress of his intention to defer these funds in order to offset salary increases at the U.S. Department of Agriculture. That is, the President intends to spend the remaining TEFAP appropriations on USDA pay raises rather than on the distribution of surplus foodstuffs to the poor.

If the Congress allows the deferral of TEFAP funding to stand, the cheese, butter, dry milk and other foodstuffs given to needy Mainers this week will probably be the last they would receive through the TEFAP. The TEFAP in Maine, and the programs in many other States, I am certain, would abandon their plans for further commodity distributions. Low-income families would forgo food worth many times the amount of the deferred funds.

The Congress has rightfully challenged the administration's use of deferral power as an instrument of policy rather than merely of program administration. The deferral in question clearly goes beyond administration since it would effectively shut down the TEFAP in many States. Although the courts have now ruled twice that the provisions of the Budget Act under which the President has exercised powers of deferral are not constitutionally sound, TEFAP funding for the current fiscal year will remain deferred unless subsequent court action pertains to this specific program or the Congress acts to disapprove the deferral. The surest and fastest way to address this problem is for the Congress to respond directly to the President's deferral notice.

Because I feel strongly that the Temporary Emergency Food Assistance Program should continue, yesterday, I joined Senator MCCAIN and others in introducing a measure disapproving the deferral of TEFAP funding.

I am delighted that the Senate Appropriations Committee this morning also incorporated into the legislation now before the Senate language disapproving the deferral of TEFAP funding. I hope that the Senate will take this opportunity to overturn quickly the President's deferral of modest appropriations for the TEFAP which will help bring to needy Americans wholesome food—food which would otherwise go to waste in Federal storage facilities.

Mr. CRANSTON. Mr. President, I strongly support this bill that will be voted on later today. It is a downpayment on a solution to a problem of growing concern to most Americans: The fact that many thousands of our fellow citizens are forced to live on the streets, without adequate food and without shelter.

I have just chaired a hearing in which the Senate Housing Subcommittee took a rather comprehensive look at the nature and size of this problem. Witnesses included mayors from cities in different regions of the country, people who have operated shelters for the homeless, representatives of national organizations that are working on the problems of homeless people, representatives of executive branch agencies, and representatives of veterans' organizations.

The consistent message is that this is a national crisis that demands a national response.

The U.S. Conference of Mayors finds that, in city after city across the country, the problem has grown markedly worse in the last year. They estimate that "24 percent of the demand for emergency shelter goes unmet."

Although every dimension of the problem is disturbing, I am particularly alarmed that a rapidly growing number of homeless people are families with children and that many are mentally ill people who are not being given adequate services.

As chairman of the Veterans' Affairs Committee, I am also deeply concerned by reports that veterans are a disproportionately large part of the homeless population—40 percent according to American Legion estimates. I have heard reports that in Los Angeles it may be as high as 50 percent.

Several days ago, I had an opportunity to visit the shelter here in Washington that is operated by the Community for Creative Non-Violence. As Mitch Snyder introduced me to one resident after another, I was deeply moved as I met people there who were intelligent and had been productive citizens but who had recently fallen on hard times—people who, in some cases, had jobs but simply could not find affordable housing.

City officials have found that the problem is caused by a lack of affordable housing for low-income people, unemployment and other employment-related problems, mental illness and the lack of services needed by mentally ill people and an array of other problems that relate to shortcomings in public policy.

The size and growth of this problem is a darkening shadow of shame across the streets of America.

It is a problem we must understand so that as a nation we can do what we can to ease this suffering, which is there for all to see.

The hearing I held this morning and our action now on this urgent appropriation should be the kick-off here in the Senate for a serious action agenda on the problem of homelessness.

This additional $50 million for the Emergency Food and Shelter Program will provide extra help that is needed now. The Senate should pass this measure promptly so it can go quickly to the President's desk.

But other steps are in the works.

The Senate Banking Committee will bring a housing bill to the Senate floor early in this session—we have had no housing bill for the last 3 years. The committee intends to include assistance for the homeless in that bill. I am looking forward to working with Senator DIXON to draft a sound provision. Committee action on the bill is scheduled for March 3, and I will bring it to the Senate floor as soon as possible thereafter.

I intend to work with other members of the Senate leadership to ensure that the problem of the homeless is addressed promptly and comprehensively.

As chairman of the Senate Veterans' Affairs Committee, I am deeply committed to ensuring that America responds compassionately to the needs of those who defended our country's freedom. I plan to introduce legislation next week to alleviate the tragedy of homelessness among veterans. Among other things, this measure would:

Require the VA, HUD, HHS, and DOD to determine the number and service periods of veterans who are homeless and what VA benefits these veterans are entitled to;

Require the VA to increase its outreach efforts to homeless veterans to ensure that they receive the health care, job counselling, and income maintenance support for which they are eligible;

Authorize the VA to take new efforts—such as those I understand have been developed at some VA facilities in my home State of California—to facilitate employees who wish to volunteer their time and energy to provide assistance to homeless veterans; and

Provide for the VA, under arrangements with veterans organizations and other nonprofit private or public organizations, to transfer hard-to-sell houses from the agency's inventory of over 21,000 properties for repair and use primarily for homeless veterans and their families.

Much needs to be done. Much can be done. We must work on a bipartisan basis, with cooperation between the Congress and the White House.

I will work to make sure that legislative action is responsible and will make a real difference for the people on America's streets. And I will do what I can to make sure that promises made on this issue are promises kept.

This is a good first step. I urge my colleagues to take it quickly.

Mr. BURDICK. Mr. President, I am pleased that the Senate is taking up this emergency legislation in such an expedited manner. There is no doubt that we need to have this additional assistance for the homeless people of our country.

I want you to know that I am intimately aware of the plight of the homeless people. Just recently, I spent the night at a homeless shelter in my State and I can tell you that any assistance that we can provide these people is not too much. I talked with these people, slept with them, and had breakfast with them in the morning. They are hungry, they are cold, and they are alone. They need our compassion and our funding. What hit me most about the experience, is that while I was leaving, they were not. I am going home. They had no place to go.

Mr. President, I hope that this measure will pass without delay, and that the President will approve the measure so that the assistance can be made available immediately.

Mr. President, I further want to draw to my colleagues' attention the provision in this bill which I inserted just this morning which will overturn a deferral of $28,559,000 that the President has proposed for the Temporary Emergency Food Assistance Program. This deferral represents 57 percent of that program's total funding, and I would like to explain to my colleagues exactly what this drastic cut in funding means for each and every State.

TEFAP provides funding for the intrastate storage and distribution of USDA donated commodities. Under this program, assistance may be provided to cover the costs incurred by charitable institutions, food banks, hunger centers, soup kitchens, and similar nonprofit eligible recipient agencies providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons.

The allocation of funds to the States is based upon a formula which considers the State's unemployment level and the number of persons with incomes below the poverty level.

This proposed deferral of 57 percent of the funding for this year means that the States are going to have to eliminate the program. Without the Federal funding, they cannot afford to administer the program. The result would be that the millions of individuals now receiving benefits under this program would be cut off. In my State alone, Mr. Chairman, we are providing these commodities to 93,000 individuals every month.

A great many people, especially the elderly and marginal income families, depend on this program to supplement their diets. It would be a big mistake to cut them off.

It would be a double mistake because the commodities used are in surplus and if they are not donated to this program, they will be left to sit in storage, go unused, incur storage costs for the Government, and possibly get discarded in the end.

What is so aggravating, Mr. Chairman, is that before we even received the deferral message, the States were told by the Department of Agriculture that their funding for this program had been cut and that they were to plan accordingly. As a result, many States are putting holds on their shipments of commodities for March because they don't know if they'll have the money to get the food to the people who need it. It is absolutely ridiculous.

The confusion and disruption that this deferral causes cannot be underestimated. The effect of the deferral is to reduce the second quarter allocation by at least 25 percent. This leaves the States no time to make alternate provisions for this quarter, or for the remainder of the fiscal year.

Many States have already ordered foods, made delivery and distribution arrangements, and informed local distribution sites of the foods to be received during this second quarter. This was done by States with the understanding that Federal funding would be available to cover the costs incurred. Without any forewarning, USDA is now withholding Federal funding necessary to complete the commitments previously made by the States.

So you see, this is no way to run a Federal program, and it is fundamentally unfair to do this to the States at this time. Congress cannot afford to wait to deal with this deferral. That is why I inserted this provision to overturn the deferral and I hope my colleagues will support me in this effort.

Mr. DODD. Mr. President, I rise in strong support of House Joint Resolution 102, a joint resolution to provide an additional $50 million for the Emergency Food and Shelter Program of the Federal Emergency Management Agency [FEMA]. The funds will be made immediately available by transfer for the fiscal year ending September 30, 1987, from FEMA's disaster relief account into the Emergency Food and Shelter Program.

The bill contains no new budget authority. Rather, it is a transfer of previously appropriated funds for disaster relief programs.

The point here is this: disaster has already struck for homeless Americans. Every day that we wait and argue about the nature of the disaster, it simply grows more tragic in our midst.

There are at least 350,000 homeless Americans—possibly as many as 3 million. Twenty-eight percent of the homeless population is families with children—and that figure is rising. During 1986, the demand for assisted housing by low-income households in our cities increased by an average of 40 percent. Over the last 5 years, decent, affordable housing for low and moderate income households decreased in most of those same cities. Twenty-four percent of those seeking just temporary shelter are denied it.

My home State of Connecticut has been blessed with great prosperity. We have worked for it. We are proud of it. And yet, in the midst of Connecticut's growth and prosperity there is vast deprivation. In October of 1983, Connecticut's Gov. William A. O'Neill appointed a task force to provide leadership to insure that the needs of the homeless are met. They have done a tremendous job, producing among other things an action plan to address the needs of the homeless in Connecticut. As that report outlines in great detail, the needs of the homeless in Connecticut alone are formidable. In fact, the Connecticut Coalition for the Homeless, a Statewide advocacy group, estimates that there are over 25,000 homeless people in the State; 25,000 homeless human beings in one of the most prosperous States in our Nation.

It is beyond time that the whole Congress and the administration—especially—set their priorities straight and work with our States, local governments, direct providers, organizational providers and others to end homelessness in America. Until now, as far as the homeless are concerned, our priorities here in Washington have been way out of line. We must begin to reach the homeless this winter, their time of greatest need. The passage of House Joint Resolution 102 here today will be a critical first step in setting things aright.

But make no mistake. House Joint Resolution 102 is in no way an alternative to, or a substitute for, the comprehensive legislation represented in H.R. 558, legislation supported by House Speaker WRIGHT and introduced in the other body. That important legislation calls for a $500 million program to provide for the emergency needs of the homeless and to establish provisions which would help the homeless permanently improve their lives. I applaud our colleagues in the other body for their bold strokes. And I pledge my utmost support for their efforts. I also pledge my time and energy toward a bipartisan Senate goal of crafting comprehensive legislation for the homeless.

The passage of House Joint Resolution 102 today is simply the signal that our work has, at long last, begun.

FDR once said that the "test of our progress is not whether we add to the abundance of those who have too much; it is whether we provide enough for those who have too little." I submit that those are words that we should heed today as proudly as we heeded them 50 years ago. Times have changed, I am the first to admit. But times have not changed so much that we have forgotten that when one suffers, we all suffer.

Homeless Americans need—and deserve—prompt, effective, and compassionate action on the part of Congress. Until now, our response has been embitteringly too little. Let us act before our response is callously too late.

Mr. KERRY. Mr. President, I rise in support of House Joint Resolution 102, legislation which would transfer funds from the Disaster Relief Program of the Federal Emergency Management Agency [FEMA] to the Emergency Food and Shelter Program. The need for additional homeless funds is immediate and widespread.

Mr. President, we have a crisis in homelessness and the visions are all around us. One only has to go two blocks from where we stand today to see the vivid impact and effect of this crisis. What most of us characterize as home sweet home is drastically different for those on the streets. Instead of warm beds and glowing fires, the homeless find warmth and shelter on steam grates and in cold desolate buildings. The nature and character of the homeless population has changed as the numbers have increased. The victims today represent a diverse population ranging from families with children, to the elderly, to the recently unemployed, to the mentally and physically disabled.

This resolution will not provide money to fund fancy hotels or expensive apartment buildings. Rather, the resolution will provide additional resources to a program that works. Since its inception 4 years ago, FEMA's Emergency Food and Shelter Program has provided more than 55 million nights of shelter and more than 250 million meals for the homeless. The transfer of funds we approve today will be channeled through FEMA to a national board of charitable organizations such as the United Way, the Salvation Army, the National Conference of Catholic Charities, the Council of Jewish Federations, and the American Red Cross. In turn, the national board distributes the money on the basis of unemployment and poverty to hundreds of local boards throughout the country.

Homelessness is growing at a rate we have not seen since the Great Depression. The causes of the crisis we face today are varied, but there is no doubt that some of the blame rests with the Federal Government. Recent cutbacks in funds for low-income programs for job training, food stamps, and health care benefits, coupled with the crisis in housing availability and affordability have meant a swell in the ranks of those forced to assume the role of street people. A recent article in the Washington Post noted that homelessness in the Washington, DC, area alone had increased by more than 500 percent in the last year.

Mr. President, the emergency funding resolution that we are considering today is certainly not a panacea for the problems of homelessness and should not be viewed as such. The very need for this resolution today raises serious questions and concerns that Congress must seek to address in the near future as we begin discussions on comprehensive homeless legislation. The resolution will, however, provide some temporary relief to the homeless during a period that can be especially brutal to those on the streets.

In a Nation that prides itself on high standards and humanitarian tradition we cannot turn our backs on those who need our help the most. I support this resolution and urge my colleagues to pass it expeditiously.

Mr. COCHRAN. Mr. President, this morning the Appropriations Committee amended and reported House Joint Resolution 102, the emergency supplemental for the Emergency Food and Shelter Program of the Federal Emergency Management Agency [FEMA]. This resolution includes a provision disapproving the proposed deferral (D87-33) in the amount of $28,559,000 relating to the Temporary Emergency Food Assistance Program [TEFAP].

Funds for TEFAP are administered by the Food and Nutrition Service of the Department of Agriculture through grants to State agencies which operate commodity distribution programs. Allocation of the funds to States is based on a formula which considers the States' unemployment rates and the number of persons with incomes below the poverty level.

In fiscal year 1985, almost a billion dollars' worth of surplus commodities were distributed to assist needy individuals. Donations continued in fiscal 1986. Precise levels of commodities made available for distribution depend upon the availability of surplus commodities and requirements regarding displacement. Over $56,800,000 was used in fiscal year 1985 to help State and local authorities with the storage and distribution costs of providing surplus commodities to needy individuals; $50,000,000 was appropriated for fiscal year 1986 and was allocated to the States for their use.

For fiscal year 1987, $50,000,000, the full authorized level, was again appropriated and included in the continuing resolution. However, just yesterday a message was sent to Congress proposing deferral of all unobligated TEFAP funds as of January 5, 1987. Mr. President, deferral of these funds will cause widespread disruption in the Temporary Emergency Food Assistance Program, and most States will be forced to curtail or discontinue the distribution of the much needed surplus agricultural commodities to the hungry and homeless. By taking action to overturn this deferral now, States will be able to proceed with their programs without disruption.

In view of the need to provide emergency food, clothing and shelter assistance, I urge my colleagues to support this supplemental resolution and the disapproval of this proposed deferral.

Mr. DOLE. Mr. President, we are considering a very important and timely amendment, S. 341, reported out of the Agriculture Committee today. I commend Senator BOREN for his efforts intended to make technical changes to the Mattingly disaster payment legislation enacted during the 99th session.

This legislation is of interest to many farmers in Kansas, as well as Oklahoma and other States. It would ensure that producers of the 1987 crop of winter wheat would be eligible to apply for disaster payments and would extend the signup deadline from January 31 to February 28, 1987.

Last year, farmers across the Nation experienced some of the worst natural disasters in years. In some cases the floods and droughts were the worst in centuries. In one area of southwest Kansas, farmers received up to 35 inches of rain within a 2-week period. Many have still not been able to plant their wheat crop, normally done in the fall, and are desperately seeking a way to participate in the 1987 wheat program. Without some type of assistance, thousands of farmers in Kansas alone, could be forced out of farming.

Mr. BINGAMAN. Mr. President, I rise to support House Joint Resolution 102, a resolution authorizing the transfer of $50 million to the Federal Emergency Management Agency's [FEMA] Emergency Food and Shelter Program.

The transfer is of money already appropriated to FEMA for disaster relief. According to the House Appropriations Committee report, the transfer will not disrupt the disaster relief program, as sufficient unobligated balances are already on hand.

The transfer will, though, address a serious problem facing our society. The number of homeless is growing and the need for additional assistance in the winter months is obvious. Congress appropriated $70 million for the Emergency Food and Shelter Program for fiscal year 1987. This amount has not been enough, which is why we seek this transfer for an additional $50 million. This past week's snow storm has certainly reminded us of the conditions that mother nature can bring in the winter. But we have been fortunate; we have a home to sleep in at night. The individuals that this money will help sleep on the streets. We cannot allow this to continue.

Mr. President, my State especially has been hard hit by an increasing number of homeless New Mexicans. A declining State economy has contributed to this. According to State figures, collective employment in copper, potash, coal, molybdenum, and uranium production in New Mexico dropped 60 percent between 1980 and 1985. Employment in oil and gas extraction has declined nearly 40 percent since 1981, and in 1986 fell over 25 percent. Unemployment continues to rise; it is expected to climb to 10.6 percent this year.

Continuing to grow is New Mexico's poor which has increased 30 percent since 1980. According to a report commissioned by the New Mexico State Legislature and completed in December 1986, one in every seven New Mexican families lives below the poverty level. In fact, it documented that the overwhelming majority of New Mexicans are unserved by New Mexico's welfare programs. For example only one-fifth of the poor in New Mexico are receiving AFDC benefits of those that are eligible.

Perhaps even more critical is the lack of low-income housing. In Albuquerque, the public housing authority reports that as many as 2,000 people are on its waiting list for public-subsidized housing, yet a 15-percent vacancy rate exists for private housing in the city. The major obstacle to becoming a homeowner remains an inability to afford adequate housing.

Mr. President, we do our part to help address the homeless problem by redirecting these much needed funds. New Mexico now receives $540,975 from the Emergency Food and Shelter Program. The New Mexico State Legislature's report on the homeless provides recommendations that I believe deserve serious study. I will vote in favor of this resolution because its a positive step forward. I urge my colleagues to also join me.

Thank you, Mr. President.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the joint resolution.

The amendments were ordered to be engrossed and the joint resolution be read a third time.

The joint resolution was read the third time.

Mr. BYRD. Mr. President, I have had it called to my attention that I said there will be no more rollcall votes tonight. I meant following this rollcall vote.

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on final passage of the joint resolution. The clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from California [Mr. CRANSTON], the Senator from Illinois [Mr. DIXON], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from North Carolina [Mr. SANFORD] are necessarily absent.

I further announce that, if present and voting, the Senator from Texas [Mr. BENTSEN] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Oregon [Mr. HATFIELD], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Indiana [Mr. QUAYLE], the Senator from Utah [Mr. STAFFORD], the Senator from Alaska [Mr. STEVENS], the Senator from Wyoming [Mr. WALLOP], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

On this vote, the Senator from Wyoming [Mr. WALLOP] is paired with the Senator from Minnesota [Mr. DURENBERGER].

If present and voting, the Senator from Wyoming would vote nay and the Senator from Minnesota would vote "yea."

I further announce that the Senator from Missouri [Mr. BOND] is absent due to illness.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 78, nays 5, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—78

Adams
Baucus
Biden
Bingaman
Boren
Boschwitz
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Grassley
Harkin
Hatch
Hecht
Heflin
Heinz
Hollings
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Leahy
Levin
Lugar
Matsunaga
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stennis
Thurmond
Trible
Warner
Wilson
Wirth
Zorinsky

NAYS—5

Gramm
Helms
Humphrey
Rudman
Symms

NOT VOTING—17

Armstrong
Bentsen
Bond
Bradley
Cranston
Dixon
Durenberger
Hatfield
Lautenberg
McCain
McClure
Quayle
Sanford
Stafford
Stevens
Wallop
Weicker

So the joint resolution (H.J. Res. 102) was passed.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, I have cleared the following requests with the able Republican leader.

ORDER TO PLACE S. RES. 94 ON CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the resolution, Senate Resolution 94, concerning arms control negotiations with the Soviet Union, which I introduced on behalf of myself, Mr. DOLE, and Mr. BOREN, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it so ordered.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond 10 minutes and that Senators be permitted to speak therein for not to exceed 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MENTAL HEALTH

Mr. BYRD. Mr. President, it gives me great pleasure to announce that our esteemed colleague from Texas, Senator BENTSEN, is being honored by the Mental Health Association of Texas tomorrow. The occasion is the grand opening of the association's Austin Centre in Austin, TX.

In the 16 years that I have worked with Senator BENTSEN, I have become well aware of his dedication to improving the quality of life for every American, especially the less fortunate and the mentally and physically impaired.

It is fitting and appropriate that the association has chosen to honor our colleague from Texas who has so actively assisted it in meeting its goals of promoting mental health and improving the care and treatment of persons with mental illness.

He was the cosponsor of the Mental Health Act, and in 1984, he wrote the legislation that provides block grant moneys to the mentally ill—the largest single source of funds available to the States for this purpose.

And he has been particularly active in improving the quality of life for the children of the United States. As a member of the Senate Finance Committee he has been a leader in providing for children with special health care needs and he helped broaden access of children to Medicaid.

During a time of fiscal restraint and retrenchment, Senator BENTSEN has set priorities and has sought to protect the most vulnerable citizens of our great land.

I congratulate Senator BENTSEN, and compliment the Mental Health Association of Texas for recognizing and appreciating his contributions. I am pleased to call this honor to the attention of my colleagues.

TRIBUTES TO SENATORS ON FUNDING RESOLUTION FOR HOMELESS

Mr. BYRD. Mr. President, I express my appreciation and admiration to the distinguished Senator from Mississippi [Mr. STENNIS], the chairman of the Appropriations Committee, and to the distinguished Senator from Wisconsin [Mr. PROXMIRE] on their magnificent work in calling the committee together today, reporting out the emergency resolution dealing with the homeless and bringing it to a final vote on the floor this evening.

They are at their post of duty as always and the Senate is in their debt.

Mr. STENNIS. Mr. President, I certainly thank the Senator for his fine and generous words. We all owe a debt to him and to the others who worked on this bill. It is an important matter and grave questions were involved and important votes were taken.

As far as this bill is concerned, we will certainly followup on it and discharge whatever other added duties there may be to bring it to a head.

I commend and thank the Senator from Kansas, too, for the work he did.

Thank you both.

Mr. BYRD. Mr. President, I also include in my deserved accolades the name of the distinguished Senator from New Hampshire [Mr. RUDMAN], who on the other side of the aisle acted with an equal ability and with his support it was made possible that the Senate could take this measure up today and pass it.

I express thanks, also, to the able Republican leader because without his support we could not have brought the resolution up today, and the 1-day rule would have given us a problem. Without that understanding and support of Mr. Dole and of Mr. Weicker, also, on the other side of the aisle, the Senate would not have completed action on this measure today.

Mr. STENNIS. I think real legislative good will come from today's work. It may not look fully that way now, but it will in time.

Mr. DOLE. Mr. President, I want to thank the distinguished majority leader and the distinguished chairman of the Appropriations Committee and Members on both sides for their cooperation. There were more votes than I anticipated, but that happens from time to time. But there is still some incentive because, as I understand, there will not be a session tomorrow. So, even though it is a bit later than some might have liked this evening, they will not be around tomorrow. So, I thank the distinguished majority leader for pressing ahead.

As I have indicated, I am certainly going to try to cooperate with the majority leader to keep the calendar clean, keep this legislation moving, because I am one, as I think we all are, who would like to finish our business by October 1. I do not know whether it will be easy every day but, as long as we can, we want to keep pushing.

I congratulate the distinguished majority leader for his efforts so far.

I understand also that there will be a request to the majority leader by the Senator from Oklahoma, Senator Boren, to bring up a bill. I am advised that has been cleared on this side. My colleague from Kansas may wish to engage in a colloquy with the Senator from Oklahoma.

Mr. BYRD. I thank the distinguished Republican leader. He has given to the majority leader every consideration and all the support that I could have expected and hoped for. He said that he would do this. He has kept his commitment. Obviously, we all know that there will be times when the Republican leader will have problems of his own, and I understand that. But he is committed to getting on with the business of the Senate, keeping the calendar as clear as we can, and hopefully getting out of here by the 1st of October so that Senators can then go back to their home States and talk with their people. So, I thank him.

AGRICULTURE EMERGENCY ASSISTANCE ACT OF 1987

Mr. BYRD. Mr. President, the measure to which the Republican leader referred was S. 341. This is a bill, as I understand it, that was reported by the Committee on Agriculture today. The leader on the other side has said it is clear on his side of the aisle.

I ask unanimous consent that the Senate proceed to the consideration of S. 341.

The **PRESIDING OFFICER.** The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 341) to provide emergency assistance to certain agriculture producers, and for other purposes.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture, Nutrition, and Forestry, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE.

This act may be cited as the "Agricultural Emergency Assistance Act of 1987".

SEC. 2. PAYMENTS FOR 1987 CROP OF WHEAT.

Section 633(B) of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987 (Public Laws 99-500 and 99-591), (hereinafter in this Act referred to as "the section") is amended—

(1) in subsection (a)(2), by inserting "or the 1987 crop of wheat" after "peanuts";

(2) in subsection (a)(5)(A), by striking out "The" the first time it appears and inserting in lieu thereof "With respect to the 1986 crops, the";

(3) in subsection (a)(5), by adding at the end thereof the following new subparagraph:

"(C) With respect to the 1987 crop of wheat, the loss of production of the eligible producer shall be the quantity of wheat that eligible producers on a farm are prevented from planting to such commodity of other nonconserving crops due to drought, excessive heat, floods, hail, or excessive moisture in 1986. Such loss of production of the eligible producer for such crop shall be determined by multiplying (i) 50 percent of the farm program payment yield established from the crop, by (ii) the acreage for which prevented planted credit is approved by the Secretary. The acreage determined under clause (ii) plus the acreage of wheat planted to harvest shall not exceed in 1987 permitted acreage determined for the crop.";

(4) in subsection (a)(8)(A), by inserting "(or, in the case of the 1987 crop of wheat, the 1987 farm program payment yield for such crop)" after "of the commodity";

(5) in subsection (d)(2)—

(A) by inserting "(A)" after the paragraph designation; and

(B) by adding at the end thereof the following new subparagraph:

"(B) Applications for payments with respect to the 1987 crop of wheat must be filed on or before February 28, 1987. The applicant for such payments must have agreed to participate in the 1987 wheat program on or before such date."

SEC. 3. PAYMENT DEADLINES.

The section is amended—

(1) in subsection (a)(1), by inserting "or than March 15, 1987, whichever is later" after "producer"; and

(2) in subsection (d)(3), by inserting "or than March 15, 1987, whichever is later" before the period at the end thereof.

SEC. 4. PAYMENTS FOR HAY AND STRAW.

The section is amended—

(1) in subsection (c)(1), by inserting "(including hay and straw that was harvested in 1986, stored on a field, and removed from the field by a flood)" after "commercial crops";

(2) in subsection (d)(2) (as amended by section 2(5)), by adding at the end thereof the following new subparagraph:

"(C) Applications for payments with respect to hay and straw referred to in subsection (c)(1) must be filed on or before February 28, 1987.";

(3) in subsection (e), by adding at the end thereof the following new paragraph:

"(3) With respect to losses of hay and straw referred to in subsection (c)(1)—

"(A) the total amount of payments made to all producers may not exceed $1,000,000; and

"(B) the total amount of payments made to an individual producer may not exceed $20,000.".

SEC. 5. EMERGENCY CONSERVATION PROGRAM.

Title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) is amended—

(1) by redesignating section 406 as section 407; and

(2) by inserting after section 405 the following new section:

"Sec. 406. The Secretary of Agriculture shall take such action as is necessary to assure that agricultural producers are provided sufficient time to complete emergency measures to rehabilitate farmland damaged by wind erosion, floods, or other natural disasters under the emergency conservation program established under this title. In taking such action, the Secretary shall consider the time of year the disaster occurred, the time of year the emergency measures were begun, and the extent of the damage caused by the disasters.".

SEC. 6. REPORT ON ADJUSTMENT OF LOAN RATES DUE TO QUALITY LOSSES.

(a) In General.—Not later than February 17, 1987, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that describes the cost of establishing loan rates for each of the 1986 crops of feed grains, upland cotton, and soybeans on the basis of the average quality of such crop produced on a farm during the 1984 and 1985 crop years if the Secretary determines that the quality of the crop produced on the farm was reduced as the result of drought, excessive heat, floods, hail, or excessive moisture in 1986.

(b) Cost Analysis.—In preparing the report required under subsection (a), the Secretary shall include—

(1) a statement of the total amount of budget outlays included in the budget submitted by the President under section 1105 of title 31, United States Code, for fiscal year 1988 for the production adjustment and price support programs for each of the 1986 crops of feed grains, upland cotton, and soybeans; and

(2) an estimate of the cost of conducting the programs if loan rates are established in accordance with subsection (a) (with the same set of economic assumptions used to calculate the cost of the program under paragraph (1)).

SEC. 7. REPORT ON QUALITY LOSSES FOR PROGRAM CROPS AND FREEZE CONDITIONS.

Not later than April 1, 1987, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, with respect to the program established in the section, a report that describes—

(1) the method and cost of making adjustments in the actual production on a farm of a crop of a program crop to reflect any reduction in the quality of the crop caused by drought, excessive heat, floods, hail, or excessive moisture in 1986, including—

(A) a description of the method the Secretary would utilize to make the adjustments;

(B) a statement of the total amount of disaster payments under the program for the 1986 crop;

(C) a statement of the total amount of the reduction of the payments as the result of the payment limitation contained in subsection (e)(1) of the section (taking into account the other limitations contained in the program); and

(D) an estimate of the cost of making the adjustments inaccordance the method described in subparagraph (A) (taking into account the other limitations contained in the program); and

(2) the effect of making payments available to eligible producers under the program for losses of production due to freeze conditions in 1986, with special emphasis on losses to producers of tree crops.

SEC. 8. TECHNICAL AMENDMENT.

The first sentence of the section is amended by inserting "or other law" before the first comma.

Mr. BOREN. Mr. President, I thank the distinguished majority leader and the distinguished Republican leader for arranging to bring this bill up for consideration tonight.

This is an emergency measure. It was passed out of the Agriculture Committee today on a unanimous vote. It relates to disaster payments for very hard-pressed farmers in the midsection of the country. My colleagues will remember that last year, when we passed the emergency disaster assistance to help those farmers who were the victims of drought and flood, we intended to help all of the farmers who were affected last year.

Inadvertently, the bill last year was written in a manner that protected only those farmers who were unable to harvest last year. It did not provide protection for those farmers who were unable to plant. And, as growing seasons are different in different parts of the country, there were a number of farmers, particularly in the States of Kansas, Oklahoma, and Texas, who, because of the severe flooding, were unable to plant their crops, their wheat crops, for the following year. So they have suffered severe damage.

This would simply alter the eligibility standard to reflect the intent of the Senate last year to make sure that both those farmers that were prevented from harvesting and those farmers who were prevented from planting as a result of natural disaster would be covered.

There is an additional problem in certain areas of the country that is not fully and completely addressed by this bill.

In the State of Kansas, for example, and potentially in some areas of Oklahoma, there may have been some farmers who either planted by nontraditional means, went to the extra expense of having airplanes flown in to do planting, or turned to plant some other crop. They now need a waiver from the Secretary of Agriculture. He has discretionary authority to grant it, and to allow them to receive disaster assistance because of additional costs they have incurred and to not penalize them in their loss of base if they happen to plant a different crop. So they need to be protected in two ways: If they went to the additional expense of nontraditional planting, they should be covered by disaster help; or, if they planted a different crop, they should receive a waiver so they do not lose their normal full base participation, let us say, in the wheat crop where they have been able to plant as normal and had not been interferred with because of floods.

We discussed this matter with some of our colleagues, particularly Members Whittaker and others from Kansas, on the House side. We are very hopeful that will be addressed. Both Senators from Kansas and I have discussed this. I am very sympathetic to their situation. I hope the Secretary will issue a waiver. If he does not, as this bill goes through the process as the author of this particular legislation, I will certainly support in conference and otherwise in the legislative process some provisions that would take care of the needed waiver if it is not done under a discretionary basis by the Secretary as we hope it will be.

We are hopeful we can go ahead and act on this bill tonight because if we do not the Department will not have received a message that they should plan on expanding their categories of eligibility. I think that is very important because they start distributing the $400 million appropriated last year. They will receive a message from us this week that makes it clear that we want to cover those farmers who were prevented from planting as well as those farmers who were prevented from harvesting.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I want to thank the Senator from Oklahoma, Mr. Boren, for really explaining in such an eloquent way the importance of this legislation. The Republican leader, Mr. Dole, and I have a shared concern about the southeast area of Kansas in particular where there was extraordinary damage done because of planting, and the importance of the waiver for yield reductions really applies there because of the planting of spring wheat. It is a rather unique concern of this particular area, but the entire bill is very important, too. A lot of work has been done by the Agriculture Committee, and it is our hope that through this process, as Senator Boren has explained, the House will be able to address—and in conference—this particular concern. The Secretary of Agriculture has at his discretion the ability to waive the yield reductions as it is. But I do not think he will use this authority. Perhaps now it may be addressed by statute. So I hope that this can be given some special focus as it moves over to the House, and in conference.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. I thank my colleague from Kansas, Senator Kassebaum, and my colleague, Senator Dole, the distinguished Republican leader, for their understanding of this matter, and for their understanding of the need to press ahead tonight to get something enacted on the part of the Senate to send a message to the Department, and I also understand the need to expand the scope of this provision. I will certainly work to do so.

The risk that we run of not taking any action tonight is that we might not help all farmers who were unable to plant in normal fashion being passed over and not being covered by the disaster assistance as we all intended last year.

So I think taking this action tonight is extremely important. I appreciate their understanding of that. There are many hardpressed farmers in Kansas, Oklahoma, Texas, and a few other States who will certainly be benefited by this action.

I hope we can as we have stated complete the process as the matter goes through the House and likely to conference, and address the waiver issue as well if the Secretary does not use the discretion that we hope he will use to grant the waiver.

But I want to thank all concerned, the leadership of the Agriculture Committee, as well as the distinguished majority leader, Senator Byrd, and the leadership on both sides for being sensitive to the needs of these farmers and moving this along so quickly on an emergency basis. I think it demonstrates that the Senate truly can move especially when there are farmers that need our help on an emergency basis.

Mr. DOLE. Mr. President, will the Senator from Oklahoma yield?

Mr. BOREN. I am happy to yield.

Mr. DOLE. I will take 30 seconds to underscore the comments made by both the Senator from Oklahoma and my distinguished colleague from Kansas, Senator Kassebaum. I assume it may be added on the House side. It may be in conference and there will not be any problem. But I am advised that there are some farmers in southeast Kansas, as Senator KASSEBAUM indicated, who will be denied certain benefits unless the waiver is obtained.

I would also urge Secretary Lyng, and others, that if the House should decide just to take this bill to help other farmers, he might use his discretionary authority to take care of the remainder.

Mr. BOREN. Mr. President, I share that concern. I again thank all of my colleagues who were part of this effort to move very speedily on an emergency basis on this matter.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, the Agricultural Emergency Assistance Act of 1987 was originally introduced by Senator BOREN and is designed to correct some omissions in the disaster assistance package that we adopted last fall. This matter requires our urgent attention since the current deadline for making disaster assistance applications is January 31.

The first omission in last year's Disaster Payment Program relates to wheat producers who were prevented from planting their 1987 crop in late 1986 because of flooding and other related disasters.

We intended to cover both spring and fall planted wheat in that disaster assistance legislation. However, the law did not technically include producers of the 1987 winter wheat crop which was planted in the fall of 1986.

This bill will correct that technical error and require the Secretary of Agriculture to make disaster payments to all wheat producers who were prevented in 1986 from planting the 1987 wheat crop in time to assure normal crop production. Producers will have to apply for this assistance by February 28, 1987. To be eligible for this assistance the producers must agree to participate in the 1987 wheat program.

During the markup on this emergency assistance bill Senator PRYOR raised an amendment to address another problem with last year's Disaster Payment Program. Under the provisions enacted last fall producers are covered only if there was a reduction in farm production of more than 50 percent. That approach works well for most crops, but not for cotton.

The value of cotton is seriously reduced by moisture even though the total production of the farm may not be adversely affected. For example, 5,000 pounds of moisture damaged cotton might only be worth a fraction of the value of 5,000 pounds of cotton not affected by flooding.

In order to move this emergency legislation along, Senator PRYOR agreed to withhold his amendment. Instead, the Agriculture Committee agreed to an amendment by Senator BOREN which mandates cost information from the Department of Agriculture on this important issue.

The bill requires the Secretary of Agriculture to provide cost estimates by February 17 regarding the extension of disaster relief to cotton, feed grain, and soybean producers seriously harmed when the value of such crops was drastically reduced by flooding and other related moisture problems. The committee will thus be in a position to address this matter promptly.

Another report from the Department is due April 1, 1987. This report must address related disaster issues such as quality losses caused by severe freezes to tree crops in 1986 and quality losses to program crops.

The committee believes it is important to look into all these issues in order to provide adequate and equitable protection to farmers.

Senator MELCHER offered an amendment, approved by the committee, that deals with another disaster problem affecting 1986 crops. Serious flooding in Montana, South Dakota, North Dakota, and other States swept away hay and straw that had already been harvested in 1986.

The amount of assistance needed to aid these farmers is relatively small because not that many farmers were affected. Nonetheless, the impact of this flooding on those farm families would be devastating without this disaster relief.

Within the $400 million previously transferred to the Commodity Credit Corporation for purposes of making disaster payments this bill places an overall cap of $1 million to address these flooding disasters.

This amendment also sets a maximum of $20,000 that could be provided to any individual producer of hay and straw thus affected. In the event that applications for such losses total more than $1 million it is expected that the Department of Agriculture will follow its normal procedures to prorate the amount of assistance provided to individual producers.

Finally, during the committee's markup, an issue arose regarding which producers are eligible to receive disaster payments under section 633 of the Agriculture, Rural Development, and Related Agencies Appropriations Act, as included in Public Laws 99-500 and 99-591. I ask unanimous consent that a memorandum clarifying this issue, signed by the general counsel of the Department of Agriculture, and dated January 29, 1987, be printed in the CONGRESSIONAL RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

[Memorandum]

January 29, 1987.

For: John Frydenlund, Director, Congressional Relations.

From: Christopher Hicks, General Counsel.

Subject: 1986 Disaster Program.

Eric Mondres of your office requested clarification of which producers are eligible to receive disaster payments pursuant to section 633 of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987, as included in Public Laws 99-500 and 99-591.

Section 633(a)(2) provides that disaster payments are available to producers of the 1986 crops of wheat, feed grains, upland cotton, rice, soybeans, sugar beets and sugar cane who, among other requirements, are "in a county in which producers are eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of drought, excessible heat, floods, hail or excessive moisture which occurred in 1986."

Accordingly, eligible producers of these crops must be in those counties in which such conditions occurred during calendar year 1986.

Section 633(b)(1) provides that disaster payments are available "to producers of non-program crops, in counties in which producers became eligible subsequent to July 1, 1986, to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of drought, excessive heat, flood, hail, or excessive moisture" and who also meet the other requirements of section 633.

Although the specified disaster may have occurred prior to July 1, 1986, producers of these crops must be in those counties in which producers were designated as eligible for disaster emergency loans after July 1, 1986.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the committee amendment in the nature of a substitute was agreed to.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill (S. 341) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Emergency Assistance Act of 1987".

SEC. 2 PAYMENTS FOR 1987 CROP OF WHEAT

Section 633(B) of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987 (Public Laws 99-500 and 99-591), (hereinafter in this Act referred to as "the section") is amended—

(1) in subsection (a)(2), by inserting "or the 1987 crop of wheat" after "peanuts";

(2) in subsection (a)(5)(A), by striking out "The" the first time it appears and inserting in lieu thereof "With respect to the 1986 crops, the";

(3) in subsection (a)(5), by adding at the end thereof the following new subparagraph:

"(C) With respect to the 1987 crop of wheat, the loss of production of the eligible producer shall be the quantity of wheat that eligible producers on a farm are prevented from planting to such commodity or other nonconserving crops due to drought, excessive heat, floods, hail, or excessive moisture in 1986. Such loss of production of the eligible producer for such crop shall be determined by multiplying (i) 50 percent of the farm program payment yield established for the crop, by (ii) the acreage for which prevented planted credit is approved by the Secretary. The acreage determined under clause (ii) plus the acreage of wheat planted to harvest shall not exceed the 1987 permitted acreage determined for the crop.";

(4) in subsection (a)(8)(A), by inserting "(or, in the case of the 1987 crop of wheat, the 1987 farm program payment yield for such crop)" after "of the commodity";

(5) in subsection (d)(2)—

(A) by inserting "(A)" after the paragraph designation;

(B) by adding at the end thereof the following new subparagraph:

"(B) Applications for payments with respect to the 1987 crop of wheat must be filed on or before February 28, 1987. The applicant for such payments must have agreed to participate in the 1987 wheat program on or before such date.".

SEC. 3. PAYMENT DEADLINES.

The section is amended—

(1) in subsection (a)(1), by inserting "or than March 15, 1987, whichever is later" after "producer"; and

(2) in subsection (d)(3), by inserting "or than March 15, 1987, whichever is later" before the period at the end thereof.

SEC. 4. PAYMENTS FOR HAY AND STRAW.

The section is amended—

(1) in subsection (c)(1), by inserting "(including hay and straw that was harvested in 1986, stored on a field, and removed from the field by a flood)" after "commercial crops";

(2) in subsection (d)(2) (as amended by section 2(5)), by adding at the end thereof the following new subparagraph:

"(C) Applications for payments with respect to hay and straw referred to in subsection (c)(1) must be filed on or before February 28, 1987.";

(3) in subsection (e), by adding at the end thereof the following new paragraph:

"(3) With respect to losses of hay and straw referred to in subsection (c)(1)—

"(A) the total amount of payments made to all producers may not exceed $1,000,000; and

"(B) the total amount of payments made to an individual producer may not exceed $20,000.".

SEC. 5. EMERGENCY CONSERVATION PROGRAM.

Title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) is amended—

(1) by redesignating section 406 as section 407; and

(2) by inserting after section 405 the following new section:

"SEC. 406. The Secretary of Agriculture shall take such action as is necessary to assure that agricultural producers are provided sufficient time to complete emergency measures to rehabilitate farmland damaged by wind erosion, floods, or other natural disasters under the emergency conservation program established under this title. In taking such action, the Secretary shall consider the time of year the disaster occurred, the time of year the emergency measures were begun, and the extent of the damage caused by the disasters.".

SEC. 6. REPORT ON ADJUSTMENT OF LOAN RATES DUE TO QUALITY LOSSES.

(a) IN GENERAL.—Not later than February 17, 1987, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that describes the cost of establishing loan rates for each of the 1986 crops of feed grains, upland cotton, and soybeans on the basis of the average quality of such crop produced on a farm during the 1984 and 1985 crop years if the Secretary determines that the quality of the crop produced on the farm was reduced as the result of drought, excessive heat, floods, hail, or excessive moisture in 1986.

(b) COST ANALYSIS.—In preparing the report required under subsection (a), the Secretary shall include—

(1) a statement of the total amount of budget outlays included in the budget submitted by the President under section 1105 of title 31, United States Code, for fiscal year 1988 for the production adjustment and price support programs for each of the 1986 crops of feed grains, upland cotton, and soybeans; and

(2) an estimate of the cost of conducting the programs if loan rates are established in accordance with subsection (a) (with the same set of economic assumptions used to calculate the cost of the program under paragraph (1)).

SEC. 7. REPORT ON QUALITY LOSSES FOR PROGRAM CROPS AND FREEZE CONDITIONS.

Not later than April 1, 1987, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, with respect to the program established in the section, a report that describes—

(1) the method and cost of making adjustments in the actual production on a farm of a crop of a program crop to reflect any reduction in the quality of the crop caused by drought, excessive heat, floods, hail, or excessive moisture in 1986, including—

(A) a description of the method the Secretary would utilize to make the adjustments;

(B) a statement of the total amount of disaster payments under the program for the 1986 crop;

(C) a statement of the total amount of the reduction of the payments as the result of the payment limitation contained in subsection (e)(1) of the section (taking into account the other limitations contained in the program); and

(D) an estimate of the cost of making the adjustments in accordance the method described in subparagraph (A) (taking into account the other limitations contained in the program); and

(2) the effect of making payments available to eligible producers under the program for losses of production due to freeze conditions in 1986, with special emphasis on losses to producers of tree crops.

SEC. 8. TECHNICAL AMENDMENT.

The first sentence of the section is amended by inserting "or other law" before the first comma.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPRESENTATIVE CHAPPELL RECEIVES MINUTE MAN AWARD

Mr. BYRD. Mr. President, I should like to call to the attention of my colleagues that last evening, the Reserve Officers Association of the United States, at its 1987 national council mid-winter banquet, presented the distinguished chairman of the House Defense Appropriations Subcommittee with the 1987 Minute Man of the Year Award. This award is presented annually by the ROA to the citizen who has contributed most to national security in these times.

Mr. President, previous recipients of the ROA's annual Minute Man of the Year Award include Presidents Ford and Reagan, Senators STENNIS, Jackson, THURMOND, NUNN, and STEVENS and Representatives Vinson, Rivers, Sikes, Hébert, McCormack, Laird, Albert, Mahon, MONTGOMERY, and others.

Our distinguished colleague from Florida deserves our congratulations for this well-deserved recognition as ROA's Minute Man of the Year.

Representative CHAPPELL, who served as a naval aviator during World War II, and retired as a captain in 1983, has spent nearly all of his adult life in public service. He has long had a deep concern and has worked hard for a stronger, more effective, and efficient national defense. More recently, Representative CHAPPELL has exerted strong leadership to this end as chairman of the Defense Subcommittee of the House Committee on Appropriations.

Mr. President, I again offer my congratulations to the distinguished House Appropriations Defense Subcommittee chairman, Mr. CHAPPELL.

I ask unanimous consent to have printed in the RECORD the introductory remarks of ROA's national president, Col. Ralph T. Carlson, USAFR, at last evening's presentation of the Minute Man of the Year Award, along with two letters of congratulations and a list of previous recipients of ROA's annual Minute Man of the Year Award.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Remarks of Col. Ralph T. Carlson

Representative Chappell's close association with the military spans more than four decades, from his World War II service as a navy aviator, participation in the Reserve and retirement as a navy captain, to his current position as chairman of the House Appropriations Defense Subcommittee.

As the ranking majority subcommittee member and now the chairman, he has demonstrated his strong advocacy of military readiness from a position of great responsibility.

Without Representative Chappell's leadership, this year's Department of Defense budget would not have provided the readiness that our Nation expects and requires.

Of particular interest to ROA has been his support for the Reserve components.

He sponsored the bill that created the position of Assistant Secretary of Defense for Reserve Affairs. Due to his efforts the Naval Reserve has been maintained at an effective strength level during recent years.

Representative Chappell's strong leadership has insured that essential funding for the Reserve has over the years survived the long and arduous congressional appropriations process, and become law.

We applaud the statesmanship he has exhibited in the Congress, and we are honored to recognize him at this time.

Will Representative Chappell please join me for the presentation of our Minute Man of the Year award. . . . One of my most pleasant responsibilities as national president of ROA is to make this presentation.

I also want to take this opportunity to read aloud two letters of congratulations from two of your friends.

U.S. Senate,
Office of the Majority Leader,
Washington, DC, January 27, 1987.
Hon. Bill Chappell, Jr.,
Chairman, Subcommittee on Defense, Committee on Appropriations, House of Representatives, Washington, DC.

Dear Mr. Chairman: Congratulations on your receipt of the 1987 "Minute Man of the Year" award from the Reserve Officers Association of the United States.

Your strong leadership over the years and especially most recently as Chairman of the Defense Subcommittee of the House Committee on Appropriations has substantially strengthened Guard and Reserve programs.

Your dedication and long association with a strong national defense has been evident since your service as a naval aviator in World War II.

Again, congratulations on this well-deserved recognition as ROA's "Minute Man of the Year."

With warm regards, I am
Sincerely yours,
Robert C. Byrd.

U.S. Senate,
Washington, DC, January 28, 1987.
Hon. Bill Chappell, Jr., M.C.,
Fourth Florida District, Rayburn House Office Building, Washington, DC.

Dear Bill: Congratulations to you on this special day as you receive The Minuteman Award from the Reserve Officers Association (ROA) honoring your dedication to America's national security.

I share the Reserve Officers Association's sense of pride in your accomplishments. It is an honor to serve with Bill Chappell in the Congress, and I look forward to a long partnership.

With warm regards,
Sincerely,
Bob Graham,
U.S. Senator.

Previous Recipients of ROA's Annual Minute Man of the Year Award

1958—Brig. Gen. David Sarnoff.
1959—Senator Richard B. Russell.
1960—Colonel Bryce N. Harlow.
1961—The Honorable Hugh M. Milton, II.
1962—The Honorable Carl Vinson.
1963—The Honorable Dennis Chavez (posthumously).
1964—The Honorable Margaret Chase Smith.
1965—The Honorable L. Mendel Rivers.
1966—The Honorable John C. Stennis.
1967—The Honorable Robert L.F. Sikes.
1968—The Honorable F. Edward Hébert.
1968—Francis Cardinal Spellman (posthumously).
1969—The Honorable John W. McCormack.
1970—The Honorable Melvin L. Laird.
1971—The Honorable Strom Thurmond.
1972—The Honorable Carl Albert.
1973—The Honorable Henry M. (Scoop) Jackson.
1974—The Honorable George H. Mahon.
1975—The Honorable Gerald R. Ford.
1976—The Honorable John L. McClellan.
1977—The Honorable Bob Wilson.
1978—The Honorable Charles E. Bennett.
1979—The Honorable Milton R. Young.
1980—The Honorable Samuel S. Stratton.
1981—The Honorable John Goodwin Tower.
1982—The Honorable G.V. (Sonny) Montgomery.
1983—President Ronald W. Reagan.
1984—The Honorable Sam Nunn.
1985—The Honorable William L. Dickinson.
1986—The Honorable Ted Stevens.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT—PM 14

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee:

To the Congress of the United States:

For 6 years, my Administration has pursued policies to promote sustained, noninflationary growth and greater opportunity for all Americans. We have put in place policies that are in the long-term best interest of the Nation, policies that rely on the inherent vigor of our economy and its ability to allocate resources efficiently and generate economic growth. Taming the Federal Government's propensity to overtax, overspend, and overregulate has been a major element of these policies.

THE CURRENT EXPANSION

Our market-oriented policies have paid off. The economic expansion is now in its fifth year, and the growth rate of the gross national product, adjusted for inflation, should accelerate to 3.2 percent in 1987. By October, the current expansion will become the longest peacetime expansion of the postwar era.

Since the beginning of this expansion, the economy has created more than 12 million new jobs. In each of the past 2 years, the percentage of the working-age population with jobs was the highest on record. Although I am encouraged by the fall in the overall unemployment rate to 6.6 percent in December 1986, I will not be satisfied until all Americans who want to work can find a job.

Our efforts to reduce taxes and inflation and to eliminate excessive regulation have created a favorable climate for investing in new plant and equipment. Business fixed investment set records as a share of real gross national product in 1984 and 1985, and remains high by historical standards.

Despite the economy's tremendous gains in employment and production, inflation has remained below or near 4 percent for the past 5 years and, in 1986, declined to its lowest rate in 25 years. Although last year's low inflation rate in part reflected the substantial decline in energy prices during 1986, we expect inflation in 1987 to continue at the moderate pace experienced during the first 3 years of the expansion. The financial markets have acknowledged our progress in reducing inflation from its double-digit levels, and interest rates declined during 1986, reaching their lowest levels in 9 years. To sustain these developments, the Federal Reserve should continue to pursue monetary and credit policies that serve the joint goals of growth and price stability.

In short, since 1982, we have avoided the economic problems that plagued our recent past—accelerating inflation, rising interest rates, and severe recessions. Production and employment have grown significantly, while inflation has remained low and interest rates have declined. This expansion already has achieved substantial progress toward our long-term goals of sustainable economic growth and price stability.

THE ECONOMIC ROLE OF GOVERNMENT

Government should play a limited role in the economy. The Federal Government should encourage a stable economy in which people can make informed decisions. It should not make those decisions for them, nor should it arbitrarily distort economic choices by the way it taxes or regulates productive activity. It should not and cannot continue to spend excessively, abuse its power to tax, and borrow to live beyond its means.

The Federal Government should provide certain goods and services, public in nature and national in scope, that private firms cannot effectively provide—but it should not try to provide public goods and services that State or local governments can provide more efficiently. When government removes decisions from individuals and private firms, incentives to produce become dulled and distorted; growth, productivity, and employment suffer. Therefore, to the greatest extent possible, the Federal Government should foster responsible individual action and should rely on the initiative of the private sector.

TAX REFORM

My 1984 State of the Union Message set tax reform as a national priority. After more than 2 years of bipartisan effort, we achieved our goal last fall when I signed into law the Tax Reform Act of 1986. Tax reform broadens the personal and corporate income tax bases and substantially reduces tax rates. These changes benefit Americans in at least three ways.

First, by reducing marginal tax rates, tax reform enhances incentives to work, save, and invest. Second, by reducing disparities in tax rates on income from alternative capital investments, tax reform encourages more efficient deployment of investment funds. Investment decisions will now reflect the productive merits of an activity more than its tax consequences, leading to a more efficient allocation of resources, higher growth, and more jobs. Finally, tax reform makes the tax system more equitable. The simpler, lower rate structure will make compliance easier and tax avoidance less attractive. Americans will know that everyone is now paying his or her fair share and is not hiding income behind loopholes or in unproductive shelters. Tax reform will especially benefit millions of working poor by removing them from the Federal income tax rolls.

REMAINING CHALLENGES OF ECONOMIC POLICY

We have successfully reformed the Tax Code, controlled inflation, and reduced Government intervention in the economy. The result has been an expansion of production and employment, now in its fifth year, which we fully expect will continue with greater strength in 1987. Although much has been accomplished, we must and will address the remaining challenges confronting the economy. We must continue to reduce the Federal budget deficit through spending restraint. We must reduce the trade deficit, while avoiding protectionism. We must strengthen America's productivity and competitiveness in the world economy. And we must reform our costly, inefficient, and unfair agricultural programs.

CONTROL FEDERAL SPENDING

For the first time since 1973, Federal spending in 1987 will fall in real terms. As a result, the Federal budget deficit will decline from its 1986 level by nearly $50 billion. My budget for 1988 continues this process by meeting the Gramm-Rudman-Hollings defict target of $108 billion.

Deficit reduction must continue and must be achieved by restraining the growth of Federal spending—not by raising taxes, which would reduce growth and opportunity. Large and persistent Federal deficits shift the burden of paying for current government spending to future generations. Deficit reduction achieved through spending restraint is essential if we are to preserve the substantial benefits of tax rate reduction and Tax Code reform; it is also essential for reducing our international payments imbalances. Finally, spending on many programs exceeds the amounts necessary to provide essential Federal services in a cost-effective manner.

Besides exercising spending restraint, we must reform the budget process to build a check on the Federal Government's power to overtax and overspend. I support a constitutional amendment providing for a balanced peacetime budget, and I ask the Congress to give the President the same power that 43 Governors have—the power to veto individual line items in appropriations measures.

MAINTAIN FREE AND FAIR TRADE

One of the principal challenges remaining for the U.S. economy is to reduce our trade deficit. However, we cannot accomplish this, or make American firms more competitive, by resorting to protectionism. Protectionism is antigrowth. It would make us less competitive, not more. It would create jobs. It would hurt most Americans in the interest of helping a few. It would invite retaliation by our trading partners. In the long run, protectionism would trap us in those areas of our economy where we are relatively weak, instead of allowing growth in areas where we are relatively strong.

We cannot gain from protectionism. But we can gain by working steadfastly to eliminate unfair trading practices and to open markets around the world. This year, I will continue to press to open foreign markets and to oppose vigorously unfair trading practices wherever they may exist. In addition, I will ask the Congress to renew the President's negotiating authority for the Uruguay Round under the General Agreement on Tariffs and Trade. These talks offer an important and promising opportunity to liberalize trade in areas critical to the United States; trade in services, protection of intellectual property rights, fair rules governing international investment, and world trade in agricultural products.

More remains to be done to end our trade deficit. We must sustain world economic growth, increase productivity, and restrain government spending. For U.S. exports to grow, the economies of our trading partners must grow. Therefore, it is essential that our trading partners enact policies that will promote internally generated economic growth. At the Tokyo Economic Summit last year, the leaders of the seven largest industrial countries continued efforts, begun at the Versailles Economic Summit in 1982, to increase international coordination of economic policies. We must also continue to encourage developing countries to adopt policy reforms to promote growth and restore creditworthiness.

Here in the United States, we must restrain government spending. Our trade deficit in goods and services reflects that, over the past several years, we have spent more than we have produced—and we have spent too much because of the profligacy of the Federal Government. As the Congress reveiws my proposed 1988 budget, it should remember that a vote for more government spending is a vote against correcting our trade deficit.

STRENGTHEN PRODUCTIVITY AND COMPETITIVENESS

We must work to improve our international competitiveness through greater productivity growth. The depreciation of the dollar since early 1985 has done much to restore our competitiveness. However, we do not want to rely on exchange-rate movements alone. Productivity growth provides the means by which we can strengthen our competitiveness while increasing income and opportunity. Since 1981, U.S. manufacturing productivity has grown at a rate 46 percent faster than the postwar average. This is a solid accomplishment, but still more remains to be done. We must encourage continued productivity growth in manufacturing and in other sectors of our economy.

One way to strengthen our global competitiveness is to free American producers from unnecessary regulation. My administration has sought to deregulate industries in which increased competition will provide greater benefits to consumers and producers. It has also streamlined the Federal Government's regulatory structure. Americans have benefited significantly from the deregulation of airlines, financial services, railroads, and trucking. I will resist any attempt to reregulate these industries. Our economy will benefit further if we eliminate natural gas price controls, remaining trucking regulations, and unnecessary labor market restrictions. Also, without compromising the Nation's air quality, we should eliminate the bias that exists in current air pollution regulations against cleaner and more efficient new factories and power facilities. Where regulation is necessary, its costs should be balanced against its benefits to ensure that regulatory efforts are applied where they do the most good and to avoid placing American firms at a competitive disadvantage in the world marketplace.

Privatization shifts the production of goods and services from government ownership to the private sector. Privatization can also improve American competitiveness because private firms can produce better quality goods and services, and deliver them to consumers at lower cost, than can government. For these reasons, Americans benefit when government steps aside. Like deregulation and federalism, privatization embodies my Administration's belief that the Federal Government should minimize its interference in the marketplace and in local governance. We must return more government activities to the competitive marketplace by selling or transferring government-owned businesses. In 1986, the Congress authorized the Department of Transportation to sell Conrail in a public offering, which we hope will take place this year. Other businesses suitable for privatization include the Naval Petroleum Reserves, the Alaska Power Administration, and Amtrak.

REFORM AGRICULTURAL POLICIES

Another high priority in 1987 must be to reform our agricultural programs. Besides costing taxpayers $34 billion this year alone, these programs divert land, labor, and other resources from their most productive uses. Most farm programs are costly and unfair because they give literally millions of dollars to relatively few individuals and corporations while many family farmers—who are those most often in need—receive little. In the process, farm programs raise the prices of many food items for all Americans, rich and poor.

Farm income support should not be linked to production through direct subsidies or propped-up prices for agricultural products. My administration will seek a market-oriented reform package with two goals: gradually separating farm income support from farm production, and focusing that income support on those family farmers who need it most.

CONCLUSION

The economic policies of my administration have created greater economic freedom and opportunity for men and women, private firms, and State and local governments to pursue their own interests and make their own decisions. These policies have produced a sustained economic expansion with low inflation, lower tax rates and a simpler Tax Code, the unshackling of industries from regulation, a surge in investment spending, and more than 12 million new jobs.

The American people demand a sound, productive, growing economy. Therefore, I shall continue to pursue policies to encourage growth, reduce the Federal budget deficit, correct the trade deficit, and strengthen the competitiveness of American producers. The American people will not tolerate a replay of the failed economic policies of the past. Therefore, I shall resist proposals to adopt any economic policy that abandons the accomplishments of tax reform, stymies growth, fuels inflation, perpetuates needless government interference in the marketplace, or fosters protectionism. With the help and cooperation of the Congress, we can sustain and strengthen the current economic expansion, and preserve and extend the economic achievements of the past 6 years.

RONALD REAGAN.

JANUARY 29, 1987.

PRESIDENTIAL APPROVAL

A message from the President of the United States announced that on January 28, 1987, he had approved and signed the following enrolled joint resolution:

S.J. Res. 24. Joint resolution to designate January 28, 1987, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*.

MESSAGES FROM THE HOUSE

At 2:41 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 12. A concurrent resolution to allow another member of the Committee on Rules and Administration of the Senate to serve on the Joint Committee of Congress on the Library in place of the chairman of the committee.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STENNIS, from the Committee on Appropriations, with amendments:

H.J. Res. 102. A joint resolution making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program of the Federal Emergency Management Agency (Rept. No. 100-5).

By Mr. CHILES, from the Committee on the Budget, without amendment:

S. Res. 83. A resolution waiving section 303(a) of the Congressional Budget Act of 1974 for the consideration of S. 382, the Urban Mass Transportation Act of 1987.

S. Res. 85. A resolution waiving section 303(a) of the Congressional Budget Act of 1974 for the consideration of S. 387.

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute:

S. 341. A bill to provide emergency assistance to certain agricultural producers and for other purposes.

By Mr. BYRD (for Mr. FORD), from the Committee on Rules and Administration, without amendment.

S. Res. 95. An original resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

The following-named officer under the provisions of title 10, United States Code, section 154, to be Vice Chairman, Joint Chiefs of Staff:

To be Vice Chairman, Joint Chiefs of Staff

Gen. Robert T. Herres, 521-30-4808FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 8034, to be Vice Chief of Staff, U.S. Air Force.

To be Vice Chief of Staff, U.S. Air Force

Lt. Gen. Monroe T. Hatch, 433-58-0993FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. John L. Piotrowski, 378-28-6898FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. James P. McCarthy, 288-28-9866FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Kenneth L. Peek, Jr., 314-30-4967FR, U.S. Air Force.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN:

S. 409. A bill to extend the authorization of appropriations for emergency substance abuse treatment and rehabilitation programs under part C of title XIX of the Public Health Service Act, and to extend authorization for grants for drug law enforcement programs under the Anti-Drug Abuse Act of 1986 through 1991; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself, Mr. Lugar, Mr. Melcher, and Mr. Boschwitz):

S. 410. A bill to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER:

S. 411. A bill to authorize appropriations for the purpose of carrying out the National Violent Crime Program for fiscal year 1988 and for other purposes; to the Committee on the Judiciary.

S. 412. A bill to provide for capital punishment for murders committed by prisoners serving a life sentence; to the Committee on the Judiciary.

S. 413. A bill to require States to assure prisoners have training in a marketable job and basic literacy before releasing them on parole; to the Committee on the Judiciary.

S. 414. A bill to authorize incarceration in Federal prisons of convicts sentenced to life imprisonment under the habitual criminal statute of a State; to the Committee on the Judiciary.

By Mr. BUMPERS (for himself, Mr. Leahy, Mr. Chafee, and Mr. Heinz):

S. 415. A bill to enhance the security interests of the United States by ensuring that the United States does not exceed the numerical sublimits contained in the SALT II Treaty as long as the Soviet Union does likewise; to the Committee on Armed Services.

By Mr. ROTH (for himself, Mr. Domenici, Mrs. Kassebaum, Mr. Boschwitz, Mr. Symms, Mr. Quayle, and Mr. Danforth):

S. 416. A bill to provide for a two-year budget cycle, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has thirty days of continuous session to report or be discharged.

By Mr. SASSER (for himself, Mr. Gore, and Mr. Hollings);

S. 417. A bill to amend titles II and XVI of the Social Security Act to prohibit, in hearings relating to disability benefits, the adversarial involvement of any representative of the Department of Health and Human Services, or any State agency involved; to the Committee on Finance.

By Mr. WALLOP:

S. 418. A bill to amend the Tax Reform Act of 1986 to restore the preferential treatment for capital gains, and for other purposes; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. Boschwitz, Mr. Pell, Mr. Ford, and Mr. Lautenberg):

S. 419. A bill to require specific congressional authorizations for certain sales, exports, leases, and loans of defense articles, and for other purposes; to the Committee on Foreign Relations.

By Mr. BIDEN (for himself and Mr. Pell):

S. 420. A bill to initiate a United States strategy, and to further multilateral action, in response to the problems of global warming; to the Committee on Governmental Affairs.

By Mr. KERRY:

S. 421. A bill for the relief of Richard F. Walsh; to the Committee on Armed Services.

By Mr. BRADLEY (for himself, Mr. Kennedy, Mr. Chafee, Mr. Riegle, Mr. Durenburger, Mr. Matsunaga, and Mr. Rockefeller):

S. 422. A bill to amend title XIX of the Social Security Act to permit States to provide Medicaid benefits to additional poor children and pregnant women; to the Committee on Finance.

By Mr. KERRY:

S. 423. A bill for the relief of Kil Joon Yu Callahan; to the Committee on the Judiciary.

By Mr. DANFORTH:

S. 424. A bill to require the President to make available for obligation certain funds appropriated for the temporary emergency food assistance program; to the Committee on the Budget and the Committee on Appropriations, jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986.

By Mr. MOYNIHAN:

S. 425. A bill for the relief of Sukhjit Kuldip Singh Saund; to the Committee on the Judiciary.

By Mr. PELL:

S. 426. A bill to provide limits in the tort system, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMON (for himself, Mr. Dixon, and Mr. Riegle):

S.J. Res. 39. A joint resolution to provide for the designation of the 69th anniversary of the renewal of Lithuanian independence, February 16, 1987, as "Lithuanian Independence Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY:

S. Res. 92. A resolution rejecting the administration's recommendation to eliminate the excise tax exemption for alcohol fuels; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. Pell, Mr. Byrd, Mr. Moynihan, Mr. Matsunaga, Mr. Weicker, Mr. Levin, Mr. Biden, Mr. Melcher, Mr. Metzenbaum, Mr. Heinz, Mr. Sarbanes, and Mr. Specter):

S. Res. 93. A resolution expressing the sense of the Senate regarding future funding of Amtrak; to the Committee on Commerce, Science, and Transportation.

By Mr. BYRD (for himself, Mr. Dole, and Mr. Boren):

S. Res. 94. A resolution concerning arms control negotiations with the Soviet Union.

By Mr. BYRD (for Mr. Ford) from the Committee on Rules and Administration:

S. Res. 95. A resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; from the Committee on Rules and Administration; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN:

S. 409. A bill to extend the authorization of appropriations for emergency substance abuse treatment and rehabilitation programs under part C of title XIX of the Public Health Service Act, and to extend authorization for grants for drug law enforcement programs under the Antidrug Abuse Act of 1986, through 1991; to the Committee on Labor and Human Resources.

REAUTHORIZATION OF LAW ENFORCEMENT AND TREATMENT SECTIONS OF ANTIDRUG ABUSE ACT

● Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill S. 409 which would reauthorize the components of the Antidrug Abuse Act of 1986—the treatment and State and local law enforcement grants—which were based on a bill I introduced on the 1st day of the 99th Congress, S. 15.

During the waning hours of the 99th Congress, I worked closely with my colleagues on both sides of the aisle, and with Members of the House of Representatives, to include these two critical programs into the final drug abuse bill. Therefore, I was pleased when both Houses adopted these provisions, and the President signed the comprehensive drug abuse bill into law.

In brief, the act provides approximately $170 million for treatment and rehabilitation programs, and provides $230 million for State and local governments to use for efforts to apprehend, prosecute, and incarcerate drug offenders.

Because these programs are so important in the fight against drug abuse, I believe that they need to be extended for longer than the currently authorized period of time. We need to show the Nation that we are committed to more than a onetime infusion of money; rather the Congress is committed to waging the war on drugs until it is won.

The bill I am introducing today will extend the emergency treatment and rehabilitation funds from 1987 through 1991. The State and local law enforcement grants, now authorized until 1989, will be also extended through 1991.

Adoption of these measures will signal to this country that our concern about drug abuse transcends the preelection hype which critics claim inspired the enactment of the antidrug abuse bill of 1986. The Congress cannot and will not rest until the goal of a drug-free nation is realized.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Section 1921(a) of the Public Health Service Act is amended—

(1) by striking out "fiscal year 1987" in the first sentence and inserting in lieu thereof "each of the fiscal years 1987, 1988, 1989, 1990, and 1991"; and

(2) by striking out "fiscal year 1987" in the second sentence and inserting in lieu thereof "any fiscal year".

(b) Section 1921(b)(4) of such Act is amended by striking out "fiscal year 1987" and inserting in lieu thereof "each fiscal year".

(c) Section 1001(a)(6) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by—

(1) striking out "and" after "fiscal year 1988,"; and

(2) inserting "$230,000,000 for fiscal year 1990, and $230,000,000 for fiscal year 1991," after "$230,000,000 for fiscal year 1989,".●

By Mr. LEAHY (for himself, Mr. Lugar, Mr. Melcher, and Mr. Boschwitz):

S. 410. A bill to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy; to the Committee on Agriculture, Nutrition, and Forestry.

EXTENSION OF DATE FOR REPORT OF THE NATIONAL COMMISSION ON DAIRY POLICY

● Mr. LEAHY. Mr. President, the bill I am introducing will extend by 1 year the scheduled date of a report to Congress from the National Commission on Dairy Policy. The extension is necessary because of delays in the appointment of Commission members.

The National Commission on Dairy Policy was established by the Food Security Act of 1985, Public Law 99-198. The Commission is required under the act to submit a report to Congress and the Secretary of Agriculture. The report, based on an extensive study of the dairy industry, will contain findings and recommendations with respect to the future operation of the Federal Milk Price Support Program.

The Commission's work is very important for the future of the dairy industry. Unfortunately, the 18 commissioners—all of them milk producers—were not appointed by the Secretary of Agriculture until the late fall of 1986, and the Commission has met only twice.

The time remaining to Commission to prepare a report is unrealistically short. Accordingly, this bill will extend the reporting requirement to March 31, 1988.

Mr. President, this bill is supported by dairy industry organizations and, I am told, by the U.S. Department of Agriculture. I urge my colleagues to support the bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DATE FOR REPORT OF NATIONAL COMMISSION ON DAIRY POLICY.

Section 143(c) of the Food Security Act of 1985 (7 U.S.C. 1446 note) is amended by striking out "1987" and inserting in lieu thereof "1988".●

By Mr. SPECTER:

S. 411. A bill to authorize appropriations for the purpose of carrying out the National Violent Crime Program for fiscal year 1988 and for other purpose; to the Committee on the Judiciary.

S. 412. A bill to provide for capital punishment for murders committed by prisoners serving a life sentence; to the Committee on the Judiciary.

S. 413. A bill to require States to assure prisoners have training in a marketable job and basic literacy before releasing them on parole; to the Committee on the Judiciary.

S. 414. A bill to authorize incarceration in Federal prisons of convicts sentenced to life imprisonment under the habitual criminal statue of a State; to the Committee on the Judiciary.

(The remarks of Mr. Specter and the text of this legislation appear earlier in today's Record.)

By Mr. BUMPERS (for himself, Mr. Leahy, Mr. Chafee, and Mr. Heinz):

S. 415. A bill to enhance the security interests of the United States by ensuring that the United States does not exceed the numerical sublimits contained in the SALT II Treaty as long as the Soviet Union does likewise; to the Committee on Armed Services.

(The remarks of Mr. Bumpers and the text of this legislation appear earlier in today's Record.)

By Mr. ROTH (for himself, Mr. Domenici, Mrs. Kassebaum, Mr. Boschwitz, Mr. Symms, Mr. Quayle, and Mr. Danforth):

S. 416. A bill to provide for a 2-year budget cycle, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days of continuous session to report or be discharged.

(The remarks of Mr. Roth and the text of this legislation appear earlier in today's Record.)

By Mr. SASSER (for himself, Mr. Gore, and Mr. Hollings):

S. 417. A bill to amend titles II and XVI of the Social Security Act to prohibit, in hearings relating to disability benefits, the adversarial involvement of any representative of the Department of Health and Human Services, or any State agency involved; to the Committee on Finance.

SOCIAL SECURITY DISABILITY SYSTEM

Mr. SASSER. Mr. President, I am introducing a bill today which will put an end to an injustice in our Social Security disability system. This injustice is the result of an "experimental" program started nearly 4 years ago by the Social Security Administration.

I am referring to the Social Security Administration's representation project [SSARP]. The Social Security Administration initiated this experimental project on October 12, 1982. It continues today in four offices of hearings and appeals across the country: Baltimore, MD; Pasadena, CA; Columbia, SC; and Kingsport, TN.

In a nutshell, the project allows the Social Security Administration to hire full-time attorneys and support staff to oppose the disability claims of individuals at the hearing level of adjudication.

The bill I am introducing terminates the representation project. And so doing, it puts an end to the unfair treatment of people who must go through disability hearings under this adversarial program.

I am pleased that Senator Gore and Senator Hollings have joined me as original cosponsors of this bill. I am also pleased that Representative Boucher from Virginia is introducing identical legislation today in the House of Representatives.

The representation project was started back in 1982 with the goal of improving efficiency in hearing Social Security disability claims. That is certainly a commendable goal.

Yet, the program has been unsuccessful in achieving that goal. In fact, the exact opposite has occurred. The time spent handling hearings is much longer at those Offices of Hearings and Appeals where representation projects are in place.

For example, during the project's first 2 years, the average time spent processing cases at these Offices of Hearings and Appeals increased 41 days. At all Offices of Hearings and Appeals, during the same 2 years, the average processing time increased only 1 day.

In my native State of Tennessee, the Kingsport Office of Hearings and Appeals has witnessed a dramatic decline in efficency as a result of the representation project. Before the project began in 1982, the Kingsport OHA ranked 13th out of 24 offices in region IV in average case processing time. By

June 1983, the Kingsport office ranked 22d out of 24 region IV offices.

The project has produced delays throughout the disability hearing process. There are delays between the request for a hearing and the hearing. There are delays in the hearing itself. After a decision is finally reached, more cases are being referred to the appeals council for review.

Clearly, the timeliness and expeditiousness of these hearings has declined. If there is any benefit to the Government, it is that the Government is able to delay its payment of benefits to deserving claimants. Frankly, though, I don't think we can consider this a legitimate benefit.

More important than the program's proven inefficiency is the fact that the representation project has proven to be grossly unfair to disability claimants. Although the project was touted as nonadversarial, it has proven to be very adversarial from the outset. Disability claimants are pitted against lawyers well-versed in such proceedings. The Social Security Administration pays these lawyers. One can only expect them, as SSA employees, to argue the agency's case against disability claimants.

A Government attorney from the Pasadena project has affirmed the adversarial nature of his job. Speaking before the Los Angeles County Bar Association, he stated flatly that he considered his job as representing the position of the administration to deny benefits.

As a result of this system, many deserving individuals have had their disability claims unfairly contested. Some have seen their benefits senselessly delayed by the actions of these Government representatives.

For example, I have been told of the case of a 52-year-old mentally impaired woman with degenerative disc disease. An SSA representative needlessly appealed this woman's favorable claim decision—delaying her benefits for 4 months. Another case involves a 19-year-old man with an IQ of 63 and neurological damage impeding his ability to concentrate and remember. This young man's favorable disability decision was appealed and his benefits were delayed for 9 months.

Mr. President, such tragic stories are being repeated every day that the representation project continues to operate. It is time now to stop this cruel experiment on our disabled citizens. We must return the disability hearings in these four offices to a level of fairness and impartiality that all claimants deserve.

I am pleased that the Courts have taken action recently to terminate the Representation Project. Judge Glen M. Williams of the U.S. District Court for the Western District of Virginia ruled the project unconstitutional on July 16, 1986. In his decision, Judge Williams writes and I quote:

> This experimental administrative program has been improperly implemented from the beginning.* * * It was advertised to be nonadversarial but has been adversarial from the beginning.* * * It has not achieved its goal of aiding in the development of cases * * * at worst, it has tended to cause the Administrative Law Judges to rely upon SSA representatives to the detriment of claimants.

Judge Williams concludes:

> The entire concept is in violation of the fundamental principles of procedural due process as prescribed by the fifth amendment and as determined by the courts to be applicable in Social Security cases.

I commend Judge Williams on this just and eloquent decision. Unfortunately, the administration has appealed Judge Williams' decision and has been granted a stay of execution until the appeals court reaches a decision in the case.

The House of Representatives passed legislation terminating the project in 1986. I offered a similar measure, S. 1944, in the Senate in 1985. However, the Senate failed to complete action on this legislation in the 99th Congress.

My bill prohibits the use of SSA representatives at any level of disability determination in which there is a face-to-face meeting between the Social Security Administration or contracted State agency and an individual claimant.

Citizens have every right to expect that they will be treated fairly by those administering the Social Security Administration's Disability Program. This bill will help ensure that the disability determination process is fair to all persons bringing claims.

We cannot allow this abuse of administrative power to continue unabated. This bill guarantees that our Nation's disabled persons will not face immense and often insurmountable obstacles as they pursue their lawful entitlements.

By Mr. WALLOP:

S. 418. A bill to amend the Tax Reform Act of 1986 to restore the preferential treatment for capital gains, and for other purposes; to the Committee on Finance.

TAX REFORM ACT

● Mr. WALLOP. Mr. President, today I introduce a bill to correct what I believe is the most grievous, although not the only, error of our tax reform effort. My bill creates a capital gains exclusion of 60 percent effective December 31, 1986.

Mr. President, the repeal of the capital gains differential was a mistake. During the tax reform debates I was initially persuaded that the benefits resulting from low rates would offset the loss of the capital gains differential. At one time the goal of tax reform was to get rates so low that traditional tax incentives would be unnecessary. Economic choices would be made without concern for tax ramifications. As the marginal rates rose, so did the degree of our failure at true tax reform, and the need for a capital gains differential became more and more clear. When combined with the State tax systems that piggyback the Federal system, the tax burden on capital gains increased by almost 200 percent.

In addition, because of the rate structure and the 33-percent blip, we increased the maximum tax rate applicable to capital gains from 20 to 33 percent. The decision to realize capital gains, unlike wages or salaries, is effected by the marginal rate, and economic decisions should not be controlled by a taxpayer's position on the 33-percent blip.

The 1986 Tax Act dramatically increases the cost of capital. This impedes our industries trying to compete in overseas markets, hampers the productivity of our work force, thus lowering their standard of living, and penalizes risk taking. The livestock industry, a business which is very capital intensive is dramatically affected by the increase in tax rates. This industry can compete on world markets if given a chance. We have been working hard to reduce international trade barriers against American agriculture and yet we enacted a tax law which penalizes agricultural operations. Under the 1986 Tax Act safe, secure investments become preferable.

The capital gains incentive is the most important of the traditional savings incentives. It encourages investment by individuals, the sole source of capital and of creative new concepts. More importantly the capital gains exclusion prevents, in part, the double taxation of savings, and the taxation on inflation gains resulting from Government policies. Again, the capital gains exclusion has been important to ranching operations where in many cases the sole economic benefit from years of operations is from the value of the ranch. Taxation without a capital gains exclusion results in serious discrimination against agriculture.

Congress repealed the capital gains differential ostensibly for revenue. This is a fabulous example of the silly results that the quest for revenue neutrality got us. The substantial lowering of capital gains rates in 1978 and 1981 resulted in an increase in revenue to the Treasury. Tax revenues from capital gains increased by 138 percent. So the lessons of history show that if we decrease the capital gain tax we receive more revenue, at least for the range of tax percentages with which we were dealing. Apparently this is because investors are less inhibited, the market is freer, and the incentives for risk taking results in more investment and more profit.

I become more and more concerned with Congress' inability to learn, indeed even remember, history. I'm not talking ancient history, but history which we lived through, history that many of us made. Failure to note the lessons of our predecessors can be attributed to simplemindedness; failure to recall lessons we have taught ourselves can only be ascribed to ignorance. During our tax reform effort last year we were told that by increasing the capital gains tax we would raise money. Obviously this revenue estimate was founded on the politics of tax reform rather than economic policy and historic evidence. The revenue impact of tax on capital needs closer study and explanation.

This year we are determined to address trade. The capital gains differential is important to the entrepreneurs and investors which hold the key to solving America's trade imbalance. According to the international accounting firm, Arthur Andersen, 11 industrialized and Pacific Basin countries, including Japan and West Germany, exempt long-term capital gains from taxation. Nine such countries impose no tax on capital gains at all. If savings rates are to be improved, and if entrepreneurial risk taking is to be encouraged, we cannot tax dollars saved at a higher rate than dollars spent. Competitiveness, the newly ordained watchword of this Congress, cannot be addressed without examining the tax incentives to produce, to be innovative, and to create jobs and opportunities for our people. Indeed, we need look no further than the Tax Reform Act for a number of ways to improve competitiveness.

Mr. President, today I call for careful and realistic study of the revenue impact of reviving the capital gains differential. Thereafter I urge early enactment of such a differential and then we must seek stability in the law so that our taxpayers can get on with the business of life, rather than the business of paying taxes.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF CAPITAL GAINS DEDUCTION FOR TAXPAYERS OTHER THAN CORPORATIONS.

(a) IN GENERAL.—Sections 301 and 302 of the Tax Reform Act of 1986 are hereby repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 163(d)(4) of such Code (defining net investment income) is amended by adding at the end thereof the following new paragraph:

"(F) NET CAPITAL GAINS EXCLUDED FROM GROSS INCOME.—The net gain described in subparagraph (B)(ii) shall be reduced by the amount of any deduction under section 1202(a) allocable to such gain."

(2) Section 170(e)(1) of such Code (relating to certain contributions of ordinary income and capital gain property) is amended by striking out "40 percent ($^{28}/_{46}$ in the case of a corporation)" and inserting in lieu thereof "40 percent ($^{14}/_{34}$ in the case of a corporation)".

SEC. 2. CAPITAL GAINS RATE FOR CORPORATIONS REDUCED TO 14 PERCENT.

(a) IN GENERAL.—Section 311 of the Tax Reform Act of 1986 is hereby repealed.

(b) CORPORATE RATE REDUCED TO 14 PERCENT.—Section 1201 of the Internal Revenue Code of 1986 (relating to alternative tax for corporations) is amended to read as follows:

"SEC. 1201. ALTERNATIVE TAX FOR CORPORATIONS.

"(a) GENERAL RULE.—If for any taxable year a corporation has a net capital gain, then, in lieu of the tax imposed by sections 11, 511, and 831 (a) or (b), there is hereby imposed a tax (if such tax is less than the tax imposed by such sections) which shall consist of the sum of—

"(1) a tax computed on the taxable income reduced by the amount of the net capital gain, at the rates and in the manner as if this subsection had not been enacted, plus

"(2) a tax of 14 percent of the net capital gain.

"(b) CROSS REFERENCES.—

"For computation of the alternative tax—
"(1) in the case of life insurance companies, see section 801(a)(2),
"(2) in the case of regulated investment companies and their shareholders, see section 852(b)(3) (A) and (D), and
"(3) in the case of real estate investment trusts, see section 857(b)(3)(A)."

(c) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 852(b)(3)(D) of the Internal Revenue Code of 1986 is amended by striking out "72 percent" and inserting in lieu thereof "86 percent".

(2) Subparagraph (D)(iv) of section 593(b)(2) of such Code is amended by striking out "$^{18}/_{46}$" each place it appears and inserting in lieu thereof "$^{20}/_{34}$".

(3) Paragraphs (1) and (2) of section 1445(e) of such Code are each amended by striking out "28 percent" and inserting in lieu thereof "14 percent".

SEC. 3. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 1986.

(b) APPLICATION OF INTERNAL REVENUE CODE OF 1986.—The Internal Revenue Code of 1986 shall be applied and administered as if the provisions of (and the amendments made by) sections 301, 302, and 311 of the Tax Reform Act of 1986 had not been enacted.

(c) REVOCATIONS OF ELECTIONS UNDER SECTION 631(a).—A taxpayer may rescind any revocation of an election made pursuant to section 311(d)(2) of the Tax Reform Act of 1986. Such revocation and rescission shall not be taken into account for purposes of section 631(a) of the Internal Revenue Code of 1986.●

By Mr. BIDEN (for himself and Mr. PELL):

S. 420. A bill to initiate a United States strategy, and to further multilateral action, in response to the problem of global warming; to the Committee on Governmental Affairs.

GLOBAL CLIMATE PROTECTION ACT

● Mr. BIDEN. Mr. President, it is a sad truth of human affairs that however well we as individuals may anticipate dangers in the distant future, and however severe those dangers may be, our public policies—even with responsive democratic government—seldom take serious account of consequences on a time horizon stretching beyond the next election.

This Nation's perilous economic situation amply demonstrates the point. For 6 years, an administration policy of reflation through massive government borrowing has contributed to a sustained, if uneven, recovery—and has therefore proven politically as well as economically expedient. Unfortunately, the negative effects of an accumulating national and international debt, while slow to manifest themselves, may eventually prove ruinous. Future administrations and future Congresses will be left to cope—while cursing this generation's lack of economic foresight and responsibility.

THE OUTLINES OF A POTENTIAL CATASTROPHE

But deferral to future generations may simply not be possible with certain problems relating to the environment in which we live. In an age when mankind's numbers and activities are so extensive as to affect the planetary conditions that have been the very basis of human life, the cost of irresponsibility could be survival itself.

Environmental problems are interrelated. Only now, for example, are we beginning to understand, and address, the potentially far reaching environmental consequences of a rate of tropical deforestation by which mankind is annually eliminating from the Earth's surface a forest area the size of West Virginia. We do not yet know the full implications of this trend. What we do know is that tropical forests, while covering only 7 percent of the Earth, serve as an important source of oxygen in our atmosphere, that they provide sanctuary to approximately half the animal species now living, and that the current rate of destruction would, if perpetuated, nearly erase tropical forests from the face of our planet during the 21st century. Accordingly, last fall I was pleased to support H.R. 2957, the tropical deforestation legislation by which Congress manifested at least one fortunate exception to our generally weak institutional capacity for foresight. In this regard, I pay special tribute to the fine work done on that legislation by my colleague from Delaware, Senator ROTH, and by the distinguished ranking member of the Foreign Relations Committee, Senator PELL.

But a related problem as yet unaddressed, and at least as ominous as tropical deforestation, is "global warming"—a term, though seemingly esoteric, that could, as time passes, come to signify an environmental disaster second only to nuclear war.

Scientists now predict that, by the middle of the next century, accumulated emissions of certain made-made pollutants—carbon dioxide, chlorofluorocarbons [CFC's], and other trace gases—could, through the so-called greenhouse effect, raise the average temperature on Earth by 3 to 8 degrees. In terms of human comfort, this temperature change may seem merely inconvenient—and, for some persons, even welcome. But the effects would not be. Life on this planet exists only under highly specialized circumstances, occurring within a band of a few thousand feet above and below the Earth's surface. Similarly, all life exists within a very narrow range of temperatures and under specialized atmospheric and climatic conditions. Indeed, so special are these circumstances that even a small rise in temperature could disrupt the entire complicated environment that has nurtured life as we know it.

For man, a central element in this equation is the delicate dependency of food production on weather. Within living memory, such shifts in weather patterns as the recent drought in Africa, El Nino in the Southern Hemisphere, and the North American dust bowls of the 1930's have devastated agriculture, producing enormous human suffering. Yet global warming, should scientific fears be realized in the decades immediately ahead, would produce climatic changes far more extensive and disastrous.

In the United States, agriculture is particularly vulnerable to climatic change. Across the surface of the planet, any global warming would be uneven—less near the oceans, with a greater temperature rise in the middle of continents. For the North American Farm Belt, situated in midcontinent, global warming could mean a new and permanent Dust Bowl.

Scientists predict also that global warming would mean temperature increases more rapid near the poles than at the Equator. This would mean a partial melting of the polar ice caps and of glaciers at the higher latitudes. Water released from these ice concentrations would raise sea levels up to 4 to 5 feet, producing widespread coastal flooding. Should this occur, mankind could—within the lifetimes of many now alive—witness a sudden alteration in global geography unlike any change in recorded history.

Over the longer term, the consequences of global warming, while less certain, are even more ominous. A 1985 report of the distinguished multinational Scientific Committee on Problems of the Environment, after detailing the climatic effects in the midterm, went on to ask whether any subsequent equilibrium would permit man's continued existence on Earth. The answer: "we don't know."

THE RANGE OF UNCERTAINTY

At present, amidst the considerable uncertainty surrounding the global warming theory, some cause for optimism may be found in evidence running counter to the direst predictions. Under the postulated "green-house effect," man-made pollutants rise into the atmosphere and prevent heat from escaping to space. Yet for all of the carbon dioxide, methane, and CFC's released into the atmosphere since the Industrial Revolution, temperatures in the northern latitudes, including the United States, have actually declined slightly during the last half-century.

No scientist, however, disputes the validity of the "green-house" theory, nor is there doubt that the level of carbon dioxide in the atmosphere is steadily increasing. Moreover, while the northern latitudes have cooled marginally in recent decades, the Southern Hemisphere has warmed steadily. Scientists theorize that warming in the Northern Hemisphere may simply have been postponed by an increased cloudiness that has temporarily—but only temporarily—offset the "greenhouse effect."

Such uncertainty means that we cannot cite as evidence of global warming such simple statistics as the fact that, in our Nation's Capital, 3 of the 10 hottest years in the century have occurred in the 1980's. Weather patterns in any specific year in a particular area are too unpredictable to provide evidence for a long-term trend. Nor can we say with any certainty that the recent drought in the Southern United States is an early and already observable result of the global warming phenomenon.

What we can say is that this drought, the most severe since recordkeeping began, is the kind of climatic change that global warming would cause. It is a relatively mild and deeply sobering example of just what global warming would mean, should it occur. We would thus prudently regard this current, limited disaster as a potential harbinger deserving of serious heed.

Global warming, should it occur in accord with the direst predictions, would be a catastrophe of Biblical proportions for the entire world. The human activities that could bring it about—the inefficient burning of fossil fuels, the atmospheric release of CFC's, the destruction of tropical forests—are occurring right now. And unless these activities are changed in the next few years—through sharply stepped up energy conservation, restrictions on CFC emissions, and preservation of tropical forests—a disastrous and irreversible warming could become inevitable. As a major producer of atmospheric pollutants and as a major potential victim of global warming, the United States has a profound responsibility and interest in moving promptly to address—and lead others to address—the global warming question.

A LEGISLATIVE START TOWARD A NATIONAL STRATEGY

Toward that end, at the close of the 99th Congress, I drafted and introduced—on behalf of myself, Senator PELL, and Senator Mathias—legislation that would codify the process of developing an effective American response to the threat posed by global warming. I take note of comprehensive hearings conducted last summer by Senator CHAFEE's Subcommittee on Environmental Pollution, which did much to underscore the seriousness of the problem. And I note also a concurrent resolution introduced 1 year ago by Senator GORE, which pointed to the need for cooperative international research with respect to the greenhouse effect. I believe, however, that there is now need for formal legislation to bring about a concerted governmental response. The bill—which I reintroduce today—is short and self-explanatory. Its effect is to create a top-level executive branch task force—a Task Force on the Global Climate—to develop, in the next 12 months, a Government-wide strategy to assess the threat raised by global warming and to respond to that threat by national and multinational means.

Underscoring the international dimension of the problem, the legislation designates as chairman of the task force the Secretary of State, who bears primary responsibility within the Government for the conduct of international environmental affairs. The task force mandate, in addition to conducting further study of all phenomena associated with global warming, is to develop "specific recommendations for cooperative action to be undertaken with other nations." Three months following its completion, the President would submit the strategy to Congress with specific recommendations for further legislative action.

I am aware that some members of the Committee on Environment and Public Works have requested that the Environmental Protection Agency conduct two studies related to the greenhouse effect—one on environmental effects, the other on needed policy changes. This legislation would be consistent with that initiative, in that it mandates the Administrator of EPA to serve as the vice chairman and executive director of the Government task force.

The legislation also takes account of multilateral efforts already underway through the International Geosphere-

Biosphere Program, under the sponsorship of the International Council of Scientific Unions, the membership of which includes the scientific academies of 71 nations, as well as international scientific organizations in all fields of physical and biological science.

Under a plan approved by the union's assembly earlier this month, 4 years of preparation and planning will now precede a major multilateral activity—analogous to the geophysical year of 1957-58—to be conducted in the early 1990's. This effort has received pledges from the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, and the National Science Foundationn, the head of each of which would be a member of the task force created by this legislation.

Because the participation of such diverse and separate agencies in multilateral activities related to global warming can be expected to increase steadily, the legislation would direct the President to appoint an Ambassador-at-Large to coordinate and lead such participation. Operationally, this high-level official would also, on a practical basis, usually represent the Secretary of State in the workings of the Task Force on the Global Climate. One duty of this Ambassador-at-Large would be to seek early designation, within the United Nations system, of an "International Year of Global Climate Protection." The designation of an International Year of the Greenhouse Effect was originally proposed by Senator Gore in his concurrent resolution, and this legislation would mandate carrying that good idea formally into the international arena.

Finally, the legislation calls upon the President to give high priority to global warming on the agenda of United States-Soviet relations. As the world's major consumers of fossil fuels, the superpowers are the largest producers of the atmospheric emissions that could produce global warming. And with vast continental agricultural belts in the northerly latitudes, both are especially vulnerable to the climatic shifts that could result. Both nations, consequently, have a powerful obligation and interest in the global warming question.

Some months ago, Senators Pell and Lugar demonstrated considerable vision, I believe, in offering a Senate resolution, later unanimously adopted, calling upon the two superpowers to join in leading a cooperative multilateral effort to achieve the World Health Organization goal of universal child immunization by the year 1990. The subject of global warming holds comparable potential and need for effective superpower cooperation.

At their Geneva summit, President Reagan told Secretary General Gorbachev "that if we had an invasion from Mars, both sides would put aside our differences." While not an extraterrestrial threat, global warming could prove no less dangerous. Even though decades away, the most serious consequences of global warming could prove unavoidable unless we act now to prevent them. Our failure to show foresight when the dangers are clearly discernible would be an unforgivable dereliction of duty to our children and all mankind not yet born.

Mr. President, I ask unanimous consent that the text of my legislation be printed in the Record.

S. 420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Global Climate Protection Act of 1987".

SECTION 1. FINDINGS.

Congress finds that—

(a) there exists compelling evidence that manmade pollution—the release of carbon dioxide, chloroflourocarbons, and other trace gases into the atmosphere—may be producing a long term and substantial increase in the average temperature on Earth, a phenomenon known as global warming through the greenhouse effect;

(b) by early in the next century, this increase in Earth temperature could—

(1) so alter global weather patterns as to have disastrous effect on existing agricultural production and on the habitability of large portions of the Earth; and

(2) cause thermal expansion of the oceans and partial melting of the polar ice caps, resulting in rising sea levels and widespread coastal flooding around the world;

(c) while the effects of the greenhouse effect may not be felt until the next century, ongoing pollution may be contributing now to an irreversible process, making timely action imperative if the climate is to be preserved;

(d) the global nature of this problem will require vigorous efforts to achieve international cooperation aimed at minimizing and responding to climate change; and

(e) effective international cooperation will require United States leadership, which will depend upon early arrival at, and implementation of, a coordinated national strategy.

SEC. 2. TASK FORCE ON THE GLOBAL CLIMATE.

(a) Establishment.—The President shall establish a Task Force on the Global Climate.

(b) Purpose.—The Task Force on the Global Climate shall be mandated to determine and supervise the research necessary for a coordinated national strategy on the global climate, to develop such a strategy, and to initiate implementation of such strategy domestically and in the international arena.

(c) Composition.—The task force shall include—

(1) the Secretary of State, who shall serve as Chairman;

(2) the Administrator of the Environmental Protection Agency, who shall serve as Vice Chairman and Executive Director for Research;

(3) the Chairman of the National Science Foundation;

(4) the President of the National Academy of Sciences;

(5) the Administrator of the National Aeronautics and Space Administration;

(6) the Administrator of the National Oceanic and Atmospheric Administration;

(7) the Administrator of the Agency for International Development; and

(8) the heads of other appropriate Government agencies, and other persons knowledgeable about the problems of global warming, as the Chairman and Vice Chairman may determine.

(d) Advisory Role.—The chairmen and ranking minority members of the Committee on Foreign Relations and the Committee on Environment and Public Works in the Senate and the Committee on Foreign Affairs and the Committee on Energy and Commerce in the House of Representatives shall serve as advisors to the task force.

(e) Task Force Report.—Not later than twelve months after the date of enactment, the task force shall develop and transmit to the President a United States Strategy on the Global Climate, which shall include—

(1) a full analysis of the global warming phenomenon, including its environmental and health consequences; and

(2) a comprehensive strategy, including the policy changes, further research, and cooperative actions with other nations that would be required to stabilize domestic and international emissions of atmospheric pollutants at safe levels.

SEC. 3. REPORT TO CONGRESS.

Not later than three months after receipt of the United States Strategy on the Global Climate, the President shall submit such Strategy to the Speaker of the House of Representatives and the chairmen of the Senate Committee on Foreign Relations and the Senate Committee on Environment and Public Works, together with recommendations for further legislative action.

SEC. 4. AMBASSADOR AT LARGE.

To coordinate and lead the participation of United States government agencies in various multilateral activities relating to global warming, including United States participation in planning for the International Geosphere-Biosphere Program scheduled for the early 1990's, the President shall appoint an ambassador at large, who shall also represent the Secretary of State in the operations of the Task Force on the Global Climate.

SEC. 5. INTERNATIONAL YEAR OF GLOBAL CLIMATE PROTECTION.

In order to focus international attention and concern on the problem of global warming, and to foster further work on multilateral treaties aimed at protecting the global climate, the Secretary of State shall undertake all necessary steps to promote, within the United Nations system, the early designation of an International Year of Global Climate Protection.

SEC. 6. CLIMATE PROTECTION AND UNITED STATES-SOVIET RELATIONS.

In recognition of the respective leadership roles of the United States and the Soviet Union in the international arena, and of their joint role as the world's two major producers of atmosphere pollutants, Congress urges that the President accord the problem of climate protection a high priority on the agenda of United States-Soviet relations.●

By Mr. BIDEN (for himself, Mr. Boschwitz, Mr. Pell, Mr. Ford, and Mr. Lautenberg):

S. 419. A bill to require specific congressional authorization for certain sales, exports, leases, and loans of de-

fense articles, and for other purposes; to the Committee on Foreign Relations.

ARMS EXPORT REFORM ACT OF 1987

● Mr. BIDEN. Mr. President, last September in the closing weeks of the 99th Congress and with the cosponsorship of Senators PELL and BOSCHWITZ in the Senate and Congressman MEL LEVINE and others in the House, I introduced legislation entitled the Arms Export Reform Act. While recognizing that time would not allow its consideration before adjournment, I wished to make the text available to my colleagues and to the public for analysis and discussion. Today, again in cooperation with Congressman LEVINE and with cosponsorship in this body by Senators PELL, BOSCHWITZ, LAUTENBERG, and FORD, I reintroduce the bill.

In so doing, Mr. President, I wish to emphasize the purpose of this legislation. In discussing the bill in recent weeks, some commentators have placed it in the context of the current Iran arms transfer controversy, predicting that Congress would be inclined toward rapid enactment of this legislation as a remedial reponse to the administration's flawed policy of covert arms transfers to the Khomeini regime. That is neither the purpose—nor would it be the effect—of this bill.

To be sure, certain amendments to arms export legislation may arise from the administration's actions to skirt the requirements of existing law in pursuing its covert Iran policy. But this legislation—the Arms Export Reform Act of 1987—is not designed to rectify those problems, but rather to correct deficiencies in the Arms Export Control Act of two kinds. First, it would redress a significant executive-legislative imbalance in the shaping of arms transfer decisions—an imbalance created by the Supreme Court's far-reaching Chadha decision, which had the effect of undercutting many existing procedures long established in law. Second, it would draw upon years of practical experience in order to streamline procedures under the act—by focusing congressional review only on those proposed transfers likely to prove controversial.

THE PRE-CHADHA SYSTEM

Mr. President, only under the rarest circumstances could we expect a decision of the Supreme Court of the United States to have a direct and significant bearing on the conduct of the foreign policy of the United States. But in 1983 precisely that occurred when the Court rendered its famous Chadha decision, which held unconstitutional the legislative veto procedure which had been written into numerous laws of a wide variety.

One such statute—a most significant one—was the Arms Export Control Act. Under the complex provisions of that law, a procedure had been established enabling Congress to receive advance notification of significant U.S. arms transfers to foreign nations and to disapprove such transfers by the mechanism of a concurrent resolution. The act stipulated three thresholds beyond which a sale is subject to congressional disapproval: $14 million for major defense equipment (meaning sophisticated weapons or hardware); $50 million for any defense article or service; and $200 million for design and construction projects.

Disapproval by concurrent resolution meant if a majority in both Chambers opposed a sale, the sale would not transpire. Conversely, a President would prevail in executing a proposed arms sale if he could win a majority in either Chamber—enough, that is, to prevent the passage of a concurrent resolution.

As it happened, no proposed arms transfer was ever blocked by Congress using that mechanism. But the very existence of the procedure did ensure that any administration would give careful consideration to the support or opposition a contemplated sale might encounter in Congress. On several occasions, the reality of congressional authority in the arms sales area has caused proposals to be modified or abandoned, the latter having occurred most recently in the case of a contemplated sale to Jordan.

THE CURRENT SYSTEM

Last year, pursuant to an initiative by Senator CRANSTON, Congress took certain legislative steps to adapt the Arms Export Control Act to the ruling in Chadha. The Cranston bill revised the act to provide that Congress could disapprove a sale by means of joint resolution—a procedure obviously constitutional, even in view of the Chadha decision, because a joint resolution represents the fresh enactment of a full new law. The continued process of congressional notification, combined with the expedited legislative procedure stipulated by the Arms Export Control Act, meant that Congress would still be certain of the opportunity to review all proposed sales and, in the event of a controversial sale, to express its will promptly.

Unfortunately, events in the fall of 1986 surrounding a major arms sale to Saudi Arabia showed the weakness of the post-Chadha system. Originally envisaged as a multibillion-dollar deal, the sale was whittled down, in anticipation of congressional opposition, to a level of $354 million, and then reduced again to a level of $265 million in deference to congressional concern about the transfer of Stinger missiles. The final outcome was nonetheless most extraordinary and disturbing: a massive, intensely controversial arms sale to Saudi Arabia survived on the basis of support from one-sixth of the House of Representatives and one-third plus one in the Senate.

A BETTER SYSTEM

Mr. President, I believe strongly that the major foreign policy business of the United States must be conducted on the basis of far stronger support from the Congress. If a President's tools of leadership and persuasion cannot prevail—to the extent of winning majority congressional support on a fundamental issue—there is sound reason for reconsideration of the policy. This principle applies to aid to the Nicaraguan Contras, and it applies to high-technology arms transfers to Saudi Arabia.

It is to prevent any recurrence of the sharp deviation from that principle, such as we have experienced in the case of the Saudi sale, that I introduced—and am today reintroducing—the Arms Export Reform Act. We have on occasion seen an unholy alliance between U.S. arms manufacturers anxious to increase sales and administrations anxious to appease regional client-states. This legislation would restore the checks and balances needed to prevent the casual distribution abroad of front-line U.S. weapons. Ideally, it will induce in the executive branch sufficient foresight and prudent consideration of arms sales that Congress will seldom move to exercise the powers of prevention that the legislation provides.

Cosponsors of this legislation are Senators PELL, BOSCHWITZ, FORD, and LAUTENBERG; while, in the House, companion legislation is being introduced by Congressman MEL LEVINE, along with more than two dozen cosponsors. I wish to note with special appreciation, however, the contribution of Senator PELL, then the Foreign Relations Committee's distinguished ranking member and now its chairman, who worked very ably with me in shaping the content of this bill.

The legislation would build on the Arms Export Control Act, amending the act in two significant ways, both fully harmonious with—and indeed designed to uphold—the act's original spirit and intent.

SALES SUBJECT TO DISAPPROVAL

A new criterion. The first change concerns the definition of sales which shall be subject to congressional consideration. The Arms Export Control Act, in both its original and current form, has defined such sales according to the monetary thresholds I cited earlier: $14 million for major defense equipment; $50 million for any defense article or service; and $200 million for design and construction projects. Any contemplated sale above these levels had required formal notification to Congress, which may then act to disprove.

Under the revised system embodied in our bill, Congress would continue to receive notification of all sales above these thresholds and would thereby continue to monitor the overall flow of U.S. arms transfers. What would change, however, is the criterion governing which U.S. sales shall be subject to congressional action. A decade of experience with the Arms Export Control Act has demonstrated that congressional concern about a proposed arms deal has never been triggered by the dollar amount per se. Rather, congressional challenges of sales have occurred because of the sensitivity—the quality and technological sophistication—of the weapons to be transferred. In short, we have been interested in jets, not hangar and runway construction; in AWACS, not routine radar equipment; in tanks, not trucks and jeeps; in warships, not harbor dredging and port facilities.

Accordingly, the revised law would, for all sales of nonsensitive weapons and equipment, completely eliminate the congressional review process and all attendant delay, leaving in place only the notification requirement for sales above the three thresholds. But, meanwhile, the new law would require that all sales of sensitive weaponry, in any dollar amount, be subject to congressional review and action.

The legislation we are introducing today would provide for absolutely no change in the favored standing of sales to nations in the first category. It would, moreover, add to that category any "country which is a party to the Camp David accords or an agreement based on such accords," which at this point means Israel and Egypt. As expanded, this category could be described as consisting of nations with which we are formally allied and those that are traditionally the major recipients of American military aid. Because a very clear consensus underlies U.S. arms transfers to each and all of these nations, the law would continue to reflect a presumption in favor of such transfers, which would remain subject only to a joint resolution of disapproval.

What could change, under this new legislation, is the procedure governing the sale of highly sophisticated weaponry to all other nations. For them, a new procedure would be established, requiring affirmative congressional action to approve any major sale. This would mean that there would not be—as there should not be—a presumption in favor of any such transfer. Instead, the proposed transfer of front-line U.S. arms would have to obtain a majority of support in both Houses—rather than a mere one-third plus one in either House, as in the current system. There would, however, be a stipulation allowing the President to by-pass the need for such congressional approval if he certified, and detailed the existence of, an emergency requiring a sale in the vital national security interests of the United States.

COMPARING THE ORIGINAL, CURRENT, AND PROPOSED SYSTEMS

In response to any charge that such legislation would bring Congress into the role of micromanaging U.S. arms sales policy, let me emphasize that in fact the reverse is true. This legislation would ease present requirements on the legislative and executive branches while focusing energy and attention on those sales that truly should be decided upon jointly—sales involving sensitive, front-line weapons and equipment.

As to congressional notification, proposed sales above the threshold levels would be subject to the smoothly operating information procedures now in effect, allowing Congress to stay abreast of the flow of U.S. arms transfers.

As to the treatment of noncontroversial sales, which Congress has, heretofore, dealt with through inaction, the proposed system would offer substantial improvement. In the case of nonsensitive items, the new law would free the sale to proceed automatically, with neither congressional review nor delay, regardless of the dollar amount. Similarly, in the case of sensitive equipment going to allies and key arms aid recipients, no congressional action would be required, since the current mechanism—a joint resolution of disapproval—would remain in effect. Only in the case of sensitive equipment going to other nations would the procedure become somewhat more demanding—but only slightly so, since the executive branch and Congress could easily package noncontroversial sales for routine congressional approval, either by resolution or by ad hoc amendment to regular legislation. A provision for expedited procedure would guarantee prompt congressional consideration.

Here, parenthetically, I must take note of an administration letter, circulated to all Senators and Congressmen in an effort to oppose this bill, which claims that had this legislation been in effect during 1986, Congress would have been burdened by the requirement of considering some 39 resolutions of approval. The truth, however, is that this would simply not have been the case because of the packaging procedure I have described.

Finally, as to the treatment of controversial sales, the proposed system would, as always, provide for a vote, but with an approval standard much closer to the original system—and to what is reasonable—than the post-Chadha system under which we are now operating. Whereas the current system allows the President to implement his proposal with the bare support of merely one-third plus one in either House, the original system required that he obtain a full majority of support in at least one House. The proposed system, in only slight contrast to the original pre-Chadha system, would require that the President gain majority support in both Houses.

Let me summarize what I believe to be the virtues of this new system:

First, this legislation completely removes all nonsensitive sales from the system of congressional control.

Second, sales of sensitive weaponry to countries in the consensus category will require, as now, no affirmative action.

Third, those sales which will now require affirmative action, but which are noncontroversial, can be easily packaged and approved as routinely as noncontroversial political appointments or military promotion lists.

Finally, a controversial sale of sensitive equipment will, as always, result in a debate and a vote—but one requiring that the President obtain not a mere one-third-plus-one in one House, but a majority in both Houses.

The cosponsors of this legislation believe that this standard represents precisely the degree of congressional support that should underlie any major foreign policy decision, and that this system represents precisely the way Congress and the executive branch should interact in shaping American foreign policy.

Mr. President, trusting that many of my colleagues will agree, I now—on behalf of my Senate cosponsors and in conjunction with Congressman MEL LEVINE and other House cosponsors—introduce the Arms Export Reform Act of 1987 in anticipation that the Foreign Relations Committee will hold hearings on this legislation in the near future. If enacted, this legislation would repair the damage done to the original Arms Export Control Act by the Chadha decision; it would focus the arms transfer review process where it belongs—on our most sensitive, sophisticated weaponry; and it would establish an approval standard which the Constitution implies and which time has shown to be wise: affirmative congressional concurrence in major foreign policy decisions.

Mr. President, I ask unanimous consent that the text of the Arms Export Reform Act of 1987 be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Arms Export Reform Act of 1987".

SEC. 2. (a) Notwithstanding any other provision of law, in the case of—

(1) any letter of offer to sell under the Arms Export Control Act,

(2) any application by a person (other than with regard to a sale under section 21

or 22 of the Arms Export Control Act) for a license for the export of, or

(3) any agreement involving the lease under chapter 6 of the Arms Export Control Act, or the loan under chapter 2 of part II of the Foreign Assistance Act of 1961, to any foreign country or international organization for a period of one year or longer of,

any item described in subsection (d), before such letter of offer of license is issued or before such agreement is entered into or renewed, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a numbered certification containing—

(A) in the case of a letter of offer to sell, the information described in section 36(b)(1) of the Arms Export Control Act and section 36(b)(2) of such Act, as redesignated by section 3(a)(2) of this Act,

(B) in the case of a license for export (other than with regard to a sale under section 21 or 22 of such Act), the information described in section 36(c) of such Act, as amended by section 3(b)(1) of this Act, and

(C) in the case of such an agreement, the information described in section 62(a) of such Act unless section 62(b) of such Act applies, without regard to the dollar amount of such sale, export, lease, or loan.

(b) Notwithstanding any other provision of law and except as provided in subsection (e)—

(1) no letter of offer may be issued under the Arms Export Control Act with respect to a proposed sale,

(2) no license may be issued under such Act with respect to a proposed export, and

(3) no lease may be made under chapter 6 of such Act and no loan may be made under chapter 2 of part II of the Foreign Assistance Act of 1961,

of any item described in subsection (d) to a country or international organization (other than a country or international organization described in subsection (c)) unless the Congress enacts a joint resolution or other provision of law authorizing such sale, export, lease, or loan, as the case may be.

(c) Except as provided in subsection (e), no such letter of offer or license may be issued and no such lease or loan may be made with respect to a proposed sale, export, lease, or loan, as the case may be, of any item described in subsection (d) to the North Atlantic Treaty Organization (NATO), any member country of such Organization, Japan, Australia, New Zealand, or any country which is a party to the Camp David Accords or an agreement based on such Accords, if the Congress within fifteen calendar days after receiving the appropriate certification enacts a joint resolution prohibiting the proposed sale, export, lease, or loan, as the case may be.

(d) The items referred to in subsections (b) and (c) are those items of types and classes currently used or to be used by the Armed Forces of the United States (other than the Army National Guard or the Air National Guard or a Reserve component of an Armed Force of the United States) or produced solely for export, as follows:

(1) turbine-powered military aircraft; rockets; missiles; anti-aircraft artillery; and all associated control, target acquisition and electronic warfare equipment and software;

(2) all versions of helicopters designed or equipped for combat operations;

(3) main battle tanks and nuclear-capable artillery; and

(4) submarines, aircraft carriers, battleships, cruisers, frigates, destroyers, and auxiliary warships.

(e) The requirements of subsections (b) and (c) shall not apply if the President states in his certification that an emergency exists which requires the proposed sale, export, lease, or loan, as the case may be, in the vital national security interests of the United States. If the President so states, he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the letter of offer or license for export or lease or loan and a discussion of the vital national security interests involved.

(f)(1) Except as otherwise provided in this paragraph and paragraph (3), any joint resolution under subsection (b) or (c) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976. For purposes of consideration of a joint resolution under subsection (c)(1), the motion to discharge provided for in section 601(b)(3)(A) of such Act may be made at the end of 5 calendar days after the resolution is introduced. If a joint resolution under subsection (b) deals with more than one certification, the references in section 601(b)(3)(A) of such Act to a resolution with respect to the same certification shall be deemed to be a reference to a joint resolution which relates to all of those certifications.

(2) For the purpose of expediting the consideration and adoption of joint resolutions under subsections (b) and (c), a motion to proceed in the House of Representatives to the consideration of any such resolution after it has been reported by the Committee on Foreign Affairs shall be highly privileged.

(3) If the text of a joint resolution under subsection (b) contains more than one section, amendments which would strike out one of those sections shall be in order, but amendments which would add an additional section shall not be in order.

(4)(A) The joint resolution required by subsection (b) is a joint resolution the text of which consists only of one or more sections, each of which reads as follows: "The proposed to described in the certification submitted pursuant to section 2(a) of the Arms Export Reform Act of 1986 which was received by the Congress on (Transmittal number) is authorized.", with the appropriate activity, whether sale, export, lease, or loan, and the appropriate country or international organization, date, and transmittal number inserted.

(B) The joint resolution required by subsection (c) is a joint resolution the text of which consists of only one section, which reads as follows: "That the proposed to described in the certification submitted pursuant to section 2(a) of the Arms Export Reform Act of 1986 which was received by the Congress on (Transmittal number) is not authorized.", with the appropriate activity, whether sale, export, lease, or loan, and the appropriate country or international organization, date, and transmittal number inserted.

SEC. 3. (a) Section 36(b) of the Arms Export Control Act is amended—

(1) by striking out the last two sentences of paragraph (1) and by striking out paragraphs (2) and (3); and

(2) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

(b) Section 36(c) of such Act is amended—

(1) by striking out "(c)(1)" and inserting in lieu thereof "(c)"; and

(2) by striking out paragraphs (2) and (3).

(c)(1) Section 62(a) of such Act is amended by striking out "Not less than 30 days before" and inserting in lieu thereof "Before".

(2) Section 63 of such Act is repealed.

(3) Section 64 of such Act is redesignated as section 63.

SEC. 4. The provisions of this Act shall apply with respect to any letter of offer or license for export issued, or any lease or loan made, after the date of enactment of this Act.●

By Mr. BRADLEY (for himself, Mr. KENNEDY, Mr. CHAFEE, Mr. RIEGLE, Mr. DURENBERGER, Mr. MATSUNAGA, and Mr. ROCKEFELLER):

S. 422. A bill to amend title XIX of the Social Security Act to permit States to provide Medicaid benefits to additional poor children and pregnant women; to the Committee on Finance.

MEDICAID INFANT MORTALITY AMENDMENTS

● Mr. BRADLEY. Mr. President, I rise today to introduce the Medicaid Infant Mortality Amendments of 1987. The purpose of the legislation is to amend title XIX of the Social Security Act to give States the option of providing health care coverage for pregnant women and infants between 100 percent and 185 percent of proverty; and to expand health care coverage for young poor children.

Mr. President, in the last Congress my colleagues and I succeeded in passing legislation which gave States the option of providing health care coverage to pregnant women and young children up to the Federal poverty line. This was a momentous step in the battle against infant mortality. However, it was only a first step. Even if all States choose to cover this group up to the Federal poverty level, over one-third of the pregnant women and their infants in this country would remain uncovered. Most of these women have incomes which fall between the Federal poverty level and 185 percent of the Federal poverty level. This means that even if a family of three has an income of only $12,000, they have no Medicaid coverage at all. Since complete maternity care costs anywhere from $4,000 to over $5,000, these uninsured women do not have the financial resources to pay for care on an out-of-pocket basis.

One of the ways that we judge progress in a society is the health of its people—particularly through such indicators as life expectancy and infant mortality. In our Nation, where health care is one of the fastest growing industries, it is appalling that the United States ranks behind most other industrialized nations in infant mortality rate. At our current rate of progress, the United States has little chance of meeting the Surgeon General's goal of reducing the infant mortality rate to 9 per 1,000 live births by 1990.

In my home State of New Jersey, the infant mortality rate is 10.9 per 1,000 births, slightly worse than the national average. An infant born in Newark has no better chance of survival past the first year of life than an infant born in Costa Rica. The preventable death of an infant or young child is tragic anywhere. In a country such as ours with its proud history of caring for the poor and underserved, we should be making use of our resources to do better.

Even more appalling than the high rate of infant mortality in our Nation is the shocking discrepancy among different segments of our population. The infant mortality rates for whites is 9.4 per 1,000 births, but it is 19.2 for blacks. In New Jersey, the discrepancy between whites and blacks is even worse than this national average, with an infant mortality rate for blacks—19.4 per 1,000 births—nearly double that for whites—9.3 per 1,000 births.

Mr. President, in recent years we have seen a serious decline in the progress we have been making in reducing the rate off infant mortality. This rate would be even higher if this country did not have some of the most advanced medical technology available for treating low-birth-weight babies. While it is fortunate we have this technology, Mr. President, I would rather see these machines get rusty from disuse because we are providing the kind of prenatal care which avoids the birth of underdeveloped babies. Further, neonatal intensive care costs are tremendous. Currently, just 1 day in a newborn intensive care unit costs from $1,000 to $1,200.

Mr. President, the Institute of Medicine has determined that the most critical first step we can take to address infant mortality is to expand access to early prenatal care and services for infants in the first year of life. They concluded that quality prenatal care could reduce the incidence of low birth weight by 15 percent among white infants and 12 percent black infants. Furthermore, they found that this approach is extremely cost-effective. For every $1 spent on prenatal care, $3 would be saved over the first year of the infant's life.

Mr. President, the health problems of poor children are particularly serious. Because they are significantly more likely to start life sick—predominantly because of low-birth-weight problems—and because of the conditions under which they live, poor children are more likely to suffer from a range of problems. These include: elevated blood lead levels, greater and more serious hearing and vision problems, more severe cases of chronic illness, and higher rates of chronic mental illness. Many of these problems, if detected early, can be avoided. It costs approximately $350 a year for a child to have full preventive health-care services, while 1 day in the hospital for an untreated illness costs at least $600.

Mr. President, it is for this reason that I am proposing that we increase Medicaid coverage not only for pregnant mothers and infants but also for young children. My bill would do three important things for young children: it would require those States which do not already do so to extend Medicaid coverage to children ages 6, 7, and 8 on a year-by-year basis for those children whose family incomes do not exceed AFDC standards; it would give States the option of accelerating the currently existing year-by-year phase-in of children up to age 5 whose family incomes are between AFDC standards and the Federal poverty level; and it would give States the option of covering these children on a year-by-year basis up to age 8.

My esteemed colleague, Mr. WAXMAN, who chairs the House Subcommittee on Health and the Environment, is today introducing a companion bill in the House of Representatives. Mr. WAXMAN's leadership on behalf of adequate attention to children's health issues is well known, and I am proud to be joining with him in this effort.

Mr. President, we frequently talk about the chain of problems facing our poor. This bill affords an entry point. Inadequate prenatal care contributes to the incidence of low-birth-weight infants. These low-birth-weight infants, if they survive, experience a range of health problems. If these health problems go unresolved, they contribute to school difficulties and failure. Children who do poorly in school are more likely to become dropouts and join the ranks of the unemployed. And, in turn, these unemployed, undereducated and welfare-dependent individuals are more likely to become teen parents and fail to secure prenatal care. Thus, the cycle continues unabated.

Mr. President, if ever there was a place to intervene, this is it. We can have an impact on our citizens, giving them a chance to be the best they can be from the very beginning. We can no longer afford, in dollar costs or human costs, not to extend prenatal care and health services to pregnant women, infants, and young children. I strongly urge my colleagues to support this bill.●

● Mr. KENNEDY. Mr. President, I am pleased to join with Senator BRADLEY, Senator RIEGLE, and other colleagues in introducing this legislation. Few items on our agenda in Congress are more important than the need to do more and deal with the Nation's shockingly high level of infant mortality. The United States now ranks 17th in the world in the infant death rate, behind Singapore and Hong Kong. Unless we do more to increase access to health care for poor mothers and infants, we will lose this war.

We made progress last year in expanding Medicaid coverage for the poor. This new legislation will build on our efforts of last year, and bring us closer to our ultimate goals of an infant mortality rate that is the lowest in the world.

THE PROBLEM

Two-thirds of all infant mortality can be attributed to low birth weight. In 1987, a quarter of a million babies will be born with low birth weight. These infants are 40 times more likely to die in the first month of life, 5 times more likely in the first year. They are also far more likely to have mental and physical birth defects and handicaps, which often mean lifelong challenges, hardships, and expenses for themselves and their families.

Low birth weight is largely preventable—and at relatively low cost. Early prenatal care can reduce the number of such infants by two-thirds. The Institute of Medicine has estimated that for every dollar spent for prenatal care, $3.38 would be saved in the total cost of caring for low birth weight infants.

Although access to prenatal care is the most effective way to prevent low birth weight, millions of low-income mothers and children are denied that care because they have no health insurance. Thirty-six percent of America's 9 million poor women and 30 percent of America's 5 million near-poor women of childbearing age were completely uninsured in 1984. One-third of all poor children and 29 percent of all near-poor children under age 18 were also uninsured.

The Medicaid Program should be our first line of attack in bringing insurance and prenatal care to poor children. But Medicaid covers less than half of the Nation's poor, a precipitous decline since 1976. Many States still deny Medicaid coverage to children living in families with income below the State poverty level if they live in two-parent families. Many physicians will not even see Medicaid patients because of extremely low reimbursement rates.

ACTION IN 1986

Some progress was made last year through Medicaid reforms that permit States, at their option, to cover more poor pregnant women and children. We extended optional Medicaid coverage to 100 percent of the Federal poverty line for pregnant women and infants to age 1. Also as a State option, we extended Medicaid for children ages 1 through 4 up to the povery line on a phased-in basis through 1991. We need to build on that success and do more to address a problem that still persists.

INITIATIVES IN 1987

The bill that we are introducing today will permit States to make major additional advances in Medicaid coverage. Pregnant women and infants up to age 1 with incomes up to 185 percent of the Federal poverty line will be eligible for Medicaid if a State exercises the option to cover them. The phased-in coverage passed last year will be made effective immediately and extended on a phased-in basis to children up to the age of 8.

NEXT STEPS

Medicaid is only part—albeit an important part—of our national effort. Some pregnant women who need service will not be eligible even when this legislation is passed. For others, statutory coverage is not enough: an aggressive outreach effort is needed. And even where coverage is available and outreach occurs, there are areas where private physicians are simply unwilling to serve Medicaid patients. Accordingly, I intend to introduce in the very near future an initiative under the Public Health Service Act that will provide additional resources to community health centers to conduct more effective outreach and treatment efforts for pregnant women and infants needing these essential services.

I look forward to speedy passage of both these important initiatives.●

● Mr. CHAFEE. Mr. President, I am pleased to join my colleague from New Jersey in introducing legislation designed to further our efforts to reduce the rate of infant deaths and illness in this country.

As a member of the Senate Finance Committee and the Subcommittee on Health one of my highest priorities has been to provide widespread and effective preventive health care for low-income children.

Since 1984, we have been slowly moving forward on this issue. In the Deficit Reduction Act of 1984 we were able to include a small expansion of the Medicaid Program to provide voluntary coverage to children up to the age of 5 in families with incomes below State eligibility standards and mandatory coverage of low-income women who were pregnant for the first time but were not eligible for Medicaid because they would not be eligible for AFDC benefits until the child was born. In the Consolidated Omnibus Budget Reconciliation Act 1985, we were able to extend prenatal care coverage to all pregnant women who were beneath the State income standards. Just last year, in the Omnibus Reconciliation Act of 1986, we included a provision to allow States to cover children up to age 5—on a staggered basis—and pregnant women up to the Federal poverty level even if those individuals were not eligible for the State AFDC Program.

The legislation we are introducing today would expand on our previous efforts. First, the legislation would accelerate the phase-in of children eligible under our provision in SOBRA. Second, it would require that all children up to age 6 who are below the State eligibility requirements for AFDC receive Medicaid benefits by October 1, 1988, those up to age 7 by October 1, 1989, and those up to age 8 by 1990.

The last provision of our proposal would allow States to extend Medicaid coverage to pregnant women and children up to age one who are below 185 percent of the Federal poverty level.

Infant mortality and low birth weight among babies are two of the most distressing problems facing our Nation.

Eleven babies die out of every 1,000 infants born in this country. Few events could be as tragic as the death of a baby or the birth of a child with birth defects that could have been prevented with proper prenatal care. The future of our Nation depends on our children and they deserve a better chance to be born healthy.

It has been estimated that half the birth defects which occur in this country could be prevented through proper prenatal care. Prenatal services can drastically reduce the frequency of low-birth-weight babies who are 40 times more likely than other infants to die within the first year and who tend to suffer a wide range of long-term health problems.

The legislation we are introducing today will improve the delivery of prenatal care and health services to low-income women and their children.

Think of the incalculable human cost which can be avoided if we improve the delivery of prenatal services. In purely economic terms, an average investment of $600 for routine prenatal services and counseling could save as much as $120,000 to $200,000 for extended neonatal intensive care and an average of $40,000 per year for 50 years for a disabled person in an institution.

The United States has one of the world's best programs for the treatment of low-birth-weight babies. Yet, we have a poor prevention program and our rate of low-birth-weight babies is higher than 11 other countries. According to the National Academy of Sciences, the rate could be cut by better than one-tenth through improved prenatal care. The Academy estimates a cost-benefit ratio of $3.38 saved in the first year of a child's life for $1 spent in prenatal care.

When infant mortality trends deteriorate as they have in the United States, we must step back and ask whether our health delivery system is adequate and effective. When the United States has poorer pregnancy outcomes than 11 other developed countries, we must ask why. When low birth weight is excessive among the poor, the poorly educated, and those that do not receive proper prenatal care, we must take action. Our bill is necessary in order to insure that the poor who do not currently receive proper health-care services have access to them.

Even during a time of fiscal restraint it is sound economic policy to invest in the health of our poor mothers and children. Investment in improved pregnancy outcomes has enormous future returns in both human and fiscal terms.

I urge all of my colleagues to join us in this effort.●

● Mr. RIEGLE. Mr. President, I am very pleased to join together with my colleagues from New Jersey [Mr. BRADLEY], my colleague from Massachusetts [Mr. KENNEDY], and my colleague from Rhode Island [Mr. CHAFEE], to introduce S. 422, the Medicaid Infant Mortality Amendments of 1987. For several years this Nation made significant progress toward reducing infant mortality and we became increasingly confident that we would meet the Surgeon General's goals for reducing needless infant deaths and low birth weight by the year 1990. Recently our progress has slowed, and in some aspects, reversed. Since 1981 the rate of reduction in infant mortality slowed significantly and, tragically, the rate of post-neonatal mortality—the death of infants between 28 days and 1 year—has risen.

The problem of infant mortality is an especially deep concern to me because Michigan has an exceptionally high infant mortality rate. My State has the highest rate of neonatal mortality for nonwhite infants—deaths before age 29 days. Children born in certain areas around Detroit have less chance of surviving their first year than babies born in Chile, Panama, Jamaica, or Costa Rica. Michigan has recently launched important new programs to combat infant mortality, but the severity of the problem in Michigan, and throughout the Nation, requires that we reexamine the maternal and child health-care programs at the Federal level.

Mr. President, the occurrence of needless infant deaths and low birth weight are problems for which we have known solutions. It is well documented that adequate prenatal care can substantially reduce the rate of infant mortality and the incidence of serious health problems and disabilities associated with low birth weight. With this knowledge, we must begin to make prenatal care accessible to all women. S. 422 is a vital first step in this direction.

This initiative allows States, at their option, to extend Medicaid coverage to pregnant women and infants up to age

1 with incomes up to 185 percent of the Federal poverty level. This legislation also requires States to phase in coverage—1 year at a time—of children up to age 8 whose family income is below AFDC standards. In addition, S. 422 allows States to cover older children, up to age 4 immediately and up to age 8 by yearly increments, when family income does not exceed the Federal poverty level.

These provisions represent a critically important investment in our children's future health and well-being. Recognizing that infant mortality and many serious child health disorders are among the most preventable problems we face, I urge my colleagues to join with us as cosponsors of S. 422.●

● Mr. DURENBERGER. Mr. President, I am proud to join my colleagues on both sides of the aisle today in introducing the Medicaid Infant Mortality Amendments of 1987.

Health care in America must be judged not only on its ability to cure sickness, but also on its capacity to keep people well. Nowhere is this more important than in the health of mothers and children. Preventive, primary health services for these individuals cannot only alleviate much suffering and illness, but also more than pay for itself over the long run by giving babies and young children a fighting chance to grow up healthy and productive.

In my years on the Senate Finance Committee's Health Subcommittee, I have worked hard to improve our Nation's health-care system, particularly to ensure that the Federal health programs, Medicare and Medicaid, provide their beneficiaries access to cost-effective, quality health care. And with the collaboration of my Senate colleagues, we have made some significant progress, especially for low-income pregnant women, babies, and young kids.

In the Omnibus Budget Reconciliation Act of 1986, I sponsored a provision, supported by the Southern Governors and National Governors Associations, the Children's Defense Fund, to name a few, that will allow States to offer immediate Medicaid coverage to pregnant women and infants, and Medicaid coverage to young children on a phased-in basis. I am pleased today to note that the State of Minnesota is planning to take advantage of this optional coverage, and I'm sure many other States will be following suit as well.

I also sponsored legislation with my colleague from Florida, Senator CHILES, that will set up a National Commission on Infant Mortality. I look forward to getting the Commission underway.

Today's legislation takes the next logical step in protecting the health and well-being of mothers and young children in this country. To give our children the chance to have better lives than we have had, we must assure that they have every chance when they enter this world, whether they are rich or poor. Paying up front for preventive, primary care for these individuals is one of the best investments we can make for the future of our society, and the return on that investment can be remarkable.●

By Mr. MOYNIHAN:

S. 425. A bill for the relief of Sukhjit Kuldip Singh Saund; to the Committee on the Judiciary.

RELIEF OF SUKHJIT KULDIP SINGH SAUND

● Mr. MOYNIHAN. Mr. President, I rise today to offer for a third time a private bill to grant permanent resident status to Mrs. Sukhjit Kuldip Singh Saund, a fine Indian woman who for more than 20 years ran the American Embassy commissary in New Delhi, India, including my 2 years as Ambassador. I do so with the encouragement and full support of Mr. Galen Stone, who served honorably as my Deputy Chief of Mission, and Mr. John Rieger, our able Administrative Officer in India.

Some facts: Mrs. Saund, or Mrs. Singh, as she was always known to us, last entered the United States on February 19, 1983, on a visitor's visa. Her current visa extension will expire on February 15 this year—just 2 weeks from now. She lives in Santa Monica, CA, with her niece as she no longer has any close relatives in India.

I should note, as well, that Mrs. Singh unsuccessfully applied for special immigrant status in 1985. Nevertheless, in my opinion, she is precisely the person for whom special immigrant status was intended: An honorably retired former employee of the U.S. Government abroad, who has performed faithful service. Indeed, her application was endorsed by our current Ambassador in New Delhi, John Gunther Dean. But regulations do not permit service with the American Community Support Association to qualify as Federal service, and thus special immigrant status. This regulation is currently under review, but any changes will come too late for Mrs. Singh. Her only remaining remedy is through private relief.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Sukhjit Kuldip Singh Saund shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202(e) of such Act.●

By Mr. PELL:

S. 426. A bill to provide limits in the tort system, and for other purposes; to the Committee on Commerce, Science, and Transportation.

LIABILITY INSURANCE REFORM ACT

● Mr. PELL. Mr. President, the affordability and availability of commercial liability insurance has become a major concern for both small business and the American consumer. Stories in the media abound indicating the widespread inability of businesses, professionals, families, and even some public agencies to obtain liability insurance at all or at affordable rates. Many of my constituents in Rhode Island have written or called me expressing their fears and outrage as the insurance crisis has escalated.

The impact of the liability crisis is pervasive throughout our society. Many businesses have found it necessary either to curtail products and services or to hike prices to meet rapidly increasing insurance rates. In some cases firms have actually been forced to close their doors because of the prohibitive costs of retaining liability insurance. Some municipal services have been threatened with elimination. Hospitals and medical services have cut back on some regular services and procedures in order to avoid potential lawsuits. The net result of these developments is that the taxpayer and the consumer end up shouldering the burden of the liability insurance crisis.

I believe the time has come for the Federal Government to step in on the side of the consumer and ensure that liability insurance is available and affordable for all who need it in our society. In my view reform is urgently needed in two areas: Reform of the tort system and reform of the insurance industry itself.

Erratic and exorbitant courtroom awards have driven up the cost of liability insurance for both businesses and individuals. Already a growing number of States have adopted ceilings on damage awards for pain and suffering. Last year alone damage caps of some sort were approved by 18 States according to a survey by the American Legislative Exchange Council. My legislation closely tracks these legislative initiatives already underway at the State level.

Specifically, my bill would cap pain and suffering awards at $250,000 and would mandate a staggered payment method for awards over $250,000 instead of the current lump-sum payment system.

In addition, my bill would place a schedule system on contingency fees. This scale would allow an attorney to receive 33⅓ percent of the first $250,000 of an award; 25 percent of the amount from $250,000 to $1 million; and 20 percent of the amount for awards over $1 million.

Placing dollar caps on the amount that can be recovered for pain and suffering and limiting attorneys fees is only part of the solution to the problem. Equally important, in my view, is the need for basic reform of the insurance industry itself. I have been particularly troubled by widespread reports that the insurance industry has sought to manipulate the liability crisis to justify higher rates and dropping customers, and reports that a great deal of the recent escalation in insurance premiums is attributable to plain bad management in the industry.

My legislation would address this part of the problem by prohibiting the midterm cancellation of liability policies and requiring 90 days advance notice of nonrenewal of insurance. Second, this bill would require an insurer that chooses not to renew a client to demonstrate in writing that the client has undergone a material change in the level of risk. It would also require a similar showing on the part of insurance companies where annual premium increases in excess of 10 percent are imposed.

The final section of my bill is the first attempt to utilize legislation in order to better inform the American public about the insurance crisis. I believe it is necessary to alert people to the fact that unnecessary litigation and exorbitant court awards have a hidden cost that is inevitably reflected in the price of goods and services. Accordingly, my bill would authorize the President to appoint an Advisory Council on Insurance Premium and Liability Awareness. The Advisory Council would consist of 12 members, 3 appointed by the President pro tempore of the Senate—with the advice of the minority and majority leaders—3 appointed by the Speaker of the House, and 6 public members appointed by the President. The following groups would be represented on the Advisory Council: The insurance industry, small business, municipalities, State governments and State insurance regulatory agencies, consumer groups, and the bar association or lawyer's groups.

While the primary objective of the Council would be to encourage people to settle disputes outside the court system, the Council would also make recommendations to Congress on the need for new legislation in the area of insurance regulation. Specifically included in the Council's mandate would be the examination of the need for reform of the so-called McCarran-Ferguson Act, which exempts the insurance industry from Federal regulation.

The time has come for the Federal Government to reform the tort system and to protect the public interest with closer regulation of the insurance industry. Constructive initiatives are already underway in many States, including my own State of Rhode Island, where Gov. Edward DiPrete has served as chairman of the National Governors' Association Task Force on Liability Insurance. Out of this experience Governor DiPrete has developed a comprehensive legislative package, including caps on pain and suffering awards and an interesting proposal to have punitive damage awards revert to the State treasury. The Rhode Island Chamber of Commerce Federation has made reform of the State's liability laws the No. 1 priority on its legislative agenda for 1987. I look forward to working closely with Governor DiPrete on this problem, and am hopeful that Rhode Island will enact comprehensive liability legislation in 1987.

The liability insurance crisis is an area where it is easy for lawmakers to temporize, but I believe the consequences of further delay will be deeply injurious to our national economy. Few initiatives would more vitally affect our competitiveness more than swift enactment of national liability legislation, and I strongly urge my colleagues to place this issue at the very top of their agenda for 1987.

Mr. President I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Liability Insurance Reform Act of 1987".

TITLE I—TORT REFORM

APPLICABILITY

SEC. 101. The provisions of this title apply to any civil action against any person, in any State or Federal court, alleging negligence, strict or product liability, intentionally tortious conduct, or professional malpractice, in which damages for physical injury or physical or mental pain or suffering are sought.

(b) The provisions of this title shall preempt and supersede State law to the extent such law is inconsistent with the limitations on liability contained in this Act.

PERIODIC PAYMENTS

SEC. 102. (a) In any action to which the provisions of this title apply, if the court awards an individual future damages in excess of $500,000—

(1) 50 percent of such award may be made at one time and the payment of the remainder of such future damages shall be made in such amounts and at such intervals as determined by the court, over a scheduled period of time or over the estimated lifetime of such individual; and

(2) such payments shall be made until the total amount of such award is paid to such individual, except that if such individual dies prior to the date on which the final payment is to be made, the party obligated to make the payments shall make any additional payments to the heirs or assigns of such individual only if directed to do so by the court.

LIMITATION ON DAMAGES FOR NONECONOMIC LOSSES

SEC. 103. Notwithstanding any other provision of law, in any action to which the provisions of this title apply, the amount of damages for noneconomic losses resulting from the conduct of the judgment debtor shall not exceed $250,000.

LIMITATION ON CONTINGENCY FEE AGREEMENTS

SEC. 104. Except as provided in subsection (c), in any action to which the provisions of this title apply, and in which the plaintiff receives a settlement or an award of damages, the amount of the payment to the plaintiff's attorney or attorneys shall be determined pursuant to this subsection. If the total amount of the award or settlement is—

(1) not more than $250,000, the attorney's fee shall not exceed 33⅓ percent of such amount;

(2) more than $250,000 but less than $1,000,000, the attorney's fees shall not exceed 25 percent of such amount; or

(3) equal to or greater than $1,000,000, the attorney's fees shall not exceed 20 percent of such amount.

TITLE II—INSURANCE INDUSTRY REFORM

INSURANCE REQUIREMENTS

SEC. 201. No insurance company authorized to write insurance in any State, territory, or possession of the United States may write any such insurance unless such company—

(1) allows for the cancellation of an insurance policy providing liability insurance except at the end of the period for which such insurance was provided;

(2) provides written notice to a client having an insurance policy with such company, at least 90 days before the end of the term for which such insurance is provided, that such company will not renew such insurance policy;

(3) provides written notice to any client currently insured with such company that such company has determined not to renew the policy previously issued to such client, demonstrating that such client has undergone a material change in the level of risk; and

(4) provides written notice to all clients who will be allowed to renew their insurance policies if the company intends to increase the annual premium for such policy by an amount in excess of 10 percent. Such notice shall state the reasons for such an increase and shall be given at least 90 days prior to the end of the term for which the insurance is provided.

TITLE III—COUNCIL ON LIABILITY INSURANCE PREMIUMS

ESTABLISHMENT

SEC. 301. There is hereby established a National Citizens' Council to study liability insurance problems, hereinafter referred to as the "Council".

MEMBERSHIP

SEC. 302. (a) The Council shall be composed of 12 members appointed as follows:

(1) 3 members shall be appointed by the President pro tempore of the Senate on the advice of the Majority and Minority leaders of the Senate;

(2) 3 members shall be appointed by the Speaker of the House of Representatives; and

(3) 6 members shall be appointed by the President from among individuals in the private sector.

(b) Members of the Council shall, to the extent possible, be chosen from among persons with a broad knowledge and understanding of the areas under the consideration and study of the Council and shall represent the insurance industry, small business, municipalities, State government, or State insurance regulatory agencies, consumer groups, and trial lawyers.

(c) Seven members of the Council shall constitute a quorum, but the Council may establish a lessor number as a quorum for the purpose of holding hearings, taking testimony, or receiving evidence.

(d) Members of the Council shall be appointed for the life of the Council.

(e) The Council shall select a Chairman from among its members who shall serve as Chairman for the life of the Council.

(f) A vacancy in the Council shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(g) The members of the Council shall be appointed within 60 days after the date of enactment of this Act.

(h) The President shall provide that the members of the Council will have their first meeting within 90 days after the date of enactment of this Act at a time and place determined by the President.

COMPENSATION AND ADMINISTRATION

SEC. 303. (a) Members of the Council shall serve without compensation, except that each member shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(b) The Council shall appoint a staff director who shall be paid at a rate not to exceed the rate of basic pay provided for level V of the Executive Schedule pursuant to section 5316 of title 5, United States Code.

(c) The Council is authorized to appoint and fix the compensation, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, of up to five such additional personnel as the Chairman finds necessary to carry out the purposes of this Act. Such personnel shall be compensated at a rate not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

POWERS

SEC. 304. (a) The Council may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at a rate of pay not to exceed the rate of basic pay for GS-15 of the General Schedule under section 5332 of title 5, United States Code.

(b) The Council is authorized to procure supplies, services, and property, and make contracts, in any fiscal year, only to such extent or in such amounts as are provided in appropriation Acts.

(c) The Council is authorized to enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman and the Administrator of General Services.

(d) The Council may use the United States mails in the same manner and under the same conditions as apply to other departments and agencies of the United States.

(e) The Council, or on the authorization of the Council, any subcommittee thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Council, or such subcommittee, may deem advisable. Subpenas may be issued under the signature of the Chairman or Vice Chairman, or any duly designated member, and may be served by any person designated by the Chairman, the Vice Chairman, or such member.

DUTIES OF THE COUNCIL

SEC. 305. (a) The Council shall—

(1) examine the area of liability insurance generally, including insurance industry reform and the need for further reforms in the law relating to tort claims, and

(2) make recommendations to the Congress on the need for new legislation governing liability insurance, specifically including the need for legislation to amend section 2(b) of the Act entitled "An Act to express the intent of Congress with reference to the regulation of the business of insurance" (15 U.S.C. 1012), commonly known as the McCarran-Ferguson Act.

(b) The Council shall seek the cooperation, advice, and assistance from both private and government agencies and organizations, including consumer groups, insurance industry advisory panels, and academic departments engaged in the study of laws and regulations related to insurance.

(c) The Council, in carrying out the purposes of this Act and to assist in implementing this Act, may delegate authority to State advisory commissions.

(d) Within one year after the first meeting of the Council, such Council shall submit to the President and each House of the Congress a comprehensive written report, containing the findings of the Council and incorporating their specific recommendations.

TERMINATION

SEC. 306. The Council shall terminate on the date 60 days after the date such Council submits its final report pursuant to section 305.

AUTHORIZATION OF APPROPRIATIONS

SEC. 307. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.●

By Mr. SIMON (for himself, Mr. DIXON, and Mr. RIEGLE):

S.J. Res. 39. Joint resolution to provide for the designation of the 69th anniversary of the renewal of Lithuanian independence, February 16, 1987, as "Lithuanian Independence Day"; to the Committee on the Judiciary.

LITHUANIAN INDEPENDENCE DAY

● Mr. SIMON. Mr. President, I am pleased today to introduce a joint resolution, along with my colleagues, Senator DIXON and Senator RIEGLE, proclaiming February 16, 1987, to be "Lithuanian Independence Day." This will mark the 69th anniversary of the establishment of the Independent Democratic Republic of Lithuania.

Lithuanian independence came to an abrupt halt in June 1940. More than 300,000 Red army troops marched into Lithuania, and snuffed out the free state of Lithuania. Since then, the brave Lithuanian people have been subjected to ethnic dilution, forced russification, and a host of social, political, and religious acts of persecution. Lithuanians are prisoners in their native land.

The United States does not recognize the illegal Soviet occupation of Lithuania. We expect the Soviet Union to abide by its treaty commitments, especially the Helsinki Final Act which commits all parties to respect basic human rights and the principle of self-determination.

The Lithuanian people have endured much hardship since 1940. It is only fitting that the United States honor their struggle by commemorating the day of Lithuanian freedom and independence. I ask my colleagues to join with me in sponsoring this resolution, and I hope that you will speak in support of Lithuanian freedom on February 16.●

● Mr. RIEGLE. Mr. President, I am pleased to join my colleagues from Illinois, Senator SIMON and Senator DIXON, in introducing this resolution declaring February 16, 1987, Lithuanian Independence Day.

This year marks the 69th anniversary of the day on which Lithuania became an independent nation. In commemorating this important date, we recall the remarkable accomplishments made by the Lithuanian people in the social, economic, and cultural life of their country, during its 22 years of independence.

Tragically, the life of this independent nation was cut short by the Soviet invasion in 1940. Since that time, the struggle for freedom in Lithuania has been ongoing. In the words of Herdrick Smith, author of the best seller "The Russians," the Lithuanian nationalist movement is "one of the strongest in the Soviet Union."

Today's resistance movement, led by Lithuanians who have lived their entire lives under Soviet oppression, is no less dedicated to restoring freedom to Lithuania than it was when led by those who grew up during the years of independence. For the passage of time can never make the unacceptable acceptable. The sacrifices endured by those who fought before them inspires this generation of Lithuanians to continue to fight for the freedom only their parents have known.

I urge my colleagues to join in expressing their solidarity with the Lithuanian people by supporting this important resolution. In marking the anniversary of Lithuania's independence, we reassure the Lithuanian people that all Americans are with them in their fight against Soviet oppression, and that we, too, are committed to seeing Lithuanian restored to its rightful place among the free and independent nations of the world.●

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. CRANSTON, the names of the Senator from New Mexico [Mr. BINGAMAN], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 6, a bill to amend title 38, United States Code, to improve various aspects of Veterans' Administration health-care programs, to provide certain new categories of persons with eligibility for readjustment counseling from the Veterans' Administration and to postpone the transition period for the Vet Center Program, to authorize the establishment of a pilot program for the furnishing of noninstitutional care to certain veterans, and to increase the per diem rates paid to States for providing care to veterans in State homes; and to prohibit the excessing of certain Veterans' Administration properties; and to promote greater emphasis of affiliated health-professional training institutions on geriatric training and research, and for other purposes.

S. 33

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 33, a bill entitled the "Social Security Trust Funds Management Act of 1987."

S. 69

At the request of Mr. TRIBLE, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 69, a bill to amend the Internal Revenue Code of 1986 to repeal the basis recovery rule for pension plans.

S. 85

At the request of Mr. JOHNSTON, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 85, a bill to amend the Powerplant and Industrial Fuel Use Act of 1978 to repeal the end use constraints on natural gas, and to amend the Natural Gas Policy Act of 1978 to repeal the incremental pricing requirements.

S. 245

At the request of Mr. BENTSEN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 245, a bill to provide for the reimbursement of States for advance construction of highways.

S. 248

At the request of Mr. LAUTENBERG, the names of the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Arkansas [Mr. PRYOR], the Senator from Vermont [Mr. LEAHY], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 248, a bill to amend title 10, United States Code, to permit members of the Armed Forces to wear, under certain circumstances, items of apparel not part of the official uniform.

S. 264

At the request of Mr. HUMPHREY, the name of the Senator from Idaho [Mr. McCLURE] was added as a cosponsor of S. 264, a bill to amend the Internal Revenue Code of 1986 to deny status as a tax-exempt organization, and as charitable contribution recipient, for organizations which perform, finance, or provide facilities for abortions.

S. 267

At the request of Mr. HUMPHREY, the name of the Senator from Idaho [Mr. McCLURE] was added as a cosponsor of S. 267, a bill to limit the uses of funds under the Legal Services Corporation Act to provide legal assistance with respect to any proceeding or litigation which relates to abortion.

S. 272

At the request of Mr. HUMPHREY, the name of the Senator from Idaho [Mr. McCLURE] was added as a cosponsor of S. 272, a bill to require certain individuals who perform abortions to obtain informed co-consent.

S. 273

At the request of Mr. HUMPHREY, the name of the Senator from Idaho [Mr. McCLURE] was added as a cosponsor of S. 273, a bill to require certain individuals who perform abortions to obtain informed consent.

S. 274

At the request of Mr. HUMPHREY, the name of the Senator from Idaho [Mr. McCLURE] was added as a cosponsor of S. 274, a bill to restrict the use of Federal funds available to the Bureau of Prisons to perform abortions.

S. 320

At the request of Mr. PELL, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponor of S. 320, a bill to authorize the Secretary of Education to make grants to local educational agencies for dropout prevention and reentry demonstration projects.

S. 374

At the request of Mr. BINGAMAN, the names of the Senator from Tennessee [Mr. GORE], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 374, a bill to promote economic competitiveness in the United States, and for other purposes.

SENATE JOINT RESOLUTION 5

At the request of Mr. D'AMATO, the name of the Senator from Nebraska [Mr. ZORINSKY], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 5, a joint resolution designating June 14, 1987, as "Baltic Freedom Day."

SENATOR JOINT RESOLUTION 9

At the request of Mr. SARBANES, the names of the Senator from Colorado [Mr. WIRTH], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 9, a joint resolution to designate the week of March 1, 1987, through March 7, 1987, as "Federal Employees Recognition Week."

SENATE JOINT RESOLUTION 26

At the request of Mr. PELL, the names of the Senator from Oregon [Mr. PACKWOOD], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 26, a joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes.

SENATE JOINT RESOLUTION 30

At the request of Mr. WILSON, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 30, a joint resolution to disapprove the proposed pay raise for Members of Congress.

SENATE JOINT RESOLUTION 38

At the request of Mr. DOLE, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 38, a joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation.

SENATE RESOLUTION 46

At the request of Mr. DOLE, the names of the Senator from North Carolina [Mr. HELMS], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Resolution 46, a resolution expressing the sense of the Senate regarding tax rates.

SENATE RESOLUTION 92—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE REJECTION OF THE ADMINISTRATION'S RECOMMENDATION TO ELIMINATE THE EXCISE TAX EXEMPTION FOR ALCOHOL FUELS

Mr. GRASSLEY submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 92

Whereas 300 million bushels of grain were used to produce ethanol in 1986, thereby adding $860 million to farm income and saving $500 million in federal farm program costs,

Whereas ethanol provides the most environmentally benign octane enhancer available,

Whereas the ethanol industry is experiencing increased competitive pressures due to the recent oil price slumps, and

Whereas the Nation cannot afford the increased dependence on foreign energy supplies that would result from a crippled ethanol industry: Now, therefore be it

Resolved, That it is the sense of the Senate that the President's recommendation in his 1988 Federal Budget proposal to repeal the partial excise tax exemption for alcohol fuels should be rejected by the Congress.

Mr. GRASSLEY. Mr. President, today I rise to introduce a sense-of-the-Senate resolution in support of the partial excise tax exemption for alcohol fuels. A similar resolution was introduced in the House by Congresswoman VIRGINIA SMITH. This resolution is in response to a recommendation being made by the administration for fiscal year 1988 to repeal the current 6 cents per gallon Federal excise tax exemption for ethanol-blended fuels.

If the administration's recommendation were implemented it would cause severe damage to our ethanol fuel industry. In addition, such action would be counterproductive to our country's goal of achieving more energy independence for economic and national security reasons.

The administration cites some possible modest revenue increases by eliminating this exemption. I question whether any real significant additional income will be produced by this action. First, there will be a direct impact on revenues as there will be less ethanol to be taxed because consumption and production will drop. Second, there will be less corn consumed by the ethanol industry and therefore, a direct increase in the cost of our farm programs. Third, there will be a cost to the environment as alcohol fuels are replaced by less clean burning fuels. Fourth, there will be a definite cost to the economy as jobs are lost in agriculture and the ethanol industry because of decreased ethanol production and lower commodity prices.

Congress recognized the dangers of this administration proposal by not including it in the tax reform package passed last year. The General Accounting Office in its 1984 report, the "Importance and Impact of Federal Alcohol Fuel Tax Incentives," determined that continued incentives were justifiable, based on a careful evaluation of all the costs and benefits involved in such a policy.

Last year alone, over 300 million bushels of grain were purchased by the ethanol industry, saving the Government $500 million in lower farm program costs and increasing farm income by an estimated $860 million. In addition, in 1986, domestically produced fuel ethanol "backed out" over 500 million dollars' worth of imported crude oil.

It is very clear that now, during a time of large trade deficits and severe problems in agriculture, is no time to be cutting the throat of such an important industry. I strongly encourage my colleagues to join me in this sense-of-the-Senate resolution and support agriculture, the ethanol industry, and our own country's long-term interests.

SENATE RESOLUTION 93—TO EXPRESS THE SENSE OF THE SENATE REGARDING FUTURE FUNDING OF AMTRAK

Mr. LAUTENBERG (for himself, Mr. PELL, Mr. BYRD, Mr. MOYNIHAN, Mr. MATSUNAGA, Mr. WEICKER, Mr. LEVIN, Mr. BIDEN, Mr. MELCHER, Mr. METZENBAUM, Mr. HEINZ, Mr. SARBANES, and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 93

Whereas Amtrak, the National Railroad Passenger Corporation, was established by the United States Congress in 1971 to assume operation of rail passenger services in this country;

Whereas Amtrak now operates 300 trains daily over a 23,000 mile route system, and also owns and controls the high speed Northeast Corridor rail line between Washington, D.C., and Boston, Massachusetts;

Whereas Amtrak has and will continue to reduce its dependence on federal funding which has declined from $896.3 million in fiscal year 1981 to $602 million in fiscal year 1986, a reduction of 33 percent;

Whereas Amtrak covers an increasing percentage of its total costs from its own revenues, and the revenue-to-cost ratio has improved from 48 percent in fiscal year 1981 to 62 percent in fiscal year 1986 and a projected 64 percent in 1987;

Whereas Amtrak revenues in fiscal year 1986 were $861.4 million, an increase of 4.3 percent over 1985, which resulted from increases in transportation, real estate, mail and express, and corporate development revenues over fiscal year 1985;

Whereas Amtrak provided transportation for more than 20.3 million people in fiscal year 1986, and 10.8 million of those travelers rode trains in Amtrak's Northeast Corridor between Washington, D.C., and Boston, Massachusetts;

Whereas Amtrak generated more than 5 billion passenger miles in fiscal year 1986 for the first time in its 15 year history, and the ratio of passenger miles per train mile (an indicator of the number of passengers riding the average train one mile) increased from 159.3 in fiscal year 1985 to 172.2 in fiscal year 1986, reflecting the increased density of passengers on Amtrak trains;

Whereas Amtrak is an ongoing business and any drastic reduction in public support, or the elimination of federal funds, would force the corporation into bankruptcy and threaten the end of rail passenger service across the country;

Whereas the federal, and state governments have invested heavily to modernize Amtrak facilities, purchase new rolling stock, and upgrade the high speed Northeast Corridor, which raised the value of Amtrak's net assets to over $3 billion, all of which would have to be sold at scrap value if rail passenger service were eliminated;

Whereas over 20,000 Amtrak employees in 44 states would become unemployed if the corporation received no public funds and was forced into bankruptcy;

Whereas termination of rail passenger service would trigger $2.1 billion in Amtrak liability to pay labor protection to affected employees, and if Amtrak is rendered insolvent, labor would turn to the United States Government for payment of these claims;

Whereas an Amtrak shut down of the Northeast Corridor would drastically increase the cost, and disrupt the provision of daily commuter service by New Jersey Transit, the Southeastern Pennsylvania Transportation Administration, the Maryland Department of Transportation, and the Massachusetts Bay Transit Authority, for the approximately 175,000 people per day who use these carriers over Amtrak owned and operated rail lines in Washington, D.C., Maryland, Pennsylvania, New Jersey, New York, and Massachusetts;

Whereas the shutdown of the Northeast Corridor would disrupt freight service provided by Conrail and other carriers on the corridor, which serve numerous businesses including General Motors, Ford, Chrysler, Dupont, General Foods, and General Electric;

Whereas Amtrak carries more than twice as many passengers between and among the Northeast Corridor stations of New York, Newark, Philadelphia, Wilmington, Baltimore, and Washington, than all airlines combined, and over one-third of all air and rail passengers daily between Washington, D.C., and New York alone;

Whereas a shutdown of intercity rail service in the Northeast Corridor would strain already busy and overcrowded airports along the Atlantic seaboard;

Whereas Amtrak provides needed transportation for lower income and elderly travelers (36 percent of all long haul passengers have family incomes below $20,000, 58 percent have family incomes below $30,000, 36 percent are 55 years of age or older, and 18 percent are over 65 years of age);

Whereas both Amtrak's labor and management workers have made efforts to improve productivity, and as such, Amtrak will be the first railroad in this country to operate its trains nationwide under totally revised and modernized work rules;

Whereas all major industrialized Western nations have taken pride in establishing rail service and publicly funding their passenger systems;

Whereas Congress has consistently supported a balanced national transportation network, including the financial support of various modes of transportation, making this country the most mobile in the world and making travel available to persons of all income levels;

Whereas part of this balanced transportation system established by Congress has included the provision of intercity rail passenger service; and

Whereas Congress has voted numerous times to authorize and to appropriate sufficient funds to operate a national rail passenger system and has rejected efforts to eliminate federal funding for Amtrak: Now, therefore, be it

Resolved, That it is the sense of the United States Senate that the President is requested to—

(1) support funding for Amtrak at a level that will enable it to continue to operate a national railway system and to continue the progress that has been made to improve its financial performances and service levels; and

(2) direct the Secretary of Transportation and the Administrator of the Federal Railroad Administration to work closely with Amtrak management to—

(A) identify areas and assist in implementing changes that will further lower Amtrak's dependence on public funding without adversely affecting service; and

(B) insure that safety is given the highest priority possible as part of managements responsibility to provide rail passenger service.

SEC. 2. The clerk of the United States Senate shall transmit a copy of this resolution to the President with the request that the President further transmit copies of this resolution to the Secretary of Transportation and the Administrator of the Federal Railroad Administration.

● Mr. LAUTENBERG. Mr. President, today I am submitting a resolution concerning the future funding of Amtrak. This resolution expresses the sense of the Senate opposing the proposed sale of Amtrak's assets, and reaffirming the importance of Amtrak to our national transportation network. I am pleased to be joined in introducing this resolution by Senators BYRD, PELL, MOYNIHAN, MATSUNAGA, WEICKER, LEVIN, BIDEN, MELCHER, HEINZ, SARBANES, METZENBAUM, and SPECTER.

The President has again proposed the elimination of Federal funding for Amtrak. Further, he has proposed the sale of Amtrak's Northeast corridor assets, to generate $1 billion in revenues for the Federal Government.

Mr. President, such a sale would amount to nothing more than a fire sale. The Federal Government has invested over $2 billion in capital improvements to the Northeast corridor. Further, loss of Amtrak would trigger another $2 billion in labor protection costs.

This administration has repeatedly sought to dismantle Amtrak. Congress has repeatedly rejected those efforts. This resolution sends a signal to the administration that this attempt will be turned away as well.

Amtrak has continued to become more efficient, and less dependent on Federal subsidies. Since 1981, those subsidies have decreased by 33 percent, from $893 million to a level of $602 million for fiscal year 1987. In this same time period, Amtrak's revenue-to-cost ratio has steadily improved, now reaching 62 percent.

Amtrak has achieved new records in ridership, passenger miles per train mile, revenues, and ontime performance. Amtrak now serves 43 States, 500 stations, and almost 21 million passengers annually.

Amtrak is not a luxury. It is a vital component of a sound, balanced national transportation network. In the Northeast corridor, Amtrak carried 10.8 million passengers last year. Without Amtrak, the Northeast region of our country would become paralyzed.

In order to handle the daily communters coming to Washington from New York, there would have to be at least 38 additional flights into Washington National Airport. I do not think that any of us in this body think that National Airport could handle that sort of increase in volume.

Mr. President, Amtrak has strived to improve its operations. It has made tremendous strides in bettering its financial situation, and reducing its need for subsidy. This resolution urges the Secretary of Transportation and Administrator of the Federal Railroad Administration to work with Amtrak to continue this trend, without sacrificing safety and efficiency. As chairman of the Appropriations Transportation Subcommittee, I will work toward this goal.

We can work to reduce the subsidies to Amtrak. But to eliminate funding altogether, and conduct a fire sale of Amtrak's assets would be a major mistake. I urge my colleagues to join me in opposing any such efforts.●

● Mr. WEICKER. Mr. President, as a member of the Transportation Subcommittee which authorized the creation of Amtrak in 1970, I have long been committed to maintaining a national railroad passenger system. I strongly oppose the administration's continuing proposal to derail Amtrak and I will oppose any cuts in Amtrak funding which would lead to the breakdown of rail passenger service in this country. I believe that rail passenger service is an essential component of a balanced, energy efficient, national transportation system, which is designed to meet our diverse transportation needs.

Mr. President, while Amtrak's funding levels have declined in the past 6 years, its revenue-to-cost ratio has increased from 48 percent in 1981 to 62 percent in 1986. With continued funding, Amtrak will be able to cover an increasing percentage of its total costs. Without continued funding, the railroad will most likely fall into bankruptcy.

Congress has kept Amtrak in business in the past and must continue to do so now. This country relies on decent passenger service and the private sector proved in the 1960's that it could not handle this responsibility. Because the private sector defaulted on passenger service, it is unwise to take this transportation service out of the hands of the Government.

I have always maintained that not only must Congress continue to subsidize Amtrak, it must also provide the needed funding for capital improvements. Congress has been unwilling to do this in the past, and as a result, Amtrak has been constantly treading water. This is an issue that needs to be addressed in the 100th Congress and not the issue of selling Amtrak.●

● Mr. MOYNIHAN. Mr. President, I rise to join Senators LAUTENBERG, BYRD, PELL, and others as an original cosponsor of Senate Resolution 93.

Mr. President, our country is one built upon the foundation of a sound and far-reaching system of transportation. For many years the main arteries of communication, travel, and transportation of goods were the railroads. The rapid extension of the Nation's boundaries during the 19th century could not have been accomplished without our railways, and they have remained vital to our commercial activities.

Amtrak serves 43 States, runs 300 trains daily over nearly 23,000 miles of track, and last year carried over 20 million passengers. In the extremely crowded Boston to Washington transportation corridor Amtrak carries fully one-third of all air and rail travelers.

This year, again, the fiscal year 1988 budget calls for termination of support for Amtrak, and the sale of its assets.

I urge my colleagues to oppose such proposals.

Amtrak's operations are vital to residents of New York State. Forty percent of Amtrak's passengers enter or leave New York, and the corporation spends approximately $70 million per year on salaries to New York residents and purchase of goods and services from New York businesses.

Amtrak's management has recognized the need to become more cost efficient, and is providing increasingly efficient service. Between 1981 and 1986 its revenue-to-cost ratio rose from 48 to 62 percent, and its 1986 revenues, $861.4 million, represented an increase of 4.3 percent over the previous year. Amtrak offers a viable alternative to air travel, and is used by large numbers of lower income and elderly travelers—58 percent of its users have family incomes below $30,000, and 36 percent of long-haul travelers are over 55 years of age.

Finally, the financial consequences of terminating Amtrak service are prohibitive. If rail service were eliminated and Amtrak pushed into receivership, its assets, now worth over $3 billion, would be sold at fire-sale prices, over 20,000 employees would be put out of work, and $2.1 billion in liability for labor protection costs would be assumed by the Federal Government.

This resolution will send a clear signal to the administration that, while we will not stand for the dismemberment of one of the important components of our national transportation network, we encourage the implementation of changes to allow the corporation to continue to improve service while decreasing its dependence on Federal funding for operating costs.●

SENATE RESOLUTION 94—CONCERNING ARMS CONTROL NEGOTIATIONS WITH THE SOVIET UNION

Mr. BYRD (for himself, Mr. Dole, and Mr. Boren) submitted the following resolution; which was placed on the calendar:

S. Res. 94

Whereas the reduction and control of nuclear weapons arsenals through mutual, equitable, balanced, verifiable, and stabilizing treaties between the United States and the Soviet Union are a matter of the highest priority and should be pursued vigorously, without regard for partisan considerations;

Whereas the United States and the Soviet Union have been negotiating a full range of nuclear arms issues under discussion at Geneva and in other fora, and a number of detailed proposals have been tabled;

Whereas President Ronald Reagan and General Secretary Mikhail Gorbachev have engaged in serious discussion and negotiations on arms reduction matters twice in the last 16 months, and have both expressed their resolve to build upon the results of the negotiations thus far engaged in;

Whereas the pace of technological change and strategic modernization will be a factor in the prospects for the successful negotiation of future arms reduction agreements;

Whereas the Congress, the American people, and America's allies and friends overwhelmingly support the vigorous continuation of efforts by President Reagan to pursue a negotiated resolution of the major issues in contention with the Soviet Union: Now, therefore, be it

Resolved, That the Senate hereby—

(1) expresses its full support for the commitment by the President to achieve mutual, equitable, balanced, verifiable and stabilizing nuclear arms reduction agreements with the Soviet Union which serve to meet the national security interests of the United States and its allies;

(2) encourages both nations to use determined and creative diplomacy at the Geneva negotiations to resolve their remaining differences;

(3) cautions the Soviet Union against pursuing strategies designed to exploit American domestic politics or to divide the United States from its allies in an effort to secure advantages on arms reduction matters, and rejects the concept of reaching agreements for agreement's sake.

(4) urges the Soviet Union not to condition progress on all arms control matters to the satisfaction of its negotiating position on issues relating to strategic defense technologies;

(5) declares that an important obstacle to the achievement of acceptable arms control agreements with the Soviet Union has been its violations of existing agreements, and calls upon it to take steps to rectify its violations of such agreements and, in particular, to dismantle the newly-constructed radar sited at Krasnoyarsk, U.S.S.R., since it is a clear violation of the terms of the Anti-Ballistic Missile Treaty;

(6) urges the President to closely consult with America's allies and the Senate in the construction of sound arms reduction agreements, so as to build the greatest possible understanding and consensus in the event that the Senate is asked to provide its advice and consent to the ratification of such agreements.

SENATE RESOLUTION 95—ORIGINAL RESOLUTION REPORTED PROVIDING FOR SENATE MEMBERS OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. BYRD (for Mr. Ford), from the Committee on Rules and Administration, reported the following original resolution; which was considered and agreed to:

S. Res. 95

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress;

Joint Committee on Printing: Mr. Ford of Kentucky, Mr. DeConcini of Arizona, Mr. Gore of Tennessee, Mr. Stevens of Alaska, and Mr. Hatfield of Oregon.

Joint Committee of Congress on the Library: Mr. Pell of Rhode Island, Mr. DeConcini of Arizona, Mr. Moynihan of New York, Mr. Hatfield of Oregon, and Mr. Stevens of Alaska.

AMENDMENTS SUBMITTED

DISAPPROVING CERTAIN PAY RAISES FOR FEDERAL OFFICERS AND EMPLOYEES

WEICKER AMENDMENT NO. 5

Mr. WEICKER proposed an amendment to the joint resolution (S.J. Res. 34) disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government; as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

That (a) the recommendations of the President relating to the following rates of pay, as included, pursuant to section 225(h) of the Federal Salary Act of 1967, in the budget transmitted to Congress for the fiscal year ending September 30, 1988, are disapproved and shall not take effect:

(1) the rates of pay for Senators, Members of the House of Representatives (including the Resident Commissioner from Puerto Rico), the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and the House of Representatives.

(2) The rates of pay under the Executive Schedule pursuant to subchapter II of chapter 53 of title 5, United States Code.

(3) The rates of pay for positions referred to in the table set out in subsection (b).

(b) Effective on the first day of the first applicable pay period that begins on or after February 4, 1987, the annual rate of pay for a position referred to in the following table shall be the amount specified in the table opposite that position:

Position	*Annual rate of pay*
Vice President of the United States	$154,000
Position in level I of the Executive Schedule	140,800
Position in level II of the Executive Schedule	120,000
Position in level III of the Executive Schedule	114,400
Position in level IV of the Executive Schedule	105,600
Position in level V of the Executive Schedule	96,800
Speaker of the House of Representatives	154,000
The President Pro Tempore of the Senate, Majority Leader and Minority Leader of the Senate, and Majority Leader and Minority Leader of the House of Representatives	140,800
Senators, Members of the House of Representatives, Delegates to the House of Representatives, the Resident Commissioner from Puerto Rico and the Comptroller General	120,000
Director of the Congressional Budget Office, Deputy Comptroller General of the United States, Librarian of Congress, and the Architect of the Capitol	114,400
Deputy Director of the Congressional Budget Office, Public Printer, General Counsel of the General Accounting Office, Deputy Librarian of Congress, and the Assistant Architect of the Capitol	105,600
Chief Justice of the United States Supreme Court	154,000
Associate Justice of the United States Supreme Court	145,200
Judges: Circuit Court of Appeals	120,000
Court of Military Appeals	120,000
United States District Courts	114,400
Court of International Trade	114,400
Tax Court of the United States	114,400
United States Claims Court	114,400
Special Trial Judges of the Tax Court	114,400
Bankruptcy Judges	105,600
Director of the Administrative Office of the United States Courts	114,400
Deputy Director of the Administrative Office of the United States Courts	105,600
United States Magistrates (full-time) (maximum)	96,800

Sec. 2. (a) For the purposes of this section—

(1) "honorarium" means a payment of money or anything of value to a Member for an appearance, speech, or article, by the Member; but there shall not be taken into account for the purposes of this section any actual and necessary travel expenses, incurred by the Member, and spouse or an aide to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such ex-

penses to the extent that such expenses are not paid or reimbursed;

(2) "Member" means a United States Senator, a Member of the House of Representatives, a Delegate to the House of Representatives, or the Resident Commissioner from Puerto Rico; and

(3) "travel expenses" means with respect to a Member, and spouse or an aide, the cost of transportation, and the cost of lodging and meals while away from his or her residence or the metropolitan area of Washington, District of Columbia.

(b) Notwithstanding any other provision of law, on and after the date of enactment of this Act, a Member shall not accept honoraria.

(c) Section 908 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1) is repealed.

WILSON (AND OTHERS) AMENDMENT NO. 6

Mr. WILSON (for himself, Mr. Warner, and Mr. Gramm) proposed an amendment to the joint resolution (S.J. Res. 34) supra; as follows:

Strike all after the resolving clause and insert in lieu thereof the following:

The recommendations of the President relating to rates of pay for Senators, members of the House of Representatives (including Delegates and the Resident Commissioner from Puerto Rico), the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and the House of Representatives, as included (pursuant to section 225(h) of the Federal Salary Act of 1967) in the budget transmitted to the Congress for fiscal year 1988, are disapproved and shall not take effect.

EMERGENCY ASSISTANCE FOR THE HOMELESS

HUMPHREY AMENDMENT NO. 7

Mr. HUMPHREY proposed an amendment to the joint resolution (H.J. Res. 102) making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program of the Federal Emergency Management Agency; as follows:

At the end of the joint resolution add the following new section:

Sec. . The recommendations of the President relating to rates of pay for offices and positions within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to the Congress for fiscal year 1988, are disapproved.

URBAN MASS TRANSPORTATION AUTHORIZATION ACT

CRANSTON (AND OTHERS) AMENDMENT NO. 8

(Ordered to lie on the table.)

Mr. CRANSTON (for himself, Mr. Stafford, Mr. Riegle, Mr. Simon, Mr. Kerry, and Mr. Weicker) submitted an amendment intended to be proposed by them to the bill (S. 382) to amend and extend the authorization for the Urban Mass Transportation Act of 1964; as follows:

At the appropriate place in the bill, insert the following new section:

NONDISCRIMINATION AGAINST HANDICAPPED INDIVIDUALS

Sec. . Section 16 of the Urban Mass Transportation Act of 1964 is amended by adding at the end the following new subsections:

"(c)(1) No provision or part of a provision of the regulations promulgated under subsection (d) of this section shall be implemented or enforced in such a way as to—

"(A) limit the category of handicapped individuals to whom the provision of services is required under certain circumstances by such regulation to individuals who, by reason of handicap, are physically, as distinguished from mentally, unable to use bus systems designed for use by the general public; or

"(B) provide for a limit on the amount of the expenditures which a recipient is required to make during any specified period in order to comply with such regulations.

"(2) As used in this subsection, the term 'recipient' means a recipient of Federal financial assistance under this Act or under any provision of law referred to in section 165(b) of the Federal-Aid Highway Act of 1973.

"(f) An individual aggrieved by a violation of a provision of (1) subsection (a) of this section, (2) a regulation promulgated under subsection (d) of this section, or (3) section 165(b) of the Federal-Aid Highway Act of 1973, may bring an action, under the same terms and conditions applicable to actions to enforce section 504 of the Rehabilitation Act of 1973, in any United States district court or other court of competent jurisdiction to enforce compliance with such provision of law or regulation.".

Mr. CRANSTON. Mr. President, I am today submitting on behalf of myself and Senators Stafford, Riegle, Simon, Kerry, and Weicker an amendment to S. 382, the proposed Urban Mass Transportation Authorization Act of 1987, to help protect the rights of disabled and elderly individuals under the law to mass transit services. This amendment is necessary in order to provide for more effective enforcement of the transportation rights of disabled individuals and to correct two glaring defects in the regulations prescribed by the Department of Transportation on May 23, 1986, pursuant to section 317(c) of the Surface Transportation Assistance Act of 1982, legislation which I authored along with my good friend from Michigan [Mr. Riegle].

At an appropriate time we will propose this legislation as an amendment to the highway bill, H.R. 2, after that measure has been amended to incorporate the provisions of S. 382.

The amendment we are submitting would, if enacted, contribute substantially to the Congress' ongoing efforts to remove the physical and attitudinal barriers that too often frustrate the desire of disabled individuals to participate fully in our society and be as productive as possible.

Mr. President, last year the Senate, and the Congress as a whole, acted swiftly and effectively and in a bipartisan way to enact Public Law 99-435, the Air Carrier Access Act, which was signed into law on October 2, 1986. That legislation, authored by the distinguished minority leader, Mr. Dole, of which I am pleased to be a principal cosponsor, along with the very able majority leader, Mr. Byrd, and others—was needed in order to fill a serious void in the transportation rights of disabled persons, relating to nondiscrimination in air travel, that had been created by the ruling of the Supreme Court in the case of Department of Transportation versus Paralyzed Veterans of America decided on June 27, 1986. In the same spirit, I seek the help of my colleagues in correcting certain very serious deficiencies that now exist in the Department of Transportation [DOT] regulations that were required by our 1982 legislation to be promulgated in order to provide for more effective mass transit services for disabled and elderly individuals.

Specifically, our measure would:

First, eliminate an unauthorized limitation that the administration has placed on the level of effort that a transit operator in receipt of Federal financial assistance may be required to make in carrying out its obligations under the law to individuals with disabilities.

Second, eliminate the totally arbitrary and unauthorized exclusion of mentally disabled persons from the coverage of the regulations.

Third, expressly provide that disabled individuals aggrieved by violations of the regulations or of the statutes which the regulations implement would have a private right of action to enforce their rights in court.

BACKGROUND

Mr. President, through three major statutory provisions, Congress has long sought to eliminate discrimination against disabled persons in the provision of mass transit services and, thus, to help ensure that these individuals' needs for such services are met. In 1970, Congress amended the Urban Mass Transportation Act of 1964 to add section 16(a), which reads as follows:

> It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the

programs under this Act) should contain provisions implementing this policy.

Three years later, Congress enacted in section 165(b) of the Federal-Aid Highway Act of 1973 [FAHA] a similarly worded provision applicable to mass transit programs receiving funding through provisions of that act.

In that same year, Congress enacted section 504 of the Rehabilitation Act of 1973, of which I was a principal author along with Senator STAFFORD, who joins with me today as well, and former Senators Randolph, Javits, and Williams, to prohibit discrimination against handicapped persons in all federally assisted programs and activities.

In that same act, provisions that Senator STAFFORD and I also wrote were enacted to establish the Architectural and Transportation Barriers Compliance Board which was charged with, among other things, ensuring compliance with accessibility standards in the design, construction, and leasing of Federal or federally assisted buildings and facilities; investigating alternative approaches to architectural, transportation, and attitudinal barriers; and proposing legislative and administrative recommendations to the President and Congress to eliminate such barriers.

In the 1978 amendments, we succeeded in enlarging the membership of the Board to include 11 members of the general public, 5 of whom must be handicapped individuals; strengthening the Board's ability to bring actions to enforce compliance with accessibility standards; and expanding the ATBCB's functions to include, in part, ensuring the accessibility of public conveyances and providing technical assistance related to architectural, transportation, and communication barriers.

Also in 1978, Senator STAFFORD joined me in authoring section 505 of the Rehabililtation Act to provide for more effective implementation of individual rights under title V of the Rehabilitation Act. Specifically, section 505(a)(2) makes the remedies, procedures, and rights in title VI of the Civil Rights Act of 1964 available for violations of section 504. Section 505(b) further specifies that, in any action to enforce or change a violation of title V of the Rehabilitation Act, the court may award the prevailing party, other than the United States, a reasonable attorney's fee.

In 1979, DOT prescribed strong, comprehensive regulations designed to eliminate barriers excluding may disabled persons from access to mass transit services. However, in 1981 in the case of *American Public Transit Association* v. *Lewis*, 556 F.2d 1271, the U.S. Court of Appeals for the District of Columbia held that the antidiscrimination requirements of section 504 did not provide a sufficient statutory foundation for the corrective efforts that the 1979 regulations required. The court remanded the regulations to DOT to consider whether UMTA section 16(a) and FAHA section 165(b) supported the regulations, but the Department simply concluded that they did not.

In the place of the 1979 regulations, DOT in 1981 prescribed a regulatory scheme that made no specific demands upon transit operators. These 1981 regulations required only that federally assisted transit systems provide certification that they were making some special efforts to meet the needs of disabled and elderly persons.

In response, Senators, WILLIAMS, SARBANES, RIEGLE, DODD, and I, as members of the Banking, Housing, and Urban Affairs Committee, requested the General Accounting Office to conduct a survey of the operations of transit systems under the 1981 rules. The results were most discouraging and showed extensive deficiencies in the provision of accessibile transit services to disabled persons.

Based on the findings in the GAO's April 15, 1982, report, Senator RIEGLE and I pursued legislation to require the promulgation of more meaningful regulations. The resulting provision, first adopted by the Senate on December 26, 1982, and ultimately enacted on January 6, 1983, as section 317(c) of the Surface Transportation Assistance Act of 1982, specifically required the Secretary of Transportation, in carrying out section 504 of the Rehabilitation Act, section 16(a) of UMTA, and section 165(b) of FAHA, to promulgate regulations "establishing * * * minimum criteria for the provision of transportation services to handicapped and elderly individuals * * *."

Pursuant to this requirement, the proposed regulations, which appeared in the September 8, 1983, issue of the Federal Register, specified certain proposed criteria for handicapped transportation services.

Briefly, the regulations specified four means by which transit systems could provide transportation services: First, special services systems, often referred to as "paratransit" services, specifically for disabled persons, which utilize vans and other small vehicles for taxilike services; second, accessible scheduled bus systems; third, on-call accessible bus service, which entails the use of accessible buses on regularly scheduled runs only in response to specific requests; and fourth, mixed systems combining aspects of the first three.

However, the proposal also stated that no transit system would "be required, in order to meet [the minimum criteria] * * *, to expend in any fiscal year an amount exceeding" a specified level—either 7.1 percent of its average annual Federal assistance or 3 percent of its average annual operating budget.

In a December 8, 1983, letter to the Secretary of Transportation, Senator RIEGLE and I expressed our strong disagreement with the concept of such a required-cost limitation as being inconsistent with the requirement for minimum criteria. We emphasized to the Secretary the fact that these regulations were not premised exclusively on section 504, but were also supported by UMTA section 16(a) and FAHA section 165(b) and, very importantly, by the "minimum criteria" requirement in section 317(c) of the Surface Transportation Assistance Act.

Nevertheless, the final regulations, which were prescribed on May 23, 1986, contain a limitation on expenditures that may be required—3 percent of the transit system's annual average operating costs—in providing services to disabled persons. In other words, even if a transit system's facilities do not comply with the Secretary's own minimum criteria for providing accessibility, that system need do no more if it is spending a certain amount for this purpose.

Also, the final regulations expressly discriminated against mentally disabled persons by excluding them from being covered—based on their mental impairment—by the regulation's requirement for special services although the proposed regulations had failed even to hint at such a discriminatory provision. The proposed regulations would have specified that all who are unable by reason of handicap to use the transportation services provided for the general public would be eligible to use the special services that the transit operator makes available. The final regulation, however, expressly provides special services eligibility only to "persons who, by reason of handicap, are physically unable to use" the transit system's regular bus service. Nothing in the various statutes involved, or in any of their legislative histories, as far as I am aware, warrants this blatant discrimination. And it is a return to the dark ages of this country's misunderstanding and neglect of the needs of mentally disabled persons.

DISCUSSION

Mr. President, as I have noted, our legislation would eliminate these two defects in the DOT regulations and provide for more effective enforcement of the rights of disabled persons by providing them with a right of action for violations of their rights under and the provisions of UMTA section 16(a), FAHA section 165(b), and the regulations under section 317(c) of Surface Transportation Assistance Act. Such a right already exists under current law for a violation of section 504 of the Rehabilitation Act.

LIMITATION ON REQUIRED COSTS

As I have noted, despite the explicit requirement under section 317(c) for the regulations thereunder to specify "minimum criteria for the provision of transportation services to handicapped and elderly individuals," the final regulations provide that no transit system may be required to spend in any given year any more than an amount equal to 3 percent of its annual average operating costs. For this purpose, annual average operating costs consist of a 3-year average—that is, the average of the operating costs, as reported to the Urban Mass Transit Administration under section 15 of the UMTA, that the transit system reasonably expects to incur in the current fiscal year and that it did incur in the previous 2 fiscal years. Countable expenditures may include capital, operating, administrative, and personnel-training costs.

This limitation on required expenditures is nowhere authorized in—and is in my view clearly inconsistent with—the legislation requiring "minimum criteria." It is tantamount to the provision of an unauthorized exemption, of indefinite or possibly permanent duration, to any transit system which, by reason of past neglect of the needs of disabled persons or its current selection of cost-inefficient means of compliance, does not meet the otherwise applicable service criteria.

Mr. President, in our December 8, 1983, letter, Senator RIEGLE and I expressed to the Secretary of Transportation our objections to her including in the regulations any provision allowing for noncompliance with the minimum criteria for an indefinite period or permanently. In our letter, we addressed the issue, which had been raised in the Notice of Proposed Rulemaking, that the court of appeals decision in the APTA case may require that the regulations incorporate a cost-limiting feature because they implement, in part, section 504 of the Rehabilitation Act. We emphasized to the Secretary the fact that these regulations were not premised exclusively on section 504, but were also supported by UMTA section 16(a) and FAHA section 165(b) and, very importantly, by the "minimum criteria" requirement in section 317(c) of the Surface Transportation Assistance Act.

I want to bring to the attention of all Members that the removal of the cost cap would not entail onerous burdens for transit authorities in meeting the criteria specified in the regulations. In fact, the regulatory impact analysis prepared by DOT in connection with the promulgation of the regulations shows that transit authorities should generally be able to meet the criteria without exceeding the 3-percent level.

In preparing the regulatory impact analysis, DOT conducted a case study of the costs of the existing services for disable persons in seven cities and estimated the cost of adjusting present service levels in order to comply with the performance criteria in the regulations. In each case, DOT's estimate of the annual costs of compliance were less than both the current level of spending on elderly and handicapped services as well as the 3-percent limit.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a table presenting these DOT data.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—ANNUAL COSTS IN CASE STUDY SYSTEMS ADJUSTED TO MEET THE SERVICE CRITERIA

[In thousands of 1983 dollars except as noted]

City	Current costs	Estimated compliance costs	3.0 percent limit
Cleveland (1982)	3,900	3,119	3,189
Pittsburgh (1982–83)	2,793	2,698	3,906)
Seattle	1,218	1,200	3,200
Kansas City, MO (1982–83)	1,079	555	783
Akron, OH	1,145	242	247
Hampton, VA (1982–83)	93	103	162
Brockton, MA (1982–83)	585	245	150

Mr. CRANSTON. Mr. President, although the improper restriction in the regulation on eligibility—excluding mentally handicapped persons—undoubtedly tends to result in understatement of compliance costs, I would note that, on the other hand, the DOT analysis pointed out that its figures "potentially overstate actual compliance cost[s]".

The DOT Regulatory Impact Analysis also set forth a model analysis of projected annual costs nationwide for specialized handicapped transportation services and accessible bus service in cities of different sizes. According to DOT, the results of this analysis show that in each category of city size, the gross annual costs of bus accessibility meeting the regulation's performance criteria are far less than the 3-percent limit. Likewise, according to DOT, for all but the category of the smallest cities, at least one alternative option—paratransit services or so-called user-side subsidy, that is, vouchers for taxi service—exists for meeting the performance criteria.

Mr. President, I ask unanimous consent that a table presenting data from this study be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II.—ANNUAL COSTS OF COMPLIANCE FOR SYSTEMS IN AVERAGE-SIZED CITIES NATIONWIDE

[In thousands of 1983 dollars]

City size	Paratransit	User-side subsidy taxi	50 percent lift-bus	3.0 percent limit
Less than 250,000	247	92	35	61
250,000 to 500,000	393	126	160	193
500,000 to 1,000,000	515	155	300	506
Over 1 million [1]	1,016	196	960	2,408

[1] The computer model excluded the costs for New York, Chicago, Los Angeles, Philadelphia, San Francisco, and Boston, because, according to DOT, these cities are so much larger than the other cities with populations of over 1 million.

Mr. CRANSTON. Mr. President, I wish to note one further set of projections in the Department of Transportation's own regulatory impact analysis which show that the costs of compliance would not be unduly burdensome. These data show what the nationwide total costs of compliance, expressed in terms of the 30-year present value of such costs in 1983 dollars, would be as follows for two major alternative means of compliance compared with the 3-percent limit; 50 percent lift-bus service, $690 million; paratransit services, $980 million; and the 3-percent cost limit, $2.37 billion.

According to these projections, compliance costs nationally would be as little as one-half or one-third of the 3-percent limit.

Taking all of the foregoing costs analyses into account—and allowing for any increased costs involved in appropriately restoring special-services eligibility to persons with mental disabilities—it seems very clear that removing the limit on required costs would not result in excessive costs for transit authorities.

The question may well be asked: If transit systems should be able to comply with the minimum criteria without exceeding the so-called 3-percent cap, why is it important for the Congress to nullify the cap?

First, the data in the regulatory impact analysis pertain to certain specific cities and to average costs. There are likely to be some transit systems which may find it necessary to exceed the cap in some years in order to comply. That should not mean that disabled individuals need not be served adequately in those years.

Second, it must be kept in mind that the regulations afford transit systems the discretion to choose among three basic methods of compliance—paratransit services, accessible lift-equipped buses, and on-call accessible buses—and, according to the regulatory impact analysis, the paratransit approach is generally substantially more expensive. Consequently, the concern exists that some systems may choose to spend 3 percent of their average annual operating budgets on paratransit services each year—regardless of whether doing so provides sufficient capacity to meet the needs of disabled individuals in their cities—and decline forever to make any of their buses accessible. In such situations, many individuals in wheelchairs could often lack any means of public transportation.

Third, in the cases of transit authorities which are spending at or near, or in excess of, the 3-percent level on services for disabled individuals, the existence of that limit would provide no incentive to ensure that the services provided are efficient or are otherwise effective in serving a maximum number of disabled individuals. Once the need to comply is out of the picture, so is the need to attain as great a degree of compliance as is possible.

Fourth, in a year in which a transit system is making a major acquisition of new equipment or including accessibility features in station remodeling projects, it may reach the 3-percent limit while providing little or nothing in the way of actual transportation services to disabled persons in that year.

ELIMINATION OF SPECIAL SERVICES ELIGIBILITY FOR MENTALLY HANDICAPPED PERSONS

Mr. President, in a provision which was not contained in the proposed regulation and which is unprecedented in Federal law, as well as totally inappropriate, the final version of the regulations excluded from eligibility for paratransit services persons who are incapable, solely by reason of mental disability, of using regular bus services. The final version of the regulations defined the term "special service system" in pertinent part as "a transportation system specifically designed to serve the needs of persons who, by reason of handicap, are physically unable to use bus systems designed for use by the general public." (Section 27.5 of title 49, Code of Federal Regulations.) Similarly, the minimum service criteria for special service systems and on-call accessible bus service limit the eligibility requirements to "persons who, by reason of handicap, are physically unable to use the recipient's bus service for the general public." (Section 27.95(b)(1) and (c)(3)(i) of title 49, CFR.)

Not only are persons who are unable solely by reason of mental handicap to use regular bus service, such as some severely or profoundly retarded individuals, denied the advantage of being included in the eligibility criteria, but the regulations further provide that transit systems' costs of meeting these persons' needs through special services must be disallowed in calculating whether the 3-percent cost limit is met. Thus, the regulation actually discourages expenditures to meet these individuals' needs.

Mr. President, this abandonment of seriously mentally handicapped persons is an outrage that calls out for swift congressional action to nullify it.

Such efforts were made in both Houses during the final days of the 99th Congress. On October 17, 1986, the House adopted an amendment proposed by Congressman Young to S. 2890, a Federal court-naming measure, expressly to provide coverage for mentally handicapped persons and passed the bill, but it died in the Senate. On October 18, the Senate agreed to a similar amendment proposed by Senator Stafford to S. 2125, an emergency relief projects bill, and passed the bill but the House took no action on it. Thus, because of the severe time constraints and the parliamentary complexities that were confronted at that time, legislation overturning this discrimination did not succeed.

We must prevail on this issue at this point. Our Nation's most seriously mentally impaired and retarded citizens must not continue to suffer this extreme form of discrimination—ironically, in the very context of the implementation of antidiscrimination laws—at the hands of the Federal Government.

Therefore, Mr. President, our amendment would nullify the provisions of the regulations which exclude mental disability from their scope.

PRIVATE RIGHT OF ACTION

Finally, our amendment would provide individuals with a private right of action to seek enforcement of their rights when those individuals are aggrieved by violations of section 16(a) of UMTA, section 165(b) of FAHA, or the regulations promulgated under section 317(c) of the Surface Transportation Assistance Act.

Under current law, disabled persons have a private right of action to remedy violations of section 504 of the Rehabilitation Act of 1973, but courts have not concluded that a private right of action exists under the other provisions cited. Our amendment would expressly clarify that that right uniformly exists for the enforcement of all of them.

Mr. President, I believe very strongly that the implementation of the rights of disabled individuals to mass transportation facilities and services, first enunciated by the Congress in 1970 in UMTA section 16(a) and reiterated over the years, should not be entrusted exclusively to the efforts and discretion of the administration. This is especially true in the case of an administration which, in 1981, so clearly demonstrated its disinclination to strive for the effective implementation of these rights when it promulgated the criteria-less regulations to which Congress responded in 1982; which kept the Congress and disabled Americans waiting nearly 3½ years for the promulgation of the current regulations; and which, as I have earlier noted, showed such disregard for the transportation needs of mentally disabled persons.

Moreover, enforcement through judicial remedies can more readily be adapted to fit local circumstances in an appropriate way than can the administrative remedy of a cutoff of Federal assistance, which no one wants to bring about.

CONCLUSION

Mr. President, it has now been nearly 17 years since Congress proclaimed in section 16(a) of the Urban Mass Transportation Act of 1964 that it is "national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services." Substantial progress has been made, obviously, but it is still too often the case that disabled persons lack the access to transportation services that they need in order to live as independently and productively as possible. It is time we gave greater meaning to the Congress' 1970 declaration of handicapped rights, and we can do so in a substantial way in this legislation.

Mr. President, I am delighted that 25 national organizations representing and serving disabled persons are strongly supporting the amendment. I ask unanimous consent, Mr. President, that their letter to all Senators, including a list of these organizations, be printed in the Record following my statement.

I urge all of my colleagues to give this legislation their careful consideration and, ultimately, their support.

There being no objection, the material was ordered to be printed in the Record, as follows:

Consortium for Citizens with
Developmental Disabilities,
January 28, 1987.

Dear Senator: The following members of the Consortium for Citizens with Developmental Disabilities (CCDD) urge you to support Senator Cranston's amendment to the "Urban Mass Transportation Authorization Act of 1987" in order to promote transportation services for people with disabilities. Senator Cranston's amendment will eliminate substantial barriers to transportation resulting from the implementation of a flawed Department of Transportation rule regarding federally-assisted mass transportation services for people with disabilities.

On May 23, 1986, the Department of Transportation published a final rule intended to carry out civil rights provisions of the Urban Mass Transit Act, which prohibits discrimination on the basis of handicap in federally-assisted programs. The rule requires recipients of financial assistance from the Department of Transportation for urban mass transportation to establish programs to provide services to persons with disabilities. It establishes useful national service criteria, but places a stringent limit on the amount of money a recipient must spend to meet these criteria.

As written, the rule blatantly discriminates against persons with mental disabilities. Such individuals are specifically excluded from eligibility for special transportation services, such as dial-a-ride or taxi voucher services. In effect, the regulations differentiate by type of disability in determining service eligibility, which is a clear violation of the Section 504 nondiscrimination provision. The Department of Transportation is not justified in making this distinction, which will adversely affect millions of people with disabilities.

The rule also permits federally-assisted transit authorities to spend a maximum percentage (3%) of their operating budgets on services to individuals with disabilities to demonstrate compliance, whether or not that expenditure results in sufficient accessible transit services. The Department of Transportation lacks authority to implement such a cost cap. It undermines the value of national service criteria and allows federally-assisted transit providers to make only token efforts to meet the transportation needs of people with disabilities.

A "private right of action" provision is needed to clarify the rights of persons with disabilities provided under the Urban Mass Transit Act regarding actions against recipients in order to make judicially enforceable the right to accessible transportation services.

The CCDD fully supports Senator Cranston's amendment to clarify the intent of Congress that recipients of federal assistance not discriminate against persons with mental disabilities or impose limitations on spending to meet the transportation needs of people with disabilities. We believe that passage of this amendment will eliminate these harmful provisions in the rule, while maintaining valuable national service criteria and compliance guidelines. Additionally, CCDD endorses the inclusion of "private right of action" for persons with disabilities to assure their ability to pursue transit services as guaranteed under the Urban Mass Transit Act.

The CCDD would sincerely appreciate your support in promoting access to transportation services for people with disabilities. This is a matter of great urgency. Implementation of the Department of Transportation's rule directly affects the lives of the 36 million Americans with disabilities and, for many, jeopardizes their access to transportation. Without full access to transportation, these individuals are impeded in their efforts to pursue employment, education, and social opportunities.

We hope you can support us on this important issue.

American Foundation for the Blind.

American Occupational Therapy Association.

American Speech-Language-Hearing Association.

Association for the Education of Rehabilitation Facility Personnel.

Association for Retarded Citizens/US.

Conference of Educational Administrators Serving the Deaf.

Convention of American Instructors of the Deaf.

Disability Rights Education Defense Fund.

Epilepsy Foundation of America.

Mental Health Law Project.

National Alliance for the Mentally Ill.

National Association of Developmental Disabilities Councils.

National Association of Private Residentail Facilities for the Mentally Retarded.

National Association of Protection and Advocacy Systems.

National Association of State Mental Retardation Program Directors.

National Council on Rehabilitation Education.

National Easter Seal Society.

National Head Injury Foundation.

National Industries for the Severely Handicapped.

National Mental Health Association.

National Recreation and Parks Association.

National Rehabilitation Association.

Paralyzed Veterans of America.

The Association for Persons with Severe Handicaps.

United Cerebral Palsy Associations, Inc.

EMERGENCY ASSISTANCE FOR THE HOMELESS

MURKOWSKI (AND OTHERS) AMENDMENT NO. 9

Mr. MURKOWSKI (for himself, Mr. Thurmond, Mr. Simpson, Mr. Grassley, Mr. Specter, Mr. Pressler, Mr. D'Amato, and Mr. Domenici) proposed an amendment to the joint resolution (H.J. Res. 102), supra.

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, FORESTRY, AND GENERAL LEGISLATION

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on the status of American foreign food assistance programs in relation to agricultural trade. The hearing will be held on Thursday, February 5, 1987, at 10 a.m. in room SR-332. Senator Melcher will preside. For further information please contact David Voight at 224-2644.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold field hearings on February 9, 10, and 11 in Minneapolis, MN; Bismark, ND; Omaha, NE; Underwood, IA; and Garretson, SD. For further information please contact Leslie Dach of the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. GLENN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, January 29, 1987, at 1:30 p.m., on pending committee business.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SELECT COMMITTEE ON SECRET MILITARY ASSISTANCE TO IRAN AND THE NICARAGUAN OPPOSITION

Mr. GLENN. Mr. President, I ask unanimous consent that the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition be authorized to meet during the session of the Senate on Thursday, January 29, 1987, at 3:30 p.m., to hold closed hearings.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SOVIET SALT VIOLATIONS—SOVIET BREAK OUT FROM ARMS CONTROL

● **Mr. SYMMS.** Mr. President, I submit for the Record a recent study entitled "The Death of Arms Control: Soviet SALT Break Out," by David S. Sullivan. The Sullivan study will be a chapter in the forthcoming book entitled "The Global Struggle Over Peace: The Arms Control Dilemma," edited by Dr. William Kintner. Dr. Kintner is a distinguished professor emeritus of international relations at the University of Pennsylvania, where he taught for many years, after three other long and equally distinguished careers. His first career was as a combat tested military officer in two wars, then as a CIA officer, and then as U.S. Ambassador to Thailand during the end of the Vietnam war.

The Kintner book will be published soon by the Washington Institute for Values in Public Policy.

The Sullivan study contains valuable information important for the impending Senate deliberations on arms control. It has been cleared for publication by the Central Intelligence Agency.

The Sullivan study contains:

The most complete summary of Presidentially confirmed Soviet SALT and other arms control violations;

The only systematic analysis available of the military implications of the Soviet SALT violations, which goes beyond the mere summary assertions of the Joint Chiefs of Staff;

The evidence that the Soviets are already exceeding the most important SALT II sublimit, are probably covertly over a second SALT II sublimit, and are about to exceed the third SALT II sublimit, as well as being increasingly over the main SALT II overall ceiling on missiles, and bombers with their 22 confirmed SALT II violations;

Some recently declassified CIA judgments about the impact of Soviet camouflage, concealment, and deception in shrouding Soviet violations in the arms control arena;

A description of the Soviet offensive first strike capability, and the emerging Soviet nationwide ABM capability resulting from the Soviet SALT violations.

The most complete and detailed explanation available in the unclassified domain of Soviet violations of the Threshold Test Ban Treaty, resulting in significant contributions to the Soviet first strike capability;

And finally, an analysis of how Marxist-Leninist ideology is the principal obstacle to arms control.

The Sullivan study contains more details which are important contributions to the Senate's arms control debates. For example, the Soviets told U.S. START negotiators in Geneva in late 1983 that they intended to exceed all three of the SALT II sublimits on MIRV'd missiles and ALCM-equipped long-range bombers. Now the Soviets are doing just that—for example, they have just launched two more ballistic missile submarines, which will put the Soviets over one SALT II sublimit within 2 to 3 months.

Moreover, President Reagan was told by Soviet Communist Party General Secretary Gorbachev in Iceland in October 1986 that the heavily camouflaged and concealed Soviet SS-24 railmobile MIRV'd ICBM was operationally deployed even then. This Soviet admission is conclusive evidence of SS-24 operational deployment. Intelligence reports from the press indicate that the Soviets have already exceeded another SALT II sublimit by deploying at least five heavily camouflaged and concealed railmobile SS-24 MIRV'd ICBM's. President Reagan reportedly informed Congress of his concern about the effects of Soviet camouflage and concealment. He wrote recently that the inherent mobility and transportability of the SS-25 and SS-24 made it likely that the Soviets will try to deploy more launchers for these systems even more covertly than we are aware of today. The Soviets thereby could avoid compensatory dismantlement of other MIRV'd ICBM's. This potential is particularly significant with regard to the 10 warhead SS-24. President Reagan thus recently informed Congress that the Soviets would probably deploy more SS-24 railmobile MIRV'd ICBM's, and even more covertly, in an attempt to further violate SALT II.

The CIA has stated recently that: "We can not exclude the possibility, in the context of the SALT II Treaty, that several launchers for the SS-24, a railmobile MIRV'd ICBM, may have left their place of final assembly and may therefore be accountable under SALT II." This CIA judgment has been confirmed as accurate by Soviet General Secretary Gorbachev's admission of SS-24 deployment, by recent evidence of SS-24 deployment from U.S. national technical means of SALT verification, and by President Reagan's suspicion that the Soviets would try to deploy even more camouflaged SS-24 railmobile MIRV'd ICBM's even more covertly than they are already doing. And this Soviet SS-24 deployment had already occurred at least by early October 1986, over 1½ months before the United States exceeded a SALT II sublimit on November 28, 1986.

Finally, CIA believes that covert, undetectable, deployment of long-range ALCM's on 300 intercontinental Backfire bombers could be attractive to the Soviets in a SALT II breakout environment. I believe that the Soviets are already breaking out of SALT I and II. President Reagan has confirmed 5 Soviet violations of the SALT I interim agreement, 9 Soviet violations of the SALT I ABM Treaty, and 22 Soviet violations of the SALT II Treaty. This pattern of Soviet SALT violations has been expanding, clearly indicating Soviet breakout from SALT.

In sum, the Soviets are confirmed by their own admission to be already over the 820 SALT II sublimit on MIRV'd ICBM's, and by their detected deployment of more than 5 camouflaged SS-24 railmobile MIRV'd ICBM's. The Soviets clearly intend to exceed within 2 to 3 months the SALT II sublimit of 1,200 MIRV'd ICBM's and MIRV'd SLBM's, by their launch of 2 more ballistic missile submarines, which would exceed this sublimit. And the Soviets are also already over the 1,320 SALT II sublimit on MIRV'd missiles and bombers equipped with ALCM's, with their covert breakout deployment of long-range AS-115 ALCM's on 300 intercontinental Backfire bombers.

All these deployments in violation of the three SALT II sublimits were clearly intended since the Soviets announced their intentions to the United States in late 1983. Indeed, these deployment have almost certainly been intended since late 1974.

Therefore, the Soviets have already exceeded the most important SALT II sublimit, are committed to exceed soon a second SALT II sublimit, and are covertly exceeding the third SALT II sublimit, and this is all part of Soviet SALT breakout. Those who advocate a United States return to compliance with the SALT II sublimits are asking that the United States comply with SALT II sublimits that the Soviets exceeded or were committed to exceeding before November 28, 1986. This would be nothing but U.S. unilateral disarmament. I would vote to sustain President Reagan's threatened veto of legislation codifying SALT II sublimits.

The arms control process and the Soviet violations of the SALT treaties have allowed the Soviets to achieve overwhelming strategic superiority, while the United States has practiced unilateral disarmament and appeasement. At least eight times since 1982, President Reagan himself has acknowledged Soviet strategic superiority.

Mr. President, President Reagan himself realized that the arms control process has allowed the Soviet Union to achieve overwhelming strategic superiority over the United States. President Reagan himself stated this as early as May 9, 1982:

> So far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict U.S. defense programs, and in conjunction with their own arms buildup, as a means to enhance Soviet power and prestige.

The Defense Department agreed in stating:

> Current Soviet policy on arms agreements is dominated by their attempts to derive unilateral advantage from arms negotiations and agreements, by accepting only arrangements that permit continued Soviet increases in military strength while using the negotiation process to inhibit Western increases in military strength * * *. The Soviet Union regards arms negotiations as arenas of political conflict in which important military advantages can be gained or lost. The Soviet leadership does not think in terms of mutuality or perceived arms control negotiations as a means of reducing arms. They attempt at every turn to achieve strategic advantage.

And the CIA agreed in stating on June 25, 1985, that:

> Soviet leaders view arms control policy as an important factor in advancing their strategy of achieving strategic advantage. Moscow has long believed that arms control must first and foremost protect the capabilities of Soviet military forces relative to their opponents.

The Sullivan study provides important evidence to support all of these conclusions, and I ask that it be printed in the RECORD for the benefit of my colleagues.

The study follows:

THE DEATH OF ARMS CONTROL: SOVIET SALT BREAK OUT

(By David S. Sullivan)

In the wake of the October, 1986, Reykjavik Summit, where Soviet Leader Gorbachev described the discussions as "heated" and "sharp", American leaders are finally beginning to realize that the Soviets have killed arms control as a means of preserving international security. This is because American leaders are beginning to recognize that the Soviets have long been "Breaking Out" of the Strategic Arms Limitation Talks [SALT] Treaties since SALT I was signed as long ago as 1972. The two fundamental US arms control objectives of 1969, when SALT negotiations first began, have not been achieved. Indeed, we are now in precisely the situation that the SALT treaties and negotiation process was supposed to prevent. The Soviets now have the capability for a first strike attack on most US deterent, retaliatory forces, while at the same time being able to defend with Anti-Ballistic Missiles an increasing proportion of their nation against the small percentage of US deterrent forces that might survive their first strike and execute a retaliatory attack. The Soviets are about to have operational a nationwide ABM defense. The net result of Soviet offensive and defensive SALT Break Out is not just the death of arms control, but much more ominous, the imminent demise of nuclear deterence itself. The Soviets are rapidly approaching the capability of being able to engage in "nuclear blackmail." As Ronald Reagan stated in 1964: "We are at war with the most dangerous enemy that has ever faced mankind." This assessment is even more true today.

At the Reykjavik Summit there was Soviet nuclear blackmail already subtlely in evidence. Soviet Leader Gorbachev threatened to conduct international relations under the rule of "law by the fist", meaning the Soviet fist. Gorbachev also mentioned "unpredictable, serious consequences" in future US-Soviet relations if the US did not acquiesce in the Soviet demands. Finally, Gorbachev's characterization of President Reagan before the Summit as a liar regarding Daniloff, and his explicit comparison of the President to a "madman", were also unprecedented and provocative. Gorbachev stated that the US must "accept the realities" of Soviet strategic supremacy, and he implicitly referred to a Soviet "break out" superiority.

The Soviets are now confirmed to be violating in significant ways every important existing arms control treaty. The essential results of the Soviet SALT Break Out violations are their first strike offensive capability and their emerging nationwide ABM defense. The US must now take proportionate responses. As President Reagan stated in June, 1986, in regard to his strategic modernization programs, "We come to one of those unique crossroads of history where nations decide their fate * * * our choices are clear."

THE MAIN SOVIET SALT BREAK OUT VIOLATIONS

SALT I Interim Offensive Agreement: SS-19 MIRVed ICBM deployment resulted in a five-fold increase in Soviet first strike counterforce capability.

SALT II Treaty: Excess fractionation of SS-18 MIRVed ICBM, deployment of SS-24 rail mobile MIRVed ICBM, deployment of road mobile SS-25 covertly MIRVed ICBM, testing of the even heavier throwweight follow-on to the super heavy SS-18, all further enhance Soviet first strike, counterforce capability.

SALT I ABM Treaty: Deployment of the 9 Pechora-Krasnoyarsk Class ABM Battle Management Radars providing overlapping, massively redundant coverage, together with massive deployment of 3 types of camouflaged, mobile ABM-capable SAMs, and mass production of ABM-3 mobile ABMs, give the Soviets an impending nationwide ABM capability.

America is now witnessing the Soviet SALT Break Out deployment of illegal new mobile ICBMs, carrying illegal new MIRVed warheads, defended by an illegal nationwide ABM system using illegal ABM Battle Management Radars and illegal mobile ABM and illegal, mobile ABM-capable interceptor missiles and radars. The net result of these Soviet SALT Break Out violations is a Soviet first strike offensive capability, and a nationwide ABM defense. (See the Annex to this study for a complete listing of the Soviet violations confirmed by President Reagan, together with an evaluation of their military implications.

As Defense Secretary Weinberger stated on December 11, 1986: "The Soviets have regularly violated some of the most important SALT II provisions. Their ultimate hypocrisy is their recent statement that they will 'continue to observe SALT II's limits,' with their atheistic hands piously raised, proclaiming another Soviet lie."

WISELY ABANDONING SALT I AND SALT II

President Reagan has wisely decided to abandon US unilateral compliance with the expired SALT I and SALT II agreements, and he should withdraw from the SALT I ABM Treaty as well. A recent poll shows that 70 percent of the American people support his decision to abandon the SALT II Treaty. The President's decision was based upon the fact that the Soviets were ignoring all three criteria for his "interim restraint" SALT compliance policy:

1. The Soviets should make tangible negotiating progress on a new arms control treaty in Geneva;
2. The Soviets should reverse their SALT Break Out violations;
3. The Soviets should reverse their threatening strategic and military buildup.

The Soviets have totally ignored each of these three Presidential criteria, so President Reagan was fully justified in his belated decision to abandon SALT I and SALT II. The Soviets have refused to agree to progress in the Geneva negotiations on an equitable, realistic basis, have not even acknowledged their ever widening pattern of SALT Break Out violations, and are ever increasing their ICBM, IRBM, SLBM, bomber, cruise missile, warhead, and ABM gaps over the US.

The Soviets are now engaged only in arms control negotiations by propaganda: Gorbachev's duplicitous offensive nuclear weapons reductions proposals while the Soviet offensive buildup continues relentlessly in violation of SALT I and II; and Gorbachev's duplicitous nuclear test ban moratorium proposals, while the Soviet violations of two existing nuclear test ban treaties continue relentlessly.

The Soviets are deploying scores of illegal SS-25 and now SS-24 ICBMs each year. The Soviets are 75 to 600 missiles and bombers above the number they had when SALT II was signed in 1979. Since 1978, there have been over 20 Soviet violations of the 150 kiloton threshold of the 1974 Threshold Test Ban Treaty, and since 1965 there have been over 30 unambiguous Soviet violations of the 1963 Limited or Atmospheric Test Ban Treaty. (1)

NEED TO WITHDRAW FROM SALT I ABM TREATY

President Reagan is now confronted with the final decision required by Soviet SALT Break Out violations—US withdrawal from the SALT I ABM Treaty. In agreeing to the 1972 SALT I package of the ABM Treaty and the Interim Offensive Agreement, the US gave up a potent ABM capability for defending ICBMs, in exchange for no constraints at all on Soviet offensive programs. Pre-existing Soviet ICBM and SLBM deployment plans were actually codified in the SALT I Interim Agreement. The US thus gave up an advantage in ABMs for worse than nothing, a huge Soviet buildup in the very first strike, counterforce capability that our ABM was designed to thwart. The Soviets also reversed the relative US-Soviet positions in ABM development in the years after SALT I, and now they have deployed 31 large ABM radars, compared to a maximum of only 12 only planned by the US in 1969, more than double the most ambitious US ABM program. In retrospect, SALT I was clearly detrimental to US national security interests. And SALT II merely again codified the ongoing Soviet first strike, counterforce buildup.

Since SALT began in 1969, the Soviets have added over 10,000 nuclear warheads to their arsenal. In the same period, the US has scrapped over 8,000 warheads deployed, and 12,000 more planned were cancelled.

Dr. Henry Kissinger finally conceded to a shocked NATO Brussels Conference on September 1, 1979 that: "The amazing phenomenon about which historians will ponder is that all this [dramatic growth of the Soviet strategic power since 1963] has happened without the US attempting to make any significant effort to rectify that state of affairs . . . It cannot have occurred often in history that it was considered an advantageous military doctrine to make your own country deliberately vulnerable."

SOVIET IDEOLOGY: WAR PREPARATION

Indeed, American leaders are finally beginning to ask this fundamental question about the prospects for arms control: Why should the Soviet Union be willing to reduce their nuclear weapons at all, when nuclear weapons are their most important means for becoming and remaining a super power?

An even more significant factor explaining the death of arms control is emerging into the consciousness of American leaders: Soviet Marxist-Leninist ideology is totally incompatible with arms control. But this has long been an obvious obstacle to arms control to those familiar with Marxism-Leninism. Just a few examples can be cited. The 6th World Congress of the Communist International published this Resolution in 1928: "The peace policy of the Proletarian State. . . is merely a more advantageous form of fighting Capitalism."

In 1969, just as SALT negotiations began, the journal of the Soviet General Staff (the key body involved in Soviet arms control policy) *Military Thought*, stated: "Strengthening of its defenses is now the foremost political function of the Soviet State . . . never before has the internal life of the country been subordinated to a *war* so deeply and thoroughly as at the present time."

Military Thought added in 1971: In fact, a [i.e. Marxist-Leninist] nation's diplomatic activity becomes a part of those non-military means of policy implementation which . . . are contained within the concept of the content of *war*."

Clearly, to Soviet leaders steeped in Marxism-Leninism, diplomacy and arms control negotiations are a fundamental element of war preparations, which is avowedly the main function of the Soviet State.

The fundamental Soviet war preparation strategy underlying their Marxist-Leninist ideological approach to arms control was discerned as long ago as 1958 by three eminent Americans. Former Secretary of State Dean Acheson recognized in 1959 that: "In the present century the Soviet State has perfected the use of negotiations . . . as a method of warfare."

Dr. Herbert Dinerstein, wrote prophetically in the January 1958 edition of *Foreign Affairs:* "If they [the Soviets] should acquire such preponderant military strength, they would have policy alternatives even more attractive than the initiation of nuclear war. By flaunting presumably invincible strength, the Soviet Union could compel piecemeal capitulation of the democracies. This prospect must indeed seem glittering to Soviet leaders."

And as the late President John F. Kennedy accurately predicted in the 1960 Presidential "Missile Gap" Campaign: "Their [Soviet] missile power will be the shield from behind which they will slowly but surely advance—through Sputnik diplomacy, limited brush-fire wars, indirect non-overt aggression, intimidation and subversion, internal revolution, increased prestige or influence, and the vicious blackmail of our allies. The periphery of the Free World will slowly be nibbled away."

Thus Kennedy recognized that the fundamental Soviet strategy in international relations was one of nuclear blackmail.

President Reagan also seemed to recognize the Soviet war preparation, ideological approach to arms control earlier in his Administration, when he stated on March 31, 1983 that: "The chances for real arms control depend on restoring the military balance. We know that the ideology of the Soviet leaders does not permit them to leave any Western weakness unprobed, any vacuum of power unfilled. It would seem that to them negotiation is only another form of struggle.

And President Reagan correctly stated on January 29, 1981 at his first news conference as President: They [the Soviets] have openly and publicly declared that the only morality they recognize is what will further their cause, meaning they reserve unto themselves the right to commit any crime, to lie, to cheat, in order to attain that."

He added on March 8, 1983: ". . . they are the focus of evil in the modern world."

President Reagan also stated on May 9, 1982, that: "So far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict US defense programs and, in conjunction with their own arms buildup, as a means to enhance Soviet power and prestige."

Thus President Reagan has shown that he is aware of the ideological basis for the Soviet approach to arms control. It remains only for the State Department to recognize this reality.

U.S. SALT OBJECTIVES: NO SOVIET FIRST STRIKE OR NATIONWIDE ABM CAPABILITY

When the Strategic Arms Limitation Treaty (SALT) talks began in 1969, the United States had two fundamental objectives: (1) preventing the Soviets from deploying an offensive first strike capability; (2) and preventing the Soviets from deploying a nationwide Anti-Ballistic Missile defense.

These two objectives were integrally linked in the Preambles to the 1972 SALT I ABM Treaty, the 1972 SALT I Interim Agreement on Offensive Weapons, and the 1979 SALT II Treaty. Evidence for this assessment is clear. Senator Henry Jackson said this in 1972 about the primary US objective in SALT I—to preserve the survivability of US strategic forces: "The intent of the SALT I Agreements is to enhance our security by enhancing the survivability of our deterrent."

And Article I of the ABM Treaty, the most important provision, prohibits a nationwide ABM defense, or even the base for a nationwide ABM defense.

But the US has completely failed to achieve our two fundamental SALT objectives, after almost two decades of the SALT negotiating process. This US failure results from the clear facts that the Soviets now have a first strike offensive capability, and they are about to have a nationwide ABM defense. Thus supreme United States national security interests should require America to withdraw from the 1972 SALT I ABM Treaty, rather than to pledge to Soviet Dictator Gorbachev to abide by this failed and violated treaty for another seven years. Indeed, the US has already decided to cease its unilateral compliance with the expired SALT I Interim Agreement and the expired, unratified SALT II Treaty, because of systematic Soviet violations of both. The same rationale applies even more clearly to the SALT I ABM Treaty—Soviet violations of the ABM Treaty are conclusive and point to deployment of the prohibited nationwide ABM defense, and the failure of arms control to prevent a Soviet offensive first strike capability requires US withdrawal from unilateral compliance with not only the SALT I Interim Agreement and the SALT II Treaty, but also with the SALT I ABM Treaty.

The US should withdraw from the ABM Treaty partly because of the following US Unilateral Statement to the SALT I ABM Treaty, of May 9, 1972, expressing American policy: "The US Delegation believes that an objective of the follow-on [i.e. SALT II] negotiations should be to constrain and reduce on a long term basis threats to the survivability of our respective strategic retaliatory forces . . . If an agreement providing for more complete strategic offensive arms limitations were not achieved within five years, US supreme national interests could be jeopardized. Should that occur, it would constitute a basis for withdrawal from the ABM Treaty."

But the Soviets now have deployed a first strike counterforce offensive capability which threatens the survivability of our deterrent retaliatory forces, according to authoritative Administration statements. The Soviet first strike capability stems from their confirmed violations of SALT I and II—especially the MIRVed SS-19 ICBM deployment, excess fractionation on their MIRVed SS-18 ICBM, and deployment of their rail mobile, MIRVed SS-24 ICBM. Moreover, after 14 years of negotiations on offensive weapons constraints, there are not permanent, or even interim limitations on Soviet offensive forces; the SALT I Interim Offensive Agreement expired in 1977 and the fatally flawed SALT II Treaty was never ratified and expired in 1985. Therefore, under the two conditions of the 1972 US Unilateral Statement, US supreme national interests require US withdrawal from the ABM Treaty.

There is another criterion available to judge the failure of the SALT process. Under the "Brooke Amendment" to the Senate resolution of approval of SALT I in 1972, the Senate itself stated that SALT I and the SALT II negotiations would be based upon: "The preservation of longstanding US policy that neither the Soviet Union or the United States should seek unilateral advantage by developing a first strike potential."

The "Brooke Amendment" thus posited that the success of SALT I and SALT II depended upon the prevention of a Soviet first strike potential.

But according to authoritative Administration statements, the Soviets have achieved a deployed first strike strategic offensive capability. President Reagan has correctly stated in January 1985 that: "Modern, accurate ICBMs carrying multiple nuclear warheads—if deployed in sufficiently large numbers relative to the size of an opponent's force structure, as the Soviets have done with their ICBM force—could be used in a rapid first strike to undercut an opponent's ability to retaliate effectively."

President Reagan's National Security Advisor also stated in January 1985 that: ". . . American land-based missiles have become even more vulnerable to Soviet first strike attack over the past few years."

And in President Reagan's May 1985 Victory in Europe Day speech, he also described the Soviet "first strike" capability, and alarmingly warned that the Soviet threat now emerging jeopardizes "deterrence itself."

In President Reagan's strategic modernization statement of June 3, 1986, he again stated that there is a: "Growing strategic imbalance between the US and the USSR . . . In calculating what they call the 'correlation of forces,' the Soviet political and military leadership are ever mindful of the state of the nuclear balance between the US and the Soviet Union . . . any weakening of our nuclear deterrent, leaving the Soviet Union with superior nuclear force . . . could invite the Soviet Union to rely on such an advantage . . . this loss in survivability of US strategic forces, coupled with the magnitude of the Soviet buildup, had begun to erode seriously the stability of the strategic balance."

Moreover, Admiral William Crowe, Chairman of the Joint Chiefs of Staff, testified to the Senate on June 19, 1986, that: "The strategic nuclear balance has shifted dramatically. The Soviets now enjoy superiority in ICBMs." ICBMs are the key element in a first strike capability, because they are highly accurate weapons capable of destroying hardened targets within only 30 minutes of flight time. The Soviets are acknowledged to have over a 6 to 1 advantage against U.S. hard targets in ICBM warheads. It is in starkest reality more like 8 or 10 to 1 Soviet first strike advantage. As Air Force Chief of Staff, General Larry Welch, confirmed on August 18, 1986: "The existing imbalance in hard target attack capabilities is very heavily in favor of the Soviets."

The CIA testified to the Senate on June 26, 1985, that: "The Soviets already have enough hard target-capable ICBM reentry vehicles today to attack all U.S. ICBM silos and launch control centers. . . In such an attack today, they would stand a good chance of destroying Minuteman silos."

Finally, a Reagan Administration arms control official warned on August 7, 1985 that: "The Soviet Union possesses a *tremendous* capability to launch a devastating *first strike* against the United States, and they are continuing to expand that capability."

In sum, it is clear that the Soviets have a first strike offensive capability. The significance of this conclusion is serious. Former Defense Secretary Melvin Laird stated on July 24, 1972, that: "If the Soviet Union goes forward with a program . . . which appears to be a concerted attempt to undermine the survivability of the Minuteman deterrent force, we would view this with great concern. In my view, such a program would be contrary to the intent of the agreements that have been arrived at in SALT [I] . . . I think the intent of this agreement would be violated."

What about the second SALT objective—preventing a Soviet nationwide ABM defense? This objective was integrally linked to preventing a Soviet first strike offensive capability. In November, 1985, Defense Secretary Weinberger testified to the Senate that the Soviets already have "some nationwide ABM capability." Of course, even a base for a nationwide ABM capability is banned by Article I of the ABM Treaty.

According to authoritative, official, unclassified US Intelligence estimates, the Soviet Moscow ABM system modernization and upgrade will be operational in 1987, as will the illegal Krasnoyarsk ABM Battle Management Radar. In fact, three more Pechora-Krasnoyarsk Class ABM Battle Management radars have just recently been discovered, making total of more than 9 large ABM Battle Management Radars in the Pechora-Krasnoyarsk Class alone. (Two more are expected to be discovered.) These three new radars reportedly provide triple coverage of the key Western approaches to the

USSR. Counting the Moscow and Hen House Class Radars, the Soviets now have over 31 large ABM Battle Management Radars, over twice as many as the US planned in 1969, at the height of our Safeguard ABM system ambitions. These nurmerous large ABM Battle Management Radars already comprise a prohibited base for a nationwide ABM defense, because they are the long lead-time element for a nationwide ABM defense.

There has thus been a complete reversal of roles between the US and the USSR since 1969 in ABM Battle Management Radars, the key long lead time element of a nationwide ABM defense system.

ABM interceptor missiles and small ABM engagement radars are necessary to be linked up with ABM Battle Management Radars in order to form a nationwide ABM system. Ideally, these components should be mobile, in order to enhance their survivability and increase their ability to extend defensive coverage to potential targets. The Soviets have four types of ABM and ABM-capable interceptor-radar systems, three of which are mobile, in mass production even today. These are the SAM-5, SAM-10, SAM-12, and ABM-3 interceptor and engagement radar ABM-capable or ABM systems. There are already over 2,500 ABM-capable SAM-5 intercepter-radar systems deployed around Moscow, around Krasnoyarsk, and nationwide, and the also ABM-capable SAM-10, SAM-12, and ABM-3 systems are mobile. There are reportedly over 2,000 semi-mobile and mobile SAM-10s already deployed nationwide. Both the ABM-capable SAM-10 and SAM-12 mobile systems will be widely deployed nationwide by next year, 1987, and the SAM-10 is already being deployed around Moscow and Krasnoyarsk. The SAM-12 will probably also be deployed around Moscow and Krasnoyarsk. The ABM-3 will also be widely deployed around Moscow and probably nationwide and be operational in 1987. So the Soviets probably already have over 4,600 ABM-capable launchers, to 0 for the U.S.

The engagement radars for these four ABM systems are reportedly being internetted with each other, and with both the large Pushkino and the Pechora-Krasnoyarsk Class ABM Battle Management Radars. In particular, the SAM-5 and the SAM-10 already deployed around Moscow are reportedly also already internetted with the Pushkino ABM radar, and also with the ABM-3 system. The SAM-12 is also expected to be deployed both around Moscow, and also around Krasnoyarsk, where there are already large numbers of SAM-5s. Thus the SAM-10 and SAM-12, all being deployed around Moscow, are being internetted with the SAM-5, which is already tied to the Pushkino ABM radar and the ABM-3 system. The ABM-3 mobile system is also expected to be deployed around the Krasnoyarsk ABM Battle Management Radar, joining the already deployed SAM-5 and SAM-10, and the expected SAM-12.

In sum, all four of these ABM and ABM-capable systems are being deployed around and internetted with the Moscow ABM, and this deployment and internetting will probably also occur around the Krasnoyarsk ABM Radar, all during 1987. These ABM deployments will connect the expanded and upgraded Moscow ABM system to the illegal Krasnoyarsk ABM system, making a nationwide Soviet ABM system. This nationwide ABM defense system will be supported by 31 large ABM Battle Management Radars, including more than 9 overlapping Pechora-Krasnoyarsk Class radars. Even before the recent discovery of the 3 new ABM radars, the Defense and State Department's White Paper on "Soviet Strategic Defense Programs" of October, 1985 long ago confirmed: "The aggregate of current Soviet ABM and ABM-related activities suggests that the USSR may be preparing an ABM defense of its national territory—precisely what the ABM Treaty was designed to prevent".

President Reagan stated on October 13, 1985, that "For some years now we have been aware that the Soviets have been developing a nationwide defense" in violation of the ABM Treaty. President Reagan understood the stakes involved in Soviet Break Out from the offensive and defensive constraints of SALT I and SALT II, when he stated in June, 1986: "We come to one of those unique crossroads of history where nations decide their fate. Our choices are clear." He means that the failure of arms control is finally being recognized at the highest levels of the American government. The Soviets are indeed Breaking Out of SALT. As long ago as May, 1969, at the very beginning of the SALT negotiations, US Chief SALT Negotiator Gerard Smith prophetically conceded that: "If either side is striving for or appears to be striving for an effective counterforce first strike capability, then there is no hope for strategic arms control."

And Defense Secretary Weinberger stated in November, 1985 that the US would have to add to its offensive forces in the event of Soviet ABM Treaty Break Out. We are already adding to our offensive and defensive forces due to Soviet Break Out from the SALT I Interim Offensive Agreement, and ABM Treaty, and the SALT II Treaty. As the Joint Chiefs of Staff stated to Congress in July: "Taken as a whole, these violations—SS-25, encryption, and the Krasnoyarsk ABM radar—give the Soviets definite Advantages. . ."

CONCLUSION: DEATH OF ARMS CONTROL

In conclusion, it would be a grave concession undermining world peace, American security, and strategic stability for the US to ever agree to extend our unilateral compliance with the ABM Treaty, especially after the start of Soviet ABM and offensive SALT Break Out. Instead, the US should withdraw from the ABM Treaty ourselves, not only because of Soviet nationwide ABM defense Break Out violations, but also because of the 14 year failure of the SALT negotiating process to prevent a Soviet first strike offensive capability jeopardizing American supreme national interests. The US may succomb to nuclear blackmail by the Soviets if we were to agree to extend our compliance with the ABM Treaty, against our supreme national interests. As Secretary of State Shultz correctly stated on May 14, 1984: "Arms control will simply not survive in conditions of inequality."

And as Dr. Zbigniew Brzezinski, former President Carter's National Security Advisor, stated correctly in 1984: "The time has come to lay to rest the expectation that arms control is the secret key to a more amicable American—Soviet relationship, or even to the enhancement of mutual security."

Defense Secretary Weinberger and other experts have stated that we are now in the precise situations the SALT process was supposed to prevent. We are vulnerable to a Soviet first strike, yet the ABM Treaty prevents us from deploying the same nationwide ABM defense that the Soviets are already deploying in violation of the ABM Treaty. There is thus really no useful arms control business left to contract with the Soviets, because their SALT negotiating duplicity and their treacherous SALT Break Out violations have enabled them to checkmate us strategically through arms control.

How can we negotiate with an adversary which is constantly striving to undermine strategic stability and the fundamental purposes of arms control? Afterall, military forces are only the reflection of political hostility. It is therefore futile to try to regulate or reduce military forces separately from their underlying political causes. But until we can convince Soviet leaders to abandon their Marxist-Leninist ideology, there can be no hope for arms control.

Perhaps in recognition of this fact, President Reagan stated profoundly on March 8, 1983, that: "The struggle now going on for the world will never be decided by bombs or rockets, by armies or military might. The real crisis we face today is a spiritual one; at root, it is a test of moral will and faith."

Will America have the moral will and faith to recognize that the Soviets have killed arms control by their SALT Break Out violations, and that the only way to preserve international security is by unilateral means, enhanced deterrence? Afterall, the U.S. was far safer from the Soviet threat of nuclear war during the 1945-1963 Cold War period when America relied on its unilateral efforts for deterrence.

The duplicitous history of Detente and SALT shows that the Cold War never ended for the Soviets. Thus the US must finally abandon its futile quest for security through arms control. We must instead seek security by the old fashioned method—through unilateral offensive deterrent deployment programs, and through our own nationwide Strategic Defense Initiative. We must regain security by the old fashioned method—we must earn it. Perhaps this is what President Reagan meant when he said we are at a crossroads of history where we have the choice to decide our nation's fate.

Winston Churchill warned gravely after World War II: "Sometimes in the past we have committed the folly of throwing away our arms. Under the mercy of Providence, and at great cost and sacrifice, we have been able to recreate them when the need arose. But if we abandon our nuclear deterrent, there will be no second chance. To abandon it now would be to abandon it forever."

ANNEX: PRESIDENTIALLY CONFIRMED SOVIET SALT BREAK OUT VIOLATIONS, AND THEIR MILITARY IMPLICATIONS

A. Presidentially confirmed expanding pattern of Soviet SALT II break out violations—Total of 22

I. SS-25 mobile ICBM—prohibited 2nd new type ICBM:

1. Development since about 1975;

2. Flight-testing (irreversible), since Febr. 1983;

3. Deploypment since 1985—over 100 plus launchers, "direct violation";

4. Prohibited rapid-refire capability—doubles force;

5. RV-to-Throw-Weight ratio (and *doubling* of throwweight over old SS-13 ICBM)—probable covert SS-25 2 or 3 MIRV capability—"direct violation";

6. Encryption of telemetry, "direct violation".

II. SNDVs:

7. Strategic Nuclear Delivery Vehicle limit of 2,504—Soviets have long been at least 75 to over 600 SNDVs over the number only *they* had when SALT II was signed in 1979,

thus illustrating the fundamental inequality of SALT II. (2)

III. SS-N-23 SLBM:

8. Heavy Throw-Weight prohibited (conclusive evidence);

9. Development since about 1975;

10. Flight-testing (irreversible);

11. Deployment on Delta IV and III Class submarines;

12. Encryption of telemetry.

IV. Backfire intercontinental bomber:

13. Arctic basing, increasing intercontinental operating capability;

14. Probable refueling probe, increasing intercontinental operating capability;

15. Production of more than 30 Backfires per year for an estimated five years, making more than an estimated 12 extra Backfire bombers; (3)

V. CCD:

16. Expanding pattern of Camouflage, Concealment, and Deception (Maskirovka), deliberately impeding verification.

VI. Encryption:

17. Almost total encryption of ICBM and SLBM telemetry. (3A)

VII. Launcher-ICBM Missile Relationship:

18. Reported probable concealment of relationship between SS-24 missile and its mobile ICBM launchers, and concealment of the relationship between the SS-25 missile and its mobile ICBM launchers. (4)

VIII. SS-16:

19. Confirmed deployment of 50 to 200 banned SS-16 mobile ICBM launchers at Plesetsk test range, now reportedly probably being replaced by similar number of banned SS-25 mobile ICBM launchers. (5)

IX. Falsification of SALT II Data Exchange:

20. Operationally deployed SS-16 launchers not declared;

21.AS-3 Kangaroo long range air launched cruise missile range falsely declared to be less than 600 kilometers and not counted.

X. Excess MIRV fractionation:

22.SS-18 super heavy ICBM: NIE reportedly says SS-18 deployed with 14 warheads each, adding 1,232 warheads. (6)

Additionally, deployment of more than 5SS-24 railmobile MIRVed ICBM launchers in violation of SALT II sublimit of 820 MIRVed ICBM launchers, was reportedly confirmed to President Reagan at Iceland Summit on October 11, 1986, by Soviet Leader Gorbachev. Moreover, the Soviets are reportedly flight-testing the even heavier throwweight follow-on to the super heavy SS-18 ICBM, in violation of the SALT II absolute ceiling on SS-18 throwweight. This will certainly result in further excess MIRVing of the SS-18. The Soviets reportedly told the US arms negotiators in Geneva in late 1983 that they intended to exceed the SALT II sublimits of 820, 1200, and 1320, which they are now in the process of doing.

B. Presidentially confirmed expanding pattern of Soviet SALT I interim agreement break out violations—5 violations

1. Soviet deployment of the *Heavy* SS-19 ICBM and the Medium SS-17 ICBM to replace the light SS-11 ICBM was a circumvention defeating the object and purpose of the SALT I Interim Agreement. Article II of the Interim Agreement prohibited heavy ICBMs from replacing light ICBMs. This violation alone increased the Soviet first strike threat by a factor of 5.

2. Soviet deployment of modern SLBM submarines exceeding the limit of 740 SLBM launchers, without dismantling other ICBM or SLBM launchers, which the Soviets actually admitted was a violation.

3. Soviet Camouflage, Concealment, and Deception deliberately impeded verification.

4. Circumvention of SALT I by deploying SS-N-21 and SS-NX-24 long range cruise missiles on converted Y Class SLBM submarines, which "is a threat to US and Allied security similar to that of the original SSBN."(7)

5. "The US judges that Soviet use of former SS-7 ICBM facilities in support of the deployment and operation of the SS-25 mobile ICBM is a violation of the SALT I Interim Agreement."

As Defense Secretary Weinberger stated on December 11, 1986: "SALT I and SALT II have been largely irrelevant to the Soviet military buildup. Both agreements merely codified and authorized large increases."

C. Presidentially confirmed expanding pattern of Soviet SALT I ABM Treaty break out violations—9 violations

1. The siting, orientation, and capabilities of the Soviet Krasnoyarsk ABM Battle Management Radar "directly violates" 3 provisions of the SALT I ABM Treaty.

2. Over 100 ABM-mode tests of Soviet SAM-5, SAM-10, and SAM-12 Surface-to Air Missiles and radars are "highly probable" violations of the SALT I ABM Treaty. (8) Two high Soviet officials have even admitted that their SAMs have been tested and deployed with a prohibited ABM capability. The JCS state that the SAM-5, SAM-10, and SAM-12 have an ABM capability.

3. The Soviets "may be developing" and deploying a territorial, nationwide ABM defense, which violates the SALT I ban on developing even a "base" for the "nationwide defense." President Reagan has stated that "this is a serious cause for concern." The Secretary of Defense has testified that the "Soviets have some nationwide ABM capability" already.

4. The mobility of the ABM-3 system is a violation of the SALT I ABM Treaty.

5. Soviet rapid relocation without prior notification of an ABM radar, creating the Kamchatka ABM test range, and mobility of the ABM-3 radar, were "violations" of the ABM Treaty.

6. Continuing development of mobile "Flat Twin" ABM radars, from 1975 to the present, is a violation of the prohibition on developing and testing mobile ABMs. The Soviets are now mass producing the mobile ABM-3 system for rapid nationwide deployment.

7. Soviet ABM rapid reload capability for ABM launchers is a "serious cause for concern." The State and Defense Departments state that the Soviets "may" have a prohibited reloadable ABM system.

8. Soviet deliberate Camouflage, Concealment, and Deception activity impedes verification.

9. Confirmed Soviet falsification of the deactivation of ABM test range luanchers is a violation of the ABM Treaty Dismantling Procedures.

As Defense Secretary Weinberger stated on December 11, 1986, there has been: "The recent discovery of *three* new Soviet large phased-array radars of this type [i.e. The Pechora-Krasnoyarsk class]—a 50% increase in the number of such radars. These radars are essential components of any large ABM deployment . . . The deployment of such a large number of radars, and the pattern of their deployment, together with other Soviet ABM-related activities, suggest that the Soviet Union may be preparing a nationwide ABM defense in violation of the ABM Treaty. Such a development would have the gravest implications on the US-Soviet strategic balance. Nothing could be more dangerous to the security of the West and global stability than a unilateral Soviet deployment of a nationwide ABM system combined with its massive offensive missile capabilities. . ."

D. Presidentially confirmed expanding pattern of Soviet violations of nuclear test bans—Over 70 violations

1. About 40 atmospheric nuclear weapons tests, August through September 1961, in violation of the 1958 Mutual Test Ban Moratorium, including a 58 megaton shot.

2. Over 30 conclusively confirmed cases of Soviet venting of nuclear radioactive debris beyond their borders from underground nuclear weapons tests, in violation of the 1963 Limited (or Atmospheric) Test Ban Treaty. (9)

3. Over 20 cases of Soviet underground nuclear weapons tests over the 150 kiloton threshold in "probable violation" of the 1974 Threshold Test Ban Treaty. (10) (See section L. to this annex for more detail.)

E. Presidentially confirmed expanding pattern of Soviet violations of biological and chemical weapons bans

1. "The Soviets have maintained an offensive bilogical warfare program and capability in direct violation of the 1972 Biological and Toxin Weapons Convention." The US has no defenses against this capability. The Sverdlovsk Anthrax Explosion of April 1979, killing several thousand Soviets, is direct evidence of this military capability.

There is also evidence of Soviet deception regarding the BW Convention. The Soviet Military Dictionary of 1978 stated: "Bacteriological Warfare is forbidden by international law and is condemned by all progressive mankind. " But in the Soviet Military Encyclopedia of 1982, the Soviets admitted that: "Achievements in biology and related sciences . . . have led to an increase in the effectiveness of biological agents as a means of conducting warfare, and to a qualitative re-examination of the very concept of 'biological weapons.' "

2. "Soviet involvement in the production, transfer, and use of chemical and toxic substances for hostile purposes in Southeast Asia and Afghanistan are direct violations of the 1925 Geneva Protocol." Tens of thousand of innocent men, women, and children suffered horrible deaths from these Soviet atrocities, which are also violations of the Genocide Convention.

F. Soviet violation of the Kennedy-Khrushchev Agreement

The Soviets are violating the 1962 Kennedy-Khrushchev Agreement prohibiting Soviet offensive weapons in Cuba, because of the reported presence of 4 or more TU-95 Bear intercontinental bombers, more than 40 nuclear delivery capable Mig-27 Flogger Fighter-bombers, several types of strategic submarines, over 200 nuclear delivery capable Mig-21 fighter-bombers, and the Soviet Combat Brigade. President Reagan, the CIA Director, the JCS Chairman, and the Under Secretary of Defense for Policy have all charged that the Soviets are violating the Agreement.

G. U.S. verification helps Soviet deception

SALT I and II prohibit *"deliberate* concealment measures which impede verification by National Technical Means."

CIA has stated the following new judgment about Soviet strategic Camouflage, Concealment, and Deception: "Since the SALT I Agreement of 1972, Soviet encryption and concealment activities have become more extensive and disturbing . . . The Soviet program [of strategic Camouflage, Concealment, and Deception—Maskirovka] is extensive and pervasive . . . it makes detection of noncompliance considerably more difficult . . . much of the ambiguity [in US Intelligence about further Soviet SALT violations] is a direct result of data denial . . . these two Soviet activities [i.e. concealment and encryption, and deception] impede our ability to verify the Soviet Union's compliance with its political commitments to SALT II . . . Soviet deliberate [Camouflage, Concealment, and Deception] could also make it more difficult for the US to assess accurately the critical parameters of any future missile." (CIA unclassified memo "Overview of Soviet Data Denial," June 17, 1986.)

The 1968 Soviet Dictionary of Definitions of Military Terms defines "Maskirovka" as including the "creating of deliberate interference with technical means of reconnaissance." Thus Soviet Maskirovka is deliberate, and CIA admits that it impedes US National Technical Means of verification. It is therefore a SALT violation.

And as the noted intelligence expert, Dr. Angelo Codevilla, has correctly pointed out recently in Global Affairs (Summer, 1986): "They [the Soviets] have tested some of their high powered radars in a way that would damage our satellites, and are the world's leaders in electronic jamming that can render satellites useless." (11)

The purpose of Soviet Maskirovka, itself a SALT violation, is to cover and conceal further Soviet SALT violations. Thus Soviet Maskirovka SALT violations have been used for improving Soviet ability to use US verification mechanisms in order to cover perhaps even more serious but undetected Soviet SALT violations.

The US SALT verification process by National Technical Means has actually aided the Soviet strategic Maskirovka program, by assuring predictability of intelligence collection by the US, and more importantly, by providing US incentives for feedback to the Soviets that aides Soviet deception planners. Thus the Soviets use the US verification process to find out how much we know about their violations, when we know it, how accurately we know it, and most importantly, how strong our political will is to challenge their violations and try to enforce their compliance. When they can obtain this kind of feedback from the US on the success of their Maskirovka CCD program, Soviet deception planners are then able to devise even more effective Maskirovka measures to hide even more serious SALT violations. Indeed, the US verification process has effectively aided Soviet Maskirovka through the provision of feedback. The Soviet Maskirovka program plus US feedback on its successes has allowed the Soviets to plan programs effectively countering US national Technical Means of verification. As the President's arms control General Advisory Committee Report of October 10, 1984, correctly stated: "The expanding Soviet national concealment and deception program may have been a preparation or a cover for more extensive violations taking place now."

H. Realistic estimate of military effects of Soviet SALT II violations, based on Presidential reports and data (1)

Violation	SNDV's	Warheads
SS–25 mobile ICBM deployment (5)	[1] 400 [2] 200	
SS–25 covert 3 MIRV (2)		1,400
Confirmed SS–16 deployment (3)	200	200
SS–25's at Plesetsk	50	150
TU–95 Bear H	50	600
Intercontinental Backfire	399	900
Extra Backfires	12	36
Excess SS–18 fractionation (4)		1,232
SS–20 as covert ICBM (launcher used to launch SS–16)	200	200
Covert soft launch of old ICBM's stockpiled	820	820
Total	2,232	5,538
SNDV'S June 1979 SALT II signing Current warheads (2 more subs)	2,504	
		10,984
Total military effects	4,736	16,522

[1] 100 current, 200 by 1987, doubling by rapid refire.
[2] Plus equal number of non-SALT I dismantled SS–11's.

Note: Totals do not include 5 Soviet Blackjack bombers which could carry as many as 100 ALCMs (US had to count 4 B-1A bombers in SALT II in 1979.) Totals also do not count probably excess fractionation estimated on new SS-N-23 SLBM. (12)

The US Arms Control and Disarmament Agency has made the following new, unclassified verification judgment: "We cannot exclude the possibility, in the context of the SALT II Treaty, that several launchers for the SS-X-24, a rail mobile MIRVed ICBM, may have left their place of final assembly and may therefore be accountable under SALT II."

Thus the Soviets may now also be over the most important sublimit of SALT II, the sublimit of 820 MIRVed ICBMs. The Defense Department has stated that SS-24 deployment is expected "soon", and has stated: "The SS-X-24 deployment in a rail mobile mode could begin as early as late 1986 . . . Early preparations for the deployment of the SS-X-24 are already underway." The Soviets will probably deploy an initial increment of about 100 heavily camouflaged and concealed rail mobile SS-24s by 1987, which will carry 1,000 first strike warheads. The above totals do not count this SS-24 deployment. Soviet Leader Gorbachev reportedly confirmed on October 11, 1986 at the Iceland Summit, that at least 2 of the railmobile SS-24s were operational. US Intelligence has reportedly detected as many as five SS-24 MIRVed railmobile ICBM launchers already operationally deployed.

ACDA and CIA have also recently made the following additional unclassified verification judgment: "Prior to the sinking of the Soviet Yankee Class SSBN on October 6, 1986, the number of Soviet Strategic Nuclear Delivery Vehicles that are SALT II-accountable was larger than it was when the President, in 1984 and 1985, found the Soviets to be in violation of their obligation to abide by the numerical limits of SALT II. It was also larger than it was on May 27, 1986, when the President announced his new policy abandoning US unilateral compliance with SALT II, and larger than it was on August 5, 1986, when Senator McClure argued on the Senate floor against US unilateral SALT II compliance. Even when the 16 SLBMs carried on the Yankee Class submarine that recently sank are removed from the number of SALT II-accountable Soviet Strategic Nuclear Delivery Vehicles, the number remains greater than the 2,504 SNDVs recognized as permitted by SALT II."

The precise estimated number of Soviet SNDVs is difficult to determine due to Soviet CCD, and it is classified, but it is well above and increasingly above 2,504. Senator McClure estimated publicly on October 17, 1986, that the Soviets are 75 to 225 SNDVs over their allotted 2,504. Total Soviet SNDVs range between 2,579 and 2,729 or even 3,100. In contrast, the US SALT II-accountable SNDV total is only 1,753, according to official Defense Department sources during 1986. This is the lowest total since SALT began in 1969. The Soviets have deployed from 13,000 to 17,000 strategic nuclear intercontinental warheads, compared to only 9,200 for the US.

FOOTNOTES

(1) Soviet Maskirovka—Camouflage, Concealment, Deception—causes many US Intelligence uncertainties, which in turn require realistic and conservative estimates of Soviet strategic forces.

Moreover, there is reason to believe that Soviet Maskirovka is made even more effective by the partial blinding of US Intelligence caused by the space-launch standdown. The 1980 Reagan Administration CIA Transition Team Report reportedly stated: "The failure of a single launch in the early to mid-1980s could negate all of our capability for a particular type of collector for a protracted period of time. A failure of the space shuttle could be a disastor for the entire technical collection effort . . . any problem in the space shuttle could prevent the launch of the improved system on schedule, and since there is no back-up whatsoever, the US could be completely blinded with no overhead photoreconnaissance capability at all in the mid-1980s."

(13) There is good reason to believe that there is currently a US verification and reconnaissance crisis which is unprecedented, thereby blinding US Intelligence. Soviet Maskirovka and this reconnaissance crisis should cause the US to err on the high side in estimating Soviet forces, as a measure of caution. President Reagan reportedly informed Congress of his concern about the effects of Soviet Maskirovka and reconnaissance crisis. He wrote recently that given the extensive concealment associated with the SS-25 and SS-24 ICBM programs, and the inherent mobility and transportability of these systems, there is a probability that the Soviets will try to deploy additional launchers more covertly than we are aware of today. They thereby could avoid compensatory dismantlement of their MIRVed ICBMs. This potential is particularly significant with regard to the 10-warhead SS-24. but with the exception of USAF Intelligence, US Intelligence has an unbroken, scandalous 23-year record of significantly underestimating the quantity, quality, and budget of Soviet strategic forces.

(2) SS-25 RV to Throw-Weight ratio is a conclusive violation of SALT II. The purpose of the constraint violated is to prevent covert MIRVing. It is therefore reasonable to infer probable covert MIRVing of the SS-25. Moreover, the SS-25's throw-weight is twice that of the old, single warhead SS-13. The best explanation for this throw-weight doubling is also covert MIRVing. Finally, US Intelligence believes that the SS-25 will eventually be MIRVed anyway, projecting a MIRVed SS-25 follow-on which could already be covertly deployed. The current National Intelligence Estimate reportedly predicts that the Soviets will deploy ICBMs and SLBMs with more warheads than they have been tested with.(14)

(3) SS-16s disappeared from Plesetsk, but were not destroyed. We must assume that they are covertly deployed with SS-20 forces.

(4) The current National Intelligence Estimate reportedly states that the SS-18 is deployed with 14 warheads each.(15)

(5) The precise number of SS-25 mobile ICBM launchers is never known, due to Soviet concealment of all SS-25 mobile launchers and of the relationship between the SS-25 missile and its launcher, and is ever growing. A reasonable first increment of SS-25s deployed is 200 launchers, based on evidence of SS-16 mobile ICBM deployment. Many more than 200 SS-25s are likely.

As noted, the SS-24 rail mobile ICBM will be operational soon during 1986. About 100 of these launchers are likely as a first increment by 1987, but the US will never know how many SS-24s are deployed rail mobile, due to Soviet camouflage, concealment, and deception. A total of 700 SS-25s and SS-24s mobile ICBM launchers are projected by the current NIE to be deployed by about 1990. All of these mobile launchers have a rapid reload and refire capability, doubling the force.(16) Indeed, the FY 1988 Defense Posture Statement confirms on page 55 that the Soviets have "the ability to refire many of their missiles (ICBMs) and that reloading exercises and procurement of spares to support them" mean that the Soviets have a massive strategic reserve force.

I. Quantitative analysis of military effects of Soviet circumvention of SALT I interim agreement

Replacement of light SS-11 ICBM with heavy SS-19 and SS-17 ICBMs occurred between 1970 and 1983, but the SALT I Interim Agreement's Article II prohibits replacement of light ICBMs with heavy ICBMs. This was a circumvention of SALT I which defeated its object and purpose. A strong element of Soviet negotiating deception and operational deception was involved in this circumvention.

When SALT I was signed on May 26, 1972, the best US Intelligence estimate was that a "new small ICBM" would be deployed in converted SS-11 light ICBM silos and in "new small ICBM silos". The "new small ICBM" was estimated to be MIRVed, but only with 3 MIRVs. This conversion and deployment would have been within the provisions of SALT I. Only US Air Force Intelligence estimated that the "new small silos" would receive a new heavy, highly fractionated ICBM, which would also be retrofitted into converted SS-11 light ICBM silos. USAF Intelligence was right. The new SS-19 ICBM turned out to have 3 times the throw-weight of the SS-11; in fact, the SS-19's throw-weight was the same as the heavy SS-8 ICBM's.

The SS-19 also turned out to have 6 MIRVs, compared to the 3 estimated by most of US Intelligence, and compared to the single warhead SS-11. The somewhat smaller SS-17 ICBM and twice the throw-weight of the SS-11, and carred 4 MIRVed warheads. In sum, deployment of the heavy SS-19 and SS-17 ICBMs in circumvention of SALT I represented a growth of over five fold in the number of Soviet warheads in the SS-11 light ICBM force prior to SALT I: 2,760 accurate, high yield counterforce SS-19 and SS-17 warheads replaced 510 inaccurate SS-11 soft target warheads.(17)

The military effect of this massive circumvention of SALT I is calculated simply by subtracting from the actual SS-19/SS-17 warhead deployment of 2,760, the number of warheads estimated in May, 1972 on 510 3 MIRV "new small ICBM" replacements for the light SS-11, within the terms of SALT I. The result is that Soviet circumvention of SALT I yielded them 1,230 more MIRVed warheads than the US anticipated. This was the benefit of their deceptive circumvention.

SOVIET SALT I AND II VIOLATIONS ARE MILITARILY SIGNIFICANT

Dr. Angelo Codevilla has succinctly captured the essence of the contemporary problem with arms control today: "Under current agreements, the Soviets have achieved precisely the objectives that we had sought to prevent by entering into the agreements in the first place . . . no one can seriously argue that the Soviets will willingly abandon the capability to disarm and blackmail the United States." The Soviets achieved their offensive first strike capability and their emerging nationwide ABM capability under the guise of SALT I and SALT II and the ongoing arms control process. Their negotiating deception, camouflage, concealment, and deception, and their SALT violations all combined to enable the Soviets to achieve overall strategic superiority even with and despite arms control.

J. Realistic estimate of how Soviets are over the SALT III 820/1200/1320 MIRV/ALCM ceilings

Soviet MIRVed ICBM level	818
5 rail mobile MIRVed SS-24's	5
Probable covertly MIRVed SS-25's	100
MIRVed SLBM's	352
1 Delta IV and 1 Typhoon about to go on sea trials	36
Blackjacks with long range ALCM's	5
TU-95 Bear H with long range ALCM's	50
Backfires capable of carrying AS-3 (650 kms) or AS-15	300
TU-95G Bears equipped with long range AS-3's	100
Total	1,716

According to the Washington Times of January 19, 1987, the sea trials for the 4th Delta IV Submarine and the 5th Typhoon submarine could begin as early as March or April, 1987. These subs were reportedly launched in December, 1986. Their sea trials commencement will clearly put the Soviets over the SALT II sublimit of 1200 MIRVed/ICBM's/SLBM's. As noted, Soviet arms negotiators in late 1983 told us that the Soviets intended to exceed the SALT II sublimits of 820 MIRVed ICBM's, 1200 MIRVed ICBM's/SLBM's, and 1320 MIRV'D/ICBM's/SLBM's/heavy intercontinental bombers equiped with long range ALCM's. This is exactly what the Soviets are doing.

K. Soviet SALT I and SALT II deactivations and comments

SALT I:

209 SS-7 and SS-8 ICMB's, 1972-1982—Soviets doubly replaced old ICMB's with equal number of modern SLBM's plus 200 covert mobile SS-16 ICBM's; Soviets also have used old SS-7 support facilities to support new SS-25 mobile ICBM's, which is prohibited by SALT I Dismantling Procedures.

192 SLBM's on 12 Yankee Class SSBN's—Many of these Soviet submarines were converted to more lethal cruise missile carrier submarines.

SALT II:

72 SS-11 silos—The silos were not completely destroyed, as is required by SALT I ICBM Dismantling Procedures. This may be in preparation for the retrofit of the SS-24 MIRVed ICBM, which would further violate SALT II's MIRV ICBM ceiling of 820.(18)

21 Bison bombers—Some of these Soviet bombers are unflyable, but there are no agreed bomber dismantling procedures, so the Soviets should not get credit for the dismantling.(19)

As of July, 1986, Soviet SALT compensation dismantling has reportedly stopped.

TWENTY-FOUR SOVIET VIOLATIONS OF THE THRESHOLD TEST BAN TREATY

(By Senator James A. McClure)

The attached Defense Department chart indicates clearly that the Soviet Union has violated the 150 kiloton threshold on underground nuclear weapons testing of the Threshold Test Ban Treaty (TTBT.)

[Chart not reproducible for the RECORD.]

SOVIET LEGAL OBLIGATION

Even though the TTBT, signed in July, 1974, has not been ratified on either the US or the Soviet side, under international law both the US and the USSR are required to do nothing which would defeat its object and purpose, during the period when ratification is still pending. Moreover, in March, 1976, by US-Soviet mutual agreement the 150 kiloton threshold was put into effect as binding on each side. The Soviets have a clear legal obligation to comply with the 150 kiloton threshold. Thus even one Soviet test exceeding the 150 kiloton threshold would defeat the object and purpose of the TTBT, would violate it, and would be militarily irreversible.

THE SOVIET TTBT VIOLATIONS

Both this chart and this analysis, which have recently been updated, are unclassified, according to the Department of Defense and the Arms Control and Disarmament Agency. This is the most complete unclassified description of the official US Government verification assessment of Soviet TTBT violations. It was published in the CONGRESSIONAL RECORD and in another official US Senate document.

My distinguished colleague, Senator Jesse Helms, requested that the earlier version of this chart be briefed by David Sullivan to the Senate Foreign Relations Committee in open session in October, 1983, when the Committee was at that time considering whether to report out the TTBT to the full Senate. After this briefing, the motion to report the TTBT to the Senate Floor was defeated.

The chart shows that there have been 24 Soviet underground nuclear weapons tests since 1978 which are estimated to be above the 150 kiloton threshold, and therefore are violations of the TTBT. There is 95 percent confidence that several Soviet TTBT violations have occurred. Ten Soviet tests reportedly have been at 250 kilotons or above.

In June, 1983, Secretary of State Shultz testified to the Senate Foreign Relations Committee that the Soviets had recently tested a nuclear weapon about "double" the 150 kiloton threshold—at about 300 kilotons. The Defense Department chart indicates that since 1978, the Soviet Union has conducted 6 tests at the 300 kiloton level or higher—at a yield twice that allowed by the TTBT.

Indeed, one Soviet test was reportedly estimated to be over 315 kilotons, and it could have been over 600 kilotons. There is 100 percent confidence, which means certainly, that this test was a TTBT violation.

US METHODOLOGY CHANGES GIVE SOVIETS BENEFITS OF EVERY DOUBT

The US has for 12 years given the Soviet Union the benefit of every doubt or uncertainly in TTBT compliance. We have even gone so far as to change our estimating methodology four times since 1974, each time to favor the Soviets by reducing our estimates of their test yields, thereby making their violations under the previous method disappear. Despite this elasticity in US methodology, the Soviets have nevertheless continued to violate the TTBT. This chart shows only one methodology change, which occurred in early July 1977 and which was the most important, and the analysis describes a recent attempt to make a fifth change in Soviet favor.

THE CHART'S VERTICAL AXIS

The vertical axis of the chart is labeled "The Sliding Rulers," showing how the US changed its methodology in early July 1977 to favor the Soviets by making 2 violations disappear. The vertical axis measures "Body Waves" (Mb) from Soviet underground nuclear weapons tests at Shagan River (Semipalatinsk), in Central Asia. Body Waves are seismic shock waves which travel on a constant path through the earth's core. This axis is basically a Richter scale.

THE CHART'S HORIZONTAL AXIS

The horizontal axis is time—March 1976, when the TTBT 150 kiloton threshold went into effect, through 1985. The key point in time is late July 1977, when the Senate Foreign Relations Committee first had hearings on the TTBT. The most important methodology change occurred in early July 1977, in order to make 2 Soviet TTBT violations disappear before the hearings began.

THE HORIZONTAL BANDS ARE 150 KT THRESHOLDS

The horizontal bands represent US estimates of 150 kiloton thresholds, based upon various assumptions about the geological characteristics of the Soviet and US testing sites. The upper two bands represent Soviet 150 kiloton thresholds. The center band was the US-estimated Soviet 150 kiloton threshold until 2 Soviet violations began to appear in late 1976 and early 1977. The top band was the new Soviet 150 kiloton threshold, revised upwards in early July 1977 by the US to benefit the Soviets by making the 2 violations disappear. The higher band allows the Soviets even larger test yields. This band is still the current Soviet threshold using our established methodology. The lowest band is provided merely to illustrate another benefit of the doubt resolved in Soviet favor. It is the US 150 kiloton threshold. It is based upon the known geological characteristics of the US Nevada Test Site. We have allowed the Soviets progressively higher thresholds by making progressively more generous assumptions about the geological characteristics the Soviet Shagan River-Semipalatinsk test site.

THE SOVIET NUCLEAR TEST PLOTS

Each black dot on the chart represents a Soviet underground nuclear weapon test at Shagan-Semipalatinsk. This unclassified data was provided by the US National Earthquake Information Service, expressed in Body Waves. (Not all Soviet tests are plotted, in order to avoid cluttering the chart.)

THE EARLY JULY 1977 METHODOLOGY CHANGE

Note that according to the Pre-July 1977 Soviet 150 Kiloton Threshold band, there had been two Soviet tests higher than this threshold in late 1976-early 1977. These 2 Soviet violations necessitated the changed estimative methodology resulting in the raising of the threshold to the Post-July 1977 Soviet 150 Kiloton Threshold. Accordingly, after raising the threshold in Soviet favor to make these 2 violations disappear in early July, the CIA was then able to testify to the Senate Foreign Relations Committee later in July and August, 1977 that there had been no Soviet violations of the TTBT 150 kiloton threshold.

But in late 1978 and 1979, the Soviets again began exceeding even this raised threshold. Moreover, their new excesses were very large.

THE DOTTED LINE—DOUBLING OF SOVIET YIELDS

The dotted line on the chart differentiates tests which have twice the yield of each other. Tests above the dotted line are about twice the yield of tests below the dotted line. Because there are no anomalies except magnitude among Body Waves traveling along the same path through the earth's core, we know with high certainty that tests above the dotted line are twice the yield of tests below the dotted line. This relationship is sound, even though we have uncertainties about the absolute yields of tests.

Thus according to the dotted line, the Soviets doubled the yield of some of their tests in 1979 and thereafter, as compared to 1977. Therefore, if the two highest yields in the 1976-early 1977 period are now estimated to be about 150 kilotons in order for them to be in compliance with the TTBT, then the tests along the dotted line in 1979 and later have to be about 300 kilotons or more, twice the allowed yield.

No credence should be placed in the hypothesis that the Soviets may have cautiously tested at only one half the allowed yield, or at 75 kilotons, between July 1974, when the TTBT was signed, and March 1976, when the 150 kiloton threshold was mutually put into effect. This is because the US itself tested 12 times above 150 kilotons during this period, and the Soviets almost certainly knew this. Moreover, Soviet arms control compliance behavior has always been to exploit all loopholes to their fullest, and to go to the limits of allowed activities and beyond. They have never shown such presumed caution.

CIA ATTEMPTING NEW METHODOLOGY CHANGE TO AGAIN COVER-UP SOVIET VIOLATIONS

Just as the CIA made the 2 1976-early 1977 Soviet violations disappear by raising the Soviet threshold in early July 1977, the CIA is reportedly once again trying to make Soviet TTBT violations disappear. The CIA has reportedly been using a new estimative methodology since January 1986 which makes all but the 12 highest Soviet high yield tests disappear as violations, once again trying to raise the threshold in Soviet favor, for a fifth time.

REAFFIRMATION OF PRESIDENTIAL FINDINGS OF TTBT VIOLATIONS

But the new CIA methodology is inconsistent with other established methodologies and is not accepted by a majority of the Executive Branch components. The early July 1977 methodolgy remains the current one. While additional studies have been undertaken, their conclusions are incomplete and have not been agreed upon. President Reagan's February and December 1985 Reports to Congress that there have been 21 to 24 Soviet underground nuclear weapons tests which are likely to have violated the 150 kiloton limit of the TTBT have been reaffirmed.

ALL-SOURCE EVIDENCE CONFIRMS SOVIET TTBT VIOLATIONS

Soviet TTBT compliance is not solely a technical problem of analysis of teleseismic data. It is an all-source intelligence and verification problem. Far too much attention has been focused over the years upon the narrowly technical teleseismic evidence of Soviet tests. But other, non-seismic evidence and verification judgments about this evidence may be even more important. For example, one method using direct evidence from non-seismic National Technical Means of verification strongly supports the conclusion that there have been multiple Soviet TTBT violations at high yields. Another example is reported Soviet attempts to deceive US National Technical Means of TTBT verification into underestimating Soviet yields. This phenomenon also offers persuasive evidence of Soviet violations. Finally, even despite Soviet efforts at deception, on two widely separate occasions the Soviets have reportedly made statements which had the effect of confirming their violations, both as to yield magnitude and number of violations. This diplomatic evidence is the most persuasive.

MILITARY SIGNIFICANCE OF SOVIET TTBT VIOLATIONS

Why are the Soviets violating the TTBT? They have good reasons. The TTBT 150 kiloton threshold is militarily significant because it restricts testing the full yields and reliability of new Soviet MIRV warheads which could be used for a first strike capability. According to open sources, most new Soviet ICBM MIRV warheads are estimated to have yields in the 200 to 600 kiloton range. The ten Soviet tests over 250 kilotons therefore could have been scaled or even half yield tests of new warheads for the new 5th and 6th generation Soviet MIRVed ICBMs, such as the SS-24 and SS-X-26 follow-on for the SS-18, both of which are reportedly now being deployed.

The SS-X-26, in flight testing since Spring 1986, before SALT II dissolved, was reportedly recently successfully flight tested. SS-18 silos for it are already reportedly being converted. SALT II had an absolute ceiling on SS-18 follow-on ICBM Throw-Weight. The SS-X-26 follow-on to the SS-18 has even more Throw-Weight than the SS-18. The SS-X-26 reportedly will therefore carry even more warheads than the 14 carried on the super heavy SS-18, already in violation of SALT II. There may even have been several full yield tests at 500 or 600 kilotons of these new MIRV warheads for the new Soviet ICBMs.

In contrast, the US was severely handicapped in designing and testing warheads for the MX, Trident II, and ALCM by strict compliance with the 150 kiloton threshold. These warheads reportedly have never been tested for reliability at their full yields.

RATIFICATION OF TTBT-PNET IS APPEASEMENT

In sum, it would be an unprecedented exercise in appeasement of the Soviet Union for the US Senate to give its advice and consent for the President to ratify a TTBT which the Soviets are likely to be violating.

Moreover, the TTBT is integrally linked to its companion treaty, the Peaceful Nuclear Explosions Treaty (PNET). The PNET preamble contains language that the US and the USSR reaffirm "their adherance" to the 1963 Limited Test Ban Treaty (LTBT), and they reaffirm "their determination to observe strictly the provisions of these [TTBT and LTBT] international agreements." Beyond his reports of Soviet TTBT violations, President Reagan also reported in February and again in December 1985 that there have been over 30 unambiguous, conclusively confirmed cases of Soviet venting of nuclear radioactive debris beyond their borders from underground nuclear weapons tests, in clear violation of the 1963 Limited Test Ban Treaty. Indeed, reportedly over 50 percent of all Soviet underground nuclear weapons tests have either clearly, probably, or possibly vented radioactive debris beyond Soviet borders in violation of the LTBT.

Thus Senate advice and consent for Presidential ratification of the TTBT and PNET, with its false reaffirmation of Soviet compliance with the TTBT and LTBT, would be totally inconsistent with the likely violations of the TTBT and the conclusively known violations of the LTBT. Such Senate advice and consent would be completely hypocritical. It would also be a grave and dangerous act of American appeasement of the Soviet Union, completely undermining the integrity of the arms control process, and international stability and peace.

The TTBT has been verifiable since 1976. We have verified Soviet violations with high confidence. The problem is not verification, but enforcing Soviet compliance. While the CORRTEX method of direct yield measurement would be a more effective verification method, it will not be a panacea and even it would have uncertainties. Even if the Soviets agree to some form of CORRTEX on site direct measurement verification in the future, their past violations give them irreversible military advantages. These Soviet advantages can not be "grand fathered" away, made to disappear, or ignored.

Instead of asking for Senate advice and consent for his ratification of these two treaties, albeit with a reservation to be negotiated with the Soviets on more effective verification, President Reagan should withdraw these two treaties from the Senate so that he can completely renegotiate the verification and compliance provisions with the Soviets.

The Author, David S. Sullivan works for the United States Senate as principal national security advisor to several Republican Senators in leadership positions.

After a lengthy career at the Central Intelligence Agency where he analyzed Soviet strategy, nuclear force modernization, and foreign policy, Mr. Sullivan resigned from the Agency in 1978 to join the staff of a US Senator. In 1981, he accepted an appointment in the Reagan Administration as a senior official of the Arms Control and Disarmament Agency, but later returned to his present position on Capitol Hill to help implement the President's defense and foreign policies in Congress.

Mr. Sullivan was educated at Harvard University (BA cum laude 1965) and at Columbia University where he received a Masters Degree in International Affairs.

He is a Lt. Colonel in the United States Marine Corps Reserve and saw active service in the Vietnam War in Marine Combat Intelligence.

His previously published works number more than twenty six articles and books on national security and US foreign policy, and include Soviet Military Supremacy, The Bitter Fruit of SALT: A Record of Soviet Duplicity and The Fatal Flaws of SALT II.

He has been attacked 5 times by name in the Soviet press, and has been described in the US press as a "brilliant CIA Soviet analyst", as a "one man CIA," and as a "heroic freedom fighter."

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NO TO RAISE TAXES

● Mr. D'AMATO. Mr. President, one of the great accomplishments of the 99th Congress was enactment of the Tax Reform Act of 1986. In fact, it was one of the greatest legislative achievements to emerge from Congress in its 200-year history. It was a victory for Congress, it was a victory for the President, and, especially, it was a victory for the American people.

Thus, it seems a little odd to this Senator that, only months after enactment of the Tax Reform Act, it has become necessary to rise in its defense. What happened since last October? Tax reform is still in its infancy and already rumors are afloat that, if enacted, would turn tax reform on its head. What was a rare victory for Congress would turn to defeat, and the American people, in whose name we presumably act, would be the ultimate losers.

I rise today to dispel the rumors suggesting that we will increase taxes. I have heard that increasing taxes would somehow reduce the Federal deficit, or would do this, that, and other things. Wrong. Increasing taxes now not only would reverse the economic recovery of the past 6 years, but, above all, would raise serious questions about Congress' ability to hold to a promise. Consistency is essential to effective government. The American people have the right to expect Congress to hold to its promise to reduce taxes without delay.

I commend the distinguished Republican leader for his introduction of a resolution, Senate Resolution 46, expressing the sense of the Senate that the tax rates reduced by the Tax Reform Act of 1986 should not be increased. I urge my colleagues to do what is right for the country, to help us keep our word, to think of the American people: to lend your support to this legislation.●

THE WORLD COURT AND AID TO THE CONTRAS

● Mr. SIMON. Mr. President, I note that the Independent Commission on Respect for International Law, which I believe is connected in some way with the Institute for Policy Studies, issued a statement on July 15, regarding the World Court and aid to the Contras.

I just recently came across that statement. While the issue is no longer on the front pages—and, unfortunately, never was on the front pages long—it remains a fundamental error of U.S. policy.

The commission is chaired by Prof. Burns H. Weston of the College of Law at the University of Iowa, and the vice chairman is Dean Frederic L. Kirgis, Jr., of the School of Law at Washington and Lee University.

Another member of the commission is a former colleague of mine in the House, Father Robert F. Drinan, now a professor of law at Georgetown University. The other members are:

Richard J. Barnet, Senior Fellow, Institute for Policy Studies, Washington, DC.

Richard B. Bilder, Professor of Law, University of Wisconsin, Madison, WI.

Roger S. Clark, Professor of Law, University of Miami, Coral Gables, FL.

Richard A. Falk, Professor of Law, Princeton University Center of International Studies, Princeton, NJ.

Thomas J. Farer, Professor of Law, University of New Mexico, Albuquerque, NM.

Michael J. Glennon, Professor of Law, University of Southern California, Davis, CA.

Richard B. Lillich, Professor of Law, University of Virginia, Charlottesville, VA.

Ved P. Nanda, Professor of Law, University of Denver, Denver, CO.

Jordan J. Paust, Professor of Law, University of Houston, Houston, TX.

Edith Brown Wiess, Professor of Law, Georgetown University Law Center, Washington, DC.

The United States has made a fundamental error in moving away from respect for the World Court. What this Nation and the world needs, clearly, is greater cooperation between nations, not less cooperation; greater respect for international law, not less respect. Yet, we're moving in the opposite direction.

I ask that the International Commission on Respect for International Law statement be inserted in the RECORD.

The statement follows:

STATEMENT OF MEMBERS OF THE INDEPENDENT COMMISSION ON RESPECT FOR INTERNATIONAL LAW ON THE WORLD COURT AND AID TO THE CONTRAS

On June 27, the International Court of Justice issued its decision in the case of *Nicaragua* v. *United States*. The World Court found a number of U.S. actions against Nicaragua, in particular the mining of Nicaraguan harbors and support of the "Contras," to be in violation of international law.

The Court decided most of the issues in the case by a very substantial 12-to-3 majority, with only the judges from Japan, the United Kingdom, and the United States dissenting (a Soviet judge did not participate). Indeed, the judges from Japan and the United Kingdom dissented primarily on technical grounds.

Suggestions that the Court's judgment was the result of political bias against the United States have little to no basis in fact. The World Court is comprised of some of the most distinguished jurists in the world, jurists whose personal integrity and professional commitment are generally beyond reproach. The majority are from countries which are Western-oriented or traditionally friendly toward the United States. The Court found overwhelmingly in favor of the United States in the *Iranian Hostages* case only six years ago.

Thus, while it is possible to disagree with the outcome of any judicial decision, the Court's decision in the Nicaragua case is responsible and credible. Indeed, the Court reaffirmed the right of collective self-defense in the event of an armed attack by one country against another. In addition it ruled in favor of the United States in certain key instances.

As a party to the United Nations Charter and the Statute of the International Court of Justice, the United States is legally bound to comply with the Court's decision. It is true that the United States might attempt to block a direct move to enforce the Court's judgment against it, since the formal enforcement mechanism is through the U.N. Security Council where the U.S. has a veto. But such an attempt would not make the judgment less legally binding. A failure by the United States to comply with the Court's decision would constitute a violation of its solemn treaty obligations to uphold it.

A United States failure to honor the World Court's decision also would damage U.S. short- and long-term foreign policy interests. Almost certainly, it would expose the United States to severe international criticism for failing to adhere to its treaty commitments, making the U.S. appear no different than other countries it has criticized on the same grounds. Additionally, it would risk diminishing respect among all nations for the International Court of Justice itself, an institution the United States has historically supported and used to its advantage. Perhaps most importantly, however, it would subvert the Administration's efforts to ensure in other settings (for example, when dealing with arms control, human rights, terrorism, or claims against American foreign investment) that other governments, including the Soviet Union, fulfill their obligations under international law. The legal principles affirmed by the Court—including condemnation of the aggressive use of force, coercive intervention, and violations of the humanitarian rules of armed conflict—clearly apply not only to the United States but to the Soviet Union and every other nation in the world as well.

In short, however much the Administration may wish to ignore the World Court's decision, this decision will not go away. It must be recognized as a serious matter with which our government must conscientiously deal.

This issue is raised immediately by legislation now pending before Congress that would authorize the administration to assist the "Contras" militarily, in clear violation of the court's judgment. In considering this legislation, it is incumbent upon Congress—and particularly the Senate, which has a special constitutional role with regard to treaties—to take the Court's judgment, and the solemn U.S. obligations arising from it, seriously into account. The treaty obligations requiring the U.S. to respect the World Court's judgment are binding as international law.

It would be most unfortunate if any decision on aid to the Contras were reached without a full discussion by both Congress and the public of the costs of such a decision both to our national honor and to our interest in respecting treaty commitments, judicial judgments and the rule of law. In a world that is every day menaced by terrorism and the threat of nuclear war, it is imperative that objective rules of international law shape State conduct. Adherence to the rule of law, a strong U.S. tradition, must not be forsaken.●

AFGHANISTAN: LETTERS FROM THE STATE OF CALIFORNIA

● Mr. HUMPHREY. Mr. President, last month the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A Situation Approaching Genocide."

As chairman of the congressional task force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of California, which I ask to have printed in the RECORD.

The letters follow:

DEAR SIR: I am writing to you, as Chairman of the Congressional Task Force on Afghanistan to express my concern over the atrocities being done to millions of innocent Afghans. In an article by Jeane-Francois Revel and Rosanne Klass in National Review (October 4, 1985), they tell of the inhumane extermination of helpless people who are being driven from their country. The Soviets are using barbaric, unthinkable means to kill. This mass execution now taking place is so severe that at least 30% of the Afghan population is either dead or in exile.

What is being done? When we read of the heinous Nazi crimes of World War II, we say "Never again." But it is happening in Afghanistan right now! Why isn't the U.S. Government taking a more active role in giving aid to Afghanistan? Why isn't the severity of this situation made known to the people? What can I do to help?

Sincerely,

STEVEN J. NIKSARIAN.

SHERMAN OAKS, CA, *October 24, 1986*.

DEAR MR. HUMPHREY: Words can not describe what is going on daily in Afghanistan nor the horror of my feelings.

Please, please do whatever you can to help stop this terror and murder.

Sincerely,

KATHRYN MANCUSO.

PASADENA, CA, *October 7, 1986*.●

LINE-ITEM VETO

● Mr. D'AMATO. Mr. President, I rise to express my support for a resolution introduced by the distinguished Republican leader to provide the President with line-item veto authority. This is neither a new proposal nor a novel idea. Looking back on its century-long history in this body, it has had its ups and downs to be sure. At times it has languished in committee. At other times it has been raised and unanimously endorsed by the House as a legitimate fiscal tool. Today, I believe that line-item veto is indeed an idea whose time has come: At no other time in the history of this Government has the Federal Government become such an institutional spendthrift, and so institutionally paralyzed when it comes to restraining from passing wasteful spending bills.

Congress, for far too long, has enjoyed the luxury of a pay-as-you-go spending practice. For us it has become such a highly specialized art and so consuming that it is indeed a difficult habit to break. In 1980, however, the public mandate for reform could not have been louder or more clear. Nonetheless, America continues to feel the economic squeeze of our enormous Federal deficits because foes of fiscal restraint have found ways to circumvent what was intended to help correct the deficit problem: Gramm-Rudman. Gramm-Rudman was not enacted as a panacea, but as a threat of force if Congress could not act fiscally responsibly on its own. With deficits still looming large, eating away at more and more of our resources, the economic squeeze grows tighter. The only way out at this point, in my view, is to take drastic action.

Providing the President the authority to veto items of appropriations bills is a viable alternative. We have heard the arguments. We can continue the century-old debate surrounding this issue; we can continue to spend until we collapse under the weight of Federal deficits; or we can opt for an alternative that is proven to work. Line-item authority can be established by statute or by constitutional amendment. It can be tested or made permanent. However, it is much more important for the future of this Nation that we act quickly and come to an agreement on which course of action we should take.

I urge the Members of this Congress on both sides of the aisle to think seriously about this issue. At stake are future generations of Americans who, if we fail in this effort, must carry the burden of repaying for our mistakes. I urge the support of Senators for line-item veto.●

A SALUTE TO "HOME MEALS FOR SENIORS"

● Mr. RIEGLE. Mr. President, I rise to salute the Area Agency on Aging, region 1-B, which serves six counties in southeastern Michigan for its Home Meals for Seniors Program. On Christmas Day, 1986, this privately funded project provided and delivered over 1,000 special Christmas/Chanukah meals to senior citizens who would not otherwise have had a meal or a visit on that day. The meals were delivered by a corps of volunteers who willingly gave up part of their own holiday in order to ensure that these older persons would enjoy theirs.

Typical of those served by this program is Mrs. Miller, an 84-year-old homebound widow with no family. In 1986, for the first time in 3 years, Mrs. Miller, who has a severe heart condition, received a hot meal and a visitor on Christmas day.

Monday through Friday, in every year, hot meals are delivered to approximately 4,500 senior citizens in Livingston, Macomb, Monroe, Oakland, St. Clair, and Washtenaw Counties. But the weekday program, funded by the Federal Older Americans Act, State appropriations, and small donations from those who receive the food, simply cannot be stretched to cover holiday and weekend meals. Program participants who have no families must depend on neighbors for food or save portions of Friday's meal to get themselves through the weekends. To fill this gap, the Area Agency on Aging, region 1-B, decided to appeal to private citizens in the community for help.

Inspired by the successful New York City Meals-on-Wheels Program, Home Meals for Seniors is administered by AAA1-b with the cooperation of county nutrition service providers. It is supported by concerned individuals, corporations, and businesses whose goal is to make certain that the homebound elderly do not go hungry or feel friendless. Designed to supplement the existing hot meal service rather then substitute for the Government funded program, Home Meals for Seniors is an example of an effective partnership between the public and private sectors.

Each contribution of $4.75 provides one meal for an older person for whom this service may mean the difference between continued independence and institutionalization. Helping to maintain the elderly in their own homes where they are happiest and most comfortable is one of the major goals of the Area Agency on Aging 1-B. Home Meals for Seniors helps achieve this goal.

Considering that the Home Meals for Seniors project was just inaugurated in November 1986, their very successful efforts to improve the Christmas/Chanukah season for the area's elderly is especially remarkable. Their plans for 1987 include additional holiday meal deliveries as well as the eventual extension of hot meal delivery to include Saturdays and Sundays.

I applaud the achievements of the Area Agency on Aging 1-B together with the caring citizens and organizations of the community at large, and wish them continued success with their Home Meals for Seniors Program.●

STARS AND STRIPES FOREVER

● Mr. CHAFEE. Mr. President, on Saturday the 12-meter yacht *Stars and Stripes* will embark on an endeavor which is dear to me and my fellow Rhode Islanders: The winning back of the America's Cup. I want to wish skipper Dennis Conner and the *Stars and Stripes* crew the best of luck as they challenge Iain Murray and the *Kookaburra III.*

Skipper Conner was brilliant in outdueling 12 other challengers, winning the right to challenge the Aussies for the most prestigious prize in yacht racing. His experience and skill, and that of his crew, have won him the admiration of the sailing world. Now, Mr. Conner faces his most difficult task—bringing the America's Cup home. Saturday begins the best-of-seven series for the cup.

For years Americans defended the cup in Newport, RI. I know all Rhode Islanders are cheering for a *Stars and Stripes* victory and hoping that Newport will be selected as the site for future contests.

I urge all of my colleagues to join me in wishing good luck to Captain Conner and the *Stars and Stripes* crew. Mr. President, I ask that a series of articles which capture the true essence of the challenge be included in the RECORD after my statement. They were written by Angus Phillips, and appeared in the Washington Post over the past week. Let's all hope that the "Fremantle Doctor" is at Dennis Conner's back, and sweeps him to victory.

The material follows:

AN AMERICA'S CUP PRIMER

(By Angus Phillips)

FREMANTLE, AUSTRALIA, January 26.—Now that sailing is a big-time television sport, armchair experts will pop up all across America.

"Whatsamatta with Conner?" they'll ask. "Didn't he see that wind-shift?"

The only prerequisite for being an armchair expert is knowing a few facts and the basic terminology.

No one pays attention to the guy at the bar who says during the Super Bowl, "Why didn't the big fellow in the white jersey intercede?" They listen to the one who says, "L.T. shudda blitzed."

In the interest of fostering armchair expertise in advance of the America's Cup, this primer is offered on the basics of match-racing, with a separate glossary of yachting terms.

The first basic in sailing is the course.

America's Cup races are sailed on a 24½ nautical-mile course of eight legs. The boats go directly upwind, then downwind, upwind again, then sail off on a broad reach to the so-called "wing mark," which is about a mile off to the left, halfway up the course.

The two reaching legs bring the boats back down to the start, then they sail upwind, downwind and upwind to the finish.

A race takes just over 3 hours.

Upwind legs take about a half-hour, downwind legs about 20 minutes and the reaches 12 to 13 minutes each.

If the boats have a mainsail plus a big, balloon-like spinnaker up, they are going either downwind or reaching. If they have mainsail and smaller, flat headsail up, they are on an upwind leg.

THE START

Fifteen minutes before a race a gun sounds and flags go up on the committee boat, which is anchored at one end of the starting line. The flags signal the compass course to the first buoy, 3½ miles directly upwind.

Since the wind changes day to day, the course varies, but most days it's about 210 degrees, or south-southwest.

Ten minutes before the start another gun sounds and the two boats enter the starting area from either end of the line.

For 10 minutes they engage in prestart maneuvering, the goal being to get over the line first, in the best position, just after the starting gun sounds. This maneuvering is irreverently called, "The mating dance of the lead-bottomed money-gobblers."

UPWING LEGS

No sailboat can go directly into the wind, but 12-meters can sail as close to directly upwind as any sailboat. Zig-zagging back and forth at an angle about 30 degrees off the wind, they work up the course to the windward mark.

Going upwind, the lead boat has an advantage because it can block the trailing boat's wind, or the skipper ahead can split off and take advantage of slight shifts in the wind direction while the boat behind gets second chance at these shifts.

Because there are four upwind legs, and only two downwind and two reaching legs, upwind performance is considered the most important attribute of a good 12-meter.

DOWNWIND LEGS

Once the boats round the wind-ward mark and head back downwind to the starting point, the trailing skipper can block the breeze from the boat ahead, as long as he's within four to six boat lengths. Further back, his wind shadow has little or no effect.

The shortest distance between the windward mark and the down-wind mark is a straight line, but the boats don't sail that way. They swing back and forth across the course, much the way they do going upwind, because they go faster at a slight angle to the wind than sailing directly downwind.

This is called jibing, The lighter the wind, the higher the angle to the wind the boats must sail to maintain boat speed on this leg.

REACHING

The two reaching legs are usually the fastest but dullest, because the course to the wing mark is a direct line, with no tacking or jibing required, and tactically there is little the trailing boat can do to attack.

But lately, with the invention of big "gennaker" sails for reaches instead of spinnakers, some boats perform better than others. New Zealand nearly overtook Stars & Stripes in their final race by steaming down to reaching legs under billowing gennaker.

MARK ROUNDINGS

The most action and drama in a race usually occurs at the mark roundings, when the boats change course around one of the buoys and head of on a new leg.

Mark roundings involve sail changes as the boats go from downwind to upwind or vice versa. Much can go wrong trying to douse a big spinnaker or hoist and set one at a mark.

If the boats are neck and neck approaching a mark rounding, the boat on the inside has the advantage, because the outside boat must give buoy room, or room to clear the mark.

The inside boat can get the lead by pushing the outside boat wide in the turn. Much of the strategy in a close race is to assure this inside overlap at the upcoming mark.

THE BOATS

Twelve-meter yachts were created as a class in the early 1900s as day racers for the wealthy. They were made of wood until the early 1970s, when aluminum construction was approved.

The class name refers to a complicated formula of length, weight, girth, sail area and hull shape that must tally up to 12 meters. The boats are about 65 feet long and weigh about 50,000 pounds.

Every boat has design advantages in certain areas that are offset by deficiencies in others. Dennis Conner's Stars & Stripes, for example, is a heavy boat that sacrifices maneuverability and light-air performance for straight-line, upwind speed.

Iain Murray's Kookaburra III is a more moderate design, which should be more maneuverable, better in light air but probably slightly less powerful upwind in a breeze.

THE RULES

Races are sailed under International Yacht Racing Union rules, which cover on-the-water situations. The legality of construction of the boats is certified by Lloyds Register of Shipping and the boats are measured by IYRU measures. Accusations of illegal racing tactics are heard by an international protest jury the same night as the race.

THE CUP

The America's Cup is a gaudy, knee-high silver ewer that was offered as a prize to the winner of a British sailboat race around the Isle of Wight in 1851. The schooner America joined a fleet of British boats for the race, won the Cup, and for the next 132 years the New York Yacht Club defended the prize successfully.

Alan Bond's Australia II ended what was regarded as the longest winning streak in sports in 1983, beating Conner's Liberty, 4-3.

THE PLAYERS

Each boat has a crew of 11. Three work at the front of the boat—a bowman, mastman and pitman; five work in the middle—two winch grinders, two jib trimmers and a mainsail trimmer; and three in the back—a navigator, tactician and helmsman (skipper).

THE SKIPPERS

Dennis Conner, 44, is in his fourth America's Cup. He was starting helmsman on Courageous in 1974 when it beat Southern Cross and was skipper of Freedom, which beat Australia in 1980, and Liberty, which lost to Australia II in 1983. He twice has won the Star world championship and once won an Olympic bronze medal.

Iain Murray, 28, is in his second Cup campaign. He was skipper of ill-fated Advance in 1983, then switched over and skippered Challenge 12, Australia II's trial horse, during the latter part of the Cup summer. He was seven times world Australian 18 skiff champion.

AMERICA'S CUP TERMS

Beating—Going upwind, at as close an angle as possible into the wind.

Boom—The 30-foot horizontal spar to which the bottom of the mainsail is fixed.

Covering—Tactic of blanketing the other boat's wind by positioning your boat directly upwind of your opponent.

Dirty air—Turbulent wind off the lead boat's sail, which affects the trailing boat's performance upwind. (On downwind legs, with the wind coming from astern, the trailing boat can dump dirty air on the lead boat.)

Fremantle Doctor—Predictable, afternoon sea breeze customary in Fremantle in the summer.

Gennaker—Cross between a spinnaker and a jib, used on reaching legs.

Grinders—Crewmen who operate winches to adjust the sails on orders from the trimmers.

Halyards—Lines used to hoist the sails.

Heavy air—20 knots or better.

Helm—Steering wheel.

Helmsman—Skipper.

Jib—The smaller headsail attached to the bow; used only on upwind legs.

Jibing—Tacking when the wind is coming from astern.

Leeward—Away from the wind.

Lift—A wind shift that draws the boat toward the destination.

Light air—Breeze under 14 knots.

Mainsail—The big sail that provides about 70 percent of a 12-meter's power.

Marks—Buoys around which the boats turn at the end of each leg.

Mast—The 90-foot vertical spar to which all sails are attached.

Moderate air—14 to 19 knots.

Navigator—Crewman who tracks location on the course and proximity of the turning marks.

Port—Left side of the boat, looking forward.

Reaching—Between running and beating, when the boats go fastest.

Rig—Mast and boom.

Rigging—Steel cables that hold the mast up.

Running—Going downwind under spinnaker.

Sheets—Lines used to trim the sails.

Slam dunk—A close-quarters tack in which the lead boat swerves directly in front of the trailing boat during upwind maneuvering.

Spinnaker—A colorful, billowing sail used on downwind legs.

Spinnaker pole—The removable spar that holds the leading edge of the spinnaker into the breeze.

Starboard—Right side, looking foward.

Tacking—Zig-zagging into the wind.

Tactician—Watches the other boat and advises the helmsman on tactical maneuvers to make.

Trimmers—Adjust the set of the sails, two to handle the jib, one to handle the mainsail.

Winches—Geared machinery to which the sheets are led; used to trim the sails.

Windward—Direction from which the wind is blowing.

[From the Washington Post, Jan. 20, 1987]

Defenders Will Sail in Kookaburra III

(By Angus Phillips)

Fremantle, Australia, January 26.—To the surprise of no one, Royal Perth Yacht Club announced today the 1987 America's Cup defender will be Kookaburra III.

Skipper Iain Murray spent a day and a half testing the boat against Kookaburra II, to see if a new keel fitted on the older boat had made it faster. But in the end, he said, Kookaburra III was still quicker.

Murray now must ready his yacht for a best-of-seven series for sailing's top prize starting Saturday against Dennis Conner's Stars & Stripes.

The selection was upstaged this evening by Conner, who came sailing into the crowded harbor moments after RPYC Cup chairman Stan Reid made the announcement at a waterfront news conference.

Conner, who loves a crowd, did the same thing two weeks ago as his rival in challenger finals, New Zealand, held a news conference on its dock just before the final trials began.

Both times Conner's grandstanding drew cheers from tourists on the jetty and took attention away from the event in progress.

Conner has been doing his best to draw attention away from Kookaburra. Sunday during practice he flew a huge, tiered spinnaker with ballooning pockets never seen before, evidently to give Murray something to think about before their races.

And he's pestered the two Kookaburras in their two days of trials, sending spies in a rubber chase boat to keep tabs on them.

Now that the mystery of which boat he'll race is over, Murray said he would devote the next few days to getting his boat prepared for maximum performance against Stars & Stripes. Murray said Kookaburra III appears faster than any boat he's seen here in downwind performance, and he expects it to be equal to Stars & Stripes upwind.

But Murray said weather will play a key role in the regatta. If the wind blows over 20 knots, as it did today, he expects Conner to be at his best. If it's in the more moderate, 15- to 20-knot range, he thinks Kookaburra III will be in its best range.

Many observers were puzzled by the time-consuming labors on Kookaburra II, which now will play no role in th Cup except as trial horse. It took several days for shore crews to fit and finish the vessel's new keel, time some felt might have been better spent on Kookaburra III.

But Murray said the trademark of his effort has been constant upgrading of the boats and this was no time to stop. Kookaburra spokesman Grant Donovan said that since the Kookaburra camp intends to keep going straight through to 1990, the work will profit their continuing quest for a faster 12-meter.

Stars & Stripes was measured this morning and now cannot be changed significantly before racing begins. Kookaburra III will be measured Tuesday morning.

Murray, 28, who said recently he never had met Conner, dropped by the Stars & Stripes shed as official observer of this morning's measurement. He and Conner, 44, chatted amiably for several minutes, Stars & Stripes syndicate chief Malin Burnham said.

[From the Washington Post, Jan. 21, 1987]

CONNER CREW CELEBRATES, RETURNS TO ITS TINKERING

(By Angus Phillips)

FREMANTLE, AUSTRALIA, January 20.—They needed a hose to clean out Stars & Stripes.

When the party ended far into the night, the 12-meter that will be the first American boat to challenge for the America's Cup in 135 years was littered with beer cans. Wet sails from racing were still down in the bilge.

The last thing sail trimmer Bill Trenkle remembers was jumping into the Jacuzzi on the support boat El Zorro. "That was about 2:30," he said.

Skipper Dennis Conner was long gone by then. Conner sightings were reported downtown at Papa Luigi's, where he was entertaining three Australians at a streetside table at 1:30 a.m., and then again in the morning when he was selling T-shirts at the Stars & Strips concession stand.

While the hose crew was at work cleaning up the mess today, another group was playing cricket in the boat yard.

But heavies from the syndicate, design coordinator John Marshall and tactician Tom Whidden, were off on a helicopter ride, and it wasn't for fun.

They watched the last Kookaburra III-Australia IV defenders race in order to get a handle on the speed of Kookaburra III. The Kookaburra syndicate will be their foe when the final Cup series starts Jan. 31.

And shortly after noon, Stars & Stripes was hauled into a shed, where work will begin to upgrade it once more for the match Conner and crew worked two years to get to.

"Our attitude has always been that we have to continue to improve the boat and never stop tinkering," said syndicate chief Malin Burnham.

That philosophy was the underlying factor in Stars & Stripes' easy 4–1 victory over New Zealand in the best-of-seven challenger finals.

Significant changes to the rudder, keel and hull, which was covered with a plastic coating to reduce drag, gave the boat an estimated 7-second-per-mile upwind speed increase over the December trials.

That turned Stars & Stripes from a boat that lost two of three against New Zealand in the early trials to one that won four of five in the finals.

Burnham said the process won't stop. "Right now, we're looking at a couple of physical changes" to make in the 10 days before racing resumes, he said. "Odds are we won't do them, but if the computer says they will make us faster . . ."

If Stars & Stripes made a scientific breakthrough this time around, it was development of a computerized system to predict the effects of physical changes on the hull without testing them in the water.

Based on Marshal's velocity prediction programs, Conner stuck his neck out and approved the major changes in December without ever trying them on the boat.

So confident was Marshall of his computer predictions that when the boat proved only 5.1 seconds per mile faster during the first few races against New Zealand, he chastised the crew for not sailing properly.

"Unbelievable," said Whidden. "This guy used to sail with us. Now, he thinks he's a designer and he's forgotten what it's like."

But Marshall was vindicated in the last race, when the boat in fact produced 7 seconds per mile better upwind speed, he said.

Now, Conner, concerned about Kookaburra III's easy, 5–0 victory over Australia IV in the final defender trials, wants more.

While work began on Stars & Stripes, Burnham took a chance this morning to reflect on the achievement of getting into position to regain the Cup Conner lost in 1983.

He said New Zealand was lulled into thinking it was faster and better than Conner's boat.

A key tool in the arsenal of psychological warfare that led to that misjudgment was the challenge Conner raised to the legality of New Zealand's unique fiberglass hull early in the regatta.

Initially, Burnham said, the challenge was simply an expression of Conner's concern that adequate controls weren't in place during construction and the hull could have been built lighter in critical spots than rules allow.

But Burnham said the New Zealanders, confident with all the hubbub that they had discovered the secret weapon to win the Cup, bagan showing signs of complacency.

"It put them in a position of feeling advantaged," Burnham said, "and as a result discouraged them from trying new things in their wings, keels and so forth.

"We saw that developing and said, 'Let's keep it up,'" Burnham said.

In the end, New Zealand came into the final series little improved from the boat that entered the first round in October, while Stars & Stripes was a different vessel.

"We never stopped trying to figure out what the next move should be," said Burnham.

And with four races left to win, he said, they won't stop trying now.●

RELEASE OF NAUM MEIMAN URGED

● Mr. SIMON. Mr. President, 10 days ago, Soviet dissident Inna Meiman arrived in this country to undergo treatment for cancer. Unfortunately, Inna's husband, Naum, has not been allowed to join her during this difficult period.

The support and encouragement of loved ones is essential for the speedy recovery of cancer patients. The Soviets' refusal to release Naum is deplorable. I ask my colleagues to continue to put pressure on the Soviet Government to allow Naum to join his wife immediately.

I strongly urge the Soviet Government to permit Naum to join Inna in the United States.●

DEATH OF JOSEPH T. KARCHER

● Mr. LAUTENBERG. Mr. President, I was saddened to learn of the death of Joseph T. Karcher on January 28. Mr. Karcher has had a long and active career of public service to New Jersey.

Joseph Karcher dedicated his life to serving the residents of Sayreville, NJ: So much so, that he was fondly known as "Mr. Sayreville." He graduated from St. Peter's High School and received his law degree in 1927 from what is now known as Rutgers' Law School in Newark. He practiced law in Sayreville for nearly 60 years. During his career he held the posts of magistrate to the borough, municipal attorney, deputy surrogate of Middlesex County, and member of the New Jersey State Assembly. In 1953 he represented the citizens of Sayreville in one of the Nation's first environmental court cases. He was active in creating numerous parks and playgrounds throughout the borough.

Mr. Karcher also made many contributions to the legal profession, serving on the board of editors of the New Jersey State Bar Journal and as parliamentarian for the New Jersey Bar Association. He also authored numerous books and articles including the popular "Karcher's Handbook on Parliamentary Law."

Mr. President, the people of the State of New Jersey join the Karcher family in grieving the loss of a dedicated public servant. I ask that the following article be printed in the RECORD.

The article follows:

[From the Newark Star-Ledger]

JOSEPH T. KARCHER, 83, MR. SAYREVILLE

Joseph T. Karcher, a lawyer and former assemblyman who served 27 years as Sayreville municipal attorney, died yesterday in South Amboy Memorial Hospital following a brief illness. He was 83.

Funeral services for Mr. Karcher, the father of Assemblyman Alan J. Karcher (D-Middlesex), will be held at 8:45 a.m. Saturday in the Maliszewski Memorial Home, 121-123 main St., Sayreville.

Known as "Mr. Sayreville" for his many years of service to the borough, he was an active trial lawyer for nearly 60 years, with offices in Sayreville, where he lived throughout his lifetime. His maternal grandfather, Timothy Quaid, was the first mayor of Sayreville when the borough was established in 1876.

Mr. Karcher was graduated from St. Peter's High School in New Brunswick in 1920 and from what is now Rutgers Law School in Newark in 1927. In 1978, he was awarded a juris doctor degree from Rutgers University.

Admitted to the New Jersey Bar in 1928, Mr. Karcher practiced law continuously in Sayreville until his death. He was admitted to practice before the U.S. Supreme Court in 1956, served as Sayreville's magistrate from 1929 to 1932 and as an assemblyman representing Middlesex County from 1930 to 1932.

He also was deputy surrogate of Middlesex County from 1932 to 1938, Sayreville municipal attorney from 1938 to 1965, a member of the Board of Editors of the New Jersey State Bar Journal (now the New Jersey Law Journal) and as parliamentarian for the New Jersey Bar Association from 1955 to 1971

Among the notable cases handled by Mr. Karcher was the so-called Old Bridge pollution litigation, in which his clients in 1953 sued five large industries in the area for polluting the South River. It was one of the nation's first environmental court cases.

While Sayreville's municipal attorney, Mr. Karcher successfully sued the then-Pennsylvania Railroad Co; and forced it to rebuild the Deep Cut Bridge, forced the state highway department to build the overpass and underpass in the Melrose section of Sayreville for Route 9 and sued the New Jersey Highway Authority for the flooding of Sayreville streets.

Mr. Karcher also was active in creating numerous parks and playgrounds throughout the borough, which he served in the administrations of five mayors.

He was the author of 15 books and more than 100 published articles on law, history and government, including "Karcher's Handbook on Parliamentary Law," which has been published continuously since 1951. He also wrote "Histories of Sayreville."

Mr. Karcher was a member of the Middlesex County, New Jersey and American bar associations and the American Trial Lawyers Association.

He was a communicant of Our Lady of Victories Roman Catholic Church in Sayreville, and served for more than a dozen years as one of its trustees. Mr. Karcher also was a member of the Sayreville Knights of Columbus, Our Lady of Victory Council 2061, and its Fourth Degree Assembly.

His wife, Ellen L. Karcher, died in 1963 and a daughter, Joyce, died in 1977.

In addition to his son, he is survived by two daughters, Evelyn C. Graff of Spring Lake and Superior Court Judge Rosemary K. Reavey of Sayreville, and 11 grandchildren.

THE SETTLEMENT OF THE AGRICULTURAL TRADE DISPUTE WITH THE EUROPEAN COMMUNITY

● Mr. LEAHY. Mr. President, I rise today to inform the Senate that the United States and the European Community have resolved their dispute concerning the injury done to American farmers by the enlargement of the European Community.

While, at this hour, the member nations of the European Community have yet to ratify this agreement, it appears that a trade war has been averted. This is good news for American farmers, American consumers, and all concerned about relations between the United States and our European allies.

The agreement reached today, however, falls far short of providing total compensation for the $400 million loss incurred by American farmers, especially corn and feedgrain producers, when Spain and Portugal joined the European Community last year. When those two nations joined the European Community customs union, they were compelled to raise their agricultural tariffs and reduce their imports of United States agricultural commodities and products. Under article XXIV, section 6 of the General Agreement of Tariffs and Trade, the United States was entitled to compensation for the markets lost due to these tariff and quota changes.

More than 1 year of negotiations produced the compensation agreement announced today. The negotiations had reached the 11th hour. On December 30, 1986, the United States announced that it would impose high tariffs on European wines, chesses, and other processed agricultural products, unless the European Community agreed to fully compensate the United States for its $400 million loss. The European Community, in turn, threatened to retaliate, by restricting our exports of soybeans and feed grains.

A trade war between the United States and our European allies had grown dangerously close—as close as today. Promises of retaliation and counter retaliation strained our economic relationship across the Atlantic. We sold the Europeans more than $5 billion in agricultural commodities and products last year, making them our third largest agricultural trading partner. The European Community exported nearly $4 billion in agricultural products and commodities to the United States. The total value of trade between the United States and the European Community was more than $120 billion last year. No one wanted a trade war. Neither side would have benefited. But, the obstinance of the Europeans—their refusal to compensate American farmers for their losses, as required by the GATT—forced the United States to insist that our rights under international trade law be protected.

At 1 p.m. today, U.S. Trade Representative Clayton Yeutter and Under Secretary of Agriculture Daniel Amstutz announced that the European Community agreed to the following concessions:

The European Community extend bound tariffs on agriculture—tariffs which can only be raised through negotiations with trading partners—into Spain and Portugal.

The European Community agreed to permit duty free imports of soybeans and corn glutten feed.

The European Community will guarantee United States and third country imports of 2 million metric tons of corn and 300,000 metric tons of sorghum into Spain.

The European Community agreed to drop the requirement that Portugal buy 15 percent of its feed grain from the European Community. This should open up markets for more than 400,000 metric tons of corn and feed grain.

And, the European Community agreed to tariff concessions for other small agricultural and industrial products. Those products include dried onions, avacados, roasted nuts, grapefruit juice, cranberry juice, plywood, industrial chemicals, aluminum sheeting, and silicon wafers.

It is too early to put a dollar total on the settlement. But, it is clear that the agreement falls short of providing the $400 million compensation to which U.S. corn and feed grain exporters are entitled. The agreement includes nongrain and even nonagricultural tariff concessions which will do little to compensate the American grain farmers who bore the brunt of the injury caused by Spain and Portugal's accession to the European Community.

The settlement is significant, however, because it represents the first corn and grain concessions made by the Europeans since the adoption of the European Community's protectionist Common Agricultural Policy [CAP]. The CAP has been largely responsible for the near 50 percent or $5 billion decline in U.S. agricultural exports to the European Community in the last 5 years.

The agreement is also important, because it represents the first time the United States has received reasonable compensation under GATT article XXIV, section 6 for injuries caused by the enlargement of a customs union. While many provisions of the GATT have lost their utility, in this time of trade law loopholes and nontariff trade barriers, this agreement shows that the GATT can work. The difficulty in reaching this agreement also attests to the need to modernize and improve the agricultural provisions of this basic trade agreement.

The concessions made by the Europeans offer promise for the new round of GATT negotiations which will soon begin. While the immediate crisis over the enlargement of the European Community has been avoided, the United States must pursue further concessions from the European Community and the reform of the CAP in the upcoming GATT round.

As chairman of the Senate Agriculture Committee, I believe I can say fairly that the Congress will not tolerate further losses of agricultural trade with the European Community, due to unreasonable barriers to trade. Every $1 billion loss in agricultural trade with the European Community causes thousands of Americans to lose their family farms and puts more than 30,000 American agricultural workers out of their jobs.

Mr. President, I am pleased that a settlement was reached in this matter, and I congratulate our negotiators for averting a trade war. But, the European Community should be put on notice that the resolution of the current dispute will not weaken the resolve of the Congress to seek an end to unfair barriers to agricultural trade and to increase agricultural exports to the European Community.●

INDEPENDENCE OF THE FREE UKRAINIAN REPUBLIC

● Mr. SIMON. Mr. President, on January 22 we celebrated the 69th anniversary of the proclamation of independence of the free Ukrainian Republic. I would like to join my colleagues who have also paid tribute to the short-lived Ukrainian state, and to the brave Ukrainians who still struggle every day against Soviet occupation of their homeland.

That first attempt at freedom lasted just 3 years before Red Army troops snuffed out independent Ukraine. The ideals of social justice and human rights were set forth during those 3 years. Freedom of speech, movement, religion, press, and all the other givens in everyday American life were guaranteed. But Ukraine was quickly incorporated into the Soviet Union, and political independence and many basic human rights were denied.

Today the Soviet authorities continue to harass members of the Helsinki Monitoring Group in Ukraine. Daily life is hard, and economic progress held back by an antiquated incentive-free system. The Ukrainian Catholic and Orthodox Churches are oppressed, with little hope of significant improvement on the horizon.

This last point is especially difficult for the Ukrainian people to bear. Political repression is hard enough, but religious intolerance and hostility cuts even deeper for many of the deeply religious people of Ukraine. There is, however, something that can be done. The Gorbachev government can make a small gesture on behalf of religious freedom.

Next year Ukraine celebrates a millenium of Christianity. This is a very important occasion for the people of Ukraine. The Gorbachev politburo can direct that the the Christian millenium in Ukraine is a historical landmark in the development of the Slavic peoples, and allow church observances of the millenium to proceed. This would truly represent the kind of "openness" and willingness to experiment that Mikhail Gorbachev has repeatedly stressed in his party speeches.

I hope the Soviet Union takes this small but solid step forward. Religious tolerance must spread throughout the Soviet system so that all religions can flourish. The celebration of a millenium of Christianity in Ukraine is a good place to start.●

ORDERS FOR MONDAY, FEBRUARY 2, 1987

ADJOURNMENT TODAY UNTIL 2 P.M., MONDAY

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 2 o'clock on Monday afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO RESOLUTIONS TO COME OVER UNDER THE RULE

Mr. BYRD. Mr. President, I ask unanimous consent that no resolutions come over under the rule on Monday and that the call of the calendar under rules VII and VIII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMISSION FOR COMMITTEES TO FILE REPORTS ON FRIDAY

Mr. BYRD. Mr. President, I ask unanimous consent that committees may have from 10 a.m. until 3 p.m. on Friday, January 30, to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees are recognized on Monday under the standing order, Mr. PROXMIRE and Mr. HUMPHREY each be recognized for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that, following the order for the recognition of the two Senators which has already been entered, there be a period for the transaction of routine morning business not to extend beyond 3:30 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that Senators may be permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSIDERATION OF SENATE RESOLUTION 85

Mr. BYRD. Mr. President, I ask unanimous consent that upon the conclusion of routine morning business on Monday, the Senate proceed to the consideration of Senate Resolution 85, which is the budget waiver having to do with the highway bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD. Is there a time limit on that budget waiver?

The PRESIDING OFFICER. There is 1 hour of debate.

Mr. BYRD. I thank the Chair.

CONSIDERATION OF S. 387

Mr. BYRD. Mr. President, there will be a rollcall vote on that waiver. I ask unanimous consent that upon the disposition of the waiver, the Senate proceed to the consideration of Calendar Order No. 10, S. 387, the bill authorizing appropriations for highways.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAR PRINT OF S. 382

Mr. BYRD. Mr. President, on behalf of Mr. DIXON, I ask unanimous consent that there be a star print of S. 382, and I send a copy of the corrections to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, the Banking Committee ordered an original mass transit reauthorization bill reported on January 21 of this year. That bill, S. 382, was supposed to include a provision providing a total of $1,002.5 million from the Mass Transit Account in each of the fiscal years 1987 through 1990. However, due to an inadvertent error, in fiscal years 1988 through 1990, the bill provides a total of $1.374 billion out of the Mass Transit Account.

Therefore unanimous consent is asked for a star print of S. 382. We are going to take up the transit reauthorization legislation by Monday, and it is important that the bill include the actual authorization levels approved by the committee.

THE CALENDAR

Mr. BYRD. Mr. President, I ask the distinguished Republican leader if Calendar Order No. 6, Senate Resolution 78, has been cleared on that side of the aisle.

Mr. DOLE. It has been cleared, yes.

Mr. BYRD. I thank the minority leader.

GRATUITY TO HAZEL A. KUDEL

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 78.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 78) to pay a gratuity to Hazel A. Kudel.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 78) was agreed to, as follows:

S. Res. 78

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Hazel A. Kudel, mother of Helen C. Clements, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. BYRD. Mr. President, this resolution has been cleared by the Republican leader, I believe. It is a resolution from the Committee on Rules and Administration providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

Mr. DOLE. It has been cleared.

Mr. BYRD. I thank the Republican leader.

I send to the desk this resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 95) providing for members on the part of the Senate of the Joint Committee on Printing and Joint Committee of Congress on the Library.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 95) was agreed to as follows:

S. Res. 95

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress;

Joint Committee on Printing: Mr. Ford of Kentucky, Mr. DeConcini of Arizona, Mr. Gore of Tennessee, Mr. Stevens of Alaska, and Hatfield of Oregon.

Joint Committee of Congress on the Library: Mr. Pell of Rhode Island, Mr. DeConcini of Arizona, Mr. Moynihan of New York, Mr. Hatfield of Oregon, and Mr. Stevens of Alaska.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Protocol II Additional to the 1949 Geneva Conventions, and relating to the Protection of Victims of Non-International Armed Conflicts (Treaty Document No. 100-2), which was transmitted to the Senate today by the President of the United States.

I further ask that the protocol be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the Record.

The PRESIDING OFFICER. Without objection it is so ordered.

The message is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, Protocol II Additional to the Geneva Conventions of 12 August 1949, concluded at Geneva on June 10, 1977. I also enclose for the information of the Senate the report of the Department of State on the Protocol.

The United States has traditionally been in the forefront of efforts to codify and improve the international rules of humanitarian law in armed conflict, with the objective of giving the greatest possible protection to victims of such conflicts, consistent with legitimate military requirements. The agreement that I am transmitting today is, with certain exceptions, a positive step toward this goal. Its ratification by the United States will assist us in continuing to exercise leadership in the international community in these matters.

The Protocol is described in detail in the attached report of the Department of State. Protocol II to the 1949 Geneva Conventions is essentially an expansion of the fundamental humanitarian provisions contained in the 1949 Geneva Conventions with respect to non-international armed conflicts, including humane treatment and basic due process for detained persons, protection of the wounded, sick and medical units, and protection of noncombatants from attack and deliberate starvation. If these fundamental rules were observed, many of the worst human tragedies of current internal armed conflicts could be avoided. In particular, among other things, the mass murder of civilians is made illegal, even if such killings would not amount to genocide because they lacked racial or religious motives. Several Senators asked me to keep this objective in mind when adopting the Genocide Convention. I remember my commitment to them. This Protocol makes clear that any deliberate killing of a noncombatant in the course of a non-international armed conflict is a violation of the laws of war and a crime against humanity, and is therefore also punishable as murder.

While I recommend that the Senate grant advice and consent to this agreement, I have at the same time concluded that the United States cannot ratify a second agreement on the law of armed conflict negotiated during the same period. I am referring to Protocol I Additional to the 1949 Geneva Conventions, which would revise the rules applicable to international armed conflicts. Like all other efforts associated with the International Committee of the Red Cross, this agreement has certain meritorious elements. But Protocol I is fundamentally and irreconcilably flawed. It contains provisions that would undermine humanitarian law and endanger civilians in war. One of its provisions, for example, would automatically treat as an international conflict any so-called "war of national liberation." Whether such wars are international or non-international should turn exclusively on objective reality, not on one's view of the moral qualities of each conflict. To rest on such subjective distinctions based on a war's alleged purposes would politicize humanitarian law and eliminate the distinction between international and non-international conflicts. It would give special status to "wars of national liberation," all ill-defined concept expressed in vague, subjective, politicized terminology. Another provision would grant combatant status to irregular forces even if they do not satisfy the traditional requirements to distinguish themselves from the civilian population and otherwise comply with the laws of war. This would endanger civilians among whom terrorists and other irregulars attempt to conceal themselves. These problems are so fundamental in character that they cannot be remedied through reservations, and I therefore have decided not to submit the Protocol to the Senate in any form, and I would invite an expression of the sense of the Senate that it shares this view. Finally, the Joint Chiefs of Staff have also concluded that a number of the provisions of the Protocol are militarily unacceptable.

It is unfortunate that Protocol I must be rejected. We would have preferred to ratify such a convention, which as I said contains certain sound elements. But we cannot allow other nations of the world, however numerous, to impose upon us and our allies and friends an unacceptable and thoroughly distasteful price for joining a convention drawn to advance the laws of war. In fact, we must not, and need not, give recognition and protection to terrorist groups as a price for progress in humanitarian law.

The time has come for us to devise a solution for this problem, with which the United States is from time to time confronted. In this case, for example, we can reject Protocol I as a reference for humanitarian law, and at the same time devise an alternative reference for the positive provisions of Protocol I that could be of real humanitarian benefit if generally observed by parties to international armed conflicts. We are therefore in the process of consulting with our allies to develop appropriate methods for incorporating these positive provisions into the rules that govern our military operations, and as customary international law. I will advise the Senate of the results of this initiative as soon as it is possible to do so.

I believe that these actions are a significant step in defense of traditional humanitarian law and in opposition to the intense efforts of terrorist organizations and their supporters to promote the legitimacy of their aims and practices. The repudiation of Protocol I is one additional step, at the ideological level so important to terrorist organizations, to deny these groups legitimacy as international actors.

Therefore, I request that the Senate act promptly to give advice and consent to the ratification of the agreement I am transmitting today, subject to the understandings and reservations that are described more fully in the attached report. I would also invite an expression of the sense of the Senate that it shares the view that the United States should not ratify Protocol I, thereby reaffirming its support for traditional humanitarian law, and its opposition to the politicization of that law by groups that employ terrorist practices.

RONALD REAGAN.

THE WHITE HOUSE, *January 29, 1987.*

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, five nominations were reported today by the Committee on Armed Services. I ask the distinguished Republican leader if on his side these nominations may be cleared for action at this time.

Mr. DOLE. Yes, they may be cleared for action at this time.

Mr. BYRD. Mr. President, I thank the Republican leader.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I send the five nominations to the desk. I ask unanimous consent that they be considered and confirmed en bloc.

The **PRESIDING OFFICER.** Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

The following-named officer under the provisions of title 10, United States Code, section 154, to be Vice Chairman, Joint Chiefs of Staff:

To be Vice Chairman, Joint Chiefs of Staff

Gen. Robert T. Herres [redacted]FR, U.S. Air Force.

IN THE AIR FORCE

The following-named officer, under the provisions of title 10, United States Code, section 8034, to be Vice Chief of Staff, U.S. Air Force.

To be Vice Chief of Staff, U.S. Air Force

Lt. Gen. Monroe T. Hatch, [redacted] [redacted]FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. John L. Piotrowski, [redacted]FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10 United States Code, section 601:

To be lieutenant general

Maj. Gen. James P. McCarthy, [redacted] [redacted]FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Kenneth L. Peek, Jr., [redacted] [redacted]FR, U.S. Air Force.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nominations were considered and confirmed en bloc.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified that the nominations have been confirmed.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, there will be rollcall votes on Monday. The Senate will convene at 2 p.m. There will be a period for the transaction of morning business following the recognition of two Senators for special orders and that morning business period will extend to no later than 3:30 p.m. and could be closed earlier, of course. Senators will be permitted to speak up to 5 minutes each during that period for morning business. At the conclusion of routine morning business, the Senate will proceed to the consideration of the waiver resolution, Senate Resolution 85, having to do with the highway bill. There is a 1-hour time limitation on that measure. There will be a rollcall vote thereon.

Mr. President, I ask unanimous consent that it may be in order at this time to order a rollcall vote on Senate Resolution 85.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The **PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, there will be a rollcall vote on the waiver resolution.

On the disposition of that resolution, the Senate will proceed to the consideration of the highway bill, S. 387. There will be some amendments to that bill. Rollcall votes are anticipated thereon.

It is hoped by the distinguished Republican leader and myself that on Monday, the Senate may proceed to consider the arms control resolution, which has been introduced by Mr. DOLE, Mr. BOREN, and myself, and which is on the calendar by unanimous consent. I would anticipate a rollcall vote on that resolution, also.

I thank the distinguished Republican leader, and I thank all Senators.

ADJOURNMENT UNTIL 2 P.M. ON MONDAY, FEBRUARY 2, 1987

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until 2 p.m. on Monday next.

The motion was agreed to, and at 9:16 p.m. the Senate adjourned until Monday, February 2, 1987, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate January 29, 1987:

DEPARTMENT OF STATE

Robert E. Lamb, of Virginia, to be Assistant Secretary of State for Diplomatic Security. (New Position.)

INTERNATIONAL MONETARY FUND

Charles H. Dallara, of Virginia, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years. (Reappointment.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

J. Michael Dorsey, of Missouri, to be general counsel of the Department of Housing and Urban Development, vice John J. Knapp, resigned.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Charles A. Shanor, of Georgia, to be general counsel of the Equal Employment Opportunity Commission for a term of 4 years, vice David L. Slate, resigned.

NATIONAL TRANSPORTATION SAFETY BOARD

James L. Kolstad, of Colorado, to be a member of the National Transportation Safety Board for the term expiring December 31, 1991, vice Donald D. Engen, resigned.

SENIOR FOREIGN SERVICE

The following-named career member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period:

Deane Roesch Hinton, of Illinois.

IN THE AIR FORCE

The following officers for appointment in the U.S. Air Force to the grade of brigadier general under the provisions of section 624, title 10 of the United States Code:

Col. Billy A. Barrett, [redacted]FR, Regular Air Force.

Col. Charles L. Bishop, [redacted] Regular Air Force.

Col. John L. Borling, [redacted]FR, Regular Air Force.

Col. Phillip E. Bracher, [redacted]FR, Regular Air Force.

Col. Michael J. Butchko, Jr., [redacted] Regular Air Force.

Col. Donald J. Butz, [redacted] Regular Air Force.

Col. Jimmy L. Cash, [redacted] Regular Air Force.

Col. Clifton C. Clark, Jr., [redacted]FR, Regular Air Force.

Col. Stephen B. Croker, [redacted]FR, Regular Air Force.

Col. Lawrence E. Day, [redacted]FR, Regular Air Force.

Col. Robert E. Dempsey, [redacted]FR, Regular Air Force.

Col. Dennis D. Doneen, [redacted]FR, Regular Air Force.

Col. Jeffrey T. Ellis, [redacted]FR, Regular Air Force.

Col. Howell M. Estes, III, [redacted]FR, Regular Air Force.

Col. John S. Fairfield [redacted]FR, Regular Air Force.

Col. Charles E. Fox, Jr. [redacted]FR, Regular Air Force.

Col. John C. Fryer, Jr. [redacted]FR, Regular Air Force.

Col. Joseph K. Glenn [redacted]FR, Regular Air Force.

Col. Buster C. Glosson, [redacted]FR, Regular Air Force.

Col. Eugene E. Habiger, [redacted]FR, Regular Air Force.

Col. Donald G. Hard, [redacted]FR, Regular Air Force.

Col. Peter D. Hayes, [redacted]FR, Regular Air Force.

Col. James L. Jamerson, [redacted]FR, Regular Air Force.

Col. Thomas G. Jeter, Jr. [redacted], Regular Air Force.

Col. James M. Johnston, III, [redacted]FR, Regular Air Force.

Col. Jay W. Kelley, [redacted]FR, Regular Air Force.

Col. Walter Kross, [redacted]FR, Regular Air Force.

Col. Charles D. Link, [redacted]FR, Regular Air Force.

Col. Bruce J. Lotzbire, [redacted]FR, Regular Air Force.

Col. Noah E. Loy, [redacted]FR, Regular Air Force.

Col. Robert M. Marquette, Jr., [redacted] Regular Air Force.

Col. Frank K. Martin [redacted]FR, Regular Air Force.

Col. James C. McCombs, [redacted]FR, Regular Air Force.

Col. Stephen M. McElroy, [redacted]FR, Regular Air Force.

Col. James W. Meier, [redacted]FR, Regular Air Force.

Col. Michael D. Pavich, [redacted]FR, Regular Air Force.

Col. David J. Pederson, [redacted]FR, Regular Air Force.

Col. Frederick W. Plugge, IV, [redacted]FR, Regular Air Force.

Col. Joseph W. Ralston, [redacted]FR, Regular Air Force.

Col. Peter D. Robinson, [redacted]FR, Regular Air Force.

Col. Ralph R. Rohatsch, Jr., [redacted]FR, Regular Air Force.

Col. Ervin J. Rokke, [redacted]FR, Regular Air Force.

Col. Michael E. Ryan, [redacted]FR, Regular Air Force.

Col. Thomas E. Schwark, [redacted]FR, Regular Air Force.

Col. Hanson L. Scott, [redacted]FR, Regular Air Force.

Col. Stephen R. Shapiro, [redacted]FR, Regular Air Force.

Col. Daniel J. Sherlock, [redacted]FR, Regular Air Force.

Col. Stanley O. Smith [redacted]FR, Regular Air Force.

Col. Ronald C. Spivey, [redacted]FR, Regular Air Force.

Col. William A. Studer, [redacted]FR, Regular Air Force.

Col. James P. Ulm, [redacted]FR, Regular Air Force.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Clyde R. Bell, [redacted]/1120, U.S. Navy.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 29, 1987:

DEPARTMENT OF DEFENSE

The following-named officer under the provisions of title 10, United States Code, section 154, to be Vice Chairman, Joint Chiefs of Staff:

To be Vice Chairman, Joint Chiefs of Staff

Gen. Robert T. Herres, [redacted]FR, U.S. Air Force.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 8034, to be Vice Chief of Staff, U.S. Air Force.

To be Vice Chief of Staff, U.S. Air Force

Lt. Gen. Monroe T. Hatch, [redacted]FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. John L. Piotrowski, [redacted]FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. James P. McCarthy, [redacted]FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Kenneth L. Peek, Jr., [redacted]FR, U.S. Air Force.

EXTENSIONS OF REMARKS

THE MAYOR OF WESTWOOD?

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. LEVINE of California. Mr. Speaker, I rise today to share with my colleagues an interview with a remarkable woman, Dori Pye, who happens to be a close friend of mine. Dori Pye's contributions to Los Angeles' westside throughout the last 18 years have been well documented and her active, strong leadership and dedication to the well being of Westwood Village is to be admired.

As president of the Los Angeles West Chamber of Commerce, she has been able to pull together coalitions, made up of property owners, businessmen and businesswomen and developers, to provide plans that are in the best interests of the community. The chamber of commerce that Dori Pye has established since she took over 18 years ago, which has grown from less that 100 members to over 800 members, is the only one in California that has been accredited three times by the U.S. Chamber of Commerce. Businesses that are members of the Westside Chamber include corporate giants such as Occidental Petroleum, General Telephone, Bank of America, Tishman West Management Corp. and Mann Theatres.

Two years ago, I included in the CONGRESSIONAL RECORD an article that appeared in the Los Angeles Times regarding Ms. Pye's accomplishments. Today, Dori is still going strong, and I would like to share a recent interview with Dori Pye with my colleagues:

[From the Westwood's Village View, Dec. 19-25, 1986]

THE MAYOR OF WESTWOOD?

(By James Sogg)

Westwood Village. Dori Pye. The two can almost be called synonymous, as they have shared a marriage of over 20 years. As President of the Los Angeles West Chamber of Commerce, this marks the 18th year Pye has held a prominent position in Westside life, and is as close as one can get to being called the Mayor of Westwood. Since branching out towards the rest of the city, she's been called controversial by many, but it's clear that Westwood Village wouldn't be what it is today were it not for the efforts of Dori Pye.

With her chamber's "lean, mean, and clean" approach to things, she has a unique ability of accomplishing tasks no one else can, bringing together businessmen, property owners and civic leaders to strike powerful coalitions that can really step forward and make beneficial changes for the community.

She's truly the mover and shaker of the Westside. If you want something done in this town, she is the lady that can get it done, for she is respected by all, even those that fear her. No politician ever wants to be on her bad side, knowing she has the friends and connections that can make or break you.

Dori Pye has achieved the highest honor a Chamber manager can reach—that of a Certified Chamber Executive (CCE). The L.A. West Chamber is the only one in California accredited three times by the U.S. Chamber of Commerce, a very demanding process that few can weather. We talked with Pye in her Chamber's Westwood office about her rise to prominence, and many other key issues of the day.

Q: How did you get started with the Westwood Chamber of Commerce?

A: I started by going around Westwood selling advertising for the program to the Westwood Art Show, which was run at the time by the Episcopal Church. After six years, former mayor Sam Yorty asked me to coordinate a contemporary collection of art. When that fell through, the then-current Chamber manager asked me to come and put on an art show. At that time, in 1968, Westwood was in pathetic shape, for the coming of malls forced many quality shops to move away. There were more empty storefronts than today, and the original idea was to put artwork in those empty storefronts. After that failed I started to write "Chamber Chatter" for the Evening Outlook, a column about Chamber members. From that I started to sell memberships, and when the Chamber manager had a heart attack, the board of directors asked me to take on the job of manager. With no management background, I took the job contingent on being sent to the Institute for Organization Management, to learn how to properly run a Chamber. Coming back with my new-found knowledge, and an outstanding board of directors, we totally turned our Chamber upside down.

Q: What issues did the Chamber involve itself in at that time?

A: Planning. Our major emphasis all these years has always been land-use growth, balanced growth, and development. In 1972, the Glendon Center (the Monty's building) was built inside the Village, which was within the zoning at that time. It was zoned for Height District 3 (ten times buildable space). Even the property owners realized that if high-rises continued to be built, Westwood would turn into a concrete jungle. So the property owners, along with the Chamber, raised money to hire Gruen and Associates to come up with the first Westwood Specific Plan. We helped form a citizen's committee that came up with a plan for a height denisty rollback from Height District 3 to District 1, which was a tremendous down-zone.

This was unheard of, because most Chambers are known for growth at all costs, and here we were the proponents of stopping the growth because we could see down the line what would happen if there was overgrowth. That was balanced growth, because we kept it down to reasonable levels.

Q. If that wouldn't have happened in 1972, would we be looking at tall buildings all over the Village?

A: All over. There would be nothing but shadows. It would be nothing but concrete jungle. This Chamber takes full credit for our leadership, in working with the city, in underwriting the plan that protected the whole ambience of what Westwood Village had originally planned to be.

Q. How did the Chamber grow from that point?

A: When that took place, all of a sudden we got tremendous publicity and news coverage, and our Chamber started to grow out of Westwood into West L.A. We merged with the West L.A. Chamber. Though we only had a 2-person staff and a hole-in-the-wall office, we started to grow out to the rest of the city. But Westwood is our base, this is where we started, this is our home. Our roots will always be here, and Westwood always gets the most priority from us.

We then decided to go through the accreditation process. Although it was more involved and tedious than could ever have been imagined, it really helped us spread our wings. That was the key to get the major corporations as members, for they wouldn't spend their money on an anemic organization, but now they wanted us because we were accredited. In 1972, we became the first accredited Chamber in L.A. County.

In the meantime, we had been forming our first assessment districts in the Village to improve the lighting. Westwood is unique because 5 people own over 75% of the property, which makes it quite easy to form an assessment district. So we formed them to keep old-fashioned lighting on the newly widened Wilshire Blvd., another district to steam-clean the sidewalks, and another to keep the Village trees trimmed. We also formed one to organize private rubbish collection. We're lucky to have such cooperation property owners in Westwood. You won't believe how easy it is to form an assessment district. I make about five phone calls. If you ask them for something, they'll do it.

Q. What are your concerns about Westwood today?

A: I see a growing trend towards chain-type operations, with the food services and such. You also see a lot of people from foreign soils who don't know how to market the American way. They operate like they're operating a bazaar. They really make it seedy, and then they go out of business, because they alienate their customers. People here on the Westside are pretty sophisticated, and won't put up with it. It's too bad, because they should learn how to market their product.

If you have a good product, and know how to treat customers, and don't cheat, you'll make it. I'd like to get property owners together and discuss where they can improve the leasing of their property. I haven't got the answer. They've got the answer, because they've got the investment. But I think that they should take a serious, hard look at it, because if it continues, they're going to be the losers. I'd like to seen them cut back on the scale of their rent leases, and bring in some of the more quality stores.

We'll never be a Rodeo Drive, not does the Village want to be Rodeo Drive. Look at the problems facing Rodeo Drive. They've outpriced themselves to the point where it's almost farcical now. We don't want that. We just want to have some nice shops, some

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mom-and-Pop owned stores. We need more women's stores, and some other service stores would be nice.

Q: What can you do as Chamber leader to better the future of Westwood, and how can we be sure that new proposals are implemented?

A: The most important thing that Westwood needs is universal parking. I called a meeting that every parking lot owner and property owner attended, but we couldn't get cooperation from the merchants to get together and discuss this issue. It's the merchants who need to come up with a consensus, for they're going to have to pay for it. (The merchants) must get with it. They've talked about it, but done nothing.

To get things implemented, there's got to be a managing entity, which the Chamber will be. The Chamber has to be appointed by the City Council to do it. It has to be a managing entity qualified to be able to handle the universal parking. That's vital. That will make the attraction.

They're also talking about an architectural review board. That's something that scares me, because that needs to be well balanced. I've heard nothing but horror stories about these boards, for you get a certain faction that wants it all one way, it must be a very well thought-out-appointed group, with varying opinions.

It's got to be implemented. That's the problem. You can't just talk. This Broxton parking lot, for 17 years there's been talk of a Broxton lot. We had a major meeting in here in which we had a consensus of people that said, "Let's bury the hatchet." We agreed to work in unison and agreed that we want a validated parking lot, with ground-floor service retail, and a 3-story above-ground parking lot. We went to our councilman with this plan and urged him to continue, and we're still waiting . . .

Q: The Village 20 years ago was more service-oriented. Now that UCLA provides these same services for their students and faculty, how has that changed Westwood?

A: They have a huge department store, Ackerman Student Union. That's exactly why a lot of our merchants left, because when the University started competing with the Village merchants, offering services for less, our rents were going up, and we were cut off to through-traffic of Sunset, things changed drastically. Thank God a new economy came in here. Thank God for the high-rises. Who shops the Village? Those who come in to work here every day.

Q: You are known for having a good relationship with politicians at both the local and national levels. What makes politicians tick and how are you able to get along so well with them?

A: Politicians tick for the most part because they want to get things done. They feel they can play a major role in decisions that affect our lives, and our country. There are politicians and there are politicians. There are some professionals that run from one time to another just to get re-elected, and yet there are some that are outstanding statespersons. I've met some that are fantastic and I have great respect for. Their endurance and ability to overcome tremendous problems and conflicts while still maintaining their integrity really impresses me.

One who impresses me the most is Congressman Anthony Beilenson. Some of his decisions have been so unpopular with his colleagues, but have turned out to be proven right. I have great respect for his integrity, his strength and willingness to stick with what he believes in.

I get along with politicians by realizing that they're human beings, like anybody else. They also have feelings, and you can communicate with them—so we started our brown bag lunches with politicans. It started with Howard Berman, then a State Assemblyman. He came to lunch (with his own brown bag) and met some of our leadership. He was so impressed with the sophistication and political savvy of our Chamber that he told his colleagues about our Chamber; our members weren't out to get him, they were here to listen and have a real discourse.

Q: How would you describe the politics of your Chamber?

A: We're a maverick Chamber in that sense of the term. . . We are not ultraconservative. Most Chambers are basically Republican. Our Chamber is well balanced with political philosophies ranging from very liberal to very conservative—it's a balanced mixture. Most Chambers can't communicate with their legislators for the very reason that they're usually trying to get the scoundrels out of office. Why would a legislator want to talk to a Chamber Exec. when he knows you're out to get him?

Q: Let's play a name association game with politicians. How would you describe. . . Tom Bradley?

A: Majestic.

Q: Zev Yaroslavsky?

A: A dynamo.

Q: Alan Cranston?

A: So many things—a brilliant leader and compassionate human being.

Q: George Deukmejian?

A: An astute politician—expert in fiscal management—pulled our state out of financial morass. Intuitive and a man of great courage.

Q: Ronald Reagan?

A: Charismatic, a master of communications. People love him in spite of his many errors, he has charisma that's just unbeatable.

Q: The current situation he's in?

A: There's a lot of countries involved in this, a lot of games have been played. I don't believe America will be made the heavy one when it all comes out in the wash.

Q: You're certainly one of the most prominent women in public life in this area, if not the entire country. Do you see more women in the future becoming as involved as you have in the community process?

A: Yes, I do. I would like to see it and I'm seeing it. I am the mentor for a lot of young women. I always encourage them to respect themselves in terms of their qualifications and ability. Don't be sold short at anytime, which concerns me. When I wrote the book on women's leadership roles in Chamber management, I sent out 600 questionnaires to the women-managed Chambers throughout the U.S. the response indicated that women were willing to take second-best in salaries and titles, and I was disheartened because I was so highly compensated compared to the next-highest compensated person that it was disgraceful.

That's why so many women are leaving the corporate world, because they know they're not going to make it to the top. It's the good-old-boys-syndrome still, and that's why they go and become entrepreneurs . . .

I don't like to see women with a chip on their shoulders. I don't like this women's libber bit. I've never been a women's libber, and I think that the women's lib movement has ruined it for women. It hasn't helped them, it hurt them. I've never felt that I've been unequally treated by men. I've always felt very equally treated, and I've respected men and gotten along with them. I think women have to go on that premise, they cannot go and think that they won't get a fair shake, because if they think that way—they will get what they think.

Q: Will you ever run for public office again?

A: No thank you. I ran twice, I lost and I won. I ran in the open (City Council) seat that Zev won. I, at one time, was above being a councilperson. I think that I would have been a fine councilperson. I find that in my role here I have a lot more political impact and effectiveness than if I were a councilperson. I would be located in one area, but this (the L.A. West Chamber) is the broad base of the entire city. I can call those councilpersons who are my friends; I've worked with every one of them.

Q: So in a sense you're more powerful here than you would be in City Hall?

A: It's been said that, yes, it's been said. . . .

A TRIBUTE TO AMBASSADOR FRED M. ZEDER II

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. LAGOMARSINO. Mr. Speaker, I want to express my sincere gratitude to a Pacific veteran who continued to serve the United States since he saw action in the Pacific in World War II as a fighter pilot. My thanks to Ambassador Fred M. Zeder II, for his outstanding work on behalf of the President, the Government, and the people of the United States.

In 1982 he was appointed as President Reagan's personal representative for Micronesian status negotiations with the rank of Ambassador. The President's marching orders were straightforward: Conclude negotiations with all of the people of the Trust Territory of the Pacific Islands.

Those familiar with the area realize that obtaining an agreement with the Micronesian Islands was considered near impossible and certainly highly improbable. Negotiations had dragged on for years since the late 1960's. The Trust Territory of the Pacific Islands was the last and largest United Nations trusteeship in the world, with Archipelagos covering a vast area of the Central and Western Pacific. The people speak a number of languages and have distinct and complex traditional and political societies. It would take a savvy and astute politician - businessman - administrator - diplomat to be credible enough to the majority of Micronesian politicians, businessmen, administrators, and diplomats, to conclude agreements that would then be approved by the people in United Nations sanctioned and observed plebicites. After that, several subcommittees and full committees of both Houses of the U.S. Congress, plus various departments of the executive branch, would have to approve and enact the agreement into law.

It was no surprise to many that the President tapped Fred Zeder in 1982 to resolve the protracted negotiations. Here was someone who had been involved in the Pacific for many years with a broad range of experience that perhaps made him the only one that could do what had evaded so many in the past. One that could also be counted on not to bargain away defense rights that were secured at a price so dear. Those defense rights were guaranteed during the negotiations and remain as the most important feature of the final concluded agreement—the Compact of Free Association.

Ambassador Zeder's involvement with the Pacific began in the traumatic days of World War II. He served as a fighter pilot in the Pacific theatre during 1943–44. Those were terrible days of death and destruction. Only men like Fred Zeder, who saw action in the Pacific and placed their lives in jeopardy in the defense of freedom, truly know the strategic importance of the islands of Micronesia and the price that was paid in American lives.

After many years with a successful career in the business world and having served on the Dallas City Council, President Ford appointed Fred Zeder as Director of the Office of Territorial Affairs. During 1975–77, he participated in negotiations to make the Northern Mariana Islands a commonwealth of the United States with significant defense rights. As Director, he became intimately aware of the needs and wants of the people and leaders of the trust territory. He also became familiar with the problems and prospects of economic development in Micronesia.

After serving as Director of the Office of Territorial Affairs, Fred Zeder developed and operated a successful business in Hawaii. His entrepreneurship furthered his credibility as a Pacific businessman among the people of Micronesia.

Ambassador Fred Zeder remained dynamic, patient, creative, and extremely tenacious after he was appointed by the President to represent him in the Micronesian status negotiations. From February 1982 until January 1987, the Ambassador undauntingly pursued the President's objectives until he fulfilled what he was tasked to do.

The negotiated agreements, or Compacts of Free Association, between the United States and the Republic of the Marshall Islands. The Federated States of Micronesia, and the Republic of Palau, are embodied in Public Laws 99-239 and 99-658. Those congressional acts were signed into law by President Reagan in January and November 1986. By a Presidential proclamation of November 3, 1986, the trusteeship was terminated for all the Micronesian governments that completed their approval process.

Earlier this month, Ambassador Zeder submitted his resignation to the President. He had successfully concluded negotiations with all the people of the trust territory and had seen the process through to termination of the trusteeship.

Once again, the veteran pilot of World War II, businessman and politician, dedicated his time, talents, and energy in the service of his country. I am sure that my gratitude is shared not only by those of this time, but that it will also be appreciated by future generations. Our posterity will enjoy a strong America, aided by the defense rights guaranteed in the Compacts of Free Association as negotiated by the President's personal representative for Micronesian status negotiations, Ambassador Fred M. Zeder II. Thanks Fred.

PROTECTIONISM IS NOT THE ANSWER

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. ARMEY. Mr. Speaker, whether we recognize it or not, our economy is becoming an increasingly global one. It's not enough to be competitive at home, economic survival today is measured by a firm's ability to compete against domestic and foreign manufacturers and service providers.

Who benefits from this global competition? We all do, though at times we have to wade through some persuasive and pervasive myths to get the whole picture. For instance, you'll rarely find an advocate of restrictive trade policies argue that international trade hurts consumers. Adopt that approach and you'll find yourself arguing that American consumers don't know how to spend their own money. More often than not, though, you'll hear that America's manufacturing base is eroding and that American jobs are threatened by global competition.

The facts just don't support the charge. Manufacturing as a percentage of GNP has remained relatively constant at 20 percent over the last 25 years. And while manufacturing employment has dropped from approximately 25 percent of the workforce to 18 percent, it's pretty clear that the productivity of manufacturing employees has increased and it now takes less people to make more goods. That's responding to international challenges, not putting up barriers to inhibit global competitiveness.

And what about the charge that American jobs are being lost. Today, we have more people working than ever before. In relative terms—comparing America with other economies—the results are even more startling. Since 1975, the American economy has created 25 million net new jobs. In the same period, all of Europe combined created zero.

Unfortunately, there are some who are arguing that protectionist trade policies are needed to protect jobs and American consumers from foreign competition. But as Arshad M. Khan points out in "Import Restrictions Just Intensify Trade War," it's American business and consumers who'll pay the bill for the folly of protectionism.

America has nothing to gain from beggar thy neighbor trade policies and a lot to lose. Trade restrictions deny consumers the opportunity and the freedom to buy the best goods or service available at the lowest price. Just as importantly, they artificially relieve the competitive pressures which force firms to adapt and change and respond to the discipline of the marketplace.

As a professional economist, I, too, am concerned with the subject of competitiveness. Yet, before we embark on some willy nilly Government policy designed to address and correct every economic malady we face—something which the Federal Government can't and shouldn't do—we need to define competitiveness, or why America isn't as competitive as it once was.

To my understanding, competitiveness in economic terms means declining productivity growth, rising labor costs, a deplorably low savings rate, stagnant or declining R&D expenditures and, most visibly, a large trade imbalance. To say the least, these are symptoms of an economy in adjustment. A more alarming indictment, but perhaps more deserved, these economic ills are characteristics of an overregulated economy or a product of incoherent and irrational Government fiscal and monetary policies.

We all want increased productivity, a strong industrial base, growing employment, increased exports (as opposed to limited imports) or, more simply, a higher standard of living which presents Americans with more opportunity, and more choices. But the answer does not lie in protectionist trade policies. These are counterproductive and can only exacerbate our current problems.

But before embarking on trade policies which penalize consumers and actually hurt the very firms they seek to protect, I'd would commend to my colleagues Arshad Kahn's thoughts on shortsighted and counterproductive protectionist trade barriers.

We can't ignore the fact that to be competitive today means responding to international economic challenges. But protectionist trade policies are not the answer. With sensible Government policies—designed to create a fertile field for economic growth and not build a fence around fortress America—I have no doubt that American firms are more than capable of meeting international challenges and prospering in a global economy.

IMPORT RESTRICTIONS JUST INTENSIFY TRADE WAR

(By Arshad M. Khan)

The U.S. trade deficit is likely to be $170 billion this year. And both the new speaker of the House, Jim Wright, and the new chairman of the Senate Finance Committee, Lloyd Bentsen, have given high priority to a trade bill. Just in case there is any doubt, a trade bill means less, not more, trade; it means import restrictions; and it means that trading partners will retaliate with counter restrictions.

Trade restrictions cost you and me, the general consumer, and benefit just the few they are designed to protect. It is variously estimated, for example, that the "voluntary" quotas forced on the Japanese five years ago cost the consumer about $400 per car.

The argument for the quotas—that they would provide time for our auto industry to shape up—has not been sustained. Yes, the industry has been profitable—domestic car prices rose soon after the quotas were announced—but, according to industry analyst J.D. Power Associates, the quality of most of our cars has not improved. As for operations, one need go no further than industry leader GM, which has announced 9,000 planned layoffs and 11 plant closings in four states. As in autos, so in steel, so in textiles, so in . . .

Import restrictions are much like squeezing a balloon—the bulge appears elsewhere. We restrict Korean steel, and it starts to come in as Korean toasters, irons and cars, raising protectionist cries elsewhere. The common denominator in all of this remains the suffering consumer, who continues to pay above-market prices.

When manufacturers are shielded by protectionist legislation, they lose the greatest incentive of all—the discipline of the marketplace. And the unions too have little incentive to moderate wage demands. The result is a fading competitiveness and its natural consequence—a worsening trade deficit, leading to a weakened currency.

The dollar having weakened against the yen might well reduce the deficit against the Japanese, but it's also going to increase it against the "five tigers" (South Korea, Taiwan, Hong Kong, Singapore and Malaysia), whose currencies are effectively pegged to the dollar. These newly industrialized countries pose a double threat, for they are also our competitors in the export markets. Sadly then, the balloon-squeezing theory applies even to tinkering with exchange rates.

The five tigers are entering the bottom of the U.S. market, where Japan was a dozen years ago. And this competition, added to policies like auto import quotas, is forcing the Japanese to move upscale with highly engineered or feature-laden products. So, while South Korean Hyundai Motors enters at the low end, Honda brings out the luxury Legend and Integra cars, and Mazda is expected to follow suit. The trend is across industries and does not augur well for U.S. manufacturers if they choose to rely on trade barriers instead of their own resourcefulness.

Public support for protectionism often is generated by cultivating a misleading perception that we are defenseless prey in a world of trade sharks, that our borders and markets are wide open, while our trading partners enjoy barriers of one sort or another, tariff or non-tariff. The truth is a little different. Our sugar subsidy alone runs three-quarters of a billion dollars a year. Import quotas put U.S. sugar prices last year so far out of line with world prices that it could have been cheaper to extract sugar from imported baking mixes than from locally produced sugar cane.

We are selling subsidized wheat, corn, soybeans, beef, you name it, to anyone who will buy them. Our offer to sell wheat to the Soviets at below production costs put us in the unusual position of providing government subsidies to Soviet citizens.

The Japanese often are portrayed as protecting their markets by fiendishly clever Oriental devices called non-tariff barriers. Yet our field can hardly be called level: From farm subsidies to Star Wars-financed software, from car headlight standards to our almost solo rejection of the metric system, the deck is just as stacked on this side of the ocean.

And if we enter the labyrinth of the tax code, selective research-and-development subsidies alone run about $100 billion per year. Other practices include export subsidies, often in the form of government-subsidized loans for buyers—wags had once labeled the Export-Import Bank as "Boeing Bank"—discriminatory exchange rates, antidumping regulations, restrictive customs procedures and technical standards.

Capping all of this are the tariffs. Our overall tariff in the 1970s was around 11 percent, vs. 9 percent for the Japanese. The Europeans came out in the middle with 10 percent. It is clear we are not blameless.

The history of the Great Depression, most scholars now agree, has taught us that protectionism is not the answer. When each country tried to protect its domestic jobs by curbing imports, world trade fell 70 percent between 1929 and 1933. The policies were a failure, and the hangover lasted until World War II.

Where we ought to devote our attention is lagging productivity and high costs. Between 1977 and 1985, labor costs per hour rose 20 percent more in Japan than in the U.S. Yet labor costs per unit rose 50 percent less in Japan. Thus manufacturing productivity, of which the then-rising dollar accounted for 25 percent, rose 70 percent more in Japan.

The old saw about Japan starting from a much lower base no longer applies, since Japan's manufacturing productivity is now about the same as the United States. Under the dramatically realigned exchange rates, hourly labor costs in many industries actually are higher in Japan.

No, the major culprit in the U.S. is sluggish capital investment, which debilitates productivity. To make matters worse, the tax bill extracts another $170 billion from corporations. One wonders if that is not going to further erode their competitiveness. With a capital gains tax, the Japanese investment environment is much more favorable.

And for industry there, the real cost of capital is about one-third that of the U.S. Not surprisingly, the Japanese manager can focus on productivity-enhancing, long-term strategies rather than short-term quick fixes. This is the kind of issue that demands the attention of the new chairman of the Senate Finance Committee.

LEGISLATION TO AID U.S. AUTOMOBILE INDUSTRY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. TRAFICANT. Mr. Speaker, today I have introduced legislation to assist the U.S. automobile industry to regain its competitive position and provide the U.S. taxpayer a tax break for purchasing American-made vehicles.

My proposal would amend the Internal Revenue Code of 1986 by allowing for a deduction for State and local sales taxes on the purchase of a domestically produced automobile. As you may recall, this tax deduction is being phased out over the next 3 years as part of the Tax Reform Act of 1986 as passed by the Congress and signed into law by the President last year.

For purposes of the tax deduction, vehicles shall be considered as domestically produced only if such a vehicle is not completed outside the United States, and 65 percent or more of the basis of such a vehicle is attributable to the value added within the United States.

American industry is a vital ingredient to the future growth and economic stability of our Nation. The Congress cannot continue to allow foreign industries to dominate U.S. markets. The U.S. automobile industry is making a concerted effort and is succeeding in producing a higher quality, competitive product. I believe maintaining this sales tax deduction will provide further incentive for the U.S. taxpayer to "Buy American."

Thousands of American jobs could be in jeopardy if we allow this tax deduction to be phased out. However, I believe maintaining this deduction will provide the American people the option to assist in rebuilding our country's industrial sector and preserve jobs in other support areas.

I urge my colleagues to consider the commitment that is needed by the United States if we are to regain our position as a worldwide industrial force. I believe by supporting my proposal and retaining this deduction we will take a positive step toward this goal.

The text of my proposal follows:

H.R. 905

A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes on the purchase of a domestically-produced automobile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION FOR SALES TAXES ON DOMESTICALLY-PRODUCED AUTOMOBILES.

(a) IN GENERAL.—Subsection (a) of section 164 of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) Qualified taxes on domestically-produced automobiles."

(b) DEFINITIONS.—Subsection (b) of section 164 of such Code is amended by adding at the end thereof the following new paragraph:

"(5) QUALIFIED TAXES ON DOMESTICALLY-PRODUCED AUTOMOBILES.—

"(A) IN GENERAL.—The term 'qualified taxes' means the amount of State and local taxes imposed in respect of the sale at retail of the vehicle to the extent at a rate not in excess of the general sales tax rate.

"(B) DOMESTICALLY-PRODUCED AUTOMOBILE.—The term 'domestically-produced automobile' means any 4-wheeled vehicle propelled by fuel—

"(i) which is manufactured primarily for use on public streets, roads, and highways (except any vehicle operated exclusively on a rail or rails),

"(ii) which is rated at 6,000 pounds unloaded gross vehicle weight or less,

"(iii) which is domestically produced, and

"(iv) the original use of which commences with the taxpayer.

"(C) DOMESTICALLY PRODUCED.—A vehicle shall be treated as domestically produced only if—

"(i) such vehicle is not completed outside the United States, and

"(ii) 65 percent or more of the basis of such vehicle is attributable to value added within the United States.

"(D) SEPARATELY STATED TAXES.—If the amount of any State or local tax is separately stated, then, to the extent that the amount so stated is paid by the consumer (otherwise than in connection with the consumer's trade or business) to his seller, such amount shall be treated as a tax imposed on, and paid by, such consumer."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 134 of the Tax Reform Act of 1986.

WEST VIRGINIA NATIONAL INTEREST RIVER CONSERVATION ACT OF 1987

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. RAHALL. Mr. Speaker, it gives me great pleasure to introduce on behalf of the West Virginia Congressional Delegation legislation to establish, as units of the National Park System, an integrated network of federally protected rivers in southern West Virginia.

West Virginia is blessed with some of the country's most outstanding rivers in terms of their natural, scenic, cultural and recreational values. In recognition of these attributes, the need to protect certain river segments in their free-flowing condition and to expand on the success of the New River Gorge National River which was designated as a unit of the National Park System in 1978, the West Virginia National Interest River Conservation Act of 1987 would establish the Gauley River National Recreation Area and the State's first national wild and scenic rivers on the lower Meadow and lower Bluestone Rivers as well as make certain boundary modifications to the New River Gorge National River.

The economy of southern West Virginia has been badly battered over the last few years, yet a budding tourism industry has shown great promise as fast becoming a major contributor to the rejuvenation of the region. Rivers such as the New and Gauley are magnets for visitors, sportsmen and whitewater enthusiasts and should be preserved for these purposes. Additional Federal river park units will not only enhance these activities but will further the type of economic development we have witnessed stemming from the establishment of the New River Gorge National River.

The rivers contained in the legislation are all tributaries of the mighty New River, America's geologically oldest river, and were studied by the National Park Service pursuant to a directive contained in the 1978 statute which established the New River Gorge National River. Over the course of the intervening years, these tributaries have been found to be eligible for inclusion into the National Park System.

The centerpiece of the bill is the establishment of the Gauley River National Recreation Area on a 24.5 mile segment of the river from near the base of Summersville Dam to the vicinity of Swiss. Entrenched in a rugged V-shaped valley which supports a luxuriant forest cover topped by lofting rock outcrops and palisades, this segment of the river contains one of the most intoxicating stretches of whitewater in the country with legendary rapids having names such as Iron Ring, Lost Paddle and Pure Screaming Hell. Last fall whitewater recreation on the Gauley accounted for over $16 million in direct and indirect economic benefits to the region.

Also established under the bill would be West Virginia's first national wild and scenic rivers on segments of the lower Meadow and lower Bluestone Rivers. The 4.5 segment of the Meadow River from the Route 19 bridge to its confluence with the Gauley is in a primitive condition and would be designated as a national wild river. With a reputation as being the "forbidden fruit of eastern whitewater" this segment of the river contains cascading whitewater and boulder strewn courses flowing through a heavily forested valley.

The lower Bluestone River is perhaps the best kept recreational river secret in the East and the 13 mile segment of the river from Pipestem State Park to the Route 20 bridge at its confluence with Bluestone Lake would be designated as a national scenic river. With National Park Service management, this river's recreation and tourism potential is sure to be enhanced providing great benefits to the local economy.

Mr. Speaker, coupled with the existing New River Gorge National River, the Gauley River National Recreation Area and the Meadow and Bluestone national wild and scenic rivers would establish the largest network of federally protected rivers in the Eastern United States and perhaps the country as a whole. This will be a historic legislative initiative for West Virginia, a State endowed with a rich natural resource heritage. In West Virginia we not only recognize the development potential of natural resources such as coal, oil, natural gas and timber but the need to conserve certain natural resources such as these rivers. With a well-balanced policy governing these resources and with sound management and planning, both development and conservation can coexist for the benefit of the people. Both contribute to our economy and are essential to sound public policy. How we manage our natural resources are also important to the statute of this great State and are part of the legacy we will leave to our children.

The development and drafting of this legislation has taken the better part of a year's time although the seeds of this proposal were planted some years back during the 95th Congress as part of the legislation which established the New River Gorge National River. The West Virginia National Interest River Conservation Act of 1987 has the support of a broad-range of conservation, recreational and civic organizations in the State. I would like to especially recognize the assistance given to this endeavor by a number of West Virginia's commercial whitewater outfitters, the Fayette County Chamber of Commerce and the West Virginia Highlands Conservancy. In addition, the Governor of West Virginia, in a recent letter to me noted, "The rivers which you have included in your proposed legislation are certainly some of the most beautiful and important recreational rivers in our State. With the current national interest in rafting and river-based recreation, the recreational and economic importance of these waters will continue to grow." On a national level, the Trust for Public Land has also provided valuable assistance in making the introduction of this legislation possible.

Mr. Speaker, the tributaries of the New River included in this bill possess outstanding features of national significance.

Without a doubt, they should be preserved and enhanced for the benefit of present and future generations of West Virginians and the Nation as a whole. Enactment of this legislation will also complete a system of protected river units in southern West Virginia which will compliment the region's existing State parks as well as the New River Gorge National River. We will, in fact, have created a network of natural, cultural, scenic and recreational wonders unsurpassed in their raw beauty anywhere in the East.

I insert a section-by-section analysis of the bill in the RECORD following my statement:

WEST VIRGINIA NATIONAL INTEREST RIVER CONSERVATION ACT OF 1987

TITLE I—NEW RIVER GORGE NATIONAL RIVER

Sec. 101—Modifies the boundaries of the New River Gorge National River.

Sec. 102—Authorizes the National Park Service to enter into cooperative agreements with the State of West Virginia on matters dealing with rescue, fire fighting and law enforcement.

Sec. 103—Directs the National Park Service to acquire and develop the Cunard site as a river access point. Subsection (b) authorizes the use of motorized towing of whitewater rafts in the section of the national river upstream of Cunard on an interim basis when the river volume is below 3,000 c.f.s. until the completion of the Cunard access site.

Sec. 104—Provides guidance on flow management from the Bluestone Lake project as it relates to the national river so as to protect recreational use of the river.

TITLE II—GAULEY RIVER NATIONAL RECREATION AREA

Sec. 201—Establishes the Gauley River National Recreation Area. Requires the National Park Service to submit to the Congress within 3 years of enactment any boundary modifications to the national recreation area which may be needed.

Sec. 202—Provides for the general administration of the recreation area. State laws on hunting and fishing would be applicable and the State fish stocking program would continue. Authorizes the National Park Service to enter into cooperative agreements with the State of West Virginia on matters dealing with rescue, fire fighting and law enforcement.

Subsection (d) references the Wild and Scenic Rivers Act and prohibits the construction of any dam, water conduit, reservoir, powerhouse, transmission line or other project within the boundaries of the recreation area. This provision does not preclude the construction of any such project above or below the recreation area so long as such a project would not have a direct and adverse effect on the river's values, meaning that such a project could not invade the area or unreasonably diminish its scenic, recreational, and fish and wildlife values.

Subsection (e) authorizes the National Park Service to enter into a cooperative agreement with the State of West Virginia to improve existing roads where necessary in order to facilitate access to the recreation area. The National Park Service is directed to improve river access, vehicle parking and related facilities for whitewater and other recreational activities immediately below Summersville Dam to the extent this is not required under section 206(b) of the bill. Also authorized is the acquisition of parcels of land outside of the recreation area, with owner consent, for the purpose of improving river access.

Subsection (f) directs the Secretary of the Interior to enter into a memorandum of understanding with the Secretary of the Army regarding the management of those areas below the Summersville Dam within the recreation area currently administered by the U.S. Army Corps of Engineers and to designate those lands and waters within the recreation area which are directly related to, and essential to, the operation of Summersville Dam.

Sec. 203—Authorizes land acquisition within the recreation area. Subsection (b) transfers to the administrative jurisdiction of the National Park Service those Army Corps lands and waters within the recreation area which are not directly related to, and essential to, the operation of the Summersville Dam.

Subsection (c) insures that the establishment of the recreation area would not impair or affect the existing authorized project purposes of the Summersville Dam. The Army Corps is directed to cooperate with the Park Service on water releases to facilitate and enhance whitewater and other recreational use of the recreation area.

Sec. 205—Authorizes necessary appropriations.

Sec. 206—Repeals the Gauley River study under the Wild and Scenic Rivers Act. Subsection (b) requires that any new project constructed at or in conjunction with the Summersville Dam (upstream from the recreation area) would have to comply with such terms and conditions imposed by the Park Service to ensure such a project would not adversely affect whitewater and other recreation activities within the recreation area. If such a project would adversely affect river access to the recreation area including vehicle parking and related facilities, the project sponsor is required to replace those adversely affected facilities.

Sec. 207—Establishes the Gauley River National Recreation Area Advisory Committee to assist in formulating the recreation area management plan.

TITLE III—MEADOW NATIONAL WILD RIVER

Designates the 4.5 mile segment of the lower Meadow River from the Route 19 bridge to its confluence with the Gauley River as a national wild river.

TITLE IV—BLUESTONE NATIONAL SCENIC RIVER

Designates the lower Bluestone River from the Route 20 bridge through Pipestem State Park as a national scenic river. Federal lands administered by the Army Corps of Engineers within this segment would be transferred to the administrative jurisdiction of the National Park Service. The existing lease arrangement between the State of West Virginia and the Army Corps relating to the Bluestone Park units would continue in force unless the state requests lease termination. The establishment of the national scenic river shall not affect or impair the existing project purposes of the Bluestone Dam.

TITLE V—GENERAL PROVISIONS

Sec. 501—Directs the National Park Service to cooperate with any regional authority comprised of representatives of Nicholas, Fayette, Raleigh, Summers, Greenbrier and Mercer counties to coordinate the development and promotion of the state and federal park and forest units in the region.

Sec. 502—Directs the Secretary of the Interior to allow the State of West Virginia to engage in activities to control black flies within the boundaries of the federal rivers.

Sec. 503—Directs the Park Service to conduct a public awareness program on the effects of wild and scenic river designation on those segments of the Bluestone and Meadow Rivers found eligible for inclusion in the national system but not so designated by this legislation.

Sec. 504—Place the administration of the Gauley River National Recreation Area and Meadow and Bluestone wild and scenic rivers under the existing infrastructure established for the New River Gorge National River.

HUMAN RIGHTS AND CHARTER '77 IN CZECHOSLOVAKIA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. FASCELL. Mr. Speaker, I would like to call the attention of our colleagues to the excellent article in the Miami Herald of January 14, 1987, by Mr. Carlos Verdecia on the current political and human rights situation in Czechoslovakia.

Mr. Verdecia recalls the crushing of the Czechoslovak reform movement, the Prague Spring, by Soviet and Warsaw Pact troops in August 1968. He notes how ironic it is that this repression has taken such hold in Czechoslovakia that the Gorbachev leadership in the Soviet Union is now having to exert considerable pressure on its Czechoslovak colleagues to induce them to follow the new Soviet line on more "openness" and "restructuring."

These new developments in Czechoslovakia are taking place while Charter '77, the most long-lived, organized human rights movement in Eastern Europe, is celebrating its 10th anniversary with the publication of its "10th Anniversary" document signed by many of the most illustrious and active leaders of that determined and inspiring organization. This charter document notes the political and economic stagnation which prevails in Czechoslovakia and calls for a reinvigoration of Czechoslovak society through much needed reforms and a transformation of public attitudes.

Despite systematic harassment and repression, Charter '77 has become an important and significant factor in the political and social life of Czechoslovakia, providing a beacon of hope and light, not just for the people of that unfortunate country, but throughout Eastern Europe. For its outstanding efforts to promote peace, understanding and human rights, the members of the U.S. Helsinki Commission have just nominated Charter '77 as a candidate for the Nobel Peace Prize in 1987. I can think of no more appropriate or deserving recipient.

The text of Mr. Verdecia's article follows:

PRAGUE'S SPRING REMAINS DISTANT, YEARNED-FOR TIME

(By Carlos Verdecia)

Few pleasures can compare to eating a Czech sausage with mustard at a popular stand in Prague's Wenceslaus Square. Served on a napkin with no bread, the round piece of spicy, reddish meat is large enough to replace a full meal when chased with Czech world-famous pilsner beer. In the northern city of Ostrava, the ideal formula for coping with the cold morning wind is hot, steaming soup for breakfast and *slivovitz* at bedtime. And to the thirsty summer traveler driving around Slovakia's Tatra mountains, Nature renders its best blessing in fresh, effervescent water bubbling directly from a natural fountain in a rock by the road.

Of all Czechoslovakia's memories the most indelible is Prague itself, with its Vltava River of dark waters, its 10th Century castles and Baroque churches, its 13 bridges, and its stone-paved narrow streets and squares.

Yet beauty in its most splendorous form occurs in the Czechoslovak people. Warm and amiable to friends, they can turn into ferocious antagonists when threatened or attacked. The courage displayed by Czech resistance in the street barricades erected against the Nazis was seen again in 1968 against the Soviet tanks and troops that came to crush their "Prague Spring." Outnumbered and defrauded, many of these brave fighters were killed or incarcerated.

Almost 20 years after the tragic event, resistance is still strong, if only on paper and by voice. Resurrecting from all walks of intellectual dissidence, prestigious Czech signatories of Charter 77 went public again last week with a new human-rights document. Charter 77 was a manifesto signed in January 1977 by more than 300 dissidents and later subscribed by over 1,300. It demanded that Czechoslovak citizens be guaranteed the human rights contained in United Nations resolutions and the Helsinki Accords, as well as those rights theoretically granted in the Czechoslovak constitution.

According to its own definition, Charter 77 was "a free, informal, open community of people of different convictions, different faiths, and different professions, united by the will to strive, individually and jointly, for the respect of civil and human rights."

Of the 300 original signatories, more than 200 were jailed then. A violent crackdown seemed to dissolve the group, only to draw international solidarity from Western countries, where the document was widely published.

Playwright Vaclav Havel and former foreign minister Jiri Hajek, both signatories of the original Charter 77 manifesto, top the list of signers of the new "10th Anniversary" document.

"We must shake off our apathy, rid ourselves of hopelessness, overcome our fears," the new document says. "The more citizens attempt to do, the less reason there will be for fear, since it will become increasingly difficult to punish the expression of justified attitudes."

The new document adds: "The sterile rigidity of our present political and economic system, the loss of place that we used to occupy among advanced nations, the inadequate ability of the government to meet many of society's demands and requirements—all of this becomes more apparent and places an increasing burden upon the daily life of our people and awakens the desire for change."

The new manifesto tries to capitalize on the "reconstruction" climate introduced in Moscow by Soviet leader Mikhail Gorbachev. Ironically, the Kremlin is now attempting to do what it so violently prevented Czechoslovak leader Alexander Dubeck from doing nearly 20 years ago. Now orthodox Czechoslovakia, after completing its move to please the Soviets, has had to send its party leaders running to Moscow to take a crash course on glasnost politics.

Jan Fojtik, a high Czechoslovak Communist Party secretary who headed the Czech puppet delegation to Moscow, said upon returning home that the new Soviet reform demonstrates that the Soviet party is following a "Leninist course."

"It is, therefore, no accident," said Fojtik, that the Czechoslovak people desire that the Czechoslovak people desire that the Czechoslovak Communists act with similar resolve and principled attitude."

Leninist or demagogic, it's time for all human-rights activists in the Soviet bloc to take advantage of this open window and demand guarantees of their basic rights. If the Communist Party hierarchies want to play the glasnost game, their new rules should be put to test. Charter 77 "Part II" has now placed its finger in the wound. Its dissident members have a unique opportunity to unmask the demagogues and make them prove whether they really want genuine, honest openness. Who knows if Prague will again be the pleasant, civilized city that it once was?

ARMS EXPORT REFORM ACT OF 1987

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. LEVINE of California. Mr. Speaker, today I, along with a bipartisan group of my colleagues, am introducing the Arms Export Reform Act of 1987. The purpose of this legislation is to enhance Congress' ability to fulfill its foreign policy role in the area of arms sales. This bill is essentially identical to one I introduced last fall. Senator BIDEN, along with his colleagues, Senators PELL, BOSCHWITZ, LAUTENBERG, and FORD, is today introducing an identical bill in the other body.

Mr. Speaker, nowhere is the desire to get a handle on administration of the law more apparent than in the overlapping, sensitive fields of foreign affairs and national security. The device most frequently relied upon in recent years to carry out these congressional purposes was the one- and two-House resolutions of approval or disapproval of proposed executive branch actions in the area of foreign affairs.

All this was changed when the Supreme Court handed down its famous INS versus Chadha decision, holding a one-House legislative veto unconstitutional, and a subsequent high court ruling in U.S. Senate versus Federal Trade Commission, invalidating a two-House veto provision. Both these decisions have had widespread implications for foreign policy.

What I am concerned with today is the impact of these Supreme Court actions on the legislative veto as they relate to arms exports.

The basic statutory control mechanism regulating transfers, sales, and leases of arms is the Arms Export Control Act [AECA]. The original law established a procedure enabling Congress to receive advance notification of significant U.S. arms transfers to foreign nations and to disapprove such transfers by concurrent resolution. The AECA provides for legislative vetoes in three general circumstances: First, cash, credit, or commercial sales of defense articles and services; second, third country transfers of U.S. Government-supplied defense articles and services; and third, leases or loans of U.S. defense articles. Sections 36(b)(1), 36(c)(1), and 63(a)(1) stipulate three monetary thresholds beyond which a sale is subject to congressional disapproval.

Because the Chadha decision held the one-House veto unconstitutional, it was necessary to enact into law a constitutional mechanism which would give Congress a role in decisions related to arms sales. Therefore, I introduced in the House, and Senator CRANSTON introduced in the Senate, identical bills to provide for expedited procedure for joint resolutions of disapproval introduced pursuant to section 36(b) of the Arms Export Control Act. This bill became law last year. Unlike concurrent resolutions, joint resolutions must go through the same procedure as bills. That is, they must be passed by both bodies and presented to the President for action, thus fulfilling the Constitution's presentment requirements.

As we all will readily recall, last year Congress was engaged in a major battle with the administration over arms sales to Saudi Arabia. Originally the administration planned to propose a $1 billion arms sale package for that country. The package reportedly was to include Sidewinder, Stinger, and Harpoon missiles, Black Hawk combat helicopters, and other sophisticated equipment for F-5 and F-15 combat aircraft. Because of congressional opposition to the magnitude of the sale, the administration changed its plans and sent to Congress a $354 million arms sales package of Stinger, Sidewinder, and Harpoon missiles.

As the leader in the House of the fight to oppose this sale, I had the unique opportunity to view the intricacies of the legislative process as they relate to these important and controversial arms sales. What I saw gave me cause for great concern.

In the first round, both the House and Senate voted overwhelmingly to disapprove the missile sale to Saudi Arabia. In the House the vote on the resolution of disapproval was 356 to 62; in the Senate 73 to 22. Predictably, the President vetoed the resolution. However, after dropping the controversial Stingers from the package, and after unrelenting pressure on the part of the administration, the Senate failed to override the President's veto by only one vote.

In essence, this highly controversial arms sale to a country in perhaps the most volatile region of the world survived the legislative process with the support of only 14 percent of the House and one-third plus one of the Senate.

Clearly, the legislative process as it now stands is improperly weighted. That such controversial, critical sales can survive with such scant congressional support makes a mockery of the legislative process and of Congress' decisionmaking role in an area of great importance to our national security and national interest. There must be a better way to make major foreign policy decisions.

The AECA may also have been violated by the attempt to sell arms to Iran. Although this legislation would not directly affect the Iran arms sale, that episode, along with the Saudi sale, demonstrates the need for Congress to reestablish its authority in the area of arms sales and to reassert its rightful and constitutional role—as a co-equal of the executive branch—in the conduct of American foreign policy. This bill would ensure that if major foreign policy initiatives like controversial arms sales are to survive, they must do so with the support of a majority of the Congress, not a minority.

This bill would amend the Arms Export Control Act in two ways.

First, it would change the definition of sales which would be subject to congressional approval. The three thresholds the AECA stipulates beyond which a sale is subject to congressional disapproval are $14 million for major defense equipment, $50 million for defense articles or services, and $200 million for design and construction projects. Any sale above these levels requires formal notification of Congress, which may then act to disapprove a sale.

Under provisions of this bill, Congress would continue to receive notification of all sales above these thresholds. What would change is the criteria governing which sales would be subject to congressional consideration. The bill, while still requiring notification for sales above the already mentioned thresholds, would completely eliminate the congressional review process for all sales of nonsensitive weapons and equipment. However, it would require that all sales of sensitive weaponry, no matter what the dollar amount, be subject to congressional review and action.

The bill defines sensitive weapons as:

> Those items of types and classes currently used or to be used by the Armed Forces of the United States other than the Army National Guard or the Air National Guard or a Reserve component of an Armed force of the United States or produced solely for export, as follows:
>
> (1) turbine-powered military aircraft; rockets; missiles, anti-aircraft artillery; and associated control, target acquisition and electronic warfare equipment and software;
>
> (2) all versions of helicopters designed or equipped for combat operations;
>
> (3) main battle tanks and nuclear-capable artillery; and
>
> (4) submarines, aircraft carriers, battleships, cruisers, frigates, destroyers, and auxiliary warships.

The purpose of this change is to focus the congressional review system where it should be focused—on especially important and controversial arms sales—while allowing the executive branch to proceed unencumbered on more routine sales.

Second, this bill would change the mechanism of congressional approval or disapproval of arms sales. Present law distinguishes two categories of nations. The first are NATO and NATO member countries, the ANZUS countries, which are Australia and New Zealand, and Japan. Because the strong presumption in the case of sales to any of these countries is that Congress will consider them favorably, the AECA provides a shorter review period of 15 days for sales to them.

This bill would maintain favored standing of sales to these countries, and would add any country which is a party to the Camp David Accords or an agreement based on such accords. That is, both Egypt and Israel would be added to the above list of nations.

Thus, this legislation provides that nations with favored standing regarding arms sales are those with which we are formally allied and those which are the two principle recipients of American military aid. There is a historical consensus regarding U.S. arms transfers to these nations. This bill would continue to reflect a presumption in favor of such transfers, which would continue to be subject only to a joint resolution of disapproval.

What would change under this legislation is the procedure for governing the sale of highly sophisticated weaponry to all other nations. For them, a new procedure would be established requiring affirmative congressional action to approve any major sales. This would mean, in essence, that for these other nations there would be no presumption of favor of any such transfer.

Thus, the proposed transfer of sophisticated U.S. arms would have to be approved by a majority of both Houses, rather than the currently required one-third plus one in either House.

As in the present law, however, there would be a provision allowing the President to circumvent the requirement of congressional approval if he certifies that an emergency exists which requires the proposed sale, export, lease, or loan, as the case may be, in the vital national security interests of the United States.

In summary, this bill completely removes all nonsensitive sales from the need for congressional approval, allowing the executive branch to act immediately on certain arms sales. Where approval is required, this bill provides that a joint resolution of approval will be subject to expedited procedure, enabling prompt consideration by both Houses. These procedures should allow for swift dispensation of both noncontroversial and controversial sales, while allowing Congress to focus its attention on those of special foreign policy and national security significance.

Mr. Speaker, this is an important piece of legislation which will ensure Congress its rightful and constitutional role in the consideration of matters of national security and national interest, and in the formulation of foreign policy. Let those nations that wish to purchase sophisticated arms from the United States be under no illusion that the Executive can make promises of sales, on his own, without input from Congress. Let them understand that the Executive can no longer act on matters of great foreign policy and national security importance without congressional involvement. Congress is an equal partner in the formulation of foreign policy. This bill will enhance our ability to fulfill our responsibilities and obligations to this Nation to carry out this important role.

I hope my colleagues will join me in supporting this legislation.

TRIBUTE TO ROBERT McKINNEY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. LAGOMARSINO. Mr. Speaker, it's my pleasure today to pay tribute to Robert McKinney, the general manager and chief engineer of Casitas Municipal Water District, on the occasion of his upcoming retirement.

Bob McKinney joined Casitas Municipal Water District in 1964 as assistant chief engineer. In 1967 he was appointed general manager and chief engineer, where he supervises operations of the Lake Casitas Reservoir and the Lake Casitas Recreation Area. Lake Casitas was authorized by Congress at the request of my predecessor, the late Congressman Charles Teague, who served in this body for nearly 20 years.

The reservoir serves a population of over 50,000 people in Ventura County, and in 1984, was the site of the rowing and canoeing venues of the Summer Olympic Games.

Bob McKinney supervised operation of the water system throughout this period, and has been active in community and professional organizations. He was one of the founders of the Ventura County Association of Water Agencies, and served as the association's first president. He was president of the State Water Contractors Audit Committee, and from 1978 to 1980, was a member of the U.S. Bureau of Reclamation Water Users Conference Advisory Board. He also served on the board of directors of the Association of California Water Agencies.

In 1974, he testified before the House Interior Committee in support of my legislation authorizing the purchase of the Lake Casitas Watershed, which was named in honor of Congressman Teague. Later, he also appeared before the Interior Committee in support of my resolution withdrawing lands in the watershed located in Los Padres National Forest from mining, helping to protect the quality of the water.

Bob has also been active in the community, serving as vice president of the Ojai Unified School District Board of Trustees for 6 years. He is active in the Ojai United Methodist Church, and is a member of the New Ensemble singing group at Ventura Community College.

I am pleased to extend the congratulations of the House of Representatives to Bob McKinney on his many accomplishments, both professional and civic, and to add my personal best wishes to my friend Bob in his new endeavors.

TRIBUTE TO HARVEY RIVKINS

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mrs. BENTLEY. Mr. Speaker, it is my pleasure today to enter into the CONGRESSIONAL RECORD a tribute paid to Harvey Rivkins by Gov. William Donald Schaefer when he was mayor of Baltimore. Declaring December 30, 1986 as Harvey Rivkins Day in the city of Baltimore, Governor Schaefer spoke for the hundreds of friends Harvey has in the greater Baltimore area.

A long time personal friend, Harvey is a journalist whose career and professional behavior makes me proud of the field of journalism. His lifetime involvement in covering the city of Baltimore has made its history richer and more interesting.

Congratulations, Harvey. The honor is well deserved.

HARVEY RIVKINS DAY IN BALTIMORE

Whereas, it was none other than the legendary H.L. Mencken who wrote that, "That rank of a city among civilized communities is to be measured, not by the gilding on its lampposts, but by the general comfort and happiness and prosperity of its people;" and

Whereas, for more than half a century another local newspaperman has made his own mark in the demanding and challenging world of journalism, a Baltimore writer who has been heralded for his ability to cover a city and to reflect on a wide variety of issues which directly affect the lives of people and

Whereas, that man's name is Harvey Rivkins, and he has maintained a long and impressive career as a writer for several distinguished and warmly-cherished publications—including "The Enterprise"; and

Whereas, Harvey Rivkins entered into the profession to which he has devoted his life when he was just a teenager . . . and he worked himself up to become recognized as a reporter who went on to interview many noteworthy figures and to witness his share of historic moments.

Now, therefore, I, William Donald Schaefer, mayor of the city of Baltimore, do hereby proclaim December 30, 1986 as "Harvey Rivkins Day" in Baltimore, and do urge all citizens to join in congratulating Mr. Rivkins on his past journalistic accomplishments and to wish him prosperous and rewarding days ahead.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the City of Balitmore to be affixed this thirtieth day of December, in the year one thousand nine hundred and eighty-six.

WILLIAM DONALD SCHAEFER, *Mayor.*

THE ELECTED REPRESENTATIVES OF SYRACUSE PASS RESOLUTION URGING PRESIDENT REAGAN TO SIGN H.R. 1 INTO LAW

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. WORTLEY. Mr. Speaker, the Congress has often been criticized for the painstakingly deliberate methods employed in expressing the will of an ovewhelming majority of the American people.

This 100th Congress has provided a notable exception to the time-consuming process of lawmaking.

On January 8, this body approved, by a 406-to-8 vote, H.R. 1 to reauthorize the Clean Water Act. Our colleagues in the Senate passed H.R. 1 on January 21 by a vote of 93 to 6. Albeit the President's pocket veto of an identical bill in the 99th Congress and the fact that we had been working to amend and reauthorize the Clean Water Act of 1972 since 1982, we in both bodies finally got our act together and acted expeditiously in the opening days of this session.

Now, we await the President's decision on whether he will sign H.R. 1 or send this measure back for a vote to override a veto.

Sooner or later, H.R. 1 will be enacted. In the meantime, the eyes of our constituents are on the White House.

On January 20, while anticipating the Senate's approval the next day, the common council for the city of Syracuse passed a resolution urging President Reagan to sign this vital bill into law as an expression of concern for the health, safety, and economic welfare of the American people.

At this point, Mr. Speaker, I wish to add the language of this resolution to my remarks.

Resolution—On Behalf of Residents of the City of Syracuse and County of Onondaga, Urging President Reagan To Sign and Support the Clean Water Act of 1987

Whereas during the waning months of 1986, by an overwhelming majority vote, members of both Houses of Congress adopted and sent to President Reagan for approval, an important Clean Water Act that would have been tremendously beneficial to all Americans; and

Whereas reportedly terming the bill "An expensive budget buster," entirely for financial reasons, President Reagan exercised a pocket veto, thereby depriving members of Congress of an opportunity to attempt an override; and

Whereas spurred on by constituents from throughout the nation, members of the House of Representatives, as one of their first legislative acts of the 100th Congress, adopted by a majority vote of 406 to 8, the Pure Water Act of 1987; and

Whereas the Pure Water Act of 1987 is currently being considered by the U.S. Senate, where despite attempts to "water down" the proposal, it is expected to be approved by a vast majority and sent to President Reagan for his signature; and

Whereas the Pure Water Act of 1987 is crucial to the health and welfare of all Americans, and in particular to the City of Syracuse and Onondaga County, especially since Onondaga Lake is contained wholly within this county; and

Whereas the overflow from sewage treatment plants flow directly into Onondaga Lake; and

Whereas the combined sewer systems of the City and County are the major polluters of Onondaga Lake; and

Whereas this legislation will be the nation's prime law for controlling water pollution and provides for the expenditure of twenty billion dollars over an eight year period for construction and upgrading of sewage treatment facilities and a variety of other clean water projects throughout the nation; and

Whereas twenty billion dollars is a mammoth sum, funding included within this legislation still falls far short of money urgently needed, will provide but one-sixth of funding deemed necessary by the Environmental Protection Agency, and is described as being well within Congressional budget limits; and

Whereas although expensive, it should be emphasized that it is the taxpayers of this great nation who pay the bills, and the taxpayers, through their elected representatives in Congress, who plead once again that this important bill be approved, signed, and supported; Now, therefore be it

Resolved, That members of this Common Council, as duly elected representatives of the citizens of the City of Syracuse, New York, do hereby very strongly urge President Ronald Reagan to most carefuly consider all aspects of this vital bill, be ever mindful of the mandate of the vast majority of the people supporting this measure, and sign it into law as an expression of concern for the health, safety, and economic welfare of the American people.

LEGISLATIVE HOPPER GETS TOO MANY BILLS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. DUNCAN. Mr. Speaker, the following editorial appeared in the Daily Post-Athenian on Thursday, January 15, 1987. Mr. J. Neal Ensminger is the executive editor.

The message of this editorial should be carefully considered by all Senators and Representatives at both the Federal and State levels, particularly as we in the House begin a new Congress.

Legislative Hopper Gets Too Many Bills

As the members of the General Assembly come into session, it is interesting and somewhat distressing to note that they will, once again, introduce many more bills than they actually enact.

In all fairness to our elected legislators, their record over the past ten years shows they have passed 23 percent of the bills introduced (7,374 of 30,901) and this compares with a reported 6 percent passage record by the U.S. Congress in the last session.

For those of us who get distressed by what could be construed as a lot of political positioning to produce little, there is another way to look at it. According to Laurence H. Tribe, a law professor at Harvard, every new law requires at least 10 new regulations and the regulations are why 1 out of every 15 Americans work for the government at all levels. Therefore, our interests are probably best served by lawmakers who are more reluctant to pass legislation than by whose who try to make their political marks by prolification of bills introduced. West Virginians, for example, put only 85 new laws on the books last year, and along with Missouri, only made laws out of 9 percent of their bills in the last ten years. New York has passed only about 7 percent and New Jersey only 8 percent.

Unfortunately, many of the bills introduced during a session are simply unbelievable, as in the instance where the legislature in Wyoming almost passed a bill to increase the number of feet in a mile so Wyomingites could drive faster than 55 miles an hour legally.

Bills, good and bad, are more likely to become laws when a state has a predominance of citizen-legislators who can be easily influenced to introduce what is known as "local bills", as well as legislatures that are dominated by one party.

It has been said that we have 30 times more laws than our grandparents and it is debatable that we are 30 times happier, wiser, better governed or more contented.

One suggested solution is to padlock the capitol in Washington and close every state legislature for a year. This would give us the time we need to take stock, assess our purposes, canvass our means and come to a true conception of the possibilities of law.

The realities, however, are that the legislators are back, filling up the hopper with more and more laws to propose, which if passed, are more than we can ever possibly obey.

ANGELO COLLIS REPRESENTS THE FINEST IN SERVICE TO NEVADA'S YOUTH

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. BILBRAY. Mr. Speaker, I rise today with a great sense of respect and admiration to pay tribute to a dedicated civic leader and friend, Angelo Collis. On January 31, 1987, Nevada will honor Angelo for his outstanding record of over 40 years of service to education in our State.

Angelo Collis is a rare person, dedicating himself to serving the youth of Nevada and to the promotion of athletic competition in its highest form. His record of achievements in these areas is unmatched in Nevada.

After honorably serving his country as a crew member of a B-17 in World War II, Angelo returned to Nevada to begin his distinguished career in education and coaching.

Coaching four high school State champion football teams, Angelo was named Nevada Coach of the Year on four occasions. A recipient of Phi Delta Kappa's Outstanding Contribution to Education Award, he was instrumental in founding Pop Warner Junior Football in Southern Nevada, the Southern Nevada Coaches Association, and the University of Nevada, Las Vegas Rebel Club.

Angelo's success did not go unnoticed. After receiving the National High School Coaches Association's Distinguished Service Award, he was selected as one of the top five athletic directors in the Nation.

Yet as impressive as these awards are Mr. Speaker, they pale in comparison to the debt Nevada owes to Mr. Collis. Be it serving education as a vice-principal in Nevada high schools, leading in community charity activities, or counseling youth, Angelo has demonstrated himself to be a man of integrity both on and off the field. He has established the standards to which others should strive.

It is with much pride and a great amount of gratitude that I join Nevada in honoring and thanking Angelo for his dedication to our youth and his service to his fellow citizens of Nevada. We wish him much fortune in his future endeavors.

TUCSON CELEBRATES UKRAINIAN INDEPENDENCE DAY

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. KOLBE. Mr. Speaker, The independence of the Ukraine is a memory, a memory we must keep alive, a memory the Soviet Union wants to bury.

Last week Tucsonans played their part in keeping this important memory alive. On January 22, local Ukrainian-Americans gathered at

Tucson City Hall to raise the blue and yellow Ukrainian national flag in honor of Ukrainian Independence Day.

The people of the Ukraine deserve to be free and deserve the unwaivering support of the Free world for their right to freedom and liberty which is the birthright of every individual. The hope of freedom stays alive in the Ukraine and in those Ukrainians who have come to our great land to enjoy the blessings of freedom.

Incorporated into the Soviet Union in 1920, the Ukraine has not even been allowed to retain its nominal national identity that prevails in Poland, Hungary, and other Eastern European nations in the Soviet grip. Many thousands of Ukrainians have been deported to other parts of the Soviet Union and thousands more died and suffered in the little understood famine imposed by the Soviet Union. The Ukraine has been colonized by other Soviet peoples and its ethnic traditions repressed.

Some timid souls would say that it damages the prospects for better relations with the Soviets if we continue to raise this distasteful chapter in history. I say that freedom is the main business of the United States in the world, and we betray our heritage if we ever fail to speak for freedom.

Tucson Mayor Lew Murphy, in proclaiming the 22d as Ukrainian Independence Day, raised many of the issues that the Soviet Union would rather leave buried in dusty history texts, and he spoke eloquently to many of the aspirations and dreams of Ukrainian-Americans everywhere. Accordingly, I would like to enter his proclamation for the record.

PROCLAMATION

Whereas, January 22, 1987 will mark the 69th anniversary of the proclamation of the free and independent Ukrainian National Republic; and

Whereas, the young Ukrainian National Republic fell in 1920 as the first victim of Communist Russia aggression, and for the past half century Ukraine has suffered untold persecution, man-made famine, religious oppression, Russification and outright genocide; and

Whereas, at last the story of Russian man-made famine in Ukraine was told in a TV documentary "Harvest of Despair" on nationwide PBS stations on September 24, 1986; and

Whereas, the people of Ukraine last year experienced untold sufferings for generations to come from the nuclear disaster at Chernobyl which was under Moscow's control; and

Whereas, on this occasion, it is appropriate to reflect upon our perception and understanding of the Ukrainian people and their aspirations, as well as the plight of all other subjugated peoples under the domination of Communist Russia, including the most recent victim—Afghanistan; and

Whereas, the record of Communist Russia's inhuman persecution of the Ukrainian people is appalling and terrifying, but their courage and determination to have national independence is part of what we celebrate today,

Now, therefore, I, Lew Murphy, Mayor of the City of Tucson, Arizona, do hereby proclaim Thursday, January 22, 1987, to be

UKRAINIAN INDEPENDENCE DAY

in this community and call upon all of our citizens to join those of Ukrainian descent in prayers for peace and freedom throughout the world.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Tucson to be affixed this 22nd day of January 1987.

A REASONABLE DEFENSE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring the following editorial from one of the leading, respected newspapers in my district, The Lompoc Record, to the attention of my colleagues. Appearing in the January 20, 1987, to the attention of my colleagues. Appearing in the January 20, 1987, edition, this commentary correctly argues that the defense budget recently submitted to Congress by President Reagan is quite reasonable. While I, too, wish we did not have to spend so much on defense, current national security needs dictate the level the President has requested. I urge my colleagues to consider the wise comments of the Lompoc Record.

A REASONABLE DEFENSE

The Reagan administration calls its proposed defense budget for fiscal 1988 "very modest," and compared to requests of the past few years, it is.

Even so, the temptation will be strong among House and Senate members to take large chunks out of it. Congress would be making a mistake to let itself get carried away.

The defense budget has presented a fat target lately because Secretary of Defense Caspar Weinberger's tactic each year had been to ask for much more than he expected to get. This year, under pressure from the White House, the Pentagon has taken a more realistic approach.

The proposed defense budget still is a mammoth $312 billion. But then so are the needs of national security.

Actually, the $132 billion is $8 billion less than the Pentagon asked a year ago. Congress slashed nearly $30 billion off last year's request. A reduction anywhere near that magnitude this time could be dangerous and clearly should be out of the question.

Using the $292 billion authorized by Congress for fiscal 1987 as a starting point, the Pentagon has asked for an increase of only 3 percent after accounting for inflation. To arrive at the $312 billion fugure, the Pentagon had to stretch our many procurement programs. The goal of a 600-ship Navy won't be achieved by 1989, as had been planned, and neither will the target of 40 Air Force fighter wings.

Some items in the defense request undoubtedly will get sharp scrutiny in Congress. One is a proposed $2 billion increase to accelerate research on President Reagan's controversial Strategic Defense Initiative (Star Wars). Another is a request for $660 million to begin work on two more nuclear-powered aircraft carriers; some in Congress believe it would be better to buy more smaller ships. A third is a request for more funds the MX and Midgetman missiles.

It is reasonable to expect that Congress will do some juggling among Pentagon spending accounts and perhaps make some modest reductions. But the legislators would be remiss if they engage in wholesale cutting of a defense budget that appears to meet the nation's minimum security needs.

THE NORTHROP F-5 FIGHTER

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. LEVINE of California. Mr. Speaker, for over three decades, Northrop's F-5 fighter has been one of the world's most reliable and effective fighter planes. Since F-5 development began in 1953, Northrop has sold more than 4 billion dollars' worth of F-5's to over 30 foreign nations. As a recent article in the Los Angeles Times put it so well:

> The list of F-5 customers embraces almost every race, religion, and economic system. It is used by democracies and dictatorships. It is flown by nations that have seldom been at war and those that have scarcely known peace.

The appeal of the F-5 has consistently been its low cost, ease of maintenance, superior performance in battle, and, most importantly, its unparalleled reliability, all of which stem from Northrop's basic design philosophy. Some nations have had the F-5 in their arsenal for over two decades as their principal air defense fighter. As one Northrop executive is quoted as saying, "The airplane would just keep flying." and as the years wore on, Northrop continually sought to improve the plane by making major design changes, taking it to the F-5E version.

However, after 30 years of production, the F-5 assembly line is slowing to a halt. But rather than mourn its passing, all should laud the achievements of Northrop and their remarkable fighter. I am including in the CONGRESSIONAL RECORD the Los Angeles Times article from which I quoted earlier. It gives an excellent idea of the F-5 story, and I strongly commend it to the attention of my colleagues.

[From the Los Angeles Times, Jan. 16, 1987]

ERA OF THE F-5 ENDS AFTER THREE DECADES

(By Ralph Vartabedian)

After selling more than $4 billion worth of F-5 jet fighters over three decades to 30 foreign nations from Chile to Sudan, Northrop is closing down the F-5 program.

Two new F-5s purchased by the sheikdom of Bahrain are scheduled to take off from Northrop's Palmdale assembly plant this morning and fly to a ceremony at Wright-Patterson Air Force Base in Ohio, marking the official conclusion of F-5 sales.

Over the years, the F-5 has become the Volkswagen of supersonic jet fighters, a low-cost and reliable weapon purchased by countries that needed a basic air defense capability but lacked their own aircraft industries.

Like the Bug, it became an enduring commercial success. More F-5s are in current use in the non-Communist world than any other jet fighter. Northrop sold 3,789 F-5s and related T-38 trainers, principally to less-developed nations.

At its 1960s peak, Northrop was building 18 of the aircraft per month, but output has been slowing for several years. About 200 workers are employed on the F-5 today, mostly for customer support, and no sharp employment drop is expected.

The F-5 isn't equipped with the extras that the heavy, most-advanced fighters of the U.S. Air Force have always carried, but the agile little aircraft has proven itself in plenty of battles. Even today, Iran is thought to be relying on F-5s in its bloody conflict with Iraq, Air Force officials say.

The F-5s principal adversaries through the years were the MIG-5 and MIG-17, the Russian-built no-frills fighters that were widely exported in the Soviet bloc.

"The F-5 would outperform the MIG in acceleration and turn rates, that sort of thing," said Robert Gates, Northrop vice president for international business. "The airplane would just keep flying. The very first F-5 went to Norway and they're still flying it." The list of F-5 customers embraces almost every race, religion and economic system. It is used by democracies and dictatorships. It is flown by nations that have seldom been at war and those that have scarcely known peace.

It was purchased by Saudi Arabia, Ethiopia, Malaysia, Kenya, Singapore, Taiwan, Korea, the Philippines, Libya, Morocco, Jordan, North Yemen, Mexico, Thailand and Vietnam. The F-5 also went to Canada and to Europeans, including Norway, Spain, Greece and Switzerland.

The F-5's appeal was its simplicity of design, a reputation for low maintenance and a cost that was hard to beat on the international arms market.

Early versions of the jet fighter sold for $750,000 each, a price almost incomprehensibly low by today's standards. For example, the Air Force F-16 costs $15 million and the Navy F-14 costs $63 million.

THREE KEY MEN

Northrop launched F-5 development in 1953, based on the designs and theories of three key men who were all Stanford University graduates and had worked together earlier at Douglas Aircraft. They were Thomas V. Jones, Welko Gasich and William Ballhaus.

Jones became the chief executive of Northrop in 1960. Gasich is a Northrop executive vice president. Ballhaus was president of Beckman Instruments and remains a Northrop director.

The design philosophy of the F-5, emphasizing reliability and low maintenance, would eventually become the hallmark of Northrop.

"There were a lot of simple things that we did," Ballhaus said. "Like putting on an access door in such a way that when it opened it would become a shield from the rain."

The F-5 was conceived in the days when airplane designs didn't come from large corporate committees and didn't depend on computer-generated graphics. A critical turning point in the F-5 program came in an encounter when a General Electric jet engine representative dropped in on Ballhaus, carrying a large wooden box with a mockup of a low cost engine for missiles inside.

"He said you could put this engine on all your missiles," Ballhaus recalled. "I said what about an airplane. He said what the hell kind of an airplane would use this engine. But you could see the dollar signs going off in his head when he realized how many engines he could sell us."

"When we give credit to what made the program such a success, General Electric played a big part," Gasich said. "There is as good a relationship between General Electric and Northrop as any in the industry."

The F-5 was co-produced under a license from Northrop in five countries—Canada, Spain, Switzerland, South Korea and Taiwan. The airplane went through major design changes, taking it to the F-5E version.

Northrop eventually decided to develop an F-5G version of the aircraft, its biggest redesign ever. At a cost of $1 billion, Northrop reconfigured the fuselage to carry a single engine, redesigned the cockpit and put in new radar.

The plane was eventually renamed the F-20. But when Northrop attempted to sell the F-20 to its old F-5 customer Taiwan, it found the international market for U.S. weapons has become forever more complex.

The Reagan Administration decided that the F-20 was such a potent weapon that its possession by Taiwan would upset the new friendship between China and the United States.

The F-20 failed to gain a single order and was cancelled last year by Northrop. Meanwhile, interest in the F-5E waned. "It was good for a long time, but any program will come to an end," Gates said. "The market kind of dried up."

SEATTLE HUMAN RIGHTS ACTIVIST EVALUATES SOVIET POLICY

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. LOWRY of Washington. Mr. Speaker, I wanted to share a recent Seattle Times guest editorial by my constituent Judy Balint, who chairs Seattle Action for Soviet Jewry. Judy is a tireless and creative advocate for the many refuseniks who have been denied permission to leave the Soviet Union. She has done an outstanding job of educating the people of Seattle about this matter. I commend her and her colleagues for their fine work and would like to reaffirm my own commitment to human rights for the people of every nation.

As Congress deals with the crucial issue of United States-Soviet relations, we will want to consider the views of the people who work on behalf of refuseniks, dissidents, and human rights monitors in the Soviet Union. Accordingly, I commend Judy's analysis of Soviet human rights policy to my colleagues' attention.

NO EVIDENCE OF IMPROVED SOVIET HUMAN-RIGHTS POLICY

(By Judy Balint)

Consider some recent events in the Soviet Union:

Anatoly Shcharansky released from prison and allowed to emigrate to Israel.

Andrei Sakharov permitted to return to Moscow.

Irina Ratushinskaya and David Goldfarb transported to the West for medical treatment.

Yuri Orlov sent out of exile to the West.

Soviet representatives willing to discuss human rights with activists in Reykjavik and Vienna, even proposing a human-rights conference in Moscow.

Do all these factors add up to a significant new human-rights policy from the Kremlin? Or do they signal a new, more sophisticated human-rights "offensive" aimed at Western media and public opinion?

In either case, the international advocacy campaign for human rights in the Soviet Union clearly has become an embarrassing irritant for the Soviets. It appears that these token gestures and hints of changing policy are trial balloons to test the commitment, perseverance and understanding of the West regarding the importance of human rights in the Soviet Union.

An example of deceptive reform is the new Soviet Decree on Emigration, which took effect Jan. 1. In Vienna, Soviet Foreign Minister Edward Shevardnadze said the new law would speed up the departure process. A careful reading of the decree's provisions reveal that it is a vaguely worded document with broad areas of exceptions that may restrict emigration more severely.

Instead of recognizing the concept of repatriation, under which thousands of Jews have emigrated to Israel, the decree now demands that anyone wishing to leave the U.S.S.R. must have an invitation from a "first-degree relative" abroad.

Thus only those individuals with a spouse, parent or child abroad can contemplate emigration. The door is shut for hundreds of thousands of Soviet Jews who have no close relatives abroad.

Past practice has been for Soviet officials to cite "possession of state secrets" as a reason for denying emigration visas. The new law adds a provision that allows rejection of an application "in the interest of ensuring the preservation of public order, or the health and morality of the population."

In addition, the denial of an application for reasons of state security can be extended "until such time as the circumstances preventing departure expire." Because no expiration date is specified, the applicant who is alleged to have knowledge of state secrets can be permanently denied an exit visa.

After studying the decree, Anatoly Shcharansky estimated that is would cut the current low level of Soviet Jewish emigration by an additional 90 percent. Emigration levels are another strong indicator of true Soviet intentions on human rights and the observance of the Helsinki Accords.

Through the end of November, 873 Jews had been allowed to leave the U.S.S.R. in 1986, compared with 1,140 in 1985 and a high of 51,330 in 1979. "It may be the lousiest year on record," said a Western diplomat in Moscow.

The recent death in Chistopol Prison of dissident Anatoly Marchenko, 48, was another sign that the warm winds of change are not being felt in the Gulag. Shcharansky's release coincided with a year when more Soviet Jews were arrested and imprisoned than at any time since the death of Stalin.

Persistent reports of prison-camp brutality emerge at a steady pace:

Prisoner of conscience Alexei Magarik (visited in Moscow by several Seattle residents before his arrest in 1986), together with other political prisoners at Omsk Camp No. 8, was forced outside in subzero temperatures with inadequate clothing, beaten, and then chased through the prison grounds by guard dogs and militia.

Yosef Bernshtein was attacked with a broken bottle and lost his sight in one eye.

Vladimir Lifschitz suffered a concussion in a prison beating shortly after his arrest in March 1986.

Instead of reacting as if the Soviet Union had committed a great humanitarian act by releasing three prisoners of conscience recently, perhaps we should take Sakharov's lead and condemn the cruel pretext by which they were imprisoned in the first place.

"All those sentenced under these articles (anti-Soviet agitation and propaganda and slandering the Soviet state) are convicted unjustly and unlawfully," Sakharov said upon his return to Moscow.

Combined with the clampdown on emigration, arrests of those with independent political and religious beliefs, the resurgence of virulent anti-Semitic propaganda also refutes the notion of substantive human-rights improvement.

The most recent example of this genre reached the West last month: Entitled "On the Class Essence of Zionism," this 235-page work was written by A.Z. Romanenko and published by Leninzdat of Leningrad. It contains statements such as: "The increasingly reactionary role of Judaism creates a vital necessity for an uncompromising offensive against the Jewish religion."

Shcharansky told a news conference in Washington, DC, last month that he finds among Westerners an almost desperate instinct to credit recent changes in the leadership style of Soviet officials as substantive.

"Really, the West wants to be deceived," he declared. "People pay too much attention to what this or that writer is permitted to say, if 'Dr. Zhivago' is allowed to be published . . . What's more important is what's happening in the Soviet camps and with the emigration laws."

Highly publicized but isolated gestures "have created an air of expectation that has definitely undermined protest," he said. "It shows the success of the Soviet public-relations campaign."

Front-page stories from "unidentified senior Soviet sources" about a supposed mass release of political prisoners in 1987 are only the latest example of the Kremlin's ability to gain credit for doing nothing.

It was Page 1 news when Sen. Ted Kennedy returned from Moscow early in 1986 announcing that 117 divided-family cases would be resolved. Only a handful of these families have been reunited. Factual rather than speculative Western reporting would provide a clearer picture of real Soviet human-rights policy.

Ultimately we must ask ourselvers whose interests are served if we believe that, contrary to all evidence, a dramatic new turn in Soviet human-rights policy is taking place. If Nelson Mandela were released from prison tomorrow, would we presume that the South African government's policy of apartheid had ended?

We should listen to Sakharov, Orlov and Shcharansky. They counsel a realistic appraisal of events inside the Soviet Union and no compromise in our support of demands for a comprehensive settlement of Soviet human-rights problems, according to the Helsinki Accords.

CATASTROPHIC HEALTH CARE INSURANCE

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. FAWELL. Mr. Speaker, the opening of the 100th Congress kicks off the congressional debate over catastrophic health care insurance, a debate that is long overdue. Evidence shows that without further expansion the current insurance industry falls woefully short in providing catastrophic health care insurance to all Americans who need it. It is time that Congress steps in to provide those incentives necessary so that catastrophic health care insurance is available to all.

I am pleased to announce at this time that the State of Illinois has already taken steps to respond to the needs of the Illinois uninsured by authorizing legislation to create a Comprehensive Health Insurance Plan [CHIP]. This plan establishes a State risk pool to subsidize insurance for those whose medical condition makes it impossible or prohibitively expensive to get insurance. I would like to enclose for the RECORD a copy of a letter that I have recently received from the State of Illinois Attorney General Neil Hartigan, which further discusses CHIP. The State of Illinois has proven, through the establishment of CHIP, that States can and should be active partners in providing catastrophic health care insurance to their citizens.

STATE OF ILLINOIS,
OFFICE OF THE ATTORNEY GENERAL,
Chicago, January 15, 1987.

Hon. HARRIS W. FAWELL,
Member of Congress, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN FAWELL: I am aware of your continuing interest on the issue of health insurance for those Illinois residents unable to purchase it, and thought you would want to be informed about recent activity in our state pertaining to this important issue.

I am enclosing a packet of information about a newly passed measure, which is an Act creating a Comprehensive Health Insurance Plan (CHIP) in Illinois. This program will especially benefit consumers with disabilities because it provides health insurance for people who are now considered medically uninsurable. People who may be affected by this bill include those with arthritis, diabetes, heart disease, cancer, physical disabilities and any other medical condition that would cause them to be categorized as having a pre-existing condition. The numbers of people involved are tremendous, and literally can impact on every one of us and our families.

Our objective was to offer adequate and affordable health insurance to any Illinois citizen who wants to purchase it. This measure is modeled after similar high risk insurance pool legislation in other states, but differs substantially because our state revenues will pay for cost over-runs. The Act offers comprehensive medical coverage for eligible participants at 135% of the average individual rate for comparable coverage in the state.

Illinois CHIP legislation is the culmination of a three year effort out of my office that included extensive research, drafting, and lobbying efforts. A grass roots bi-partisan coalition of over 150 groups representing disabilities, the medical community, lawyers, business, organized labor and the insurance industry joined in the effort. The bill passed unanimously in the Senate and by an overwhelming margin in the House. I was extremely gratified that this major public policy proposal received such strong bi-partisan support in our General Assembly, and look forward, in a few weeks, to when Governor Thompson signs it. We will now direct our energies toward assuring prudent management by the Board of Directors so that the plan remains fiscally sound.

This action by the Illinois General Assembly presages an issue that you may be considering during the 100th session. One of the obstacles faced in our effort to pass this legislation was the fact that under the federal ERISA statute as interpreted by the U.S. Supreme Court in the *Metropolitan Life* decision, states cannot assess or tax self-insured groups as a means of providing payment for cost overruns experienced by these high risk pools. This creates an inherent inequity if the assessment mechanism is used, since it permits only privately insured employer groups to be taxed. Various bills were introduced in the 99th Session to address this issue, primarily H.R. 1770 (Kennelly), and is expected to be a feature of Senator Kennedy's Access to Health Care proposal.

Please be advised that I am willing to testify on the subject of health insurance and/or assist you in any way I can. This bi-partisan issue is of major importance to all of us, and the three years of research and work towards creating the CHIP Act in Illinois offered me a new dimension of understanding as to the depth of this very serious problem not only in Illinios, but nationally as well. My staff and I are available at your convenience and look forward to hearing from you. Please feel free to call me directly at (312) 917-2503 should you desire my participation.

Very truly yours,

NEIL HARTIGAN,
Attorney General.

STOP EMERGENCY FOOD DEFERRAL

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, I urge my colleagues to prevent the Reagan administration from suspending fiscal year 1987 funding for the Temporary Emergency Food Assistance Program [TEFAP]. This program provides surplus commodities to food banks and soup kitchens around the country. It has played a special role in meeting temporary food shortages of needy people while reducing the enormous stockpile of federally owned commodities.

TEFAP is a modest program funded at only $50 million for the entire year. Now the administration wants to defer or kill $28.6 million of this year's program. The timing is bad enough—coming in the middle of winter, but the effect is even worse. The deferral will wipe out this lifeline to hungry people in America at a time when our surplus food lockers are bulging at the seems.

I will include for the RECORD a letter from the director of North Dakota's TEFAP Program to show why this deferral must be stopped. The end of TEFAP funding means the State "* * * will be forced to cancel future food shipments * * *" which will thereby prevent food aid to 93,000 needy people. Surely we can find more humane and effective ways to balance the budget than letting food go to waste while our own people go hungry. So I ask my colleagues to join me in halting this foolish cut in TEFAP funding, as provided in the report accompanying the urgent supplemental for the homeless.

Included for the RECORD is a letter from Kathryn Grafsgaard, director of the Child Nutrition and Food Distribution Programs for the State of North Dakota.

STATE OF NORTH DAKOTA,
DEPARTMENT OF PUBLIC INSTRUCTION,
January 23, 1987.

Subject: Temporary Emergency Food Assistance Program [TEFAP] Administrative Funding Deferral.

Attention: Doug Norell.

Hon. BYRON L. DORGAN,
U.S. House of Representatives,
Washington, DC.

DEAR MR. DORGAN: This is in response to your request for information regarding the Temporary Emergency Food Assistance Program [TEFAP] and how a potential deferral will affect the program's operation in North Dakota.

In our state, 35,000 families (93,000 individuals) with incomes below 150% of poverty receive bonus commodity foods once per quarter under the program. The number of participants has risen significantly in the past year. The eight Community Action Agencies are responsible for local distribution of the foods.

We have learned from the USDA Regional Office in Denver that our Letter of Credit for the second quarter of fiscal year 1987 TEFAP administrative funding has been reduced by approximately $10,000 as a result of USDA's recommendation for deferral of the funds. It appears that we will not have adequate funds to meet second quarter commitments for the January-March distribution of foods already in storage in the state.

If federal funding is unavailable, we will be forced to cancel future food shipments into the state. It is highly unlikely that state and local agencies will be in a position to support the cost of program administration.

If you need additional information, please contact our office.

Sincerely,

KATHRYN GRAFSGAARD,
Director, Child Nutrition and Food Distribtion Programs.

LET'S SALUTE OUR NATION'S FISHERMEN

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. JONES of North Carolina. Mr. Speaker, today I am introducing House Joint Resolution 121, requesting and authorizing the President to proclaim June 1 through 7, 1987, as "National Fishing Week."

Fishing is an integral part of our country's heritage. The early settlers relied on fishing as a readily avaliable, high quality, source of food. In addition to its nutritional value, fishing has provided millions of Americans with a relaxing form of recreation and needed employment. Finally, fishing promotes a healthy respect for the natural resources and environment of our country.

Today fishing represents a significant and ever increasing source of food for the American diet. Recent statistics show that U.S. consumption of fish has reached unprecedented heights. This is due to a health conscious public responding to the news that eating fish regularly can reduce the risk of coronary heart disease.

In addition to the nutritional benefits provided by fishing, there are some very obvious financial benefits. Commercial fishing provides employment for over 300,000 Americans and is often the only industry in many small coastal towns. Sport fishing is the second most popular recreational activity in the United States with over 54 million participants. The industry encompassing sport fishing includes tackle manufacturers, boat and motor producers, and service industries such as motels and bait shops. This translates into an annual economic benefit of $25 billion and 600,000 jobs.

Aside from the economic benefits, fishing promotes respect for the natural resources of our country. Recreational and commercial fishermen realize that without a clean and healthy environment they would not be able to ply their occupation or sport. Therefore, it is fishermen who often lead the fight to protect critical wetland and estuarine habitat from development and pollution.

Last year, Congress and the President helped to recognize the contributions of fishermen to our society by proclaiming a national fishing week. Across the country, people of all ages participated in fishing clinics, fishing tournaments, and environmental seminars.

The National Wildlife Federation, Optimists International, Civic Clubs, and manufacturers sponsored "Take A Kid" fishing activities. State Governors issued free fishing day proclamations, which provided an avenue for nonfishermen to try the sport and reminded the people who have not fished in a while of the joys of fishing. The U.S. Fish and Wildlife Service held open houses, tournaments, and special exhibits.

Fishing, whether a family orientated form of outdoor recreation or a much needed source of employment in small coastal towns, is helping to make a stronger and healthier America. I urge all Members to salute the sport and commercial fishermen of this country by joining me as a sponsor of House Joint Resolution 121, which calls for the President to proclaim June 1 through 7 as National Fishing Week.

MARTIN BLINDER: BRINGING FINE ART TO THE MASSES

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. LEVINE of California. Mr. Speaker, it is with great pleasure that I rise today to honor my close friend Martin Blinder.

Marty originally went into art publishing to support his art collector's habit, but his unconventional thinking and his skill at marketing have turned his company, Martin Lawrence Limited Editions, into a $10 million business. The key to his success was his decision to break away from the traditional fine art markets to "sell fine art to the masses." As he points out, "everyone is a collector of some sort. Nobody has blank walls." He has in the past referred to himself as the McDonald's of the art business. The tremendous success of his business has proven his theory.

I would like to share with my colleagues the following article from the Los Angeles Times about Marty and his company.

MARTIN LAWRENCE BRINGS "FINE ART" TO THE MASSES

(By Barry Stavro)

Martin Blinder, chairman of Martin Lawrence Limited Editions, gently lifts the Plexiglas cover to show off this latest collectible: a 79-cent box of Campbell's dried chicken noodle soup. What makes this box different from those on a grocer's shelf is that artist Andy Warhol has signed it.

"It's now a piece of art," Blinder said, "And I probably could sell it for $500."

Blinder's Van Nuys-based company, which operates a chain of art galleries, didn't grow into a $10-million business by selling boxes of soup. But conventional thinking is not his style. When he sells lithographs, silkscreen prints, etchings and sculptures, he skips the museum crowd and aims for high volume.

"I want to sell fine art to the masses," he said. By fine art, he means lithographs or silk-screns by Warhol, Joan Miro and other famous artists, along with sculptures, etchings and silk-screens by lesser-known artists.

To reach the masses, most of Blinder's 12 art galleries, seven of them in Southern California, are in shopping malls.

There is no sticker shock at a Martin Lawrence gallery. Blinder breaks from tradition because every piece of art in his stores can be taken home for a 20% down payment, and (on average) 27 monthly payments. If you like an Andy Warhol silk-screen of Gertrude Stein, it's yours for $550 down and $92 a month (at 19.2% interest).

At these prices, Martin Lawrence galleries are a major step below an expensive Beverly Hills gallery, of course, but a big step up from poster shops.

"I took a product like fine art and market it in a way that I would market furniture," Blinder said.

PROFIT CURVE

The art establishment has some doubts about the long-term investment value of what Blinder sells. But Blinder snubs his nose at the "snooty" art crowd, and happily advertised on TV shows, including "The Price Is Right," "Let's Make a Deal" and "Wheel of Fortune," where his art is given away as prizes.

The only art form the stock market cares about, of course, is the profit curve, Blake Childs, and analyst with Bateman Eichler, Hill Richards, expects Martin Lawrence to post record sales of $10.2 million and record profit of $880,000 for the fiscal year ended Dec. 31, a big jump from 1985 results of $6 million in sales and $265,742 in profit, Martin Lawrence's stock has also been on the rise.

As the company grows, Martin Blinder has also moved away from the long shadow of his father, Meyer Blinder, the penny stock "prince" of Denver, who has had a running battle with the Securities and Exchange Commission.

Meyer Blinder played a key role in his son's company, making a $200,000 no-interest loan to Martin Lawrence Limited Editions several years ago. In January, 1985, Meyer Blinder's brokerage firm, Blinder, Robinson, took Martin Lawrence public. The sale of stock, and warrants that were later exercised, raised $3.25 million to help finance the art company's expansion. And Blinder, Robinson has been the chief trader in Martin Lawrence's stock.

But the SEC has moved to bar Meyer Blinder from the securities industry for two years, starting in March. Blinder has filed an appeal with the Circuit Court of Appeals in Washington.

Meyer Blinder's problems date back to 1979 and 1980 when Blinder, Robinson sold stock in an Atlantic City casino and Hotel, and, the SEC maintains, made fraudulent stock predictions to the public.

Penny stocks, so-called because the stock price is usually $1 or less, involve companies with a short financial history, and the stocks tend to be extremely volatile.

There has never been any suggestion of impropriety between Martin Lawrence Limited Editions and Blinder, Robinson, but analysts say the close relationship probably hurt Martin Lawrence's reputation.

"Martin Lawrence may not have gotten as much coverage from the investment community as it deserved," said analyst Frank Podbelsek of Wedbush, Noble Cooke.

Martin Blinder, now 40, went into the art business after a brief career as a stock broker ("When a stock went down, I was sick.") He caught the art bug and became a collector, then, to pay for his habit, became an art publisher in 1974.

A publisher makes an agreement with an artist to distribute the entire run of a given lithograph or etching, and sells them wholesale to art dealers. By 1981, Blinder's wholesale business was doing $3 million a year in sales.

In 1981, Blinder opened an art gallery in the Sherman Oaks Galleria. He enjoyed being able to sell the same lithographs to the public for $1,000 at retail that he sold wholesale to art dealers for $500.

Blinder kept refining his marketing formula. He lined up General Electric Credit Corp. to handle credit financing. To build traffic in his stores, Blinder offered silk-screens and etchings by name artists, such as Marc Chagall and Peter Max, as well as works by younger ones, such as Susan Rios and Doug Webb.

$1,500 AVERAGE SALE

His stores are not the places to look for one-of-a-kind oil paintings. They emphasize silk-screens and etchings that may have a run of 500.

Blinder's average sale goes for $1,500. Customers fit the yuppie mold—between the ages of 25 and 45, and earning more than $35,000 a year.

Blinder is continuing to branch out from California and is opening a gallery in Mahattan's Soho, one of the country's foremost art districts. He talks of the company's tripling in size within three years.

Analysts caution that a recession could hurt the company's sales. And there is also the worry of trying to expand too fast.

But Blinder is convinced. "We have found a formula," he said. "Everybody is a collector of some sort. Nobody has blank walls."

IN TRIBUTE TO A FOREIGN SERVICE OFFICER

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. BROOMFIELD. Mr. Speaker, I want to take this opportunity to call the Members' attention to the tragic death of Mr. Robert Bannerman, a regional security officer assigned to the American Embassy in Kenya. Mr. Bannerman, one of the most distinguished security officers in the Foreign Service, was killed in an automobile accident in Nairobi on December 20, 1986. Memorial services for Bob were recently held in Arlington, VA.

In his eulogy during those services, Robert Lamb, the Director of the Bureau of Diplomatic Security, pointed out that it was not uncharacteristic that Robert Bannerman would lose his life serving his country in a difficult and distant land. Bob knew the challenges of overseas service all too well. During his long career, he had been assigned in Mexico City, Lima, and Pretoria. He was the security officer in Phnom Pehn during the civil war of the early seventies, and in Vientiene, Laos, during hostilities in that country. He was the regional security officer in Teheran in those dangerous days when extremists began to discard the rule of law in favor of violence, and public order essentially fell apart. He also served as Director of Domestic Security for the State Department from 1981 to 1985 and was responsible at that time for the security of the Department of State buildings in Washington.

Bob Bannerman's diverse career touched on every major area of security work, an area of expertise that has become so critical in enabling our Government to maintain an effective U.S. presence overseas. He began his security career as an investigator and later was responsible for the personal protection of high-ranking American and foreign dignitaries. He was instrumental in launching the Department of State's Embassy Physical Security Program, an important element of America's effort to better protect our citizens serving overseas.

In a distinguished career of more than 20 years, Bob was a natural leader among young officers. He was respected among his peers as a thoroughly professional security officer who was ready to accept difficult assignments and willing to place himself in physical danger in order to protect others.

He served in the best tradition of a family distinguished over the years for public service. His grandfather was the first Chief Special Agent in the Department of State. His father was a leader in the security field in the foreign affairs agencies. Others in the family have risen to positions of responsibility in the U.S. Government. Bob Bannerman answered the call and continued his family's tradition of service to his country.

He personified many of the qualities critical in a modern Foreign Service. He directly contributed to the institutional development and professionalism of today's Diplomatic Security Service which the Congress recently established. He was also greatly respected by his colleagues, security professionals of other agencies and his counterparts in the governments of other nations.

Most important was his unfailing dedication and commitment. He willingly served in some of the most difficult and dangerous Foreign Service posts in the world and was always ready to answer the call when a challenging assignment needed to be undertaken. In this tradition of selfless commitment, Bob Bannerman died in the service of his country in distant East Africa. His professionalism and leadership will always be remembered by his friends and admirers. My heart goes out to his family and loved ones. An eagle has fallen and he will be sorely missed.

A LITTLE BOY'S OBSESSION WITH THE STATUE OF LIBERTY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. PORTER. Mr. Speaker, I include the attached article from one of my constituents that I think will be of interest. The author is an 8-year-old boy that has an interest in the Statue of Liberty.

The material follows:

A LITTLE BOY'S OBSESSION WITH THE STATUE OF LIBERTY

Two years ago a little six year old boy who lives in Chicago saw on television the Statue of Liberty enclosed in scaffolding, he was saddened and said to his parents "They've got that poor lady in a cage, I'm going to New York and get her out of that cage."

For the entire two years following the little boy (now eight years old) talked about the "poor lady in the cage and how he was going to save her."

So a few days after the 4th of July celebration his parents took him and his 12 year old sister to New York. When he first laid eyes on the statue he started crying and trembling all over. He was so moved.

He has a replica of the statue which he carries with him at all times, explaining to all about his visit to the lady since she is out of her "cage."

GLADYS STEELE, A LOCAL HERO

HON. JIM OLIN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. OLIN. Mr. Speaker, I would like to commend to my colleagues in the House a news story that appeared this week in the Washington Post. It describes a heroic woman in the city of Lexington, VA, who has opened her home to homeless people in her community. Gladys Steele has demonstrated a spirit of compassion that is an inspiration to us all. She saw a need, a desperate need for those with no place to stay in the midst of this hostile weather, and she filled it. I am proud to have her as a constituent.

This latest act by Ms. Steele is only a continuation of a career of service to needy people in her area. As indicated in the story, local officials know her as "one-woman social service agency." Gladys Steele is a person who, by her example, reminds us of our obligations to our fellow man. Lexington is lucky to have her. And we all can benefit from hearing her story.

[From the Washington Post, Jan. 27, 1987]

VA. WOMAN TURNS HOUSE INTO SHELTER FOR HOMELESS

LEXINGTON, VA.—For years, when a homeless man needed a meal or shelter from the cold, he was likely to wind up on the porch of Gladys Steele's house. She would give him a cup of coffee, maybe a plate of beans and some attention to his troubles.

Last fall, when people began to organize a shelter for the homeless here, they turned to Steele, a 49-year-old widow, for advice. She knew the men and their needs.

But the project bogged down and the nights kept getting colder. Two weeks ago, Gladys Steele solved the problem. The shelter's going to be at her house.

Steele said she made the offer because she was getting worried about the weather.

"It's so far into the winter, if they're going to have a shelter, they'd better get it," she said.

Her landlord and neighbor, William Brown, agreed to the plan.

Since the word spread, help has been pouring in. Building contractor Woody McDonald and electrician Sid Brown have crews in the house making extensive improvements at cost. Lawyers Mac Crawford and Louise Moore have been exploring the legal issues.

People have been hauling in cots, mattresses, blankets, food.

"Somebody brought us a TV. Somebody paid for the cable hookup. Somebody else brought a phone," said Andrew (Uncus) McThenia, a law professor who started the homeless project.

Churches are offering money. Some young people are going to paint the rooms. And members of Phi Alpha Delta, a service fraternity at the Washington & Lee University School of Law, where McThenia teaches, have offered to spend nights there.

The Lexington City Council did its part last month by declaring a cold-weather emergency until March. That way, the shelter can bypass the usual zoning and building code requirements.

If all goes as planned, the shelter will open soon with 10 cots and a new bathroom upstairs. Downstairs, near Steele's quarters, there will be a dining room and a washer and dryer. St. Patrick's Catholic Church plans to move its meals for the homeless to the house.

Local police know Steele as a one-woman social service agency.

Since she stopped drinking about five years ago and "got saved" through her church, Victory Baptist in Buena Vista, she has looked after old, sick people or others who are down on their luck.

"If she ever saw a need, she'd try to fill it. She's a grand lady," said Maj. Freddie Spence with the Rockbridge County Sheriff's Department.

At one time, homeless people would show up at Steele's house almost every day. "But so many of the guys have died," she said recently.

On Thanksgiving, she fed 29 people.

Steele has worked at a printing press, done housecleaning and been a cook and waitress. She has six children, all grown, and 10 grandchildren.

After helping the homeless by herself for years, she has allies. And it seems natural that her house should be the shelter. So far there have been no hitches.

"I feel that God showed me that this is the way I'm needed," she said.

TRIBUTE TO HOWARD THELAN

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. DAUB. Mr. Speaker, I want to take this opportunity to honor the achievements of a constituent from Nebraska's Second Congressional District. Howard Thelan, Assistant Planning Chief for the Army Corps of Engineers Omaha District, has won the U.S. Secretary of Defense 1986 Productivity Excellence Award for his cost-saving efforts on the Papio Creek Dam site 18 project. In this period of chronic Federal deficits, it is essential that public servants like Mr. Thelan provide for an efficient government. I congratulate Mr. Thelan for his efforts along these lines, and I would like to insert in the RECORD at this time an article from the Omaha World Herald announcing his award.

[From the Omaha World Herald, Jan. 27, 1987]

OMAHAN GETS HONOR FOR COST-SAVING TIP

An Omahan's cost-saving suggestion on modifying a Papio dam has won him a national award.

Howard Thelen, assistant planning chief for the Army Corps of Engineers Omaha District, won the U.S. Secretary of Defense 1986 Productivity Excellence Award.

He will receive the award from Defense Secretary Caspar Weinberger Wednesday in a Pentagon ceremony.

Thelen's suggestion was to lower the elevation of the spillway crest at dam site No. 18 near 156th and F Streets. The lowering led to a savings of $1,335,752 in government real estate purchases for the dam's flood control pool, the corps said.

Col. Steven G. West, Omaha District commander, nominated Thelen for the award. Thelen is one of two individuals Weinberger will honor. He also will cite five organizations.

The award was created in 1983 to honor individuals and groups whose ideas improve productivity or save costs.

CANCER IN MINORITY AND ECONOMICALLY DISADVANTAGED COMMUNITIES

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. DYMALLY. Mr. Speaker, today I am introducing a joint resolution to designate the third week in April as "National Minority Cancer Awareness Week."

Cancer, in any form, is a devastating disease. The burden falls not only on the cancer patient, but often on the patient's family and friends, as well. To promote national awareness of the causes, types, and treatments of cancer, the month of April has been designated each year as National Cancer Month.

Cancer does not discriminate. If affects men and women of every age, race, ethnic background, and economic class. But, unfortunately, cancer has a disproportionately severe impact on certain segments of the population.

For example, the incidence of cancer, overall, is higher among black and Hispanic-Americans that in the general population. And while the overall cancer survival rate is improving steadily, the survival rate among black and Hispanics has declined.

In addition, cancer incidence and fatality rates in economically disadvantaged communities are higher in comparison to the general population.

The National Cancer Institute has established a goal to reduce the cancer mortality rate in the United States to 50 percent by the end of this century. While this is an ambitious goal, it is certainly achieveable if we apply present technology and research to all communities on an equal basis.

"National Minority Cancer Awareness Week" will serve several purposes in promoting our national goal of winning the war against cancer.

First, it will foster increased awareness of cancer prevention and treatment among those segments of the population with higher cancer rates.

Second, it will give physicians, nurses, other health care professionals, and researchers an opportunity to focus on the populations at risk, and to develop creative approaches to attacking the cancer problems unique to these communities.

Finally, this week will call attention to the need for improved data collection on cancer incidence and mortality rates among minorities in the United States.

Efforts to address the issue of cancer in minority and economically disadvantaged communities are already underway. During the third week of April, the University of Texas System Cancer Center M.D. Anderson Hospital and Tumor Institute, in conjunction with the American Cancer Society—Texas Division—will sponsor a national symposium on cancer and minorities. The largest undertaking of its kind, this meeting will bring together leading cancer specialists, health care professionals, and lay people, to address this public health problem of major importance.

As we continue to assess our progress, each April, in preventing and treating cancer, let us take 1 week to focus on the impact of cancer in communities at greater risk. If we successfully fight the battle on this most dangerous front, we will go a long way toward winning the war against cancer.

WEST VIRGINIA NATIONAL INTEREST RIVER CONSERVATION ACT OF 1987

HON. HARLEY O. STAGGERS, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. STAGGERS. Mr. Speaker, I am pleased to join my colleague, NICK RAHALL, in introducing the "West Virginia National Interest River Conservation Act of 1987." This legislation seeks to establish the Gauley River National Recreation Area, as well as the State's first national wild and scenic rivers, on portions of the Bluestone and Meadow Rivers.

While this bill is of national significance, it holds forth positive benefits for portions of my congressional district. The river gorge counties of Fayette and Summers have much to offer by way of recreation and tourism opportunities.

Since the establishment of the New River Gorge National River in 1978, we have seen increased economic benefits result from an expanding travel and tourism industry in the region. The initiative we offer today seeks to expand on the success of the New River Gorge National River and to further enhance the growth of a viable tourism industry and its associated economic benefits in the region.

The Gauley River Canyon is nationally recognized for its challenging whitewater rafting, as well as its scenery and wilderness qualities. Without question, the segment of the river that runs along the border of Fayette County qualifies as one of the most scenic rivers in the East. The designation of this segment of the Gauley River as a national recreation area provides a great deal of management flexibility in order to enhance and promote recreational activities.

At the hub of whitewater recreation activities on the New and Gauley Rivers is the city of Oak Hill. At this point, I should point out that the Fayette County Chamber of Commerce strongly endorses this legislation, as does the United Mine Workers of America.

Also under this bill, a segment of the lower Bluestone River, running through Pipestem State Park to its confluence with the Bluestone Lake, would be designated as a national scenic river. This designation will tie the Bluestone River in with the New River Gorge National River with the Bluestone Lake, located between the two river park units. The recreation and tourism potential of the setup should not be underestimated, with Summers County and the city of Hinton being ideally located to serve as the center for these activities.

Mr. Speaker, the West Virginia National Interest River Conservation Act of 1987 represents an initiative in sound national resource planning for the future. It builds on the existing Federal and State recreation infrastructure in southern West Virginia, and it promises to favorably contribute to the economic vitality of the region.

THE PROBLEM OF CATASTROPHIC ILLNESS

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. TALLON. Mr. Speaker, since my election to Congress, one of the most heartbreaking problems I have had is trying to help constituents and their families who are facing a catastrophic illness—illness requiring prohibitively expensive or long-term treatment. I have seen the spirit of many families broken not only by the anguish of a disease, but also by its overwhelming financial burden.

The threat of catastrophic illness is very real to all of us. Skyrocketing health care expenses in addition to nursing home and home care costs are draining the life savings of both young and old. The President has recognized the severity of the catastrophic health insurance gap and has issued a report on it.

What is clear is that no one is immune from the devastating effects of catastrophic illness because almost no one is protected from it. Contrary to popular belief, Medicare does not cover the extensive costs of catastrophic care and insurance from catastrophic illness is simply beyond the financial means of individuals and families.

Take the case of a retired schoolteacher whose 70-year-old husband became ill with cancer. They had Medicare coverage. They had also bought supplemental coverage which they assumed would pay any expenses not covered by Medicare. His illness necessitated three operations, long-hospital stays, numerous doctors' visit, and, finally, a nursing home stay that lasted until his death. The schoolteacher discovered that Medicare left substantial costs uncovered. She also discovered that their supplementary policy covered little except the Medicare deductible and copayment charges for the hospital stays. They were finally forced to sell their home and turn, practically penniless, to the Medicaid Program for assistance.

Or take the case of a divorced mother of two who was self-supporting until she became chronically ill at 33 years of age. She is now 39, exists on intranvenous feeding, and is hospitalized most of every year. Her only source of income is a disability check. For reasons she does not understand she is not eligible for her State's Medicaid Program, and her health care bills far exceed her Medicare coverage and private insurance benefits. The pays what she can and is steadily increasing her debt with hospitals and physicians. Her recurring nightmare is that she will die and leave her children with her mountain of unpaid medical bills.

America has the finest medical system in the world. However, when it comes to catastrophic care it is clear that we face a huge health insurance coverage gap. Catastrophic costs will wipe a family out. Yet, today 30 million Americans lack health insurance and 10 million more lack adequate insurance to protect them from the risk of catastrophic illness.

More difficult, however, than the question of whether the problem of catastrophic and long-term health care should be addressed, is the question of how. A number of options are currently under consideration by Congress. These recommendations differ according to the degree of Government involvement and cost.

One proposal, titled "U.S. Health," would provide comprehensive Federal public health insurance for all Americans. This Federal program would cover all patients and services, including basic health, long-term and catastrophic care.

A second option recommended by the Secretary of Health and Human Services would expand Medicare to cover all health care costs for the elderly beyond $2,000 a year, including catastrophic care. This proposal would require a $4.92 a month increase in Medicare premiums.

A frequent argument against both of these proposals is the substantial increase in public spending they would require. A third alternative, however, would reduce excessive Federal expenses by providing expanded Medicare coverage while maintaining compulsory cost-sharing for those who can afford it. The elderly would still be protected from catastrophic costs although the upper limit for cost sharing would vary with the income of the patient.

A final "private sector" plan calls for tax and other incentives to induce health insurers and businesses to cover nursing home care. Savings would be put aside in tax-exempt individual medical accounts, similar in principle to an IRA.

These and other ways of coping with the catastrophic health care crisis will be a priority for the 100th session of Congress. Any approach must address the preservation of individual choice and responsibility while also providing for the affordable financing of needed health services.

Catastrophic health care is not a problem that will go away. Until we decide how catastrophic and long-term care can best be financed—through public programs, insurance and other private means, or a combination—an increasing number of young and older persons in need of such care will expend all of their financial resources and eventually be forced to rely on Medicaid.

Private sector initiatives and responsible Government action can lead to a strengthened health care system and the ultimate resolution of this important problem. Failure to act now will not make the problem disappear. Indeed, delay may make it harder to solve as the population ages.

MARTIN LUTHER KING, JR. NATIONAL HOLIDAY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. MAZZOLI. Mr. Speaker, I am particularly proud, once again, to join all Americans in honoring Dr. Martin Luther King, Jr. on the occasion of the second national holiday, commemorating his birthdate.

Dr. King's life and work inspire and uplift. His commitment to equality and justice is an example each of us—whatever our background or state in life—should emulate.

As recent incidents in areas as far apart as New York City and Forsyth County, GA have shown, we as a nation still have not entirely erased bigotry, hatred, and distrust. And economic analyses show sharp differentials in the earnings and employment outlook between the races. Yet, as Dr. King once said: "We must learn to live together as brothers or we shall all perish together as fools."

It behooves Americans to pull together, and one mechanism toward that laudable goal is the national holiday we celebrate in Dr. King's honor. We are afforded on this holiday a chance collectively to look back in time for advice and counsel on how to look forward together to a greater, more abundant America—an America where all people have the same chance to achieve excellence in a field of pursuit of his or her choice.

Admittedly, America has a long way to go before we reach this illusive but worthy goal, but it has come a far distance toward it.

As Dr. King once said, "If you can't fly, run. If you can't run, walk. If you can't walk, crawl. But by all means keep on moving". So, as we move beyond this 1987 celebration of Dr. King's birthday, let us pledge to move toward a society in which all are created equally and all are measured solely by the content of their character.

CAUCUS OF PACIFIC BASIN PARLIAMENTARIANS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. TORRICELLI. Mr. Speaker, earlier this month several of us attended a very useful caucus that brought together parliamentarians from Asian and Pacific nations to discuss issues of regional concern. This Caucus of Pacific Basin Parliamentarians was organized by the Pacific Forum, a nonprofit organization centered in Hawaii which deserves much credit for the coordination of this session.

Last fall, chairman of the House Foreign Affairs Committee DANTE FASCELL asked me to head the U.S. congressional delegation that attended this 4-day conference held January 9-12. Besides myself, Representatives LARRY SMITH, STEPHEN NEAL, and ROBERT WISE joined in the caucus discussions all of which were very animated and all of which brought up clearly the various perspectives. Participants should have left with better ideas for improving our regional relations, expanding opportunities, and overcoming the several problems.

The Japanese sent a large delegation, and Canada, Australia, and New Zealand were well represented. The active participation of representatives from other, East and Southeast Asian countries and island nations in the Pacific made the caucus a real opportunity for meaningful regional dialog.

Mr. Speaker, because of this caucus I believe several of us have a greater appreciation of issues that are emerging in Asia and the Pacific that should not be neglected by our own country. We were particularly struck by the growing vehemence in the opposition of Asian and Pacific nations to activities of France in the region. French insistence on testing nuclear weapons in Polynesia and the continuation of French colonial rule in New Caledonia are becoming increasingly sore points, particularly among the Pacific island states.

Because of recent abstention by the United States on the United Nations vote to consider New Caledonia as a decolonization matter and because of the administration's continued reluctance to ratify the South Pacific Nuclear Free Zone Treaty, the United States is unfavorably associated with French behavior. The Congress and particularly the Foreign Affairs Committee, in my view, should increase oversight of our policy in this regard.

The caucus was additionally important for its attention to the ongoing activity of the Soviet Union in the Asian and Pacific region. Soviet involvement is growing substantially. Its military presence is expanding qualitatively and quantitatively. General Secretary Gorbachev's Vladivostock speech last July showed that the Soviet Union has now focused its foreign policy toward Asia and the Pacific, and the Soviet Union continues to gain access and influence in the region.

The caucus devoted much time addressing the problem of New Zealand, namely New Zealand's restrictions on U.S. Navy ship visits that have precipitated a crisis in the ANZUS alliance. In this regard, we were impressed with the spreading uneasiness in the region brought about by New Zealand's position. At this caucus, New Zealand's policy was given no support from other countries in the region, and in fact New Zealand was frequently urged to reconsider its stand.

Trade and economic matters received attention in the caucus, and hopefully the Japanese in particular can better see the many widespread difficulties their practices are causing. Our group stressed the importance of this issue and the need for other countries to allow the United States access equal to what the United States itself allows. We welcomed competition but not the unfair advantages given Asian partners. The U.S. Commander in Chief, Pacific, underscored an additional dimension and asked participants to help fix the trade problem before it jeopardizes the security posture in the region.

The caucus kept focus on the problems in Asia that have not gone away. The Korean peninsula remains tense, and the participants explored possibilities for movement there; the continuing Vietnamese occupation of Kampuchea remains very much on the agenda of the Asian nations, particularly those of ASEAN [the Association of Southeast Asian Nations].

The caucus looked ahead to the prospects for political stability returning to the Philippines through the process of the constitutional referendum next month to be followed by elections and establishment of a new political order and further progress on the economic and security concerns in the Philippines. The caucus also directed attention to South Korea which is approaching a very important political transition as its people anticipate a Presidential election in 1988.

The caucus we attended, I believe, was extremely important for bringing together so many representatives from Pacific island states that remain underappreciated in our own Congress. The center of the Pacific remains important to U.S. interests as well as its rim. Political, economic, and security changes are underway that will have significant impact on our own future.

Through the South Pacific Forum, the island nations are making links and becoming more forceful economically and politically in world affairs. Strains persist with their relations to the United States as the peoples of these nations continue to believe they know and care about us more than we do them. And they have fishing, development, decolonization, and nuclear concerns that we should adequately address.

Mr. Speaker, the nations and the region represented at the Pacific caucus are becoming increasingly important to the United States. The meeting we attended identified many areas where the United States can devote additional attention, for example to the needs and views of Pacific island nations. It showed some areas where the United States has support that should not be neglected but cultivated, such as on security matters. There are prospects that more regional dialog and cooperation can solve some outstanding problems, such as those connected to trade and resource use. Finally regional cooperation and the further encouragement by neighbors can have a beneficial impact on continuing political evolution, such as in the Philippines and Korea.

We were pleased to attend this conference to represent certain views of the United States and look forward to sustained contacts developed in the process of our participation.

PERSONAL EXPLANATION

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. DYMALLY. Mr. Speaker, due to my illness yesterday, I was unable to participate in the debate or vote on the urgent supplemental appropriations bill, House Joint Resolution 102.

This bill which makes $50 million in emergency additional funds available through its transfer from the Federal Emergency Management Agency's Disaster Relief Program to its Emergency Food and Shelter Program is an important resolution for me. Feeding the hungry, and providing shelter for the homeless, certainly are some of my top priorities in this 100th Congress.

Mr. Speaker, I want to affirm that if I was present, I would have voted with you for passage of this resolution.

HOUSE CONCURRENT RESOLUTION 30, EXPRESSING SENSE OF CONGRESS IN OPPOSITION TO THE ADMINISTRATION'S BUDGET

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. KOLTER. Mr. Speaker, I am pleased to join my distinguished colleagues, Mr. MADIGAN, Mr. GIBBONS, Mr. LOTT, Mr. STENHOLM, Mr. CHENEY, Mr. ROWLAND of Georgia, Mr. DUNCAN, Mr. GRANT, Mr. TAUKE, Mr. DAUB, Mr. SOLOMON, Mr. DANNEMEYER, Mr. BLILEY, Mr. ARCHER, Mr. NIELSON of Utah, Mr. COURTER, Mr. FAZIO, and Mr. GRAY of Illinois, in introducing House Concurrent Resolution 30 expressing the sense of Congress in opposition to the administration's budget proposal to alter physician reimbursement under the Medicare system.

The administration intends to include radiology, anesthesiology and pathology services into diagnostic related groups [DRG] similar to the DRG prospective payment system used for inpatient hospital stays. The proposal has only meager savings attached to it and can only serve to insert further doubt, uncertainty and disruption into the already problem-riddled program.

In the short run, a physician DRG system for any specialty is very likely to severely restrict services to the beneficiaries. In the long run, the proposal will set hospitals against doctors and set up doctors as adversaries to their patients, not advocates for them.

There can be no doubt that the hospital DRG system has already seriously undermined the confidence of our elderly in the health care system. To impose the same system on our elderly for physician services without any data, analysis or study on the impact on the delivery and availability of care is incredible.

Bear in mind, the administration cannot point to any body of evidence that such a system is feasible or desirable. Obviously the only purpose of this proposal is not to save money on radiology, anesthesiology or pathology services but to ultimately ration health care delivery of all physician services to our senior citizens. OMB has made it clear that this is only the first step toward implementing an all-encompassing physician DRG system. Restricted payments based upon "average or standing predictable amounts of services" will only lead to restricted services.

The administration has not bothered to investigate the impact of this system on rural health care. Let me guarantee you that the availability of local, accessible care is the determining factor as to whether many of our elderly receive care at all. Restricting payments for these sevices could very well mean that these services will only be provided in metropolitan, regional health centers. When efficiency and economy solely drive reimbursement, availability will decrease.

One must question the haste and urgency involved in this proposal, particularly in light of Congress' consistent drive for rational Medicare payment reform through the implementation of a relative value scale for physician payments by 1989. Congress has not turned a deaf ear to the need for Medicare reform, rather, Congress has been at the forefront in exploring ways to achieve it while respecting the health needs of the beneficiaries.

Only Congress has mandated a study of the very system the administration has proposed, a study which HHS has not yet begun. Congress created the Physician Payment Review Commission to investigate other reforms. Further, Congress has clearly signaled that reform lies not with mandatory assignment or physician DRG's, but with the relative value scale system of payment. Congress has delineated its plan for the future of Medicare. Do not let this short-sighted, cynical budget proposal deter you from following the rational path this body has laid out for 1989 and thereafter.

I urge my colleagues to join with me in supporting this resolution.

CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. EVANS. Mr. Speaker, I welcome this opportunity to again bring light on the issue of Soviet Jewry. To some, such repetitive appeals to the Soviet Government may seem useless. However, the gradual release of refuseniks and prisoners of Conscience is proof that political pressure and public outcry can be effective in pressuring the Soviet Union to live up to its obligations under the Helsinki human rights accord.

Alexei Magarik, 27 years old and the father of a year-old son, applied for exist visas with his wife, Natasha, in 1983. They were refused and told that their "emmigration from the U.S.S.R. is not justified at the present time." On March 14, 1986, Alexei was arrested in Tblisi and charged with possession and dissemination of drugs, a spurious allegation frequently leveled against Jews whom the Soviets want to remove. Alexei was sentenced to 3 years of hard labor. He was severely beaten every day in the labor camp during the 2 weeks before the Reykjavik summit. More recently, Mr. Magarik has been forced to work with fiberglass without protective gloves. This treatment is absolutely brutal and inhumane.

Mr. Speaker, the world will be a better place for all when tensions between the superpowers are reduced, and when every nation subscribes to basic principles of human rights. The Soviet Union must realize that whether we express our concerns in terms of appeals to their sense of humanity or in concrete diplomatic, political, and economic policies, their harsh treatment of Soviet Jews will continue to color our perceptions of every activity that they undertake.

THE VOLUNTEER SERVICE PROMOTION ACT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. WYDEN. Mr. Speaker, today I am introducing the Volunteer Service Promotion Act of 1986. I am pleased that my colleagues PAT WILLIAMS and BILL GOODLING, from the Education and Labor Committee, are joining me as original cosponsors of the bill.

Mr. Speaker, volunteering is a great American tradition. From covered wagon days to the present, the tradition of "neighbor helping neighbor" has been a cornerstone of our heritage.

Recognizing and promoting volunteer service is what this bill is all about. And it comes at a critical time. Given the cutbacks in governmental spending for many social services, the impending changes in the tax laws relating to charitable contributions and the increased incidence of poverty, there is a tremendous need for more volunteers.

Unfortunately, our society doesn't do enough to encourage volunteers. Often, they hardly even get thanked. And it's expensive to volunteer given today's high costs of transportation and insurance.

It's high time Congress did more to encourage and recognize the special contributions of volunteering Americans. And that's what this legislation would do.

Under our bill, volunteers in selected programs would be able to earn credits for their service. Any person over 60 could volunteer in exchange for a credit when they serve any other person over 60 or a low-income child. These credits could be accumulated and those earning them would have the option to use them for similar services for themselves and their families when needed.

No new Federal funds are needed to implement this bill and no new Federal bureaucracies are created. The bill requires the Administration on Aging to use existing funds to establish 5 to 15 volunteer service credit programs for elderly people under the Older Americans Act. Those programs would be operated by the State offices on aging, an established network of State agencies serving the elderly.

A particularly exciting aspect of the bill is that it would promote closer ties between the generations by allowing elderly people to earn credits by serving low-income children. For example, many communities are in desperate need of child care or tutors for disadvantaged youths and the elderly are in a unique position to be able to give those services.

Finally, the bill allows volunteers to donate their credits to others who are in greater need of the services they have earned. This will encourage capable individuals to volunteer in order that a family member or friend—as well as the person directly receiving their services—could benefit.

Mr. Speaker, volunteers—specifically elderly volunteers—are a great resource for our country. I believe the legislation we are introducing today gives us the opportunity to test a promising idea for strengthening that great resource.

I want to thank my two good friends Mr. WILLIAMS of Montana and Mr. GOODLING of Pennsylvania, who have joined me in offering this legislation. I am looking forward to working with them toward the passage of the bill.

THE LADY FURY

HON. PATRICK L. SWINDALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. SWINDALL. Mr. Speaker, the Berry College women's soccer team, the Lady Fury, made athletic history recently by reaching the National Association of Intercollegiate Athletics [NAIA] national championship in its first year of competition. The national championship, featuring the winners of the four regional championships, took place in Wilmington, OH, on November 21 and 22, 1986.

According to Lady Fury coach Ray Leone, this is the first time in the history of the NAIA or the National Collegiate Athletic Association

[NCAA] that a first-year team has made it to a national championship in any sport. Even more amazing is the fact that the team is made up primarily of freshmen and this is Mr. Leone's first season as a head coach. Eleven of these freshmen are from the Atlanta area and six are from DeKalb County, GA.

The Lady Fury wound up No. 2 in the Nation with a record of 17-3-2. Berry won the first semifinal game with Wilmington College, 2-0, which gave them a chance to become the best team in the country. Berry lost, however, to St. Mary's College of California in the finals 3-0; St. Mary's, a women's soccer powerhouse, had previously won the national championship in 1984.

Three players were made All-American at the tournament: Carol Chilton of Stone Mountain, Tina Conway of Atlanta, and Madeline Grant of Stockholm, Sweden.

Berry College is an independent, coeducational institution located in Rome, GA. The college emphasizes a comprehensive educational program committed to high academic standards, religious values, and practical work experiences in a distinctive environment of natural beauty.

Mr. Speaker, college athletics is an important part of American life. Thus, I am pleased to bring attention to the fine athletes at Berry College who have excelled at their sport in the first year of their college competition.

SUPPORT EMERGENCY FUNDING FOR HOMELESS

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. LOWERY of California. Mr. Speaker, on Tuesday, the House passed a much needed relief measure for the homeless of America. The bill, House Joint Resolution 102, provides an additional $50 million for the Emergency Food and Shelter Program through a transfer of funds within the Federal Emergency Management Agency [FEMA]. Mr. Speaker, due to the winter storm that engulfed the Capital and the extreme transportation difficulties which ensued, it was impossible for me to return to Washington from my district and vote on this measure. Had I been here, I would have supported House Joint Resolution 102.

Few can dispute the need to address the problem of the homeless in America. While more research needs to be compiled on the composition and causes of homelessness, it is apparent that the numbers of those in need of shelter is increasing. Perhaps the most disturbing aspect of the problem is the rising incidence of homelessness among families with young children.

The Emergency Food and Shelter Program is coordinated by FEMA and a board composed of representatives of the United Way, the Salvation Army, the National Council of Churches in Christ, the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., and the American Red Cross. All of these entities are of fine repute and I am confident that their efforts to distribute these funds quickly—to meet the winter crisis—will provide successful.

Mr. Speaker, it should be stressed that this resolution does not contemplate any new funding. It is a transfer of $50 million from one account within FEMA the disaster relief fund to another the Food and Shelter Program. As a fiscal conservative opposed to blindly throwing money at a problem, I believe it is important to make the distinction that this resolution is a transfer of existing appropriated funds, and not a new appropriation.

Many of my colleagues have asked whether or not we shall ultimately have to appropriate additional money to make up for the transfer mandated in House Joint Resolution 102. It is possible that such a replenishment of the disaster relief fund may have to be considered. However, in addition to the $120 million appropriated for disaster relief in fiscal year 1987, there is $180 million in carryover funds from previous years. Therefore, there is a good chance that this $50 million can be recaptured from past allocations and would not cause any disruptions or additional funding at all.

In closing, Mr. Speaker, I would like to stress that homelessness is a problem which must be addressed from all fronts. Providing emergency shelter is not the sole responsibility of the Federal Government.

Local governments and charities have the distinct advantage of proximity and understanding of homelessness in their communities, less bureaucratic entanglement, and onsite administrative capabilities. However, the Federal Government certainly has some part to play in this matter and I believe House Joint Resolution 102 to be wholly appropriate.

I am pleased the House acted swiftly and judiciously on this urgent matter and it is my sincere hope that the Senate will quickly follow suit.

TRIBUTE TO AL R. SHANKLE

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. BADHAM. Mr. Speaker, it is with distinct pleasure that I rise today to call attention of this honorable body to the achievements of Al R. Shankle, of Laguna Beach, who lives in the 40th Congressional District which I represent. Al Shankle has been elected president of the Associated General Contractors of California for 1987 and just a few days ago assumed his statewide duties.

Al Shankle's selection to lead that august group is due to his significant contributions to the building and contracting industry in California and toward the goals of the Associated General Contractors. He has been affiliated with the construction business for 20 years, and was named Orange County District Associated General Contractor Man of the Year in 1982 and served as district chairman for the County Board of Directors in 1985.

In addition, other achievements include service as chairman of the building division board of directors, long range planning committee and environment and energy committee.

In civic affairs, Al Shankle has made his mark as an advisory director for the Blind Children's Learning Center, construction advisor for the remodeling of Laguna Beach High School and sponsor for the Orange County Performing Arts Center, the Anaheim Cultural Arts Center and the Laguna Beach Musuem.

My best wishes go to Al Shankle, and his wife, Sandy, as they embark on their year's activity throughout the State of California. He is a man who has shown outstanding leadership, not only in his business, Shankle Construction Co., but for the betterment of all those in his community. His year's service to Orange County and California will be appreciated by all of us.

TRIBUTE TO REV. ROBERT HEARN OF BROWN CHAPEL A.M.E. CHURCH

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. FORD of Michigan. Mr. Speaker, it is with great pleasure that I rise to pay tribute to Rev. Robert Hearn of the Brown Chapel A.M.E. Church in Ypsilanti, MI. Over the last 4 years, Reverend Hearn has dedicated himself to serving the congregation of his church and the residents of Ypsilanti. Reverend Hearn will be honored for his accomplishments at the church's 33d annual Brotherhood Banquet next month.

Reverend Hearn was born in Stephen, AR, and educated in the public school system of that State. After serving in World War II, Reverend Hearn attended the University of Nebraska in Omaha and then went on to receive a bachelor of ministries from the Grace Bible Institute.

Reverend Hearn married Eva Mae Dorris in 1951 in Omaha. They have one daughter, Jacqueline Weaver, and three grandchildren. Reverend and Mrs. Hearn have served churches in Nebraska, Iowa, Indiana, and now Michigan.

Reverend Hearn's accomplishments at the Brown Chapel A.M.E. Church and in the city of Ypsilanti are significant. The church is preparing to embark upon a $500,000 expansion program. The church operates a food program that serves hot meals one day a week and provides bags of groceries to the unemployed, the disabled, and senior citizens.

Reverend Hearn has also contributed a great deal of his time and efforts to the local community. He presently serves on the executive board of the NAACP and on the board of directors of the Rotary International. Reverend Hearn is also the chaplain for the Beyers Hospital.

It is an honor to be able to congratulate Reverend Hearn on his many accomplishments, and I want to offer Reverend and Mrs. Hearn my best wishes for their continued success.

HOUSE OF REPRESENTATIVES—*Monday, February 2, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, Your Word has told us that blessed are the peacemakers for they shall be called the sons of God. On this day, O God, we specially remember the peacemakers of our world, those who are willing to risk their personal safety and freedom for the sake of the freedom and safety of others. We reach out to all who follow the practices of understanding, respect, and good will among individuals and nations, aware that that goal is not limited by vocation, but is the responsibility of each of us. Impress upon us, O loving God, how we can become peacemakers in our day and time, using the abilities You have given us to further the vision of the promise that the peacemakers will be blessed and shall be called Your people. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

THE LATE HONORABLE SALA BURTON

Mr. EDWARDS of California. Mr. Speaker, I offer a privileged resolution (H. Res. 60) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 60

Resolved, That the House has heard with profound sorrow of the death of the Honorable Sala Burton, a Representative from the State of California.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER. The gentleman from California [Mr. EDWARDS] is recognized for 1 hour.

Mr. EDWARDS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we drove to the Capitol today, we saw with great sorrow the flags at half mast, meaning that we have lost our dear colleague from California, SALA BURTON.

SALA passed away last night at George Washington Hospital here in Washington, DC, early in the evening, 8:21 p.m., I believe.

She passed away in her sleep. She had lost a brave battle against cancer that she had been fighting for some months.

We are going to miss SALA very much.

Mr. Speaker, the funeral will be in California, San Francisco, this Thursday. Arrangements are being made by the Sergeant at Arms for transportation to San Francisco, leaving first thing in the morning on Thursday. It will be announced where we will meet. I believe we will meet on the steps of the Capitol, on the House side, about 8:30.

Anybody desiring to go, and I know we are going to have a great many who will want to attend the services and be part of the services in San Francisco, please get in touch with the Sergeant at Arms, Jack Russ.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the chairman of the Committee on Rules.

Mr. PEPPER. Mr. Speaker, I thank the distinguished Member from California for yielding to me. Last night, as darkness was closing in on our Nation's Capitol, a beautiful spirit was also passing away.

It was a great loss to the State of California, where her cherished district lay, to the House of Representatives, in which she had rendered such eminent and distinguished service to the Committee on Rules, of which she was such an eminent member.

I remember very well, Mr. Speaker, when a vacancy occurred on the Committee on Rules, and I spoke to the Speaker at the time, Speaker O'Neill, about it. I said, "Mr. Speaker, you might wish to consider one of the lady Members of the House for the vacancy." He said, "I do. And I will tell you whom I want to name. I want to name SALA BURTON." And he immediately named SALA BURTON to that place. She rendered very eminent service to the committee and to the House, to the Congress, and to the country.

She was one of those ladies, beautiful of person as she was beautiful of spirit. She cast a radiance wherever she went of that nobility of character for which she was so eminently distinguished.

Everybody who knew SALA BURTON loved her because one cannot but love a person of such beautiful character and such noble presence. The Committee on Rules will never be the same without SALA being down there at the end in her accustomed seat, to whom we listened with such respect and veneration.

Just a little while ago we thought she was well again and we sort of sent her a toast to her recovery and then, a little while later, the bad news came.

Mr. Speaker, I am grateful that the Lord gave me the privilege of walking a part of the way along the journey of life with so great, so gracious, so lovely a lady as SALA BURTON, and we venerate her distinguished career and shall always cherish with noble affection her residence and service among us.

Mr. EDWARDS of California. I thank the Senator.

Mr. Speaker, I yield to the gentlewoman from California, BARBARA BOXER, who shared San Francisco with SALA.

Mrs. BOXER. I thank the gentleman from California, the senior member of our delegation, who was such a dear and close friend to SALA BURTON.

I know that he gave her great comfort in her final days. I want to thank him for that, from all of us in the California delegation, all of us, both Republicans and Democrats, in this House.

This is a tragedy of personal magnitude for many people. For San Francisco, it would be the first time in more than two decades that San Francisco will not be represented by a Burton, a family which had such pride, dignity and courage and commitment to making this a better world, for bringing peace and social justice.

SALA carried that on for her husband, Philip. For me, personally, it is a shock, because when I came to Congress I was here but 2 months when Philip passed away. Now SALA has passed away.

I just wonder about life. All you can hope is that what they stood for will be carried on. I certainly believe that that will be done because they leave a great void in this body.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I say to the gentleman that I am not going to speak anymore today, but will have further comments to make. I know many of my colleagues are in shock right now.

I strongly support this idea that we go to California and pay our respects personally.

Mr. EDWARDS of California. We certainly at a later date plan a fuller afternoon or evening of eulogies about SALA. So today will be not a discourse in full.

Mr. Speaker, I yield now to a dear friend of SALA's, the very distinguished gentlewoman from Louisiana [Mrs. BOGGS].

Mrs. BOGGS. I thank the gentleman for yielding.

Mr. Speaker, I also thank the gentleman for arranging this resolution and this time on the House floor and for all of his devoted duty and kindness to SALA during her entire time in the Congress, but especially during her illness.

All of us salute the gentleman from California in the well for his beautiful service, and we are very, very grateful to him.

SALA leaves two voids in my life because I knew her first, of course, as a congressional wife. She was the perfect congressional wife. She was a complete extension of her husband and her husband's service.

She worked with all of the other congressional wives to lead them into really significant service to this body and to this Nation. She was active and became president, program chairman, legislative chairman of the Democratic Congressional Wives Forum, of the National Women's Democratic Club and many other organizations that aided and abetted the work of her husband and helped other wives channel their interests to the help of their husbands as well.

We had husbands who were opposed to each other not occasionally, politically. We all loved each other affectionately, however, and we understood their political differences, and both of us were very strong and firm in our defense of our husbands' positions.

Then I have known SALA of course as a Member of Congress. She took to being a Member of Congress, as we say in the South, as a duck takes to the water.

She immediately became immersed in all of the deliberations of this body, and I think all of us shared the chairman's joy when the Speaker agreed to have her serve on the Committee on Rules.

We will all miss SALA very much. This country will miss her. She loved it as only a person could who has been denied freedom in another system. She loved this country passionately and she gave her whole life to its service. She was such a beautiful human being and she was so kind and gracious and good to so many people. She was a lovely person.

She was Byron's lady who "walked in beauty, like the night, of cloudless climes and starry skies; And all that was best of dark and bright, met in her aspect and in her eyes."

I will miss her dreadfully.

Mr. EDWARDS of California. I thank the gentlewoman from Louisiana.

Mr. Speaker, I yield to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Speaker, I was very sorry to learn this morning of the passing of our dear friend, SALA BURTON. I came to know her quite well when she was, obviously, the wife of our former Member, Phil, who served with such distinction in this body for a number of years. Even though we were poles apart on a number of issues politically, there were so many occasions when SALA and I would take a trek, to either one side of the aisle or the other, back and forth, simply to talk about matters of mutual interest. She was always very gracious in her consideration of my appearances before the Committee on Rules.

This is one of those days again when we are reminded of how this body, this institution, brings together people of differing minds and philosophies. But we all have a very deep and abiding respect for one another's views as they are expressed here.

Then beyond that a warm friendship grows, and that is the thing, I guess, that is important on the personal side of serving in this body.

For me, I am going to miss not seeing our dear friend, SALA BURTON, on the floor of this House.

As the gentleman indicated, she was another one of those untold numbers of victims of the ravages of cancer. So we are all reminded again of what our obligation is in our small way here to try to remedy and find a cure for that dreaded disease.

ANNOUNCEMENT OF PASSING OF HELEN MARIE MILLER

Mr. MICHEL. Mr. Speaker, if I might, it is also my sad duty to announce to the House that the wife of our dear friend, CLARENCE MILLER, Helen Marie Miller, died this past weekend in a hospital over in Virginia.

There will be a service tomorrow night in Gawler's Funeral Home before the body is taken out to Ohio.

So, again, we are reminded this past week of the passing of two of our very dear friends. At the appropriate time I am sure there will be occasion for us to have appropriate eulogies to Mrs. BURTON.

I appreciate the gentleman from California yielding to me.

□ 1215

Mr. EDWARDS of California. Mr. Speaker, serving with SALA from our area is the very distinguished gentleman from California [Mr. MILLER], and I yield now to the gentleman.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a very sad moment for all of us, and a very sad moment for me because the Miller family and the Burton families have been long intertwined in the pursuit of political office and in taking stands on issues that were of concern to us.

In such a short period of time, to now have the disappearance from this Congress and from public policy the Burton family is really a very tragic event. The death of SALA brings down a curtain on an era and on the family of battlers and warriors for humanity in this country, for the oppressed, for the minorities, for the poor who gave no inch, who would give no quarter in seeing that public policy reflected the concern for those who truly needed the help of this Government.

SALA BURTON was more than that, however. She was a wonderful and dear friend, constantly asking after my children and my wife, what were we going to do for the Easter break and where were we going to spend Christmas and how were the children doing in school, because she was always concerned about how Members of Congress would survive our daily chores in the career that we had chosen.

I think she started that clearly as the wife to Phillip, where many of us always thought that perhaps San Francisco had an extra representative because she battled on those fights as strongly as he did. But I want to express my very personal grief and sorrow for her passing to her family and to her brother-in-law, John, another of the great Burtons who fought so hard for the issues that are so important that we debate in this Congress.

We are really going to miss SALA BURTON because she put a little extra glimmer in this body, as she talked to all of us, not just about the issues, but about our personal well-being and constantly, constantly tried to make sure that we could be in the best state of mind to perform our tasks here.

Our State and northern California and clearly the city of San Francisco have suffered a great loss with the passing of SALA BURTON.

Mr. EDWARDS of California. Mr. Speaker, I yield to the gentlewoman from Colorado [Mrs. SCHROEDER], who worked very closely with SALA on many important issues and was also a close personal friend.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from California for yielding. I want to compliment the gentleman from California and say that an awful lot of us wish we had a dean as compassionate as you have been. We thank you.

The first time I heard from SALA BURTON was in 1972. I was running for Congress, no one had ever heard of me, and no one ever thought I had a chance of winning. I got a phone call from SALA BURTON and I thought, who is this?

She said that she was sending her husband out to help, and did he need an overcoat? How cold was it in Colorado?

Now that is SALA BURTON, by golly, and the interesting thing about that was not only was she worried about him; she was worried about people who did not have coats, too. She was worried about whether he had one and had it on, but she worried about everybody and she was just tireless in that expansiveness.

I must say as a human being, the thing, that amazed me the most about SALA BURTON is something that we all struggle with. The thing that she could do that I have to fight everyday to do is that she kept growing. She kept growing. She never went back and said this is the way we did it when I was young, or this is the way it should have been done. She was never rigid. She stayed in tune with what was happening and she did not lecture or preach. She changed. I think that is one of the hardest things any of us as human beings do, and she did it.

Second, she came here, not a native-born American. She was born in Poland, and there is such a tendency when that happens to come to this country and to be so glad that you are here, and celebrating freedom, that you want to start taking freedoms away, saying, oh, well, it is still not as bad as it was back there because we are so afraid something will come in here.

She understood that if you are going to have freedom, you have to have real freedom and she could speak from a platform none of the rest of us knew because we were so privileged, never having to have gone through that.

She will, indeed, be missed. I think we all should follow in her footsteps.

I thank the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I yield to the gentleman from California [Mr. BEILENSON], who worked very closely with SALA as a fellow member of the Committee on Rules.

Mr. BEILENSON. Mr. Speaker, I thank my good friend and colleague for giving me this opportunity to join with my colleagues here on the House floor to express my profound sorrow for our loss of SALA BURTON, and my deepest sympathies to her entire family, to whom our hearts all go out.

The people of San Francisco have lost a woman who loved the city and its people deeply, who represented them wisely, loyally, and well. The people of the United States have lost a woman, born, as you have been told, elsewhere, at Bialystok, in Poland; who grew up and was educated in the United States; was eventually elected to serve her adopted country with great passion and distinction in the highest counsels of its Government.

We here in the Congress have lost a truly lovely colleague, a good, good friend to all of us.

We shall miss her very, very much.

Mr. EDWARDS of California. Mr. Speaker, I yield to the distinguished majority whip, the gentleman from California [Mr. COELHO], who was a close associate and dear friend of SALA'S.

Mr. COELHO. Mr. Speaker, I thank our dean for the recognition and for taking this time to recognize a lady of great compassion and concern for everybody that she knew and came into contact with, but an awful lot of people that she only knew of, that she wanted to make life just a little bit better for them.

My sorrow goes out to her daughter and to her brother-in-law, John, in these particular hours.

I remember going way back in the 20-some years that I have been here, as a staffer when I first started, it did not make any difference to SALA what you did, your station in life, if she liked you, she liked you. I remember a story where my predecessor, Bernie Sisk, and Phil Burton, as those of us in the delegation note, did not quite get along. Phil had a tendency to put everybody in a certain hole. If you even knew somebody 10 years ago, he considered maybe that you were not friendly. So I met SALA and she and I had this tremendous relationship.

When I got elected, Phil decided that I had to be considered an enemy because I used to work for Bernie. I was at a party once and SALA hugged me and kissed me and said to Phil, "Here is a fellow that we really need to work with and help out." He said, "No way; he is one of the other side." SALA dressed him down right there and said, "He is our friend; he is my friend, and we are going to work with him."

She was that way. She never worried about past associations. She never worried about what other people thought or did not think. She had her own mind and she had her own compassion. She felt it strongly and lived with it strongly.

Here is a person who came from another country, who adopted this land, and as a typical convert, she understood what we cherish here more than we understood. She believed it and lived it more than many of our people believe it and live it.

□ 1225

In the Chamber she was concerned about these people that do not have what all of us have, and she was concerned about making sure that the poor and the less fortunate benefited. As one who has a handicap, I can say that she was concerned that the handicapped were part of the mainstream and participated, and that nobody denied them these rights. She felt that aggressively and encouraged me as I tried to do things. She kept pushing me to do more, and she felt very strongly about it and I loved her for it.

I think the thing that was referred to earlier, though, was what I most cherished about my relationship with SALA, and that was the feeling that you always knew where she was on the issues, you knew which side she was on, and there was never a question about it. But then you knew the compassion she had for you as an individual, how she was always concerned about whether or not you were taking care of yourself, whether or not you were working too hard, whether or not you were taking time to be with your family. She would always stop me to make sure that I was doing that, and she based her judgments on her time with Phil and what they did, how great their lives were but how much greater they could be if he would spend more time with her. And she did not want to see any of us go too far that way.

That outreach to her colleagues was something that I will never forget. We are going to miss her because she had this tremendous compassion for her fellow man.

Mr. Speaker, I thank the dean of our delegation very, very much.

Mr. EDWARDS of California. Mr. Speaker, SALA BURTON had treasured friends from every part of the country. I yield to the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Speaker, I thank my friend, the gentleman from California.

This House has often been referred to as sort of a fraternity. If this fraternity had a housemother, as fraternities do, SALA was the personification of that kind of a person.

First impressions are not always the most reliable, but the first impression I had of SALA BURTON is one that I still carry in my memory, and it has been reaffirmed and reconfirmed ever since I came here, ever since I have known her. Fourteen years ago I came up to Washington on a dreary, dark late November evening after I had been elected for the first time. I was alone and uncertain. I did not even know where to check in. I was over at the Skyline Inn, which is not the most cheerful place in the world to be alone, and there was a note there for me to call SALA BURTON.

I called SALA BURTON, and she introduced herself. She said to me, "Come over to the house tonight for dinner."

I went over to their home on Constitution Avenue. It was bright and cheerful. I was made welcome in Washington. It was uplifting, it was rewarding, and it was the beginning of a long-time admiration on my part for Phil and for, especially, SALA. Thank you again, SALA.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman from Florida [Mr. LEHMAN].

Our former Speaker, the gentleman from Massachusetts, Mr. O'Neill, had a great relationship with SALA. They worked closely together, and our present Speaker had the same relationship. I yield to the gentleman from Texas [Mr. WRIGHT], the Speaker of the House.

Mr. WRIGHT. Mr. Speaker, I thank the gentleman from California for yielding.

SALA BURTON, the gentlewoman from California, was in truth just that. She was in every true sense of the term a gentle woman—not gentle in the sense of passivity, for she was fiercely competitive, deeply dedicated, enormously committed to the things in which she believed. Yet with it all she had such a gentle spirit about her that none could know her without admiring her, none could be in her presence without respecting her, and none could come to understand anything of SALA without profoundly feeling a sense of kinship.

SALA BURTON was, as has been commented, the wife of Phillip Burton, who was fiery, compulsively dedicated, vigorously active, and intensely competitive.

Phillip Burton and I, as Members will recall, were candidates for the majority leader position some 10 years ago. In that contest, as before and since, I came to appreciate the commitment of Phil Burton, and I came to understand that much of his strength derived from the unquestioned, undeviating support of the wonderful woman who was his wife.

After Phil's death, SALA, of course, came to join us as a Member of our body. What a wonderful person she was. What a lilting spirit she brought.

It has been stated, I think, on occasion that we never get to know our colleagues well unless we have the opportunity to take a trip with them. My wife Betty and I had the great privilege the year before last of traveling with SALA BURTON to some of the places in Europe that she knew far better than we. SALA having been born in Poland, was a person of an old world background but of a new world spirit. We came to know and love and appreciate SALA for the person that she was and for the spirit that was hers and that lives still in the world. That at such an untimely moment she would have been taken from us by cancer, that dread scepter, is beyond our capacity to fathom. The God in His infinite wisdom has chosen such a time as this to take SALA to dwell with those in immortality is a judgment which we only must accept. But may her spirit still reside with us, and may this Chamber echo still to her laughter and to the warmth and wonder of her personality.

Mr. EDWARDS of California. I thank our Speaker very much.

Mr. Speaker, I yield to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, I thank my dear colleague, the gentleman from California, for yielding.

I did not find out about SALA's passing until only a few moments ago as I was walking here for another purpose. I have followed her illness with some very personal interest, and to my deep sorrow I find now that she has passed and left our midst. I certainly wish to take this opportunity to express my deep sympathy and sorrow to the family and to the friends and constituents of SALA.

The Burtons have certainly had a profound influence upon their district, upon the State of California, and certainly upon this institution. SALA passes with, I am sure, deep remorse from all of us. She truly was a gentle and a remarkable woman. To take the place of Phil Burton was, I think, a very remarkable feat.

I only knew her husband for a very short time after I came here. He and I served together on the Education and Labor Committee for a very short time, but it did not take me long to learn of his imposing character and his ability to move and get things done. When she came, I found, in my judgment and through my short exposure to him and to her at the time, a rather sharp contrast in personalities. She truly was a gentle and a loving woman, and she was a woman who wanted to participate in this institution in a way that would bring about accomplishment. But I did not see in her the avid politician that I saw in her husband. Maybe that is why I was drawn to her a little bit more, not knowing her husband as long. But since my own inclinations are not so political, I certainly did appreciate the time that we have been able to spend together.

She was a classmate of mine in a sense, and I sincerely appreciate her service to the country and to this institution. Certainly her kindnesses to me personally will be remembered, and her passing certainly will be remembered as the passing of one of the great ladies of the Congress.

Mr. Speaker, I sincerely express my deep sympathy to her family and to her constituents.

□ 1235

Mr. EDWARDS of California. One Member who worked in the vineyards of politics in California and elsewhere for many, many years with both SALA and Phil is the gentleman from California [Mr. WAXMAN].

Mr. Speaker, I yield to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. I thank the gentleman for yielding and giving me this opportunity to try to, in some way that I know will be inadequate, express the sense of loss we have in finding that SALA BURTON is no longer with us.

It is a loss for the city of San Francisco; it is a loss for this institution; it is a loss for our country and it is a loss for me in a personal way that is very difficult for me to express.

I think it has been around 30 years since I have known Phil and SALA. Before I was old enough to vote, they took me under their wing and talked about what politics and public service could be and should be. About what we needed to do in this country for the disadvantaged, the dispossessed; how we could bring about some kind of justice; how we can bring about some kind of agenda that would lead to a more peaceful world.

Their ideals were the very highest and both Phil and SALA devoted themselves together to try to accomplish as much of those ideals as they possibly could. I say Phil and SALA. SALA has been a Member of this House for a relatively short period of time, but those of us who knew both of them knew that they worked together jointly, committed to the same goals; cared deeply about them and tried to see if they, through the use of politics and government, could try to bring society to a better place and leave the world a little better as a result of their efforts than they found it.

I cannot describe the loss of someone who was so close that I would have to say that she was as close as an aunt to me. There was not a time when my wife, Janet, and I were not invited to their home when we visited Washington. They encouraged me personally, and there was never a time when they did not care; did not take the time to express their care about all of us. They saw my children over the years grow; they commented and cared about us all so deeply.

Phil and SALA were a team. They always were a team fighting together and I can only express in words, inadequately, my feelings of loss and condolences to the family to Joy and her husband and children. To John and Bob Burton, her brothers-in-law, and to all of us in this institution and in this country who have suffered the loss of a very dear and wonderful woman.

Mr. EDWARDS of California. I thank the gentleman for his comments. I am advised that the service on Thursday in San Francisco will be at 1 p.m. in the afternoon in the rotunda of the city hall.

Mr. Speaker, I yield to another great friend of SALA's, the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Thank you, DON. I would like to, first of all, as Congresswoman BOXER has said, thank you on behalf of myself and other members of our delegation for the care and comfort that you gave SALA the last few months of her life. You were really our link to SALA during that period of time because you were in communication with her. The fact that you had given her the oath of office for this 100th Congress will mean a lot to all of us. So we appreciate your time in which you did for us in giving SALA comfort.

I just have a few words because I understand at some future date we will be able to spend more time in a special order discussing our feelings about SALA. I remember coming back here and spending some time with Phil Burton, and one evening in particular was one that I will always remember. Phil was giving me a bad time as he has given all of our Democratic Members at various times in our careers, in his office late one night for some vote that perhaps I made and it must have been an hour-and-a-half into the meeting and SALA came in and said, "Phillip, let BOB go home because his wife is probably waiting for him."

I recall almost on every occasion that SALA BURTON would always ask me how Doris was or how my son was and how we as a family were getting along in Washington. That was her main concern for each of us as Members of Congress.

After she became a Member of Congress, SALA had still that very strong compassion for us as individuals. But then she got involved in her own right on issues. I remember when we were discussing a bill that is very close to Congressman NORM MINETA and myself, a bill dealing with compensation for Americans of Japanese ancestry who were interned during World War II, and how SALA came up to me on the floor of the House one day after the bill had been introduced and said we will do everything we can to get that bill passed because she felt that it was a grave, terrible injustice.

After SALA had finished that conversation with me I felt so comforted because knowing that she, in this Congress, as a colleague, felt so strongly about that issue that I had every confidence that however it came out it would be done correctly and with justice.

So I suppose the thing we are going to be missing most about SALA BURTON is her, first of all, loving friendship of all of us, but most importantly, her sense of justice and honor; what this country is really about.

Mr. EDWARDS of California. I thank the gentleman for his comments.

Mr. Speaker, I yield to the gentleman from California [Mr. FAZIO], another close associate of SALA's.

Mr. FAZIO. I thank our dean, DON EDWARDS, for not only this opportunity to have a few words about our departed friend, but also, as has so often been said for the kindness and sensitivity he shows to all of us, but particularly that he has shown to SALA in the last difficult months of her life.

We know her as a dear friend, Phil Burton, her husband, knew her as "Dear Heart." The term "heart" comes back to me at this point as so much the epitome of all that SALA was about because she was at the vital center of politics in San Francisco and in Washington for so many years. She had the heart of a lion. She was one who cared deeply about people and issues. Many of us find that a difficult concept. We are either issue-oriented, perhaps oblivious to those around us, or we are so sensitive to individuals that we sometimes see the trees and not the forest; not the fact that the individual that we know well may be epitomizing so many others.

SALA could do both. She cared about people out of her own experience, her family being impacted by the Holocaust. She cared about the need to take care of the homeless; the people with disabilities; the people of all races and religions. She had known discrimination and she made her life with Phil part of an ongoing effort to end it.

As has been indicated, she is an immigrant to this country and she reveled in representing a city built on immigration, one that continues today; a beacon for people throughout this world, particularly from the Pacific. SALA was somebody who understood what it was like to be from someplace else and not to know where you were. She wanted to make people feel at home and she did so. Among those many were her colleagues here in Congress. She and Phil were a team; they each had an edge, soft and hard. Together they were unbeatable. They had integrated so many of us from California, and, as PAT SCHROEDER said, from throughout the country, into the very difficult maelstrom that is Congress; that is life in Washington, DC, that likes to think of itself as the capital of the world.

She was the epitome of, as Mrs. BOGGS indicated, those who also serve, congressional spouses. Men and women who are really elected whether they knew it or not, at the same time we are to this very difficult pressure cooker. Some families are weakened; others are strengthened. SALA and Phil grew in maturity and strength through the very, very exciting and difficult times that they shared in Congress.

Not all of their goals were achieved. Certainly Phil's greatest quest was not accomplished. But SALA knew no bitterness; she was a team player. She was a great politician; someone who would want the word "politician" used about her. She was a person who understood political life and reveled in it and did well at it. No one ever fought more for her city of San Francisco or for the State of California, just as you would expect of someone who appreciated so much the opportunity to be part of it and to make a new life in a new world.

SALA is someone we will never forget on a personal level; someone who I think we should rededicate ourselves to understanding and appreciating in the context of our own lives, dealing with our own spouses.

My wife Judy and I will miss her very much and we offer our condolences to her daughter, her brothers-in-law, John and Bob and to her many friends.

□ 1245

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman from California [Mr. FAZIO].

Mr. Speaker, I yield to the gentleman from California [Mr. PANETTA], a close friend and an ally in many worthy causes with SALA.

Mr. PANETTA. Mr. Speaker, I thank the gentleman from California and I thank him also for allowing us these few moments to express our regrets and sympathies over the loss of a dear friend.

I guess it was about 4 years ago that Phil died. I can remember at that time taking the floor of the House to say that the delegation has truly lost a father, that Phil had wrapped himself around the issues of the delegation to the delegation itself and had truly fought for the interests of all of us in trying to advance the causes that he was concerned about for California.

He was without question the father of this delegation, and if that be true, and I think it was, then surely SALA is the mother of the delegation. She cared about the family. I think she always asked each of us about how our families were doing, how were we doing, expressed concern for not only our spouses, but our children, our relationship. She cared about our individual concerns and how we are doing on an individual basis, and yet cared about the issues that we were working on.

If there is anything that identifies SALA BURTON and that identifies I guess any mother, it is that sense of compassion. We sometimes struggle with the intricacies of the legislative process in trying to figure out who is going to do what to whom, but she was always concerned about the compassion in an issue. I saw that in the Select Committee on Hunger in hearings that we held around the country and particularly in California, her deep compassion about the problem.

She brought that same sense of compassion to the Rules Committee. The Rules Committee often rules on issues based on who is trying to do what to whom and what are the various amendments that people are seeking; but there was always one person who spoke about the compassion of the issues that were before the Rules Committee, and that was SALA.

I worked with her very closely on the offshore drilling issue and there again was the sense of compassion, compassion about the resources of our coastline and the need to protect our great State; so it is that great sense of compassion that we lose with the loss of SALA BURTON.

As the son of immigrants, I can say that she being an immigrant, I think I felt a very special relationship to her because she brought all those instincts that I saw in my parents to her job of kindness, of toughness and again of compassion.

So as we express our concerns here today, I think the one thing that will be with us forever is the fact that the father and mother of this delegation have passed, but we will remember them and their memory will give us strength to face the future.

My wife, Sylvia, joins with me in expressing our deepest sympathies to the family and our thanks for the example that both of them set for us.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman very much for those moving words.

As I said earlier, SALA had friends, close friends, in every part of the country, representatives from all over.

Mr. Speaker, I am honored to yield to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, I thank the gentleman. I will be brief and hope to make further remarks at a later time.

I express my deep sympathy to the Burton family and others who were close to her.

You know, the gentleman from California, Mr. PANETTA, said that she was the mother of the California delegation. Well, I want to tell you another group that she was a mother, an aunt, and a sister confessor and everything else to, and that is the freshman, the Democratic freshmen of the 94th Congress.

I came up here from a small southern town to this city that I had visited a couple of times before I got here. I can remember, of course, Phil Burton was that tower of strength and movement in getting things done. I remember when I first met SALA. I think their's was one of the first private homes that I was invited into. I remember the tenderness, the sweetness and the caringness that I felt, and I am sure to many of the other members of the so-called Watergate babies felt. It meant a great deal to me.

I kind if lost track of SALA for a few years. When she came back to Congress, we were fortunate enough to have her on the Rules Committee and she brought that same caringness and that same compassion and feeling for those that she worked with and for those that she served; that means everyone, but I think primarily those who were less deserving and probably needed the help of their Government more than others.

I do not think the Rules Committee or the House will be the same. I shall miss her very much.

I thank the gentleman.

Mr. EDWARDS of California. Mr. Speaker, I yield to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding.

It is often said that Congress is a mirror that reflects the images of the American people, and inasmuch as we are a nation of immigrants those images are different as they reflect the regional, cultural, ethnic, and racial differences that make up this great Nation of ours.

SALA helped bring this Nation together in that she brought regions together. She reached across the Rockies to the Middle South where I am from and the district that I represent to help bring understanding of the differences that exist between these regions of our country and to help us find a common denominator where we could build a consensus to work together.

As the Congress has a tendency to become more and more parochial each year, some say more like State legislatures than the national assembly that it is, SALA was a reference for me and others, for the West and for Eastern Europe where she originated. Not having had an opportunity to travel to that region of the globe, I often went to SALA for information about Poland, Czechoslovakia, Yugoslavia, Bulgaria, the nations of that region that we need to know about, that she had a wealth and abundance of information about.

It was just this past Saturday while we were attending our annual Democratic Conference at the Greenbriar that I sat down and penned a note to SALA wishing her well from her cheering section in Arkansas. She will not receive that note, but she will hear our words today.

SALA, we love you. We will remember you always and you will be missed by all those who knew you.

Mr. Speaker, I thank the gentleman for yielding.

Mr. EDWARDS of California. Mr. Speaker, I yield to the gentleman from California [Mr. BOSCO].

Mr. BOSCO. Mr. Speaker, I want to thank the dean of our delegation, Mr. EDWARDS, for this opportunity to join with others in expressing my deep sense of loss over the passing of our colleague, SALA BURTON. Like her late husband, Phillip, SALA was a hands-on active public participant in just about every issue that came before our State and our country; yet in her illness and in dying she was very private, almost not wishing to burden the rest of us with her personal trials.

Of the many legacies that SALA leaves behind, I think mostly of the Redwood Park which is in my district up in northern California. SALA and Phil were the architects and the engineers of this park. Today these giant redwoods stand for the enrichment and enjoyment of future generations and almost everyone thinks that it was a good thing that this area was set aside, yet we forget that at the time this was happening the public was very angry about it. Many people in the different industries that benefit from using these lands targeted both Phillip and SALA as public enemies.

□ 1255

It was their courage and their steadfastness and their willingness to fight a very tough, long battle that will be their legacy, because those trees will be there for many generations to come.

SALA also was a member of our small group that has been fighting the exploitation and development of offshore oil resources in California. It is reminiscent to all of us of the fact that our work must go on that just this very day we will be meeting with the Secretary of the Interior to hear what plans the Department has for those areas. I think it will give us greater impetus and renew our dedication to go forward and protect these resources, because we know that one of the great fighters in this battle would now want us to do that.

This is certainly the end of an era for the politics of San Francisco and our State. All of us are thankful for the opportunity to have worked with SALA BURTON. We are sympathetic to her family, and we want to express our thoughts to the country that this is an individual who will be very profoundly missed.

Mr. EDWARDS of California. I thank the gentleman very much.

Mr. LEVINE of California. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. LEVINE of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I join with so many of my other colleagues in thanking him both for providing this time and for the thoughtful consideration and care that he has shown to all of us, but particularly to SALA, during the last several difficult months.

I have only been in this Congress a relatively short period of time; I am beginning my fifth year. Yet I cannot help but reflect that after one of the first weekends that my wife and I left town in our first term, we came back to Washington and saw a flag at half-mast, and did not know why the flag was at half-mast, and were shocked and deeply saddened to learn that it was as a result of the passing of one of the giants in politics and in legislative activity, not just from California, but from the country, Phil Burton. And today as I came into the office I saw the flags at half-mast again, and was again very saddened to realize that these flags were flying at half-mast for the other half of that wonderful, extraordinary team, SALA BURTON.

So much has already been said, and there is little that I can add to the eloquence and touching comments of so many of my colleagues. Both Phil and SALA meant an extraordinary amount, as is evident from what we have already heard and as we are reminded in so many respects almost on a daily basis.

I on a personal note could not help last night but reflect during the few minutes that I happened to watch the end of the very impressive show about LBJ, I thought I was watching Phil Burton, as the man who played LBJ demonstrated such an extraordinary ability to influence individuals and such an extraordinary grasp of the legislative process.

Since Phil Burton's death I have thought so often about the legacy that he has left, and so many of us have been touched so personally and so deeply by the fact that SALA in her own way has not only continued that legacy, but has added in her own personal, thoughtful, caring fashion a very, very personal touch to the lives of so many of us and to the legislative activities in this Chamber.

SALA had a visceral opposition to discrimination. SALA had a visceral concern for people in need. SALA had a visceral commitment to try to help those in this country, and frankly around the globe, who needed help and who needed assistance from the public sector.

SALA knew in her own mind what was right. She did not have to carefully, thoughtfully, methodically analyze and weigh issues in terms of where she was going to come out, she knew. She knew what was right, and she fought for what was right. She cared as deeply as any individual that I have known about people, about people that she knew, and about people that she would never know.

As others have indicated, she was such an important influence on each of us, as apparently was the case with so many of my colleagues and I who find it fascinating listening today to how many people SALA expressed so beautifully a concern not just about them but about their families. SALA would always in her relations with me first ask me how Jan was and how the kids were, and it was something that SALA cared very deeply about.

Jan and I used to participate with SALA periodically in a study group, and SALA would attend that group religiously, not because it would provide SALA with any political benefit or not because it provided SALA with any significant legislative opportunities, but because it gave SALA an opportunity to participate in something that enriched her life personally and gave SALA an opportunity to share with others of us who cared so much about her, her own experiences and her own personal concerns.

So on a family level, on a personal level, on a legislative level, it is going to be extraordinarily different around here with SALA not being here physically, but as others have mentioned, the legacy that SALA leaves, the inspiration that SALA provided, the importance that SALA had for each of us in her own way, is something that has enriched all of our lives so significantly that we are all and I certainly am the better for having had the privilege of knowing SALA BURTON and considering her a very, very close friend.

I know that I am speaking for Jan when I express my condolences to SALA's family and say on behalf of so many of us that SALA has made San Francisco, the country, this legislative body, and all of our lives much richer than we would otherwise have known without the opportunity and privilege of calling SALA BURTON a very close and special friend.

Mr. EDWARDS of California. I thank the gentleman.

Those of us from San Jose have a special relationship with San Francisco, our glamourous sister city 30 or 40 miles north of us. The former mayor of San Jose, I know, had a very special relationship with both Phil and SALA, and I yield, with great pleasure, to the gentleman from California [Mr. MINETA].

The SPEAKER pro tempore (Mr. NELSON of Florida). The time of the gentleman from California [Mr. EDWARDS] has expired.

The Chair will recognize the gentleman from California [Mr. MINETA] for an additional hour.

The Chair recognizes the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from California [Mr. EDWARDS] for his leadership of the California delegation as well as the privilege that I have of representing our area, an adjoining district to that of Mr. EDWARDS.

Mr. BATES. Mr. Speaker, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from California.

Mr. BATES. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the opportunity to say a few words, to say on behalf of my wife and me how much we regret the passing of Congresswoman SALA BURTON.

I first knew her husband and stood in awe of his abilities, and then watched her as he was struck down fill his position and represent her district in this Congress so ably.

□ 1305

She was just down the hall in the Longworth Building, and I had a chance to get to know her on a personal basis. I think we will feel the void and loss of her passing.

I would just like to note that death is so final and perhaps in trying to come to terms with the finality and loss and void that her death has created that we can recommit ourselves to the goals, the values that we shared with her so the time we have left will be better spent.

I thank the gentleman.

Mr. MINETA. Mr. Speaker, I yield to our very fine colleague, the gentlewoman from Ohio [Ms. OAKAR], vice chair of our Democratic caucus.

Ms. OAKAR. Mr. Speaker, I thank the distinguished gentleman for yielding.

First of all I want to thank my good friend, the gentleman from California, [DON EDWARDS], who has been paid tribute to by his delegation. In a sense, you are kind of the overall dean of a lot of us, and that takes nothing away from my own dean, the gentleman from Ohio [LOU STOKES]. But we all look to you for your leadership. I especially want to thank DON for his very special way of making sure that everyone understood SALA's wishes in this whole thing, because I think when you see one of your dear friends who is sick, and indeed passes on, you really think about your own loss. It is DON who has given me I guess as much as anyone tremendous consolation not only during SALA's sickness but just seeing him today and having this tribute to SALA gives a great deal of inner strength.

I met SALA, like many of you. I have my own stories to tell about my dear friend. I met SALA in my freshman year, which was about 10 years or more ago, and I remember Phil had asked me to be one of the delegates to the North Atlantic Treaty. The first foreign trip I ever took was as a parliamentarian to the distinguished group and I was asked to do that by her late great husband. I did not know anybody on that trip really. None of my friends or classmates were on the trip. As a result, I felt fairly alone. It was SALA, frankly, not the other Members, but SALA who had the sensitivity to come over and ask who I was and talk about what I should do and how much she loved Ohio because Phil was born in Cincinnati and always talked about his roots, and so on. She was the one who extended that special warmth of friendship.

Later, of course, I got to know her even better through the years as the wife of Phil Burton, but also as a person whom I think was one of the most politically savvy people I have ever met, even before she became a Member of Congress. You knew that the so-called legacy of Phil Burton was really the legacy of SALA BURTON because she shared her husband's values and indeed supported those values in many ways and networked those values in more ways than anyone could imagine.

I recall, like many of us, speaking on the floor, eulogizing Phil, and it seems frankly like only yesterday that he passed on, and I remember saying, and I thought about this before I did it, I thought it might be poor taste, but doggone it, I am going to say to SALA, if she is listening or watching, that she should be the one to run for that wonderful area for Congress, because more than anyone else she was totally capable of replacing her husband and really continuing that magnificent legacy of values.

And indeed she did. I think we are all wondering, because the one thing that struck me about SALA was how much she absolutely, positively, adored, loved and admired and respected her husband, and you just wondered how it was going to be like, since they were so close, what she was going to be like as a Member of the House. And the fact is SALA BURTON, I think, was one of the greatest Members of this House. She was a person who was not here formally as a Member for many years, but a person of enormous quality and compassion.

I remember her saying to me, you know, I have got a little something that I want to put in the education bill, she said, on the latchkey children idea, and concern for children and what happens to these kids when they come home from school and their parents are working. She said, I am going to walk over to the Senate side and talk to the Republican Senator, who will be unnamed, and convince him that is the right thing to do. And she did. And no one thought she could have done it. I do not think Phil could have done it because the difference between Phil and SALA was I think that he was able to get things done, but once in a while he rattled people the wrong way in the process. SALA could get things done and everybody loved her. Nobody ever had any kind of hostility or resentment or ill-feelings toward her approach, and so on. But she could achieve the same end result.

One of the things that struck me about her is that she had a tremendous love not only for her husband but for her parents. She often told me about her father and her mother and what that must have been like during World War II for their family being Jewish-Polish immigrants and how they, just by the skin of their teeth, got out of Poland in time. Yet, she never, and we can really all learn from this, and it is interesting to hear other members of Japanese-American ancestry, speak of her compassion, to that issue related to reconciliation with respect to the Japanese-Americans and their need to be satisfied on the manner which they were treated. But SALA BURTON never felt a resentment toward people. The fact is that irrespective of what everyone's background was, even if she had known that somewhere along the line their ancestors may have been responsible for the awful, horrible, horrendous deeds that took place from World War II, she was able to forgive and bring people together. That is a marvelous legacy that all of us I think can really profit from.

She always said to me when she was here, and we would be sitting on the floor and she would be listening to some of our colleagues whom she would very seldom agree with, and she would say:

> You know, the thing is that I do not judge them on every issue, I cannot just judge a person on how they vote on one or two issues. I am going to judge them on what they can do in the future.

So I think that is an important lesson that she certainly taught me, and I hope that we will all learn from it. To me her compassion for people and the strength that she had was an extension of her own femininity and caring about others, and she brought that with her.

She had a special love for her wonderful daughter, Joy, and her son-in-law who was Spanish. Her daughter and son-in-law lived in Spain for many years, and her grandchildren, and she expressed the joy she had in visiting them in Spain. Now they live, as I understand it, in San Francisco, and she expressed how happy she was that they came home.

I know she would want us to mention her wonderful brother-in-law, John. I understand she had another brother-in-law as well. She felt very strongly about the good work that John did in the House.

I also know that she had a tremendous love and respect for her mother, who is still alive. I understand SALA's mother is well over 90, and this must be a special loss for SALA's mother who SALA told me was as sharp as they come and who often asked her about Democratic politics and so forth.

□ 1315

And I just want a special word to her mother, because I just want her mother to know and her daughter to know, in particular that for me, SALA did not pass away. I will recall her good works every day of the House, because that is the kind of impression she made on each and every one of us.

I think maybe it is time to recall the words of Alfred Lord Tennyson who when he was mourning, one of his very, very close friends said that "it was better to have loved and lost than never to have loved at all." We love you, SALA.

Mr. MINETA. Mr. Speaker, I yield to our colleague, the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Speaker, at a time like this, emotions run so deep that they are clearer than thoughts; but if I might, let me express a few.

First of all, to be loved one must love. SALA loved this House and this House reciprocated. So many people felt close to her. She was in a sense a Member of this House, as so many have expressed, before she became a Member.

Another thought. The strongest partnerships usually are complementary. She was not a carbon copy of Phil. She had a fierce loyalty for him, but she was different in some respects.

So therefore, when she came to this House, she was building a new career, a career of her own; and that adds to the sadness of her death; because, well, one cannot say that career was nipped in the bud. That is not true. It was stopped before it fully blossomed, and for that reason, among others, she will be missed even more.

A third thought, what a sense of the underdog she had; and that has not always been in style. We have been going through peaks and valleys of that understanding and that sense in America, but she had it in her bones.

One last thought. It has been interesting, Mr. Speaker, how many of us who have spoken here who knew of her death just a short time ago, mentioned our spouses. How close she became, not only to the Members here but to the spouses of Members.

That is for a number of reasons. Part of it was because most of the spouses are women and she was a woman; but it was something else, I think, and that was that for SALA, people were individuals. I can look out on the floor here and think of several times at several specific places where I sat with Sala and we just conversed.

For too many in politics too often, the look is to the next person coming along. Sala had an ability to relate. She had an ability to focus. Oh, what an ability she had to care.

For all those reasons, we will deeply miss Sala. For all those reasons, we will forever remember her. Vicki joins me in expressing our sorrow.

Mr. MINETA. Mr. Speaker, I yield to our very fine colleague, the gentleman from California [Mr. Berman], who served with Phillip Burton and also with Sala Burton.

Mr. BERMAN. Mr. Speaker, I particularly thank the dean of our delegation, Don Edwards. Unlike Phil's death, which was so sudden and such a shock, for those of us who knew Sala well—and I have known her for 25 years—one could see this coming, when John Burton called Janice and I last night to tell us of Sala's death, we were very saddened, but we were not surprised, for Sala was truly omnipresent; both in her role as spouse to Phillip Burton and then, for the past 3½ years, as the representative from San Francisco in this great institution.

When, at a delegation breakfast in March or April Sala was not there last year, something inside me told me that something was wrong, because Sala was always there, and Sala was always on the floor, and Sala was always at any meeting relevant to pursuing the work of this House, and agenda of activism, a cause, an issue that she and Phil had cared about for so many years.

I wish now that somehow I had forced myself in to have the chance to say, at a personal level, the goodbye that I would have liked to, but I have to say that Don Edwards, for all of us in this institution, took on that role and that responsibility; a responsibility that does not gain one particular publicity or advance any particular bill or issue that one is pursuing, but is a statement of what he is about and I think brings credit to him, and I want to thank him.

As I mentioned, I was inextricably linked to Phil and Sala for so much of my adult political career, from the time that Henry Waxman and Merv Dymally and other Members of this House were in the California Young Democrats, and Phil and Sala were leaders in that organization. It is not known well, but Sala, for many years after Phil was elected to office, was a leading official of a group called the California Democratic Council, which was a group of grassroots activist Democrats, devoted to making life miserable for Democratic incumbents; and the fact that the kind of detachment which so much comes with attaining elected office from the volunteers who mean so much to our elections and to what we stand for, never carried to Phil and Sala, and that Sala devoted so much energy to making that organization viable; and it was in that context that I got to meet her.

There were so many other ways where Sala, on her own and even apart from her role and support with Phil, made her mark on politics in this country, on this institution, and on me personally. How many times over the past 4 years here I have seen Sala in the House dining room, having meetings with people about the cause and plight of a particular Soviet Jew seeking immigration or a Soviet prisoner of conscience. How many causes of the impoverished and the disadvantaged in San Francisco has she taken up on this floor and in committees, and working the process?

I remember an impact that she had, one speech in this House, on the immigration bill in 1984, when the bill before us had provisions for a universal identification card, and her own experience as a refugee from the scourge of nazism, leaving Poland and coming to this country, and the use of the identification card in Germany, and what that meant to her at a personal level. We can debate the merits of the analogies and the appropriateness of those provisions, but it was Sala's speech, speaking from her heart which literally eliminated any possibility that such a provision would remain in any immigration bill that this House passed.

Well, Phil and Sala were quite a team, and I have a deep love and affection for both of them, and now their partnership will be continued somewhere else, and I wish their family, John and Bob and their daughter Joy my condolences and the condolences of all of us who will miss her so much.

Mr. MINETA. Mr. Speaker, I thank the gentleman from California [Mr. Berman] for his remarks.

Mr. Speaker, I now yield to our colleague, the gentleman from New Mexico [Mr. Richardson]

□ 1325

Mr. RICHARDSON. I thank my colleague, Mr. Mineta, and our colleague, Mr. Edwards, for allowing us who loved Sala a chance to say goodbye to her in a very small way.

She obviously touched each one of us in a different way. I know that my wife Barbara would be up here with me if she had the opportunity. She would express thanks to Sala Burton for her many acts of kindness and commitment to my family. I will always be grateful.

If there is one thing I will always remember about Sala Burton it is that whenever you were in her presence she never stopped talking. She never stopped talking on behalf of the oppressed, she never stopped talking in ways that made you feel good, that made you think of the good things in life, that made you think that there was some good in the world that you had to do. With me representing a very large area of Hispanics and Indians, it was always, "Why aren't you doing this for your people? Why don't you think of this new initiative that might help that I know worked for me many years ago?" She was always giving.

I will always remember her as somebody who never stopped talking and acting and doing things on behalf of the issues that she cared for and she never stopped giving of herself and forever I will be grateful to her. This country will be grateful to her, this House will be grateful to her and I know the world will be grateful to her.

Mr. MINETA. I thank my colleague from New Mexico.

Mr. Speaker, I yield to the gentleman from California [Mr. Edwards], chair of our California delegation, and I thank him again for his leadership.

Mr. EDWARDS of California. I thank the gentleman for permitting me to say a few words.

We are all overwhelmed by what happened to Sala. As I said earlier, to drive to the Capitol today and find the flags at half-mast and to realize that this is probably what happened last night, the overflowing emotions of all of our Members who have been here today to speak about Sala is an experience for all of us.

There are very few people here in the Capitol, in the House, and yet it seems to me that everybody wanted to come out of their offices and come to the floor and talk with each other, comfort each other about the loss of Sala Burton.

Mary Rose Oakar, Senator Alan Cranston, and I visited Sala Wednesday night, just a few nights ago. It was at the hospital. She had a room of her own at George Washington Memorial Hospital. She obviously was very weak but she made us feel good because she thought about us and made us comfortable and asked about the House, asked about the President's speech of the night before, what did we think of it and what were the views of the other Members?

It was so comforting to be there because she was comforting us. We were not comforting her.

We could see that she was in a very weakened state and yet her mind was just as sharp and every word was well chosen.

It was a good experience for all of us. I imagine that we said goodbye for all of the Members of the House and the Senate that night because each of us was from a different body.

As we left, each gave her a hug and a kiss. Mary Rose Oakar leaned down and whispered to her for 40 or 50 or 60 seconds. It was a very poignant moment in my life that I will remember a long time. So even in her last few days, her last few hours, SALA was thinking about us, thinking about making us comfortable, letting us know that she was all right and that she loved us and appreciated our being there.

I thank the gentleman for making it possible for us to have these minutes with SALA and with each other.

Mr. MINETA. I thank our very fine chair of the California delegation, Mr. EDWARDS, for having taken the leadership to get the time for all of us to speak.

I also wish to join all the other Members who have been touched in many ways by both Phillip and SALA over the years.

So as with the others, I extend our deep sympathy to the immediate family, Joy and her husband, to the in-laws, John Burton, Bob Burton, and all the others.

Frankly, I think all of us are part of that family because I think SALA and Phil thought of it in that way.

There is no question that she in her own right was a strong person, considered a helpmate and partner to Phillip.

In my thinking, her seniority began when Phillip was sworn in here in the House, but she really blossomed here in her own right and continued in her service as a Member of the House as a loving, caring, strong person.

In 1983, I went through a cancer operation but I was fortunate enough to have, through surgical skills, have the cancer removed. Unfortunately, the ravages of cancer have taken a very fine colleague from us. But we can all look back to various ways in which we worked with her, whether it was the redress issue impacting on Americans of Japanese ancestry, to something that we will be doing tomorrow which is overriding the veto of the Clean Water Act by the President.

There is a provision in that Clean Water Act tomorrow in which there is a call for a study of the toxics and pollutants in the San Francisco Bay that SALA BURTON loved so much. I know she is working with all of us in trying to make sure that we get the necessary votes on the override of that veto. But everything she has been involved in has, as everyone has indicated here, been laced with love. Her caring of things, her caring for people, things that were inanimate or animate, she considered the same and she treated respectfully in that same manner.

So she leaves a legacy not only in terms of public service, but a legacy of legislation to whom all of us are very much indebted.

Mr. Speaker, I yield to our colleague, the gentleman from Minnesota [Mr. SIKORSKI].

Mr. SIKORSKI. I thank the gentleman from California.

SALA BURTON was a very real gentlewoman and a true representative of the United States. She was fiercely proud of her Polish origin, her Jewish religion, her husband and partner, her family, her city, her State, and her country.

She cared deeply and worked hard on her convictions. She hated intolerance, but never displayed intolerance.

I think that is best exemplified in an old prayer: Where there is hatred she sowed love, where there was injury, pardon; where there was doubt, faith; despair, hope; darkness, light; and where there is sadness she sowed joy.

She sought not so much to be consoled as to console, not so much to be understood as to understand, and most importantly she sought not so much to be loved as to love.

Mr. SUNIA. Mr. Speaker, I was exceedingly sorry to learn today of the death yesterday of our distinguished colleague, the gentlelady from the Fifth Congressional District of California, the honorable SALA GALANT BURTON. Although Mrs. BURTON had been ill for some time, I was both saddened and shocked to hear of her passing.

My colleagues in this House remember well the valiant champion the territories had in Mrs. BURTON'S late husband. Phil Burton strove long and hard to secure a place in this distinguished body for a representative from my islands. I have had the honor these last 6 years to serve in that capacity. Each day that I spend in this honorable body I realize that I owe my place here to Mr. Burton's able advocacy of the rights of Americans in this country's insular possessions.

After her husband's untimely death in 1983, SALA continued the Burton tradition in this House. I had the distinct pleasure of working with her on many issues affecting our constituencies, each so concerned with Pacific affairs. I will never forget Mrs. BURTON'S fine help in the 99th Congress in leading the cosponsors for House Joint Resolution 23, legislation that would have begun the process of securing votes in the electoral college for Americans living in American, Samoa, Guam, the Northern Marianas, and the Virgin Islands. it is nearly impossible for me to think of bringing territorial bills to this floor without a Burton being present. Outside of California, there can be no area under the American flag that will mourn more deeply Mrs. BURTON'S death than the U.S. territories, and American Samoa in particular.

Mrs. Sunia and my children join me in expressing our sincerest condolences to Mrs. BURTON'S family and especially to her daughter, Joy Temes, and to Mrs. BURTON'S grandson and granddaughter.

Mr. MURTHA. Mr. Speaker, I want to take a couple of moments to comment on the very sad passing of my friend and colleague, SALA BURTON.

In her all too brief career in the House of Representatives, she established herself as someone who could be trusted and as a power for the people she represented. SALA saw the national problems and tried to shape solutions that would help the people.

I well remember talking with her about the Synthetic Fuels Program, the national importance I saw to it, and how dramatically a problem could potentially affect the economic and jobs picture in the area I represent. She listened. She evaluated. She disagreed with the overall program, but recognized the importance it could have in the lives of so many people in Pennsylvania. And in the end, she voted with us. She voted for people. That was the kind of commitment SALA brought to Congress—to make the institution work to help people throughout America.

Some of that can probably be traced to her own childhood in Poland. She fled ahead of the Nazis. She later remarked it started her interest in politics because "when the Nazis were moving, you learn that politics is everybody's business."

SALA BURTON left her mark on Congress and the Nation. And she will long be remembered by those of us who were her friends and colleagues. We are all better for knowing her, and the institution and America suffer for her death.

Mr. AUCOIN. Mr. Speaker, I heard the news this morning that SALA BURTON had passed away, and, like a loss of any close relative or friend, it is hard for me to accept the reality of this loss.

The papers talk about the "public" SALA: The Congresswoman who worked for those whose voices are often ignored—the poor and minorities; who believed that our responsibility as lawmakers was to help those less fortunate in this Nation and who believed that it was our responsibility to assure future generations that they would live in a safe world.

But what about the woman who we knew as a colleague and a friend—the woman who shared our frustrations and our victories? The SALA I knew believed that politics was not a business or power trip. SALA believed that politics is everybody's business and that to earn your place in these halls you have to go to every constituent and ask for that right.

It is hard for me to believe that SALA is gone now, but when I'm on the floor or when we're debating the issues that she fought so hard for—arms control, education, the environment—the loss will be all too real and all too apparent.

I would also like to extend my condolences to my friend and former colleague, John Burton. He should know that we all share in this human loss. The grief and void that we feel now, will be soothed by the memories of how full a life SALA lived, the victories she achieved, and the joy that she brought to others, simply through her words, thoughts, and actions.

Mr. DELLUMS. Mr. Speaker, words cannot express the ache in my heart and soul today. On Sunday, February 1, our colleague and my dear friend, SALA BURTON, was taken from us at the young age of 61 by that hideous enemy of life, cancer.

Less than 4 years ago, in April 1983, her husband, my congressional mentor, and fierce friend, Phil Burton, was struck down by an aneurysm. To those who knew and loved them, SALA and Phil were true partners in every aspect of life—in marriage and in politics. They were dual inspirations and loyal friends, in good times and bad, in both politics and our personal lives.

This double loss is both a personal and a national tragedy, because SALA and Phil were, in the best sense of the term, true national treasures.

For almost 40 years, individually and together, SALA and Phil gave fully of themselves to the cause of peace and social justice, equality for all, regardless of race, gender, religion, or national origin. They were unstinting champions of human rights, unyielding opponents of the madness of U.S. involvement in Indochina, and fervent advocates for ending the insanity of the arms race.

My wife, Roscoe, and our children all join in mourning SALA'S passing. SALA and Phil are gone, but they leave behind a tremendous legacy of commitment, struggle, and real achievement. We can best honor their memory in the months and years ahead by intensifying our commitment and effort to achieve the goals for which they truly gave their lives.

Mr. MANTON. Mr. Speaker, it is with deep sadness that I rise to mark the death of our friend and colleague, SALA BURTON, who passed away Sunday night after a courageous battle with cancer. SALA BURTON was a champion of civil rights, a leader in the fight against religious persecution, and a tireless advocate for those less fortunate. We will all miss SALA's invaluable contributions to our efforts in this body to govern fairly and effectively.

Mr. Speaker, SALA BURTON's commitment to public service did not begin when she was elected to the House of Representatives. Throughout her life, SALA BURTON was active in public affairs and committed to improving the lives of others. SALA came to Congress to fill the vacancy left by the sudden death of her husband, Phil Burton, who served in the House of Representatives for more than 20 years. SALA lost no time in taking up those issues championed by her late husband as well as making her own mark in the House. SALA was a strong voice for world peace urging an end to the dangerous arms race and a sensible and realistic national defense program. SALA also became an advocate for the poor, a defender of the environment and the persecuted.

Born in Poland, SALA fled with her family to America in 1939 in the face on Nazi terror. Herself a victim of the cruelty and tragedy of religious persecution, SALA BURTON worked to ensure that the world would not forget the horrors of the Nazi years. SALA became a leader in the fight for civil rights and religious freedom in the world. Throughout her tenure in Congress, she was a leading advocate for dissidents in the Soviet Union, working to help the Jews of the Soviet Union regain their freedom.

After her election to Congress in 1983, SALA was assigned to the Education and Labor Committee where she worked tirelessly to defend many of the social safety net programs initiated by her husband from the attacks of the Reagan administration.

In 1984, SALA received the high honor of being appointed by the Speaker to serve on the Rules Committee. SALA's appointment to the Rules Committee was a clear indication of her effectiveness as a legislator and her loyalty to the leadership. As a member of the Rules Committee, SALA was successful in assisting the leadership to advance its legislative agenda.

Mr. Speaker, SALA BURTON'S life was dedicated to a compassionate struggle for freedom, peace, and fairness. She will be deeply missed, but her legacy will endure forever. I know all of my colleagues join me in sending our heartfelt sympathies to SALA'S family and friends.

Mr. STARK. Mr. Speaker, the death of our friend and esteemed colleague, SALA BURTON, means the end of an era in California politics and in the House of Representatives. When Phil Burton died in 1983, SALA immediately picked up the political standard they had carried so well together since his election to Congress in 1964. As a matter of fact, Phil always referred to SALA as his political partner, and she was. In her all too brief career as a representative of San Francisco in the House of Representatives, SALA was an effective champion of those who are voiceless without leaders such as her—the poor, the homeless, the hungry, those who our society passes by.

It is a sad fact that both SALA and Phil died before their work was done. When Phil died at age 56 his partner SALA was there to continue. Now SALA is gone at the early age of 61. Of course, there will be others to move into the breach, but it will not be the same in our California State delegation without a Burton to shoulder more than an average share of the political burden.

The Burtons together were a formidable team. SALA alone was, in the words of DON EDWARDS, the dean of our State delegation, a pillar of strength. To lose both of them so early when there is still so much to be done is disheartening. The Burtons had the talent, the energy, and the desire to bring about the sort of society that is possible given our natural and human resources. It is sad that in their drives to protect our natural resources and to provide sustenance and hope to our people, the earthly resources of both SALA and Phil ran out too soon. We miss both of them greatly. But if politicians do indeed receive divine guidance, having SALA and Phil cochair the Political Angels Caucus augers well for humanity.

□ 1335

Mr. MINETA. Mr. Speaker, in closing, let me just say that we, as the House, will most assuredly miss the influence of SALA BURTON on each of us in her caring way, and wish to her family, peace, love, and strength.

The SPEAKER pro tempore (Mr. MURTHA). Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 60, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THIS ADMINISTRATION'S FOREIGN POLICY IN DISARRAY

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, Arturo Cruz, one of the leaders of the Contras, says he will resign his post because another leader, Adolfo Calero, would not show him the account books detailing donations to the resistance. Thus, the last vestige of credibility, the only Contra leader with democratic credentials, is now gone.

Mr. Cruz is not the only one in the dark about the money the Contras are getting. The Sultan of Brunei, is another. Most importantly, so are the American people. We are obviously somehow ripped off and the taxpayer needs to know where this money is going. We should not approve another red cent for the Contras until a full accounting of all military and humanitarian aid is properly accounted for and reported.

No money should go to the Contras until the issues are cleared up.

Mr. Speaker, another tragedy of our Central American policy is that our own policymakers are trying to scuttle the peacemaking and negotiating efforts of the United Nations Secretary General and the head of the OAS. We are so isolated in our hardheadedness that our smoke and mirror policy is surely collapsing like a house of cards.

Our policy in Central America, Mr. Speaker, is another example of the hip-shooting, crisis by crisis, foreign policy of disarray of the Reagan administration.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
February 2, 1987.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 12:15 p.m. on Friday January 30, 1987 and said to contain H.R. 1, an Act to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes, and a veto message thereon.

With great respect, I am,
Sincerely yours,
Donnald K. Anderson,
Clerk, House of Representatives.

WATER QUALITY ACT OF 1987—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-26)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 1, the "Water Quality Act of 1987." Because all regulatory, research, enforcement, and permit issuance activities are continued under permanent law and current appropriations—including grants to finance the construction of sewage treatment plants—I emphasize that my veto will have no impact whatsoever on the immediate status of any water quality programs.

The cleanup of our Nation's rivers, lakes, and estuaries is, and has been for the past 15 years, a national priority of the highest order. This administration remains committed to the objectives of the Clean Water Act and to continuing the outstanding progress we have made in reducing water pollution. But the issue facing me today does not concern the ensuring of clean water for future generations. The real issue is the Federal deficit—and the pork-barrel and spending boondoggles that increase it.

The Clean Water Act construction grant program which this legislation funds, is a classic example of how well-intentioned, short-term programs balloon into open-ended, long-term commitments costing billions of dollars more than anticipated or needed. Since 1972, the Federal Government has helped fund the construction of local sewage treatment facilities. This is a matter that historically and properly was the responsibility of State and local governments. The Federal Government's first spending in this area was intended to be a short-term effort to assist in financing the backlog of facilities needed at the time to meet the original Clean Water Act requirements. When the program started, the cost of that commitment to the Federal taxpayer was estimated at $18 billion. Yet to date, $47 billion has been appropriated. H.R. 1 proposes to put still another $18 billion of taxpayers' money into this program. Despite all this money, only 67 percent of all municipalities have actually completed the construction needed to comply with the Clean Water Act pollution limits. On the other hand, nonmunicipal treatment systems which have received no Federal funding, have completed 94 percent of the construction needed for compliance with Federal pollution standards. I want a bill that spends only what we need to spend and no more—not a blank check. For these reasons I must disapprove H.R. 1, a bill virtually identical to S. 1128, which I disapproved last November.

Money is not the only problem with this legislation. In my November 6 memorandum of disapproval, I noted that S. 1128 was unacceptable not only because it provided excessive funding for the sewage treatment grant program, but also because it reversed important reforms enacted in 1981, for example, increasing the Federal share of costs on some projects that municipalities were going to build anyway. Furthermore, both S. 1128 and this bill would also establish a federally controlled and directed program to control what is called nonpoint source pollution. This new program threatens to become the ultimate whip hand for Federal regulators. For example, in participating States, if farmers have more runoff from their land than the Environmental Protection Agency decides is right, that Agency will be able to intrude into decisions such as how and where the farmers must plow their fields, what fertilizers they must use, and what kind of cover crops they must plant. To take another example, the Agency will be able to become a major force in local zoning decisions that will determine whether families can do such basic things as build a new home. That is too much power for anyone to have, least of all the Federal Government.

As part of my fiscal year 1988 budget, I proposed legislation that would avoid all these problems, while continuing our commitment to clean water. It would provide $12 billion for the Sewage Treatment Program, halfway between the $6 billion I had proposed in 1985 and the $18 billion the Congress proposes. Senator Dole introduced this proposal as a substitute for H.R. 1.

Specifically, the Dole substitute that was voted on by the Senate was identical to all provisions of H.R. 1 for programs other than sewage treatment, with one important exception—its program for nonpoint source pollution was not an open end for Federal regulators. It kept Federal environmental regulators off of our farms, off of our municipal zoning boards, and out of the lives of ordinary citizens. The Dole substitute would have given States complete discretion over participation in the nonpoint source pollution program and complete discretion over how they used Federal funds in the program. Let me repeat—controlling nonpoint source pollution has the potential to touch, in the most intimate ways, practically all of us as citizens, whether farmers, business people, or homeowners. I do not believe State programs should be subject to Federal control.

The $12 billion requested in the Dole substitute would have financed the "Federal share" of all of the treatment plants that have already been started. It would also have provided the "Federal share" of financing for all facilities needed to meet the July 1, 1988, compliance requirements in the Clean Water Act. It was as much money as we needed to get the job done—period.

The Dole substitute offered the Congress a genuine compromise that met all of the national objectives and goals. Nevertheless, the Congress chose to ignore that proposal, forgoing even the normal hearing process, and repassed last year's legislation with virtually no changes. The House Rules Committee even prevented consideration of this compromise by the full House. They sought to challenge me. But in so doing they are sending a message to the American people and the world that those who want to raise taxes and take the lid off spending are back again. This is perilous.

H.R. 1 gave the Congress the opportunity to demonstrate whether or not it is serious about getting Federal spending under control. The Congress should fulfill its responsibility to the American people and support me on these important fiscal issues. Together we can cut the deficit and reduce spending. But by passing such measures as H.R. 1, the Congress divides our interests and threatens our future.

Ronald Reagan.

The White House, *January 30, 1987.*

□ 1345

The SPEAKER pro tempore (Mr. Murtha). Mr. Speaker, the objections of the President will be spread at large upon the Journal, and the message and the bill will be printed as a House document.

Pursuant to the order of the House of Thursday, January 29, 1987, further consideration of the veto message is postponed until Tuesday, February 3, 1987.

APPOINTMENT AS MINORITY MEMBERS OF SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

The SPEAKER pro tempore. Mr. Speaker, pursuant to section 203 of House Resolution 26, 100th Congress, the Chair, without objection, appoints as minority members of the Select Committee on Children, Youth, and Families the following Members of the House:

Mr. Coats of Indiana;
Mr. Bliley of Virginia;
Mr. Wolf of Virginia;
Mrs. Johnson of Connecticut;
Mrs. Vucanovich of Nevada;
Mr. Kemp of New York;

Mr. Wortley of New York;
Mr. Packard of California;
Mr. Boulter of Texas;
Mr. Hastert of Illinois;
Mr. Holloway of Louisiana; and
Mr. Grandy of Iowa.

There was no objection.

APPOINTMENT AS MINORITY MEMBERS OF SELECT COMMITTEE ON HUNGER

The SPEAKER pro tempore. Mr. Speaker, pursuant to the provisions of section 103 of House Resolution 26, without objection, 100th Congress, and the order of the House of January 22, 1987, the Chair appoints as minority members of the Select Committee on Hunger, the following Members of the House:

Mrs. Roukema of New Jersey;
Mr. Emerson of Missouri;
Mr. Morrison of Washington;
Mr. Gilman of New York;
Mr. Robert F. Smith of Oregon;
Mr. Bereuter of Nebraska; and
Mr. Upton of Michigan; and
Three vacancies.

There was no objection.

APPOINTMENT AS MINORITY MEMBERS OF SELECT COMMITTEE ON AGING

The SPEAKER pro tempore. Pursuant to clauses 6 (f) and (i) of rule X, the Chair, without objection, appoints as minority members of the Select Committee on Aging the following Members of the House:

Mr. Rinaldo of New Jersey;
Mr. Hammerschmidt of Arkansas;
Mr. Regula of Ohio;
Mr. Shumway of California;
Ms. Snowe of Maine;
Mr. Jeffords of Vermont;
Mr. Tauke of Iowa;
Mr. Wortley of New York;
Mr. Courter of New Jersey;
Miss Schneider of Rhode Island;
Mr. Ridge of Pennsylvania;
Mr. Smith of New Jersey;
Mr. Boehlert of New York;
Mr. Saxton of New Jersey;
Mrs. Bentley of Maryland;
Mr. Lightfoot of Iowa;
Mr. Fawell of Illinois;
Mrs. Meyers of Kansas;
Mr. Blaz of Guam;
Mr. Swindall of Georgia;
Mr. Henry of Michigan;
Mr. Schuette of Michigan;
Mr. Spence of South Carolina;
Mr. Clinger of Pennsylvania;
Mrs. Morella of Maryland; and
Mrs. Saiki of Hawaii.

There was no objection.

JOHN S. PORTELLA: A REMEMBRANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. Coyne] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, on December 30, 1986, a devoted public servant and friend of mine died at his home in Pittsburgh, PA, the city which I represent. John S. Portella, a retired FBI special agent, was a sincere man and an exemplary citizen of Pittsburgh, and of the United States.

John spent his entire career serving this country. After he graduated from the University of Pittsburgh in 1941, John immediately entered the Federal Bureau of Investigation where he served for 36 years. During this distinguished career, John was a member of the Bureau's counterintelligence operations during World War II. He served in FBI offices in Chicago, Kansas City, Newark, and Seattle. For 23 years prior to his retirement, John was assigned to the FBI's Pittsburgh office.

Not only was John a dedicated public servant committed to protecting and safeguarding the citizens of the land, he was an active member of various community, civic, and religious groups throughout the city of Pittsburgh. Among the groups to which John belonged were the Oakland Chamber of Commerce, the Amen Corner, St. Bernard's Church, and the Society of Former Special Agents of the FBI.

John is survived by his wife of 41 years, Martha, and five children.

The people of Pittsburgh and this country lost a faithful friend and a man dedicated to upholding the best tradition of Government service. We will miss him.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. Boulter) to revise and extend his remarks and include extraneous material:)

Mr. Horton, for 30 minutes, on February 3.

(The following Members (at the request of Mr. Darden) to revise and extend their remarks and include extraneous material:)

Mr. Coyne, for 5 minutes, today.

Mr. Alexander, for 5 minutes, today.

Mr. Alexander, for 30 minutes, on February 3.

Mr. Gaydos, for 60 minutes, on February 3.

Mr. Gaydos, for 60 minutes, on February 4.

Mr. Miller of California, for 45 minutes, on February 4.

Mr. Torricelli, for 30 minutes, on February 10.

Mr. Gonzalez, for 60 minutes, on February 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Boulter) and to include extraneous matter:)

Mr. Lent.
Ms. Snowe.
Mr. Clinger in two instances.
Mr. Conte.
Mr. Moorhead.
Mr. Packard.
Mr. Daub.
Mr. Konnyu.

(The following Members (at the request of Mr. Darden) and to include extraneous matter:)

Mr. Anderson in 10 instances.
Mr. Gonzalez in 10 instances.
Mrs. Lloyd in five instances.
Mr. Hamilton in 10 instances.
Mr. Brown of California in 10 instances.
Mr. Jones of Tennessee in 10 instances.
Mr. Boner of Tennessee in five instances.
Mr. Annunzio in six instances.
Mr. de la Garza in 10 instances.
Mr. Torres.
Mr. Traficant.
Mr. Skelton.
Mrs. Boxer.
Mr. Lipinski in two instances.
Mr. Feighan.
Mr. Markey.
Mr. Biaggi.
Mr. Levin of Michigan.
Mr. Morrison of Connecticut.
Mr. Berman.
Mr. Coelho.
Mr. Mazzoli.
Mr. Darden.

ADJOURNMENT

Mr. DARDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 50 minutes p.m.), pursuant to House Resolution 60, the House adjourned until tomorrow, Tuesday, February 3, 1987, at 12 noon in memory of the late Honorable Sala Burton.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

463. A letter from the vice chairman-chief financial officer, Potomac Electric Power Co., transmitting a copy of the balance sheet of the Potomac Electric Power Co. as of December 31, 1986, pursuant to D.C. Code section 43-513; to the Committee on the District of Columbia.

464. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer to Portu-

gal for defense articles and services estimated to cost $18 million (Transmittal No. 87-04), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

465. A communication from the President of the United States, transmitting a bimonthly report on progress toward a negotiated solution of the Cyprus problem, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

466. A letter from the Administrator, Panama Canal Commission, transmitting the Commission's annual report on procurement competition for fiscal year 1986, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

467. A letter from the Secretary of the Interior, transmitting a report of three compensatory royalty agreements relating to oil or gas which were entered into during fiscal year 1986, pursuant to 30 U.S.C. 226(g); to the Committee on Interior and Insular Affairs.

468. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting a report on the suspension of deportation of certain aliens of good character and with required residency when deportation causes hardship under section 244(a), Immigration and Nationality Act, pursuant to 8 U.S.C. 1254(c); to the Committee on the Judiciary.

469. A letter from the the Assistant Secretary of the Army (Civil Works), transmitting a report dated November 17, 1984, from the Chief of Engineers, Department of the Army, on Ramapo and Mahwah Rivers, Mahwah, NJ, and Suffern, NY, together with other pertinent reports, pursuant to Public Law 94-587, section 150(b) (90 Stat. 2932) (H. Doc. No. 100-028); to the Committee on Public Works and Transportation and ordered to be printed.

470. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report dated May 1, 1985, from the Chief of Engineers, Department of the Army, on Charleston Harbor, Wando River extension, South Carolina, together with other pertinent reports (H. Doc. No. 100-027); to the Committee on Public Works and Transportation and ordered to be printed.

471. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report dated March 6, 1985, from the Chief of Engineers, Department of the Army, on implementation of the Lower Snake River Fish and Wildlife Compensation Plan, Washington, and Idaho, authorized by the Water Resources Development Act of 1976 (H. Doc. No. 100-029); to the Committee on Public Works and Transportation and ordered to be printed.

472. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report dated August 8, 1982, from the Chief of Engineers, Department of the Army, on Richmond Harbor, California, together with other pertinent reports (H. Doc. No. 100-030); to the Committee on Public Works and Transportation and ordered to be printed.

473. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting a report on the current extent of United States dependence on South Africa for imports of strategic and critical materials, pursuant to 22 U.S.C. 5094(a); jointly, to the Committees on Foreign Affairs, Armed Services, and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ENGLISH (for himself, Mr. Watkins, Mr. McCurdy, Mr. Synar, Mr. Inhofe, and Mr. Edwards of Oklahoma):

H.R. 909. A bill to extend to producers of the 1987 crop of winter wheat eligibility for participation in the Prevented Planting Agricultural Disaster Assistance Program under Public Laws 99-500 and 99-591, the continuing appropriations act for fiscal year 1987; to the Committee on Agriculture.

By Mr. FEIGHAN (for himself, Mr. Gilman, Mr. Hall of Ohio, Mr. Moorhead, Mr. Miller of Washington, Mr. Gejdenson, Mr. Bates, Mr. Studds, Mr. Jeffords, Mr. Conte, Mr. Levine of California, Mr. Conyers, Mr. Torricelli, Mr. Downey of New York, Mr. Russo, Mr. Berman, Mr. Towns, Mr. Richardson, Mr. Lujan, Mr. McCloskey, Mr. Torres, Mr. Edwards of California, Mr. Dellums, Mr. Shaw, Mr. McKinney, Mr. Hughes, Mr. Fauntroy, Mr. Sensenbrenner, Mr. Swift, Mrs. Boxer, and Mr. St Germain):

H.R. 910. A bill to put resources directly into the hands of poor people in developing countries for the purpose of achieving self-sufficiency, and for other purposes; to the Committee Foreign Affairs.

By Mr. PORTER (for himself, Mr. Pursell, Mr. Edwards of Oklahoma, Mr. Denny Smith, Mr. Lagomarsino, Mr. Towns, Mr. Murphy, Mr. Feighan, Mr. Wortley, Mr. Mrazek, Mr. Penny, Mr. Eckart, Mr. Sunia, Mrs. Johnson of Connecticut, Mr. Packard, Mrs. Bentley, Mrs. Vucanovich, Mr. Atkins, Mrs. Collins, Mr. Espy, Mr. Robinson, Mr. Pashayan, Mr. Darden, Mr. Myers of Indiana, Mr. Bevill, Mr. Weldon, and Mr. Daniel):

H.R. 911. A bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities; jointly to the Committees on the Judiciary, and Ways and Means.

By Mr. GONZALEZ:

H.R. 912. A bill to amend the Federal Election Campaign Act of 1971 to change certain contribution limits for congressional elections, to provide for public financing of general election campaigns for the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. MONTGOMERY:

H.R. 913. A bill to amend the Military Selective Service Act to improve the ability of the Selective Service System to respond to a mobilization; to the Committee on Armed Services.

By Mr. OBERSTAR:

H.R. 914. A bill to provide a transition period for the full implementation of the nonrecurring adoption expenses reimbursement program; to the Committee on Ways and Means.

By Mr. SOLARZ:

H.R. 915. A bill to require the Secretary of Health and Human Services to enforce certain food labeling requirements of the Federal Food, Drug, and Cosmetic Act for packaged foods sold by certain restaurants; to the Committee on Energy and Commerce.

By Mr. STANGELAND (for himself, Mr. Stenholm, Mr. Badham, Mr. Boulter, Mr. Combest, Mr. Daub, Mr. Dornan of California, Mr. Fawell, Mr. Hubbard, Mr. Hunter, Mr. Hutto, Mr. Hyde, Mr. Jones of North Carolina, Mr. Montgomery, Mr. Nielson of Utah, Mr. Skeen, Mrs. Smith of Nebraska, Mr. Solomon, Mr. Stump, Mr. Sundquist, and Mr. Whittaker):

H.R. 916. A bill to provide that each State must establish a workfare program, and require participation therein by all residents of the State who are receiving benefits or assistance under the aid to families with dependent children, food stamp, and public housing programs, as a condition of the State's eligibility for Federal assistance in connection with those programs; jointly, to the Committees on Agriculture, Banking, Finance and Urban Affairs, Education and Labor, and Ways and Means.

By Mr. VANDER JAGT:

H.R. 917. A bill to provide for the temporary suspension of duty on sethoxydim for a period of 3 years; to the Committee on Ways and Means.

By Mr. EMERSON:

H.J. Res. 124. Joint resolution disapproving a proposed deferral (D87-33) relating to the Department of Agriculture, Food and Nutrition Service, Temporary Emergency Food Assistance Program; to the Committee on Appropriations.

By Mr. LEVIN of Michigan:

H.J. Res. 125. Joint resolution designating the week of April 5, 1987, through April 11, 1987, as "World Health Week," and designating April 7, 1987, as "World Health Day"; to the Committee on Post Office and Civil Service.

By Mr. RUSSO:

H.J. Res. 126. Joint resolution designating February 16, 1987, as "Lithuanian Independence Day"; to the Committee on Post Office and Civil Service.

By Ms. SNOWE (for herself, Mr. Smith of Florida, Mr. Sunia, Mr. Lewis of Florida, Mr. McDade, Mr. Miller of Ohio, Mr. Howard, Mr. Lehman of California, Mr. Bosco, Mr. Leland, Mr. Espy, Mr. Dornan of California, Mr. Boner of Tennessee, Mr. Levine of California, Mr. Bliley, Mr. Levin of Michigan, Mr. Kastenmeier, Mr. Fazio, Mrs. Collins, Mr. Volkmer, Mr. McHugh, Mr. Henry, Mr. Rodino, Mr. Jones of North Carolina, Mr. Petri, Mr. DeFazio, Mr. Kostmayer, Mr. Mrazek, Mr. Schulze, Mr. Scheuer, Mr. Weiss, Mr. Denny Smith, Mrs. Bentley, Mr. Fish, Mr. Biaggi, Mr. Coyne, Mrs. Boxer, Mr. Martinez, Mr. Lagomarsino, Mr. Wolf, Mrs. Vucanovich, Mr. Andrews, Mr. McMillen of Maryland, Mr. Hyde, Mr. Lipinski, Mr. Horton, Mr. Hutto, Mr. Thomas Luken, Mr. Evans, Mr. Dwyer of New Jersey, Mr. Schumer, Mr. Daub, Mr. Wylie, Mr. Nielson of Utah, Mr. Frost, Mr. Donald Lukens, Mrs. Johnson of Connecticut, Mr. Gray of Illinois, Mr. de Lugo, Mr. Roe, Mr. English, Mr. Towns, Mr. Obey, Mr. Saxton, Ms. Slaughter of New York, Mr. Fuster, Mr. Martin of New York, Mr. Gunderson, Mr. Lowry of Washington, Mr. Borski, Mr. Atkins, Mr. McEwen, Mr. Udall, Mr. Wilson, Mr. Watkins, Mr. DeWine, Mr. Fauntroy, Mr. Matsui, Mr. Rowland of Georgia, Mr. Rogers, Mr. Frenzel, Mr. Bilirakis, and Mr. Ritter):

H.J. Res. 127. Joint resolution designating the week of May 10, through May 16, 1987, as "National Osteoporosis Prevention Week of 1987"; to the Committee on Post Office and Civil Service.

By Mr. EDWARDS of California:

H. Res. 60. Resolution expressing the condolences of the House on the death of Representative Burton of California; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII,

7. The SPEAKER presented a memorial of the legislature of Minnesota, relative to the right to life; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BROWN of Colorado introduced a resolution (H. Res. 61) to refer H.R. 816 to the Chief Commissioner of the U.S. Court of Claims; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. Clarke, Mr. Solarz, Mr. Anderson, Mr. Boucher, Mr. McDade, Mrs. Byron, Mr. Thomas of Georgia, and Mr. Hawkins.

H.R. 25: Mr. Sabo.

H.R. 33: Mr. Mack, Mr. Lagomarsino, Mr. McMillan of North Carolina, Mr. DioGuardi, and Mr. Kyl.

H.R. 80: Mr. Fish, Mr. Feighan, Mr. Fuster, Mr. Solarz, Mr. Moakley, Mr. Wortley, Mrs. Collins, Mr. Eckart, Mr. Lipinski, Mr. Garcia, Mr. Coleman of Texas, Mr. Hertel, Mr. Rinaldo, Mr. Frank, Mr. Levine of California, Mr. Jacobs, Mr. Dornan of California, Mr. McGrath, Mr. Horton, Mr. Manton, Ms. Kaptur, Mr. Lantos, Mr. Mrazek, Mr. Towns, Mrs. Bentley, Mr. Martinez, Mr. Tallon, Mr. Smith of Florida, Mr. Saxton, Mr. Quillen, Mr. Borski, Mr. Mfume, Mr. Kolbe, Mr. Rangel, Mr. Applegate, Mr. Traficant, Mr. Frost, Mr. Kolter, Mr. Roe, and Mr. Sunia.

H.R. 87: Mr. Darden, Mr. Yates, Mr. Oxley, Mr. Evans, Mr. Borski, Mr. Morrison of Connecticut, Mr. Kleczka, Mr. Tauke, Mr. Atkins, Mr. Neal, Mr. de Lugo, Mr. Waxman, Mr. Staggers, Mr. Gilman, Mr. Bates, Mr. Wilson, and Mr. Vento.

H.R. 246: Mr. Parris, Mr. Florio, Mr. Sensenbrenner, Mr. Hammerschmidt, and Mrs. Bentley.

H.R. 338: Mr. Dornan of California and Mr. Stenholm.

H.R. 339: Mr. Dornan of California and Mr. Stenholm.

H.R. 344: Mr. Dornan of California and Mr. Stenholm.

H.R. 345: Mr. Dornan of California.

H.R. 348: Mr. Goodling, Mr. Gordon, Mr. Nielson of Utah, and Mr. Barnard.

H.R. 374: Mr. Coleman of Texas, Mr. Shaw, and Mr. Hutto.

H.R. 459: Mrs. Bentley, Mrs. Collins, Mr. Wortley, Mr. Pickett, Mr. Manton, and Mr. Lehman of California.

H.R. 502: Mr. Ballenger.

H.R. 504: Mr. Perkins.

H.R. 510: Mr. Murphy and Mr. Dorgan of North Dakota.

H.R. 514: Mr. Feighan, Mr. Rangel, Mr. Kolter, Mr. Atkins, Mr. Davis of Michigan, Mr. Mollohan, Mr. Boehlert, Mr. Bateman, Mr. Mineta, Mr. Eckart, Mr. Whittaker, Mr. Neal, and Mr. Bilbray.

H.R. 541: Mr. Yates and Mr. DeFazio.

H.R. 549: Mr. Boland.

H.R. 551: Mr. Crockett, Mr. Ford of Michigan, Mr. Gaydos, Mr. Waxman, Mr. Grant, Mr. McEwen, Mr. Bateman, Mr. Bryant, Mr. Barnard, Mr. Lipinski, Mr. Skeen, Mr. Dwyer of New Jersey, Mr. Stallings, Mr. Applegate, Mr. Fish, Mr. Stangeland, Mr. Neal, Mr. Gray of Illinois, Mr. Hatcher, Mr. Smith of New Hampshire, Mr. Whittaker, Mr. McHugh, Mr. Roe, Mr. Eckart, Mr. Dyson, and Mr. Bilirakis.

H.R. 592: Mr. Atkins, Mr. Jones of North Carolina, Mr. Olin, Mrs. Bentley, Mr. Horton, Mr. Lancaster, Mr. Lagomarsino, Mr. Kolbe, Mr. Stangeland, Mr. Parris, Mr. Roe, and Mr. Espy.

H.R. 594: Mr. Levin of Michigan, Mr. Gregg, Mr. Weldon, Mr. Ritter, Mr. Horton, Mr. Dornan of California, Mr. Henry, Mr. Garcia, Mrs. Bentley, Mr. Dorgan of North Dakota, Mr. Applegate, Mr. Parris, Mr. Boehlert, Mr. Mfume, and Mr. Packard.

H.R. 627: Mrs. Bentley and Mr. Pickett.

H.R. 628: Mr. Solarz, Mr. Garcia, Mr. Ackerman, Mr. Mrazek, and Mr. Frost.

H.R. 631: Mrs. Bentley, Mr. Kastenmeier, Mr. Ray, Mr. Mrazek, Mrs. Vucanovich, Mr. Fazio, Mr. Wolf, Mr. Atkins, Mr. Applegate, Mr. Young of Alaska, Mr. Stangeland, Mr. Savage, Mr. Kanjorski, and Mr. Daniel.

H.R. 632: Mr. Smith of Florida, Mrs. Bentley, Mr. Fazio, Mr. Mrazek, Mrs. Johnson of Connecticut, Mr. McKinney, and Mr. Atkins.

H.R. 633: Mr. Armey, Ms. Kaptur, and Mrs. Bentley.

H.R. 722: Mr. Atkins, Mr. Owens of New York, Mr. Richardson, Mr. Roe, Mr. Scheuer, and Mrs. Vucanovich.

H.R. 758: Mr. Akaka, Mr. Lagomarsino, Mr. Horton, Mr. Dornan of California, Mrs. Bentley, Mr. Inhofe, and Mr. Levin of Michigan.

H.R. 762: Mr. Ackerman, Mr. Fazio, Mr. Hutto, Mr. Mavroules, Mr. McKinney, Mr. Levin of Michigan, and Mr. Savage.

H.R. 778: Mr. Henry, Mr. Oberstar, Mr. St Germain, Mr. Clay, Mr. Kostmayer, Mr. Levine of California, Mr. Neal, Mr. Mfume, Mr. Burton of Indiana, Mr. Guarini, Mr. Ireland, Mr. Manton, Mr. Smith of New Hampshire, and Mr. Anderson.

H.R. 779: Mr. Jones of North Carolina, Mr. St Germain, Mr. Gregg, Mr. Bates, Mr. Clay, Mr. Levine of California, Mr. Mfume, Mr. Carper, Mr. Guarini, and Mr. Ravenel.

H.R. 792: Mr. Donnelly, Mr. Duncan, Mr. Gephardt, Mr. Archer, Mr. McKinney, and Mr. Saxton.

H.J. Res. 16: Mr. Dornan of California.

H.J. Res. 20: Mr. Boulter and Mr. Badham.

H.J. Res. 52: Mr. Leland, Mr. Matsui, Mr. Gordon, Mr. Lagomarsino, Mr. Horton, Mr. Quillen, Mr. Daniel, Mr. Pashayan, Mr. Boland, Mr. Murphy, Mr. Chapman, Mr. Gibbons, Mr. Wolf, Mr. Smith of Florida, Mr. Lehman of Florida, Mr. Wortley, Mr. Bryant, Mr. Tallon, Mr. Jones of North Carolina, Mr. Lewis of Florida, Mr. Lipinski, Mr. Evans, Mr. Fazio, Mr. Towns, Mr. Boner of Tennessee, Mr. Hefner, Ms. Snowe, Mr. Nielson of Utah, Mrs. Lloyd, Mr. Kostmayer, Mr. Atkins, Mr. Ray, Mr. Neal, Mr. Roe, Mr. Erdreich, Mr. Mrazek, Mr. Kleczka, Mrs. Collins, and Mr. Pickett.

H.J. Res. 67: Mr. Hoyer.

H.J. Res. 77: Mr. Murphy and Mr. Oxley.

H.J. Res. 105: Mr. Bryant.

H.J. Res. 106: Mr. Hoyer, Mr. Leland, Mr. Levin of Michigan, and Mr. Frost.

H. Con. Res. 8: Mr. Dornan of California.

H. Con. Res. 21: Mrs. Lloyd.

H. Res. 16: Mrs. Johnson of Connecticut, Mr. Tauke, Mr. Boehlert, and Mr. McHugh.

H. Res. 40: Mrs. Vucanovich, Mr. Dannemeyer, Mr. Stallings, Mr. Barton of Texas, Mr. Wortley, Mr. Kyl, Mr. Lewis of Florida, Mr. Frenzel, Mr. Brown of Colorado, Mr. Gregg, Mr. Hastert, Mrs. Martin of Illinois, Mr. Daub, Mr. Bilirakis, Mr. Schaefer, Mr. Packard, and Mr. Kolbe.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

19. By the SPEAKER: Petition of Harry E. and Ruth B. Saxton, Lorimor, IA, relative to a private claim bill; to the Committee on the Judiciary.

20. Also, petition of Mr. Peter J. Cojanis, Washington, DC, relative to an impartial committee concerning Contra aid; to the Committee on Rules.

SENATE—*Monday, February 2, 1987*

The Senate met at 2 p.m. and was called to order by the Honorable BOB GRAHAM, a Senator from the State of Florida.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Lord, who shall abide in thy tabernacle? Who shall dwell in thy holy hill? He that walketh uprightly, and worketh righteousness, and speaketh the truth in his heart. He that backbiteth not with his tongue, nor doeth evil to his neighbour, nor taketh up a reproach against his neighbour. In whose eyes a reprobate is condemned; but he honoureth them that fear the Lord. He that sweareth to his own hurt, and changeth not. He that putteth not out his money to usury, nor taketh reward against the innocent. He that doeth these things shall never be moved. (Psalm 15)

Gracious Lord, help us to take seriously thy word and live in its light in Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under standing order of the Senate, the majority leader, the Senator from West Virginia, is now recognized.

Mr. BYRD. Mr. President, I thank the Chair.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. BYRD. Mr. President, the program for the afternoon is as follows:

After the recognition of the two leaders under the standing order, there will be two 5-minute orders for the recognition of Messrs. PROXMIRE and HUMPHREY.

Following those two orders, there will be a period for the transaction of morning business, not to extend beyond the hour of 3:30 p.m. today. Senators will be permitted to speak up to 5 minutes each during that period for the transaction of morning business.

There will then be a 1-hour period allowed for the debate on the waiver.

The highway bill, S. 387, will come up today, and there will be a vote on Senate Resolution 85, the budget waiver for the highway bill. There will be a rollcall vote on the budget waiver, the rollcall vote having already been ordered. Then the Senate will proceed to the consideration of the highway bill. Amendments thereto will be in order.

It is not the intention of the leadership to stay in late this evening. It is expected that debate will ensue this afternoon. Hopefully, someone will call up an amendment. There could be a vote on an amendment today. But in any event there will be at least one rollcall vote this afternoon.

Consideration will continue on tomorrow with respect to the highway bill and throughout the week as long as required to complete action on the highway bill.

Later in the week, it is hoped that the Senate can proceed to take up the appliance energy efficiency standard bill, S. 83. That bill has been reported out of the Energy Committee, Senator BENNETT JOHNSTON, the chairman of that committee, wants very much to complete action on that bill this week before the Senate goes out for the Lincoln Day recess. Action was taken last year on a similar bill and there should not be much controversy about the bill.

The House will in all likelihood, vote tomorrow on the override of the President's veto of the clean water bill. That being the case, and I expect the House to override the veto, the Senate then will, on Wednesday or Thursday, vote to override the Presidential veto. It is my intention to have that vote on Wednesday if at all possible. The distinguished Republican leader and I will discuss that later today. Then, Mr. President, there will be further action, if necessary, on House Joint Resolution 102, the homeless appropriations measure.

So, Mr. President, there will be rollcall votes today—one for sure—and rollcall votes daily throughout the remainder of this week until the highway bill is completed and action on the energy appliance measure is completed, and this would include the vote on the override of the President's veto of the clean water bill.

Other legislation and/or nominations will be taken up as cleared. The Senate may be in into the evening one or more days this week, but I am not talking about the late evening. I do not want any late evenings.

I would hope that the Senate could complete all of its work on the highway bill, the energy appliance bill, and the other measures by the close of business Thursday. If that is the case, then the Senate would not be in on Friday. But if the work is not done by the close of business on Thursday—and I do not mean to stay in until midnight or 1 or 2 o'clock in the morning to complete it—I am saying if the business is not completed at a reasonable hour on Thursday, then the Senate will be in session on Friday, and Senators should plan their schedules accordingly.

I believe we can complete that work without staying in into the late evening during any day this week.

Mr. President, I ask unanimous consent that the time for the distinguished Republican leader under the standing order be reserved until he wishes to utilize it during the afternoon.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I will be glad to desist for a moment if the Chair would like to have a message from the House. Otherwise, I do have a statement I would like to proceed with.

The PRESIDENT pro tempore. The Senator may proceed with his statement.

Mr. BYRD. The Chair would prefer that I proceed. Very well.

AVIATION SAFETY

Mr. BYRD. Mr. President, last week I appeared before the Subcommittee on Aviation of the Committee on Commerce, Science, and Transportation and made a statement with respect to the narrowing margin of safety and the increasing number of incursions and near misses in our daily aviation travels.

I spoke of the fact that Congress last year, on October 18, enacted legislation to create an Aviation Safety Commission. The President was to have appointed that Commission within 30 days after the enactment of the legislation. The enactment on October 18 occurred. November 18 went by, December 18 went by, January 18 went by, and no Commission has yet been appointed.

In my visit to the White House last week, when invited by the President to come down and meet with the joint leadership with respect to the agenda, I brought this matter up with the President. He assured me that the appointments would occur in the very near future.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I hope, Mr. President, that, indeed, that Commission will be appointed in the very near future. There is much work to do. The safety of airline travel is very much in the balance. I have been fearful that the FAA, which has two mandates under the law—one, that it promote civil aviation; two, that it promote safety in air travel—I have been fearful that the wearing of those two hats may put the Federal Aviation Administration in a difficult position at times.

So it seems to me that the appointment of a Commission, an independent Commission, here would be the right thing to do—a Commission that can independently evaluate this whole matter, take a look at the FAA, take a look at the effects of deregulation, and, hopefully, report back to the President and to the Congress based on its evaluations and investigations and studies.

I think this would inure to the safety of the American people who travel by commuters, who travel by major commercial airlines and also by private aircraft. I think we owe it to the American people to get on with the appointment of this Commission, let it do its work, let us see what its report says and take action accordingly.

Mr. President, I ask unanimous consent that the statement, which I made before the Subcommittee on Aviation of the Committee on Commerce, Science, and Transportation, to which I alluded earlier be printed in the RECORD, as well as a letter from Capt. Lloyd W. Barry, senior vice president of United Airlines, dated December 5, 1986, and an article entitled "Be Careful Out There."

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ROBERT C. BYRD BEFORE THE SUBCOMMITTEE ON AVIATION, COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, WASHINGTON, D.C., JANUARY 29, 1987

Mr. Chairman, I would like to thank you and the other members of the subcommittee who worked with me last year to enact the Aviation Safety Commission Act. I think we all felt that the Commission would provide a needed and effective response to the growing concern about the diminishing margin of safety in our airways system.

I wish I could report to you today that the Commission was preparing to begin the third month of its review of aviation safety issues. I cannot. The President has yet to appoint the Commission, which I think most of us had hoped would accomplish for civil aviation what the Rogers Commission had accomplished for the Space Program in the wake of the *Challenger* disaster.

The law requires that these appointments be made within 30 days of enactment, which occurred over 3 months ago. Despite assurances by the White House that the names of the Commission members would be forthcoming 2 weeks ago, I have heard nothing from the administration. I can only assume that this administration simply does not share our concern regarding the seriousness of the aviation safety issue. I find that regrettable. Air safety is not a partisan issue. There can be no partisanship when it comes to Government providing for the safety of its citizens.

Mr. Chairman, the administration claims that 1986 was one of the safest years for U.S. air travel. It points to the fact that not a single fatality was recorded involving any of the large American commercial airlines. That, however, is little solace to the 67 persons killed in the collision last August 31st of an Aeromexico jetliner and a private plane; nor is it comfort to the 15 persons killed on the ground as the planes plunged into a suburb of Los Angeles.

National Transportation Safety Board Chairman Jim Burnett has pointed out that "one year does not a trend make." And the tragic record supports his view. In contrast to last year, 1985 was one of the worst years in aviation history, with 23 accidents and 526 fatalities involving U.S. carriers. And 1987 has already produced 2 mid-air collisions causing 16 deaths.

Waiting to count the number of fatalities seems to me to be shortsighted. Airline accidents are unforgiving; it is incumbent upon us to develop strategies that help us prevent their occurance. We must begin by recognizing that the Nation faces a deteriorating margin of safety in air travel.

The administration, in the person of the Federal Aviation Administration, says it "can't deal with somebody claiming that 'the margin of safety' has decreased," and that "no one has ever defined what 'margin of safety' is, let alone figured out how to measure it."

Mr. Chairman, you and I know, the members of this subcommittee know, and frankly, the administration knows that "margin of safety" is not an elusive concept.

"Margin of safety" defines the ability to manage our airways system in a way that minimizes the chances of an accident occurring. As a result of deregulation, the dramatic increase in the number of airlines and airline flights, and the loss of 11,400 controllers in the wake of President Reagan firing striking controllers after the 1981 strike, aviation safety considerations have been seriously compromised.

We can measure the extent of that compromise. The FAA, for example, announced on January 9, 1987, that an average of more than 2 near-misses per day were reported in 1986. More than 40 percent of those incidents involved at least one commercial aircraft. Of the 828 near miss reports received by the FAA, 141 incidents involved planes which flew within 100 feet of each other. Aircraft came within 500 feet of each other in more than half of the total reported incidents.

Unfortunately, these reports may only represent the "tip of the iceberg." In a December 5, 1986, letter to his fellow airmen, Capt. Lloyd W. Barry, senior vice president for flight operations at United Airlines, wrote: ". . . I am becoming increasingly concerned about the ever present threat of midair collision. The very real hazard of a midair collision must be acknowledged by each and every one of us. The trend is indisputable. Within the last 12 months United crews have averaged 6.3 near misses per month."

Last July, I presented to this subcommittee an analysis of historical data that demonstrates a strong, statistically significant relationship between the volume of air traffic—as measured by the number of commercial departures—and the number of safety incidents—that is, near misses in the air and near misses on the ground, the latter being so-called surface operational errors.

What does this mean for the future? According to the FAA, air traffic is expected to increase at a rate of 7 to 10 percent a year over the next decade. If the recent correlation between traffic volume and the number of incidents continues, we can expect a steady increase in the number of safety incidents.

Mr. Chairman, that trend is unacceptable. If we are going to continue increasing air traffic and avoid a commensurate increase in safety incidents, we must improve the margin of safety. That will require resolving a number of fundamental issues:

First, what are the staffing requirements needed to maintain the air traffic control system? The President's budget calls for increasing the controller work force by 225 positions in FY 1988. However, even with that increase, there would still be 3,700 fewer full performance controllers than in August 1981, before the controller strike.

Second, what needs to be done to prevent system failures caused by the sheer increase in the volume of air traffic? For example, the 9020 computer, used to assist controllers in monitoring air traffic, was out of service at the Denver Air Route Traffic Control Center from January 8 to January 20 of this year, a total of 12 days, as a result of overloading the computer capacity. Consequently, there were numerous delays and the center had to control air traffic without a backup system for the entire time.

Third, what effect is the "hub and spoke" system having on aviation safety? For example, at Boston's Logan Airport—one of the 39 Hub airports—23 flights are scheduled to depart between 9 a.m. and 9:06 a.m. At Chicago's O'Hare International Airport, 117 flights are scheduled to take off between 8 a.m. and 9 a.m. Within a 50-minute period just after noon every day at Lambert St. Louis International Airport, 43 TWA jets are scheduled to land and 35 minutes later the same 43 planes are scheduled to start taking off.

The FAA projects that the number of aircraft operations will increase an average of 35 percent over the next 15 years at the 28 major Hubs. These Hubs are becoming overwhelmed by the growth in commercial traffic.

Fourth, what impact is deregulation having on the safety and adequacy of service to outlying and rural areas? Because of the combination of "HUB" expansion and FAA service consolidation efforts, for example, West Virginia will have 4 airway facilities maintenance offices reduced to one. Only one maintenance office will be available to provide computers, radar, and communications technical support for the entire State.

And fifth, given the enormity of the projected growth in air traffic and the number of airlines, FAA's resources will become stretched even thinner. Can, and should, the FAA continue to function in that setting as both a promoter for and a regulator of the aviation industry?

Mr. Chairman, these are a few of the many issues that need to be addressed. Without the benefit of an independent and thorough evaluation, most of these issues may never be resolved.

Nineteen eighty-seven is but one month old. Yet already there have been two midair collisions with 16 fatalities. The growing stress on the aviation safety system is cause for concern. Without prompt action by the administration to name the members of the Aviation Safety Commission, enabling it to begin its vital and overdue work, that concern can only increase and the margin of safety will become even slimmer. I hope the American people will not be required to endure that outcome.

UNITED AIRLINES,
December 5, 1986.

DEAR FELLOW AIRMAN: I consider the United pilots to be the most highly trained and capable pilots in this industry. We also fly excellent aircraft equipment, and this combined with an outstanding and dedicated maintenance team results in safe and reliable air transportation of our customers and crewmembers alike.

We have enjoyed an enviable safety record over the last several years, but I am becoming increasingly concerned about the ever present threat of a midair collision. The very real hazard of a midair collision must be acknowledged by each and everyone of us. The trend is indisputable. Within the last 12 months United crews have averaged 6.3 near misses per month. Any of these incidents could have resulted in a catastrophe had it not been for the professional skill of our pilots or, in some cases, just plain good luck.

There are many detriments to good outside visual scanning. For example, it is my belief that modern technology can lead us into some traps that can create an environment for a midair collision. We all want to be the best of the best and in an effort to obtain absolute precision we may concentrate our scan on the instrument panel to the detriment of our visual scan. The computers and integrated flight director/autopilot systems on our newer aircraft can lead us into the cockpit when we are hand flying the aircraft. The same systems, however, when used with an autopilot can actually enhance your ability for visual scanning. Another deterrent to good outside visual scanning is caused when ATC issues last minute runway changes for landing. We have all been led down that garden path, scrambling for approach plates at the last and worst possible time. These are "setups" for pilots and can easily result in crewmembers not clearing the airspace ahead of them.

I know by now you get my point! I am deeply concerned about a midair collision occurrence at United Airlines. We are putting more and more airplanes in the air using the same old airspace, and the "see and avoid" rule has never been more important. Just as we say in an emergency, "Someone must fly the airplane!", we had better all start developing the philosophy of "Someone must be looking outside for traffic!". This issue has to take priority with each and everyone of us.

Review your own attitude and habit patterns and discuss methods to ensure the best possible chance of not becoming a midair statistic. I will address this in the next issue of the "COCKPIT", but felt I could not wait that long to share my concern. I believe that midair collisions are the single greatest threat to our safety in the skies today.

In the September Safety Information Bulletin (86-8) on this subject, Dave Simmon referred you to the 16-minute video tape on midair collisions. It is an excellent review and I highly recommend it.

Please think about this and share your thoughts with each other.

Sincerely,

LLOYD W. BARRY.

[From Time, Jan. 27, 1987]

"BE CAREFUL OUT THERE"

The Northwest DC-10 was speeding toward takeoff at Minneapolis—St. Paul International Airport when the warning came from the flight engineer: "There's a whale on the runway!" Another Northwest wide-bodied DC-10 has just left a taxiway and poked its nose into the path of the oncoming plane. "I see it," replied the amazingly cool captain of the departing aircraft. He abruptly jerked his jumbo jet into the air. His wing cleared the fuselage of the crossing plane by a mere 50 ft. There were 501 people on the two jets. They had barely avoided what would have been the world's second worst air disaster, akin to the 1977 collision of two Boeing 747s that killed 582 people on a fog-shrouded runway at Tenerife in the Canary Islands.

What went wrong under clear skies at Minneapolis last March 31? Two air-traffic controllers, sitting side by side in the terminal tower, each failed to realize what the other had done. One had cleared the taxiing plane to cross the runway. The other had told the second plane to roll toward takeoff.

Whether on the ground or in the air, the high-speed collision of two aircraft is every pilot's worst fear. Yet each day in the U.S. the worry grows. "Near midairs," the safety experts' term for when two planes come dangerously close to each other in the air, are increasing at an alarming rate: 311 in 1982, 475 in 1983, 589 in 1984, 777 in 1985, at least 812 in 1986. Commercial airliners were involved in 35% of the 1986 incidents. What the air-travel industry too gently calls "runway incursions" are also on the rise: 102 in 1985 and an estimated 112 last year.

"Hell, every week that goes by, it's almost accepted as a common event, a near midair!" complains Captain Hank Duffy, the outspoken head of the 39,000-member Air Line Pilots Association (ALPA). Says Duffy: "Near midairs, runway incursions, delays—every indicator in the system says that we're hanging by our fingernails."

In a candid memo to United Airlines pilots last month, Captain Lloyd W. Barry, United's senior vice president for flight operations warned "I am increasingly concerned about the ever present threat of a midair collision. Within the last twelve months, United crews have averaged 6.3 near-misses per month. Any of these incidents could have resulted in a catastrophe had it not been for the professional skill of our pilots or, in some cases, just plain good luck."

The close calls in the sky are by far the most worrisome trend in the nation's overburdened, understaffed air-safety system. The chilling reality of what can happen when luck turns sour was illustrated last Aug. 31 over Cerritos, Calif., when an Aeroméxico DC-9 and a private Piper aircraft collided in the congested "birdcage" of controlled airspace around Los Angeles International Airport, killing 82 people. Many aviation experts like Duffy fear that what is still one of the safest air-transportation systems in the world is slipping dangerously as air traffic grows relentlessly through the unfettered competition of deregulation. The experts voice three major concerns:

"There are not enough controllers, and too many of them have a low experience level," claims John Galipault, president of the Aviation Safety Institute, a private foundation in Ohio. The number of controllers is down from 16,300 to 14,700 since President Reagan fired striking members of the Professional Air Traffic Controllers Organization (PATCO) in 1981; more significantly, only 62% of them are qualified at "full performance level," vs. 80% before the strike. United Airlines Captain Mel Hoagland declares bluntly, "The air-traffic-control system is at the ragged edge of coming unraveled for lack of fully qualified controllers."

"We have a lessening of the experience level of flight crews," contends Jim Burnett, chairman of the highly respected National Transportation Safety Board, which investigates civil aviation accidents. The number of hours the average airline pilot has spent in jetliners has dropped from 2,234 in 1983 to 818 in 1985. "The demand for pilots is high, and the supply is going down," observes NTSB member John Lauber. "The carriers are getting closer to the FAA minimum training standards."

Some of the most economically troubled airlines are deferring maintenance whenever possible, and a few have been heavily fined by the FAA for violating safety standards. The impact of these varied trends, says Patricia Goldman, vice chairman of the NTSB, is that there is a "narrowed margin of safety."

Most of the critics cite the 1978 deregulation of airline competition as the villain in this erosion of confidence in the system. While deregulation has reduced fares and opened air travel to enormous numbers of new passengers, the era of do-or-die rate-cutting competition has pressured carriers to slash costs and take risks. No one claims that safety rules have been relaxed. Indeed, the vast majority of controllers, pilots and federal inspectors are working hard and competently to avoid accidents. But, says Jerome Lederer, founder of the private Flight Safety Foundation, "from now on the problem will be to discern who is obeying the rules. When passenger safety vs. profits is involved, these are questions of conscience." One pilot, speaking anonymously, sums up what he perceives as the all to common attitude in airline executive suites: "It's a business. Make the buck and take the chance."

Yet all the gloom overlooks an important bottom-line statistic: 1986 was among the safest ever for U.S. air travel. There was not a single fatality among the large American carriers even though they flew a record 6.2 million flights. That is a remarkable turnabout from the previous year, which set a worldwide high of 1,835 airline fatalities, 526 of them on U.S. carriers. For all of civil aviation, including airline, business and private flying, 1985 was dismal: 2,773 accidents that caused 1,231 deaths in the U.S. alone. For 1986 the number of U.S. accidents fell to an estimated 2,580, with 860 fatalities.

To Donald Engen, the Federal Aviation administrator, this reversal in fatalities is what really matters in air safety. "I can't deal with somebody claiming that 'the margin of safety has decreased,'" says Engen. "I deal with real facts, the accidents in hundreds of thousands of hours flown. These rates are continuing to go down. It happened in 1986 because we made it happen." Indeed, the number of fatal accidents in U.S. civil aviation in 1986 was 1.09 for each 100,000 hours flown, a decrease from 1.2 in the year before.

The FAA's vigilance in policing shoddy maintenance practices led the Government agency to ground 61 commuter and air-taxi carriers for varying periods (some permanently) in 1986, as well as 60 the year before. It its most spectacular gesture, the FAA in March fined Eastern Air Lines $9.5 million for 78,372 alleged safety and maintenance violations. Pan Am has been jolted by FAA fines of $2 million, while American was assessed $1.5 million.

Not everyone agrees, however, that the decrease in fatalities last year stemmed from better management by the FAA or anyone else. "Our emphasis on safe operations has given us an incredible skein of good luck," observes William Jackman, vice president of the Air Transport Association, the airlines' trade group. "We've got to be the luckiest industry in the world."

And while ALPA's Duffy views Engen as "one of the best administrators we have ever worked with," he disagrees with the FAA boss on a key point. "You don't judge how the system is operating by the number of accidents," Duffy says. "The indicators predict where the accidents are going. When you are having more near midairs, well, it's just a matter of time before two planes will slam together, as they did at Cerritos."

The most severe critics of the air safety system are the airline pilots, who, it has often been noted, are the first to arrive at the scene of an air accident. A survey of ALPA's members in September showed not only that midair collisions are the pilots' biggest concern but that 66% of them feel that the problems of air-traffic control are more serious that the public realizes. In the opinion of 43% of pilots, deregulation has had an adverse effect on airline safety. Declares Pilot David Linsley, a 20-year veteran at United: "The system is not as safe as it used to be, not as safe as it should be, not as safe as it could be and not as safe as it will be—or the pilots will shut it down."

American Flight 557 approached Chicago's O'Hare on Oct. 31. As it descended from 10,000 ft., a single-engine Cessna suddenly appeared ahead of it and passed just 300 ft. below and a mile to one side. Snapped the startled American pilot: "Center, did you just have an aircraft pass us in the opposite direction?" Controller: "I have an old track I don't see . . . there, target's back up now. I'm sorry about that." Pilot: "Well, that was very, very close."

Certainly, one reason for the increase in near midairs is that air traffic has soared under deregulation. Flying accounts for nearly 90% of all interstate travel; the annual number of airline passengers has jumped from 292 million in 1978 to 415 million last year. The number of airlines, including cargo, express mail and charter service, increased from 150 to about 400, and the roster of passenger carriers grew by 97 (to 157). The FAA offers another explanation for the rising number of near midairs: its reporting system has improved. In 1983 the FAA began installing what controllers and pilots call a "snitch" alarm system. Aircraft now move across a controller's green radar screen as a blip of light in the middle of a round white "halo" or "doughnut," representing an area that has a diameter of five miles. The aim of the controllers is to "keep green" between the doughnuts. Whenever two circles begin to intersect, indicating that two planes have violated the horizontal separation standard of five miles, an alarm sounds, the doughnuts flash and a teletype clacks out the incriminating data. The controller must file a report on the incident, as must the pilot if he is suspected of being at fault. Anyone found responsible can be suspended from duty.

The automatic snitch may make it appear that the skies are growing more dangerous because more reports are being filed. In the past, say some pilots, regional offices of the FAA often failed to pass near-miss reports along to Washington because they wanted to tell their bosses only what headquarters wanted to hear: that the system is safe.

Critics counter that the FAA's stricter reporting system may just be catching up to the frightening reality in the skies. Moreover, the FAA has loosened another requirement: until 1985 planes that passed within 1,000 ft. of each other vertically were considered too close, and the incident had to be reported; now the vertical-separation standard is just 500 ft. Under an accurate system, this change should produce fewer, not more, close-call reports. Some pilots object to this reduction in the near-miss distance, noting that if two airliners are six miles apart but head toward each other at 550 m.p.h., they could collide in 20 seconds.

There are indications that some controllers may be cheating the snitch system to avoid the burden of paperwork and explanations. The FAA investigated a near miss on Feb. 16 between a Sky West Airlines flight and a private Beech Bonanza near Santa Barbara, Calif. The planes had come within five miles, but the snitch was not triggered. The investigators discovered that a controller had dropped the Bonanza from his screen in the belief that there was no real chance of a collision despite the proximity of the two aircraft. This action, reported the FAA, "disabled the computer's ability to recognize the conflict."

Some pilots object to the snitch alarm as a superfluous electronic Big Brother, but few approve of controllers defeating the system. Charges a veteran American Airlines captain: "Dropping a plane from the screen is playing fast and loose with human life to avoid being pinpointed for a mistake. It's unconscionable."

Such self-protective steps presumably are rare, but there is little doubt that the nation's air controllers are straining to handle their workload. A survey by the Government's General Accounting Office last March produced some disturbing findings: an overwhelming 91% of controllers complained that the system does not have enough qualified controllers, 70% reported that they handle more traffic in peak periods than they should be required to accept, 69% claimed that their heavy workloads adversely affect air safety. In the fiscal year before the 1981 strike, controllers put in 377,000 hours of overtime; in 1985 they worked an extra 908,000 hours.

Moreover, the controllers are not optimistic about the immediate future. More than half rated the quality of training for new controllers as either "less than adequate" or "poor." The GAO discovered that the top of the controller hierarchy is aging and restive. Of 450 supervisors in the survey, 75% said they hope to retire within a year. "A lot of us are tired, over-worked, stressed and demoralized," explained one veteran.

Some of the rank-and-file controllers have started procedures to establish a new union to replace PATCO, which was smashed in the 1981 strike. The Administration's dismissal of 11,500 strikers, although politically popular, is still hotly argued from a safety standpoint. Claims Ray Brown, an ALPA executive and air-safety consultant, about the Administration: "Instead of listening to the message, it killed the messenger. Now the message has resurfaced because the new people are expressing the same problems."

One example of the manpower problem is the situation at the Chicago Air Route Traffic Control Center in Aurora, Ill., which handles an airspace that includes O'Hare, one the world's busiest airports. On paper, the center has more controllers than its authorized strength of 350. But only 183 have reached full-performance-level status. Where it was once standard for controllers to be at their positions for only four of the eight hours in a shift, the norm at Aurora is now six. Coupled with mandatory overtime, this pace, contends one Aurora controller, "is burning most of us out."

The ATC computer systems, many of them 20 years old, are also burning out. The Aurora control center lost a backup computer on Aug. 3, and while it was being repaired, the main computer went down for nearly four minutes on Aug. 4 and for an hour an Aug. 5. A control center in Albuquerque was knocked out for 40 minutes on Nov. 6. The busy Washington center lost all its radar and computers for 20 minutes on Nov. 29. When this happens, pilots have no choice but to fall back on "see and avoid" flying practices. But that is sometimes difficult to do today's instrument-filled "glass cockpits," which require pilots to keep their heads down much of the time. Flights are diverted to open airports and long delays develop. At the New York area radar facility on Long Island—which controls Kennedy, La Guardia and Newark airports—one contoller says, there is "some sort of equipment breakdown two or three times a month" during which "everybody scrambles into high gear."

The pressure on controllers can vary from place to place. A few in low-traffic regions or in centers that are adequately staffed contend that they fight boredom rather than stress. That was not at all true of a frantic controller at the Los Angeles center at Palmdale, who, according to one airline captain, announced on a smoggy day: "There is more traffic than I can point out to you. Please be careful out there."

While relations between controllers and pilots usually remain professionally courteous, there are subtle tensions between the two groups. Christine West, a controller hired just after the strike, works in the New York radar-control facility. West is proud that "we do pretty close to twice the amount of work with half the staffing we had before the strike." But she is critical of many pilots. "We have their lives in our hands, but they relate to us like we were the enemy," she says. "It can be stressful when you're taking insults on a frequency and you have to be professional and cannot explain your reasons for doing something."

Keith Morris, another controller at the same center, complains that pilots talk too often on their radios and do not listen carefully to the controllers. When any pilot close to a control center presses his mike button, it blocks other nearby flight crews from hearing the controller. "It is not unusual to sit on a radar position and have a pilot respond that he's blocked over and over again," says Morris. "Radio discipline has become atrocious."

Pilots have beefs about the controllers. Contends Duffy: "Our pilots make calls to controllers and nobody answers. You can tell when one is under strain when his supervisor comes in and overides him. More controllers are making errors. They are often fatigued. We just don't want to be handled by tired controllers." The basic problem, in the view of Delta Airlines Pilot

Joseph Dorsey, is that "there are too many new people on both ends of that radio."

On Sept. 23, 1985, a Henson Airlines Beech commuter plane missed Shenandoah Valley Airport in Virginia by six miles as it tried to land through clouds and fog. The crash killed the two crew members and all Twelve passengers. The NTSB investigation blamed navigational errors by the crew. But it cited a list of contributing factors: the cockpit was so noisy that the captain and first officer had either to shout or to use hand signals to communicate; both were relatively inexperienced; and Henson's training in its aircraft, which have differing instrument layouts, was inadequate. The crew members, who had flown together only twice before, were undergoing personal tensions that may have created stress. The captain, 27, was about to be married and was awaiting a job interview with Eastern Air Lines; the first officer, 26, had been with Henson only two months, duty that took her away from her husband, and she was planning further examination of a lump in one breast.

Veteran airline pilots may be even more critical of the lack of experience among some of their younger flying brethren (and, increasingly, sisters). A generation of crack pilots trained in military transport and combat aircraft is fading into retirement. According to the Aviation Safety Institute, only 40% of today's pilots came out of the military. Yet the demand for more top-rated airline pilots keeps rising. Their ranks, which have been growing steadily during the past few years, now number greater than 81,000. More pilots and fewer fully qualified controllers, says a senior captain at United, is a "prescription for catastrophe."

The expanding number of pilots is exacting a price at some airlines, especially the feeders, which are requiring less experience and lower qualifications than they did in the past. Newcomers are being promoted from the flight engineer's chair to the right-hand seat (the first officer's) and then to the left seat (the captain's) after logging fewer flying hours. "The apprenticeship system doesn't exist anymore," claims ALPA's Duffy. Three major airlines—United, American and Piedmont—are for the first time hiring pilots who are past the age of 50.

In the tight market, pilots searching for higher pay often jump from the smaller to the larger airlines and from one type of aircraft to another. Crews have less time to learn to work together. Caught at the bottom of this turnover spiral are the commuter airlines. Henson Airlines, based in Salisbury, Md., for example, lost 54 of its 195 pilots in 1985.

"The place where you are going to see the system break down first is the commuter airline," Says Pete Pedigrew, a captain with Pacific Southwest. Tony Levier, an industry-safety expert, is in agreement. "A lot of these airlines are operating on shoestrings. They may meet the FAA regulations on paper but not in reality." On some commuter flights, both cockpit seats may be occupied by inexperienced officers. That, too, observes John Lauber of NTSB, "can be a lethal combination."

On the large airliners, passengers have another reason to be uneasy. After studying 30 cockpit flight-crew members, Dr. Martin Moore-Ede, a professor at the Harvard Medical School, discovered that on long high-altitude flights, the cockpit crew is sometimes asleep. The pilots, copilots and navigators he interviewed admitted that they have either nodded off on the job or had to struggle not to do so an average of 16 times a month. This usually happens sometime between 4 and 5 in the morning. In other research, Moore-Ede discovered an incident in which a transcontinental flight missed its Los Angeles destination and flew 100 miles over the Pacific because everyone up front had fallen asleep. Controllers awakened them by sounding chimes in the cockpit. NTSB's Lauber confirms that napping occurs and suggests that the problem could be eased if regulations banning all sleeping could be relaxed to permit snoozing by one officer at a time during a high-altitude flight.

A mechanic at O'Hare found a damaged duct on a DC-9's engine in April and reported to his supervisor that it would pose a fire hazard if the engine overheated. The supervisor nonetheless cleared the aircraft to take off for Pittsburgh. The horrified mechanic called FAA but could not reach an official before the plane left Chicago. In Pittsburgh, FAA grounded the aircraft while the engine was replaced. The pilot had not been warned that he was flying with a potential fire problem.

In the complex world of aviation technology, equipment can and does fail. Still, insists FAA Chief Donald Engen, "any accident, when you dig in, always comes back to human beings. Accidents just don't happen—they are caused." Airlines need a skilled force of mechanics and technicians to maintain their incredibly complex aircraft. A Boeing 747, for example, contains 4.5 million removable parts, 135 miles of electrical wires and more than a mile of hydraulic tubing. The major airlines are spending as much as or more than before on maintenance of their fleets. But to deal with any carrier that lacks the will or money to meet the Government's stiff standards, FAA must have enough inspectors to scare the corner cutters and punish the violators. Yet while the volume of traffic has exploded, the Reagan Administration's early budget cutting produced a reduction in the number of FAA inspectors from 1,748 to 1,494. Only in the past three years has the force been rebuilt to its present 1,813 inspectors.

NTSB Chairman Burnett contends, furthermore, that FAA inspectors too often develop a cozy relationship with the airlines they are assigned to monitor. Inspectors and airlines, says Burnett, go through a "choreographed dance." One example: Eastern had a string of problems with missing O rings on engines in its L-1011 jumbos that caused seven forced landings. At a hearing on the problem, Burnett asked the top FAA inspector watching Eastern whether he ever checked the airline's maintenance procedures. No, said the inspector, but he had discussed the problem with Eastern's vice president for maintenance. Burnett's acid response: "Vice presidents don't put on O rings."

The Eastern violations became so numerous because each flight with a claimed maintenance problem counts separately. One Eastern plane flew five years before the airline repaired a landing-gear-assembly link that had been the subject of an FAA warning. Only when the gear failed on a landing at Norfolk, Va., was a fix made. FAA also cited Eastern for placing tape over a 4-in crack in the leading edge of a horizontal stabilizer and making 156 flights in that condition. Most of the violations, however, appear to have involved the failure to document procedures that differed from standard practice, although not necessarily compromising safety.

Pinched airlines tend to defer repairs on items that do not require immediate grounding of a plane. One pilot admitted that he flew his jet even though in his cockpit 14 red tags were hanging from parts on which needed maintenance work had been deferred. While this may be legal, John Galipault of the Aviation Safety Institute insists that one airline assigns mechanics to fly in what repairmen call "hanger queens," airlines that develop frequent problems. When a minor ailment arises, the flying mechanic "signs off" on the paperwork needed to permit the plane to keep operating, even though no repair is done.

The pressure to keep the multimillion-dollar jets and their paying passengers moving is high at most airlines. Contends Galipault: "People in this business are asked or told to do things they know are not only wrong but dangerous. Then they have to ask themselves whether to sell out and save their job or risk it for what they know is right and safe. "For too many, the choice appears to be difficult.

The crash at Reno of a Galaxy Airlines Electra that killed 70 people, many of them fans returning to Minneapolis from the 1985 Super Bowl game in San Francisco, turned out to be a horror story of multiple mistakes. NTSB investigators found that on the ground at Reno, the headsets between the ground supervisor and the cockpit did not work, so hand signals were used. After the pilot started two engines, a ground handler discovered that she could not disconnect an air hose used in the starts. The supervisor began frantically signaling the pilots to stop so the hose could be freed. Distracted, the ground crew failed to close a small (8½ in. by 11 in.) access door at the hose connection. The crew neglected to run through the required checklist before takeoff. They heard a thumping noise during takeoff, but despite published warnings about this possibility, they did not realize the door was loose.

Trying to determine if the racket came from an engine problem, the captain reduced power on all four engines, although it would have been safer to check one of them at a time. The loss of speed took the Electra close to its stall point, but the first officer was not monitoring airspeed and altitude as he should have been. The plane stalled and struck the ground. The NTSB criticized the lack of crew coordination and concluded dryly, "The captain attempted both to determine the cause of the vibration and fly the airplane simultaneously, which he was unable to do." In fact, the open door would not have been a hazard if the sound had been properly diagnosed.

What should be done to restore the safety margins? The controller shortage offers only one relatively quick fix rehire more of the fired PATCO controllers. Many have not found comparable-paying jobs and would be eager to get back at their consoles. But FAA Chief Engen, reflecting the Administration's position, says, "No way." According to the GAO survey, 60% of the current controllers and 85% of their supervisors oppose such a move, though a majority of those at some of the busiest traffic centers say they would have no objection. In fact, about 500 of the less militant PATCO members have been quietly rehired. Many airline pilots would like to see more of the former controllers brought back "with a wink and a nod" to strengthen the system.

The pilots argue that the fired PATCO members bear few grudges against the recently hired people. "All this animosity is the rhetoric of 1981 and 1982," argues Jim Holtsclaw, manager of the FAA facility in Los Angeles.

Congress last year approved a request by Transportation Secretary Elizabeth Dole for funds to add 1,000 new controllers over two years. Dole claims, with little support, that the "system was way overstaffed before the strike" and that new "air-flow" procedures have made it possible for fewer controllers to handle more flights safely.

The air-flow plan has indeed reduced the number of aircraft stacked in the skies in bad weather around major airports. Instead, the delays are taken in "gate holds" on the ground, planes are not allowed to leave until they have a chance to land promptly at their next stop. This prudent procedure caused more than 70,000 holiday travelers around the nation to be delayed last week when fog closed Atlanta's Hartsfield International Airport, a major airline hub. While the air-flow controls may annoy passengers eager to get going on their trips, pilots and controllers prefer it to in-air stacking because it leaves fewer airborne planes to worry about.

As fuel costs have gone down and delays have increased, however, the airlines are pushing to get their planes aloft closer to schedule. They want more departure and arrival routes established so that more of the sky space is utilized. They would also like to reduce the 15-mile minimum spacing between following airliners so that more traffic can be moved in the same time. Planes heading toward a landing at 220 m.p.h. thus are about four minutes apart.

Most safety experts argue that the already strained system is not able to accommodate either more stacking, closer flying or more routes to be controlled. But the FAA seems ready to bow to some of the airline pressure. The agency's regional traffic managers expect to meet in February, and may consider a ten-mile interval in time for the summer season.

The need for more FAA inspectors is obvious. In the view of Jim Burnett, it may even be more important for FAA inspectors to develop a new attitude toward their work. "They must take a more aggressive position," he says. Specifically, Burnett would like to see more spot inspections to detect any cheating on-maintenance rules.

The NTSB has also urged the FAA to require pilots and copilots on commuter airlines to be checked more frequently on their instrument flying. The safety board urges faster development of a program to provide flight simulators to train these pilots and asks that the commuter carriers be required to provide at least one experienced pilot on each flight, rather than have two newcomers work together. No single move, however, could ease the worries of pilots and passengers alike more than installing collision-warning devices on airplanes. After years of indecision and delay, the FAA is finally moving to put such a system in place.

Safety experts advocate such short-term and relatively inexpensive improvements as clearer runway markings, tighter control over carry-on luggage that can hurl about a cabin in a crash landing, and greater fire resistance in airline cabin fabrics.

The FAA's Engen says the country urgently needs more airports and runways. But airport expansion around many major cities is almost prohibitively expensive and politically difficult if, indeed, suitable land can be found. This seems mostly a dream.

More modestly, the FAA is starting to install new computers at its en-route control centers. It has also proposed a $24 billion long-term airport and air-traffic control modernization program. Where the money will come from has not been decided. The FAA's critics want the agency to use some of the $8 billion that has accumulated in an aviation trust fund, which comes mainly from an 8% tax on all airline tickets. This reservoir of cash has been hoarded by the Administration to keep the federal deficit from looking worse than it is.

Though final Administration and congressional approval of the modernization plan remains uncertain, the need is clear. The expansion of air travel will continue relentlessly: domestic airline traffic is expected to grow by 5% in each of the next four years. Unless more steps are taken soon to remedy the serious shortcomings in the nation's air-traffic system, the recent good luck of millions of sky travelers could run out.

(By Ed Magnuson. Reported by Jerry Hannifin/Washington and Lee Griggs/Chicago, with other bureaus.)

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. Under the previous order, the minority leader is recognized.

BICENTENNIAL MINUTE

FEBRUARY 2, 1890: SENATE INVESTIGATES LEAKS

Mr. DOLE. Mr. President, 97 years ago this month, in February 1890, an unusual special Senate committee was created. That panel had the responsibility of interrogating every Member of the Senate to determine who was leaking information to the press about the Senate's executive sessions. Although the Senate had opened its legislative sessions to the public in 1794, it had continued to debate all executive business—treaties and nominations—behind closed doors.

Enterprising newspaper correspondents had little trouble reconstructing what went on in these secret sessions. In the parlance of the time, every reporter "had his own Senator." That is, smart reporters cultivated good relations with at least one Senator, who in turn would provide a reasonable accounting of what was said, what votes were cast. As soon as the doors were opened after an executive session, reporters sought out their sources, compiled their stories, and filed their dispatches for the next day's papers.

In 1890, Senator James Dolph of Oregon became vexed over the repeated leakage of supposedly secret information concerning treaties. At Dolph's instigation, the Senate created a special committee, which he chaired, to uncover the source of the leaks. First the committee called newsmen, who naturally refused to divulge their sources. Then it summoned the Senators themselves. The New York Times reported how the Senate pages scattered throughout the Capitol, calling individual Senators to the committee to give testimony. Not surprisingly, no Senator admitted to leaking secret session information. The Senate "smelling committee," as the press dubbed it, came to a frustrating end, no wiser than when it started: Leaks continued as before. It would take another 40 years before the Senate abolished, for the most part, its secret executive sessions, and held all of its debate in public.

JUDGE HARRY WILFRED FISHER—100 YEARS YOUNG

Mr. DOLE. Mr. President, this past weekend I had the pleasure of returning to my home State to celebrate the 126th anniversary of Kansas.

Republicans from every corner of the State use this festive occasion to meet in Topeka to participate in "Kansas Day" activities. An annual event where we renew old acquaintances and honor the good work of dedicated Kansans.

It was a special treat this year to salute an old friend and a Kansas legend: He is Judge Harry Fisher, who on January 29 celebrated his 100th birthday! Still active and sharp, he is an inspiration to all of us. Think of it: When he was born, Kansas was only 26 years old! No doubt about it, there is not much Kansas history Judge Fisher did not witness *firsthand*: From Alf Landon to Dwight Eisenhower, from William Allan White to our present Republican Governor, Mike Hayden.

In fact, on this past Saturday, Judge Fisher called on Alf Landon, Alf Landon being a youngster; he is only 99. They had a very good visit—the 100-year-old Judge Fisher and the 99-year-old former Governor, Alf Landon. They talked about a lot of things in the past. Their hearing is not as good as it once was, so they probably talked a little louder than they did 30 or 40 years ago. It was a great picture that appeared in the Topeka Capital and the Kansas City Star of these two outstanding men and what they had to say about the past.

Judge Fisher also spoke to the Kansas Day celebration that evening. It was a remarkable speech. He went right to the platform, made a very nice statement, had a lots of fun, talked a little about 1988. It was certainly an inspiration to all of us.

Judge Fisher first served as county attorney for Linn County, then practiced law in Fort Scott; he was next appointed to a State bankruptcy court, won election to the State legislature in 1933, and then served 20 years as a distinguished district court judge. He remains a wellspring of wisdom; and he still drives his own car.

In fact, in his visit with Alf Landon, Senator KASSEBAUM's father, he showed Alf Landon his driver's licence, and I understand that Alf wondered why he cannot get one. If Judge Fisher has one at 100, he ought to have one at 99. I do not know how that came out. In any event, it was an indication of the current events they were discussing.

I know that the people of Kansas, and his countless hometown admirers in Fort Scott, join me in saluting this great Kansan, Judge Fisher, on reaching a very special milestone. We can all learn from his birthday declaration: "It's one thing to be 100 years old, and another to be a useful citizen." I think that says it all.

Tonight, the Fort Scott Chamber of Commerce will honor this outstanding American. I know that we all wish him well.

Mr. President, I also wish to state, as a matter of personal reference, that we also had the opportunity to meet again a friend of the presiding officer, former Senator Frank Carlson, who was in attendance Saturday night.

He said:

> The first thing I want you to do is to convey my best wishes to my great friend, the distinguished Senator from Mississippi, Senator JOHN STENNIS.

Former Senator Carlson, 93 years of age, was also honored at our Topeka, KS, festivities, for a record of service that has been unmatched for service to the Nation: a Member of the House, a U.S. Senator. No one else in Kansas has had that record.

I know that the Presiding Officer [Mr. STENNIS] is proud of his good friend, former Senator Carlson, who started the prayer breakfast in the Senate many years ago.

RELEASE GERALD SEIB

Mr. DOLE. Mr. President, we feel anew a sense of outrage today as yet another American has been snatched off the streets and is being held against his will, this time in Tehran.

He is Gerald Seib, a reporter for the Wall Street Journal, and a native Kansan from Hays. Judging from reports, there is absolutely no reason why this journalist should be detained. He is a fully credentialed, working journalist—and a darn good one according to his colleagues.

Unfortunately, the Iranian Government has not responded to the urgent and legitimate questions that the State Department—and the Seib family—are asking. So today we send this message to Tehran—loud and clear: Release Gerald Seib now—immediately and unconditionally—so that he can rejoin his wife and family.

Until that time, I urge my colleagues to follow the wishes of Gerald's father, Richard, who said this morning in Hays that "we just have to pray to God * * * appeal to everybody to pray with us."

We will pray—and we will continue to keep the pressure on Tehran, until it admits its terrible blunder and releases Gerald Seib.

LET'S OPEN OUR EYES TO ANC TERRORISM

Mr. DOLE. Mr. President, last week, Senator WALLOP and I sought immediate Senate action on a resolution dealing with the meeting between Secretary of State Shultz and African National Congress [ANC] leader Oliver Tambo. The resolution urged the Secretary to put at the top of his agenda for the meeting a demand that the ANC discontinue the use of terror tactics and renounce terrorism as a political weapon.

One major newspaper subsequently published an inaccurate and misleading editorial criticizing my support of the resolution. What concerns me about the editorial is not so much that it misrepresented my position, though it did. What disturbs me most is that it revealed a surprising and dangerous unawareness, or unconcern, about ANC terrorism.

Let us be clear what we are talking about. While he was here, Mr. Tambo kept talking about armed struggle. I am not talking about armed struggle by an oppressed people to win their rights. I am not talking about the legitimate right of a people to defend themselves when attacked. I am talking about terrorism—the use of violence against wholly innocent people, to force them into accepting your political program.

Let me also be clear about this. In saying that the ANC uses terrorism, I do not deny that whites use it, too, in South Africa, against blacks, including many in the ANC.

But that does not change the fact, or mitigate the horror, of the widespread and open—in fact, I can truly say, almost boastful—use of terrorism by the ANC.

I would like to put three recent newspaper articles on the subject of ANC terrorism into the RECORD this morning.

The first is a column from today's Washington Post, written by former Ambassador to the United Nations Jeane Kirkpatrick. In her column, Ambassador Kirkpatrick makes clear her strong opposition to the "nondemocratic, violent apartheid system" in South Africa. But she stresses her equal opposition to the nondemocratic, violent policies of the ANC, which offer not an end to bloodshed and oppression in South Africa, but merely its continuation in another guise. As usual, Ambassador Kirkpatrick's column should be must reading for all of us concerned about South Africa.

The second item I want to cite is a column written by Boston University President John Silber for the New York Times late last year. I commend the entire column to my colleagues, but this morning I want to read just one short excerpt, a direct quote from one of the ANC's most prominent members, Winnie Mandela, wife of long-jailed ANC leader Nelson Mandela.

These are Mrs. Mandela's words to an ANC gathering last year:

> Together, hand in hand with our boxes of matches and our "necklaces," we shall liberate this country.

I believe we all know that the "necklace" Mrs. Mandela refers to is not a piece of ANC decorative jewelry, but a gasoline-soaked tire, placed around a political opponent's neck, and then set afire.

The other item I would like to put in the RECORD is an editorial from the Wall Street Journal last week, just prior to the Shultz-Tambo meeting. Again, while urging my colleagues to read the entire editorial, let me quote just one brief section:

"Earlier this month * * * the French News Service * * * published an interview with * * * the ANC's military commander, in which he said the ANC considered white farmers to be legitimate targets. In New York last week, Mr. Tambo himself said that the killing of white civilians will have the beneficial effect of getting white people 'used to bleeding'."

Mr. President, these are not quotes from BOB DOLE. They are from the most prominent leaders of the ANC: Oliver Tambo, Winnie Mandela, and the rest. They are not a figment of my imagination. They are a part of the record, and a part of the tragic reality of South Africa.

White terrorism against blacks is part of that record, too, and an important cause of the problems of South Africa. But ANC terrorism—whether against whites or other blacks—cannot for that reason be justified or excused. ANC terrorism can never be part of the solution we want for South Africa.

Mr. President, if there is one thing on which all Americans agree, it is this: We abhor terrorism, and we will fight it wherever it appears. We launch air strikes against Qadhafi because of his support for terrorism; we refuse to negotiate with the PLO because of its embrace of terrorism; we are disturbed that the Iran initiative may have sent the wrong message about our terrorism policy.

Absolute, consistent opposition to terrorism; absolute, consistent refusal to negotiate with terrorists, until they renounce their use of terror; that is the American policy. And it is the right policy.

As right for southern Africa as for any other place in the world.

Mr. President, I ask unanimous consent to have the three articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 2, 1987]

THE SINISTER OLIVER TAMBO

(By Jeane Kirkpatrick)

When Oliver Tambo came to Washington last week to meet with Secretary of State George Shultz and speak to selected audiences about the African National Congress' "armed struggle" in South Africa, some American officials and supporters hoped he would disavow violence. Instead, Tambo, president of the ANC, offered an unembarrassed, unapologetic explanation of why the ANC intended to "intensify the arms struggle" until it envelops and destroys the whole of South Africa's "apartheid system," and why Americans should support the ANC in this effort.

The ANC, said Tambo, waged a nonviolent struggle against apartheid for 50 years and made no progress. Progress came only after it turned into "armed struggle" 20 years ago, he said.

"How can it be said we should use only constitutional means in our struggle, when all resistance is illegal and we have no way to change the brutal realities of the racist regime?" he asked. How can Americans ask South African blacks to accept the situation and surrender? he added. During his comments, Tambo cited the American Revolution, the Declaration of Independence and the Founding Fathers to support "armed struggle" against a closed system. It was an argument tailor-made for Americans.

Almost all Americans agree with Tambo's indictment of apartheid and the violence it does to those who live under it. It is easy for Americans to understand why a movement that is banned would resort to force against the offending government and easy to share Tambo's outrage against a system in which one race (white) gets most of what there is to get, while everyone else divides what is left. But does this mean that Tambo's cause is our cause?

Is the ANC the political and moral equivalent of the Green Mountain Boys or the American revolutionary forces? Is Oliver Tambo the political and moral equivalent of Sam Adams or George Washington? Or is he the moral and political equivalent of Robespierre or Lenin or Daniel Ortega? What kind of government would Tambo establish in a post-apartheid South Africa—a democracy with freedom for all, or a one-party dictatorship with freedom for none?

One sees quickly that this slight, quiet black man does not resemble George Washington or Sam Adams or Martin Luther King Jr. or Jesse Jackson. Nor does he sound like any American political leader—black or white. He looks and sounds like a theoretician, a tactician of revolution. Years of forced exile have made him an underground leader of an underground organization. Perhaps this is why he discusses "armed struggle" in the detached fashion of those for whom flesh and blood opponents have long since become abstractions. Perhaps it is why he so coolly plans the total destruction of a society in which he has not lived for more than 25 years.

Tambo does not call for equal rights, or equal opportunity or equal power. He calls for the total destruction of the existing society. No part of the apartheid system he says is to be left intact. No reform can render it tolerable. "Apartheid either is or is not. And it must not be." he said.

One would think he could make common cause readily with all others who hate apartheid and institutionalized racism. That turns out not to be the case. Tambo and the ANC have redefined the key categories. "Opposing apartheid" has been redefined to mean opposing apartheid the ANC way—with violence and with the object of an ANC victory and an ANC state.

How can one take seriously Tambo's commitment to establish a democracy with rights for all when attacks on black opponents have become a regular feature of ANC tactics? How can one take seriously Tambo's commitment to democracy when blacks who use different means to end apartheid and seek a differently configured democratic government are considered "objective" supporters of apartheid?

Chief M.G. Buthelezi has opposed apartheid all his life and today opposes the various half-measures of the South African government, yet; he is described by Tambo as "the principal spokesman for apartheid in South Africa." Buthelezi, Tambo charges, is guilty of an unforgivable ideological deviation. He supports "ethnicity" and "tribalism," which Tambo says: "plays into the hands of the enemy." This is presumably the reason that more than 100 of Buthelezi's followers have been burned and hacked to death, and he himself targeted for assassination.

Supporting "ethnicity" is not the only "crime" for which a black opponent may be defined as an "objective" supporter of apartheid. Hundreds of blacks outside other ANC or Buthelezi's Inkatha movement have been "executed" in black-on-black violence. Jonas Savimbi, the black nationalist leader of Angola's freedom fighters, was denounced in Washington by Tambo as a "surrogate of the apartheid system," though Savimbi is hardly a proponent of white supremacy.

In Tambo's political world, racism and tolerance of opposition turn out to mean something different from what we think they do. Violence used against black opponents turns out to have nothing in common with the force used by American revolutionaries against British troops. And the struggle in South Africa turns out not just to be a struggle against apartheid.

Oliver Tambo asked his U.S. audience not to view the struggle in South Africa "through an East-West prism." He first should have made the request to his supporters, who unfurled a banner from the balcony of the hall in which he spoke. It said: "The struggle continues from Nicaragua to South Africa: Victory to the ANC."

I wonder what they meant by that?

[From the New York Times, Oct. 9, 1986]

IN SOUTH AFRICA, BLACK LENINISM

(By John R. Silber)

BOSTON.—Congress battled President Reagan and won legislation to impose sanctions against South Africa in hopes of ending apartheid. But if we are genuinely concerned about helping South Africans to achieve racial justice without creating large-scale bloodshed, economic deprivation and political oppression, we must now face squarely the nature of an organization widely regarded as the legitimate voice of black South African protest: the African National Congress.

The view of the A.N.C. as the South African equivalent of the Rev. Dr. Martin Luther King Jr.'s Southern Christian Leadership Conference is a tragic mistake. In recent decades, the A.N.C. has become dominated by leaders voicing strident Leninism, an ideology they have sought to implement by terrorism and murder—largely against blacks, so far.

Consider recent statements by various A.N.C. leaders. About two months ago, "Radio Freedom," the A.N.C.'s Ethiopia-based station, carried a statement from Joe Modine, commander of the military wing of the A.N.C., that makes quite clear the organization's terrorist orientation. Black South Africans, he said, should "organize themselves into groups, and policemen should be ambushed and their weapons taken; bombs and petrol bombs should be made from locally available materials." The people should "identify collaborators and enemy agents and deal with them."

It is important to remember that the police he talked about are, mostly, blacks, as are the "collaborators"—the A.N.C.'s characterization of blacks who oppose its program. The method of "dealing with" such "collaborators" is to place rubber tires soaked in gasoline over their heads and set them alight. The devices are known as a "necklaces."

Lest one thinks such tactics are approved only by extremists within the military wing of the A.N.C. listen to Winnie Mandela, wife of the jailed former A.N.C. leader, Nelson Mandela, who spoke at Muncieville on April 13: "Together, hand in hand with our boxes of matches and our necklaces, we shall liberate this country."

Mrs. Mandela is sometimes compared to Coretta Scott King. Her Muncieville statement demonstrates the monstrous inaccuracy of the comparison.

The ruthlessness of the A.N.C. is perhaps best demonstrated by Johnny Makatini, the organization's representative at the United Nations, who recently said that "if there were only four million of us left after the revolution, that would be better than the present situation." He alludes here with indifference to the possibility of deaths of 17 million South African blacks. This cruel and cold-blooded indifference to suffering and death is incompatible with Dr. King's deeply humane vision. Mr. Makatini is prepared to destroy black South Africa in order to save it.

These statements foreshadow the sort of government the A.N.C. would install once in power. They who strive to rule through terror usually rule by terror.

Moses Mabhida, as A.N.C. executive council member, put the organization on record in support of the most brutal tactics: "We express our full solidarity with the Afghanistan People's Democratic Party—we fully understand and support the timely assistance of the Soviet Union."

This is not mere casual suport for the Soviet Union. The African National Congress has been perfectly frank about the economic and political policies it would adopt if in power. Mrs. Mandela was quoted by Pravda as saying: "The Soviet Union is the torchbearer for all our hopes and aspirations. In Soviet Russia, genuine power of the people has been transformed from dreams into reality."

The best that can be said about this statement is that it reflects a terribly dangerous naivete. The worst is that Mrs. Mandela wishes to impose on fellow South Africans a dictatorship as brutal as that imposed by Moscow on the Ethiopians and the Afghans.

A Soviet-style dictatorship would deny basic human rights to South Africans of all colors and destroy what is now the most dynamic economy in Africa, creating in its place an economy like those that keep the rest of Africa in desperate poverty and drive millions of blacks to seek work in South Africa.

When Americans demand that the South African Government share power with the African National Congress, they demand power-sharing with an organization committed to terror, oppression and poverty. The blacks of South Africa will not find a better life under an A.N.C. dictatorship. We would be better advised to support the claims of proved democratic opponents of apartheid, such as Chief Mangosuthu Gatsha Buthelezi, leader of six million Zulus, and Bishop Isaac Mokona, leader of millions of blacks in the Reformed Independent Church Association. In this direction alone lies hope

[From the Wall Street Journal, Jan. 26, 1987]

THE REAL ANC STANDS UP

This week, the African National Congress takes center stage in Washington as Secretary of State George Shultz holds his first meeting with ANC President Oliver Tambo. It is ironic that this meeting should come so shortly after the nation has celebrated the late Martin Luther King's birthday.

The Rev. King's legacy is that of seeking and achieving political change through peaceful struggle. He always spoke out against violence, even after his followers had been beaten—and some even killed—by white racists. Mr. Tambo speaks for a group that wages a campaign of terror against not only whites but also blacks who have nothing to do with the gross injustices of apartheid.

Earlier this month the State Department congratulated Mr. Tambo for renouncing the use of violence against civilian targets during ceremonies marking the ANC's 75th anniversary. A day later, the French news service Agence France-Presse published an interview with Joe Modise, the ANC's military commander, in which he said the ANC considered white farmers to be legitimate targets. In New York last week, Mr. Tambo himself said that the killing of white civilians will have the beneficial effect of getting white people "used to bleeding." A State Department desk officer calls such comments "disturbing" and evidence that there is "no unity of opinion in the ANC."

We are hard put to see how the State Department can believe that the achievement of a stable post-apartheid society will be aided by lending credence to the idea that the fragmented ANC speaks for South Africa's 20 million blacks. Undersecretary of State Michael Armacost nonetheless enhanced this unfortunate argument last month when he said: "The purpose [of the Shultz-Tambo meeting] is not to legitimize a military movement, but to facilitate a dialogue between the government of South Africa and the legitimate voice of the black community."

In the absence of free elections, it is impossible to know who the authentic leaders of South Africa's blacks are. All the more reason for the U.S. to promote constructive blacks such as Mangosuthu G. Buthelezi, the leader of six million Zulus, and Bishop Isaac Mokoena, the head of the one-million-member Reformed Independent Churches.

Mr. Buthelezi, a former member of the ANC, has a long record of opposition to apartheid. His eloquent, sustained efforts to achieve a primarily political transition away from apartheid surely reflect more closely the spirit of the Rev. King than the ANC's frequent resort to terror against fellow blacks. It is ironic that in this country, a man such as Buthelezi is often blithely dismissed as irrelevant.

State Department officials believe that through regular contact with the ANC, it can be weaned away from the influence of the South African Communist Party. Yet the State Department's own report last month to Congress on the ANC admits that confirmed and suspected members of the SACP make up "roughly half the 30 members" of the ANC's National Executive Council.

A report by the London-based Institute for the Study of Terrorism details the ANC's links with the SACP. Lord Chalfont, a minister of state in the British foreign office during the 1964-70 British Labor government, concluded that the report "indicates, if the ANC has its way, it will be a one-party Communist-dominated state; and like most regimes which gain power by terror it is likely to perpetuate itself by the same means."

Encouragement of what democratic elements exist in a group such as the ANC is always desirable, but the U.S. has a poor record of playing this card. The last time the U.S. put its chips on the side of a similar "broad-based" revolutionary movement it wound up with a Marxist state that practices a campaign of subversion against its neighbors, aided by Havana and Moscow. That country is Nicaragua.

The State Department's strategy is the same old dry hole. In dealing with revolutionaries, the first question is: Who has the guns? The ANC receives $80 million a year in military aid from the Soviets. Its military chief of staff is Joe Slovo, the Lithuanian-born chairman of the South African Communist Party. If black ANC nationalists, such as Mr. Tambo, ever seriously attempted to curb communist influence in the organization, the result would surely be bloody conflict with the likes of only Mr. Slovo left standing.

What little is known of the ANC's internal structure points in one direction. Bartholomew Hlapane, who was a member of both the Central Committee of the South African Communist Party and the ANC's National Executive Committee, defected from the ANC. In 1982, he came to the U.S. and testified on the ANC's composition before the Senate Subcommittee on Security and Terrorism.

He said: "No major decision could be taken by the ANC without the concurrence and approval of the Central Committee of the SA Communist Party. Most major developments were in fact initiated by the Central Committee. The military wing of the ANC was the brainchild of the SACP." Shortly after Mr. Hlapane returned to South Africa, ANC gunmen broke into his home, murdered him and crippled two of his children.

The U.S. opposition to apartheid has shifted into the hands of advocates of abrupt, radical change. They support the pullout of U.S. businesses, resulting in sudden job loss for blacks and primary support for Mr. Tambo's ANC, which condones political murder. On Wednesday Sec. Shultz will become a participant in this process. It is to be hoped that all these people will make certain that what rises from the ashes of apartheid is not something even more oppressive to the human spirit.

Mr. DOLE. I just suggest that apartheid is wrong. But I also suggest that terrorism is wrong. I do not care who may practice it.

I would hope that we can look at this objectively, and those of us who have concerns about Mr. Tambo, I hope we can continue to raise our voices in an effort to bring an end to terrorism on all sides in South Africa.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin is now recognized for 5 minutes.

YES, THE TIME FOR GLOOM AND DOOM HAS COME

Mr. PROXMIRE. Mr. President, in the fiscal year 1986, the first year the Gramm-Rudman deficit-reduction bill was in full effect, what happened to the deficit? Did the Congress meet the Gramm-Rudman target of a deficit of $172 billion? No; the Congress failed to hit the target. It failed by a whopping $50 billion. How does the situation look for the current 1987 fiscal year? We are now 4 months into the 1987 fiscal year. The administration—although always optimistic—acknowledges that there is now no chance the Congress can meet the Gramm-Rudman 1987 goal of a $144-billion-dollar deficit. But they are still optimistic. This time their optimism persuades them that the Congress will only exceed the goal by $30 billion. They tell us the deficit will come in for the full 1987 fiscal year at about $174 billion. Is this realistic? No; indeed. The first fiscal quarter of 1987 is already history. It started on October 1, 1986. It ended on December 31, 1986. During that quarter the growth of the economy was only slightly more than half the pace the administration had estimated for the full fiscal year. It came in at a feeble 1.7 percent rate. During that quarter what was the Federal fiscal deficit? It was a whopping $63 billion. For that one-fourth of the fiscal year. What does that tell us about the prospects for the fiscal deficit for the entire fiscal 1987 year? It tells us that if the economy follows the same track in relationship to the first quarter growth in 1987 that it did last year, the fiscal deficit will be roughly $200 billion in 1987. It will miss its target by about $50 billion again.

Now keep in mind, Mr. President, this is not a recession economy. This is a recovering economy. We are now in the fifth year of one of the longest economic recoveries in American history. The huge deficits should be pushing economic growth ahead at a record pace. That's not all. There's more. The fiscal deficits are accompanied by the easiest and most expansive monetary policy on record. With this fiscal and monetary combination the economy should be growing by leaps and bounds. Is it? No; it was limping along at a pathetic 1.7 percent in the last quarter. The economy should be speeding ahead at a 5 percent or 6 percent rate with this kind of fiscal and monetary stimulus. So, what's wrong? A few years ago we had a persuasive alibi. The dollar had risen sharply. It had zoomed ahead especially in relationship to the Japanese yen and the German mark. But not now. Both the yen and the mark have strengthened to the point where the dollar is lower now than at any time in the past 10 years. This should bring big export expansion to American industry. It should sharply lower imports. By now our trade balance should be greatly improved. But is it? No; our enormously adverse balance of trade continues. We are exporting more jobs now than ever before. We are also exporting economic growth as never before.

So, why not be honest about our economic situation? Let us cut out the nonsense. We are not reducing the deficit. Gramm-Rudman is not working. The economy staggers feebly along. We have tried the most stimulative fiscal policy in peacetime American history. We have had back to back to back to back super deficits at or near $200 billion for 5 successive years. A few years ago, no economic stimulus fanatic hyped to the gills on wild dreams of Keynesian stimulus could have imagined such a super stimulus. Well, we have got it. And last year the Fed more than played its part with an explosive 17 percent growth in the M-1 money supply. And what is the result? Accelerating economic growth? No; the economy has slowed to a crawl.

So, what do we do if and when our economy moves into recession? The answer whether we plan it or not would be at least a $300 billion or more likely a $400 or $500 billion deficit. Such a deficit would not be part of a recovery plan. The mammoth deficit would be an automatic reaction to recession. Revenues would fall. Without any tax cut the drop in personal and corporate income would torpedo tax collections. Without any change by the Congress in spending, welfare costs would climb. Unemployment compensation would explode. Could monetary policy help? No way. We have already pushed that as far as it will go.

The next recession will be devastating for another reason. This country's corporations are in debt as never before. So are millions of its citizens. Debt—corporate and private in relationship to income—is at an alltime high. Savings are at an alltime low. The Federal Government has exhausted its ability to borrow its way out of the next recession. So have many American corporations. So have millions of American citizens.

Is this a statement of gloom and doom? It sure is. It is something else. It is a statement of truth about our economic status. The first and most painful step toward a responsible and reasonable national economic policy is to recognize the truth. Sure this truth is gloomy. It measures how long a journey we have to travel to economic responsibility. It also measures how urgently it is for us to start traveling that road. And now.

TOM LOFTUS ON THE JOY OF LEGISLATING

Mr. PROXMIRE. Mr. President, our State is blessed with a remarkable young speaker of the State assembly. He is not only extraordinarily bright and articulate, he is a master at working out that most essential of legislative challenges: compromises that will win a majority and become workable and constructive laws. In other words, he is a superlative legislator.

Recently, this young man delivered a speech to the Wisconsin State assembly on the occasion of his becoming speaker of our State assembly for the third time. I call this speech to the attention of my colleagues here in the U.S. Senate because it is a remarkable happy evocation of the joys of legislating. This speech applies as well to those of us who are serving in the U.S. Senate as well as those who serve in the Wisconsin Legislature.

Let me deliver one brief paragraph from this remarkable speech. Listen:

> This Chamber is your arena where, as representatives of 50,000 people each, you will do battle. It is a place of both logic and emotion, high dugeon and friendly humor. It is humans at their best and every gradation below their best. It's a fishbowl of democracy . . . It is like the Assembly at Athens in its Golden Age. Indeed we are the heirs of Solon who set the reforms in motion for democracy to flourish in the time of Pericles.

Mr. President, that young man's name is Tom Loftus. One way or another, I predict you will hear more about him—a lot more in the future.

I ask unanimous consent that his speech upon election as speaker of the State assembly be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WISCONSIN LEGISLATURE ASSEMBLY SPEAKER TOM LOFTUS

Thank you. I consider it a privilege and an honor to be chosen by you to be the Speaker for a third term.

No legislator in Wisconsin history has served more than three terms as Speaker.

My colleagues know of my love for this house. For those of you who are now being called freshmen, you will find this a great place to be and a tough place to leave.

This Chamber is your arena where, as representatives of 50,000 people each, you will do battle. It is a place of both logic and motion, high dugeon and friendly humor. It is humans at their best and every gradation below their best. It's a fishbowl for democracy.

It is, as you will hear me say on occasion, like the Assembly at Athens in its Golden Age.

Indeed, we are the heirs of Solon who set the reforms in motion for democracy to flourish in the time of Pericles.

Solon was that rare individual at the right place in the right time. He forged the consensus that kept together a society on the verge of disintegration.

Solon was a redistribute-the-wealth kind of guy who went for half a loaf. Conservatives thought he went too far, radicals criticized him for not going far enough.

He got away with a graduated income tax based on property wealth and let more people participate in the fledgling democracy. He said the Athenians didn't get the best laws, but they got the best laws the conflicting groups and interests at that time could be persuaded to accept.

When he had the opportunity to become a permanent dictator, he refused, saying that dictatorship was "a very fair spot, but there was no way down from it."

Solon clipped the power of the Senate a bit and invigorated the Assembly, letting a more representative group serve in that body.

In the Golden Age the Assembly was the place to be. The Senate was in decline and Pericles was very much a man of the people.

The Assembly was much like the annual meeting. All who were eligible were members.

Each session opened with a sacrifice of a pig to Zeus.

The member who proposed new legislation is responsible for it. If it turns out bad, he may be fined, disenfranchised, or put to death. A way of discouraging hasty legislation that our new majority leader is proposing that we adopt.

A historian described the Assembly this way:

"Only trained orators avail themselves of the right to speak, for the Assembly is a difficult audience. It laughs at mispronunciations, protests aloud at digressions, expresses its approval with shouts, whistling and clapping of hands, and, if it strongly disapproves, makes such a din that the speaker is compelled to leave the rostrum."

The upper house is described as "above the Assembly in dignity, inferior to it in power."

So we are lucky, but our colleagues from history, from Solon to Jefferson, and from Milt Lorman to Harvey Dueholm, have set for us high standards.

This session, let's work on walking in their footsteps, before we break new paths.

This session, let's do more listening to people, other than ourselves, who have something to say.

I will send presently letters to all those of both parties thinking of running for President to drop by and address us when they are in Wisconsin. I will also invite others who have something to say to speak to us and I solicit your suggestions.

This session let's defend the Legislature as a beloved institution and pledge not to criticize it unfairly for personal gain. This session we will continue to work to be an equal branch of government. However, we have a new Governor, he is Governor of all the people, we only need one Governor, and there is no need for me, especially me, or others, to try to do his job for him.

We will try to make our disagreement with him and among ourselves as civilized as possible so we can accept agreement with grace rather than surprise.

And this session I hope you join me in making this a special two years for our children.

We have in our grasp the potential to pass laws that will help a generation reach their full potential. We can help to make newborns healthy; we can help those at risk with their early education; we can help working parents by making their life of both work and raising kids more do-able; we can help educate about the danger of drugs; we can have good grade schools, good high schools and we can have a university waiting for them that is both academically sound and affordable; and we can do our part to help make sure there will be jobs available when they get out of high school, vocational college or the university.

It's a great day in the State Assembly. I look forward to working with you. Thank you.

RECOGNITION OF SENATOR HUMPHREY

The **PRESIDENT** pro tempore. Under the previous order, the Senator from New Hampshire is now recognized for 5 minutes.

Mr. **HUMPHREY.** I thank the Chair.

SOVIET INVASION OF AFGHANISTAN

Mr. **HUMPHREY.** Mr. President, December 27 marked the seventh anniversary of the Soviet invasion and occupation of Afghanistan. These have been nightmarish years for Afghanistan, bringing a genocidal holocaust to the people of that nation. In addition, the invasion and occupation have altered the geopolitical contours of Southeast Asia.

Pakistan is now threatened. Once, Afghanistan provided a buffer between Pakistan and the Soviet Empire. Now, 120,000 Soviet troops armed with the most modern weaponry are waging war in Afghanistan, much of it very near Pakistan's border. The buffer is gone.

For more than a century, first the czar and then the Soviets, have sought to gain a port on the Indian Ocean. In testimony before the Congressional Task Force on Afghanistan, former U.S. Ambassador Jeane Kirkpatrick put the contemporary situation into historical perspective, saying, "the Soviet goal in Afghanistan is effective incorporation of Afghanistan and achievement of a warm water port and geopolitical access to Iran and Pakistan."

How serious are Soviet intentions in Southwest Asia? One measure is the length of the war: 7 years—longer than the Soviet's war against Hitler. Another measure is the level of violence: the war in Afghanistan has killed at least a million Afghans, most of them noncombatants. It has driven more than a third of the nation into exile in Pakistan and Iran.

Pakistan, for its part has shown great courage and statesmanship in opposing the Soviet rape of her neighbor. For her efforts, Pakistan has been threatened and bullied by the Kremlin. In March 1986, Deputy Assistant Secretary of State Robert Peck, addressing the House Foreign Operations Subcommittee, characterized the situation this way: "Harsh Soviet threats aimed at undermining Pakistan's sense of security continued throughout the year as well. Confident of our support, Pakistan has remained steadfast despite these threats, refusing to recognize the Soviet controlled regime in Kabul or to acquiesce in the continuing Soviet efforts to subjugate the Afghan people."

In an escalating campaign of intimidation, the KGB and its counterpart in the Soviet puppet regime in Kabul have directed terrorist attacks against civilians in Pakistan. Pakistani villages have been shelled from Afghanistan. And the Soviets and their puppets in Kabul have launched an increasing number of air attacks on villages and refugee camps inside Pakistan. In 1985, there were 251 such attacks. In 1986, the number rose to 757, more than double, more in fact than triple the air attacks launched against Pakistan from inside Afghanistan. According to congressional testimony, some of those attacks were flown by Soviet pilots whose aircraft were painted in Afghan markings.

But Pakistan has stood her ground courageously. And in standing as a bulwark against Soviet imperialism, Pakistan stands not only in defense of her own security but that of all nations who value independence. All such nations owe a great debt to the people and Government of Pakistan, and it is a debt which cannot be discharged by words alone. That is why the United States has offered Pakistan a program of economic and military assistance over the next 6 years. The Congress must understand the increasingly important role Pakistan plays in Southwest Asia, and ensure the program is enacted as requested by President Reagan.

Because of the importance of the region, the Soviet Union must not underestimate our commitment to Pakistan's security. That is why, for its part, Congress must pass expeditiously the program of assistance. That is why, for its part, the executive must repeatedly and clearly state this Nation's obligations to Pakistan. To quote Secretary of State Shultz from his remarks before the House Foreign Affairs Committee, "It is vital that we help ensure the security of Pakistan in the face of Soviet intimidation."

As background, I point out that Pakistan and the United States signed a bilateral security agreement in 1959, which binds the United States to consult with Pakistan in the event of aggression. Article I of the agreement states: "The Government of Pakistan is determined to resist aggression. In case of aggression against Pakistan, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the joint resolution to promote peace and stability in the Middle East, in order to assist the Government of Pakistan at its request."

As further background, the joint resolution to promote peace and stability was signed in 1957, and states: "The United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any such nation or group of nations requesting assistance against armed aggression from any country controlled by international communism."

As a measure of its support for Pakistan's security in the face of Soviet designs on Pakistan's territory, the United States is completing delivery in fiscal year 1987 of a 6-year program of economic and military assistance. Agreement has been reached for a larger follow-on program, and the administration has forwarded a request to the Congress where hearings will soon begin. I urge my colleagues to consider the request in the context of the real and present danger to Pakistan which has arisen out of that country's courageous and principled stand against Soviet imperialism.

ROUTINE MORNING BUSINESS

The **PRESIDENT** pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 3:30 p.m. with Senators permitted to speak therein for not more than 5 minutes each.

The Chair now recognizes the Senators from Iowa.

Mr. GRASSLEY. Thank you, Mr. President.

(The remarks of Mr. GRASSLEY relating to the introduction of legislation are printed later in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ROBERT GATES TO BE DIRECTOR, CENTRAL INTELLIGENCE AGENCY

Mr. MOYNIHAN. Mr. President, we have learned the sad news that William Casey is stepping down as the Director of Central Intelligence Agency, although it is not perhaps surprising since he has undergone medical care that requires a longer convalescence than would permit a continuation of his position as DCI and permit his absence from that position for such an extended time. The President has indicated he will appoint Mr. Robert Gates, the present Deputy, as the new Director.

I would rise simply to note that in 1984, as the period of our terms as chairman and vice chairman respectively of the Senate Intelligence Committee drew to a close, Barry Goldwater, our beloved friend of so many years in this Chamber, and I jointly introduced a bill that provided that henceforth the Director of CIA should be a person who has been a career civilian or military intelligence officer.

It was our thought that the problems of political associations in the directorship worked to the disadvantage of the community and, indeed, ultimately and often to the disadvantage of the President who needs as much as possible an absolutely neutral career adviser in that post.

The choice of Mr. Gates is the choice of such a person. I welcome that.

I would note that although Senator Goldwater has, of course, left, on the first day of this 100th Congress I introduced S. 43, the identical bill, indicating nothing more than we felt two things had happened: One, the time had come that there was a large number of career intelligence officers, both civilian and military, from which one could choose such a director.

This was not the case in 1947 when the Defense Act of that year established the Department of Defense and the Central Intelligence Agency.

From time to time we have had career officers. Rear Adm. Roscoe Hillen Koepter was such an officer, a very distinguished one, the very first one in such an agency. Rather surprisingly, though you might think it would move the other way, at first the very political persons would have come in because of the absence of career officers, and then later more career officers.

Of late, we have seen more political than career officers in that positon. I do not think that this always served the best interests of the intelligence community, nor did my colleague, Chairman Barry Goldwater. So, to see this come about, to see come about a development that we had thought might be necessary to legislate, is welcome.

It is also, perhaps, suggesting that the legislation is, even so, in order. You might suggest that the President himself has reached a not dissimilar conclusion for the purposes, of course, of only this one appointment; but it might indicate a general movement of opinion in the executive branch not different from that which was expressed here by Senator Goldwater and myself.

Mr. President, I thank the Chair for his courtesy in giving me the floor.

The PRESIDENT pro tempore. The Senator from Minnesota seeks recognition.

The Senator from Minnesota is recognized.

Mr. DURENBERGER. Mr. President, I will be glad to yield a couple of minutes to my colleague from Pennsylvania who I suspect has some special references.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Minnesota for yielding.

NATIONAL COLLEGIATE FOOTBALL CHAMPIONS

Mr. SPECTER. Mr. President, I take the floor at this moment to comment on the Penn State University football team, the national champions, who were honored earlier today in a ceremony in the White House and who a few moments ago were honored in a ceremony in Dirksen 192, Mr. President, the room where you preside as chairman of the Appropriations Committee.

They are an outstanding group of young men. They are here today in the presence of their coach, Mr. Joe Paterno, and president of the university, Dr. Bryce Jordan.

Penn State is a tribute not only to the State of Pennsylvania but to the United States of America as an outstanding football team. They achieved the national championship under great pressure, having played last year in the Orange Bowl and having lost in a very difficult game to the University of Oklahoma. Penn State took on the University of Miami this year in the most exciting game ever played in collegiate football, and Penn State emerged victorious.

With that football excellence, they have also maintained a very high level of academic achievement where Coach Paterno and Penn State University have stressed academic excellence, as President Reagan said earlier today, preparation not only for football but preparation for life.

So, it is a distinct pleasure that I note the ceremony today earlier at the White House, the ceremony earlier today in Dirksen 192 and commendation for this great national championship football team.

The PRESIDENT pro tempore. We thank you for your fine message.

Mr. SPECTER. I thank the Chair and yield the floor.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. DURENBERGER. Thank you very much.

I wish I could have equal time. I think it will take several years for me to do that.

I did look up to the gallery. We are not supposed to make references to the gallery, but I can recall only one more impressive sight than that team and that was when we had 16 sumo wrestlers up there as the guests of our colleagues from Hawaii at that time.

NOMINATION OF ROBERT GATES AS DIRECTOR OF CENTRAL INTELLIGENCE

Mr. DURENBERGER. Mr. President, I rise today as we learn that our intelligence community and America is experiencing a changing of the guard. Mr. William Casey, who has been Director of Central Intelligence since 1981, who may have been the longest serving Director of Central Intelligence had it not been for his recent illness, has resigned from that position.

Since Bill Casey entered the hospital last December for removal of a brain tumor, we have all prayed for a swift and complete recovery. We are told that Mr. Casey is progressing well since his surgery; for that we are all thankful.

Mr. Casey became the Director of Central Intelligence at a time when more was demanded of the intelligence community of this country than ever before. The Director became the major player in such areas as counterterrorism and drug interdiction in addition to the normal intelligence requirements. He did not, as some insist, solicit this business. It was delivered because of the special and unique capacity of the intelligence community under Bill Casey's leadership. Technological advances continued at a rapid pace. The requirements for timely and accurate intelligence increased while collection of such intelligence has become increasingly difficult and resources are more constrained than ever.

My membership on the Senate Select Committee on Intelligence spanned all of Bill Casey's tenure as DCI. From his initial appointment until less than 1 month ago, I witnessed his stewardship of our intelligence community first hand. I saw many successes that others will not and cannot see, successes that would have not been possible without the diligence and commitment of his effort. The agreement between the executive and legislative branches on the need for a national intelligence strategy, which lays out requirements and goals for intelligence policy, was a striking success. The quality of analysis within the CIA has improved substantially under Casey's tenure. When I first came to the Select Committee on Intelligence in 1978, we were discussing how to avoid intelligence failures such as those experienced in analyzing events in the Shah's Iran and Somoza's Nicaragua. We have not had comparable failures under Mr. Casey.

Bill Casey deserves much credit for his leadership of the intelligence community during a dynamic and complex 6 years. Under his leadership, morale throughout the intelligence community is far better now than when he took over. Through his tireless support of the people who are our most precious intelligence asset, Bill Casey reinstilled a sense of pride in those who have dedicated their lives to the intelligence profession. Through his patient and painstaking work, he restored the national and international credibility of our intelligence agencies.

Bill Casey earned my respect for his performance as DCI. As our intelligence community moves toward the 21st century, his contributions will continue to make a substantial mark. I am sure I speak for many when I voice my hope that his recovery will continue to proceed rapidly and we look forward to his future contributions in American public life.

President Reagan accepted DCI Casey's resignation with regret and quickly moved to nominate Robert Gates as Mr. Casey's successor. Robert Gates first joined the CIA 20 years ago; his confirmation as DCI would make him the first CIA career official to hold that position in over a decade. Mr. Gates has been acting DCI during Casey's absence; he has been Deputy Director of Central Intelligence since April 1986. Bob Gates was confirmed for that post while I was chairman of Select Committee on Intelligence. At his confirmation hearing, I pointed out the major strength he brought to the position of DDCI: His ability to state the facts as he knew them regardless of the political environment. That is an essential quality in any professional intelligence officer. Bob Gates has handled his responsibilities well, demonstrating commitment, integrity, and ability.

As I was convinced that Bob Gates was an excellent choice for Deputy Director last April, today I am convinced that he will be an effective Director of Central Intelligence. At the helm of one of the most sensitive positions in Government, Bob Gates will assume the responsibilities for guiding at a time when his ability to ensure its accountability to Congress, and to the American people is most important.

I wish him the best during the nomination process, and trust he will be confirmed without delay. I am pleased to offer my congratulations to Bob Gates for his nomination, to the President for his thoughtfulness in making the recommendation, and look forward to Mr. Gates' meeting of the challenges facing U.S. intelligence in the late 1980's.

Mr. President, I thank you and I yield the floor.

The PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I wish to join my distinguished colleague and friend from Minnesota in welcoming the President's nomination of Mr. Gates to be the Director of Central Intelligence.

As I remarked earlier, toward the end of the period which Senator Goldwater served as chairman and I served as vice chairman of the Intelligence Committee, we jointly introduced legislation that provided that this position, Director of Intelligence, should be given to a career civilian or military intelligence officer. I reintroduced this legislation on the first day of this Congress. It reflected our judgment of what was best for the intelligence community and, in the end, of course, the only criterion could be what best served the President and the Congress, as well.

The tendency in recent Presidencies—and it goes a long way back—to turn to political advisers to direct a basically nonpolitical organization has not been effective. I do not think it has served the President.

So, I welcome the President's decision to turn to the career service. I found him extraordinarily able and dedicated, and a man who has risen at an early age to phenomenal heights, to what is a large bureaucracy and necessity.

I think the confidence which the distinguished Senator from Minnesota has expressed would be shared by any of us who has worked with Mr. Gates and certainly is shared by me. I am happy to see, once again, we are in convergent views in matters of this kind.

Thank you, Mr. President. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SALT BINDING LEGISLATION

Mr. HEINZ. Mr. President, last Thursday, I joined with three of my colleagues in introducing legislation to compel the administration to stay within the numerical limits on nuclear launchers of the SALT Treaty, as long as the Soviets do the same. I strongly believe it is in our own national security interest to stay within these limits.

For over 3 years, many of us in Congress have explicitly urged the President to continue respecting the weapons ceilings of SALT, a policy he himself initiated in 1982. That policy still makes sense.

Because of it, both the United States and the Soviet Union have stayed under the limit of 820 land-based multiple warhead missiles, 1,200 total missiles with multiple warheads, and 1,320 MIRV'd missiles and cruise missile carrying bombers. Both sides kept a lid on the arms race.

Last November, the United States deployed its 131st B-52 bomber with cruise missiles, without dismantling an older Poseidon submarine, as we had done three times before to stay within SALT.

This action, which took us over the 1,320 launcher limit, is a mistake that will diminish American security, risks a multibillion-dollar arms race, and make our objective of nuclear arms reduction more distant than ever.

Mr. President, let me put it simply: Exceeding this heretofore mutually observed limit endangers our security because it throws open the door to a new nuclear arms race that America cannot win. The Soviets are much better positioned to break out of the SALT ceilings than we are.

The Soviets stand just two missiles short of the 820 launcher ceiling on land-based missiles. They have a new missile, the SS-24, waiting in the wings. The Soviets are just 30 launchers shy of the 1,200 launcher ceiling on multiple-warhead missiles. They have two new submarines, with 36 launchers, ready for sea trials this summer.

The Soviets have two current ICBM production lines, two missile submarine lines, two bomber lines, and vigorous development programs. And, even if they do not build more launchers, they could deploy thousands of additional warheads on their inventory of existing launchers, for example, by using the capacity of their enormous SS-18 missiles.

The Congressional Research Service estimates that in an all-out race, the Soviets could add 24,000 warheads to their forces by 1995, while we could add only 14,000. There are various scenarios, various estimates of how we would fare in a new arms race with the Soviets. In every case, in the short run, we lose.

The President himself has observed that the Soviets have an advantage in a new arms race. That Soviet edge has not disappeared. I think we would be foolish to give them a chance to exploit it.

I have no doubt that the United States, could, eventually, match any Soviet nuclear buildup. But we would spend tens of billions of dollars to do so. Our security would be no better than when we started. In the meantime it would be far worse than now.

Even without an all-out effort, the Soviets could build up their numbers as negotiating leverage. We would pay dearly to get them back to where they stand today.

I am deeply concerned about Soviet violations of SALT. Their SS-25 missile is a forbidden second new type of ICBM. But we have the perfect response to that. We are beginning the development of our Midgetman small ICBM, which is our second new ICBM since the last SALT treaty.

The Midgetman shows the Soviets they cannot violate a treaty without paying a price. It also contributes to our security.

I, like all Americans, want to see a new treaty that reduces the bloated nuclear arsenals of both sides. Throwing away the SALT ceilings, the only brake we now have on the superpower arms race, will not bring us closer to that goal. Abandoning the SALT ceilings will make the goal arms reduction more distant than ever.

A new treaty reducing nuclear arms is in our national security interest. In an arms race with the Soviets everybody loses.

The legislation we introduced last week will help us avoid an accelerated arms race. This legislation preserves the basis for the arms control breakthrough we all so anxiously await.

ADMIRAL CROWE TESTIFIES ON PRESIDENT'S FISCAL YEAR 1988 AND 1989 BUDGET REQUEST FOR DEFENSE

Mr. DOMENICI. Mr. President, last Tuesday the Budget Committee heard testimony from Secretary Weinberger and Adm. William J. Crowe, Jr., Chairman of the Joint Chiefs of Staff, on the President's fiscal year 1988 and 1989 budget request for defense.

I think most members of the committee were impressed, as I was, by the thoughtful, cogent and authoritative testimony presented by Admiral Crowe. Mr. President, I ask unanimous consent that Admiral Crowe's opening statement be reprinted in the RECORD at the conclusion of my remarks, which I recommend each of my colleagues read and study.

Admiral Crowe summarized our national security policies: To preserve the independence, freedom of action, and territorial integrity of the United States; to support the United States and allied vital interest abroad; and to encourage an international order in which our freedoms and democratic institutions can prosper.

He pointed out that although the world has changed drastically in the last 40 years, these policies have not. His testimony goes on to point out other policies we have developed to implement these objectives and how these are translated into our military strategy. It discusses the trends in the military balance in some detail and explains how the President's budget was prepared to maintain our edge in certain areas and to improve our capability in other areas.

Admiral Crowe describes an East-West balance that is in our favor—but only by the thinnest of margins. He outlined a number of trends which he said were of "serious concern" to our military leaders. Admiral Crowe, like the President, does not call for massive new spending on defense—but rather that we simply settle down and formulate a consistent rational approach to our national security with stable and adequate long-term funding for defense. The "roller-coaster" funding that the Congress has provided is the reason that the defense program has been wasteful and that rebuilding it has been expensive.

I commend Admiral Crowe for his testimony. I am sure my colleagues will get as much out of it as I did.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADM. WILLIAM J. CROWE, JR., USN, CHAIRMAN OF THE JOINT CHIEFS OF STAFF BEFORE THE SENATE BUDGET COMMITTEE

INTRODUCTION

Mr. Chairman and members of the Committee. I welcome the opportunity to appear before you today and report on the overall condition of our military establishment.

A considerable amount of water has passed under the legislative bridge since my testimony on the FY 1987 budget. In that budget the Congress chose to cut the President's defense request dramatically and for the second year in a row to legislate negative growth in our appropriations. Throughout this process I heard a great deal about the "fiscal" and "political" realities that dictated such action, but all too little about the "military" realities we face. This year I believe it is imperative to go back to fundamentals, i.e., to review the strategic landscape and to consider the "military" realities carefully before deciding what resources will be committed to our defense over the next two years. In an attempt to aid this process, I will this morning address four subjects.

Linkages between strategy, force structure, hardware and people;

The East-West balance, including capabilities of U.S. and allied forces in comparison with our potential adversaries;

The President's budget; and

A brief look ahead.

LINKAGES BETWEEN STRATEGY AND THE MILITARY

To begin, the role of U.S. military forces is shaped by national security policies which have remained essentially unchanged since the late 1940's:

Preserve the independence, freedom of action, and territorial integrity of the United States;

Support U.S. and allied vital interests abroad; and

Encourage an international order in which our freedoms and democratic institutions can prosper.

These policies genuinely describe what our strength, especially our military potential, can do for us in an often violent and turbulent world. The main point to keep in mind is that our military forces contribute to achieving these objectives every day not just when the nation is under direct attack.

Defense policies

Our military posture is further shaped by some basic themes which have evolved in the post World War II era. We strive to:

Deter wars rather than fight them. This strategy of deterrence aims to make war or the threat of war too risky for any hostile power or combination of powers to contemplate.

Optimize our collective security arrangements and forward defense posture through combined defense planning with allies in Europe and Asia and through vigorous security assistance programs. At the heart of this policy is the principle that the capabilities of the whole will be greater than the sum of its parts. In turn, our coalitions present potential adversaries with formidable political, psychological and ideological challenges—as well as enhanced military power.

Maintain robust central reserves supported by global mobility. Many of our treaty commitments are bolstered primarily by our power projection forces. Indeed, many strategists in and out of the Pentagon now recognize that real-world deterrence depends upon our inherent capability to "get there firstest with the mostest," deal effectively with the threat at hand, and withdraw just as quickly from the scene of action.

Pursue a vigorous arms reduction policy which seeks equitable, effective and verifiable arms agreements with potential adversaries. For more than fifteen years, we have been trying to engage the Soviets in an agreement which will sharply reduce offensive nuclear arms.

Military strategy

Historically, the United States has attempted in peacetime to maintain sufficient capability to blunt initial attacks on our own interests and to form a nucleus around which we can expand for major hostilities. In practical terms, this means that we do not attempt to match potential adversaries weapon for weapon and man for man, but to develop quality forces and "edges" (marginal superiorities) that will deter our enemies by keeping their level of uncertainty high or allow Washington to manage crises in a manner that will prevent them from escalating or getting out of hand. In essence, we are betting that in major war we can expand our peacetime forces and bring our total resources (technological, industrial, personnel, economic, political) to bear so that we will ultimately prevail. This is an appropriate policy for a democracy but it also leaves little room day-to-day for miscalculation. More importantly it means that since we operate on the margin seemingly small reductions in our peacetime capability may result in large increases in the risk. It is imperative that the nation understand this fundamental relationship.

Over the course of time, we have followed a number of principles in determining how to build and deploy our forces. For instance, we attempt to:

Plan in a total force context—i.e., active and reserve forces of the U.S. and its allies, host nation support in forward areas, various types of combat service support from civilian sectors, and allied military enhancements underwritten by our security assistance program;

Exploit the deterrent value of nuclear forces while avoiding a nuclear war;

Defend forces in-being against an initial attack at a time and place of the enemy's choosing;

Emphasize our qualitative advantages—technical, personnel and organizational—to defeat an adversary who will normally outnumber us on the field of battle;

Expand our forces rapidly in the event of major crises and especially in all-out war; and

End any conflict on terms favorable to the U.S. and its allies.

Given our built-in pluralism and constrained resources, it is very difficult to bring all these policies and principles together even when you are not worried about static or sagging expenditures for defense.

THE EAST-WEST BALANCE

Cutting across the strategic landscape—and in many respects dominating it—is the East-West balance. In my view, a number of factors are imperative to consider: geography, economic defense potential, allied contributions, and military trends over time.

Geography

Geographically, the Soviet Union has a very large border and airspace to defend—much larger than ours—and a disadvantage in its limited access to the open oceans and non-European friends. For our part, the United States is much more dependent upon its use of international airways and oceans, not only in its daily commerce but also in cementing its fair-flung alliances. Thus, geography tends to provide a mixed picture of inherent strengths and weaknesses.

Economics

On the other hand, economic defense potential clearly favors the U.S. and its allies as compared with the Warsaw Pact. Today, for example, our gross national product is nearly twice that of the Soviet Union. Similarly, NATO as a whole continues to outpace the Warsaw Pact by a factor of two-to-one.

Today, we also see the Soviet Union struggling to overcome weaknesses endemic to its system: the difficulties of running a "command" economy with no measure of profit and loss, depletion of their European mineral base, challenges of developing alternative resources in Siberia, lack of discipline among workers, management shortcomings revealed in the Chernobyl disaster, and a host of problems keeping political and economic relations with Eastern Europe on an even keel.

Thus, by general measures of economic strength, the U.S. and its allies are considerably stronger than the Soviet Union and its allies. But how the money is spent also is a critical factor. Like Axis Powers in the 1930's, the Kremlin continues to stress armaments at the expense of all other sectors of the economy.

Allied contributions

With respect to allied contributions, Western Europe routinely accounts for about 30% of all military expenditures by NATO members and provides about 60% of the active military personnel, as well as 60% of the ground and air combat units. In Northeast Asia, South Korea and Japan also field the bulk of deterrent forces numbering 600,000 and 250,000 military personnel respectively. By comparison, we normally have about 130,000 military personnel stationed, ashore and afloat, in the Western Pacific.

On the other side of this coin, few of our allies have a nuclear deterrent of their own and, in the postwar years, many stressed ground and air capability rather than naval strength in their defense planning. Thus, in the overall scheme of things, it is necessary for the United States to place a high priority on its strategic nuclear umbrella, global maritime superiority and strategic mobility forces.

For its part, Eastern Europe normally accounts for about 15% of all military expenditures by the Warsaw Pact. The USSR shoulders the other 85% and, in turn, dominates the Pact's High Command, military strategy, force structure, and hardware. In this situation, it is relatively easy for the Soviets to achieve economies of scale in military production and standardization of equipment and tactics among Warsaw Pact forces. But they can never be certain that the forces or peoples of Eastern Europe will rally around a call from Moscow. I suspect that this one uncertainty weighs most heavily on the minds of the Russian leaders.

On balance, our allies shoulder a much greater defense burden in Europe and Asia than do allies of the USSR. Of course, we could prefer that many of them do even more and we strongly encourage them at every opportunity. Nevertheless their contributions are most significant and count heavily as a factor in our favor.

Trends in the military balance

Still overall trends in the military balance give us little cause for optimism and strongly call for greater U.S. effort.

Our strategic nuclear deterrent is neither as secure nor as dominant as it once was. Particularly disturbing is the Soviet emphasis on strategic defense—the steady hardening of command and control facilities, a very robust defense against air-breathing threats, and an ABM system with potentially nation-wide coverage. Concurrently, we see their large ICBM force becoming more hardened and mobile, their submarines more quiet, and their bombers more capable of intercontinental missions.

Soviet conventional capabilities on and around the Eurasian Continent are much greater than they were two decades ago. In these forward areas, we have always been considerably outnumbered by Soviet ground and air forces. Now we are also seeing our qualitative edge erode.

Soviet surrogates in Asia, Africa, and Central America are more heavily armed and troublesome than they once were. In turn, they are much more inclined to support terrorism, subversion, and greater forms of aggression against their neighbors and the West in general.

While the likelihood of a major Soviet assult on Western Europe is perhaps remote, the coercive threat of Soviet military power will loom over the Eurasian Continent for many years to come. Moreover, the Soviet Government has never departed from policies holding that its allies and surrogates in the Third World must remain strategically subservient to Moscow and that the rest of the world is an open field for destabilizating actions.

Further, we see no slackening in tomorrow's military investments. By their own admission, such expenditures will continue on an upward slope—just as they have over the last four decades. All of this puts an enormous burden on the Soviet economy, but I see no sign that the system cannot sustain such an effort.

In my view, these and other indicators strongly suggest that we must prepare ourselves for a marathon, not a short-term sprint, in the military competition with the USSR. That thought must be a cornerstone of any successful U.S. strategy. Yet, this is one of the most difficult ideas to get across to the U.S. Congress and the American people. Frankly, our history would argue that where military preparedness is concerned, we are notoriously short-sighted.

Net assesssment of military capabilities

Moving on, I recognize that this Committee is interested in more than broad trends in the East-West balance. You want to know more specifically how the capability of U.S. armed forces and those of our allies compare with those of the Soviet Union and its allies.

Strategic forces

First, strategic forces. There is no question that in the static sense the Soviets have reached strategic parity or better. This is one of the major shifts in the balance between the two superpowers wrought in recent years. They have clear superiority in ICBM's and overall megatonnage. Hardened communications (C3) and passive defense measures give them a survivability U.S. forces do not yet have. Likewise, the Soviets are further along in shifting to mobile missiles and are posturing themselves for a possible ABM breakout.

On the other hand, the U.S. ballistic missile submarine force is less vulnerable than the Soviets and we have a more effective bomber force still capable of penetrating the USSR. Moreover, the President's strategic modernization program if fully implemented—MX, D-5, B-1, ATB, C3 initiatives and Small ICBM—will prepare us for the long haul, keep pace with Soviet improvements offensively, and correct our more glaring deficiencies.

Thus all things considered, I am relatively confident that strategic forces and programs which are being proposed will deter a direct nuclear attack on the U.S. and our allies. But I must reemphasize, for that judgment to continue to be solid, it is imperative to stay the course with our strategic modernization programs.

Maritime

The maritime picture is the second major shift in Soviet stragegic policy.

Throughout the immediate postwar period the U.S. enjoyed undisputed mastery of the seas, but the Kremlin was not easily discouraged. By the late 1970's the Russian Navy had made tremendous inroads into our margin of superiority and the trends were even more alarming. We have now reversed these curves—particularly in overall shipbuilding—but the Soviets are on the high seas to stay.

Our main concern is a "blue water "Russian fleet pushing its area of operations further and further from the homeland. By stretching our forces and tactics to the limit and working harder to understand Soviet naval thinking, we still hold a slim margin of superiority on the high seas. But whether that margin holds up will depend, in part, on our reacting quickly to indications and warnings and our willingness to match there forces an efforts. As an example, we must take full advantage of the superiority of our nuclear attack submarines and carry the battle to the Soviets in the forward areas. Without such pressure, we could expect to see a major breakout by Soviet naval units and formations on to the sea lines of communications.

While we still enjoy an advantage in seaborne air, amphibious forces, and underway replenishment, and in support we receive from allied navies, a significant challenge on the high seas is growing out of Soviet success in:

Deploying very advanced anti-ship missiles which are constantly improving;

Increasing their over-the-horizon targeting capability by exploiting space;

Improving submarine propulsion (speed and quietness) and metallurgy (depth); and

Steadily improving their ASW capabilities.

In essence, we cannot afford to relinquish naval superiority to the Soviets. To do so would jeopardize our coalitions, economic and trade dependencies (which are necessary in war as well as peace), and capabilities to project our power overseas. Our ability to prevail at sea is a cornerstone of our overall strategy.

NATO/Warsaw Pact

Turning to the NATO/Warsaw Pact balance, major trends are generally adverse to NATO. I have already spoken to the implications of strategic parity. Moreover, we have essentially no deterrent to chemical warfare in NATO or elsewhere—this is a crucial weakness when confronting the USSR. Reinforcing this trend has been the extensive Soviet modernization, expansion, and reorganization of their theater forces.

Further, the Soviets are better able than NATO to conduct theater nuclear war in Europe. Today they possess a pronounced superiority in numbers of intermediate nuclear forces, both long- and short-range. Similarly, our one-time lead in battlefield nuclear systems has disappeared.

In light of these developments, conventional forces assume an added significance. The Soviets have always had imposing ground forces but the gap in numbers of modern weapons continues to widen. In ground equipment they lead the U.S. and also NATO in virtually every category by ratios ranging from 1.5 to 1 to 6 to 1. Moreover, we have lost our lead in surface-to-air missiles and anti-armor capability. Similarly, NATO's qualitative edge in ground systems may have eroded somewhat. On the other hand, NATO ground forces on the Central front have made progress in the use of combined arms and in the fielding of modern equipment. similarly, the sustainability of U.S. forces has improved markedly over the last few years. Unfortunately, the stocks of certain munitions among the allies have not improved appreciably and could be exhausted too quickly.

On the plus side, the NATO qualitative edge in tactical aviation while somewhat diminished has not disappeared. It is not clear, however, what this will mean against the numerical advantages of the Soviet air forces (offensive and defensive) which run in the neighborhood of 2.0 to 1. I have complete confidence that the quality of our pilots and weapon systems would permit us to exact high exchange ratios but overcoming the impressive numbers of Russian medium-range bombers, fighter bombers, interceptors, and surface-to-air weapon systems will be a sporty course. the outcome is difficult to predict.

We will, of course, have the support of our naval forces in Europe and, as I mentioned earlier, the Soviets have yet to surpass our lead.

To put all of this into perspective, NATO capabilities are still deterring a war in Europe. Surely, the prospect of having to fight 16 nations at once remains a sobering one for the Kremlin.

But if, for some reason, war breaks out, maintaining a successful forward defense will be a "near thing" under the best of assumptions. Barring a major change in the dynamics of the competition, NATO can no longer hope to offset Pact numbers merely by improving the quality of its equipment or relying on the dedication of people defending their own territory.

In the final analysis the military balance in Europe is not encouraging and needs a great deal of tending—politically as well as militarily.

East Asia

Until the late 1960's Moscow paid little attention to the defense of its eastern provinces and its strength in the Western Pacific. With the PRC's breakaway from the Soviet orbit and the burgeoning affluence of East Asia, the Kremlin began to build up its forces in the region—not by drawing down in Western Europe, but by commissioning new units and increasing defense production to help them.

Overall, the balance on the Chinese border favors the Russians in every way except manpower and as yet the Chinese have been unable to turn things around—preferring to put their current priorities elsewhere. The one exception is Chinese nuclear capability which provides "minimal deterrence" of a sort.

Nevertheless, China looms large in the Kremlin's calculations—witness the gradual buildup from 20 to 50 Soviet divisions on the Chinese border.

On the Korean Peninsula, Pyongyang has made a determined effort to outstrip the South's forces. Besides this general buildup several recent initiatives are particularly worrisome—the relocation of a number of 2nd echelon divisions close to the DMZ and recent emphasis on improving special operations forces both quantitatively and qualitatively. However, as long as North Korea is not directly assisted by the Soviet Union, United States augmentation—especially our air power—should make the difference in deterring or, if necessary, defeating the North. The fact remains, however, the Peninsula is an unstable focal point with a significant threat of major war lingering on the horizon.

In the context of global hostilities, the East Asian area presents both opportunities and challenges to U.S. planners. We have significant leverage against Soviet naval and air forces in the region which both reduces the threat to our sea lines of communication, and constrains the Kremlin's ability to accomplish its strategic goals in the Far East.

Further, our political relationships generally work in our favor. It is clear that PRC forces tie down substantial Soviet ground and air deployments in the region and that Peking puts considerable stock in its U.S. tie. In a similar vein, Japan is a pillar of U.S. strategy in the Pacific. Without Japanese cooperation, it would be difficult to bottle up the Russian fleet, augment South Korea, and find sufficient bases to support continuing operations against the Soviets. Likewise, the health of the U.S.-Philippine relationship, politically and militarily, impacts heavily on the regional balance. Obviously, the firmness of U.S. alliances will rest to a great degree on our ability to successfully confront the Soviets in the region and, in the event of war, to keep open our sea lines of communication to the Western Pacific.

While predicting what the Soviets will do is a hazardous business, I am inclined to believe that any U.S.-Soviet confrontation in the Pacific will take its lead from events in Western Europe or elsewhere. This means that we would most likely be fighting a containing action as well as supporting our Pacific allies. While the prospects for achieving our objectives in Asia are encouraging, there is clearly a great deal to be done before we can confront the future with confidence.

Power projection

Turning to power projection, the Soviets have long been able to project military power successfully adjacent to their borders. Basically the Russians' continental location and large resource base gives them an asymmetrical advantage vis-a-vis the U.S. when applying force in Western Europe and along their immediate periphery—witness events in Afghanistan.

In the last decade the Kremlin has increased its ability to project forces, employing cargo aircraft, naval units and non-military shipping, although Washington continues to enjoy a distinct advantage where long range lift is concerned. However, the Soviets have developed a style of power projection that avoids confrontation with U.S. units, e.g., through the use of Cuban proxies, arms sales to clients, covert operations, and intervention in areas where U.S. action is not anticipated. I am generally confident that in a direct confrontation, U.S. forces would be able to defeat Soviet troops operating far from the Soviet Union. In peacetime, however, we will continue to see the Soviets selectively intervene (projection of influence) in regional conflicts around the globe where they believe the calculus genuinely favors them.

Special operations forces

Because they so often operate behind the scenes, straight one-on-one comparisons of our Special Operations Forces and Soviet "SPETSNAZ" are difficult to derive and sensitive to portray in an open fashion. Nevertheless, several points are worth noting. Both sides depend upon such forces to complement conventional forces in general war planning. But the Soviet side tends to use its SPETSNAZ more routinely in low intensity conflict as during the Czechoslovakia invasion of 1968 and in the current Afghanistan campaign. Their capability for covert and clandestine operations also fits into the Kremlin's policy of keeping pressure on the West through state-supported intimidation, terrorism, and subversion—and making sure that no surrogate ever gets out of the Soviet camp. In short, the Brezhnev doctrine and SPETSNAZ go hand in hand.

Against this background, there is no question that our SOF have become very good at the business of counter-terrorism. In 1981, our capability was very limited; now we probably have the best in the world. But this is a rather narrow field and we are still groping to fit our SOF—and other forces—into an overarching strategy to meet the threat of low intensity conflict. Further progress should be possible with more focused organizational arrangements, including the new Special Operations Forces Command, and increased emphasis on procuring the specialized equipment and training for these types of operations.

Overall, I believe we are building a credible and effective capability against state-supported terrorism, subversion, and other forms of indirect aggression against the West. But, a great deal of hard, constructive work still lies ahead in this area.

Net assessment

In summary, it is clear that the investments made in the last 8 years have materially improved the foregoing net assessment from the U.S. standpoint. It is equally obvious that the picture is a dynamic one, that the Soviets are working diligently to improve their position across the board, and that there are still a number of serious gaps in our own posture. On balance, we still need a number of years' growth before we can face the future with confidence. In particular, I cannot help but be alarmed by the signal which a continuing zero or negative growth defense budget would send to both our allies and potential opponents in Europe. Frankly, such a signal at this time is not justified by the threat, the political climate or the military situation.

THE PRESIDENT'S BUDGET

Against this background, the President is starting anew with the 100th Congress by proposing three percent real growth in defense spending against the FY 87 baseline.

The Joint Chiefs believe that the budget for FY 1988-1989 supports the nation's strategy and will reinstitute modest real fiscal growth so necessary to long-term health. The Chiefs and CINCs participated in the formulation of the budget and while it is by no means risk-free they are satisfied that appropriate compromises and trade-offs have been struck at the resource level which has been set. The budget continues the modernization of the equipment for our forces both nuclear and conventional; includes growth in naval force structure; addresses our more pressing sustainability shortages; provides an appropriate balance between readiness and modernization; preserves the kind of quality manpower which is the backgone of our forces; and, with an eye to our reliance on quality technology, continues to emphasize research and development accounts. Secretary Weinberger's statement has addressed each of these areas in detail. Consequently, I will only mention some of the more significant items.

Military personnel

As I noted last year, our most precious asset is quality personnel—the cornerstone of our military establishment. This year, the President's budget continues support for adequate levels of compensation accompanied by a modest increase in military pay and additional funding for family housing. This action will sustain a personnel picture which overall remains healthy.

Too often, we are inclined to count people as the intangible factor in the military balance. So I believe it is useful to cite one area where your support has paid extremely high dividends. We are the best in the world at operating and supporting complex weapon systems under night/all-weather conditions. I see this in all of the Services and count it as one of our strongest cards in managing crises and deterring our adversaries. It all flows from the talent, high morale, and competitive spirit of our officer and enlisted ranks.

Strategic modernization

The Chiefs have consistently made strategic modernization their number one priority. Our TRIAD of strategic nuclear forces is the umbrella under which all our deterrent forces operate and undergirds the security policies of our allies as well. In the face of unrelenting Soviet efforts to modernize their strategic weapons across the board, we have no choice but to refurbish all three legs of the TRIAD. The MX, Small ICBM, Trident, D-5, B-1B, ATB and accompanying C-3 programs are designed to give us an updated deterrent which will see us into the next century.

In a similar vein the JCS support the President's Strategic Defense Initiative which will determine whether an alternative to sole reliance on the threat of nuclear retaliation is feasible. It is both prudent and moral for the United States to explore means for ending the dominance of offensive ballistic missile weaponry.

Concurrently, the JCS strongly applaud efforts by the President to achieve progress in arms reduction negotiations. While I believe there are some encouraging signs, I do not see any immediate breakthrough in the offering or any reason to relax our strategic modernization initiatives. Negotiations are not a substitute for force modernization; rather negotiations and our modernization efforts are mutually reinforcing.

Conventional force modernization

It should be obvious from the comparison of U.S.-Soviet forces that we have some pressing needs in our conventional forces which must be corrected if we are to move into the 1990's with confidence. The number one priority is to maintain our qualitative edge on the field of battle and the President's budget takes a positive step in this direction—in both procurement and R&D funding.

While we have made great progress over the last few years, it is also important to stress that we are only mid-stream in the conventional force modernization process. To cite some expected end FY 1987 figures:

About 25% of the Army's active mechanized battalions and 40% of its tank battalions will be re-equipped with the Bradley Fighting Vehicle and M1;

From 50% to 65% of our tactical air wings will have received new fighter/bombers;

Some five out of fifteen carrier battle groups will have AEGIS; and

About 36% of our submarine force will be operating basic or improved versions of the 688 Class.

More progress will be made as equipment currently in the pipeline reaches our combat forces. But it should be clearly understood that we are stretching out and, in turn, delaying the modernization effort.

As explained in the OMB Budget Summary this is a direct consequence of fiscal austerities and, in some cases, a deliberate decision to buy more modern munitions and fewer platforms. Only in FY 1989 does procurement in general resume an upward slope and that, of course, is contingent upon Congressional approval of the President's two-year budget request. The bottom line is that many of our active and reserve units will remain behind the power curve in quality, particularly as reinforcements for NATO.

Chemical warfare

Of special note are the requested funds for chemical weaponry. These programs are necessary to offset a serious disadvantage on the battlefield and to counter offensive and defensive asymmetries strongly favoring the Soviet Union. From the perspective of the American fighting man in the field, it is difficult to overemphasize this request.

Special forces and low intensity conflict

With respect to Special Operations Forces this budget continues to place considerable emphasis on procuring equipment and weaponry. There is increasing recognition of the value of these specially tailored assets in today's world. In turn, there is a new determination to see that not only organizational but equipment deficiencies are corrected and that these forces are brought to an even higher state of readiness. The requested funds for SOF equipment will pay a high return in capabilities desired by both the President and the Congress.

Sustainability

The FY 1988-89 budget proposes to continue the trend of the last few years in improving our sustainability which includes war reserve stockpiles (munitions and spares), transportation capabilities, and industrial surge capacities. We worry about potential "war stoppers" or their impact on the theater nuclear threshold.

In the past four years, funding for ammunition has grown by over 25 percent; spare parts funding has doubled; and ammunition inventories of all Services have improved substantially. In Europe, for instance, ground ammunition tonnage is up 18 percent, and it has almost doubled in the Pacific. Munition deficiencies which plagued us for years are improving steadily, but at the current rate of expenditures, it will be several years before we can near our goals and breathe easier.

We simply must stay the course if we want a genuinely sustainable force as well as a modern and well-trained one. Otherwise we will be spending a great deal for modern equipment with one hand and then reducing its effectiveness with the other.

Budget overview

The peacetime strategy and defense spending of the United States seek to maintain the cutting edge of our deterrent forces, active and reserve, while counting on our economic and mobilization potential to cope with any clear and present danger to the U.S. and its allies. Everything about this deterrent stance hinges upon the quality of our people, hardware, munitions, and logistic support.

Overall, this budget addresses adverse trends in the overall balance, stresses our qualitative advantages, reduces deterrent risks over time, and avoids the dramatic trade-offs which would distort the force structure as we move into the 1990's. While by no means risk-free, the President's budget is a prudent approach to the problem of maintaining an effective and balanced deterrent across the full spectrum of potential hostilities. As the President's principal military advisor, I wholly support the defense budget for FY 1988 and FY 1989, and I urge the Congress to do likewise.

LOOKING AHEAD

Looking ahead, this may well be a critical year in the national security debate. Recently mandated, across-the-board cuts in funding and officer strength have slowed our progress in achieving force goals; stretched out force modernization; thinned out some of our combat units in hardware or people; left us with still inadequate stocks of modern munitions; and resulted in a growing backlog of equipment and facility maintenance.

Against this background, a considerable amount of reprogramming and fine tuning has managed to avoid either a hollow strategy or a hollow force—but the overall trends remain a matter of serious concern to the JCS and the CINCs. We may be able to live with one or two years on a flat or descending appropriations curve, but we will eventually pay heavily for several years of zero or negative growth. At this point, it is difficult to forecast the specific impacts. But given the Soviets' steady progress and the narrow margins inherent in our defense policies, small reductions in our capabilities could very well provoke a disproportionate change in the risk. Our experience has confirmed that time and again.

If confronted with no real increase in defense spending over the next five years, for example, it is my judgment that our military risks will increase throughout this decade (possibly sharply) and into the 1990's. Primarily, this is a function of stretching things out, delaying improvements in a total force context, and living with sustainability problems we should be solving at a steady pace. Frankly, it's a pure function of the U.S. marching-in-place or making heavy tradeoffs which will sacrifice some part of our structure while the Soviets move forward in their customary fashion, correcting one military deficiency after another. That's precisely how we can lose our present ability to deter and our already slim edge on the field of battle.

In essence, I would like to see America settle down in the defense debate—start looking at where we will be in the 1990's. What is most needed is a consistent and rational defense policy geared for the long run rather than the peaks and valleys which have characterized so much of our peacetime history. We have a great deal going for us in economic defense potential and in partnerships with other free nations of the world. But we must take the lead and set the pace in this long-term military competition with the USSR. If we fail to meet this challenge—and let the Soviet-controlled forces dominate the field—then we must be prepared to face the consequences of a world starkly different and less hospitable than the one we are living in today.

THE PANAMA CANAL GIVEAWAY

Mr. HELMS. Mr. President, there is a significant book, "The Panama Canal Treaties Swindle: Consent to Disasters," detailing the intrigues behind the giveaway of the Panama Canal, which has just been published by Signal Books of Carrboro, NC. In it, the author, Capt. G. Russell Evans (USCG, Ret.), has presented an in-depth study of the diplomatic and legislative processes which led to the tragic giveaway of a critial and strategic waterway. The long-term consequences of this grave error will, no doubt, haunt Americans for decades to come.

Mr. President, the Panama Canal with all of the vast array of equipment necessary for its operation, is now disintegrating day by day. The condition of the canal, lock machinery, and railroad facilities are in a shocking state of disrepair. The Government of Panama could care less about maintenance and repair and has not exercised the kind of stewardship over the canal which can make it a viable system for maritime transportation.

As Adm. Thomas J. Moorer, writes in the introduction to the book:

> It was clear from intelligence reports that Panama fitted in the grand scheme of the Soviets to project Marxism into the Caribbean through the Cuban connection. In short, we were faced with a Torrijos-Castro-Brezhnev Axis.

Mr. President, looking back on the events that unfolded in Central America since the giveaway of the Panama Canal in 1977, we can trace the collapse of Central America. The canal giveaway was the beginning of the end for Central America. It signaled the loss of American will and power in the region. It gave the green light for stepped up Communist penetration and subversive activity in the region. As a result of this activity, Nicaragua fell to communism in the summer of 1979. El Salvador began its cascade down the slippery slope of Communist inspired subversion in the fall of 1979. Communist backed guerrilla movements shattered the peace and tranquility of the region in Guatemala, Honduras, and Costa Rica.

Admiral Moorer quotes from a Central Intelligence Agency assessment of 1979 as follows:

> The Castro regime apparently concluded by at least last fall that prospects for revolution in Central America over the next decade or so had markedly improved largely because of the weakened position of Nicaragua's Somoza and the ripple his removal would have on other countries in Central America. As a result, Cuba has intensified its attempt to unify insurgent groups not only in Nicaragua but in El Salvador and Guatemala as well.

Mr. President, the accuracy of the paragraph quoted by Admiral Moorer has been born out by events. It is indeed a tragedy that those responsible for the Panama Canal giveaway refused to take into account that transferring the canal to a thoroughly corrupt regime under Soviet influence was a major victory for the masters of the Kremlin and their strategy of subversion in this hemisphere.

I hope that Senators, and all Americans interested in the future of this hemisphere, will read and study this fine book.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Do we have further morning business? Time will shortly expire.

If there is no further morning business, morning business will be closed.

BUDGET ACT WAIVER

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed ot the consideration of Senate Resolution 85, which the clerk will now report.

The legislative clerk read as follows:

> A resolution (S. Res. 85) waiving section 303(a) of the Congressional Budget Act of 1974 in the consideration of S. 387.

The Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, I designate the distinguished Senator from New York [Mr. MOYNIHAN] to control the 30 minutes on this side of the aisle.

The PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I thank the distinguished majority leader. I do not see any managers of the bill on the minority side present at this moment. And, wishing that they should be here, I will suggest the absence of a quorum, Mr. President, so we can round up our crew for the afternoon.

Mr. President, before I do suggest the absence of a quorum, may I make the point that this is a routine measure. We are, in fact, dealing with an item of legislation which was to have been enacted in the last Congress, and only in the final days of the 99th Congress did it appear that an agreement could not be reached in a committee of conference. It is for practical purposes, an identical bill in substance to that was adopted by the Senate by a 99 to 0 vote, if memory serves.

Now, just as a technicality under the Budget Act, in that we will be authorizing funds in fiscal year 1988—a year for which we have not yet approved a budget resolution—we need this waiver. I cannot doubt that it will be routinely approved. I mean, this is a multiyear authorization, as is our established practice in highway legislation; these are programs that need stability of funding and a reasonably long horizon for the State highway planners who have to carry out the programs.

However, I do not want to proceed until the Members of the minority are on the floor and those who are within the sound of my voice would no doubt hear me asking.

The PRESIDENT pro tempore. If the Chair understood correctly, the Senator from New York suggested the absence of a quorum.

Mr. MOYNIHAN. May I suggest the absence of a quorum, with the time to be equally divided between the two sides.

The PRESIDENT pro tempore. Without objection, it is so ordered.

You do suggest the absence of a quorum?

Mr. MOYNIHAN. I do.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURDICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURDICK. Mr. President, I rise in support of S. Res. 85, waiving section 303(a) of the Congressional Budget Act of 1974 for the consideration of S. 387, the Federal Aid Highway Act of 1987. This waiver is necessary, Mr. President, because the Congress has not yet acted on the concurrent budget resolution for fiscal 1988.

The Federal Aid to Highway Act of 1987 is within the current year budget totals and projected outyear targets. Section 303(a) of the Budget Act simply requires a waiver process to ensure accountability for measures considered before enactment of the budget resolution for the coming fiscal year.

Mr. President, this is a routine procedure. I urge adoption of this waiver so we can proceed with the consideration of Federal aid highway legislation.

The PRESIDENT pro tempore. What is the pleasure of the Senate?

Mr. STAFFORD addressed the Chair.

The PRESIDENT pro tempore. The Senator from Vermont.

Mr. STAFFORD. Mr. President, I think the very able Senator from New York has already stated the case as far as this Senator is concerned. The bill that is in front of the Senate now is substantially the same bill that we passed last year when I had the privilege of being chairman of the Environment and Public Works Committee. We did not require a budget waiver last year because it did not exceed the budget as I recall, and we did have a budget within which to operate. This year at this point there is no budget which the Congress has agreed upon, and, therefore, we can proceed now as I understand it to the budget waiver.

So I join with the very able Senator from New York, and the Senator from North Dakota, the chairman of the committee, in hoping that the Senate will pass this budget waiver.

The PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. MOYNIHAN. I thank the President. To anticipate some matters and to use the time not now being consumed in debate, there being no one further desiring to speak, Mr. President, I ask unanimous consent that the following staff members be allowed to remain on the floor of the Senate during the consideration of and any vote on S. 387, the Federal Aid Highway Act of 1987.

They are: Peter Prowitt, Mike Weiss, Phil Cummings, Nadine Hamilton, Jean Lauver, Dan Dant, Marc Litt, Bailey Guard, Katherine Cudlipp, Elizabeth Thompson, Marjorie Wright, Grace Reef, Martha Pope, Bob Buzzas, Jeff Morales, Johnny Broussard, Kevin Kelly, Sheila Humpke, Sue Stendebach, Vic Maerki, Dave Griswold, Rich Innes, Joe Sherman, Taylor Bowlden, Dan McNamara, Ann Loomis, Kevin Schieffer, Stephanie Clough, and Roy Kienitz.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOYNIHAN. I thank the President for his courtesy.

The PRESIDENT pro tempore. What is the further pleasure of the Senate?

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum in that no person has appeared on the floor appearing to wish to debate the motion for a budget waiver. When such do, if that should happen, we will be here to respond. The distinguished chairman is here. The eminent, preeminent chairman emeritus, the distinguished Senator from Vermont, is here. They are humble servants, and between them we will do battle on behalf of this technicality should any champion of it appear.

The PRESIDENT pro tempore. Very well; the absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the first quorum call be equally divided, and I would hope that has continued to be our understanding.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOYNIHAN. I thank the Chair. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

● Mr. CHILES. Mr. President, as chairman of the Budget Committee, I support Senate Resolution 85, which waives section 303(a) of the Budget Act for the highway bill we are about to consider. This waiver is necessary because the highway bill creates direct spending authority for fiscal years 1988 and 1989, and the Budget Act forbids approval of new spending authority prior to passage of a budget resolution for those years.

The Budget Committee has reported this waiver with a favorable recommendation. First, let me explain what this waiver does not do. This waiver does not set aside our deficit or spending limits. It will not add a single penny in outlays. It is merely a procedural waiver to allow the creation of contract authority in outyears. If we cannot afford the level of spending envisioned in this bill, the Appropriations Committee can limit, and has in the past, outlays by imposing an obligation ceiling.

I support this waiver because the Environment and Public Works Committee has responsibly kept direct spending authority in both the current fiscal year and in the outyears within the levels assumed in the fiscal year 1987 budget resolution. Furthermore, fiscal year 1987 outlays are within the limits established in both the resolution and in the committee's section 302(b) allocation. Finally, the highway bill enacts an obligation limit for Federal-aid highway programs less than that passed in the continuing resolution.

While this bill is fiscally responsible, there is a further policy reason for granting this waiver. Federal-aid highway programs use contract authority on a multiyear basis to enable States and localities efficiently to plan and build highway projects, which require stable and assured funding. In particular, the need for this type of funding authority can be seen already from the effect of the late passage of this highway bill. If a highway bill is not enacted by March 1, it has been estimated that roughly 767 projects and over 42,000 transportation related jobs could be lost in 1987. As a nation concerned with reestablishing our economic power, I do not believe that we want to unnecessarily lose jobs and projects critical to our country's infrastructure and economy.

In sum, I support this waiver on two grounds. First, this bill is not a budget buster; it is consistent with budget resolution assumptions for fiscal year 1987 outlays and fiscal year 1988–89 direct spending. Spending from this bill also falls within environment and public works allocation to the Transportation Subcommittee under section 302(b) of the Budget Act.

Second, contract authority for highways is used for sound policy reasons, has historical precedence, and is an allowable method of funding because of the use of trust fund revenues. I would add, however, that section 303 of the Budget Act will be used to control any new spending legislation until we pass a budget resolution.

I commend the Environment and Public Works Committee for its fiscal responsibility. I ask that, as we consider this bill today, my colleagues bear in mind that any amendment which either increases current year budget authority or outlays or raises outyear spending could be subject to a point of order.

Finally, I am aware of the pressures my colleagues may face in conference.

I therefore urge that the Senate conferees bear in mind that any conference report is also subject to the same points of order should any Senate spending ceiling be violated.●

RECESS UNTIL 4:04 P.M.

Mr. BYRD. Mr. President, no Senators appear to be seeking recognition at this time. I have discussed with both Mr. MOYNIHAN and Mr. STAFFORD, the manager and ranking manager respectively, the idea that there be a recess now for 20 minutes, the time to be charged equally against both sides.

Mr. President, before I make that request, the rollcall vote, which has already been ordered on the adoption of the resolution, could occur as soon as the Senate returns into session, unless Senators who wish to speak notify the respective cloakrooms in the meantime. Otherwise, the rollcall vote may begin at that time.

I now make that request.

The PRESIDENT pro tempore. Without objection, it is so ordered and, without objection, the Senate will now stand in recess for 20 minutes.

Thereupon, at 3:43 p.m., the Senate recessed until 4:04 p.m.; whereupon, the Senate reassembled when called to order by the President pro tempore (Mr. STENNIS).

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum, the time to be equally divided.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, we have in the Budget Act many budget points of order. Some of those points of order were strengthened under the Gramm-Rudman-Hollings law; others exist freestanding of that law. This is one of the points of order that exists freestanding of the Gramm-Rudman-Hollings Act. What we are voting on here is a section 303 waiver. It is a provision of the budget law that very wisely forces Congress to be aware of budget authority commitments that are created in various authorization bills. In voting to waive this point of order, we are not voting to bust the budget. We are not voting to violate the Gramm-Rudman-Hollings law. What we are saying, however, is that we have looked at this bill and that we are aware of the fact that there are implications in the future, in years for which a budget is yet to be written, where spending will be affected by decisions we make here. The 303(a) point of order is a point of order that exists in regard to the consideration of legislation providing budget authority in a future year for which a budget resolution has not been agreed to by Congress.

I think it is important that our colleagues understand the distinction between this point of order and the point of order we voted on last Thursday, where in fact we were waiving a point of order which represented a breach of the budget which we have already approved. I see no reason why, given that we are aware of the long-term budget implications of what we are doing here, that section 303(a) should not be waived.

I would like to serve notice, however, that the same point of order would apply to the amendment which will attempt to add the UMTA authorization to the highway bill. In addition to trust fund authorization, there is a section, section 19, in that authorization that directs an allocation of funds by mandating that a project be undertaken. One might normally argue that such a project would be undertaken within existing spending constraints. But we need to see whether or not existing funds have already been allocated, in which case mandating that we enter into this contract on UMTA as an amendment to this bill, might represent not just a 303(a) point of order but perhaps other points of order as well.

So I thought it was important, since a vote has been asked here, that a clear distinction be made between the 303(a) point of order, which is a point of order where we simply note that a budget resolution has yet to be adopted for a future fiscal year in which a bill would apply, and a point of order where we are waiving the budget we have already adopted and which we are now trying to enforce.

I yield the floor, and I thank the distinguished Senator from New York for holding up consideration to allow me to come over and speak on this point.

Mr. MOYNIHAN. Mr. President, I state my complete agreement with the statement just made by the distinguished Senator from Texas. The section 303 waiver is technical in nature.

It might be added at this point that for 30 years now, it has been our practice to authorize highway outlays over a 4-year period, it being the nature of highway construction that the State departments of transportation need that time in which to plan projects, some of which take 4 years to complete and some of which take more. We have routinely provided the 4-year horizon.

Our particular difficulty at this moment, and the reason why we are under some urgency to commence, is that this bill was passed in the 99th Congress—passed the Senate by a vote of 99 to 0—and only at the very last minute did it fail in the committee of conference.

We are now on the edge of the construction season, in the current fiscal year, with no authorization. There are many States of the Union—not that of the Senator from Texas, but that of the Senator from Idaho—where the construction season is short, and if you do not get going soon, you cannot finish because of snowslides. We want to get on with this legislation and get it going very quickly.

I hope we will have it done tomorrow evening or Wednesday at the very latest.

I see that my good friend the manager of the bill on the other side is nodding in agreement. Let us hope we can proceed in this manner and do our duty, which is nothing less than to keep the Interstate Highway Program going and the country's business being done.

Mr. President, I once again see no one wishing to speak. Indeed, there was never any reason for anyone to speak, as the Senator from Texas has said. That being the case, I yield the floor.

Mr. SYMMS. Mr. President, I ask unanimous consent that Kevin Schieffer and Jenifer Warkenthien have the privilege of the floor during the pendency of S. 387, the Federal highway legislation.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I once again suggest the absence of a quorum, the time to be equally divided.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, on behalf of the chairman of the Budget Committee, Senator LAWTON CHILES, I support Senate Resolution 85, which waives section 303(a) of the Budget Act for the highway bill we are about to consider. This waiver is necessary because the highway bill creates direct spending authority for fiscal years 1988 and 1989, and the Budget Act forbids approval of new spending authority prior to passage of a budget resolution for those years.

The Budget Committee has reported this waiver with a favorable recommendation. First, let me explain what this waiver does not do. This waiver does not set aside our deficit or spending limits. It will not add a single penny in outlays. It is merely a procedural waiver to allow the creation of contract authority in outyears. If we cannot afford the level of spending envisioned in this bill, the Appropriations Committee can limit, and has in the past, outlays by imposing an obligation ceiling.

I support this waiver because the environment and Public Works Committee has responsibly kept direct spending authority in both the current fiscal year and in the outyears within the levels assumed in the fiscal year 1987 budget resolution. Furthermore, fiscal year 1987 outlays are within the limits established in both the resolution and in the committee's section 302(b) allocation. Finally, the highway bill enacts an obligation limit for Federal-aid highway programs less than that passed in the continuing resolution.

While this bill is fiscally responsible, there is a further policy reason for granting this waiver. Federal-aid highway programs use contract authority on a multiyear basis to enable States and localities efficiently to plan and build highway projects, which require stable and assured funding. In particular, the need for this type of funding authority can be seen already from the effect of the late passage of this highway bill. If a highway bill is not enacted by March 1, it has been estimated that roughly 767 projects and over 42,000 transportation related jobs could be lost in 1987. As a nation concerned with reestablishing our economic power, I do not believe that we want to unnecessarily lose jobs and projects critical to our country's infrastructure and economy.

In sum, I support this waiver on two grounds. First, this bill is not a budget buster; it is consistent with budget resolution assumptions for fiscal year 1987 outlays and fiscal years 1988-89 direct spending. Spending from this bill also falls within Environment and Public Works allocation to the Transportation Subcommittee under section 302(b) of the Budget Act.

Second, contract authority for highways is used for sound policy reasons, has historical precedence, and is an allowable method of funding because of the use of trust fund revenues. I would add, however, that section 303 of the Budget Act will be used to control any new spending legislation until we pass a budget resolution.

I commend the Environment and Public Works Committee for its fiscal responsibility. I ask that, as we consider this bill today, my colleagues bear in mind that any amendment which either increases current year budget authority or outlays or raises outyear spending could be subject to a point of order. Finally, I am aware of the pressures my colleagues may face in conference. I, therefore, urge that the Senate conferees bear in mind that any conference report is also subject to the same points of order should any Senate spending ceilings be violated.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I thank the distinguished Senator from Louisiana for his very clear explication of the matter before us. He is indeed correct.

The Committee on Environment and Public Works has kept precisely to the provisions of the budget resolution adopted in the 99th Congress. This is the unfinished business of the 99th Congress that we are about.

He is particularly apt in pointing out that we have to get this legislation enacted by the first of March at the latest.

I do not know why we cannot have it the end of this week, perhaps we cannot, but immediately after the recess surely we can. In absence of that, we are going to disrupt the orderly business of the Nation in maintaining and in building its highway system.

I would like to record that I have noted the statement of the Senator from Louisiana, that if there are amendments to this legislation that raise the authorizations involved they are subject to the budget provisions and should we come back from conference with a measure that exceeds our limits it too will be subject to a point of order and there will be a general pileup all around.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be recinded.

UNANIMOUS CONSENT AGREEMENT—S. RES. 94

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have cleared this request with the distinguished Republican leader and it has been cleared on both sides of the aisle through our cloakrooms, and Mr. Dole has no objection to my proceeding at this time to put the request. As a matter of fact, it was his feeling that he would like to have the request gotten before the rollcall begins. I feel the same way about it.

I ask unanimous consent that on Tuesday, February 17, at 2 p.m., Calendar Order No. 14, S. Res. 94, a resolution concerning arms control negotiations with the Soviet Union, be made the order of business at that time, that there be no amendments in order thereto, that no motions to commit or recommit with or without instructions be in order, and that there be 40 minutes of debate to be equally divided between Mr. Pell and Mr. Helms on the amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Chair.

Has the time run on the waiver, Mr. President?

The PRESIDENT pro tempore. Yes, the time has expired on the waiver.

Mr. BYRD. Very well.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

On this question, the yeas and nays have already been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. Biden], the Senator from New Jersey [Mr. Bradley], the Senator from Florida [Mr. Chiles], the Senator from Michigan [Mr. Riegle], and the Senator from Nebraska [Mr. Zorinsky] are necessarily absent.

Mr. SIMPSON: I announce that the the Senator from Oregon [Mr. Hatfield], the Senator from Oregon [Mr. Packwood], and the Senator from Indiana [Mr. Quayle] are necessarily absent.

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 1, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—91

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Breaux
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hecht
Heflin
Heinz
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McCain
McClure
McConnell
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Pell
Pressler
Proxmire
Pryor
Reid
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—1

Helms

NOT VOTING—8

Biden
Bradley
Chiles
Hatfield
Packwood
Quayle
Riegle
Zorinsky

So the resolution (S. Res. 85) was agreed to.

Mr. MOYNIHAN. Mr. President. I move to reconsider the vote by which the resolution was agreed to.

Mr. BURDICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. THURMOND. I ask unanimous consent that Mr. Tongour of my staff be allowed on the floor during the consideration of this highway bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 387, which the clerk will please report.

The legislative clerk read as follows:

A bill (S. 387) to authorize appropriations for certain highways in accordance with title 23, United States Code, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDENT pro tempore. What is the pleasure of the body?

Mr. BURDICK. Mr. President, last year marked the 30th anniversary of the Interstate Program. The Interstate Highway System represents the largest Public Works Program in history, and it has revolutionized transportation and economic development in this country.

I am very pleased that the Senate is moving to consideration today of the Federal Aid Highway Act of 1987. This legislation, S. 387, was reported by the Environment and Public Works Committee unanimously last month.

S. 387 is a new bill reported in lieu of S. 185, as amended. The new bill is in most respects the same legislation as S. 2405, the Federal Aid Highway Act of 1986, that passed the Senate last September by a vote of 99 to 0.

States should have received their apportionments for fiscal year 1987 interstate and noninterstate programs last October 1, but unfortunately S. 2405 was not enacted last year. Vital highway construction and rehabilitation work has had to be postponed for 4 months now.

If there is a much longer delay, States such as mine in the northern part of the country will lose the entire 1987 construction season.

Reauthorization of this essential program is in my view a top legislative priority for the 100th Congress.

Highway users continue to pay their Federal highway taxes, but those moneys are in effect frozen until Congress acts. The House has passed its bill, H.R. 2, and I hope that the Senate will also move quickly to approve the legislation before us today.

Two years ago, the Environment and Public Works Committee began work on highway reauthorization legislation. Extensive hearings have been held. At stake are $13.2 billion for fiscal year 1987, tens of thousands of construction jobs, and the transportation needs of every highway user in this country.

The new highway bill, S. 387, contains the following important provisions, as did last year's bill: New authorizations totaling $52.3 billion in Federal aid for fiscal years 1987 to 1990; automatic approval of the interstate cost estimate and interstate substitute cost estimate; the one-half-percent minimum apportionment for all States which have completed or nearly completed their interstate construction program; a strong emphasis on completion of the Interstate System by 1990; retention of the existing interstate 4-R formula; clarification of the calculation requirements for the 85-percent minimum allocation program; and a consolidated interstate and primary program.

I would like particularly to stress the importance of maintaining the existing interstate 4-R formula and the minimum one-half-percent apportionment. The Interstate System is a remarkable achievement, but it is now over 97 percent complete. S. 387 emphasizes the need to finally finish the interstate, it gives States considerable additional flexibility to do so, but it does not change apportionment formulas and it does not change the one-half-percent minimum. In my view, the proper time to consider such major policy changes is 4 years from now upon completion of the interstate. At that time, the future Federal interest in the highway program will be thoroughly reexamined, and I am sure that major changes will be considered. S. 387 is interim legislation in a sense, but the new authorizations it provides are critically needed and overdue. Let me set aside controversial issues for now and focus on reauthorizing the existing program.

On January 6, 1987, S. 185 was introduced, and it served as the markup vehicle in committee. It is the committee's intention that all legislative history accompanying S. 185 would apply to the new bill, S. 387, which was reported as an original bill by the committee on January 21. The report accompanying S. 387 is Senate Report 100-4.

Mr. President, I ask unanimous consent that a table prepared by the Federal Highway Administration showing estimated apportionments for fiscal year 1987 interstate and noninterstate programs by category and by State be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BURDICK. I believe that S. 387 addresses the important issues and accommodates the interests of everyone who depends on our highway system. I would like to also note, however, that the committee has reported additional legislation. S. 245 is an advance construction bill which will enable the States to move ahead with some construction work if for any reason there are lengthy delays in reaching agreement on highway legislation. While the October 1, 1986, reauthorization deadline has been missed, let us assure the States as soon as possible of funding for 1987 and beyond. I thank my very distinguished colleagues, Senator MOYNIHAN, the chairman of the Water Resources, Transportation, and Infrastructure Subcommittee; Senator STAFFORD, the ranking member of the committee; and Senator SYMMS, the ranking member of the subcommittee. We have worked closely in the past on highway legislation, and I am pleased that the committee has been able to move so quickly in reporting S. 387. I hope that the committee will continue to make such good progress, and have a bill on the President's desk in very short order.

EXHIBIT 1

ESTIMATED APPORTIONMENTS FOR FY 1987 INTERSTATE AND NONINTERSTATE PROGRAMS, FUNDS AUTHORIZED FOR MAJOR FEDERAL-AID PROGRAMS BASED ON S. 387

[In thousands of dollars]

State	Interstate	and primary secondary	Urban	Bridge	Hazard elim.	RR Hwy. Xings	Int. Hwy. Transf.	Total apport.	85 percent min. alloc.	Grand total
Alabama	225,438	12,223	9,418	24,481	3,054	3,505	0	278,119	0	278,119
Alaska	111,599	32,057	3,638	3,156	853	2,648	0	153,951	0	153,951
Arizona	117,433	9,440	9,398	3,156	2,299	1,676	119	143,521	0	143,521
Arkansas	71,586	10,378	4,442	18,289	2,067	2,550	0	109,312	30,598	139,910
California	773,906	22,866	92,137	35,413	14,700	10,931	2,106	952,059	10,985	963,044
Colorado	152,097	10,329	9,752	14,320	2,382	2,341	4,354	195,575	0	195,575
Connecticut	138,797	3,887	10,441	44,253	1,895	1,115	68,677	269,065	0	269,065
Delaware	39,369	2,911	3,648	3,156	853	538	0	50,465	0	50,465

ESTIMATED APPORTIONMENTS FOR FY 1987 INTERSTATE AND NONINTERSTATE PROGRAMS, FUNDS AUTHORIZED FOR MAJOR FEDERAL-AID PROGRAMS BASED ON S. 387—Continued

[In thousands of dollars]

State	Interstate	and primary secondary	Urban	Bridge	Hazard elim.	RR Hwy. Xings	Int. Hwy. Transf.	Total apport.	85 percent min. alloc.	Grand total
District of Columbia	66,799	0	3,638	6,873	853	237	9,806	88,206	0	88,206
Florida	345,931	14,380	34,711	18,910	6,347	5,033	0	425,312	0	425,312
Georgia	225,974	15,887	13,844	36,411	4,103	4,931	7,292	308,442	22,998	331,440
Hawaii	142,903	2,911	3,638	3,160	853	429	0	153,894	0	153,894
Idaho	72,502	7,226	3,648	3,718	1,254	1,547	0	89,885	0	89,885
Illinois	200,734	16,777	39,928	37,063	7,641	8,852	52,097	363,092	0	363,092
Indiana	133,965	13,611	14,461	22,191	3,958	5,704	3,327	197,217	77,039	274,256
Iowa	88,477	12,797	6,618	28,477	2,787	4,084	19,318	162,558	0	162,558
Kansas	87,141	11,972	6,186	30,194	2,703	5,199	0	143,395	0	143,395
Kentucky	111,527	12,125	7,400	29,356	2,730	2,883	0	166,021	31,612	197,633
Louisiana	221,206	9,916	11,799	30,660	2,905	3,435	0	279,921	0	279,921
Maine	42,450	5,104	3,638	4,919	853	1,019	0	57,983	1,647	59,630
Maryland	193,680	5,628	14,315	17,757	2,582	1,657	48,775	284,394	0	284,394
Massachusetts	291,712	6,011	20,288	40,678	3,473	2,149	7,315	371,626	0	371,626
Michigan	217,875	17,590	27,435	18,292	6,284	6,268	0	293,744	0	293,744
Minnesota	163,281	14,592	11,002	18,636	3,573	4,549	2,481	218,114	0	218,114
Mississippi	80,712	10,660	4,639	23,566	2,136	2,457	0	124,170	13,726	137,896
Missouri	142,858	15,535	13,618	55,961	3,945	4,473	0	236,390	24,035	260,425
Montana	84,127	10,935	3,638	7,956	1,195	1,783	0	109,634	0	109,634
Nebraska	63,606	9,574	4,005	20,351	1,840	2,994	1,497	103,867	0	103,867
Nevada	56,732	6,938	3,638	3,156	905	871	0	72,240	0	72,240
New Hampshire	39,369	2,911	3,638	7,451	853	710	0	54,932	0	54,932
New Jersey	201,034	5,218	27,947	60,246	4,356	2,932	23,572	325,305	0	325,305
New Mexico	85,321	9,489	3,827	4,782	1,282	1,273	0	105,974	0	105,974
New York	241,571	17,709	62,967	126,258	10,700	6,702	136,660	602,567	0	602,567
North Carolina	172,051	18,167	11,273	35,743	4,189	4,356	0	245,788	72,968	318,756
North Dakota	54,236	7,145	3,638	6,249	1,277	3,012	0	75,557	0	75,557
Ohio	242,433	18,266	33,230	45,253	7,067	7,150	8,570	361,969	102,193	464,162
Oklahoma	88,847	11,800	8,096	32,272	2,829	3,486	0	147,330	33,907	181,237
Oregon	90,272	9,910	7,235	10,344	2,438	2,359	7,905	130,463	0	130,463
Pennsylvania	360,094	22,272	34,145	87,961	7,674	6,431	7,586	526,163	0	526,163
Rhode Island	39,369	2,911	3,638	3,542	853	483	45,419	96,215	0	96,215
South Carolina	95,897	9,302	6,683	9,181	2,372	2,946	0	126,381	38,722	165,103
South Dakota	60,749	7,745	3,638	8,513	1,161	1,920	0	83,726	0	83,726
Tennessee	130,054	13,440	11,374	49,822	3,389	3,440	17,378	228,897	41,420	270,317
Texas	498,213	37,160	46,996	52,679	10,744	11,561	0	657,353	267,188	924,541
Utah	105,032	6,358	5,115	3,156	1,313	1,339	0	122,313	0	122,313
Vermont	39,592	2,911	3,638	5,837	853	685	0	53,516	0	53,516
Virginia	201,353	12,957	14,742	16,500	3,602	2,949	1,084	253,187	0	253,187
Washington	228,599	10,061	12,605	24,245	3,111	3,142	0	281,763	0	281,763
West Virginia	58,406	7,589	3,638	32,543	1,434	1,819	0	105,429	0	105,429
Wisconsin	99,492	13,569	12,252	29,184	3,716	4,255	0	162,468	50,529	212,997
Wyoming	67,339	7,067	3,638	3,156	853	985	0	83,038	0	83,038
Puerto Rico	43,242	3,891	8,737	3,156	1,838	821	0	61,685	0	61,685
Total	7,906,982	582,108	727,631	1,262,582	168,927	170,623	475,338	11,294,191	819,565	12,113,756

Mr. MOYNIHAN. Mr. President, I ask for the yeas and nays.

The **PRESIDENT** pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDENT** pro tempore. Does anyone else seek recognition?

Mr. STAFFORD addressed the chair.

The **PRESIDENT** pro tempore. The Senator from Vermont.

Mr. STAFFORD. Mr. President, I am pleased that the Senate begins consideration today of S. 387, the Federal-Aid Highway Act of 1987. This legislation to reauthorize the highway program through fiscal year 1990 was introduced on January 6, 1987, by my distinguished colleague the most able Senator from North Dakota (Mr. Burdick), and I am pleased to be a cosponsor of this bill.

I want to particularly commend my distinguished colleague, Senator Burdick, for the leadership he has provided as chairman of the Environment and Public Works Committee in bringing S. 387 to the floor so quickly. I also want to commend the distinguished chairman of the Subcommittee, Senator Moynihan, for his excellent work in moving this legislation through the committee and to the floor just a few weeks after the 100th Congress convened. I want to thank the distinguished ranking member of the subcommittee, Senator Symms, who guided the highway bill through the Senate last year and who continues to make a very valuable contribution.

S. 387 was reported unanimously by the Environment and Public Works Committee on January 21, 1987. This is an indication of the cooperative effort and support behind this legislation. I am very pleased that the bipartisan support for highway legislation has continued over the years in the Environment and Public Works Committee regardless of which party is in the majority.

I was extremely disappointed that we were unable to reach agreement on highway legislation with the House Public Works Committee before Congress adjourned last year. Because highway apportionments were not made last October 1, most States are now facing this year's construction season without any Federal-aid highway funds. The urgency of approving highway legislation so this money can be released to the States cannot be overstated.

The Transportation Subcommittee began hearings on the reauthorization of the Federal-Aid Highway Program, the Highway Trust Fund, implementation of the Surface Transportation Assistance Act (STAA) of 1982, the need for timely approval of the Interstate Cost Estimate (ICE) and Interstate Substitute Cost Estimate (ISCE), and other important issues over 1½ years ago. The series of 10 hearings was completed on May 20, 1986. These hearings, the introduction of S. 185, and the committee consideration of S. 185 should all be considered part of the legislative history of S. 387.

The 1982 act provided authorizations for fiscal years 1983 through 1986, increased the gasoline tax and other user taxes, and effectively doubled program funding levels. These increased revenues have helped bring about marked improvements in the condition of the Nation's transportation infrastructure.

We must not jeopardize the gains which have been made since the passage of the 1982 act. If we are to avoid further disruptions in the highway program, multiyear reauthorization legislation must be enacted immediately. Motorists are continuing to pay highway user taxes even though we have not met the deadline of reauthorizing the program by October 1, 1986. It is only fair that the user fees paid by the motoring public are put to work on schedule.

Uncertainty and delays in funding can cost a State an entire construction season, and that is precisely what will happen this year if highway legislation is not enacted within the next few weeks. The rehabilitation and construction needs on our highway system remain pressing. I hope my colleagues will agree on the importance of reauthorizing the highway program as soon as possible. This program is vitally important to all 50 States, the District of Columbia, Puerto Rico, and the territories.

S. 387 provides $52.387 billion in new authorizations for the Federal-Aid Highway Program over a 4-year period from fiscal year 1987 through fiscal year 1990.

The bill sets an annual obligation limitation of $12.350 billion for the Federal-Aid Highway Program. In addition, two categories, Emergency Relief and Minimum Allocation, are not subject to the obligation ceiling. Spending in these two categories is estimated to be $800 million per year. Over the 4-year period, States will be able to obligate approximately $52.6 billion, the total amount authorized by S. 387. It is important that new authorizations not exceed the amount States are permitted to obligate each fiscal year. In recent years, authorizations have surpassed States' obligation limitation with the result that States have approximately $6 billion in apportionments from previous years which they are not allowed to spend. It is important, therefore, that the new authorizations are not permitted to exceed those limitations.

Last year, we marked the 30th anniversary of the creation of the Highway Trust Fund and the beginning of the National System of Interstate and Defense Highways. Back in 1956, it was believed that the Interstate Construction Program would take 13 years and cost $27 billion it is now 30 years and $112 billion later, and the interstate system is over 97 percent complete. It is time to direct our attention and limited resources to other parts of the transportation network which have been neglected. I believe that a top priority must be completion of the interstate system by 1990. Major program changes or apportionment formula changes should not be considered until that time. The future Federal responsibility for the highway program also cannot be determined until the interstate is completed.

In order to complete the interstate system by 1990 and give States the ability to set their own priorities, S. 387 provides a combined interstate-primary category funded at $8.15 billion per year. States can choose to accelerate completion of their remaining interstate segments by using interstate 4R or primary system funds for interstate completion. States could also determine that their essential interstate segments are complete and direct interstate funds to higher priority interstate 4R or primary projects.

I would like to briefly describe a few other major provisions of the Federal-Aid Highway Act of 1987. Through an automatic administrative release mechanism, States will be assured of stable, reliable funding for interstate construction and substitute projects. Congress will no longer need to approve an ICE and ISCE before these authorized funds can be released October 1 by the Department of Transportation to the States.

I am sure my colleagues who have been through this with me will remember how much trouble we had in the past trying to get ICE and ISCE resolutions through on a timely basis.

S. 387 also provides for continuation of the one-half percent minimum for those 25 States which have completed or nearly completed their interstate construction program. I strongly believe that as long as the program exists, States which worked hard to finish their interstate roads, often at the expense of other roads, should not be penalized for that early commitment.

The bill continues a strong Federal participation in the Bridge, Secondary, Urban, Safety, Minimum Allocation, Interstate Substitution, Federal Lands, and Emergency Relief Programs.

At a time when highway needs continue to grow as revenues are shrinking, States need as much flexibility as possible in spending available funds. S. 387 provides additional flexibility in numerous areas, including total transfer among interstate construction, interstate 4R and primary funds; a 50-percent transfer between urban and secondary funds; the use of interstate substitute funds on any public road; extension of the availability of interstate construction funds to 4 years and interstate substitute funds to 2 years; permission for States to use a State funded bridge program as matching funds for their Federal-Aid Bridge Program; permission for up to 10 States to participate in a demonstration block grant program; permission for the States to combine toll revenues and Federal-aid funds for new noninterstate roads and for increasing capacity on existing noninterstate roads; incentives for right-of-way donations from the private sector and an expanded advanced construction program.

S. 387 also provides for several new programs aimed at improving the effectiveness of the Federal-Aid Highway Program. These include the combined interstate-primary category; the Strategic Highway Research Program [SHRP], a major new research initiative; the Block Grant Demonstration Program; incentives for private sector participation in Federal-aid highway projects; and the planting of wildflowers along highway rights-of-way.

Highway user fees have been collected and were increased in 1982 with the promise that this money would be spent on improving the Federal-aid highway system. I believe this promise must be kept as long as the highway trust fund is maintained to fund the Highway Program. However, since Congress has determined that the Highway Program must be subject to deficit reducing efforts and the Gramm-Rudman-Hollings process, the committee has worked very hard to comply with budget requirements. In order to do so, the committee had to make reductions in the program compared to the funding levels authorized for the program in fiscal year 1986. This meant that some program needs could not be fully met, including some areas of the program that I know certain of my distinguished colleagues are very interested in.

In conclusion, Mr. President, passing this legislation is absolutely necessary if the States and localities are going to continue to provide the excellent transportation services we have all come to expect. Our network of highways and bridges is one of the largest and most remarkable infrastructure achievements in history, and it is certainly one of the most vital items in terms of our economic and social well-being. I hope that we can move expeditiously to approve this legislation and achieve enactment of the Federal-Aid Highway Act of 1987 within the next few weeks.

The DEPUTY PRESIDENT pro tempore (Mr. MITCHELL). The Senator from New York.

Mr. MOYNIHAN. Mr. President, our chairman emeritus has given a very comprehensive statement of the purposes of this legislation. I would add only two matters.

So far, we have been discussing the highway legislation and discussing this measure as a highway bill. It is primarily that, in terms of the resources involved; but, as our revered former chairman points out, the mass transit authorization will be added to this amendment in the course of the next day or less—more, if we must. This is as integral a part of the transportation planning of the country as highways. It will extend again for the exact 4-year period—fiscal years 1987, 1988, 1989, and 1990—a total authorization of some $13 billion.

This is the essence of a balanced transportation system which we have been trying to develop and with which we have had some success. I will speak to that matter when the time comes, but it should be recorded at the outset that we have a transportation bill here, not just a highway bill.

The second matter I wish to speak to briefly, but with some feeling, is the question of toll roads on the Interstate System.

We have a provision in the bill, section 111, which allows, as a State option, the combined use of toll financing and Federal aid highway funds for new and expanded capacity construction, operation, and maintenance of noninterstate Federal aid highways, bridges, and tunnels. I stress "noninterstate." We make a provision that the Federal Government may provide up to 35 percent of such a toll facility and that the State will impose tolls for the pure purpose of financing the balance of its construction costs and not long-term revenue and not on any Interstate System. There are, however, a number of toll roads that are part of the Interstate System, incorporated for one reason or another and in some cases built as such.

Section 142 of the bill will allow the West Virginia Turnpike Commission to renegotiate a section 129 agreement, which brought segments of roads and bridges into the Interstate System with the understanding that at the time the bonds were retired, the system would become toll free. At this moment, the anticipated date for that retirement will not be met, and we are making a simple extension.

This brings me to a local matter, for there is hardly anything more specific to a place than a highway. They are not movable. It is the question of the New York State Thruway.

The chairman emeritus, as we like to call him, remarked that last year was the 30th anniversary of the enactment in 1956 of the Interstate and Defense Highway Program, which President Eisenhower, very properly, thought to be the most important achievement of his administration in domestic matters and the largest public works project in the history of the world. It has taken us longer to complete than we anticipated at the time, and it should be noted that it has been done.

I should like to note that it did not begin in 1956. To the contrary, the origins of the program go back to 1954, when Congress authorized a request of President Roosevelt that such a system, a nationwide system, be built, the equivalent for the automobile, as the railroad systems built in this century. This was seen as a postwar project, and immediately the postwar period came.

New York State built the first segment of the Interstate System we call the Thomas E. Dewey Thruway.

An inspired civil engineer, Bert Tallamy, constructed the first segment exactly along the routes as had been anticipated. In 1956, he came down to Washington to head the Bureau of Public Roads and designed the rest of the system exactly to the model set by the thruway.

Alack, Mr. President, when we built that road by ourselves we did finance it with tolls, and when the time came to start a national system it would have been elemental for Congress and for the New York State delegation to ask that this first segment be made toll free as payments were made from the highway trust fund. It was, after all, the first segment completed. This was not done.

At the time the Honorable Charles A. Buckley of New York was chairman of the House Committee on Public Works. It could have been easily enough done—it was not—much the same way we built the Erie Canal in 1825. That was a toll canal, and again without Federal assistance, until last year remained the only extensive canal system in the country that was not maintained and indeed had not been built by the Federal Government. The Baltimore and Ohio Canal had been an earlier exception to that case.

However, in 1978, Congress did provide that the New York State Thruway and New York State would undertake to eliminate tolls, and 90 percent of our population lives within 10 miles of the thruway, which is basically the route of the old canal system plus the Hudson River. We commence to partake in the now increasingly dominant expenditure of highway trust fund money for reconstruction, resurfacing and such like we term the 4R Program. It took the New York State Thruway 4 years to reach that agreement—such is the entrenched attachment of a sure, clear source of revenue—but it was signed in 1982.

I am informed today by Mr. James A. Martin, who is the deputy executive director of the New York State Thruway, that exactly as planned on July 1, 1996, the thruway bonds will have been paid off and the tolls removed. That is July 1, 1996.

By that time, the State will have received some $538 million in Federal moneys that otherwise would not have been forthcoming.

Mr. President, I will not belabor the Senate in this matter but it is of consequence to New York. The tolls will not be removed if the State legislature and the Governor do not provide by law that this will happen.

If they do not, we will have to repay one-half of a billion dollars in funds advanced and other onerous conditions, but even so the period between now and 1996 is short enough for this planning, the removal of tolls on this section of the interstate system to begin, for a timetable to be set, for the fact to be known. There cannot be 50 people in our State who are aware of this legislation and those who are aware I fear are the ones who like it least. The honorable exception is the officers of the American Automobile Association.

But I would like to record as we finish this last segment on the interstate system that Senator STAFFORD and Senator BURDICK made clear we are now finishing. We are 97 percent done. By the end of this 4-year period, the system will be completed.

We will have to think, as Senator BURDICK has said, of what now, what next?

As we do, I would hope that State of New York would keep a good-faith agreement. I am not suggesting any absence thereof, but I am suggesting that the time is at hand when the statutes need to be enacted in Albany that lead to the elimination of these tolls which ought never to have been there in the first place. It will mean that for 30 years—at this point, almost 40—New York State has been paying tolls to drive on its segment of the interstate or a principal segment, and paying taxes to build free roads of identical design elsewhere in the country, and I cannot but suppose it has had consequences in our economy. It is time we let it be known to those who are thinking of the future of that region that these tolls will not be there, to wit, anyone now thinking of locating industries or warehousing activities or maintaining them, to know that on a date certain there will be this change in transportation costs, a very considerable consequence.

Mr. President, I am pleased to be the floor manager for S. 387, the Federal-Aid Highway Act of 1987.

There is no time to waste. The construction season is nearly upon us, and the bill must be approved before the States can let their contracts. For the last 4 months State Highway Departments have not known how much money their States would receive, and have been unable to plan ahead.

The leadership provided by Chairman BURDICK and Senator STAFFORD resulted in quick action by the Environmental and Public Works Committee.

On January 21, the Environment and Public Works Committee reported out S. 387 on a unanimous vote. There ought not be much debate on this measure, for it is very similar to the bill, S. 2405, passed by the Senate on a vote of 99 to 0 last year.

This legislation maintains the Federal commitment to development, construction, and restoration of the Nation's infrastructure. The bill authorizes $52.3 billion in funding for highway programs from the highway trust fund for fiscal years 1987-90.

There is an annual obligation limitation of $12.35 billion per year, with approximately $800 million for emergency relief and the 85 percent minimum allocation program not subject to the obligation ceiling.

Last year marked the 30th anniversary of the creation of the highway trust fund, and the beginning of the National System of Interstate and Defense Highways. The Interstate System is essentially complete, and this bill would allow States which are close to completing their portion of the system to use their apportionments for other parts of the highway program. S. 387 would give the States greater flexibility in how they spend their funds by consolidating the Interstate, Interstate 4R, and Primary Programs.

The bill also provides for an administrative release mechanism for interstate construction and interstate substitute funds. Congress will no longer be required to approve the interstate cost estimate [ICE] or interstate substitute cost estimate [ISCE] to allow the Department of Transportation to apportion interstate construction and interstate substitute funds each October 1. After the Secretary of Transportation makes administrative adjustments to both the ICE and the ISCE for fiscal year 1987, the approved cost estimates would be used for the next 4 years. That will ensure a stable and reliable source of funding for the States.

S. 387 also provides for continuation of one-half of 1 percent minimum for those 25 States which have completed or nearly completed their interstate construction program. States which placed a top priority on construction of the Interstate System and concentrated resources on that system early in the program's history, often at the expense of other roads, should not be penalized for finishing early. One-half of 1 percent minimum allows States to use Interstate construction funds for other projects.

I should also point out that the administration supports our bill. Elizabeth H. Dole, Secretary of Transportation, wrote on January 20:

The Secretary of Transportation,
Washington, DC, January 20, 1987.
Hon. Daniel P. Moynihan,
U.S. Senate,
Washington, DC.

Dear Pat: The Committee on Environment and Public Works will be marking up S. 185, the "Federal-Aid Highway Act of 1987", in the near future. I support your efforts to act quickly to reauthorize the highway construction program to ensure a restoration of funding to the states at the earliest possible time. At present, 35 states have depleted most of their Interstate construction funds, 38 have used most of their Primary funds and roughly half the states have exhausted their Interstate repair funds. At this critical stage, we are in danger of losing the entire construction season absent decisive congressional action.

In an effort to ensure speedy enactment of basic reauthorizing legislation, I transmitted to the Congress on the first day of the new session a clean highway bill (S. 312) that would fully use tax receipts by authorizing $13.4 billion per year for highway programs over the period 1987 to 1990.

The Administration is pleased with the general direction of S. 185, particularly that the sponsors have recognized the need for constraints on Federal spending and have not included provisions or additional funding for special interest projects. Should S. 185 be enacted in its current form with an acceptable revenue title, I would not hesitate to recommend that the President sign the bill. I urge you to oppose any amendments in Committee and on the floor that further increase the authorization or obligation levels in the bill for highway programs, or that will slow the reauthorization process down.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of these views for the consideration of the Congress.

Sincerely,
Elizabeth Hanford Dole.

And, on January 21, James C. Miller III, the Director of the Office of Management and Budget wrote:

Executive Office of the President,
Office of Management and Budget,
Washington, DC, January 21, 1987.
Hon. Daniel Patrick Moynihan,
U.S. Senate,
Washington, DC.

Dear Pat: The Administration strongly supports highway reauthorization legislation along the lines of S. 185, "The Federal-Aid Highway Act of 1987." In general your bill is consistent with our highway reauthorization proposal, S. 312.

We are very pleased that the bill provides prudent levels of Federal funding and we encourage the Committee to maintain those levels throughout the legislative debate. We are hopeful that the Senate Finance Committee will terminate Federal gas tax exemptions, thereby increasing highway trust fund receipts in support of your authorizations.

In particular, we applaud the absence of special interest provisions or funding in the bill and urge the Committee to uphold that position. Authorizing demonstration projects, regardless of the funding mechanisms, reduces the funds available for maintaining the Federal-aid highway system.

The Administration shares your objective of a timely, clean reauthorization of the Federal highway program. In view of the necessity to avoid further delay in reauthorizing Federal highway funds, I encourage your efforts to maintain that approach throughout deliberations on the legislation, so that the President's senior advisors may recommend approval of the bill.

Sincerely yours,
James C. Miller III,
Director.

The issue of tolls is addressed in this bill, and that is of special importance to me. Section 111 allows, at State-option, the combined use of toll financing and Federal-aid highway funds for new and expanded capacity construction, operation, and maintenance of non-Interstate Federal-aid highways, bridges, and tunnels. The Federal share for such projects will not exceed 35 percent. That section, as well as section 142, would also allow highway authorities such as the West Virginia Turnpike Commission, to renegotiate section 129 agreements that brought segments of roads and bridges into the Interstate system. The New York Thruway is not affected by these provisions.

New York State built its Thruway on its own, during the administration of Gov. Thomas E. Dewey. The New York State Thruway is the first true segment of the Interstate and Defense Highway System which was conceived on President Franklin Roosevelt's watch. It was built as a toll road. Then, in 1956, the Interstate System was established by Congress at the urging of President Eisenhower. An inspired civil engineer, Bertram D. Tallamay, having built the thruway, went from Albany to Washington to build the Nation's system.

With this difference: for the rest of the Nation, the Interstate was to be toll free, financed by gasoline taxes. Driving the thruway, New Yorkers would pay tolls for the construction of their part of the system, and taxes to build the rest.

One does not need to know much of the economic history of New York to know the pioneering role of its transportation system, up the Hudson River, and across to the great inland lakes. With the opening of the Erie Canal in 1925, the National Waterway Transportation System was begun. Next came the second railroad west, and now the first post-war superhighway. But, set in our ways—the Erie Canal had been financed with tolls, the New York Central Railroad was privately owned—we failed to consider what the impact of toll roads might be for us, and toll-free roads elsewhere. (The Interstate was to be, after all, the largest Public Works Program in history.)

Hon. Charles A. Buckley, a New Yorker, was chairman of the House Committee on Public Works in 1956. It would have been quite manageable for him to insist that the Federal Government assume the cost of the Thruway. It wasn't done. Not until 1978 did we get any legislative relief—and it was not until 1982 that New York finally entered into a so-called section 105 agreement with the Department of Transportation. (Public Law 95-599 provides that beginning in 1996 New York Federal Thruway tolls will be entirely removed.) The Thruway Authority currently estimates that its bonds will be entirely paid off, and the tolls removed, by July 1, 1996. In the meantime, the State will have received $538 million in maintenance money. But 40 years of tolls is a long time.

The authorizations for the Highway Program expired on September 30, 1986. I am hopeful that the Senate can agree to this reauthorization legislation in short order, and that the conference agreement will be presented to the President early in February.

I ask unanimous consent that a section-by-section analysis of the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Section-by-Section Analysis

SECTION 101. SHORT TILE

This section provides that the title may be cited as the "Federal-Aid Highway Act of 1987".

SECTION 102. AUTHORIZATIONS

This section authorizes the appropriation of sums from the Highway Trust Fund, other than the Mass Transit Account, for the Federal-Aid programs for fiscal years 1987 through 1990.

Clause (1) provides authorizations for the Interstate-primary program of $8.15 billion for each fiscal year 1987 through 1990.

Clause (2) provides authorizations for the Federal-Aid urban system of $750 million for each fiscal year 1987 through 1990.

Clause (3) provides authorizations for the Federal-Aid secondary system of $600 million for each fiscal year 1987 through 1990.

Clause (4) provides authorizations for the bridge replacement and rehabilitation program of $1.5 billion for each fiscal year 1987 through 1990. A total of $200 milion per year shall be set aside for the bridge discretionary fund.

Clause (5) provides annual authorizations for each of the components of the Federal lands highway program for fiscal years 1987 through 1990 as follows: forest highways $50 million, public lands highways $50 million, Indian reservation roads $75 million, and park roads and parkways $75 million.

Clause (6) provides each of the territories (the Virgin Islands, Guam, American Samoa, and the Northern Marianas) with an annual authorization under the Territorial Highway Program for fiscal years 1987 through 1990 of $5 million, $5 million, $1 million, and $1 million, respectively.

Clause (7) provides annual authorizations for highway related safety grants by FHWA for the fiscal years 1987 through 1990 of $10 million.

Clause (8) provides annual authorizations for highway construction safety research development grants by FHWA for the fiscal years 1987 through 1990 of $10 million.

Clause (9) provides annual authorizations for hazard elimination for fiscal years 1987 through 1990 of $175 million.

Clause (10) provides annual authorizations for rail-highway crossings for fiscal years 1987 through 1990 of $175 million.

SECTION 103. INTERSTATE SUBSTITUTE PROGRAM

This section amends section 103(e)(4) of title 23, the Interstate Substitute Program. The amendments to section 103(e)(4) are simple recodification except as follows.

Section 103(e)(4)(B) makes highway construction projects on any public road eligible, as highway substitution projects, expanding the current eligibility from projects authorized under any highway assistance program under section 103 of title 23.

Section 103(e)(4)(C) deletes the deadline for project removal.

Section 103(e)(4)(E) makes substitution funds available in a State for 2 years. Funds not obligated in the 2 year period shall be reallocated or reapportioned as the case may be.

Section 103(e)(4)(G) provides authorizations for highway substitution projects for the fiscal year 1987, 1988, 1989, and 1990 of $650 million per fiscal year.

Section 103(e)(4)(H)(iv) provides for the administrative adjustment of the last Interstate Substitute Cost Estimate (ISCE) approved to make substitution apportionments for highways after fiscal year 1986, beginning on October 1, 1986.

Section 103(e)(4)(J)(iv) provides for the administrative adjustment of the last ISCE approved to make transit substitution apportionments after fiscal year 1986, beginning on October 1, 1986.

Section 103(e)(4)(P) directs the Secretary to reserve in a State's account under section 103(e)(4) of title 23, United States Code, an amount equal to that expended on right-of-way for a withdrawn route or segment of the Interstate where the right-of-way has not been disposed of. Such sum shall be released to the State upon partial or full repayment of funds in accordance with section 103(e)(7) of this title or upon the determination by the Secretary that under section 103(e)(5)(B) or (6)(B) repayment is not required.

Section (b) adds a new section 103(e)(10)(A) to title 23 which permits States flexibility in crediting funds expended on withdrawn Interstate routes. Section 103(e)(7) of title 23, requires payback of the costs of construction items, materials and rights-of-way acquired for highway projects on segments withdrawn from the Interstate System on or after November 6, 1978, unless the State gives assurances acceptable to the Secretary that such items, materials, rights-of-way (i.e., property acquired for highway projects) have been or will be applied to a transportation project within ten years from the date of approval of withdrawal of the interstate segment. Preliminary FHWA estimates indicate that $94,097,583 in Federal funds were expended for such costs in connection with the construction of Westway (I-478).

The Final Rule on Use and Disposition of Property Previously Acquired by States for Withdrawn Interstate Segments (effective May 30, 1986) specified that in the event of such payback, an amount equivalent to the funds paid back will be credited to the repaying State's unobligated balance of the same class funds which were used to acquire the property. This section enables a State to credit its payback to its unobligated balance of combined Interstate-primary and Interstate 4R and primary projects.

Under this section, New York shall fully repay the United States Treasury for the amount of Federal funds expended for the cost of construction items, materials and rights-of-way associated with the withdrawn Westway Project. Under the present rules, such action would result in a sizable increase in funds which would be available only for interstate completion for New York. However, New York already has adequate funds to complete its remaining uncompleted portions of the Interstate System. This section provides the State with the flexibility to credit other accounts where funds can be better used.

SECTION 104. APPORTIONMENT

This section amends section 104 of title 23 as follows:

Subsection (a) makes technical and conforming amendments.

Subsection (b) adds a new subsection to set aside funds for the Strategic Highway Research Program from Federal-Aid Interstate primary, Urban, Secondary, Bridge, Highway Substitution, Railway-Highway Crossings and Hazard Elimination authorizations.

Subsection (c) repeals transfer provisions which do not conform with the creation of a new Federal-Aid Interstate-primary program.

Subsection (d) provides apportionment formulas for the Federal-Aid Interstate-primary formula, the Secondary System and the Urban System. The Secondary and Urban formulas are unchanged. The Federal-Aid Interstate-primary formula replaces existing Interstate construction, Interstate 4R, and primary program formulas which are unchanged. Those programs are consolidated by this Act into one program.

Paragraph (A) provides a formula for the new Interstate-Primary program which apportions $3.0 billion based on an administratively adjusted Interstate Cost Estimate, $2.8 billion based on the existing Interstate 4R formula and $2.35 billion based on the existing primary formula.

Subsections (e), (f) and (g) make technical and conforming amendments.

Subsection (h) permits a State to transfer up to 50 percent of its apportionment between the Urban and Secondary Systems. Urban System funds allocated to an urbanized area under section 150 of title 23 cannot be transferred without the approval of the local officials of the area.

SECTION 105. AVAILABILITY

This section amends section 18 of title 23 to provide four-year availability for the Interstate-primary program, with any unobligated funds lapsing at the end of the period.

The new paragraph (b)(2) clarifies the availability of bridge replacement and rehabilitation funds. Apportioned funds remain available for obligation in a State for four years with unobligated funds reallocated as bridge discretionary funds. Bridge discretionary funds remain available for obligation in a State during the year of allocation with unused authority available to the Secretary for further reallocation.

This section also makes technical and conforming amendments to eliminate the Interstate and Interstate 4R discretionary funds.

SECTION 106. INTERSTATE SYSTEM RESURFACING

This section makes technical and conforming amendments to section 119 of title 23 and amends provisions that require a reduction of a State's Interstate apportionments by 10 percent for failure to maintain the Interstate System adequately to require a reduction of not more than 10 percent of a State's Interstate portion of the Interstate-primary apportionment at the discretion of the Secretary.

SECTION 107. FEDERAL SHARE PAYABLE

This section amends section 120 of title 23 making technical and conforming changes and also provides a Federal share for Interstate-primary funds used on the Primary System (other than the Interstate) of not to exceed 75 percent of the cost of construction. These percentages may be increased under the sliding scale provision of current law.

Interstate projects will have a Federal share of not to exceed 90 percent. Routes designated as Interstate under section 139(a) and 139(b) of title 23 prior to March 9, 1984, and under section 139(c) of title 23 will be able to be improved at a 90-percent Federal share. These percentages may be increased in certain circumstances under current law.

This section provides that the Federal share payable for a highway emergency relief project shall be the same as for a regular Federal-aid highway project on the system in question except that the Federal share payable may be 100 percent only for emergency work done in the first 30 days after the occurrence of the event that triggers emergency relief.

This section also provides that States may contribute amounts in excess of the normal State share on all title 23 projects.

SECTION 108. RELOCATION OF UTILITY FACILITIES

This section amends section 123(a) of title 23 to clarify that Federal-aid highway funds may participate in utility relocation payments legally made by a State for utility relocations necessitated by the actual construction of a highway project and for safety improvements under a State's safety improvement program.

This section also eliminates the requirement in the existing section 123(a) that limits Federal reimbursement to only those utility relocation payments made by a State with its own funds. This would establish consistency with the overall Federal-aid program by allowing the State to obtain all or portions of its pro-rata share of the costs for the utility work from other parties such as the utilities or political subdivisions, if it so desires.

SECTION 109. EMERGENCY RELIEF

This section amends section 125 of title 23 to make the territories eligible for emergency relief with a $5 million cap on obligations during any one fiscal year.

SECTION 110. VEHICLE WEIGHT LIMITATIONS—INTERSTATE SYSTEM

This section amends section 127(a) of title 23 to provide for the withholding of the Interstate construction portion of Federal-Aid Interstate-primary funds, in lieu of withholding Interstate construction funds, for violations of section 127. The change is needed as Interstate construction funds will be unavailable to withhold. The current penalty provision in section 127(a) is revised to provide that any withheld funds do not lapse if they are subsequently released and obligated within the normal four year availability period.

SECTION 111. TOLL FINANCING

This section amends section 129 of title 23 to allow, at State option, the combined use of toll financing and Federal-Aid highway funds for new and expanded capacity construction, operation, and maintenance of non-Interstate Federal-Aid highways, bridges, and tunnels. The Federal share for such projects shall not exceed 35 percent.

This section incorporates the toll provisions of section 105 of the Federal-Aid Highway Act of 1978 into section 129 of title 23 and clarifies a provision of section 105 concerning the repayment of Federal funds.

This section also requires toll authorities to certify to the governor that sufficient reserves are available to cover the construction, operation, maintenance, and repair or replacement of the toll facilities not eligible for Federal-Aid highway funds. The Governor is to transmit this information to the Secretary who will transmit it to Congress. If funds from the Highway Trust Fund are spent on these toll facilities, an equal amount will be deducted from the State's Federal-Aid highway apportionments the following year. This section does not apply to international toll facilities and those toll facilities covered by a section 105 or section 129 agreement.

SECTION 112. RAILWAY—HIGHWAY CROSSINGS

This section incorporates the provision of section 203 of the Highway Safety Act of 1973 into section 130 of title 23 and makes technical and conforming amendments.

SECTION 113. STRATEGIC HIGHWAY RESEARCH PROGRAM

This section adds a provision for the Strategic Highway Reserve Program (SHRP) to title 23, United States Code. SHRP will be funded by deducting one-quarter of one percent from funds authorized for the programs specified in subsection 104(c) of title 23, United States Code. The Secretary will carry out SHRP in cooperation with State highway departments and will set standards for the use of the funds to conduct research, development and technology transfer activities determined to be strategically important to the national highway transportation system. The Secretary may provide grants to and enter into compensation agreements with the American Association of State Highway and Transportation Officials and the National Academy of Sciences to conduct appropriate portions of SHRP. Advance payments may be made under such agreements. No State matching share is required for SHRP and the funds will remain available for four years. This section also provides that the National Academy of Sciences will be treated as a federal agency in the case of any litigation which may result from the implementation of SHRP.

SECTION 114. SECTION 139 ROUTES

This section makes amendments to sections 139 (a), (b), and (c) of title 23 to conform with the new Interstate-primary category. This section also provides that routes designated by section 139 are eligible for any of the funds provided by the Interstate-primary program.

SECTION 115. OFF-SYSTEM BRIDGE PROGRAM

This section permits a State to credit State-only financed off-system bridge replacement and rehabilitation projects toward the State share of the cost of other Federal-Aid bridge projects. Off-system bridges that are eligible for section 144 funds, are noncontroversial, and certified by the State to have been carried out in accordance with all standards applicable under section 144 of title 23 are eligible for this program.

SECTION 116. MINIMUM ALLOCATION

This section amends section 157 of title 23 to add total allocations as well as apportionments to the calculation of the 85 percent minimum funds and makes the provision permanent law. This will provide donor States to return closer to 85 percent of the amount contributed to the Highway Trust Fund by these States. Currently, in calculating the return of 85 percent minimum to the States, only apportioned programs are considered. Two major categories are added which are bridge discretionary and emergency relief. Several smaller Highway Trust Fund categories shall also be included.

Subsection (b) makes the provisions of subsection (a) effective October 1, 1986.

Subsection (c) provides authorizations for the minimum allocation for fiscal years 1987, 1988, 1989, and 1990.

SECTION 117. FEDERAL-AID INTERSTATE-PRIMARY PROGRAM

This section amends title 23 to establish the Federal-Aid Interstate-primary Program. The Interstate-primary program will emphasize bringing all elements of the Primary System to acceptable standards of operation and safety. The program will consist of both new construction and 4R work on the Primary System and the Interstate System (including additions thereto under section 139). The Interstate-primary program will include traditional primary program projects, Interstate construction projects, and Interstate resurfacing, restoration, rehabilitation and reconstruction projects.

The designated Interstate System in all States will receive attention in maintaining its high level of serviceability. At the same time, there is sufficient flexibility to allow States to concentrate on neglected primary routes and other primary routes which have developed into significant Interstate traffic carriers.

SECTION 118. INCOME FROM RIGHTS-OF-WAY

This section provides that the net income a State receives from the use, lease, or sale of right-of-way airspace acquired as a result of a project under title 23 shall be used for projects under chapter 1 of title 23. Certain exceptions are provided. This section requires that the States obtain at least the fair market value for permitted non-highway uses of highway right-of-way air space. This section also requires that any net revenues, after deducting the cost of sale or cost of issuing and maintaining the joint use agreements, obtained by a State or political subdivision for the use of the airspace of right-of-way of a Federal-Aid project by non-highway facilities shall be applied to highway projects eligible under the provisions of title 23. The term right-of-way airspace would include space, both above and below ground. The charges and disposition of fees for utility use and occupancy of right-of-way will continue to be governed by 23 C.F.R. 645. The term utility includes publicly, privately, and cooperatively owned utilities. This section permits the Secretary to grant exceptions to these requirements for social, environmental, and economic mitigation purposes. This section is not intended to interfere with any court proceedings or consent decrees issued for I-95 and I-676 in Philadelphia.

SECTION 119. TERRITORIAL HIGHWAY PROGRAM

This section amends subsection (f) of section 215 to clarify that the provisions of chapter 1 of title 23 which are applicable to Interstate-primary program funds and the Primary System are applicable to the Territorial Highway Program. Subsection (f) also authorizes a Federal-Aid system in each territory similar to the Primary System established by the provisions of the STAA of 1982 and provides that the Secretary may determine the applicability of the provisions of Chapter 1.

SECTION 120. BICYCLE PROJECTS ELIGIBILITY

This section permits States to use Federal-Aid highway funds apportioned or allocated for a highway substitute project for the purpose of designing and constructing bicycle facilities.

SECTION 121. HIGHWAY PLANNING AND RESEARCH

This section permits a State to use one and one-half percent of apportioned Interstate Highway Transfer funds for highway planning and research activities. It would not include the 25 percent of transfer funds that are allocated.

SECTION 122. NATIONAL HIGHWAY INSTITUTE

This section modifies section 321 of title 23 to direct the Secretary to provide training at no cost to States and local governments for subject areas which are a Federal program responsibility and to allow the States to use Federal-Aid funds to pay 75 percent of the cost of education and training purchased from any source including the National Highway Institute.

SECTION 123. RIGHT-OF-WAY DONATION

Subsection (a) allows 100 percent of a private contribution of right-of-way to be credited, according to its fair market value at the time of donation, to the State's matching share for the project if the donation is made to the State. A State would receive no credit for the excess of a donation which exceeded the State matching share for the project.

Subsection (b) amends title 23 to provide that land may be donated in advance of the environmental and planning process for a prospective highway project. The donation will in no way affect the required planning processs for the location and environmental review of the decision with respect to alignment. If during the alignment study and environmental analysis the route for which the land was donated is determined not to be feasible, the donation of right-of-way would be cancelled and the land revested in the grantor or successors in interest.

Subsection (c) amends title 42 to permit donations of right-of-way and financial contributions to a State or other political subdivision. The provision also encourages the promotion of such joint projects wherein private citizens and governmental entities participate in the cost of projects as consistent with Federal policy.

Subsection (d) allows the fair market value of lands donated or dedicated to California for the relocation and construction of State Route 73 in Orange County from I-405 to I-5 to be credited to the State's matching share of the project and any excess value to be credited toward the State's share of the cost of any other Federal Aid project. Any recorded irrevocable offer of dedication or donation effective prior to the State's request for final reimbursement on the project shall be considered a part of the State right-of-way acquisition. The Federal Aid reimbursement may not exceed the actual cost to the State for the project.

SECTION 124. PROHIBITION AGAINST DISCLOSURE AND ADMISSION AS EVIDENCE OF STATE REPORTS AND SURVEYS

This section amends title 23 to provide that no report, survey, schedule, list, or data compiled for the purpose of complying with any requirement of sections 130, 144, and 152 of title 23, United States Code, or for developing any highway safety construction improvement project which may be implemented with Federal-Aid highway funds shall be required to be admitted into evidence or used in any action for damages arising from matters mentioned or addressed in such documents.

SECTION 125. BUY AMERICA

This section exempts projects costing $500,000 or less from domestic content requirements. Reestablishment of such a threshold provision will help to reduce administrative burdens and facilitate the highway and transit procurements of grantees with small projects, and lower the costs of the highway and transit programs.

SECTION 126. REGULATION OF TOLLS

This section removes Federal regulation and review of toll increases on certain toll bridges. Toll increases on these deregulated facilities must be just and reasonable but will not be subject to review by DOT.

SECTION 127. INDIAN EMPLOYMENT AND CONTRACTING

This section brings the antidiscrimination provision of section 140 of title 23, United States Code, into conformity with title VII of the 1964 Civil Rights Act on the issue of Indian preference in employment and contracting for certain Federal-Aid highway projects.

SECTION 128. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

This section authorizes a Disadvantaged Business Enterprise (DBE) program which establishes goals to encourage the participation of disadvantaged business enterprises.

Subsection (a) requires States to expend 10 percent of Federal-Aid highway contracts with DBEs unless the Secretary determines otherwise.

Subsection (b) defines a disadvantaged business enterprise. The definition includes a small business owned and controlled by socially and economically disadvantaged individuals provided that an [illegible] receipts do not exceed $1[illegible] million. Women are also included in the rebuttable presumption of being disadvantaged.

Subsection (c) would allow costs incurred by State and local governments and prime contractors in assisting disadvantaged businesses in meeting the goal. These costs cannot be used to meet more than 10 percent of the DBE contract.

Subsection (d) would require the Secretary to establish minimum uniform criteria for State governments to use in certifying whether a concern is a disadvantaged business enterprise for the purpose of this section.

Subsection (e) requires that a DBE subcontractor perform at least 30 percent of the subcontract work with its own organization in order for the work to count towards a State's DBE goal. Certain exceptions can be made to the 30 percent requirement.

Subsection (f) provides that States must contract part of their DBE goal directly with DBE firms beginning in 1988.

SECTION 129. RELEASE OF CONDITION RELATING TO CONVEYANCE OF A CERTAIN HIGHWAY

This section relieves the State of Maryland from the obligation of accepting title to the Baltimore-Washington Parkway in return for Federal participation in improvements to the Parkway as required under section 146 of the Federal-Aid Highway Act of 1970.

SECTION 130. WASTE ISOLATION PILOT PROJECT

This section authorizes $58 million out of general revenues to upgrade certain roads in the State of New Mexico. This authorization fulfills an agreement among the State of New Mexico, the Department of Energy and the Department of Transportation for the upgrading of roads in the vicinity of the Waste Isolation Pilot Project (WIPP). This facility is being built as a long-term repository for storage of low-level nuclear wastes from around the country.

SECTION 131. OBLIGATION LIMITATION

This section establishes an obligation limitation of $12.35 billion for fiscal year 1987, $12.35 billion for fiscal year 1988, $12.35 billion for fiscal year 1989 and $12.35 billion for fiscal year 1990. The Emergency Relief and Minimum Allocation funds are not subject to the obligation limitation.

SECTION 132. HISTORIC BRIDGES

This section encourages the preservation of historic bridges. Subsection (a) establishes that it is in the national interest to preserve historic bridges.

Subsection (b) directs the Secretary to cooperate with the States in implementing section 144 of title 23 in a manner which promotes the preservation of historic bridges.

Subsection (c) requires States to identify historic bridges on the National Bridge Inventory.

Subsection (d) clarifies that any reasonable costs associated with mitigating harm to an historic bridge would be eligible for Federal-Aid bridge funds if the bridge remains part of the highway system.

Subsection (e) permits States to use bridge funds equal to the cost of demolition for preserving an historic bridge eligible for demolition if they, or any other responsible entity, sign an agreement taking future legal and financial responsibility for the bridge.

Subsection (f) defines an historic bridge as any bridge that is listed on, or eligible for listing on, the National Register of Historic Places.

Subsection (g) requires the Transportation Research Board to review the rehabilitation of historic bridges and develop recommendations for specific standards for the rehabilitation of historic bridges.

SECTION 133. FOREST HIGHWAYS

This section provides that two-thirds of the Forest Highway funds are allocated according to the formula used prior to the STAA of 1982 and one-third is allocated according to section 202(a) of title 23.

SECTION 134. WILDFLOWERS

This section requires that one-quarter percent of Federal-aid highway funds expended for landscaping on a project be for the planting of wildflowers or seedlings. The requirement can be waived if a State certifies that the planting of such wildflowers is not feasible because of conditions with respect to the particular project on which landscaping funds are expended. Public donations of wildflowers or seedlings are allowed.

SECTION 135. COMBINED ROAD PLAN DEMONSTRATION PROGRAM

This section authorizes the Secretary to conduct a combined road demonstration program to permit up to ten States to participate in a block grant program for Federal-Aid secondary, Federal-Aid urban, and off-system, urban and secondary bridge projects.

The block grant program authorized in this section will help to demonstrate the feasibility of turning over greater responsibility to State officials for administering the highway program. The categories included in this initiative serve State and local highway and bridge needs and these needs can perhaps be met more effectively if greater flexibility is extended to the States.

In carrying out the block grant program the Secretary may extend to State officials certain responsibilities currently carried out by FHWA. However, all environmental requirements currently delegated to FHWA will continue to be the responsibility of FHWA.

SECTION 136. NEW JERSEY-PENNSYLVANIA TOLL COMPACT

This section allows the Delaware River Joint Toll Bridge Commission to continue tolls on the exisiting Delaware Gap Bridge on I-80 and to impose tolls on the uncompleted bridge under construction on I-78. The section also amends the Interstate Compact between the State of New Jersey and the Commonwealth of Pennsylvania to allow the Commission to use the tolls collected on its toll bridges for expenses of any of the bridges under its jurisdiction.

SECTION 137. MOTOR VEHICLE STUDY

During hearings, witnesses expressed concerns about larger and heavier trucks. Section 137 directs the Secretary to make arrangements with the Transportation Research Board of the National Research Council to study the motor carrier industry.

Among the subjects for analysis are: existing grandfather clauses which allow for higher axle loads and gross vehicle weights; the current bridge formula and its relationship to trucks and existing bridges; special truck permits and the circumstances for which they are issued; appropriate treatment for motor vehicles unable to comply with the current bridge formula; and associated costs and benefits.

TRB shall consult with DOT, state highway and transportation agencies, the motor carrier industry, highway safety groups, and other interested parties throughout the course of the study and shall submit a final report to the Secretary, to be transmitted to the Senate Environment and Public Works Committee and the House Public Works and Transportation Committee of the Congress. A total of $500,000 for fiscal year 1987 and the same amount for fiscal 1988 is authorized to be appropriated out of the Highway Trust Fund for the study. The final report is due no later than 30 months after enactment of this legislation.

SECTION 138. RAIL-HIGHWAY CROSSINGS STUDY

The most recent major assessment of rail-highway crossing needs was done in the early 1970s. A report was made to Congress at that time, leading in turn to passage of section 203 of the Highway Safety Act of 1973. Since then, there has been a large investment of Federal-aid highway funds to improve safety conditions at crossings.

The earlier study focused on crossing problems for both railroad and highway traffic. The major recommendation was for approximately 30,000 active warning devices to be installed. It is appropriate for a new study to be undertaken of developments in the last 20-25 years. In particular, the Committee is interested in an evaluation of the present program; a study of needs and of responsibilities, including those for maintenance, abandoned bridges, and Conrail crossings; an analysis of driver behavior; and a review of the effectiveness of the rail-highway demonstration program. It is intended that the new, broader report address safety, mobility, and capacity issues as they relate to improvement and maintenance needs.

A total of $600,000 is authorized for the purpose of performing the study. The Secretary is directed to conduct the study and report findings to the Senate Environment and Public Works Committee and the House Public Works and Transportation Committee of the Congress no later than 24 months after enactment of this legislation.

SECTION 139. CALIFORNIA EMERGENCY RELIEF

This section removes the Emergency Relief Program cap of $30 million per year per disaster for calendar year 1986 so that California's 1986 disaster is eligible for Federal-aid funds for the total amount of the disaster.

SECTION 140. PRIORITY PROJECTS

This provision establishes that priority projects designated in the bill be funded from State's regular apportionment at the specific request of a State to the Secretary. It is not the intent of the Committee that States be obligated to undertake projects listed as priorities in this section. No new Federal funds are authorized by this section. These priority projects must be on the Federal-Aid system and must meet the requirements of title 23. Additional flexibility is provided to States by permitting them to use any funding category with the applicable match to build such a designated priority project.

SECTION 141. LETTING OF CONTRACTS

This section amends section 112(b) of title 23 to permit the Secretary to waive competitive bidding on a reconstruction contract where an emergency situation such as an emergency relief project exists.

SECTION 142. WEST VIRGINIA TURNPIKE TOLLS

The West Virginia Turnpike was constructed as a toll road. In 1971, the West Virginia Turnpike Commission entered into an agreement with the Federal Highway Administration to bring the Turnpike into the Interstate System. As a condition of the agreement, existing tolls were to be removed when the bonds were paid off in 1989. Current projections show that the Commission will not be able to meet December 1, 1989 due date on its bonds. This section allows the West Virginia Turnpike Commission to renegotiate the terms of its agreement with the Secretary of Transportation.

SECTION 143. ADVANCE CONSTRUCTION

This section amends the existing section 115 of title 23, United States Code. Under the provisions of this amendment, States have greater flexiblity in the use of the advance construction mechanism as follows.

Subsection (b) permits a state to carry out advance construction projects in the highway substitute, urban, secondary, or bridge programs if a state has used or demonstrates that it will use all of the funds apportioned or allocated to it in the category for which advance construction is being sought, or if the state has used or demonstrates that it will use all of the obligation authority allocated to it. The state will be paid the Federal share of the cost of construction of the project when additional funds are apportioned or allocated to it.

Subsection (c) permits a state to carry out advance construction projects, regardless of its balance of apportioned or allocated funds, and regardless of its balance of apportioned or allocated funds, and regardless of its balance of obligation authority, The state will be paid the Federal share of the cost of construction of the project when additional funds are apportioned or allocated to it.

Subsection (e) provides a January 1, 1987 effective date for the amendments made by this section. This allows a State to proceed with a project or projects during the period in calendar year 1987 prior to the enactment of a highway authorization bill. For the months in calendar year 1987 until a highway authorization bill is passed, states have the ability to carry out advance construction projects with the assurance of federal reimbursement for project costs. This avoids or minimizes the loss of the 1987 highway construction season which may occur if states are not able to proceed with scheduled projects.

SECTION 144. REVIEW OF REPORTS ON UNITED STATES ROUTE 13 RELIEF ROUTE

This section requests the Board of Engineers for Rivers and Harbors of the United States Army Corps of Engineers to review reports regarding the United States Route 13 Relief Route and the Inland Waterway from the Delaware River to Chesapeake Bay.

SECTION 145. CUMBERLAND GAP NATIONAL HISTORICAL PARK, VIRGINIA

This section would permit expansion of route 58 within the Cumberland Gap National Historical Park from two to four lanes. Parkway funds would be eligible to be used in such an expansion project. The priority of the project would be determined by the normal programming process.

This section is not intended to compete with the tunnel project for construction funds. It will take effect upon completion of the other segments of the tunnel.

SECTION 146. FERRY BOAT SERVICE STUDY

This section directs the Secretary of Transportation to study the feasibility of re-establishing ferry boat service on the Missouri River between the vicinities of Springfield, South Dakota and Niobrara, Nebraska. The study is to be conducted in conjunction with the South Dakota and Nebraska highway departments. The record should reflect that the previous ferry landing on the South Dakota side of the river was at a community named Running Water, but the nearest incorporated town is Springfield. In addition, the Secretary is not constrained to the exact locations of previous ferry services, but is to consider all appropriate sites within the general area.

This section requires the Federal Government to pay half the cost of the study and the named States to pay the remaining cost of the study.

SECTION 147. EXTENSION OF TOLLS TO FINANCE CERTAIN INELIGIBLE CONSTRUCTION EXPENSES

This section allows Florida to continue the use of tolls on a segment of Interstate 75 known as Alligator Alley until the State is reimbursed for its expenditures for the construction costs necessary to meet the area's unique environmental needs.

SECTION 148. LOUISIANA, ARKANSAS, AND MISSOURI HIGHWAY FEASIBILITY STUDY

This section directs the Secretary of Transportation to determine the feasibility of constructing to appropriate standards a highway from Shreveport, Louisiana to Kansas City, Missouri. The Secretary is to report to the Senate Environment and Public Works Committee and the House Public Works and Transportation Committee not later than one year after the bill's enactment. The Federal Highway Administration estimates the cost of conducting the study to be $50,000.

This section requires the Federal Government to pay half the cost of the study and the named States to pay the remaining cost of the study.

SECTION 149. STATE MATCHING SHARE

This section provides that the State or local government matching share for the Calder bridge title 23 project in Idaho may be credited by the fair market value of land incorporated into the project when the land is in addition to existing public right-of-way, and may be credited by the fair market value of construction on the project performed by or donated to the State or local government. The fair market value of right-of-way and construction, including preliminary engineering and preparation of an environemntal impact statement, donated before and after enactment of this section, may be credited to the State or local matching share.

SECTION 150. SUBSTITUTE TRANSIT PROJECT IN OREGON

Subsection (a) provides that on the joint request of the Governor, of Oregon and the concerned local governments, the Secretary of Transportation may approve a substitute project for the construction of a light rail transit system. Such a rail system would be in lieu of construction of any eligible interstate bus lane or busway project, if such a substitute rail project is in or adjacent to the proposed right-of-way for such bus lanes.

Subsection (b) states that upon the approval of any such substitute transit project, the cost of the construction of the eligible interstate bus lanes for which the project is substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and a sum equal to the Federal share of such costs shall be available to the Secretary to incur obligations for the Federal share of the costs of the substitute project.

The language of subsection (c) requires that by September 30, 1989, any approved substitute transit project (for which the Secretary determines that sufficient Federal funds are available) must be under contract for construction or construction must have commenced. If any substitute project is not under contract for construction or construction has not begun by that date, the Secretary shall withdraw approval of such project and no funds shall be appropriated for any such project.

Subsection (d)(1) provides that a substitute transit project approved under subsection (a) shall be considered a substitute transit project under the Federal-aid system statutory language, at section 103(e)(4) of title 23, United States Code. Subsection (d)(2) states that unobligated appropriations for the Interstate System in Oregon, shall, on the approval date of a substitute transit project under subsection (a), be reduced in the proportion that the Federal share of the costs of the construction of the eligible interstate lanes for which such project is substituted bears to the Federal share of the total costs of all interstate routes in Oregon, as reflected in the latest cost estimate approved by Congress. Subsection (d)(3) requires that the Secretary shall administer the provisions of this section through the Federal Highway Administration.

Subsection (e) provides that for the purposes of this section, the term "eligible interstate lanes" means any bus lanes which are to be constructed on Interstate Route 205 in Oregon.

SECTION 151. INTERIM AMENDMENTS

Subsection (a) provides that unobligated Interstate construction balances (apportioned or allocated) shall remain available until October 1, 1990, for Interstate construction projects. Unallocated Interstate discretionary funds are to be distributed using existing procedures.

Subsection (b) makes the unobligated balances previously apportioned to a State under subsection 104(b)(1) (Primary System program) and 104(b)(5)(B) (Interstate 4R program) of title 23, United States Code, as they existed prior to enactment of this legislation available for obligation for projects under the Federal-aid Interstate-primary program.

Subsection (c) makes the unobligated balances of funds apportioned to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands under the provisions of section 108 of the Highway Improvement Act of 1982 available for obligation under provisions of section 215 of title 23, United States Code.

Subsection (d) makes the unobligated balances of funds apportioned to a State under section 203 of the Highway Safety Act of 1972 available for projects under section 130 of title 23, United States Code.

SECTION 152. TECHNICAL AMENDMENTS

This section makes needed technical and conforming amendments.

This section also conforms the provisions of the Uniform Minimum Drinking Age Act of 1984 (P.L. 98-363), as amended by the Budget Reconciliation Act of 1986, to the changes made in Interstate and primary highway construction funding contained in the bill. The bill makes no changes to the Uniform Minimum Drinking Age Act and its intent to withhold a portion of Federal-aid highway assistance from those States which fail to adopt a legal minimum age of 21 by October 1, 1986, as specified in Federal regulations.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Mr. Gary Aldridge, Miss Clare Thorne, and Mr. Don Campbell, of Senator CRANSTON's staff be granted the privilege of the floor during consideration of S. 387, the Federal Highway Act.

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOYNIHAN. I thank the Chair.

Mr. SYMMS. Mr. President, I am pleased that we are here today to begin consideration of S. 387, the Federal Aid Highway Act of 1987.

I think that we cannot overemphasize the importance of early passage of this legislation, It is important to the entire Nation. It is important to every State.

I thank the majority leader and minority leader for working together to bring this bill to the floor early in this 100th Congress.

I commend the distinguished chairman of the Environment and Public Works Committee, Senator BURDICK, the ranking minority member of the committee, Senator STAFFORD, and the subcommittee chairman, Senator MOYNIHAN, and all of our colleagues on the committee for their expeditious work on the markup session and the unanimous votes to report the bill favorably to the Senate.

Mr. President, my colleagues on the committee have already summarized the major provisions in this bill. I will not reiterate these points, but I would just say to all my colleagues that this is a very good, sound highway bill. With the adoption of a few amendments, it could be made into even a better highway bill.

The bill provides increased funding flexibility to assure that the Federal Aid Highway Program will continue without annual interruptions, with greater control of the programs for the States. S. 387 includes virtually all of the programmatic changes which the Senate adopted unanimously last year by a vote of 99 to 0.

So I think it is important to start off with that all our colleagues are aware of the fact that we think we brought to the floor a very good piece of legislation that is important to the country.

I want to focus special attention on one of the provisions of this legislation, the section on priority projects. I am particularly pleased with the work the committee has done in this area.

Last year the committee voiced overwhelming support for the priority project funding mechanism suggested by the Transportation Subcommittee leadership. This year the full committee has adopted the same funding mechanism for those special projects. Section 140 of the bill authorizes a State to use its regularly apportioned funds for any project listed in that section. No additional Federal funds are authorized for the projects, but States will have the opportunity to build the projects without being limited to a single funding category.

The reason that is good policy, Mr. President, is that this in fact gives the States additional flexibility for very worthy projects in many instances that they may not otherwise be able to have authorization to build, but it does not take more money and give the money to them additionally over and above what their apportioned Federal highway aid formula apportionment would be.

So I think it is important that the Members of the Senate recognize that any influence or help they can give us with the other body will be appreciated by those members of the committee and those who will be conferees. This is a stickling point with the House. It has become very popular, I say to my colleagues, over the years to add new projects to the highway bill and then get extra money to pay for them and then it puts the Federal Government in position where the Congress is then dictating which projects specifically get the bill.

I think for the longrun for the country this is bad policy because we get so political then and it becomes a political game of who has the number of votes and who is the chairman of what subcommittee, and it is not good policy.

I think what the Senate has done here truly is good, sound public policy, and I hope we will be able to support it and win that issue in the conference.

I believe the priority projects is sound fiscal and public policy. The growing number of demonstrations projects are a serious threat to the fiscal integrity of the highway program.

This year there are more than 100 special projects in the House bill at a total estimated cost of over $4 billion. Congress must act decisively to limit the number and cost of such projects if we are to sustain the broad public and political support of the Federal Aid Highway Program which we have enjoyed since the inception.

I strongly urge my colleagues to support this provision on the Senate floor and in the conference with the House of Representatives. Authorization for the Federal Aid Highway Program expired last October 1 and House-Senate conferees were unable to reach an agreement for a new authorization for the program prior to the adjournment of the 99th Congress. This 4-month delay in reauthorization of the program and apportionment of highway funds already has caused serious damage to highway construction programs in all 50 States, the District of Columbia, and the territories. If the program is not reauthorized very soon, we may lose an entire construction season in many States, including my own State of Idaho.

According to a report of the American Association of State Highway and Transportation Officials [AASHTO]; another month's delay in apportioning highway funds will result in the postponement of 767 projects, valued at $1.2 billion. If no bill is enacted by May 1, 1987, almost 1,900 projects; valued at $2.9 billion; will be postponed. In addition, long-term damage resulting from further delay will be very serious. According to the AASHTO report; "as of March 1, 1987, Federal-aid reimbursement will run out for the planning or right-of-way purchase for 1,277 projects nationwide." Such delays may result in postponement of construction projects long into the future.

The postponement of highway projects and the possible loss of a construction season means lost jobs. A report issued last week by The Road Information Program [TRIP] indicates that each $1 billion reduction in Federal highway funds results in a loss of 41,600 jobs in all sectors of the economy. While I have never argued that the Federal-Aid Highway Program should be continued because it is a jobs program; the fact is that about $9.5 billion is sitting in the trust fund; taxes continue to be collected from highway users; and those funds should be spent on highway projects which affect the jobs of thousands of American citizens.

Now, I look forward to an expeditious consideration of the bill. As most of my colleagues know, I intend to offer the speed limit amendment which the Senate debated and adopted by a 20-vote margin last year. Many of my colleagues on both sides of the aisle will cosponsor the amendment and I invite other Senators to contact my office if they wish to be listed as a cosponsor when the amendment is offered today or even tomorrow, depending on what the floor manager does today.

The time is right to give the States greater authority to regulate their own speed limits. This highway bill is the appropriate legislative vehicle on which to address the issue. State governments and the Nation's highway users cannot wait any longer for Congress to resolve this issue. I will discuss in more detail the merits of the speed limit reform when I offer the amendment.

Again, I want to compliment my colleagues on the committee for their diligent efforts to move this bill to the floor as quickly as possible. I look forward to the debate and passage of this bill.

I agree with the distinguished Senator from New York that the sooner we can accomplish passage of this legislation and have a successful conference, the better it will be for a sustained highway program for the United States of America.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I have been guilty of a breach of courtesy. In my earlier remarks I did not mention the extraordinary work which the Senator from Idaho [Mr. SYMMS] has done on this matter. He carried it in conference to the honor of the Senate by insisting on the principles which he enunciated in detail. He has more detailed knowledge of this matter than, certainly, the Senator from New York. I thought that was so obvious in my mind that I failed to make it explicit.

Mr. SYMMS. I thank the Senator.

Mr. GRAHAM. Mr. President, I am pleased to be among the cosponsors of the Federal-Aid Highway Act. Expedient passage of this bill is imperative to assure continued provision of funds to the States for construction and modification of highways, bridges, and tunnels, covered under this act. Currently, States do not have access to Federal-aid highway funds for fiscal year 1987, and many States have run out of funds from fiscal year 1986. The bill as reported out of the Environment and Public Works Committee represents years of work by members and their staffs. This is an excellent package which would allow our Federal and State highway systems and mass transit programs to be completed or expanded to accommodate growth.

This legislation would release $450 million in annual Federal-aid highway apportionment to my State of Florida. It would permit Florida to carry out a $608 million Federal-Aid Highway Program during 1987 without disruption. Passage of this bill would preserve 2,000 jobs in the highway construction and supporting industries in my State, which would have been lost to a prolonged legislative impasse. The increase in State discretion through the consolidation of the interstate and primary programs would provide additional options for the completion of major Florida projects, such as the eastern bypass around Jacksonville, State Road 9A.

The focus of the Federal-Aid Highway Program has been moving toward maintenance rather than construction and expansion of highways. Federal construction dollars are thus decreasing. In States such as Florida, where we are experiencing dramatic growth, new and expanded highways, bridges, and tunnels are necessary to relieve the overburdening of existing facilities. State public finance can only absorb so much of this Federal reduction in construction dollars. For this reason, I am pleased that the Environment and Public Works Committee accepted my provision which addresses toll financing of non-interstate highways, with the combined use of Federal-aid funds.

This provision, offered by Senator CHILES and approved on the floor last year, offers the flexibility to States with growing highway needs to use tolls to obtain the additional revenues to carry out the necessary expansion. The existing highways are not adequate to accommodate the high volume of traffic. This amendment would create one more—and might I add very necessary—option for financing our transportation needs.

In my home State of Florida, tolls have worked effectively in Orlando, Jacksonville, and Tampa to complete major highway projects which otherwise could not have been built. A future project that would be made possible under this provision is the 3-mile Sawgrass Expressway extension. We have a daily average of 39,600 cars currently using the expressway, with traffic using various residential routes to get to the interstate. The existing tolls on the Sawgrass Expressway are not adequate to fund the extension, and this essential extension to connect the current expressway with Interstate 95 would not be feasible within the necessary timeframe unless Federal-aid moneys could be used in conjunction with tolls.

The Federal share on these projects could not exceed 35 percent. Use of revenues received from toll payments under this provision are to be strictly limited to payment for construction and reconstruction costs, or for the costs necessary for the proper operation and debt service of the facility, including resurfacing, reconstruction, rehabilitation, and restoration. No new toll mileage created by this provision would be counted in any Federal apportionment formula.

This provision is permissive in that the use of tolls are not required of any State. Furthermore, toll revenues are only to be applied to that specific project where the toll is collected. Toll imposition is to be terminated upon the State's recouping its expenditures toward the cost of the toll road and the cost of maintenance and operation and debt service for the time tolls are collected.

Another provision which I introduced and which was approved by the committee specifically applies to a stretch of highway in Florida, commonly known as Alligator Alley, which is being converted to Interstate 75. Hydrologic structures are needed along this segment of Interstate 75 to ensure the natural flow of surface water into the Everglades. Animal crossings are essential to protect the environment of the Florida panther and other threatened species. At this time, we have only 30 Florida panthers left in the country. During funding negotiations with the Federal Highway Department, the State agreed to bear the cost of the animal crossings, recommended in the environmental impact statement, and so vital to the preservation of this species. The State currently imposes tolls on Alligator Alley. The provision allows Florida to continue the use of tolls to pay for the additional environmental improvements associated with the conversion of this road to a Federal highway. Several other provisions were added in committee which serve to enhance the highway portion of this bill.

The package that is before you today benefits each and every State. I urge your support of this important reauthorization so vital to our Nation's highway system. Thank you, Mr. President.

Mr. JOHNSTON. Mr. President, reauthorization of the Federal-Aid Highway Program expired on October 1, 1986. Due to Congress' inability to reach a compromise on the reauthorization bill prior to that date, many States are now without funds for their highway programs. I believe this is an outrageous situation and one which I hope we will be able to reverse with dispatch. Accordingly, I am pleased that the Senate is now considering this vital legislation and I hope the conferees will be able to expeditiously resolve the differences between the House- and Senate-passed bills.

Mr. President, since adoption of the Surface Transportation Act of 1982 [STAA], Louisiana has developed a number of highway related problems that deserve immediate attention. S. 387 addresses some of these problems by giving the State authority to use all of its highway funds to extend I-49 in the Shreveport and Lafayette vicinities, four lane Seigen Lane in Baton Rouge and construct two interchanges to I-10 in Lafayette. It also authorizes a feasibility study on extending I-49 from Shreveport, LA to Kansas City, MO. One additional problem is addressed in the priority project amendment which will be offered during floor debate on S. 387. This project will allow the State to use its federally allocated highway funds to construct a frontage road to I-20 near Minden.

I commend the committee for its willingness to give the State the flexibility it needs to meet these needs within its current allocation of Federal highway funds. I regret that given the current fiscal deficit, the committee does not feel it can earmark extra funding for these needs at this time; however, I hope that we will be able to correct this problem in the future. I would like to briefly describe the need for these projects to my colleagues.

In the early 1970's, Congress authorized construction of I-49 in Louisiana. I-49 is 206 miles long and it is the only major north-south highway in the State. It begins at an intersection with I-10 in Lafayette and extends in a northerly direction to its termination with I-20 in Shreveport. Shreveport is my hometown and it is located in the northwest corner of the State.

The problem, Mr. President, is that when we authorized I-49, we connected I-10 in south central Louisiana with I-20 in north Louisiana. However, both of these termination points empty the traffic from the interstate into the middle of a major city. By extending I-49 approximately 3 miles in each direction, we can alleviate this problem and vastly improve our national defense highway system.

As I mentioned Mr. President, without these extensions the traffic from I-49 will empty into the middle of busy cities. For example, if we do not extend the northern terminal of I-49 from I-20 to I-220, the I-49 traffic will have to use city streets to reach the next controlled access route. Most likely, motorists will use Allen and Western, two small roads near the present terminal of I-49 in Shreveport. I am very familiar with both of these roads.

Current plans call for making Allen a one-way road going south and Western a one-way going north. Presently, the traffic flow is about 3,400 vehicles per day on Allen and about 6,300 vehicles per day on Western. Upon completion of I-49 in the Shreveport area, traffic is expected to increase to approximately 13,083 vehicles per day on Allen and to 17,667 vehicles per day on Western. That means that when I-49 is completed, three times as many vehicles will be dumped into downtown Shreveport. Mr. President, Allen and Western are your typical city streets. They are very small, modest streets and the projected increase in traffic on them will create an impossible traffic situation.

Alternatively, to reach I-220 a motorist could take I-20 to Market Street. However, if he went down Market Street, he would have to travel through 12 traffic lights in the heart of downtown Shreveport. Consequently, the present design of I-49 defeats the reason for having an interstate road because you will be dumping traffic into the middle of a city.

Mr. President, the situation in Lafayette is equally as difficult as the situation in Shreveport. Presently, I-49 terminates at an intersection with I-10 in Lafayette. A 3-mile stretch of road, known as the Evangeline Thruway, then connects I-49 with U.S. 90, the major east-west highway in southern Louisiana.

The Evangeline Thruway sounds like a substantial road and it was a good road when it was built. However, the thruway is currently handling 1.49 times the traffic it was designed to handle and it is terribly congested. Mr. President, the Evangeline Thruway is presently servicing 45,000 vehicles per day. Once I-49 is completed, it is expected to service from 60,000 to 65,000 vehicles per day.

Moreover, Mr. President, the Evangeline Thruway intersects with 27 different roads. Nine of these intersections are major intersections, with traffic at these intersections being controlled by stop lights. At the remaining 18 intersections, traffic entering the Evangeline Thruway is controlled by stop signs.

Mr. President, I do not know of any noncontrolled access road in the country that can service traffic of this magnitude. It is virtually impossible to cross a road that is servicing 60,000 to 65,000 vehicles per day. The situation is a mess now and if we do not do something about it we are going to have a gridlock.

Lafayette has grown very quickly from a small sleepy country town to the capital of the oil industry in Louisiana. In fact, in 1985 a New York Times article stated that Lafayette is one of the Nation's fastest growing metropolitan areas, having grown 19 percent since 1980. Because of the fast pace at which this town has grown, the roads were not designed for easy access or for heavy concentrations of traffic. Consequently, today, Lafayette is a mess in terms of traffic control and this situation will deteriorate further unless we do something about it.

Mr. President, the House has also recognized the seriousness of the I-49 terminal points and has authorized $40 million for preliminary engineering and design work to cure this problem. I hope the conferees will be able to favorably resolve this issue.

S. 387 also authorizes Federal funding for the construction of two interchanges to I-10 in Lafayette. Both of these ramps are located on the east side of the city and will serve as a near-term solution to the traffic situation on Evangeline Thruway. One of the interchanges will connect Louisiana Avenue on the west bank of Bayou Vermillion to I-10. The second interchange will provide access to the Interstate System from Louisiana Highway 354.

As reported to the Senate, S. 387 also authorizes the four laning of Seigen Lane near I-10 in Baton Rouge. This project is an excellent example of State, private, and Federal interests working together to meet our ever growing highway needs. Seigen Lane is currently a two-lane road located in an area that is rapidly growing. Mall Properties, Inc. is presently constructing a 1.2 million square foot regional mall on a 400-acre site adjacent to Seigen Lane. Rush hour traffic jams are already an every day occurrence on this section of Seigen Lane and will grow once the mall is completed. This mall is projected to provide more than 2,000 construction and 2,000 permanent jobs. State and private interests have already committed one-half to three-fourths of the funds that are necessary to four-lane Seigen Lane and inclusion of this provision in the final bill should be sufficient to make this project a reality.

Finally, with respect to actual construction projects, I have asked that language be included in the committee's floor priority project amendment which would authorize the construction of a frontage access road to I-20 near Minden. Many companies have expressed interest in locating along this road once it is completed. Given the currently depressed economy in the area, authorization of this road should provide immediate construction jobs in the area and long-term employment by the firms that locate there.

In conclusion, Mr. President, section 148 of S. 387 authorizes the Secretary of Transportation to carry out a study of the feasibility and necessity of constructing to appropriate standards a proposed highway which would link Shreveport, LA to Kansas City, MO by way of Texarkana, Fort Smith, and Fayetteville, AR. This study, the cost of which would be shared by the Federal and State governments, would update a previous feasibility study that was conducted under section 143(6) of the Federal-Aid Highway Act of 1973.

The proposed highway would start at the present termination point of I-49 in Shreveport. As I have already pointed out to my colleagues, I-49 is the only major north-south highway in Louisiana and its construction is one of the State's priority highway projects. Shreveport is a growing city located in the northwest corner of the State. During the past 13 years, the population of the Shreveport/Bossier City area has increased from 226,000 to 266,000 and it is projected to grow to 350,000 by the year 2000. This growth is attributable to two factors: first, the creation of new jobs due to industrial growth; and second, city expansion due to annexation.

Almost daily, city officials meet with industry representatives regarding the possibility of relocating or expanding business in Shreveport. In many instances, these talks have been successful. For example, in 1985 AT&T closed its last U.S.-based household phone manufacturing plant and moved the entire operation to Asia. That plant was located in Shreveport and the move resulted in the loss of over 3,000 jobs. In an effort to turn this depressing situation into a positive situation, city officials went to New Jersey and convinced AT&T that they should import their finished products and component parts to Shreveport for distribution around the United States. After careful study AT&T acknowledged the benefits of operating in Shreveport and decided to locate a warehouse and distribution center in Shreveport to service all of the United States east of the Rocky Mountains.

The AT&T story is an example of successful negotiations; however, the city's Outreach Program does not always lead to industrial growth in Shreveport and one of the most common reasons given for a negative decision is the lack of a major highway linking Shreveport with major cities to the north.

Mr. President, the Corps of Engineers is currently developing the Red River navigation and port facilities in Shreveport. When this project is completed, Shreveport will be the northern most terminal on this waterway which will connect to our inland waterways system and our deep water ports. Many companies located in Texas, Arkansas, and Oklahoma are expected to truck their product to the Red River port in Shreveport. Construction of the proposed road will certainly facilitate this effort.

Both the House and Senate highway reauthorization bills recognize the need for a portion of this road by authorizing a 3.6-mile extension of I-49 in Shreveport. I certainly hope that time and money will eventually permit us to continue construction of the interstate to Kansas City, MO. However, over a decade has passed since the first feasibility study of this project was conducted and time may have altered some of the findings of that study. Therefore, I would argue that it is fiscally prudent to update the earlier feasibility study at this time. Such action will assure that we go forward with this project in an effective and cost-efficient manner and I thank my colleagues on the committee for seeing that this matter was included in S. 387.

● Mr. CHILES. Mr. President, I rise in support of passage of the Federal-Aid Highway Act of 1987. I want to congratulate the distinguished chairman of the Committee on Environment and Public Works for his leadership in moving this legislation quickly through his committee. Also to be congratulated is the distinguished ranking minority member of the committee, the Senator from Vermont, both for his efforts this year and for his work on this bill in the last Congress. I also want to thank the Senator from New York and the Senator from Idaho for their work in assuring quick consideration of this much-needed legislation.

Mr. President, failure to act on highway authorization legislation in the last Congress threatens highway work in all States. All States have been forced to finance Federal-aid highway projects with Federal apportionments carried over from last year. These funds are running out.

In Florida, approximatley $500 million in annual Federal-aid highway funds cannot be apportioned until this legislation is approved. The Florida State Department of Transportation reports that some funding categories will be exhausted in March. Almost all carryover funds will be used up by summer.

In is clear that we need to act quickly, but also wisely, if disruption of our highway program, at considerable expense to the taxpayers, is to be avoided.

It is also clear, in looking at the history of our commitment to highways, that Federal funds alone are not enough to finance needed capacity in many States. More and more dollars are being spent on maintenance, and that work is clearly needed. But this shift has come at the expense of new construction.

Many of you know all too well the result of dollars not spent on needed new capacity. Urbanizing areas become congested. Traffic snarls, time is wasted, and economic productivity declines. States facing the problems of rapid growth cannot build new arteries fast enough.

Mr. President, the need exists now for added capacity. The problems must be dealt with now. Delay will only compound the problems, increase the congestion, hurt the quality of life and decrease economic growth and efficiency in many areas of the country.

We must face the reality that Federal dollars alone will not meet this need. I am pleased that the committee recognized that States must be allowed more flexibility in financing new capacity, and included a provision for limited, noninterstate construction utilizing Federal-aid and toll financing.

I am especially grateful to my new colleague, the distinguished Senator from Florida, Senator GRAHAM, for his outstanding leadership on this issue in the committee. Senator GRAHAM joined with me and Senators NUNN, THURMOND, HUMPHREY, and SPECTER in introducing the Toll Facilities Development and Improvement Act of 1987 earlier this year.

The action of the committee in adopting the toll provision speaks clearly on the need for this approach. The provision is the same one adopted by the Senate last September with the support of numerous groups, including the American Association of State, Highway, and Transportation Officials, the National Governors' Association, the National Conference of State Legislatures, the National Association of Regional Councils, the American Consulting Engineers Council, the American Transportation Advisory Council, the International Bridge, Tunnel & Turnpike Association, and the Associated Builders & Contractors. In addition, the Secretary of Transportation, in a letter to Senator STAFFORD of September 18, 1986, supported the inclusion of toll provisions in highway legislation.

Mr. President, the toll financing provision in section 111 of the bill will allow up to 35 percent Federal participation of the cost of noninterstate construction or reconstruction to expand highway capacity. It is limited to those special situations where expanded highway capacity is needed. Toll revenues may only be used for that facility. It will not change the apportionment to the States, and States are not required to utilize this provision. It will, however, provide the option of using toll financing where it is required.

In short, if the need is there, roads can be built. If not, there is no obligation to use toll financing at all. The likelihood is that toll financing would only be used where there is a consensus on need, and strong local support.

I want to again express my appreciation to the committee for its prompt action on highway reauthorization legislation. The toll provision is an important one, and I hope that this key measure, widely supported by the States and many groups, will be maintained in conference. I think all members of the committee deserve the thanks of the body for their work. It is my hope that we will now move promptly to approve this legislation.●

MORE LETTERS OF SUPPORT FOR HIGHWAY BEAUTIFICATION AMENDMENT

Mr. STAFFORD. Mr. President, I ask unanimous consent that letters I have just received from the Junior Poster Group, the National Audubon Society, the National Recreation and Park Association, the National Trust for Historic Preservation, the League of Conservation Voters, the chief executive officers of major conservation groups and the Garden Club of America in support of a highway beautification amendment which will be offered by myself and Senators MOYNIHAN, BENTSEN, CHAFEE, EVANS, and WILSON be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNIOR POSTER GROUP,
February 2, 1987.

DEAR SENATOR: Senators Stafford, Moynihan, Bentsen, Chafee and Wilson will sponsor a floor amendment to the Highway Bill (S-387) to reform the Highway Beautification Program. This amendment recognizes that the small displays of the Junior Poster Group are compatible with an urban environment.

The compromise Stafford amendment has been drafted to narrow the differences between the House and Senate versions of highway beautificiation. This will result in a less controversial and faster conference agreement on the issues.

The Junior Poster Group, a segment of the outdoor advertising industry, supports this amendment as a reasonable, workable compromise position on this important environmental issue.

This is an opportunity to reform a law which is in need of reform with the support of both sides of the issue. You will not often see a segment of the outdoor advertising industry and environmental groups united and working together towards a common good. We, along with the Coalition for Scenic Beauty, ask your support.

Sincerely,

BRUCE E. THOMAS,
Junior Poster Group.

NATIONAL AUDUBON SOCIETY,
New York, NY, January 29, 1987.

Re: Billboard reforms to S. 387.

DEAR SENATOR: When action is taken in the very near future on the Highway Transportation Act of 1987, Senators Stafford and Moynihan will offer an amendment to S. 387 on billboards.

The National Audubon Society strongly supports the efforts of Senators Stafford and Moynihan to add this important reform measure to the highway bill. The House bill, H.R. 2, contains billboard provisions and adoption of the Stafford-Moynihan amendment will create an appropriate position for the Senate when the issue is raised during the Conference Committee.

We believe the Stafford-Moynihan amendment is an important step toward eliminating the wasteful practices surrounding regulation of billboards in this country. We strongly urge you to adopt the Stafford-Moynihan amendment.

Sincerely,

PETER A. A. BERLE,
President.

NATIONAL RECREATION
AND PARK ASSOCIATION,
Alexandria, VA, December 28, 1987.

Re: Highway beautification.

DEAR SENATOR: An opportunity to stem the proliferation of billboard construction on America's highways will be at hand when the Senate considers, S. 185, the 1987 highway bill.

The National Recreation and Park Association urges your support for Senator Robert Stafford's amendment ending billboard construction along federal highways, banning tree removal on public lands to improve billboard visibility, eliminating federal payments to the billboard industry, and allowing states and local communities to use their own zoning laws to remove billboards.

The President's Commission on Americans Outdoors has said in its executive summary that, after walking, "pleasure driving is the most popular form of outdoor recreation" among adults. The Commission recommends that Congress authorize a program of scenic byways, providing high-quality roadside landscapes that exclude billboards.

The Commission's report supports the removal and control of billboards as part of its plan for a byways program whereby state and local governments would designate scenic roads as part of a nationally linked system. The recommendations states that "under the 1965 Highway Beautification Act, taxpayers have been asked to pay approximately $200 million for the removal of 115,000 billboards that did not meet the scenic quality criteria set up under the act. Nevertheless, according to the General Accounting Office more than 30,000 new billboards have been added to these same highways."

With over 320,000 new billboards erected since 1965, payments of tax dollars for billboard removal amounts to a subsidy of the outdoor advertising industry.

Sen. Stafford's bill contains no provisions for public expenditure, nor would it affect the property rights of land owners. It would move in a positive act to save our remaining scenic heritage.

Sincerely,

R. DEAN TICE,
Executive Director.

NATIONAL TRUST FOR
HISTORIC PRESERVATION,
Washington, DC, January 28, 1987.

Hon. ROBERT T. STAFFORD,
Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR SENATOR STAFFORD: During the 99th Congress, the National Trust for Historic Preservation supported your efforts in the Committee on Environment and Public Works to reform the Highway Beautification Act of 1965. It is my understanding that you are continuing to fight for this important reform in the 100th Congress by offering an amendment to S. 387, the Federal-Aid Highway Act of 1987.

The National Trust stands in support of your amendment as the best means for solving the problem of billboard pollution because it effectively restores to the states the power to manage their own zoning problems and ends the federal subsidy that encourages visual blight along our highways. Furthermore, it will result in a long-term reduction in the number of billboards by allowing the states to choose amortization as a means of retiring illegal and nonconforming signs, rather than rely solely on cash payments to compensate the billboard industry. It is clear that the existing just compensation requirement of the Highway Beautification Act of 1965 has, according to the Environment and Public Works Committee report language in the 99th Congress, "provided the billboard industry with a unique exemption from the exercise of State police power and has cost taxpayers millions of dollars to remove signs that could have been lawfully removed by other means." The National Trust stands behind this language, the findings of the Department of Transportation, previous court decisions, and your amendment in recognizing amortization as a valid alternative to just compensation requirements as long as such amortization schemes are reasonable.

Given the estimate of $1 billion to remove the remaining nonconforming signs along our highways, the National Trust views highway beautification reform as a necessary first step toward reasserting state control over sign removal and restoring scenic beauty along our nation's highways. It is our hope that the Senate will follow your lead and adopt your amendment as part of a comprehensive highway bill.

Sincerely,

J. JACKSON WALTER,
President.

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, January 27, 1987.

Re: Highway Bill—Billboard Reform Amendment.

SEAR SENATOR: Billboard reform is important to the League of Conservation Voters. In fact, the League's Board of Directors decided to include the House Floor vote on billboard reform on August 7 of last year as one of the key votes to be used in preparation of our annual environmental voting chart for 1986.

The upcoming vote on the Senate Floor on Senator Stafford's and Senator Moynihan's billboard reform amendment thus has a high probability of being among those included in the League's 1987 voting chart.

While we recognize the importance of the gratifyingly overwhelmingly margins by which both Houses of Congress have passed the Clean Water Act (again), we further note that the billboard issue is the first major environmental vote of the 100th Congress wherein senators will choose between special interests and the environment.

Last year, with bipartisan support, the Committee on Environment and Public Works incorporated reforms similar to Stafford-Moynihan in the highway bill that ultimately passed the Senate 99-0. Last year there was no Senate Floor vote on the billboard issue, per se. This year there will be . . . and it will be the first time in a long time that the votes of all 100 senators will be recorded on this issue.

This year, to expedite Conference action on essential transportation funding legislation, the Stafford-Moynihan Amendment modifies last year's legislation to minimize the differences between the Senate and the House.

Sincerely,

BRENT BLACKWELDER,
Chairman.
ALDEN MEYER,
Executive Director.

Hon. ROBERT T. STAFFORD,
Senate Office Building, Washington, DC.

The Garden Club of America, representing 187 chapters across the nation urges you to support Senator Stafford's amendment to the highway bill, scheduled for a floor vote on Thursday. Billboard reform is sorely overdue and needed to enhance our road system through the United States, thank you for your consideration.

Garden Club of America, Winsome McIntosh, National Affairs and Legislation Committee.

JANUARY 29, 1987.

DEAR SENATOR: As the Chief Executive officers of the major national conservation organizations, we urge you to support reform of the Highway Beautification Act (HBA) by voting in favor of the Stafford-Bentsen Billboard Reform Amendment which will be offered when the 1987 Highway Bill reaches the Senate floor.

The billboard control measures in the proposed amendment provide a reasonable and workable solution to the problem of billboard blight along our nation's highways.

The Amendment would: prohibit the construction of new billboards in environmentally sensitive areas (e.g. along rural roads, and adjacent to national parks, wildlife refuges and historic sites) but allow new billboards in urban areas; ban tree-cutting on public land when done solely to make billboards more visible; restore local government authority to regulate billboards under their own laws but retain federal cash compensation for billboard removal under the Highway Beautification Act.

These provisions are a major compromise. They do not go as far as the provisions which the Senate passed last year. Nor do they address all the problems associated with the current law. However, they do address the most serious problems caused by billboards in a reasonable and responsible manner.

Uncontrolled billboard pollution is a threat to the quality of life in America. It is eroding our natural, historic and cultural diversity and it is causing economic harm to countless communities. A vote for billboard control is a vote for environmental protection.

Now, while Congress is moving to reauthorize the highway program, is the time to reform the Highway Beautification Act. We urge your active support for the compromise provisions contained in the Stafford-Bentsen Amendment.

Sincerely,

THE FEDERAL-AID HIGHWAY BILL: MOST STATES WILL BE LOSERS UNDER HOUSE BILL

Mr. HELMS. Mr. President, as the 100th Congress begins consideration of a highway bill, there is a renewed sense of urgency surrounding it. By March 15, the State of North Carolina will completely run out of the Federal-aid highway money due my State as a result of taxes paid by North Carolinians.

If and when this happens, it will severely affect the quality and safety of North Carolina highways. In addition, it will cause the loss of thousands of jobs in the construction industry. The same is no doubt true in most other States.

Mr. President, the House has already passed a highway bill—H.R. 2. But for fiscal year 1987 alone, the House version authorizes some $1.2 billion for so-called demonstration projects in certain States. The funding of these projects will prevent many other States from receiving all of the funds they need.

I have a table prepared by the North Carolina Department of Transportation showing which States will gain and which will lose under the House version of the bill. According to the table, in fiscal year 1987, 40 States will lose funds if the House version of the bill is enacted. I ask unanimous consent that the table be included in the RECORD at the conclusion of my remarks.

Mr. President, safe highways are a high priority in every State. Uninterrupted construction and maintenance are crucial if the States are to continue to maintain safe highways. We must make a strong statement to our conferees on this bill to ensure that the States will quickly receive their full apportionment of highway funds.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PROJECTED ESTIMATED GAIN OR LOSS UNDER HOUSE VERSION (COMPARED TO SENATE VERSION) OF HIGHWAY AND TRANSIT BILL INCLUDING DEMONSTRATION PROJECTS

[In thousands of dollars]

State	Net 1987	Results	5 years	
			Net	Results
Alabama	10,743	Loss	20,215	Loss
Alaska	30,260	Loss	151,300	Loss
Arizona	8,031	Gain	40,155	Gain
Arkansas	2,031	Gain	3,045	Loss
California	45,763	Gain	214,815	Gain
Colorado	19,551	Loss	97,755	Loss
Connecticut	18,239	Gain	75,795	Gain
Delaware	21,787	Loss	108,935	Loss
District of Columbia	8,093	Loss	42,465	Loss
Florida	12,597	Loss	34,485	Loss
Georgia	8,178	Loss	8,110	Gain
Hawaii	20,921	Loss	104,605	Loss
Idaho	16,511	Loss	82,555	Loss
Illinois	44,858	Gain	102,290	Gain
Indiana	21,434	Loss	101,530	Loss
Iowa	10,272	Loss	42,360	Loss
Kansas	5,782	Loss	43,910	Loss
Kentucky	3,689	Loss	13,055	Gain
Louisiana	649	Loss	21,245	Loss
Maine	6,322	Loss	31,610	Loss
Maryland	11,416	Gain	57,080	Gain
Massachusetts	289,247	Gain	1,434,735	Gain
Michigan	3,596	Loss	33,580	Loss
Minnesota	8,225	Loss	66,995	Loss
Mississippi	15,332	Loss	76,660	Loss
Missouri	14,572	Loss	12,860	Loss
Montana	39,145	Loss	195,725	Loss
Nebraska	15,442	Loss	77,210	Loss
Nevada	19,329	Loss	108,645	Loss
New Hampshire	18,027	Loss	90,135	Loss
New Jersey	36,746	Gain	189,230	Gain
New Mexico	29,767	Loss	148,835	Loss
New York	58,156	Gain	265,780	Gain
North Carolina	41,124	Loss	185,620	Loss
North Dakota	27,559	Loss	137,795	Loss
Ohio	37,827	Loss	202,635	Loss
Oklahoma	3,714	Gain	18,570	Gain
Oregon	7,978	Loss	39,890	Loss
Pennsylvania	34,733	Gain	253,185	Gain
Rhode Island	8,628	Loss	43,140	Loss
South Carolina	10,656	Loss	43,280	Loss
South Dakota	30,596	Loss	152,980	Loss
Tennessee	28,262	Loss	141,310	Loss
Texas	107,852	Loss	570,760	Loss
Utah	26,430	Loss	132,150	Loss
Vermont	21,496	Loss	107,480	Loss
Virginia	14,015	Loss	65,075	Loss
Washington	17,481	Gain	87,405	Gain
West Virginia	2,700	Loss	8,900	Loss
Wisconsin	27,400	Loss	137,000	Loss
Wyoming	37,828	Loss	189,140	Loss
Puerto Rico	948	Loss	4,740	Loss

Note: Calculation of gain or loss based on fiscal year 1987 difference of apportionment plus 85 percent minimum allocation in Senate and House bills.

AMENDMENT NO. 10

(Purpose: To authorize appropriations for certain highways in accordance with title 23, United States Code, and for other purposes)

Mr. MOYNIHAN. Mr. President, I send the committee amendment to the desk and ask for its immediate consideration. I ask that it be considered en bloc and agreed to en bloc and treated as original text for purpose of amendment.

The **DEPUTY PRESIDENT** pro tempore. Is there objection? Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for himself, Mr. BURDICK, Mr. MITCHELL, Mr. BAUCUS, Mr. LAUTENBERG, Mr. BREAUX, Ms. MIKULSKI, Mr. REID, Mr. GRAHAM, Mr. STAFFORD, Mr. CHAFEE, Mr. SIMPSON, Mr. SYMMS, Mr. DURENBERGER, Mr. WARNER, and Mr. PRESSLER proposes an amendment en bloc numbered 10.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment reads as follows:

On page 79, after line 20, add the following:

(37) For work on U.S. 70 in the State of New Mexico from Las Cruces, New Mexico to Texico, New Mexico.

(38) U.S. Route 48 (National Freeway); Washington County, MD.—This project involves the construction of an eastbound ramp to Scenic U.S. 40 and a westbound access road from Mountain Road. It provides the opportunity to monitor the before and after impacts associated with access to commercial establishments. Data for current business trade can be compared to future indicators after access project is completed to ascertain the costs and benefits associated with the improvement and commercial vitality.

(39) MD 162 (Hammonds Ferry Road) at Popular Avenue.—Realign intersection to tie MD 162 directly into popular Avenue. Construction lanes will be added at intersection so that northbound MD 162 to westbound Popular Avenue will become a through movement.

(40) MD 162 (Poplar Avenue to MD 176).—A two-mile project to widen MD 162 from two to four lanes with left-turn movements at selected intersections. Will allow smoother traffic flow from MD 3 to Poplar Avenue.

(41) Poplar Avenue (MD 170 to MD 162).—A one-half mile project to widen Poplar Avenue from two to four lanes. Will provide freer flow of traffic from MD 162 to MD 170.

(42) MD Rte. 4 (Southern Maryland Boulevard); Prince George's and Anne Arundel Counties.—This project involves the replacement of a bridge carrying Md. Rte. 4 over the Paxtuxent River, in a sensitive wetlands and river area. The project is critical to meeting the growing traffic in the Rte. 4 corridor due to development in Anne Arundel and Calvert Counties.

(43) MD Rte. 3 at Belair Drive.—This project involves the construction of an interchange connecting these two facilities. It is needed in order to meet the growing traffic levels in the City of Bowie and also to serve the purposed University of Maryland Science and Technology Center. The project highlights the various aspects of creative financing which has enabled the advancement of a project's construction schedule.

(44) MD Rte. 197, Rustic Hill Drive to South of Amtrak: Prince George's County.—This project involves the construction of a four-lane divided highway which will provide an alternative route for traffic bypassing Bowie, Maryland. It will also improve access to Bowie State College and would demonstrate the before and after impacts of improved access to a minority college.

(45) MD 115 Relocated, Montgomery Village Avenue to Shady Grove Road Montgomery County.—This project involves the construction of a four-lane divided dualized highway. Maryland Route 115 Relocated is an important part of the proposed I-270 corridor transportation network providing access between the rapidly growing Gaithersburg/Montgomery Village area and the Shady Grove Metro Station. This improvement is needed to relieve traffic congestion on existing MD 115, MD355, and I-270.

(46) MD Rte. 213: Chester River Bridge (Queen Anne's and Kent Counties).—This project involves the rehabilitation of a bridge over the Chester River at historic Chestertown, Maryland. The project will highlight the benefits associated with a creative bridge construction technique of replacing spans with prefabricated sections at night. It would analyze traffic impacts, community impacts, construction time duration, and cost implications.

(47) MD 838 (Wye Island Road): Queen Anne's County.—This project involves the replacement of a bridge connecting Md 838 to the Wye Island Natural Resources Management Area, owned and operated by the Maryland Department of Natural Resources. The existing bridge is obsolete; the new bridge will be designed to be compatible with its natural setting. For example, it will have a timber deck, similar to the existing bridge.

(48) In Lawrence, Kansas, a by-pass project which is a model for its cost-sharing arrangement and economic development goals.

(49) In Wichita, Kansas, the replacement of a conventional intersection of two heavily travelled streets at Kellogg and Oliver with a new low-cost European fly-over design for the interchange.

(50) In Olathe, Kansas, the 119th Street Interchange to correct a dangerous interchange.

(51) In Emporia Kansas, a new Prairie Street overpass to overcome existing flood conditions.

(52) In Kansas City, Missouri, the South Midtown Roadway, a north-south route on the Federal-aid Primary System.

(53) In St. Charles County, Missouri, a bypass highway to connect an east-west Interstate route with the Interstate beltway around St. Louis, Missouri.

(54) A segment of north-south highway on the Federal-aid Primary System from the vicinity of Carthage, Missouri, to the boundary between the States of Arkansas and Missouri, in the vicinity of Noel, Missouri, increasing the number of lanes on such segment from two to four.

(55) A 106-mile highway on the Federal-aid Primary System in Missouri, beginning in the vicinity of Columbia and ending in the vicinity of Lancaster.

(56) To reconstruct and rehabilitate the Eugene Talmadge Memorial Bridge, a functionally obsolete bridge which is located in Savannah, Georgia, and crosses the Savannah River.

(57) Highway bridge at Lock & Dam 4 near Pine Bluff, Arkansas.

(58) In the vicinity of Jonesboro, Arkansas, for the construction of four grade separations on a four-land bypass route for demonstrating methods of improving highway safety.

(59) In the State of Arkansas on a segment of a north-south highway on the Federal-aid primary system from the vicinity of the junction of Interstate routes I-40 and I-540 to the boundary between the State of Arkansas and Missouri in the vicinity of Bella Vista, Arkansas.

(60) In the vicinity of Fort Smith, Arkansas, to widen a segment of the Federal-aid urban system and improve signalization.

(61) Interstate connector from I-95 near Florence, South Carolina, to U.S. 17, north of Myrtle Beach, South Carolina, to allow increased access to the Grand Strand.

(62) The South Carolina portion of the Bobby Jones Expressway by-pass from I-20 near North Augusta, South Carolina, south across the Savannah River into Georgia, where it connects with I-520.

(63) Replace the Highway 30 bridge across the Missouri River between Blair, Nebraska and Missouri Valley, Iowa.

(64) U.S. 75 North Central Expressway Extension.—Combines several individual projects which involve construction of additional lanes, more efficient interchanges, and improved bridge structures for added capacity and safer travel on a Federal-aid Primary System highway. Improvements to this major North-South route in north central Texas near Dallas would cover 15.4 miles of highway from Interstate 635 in Dallas County to State Highway 121 in Collin County. Cost of the project is estimated at $134.5 million.

(65) Interstate Highway 30 Interchange ("West Leg")—Ft. Worth, Texas.—Reconstructs and widens a critical interchange involving major, heavily traveled East-West and North-South Interstate Highways (IH 30 and IH 35, respectively).

(66) The demonstration of the state of the art highway technologies on U.S. 220 Blair County, Pennsylvania.

(67) The New Sewickly project, located in the townships of New Sewickly and Conway, Pennsylvania. To construct a two-lane highway between the two municipalities.

(68) The Basin Street Railroad Crossing. To secure funding for a railroad grade crossing project in Allentown, Pennsylvania.

(69) The Southern Expressway project in Pittsburgh, Pennsylvania. To enable traffic to bypass airport and local roads that access the Pittsburgh Airport.

(70) The Ebsenberg Bypass. To divert traffic from Route 219 in Ebsenberg, Pennsylvania, to a 5.1 mile relocated segment.

(71) The Chadville, Pennsylvania interchange project, located in Franklin County. To relieve traffic congestion at an exisiting interchange on a north-south interstate route and to provide access to Chambersburg, Pennsylvania.

(72) The Chadville, Pennsylvania highway project. To relocate and reconstruct a 3.5 mile segment of the Federal-aid primary system from the vicinity of Chadville, Pennsylvania, to Fairchance, Pennsylvania.

(73) The Kittanning-Brookville, Pennsylvania project. To reconstruct approximately 30 miles of a two-lane on the Federal-aid primary system between Kittanning and Brookville, Pennsylvania.

(74) The Johnstown Flood National Memorial project. To upgrade a narrow, 1.3 mile access road to the Johnstown Flood National Memorial, near Johnstown, Pennsylvania.

(75) A highway project to demonstrate methods of improving highway safety by making improvements to a road providing direct access from the Fort Campbell Military Reservation to the City of Clarksville, Tennessee.

(76) Ferry Street Bridge—Eugene, Oregon. A preliminary engineering study to plan and design alternatives for this heavily traveled bridge.

(77) The restoration of the Martin Luther King bridge connecting the metro east area in Illinois and St. Louis, Missouri.

(78) U.S. Route 30 Bridge—Iowa. Construct a bridge on U.S. Route 30 to replace a 56 year old structure which is too narrow to be utilized by motor carriers.

(79) The Cline Avenue/I-94 Interchange in East Chicago, Indiana.

(80) Cline Avenue Interchange Improvement Project in East Chicago, Indiana for the reconstruction of an intersection of Cline Avenue and the Borman Expressway.

(81) Hammond Railroad Relocation Project in Hammond, Indiana to complete acquisition of right-of-way and construction of the Homan Avenue underpass to improve transportation and economic benefits to the community.

(82) Lafayette Railroad Relocation in Lafayette, Indiana to reroute rail traffic to a single corridor with few crossings reducing the threat posed to the safety of the local citizens by over 40 rail-highway intersections.

(83) U.S. 59 Highway Corridor in Texas, from Texarkana to Houston to Beeville.

(84) Construction of the New River Parkway in West Virginia, a two-lane scenic highway through the New River Gorge National River area connecting with Interstate 64.

(85) West Calcasieu Parish Access Road and on and Off Ramp.—The project would provide for an access road which parallels Interstate 10 at Sulpher, La., in West Calcasieu Parish, to provide access to and from the Interstate system for said access road.

(86) Liberty/Laurel Overpass—Texas. This project would connect two one-way streets to Phelan Blvd. over I-10 in Beaumont, Texas.

(87) To improve the Peachtree Industrial Boulevard from I-285 to S.R. 141 in Atlanta, Georgia.

(88) Highway 98—Baldin County, Alabama. This project would widen Highway 98 for the rapid emergency evacuation of individuals in the vicinity of Fairhope and Foley, Alabama.

(89) Highway 98—Mississippi. This project would widen Highway 98 in a 14.7 mile section in the vicinity of Hattisburg, Mississippi.

(90) Bridge—Patton Island, Alabama. This project would be to construct a bridge across the Tennessee River in Lawderdale and Colbert Counties in Alabama.

(91) Mason County, Michigan. U.S. Route 10/31 and 31 in the county of Mason, Michigan.

(92) For a new route from Los Alamos, New Mexico to Santa Fe, New Mexico.

(93) A highway project in Minden, Louisiana to construct a frontage road which provides Minden, Louisiana alternative access to a highway immediately connecting to a highway on the Interstate system.

(94) This project concerns the relocation of Highway 61 in Dubuque, Iowa, and the broadening of the highway south from Dubuque to DeWitt, Iowa.

(95) To construct a connecting road of approximately 3600 feet between Liberty Street and Mass. Highway 21 in Belchertown, Mass.

(96) A study to determine the feasibility of constructing a four-lane highway out of a two-lane segment of Route 219 between Somerset, Pennsylvania, and the border of the State of Maryland.

(97) A study to determine the feasibility of constructing a four-lane highway out of two-lane segment that connects Route 56, near Johnstown, Pennsylvania to Route 22.

(98) A study to determine the feasibility of making Route 22 between Ebensburg and Pittsburgh, Pennsylvania completely four-lane.

On page 67, line 10, insert after "bridges" the following: "highway revenue and cost responsibility,"

Mr. MOYNIHAN. Mr. President, I move the adoption of the amendment.

The DEPUTY PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 10) was agreed to.

Mr. SYMMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I see our distinguished and always welcomed colleague from Maryland has risen. I look forward to hearing her remarks.

Ms. MIKULSKI. I thank the Senator from New York for yielding.

The DEPUTY PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Thank you, Mr. President.

Mr. President, I rise in strong support of S. 387, the Federal Aid Highway Act of 1987.

I commend the leadership on both sides of the aisle for their expeditious bringing of this legislation to the floor.

As I travel through Maryland, among the most consistent concerns raised by mayors, county executives, business officials, and working people is the need for a sound transportation infrastructure.

Whether it is Baltimore County or Cumberland, Upper Marlboro, or Rockville, people tell me we need adequate highways and byways, improved beltways and subways, both today and for the future.

The legislation before us today makes a much-needed and long overdue step to reach that goal.

S. 387 will free billions of dollars in Federal highway aid that States and localities desperately need to complete existing highway projects, and begin those projects needed for the future.

It guarantees that our country's transportation needs will be met with a minimum of delay and disruption. In addition, this measure makes the kind of public sector investment which generates private sector development and jobs.

This measure is particularly important to Maryland. As one of thousands of area commuters who travels daily to our Nation's Capital, I have first hand experience of the transportation problems we face in the Baltimore-Washington corridor.

Without quick passage of this legislation by the Congress, the State of Maryland, under the leadership of our new Governor, William Donald Schaefer, will not be able to start on key projects in every portion of our State.

In fact, unless there is prompt, final approval to this measure, 31 projects, valued at more than $110 million to the State will not be started this year. We must not miss another important paving season.

The net result: Added frustration for thousands of Maryland residents because of strains placed on our infrastructure from enormous population growth and development.

In addition, up to 7,000 Marylanders who may have had jobs on these projects during the 1987 construction season will go without work.

Among the Maryland projects which will begin in 1987 with passage of this bill are:

Major rennovations to I-270 in Montgomery County at the Maryland Route 189 interchange;

A major extension of Route 702 in Baltimore County to ease congestion and rush hour delays on Back River Neck Road;

Upgrading of Route 50 and relocation of Route 197 in Prince Georges County; and

A host of resurfacing and repair projects in western and southern Maryland, the Eastern Shore, and in both major metropolitan areas.

Mr. President, S. 387 will provide Maryland with over $275 million in each of the next 4 years to meet its highway and mass transit needs.

I commend the leadership of the Environment and Public Works Committee for working to bring the bill to the floor so promptly.

To our chairman, the distinguished Senator from North Dakota, QUENTIN BURDICK, for taking such early action on this bill.

To the chairman of the Water Resources and Transportation Subcommittee, DANIEL MOYNIHAN, for this insight and expertise in helping the committee reach a consensus on the bill's major issues.

To the committee's ranking member, Senator STAFFORD of Vermont, and the subcommittee's ranking member, Senator SYMMS of Idaho; without their hard work and dedication in the previous Congress we would not have moved on this bill so early in 1987.

Finally, Mr. President, I want to commend the members of the Banking Committee who have worked on the mass transit legislation which will be added to this bill later in the floor debate.

In particular, I want to thank my distinguished colleague and friend, the senior Senator from my State of Maryland, PAUL SARBANES, for his diligent and excellent work on mass transit funding. Through his efforts, the State of Maryland will get over $65 million annually in mass transit funds.

This success in times of great fiscal austerity demonstrates once again how Senator SARBANES has worked to make Maryland transportation infrastructure second to none.

Mr. President, I urge my colleagues to support this bill and to help the committee move this measure through the Senate quickly.

AMENDMENT NO. 11

(Purpose: To amend the national maximum speed limit law)

Mr. SYMMS. Mr. President, I call up an amendment I have at the desk and ask for its immediate consideration.

The DEPUTY PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho (Mr. Symms), for himself and Messrs. Burdick, Baucus, Bentsen, Cochran, Daschle, DeConcini, Gramm, Grassley, Hecht, Humphrey, McCain, McClure, Melcher, Nickles, Simpson, Wallop, Wilson, and Bingaman, proposes an amendment numbered 11.

Mr. SYMMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment reads as follows:

At the end thereof add a new section as follows:

Sec. . (a) Subsection 154(a) of title 23, United States Code, is amended—

(1) by inserting "other than a highway on the Interstate System located outside of an urbanized area of fifty thousand population or more, (2) a maximum speed limit on any highway within its jurisdiction on the Interstate System located outside of an urbanized area of fifty thousand population or more in excess of sixty-five miles per hour" immediately after "hour"; and

(2) by renumbering "(2)" as "(3)" at the two places "(2)" appears.

(b) Subsection 154(f) of title 23, United States Code, is amended by inserting "on public highways with speed limits posted at fifty-five miles per hour" immediately after "hour".

Mr. SYMMS addressed the Chair.

The DEPUTY PRESIDENT pro tempore. The Senator from Idaho.

Mr. SYMMS. Mr. President, this amendment is identical to the speed limit amendment which passed the Senate, and was adopted by a vote of 56 to 36 last year. It allows the States the authority—I want to emphasize that it allows the States and does not direct the States the authority—to raise the speed limit up to 65 miles an hour on rural interstates outside an urbanized area of 50,000 population or more. The amendment is cosponsored by the distinguished chairman of the Environment and Public Works Committee, Senator Burdick, and by Senators Baucus, Bentsen, Cochran, Daschle, DeConcini, Gramm, Grassley, Hecht, Humphrey, McCain, McClure, Matsunaga, Melcher, Nickles, Simpson, Wallop, and Wilson.

This amendment has broad bipartisan support, and I hope the Senate will vote it up as it did last year so that we can go to conference in a strong position because there is opposition to this in the other body. We have to work out some agreement with the other body.

It is a modest proposal. That is the first point I would like to make to my colleagues. It is a modest proposal to reform the national maximum speed limit.

Adoption of this amendment would not raise the speed limit on a single mile of rural interstate; but would grant State officials the authority to do so if they determine that certain miles of rural interstate highway in their jurisdiction can be driven safely at speeds higher than 55 miles per hour.

As I indicated last year, organizations of highway users and State officials from around the country have adopted policy statements and resolutions supporting legislation that goes at least this far to return the regulation of speed limits to the States. Among those important organizations is the American Association of State Highway and Transportation Officials [AASHTO], which represents the transportation departments of the 50 States, the District of Columbia, and Puerto Rico. The AASHTO policy position, approved by more than a two-thirds vote of all AASHTO member departments, reads as follows:

> The Congress should amend the 55 mph law to allow the States to establish up to a 65 mph speed limit on rurual limited access freeways, as the States may find appropriate.

I believe, Mr. President, that it is important to Members to review the position of our own State department of transportation officials when considering such important transportation issues. They are the ones, after all, that are running the State DOT's in the 50 States, and are on the ground with the people working daily with these problems. I think they are in the best position to make that judgment.

In addition, efforts to modify the national maximum speed limit have received the strong endorsement of the President of the United States. After Senator Hecht and I met with him to discuss the speed limit issue last year, President Reagan sent me the following letter, dated August 15, 1986:

> Dear Steve: I enjoyed our meeting this week, and the opportunity to review with you the issue of reforming the current national speed limit laws.
>
> As I told you on Monday, I believe that the time has come to restore greater authority to the States in this area. To that end, I welcome proposals like those you and Senator Hecht have offered, or other reasonable reforms that would provide States enhanced ability to regulate highways within their jurisdictions.
>
> As a former Governor, I have great confidence in the sensitivity of the Governors to the need for protecting public safety, and know that they will exercise with the greatest of care whatever level of control is ultimately returned to them.
>
> Thanks for your leadership on this issue.
>
> Sincerely,
>
> Ronald Reagan.

I am pleased the President has stated in writing his strong belief that State officials can and should be trusted to regulate speed limits in a manner consistent with the need for public safety. This amendment is only a modest step in that direction, but it is a step nonetheless. If the States are allowed greater authority to regulate speed limits, I believe Congress soon will share the President's confidence in the ability of State officials to exercise their increased responsibility with the utmost regard for public safety.

The Emergency Highway Energy Conservation Act, which established the 55-mile-per-hour national maximum speed limit, was enacted to conserve fuel during the 1973 Arab oil embargo. With the exception of a short period during World War II, the Federal Government had never before intervened in the States' responsibility to determine speed limit policy.

A 1984 study conducted by the Transportation Research Board [TRB], entitled "55: A Decade of Experience," concludes that the national maximum speed limit has served its original purpose. The amount of motor fuel saved in 1983 as a result of the 55-mile-per-hour speed limit was estimated at 167,000 barrels per day or about 1 percent of total consumption.

The TRB study also concludes that 55 has reduced the number of annual highway fatalities by 2,000 to 4,000 fatalities per year. While the authors of the report make it clear that any estimate of the safety benefits of lower speed limits are based on a number of assumptions which may or may not be accurate, I do not think anyone doubts that a lower speed limit on some of the Nation's highways has indeed saved lives. The questions presented here are: First, whether or not safety can be maintained on some highways if the speed limit is posted higher than 55 and second, whether or not the States can be trusted to make that judgment with a reasonable concern for public safety. I believe the answer to both of these questions is yes, and I offer this amendment based on that understanding of the issues involved.

The TRB report also indicates the 55-mile-per-hour speed limit requires about 1 billion additional hours of passenger time annually. While it is difficult to assign a dollar value to this additional travel time, clearly it represents some economic loss in terms of reduced productivity.

The cost in terms of employee hours and funds expended by law enforcement agencies in an effort to enforce the 55-mile-per-hour speed limit is also significant. The lack of driver compliance and the threat of funding sanctions have forced States to devote an extraordinary amount of time and money monitoring speeds on roads posted at 55. Some States deploy up to 85 percent of their officers on 55-mile-per-hour roadways in an attempt to reduce the rate of noncompliance and, thereby, protect themselves against the loss of highway funds—not the loss of life, but the loss of highway funds. This effort takes personnel, equipment, and funds away from other important enforcement efforts, for example, operations to stop drunk driving, like bar-closing times on Friday nights and Saturday nights, in many areas having officers on duty offering to help and assist sometimes with the threat of them picking up people and keeping the drunks off the highways. That is the way to save the lives.

Despite a nationwide increase in enforcement efforts, the rate of noncompliance continues to grow. In 1985, five States reported noncompliance rates at or above 50 percent—at which point they become subject to funding sanctions, and based on preliminary data, six States are out of compliance for 1986.

The Administrators of the Federal Highway Administration and the National Highway Traffic Safety Administration recently notified the Governors of Maryland and Vermont that while their States were out of compliance for fiscal years 1984 and 1985, the previously withheld highway apportionments would be released because the States appear to be in compliance for fiscal year 1986. A similar letter was sent to the Governors of New Hampshire and Rhode Island because those States were out of compliance in fiscal year 1985 but appear to be back in compliance for fiscal year 1986.

The two Administrators also have notified the Governor of Arizona that they will continue to withhold 1 percent of Arizona's fiscal year 1986 noninterstate highway funds for failure to comply with the national maximum speed limit law during fiscal year 1984. In addition, Arizona may lose more highway funds for lack of compliance in 1985 and apparent lack of compliance in 1986.

While highway funds are not being withheld from Maryland, Vermont, New Hampshire, and Rhode Island because those States appear to have met the 50-percent compliance requirement for fiscal year 1986, it should be noted that, respectively, they reported a fiscal year 1986 noncompliance rate of 49.8 percent, 48.0 percent, 49.9 percent, and 49.1 percent. Beefed up enforcement efforts and generous adjustments of speed monitoring data have combined to bring these States just barely into compliance for fiscal year 1986.

The lack of driver compliance is particularly notable on rural interstates. In 1985, more than 75 percent of drivers on those roads exceeded the speed limit, and the noncompliance figures are more than 85 percent on rural interstates in at least eight States.

These statistics are not surprising when one considers that the Interstate System was designed for travel at 70 mph and that rural interstates comprise, with the exception of urban interstates, the safest highway system in the country. The 33,910 miles of rural interstates are just 6 percent of the highways posted at 55 and they carry 19 percent of the traffic on those highways. Yet, the fatality rate on rural interstates is lower than that of any other highway system except urban interstates. In 1985, fatalities on rural interstates accounted for less than 5 percent of all highway fatalities.

Also, actual driving speeds are already well above 55 mph on rural interstates. In 1985, the average speed on rural interstates was 59.5 mph, and 23 States reported average speeds in excess of 60 mph on those highways. The 85th percentile speeds on rural interstates in 1985 was 66 mph. The 85th percentile speed is the speed at or below which 85 percent of the vehicles are traveling. It is a speed measure commonly used in the process by which speed limits are established. Thirty-seven States reported an 85th percentile speed at or above 65 mph on rural interstates in 1985.

Based on these statistics, I believe we can expect only slight increases in actual driving speeds in States which choose to raise the speed limit to 65 mph on rural interstates. Clearly, the speed at which one drives is based in large measure on the speed at which one feels comfortable driving. I do not believe for a minute that most Americans driving 65 or 70 mph on the interstates today will increase their driving speed by 10 mph if the posted limit is raised to 65. The question for most drivers is, "At what speed do I feel comfortable driving?" rather than, "How fast can I drive without getting pulled over by a State trooper?" When speed limits are posted at a reasonable level—and most highway engineers would use the "85th percentile" speed to define "reasonable"—speed variance is reduced, driver comfort is enhanced, and traffic safety is greatly improved.

I understand the concern about highway safety which many of my colleagues have raised in connection with this issue last year. As the ranking Republican on the subcommittee of jurisdiction in the Environment and Public Works Committee, I share their interest in taking every reasonable step to make travel on our Nation's highways as safe as possible. I would only repeat that, as I see it, the primary questions to be answered when considering this amendment are: First, whether or not safety can be maintained on some highways if the speed limit is posted higher than "55," and second, whether or not the States can be trusted to make that judgment with a reasonable concern for public safety. I believe both questions can be answered affirmatively, and I urge my colleagues to vote for this amendment.

Mr. President, I urge my colleagues to vote for this amendment.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mr. HEFLIN). Is there is sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SYMMS. I yield the floor.

Mr. BYRD. Mr. President, there will be no more rollcall votes today.

Mr. STAFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. Mr. President, I have supported the 55-mile-per-hour speed limit ever since it was temporarily established in 1974 as a conservation measure in response to the 1973 Arab oil embargo. The Senate voted on this issue last year and, as my distinguished colleague from Idaho said, the amendment was approved by a vote of 56-36. Undoubtedly, the outcome of today's vote will be similar to last year's vote. However, I must again oppose the amendment being offered today to raise the speed limit.

I am still convinced that the 55-mile-per-hour speed limit has contributed significantly to saving lives and conserving fuel.

According to the Transportation Research Board's study, "55: A Decade of Experience," the 55-mile-per-hour speed limit has saved 2,000 to 4,000 lives per year. This means between 1974 and 1985 between 20,000 and 36,000 people's lives have been saved. The 55-mile-per-hour speed limit has prevented an even greater number of severe injuries, and prevented between 35,000 and 62,000 less serious injuries.

While it is a fact that not everyone is driving 55, the 55-mile-per-hour speed limit remains a strong deterrent to excessive speeding. National public opinion polls taken since the passage of 55 continue to show that a large majority of American drivers support the 55-mile-per-hour speed limit, whatever speed they may be driving.

The argument has been made that increasing the speed limit to 65 will save time and provide economic benefits. The TRB study shows, first of all, that 62 percent of all trips are not work-related. Even if there is a savings in travel time of 7 hours per motorist per year, as someone has calculated, most trips are short ones and for nonwork purposes. On average, a motorist could save 3 minutes per trip. Economists argue that such small time losses have essentially no value. I think a few minutes here and there is a small price to pay to save a life.

The TRB report states that if the speed limit were raised on rural interstates, and that is the amendment pending, there would be about 500 more deaths each year. That is a terrible trade-off for the families of those killed. Without 55 altogether, there would be an additional death every 2 to 4 hours and a marked increase in serious and incapacitating injuries every hour.

Fifty-five does save lives, and, of course, it saves energy too. It is easy to forget those long, frustrating gas lines we went through in the 1970's. Energy is a limited resource. The attitude that there is plenty for us is an attitude that is irresponsible and unfair to our children and grandchildren because it is their share we will be using.

According to Department of Transportation studies, cars get from 17 to 40 percent better gas mileage at 55 than at 70. Other tests show that most trucks get up to 27 percent better gas mileage at 55.

There have been some major changes since the enactment of 55 in 1974. The size of cars has become significantly smaller. Many of these cars are not designed to handle well at high speeds. We also have a new generation of drivers who have been licensed since the 55-mile-per-hour speed limit and have never driven with higher speed limits. At the same time, we have the highest percentage ever in our population mix of those over 65 years of age.

A variety of groups continue to support the 55-mile-per-hour speed limit including the American Public Health Association, the American Insurance Association, the American Trucking Associations, and the National Safety Council.

In conclusion, I believe that the reasons for maintaining the 55-mile-per-hour speed limit far outweigh the arguments to change the law. I wholeheartedly agree with the National Safety Council's view that 55 is "still this nation's best single device for saving lives and preventing injuries from motor vehicle accidents." It is more important to get to our destination safely than not to get there at all.

So, Mr. President, with regret, as I so enjoy the friendship and work with the distinguished ranking member of the subcommittee, I must oppose his amendment, as I did last year. I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. I thank the Chair.

Mr. President, I rise in strong support of the amendment which has been proposed by my colleague from Idaho [Mr. SYMMS] which would allow States to raise the speed limit up to 65 miles per hour on rural interstate highways.

I would like to emphasize it would allow the States to raise the speed limit. It would not force them to do so.

The Emergency Highway Energy Conservation Act, imposing the 55-mile-per-hour speed limit, was a temporary measure, as pointed out by the Senator from Vermont. It was a temporary measure enacted at a time when this Nation was suffering under the throes of the most serious energy crisis in the history of this Nation.

Aside from this and temporary Federal action during World War II, speed limit policy has always been a responsibility of State and local governments. I think it is time to return to that policy, Mr. President.

Statistics indicate that lack of driver compliance with the law is particularly notable through our rural interstates.

Rural interstates are defined in this amendment as those interstate highways located outside an urbanized area of 50,000 population or more. In 1985, more than 75 percent of drivers on those roads exceeded the speed limit, and the noncompliance figures are more than 85 percent on rural interstates in at least eight States.

The cost in terms of employee hours and funds expended by law enforcement agencies in an effort to enforce the 55-mile-per-hour speed limit is also significant. In Arizona during the past 6 years, $1,578,886 has been spent over and above normal enforcement practices in trying to comply with the Federal mandate. Additionally, during this same period of time, nearly 10,000 man-hours have been spent exclusively in efforts to comply with the law. These statistics illustrate that the current law is no longer workable from either an economic or enforcement standpoint.

I will talk later in my statement about the problems engendered in our society when we pass a law which is not complied with by a majority of its population nor is it respected, as is the case with this law.

Mr. President, this amendment does not seek to reverse the irrefutable fact that reduced speed limits do save lives. What this amendment seeks to do is to allow State officials to raise the speed limit to a reasonable level on highways that comprise, with the exception of urban interstates, the safest highway system in the country.

I believe there is no one more qualified to make this judgment than State officials. Undoubtedly, Vermont and Arizona are not the same. As my colleague from Vermont knows, our States have entirely different topography, like the long stretches of straight roads uninterrupted by mountains or hills or valleys, as we have in my State. I do not suggest that the State of Vermont raise the 55-mile-per-hour speed limit. I do, however, urgently request that Vermont and other Eastern States allow us in Arizona to decide which is the safest as well as the most reasonable speed limit for our State.

There are a total of 33,910 miles of interstate highway located outside urban areas, as defined in the bill. Almost every State has some segments of rural interstate on which State officials could choose to raise the speed limit up to 65 miles per hour, under this amendment.

Rural interstates comprise only 6 percent of all highways posted at 55 miles per hour and they carry about 19 percent of all traffic on highways posted at 55 miles per hour. Additionally, the fatality rate on rural interstates is lower than that of any other highway system except urban interstates. In 1984, fatalities on rural interstates accounted for less than 5 percent of all highway fatalities.

I think that is an important number after mentioning, as I did earlier in my statement, that over 85 percent of automobiles and vehicles on these highways exceed the 55-mile-per-hour speed limit at this time.

Adoption of this amendment would make the speed limit more enforceable and allow State enforcement agencies to use their personnel, equipment, and limited funds in a more efficient and cost-effective manner. The noncompliance rate on rural interstates is a major obstacle for many States trying to meet the 50 percent compliance standard. If States are allowed to set speed limits that bear some relation to actual driving speeds on rural interstates. enforcement agencies can direct more attention and effort to other safety programs.

Mr. President, I have the dubious distinction of representing the first State in America to be fined under the present law. Our distinguished Secretary of Transportation, Mrs. Dole, enacted the most minimum fine that she could impose under the law and still be enforcing it. However, these much-needed taxpayers' dollars, which should have been, in my view, returned to Arizona and spent under the Federal Highway System for interstate roads which are so critical to us as a rapidly growing State are now denied to us. Additionally there is every likelihood there will be more fatalities on the substandard highways and byways we are being required to use instead of the interstates which could have been built with this much-needed money.

I believe it is also important for us to recognize that if Americans are subjected to laws which they neither believe in nor comply with, it is very difficult for us to expect them to comply with other laws. What does a parent tell a child when he or she is exceeding the 55-mile-per-hour speed limit and the child makes note of the fact? If this occurs, it should not surprise any one of us when young Americans follow this example and they, in turn, go out on the highways of America and exceed those same speed limits. I believe if we are to expect our citizens to comply with the law, we must enact realistic laws. This law may not be unrealistic for some parts of America but it is totally unrealistic for my State and many others west of the Mississippi.

I urge my colleagues, from a sense of fairness, a sense of equity, a sense of safety and, indeed, in a spirit of allowing our individual States to decide what is best for its citizens to approve the amendment of the Senator from Idaho [Mr. SYMMS].

I thank the Chair.

Mr. MOYNIHAN. Mr. President, I congratulate the Senator from Idaho and the Senator from Arizona for a very temperate and reasoned exposition of a case that clearly can be made. I hope to offer some remarks not in rebuttal but to offer an alternative view of this matter.

It begins with the proposition that in the course of the last 20 or so years, we have commenced to learn a good deal about the problems of automobile safety. We have gone well past that point in time which persisted for so very long when we referred to crashes of automobiles with other automobiles and with inanimate objects as accidents, as if they were something beyond our normal comprehension, an event that could not be explained.

There is nothing accidental about these events. They are incidental to a mode of transportation which puts individuals at very great risk, more than perhaps we have ever fully realized. We begin to note the variations in this incidence of high-energy transfer from a vehicle to a passenger.

There are, as we learned early in the study of the epidemiology of these matters, two collisions. One is when the vehicle collides with something external and the second when the individual passengers collide internally with the vehicle. We find uniformities across State lines and across national lines. They are surprising in that regard. We are dealing with a phenomenon of an industrial society. You can almost measure the degree of industrialization in society, as we know, between the age of one and at what subsequent age the largest source of fatality are various forms of accidents, by which we mean encounters on a sustainable level of energy—electrical, chemical, mechanical, or nuclear—that bring about pathology, trauma and morbidity.

In 1904, I believe, there were two automobiles in St. Louis, MO, and they managed to collide with injury to both occupants. We went on for many, many years seeking to change the behavior of drivers, or to trust in their competence, without thinking we were building up a driving population in which almost everyone over a very early age and unlimited old age did drive, with all the associated physical capacities or incapacities that that involves. We began to look to certain passive activities which we could build into the environment in which the passenger drove that would limit the consequences of collision.

The redesign of dashboards and introduction and mainly transfer of airplane technology—somehow airplanes have always seemed inherently more dangerous to occupy than motor vehicles. That is not at all the case, but in any event the motor vehicles lagged very much in the development of safety features, and the transfer of, for example, the seatbelt and such like worked considerably well. We found in the Interstate Highway System itself one of the single most important of the passive provisions was the separation of ongoing traffic by median barriers such that the absolutely unsustainable forces generated by a head-on collision between two vehicles were in the main eliminated simply by separating the two different directions of traffic. However, we have also learned that it is possible to modify behavior by things such as speed limit changes, and this experiment took place almost all over the industrialized world in the aftermath of the oil shock of 1973.

The distinguished Senator from Arizona is entirely correct when he observes that the 55-mile speed limit in the United States on interstate highways is not strictly observed, but I would respectfully suggest that there has always been a little penumbra above the speed limit which means we have tended to exceed it. And it is a fact that while we never did drop from 65 to 55, it went down in practice, from 65 to 58—it has gone up a little since then, but we are below 65. This has been a measurable, discernible, quantifiable change in behavior, and that change has been associated with a decline in fatalities. On that I think there is no argument.

The simple fact is that the energy transferred in a collision comes as a square of the speed. It is not a linear, but, rather, geometrical climb, such that a collision at 50 miles an hour will result in, on average, twice the fatalities of one at 40. The most significant measurement with respect to the effect of the Interstate System was that the fatality rate per hundred million miles, which was at 2.29 in interstates, dropped steadily. It has since never failed to decline year by year to 1.21, whereas on local roads not affected by this change, there has been a very slight decline, probably associated with somewhat lesser vehicle miles—you do not always know; there are always answers I do not have here—from 3.66 to 3.14. The difference is very great. We almost cut in half the fatality rate on the Interstate System. We have done very little on the others.

To just give a sense of this with the experience of some other countries, in Finland, in 1973, speed limits were cut from 66 miles an hour to 48 with a 30-percent fatality reduction. In France, the speed limit was established at 54 mph in 1973 with a 23-percent reduction. In New Zealand, the speed limit went from 55-60 mph, to 50 with a yet higher, 37 percent, fatality reduction. In Ontario, Canada, which is just opposite us on Lake Ontario, which is the industrial center of Canada, a reduction in speed from 60-70 mph to 55-60 brought a 23-percent reduction. In England, dropping the speed limit from 70 mph to 54, in 1973, brought a 43-percent daytime reduction, and then in Victoria, Australia, a large chunk of that continent, very much like Arizona and Idaho in size and distances, cutting the speed limit simply from 70 mph to 60 in 1974 brought a 42-percent fatality accident reduction.

I think these particular numbers are reported by the respected Insurance Institute for Highway Safety which acquired its first very sound methodological results under the late Dr. William Hadden, Jr., with whom I happened to be associated as a friend and colleague in State government in New York in the 1950's. I think the evidence is here. The consequences of what we do will be what they are. I do not dispute the judgments of the distinguished Senators who have spoken. I think they speak for a very considerable portion of their citizenry. I think the Senator from Arizona makes a clear case that this has been costly to his State, and I can understand why he would wish it otherwise.

On the other hand, I think we have something in place which is of value and I hope it will be kept in place. I yield the floor, Mr. President.

Mr. SYMMS. Will the Senator yield for a question?

Mr. MOYNIHAN. I will be happy to yield.

Mr. SYMMS. I pose this question, Mr. President, because I think it is worthy of our consideration. The Senator from New York made some very good points. I would give him the benefit of the doubt in that maybe some lives have been saved, but I think we have to remember also where we were and what it was like when the OPEC oil embargo hit most of the free world. There was a massive drop in the numbers of people driving on highways, so there was instantly a big saving of lives.

Whether it was all because of the speed limit or people simply were not driving because there were gas lines, that it was inconvenient, that the price of fuel had gone up, people simply got off the highways. So there was some saving of lives from people simply not driving as much. Would the Senator agree that some of those numbers are slightly skewed, that since 1974 as traffic has come back up and speeds have come back up, we have managed to control safety? We have an extensive safety program in the public schools of America today, training our young people in the safety of driving, getting people to be more cautious, to buckle up. Just in general I think Americans drive very well. We are not doing all that badly.

Mr. MOYNIHAN. I am happy to respond. They are fair questions, to which I have only hypothetical answers, but I think they are coherent.

The first of the two points the distinguished Senator makes is that in the aftermath of the sharp increase in energy costs there were fewer vehicles on the roads. Certainly there was less travel and one can assume that that meant at any given time fewer vehicles. I have never seen the quantified study, but I cannot doubt that a certain proportion of collisions are a function of density.

I can demonstrate it with some clarity, even confidence, when I say that if there is only one car on the road, it will not run into another car. Once you get two, you begin to get this problem.

At some level, density is going to contribute to collisions. That is a fair argument. I have not seen studies of controlled density. If you are a highway engineer, you know how to do it.

I admit the possibility. I admit the possibility that the use of seatbelts has gradually increased. Just how much, I do not know. But, if over this time, seatbelts and better designed vehicles led to fewer fatalities, simply in consequence of those features, then you would not have a speed effect.

Again, I have not seen the data; I do not know that it exists. But the argument is sound.

With respect to a decline in fatality rates around the country and around the world, it is interesting that when you go down from 70 mph to 50, you will get a drop of 43 percent, and from 65 mph to 60, it is about one-half of that. The case, I think, has to be made by those who think otherwise.

Mr. McCAIN. Mr. President, will the Senator yield for a question?

Mr. MOYNIHAN. I yield the floor. I do not believe we can yield one to the other.

Mr. President, in order to finish this colloquy, I believe the Senator from Arizona wishes to address a question.

Mr. McCAIN. I think the statements that the distinguished Senator from New York made are very important. He gets to perhaps the most crucial aspect, and that is saving lives. Saving one life is, of course, worth many sacrifices.

However, I ask the distinguished Senator from New York if it is not plausible and logical to believe that the elected representatives in the States could make these decisions. I am sure that the Governor of my State and the legislature and other elected representatives, including the Department of Highway Safety officials, are privy to the same information which was so eloquently described by the Senator from New York.

I would like to see them have the ability to make the decisions as to how fast the citizens of my State should drive. I do not think they should make the decision on how fast the citizens of New York should drive, nor of any other State.

I believe that one of the cornerstones of our Constitution is that we allow local government to govern where it is possible and efficient to do so.

I would like to yield back to the Senator from New York for his response as to what I think is the basic principle of the way this country functions.

Mr. MOYNIHAN. Mr. President, I say to the distinguished Senator from Arizona, who is welcome in this Chamber, that what he says seems to me to be beyond critique.

It is surely clear that the elected officials of the State of Arizona are as capable of making a wise judgment in this matter as are those at the national level. My only answer would be that this is our highway system, the Federal-Aid Highway System, so maybe we can set the limits on our roads. What the Senator says is not to be disputed. He is right.

Mr. DeCONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DeCONCINI. Mr. President, I am glad to join in the debate on the 55 mph speed limit with my colleague, Senator McCAIN.

The distinguished Senator from New York, I am sure, is aware that I am in support of the amendment offered by Mr. SYMMS. I am a cosponsor of that amendment. We were able to have that amendment adopted last year. I do not believe the views represented by this body have changed that much this year—at least, I hope they have not.

I listened to my colleague from Arizona's statement, and he eloquently made the arguments I planned to make, so I am at a loss for words. Some might say that will be the day, when the senior Senator from Arizona is at a loss for words.

On January 23, 1987, the Department of Transportation fined the State of Arizona $510,000 because motorists exceeded the 55-mile-per-hour speed limit. Arizona is the only State which has received a penalty from the DOT because of speed limit violations. While Arizona indeed admits that its own records show violations were above the 50-percent threshold, I am convinced that many other States are just as guilty as Arizona. In Arizona's case, transportation officials kept accurate records and complied with the law to the best of their ability.

Two, three, or five wrongs do not make a right. It is interesting that our State seems to have been singled out. The bulk of violations that have occurred in Arizona took place on the interstate system in rural areas away from highly urbanized zones. It makes no sense to me, Mr. President, that the Federal Government should force penalties on States where speed limit violations are in the range of 10 miles per hour above the maximum limit of 55. Research conducted since the imposition of the 55-mile-per-hour speed limit indicates that raising the national speed limit on the rural interstate system to 65 miles per hour would not pose serious safety threats to the traveling public.

The original purposes of the 55-mile-per-hour national speed limit were to reduce fuel consumption and reduce increasing fatalities on our Nation's highways. The law has met its goals. Traffic-related fatalities on the Federal-Aid Highway System have decreased and energy consumption has also fallen. However, I think we need to view the 55-mile-per-hour speed limit in the context of today's highway driving conditions. Violations in the speed limit occur most frequently on the rural interstate system. Motorists on the rural interstates already drive at speeds over the 55-mile-per-hour limit. Rural interstates comprise only 6 percent of all highways posted at 55 miles per hour yet they carry 19 percent of all traffic on highways posted at 55 miles per hour. The fatality rate on the rural interstates are lower than on other highways. Giving States the option to increase the maximum speed limit by 10 miles per hour to 65 miles per hour on the rural interstate system should have a negligible effect on driving speeds, and would eliminate enormous manpower costs associated with enforcing the speed limit on these highways.

I continue to believe the 55-mile-per-hour speed limit is valid for all other highway systems. In my judgment, statistics have not shown evidence to support changes on other Federal-aid systems. But, if we can meet our overall objectives of reducing highway fatalities and energy consumption by making a modest change in the law, we should do so. States are having a very difficult time trying to comply with the current speed limit law. Arizona has spent a significant portion of its highway safety budget trying to comply with the law and has been unsuccessful. I would rather see Arizona spend precious highway safety funds in areas where they will have larger impact on reducing highway fatalities. Using these funds to force compliance of the 55 mile per hour on the rural interstate system is not a wise use of these funds.

I heard the Senator from New York make the comparison to foreign countries. It is a very eloquent argument, and the Senator always is eloquent. It seems to me that we have a different type of problem and society than Finland—I have been there and have driven the roads in most European countries. We have vast rural areas in my State. You can literally drive for 50 or 60 miles and not come across anything but an exit to a farm, but certainly no community. We have areas in which you cannot even get off Federal land for 50 or 100 miles. You are either driving on Indian trust land or Park Service land or BLM land. In reference to this amendment, we are not talking about speeding through the cities of Phoenix, Scottsdale, or Tucson at 60 miles an hour.

This amendment, as I understand it, only permits the variance on the rural interstates. Am I correct in that?

Mr. SYMMS. The Senator is correct. It is the rural interstates, so that means interests outside the boundaries of communities of 50,000 population.

Mr. DECONCINI. I want the Senator from New York to understand that if this amendment is adopted, he has really won three-fourths of the loaf, because most of our population is in urban areas. So most of the populated areas are still going to be governed by current law and the Senator's arguments about safety and fuel efficiency will still apply.

I do not know if the Senator from New York agrees; but if he travels by automobile, as I do, around this vicinity or in his own State at 55 miles an hour, he will live in the smog of the cars and the exhaust of buses and trucks.

Mr. President, My point is——

Mr. SYMMS. Excuse me.

Mr. DECONCINI. I am glad to yield.

Mr. SYMMS. I want to hear the Senator's point.

Mr. DECONCINI. I am glad to yield.

Mr. SYMMS. I thank the distinguished senior Senator for his support on this and thank the distinguished junior Senator.

I want to say I think this is one of the first times that the junior Senator from Arizona has been on the floor and participated in the debate. He certainly is a welcome addition, and I am glad to have him here.

I have to say my colleague from New York has a good rationale position like this argument he has presented to us, and it is very thoughtful. I think we all admire that.

But I do think there is one point that we need to make. I want to say it because it is right in conjunction with what the Senator from Arizona is saying.

The actual driving speeds since 1974 have gradually increased. It is like the Senator said: They got them down to 58 and they gradually crept back up as people were pushing out and driving a little faster. Highway fatality rates have continued to decline.

I think that is a point we do not want to overlook.

There is a massive effort in this country to get people to drive more safely. If we want to really save lives, we need to get the drunks off the highway. That is a way to really save lives. I think that is a point we do not want to overlook, because if I thought, and I am sure if the two Senators from Arizona thought this was going to be mass destruction and carnage on the highways, we would not support this. I do not believe that is the case.

In my State, I would venture to say that I doubt if the speed will change substantially. It will certainly be a better life for the Idaho State policeman being asked to go out there on the highway between Pocatello and Boise and try to keep people driving below 55 miles an hour. It is a difficult thing to put them to.

I think the point we need to recognize is we are still doing well. We are making headway even in spite of the fact they are gradually driving faster.

I thank the Senator.

Mr. DECONCINI. I thank the Senator from Idaho. He makes a very convincing point which to me is overwhelming. If the speed limit goes up slightly, you do not automatically have higher fatalities. In fact, as the Senator from Idaho pointed out, they have come down.

What really bothers me is what my junior colleague has referred to and that is who is the Federal Government to tell Arizona what is safe. If we do not have the trust and the confidence in our States' elected officials to at least give them the discretion to grant a 10-mile variance on a national speed limit, we ought to go home and we ought to face up to those legislators and say "We do not trust you."

Maybe some in this Chamber feel that way about their State legislators. But, although the State legislature in my State is controlled by the other political party, I have faith in them. They are not going to grant the increased speed limit in areas which are unsafe. They are not going to increase the speed limit in the rural areas if it is unsafe. There are some areas I suspect in Arizona which are unsafe, particularly based on varying climatic conditions.

So, Mr. President, I think we are talking about a law here, when it was raised and imposed there was a necessity. As the Senator from Idaho pointed out, we were experiencing an energy crisis. We had gas guzzlers like we never had before. The situation has changed and we have demonstrated very clearly that letting the speed limit move up slightly from 55 does not cause more fatalities.

I believe there is overwhelming merit to see that this amendment is passed. I think this body ought to demonstrate that we have confidence in the State and local governments to make those speed limit decisions.

I thank the Senator from Idaho and the Senator from North Dakota for pushing this amendment. I hope that we can get a clear and overwhelming vote that will be a message to the House of Representatives that we are very steadfast in our views that we must grant some discretion in this area. It would be in the best interest of this whole country if we could.

I do not want to tell the people of New York or any other State what speed they want to drive. That is not the case. We have a law now that tells us all. We are not abandoning that.

So the good arguments the Senator from New York makes for having some control on a national highway system that belongs to all of us, not just the State that we represent, still stand.

But this is a relatively minor variance in the highway speed limit and something that is long overdue. I urge my colleagues to support it.

I thank the Senator from New York and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. EXON. I thank the Chair.

Mr. President, as the Senate knows, the Senator from Nebraska has been very active in giving the States the option to raise the speed limit on the rural interstates. I have done a tremendous amount of research on this proposition, and I am convinced that many of the scare stories that we hear time and time again with regard to how no one could be for this bill if they are seriously concerned about highway safety are simply all wet in the opinion of this Senator. They do not want to listen to the facts.

So I think my credentials from long time back have been in support of giving the States the option and I once again emphasize the option of raising the speed limit to no more than 65 miles per hour on rural interstates and rural interstates only and not, of course, Mr. President, on primary and secondary roads where the record clearly shows that over 90 percent of the highway deaths occur. Or to put it another way, it is absolutely ridiculous, Mr. President, in my opinion, if someone would look at the facts and look at the record, to say it is safe to drive 55 miles per hour on the primary and secondary roads where 90 percent of the deaths occur, and they say that is OK, but it is all right to have the same 55-mile-per-hour speed limit on a rural interstate.

Study after study, statistic after statistic, have clearly indicated that somewhere between 60 and 90 percent of the traveling public are not paying any attention to it anyway.

It seems very clear to this Senator that we should recognize the realities, that when the 55-mile-per-hour speed limit on all roads was put into effect in the early 1970's it was very clear that we had an energy crisis at that time, and it was in the national security interest of the United States to set a ridiculous low speed limit given those circumstances. That is not true today.

Having said all of that, Mr. President, I simply lay the groundwork for a question or two that I would like to ask the managers of the bill.

I was one of the leaders over the years and I was one of the leaders in the Senate last fall when we tacked this option onto the Senate version of the bill after the House of Representatives failed by some 18 or 20 votes, as I remember the figures, not to add that to their version of the highway bill. But we put it on there hoping that we could win it in conference. We did not win it in conference. There was no conference that ever amounted to anything. It was a foregone conclusion by most of the conferees that we were not going to have a bill last year and certainly the leading opponent of that in the House of Representatives, our colleague from New Jersey, said no highway bill if you are going to touch the speed limit.

Members of that conference came to this Senator knowing of my feelings and said "Would you hold up or object to passing the highway bill if we had to give that up so that we could get the highway bill out with the urgent need for construction funds to keep up and repair our highways in this Nation?"

I said "Certainly not. Let's be fair and let's be reasonable. If that highway bill is going to be held up for that reason and that reason only, I understand and I say let's give in because we need the highway bill."

My concern here then is to whether or not this is the right time and the right place for this bill that I strongly support, and I would like to ask the managers of the bill: Given the overwhelming vote in the House of Representatives against tying the option to go up to 65 miles per hour to the States was overwhelmingly defeated, as I understand it, when this version of the bill was before us, what chances do you think that we have if we are successful in passing this measure of not being forced to drop it in conferences; or, to ask the question another way, has it not already been presumed that the chances are better than 50-50 that this is an exercise in futility, this is a chance for some of us, including this Senator, that stood firmly for the increase in the speed limit to 65 miles per hour at the option of the States, to kind of look good, boy, we passed that speed limit bill again, and then it dies in conference with the House of Representatives?

If that is something that is of major concern or a major possibility, then I would say to the Senate is this the measure that we want to tack this on as strongly as many of us feel about it, or would it be wiser to wait for another time, another day?

Because I am very fearful that our friend from New Jersey, the chairman of the committee over there, has his heels dug in. One thing that I think we should all recognize and realize is that we should not tie something on this highway construction bill that is going to delay it any more than it has been already delayed.

If there is one thing that is clear, it seems to me, it is that we should have passed the highway bill last year and we could not get the job done. We should have passed the bill in January. Here it is February and we have not passed it yet. Those of us from the northern States of the Union that have a comparatively short construction season should now be in the business of letting contracts.

Therefore, the question that I am posing to the managers of the bill is: What is their best judgment on the chances of this ever becoming law with what I understand is the continued opposition of our colleagues across the hall in the House of Representatives?

Mr. SYMMS. Will the Senator yield?

Mr. EXON. I am happy to, and I will yield without losing my right to the floor.

Mr. SYMMS. I would say to my good friend from Nebraska that we have some contentious issues that we have to settle with the House. The speed limit, even though it is somewhat contentious, is much less contentious than the demonstration project differential of how to fund it.

The Senate version, as I said earlier in my remarks, we call these priority projects and we give the States the authority to build them, but we do not give them the extra money.

The House has a system in their demonstration projects where they actually put more in. They have 4 billion dollars worth of extra projects.

So it is my best guess that this speed limit amendment, as is written here, if given a vote up or down on the floor of the House, it will pass. Because when the vote was taken in the Senate, that was prior to all of the publicity and all the talk about it and all of the national attention that has been focused on raising the 55-mile-per-hour limit. It was before President Reagan came out strongly in favor of it and it was before this Senate voted strongly, by a 20-vote margin, in favor of it and all the publicity that went around the country.

So, in my view, we will pass the speed limit here. And it is, in answer to the Senator's question, the appropriate place to put it. This is the bill that is appropriate. It is legislatively correct, it is germane, and it is a bill that must pass.

So if the Senator wants to get the speed limit raised, I would urge him and appeal to him to stand with me and others and we will win this issue in the conference. I see other issues that would be harder to work out with the House. I think there will be some compromise made, I say to my good friend from Nebraska, probably in the realm of some kind of an encouragement or incentive or something to encourage the States, if they go to the 65, to require a State speed limit or some kind of minimal seatbelt legislation. That would be a compromise. It was talked about last year.

And I just think that now, with the pressure of the cement mixers of America that need to get to work building our highways, that we are in a better position in the Senate than we were last year, because there was no pressure on many Members of the House. It is quite a different matter now.

So the Highway Users Federation and Highway Users Lobby of America are putting the heat on now to get this bill passed before the American people. It is very true, it is the same in New Jersey as it is in Nebraska or Idaho or Maine or California, the pressure is going to be equally distributed to all of us. So I think it will help us and it will encourage the Senate and the House conferees to reach a compromise.

So I would say to my good friend, this Senator views this as a very serious proposition. I have been told by several Senators that, if we come back without this amendment from the House, they will filibuster the highway bill to try to instruct the conferees. So I think they are equal. This is the time for us to pass it, go on to the House with an olive branch. Maybe there is something else we can deal on, but we do not have to deal on this issue. I think there is no reason for the Senator to feel that we will not be able to get this, because if they ever give it a vote on the floor of the House, I am confident the American people will get their duly elected Congressman to vote to lift that speed limit.

Mr. EXON. Well, I thank my friend from Idaho for his explanation. But I am very fearful that he has raised more questions in my mind than he has resolved with his statement.

If, for example, this is passed in the House of Representatives, and it may well be—although it is true, is it not, that the House of Representatives defeated the option of raising the speed limit at the option of the States by only 18 to 20 votes, but is it not true that within the last 10 or 15 days the House turned around and had an overwhelming vote against it on this measure? Is that not true?

Mr. SYMMS. It was not a clear vote. They voted on a rule. What the House did is they offered a substitute rule that would have allowed them to offer a substitute amendment and so they did not win that. But they did not have a clear up-or-down vote on the speed limit.

Mr. EXON. It is my feeling that it was pretty clear.

May I ask the leader of the bill from the majority side if he shares the view expressed by our colleague from the State of Idaho?

Mr. MOYNIHAN. I thank my friend from Nebraska for being so open, as he was earlier, about what our alternatives might be.

I would beg of him the opportunity to be more evasive. If this measure passes on the floor of the Senate, we will be committed, we will be instructed, as conferees, to insist on our position. And we will insist on it. but as the experienced Senator and former Governor knows, you do not always get everything you insist on. We will follow our instructions as faithfully as we can do, and we will come back to you to your applause or your distress accordingly as we succeed.

But I think that we will all want to recognize—and the Members of the House, with respect to some things they have insisted on in the past—that we have to have a highway bill. We have got to have a highway bill. A mass transit bill, too, I would like to say.

Mr. EXON. I appreciate that. I hope that my friend from New York and my friend from New Jersey, who I see has joined us on the floor, would not impinge upon this Senator's time talking about mass transit, which is not a prime issue in Nebraska.

But I would say that I was quite concerned with the statement of the Senator from Idaho when he said that if this measure does not come back to the Senate, that there are people in the Senate who would wage a filibuster against it. Now those are the concerns that I have. I worry about that. I wish we could strip this bill of all of the amendments and just pass it as its central theme, and that is to fund highway construction.

(Mr. GRAHAM assumed the Chair.)

Mr. SYMMS. Will the Senator yield?

Mr. EXON. I will yield in just a moment when I finish my remarks.

It just seems to me that, while I believe in and strongly support this measure, I am very fearful that we are being set up, once again, to pass an option and it will go to conference and it will be traded off. I am not sure that a series of defeats necessarily assures the road to victory for a more reasonable highway speed limit.

So I am only trying to draw the question out as to whether or not this is the time and the place. I do not want this highway bill held up because of strongly held views by Members of the House, or strongly held views by those of us over here, and in our case it is the speed limit. We have to get on with construction. Therefore, I simply say I am not sure. If I thought we had a chance of passing this and it would become law, I would be enthusiastically in support of the amendment offered by my colleague from Idaho. I think he knows where I stand on this issue.

I just am wondering. I am trying to get a feeling as to whether or not we are making a step in the right direction by attaching it to this bill. In that regard, may I ask before I yield the floor why it was that this increased highway speed limit bill was not put on in committee before this came out to the floor?

Mr. SYMMS. I can answer that very easily. Because if it were put on in the Public Works Committee, then it would have allowed the Commerce Committee to ask for sequential jurisdiction and further delay the bill.

I would just say to the Senator as to his doubt about this that I have enough enthusiasm for this for both of us. We are going to go to conference and do the best job we can to come back with a highway bill. And we all feel the concern that the Senator is talking about. Every one of our States want the highway bill passed. I think there will be no issue that will be too contentious that the House and the Senate conferees will not be able to reach some sort of an agreement so we will get highway legislation passed and out to the States on very short notice from now.

But the Senator's concerns I respect, but, believe me, there is a lot of enthusiasm across the country and certainly this Senator has it, as I said, to pass this now. This is the appropriate legislation to have it attached to. It is germane. It speaks to highway safety and the general transportation of the highways. I know of no other bill coming up that would ever have a chance to become law that would give us a better chance than this particular piece of legislation.

So I urge the Senator to join with us. I think we will be able to do good work and achieve both of his goals: One is, as he has stated, to lift and relax the speed limit, and let his State of Nebraska set it somewhat on their own, at least up to 65, and second to get those highway dollars out to the State of Nebraska and other sovereign States.

Mr. EXON. I thank my friend. I am fully aware that this is an appropriate vehicle for this amendment to be attached. I recognize that it is germane. I thought I made myself clear in my earlier remarks that was not my concern. I know all of that. I am talking about whether or not this is the politically expedient moment, the politically expedient bill to get the job done that the Senator and I both seek. I will continue to listen to the debate and make up my own mind. But I do want to sound that possible warning because of those of us who very much want the States to have the option. Some of us are not sure. If we pass it here, then if it is sold out in committees, and then if that bill comes back as the Senator from Idaho has suggested and is filibustered here in the U.S. Senate, I think that would be bad not only for the road structure of the United States of America, but I think it would be bad indeed for something as important as raising the speed limit is to this Senator. I do not believe that should hold up the matter of construction of our highways.

I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Thank you, Mr. President.

I want to associate myself with the remarks made by the Senator from Nebraska when he talks about the critical issue being the passage of the highway bill. I assure our distinguished friend from Idaho that there is enough enthusiasm to pass this highway bill stripped clean of any amendments that says we are going to get to work to continue the building and maintenance of our highway system. Let us get on with it, and not confuse the issue by attaching amendments, no matter how important they are if we truly support the notion of getting the highway bill passed.

Mr. President, I rise in opposition to the amendment of the Senator from Idaho. This issue is not new to the Senate floor. We debated the merits of the 55 miles-per-hour speed limit when considering the highway bill in the 99th Congress. And, Mr. President, the merits have not changed.

The simple fact of the matter is stated on the signs along our highways. "55 saves lives."

Much of the responsibility under the Federal highway program is delegated to the States. But the Federal Government retains a most important responsibility—safety.

Above all else, it is the duty of this body to ensure that the American public can travel our highways safely. One of the most effective tools available in this effort is the 55 miles-per-hour speed limit.

Before 55, there were 4.24 deaths per 100 million miles travelled on our highways. Since that time, with 55, that rate has dropped to 2.58 deaths per 100 million miles travelled. That is a 40 percent drop.

Even though my colleague from Idaho noted highway speeds are inching up, there are other reasons for that drop in the fatality rate, and we are pleased to see it.

In terms of lives saved, the numbers are overwhelming. The National Safety Council estimates that 36,000 tragic deaths have been avoided as a result of the 55-mile-per-hour speed limit. Each year, as many as 82,000 injuries, many of them critical, are avoided.

With enactment of this amendment, the Council estimates that some 500 additional lives will be lost on our highways each year. All for the sake of a few minutes saved.

And where will it stop? The next step may be to get rid of 55 altogether. That would be an even more tragic step. The National Safety Council projects that 2,000 to 4,000 additional deaths will take place on our highways if that happens.

We in this Chamber respond to many tragedies. Recently, I chaired a hearing on the Amtrak-Conrail collision which took 16 lives. The accident was truly a tragedy. The Nation joined the victims' families in grieving the loss, and we are searching for ways to prevent future accidents. Well, Mr. President, with this amendment, the Senate would be going the wrong way. The Senate would be taking a huge step backward. We know the way to prevent accidents on our highways. And we should not abandon it.

The loss of one or two lives on a rural highway is no less tragic to the families involved than if those deaths occurred in a midair collision of two jets or on a railroad train. Just as it is our duty to ensure the safety of our traveling public while they are in planes, or on trains, it is our duty to protect them on our highways.

Mr. President, the supporters of this amendment will argue that it is a States rights issue. That the Federal Government does not have the right to set a national speed limit. But I say that the Federal Government not only has the right, but the responsibility to do so.

We are not here just to represent our individual States. Each of us have a responsibility. We are here to establish and promote sound national policy. Policy that protects the American people, and is in the public's best interest. The 55-mile-per-hour speed limit is such a policy.

Polls indicate that the majority of Americans support 55. A 1986 Gallup Poll indicated that 66 percent of the population supported 55. Additionally, 79 percent agree that 55 saves lives.

It is a fallacy to presume that a speed limit of 65 would be observed any more closely than 55. The Department of Transportation has been lax in its enforcement. There is no reason to assume that this would change. With 55, the actual average speed on our highways is more like 60. With 65, average speed would approach 70 miles per hour.

High speeds endanger everyone, not just the speeder. I certainly agree that the enforcement mechanism needs to be altered, to focus attention on truly high speed violations. But getting rid of 55 altogether would be a mistake. Raising the limit will only result in less safe highways, and more needless traffic deaths.

Mr. President, I am fully aware of the sentiment of many in this body to allow the raising of the speed limit on our highways. I hope that they are looking beyond the shortsighted view of those wanting to save a few minutes of traveling time, and are taking a close look at the facts. For every mile over 55, there is an increased risk of being involved in a crippling or fatal accident. That is the question before us. Not whether we are going to allow people to drive faster. But rather, are we going to allow thousands of lives to be lost each year on our highways for the sake of saving a few minutes?

Once again, Mr. President, I restate, the highway bill has universal acceptance in this and the other body as well. If we are serious about getting highway construction underway, about getting the maintenance performed that needs to be done, we ought to strip this bill of amendments and not conceal the fact that we are trying to improve the situation by adding this 55-mile-an-hour change. If we seriously believe that that change ought to be made, let us do it independently. Bring it up and let it stand on its own merits. Do not tack it onto a piece of legislation that is being cried for in every State of this country, including the State of New Jersey which I represent.

We have a chance to do it. It has been long in coming. I would urge my colleague from Idaho, and as so eloquently expressed by my colleagues from New York and Nebraska, to move along with the highway bill. Let us not clutter it up with anything else that we know or conjecture will be received one way or another in the House.

Mr. President, I urge my colleagues to oppose this amendment.

The PRESIDING OFFICER. Does the Senator from New Jersey yield the floor?

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, the more I listen to this debate the more confusing it becomes. When I hear statements by my good friend and colleague from New Jersey that would lead the Senate to believe that those of us who want to give the States the option to go up to 65 miles per hour are inviting wholesale additional deaths on the highways, I wonder if my friend from New Jersey knows the percentage of deaths on the highways of the United States for the year 1985. I wonder if he would state if he knows what those percentages are of the total percentage of deaths on the rural Interstate System as opposed to the broad category of highway deaths that I believe the Senator from New Jersey would concede were the thrust of his remarks, therefore not pertinent to the argument and the discussion of giving the States the option to raise the speed limit.

Does the Senator from New Jersey have the percentage of highway deaths on the Interstate System nationwide as compared to the total highway deaths?

The PRESIDING OFFICER. Does the Senator yield for an answer?

Mr. EXON. I yield for an answer to my question.

Mr. LAUTENBERG. I would say that, no, I do not have the precise percentages, but I do have some information in front of me that I think is relevant. I see that the 10 States with the highest fatality rates on rural interstates in 1984 were some of the important States in our country with substantial mileage classified as rural interstate. Arizona, which had a very poor rating of compliance, evidenced by the fact that it received $510,000 worth of fines for noncompliance, is fourth in death rates on rural interstate highways. That suggests some kind of a correlation that persuades me that, though I do not have the precise numbers that the Senator asked for, that as we increase speed, we do several things. We inadvertently encourage more deaths per miles traveled and we encourage more injuries per miles traveled and, furthermore, we encourage consumption of energy that we have seen costing our country enormous sums of money in recent months. We have seen $1 billion a month added to the cost of imported oil when we have an incredible trade deficit.

To concede to my colleagues from the West, I am willing to engage in the debate just as they are, but let us do it in an environment that does not cloud things or suggest that the highway bill is all important but we are willing to play with it, to delay it and take the risk that it will not sail through as we would like it to.

I would encourage us to have the debate independent of this issue.

Mr. President, I think we ought to fess up here and decide whether or not we want a highway bill to go through here or do we want a highway bill that will have all kinds of appendages tied to it that will detract from our avowed purpose of getting the highway bill going through.

Mr. EXON. I thank my colleague from New Jersey, Mr. President. Let me answer my own question.

Less than 10 percent of all the highway deaths in 1985—and this has been true for years—occurred on the Interstate System. That means, Mr. President, that 90 percent of all the deaths occurred on the non-Interstate System, the primary- and secondary-road systems of the United States.

But the Senator from New Jersey and others on this floor, and the so-called safety experts, ignore that fact when they get in front of the U.S. Senate and they cite figures as to how many lives have been saved by the reduction in the speed limit.

We know that is true, but we also know, Mr. President, that it is the primary and secondary road systems where over 90 percent of the deaths occur.

So my colleagues in the Senate are not confused, the amendment offered by the Senator from Idaho, the same one that this Senator has offered previously and has supported, does not touch, has no effect upon whatsoever, the speed at which 90 percent of all the deaths in the United States occurred during the year 1985. Therefore I think it is not fair, it is not reasonable, and it does not contribute to constructive debate, I suggest, to cite highway death figures when you lump the Interstate System and the primary and secondary road systems, which the amendment before us, and which this Senator has supported in the past, does not touch, the 55-mile-per-hour speed limits where 90 percent of the deaths on the highways of America occur.

So that is a phony argument.

Mr. SYMMS. Will the Senator yield for a point on that?

Mr. EXON. Yes, but I will not yield the floor.

The PRESIDING OFFICER. Does the Senator yield?

Mr. EXON. I yield for a brief statement.

Mr. SYMMS. The point is quite right about less than 10 percent of the fatalities. But even to make it more dramatic, we are asking for such a meager point here, Mr. President. We are only asking for rural interstates.

On the rural interstates, less than 5 percent of the traffic fatalities occurred in 1985. So it is even more dramatic than the Senator's point.

That means that 95 percent of the traffic fatalities—if we change this authority, we are only talking about highways where less than 5 percent of the fatalities occur, where 19 percent of the traffic is traveled on those roads, incidentally. So the record of safety is already pretty well proven.

May I say one other thing to the Senator—because I hear him very well when he talks about not adding things to this bill that are going to confuse the issue.

The Banking Committee has jurisdiction over the transit or UMTA funds. There is a great concern from this administration over the formula. They want to end the Transit Discretionary Program and administer the transit share of the program equitably by formula. As the Senator knows, in his State and my State, we are not getting much back from the 1 cent per gallon that we pay on the transit. We do rather well on the 8 cents per gallon that the highway users pay. But on the 1 cent we pay for transit, we do not get much back. Most of it goes to just a few States.

The administration is shopping around for someone to offer an amendment on the floor to change that formula. If it becomes an issue, the administration has said that they think it should be made more fair. This Senator has not been trying to get anyone to offer it; this Senator has been trying to discourage that. But I say to the Senator from Nebraska, if the administration pushes their point, they may very well decide to veto this bill over the fact that the formula distribution on a 1-cent-per-gallon tax that our taxpayers pay that goes into the transit fund has never been distributed the way it was asked for when this bill originally passed in 1982, in the Reagan administration. If the President pushes that issue, there are certainly more than half of the Senators in this Chamber whose States come out on the short end of that stick on the 1-cent per gallon and could force that issue. So to the Senator from New Jersey and others who have been pushing the transit section, that could end up being more contentious than the speed limit question.

I thank the Senator for his observation. I think we should recognize that we have several other contentious issues to deal with on this legislation. I just hope we will be able to work it all out.

I thank the Senator.

Mr. EXON. I thank my friend. Let me close, Mr. President, by refreshing our minds. There is so much confusion about facts and figures. The figure that my friend from Idaho just used is so accurate: Less than 5 percent of the deaths do occur on rural interstates. But I always try to compare apples with apples and oranges with oranges, because all too often, the opposition to this do not. I was using less than 10 percent because that is the accurate figure on all interstate highways, both urban and rural.

The Senator from Idaho makes an excellent point. If one ever stops to wonder about the volume of traffic in the United States of America, where is the volume of traffic? Obviously, it is on interstates. Yet on both rural and urban, still we have deaths of only 10 percent.

Those who are seriously concerned about highway safety, what they should be doing here is offering an amendment to drop the speed limit from 55 to 45 or 40 on all the roads—at least on the primary and secondary roads. I say again, Mr. President, that is where 90 percent and more of the people are killed.

I do not mean that they are not sincere. I simply mean that they have their facts all mixed up. I think it is wrong for us either to pass legislation or not pass legislation on scare tactics and phony scare figures that are advanced on a cause.

My last statement is that in Nebraska in 1985, there were about 141 deaths—do not hold me to that exact figure. But of that some 140, less than 5 percent were killed on all of the interstates, rural and other, or a total of 11 persons. In those accidents where that less than 5 percent of Nebraskans were killed in 1985, speed—speed, Mr. President—was not cited by the patrol in a single case of traffic fatalities on the interstate.

When one recognizes that an Interstate System is a divided two-lane highway, where head-on collisions are all but eliminated, with controlled entrances and exits, and compares the safety of that road at 10 miles per hour faster than all of the primary and secondary roads—which are two-lane highways, where death from a head-on collision is divided by 2 or 3 feet—one has to wonder at those who try to say that 55 miles per hour is the proper speed on a highway of the interstate class that is built for reasonable speeds, and not the primary and secondary roads where 90 percent of the people are killed.

Mr. President, I yield the floor.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Mr. Robert Malakoff and Mr. Andrew Valentine of the Banking Committee staff be granted privilege of the floor during consideration of S. 387, the Federal Highway Act, and all rollcalls thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. I thank the Chair.

Mr. CHAFEE. Mr. President, I am pleased that the Senate will soon be able to act on this legislation to reauthorize the Federal-Aid Highway Program for the next 4 years. This measure remains one of the major pieces of unfinished business of the 99th Congress. Since the Highway Program technically expired last October, a number of construction and repair projects across the country have been halted. Projects will be postponed and construction jobs jeopardized unless this legislation is approved swiftly.

During the past 4 years highways across the country have benefited from the increased funding made possible by the 1982 Highway Act, which increased the gasoline tax by 5 cents per gallon. According to a recent report of the Department of Transportation, the steady deterioration of highways prior to 1982 has been halted. The funding authorized in this bill will continue to improve the quality of our transportation system.

This legislation takes a thoughtful and realistic approach to the challenge of meeting our Nation's highway needs in an era of budgetary constraints at the Fedearal level. It also enables us to look beyond construction of the Interstate System—which is almost 98 percent complete—to other highway needs. A number of changes are included in the bill to increase the spending flexibility of the States, making the program respond better to State and local highway priorities.

While providing funds for completion of the Interstate System, the bill will also assist States, like Rhode Island, that have completed their interstate segments. This legislation continues the policy of apportioning to every State a minimum of one-half precent of the interstate construction funds. It also combines the interstate construction, interstate repair, and primary highway categories into a new interstate-primary category. This will enable those States whose interstate segments are completed to concentrate on other neglected routes.

In addition, the bill provides increased flexibility for States which receive funds in the interstate substitution program. This program, enabling States to transfer unused interstate highway apportionments to alternative projects, is playing an important part in Rhode Island's long-term road improvement plan. This bill will enhance the program by expanding eligibility to any public road, rather than only those roads on the current Federal-aid system, and deleting the Federal deadline for project approval. These modifications will help the States respond better to changing highway needs.

The interstate substitution category will be further enhanced by a provision which I sponsored during the committee markup to permit the use of these funds for bicycle projects. States are already permitted to use Federal funds in the primary, secondary, and urban categories for bicycle projects. This provision will also give States the option of utilizing their interstate substitution funds for this purpose.

This will further encourage the development of alternative transportation systems to reduce traffic congestion, promote energy conservation, and reduce auto pollution emissions. The State of Rhode Island has plans underway for the establishment of a bicycle path along the Blackstone River, linking several cities in the northern part of the State. This provision will expand the funding options available to the State in carrying out this project.

S. 387 also authorizes a new modified block grant program on a demonstration basis. Up to 10 States will participate in this initiative, enabling them to administer the secondary, urban and off-system bridge programs with greater flexibility. We must begin to look ahead to the structure of the Highway Program beyond the completion of the Interstate System in 1990. It makes sense for us to begin testing the feasibility of turning over greater responsibility to State and local officials for the allocation of highway resources.

Rhode Island Gov. Edward Diprete has strongly supported the concept of an enhanced role for the States in administering the Highway Program. I believe this block grant initiative will be an important first step in demonstrating the advantages of giving more authority to the States. Rhode Island would be ideally suited to participate, and it is my hope that the Secretary will give Rhode Island priority consideration when the program gets underway.

I hope this legislation can be approved swiftly so that the conference discussions can go forward and the funds released to the States as soon as possible.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. CRANSTON. Mr. President, will the majority leader yield?

Mr. BYRD. Yes, I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from California is recognized.

THE DEATH OF REPRESENTATIVE SALA G. BURTON

Mr. CRANSTON. Mr. President, I send a resolution to the desk regarding the death of Representative SALA BURTON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution.

The legislative clerk read as follows:

A Senate resolution (S. Res. 96) relative to the death of SALA G. BURTON, of California.

S. RES. 96

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Sala G. Burton, late a Representative from the State of California.

Resolved further, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved further, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Representative.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRANSTON. Joining me in that resolution is my friend and colleague, Senator PETE WILSON.

Let me say something now, and I shall say more later about SALA BURTON.

She and her husband, Phillip Burton, were long time, close, personal friends of mine. Over many, many years, we were in grassroots politics, in electoral politics, and in public office in California, in Sacramento, and nationally.

Phillip Burton was a great leader in the House of Representatives, a great environmentalist, a great worker in the vineyards and elsewhere, for equal opportunity for all people, for peace, and for many great causes. When he died, a special election was held and SALA BURTON, his widow, was, in effect, elected by acclamation to succeed him in the House. Where she has served with great dedication and brilliance in all the causes that inspired her husband, that inspired her, and that have inspired so many of their constituents and so many other Californians and national and world citizens who were aware of the Burton team, the Burton dedication, the Burton accomplishments.

SALA was appointed to the Rules Committee and served with great distinction on that vitally important committee in the House of Representatives. We shall all miss her. We all have profound respect for her accomplishments and for her husband's before her.

I thank the Chair.

Mr. SYMMS. Mr. President, will the Senator from California yield?

Mr. CRANSTON. I yield.

Mr. SYMMS. Mr. President, I join the Senator in my sympathies to the Burton family, particularly to former Congressman John Burton.

I say to the Senator from California that when I came to Congress, Phil Burton was a power to be reckoned with on the House Interior Committee. He always treated those of us on the low end of the Republican side of the table with great deference and fairness in operating things in the Interior Committee. I always felt that I really cut my teeth there as to how an honest politician operates, and I think Phil Burton fit that mode.

It is an end to an era with the passing of his wife. He truly was a political leader who could get things done in the House and would come to those of us who had completely different views on issues.

I always had the highest feelings for Phil and SALA. We differed on many philosophical issues, but we worked closely on that committee.

Mr. CRANSTON. I thank the Senator.

They were indeed a team. In all the years that Phil was the leader, SALA was his companion and compatriot and collaborator. She carried on that work alone with great distinction.

Mr. MOYNIHAN. Mr. President, I wish to express a measure of condolence to our beloved senior Senator from California, who is clearly deeply moved by the loss, first, of Phil Burton and now of SALA. They were part of his life in a very special way. He would want to know that they were part of the life of this Nation as well. You could not be aware of public events in the 1960's, 1970's, 1980's without thinking of those two.

We have some sense of what you have lost.

Mr. CRANSTON. I thank my friend from New York for his remarks, which, as always, were thoughtful and eloquent.

Mr. WILSON. Mr. President, first I wish to thank my friend and colleague from California [Mr. CRANSTON] for the resolution he has submitted memorializing the very sad and untimely death of our colleague, SALA BURTON. I will take just a moment or two to add personal recollections, personal observations.

Often in the heat of politics those of different parties find a personal relationship strained and genuine divisions, real differences in philosophy often actuate personality clashes, but I do not think that very many people who were privileged to know SALA BURTON came away from the experience without feeling for her a genuine respect and affection. She was someone who, although a partisan, often put personal relationships with her fellow legislators above mere partisanship and what I know she put above all else was service to her city, because I was privileged to work with her on a number of common concerns. She was San Francisco's greatest lobbyist. I will not forget the many times that she called and told me how important it was either that there be a breakwater or a new building or some other requirement which would improve the quality of life for her constituents, and in doing her duty she reflected the great pride that she felt in representing San Francisco. I think a great deal of her success came from the genuineness of that conviction and also the fact that she genuinely liked people, whether they were Republicans or Democrats, not that she was a Pollyanna. I have heard her express some opinions about people, even those in her own party, with which I felt compelled to agree.

But she was a genuine San Franciscan, a genuine politician in the best sense of that word. She was a great support to her husband Phil.

Senator SYMMS, recounting his own early experiences in Congress, I think has paid a deserved tribute to the late Phil Burton.

I did not have the privilege of serving with him either in the State legislature or in Congress beyond the few brief months that he was here in that session in which his life ended.

I must say that I had all too brief a time of service with SALA. She was warm, she was caring, she did have a sense of humor, and she I think understood something very basic about American politics. That is that those who are privileged to be elected to represent whatever constituency owe it to their constituency and colleagues and themselves to work hard at the job, but to be quite human about it, to recognize that the importance that you attach to a project may not be shared and that you owe it to the colleagues to take special pains to make it clear.

She did that. I think that she enjoyed a rather remarkable success in her rather too brief span of service here.

In addition to admiring her and having a great affection for her, I think that many of us will genuinely miss her presence. She brightened whatever room she came to. She has been described as grandmotherly. Well, she did have a genuine warmth about her that I think made people instinctively warm to her.

So, with Senator CRANSTON, Senator MOYNIHAN, and Senator SYMMS and others, let me add my voice in saying of her, a job well done, and a warm, caring, and very able colleague whose memory will not fade from ours. She is someone who did well by her family, who made her city proud and I think can make us proud regardless of whatever party.

With that, Mr. President, I will relinquish the floor and hope that Congress is fortunate enough to have many SALA BURTONS from now on into the future.

I thank the Chair for the courtesy in permitting me to interrupt the debate and particularly thank the Senator from Idaho.

Mr. SYMMS. I thank the distinguished Senator.

Mr. President, I might just say, as I said earlier, that it really marked the end of an era, but I hope that I truly misspoke myself when I said that with the loss of both Phil and SALA BURTON. I hope that Congress has many, many more people come here who have the integrity to their colleagues and to their constituents and their ability to work within the committee system and in the system of legislation that the late Phillip Burton had.

I did not have the privilege of working with SALA in the House. I hope it was not the end of an era but that some of the new Members coming here could learn from the experience of talking how oldtime politicians and in the best sense of the word, as the Senator from California said, the late Phil Burton used to work on that House Interior Committee. It was a marvel. He had great integrity to his work.

He and I differed philosophically as much as any two members of the committee but he was of great help to my constituents.

I know if my senior colleague were here he could agree with that. He preceded me on that Interior Committee.

Phil Burton did many things for my constituents so that we could get things that we needed through that committee, because of the vast acreages of Government land in our State; 63 percent is owned by the Federal Government.

I shall be forever grateful for that experience and I hope that we have many more people with that kind of personal political integrity coming to Congress in the future.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 96) was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:12 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 60. A resolution relative to the death of the Honorable Sala Burton, a Representative from the State of California.

REPORTS OF COMMITTEES SUBMITTED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of January 29, 1987, the following reports of committees were submitted on January 30, 1987:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 83. A bill to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances (Rept. No. 100-6).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOREN, from the Select Committee on Intelligence: Special Report entitled "Preliminary Inquiry into the Sale of Arms to Iran and Possible Diversion of Funds to the Nicaraguan Resistance (Rept. No. 100-7).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 427. A bill to amend the Consolidated Farm and Rural Development Act to create a secondary market for sound mortgages secured by farm real estate and guaranteed by the Farmers Home Administration, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TRIBLE (for himself, Mr. COHEN, and Mr. WARNER):

S. 428. A bill to enact the "Tributyltin-Based Antifouling Paint Control Act of 1987"; to the Committee on Environment and Public Works.

By Mr. DURENBERGER:

S. 429. A bill to amend the Tax Reform Act of 1986 to delay for 2 years the exception for certain technical personnel from certain rules for determining whether an individual is an employee or independent contractor for employment tax purposes; to the Committee on Finance.

By Mr. METZENBAUM (for himself, Mr. RUDMAN, Mr. BRADLEY, and Mr. SIMON):

S. 430. A bill to amend the Sherman Act regarding retail competition; to the Committee on the Judiciary.

By Mr. METZENBAUM (for himself, Mr. DECONCINI, and Mr. SIMON):

S. 431. A bill to amend the Clayton Act regarding partnerships; to the Committee on the Judiciary.

By Mr. METZENBAUM:

S. 432. A bill to amend the Clayton Act regarding mergers; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 433. A bill for the relief of Olga Sellares Barney and her children Christian Sellares Barney, Kevin Sellares Barney, and Charles Sellares Barney; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 434. A bill for the relief of Doctor Pablo Esguerra, Theresa Esguerra, and Micheline Esguerra; to the Committee on the Judiciary.

S. 435. A bill for the relief of Ayrton Oliver Reid; to the Committee on the Judiciary.

By Mr. KASTEN:

S.J. Res. 40. Joint resolution to give special recognition to the birth and achievements of Aldo Leopold; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRANSTON (for himself, Mr. WILSON, and Mr. WIRTH):

S. Res. 96. A resolution relative to the death of Representative Sala G. Burton, of California; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 427. A bill to amend the Consolidated Farm and Rural Development Act to create a secondary market for sound mortgages secured by farm real estate and guaranteed by the Farmers Home Administration, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARM MORTGAGE GUARANTEE ACT

Mr. GRASSLEY. Mr. President, today I rise for the purpose of introducing legislation which would set up a secondary market for farm loans. I call this legislation the "Farm Mortgage Guarantee Act." It is very similar to legislation which was introduced by a colleague of mine in the other body, and now former Congressman, Cooper Evans of Iowa, in the last Congress.

As the troubles of the Farm Credit System deepen, the need for a secondary market for farm loans becomes greater. If lenders could sell farm real estate loans on the secondary market, it would encourage more agricultural lenders to provide long term financing for the purchase of farm land.

Currently, commercial banks do not make long term real estate loans and some insurance companies have pulled out of the farm lending business. The only alternative for many borrowers is the Federal Land Bank where there are typical 30-year loans. A secondary market for farm loans would have the effect of giving individual farm borrowers access to the national capital markets and thus allowing them to borrow money at lower rates. The secondary market for residential mortgage loans has helped millions of Americans to own homes. I would also like to have that same principle apply to agricultural lending as well. A secondary market for farm real estate loans would give farm borrowers an affordable alternative to the Federal Land Bank.

Not only would farm borrowers benefit from the creation of a secondary market, but there would be significant benefits for the lender as well. The lenders would benefit from increased liquidity because with a secondary market they would be able to recover in a few months what would take them decades to recover under normal repayment schedules. Lenders would also boost their profits with loan origination fees. When a bank sold its farm loans on the secondary market, it would further enhance its profitability by being able to make new farm loans, which in turn would generate new fees.

My bill, the "Farm Mortgage Guarantee Act," provides that after banks and other retail lenders make farm land loans, they be able to pool these loans and sell them to "Aggie Mae," a revolving fund administered by the Farmers Home Administration [FmHA]. Aggie Mae would then sell the loan pools or package the loans and sell them as mortgage backed securities to institutional investors. The enticement for investors is that Aggie Mae will guarantee the investment, thus making Aggie Mae securities a risk-free proposition.

This legislation also calls for the creation of a farm real estate insurance fund. The insurance fund would require an initial appropriation of $100 million and would guarantee the investment of purchasers of Aggie Mae securities. The insurance fund will be credited with all fees charged on loans sold to Aggie Mae by lenders. When the amount in the insurance fund exceeds an amount equal to 5 percent of the aggregate value of the loans for which a guarantee is in effect, the amount in excess of 5 percent will be transferred to the Treasury until the $100 million appropriation has been repaid.

Then, at that point, no real cost or any potential cost to the taxpayers.

The Aggie Mae revolving fund will be capitalized by pooling existing FmHA loans on which the borrowers are current and selling them to institutional investors. The proceeds from the sale of these loans would be used by Aggie Mae to purchase loans from banks and other lenders. From that point forward, Aggie Mae would become a self-supporting revolving fund. Loan quality will be assured by requiring the Secretary of Agriculture to certify that there is adequate collateral securing the loan and that the borrower has a sufficient cashflow to repay the loan.

Other Members of Congress have also introduced secondary market legislation, and there are many different ways a secondary market for farm loans could be structured. It is possible that a secondary market could be set up without Government guarantees and congressional action, and I would encourage the banking trade associations and the Farm Credit System to continue their discussions on this issue. In the meantime, "The Farm Mortgage Guarantee Act" is a starting point, and I look forward to working with my colleagues to explore this issue further, and to result in some legislation that will help us curb the very rapidly declining farmland prices and the panic that that brings to the farm economy.

Mr. President, at this point I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farm Mortgage Guarantee Act of 1987".

SEC. 2. PURPOSE.

It is the purpose of this Act to encourage agricultural lenders to provide long term financing for the purchase of agricultural land by providing a secondary market for sound mortgages that are adequately secured by farm real estate and guaranteed by the Farmers Home Administration.

SEC. 3. FARM MORTGAGE GUARANTEES.

The Consolidated Farm and Rural Development Act is amended by adding after section 352 (7 U.S.C. 2000) the following new section:

"SEC. 353. FARM MORTGAGE GUARANTEE.

"(1) FARM REAL ESTATE LOANS.—The Secretary may purchase or repurchase under this section any qualifying farm real estate loan or an interest in the loan.

"(2) TERMS AND CONDITIONS.—The Secretary may make such purchases on such terms and conditions as the Secretary considers appropriate.

"(3) FEES AND CHARGES.—The Secretary may charge to sellers of loans under paragraph (1) such fees and charges as the Secretary determines to be necessary.

"(4) QUALIFYING FARM REAL ESTATE LOAN.—For the purposes of this section a loan is a qualifying farm real estate loan if—

"(A) the loan is initiated by an approved federally or State chartered commercial bank, savings and loan association, credit union, mutual savings bank, mortgage banker, cooperative lending agency, or other legally organized lending agency, including an institution of the Farm Credit System established under the Farm Credit Act of 1971 (12 U.S.C. 2001 et. seq.) or an insurance company;

"(B) the Secretary finds that the loan is secured by adequate collateral in the form of farm land to ensure low risk of loss of principal by the maker of the loan or the successor in interest of the maker;

"(C) the Secretary finds the borrower to have sufficient resources or cash flow to ensure a high probability that the borrower will be able to maintain payments in accordance with the terms of the loan contract; and

"(D) the loan meets such other requirements as the Secretary may impose.

"(b) LOAN GUARANTEE.—

"(1) SECURED LOANS.—the Secretary shall guarantee, with respect to principal and interest, any loan or interest in any loan purchased under subsection (a) on such terms and conditions as the Secretary finds to be prudent and that will assure an adequate market for the purchase of loans so guaranteed.

"(2) FMHA LOANS.—The Secretary may guarantee a farm real estate loan held by the Farmers Home Administration that meets the requirements of subsection (a)(4)(B) and (a)(4)(C) or any other farm real estate loan or interest in such loan that meets the requirements of subsection (a)(4)

"(c) FMHA LOAN SALES.—A loan or interest in such loan guaranteed under subsection (b) and held by the Farmers Home Administration may be offered for sale by the Secretary on such terms and conditions as the Secretary finds appropriate.

"(d) SECURITIES BACKED BY LOANS.—The Secretary may sell, resell, purchase, and repurchase securities backed by loans or interests in loans guaranteed under this section.

"(e) LOAN AGENTS.—

"(1) SERVICING LOANS.—The Secretary may contract with any person to act as an agent to perform functions necessary for the ongoing servicing of a loan as the Secretary may direct.

"(2) OTHER FUNCTIONS.—The Secretary may contract with any person to act as an agent to perform functions necessary for the purchase, repurchase, sale, and resale of qualifying farm real estate loans or an interest in such loan as authorized by this section, or for the ongoing servicing of a loan or interest in a loan sold under the provisions of this section as the Secretary may direct.

"(f) FARM MORTGAGE REVOLVING FUND.—

"(1) ESTABLISHMENT.—There is established the Farm Mortgage Revolving Fund (hereinafter in this section referred to as the 'Revolving Fund') consisting of such amounts as may be appropriated or credited to the Revolving Fund.

"(2) REVOLVING FUND CREDITS.—The Secretary shall credit to the Revolving Fund—

"(A) all sums received by the Secretary from the sale of loans under this section;

"(B) any interest earned from the investment of a part of the Revolving Fund under paragraph (4);

"(C) all principal and interest payments received by the Secretary on loans being held for sale under this section; and

"(D) all fees and charges the Secretary directs to be charged to sellers or buyers of loans under this section that the Secretary finds should be credited to the Revolving Fund.

"(3) AVAILABILITY OF AMOUNTS.—Amounts from the Revolving Fund shall be available—

"(A) for the purchase or repurchase of loans or interests in loans under subsection (a);

"(B) for paying the costs of administering this section, including the cost of services authorized by subsection (e); and

"(C) for the purpose set forth in subsection (g)(4).

"(4) EXCESS DEMAND DEPOSITS.—If the Secretary determines that the Revolving Fund contains demand deposits in excess of current needs, the Secretary shall invest such excess in obligations whose principal and interest are guaranteed by the United States.

"(g) FARM REAL ESTATE INSURANCE FUND.—

"(1) ESTABLISHMENT.—There is established the Farm Real Estate Insurance Fund (hereinafter in this section referred to as the 'Insurance Fund').

"(2) APPROPRIATIONS.—There are authorized to be appropriated $100,000,000 to the Insurance Fund to be available without fiscal year limitation.

"(3) INSURANCE FUND CREDITS.—Execpt as provided in paragraph (5), the Secretary shall credit to the Insurance Fund—

"(A) all fees or charges the Secretary directs to be charged sellers or buyers of loans under this section that the Secretary finds should be credited to the Insurance Fund; and,

"(B) any interest earned from the investment of Insurance Fund amounts under paragraph (7).

"(4) TRANSFERS FROM REVOLVING FUND.—The Secretary shall transfer to the Insurance Fund such funds from the Revolving Fund as the Secretary determines are necessary to carry out paragraph (5).

"(5) DISCHARGING OBLIGATIONS.—Amounts from the Insurance Fund shall be available, as provided in advance by appropriations acts, for discharging obligations of the Secretary to guarantee loans under subsection (b)(1).

"(6) AMOUNTS PAID TO TREASURY.—The Secretary shall pay the amounts described in paragraph (3) into the general fund to the Treasury during any period if—

"(A) the amount in the Insurance Fund exceeds an amount equal to 5 percent of the aggregate value of loans and interests in loans for which a guarantee is in effect under subsection (c); and

"(B) until an amount equal to any amount appropriated under subsection (g)(2) to the Insurance Fund has been repaid.

"(7) INSURANCE FUND HOLDINGS.—The Insurance Fund shall be held in the form of demand deposits and obligations whose principal and interest are guaranteed by the United States.

"(h) LOANS NOT GUARANTEED.—No loan shall be guaranteed under this section if the loan amount exceeds 70 percent of the most probable price that a property securing the loan should bring as determined by the Secretary at the time the loan is guaranteed.

"(i) PROGRAM TERMINATION.—The authority of the Secretary to guarantee a loan under this section shall terminate on December 31, 1991, except that a guarantee made prior to that date shall remain in effect for the life of the loan.

"(j) REGULATIONS.—The Secretary of Agriculture shall promulgate regulations necessary to carry out this section.".

By Mr. TRIBLE (for himself, Mr. COHEN, and Mr. WARNER):

S. 428. A bill to enact the "Tributyltin-Based Antifouling Paint Control Act of 1987"; to the Committee on Environment and Public Works.

TRIBUTYLTIN-BASED ANTIFOULING PAINT CONTROL ACT

● Mr. TRIBLE. Mr. President, I introduce today legislation to suspend the use of highly toxic marine paints containing tributyltin [TBT] until the Environmental Protection Agency determines such paints do not pose an unacceptable hazard to the marine environment.

Today over 70 percent of the world's commercial and recreational ships are painted with the antifouling paint known generally as organotin. This antifouling paint, which contains biocide tributyltin [TBT], is extremely effective in eliminating barnacles and other fouling organisms on vessels. This leads to lower operating and maintenance costs and reduced fuel consumption.

TBT paints, however, may also have a lethal effect on marine and freshwater life. EPA is now conducting a special review of TBT compounds because the Agency has determined that this highly toxic substance may present "unreasonable risks to nontarget aquatic organisms such as mussels, clams, oysters, and fish."

I am deeply concerned about the harmful effects TBT paints pose to marine life and public health and believe that it is important to act now and limit the use of these paints until EPA is able to complete its lengthy review process.

The United States lags far behind other nations in regulating this toxic compound. France, England, and Japan all have limits on the use of TBT. Germany and Switzerland have totally prohibited its fresh water use.

TBT paint can generally be classified in two categories based on how the TBT compound is incorporated into the paint coating. In copolymer paints TBT is chemically integrated within the matrix and releases the TBT at a steady rate. Free association paints have TBT mixed in freely and tend to dump the toxic compound at a high rate when first put into the water. Everyone agrees that free association paints are bad, but some copolymer paints also leach at unacceptably high rates.

Therefore, this legislation suspends the use of all marine paints that release large concentrations of the toxic TBT compound—release rates greater than 0.5, ±20% micrograms per square centimeter per day as certified by EPA—regardless of how the TBT is incorporated into the paint matrix. The suspension will remain in effect until EPA determines which TBT paints pose an unacceptable hazard to the marine environment. The enactment of this legislation will immediately reduce the amount of TBT introduced into the marine environment and make the world safer for water life and people.

Mr. President, this is an emergency situation we face. TBT levels found in the Chesapeake Bay and other waterways around our country are alarmingly high. Something must be done now to reduce the levels of this highly toxic compound. This bill is supported by the Chesapeake Bay Foundation and the Environmental Policy Institute and is cosponsored by Senators COHEN and WARNER. I commend it to the attention of all my colleagues, and ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Tributyltin-Based Antifouling Paint Control Act of 1987".

DEFINITIONS

SEC. 2. As used in this Act, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "steady-state release rate" means that rate measured after the initial 30-day exposure to seawater of a freshly painted surface, which remains constant over a four-week period at ±20%, as measured in accordance with procedures specified by the Administrator;

(3) "vessel" includes any ship, boat, watercraft or other marine structure (whether or not private, commercial, public, or military); and

(4) "person" means any individual, corporation, partnership, or other entity

FINDINGS AND PURPOSE

SEC. 3(a) The Congress hereby finds that:

(1) more than 70 percent of the worldwide commercial shipping fleets and recreational boats are painted with an antifouling paint known generally as organotin;

(2) this antifouling paint, which contains the biocide tributyltin (TBT), is extremely effective in eliminating barnacles and other fouling organisms;

(3) the elimination of fouling growths on vessels is highly benefical for operating capability and leads to lower operating and maintenance costs and substantial fuel consumption reductions;

(4) laboratory studies and data show that TBT is highly toxic and potentially lethal to marine and freshwater organisms at very minute levels and the Environmental Protection Agency has determined that their continued use may present unreasonable risks to nontarget aquatic organisms such as mussels, clams, oysters, and fish; and

(5) organotin paints which release organotin at steady-rates not greater than 0.5 micrograms per square centimeter per day are available from United States paint manufacturers, and provide long-term protection from fouling, while significantly reducing the impact on the environment.

(b) The purpose of this Act, subject to section 4, is to immediately reduce the quantities of tributyltin in the marine environment by prohibiting the use of antifouling paints containing tributyltin which have a release rate greater than 0.5, ±20% micrograms per square centimeter per day as certified by the Administrator of the Environmental Protection Agency.

PROHIBITION

SEC. 4. (a)(1) The use by any person in the United States of paints containing tributyltin as an antifouling paint for the painting of any vessel is prohibited if such paints have a steady-state release greater than 0.5, ±20% micrograms per square centimeter per day as certified by the Administrator. Any person who uses, or permits, authorizes, or orders the use of, any such paint shall be in violation of this section and subject to a civil penalty in accordance with section 5 of this Act.

(2) The Administrator shall determine the steady-state release rates at which organotin paints do not pose an unacceptable hazard to the marine environment and shall publish such rates in the Federal Register.

(b) On and after the date on which such rates referred to in subsection (a) of this section have been published in the Federal Register, the prohibition set forth in subsection (a) of this section shall not be applicable to the use of any such paint which is in compliance with such rates so published.

CIVIL PENALTIES

SEC. 5. (a) Any person who uses, or permits, authorizes, or orders the use of, any paint in violation of subsection (a) of section 4 shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each such violation. Each day such a violation continues shall, for purposes of this section, constitute a separate violation of subsection (a) of section 4.

(b) A civil penalty for a violation of subsection (a) of section 4 shall be assessed by the Secretary of the Interior (hereinafter referrerd to in this section as the "Secretary") by an order made on the record after opportunity (provided in accordance with this section) for a hearing in accordance with section 554 of title 5, United States Code. Before issuing such an order, the Secretary shall give written notice to the person to be assessed a civil penalty under such order of the Secretary's proposal to issue such order and provide such person an opportunity to request, within 15 days of the date the notice is received by such person, such a hearing on the order.

(c) In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, economic benefit to violation resulting from such violation, any history of prior violations, the degree of culpability, and such other matters as justice may require.

(d) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which may be imposed under this section. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(e) Any person who requested in accordance with subsection (b) a hearing respecting the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 30-day period beginning on the date the order making such asessment was issued.

(f) If any person fails to pay an assessment of a civil penalty—

(1) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with subsection (e), or

(2) after a court in an action brought under subsection (e) has entered a final judgment in favor of the Secretary,

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 30-day period referred to in subsection (e) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.●

● Mr. COHEN. Mr. President, my good friend and colleague from the State of Virginia, Senator TRIBLE, and I are introducing legislation today to prohibit the use of certain highly toxic marine paints containing the chemical tributyltin [TBT].

Organotin is an effective, tin-based antifouling compound used in paint. TBT is the active ingredient in organotin-bearing paints. It is used to keep ship hulls free from barnacles, sea grasses, and other fouling organisms that may damage or increase friction on the hull. The increased friction requires more power and hence more fuel to maintain ship speed. Increased fuel consumption means higher operating costs. Navy officials estimate that fleetwide use of TBT copolymer paints would save $150 million per year in fuel costs and $5 million in maintenance once the entire fleet is so treated. TBT is superior to copper-based paints that were used in the past because it extends the duration of the antifouling action. A majority of the worldwide commercial shipping fleets and pleasure craft are painted with organotin-bearing paints.

While there may be substantial economic benefits derived from the use of TBT based antifouling paints, there are potentially severe environmental and human risks. The Environmental Protection Agency [EPA], the Navy, the Virginia Institute of Marine Science, the States of Maine, Maryland, Virginia, Florida, North Carolina, and California, and several environmental groups have voiced such concerns. Others are joining the debate daily.

The principal concern is not whether organotin-bearing paints kill the organisms that foul a ship's hull. Rather, concern centers on whether the organotins leach out of the paints into the water at rates and toxicity levels that contaminate or kill nontarget aquatic organisms such as clams, shrimp, oysters, crabs, lobsters, and fish.

Last year, Senator TRIBLE and I introduced a sense of the Senate resolution urging the EPA to accelerate its investigation into the environmental and health effects of organotin-bearing paints. While organotin-bearing paints are presently registered with the EPA as pesticide antifouling compounds, many of these compounds were registered for use over 25 years ago. More recent studies raise new and troubling questions about the acute and chronic toxicity of these compounds even at extremely low concentrations, and their potential transmission into the food chain.

Biological damage by organotin leaching from boat bottoms has been noted in other countries. In 1982, France banned the use of TBT on boats under 25 meters—80 feet—in length. French scientists noted that oysters in and around boat moorings and marinas were found to have abnormal shell growth, reduced reproducion rates, and mutations in oyster larvae. Evidence of these abnormalities was no longer present following the prohibition.

In 1985, William Waldegrave, England's Junior Environmental Minister, stated that he had "seldom been faced with clearer scientific evidence of the need for environmental action—and fast; that the apparent tendency of organotin-bearing paints to stunt the growth of Britain's pacific oyster is just the visible tip of a potentially massive environmental iceberg." England is now regulating the use of TBT. In addition, Japan has regulated the use of TBT, and Germany and Switzerland have prohibitions on freshwater use.

Mr. President, preliminary findings seem to confirm the suspicion that contamination levels that are adverse to our marine resources may be present at some marinas and shipyards in this country. Very high levels of TBT were recorded in the Chesapeake Bay last summer. These high readings have led many scientists to conclude that we must, without delay, take whatever steps are necessary to reduce the levels of TBT being introduced into our marine environment.

Mr. President, a large part of my strong concern about the dangers involved in this compound relate to Maine, a State with a long coastline, thousands of boats, and tens of thousands of individuals and families whose livelihood depends on a clean and productive marine environment. Few States would be as adversely affected by any unhealthy side effects of this organotin-bearing paint as Maine, and the interests of my State and all coastal States are clearly at stake here. Any coastal area with recreational, commercial, or naval activities has the potential for being so affected.

I applaud EPA's efforts to determine the potentially harmful effects these highly toxic pesticides of the organotin family of compounds may have on estuarine marine life and public health. I strongly urge the EPA's Office of Pesticide Programs to continue its special review to determine as quickly as possible how much TBT is present in our oceans, bays, rivers, and marinas, and what level of TBT concentration is dangerous to our Nation's marine resources and public health.

EPA's review is well underway, but far from complete. The legislation we are introducing today is urgently needed. It would significantly reduce the impact of TBT on the environment by suspending the use of antifouling paints containing TBT that have unacceptable release rates as certified by the Administrator of the EPA. The suspension would remain in effect until such time as the EPA completes its special review and certifies steady-State release rates generated by organotin paints which do not pose an unacceptable hazard to the marine environment.

I urge my colleagues to join Senator TRIBLE and me in supporting this legislation.●

By Mr. DURENBERGER:

S. 429. A bill to amend the Tax Reform Act of 1986 to delay for 2 years the exception for certain technical personnel from certain rules for determining whether an individual is an employee or independent contractor for employment tax purposes; to the Committee on Finance.

EMPLOYMENT TAX DETERMINATION

● Mr. DURENBERGER. Mr. President, I am today introducing legislation that would delay for 2 years the effective date of section 1706 of the Tax Reform Act of 1986. This legislation is vitally important to the thousands of technical service personnel whose status as employees or independent contractors is currently in limbo.

Section 1706 of the Tax Reform Act was adopted without a single minute of debate in the Senate Finance Committee or on the Senate floor. Indeed, some might contend that section 1706 was a mere afterthought which was included in the Tax Reform Act solely for the purpose of raising revenue to pay for a wholly unrelated amendment. Yet in the process, we have caused unwarranted confusion and certainty for engineers, designers, drafters, computer programmers, systems analysts, and other technical services personnel.

Mr. President, the classification of a worker as an independent contractor or employee has generally been determined under certain common law tests. But in 1978, Congress created a safe harbor for certain workers, including technical service personnel, when an employer had a reasonable basis for treating someone as an independent contractor. Even though the Senate Finance Committee never considered the issue, the Tax Reform Act eliminated the safe harbor for technical service personnel.

My legislation would delay for 2 years the implementation of section 1706. This would enable the Senate Finance and Ways and Means Committees to hold hearings on the classification of technical services personnel and make a reasoned decision as to how these workers should be classified.●

By Mr. METZENBAUM (for himself, Mr. RUDMAN, Mr. BRADLEY, and Mr. SIMON):

S. 430. A bill to amend the Sherman Act regarding retail competition; to the Committee on the Judiciary.

RESALE PRICE MAINTENANCE

● Mr. METZENBAUM. Mr. President, today I am introducing legislation to codify the well-established principle that vertical price fixing is per se illegal and to clarify the evidentiary standard for establishing the existence of vertical price-fixing agreements. I am pleased to be joined by Senators RUDMAN, SIMON, and BRADLEY as original cosponsors.

The bill would promote retail competition in two ways. First, it would codify current law that a vertical price-fixing conspiracy is per se illegal, that is, it is presumed to harm competition without the need for an elaborate analysis of economic effects. This principle was first articulated more than 75 years ago by the Supreme Court in *Dr. Miles Medical Co.* v. *John D. Park & Sons Co.,* 220 U.S. 373 (1911). While the Supeme Court has restated this proposition on many occasions. Its integrity was undercut by the enactment of State fair trade laws and a Federal exemption from the antitrust laws for resale price maintenance.

Ultimately, however, in 1975, Congress repealed the antitrust exemptions for resale price maintenance calling them legalized price-fixing and proclaiming that its action would "result in a lowering of consumer prices." S. Rep. No. 466, 94th Cong., 1st Sess. 1 (1975). The congressional finding that consumer prices would fall upon the elimination of laws legalizing resale price maintenance relied on studies by the U.S. Department of Justice. Those studies showed that the fair trade laws cost consumers $1.2 billion in 1969 and $2.1 billion in 1975. Other statistics showed that legalized resale price maintenance increased the price of goods by 18–27 percent.

Although current law states that vertical price-fixing conspiracies are per se illegal, the Department of Justice has failed to bring even one vertical price-fixing case in the last 6 years. Instead, the Department has intervened as amicus on behalf of defendants advocating the overruling of resale price maintenance rules.

Since the proper functioning of our free market system requires that each firm set its prices independently, it is appropriate that this well-established principle be firmly reaffirmed by Congress. My bill does this.

Second, my bill clarifies a point of evidence that arises in the proof of vertical price-fixing cases. Since conspiracies usually operate clandestinely, it is often difficult to prove the existence of a conspiracy through direct evidence. A jury may consider indirect, or circumstantial, evidence, therefore, and infer the existence of a conspiracy from it. See, for example, *American Tobacco Co.* v. *United States,* 328 U.S. 781 (1946). Since the Supreme Court announced its decision in *Monsanto Co.* v. *Spray-Rite Service Corp.,* 465 U.S. 752 (1984), however, there has been considerable confusion on this evidentiary issue. As a result, proof of resale price maintenance has been made extremely difficult under some courts' interpretation of that case.

The Monsanto court stated that, "permitting an agreement to be inferred merely from the excellence of complaints, or even from the fact that termination came about 'in response to' complaints, could deter or penalize perfectly legitimate conduct." 465 U.S. 763. Instead, "there must be evidence that tends to exclude the possibility that the manufacturer and nonterminated distributors were acting independently." id. at 764. Some lower courts' interpretations of what evidence a plaintiff must present under Monsanto run counter to traditional conspiracy law and result in the dismissal of cases that should be presented to a jury.

So, for example, consider a situation in which a discounter is terminated by a manufacturer as a result of complaints by a competing high-priced retailer, and the manufacturer offers no credible legitimate reason for the termination. Courts prior to Monsanto would have been able to allow the jury to consider this evidence and infer the existence of a conspiracy from it. After Monsanto, however, some courts would not allow this evidence to be presented to the jury and would dismiss the case. As a result, vertical price fixing has been extremely difficult to prove, victims of illegal behavior are not compensated for their losses, and future illegal conduct is not deterred.

The bill I am introducing today would help prevent these harmful results. It would allow a jury to infer the existence of a price-fixing conspiracy from proof that a discounting retailer was terminated as a result of complaints from a competitor. The bill would still allow defendants to present evidence that they were acting independently or for nonprice reasons such as dealer promotion or service.

The National Association of Attorneys General passed a resolution in March 1985 supporting similar legislation.

I am hopeful that my legislation will continue to receive strong bipartisan support so that consumers may once again receive the benefits of full and vigorous price competition among retailers.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Retail Competition Enforcement Act of 1987".

SEC. 2. The Sherman Act is amended by redesignating section 8 and any references to section 8 as section 9 and by inserting between section 7 and section 9, as herein redesignated, the following new section:

"SEC. 8. In any civil action based on section 1 or 3 of this Act, including an action brought under section 5 of the Federal Trade Commission Act, which alleges a contract, combination, or conspiracy to set, change, or maintain a price level, evidence that a person who sells a good or service to the claimant for resale—

"(1) received from a competitor of the claimant, a communication regarding price competition by the claimant in the resale of such good or service, and

"(2) in response to such communication terminated the claimant as a buyer of such good or service for resale, or refused to supply to the claimant some or all of such goods or services requested by the claimant,

shall be sufficient to raise the inference that such person and such competitor engaged in concerted action to set, change, or maintain a price level, for such good or service in violation of such section.

"(b) In any civil action based on section 1 or 3 of this Act, including an action brought under section 5 of the Federal Trade Commission Act, which alleges to contract, combination, or conspiracy to set, change, or maintain a price level, the fact that the seller of a good or service and the purchaser of such good or service entered into an agreement to establish the resale price of such good or service shall be sufficient to establish that such seller and such purchaser engaged in concerted action to set, change, or maintain the price level of such good or service in violation of such section.".●

By Mr. METZENBAUM (for himself, Mr. DECONCINI, and Mr. SIMON):

S. 431. A bill to amend the Clayton Act regarding partnerships; to the Committee on the Judiciary.

CLAYTON ACT AMENDMENTS REGARDING PARTNERSHIPS

● Mr. METZENBAUM. Mr. President, I am introducing legislation today that strengthens the premerger reporting requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976. The purpose of the legislation is to close a loophole in the act that allows certain mergers and hostile takeovers to escape scrutiny under the antitrust laws.

The country has recently experienced a wave of hostile takeovers. Not all of these hostile takeovers, however, were designed to enhance productivity or increase consumer welfare. Businesses, workers, local communities, and consumers have suffered considerably as a result.

The Hart-Scott-Rodino Act prevents the completion of mergers that are likely to have an adverse impact on the economy. It requires that the Department of Justice and the Federal and Trade Commission be notified before certain large mergers occur so that the proposed transaction may be reviewed for its likely impact on competition. The acquisition may be halted or modified if the review indicates that the acquisition may substantially lessen competition or tend to create a monoply.

However, in some cases, corporate raiders have evaded the premerger notification requirements of the Hart-Scott-Rodino Act by structuring their takeovers to slip through the so-called partnership loophole. The attempted acquisitions of the Phillips Petroleum Co., by T. Boone Pickens/Mesa Petroleum Co., and the Goodyear Tire and Rubber Co., by Sir James Goldsmith were structured to take advantage of this loophole. Thus, very complex and potentially anticompetitive mergers may escape scrutiny under the antitrust laws due to this loophole.

Evasion of the antitrust laws through this loophole is accomplished by the creation of a partnership to be the acquisition vehicle. Currently, a proposed merger must be reported to the Department of Justice and the Federal Trade Commission if: First, either the acquiring person or the acquired person is engaged in commerce or an activity affecting commerce; second, either person has annual net sales or total assets of $100 million or more, and the other person has $10 million or more in annual net sales or total assets; and third, the acquiring person would hold 15 percent or more of the voting securities or assets of the acquired person, or more than $15 million worth of its voting securities and assets after the acquisition. For purposes of determining if these threshold tests are met, current law under Federal Trade Commission regulations counts the assets of the acquiring person, the entity which controls it, as well as the entities which the ultimate parent entity controls. However, when the acquiring person is a partnership, only the assets of the partnership are considered, not those of the partners themselves. Consequently, wealthy individuals and large companies may form partnerships to acquire other entities, slip by the reporting requirements, and complete the merger without any examination for potential anticompetitive effects.

The legislation I am introducing would plug this loophole by amending the Hart-Scott-Rodino Act. It is meant to make clear that, in the event the acquiring person is a partnership, the assets of the partnership, the assets of entities controlled by the partnership, and the assets of certain partners should be considered in determining whether the premerger reporting requirements apply. More specifically, my bill requires that a partner's assets be counted when the partner is a general partner or possesses a 50-percent or greater equity interest in the partnership. These specifications are carefully designed to require that the assets of a partner who has practical control of the partnership be counted, but to avoid unnecessary reporting. Furthermore, the bill does not change the threshold tests for when compliance with Hart-Scott-Rodino is required.

This legislation deserves the prompt consideration of my colleagues so that we may abolish an unintended loophole that has thwarted enforcement of the antitrust laws.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7A of the Clayton Act is amended by adding at the end thereof the following new subsection:

"(k) For purposes of this section, the term 'person' shall include, in the case of a partnership, any general partner and any partner with an equity interest of 50 per centum or more.".

SEC. 2. This Act and the amendment made by this Act shall apply to every acquisition which is consummated after the date of enactment of this Act.●

By Mr. METZENBAUM:

S. 432. A bill to amend the Clayton Act regarding mergers; to the Committee on the Judiciary.

CLAYTON ACT AMENDMENTS REGARDING MERGERS

Mr. METZENBAUM. Mr. President, today I am introducing legislation amending the Hart-Scott-Rodino Antitrust Improvements Act of 1976 to encourage stronger and more effective enforcement of the antitrust laws. My bill increases two of the threshold figures for determining whether a transaction is covered by the act, abolishes special treatment of cash tender offers, provides more time for review of the largest and most complex mergers, and gives State attorneys general access to premerger notification information. The purpose of the bill is to address the new and greater pressures that megamergers and hostile takeovers place on the entities entrusted with enforcing the antitrust laws. It helps alleviate these pressures by updating and rationalizing current procedures.

Our Nation has recently been witnessing a great proliferation in the number and size of mergers, especially those that meet the reporting thresholds of Hart-Scott-Rodino. In 1979, the Department of Justice and the Federal Trade Commission received notification of 868 proposed acquisitions. Only 7 years later, in 1986, the number of filings had more than doubled to 1,938. The number of megamergers has also risen dramatically in the last few years. The 20 largest mergers in American history have occurred during the Reagan administration. In addition, the number of $100 million mergers has jumped from 113 in 1981 to 268 in 1985, an increase of 137 percent in just 4 years.

Unfortunately, the increase in number and size of mergers has not yielded a concomitant increase in successful business ventures. According to Business Week, one out of three mergers has come undone. A recent management consulting study of major acquisitions showed that 62 percent of them failed to meet basic tests of success. In addition, an economists' study of mergers between 1962 and 1972 concludes that U.S. mergers did not increase profits. Instead, they tended to slow down firm growth rate.

While I disagree with the lax attitude toward antitrust enforcement that has helped generate these record-breaking statistics, it may be impossible to legislate more vigorous enforcement of the law. Nevertheless, several changes should be made to the Hart-Scott-Rodino Act that would facilitate more thoughtful analyses of the larger and more complex mergers and broaden enforcement of the law.

The Hart-Scott-Rodino Act provides that the Department of Justice and the Federal Trade Commission be notified of certain large mergers before they may be completed. A proposed merger must be reported to these agencies if first, either party to the merger is engaged in commerce or an activity affecting commerce; second, one party has total assets or annual net sales of $10 million or more, and the other party has total assets or annual net sales of $100 million or more; and third, after the acquisition, the acquiring person would hold 15 percent or more of the voting securities or assets of the acquired person, or more than $15 million of the acquired person's voting securities and assets.

Once the agencies receive notification of the proposed merger, the parties must wait 30 days or, in the case of a cash tender offer, 15 days, before completing the transaction. During this time, the agencies examine the merger for compliance with the antitrust laws. They may determine that the merger will not be anticompetitive and terminate the waiting period before the 30th or 15th day. If, however, either agency needs more information about the transaction to assess its antitrust ramifications, the agency may ask the parties to submit further information. The initial waiting period is then extended for not more than 20 days or, in the case of a cash tender offer, 10 days, after the additional information is received. The agencies must make a determination about whether they will allow the proposed merger to proceed or whether they will seek to halt its consummation by the end of this second waiting period.

The monetary cutoff figures for reporting thresholds were drafted in the context of merger activity about 10 years ago. The passing of time has made two of those figures somewhat out-dated. As a result, mergers that are not appropriate for premerger notification fall into the category of transactions that must be reported. My bill eliminates the requirement that these acquisitions be reported. In so doing, it gives the Department of Justice and Federal Trade Commission more time to conduct thorough reviews of more potentially troublesome mergers.

While current law establishes different waiting periods for mergers occurring by cash tender offer and mergers proceeding by other means, there is no necessary correlation between the way in which an acquisition is structured and the antitrust issues it raises. Since the antitrust laws were enacted to protect competition, the length of the waiting periods under Hart-Scott-Rodino should be designed to accomplish the most thorough and accurate antitrust analysis possible.

My bill, therefore, abolishes the shorter waiting periods for cash tender offers, treats cash tender offers the same way as other mergers, and gives our enforcement agencies a uniform period of time to conduct their initial reviews.

Current law fails to recognize that extremely large and complex mergers might take a longer time to analyze. Currently, the Department of Justice and the Federal Trade Commission are given the same amount of time to consider a merger involving the transfer of $16 million worth of assets and a merger valued at 1,000 times that amount. While megamergers do not automatically pose competitive problems, they do involve more assets. Consequently, the analysis of product markets, geographic markets, entry barriers, the competitiveness of the industry, and other issues bearing on competition may take longer. Since section 7 of the Clayton Act is meant to forestall the substantial lessening of competition and creation of monopolies, Federal enforcement agencies should be provided with adequate time to conduct thorough and sound antitrust analyses.

For these reasons, the legislation I am introducing extends the period for analysis of mergers valued at more than $1 billion if either enforcement agency decides that it needs more information to analyze the antitrust ramifications of the transaction. More specifically, the bill extends the time for review from 20 days to 60 days after the antitrust agencies have received additional information. It does not, however, change the initial waiting period for these acquisitions or prevent the agency from terminating its investigation before the 60 days. Thus, my initiative only grants the enforcment agencies more time to review the largest of mergers that they have already identified as requiring more time to analyze.

The last provision of my bill facilitates broader enforcement of the merger laws. It invovles reestablishing that State attorneys general may have access to material filed in accordance with the premerger notification procedures of Hart-Scott-Rodino.

Before 1984, the Federal Trade Commission released information filed under Hart-Scott-Rodino to State attorneys general for use in law enforcement proceedings. The Commission reversed its practice in 1984 by a 3 to 2 decision on the grounds that it did not have the authority to release the information. While several State attorneys general sued to reverse this ruling, the courts upheld the Commission's interpretation of its own statute. Thus, State attorneys general are denied access to information filed in compliance with Hart-Scott-Rodino.

State attorneys general are the primary enforcers of State antitrust laws in most cases. They also represent their States and citizens in litigation involving the Federal antitrust laws. My bill would reinstate the situation that existed prior to 1984 by allowing State attorneys general to have access to premerger notification material. Access to the information would be premised on a certification by the State attorneys general that the material will be maintained in confidence. The attorneys general, however, would be free to use the information for official law enforcement purposes, including the preparation of comments on consent agreements or decrees proposed by the Justice Department or the Federal Trade Commmission. Thus, this provision would enhance enforcement of the antitrust laws by providing key law enforcement officials with critical information about mergers. The model antitrust legislation of the National Association of Attorneys General contains a provision similar to the one contained in my bill.

I urge my colleagues to support these procedural amendments so that we may facilitate stronger and more effective enforcement of the antitrust laws relating to mergers.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7A(a) of the Clayton Act is amended—

(1) in paragraph (2), by striking out "$10,000,000" each place it appears in subparagraphs (A), (B), and (C) and inserting in lieu thereof "$15,000,000"; and

(2) in paragraph (3)(B), by striking out "$15,000,000" and inserting in lieu thereof "$25,000,000".

SEC. 2. (a) Section 7A(b)(1)(B) of the Clayton Act is amended by striking out "(or in the case of a cash tender offer, the fifteenth day)".

(b) Section 7A(e) of the Clayton Act is amended—

(1) by striking out "(or in the case of a cash tender offer, the 15-day waiting period)" each place it appears,

(2) in paragraph (2) by striking out "(or in the case of a cash tender offer, 10 days)", and

(3) by adding at the end thereof the following new paragraph:

"(3) If, as a result of an acquisition to which subsection (a) applies the acquiring person would hold an aggregate total amount of the voting securities or assets of the acquired person in excess of $1,000,000,000 in value, the additional waiting period provided in paragraph (2) of this subsection shall be 60 days.".

SEC. 3. Section 7A(h) of the Clayton Act is amended by inserting before the period at the end thereof the following: ", or to officers and employees of appropriate Federal law enforcement agencies or to any officer or employee of any State law enforcement agency upon the prior certification of an officer of any such Federal or State law enforcement agency that such information or documentary material will be maintained in confidence. The maintenance of confidence requirement does not preclude any use of such information or documentary material for official law enforcement purposes, including the preparation of comments regarding consent agreements or decrees proposed by the Commission or the Attorney General under any of the antitrust laws or the Federal Trade Commission Act".

SEC. 4. This Act and the amendments made by this Act shall become effective on the date of enactment of this Act.●

By Mr. MOYNIHAN:

S. 433. A bill for the relief of Olga Sellares Barney and her children Christian Sellares Barney, Kevin Sellares Barney, and Charles Sellares Barney; to the Committee on the Judiciary.

RELIEF OF OLGA SELLARES BARNEY AND HER CHILDREN

● Mr. MOYNIHAN. Mr. President, I rise to introduce for a second time legislation to grant permanent resident status to Olga Barney and her children, Christian, Kevin, and Charles. Similar legislation during the 99th Congress, S. 1212, was favorably reported out of the Judiciary Committee and passed the Senate by voice vote on October 8, 1986. The other body, however, did not have time to act on the legislation prior to adjournment. And so, I am introducing the measure again today as this is a most compelling case; Olga Barney and her children are just the persons for whom private relief legislation was intended.

A bit of her story: Olga Barney is a native of Columbia. Since 1976, she has assisted the Drug Enforcement Agency, the Department of Justice, the Department of State, the U.S. attorney's office, and local police departments in numerous investigations and prosecutions of drug traffickers, first in Bogota, Columbia, then in New York and Miami. She has identified drug smugglers, and provided testimony in court. Her efforts have led to arrests and convictions in over a half dozen cases.

In short, Mrs. Barney is an informer. She has lived under an assumed name since relocating to this country in 1979 under the U.S. Marshal's Witness Protection Program. She lives with fear. Her sons, through no fault of their own, share this fear. She is not a criminal, she has no criminal record; she has never been charged with a drug violation. For reasons I will not elaborate on, she cannot return home. She deserves our gratitude.

Numerous law enforcement officials have written to me in support of Mrs. Barney's effort to acquire permanent resident status. And I might also note, so has Vice President BUSH, who serves as chairman of the South Florida Task Force [Operation Florida] as well as the National Narcotics Border Interdiction System. Unfortunately, Mrs. Barney and her three sons do not meet any eligibility requirements for permanent resident status. Although the Barneys are in no immediate threat of deportation, Mrs. Barney seeks permanent resident status for legal protection and to enable her family to receive Government assistance—specifically to help her sons pursue education—all of which legal aliens are entitled to.

At a time when the Congress has voted to send the strongest possible message to those who deal and abuse drugs, I think we should take care to send the strongest possible message to those persons who have the courage to step forward to challenge the abuse of drugs. Let's begin here, now, with Mrs. Barney and her sons.

Mr. President, I ask unanimous consent that the text of my bill, and the letter from Vice President BUSH supporting Mrs. Barney's effort to obtain permanent resident status, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Olga Sellares Barney and her children Christian Sellares Barney, Kevin Sellares Barney, and Charles Sellares Barney shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

THE VICE PRESIDENT,
Washington, March 29, 1985.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate, Washington, DC.

DEAR PAT: Last year I received an impressive letter from Mrs. Olga Perdomo Barney who was seeking to obtain permanent residence here in the United States. Mrs. Barney rendered considerable service to the drug enforcement effort, and her case merited special attention.

Regrettably, no provisions existed within immigration law that would allow the Immigration and Naturalization Service to grant Mrs. Barney permanent resident status. Her only option was a private bill.

I understand that you are introducing a private bill for Mrs. Barney. I wanted you to know that I appreciate your efforts on her behalf. I would be very proud of an American citizen who rendered such tremendous service to this country.

With warm regards,
Sincerely,

GEORGE BUSH.●

By Mr. SPECTER:

S. 434. A bill for the relief of Dr. Pablo Esguerra, Theresa Esguerra, and Micheline Esguerra; to the Committee on the Judiciary.

RELIEF OF ESGUERRA FAMILY

Mr. SPECTER. Mr. President, I introduce today a private immigration relief bill on behalf of Dr. Pablo Esguerra, his wife Theresa, and his 12-year-old daughter, Micheline.

Dr. Esguerra has been in the United States continuously since 1975. He has an American-born son, Francis, age 8, who is an American citizen and therefore not technically subject to deportation. However, as a practical matter, he will be forced to join his parents and sister if they are deported to the Philippines.

Based on inquiries, I am reliably advised as follows:

Dr. Esguerra is liked and respected in his community in Fayette County, PA, where he is a member of the emergency room staffs of the Green County and Uniontown Hospitals. Dr. Esguerra also works at the D.W. Allen Memorial Clinic, an institution that provides desperately needed medical services to the residents of small communities in the Uniontown area. Nearly 100 patients, many of them senior citizens, look to Dr. Esguerra for their medical care.

Dr. Esguerra is a productive, valued member of his community, residing within the United States for more than 12 years and, most importantly, with an American-born child.

Dr. Esguerra and his family are scheduled to be deported in February 1987, notwithstanding their eligibility in May for amnesty under the new Immigration Reform and Control Act passed by Congress last year. Deportation of Dr. Esguerra and his family at this time—only 3 months before being granted amnesty—would work a grievous hardship on his young, American-born child, while penalizing the communities that have come to value highly their contributions.

It is in the interest of all Americans to have such talented, community-spirited individuals join us as citizens.

I ask unanimous consent that the bill be reprinted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding paragraph (14) of section 212(a) of the Immigration and Nationality Act, for purposes of such Act, Doctor Pablo Esguerra, Theresa Esguerra, and Micheline Esguerra shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available under section 203(a) of the Immigration and Nationality Act to natives of the countries in which the aliens were born or, if applicable, the total number of immigrant visas which are made available under section 202 of such Act to natives of the countries in which the aliens were born.

By Mr. SPECTER:

S. 435. A bill for the relief of Ayrton Oliver Reid; to the Committee on the Judiciary.

RELIEF OF AYRTON OLIVER REID

Mr. SPECTER. Mr. President, I am introducing today a private immigration relief bill on behalf of Mr. Ayrton Oliver Reid, a native of Jamaica and a resident of Philadelphia, PA, who is scheduled to be deported by the Immigration and Naturalization Service in February 1987. This deportation would break up the family consisting of Mr. Reid's wife and 12-year-old daughter and stepson, all of whom are American citizens except for Mr. Reid.

I am advised that in 1969, Mr. Reid first came to this country pursuant to a visitor's visa. On March 25, 1972, Mr. Reid married Delores Gallman, his present wife, who is an American citizen. They have one daughter, Tamara, who was born in Philadelphia, PA, on July 8, 1975, and is a U.S. citizen. Mrs. Reid's son by a previous marriage, Shawn Rubin Gallman, was born on April 7, 1968, in Philadelphia, and lives with Mr. and Mrs. Reid in their Philadelphia home. Mr. Reid returned to Jamaica briefly in 1974 at the instruction of the Immigration and Naturalization Service, in order to facilitate his obtaining permanent resident status in this country. He received permanent resident status, and returned to Philadelphia, shortly thereafter.

From 1974 to 1980, Mr. Reid was employed as a painter in Philadelphia. In 1980, he took a further step toward achieving the American dream, when he started Allie Reid & Sons, his own painting contracting business.

Last October, Mrs. Reid suffered a serious heart attack. She currently is experiencing skin problems and respiratory ailments. I understand that Mrs. Reid is unable to travel and that certain medication she requires is unavailable in Jamaica.

With one exception, Mr. Reid has been a law-abiding citizen. Mr. Reid's business is a success.

A blemish on Mr. Reid's record in this country is a marijuana possession conviction, now more than a decade old. According to information provided to me, Mr. Reid was fined $200 and placed on probation for 2 years.

After considerable thought—and not in any way discounting the seriousness of this conviction—I have concluded that this conviction does not warrant expelling Mr. Reid from this country. Mr. Reid served his probation without incident, and has had no other problems in the subsequent decade he has spent building a life in this country for himself and his family.

I believe that where deportation of an individual would work an extreme hardship on his or her U.S. citizen children, private relief is appropriate. As that is the case here, I urge that relief be granted Ayrton Oliver Reid.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Ayrton Oliver Reid shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required numbers, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under paragraphs (1) through (8) of sections 202(e) and 203(a) of the Immigration and Nationality Act.

By Mr. KASTEN:

S.J. Res. 40. Joint resolution to give special recognition to the birth and achievements of Aldo Leopold; to the Committee on the Judiciary.

RECOGNITION OF ALDO LEOPOLD

● Mr. KASTEN. Mr. President, this year marks the 100th birthday of one of America's foremost environmental leaders, Aldo Leopold.

Leopold is more than just a leader of his times, he is a giant whose actions play a major role in guiding the use of our Nation's natural resources even today.

Environmental professionals and layman alike are familiar with his work. His classic ecological text, "A Sand County Almanac" is still widely read today. The principles he first articulated form the backbone of our resource policy.

In short, Aldo Leopold was more than a man ahead of his time; Aldo Leopold is a legend; a statesman from the woods.

Leopold molded the concept of scientific wildlife management. He was one of the pioneers in the doctrine of wilderness ecology and the personification of the word "Conservation."

Born along the Mississippi bottom lands of Iowa, Leopold earned two degrees in forestry from our Nation's preeminent school of natural resources of its day. He then entered the U.S. Forest Service and worked in Arizona and New Mexico. While in the Service, Leopold played a major role in establishing the Gila Wilderness, the first designated wilderness in the national forest.

Leopold is best known for the work he did while living in my home State of Wisconsin. During that time he wrote the model treaties of game management, served as associate director of the Forest Products Laboratory and was appointed professor of game management at the University of Wisconsin. This was the first academic position specifically dedicated to wildlife management in the country.

Leopold's "A Sand County Almanac" chronicles the life of a natrualist in restoring over-farmed land. Leopold owned such a farm, and wrote of its ecology as he lovingly rehabilitated the land's wealth.

The opening passage of his foreword sets the tone of this masterpiece:

> There are some who can live without wild things, and some who cannot. These essays are the delights and dilemmas of one who cannot.
>
> Like winds and sunsets, wild things were taken for granted until progress began to do away with them. Now we face the question whether a still higher "standard of living" is worth the cost in things natural, wild and free.

Leopold's résumé of environmental activities reads like a Who's Who. He served as director of the National Audubon Society, helped organize the Wildlife Society and the Wilderness Society. He also led the American Forestry Association and the Council of American Foresters. No wonder environmentalist think of him as one of the "Elders of the Tribe."

Leopold's land ethic is timeless. We are still working today to protect wetlands, enhance wildlife habitat and provide for the sustainable use of our natural resources.

To commerate this visionary's 100th birthday, I am today introducing a resolution recognizing Aldo Leopold. I hope my colleagues will join me by supporting this resolution and acting quickly on it.●

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. Boren, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of S. 2, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 54

At the request of Mr. Pressler, the name of the Senator from Nevada [Mr. Hecht] was added as a cosponsor of S. 54, a bill to make foreign nationals ineligible for certain agricultural program loans, payments, or benefits, and for other purposes.

S. 66

At the request of Mr. Bumpers, the name of the Senator from New Jersey [Mr. Bradley] was added as a cosponsor of S. 66, a bill to provide for competitive leasing for onshore oil and gas.

S. 79

At the request of Mr. Metzenbaum, the names of the Senator from Pennsylvania [Mr. Heinz] and the Senator from Hawaii [Mr. Matsunaga] were added as cosponsors of S. 79, a bill to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers, and for other purposes.

S. 83

At the request of Mr. Johnston, the names of the Senator from Minnesota [Mr. Boschwitz], the Senator from Missouri [Mr. Danforth], the Senator from Rhode Island [Mr. Chafee], the Senator from Vermont [Mr. Stafford], and the Senator from New York [Mr. Moynihan] were added as cosponsors of S. 83, a bill to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances.

S. 184

At the request of Mr. Dodd, the name of the Senator from Washington [Mr. Evans] was added as a cosponsor of S. 184, a bill to provide economic assistance to the Central American democracies, and for other purposes.

S. 225

At the request of Mr. D'Amato, the names of the Senator from Mississippi [Mr. Stennis], the Senator from Iowa [Mr. Harkin], and the Senator from Ohio [Mr. Metzenbaum] were added as cosponsors of S. 225, a bill to amend title II of the Social Security Act to protect the benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity (resulting from changes made in 1977 in the benefit computation formula) between those levels and the benefit levels of persons who become eligible for benefits before 1979.

S. 232

At the request of Mr. Wilson, the name of the Senator from Pennsylvania [Mr. Specter], was added as a cosponsor of S. 232, a bill to permit placement of a privately funded statue of Haym Salomon in the Capitol Building or on the Capitol Grounds and to erect a privately funded monument to Haym Salomon on Federal land in the District of Columbia.

S. 321

At the request of Mr. Mitchell, the names of the Senator from California [Mr. Cranston] and the Senator from Maine [Mr. Cohen] were added as cosponsors of S. 321, a bill to amend the Clean Air Act to better protect interstate transport of pollutants, to control existing and new sources of acid deposition, and for other purposes.

S. 328

At the request of Mr. Sasser, the names of the Senator from Delaware [Mr. Biden], the Senator from South Carolina [Mr. Thurmond], the Senator from Mississippi [Mr. Cochran], and the Senator from Minnesota [Mr. Boschwitz] were added as cosponsors of S. 328, a bill to amend chapter 39, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes.

S. 350

At the request of Mr. Durenberger, the name of the Senator from Oklahoma [Mr. Nickles] was added as a cosponsor of S. 350, a bill to amend the Tax Reform Act of 1986 to extend for 1 year the waiver of estimated penalties for underpayments by individuals attributable to such act.

SENATE JOINT RESOLUTION 9

At the request of Mr. Sarbanes, the name of the Senator from Michigan [Mr. Levin] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution to designate the week of March 1, 1987, through March 7, 1987, as "Federal Employees Recognition Week."

SENATE JOINT RESOLUTION 15

At the request of Mr. Pressler, the names of the Senator from South Carolina [Mr. Hollings], the Senator from Ohio [Mr. Glenn], and the Senator from Nebraska [Mr. Zorinsky] were added as cosponsors of Senate Joint Resolution 15, a joint resolution designating the month of November 1987 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 18

At the request of Mr. Wallop, the names of the Senator from New Jersey [Mr. Lautenberg], the Senator from Pennsylvania [Mr. Specter], the Senator from Alaska [Mr. Murkowski], the Senator from Nebraska [Mr. Exon], the Senator from New Jersey [Mr. Bradley], the Senator from Arizona [Mr. McCain], the Senator from Missouri [Mr. Danforth], the Senator from Tennessee [Mr. Sasser], the Senator from South Carolina [Mr. Hollings], the Senator from Idaho [Mr. McClure], the Senator from Tennessee [Mr. Gore], the Senator from Washington [Mr. Evans], the Senator from Indiana [Mr. Quayle], the Senator from Nevada [Mr. Hecht], the Senator from New Mexico [Mr. Domenici], the Senator from South Dakota [Mr. Daschle], the Senator from Rhode Island [Mr. Pell], the Senator from West Virginia [Mr. Byrd], the Senator from Pennsylvania [Mr. Heinz], the Senator from Florida [Mr. Chiles], the Senator from Rhode Island [Mr. Chafee], the Senator from Colorado [Mr. Wirth], and the Senator from North Carolina [Mr. Helms] were added as cosponsors of Senate Joint Resolution 18, a joint resolution to authorize and request the President to issue a proclamation designating June 1 through June 7, 1987, as "National Fishing Week."

SENATE JOINT RESOLUTION 19

At the request of Mr. Warner, the names of the Senator from Maryland [Mr. Sarbanes], the Senator from Indiana [Mr. Lugar], the Senator from Texas [Mr. Bentsen], the Senator from Nevada [Mr. Hecht], the Senator from New Jersey [Mr. Bradley], and the Senator from Alaska [Mr. Murkowski], were added as cosponsors of Senate Joint Resolution 19, a joint resolution to designate March 20, 1987 as "National Energy Education Day."

SENATE JOINT RESOLUTION 39

At the request of Mr. Simon, the names of the Senator from Oklahoma [Mr. Nickles], the Senator from Massachusetts [Mr. Kerry], and the Senator from South Dakota [Mr. Pressler], were added as consponsors of Senate Joint Resolution 39, a joint resolution to provide for the designation of the 69th anniversary of the renewal of Lithuanian independence, February 16, 1987, as "Lithuanian Independence Day."

SENATE CONCURRENT RESOLUTION 7

At the request of Mr. Murkowski, the names of the Senator from South Dakota [Mr. Daschel] and the Senator from Illinois [Mr. Simon], were added as cosponsors of Senate Concurrent Resolution 7, a concurrent resolution to express the sense of the Congress regarding its opposition to reductions in Veterans' Administration funding levels to pay for health care for certain categories of eligible veterans.

SENATE CONCURRENT RESOLUTION 8

At the request of Mr. Byrd, the name of the Senator from New Hampshire [Mr. Rudman], was added as a cosponsor of Senate Concurrent Resolution 8, a concurrent resolution relating to the current human rights policies of the Soviet Union.

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. Simon, the names of the Senator from Michigan [Mr. Riegle], the Senator from Georgia [Mr. Nunn], the Senator from New York [Mr. Moynihan], the Senator from Maine [Mr. Mitchell], the Senator from Vermont [Mr. Leahy], the Senator from Massachusetts [Mr. Kennedy], the Senator from Oregon [Mr. Hatfield], the Senator from Tennessee [Mr. Gore], the Senator from Minnesota [Mr. Durenberger], and the Senator from New Jersey [Mr. Bradley] were added as cosponsors of Senate Concurrent Resolution 11, a concurrent resolution calling for the release of Rev. Tshenuwani Simon Farisani from detention in Venda, a homeland in South Africa.

SENATE RESOLUTION 46

At the request of Mr. Dole, the name of the Senator from Arizona [Mr. McCain], was added as a cosponsor of Senate Resolution 46, a resolution expressing the sense of the Senate regarding tax rates.

SENATE RESOLUTION 92

At the request of Mr. Grassley, the names of the Senator from Idaho [Mr. McClure] and the Senator from Oklahoma [Mr. Boren], were added as cosponsors of Senate Resolution 92, a resolution rejecting the administration's recommendation to eliminate the excise tax exemption for alcohol fuels.

AMENDMENT NO. 2

At the request of Mr. Murkowski, the names of the Senator from South Carolina [Mr. Thurmond] and the Senator from Alabama [Mr. Heflin] were added as cosponsors of amendment No. 2 intended to be proposed to S. 240, a bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and the rates of dependency and indemnity compensation for surviving spouses and children of veterans.

SENATE RESOLUTION 96—RELATIVE TO THE DEATH OF REPRESENTATIVE SALA G. BURTON, OF CALIFORNIA

Mr. CRANSTON (for himself, Mr. WILSON, and Mr. WIRTH) submitted the following resolution; which was considered and agreed to:

S. RES. 96

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Sala G. Burton, late a Representative from the State of California.

Resolved further, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved further, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Representative.

AMENDMENTS SUBMITTED

FEDERAL-AID HIGHWAY ACT

MOYNIHAN (AND OTHERS) AMENDMENT NO. 10

Mr. MOYNIHAN (for himself, Mr. BURDICK, Mr. MITCHELL, Mr. BAUCUS, Mr. LAUTENBERG, Mr. BREAUX, Ms. MIKULSKI, Mr. REID, Mr. GRAHAM, Mr. STAFFORD, Mr. CHAFEE, Mr. SIMPSON, Mr. SYMMS, Mr. DURENBERGER, Mr. WARNER, and Mr. PRESSLER) proposed an amendment to the bill (S. 387) to authorize appropriations for certain highways in accordance with title 23, United States Code, and for other purposes; as follows:

On page 79, after line 20, add the following:

(37) For work on U.S. 70 in the State of New Mexico from Las Cruces, New Mexico to Texico, New Mexico.

(38) U.S. Route 48 (National Freeway); Washington County, MD.—This project involves the construction of an eastbound ramp to Scenic U.S. 40 and a westbound access road from Mountain Road. It provides the opportunity to monitor the before and after impacts associated with access to commercial establishments. Data for current business trade can be compared to future indicators after access project is completed to ascertain the costs and benefits associated with the improvement and commercial vitality.

(39) MD 162 (Hammonds Ferry Road) at Poplar Avenue.—Realign intersection to tie MD 162 directly into Poplar Avenue. Construction lanes will be added at intersection so that northbound MD 162 to westbound Poplar Avenue will become a through movement.

(40) MD 162 (Poplar Avenue to MD 176).—A two-mile project to widen MD 162 from two to four lanes with left-turn movements at selected intersections. Will allow smoother traffic flow from MD 3 to Poplar Avenue.

(41) Poplar Avenue (MD 170 to MD 162).—A one-half mile project to widen Poplar Avenue from two to four lanes. Will provide freer flow of traffic from MD 162 to MD 170.

(42) MD Rte. 4 (Southern Maryland Boulevard); Prince George's and Anne Arundel Counties.—This project involves the replacement of a bridge carrying MD Rte. 4 over the Paxtuxent River, in a sensitive wetlands and river area. The project is critical to meeting the growing traffic in the Rte. 4 corridor due to development in Anne Arundel and Calvert Counties.

(43) MD Rte. 3 at Belair Drive.—This project involves the construction of an interchange connecting these two facilities. It is needed in order to meet the growing traffic levels in the City of Bowie and also to serve the purposed University of Maryland Science and Technology Center. The project highlights the various aspects of creative financing which has enabled the advancement of a project's construction schedule.

(44) MD Rte. 197, Rustic Hill Drive to South of Amtrak: Prince George's County.—This project involves the construction of a four-lane divided highway which will provide an alternative route for traffic bypassing Bowie, Maryland. It will also improve access to Bowie State College and would demonstrate the before and after impacts of improved access to a minority college.

(45) MD 115 Relocated, Montgomery Village Avenue to Shady Grove Road Montgomery County.—This project involves the construction of a four-lane divided dualized highway. Maryland Route 115 Relocated is an important part of the proposed I-270 corridor transportation network providing access between the rapidly growing Gaithersburg/Montgomery Village area and the Shady Grove Metro Station. This improvement is needed to relieve traffic congestion on existing MD 115, MD 355, and I-270.

(46) MD Rte. 213: Chester River Bridge (queen Anne's and Kent Counties).—This project involves the rehabilitation of a bridge over the Chester River at historic Chestertown, Maryland. The project will highlight the benefits associated with a creative bridge construction technique of replacing spans with prefabricated sections at night. It would analyze traffic impacts, community impacts, construction time duration, and cost implications.

(47) MD 838 (Wye Island Road): Queen Anne's County.—This project involves the replacement of a bridge connecting MD 838 to the Wye Island Natural Resources Management Area, owned and operated by the Maryland Department of Natural Resources. The existing bridge is obsolete; the new bridge will be designed to be compatible with its natural setting. For example, it will have a timber deck, similar to the existing bridge.

(48) In Lawrence, Kansas, a by-pass project which is a model for its cost-sharing arrangement and economic development goals.

(49) In Wichita, Kansas, the replacement of a conventional intersection of two heavily travelled streets at Kellogg and Oliver with a new low-cost European fly-over design for the interchange.

(50) In Olathe, Kansas, the 119th Street Interchange to correct a dangerous interchange.

(51) In Emporia, Kansas, a new Prairie Street overpass to overcome existing flood conditions.

(52) In Kansas City, Missouri, the South Midtown Roadway, a north-south route on the Federal-aid Primary System.

(53) In St. Charles County, Missouri, a bypass highway to connect an east-west Interstate route with the Interstate beltway around St. Louis, Missouri.

(54) A segment of north-south highway on the Federal-aid Primary System from the vicinity of Carthage, Missouri, to the boundary between the States of Arkansas and Missouri, in the vicinity of Noel, Missouri, increasing the number of lanes on such segment from two to four.

(55) A 106-mile highway on the Federal-aid Primary System in Missouri, beginning in the vicinity of Columbia and ending in the vicinity of Lancaster.

(56) To reconstruct and rehabilitate the Eugene Talmadge Memorial Bridge, a functionally obsolete bridge which is located in Savannah, Georgia, and crosses the Savannah River.

(57) Highway bridge at lock and dam 4 near Pine Bluff, Arkansas.

(58) In the vicinity of Jonesboro, Arkansas, for the construction of four grade separations on a four-lane bypass route for demonstrating methods of improving highway safety.

(59) In the State of Arkansas on a segment of a north-south highway on the Federal-aid primary system from the vicinity of the junction of Interstate routes I-40 and I-540 to the boundary between the State of Arkansas and Missouri in the vicinity of Bella Vista, Arkansas.

(60) In the vicinity of Fort Smith, Arkansas, to widen a segment of the Federal-aid urban system and improve signalization.

(61) Interstate connector from I-95 near Florence, South Carolina, to U.S. 17, north of Myrtle Beach, South Carolina, to allow increased access to the Grand Strand.

(62) The South Carolina portion of the Bobby Jones Expressway by-pass from I-20 near North Augusta, South Carolina, south across the Savannah River into Georgia, where it connects with I-520.

(63) Replace the Highway 30 bridge across the Missouri River between Blair, Nebraska and Missouri Valley, Iowa.

(64) U.S. 75 North Central Expressway Extension.—Combines several individual projects which involve construction of additional lanes, more efficient interchanges, and improved bridge structures for added capacity and safer travel on a Federal-aid Primary System highway. Improvements to this major North-South route in north central Texas near Dallas would cover 15.4 miles of highway from Interstate 635 in Dallas County to State Highway 121 in Collin County. Cost of the project is estimated at $134.5 million.

(65) Interstate Highway 30 Interchange ("West Leg")—Ft. Worth, Texas.—Reconstructs and widens a critical interchange involving major, heavily traveled East-West and North-South Interstate Highways (IH 30 and IH 35, respectively).

(66) The demonstration of the state of the art highway technologies on U.S. 220 Blair County, Pennsylvania.

(67) The New Sewickly project, located in the townships of New Sewickly and Conway, Pennsylvania. To construct a two-lane highway between the two municipalities.

(68) The Basin Street Railroad Crossing. To secure funding for a railroad grade crossing project in Allentown, Pennsylvania.

(69) The Southern Expressway project in Pittsburgh, Pennsylvania. To enable traffic to bypass airport and local roads that access the Pittsburgh Airport.

(70) The Ebsenberg Bypass. To divert traffic from Route 219 in Ebsenberg, Pennsylvania, to a 5.1 mile relocated segment.

(71) The Chadville, Pennsylvania interchange project, located in Franklin County. To relieve traffic congestion at an existing

interchange on a north-south interstate route and to provide access to Chambersburg, Pennsylvania.

(72) The Chadville, Pennsylvania highway project. To relocate and reconstruct a 3.5 mile segment of the Federal-aid primary system from the vicinity of Chadville, Pennsylvania, to Fairchance, Pennsylvania.

(73) The Kittanning-Brookville, Pennsylvania project. To reconstruct approximately 30 miles of a two-lane on the Federal-aid primary system between Kittanning and Brookville, Pennsylvania.

(74) The Johnstown Flood National Memorial project. To upgrade a narrow, 1.3 mile access road to the Johnstown Flood National Memorial, near Johnstown, Pennsylvania.

(75) A highway project to demonstrate methods of improving highway safety by making improvements to a road providing direct access from the Fort Campbell Military Reservation to the City of Clarksville, Tennessee.

(76) Ferry Street Bridge—Eugene, Oregon. A preliminary engineering study to plan and design alternatives for this heavily traveled bridge.

(77) The restoration of the Martin Luther King bridge connecting the metro east area in Illinois and St. Louis, Missouri.

(78) U.S. Route 30 Bridge—Iowa. Construct a bridge on U.S. Route 30 to replace a 56 year old structure which is too narrow to be utilized by motor carriers.

(79) The Cline Avenue/I-94 Interchange in East Chicago, Indiana.

(80) Cline Avenue Interchange Improvement Project in East Chicago, Indiana for the reconstruction of an intersection of Cline Avenue and the Borman Expressway.

(81) Hammond Railroad Relocation Project in Hammond, Indiana to complete acquisition of right-of-way and construction of the Homan Avenue underpass to improve transportation and economic benefits to the community.

(82) Lafayette Railroad Relocation in Lafayette, Indiana to reroute rail traffic to a single corridor with few crossings reducing the threat posed to the safety of the local citizens by over 40 rail-highway intersections.

(83) U.S. 59 Highway Corridor in Texas, from Texarkana to Houston to Beeville.

(84) Construction of the New River Parkway in West Virginia, a two-lane scenic highway through the New River Gorge National River area connecting with Interstate 64.

(85) West Calcasieu Parish Access Road and on and Off Ramp.—The project would provide for an access road which parallels Interstate 10 at Sulpher, La., in West Calcasieu Parish, to provide access to and from the Interstate system for said access road.

(86) Liberty-Laurel Overpass—Texas. This project would connect two One-way streets to Phelan Blvd. over I-10 in Beaumont, Texas.

(87) To improve the Peachtree Industrial Boulevard from I-285 to S.R. 141 in Atlanta, Georgia.

(88) Highway 98—Baldin County, Alabama. This project would widen Highway 98 for the rapid emergency evacuation of individuals in the vicinity of Fairhope and Foley, Alabama.

(89) Highway 98—Mississippi. This project would widen Highway 98 in a 14.7 mile section in the vicinity of Hattiesburg, Mississippi.

(90) Bridge—Patton Island, Alabama. This project would be to construct a bridge across the Tennessee River in Lauderdale and Colbert Counties in Alabama.

(91) Mason County, Michigan. U.S. Route 10/31 and 31 in the county of Mason, Michigan.

(92) For a new route from Los Alamos, New Mexico to Santa Fe, New Mexico.

(93) A highway project in Minden, Louisiana to construct a frontage road which provides Minden, Louisiana alternative access to a highway immediately connecting to a highway on the Interstate system.

(94) This project concerns the relocation of Highway 61 in Dubuque, Iowa, and the broadening of the highway south from Dubuque to DeWitt, Iowa.

(95) To construct a connecting road of approximately 3600 feet between Liberty Street and Mass. Highway 21 in Belchertown, Mass.

(96) A study to determine the feasibility of constructing a four-lane highway out of a two-lane segment of Route 219 between Somerset, Pennsylvania, and the border of the State of Maryland.

(97) A study to determine the feasibility of constructing a four-lane highway out of a two-lane segment that connects Route 56, near Johnstown, Pennsylvania, to Route 22.

(98) A study to determine the feasibility of making Route 22 between Ebensburg and Pittsburgh, Pennsylvania completely four-lane.

On page 67, line 10, insert after "bridges" the following: "highway revenue and cost responsibility,"

SYMMS (AND OTHERS) AMENDMENT NO. 11

Mr. SYMMS (for himself, Mr. BURDICK, Mr. BAUCUS, Mr. BENTSEN, Mr. COCHRAN, Mr. DASCHLE, Mr. DECONCINI, Mr. GRAMM, Mr. GRASSLEY, Mr. HECHT, Mr. HUMPHREY, Mr. MCCAIN, Mr. MCCLURE, Mr. MELCHER, Mr. NICKLES, Mr. SIMPSON, Mr. WALLOP, Mr. WILSON, and Mr. BINGAMAN) proposed an amendment to the bill S. 387, supra; as follows:

At the end thereof add a new section as follows:

SEC. . (a) Subsection 154(a) of title 23, United States Code, is amended—

(1) by inserting "other than a highway on the Interstate System located outside of an urbanized area of fifty thousand population or more, (2) a maximum speed limit on any highway within its jurisdiction on the Interstate System located outside of an urbanized area of fifty thousand population or more in excess of sixty-five miles per hour" immediately after "hour"; and

(2) by renumbering "(2)" as "(3)" at the two places "(2)" appears.

(b) Subsection 154(f) of title 23, United States Code, is amended by inserting "on public highways with speed limits posted at fifty-five miles per hour" immediately after "hour";

ADDITIONAL STATEMENTS

SENATOR ROTH RECIPIENT OF LORAX AWARD

● Mr. STAFFORD. Mr. President, I would like to take a moment to congratulate my dear friend and able colleague, the distinguished senior Senator of Delaware, Senator ROTH.

On Monday, January 5, 1987, Mr. ROTH was awarded in a ceremony in Wilmington, DE, the Lorax Award of the Global Tomorrow Coalition. This distinguished award is given to individuals for outstanding service on global environmental problems and issues related to population growth resources and sustainable development. The Global Tomorrow Coalition is an alliance of more than 100 nongovernmental organizations whose memberships represent over 6 million Americans concerned with long-term global trends in environment, population, resources and development.

Although he is not a member of the Committee on Environment and Public Works, over the years Senator ROTH has demonstrated a commitment to protection and preservation of the environment which is equaled by very few others. Most recently, he has developed an interest in environmental threats which are of international or global scope. It was for his efforts in these areas that Senator ROTH was given the Lorax Award.

In the fall of 1985, Senators ROTH, CHAFEE, PELL, CRANSTON and myself introduced two bills to address long range efforts to arrest the process of tropical deforestation and subsequent loss of genetic diversity in developing countries. Due in large measure to the initiative and efforts of Senator ROTH, this legislation passed both the House and Senate and was signed by the President as Public Law 99-529 on October 24, 1986.

Mr. President, I would like to personally commend Senator ROTH for his exemplary leadership in resource conservation and environmental management worldwide. This award is properly bestowed upon him as one who not only expresses concerns for the environment, but acts upon them as well.

Mr. President, I ask that a statement made by the executive director of the coalition, Mr. Don Lesh, during the award ceremony be placed in the RECORD in its entirety.

The statement follows:

REMARKS BY DON LESH, EXECUTIVE DIRECTOR, GLOBAL TOMORROW COALITION—PRESENTATION OF LORAX AWARD TO SENATOR WILLIAM V. ROTH, JR., WILMINGTON, DE, JANUARY 5, 1987

It is a distinct pleasure and privilege, Senator Roth, to meet with you here in your home State of Delaware, as we have before in your office in Washington, D.C. I bring you greetings and congratulations on behalf of the more than one hundred organizations that are members of the Global Tomorrow Coalition.

This is a special occasion for us. Our trip to Wilmington this morning affords an opportunity to express our thanks and appreciation to you for your outstanding leadership in the Senate Foreign Relations Committee in support of legislation during the 99th Congress for the protection of tropical forests and biological diversity in the developing world. This legislation, which I am happy to note has been signed into law by President Reagan, directs the U.S. Agency for International Development (AID) to devote increased attention to these fundamental environmental and resource issues in AID-supported projects, and appropriates the sum of $2.5 million for that purpose in the current fiscal year.

You would probably be too modest to point this out, Senator, but we in the Coalition have no doubt that your early sponsorship of these bills—as a respected senior Republican member of the Senate Foreign Relations Committee—was absolutely critical in their successful passage. We were delighted that the bills were favorably reported to the Senate by the unanimous vote of the Foreign Relations Committee, with your support joined with that of Senator Richard Lugar of Indiana (then chairing the committee), Senator Claiborne Pell of Rhode Island (the new chair of the committee), and Senator Dan Evans of Washington.

The Coalition was especially gratified by this demonstration of bipartisan support, because we firmly believe that these are not Republican or Democratic issues, or liberal or conservative issues, but issues of human survival that affect every nation regardless of history, tradition, ideology, or politics.

To some—on a cool January morning in Wilmington, Delaware—the accelerating rate of destruction of the world's tropical moist forests and the associated rapid loss of biological species may seem to be distant concerns. But we believe they are actually not. This community, like every other in the United States, has—through press and television coverage—been witness over the past two years to a chronicle of human suffering in Africa on an epic scale. Many of your constituents, I daresay, have given generously of their time and money, and of themselves, to help feed, clothe, and house starving men, women, and children in drought-devastated areas of Africa. And Americans always have, and always will, respond in that openhearted manner when there is an urgent need in the world.

But the monumental scale of the emergency should not blind us to the long-term sources of the problems in Africa and elsewhere in the developing world, and the need for long-term solutions. The experts are still marshalling their evidence, but there is a growing consensus that the African drought and starvation has been created at least in part by human actions. People, whether driven by need or greed (and we in the affluent nations are distinctly part of this problem), too often act in ways that undercut and destroy the basic natural systems on which their long-tem livelihood must depend. Unless we are willing to look beyond emergency assistance and confront this reality, the likelihood is that such appeals for help will only increase in the future.

We are fortunate in the United States that our environmental and resource problems are not as acute as those we have seen in Ethiopia and the Sudan, for example . . . but the *nature* of the problem is by no means foreign to us. The issues of protecting tropical forests and biological diversity are not only inseparably linked, but are central to the concept of sustainable development.

GTC members believe that we must respect and support the aspirations of people in every society for economic progress and a better quality of life. But that progress—whether in a poor agricultural nation of Africa or Asia, or in a rich, industrially advanced nation like the United States—must not be purchased at the cost of destroying the basic environmental and resource systems on which all human activity ultimately depends.

An understanding of this reality is growing in our country, and in every other, as we look ever more closely at the impacts of our lifestyles and our policy choices in both the public and private sectors over time. We all are familiar with the dictum of John Maynard Keynes: "In the long run, we are all dead." But while that comment teaches us one lesson—that we must, first of all, live in the present—it also can lead to a dangerous misperception. Shall all of our decisions on investment, development, consumption, and planning be governed only by the narrow horizon of our own lifetimes? What kind of world do we want to bequeath to our children and grandchildren? What obligations of prudent management and responsible stewardship of our environment and resources do we owe to future generations?

As societies begin to come to grips with such questions, and to consider their implications for current policy making, I believe the United States has a magnificent opportunity to offer global leadership and provide an example of good global citizenship . . . an opportunity that, I regret to say, is now too often going unfulfilled.

It is particularly for that reason that the member organizations of the Global Tomorrow Coalition are so pleased and proud to commend your foresighted leadership on tropical forests and biological diversity in the Senate Foreign Relations Committee, Senator Roth, and to extend to you the highest honor that we can bestow: the Lorax Award.

Those of you who have read with your children the wonderful books of Dr. Seuss (Theodore Geisel) probably need no introduction to the Lorax, for he is the main character of the Dr. Seuss book of the same name. He described the Lorax as follows:

He was shortish. And oldish
And brownish. And mossy.
And he spoke with a voice
That was sharpish and bossy.
"Mister," he said with a sawdusty sneeze,
"I am the Lorax. I speak for the trees.
I speak for the trees, for the trees have no tongues . . ."

Now I can assure you, Senator, that we discern no personal resemblance between you and Dr. Seuss' creation . . . and we know from experience that, in the Senate, your voice is not "sharpish and bossy," but deliberate, wise, reasonable, and respected. But the spirit of your action in "speaking for the trees," and for the human beings who depend on them, unmistakably qualifies you for a Lorax Award, which we ask you to accept on behalf of the Global Tomorrow Coalition.

Finally, let me stress that this marks not the end of a process, but the beginning, for we look forward to working closely with you and your able staff—especially Paul Kerkhoven—in the future. Indeed, we in the Coalition stand ready to cooperate on a bipartisan basis with public officials in the Congress and the Executive branch—as well as in state capitols and legislatures, and mayor's offices—to help expand citizen understanding of these long-term global issues and build a nationwide constituency for stronger U.S. leadership in resource conservation and foresighted environmental management worldwide.●

AFGHANISTAN: LETTERS FROM THE STATE OF WASHINGTON

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A situation approaching genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will ask to insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of Washington and ask that they be printed.

The letters follow.

DEAR SIR: After reading an article in Reader's Digest recently—I am very disturbed and appalled at what is happening in Afghanistan. The Soviet killing which is going on right now and the raw terror happening to these people and this nation must be stopped. How can we stand idly by and let these horrible atrocities happen right before our very eyes? We are concerned and ask you to please use your influence and whatever means necessary to bring relief, encouragement and help to these gallant, beautiful people.

In deep prayer and concern,

MR. AND MRS. LESLIE WEST,
Olympia, WA, October 7, 1986.

DEAR SIR. Please keep the U.S. citizens informed of the continuing struggle in Afghanistan. Only people armed with knowledge and will can forge a better future. The knowledge end must come from without—the will end must from within.

I'll keep my heart strong for the cause if you keep my mind informed. Together let's do something!

Sincerely,

BILL NAPIER,
SEATTLE, WA, *October 9, 1986.*●

TESTIMONY OF FATHER JOHN PAWLIKOWSKI ON THE COMPREHENSIVE TEST BAN TREATY

● Mr. SIMON. Mr President, a referendum will take place in April in the city of Chicago on the question of a comprehensive test ban treaty.

One of those who testified before a former friend of ours from the House, now an alderman in the city of Chicago, Roman Pucinski, was Father John Pawlikowski. He teaches social ethics at the Catholic Theological Union.

His statement makes sense, not only for Chicago, but for people everywhere.

I ask that it be printed in the RECORD.

The statement follows:

TESTIMONY OF FATHER JOHN PAWLIKOWSKI

Chairman Pucinski and friends. My name is Father John Pawlikowski of the Servite Order. I am Professor of Social Ethics at the Catholic Theological Union here in Chicago. I came before you to urge as strongly as I can the inclusion of the proposed referendum on the February ballot. I do so in my own name and as a member of the Executive Committee of the Board of Chicago Clergy & Laity Concerned (CALC) and the Justice & Peace Committee of the Eastern Province of Servite Fathers and Brothers. The people of this city who increasingly are experiencing the profound economic consequences of the spiraling arms race must be given the opportunity to speak to the President, the Secretary of State and the U.S. Congress. And if given the chance, I think their vote will reflect what reliable public opinion polls have consistently shown: the American people overwhelmingly support a negotiated end to further expansion of the superpowers' nuclear arsenals.

The Bishops of my church in their historic Pastoral Letter on Peace have called for a halt to further production of nuclear weaponry. And their call has been reiterated even more strongly in recent months by their Methodist counterparts. And many other religious groups and leaders—Christian and Jewish—have spoken equally loudly against this suicidal escalation of nuclear stockpiles. Last October, in historic Assisi, Italy, sanctified by that prophet of peace St. Francis, world religious leaders from every part of the Earth representing over sixty traditions, Christian and non-Christian, Eastern and Western, gathered at the invitation of Pope John Paul II to pray for peace and to challenge the political leadership of the world to remove once and for all the nuclear threat hanging over humankind and all of creation.

My friends, I am asking you this morning as leaders of this world-class city to respond to the Assisi prayer and challenge by approving the proposal before you. You have been wrestling for the past several years in this Council with serious budgetary deficits in the city. Vital social services, civic improvements, educational and cultural projects are increasingly threatened with serious cutbacks or even extinction because of the lack of revenue. We often see the results of these slashes in the sad, hungry and desperate faces on our television screens and as we walk the streets of this city. This cannot continue. And you know why this is happening. You know far better than me the millions of dollars in federal grants for this city, for all cities, that have been wiped out in the past several years while we witness the greatest escalation of the military budget in the history of this republic. I am not naive. I know the danger the U.S.S.R. poses. As a Polish American who has worked for the freedom and dignity for the Polish nation, as a founding member of the National Interreligious Task Force on Soviet Jewry, I recognize full well the gross violations of human rights by the Soviet Union. I shall continue to fight these abuses as strongly as I know how. But I remain convinced that our defense will ultimately crumble if we continue to allow the escalating nuclear arms race to rob us of our ability to maintain a basic level of human dignity for all people in our society. We cannot have both guns and butter without limit.

As our nation debates an escalation of the arms race of unprecedented proportions and many of our political leaders contemplate committing billions of new dollars, and a significant part of our scientific and technological capacity to a totally new weapons system it is time to say no and to say it loudly and soon.

Please, my friends, give the people of Chicago the opportunity to speak out in February. I am convinced they will send a message of historic magnitude to Washington. Thank you very much for allowing me to address you this morning.●

TED KENNEDY, JR.

● Mr. SIMON. Mr. President, some unknown person once said, "in some special way, each person completes the universe." Ted Kennedy Jr.'s place in this universe changed dramatically 13 years ago when he was told he would lose his leg to cancer. That was a personal loss of tremendous proportions to a young man just entering the years when physical appearance and physical activity are most important. His courage and determination turned his loss into a tremendous gain for the millions of Americans who face the daily challenge of a disability, and for all of us when we act upon his leadership.

In a November 1986 article in Parade magazine, Ted Kennedy Jr., reminded us that those who face adversity and overcome it become the strongest among us and have much to offer. As a nation, we are beginning to recognize the strengths of our citizens who live with disabilities, though we are still far too slow in using their abilities. The physical barriers we put in the way, sometimes because we simply fail to see them and sometimes because we fail to act, are still great; but the barriers created through misconceptions and attitudes are far greater. These are matters involving the basic civil rights of American citizens, and our work is not yet done in securing these rights through legislation. We must, for example, place the highest priority in the 100th Congress on passing the Civil Rights Restoration Act to overturn the Supreme Court's ruling in Grove City College versus Bell, which drastically limited the protection of those rights.

I urge my colleagues to read Ted Kennedy Jr.'s article. He is setting an example of courage and commitment, and is challenging us to follow his lead. We will be a richer nation if we do.

I am proud to serve with his father, in the Senate, but no less proud of the great example provided by his son.

I ask that this article be printed in the RECORD.

The article follows:

[From Parade Magazine, Nov. 23, 1986]

INDEPENDENCE

(By Ted Kennedy Jr.)

I was terrified when my father told me that the doctors would have to remove part of my leg. "What part of it?" I can remember asking, thinking they would simply carve out the red, swollen section just below my knee. "From the knee down," Dad said. His words sent fear and shock into my mind.

I sobbed into my pillow, wondering, "Why me?" Of all the people in the world, why did this have to happen to me? Who would want to live like this for the rest of their lives?

To have a physical deformity, to stick out, to be different—to be "handicapped." I felt that I couldn't live the rest of my life with one leg. In fact, I didn't want to live at all. "I may as well be dead," I said to myself.

That was 13 years ago, and when I look back now, I realize how foolish I was. I have been able to meet the challenge and lead an active life. I held the same prejudices and stereotypes about people with disabilities that I am working so hard to dispel today. True, I was a victim of a dread disease, but I was victimized even more by a state of mind which said that "the handicapped" were somehow a second-class category of humanity, condemned to a pitiful and helpless existence.

In recent years, I have become an advocate for disability causes in our country. My disability is relatively mild compared to that of most individuals with whom I work. I thank God, my family and my friends for helping me to realize that disability is not so much as a condition of the body as a state of mind. As with everything in life, one can look at one's circumstances in two ways: Disability can be either a challenge or a burden. Dealing with adversity made me look deep into myself to find the extra inner strength that has enabled me to seize life to the fullest.

I was lucky to have a family with the love and resources—in that order—to see me through and to help me challenge the prevailing social stigma. For most people with disabilities, society is the real problem in the individual's struggle to be a successful contributing and independent member of the community. It is difficult to have others making decisions for you, and depressing to endure the scorn and revulsion that others often find so hard to mask. That is why I feel that ours is not the disability of accident or birth, but the one created by society. We live in a world that is largely insensitive to the needs and aspirations of millions of people.

I do not purport to speak on behalf of all persons with disabilities. Disability crosses all socioeconomic, ethnic, sex and religious boundaries. It can happen to anyone. Naturally, it is not surprising that ideas and opinions of persons with perceived limitations come from a wide range of viewpoints.

There are, however, some real strong feelings and beliefs that tie people together behind unified goals. Someone might argue that blindness is different from deafness, which is different from paraplegia, epilepsy or mental retardation. But a common social history of segregation and stigma, and common goals of acceptance and independence, have brought people together in a united front in civil rights issues. We are a minority seeking the same civil rights that others simply take for granted.

Our life's ambitions and dreams are like everyone else's: to go to a school where we are not segregated, to find a job, to raise a family, to belong in a community to which we can contribute and gain respect.

To properly understand what our struggle is really all about, one must understand a bit of history of social policy toward "the handicapped" in the United States, a history characterized by isolation, rejection and diminished expectations.

Traditionally, citizens with disabilities have been set apart and neglected. Commissions and special programs have occasionally been established but rarely sustained; too often the needs of persons with limitations have been given low priority. People were often "warehoused" with little hope and no opportunity. Such segregation fostered fear, pity and revulsion, reflecting society's own insecurity.

The insecurity and uneasiness that people feel and show in encounters with persons who have disabilities can be called "handicappism." In some ways, it's more serious than racism and sexism because it's less understood, and we are less conscious of its deep and pervasive roots. The disabled are indeed the last bastion of segregation. It is out of this repression that the disability-rights movement began.

By the late 1960s, groups advocating civil rights for persons with disabilities had adopted strategies used by other minorities. They formed grass-roots advocacy coalitions, and the public began to view the disabled as a people denied basic civil liberties. Communities began to respond to their demands for equal access to education, transportation, competitive employment, and housing. Traditional notions about the limitations of people—and the prevailing view that society should isolate, protect and care for them—began to give way to the realization that the greatest good for society lay in fostering the fullest possible integration.

By the late 1970s, the reigning concept of institutionalization was facing aggressive challenges on two fronts. Following the example of the successful Berkeley Center for Independent Living, disability-rights groups had launched organizations that provided independent living and advocacy services. The old institutions themselves came under attack from advocates who pointed out their systematic denials of civil liberties. Soon, individualized treatment was mandated for institutions, and community-based independent living alternatives received growing support.

In ways such as this, the disability-rights movement is emphasizing the need to break down the barriers to participation and equal access. The more obvious barriers are physical and architectural. For a person who uses a wheelchair, a barrier is a sidewalk curb, an inaccessible restroom, a flight of stairs at a church or office entrance, or the lack of public transportation. For someone who is blind, the barriers include the absence of Braille in an elevator or the lack of enough reading machines in public libraries. To those who cannot hear, the barrier is a lack of sign-language interpreters at public meetings. Anything that serves to exclude a person, or foster dependency on others, is an obstacle holding someone back. Even more insidious are attitudinal barriers—stubborn misconceptions and prejudices that block the channels for greater integration and more equal opportunities.

I often find that people who genuinely want to help are confused about how to respond to a disabled person. They fail to realize how much those with physical and mental challenges can contribute to society, if only they get the chance. We want opportunity more than we do sympathy. We are tired of being treated as dependents "to be cared for" through special and welfare programs. We are angry with paternalistic responses that only promote isolation and prevent us from living up to our potential. The long difficult battle to tear down these physical and psychological barriers is being waged because disabled Americans want access to America.

Our number is large: Today, 36 million people in the U.S. have some kind of disability. Ten million are children; 15 million are men and women in their prime working years; and 11 million are senior citizens. The vast majority—excluded from a decent education, accessible and affordable housing, and transportation—barely survive economically.

Sixty-two percent of the disabled who are able and willing to work are unemployed. For disabled Vietnam veterans, the jobless rate remains somewhat higher than the current 6.2 percent for all Vietnam veterans. When the disabled do find work, they earn less than those without disability. A disabled white male earns 40 percent less than his able counterparts. A disabled black female earns 88 percent less. And the high cost of health care compounds the burden.

We live in a society where the number of elderly is increasing dramatically. Americans are living longer, and many will inevitably incur visual, hearing or mobility impairments. We are all one accident away from being disabled. So this civil rights struggle is important to all of us.

My personal commitment is to do all I can to change public policy in ways that enhance the lives of people with disabilities. Both the public and private sectors must increase their efforts to educate, train and rehabilitate the disabled, to help them enter the mainstream.

Entitlement programs may be popular, but they msut not become the principal answers. The disabled are not unable; yet each program perpetuates the misconception that they are unfit to help themselves or to exist in the life of their communities. Separate cannot be equal for th disabled, any more than it could be in education.

Ours is a grass-roots movement about people. It is a mother trying to enroll her daughter with cerebral palsy in a normal, nonsegregated classroom. It is a man in a wheelchair trying to gain access to city hall or the public library. It is a woman with epilepsy applying for a job. It is quadriplegic requesting aid for a personal-care attendant so that he or she can lead a creative life in the community.

I dislike the terms "handicapped" and "disabled," because they are negative descriptions that tend to promote stereotypes which ought to be discarded. They imply inability. I prefer to talk about the "physically and mentally challenged" or "persons with a disability," to stress human beings first and limitations second.

Our 36 million physically and mentally challenged Americans represent an enormous and largely untapped wealth of resources. As employers, consumers and citizens, they can contribute immensely to the growth and productivity of our economy and society. Beyond all the statistics, rationales, and appeals to responsibility, they are people striving for the basic rights of citizenship, not the easy handouts of charity.

What we need as a nation is a heightened consciousness about the potential each citizen has to contribute to society's prosperity. We are all challenged, and for each of us to face that challenge is to erase all prejudiced attitudes from our hearts and minds, and from all the places where their effects still endure.●

BEST WISHES TO MAX PETERSON

● Mr. JOHNSTON. Mr. President, I rise today to express my appreciation and best wishes to Max Peterson, who is retiring today from his position as Chief of the Forest Service.

In his 38 years with the Agency, Chief Peterson has served in a variety of capacities and locations from Atlanta, GA to Missoula, MT—from California to Washington. In his 8 years as Chief, he has brought the Forest Service through challenging and difficult times—times that have seen divisive and emotional land management issues. Max Peterson has responded to these challenges with fairness, consistency, and dedication—and has always had the best interests of the Forest Service and the National Forest System at heart.

I know I speak for a number of my colleagues in wishing him well in retirement. We are all grateful for his many contributions to the sound management and wise use of our Nation's forests.●

LITHUANIAN INDEPENDENCE DAY

● Mr. SIMON. Mr. President, on January 29, 1987, I introduced Senate Joint Resolution 39, "Lithuanian Independence Day," along with my good friends and colleagues Senator Alan Dixon and Senator Donald Riegle. I made a brief statement then, and I would simply like to say again how important it is that Congress go on record supporting the struggle of all the captive nations now laboring under soviet domination.

I hope you will join with me in cosponsoring this resolution. I ask that the text of Senate Joint Resolution 39 be printed in the Record in full.

The text of Senate Joint Resolution 39 reads as follows:

S.J. Res. 39

To provide for the designation of the 69th anniversary of the renewal of Lithuanian independence, February 16, 1987, as "Lithuanian Independence Day".

Whereas this year marks the 69th anniversary of the establishment of the Independent Democratic Republic of the Lithuania by the Lithuanian National Council on February 16, 1918;

Whereas the Government of the Soviet Union recognized the sovereignty and independence of the Republic of Lithuania in the peace treaty of July 12, 1920;

Whereas the United States does not recognize the illegal incorporation of the free and independent Republic of Lithuania into the Union of Soviet Socialist Republics in 1940;

Whereas the United States continues to provide accreditation to the Charges d'Affaires of the Republic of Lithuania;

Whereas the United States remains firmly committed to the principle of self-determination as contained in the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Final Act"), an agreement to which the Soviet Union is a party;

Whereas the people of the Republic of Lithuania struggle every day under Soviet domination;

Whereas the United States condemns the Soviet policy of forced Russification, ethnic dilution, and religious and political persecution; and

Whereas it is appropriate that the people of the United States, who so strongly cherish the principles of independence and self-determination denied the Lithuanian people by the Soviet Union, join with the people of the Republic of Lithuania to demonstrate our common desire to advance the cause of freedom: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the 69th anniversary of the renewal of Lithuanian independence, February 16, 1987, is designated as "Lithuanian Independence Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.●

FEDERAL EMPLOYEE'S OPTIONAL EARLY RETIREMENT ACT OF 1987

● Mr. STEVENS. Mr. President, I am pleased to cosponsor S. 42, the Federal Employee's Optional Early Retirement Act of 1987, introduced by Senator ROTH on January 6, 1987.

This legislation provides a positive means to reduce the Federal payroll while remaining sensitive to the needs of both the agencies and their employees. Objectionable provisions in S. 2197, the Federal Employees' Optional Early Retirement Act of 1986, introduced in the 99th Congress have been revised.

Agency needs have been accommodated by the provision giving the President the authority to exempt up to 25 percent of the agencies eligible early retirees, by occupational category, project, or geographic location and the provision allowing managers to hold over for up to 6 months an employee with critical skills. The original 5-year freeze limitation on the Government's ability to rehire has been reduced to a 3-year freeze and the President may waive the freeze for positions vital to the performance of an agency's mission.

Past budget reductions have resulted in the loss of young talent, particularly women and members of minority groups. This bill will allow us to preserve that talent while providing an effective transition of the more experienced work force into retirement.

Since the introduction of the first early retirement bill, the Alaska State Legislature has passed a similar bill for State employees which was favorably received. With the successful use of early retirement programs in the private sector and State government, it is timely to consider its adoption in the Federal Government.●

REGIONAL BANKING CRISIS

● Mr. BOREN. Mr. President, on many occasions during the previous Congress, several colleagues joined with me on the floor to fight for various legislative proposals dealing with the depressed energy economy as well as the troubled agricultural sector.

Without detailing the depth of the problems faced in the region of our Nation where the energy and farm belts intersect, it is safe to say that the country has bountifully benefited from the decreased cost of fuel and the low cost of certain agricultural products over the past few years.

However, that benefit to the rest of the contry comes at great cost to us in the Southwest: a loss of jobs; a heavy increase in the number of bankruptcies; massive State budget cuts; and most regrettably, a restriction in available commercial credit due to the domino effect in the economy and a fear within the banking industry.

In 1985 and 1986, a total of 265 banks were closed or required open bank assistance by the Federal Deposit Insurance Corporation. Seventeen banks have closed in the first 29 days of 1987. Needless to say most of these banks are located in the energy and farm area.

I am particularly concerned at this trend as it can and will have major impacts on our banking system. Some of the more visible effects will be on the viability of the FDIC and FSLIC insurance funds, the ability of this region to regain its capital structure, and the rebuilding and diversification of a crippled economy.

Mr. President, it is important to point out that bank failures—in and of themselves—are not my central concern. Yes, the continued closings can have an adverse effect on the confidence our people hold in our banking system and their own economy. However, the unfortunate adjustments that must take place in a depressed area will catch up to all components of that economy—banks, savings and loans, a local car dealership, or a downtown bakery.

The real problem which has prevailed in many States besides Oklahoma, is worse than a mere statistic about bank failures. It is the resulting deescalation of asset values, causing increased difficulty in the recovery of this region.

This rapid downward spiral of asset values is, not only a result of the true depressed marketplace, but also of the increased liquidation activities and the compounded fear within the industry.

In my home State of Oklahoma, where 16 banks failed in 1986, we have experienced this problem due to the following circumstances.

When a bank fails, even though a buyer may be found for the deposits, which is typically the case, a large percentage of the failed bank's loan portfolio is retained by the FDIC's Division of Liquidation for quick disposition. This is the duty of the FDIC in protecting the soundness of the deposit insurance fund.

The FDIC then will usually try to gain payment from the holder of the loan. Such a transaction can usually only take place if the holder of the loan can find another institution to buy the loan from the FDIC. This however is quite difficult as a second institution will be wary of buying a loan from the FDIC as it was likely a classified loan and has a high risk of repayment.

In many instances this leaves the holder of the loan in a situation where if they are unable to meet the payment schedule of the FDIC, or if an alternate financial institution is not found to service the loan—one of two things will usually happen: First, the FDIC will settle for a much decreased payoff to terminate the loan; or, second, the FDIC will demand payment, forcing the loan holder to either file bankruptcy or enter a lengthy, legal negotiation period.

In a State such as Oklahoma, where hundreds of millions of dollars of real estate and other assets are possessed or liquidated by the FDIC as receiver of a closed bank, there is a great influence on the market value of these assets as a result of a flooding of the market in a relatively short period of time.

In one extreme example, one city in Oklahoma of about 70,000 people has had three of seven banks fail in a period of 8 months. Financial institutions in that community have a high concentration in real estate and some energy-related loans. The total assets of the failed banks were over $425 million. While all three banks were purchased by other banking entities, a total of over $165 million was left to be liquidated by the FDIC.

As the FDIC carries out its duty to liquidate and collect on those loans and assets to replenish its loss to the insurance fund, this creates an unusually high activity of "fire" sales that drastically reduce values on homes, businesses and other assets in that area.

The effect has been a compounded reduction in the market value of real estate—not just because of reduced demand and the depressed economy—but also because of the expeditious flooding of the market of these assets.

While the degree of this kind of problem varies from city to city and State to State within this region, the overriding problem can not be ignored.

Due to this difficulty, managers of financial institutions look at new loan opportunities with much closer scrutiny. Thus, a city that may have a chance to have new business ventures started, cannot do so because credit availability is restricted due to the overly cautious attitude of lenders who are fearful of taking new risks when their capital ratios are at a marginal level.

Let me make clear however, that I am very encouraged and pleased with the recent efforts of the chief banking regulators—FDIC Chairman Bill Seidman and Comptroller of the Currency Robert Clarke—to help ease these problems with the implementation of the "capital forebearance program" and through "open bank assistance". I have had helpful and constructive conversations with both men and feel they have a sincere concern and interest in the recovery of the banking system in the energy and agriculture region of our country. However, these initiatives obviously cannot solve all the problems related to the depletion of capital and asset devaluation.

Mr. President, I ask that a table demonstrating the frightening trends in banking activity in this region be printed at the conclusion of my remarks.

To provide a forum of discussion about these matters, I have invited many Members of this body—from the States which have elements of this problem—to join with me to study and seek new solutions of stabilization. I hope to be able to share any of these ideas with Senator PROXMIRE—the distinguished Banking Committee chairman—who has already demonstrated a willingness to examine this and other problems within the financial industry.

I invite the participation of any Senator who may wish to be involved with this informal task force. I feel that the region so gravely affected by this compounding situation, must have the attention of the Senate. The recovery of the energy and agricultural belts in our Nation, will in large part depend on the ability of a strong financial structure to help in rebuilding a strong economy.

The table follows:

BANKING STATISTICS FROM 1ST QUARTER 1985 TO 1ST QUARTER 1986

	Total loan growth	Nonperf. loans/ percent of gross loans
Alaska	−2.42	5.99
Colorado	−1.34	4.93
Louisiana	0.76	5.57
Montana	−0.65	6.84
Nebraska	−1.40	4.78
New Mexico	0.38	3.64
North Dakota	−0.52	6.07
Oklahoma	−2.42	6.80
Texas	−0.63	4.04
Wyoming	−2.09	7.96
National average	1.29	2.90

Source: Shesunoff Rating Services, Inc.●

HOOSIERS

● Mr. LUGAR. Mr. President, today I am taking the unusual step of recommending a motion picture to my colleagues. The firm to which I refer is no ordinary piece of cinema by today's standards. There are no car chases, no special effects and no visitors from outer space. Instead, this film features the warmth of human emotions, a search for meaning and some really terrific high school basketball—Indiana style.

I am, of course, talking about the film "Hoosiers," soon to be released across the country.

"Hoosiers" had its world premier in Indianapolis last October and continues to be shown throughout Indiana. I had the good fortune to see the film during a recent trip home, and although I am admittedly not without bias, I firmly believe the rest of the country is in for a treat when "Hoosiers" makes its nationwide debut. The night I saw "Hoosiers," I wedged my way into a packed auditorium full of excitement and anticipation, the audience's enthusiasm fueled by the accurate depiction of the magic that is Indiana high school basketball.

Indiana is one of only three States which has not divided its high school basketball tournament into classes by enrollment. This arrangement creates some tantalizing contests at State tourney time as rural, small-town schools battle the consolidated and metropolitan mammoths for the opportunity to reign as basketball champion over all the State. Indiana's high school basketball tournament stands as a yearly reminder of the rewards possible through effort, dedication and hard work in the face of stiff odds.

Never has the reminder been more vivid than in March 1954, when Milan High School, with a student body of 161, just 73 boys, was matched in the tournament final against Muncie Central, a school with 10 times the enrollment. It has been estimated that 90 percent of Indiana's families were eithr watching or listening that day, so caught up was the entire State in the mythic proportions of this game among teenagers. When Bobby Plump hit the winning shot for Milan as time expired, he "delivered the dream to which many Hoosiers still cling," in the words of one Indiana basketball historian.

Author Phillip Hoose has characterized Milan's victory as "one of the most remembered events in the lives of many Hoosiers." With Plump's shot, Hoose writes, "Goliath buckled, Excalibur slipped free from the rock and Indiana's dream came true." It is on this storybook saga that "Hoosiers" is based.

Directed by David Anspaugh and written for the screen by Angelo Pizzo, two former Indiana University students, "Hoosiers" makes the moviegoer part of the action. As Academy Award winning actor Gene Hackman guides the fictitious Hickory High team through game after perilous game as Coach Norman Dale, I could hardly help but recall names of real-life Indiana coaching greats—Burl Friddle, Marion Crawley, Ray Crowe, Howard Sharpe come to mind—who have prowled the sidelines over the years, compiling spectacular records.

This is a film about more than basketball, though. Dennis Hopper, as the broken-down former high school star struggling to hold on to his last chance for self-respect, gives a remarkable performance. Mr. Hopper's portrayal of Shooter will have audiences cheering with the same intensity as they will for the young men of Hickory High. He has already earned significant recognition for his role and is widely thought to be a serious contender for an Oscar nomination.

The filmmakers, in their search for authenticity, cast experienced Indiana high school athletes as the Hickory Players. Brad Boyle, Steve Hollar, Brad Long, Kent Poole, Wade Schenck, Scott Summers and Maris Valainis acquit themselves well as actors and play skillful, Indiana basketball on-screen. Shot entirely on location in Indiana, the towns of Danville, Knightstown, Lebanon, New Richmond, and Ninevah were used to create Hickory, IN. The final championship game sequence was filmed in Butler University's Hinkle Fieldhouse where Milan defeated Muncie Central 33 years ago this spring. Hundreds of local residents appear as extras and indeed many familiar faces stand out in the crowd.

Mr. President, Indiana's basketball tradition is a source of pride for all Hoosiers. The motion picture "Hoosiers" strongly reinforces this sentiment. I am pleased to be able to suggest it to my colleagues.●

BUDGET SCOREKEEPING REPORT

● Mr. CHILES. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 2, 1987.

Hon. LAWTON CHILES,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1987. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate of recommended levels contained in the most recent budget resolution, S. Con. Res. 120. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32 and is current through January 30, 1987. The report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended. At your request this report incorporates the latest CBO economic and technical estimating assumptions issued on January 2, 1987.

No changes have occurred since my last report.

With best wishes,
Sincerely,
RUDOLPH G. PENNER,
Director.

CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 100TH CONG. 1ST SESS., AS OF JAN. 30, 1987

[Fiscal year 1987, in billions of dollars]

	Current level [1]	Budget resolution S. Con. Res. 120	Current level (plus/minus) resolution
Budget authority	1,079.0	1,093.4	−14.4
Outlays	1,008.4	995	13.4
Revenues	833.9	852.4	−18.5
Debt subject to limit	2,208.3	[2] 2,322.8	−114.5
Direct loan obligations	42.5	34.5	7.9
Guaranteed loan commitments	140.5	100.8	39.7

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In adddition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,300 billion (P.L. 99-509).

SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT U.S. SENATE—100TH CONG. 1ST SESS., AS OF JAN, 30, 1987

[Fiscal year 1987, in millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			833,855
Permanent appropriations and trust funds	720,451	638,771	
Other appropriations	542,890	554,239	
Offsetting receipts	−185,071	−185,071	
Total enacted in previous sessions	1,078,269	1,007,938	833,855
II. Enacted this session			
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses: Water Quality Act of 1987 (H.R. 1)	−4	−4	
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Special milk	6	3	
Veterans compensation	173		
Readjustment benefits	9		
Federal unemployment benefits and allowances	33	33	
Advances to the unemployment trust fund	(3)	(3)	
Payments to health care trust funds	(224)	(224)	
Family social services	110		
Medical facilities guarantee and loan fund	5	4	
Payment to civil service retirement and disability fund	(33)	(33)	
Coast Guard retired pay	3	3	
Civilian agency pay raises	358	373	
Total entitlements	697	417	
Total current level as of Jan. 30, 1987	1,078,962	1,008,351	833,855
1987 budget resolution (S. Con. Res. 120)	1,093,350	995,000	852,400
Amount remaining:			
Over budget resolution		13,351	
Under budget resolution	14,388		18,545

Note: Numbers may not add due to rounding.●

FEDERAL WORKERS AND RECENT LEAVE POLICIES

● **Mr. ROTH.** Mr. President, I am pleased to report that today, for only the second time in more than a week, Federal employees in the Washington area are operating on their usual, full-time, schedule. This may not seem noteworthy enough to be part of the Senate RECORD, but in light of the fact that these employees have been operating on a reduced or delayed schedule almost every day for the past week and a half, this seems to make it worthy of our attention.

Since the first snowstorm, ice on the Metro's third rail has severely hampered Metro service. Metro workers have labored strenuously to clear the tracks of ice, yet during the worst periods of the storm, their equipment was not good enough and all of the aboveground stations were closed for service. Thousands of Metro riders were unable to get to work. Indeed, the Federal Government closed part of the day on Thursday, January 22, and all day Monday, January 26. For the past week, the Government has operated on a policy of liberal leave and delayed arrival.

Of the 2.1 millon workers employed by the Federal Government, more than 330,000 work in the Washington area. Tens of millions of payroll dollars were lost due to the inability of the Federal work force to report to their jobs. During the past 10 years it has been fashionable to bash Federal employees. That is not the purpose of this statement—in fact, it is exactly the opposite. Thousands of these workers tried to get to work—only to find that the Metro was incapable of transporting them throughout the city.

The Federal Government has spent $6 billion on the Washington Metro system. According to an Administrator at the Department of Transportation, this is the Federal Government's largest investment in an urban mass transit system in the United States. Several years ago the Metro Transit Authority considered purchasing $5 million worth of equipment which would have greatly increased their ability to clear the third rail of ice. At that time, it decided not to buy that equipment—and as a result the system has been virtually crippled by the recent storms.

If only the Metro had decided to purchase the deicing equipment earlier, these employees could have been at work. The American taxpayers have made a tremendous investment in the area's Metro service and in return, they should expect that the system operate more smoothly than recent experience suggests.

The Department of Transportation has directed the Urban Mass Transit Administration to assess the emergency snow needs of the Metro system and pledged to fund any necessary equipment. These funds will come from a mass transit grant program, which distribute grants to transit companies around the country. The fact that the Metro system will receive these additional funds means that some other transit authority around the country will have to do without. If Metro had purchased the deicing equipment earlier, Federal workers could have gotten to work, and the Federal Government would not have spent millions of dollars on extra leave.

Although the amount of snowfall was unusually large this time, the third rail could have frozen under less stormy conditions. Federally workers can not serve the American taxpayer and perform their important Government jobs if they can not get to work—that's the least we can demand of Metro.●

JACKIE STRANGE DAY

● **Mr. SASSER.** Mr. President, January 2, 1987, was Jackie Strange Day throughout the entire U.S. Postal Service, and she was recently honored at a farewell dinner.

After 40 years of service to her Nation, Jackie Strange has retired as the Deputy Postmaster General of the United States, the first woman in the history of the Nation to have managed the largest civilian work force in the world. It will be hard to replace her as an innovative manager, and I will find it hard to replace her as a friend.

Jackie Strange is a native of Memphis. Her professional postal career began in 1971 in the Memphis-based southern region where she undertook a succession of management opportunities. Recognizing her value, the Postal Service brought her to Washington in 1981 as Assistant Postmaster General for Procurement and Supply. She became Regional Postmaster General in Memphis in 1983 and then Deputy Postmaster General in 1985.

It is reported that in 1986 alone, Jackie Strange was instrumental in a billion-dollar turnaround in the Postal Service. Now, that is impressive. The Chairman of the Postal Service Board of Governors, John R. McKean, credits her with being instrumental in reversing serious operating deficits and declines in service.

Tennesseans are justifiably proud of her. Beyond her postal work, Jackie has served in a variety of church and civic organizations, and her varied contributions include those of a poet, fashion designer, and composer. She has received recognition in every area she touches, including listings in a number of categories of Who's Who.

Mr. President, I am delighted to report that every major national postal organization has signed a resolution of recognition and appreciation, describing her service as unprecedented and calling for a Jackie Strange Day, as public service loses one of its most imaginative and effective representatives.

We shall miss her.●

MASS TRANSIT BILL

● Mr. ARMSTRONG. Mr. President, In the rush to get the Mass Transit Committee report filed to allow quick Senate floor action, some mistakes slipped through in my views on the mass transit bill. In preparation for Senate floor debate, my staff brought to my attention the need to amend and update the views earlier filed with the committee.

I am inserting in the CONGRESSIONAL RECORD the amended views which underscore why Chairman PROXMIRE and others are right in their efforts to limit the scope of this bill.

The amended views follow:

MASS TRANSIT BILL

More powerful than a locomotive, the Senate Banking Committee rushed through a budget-busting mass transit bill.

Yes, my friends, we are back to the days of legislate first and ask questions later.

The mass transit bill is $5 billion more than requested by President Reagan. Naturally, taxpayers assume that spending of such magnitude would follow careful thought and reasoned debate. For instance, citizens might assume their Senators have already determined how to pay for such an increase, whether by adding another $5 billion to our $200 billion federal budget deficit, raising $5 billion in new taxes, or cutting the budget by $5 billion in other accounts.

But, none of these matters was even considered when this bill rifled through the Committee. Consider this:

The notice announcing the mark-up said the Committee would consider legislation "yet to be introduced."

A copy of the bill was available to Committee members barely 24 hours before the Committee voted on the bill.

During the mark-up, staff and Senators were unable to answer questions about the meaning of the bill.

The Committee rejected the Chairman's proposal to fund the programs for one year, have hearings, and then proceed to a multiyear authorization bill.

The bill will be rushed to the Senate floor this week without time for thorough scrutiny of the bill or report, let alone to actually think about what the federal mass transit policy should be.

The Senate occasionally uses such expedited procedures near adjournment of a session when time is constrained, but this Congress has been in session for only 9 working days.

Why the rush?

Sorry I can't answer that question. Neither could anyone else during the mark-up * * * though I asked the question several times.

Perhaps the rush is somehow related to the urgently needed mass transit policy decisions demanding to be made in the country. In reviewing the bill, nothing in it strikes me as urgent. In fact, the opposite is true. There are provisions in this bill which may warrant defeat of the bill. Let me detail one provision in the bill that just by accident I happened to find. This provision requires the Secretary of Transportation to fund the first two segments of a rail system in Los Angeles. Not only is the specification of a transit project unprecedented for the Senate Banking Committee, it is for an "undefined" project that may cost over $180 million-a-mile—the most expensive in history, according to the Office of Management and Budget (OMB).

The Los Angeles rail system was originally projected for 18 miles and over $3 billion. But, this project was scaled back; the Urban Mass Transportation Administration (UMTA) and Congress eventually funded a 4.4 mile segment that may cost the federal government up to $700 million and, according to UMTA, have no significant impact on transportation in the 2,439 square mile Los Angeles Metropolitan area. This bill would require a further unknown amount of federal funding for a second segment that has yet to be defined. The Los Angeles Times noted in 1984 that if the entire 18 mile system is completed by the year 2000, it will reduce the 48 million daily auto trips in Los Angeles by only 236,000—a fraction of total trips. Why should farmers in eastern Colorado, steel workers in Pennsylvania, or fishermen in Boston pay for this expensive rail transit system in a city where auto ownership is well above the national average?

On the surface, at least, this Los Angeles project does not seem to be integral to federal mass transit policy. It may be the Senate Banking Committee has sound reasons to reject out of hand the President's proposals for federal mass transit policy. But, this bill does not articulate a better federal policy nor justify the additional $5 billion more than requested by the President. One certainly is led to question the federal obligation to transit systems owned and operated by cities and local governments. While a strong case can be made for the federal government to help finance Interstate highways that are part of a national transportation network, the logic does not hold true for local transportation systems.

Forty years ago, local transit systems were privately owned and profitable. With the emergence of the automobile and growth of cities outward to the suburbs, ridership of mass transit declined. Twenty-five years ago the government thought it could pump new life into transit by providing $30 million to modernize transit systems. Then, thirteen years ago the oil embargo gave the government an excuse to start subsidizing operating costs. Five years ago, Congress set aside one cent of the nine cent tax motorists pay on gasoline, so cities can buy new buses and build new mass transit systems. According to OMB, Federal mass transit spending has increased 1,800 percent since 1970 and accumulated to $50 billion in total federal assistance.

What does the country get for $50 billion spent on mass transit? In Miami, OMB points out, the government paid most of the cost to build a $1 billion rail system that carries less than one-tenth of expected ridership. The government could have saved money if it bought each current rider a new car every five years for the next 50 years. In Detroit, $210 million is the cost of a rail system initially projected to cost $30 million, and projected ridership has declined from 37,000 to 15,000. Detroit, presumably, could also have purchased a significant amount of buses for this price. The existence of the federal dollars is clearly creating pressure for all cities and states to get their fair share, and nationwide states, including Colorado, are starting and planning projects that may require $19 billion in taxpayers money.

The government's generosity, however, has not proved to be a panacea for mass transit. Ridership has continued to decline from 8.9 percent of all commuter trips in 1970 to 6.4 percent in 1980; the fare box is relied on less and less for revenue and has declined as a percent of total operating costs from 92 percent in 1965 to 38 percent in 1983; and, between 1970-1983, transit wages have increased 28 percent, while productivity (vehicle miles per employee) has declined 19 percent, according to OMB.

One has to wonder where the federal revenues have been put to use. A 1983 study by the Transportation Systems Center updated by OMB in 1985 answered that question. Between 1975 and 1985, $9.3 billion was provided by the government in operating assistance, less than 25 percent actually benefitted transit riders. According to OMB, over $2.5 billion went to increase transit workers wages above the cost-of-living; $1.9 billion was absorbed by decreases in productivity; $1.3 billion was used to keep fares artifically low, and $1.1 billion provided unneeded service. The study further found that $1.4 billion replaced state and local operating assistance that otherwise would have been available.

Assertions made for the federal role in mass transit rest on claims that mass transit can alleviate oil dependence, improve the environment, or stimulate economic growth. Upon inspection, these laudable goals are proving elusive. A 1977 Congressional Budget Office report, which CBO believes is still correct, found that rail system failed to divert riders from autos and that on the whole, "new rapid rail systems actually waste energy rather than save it." The 1986 OMB budget request notes that a survey of the Washington area found job growth to be 30 percent less around metro stations than for the region as a whole.

Still others will contend federal funding of mass transit is necessary to coordinate transit policy with highway policy. But UMTA administrators testify that current federal program structure discourages "integrated approach to transportation planning. Instead, in many cities, the existence of categorized federal grants had been the driving force behind investment decisions." Transit projects pop-up around the country simply because the federal government will pay 75-80 percent of the cost. Transit Districts already have 30-50 percent overcapacity in buses and transit systems are built in Atlanta, Washington, D.C. and elsewhere that parallel highways and provide double the needed capacity. I believe mass transit can do much to revitalize communities, but this is not the way to do it.●

ECONOMIC AID TO CENTRAL AMERICA

● Mr. EVANS. Mr. President, I am pleased to join my colleagues as a cosponsor of S. 184, to provide economic assistance to the democracies in Central America. It is critically important that we craft a comprehensive, sustainable and humane foreign policy toward Central America, a policy that is practical and can be readily implemented. S. 184 sets out the fundamental elements from which to build such a policy.

First and foremost such a policy should reestablish our commitment to full, sustained, mltiyear economic aid to our friends in Central America, as provided by S. 184. I believe the economic assistance we give to other nations for development is an important, if not key, ingredient in our foreign policy. This is particularly so with respect to Central America. We must continue in our efforts to encourage the budding, fragile democracies in El Salvador, Honduras and Guatemala and sustain democracy in Costa Rica.

The National Bipartisan Commission on Central America recommended economic aid to Central America of $1.2 billion a year. We have yet to deliver on our promises for such assistance. Even this year, $300 million was included for economic assistance to Central America as part the package with the military aid to the Contras. But, because of the severe cuts our overall Foreign Aid Program suffered in fiscal year 1987, that $300 million was not allocated to Central America.

S. 184 reaffirms congressional determination to see that our friends in Central America have the means to build upon their strengths and isolate and confine the Government of Nicaragua. We should help our friends, not torment our adversaries. To this end, S. 184 would end our aid to the Contras—aid that I continue to oppose.

I think it is time for us to find elements of a policy toward Central America that will draw us together, not drive us apart. I am pleased to be a cosponsor of S. 184 and I look forward to working with Senator DODD and my colleagues on this legislation as we forge a vital, bipartisan policy toward Central America.●

BOY SCOUTS OF AMERICA TROOP 2, CENTRAL FALLS, RI, 50TH ANNIVERSARY

● Mr. CHAFEE. Mr. President, I am pleased to take this opportunity to acknowledge an important anniversary. On February 15, 1987, Troop 2 of the Narragansett Council of the Boy Scouts of America will celebrate its 50th anniversary of service to America's youth.

Founded in 1937, by members of Saint Mathieu's parish in Central Falls, RI, Troop 2 is the largest and most active Boy Scout troop in the city. Rev. Renaldo Gadoury, and Mr. Ernest St. Louis were responsible for organizing the troop.

Troop 2 has contributed much to the city of Central Falls. In addition to providing leadership opportunities for many young Rhode Islanders, the troop, through activities at its Camp Ker-Anna, has permitted thousands of boys to experience fellowship in the outdoors. Many of the boys who were members of Troop 2 have become leaders in their communities, both locally and statewide. Troop 2 has also contributed 25 young men to the prestigious rank of Eagle Scout, Scouting's highest rank.

Mr. President, the accomplishments of Troop 2 are a reflection not only of its community but of the strong volunteer leadership provided by those who have given unselfishly of their time. Mr. Ernest St. Louis, the troop's first Scoutmaster, who is now in his 80's, Mr. Rosaire Marcotte, Mr. Laurent Lussier, Mr. Walter Laurie, Mr. Robert Corriveau, who developed the High Adventure Orientation Program, Mr. George Marcotte, Mr. Russell Bourski, Mr. Donald Benoit, and the present Scoutmaster Mr. Patrick Carr—all have devoted many hours to the growth and enrichment of our young men. I salute them, and believe that Troop 2 will continue its outstanding service to Rhode Island's youth for another 50 years.●

INNA MEIMAN

● Mr. SIMON. Mr. President, I am sorry to inform my colleagues of distressing news concerning the health of Inna Meiman. The Soviet Union recently released Inna to the United States to undergo cancer treatment. Doctors say Inna only has approximately 1 year to live.

The Soviets refuse to allow Naum, Inna's husband, to join his wife during this extremely difficult period.

Each day is valuable. The love and support of her husband could help Inna accept her fate. I am outraged at the Soviets' refusal to let the couple spend these treasured moments together.

I urge the Soviet Government to release Naum immediately so he and Inna may enjoy their final days.●

ORDER FOR APPOINTMENT OF SENATOR TO READ WASHINGTON'S FAREWELL ADDRESS

Mr. BYRD. Mr. President, I ask unanimous consent that notwithstanding the resolution of the Senate of January 24, 1901, on Monday, February 16, 1987, immediately following the prayer and the disposition of the Journal, the traditional reading of Washington's farewell address take place, and that the Chair be authorized to appoint a Senator to perform its reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. BYRD. Mr. President, this request has been cleared with the able Republican leader and with Mr. SYMMS and Mr. MOYNIHAN.

I ask unanimous consent that on the Symms amendment, amendment No. 11, there be 1 hour equally divided; that the agreement be in the usual form; provided further that no amendment to the Symms amendment be in order.

I ask unanimous consent that out of the time of Mr. MOYNIHAN, Mr. DANFORTH be allotted 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Mr. President, I ask unanimous consent that after the prayer and the recognition of the two leaders under the standing order on tomorrow, the following Senators be recognized, each for not to exceed 5 minutes: Messrs. PROXMIRE, SASSER, GRASSLEY, MURKOWSKI, DIXON, and HEINZ.

The PRESIDING OFFICER. Without objection, it is so ordered

ORDER FOR ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that after the recognition of Senators on tomorrow and the special orders just entered, there be a period for the transaction of routine morning business, not to extend beyond 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may be permitted to speak for not to exceed 5 minutes each under the period for the transaction of morning business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF HIGHWAY BILL

Mr. BYRD. Mr. President, I ask unanimous consent that at 11 a.m. tomorrow the Senate resume consideration of the highway bill and the pending amendment at that time, which will be the Symms amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS AT 12 NOON AND VOTE ON SYMMS AMENDMENT AT 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that at the hour of 12 noon tomorrow, the Senate stand in recess for 2 hours, and that at the hour of 2 o'clock p.m. the Senate resume its consideration of the Symms amendment, at which time there be a vote thereon

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor.

ORDER OF PROCEDURE ON TUESDAY

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow no resolutions or motions over, under the rule come over and that the call of the calendar be waived under rule VIII.

The PRESIDING OFFICER. Without objection, it is no ordered.

Mr. BYRD. Mr. President, did I earlier get consent for Senators to speak on special orders for 5 minutes each or for 15 minutes each?

The PRESIDING OFFICER. The order as stated was 15 minutes.

Mr. BYRD. I thank the Chair. I misspoke, Mr. President, the intent was that they be recognized each for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, 5 minutes is allocated to each of those Senators listed for special orders.

PROGRAM

Mr. BYRD. Mr. President, the Senate will convene tomorrow morning at 9:45. After the prayer, and the two leaders have been recognized under the standing order, the following Senators will be recognized each for not to exceed 5 minutes: Senators PROXMIRE, SASSER, GRASSLEY, MURKOWSKI, DIXON, and HEINZ.

Upon the completion of the 5 minute orders for the recognition of Senators, there will be a period for the transaction of morning business not to extend beyond the hour of 11 o'clock. Senators will be permitted to speak during morning business for not to exceed 5 minutes each.

At the hour of 11 o'clock a.m., the Senate will resume consideration of the highway bill. The pending question at that time will be on the adoption of the amendment by Mr. SYMMS. There is a time limitations on the Symms amendment of 1 hour, to be equally divided. No amendments to the Symms amendment will be in order.

At the conclusion of the 1 hour—or 12 o'clock noon—the Senate will stand in recess for the two conferences of the two parties and will resume consideration of the highway bill at 2 p.m.

At 2 p.m., the question then again will be on the adoption of the Symms amendment. The yeas and nays have been ordered thereon and a rollcall vote will occur at that time. During the afternoon, other amendments will be called up. Rollcall votes will probably occur.

It is hoped that action can be completed on the highway bill tomorrow. I do not intend to stay in late tomorrow evening. In the event action is not completed on the highway bill on tomorrow, the Senate will resume consideration of the highway bill on Wednesday.

I also expect that a vote to override the President's veto of the clean water will bill occur in the Senate on Wednesday if the House of Representatives takes up the President's message and votes to override and does override the President's veto of the clean water bill on tomorrow. I have not decided on an hour for that vote. I will discuss that with the able Republican leader. It conceivably could be on Thursday, but I hope that the vote can occur on Wednesday.

Later in the week, the Senate will take up and dispose of the bill which came out of the Energy Committee, the energy appliance measure which was passed last year. I do not anticipate a great deal of controversy on that bill. It is S. 83, a bill to amend the Energy Policy Conservation Act with respect to energy conservation standards for appliances.

Action will continue on the highway bill and on the appliance measure until completed this week. If action is not completed by Thursday, by the close of business, then the Senate will be in on Friday. I would not expect to be in late Thursday night in order to get the business done. I do not want to stay in until 11 or 12 or 1 or 2 in the morning on Thursday night just so we can be out on Friday.

So it would be my intention on Thursday evening, if, at a reasonable hour, the action is not complete on the highway bill, to go over until Friday. Therefore, I think it would behoove us to make as much progress as we can on tomorrow and on Wednesday, if necessary, and if it is further necessary, to continue on Thursday and expedite our business so that the Senate can get out at a reasonable hour each evening.

Next week, of course, the Senate will be out for the Lincoln Day recess.

On the following Monday, Washington's Farewell Address will be read, and there will be no further business on that Monday.

So, Mr. President, if there be no further business to come before the Senate——

Mr. WILSON. Will the leader withhold just on minute?

Mr. BYRD. Yes. I yield the floor.

The PRESIDING OFFICER. The majority leader has yielded the floor. The Senator from California is recognized.

Mr. WILSON. I thank the distinguished majority leader for his courtesy.

PRIVILEGES ON THE FLOOR—S. 387

Mr. WILSON. Mr. President, I ask unanimous consent that, during the pendency of S. 387, the highway bill, members of my staff Larry Golzband, Dixon Arnett, and Ira Goldman be permitted privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. I thank the Chair and I thank the distinguished majority leader.

APPOINTMENT OF SENATOR GRASSLEY TO THE TECHNOLOGY ASSESSMENT BOARD

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to the provisions of Public Law 92-484, appoints the Senator from Iowa [Mr. GRASSLEY] as a member of the Technology Assessment Board, vice the Senator from Maryland, Mr. Mathias, retired.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order, and pursuant to Senate Resolution 34, as a further mark of respect to the memory of the deceased SALA BURTON, late a Representative from the State of California, that the Senate stand in adjournment until tomorrow, Tuesday, February 3, 1987, at the hour of 9:45 a.m.

The motion was agreed to; and, at 7:50 p.m., the Senate adjourned until

tomorrow, Tuesday, February 3, 1987, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate February 2, 1987:

DEPARTMENT OF STATE

Jack F. Matlock, Jr., of Florida, a career member of the Senior Foreign Service, class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Soviet Socialist Republics.

THE JUDICIARY

Robert P. Charrow, of the District of Columbia, to be a judge of the U.S. Claims Court for the term of 15 years vice Robert M.M. Seto, term expired.

Bohdan A. Futey, of Ohio, to be a judge of the U.S. Claims Court for the term of 15 years vice Philip R. Miller, term expired.

Wilkes C. Robinson, of Kansas, to be a judge of the U.S. Claims Court for the term of 15 years vice Judith Ann Yannello, term expired.

David Bryan Sentelle, of North Carolina, to be U.S. circuit judge for the District of Columbia circuit vice Antonin Scalia, elevated.

Michael S. Kanne, of Indiana, to be U.S. circuit judge for the seventh circuit vice Jesse E. Eschbach, retired.

Edward Leavy, of Oregon, to be U.S. circuit judge for the ninth circuit vice Otto R. Skopil, Jr., retired.

Bernard H. Siegan, of California, to be U.S. circuit judge for the ninth circuit vice Warren J. Ferguson, retired.

Ronald S.W. Lew, of California, to be U.S. district judge for the central district of California vice Laughlin E. Waters, retired.

James H. Alesia, of Illinois, to be U.S. district judge for the northern district of Illinois vice George N. Leighton, retired.

James B. Zagel, of Illinois, to be U.S. district judge for the northern district of Illinois vice Frank J. McGarr, retired.

Richard J. Daronco, of New York, to be U.S. district judge for the southern district of New York vice Lee P. Gagliardi, retired.

Layn R. Phillips, of Oklahoma, to be U.S. district judge for the western district of Oklahoma, vice Luther B. Eubanks, retired.

Malcolm F. Marsh, of Oregon, to be U.S. district judge for the district of Oregon vice Edward Leavy, elevated.

IN THE AIR FORCE

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, and 8373, title 10, United States Code:

To be major general

Brig. Gen. Clyde F. Autio, [redacted]FV, Air Force Reserve.

Brig. Gen. Ira DeMent Ill, [redacted]FV, Air Force Reserve.

Brig. Gen. Boyd L. Eddins, [redacted]FV, Air Force Reserve.

Brig. Gen. William N. Rowley, [redacted]FV, Air Force Reserve.

Brig. Gen. William C. Roxby, Jr., [redacted]FV, Air Force Reserve.

Brig. Gen. Stuart L. Schroeder, [redacted]FV, Air Force Reserve.

To be brigadier general

Col. Earl A. Aler, Jr., [redacted]FV, Air Force Reserve.

Col. John H. Burris, [redacted]FV, Air Force Reserve.

Col. John J. Closner, [redacted]FV, Air Force Reserve.

Col. Armando Deleon, [redacted]FV, Air Force Reserve.

Col. Walter J. Giller, Jr., [redacted]FV, Air Force Reserve.

Col. Oscar M. Jardon, [redacted]FV, Air Force Reserve.

Col. Jacques P. Klein, [redacted]FV, Air Force Reserve.

Col. Robert S. Messer, [redacted]FV, Air Force Reserve.

Col. Robert G. Stein, [redacted]FV, Air Force Reserve.

Col. Raymond B. Stewart, Jr., [redacted]FV, Air Force Reserve.

Col. Julio L. Torres, [redacted]FV, Air Force Reserve.

Col. John P. Van Blois, [redacted]FV, Air Force Reserve.

Col. Frederick D. Walker, [redacted]FV, Air Force Reserve.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Richard H. Thompson, [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Louis C. Wagner, Jr., [redacted], U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Lawrence F. Skibbie, [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Jerry M. Bunyard, [redacted], U.S. Army.

The Army National Guard of the United States officer named herein for appointment as reserve commissioned officer of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be brigadier general

Brig. Gen. Donald Burdick, [redacted].

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provision of section 531, title 10, United States Code, provided that in no case shall any of the following officers be appointed in a grade higher than major.

LINE OF THE AIR FORCE

Arant, Christopher N., [redacted]
Babcock, John E., [redacted]
Badgett, Lon A., [redacted]
Beasley, George C., Jr., [redacted]
Bice, James G., [redacted]
Blow, Thomas C., II, [redacted]
Boyd, Byron H., [redacted]
Boyer, Richard P., [redacted]
Bradley, Frank J., Jr., [redacted]
Brown, James E., [redacted]
Brundidge, Marvin C., [redacted]
Bryant, John R., [redacted]
Buckley, Howard J., [redacted]
Chapman, Donald P., [redacted]
Chatfield, James R., [redacted]
Comstock, George F., II, [redacted]
Cooper, James C., [redacted]
Corl, David N., [redacted]
Croxall, Gary L., [redacted]
Cusac, Paul E., [redacted]
Dabrowski, Ronald H., [redacted]
Davenport, James M., [redacted]
Demeritt, Ralph E., [redacted]
Froeschle, Michael A., [redacted]
Gardner, Craig D., [redacted]
Gardner, Stephen J., [redacted]
Gillispie, Dennis F., [redacted]
Ginsburg, Samuel W., [redacted]
Guzman, Juan J., [redacted]
Hansen, James G., [redacted]
Harmon, Charles F., [redacted]
Harris , David M., [redacted]
Hartge, Joyce, [redacted]
Haynsworth, Richard D., [redacted]
Hernandez, Victor M., Jr., [redacted]
Holland, George J., III, [redacted]
Holtz, Martin J., [redacted]
Hudson, John M., [redacted]
Huff, Jerry M., [redacted]
Keen, Clyde K., Jr., [redacted]
Kemp, Roger A., [redacted]
Koziol, Zbigniew J., [redacted]
Leath, Roger C., [redacted]
Madigan, Michael T., [redacted]
Manzo, Albert P., [redacted]
Marchman, Sylvester, [redacted]
Martens, David A., [redacted]
Miller, Raymond R., III, [redacted]
Myers, James A., [redacted]
Olson, Steven H., [redacted]
Palmer, Edwin, II, [redacted]
Pugh, Jerry F., [redacted]
Reed, Lawrence A., [redacted]
Reynolds, Sharon L., [redacted]
Roney, Clensy R., Jr., [redacted]
Schneider, Karl E., [redacted]
Schoen, Barry A., [redacted]
Seidel, Rodger F., [redacted]
Shaeffer, Robert J., [redacted]
Smith, Esper, [redacted]
Spilseth, Terri V., [redacted]
Stephens, Nelson L., Jr., [redacted]
Strain, Frederick, R., [redacted]
Sykes, Larrie N., [redacted]
Tate, Stephen M., [redacted]
Tierney, James W. Jr., [redacted]
Twine, Johnnie M., [redacted]
Ulrich, Robert T., [redacted]
Vandalinda, Robert P., [redacted]
Welch, Stephen J., [redacted]
Wheeler, Barrie G., [redacted]
Whitworth, Douglas P., [redacted]
Woodmansee, Donald D., [redacted]

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, provided that in no case shall any of the following officers be appointed in a grade higher than major.

CHAPLAINS

Boleyn, R. Lee, [redacted]
Booth, John R., [redacted]
Bragdon, William A., [redacted]
Brown, Alvin, [redacted]
Broyles, David E., [redacted]
Bruno, A. Robert, [redacted]
Buffington, Gary W., [redacted]
Cadenhead, Curtis C., [redacted]
Carlson, Greg W., [redacted]

Cochran, Dennis R., [redacted]
Diab, Thomas P., [redacted]
Dicks, John, [redacted]
Franks, David L., [redacted]
Gardner, Robert W., [redacted]
Gay, Clifton J., [redacted]
Goff, William M., Jr., [redacted]
Janovec, Jon F., [redacted]
Landham, Jackson W., III, [redacted]
Leurck, Raymond J., [redacted]
Losey, Christopher R., [redacted]
Lovin, Dennis A., [redacted]
Ludwikoski, James E., [redacted]
Luongo, John H., [redacted]
Macy, Gary P., [redacted]
Malone, John W., [redacted]
Morton, Darrell D., [redacted]
Oditt, Robert K., [redacted]
Otterstein, Paul L., [redacted]
Pierson, John W., [redacted]
Popeleski, Frank X., [redacted]
Powell, Daniel N., [redacted]
Preskenis, James T., [redacted]
Rich, Steven R., [redacted]
Rider, Paul G., [redacted]
Robinson, Michael, L., [redacted]
Seaton, Terrell S., [redacted]
Synder, Gordon E., [redacted]
Stine, David E., [redacted]
Towne, Larry E., [redacted]
Travis, Clyde R., [redacted]
Yeun, Paul L., [redacted]

JUDGE ADVOCATES

Breslin, Michael J., [redacted]
Carey, Peter N., [redacted]
Colopy, Michael L., [redacted]
Conrad, James L., [redacted]
Dattilo, Anthony P., [redacted]
Davis, Harold C., Jr., [redacted]
Dillingham, Wayne E., [redacted]
Doogan, Daniel F., [redacted]
Fivehouse, Derence V., [redacted]
Gabrial, Steven A., [redacted]
Goldner, Edward A., [redacted]
Gunderson, John W., [redacted]
Hart, Erich O., [redacted]
James, Ronnie D., [redacted]
Karns, John J., [redacted]
Ketchel, Charles T., Jr., [redacted]
McLaughlin, Owen C., [redacted]
Monahan, Kevin R., [redacted]
Moriarty, Thomas J., [redacted]
Morris, Dana E., [redacted]
Pecinovsky, Steven J., [redacted]
Petrow, John E., [redacted]
Phelps, Richard A., [redacted]
Roberts, Keith L., [redacted]
Rodgers, Dean C., [redacted]
Springer, Aaron S., [redacted]
Stevens, Laura B., [redacted]
Vanpelt, Marcia L., [redacted]
Wille, Charles L., [redacted]
Willging, Joseph M., [redacted]
Wilson, Timothy D., [redacted]
Young, Steven K., [redacted]

NURSE CORPS

Adams, David V., [redacted]
Addison, Martha W., [redacted]
Allen, Grady F., [redacted]
Allsup, Doris J., [redacted]
Alvarado, Laura V., [redacted]
Arthen, Terry E., [redacted]
Baxter, Judith T., [redacted]
Bednarek, Mary A., [redacted]
Beinborn, Linda K., [redacted]
Bernal, Beverly B., [redacted]
Bouffard, Diane H., [redacted]
Boyd, Barbara E., [redacted]
Bryan, Jacalyn L., [redacted]
Buttino, Mary C., [redacted]
Camp, Nancy E., [redacted]
Campbell, Jana L., [redacted]
Cassell, James C., [redacted]
Chenevey, Nancy L., [redacted]
Cihak, Arlis J., [redacted]
Clukey, Dale W., [redacted]
Colasanti, Alfred M., Jr., [redacted]
Colville, Mary Jo, [redacted]
Connelly, Virginia F., [redacted]
Craft, Brigetta D., [redacted]
Dankowski, Linda S., [redacted]
Davidson, Sandra A., [redacted]
Dawkins, Diane A., [redacted]
Devoll, Vickie A., [redacted]
Dickson, Lois J., [redacted]
Dubovecky, Barbara L., [redacted]
Duffield, Linda J., [redacted]
Ervin, Nora M., [redacted]
Farrington, Janeiro D., [redacted]
Foote, Linda N., [redacted]
Fortson, Dianne M., [redacted]
Francis, Kathryn M., [redacted]
Fry, Shirley A., [redacted]
Gammage, Deborah M., [redacted]
Garcia, Benito H., Jr., [redacted]
Gardner, Cathy M., [redacted]
Garner, Charles E., [redacted]
Gavett, Connie L., [redacted]
Gedman, Joann S., [redacted]
Green, Patricia A., [redacted]
Haines, Jan H., [redacted]
Hall, Deborah Y., [redacted]
Hall, Maryann H., [redacted]
Hammond, Terry L., [redacted]
Herriman, Judy A., [redacted]
Hitchcock, Sandra S., [redacted]
Holland, Gwendolyn F., [redacted]
Holland, Linda D., [redacted]
Hutchison, Leola M., [redacted]
Inman, Brenda L., [redacted]
Iversen, Ruth A., [redacted]
Jacobs, Susan K., [redacted]
Jakaitis, Christine M., [redacted]
James, Betty G., [redacted]
Jarabek, Kathleen K., [redacted]
Johnson, John R., [redacted]
Johnson, Sandra C., [redacted]
Koozin, Mary K., [redacted]
Lackey, Angela K., [redacted]
Larsen, Barbara A., [redacted]
Lopez, Diana E., [redacted]
Lott, Susan E., [redacted]
Lutman, Linda F., [redacted]
Magdaleno, Cheryle K., [redacted]
Malavakis, Terry L., [redacted]
May, Philip F., [redacted]
McGraw, Shirley D., [redacted]
Milberry, Robin L., [redacted]
Milhollen, James D., [redacted]
Milinski, Mark N., [redacted]
Miller, Richard E., [redacted]
Millette, Sheila A.W., [redacted]
Moberly, Donald L., [redacted]
Montoya, Madonna C., [redacted]
Moore, Denise A., [redacted]
Morgan, James E., Jr., [redacted]
Norvell, Terry L., [redacted]
Ogden, Penny J., [redacted]
Ogilvie, John L., [redacted]
O'Neill, Joann, [redacted]
Paoline, Monica, [redacted]
Pastizzo, Cynthia M., [redacted]
Pipitone, Nancy M., [redacted]
Polednick, Debra S., [redacted]
Redfern, David N., [redacted]
Reinhart, Ann, [redacted]
Reisenauer, Kathryn J., [redacted]
Reyes, Yolanda M., [redacted]
Rice, Bethany L.H., [redacted]
Richardson, Joseph W., [redacted]
Roby, Trudy L., [redacted]
Roseboro, Gloria J., [redacted]
Rye, Frederick D.C., [redacted]
Saundersroy, Felicia L., [redacted]
Schlafer, Kathryn J., [redacted]
Shankles, Donna K., [redacted]
Simon, Bonnie A., [redacted]
Simpsonharvey, Jacqulyn S., [redacted]
Smith, Patricia A., [redacted]
Spencer, Beverly F., [redacted]
Stewart, Cheryl J., [redacted]
Stroup, Mary J., [redacted]
Sussman, Renee, [redacted]
Swilley, Bennie F., [redacted]
Szutenbach, Mary P., [redacted]
Tegeler, Thomas J., [redacted]
Thomas, Ruth E., [redacted]
Thompson, Donald R., [redacted]
Vanwart, Phyllis S., [redacted]
Vash, Alex S., Jr., [redacted]
Waldrop, Kathleen G., [redacted]
Wilder, Ann A., [redacted]
Wotring, Joan K., [redacted]
Wright, Beverly L., [redacted]
Zimmerman, Marsha A., [redacted]

MEDICAL SERVICE CORPS

Allen, Charles H., [redacted]
Clarke, Richard W., [redacted]
Clover, Robert E., [redacted]
Davis, Allan W., [redacted]
Ford, Jerry D., [redacted]
Hale, Ronald B., [redacted]
Keith, Justin, Jr., [redacted]
Mason, Robert J., [redacted]
Miles, James E., [redacted]
Neely, Daniel R. G., [redacted]
Pasch, Kenneth W., [redacted]
Provost, George M., [redacted]
Summerlin, Archie J., [redacted]
Tart, James E., [redacted]
Tilley, Jessie J., [redacted]
Woodson, Anthony L., [redacted]

BIOMEDICAL SCIENCES CORPS

Allen, John R., [redacted]
Andrews, Charles P., [redacted]
Bannister, Johnny, [redacted]
Beach, Gregory M., [redacted]
Bennett, Michael H., [redacted]
Berrett, Robert J., [redacted]
Booth, Thomas B., [redacted]
Borst, Diane L., [redacted]
Carlsongeer, Susan, [redacted]
Carmichael, Blaine P., [redacted]
Casey, Theresa M., [redacted]
Chapman, James C., [redacted]
Chapman, Ronald K., [redacted]
Cody, John T., [redacted]
Corey, John M., [redacted]
Cortner, Diane M., [redacted]
Cunningham, Rosemary A.J., [redacted]
Dobbins, Ken M., [redacted]
Dooley, James W., [redacted]
Duhart, Jacqueline K., [redacted]
Edwards, Rhonda L., [redacted]
Elves, Robert G., [redacted]
Erb, John C., [redacted]
Gleason, Gerald A., [redacted]
Grau, Gregory A., [redacted]
Hadfield, Ted L., [redacted]
Heath, Russell W., [redacted]
Higgins, Ronald L., [redacted]
Huff, Richard A., [redacted]
Jackson, Margaret B., [redacted]
Jones, Robert S., Jr., [redacted]
Kidney, Jay K., [redacted]
Kuhlman, James J., [redacted]
La Poe, Robert G., [redacted]
Lamison, William W., [redacted]
Laroche, Robert A., [redacted]
Litts, David A., [redacted]
Marquardt, William H., [redacted]
May, Gordon L., [redacted]
McCloud, Izell J., Jr., [redacted]
Meyer, Kenneth L., [redacted]
Milam, Susan C., [redacted]
Miller, Ross N., [redacted]
Monroeposey, Carla A., [redacted]
Neller, Cheryl M., [redacted]
Porter, John R., [redacted]
Scaggs, Donald F., [redacted]

Simpson, Steven W., [redacted]
Suggs, Elizabeth A., [redacted]
Suiter, Robert L., [redacted]
Uremovich, Gary R., [redacted]
Vansandt, Donald J., [redacted]
Williams, Robert L., [redacted]
Yocum, Gilbert L., [redacted]
Zapf, Robert L., [redacted]

The following named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of section 624, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be major

Abbott, Darwin W., [redacted]
Abbott, James A., [redacted]
Abel, Donald S., [redacted]
Abelard, Clarck E., [redacted]
Abernathy, Robert W., [redacted]
Acock, Danny J., [redacted]
Acres, Jody D., [redacted]
Adair, William G., [redacted]
Adams, Jamie L., [redacted]
Adams, Robert R., [redacted]
Adams, Ronald C., [redacted]
Addison, Timothy W., [redacted]
Addy, Michael H., [redacted]
Adragna, Vito E., [redacted]
Aguirre, Donald G., [redacted]
Akers, Thomas D., [redacted]
Alberico, David J., [redacted]
Albers, Lesley L., [redacted]
Albright, Royce W., [redacted]
Alexander, Gerald F., Jr., [redacted]
Alexander, Kenneth K., [redacted]
Alkove, David H., [redacted]
Allan, Charles T., [redacted]
Alleca, Joseph P., [redacted]
Allen, Gerald D., [redacted]
Allen, James Y., [redacted]
Allen, Thomas M., [redacted]
Allen, William H., Jr., [redacted]
Allgaier, Darrell E., [redacted]
Allgood, Robert C., Jr., [redacted]
Allshouse, James D., [redacted]
Alquist, Richard J., [redacted]
Alsdorf, Mark A., [redacted]
Alston, Clifton J., [redacted]
Ammons, Richard P., [redacted]
Anaya, Minerva, [redacted]
Anderson, Christopher G., [redacted]
Anderson, Jack L., [redacted]
Anderson, John I, Jr., [redacted]
Anderson, Mark C., [redacted]
Anderson, Thomas M., [redacted]
Andreen, Michael E., [redacted]
Andrew, John M., [redacted]
Andrews, Curtis C., [redacted]
Andrews, David E., [redacted]
Andrichak, John J., III, [redacted]
Angleton, Mark R., [redacted]
Anstine, Hammond N., III, [redacted]
Antaya, Richard E.E., [redacted]
Antonson, Jon J., [redacted]
Appolloni, Thomas J., [redacted]
Aragon, Henry L., [redacted]
Arant, Christopher N., [redacted]
Arbetter, Robert L., [redacted]
Argo, Steven D., [redacted]
Armor, John A., [redacted]
Armour, Richard M., [redacted]
Armstrong, Carl E., [redacted]
Armstrong, Russell A., [redacted]
Arnold, Leslie C., [redacted]
Arter, James K., Jr., [redacted]
Arvai, Joseph Walter, [redacted]
Arvin, August V., Jr., [redacted]
Ashley, Stephen A., [redacted]
Asscherick, Richard L., [redacted]
Atkins, Sheryl G., [redacted]
Ausink, John A., [redacted]
Austin, Mark S., [redacted]
Auth, William G., [redacted]
Avellaneda, Henry A., [redacted]
Avent, Frank V., IV, [redacted]
Averill, Reid J., [redacted]
Avery, Verne W., [redacted]
Ayotte, Susan M., [redacted]
Aytes, Steven C., [redacted]
Babb, Bruce W., [redacted]
Babbitt, Peter A., [redacted]
Babcock, John E., [redacted]
Bacher, Kevin C., [redacted]
Badgett, Lon A., [redacted]
Bagwell, Jesse G., III, [redacted]
Bailey, Gary S., [redacted]
Bailey, Peter M., [redacted]
Bailey, Philip J., [redacted]
Bailey, Robert M., [redacted]
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McGee, Charles M., [redacted]
McGee, J. Michael, [redacted]
McGee, John D., [redacted]
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McKnight, Richard D., [redacted]
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Meier, James E., [redacted]
Meola, James, [redacted]
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Opel, Stephen W., [redacted]
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Pack, James B., [redacted]
Page, Bonnie C., [redacted]
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Partridge, Ronald M., [redacted]
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Passarello, Stephen M., [redacted]
Patrick, Sean K., [redacted]
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Pestana, Mark E., [redacted]
Peters, Pamela L. [redacted]
Peterson, Alvin W., [redacted]
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Pickett, Donald F., Jr., [redacted]
Pierce, Philip A., Jr., [redacted]
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Piercypont, Ann L., [redacted]
Pilet, Gordon A., [redacted]
Pinc, James D., [redacted]
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Pinney, Charles W., [redacted]
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Polaneczky, Aloysius J., Jr., [redacted]
Polasek, Joseph R., III, [redacted]
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Pool, James H., [redacted]
Poole, Roy A., [redacted]
Popola, Ronald J., [redacted]
Porritt, Orval W., [redacted]
Porter, Jeffrey A., [redacted]
Pottinger, Kevin E., [redacted]
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Powell, Eugene H., Jr., [redacted]
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Price, Joseph S., [redacted]
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Proctor, Gary D., [redacted]
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Pundzak, Matthew A., [redacted]
Purvis, Quincy D., [redacted]
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Pyshora, David E., [redacted]
Quan, Paul, [redacted]
Queen, James V., [redacted]
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Racher, Joseph P., Jr., [redacted]
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Rice, George M., [redacted]
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South, David L., [redacted]
Southern, Jerrell W., Jr., [redacted]
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Spilseth, Terri V., [redacted]
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Srulowitz, David M., [redacted]
Staal, Robert E., [redacted]
Stafford, Earl W., [redacted]
Stafford, Wayne L., [redacted]
Stahler, Lawrence H., [redacted]

Stanley, Mark C., [redacted]
Stanley, Wayne W., [redacted]
Starkey, Larry J., [redacted]
Starks, Stephen E., [redacted]
Stauffer, Michael E., [redacted]
Stearns, Bernard M., [redacted]
Steel, Carl A., [redacted]
Steele, David J., [redacted]
Steele, George W., Jr., [redacted]
Steeves, Jon H., [redacted]
Steig, Jeffrey T., [redacted]
Steiner, Karl F., [redacted]
Steinke, John E., [redacted]
Steinmetz, Jay S., [redacted]
Stephens, Mark L., [redacted]
Stephens, Nelson I., Jr., [redacted]
Stepp, Terry Donovan, [redacted]
Stevens, Richard A., [redacted]
Stevens, Robert E., [redacted]
Stewart, Charles R., [redacted]
Stewart, Douglas E., [redacted]
Stewart, John R., III, [redacted]
Stewart, Ronald C., [redacted]
Stgeorge, Kyle A., [redacted]
Stickford, Thomas E., [redacted]
Stinson, Steven L., [redacted]
Stoddard, James W., [redacted]
Stohry, Kimble D., [redacted]
Stokes, Clyde M., Jr., [redacted]
Stokes, Donald H., Jr., [redacted]
Stone, Lynn J., [redacted]
Stoneharris, Regina L., [redacted]
Storbeck, Chris B., [redacted]
Storey, Cheryl L., [redacted]
Story, Douglas A., [redacted]
Stover, Stephen H., [redacted]
Stowe, Russell A., [redacted]
Stowers, Harry W., Jr., [redacted]
Strain, Efren C., [redacted]
Strain, Frederick R., [redacted]
Strait, Alvin B., [redacted]
Strang, Richard A., [redacted]
Strasser, Nancy C., [redacted]
Strawn, Russell K., [redacted]
Street, Charles G., IV, [redacted]
Streit, Phillip L., [redacted]
Strom, Randie A., [redacted]
Strother, Mark O., [redacted]
Struna, Matthew L., [redacted]
Stumpf, Thomas S., [redacted]
Stutte, Richard J., [redacted]
Stutzriem, Lawrence A., [redacted]
Sullivan, Raymond D., Jr., [redacted]
Sullivan, William, [redacted]
Summers, Leonard, III, [redacted]
Sumption, William A., [redacted]
Sutliff, Paul G., [redacted]
Sutter, Brian L., [redacted]
Svendsen, Keith C., [redacted]
Swaim, Barbra A., [redacted]
Sward, Steven H., [redacted]
Sweat, David A., [redacted]
Swehosky, Frank J., [redacted]
Swift, Daniel P., [redacted]
Swift, Ulysses C., [redacted]
Swigart, James E., [redacted]
Swisher, Gary A., [redacted]
Swygert, Roy B., Jr., [redacted]
Sykes, Larrie N., [redacted]
Sykes, Ruth A., [redacted]
Taft, Charles K., Jr., [redacted]
Taliaferro, John F., [redacted]
Talty, Aida M., [redacted]
Tarbell, Philip B., III, [redacted]
Tarlton, James M., [redacted]
Tarpenning, Cory D., [redacted]
Tarter, Robert O., [redacted]
Tate, David O., [redacted]
Tate, Stephen M., [redacted]
Tatum, Stanley C., [redacted]
Tatum, Thomas H., Jr., [redacted]
Taubert, Terrence L., [redacted]
Taylor, Charles E., [redacted]
Taylor, Clifton T., [redacted]
Taylor, John W., [redacted]
Taylor, Neil W., [redacted]
Taylor, Robin D., [redacted]
Taylor, Tracy A., [redacted]
Teeple, James R., [redacted]
Temple, David J., [redacted]
Tensfeldt, Jon R., [redacted]
Terrana, Steven W., [redacted]
Terranova, Joseph J., [redacted]
Terrell, Gary D., [redacted]
Thayer, Arthur R., [redacted]
Thebo, Ernest J., [redacted]
Therrien, Michael G., [redacted]
Therrien, Sam C., [redacted]
Thomas, Arthur L., [redacted]
Thomas, Charles H., Jr., [redacted]
Thomas, Charles W., [redacted]
Thomas, Jeffrey A., [redacted]
Thomas, John P., Jr., [redacted]
Thomas Richard E., [redacted]
Thomas, Stephen W., [redacted]
Thomas, William S., [redacted]
Thomin, David W., [redacted]
Thompson, Don G., [redacted]
Thompson, Ernest S., III, [redacted]
Thompson, Howard N., [redacted]
Thompson, Joanna R., [redacted]
Thompson, John H., Jr., [redacted]
Thompson, Marcum L., [redacted]
Thompson, Robert H., [redacted]
Thompson, Robert N., [redacted]
Thomsen, Eric R., [redacted]
Thornson, Benjamin L., [redacted]
Thueson, Con M., [redacted]
Thunker, Robert R., [redacted]
Tierney, James W., Jr., [redacted]
Tierney, Kathleen G., [redacted]
Tillery, Randy G., [redacted]
Tilton, Howard A., [redacted]
Tiner, Stephen G., [redacted]
Tippins, James L., [redacted]
Tompkins, Charles L., [redacted]
Toney, William H., Jr., [redacted]
Toohey, Richard J., [redacted]
Tope, Chris L., [redacted]
Toth, Mathew S., [redacted]
Tovado, Robert R., [redacted]
Towery, James N., [redacted]
Traczyk, Jeffery S., [redacted]
Trainor, Thomas D., [redacted]
Trego, Robert J., [redacted]
Tribolet, Robert G., [redacted]
Trivette, Johnnie L., [redacted]
Troche, Jose A., [redacted]
Troegner, William R., [redacted]
Trott, John M., [redacted]
Trott, Randall L., [redacted]
Trottier, Lauren P., [redacted]
Troyer, Tim E., [redacted]
Trump, Peter M., [redacted]
Tschupp, Gregory A., [redacted]
Tucker, James N., [redacted]
Tucker, Mark B., [redacted]
Tuckerman, Theodore L., Jr., [redacted]
Tuday, Clifford E., [redacted]
Turcotte, Roger T., [redacted]
Turk, Joel B., [redacted]
Turk, Melba B., [redacted]
Turk, Michael C., [redacted]
Turner, James W., [redacted]
Turner, Peter A., [redacted]
Turner, William M., [redacted]
Turnipseed, Gary A., [redacted]
Twine, Johnnie M., [redacted]
Tyc, Raymond J., [redacted]
Tyler, Ward E., III, [redacted]
Tyner, Roy, [redacted]
Tynes, Lonzer K., [redacted]
Uckert, Merri B., [redacted]
Ullestad, Gary S., [redacted]
Ulrich, Robert T., [redacted]
Umberger, William M., Jr., [redacted]
Underwood, Michael A., [redacted]
Utecht, Richard J., [redacted]
Vacca, Albert Jr., [redacted]
Vaccaro, Victor J., [redacted]
Vahle, William D., [redacted]
Valliere, John E., [redacted]
Vancil, Stephen P., [redacted]
Vandagriff, David L., [redacted]
Vandalinda, Robert P., [redacted]
Vanderberg, Charles M., [redacted]
Vanderpoorten, Joseph E., Jr., [redacted]
Vandyke, Michael C., [redacted]
Vanepps, Robert A., [redacted]
Vaness, Philip J., [redacted]
Vanevery, Steven L., [redacted]
Vanhee, Robert J., [redacted]
Vanslembrouck, Jerry D., [redacted]
Vantonningen, Scott, [redacted]
Varga, Irma R., [redacted]
Varner, David, L., [redacted]
Varney, Raymond E., [redacted]
Varnum, Bruce R., [redacted]
Vaughan, Robert W., [redacted]
Vaughan, Robert J., [redacted]
Venus, James M., [redacted]
Vera, Glenn, [redacted]
Vercio, Carl F., [redacted]
Verhage, Thomas E., [redacted]
Vest, Stephen L., [redacted]
Viale, Robert G., [redacted]
Vignetti, John C., [redacted]
Vincent, Dennis C., [redacted]
Vincent, John C., [redacted]
Vincent, Susan B., [redacted]
Vining, Stephen D., [redacted]
Vitalis, Gregory L., [redacted]
Vollelunga, Philip A., [redacted]
Voss, John H., [redacted]
Vouk, Richard L., [redacted]
Vroom, Susan, [redacted]
Wacker, William B., [redacted]
Waddelow, Douglas M., [redacted]
Wagner, Barbara J., [redacted]
Wagner, John F., III, [redacted]
Waisanen, Anthony, [redacted]
Waite, Richard D., [redacted]
Waiton, Richard G., [redacted]
Walby, Edward A., [redacted]
Walden, David C., [redacted]
Wales, Harman K., [redacted]
Walker, Algie, Jr., [redacted]
Walker, Harry J., [redacted]
Walker, Morris E., [redacted]
Walker, Sylvia D., [redacted]
Wallace, Frank L., [redacted]
Wallen, Lance, [redacted]
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Ward, Dennis C., [redacted]
Ware, John C.H., [redacted]
Warnke, Richard F., [redacted]
Warren, James A., Jr., [redacted]
Warren, Keith R., [redacted]
Wasem, Vaughn D., [redacted]
Washburn, Walter R., III., [redacted]
Waskiewicz, John D., [redacted]
Watkins, Donald T., [redacted]
Watkins, James I., [redacted]
Wawrynovic, Thomas A., [redacted]
Weathers, James F., [redacted]
Weathers, Richard B., [redacted]
Weaver, Larry A., [redacted]
Weaver, Paul M., [redacted]
Weaver, Scott E., [redacted]
Weaver, Stephen A., [redacted]
Webb, Henry J., [redacted]
Webb, James M., [redacted]
Webb, Sherry D., [redacted]
Webber, Stephen R., [redacted]
Webster, Rebecca G., [redacted]
Webster, Thomas D., [redacted]
Wedertz, James A., [redacted]
Weeks, Eddie D., [redacted]

Weidner, Richard G., [redacted]
Weinberg, Norman A., [redacted]
Weiss, Charles J., [redacted]
Weiszhaar, David L., [redacted]
Welch, David A. W., [redacted]
Welch, Stephen J., [redacted]
Welch, Steven M., [redacted]
Wells, Danner T., [redacted]
Wendt, Gilbert M., [redacted]
Wenninger, Stephen D., [redacted]
Wenzel, Randy S., [redacted]
Weslow, Matthew E., [redacted]
Wesolowski, Robert A., [redacted]
Wesselman, William D., [redacted]
Westbrook, Thomas D., [redacted]
Westlake, James Jay, [redacted]
Westmoreland, Daniel K., [redacted]
Wetterlin, David R., [redacted]
Whalen, Mark T., [redacted]
Wharton, John F., Jr., [redacted]
Whatley, Carl J., [redacted]
Wheeler, Barrie G., [redacted]
Wheeler, Kenneth L., [redacted]
Wheeless, Lynn B., [redacted]
Whicker, George A., [redacted]
Whitacre, Thomas J., [redacted]
Whitacre, Timothy R., [redacted]
Whitaker, Glenn T., [redacted]
White, Kathleen A., [redacted]
White, Thomas P., [redacted]
White, Valus E., [redacted]
White, William R., [redacted]
Whitford, Gregory P., [redacted]
Whitmore, James A., [redacted]
Whitton, Wayland D., [redacted]
Whitworth, Douglas P., [redacted]
Wida, Paul J., [redacted]
Wido, Mark C., [redacted]
Wiederrecht, Thomas P., [redacted]
Wiekhorst, Linda A., [redacted]
Wies, Paul R., [redacted]
Wijbrandus, Nyckle, [redacted]
Wilder, Jack W., Jr., [redacted]
Wildman, Richard F., [redacted]
Wiley, Miles C., III, [redacted]
Wilhelm, Steven G., [redacted]
Willard, Bryan C., [redacted]
Willeck, Dennis G., [redacted]
Williams, Charles, [redacted]
Williams, Clarence F., [redacted]
Williams, Craig W., [redacted]
Williams, Dale R., [redacted]
Williams, Douglas D., [redacted]
Williams, Frederick V., [redacted]
Williams, John F., [redacted]
Williams, Kenneth V., [redacted]
Williams, Kent D., [redacted]
Williams, L. C., [redacted]
Williams, Mark R., [redacted]
Williams, Michael A., [redacted]
Williams, Richard R., [redacted]
Williams, Roderick M., [redacted]
Williams, Terry L., [redacted]
Williams, Zeneo B., [redacted]
Williamson, Linda K., [redacted]
Williford, Clifford F., [redacted]
Willis, Michael S., [redacted]
Wilson, David J., [redacted]
Wilson, James M., [redacted]
Wilson, Joe A., [redacted]
Wilson, Joseph E., Jr., [redacted]
Wilson, Michael N., [redacted]
Windham, Bryan L., [redacted]
Winegarden, Steven R., [redacted]
Winkle, Robin M., [redacted]
Winn, Gregory C., [redacted]
Winney, David L., [redacted]
Winters, James W., [redacted]
Wise, Timothy G., [redacted]
Wisniewski, Joseph B., [redacted]
With, James A., [redacted]
Withers, Bruce C., [redacted]
Witt, Donald J., [redacted]
Witters, Gerald B., [redacted]
Wnuk, Mark R., [redacted]
Wolczek, Roger S., [redacted]
Wood, Charles W., [redacted]
Wood, John R., [redacted]
Wood, Stuart R., [redacted]
Woodman, Michael, [redacted]
Woodmansee, Donald D., [redacted]
Woods, Paul D., [redacted]
Woods, Robert A., [redacted]
Woollard, Ernest V., II, [redacted]
Worden, Roy M., [redacted]
Wordinger, David H., [redacted]
Worley, Robert L., Jr., [redacted]
Worley, Robert M., II, [redacted]
Worthington, Annette T., [redacted]
Wright, Frederick L., [redacted]
Wright, Harold J., [redacted]
Wright, James W., [redacted]
Wright, Mark C., [redacted]
Wright, Robert L., [redacted]
Wright, Ronnie D., [redacted]
Wright, Steven A., [redacted]
Wright, Thomas, B., [redacted]
Wright, William H., [redacted]
Wrinkle, Larry D., [redacted]
Wyatt, Herbert M., [redacted]
Wyman, Thomas T., [redacted]
Yagi, Lester S., [redacted]
Yanaros, Marcus W., [redacted]
Yarborough, Fred A., Jr., [redacted]
Yauch, David W., [redacted]
Yauchzy, Roger G., [redacted]
Young, Ben F., Jr., [redacted]
Young, John T., [redacted]
Zacour, Douglas W., [redacted]
Zambarelli, Stephen J., [redacted]
Zane, Jerome D., [redacted]
Zawistoski, Ronald W., [redacted]
Zelms, Ronald L., [redacted]
Zettel, Robert J., [redacted]
Zider, Vance P., [redacted]
Zlotkowski, Joseph J., [redacted]

CHAPLAIN CORPS

Adams, Kevin K., [redacted]
Boleyn, R. Lee, [redacted]
Booth, John R., [redacted]
Bragdon, William A., [redacted]
Brown, Alvin, [redacted]
Broyles, David E., [redacted]
Bruno, A. Robert, [redacted]
Buffington, Gary W., [redacted]
Cadenhead, Curtis C., [redacted]
Carlson, Greg W., [redacted]
Cochran, Dennis R., [redacted]
Crawford, Nathaniel, Jr., [redacted]
Diab, Thomas P., [redacted]
Dicks, John, [redacted]
Dillon, James P., [redacted]
Ericson, Rodger T., [redacted]
Franks, David L., [redacted]
Gardner, Robert W., [redacted]
Gay, Clifton J., [redacted]
Goff, William M., Jr., [redacted]
Hubbard, Jonathan W., [redacted]
Janovec, Jon F., [redacted]
Knudsen, Olin R., [redacted]
Kondratick, John N., [redacted]
Landham, Jackson W., III, [redacted]
Leurck, Raymond J., [redacted]
Losey, Christopher R., [redacted]
Lovin, Dennis A., [redacted]
Ludwikoski, James E., [redacted]
Luongo, John H., [redacted]
Macy, Gary P., [redacted]
Malone, John W., [redacted]
Morton, Darrell D., [redacted]
Oditt, Robert K., [redacted]
Otterstein, Paul L., [redacted]
Pierson, John W., [redacted]
Popeleski, Frank X., [redacted]
Powell, Daniel N., [redacted]
Preskenis, James T., [redacted]
Rich, Steven R., [redacted]
Rider, Paul G., [redacted]
Robinson, Michael L., [redacted]
Seaton, Terrell S., [redacted]
Shindel, Katherine A., [redacted]
Snyder, Gordon E., [redacted]
Stine, David E., [redacted]
Thompson, William D., [redacted]
Towne, Larry E., [redacted]
Travis, Clyde R., [redacted]
Yeun, Paul L., [redacted]

JUDGE ADVOCATE

Atkinson, Thomas E., [redacted]
Belongia, Kenneth J., [redacted]
Breslin, Michael J., [redacted]
Carey, Peter N., [redacted]
Colopy, Michael L., [redacted]
Conrad, James L., [redacted]
Dattilo, Anthony P., [redacted]
Davis, Harold C., Jr., [redacted]
Dillingham, Wayne E., [redacted]
Doogan, Daniel F., [redacted]
Fivehouse, Derence V., [redacted]
Gabrial, Steven A., [redacted]
Goldner, Edward A., [redacted]
Gordon, Marilyn A., [redacted]
Gunderson, John W., [redacted]
Hart, Erich O., [redacted]
Hartmann, Thomas W., [redacted]
Hinesley, Ted W., [redacted]
James, Ronnie D., [redacted]
Karns, John J., [redacted]
Ketchel, Charles T., Jr., [redacted]
Lepper, Steven J., [redacted]
McLaughlin, Owen C., [redacted]
Michels, John J., Jr., [redacted]
Monahan, Kevin R., [redacted]
Morgan, Ronald G., [redacted]
Moriarty, Thomas J., [redacted]
Morris, Dana E., [redacted]
Pecinovsky, Steven J., [redacted]
Petrie, Terry M., [redacted]
Petrow, John E., [redacted]
Phelps, Richard A., [redacted]
Pirog, Paul E., [redacted]
Rathgeber, David D., [redacted]
Roberts, Keith L., [redacted]
Rodgers, Dean C., [redacted]
Rupe, Sam C., [redacted]
Sheffield, Kim L., [redacted]
Springer, Aaron S., [redacted]
Stevens, Laura B., [redacted]
Vanpelt, Marcia L., [redacted]
Weinstein, Michael L., [redacted]
Wille, Charles L., [redacted]
Willging, Joseph M., [redacted]
Wilson, Timothy D., [redacted]
Woods, Robert L., [redacted]
Young, Steven K., [redacted]

NURSE CORPS

Abalos, Alma J., [redacted]
Adams, David V., [redacted]
Addison, Martha W., [redacted]
Alexander, Lou A., [redacted]
Allen, Cheryl A., [redacted]
Allen, Grady F., [redacted]
Allsup, Doris J., [redacted]
Alvarado, Laura V., [redacted]
Applewhite, Phyllis L., [redacted]
Arellanez, Mary C., [redacted]
Arthen, Terry E., [redacted]
Barrett, Cynthia, [redacted]
Baxter, Judith T., [redacted]
Beamer, Karen M., [redacted]
Bednarek, Mary A., [redacted]
Beinborn, Linda K., [redacted]
Bernal, Beverly B., [redacted]
Blue, Bronwyn, [redacted]
Bohnenkamp, Jan S., [redacted]
Bouffard, Diane H., [redacted]
Bowe, Catherine M. [redacted]
Boyd, Barbara E., [redacted]
Boyle, Charles R., [redacted]
Boyle, Patricia E., [redacted]
Brickley, Linda L., [redacted]

Bridge, Rhoda L., [redacted]
Brigante, Mary Ann G., [redacted]
Bryan, Jacalyn L., [redacted]
Butting, Mary C., [redacted]
Camp, Nancy E., [redacted]
Campbell, Jana L., [redacted]
Cordona, Joseph P., Jr., [redacted]
Carter, Jeannette P. [redacted]
Cassell, James C., [redacted]
Chenevey, Nancy L., [redacted]
Cihak, Arlis J., [redacted]
Clukey, Dale W., [redacted]
Colasanti, Alfred M., Jr., [redacted]
Coleman, Hollis [redacted]
Colville, Mary Jo, [redacted]
Connelly, Virginia F., [redacted]
Craft, Brigetta D., [redacted]
Dankowski, Linda S., [redacted]
Davidson, Sandra A., [redacted]
Davis, Patricia L., [redacted]
Dawkins, Diane E., [redacted]
Decamp, Bonnie L., [redacted]
Devoll, Vickie A., [redacted]
Dickson, Lois J., [redacted]
Dossey, Teresa J., [redacted]
Dubovecky, Barbara L., [redacted]
Duffield, Linda J., [redacted]
Ervin, Nora M., [redacted]
Farrington, Janerio D. [redacted]
Farris, Suzanne E., [redacted]
Felix, Robert H., Jr., [redacted]
Fierro, Roberta L., [redacted]
Fisher, Thomas E., [redacted]
Foote, Linda N., [redacted]
Fortson, Dianne M., [redacted]
Fraher, Jane E., [redacted]
Francis, Kathryn M., [redacted]
Fry, Shirley A., [redacted]
Gammage, Deborah M., [redacted]
Garcia, Benito H., Jr., [redacted]
Gardner, Cathy M., [redacted]
Garner, Charles E., [redacted]
Gavett, Connie L., [redacted]
Gedman, Joann S., [redacted]
Gilbert, Rebecca A., [redacted]
Gill, James D., [redacted]
Girga, Susan F., [redacted]
Gookins, Janice M., [redacted]
Grant, Susan E., [redacted]
Green, Patricia A., [redacted]
Greenwoodbell, Mary K., [redacted]
Haines, Jan H., [redacted]
Hall, Deborah Y., [redacted]
Hall, Maryann H., [redacted]
Hammond, Terry L., [redacted]
Hansen, Suzanne R., [redacted]
Harbour, Susan E., [redacted]
Henry, Patricia A., [redacted]
Herriman, Judy A., [redacted]
Hitchcock, Sandra S., [redacted]
Hoffman, Wanda D., [redacted]
Holland, Gwendolyn F., [redacted]
Holland, Linda D., [redacted]
Hontz, Cheryl M., [redacted]
Howell, Farley J., [redacted]
Hrapla, Constance J., [redacted]
Hughes, Debra S., [redacted]
Humphrey, Vicki L., [redacted]
Hutchison, Leola M., [redacted]
Ikirt, Judy L. W., [redacted]
Inman, Brenda L., [redacted]
Iversen, Ruth A., [redacted]
Jacobs, Susan K., [redacted]
Jakaitis, Christine M., [redacted]
James, Betty G., [redacted]
Jarabek, Kathleen K., [redacted]
Johnson, John R., [redacted]
Johnson, Rebecca R., [redacted]
Johnson, Sandra C., [redacted]
Kennedy, Colleen M., [redacted]
Koozin, Mary K., [redacted]
Kramer, William E., [redacted]
Lackey, Angela K., [redacted]
Land, Patricia A., [redacted]
Larsen, Barbara A., [redacted]
Lawver, John A., [redacted]
Lebell, Richard A., [redacted]
Lewis, Ellen N., [redacted]
Lindgren, Karla G., [redacted]
Lopez, Diana E., [redacted]
Lott, Susan E., [redacted]
Lutman, Linda F., [redacted]
Magdaleno, Cheryle K., [redacted]
Major, Carol P., [redacted]
Malavakis, Terry L., [redacted]
Martin, John E., [redacted]
Mathews, Kristie R., [redacted]
May, Philip F., [redacted]
McClure, Mary J., [redacted]
McDonald, Jolene J., [redacted]
McGraw, Shirley D., [redacted]
McGuire, Margaret M., [redacted]
Milberry, Robin L., [redacted]
Milhollen, James D., [redacted]
Milinski, Mark N., [redacted]
Miller, Richard E., [redacted]
Millette, Sheila A.W., [redacted]
Moberly, Donald L., [redacted]
Montoya, Madonna C., [redacted]
Moore, Denise A., [redacted]
Moran, Mary E., [redacted]
Morgan, James E., Jr., [redacted]
Mudd, Steven P., [redacted]
Murdock, Eric C., [redacted]
Norvell, Terry L., [redacted]
Ocampo, Rodolfo B., [redacted]
Ogden, Penny J., [redacted]
Ogilvie, John L., [redacted]
Omahoney, Andrea L., [redacted]
Oneill, Joann [redacted]
Paoline, Monica, [redacted]
Pastizzo, Cynthia M., [redacted]
Perry, Patricia A., [redacted]
Pipitone, Nancy M., [redacted]
Polednick, Debra S., [redacted]
Preska, Anita M., [redacted]
Price, Robert E., [redacted]
Puffer, Janet L., [redacted]
Rank, Melissa A., [redacted]
Redfern, David N., [redacted]
Reed, Jerry L., [redacted]
Reinhart, Ann, [redacted]
Reisenauer, Kathryn J., [redacted]
Reyes, Yolanda M., [redacted]
Rice, Bethany L.H., [redacted]
Richardson, Joseph W., [redacted]
Ripchik, Nancy J., [redacted]
Roberts, Kathleen A., [redacted]
Roby, Trudy L., [redacted]
Roosa, Carl D., [redacted]
Roseboro, Gloria J., [redacted]
Russell, Michael E., [redacted]
Rye, Frederick D.C., [redacted]
Saundersroy, Felicia L., [redacted]
Schlafer, Kathryn J., [redacted]
Scialdo, Antonia, [redacted]
Seimetz, John A., [redacted]
Sells, Rudy H., [redacted]
Shankles, Donna K., [redacted]
Simmons, Roxanna J., [redacted]
Simon, Bonnie A., [redacted]
Simpsonharvey, Jacqulyn S., [redacted]
Smith, Pamela L., [redacted]
Smith, Patricia A., [redacted]
Spencer, Beverly F., [redacted]
Stephenson, Susan M., [redacted]
Stewart, Cheryl J., [redacted]
Stewart, Harry J., [redacted]
Story, Delila C., [redacted]
Stroup, Mary J., [redacted]
Sult, Stephen K., [redacted]
Sussman, Renee, [redacted]
Swilley, Bennie F., [redacted]
Szutenbach, Mary P., [redacted]
Tegeler, Thomas J., [redacted]
Tennyson, June E., [redacted]
Thomas, Kathleen, [redacted]
Thomas, Ruth E., [redacted]
Thompson, Donald R., [redacted]
Vadeboncoeur, Cheryl R., [redacted]
Vanwart, Phyllis S., [redacted]
Vash, Alex S., Jr., [redacted]
Vonschlieder, Lynn A., [redacted]
Vukelich, Georgene R., [redacted]
Waldrop, Kathleen G., [redacted]
Waterman, Sarah A., [redacted]
White, Mary A., [redacted]
Wilder, Ann A., [redacted]
Wisniewski, Mark P., [redacted]
Wotring, Joan K., [redacted]
Wright, Beverly L., [redacted]
Yarnish, Mark W., [redacted]
Zimmerman, Marsha A., [redacted]

MEDICAL SERVICE CORPS

Allen, Charles H., [redacted]
Allen, Richard L., [redacted]
Baker, Theresa S., [redacted]
Beam, William R., [redacted]
Berger, Robert J., [redacted]
Bonham, George C., Jr., [redacted]
Bullis, Cordell W., [redacted]
Bunker, Robert J., [redacted]
Butler, John A., [redacted]
Clarke, Richard W., [redacted]
Clover, Robert E., [redacted]
Davis, Allan W., [redacted]
Deem, Charles F., Jr., [redacted]
Earnshaw, Michael R., [redacted]
Ford, Jerry D., [redacted]
French, Patricia M., [redacted]
Fye, Samuel P., [redacted]
Gambino, Michael A., [redacted]
Geer, Byron A., [redacted]
Gelish, Anthony, [redacted]
Giesecke, Stephan A., [redacted]
Gilbreath, David D., [redacted]
Hale, Ronald B., [redacted]
Holmes, Timothy H., [redacted]
Jayne, Kenneth M., [redacted]
Joens, Keith L., [redacted]
Keith, Justin, Jr., [redacted]
Latini, Norman J., [redacted]
Love, Andrew F., [redacted]
Mason, Robert J., [redacted]
Miles, James E., [redacted]
Morris, Jasper D., [redacted]
Neely, Daniel R. G., [redacted]
Nelson, Frank L., [redacted]
Noa, James K., Jr., [redacted]
Pasch, Kenneth W., [redacted]
Provost, George M., [redacted]
Raynaud, Eugene H., [redacted]
Regner, Steven H., [redacted]
Roberts, Melvin D., Jr., [redacted]
Rogers, Ted Jim William, [redacted]
Scripture, Thomas J., [redacted]
Shelton, James W., II, [redacted]
Sietsema, Harvey, [redacted]
Silvernail Richard D., [redacted]
Simmerlin, Archie J., [redacted]
Szalkowski, John W., [redacted]
Tart, James E., [redacted]
Tilley, Jessie J., [redacted]
Valliere, Robert P., [redacted]
Williamson, Paul T., [redacted]
Wood, Leslie M., [redacted]
Woodson, Anthony L., [redacted]
Wright, Raymond D., [redacted]

BIOMEDICAL SCIENCES CORPS

Allen, John R., [redacted]
Andrews, Charles P., [redacted]
Badmaev, Franz, [redacted]
Bannister, Johnny, [redacted]
Barlettano, John J., [redacted]
Beach, Gregory M., [redacted]
Belt, Donald A., [redacted]
Bennett, Michael H., [redacted]
Berrett, Robert J., [redacted]
Booth, Thomas B., [redacted]
Borst, Diane L., [redacted]
Brennecke, Cornelius G., Jr., [redacted]

Brooks, Anita L., [redacted]
Calcote, Rocky D., [redacted]
Carlsongeer, Susan, [redacted]
Carmichael, Blaine P., [redacted]
Casey, Theresa M., [redacted]
Chapman, James C., [redacted]
Chapman, Ronald K., [redacted]
Cody, John T., [redacted]
Collins, Thomas K., [redacted]
Corey, John M., [redacted]
Cortner, Diane M., [redacted]
Cotto, Miguel A., [redacted]
Cunningham, Rosemary A. J., [redacted]
Dempsey, William E., [redacted]
Dobbins, Ken M., [redacted]
Donovan, Lawrence, [redacted]
Dooley, James W., [redacted]
Duhart, Jacqueline K., [redacted]
Dunovant, Victoria S., [redacted]
Edwards, Rhonda L., [redacted]
Elves, Robert G., [redacted]
Erb, John C., [redacted]
Francis, Melton L., [redacted]
Gleason, Gerald A., [redacted]
Grau, Gregory, A., [redacted]
Grougan, Jane M., [redacted]
Hadfield, Ted L., [redacted]
Hanak, John R., [redacted]
Harpel, Leslie D., [redacted]
Harris, George D., [redacted]
Hart, Danny A., [redacted]
Hartzman, Melonee J., [redacted]
Heath, Russell W., [redacted]
Herres, David L., [redacted]
Higgins, Ronald L., [redacted]
Huff, Richard A., [redacted]
Hunter, Barney H., [redacted]
Jackson, Margaret B., [redacted]
Jones, Robert S., Jr., [redacted]
Kidney, Jay K., [redacted]
Killan, Gene A., [redacted]
Kuhlman, James J., [redacted]
Kydd, George, H., IV, [redacted]
La Poe, Robert G., [redacted]
Lamison, William W., [redacted]
Laroche, Robert A., [redacted]
Lillie, Thomas H., [redacted]
Litts, David A., [redacted]
Marquardt, William H., [redacted]
May, Gordon, L., [redacted]
McCloud, Izel J., Jr., [redacted]
Meadows, David W., [redacted]
Mehm, William J., [redacted]
Meier, Ardis J., [redacted]
Meyer, Kenneth L., [redacted]
Middleton, Timothy R., [redacted]
Milam, Susan C., [redacted]
Miller, Donald A., [redacted]
Miller, Ross N., [redacted]
Monroeposey, Carla A., [redacted]
Morrisonorton, Debra J., [redacted]
Mott, Richard C., [redacted]
Murray, Sandra K., [redacted]
Navarro, John J., [redacted]
Neal, Jeffrey J., [redacted]
Neller, Cheryl M., [redacted]
Pillow, Charles E., [redacted]
Porter, John R., [redacted]
Pulvermacher, Gary L., [redacted]
Retzlaff, James R., [redacted]
Ryberg, Richard A., [redacted]
Scaggs, Donald F., [redacted]
Sedlack, Dennis E., [redacted]
Seely, Gregory E., [redacted]
Segner, Henry A., [redacted]
Shupack, Charles L., [redacted]
Simpson, Steven W., [redacted]
Sloat, Sandra B., [redacted]
Smith, John V., Jr., [redacted]
Suggs, Elizabeth A., [redacted]
Suiter, Robert L., [redacted]
Sventek, Jeffrey C., [redacted]
Swacker, Steven E., [redacted]
Tarquinio, James John, [redacted]
Thompkins, Macon P., [redacted]
Uremovich, Gary R., [redacted]
Vansandt, Donald J., [redacted]
Williams, Mark D., [redacted]
Williams, Robert L., [redacted]
Wirth, David B., [redacted]
Yocum, Gilbert L., [redacted]
Zapf, Robert L., [redacted]

IN THE MARINE CORPS

The following named Naval Reserve Officers Training Corps graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, U.S. Code, sections 531 and 2107:

Abitabilo, John A., [redacted]
Aglio, David G., [redacted]
Alcorn, Jack A., [redacted]
Anders, Richard E., [redacted]
Areman, Bryan E., [redacted]
Arnold, Frank S., [redacted]
Arostegui, Michael F., [redacted]
Averyt, Brian H., [redacted]
Barbour, Edward L., [redacted]
Barr, Dean A., [redacted]
Barr, Michael F., [redacted]
Baumann, Gary F., [redacted]
Belcher, Robert W., [redacted]
Bell, Darren M., [redacted]
Bensley, Stephen E., [redacted]
Bergman, Stephen P., [redacted]
Bernard, Peter C., [redacted]
Bettendorf, Hugh J., [redacted]
Betts, William E., Jr., [redacted]
Bianca, Andrew D., [redacted]
Bierman, James W., Jr., [redacted]
Bjorklund, Todd D., [redacted]
Blakely, Lee A., [redacted]
Blanchard, Mark A., [redacted]
Bliek, Daniel P., [redacted]
Boggs, Phillip W., [redacted]
Bolick, Scott D., [redacted]
Boughton, John S., [redacted]
Brahe, Bruce K., III, [redacted]
Breitinger, James M., [redacted]
Brice, Noman C., [redacted]
Brown, Raphael P., [redacted]
Brubaker, Kurt J., [redacted]
Brunnick, Leo E., Jr., [redacted]
Bryant, David W., [redacted]
Buckles, Brian K., [redacted]
Budd, William S., [redacted]
Buddrius, Eric A., [redacted]
Burke, James P., [redacted]
Burke, Michael J., [redacted]
Butler, Lilla V., [redacted]
Callahan, William E., [redacted]
Campbell, Richard D., [redacted]
Campbell, Scott D., [redacted]
Canning, Patrick J., [redacted]
Carey, Shawn R., [redacted]
Carlitti, Rocco P., [redacted]
Carlson, Kenneth J., [redacted]
Carper, Craig M., [redacted]
Catencamp, Curtis E., [redacted]
Catlett, Walter C., [redacted]
Chapman, Neil B., [redacted]
Chapman, Stephen J., [redacted]
Cheatham, Ira M., [redacted]
Check, Christopher J., [redacted]
Cherry, Jack K., [redacted]
Chesterton, Gregory L., [redacted]
Christensen, Marc B., [redacted]
Churchill, Kent A., [redacted]
Claeys, Jeffrey D., [redacted]
Clark, Lyle R., [redacted]
Clark, William P., [redacted]
Collins, Arthur [redacted]
Collins, Joshua L., [redacted]
Collins, Patrick C., [redacted]
Conner Jeffery T., [redacted]
Cook, Alfred R., [redacted]
Cook, Catherine D., [redacted]
Cook, Jonathan P., [redacted]
Copeland, John C., [redacted]
Couch, Vernon S., [redacted]
Covert, Craig H., [redacted]
Cox, Patrick F., [redacted]
Crall, Dennis [redacted]
Crudo, Eric P., [redacted]
Cuddy, Andrew K., [redacted]
Cunningham, James M., [redacted]
Currie, John A., [redacted]
Curtin, John A., [redacted]
Daniels, Brendan [redacted]
Darby, Jack A., [redacted]
Daugharty, Jeffrey T., [redacted]
David, Richard W., [redacted]
Davis, Edward P., [redacted]
Day, James P., [redacted]
Dean, Brian J., [redacted]
Dearth, Craig R., [redacted]
Deeb, Gregory P., [redacted]
Deep David J., [redacted]
Degeorge, Bradley T., [redacted]
Dehaemer, Marc R., [redacted]
Demorat, David A., [redacted]
Dununzio, Albert, [redacted]
Desy, James F., [redacted]
Dickenson, Robert M., [redacted]
Dickinson, Damon J., [redacted]
Divine, Daniel P., [redacted]
Domingue, Henry J., [redacted]
Dorion, Michael F., [redacted]
Dougherty, Charles W., [redacted]
Douglas, Debbie L., [redacted]
Driscoll, Thomas P., [redacted]
Duffy, Matthew P., [redacted]
Dyson, Robert L., [redacted]
Eagan, Patrick S., [redacted]
Edgar, George N., [redacted]
Eggers, Tood L., [redacted]
Elder, Emily J., [redacted]
Elkins, Thomas A., [redacted]
Ermer, Daniel P., [redacted]
Fahey, Michael F., [redacted]
Felix, Mark H., [redacted]
Fischer, Walter F., Jr., [redacted]
Fitts, John M., [redacted]
Flack, Kevin S., [redacted]
Flynn, Thomas W., [redacted]
Fortunato, Andrew W., [redacted]
Fossett, Timothy A., [redacted]
Franklin, Joseph A., [redacted]
Franzak, Michael V., [redacted]
Fredrickson, Charles L., [redacted]
Freedenberg, Phillip J., [redacted]
Freiberg, Lorraine S., [redacted]
French, Jacqueline R., [redacted]
French, Stephen M., [redacted]
Frerichs, Michael J., [redacted]
Funk, Rodney A., [redacted]
Furness, David J., [redacted]
Gardiner, Edward C., [redacted]
Genberg, Marc R., [redacted]
George, Anthony D., [redacted]
Giles, Bradley S., [redacted]
Gill, Andrew J., [redacted]
Giscard, John C., [redacted]
Glavin, Christine M., [redacted]
Glover, Michael J., [redacted]
Goedeke, Christopher W., [redacted]
Gordon, Robert S., [redacted]
Grant, Joseph M., [redacted]
Greene, Alan S., [redacted]
Gregg, Joseph D., [redacted]
Griffith, Reade E., [redacted]
Grinalds, John S., Jr., [redacted]
Gruber, Brooks S., [redacted]
Hall, Richard D., [redacted]
Halt, Michael A., [redacted]
Hanley, Joseph R., [redacted]
Hannon, Wesley S., [redacted]
Harrop, William D., III, [redacted]
Hartig, Brian J., [redacted]
Hawkins, Donald F., [redacted]
Hawkins, Martin T., [redacted]
Healy, Shawn D., [redacted]

Hickman, Charles R., [redacted]
Henry, Brian F., [redacted]
Hertzog, Earl F., III, [redacted]
Herzberg, James A., [redacted]
Hessel, Darold M., [redacted]
Hinzman, David F., [redacted]
Holt, Joel C., [redacted]
Horvath, Scott M., [redacted]
Howard, Matthew C., [redacted]
Howe, David S., [redacted]
Hoyle, Stephen M., [redacted]
Hudson, Ralph R., Jr., [redacted]
Hughes, Edward W., [redacted]
Humpert, Donald E., [redacted]
Hussey, Michael F., [redacted]
Hutchison, Allie A., Jr., [redacted]
Iversen, Robert R., [redacted]
Jackson, George M., [redacted]
Jadick, Richard H., [redacted]
Jardine, Timothy L., [redacted]
Jasica, Anthony C., [redacted]
Johanssen, David A., [redacted]
Johnson, Bernt, B., [redacted]
Johnson, Cedric L., [redacted]
Johnson, Clayton, R., Jr., [redacted]
Johnson, Jeffrey M., [redacted]
Judy, John H., [redacted]
Kallerson, Douglas D., [redacted]
Keech, Daniel R., [redacted]
Kelleher, Patrick M., [redacted]
Kelley, John C., [redacted]
Kelly, Lannie T., [redacted]
Keng, Leslie L., [redacted]
Killeen, Sean C., [redacted]
Kimbrough, Barry R., [redacted]
Kime, Carl, M., [redacted]
Kisacadden, Jay J., [redacted]
Kline, Theodore S., [redacted]
Knapp, Dale M., [redacted]
Knowles, Grover B., [redacted]
Krieg, James A., [redacted]
Kuhn, Philip R., [redacted]
Langlois, Thomas L., [redacted]
Lanning, Scott C., [redacted]
Larkin, Bradley T., [redacted]
Larkin, Curtis A., [redacted]
Lee, Michael J., [redacted]
Leonard, Warren G., [redacted]
Lester, John T., [redacted]
Letoile, Joseph A., [redacted]
Leva, Ricky A., [redacted]
Linahan, Kirk W., [redacted]
Lipka, Eric L., [redacted]
Lonnemann, Michael J., [redacted]
Lozada, Alexander C., [redacted]
Lucci, David P., [redacted]
Lundin, Walter E., [redacted]
Lyon, Mark E., [redacted]
Lyons, Ralph A., [redacted]
Maclane, Michael J., [redacted]
Magoon, Kurt R., [redacted]
Mahoney, Christopher J., [redacted]
Marble, Thomas F., [redacted]
Mayberry, Thomas O., [redacted]
McCarthy, Michael P., [redacted]
McClenney, Walter O., [redacted]
McRitchie, David G., Jr., [redacted]
Mederos, Raymond, [redacted]
Meizoso, Stephen C., [redacted]
Middleton, Gordon W., [redacted]
Milne, Duncan S., [redacted]
Moreland, Anne M., [redacted]
Morris, Robert C., [redacted]
Muise, Robert J., [redacted]
Muladore, Stuart K., [redacted]
Mundy, Timothy S., [redacted]
Murdock, John C., [redacted]
Naylor, John S., [redacted]
Nelon, Christopher M., [redacted]
Nelson, Matthew W., [redacted]
Nolan, John H., [redacted]
Norton, Robert J., Jr., [redacted]
Novaez, Guiomar, [redacted]
Novak, John M., Jr., [redacted]
Obradovic, Michael J., [redacted]
Onda, Alex R., [redacted]
Ottingnon, David A., [redacted]
Parker, John K., [redacted]
Pavlicin, Robert W., [redacted]
Peoples, Anthony E., [redacted]
Peters, Eugene M., [redacted]
Ponte, Peter D., [redacted]
Porter, Stephen R., [redacted]
Quigley, Thomas M., [redacted]
Randolph, Lemuel P., [redacted]
Ratte, David A., [redacted]
Reeves, David L., [redacted]
Reilly, Michael J., [redacted]
Reinwald, Mary K., [redacted]
Richter, Mark W., [redacted]
Robinson, Jeffrey M., [redacted]
Robinson, Michael A., [redacted]
Roble, Richard A., [redacted]
Roepke, Steve M., [redacted]
Rose, Hoke M., [redacted]
Rose, Jeffrey P., [redacted]
Rosenthal, John T., [redacted]
Russell, John J., [redacted]
Salas, Paul A., [redacted]
Schaefer, Britton H., [redacted]
Scherer, Chris A., [redacted]
Schlimme, David L., [redacted]
Schmidt, Dwight C., [redacted]
Schneider, Melissa A., [redacted]
Schnorenberg, David G., [redacted]
Schulz, David S., [redacted]
Scott, Anthony V., [redacted]
Scott, John G., [redacted]
Seagrist, Richard P., [redacted]
Seals, Keith G., [redacted]
Shah, Najeeb A., [redacted]
Shannon, Thomas F., [redacted]
Sharp, Thomas E., [redacted]
Shephard, Jason W., [redacted]
Sherard, Thomas J., [redacted]
Sherlock, Christopher W., [redacted]
Shinnick, Stephen P., [redacted]
Shiring, Michael T., [redacted]
Shutt, Joseph M., [redacted]
Silk, Bradford J., [redacted]
Simon, Thomas P., [redacted]
Sindelar, Martin R., [redacted]
Smith, Andrew H., [redacted]
Smith, Eric M., [redacted]
Smith, Jeffrey J., [redacted]
Smith, Timothy R., [redacted]
Smith, Tracy R., [redacted]
Sorenson, Jeffrey C., [redacted]
Sprenger, Matthew E., [redacted]
Steele, Christopher S., [redacted]
Steinauer, John J., [redacted]
Stelling, Robert E., [redacted]
Stokvis, Richard M., [redacted]
Stpierre, Keith A., [redacted]
Straka, Kevin E., [redacted]
Struckmeyer, Thomas K., [redacted]
Sulc, Brian L., [redacted]
Sumang, Vincent J., [redacted]
Summers, Eugene L., [redacted]
Sutton, Mary M., [redacted]
Sweaney, Robert D., [redacted]
Sweeney, Stephen P., [redacted]
Swift, John D., [redacted]
Tanke, Robert J., [redacted]
Taylor, Bryan F., [redacted]
Taylor, Thomas, [redacted]
Terselic, Robert J., [redacted]
Theuer, James R., [redacted]
Thieme, Donald J., [redacted]
Thomas, Tommy D., [redacted]
Thorpe, Mark A., [redacted]
Till, John M., [redacted]
Tinsley, Mark E., [redacted]
Tobias, Robert J., [redacted]
Tobias, Steven E., [redacted]
Tokofsky, Steven M., [redacted]
Tormenti, Michael A., [redacted]
Torres, Nicholas, [redacted]
Tran, Van K., [redacted]
Trautwein, Steven R., [redacted]
Treuting, William T., [redacted]
Triola, Richard B., [redacted]
Tungett, Michael R., [redacted]
Turner, Ronald E., [redacted]
Utke, Michael J., [redacted]
Valentine, Paul D., [redacted]
Vanatten, William T., [redacted]
Vanderhijde, Stephen D., [redacted]
Vangorder, Kristi L., [redacted]
Vansickle, Michael R., [redacted]
Vogan, Kurt R., [redacted]
Vokey, Colby C., [redacted]
Voytko, Thomas J., [redacted]
Waldrop, Marianne S., [redacted]
Walker, Brynne V., [redacted]
Wall, Kevin J., [redacted]
Western, James W., [redacted]
Whitson, Mark A., [redacted]
Wilber, Tracy L., [redacted]
Wille, Kirk C., [redacted]
Williams , David A., [redacted]
Williams, Euseekers A., [redacted]
Williams, Wendell C., [redacted]
Witzig, William P., [redacted]
Wondra, Robert J., [redacted]
Woodburn, Christopher P., [redacted]
Wright, Lawrence E., [redacted]
Wynn, Julian J., [redacted]
Yeager, Peter E., [redacted]
York, Kevin R., [redacted]
Yunker, Roy W., [redacted]
Zecca, Louis, [redacted]
Zimmerman, Joseph, S., [redacted]
Zolper, Andrew C., [redacted]
Zonder, Howard P., [redacted]
Zwingle, Michael S., [redacted]

The following-named Marine Corps Enlisted Commissioning Education Program graduates, for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, U.S. Code, section 531:

Alexander, Mark L., [redacted]
Angion, Anthony C., [redacted]
Binns, Carlyle P., [redacted]
Bowman, Anthony W., [redacted]
Brookins, Donald W., [redacted]
Cal, Joseph R., [redacted]
Candelario, Confesor, [redacted]
Coulombe, Robert L., [redacted]
Dorantich, Jonathan S., [redacted]
Egge, Daniel Q., [redacted]
Frost, Brian K., [redacted]
Gibson, Charles J., Jr., [redacted]
Haas, Glenn E., [redacted]
Jimenez, Brian P., [redacted]
Jiminez, Bill, [redacted]
Kenney, Jeffrey, [redacted]
Kirtley, Steven W., [redacted]
Kunzman, David S., [redacted]
Lopez, James M., [redacted]
Lovell, Jeremy B., [redacted]
Maris, Tommy J., [redacted]
McGuire, Kelly W., [redacted]
Mellinger, David S., [redacted]
Morgan, Paul H., [redacted]
Neuberger, Bruce W., [redacted]
Norfleet, Charles A., [redacted]
Padilla, Robert R., Jr., [redacted]
Page, Charles J., [redacted]
Reyelts, Edward L., [redacted]
Robertson, Steven T., [redacted]
Rutherford, John A., [redacted]
Salvetti, Shara G., [redacted]
Speelman, Scott R., [redacted]
Sullivan, Brian J., [redacted]
Vasquez, Modesto C., [redacted]
Vazquez, David L., [redacted]
Winstead, Scott J., [redacted]
Witzel, Mark R., [redacted]

EXTENSIONS OF REMARKS

TRIBUTE TO DANIEL B. MILES, SR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. SKELTON. Mr. Speaker, it is with a great deal of sadness that I rise today to inform the House about the recent death of a truly fine American, Clinton Mayor Daniel B. Miles, Sr. Dan Miles was a gentleman in every sense of the word and will be missed by all.

In addition to serving his second term as the mayor of Clinton, Dan Miles was also the copublisher of the Clinton Daily Democrat. His dedication and caring for the city of Clinton and the surrounding communities will be hard to duplicate. Dan Miles has a proud and distinguished record of public service.

A native of Saline County, he attended Missouri Valley College at Marshall, and the University of Missouri at Columbia, where he received a degree in journalism in 1940. After serving in the Army during World War II, Dan Miles and his family settled in Clinton in 1950.

Some members may recall that Dan Miles came to Washington in 1960, as the administrative assistant to Senator Edward V. Long, until he returned to Missouri in 1969.

Mr. Speaker, I feel sure our colleagues join me in sending our sincere condolences to his wife Kay White Miles, their five children, Daniel B. Miles, Jr., Mahlon White Miles, Frank Weir Miles, Ellen Miles-Diebolt, Jane Miles-Smith, and nine grandchildren. I was proud to call him my friend.

Enclosed is a letter from the December 24, 1986, Clinton Daily Democrat.

To the Editor: Twenty-three years ago, when the President of the United States was assassinated, I along with millions of other Americans wondered how could we go on. President Kennedy seemed to be the perfect president for the times, showing courage, integrity and intelligence. We survived, but not nearly as well as we might have, had President Kennedy gotten to live out his full potential. I still remember the terrible emptiness; the deep remorse; the feeling of panic and confusion. What would we do without our beloved president.

I have to say that an even deeper feeling of shock and loneliness came over me when I learned of the death of my good friend, Dan Miles. Surely, the world will go on turning, but, as with President Kennedy, our little part of the world will not be the same ever again.

No one was just a business associate of Dan Miles. You were his friend. No one was just an employee. You were his friend. No one was even just a secretary to an office holder. Because Dan had that very special trait of making everyone feel important.

When I was fresh out of high school and working for the Prosecuting Attorney, Dan made the daily news beat. He took time to talk to everyone, and then, as now, the paper welcomed hometown news. What impressed me most was his sincere interest in even the dullest of conversation. He never, never walked away first. Mainly, because Dan was first and forever, a gentleman. When I lost my little parakeet who was 6½ years old, Dan advertised it on the front page, and I received a call within a day or two, and was able to retrieve him. He had contracted pneumonia and died the next day, and Dan put in a follow up story about it, because I took it so hard.

Later, when Dan was Administrative Assistant to Sen. Edward Long, a young high school friend of mine was going to vacation in Washington, D.C. She had a deep interest in politics and wondered if I could help her see some of the legal system. I wrote Dan, wondering if he would even remember me. Within days came a thick letter filled with different passes to places of interest in Washington, and a plea for more hometown news. My young friend was overwhelmed, and you can just about guess who she voted for next time Sen. Long ran for office. Dan was a good one to have in your corner.

I believe when the scales go for the balance as we all face eternity, rather than the raucous, indifference, courage will be measured with the quiet, friendliness of men like Dan Miles. I think that toughness will be judged not by the ill-mannered loudmouths that make up the silver screen today, but by the polite, well-mannered men, who accomplished so much more with a kind word than all the heck raising of others. Men like Dan Miles come once in a lifetime. How fortunate Clinton was to have such a man for mayor.

A devoted family man, the children were young at the time he made the news beat—and every day there was a different story or two, about them. The last time I talked to him he had a story about Jane and the ride she took him on, while she was a new driver. I'm just not ever going to forget Dan. He was so many different things. Mayor—Administrative Assistant to U.S. Senator Long—Veteran—and the list could go on and on—but what I remember best, and what are so rare these days—is that Dan Miles was a real friend—One who would go to the wall with you, and his friends were beyond number. But you could always count on Dan when you needed a friend.

How refreshing it was to meet someone who cared if they hurt feelings. (and if he did, I don't know when.)

Ah, yes, the world will probably go on spinning, and there will probably be a new mayor, and perhaps Clinton will keep on growing, but it will never be the same, and like President Kennedy, we will always wonder what might have happened, if the quiet, courageous, intelligence of Dan Miles could have been used to its full potential, had he survived his second term as mayor.

He will be remembered in many ways by many people. But, I think that all will remember him best as a man who demanded the utmost respect and admiration—a true gentleman.—June Anzalone, Deepwater, Mo.

RAY McDONALD COMMUNITY ACHIEVEMENT AWARD RECIPIENT PATRICK SALMON

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to recognize Mr. Patrick J. Salmon as recipient of the Ray McDonald Community Achievement Award for the month of October 1986 sponsored by the Fifth Congressional Community Advisory Committee. His outstanding involvement in business and industry, plus civic achievements and community dedication, make Mr. Salmon deserving of this notable award.

Mr. Salmon has been an important asset to the steel industry serving as national accounts manager for one of the Nation's largest steel distributors and vice president of one of Illinois' largest financial institutions.

Beyond career development, Mr. Salmon serves as executive director and chief executive officer of the Back of the Yards Council, and an active member in the council since 1955. The council, which provides numerous socioeconomic services through its various committees on senior citizens, junior citizens, juvenile welfare, education, recreation, neighborhood conservation, and industrial development, is recognized as one of the most outstanding organizations in the United States today.

His civic involvement includes serving as vice president of Cando City Wide Development Corp., board member of the Chicago Association of Neighborhood Development Organization, cofounder and board member of the Greater North Pulaski Development, cofounder of the Greater Southwest Development Corp., past president of the St. Rita Community Life Council, President John F. Kennedy K of C 4th Degree Club and Maria High School Fathers Club, member of the Chicago Community Development Advisory Committee, cochairman of the Chicago Economic Development Subcommittee, and former member of the Illinois Real Estate Examining Committee.

Mr. Salmon was born on the southwest side of Chicago and resides with his wife and family in the Back of the Yards Area.

Let us congratulate Mr. Patrick J. Salmon for his continuous dedication to enrich and improve the city of Chicago and the southwest side community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE UNFINISHED MISSION OF MARTIN LUTHER KING, JR.

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. RANGEL. Mr. Speaker, he had a dream * * * that all men would live in peace, equality, and harmony. He lived just long enough to see pieces of this dream come true. By the time of Martin Luther King, Jr.'s, death in 1968 he had received a Nobel Peace Prize as well as championing the cause for civil rights through peaceful demonstrations, boycotts and sit ins.

Our greatest tribute to King is to keep the dream alive. We must remember that this dream did not die when King was assassinated, it lives within all of us who strive for peace and freedom throughout the world, the focus being right here, right now.

King preached a nonviolent, peaceful approach to change through which equality could be achieved. He proved that an open hand was more powerful than a closed fist.

The challenge put to all of us, no matter what skin color we are, is to keep the dream alive. To remember the words and preachings of the great Martin Luther King, Jr., and not forget we are all brothers and must treat each other with respect and dignity for the betterment of our society and the continued progress of the human race depends on this.

For King, the struggle was not for inclusion into America the way it was, but for change. We are still struggling and fighting for that change to occur, now more than ever with the current administration's domestic and foreign policies. Budget cuts in social welfare programs, drug programs, and education programs are only a few examples of how our economic system hasn't really changed since King; nor have our militaristic tendencies. As one of the strongest countries in the world we should be using our influence to promote peace and equality throughout the world, not to impose our economic system or preserve the will of despots because they politically ally themselves with us.

We as a society have proved that racial injustice is a threat to us all. Recent incidents such as the racial attack in Howard Beach, Queens, and the Ku Klux Klan in North Carolina and Georgia remain as a painful and pressing reminder that racism kills, not only physically, but spiritually; it reaches down inside a person and eats away at their soul, killing their pride and dignity and love and compassion.

There are a lot of Howard Beaches out there, one example being South Africa. The first step is to bring it out in the open, then to acknowledge it.

Some say Martin Luther King, Jr. is "the greatest man that ever lived." Others say he is "the greatest black man that ever lived," continuing to say "he is a credit to the black race." Well, there's a lot of truth to that statement, he is a credit to his race, the race known as mankind. The main focus of his life was spent promoting equality and harmony amongst mankind through social change. He stands as an inspiration to us all to tolerate what we do not understand, to understand that which is foreign to us and to love those we do not know.

TRIBUTE TO JUMPIN' JIM GAVIN, PIONEER PARATROOPER

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. DAUB. Mr. Speaker, several Nebraskans served in the Army's 505th Parachute Infantry Regiment, and the renowned 82d Airborne Division of which it was a part. Recently, the Army reactivated the regiment, and one who came for the occasion was Lt. Gen. James M. Gavin, USA (ret.), the 505th's first commander, and one of his Nebraskans chosen for the keynote speaker as he had been the second paratrooper assigned to Gavin when the 505th was forming—Col. Barney Oldfield, USAF (ret.), now a consultant for international relations with Litton Industries Inc. in Beverly Hills, CA. As there were 600 veterans of the 505th, still alive, who came to Fort Bragg, NC—and they came from all of our 50 States—I thought it should be called to the attention of all my colleagues, and I, therefore request permission to insert Army magazine's account of that very special event in the RECORD.

GENERAL JIM TRIBUTE HIGHLIGHTS REVIVAL OF UNIT HE FIRST LED

The ceremony marking the reorganization of a regiment is a colorful, stirring event at which if esprit de corps were measurable it would be calculated in tons. It is a time to reflect on proud histories, to relive remembrances of battles and campaigns, and to pay tribute to its heroes. No name looms larger in the 82nd Airborne Division than that of Lt. Gen. James M. Gavin, U.S. Army retired, one of World War II's most colorful and successful field commanders and 1980 recipient of AUSA's George Catlett Marshall Medal. Before he commanded the 82nd, Gen. Gavin was the first commander of the 505th Parachute Infantry Regiment which in October marked its reorganization at Ft. Bragg, N.C. Gen. Gavin was there to hear Col. Barney Oldfield, U.S. Air Force retired, reminisce about the famous wartime leader of the 82nd and the 505th. A condensed version of his speech follows:

We are gathered here tonight for what official papers say is the reorganization of the 505th. We all know it's the resurrection of a special spirit, an organization that knew great pride, something too good to be denied another life.

A week ago, I was in New York. Knowing I would be coming here, I went down to Washington Square and consorted with memories of what it was like the first time more than 40 years ago. Once more in my mind's eye, I could see the front ranks of the nearly 9,000 wearing the double-A patch about to march into the history the 82nd Airborne Division had every right to be remembered forever for and inspire those who would serve in it later. It was incredible to be standing there as near Gen. Jim as I was then—even as incredible as it is that so many of us are here tonight to recall it.

On January 12, 1946, there we were behind the Washington Arch in New York, and Gen. Jim was about to lead the 82nd, including the 505th, in the victory march along Fifth Avenue to 86th Street as 4,000,000 screaming Americans cheered. I want to tell you that I gave up prophecy after that as I was sure nothing would ever top that one!

Sometimes, the question is asked as to what constitutes a great man. There are lots of yardsticks, but it has always seemed to me that one of the measures is by how many splinters of memory—most personal to the individuals who possess and cherish them forever—and that the supply of those splinters is inexhaustible. It's at gatherings like this when the conversations produce such stories that we realize the size and scope of a leader such as Gen. Jim.

I was bunked next to a soldier from Mississippi once who told me something never forgotten: "Where I come from, if the name of old Nathan Bedford Forrest is mentioned, those who was raised right stand up—and take off their hats." Gen. Jim memories abound among us—the living—and went to the graves of the 2,665 who were left along the way from Africa to Sicily to Normandy, Holland, the battle of the Ardennes and into Berlin. He never stopped. He went on into a brainy think tank, Arthur D. Little, became the American Ambassador to France and, as the truly great always do, he never forgot where he came from.

Last October, in Kiev in the Soviet Union, I was seated next to an Academy of Sciences member. He asked me if I knew a Gen. Gavin. He said he used to work with him at the United Nations, thought a great deal of him, and would I take him a bottle of rare Ukrainian brandy.

This was only one of many times Gen. Gavin has popped up in conversations all over the world. He is and always has been one of those "only in America" kind of happenings.

But there, in the Frying Pan area of Ft. Benning, he was at the mercy of the personnel flow coming down the road from the Parachute School.

Because military units have numbers, those who know no better tend to say all units are alike. They may be alike in that they are all constituted of human beings, but I know of no man whose leadership was as perceptive and dedicated to instilling pride, courage and difference as Gen. Jim's.

He once said in the mess hall if the Confederates had had the 505th at Bull Run, they would have taken Washington easy in the War between the States. The *Atlanta Journal* was made aware of this. It became a two-page spread, and the Old South adopted the 505th.

Other units had chaplains. The 505th had parachuting parsons.

Every unit had a dumb dog or two lurking around mess halls waiting for handouts. We had a magnificient 90-pound boxer dog named Max, who was not only our mascot, but he had a place in the stick—his very own parachute—and he jumped with us.

Every unit had a newspaper, but we had our *Static Line*.

Our chaplains didn't only minister to the troops, but were booked in the churches around us as far off as Atlanta. When Chaplain George Wood, with his extra credentials, closed his sermons with the admonition to stand up and hook up to God!, it wasn't just colorful phraseology; it made a deep impression on congregations about what was expected of a paratrooper. No atheists in foxholes, Gen. MacArthur once said. Hell, there were even fewer standing in the door of a C-47!

Our jumping dog became nationally known, and Fox Movietone Newsreel was cajoled into coming to see and film him. That very day, Max was hit by a truck. We turned our tragedy into a plus and told recruiting offices to point out that parachuting was safer than walking across the road. Max's broken jaw brought phone calls from Seattle, Chicago, Philadelphia and New York from respected medicos giving advice on how to set his jaw.

Thereafter, we were always getting calls about Max and had to assign a man to take care of his mail. He stayed with the 505th when it came here to Ft. Bragg to join the 82nd Airborne Division where he hung around the orderly room and one day heard talk of Africa. He promptly butted his head through the screen door, took off and was never seen again. Nobody ever called him a dumb dog!

Our newspaper, the *Static Line*, was popular well beyond the Ft. Benning reservation. Our print run was twice the number in the regiment, so each trooper could send one home to his father so he, in turn, could take it to his downtown barber shop where he could share its raunchy reading with his friends. It was so roughhouse, so tasteless, the Ft. Benning post commander made it the only unit newspaper published on post which could not be in the main officers' club. When the first battalion commander's wife had a baby, the *Static Line* reported the event and said the youngster had come like a true paratrooper "with a good downward pull."

All that fun and games was tolerated as part of the glue which helped cement what was really important—unit pride, unit pizzazz, leading to a definite unit personality. Out of its many differences, and a truly all-American constituency back home and an awarness of being known well beyond where they were in training, the 505th grew cocky, jaunty, devil-may-care and began to think of itself as probably invincible. History was to prove this first tentative, early belief to be absolutely true and the 505th conducted itself that way. With Gen. Jim willing to stand in the door over whatever forbidding welcome might await below, the 505th was like the story of old-time vaudeville's description of a good girl. She won't go anywhere without her mother, it was said. But Gen. Jim was like the old lady—they said she'd go anywhere. It got so bad that every time word leaked out that Gen. Jim was up at higher headquarters again, everybody would begin to pucker. When it came to things he thought the 505th or the 82nd capable of in war, he was a most indiscriminate shopper and bought into some of the damnedest things. At one time, for something called Operation Eclipse, he rehearsed the whole division for taking Berlin Airborn with Tempelhof as the drop zone!

When the Saturday Evening Post commissioned Norman Rockwell to forego covers for a while and do a two-page spread of his impressions of soldiering, he had the whole U.S. Army to choose from, and he chose the 505th. He was fascinated by the paratroopers in my old intelligence platoon. When he asked my permission to line them up as if they were going to the pay table, I told him that was the formation they liked most of all. If he started a rumor they were going to be paid for standing there, they would all dream of exotic ways to spend it to kill time. Anyone who ever saw William Linzee Prescott standing reveille after swimming the Chattahoochee River before the ferry began running—pants soggy and clay colored and boots looking like he'd been in a duck blind all night—will know what I mean. When that first jumpboot journalist, John (Jack) Thompson, of the *Chicago Tribune*, made his last combat jump, he selected to do it with the 505th into Sicily. He wanted to go again into Normandy, but got a cable from his tough old publisher, Col. Robert R. McCormick, which said: jump no more.

In London while you were all getting ready in the British Midlands, I was trying to talk war correspondents into training for Normandy and to take slots for its coverage. It was probably the toughest sales job I ever had.

These were bright people who made their living with their imaginations, and when they traded off story opportunity and chances of living to write it, I could empty a whole bar along Fleet Street just by walking in. A total of 16 had done the training by the time you were ready to go.

One of them was pulled at the last moment, when his bosses at United Press said they would rather have him in a fighter plane over the beach, covering it from that point of view. He was eventually briefed for a total of 13 different airborne drops—all scrubbed but the last one—and he went into Holland by glider. His intructions were that, if he landed safely, he was to set up the United Press Bureau on the continent in Amsterdam. This always seemed to me to be the oddest way to commute to a new job ever heard of. His name was and is Walter Cronkite, and he was destined for far more than a United Press bureau chief. The most laughed about war correspondent en route to Normandy was Robert Reuben of the Reuters News Agency in London, and they laughed at him because he took two carrier pigeons in with him. He had the last laugh, because he got the first story out of Normandy in a leg capsule on one of those pigeons.

The war over in Europe, the 82nd was the second American unit given occupation duty in Berlin. I had gotten the rights to the former home of Hitler's old Reichsminister for Economics Walter Funk and was setting up the Press Club of Berlin. Gen. Jim signed all the membership press cards certifying membership, along with Maj. Gen. Floyd L. Parks, former First Allied Airborne Army chief of staff, now commander of the Berlin District.

That was to be a fateful move as two incredible things took place there and would develop later. That Press Club's opening night had the 505th imprint all over it. The piano player in the bar was Norbert Schultz, who wrote the music for "Lili Marlene." The 505th sent its jazz band. Two USO troups were in town, so they came, which meant we had Bob Hope, Jack Benny, Ingrid Bergman, Larry Adler and Martha Tilton on our guest list.

When Japan threw in the towel officially three weeks later, an atmosphere of uncertainty about the future began to develop. The U.S. Congress was under the public whip to "bring Johnny home," and the greatest U.S. military force demobilized as dismantled. Gen. Jim and a few of us had gone to London and were flying back to Berlin in bad weather, forcing us to finally put down in Schweinfurt in rainy, foggy, forbidding conditions. He finally got a connection through to our chief of staff, Col. Bob Weinecke, to let him know were he was. Weinecke dropped a bomb telling him the word had come that the 101st Airborne Division had been selected to be the surviving post-war Regular Army's airborne division. Being in that forbidding Schweinfurt was a proper setting in which to contemplate the melancholy plight of Gen. Jim's pride and joy, the 82nd.

We were like undertakers, spades in hand, planning the eulogy.

In his quiet way, with a full heart, and weighted with deep disappointment, Gen. Jim began to talk. As always, it was the troopers on his mind. They were the ones who had been 316 days in front line positions, had borne 19,586 casualties, won four Medals of Honor, 78 Distinguished Service Crosses, 894 Silver Stars, 2,478 Bronze Stars with the "V" for valor added and wore 91 decorations from the Netherlands, 74 from France, 39 from Belgium, and 14 from the Soviet Union. The essence of the conversation was that, even with this destructive news, he did not want the 82nd to go home as "just another numbered outfit" and that somehow it must be a big and noticed moment in whatever community its paratroopers considered the home to which they would return. Every so often, he would pause and ask that big "why." Why had they not chosen to save the 82nd after it had been there on all the war-tortured geography where the crucial battles of World War II had been fought?

Back in Berlin, the word was already out. Champagne was being drunk at the 101st. The 82nd was numb. There were two things on the plate—one he had requested, taking the division home on the backs of every man in it with stories and pictures; and one he could not request officially, fight the orders from higher headquarters. Others, if so inclined, would have to do that, and there were a lot of the so-inclined who hung out in that Press Club of Berlin. They had no stories to do, and thought the recall cable to enchain them to the city desk or news on the hour would come any day.

First, we assembled 12 German stenographers with a reasonable understanding of English, and began the hometown story on each of the 9,000 in the division. We had five photographers at work on regional photos, one of them of Gen. Jim pointing to each of the states on a map where the troopers would go home.

The German stenographers did very well, except they didn't understand MO was the abbreviation for Missouri and MONT for Montana, and copyreaders would sometimes find someone going to St. Louis, Montana, and to Billings, Missouri.

The covert action was in the Press Club of Berlin and in Paris, where we encouraged any and everybody to write "why" stories—why not the 82nd as the surviving division. If one of the war correspondents' head was hurting from the excesses of the night before, we had someone who could write it for him. As one of them said, leaning against the bar, he would never deny his byline to good writing!

In Washington, they were inundated with these *why* clippings and radio commentaries and at a time when everybody was screaming to inactivate. Here was what appeared to be a grass roots plea to save and preserve one unit at least, the 82nd Airborne Division. Okay, Washington said, inactivate the 101st and save the 82nd. Each one of us has a special memory of that unbelievable turn of events. Mine was that 36 bulging mailbags had left by truck three days before containing envelopes with photos and stories going to every newspaper in America with 10,000 circulation or more.

We were like cats thrown neckdeep into a cream can. It had to be one of the greatest public relations coincidences of all time. But that wasn't all.

At Camp Lucky Strike near Reims in France, we were all waiting for the orders to sail home. The teleprinter at headquarters came to life with a message to Gen. Jim. It was far more than embarkation orders. Before our eyes, the letters fell one after another spelling out: The 82nd Airborne Division has been selected for the victory march in New York on January 12, 1946, up Fifth Avenue representing all the men and women who served in the Armed Forces in World War II.

None of us who were there will ever forget how we felt. It wasn't that the division didn't deserve it, but that it had finally been recognized as deserving it. We were all transformed from being one of 15,000,000 who had served all over the world; we were to represent those millions. The message said further that a ten-man advance party would fly back to Washington and New York at once to make the logistical and public relations plans which were staggering. I was one of the ten.

And there we were at Washington Arch. Gen. Jim was annoyed at what he could see up ahead. Those vans, there at the arch, he asked me, what the hell were they and what were they doing blocking the way. The newsreel trucks, I told him, and something new called television. Well, he said, get them the hell out of there because our time to march is 1 p.m. There was a big swirl of activity on the other side of the arch—about 25 mounted policemen and the cars of the New York politicos which would lead us and a passel of sputtering motorcycle policemen adding to the melee.

In a way it was symbolic of what was to lay ahead of Gen. Jim all the rest of his life—the unpredictable, known as politics. Promptly at 1 p.m., he said "forward," and he and the band promptly became entangled in vans, horses and the motorcade.

Eventually, on politician's time, not military time, the parade got under way. All along the Fifth Avenue parade route, the nonmarching part of the parade was in evidence, shops and offices having lent their windows to the casualties who had lived and beaten us home. They were waving crutches and canes. What a cheering section that was.

The next day at Camp Shanks I went into Gen. Jim's office to say goodbye as I was going back to my old habitat, a job at Warner Brothers Film Studio in California.

"Look at that," he said, pointing out the window. "Yesterday, it was a great division. Now it's just men in twos and threes going to the trains that'll take them home."

He said only about 200 after some leave would rejoin him at Ft. Bragg. "We'll build it all back," he said. And they did. And now, the 505th will live again, too.

The Army was too smart to ever give me five stars, but Warner Brothers did and for them I had publicity responsibilities. I had known them all before the war, one of them since 1939. He had been a radio gabber like me, and had taken correspondence courses at Ft. Des Moines with a cavalry unit. When we had met, he said he hoped I would always write nice things about him, and the order has never been rescinded. He was to have limited service because of his eyes, and being an actor, they'd used him in training films. I asked him if he wished to be a part of our night, and this is the letter he sent me from the White House:

"I send special congratulations and warmest regards to all the veterans of the 505th Parachute Infantry Regimental Combat Team and to everyone gathered to witness the regiment's reactivation ceremony. All Americans remember well that the 505th was, and still is, a crack unit of the 82nd Airborne. We recall your valor, loyalty and courage, and the great risks you took for America in the face of a determined enemy. That fighting spirit lives on as the 505th resumes its readiness to defend our land and safeguard our liberties from any harm.

"It is most fitting that Lt. Gen. James M. Gavin is in your midst during this celebration. He commanded the 505th during World War II as it fought its way through Europe. The names Sicily, Salerno, Normandy, Ste-Mère-Église, Holland, the Ardennes and so many others constitute a geography of your courage and a scroll of honor. May these milestones in the defense of freedom always serve as an inspiring summons to the young soldiers who now follow in your path of patriotic service. Today, we can say of the 505th once more: you were there when your country needed you, and you will always be.

"To the proud members of the 505th Parachute Infantry Regimental Combat Team, past, present and future, I salute you, and may God bless you."

It is signed by our Commander in Chief.

Gen. Jim, the five stars they gave me at Warner Brothers had nothing to do with rank, but they were lots of fun. They were Errol Flynn, Ann Sheridan, Jane Wyman, Janis Paige, and the fellow who wrote us that letter, Ronald Reagan. Ronald Reagan—like you—knew extraordinary challenges, many low points, met whatever came with aplomb and, like you, reached beyond to other things which showered him with esteem and distinction. What we have all been a part of here these past few days and tonight is something made more meaningful because we had you here with us. It is one thing to have distinction, and a few achieve it; it is even rarer to be said to have had dimension—and you, the 505th and the 82nd have all known that. Perhaps in future times, as my bunkmate said of Nathan Bedford Forrest, if you or the 505th or the 82nd are mentioned, those raised right will stand up and take off their hats!

INTRODUCTION OF LEGISLATION PROVIDING FOR TRANSITION OF THE ADOPTION EXPENSES TAX DEDUCTION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. OBERSTAR. Mr. Speaker, today I am introducing legislation to provide a transition period during which the tax deduction for expenses related to the adoption of a child with special needs will be retained until procedures for direct reimbursement under the new tax bill can be established.

One of the great accomplishments of the 99th Congress was the tax reform bill. I supported tax reform, but I have concerns about the immediate effect one of its provisions will have on adoptive parents and on the movement of children out of the foster care system into permanent homes.

According to the Department of Health and Human Services, an estimated 276,000 children are in foster care, and at least 36,000 of these children are legally free and waiting for adoptive homes. Many of the 36,000 are children with special needs; that is children who are older, in sibling groups, mentally, physically or emotionally disabled, or members of minority groups.

Financial considerations are a necessary concern for parents who adopt any child. The adoptive parents entitled to this reimbursement are the individuals and couples who give a permanent home to children who need it most. They are people who are willing to take on large responsibilities in order to build a family and bring joy to a child who needs a home.

Congress has recognized the need to encourage and reduce the financial burdens associated with special needs adoption. Until January 1987, this was accomplished through an itemized tax deduction. The 1986 tax reform law repealed this deduction and substituted a direct payment for adoptive parents of special needs children.

My concern is that while adoptive parents lost the tax deduction at the end of 1986, the new system under which States directly reimburse parents for adoption expenses, is a long way from being in place.

Under the Reconciliation Act of 1981, Congress provided an itemized deduction for up to $1,500 of expenses incurred by an individual in the legal adoption of a child with special needs. Deductible expenses included reasonable and necessary adoption fees, court costs, and attorney fees.

Because of limitations in available data, we do not know exactly how many adoptive parents have utilized the adoption expenses deduction. But we do know the number of special needs adoptions has risen in recent years, and the number of children in foster care has dropped. Undoubtedly many factors have contributed to this progress in special needs adoptions, but clearly the tax deduction helps reduce one important barrier to adoption, the cost.

The Senate tax reform bill retained the adoption expenses deduction, but the conference agreement followed the House bill in repealing the deduction. In place of the deduction, the final tax bill amends the adoption assistance program in title VI-E of the Social Security Act to provide matching funds as an administrative expense to reimburse adoptive parents for their one-time adoption expenses when they adopt, in accordance with State and local law, a child with special needs. The repeal of the deduction takes effect for taxable years beginning with 1987 and the direct payment substitute for the deduction is to be effective for aodption expenditures made after December 31, 1986.

The Federal Government, State title IV-E adoption agencies, and private adoption agencies will all be involved in working out procedures to guarantee reimbursement to eligible adoptive parents. According to adoption experts, the Department of Health and Human Services will have to issue regulations under the title IV-E Adoption Assistance Program. Unwittingly, because of the necessary delay before the plan can be implemented, we may be leaving these families and children out in the cold with no financial help.

Mr. Speaker, the adoption expenses tax deduction was straightforward and simple, and procedures and forms were well established under the Tax Code. The implementation of a new system of direct reimbursement is anything but simple. This legislation I am proposing will provide a transition period during which the adoption expenses tax deduction will be retained until final regulations, implementing the nonrecurring adoption expenses reimbursement program, are issued. This will guarantee that adoptive parents will not suffer delays while administrators struggle to develop a reimbursement system.

I insert the bill in the RECORD as follows:

H.R. 914

A bill to provide a transition period for the full implementation of the nonrecurring adoption expenses reimbursement program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSITION PERIOD FOR FULL IMPLEMENTATION OF NONRECURRING ADOPTION EXPENSES REIMBURSEMENT PROGRAM.

(a) IN GENERAL.—Section 151 of the Tax Reform Act of 1986 (relating to effective dates) is amended by adding at the end thereof the following new subsection:

"(f) ADOPTION EXPENSES.—

"(1) IN GENERAL.—The amendments made by section 135 shall apply to taxable years beginning after December 31 of the calendar year in which final regulations are issued to implement the reimbursement of nonrecurring adoption expenses under any adoption assistance agreement under subtitle E of title IV of the Social Security Act.

"(2) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed with respect to amounts paid for adoption expenses directly related to the legal adoption of a child with special needs under section 222 of the Internal Revenue Code of 1986 to any taxpayer receiving reimbursement for such amounts under any adoption assistance agreement under subtitle E of title IV of the Social Security Act.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 151 of the Tax Reform Act of 1986.

LEN DAWSON: HALL OF FAMER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. SKELTON. Mr. Speaker, this week it was announced that Len Dawson, the former Kansas City Chief star quarterback, had been elected into the Professional Football Hall of Fame. A passer who was noted for his accurate arm, Dawson came to Kansas City in 1963 and played until his retirement in 1975.

During his career with the Chiefs, Len Dawson won four AFL passing titles and led his team to two appearances in the Super Bowl. In Super Bowl IV, Len Dawson won the Most Valuable Player Award in Kansas City's exciting 23-to-7 upset win over Minnesota.

Throughout his long association with the Kansas City community, Len Dawson has distinguished himself on and off the field. Len finished his playing days with 2,136 completions in 3,741 attempts—a 57.1-completion percentage. He threw for a total of 28,711 yards and for 239 touchdowns. In addition, Dawson holds Chiefs records for the most pass completions, passing yards, and touchdowns.

Since leaving the playing field, Len Dawson has remained active in the community. Along with broadcasting analysis on the Chiefs radio network, Len also works as a sports anchor for a local television station. In addition, Len Dawson cohosts Home Box Office's "Inside the NFL" program, a weekly pro football show.

Mr. Speaker, I feel certain all the Members join me in congratulating this former Kansas City Chief on his election to the Professional Football Hall of Fame and wish Len Dawson all the best in the many years to come.

EAGLE SCOUT FREDERICK JUTTON

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. LIPINSKI. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the achievements of a fine young man from my district, Frederick Jutton. Frederick was recently honored for achieving the highest rank in Scouting, that of Eagle Scout.

The path to Eagle Scout is truly a long and difficult one. It requires an extraordinary amount of dedication and determination not usually seen in youths of this age. The tasks which must be completed to become an Eagle Scout cover virtually every realm of human experience. Some require intellectual and creative abilities while others call for physical agility and strength. Some tasks help integrate the young man into society through community action that benefits his neighborhood and world. Still other acts are performed alone to assist his growth and maturity as a person. The central challenge is, however, to set and strive for goals through initiative and diligence.

Young men like Frederick are leaders. The achievement of Eagle Scout is likely to be only the beginning of a future full of accomplishments. For this young man has shown that he can perform exceptionally well without a compelling hand of authority over him. I say this not to downplay the importance of the encouragement he received from his family and Scout leaders but, rather, to assert the independence and self-motivation he has already shown.

Frederick, your achievement of becoming an Eagle Scout is praised and applauded. It is with sincere pleasure that I commend you, Frederick Jutton, before my fellow Members of Congress.

NEED FOR EXPORT CONTROL REFORM

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. BONKER. Mr. Speaker, recently the National Academy of Sciences released an exhaustive study of U.S. export control policies. The report, "Balancing National Interests: U.S. National Security Export Controls and Global Economic Competition" demonstrates the need for a more effective export control system which protects truly critical technology but does not unnecessarily hamstring U.S. companies seeking to compete for world markets. According to the NAS study, current Government policies fail to promote both military security and economic vitality, resulting in a complex and confusing control system that unnecessarily impedes U.S. high technology exports. The panel estimated that these restrictions cost the United States at least $9 billion and 188,000 jobs annually, with an overall impact on the aggregate U.S. economy of an estimated $17 billion. With a trade deficit of $170 billion, we can ill-afford these self-imposed barriers to U.S. exports.

I want to commend the National Academy of Sciences for its comprehensive work on this critically important issue. I believe that the NAS has made a great contribution to the ongoing public policy debate on an issue that is crucial not only to U.S. competitiveness, but to American national security interests as well. I am sure the NAS report and its recommendations will play an important role as Congress considers the impact of such controls on the competitiveness of American companies.

The Subcommittee on International Economic Policy and Trade of the Committee on Foreign Affairs, which has jurisdiction over U.S. export control and technology transfer policies, and which I have the honor to chair, has scheduled its first hearing of the 100th Congress to examine the NAS report. This hearing, scheduled for Tuesday, February 3, at 2 p.m. in 2172 Rayburn House Office Building, is the first in a series of hearings by the Committee on Foreign Affairs on export control and other competitive issues in preparation for omnibus trade legislation. I look forward to hearing from Chairman Lew Allen, Jr., and other members of the NAS panel on their findings and recommendations.

I commend to my colleagues' attention the following editorials and articles regarding the NAS study on national security export controls.

[From the New York Times, Jan. 26, 1987]

TAME THE HIGH TECH MONSTER

In March 1983 an American company won an order to sell an advanced medical spectrometer to Eastern Europe but had to wait 910 days for an export license. The Pentagon feared, needlessly, that one computer chip and hard disk drive in the machine might be of military help to the Russians.

The story illustrates how bizarrely the Government's system for keeping high tech exports out of Soviet military hands works: fine in principle, but because of the failure to hold Pentagon interests in proportion, the Administration has let it become a monster that swallows jobs and profits.

The Pentagon-inspired system involves Federal licensing of civilian technology that might help the Russians. It has come to encompass 40 percent of all non-military manufactured goods exported from the United States. Most go to other Western countries and include many low tech products. The net effect is to cost American companies some $9 billion a year in lost exports.

With the trade deficit already too large, who needs this? It used to be easy to keep tabs on advanced technology. The Pentagon almost owned it, through farsighted sponsorship of the infant semiconductor industry. But its bloated design teams now take years to bring out new weapons, guaranteeing aged technology. Civilian technology often leads, and is rapidly diffusing abroad.

Control is nonetheless worth attempting because the Soviet Union, despite fine scientists and heavy investment, lags 5 to 10 years behind in most civilian technologies with military application, and the gap shows no sign of closing. But the present licensing system is not working. That judgment has now been affirmed by a National Academy of Sciences panel that includes two former directors of the National Security Agency. The panel notes that half the companies interviewed reported lost sales. Exports of analytic instruments jumped 7 percent when controls were relaxed in 1984, and fell by 12 percent when controls were later reimposed.

Allies resent the extension of American law to their countries in controlling re-exports of products with American components. Congress, the panel recalls, intended Commerce to run the system, with advice from Defense. But without supervision from the White House, Defense has taken the lead.

The Pentagon says it is unable to find much evidence of lost sales, and that its program has thwarted the usual Soviet technology-importing cycle, driving the Russians to the more difficult route of espionage and theft. It's rule that the licensing system has closed important gaps, like the sale of whole factories to the Soviet Union. But it has grown far too restrictive.

The necessary reforms are obvious: Concentrate on protecting only the most critical technologies, like machinery for making advanced computer chips or processing specialized metals. Avoid offending allied partners in the present licensing system. Stop undermining what the system is designed to protect—a healthy and innovative civilian technology on which Pentagon weapons can be based.

The Commerce Department lacks the muscle to stand up to the Pentagon unless the White House weighs in. That's the National Security Council's job. It needs to act before the Pentagon's red-tape tentacles choke off still more innocuous innovation and trade.

[From the Washington Post, Jan. 20, 1987]

CONTROLS ON WHICH EXPORTS?

Everybody agrees that the government has to control certain sensitive exports—military weapons and, sometimes, civilian goods with military uses. The buyers are often Russian. But for years there's been a rancorous quarrel within the Reagan administration over the breadth of these controls. The Defense Department has pressed incessantly to keep adding items to the list—often goods openly available abroad. Almost everyone else in the administration has been arguing that the controls are already too broad to be effective. But in this administration the Defense Department has usually had the upper hand.

As the complaints continued to rise, the administration eventually set up a commission to look into the controls. It was headed by Lew Allen Jr., a former chief of staff of the Air Force, and included a former secretary of defense, Melvin R. Laird, as well as a former deputy director of the CIA and a former director of defense research and engineering. Their report, which appeared this week, offers sensible and useful advice.

The Soviets make strenuous, and frequently successful, efforts to acquire Western technology by hook or by crook. But they lag behind the West in most fields and, the commission concluded, the gap may actually be widening because of Soviet dependence on Western equipment which, by the time it comes onto the commercial market, is always a little behind the work going on in the labs.

The commission urged the administration to give more weight to economic considerations—the urgent need to increase American exports, and particularly the exports of the high-technology industries that are this country's special strength. The commission found that by 1985 fully 40 percent of this country's manufactured exports, not counting military goods, were covered by export controls. The sheer volume diminishes the attention to the few truly critical items. Meanwhile, the commission says, American companies are losing sales because of licensing delays. It takes on average six weeks to get an export license from the Commerce Department; a Japanese exporter can get one from its goverment in two or three days.

The commission described the case of an American exporter trying to sell a nuclear magnetic resonance (NMR) Spectrometer to a medical institute in Eastern Europe. The licensing procedure took nearly three years because of the device's microprocessors and disk drives—components, the commission noted, produced by the millions in several countries. "Although U.S. firms pioneered the development of NMR technology," it added. "German and Japanese companies now hold two-thirds of the world market for instruments incorporating it."

The West's technological advantage is best preserved not by secrecy, but by maintaining a high rate of innovation. The present swollen and cumbersome system of export controls is doing more damage to American security than to the Soviets.

WE'RE HURTING OURSELVES

For several years now the nation's scientific community has been battling with the federal government over Washington's efforts to restrict the flow of science and technology to the Soviet Union. The Reagan Administration has argued that the openness of American society allows the Russians to get the benefits of militarily useful research and technology for free. Similarly, the Administration has slapped export controls on a wide range of high-technology items produced in this country to prevent their winding up in Russia.

The scientists have argued persuasively that the very openness of American research is a primary factor in its strength. Open publication of unclassified research and open discussion of new ideas enable scientists to build on each other's work—with serendipitous results. According to this view, Soviet research lags precisely because it is hamstrung by secrecy and controls.

To be sure, the problem of technology transfer is real, but, as several studies and reports have concluded, it is much more limited than the Administration contends. Except in specific cases in which the threat is palpable, the large benefits of openness outweigh the dangers of secrecy.

Now comes the draft of a new report from a panel of the National Academy of Sciences chaired by Lew Allen Jr., former Air Force chief of staff who is director of the Jet Propulsion Laboratory near Pasadena. The Allen panel concludes that the efforts to deny American technology to communist countries have not improved U.S. security but have cost this country substantial numbers of jobs and amounts of money. Our trading partners prefer to buy from non-American suppliers who are not stymied by export controls and other red tape.

Just as restrictions on the free exchange of ideas hurt us more than help us, export restrictions on high-technology items "have greater potential to damage the U.S. economy than . . . reduce exports to the East Bloc," the draft report says. The panel estimates the cost so far at 188,000 jobs and $9 billion a year.

This is so because there are few technologies over which the United States maintains hegemony. People who want computers, state-of-the-art optical devices, gas and oil equipment and the like can buy them elsewhere, which is what they have been doing. What's more, the panel concludes, despite access to American know-how, the Russians "in general have not succeeded in matching the West's technology edge." These conclusions get extra credence from the membership of the panel, which includes, in addition to Allen, Melvin R. Laird, former defense secrertary, and Bobby Ray Inman, former deputy director of the CIA who played a large role in sounding the alarm about technology transfer in the first place.

So here's where things stand: The Administration's effort are harmful to research, to the American economy and to our relations with our allies, and they don't work. Moreover, technology transfer may not be as much of a danger as it was cracked up to be. The Administration should relax its ideological opposition to the free flow of ideas and developments.

[From the Washington Post, Jan. 12, 1987]

PANEL HITS U.S. CURBS ON EXPORTS LIMITS ON HIGH-TECH TO EAST BLOC CALLED COSTLY, INEFFECTIVE

(By Stuart Auerbach)

A National Academy of Sciences study has found that attempts to keep high technology from Soviet bloc nations have not significantly improved America's national security, but have cost the country 188,000 jobs and $9 billion a year and "are having an increasingly corrosive effect" on U.S. relations with its allies.

The academy panel recommended ending the Defense Department's "de facto veto" over technology sales and easing U.S. controls on strategic exports to match those of the NATO allies.

The committee, headed by former Air Force chief of staff Gen. Lew Allen Jr., includes former Defense secretary Melvin Laird and Bobby Ray Inman, former director of the National Security Agency and deputy director of the Central Intelligence Agency. It also includes a number of business executive and academics.

Veteran defense officials and others on the panel questioned Pentagon estimates that export controls saved the United States billions of dollars in defense costs.

The benefit to U.S. national security from stringent export controls "is feasible only in the shrinking number of cases in which the United States is the only country possessing the technology," according to the study, which was made available to The Washington Post in the form of a preliminary draft report.

Export restrictions "have greater potential to damage the U.S. economy than . . . reduce exports to the East bloc," the draft report said.

"Executive-branch decisions concerning national security export controls [should] accord greater importance than they currently do to maintaining U.S. technical strength, economic vigor and allied unity," the study concluded.

The study aides with American business in a dispute that has split the Reagan administration, with the Commerce Department and high-technology companies pressing for export controls to be relaxed and the Pentagon insisting they be strengthened.

The finding echoed complaints by William Root, a longtime State Department official concerned with export control. Root resigned over the Pentagon's domination of Reagan administration policy in the field.

The study was started in 1984 after Congress, also split on the issue, failed to agree on how to renew the Export Administration Act, forcing the government to use its emergency powers to maintain controls until Congress acted on a compromise measure in 1985.

The defense and intelligence backgrounds of several members of the NAS committee gives the findings more weight than if they had come from a group solely composed of academics and business executives.

Inman started the trend toward strict controls on high-technology exports in 1982 when he released a CIA report that found a "hemorrhage" of U.S. technology to the Soviet Union.

Coupled with another report investigating the increasing dependence of the military on foreign technology—especially semiconductors, which are vital for all defense systems—the study in expected to play a major role in the upcoming debate on U.S. competitiveness in the world economy.

Despite the leadership of former defense and intelligence officials, Assistant Defense Secretary Richard N. Perle denounced the NAS report because there are business representatives on the committee, including officers of Hewlett-Packard Co. and General Electric Co.

Perle described the report as comments by a group of largely interested parties about public policy that affects their financial interests. He added that the membership is "predominantly representative of the outlook of the business community." He said there is "a tremendous amount of unproven assertions in this report . . . . We had dent in Europe," the draft report said.

A special study included in the draft report found that "a reasonable estimate of direct short-run economic costs to the U.S. economy in 1985 was in the order of $9.3 billion." That translated to 188,000 American jobs lost as a result of export controls and—when the multiplier effect of that spending on other business is included—an overall drag on the nation's economic vitality of $17.1 billion, the study said. William Finan, an economic consultant specializing in high-technology issues, conducted the special study for the NAS committee.

During the panel's European trip, the report said, it "heard repeatedly . . . . that companies are in the process of switching to non-U.S. sources for items controlled by the United States," the draft report continued.

"These actions stem not only from concerns about the additional costs and delays imposed by U.S. export controls, but even more importantly from a view that the United States is not a reliable supplier—a view that was given credence by U.S. efforts to control gas and oil equipment in recent years in the face of strenuous opposition by our allies."

The NAS committee said the United States and its allies hold a five to 10-year technological advantage over the Soviet Union.

The NAS report cited Defense Department studies estimating the impact of export controls on the Soviet Union. These studies said the Soviet military would save between $500 million and $1 billion a year if it were misgivings about the report from the very beginning."

The study was partially funded by the Defense Department, but Perle said the money came from a Pentagon branch headed by a former undersecretary for research and engineering, Richard D. DeLauer, who opposed Perle in internal debates on the value of export controls. DeLauer, now in private industry, "did not care for the policy of this administration" on export controls, Perle said.

Nonetheless, the NAS panel findings mirror the results of a less-extensive study that the Center for Strategic and International Studies, a conservative think tank, completed more than a year ago.

The NAS emphasized in its study that the United States' economic well-being depends on being able to sell overseas. U.S. dominance in high technology has been eroded by Japan, Western Europe and the newly industrialized nations of Asia and the Pacific. Until 1981, a booming U.S. high-technology trade surplus helped offset deficits in other sectors, the study said. But that surplus decreased, and high-technology trade ran in the red for the first time last year, it noted.

"Export controls are not a leading cause of this recent decline," the study said, "but they may tend to exacerbate the U.S. trade deficit by contributing to an environment that discourages export activities by U.S. firms."

The study found that export controls provided "clear incentives" against buying American products if other countries can supply comparable products. "The trend toward non-U.S. sourcing is already eviable to obtain technology denied it by export controls. That would require additional U.S. defense spending of $7.3 billion to $14.6 billion to match the Soviet advances, the Pentagon studies indicated.

But the NAS panel questioned these estimates, along with higher ones contained in another Pentagon study, and said the Defense Department declined to supply backup data.

"Despite an intensive acquisition effort," the report said, "the Soviets in general have not succeeded in matching the West's technology edge. . . . It is unlikely that an influx of western technology will enable the Soviet Union to substantially reduce the current gap—as long as the West continues its own pace of innovation."

NATIONAL OSTEOPOROSIS PREVENTION WEEK

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Ms. SNOWE. Mr. Speaker, I am pleased to introduce legislation today, on behalf of myself and more than 80 of my colleagues, which would designate the week of May 10–16, 1987, as "National Osteoporosis Prevention Week."

Last year, the resolution designating "National Osteoporosis Awareness Week" was passed for the second year with overwhelming support by my colleagues and was signed into law by the President. For the past 2 years, groups around the country have worked to inform the public about the risks of osteoporosis, a campaign which has been extremely effective in raising the level of public awareness. The shift from awareness to prevention should now be emphasized, not only with respect to preventing bone loss, but also the prevention of injuries which can lead to fractures in those who have already experienced a decrease in bone mass.

Osteoporosis is a thinning of the bones that strikes 15 to 20 million of our older Americans. This debilitating bone degeneration is associated with aging, low calcium levels, and loss of estrogen. Although older men may be affected by a form of this disease, osteoporosis is a disorder which mainly affects older women after menopause. Thin, Caucasian women are particularly prone to losing bone mass and do so at a rate twice that of men. According to some estimates, postmenopausal women can lose as much as 38 milligrams of calcium a day, which results in approximately 1 percent overall calcium loss each year. The deprivations of this important element weakens the bones, causing fractures—in fact, an estimated 1 million fractures a year.

Older women are the fastest growing segment of our population, making osteoporosis a rapidly increasing problem. As such, osteoporosis is a costly disease, both in human terms and in the total cost to society. As the population of older persons increases, by the year 2050 we can expect the number of hip fractures to double or even triple. It has been estimated that osteoporosis cost the Nation over $6 billion in 1983 with far greater expenditures expected for the future. These costs include not only the expenditures for long-term care, but also the lost earnings by afflicted older workers.

Every year 200,000 osteoporotic women over the age of 45 fracture one or more of their bones. Indeed, hip fractures increase the mortality of those who suffer this injury, while for others hip fractures mean institutionalization or increased dependence on others in the community. Among those who live to age 90, approximately one-third of women and 17 percent of men will suffer a hip fracture that will prevent them from fully regaining normal activity and may result in institutionalization.

In addition to bone fractures, osteoporosis can also cause the body to collapse on itself. The dowager's hump is an example of the progressive shortening of the spine and is one of the few visible signs of osteoporosis. On the average, people lose an inch in height as they age. A woman suffering from vertebrae collapse can eventually lose a total of 8 inches or more from her adult height. The resultant deformity and disability are accompanied by a great deal of physical and emotional pain.

But, let us not forget that the physical and emotional pain are not the whole story. Osteoporosis is a killer—it has been estimated that more than 50,000 elderly women die every year from complications of hip fractures which is 10,000 more than those who die annually from breast cancer.

The cause of osteoporosis is not yet clearly understood. It has been suggested that along with a decreasing estrogen level and a sedentary life style, a low calcium intake can also allow this bone condition to develop. Those individuals with a family history of osteoporosis are at increased risk as well.

The best treatment of this disorder is prevention. Studies have shown that 80 percent of bone fractures resulting from thinning of the bones could be avoided with increased intake of calcium and estrogen—50 percent with the use of calcium alone. Younger women in their thirties and forties need to be especially aware of the importance of daily exercise, especially weight bearing exercise, and diet, particularly a diet rich in calcium. Other preventive measures include reducing caffeine intake and stopping smoking.

For older women who may have already developed osteoporosis, exercise and diet remain important. Further, efforts to manage their environment to avoid hazards that may lead to falls can diminish the risk of developing fractures and the dangers resulting from them.

By designating the week beginning with Mother's Day, May 10, 1987, as "National Osteoporosis Prevention Week," I hope to stress the intergenerational aspects of this disease. During childhood and adolescence bone mass increases rapidly, with maximum bone mass attained at about 35 years of age. In these early years, diet and exercise are crucial in developing strong, dense bones. During the middle years, especially during menopause, diet, exercise and in some cases, medication can slow the loss of bone mass. And during the later years, when the risk of falls and fractures may increase, preventive measures to remove environmental hazards that may lead to falls become essential.

By linking osteoporosis to Mother's Day, I hope that we can encourage mothers, daughter, and grandmothers to pay special attention to this serious problem.

H.J. RES. 127

Joint Resolution designating the week of May 10, 1987, through May 16, 1987, as National Osteoporosis Prevention Week of 1987

Whereas osteoporosis, a degenerative bone condition, afflicts 16,000,000 to 20,000,000 people in the United States;

Whereas osteoporosis afflicts 90 percent of women over age 75;

Whereas 50 percent of all women in the United States over age 45 will develop some form of osteoporosis;

Whereas hip fractures are the most disabling outcome of osteoporosis, and 32 percent of women and 17 percent of men who live to age 90 will likely suffer a hip fracture due primarily to osteoporosis;

Whereas the mortality rates for people who suffer a hip fracture increase by 20 percent, with such fractures resulting in the death of over 50,000 older women and many older men each year;

Whereas 15 to 25 percent of people who suffer a hip fracture stay in a long-term care facility for at least one year after the fracture occurs, and 25 to 35 percent of people who return home from a long-term care facility after recovering from a hip fracture require assistance with daily living after returning home;

Whereas the total cost to society of dealing with osteoporosis was $6,100,000,000 in 1983 and such cost is expected to rise as the population ages;

Whereas osteoporosis is associated with the loss of bone mass due to a lack of estrogen as a result of menopause, alcohol or cigarette use, and low calcium intake;

Whereas exercise and proper nutrition before an individual is age 35 will build bone mass to help prevent osteoporosis; and

Whereas people who suffer from osteoporosis should be aware of the increased risk of bone fractures, and should take precautions to reduce the chance of accidents that may result in bone fractures due primarily to osteoporosis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 10, 1987, through May 16, 1987, is designated as "National Osteoporosis Prevention Week of 1987", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs and activities.

THE PRESIDENT'S BUDGET

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. COELHO. Mr. Speaker, in his State of the Union address President Reagan spoke glowingly of America's greatness—of our "quest for excellence" in all facets of America life, expecially in education for all our children. Unfortunately, the budget document the President has sent to the Congress does not support this rhetoric. In my opinion the President's goals for education, as set forth in that document, reflect mediocrity at best.

I would like to focus on the requests pertaining to special education for children with disabilities—requests that in no way reflect a commitment to excellence. In fact, the President's budget reverses years of progress that children with disabilities have achieved in special education.

I have a strong personal interest in these programs because I have epilepsy. Over the years I have met with parents of children with epilepsy and other disabilities and have visited several special education classrooms. I have seen and heard the success stories of these programs. Children who were once thought to be incapable of anything productive are now being educated and trained to enter the job market and live independently as contributing, taxpaying citizens.

Such progress occurred because of the leadership of the Federal Government has taken over the past 10 years in creating special education and job training programs—and such progress is what America's greatness is all about.

The President's proposals, in addition to slashing funds for fiscal year 1988, contain unreasonable rescission requests for fiscal year 1987. All are unacceptable. The President calls for a $121.2 million rescission of 1987 funds for the State Grant Program (part B) of the Education of the Handicapped Act. This program assists States in providing a free appropriate public education to school-age children with disabilities. For fiscal year 1988, the President's request for this program is $78.6 million less than Congress appropriated for fiscal year 1987.

In presenting the President's budget proposals, Secretary Bennett stated that a "high priority in our budget is programs for the handicapped." In my opinion, the President's plan to slash this funding is totally inconsistent with this rhetoric.

The President's budget proposal also blatently disregards the intent of Congress in two important areas with respect to education for children with disabilities. It drastically cuts funding of the Pre-School Grant Program for children with disabilities from age 3 through 5 and it totally eliminates funding of the early intervention program for infants and toddlers with disabilities from birth through age 2.

The President has requested a rescission of $101.1 million in funding for the Pre-School Grant Program for fiscal year 1987 and has proposed that the program's fiscal year 1988 funding level be $94.5 million less than Congress appropriated for fiscal year 1987. Such cuts fly in the face of Congress' intent to expand services for preschool children with disabilities.

When the Congress reauthorized the Education of the Handicapped Act last year it recognized that enhancing preschool services for these children was necessary, cost-effective, and long overdue. It followed the guidance of the President's own Department of Education in recognizing the value of preschool education for children with disabilities. In its Seventh Annual Report to Congress the Department stated that: "Studies of the effectiveness of preschool education for the handicapped have demonstrated beyond doubt the economic and educational benefits of programs for young handicapped children. In addition, the studies have shown that the earlier the intervention is started, the greater is the ultimate dollar savings and the higher is the rate of educational attainment by these handicapped children."

In abolishing funding of the early intervention initiative for infants and toddlers with disabilities for fiscal years 1987 and 1988, the administration ignores both the intent of Congress and its own previous support of this program. Congress unanimously enacted legislation authorizing this program last year in the Education of the Handicapped Amendments of 1986. After the President signed this bill Frances Norris, Assistant Secretary of Education for Legislation stated, on October 16, 1986 that "Providing services to these children before they reach school age can result in greater educational achievement and can reduce their dependence on others as they grow older. These children are especially deserving of our assistance so that they may reach their fullest potential."

Everyone recognizes the need to reduce the Federal deficit. However, this must be done fairly. Moreover, we must not compromise our basic values or our vision of the future. We place a high value on education for all our children in this country. And I believe that my colleagues and most Americans share my vision of an America where children with disabilities are fully integrated in society and grow up to be independent, productive citizens. This vision cannot be realized if these children are forced to bear the burden of harsh and unfair cuts in funding for special education.

President Reagan stated in his State of the Union the "[P]reparing for the future must, as always, begin with our children." I couldn't agree more. I hope that the President's future budgetary actions live up to his words.

RETIREMENT OF JUDGE JAMES LAUDERDALE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. SKELTON. Mr. Speaker, I rise today to inform the Members and pay tribute to an outstanding Missourian, and lifelong Lafayette County resident, James Lauderdale. Judge Lauderdale recently retired after almost 40 years of dedicated, professional service to the residents of Lafayette County.

Judge Lauderdale began his public service as Lafayette County probate judge in 1948. He was also elected eight times as the prosecuting attorney of Lafayette County.

Judge Lauderdale was elected to the circuit court bench in 1978 and reelected in 1982. In sum, he was elected 13 times to office and conscientiously served in the public interest for 38 years.

Judge Lauderdale is a member of the Probate Judge Association (past president); Missouri Bar Association; Lafayette County Bar Association (past president); Lexington Lion's Club (past president); American Legion; Veterans of Foreign Wars; Tribe of Mic-O-Say; and the Methodist Church. Additionally he was named by Marquis Who's Who in Government and has been cited for his outstanding achievements and for his contributions to society.

James Lauderdale is a native son and resident of my home county. Born December 13, 1918, in Wellington, he is the son of Flora Duebbert Lauderdale and the late James W. Lauderdale. On Christmas Day, 1947, he married the former Lois Dankers. The Lauderdale's have two sons.

Mr. Speaker, with his retirement, Missouri is losing a unique public servant. Let me take this opportunity to publicly commend him for his years of service and wish his family all the best in the years to come.

SELF-SUFFICIENCY FOR THE POOR ACT

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. FEIGHAN. Mr. Speaker, today I am introducing legislation which will have a significant effect on the lives of millions of people. This bill, the Self-Sufficiency for the Poor Act of 1987, will put resources directly into the hands of some of the poorest people in the developing world at no additional cost to U.S. taxpayers.

Poor people are the world's greatest untapped resource. The Self-Sufficiency for the Poor Act would give small loans to the poorest of the poor in order to help them start small businesses or increase food production. Programs like this have been remarkably successful in every region of the developing world. The Grameen Bank in Bangladesh, for example, gave loans averaging $60 each to 200,000 people. Close to 99 percent of the loans have been repaid. In addition, the Agency for International Development has many very successul credit programs in its portfolio, including a small farmer production project in Egypt which has made loans to some 40,000 poor farmers, and has a repayment rate of virtually 100 percent. Finally, the Inter-American Development Bank, the International Fund for Agricultural Development, ACCION International and the Foundation for International Community Assistance have all developed effective microenterprise credit programs in Latin America.

The bill would require that 10 percent of economic assistance given to foreign countries, or $400 million, whichever is greater, be converted to loans repayable in foreign currencies. Recipient governments have a 1-year grace period and 10 years to repay the loan at 1 percent interest. These local currency repayments would then be used to establish a loan program exclusively for people in that country who have a per capita income of $250 per year or less. Activities eligible for support include small-scale farming, the acquisition of livestock, construction and maintenance of wells, fishing—including aquaculture—crafts, trades, small businesses, and the provision of legal assistance to poor people. In addition, up to 20 percent of the local currency accruing in a foreign country may be used for grants for small-scale development projects, particularly health projects and other activities which have limited income-generating potential.

Twenty-eight of my colleagues, Democrats and Republicans, have agreed to become original cosponsors of this exciting legislation. I'd like to thank them for that crucial support and welcome additional cosponsors for this effort to give hundreds of thousands of poor families the opportunity to be adequately fed, to send their children to school, and to stimulate economic growth in the developing world—all at no additional cost to U.S. taxpayers.

THE AMERICAN DREAM

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. MAZZOLI. Mr. Speaker, it is my pleasure to call to the attention of my colleagues in the House an event which took place over the weekend on the steps of the Jefferson County Courthouse in Louisville, KY, the community I am privileged to represent in the House.

Approximately 1,000 citizens, both black and white, gathered to pay tribute to the memory of Dr. Martin Luther King, Jr., to denounce racism, and to call for more economic opportunity for all Americans.

I think it is fair to say that the citizens of my community rallied on behalf of the American Dream: The dream of freedom and opportunity for all. This Nation has made great progress toward that ideal. But Saturday's speakers reminded us that much work remains to be done toward full achievement of this dream.

The American Dream was eloquently described on many occasions by Dr. Martin Luther King, Jr., whose birthday we only recently marked as a national holiday. I am proud to have voted to honor Dr. King's memory and his ideals by establishing a national holiday in his name.

I commend the citizens of Louisville and Jefferson County—the religious leaders, the business leaders, the political leaders, and the "Just plain citizens"—who came together on Saturday to make a strong and positive statement that our community and this Nation remain committed to freedom and equal opportunity for all Americans.

BIAGGI PRAISES BERSAGLIERI BAND AS ITALY'S BEST

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. BIAGGI. Mr. Speaker, it is my privilege and pleasure to commend the world renowned Bersaglieri Band of Italy and to extend my heartiest gratitude for their recent visit to this country, to join in our Columbus Day celebration and festivities. I am especially honored that they chose to share their distinctive talent with the residents of New York, and particularly my congressional district of Bronx and Yonkers.

The Bersaglieri Band is truly a sight to behold. Dressed in brightly colored costume, topped with a dramatic plumed hat, they were a feast for the eyes. However, the eyes are not the only sense the band stimulates. The Bersaglieri Band delighted and amazed the tens of thousands of onlookers who were fortunate enough to have enjoyed their Columbus Day performances, as they marched, leapt and made lengthy runs, while performing a variety of musical selections. This stunning spectacle of magical color, music, and movement awed and overwhelmed New York. Their families and friends, and the entire nation of Italy, can be proud of their performance.

The members of the Bersaglieri Band, who are active and retired Bersaglieri, crack Italian troops, comparable to the U.S. Marines, were led by their President Archile Bertolli, Honorary President Colonelo Scuderi and Bandmaster Carlo Cortellezzi. They were accompanied by Hon. Gerolamo Bergamaschi, the mayor of Lonate Pozzolo. In New York, the band regaled New Yorkers during the New York City Columbus Day Parade, and both the Bronx and Yonkers Columbus Day parades. They were guests of honor at a testimonial dinner on Columbus Day, hosted by the Italian Bersaglieri Association of New York and their president, Mario Terzolo. Domenick Procopio, president, and the entire Calabria Society of New Rochelle, welcomed the band at another dinner-dance in City Island of the Bronx. During their entire visit, the Bersaglieri Band impressed us with their style and talent. They filled Americans of Italian descent with pride in their heritage.

I would like to extend a special thanks to the members of the Bersaglieri Band for their enthusiasm and entertainment. To Giorgio Annoni, Mario Belloli, Mario Belloni, Davide Bettinelli, Luca Biasio, Luigi Blini, Sergio Boni, Renato Bovolenta, Enrico Caimi, Giovanni Carraro, Giavonni Castelli, Marco Cavalli, Renzo Cavalleri, Augusto Da Ru, Verginio Del Prato, Mario Ferrario, Tiziano Giaretta, Enrico Lazzati, Marco Marinello, Filippo Marino, Davide Mattiello, Lorenzo Mignacca, Salvatore Mignacca, Domenico Modugno, Adalberto Pagliari, Lucio Pasotto, Andrea Perencin, Bruno Pianarosa, Gianfranco Porrini, Luigi Pozzi, Davide Previdi, Cosimo Pulignano, Davide Roncolato, Terenzio Roncolato, and Riccardo Testa, all who witnessed your performances join with me in professing our heartfelt appreciation. You did your families and your country proud! We hope you will bless us with another visit in the very near future.

A TRIBUTE TO RAYMOND C. FISHER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to a truly outstanding individual, Raymond C. Fisher. I ask my colleagues to join me in honoring this exceptional member of my community. Mr. Fisher will be honored for his service to the youth of his community and our Nation at a reception in January, celebrating the close of his 3-year presidency of the Constitutional Rights Foundation.

After graduating with honors from the University of California, Santa Barbara, Ray Fisher entered Stanford Law School and, among other achievements, became editor-in-chief of the Stanford Law Review. Mr. Fisher then served as a law clerk for both the U.S. Court of Appeals and the U.S. Supreme Court. Since becoming an attorney, Ray has excelled not only within his profession—serving on various government and judicial committees—but by epitomizing the ideals from which the law derives its strength: a commitment to justice, integrity, and morality.

A lucrative legal career could not satiate Mr. Fisher, he devoted his time and energy to public service, and became a shining example for the youth of our Nation. Ray has served as chairperson for numerous committees on the education of youth, at the local, State, and national levels. Also, as Governor Brown's special assistant on labor management relations, I had the personal pleasure of working with him on public employee collective bargaining laws and other matters affecting State employee relations.

Ray's endeavors have culminated in his association with the Constitutional Rights Foundation, an organization dedicated to the teaching of the Constitution, particularly the Bill of Rights. Last year, the foundation educated 750,000 high-school students across America, through conferences, internships, and courses on law and related issues, business ethics, leadership, citizenship, and participatory involvement—providing an education essential to the advancement of a democratic nation. Under Ray's direction, as vice-president since 1981 and president since 1984, the organization has grown and prospered. I am certain that it is with deep regret but fond regards that the Constitutional Rights Foundation bids farewell to Mr. Fisher.

It is my distinct pleasure and honor to join with my colleagues and the Constitutional Rights Foundation to pay tribute to Raymond C. Fisher, an apostle of justice and education, and an invaluable resource to the community.

UNITED STATES-ICELAND TREATY AND CARGO PREFERENCE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. LENT. Mr. Speaker, the Military Transport Act of 1904 provides that all military supplies bought for our Armed Forces that are to be transported by sea must be shipped on vessels of the United States. The purpose of this act is to help assure the Nation of a fleet of U.S.-owned and operated merchant marine vessels ready for any emergency and to continue the employment of our citizens on the sea. For over 80 years this law has provided a benefit to the U.S. maritime industry and has contributed to the national security of our country. Furthermore, it is only proper that supplies and equipment paid for by U.S. dollars shipped to our military bases overseas, or purchased abroad for use in this country sail on vessels owned, operated, and manned by U.S. citizens.

Mr. Speaker, the cargo preference laws—covering both military supplies as well as foreign aid cargoes—are a primary means by which the Federal Government supports the U.S.-flag merchant marine. U.S. operators are able to provide cost-effective and efficient service when given a fair opportunity to obtain cargo. The 1904 act provides some of this cargo and assures the Nation a flag fleet vitally necessary to our defense and the economic stability of the Nation.

Last October, the Senate ratified the Treaty between the United States of America and the Republic of Iceland to facilitate their defense relationship. This treaty negotiated on behalf of the United States by representatives of the Department of State, Department of Transportation, and the National Security Council, resolved a major problem in U.S.-Icelandic relations. The treaty concerns the carriage of U.S. military cargo to our base in Iceland. The treaty supersedes the 1904 preference law for military cargo shipped to the base at Keflavik. It makes available a portion of that cargo to Icelandic vessels as well as U.S. vessels.

I am glad, Mr. Speaker, that the United States has been able to resolve this problem with Iceland. I am concerned, however, that this treaty may be perceived by other nations as a weakening of this Nation's commitment to the cargo preference laws and our merchant marine. I want to bring to my colleagues' attention the fact that it is not the intention of the President that this treaty be a precedent for other nations that have U.S. bases on their soil to demand a portion of U.S military cargo destined for those bases for their flag fleets.

The treaty with Iceland addressed a unique situation. Historically, Icelandic vessels carried most, if not all, of the military supplies shipped between the U.S. mainland and our base in Iceland. Furthermore, and most importantly, Iceland receives no monetary compensation for the United States' use of the facility as part of NATO. To my knowledge, Iceland is the only country that does not receive some remuneration for base rights. An exception to the 100-percent requirement of our military cargo preference law is acceptable only because of these unique circumstances.

I would like to insert for the RECORD an exchange of correspondence between myself and the Hon. Edward J. Derwinski, Department of State, regarding this matter. In his letter of October 16, 1986, Mr. Derwinski stressed that while this treaty would supersede cargo preference laws for military cargoes in this instance, the situation is unique and sets no precedent for other nations.

The object of the 1904 act is vitally important. We must assure the availability of American ships, under direct control of the United States, owned, manned, and operated by U.S. citizens loyal to the military and foreign policy goals of our nation. I believe that the President recognizes the importance of the act's objectives and will make it clear that this treaty is not a precedent for other nations nor a weakening of the Nation's commitment to the cargo preference laws or the U.S.-flag merchant marine. This is certainly the position of the Committee on Merchant Marine and Fisheries.

THE COUNSELOR,
DEPARTMENT OF STATE,
Washington, DC, October 16, 1986.

DEAR NORM: Appreciating your special interest in the Cargo Preference Act, may I call your attention to a treaty ratified by the Senate. Implementing action by the

House is not called for, but I still want to give you this report.

In 1951, the U.S. and Iceland entered into an agreement on the use of a facility as part of NATO. Iceland receives no monetary compensation for the facility.

Icelandic shipping companies dominated the military cargo run to the base until 1984, when, under the 1904 Cargo Preference Act, a U.S. flag carrier began to transport all military cargo to Keflavik.

Iceland contended that some Icelandic vessels should participate in transporting this cargo, and the issue grew into a major problem in U.S-Icelandic relations.

Iceland's political spectrum ranges from conservatives to communists. The present government supports Iceland's NATO role and U.S. use of the facility but it was under considerable internal pressure from its political opposition, some of whom oppose the U.S. military presence. Failure to achieve a solution could have complicated the operation of the base.

Representatives from the Department of State, Defense, Transportation and the NSC participated in negotiations with Icelandic officials which culminated in the treaty. It would supercede cargo preference laws for military cargos for this unique situation alone and sets no precedent for other nations. The 1904 Act still applies to cargo not covered by this treaty.

The treaty assures the presence of a U.S. flag carrier in the Keflavik trade, guaranting each side at least 35 percent and at most 65 percent of the carriage. Both sides also agreed that commercial cargo would be the subject of subsequent discussions.

Please let me know if you want any further information.

Sincerely yours,

Edward J. Derwinski.

U.S. House of Representatives,
Committee on Merchant Marine
and Fisheries,
Washington, DC, November 20, 1986.

Hon. Edward J. Derwinski,
The Counselor,
Department of State,
Washington, DC.

Dear Mr. Derwinski: Thank you for your letter of October 16, 1986, explaining the Treaty negotiated between the United States and the Government of Iceland concerning the carriage of military cargo to and from our military base in Keflavik. I also want to thank you for the role that you played in the negotiations and the manner in which you diffused what could have become an even more serious problem, not only for our U.S. maritime industry, but more importantly involving the relationships between the two countries.

My purpose in writing is to let you know that while I hope that we have reached an accommodation concerning the carriage of military cargo, we on the Merchant Marine and Fisheries Committee will be watching the implementation of this Treaty with great interest.

I also want to press the concerns that were voiced during the hearing when you testified before our Committee on October 2, 1986. You will recall that several Members raised questions about the possibility of this Treaty being viewed as a precedent for other nations to seek special treatment for maritime trade based upon the existence of a U.S. base in their country. I recall quite well your answer that emphasized that the Treaty was negotiated because of the unique situation existing between the United States and Iceland, and that the Treaty does not establish a precedent for carriage of military cargo for any other nation that hosts American forces. You also stated that no other exceptions to the cargo preference laws are contemplated since the laws applied to the carriage of the types of Government-impelled cargoes that were involved.

These two points are exceedingly important and I wanted to let you know that we on the Merchant Marine and Fisheries Committee do not want to see future treaties like this one being negotiated solely to get around the implementation of our national cargo preference laws.

On this latter point, I was very pleased with your statement to the Committee that the Administration was committed to maintaining the integrity of the cargo preference laws. I also concur completely with the additional comment that you made to the effect that you and others involved with this particular Treaty were desirous of assuring the continued viability of a U.S.-flag carrier in the U.S.-Iceland trade.

Needless to say, when we first were informed of the negotiations on this Treaty, we were rather skeptical as to its intent and motivation. Those of us in Congress who are concerned about the future of the United States-flag merchant marine were immediately suspect that this was yet another effort to bypass the cargo preference programs that Congress established to support the United States industry. I want to assure you that we appreciate your efforts, but at the same time we will be looking at the Treaty and its implementation very carefully as the months go by.

With best wishes.

Sincerely yours,

Norman F. Lent,
Member, Merchant Marine and
Fisheries Committee.

MAKE APRIL 7 WORLD HEALTH DAY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. LEVIN of Michigan. Mr. Speaker, today I am introducing a joint resolution designating April 7, 1987 as "World Health Day" and April 5, 1987 through April 11, 1987 as "World Health Week."

Mr. Speaker, April 7, 1987, will mark the 38th year the World Health Organization [WHO] has celebrated "World Health Day." On this day, organizations in this country and around the world conduct health fairs and health education workshops. In 1986, 4,000 U.S. organizations participated in "World Health Day" activities.

This year, the American Association for World Health [AAWH] has selected "Healthy Living—Everyone a Winner" as its theme. The World Health Organization has selected "Immunization—A Chance for Every Child," as its international theme. In selecting these themes, WHO and AAWA want to remind us that the responsibility for healthy living ultimately rests with the individual. Weeklong activities will provide an opportunity to focus on the problems of malnutrition, lack of clean water and sanitation, inadequate health care services in developing countries, and the World Health Organization's efforts in achieving its goal of "Health for all by the year 2000."

I hope my colleagues will join me in recognizing the lasting contributions made by these two organizations, as well as local health agencies around the world in their efforts to achieve a healthier world for us all.

ANGELO CODEVILLA ON THE UNITED STATES-SOVIET SDI GAP

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. COURTER. Mr. Speaker, there is a continuing need for straightforward, unambiguous advice on the question of strategic defenses for the United States and her allies. The opponents of strategic defenses are trying mightily to construct an "Alice in Wonderland" hall of mirrors, in which purely defensive United States systems are distorted into space strike weapons and instruments of space militarization, while more advanced Soviet systems are routinely ignored or discounted.

In the following essay from the New York Times, Angelo Codevilla of the Hoover Institution offers some of the valuable advice that is currently in such short supply. While I commend the entire essay to your careful attention, two concise sentences constitute the theme of this piece: ". . . the United States is virtually unable to defend itself against a nuclear attack, while the Soviet Union is moving ahead quickly to develop a defense," and ". . . the United States is not doing what it can with what it has to defend itself." Such simple, profound truths represents a call to action for those among us who are prepared to act.

The essay follows:

Our Sky Is Wide Open for Soviet Missiles

(By Angelo M. Codevilla)

Stanford, CA.—The Administration's signals that it is now thinking of a "phased deployment" of the Strategic Defense Initiative to begin "as quickly as possible" reflect not a decision but rather one more refusal to make basic choices about how to deal with the Soviet missile force. In this field as in so many others, the Administration continues to follow an ambiguous policy, proposing incompatible alternatives and doing essentially nothing while the problem gets worse.

This means that the United States is virtually unable to defend itself against a nuclear attack, while the Soviet Union is moving ahead quickly to develop a defense.

The irony is that virtually everyone in the Administration agrees that strategic defense is our best option. They recognize that the United States does not have the option of reversing the Soviet advantage in missiles by building offensive weapons. And although many can envisage a new arms control agreement, no one knows how to make the Soviet Union live up to past promises, never mind future ones. This leaves us with no option other than strategic defense. Yet the Administration continues to say that we are still willing to extend the Anti-Ballistic

Missile Treaty, which would make any significant defensive deployments impossible. It also asserts that we need to know much more before we decide to actually build and deploy anti-missile devices. Why the ambiguity? The answer has nothing to do with technology and everything to do with politics.

To the Pentagon, ballistic missile defense is a threat to its budgets to be pushed as far into the future as possible. To the State Department, it is a threat to good relations with the Soviet Union. To the political geniuses at the White House, it is a double-edged sword—popular, but in direct conflict with arms control. Hence, the Administration's "two-track policy." Yes, we would have S.D.I.—as a research program and as the showpiece of the Reagan defense policy—but no, we would not actually build any anti-missile devices.

The Pentagon bureaucracy has an elaborate rationale—known as the "responsive threat"—for holding off the development of defensive systems. Officials there define the requirements for anti-missile weapons not according to what our intelligence can find out about the Soviet offensive forces that exist or are on the drawing board, but according to their unconstrained imagination of what they might be 20 years hence. Thus, although everyone quietly concedes that the anti-missile devices we could build today would be quite effective against any offensive forces that the Soviets have now or that are on the horizon, the technology available to us today is by definition inadquate to deal with a threat that exists only in theory or in the imaginations of our military. The Pentagon has also set unrealistically high standards for the defensive systems that make little sense and delay development.

No wonder, then, that the Administration felt able, at the summit meeting in Reykjavik, to suggest to Mikhail S. Gorbachev that we could—in exchange for a reduction in Soviet offensive missiles—wait 10 years before deploying any defensive systems. As it turned out, this was not enough for Moscow: it insisted that the United States not even prepare for deployment during those 10 years. President Reagan refused: he realized that if he renounced such preparations, the powerful political image of the Strategic Defense Initiative would die. He thus forfeited an arms control deal in the interest of an S.D.I. research program that satisfied political imperatives but is not designed to yield any concrete benefits.

It was a clever ploy, but it has not worked, for the President has come under considerable pressure to show at least the appearance of results. Even before the summit meeting, conservative legislators—including Senator Malcolm Wallop and Representative Jack Kemp—had written the President that unless S.D.I. were changed to yield early results, "no one will support it, not even us." Both men were part of the bipartisan group that first proposed an anti-missile defense in the late 1970's. Today, they propose that we immediately build and deploy those anti-missile devices that can be built now. And they claim that the Administration is hiding its political and bureaucratic indecision behind a technical filibuster.

Advocates of early deployment have not been cheered by announcements that the Administration may undertake "full-scale engineering developments" of certain anti-missile weapons. They point out that the Administration has not said that any portion of our armed forces has been given the mission—and the right to ask for the money needed—to defend against Soviet missiles. The Administration has not begun to make the budgetary or organizational preparations for production and use of anti-missile devices. It has not said that the A.B.M. treaty is a bad thing. It has not recognized that the treaty has been wholly overtaken by technology or that arms control is a delusion. In fact, the President has decided to continue negotiating in Geneva. And as long as they go on, arms control monitors in the Pentagon will surely continue to shape S.D.I. into a caricature of itself.

It all adds up to one irrefutable fact—that the United States is not doing what it can with what it has to defend itself. Even as anti-missile devices continue to roll off Soviet production lines, the Reagan Administration is still content to fine-tune its indecision. Unless plans change, two years after Ronald Reagan leaves office more time will have passed since he first proposed a strategic defense, on March 23, 1983, than elapsed between John F. Kennedy's commitment to to the moon in 1961 and the Eagle's landing in 1969. This will be almost twice the time that elapsed between Pearl Harbor Day and and V-J Day—when we built some 150,000 airplanes and nearly 100 aircraft carriers.

By 1989, the first Soviet high-energy laser will have been in orbit for about a year. By 1989, the Soviet Union will be double covered by anti-ballistic missile radars. It will have produced who-knows-how-many components for an anti-ballistic missile system, and will have stored them who knows where? Hundreds of uncountable surface-to-air missiles will be ready to protect Soviet cities and military units from incoming missiles. But the United States will still be unable to intercept even a single missile warhead. This we will owe to the Reagan Administration's penchant for "two-track" policies.

GLEN TREMML SETS HUMAN-POWERED FLIGHT RECORD

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. MORRISON of Connecticut. Mr. Speaker, I would like to take this opportunity to share with my colleagues my pride in the accomplishment of one of my constituents, Mr. Glen Tremml.

Mr. Tremml recently made history by setting a new distance record for human-powered flight. He pedalled the ultralight aircraft *Eagle* for 37.3 miles over the California desert at Edwards Air Force Base, dramatically surpassing the previous record of 22.5 miles. Despite losing 3¼ pounds and pushing his heart rate to levels that were, in his own words, "beyond tolerable," Mr. Tremml believes he could have gone on longer if mechanical problems had not forced him to stop.

A graduate of Jonathan Law High School in Milford and Dartmouth College, Mr. Tremml trained by bicycling 1½ to 2 hours a day despite the pressures of attending classes at the University of Connecticut Medical School, where he is currently a student.

The next goal for Mr. Tremml and the *Eagle* crew is to retrace the 69-mile flight path of the mythical Greek figure Daedalus from the island of Crete to the Greek mainland.

Mr. Speaker, I am proud to have Glen Tremml as a constituent. I know my colleagues will join with me in congratulating him for his remarkable achievement and wishing him success in setting new standards of excellence in the future.

CELEBRATING THE 67TH ANNIVERSARY OF THE SAN RAFAEL CHAMBER OF COMMERCE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mrs. BOXER. Mr. Speaker, I am proud to honor an outstanding service organization within my district, the San Rafael Chamber of Commerce in San Rafael, CA.

On February 7, 1987, the San Rafael Chamber of Commerce will celebrate the anniversary of its 67 years of service to the community by holding a dinner-dance to honor incoming president David Hellman, as well as all of the past presidents of the San Rafael Chamber since 1920.

The city of San Rafael encompasses beautiful rolling hills and bay shorelands where Miwok Indians once lived, and where, more than a century ago, Mexican land-grant ranchos spread out from the site of the historic Mission San Raphael Arcangel, now the center of downtown San Rafael. Located just 15 miles north of the Golden Gate Bridge, San Rafael is the hub of county government, commerce, and industry in Marin County.

On February 7, 1987, the chamber will honor incoming president David Hellman as well as all of the past presidents of the San Rafael Chamber of Commerce during the last 67 years. The past presidents are: 1986 Judith Davalos; 1985 Norma Howard; 1984 Steve Snyder; 1983 Marylou Jacobson; 1982 Robert E. Hoffmann; 1981 James Andrew Ring; 1979–80 Pat Tyrell-Smith; 1978 Wells Rasmussen; 1977 Mike Heffernan; 1976 Brian Adams; 1975 Jock McNutt; 1974 Joseph Garbarino; 1973 Alton E. Cox; 1972 Jack Bucknum; 1971 Paul Ciampi; 1970 Larry Biancalana; 1969 Stanley K. Goldsmith; 1968 Charles W. Try; 1967 Clifford S. Lundi; 1966 Sig K. Herzog; 1965 Robert P. Ritter; 1964 Robert F. Severin; 1963 Fred Enemark; 1962 Jess J. France; 1961 Jordan Martinelli; 1960 Burt Kirchner; 1959 Pual Leahy; 1958 Fred Enemark; 1957 Robert Pendergrass; 1956 Wishard Brown; 1955 Walter Zurcher; 1954 George Dagnall; 1953 Clyde Stevens; 1952 Ray Schultz; 1951 Earl Grady; 1950 Bert Johnston; 1949 Ed Burke; 1947–48 M.J. Lamperti; 1946 Robert Grady; 1945 M.A. Graham; 1944 Clifford Bartlett; 1942–43 Fred Cebalo; 1940–41 Clyde Good; 1939 Joe Rice; 1938 Fred Cebalo; 1937 Charles T. Lund; 1935–36 Edwin T. Coman; 1934 George Kaenai; 1933 Edwin Coman; 1932 J.G. Leibert; 1920–22 R.G. Dufficy, M.D.

HONORING DON R. GOSNEY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. TRAFICANT. Mr. Speaker, I take this occasion to rise in honor of Don R. Gosney, a constituent and personal friend for whom the Columbiana County Democrat Committee will hold a recognition dinner on February 7, 1987.

Mr. Gosney will be completing 38 years of political service. He began his commitment to serving the people of Ohio at the young age of 21 and has continued with dedication ever since. At the same time, his background of contributions to the Democratic party at local, State, and national levels is impressive, and the party is honored to have such a leader among its ranks.

Mr. Gosney has served as a committeeman for his precinct and the State, as county chairman, and as a delegate to the Democratic National Convention. He has also served as treasurer to the State Democratic Committee, president of the Ohio County Chairman's Association, member of the Board of Elections, and chairman of the 11th Highway Division. In addition, he was an assistant to Congressman Wayne Hays and, to add to this distinguished career, Mr. Gosney had the honor of being the State campaign manager to President Lyndon Johnson and the first Ohio campaign manager for Senator JOHN GLENN.

But, Mr. Speaker, I would also like to pay tribute to Don Gosney as not only a distinguished politician, but as a friend and unswerving supporter. As he is honored on the night of February 7 for his contributions of leadership and commitment to Ohio and the Democratic Party, he will also be honored by his colleagues and constituents as a friend and a fine member of his community.

TRIBUTE TO MARCOS MEDINA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. TORRES. Mr. Speaker, I would like to bring to the attention of my colleagues an individual that has worked tirelessly on behalf of bilingual education for the children of California, Mr. Marcos Medina of Los Angeles, CA.

He has served as chairman of the Early Education Program at Albion Elementary School and the Lincoln High School Advisory Council. He has also served as vice chairman of Committee D, Title I Citizens Compensatory Education Advisory Committee and of the Los Angeles Unified School District's Bilingual Advisory Committee. Since 1980 he has served on the California Advisory Committee on Mexican American Education appointed by the State superintendent of public instruction.

Marcos and his wife, Consuelo, have six children and three grandchildren. The family resides in the Lincoln Heights area of Los Angeles. As a parent and concerned citizen, Mr. Medina has provided many hours of volunteer time to help improve public education for children in California. Mr. Medina is often found at school board or community meetings to emphasize the importance of quality education and the need for parental support and assistance for our public schools.

Last year Mr. Medina was honored by resolution of the California State Legislature and by the Los Angeles County Board of Supervisors for his exemplary display of community leadership and support for education.

Mr. Speaker, I ask that my colleagues join me in commending Marcos Medina on his outstanding contributions to advancing public education and extend him best wishes for continued success in future endeavors.

GROUNDHOG DAY

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. CLINGER. Mr. Speaker, today is one of the most important and most celebrated days of the entire year. Today is Groundhog's Day. And it just so happens that the most famous groundhog in the world, Punxsutawney Phil, is a constituent of mine. He lives a relatively quiet life for most of the year in his little borrow in Punxsutawney, PA, coming out once a year on this date to tell us what the rest of the winter will be like. He is the most accurate weather-forecasting groundhog that ever lived because he's never been wrong. And this morning, just like clockwork, he crawled out from his burrow on Gobbler's Knob, and at 7:29 a.m., Punxsutawney Phil saw his considerable shadow and proclaimed that there will in fact be 6 more weeks of winter. I would now like to include the official proclamation that was made this morning on the chilly slopes of Gobbler's Knob by James H. Means, the president of the Punxsutawney Groundhog, on this, the 100th anniversary of Punxsutawney Phil's famous weather forecasts:

> Here ye, here ye. On this the 100th anniversary of Groundhog Day, true believers here on Gobbler's Knob and around the world have just seen history in the making. As president of the Punxsutawney Groundhog Club, I, James H. Means, proclaim that the only reliable weather forecaster, Punxsutawney Phil, has come out from his official home to celebrate a century of accurate predictions. He stood proud for a moment, then he saw his shadow at precisely 7:29 a.m. Even though it is his anniversary, the kind of all grounhogs has gone back into his borrow. Like him, we will now have to wait 6 more weeks for the arrival of spring. That is the 100th anniversary forecast from the weather capital of the world, Punxsutawney, PA.

BIRTHDAY CONGRATULATIONS TO GERTRUDE M. WATSON

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. MARKEY. Mr. Speaker, I rise today to pay tribute to Gertrude M. Watson of Reading, MA, a truly outstanding resident of my congressional district on the occasion of her 90th birthday on February 4, 1987.

Living for 90 years certainly is remarkable, but it is the quality of Gertrude's life that I commend. As the years pass, we inevitably notice the process of our own aging. Probably at age 50 we first see evidence of our own physical limitations. A little later in life, maybe at age 70, we sometimes notice that our memories are no longer perfect. We must concede that our younger colleagues and family members are more capable than we of meeting many of life's demands. Though age may impose limits on our physical strength, it never imposes limits on the development of the human spirit. We always have the ability to continue to grow in wisdom.

We live this life in order to learn certain lessons. Early in life we learn to test our physical strength and our intellectual prowess. We are here to learn to accept life on its own terms, to be tolerant of the weaknesses of others and ourselves, and to continue to place our faith in God that this world is fundamentally very good.

It takes love and patience to raise a family and Gertrude has raised 5 sons, all veterans of World War II, and 2 daughters, who have given her 25 grandchildren, and 35 great-grandchildren. By the courageous, loving, and generous way in which she has lived, Gertrude has set a wonderful example for her family and friends.

Congratulations, again, and I send my best wishes on this happy day.

WESLEY HOMES, INC.

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. DARDEN. Mr. Speaker, this week in Atlanta, the Nation's first geriatric teaching and research hospital is being dedicated. I would like to call the attention of my colleagues to this latest project of Wesley Homes. Inc., the largest agency providing care for the elderly in the United Methodist Church.

The $20 million hospital to be dedicated this week will operate in collaboration with the Robert W. Woodruff Health Sciences Center at Emory University. Its medical staff will be comprised of community physicians and faculty from the Emory University School of Medicine.

The two-story, 100,000-square-foot facility will provide comprehensive evaluation, diagnosis, and treatment of Alzheimer's disease, as well as psychiatric care for the elderly and acute medical care for the aging. In addition to studies of Alzheimer's research will focus on depression, sleep disorders, Parkinson's disease and other problems of the central nervous system.

It is a tribute ot the enterprise of those involved in the Wesley Homes ministries that no Federal funds are involved in the construction of this facility.

I know that my colleague, Mr. PEPPER of Florida, this body's renowned spokesman for the needs of the elderly, will be among those attending the opening of this hospital tomorrow. I invite the other Members of the House to congratulate the supporters of Wesley Homes on this latest effort to meet the special needs of our older citizens.

SAN JUAN CAPISTRANO ROTARY CLUB'S 50TH ANNIVERSARY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. PACKARD. Mr. Speaker, With the 200th anniversary of our Nation's Constitution on the minds of many Americans, it is nice to reflect on the many accomplishments Americans have achieved during the past 200 years. As the Constitution so forcefully notes, it is "We the People * * *" of the United States that make our country such a wonderful place to live and raise our families.

In my 43d Congressional District, there is another special anniversary that will soon be celebrated, namely, the golden anniversary of the San Juan Capistrano Rotary Club. For the people of Orange County, the 50th anniversary of this very special service organization is especially worthy of recognition, not only at the local level, but here in our Nation's Capital as well.

For San Juan Capistrano, Orange County, and even the Nation, having an organization such as this Rotary Club in existence is special because of its involvement and dedication. The San Juan Capistrano Rotary Club is more than just a social club for its members to meet and enjoy one another's company. It is a forum to discuss and implement ideas and programs that will benefit literally thousands of people.

While its membership of 50 may appear small to some, its actions certainly represent what is right with our country's service organizations. A small sampling of some of the club's many activities include:

Substantial financial support for the International Rotary Club's Polio-Plus Program which was developed to fund programs that will erase polio and other dreaded diseases in Third World countries.

The development and maintenance of the "Scout Hut" which serves as a central meeting location for 22 different youth groups in the community, including the Boy Scouts, Girl Scouts, YMCA and a host of other organizations for both boys and girls. Hardly an evening goes by that some youth group is not using this wonderful facility.

Sponsorship of Boy Scout Troop No. 12, the oldest Boy Scout Troop in the El Camino real district.

Development of a high school scholarship program whereby two deserving students from Capistrano Valley High School receive financial help for their college education expenses.

Financial support, as well as volunteer support, of the South County Community Clinic, a special facility designed to provide medical care for those unable to pay.

Support of an orphanage in La Paz, Mexico, including personally delivering much-needed clothes and Christmas toys to the youngsters who live at the orphanage and who might not otherwise enjoy a happy holiday time.

Financial support of the popular Senior Citizens Center Program in the community, including having club members volunteer their time to drive food vans for the Meals on Wheels Program.

Sponsorship of an annual "Salmon BBQ" to raise funds for the Orange County Marine Institute which provides a hands-on learning experience for thousands of Orange County schoolchildren who visit the institute each year to learn about the sea and its impact on our lives.

And the list goes on and on.

But the members of the San Juan Capistrano Rotary Club, under the leadership of its 1986-87 president, Mr. Ken Virgin, are also concerned about the educational needs of youngsters who live outside Orange County.

Just this year the local club, in cooperation with another Rotary Club in Tijuana, Mexico, completed construction on a new four-room kindergarten school facility in Tijuana. In addition to providing these children with a learning environment, the Rotary Club members also donated, delivered and set up playground equipment for the youngsters use outside the classroom.

As one can see, Mr. Speaker, the members of the San Juan Capistrano Rotary Club represent a special section of America—citizens who care not only about their own community, but the world community as well.

On Wednesday, February 11, 1987—50 years to the day—members of the San Juan Capistrano Rotary Club will gather in their community to commemorate this golden anniversary of this organization, and it is fitting that we join in offering our special thanks for a job well done.

TRIBUTE TO JOHN NORBERG

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. MOORHEAD. Mr. Speaker, I wish to bring to the attention of my colleagues in the House of Representatives the accomplishments and contributions of John B. Norberg of San Marino, CA.

For many years now, John Norberg has been a pillar in the community of accounting professionals. He has been an active, dedicated member of the National Association of Accountants for five decades. He was national director of NAA in 1947-48 and a national vice president from 1961 to 1962. He was also a past president of the Los Angeles Chapter of NAA.

In 1969, Mr. Norberg was president of the Stuart Cameron McLeod Society, an organization of accountants who have been especially helpful in the development of the NAA as a vigorous, proficient national organization.

To honor John Norberg and to demonstrate their appreciation for his many contributions to the accounting profession, the Wild West Council of the National Association of Accountants proclaimed January 20, 1987, as "John B. Norberg Day."

Mr. Speaker, I would like to take this opportunity to extend my congratulations to John Norberg for this special tribute and to thank him for his integrity, his productivity and his many contributions to our community and country.

LEGISLATION PROVIDING FOR A STANDARD DEDUCTION FOR THE DEAF

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1987

Mr. CONTE. Mr. Speaker, I have introduced legislation to provide a standard deduction from income for tax purposes for deaf individuals. The exemption would apply to deaf taxpayers, a deaf spouse of a taxpayer, or a deaf dependent of a taxpayer.

Mr. Speaker, under present law, all taxpayers are allowed a standard deduction from income. Elderly taxpayers or their elderly spouses are entitled to an increased standard deduction, and blind individuals or their blind spouses are also entitled to this increased standard deduction which amounts to $600 for the upcoming tax year.

The additional needs of deaf individuals should be obvious. These individuals often have large medical bills, require special and expensive schooling or training, and need special medical devices. An inclusion of the deaf for this standard deduction is justifiable and necessary.

My legislation recognizes this need and would amend the Internal Revenue Code to provide the $600 standard deduction for a deaf taxpayer, a deaf spouse of a taxpayer, and for a dependent of a taxpayer. The deduction would be indexed for inflation as under present law.

The bill defines someone as "deaf" if the individual's ability to hear is so seriously impaired that the individual receives spoken language, if at all, primarily through other sense organs by means such as lip reading, sign language, finger spelling, or reading.

Mr. Speaker, I believe that this legislation is necessary and meritorious. Although I am particularly aware of the needs of the deaf because one of the finest institutions for education of the deaf is in my district, the Clarke School, I believe my colleagues share my concern and I urge them to cosponsor this legislation. Although some may argue that this is an inappropriate time to be considering additional revenue losses in the tax laws, I would argue that there is no more appropriate time. One of the main reasons for tax reform is equity in our tax laws. My bill provides equity for an important and, sadly, often neglected segment of our society: the deaf. I urge support for the bill

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 3, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 4

9:00 a.m.
Select on Indian Affairs
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988.
SD-G50

9:15 a.m.
Veterans' Affairs
To hold hearings on S. 12, to remove the expiration date for eligibility for educational assistance programs for veterans of the All-Volunteer Force.
SR-418

9:30 a.m.
Energy and Natural Resources
To resume oversight hearings on the current status of the Department of Energy's nuclear waste activities.
SD-366

Foreign Relations
To resume hearings on U.S. policy toward Iran.
SD-419

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988.
SR-385

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1988 budget.
SD-608

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR-253

Finance
To hold hearings on revenue increases as contained in the President's proposed budget for fiscal year 1988.
SD-215

Judiciary
To hold hearings to review the President's proposed budget request for fiscal year 1988 for the Department of Justice.
SD-226

2:00 p.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on macro-budget issues.
SD-G50

Judiciary
To continue hearings to review the President's proposed budget request for fiscal year 1988 for the Department of Justice.
SD-226

2:30 p.m.
Labor and Human Resources
To continue hearings on work and welfare issues.
SD-430

FEBRUARY 5

9:30 a.m.
Energy and Natural Resources
To continue oversight hearings on the current status of the Department of Energy's nuclear waste activities.
SD-366

Finance
To resume hearings on the world economy and trade issues, focusing on the U.S. response to the international trade deficit.
SD-215

Judiciary
Immigration and Refugee Affairs Subcommittee
To hold oversight hearings to review the current refugee crisis in Southern Africa.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry, and General Legislation Subcommittee
To hold hearings on the status of American foreign food assistance programs in relation to agriculture trade.
SR-332

Armed Services
To continue hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on macro-budget issues.
SD-342

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on S. 344, to require depository institutions to disclose to their customers their practices relating to the availability of funds in connection with check deposits.
SD-538

Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on proposed legislation authorizing funds for the Federal Trade Commission.
SR-253

Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988, focusing on the Environmental Protection Agency.
SD-406

Foreign Relations
To resume hearings on S. 184, to provide economic assistance to Central America, and to review United States policy options with respect to Nicaragua and aid to the Contras.
SD-419

Judiciary
To continue hearings to review the President's proposed budget request for fiscal year 1988 for the Department of Justice.
SD-226

2:00 p.m.
Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988, focusing on the U.S. Fish and Wildlife Service, Department of the Interior.
SD-406

2:30 p.m.
Foreign Relations
Business meeting, to mark up S. 184, to provide economic assistance to Central America.
SD-419

FEBRUARY 6

9:30 a.m.
Joint Economic
To hold hearings to review the employment/unemployment statistics for January.
SD-628

10:00 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold oversight hearings on the new Internal Revenue Service W-4 form for withholding.
SD-215

FEBRUARY 17

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on rail safety issues.
SR-253

Energy and Natural Resources
To hold hearings on the President's proposed budget for fiscal year 1988 for the Federal Energy Regulatory Commission, and the U.S. Forest Service, Department of Agriculture.
SD-366

2:00 p.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on U.S. military posture.
SD-G50

FEBRUARY 18

9:30 a.m.
Veterans' Affairs
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988.
SR-418

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Farm Credit Administration.

SD-138

Energy and Natural Resources

To hold hearings on the President's proposed budget request for fiscal year 1988 for the Department of Energy.

SD-366

FEBRUARY 19

9:30 a.m.

Finance

To resume hearings on the world economy and trade issues, focusing on the U.S. response to the international trade deficit.

SD-215

10:00 a.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 56, to establish the El Malpais National Monument, the Masau Trail, and the Grants National Conservation Area in the State of New Mexico, and S. 90, to establish the Big Cypress National Preserve Addition in the State of Florida.

SD-366

FEBRUARY 23

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture.

SD-124

FEBRUARY 24

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Disabled American Veterans.

345 Cannon Building

11:00 a.m.

Veterans' Affairs

Business meeting, to consider those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988, with a view toward making its recommendations to the Committee on the Budget, and S. 12, to remove the expiration date for eligibility for the educational assistance programs for veterans of the All-Volunteer Force.

SR-418

FEBRUARY 25

9:30

Finance

To hold hearings on management of the U.S. Customs Service.

SD-215

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Paralyzed Veterans of America, Blinded Veterans of America, World War I Veterans, and the Military Order of the Purple Hearts.

334 Cannon Building

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service.

SD-138

FEBRUARY 26

9:30 a.m.

Appropriations

To continue hearings on the President's proposed budget for fiscal year 1988.

SD-192

Finance

To continue hearings on management of the U.S. Customs Service.

SD-215

MARCH 2

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Animal and Plant Health Inspection Service, Agricultural Cooperative Service, and the Packers and Stockyards Administration.

SD-138

MARCH 3

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.

345 Cannon Building

MARCH 4

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Extension Service, Economic Research Service, and the National Agricultural Statistics Service.

SD-138

MARCH 5

10:00 a.m.

Labor and Human Resources

To hold hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.

SD-430

MARCH 9

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Research Service, and the Cooperative State Research Service.

SD-138

MARCH 11

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Farmers Home Administration.

SD-138

MARCH 16

10:00 a.m.

Labor and Human Resources

To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.

2175 Rayburn Building

MARCH 17

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Food and Nutrition Service, and the Human Nutrition Information Service.

SD-138

MARCH 19

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Marketing Service, Federal Grain Inspection Service, and the Food Safety and Inspection Service.

SD-124

MARCH 23

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, and the Federal Crop Insurance Corporation.

SD-138

MARCH 25

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the the Rural Electrification Administration.

SD-138

MARCH 31

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Foreign Agricultural Service, Food for Peace Program (P.L. 480), and the Office of International Cooperation and Development.

SD-138

APRIL 1

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, and the Jewish War Veterans.

334 Cannon Building

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.

SD-138

APRIL 6

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.

SD-138

APRIL 7

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.

SD-138

APRIL 8

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.

SD-138

APRIL 9

1:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.

SD-138

HOUSE OF REPRESENTATIVES—*Tuesday, February 3, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, Almighty God, for all people who are witnesses in the service of their country and who use their talents and abilities to assist others along the way of life. We remember with gratitude the service of Sala Burton whose devotion to this body and whose appreciation for democratic ideals is known and acknowledged. As one who escaped from the terror of dictatorship she spoke from the heart of the gifts of freedom and liberty. Teach us, O God, to appreciate that message as we celebrate her life of service to others. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 102. Joint resolution making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program of the Federal Emergency Management Agency.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 341. An act to provide emergency assistance to certain agricultural producers, and for other purposes; and

S.J. Res. 34. Joint resolution disapproving the recommendation of the President relating to rates of pay of certain officers and employees of the Federal Government.

IRAN'S MOST RECENT OUTRAGE

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, the most recent outrage perpetrated by the Iranian authorities is beyond the bounds of the routine practices we associate with banditry. The Government of Iran invited an American journalist to visit Iran, issued a visa to him, encouraged him to participate in regular journalistic activities there, and then suddenly, treacherously arrested him.

I am sure that I am speaking for all of my colleagues in the Congress and for all of the American people in calling on the authorities in Iran to release Gerald Seib, the Middle East correspondent of the Wall Street Journal.

We surely do not expect Iran to honor freedom of the press, but the outrage of inviting and then arresting a respected American journalist is too much even from the Ayatollah's regime.

THE JAPANESE ON FREE TRADE: PROMISES, PROMISES

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, in December the Japanese decided to block American and European firms from bidding on their new $8 billion Kansai Airport. This is despite the fact that Japanese construction firms have free access to the United States market, and were awarded some $3 billion worth of projects in 1986—up almost 670 percent from $390 million in 1984. In 1985, the Japanese won $1.8 billion of the $8 billion in United States contracts that went to foreign builders.

In addition, Japanese firms consistently win United States military construction contracts around the world. Also, $270 million of United States taxpayers' dollars have funded United States military construction projects in Japan since 1979, with many of these projects built by the Japanese.

Prime Minister Nakasone promised President Reagan in April of last year that the Kansai Airport project would be subject to "a fully open, transparent, and nondiscriminatory" bidding process. Limiting the airport bid to Japanese firms demonstrates, once again, that the Japanese are good at promises and little else when it comes to fair trade.

It is time for us to stop relying on promises and get tough on trade. I urge support for my fair trade bill that I will be introducing.

LET'S OVERRIDE THE CLEAN WATER ACT VETO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the President's veto of the Clean Water Act is a sad commentary on the priorities of this administration.

This President believes that doubling the defense budget and building enough missiles to destroy the world 100 times over is more important than protecting our precious water supplies.

This President does not think twice about spending billions on the MX, yet he refuses to support a bill that will protect our environmental resources for years to come.

This President says money for sewage treatment plants is pork barrel. I wish the President would emerge from his ivory tower, his own private little Disney World and take time to talk to the mayors of our cities, our county commissioners, or any of the thousands of Americans who are living in communities with raw sewage up to their butts.

I urge all of my colleagues to override this veto. We can send a powerful message to the President today, and that is that we are prepared to do battle on behalf of the American people in the infrastructure of our urban communities and our country. We are prepared to win today.

Let us tell the President to get his best hold and let us override that veto.

DO NOTHING? I CANNOT

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, as increased tension focuses on our hostages, observers, some expert, some otherwise, remind us the best way to handle the problem is to hear nothing, do nothing, say nothing.

I cannot do it. I am incapable of turning a blind eye; I am incapable of turning a deaf ear; I am incapable of not feeling, not caring for hostages who have been deprived of their freedom through, for the most part, no fault of their own.

I do not have the solution, unfortunately. But I do know the hostages will never be released if we maintain silence and inactivity. It has been said "ignore problems and they will go away, they will disappear."

This admonition is not applicable to this very delicate and very sensitive issue involving our hostages.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

LET US PRESERVE THE INTEGRITY OF THE DROUGHT DISASTER PROGRAM

(Mr. OLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLIN. Mr. Speaker, I rise today out of concern for the farmers of the Southeast.

Last summer, they suffered a devastating drought. The Congress enacted a drought assistance program to help pay for the feed to keep their livestock over the winter and provide money for spring planting.

The signup for that program ended last Friday. Southeast farmers were told to expect payments by mid-March.

Now, legislation that will disrupt that program has passed the Senate and seems poised for House consideration. The bill, S. 341, expands aid eligibility to additional disasters in other parts of the country and also extends the signup period. But it does not increase the $400 million funding pool that already is not adequate even for the Southeast drought. Some estimate that payments might have to be as low as 20 cents on the dollar.

I don't have any problem with helping other farmers with other disasters, but that should be done in separate legislation. I just do not want to see drought aid for the Southeast weakened to the point of uselessness.

Let's preserve the integrity of the Drought Disaster Program and reject this last-minute expansion. Unless we do, drought aid will be too little, too late.

WE HAVE NOT EARNED OUR KEEP, MUCH LESS A RAISE

(Mr. BUNNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, the big question that faces us today is whether or not the Members of the U.S. House of Representatives deserve a pay raise.

I generally don't like to answer a question with a question—but in this case I think it is appropriate to do so. And when you ask me if we deserve a pay raise, my answer is, "Have we balanced the Federal budget? Have we found a way to restore this Nation's competitive edge? Have we found the way to guarantee every American the opportunity to have a job, a meal, and adequate housing?"

Unfortunately, the answer to those questions is "No," and that means we have not done what we were elected to do.

When we can answer "yes" to those questions; when we can say we have done our job and done it well; then maybe we'll deserve a pay raise. But right now we can't say that.

We can't take a pay raise, Mr. Speaker, for the simple, honest reason that we haven't done our job yet.

Hopefully, we will solve these problems but until we do, we haven't earned our keep, much less a raise.

□ 1215

THE PRESIDENT SETS A TONE OF CONFRONTATION

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, today's vote on overriding the President's veto on the Clean Water Act is more than just an environmental vote. It is a vote that sets a tone of confrontation, rather than cooperation, for the 100th Congress.

Regrettably, by the President's ill-advised veto, it sets the stage for an unhealthy future relationship with the House and Senate. Rather than compromise and work with the Congress, the President has chosen to tough it out, expending valuable political capital, looking weak at a time, because of the Iran-Contra scandal, he needs to appear strong.

Mr. Speaker, the American people want clean water and are willing to pay for it. They are also prepared to support strong environmental standards to enforce clean air, land, and water.

This clean water bill is a bipartisan, underbudget effort that deserves our overwhelming support. Hopefully the President will adopt a more cooperative attitude after this stunning defeat.

TURNING AMERICA AROUND: THE GOAL OF THE 100TH CONGRESS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, just 1 week ago today we all gathered in this room to listen to the President tell us about the status of this Nation.

During his talk the Republican side of the aisle interrupted him repeatedly with standing ovations while most of our colleagues on the Democratic side sat stone faced registering their disapproval.

One time, however, everybody in the room was on their feet, applauding enthusiastically. That time was when the President described the budget deficit as "outrageous."

This, to me, was the most encouraging moment of the evening. It said that all of us, Democrat and Republican, liberal and conservative, rural and urban, from all parts of this country were agreeing that we have a problem.

A spending binge which has created a $2 trillion national debt and an annual deficit of $170 billion is no longer acceptable. Our economy cannot survive the undisciplined excesses we have exhibited in the past.

It is time to make the hard choices that we were sent here to make. I hope the 100th Congress will be remembered as the Congress that turned things around and put America back on sound fiscal footing.

WE NEED ECONOMIC DEVELOPMENT AND ENVIRONMENTAL PROTECTION

(Mr. FLORIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLORIO. Mr. Speaker, today's effort to override the President's veto is an extremely important environmental protection measure, but it is also a very important economic development initiative. What we are talking about in rejecting the President's veto is to allow the Nation to go forward with economic development, to provide for the jobs that flow from that economic development, because to veto this bill will cut off the opportunity to upgrade our sewage treatment plants across the Nation.

Towns in my district, my State, and across the Nation currently have moratoriums that have been imposed that are stopping economic development and this is a means of overcoming that problem by providing the moneys necessary to upgrade those plants.

This administration has cut sewage grants from 85 to 55 percent; the veto will eliminate the whole program. This will result in the fact that we will have those amounts raised to increase sewage treatment, which must be done, by local property taxes. Property taxes have increased in my area astronomically as a result of sewage treatment requirements.

I ask all the Members of this body to join together in overriding this veto so that we can have economic development and environmental protection as well.

AMENDMENT TO THE BUS DEREGULATION ACT OF 1982

(Mr. WHITTAKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTAKER. Mr. Speaker, I rise today in support of legislation which will help to prevent the complete loss of access to public transportation in rural America.

Recently, one bus company in my home State, has begun the process of abandoning service to 69 Kansas communities. Forty of these communities will be left with no bus carrier service at all.

Mr. Speaker, in Kansas, the State corporation commission has ruled against this latest attempt to discontinue bus service to Kansas communities. However, if the Interstate Commerce Commission follows tradition, the ruling of the State will have no bearing on the decision of the ICC.

Mr. Speaker, distinguished colleagues of the House, I ask for your support. Please support a bill which will help avert the loss of essential bus service in rural America.

NUCLEAR TESTING MORATORIUM

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, today I had intended to urge delay of the nuclear test scheduled for Thursday. Sad to say, Thursday came early this week, and the weapon has already been exploded.

I hope we have not forever lost the opportunity to observe a mutual test ban with this precipitous action.

The goal of a comprehensive test ban treaty has been shared by every President since Dwight Eisenhower. Every President; that is, except this one.

Mr. Speaker, if it is our Nation's strategy to fight and attempt to win a nuclear war, then we should continue testing. If it is our aim to develop a new generation of more awesome, destructive, and destabilizing weapons—and you and I know the Soviets will match us every step of the way—then yes, we need more tests. But, if we genuinely wish to end an arms race that is bleeding our Nation's economy and diminish the threat of a nuclear catastrophe, then we must say to the President, "Stop."

The single most important and achievable first step is the cessation of nuclear testing. I call on my colleagues in the House to join me in asking the President to suspend further tests and hopefully still grasp this quickly fading opportunity to negotiate an end to these tests.

A SHREWDLY DEVISED QUESTION

(Mr. RAVENEL asked and was given permission to address the House for 1 minute.)

Mr. RAVENEL. Mr. Speaker—

This question of pay raise, shrewdly devised;
A commission suggestion, White House revised.
An excuse is our judges, how can they survive?
For the stipends we pay them have not reached the skies.
And how about us, up here on the Hill?
We've labored and labored and look at the till;
Just 2 trillion short, and we're laboring still.
Aren't we due higher wages in this deficit mill?
Now who are these scrooges across the hall?
Are they demagogues, demagogues, demagogues all?
Nixing our increase and crashing our ball;
Or consciences sounding a clarion call?
I say the latter and Mr. Speaker, I will "aye" the Senate amendment to the "homeless" bill.
Ending this spectacle once and for all.
Of a nation rewarding the cause of its fall.

WE MUST STRENGTHEN OUR CONVENTIONAL FORCES

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, at the Reykjavik summit, the United States proposed reducing the superpower's nuclear arsenals by drastic measures. After reading through the President's fiscal year 1988 defense request, it seems to me that he cannot have been very serious in making this proposal. If the administration is serious about reducing stockpiles of nuclear weapons, it should be pushing to upgrade our conventional forces, not weaken them.

Our conventional forces will suffer under the President's fiscal year 1988 budget request, and I am especially concerned about how the Army is being projected. The Army seems to have been left out of consideration by administration planners as a future deterrent to any threat.

Comparing fiscal year 1988 figures, we see that the request for Army procurement is $2.5 billion less than Air Force R&D. The Army procurement request is one-half of the Navy procurement request, and one-half of the Air Force procurement request.

Should our ground forces suffer in order to pay for more nuclear hardware and two more aircraft carriers?

Under the administration's budget, vital equipment purchases such as the Apache attack helicopter program will be closed down, 82 choppers short of its original goal. The Army Helicopter Improvement Program will be terminated, at the expense of the troops who really need them.

Mr. Speaker, if we are serious about reducing nuclear arsenals, then we had better realize that we must strengthen our conventional forces, especially within the Army, in order to close the gap with Warsaw Pact forces in Europe.

□ 1225

THE BLUE-COLLAR ITC

(Mr. SCHULZE asked and was given permission to address the House for 1 minute.)

Mr. SCHULZE. Mr. Speaker, 25 years ago, President John F. Kennedy proposed the investment tax credit to spur our economy. He accurately stated:

> The ITC, in terms of the revenue loss involved, will be much more effective as an inducement to investment than an outright reduction in the rate of corporate income tax.

I am today introducing legislation to reinstate a 5-percent ITC targeted toward its original intent as a credit to spur productivity and economic growth. My legislation calls for enactment of a streamlined and cost-effective ITC for productive equipment and machinery only.

Known in some circles as the blue-collar ITC, this legislation directly addresses our competitive problems and, if enacted, will spur growth, create and retain jobs, and limit potential abuse.

I urge my colleagues to support reinstatement of a productive investment tax credit.

INTRODUCTION OF THE SELF-SUFFICIENCY FOR THE POOR ACT OF 1987

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, each year some 15 million people—most of them children—die from hunger and the disease it carries—15 million people. That's more than the entire population of my State, Ohio, more than the population of most of the States in this Union.

Yesterday, more than 30 Members of this House—Republicans and Democrats—joined me in introducing legislation designed to reduce that staggering and mind-numbing statistic.

This bill—the Self-Sufficiency for the Poor Act of 1987—will put resources directly into the hands of some of the neediest people in the developing world.

It will establish and expand loan programs for the "poorest of the poor" in order to help them start small businesses and increase food production.

And it will do all this without additional cost to U.S. taxpayers, without adding to our already disastrous budget deficit. All of the funding for the program will come from converting a small portion of existing grant programs to loans, which will then be repaid in the local currency of the country receiving the grant.

Programs like this have been remarkably successful in every region of the developing world. The Grameen Bank in Bangladesh, for example, gave loans averaging $60 each to 200,000 people. To date, close to 99 percent of the loans have been repaid.

Mr. Speaker, I believe that when the ideas incorporated in this legislation are official U.S. policy we will see tremendous results in the very poorest regions of the world: Results like reduced malnutrition, reduced disease, higher literacy rates, and greater economic growth.

In a word, Mr. Speaker, this bill spells hope to millions who have known only hunger. It means self-sufficiency to those who have known only the struggle for survival.

I urge all of my colleagues to cosponsor this important and innovative legislation.

PROPOSED REPEAL OF 55-MILE SPEED LIMIT ON CERTAIN RURAL HIGHWAYS

(Mr. COMBEST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COMBEST. Mr. Speaker, I want to alert Congress to a bill I have just introduced, H.R. 820, to allow States to raise the speed limit to 65 miles per hour on rural interstate and four-lane highways.

Unlike similar legislation to raise the speed limit, my bill permits a higher speed limit on rural four-lane highways, as well as rural interstates. In rural areas, there is little difference between a four-lane highway and an interstate. Rural America is crisscrossed with hundreds of four-lane highways that are in excellent condition, have high visibility, and are designed for speeds greater than 55 miles per hour.

Increasing numbers of American drivers are using their gas pedals to vote against the 55-miles-per-hour speed limit, and it is time for Congress to respond. The 55-miles-per-hour national speed limit consumes millions of hours in driving time and forces police stations across the country to waste precious resources trying to enforce this ridiculous law.

The circumstances that made 55 miles per hour a reasonable policy in 1974 no longer exist in 1987. Drunk driving laws, advanced car design, and increased seat belt use have improved road safety; and no gas shortage is forcing us to drive slower to conserve fuel. A national 55-miles-per-hour speed limit is an idea whose time has passed, and it's time Congress passed its repeal. I ask my colleagues to join me by cosponsoring and supporting H.R. 820.

KENTUCKIANS GATHER IN SPECIAL CELEBRATION IN MEMORY OF DR. MARTIN LUTHER KING, JR.

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I wish to call to the attention of my colleagues in the House an event which took place over the weekend on the steps of the Jefferson County Courthouse in Louisville, KY.

Approximately 1,000 citizens, both black and white, gathered to pay tribute to the memory of Dr. Martin Luther King, Jr., to denounce racism, and to call for economic opportunity for all Americans.

I think it is fair to say that the citizens of Louisville and Jefferson County—the community I am honored to represent—rallied on behalf of the American Dream: The dream of freedom and opportunity for all. This Nation has made great progress toward that ideal. But Saturday's speakers reminded us that much work remains to be done before full achievement of this dream is realized.

The American Dream was eloquently described on many occasions by Dr. Martin Luther King, Jr., whose birthday we only recently marked as a national holiday. I am proud to have voted to honor Dr. King's memory and his ideals by establishing a national holiday in his name.

I commend the citizens of Louisville and Jefferson County—the religious leaders, the business leaders, the political leaders, and the "just plain citizens"—who came together on Saturday to make a strong and positive statement that our Nation must remain committed to freedom and equal opportunity for all Americans.

MICHIGAN CONSTITUENTS EXPRESS OPPOSITION TO CONGRESSIONAL PAY RAISE

(Mr. UPTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UPTON. Mr. Speaker, I want to take this, my first opportunity to address my colleagues in the 100th Congress, to rise in support of the efforts of many of my colleagues to reform the process by which Congress grants itself an increase in pay.

Let me begin by sharing with you a quote from one of the many constituent letters I have received on this issue:

> It is a fact of life (that) very few people out here in the heartland approve of a pay raise for Members of Congress.

Mr. Speaker, that letter touched a nerve with me. For the past year, I have spoken throughout the Fourth District of Michigan on the need for us all to tighten our belts to get the budget deficit under control and make some tough choices. It seems that Congress, as the constitutional holder of the key to the U.S. Treasury, is in the process of granting itself a $12,000 increase in pay without even a recorded vote. I ask you, Mr. Speaker, how can I look my farmers, seniors, and educators in the eye and talk about the need to cut Federal spending, while at the same time receiving such a pay increase! In a time of budgetary constraint when we ask our constituents to make do with less, what kind of example do we set by giving ourselves a $12,000 raise?

That is why I am asking my colleagues to join with me in cosponsoring H.R. 283 to defeat the proposed pay raise for Members of Congress, and also to join in an attempt to reexamine the entire pay raise procedure. To ensure accountability to our true employers, the American people, we can settle for nothing less than a drastic change in the current system.

NASHVILLIAN ELECTED PRESIDENT OF NATIONAL ASSOCIATION OF HOME BUILDERS

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONER of Tennessee. Mr. Speaker, I am pleased to tell my colleagues that fellow Nashvillian James M. Fischer, Jr., was recently elected to serve this year as president of the National Association of Home Builders.

Jim has long been active in the home building industry. He owns his own company in Nashville and has been involved in residential and commercial construction in Tennessee for 25 years. Most recently, he served as first vice president for the 138,000-member National Association of Home Builders.

Active in the association for more than 12 years, Jim has served in various other offices including national representative from 1978-79, area vice president representing Tennessee and Alabama from 1980-81 and vice chairman of the Consumer Affairs Committee in 1983. Jim was also State president in 1978 and was named "State Builder of the Year" in 1976.

Jim's interest in home building started at age 30. Since its creation in 1960, his Fischer Construction Co., has built more than 500 single-family houses and 8 apartment complexes and has developed 5 subdivisions in Nashville and the surrounding area.

Jim's dedication to the needs of his State and community extends to his service on the Tennessee Housing Development Agency, where he served for 5½ years as vice chairman. He is currently serving a 4-year term on the

Metropolitan Nashville Planning Commission.

As president of the National Association of Home Builders, Jim will continue to be in the forefront on issues affecting the quantity, quality, and affordability of housing in our Nation. His past leadership and involvement demonstrate his continuing dedication to helping us in Congress evolve policies that encourage home building and the realization of all Americans for affordable shelter.

I congratulate my friend Jim on his election as president of the National Association of Home Builders and invite him to share his association's views with Congress as we begin our review of pending budget proposals affecting housing.

A TRIBUTE TO JEFFREY PHEGLEY, OHIO POLICE OFFICER KILLED IN THE LINE OF DUTY

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remark.)

Mr. OXLEY. Mr. Speaker, the death of a police officer in the line of duty is always a tragic event. It is even more tragic when the officer is a young man. And it is especially tragic when the officer is a young man we have known personally.

My staff and I were deeply saddened by the recent death in the line of duty of Morrow, OH, police officer, Jeffrey Phegley. Jeff was a young man of only 22 years. We came to know him as an intern in my Washington office during the fall of 1984.

Jeff felt his purpose in life was to help his fellow man. This commitment was evidenced by his keen interest in government and law enforcement.

Jeff's experience in politics dated back to an earlier internship with the late Ohio Congressman John Ashbrook who, along with his wife, Jean, held Jeff in the highest regard. During his internship with us, he was willing to do whatever was asked of him—and always with a smile. It was a real pleasure to have this friendly and enthusiastic young man working in my office each day. At the conclusion of his internship with us, he devoted his time to working on President Reagan's 1985 inauguration.

Jeff's dream was to become a police officer. During his internship with us, he spoke frequently of his plans to join the law enforcement profession. He was well aware of the difficulties and dangers which face police officers, but would not let that deter him from the good he felt he could achieve.

Jeff was a very special young man who enriched the lives of all those with whom he came in contact during his very short life. We share his family's and friends' grief. We will remember Jeffrey Phegley with great fondness.

□ 1235

EXPRESSION OF DEEP CONCERN ABOUT UPCOMING NUCLEAR TEST

(Mr. LEHMAN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of Florida. Mr. speaker, I would like to express my deep concern about and opposition to the nuclear test which is scheduled for February 5, 1987.

The Soviet Union has already stated its intent to resume its nuclear testing program if the United States conducts a nuclear test in 1987.

This may be our last chance to end the insane cycle to testing and building ever more numerous and sophisticated nuclear weapons.

Through their votes in many referendums throughout the United States, our people have consistently expressed their desire to end the arms race. It is time that we honor this mandate.

Cancelling the February 5 test would send a clear message to the Soviet Union that our country wants an arms control agreement. Let us pause now before it is too late.

AMERICA'S CUP II PHILADELPHIA-AREA SAILORS AGAIN LEADING CUP CHALLENGE

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, as skipper Dennis Conner and his big, pale-blue yacht, *Stars and Stripes*, take a commanding lead in the America's Cup challenge, it is worth reflecting on the planning, skill, tenacity and gallant crew that got him there.

The America's Cup is challenge yacht racing. It was Australia that wrested the cup from the United States in 1983 after 132 years—believed to be the longest winning streak in sports history. The losing skipper of that race was none other than Dennis Conner in the ruby-red yacht, *Liberty*.

It was that loss that sparked the determination to retreive the cup back from Down Under. But Conner had first to earn the right to be 1987's official challenger by defeating the best of the other U.S. syndicates as well as the best sailors from other nations throughout the world.

And Conner had to earn his place and make his challenge in this international competition in the fierce and unknown waters of the far-off Indian Ocean off Fremantle, Australia, far from the more familiar waters off Rhode Island, where the 1983 contest was waged.

As the skipper of *Liberty*, Conner had represented the New York Yacht Club syndicate. With *Stars and Stripes*, he moved west to San Diego.

Backed by an estimated $16 million, Conner put together a team of three of the top names in U.S. yacht design to win back the cup. And the skipper has said that the single most important attribute of his challenge has been the boat designed by craftsmen Britt Chance, Dave Nelson, and Dave Pedrick.

The next stop on the way to victory was to put together a crew of truly skilled sailors who nevertheless compete not for money but for the pure love of sport.

Included in the *Stars and Stripes* crew are two natives of the Philadelphia area, mainsheet trimmer Jon Wright and grinder Jim Kavle, both of Rosemont, PA.

Wright, the owner of a boating supply business in my 13th Congressional District, is one of four *Stars and Stripes* crew members who participated in the losing 1983 effort against Australia.

Taking part in his fifth America's Cup campaign, Wright was first associated with a cup winner aboard *Courageous* in 1974. He sailed again in 1977, 1980, and 1983. As the mainsheet trimmer, Wright is responsible for trimming, adjusting and controlling the 110 to 120 square feet of mainsail with his own winch, control panels, and tackles.

When this challenge is over, Wright has said, he will simply return to his business in Conshohocken, PA.

Kavle, whose responsibility it is to turn the winches with pure muscle power and skilled sailing ability, learned to sail off the New Jersey shore.

A member of the 1984 U.S. *Olympic Star* team, Kavle builds boats when he isn't sailing.

Finally, for Conner, came the toughest job of all—the grueling work of skipper, crew and boat learning to sail as one while trying for the first time to tame the wild seas off Fremantle. Having moved his team into place half way 'round the world, Conner evidently learned the cure for the Fremantle doctor, as the winds off Fremantle are known.

This America's Cup challenge was the first to permit chase boats in the event of man overboard in light of yet another threat waiting off the coast of Australia—sharks.

Victorious over *America II*— also led by a Philadelphia-area resident, manager Bill Packer of Blue Bell, Montgomery County—and many other entrants, the final hurdle before facing the Australian team was the neighboring South Pacific crew of the yacht, *New Zealand*, a gallant team reportedly possessed of the powerful Kiwi magic.

Although the Kiwis bowed to Conner 4 to 1 in the best-of-seven semifinals, they went down fighting in the fifth race through 28 howling knots of breeze and roller-coaster seas.

Only 8 seconds behind in the final race, New Zealand's skipper cut a corner too close, grazed an orange buoy and was forced—by rules—to circle the buoy once more. By the time the Kiwis were able to set off after *Stars and Stripes* again, they were a hopeless 39 seconds behind and could not close the gap.

Raw determination, a good boat, and a great crew have brought Dennis Conner to the brink of vindication—a return of America's Cup to America. Godspeed our *Stars and Stripes.*

WE WILL ALL BE THE LOSERS

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. Mr. Speaker, by testing a nuclear weapon later this week, the President is going to take another step toward making any serious arms reduction impossible. In his seventh year, the President has a record of total nonachievement. We have had a lot of "almosts," a lot of "gunna's" a lot of "nearly's," and we have had nothing.

Instead, we continue to spend more and more and we continue to follow policies that destabilize more and more. We have a chance to build a little stability into this situation by adopting a policy of not testing as long as the Russians do not test and we can verify. We can do that above the level of 1 kiloton.

What the President is doing is further demonstrating that beyond the rhetoric, that beyond the posturing there is no serious willingness here to do what has to be done to reduce the arms race.

It will be tragic if that goes ahead and we will all be the losers.

WHAT WOULD BE THE EFFECT ON INDUSTRY IF THE LENGTH OF THE METER OR THE WEIGHT OF THE POUND WERE MADE SUBJECT TO CHANGE AT THE PLEASURE OF THE ADMINISTRATION?

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, the condition into which the monetary system has sunk must be of great concern to us, for Western civilization arose on a foundation of integrity, and will collapse as the foundation decays. Thus, modern technology derives from the integrity of weights and measures. What would be the effect on industry if the length of the meter or the weight of the pound were made subject to change at the pleasure of the administration? Fortunately Congress, which has such power, has been meticulous in maintaining the integrity of the standards and the Government spends vast sums to define with more and more exactness the length of an inch, the weight of a pound, the duration of a second.

Paradoxically, Congress condones the denial of a monetary standard practiced by the administration, though the Constitution has charged Congress with the task of maintaining a monetary standard, as well as the standard of weights and measures, in the same breath—article I, section 8. The effect on industry and commerce of the denial of a fixed monetary standard is no less disastrous than that of the denial of the standard of weights and measures. The productivity and competitiveness of American industry and agriculture were the casualties of the dollar's toboggan slides in 1974 and 1980, which ended on the murderous rock of high interest rates.

We must have no illusions about our responsibility if we fail to prevent the next murderous ride into the death valley of currency debasement.

AN ENTICEMENT TO ENCOURAGE HOSTAGE-TAKING

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I have long been worried about the problems with kidnaping and hostage taking. It seems that we have an enticement in the law to encourage the hostage taking because there is nothing in the law to prevent those who are interested in those hostages from paying substantial ransoms for the recovery of those hostages.

As long as that is in the law, it seems to me that there is going to be a tremendous incentive around the world and in this country to take hostages and to kidnap people. I think it is time that we acted as a civilized nation and that we begin to examine this question: Should we prevent the payment of any ransom or the doing of anything of value to release hostages from the hostage situation?

I hope that the Committee on the Judiciary will take this matter up and that we can get a national debate started on it soon.

PARENTAL AND MEDICAL LEAVE LEGISLATION TERMED ANTICOMPETITIVE

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, the Government regulation parasite is growing. Parental and medical leave legislation has many problems and I would like to share a few of them with my colleagues.

I realize that situations do occur that cause an employee to take a leave of absence, either for maternity or other medical reasons. I am not against maternity leave or sick leave. In most cases where the employee has been a dedicated and hard worker, the company will work with that employee to retain their services. However, there will be serious consequences if the Federal Government requires all jobs be held open for 4 to 6 months. This legislation would be detrimental to the private sector—especially small business—who often do not have the financial and human resources to carry out this type of program.

American business was built on the idea of free enterprise, and this idea has served us well. Both corporations and small businesses are able to competitively provide services and products to consumers. It is becoming increasingly important for the economic health of our Nation for businesses to maintain this ability to compete not only in the United States, but in the world market as well. Anticompetitive legislation such as this would create an extra burden on many businesses who cannot afford one more regulation. Further, it hurts the very people it attempts to protect. If we hurt businesses, people are out of work. I urge my colleagues to oppose leave legislation as it places further restrictions in the private sector and endangers the competitive posture of our Nation.

A DECLARATION OF WAR ON ARMS CONTROL

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, today Ronald Reagan declared war on arms control by exploding a nuclear weapon in the Nevada desert. The Soviet Union, as a result, will return in kind their own nuclear explosions. Explosions which will allow them to develop x-ray lasers, to develop new, first-strike, countersilo missiles which will make it possible for them to dig our weapons out of the silos that we have all across the country that protect us.

It is a momentous day because it guarantees that we are now going to reenter the cycle of nuclear testing between the United States and the Soviet Union.

Last October, the House of Representatives pulled out our own amendment which we had passed which would limit nuclear testing by the

United States in response to the Soviet moratorium. The President said to us at that time that he was determined to take practical steps in the near future to implement the goal of a comprehensive test ban. He took that first step today; he exploded a nuclear bomb. We can be sure that the Soviets will explode their own in the near future and we will in fact have made the world a more dangerous place to live in because of the actions of this President and this country today.

SPACE TECHNOLOGY AIDS IN BATTLE AGAINST MALARIA

(Mr. NELSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELSON of Florida. Mr. Speaker, during the coming months, Congress will be considering the fiscal year 1988 budget request for our Nation's space programs. Sometimes we overlook the vast number of intellectual and practical contributions our space program has made to society.

I want to bring to your attention one such achievement that will have a profound impact on the state of health and quality of life of our entire planet. The National Aeronautics and Space Administration has begun work on a satellite project for predicting the exact locations of the outbreak of malaria. Through satellite remote sensing, scientists will monitor local conditions such as rainfall patterns, temperature, drainage, and standing water that trigger the breeding of malaria-carrying mosquitoes. Once identified, ground workers can then quickly move in to apply pesticides or drain water. Experts from the World Health Organization estimate that malaria afflicts 250 million people annually and is a leading cause of disability in tropical areas.

The promise of such remote sensing technologies, which have been pioneered by our Landsat satellites, have a hopeful application to our lives here on the planet. A robust space program can continue to foster such achievements.

□ 1245

BRING YOUNG CRIPPLED BOY, LE VAN MINH, BACK FROM VIETNAM

(Mr. MRAZEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MRAZEK. Mr. Speaker, I ask for the support of my colleagues today in an initiative undertaken by some remarkable students at Huntington High School that will bring a young boy from Ho Chi Minh City, formerly known as Saigon, to the United States of America, for emergency medical treatment.

His name is Le Van Minh, and he is 15 years old. His father was an American serviceman in Vietnam and his mother was a Vietnamese woman who died a number of years ago. Le then lived with his grandfather until he died. He is now a beggar on the streets of Ho Chi Minh City, with an American face and a degenerative crippling handicap. He very badly needs emergency medical treatment.

We are hoping to bring Le to the United States for that emergency treatment, so that he will no longer be called "Bui Doi," which is "dust of the Earth" in the Vietnamese language. That is what the child beggars are called there, the dust of the Earth, because they are blown by the winds through the streets of Ho Chi Minh City.

So I hope my colleagues will join me today in an initiative that will hopefully allow a humanitarian exemption to be provided by the Vietnamese Government so that Le can come here for treatment.

ZERO ARMS CONTROL AGREEMENTS UNDER PRESIDENT REAGAN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, from President Eisenhower until President Carter there were 20 different arms control agreements. Under this President, there has been zero.

One of the greatest opportunities for arms control started 2 years ago last August, and that was to stop the testing of nuclear weapons. The Soviet Union stopped testing. China stopped testing, and the United States kept testing.

This body, in the biggest margin of any arms-control measure, voted to shut off the funding for testing as long as we have on-site inspection in the Soviet Union and as long as the Soviet Union did not start testing. That made an inordinate amount of sense to both Republicans and Democrats. It made no sense to the President.

We were even in good faith as we pulled that back and said let the President go to Iceland to negotiate without his hands being tied, so we pulled that amendment back.

The President came home from Iceland with nothing. We reintroduced the bill. It has all sorts of cosponsors. We have written to the President and asked him not to test this year because the Soviet Union has given up. They say, "If you test this year, then we are going to test."

Well, it is bad enough that the taxpayers have to pay for these tests, but the Government even lied on what they said they were going to be, because the President tested today and not Thursday, when he said, and the window for that arms control agreement we had hoped was there has now been closed. It is a very sad day.

INTRODUCTION OF JESSE GRAY HOUSING BILL

(Mr. CONYERS asked and was given permission to address the House for 1 minute.)

Mr. CONYERS. Mr. Speaker, today I have introduced the Jesse Gray housing bill, with my colleagues, the gentleman from Mississippi [Mr. ESPY] and the gentleman from New York [Mr. MRAZEK], which provides a plan for the gradual construction of the 5 million new public housing units that are needed for the revitalization of the 100,000 existing housing units each year that need remodeling and redecorating.

It also returns public housing tenants to paying no more than 25 percent of their monthly income on housing, and finally it creates a new funding mechanism that will be known as the national housing trust fund.

Now is the time, this is the Congress for us to address the housing problem for those who live in public housing in America.

AUTHORIZING RECOGNITION BY THE SPEAKER FOR MOTION TO SUSPEND RULES TO DISPOSE OF SENATE AMENDMENTS TO HOUSE JOINT RESOLUTION 102 ON WEDNESDAY, FEBRUARY 4, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Speaker may recognize for a motion to suspend the rules to dispose of the Senate amendments to House Joint Resolution 102 on Wednesday, February 4, 1987.

Mr. SPEAKER pro tempore. (Mr. MURTHA). Is there objection to the request of the gentleman from Washington?

There was no objection.

WATER QUALITY ACT OF 1987—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-26)

The SPEAKER pro tempore (Mr. KILDEE). The unfinished business is the further consideration of the veto message of the President of the United States on the bill (H.R. 1) to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes.

The question is, will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from New Jersey [Mr. HOWARD] is recognized for 1 hour.

GENERAL LEAVE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOWARD. Mr. Speaker, I yield 30 minutes to the ranking member of the Committee on Public Works and Transportation, the gentleman from Arkansas [Mr. HAMMERSCHMIDT] for purposes of debate only; and pending that, Mr. Speaker, I yield myself such time as I may consume.

Mr. HOWARD. Mr. Speaker, it is truly regrettable that we have reached the point of a veto override. I believe everyone in this body would have preferred to have the President join us in support of the fight against water pollution and against degradation of the environment. We would have been delighted to work cooperatively with the President. Unfortunately, cooperation has been made impossible.

It should be made clear that this is not a confrontation that was sought by the House. H.R. 1, the bill before us today for the veto override, is the product of a long and difficult conference between the House and the Senate which had a Republican majority at the time. The bill that we sent to the President in November and the bill we passed again on January 8 was $6 billion below the original House version. We compromised, the Senate compromised, but the President would not compromise.

This bill is not a wild spending spree by a spendthrift Congress. It is based on hard, solid evidence of the need to fight water pollution. It was the administration's own study that showed that more than $100 billion will be necessary by the year 2000 to meet the Nation's sewage treatment needs. Now the President tells us we can't spend one-sixth of the amount his own Environmental Protection Agency said was necessary. I am sure many of you have heard from your own States how much money they need.

We would be irresponsible if we did not enact this legislation. We cannot ignore the water pollution needs that have been documented by the President's own EPA.We cannot go back to our State and local officials and tell them, "Sorry, you're on your own meeting the standards that we mandated." We cannot go back to our people and tell them, "Sorry, you have to wait for clean water." We should act clearly and decisively to let the President know there is bipartisan support to fight water pollution.

There was nothing partisan about this bill from its inception until it reached the President's desk. It was approved unanimously in the Subcommittee on Water Resources, it was approved unanimously in the Committee on Public Works and Transportation and in two separate votes this body supported it 814 to 8. When the Senate had a Republican majority, it approved the bill 96 to 0. This year, the vote was 93 to 6.

Clean water is not a partisan issue and the construction of sewage treatment plants is not partisan. No amount of name calling in a veto message will change that. This is an environmental issue and the American people want us to act. They want clean water, not excuses and bickering.

We were accused of pork-barrel and spending boondoggles. Is it pork-barrel to authorize $100 million over 5 years to clean up Boston Harbor but not pork-barrel to request $6 billion in 1 year to research one star wars weapon as the President wants? Is it a spending boondoggle to authorize $2.25 billion annually in grants and loans for sewage treatment plants but not a spending boondoggle to propose $19 billion in 1 year in foreign aid as the President wants?

All the evidence shows that we should be spending more than $2.25 billion a year for clean water. We have a job to get done. But we compromised to produce a bill that has the support of industry, labor, the environmental community, and State and local officials. We all worked to develop a clean water bill that would help stop water pollution. We sent the President a clean water bill to do that, but we got a partisan ideological statement in return.

When President Reagan came into office, we were spending $5 billion a year on the Clean Water Program. At his insistence, it was cut to $2.4 billion. We also raised the local share from 25 percent to 45 percent—a sizable percentage that compares favorably with any other Federal program. If it is true that local contributions eliminate unneeded, expensive projects, as the administration has often said, then this program meets that test.

Of the $18 billion through fiscal year 1994 for sewage treatment plants, $8.4 billion is in the form of loans for local governments. The bill requires the creation of State revolving loan funds with a 20-percent State share for this new program. Loans, revolving loan funds, local payments—these are the concepts that must be developed to meet the growing infrastructure demands of the Nation and this bill includes them. This is not the traditional open-ended grant program—it is an innovative, forward-looking bill. Failure to enact the bill will set our environmental program back years by delaying the implementation of these innovations. Hundreds of miles of rivers, lakes, and streams will remain polluted if we fail to act.

This bill is emphatically not pork-barrel. It's a good bill—one that authorizes money to fight pollution which is truly a worthwhile cause. The $18 billion that offends the President is to be distributed by a formula that is specified in the bill with each State getting an amount based on its needs. The State governments set the priority lists which must then be approved by EPA. It's not pork-barrel. It's checks and balances and a Federal-State partnership that reflects the way our Government should work.

We've heard many times from the President how the State governments are the bulwark of the Federal system—how the Federal Government has usurped their powers. This program allows the State governments to set the priorities on how the money is going to be spent. The States have told us they have massive sewage treatment needs and they are waiting for their 1987 appropriations.

It hasn't been the Congress that sought this confrontation. We have taken a moderate approach toward meeting the environmental needs of the Nation. These are needs that won't disappear without sewage treatment plants. There is dirty, polluted water in many communities in this Nation that won't disappear by itself. If we don't spend this money now, it will cost us more in the long run.

The issue is the kind of world we live in and the condition of the world we leave to our children. Can we tell them that the greatest, most powerful Nation in the history of this planet couldn't afford clean water? Can we tell our children that we had more important priorities than clean water? We can and should spend $2.25 billion for clean water in this Nation and be proud that we're doing it.

I urge my colleagues to vote for this bill once again, just as you did on January 8. The President made a mistake in vetoing it and it's up to us to correct that mistake. This is an issue of the quality of life of this Nation. Let's vote for clean water, for the health and environment of our citizens and override the veto.

☐ 1255

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again I rise in support of the Water Quality Act of 1987 by urging support of the motion to override the President's veto. This is virtually the same bill we passed last October.

It is with considerable regret that I support this override action, because President Reagan has provided great leadership in the important reforms that have been made in the Clean Water Act. He has demonstrated an unswerving commitment to the elimination of waste in this and in Federal programs generally, and I join him in his fierce determination to reduce the Federal deficit.

As I read President Reagan's veto message, I was struck with an uncanny sense of deja vu. His was essentially the same message, outlining the same objections to a clean water bill, as that given by President Nixon when he vetoed the historic Clean Water Act of 1972.

In fact, the whole scenario is basically the same. Throughout the entire process, the 1972 act had strong congressional support, and eventually, both Houses voted to override the President's veto, just as this Congress is poised to do.

I remember it well because I was a Member of the House when that action occurred and a member of the Public Works Committee, which drafted and reported the 1972 act.

Frankly, I find it bewildering that after all this time and after all the progress made under the 1972 act and all the support given the program by the American people, Congress is still unable to reach agreement with the President of the needed financial commitment to get the job done.

Clean water is essential to life itself, and it is the most precious legacy that this Congress can leave to future generations. The cost of human survival can hardly be measured in dollars and cents. We cannot afford to go bargain hunting on the issue of clean water, at the same time, I recognize that we cannot afford to allow any waste of our limited financial resources.

Actually, our differences with the administration over construction grants funding are not great. We are essentially arguing over $6 billion spread over almost a decade—the difference between H.R. 1's funding level of $18 billon and the administration's proposed $12 billion. Since the $6 billion is spread over 9 years, what we are really talking about is an annual expenditure of about $650 million. It seems a shame that Congress must take such a drastic step of overriding a Presidential veto over that amount of money in a program with such great needs.

I do think it is important to note that administration objections to the bill's funding levels for the Construction Grants Program miss a very important point. Even though the 1972 Clean Water Act called for fishable and swimmable water quality by mid-1983, we still have not reached that goal, and even what we are providing in H.R. 1 will not be enough to meet the demand nationwide for wastewater treatment.

This bill has been scrutinized as few bills ever has been. In fact, funding levels are lower than the bill passed overwhelmingly by the House last year. These levels are reasonable, fiscally responsible, and workable.

Regardless of the funding provided, the Federal enforcement mechanisms remain in place, and communities will be required to meet strict treatment deadlines. Consequently, in my judgment, it is unfair to force communities to meet these deadlines while taking away the money they need in order to comply.

Actually we are giving the President what he wants in the Construction Grants Program, in that we are phasing the program out and turning responsibility back to the States. We end the construction grants in 4 years and the State Revolving Loan Program, which replaces the Grant Program, in 9 years.

We should not overlook the fact that the American people have consistently expressed their support for the Clean Water Act and the funding levels provided for the Clean Water Program by Congress. Moreover, all concerned interest groups and government at all levels are publicly on board in support of this bill. It also enjoys the support of both Republicans and Democrats.

I take little joy in the fact that once again Congress must take the lead in doing the job of cleaning up the Nation's water. However, it is imperative that the environmental commitment to the American people is kept, and I am confident that we will do so.

Mr. Speaker, I yield 6 minutes to the distinguished minority leader of the House, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, although I voted for the clean water bill, I would like to urge my colleagues today to join me in sustaining the President's veto of it.

My position is not as contradictory as it may first seem. My vote for the bill was my way of saying, "Yes, I am for clean water too—who isn't?" I recognize and strongly support the need for national commitment in this area. It was my way, I guess, of telling the administration that they were a day late and a dollar short on helping to craft a compromise. But the President made his decision to veto, and that changes the complexion of the situation, at least for this Member.

We can ask again: How much should we spend, and how should we spend it?

The clean water bill, like everything else that comes before us these days, must be judged not only in terms of what it seeks to do, but in what it costs taxpayers to do it.

There is an environmental consensus in this country. It embraces conservatives and liberals, Democrats and Republicans. It seeks to preserve and rationally use our environmental heritage.

But there is also an equally strong budget consensus to see to it that the policy goals that we seek are reached by wise and prudent use of tax dollars.

That is the issue before us today—not whether we will spend tax dollars for clean water, but, rather, what is the prudent balance to be struck between tax-dollar expenditure and policy goals.

The President says that we can do better. I suspect we can. If we can do better, then we ought to.

By way of a brief review, the Clean Water Act Construction Grant Program, which this legislation funds, is a classic example of how a well-intentioned, short-term program ballooned into open-ended, long-term commitments costing billions of dollars more than anticipated or needed. Since 1972 the Federal Government has helped fund the construction of local sewage treatment facilities, and I might add that I recall that debate very vividly where there were marked differences on both sides as to what our obligation was at the Federal level and the amounts and all the rest. It was a matter that historically and properly was the responsibility of State and local governments up to that time. The Federal Government's first spending in this area was intended to be a short-term effort to assist in financing the backlog of facilities needed at the time to meet the original Clean Water Act requirements.

When the program started, the cost of the commitment to the Federal taxpayers was estimated at $18 billion. To day we have put $47 billion appropriated funds into the program. Now H.R. 1 proposes to put still another $18 billion of taxpayers' money into the program.

□ 1305

Despite all this, only 67 percent of all municipalities have actually completed the construction needed to comply with the Clean Water Act pollution limits. On the other hand, nonmunicipal treatment systems, which have received no Federal funding, have completed 94 percent of the construction needed for compliance with Federal pollution standards.

The President, in his veto message, predicted that he would be overridden today, but he also said "It is time we did the right thing—all of us—regardless of the political fallout."

He went on to remind us that when he delivered his State of the Union Message right here in this Chamber, the Congress all rose up in unanimous applause when he declared from the Speaker's podium that the "U.S. budget deficit was unacceptable and outrageous." And everyone rose on their feet and applauded and applauded.

The President has also referred to boondoggles in this bill. Well, there is no shocking one in here, which just came to my attention, which should cause all Illinois Members outside of Chicago to sustain the veto.

It seems that a provision was included in conference last year which waives for Illinois the requirement in the law that not more than 20 percent of a State's waste treatment allocation can go to any one project.

The result is that a project in Chicago called Tunnel and Reservoir Project [TARP] is scheduled to receive 75 percent of my State's allocation this year, and 100 percent next year. That means that virtually all the other communities in the State including several in my district, are being left to hang out to dry as the June 1988 compliance date fast approaches.

Because of some sweetheart deal what we have here is a bill that is more damaging to the rest of my home State of Illinois outside of the city of Chicago than the continuing resolution under which we are currently operating.

This is a glaring example of the damaging results that occur when we are forced, as we were in the first week of this session, to accept en toto legislation which the committee imposed on us without any chance for thorough deliberation or the opportunity to offer amendments; under a closed rule.

The President vetoed this bill out of a concern for the costs of the program, and I am going to vote to sustain the veto because I share his concern over excessive spending at a time of high deficits, and because this bill is worse than current law for my constituents in central Illinois.

Mr. HOWARD. Mr. Speaker, I would like to state that all the time I shall yield shall be for purposes of debate only, and I yield 4 minutes to the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, it reminds me of a response that I have seen around lately, and it says, "Here we go again." If there has ever been a bill, as was pointed out by the distinguished Representative from Arkansas, that has been gone over thoroughly in every detail for 3 years, it has taken us to write this bill.

This bill has passed this House two or three times; passed the Senate two or three times; and it passed by overwhelming majorities, almost unanimously. The report around, this is a budget buster—but let me say to the Members of the House, those of you here and those that may be looking on their TV, getting ready to vote, what is the health of the American people worth? What truly are the priorities in America?

In the final analysis, without water, clean, safe water, you cannot sustain yourself more than a day or two. Here we are talking about all of the expenses of the country and the things we have to do, which we are concerned about on budget requirements, but the fundamental basic factor is that the water supply of this country is crucial to life itself.

Now if we are going to set priorities, and we are talking about all the money we are going to be sending in foreign aid and all the other things we are doing around here, it seems to me that the American people are looking for the proper quality of life, and the health of themselves and their children.

Mr. Speaker, we went home and we ran for reelection or election. All the Members of the House were up for election and a third of the Senate. This issue was a debate in those elections, and the American people spoke. They spoke this past November again, on every list that has been taken and every debate that has been held, and every poll: Clean, safe water supply, toxic waste getting into our water supply was No. 1 on every one of those polls.

We have been back to our people; we have spoken with our people; we came back here and the first order of the day was H.R. 1. H.R. 1 was to revoke the clean water bill. We voted it again, 408 to 8. Democrats and Republicans lined up in a coalition to get this done, because it is critical to the people of this country. The people of this Nation have already spoken; not once, not twice—thrice on this particular piece of legislation which is critical to our people.

They use the word pork barrel and they use the word boondoggle. The boondoggle is if you do not get it in your own State, then you can declare it a boondoggle. If you do not get it in your State, you can say it is porkbarrel in somebody else's State. I think that whole argument is ridiculous.

Let me conclude for our Members on this point: The Congress of the United States, this administration and previous administrations have made commitments to the American people and the commitment they made to the American people, we laid down a law, we laid down a time, and we said in 1988 that every municipal plant in this country had until 1988 to put in their secondary treatment and their secondary plant. That is being worked on. We will never make that goal unless we do it now.

When all is said and done, Mr. Speaker, as the 100th Congress carries out its work, it seems to me that what is important to the American people are the priorities of the American people first; the health of the American people is critical to this country; and those are the issues that are foremost in our minds.

Therefore, I would urge all of our colleagues to again vote overwhelmingly to override this veto.

Mr. HOWARD. Mr. Speaker, I yield 1 minute to the chairman of our Subcommittee on Water Resources, the gentleman from New York [Mr. NOWAK].

Mr. NOWAK. Mr. Speaker, I am pleased to rise in support of H.R. 1, the Water Quality Act of 1987, and to urge my collegues to overwhelmingly join with me to override the President's veto of this legislation.

Despite the unanimous support for this legislation in the 99th Congress, and the overwhelming support given to it in the 100th Congress, we must now vote to approve this legislation this final time to assure that this bill becomes law.

H.R. 1 is a continuation of our commitment to the cleanup and maintenance of our Nation's waters. The bill reauthorizes the Construction Grants Program to provide $9.6 billion over 5 years through 1990 and provides $8.4 billion over the 6 years from 1989 through 1994 to establish State revolving loan funds. These State revolving funds, together with the construction grant authorizations, will enable municipal water pollution control needs to be met within a reasonable time.

The bill also contains a provision establishing a procedure for the Environmental Protection Agency to address the problem of toxic hot spots. EPA will require pollution controls beyond those associated with installation of best available technology to reduce and eliminate these toxic hot spots.

Other important provisions of the bill, and of particular importance to me, relate to the monitoring and control of pollution in the Great Lakes. These provisions would designate EPA's Great Lakes Program Office as the lead agency responsible for United States compliance with the United States-Canada water quality agreement. It would require EPA to establish a toxics monitoring and surveillance network for the Great Lakes and develop a multiagency program for cleanup. The legislation would begin the cleanup of the Buffalo River as a demonstration of ways to address removal of sediments contaminated by toxic pollutants.

The bill establishes a national policy that programs for the control of nonpoint sources of pollution be developed and implemented in an expeditious manner. Since as much as 50 percent of the pollution in our waters is estimated to be caused by nonpoint sources, it is imperative that this pollution be adressed promptly.

Mr. Speaker, the President says this bill is too expensive—it is not. In fact it falls far short of EPA's own estimates of what is needed to complete the cleanup work we have begun. The President calls the bill a blank check—it is not. It provides for the orderly phase out of Federal spending to fund municipal treatment works.

This bill is a responsible and effective measure to achieve and preserve the quality of our waters. I urge my colleagues to support it unanimously.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 4 minutes to the distinguished ranking member of the Subcommittee on Water Resources of the Committee on Public Works and Transportation, the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. Mr. Speaker, it is with mixed emotion that I rise in support of overriding the President's veto of H.R. 1, the Water Quality Act of 1987.

On the one hand, I unequivocally support the legislation before us as a sound and compassionate bill that will greatly improve our ability to clean up our water resources in a fiscally sound manner. On the other hand, I am greatly disappointed that we are forced to do so by overriding the President's veto.

I believe President Reagan has listened to the wrong advice on clean water. Much to my disappointment, he has chosen to veto legislation that would make giant strides in cleaning up and protecting our Nation's lakes, streams, rivers, and bays. Admittedly, his choice was one of priorities. Congress must now let him know that clean water is a top priority of this Nation and should be a top priority of his administration.

President Reagan has now refused to sign this bill on two separate occasions, objecting primarily to funding levels, despite the fact that it passed each time overwhelmingly in the House and Senate. The bill was crafted by our Subcommittee on Water Resources, the Committee on Public Works and Transportation, and the conference committee during lengthy and deliberate legislative sessions spanning several years. Virtually every governmental, citizen, and interest group that has expressed an opinion on this bill has supported it.

For these reasons, I did all in my power to increase the bill's support in the White House during the 99th Congress' final days. In addition to meeting with White House officials, I wrote to the President, urging him to sign the bill, and sent him a petition containing the signatures of over 400 Members of Congress who shared my views.

Since the beginning of the 100th Congress, I have made passage of H.R. 1, the Water Quality Act of 1987, my highest legislative priority. Fortunately, the House and Senate recently completed this unfinished business of the 99th Congress, passing the bill by a combined vote of 499 to 14 in early January. The bill, virtually unchanged from last year, then went on a round trip from the Capitol to the White House and back.

Arguments in support of the bill have not lessened since November 1986; if anything, they have grown more compelling. With the passing of each month, our waters get dirtier and our municipalities face greater risk of losing the construction season in which to build or improve sewage treatment plants. While I share the President's enthusiasm for budgetary restraint and fiscal responsibility, I believe we must honor the Federal commitment to help construct wastewater treatment projects mandated under the act and to improve the quality of America's lakes, streams, rivers, and bays. H.R. 1 is not a "budget buster"; it is a fiscally conservative multiyear investment in clean water.

The Seventh District, the State of Minnesota, and the entire Nation will benefit from this legislation's funding and regulatory provisions. H.R. 1 authorizes $18 billion through fiscal year 1994 for the Nation's current sewer construction program and a new program to provide capitalization grants for State-run revolving loan funds. For Minnesota, this would mean almost $45 million a year through fiscal year 1990. An additional $40 million is authorized for projects to improve water quality in several specifically named lakes, including Sauk Lake in Stearns County, MN. The bill also provides for increased Federal funding to Little Falls, MN, for the activated biofilter feature of its treatment works. Just as importantly, H.R. 1 contains major new provisions to control pollution from storm water runoff and toxic contamination in the Great Lakes—all crucial issues to Minnesota.

With all its provisions, however, the bill does not lose sight of principles consistently espoused by the Reagan administration, such as "New Federalism" and fiscal conservatism. Under H.R. 1, the Federal Government will eventually transfer many pollution control responsibilities to State and local governments, but only after providing adequate technical assistance and funding. Finally, while its overall stated price tag is $20 billion, the bill represents a bare minimum of spending by the Federal Government. EPA's own estimate of the total need for wastewater treatment, based on their 1984 biennial survey, exceeds $100 billion—five times the amount in H.R. 1.

H.R. 1 fully deserves the President's signature. And yet, he continues to oppose it even though it phases out the Construction Grants Program, contains a modest—not exorbitant—funding level, and improves EPA's enforcement authorities. Mr. Reagan could have signed the bill, modified significantly during the conference negotiations with the Senate, and claimed victory.

Contrary to the administration's latest claims, the legislation before us today does not authorize excessive spending, contain needless Federal programs or "boondoggles," or establish a Federal land use program in the guise of nonpoint source pollution control. H.R. 1's funding levels, projects, and programs are based on real needs—discerned from years of reports and testimony. The administration's initial funding proposal of $6 billion was woefully inadequate, while the most recent compromise offer of $12 billion was "too little, too late." In addition, H.R. 1's nonpoint source provisions were never intended to and—as long as I have a say—will never result in unnecessary Federal intrusions on local decisionmaking about land use, zoning and agricultural practices. New section 319 of the act will increase the Federal Government's attention to nonpoint source pollution, but will not deny States the wide discretion they need to develop their own approaches to site specific problems.

Mr. Speaker, I would be remiss if I didn't point out to my colleagues that the President's claims espoused in his veto message are hauntingly familiar to objections raised in another President's veto message of clean water legislation 15 years ago. Like the 92d Congress which swiftly overrode the veto of the 1972 Clean Water Act, the 100th Congress must today override the veto of the 1987 Clean Water Act Amendments. We must reject these same old arguments and get on with the new business at hand.

Furthermore, we must not allow this issue to become politicized. Our commitment to cleaning up our precious water resources has had a strong bipartisan basis in this body since the Congress first addressed this important need. This bill before us reflects that widespread support. Members on my side of the aisle have a great deal to be proud of in H.R. 1—in terms of its fiscal sensibility and environmental commitment. This bill is as much ours as it is anyone's.

Mr. Speaker, I urge each Member of Congress to vote in support of H.R. 1. This body needs to send a strong message to the President and the American people that we will not tolerate further delay in the cleanup of our Nation's waters. We need to tell the Nation where our priorities lie. We must respectfully inform the President that, while deficit reduction is important, a veto of the clean water bill is "penny-wise and pound-foolish."

□ 1315

The **SPEAKER** pro tempore (Mr. KILDEE). The gentleman from Arkansas [Mr. HAMMERSCHMIDT] has 15 minutes remaining and the gentleman from New Jersey [Mr. HOWARD] has 20 minutes remaining.

Mr. HOWARD. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I rise in strong support of this motion to override the Presidential veto of H.R. 1, the Water Quality Act of 1987.

In a nutshell, this important environmental protection legislation continues strict national water pollution control standards and authorizes funds over the next 8 years to State and local governments to build and improve sewage treatment plants. It is supported by the environmental community, industry and State and local government organizations.

As you know, Mr. Speaker, this measure is the same one which has already been passed by the Congress twice before, by a combined vote of 1,003 to 14. Needless to say, with overwhelming, bipartisan support such as this, many of us were shocked and disappointed to learn that this President followed down the same road as President Nixon did in 1972 when he vetoed the original Clean Water Act. We, of course, overrode that veto and since then have made great progress in meeting the act's objectives to "restore and maintain the chemical, physical and biological integrity of the Nation's waters." Not only have we prevented further deterioration of water quality at the national level, many waterways have recovered to the point that fish have returned after many year's absence and swimming beaches have reopened.

Should we follow the President's recommendation and veto this clean water bill, we will return to those dark days where our oceans, rivers, lakes, streams, estuaries and wetlands are so overly choked with sediment, poisons and other toxic pollutants that they are considered a public health threat.

Let's continue to move forward and restore America's water. Vote to override the Presidential veto of this strong environmental protection legislation.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. CONTE], the distinguished and able ranking member of the Committee on Appropriations.

Mr. CONTE. I thank the gentleman from Arkansas.

Mr. Speaker, 1 year after I came to Congress, the House was in a similar position to that which we are in today.

Back in 1960, President Eisenhower had vetoed a bill which would have increased Federal expenditures to combat water pollution. Then, as now, I was faced with a difficult question: Should I vote against a President of my own party?

Then, as now, I have concluded that I will vote to override the President's veto.

In his veto message in 1960, President Eisenhower made many of the same arguments President Reagan makes today. "The bill is too expensive. State and local governments should assume more responsibility for cleaning up the Nation's rivers and streams. This bill has too many special interest projects in it."

Mr. Speaker, H.R. 1 is a necessary, important piece of legislation. It has traveled a long way to where we are now. The House first passed this bill 18 months ago, and local communities can wait no longer for the relief promised by this legislation.

A new program created in H.R. 1—control of nonpoint sources of pollution—will solve a serious problem in my district: runoff from farmlands. One town in my district has undrinkable water precisely because of nonpoint sources of pollution.

This bill offers that town and others just like it across the country some relief. We can't wait anymore.

One of the most important responsibilities of government is the protection of the welfare of its people.

To those who say we cannot afford to have this bill, I say, as I said in 1960, we can't afford not to have it.

Now, Mr. Speaker, back in 1960, President Eisenhower's veto was sustained in the House—unfortunately.

Do not let history repeat itself today. Vote to override the President's veto.

I might mention to the Members of the House that even though the Committee on Appropriations in the last large continuing resolution appropriated money for clean water, we did that under the proviso that this bill be passed, otherwise those appropriations cannot go to the cities and towns of this country.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, I rise in support of a sense of fiscal responsibility. Five hundred and thirty-six of us set spending for the Nation; 535 in Congress and one person in the White House.

That one person, trying to balance the divergent interests, to establish and appropriate spending level for this needed program, last year said to the Congress, "Appropriate $6 billion."

Congress did something other than that. This year the President suggested $12 billion, doubling the ante. Congress responded again by upping again and saying, "We will give you $18 billion, Mr. President."

The President has exhibited the courage to say to Congress, I believe this is an irrational and unreasonable response to a legitimate need in this Nation's history."

Mr. Speaker, I commend the committee for the work they have done. Most of the programs should be authorized at some point. A lot of these programs should never be authorized. On balance, the total spending should be closer to what the President has suggested than what is in this bill.

This bill also points out very succinctly a problem that is at the bottom of runaway Federal spending in America. During these 5 years of this President's presidency, he has made requests of Congress for levels of spending. The Congress in each of those 5 years has responded. Would you believe that in total for those 5 years we have appropriated $64 billion less for defense, $6 billion less for Medicare, $11.8 billion less for Social Security; net interest, $6.6 billion less. For everything else, which are mostly social programs, many of which are needed for this country's well-being, we have appropriated $229 billion more than President Reagan has asked to be spent.

This place is where it stops. We are the responsible agency for the runaway spending in this country. I commend President Reagan for the judgment he is exhibiting today.

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Mr. HOWARD. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I rise in strong support of this important effort to override the President's veto of the Clean Water Act. The people of this country expect us to pass this legislation without delay, and I am delighted that we are acting expeditiously and firmly.

I want to congratulate the gentlemen from New Jersey, my good friends BOB ROE and JIM HOWARD, for their leadership and guidance on this effort.

The President believes that $18 billion is too much to spend for cleaning up our rivers and streams over an 8-year period. Yet, what he wants to spend on defense for just 1 year—1988—is 17 times as much as what we want to spend for clean water in 8 years.

The President's veto of this legislation has demonstrated what many of us have known for some time: that this administration does not care about our environment. In fact, the gentleman from New Jersey [Mr. HOWARD] who ably chairs the Public Works and Transportation Committee did not get the administration's bill until the morning this bill came to the floor of this body.

The Clean Water Act is truly national in scope. But I would like to briefly mention just one aspect of the bill to help explain why it is so important.

This bill includes one of the last projects in which I had the honor or working with our late wonderful colleague, Sala Burton, on a program dear to her heart and mine. This legislation requires the Environmental Protection Agency to give priority status to dealing with the dangerous toxics in San Francisco Bay.

Sala Burton worked very hard on this provision because it would help protect and preserve the bay she loved so well.

For this reason, and for many others, the people of the San Francisco Bay area, and indeed the whole Nation, want this Clean Water Act enacted and fully funded by the Congress. Please join this Member in supporting the Clean Water Act and the override of the President's veto.

Mr. HOWARD. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Speaker, I rise in strong support of the Clean Water Act and ask that my colleagues in the House vote to override President Reagan's veto of this most important measure.

The Clean Water Act is important to our country because it is designed to clean our Nation's waterways and provide sewer construction grants to municipalities for new projects. It also contains provisions to rid the Great Lakes of toxic pollutants.

Finally, this legislation will favorably impact the domestic steel industry.

At my request, David J. Cantor, a specialist in industry economics at the Library of Congress prepared a memorandum on the possible effects of spending on water and sewer projects on the demand for steel.

In his report, Mr. Cantor noted:

> Depending on the type of project, the expenditure of $1 billion could generate a demand for steel mill products in the range from about 58,750 tons to about 161,500 tons. This demand represents both the direct input of steel into the project and associated indirect input—namely, those that are embodied in other equipment and materials used in the project. The estimates for each project category are presented in table 1.

TABLE 1.—POSSIBLE EFFECT OF SPENDING $1 BILLION ON WATER AND SEWER PROJECTS ON STEEL DEMAND

[In tons]

Project cateogry	Steel input: low estimate	Steel input: high estimate
New water supply systems	113,774	151,699
New sewer systems	108,514	144,685
Maintenance and repair of water supply systems	121,089	161,452
Maintenance and repair of sewer supply systems	58,767	78,356

Estimated by CRS, using as sources: U.S. Dept. of Commerce. Bureau of Economic Analysis. The Detailed Input-Output Structure of the U.S. Economy, 1977. Volume I: The Use and Make of Commodities by Industries, 1977. Washington, 1984; U.S. Dept. of Commerce. Bureau of Economic Analysis. The Detailed Input-Output Structure of the U.S. Economy, 1977. Volume II: Total Requirements for Commodities and Industries, 1977. Washington, 1984; and, Data Resources, Incorporated. Realized Steel Prices: Estimation, Analysis, Forecast. Lexington, 1985.

> The greatest impact on steel demand would probably be in the category of maintenance and repair of water supply systems. An expenditure of $1 billion on such projects could result in increased use of steel in the range from about 121,000 tons to about 161,500 tons. The smallest effect of this level of spending would probably be in the category of maintenance and repair of sewer systems. For every billion dollars of additional expenditure on such projects, steel input could range from about 58,750 tons to about 78,400 tons. New water supply systems and new sewer systems rank second and third in terms of their possible effects on steel demand.
>
> The direct input of steel into water and sewer projects is relatively small for every billion dollars of expenditure. This steel is used directly in the construction activity, rather than being processed into some other product utilized in the project. Maintenance and repair of water supply systems would employ more steel mill products directly than other types of water and sewer projects; the low estimate of direct steel usage is about 44,300 tons, and the high estimate is about 59,000 tons. Direct steel input is smallest in maintenance and repair of sewer systems; the low estimate is about 3,700 tons, and the high estimate is about 5,000 tons. New water supply systems would use between 12,000 and 16,000 tons; and new sewer systems would utilize between 16,700 and 22,300 tons. Depending on the type of project the direct steel input to water and sewer systems is as little as one-fifteenth of total steel input (maintenance and repair of sewer systems), and nearly as much as one-third of total steel input (maintenance and repair of water supply systems).

While the data seen to suggest that the total amount of steel embodied directly or indirectly in water and sewer projects is relatively small, the official input-output tables for the economy indicate that the effect of expenditures on water and sewer projects on total steel demand is greater than for any other sector of the economy. That is, for every dollar spent on such projects, more steel is required as an input—directly and indirectly—than for any other good or service. While most of this input is embodied in other goods and services rather than directly in the project itself, the impact on the basic steel industry is substantial vis-a-vis any other sector of the economy.

Although in relative terms, little steel would be required in constructing a water or sewer project we cannot dismiss as minimal the impact of such projects on the steel industry. First the steel industry ranks relatively high as a supplier of goods and services to water and sewer projects; steel was the 13th largest direct input to new water projects in 1977, the last year for which figures are available and the 8th largest input to maintenance and repair of water projects in that year.

Second, and perhaps most important, even though little steel is used directly in water and sewer projects, the indirect use of steel is considerable. No other sector in 1977, was called upon more for total input than the basic steel industry.

While caution should be exercised in the use of the estimates provided, there is no question that the passage of the Clean Water Act would not only have a positive impact on our environment, but it would also provide desparately needed help to the beleaguered steel industry.

I strongly urge my colleagues to join with me today in voting to override President Reagan's veto.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON], a former member of the Committee on Public Works and Transportation.

Mr. SOLOMON. Mr. Speaker, as strange as it may seem, I stand here before you today because I happen to think that President Ronald Reagan is one of the greatest Presidents this country has ever had. I guess I have supported him more than most Members of this House, as much as any other Member.

But I rise in support of the override of the veto of this vitally important legislation for a couple of reasons. One is to refute the idea that local governments should take on this responsibility.

I happen to represent over 200 miles of the majestic Hudson River in New York State that has hundreds of miles of tributaries and lakes that empty into that majestic river. We have some municipalities that have been able to take advantage of the Clean Water Act in the past, and they have cleaned up their sewage.

We have other municipalities that come from rural areas that have no tax base, no money, and they cannot be expected to bear the total burden of correcting the pollution that goes into this major waterway.

That is the main reason that I stand here today supporting it.

The other is that I am a fiscal conservative, and I vote against most legislation when it is over the budget, but in this particular case, we are spending money to save money in the long run. We have already spent billions of dollars preserving this environment and I commend the gentlemen from New Jersey, both of them, and the gentleman from Arkansas, and their staffs, for the outstanding job they have done in bringing this legislation before this body.

It is vitally needed and I would urge everyone, even of the conservative political persuasion, as myself, to support this legislation. America needs it.

Mr. HOWARD. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, since the Industrial Revolution, many cities and States have neglected the need to clean up the effluent from the Nation's production, thus converting many of our rivers and streams into sewers and poisoning water that must be used by human beings. The Clean Water Act of 1987 is an essential measure in our quest to make America's waters safe for fishing, recreation, and drinking.

In some areas of the Nation, pollution has caused the soil and water to become contaminated by carcinogenic materials, leading to noticeably higher rates of death from cancer in those regions. This legislation is a major advance toward the goal of providing greater safety for the public through the eventual elimination of pollutants from America's waterways.

This bill will reauthorize and strengthen the landmark Federal Water Pollution Control Act of 1972, better known as the Clean Water Act. It contains a provision authorizing $18 billion over 8 years for building sewage treatment plants, as well as a variety of other constructive measures for battling pollution.

Mr. Speaker, this bill will provide badly needed Federal funding to help municipalities finance their local sewage treatment construction. A major innovation of this bill is the establishment of the State revolving loan fund, which will be highly beneficial for Arkansas, and for the municipalities in the First District that I represent.

The State revolving loan fund will provide low-interest loans to communities in need of sewage treatment systems. The repayments of the loans will later be used to make new loans, giving a self-sustaining source of funds for States to finance local water treatment construction.

There are now about 3,330 treatment plants in America that violate existing Clean Water Act requirements by providing little or no sewage treatment. It is futile for Congress to require necessary water quality goals if municipalities lack the funds needed to assist them in meeting these standards. This bill provides a solution to the problem: For the short term, the Congress will appropriate Federal funds to keep water treatment projects on track, while establishing the self-sustaining fund that the States will use in the future to meet wastewater standards on their own.

Another positive feature of this bill is its provision for providing $400 million to help States control nonpoint source pollution—such as runoff from streets, parking lots or fields. Current law generally controls only pollution that comes from a specific source, such as pipes or sewers.

In thus dealing with nonpoint source pollution the bill is attacking a problem that accounts for up to half of the water pollution in some areas of the country.

The Clean Water Act also has a series of other amendments designed to strengthen America's effort to clean up the Nation's surface waters and make them suitable for fishing and swimming.

It will set new restrictions on discharges into waters where there are already high concentrations of toxic chemicals. Other amendments will regulate municipal and industrial stormwater discharges into the waterways and will require controls on surface runoff from city streets and agricultural areas. I am particularly aware of the significance of the latter provision, because of the great importance of agricultural areas in my district.

Mr. Speaker, I am pleased to note that in addition to its vital effort to protect our people from contaminated water, the bill will also be beneficial for economic growth in Arkansas and in the First District, because the sewage construction projects will provide jobs and stimulate local economies. The sewage treatment plants will be one important component in developing the infrastructure of local areas.

Many communities across the country face difficulties in promoting economic growth because they cannot meet the sewage treatment requirements set by the Federal Government. By helping them to meet those standards, this legislation will not only protect our water resources, but will enhance the Nation's economic growth.

Throughout the 1980's, there has been vigorous public support for clean water. For example, a public opinion survey by Louis Harris in 1982 indicated that 94 percent of the American people believed that "the Clean Water Act should be kept as it is or made even stricter," and more recent polls have reflected similar findings. The bill has received enthusiastic support from a broad spectrum of groups, including environmentalists, industry, labor unions and State and local governments.

The Clean Water Act has widespread bipartisan support, having passed House and Senate by overwhelming margins in 1986 and again this year.

Mr. Speaker, my home district in Arkansas is blessed with many beautiful streams, lakes, and rivers. This legislation is vital in the campaign to ensure that those waterways and others like them throughout America never become wastelands choked by pollutants. It is time to clean up the waterways, so that future generations will have the same opportunity to enjoy our waters that we still enjoy today.

Today, we can make an investment in America's future. I urge my colleagues to override the veto, because the task of cleaning up our environment will become vastly more expensive if we fail to act now, and burden our grandchildren with an inheritance of ugly and polluted waters.

Mr. HOWARD. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND of Georgia. Mr. Speaker, President Reagan has described this bill as a "budget buster." This is neither accurate nor fair.

In reality, the issue is one of priorities. Those of us who helped write this bill are just as determined as he to meet our budget reduction targets. And as he and his budget advisers should know, there are ways to do this without severely weakening our 15-year effort to achieve clean water resources and without breaking our longstanding commitment to help local governments meet federally mandated clean water requirements.

The fact is that the bill he vetoed is a financially modest bill that promises to continue the progress we have been making toward our long range clean water goals.

With the help of many people, especially the Georgia Department of Natural Resources and the Association of State and Interstate Water Pollution Control Administrators, I drafted and introduced the stormwater runoff program which is included in the measure. This is a landmark proposal. Efforts have been made for many years to get a Stormwater Control Program into the Clean Water Act. These efforts have always become bogged down in disagreements between conflicting interests. The Stormwater Control Program we are considering today, however, has the support of just about everyone—environmentalists, local governments, industrial and agricultural interests. It's reasonable, but it also has teeth.

I have wondered, Mr. Speaker, whether the administration fully understands the potential consequences of its veto. Without these stormwater runoff provisions, the Environmental Protection Agency will be under a Federal court order to adopt stormwater regulations which may require thousands of cities and counties to obtain separate permits for every single one of their stormwater discharge points—and there are millions of them.

Every one of those permits would require an engineering study and exhaustive paperwork. It would cost a medium-size city like Macon, GA, in my own Eighth District of Georgia, many millions of dollars to comply. It would be financially devastating to many of our local governments.

On the face of it, this would seem to be unenforceable. But, in fact, the courts might insist that it be enforced. And if that happened, local governments would have to take steps to comply or face the heavy penalties already spelled out in the Clean Water Act for noncompliance.

This is the situation that the President's veto has left us in, and one of the principal reasons why I believe Congress has no choice but to override. When this bill becomes law, a carefully crafted Stormwater Control Program will go into effect with provisions that will allow communities to obtain far less costly single jurisdictionwide permits.

The State revolving loan fund is another portion of the bill which I am proud to have helped draft. It proposes to do exactly what the administration has always advocated—to get the business of upgrading sewage treatment facilities to meet Federal standards back into the hands of State and local governments.

It is a plan which will provide ongoing capitalization of publicly owned treatment works while assuring long range deficit reduction.

And yet, when the administration offered its own revolving loan fund proposal, so much redtape was attached to it that it is unlikely local governments would ever be able to rely on it. For reasons which are difficult to understand, the administration has been standing in the way of the very thing it supposedly espouses—State and local control.

The Clean Water Act before the House today is financially feasible and technically sound. It is, in fact, essential to the country's efforts to maintain and improve the quality of the Nation's waters.

I, personally, want to express my appreciation for the brilliant leadership of our chairman, Mr. HOWARD, and the outstanding work of the chairman of the Water Resources Subcommittee, Mr. ROE; as well as to the members of the committee from both parties, and the conferees with whom I served from both sides of the Capitol. The bill is the result of very hard and skillful work on the part of many people, and I feel privileged to have been a part of it.

Mr. HUGHES. Mr. Speaker, I rise in support of overriding the President's veto of H.R. 1, the Clean Water Act reauthorization.

I do so with some regret, because I share the President's desire to reduce unnecessary and wasteful Federal spending. Unfortunately, this bill does not fall into any such category.

This is a bill that meets an urgent national need and enjoys overwhelming bipartisan support. It should not be characterized as either partisan or pork-barrel.

The bill was approved unanimously by both the Democratic House and the Republican Senate at the close of the last Congress, only to be pocket-vetoed by the President. More recently, it was repassed by the Senate with just six dissenting votes, and the House with just eight dissenting votes. This history clearly indicates that H.R. 1 is not a Democratic bill nor a Republican bill. It is a consensus measure. It is a nonpartisan effort that was carefully targeted at meeting an urgent national priority: To clean up our Nation's rivers, lakes, and streams.

Moreover, the $18 billion authorized by this bill over the next 8 years is just a fraction of what is needed to help keep the filth out of our water supplies. It is nowhere near enough to do the job. That money must be spread out over 50 States and 8 years.

Rather than being spendthrift, this Congress has been absolutely stingy in funding efforts to clean up the environment. We could easily spend billions more, but we have not because we are all painfully aware of the need to make every tax dollar count.

That is what we have done with this bill.

The bill authorizes $9.6 billion through fiscal 1990 for grants to construct sewage treatment plants, and creates a new revolving loan fund of $8.4 billion during fiscal 1989-94 to help local governments finance sewage treatment facilities.

These authorizations are not gifts to the States. Under the grant program, the Federal share of a project's cost cannot exceed 55 percent. State and local governments must pay the remainder. The revolving loan fund must include a 20-percent State contribution. These funds, of course, must be repaid and loans cannot be made in the first place unless the local government has set aside a specific revenue source to finance the repayment.

Further, the bill includes a requirement that funds be used to bring existing sewer systems up to par—not to encourage and subsidize development by stringing new sewer lines out into new subdivisions.

In addition to sewage treatment, the bill targets an additional $2 billion for various pollution control programs, including $400 million over the next 4 years to control nonpoint source pollution such as agricultural runoff. It establishes a new estuary program to protect various threatened areas, including the Delaware Bay. Also, in addition to tightening various compliance deadlines, this bill greatly increases the maximum penalties for polluters.

In summary, Mr. Speaker, this is a very carefully balanced bill. It is a frugal bill. It is a bill that reflects a near-unanimous national view that cleaning up our water supplies is of critical importance. I urge my colleagues to support this override.

Mr. BONKER. Mr. Speaker, today the House of Representatives can send a clear message to the President and the American people—protecting our lakes, streams, and waterways is not an afterthought, it is a critical national priority.

When President Reagan pocket-vetoed the $20 billion Clean Water Act reauthorization at the end of last year, he frustrated the overwhelming majority of Congress and the American people.

I am pleased, therefore, that the first major act of the 100th Congress was passage of H.R. 1, the Water Quality Act of 1987. The bill authorizes $18 billion over 9 years for sewage treatment systems and $2 billion for other programs to clean up the Nation's lakes, rivers, streams, and estuaries.

Unfortunately, in what I consider to be gross insensitivity, the White House characterized this investment in clean water as a pork-barrel boondoggle unworthy of Federal support.

Today's veto override vote should dispel any misunderstanding about the broad, bipartisan support for this legislation and confirm our commitment to clean water. As Democratic and Republican leaders alike have stressed, the President stands alone on this issue; most Members of both parties strongly support this bill.

In my own State of Washington, Federal support is vitally needed for a comprehensive effort to clean up Puget Sound and numerous fresh-water streams and lakes. This legislation will make available more than $42 million for Washington State clean water programs this year, and approximately $220 million through 1990. The State plans to invest some $119 million over 6 years to clean up the Puget Sound basin, providing an equitable balance of State and Federal commitments.

By way of background, this legislation reauthorizes and strengthens the Clean Water Act of 1972, one of the Nation's most successful environmental programs. In addition to providing funding for construction of sewage treatment facilities and beefing up clean water standards for industries, the bill targets one of the most significant, and most elusive, causes of water pollution: nonpoint source pollution from poor forestry and farming practices, city streets, mines, and the like.

Specifically, the Water Quality Act of 1987 provides for the following:

Construction grants and State revolving loan funds: Authorizes $18 billion over 9 years—fiscal years 1986-94—for grants to help cities construct sewage treatment systems, while gradually phasing out the subsidy program. Of the total, $9.6 billion is to be used by the States to make grants to local communities, and $8.4 billion is to be placed in State revolving loan funds and used to make low-interest loans to communities.

Allotment formula: Establishes a new formula for dividing construction grants and revolving fund grants among the States.

Special projects: Authorizes $159 million in special grants for several local pollution-control projects.

Nonpoint source pollution: Authorizes $400 million over 4 years for grants to help States reduce polluted runoff from city streets, farm land, mining sites, and other diffuse sources.

Control of toxic pollutants: Establishes a new system to tighten controls on discharges of toxic substances into water bodies.

National estuary program: Authorizes $60 million for a new program to address pollution problems in estuaries.

Clean lakes: Strengthens an existing program to improve water quality in lakes. Authorizes $150 million for grants to help States improve lake water quality, $40 million for an Environmental Protection Agency demonstration program, and $15 million to mitigate high acidity in lakes.

Great Lakes: Authorizes $55 million for programs to improve water quality in the Great Lakes.

Chesapeake Bay: Authorizes $12 million for EPA's office of Chesapeake Bay programs, and $40 million for grants to States.

Permitting requirements for storm water discharges: Sets deadlines for cities of various sizes to obtain permits for discharges of storm water.

Antibacksliding: Prohibits the relaxation of cleanup requirements when a municipal or industrial discharge permit is renewed or rewritten, except in certain narrowly defined circumstances.

Fundamentally different factors variances: Limits the conditions under which an individual facility may receive a variance from industry-wide cleanup regulations.

Compliance deadlines: Extends the deadline for industrial facilities to comply with national cleanup standards.

Penalties: Increases penalties for civil and criminal violations of clean water laws, and provides new authority for EPA to assess civil penalties.

Ocean dumping: Bans sludge dumping in the New York Bight Apex and prevents the city of Boston from dumping sludge at a dump site off the coast of New Jersey.

Mr. BORSKI. I rise to urge the House to override the President's veto of the Clean Water Act. This is a moment which calls for a strong statement from this body. The President is wrong on this issue. Let's send the President and the Nation a clear message with an overwhelming vote to override the veto.

In his veto message, the President charged that the clean water bill was a budgetbuster. He said the bill was laden with pork. Mr. Speaker, that kind of rhetoric simply doesn't hold water. The clean water bill does spend tax dollars but it is money well-spent. It represents only a downpayment on the job of controlling the pollution of our water.

The American people support a vigorous clean water program. They demand that Government take a strong role in cleaning up our lakes, rivers, and bays. When it comes to an issue as vital as clean water, they want an activist Government which will safeguard our Nation's water supply. On this issue, there can be no compromise.

Mr. Speaker, Mr. Reagan was wrong to veto this bill on November 6, 1986. He was wrong to veto it on January 30, 1987. The American people expect us to do the right thing on clean water. The time has come for this body to vote overwhelmingly to override.

Mr. GILMAN. Mr. Speaker, I rise in strong support of the motion by the gentleman from New Jersey [Mr. HOWARD] to override the President's veto of H.R. 1, the Clean Water Act amendments. I thank the chairman of the Committee on Public Works and Transportation, and the gentleman from Arkansas, the ranking minority member of that same committee, Mr. HAMMERSCHMIDT, for bringing this motion before us in such an expeditious manner and for continuing the fight to protect and improve our Nation's waters.

By my estimate this is the third time the House will have debated H.R. 1 over the past several months. Consideration of this legislation, which was pocket vetoed by the President this past winter, was the first order of business in the 100th Congress. On January 8, 1987, the House adopted H.R. 1 by a vote of 406 to 8. The other body followed suit, when on January 21, they adopted H.R. 1 by a margin of 96 to 6. Clearly this measure enjoys bipartisan support with Members on both sides of the aisle renewing their commitment to make our Nation's waters potable, swimmable, and fishable within this decade.

H.R. 1 reauthorizes our major water programs, programs that have long-term ramifications for the health and vitality of both our natural resources and our citizens. This bill strengthens and extends the original Clean Water Act of 1972 by providing $20 billion for the various water quality programs. These vital initiatives, which include State sewage treatment construction grants, nonpoint pollution control programs, and State clean water revolving funds, will ensure that our most precious of natural resources, our waters, will be preserved for generations to come.

In his veto measure the President indicated his concern that H.R. 1 was a budget buster. I urge my colleagues to bear in mind that once our waters are polluted beyond repair, all the money in the world would not be able to undo the damage. We have a Federal commitment to hold up our end of the bargain. The States desperately need our support and guidance in helping to save and preserve our waters. The bill before us represents over 2 years of work and I believe is a distinct improvement in our water policy. Accordingly, I urge my colleagues to support the motion to override the President's veto in order to assure that the clean water programs in all of our States and municipalities remain viable. We must meet our responsibility to our constituents to protect and defend our natural resources by voting to override this veto.

Mr. FIELDS. Mr. Speaker, I rise to urge my colleagues to join with me in voting to override the President's veto of H.R. 1, the Water Quality Act of 1987.

While I deeply regret that the President has vetoed this legislation, H.R. 1, is neither pork barrel nor is it a budget buster.

In fact, based on the water quality needs of this Nation, this bill can best be characterized as a modest and cost-effective proposal. It is a strong, efficient, and balanced approach to the goal of ensuring cleaner waters for all Americans.

While there are a number of essential provisions contained within this legislation, I will highlight just two reasons why I intend to vote to override.

Since coming to Congress in 1981, I have consistently argued in favor of the Federal Waste Water Treatment Program and the need for increased funds for the State of Texas.

With the enactment of this legislation, we will accomplish both of these important goals. The Federal Waste Water Treatment Program, which is so critical to States like mine, will be extended for an additional 4 years and the State allocation formula has been modified so that Texas receives an additional $18 million per year.

While I recognize that waste water treatment grants were the major reason for the President's veto, this $2.5 billion a year program pales in comparison with the funding requirements contained within the Environmental Protection Agency's 1984 needs survey.

In that document, the administration told Congress that $108 billion would be needed by the year 2000 for sewage plant construction.

Mr. Speaker, it is indeed regrettable that this administration, which has proposed six times more funding for this program than is contained in H.R. 1, has now vetoed this critical legislation.

Mr. Speaker, the second reason I will vote to override is based on more local and parochial interests.

Mr. Speaker, some 3 years ago, a group of citizens asked me to become involved in an effort to clean up Lake Houston, a body of water which not only provides recreational opportunities for thousands of my constituents but also 40 percent of the city of Houston's drinking water needs.

As a culmination of my efforts, incorporated within H.R. 1 are the general principles of the Lake Houston Water Quality Improvement Act, a proposal which I introduced in both the 98th and 99th Congresses.

Section 314 of H.R. 1 creates a new Lake Water Quality Demonstration Program to be administered by the Environmental Protection Agency. Eleven bodies of water nationwide, including Lake Houston, will participate in this demonstration program which will test new cleanup technologies.

In addition, this program will evaluate the feasibility of implementing regional waste water treatment plants which may well hold the key to improving the water quality in this vital watershed.

Mr. Speaker, by selecting Lake Houston for participation in this nationwide demonstration program, we will guarantee an improvement in the water quality of this lake which is so important for thousands of Houstonians.

By once again passing this legislation, we will ensure that in the years ahead our rivers, lakes, and streams are cleaner for all Americans.

Mr. Speaker, this may well be the most important environmental vote we take in this historic 100th Congress. As someone who has consistently fought for a cleaner and safer environment, I urge my colleagues to vote to override the President's veto of this legislation.

Thank you, Mr. Speaker.

Mr. SIKORSKI. Mr. Speaker, President Reagan has called the Clean Water Act a bill "loaded with waste and larded with pork." That is a more accurate description of some of our Nation's waterways. And without this legislation, many of them will only get worse.

In the Twin Cities alone, 4.6 billion gallons of untreated sewage and waste water are discharged into the Mississippi River each year. And another 8 to 10 billion gallons of untreated wastes from 189 Minnesota communities flow into drainage systems that can eventually end up in the Mississippi.

Mr. Speaker, money spent in Minnesota to clean that up isn't pork barrel. It's a national priority. It benefits every one of the millions of people in 10 States—Minnesota, Wisconsin, Iowa, Illinois, Missouri, Arkansas, Kentucky, Tennessee, Mississippi, and Louisiana—that depends on the Mississippi for drinking water, agriculture, and recreation.

We cannot spend billions for weapons and ignore the defense of our environment, our health, and our economy.

The Clean Water Act is a defense bill, protecting the water resources we need to survive. It is a smart bill, setting up new programs to deal with old problems, such as toxic hot spots and nonpoint source pollution. And it's a sound bill, achieving one of this administration's earliest objectives—turning control over Federal programs back to the States.

We need the Clean Water Act. I urge my colleagues to support this legislation and override the President's veto.

Mr. TRAFICANT. Mr. Speaker, as an original cosponsor of H.R. 1, the Water Quality Act of 1987, I rise in strong support of the vote today to override the President's veto of this important legislation.

Mr. Speaker, no money value can be placed on the importance of protecting this Nation's precious water resources. The scourge of water pollution is a serious problem that must be dealt with—now. The effects of what we do today relative to this problem will have a far-reaching effect on future generations of Americans.

Without question addressing the problem of water pollution is costly. But what will be the costs in 20 years if we fail to accept responsibility for ensuring the safety and quality of our water supplies? This bill is a wise investment in America's future. Many State and local governments have hit upon hard fiscal times. At the local level, sewage treatment is a top priority. H.R. 1 will assist States in fighting water pollution while at the same time placing limits on Federal expenditures in the sewage treatment program. Let me reiterate that addressing the water pollution problem costs money—but to refuse to do the job right is to condemn future generations of Americans to deal with serious and perhaps uncontrollable water pollution problems.

The President has said that this bill is too costly, yet the Environmental Protection Agency's 1984 biennial survey of needs for municipal sewage treatment plants through the year 2000 estimated that America's total need for waste water treatment was $101.7 billion. In light of this survey, H.R. 1 represents a fiscally responsible approach to the sewage problems facing municipalities across the country. It limits the ultimate Federal cost for construction of sewage treatment works to $18 billion—which includes $4.8 billion already appropriated for fiscal years 1986 and 1987.

This legislation transfers waste water treatment responsibilities to the States by gradually phasing out the Construction Grants Program. This program would be replaced, over a period of several years, by a revolving loan program for the States. This would ensure that municipalities have the resources to deal with their sewage problems well into the next century—while at the same time relieving the Federal Government of its financial responsibilities in this area.

A vitally important component of H.R. 1 is that it substantially strengthens the Clean Water Act. It sets up a cooperative effort between EPA and States to deal with the serious problem of nonpoint sources of pollution; it calls for the development of individual toxic pollutant control strategies for waters which are not meeting water quality standards set forward in the act; and the bill develops a viable process for controlling polluted storm water runoff.

This bill is essential to protect our water supplies—now and for generations to come. In short, Mr. Speaker, America needs this bill.

Mr. FLORIO. Mr. Speaker, I rise in support of efforts to override the Presidential veto of H.R. 1, the Clean Water Act reauthorization, and improve the water quality of our Nation's rivers, streams, and lakes. For the second time in a matter of weeks, Congress again has the opportunity to reaffirm the message that was sent to the President on two occasions. The health of our citizens and our natural resources and the future of our Nation's development will be severely threatened if we do not take steps to clean up our Nation's water supplies.

The lack of a clean water reauthorization endangers not only the economic health of our Nation but also the sanctity of our natural resources. H.R. 1 provides our municipalities with an environmentally responsive and fiscally responsible combination of grants and loans that would allow them to comply with the law and construct sewage treatment facilities. It provides our municipalities with the means to meet the mandate and ensure that our communities can continue to develop.

Without this vital combination of $18 billion in grants and loans, our communities will find their economic growth stunted. Without the mandated improvements in our sewer systems, economic development and expansion, with the creation of new jobs, would be halted. The $99 million per year in grants and loans that is slated for my own State of New Jersey through 1992 would guarantee that the sewage systems will be able to sustain higher development without jeopardizing the quality of our environment. Without this money, each of my constituents could be billed $1 for every $1 million lost in Federal funds because these improvements need to be made.

Mr. Speaker, when the President vetoed this legislation last week, he accused the bill of busting the budget. I would like to direct the attention of my colleagues to the fact that H.R. 1 takes into consideration the fiscal constraint we are facing and phases out the grant program and replaces it with a revolving loan fund. However, all this would be accomplished in such a way as to not interrupt this necessary program.

This legislation provides our Nation with not only the funds to improve our water quality but also with the guidance to decrease pollution on our shores, in our rivers and streams and lakes. In New Jersey, where tourism is one of the key industries, there have been many occasions when our beaches had to close during the summer because of the dangerous and often toxic pollution washing up on the shore. This legislation would alleviate the pollution by prohibiting ocean dumping 12 miles off the New York-New Jersey coast.

In addition, H.R. 1 not only restricts nonpoint pollution but also creates a clean lakes program that will clean up such environmental hazards as Alcyon Lake, next to Lipari landfill, the No. 1 site on the Superfund national priority list in Pitman, NJ. I know how strongly the residents of Pitman feel about being able to once again fish and swim in this lake and I know that this is a feeling shared by many communities across the Nation.

In sum, Mr. Speaker, enactment of the Clean Water Act reauthorization is something we, as a Congress, owe not only to our constituents but also to future generations. We owe it to our children and our grandchildren to ensure that the legacy we leave them is one that will include our best efforts to preserve our natural resources and prevent future degradation of our environment. I urge my colleagues to join in maintaining our commitment to a clean and safe environment and enacting H.R. 1.

Mr. BILBRAY. Mr. Speaker, I rise today to urge our colleagues in the U.S. Senate to join the House in overriding the shortsighted veto of the Clean Water Act by the administration.

Failure to override the President's veto would place the southern Nevada cities of Las Vegas, Henderson, and Boulder City under the double burden of complying with expensive Federal stormwater sewer and wastewater regulation while simultaneously terminating funding to aid compliance measures. The Clean Water Act sent to the White House by the Congress provides $15.6 billion for construction grants and a revolving loan fund for the municipal wastewater treatment plant construction program through 1994. Further, the act provides for the suspension through 1992 of current law requirements that municipalities obtain national pollution discharge elimination system permits for every storm-sewer outfall.

Mr. Speaker, clean water is not a partisan issue. The actions of the House are not a gauntlet of challenge thrown in defiance of the administration, nor are they intended to embarrass the President. Rather, Republicans and Democrats alike clearly understand the need for clean water and to provide Federal assistance for all Americans.

It is in the spirit of bipartisan support that I urge our Senate colleagues act with the utmost dispatch to override the veto of the Clean Water Act and to ensure Federal aid to our towns and cities to continue to bring clean water for all Americans.

☐ 1335

Mr. HAMMERSCHMIDT. Mr. Speaker, I do not have any further requests for time, but before I yield back the balance of my time, I yield myself such time as I may consume so that I may say this:

I want to express my appreciation for the leadership given on this legislation for the past 6 years, and even before that, by the chairman of the subcommittee, the gentleman from New Jersey, Mr. BOB ROE, and his counterpart, the gentleman from Minnesota, Mr. ARLAN STANGELAND. I served at one time with the gentleman from New Jersey as ranking member on the Water Resources Subcommittee, and I know the prodigious work he did.

I also wish to thank and congratulate the gentleman from New York [Mr. NOWAK] who will be assuming the responsibilities as chairman of the subcommittee.

Also, Mr. Speaker, certainly I wish to express my appreciation to the chairman of the full committee, the gentleman from New Jersey, Mr. JIM HOWARD, for his leadership and his cooperation, and I also express my appreciation to the very professional committee staffs. Their help and their cooperation have brought us to this point.

Mr. HOWARD. Mr. Speaker, before I yield back the balance of my time, I yield myself such time as I may consume.

Mr. Speaker, I wish to thank my colleagues, all the members of the Committee on Public Works and Transportation, as well as our counterparts over in the other body.

I especially thank the gentleman from New Jersey [Mr. ROE] and our new subcommittee chairman of the Subcommittee on Water Resources, the gentleman from New York [Mr. NOWAK]. I appreciate the efforts of our ranking minority member, the gentleman from Minnesota [Mr. STANGELAND], and I thank all the Members for the work they have done on this vitally important issue.

In just a matter of weeks this marks really our third time around on this vital legislation. We were victorious in the Congress the first two times. Usually if you win the third time, you get to retire the trophy.

We are not looking for any trophies here, Mr. Speaker. What we are looking for is a mandate by this Congress for clean water for our children and our grandchildren. We can do that by voting yes on this vote to override the President's veto.

Mr. Speaker, I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. KILDEE). The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 401, nays 26, not voting 6, as follows:

[Roll No. 14]

YEAS—401

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Brown (CA)
Brown (CO)
Bruce
Bryant
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Daniel
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Mack
MacKay
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McHugh
McKinney
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—26

Badham
Bartlett
Barton
Broomfield
Buechner
Burton
Cheney
Combest
Crane
Dannemeyer
DeLay
Dornan (CA)
Herger
Hyde
Inhofe
Kemp
Latta
Lewis (CA)
Lott
Lukens, Donald
Lungren
Madigan
Marlenee
Michel
Stump
Vander Jagt

NOT VOTING—6

Annunzio
Clinger
Dickinson
Gephardt
McDade
Miller (OH)

□ 1355

Mr. LIPINSKI and Mr. HEFLEY changed their votes from "nay" to "yea."

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ANNUNZIO (at the request of Mr. FOLEY), from February 3 through February 18, on account of illness.

Mr. OBEY (at the request of Mr. FOLEY), on February 3, on account of a death in the family.

Mr. MCDADE (at the request of Mr. MICHEL), for February 3 and February 4, on account of illness.

Mr. MILLER of Ohio (at the request of Mr. MICHEL), for today and the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. GALLEGLY) to revise and extend his remarks and include extraneous material:)

Mr. BATEMAN, for 5 minutes, today.

(The following Members (at the request of Mr. VOLKMER) to revise and extend their remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

Mr. DORGAN of North Dakota, for 60 minutes, today.

Mr. DORGAN of North Dakota, for 60 minutes, on February 4.

Mr. STOKES, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GALLEGLY) and to include extraneous matter:)

Mr. COURTER.
Ms. SNOWE.
Mr. GILMAN in three instances.
Mr. JEFFORDS.
Mr. UPTON.
Mr. SHUMWAY in three instances.
Mrs. MEYERS of Kansas.
Mr. SAXTON.
Mr. DAVIS of Michigan.
Mr. LIGHTFOOT.
Mr. SCHAEFER.

(The following Members (at the request of Mr. VOLKMER) and to include extraneous matter:)

Mr. ATKINS.
Mr. HOYER.
Mr. DYSON.
Mr. ENGLISH.
Mr. KOLTER.
Mr. DOWNEY of New York.
Mr. MINETA in two instances.
Mr. LEHMAN of Florida.
Mr. TRAFICANT.
Mr. MURTHA.
Mr. MILLER of California in two instances.
Mr. LELAND.
Mr. VOLKMER.
Mr. AUCOIN.
Mr. LEHMAN of California.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 341. An act to provide emergency assistance to certain agricultural producers, and for other purposes; to the Committee on Agriculture.

S.J. Res. 34. Joint resolution disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government; to the Committee on Post Office and Civil Service.

REQUEST FOR APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 102, EMERGENCY ADDITIONAL SUPPLEMENTAL APPROPRIATION FOR THE HOMELESS

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 102) making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program of the Federal Emergency Management Agency with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. FAZIO. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. HOYER). Objection is heard.

ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. MACK) there were—yeas 221, nays 17.

So the motion was agreed to; accordingly (at 2 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 4, 1987, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

474. A letter from the Secretary of the Army, transmitting a report of determination and findings approving the procurement of a chemical demilitarization study on an other than full and open competition basis, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

475. A letter from the Auditor, District of Columbia, transmitting a copy of his report entitled, "Review of D.C. General Hospital's Procurement," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

476. A letter from the Controller, Washington Gas Light Co., transmitting a certified copy of a balance sheet of the Washington Gas Light Co. as of December 31, 1986, pursuant to D.C. Code section 43-513; to the Committee on the District of Columbia.

477. A letter from the Secretary of Education, transmitting a copy of final regulations—1987-88 Pell Grant Program family contribution schedule and cost of attendance, pursuant to 20 U.S.C. 1232(d)(i); to the Committee on Education and Labor.

478. A letter from the Secretary of Health and Human Services, transmitting a copy of the Department's report on Medicaid disproportionate hospitals, pursuant to Public Law 99-272, section 9519 (100 Stat. 216); to the Committee on Energy and Commerce.

479. A letter from the Administrator, Agency for International Development, transmitting for the President, the annual report for 1985 on the implementation of efforts regarding the arms race and proliferation of sophisticated weapons, pursuant to 22 U.S.C. 2370(s)(2); to the Committee on Foreign Affairs.

480. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a travel advisory recently issued by the Department for Uganda which has security implications for Americans traveling or residing in that country, pursuant to 22 U.S.C. 2656e; to the Committee on Foreign Affairs.

481. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Jack F. Matlock, Jr., of Florida, Ambassador Extraordinary and Plenipotentiary designate to the Union of Soviet Socialist Republics, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

482. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting a report on human rights in countries receiving security assistance, pursuant to 22 U.S.C. 2304(b), FAA section 116(d)(1) and section 502B(b); 22 U.S.C. 2349aa-9(c); to the Committee on Foreign Affairs.

483. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting a report on human rights in countries receiving development assistance, pursuant to 22 U.S.C. 2151n(d), FAA, section 116(d) (91 Stat. 537); to the Committee on Foreign Affairs.

484. A letter from the Comptroller General of the United States, transmitting a copy of his report for fiscal year 1986 on each instance a Federal agency did not fully implement the recommendation made by the GAO in connection with a bid protest decided during the fiscal year, pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Government Operations.

485. A letter from the Assistant Secretary (Management), Department of the Treasury, transmitting a copy of the Department's second annual report, fiscal year 1986, on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

486. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's annual report for fiscal year 1986 on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

487. A letter from the General Manager, Shipyard Restaurant System, Pearl Harbor Naval Shipyard, transmitting a copy of the system's annual pension plan report for the year ended December 31, 1985, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

488. A letter from the Secretary of Housing and Urban Development, transmitting a copy of the Department's fiscal year 1986 report on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

489. A letter from the Director, U.S. Information Agency, transmitting a copy of the Agency's fiscal year 1986 report on actions taken to increase competition for contracts, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

490. A letter from the Under Secretary, Smithsonian Institution, transmitting a copy of the National Society of the Daughters of the American Revolution's "Annual Proceedings of the Ninety-Fifth Continental Congress," pursuant to 36 U.S.C. 18b; to the Committee on the Judiciary.

491. A letter from the Comptroller, The American Council of Learned Societies, transmitting a copy of their audited financial statement for fiscal year 1986, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

492. A letter from the Director, Office of Personnel Management, transmitting a copy of the fiscal year 1986 report on the implementation of the Federal Equal Opportunity Recruitment Program, pursuant to 5 U.S.C. 7201(e); to the Committee on Post Office and Civil Service.

493. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notification of the decision to convert to contractor performance the buildings and structures functions at naval support activity, New Orleans, LA, and certification that said conversion is cost effective, pursuant to 10 U.S.C. 2304 nt.; Public Law 99-190, section 8089; jointly, to the Committee on Armed Services and Appropriations.

494. A letter from the Deputy Secretary for Supply and Maintenance, Department of the Air Force, transmitting notification of the decision to convert to contractor performance the base supply function at the U.S. Air Force Academy, CO, and certification that said conversion is cost effective, pursuant to 10 U.S.C. 2304 nt.; Public Law 99-190, section 8089; jointly, to the Committees on Armed Services and Appropriations.

495. A letter from the Secretary of State, transmitting notification that the information required for the fulfillment of this section of public law had been sent to the President as requested by section 601 of Public Law 98-618, that is, an annual report on, inter alia; reciprocity and equivalence issues in the United States-Soviet relationship, pursuant to Public Law 99-500; to the Committee on Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONYERS (for himself, Mr. Dymally, Mr. Stokes, Mr. Hayes of Illinois, Mr. Rangel, Mr. Mfume, Mr. Savage, Mr. Mrazek, and Mr. Espy):

H.R. 918. A bill to amend the United States Housing Act of 1937 to require the Secretary of Housing and Urban Development to administer a program of construction and revitalization of public housing, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BATEMAN (for himself, Mr. Wolf, Mr. Olin, Mr. Pickett, Mr. Parris, Mr. Sisisky, and Mr. Slaughter of Virginia):

H.R. 919. A bill to amend the Internal Revenue Code of 1986 to restore the 3-year basis recovery rule for computing the income tax on an employee annuity, and for other purposes; to the Committee on Ways and Means.

By Mrs. BOXER (for herself and Mr. Levine of California):

H.R. 920. A bill to establish the California Ocean Sanctuary; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

By Mr. COELHO (for himself, Mr. Udall, Mr. Vento, Mr. Mineta, Mr. Lehman of California, Mr. Solarz, Mr. Gejdenson, Mr. Akaka, Mr. Beilenson, Mr. Smith of Florida, Mr. Eckart, Mr. Jones of North Carolina, Mr. Levin of Michigan, Mr. Feighan, Mr. Crockett, Mr. Lantos, Mrs. Boxer, Mr. Bates, Mr. Wolpe, Mr. Mrazek, Mr. Martinez, Mr. Williams, Mr. Green, Mr. Thomas of Georgia, Mr. Owens of Utah, Mr. Miller of California, Mr. Towns, Mr. Sunia, Mr. Blaz, Mr. Dellums, Mr. Sawyer, Mr. Chandler, Mr. Rahall, Mr. Kolter, Mr. Campbell, Mrs. Saiki, Mr. Morrison of Connecticut, Mr. Durbin, and Mr. Kildee):

H.R. 921. A bill to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over National Park System units; to the Committee on Interior and Insular Affairs.

By Mr. DORGAN of North Dakota:

H.R. 922. A bill to amend the Export Administration Act of 1979 to promote the export of United States agricultural commodities and the products thereof, and for other purposes; jointly, to the Committees on Foreign Affairs and Agriculture.

By Mr. DORGAN of North Dakota (for himself, Mr. Penny, and Mr. Johnson of South Dakota):

H.R. 923. A bill to amend the Agricultural Act of 1949 to offer wheat and feed grain producers the option of participating in a program of price support designed to encourage the maintenance of a network of family farmers in American agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. ENGLISH:

H.R. 924. A bill to amend the Internal Revenue Code of 1986 to repeal the windfall profit tax on domestic crude oil and to impose a tax on the importation of crude oil and refined petroleum products; to the Committee on Ways and Means.

By Mr. CLAY (for himself, Mrs. Schroeder, Ms. Oakar, Mr. Murphy, Mr. Miller of California, Mr. Ackerman, Mr. Akaka, Mr. Berman, Mr. Biaggi, Mr. Bilbray, Mr. Bonior of Michigan, Mrs. Boxer, Mr. Coelho, Mrs. Collins, Mr. Coyne, Mr. Crockett, Mr. de Lugo, Mr. Dellums, Mr. Downey of New York, Mr. Dymally, Mr. Edwards of California, Mr. Evans, Mr. Fascell, Mr. Fauntroy, Mr. Fazio, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Ford of Michigan, Mr. Garcia, Mr. Gejdenson, Mr. Gephardt, Mr. Gilman, Mr. Gonzalez, Mr. Green, Mr. Hayes of Illinois, Mr. Jones of North Carolina, Mr. Jontz, Mr. Kastenmeier, Mrs. Kennelly, Mr. Kolter, Mr. Lehman of Florida, Mr. Leland, Mr. Levin of Michigan, Mr. Lowry of Washington, Mr. Manton, Mr. Markey, Mr. Martinez, Mr. Mfume, Mr. Mineta, Mr. Moakley, Mr. Moody, Mr. Morrison of Connecticut, Mr. Owens of New York, Mr. Rangel, Mr. Rodino, Mr. Roybal, Mr. Sabo, Mr. St Germain, Mr. Savage, Mr. Scheuer, Mr. Schumer, Mr. Sikorski, Mr. Solarz, Mr. Stark, Mr. Towns, Mr. Visclosky, Mr. Waxman, Mr. Weiss, Mr. Wheat, Mr. Yates, Mr. Hoyer, Mr. McKinney, Mr. Conte, and Mr. Oberstar):

H.R. 925. A bill to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. GARCIA (for himself, Mr. Hayes of Illinois, Mr. Solarz, Mrs. Collins, Mr. Mrazek, Mr. Levin of Michigan, Mr. Towns, Mr. Rangel, and Mr. McHugh):

H.R. 926. A bill to require national banks and federally chartered thrift institutions to provide advance notice of any proposal to close a branch of such bank or thrift institution to the Comptroller of the Currency or the Federal Home Loan Bank Board, as the case may be, and to customers of such branch, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GIBBONS:

H.R. 927. A bill to amend title 18, United States Code, to prohibit compliance with a demand for ransom, or the engaging in any other conduct, for the release of a person held in connection with kidnaping or hostage taking; to the Committee on the Judiciary.

By Mr. GRADISON (for himself and Miss Schneider):

H.R. 928: A bill to suspend temporarily the duty on certain stuffed or filled toy figures until January 1, 1993; to the Committee on Ways and Means.

By Mr. JONES of Tennessee:

H.R. 929: A bill disapproving the proposed deferral of budget authority for the temporary emergency food assistance program under the Department of Agriculture (Deferral No. D87-33); to the Committee on Appropriations.

By Mr. KASTENMEIER:

H.R. 930. A bill to establish a Temporary National Commission on Economic Concentration; to the Committee on the Judiciary.

By Mr. KOLTER:

H.R. 931. A bill to amend title 11 of the United States Code to clarify the current meaning of section 1113 relating to the rejection of collective-bargaining agreements by debtors in bankruptcy; to the Committee on the Judiciary.

By Mr. LELAND (for himself and Mr. Horton):

H.R. 932. A bill to amend title 39, United States Code, to establish an Office of Inspector General within the United States Postal Service; to the Committee on Post Office and Civil Service.

By Mr. MILLER of California (for himself, Mr. Atkins, Mr. Bates, Mr. DeFazio, Mr. Dwyer of New Jersey, Mr. Edwards of California, Mr. Frank, Mr. Gejdenson, Mr. Jeffords, Mr. Kildee, Mr. Kolter, Mr. Markey, Mr. Moody, Mr. Panetta, Mr. Rodino, Mr. Solarz, Mr. Studds, Mr. Vento, Mr. Wolpe, Mr. Beilenson, Mr. Rangel, and Mr. Morrison of Connecticut):

H.R. 933. A bill to establish competitive oil and gas leasing and modify leasing procedures for onshore Federal lands; to the Committee on Interior and Insular Affairs.

By Mr. ROBERTS (for himself, Mr. Whittaker, Mr. Glickman, Mr. Slattery, and Mrs. Meyers of Kansas):

H.R. 934. A bill to amend title 49, United States Code, relating to the abandonment of intrastate bus transportation, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. SCHAEFER:

H.R. 935. A bill to reduce the rate of pay payable for Members of Congress to the rate that was in effect on December 31, 1986; to provide that rates of pay for Members of Congress may be adjusted only by act of Congress; to require a recorded vote on any proposed adjustment in rates of pay for Members of Congress; and for other purposes; jointly, to the Committees on Post Office and Civil Service, and Rules.

By Mr. SCHULZE (for himself and Mr. Murtha):

H.R. 936. A bill to amend the Internal Revenue Code of 1986 to reinstate a 5-percent investment tax credit after 1987 for certain property; to the Committee on Ways and Means.

By Mr. SHUMWAY:

H.R. 937. A bill to confer United States citizenship posthumously on Rudolph Salli; to the Committee on the Judiciary.

H.R. 938. A bill to abolish the Legal Services Corporation; to the Committee on the Judiciary.

By Ms. SNOWE:

H.R. 939. A bill to amend title 39 of the United States Code to designate as nonmailable matter solicitations for the purchase of products or services which are provided either free of charge or at a lower price by the Government and solicitations which are offered in terms implying Government connection or endorsement unless such matter contains conspicuous notice that the products or services offered are provided free of charge by the Government or that the Government does not endorse the products or services offered, and for other purposes; jointly, to the Committees on the Judiciary, and Post Office and Civil Service.

By Mr. STUDDS (for himself, Mr. Jones of North Carolina, Mr. Howard, Mr. Young of Alaska, Mr. Davis of Michigan, Mr. Bennett, Mr. Biaggi, Mr. Hughes, Mr. Lowry of Washington, Mr. Ortiz, and Mrs. Boxer):

H.R. 940. A bill to provide for the regulation of the disposal of plastic materials and other garbage at sea; to provide for negotiation, regulation, and research regarding fishing with plastic driftnets, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SYNAR (for himself, Mr. Boucher, Mr. Glickman, Mr. Brown of Colorado, Mr. Crockett, Mr. Edwards of California, Mr. Berman, Mr. Gephardt, Mr. English, Mr. Watkins, Mr. McCurdy, Mr. Gonzalez, Mr. Martinez, Mr. Bosco, Mr. Smith of Iowa, Mr. Wilson, Mr. Gibbons, Mr. de Lugo, Mr. Andrews, Mr. Udall, Mr. Murphy, Mr. Frost, Mr. Huckaby, Mr. Ireland, and Mr. Dorgan of North Dakota):

H.R. 941. A bill to amend the Clayton Act regarding liability; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 942. A bill to prohibit further launches of the space shuttle until improved safety features have been developed and installed; to the Committee on Science, Space, and Technology.

H.R. 943. A bill to amend the Internal Revenue Code of 1986 to reinstate the investment tax credit and to deny an investment tax credit and accelerated cost recovery for property made outside the United States having less than 65 percent United States content and for which there is a substitute having 65 percent or more United States content; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 944. A bill to suspend for a 3-year period the duty on 3-Ethylamino-p-cresol; to the Committee on Ways and Means.

(By Mr. McMILLAN of North Carolina):

H.J. Res. 128. Joint resolution proposing an amendment to the Constitution of the United States to provide for a 4-year term of office for Representatives in Congress, and to require that any Representative who officially declares his candidacy for election to the Senate immediately vacate his seat; to the Committee on the Judiciary.

(By Mr. RUSSO (for himself and Mr. Ritter):

H.J. Res. 129. Joint resolution designating February 16, 1987, as "Lithuanian Independence Day"; to the Committee on Post Office and Civil Service.

(By Ms. SNOWE (for herself, Mr. Fuster, Mr. Henry, Mr. Kastenmeier, Mr. Matsui, Mr. Howard, Mr. Lewis of Florida, Mr. Crockett, Mr. Fazio, Mr. Smith of Florida, Mr. Lowry of Washington, Mr. Dornan of California, Ms. Oakar, Mr. Espy, Mr. McDade, Mr. Biaggi, Mr. Gallo, Mr. Martin of New York, Mr. Lehman of Florida, Mr. Dymally, Mr. Tallon, Mr. Thomas Luken, Mr. Waxman, Mr. Martinez, Mr. Hatcher, Mr. Levin of Michigan, Mr. Horton, Mr. Lipinski, Mr. Wolf, Mr. Leland, Mr. Lagomarsino, Mr. McGrath, Mr. Nielson of Utah, Mr. Dwyer of New Jersey, Mr. Levine of California, Mr. Evans, Mrs. Boxer, Mr. Daub, Mr. Wylie, Mr. Frost, Mr. Owens of Utah, Mr. Roe, Mr. Towns, Mr. Lehman of California, Mr. Borski, Mr. Derrick, Mr. Whittaker, Mr. Dorgan of North Dakota, Mr. Fish, Mr. DeWine, Mr. McHugh, Mr. Kolter, Mr. Neal, Mr. Rinaldo, Mr. Rodino, Mr. Hammerschmidt, Mrs. Bentley, and Mr. Ritter)

H.J. Res. 130. Joint resolution to designate the week beginning November 22, 1987, as "National Family Caregivers Week"; to the Committee on Post Office and Civil Service.

By Mr. FRANK (for himself, Mr. Atkins, Mr. Boland, Mr. Bonker, Mr. Boucher, Mr. Bryant, Mr. Conyers, Mr. Downey of New York, Mr. Dymally, Mr. Early, Mr. Edwards of California, Mr. Fauntroy, Mr. Fazio, Mr. Hammerschmidt, Mr. Hefner, Mr. Howard, Ms. Kaptur, Mrs. Kennelly, Mr. Levin of Michigan, Mr. Manton, Mr. Markey, Mr. Matsui, Mr. Moakley, Mr. Mrazek, Mr. Neal, Mr. Owens of New York, Mr. Pickle, Mr. Pursell, Mr. Roybal, Mr. Smith of Florida, and Mr. Studds):

H. Con. Res. 35. Concurrent resolution to express the sense of Congress regarding efficient and compassionate management of the Social Security Disability Insurance [SSDI] Program; to the Committee on Ways and Means.

By Mr. BROOMFIELD (for himself, Mr. Porter, Mr. Solarz, Mr. Lipinski, Mr. Fazio, Mr. Bateman, Mr. McDade, Mr. Lagomarsino, Mr. Moakley, Mr. Evans, Mr. Archer, Mr. Ackerman, Mr. Burton of Indiana, Mrs. Schroeder, Mr. McHugh, Mr. Bliley, Mr. Courter, Mr. Morrison of Connecticut, Mr. Frenzel, Mr. Downey of New York, Mr. Fawell, Mr. Nelson of Florida, Mr. Atkins, Mr. Frost, Mr. Solomon, Mr. Daub, Mr. Henry, Mr. DioGuardi, Mr. Weber, Mr. Ritter, Mr. Bustamante, Mr. Smith of Florida, Mr. Wilson, Mr. Hughes, Mrs. Martin of Illinois, Mr. Conte, Mr. Levin of Michigan, Mr. Synar, Mr. Dwyer of New Jersey, Mr. Fields, Ms. Kaptur, Mr. Mrazek, Mr. Saxton, Mr. Gilman, Mr. Carper, Mr. Wolpe, Mr. Kildee, Mr. McGrath, Mr. Fauntroy, Mr. Dreier of California, Mr. Udall, and Mr. Eckart):

H. Res. 62. Resolution expressing the sense of the House of Representatives that the Government of the Soviet Union should allow Igor V. Ogurtsov to be released from exile and allowed to emigrate to the West without renouncing his views, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HAWKINS (for himself and Mr. Jeffords):

H. Res. 63. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Education and Labor in the first session of the 100th Congress; to the Committee on House Administration.

By Mr. HAWKINS (for himself, Mr. Clay, and Mr. Jeffords):

H. Res. 64. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Subcommittee on Labor Management Relations of the Committee on Education and Labor in the first session of the 100th Congress; to the Committee on House Administration.

By Mr. MACK:

H. Res. 65. Resolution expressing the sense of the House of Representatives regarding tax rates; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

8. The SPEAKER presented a memorial of the Senate, Fifth Northern Marianas Commonwealth Legislature of The Mariana Islands, relative to the issuance of passports to the citizens of the Commonwealth; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FOLEY:

H.R. 945. A bill for the relief of Allen H. Platnick; to the Committee on the Judiciary.

By Mr. SHUMWAY:

H.R. 946. A bill for the relief of Francis Chua; to the Committee on the Judiciary.

H.R. 947. A bill to confer jurisdiction upon the U.S. Claims Court to render judgment upon the claim of John King, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. GORDON, Mr. WALGREN, Mr. WHEAT, Mr. HALL of Ohio, Mr. JEFFORDS, Mr. ROEMER, Mr. HAMILTON, Mr. RAHALL, Mr. BEILENSON, Mr. SIKORSKI, Mr. SWIFT, Mr. ACKERMAN, Mr. NEAL, Mr. McCLOSKEY, Mr. TOWNS, Mr. WISE, Mr. COELHO, Mr. MOODY, Mr. ROYBAL, Mr. BERMAN, Mr. TORRES, Mr. STOKES, Mr. CARDIN, Mr. LEVINE of California, Mr. MORRISON of Connecticut, Mr. GLICKMAN, Mr. SCHEUER, Mr. BROWN of California, Mr. CARPER, Mr. LEHMAN, of California, Mr. CAMPBELL, Mr. ROSE, Mr. ESPY, Mr. SCHUMER, Mr. HAWKINS, Mr. OWENS of Utah, Mr. ANDREWS, Mr. YATES, Mrs. KENNELLY, Mr. WEISS, and Mr. RICHARDSON.

H.R. 17: Mr. CLARKE.

H.R. 18: Mr. CLARKE.

H.R. 39: Mr. NEAL, Mr. SOLARZ, Mr. MARKEY, Mr. TORRES, and Mr. OWENS of Utah.

H.R. 67: Mr. MARKEY, Mr. MAVROULES, Mr. SUNIA, Mr. SOLARZ, Mr. SCHUMER, Mrs. BOXER, Mr. RANGEL, and Mr. ATKINS.

H.R. 261: Mr. TALLON, Mr. SMITH of Florida, Mr. MARTINEZ, Mr. THOMAS A. LUKEN, Mr. LAGOMARSINO, Mr. CARDIN, Mrs. MARTIN of Illinois, Mr. RANGEL, Mr. ROE, Mr. LEVIN of Michigan, Mr. FEIGHAN, Mr. KOLTER, Mr. McEWEN, Mr. NEAL, and Mr. FISH.

H.R. 263: Mr. SKEEN, Mr. MARLENEE, Mr. YOUNG of Alaska, Mr. HANSEN, and Mr. ROBERT F. SMITH.

H.R. 283: Mr. DAVIS of Illinois, Mr. HOLLOWAY, Mr. DORNAN of California, Mr. PETRI, Miss SCHNEIDER, Mr. WORTLEY, Mr. GOODLING, Mr. LAGOMARSINO, Mr. RANGEL, Mr. SPENCE, Mr. DANNEMEYER, Mr. BILIRAKIS, Mr. LEWIS of Florida, Mr. SCHUETTE, Mr. NIELSON of Utah, Mr. DAUB, Mr. PURSELL, Mr. UPTON, and Mr. FAWELL.

H.R. 306: Mr. BATEMAN, Mr. APPLEGATE, and Mr. PACKARD.

H.R. 378: Mr. BORSKI and Mr. PEASE.

H.R. 459: Mr. BONIOR of Michigan, Mr. DeWINE, and Mr. CONYERS.

H.R. 461: Mr. LEHMAN of Florida.

H.R. 497: Mr. PANETTA, Mr. TAUKE, Mr. ROBERTS, Mr. LIGHTFOOT, Mr. CRAIG, Mr. HAYES of Illinois, Mr. TOWNS, Mr. DANIEL, Mr. HENRY, and Mr. SUNIA.

H.R. 535: Mr. NIELSON of Utah, Mr. SUNIA, and Mr. HERGER.

H.R. 541: Mr. LEHMAN of Florida, Mrs. VUCANOVICH, and Mr. KASTENMEIER.

H.R. 543: Mr. DeFAZIO and Mr. FISH.

H.R. 544: Mr. DWYER of New Jersey, Mr. BRUCE, Mr. PARRIS, Mr. DeWINE, Mr. BEREUTER, Mr. KOLBE, Mr. BATEMAN, Mr. EDWARDS of Oklahoma, Mr. APPLEGATE, Mr. HASTERT, Miss SCHNEIDER, Mrs. MORELLA, Mr. GARCIA, Mr. JEFFORDS, Mr. SCHULZE, Mr. LANTOS, Mr. JACOBS, Mr. SMITH of New Jersey, Mr. ANDERSON, Mr. GUNDERSON, Mr. CHANDLER, Mr. McEWEN, Mr. GILMAN, Ms. SNOWE, Mr. LOWRY of Washington, Mr. RITTER, Mr. FRENZEL, Mr. DAVIS of Michigan, Mr. FISH, Mr. DENNY SMITH, Mr. FLIPPO, Mr. HEFLEY, Mr. HUBBARD, Mr. SCHUMER, Mr. REGULA, and Mr. COBLE.

H.R. 558: Mr. MATSUI, Mr. GILMAN, and Mr. MOODY.

H.R. 575: Mr. WHITTAKER, Mr. DYSON, Mr. LAGOMARSINO, Mr. HAYES of Illinois, and Mr. BATEMAN.

H.R. 579: Mr. FASCELL, Mr. ATKINS, Mr. FEIGHAN, Mr. FROST, Mr. MOODY, Mr. FORD of Michigan, Ms. KAPTUR, Mr. LOWRY of Washington, and Mr. FISH.

H.R. 589: Mr. BILIRAKIS, Mr. BATEMAN, and Mr. LEACH of Iowa.

H.R. 593: Mr. ANNUNZIO, Mr. FAZIO, Mr. BRYANT, Mr. FUSTER, Mr. THOMAS LUKEN, Mr. COELHO, Mr. DARDEN, Mr. JENKINS, Mr. HORTON, Mr. ROE, Mr. ERDREICH, Mr. MRAZEK, Mr. PEPPER, Mr. FISH, and Mr. ATKINS.

H.R. 613: Mr. FRANK, Mr. NICHOLS, and Mr. GRAY of Illinois.

H.R. 617: Mr. PETRI, Mr. SHUMWAY, Mr. WALKER, Mr. BAKER, Mr. LEWIS of Florida, Mr. HOLLOWAY, Mr. SWEENEY, Mr. ROBERT F. SMITH, Mrs. BENTLEY, Mr. SKEEN, Mr. GINGRICH, Mr. DORNAN of California, and Mrs. VUCANOVICH.

H.R. 628: Mr. STANGELAND, Mr. SAVAGE, Mr. NEAL, and Mr. GRAY of Illinois.

H.R. 661: Mr. CONYERS and Mr. TOWNS.

H.R. 665: Mr. ENGLISH, Mr. LAGOMARSINO, Mr. LUJAN, Mr. DAUB, Mr. DANNEMEYER, Mr. NIELSON of Utah, Mr. BARTON of Texas, Mr. DARDEN, Mr. DURBIN, Mr. HALL of Texas, Mr. GUNDERSON, Mr. ROBERTS, Mr. LUNGREN, and Mr. FRANK.

H.R. 758: Mr. NEAL, Mr. McGRATH, and Mr. CONYERS.

H.R. 792: Mr. DORNAN of California, Mr. HALL of Texas, Mr. DAUB, Mr. COURTER, Mr. SCHULZE, and Mr. BROWN of Colorado.

H.R. 814: Mr. SCHUETTE.

H.R. 906: Mr. SLATTERY, Mr. LELAND, Mr. HAWKINS, Mr. KILDEE, Mr. MORRISON of Connecticut, Mr. FROST, Mr. SWIFT, Mr. McCLOSKEY, Mr. STOKES, Mr. BOUCHER, Mr. PERKINS, Mr. AKAKA, and Mr. STUDDS.

H.J. Res. 83: Mr. WORTLEY, Mr. KYL, Mr. FAWELL, Mr. BALLENGER, Mr. BEVILL, Mr. ARMEY, Mr. GINGRICH, and Mr. IRELAND.

H.J. Res. 90: Mr. HAMMERSCHMIDT.

H.J. Res. 100: Mr. YATRON and Mr. BIAGGI.

H. Con. Res. 28: Mr. BIAGGI and Mrs. LLOYD.

H. Con. Res. 30: Mr. GUNDERSON, Mr. SMITH of Florida, Mr. OLIN, Mr. CHAPPELL, Mr. BILIRAKIS, Mr. SAWYER, Mr. JENKINS, Mr. THOMAS of Georgia, Mr. PURSELL, and Mr. NICHOLS.

PETITIONS, ETC.

Under clause 1 of rule XXII,

21. The SPEAKER presented a petition of Mr. Ralph R. Graves, Alameda, CA, relative to certain inspector general, DOD (for inspections) regional offices; which was referred to the Committee on Armed Services.

SENATE—*Tuesday, February 3, 1987*

The Senate met at 9:45 a.m., and was called to order by the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of Abraham, Isaac and Israel, the word of the prophet Isaiah speaks to our present condition: "For unto us a child is born, unto us a son is given: and the government shall be upon His shoulder: and His name shall be called Wonderful, Counsellor, the mighty God, the everlasting Father, the Prince of peace." (Isaiah 9:6.)

In these unpredictable, explosive, threatening days, we need His wonderful counsel—His mighty power—His Fatherly love—His sovereign rule—His perfect peace. Gracious Lord, deliver us from the presumptuous sin which assumes man is capable of governing on his own without Your wisdom and guidance.

Remind us of the wisdom of William Penn:

> If we will not be governed by God, we must be governed by tyrants.

Grant us all the grace to acknowledge our need of Your providential intervention in all our affairs. "Hallowed be Your name—Your kingdom come—Your will be done in the Senate as it is in heaven." To the glory of Your name and the benefit of the Nation. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, February 3, 1987.*
>
> *To the Senate:*
>
> Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado, to perform the duties of the Chair.
>
> JOHN C. STENNIS,
> *President pro tempore.*

Mr. WIRTH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader under the standing order be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. BYRD. Mr. President, the program for today is as follows: After the orders for the recognition of the two leaders have been fulfilled under the standing order, the following Senators will be recognized, each for not to exceed 5 minutes: Senators PROXMIRE, SASSER, GRASSLEY, MURKOWSKI, DIXON, and HEINZ.

Following the special orders that I have just enumerated, there will be a period for the transaction of routine morning business, not to extend beyond the hour of 11 a.m. Senators will be permitted to speak up to 5 minutes each in morning business.

At 11 a.m., the Senate will resume consideration of the highway bill. The pending question at that time will be on the adoption of the Symms amendment.

There is 1 hour allotted for debate on that amendment.

Mr. President, at 12 noon, the Senate will stand in recess for 2 hours to allow the two party conferences to meet.

At 2 p.m., the Senate will reconvene, and the question at that time will be on the adoption of the Symms amendment. A rollcall vote has been ordered and will occur immediately upon reconvening.

Upon the disposition of the Symms amendment, other amendments will be in order, and other votes may occur. So the Senate will be active throughout the day on the highway bill.

If action is not completed on the highway bill today, the Senate will resume consideration of the highway bill tomorrow. The Senate will not stay in very late today acting on the highway bill.

As to tomorrow, I have not discussed the time with Mr. DOLE for a vote on the override of the President's veto of the clean water bill. The House is expected to override the President's veto of that bill today. I shall have to reach an agreement with the Republican leader as to the hour at which the Senate will vote on the override on tomorrow. As to Senators on this side, a whip check indicates that all Senators will be present on this side tomorrow and they may also all be here today; I am not sure as yet.

I hope that all Senators will be here and will vote to override, because this is a bill that is bipartisan in its support. It was acted on last year by a Republican-controlled Senate; came out of the Republican-controlled committee, received, I believe, the unanimous vote of Democrats and Republicans in the Senate upon passage last year; and it is still supported on a bipartisan basis. It is needed. I am sorry the President has vetoed it. But what is done, is done.

Following the veto override, the Senate will resume consideration of the highway bill if action has not been completed thereon.

After the highway bill, the Senate will take up the energy appliance legislation, which passed Congress last year and was vetoed—I believe pocket vetoed—by the President. I do not anticipate a great deal of controversy on that bill.

Beyond those two measures and the veto override, the Senate will act upon the homeless legislation. The House will be acting upon that, I assume, tomorrow. The House will be going out after the close of tomorrow's business. Members are going to attend the services for the late departed Sala Burton, a late Member of the House of Representatives. The House will not be in the rest of the week. The Senate will not be in next week. So, final action needs to be taken on the homeless legislation in the Senate as soon as possible, that being probably tomorrow or Thursday.

Mr. President, the Democratic leadership of the two Houses met this morning, had breakfast, and discussed the agenda. We had a good meeting. We discussed the various items on the agenda: Trade legislation, the budget, and meeting our deadlines. We agreed that we are going to do everything possible to meet the budget deadlines so that the appropriations process can get under way. Hopefully, we can dispose of our business and get out at a reasonable time in the early fall.

The House leadership and the Senate leadership are still very much in agreement on the importance of getting trade legislation enacted early. We are going to do everything within our power to do that. Our committees in the Senate are working on schedule. I urge the committees in the Senate that have not completed action to act as quickly as possible to get their various components to the floor by May 1. The Finance Committee is moving ahead in this regard. It is expected to introduce an omnibus bill at some early date. Other committees, some of them, have been conducting hearings on aspects of competitiveness, trade, and so on, in regard to which they will be able to contribute.

I urge all committees that have any action at all in this area of legislation to act early so that, come May 1 or very early in May, the Senate may have the trade legislation on the floor. It is still the intent of the House leadership to act on the legislation, I believe by about April 27, and of course, the Senate will want to see the House bill, perhaps take a look at it before we act. In the meantime, Senate committees are moving ahead and are urged to continue to conduct hearings, be prepared to mark up and send their legislation to the floor so that it can be acted upon as soon as possible after the House gets its bills over here.

Mr. President, I yield the floor.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Chair recognizes the acting Senate Republican leader.

Mr. MURKOWSKI. I thank the Chair.

SCHEDULE CLARIFICATION

Mr. MURKOWSKI. Mr. President, as is evident, Senator DOLE is not here. He has been delayed attending a meeting at the White House.

I wonder if the majority leader would clarify one point with regard to the schedule.

I ask the majority leader, from the standpoint of clarification—he indicated the homeless legislation would be taken up Thursday. Does he anticipate that that is perhaps the last legislation he anticipates prior to the recess? Does he anticipate a session on Friday? Would he elaborate further?

Mr. BYRD. Yes, Mr. President, I shall be happy to.

I do not know what action the House will take on the homeless legislation, but it is the great desire of both leaders, and the Speaker restated his desire this morning, that the homeless legislation be passed and sent to the President this week. The circumstances are as follows: Because of the untimely death of a Member of the House of Representatives, the House will not be in session after tomorrow for the rest of the week. Members of the House will be going as a delegation to the services that will be held in California for Sala Burton. This means that once the House has acted on the homeless legislation if it be today or be tomorrow, if the House accepts the Senate amendments, of course, that is the end of it. But if the House should in some way change the Senate amendments or should come back to the Senate after a conference and change it in some way, then the Senate would be in the position of having to act without the House being here. The House will not be returning until next week. The Senate will be out next week.

What I am saying is that once the House has acted on that legislation, the Senate, if there is any further action to take, will still have to act and hopefully, quickly, while the House is here. I am saying this without any knowledge of what action the House can or will take.

This does not mean that the Senate will finish its business on Thursday. The Senate will not go out until the Senate has finished the highway bill, the energy appliance legislation, and the homeless legislation, because to have the homeless legislation wait until the week after next is just unreasonable.

February is going to be half gone by then. But with this Lincoln Day holiday coming on, what action the Senate takes this week, and the House takes this week, is all the action that will be taken until week after next. On Monday, the week after next, the date being February 16, the Senate will hear the reading of George Washington's Farewell Address. There will be no further business that day. But on Tuesday, the next day, there will be business. There is already a rollcall vote set for that day.

Mr. MURKOWSKI. Might the majority leader then indicate that on Friday there may well be votes on the unfinished business which he has outlined?

Mr. BYRD. Yes. Yes, there may very well be a session on Friday, and if there is a session, it will be for the purpose of completing business. I would anticipate rollcall votes if the Senate is in on Friday. I hope the Senate can complete its work by Thursday, but the highway legislation is important legislation. The States need to know where they are going with their highway plans. The construction season will be coming on soon, and every day that there is delay in the highway legislation will cost the States money. So I hope that we finish this legislation prior to Thursday evening. I do not want to stay in until 1 or 2 o'clock in the morning on Friday just to be out on Friday. If the Senate has not completed its action on these two measures by 7 or 8 o'clock on Thursday evening, then I think we should be in on Friday.

Mr. MURKOWSKI. I thank the majority leader.

Mr. BYRD. I hope this will be an encouragement to Senators to get over and call up their amendments and not talk too overly long on their amendments and not offer too many amendments and get the legislation to conference. If all the work is done by Thursday at a reasonable hour, the Senate will be out Friday, but otherwise the Senate will be in.

I thank the Senator.

Mr. MURKOWSKI. I thank the majority leader.

ATOMIC VETERANS

Mr. MURKOWSKI. Mr. President, I rise today to speak on an issue which troubles me greatly. Sometimes the system in which we live victimizes those who most deserve to reap its benefits. When bureaucratic complexities cause more problems than they solve, and at staggering costs, as in this case, I believe it is time to get back to basics.

The issue of concern to me relates to a lawsuit filed by the National Association of Radiation Survivors. This case, which is currently pending in the U.S. District Court for the Northern District of California, involves a challenge to the limitation on fees that an attorney may receive for assisting a veteran with a claim for Veterans' Administration [VA] benefits based upon alleged injury due to radiation exposure in service. The $10 fee limitation raised by the National Association of Radiation Survivors is one that I agree must be addressed. However, there is another aspect of this case which has created severe problems for the Veterans' Administration.

To accommodate plaintiffs' very broad discovery requests, the court has ordered the VA and the Defense Nuclear Agency [DNA] to preserve and turn over to the court vast amounts of materials that relate to claims adjudications. The unfortunate outcome has been to cripple two agencies of the Federal Government: The VA and DNA. This troubles me because, notwithstanding the merits of this case, veterans are the losers.

The court's broad protective order has required the VA to preserve a vast amount of data recorded on computer tapes which would ordinarily be erased for reuse in the normal course of business. The VA's Office of Information Systems and Telecommunications is currently saving 900 computer tapes per day, and now has a backlog of several thousand. Storage space at the Austin and Philadelphia Data Processing Centers is nearly exhausted and more space must be procured. The cost to that office alone is over $330,000 per month.

The Department of Veterans' Benefits recently authorized the expenditure of over $1.2 million to pay for automated litigation support for VA's defense in this one lawsuit, with no assurance that more expenditures won't become necessary later to permit the Government to catalog and retrieve the massive amounts of material that have already become the object of this suit. That Department is also retaining an additional 1,500 computer tapes per month at a monthly cost of $19,500.

The Department of Medicine and Surgery has also been affected by this litigation. Like other VA elements, the court's protective order has prohibited DM&S from destroying old documents. The estimated cost is $300,000 per month, which does not include the costs of additional personnel to manage the increased workload, or additional storage space.

These costs do not include the significant ones of producing the hundreds of thousands of documents requested by plaintiffs. For example, requests have been made for over 5,000 veterans' claim files—an estimated one-half million pages—in addition to massive amounts of documents already turned over; 180 cubic feet of other documents are currently being photocopied in the Department of Veterans' Benefits, involving overtime pay for evening and weekend work. The staff time alone, not to mention copying, storage, and shipping costs, is staggering. The money to comply with this court order must be absorbed by the VA, resulting in a reduction of benefits and services to eligible veterans.

Mr. President, I am concerned that these requirements are coming dangerously close to impeding the VA's statutory responsibilities to serve veterans, if indeed that line has not already been crossed.

Plaintiffs have also sought some 400,000 documents from the Defense Nuclear Agency, which has paralyzed that Agency for weeks.

There is no question that the VA made some unfortunate mistakes in the handling of requests for information. After informing the court that the Agency did not have specific information regarding radiation-related claims, it was later revealed that such information was, in fact, available. These and other questions, such as destruction of documents, were properly addressed by the court. However, I believe that the resulting court order, which has had the effect of severely interrupting the operation of two Federal agencies and effectively reducing their budget, is an inappropriate and counterproductive response by the court.

What also disappoints me is the general criticism levied in this case against the VA as an institution and the competence and integrity of many of its employees. Because of their unfocused nature, these allegations have the effect of casting aspersions on all activities related to veterans' benefits. In this context, it is important to keep in perspective the tremendous scope and mission of the Veterans' Administration, and that generally the nearly quarter of a million VA employees are productive, dedicated people, providing quality service to our veterans, their dependents and survivors.

Mr. President, I ask unanimous consent that at the conclusion of my remarks, a summary of the VA's mission and accomplishments be printed in the RECORD.

The PRESIDING OFFICER (Mr. FOWLER). Without objection, it is so ordered. (See exhibit 1.)

Mr. MURKOWSKI. We must continue to address the plight of those veterans who, in service to their country, were exposed to ionizing radiation as a result of atmospheric nuclear tests and the occupation of Hiroshima and Nagasaki, and believe that as a result suffer adverse health effects. We have no greater priority than to attempt to resolve this issue.

We in the Congress have not found the answer in spite of significant time and efforts directed at providing health care, requiring scientific studies to be conducted and trying to provide greater access to the courts for these veterans. The more than 80,000 scientific studies which have been conducted at great expense have not found the answer. We do not know—and we will never know with certainty—the true level of radiation exposure of these patriotic Americans or the exact connection between that exposure and the diseases from which some of them may suffer. But I do know one answer. The significant interruption of two Federal agencies costing millions of dollars on the basis of broad discovery orders for millions of pages—which would take years to read—is wrong.

I believe that we shall never have the answer we seek despite the enormous effort of very dedicated people to reconstruct what happened some 30 and 40 years ago in the South Pacific and deserts of Nevada. At that time, technology and science regarding the effects of radiation exposure were in the embryonic stages of development. However, that does not release us from the responsibility to be decisive today. These veterans served without knowing specifically the potential outcome of their service. We have spent more than 30 years and hundreds of millions of dollars in pursuit of conclusive evidence regarding effects of radiation exposure on this group of veterans and the level of radiation exposure they received. Let us be honest with ourselves. We will never be able to reconstruct exactly what happened during the nuclear tests. We will never have these answers—they do not exist.

Perhaps it would have been a better use of this money to have given it to these veterans and their families, either directly or in the form of a trust fund for radiation-related disabilities. That may not be a scientific response, but it is a humane response. I do not repudiate the efforts of important scientific studies to link, to the degree possible, radiation exposure to certain diseases. These efforts should always continue. However, it is time to get back to basics. Let us act decisively and provide a concrete benefit to those who have served and suffered as a result of radiation exposure—before it is too late.

Mr. President, tomorrow, along with Senator DOMENICI, I intend to introduce legislation to provide a substantive response to the basic concern of the atomic veterans. In the absence of perfect dose reconstruction and unquestioned scientific links, I am proposing that certain radiation-related diseases—leukemia, liver cancer, and multiple myeloma—be presumed to be service-connected for those veterans who were exposed to ionizing radiation during the above ground nuclear testing program and the occupation of Hiroshima and Nagasaki. In addition, my bill would direct the Veterans' Administration to double the reported or reconstructed exposure estimates of veterans who file disability claims based on their exposure to ionizing radiation.

EXHIBIT 1—SUMMARY OF VETERANS' ADMINISTRATION ACCOMPLISHMENTS

MEDICAL CARE

The most visible of all VA benefits and services is the VA's health-care program. Its 172 medical centers, 16 domiciliaries, 228 outpatient clinics and 116 nursing home care units comprise the nation's largest centrally managed medical system.

PATIENT CARE

In its primary mission, the VA continues to provide a large volume of patient care. VA facilities recorded more than 1.4 million inpatient episodes and more than 20 million outpatient visits last year.

MEDICAL EDUCATION

The VA's policy of affiliating the nation's schools of medicine, dentistry, nursing and other allied health professions has had a landmark effect on American medicine.

Through these unique partnerships, half of all physicians in practice in the United States have received some portion of their training from the VA. And each year, more than 100,000 students continue to receive all or part of their supervised clinical and administrative experience in VA medical facilities.

This year 10,600 VA physicians, dentists and other staff hold faculty appointments at affiliated health science schools and colleges. And About 30,000 physician residents—nearly 40 percent of the nation's total—will serve veteran patients during the year.

BIOMEDICAL RESEARCH

The VA's biomedical research program employs 7,000 "clinician-investigators" in providing focused health care improvements for disabled veterans in particular, while bringing numerous scientific advances for the society at large.

Advances from the program span the medical arena, from breakthroughs in basic biological research—such as the VA's Nobel Prize-winning work on radioimmunoassay measurement and the endocrine system—to successful, controlled clinical trials of new drugs—such as the cooperative studies which virtually eradicated tuberculosis and established the first effective drug treatment for schizophrenia.

Notable VA research accomplishments include the pioneer kidney and liver transplants, the first cardiac pacemaker implant, and development of the scientific basis for the computer assisted "CAT" scanning process which revolutionized diagnostic medicine.

CONTINGENCY SUPPORT FOR MILITARY MEDICINE

A major element in the VA's medical mission is to serve in a support role to the medical program of our Department of Defense.

VA and DOD medical military branches have extensively developed a contingency plan under which VA medical centers in strategic areas would serve as receiving centers for American military casualties, and other VA facilities would provide necessary material resources in secondary support roles.

These VA medical facilities provide instantaneous, on-line support for response to any national emergency.

EDUCATION AND TRAINING

The VA has been a major contributor to the education of America. The Servicemen's Readjustment Act—commonly known as the "GI Bill"—is said to have had more impact on the American way of life than any law passed since the Homestead Act of 1862.

Since 1944, when the GI Bill became law, more than 18 million veterans have received education and training in this program.

Nearly 308,000 veterans and active duty personnel are receiving benefits in this program today.

The VA also provides educational assistance for children, spouses and survivors of veterans whose deaths or permanent and total disabilities were service connected and for the spouses and children of servicepersons who were prisoners of war.

VETERANS' ASSISTANCE

The VA has 58 regional offices, providing direct services to veterans. In 1986, throughout the country, Veterans' Assistance personnel conducted nearly 13.5 million interviews. Of this number, 68 percent were conducted over the telephone, and 15.5 percent were personal interviews. During that year, over 2 million pieces of correspondence were processed.

VOCATIONAL REHABILITATION

The VA's vocational rehabilitation program provides all services and assistance necessary to enable veterans with service-connected disabilities to achieve maximum independence in daily living and, to the maximum extent feasible, become employed.

HOME LOAN GUARANTY

The VA's Home Loan Guaranty Program is another area in which VA benefits have helped several segments of the society.

Low interest, government-backed loans have made it possible for more than 12 million veterans to own a home for themselves and their families. And, in the process, the program has had a tremendously positive impact on home construction in America.

Last year alone, the VA guaranteed 313,769 home loans at a total value of $21.9 billion. This remarkable level of activity, reflects an increase of 81 percent in this program over the previous year.

COMPENSATION

The VA pays monthly service-connected disability compensation to veterans who have been determined to have a disability which was incurred in or aggravated by service in the Armed Forces. Dependents and survivors of these veterans may also receive compensation and education benefits. In fiscal year 1986, the VA spent $10.4 billion in compensation, dependent and survivor benefits.

PENSION

The VA pays monthly pensions to needy wartime veterans who are over 65 or totally and permanently disabled from a non-service-connected cause. In fiscal year 1986, the VA spent $3.9 billion in pension, dependent and survivor benefits.

INSURANCE

The VA provides life insurance protection for the nation's service personnel and veterans under five separate programs.

ORDER OF PROCEDURE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to reserve the remainder of my time for the Republican leader, Senator DOLE.

The PRESIDING OFFICER. There is no time remaining under the previous order.

Mr. MURKOWSKI. I trust that the Republican leader will understand.

I yield the floor.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

HOW TO ADVANCE AMERICAN BANKING

Mr. PROXMIRE. Mr. President, what kind of financial system would best serve the interests of our country in the next 20 years? In the view of this Senator, a financial system similar to the one that has served this country so well for so long, and especially for the past 50 years. What is the distinctive hallmark of the American financial system? It is the decentralization and competitiveness that comes from a large number of vigorously competing financial institutions of all kinds, banks, thrift institutions, and credit unions among the insured depository institutions, and a wide variety of securities firms, insurance companies, and investment banking firms.

This system is one of the great economic triumphs of our Nation. If you do not agree, consider the alternative. The alternative is a financial system such as we find in many of the other countries in the free world—one in which a handful of large institutions handle the lion's share of the nation's financial business. West Germany is one such country. Its giant "universal banks" have major ownership interests in important German industries and engage in all types of financial activity. The West German Monopoly Commission is concerned that the "universal banks" are actively working with industrial concerns to structure takeovers to evade German antitrust laws. This is not the kind of financial institution I would like to see in the United States. We have nearly 20,000 federally insured depository institutions most of them locally owned, and many thousands of other nonbank financial institutions, all vigorously competing within their areas of authorized activity. I am concerned, however, that we may lose what we have—I am concerned that American banking and finance is poised to follow the foreign example.

Two trends cause me to be concerned. The first is the wave of bank holding company mergers and acquisitions that is leading to nationwide interstate banking and ever larger bank holding companies. The second is the breakdown in the traditional separation between banking and commerce in our country.

What has been the prime barrier to the formation of giant interstate banks in our country? It has been the legal prohibition in the great majority of States against interstate branching and against ownership of in-State banks by out-of-State holding companies. These State barriers are falling. Beginning with New England, many sections of the country have now abolished these barriers by permitting bank holding company expansions across State lines within limited regions. A few States like Texas have even opened their borders to entry by bank holding companies from any other State in the Union.

Even in the States that still prohibit out-of-State bank and bank holding companies from crossing their borders, out-of-State banks have been able to secure a foothold by buying failed banks. Congress and bank regulators have permitted out-of-State bank holding companies to acquire the assets of banks that have failed and to operate the acquired bank as a subsidiary in spite of State laws that prohibit out-of-State branching into the State. Bank regulators are now pushing for a so-called regulators bill that would permit them to allow out-of-State banks to acquire failing banks in a State that prohibits entry by out-of-State banks. So the barrier to interstate banking provided by the laws of the great majority of States has been eroded by both the determination of States to permit limited regional interstate banking and by the acquisition of failed banks by out-of-State bank holding companies.

The second trend of concern is the erosion of the banking/commerce separation that is taking place as the prime business of banks—accepting deposits and making loans—is being taken over by nonbank financial institutions through their ownership of so-called nonbank banks. There are as many as 200 such institutions. Some of them are very large. For example, our country's biggest insurance company, Prudential; the biggest retailer, Sears; and the biggest brokerage firm, Merrill Lynch, have all established nonbank banks.

A nonbank bank in theory cannot function as a full-service bank. It cannot take demand deposits and make commercial loans. That's the theory. It is not the fact. A nonbank bank working with another subsidiary of its parent company can do everything a commercial bank can do. Meanwhile, the nonbank parent institution can engage in whatever activity—that is, brokerage, insurance, retailing, manufacturing, and so forth—it desires. Obviously, the unrestricted capacity to do whatever it wishes completely defeats the limitations provided in the Glass Steagall Act and the Bank Holding Company Act. If the nonbank bank is permitted to continue without limitations on its powers, we can expect to have a repeat of all the scandalous conflicts of interest that led to enactment of the Glass Steagall Act 50 years ago. We can also anticipate a diminution in competition as the huge conglomerates use the nonbank bank device to take over more and more of the Nation's banking business. Will nonbank banks take over an increasing share of the banking business because they are more efficient? No. They will take it over because they will enjoy the advantage of being able to combine underwriting, brokerage, real estate speculation, insurance, and many other activities in a single, centrally controlled institution that can provide immense unfair and conflicting advantage through cross marketing services.

So what should we do about these trends? How should we stop this rush to bank and financial concentration in our country? We should upgrade our antitrust statutes and enforce them vigorously. We should respect State laws that prohibit branching and interstate bank holding company acquisitions. We should prevent any future formation of nonbank banks and strictly limit the powers of the existing ones, including a prohibition against cross marketing.

RECOGNITION OF SENATOR SASSER

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee [Mr. SASSER] is recognized for not to exceed 5 minutes.

CATASTROPHIC HEALTH CARE FOR THE ELDERLY

Mr. SASSER. Mr. President, I want to continue today with my series of speeches on the shameful problem our senior citizens face in paying for catastrophic health care.

In his State of the Union Message last week, President Reagan addressed the issue of catastrophic health care. In his speech, the President said: "Let us remove a financial specter facing our older Americans—the fear of an illness so expensive that it can result in having to make an intolerable choice between bankruptcy and death."

So spoke the President of the United States in his State of the Union Message last week.

I wholeheartedly agree with what the President said. We must protect our elderly from the financial ravages of catastrophic long-term illnesses. But I must say to my colleagues today I am afraid the President does not plan to follow up on these strong words with equally strong action. I fear that once again we may be seeing an instance of very strong rhetoric followed with weak or no action.

For example, in his address the President did not even mention the catastrophic illness plan set forth recently by the administration's own Secretary of Health and Human Services, Dr. Otis Bowen. I found it odd that the President made no reference at all to Dr. Bowen's report. It is especially odd since President Reagan specifically ordered that self-same report in last year's State of the Union Message.

Secretary Bowen, dutiful Secretary of Health and Human Services that he is, did as he was ordered. In November, he presented the President with specific recommendations to help protect the elderly from catastrophic illness expenses. Although I do not believe Secretary Bowen's plan goes far enough, it is an important first step in attempting to tackle the problem.

There is a Chinese proverb that the journey of 1,000 miles begins with the first step, and I think Secretary Bowen's proposal is indeed that vital first step.

But I noted, regretfully, that even this modest plan proposed by Secretary Bowen was denounced recently by top White House officials. They have very strongly criticized this plan which is indeed a modest proposal to expand the Medicare Program. President Reagan's top economic adviser, Beryl Sprinkel, has blasted Secretary Bowen's Medicare proposal as "inconsistent with the administration's policies to use private-sector solutions."

Reports indicate that the final White House proposal on catastrophic illness insurance will reject the Bowen plan and endorse a private sector solution. The White House apparently believes that the private sector alone can adequately solve the problem of long-term health care.

Once again the White House and the President's advisers are worshiping at the altar of market responsibility. The market will solve this problem, as they have suggested it can solve all dilemmas facing the American people on the economic front. Frankly, I do not think it can.

My doubts about the viability of a private sector solution were confirmed by the expert testimony presented at hearings I chaired in December on catastrophic health insurance. Mr. Raymond Hanley of the Brookings Institution testified that private insurance policies are simply beyond the financial reach of most of our elderly citizens. He pointed to a recent study which shows that only one in five elderly persons can afford private long-term care insurance.

So much for the private sector solution to the problem. It is a solution for only 20 percent of our elderly.

I believe it is clear that we must promulgate a stronger Government insurance program if we are to meet the financial needs of the elderly who require long-term health care. That was the overwhelming general consensus of the witnesses coming from all sectors of society who appeared at my hearings last month. That consensus included representatives from major senior citizen groups and from major health care organizations.

These witnesses indicated that Secretary Bowen has indeed taken a step in the right direction with his proposed reform of the Medicare Program. But, they also stressed—as I do today—that Secretary Bowen has stopped short of proposing a viable solution to the most common catastrophic illness expense of the elderly, and that is long-term care.

Dr. Bowen's proposal for expanding the Medicare Program addresses only the costs of extended hospital stays. It is silent and does not solve the problem of the tremendous costs of nursing home care, which bankrupt one-half million elderly citizens in this country every year.

In fact, estimates show that the proposal advanced by Secretary Bowen will benefit only about 3 percent of the Medicare beneficiaries. Yes, that is right, Mr. President. It will benefit only 3 out of 100 Medicare beneficiaries.

So I submit to my colleagues today that we need to build on what Secretary Bowen has done, not denounce the plan as White House officials are doing.

President Reagan says he wants to remove the elderly's financial fears of catastrophic illness. Yet, he apparently plans to scrap the very plan that he ordered his own Secretary of Health and Human Services to come up with to help begin that attack on catastrophic long-term illness.

I submit that the Medicare Program must be expanded to protect the elderly from all long-term care expenses. No longer should elderly citizens have to impoverish themselves. No longer should they have to sell their homes. No longer should they have to sell their possessions. No longer should they have to impoverish their children. No longer should their children have to choose between a nursing home for mom or dad or a college education for their children.

I think it is high time that we came up with a health care program that will deal with the needs of catastrophic long-term health care, that will pay for expensive long-term health care.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR DIXON

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois, Mr. DIXON, is recognized for 5 minutes.

EMERGENCY HOUSING ACT OF 1987

Mr. DIXON. Mr. President, I rise today to address a matter of great importance to the entire Nation. Last week, the U.S. Senate approved an emergency supplemental appropriation of $50 million to aid the homeless. There is no doubt that this money is urgently needed, especially in light of the severe winter that has battered our States. The need is immediate. At the same time, we need to put a structure into place which will bring some continuity to the programs which serve the homeless.

For this reason, I am today introducing along with my distinguished friends, Senators JOHN HEINZ and ALAN CRANSTON, the Emergency Housing Act of 1987. On March 26, 1985, I first stood on this floor and proposed a National Endowment for the Homeless. My friend from Pennsylvania, along with a number of our Senate colleagues, joined me in that initial effort. Over the last 2 years, we have worked to address the many problems which surround homelessness. This has been done primarily through appropriations for the Emergency Food and Shelter Program operated by the Federal Emergency Management Agency, commonly known as FEMA, and the Emergency Food and Shelter Program National Board.

The Emergency Food and Shelter Program has distributed grants to 9,000 agencies in 1,500 communities. They have provided 220 million meals at an average cost of 75 cents and 55.2 million nights of shelter at an average cost of $2.25. They have turned away many of the homeless and the hungry because their resources were depleted. The program has operated for several years without an authorization. Those who provide the services to the homeless have depended on the Emergency Food and Shelter Board for answers. The Board has not been able to tell service providers what would happen since the Congress has generally acted in the course of appropriations bills when funds were exhausted.

What we are proposing today is similar to the legislation which was reported out of the Senate Banking Committee last May. S. 2507 authorized an emergency Food and Shelter National Board, which, in conjunction with FEMA and the Department of Housing and Urban Development [HUD], would oversee efforts to aid the homeless. In this bill, we create an Emergency Housing National Board which will provide the same services.

There is a transitional living component of the bill which addresses the long-term housing needs of the homeless. The shelter grants portion of the bill will provide assistance to shelters which have been limited to addressing basic, immediate needs of the homeless. These demonstration programs will seek to establish some future directions which can be replicated across the country and we are hopeful it will lead to the elimination of this national tragedy.

The cost of this bill is minimal. It authorizes the appropriation of $120 million for fiscal year 1988, which is equal to the amount which has been appropriated for fiscal year 1987. It authorizes the appropriation of additional moneys when matched with funds from State and local programs.

The homeless have needs which are greater than a bowl of soup and a night's sleep on a cot. If we are to stop this vicious cycle of poverty, we must **begin to address the root causes of homelessness and provide assistance to these people which will help them to find permanent housing, employment, education, mental and physical health care and other services which will lead to their independence and stability.**

Finding a solution to hunger and homelessness is the responsibility of all of us. The private sector, as well as State and local governments, is already actively involved in providing services to the homeless. The President has proposed increased funding for these programs in his fiscal year 1988 budget.

This legislation will establish that the Federal Government, although not solely responsible, is accepting an equal role in helping to alleviate the suffering of millions of Americans. I urge my colleagues to take a close look at this initiative and join me in the fight against homelessness.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD, along with a section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This Act may be cited as the "Emergency Housing Act of 1987".

SEC. 102. DEFINITIONS.

For the purpose of this Act—

(1) the term "Board" means the Emergency Housing National Board;

(2) the term "emergency housing" means a facility all or a part of which is used or designed to be used to provide temporary housing;

(3) the term "homeless" means families and individuals who are poor and have no access to either traditional or permanent housing;

(4) the term "local government" means a unit of general purpose local government;

(5) the term "locality" means the geographical area within the jurisdiction of a local government;

(6) the term "private nonprofit organization" means a secular or religious organization described in section 501(c) of the Internal Revenue Code of 1954 which is exempt from taxation under subtitle A of such Code, and which has an accounting system and a voluntary board, and which practices nondiscrimination in the provision of assistance;

(7) the term "Secretary" means the Secretary of Housing and Urban Development; and

(8) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States.

SEC. 103. EMERGENCY HOUSING NATIONAL BOARD.

(a) ESTABLISHMENT OF NATIONAL BOARD.—There is established to carry out the provisions of this Act the Emergency Housing National Board. The Secretary of Housing and Urban Development shall enter into an interagency agreement with the Federal Emergency Management Agency for the purpose of constituting the Board in accordance with subsection (b) and administering the program under this Act.

(b) BOARD OF DIRECTORS.—The Board shall consist of 6 members who shall be appointed by the Secretary of Housing and Urban Development not later than 30 days after the date of enactment of this Act, one from those individuals nominated by each of the following:

(1) The United Way of America.

(2) The Salvation Army.

(3) The National Council of Churches of Christ in the U.S.A.

(4) Catholic Charities U.S.A.

(5) The Council of Jewish Federations, Inc.

(6) The American Red Cross.

In addition, the Secretary of each of the Departments of Housing and Urban Development, Agriculture, and Health and Human Services, and the Director of the Federal Emergency Management Agency shall be members of the Board ex officio. The Board shall select three individuals (not less than 1 of whom shall be representative of private businesses) who have demonstrated a commitment to addressing homelessness from among those recommended by individuals and organizations active in the provision of housing and associated services for the homeless to be additional members of the Board.

(c) ELECTION OF CHAIRMAN AND VICE CHAIRMAN.—The Board shall elect from among its members a Chairman and a Vice Chairman and such other officials as it deems appropriate in the conduct of its affairs.

(d) OTHER ACTIVITIES OF THE BOARD.—Except as otherwise specifically provided by this Act, the Board shall establish its own procedures and policies for the conduct of its affairs.

(e) TERMINATION OF THE BOARD.—The Board shall terminate its activities and cease to exist on October 1, 1992.

SEC. 104. LOCAL BOARDS.

(a) ESTABLISHMENT.—Each locality designated by the Board shall constitute a local board for the purpose of determining how program funds allotted to the locality will be distributed. The local board shall consist, to the extent practicable, of representatives of the same organizations as the national board, except that the mayor or other appropriate heads of government will replace the Federal members. The chair of the local board shall be elected by a majority of the members of the local board. Local boards are encouraged to expand participation of other private nonprofit organizations on the local board.

(b) RESPONSIBILITIES.—Each local board shall—

(1) determine which private nonprofit organizations or public organizations of the local government in the individual locality shall receive grants to act as service providers;

(2) monitor recipient service providers for program compliance;

(3) reallocate funds among service providers;

(4) ensure proper reporting; and

(5) coordinate with other Federal, State, and local government assistance programs available in the locality.

SEC. 105. ROLE OF HUD.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall provide the Board administrative support and act as Federal liaison to the Board.

(b) SPECIFIC SUPPORT ACTIVITIES.—The Secretary shall—

(1) make available to the Board, upon request, the services of the Department's legal counsel and inspector general;

(2) assign clerical personnel to the Board on a temporary basis; and

(3) conduct audits of the Board annually and at such other times as may be appropriate.

SEC. 106. RECORDS AND AUDIT OF BOARD AND RECIPIENTS OF ASSISTANCE.

(a) ANNUAL INDEPENDENT AUDIT OF BOARD.—

(1) The accounts of the Board shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Board are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Board and necessary to facilitate the audits shall be made available to the person or persons conducting the audits, and full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(2) The report of each such independent audit shall be included in the annual report required in section 107. Such report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities of the Board, surplus or deficit, with an analysis of the changes during the year, supplemented in reasonable detail by a statement of the income and expenses of the Board during the year, and a statement of the application of funds, together with the opinion of the independent auditor of such statements.

(b) ACCESS TO RECORDS OF RECIPIENTS OF ASSISTANCE.—

(1) Each recipient of assistance under this Act shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(2) The Board, or any of its duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

(c) AUTHORITY OF COMPTROLLER GENERAL.—The Comptroller General of the United States or any of his duly authorized representatives shall also have access to any books, documents, papers, and records of the Board and recipients for such purpose.

SEC. 107. ANNUAL REPORT.

The Board shall transmit to the Congress an annual report covering each year in which it conducts activities with funds made available under this Act.

TITLE II—EMERGENCY HOUSING GRANTS

SEC. 201. GRANTS BY SECRETARY.

Not later than 30 days following the date of enactment of a law providing appropriations to carry out this title, the Secretary of Housing and Urban Development shall award a grant for the full amount that Congress appropriates for the program under this title to the Board for the purpose of providing emergency housing and associated services to needy individuals through private nonprofit organizations and through units of local government in accordance with section 203.

SEC. 202. RETENTION OF INTEREST EARNED.

Interest accrued on the balance of any grant to the Board shall be available to the Board for reallocation, and total administrative costs shall be determined based on total amount of funds available, including interest and any private contributions which are made to the Board.

SEC. 203. PURPOSES OF GRANTS.

(a) ELIGIBLE ACTIVITIES.—Grants to the Board may be used—

(1) to supplement and expand ongoing efforts to provide shelter and associated services for the homeless with sensitivity to the transition from temporary shelter to permanent homes, and attention to the special needs of the homeless with mental and physical disabilities and illnesses, and to facilitate access for the homeless to other sources of services and benefits;

(2) to serve, in cooperation with other organizations in order to avoid duplication of effort, as a national forum and a repository of knowledge to aid in the gathering and dissemination of information relating to homelessness;

(3) to strengthen efforts to create more effective and innovative local programs by providing funding for them; and

(4) to conduct minimum rehabilitation of existing eligible temporary housing facilities, but only to the extent necessary to make facilities safe, sanitary, and bring them into compliance with local building codes.

(b) LIMITATIONS ON ACTIVITIES.—The Board may only provide funding provided under this title for—

(1) programs undertaken by nonprofit organizations and units of local government; and

(2) programs that are consistent with the purposes of this Act.

The Board may not carry out programs directly.

SEC. 204. LIMITATION ON CERTAIN COSTS.

Not more than 5 percent of the total appropriation for the emergency housing program each year may be expended for the costs of administration.

SEC. 205. PROGRAM GUIDELINES.

(a) GUIDELINES.—The Board shall establish written guidelines for carrying out the program under this title, including—

(1) methods for identifying localities with the highest need for emergency housing assistance;

(2) methods for determining amount and distribution to these localities;

(3) eligible program costs, including maximum flexibility in meeting currently existing needs; and

(4) guidelines specifying the responsibilities and reporting requirements of the Board, its recipients, and service providers.

(b) DISTRIBUTION OF GRANTS.—The grants made by the Board in any year shall be allocated to localities on the basis of relative need, using objective indicators of the extent of homelessness in each locality. The Board shall consult with each State in determining the allocation of amounts under this paragraph.

(c) PUBLICATION.—Guidelines established under subsection (a) shall be published annually, and whenever modified, in the Federal Register. The Board shall not be subject to the procedural rulemaking requirements of subchapter II of chapter 5 of title 5, United States Code.

SEC. 206. PROGRAM AUTHORIZED.

(a) AUTHORIZATION.—To carry out this title, there are authorized to be appropriated $120,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal year 1989.

(b) MATCHING AMOUNT.—

(1) In addition to the amounts authorized to be appropriated under subsection (a), there is authorized to be appropriated $50,000,000 for fiscal year 1988 and such sums as are necessary for fiscal year 1989.

(2) Amounts appropriated under paragraph (1) shall be available for each fiscal year only for programs at least 50 percent of the cost of which is derived from non-Federal sources.

(c) CARRYOVER.—Any appropriated funds not obligated in a fiscal year shall remain available until expended.

TITLE III—TRANSITIONAL HOUSING DEMONSTRATION PROGRAM

SEC. 301. DEFINITIONS.

For the purpose of this title—

(1) the term "homeless person" means a person who is homeless and who is capable within a reasonable amount of time of living independently;

(2) the term "housing for homeless persons" means a structure suitable for the provision of housing and supportive services in an appropriate group setting;

(3) the term "recipient" means any governmental or private nonprofit entity that is approved by the Secretary as to financial responsibility;

(4) the term "operating costs" means expenses incurred by a recipient operating housing for homeless persons under this title with respect to—

(A) the administration, maintenance, repair, and security of such housing;

(B) utilities, fuel, furnishings, and equipment for such housing;

(C) the conducting of the assessment required in section 304(c)(2); and

(D) the provision of supportive services to the residents of such housing; and

(5) the term "supportive services" means assistance in obtaining permanent housing, medical and psychological counseling and supervision, employment counseling, nutritional counseling, and such other services essential for maintaining independent living as the Secretary determines to be appropriate. Such term includes the provision of assistance to residents of housing for homeless persons in obtaining other Federal, State, and local assistance available for such persons, including mental health benefits, employment counseling, and medical assistance.

SEC. 302. ESTABLISHMENT OF DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a program in accordance with the provisions of this title to develop innovative approaches for providing transitional housing and supportive services for homeless persons, focusing on those capable of moving into independent living.

(b) PURPOSES.—The demonstration program carried out under this title shall be designed to determine—

(1) the cost of acquisition, rehabilitation, acquisition and rehabilitation, or leasing of existing structures for the provision of housing for homeless persons;

(2) the cost of operating such housing and providing supportive services to the residents of such housing; and

(3) the social, financial, and other advantages of such housing and supportive services as a means of assisting homeless persons.

SEC. 303. TYPES OF ASSISTANCE.

(a) IN GENERAL.—The Secretary may provide the following assistance under the demonstration program established in this title:

(1) a non-interest-bearing advance, in an amount not to exceed $200,000, of the aggregate cost of acquisition, rehabilitation, or acquisition and rehabilitation of an existing structure for use in the provision of housing and supportive services for homeless persons, whichever is less;

(2) annual payments for operating costs of such housing, not to exceed 75 percent of the annual operating costs of such housing; and

(3) technical assistance in establishing and operating such housing and providing supportive services to the residents of such housing.

(b) NONREPAYMENT OF ADVANCES.—Any advance provided under subsection (a)(1) shall not be required to be repaid if the recipient involved utilizes the structure for which such advance is made as housing for homeless persons in accordance with the provisions of this title for not less than the 10-year period following initial occupancy of such housing, or if the Secretary determines that such structure is no longer needed for use as transitional housing and approves the use of such structure for another charitable purpose, for the remainder of such 10-year period. If the applicant fails to comply with the conditions for waiver of repayment, the applicant shall repay to the Secretary in cash the full amount of the advance received on such terms as may be prescribed by the Secretary.

SEC. 304. PROGRAM REQUIREMENTS.

(a) APPLICATIONS.—Applications for assistance under this title shall be made in such form and in accordance with such procedures as the Secretary shall establish.

(b) SELECTION CRITERIA.—In selecting recipients for assistance under this title, the Secretary shall consider—

(1) the ability of the applicant to develop and operate housing for homeless persons and to provide or coordinate supportive services for the residents of such housing;

(2) the innovative quality of the proposal in providing housing and supportive services in a manner which facilitates the transition to independent living;

(3) the need for such housing and supportive services in the area to be served; and

(4) such other factors as the Secretary determines to be appropriate for purposes of carrying out the demonstration program established by this title in an effective and efficient manner.

(c) REQUIRED AGREEMENTS.—Each recipient under this title shall agree, with respect to each structure for which such assistance is provided—

(1) to operate transitional housing assisting residents in the transition to independent living and limiting the stay of individual residents to a period to be established by the Secretary;

(2) to conduct an assessment of the supportive services required by the residents of such structure;

(3) to employ a full-time residential supervisor with sufficient expertise to provide, or supervise the provision of, supportive services to the residents of such structure;

(4) to utilize such structure as housing for homeless persons in accordance with the provisions of this title for not less than the 5-year period following initial occupancy of such housing;

(5) to monitor and report to the Secretary on the progress of homeless persons assisted; and

(6) to comply with such other terms and conditions as the Secretary may establish for purposes of carrying out the demonstration program established in this title in an effective and efficient manner.

(d) OCCUPANT RENT.—Each homeless person residing in housing assisted under this title shall pay as rent an amount determined in accordance with the provisions of section 3(a) of the United States Housing Act of 1937.

(e) AUTHORITY OF BOARD.—The Board shall, from time to time, furnish advice to the Secretary in connection with the demonstration programs under this Act.

SEC. 305. GUIDELINES.

(a) IN GENERAL.—Not later than the expiration of the 180-day period following the date of enactment of this Act, the Secretary shall issue such guidelines as may be necessary to carry out the provisions of this title.

(b) ADVANCE CONSULTATION.—Before issuing guidelines under this section, the Secretary shall consult with persons and entities having expertise with respect to the problems and needs of homeless persons or experience in providing housing or supportive services for such persons.

(c) PUBLICATION.—Guidelines established under subsection (a) shall be published annually and whenever modified in the Federal Register. The Secretary shall be subject to the procedural rulemaking requirements of subchapter II of chapter 5 of title 5, United States Code.

SEC. 306. REPORTS TO CONGRESS.

The Secretary shall submit to the Congress—

(1) not later than 3 months after the end of fiscal year 1988, an interim report summarizing the activities carried out under this title during such fiscal year and setting forth any preliminary findings or conclusions of the Secretary as a result of such activities; and

(2) not later than 6 months after the end of fiscal year 1989, a final report summarizing all activities carried out under this title and setting forth any findings, conclusions, or recommendations of the Secretary as a result of such activities.

SEC. 307. LIMITATION ON BUDGET AUTHORITY.

The aggregate amount of non-interest bearing advances and annual payments for operating expenses made by the Secretary under this title in fiscal year 1988 may not exceed $10,000,000 from the amount made available under section 406. Such amount shall remain available until expended.

TITLE IV—EMERGENCY SHELTER GRANTS PROGRAM

SEC. 401. GRANT ASSISTANCE.

The Secretary shall, to the extent of amounts approved in appropriation Acts under section 406, make grants to States, units of local government, and to private nonprofit organizations providing assistance to the homeless in order to carry out activities described in section 403.

SEC. 402. ALLOCATION AND DISTRIBUTION OF ASSISTANCE.

(a) IN GENERAL.—The Secretary shall allocate assistance under this title to metropolitan cities, urban counties, and States (for distribution to units of general local government in the States) in a manner that ensures that the percentage of the total amount available under this title for any fiscal year that is allocated to any State, metropolitan city, or urban county is equal to the percentage of the total amount available for section 106 of the Housing and Community Development Act of 1974 for such prior fiscal year that is allocated to such State, metropolitan city, or urban county.

(b) MINIMUM ALLOCATION REQUIREMENT.—If, under the allocation provisions applicable under this title, any metropolitan city or urban county would receive a grant of less than $30,000 for any fiscal year, such amount shall instead be reallocated to the State.

(c) DISTRIBUTIONS TO NONPROFIT ORGANIZATIONS.—Any unit of general local government receiving assistance under this title may distribute all or a portion of such assistance to private nonprofit organizations providing assistance to the homeless.

(d) REALLOCATION OF FUNDS.—

(1) The Secretary shall, not less than twice during each fiscal year, reallocate any assistance provided under this title that is unused or returned or which becomes available under subsection (b).

(2) The Secretary shall provide such reallocation funds—

(A) to units of general local government demonstrating extraordinary need or large numbers of homeless individuals;

(B) to private nonprofit organizations providing assistance to the homeless; and

(C) to meet such other needs consistent with the purposes of this title.

SEC. 403. ELIGIBLE ACTIVITIES.

Assistance provided under this title may be used for the following activities relating to emergency shelter for the homeless:

(1) renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters;

(2) provision of essential services, including services concerned with employment, health, drug abuse, or education, if—

(A) such services have not been provided by the unit of general local government during any part of the immediately preceding 12-month period; and

(B) not more than 15 percent of the amount of any assistance to a unit of general local government under this title is used for activities under this paragraph; and

(3) maintenance, operation (other than staff), insurance, utilities, and furnishings.

SEC. 404. RESPONSIBILITIES OF GRANTEES.

(a) SUBMISSION OF HOMELESS ASSISTANCE PLAN.—Following notification by the Secretary of eligibility for assistance under this title, each State, metropolitan city, and urban county shall submit to the Secretary a plan describing the proposed use of such assistance. The Secretary shall provide the appropriate amount of assistance to such State, metropolitan city, or urban county before the expiration of the 60-day period following the date of the submission of such plan, unless the Secretary determines before the expiration of such period that such plan is not in compliance with this title.

(b) MATCHING AMOUNTS.—

(1) Each grantee under this title shall be required to supplement the assistance provided under this title with an equal amount of funds from sources other than this title. Each grantee shall certify to the Secretary its compliance with this paragraph, and shall include with such certification a description of the sources and amounts of such supplemental funds.

(2) In calculating the amount of supplemental funds provided by a grantee under this title, a grantee may include the value of any donated material or building, the value of any lease on a building, any salary paid to staff to carry out the program of the grantee, and the value of the time and services contributed by volunteers to carry out the program of the grantee at a rate determined by the Secretary.

(c) ADMINISTRATION OF ASSISTANCE.—Each grantee shall act as the fiscal agent of the Secretary with respect to assistance provided to such grantee.

(d) CERTIFICATIONS ON USE OF ASSISTANCE.—Each grantee shall certify to the Secretary that—

(1) it will maintain as a shelter for the homeless for not less than a 3-year period any building for which assistance is used under this title, or for not less than a 10-year period if such assistance is used for the major rehabilitation or conversion of such building;

(2) any renovation carried out with assistance under this title shall be sufficient to ensure that the building involved is safe and sanitary; and

(3) it will assist homeless individuals in obtaining—

(A) appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living; and

(B) other Federal, State, local, and private assistance available for such individuals.

SEC. 405. ADMINISTRATIVE PROVISIONS.

(a) REGULATIONS.—Not later than the expiration of the 60-day period following the date of enactment of this Act, the Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this title. Such requirements shall be subject to section 553 of title 5, United States Code. The Secretary shall issue requirements based on the initial notice before the expiration of the 12-month period following the date of enactment of this Act.

(b) INITIAL ALLOCATION OF ASSISTANCE.—Not later than the expiration of the 60-day period following the date of enactment of a law providing appropriations to carry out this title, the Secretary shall notify each State, metropolitan city, and urban county that is to receive a direct grant, of its allocation of assistance under this title. Such assistance shall be allocated and may be used notwithstanding any failure of the Secretary to issue requirements under subsection (a).

SEC. 406. APPROPRIATIONS FOR TITLES III AND IV.

There are authorized to be appropriated to the Department of Housing and Urban Development $50,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal year 1989 to carry out title III and this title.

SECTION-BY-SECTION ANALYSIS OF THE EMERGENCY HOUSING ACT

(Senator Alan J. Dixon)

Title I—General Provisions.

Sec. 101. Short Title.

Sec. 102. Definitions.

Sec. 103. Emergency Housing National Board.

(a). Establishes an Emergency Housing National Board, to be constituted by the Department of Housing and Urban Development and the Federal Emergency Management Agency.

(b). The Emergency Housing National Board is comprised of 11 members as follows: 1 representative each from the United Way of America, the Salvation Army, the National Council of Churches of Christ in the United States of America, the National Council of Catholic Charities, the Council of Jewish Federations, Inc., the American Red Cross, the Federal Emergency Management Agency, the Department of Housing and Urban Development, the Department of Agriculture, the Department of Health and Human Services and three other members (not less than 1 of whom represents private businesses) who have demonstrated a commitment to addressing homelessness, chosen from recommendations from leading individuals and organizations active in the provision of shelter and associated services for the homeless.

Sec. 104. Establishment of Local Boards.

(a). Each locality shall designate a local board for the purpose of determining how program funds allotted to the locality will be distributed. To the extent possible, membership of local boards will include representatives from the same organizations that make up the National Board.

(b). Each local board shall determine which organizations shall receive grants, monitor recipient service providers, and coordinate with other government assistance programs available in the locality.

Sec. 105. Role HUD.

The Secretary of Housing and Urban Development shall provide the Board administrative support and act as Federal liaison to the Board.

Sec. 106. Records and Audit of Board and Recipients of Assistance.

(a). Provides for an annual independent audit of the Board. The results of the audit are to be included as part of the Board's annual report to Congress.

(b). Provides that those who receive assistance under this title must keep records of their operations and that the Board or its duly authorized representative shall have access to those records.

Sec. 107. Under this section, the Board is required to submit an annual report to Congress on its activities.

Title II—Emergency Food and Shelter Grants.

Sec. 201. Thirty days after enactment of appropriations to carry out this title, the Secretary of HUD must make a grant for the full amount to the Board.

Sec. 202. Allows the Board to reallocate any interest accrued on the grants it receives.

Sec. 203. Purposes of Grants.

(a). To support efforts to provide shelter and associated services for the homeless, with particular emphasis on efforts to assist in the transition from temporary shelter to permanent homes, to meet the special needs of the homeless with mental and physical disabilities and illnesses, and to facilitate access for the homeless to other sources of services and benefits.

(b). To serve, in cooperation with other organizations, in order to avoid duplication of effort, as a national forum and a repository of knowledge to aid in the gathering and dissemination of information relating to homelessness.

(c). To strengthen efforts to create more effective and innovative local programs by providing funding for them.

(d). To conduct minimum rehabilitation of existing mass shelter or mass feeding facilities, but only to the extent necessary to make facilities safe, sanitary, and bring them into compliance with local building codes.

Sec. 204. Limitations of administrative Costs.

Not more than 5% of the total appropriation may be used for administrative costs.

Sec. 205. Program Guidelines.

(a) and (b). Requires the Board to establish written guidelines for carrying out the Emergency Housing Act. Guidelines are to include: ways to identify localities with the greatest need for assistance; methods to determine the amount of assistance to be extended to each locality and how funding will be distributed; eligible program costs; and guidelines specifying the responsibilities of the Board, its recipients, and service providers.

(c). Requires the Board's guidelines to be published annually, and whenever modified, in the Federal Register.

Sec. 206. Program Authorized.

$120 million is authorized to be appropriated for FY 1988, and such sums as are necessary are authorized for FY 1989. Authorizes $50 million to be available to be appropriated for programs at least 50 percent of which is derived from non-Federal sources.

Title III—Transitional Housing Demonstration Program.

Sec. 301. Definitions.

Sec. 302. Requires the Secretary to establish a demonstration program to develop innovative approaches for providing transitional housing and supportive services to homeless persons.

Sec. 303. Types of Assistance.

(a). Allows the Secretary to provide: a non-interest bearing advance in an amount not to exceed $200,000 for the cost of obtaining and/or rehabilitating an existing structure; annual payments for the operating costs of the housing in an amount not to exceed 75 percent of the annual operating costs; and technical assistance.

(b). Provides that advances under this section do not have to be repaid: if the structure is used as housing for homeless persons for ten or more years; or if the Secretary finds that there is no longer a need for some other charitable purpose for the remainder of the ten-year period. If these waiver conditions are not met, the applicant must repay the advance on terms prescribed by the Secretary.

Sec. 304. Program Requirements.

(a). Provides that the Secretary shall establish the form and procedure for applying to take part in the demonstration program.

(b). Sets forth the criteria the Secretary is to use in selecting applicants. These criteria include: the ability of the applicant to provide housing and supportive services to homeless persons; the innovative qualities of the proposal in helping homeless persons attain independent living; the need for housing and supportive services in the areas to be served; and other factors the Secretary believes to be important.

(c). Requires recipients of assistance to agree: to operate transitional housing and limit the stay of the residents to a period established by the Secretary; to conduct an assessment of the supportive services required by such residents; to employ a full-time residential manager; to use the structure as housing for homeless persons for not less than five years; to report the progress of homeless persons assisted; and to comply with other requirements set down by the Secretary.

(d). Requires the residents in housing under this program to pay as occupant rent that amount set forth under Section 3(a) of the United States Housing Act of 1937. Under the existing statutory scheme, residents would pay the higher of: 30 percent of their monthly adjusted income (adjusted for number of people in the family, age of family members, medical expenses, and child care expenses); 10 percent of their monthly income; or, that portion of welfare assistance that is designated as housing costs by the issuing public agency.

Sec. 305. Guidelines.

(a) Provides the Secretary with 180 days in which to issue guidelines regarding the demonstration.

(b) Requires the Secretary to consult with those having expertise in helping the homeless before issuing guidelines.

(c) Requires the Secretary to publish guidelines for this program annually and as they are modified in the Federal Register.

Sec. 306. Requires the Secretary to issue an interim report on the activities conducted under the demonstration program within 3 months after the end of FY 1988, and a final report within 6 months after the end of FY 1989.

Sec. 307. Allows the Secretary to spend up to $10 million on this demonstration program in FY 1988.

Title IV—Emergency Shelter Grants Program.

Sec. 401. Establishes an Emergency Shelter Grants Program under the Secretary. Grants may be made to States, units of local government, and non-profit organizations.

Sec. 402. (a). Requires the Secretary to allocate grants to States, metropolitan cities, and urban counties under the same formula as is used for the Community Development Block Grant Program.

(b). Provides that, when using the allocation formula, if a metropolitan city or urban county would receive less than $30,000 in any given fiscal year, the grant would instead be reallocated to the State where the city or county is located.

(c). Allows units of local government to distribute all or part of their grants to non-profit organizations that help homeless persons.

(d). Provides a procedure for reallocating unused emergency shelter grants.

Sec. 403. Eligible activities include: renovation, major rehabilitation, or conversion of buildings to be used for shelters, providing essential services if the local government has not provided the services within the last 12 month period and not more than 15 percent of a grant is used for services; and, paying for maintenance, operation (other than staff), insurance, utilities, and furnishing.

Sec. 404. (a). Requires the Secretary to apprise States, metropolitan cities, and urban counties that they are eligible for an Emergency Shelter Grant. These government entities must then submit a plan to the Secretary describing the proposed use of such assistance.

(b). Requires each grantee to match the amount of their Emergency Shelter Grant with an equal amount of funds from another source.

(c). Requires each grantee to act as the fiscal agent of the Secretary.

(d). Requires grantees to certify that: it will maintain any building receiving assistance as a shelter for the homeless for at least a three-year period and, if the assistance is used for major rehabilitation or conversion, that the building will be used as a shelter for 10 years; any renovation done with Emergency Shelter Grants will make a building safe and sanitary; and, it will assist homeless persons in receiving supportive services and other government assistance.

Sec. 405. (a). Requires the Secretary to issue by notice requirements governing this program within 60 days.

(b). Requires the Secretary to notify potential grantees that they are eligible for a direct grant within 60 days of enactment of a law providing appropriations to carry out this Program.

Sec. 406. Titles III and IV are authorized at a level of $50 million for Fiscal Year 1988 and such sums as are necessary for Fiscal Year 1989.

Mr. DIXON. Mr. President, I have the honor to yield to my distinguished colleague, the Senator from Pennsylvania, who has been such a great supporter with me of this legislation.

Mr. HEINZ. Mr. President, I thank my good friend and colleague from Illinois, Senator DIXON, for yielding.

I particularly want at the outset to commend him for the outstanding job that he has done not just this year but in many subsequent years in championing the cause of one element of our society that is without much in the way of champions—I mean the homeless.

Before we get into the details of the Emergency Housing Act of 1987, which I think the Senator has done a very good job explaining, I think it might be worth taking a minute or two to reflect as to who the homeless are. Many are mentally disturbed people, and a lot of them are Vietnam veterans in that category. Others are abused women. Others are very young people of the age of 18 and 19 who have had grave difficulties at home.

The point is it is a very diverse and difficult population. And it is the population that is growing. Our response to the growth of that problem is this legislation. It is my view that in a land of plenty, which the United States certainly is, the homeless that we have can only be described as a national tragedy. There are some 3 million Americans—men, women, and children—who are at this moment on the streets. They have fallen right through the fabled "safety net" and have crashed hard on the floor. They have truly hit rock bottom.

We began to address this issue earlier last week through the emergency legislation to increase the funding for the Federal Emergency Management Agency's Food and Shelter Program. And I think that legislation illustrates the Senate—and, hopefully, the House—is aware of that problem, is sensitive to it, and has more than a deep concern but one that translates to action. But we have to recognize, Mr. President, that the problem of the homelessness cannot be approached with simply emergency responses and quick fixes. The homeless face long-term problems, and they deserve a long-term solution.

One of the problems—indeed, one of the tragic ironies—is that there is no home for our programs to aid the homeless. The current Administrator of the Emergency Food and Shelter Program is principally in the business of helping victims of disasters, tornadoes, floods, and not in the business of helping people with ongoing hunger and homelessness. Our legislation would solve that problem through the creation of the Emergency Housing National Board, and under that the Department of Housing and Urban Development, and the Federal Emergency Management Agency would enter into an interagency agreement to constitute the Board which would have the overall and lasting responsibility for the Emergency Food and Shelter Program.

As our Housing Subcommittee was told during hearings last month, Federal efforts must always be viewed as a supplement and not supplant, not replace, private and State and local government relief efforts. To accommodate that particular warning and concern, our bill is structured so that it will encourage private sector matching of homeless assistance through matching funds, such as the $50 million we seek to authorize and to be distributed by the National Board

Important as providing the basics of food and shelter is, we cannot, as I mentioned, view homelessness simply as to be solved by temporary programs. And first among the additional solutions we should seek is transitional housing which gets the homeless, even though they may be sheltered at night, off of main streets during the day and into the mainstream, but the provision of an address, a place out of which to work, and a place out of which to begin to reclaim their lost dignity.

This is of particular importance to what I would call the new class of homeless we are now seeing—runaway youths, displaced workers, and homeless families. Those in that new population defy the stereotypes we have of the homeless—for they have been bypassed by the programs which make up the safety net, and we need coordinated, cooperative efforts from Federal, State, and local governments—and the private sector, nonprofits, to reach them.

I might add in my home State of Pennsylvania, in Philadelphia, there are, for example, nearly one-half of all the homeless who are made up of families.

Our legislation authorizes a total of $50 million; $10 million of that is for transitional housing demonstration programs to develop innovative approaches for that kind of housing and supportive services. Our intent, of course, is to provide the homeless with a bridge between streets and our society. And, in addition, the bill authorizes $40 million for emergency shelter grants from HUD. Grants to State and local governments, and to private nonprofits will support renovation and conversion of buildings to emergency shelters, the provisions of social services such as employment counseling, health care, and education.

The Emergency Housing Act will in our judgment provide a coordinated response to the national crisis of homelessness, gearing the National Board's activities with those of local boards and nonprofits. And it is our belief that our legislation will bring the entire community to bear against the national problem of homelessness.

Mr. President, the Banking Committee continues to have a primary responsibility for enacting a housing bill which treats the homeless equitably. We need to reserve public housing units for the homeless. We need a permanent system of ensuring that the homeless find their way to permanent shelter, and permanent self-respect as early as possible.

Senator DIXON, Senator CRANSTON, myself, and many others will be addressing this issue in the coming weeks in that committee. We hope shortly thereafter to bring the overall bill to the floor, and I urge all our colleagues to give special attention to this issue and to support our efforts when the measure comes to the floor.

In the meantime, they can support our efforts by cosponsoring the legislation Senator DIXON and I have introduced.

I urge our colleagues, Mr. President, to do so.

Mr. President, I thank the Senator from Illinois for yielding.

Mr. DIXON. Mr. President, may I say that we are indebted—both Senator HEINZ and myself—to Senator ALAN CRANSTON for his enthusiastic support of this legislation and his cosponsorship. We certainly invite other Members of the Senate, Mr. President, to join us in the good effort.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. DIXON. I yield the floor, Mr. President.

The PRESIDING OFFICER. I thank the Senator.

RECOGNITION OF SENATOR GRASSLEY

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa [Mr. GRASSLEY], is recognized for not to exceed 5 minutes.

Mr. GRASSLEY. Mr. President, I thank you very much for recognition.

THE AGRICULTURAL CRISIS IN PERSPECTIVE

Mr. GRASSLEY. Mr. President, I am going to address the agricultural issue from many perspectives, not just from the Farm Program.

Many experts in the last month have been focusing on the differences between the Senate of the 100th Congress and the Senate of the 99th, 98th, and 97th Congresses just past.

In the coming months we in Congress are going to have to focus on the agricultural crisis that many of our farmers continue to find themselves in today. The causes of this crisis started long before the 97th Congress and has continued right up until today. The problem is bipartisan, the blame is bipartisan, and the solution is going to take a bipartisan effort.

Before we can find a solution to the problems facing our farm economy we need to clarify the root causes of the present situation. It is far larger than just the U.S. Farm Program with its target prices, loan rates, and diversion acres. We can spend billions and billions of dollars more on farm programs but unless we correct the underlying macroeconomic problems facing our country we will still not bring our farmers back to profitability. We in Congress need to be reminded that most farmers are the victims of misguided decisions made in places like Washington, Brussels, Tokyo, and Buenos Aires, and not places like Long Grove, IA; Russell, KS; or Dixon, IL.

First, we in Congress need to take a firm stand against continued deficit spending. Our large deficits are killing the American farmer by increasing interest rates thereby causing an increase in a farmer's expenses and lowering the value of his property. Even though recently we have seen some progress in our efforts to lower the value of the dollar, high deficits have been and are still robbing our farmers of agricultural exports. However, one note of caution when it comes to the value of the dollar: We need to be vigilant in trying to lower the value of the dollar versus our agricultural competitors currencies; that is, Australia, Brazil, Canada, Argentina, and the EEC, and not only, as it seems from the news, concentrate on Japan, who after all is an importer of United States agricultural products.

Second, the United States needs to reestablish itself as a reliable supplier. The negative impact of the Carter grain embargo is still being felt today. But the Carter grain embargo was only one of many cases over the last 15 years where under both Democratic and Republican administrations, the U.S. Government interfered with the markets of our farmer's products. Not only did these poor trade decisions hurt our farmers in direct sales, but they also allowed countries such as Argentina, Canada, and Australia to grab the Soviet market and other markets all around the world, and to keep a stronger grasp than they had before.

Some of those markets have been lost forever. Both Democrats and Republicans need to stand shoulder to shoulder against these arbitrary and misguided trade policies that come from embargoes.

Third, we need to take our foreign competitors head-on in the international marketplace. We can no longer expect our farmers to compete with one hand tied behind their backs against the treasuries of foreign governments. If foreign governments want to use unfair trade practices, the United States needs to convince them that we will not roll over and play dead and continue the paper tiger reputation that we have developed in foreign trade in the last decade and a half. Examples are a flood of unfairly subsidized imports, such as pork and ethanol, that other countries have consistently, even until today, tried to dump on the U.S. markets.

Fourth, our farmers need a stable farm program to get them through these tough times. Farm programs are at best safety nets and we must not pull the safety net out from under our farmers when they have trusted us and planned their operations around a program Congress enacted. That is not to say we should not seek improvements in the program, because of course we should, but we cannot, with little or no notice, drastically change the program for the worst and expect our farmers to pay the price. When we pass policies that devastate our farmers, we hurt our rural communities, our agriculturally related industries, and our general economy.

In my State, for instance, 7 out of 10 jobs are directly related to agriculture, when you include in that food processing and the manufacture of agricultural machinery as just two examples of jobs very closely tied to farming.

Furthermore, and perhaps as devastating, when we go about changing programs too often, we destroy the faith of Americans in their Government.

Fifth, the Government needs to work with lenders and farmers to help them out of their own debt crisis. Many good farmers are in danger of losing their family farms because of debts that far exceed the value of their rural property. Many so-called experts would like to blame these farmers for this problem but it just is not fair to do that in all cases. The farmers in trouble today seem to be those who are, for the most part, very good managers.

For example, a farmer in Iowa could have paid 50 to 60 percent of the value of his land down in cash in 1980 and today he would be fighting just to keep the value of that land above the remaining debt. Can you imagine what a banker in the suburbs of Washington, DC, would say if you asked him for a loan on a house when you are willing to pay 50 to 60 percent down? He would beat a path to your door to do business with you.

There are many other fiscal, monetary, trade, foreign, and domestic policy reasons for our agricultural economy to be in such trouble. Repeatedly, the American farmer has been asked to bare the brunt of bad U.S. Government and foreign governments policies. We need to now start unraveling these intertwined negative policies to give these farmers a fair chance to dig themselves out of this mess. In addition to the fact that these farmers deserve to be treated fairly, we must also recognize that our country has a stake in them succeeding. It has been a long time since our country has seen the kind of economic devastation that will occur if our farm problems are not resolved. Main Street businesses, financial institutions, and manufacturers could be pulled under along with the farmers.

Of course, the history of the last 4 years has been one of not only farmers going out of business, but those Main Street businesses—agricultural banks and manufacturers—also going out of business over that period of time.

The question is how much longer will we allow the issue and the economy to remain so bad so that more of the same is going to happen.

This is not even to mention the added expense of our Government when it picks up the pieces after such a terrible event and the lost revenues to our Government and the general economy.

My point is simply this: Let us forget about partisan differences and get to the work at saving our rural communities, our family farmers, and our own country's economic stability. Let us make 1987 and 1988 the years we brought U.S. agriculture back to the envy of the world and gave profitability to our farmers and provided a basis where our farmers can once again fairly compete and prosper.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will not be a period for the transaction of routine morning business for not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for 5 minutes each.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AN OPEN SPACE TRUST FUND

Mr. CHAFEE. Mr. President. On January 31, it was my honor to address a conference of Save the Bay, the largest environmental organization in Rhode Island and one of the most influential environmental organizations in New England.

In my remarks, I called upon environmentalists to mount a national campaign to create a new national, dedicated trust fund to be used for the benefit of all citizens in the purchase of open space and to provide funds for outdoor recreation opportunities across the country. I suggested that the money for this fund come from a new real estate transfer fee and that it be used to guarantee the resources needed to preserve, for the enjoyment of all Americans, at least a small portion of the land now taken each year for urban and suburban development.

Over the course of the next several months, I intend to meet with environmental leaders, developers, and others to develop legislation to meet this goal. I hope to have legislation ready for introduction later this year.

In the meantime, I believe we should begin a national debate on the merits of creating a mechanism to preserve open space for a variety of purposes to benefit the American people. It is for that reason that I ask unanimous consent that the text of my remarks on January 31 to Save the Bay in Providence, RI, be inserted in the CONGRESSIONAL RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR JOHN H. CHAFEE TO SAVE THE BAY

Good morning. It is always a delight to be a guest of Save the Bay. Few other organizations have done so much for our State. It's a group I am proud to be associated with.

One of the benefits of making a speech to a Save the Bay conference is the knowledge that your environmental interests are nearly universal. One could touch on any of the great national environmental issues of the day—acid rain, clean water, toxic wastes, the greenhouse effect, to name but a few—and know that he or she would be addressing one of the most knowledgeable groups in the country.

Today, however, I want to focus my remarks on a subject that has yet to receive a great deal of national attention, but one which I am convinced will grow in importance with each passing year—the systematic destruction of open space in our Nation.

No one seems to know exactly how much farmland, rangeland, pastureland and forest is developed in this country each year. When I asked the Library of Congress if it could come up with some statistics, the best they could do—and the figures are a decade out of date—was to cite a report of the Conservation Foundation which found that through most of the 70s, we were losing 3 million acres a year of open space to urban development. The figure is probably higher today.

Many consider this "progress." Development has traditionally been a hallmark of economic livelihood and new jobs. The building of new highways, the construction of shopping malls, the erection of new housing, the laying of concrete for airports and asphalt for still more parking lots—these activities have long been the outward and visible sign of a strong and robust nation.

But what a price we have paid! Farmland has virtually disappeared from the periphery of every American city of any size. Wetlands are filled with little thought for the loss of wildlife habitat. Forests are clearcut and rangeland gives way to condominiums.

Individuals such as Jeanne Foster of Warwick, who has been fighting almost singlehandedly to preserve a 20-acre patch of beach and open land next to Warwick Pond, face incredible obstacles. Most people, faced with the difficulties she has encountered, would have given in long ago. Mrs. Foster, however, happens to be a tenacious woman, and I do so hope she will win because she is battling for all of us.

The problem is that the deck has been stacked against the Jeanne Fosters of this world. What I want is to reshuffle the cards so that they come out a little more evenly!

A year ago, I suggested that Rhode Island establish a conservation fund dedicated to the acquisition of open space for parks and recreation or wildlife refuges. To pay for this fund—which would be shared by the State and local cities and towns—I suggested the State enact a very modest 1 percent real estate transfer fee. I wrote an op-ed piece for the Providence Journal and another article for Save the Bay.

Committed environmentalists loved the idea. Many realtors and developers, on the other hand, vigorously opposed the suggestion. I was told that such a tax would ruin economic development, cost jobs and do away with progress.

To which I respond: nonsense.

My proposal would in no way hinder economic growth. On the contrary, a well-funded mechanism to buy and preserve open space would help guarantee Rhode Island's future as a place where people will want to live and work. Why do people come to Rhode Island? Because it is an attractive, beautiful State.

The evidence of urban expansion is all around us, from Woonsocket to Narragansett, from Westerly to Newport. Pick up virtually any newspaper any day and you'll find citizens attempting to battle unplanned development as witnessed by these recent headlines:

North Kingstown: "Council to Consider Zoning Change to Allow a Retail Shopping Center."

East Providence: "Councilman Suggests Waterfront Study, Says City Must Regulate Development."

Quidnessett: "Swanholm To Be Sold to Developers for $1.2 Million."

Warwick: "Development in Pawtuket Village Spurs Battle."

Much rarer—and we all know this—are news articles about the purchase of open space to be set aside for all to enjoy. Compared to the zoning changes that allow new retail shopping centers or condominiums, the Jeanne Fosters of our State don't win that many victories.

Actually, Rhode Island is far more active when it comes to preservation of farmland and open space than most other States. Witness the $10 million bond issue approved by voters last November for land preservation. Rhode Island, unlike many States, has an organized program—approved in 1982—to purchase the development rights from farmers as a way to maintain open space.

But think of this: The retail shopping complex in North Kingstown I just mentioned would, by itself, cost $10 million—the same amount we approved for the entire State's open space program last November and which must last two years, and maybe more.

Rhode Island would be well served by a trust fund of the type I suggested a year ago. It would serve the needs of all of our people since the money would be used not only to buy large tracks of undeveloped open space in the relatively rural parts of our state and smaller parks in the suburbs, but also to purchase and demolish abandoned buildings in cities to provide small parks, basketball courts or to pay for easements to allow trials and bikeways.

But as much as I believe Rhode Island—and every other state, for that matter—ought to enact a strong local program to assure the purchase and preservation of open space, I've come to the conclusion that if we're really going to do something about the problem, it will require some federal assistance and encouragement.

I think the time has come to begin a national campaign for a dedicated federal trust fund to help states and local communities purchase open space, to preserve wetlands and other fragile natural resources, and to help finance outdoor recreational facilities for our growing population.

This idea has already emerged as one of the draft recommendations of the President's Commission on Americans Outdoors. Rhode Island's own director of the Department of Environmental Management, Bob Bendick, has served on this Commission and will undoubtedly share more of his thoughts with you. I'm just delighted that this study is headed in what I think is the right direction.

The key to what I am suggesting—whether at a state level or at the federal level—is the concept of a dedicated trust fund, meaning a fund that cannot be used for other purposes. There are, of course, abundant precedents for such funds at the federal level. Social Security and the Highway Trust Fund are two of the best-known examples.

Critics might note that Congress created the Land and Water Conservation Fund back in 1965 for many of the purposes I've outlined here today, using money from oil and natural gas royalties from federal offshore energy leases. Sadly, the reality has never lived up to the promise. The Land and Water Conservation Fund is authorized to receive up to $900 million a year in energy royalties. Unfortunately, those monies do not automatically flow to the fund. Congress must go through the steps of appropriating the money. Regrettably, Congress only appropriated $188 million this year—a far cry from $900 million.

In an era of astronomical budget deficits, the biggest problem we would face is financing a new "dedicated" trust fund to which the money would go without any action by Congress. To do the job right, I believe we need a fund offering as much as a billion dollars a year. We're never going to get that out of general revenues.

One possibility would be a national real estate transfer fee levied on all real estate transactions in excess of $100,000, or some such figure. We might perhaps add an extra fee on those who develop five or more acres of open space. Those who profit from the development of open space, in effect, would be required to help save some for all to enjoy. Other options for funding may present themselves as well and ought to be considered.

One idea that might be entertained is the possibility of designing the trust fund in such a way that it becomes, in effect, an endowment. That is, a portion of the proceeds would be set aside each year until the fund reached a certain size—say $15 billion. Such an amount, perpetually invested in government securities, could provide an annual income sufficient to meet future needs while allowing any interim levy to expire.

It is not my intention to spell out all the details of such a national effort. It will likely take several months before I am prepared to offer legislation, and I want to seek the views of as many individuals and organizations as possible.

Nor is it my purpose to anticipate the criticism that will undoubtedly be leveled at such a proposal. Nay-sayers will always be with us.

My concern is that those who care about open space, the preservation of wetlands and the need to curb urban and suburban sprawl—in short, all who care about the environmental quality of our lives—begin to take our case to the public before we discover that only asphalt and concrete remain.

Economic prosperity involves more than development. It involves the intangibles that enhance our lives and give them breadth and depth beyond the pressures and frustrations of our daily existence.

The ability to enjoy the serenity of a silent meadow, to walk alone through untrammeled woodland, to experience the beauty of a tidal marsh at sunrise—these are the things that give fullness to the lives we lead in a hurried and harried age. It's what is often called quality of life.

The Providence Journal wrote an article a couple of weeks ago about Jeanne Foster and her quest to save those 20 acres on Warwick Pond. What motivates Mrs. Foster is what motivates me—and, I believe, all of us. Let me read from the Journal article:

"She likes it here. She comes often to smell pine pitch, find opossum tracks, spot the cocoon of a praying mantis. Trees creak and sway. Pine needles prick blue sky 30 feet up and make soft sounds. Wind stirs up dry oak leaves with a noise like taffeta."

Jeanne Foster likes that little bit of undeveloped space on Warwick Pond because it is an important part of her life that she would miss if it were gone.

I want that 20 acres to be part of Jeanne Foster's life for as long as she lives—and for the lives of her children as well.

We can make that happen, for her and for everyone else who believes that there is more to life than a new condominium and a bigger parking lot.

Let's stack the deck in her favor for a change.

Thank you.

EDUCATION: THE POWERFUL WEAPON OF A FREE PEOPLE

Mr. PELL. Mr. President, last week our esteemed former colleague, Senator Gary Hart, delivered a most thoughtful address on the critical role of education in the future of our great Nation. Senator Hart keenly understands the essential link between the future of the United States and the quality of its educational system.

Senator Hart's statement that, "Education remains the most powerful weapon of a free people," is accurate indeed. A national commitment to excellence in education is the cornerstone of an economic system that is both equitable and competitive. Failure to invest in quality educational programs today will force us to pay an even greater price in the future.

As I look at the agenda before us, I see no greater role for the 100th Congress than the continuing challenge of improving our educational system. I commend the compelling remarks of Senator Gary Hart to my colleagues and all Americans for their purposeful reading. I ask unanimous consent that this speech be placed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

EDUCATION: THE KEY TO AMERICA'S THIRD CENTURY

(Address by Gary Hart)

JEFFERSON AND EDUCATION

Today, let us consider the future of this great nation. For fate and circumstance have now seen fit to bind that future to our willingness to inform the minds of our citizens. These extraordinary times call, I believe, for a new Declaration of Independence: a declaration of freedom from the emerging colonialism of ignorance and economic domination, a declaration that we will be free to determine our own destiny through the liberation of the talents and energies of the human mind and spirit.

In a simple family cemetery in Virginia one finds this epitaph:

Here was buried Thomas Jefferson
Author of the Declaration of Independence
and of
The Statute of Virginia for Religious Freedom
and Father of the University of Virginia.

A modest inscription for the brilliant third President of the United States. But these three achievements represent the first principles to which his young nation was dedicated: freedom from political oppression; freedom from religious persecution; freedom from ignorance.

The last above all. For a liberated mind and spirit is the strongest bulwark against oppression and persecution. Jefferson believed education should fulfill the purpose of his declaration—to create the power to choose, the power of self-determination, the power to participate in the new democracy.

Education is the passage to hope for each of us, and for our nation. And if America is to realize its destiny, each of us must help achieve our central dream—the creation of the world's finest and most inclusive education system.

The profound error of our age is to consider education as simply another function of government. For education, in all its forms, has now become the hope of our democracy's future. Education gives us control over our lives and our economic destiny. Education frees each indiviudal to make a contribution to America.

Education remains the most powerful weapon of a free people against oppression, poverty, stagnation, intolerance and apathy—against the official tyranny of public deception or the economic tyranny of concentrated power.

The key to the 21st century for America is education. To those whose concern is military preparedness, or industrial policy, or social justice—to those whose mission is global peace or national wealth—all our goals share a common foundation: education.

We must first pledge a new national commitment and it must include comprehensive reforms of our public system of education. It must include the highest standards of excellence to challenge teachers, students, parents, and taxpayers. It must include a bold strategy of investment in education—a strategy that can only succeed when our leaders propose how the costs of those investments will be born.

THE PUBLIC PARADOX: THE DECLINE OF EDUCATION IN AMERICA

It should trouble us to contemplate what Jefferson would make of education in America today. He would find many of our best minds channeled into Wall Street merger wars or research on "Star Wars," while the nation faces a shortage of one million classroom teachers. He would see our nation sharply reducing investment in education while 20 million Americans are functionally illiterate, and 40 percent of minority students are dropping out of school.

Jefferson the scientist would be concerned by our growing shortage in math, science and engineering in this technological age. He would be even more profoundly troubled by our "ethical illiteracy"—an ignorance of Western historical, political and cultural values—among today's youth.

Today, for America to survive and flourish as an international leader, we must learn to live by our wits—not just our weapons.

Instead, we are doing just the opposite. Our economy is like an aging, lumbering boxer—pummeled at will by younger quicker, cleverer opponents. The fractures of decline are now too apparent to ignore, 90 percent of all high school graduates are scientifically and technologically illiterate. Our twelfth graders now finish well below the mean score of 15 industrialized nations in mathematical skills.

On the new and turbulent battlefield of economic competition, our rivals are doing better by their young people and workers than we are. And we're paying for it.

We pay for it as our nation loses market share in seven out of ten high technology industries. We pay for it as 11 million Americans are turned out of work by our huge losses in trade. We pay for it when trade-displaced American workers lose their pensions, their seniority, and suffer sharp losses in income. We pay for it when our military personnel find it difficult to operate increasingly sophisticated weapons.

We pay for it—most of all—in a tremendous sacrifice of human potential.

In the absence of a new national commitment to education and training, these costs will grow; because revolutions are sweeping the workplace. The revolution of economic mobility dictates that each person entering the workface today—on average—will have three careers and six different jobs. Without education, the post-industrial revolution will continue to threaten disaster.

With education it can become a revolution of opportunity. But tragically, through neglect, we have let this revolution become destructive.

Today there are too many lost Americans still consigned to a prison. Consider the 25 million lost Americans who can't read road signs or warning labels on bottles of medicine, or even the menu at McDonald's. Consider the 3 million minority youth who couldn't fill out a job application if their lives depended on it—which, of course, they do.

Consider the lost parents who cannot promise their children a brighter tomorrow because family income has grown stagnant—the high school graduates who cannot afford the decades of debt that are the cost of a college education—the junior college students who cannot find the child care, transportation, or part-time jobs needed for a four year degree. Consider this squandered human talent.

For we squander our hopes and opportunities when we tolerate an education system racing toward obsolescence. Our elementary and secondary schools still operate on a model appropriate to the 19th century. Our public school year is designed for a farm economy. Our school hierarchy is patterned after the early industrial-revolution factory. And our teaching approaches have—in too many ways—remained stagnant for over a century.

Yet precisely at the time when we most need a strong national commitment to education, our government preaches passivity and retreat.

This Administration's 1988 budget proposes, for the seventh straight year, reducing national investment in education.

And so it is the task of the heirs of Jefferson to warn our nation—to educate our fellow citizens to a fundamental truth—that we squander the human mind at our national peril.

For we are challenged by a new generation of international competitors. And we face these new challenges at a time when international economics is critical not only for national prosperity, but also for national security.

Instead of neglect and retreat, our national government must recapture our historic role of using education to meet the challenges of economic and social change.

We empowered our citizens by creating a system of land grant colleges in the 19th century, and helped turn the industrial revolution into an era of opportunity.

We empowered a generation of service men and women with the G.I. Bill and helped that generation of Americans pursue prosperity after World War II.

We empowered my generation when, after Sputnik, we adopted the National Defense Education Act and created an era of innovative research and educational opportunity.

And we empowered our democracy to meet the challenge of social justice with the Elementary and Secondary Education Act, opening the door of educational opportunity for millions of poor children.

And now, today, instead of a Strategic Defense Initiative to initiate an arms race in space, why not empower generations of tomorrow with a Strategic Investment Initiative to prepare students and workers for the next century?

Education requires investment. But the return on that investment is the democratic ideal—liberation and empowerment—for individuals and our nation. Education must become an instrument of empowerment for individuals, our economy, and our nation. And as our challenges are complex and our short-comings widespread, so our policies of reform must be diverse.

I. EMPOWERING THE INDIVIDUAL

Empowerment is not an abstraction. For an individual it is control over his or her life—the ability to translate work into achievement and opportunity into gain—the ability to choose. To empower individuals, a new national endeavor must begin:

First, to increase the rewards and challenges to teachers.

Second, to promote structural reforms of our educational system.

Third, to create opportunity for disadvantaged students.

Fourth, to make retraining as available to every American worker as public schools are to his or her child.

POLICIES

Teachers. Excellence in education, quite simply, is excellence in teaching. To have excellent teaching, we must attract and keep the best teachers. Interaction between student and teacher must be enhanced, and not smothered in drudgery and bureaucracy. Teachers must be encouraged to continue to learn and refine their teaching skills.

They must be given opportunities to do so. We must increase teacher pay. And our commitment to the profession of teaching must not be transitory, but rather an expression of our deepest national values.

With increased rewards must come increased standards. Incompetent teachers must not be allowed in the classroom. Increasing professional standards will require:

Basic, peer-created competency tests for all teachers, stressing communication skills. While it is impossible to judge the quality of teaching through a written exam, it is possible to determine whether a person has a basic command of the language, the key to all teaching.

In-classroom evaluation of starting teachers. For the first several years of a teacher's career, he or she should regularly be observed in the classroom by "master" teachers. These evaluations should be ongoing and constructive. But when a series of evaluations find a teacher to be consistently ineffective, standards must be enforced.

These two steps would provide a significant start towards higher quality teaching, but more will be needed. Screening of teaching applicants must be intensified. We must maintain high standards but avoid an inflexible, bureaucratic credendialism that shuts the classroom door to innovative teachers.

Education reform. Improving the quality of teaching requires fundamental school reform. Higher rewards and higher standards will have limited effects until we have a better school system.

An education reform movement is already emerging in the states, lead by courageous governors and educators, but that reform movement must become more widespread. Vast numbers of children, after spending twelve thousand hours in our school system, are still unable to read. It is a system nearing bankruptcy.

Our public school system's structure flies in the face of common sense. The seven-period day is no longer necessarily the best model for a high school day. Lectures should not be the mainstay of teaching. Teacher overload must be relieved.

Student-teacher ratios must be decreased. School days must be rearranged and school years must be lengthened. Teachers must be given greater control over curricula and increased disciplinary authority. The practice of promoting students by age rather than achievement must end.

In our colleges and universities, we need more emphasis on active, creative learning—including in our cultural values and history—and less emphasis on rote memory tasks. Students should be improving their capacity for critical thinking, and not cramming for multiple choice exams.

Parents should be given more freedom to choose among public schools within a system they support with their taxes. Greater diversity in educational philosophies and strategies—such as options for schools based on Montessori systems or for more rigorous discipline—will increase school quality, parental satisfaction and student achievement. Two-earner, or single-parent families, should be able to select schools closer to the home or to the workplace.

But parents must also shoulder greater personal responsibility for the success of their children by replacing prime-time television with greater attention to homework.

Support for the Disadvantaged. There is no stronger ladder up for a disadvantaged child than a good education. To realize the potential of students who come from disadvantaged backgrounds, we must initiate a nationwide literacy campaign for both the students and their parents. We should expand successful programs such as Head Start, stress nutritional and other support in the pre-school years, and provide skilled teachers to fill shortages in rural and inner-city schools.

The Literacy Campaign. Illiteracy must be dramatically reduced in our society by the year 2000. Accomplishing this great and humane goal will not require vast federal expenditures. But it cannot be accomplished without joining, from the beginning, our education system with opportunities for citizen service. A system of voluntary national service would provide a vehicle for young Americans to share basic reading skills with their fellow citizens who cannot read.

In the public schools, tutoring by students would become a mainstay of the tutors' own learning. They would enlist in the battle of one generation against illiteracy and dropouts in the next. By recruiting ten hours of community service per month from all students, the nation's colleges and universities could provide a national literacy campaign with a reserve of foot soldiers. This "literacy corps" must have the rooms, books and machines it will need.

Learning centers, housed in community colleges, secondary schools, employment centers or storefronts must be equipped with the best learning tools available, including computer-assisted teaching programs.

Our students, in whose potential society invests so much, must recognize their own stake in the literacy, competence and achievements of their fellow citizens.

And community service can also be a powerful educational endeavor in its own right. As Woodrow Wilson once observed: "The Spirit of Service . . . will give the college a place in the public annals of the nation."

Achieving educational excellence and opportunity requires strengthening and expanding existing programs with proven track records. Two programs—Head Start and federal support for compensatory education—are in this category. Teenagers who participated in Head Start as pre-schoolers are more likely to graduate from high school, attend college and find productive jobs. Participation in compensatory education programs for disadvantaged students leads to improved math and verbal skills.

These programs save lives and money—about $500 provides a year of compensatory education, compared to a cost of more than $3,000 when a student is forced to repeat a grade.

We cannot focus simply on traditional education programs. Our nation is too wealthy to have minds literally retarded by a lack of proper diet—but it does.

Inadequate diets for young mothers carrying their first child, or for students sitting in the first grade, ensure a life of ignorance—a life costly to our nation and our society in many ways. For this reason, programs such as WIC—Women Infants and Children)—or school lunches, must be understood as basic elements of a good education system. And they must be funded accordingly.

One problem afflicts the educationally disadvantaged student with particular severity—and that is the shortage of qualified, credentialed teachers. The federal government must increase incentives to college students to teach in the inner city. Fellowships for undergraduate education should be provided in exchange for a three-year commitment to teach where needed after college.

Training Programs for Workers. But education does not stop when traditional schooling ends. It is now a lifelong endeavor. Future policies must reflect this new reality. To build a lifetime education system that truly empowers people, training and retraining must be as available to adults as public education is to their children.

Many correctly argue that training is a key element of a competitiveness strategy, and that the performance of our economy is inextricably linked to the performance of our workers. But training does more than improve our competitive stature—it gives workers the power to adapt to the changes wrought by an open international trading system and a changing workplace.

The dramatically quickened pace of technology and trade will continue through coming generations. Painful human and community dislocations can be and could have been avoided with preparation. A comprehensive strategy that anticipates worker dislocation, plant closings and relocation and industrial transition must help build a bridge from our workers and their families' present to the jobs of the future.

Individual training accounts can help provide Americans lifelong education opportunity. Under this plan, workers and employers contribute to an I.R.A.-like account, to be used to pay for training or relocation.

To reduce the frequency and destabilizing effects of job displacement, employers should have the incentive to give workers substantial notice of layoffs. By altering the structure of employer contributions to the unemployment insurance system, we can provide a fair system—giving as much as six months' early warning before jobs are lost.

That warning time can be used to provide training and job-search assistance. The dislocated worker programs in the Job Training Partnership Act can provide services for hundreds of thousands of dislocated workers and their families.

A society dedicated to empowering all individuals will recognize that education, training and retraining are inextricably linked. They enable workers to have updated and well-rounded skills, as well as problem-solving abilities. Our job training and education systems should not be developed or funded separately, because work and learning are inseparable. And our institutions must change to reflect this new reality.

II. EMPOWERING THE ECONOMY

A President who understood the role of national leadership in an era of profound change was Franklin Roosevelt. Speaking before the National Education Association nearly a half-century ago, President Roosevelt asserted:

"The only real capital of a nation is its natural resources and its human beings. So long as we take care of and make the most of them, we will survive as a strong nation . . . If we skimp on that capital, if we exhaust our natural resources and weaken the capacity of our human beings, then we shall go the way of all weak nations."

Forty-eight years later, the fundamental truth of Roosevelt's statement has been realized. We are trying to compete, and our workforce is eager. But it is inadequately prepared, and its plants and equipment are outdated.

In the new world of international competition, most factors of production—raw materials, machinery, new technologies and money—are exchanged globally with the speed of electronic impulses. Increasingly, the one factor of production upon which the relative standard of living of every nation depends is the capacity of its workforce to generate new wealth.

Thus, to empower our economy, our nation must invest in education and training as the engines of economic recovery and modernization. Our goals are clear, ambitious and imperative.

First, we must dramatically increase the number of engineers who receive degrees, the number of students studying foreign languages and the value of our national investment in commercial research and development.

Second, we must rebuild the scientific research and training infrastructure of America, and create the best technology training system in the world.

Third, we must dramatically increase the number of students graduating from our nation's colleges.

POLICIES

To meet our competitive challenges, to train and equip far more engineers and scientists, we must increase investment directly through supported research and fellowships. Particularly important are portable, multi-year fellowships for mathematics, engineering and the natural sciences.

Just as our roads and bridges are in need of repair, so too must our research and training facilities be modernized to become the standard for the world.

To build the intelligence and skill infrastructure of tomorrow, we must return the United States to the forefront of basic research, innovative development and aggressive international marketing.

The key to realizing these goals is partnership: federal-with-state and public-with-private. We must promote new initiatives by private industry, educational institutions and state governments to strengthen science, engineering and technical education.

A high-technology Morrill Act would aid university-industry initiatives by investing in laboratories, computer literacy and economic development. While primary responsibility and design should be left to those who know local needs—local businesses, governments and schools—projects could include teacher training, research centers, laboratory sharing, computer applications or other programs that the public and private partners deemed effective.

The gap between our workers' skills and the contemporary challenges they face must be closed by an American Defense Education Act. Under this proposal, the national government would provide new financial incentives to local school districts, elementary and secondary, to reach higher achievement levels in math, science and foreign languages.

Opportunities for gifted students must be expanded through talented and gifted programs. But all students must receive training in the skills of tomorrow's workplace to meet the demands of the international economy.

The opportunity for college-level education for every capable student is not just a moral imperative—it is an economic necessity. In 1940, the average American citizen had a grade school education. Today, he or she has a high school education. Now, more and more, all citizens will need a college education—or its equivalent—to contribute and achieve their full potential.

Student loans and grants must be expanded—not contracted—as a clear investment in our future competitiveness. Investments in college education—for individuals and for society as a whole—are downpayments on collective prosperity and individual fulfillment.

Our colleges and universities must also adapt to the challenges of international trade. We are virtually illiterate in the languages and cultures of our newest—yet most important—trading partners. While trade with the Pacific Rim nations is becoming central to our economy, our knowledge of these countries remains minimal. Less than one percent of American college students are studying Asian languages, economies or cultures, while thousands of students from Pacific Rim nations are enrolled in universities here in the U.S.

Fortunately, the University of California has created its first new professional school in two decades to cope with this challenge—the School of Pacific Rim Studies at U.C. San Diego. It already has ten times more applicants than it can admit. This school and others like it must succeed if we are to avoid further isolation in the community of nations.

III. EMPOWERING THE NATION

Ultimately, an educated citizenry strengthens the bonds of democracy, community and citizenship. A general education that develops critical thinking and an understanding of our history, values and institutions will raise the quality of all our lives.

These benefits and values are not self-generating. The late Senator Robert F. Kennedy said:

"Since the days of Greece and Rome, when the word 'citizens' was a title of honor, we have often seen more emphasis put on the rights of citizenship than on its responsibilities. And today, as never before in the free world, responsibility is the greatest of freedom's privileges."

SPECIFIC CHALLENGES

To ensure a nation that is democratic, competitive and just, our commitment must be more than rhetorical—more, even, than financial. These goals will only be reached through a new sense of national unity and purpose—a true patriotism—resolving that:

No American will be denied education for lack of money. But every college student should participate in a national program of community service.

Parents will see meaningful reforms revitalize the system of learning in America's classrooms. But they must make their homes every bit as dedicated to successful learning—from turning off the television to helping with homework.

Training will be as available to every adult as public schools are available to his or her child. But those receiving trade adjustment assistance will be required to participate in a training or literacy program.

Business will see improvements in the skills and productivity of their workers. But firms must participate in training programs, provide notification and training referrals when plants close and work more closely with local schools and governments in planning curricula and providing instructional resources.

Teachers must receive the training, salary and community support they deserve. They must be esteemed by our society. But all teachers, old hands and new hires, must meet peer-created competency standards.

The instructors of our children will receive more control over their classrooms, with less paperwork and a greater role in shaping curricula. And they must stand ready to accept and encourage change and experimentation.

Every American will be given a chance to learn to read. But whether a welfare recipient, a prisoner or a student in the ghetto, participation in a literacy program must be expected.

These are the challenges that must be issued to create national unity and empower our people, our economy and our nation for the future.

CONCLUSION

A nation that will educate its people is a nation bound for greatness. Our destiny today is—as it was in Jefferson's day—inseparable from education, the enlightenment of the human mind and spirit.

Then, education was the avenue to an informed electorate. Today, in addition, it is the pathway to economic revitalization and opportunity for the future.

We cannot care for the weak in body and the poor in spirit without the resources provided by those who are strong. And we cannot make the strong resourceful without educating, training and preparing them for the new tasks of today and tomorrow.

We cannot harness the wonders of science to improve human well-being without the pursuit of knowledge. We cannot be truly strong without intelligent, skilled and informed defenders.

A nation's future is shaped in its schools and halls of learning. When we neglect investment in our youth, we neglect investment in our future.

Instead, let us recreate our nation as a citadel of information and of knowledge—a beacon to those at home and around the world who seek liberty through learning and justice through education.

Even as we maintain the strength of our arms in the defense of democracy, let us resolve to increase the strength of our minds in the pursuit of democracy's values—life, liberty and the pursuit of happiness.

For, as Jefferson so strongly believed, enlightenment and education are the strongest fortress around democratic liberties. Tyranny over the mind and spirit precedes tyranny over the person and property.

The test of our dedication to our country—to our most basic sense of patriotism—is not our willingness to sacrifice our lives—though if necessary we will do so in defense of our nation. The test of genuine patriotism today is our willingness to invest our personal and national treasure in the skills and talents of our young people, the future of our nation.

I believe America will meet this test. Not simply because we have no other choice, but because it has always been in our national character.

No greater tribute could be paid to the generation that founded this nation—or to the generations that will lead it into its third century—than the adoption of a new declaration of independence: a declaration of freedom from ignorance and economic domination, and a new dedication to the proposition that the flame of democracy burns brightest in a free and educated human mind.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will now resume consideration of S. 387, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 387) to authorize appropriations for certain highways in accordance with Title 23, United States Code, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Symms amendment No. 11, to change the national maximum speed limit law.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I see the author of the amendment is here so I shall not proceed.

Mr. SYMMS. Mr. President, are we under controlled time at this point?

The PRESIDING OFFICER. The Senator is correct. Time on this amendment shall be limited to 1 hour, to be equally divided under the control of the Senator from Idaho [Mr. Symms] and the Senator from New York [Mr. Moynihan], with the Senator from Missouri [Mr. Danforth] to have 10 minutes of the time of the Senator from New York.

Mr. SYMMS. I thank the distinguished Presiding Officer.

I yield at this time 5 minutes to the distinguished Senator from New Hampshire [Mr. Humphrey] who has been one of the strongest supporters of this amendment. I appreciate his support and look forward to what he has to say about the amendment.

AMENDMENT NO. 11

Mr. HUMPHREY. Mr. President, let me ask my colleague from Idaho, by what vote did the Senate approve this amendment last year?

Mr. SYMMS. I say to my good friend, the distinguished Senator from New Hampshire, that it was, I believe, 58 to 38. It was a 20-vote margin.

Mr. HUMPHREY. Is this the identical wording?

Mr. SYMMS. This is the identical amendment. We hope to get a good vote this time.

Mr. HUMPHREY. Mr. President, 58 is a substantial number of votes on an issue that is as controversial as this and on which some powerful organizations have spoken and brought to bear pressures in the way of lobbying; 58 Senators cannot be wrong in every respect. I think that vote last year was and I hope the vote this year will be an expression of the sentiment that we ought to return to the States the power that we took from them in 1973 or thereabouts to set their own speed limits on interstate highways. Of course, in this amendment pending, States would be given the flexibility to raise that limit to as high as 65. So it is not as though we were giving them carte blanche.

Every time we try to tailor one suit here, in Washington, to fit all 50 States, inevitably, it fits poorly in many of those States, if not in a majority. That is certainly the case here. Probably there is no better example of this truth than the 55-mile-per-hour speed limit presently in place.

Does any Senator here really believe that it makes sense to restrict motorist—to restrict the State of Nevada, for example, and force it to keep the speed limit at 55? Does any Senator really believe that? Surely not.

It seems to me that what we are seeing here among some of the opponents is the mentality that Washington knows best, that we are going to tell the State what to do, that all States should have the same standards, all States should have the same speed limits. That simply does not make sense. It is illogical. It is a sort of emotional thing, but it is not a logical thing. If the State of New York or the State of Ohio or Illinois—just to pick random samples—wishes to keep its speed limit at 55, fine, let them keep it at 55. But we should not require other States, where it does not make sense, to keep their speed limit at 55, to continue this nonsense.

So, Mr. President, I urge my colleagues, let us just loosen the grip a little bit. If ever there was a case for it, this is it. Let the States decide, based upon topography, based upon condition of roads, based upon traffic density, based upon good sense. Let the States decide. Let us, at least in this tiny way, return some of the power which is presently concentrated in Washington.

Mr. President, since 1974, the national speed limit has violated States rights, distorted highway law enforcement priorities, and paved over common sense. It is an irrational policy that Americans can do without.

The pending amendment, which would allow States to increase speed limits to 65 miles per hour on rural interstate highways, is a move in the right direction. Though Americans generally profess support for the national speed limit, their behavior strongly indicates otherwise. According to a study by the Transportation Research Board, the average speed of motorists on rural interstates has increased from just over 57 miles per hour in 1974 to 59.1 miles per hour in 1983.

The Senate should act to end this highway hypocrisy. Briefly, let me suggest three important reasons:

First, common sense suggests that States should set the speed limits on their own roads, because the States know their roads the best. It is a matter of fact, as I said, that every time Washington tries to tailor one suit for all States, invariably it is too tight in some places. There is no better example than "55." It simply does not fit our vast expanses of lightly traveled interstates, whether they are in the desert Southwest or in rural New England.

Second, by freeing the States from this Federal leash, they will be better able to use their enforcement resources. Presently, States are forced to spend very limited public safety resources to enforce an unreasonable speed limit. The cost of such enforcement is more than $200 million annually. States which do not achieve certain levels of compliance are subject to sanctions, including the withholding of Federal highway funds.

Mr. President, imagine if half of the police officers now committed to speed limit enforcement were instead deployed to catch drunk drivers. Further, disrespect for an unreasonable speed limit leads to disrespect for other laws. As a State highway official said last year:

> The growing noncompliance problem with the 55 mph speed limit is encouraging drivers to additionally ignore other traffic laws, many of which have a considerably more direct and larger impact on highway safety than does the 55 mph law.

The third reason to enact this legislation is common sense. Senators will recall the situation before 1974, when the speed limit was 70 miles per hour. Based on that experience, 65 miles per hour is a safe and reasonable speed for rural segments of interstate highways.

Higher speed limits on rural segments will not compromise highway safety. Over the past several years, highway speeds have been increasing while traffic fatalities have decreased. For example, in 1982, there was a 12.7-percent decrease in traffic deaths even though average highway speeds rose to 59 miles per hour from 57.8 miles per hour—or 2 percent—over the previous year.

In addition, permitting States to increase the speed limits on their rural interstates would save as much as 445 million man-hours annually. Those who travel our highways for a living, such as salesmen and truckers, attest to the enormous economic benefits of raising the speed limit.

In fact, these economic costs actually outweigh any fuel savings. According to the Transportation Research Board, increasing the speed limits on rural interstate highways would increase fuel consumption by about 0.18 percent of the national total. At $13 per barrel, that amounts to a value of about $200 million. Clearly, the value of the work hours gained—445 million man-hours—is far in excess of the value of fuel savings. If we were to assign the minimum wage, $3.65, then the value of work hours that would be gained through increasing the speed limit is more than $1.5 billion. So, economically the national speed limit just does not make sense.

Mr. President, the hypocrisy of the national speed limit paves over States rights, distorts enforcement priorities, and violates common sense. Let us put this to an end. I urge support for the pending amendment.

Mr. SYMMS. Mr. President, I thank the distinguished Senator from New Hampshire for his support. I might just say that the next Senator, Senator HECHT of Nevada, who is seeking recognition to speak on this amendment, accompanied me when we went to the White House last summer to visit President Reagan on this subject. The Senator from Nevada was the original sponsor of a bill which would return the flexibility to go to 65 on all interstate highways. This amendment that we are discussing today is a modification of the Senator's amendment which says on all rural interstate highways, so my colleagues realize what we are talking about.

The Senator and I had a very interesting meeting with the President at the White House. I think his exact quote was, "Well, boys, I appreciate what you are trying to do, but I think you should go one step further and return the entire authority on speed limits back to the States." I think if we could accomplish that in the Senate, that is what we would like to do.

Needless to say, I appreciate the support the Senator from Nevada has given to this issue because of the constituency he represents in Nevada. It is an important thing to these people. He has always been steadfast to make the case that in Nevada, there are endless miles of roads where you may drive as far as 20 miles—I have heard the good Senator say that many times—without meeting another car, on a straight road. We hope that someday, Nevada will return to its rightful position to have the authority to set its own speed limits. For now, this will be a big step.

I thank the Senator from Nevada for his excellent work on this issue and I yield him now 6 minutes.

The PRESIDING OFFICER. The Senator from Nevada [Mr. HECHT] is recognized for 6 minutes.

Mr. HECHT. I thank the Chair.

I understand the distinguished Senator from Wyoming [Mr. SIMPSON] would like to speak first.

Mr. SIMPSON. Mr. President, I would appreciate that very much, if I could do that, for 5 minutes.

Mr. SYMMS. Mr. President, I yield to the distinguished minority whip 5 minutes and we shall resume with Senator HECHT following him.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. SIMPSON. I thank the good Senator from Nevada. I appreciate his courtesy very much and I also thank Senator SYMMS.

Mr. President, this is a fascinating issue. It is a very complex one I think, for those of us who try to balance State and Federal interests in so many areas. This is one we grapple with constantly. This is one of the most emotional ones we get.

This is not always just a Western issue. This, indeed, is a U.S. issue although those stretches of 20 miles in Nevada are sometimes 40 miles in Wyoming.

I commend Senator HECHT and Senator SYMMS for what they are trying to do. They have really taken hold on this issue and made it into a very thoughtful amendment. We are talking about rural interstates. That is very different from what we see in the rest of the United States.

We have all heard the arguments: 55 saves lives, saves fuel consumption; all those things. There are valid arguments on both sides: States rights, sovereignty, those types of things, too.

Does it save fuel? Does it save lives? I think that it has, perhaps, been a valid argument certainly in fuel consumption and saving of lives. But where it does not fit at all is to recognize the diversity of the United States of America. I have a home State that is 6,010 miles of road posted at 55 miles an hour and a population of about 500,000 people. That is an area of nearly 100,000 square miles. Most other States have fewer miles of roadway and tremendously higher population. Massachusetts, for example, in this curious situation, has 789 miles of highway posted at 55 and a population of 5.8 million. So it is obviously going to cost Wyoming far more per capita to have the same effective level of traffic law enforcement as Massachusetts.

I think it was also heavy handed for the recent proposal to penalize Arizona when all you have to do is get on this beltway and see it out here. I have described it as a kind of a giant circulating suction pump. You get on there and the three trailers will get you or the two trailers, in and out; whether you are in the inner loop or the outer loop, you are in the loop-the-loop most of the time on the beltway.

No one seems to pay that much attention to speeding out here; then they direct their attention back to the West and Southwest.

Mr. SYMMS. If the Senator will yield, I would like to tell the Senator that this morning, 55 was not the problem. It was almost the reverse on the beltway. It took me over 2 hours to get here. That is about 3 miles an hour.

Mr. SIMPSON. Indeed that is true. The congestion of the after snows that paralyzed the Nation's capital.

I just want to say that you are making a thoughtful approach. This is a rural highway interstate amendment. The States will know where those are, which ones they will use—who would know that better?—which should be directed at 55 or 65. Keep the limits here, but at least we should not have this scoffing at the law. A child now sits in the back seat and watches his old man drive and put it at 62 miles per hour, because that is where you can "get by." They will not get you if you go 62. It happens to be that the speed limit is 55. That is a pretty poor law. We had one like that years ago with regard to booze, but if people just have the law and break it, what does that prove? This one is broken daily by everybody. In fact, I was fascinated by a little study—I thought it was a remarkable social study—of four young men at Michigan University who got in four cars and drove in a solid line filling all lanes at 55. People went goofy. They came around them. They tried to go through them. They hit them from behind. They said, "All we are doing is going 55, all of us in one phalanx." That was surely a social study. We certainly want to find out more about it. It probably did not cost anything either. We should look at the results of it.

But, anyway, there it is. This is an appropriate response. It leaves it to the States. I think it is very important that we do that. These long stretches of highway are heavily traveled by all of the people in the United States. We have I-90, I-25, I-80 in my State, and those are for the people of the United States. So I think this is a very acceptable compromise, very well crafted, and this recognizes the unique characteristics of the various States. I commend all of those on both sides of the aisle who have been involved in this compromise, and I thank the Senator very much.

Mr. SYMMS. Mr. President, I yield 6 minutes to the distinguished Senator from Nevada.

Mr. HECHT. Thank you very much Mr. President. I thank the distinguished Senator from Wyoming for his kind remarks and the distinguished Senator from Idaho for his very complimentary remarks and reminding this body about our visit with the President of the United States last year. If you took our three States—Wyoming, Idaho, and Nevada—and combined the area—we would be one of the major countries of the world and yet we have a very, very sparse population. So I feel that the Senator understands the problem very much.

I rise in support of the Symms amendment to modify the 55-mile-per-hour speed limit law. Just last Fall, Mr. President, the Senate overwhelmingly approved this exact same amendment to the Highway Reauthorization bill, allowing our States the right to raise the speed limit up to 65-miles-per-hour on rural interstates. While I would have preferred to go one step further and allow the speed to be raised on all highways, as I attempted to do last year in an amendment I offered to this same bill and in legislation I have offered over the past few years, this is a good amendment and one I believe the Senate should once again approve.

Mr. President, when the 55-mile-per-hour law was passed, the United States was experiencing a period of national crisis. There is no question that upon enactment of 55, highway fatalities decreased 15 percent. But it is an equally established fact that over the life of 55, motorists have continually driven faster, and contrary to the speed kills argument, highway fatality rates have actually declined. In fact, for numerous reasons, America's fatality rate is lower today than the period immediately following enactment of 55.

The statistics are clear, Mr. President, but one other reason for changing the 55-mile-per-hour law, and I think the most important is the simple matter of States rights. With 55 on the books, the Federal Government is again meddling into the private lives of each and every one of us. Washington, is again telling us what we can, and cannot, do and, most distressing, Mr. President, the Federal Government threatens daily to take away highway funding if States fail to enforce 55. In an era of placing premier emphasis on returning Government back to the people, Congress continues to maintain a law that smacks of unneeded intrusion into our daily lives. This must be changed.

Mr. President, there has been much written and said about whether or not we should change the 55-mile-per-hour law. I think there is no question we should, and it is obvious that most Americans think so too. Why then should we not bring back some commonsense and reality to the issue? Why should we not return this job back to our States? And, why must the Federal Government remain in the business of telling Americans how they should or should not drive?

Mr. President, the Symms amendment merely allows our States the right to raise the speed limit up to 65-mile-per-hour on rural interstates. If the Governor of New Jersey or Ohio or even Nevada feels motorists in his or her State should drive 55, under this amendment, they would have the right to maintain the speed limit at 55. All we are asking is that if a State so choose it be given the right to raise speed limits up to 65 on interstates outside urban areas which are defined as 50,000 people or more. It's as simple as that.

Mr. President, compliance figures show that over 75 percent of all drivers today exceed the 55-mile-per-hour limit. Obviously, something must be changed to bring reality and common sense back to this issue. The time has come to change the 55-mile-per-hour speed limit law, Mr. President, and I urge my colleagues to join me in supporting the Symms amendment.

Mr. SYMMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 14 minutes remaining.

Mr. SYMMS. I thank the distinguished Presiding Officer and I thank the distinguished Senator from Nevada. I thank him for his tireless support on this issue. Because of his efforts we could not have come as far as we have.

Mr. President, our next speaker in favor of this amendment is the distinguished Senator from Texas. He has long been an advocate of this proposal. He introduced legislation on it. He was a great deal of help. This cartoon by Trobr—and I do not know which newspaper this came from—has a picture, I would say to the distinguished Presiding Officer, of the devil and Oliver T. Boggle. As the devil is giving him his sentence, he says, "Oliver T. Boggle, you have sinned. You are condemned to drive between Amarillo and Barstow at the national speed limit." I think the Senator from Texas can really appreciate, with the wide expanses of west Texas, how long it takes to get places. I know that is one of the reasons he is a strong advocate of this proposal.

Mr. President, in this country there has been no law since prohibition that has been broken and ridiculed more than the 55-mile-per-hour speed limit.

People west of the Mississippi absolutely think that the people east of the Mississippi, in particular inside the Washington beltway, who passed this law completely lost their senses if they expected them to drive at that speed.

At this time I yield 8 minutes to the distinguished Senator from Texas [Mr. GRAMM].

Mr. GRAMM. I thank the distinguished Senator from Idaho. I do not know the devil personally, but I would doubt that even he would be so cruel, unless the sin of the individual in that cartoon were great, to impose such a sentence.

Mr. President, in 1974, we were under price controls. We had a tremendous shortage of oil. People were waiting in lines at the service station to get gasoline. We faced national security problems, and under the age-old practice of extraordinary steps being taken to deal with extraordinarily difficult problems, the President signed into law, in 1974, a preemption of the traditional right of the State to set speed limits within its borders and set a maximum speed limit of 55 miles an hour.

I submit today that no one can stand on the floor of the Senate and argue that we face anything approaching the crisis that existed in 1974. In fact, the whole logic for this extraordinary step in preempting the rights of the States to set their speed limits has long ago passed.

Our filling stations are brimming with gasoline. Prices have declined dramatically in the last year. There is no basis whatsoever to claim that a national emergency exists, especially one of the magnitude that would induce us to trample on the rights of States to do something so basic and so fundamental as to set their own speed limits.

So the first point I would like to make today is that the logic of this has long ago passed.

Second there are still two issues that have to be addressed. One is the safety issue—55 miles an hour and the safety that results from it. The second is the fuel economy issue. We are still not indifferent to fuel consumption.

First of all, I would like my colleagues to note that this is a very limited bill. This bill allows States—does not mandate States—to set a maximum speed limit of 65 miles an hour on rural interstates.

What of safety on these rural interstates? I would like my colleagues to take note of the fact that while 20 percent of automobile travel occurs on rural interstates, only 4 percent of auto fatalities occur on rural interstates.

The point I am making is that this is not an area where investing our resources in law enforcement to try to prevent people from driving over 55 miles an hour makes sense. Investing law enforcement resources in congested areas to enforce the 55-mile-an-hour speed limit would do more good than investing those resources in rural areas where the fatality rate is much lower. It is also clearly true that if we spent the same resources trying to keep drunks off the roads in urban areas that we spend in trying to enforce an unrealistic speed limit in rural areas on interstates, a lot more lives would be saved.

This is especially true in view of the fact that most surveys indicate that 80 percent to 90 percent of those who are driving in rural areas are not abiding by the 55-mile-an-hour speed limit now.

What of fuel economy? It is estimated that even if people were complying with the 55 mile an hour limit—and 80 percent to 90 percent of them are not—and we raised the speed limit from 55 to 65, the increase in fuel consumption would be a modest 0.18 percent—less than one-fifth of 1 percent.

I submit to my colleagues, No. 1, that the logic of the 55-mile-an-hour Federal preemption has passed. No. 2, people are not abiding by the 55-mile-an-hour speed limit, and using our law enforcement resources to enforce the limit within our cities to keep the drunk drivers off the roads would save more lives. Finally, the fuel consumption that would be saved if people were to drive at 55, which they are not, and if it were raised to 65, is still 0.18 percent.

Finally, I ask our colleagues from the East to look at the problem we face in the Western part of the United States. Several people have talked about this, but this is a very real problem. If you set out to drive from Fort Worth, TX, to Lubbock at 55 miles an hour, one of two things is going to happen to you. No. 1, you are going to get discouraged and turn back or, No. 2, you are going to get run over by somebody going a lot faster than 55 miles an hour.

We should not have laws that breed contempt for the law. We need to have realistic laws that make common sense, that people will abide by.

This is a modest amendment. If people in any State do not want to drive 65 miles an hour on their rural interstates, they do not have to. This amendment would simply give those States that wish it, such as Texas, the modest ability to raise the speed limit on rural interstates to 65 miles an hour.

The fuel consumption differential is insignificant. There is no safety factor when one takes into account that 80 percent to 90 percent of the people are not now abiding by the law and, in fact, the fatality rate is lower on these roads than on others.

Finally, the logic of preempting the rights of the States to set the speed limit no longer exists.

So I urge my colleagues to adopt this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I yield 10 minutes to the distinguished senior Senator from Missouri.

Mr. DANFORTH. I thank the Senator from New York.

Mr. President, basically, this is a question of weighing the scales, with time saved on one side of the scale and lives saved on the other side of the scale.

There can be no dispute that the 55-mile-an-hour speed limit has saved lives—a lot of them. There can be no dispute that raising the speed limit from 55 miles an hour will cost lives—a lot of them.

In 1974, when the speed limit was reduced to 55 miles an hour, in the first year, fatalities on the Nation's highways were reduced by 9,100. Ninety-one hundred people less died in 1974 than in 1973. The fatality rate on interstate highways in 1974 dropped 32 percent, and at the same time the fatality rate on roads that were not affected by the reduction in the speed limit to 55 miles an hour remained unchanged.

Therefore, in the first year of the 55-mile speed limit, there was a very, very substantial reduction in highway fatalities. Of course, there is something of a moderation of the dramatic effect of reducing the highway speeds in the first year. That is the case here, because the lives saved have been somewhat less in recent years, but still they are very dramatic.

Presently—right now—it is estimated that the 55-mile-an-hour speed limit is responsible for saving between 2,000 and 4,000 lives a year. Furthermore, the National Safety Council has estimated that the amendment before us, if acted on by the State legislatures, would cost about 600 to 1,000 lives a year.

So, Mr. President, that is what we are dealing with in human lives; that is the effect of this amendment—600 to 1,000 lives a year.

Fifty-five miles an hour saves lives. It also prevents injuries.

The Transportation Research Board, which is a part of the National Academy of Sciences, says that the 55-mile-an-hour speed limit prevents an estimated 65,500 injuries a year.

The American Medical Association estimates that, as a result of the 55-mile-an-hour speed limit, spinal column injuries have been reduced by 60 percent. These are not minor injuries, Mr. President. Spinal column injuries are injuries which usually paralyze the victim.

So we are dealing here with not only hundreds of lives each year, we are dealing with large numbers of very, very serious crippling, paralyzing injuries.

It almost is an anticlimax to suggest that the 55-mile-an-hour speed limit saves fuel. It does. It saves about 167,000 barrels per day which would translate into the cost of about $2 billion per year. But it seems to me that money saved and barrels of oil saved is really tiny compared to lives saved and injuries prevented.

But it is tiny compared to lives and injuries; it is very large compared to what is on the other side of this equation, and that is the fact that it has been estimated that if the speed limit were increased from 55 miles an hour to 65 miles an hour that would mean that the motorists of the United States would save on average 1 minute per driver per day.

Now it has been argued that this is a State's rights issue to raise the speed limit on interstate highways; underscore the word "interstate."

Mr. President, there is no constitutional right of the States to regulate interstate commerce. Clearly under the Constitution of the United States, it is the role of Congress to address matters of interstate commerce. Congress has regulated the speed limit. Congress has regulated the length and the weight of trucks on interstate highways. Congress does fund the Interstate Highway System.

The Federal Government provides all kinds of regulations with respect to the construction of automobiles, with respect to their ability to withstand crashes, padded dashboards, flexible steering wheels, and the like. So this is no constitutional question. This is no constitutional right of the States to burden or to regulate interstate commerce.

It is said by advocates of the increase in the speed limit that enforcement of the 55-mile-an-hour speed limit diverts attention of our enforcement personnel, that these people should be enforcing other laws.

In response to that argument, let me simply cite testimony by the assistant superintendent of the Ohio State Patrol before the Senate Commerce Committee in December of last year. The assistant superintendent of the Ohio State Patrol said that in his opinion the single most important thing that we could do in Congress to improve highway safety is to maintain the 55-mile-an-hour speed limit. He said leave it alone, leave it the way it is now and let law enforcement personnel do their jobs.

So that is the expert opinion of maintaining the 55-mile-an-hour speed limit.

Finally, it is said very casually that rural interstates are safer than other highways and than urban interstates. In a number of States, Mr. President, that simply is not true. It is not true in California. It is not true in Colorado. It is not true in Montana. It is not true in Nebraska. It is not true in Utah. In those States, the fatality rate on rural interstates is two to three times the fatality rate on urban interstates.

Mr. SYMMS. Mr. President, will the Senator yield on this point?

Mr. DANFORTH. I only have 10 minutes. I am about to wrap up, and then I will yield the floor.

Mr. President, in summation, let me say this: Really, the question is balancing time saved versus lives saved and accidents and serious injuries prevented.

In my view that is a very clear choice for us to make. A minute a day really means nothing—600 to 1,000 lives means a great deal each year. Thousands of serious paralyzing injuries means a great deal.

To me, the argument is clear. The argument is strong in favor of maintaining the 55-mile-an-hour speed limit.

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS. Mr. President, I just want to make the observation that the California Highway Patrol, which has done extensive research on the very question my distinguished friend and colleague from Missouri was talking about, has come to the conclusion that more lives could be saved by relaxing the 55-mile-an-hour speed limit on rural interstates than by keeping it. So there is a divided opinion of the experts.

I yield 3 minutes to the distinguished Senator from Oklahoma, Senator NICKLES, who is a primary cosponsor of this and has been a strong advocate on this bill.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, thank you.

I thank my distinguished colleague, Senator SYMMS from Idaho, for his leadership, and also Senator HECHT from Nevada, for his leadership.

We have been working on this for some time. I hope we will be successful today. I urge them when we go to conference with the House to maintain the Senate's position.

I think it is important that we stress time and time again that we are not talking about mandating or increasing the speed limit from 55 to 65 throughout the States. What we are talking about is giving the States the option at the States' discretion, the States' option, to decide at their level if they desire to increase the speed limit from 55 to 65. It would be their option.

So if the highway patrol in the State of Ohio, as indicated by our good friend and colleague from Missouri, feels very strongly that it will be a mistake and it will jeopardize lives, they should make that argument to the State and possibly they will prevail.

I really do not care if my State elects to keep it at 55 or if they elect to increase it to 65.

I think they should make that decision, not have that decision mandated from Washington, DC, with the mandate clearly stating not only do we tell you you have to have it at 55, but if you exceed it by a certain percentage—and I will make the statement I think almost all States exceed it by that percentage on any given day—then some of the original funds that you have generated will be withheld from you up to 10 percent.

In my State almost $20 million could be withheld if they happen to check on a particular day.

Again, those are State funds. That 9 cents per gallon comes from constituents or individuals in Oklahoma and from each individual State.

I think it is wrong for the Federal Government to superimpose and say that is our money, when it actually came from those States.

I also think the 55-mile-an-hour speed limit as a general rule creates a disrespect for the law, when we have a majority of the people who are not following it, who are not obeying it, our young people who are learning to drive—and I happen to have a couple of teenagers who are in that age—and they get on the highway and we tell them do not go over 55 miles an hour and they are almost run over. They say, everybody else is doing it.

Again, this is a real disrespect for law. Possibly if we had it at 65, the law would be enforced as it should be. I would hope so.

One final comment: We heard when this was imposed we saved thousands of lives, particularly between 1973 and 1974.

My guess is that you will find that gasoline prices increased substantially between 1973 and 1974, and a lot of people started conserving, started driving less, and that was probably responsible for saving the majority of lives.

Again, let us allow those individual States and those legislatures to make the decisions on what the speed limit should be in their State and not have it mandated by the Federal Government.

I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS. Mr. President, how many minutes do I have remaining?

The PRESIDING OFFICER. The Senator has 37 seconds.

Mr. SYMMS. Mr. President, I have two requests for time.

Mr. BAUCUS. I will be very brief.

Mr. SYMMS. I yield my remaining time to the Senator from Montana, but the Senator from South Dakota asked for time. Will he be able to get time?

Mr. BAUCUS. Mr. President, the national maximum speed law is a law without reason; without flexibility, and above all, without respect.

It is time to change the law.

55 MPH WITHOUT REASON

The 55 mile-per-hour speed limit law was passed in March 1974 during the Arab oil embargo as a temporary fuel conservation measure.

It was then permanently established by Congress in January 1975 because it was perceived to save lives.

Those are good intentions.

But let's be honest about the results.

The energy savings was minimal—at best 1 percent, about the same result from proper tire inflation.

And just how responsible has the speed limit been in reducing accidents? Traffic fatalities plummeted the first year by 15.3 percent, but a reduced speed limit was not the only factor:

Weekend and recreational driving, the times most fatal accidents occur, dropped 25 to 30 percent in response to rising fuel costs; 1974 saw a significant increase in seatbelt use for the first time, mostly because seatbelts were required in vehicles.

Saving lives is worthy of a national policy, if indeed it is an effective policy. But the truth of the matter is simply that drunk driving, seatbelts and speed variance affect lives more than a maximum speed limit of 55:

A study contained in the National Academy of Sciences report shows that accident rates are about the same whether the average speed is 55, 65, or even higher.

From one-third to one-half of all highway deaths are believed to be alcohol related.

Using a seatbelt is the single most effective individual action to prevent serious injury in the event of accidents, yet only half the States have a mandatory seatbelt law.

We would save more lives by concentrating on enforcement efforts and seatbelt promotion.

FLEXIBILITY

Mr. President, we have over 43,000 miles of interstate highway. About one-fourth of it is rural and three-fourths urban.

It is diverse highway. Variation is great from one State to the next.

New Jersey, for example, has 383 miles of some of the busiest interstate; over 102,000 average daily traffic count, daily vehicle miles per mile.

Montana, on the other hand, has three times the amount of interstate miles and only a 10th of the daily traffic.

I can drive 145 miles from Billings, MT, to Miles City and see fewer cars than driving from my house to the Capitol—that is no exaggeration.

Along that 145 miles are only 19 interchanges—all but one serve communities with less than 1,000 in population. There are very few interruptions in traffic flow along the way.

That stretch of highway was designed and engineered to accommodate a general speed of 70 miles per hour, as was most interstate. It is good interstate.

The point is, there is a lot of variation.

What might be an appropriate restriction in New Jersey may not necessarily make sense in Montana.

Mr. President, you only have to drive the 650 miles from one end of Montana to the other to realize the sheer stupidity of imposing such an arbitrary speed limit as 55.

Montana is not unique either—there are a lot of highways in other States where 65 miles per hour would be a prudent, safe, and appropriate speed.

But I am not familiar enough with the highways in other States to know which of those interstate stretches are appropriate.

None of us is knowledgeable enough to do that.

So why are we doing it?

WITHOUT RESPECT

It's no wonder so few people are obeying the law.

Mr. President, according to one report, more than 70 percent of America's drivers exceed the 55-mile-per-hour speed limit.

Reports are also numerous of widespread manipulation of gathering and reporting compliance data by State jurisdictions fearful of losing their Federal funds. Keeping this law on the books is embarrassing and shameful.

The national maximum speed limit may well be the most widely violated law since prohibition.

CONCLUSION

Mr. President, I would personally prefer to simply repeal the national minimum speed limit law and leave the matter to States.

But I recognize if we are to ever change the law, it must be accomplished through bipartisan House and Senate cooperation and compromise.

The bill before us today limits the speed to 65 miles an hour and is only permitted on rural interstate highways.

More importantly, it leaves the question to the States of whether the speed limit should be raised under these conditions. That's a decision the States should be making.

States may decide not to raise the speed, or they may allow a higher speed on only certain stretches of rural interstate according to what is most appropriate in the State.

I urge my colleagues to support this amendment and return this matter to the State—where it belongs.

I thank the Chair.

Mr. President, essentially our argument is, we need flexibility.

I can drive on the interstate highway from Billings, MT, to Miles City, MT, about 140 miles, and see fewer cars than I see driving from my home in Washington, DC, to the Capitol.

We need flexibility.

I can tell you, Mr. President, that this body will not regret agreeing to this amendment. It will find it will help our economy and the driving public.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I yield myself at this moment such time as I may require of that time which remains available on this side.

Mr. President, I would like to make a general comment about our debate, and first to express my admiration for the statements that have been made. They have been moderate, they have been thoughtful and, within the range of the normal technical competence that is available to Members of this body, they have been informed.

On the other hand, I would like to offer the thought that they have not been adequate, and therein lies one of the problems we are dealing with and which will come up later in this debate. The one where we ought to have been most competent has to do with the question of the right of the National Government to establish standards of this kind on the Interstate System.

I must express regret that I have had to learn that there had been Federal proscription here. I had even heard it said that there has been an invasion of States' rights by the imposition of safety standards with respect to speed on the system.

Mr. President, yesterday, as we began this debate, I gave a brief account of the origins of the Interstate Highway System which began in the Roosevelt administration. Robert Moses is the most likely person to have conceived the system. One of the basic and most compelling features was the physical design of the system intended to enhance the safety of vehicles traveling on it to minimize the number of crashes. The divided intersection, the divided lane, overpasses, dividing oncoming traffic, the whole mathematics of curves were devised by Bertram Tallamy of the New York State Department of Transportation with safety in mind, and speed limits is just one further feature. The interstates were designed to handle traffic at certain speed limits. And the Federal Government has put all this into its standards as an interstate and defense highway system.

Is there anyone in this Chamber who will say the U.S. Government does not have primacy with respect to national defense? And, might I further ask, is there anybody in this Chamber who remembers that this is the Interstate and Defense Highway System? It was proposed by President Eisenhower as a means of moving missiles from one part of the Nation to another. The bridge clearances, the curvatures, the whole design of the system was to accommodate defense requirements. And, please, no more arguments for States rights, when States rights is simply the ability to take from the Federal Government the highways and then insist on the rights to use or misuse them.

The second thing I would like to say, Mr. President, is I wish we would by now have learned to show some respect to the complexities and the invarying multiple causality of highway safety phenomena.

I have heard a distinguished Member of this Senate say: "Consider," he addressed us, "that while 20 percent of the travel of the Interstate System takes place on a certain portion of the system, it has only 4 percent of the fatalities."

I am afraid about 30 years ago, Mr. President, if I may say, in Albany, in the Department of Health at that point, we began to look at statements like that and say, "Your mean to say that on a system that accounted for 20 percent of the mileage, you only had 4 percent of the fatalities?"

That could mean one of several things. It could mean you had many fewer fatalities than would be expected, or it could mean you had many more fatalities than could be expected. Or it could mean you had just the number that would have been predicted by the other things you know about, the relations between design and collisions that produced fatalities. In and of itself, it means nothing. This is a subject that has undergone an entry into scientific method, and statements require evidence.

Now that is the point I would like to come to now and with great seriousness.

Later in the day, the distinguished Senator from Missouri will be offering an amendment to reauthorize the National Highway Traffic Safety Administration and require certain actions of it.

Mr. President, it is a scandal that we are here in the Senate debating a matter of genuine consequence, having to do with the regulations of the Federal Government concerning safety, and we have had no word from the National Highway Traffic Safety Administration.

It happens that in the early years of the 1960's in this city, I was involved in an organization, a committee President Kennedy first established, and later in an informal network, in the effort to establish a Federal Traffic Safety Administration which succeeded in its time. And this is the one we are talking about.

It was first headed by William Haddon, Jr., a great physician, a great public health officer, and his associate, Robert Brenner, a superb and dedicated engineer. Had either of those men had this watch, there would be on our desks a valid and comprehensive and lucid record of the data, the research, pro and con. They would have served their purpose.

Instead, we have from this administration and this agency nothing. We have silence.

I have just spoken within the last few minutes to a distinguished Member of this body whose view is that the very considerable and serious mission of the National Highway Traffic Safety Administration in this administration has come to nothing. They are in contempt of the law.

I use the analogy of the early experience in the Committee on Environment and Public Works, of which I am present here as ranking member and managing this legislation. We also handle environmental matters. The administration of the Environmental Protection Agency in the early days of the Reagan administration, which came to great grief, came to court actions.

That same kind of contempt continues in place under the administration of Diane Steed. It is shameless that a serious, lifesaving effort, for which many persons devoted their entire careers, finally saw culminate in a valuable Federal institution, has been lost by sheer disdain for the mission.

By golly, we have heard nothing on the Senate floor about the rights of States to let persons behave as they will regardless of the consequences on Federal properties as we have seen by implication by the silence of the administration—the shameless, shameful silence of the National Highway Traffic Safety Administration in the face of the U.S. Senate seeking to debate this matter. I wish it were not so, Mr. President. I will return to the matter later in the morning.

I yield the floor.

Mr. President, I observe my distinguished colleague has risen, a new Member of the body, and a very welcome Member. May I ask if he wishes to speak, and if so, for how long and on which side?

Mr. DASCHLE. Mr. President, I thank the Senator for yielding the floor. I would like to speak for approximately 5 minutes in favor of the Symms amendment.

Mr. MOYNIHAN. Mr. President, the only time remaining is in opposition to the amendment, but in view of the honorable Member's request, I would be happy to yield 5 minutes from our time.

Mr. DASCHLE. I am grateful to the Senator for his generosity. I commend him for the statements that he has just made. I commend the author of the amendment.

I certainly share the point of view of the Senator from New York that this is not a question of whether or not the Federal Government has the right to impose upon the States certain guidelines, and certain regulations. That is indeed a national prerogative with regard to Federal revenues. But I do believe as well that as a government which recognizes the great diversity between a State like New York and a State like South Dakota, between the West and the East, we must recognize that we cannot put a national template across the country expecting those in rural areas to adhere to the same regulatory framework as those in urban areas given an entirely different set of circumstances. I think that is what we face here. Certainly the question of safety is at stake, but clearly it is also a question of recognizing those vast differences as we do in so many other elements of law, whether it is in health care, whether it is in agriculture, or whether it is in a broad range of Federal policymaking responsibilities. There is a difference. And the differences exists in transportation, too.

This issue tends to be one of rural versus urban and the perspectives that we both hold. Fundamentally as a rural versus urban question, it is largely one of practicality. The fact of the matter is that in vast Western areas, when air travel reaches speeds in excess of 600 miles an hour traversing Western lands as we do on a routine basis there is little practicality to a speed limit of 55. As a result, it is not being adhered to by the vast percentage of those people living in rural areas today.

There are many studies relating to the relative definition of a rural area. There are those who argue that the relative merits of varying speeds according to population density ought to be considered. And there are those who argue that in rural areas, speed is actually a negligible factor, especially on interstate highways. The argument often proposed is that should the speed limit be raised, as is now being proposed, it will not be 65 miles an hour but speeds will soon exceed 70 or 80. There is no evidence at all to suggest such a prediction.

Oftentimes in this country, people are urged to vote with their feet. I submit that when it comes to the speed laws in this country, people are voting not only with their feet, but with their automobiles, and with their trucks and their vans. They are voting that the speed limits should not be adhered to.

The law is not even being enforced across the board in equal fashion. And speed laws fail to recognize the disparity which exists among South Dakota, New York, or New Jersey. Nor do they recognize the need for greater sensitivity and greater practicality in applying laws as they now exist. As a result, American drivers are voting to change. They ask that we be practical. They are asking us to change.

These practical problems ought to be considered. Obedience to the laws and the credibility factor in Federal policymaking are long lost when we fail to recongize the differences which exist in this vast Nation, and the need to reflect those differences in this highway bill. For that reason, I certainly urge the support of this amendment recognizing fully our need to ensure national responsibility when it comes to overall guidelines and regulations with safety and with transportation.

I thank the Senator for yielding the floor as generously as he has this morning.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I express to our distinguished new colleague my appreciation for the thoughtfulness and the care with which his statement was drafted.

I would only like to point out as regards the general perception that surely this is an Eastern-Western disparity—that levels of concern in the West are greater but not necessarily urban-rural. The State of New York has the sixth largest rural population in the Nation, considerably larger than most States that are rural, and our roads through rural areas are not necessarily flat, but they are nonetheless genuine countryside.

Mr. President, might I ask how much time remains in opposition?

The PRESIDING OFFICER. Four minutes.

Mr. MOYNIHAN. I will not try the patience of our congenial Presiding Officer more than that. I would simply like to make two points, Mr. President, both relevant.

The first is that we do have research in this field. The Transportation Research Board of the National Research Council has published a report "55: A Decade Of Experience." A learned committee was established to carry out the study. The chairman was Prof. Alan Altshuler, professor of political science at New York University, and the findings are really quite persuasive. We have seen as a consequence of the 55-mile-an-hour limit that there is quite an unprecedented decline in motor vehicle fatalities. The only previous recorded experience came around World War II when there was great decline in motor vehicle transport.

But I say once again that we would not be in this situation were it not for a shameless and shameful dereliction of duty by the National Highway Traffic Safety Administration which stands mute with respect to the discharge of its duties by this body. Had we only one piece of paper from the Administrator, Ms. Steed, we would be clearly able to legislate in a better manner. It was for such purposes that Congress by law established that Administration. The persistent pattern by avoiding some responsibility, lack of interest, is to be deplored but at least on this occasion to be noted.

Mr. President, I have made my remarks. I perhaps have a minute remaining. I wonder if my distinguished friend from Idaho wishes to rebut and devastate these last remarks?

Mr. SYMMS. No. I thank my good friend from New York. I think the case has been made very well.

I think all Senators know where they stand. I would just say to my colleagues in closing that this amendment is a modest, moderate amendment to relax the speed limit on rural interstates only and only permissive; that is, if the States choose to do so. I think for my colleagues who have not caught up with it that is the main thing.

I thank the distinguished floor leader from New York, and return the time back to him. I thank the distinguished chairman.

Mr. KASTEN. Mr. President, I rise in support of the Symms amendment to raise the rural interstate speed to 65 miles per hour. The last time this matter was up for consideration I voted to maintain current law. Since that time I have heard from many people in Wisconsin. The cards, letters, phone calls and personal contacts have been overwhelmingly in support of raising the speed limit to 65 miles per hour.

Here is just an example of the letters I've received:

PAUL HOFF,
Shorewood, WI, October 2, 1986.

Senator ROBERT KASTEN,
Senate Office Building,
Washington, DC.

DEAR SENATOR KASTEN: It was disappointing to learn that you had voted against the amendment allowing states to raise the 55 mile per hour speed limit. This nation has the most efficient highway system in the world, traveled by cars that are the safest ever produced, yet we are hampered by an unrealistic speed limit.

Raising the limit will increase fuel consumption only slightly, it will allow enforcement resources to be more reasonably allocated and will allow for more efficient use of the highways.

If traffic fatalities are your concern, pass a seat belt law or get drunk drivers off the roads. Improved driver education courses would also be a wise investment.

Please endorse any action which would return control of speed limits to the states.

Sincerely,

PAUL HOFF.

DEAR SENATOR: I usually agree with your decisions but your vote to maintain the 55 mph speed limit disappointed me. I feel the speed limit should be a state's right issue. Each state has differing geography and should be considered when establishing the speed limit.

R.J. LUDVIK.

5725 CENTURY AVENUE,
Middleton, WI, September 24, 1986.

Senator ROBERT KASTEN: How can you possibly not vote for approval of 65 mph on major highways?

What rationale do you see in authorizing 55 m.p.h. on county gravel roads and the same on interstate highways?

Ridiculous!!

You should reconsider and vote in favor of 65 m.p.h..

LEONARD E. LEWIS.

P.O. Box 654
Racine, WI, September 25, 1986.

Senator ROBT. KASTEN, JR.,
Milwaukee, WI.

DEAR SENATOR KASTEN: I cannot believe you voted against this antiquated 55 m.p.h. bill, I have heard all the Arguments against it and still think we are living in the dark ages with this law. Even some law enforcement agencies are against it, our cars, trucks and highways are certainly built to drive 65 m.p.h. easily in interstates.

I travel a lot in business and do not speed, but I do not drive 55 m.p.h. either as most citizens do not, but the time lost at 55 is very costly and I do not believe it saves lives, all agencies Pro and Con have their figures of course, but I certainly am against this law.

I just want to let our law makers know how I feel.

Yours truly,

ROBERT LATZ.

SEPTEMBER 25, 1986.

Honorable Senator ROBERT W. KASTEN: I disagree with your vote against the 65 m.p.h. amendment. A law no one obeys is a bad law, and the 55 m.p.h. speed limit is a bad law.

I drive the I system everyday, the 55 speed limit wastes my time, and money. Besides the tax money your wasting trying to enforce it.

Thank you,

TOM GILLESPIE.

Mr. President, in the State of Wisconsin the rural interstates make up 82 percent of the Interstate System. This amendment will simply give the State of Wisconsin the right to decide whether to increase the speed limit on these roads. I urge my colleagues to join me in supporting this amendment.

Mr. MURKOWSKI. Mr. President, I understand the Senator's amendment would permit raising the speed limit up to 65 miles per hour for any rural portion of the Interstate System. I wish to ask whether it is the intent of the amendment's sponsor that this provision shall apply to all States with highways designated as part of the Interstate System, and that this would include those rural portions in Alaska designated as part of the Interstate System for the 4R allocation.

Mr. SYMMS. I thank the Senator for his question. He is correct about the meaning of this provision, including the portion pertaining to the effect on highway routes in Alaska.

Mr. LEVIN. Mr. President, the issue involved in this vote is not whether the Federal Government should dictate to the States what their speed limit should be. The supporters of this amendment still want to dictate a speed limit to the States—but instead of saying, as we do now, "you have to have no higher than a 55-mile-per-hour speed limit or you will lose part of your Federal highway funding," they want to say, "you must have no higher than a 55-mile-per-hour speed limit on most of your roads and no higher than a 65-mile-per-hour limit on some of your roads, or you will lose part of your Federal highway funding." So let's be clear on that point: the supporters of this amendment still want to tell States what they are allowed to do with regard to speed limits.

The 55-mile-per-hour speed limit was enacted in 1973 as part of a national strategy for saving lives and for energy security. And no one denies that the new national speed limit has contributed to both. In reverse order of importance, a National Research Council study of 2 years ago found that the 55-mile-per-hour speed limit saves about 167,000 barrels of petroleum per day. The study pointed out that although this is less than 2 percent of the Nation's average highway fuel consumption, the savings could be extremely important in the event of another disruption in oil supply. For example, the amount of oil saved by the 55-mile-per-hour speed limit represents about 10 percent of the shortfall experienced during the Arab oil embargo.

While the imminent crisis that led to adoption of a national energy strategy may have passed, the need for such a strategy still exists. The recent oil price increases resulting from an OPEC decision to hold down production shows that the power of that cartel is not yet broken. It would be shortsighted, and in my view, extremely foolish, for Congress to weaken a very successful energy conservation measure, which would be the effect of this amendment.

There is also no doubt that the 55-mile-per-hour speed limit has had the other most positive effect. To quote from the Director of the Michigan State Police:

> The 55-mph speed limit has resulted in an unprecedented decrease in highway injuries and fatalities. Studies of the national statistics, taking other safety improvements into consideration, reflect that the 55 mph speed limit continues to reduce 2,000 to 4,000 fatalities, 2,500 to 4,500 serious injuries, and 34,000 to 61,000 minor injuries per year.

Although this amendment would only allow States to raise the speed limit on rural interstates, these are not the only roads that are likely to become less safe as a result of higher speeds. The Michigan State Police director has pointed out to me that raising the limit on rural interstates is likely to have a "spillover" effect, resulting in motorists traveling faster on other roads—and all roads would be less safe as a result.

The transportation experts in Michigan tell me that they support retention of the 55-mile-per-hour limit, although they would like to see compliance by the States measured in a different way. A provision of the House-passed highway bill would institute a new system for measuring compliance which gives more weight to speed limit violations between, say, 65 and 70 miles-per-hour than to violations between 55 and 60 miles-per-hour. This would lessen the burden on States that stand to lose highway funds, and I think it is the approach we should be taking. We should not be backing away from our commitment to energy security and highway safety.

Mr. WALLOP. Mr. President, today I join my friends Senators BURDICK and SYMMS in asking our colleagues to approve legislation which will allow the individual States to regain control over their highways by permitting them to raise speed limits on their rural interstate highways to 65 miles per hour, a measure we approved last fall by a 20-vote margin.

President Dwight D. Eisenhower made the creation of the Interstate Highway System a priority in his administration after marveling at the ability of Germany's autobahns to quickly and effeciently transport massive reserves of war materials. He figured that the same system would greatly improve America's competitiveness by increasing the efficiency of business transportation.

The system was to provide a uniform design to allow for safe travel at speeds of at least 70 miles per hour, even with high-load capacity. Today, the Federal Interstate System is nearing completion, the product of an investment of almost $100 billion. As we consider a bill to authorize money for the completion of the system and the renovation of its aging parts, it is appropriate that we reconsider the speed limit issue.

Rural interstate highways represent only 6 percent of all roads currently posted at 55 miles per hour, and account for 19 percent of all traffic on those roads. In my home State of Wyoming, the 179 miles along Interstate 25 between our most important business centers, Cheyenne and Casper, could be traveled in 2 hours, 45 minutes with a speed limit of 65 miles per hour a saving of one-half hour. From Cheyenne to Rock Springs, along Interstate 80, the 4-hour trip would be 45 minutes shorter at 65. When planning travel, those times become significant.

Opponents of our plan say that the lower national limit conserves fuel. A 1984 National Academy of Sciences study, commissioned by the Congress, found a 2-percent annual fuel saving. The same year, the Transportation Research Board estimated the savings at only 1 percent.

Savings of lives are also cited, and a great reduction in highway fatalities did result after the speed limit was dropped to 55. We all know, however, that the 1973 Arab oil embargo, which prompted the drop, caused a marked decrease in the number of cars on the roads of our Nation. Also, safety innovations in automobiles and highway design, mandatory safety belt laws, and an increased safety consciousness among Americans must have helped to bring about the lower fatality count. If we are to argue the logic that lowering the speed limit lowers highway traffic deaths, lowering the limit to zero would totally eliminate the problem.

Mr. President, we can talk all day about the benefits of a lower or higher speed limit, but that would be skirting the point of this amendment. Our State governments and legislatures are perfectly qualified to weigh the factors both pro and con in this debate, and to make choices appropriate for the people whom they represent. As we vote today to continue improving the world's largest and most complex transportation system, I urge my colleagues to go one step further, and return to the citizens of each State their right to determine a speed limit for their own safety needs.

Mr. MOYNIHAN. Finally, Mr. President, I ask unanimous consent that Mr. Jim Gould, Mr. Randy Hardock, staff members of the Finance Committee, be allowed the privilege of the floor during the consideration of S. 387.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator has 6 seconds remaining.

Mr. MOYNIHAN. Mr. President, I yield back the remainder of my time.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON VETO OVERRIDE ON H.R. 1 ON WEDNESDAY

Mr. BYRD. Mr. President, I propound a request that has been cleared with the distinguished Republican leader [Mr. DOLE]. I understand that Mr. SYMMS, who will respond as acting Republican leader at this time, is on the floor and prepared to do so.

I ask unanimous consent that on tomorrow, at 2 p.m., the Senate proceed to the consideration of the veto message on H.R. 1, the clean water bill; provided further that there be 1 hour of debate on that message, the time to be equally divided between Senators BURDICK and STAFFORD or their designees; provided further that no motions to commit or postpone be in order; and that the Senate vote on the override at the hour of 3 p.m. tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. SYMMS. Reserving the right to object, Mr. President, and I shall not object, I confirm what the majority leader has said. The minority leader has notified me that he has approved this and it has been cleared through the Republican hotline.

Mr. BYRD. Mr. President, I thank the able acting Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. The time for debate having expired and the hour of 12 noon having arrived, under the previous order, the Senate will now stand in recess until the hour of 2 p.m.

Thereupon, the Senate, at 12:02 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BURDICK).

The PRESIDING OFFICER. The Chair, in his capacity as the Senator from North Dakota, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT

Mr. KASTEN. Mr. President, I ask unanimous consent that privileges of the floor be granted to David Meeker of my staff during the pendency of the highway bill each day the measure is pending and for rollcall votes thereon.

The PRESIDING OFFICER (Mr. SIMON). Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, may I inquire, I believe under the order, we are to vote at 2 p.m.

The PRESIDING OFFICER. The Senator from New York is correct.

Mr. MOYNIHAN. The hour of 2 p.m. having arrived, I suggest to our distinguished Presiding Officer that we proceed to vote on the amendment of Mr. SYMMS.

The PRESIDING OFFICER. The Senator is correct.

Under the previous order, the Senate will proceed to vote on the Symms amendment, amendment No. 11. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON announced that the Senator from Oregon [Mr. HATFIELD] and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—65

Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Breaux
Bumpers
Burdick
Chiles
Cochran
Conrad
Cranston
Daschle
DeConcini
Dodd
Dole
Domenici
Durenberger
Ford
Fowler
Garn
Graham
Gramm
Grassley
Harkin
Hatch
Hecht
Heflin
Helms
Humphrey
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Leahy
Lugar
McCain
McClure
McConnell
Matsunaga
Melcher
Murkowski
Nickles
Nunn
Pressler
Pryor
Quayle
Reid
Riegle
Rudman
Sanford
Sasser
Shelby
Simpson
Stennis
Stevens
Symms
Thurmond
Wallop
Wilson
Wirth
Zorinsky

NAYS—33

Adams
Boschwitz
Bradley
Byrd
Chafee
Cohen
D'Amato
Danforth
Dixon
Evans
Exon
Glenn
Gore
Heinz
Hollings
Inouye
Lautenberg
Levin
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Proxmire
Rockefeller
Roth
Sarbanes
Simon
Specter
Stafford
Trible
Warner
Weicker

NOT VOTING—2

Hatfield
Packwood

So the amendment (No. 11) was agreed to.

Mr. BURDICK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENTSEN. Mr. President, will the Senator from New York yield for a question?

Mr. MOYNIHAN. I yield.

Mr. BENTSEN. I say to the distinguished Senator from New York, the manager of the bill, that I would like to bring up the Finance Committee's amendment at this time, if I may; and I would be prepared to accept a limitation on debate as short as 5 minutes to a side, if it would be agreeable, in order that we might expedite passage of the bill.

Mr. MOYNIHAN. If the distinguished chairman will allow me, I would like to make that request now of the Senate.

The PRESIDING OFFICER. Will the Senator suspend for a moment?

The Senate will come to order.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Mr. President, will the distinguished Senator withhold that for a moment?

Mr. MOYNIHAN. I am happy to do so.

Mr. BYRD. Mr. President, we are in the process right now of trying to clear this time agreement. I do not think there will be any problem, but we do have to protect our colleagues.

I want to be sure that there are no amendments to the amendment; because, if we agree to 10 minutes on that amendment and do not have other amendments locked out, someone can come in with a controversial amendment to that amendment, and there is not 1 minute of debate.

Mr. MOYNIHAN. I say to the distinguished majority leader that that was my purpose, to get a time agreement.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

AMENDMENT NO. 12

(Purpose: To provide for a 4-year extension of the Highway Trust Fund taxes, and for other purposes)

Mr. BENTSEN. Mr. President, on behalf of the Committee on Finance, I offer an amendment to S. 387. It is one that would provide funding for the authorization on the highway legislation we are talking about. I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill read as follows:

The Senator from Texas [Mr. BENTSEN] proposes an amendment numbered 12.

Mr. BENTSEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so orderd.

The amendment is as follows:

At the end of the bill, insert the following new title:

TITLE II—HIGHWAY REVENUE ACT OF 1987

SEC. 201. SHORT TITLE.

This title may be cited as the "Highway Revenue Act of 1987".

SEC. 202. 4-YEAR EXTENSION OF HIGHWAY TRUST FUND TAXES AND RELATED EXEMPTIONS.

(a) EXTENSIONS OF TAXES.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking out "1988" each place it appears and inserting in lieu thereof "1992":

(1) Section 4041(a)(3) (relating to special fuels tax).

(2) Section 4051(c) (relating to tax on heavy trucks and trailers sold at retail).

(3) Section 4071(d) (relating to tax on tires and tread rubber).

(4) Section 4081(e)(1) (relating to gasoline tax) (as amended by the Tax Reform Tax Act of 1986 and section 521(a)(1)(B) of the Superfund Revenue Act of 1986).

(5) Section 4481(e), 4482(c)(4), and 4482(d) (relating to highway use tax).

(b) EXTENSION OF EXEMPTIONS, ETC.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking out "1988" each place it appears and inserting in lieu thereof "1992":

(1) Section 4041(b)(2)(C) (relating to qualified methanol and ethanol fuel).

(2) Section 4041(f)(3) (relating to exemption for farm use).

(3) Section 4041(g) (relating to other exemptions).

(4) Section 4221(a) (relating to certain tax-free sales).

(5) Section 4483(f) (relating to exemption for highway use tax).

(6) Section 6420(h) (relating to gasoline used on farms).

(7) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems) (as in effect before its redesignation by section 1703(c) of the Tax Reform Act of 1986).

(8) Section 6427(g)(5) (relating to advance repayment of increased diesel fuel tax).

(9) Section 6427(m) (relating to fuels not used for taxable purposes) (as in effect before its redesignation by section 1703(e)(1) of the Tax Reform Act of 1986).

(c) OTHER PROVISIONS.—

(1) FLOOR STOCKS REFUNDS.—Paragraph (1) of section 6412(a) of the Internal Revenue Code of 1986 (relating to floor stocks refunds) is amended—

(A) by striking out "1988" each place it appears and inserting in lieu thereof "1992", and

(B) by striking out "1989" each place it appears and inserting in lieu thereof "1993".

(2) INSTALLMENT PAYMENTS OF HIGHWAY USE TAX.—Paragraph (2) of section 6156(e) of such Code (relating to installment payments of tax on use of highway motor vehicles) is amended by striking out "1988" and inserting in lieu thereof "1992".

SEC. 203. 4-YEAR EXTENSION OF HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsections (b), (c), and (e) of section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) are each amended—

(1) by striking out "1988" each place it appears and inserting in lieu thereof "1992", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1993".

(b) EXPENDITURES FROM HIGHWAY TRUST FUND.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 (relating to expenditures from Highway Trust Fund) is amended by striking out "or" at the end of subparagraph (B) and by striking out subparagraph (C) and inserting in lieu thereof the following new subparagraphs:

"(C) authorized to be paid out of the Highway Trust Fund under the Federal-Aid Highway Act of 1987, or

"(D) hereafter authorized by a law which does not authorize the expenditure out of the Highway Trust Fund of any amount for a general purpose not covered by subparagraph (A), (B), or (C) as in effect on the date of the enactment of the Federal-Aid Highway Act of 1987.".

(c) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-11) is amended—

(1) by striking out "1988" and inserting in lieu thereof "1992", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1993".

SEC. 204. CERTAIN TRANSFERS FROM HIGHWAY TRUST FUND TO BE MADE PROPORTIONATELY FROM MASS TRANSIT ACCOUNT.

Subsection (e) of section 9503 of the Internal Revenue Code of 1986 (relating to establishment of Mass Transit Account) is amended by adding at the end thereof the following new paragraphs:

"(5) PORTION OF CERTAIN TRANSFERS TO BE MADE FROM ACCOUNT.—

"(A) IN GENERAL.—Transfers under paragraphs (2), (3), and (4) of subsection (c) shall be borne by the Highway Account and the Mass Transit Account in proportion to the respective revenues transferred under this section to the Highway Account (after the application of paragraph (2)) and the Mass Transit Account; except that any such transfers of the extent attributable to section 6427(g) shall be borne by the Highway Account.

"(B) HIGHWAY ACCOUNT.—For purposes of subparagraph (A), the term 'Highway Account' means the portion of the Highway Trust Fund which is not the Mass Transit Account.".

SEC. 205. IMPOSITION OF HIGHWAY USE TAX ON ALL MOTOR VEHICLES OPERATING IN UNITED STATES.

(a) IN GENERAL.—Subsection (b) of section 4481 of the Internal Revenue Code of 1986 (relating to tax paid by whom) is amended by inserting "or contiguous foreign country" after "State".

(b) REGULATIONS REQUIRED WITHIN 120 DAYS.—The Secretary of the Treasury or the delegate of the Secretary shall within 120 days after the date of the enactment of this section prescribe regulations governing payment of the tax imposed by section 4481 of the Internal Revenue Code of 1986 on any highway motor vehicle operated by a motor carrier domiciled in any contiguous foreign country or owned or controlled by persons of any contiguous foreign country. Such regulations shall include a procedure by which the operator of such motor vehicle shall evidence that such operator has paid such tax at the time such motor vehicle enters the United States. In the event of the failure to provide evidence of payment, such regulations may provide for denial of entry of such motor vehicle into the United States.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 1987.

Mr. BENTSEN. Mr. President, this amendment to the highway authorization bill was approved by the Senate Finance Committee on January 22 of this year. The committee amendment, the Highway Revenue Act of 1987, provides the following: A 4-year extension of the present highway trust fund excise taxes from October 1, 1988, through September 30, 1992. A new line 4-year extension with authority to make expenditures from the highway trust funds, also through September 30, 1992.

An update of the Internal Revenue Code to reflect the trust fund authorization purposes in S. 387.

A requirement that all trucks which derive a significant benefit from the U.S. highways will be subject to the use tax regardless of the country in which the truck is registered.

Mr. President, I ask unanimous consent that an explanation of the committee amendment be printed in the RECORD in its entirety. This explanation was prepared by the Joint Committee on Taxation and provides a legislative history for that committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATION OF REVENUE TITLE, THE HIGHWAY REVENUE ACT OF 1987, TO S. 387, A BILL EXTENDING HIGHWAY TRUST FUND AUTHORIZATIONS

INTRODUCTION

This document is an explanation of the committee amendment approved by the Committee on Financing on January 22, 1987, to extend the present-law highway-related excise taxes and the Highway Trust Fund expenditure authority for four years (through September 30, 1992). The committee amendment is to be offered as the revenue title to S. 387, a bill extending authorizations for the Highway Trust Fund, when such a bill is considered by the Senate.

This committee explanation is intended to be a part of the official legislative history of the committee amendment.

The first part is a summary of the committee amendment and background. The second part is an explanation of the provisions of the committee amendment. The third part presents the estimated budget effects of the committee amendment and the effects on the revenues to the Highway Trust Fund, as well as the vote of the committee.

I. BACKGROUND AND SUMMARY

A. BACKGROUND ON LEGISLATION

S. 387, as reported by the Senate Committee on the Environment and Public Works, provides a four-year extension of the Highway Trust Fund (HTF) authorizations (fiscal years 1987-1990). The present-law HTF authorizations, as enacted in the Surface Transportation Assistance Act of 1982, generally expired after September 30, 1986. The present-law excise taxes and authority to spend from the Trust Fund are scheduled to expire after September 30, 1988.

During the 99th Congress, the House of Representatives passed a bill, H.R. 3129, which would have provided a five-year extension of the current highway excise taxes (through September 30, 1993) and authority to spend from the trust fund, as well as a five-year reauthorization for Highway Trust Fund expenditure programs (through September 30, 1991, or fiscal years 1987-1991). The Senate amendment to that bill would have provided a four-year extension of the taxes and trust fund authorizations. The conference committee on H.R. 3129 did not reach final agreement on tax or trust fund provisions before the 99th Congress adjourned.

B. SUMMARY OF COMMITTEE AMENDMENT

Present-law highway excise taxes and trust fund

Excise taxes are imposed on gasoline, diesel and other motor fuels, trucks, truck trailers, heavy tires, and heavy highway vehicles. Revenues from these highway-related excise taxes are deposited in the Highway Trust Fund. Revenues equivalent to one cent per gallon from the taxes on highway motor fuels go into the Mass Transit Account in the Highway Trust Fund. The other highway excise tax revenues go into the Highway Account in the Trust Fund.

The Highway Trust Fund taxes are currently scheduled to expire after September 30, 1988. (See Table in Part II, below.) Also, authority to spend from the Highway Trust Fund expires after September 30, 1988. Deposits of pre-October 1, 1988, excise tax liabilities will continue to go into the Trust Fund through June 30, 1989.

Committee amendment

The committee amendment includes the following provisions:

(1) The present-law Highway Trust Fund excise taxes, and the authority to spend from the Trust Fund, are extended for four years (through September 30, 1992). Revenues from these taxes will also be deposited into the Trust Fund for an additional four years (through June 30, 1993).

(2) The Highway Trust Fund statute is updated to reflect trust fund authorization purposes in the new authorization legislation.

(3) The use tax on heavy highway vehicles is amended to provide that the tax applies to all such vehicles operating in the United States regardless of the country in which the vehicle is registered, effective July 1, 1987. Further, the committee amendment requires the promulgation of necessary regulations within 120 days of enactment.

II. EXPLANATION OF COMMITTEE AMENDMENT

A. EXTENSION OF HIGHWAY TRUST FUND EXCISE TAXES

Present Law

Highway excise taxes

Excise taxes are imposed on gasoline, diesel and other motor fuels, trucks, truck trailers, heavy tires, and heavy highway vehicles. Revenues from these highway-related excise taxes are deposited in the Highway Trust Fund. The taxes currently are scheduled to expire after September 30, 1988. Deposits of pre-October 1, 1988, excise tax liabilities will continue to go into the Trust Fund for an additional nine months (through June 30, 1989).

The table below shows the present-law tax rate schedule for the Highway Trust Fund excise taxes.

PRESENT-LAW HIGHWAY TRUST FUND EXCISE TAXES

[Through September 30, 1988]

Tax (and Code section)	Tax rate
Motor fuels:	
Gasoline (sec. 4081)	9 cents per gallon.
Special motor fuels (sec. 4041(b)).	9 cents per gallon.
Diesel fuel (sec. 4041(a))	15 cents per gallon.
Trucks and trailers:	
Trucks (over 33,000 lbs.) and trailers (over 26,000 lbs.) (sec. 4051).	12 percent of retail price.
Tires for highway vehicles (sec. 4071).	40 lbs. or less—no tax; 40–70 lbs.—15 cents/lb. over 40 lbs.; 70–90 lbs.—$4.50, plus 30 cents/lb. over 70 lbs.; Over 90 lbs.—$10.50, plus 50 cents/lb. over 90 lbs.
Use tax on heavy highway vehicles (sec. 4481).	Under 55,000 lbs.—no tax; 55,000–75,000 lbs.—$100, plus $22/1,000 lbs. over 55,000; Over 75,000 lbs.—$550.

Application of Heavy Vehicle Use Tax to Operators Originating Outside the United States

The highway use tax is imposed on all heavy trucks using the public roads for 5,000 miles or more during any taxable period (July 1 through June 30). Liability for payment of the tax is on the person required to register trucks under applicable State laws. Thus, trucks not required to be registered under State law are not liable for payment of the tax.

Canadian trucks from most provinces are not required to be registered in adjoining States of the United States, pursuant to bilateral agreements between those provinces and the adjoining States. Trucks from those provinces are therefore not subject to the highway use tax. Trucks having a base registration in certain provinces having more limited reciprocity agreements are required to be registered in adjoining States. Treasury Department regulations provide, however, that trucks having a base registration under the limited reciprocity agreement provided in the International Registration Plan are not subject to the highway use tax.

In the Deficit Reduction Act of 1984, the Secretary of Transportation was directed to study the application of the heavy vehicle use tax to heavy trucks engaged in transborder trucking operations. That study is to be submitted to Congress by October 1, 1987.

Reasons for change

Extension of Highway Revenue Taxes

S. 387 provides Federal-aid highway program authorizations from the Highway Trust Fund for fiscal years 1987–1990. The Committee on Finance is aware that the provisions governing authorizations from the Trust Fund would require reduction in highway spending commitments beginning on October 1, 1986, unless action is taken to provide further funding for the Trust Fund. The committee believes that continued funding for the building and maintenance of our Nation's highway system is an important national objective and that a four-year extension of the present Highway Trust Fund excise taxes is, therefore, appropriate at this time.

Application of Heavy Vehicle Use Tax to Operators Originating Outside the United States

The highway use tax is imposed to ensure that heavy trucks bear their fair share of the burden of maintaining United States highways. The committee believes that every truck that shares in the benefits of the United States highway system should be subject to this tax, regardless of the country in which such truck is registered.

Explanation of provisions

Extension of Highway Excise Taxes

The committee amendment extends the present Highway Trust Fund excise taxes for four additional years, through September 30, 1992. (See current taxes and rates in the table, above.) Revenues from these taxes will continue to be deposited into the Trust Fund through June 30, 1993 (i.e., for four additional years).

Application of Heavy Vehicle Use Tax to Operators Originating Outside the United States

The committee amendment provides that trucks whose base registration is in Canada or Mexico and that otherwise are not required to be registered in a State of the United States are subject to the highway use tax in the same manner as domestically based trucks. The Treasury Department is directed to promulgate regulations within 120 days of this provision's enactment providing a system for verifying payment of the use tax at the time these foreign trucks enter the United States. These regulations may deny entry to the United States for vehicles on which the use tax has not been paid.

EFFECTIVE DATES

The highway excise tax extension provisions of the committee amendment apply to taxable transactions occurring after September 30, 1988, and before October 1, 1992. The amendment to the heavy vehicle use tax is effective on July 1, 1987.

B. HIGHWAY TRUST FUND EXPENDITURE AUTHORITY

Background and present law

Overview

The Highway Trust Fund was originally established in 1956. The Trust Fund and the related highway excise taxes have been extended four times since 1970: a five-year extension in the Federal Aid Highway Act of 1970 (from September 30, 1972 through September 30, 1977), a two-year extension in the Federal-Aid Highway Act of 1976 (through September 30, 1979), a five-year extension in the Surface Transportation Assistance Act of 1978 (through September 30, 1984), and a four-year extension in the Surface Transportation Assistance Act of 1982 (through September 30, 1988, or fiscal years 1985–1988).

The Highway Trust Fund authorizations in the 1982 Act generally were for fiscal years 1983–1986. Thus, the revenues deposited in the Trust Fund lag behind the authorization period by two years. This is because of the lead time required between the time a project is authorized or obligated and the time when money is needed to pay for it.

An anti-deficit provision (i.e., the "Byrd Amendment") requires that highway apportionments be reduced when unfunded authorizations exceed estimated Trust Fund receipts (tax revenues and interest earned by the Fund) in the following 24-month period.

Trust Fund Expenditure Purposes

In the 1982 Act, the Highway Trust Fund statute was codified in the Internal Revenue Code (sec. 9503), effective January 1, 1983. The 1982 Act established two Accounts within the Highway Trust Fund: the Highway Account and the Mass Transit Account.

Amounts may be paid from the Highway Trust Fund through September 30, 1988, as provided in appropriation Acts, to meet obligations incurred in carrying out the purposes of the Trust Fund. Obligations may be incurred for the purposes specified in the Highway Revenue Act of 1956, the Surface Transportation Assistance Act of 1982, or any law enacted thereafter, for a general purpose authorized under these Acts as in effect on December 31, 1982. Thus, any new general expenditure purpose from the Trust Fund requires a Code amendment.

Highway Account Expenditures

The general highway-related programs authorized from the Highway Trust Fund include the following:

Interstate highway construction and resurfacing and repair.

Federal-aid highways, including primary and secondary systems, and urban systems.

Forest and public lands highways, scenic highways, parkways, Indian roads.

Highway hazard elimination projects.

Bridge replacement and rehabilitation.

Emergency (disaster) relief.

Rail crossings and demonstration projects.

Traffic control and traffic signal demonstration projects.

Intermodal urban demonstration projects.

Carpool and vanpool grants.

Pedestrian walkways on highway rights of ways and bikeways.

Highway-related safety grants.

Motor carrier safety grants.

Highway safety research and development.

National Highway Traffic Safety Administration for a share of traffic safety programs.

Certain highway-related administrative costs.

Mass Transit Account Expenditures.

The Mass Transit Account in the Trust Fund is financed from the revenue equivalent of one cent of the tax on highway motor fuels. Amounts in the Mass Transit account are available for making capital expenditures authorized under section 21(a)(2) of the Urban Mass Transportation Act. An anti-deficit provision is included so that unfunded transit authorizations may not exceed estimated account receipts for the following 12 months (compared to 24 months for the Highway Account).

Trust Fund Authorizations in S. 387

S. 387, as reported by the Senate Committee on the Environment and Public Works, provides for a four-year authorization of Highway Trust Fund expenditure programs (from the Highway and Mass Transit Accounts), for fiscal years 1987–1990. (The current trust fund authorization programs generally applied through fiscal year 1986).

Reasons for change

The Committee on Finance agrees that expenditure authority for the Highway Trust Fund should be extended for four years (through September 30, 1992) to parallel the four-year Highway Trust Fund authorizations included in S. 387 and the four-year extension of the highway excise taxes in the committee amendment (discussed in II.A., above).

Explanation of provisions

The committee amendment provides a four-year extension of the authority to make expenditures out of the Highway Trust Fund (through September 30, 1992).

The committee amendment also updates the Trust Fund statute to reflect the trust fund authorization purposes included in S. 387.

Effective dates

The provision extending the trust fund expenditure authority is effective for the period October 1, 1988, through September 30, 1992. The updating of the Trust Fund statute is effective on the date of enactment.

III. BUDGET EFFECTS OF COMMITTEE AMENDMENT AND VOTE OF THE COMMITTEE

A. BUDGET EFFECTS

In compliance with paragraph 11(a) of Rule XXVI of the standing Rules of the Senate, the following statement is made concerning the budget effect of the committee amendment.

The committee amendment with respect to the four-year extension of current highway excise taxes will not effect the fiscal year budget receipts, as the extension of present-law Highway Trust Fund excise taxes is included in the baseline budget assumption for budget estimating purposes by the Congressional Budget Office. The provision with respect to the application of the heavy vehicle use tax in the case of operators originating outside the U.S. is estimated to have a negligible effect on budget receipts.

Under the committee amendment, the Highway Trust Fund is projected (based on CBO's January 1987 forecast assumptions) to receive $59.8 billion in tax revenues for fiscal years 1989 through 1992. In addition, the Trust Fund will earn interest on investments of its cash balance.

B. VOTE OF THE COMMITTEE

In compliance with paragraph 7(c) of Rule XXVI of the standing Rules of the Senate, the following statement is made concerning the vote of the Committee on Finance on the motion to report the committee amendment. The committee amendment was approved by voice vote.

The committee amendment is to be offered as a revenue title to S. 387, a bill extending authorizations for the Highway Trust Fund, when that bill is considered by the Senate.

The Finance Committee amendment is in all important details identical to last year's revenue title. Mr. President, I am unaware of any opposition to the amendment. I urge that my colleagues support the Finance Committee amendment.

Mr. President, the highway bill that comes before the Senate today contains provisions of great importance to our Nation. Many of the features in this bill were contained in the legislation last year.

Because of a few differences with the other body and our inability to act more swiftly on certain measures, we were not able to send a Federal highway bill to the President's desk for his signature. Today I feel confident that we will be able to meet our legislative responsibility in this area where we, along with the several States, have invested so much of our economic and manpower resources to make this Nation's highway system the very best in the entire world.

What we have here is legislation that is the result of countless hours of hard work by members of the Environment and Public Works Committee, a committee on which I served proudly in the last Congress with several of its current members. As I have stated countless times to Members of this body, the key to this legislation is that it recognizes that our huge interstate transportation system is in a period of transition, and this bill evidences our resolve that it continues its beneficial service in the future. The time has come to complete the remaining miles of interstate and to allow the States that have completed their interstate segments to begin focusing on other highway priorities. This legislation provides the freedom for those qualifying States to use Federal highway funds as needed. There are other significant provisions in this legislation that I endorse wholeheartedly. I will outline briefly those I consider most important.

MINIMUM ALLOCATION FORMULA

The bill contains a provision to modify the formula used to determine the 85-percent minimum allocation for the donor States. The Senate first agreed on this formula 5 years ago, but it has never been actualized. Not all of the apportioned funds are considered now, and as a matter of elemental fairness the bill again provides for the more accurate and fair approach of using all apportioned funds in determining the 85-percent minimum return. Needless to say, this will be of great benefit to my State, and, I am sure, to countless others.

ADVANCE CONSTRUCTION FUNDS

I am also very pleased that the bill contains a provision to allow States that want to initiate or are in the middle of federally approved highway construction projects to continue their efforts when the Federal allocation is immediately unavailable. Under this provision, a State can contribute its own funds to approved construction projects with the assurance that it may reimburse itself from its Federal allocation when it becomes available. This provision is so simple and so fair that I wonder why we have not been doing this all along.

No longer will projects suffer lengthy delays because of a bureaucratic failure to get the Federal money flowing again. It is an idea whose time is long overdue.

HIGHWAY BEAUTIFICATION AMENDMENT

Another provision that pertains to this legislation has been important to me for a long time. It is the beautification reform amendment. Last year in the Environment and Public Works Committee, I sponsored, along with the Senators from Vermont, New York, and Rhode Island, a beautification amendment that would measurably improve the aesthetics of our highways. Among other things, that amendment would have declared a moratorium on new billboards along our highways and given the States a choice to provide either cash or amortization to remove nonconforming billboards. It is my belief that cash compensation has not worked and cannot work under existing fiscal conditions, and almost everybody familiar with this problem acknowledges this. Certainly the billboard industry knows it which is why the industry presses so hard to keep mandatory cash compensation schemes in place. Although compensation was an important issue in the bill last year, there were other provisions equally as important.

We recognized that we would never get about the business of cleaning up our highways if we always remained sidetracked by the compensation issue; therefore, the amendment passed the committee last year by a decisive vote. Unfortunately, the same amendment failed in committee this year by a tie vote.

In an effort to speed up the day when distracting and obtrusive billboards will not clutter our highways, but at the same time recognizing the problems that some Senators have with the optional compensation provisions of the amendment, a compromise amendment has been developed which seeks to accommodate the interests of billboard owners, the States, and those who have worked long and hard for beautification of our highways. The amendment that will be offered requires that the States provide cash compensation when a billboard is removed pursuant to Federal law. The States would have the option of cash compensation or amortization when removal is for any other reason. This compromise has been carefully crafted and deserves the approval of this body. There are other provisions in the amendment worthy of support and I hope that the Senate will support them.

Mr. President, I am very proud to stand in support of this Federal highway legislation.

The Senate has always been in the forefront in doing what is needed to establish and maintain an unparalleled Interstate Highway System for our country. As I have said, this legislation has been a long time coming, but its effects in the years ahead will prove its value. This legislation is comprehensive because the problem it seeks to address is national in scope. All eyes are on us to complete this work, and I am sure that the job we have to do here is a small one in comparison to the improved efficiency of our highways and the enjoyment that a completed interstate transportation system will bring to our citizens. I recommend this legislation to my colleagues with enthusiasm.

I defer to my distinguished colleague from the State of Minnesota, Senator DURENBERGER.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I rise on behalf of the minority members of the Finance Committee to support the amendment of our colleague from Texas, the chairman of the Finance Committee.

As we all know, the bill before us today is extremely important. A lot of us when we were in the majority put a lot of effort into the highway reauthorization bill and the tax and financing trust fund financing portions of this bill.

As the chairman of the committee indicated, the matter has had hearings on our side as recently as a couple of weeks ago and, as he indicated, it does provide a 4-year extension of the tax through September 30, 1992, as well as an authorization for the expenditure of the trust funds for that period of time.

The minority is pleased to support the amendment.

Mr. PACKWOOD. Mr. President, the amendment to the highway bill which was reported on January 22 by the Finance Committee extends the current highway trust fund excise taxes for 4 years, along with the authority to spend from the trust fund. This 4-year extension corresponds to the 4-year authorizations provided in the broader highway bill which we are amending. I might add that this identical provision was reported by the Finance Committee in September 1986 and was added to the highway authorization legislation, on which conference action was not completed prior to adjournment last year.

It is critical that these excise taxes and expenditure authority be extended and that swift action be taken on this important highway legislation to ensure continuity in our Nation's construction and maintenance program.

The committee-reported amendment also contains a provision offered during committee consideration of the amendment by Senators DANFORTH and RIEGLE which would make the heavy truck use tax applicable to all such vehicles operating in the United States, regardless of the motor carrier's country of origin. We have long had a reciprocity problem with Canada and Mexico with respect to regulations affecting the operation of motor carriers. United States carriers cannot even provide service in Mexico and it is often very difficult for our carriers to obtain Canadian operating authority. By contrast, however, our market was deregulated in 1980. While legislative action has been taken in recent years to address this reciprocity problem, the provision included in the committee amendment also will help in ensuring that U.S. carriers are on equal footing with their foreign competitors.

Mr. President, I urge my colleagues to join me in supporting the Finance Committee amendment to the highway authorization legislation.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 12) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DURENBERGER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 13

Mr. STAFFORD. Mr. President, for myself and Mr. MOYNIHAN, Mr. BENTSEN, Mr. CHAFEE, Mr. EVANS, and Mr. WILSON, I send an amendment to the desk and ask that it be stated and for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Vermont (Mr. STAFFORD), for himself, Mr. MOYNIHAN, Mr. BENTSEN, Mr. CHAFEE, Mr. EVANS, and Mr. WILSON, proposes an amendment numbered 13.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of S. 387 add the following new section:

"SEC. . (a) Section 131 of title 23, United States Code, is amended as follows—

(1) in subsection (b)—

(A) by striking "shall be reduced" and inserting in lieu thereof "may be reduced"; and

(B) By striking the words "equal to 10" in the second to last sentence, by inserting in lieu thereof "up to 5 ", and by striking the last sentence; (2) in subsection (c)—

(A) by striking "(c)" and inserting in lieu thereof "(c)(1)" and redesignating clauses 1 through 5 as clauses A through E; and

(B) by inserting at the end thereof the following new paragraphs—

"(2) As part of effective control, each State shall maintain an annual inventory of all outdoor advertising signs, displays, and devices required to be controlled pursuant to this section. Such inventory shall identify all such signs as either illegal, nonconforming, or conforming under State law. An inventory shall not be required in States which the Secretary determines have a permit and enforcement system which requires a permit for all lawful signs required to be controlled by this section and identifies promptly all unlawful signs.

"(3) As part of effective control, each State shall assure that signs, displays and devices required to be removed by this section shall be removed within ninety days of (A) the date upon which they become unlawful or if not unlawful, the date upon which they must be removed pursuant to State law, or (B), if eligible to receive compensation pursuant to this section or to be amortized, the date upon which cash compensation is paid, or the State amortization period ends.

"(4) As part of effective control, no State may allow or undertake any vegetation removal or other alteration of the highway right-of-way with the purpose of improving the visibility of any outdoor advertising sign, display or device located outside of the right-of-way.

"(5) As part of effective control, no State may permit any person to modify any outdoor advertising sign, display, or device which does not conform to subsection (c) or (d) of this section to improve its visibility or its useful life.

"(6) As part of effective control, no State may permit any new outdoor advertising sign, display or device that is along the Interstate System or primary system within 2500 feet of any boundary of a unit of the national park system, national wildlife refuge system, national forest system, national wildlife refuge system, a wild and scenic river, an historic site or a district listed in the National Register of Historic Places, or that is adjacent to any road designated as scenic by Federal authority.";

(3) in subsection (d) by striking "(d)", by inserting in lieu thereof "(d) (1)", and by adding at the end of the subsection the following:

"(2) After February 1, 1987, no new signs, displays or devices may be erected outside of urban areas under the authority of this subsection and no new signs, displays or devices with an area of greater than seventy-five (75) square feet may be erected within an urban area under the authority of this subsection. Any sign, display or device lawfully erected under State law after February 1, 1987 and prior to the effective date of this section that is not consistent with the provisions hereof shall be treated as illegal."

"(3) After February 1, 1987, no area which on such date is not designated as an unzoned commercial and industrial area for purposes of paragraph (1) may be established in such State for purposes of paragraph (1).";

(4) by amending subsection (e) to read as follows:

"(e) The Secretary shall not require a State to remove any lawfully erected sign, display, or device which does not conform to this section and is lawfully in existence on the date which this section becomes effective pursuant to section — of the Federal-Aid Highway of 1987. Nothing in this subsection shall prevent a State from removing any sign, display, or device.";

(5) by amending subsection (g) to read as follows:

"(g) (1) Just compensation shall be paid upon removal of any outdoor advertising sign, display, or device lawfully erected under State law and removed pursuant to this section. Such compensation shall be paid for the following:

"(A) the taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

"(B) the taking from the owner of the real property on which such sign, display or device is located, of the right to erect and maintain such signs, displays, or devices.

"(2) Payments made to a State by the Secretary may be made for the removal or acquisition of signs, displays, and devices located in areas adjacent to the Federal-aid primary system and the Interstate System from funds apportioned to such State under section 104(d)(1) of this title. For the removal or acquisition of signs, displays, or devices, the Federal share of any costs participated in under this subsection shall not exceed that set forth in section 120(a) for those adjacent to the Federal-aid primary system and that set forth in section 120(c) for those adjacent to the Interstate System.

"(3) After September 30, 1987, a State may use to carry out this section in any fiscal year not to exceed 3 percent of funds apportioned in such fiscal year to such State for the Federal-aid Interstate-primary system under section 104(d)(1) of this title or section 108 of the Surface Transportation Assistance Act of 1982.

"(4) A sign, display, or device acquired with funds made available pursuant to this section may be disposed of by sale or other means to a private party only if the State receives satisfactory written assurances that the material will not be used to construct or reconstruct an outdoor advertising sign, display, or device.";

(6) in subsection (h) by striking "(h)", by inserting in lieu thereof "(h)(1)", and by adding at the end the following new paragraph:

"(2) No outdoor advertising sign, display, or device shall be permitted by any Federal agency on any public land or reservation owned or controlled by the United States, unless such sign, display, or device conforms to regulations issued by the Federal agency with jurisdiction over, or responsibility for, such land. Such regulations shall be at least as stringent as the requirements of this section and the requirements of the State in which the land is located. The regulations required by this subsection shall be developed in consultation with the Secretary of Transportation and shall be promulgated within 12 months of the effective date of this Act.";

(7) in subsection (k) by striking the words "Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing" and inserting in place thereof the word "Nothing"; and

(8) by repealing subsections (n) and (p).

(b) The amendments made by this section shall be effective upon date of enactment of this Act, except that any provisions requiring the action of the State legislature shall be effective on December 31, 1988.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. Mr. President, in a decisive 11-to-4 vote on July 23, 1986, about 6 months ago, Environment and Public Works Committee approved reforms to the Highway Beautification Act which provided an equitable and meaningful solution to a law that has become unworkable and ineffective. S. 2405, the Federal-Aid Highway Act of 1986, which contained the highway beautification reform provision, passed the Senate by a vote of 99 to 0.

So in substance the amendment, which I am offering this afternoon on behalf of myself and the other distinguished Senators I named, has been passed on by this body unanimously within the last few months.

Given this strong support in 1986, both in the committee and the unanimous support in the Senate, this Senator was much disappointed that this year the Committee on Environment and Public Works, the committee of jurisdiction, failed by a tied vote of 8 to 8 to include this same provision in the current bill, S. 387.

For that reason, I and my distinguished colleagues who have supported reform, Senators MOYNIHAN, BENTSEN, CHAFEE, EVANS, and WILSON, now bring an amended version of the proposal to the floor of the Senate. We believe the Senate deserves the opportunity to continue strong protection for our environment and to return to the States and localities some of their own tools in controlling their environment.

This amendment does not fix all the problems with the Highway Beautification Act, and it does not provide as much reform as we believe is necessary or that the Senate agreed to last year. In the interest of meeting some of the concerns Members have stated, we have made major modifications to the amendment passed last year.

The amendment we are offering today is designed to achieve three major objectives:

First, retain the original scheme of cash payments for billboard removal authorized by the 1965 Beautification Act, better known to most of us as the Lady Bird Highway Beautification Act because of the then-President's wife, Lady Bird Johnson.

Second, restrict construction of new billboards in environmentally sensitive areas, while permitting new billboards to go up in urban areas.

Third, prohibit abuses in the areas of tree cutting and vegetation removal on the interstate and primary highway rights-of-way; not removing illegal and compensated nonconforming signs immediately; and, greatly increasing the value of nonconforming signs.

The Highway Beautification Act was passed in 1965 in part, as I have indicated, due to the efforts of Lady Bird Johnson, who remains an active player today in the effort to beautify America and who support these reforms.

The act was designed to establish a national policy for the control of billboards along federally funded interstate and primary highways. Only the interstate and federally aided primary highways are affected by this legislation. It was designed to protect motorists from billboard pollution.

Not only has the act failed to achieve that goal. Not only has the act become unworkable and ineffective. In fact, the act has been taken over by the very industry it was designed to regulate. The Highway Beautification Act has become, we think, the Billboard Protection and Compensation Act. No wonder that the main opposition to the amendment designed to strengthen the law comes from the billboard industry.

This has become an era of user fees and cost sharing in Federal programs. Yet we are permitting billboards, users of the road which would have no economic value without highways, to reap substantial profits from our highways without making any contribution whatsoever to the Federal Government for the construction or maintenance of those highways.

Not only do billboards pay no highway user fees, the billboard industry is the only industry I am aware of that receives special Federal treatment regarding cash compensation. The federally imposed requirement of cash compensation has stymied the efforts of hundreds of localities and many States across the Nation that want to remove billboards.

No other industry is exempted from the States' constitutional right to use amortization as a form of compensation. This special treatment comes at an enormous cost to our Government and to the taxpayers. The General Accounting Office estimates that the requirement for cash compensation will cost taxpayers nearly $1 billion.

State and local governments have traditionally regulated and removed billboards through laws derived from their constitutional police powers. This authority has repeatedly been upheld by Federal and State courts. Our amendment would return the choice to the States to provide cash payments or amortization if a billboard is removed pursuant to a local zoning action. The amendment continues to require cash compensation if the nonconforming billboard is removed pursuant to the Highway Beautification Act.

The cost to taxpayers of removing nonconforming signs is already enormous and yet the General Accounting Office and the Office of the Inspector General of the Department of Transportation tell us that the number of new billboards on Federal highways is increasing due to weaknesses in the Federal law and the lack of enforcement. In 1983, the GAO tells us, for example, 2,235 nonconforming billboards were taken down, but 13,522 new billboards went up, another tribute to the effectiveness of the industry, not only here in Washington, but also around the Nation.

As part of the Federal-Aid Highway Program, trees and other types of vegetation are often planted along highway rights-of-way to enhance their beauty and provide for erosion control. The General Accounting Office and the Office of the Inspector General have uncovered numerous instances where those trees and other vegetation have been cut down simply because they were blocking the view of nonconforming billboards from the highway. This amendment will protect the landscaping paid for by the taxpayers.

We believe our amendment provides a reasonable and workable solution to the increasing problem of billboard pollution. We believe our amendment will bring the Highway Beautification Act more closely in line with the hopes and expectations of the American driving public and tourists.

The vast majority of all billboards have nothing to do with tourism, of course. More than 90 percent of billboard revenues come from product advertising, and the majority of product advertising is tobacco and alcohol products. There are many alternatives to billboards that provide information to tourists without polluting our landscape. If we are really concerned about our tourists and our small businesses that provide services to tourists, we should require that a larger percentage of the hundreds of thousands of existing billboards provide such information rather than product advertising.

I believe the amendment we are offering will correct some of the most urgent problems with the act. These issues have also been addressed in H.R. 2, highway legislation passed by the House. With these modifications in this amendment, this issue will not stand in the way of completing highway and transit legislation in an expeditious manner.

Control of billboards is an environmental issue. Control of billboards is a State and local control issue. The billboard industry has had all the tools for too many years. It is time we give a few modest tools to States and communities who want to control their environments in order to attract tourists, businesses, residents, and jobs.

I yield the floor.

The **PRESIDING OFFICER.** The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise in support of the amendment and would like first to express my great admiration for the tenacity and purpose with which the chairman emeritus of our committee has pursued this matter. It is no accident, if I might say, that he comes from the State of Vermont by way of the U.S. Navy—two institutions which are known for orderliness and concern for a person and a sense of what is natural to the environment, and what is wholesome for the men and women and children who participate in it.

We have here an old argument. I was in this city in 1965 in the executive branch when the Highway Beautification Act was passed. And it was passed in response to the failure of the original design standards of the Interstate System which prohibited and presumed the absence of billboards.

I have more than once, but I hope not too frequently, had occasion to remind the Senate or state here in the Senate that the first segment of the Interstate Highway System was built in New York, under Gov. Thomas E. Dewey, pursuant to a plan that had been laid down by President Roosevelt in 1944. And the designer, Bertram Tallamy, having built a thruway, came down to Washington to design the rest of the system, with the greatest specificity, prescribed and assumed that these were to be beautiful roads through an incomparably beautiful country. They are called the Interstate System.

The design of the city-to-city, the interstate—those lines you see on the map—have brought forth some of the finest engineering of our age and that particular quality of engineering which, when it attains to the highest degrees of mathematical sophistication and understanding of movement, has that quality we come to think of as being streamline and modern, a feat of technology which is as beautiful as it is efficient. A common event in the life of an American is driving on segments of these great highways. I think of the highway nearest our home in upstate New York, I-88, which runs from Binghamton to Albany, laid beautifully, gently, delicately on the side of hills, all the way up across the Susquehanna, crossing the Chenango, crossing some of the great streams—trout streams for that matter—of our State, never taking up the bottomland, always keeping a view across a valley, exquisite in all seasons and understood to be a work that evokes the countryside as well as provides a way of going through it.

And what a misery is it to see, out in a great cornfield or a fine meadow or real pasture with real cows, some advertisement for cigarettes, some misinformation about the beauties of some new booze. It is just not right. There is plenty of place for that, plenty of television, plenty of magazines, plenty of towns.

We allow, and this bill continues to allow, billboards in commercial zones. And most of the money spent on the Interstate System was spent right in the cities and knocked down half of them. And all the advertising we can cram on the side of buildings and the tops of roofs is permitted. No, no problems.

It is our countryside that we sing about—"purple mountains' majesty above the fruited plains." They are real. I have to tell the distinguished Presiding Officer, a man of the American prairie, how real, how deep that is in our sense of ourselves.

When we set out to build this system, we set out to design something beautiful for a beautiful land. We did not want it desecrated by the erection of advertising and the necessarily harsh tones that attract attention in the 3 seconds that you go by. We did not want that. We did not want to change the countryside because we had built these great new roads through it. And you do change it. There would be no billboards where there are now billboards, were it not for this system. It is not much to ask.

The really wise States, in my view, in the Union, already forbid such things. They do so in the enlightened self interest and the knowledge that the beauty of their countryside be protected, for such beauty, brings visitors. A wise economic commercial judgment, as well as a serious. A statement about what we value.

There is going to be more of an issue here than some commercial interest. There is no shortage of outlets for advertising in our country. All the advertising you can do and all the advertising you can stand is there to be had.

This is saying something about the kind of people we are, and the kind of people we ought to be. God gave us this land in the first place. That landscape of New York that I described was only a great forest when the Europeans first appeared here—only a great forest. Nothing could be seen literally, save if you read James Fenimore Cooper "Every 12th, and soon climbing to the top of an enormous tree to get a view 5 miles away." It is the clearing, the tilling, the husbandry, and the design.

The American landscape has been made by Americans as much as left to us by the Lord. It is to see it with all of that intensity, that animating beauty on an autumn day in Chenango County moving along the Susquehanna River on the Alleghany. There are things that make us Americans. These are our places. We made them. They ought not to be desecrated.

We designed this as a great public enterprise—the Interstate Highway System. President Eisenhower said it was the most important domestic achievement of his administration. it is the largest public works program in the history of the world, and intentionally designed to the highest skills of the sensitive engineer laying lanes of concrete along hillsides, over the rivers, and through the fields—sensitive to what they did to the environment when they built the highways, and concern that the beauties that they created can remain there. Some are already gone. All the men who conceived this enterprise are dead. It is left to us to preserve this legacy.

This amendment would do so. Failing it, I think we shall have failed them.

Mr. President, before yielding the floor, I ask unanimous consent an explanation of why the Highway Beautification Act needs reform, and a list of national organizations supporting billboard reform, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHY THE HIGHWAY BEAUTIFICATION ACT NEEDS REFORM

1. It promotes the erection of billboards, not their removal.—The Act permits the erection of billboards in zoned or unzoned commercial and industrial area. As a result, our cities and large segments of our rural areas have become dumping grounds for the billboard industry. Twenty years after passage of the Act, there are 14 signs for every 10 miles of federal highway, and more signs are going up than coming down.

According to the General Accounting Office, in FY 1983, 13,522 new billboards went up, but only 2,235 non-conforming signs came down. Meanwhile, by the Federal Highway Administration's latest count, about 112,000 non-conforming signs were still standing during 1985, along with almost 44,000 illegal signs. (Non-conforming signs were legally erected but now don't conform to the Act or to state or local law. They are supposed to come down only with cash compensation. Illegal signs were never legal, and must be removed without compensation.)

2. The Act is unworkable.—That's what the Federal Highway Administration chief, Ray Barnhart told the U.S. Senate Committee on Environment and Public Works. And the General Accounting Office backs him up. The problem is that the law requires cash compensation for the removal of non-conforming billboards through a 75-25 federal-state match. Because the Congress has appropriated no new funds since 1982, re-

movals of non-conforming billboards have virtually ground to a halt. In FY 1985, using left-over funds, states acquired 623 signs for removal out of the 112,000 still standing. According to GAO, "Accomplishing the goal of the Highway Beautification Act will require either additional federal funding or a change in the compensation requirement of the Act."

3. The Act's price tag is too high and unnecessary for federal and state governments.—The cost of removing existing non-conforming signs is enormous. The federal government has already spent $161 million, and the states another $40 million. To get rid of the remaining signs would cost upwards of a billion dollars according to GAO. As important federal programs face deep cuts from Gramm-Rudman-Hollings it is absurd to maintain this obligation when there are legally acceptable alternatives to cash compensation. The Highway Beautification Act is the only federal program that pays the polluter to stop pollution.

4. The total federal cost for removing non-conforming signs keeps increasing.—In 1978, GAO estimated that the federal cost to remove then-non-conforming signs would be $487 million. In 1985, GAO's estimate had jumped 56 percent to $761 million. Why? Because billboard owners can increase the value of their signs through improvements.

What's more, every time a local zoning change makes an existing sign non-conforming under the Act, another sign is added to the list eligible for federal cash compensation. Likewise, every time a city rezones undeveloped land as commercial or industrial, new billboards can go up, even though the federal government may have paid to get rid of non-conforming billboards on the site before its rezoning.

5. The Act authorizes perpetual federal subsidies for the billboard industry.—Cash compensation is little more than a capitalization scheme for the billboard companies. They have typically offered up their oldest, least valuable signs for federal-state purchase. The cash paid out can then be used in putting up larger, more durable, conforming signs down the road. The Department of Transportation's Inspector-General found in 1984 that along a 19 mile stretch of U.S. Highway 1 in Florida purchases of 9 non-conforming signs meant "little visual enhancement" for the motoring public, because that same stretch of highway contained 47 conforming billboards.

6. The Act ties the hands of state and local governments that want to remove billboards under state and local laws at no cost to the federal government.—In 1978 the billboard industry successfully promoted an amendment to the Act which prohibits state or local governments from removing billboards along federal highways under their own land use laws unless they first pay cash for the signs. The amendment added 38,000 signs to the list of cash compensable signs at an additional federal obligation of $334 million, overturned the law's authority for states and localities to enact stronger restrictions, and closed the door on the local use of "amortization" as a legitimate court-endorsed tool to remove non-conforming signs. Amortization offers billboard owners a grace period, usually 3 to 5 years, during which they continue to enjoy rental income and tax breaks, and then they must take the signs down. Virtually all state courts considering the issue have held that amortization is a reasonable alternative form of compensation.

7. The law does nothing to prevent billboard companies from destroying publicly purchased trees and other landscape materials in order to improve sign visibility.—Federal highway maintenance regulations permit states to authorize billboard companies to cut down trees, shrubs and other vegetation in the public right of way, as part of road construction and improvement projects. Yet billboards enjoy no right in common law that requires that they be seen from the highway. In addition to allowing the blatant destruction of public property for private gain, the FHWA maintains the value of non-conforming billboards which otherwise would have no value due to obstruction by landscape materials.

8. The Act subjects the traveling public to unwanted product advertising.—The Act was erroneously based on the premise that billboard companies have an inherent right to invade the privacy of motorists with ads such as those for cigarettes, alcohol, and other non-travel related products. Product advertising accounts for the majority of all billboard revenues according to Advertising Age. Billboards are a form of pollution which blights our landscape, erodes the quality of life, lowers property valves, wastes energy, and destroys architectural, historic, and natural resources.

NATIONAL ORGANIZATIONS SUPPORTING BILLBOARD REFORM LEGISLATION

American Farmland Trust, American Institute of Architects, American Lung Association, American Planning Association, American Society of Landscape Architects, Appalachian Mountain Club, Center for Science in the Public Interest, Coalition for Scenic Beauty, Environmental Action, Environmental Defense Fund, Environmental Policy Institute.

Friends of the Earth, Garden Clubs of America, Izaak Walton League of America, National Audubon Society, National League of Cities, National Parks and Conservation Association, National Railroad Passengers Association, National Recreation and Park Association, National Trust for Historic Preservation, National Wildlife Federation, Natural Resources Defense Council, Preservation Action, Sierra Club, Wilderness Society.

Mr. MATSUNAGA. Mr. President, will the Senator from New York yield?

Mr. MOYNIHAN. Mr. President, my esteemed and long-time associate has risen. I not only yield to him, but I yield for a question but, of course, I am happy to yield the floor.

Mr. MATSUNAGA. I appreciate the Senator's yielding.

I rise in strong support of the pending amendment as one who represents a State which has barred billboards. And I take great pride in the fact that many, many years ago, when I was still in the private practice of law, I was asked by the Outdoor Circle of Honolulu in Hawaii to draft a bill to bar all billboards. And I drafted that bill. And that bill has been law ever since. A thing of beauty is a joy forever, it has been said. Certainly, why do tourists return to Hawaii once they have been there? It is because of the joy that they have looking at the landscape unblemished by billboards. That is what brings tourists back to Hawaii. Here, just recently, we had snowstorms, two heavy ones, one light one. As I looked over the landscape I was prompted to compose a haiku:

Welcome winter snow
Covers Nature's blemishes,
Man-made ones remain.

Truly, man-made blemishes like billboards remain to mar the landscape. This is a beautiful country. As you drive across it, the beauty of it is marred by man-made blemishes. In Hawaii, we enjoy only nature's beauty. I therefore ask unanimous consent that I be made a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, will the distinguished Senator from Hawaii yield for a question since he has the floor?

Mr. MATSUNAGA. I am happy to yield for a question or for a statement.

Mr. FORD. Is one of the attractions of Hawaii the weather?

Mr. MATSUNAGA. Yes.

Mr. FORD. Once you get on the island you cannot get off, so you do not need billboards.

[Laughter.]

Mr. President, I ask unanimous consent that Jane Matthias, of my office, be given the privilege of the floor during the debate on S. 387, the highway bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATSUNAGA. I must say in response to the Senator from Kentucky that if he has not yet been to Hawaii, may I ask whether he has visited Hawaii or not?

Mr. FORD. I say to the distinguished Senator from Hawaii, yes, I have been to Honolulu, I have been to the big island. I understand Parker Ranch. Yes, I do, and I was at Kona at the motel.

Mr. MATSUNAGA. I am glad the Senator from Kentucky has been there because now that he has been there he knows what Heaven looks like. And if on Judgment Day he is directed to go the other way, at least he will have that satisfaction.

[Laughter.]

Mr. FORD. You know, we are getting a little bit funny about a very serious question. So we will get into the debate on that a little bit later.

Mr. MATSUNAGA. Funny? Well, the Senator from Kentucky prompted me to do it. But it was not funny. I did not intend to be funny. It was intended as a little wit and humor which makes debate all the more debatable.

Mr. FORD. I say to my friend I will take the wit.

Mr. CHAFEE. Mr. President, I ask unanimous consent that members of Senator COCHRAN's staff be allowed privileges to the floor during this debate. They are Lynnette Shelton and William LaForge.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I am pleased that the Senate will soon be able to act on this legislation to reauthorize the Federal-Aid Highway Program for the next 4 years. This measure remains one of the major pieces of unfinished business of the 99th Congress. Since the Highway Program technically expired last October, a number of construction and repair Projects across the country have been halted. Projects will be postponed and construction jobs jeopardized unless this legislation is approved swiftly.

During the past 4 years, highways across the country have benefited from the increased funding made possible by the 1982 Highway Act, which increased the gasoline tax by 5 cents per gallon. According to a recent report of the Department of Transportation, the steady deterioration of highways prior to 1982 has been halted. The funding authorized in this bill will continue to improve the quality of our transportation system.

This legislation takes a thoughtful and realistic approach to the challenge of meeting our Nation's highway needs in an era of budgetary constraints at the Federal level. It also enables us to look beyond construction of the Interstate System—which is almost 98 percent complete—to other highway needs. A number of changes are included in the bill to increase the spending flexibility of the States, making the program respond better to State and local highway priorities.

While providing funds for completion of the Interstate system, the bill will also assist States, like Rhode Island, that have completed their interstate segments. This legislation continues the policy of apportioning to every State a minimum of one-half percent of the interstate construction funds. It also combines the interstate construction, interstate repair, and primary highway categories into a new interstate-primary category. This will enable those States whose interstate segments are completed to concentrate on other neglected routes.

In addition, the bill provides increased flexibility for States which receive funds in the interstate substitution program. This program, enabling States to transfer unused interstate highway apportionments to alternative projects, is playing an important part in Rhode Island's long-term road improvement plan. The bill will enhance the program by expanding eligibility to any public road, rather than only those roads on the current Federal-aid system, and deleting the Federal deadline for project approval. These modifications will help the States respond better to changing highways needs.

The interstate substitution category will be further enhanced by a provision which I sponsored during the committee markup to permit the use of these funds for bicycle projects. States are already permitted to use Federal funds in the primary, secondary, and urban categories for bicycle projects. This provision will also give States the option of utilizing their interstate substitution funds for this purpose.

This will further encourage the development of alternative transportation systems to reduce traffic congestion, promote energy conservation, and reduce auto pollution emissions. The State of Rhode Island has plans underway for the establishment of a bicycle path along the Blackstone River, linking several cities in the northern part of the State. This provision will expand the funding options available to the State in carrying out this project.

S. 387 also authorizes a new modified block grant program on a demonstration basis. Up to 10 States will participate in this initiative, enabling them to administer the secondary, urban, and off-system bridge programs with greater flexibility. We must begin to look ahead to the structure of the highway program beyond the completion of the Interstate System in 1990. It makes sense for us to begin testing the feasibility of turning over greater responsibility to State and local officials for the allocation of highway resources.

Rhode Island Governor Edward Diprete has strongly supported the concept of an enhanced role for the States in administering the highway program. I believe this block grant initiative will be an important first step in demonstrating the advantages of giving more authority to the States. Rhode Island would be ideally suited to participate, and it is my hope that the Secretary will give Rhode Island priority consideration when the program gets underway.

I hope this legislation can be approved swiftly so that the conference discussions can go forward and the funds released to the States as soon as possible.

Mr. President, now I would like to address the amendment before us which I joined in sponsoring along with my distinguished colleague, the senior Senator from Vermont. At the outset let me say that this amendment to strengthen the Highway Beautification Act enjoys the strong and active support of over 100 business, professional, and conservation organizations including the National Taxpayers Union, the National Trust for Historic Preservation, the National Wildlife Federation, the National Audubon Society, the American Institute of Architects, the National League of Cities, and many others.

The Committee on Environment and Public Works last year approved by a vote of 11 to 4 an amendment very similar to this that strengthened the highway beautification program. That proposal is part of the act that we are dealing with today, that passed unanimously last year. A similar amendment in the committee this year—it was not totally similar, not an exact replica, but a similar amendment—failed on an 8 to 8 vote during the committee consideration of highway legislation this year.

The amendment we are considering today answers many of the concerns of those Senators who voted against the proposal in committee this year.

I made a mistake. What we brought up in the committee this year was the same as last year. On the floor, the amendment that the distinguished senior Senator from Vermont is sponsoring, along with the Senator from New York and others, is a slight variation from that. We revised it.

What was the principal revision? The amendment we are dealing with today retains the requirement for cash payments for billboards removed pursuant to the 1965 Beautification Act. Those who complained that this legislation would permit the taking of property without compensation—that is one of the key complaints about this legislation—can no longer make this claim. This revised amendment would also address the needs of small businesses, and permit some billboards to be erected in urban areas.

As anyone who uses Federal interstate and primary roadways knows—and that includes 99.9 percent of the American public—the Highway Beautification Act of 1965 has failed to accomplish its goal of reducing the number of billboards in order to preserve our landscape.

That was the purpose of the original Beautification Act, to get the billboards down along most of our highways.

Beautification may have been the intent of the 1965 act, but many loopholes have allowed the number of billboards to rise rather than decline. The act has been a failure. The General Accounting Office has estimated, for example, that in 1983, 13,500 new billboards went up, while only 2,200 billboards came down. It is a losing race.

Perhaps that is why the Beautification Act is now supported only by the billboard industry, the industry it was intended to regulate. They are very strong for the Beautification Act. The amendment we are offering today will help restore the act to its original purpose by limiting further growth in the number of billboards.

I want to stress the words "further growth." Passage of this legislation will not require the elimination of billboards that are currently standing. But it will halt the proliferation of new billboards in rural areas and return control over billboards to the States, where it belongs.

This amendment has three main components:

First, it restricts the construction of billboards in rural areas, permitting new billboards only in urbanized areas.

Second, the amendment would restore control over existing billboards to the States. Although States would be required to pay cash for any billboard removed by authority of the 1965 Beautification Act, they would have flexibility in deciding how to regulate billboards violating local zoning laws. This amendment would permit the States to use a variety of methods, including cash payment or amortization, to compensate billboard owners for removal of signs in violation of local laws. If the States decide to use cash, they will have the option of using money from their Federal highway allocations.

State and local governments have traditionally regulated billboards, and all other uses of land, according to their own laws. This amendment restores some of this control to the States.

Finally, this legislation would prohibit cutting of trees and vegetation on Federal land solely to make it easier to see billboards.

I must say, Mr. President, to suggest that we plant trees on the land along the highways, then to cut them down so somebody can see a billboard, is the most absurd piece of reasoning that I have ever seen.

The restrictions on rural billboards would not apply to the State-approved "travelers information" signs such as those directing motorists to historic sites, information centers, and so forth. And it would not apply to "on premise" signs such as those installed at a place of business. Also exempted would be the smaller "junior poster" billboards located in urban areas, which are designed primarily to help small businesses.

By limiting the growth of billboards we are preserving one of our most irreplaceable treasures—the natural scenic beauty of our Nation. Some have argued that billboards are important in promoting a tourist economy. I would like to put aside that Shibboleth. But look at the four States in which billboards are banned today—Hawaii, Oregon, Vermont and Maine. They are four of the most attractive, prominent tourist States in the United States of America. They banned billboards. Each of them has a thriving tourist economy. And in addition to those particular States—and I have traveled through them and I have seen the results of what the removal of billboards has meant to those States. Replacing them, they have very small uniform signs indicating that the desert of Maine is in this direction or the next site is a historic site of some nature. Those are very attractive and well done.

In addition to those States having banned billboards statewide, many of the foremost vacation resorts in the States have banned billboards. Listen to the rollcall of these places: Palm Springs, Lake Tahoe, Sante Fe, Hilton Head, Scottsdale, Williamsburg, and others. Anybody who suggests that they are not attractive and prominent tourist sites, of course, is missing the point altogether.

New billboards have been banned in San Diego, Seattle, and Portland, and those cities are certainly thriving.

These reforms have been widely supported by such diverse groups as the American Planning Association, the Sierra Club, the Coalition for Scenic Beauty, the Environmental Policy Institute and the Reagan administration. Because a large percentage of billboards are used to promote tobacco and alcohol products, the American Lung Association has also lent its support to billboard reform.

Advertising had intruded upon the scenic beauty of America for too long. It is time to permit the Highway Beautification Act to live up to its title, and this amendment will help do that.

Mr. President, I do hope that my colleagues will join me in supporting this amendment which will achieve the results: Namely, improve the scenic beauty of America from its highways.

I thank the Chair.

Mr. KERRY. Will the Senator yield for a unanimous consent request?

Mr. CHAFEE. Yes, I yield.

Mr. KERRY. I ask unanimous consent that a member of my staff, John Dukakis, have the privilege of the floor during the debate on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. KERRY assumed the chair.)

Mr. COHEN. Mr. President, I rise in support of the statement just made by my colleague from Rhode Island. I join in support of the major piece of legislation before the body today. I want to say just a couple of words in support of the legislation, pointing to two of the arguments that tend to be raised on this entire issue. That is the impact of a billboard ban on small businesses and the loss of tourism.

First, let me point out, as the Senator from Rhode Island has just indicated, Maine has been dealing with this issue for some time.

Maine began removing billboards 30 years ago, and the last one came down in 1984. Contrary to what many opponents claimed, and what the billboard industry stated in an unsuccessful lawsuit challenging the Maine law, Maine's important tourism industry and small businesses suffered no economic harm because of the removal of billboards. To the contrary, tourism industry revenues grew by $100 million from 1984 to 1985, with the total income from direct and indirect sales to tourists reaching $1.55 billion in 1985. This makes the tourism industry the second largest in Maine, and I can assure my colleagues that its vital signs are healthy.

Mr. FORD. Will the Senator yield for a question at that point?

Mr. COHEN. I yield for a question.

Mr. FORD. If it is so significant that Maine banned billboards, why did they lease billboards in Massachusetts to portray the beautiful foliage in Maine? It seems a little ironic that a State would use billboards in another State and ban them in its own.

Mr. COHEN. I would assume that maybe it was an indirect way to force Massachusetts to follow the lead of the State of Maine, and to the extent that Massachusetts wants to continue its policy of allowing these large billboards, I assume the people of Maine were sending a message that if Massachusetts wanted to corrupt its environment as such with these large signs, the people were welcome to come to Maine where they would not have to confront that.

Mr. FORD. Somehow the State of Maine saw fit to expend a great deal of the taxpayers' money to rent or lease billboards in Massachusetts to encourage the so-called tourists to come to Maine, which is the second largest and a very vital business to that State.

Mr. COHEN. We would be happy to lease billboards in the State of Kentucky if it will send tourists to Maine so they can enjoy its beauty.

Mr. FORD. Kentucky would do the same thing for Maine but we cannot advertise in Maine.

Mr. COHEN. I would hope that the citizens of other States would want to see some equity and not allow Maine to drum up all this tourist business by banning the signs in their States as well.

A second point I would like to make is that the removal of billboards in Maine has put small businesses on an equal advertising footing, as it were, with much larger businesses who can better afford to rent large billboards. In Maine, the law allows businesses who want to advertise to put up small, roadside, off-premise directional signs, thus allowing a store like the Puffin' Pig, for instance, in Whiting, ME, the same opportunity as L.L. Bean to attract customers. The roadside signs are far more affordable to smaller businesses and have created a more level playing field on which they can compete.

VACATIONLAND

Finally, Mr. President, I want to relay to the Senate the sentiments expressed by the many visitors Maine receives each year. Time after time, year after year, these vacationers remark about how clean Maine looks and how beautiful its highways are. While native Mainers do not need to be convinced about how remarkably beautiful our State is, we realize it is enhanced by the pristine view accorded the traveler on our interstates and byways. And one very important reason is the absence of highway billboards.

Mr. President, in my view, the benefits of billboard removal far outweigh those which might accrue from the continued presence of these structures on our highways. As I have noted, our experience in Maine has been entirely positive, and I urge my colleagues to support the Moynihan-Stafford amendment so that this experience can be recreated in other States.

I conclude with remarks made by Ogden Nash, a light-verse genius who concluded some time ago:

> I think that I shall never see a billboard lovely as a tree. Indeed, unless the billboards fall I'll never see a tree at all.

I hope we would lend support to the legislation of my colleague from Vermont.

The **PRESIDING OFFICER.** Is there further debate on the amendment?

Mr. **BREAUX.** Mr. President and Members of the Senate, I take this time to cover a number of items. This measure obviously has been around the Senate for a large number of years. We have debated it ad infinitum both from the House and Senate perspective.

It is my opinion, and I think it is probably the opinion of most Members of the Senate, that no one wants to see a billboard every 5, 10, or 15 feet along the highways. No one wants to see our highways such that you cannot find exit signs because of the number of billboards that are cluttering some of our interestate highways but, at the same time, I do not think that the American public wants to eliminate those billboards that are informational and advertise the products which we use in this country. Somewhere between those two extremes is the goal that we in the Senate should be selecting. I plan to vote against the Stafford amendment because I think we have an opportunity, with the language that the House has placed in its bill and with the position of the Senate through our committee in rejecting the Stafford amendment as it was offered in the committee, to go to conference and work out a fair arrangement whereby we can look at the language in the House and follow the position of the Senate and work out an accommodation.

The Senator from Maine made an eloquent argument for the proposition that if it is not broke, do not fix it. He said just a minute ago that there are no billboards in Maine. The distinguished Senator from Hawaii said there are no billboards in Hawaii. That has occurred under the current law. The current law is working in those States that would like to completely and totally ban all billboards. Some of us in some areas of the United States want a limited amount of advertising in rural areas, and I understand the amendment of the Senator from New Hampshire would absolutely ban new signs in rural areas. How far do we have to drive along a rural highway or Interstate System, how many miles do we have to go before we can find that a product is being lawfully advertised along that particular route?

Current law allows the State of New Hampshire to ban billboards. The current law allows the State of Maine to eliminate all billboards along the highways, as has been done. The current law allows Hawaii to do the same. It allows any State that feels so strongly about it to take that action, and it has been done.

For some to say that the program is not working I would only cite the following statistics from the Federal Highway Administration. The removal of illegal billboards, illegal billboards—are we concerned about taking illegal billboards down? Of course we are. As of September 30, 1986, 93 percent of illegal signs have already been removed from the Federal control areas. These are the Federal Highway Administration figures. Of a total 559,045 signs, they have removed 522,705 signs, or 93 percent of illegally erected signs.

Talking about removing lawfully erected signs that are not conforming to standards set by the States—these were lawfully erected signs—they have also been removed in a manner that I think indicates progress. As of September 30 of last year, 1986, 52 percent of lawfully erected signs, that are not conforming to local or State standards, have also been removed.

So I am saying, Mr. President, that when we look at coming up with a proposition that is fair, that somewhere between the proposition of absolutely no informational signs along our highways and the proposition that we have signs every 5 or 6 feet, which I believe is clutter and should be removed—somewhere between those two extremes the Senate ought to be able to come up with a fair proposition. I suggest that we reject the amendment as it was rejected in the Public Works Committee and that we go to conference with a goal of coming up with a rational and reasonable goal of managing billboards.

The House bill prevents any additional billboards. They say if you have one and you want to have it errected, you have to have another one taken down. It is a freeze. I think that is the way we ought to go. I hope that is the ultimate goal of a majority of the Members of the Senate.

Mr. **SYMMS.** Mr. President, I compliment my new colleague for the comments he has made on the Senate floor. He made the case very well. I knew that he could do that, after having been in the House with him for some 8 years, and I welcome him to the Senate. I regret, Mr. President, to get up and oppose the amendment by the former distinguished chairman of this committee and the now ranking member, Senator STAFFORD. He has demonstrated his tenacity on this issue in making another attempt to bring it before the Senate. I respect him greatly for it, but I regret I must oppose the amendment. I think the Senator from Louisiana made a very good agrument about the fact that this law in some parts of the country is working. I think it was the distinguished former majority leader, Senator DOLE, who made the observation last summer in this Chamber about some small town in Kansas. I cannot remember whether it was Hays, KS, or some town. He said, "It is a nice town; if it were not for a sign at the junction, no one could find it."

I often see these signs as a mark of enterprise, that people are able to sell their wares if they can put a sign up. I think we should not automatically say that signs are outlawed. I know that it is very popular for many newspapers in the country to editorialize in favor of the amendment of the distinguished Senator from Vermont.

After all, they are in the advertising business, too. If you limit the numbers of outlets to sell advertising, for those of you who are left in the business, you are better off.

I should like to relate that when this came up in our committee—as the distinguished Senator from Louisiana said, it is not a new issue to us now, but it was a somewhat new issue to me when I came on this committee, we have been exposed to it in the other body, but I had not been on that committee—I immediately contacted the Department of Transportation in Idaho and asked them how they felt about it, how it was working.

Idaho enacted its compliance law April 10, 1967, and proceeded with enforcement. The Transportation Department has been actively involved in billboard control since 1968, and the acquisition phase started in 1972.

The State has 392 conforming signs adjacent to its 3,268 miles of interstate and primary highways and utilizes a "logo" program to provide motorist information. The Transportation Department has removed 9,300 billboards, with only 88 nonconforming billboards and signs remaining to be removed. In addition, the Department removes any illegal billboards and signs that may occur annually.

Last year, the Idaho Legislature passed legislation authorizing the

Transportation Department and the Idaho Travel Council to establish a series of uniform tourist information signs to be erected and placed within the highway right-of-way to increase the traveling public's awareness of historic and scenic attractions. These signs would be erected through a public-private partnership wherein advertising is combined with designation and route guide signing at no cost to highway agencies for installation.

Having reviewed Idaho's sign removal program, I want to share some of the State transportation director's comments about the amendment we are considering. In a letter dated July 22, 1986, Director Dean Tisdale told me:

> We are opposed to any legislation that would hinder Idaho's successful Highway Beautification program.

I bring that to the attention of my colleagues because it is exactly what the distinguished Senator from Louisiana pointed out. It is working rather well right now, and it is going to open up an entirely new issue if this amendment is adopted.

With respect to the provision of vegetation removal, he says:

> Idaho has only one documented case of vegetation removal without approval by the State. The Idaho Transportation Department rules and regulations require license and permit revocation for violations. Prohibiting the state from allowing or undertaking any vegetation removal . . . with purpose of improving visibility to outdoor advertising sign, display or device defeats any public-private partnership wherein advertising is appropriately regulated . . .

So I think these people ought to be complimented that they are working it out and have had some success.

This is being billed as a States' rights issue, but with respect to the provisions on compensation, the director goes on to say:

> This [provision] requires the Federal share of compensation to come from Federal-aid apportionments instead of Highway Beautification funds. Even though compensation is optional under the Amendment, the precedent of just compensation has been established. This would put State project funds at a lower priority and would jeopardize funding for future highway projects.

Finally, he says:

> We re-emphasize that the sanction provisions of this amendment would cause sanction of Idaho because the Idaho Legislature, having enacted the effective billboard control statutes as a result of the current federal program, will not react favorably to a new federal code that destroys our current regulations that are controlling billboards.

So I think that the current program can and does work, and State and local officials can make it work where they want to make it work.

It appears to me that if the amendment of my good friend is adopted—and I know how sincere and dedicated he is to the proposition—legitimate business people in States such as Idaho, who have legitimate investments in billboards, may be put in the position as stated by the Senator from Maine: The court may not uphold that it is property, but the banker may have very well loaned money based on the value, and somebody will have to pay for it. Even though it is amortized out after 5 years, a billboard still has some value. So we are putting them back into the situation where our States will then have to make the decision to take highway dollars that could be spent for highways and spend it for billboards, or they will literally be taking property from people. I do not want to be in that situation, and for that reason, I will vote against the Stafford amendment.

Mr. FORD addressed the Chair.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I should like to interject for a moment.

It appears to me that the distinguished Senator from Rhode Island would like to speak briefly, I think, in response to some remarks that have been made. I know that the venerable and distinguished Senator from Kentucky wishes to make a lengthy speech, and then I believe he will make a motion.

Am I correct?

Mr. FORD. The Senator is correct.

Mr. MOYNIHAN. I wonder if the Senator would defer to the Senator from Rhode Island. Then the Senator from New York would like to speak for about 2 minutes.

Mr. FORD. I have been deferring to the Senator from Rhode Island for a long time, but he has never deferred to me. He has always come with——

Mr. MOYNIHAN. If the Senator will yield, might I suggest that even a formidable and experienced a gentleman as the Senator from Rhode Island will learn that recent events in the composition of this Chamber make it prudent to defer to the senior Senator from Kentucky. We will see. We will listen with close attention and see if not some penumbral change will occur as a most wholesome alteration.

Mr. STAFFORD. Mr. President, will the Senator from New York yield?

Mr. MOYNIHAN. I yield.

Mr. STAFFORD. I simply wish to tell the Senator from Kentucky that the Senator from Vermont would like the courtesy of 1 minute before the motion to table.

Mr. FORD. Mr. President, how much time does the Senator from Rhode Island desire?

Mr. CHAFEE. Two minutes.

Mr. FORD. I ask unanimous consent that the Senator from Rhode Island have 2 minutes and the Senator——

Mr. CHAFEE. Mr. President, there is not a time agreement on the bill.

Mr. FORD. I am just trying to get to it.

The PRESIDING OFFICER. The Senate is not in order. The Senator from New York has the floor.

Mr. MOYNIHAN. Mr. President, I respectfully object, with the thought that we are very close to a conclusion here.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, there are two points I would like to make.

First, if this amendment is not adopted, the ability of a town to enforce a violation of its local zoning ordinance, which it has for everything else, is not present, unless they pay compensation in this case for a billboard. If a billboard is now a nonconforming use, there is nothing they can do about it. Under this legislation, they can do something about it.

Second, I would like to ask the distinguished junior Senator from Louisiana a question. This pertains to the House bill.

It is my understanding that the House bill permits the use of only one-quarter of 1 percent of specified categories of highway funds for the purchase of billboards by a State. Am I correct?

Mr. BREAUX. They do allow the use, as I understand it, of one-quarter of 1 percent of specific categories of the highway trust funds to do so. To answer the specific question, the answer is yes.

Mr. CHAFEE. That is right.

Therefore, Mr. President, when we go to conference we are restricted to the House version. I think that is a very important point. With the amendment of the Senator from Vermont, then there is some flexibility in our conference with the House and in arranging, for example, that a State can use the highway funds for the purchase of billboards, if that is the way to go. In other words, clearly we have to go to conference and we went through this last year because this will be one of the conference items.

In the conference it gives us the flexibility to proceed with the point that the highway trust funds can be used for the purchase. That is a point that we feel strongly about. We ought to give the States the flexibility if they so choose to do it.

Maybe the whole amendment of the Senator from Vermont will not be adopted in conference. That is a possibility. It is probably a likelihood because the House feels the other way.

But to go to a conference in which all you have is the House version is no conference at all.

Mr. STAFFORD. Mr. President, will the Senator yield for a question?

Mr. CHAFEE. Yes.

Mr. STAFFORD. Is it not possible, based on our experience in conference, on these matters, that should the House conferees wish to do so they could simply recede from their position and there would be no opportunity for a conference at all?

Mr. CHAFEE. That is absolutely right. You go to conference and the House says, "We recede in our position." Since the Senate has no position, you are down to zero.

It seems to me that is one of the most important provisions or points we should make in support of the amendment of the Senator from Vermont.

Thank you.

I would like to thank the Senator from Kentucky. I am perplexed by his statements that I am bringing up amendments and not deferring to him. I am cloaked with humility as soon as he comes on the floor, and he is cognizant of that.

I do have a few cigarette amendments that are coming along, but I do that in a humble manner, practically prostrate before him.

As a matter of fact, the way we can resolve all of these matters is for him to concede once in a while—I mean just meet me halfway.

Mr. MOYNIHAN. Mr. President, if our dear friend will yield for a remark, the Senator from Kentucky is in a sufficiently rambunctious mood as it is. Do not make it worse.

Mr. CHAFEE. I suppose, do not insult the crocodile before you cross the stream is one of the mottos we have.

So I will yield.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Miss Barbara Bankoff of Senator BRADLEY's staff be given the privilege of the floor during the consideration of S. 387.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, there is one remark about which every Senator listening ought to be clear. This is a States' right amendment.

This body has just voted 66 to 33 to insist that States have the right to set the speed limits on their portions of the Interstate System, a view which many would say ignores the national origin and the national provision of the system. Even so, two to one we did that.

Now this amendment says that States also have the right to take portions of the highway trust fund allocated to them to purchase billboards and take them down in rural areas. This gives the States the right to do it, or, the right of complete inaction, whatever range of options, from using their full allowance for this purpose to not using it at all, is available.

I would hope that the 66 Senators who firmly asserted the States' rights principle in the first rollcall vote we had today will stay with their principles and support their countryside and remember the singular beauty of their States when they vote on this occasion.

Mr. STAFFORD. Mr. President, the very able manager of the bill for the majority has just stated the same argument that I intend to make and much more articulately than I could ever do it.

I do want to emphasize the inconsistency of voting to give the States the right to determine what the speed limits shall be on the rural portions of the Interstate System in one afternoon and in the same afternoon voting to deny to the States a traditional right they have always had until 1978, to utilize their police powers and amortization to take down signs which offend their people.

So I have to hope, not only because we ought to be consistent in this body, but if a tabling motion is made, that it is defeated and if we reach the point to vote on the amendment itself it can be carried.

I must also point out that this is, I think, an important environment issue and the first major environmental issue that the Senate is being called upon to vote on this afternoon.

As to the amendment itself, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Kentucky.

Mr. FORD. Mr. President, I will only take a few minutes. I think we debated this particular item enough.

But you know when we hear the cry of States' rights by the distinguished Senator from Vermont, he is talking about apples and oranges. One is whether we can drive faster or not on rural highways and give the States the right to do that.

On the other hand, on the piece of legislation that he has introduced, you are putting people out of business. When you put people out of business, that is a far cry different from whether you can drive 65 miles an hour on a rural highway.

Mr. President, when the Federal Highway Act was before the Senate last fall, I spoke against the billboard language which was in that bill. I warned at that time that we were about to lose the highway construction bill. We lost it. We do not have one now with the funding. We have 100 projects in my State totaling $154 million. We cannot even start our programs.

We are going to argue about billboards. We are going to argue about speed limits. We are going to argue about all of that, and we will lose this construction season.

Maybe for those who propose these amendments, their States can afford to miss a construction season, that they can afford to lose tens of hundreds of projects, and they can afford to let 200,000 people go unemployed because we have no highway construction legislation. Maybe they can do those things. But this Senator cannot.

I said last year, when I opposed this amendment, or one similar to it, I am not opposed to the legislation of billboards. I do not think that has been said here today by any of those who oppose this amendment. I am not opposed to the enforcement of the Highway Beautification Act. No one here is opposing that.

What I am against is language that prohibits the construction of new boards, one deteriorates and has to be replaced. It is the construction of a new board just to replace it along the Nation's highways, language that would effectively wipe out thousands of small businesses in America. That is what we are talking about here, living, drawing a wage, operating a business. It is not the speed limit, States' rights.

Billboard language in last year's highway bill was recently defeated in the committee. The committee as a whole defeated this amendment.

Today the sponsors and supporters of that language have proposed a so-called compromise.

A rose by any other name should smell so sweet.

I think they are sincere in their efforts, and I appreciate their attempt to modify their original language however changed as it may be.

I must respectfully say that this new proposal is really no different because it has the same ultimate and devastating effect as the old. It would force out of business the companies that make billboards and cause irreparable damage to the thousands of towns and legitimate businesses across the country that depend on them.

The statement that the amendment before us permits new billboard construction is true only in the most narrow sense of the word, and I mean narrow sense.

What would have been achieved last year by a moratorium would be accomplished this year by restricting new signs to a size of 75 square feet.

I have heard today that the junior billboard people are for this bill. This is an unreasonable proposal.

These small signs known as junior posters are made by literally a handful of companies across the Nation.

Those on whose behalf I take the floor today, the hundreds of small billboard operators in this country, will be flat out of business.

Mr. President, I am not talking about the giant companies which own roughly 80 percent of all existing billboards. I am talking about just plain folks, about a small family-run enterprise that is the true embodiment of the American way.

Let me give you a few examples of the kind of operations this amendment will be closing down if you vote for the pending amendment.

One that is in my part of Kentucky is a modest three-man business. The father operates the telephone, taking orders and generating clients. One son designs the boards; does an excellent job. He goes out to see a small business, looks at what they are trying to project and designs that billboard. The other goes out and actually puts up the paper, repairs the boards. A father and his two sons, an efficiently and effectively run operation. About 78 billboards is all they own. About 78 billboards.

This amendment will say to that father and those two sons, "Hey, this is the end. We put a cap on as they deteriorate or you go out of business." No hope for future business. No aggressive competition with the biggest, who own 80 percent of the boards while they put in two or three boards in our community, put no paper on them, and when the others deteriorate and are gone they take over. Sure it is a big, good deal for the big operators.

The second example I want to make—these are true stories—is that of a man and his wife who started out in 1958 with $50 to put up their first billboard. Today that company is a multimillion dollar operation, employing 11 people and owning some 400 billboards.

Then there are the advertisers themselves, such as the small chain of family restaurants adjacent to the Illinois Turnpike whose sole source of advertising is, quite simply, billboards. Without those signs, they would have to close down, in my opinion, and would not be in business today.

Americans like billboards. They like billboards. Tourists, businesses, and even municipalities depend heavily on outdoor advertising.

I go back to my question for my distinguished friend from Maine. The State of Maine, which has banned billboards, purchased a number of billboards in Massachusetts, and probably other places, advertising the beauty of its fall foliage. How is a stranger, driving in unfamiliar territory, supposed to know about restaurants, gasoline stations, hotels, or campgrounds if there is not a sign indicating the existence of such service?

As Senator DOLE pointed out during the debate last fall, some of the smaller towns in Kansas would just disappear if there were no billboards. I wager that would happen somewhere in every State in this Union.

Mr. President, an interesting testimony to the widespread use and utility of billboards is happening right now in the backyard of the key sponsor of the pending amendment, my good friend, Senator MOYNIHAN. The city of New York has solicited bids from outdoor advertising companies to lease over 120 city-owned properties for the exclusive right to install and display outdoor advertising on approved surplus city-owned properties. And also they are now proposing that, in new construction of office buildings, there be a space set out in those buildings for the use of billboard advertising. These proposals are expected to generate millions of dollars in new revenue for the city of New York. And I would believe that the coffers in the large cities in that State will profit from outdoor advertising, and I do not mean junior posters.

Have you ever been driving at 55 miles an hour—and now it is 65—and tried to read the wording on 75 square feet? Why, of course, you have not. You could not read it. You might see it, but it would not tell you anything.

I have been working closely with the small billboard operators over the past month and I can categorically say that they are in favor of stronger regulation of the billboard industry. They are in favor of strict enforcement of the Highway Beautification Act and have even suggested a Federal permitting scheme to generate funds for illegal removal.

All I am doing here is trying to convey the message: Regulate, but do not punish. Regulate, but do not punish. Do not punish those small businesses, the operators as well as their clients. There are many other fairer alternatives to banning the construction of billboards.

I would strongly suggest that before the U.S. Senate goes on record against small businesses, we first thoroughly examine the issue and potential economic repercussions.

I want to say to the distinguished Senator from Rhode Island, when he said we have to have something on this legislation in order to go to conference with the House, let me say if you want a highway bill, if you want a highway bill, you better have as little baggage on it as possible, because when you get into arguments over the speed limit, get into arguments over signs and billboards, then you are moving on into the construction season.

We are legislating blindly here, in my opinion. Until today no one has basically seen the amendment that we are debating. Its sponsors ask us to accept it at face value. Their declaration is that this is a compromise. Make no mistake, this amendment is no compromise. It is a killer amendment, thinly disguised as a middle ground.

I suggest we defer action on this issue, Mr. President, until another day. Let us send as clean a bill as possible to the House so we can get on with the building of highways. After all, our first and highest priority is getting our Federal highway trust funds out to the States.

Mr. KASTEN. Mr. President, I do not believe anyone can be against the regulation of billboards along our Interstate System. This amendment would require the removal of billboards, and I support that goal. But I cannot support what amounts to confiscation or condemnation without fair compensation.

If a building is taken down because a new roadway is built, just compensation is mandated. The same thing, it seems to me, should apply in the case of billboards.

Mr. President, a compromise on this issue is needed, and I believe we can reach a fair compromise on this difficult issue if we work with the billboard language that has been added in the House. Therefore, I will be voting against this amendment today, and I will support the efforts of the conferees to reach the goal of highway beautification in a fair and equitable manner.

Mr. HEFLIN. Mr. President, I would like to point out that the Highway Beautification Act is not an environmental issue, but it is one involving property rights.

Clean air and clean water are not involved, nor are our national parks, national forests, or scenic highways. What is involved is the ability of a legitimate industry to do business in commercial and industrial areas, where service stations, fast-food chains, retail stores, and the like are allowed to thrive.

Just as important as the right to do business is the right to possess private property, without fear that the State or its subdivisions can confiscate it without payment of cash compensation.

Police power removal of signs through amortization has not reared its ugly head in Alabama until the last few years, when it appeared in a Tuscaloosa ordinance. Birmingham now has such an ordinance under consideration. I do not want to see this perfectly legitimate industry decimated by amortization.

Mr. President, this amendment would jeopardize that right to private property and I hope my colleagues would reject this amendment.

Mr. ADAMS. Mr. President, I intend to vote against this amendment not because I object to its goals but rather because I object to the way in which it seeks to realize them.

I certainly do not dispute the desirability of reducing visual pollution nor do I deny the esthetic value of controlling billboards. Indeed, there are some provisions of the amendment before us which I believe could make a meaningful contribution in those areas by strengthening existing law and tightening up certain provisions now in the act. Unfortunately, however, the amendment goes far beyond loophole closing or reform; it mandates a method of compensation which is radically different from the one contained in current law. In the process, the amendment raises an issue which is fundamental to our concept of law and, in my view, violates a central American principle which I supported when a number of us helped pass the original Lady Bird Johnson beautification bill and that is to pay for property rights, not take property under the government's police power, local or otherwise.

No matter what one thinks of billboards, they do involve a significant financial investment. And if, in order to achieve a legitimate national goal, that investment is to be taken away, then the property rights of those who made the investment ought to be protected.

While this amendment seeks to provide some protection, the amortization mechanism it endorses is simply not sufficient. If, in fact, the amendment simply involved the elimination of a nonconforming use, then amortization might be an adequate compensation mechanism. But in the view of many, what is involved here is nothing less than the taking of private property by the government. And while the government may have the right to take the property, it also has an obligation to provide direct compensation for it. That is what the act calls for now. If there are problems with the implementation of that requirement, then we need to fix the method not change the mechanism.

In conclusion, Mr. President, I support many of the goals of the amendment. And, when I served as Secretary of Transportation, I was actively involved in efforts to solve the billboard problem, but this amendment, in my view, involves a mechanism which does more than achieve a laudable goal, it also threatens a central value of American law. As a result, I reluctantly oppose the amendment.

Mr. SPECTER. Mr. President, I am voting against the Stafford amendment because it does not provide fair compensation for the property which it takes.

Highway beautification is a major national issue. I agree that State and local governments should have the authority to prevent additional signs from being constructed, and to order the removal of signs which detract from natural beauty. The pending proposal, however, would be unfair because it would not guarantee payment of fair market value to a sign owner who is required to remove a sign.

Traditionally, when property is taken in our society, as under eminent domain, clear-cut just compensation and due process provisions guarantee that the owner receives fair market value for the property. The amortization plan contemplated by this amendment does not treat the removal of a billboard in such a manner. As a result, if a billboard owner who was ordered to remove a sign was required to accept an amortization plan, he might never actually receive the fair market value of his property. Even after amortization for tax or other purposes, property still has value, and fair compensation should be paid.

I believe that the House's highway beautification provisions offer a better alternative. In keeping with the intent of Congress in the 1978 Highway Beautification Amendments, the House provisions maintain cash compensation for any sign that is ordered to be removed.

As a practical matter, this issue is likely to be largely shaped in conference. I am hopeful that the conference will chart a course which vigorously pursues the goal of billboard control without departing from the principles of just compensation.

CUT DOWN BILLBOARDS, NOT TREES

Mr. EVANS. Mr. President, if you like billboards, then you should love the Highway Beautification Act. Originally intended as a sharp Federal axe to help States cut down unsightly billboards, the act has actually resulted in more, not less, billboard blight. Billboard control has become like arms control, the more we try to control, the more we have to control.

It is worth recalling the original purpose of the Highway Beautification Act. As stated in the law, Congress intended to control outdoor advertising signs along Federal interstate and primary roads "to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty." Yet, under the current system, it is probably the case that more trees are cut down to unblock billboards than billboards are cut down to unblock trees.

Originally passed in 1965, the Highway Beautification Act has been so worked-over by industry lawyers in the years since that it has become the Billboard Protection Act. Loopholes in the law have allowed forests of billboards to spring up where before there were simply forests. Even more galling, current Federal law requires States to pay cash compensation to billboard owners for removal of nonconforming billboards even if the billboards were removed pursuant to State or local law.

Before Congress stopped appropriating money for this purpose in 1982, over $200 million in Federal and State money was paid to billboard owners to compensate them for mandated sign removal. They then turned around and used the money to put up bigger billboards along the same stretches of road from which the original signs were removed. This billboard industry welfare program stopped once Federal appropriations stopped. But the cash compensation requirement remains.

As a result, nonconforming signs are just not being taken down. According to the Federal Highway Administration, at least 112,000 nonconforming signs remain standing more than 20 years after the original act was passed. Because the law applies this cash compensation requirement to signs which are nonconforming under State and local law, as well as Federal law, State and local land-use powers have been undermined. Both the General Accounting Office and the Department of Transportation's inspector general have documented the act's deficiencies and failures and have pointed the way to reform.

Today, we can take a necessary step on the road to reform. Frankly, I wish we were going further than this amendment would take us. But a small step is better than no step.

First, this amendment would repeal the outrageous cash compensation provision added in 1978. Under this amendment, cash payments would only be required if signs became nonconforming due to Federal law. If a sign is nonconforming because of State or local law, the State would have the option of cash payment or amortization.

Second, the amendment would restrict the construction of new billboards in environmentally sensitive areas. While new billboards could be constructed in urban areas, no new signs would be allowed to obstruct our scenic vistas.

Third, the amendment would prohibit cutting trees and vegetation on interstate and primary highway rights-of-way solely to make it easier to see billboards. We no longer will have the privilege of paying millions of dollars to plant trees and shrubs to soften the visual impact of our highways and then standing idly by while billboard owners chop down those trees and shrubs to uncover a sign.

My efforts to control billboard blight date back to 1961, when I and fellow State representative Slade Gorton succeeded in moving a major billboard control law through the Washington State Legislature. Many other States have passed billboard control laws since then. Unfortunately, the Federal Government has actually impeded State efforts to remove unsightly billboards.

Let's get out of the way of the States. Let's reinject logic into our highway beautification law. And let's look forward to a more scenic future.

Mr. HATCH. Mr. President, I rise in opposition to the amendment offered by Mr. STAFFORD and others. Outdoor advertising is of great economic value to business in Utah and across our country. No other medium of advertising allows the businessman the selectivity in reaching his clientele as does outdoor advertising. One display, situtated 5 miles on the approach side of a highway motel or restaurant, will reach a much higher percentage of prospective customers than any of the other media.

Outdoor advertising has the built-in ability to reach people while they are on the road to shopping, dining, vacationing, and most other consumer activities. With many shoppers, it is the last advertising they will experience before selecting their purchases.

Outdoor advertising is also superior in the field of brand or name recognition. Nowhere is this more evident than in the field of politics. Most successful politicians rely heavily on outdoor advertising. Here again, the medium's selectivity allows the person running for office to concentrate his message within strict limits. The message is not wasted on areas where it is not needed or heeded.

Proof of the economic value of outdoor advertising is demonstrated by the fact that last year American businessmen spent over $1 billion on outdoor advertising. American businessmen are not noted for wasting money: They want results for their dollars, and they get it with outdoor advertising.

Mr. President, I urge my colleagues to defeat this amendment.

Mr. THURMOND. Mr. President, This amendment would restrict States rights. It is not disputed that this amendment would change the law and give States the right to choose between paying cash compensation or amortization when billboards are removed. However, this amendment limits the States by not permitting any billboards to be constructed in rural areas. Even if a State wanted to permit billboards in rural areas, they would not be able to do so. Therefore, contrary to what the proponents of this amendment advocate, this legislation turns States rights on its ear.

Furthermore, it limits billboards in urban areas to 75 square feet. Even if State or local government wanted to permit billboards greater than 75 square feet in urban areas, they would not be permitted to do so under this amendment.

Mr. President, this amendment unnecessarily limits the States. I am not advocating billboards nor am I saying they should be taken down. This issue is a matter which should be left to the States. In an instance of this kind, I do not believe the Federal Government should impose its will on the States. Accordingly, I vote to table this amendment.

Mr. HELMS. Mr. President, I thank my good friend and distinguished colleague from Kentucky [Mr. Ford] for his leadership on this issue today. He has eloquently and effectively made the point that there is a place and, indeed, a need for legally erected and maintained billboards. Many small businesses rely on billboards as their primary means of advertising. To ban billboards, as this amendment would do, could ruin many of these small businesses—and it would also destroy many of the small, family-owned billboard companies themselves.

Mr. President, as Senator Ford pointed out, it is not only small businesses that rely on billboards to advertise their product. The State of Maine—a State which has completely banned billboards within its borders, actually rented a billboard in the neighboring State of Massachusetts to advertise Maine's tourist industry. I think this is a good example of just how important and effective billboard advertising can be.

Mr. President, no one objects to sensible and carefully considered regulation. I support the tough, fair regulation of billboards. I also support the prompt removal of illegal and nonconforming billboards, as intended in the original Highway Beautification Act. But this body has no power to destroy a legitimate, useful industry upon which thousands of businesses and individuals rely as a medium of communication to the public. For the Federal Government to attempt to legislate out of business an industry which poses no health problems, is of economic value to millions of citizens, and provides a valuable source of commercial and noncommercial expression, is a blatant violation of both the first amendment to the Constitution and our heritage of free enterprise. That is precisely what this amendment would do, and that is why I must oppose it. I shall vote to table the amendment of the Senator from Vermont.

Mr. FORD. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky [Mr. Ford] to table amendment numbered 13. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Mississippi [Mr. Stennis], is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. Hatfield] and the Senator from Oregon [Mr. Packwood] are necessarily absent.

The PRESIDING OFFICER (Ms. Mikulski). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—57

Adams
Armstrong
Bond
Boren
Boschwitz
Breaux
Bumpers
Burdick
Byrd
Cochran
Conrad
Cranston
D'Amato
Daschle
Dixon
Dodd
Dole
Exon
Ford
Fowler
Garn
Gore
Gramm
Grassley
Hatch
Hecht
Heflin
Helms
Inouye
Johnston
Kasten
Levin
Lugar
McClure
Melcher
Mikulski
Murkowski
Nickles
Nunn
Pressler
Pryor
Quayle
Reid
Riegle
Rockefeller
Sanford
Sasser
Shelby
Simon
Simpson
Specter
Symms
Thurmond
Trible
Wallop
Weicker
Zorinsky

NAYS—40

Baucus
Bentsen
Biden
Bingaman
Bradley
Chafee
Chiles
Cohen
Danforth
DeConcini
Domenici
Durenberger
Evans
Glenn
Graham
Harkin
Heinz
Hollings
Humphrey
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Matsunaga
McCain
McConnell
Metzenbaum
Mitchell
Moynihan
Pell
Proxmire
Roth
Rudman
Sarbanes
Stafford
Stevens
Warner
Wilson
Wirth

NOT VOTING—3

Hatfield
Packwood
Stennis

So the motion to lay on the table was agreed to.

Mr. MOYNIHAN. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Madam President, I ask unanimous consent that Karen Hall, Kim Elliott, and Meredith Fauls from my staff be permitted on the floor during the pendency of S. 387.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Madam President, I ask unanimous consent that Donice Gilliland of my staff be permitted on the floor during the debate and voting on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 14

Purpose: To amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970)

Mr. DURENBERGER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

Assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER] proposes an amendment numbered 14.

Mr. DURENBERGER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end thereof, add the following new part:

PART II

SECTION 1. This part may be cited as the "Uniform Relocation Act Amendment of 1987".

TITLE I—GENERAL PROVISIONS

DEFINITIONS

SEC. 101. (a) Section 101(1) (42 U.S.C. 4601(1)) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter the "Uniform Act") is amended by striking out "(except the National Capital Housing Authority)" and "(except the District of Columbia Redevelopment Land Agency)".

(b) Section 101(3) of the Uniform Act (42 U.S.C. 4601(3)) is amended to read as follows:

"(3) The term 'State agency' means any entity which has eminent domain authority under State law.".

(c) Section 101(4) of the Uniform Act (42 U.S.C. 4601(4)) is amended by inserting, "or mortgage interest subsidy to a person" after "insurance".

(d) Section 101(6) of the Uniform Act (42 U.S.C. 4601(6)) is amended to read as follows:

"(6) The term 'displaced person' means—

"(A) except as provided under paragraph (E) (with respect to a utility on real property under the control or ownership of a State or local agency), any person who moves from real property, moves personal property, or moves a business or farm operation, as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance;

"(B) solely for the purpose of subsections (a) and (b) of section 202 and of section 205, any person who moves from real property or moves personal property from real property—

"(i) as a direct result of the written notice of intent to acquire or the acquisition of other real property, on which such person conducts a business or farm operation, for a program or project undertaken by a Federal agency or with Federal financial assistance; and

"(ii) as a direct result of rehabilitation or demolition for a program or project undertaken by a Federal agency or with Federal financial assistance, where the person is a residential tenant, farm operation, or a small business and where the head of the displacing agency determines that such displacement is permanent;

"(C) solely for the purpose of subsections (a) and (b) of section 202 and of any other provisions of this Act which the head of the displacing agency may prescribe, any other person who is a residential tenant, farm operation, or small business and who the head of the displacing agency determines will be permanently displaced as a direct result of a program or project undertaken by a Federal agency or with Federal financial assistance;

"(D) any person who is eligible for relocation assistance under paragraphs (A), (B), or (C) of this subsection, unless such person has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this Act; or

"(E) solely for the purpose of subsections (d) and (e) of section 202, any utility company which moves its facilities from real property under the ownership or control of a State or local agency.".

(e) Section 101 of the Uniform Act (42 U.S.C. 4601) is amended by adding at the end thereof the following new subsections:

"(10) The term 'suitable replacement dwelling' means any dwelling that is (A) decent, safe, and sanitary; (B) adequate in size to accommodate the occupants; (C) within the financial means of the displaced person; (D) functionally similar; (E) in an area not subject to unreasonable adverse environmental conditions; and (F) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services and the displaced person's place of employment.

"(11) The term 'displacing agency' means any Federal agency, State or State agency utilizing Federal financial assistance or, for the purposes of paragraphs (B) and (C) of section 101(6), any person furnished Federal financial assistance which causes a person to be a displaced person.

"(12) The term 'lead agency' means the Federal department, agency, or other entity designated by the President to coordinate implementation of the Uniform Act under section 213 of this Act.

"(13) The term 'appraisal' means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.".

TITLE II—UNIFORM RELOCATION ASSISTANCE

SEC. 201. Section 201 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4621), and its catchline are amended to read as follows:

"DECLARATION OF FINDINGS AND POLICY

"SEC. 201. (a) The Congress finds and declares that—

"(1) displacement as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance is caused by a number of activities, including rehabilitation, demolition, code enforcement, and acquisition;

"(2) displacement occurs in a variety of social, economic, geographic, and legal circumstances;

"(3) relocation assistance policies must provide for sufficient flexibility to assure fair, uniform, and equitable treatment of all affected persons;

"(4) the displacement of businesses often results in their closure; and

"(5) minimizing the adverse impact of displacement of businesses is essential to maintaining the economic and social well-being of communities.

"(b) This title establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance, in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

"(c) It is the intent of Congress that—

"(1) the primary purpose of this title is to minimize the hardship of displacement on persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance;

"(2) Federal agencies shall carry out this law in a manner which minimizes waste, fraud, and mismanagement;

"(3) the administration of this Act shall, to the maximum extent feasible, minimize unnecessary administrative and program costs borne by States and State agencies through the promulgation of economical regulatory requirements and the delegation of substantial administrative discretion to State and local governments;

"(4) uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this Act; and

"(5) the improvement of housing conditions of economically disadvantaged persons under this title shall be undertaken, to the maximum extent feasible, in coordination with existing Federal, State, and local governmental programs for accomplishing such goals.".

MOVING AND RELATED EXPENSES

SEC. 202. (a) Section 202(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4622(a)) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"(a) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the head of the displacing agency shall provide for the payment to the displaced person of—";

(2) by striking out "and" at the end of paragraph (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(4) actual reasonable expenses necessary to reestablish a displaced nonprofit organization or small business at its new site, but not to exceed $10,000.".

(b) Section 202(b) of the Uniform Act (42 U.S.C. 4622(b)) is amended by striking out all that follows "may receive" and inserting in lieu thereof "an expense and dislocation allowance, which shall be determined according to a schedule established by the head of the lead agency.".

(c) Section 202(c) of such Act (42 U.S.C. 4622(c)) is amended to read as follows:

"(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the head of the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency, except that such payment shall not be less than $1,000 nor more than $20,000. A person whose sole business is renting displacement property to others shall not qualify for this payment.".

(d) Section 202 of the Uniform Act (42 U.S.C. 4622) is amended by adding at the end thereof the following new subsections:

"(d)(1) For the purposes of this section and section 101(6)—

"(A) The term 'cost of relocation' shall include the entire amount paid by the utility company properly attributable to a relocation after deducting any betterment in the relocated utility and any salvage from the old utility.

"(B) The term 'utility' means any electric, gas, water, steam power or materials transmission or distribution system, any transportation system, or any communications system (including cable television), and any fixtures, equipment, or other property appropriate to the operation, maintenance, or repair of the foregoing. A utility may be publicly, privately, or cooperatively owned.

"(2) Except when provided otherwise by Federal law, whenever a federally assisted program or project undertaken by a displacing agency other than a Federal agency will result in the displacement of a utility from property under the ownership or control of a State or local agency, the head of the displacing agency shall provide a payment to the utility company pursuant to State or local law or a written contract, if any, between the utility company and the State or local agency, but in no event shall such payment exceed the actual reasonable cost of relocation of such utility.

"(3) Nothing in this subsection shall supercede a State or local law or a written contract between a utility company and a State or local government, or require a payment to be made where none is required under State or local law or a written contract.

"(4) Nothing in this subsection shall deprive a utility company of its rights under State or local law.

"(5) Nothing in this subsection shall require a Federal agency to increase its payment if the increased payment is attributable to a contract or contract amendment that is made in anticipation of the Federal payment.

"(6) Nothing in this subsection shall require a Federal payment in excess of the payment that a State or local agency would pay if no Federal funds were involved.

"(7) Nothing in this subsection confers jurisdiction on a court of the United States (as defined in section 451 of title 28, United States Code) to review any action of a displacing agency in carrying out this subsection or to review the right of a utility company to be compensated under State or local law.

"(e) Whenever a program or project directly undertaken by a Federal agency will result in the displacement of a utility as the result of Federal acquisition of real property under the ownership or control of a State or local agency, the head of the Federal agency shall either relocate the utility with the utility company's consent, or provide a payment to the utility equal to the actual reasonable cost of relocation of such utility. Such relocation or such payment shall not be required when it is provided otherwise by a Federal law, or a Federal regulation promulgated prior to March 17, 1983, or a contract or agreement with a Federal agency.".

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 203. Section 203(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623(a)) is amended—

(1) by striking out "Federal" in paragraph (1) and inserting in lieu thereof "displacing";

(2) by striking "$15,000" and inserting in lieu thereof, "$22,500";

(3) by striking out "acquired by" and all that follows through "market" in paragraph (1)(A) and inserting in lieu thereof "acquired by the displacing agency, equals the reasonable cost of a suitable replacement dwelling";

(4) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

"(B) The amount, if any, which will compensate such person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such suitable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling."; and

(5) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency's obligation under section 205(c)(3) of this Act is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a suitable replacement dwelling within one year of such date.".

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 204. Section 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4624) is amended to read as follows:

"REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

"SEC. 204. (a) In addition to amounts otherwise authorized by this title, the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling unit not eligible to receive a payment under section 203 which was actually and lawfully occupied by such displaced person for not less than ninety days immediately prior to the initiation of negotiations for acquisition of such dwelling, or, where displacement is not caused by acquisition, any other event which the head of the lead agency may prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed three years, a suitable replacement dwelling. For a person whose income exceeds 50 per centum of the median income of the area, as determined by the Secretary of Housing and Urban Development, the amount referred to shall equal the lesser of (i) $4,500 or (ii) 36 times the amount obtained by subtracting the monthly housing costs for the displacement dwelling from the monthly housing costs for a suitable replacement dwelling. At the discretion of the head of the displacing agency, a payment under this subsection may be made in periodic installments.

"(b) Any displaced person eligible for payments under subsection (a) of this section may elect to receive in lieu thereof either Federal low income housing assistance or similar State or local governmental assistance if such assistance is available at the time of displacement and such person is otherwise eligible for such assistance. The failure of any such person to make such an election shall be considered when evaluating the eligibility of such person for any Federal or federally assisted low income housing assistance program during the three years following the date on which such person received the payment authorized under subsection (a) of this section.

"(c) Any person eligible for a payment under subsection (a) of this section may elect to apply such payment to a downpayment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. A displaced homeowner who has occupied the displacement dwelling for at least ninety days but not more than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling may, at the discretion of the head of the displacing agency, be eligible for the maximum payment allowed under this subsection: *Provided*, That such payment shall not exceed the payment such person would otherwise have received under section 203(a) of this Act had the person occupied the displacement dwelling for one hundred and eighty days immediately prior to the initiation of such negotiations.".

RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

SEC. 205. Section 205 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4625) and its catchline are amended to read as follows:

"RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

"SEC. 205. (a) The head of any displacing agency shall assure that the relocation assistance advisory services described in subsection (c) of this section are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency head may make available to such person such advisory services.

"(b) The Secretary of Housing and Urban Development shall assign a high priority for assistance under the programs referred to in sections 204(b) and 206(b) of this Act to persons eligible under such sections. To the extent practicable, the Secretary shall require that federally assisted State and local governmental low income housing assistance programs assign priority for assistance to such persons. To the extent practicable, the Administrator of the Small Business Administration and the heads of other Federal agencies administering programs which may be of assistance to displaced persons shall make available technical assistance under subsection (c)(5) of this section and expedite the applications for such assistance by such persons.

"(c) Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

"(1) determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

"(2) provide current and continuing information about sales prices and rental charges on suitable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;

"(3) assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a suitable replacement dwelling;

"(4) assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;

"(5) supply information concerning other Federal programs which may be of assistance to displaced persons, and technical assistance to such persons in applying for assistance under such programs;

"(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation; and

"(7) assure that a one hundred and eighty day homeowner-occupant is given a reasonable opportunity to remain in such occupancy status.

"(d) The head of a displacing agency shall coordinate the relocation activities performed by such agency with other Federal, State, or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.

"(e) Whenever two or more Federal agencies provide financial assistance to a displacing agency other than a Federal agency, to implement functionally or geographically related activities which will result in the displacement of a person, the heads of such Federal agencies may by agreement designate one such agency as the cognizant Federal agency whose procedures shall be utilized to implement the activities. If such agreement cannot be reached, then the head of the lead agency shall designate one such agency as the cognizant agency. Such related activities constitute a single program or project for purposes of this Act.".

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 206. Section 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4626) is amended to read as follows:

"HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

"SEC. 206. (a) If a program or project undertaken by a Federal agency or with Federal financial assistance cannot proceed on a timely basis because suitable replacement dwellings are not available, and the need of the displacing agency determines that such dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for such project. The head of the lead agency shall require that this section may be used to exceed the payment ceilings established in sections 203 and 204 only on a case-by-case basis, for good cause.

"(b) Whenever housing replacement as a last resort will result in the provision of housing for persons who are otherwise eligible for low income housing assistance, the requirement that the displacing agency provide suitable replacement housing may be met through such assistance as the provision of a certificate of family participation under the existing section 8 housing program pursuant to the United States Housing Act of 1937, as amended (42 U.S.C. 1437f).".

CERTIFICATION

SEC. 207. (a) Section 210 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4630) and its catchline are amended to read as follows:

"AGENCY CERTIFICATION OF STATE PROGRAMS

"SEC. 210. (a) Except as provided in paragraph (b) of this section, the head of a Federal agency shall not approve any grant to or contract or agreement with a displacing agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this title, unless he receives satisfactory assurances from such agency that—

"(1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 of this title shall be provided to such displaced person;

"(3) within a reasonable period of time prior to a displacement, suitable replacement dwellings will be available to displaced persons in accordance with section 205(c)(3) of this title.

"(b)(1) In lieu of the provisions of subsection (a) of this section, the head of a Federal agency may discharge his responsibilities under this title and title I of this Act, with the exception of sections 208 and 211 of this title, by accepting a certification from a State agency that it will implement State law in a manner which will accomplish the policies and objectives contained in this title and title I: *Provided*, That the head of the lead agency has determined that such State law will accomplish the same purpose and effect as this title and title I, particularly with respect to the definition of a displaced person, the categories of assistance required, and the levels of assistance provided to such persons in such categories.

"(2) The head of the lead agency shall, in coordination with other Federal agencies, monitor from time to time, and report biennially to the Congress on, State agency implementation of such certification, and a State agency shall make available any information required for such purpose. The head of a Federal agency, after consultation with the head of the lead agency, may withdraw his acceptance of the certification for good cause: *Provided*, That the State government is given due notice prior to taking any such action and is given a reasonable opportunity to demonstrate why such action should not be taken.

"(c) Prior to making a determination regarding State law under subsection (b) of this section, the head of the lead agency shall provide interested parties with an opportunity for public review and comment. In particular, the head of the lead agency shall consult with interested local general purpose governments within such States on the impacts of such State laws on the ability of local governments to carry out their responsibilities under the Act.

"(d) The head of a Federal agency may withhold his approval of any grant, contract, or cooperative agreement with any displacing agency found to have intentionally circumvented a State law adopted under subsection (b) of this section.".

FEDERAL SHARE OF COSTS

SEC. 208. (a) Section 211(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4631(a)) is amended to read as follows:

"(a) The cost to a displacing agency of providing payments and assistance pursuant to titles II and III shall be included as part of the cost of a program or project undertaken by a Federal agency or with Federal financial assistance. A displacing agency, other than a Federal agency, shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program costs.".

(b) Section 210(b) of the Uniform Act (42 U.S.C. 4631(b)) is amended by striking out and all that follows "required by" and inserting in lieu thereof "State law which is determined by the head of the lead agency to have substantially the same purpose and effect of such payment under this section.".

REGULATION

SEC. 209. Section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633) and its catchline are amended to read as follows:

"REGULATION

"SEC. 213. (a) The President shall designate a lead agency.

"(b) The head of the lead agency shall—

"(1) develop, publish, and promulgate, with the active participation of other Federal agencies responsible for funding relocation and acquisition actions, and in full coordination with State and local governments, such rules as may be necessary to carry out this Act;

"(2) assure that relocation assistance activities under this Act are coordinated with low-income housing assistance programs or projects by a Federal agency, or a State or State agency with Federal financial assistance;

"(3) monitor, in coordination with other Federal agencies, the implementation and enforcement of this Act and report to the Congress, as appropriate, on any major issues or problems with respect to any policy or other provision of this Act; and

"(4) perform other duties as may be provided by law as relate to the purposes of this Act.

"(c) The rules promulgated pursuant to subsection (b) shall apply to the Tennessee Valley Authority only with respect to relocation assistance under this title and title I.".

TRANSFER OF SURPLUS PROPERTY

SEC. 210. Section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4638) is amended by inserting "net" after "all".

REPEALS

SEC. 211. Sections 214, 215, 217, and 219 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4634, 4635, 4637, and 4639) are hereby repealed.

TITLE III—UNIFORM REAL PROPERTY ACQUISITION POLICY

UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

SEC. 301. (a) Section 301(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4651(2)) is amended by inserting the following before the period at the end thereof: ", except that the head of the lead agency may prescribe a procedure which forgoes the appraisal".

(b) Section 301(9) of the Uniform Act (42 U.S.C. 4651 (9)) is amended to read as follows:

"(9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the acquiring agency shall offer to acquire that remnant. For the purposes of this Act, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the head of the acquiring agency has determined has little or no value or utility to the owner.".

(c) Section 301 of the Uniform Act (42 U.S.C. 4651) is amended by adding at the end thereof the following subsection:

"(10) A person whose real property is being acquired in connection with a project under this title may, after the person has been fully informed of his right to receive just compensation of such property, donate such property, any part thereof, any interest therein, or any compensation paid therefor to an acquiring agency, as said person shall determine.".

CERTIFICATION

SEC. 302. Section 305 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4655) and its catchline are amended to read as follows:

"AGENCY CERTIFICATION OF STATE PROGRAMS

"SEC. 305. (a) Except as provided in paragraph (b) of this section, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, an acquiring agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on or after the effective date of this title, unless he receives satisfactory assurances that—

"(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies under section 301 of this title and the provisions of section 302 of this title; and

"(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of this title.

"(b)(1) In lieu of the provisions of subsection (a) of this section, the head of a Federal agency may discharge his responsibilities under this title by accepting a certification from a State agency that it will implement State law in a manner which will accomplish the policies and objectives contained in this title: *Provided*, That the head of the lead agency has determined that such State law will accomplish the same purpose and effect as this title.

"(2) The head of the lead agency in coordination with other Federal agencies shall from time to time monitor State agency implementation of such certification and the State agency shall make available any information required for such purpose. The head of the lead agency shall by regulation develop criteria for withdrawal of acceptance of a certification.

"(c) Prior to making a determination regarding State law under subsection (b) of this section, the head of the lead agency shall consult with interested local general purpose governments within such States on the impacts of such State laws on the abiity of local governments to carry out their responsibilities under this Act.".

TITLE IV—EFFECTIVE DATE

SEC. 401. (a) Section 209 of the Uniform Act takes effect on the date of its enactment.

(b) The remainder of this Act takes effect either twenty-four months from the date of its enactment or when a State agency makes such provisions applicable under State laws, whichever is earlier.

Mr. DURENBERGER. Mr. President, today I introduce for the fourth and, hopefully, final time, amendments to the Uniform Relocation Act. This amendment comprehensively reforms the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to make its administration more equitable and efficient at all levels of government.

As my colleagues may be aware, the Committee on Governmental Affairs has three times reported, and the Senate has three times unanimously passed, identical and essentially similar amendments to the Uniform Act. In fact, the amendment I introduce today is identical to S. 249, which Senators SASSER, LEVIN, and I sponsored in the 99th Congress.

Mr. President, as all who have ever been displaced by a Federal project know, the Uniform Act occupies an important place in our system of laws; it protects citizens and small businesses from bearing a disproprotionate cost of well-intentioned programs designed to benefit the public. The act establishes the fundamental rules for compensating those who are displaced by Federal development projects or developments assisted by Federal funds, including highways, housing and urban redevelopment programs.

But the 1970 Uniform Relocation Assistance Act has its flaws, which have been well-documented in Senate hearings. Its coverage is limited; its payment schedule unfair. And the act's many administrative requirements impose unreasonable burdens on both recipients and the State and local governments who manage this program in the field.

The noncontroversial modifications of the Uniform Program proposed in this amendment would provide a much-needed update to the 1970 act. The legislation would raise benefit levels to compensate for inflation. It would considerably broaden the act's coverage to include all types of displacement. It would delegate substantial administrative discretion to State and local governments to reduce regulatory costs. And it would institute a range of management reforms and technical adjustments to the act, with the goal of making its administration more rational and efficient.

Mr. President, this bill enjoys the support of the Reagan administration and all the major State and local interest groups. It has no opponents. Its supporters include the National Governor's Association, the U.S. Conference of Mayors, the National Association of Counties, the National League of Cities, the National Association of Housing and Redevelopment Officials, and the American Association of State Highway and Transportation Officials. Interest groups representing tenant and other displaced persons have also played a major role in the bill's development as have members of the small business, nonprofit, appraisal, and utility communities.

Mr. President, as my comments this afternoon indicate this amendment has a long legislative history. It has been introduced as a bill on three previous occasions—in the 97th, 98th, and 99th Congresses. The Uniform Act is the jurisdiction of the Senate Committee on Governmental Affairs which has three times reported free-standing bills incorporating these amendments. Because of the early action on the highway legislation in this Congress, we have not referred this amendment to the Governmental Affairs Committee this time. But action in this form—a floor amendment to the highway bill directly—is not intended to disturb in any way the jurisdiction of the Governmental Affairs Committee over these matters. We thank the leadership of that committee for its assistance in allowing us to handle the matter expeditiously and early in this Congress.

Mr. President, to assure that the legislative history on these amendments is complete, I ask unanimous consent that portions of a 1983 report by the Committee on Governmental Affairs along with additional views filed by myself and other members of that committee at the time be printed in the RECORD at the conclusion of my comments this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. DURENBERGER. This language from Senate Report 98-71 explains the intent of the committee in reporting these amendments.

Finally, Mr. President let me point out that these amendments will actually save money. The budgetary impact is to reduce the deficit. Although benefits are increased and the classes of eligible beneficiaries are expanded, the program will actually cost less because these amendments will allow more efficient management and will eliminate windfall benefits which have resulted from the outmoded 1970 legislative language.

Given the broad-based support for these amendments, and the fact that the House adopted an essentially similar package in H.R. 2, its version of the 1987 highway bill, I am optimistic that we will finally see our efforts come to fruition here in the 100th Congress. I would like to thank all the past supporters of this legislation for their efforts. And I would urge them to work with me this one last time to assure the long-delayed passage of these important amendments.

EXHIBIT 1

I. PURPOSE

The Uniform Relocation Assistance and Real Property Acquisition Policies Act Amendments of 1983 is a comprehensive statutory revision of the Uniform Relocation Act of 1970. It is the first such revision since URA was enacted. This legislation corrects a number of problems experience in the administration of the act. It substantially broadens the coverage of the act, raises assistance levels across the board, improves State and local discretion, and incorporates a broad range of management-oriented reforms designed to reduce or eliminate windfall payments, abuses, program duplication.

S. 531 was developed jointly by the Subcommittee on Intergovernmental Relations and the Intergovernmental Affairs Division of the Office of Management and Budget in full and open consultation with key Federal agencies, State and local governments, professional organizations whose members implement the act on a daily basis, and organizations representing the interests of displaced tenants. As a result, the legislation enjoys broad, bipartisan support. The bill, as amended, was approved by the committee by a vote of 10 yeas and 0 nays.

II. BACKGROUND

The Uniform Relocation Assistance Act of 1970 was enacted to consolidate the diverse relocation assistance requirements found in the regulations and authorizing statutes of 20 Federal agencies, bureaus, and departments. The act is one of approximately 60 cross-cutting mandates that serve as generally applicable conditions of Federal financial assistance. It establishes basic acquisition procedures, as well as a variety of entitlements for persons displaced in the course of Federal or federally assisted programs or projects, all of which are financed as part of the cost of the displacing program or project. Major categories of assistance under current law include: (1) actual or estimated moving expenses; (2) a payment of up to $15,000 to homeowners toward the increased costs, if any, of purchasing and financing a comparable replacement dwelling; (3) a payment of up to $4,000 to residential tenants toward any increased rental cost incurred during the tenant's first 4 years at a replacement dwelling; and (4) advisory assistance, under which displacing agencies must provide assurance that, within a reasonable time prior to displacement, there will be replacement housing available which is within the displaced person's means to afford, and which meets certain Federal housing standards. This assurance must be met in order for a project to proceed.

Accordingly, the act has a twofold purpose. First, it embodies the principle that no person should be made to bear an unfair share of the cost of Federal or federally assisted programs or projects. The intent, rooted in the fifth amendment of the Constitution, is that whenever Government intrudes upon the property rights of American citizens, it assumes a collateral responsibility to take reasonable steps to restore the person to his or her former level of wellbeing. In a second respect, however, the act brings about an improvement of the housing conditions of persons displaced from substandard housing by entitling such persons to "comparable" or other replacement housing which meets Federal housing standards. Here, the intent is for the act to implement national housing policy.

1. STATE AND LOCAL PARTICIPATION

The Uniform Relocation Act was enacted in response to dramatic rise in the number of persons displaced by Federal or federally assisted programs and projects, occasioned principally by the rapid expansion of the Federal highway and urban renewal programs during the late sixties. These and other grant-in-aid programs administered by the Department of Transportation and the Department of Housing and Urban Development have historically accounted for 90 to 95 percent of all federally funded displacing activities. Consequently, and act is carried out primarily by State and local governments as a condition of Federal assistance.

DISPLACEMENT UNDER HUD AND DOT PROGRAMS, FISCAL YEAR 1980

	HUD	DOT	Combined
Households	[1] 16,000	4,064	20,604
Businesses	2,400	2,010	4,410
Nonprofit organizations	([2])	77	77
Farms	0	131	131
Total	18,400	6,282	24,682

[1] Includes 3,000 displacements by activities not covered under URA (e.g., rehabilitation, demolition, etc.)

[2] Included in total of displaced businesses.

Source: Department of Housing and Urban Development, and Department of Transportation.

Combined displacement under HUD and DOT programs declined from a pre-Uniform Act total of 69,045 displaced households, businesses, farms, and nonprofit organizations, at a relocation cost of $115 million in fiscal year 1970, to 24,682 displacements, at a cost of $137 million in fiscal year 1980 (the last year for which such information is available). This decline resulted primarily from the substantial completion of the Interstate Highway System, and a turning away from large-scale slum clearance projects under urban renewal. In addition, the cost of relocation assistance required under the act has forced housing program administrators to design programs in ways that minimize displacement.

However, recent congressional interest in programs to rebuild the Nation's infrastructure presages a significant reversal of such trends. The 97th Congress saw large increases in funding for highway construction and airport development programs. Meanwhile, additional funding for public works programs—which are also likely to be implemented by state and local governments—is expected in the 98th Congress. These programs will result in a significant increase in the number of federally funded displacement actions; the Federal Highway Administration, for example, estimates that its relocation activities will increase 82 percent over 1982 levels by 1985. The committee, therefore, believes that the time is ripe for the reforms embodied in S. 531, as amended.

Because of the primary involvement of State and local administrators in the implementation of the Uniform Act, such officials have led the way in proposing the many long-overdue changes sought in S. 531. These administrators have pointed out that many of the added relocation costs are unnecessary, and are the result of burdensome and inefficient procedures mandated in the act. Specific problems cited include:

The act fails to provide a single set of uniform Federal regulations. As a result, State and local agencies must simultaneously follow several sets of Federal regulations in implementing the act, often at considerable administrative expense.

Federal regulations are much too detailed. They do not allow sufficient flexibility for State and local administrators to accommodate the unique circumstances of individuals and communities in providing relocation assistance. Such requirements often result in inappropriate program and administrative expenditures.

Differing Federal agency interpretations of the act's benefit provisions result in persons in essentially similar circumstances receiving dissimilar levels of assistance. Such dissimilarities have led to litigation and project delays.

Businesses enjoy substantially fewer benefits under the act than do homeowners and tenants of residential property. Many small businesses fail as a result of costs imposed by displacement under Federal or federally assisted programs or projects. Inadequate relocation assistance often results in litigation and project delays.

Benefit computation formulas and entitlement definitions regularly result in windfall payments to some displaced persons, while persons displaced by programs activities other than acquisition are not covered by the act.

2. LEGISLATIVE HISTORY

S. 531, as amended, is in most respects identical to the bill (S. 2363) reported by the Committee on Governmental Affairs in the 97th Congress. The legislation differs from S. 2363 in several respects, including: (1) a provision is included to clarify the eligibility of utility companies for reimbursement of the costs of moving transmission lines and other facilities from public property (sections 101(E) and 202(d)); (2) a provision included to authorize the displacing agency to withhold benefits from any person who has moved into the displacement dwelling for the purpose of receiving benefits, or who is in illegal occupancy of such displacement dwelling (section 101(d)); (3) increases have been made in the benefit ceilings for payments to homeowners and tenants (sections 203 and 204); (4) a revised benefit computation formula for payments to tenants (section 203) has been incorporated; and (5) a revision has been made to the section (section 210(b)) enabling States to draft substitute implementing regulations where such States have adopted laws determined to have the same purpose and effect as the act has been made to conform its provisions to the existing certification acceptance procedures of other grant programs. The committee believes that such changes will effectively resolve any outstanding issues with respect to the earlier legislation.

S. 2363 was based on the legislative efforts of successive chairmen of the Subcommittee on Intergovernmental Relations, and the recommendations of the Office of Management and Budget, the Department of Transportation, the Department of Housing and Urban Development, together with substantial input from interest groups comprised of State and local administrators who implement the Uniform Relocation Act. These groups include the International Right-Of-Way Association, the National Association of Housing and Redevelopment Officials, and the American Association of State Highway and Transportation Officials. Other recommendations were taken from the 1979 General Accounting Office report "Changes Needed in the Uniform Act To Achieve More Uniform Treatment of Displaced Persons" and from the 1981 "Special Report 192, Relocation and Real Property Acquisition," developed by the Transportation Research Board of the National Academy of Sciences.

In 1981, the Subcommittee on Intergovernmental Relations, under the subcommittee chairman, Senator David Durenberger, developed draft legislation to comprehensively amend the Uniform Relocation Act, based in part on a previous bill (S. 1108) introduced in the 96th Congress by then-subcommittee chairman, Senator James Sasser. The draft legislation was subsequently referred to the Intergovernmental Affairs Division of the Office of Management and Budget for administration comment. Because similar legislation was being developed in the Department of Housing and Urban Development, OMB requested the opportunity to develop a consolidated set of amendments to the act, incorporating the best features of both bills. On March 13, 1982, OMB transmitted a bill, S. 2363, similar in most respects to the subcommittee's draft legislation, which Senator Durenberger introduced by request of the administration.

On July 1, 1983, the committee reported S. 2363, as amended. This legislation was subsequently passed by the unanimous consent of the Senate on August 5, 1982, and was referred to the Subcommittee on Surface Transportation, House Committee on Public Works and Transportation. However, because there were less than 2 months left in the 97th Congress in which to consider such legislation, and because major highway and coal slurry bills required the remaining time of the Surface Transportation Subcommittee, S. 2363 was not considered in the House in the 97th Congress. Accordingly, in cooperation with the Senate Subcommittee on Intergovernmental Relations, the administration submitted, on February 4, 1983, a revised version of the legislation (S. 531) for consideration in the 98th Congress.

S. 531 was introduced by Senator David Durenberger by request of the administration, and cosponsored by Senator James Sasser, and Senator Carl Levin. The committee notes that the changes which the administration has incorporated into S. 531 were a product of the same open process of consultation with affected agencies and interest groups that led to the development of S. 2363.

Because a hearing was held on S. 2363 by the Subcommittee on Intergovernmental Relations on April 22, 1982, the committee has determined that a second hearing, on S. 531, is not needed. During the hearing on S. 2363, testimony was heard from the following witnesses:

Joseph Wright, Deputy Director, Office of Management and Budget;

Stephen J. Bollinger, Assistant Secretary for Community Planning and Development, U.S. Department of Housing and Urban Development;

Charles Swinburg, Deputy Assistant Secetary for Policy and International affairs, U.S. Department of Transportation;

James L. Martin, legislative counsel, National Governors Association;

State Senator Joseph F. Timilty from Boston, Mass., on behalf of the National Conference of State Legislatures;

John Gunther, executive director, U.S. Conference of Mayors;

W. Howard Armstrong, chairman of the relocation committee of the International Right-of-Way Association, on behalf of the Oklahoma Department of Transportation;

Wilbur W. Hamilton, executive director, San Francisco Redevelopment Agency, on behalf of the National Association of Housing and Redevelopment Officials.

Block grants

Although supporting its general thrust, witnesses representing State and local interest groups offered only qualified endorsement of the legislation. The principal concern was with respect to the administration's proposal to eliminate coverage under the act for persons displaced by programs "in which the Federal Government has no direct responsibility with respect to specific site or project approval decisions." Stephen Bollinger, testifying for HUD, made clear that the intent of the amendment was to exclude the community development block grant program from URA requirements, based on the administration's initiative, under New Federalism, to disencumber State and local decisionmaking. However, Charles Swinburn, testifying for DOT, expressed the administration's concern that the definition used in the amendment would also include the Federal Highway Administration's certification acceptance program. He explained that the administration intended for this program to remain subject to URA requirements. The view that both transportation and housing programs should remain covered under the act was unanimously expressed by the State and local interest groups; although, James Martin, testifying for the National Governors Association, cautioned against using URA as a precedent for the applicability of other crosscutting mandates to block grants. Wilbur W. Hamilton summarized NAHRO's qualified endorsement of S. 2363, saying:

> We should not retreat from a policy of helping those less fortunate who are unable to have long ago moved out of an area so blighted that its only hope of recovery is to tear it down and start anew. You have in this bill some reasonable, efficient, economically feasible alternatives on the administration of the Uniform Act. We think that barring section 101(4) [to exempt block grant programs] these more uniform, less costly provisions coupled with greater flexibility for local options will serve to make URA a much more just statute.

Eminent domain

A second controversy surrounded the provision to transfer exclusive jurisdiction over federally acquired lands to the States. This amendment was designed to resolve differences in compensation and treatment of individuals under State and Federal law of eminent domain. Currently, Federal law is used to preempt State law when a Federal agency directly acquires land within a State. The intent was to have condemnation cases involving direct Federal acquisition tried in State courts under State law. Although expressing support for the thrust of the amendment, the National Governors Association raised a concern that the adjudication in State courts of the 20,000 condemnation cases identified by GAO as pending before the Federal courts could have the effect of transferring up to $100 million in administrative costs to the States.

Joseph Wright, testifying for OMB, notified the subcommittee that the administration had withdrawn its support for the amendment. He indicated that the administration was taking prompt administrative steps to resolve the problems cited by the GAO.

Other issues

Several other concerns were raised in testimony. Witnesses for NCLS, the U.S. Conference of Mayors, and NAHRO raised the possibility that abuse could occur under the provision to allow the head of a displacing agency to waive, with the consent of the displaced person, the requirement to relocate such persons to suitable replacement dwellings. The fear was that tenants with limited incomes might not fully understand the implications of their waiving their right to decent, safe, and sanitary housing, and might be rehoused in inadequate, substandard housing as a way of conserving the displacing agency's resources. State Senator Timilty, testifying for NCSL, also raised the possbility that the substitution of the "suitable replacement dwelling" entitlement for the current entitlement to "comparable replacement housing" could allow agencies to make only minimal efforts to restore a person to his or her former housing conditions, or to set inequitable standards of habitability or affordability, as a means of conserving resources. Finally, HUD pointed out that the legislation may be unnecessarily restrictive in its definition of a displaced person, and in providing authority for displacing agencies to provide assistance to such persons.

As a result of the hearing on S. 2363, and subsequent consultation with interested parties, the subcommittee has reported S. 531, as amended. As amended, S. 531 addresses each of the concerns noted above.

III. STATEMENT AND SUMMARY

The committee recognizes that S. 531, as amended, will not result in the compensation of persons displaced by Federal or federally assisted programs or projects to the satisfaction of all parties concerned. However, the relocation assistance policies mandated by this legislation are believed to be reasonable and just. They represent a fair and equitable balancing of the need to efficiently carry out programs and projects in the public interest, with the historic responsibility of government, at all levels, to minimize the disproportionate injury and hardship imposed on individuals as a result of programs designed to benefit the public.

Even as broadened under S. 531, as amended, the act will cover only a small proportion of all involuntary displacement occurring in the United States. According to recent studies by the Department of Housing and Urban Development, the great majority of involuntary displacement occurs through the abandonment of sub-standard housing. Such abandonment takes place when property owners, tenants, and even local governments, "disinvest" in buildings and infrastructures, until the available housing stock in certain areas is wholly unfit for human habitation. The committee believes that the renovation and redevelopment of the Nation's housing stock is essential to limiting this most prevalent form of displacement.

Accordingly, to the extent that the act is applicable to housing and community development programs relocation assistance must avoid becoming so generous as to render to cost of renovation and redevelopment programs uneconomical for State and local governments. The committee believes that such a policy would be inconsistent with the long-term public interest, and unmindful of past State and local opposition to amendments offered by the committee. So, even as the committee has considerably broadened the classes of persons eligible under URA to include tenants displaced, primarily, through redevelopment-related activities, such as rehabilitation, demolition and code enforcement, it has done so in a manner intended to substantially reduce the unnecessary administrative and relocation costs.

A most critical element of this legislation, therefore, is a number of management-oriented reforms, designed to produce savings in administrative costs, and insure the more equitable allocation of scarce public resources to persons whose injury or need is greatest. The committee recognized that in the absense of such savings, a broadening of the act's scope may not be reasonable or appropriate.

A brief summary of the major provisions of the bill follows:

1. HOUSING POLICY

The committee reaffirms the policy that displacing agencies have an affirmative obligation to provide suitable replacement housing that is decent, safe, and sanitary to those persons whom they displace. Of particular concern to the committee are those economically disadvantaged who are least able to afford suitable replacement housing and who are involuntarily displaced. The committee construes such persons to be those of lower income, as defined in section 3(a) of the Housing Act of 1937, as amended, and who are, therefore, eligible for federally assisted housing. Mindful of the present tight rental market, particularly for lower income people, and of the extremely limited possibilities for additions to the publicly assisted supply of such housing, the committee believes that in circumstances of public displacement, the displacing agency has an obligation to provide such replacement housing by incorporating the costs of contructing or rehabilitating such into its project cost.

2. REGULATORY POLICY

The legislation contains a major revision of section 201, which established the policy underlying the requirement to provide relocation assistance. The committee's revisions are largely intended to establish the conditions under which regulatory flexibility is preferable to uniformity. Currently, Federal agency regulations differ considerably from agency to agency, and each agency has incorporated a high degree of prescriptiveness and specificity in its regulations. Conversely, the committee intends that there be a single, uniform set of Federal regulations, so that State and local governments do not have to bear the administrative expense of following multiple sets of Federal regulations. Moreover, the committee wishes to insure that Federal regulations delegate substantial administrative discretion to State and local governments, in order that States and communities may have the maximum flexibility to provide relocation assistance in accord with the circumstances of communities, and the unique needs and preferences of individuals. Section 213 is amended to require the President to designate a lead Federal agency which would be responsible for promulgating uniform Federal regulations.

3. CERTIFICATION OF STATE LAWS

Sections 210 and 305 are amended to add parallel new subsections under which a State would be able to promulgate relocation regulations to apply in lieu of the Federal uniform regulations, if such State adopts a law which the head of the lead agency determines has the same purpose and effect as the Uniform Act, particularly with respect to the definition of a displaced person, the categories of assistance required, and the levels of assistance provided to such persons in such categories. The committee intends for these provisions to expand upon the policy of delegating substantial administrative discretion to States and local governments, while maintaining the basic mandate that persons displaced by federally assisted programs or projects receive fair and equitable treatment—the Federal regulations would continue to apply where acquisition is undertaken directly by a Federal agency, using the Federal power of eminent domain. The committee intends that the act serve as model legislation, but that State laws may deviate from the act in minor respects which take into account the State's unique circumstances. However, the purpose of such deviation shall be in accord with the underlying policy of the act.

4. BROADENED ELIGIBILITY

The legislation makes two changes to title I which broaden the applicability of the act to include persons not currently eligible for assistance. Persons displaced by private entities with the power of eminent domain, such as public utilities and private development corporations, would be covered if the property is acquired directly pursuant to a federally funded program or project. Also, persons displaced by nonacquisition activities, such as rehabiltation, demolition, or code enforcement, would be eligible to receive benefits. Nonacquisition activities were originally covered under the act through references to the National Housing Act of 1949 and the Demonstration Cities and Metropolitan Development Act of 1966. However, they ceased to be covered when these laws were superseded by the Housing and Community Development Act of 1974. They have since been covered by as many as 13 different HUD regulations, mostly, at lower benefit levels. Recently, HUD has dismantled several of these regulations. The committee expressly intends that persons displaced as a direct result of activities funded by the HUD Community Development Block Grant program will be eligible for relocation benefits under this act.

5. MOVING EXPENSES FOR BUSINESSES

The legislation adds a new paragraph (4) to section 202(a) designed to compensate displaced small businesses and nonprofit organizations for reasonable expenses of up to $10,000 toward their reestablishment at a replacement site. Currently, businesses and nonprofit organizations enjoy substantially less protection under the act than do homeowners or residential tenants, with the result that displacement-related hardships often cause such entities to fail. The committee intends that the new payment created by this provision mitigate the incidence of such nonprofit organization and small business failure. An additional change to this section would increase the amount a business or non-profit organization may receive in lieu of itemized moving expenses from $10,000 to $20,000, and lower the floor of such payment from $2,500 to $1,000. The principal intent is allow the increased use of moving cost estimates, and thereby allow displacing agencies to forego the administrative cost of itemization.

6. REPLACEMENT HOUSING ENTITLEMENT

The legislation changes the definition of the replacement dwelling to which a person is entitled to be relocated from a "comparable replacement dwelling" to a "suitable replacement dwelling". A suitable replacement dwelling is defined, in part, as one which is decent, safe, and sanitary, thus reaffirming the act's commitment to the national housing goal of a decent, safe, and sanitary dwelling for every American. The new definition is added under section 101, and is used to compute payments under title II. The "comparable" standard has been very rigorously interpreted to mean the "most nearly identical, or better" property. This focus on physical comparabilities, rather than comparability in value or utility, has made the entitlement expensive and difficult to administer. The committee intends that the "suitable" standard be more flexible, without compromising the basic intent to restore persons to their former levels of well-being.

IV. Section-By-Section Analysis

DEFINITIONS

Section 101(a)

Section 101(1) is amended to eliminate reference to the Act to the National Capital Housing Authority and the District of Columbia Redevelopment Land Agency. These entities are included in the new definition of "State agency," as having power of eminent domain.

Section 101(b)

Section 101(3) is amended to expand the definition of a "State agency" to include a private corporation that has State power of eminent domain. The committee considers such entities to have the same responsibilities as State agencies for the purposes of providing benefits under the act. Specifically, it is intended that the expanded definition of "State agency" take under the act the displacing activities of private development corporations and public utilities. The intent is to insure that whenever a person is displaced as the direct result of acquisition for a federally funded program or project there be a collateral responsibility to provide relocation assistance to the displaced person.

Section 101(c)

Section 101(4) is amended to limit the applicability of the act by defining the term "Federal financial assistance" to exclude programs involving a mortgage interest subsidy to a person. Such subsidies are not believed to be direct causes of displacement. Rather, any displacement that may result from such programs is believed to be primarily the result of a routine private decision to sell property in the marketplace, and not the result of the mortgage subsidy.

Section 101(d)

Section 101(6) is amended to expand the definition of the term "displaced person" to include persons displaced by activities other than acquisition, and to cover the displacement of utility facilities, such as transmission lines, from public property.

The committee recognizes that the nature of Federal programs is such that acquisition of property under eminent domain, or the threat thereof, is not the only cause of the permanent and involuntary displacement of a person. The legislation provides that tenants, other than utilities, permanently displaced by rehabilitation and demolition projects (section 101(6)(B)), which may not involve acquisition by a Federal or State agency, are eligible for relocation assistance under subsections (a) and (b) of section 202 (moving expenses) and section 205 (advisory services). The committee emphasizes that residential tenants eligible for advisory services under section 205 are also eligible, under the authority of section 206 (last resort housing) for such rental assistance as may be provided under section 204 (replacement housing for tenants), to the extent, that a suitable replacement swelling is not within such persons' financial means: section 205(c)(3) requires that a displacing agency assure that a person shall not be required to move from a dwelling unless the person has been given a reasonable opportunity to relocate to a suitable replacement dwelling; while the definition of the term "suitable replacement dwelling" requires that such dwelling be within the financial means of the displaced person.

A second provision (section 101(6)(C)) would provide that any other person, who is a tenant, other than a utility, and is determined by the head of the displacing agency to be permanently displaced by any other activity, such as code enforcement, is eligible for subsections (a) and (b) of section 202 (moving expenses), and any other assistance under the act which the head of the displacing agency may prescribe. By leaving the definition of the displacing activity open, and not specifying, for example, code enforcement, the committee intends to avoid unnecessarily restricting the categories of displacing activities for which relocation assistance is required. It is the express intent of the committee, in this regard, that no person be permanently displaced as a direct result of a federally funded project without receiving, as a minimum, moving expenses. In accord with this intent, it is the affirmative duty of the head of the displacing agency to determine a person's eligibility under section 101(6)(C). The committee intends for this responsibility to be delineated in lead agency regulations.

In the legislation transmitted by the administration, the eligibility under paragraph (B) and (C) would be limited to residential tenants. The committee believes that such a limitation would be inequitable, and would conflict with the committee's intent to prevent federally funded projects from causing businesses to fail as a result of displacement. Accordingly, the committee has deleted the term "residential", making the benefits under paragraphs (B) and (C) of this subsection applicable to businesses as well as residential tenants.

The committee is aware, however, that there are certain circumstances under which requirement to provide relocation assistance would work a hardship on such businesses, unless the businesses have the option of waiving its right to relocation assistance. Such a case would occur, for example, where a project under the urban development action grant [UDAG] program may be financially infeasible if all the businesses to be displaced must be provided the assistance under section 202(a). In such cases, it may be advantageous for such businesses to waive their rights under the act in return for negotiated consideration which they find preferable to cancellation of the project.

Although the committee intends that a displaced person under section 101(6) be both permanently and involuntarily displaced, and thus injured sufficiently to require assistance, it also recognizes that, in many cases, it is difficult to ascertain whether displacement is wholly, or even partially, involuntary. Accordingly, a determination that displacement is involuntary is not required for the purpose of determining a person's eligibility for assistance under the act.

The committee intends that lead agency regulation define permanent displacement. Criteria should take into account whether the tenant is permitted to continue in occupancy of his or her current dwelling, or another dwelling on the same site, and whether such dwelling is affordable and the tenant will be offered an opportunity to lease such dwelling for a reasonable period of time. If displacement is temporary, such displacement should be for a reasonable period, generally not longer than one year, and all increased costs associated therewith should be paid by the displacing agency. Notwithstanding, whenever a person's displacement is found to be entirely voluntary, and unrelated in motive to the program or project, the committee contemplates that such person would not be a displaced person for the purposes of the act.

In addition, the committee intends that for a person to be a displaced person, displacement from publicly owned or controlled property must be directly related to a federally funded program or project. If, for example, a public agency has acquired property pursuant to a public project, but does not plan to utilize such property in such project for a period of months or years, the agency may, for sound property management reasons, find it desirable to lease, rent, or otherwise make available under negotiated terms such property to subsequent tenants until such time as the property is needed for the purpose of the original acquisition. In such cases, it is not intended that the subsequent tenants would become displaced persons for the purposes of this act, if such persons have been made aware of the pendency of the project and specify in writing their willingness to vacate such property at such time as such property is needed for such purpose.

The legislation contains a third new paragraph (sec. 101(6)(D)) which limits the eligibility of certain persons or entities under this subsection. The paragraph includes a provision to make ineligible for assistance those persons who are in unlawful occupancy of the displacement dwelling, or who have occupied the displacement dwelling for the purpose of obtaining assistance under the act.

The committee intends that lead agency regulations shall narrowly interpret the term "unlawful occupancy", in order to avoid injustices that may occur over technical violations of a law. For example, unlitigated violations of the terms of a lease, such as having an unauthorized pet, or the withholding of rent because of improper building maintenance, are not intended to be covered under the term. However, an unlawful occupant could be a squatter, or a person who has been ordered to move from the displacement dwelling by a court of law. Nevertheless, the committee recognizes that squatters may provide a service, albeit an unlawful one, to a community by maintaining otherwise neglected buildings. While the granting of relocation assistance to such persons is viewed as permissible under the act, the committee wishes to provide the heads of displacing agencies with the greatest possible discretion in determining the eligibility of such persons.

Finally, a fourth new paragraph (E) is added to section 101(6), with conforming changes to paragraphs (A), (B), and (C) of this section and to section 202, to establish the eligibility of utilities for moving expenses under section 202 in cases where such utilities are required to move transmission lines or other facilities from real property which is under the ownership or control of a Federal, State, or local agency. The provisions are intended to address the problems arising from the case presently pending before the Supreme Court, *C&P Telephone Company* v. *Norfolk Redevelopment and Housing Authority and Housing and Urban Development* (No. 81-1602, 3/25/82), and to provide for less burdensome procedures for compensating utilities for such costs than exist under current law.

Section 101(e)

Section 101 is expanded by adding new definitions of the terms "suitable replacement dwelling", "displacing agency", "lead agency", and "appraisal". These definitions are self-explanatory, except for the following:

The term "displacing agency" means any Federal agency, State, or State agency, or, for the purposes of paragraphs (B) and (C) of section 101(6), any person, furnished Federal financial assistance which causes a person to be a displaced person. The committee intends that acquisition by private parties who do not have the power of eminent domain, even if undertaken pursuant to a Federal or federally assisted program or project, is not sufficient cause of injury to make the owner of such property person a displaced person under paragraph (A) of section 101(6). Where applicable, however, the tenant shall be provided with assistance in accordance with paragraphs (B) or (C). Such would be the case, for example, when the federally assisted private activity resulted in a tenant's permanent displacement.

The term "suitable replacement dwelling" means any dwelling that is decent, safe, and sanitary; functionally similar; within the financial means of the displaced person; in an area not subject to unreasonable adverse conditions; and in a location generally not less desirable than the displaced person's dwelling with respect to public utilities, facilities, services, and the displaced person's place of employment.

This standard is substituted throughout the act in place of "Comparable Replacement Dwelling" as the dwelling to which a displaced person is entitled to be relocated. As a result of the narrow definition accorded this term by Federal agencies, comparability has resulted in substantial redtape, expense, and payments in excess of a person's needs. The term "comparable" derives from its usage in the appraisal profession, and traces its lineage under URA to the Federal Highway Aid Act of 1968. The most commonly used method of property valuation—that is appraisal—is the market approach which uses "comparable" properties as an indicator as value. For example, to determine the value of a three-bedroom, 1,500 square foot, brick, colonial-style house, an appraiser would attempt to find the most nearly comparable dwelling that has recently been sold. Similarly, the concept, as applied under Federal regulations generally means "most nearly comparable, or better". While the Committee supports the requirement to provide a displaced person with a replacement dwelling that is comparable in value (in the case of homeowners) and functionally similar to the displacement dwelling, it feels that Federal agencies, in applying the strict usage of "comparability" required for the purposes of making accurate appraisals, have placed an unreasonable emphasis on the physical similarities of the displacement and replacement dwellings.

The suitability standard is intended to be more flexible, without compromising the intent that a person not be left materially less well off as a direct result of the person's displacement. The committee intends that lead agency regulations establish minimum, reasonable standards of habitability and affordability (relating the phrase "within the means of the displaced person") with respect to the definition of a suitable replacement dwelling. Such standards should be consistent with generally accepted standards established by the Department of Housing and Urban Development. In particular, it is intended that the definition of affordability take into account the committee's intent to make displaced persons "whole", and the income of the displaced person, exclusive of the relocation assistance payment and other temporary public assistance.

The term "appraisal" is defined to mean a written statement independently prepared by a qualified appraiser setting forth an opinion of defined value of an identified interest in an adequately described property as of a specific date supported by an analysis of relevant market information. The committee intends that the phrase "independently prepared" be interpreted to require impartiality—or freedom from bias—in the development of the appraisal, as well as to preclude any collaboration between individual appraisers who are appraising the same property. Conversely, it is not intended that the term "independent" require that an appraiser be privately employed, or unaffilliated with a governmental agency. The committee endorses the employment of staff appraisers by public agencies where such employment is determined by agency management to be economical and efficient.

POLICY

Section 201

Section 201. The legislation significantly expands section 201 for the purpose of establishing guidelines for the implementation of the act.

A new subsection 201(a) is created to express the committee's findings that federally caused displacement occurs under rehabilitation and demolition activities, as well as acquisiton activities; that flexibility in the act to meet the unique circumstances of displaced persons is fair and equitable; and that minimizing the adverse impact displacement have on businesses is vital to the economic well-being of communites.

Section 201(b) significantly expands the policy guidance provided under the act. The committee intends that the administration of the act, particularly the development of regulations, be in accordance with such policies. Of special importance is the policy to minimize the administrative and program costs borne by State and local governments through the promulgation of economical lead agency regulations and the delegation of substantial discretion under the act to such State and local governments. In the legislation transmitted by the administration, it was stipulated that such substantial administrative discretion should be accorded to the States. While agreeing with the principal of delgating discretion, the committee has clarified that local governments should also benefit from such discretion. Accordingly, it has striken the term "the States" and inserted in lieu thereof "State and local governments."

The committee's intent is that regulations promulgated by the lead agency should be broad and performance based, and to the maximum extent possible, devoid of requirements which reflect the individual program orientations of the various Federal agencies. To the extent that there is latitude for varying interpretations of the act's provisions, it should be accorded, whenever possible, to State and local governments. It is in this context that flexibility is preferable to uniformity. Uniform Federal regulations are mandatory, but such regulations should incorporate only such guidance as is necessary to insure a minimum Federal standard for acquisition procedures and relocation assistance.

Consistent with the administration's proposal, the committee also intends that Federal agencies implement steps to minimize waste, fraud, and mismanagement. One such responsibility is to assure that persons in essentially similar circumstances are accorded equal treatment. The intent is that a person not be provided more or less assistance based solely on the mission of the displacing agency, the amount of project resources at its disposal, or on an agency official's decision to favor one person's interests over another's. Finally, the committee expressly intends that activities under the act to impove the housing cconditions of the poor be integrated, as fully as posssible, with existing housing programs that implement National housing policy.

MOVING AND RELATED EXPENSES

Section 202

The legislation adds a new paragraph (4) to section 202(a) to provide compensation for reasonable expenses, of up to $10,000, necessary to reestablish a nonprofit organization or small business at its new site. The amendment addresses the fact that under existing legislation, businesses have substantially fewer entitlements under the act than do residential tenants and homeowners. Such entities are currently entitled only to moving expenses under title II. They generally do not receive an adjustment payment for the increased costs of new leases, or advertising and related expenses necessary to reestablish themselves at a new location. Accordingly, many nonprofit organizations and small businesses have failed as a consequence of federally caused displacement. The additional amount, though not large, is intended to help such entities adjust to the hardships of displacement by covering any reasonable costs of relocation over and above actual moving costs. While it is intended that the lead agency provide technical guidance with respect to the items covered, maximum discretion shall be accorded the States or displacing agencies for developing regulations to implement this provision.

In the bill transmitted by the administration, the new payment would have applied to all businesses, regardless of their financial capabilities to absorb the costs of displacement. The committee intends that such payment be used to mitigate the high incidence of small business failures caused by federally funded displacement. Accordingly, the legislation is amended to restrict the eligibility for such payment to nonprofit organizations and small businesses.

The committee intends that, for the purpose of this title, the term "small business" shall have the same meaning as that term defined in section 3 of the Small Business Act (15 U.S.C. 632), and by regulations established by the Administrator of the Small Business Administration. The committee is seeking to avoid unnecessary and duplicative definitions wherever possible to reduce administrative costs. In the case of small businesses, the committee is advised that the SBA can readily determine whether a business is a "small business" by referencing its standand industrial code as used on income tax forms, and applying a simple test of the number of employees or the dollar volume of business for the preceding 3 years. The committee, therefore, contemplates that displacing agencies would consult with their local SBA office when displacing businesses to determine whether they are "small businesses".

Section 202(b) is amended to eliminate the ceiling and floor on, and combine into a single allowance, the expense and dislocation allowances, which set the amount paid to homeowners and tenants in lieu fo itemized expenses for moving and other expenses associated with relocating. The setting of such payments is delegated to the head of the lead agency. Removal of the ceiling allows the payment to be adjusted upward to account for inflation. A higher ceiling is intended to correct the incentive for persons to itemize actual expenses, and thereby increase the attendant paperwork burden, when the expense and dislocation allowance is so low as to be insufficient to cover moving costs. It will thus limit the administrative expense associated with increased itemization of moving costs by homeowners and tenants. Removal of the floor will help to avoid windfalls presently resulting when the minimum payment substantially exceeds the actual costs associated with moving. To the extent practicable, lead agency regulations should take into account the input of State and local administrators.

Section 202(c) is amended to raise the current $10,000 ceiling on the amount a displaced business, nonprofit organization, or farm operation may receive in lieu of itemized expenses for moving and other expenses associated with relocating to $20,000, and lowers the minimum amount from $2,500 to $1,000. The higher ceiling represents an adjustment for inflation. After 12 years the ceiling had become so low in real terms as provide an incentive for businesses to elect to itemize actual expenses, which has an associated paperwork burden. The floor is lowered to preclude the necessity for the lead agency to choose between a rule that overcompensate certain very small part-time businesses (such as those often located in the person's residence) and a rule that renders some businesses ineligible for compensation under this subsection.

The legislation also deletes the requirement that the amount paid under this section be determined based on the annual income of such concern in favor of criteria to be established in lead agency regulations. While the lead agency may continue to employ the "annual income" or "loss of existing patronage" criteria, inasmuch as such payment is intended to compensate businesses for injuries as well as moving expenses, the committee intends to leave open the way for more innovative and less burdensome criteria which take such purposes into account. Accordingly, lead agency regulations should allow for deviations from the prescribed method by State or local displacing agencies, subject to minimum reasonable standards of accountability. Finally, the legislation excludes from eligibility for this payment persons whose sole business was the renting of the displacement property to others. The committee contemplates that a payment under this subsection could overcompensate such persons who receive adequate compensation as a result of the payment of "fair market value" (under section 301(3) of this act) of their real property or leasehold interest, and whose actual moving expenses, if any, are paid under subsection (a) of this section.

A new subsection (d) is added to authorize the head of the displacing agency to provide a payment under this section to a utility whose transmission lines are displaced from property under the ownership or control of a public agency. Additional discussion on this section may be found in the additional views section.

REPLACEMENT HOUSING FOR HOMEOWNER

Section 203

Paragraph (1) of section 203(a) is amended to replace a person's entitlement to be relocated to a comparable replacement dwelling with the entitlement to relocate to a suitable replacement dwelling, and to raise the ceiling on a payment under this section from $15,000 to $22,500 in order to compensate for inflation. The revised replacement housing definition is intended to limit windfalls under the current "comparable" standard, and to ease administrative burdens on displacing agencies.

Section 203(a)(1)(B) is amended to change the formula for computing the payment which compensates displaced homeowners for higher mortgage payments at their replacement dwellings. In recent years the legislatively prescribed method for computing the interest differential payment has resulted in windfalls, primarily due to mortgage interest rates having risen above the rate of interest on savings accounts. The present formula for computing the payment requires that it be equal to the lump sum amount, which if placed in a savings account and drawn down monthly, would cover the additional interest expense over the period of the mortgage. Agencies estimate that overpayments under this formula exceed $12 million annually. Mindful of the problems under the existing mandated formula, and the increasing popularity of "variable rate" mortgages, the present formula has been replaced with a nonspecific performance requirement.

The intent is for the lead agency to develop an economical method which will provide the displaced person with a payment based on the amount necessary to buy a replacement dwelling without increasing his or her combined payment for monthly principal and interest. The committee contemplates that, for conventionally financed mortgages, the payment for the increased interest cost would be the amount which, if applied to reduce the mortgage balance on the replacement dwelling, would reduce the monthly mortgage payments (principal and interest combined on the replacement dwelling to the same level as the payment on the displacement dwelling assuming the same term and outstanding balance. However, if the term of the mortgage on the replacement dwelling were shorter than the term of the mortgage on the replacement dwelling, the shorter term would be used in the payment computation. And, if the principal amount of the mortgage on the replacement dwelling were lower than the balance on the displacement dwelling, the computation would similarly reflect this circumstance. The foregoing formula, variously referred to as the "pay down" or "buy down" method, is believed to be equitable.

Section 203(C)(2) is amended to allow the head of the displacing agency to extend, for good cause, the one-year period in which a person must relocate to a replacement dwelling in order to receive a payment under this section, except that payments are to be computed based on the amount a person would otherwise be entitled to if relocation had taken place within 1 year from the acquisition date (that is, the date of referral). The 1-year rule is to limit a displacing agency's obligation to provide relocation assistance payments where the date of displacement is significantly later than the date the person has been provided referrals to suitable replacement housing. This situation typically occurs when agencies lease acquired property back to the displacee for a period of years. During such time, land prices and relocation costs may increase significantly, thus raising the amount of the relocation payment. The committee's intent is that displacing agencies not be financially responsible for decisions by sellers to lease a dwelling or property for a period following acquisition, except where the displacing agency has not provided the displaced person with a referral to a suitable replacement dwelling. However, it recognizes that in certain extraordinary cases an agency may not make such a referral within the 1-year period. Thus, it would be fair and equitable to waive the 1-year rule in such cases.

In the legislation originally developed in the 97th Congress (S. 2363) a sentence was added to the end of section 203(a)(2) to insure that persons would not be left materially less well off "similar in type of improvement to the displacement dwelling"). In the current legislation, this question has been addressed through a modification to the term "suitable replacement dwelling" (section 101(10)). Accordingly, the committee has deleted the last sentence in paragraph (2), inasmuch as it is redundant in light of the change to section 101(10).

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

Section 204

Section 204(a) is amended to require that relocation be to a suitable replacement dwelling. The suitability standard is established in order that such standard be consistent throughout the act currently, no standard is mandated under this section.

A second change would eliminate the $4,000 payment ceiling under this section, and replace it with a formula, applying only to persons whose incomes are above 50 percent of the median income for the area, as determined by the Secretary of Housing and Urban Development, that pays the lesser of (A) $4,500 or (B) 36 times the amount obtained by subtracting the monthly housing cost for the displacement dwelling from the monthly housing cost for a suitable replacement dwelling. The intent is to make displaced tenants whole by relocating such persons to rental dwellings for which the monthly housing costs are the same as those at the displacement dwelling. The term "monthly housing costs" should be defined in lead agency regulations to include rent and utility charges, including hot water, lighting, water and sewer, trash removal, and heat, as required by climactic conditions.

In the legislation transmitted by the administration, all rental assistance payments would have been computed solely on the basis of the make whole formula, regardless of their financial means. The committee views this application as conflicting with the requirement that a suitable replacement dwelling be within the financial means of the displaced person. The intent of the committee is to insure that persons of limited means, who are paying an unreasonably high percentage of their income toward housing costs, have the burden of excessive housing costs relieved for the period during which they are entitled to suitable replacement housing. Accordingly, the committee contemplates that the rental assistance payments of all persons with income below 80 percent of the median income for the area shall be computed under a payment formula that takes into account the percentage of income such persons must devote to housing—as well as the make whole formula, where such formula would result in a higher payment. The committee believes that persons whose incomes exceed such amount have greater discretion over the amount of income they devote to housing cost.

A third amendment to this subsection would provide a displacing agency with the authority to make assistance available under this subsection in monthly installment payments. The intent is to allow such agencies to insure that the payments under this subsection are timely, and are used for their intended purpose of relocating a person to a suitable dwelling.

Section 204(b) is amended to allow persons who are eligible to receive a payment under this section, and who are otherwise eligible for low income housing assistance programs that are either federally administered or assisted, to elect instead to receive such housing assistance, provided that it is available; but where such person opts for the cash payment, this is to be taken into account by Federal or federally assisted agencies when determining such person's eligibility for housing assistance programs during the 2 years following the date on which such person received the cash payment. The committee intends for this provision to eliminate windfalls that benefit persons who receive double housing subsidies, as a result of their eligibility for the assistance provided under this section, as well as the assistance provided under Federal or federally assisted housing programs. To the extent practicable, the displacing agencies should insure that data concerning the provision of subsidies under this section be available to public housing agencies, in order that such information may be taken into consideration for the purpose of this section.

Section 204(c) is amended to eliminate the requirement that persons who elect to apply the amount allowed under this section toward a downpayment on, and expenses pursuant to the purchase of a replacement dwelling match any amount over $2,000. This is to eliminate the burdensome paperwork associated with the matching funds as required under existing statute. The section is further amended to provide that payments under this subsection not be more than they would be under subsection (a) to eliminate the use of higher payments as an inducement to homeownership. Finally, a third amendment provides that homeowners who do not meet the 180 day residency requirements, but meet the 90 day residency requirements for tenants, remain eligible for the full $4,500 payment under this section, as is currently the case. This provision is a technical adjustment to differentiate 90 to 179 day homeowners from tenants, with respect to the limitation in the amount of a payment a person may receive under this subsection to those under subsection.

RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

Section 205

Section 205(b) is amended to require the Secretary of Housing and Urban Development to assign a high priority for assistance to persons who choose under section 204(b) to receive public housing assistance instead of a cash payment. The intent is to eliminate, wherever feasible, the provision of multiple rental subsidies to those in need of such assistance. The committee believes that it is most efficient to provide housing subsidies at the point of displacement, and intends that the Secretary coordinate closely with the head of the lead agency to insure that existing programs to accomplish such purpose are effectively directed to such persons. Similarly, the section is also amended to require the heads of other Federal agencies whose programs are of assistance to displaced persons to take practicable measures to provide technical assistance to displaced persons in preparing applications for such programs, and to expedite the consideration of such applications. This is to insure better coordination of governmental programs, generally, and to better target such resources toward minimizing the displacement related hardships that result from Federal programs.

Section 205(c) is amended to eliminate the requirement that a displacing agency provide information on the availability of comparable replacement dwellings in favor of a requirement to provide information on suitable replacement dwellings; to include farm operations among the businesses for which information on alternative locations must be provided; to substitute the requirement that an agency provide a displaced person with a reasonable opportunity to relocate to a comparable replacement dwelling in favor of a requirement to provide a reasonable opportunity to relocate to a suitable replacement dwelling; and to provide an explicit assurance that homeowners who are displaced under federally funded programs shall be given a reasonable opportunity to remain in such occupancy status.

The substitution of the "suitable" standard for the "comparable" standard is based on the need to eliminate windfalls and rigidities in the administration of the act. The responsibility under paragraph (3) of this subsection to provide displaced persons with a reasonable opportunity to relocate to a suitable replacement dwelling suggests that, in areas with extensive housing markets, more than one such dwelling may be an appropriate and reasonable number of referrals from which the displaced person may choose. However, the committee recognizes that in certain rural, or other areas with severe housing constraints, the location of a single suitable replacement dwelling may be reasonable. The committee again stresses that section 205(C)(3) requires that a person eligible for assistance under this section, but not section 204, shall be eligible, under the authority of section 206, for rental assistance payments such as are provided under section 204, if a suitable replacement dwelling is not within such person's financial means. Relocation to housing that is affordable is required before a project may proceed to completion.

The inclusion of farm operations under paragraphs (2) and (4) is to insure that the persons displaced from such operations receive fair and equitable treatment under the Act.

A new subsection (205(e)) is added to require that when two or more Federal agencies are providing assistance to a geographically or functionally related activity, the agencies agree on a cognizant agency whose procedures will apply to such activities. The committee intends that where the two or more agencies do not agree to designate among them a cognizant agency, and do not appeal to the head of the lead agency to designate such cognizant agency, a city, county, or other general purpose local government may petition the head of the lead agency to make such designation, irrespective of the wishes of the affected agencies. The head of the lead agency may allow the agencies to show good cause why such designation is not appropriate. This procedure is intended to eliminate redtape and paperwork burdens on local government entities where Federal agency regulations may be uniform, but procedures still differ. It will also serve to equalize payments when different agency procedures would result in different determinations of eligibility for benefits. Notwithstanding, the committee intends such cognizant agencies be established on a project-by-project basis, not in perpetuity.

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

Section 206

Section 206(a) is amended to establish that the unavailability of suitable, as opposed to comparable, replacement sale or rental dwellings will determine whether last resort housing must be provided; and that the lead agency shall promulgate a regulation to the effect that this section may not be used to exceed the payment ceilings under sections 203 and 204, except on a case-by-case, basis, for good cause.

Under current procedure, some Federal agencies virtually require the use of last resort housing whenever a payment computed under sections 203 and 204 will exceed the payment ceilings established in such sections, while other Federal agencies strictly observe the ceilings. This has led to significantly different payments under the act to persons in essentially similar circumstances. The committee intends for the head of the lead agency to set uniform standards for all programs in order to assure that persons do not receive different levels of assistance solely due to the mission or objectives of the displacing agencies. Such a single Federal standard should eliminate inequities in payments to persons that result from divergent agency missions and procedures. The committee expressly intends that one such cause for invoking this section would be the inability of the displacing agency to provide housing that is within the means of the displaced person.

Section 206(b) is a new subsection, which is added to establish that a displacing agency's obligation to provide replacement housing under this section may be met by using low income housing assistance in coordination with existing public housing programs—for example, section 8 housing assistance—provided such programs are available. The committee's intent is to emphasize the need for greater coordination of government programs which implement national housing policy, and to avoid unnecessarily restricting the options of displacing agencies in providing cost-effective relocation assistance to persons displaced from standard housing. However, the committee does not intend that the authority provided under this subsection allow an agency to override the requirement that the replacement dwelling be suitable.

CERTIFICATION

Section 207

A new subsection (c) is added to section 210 to allow the heads of Federal agencies to discharge their responsibilities under this title and title I by accepting a certification from a State agency that it will accomplish the policies and objectives contained in such titles. Such discharge may only take place where the head of the lead agency has first determined that the State has adopted a law which will accomplish the same purpose and effect of the titles, particularly with respect to (i) the definition of a displaced person, (ii) the categories of assistance required, and (iii) the levels of assistance provided to such persons in such categories. Finally, it requires the head of the lead agency, in coordination with the other Federal agencies whose programs are subject to the act, to monitor and review the enforcement and compliance of any State agency certification accepted under this section and section 305, and to report to Congress thereon on a biennial basis. The legislation transmitted by the administration did not include a reporting requirement. However, the committee added the requirement in the belief that the certification method of devolving administrative responsibility under generally-applicable conditions of Federal assistance—the category to which URA belongs—is experimental, and warrants periodic oversight.

A second new subsection (c) authorizes the head of the lead agency to rescind any certification under subsection (b) for good cause—to be defined in regulation—after providing the State with due notice, and an opportunity to show that such action is not appropriate. The subsection also provides that prior to making any determination under subsection (b), the head of the lead agency shall solicit public comment, and, in particular, shall consult with general purpose governments in the State.

A third subsection (d) is added to clarify that the present authority of the heads of Federal agencies to apply financial sanctions against a State agency for noncompliance with the URA shall also apply with respect to the approved State law. Such sanctions would be designed to complement the decertification authority provided under subsection (b) of this section.

The committee emphasizes that the payment levels, assistance programs, and assurances of suitable replacement dwellings required by this act shall serve as minimum levels and standards which a State must meet. For example, a State law which exempts HUD block grant programs, code enforcement causing permanent displacement, and which exempts any entity with eminent domain from the act's requirements would not accomplish the same purpose and effect of this act. Also essential are the assurances provided under section 205(C)(3), requiring that persons of limited means be subsidized in their relocation to suitable replacement housing. The committee envisions the certification process as a careful one, taking into consideration a State agency's record of managing existing relocation programs, including, but not limited to, providing timely payments to displacees and adequate replacement housing for persons displaced under this act.

This subsection is to expand on the committee's intent under section 201(b)(3) to delegate administrative discretion under the act to the States. In this regard, it is noted that under the current procedure, where each agency is allowed to interpret the act in regulation in accordance with its specific program needs, there is considerable variance in the implementation of the act. Such variance is not wholly inappropriate, inasmuch as each agency is believed to implement the act in good faith, and in accord with the intent of Congress. However, the variance has been a source of considerable administrative burden to State and local governments. Accordingly, the committee intends that, in cases where a State law has been determined to have the same purpose and effect as the URA, the authority to promulgate uniform, statewide regulations in compliance with such laws rests entirely with the State government, instead of the Federal agencies, in order that each State may most effectively take into account its own circumstances.

The committee further intends that the lead agency develop efficient and economic procedures for the review of a State's enforcement and compliance with any certification issued under this section. In accordance with section 201(b)(3) such procedure shall not incorporate unnecessarily burdensome reporting requirements, or in any other way be punitive, or intrusive on the decisionmaking authorities of the States; however, such procedure should reasonably insure that such certified State laws are being complied with and enforced in good faith. The lead agency may, but is not required to, accomplish this intent through a periodic sampling of State compliance efforts, as appropriate. However, in the event that a State agency whose certification has been accepted by a Federal agency is successfully sued in State court by a displaced person because the State agency has intentionally circumvented the provisions of the State law, it is the committee's intent to authorize the head of the lead agency to schedule a public hearing to review the certification. If the finding of such hearing is that the State agency has not fully complied with and enforced such law, the State shall be provided with due notice of such finding, and be provided with a period of time, generally not to exceed 90 days, in which to take the necessary steps to insure compliance as prescribed by the head of the lead agency. If, after such time, the head of the State agency has not taken such steps, the head of the lead agency shall revoke the certification.

The committee believes that in order to adequately monitor the States performance under certification certain basic information must be maintained by the States' displacing agencies. The committee contemplates that the head of the lead agency would require minimal record keeping by the States by prescribing certain formats. Such formats should be reasonable, and provide a data base from which the lead agency could periodically monitor compliance, and upon which it could base its biennial report to Congress.

FEDERAL SHARE OF COSTS

Section 208

Section 211(a) is amended to delete outdated language establishing coverage under the act for projects undertaken before July 1971 is deleted. "State agency" is expanded to "displacing agency" to conform with the amendment made under section 101(11).

Section 211(b) is amended to expand the present prohibition on duplication of compensation occurring when a displaced person receives payments which serve essentially the same purpose as those provided for in the act.

REGULATION

Section 210

Section 213(a) is amended to require the President to establish a lead agency in a department, agency or other body. The lead agency is to: (1) Issue uniform, Government-wide regulations for use by all Federal agencies in administering the act; (2) coordinate, with the assistance of other agencies, relocation activities under title II of the act with Federal and federally assisted housing programs; (3) monitor, in coordination with other Federal agencies, the implementation and enforcement of this act, and report to Congress, as appropriate, on any major issues or problems associated with the act; and (4) perform other duties that pertain to the purposes of the act.

The committee intends for the lead agency to play a particularly important role in minimizing the administrative costs under the act to State and local governments. While the lead agency is to promulgate broad, performance based regulations which delegate substantial administrative discretion to the States and communities, as appropriate, the lead agency should also play a major role in disseminating technical assistance, advice, and information to administering State and local governments. Accordingly, the committee contemplates that the lead agency serve as a clearinghouse for the identification of problems and solutions experienced by the various displacing agencies. It is further intended that materials informing displaced persons of their rights and entitlements under the act be reasonably uniform, and that the lead agency establish minimum standards for such materials.

EFFECTIVE DATE

Section 401

Section 401. This section is added to establish that, with the exception of the certification and lead agency provisions, the effective date of the act is 24 months after the date of enactment. The 24 month leadtime on the other provisions of the act are to allow the Federal agencies and the States to develop conforming laws and regulations.

V. REGULATORY IMPACT

In accordance with Rule XXVI, Paragraph 11(b), of the Standing Rules of the Senate, the committee finds S. 531, as amended will reduce the total number of regulations and other paperwork burdens associated with URA. The amendments (1) require the consolidation of the IRA regulations of 20 different Federal departments and agencies in a single, uniform regulation, under which "substantial administrative discretion" is delegated to the States; and (2) broaden the act's coverage to cover HUD programs which cause displacement through activities other than acquisition, thereby superceding the relocation requirements set forth in 13 separate HUD regulations. The bill's net effect is to substantially reduce regulatory requirements under the act. However, several provisions may result in additional regulatory requirements. These include:

SECTION 101(3)

This provision amends the act to cover federally funded acquisition by nongovernmental entities which have State power of eminent domain (e.g., public utilities, or private/nonprofit development corporations). These entities would incur new regulatory costs as a result of being made subject to the act's provisions. There are no precise data for estimating the numbers of entities covered by this amendment, or the number of cases affected. The Edison Electric Institute informs the committee that its 200 members rarely participate in federally funded projects. However, HUD estimates that the number of nonprofit organizations not already providing assistance under the act, which would be subject to the act under this amendment, would equal approximately 20 such organizations. HUD estimates that the annual number of cases affected would not exceed 200. At an average administrative cost of $1,500 per case, the additional compliance cost would not exceed $300,000 annually.

SECTION 204(a)(4)

The amendment to this section creates a new entitlement for small businesses and nonprofit organizations. Displacing agencies must identify whether displaced entities meet these definitions. The identification of a nonprofit organization is believed to be relatively simple, thereby requiring little or no additional administrative effort. The identification of a "small business," as defined by the Small Business Administration, is expected to cause a small amount of additional administrative burden. However, the committee is informed that such status is determined annually for taxation purposes, and that each business is assigned an "industrial code" by SBA which defines a business' status as a "small business." Accordingly, the identification of small businesses is expected to require no more than 20 minutes of staff time per case. Assuming that an average of 4,500 businesses per year are displaced (based on fiscal year 1980 data), and an average staff salary of $10 per hour, the additional compliance cost associated with the amendment would equal approximately $15,000 annually.

SECTION 204(a)

This section is amended to require that benefits to tenants be based partly on a tenant's financial means. The means test mandated by this amendment requires that the displacing agency determine the gross monthly income of the household. Under current procedure, DOT already collects such information in all cases, while HUD does so in all but approximately 1,500 cases each year. In addition, other agencies displace approximately 500 tenant households annually. The collection of income data will typically involve requiring the person to present a recent income tax statement. Assuming an average recording and processing time of 30 minutes per case, at an average staff salary of $10 per hour, and that the new procedure is applied in an additional 2,000 cases annually, the additional compliance cost associated with the amendment would be approximately $10,000 annually. The committee notes that the procedure is designed to save between $10 and $12 million in annual relocation costs.

However, the amendment affects the privacy of the displaced tenant by requiring the disclosure of income data as a condition of receiving assistance under this section. The data would be subject to the same disclosure requirements as other information now collected under the act.

SECTION 204(b)

This amendment establishes that an eligible tenant may opt either to receive either a cash payment, or publically assisted housing, provided that it is available; however, where the person opts for the cash payment, this is to be taken into account when evaluating the person's eligibility for Federal funded housing programs during the next 2 years. While the attendant record keeping requirement may create some additional administrative expense, it is expected to be very minimal. Displacing agencies are required under current law to keep relocation records for 3 years. Further, the option is expected to be offered rarely; and when it is, it is anticipated that persons will generally opt for the higher benefits associated with assisted housing. Finally, because local housing agencies are likely to be a party to any such offering, the recordkeeping will be primarily for "in house" use. The additional compliance cost is expected to result mostly from the inclusion of an additional item on the relocation payment application form.

SECTION 213(d)

This amendment requires States to provide information to the head of the lead agency on a State's enforcement of and compliance with any law certified under section 210(b). While this requirement may involve the creation of substantially different reporting requirements, they are expected to be less burdensome than those currently in use. The certification process is designed to eliminate much of the detailed, project by project scrutiny that occurs when Federal agencies directly monitor displacing activities within a State; and to require uniform reporting requirements and formats so that displacing agencies do not have to comply with multiple, duplicative reporting requirements.

SECTION 210(d)

This provision requires a one-time report to Congress on a plan to facilitate the speedy and equitable settlement of condemnation cases pending before the Federal courts. While the development of the plan may involve up to $100,000 in contract costs (as estimated by the Department of Interior) the plan itself is designed to focus agency attention on possibilities to substantially reduce administrative costs. The GAO has identified approximately 20,000 cases pending before the Federal courts. Because each case results in approximately $5,000 in administrative costs, the administrative costs associated with the pending cases may exceed $100 million.

VI. ESTIMATED COST OF LEGISLATION

In compliance with paragraph 11(a) of rule XXVI of the standing rules of the Senate, the committee provided the following estimate of the cost of S. 531, prepared by the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 531.

2. Bill title: Uniform Relocation Act Amendments of 1983.

3. Bill status: As ordered reported by the Senate Committee on Governmental Affairs, March 17, 1983.

4. Bill purpose: This bill revises current standards and procedures for relocation assistance and property acquisition policies. It changes the eligibility requirements for receiving relocation assistance when a family, individual, farm, business, or nonprofit organization is displaced by a federally financed activity. It also adjusts certain assistance levels, including residential and business moving assistance payments. The bill requires a lead agency to issue government-wide regulations and to develop a plan to facilitate the resolution of condemnation cases currently pending in Federal courts. It exempts States and localities from certain Federal rules if the lead agency certifies that the State law satisfies the requirements of this act.

5. Estimated cost to the Federal Government: This bill would result in small additional costs in fiscal year 1984, and potential savings in subsequent years, as shown by the following table.

[By fiscal years, in millions of dollars]

	1984	1985	1986	1987	1988
Estimated costs	0.1	−2	−8	−8	−9

The savings in 1985 and subsequent years could be reflected either in reduced spending—if funding levels of the affected programs are correspondingly reduced—or in a reallocation of resources to other activities—if funding levels are not reduced.

Basis of estimate

This estimate is based on current claim levels which have been adjusted to reflect the estimated impact of the proposed changes in eligibility criteria and assistance levels. Most of the provisions of this bill will affect programs financed by the Department of Housing and Urban Development and the Department of Transportation. This estimate is based primarily on data supplied by these agencies; the impact on other agencies is not expected to be significant. It has also been assumed that the number of claims will remain relatively constant in all years but the average award amounts will increase each year at a rate consistent with the CBO projection of increases in the GNP deflator.

This estimate assumes an enactment date of June 1, 1983. A lead agency, to be designated by the President, will be responsible for certain regulatory and adjudicatory activities on the date of enactment. An estimated total of $100,000 would be needed in 1984-85 for these activities. It is assumed that most of the preliminary administrative costs to the lead agency will be incurred in fiscal year 1984, so that other Federal agencies and the States will have time to develop conforming laws and regulations before the remaining provisions of the bill become effective 24 months after enactment.

The bill would result in increased costs of approximately $9 million in fiscal year 1984, primarily for additional moving and related expenses provided to individuals, families, businesses, farms, and nonprofit organizations in the last 4 months of the fiscal year. A portion of the increased costs also result from broadening the eligibility requirements. Offsetting savings of approximately $11 million will result principally from provisions eliminating the current requirement that replacement housing be comparable with the original property and changing the formula for calculating rent supplements and mortgage assistance payments. Savings will also result from provisions that allow agencies acquiring property to forego appraisals in certain circumstances. Estimated savings in fiscal years 1986-88 reflect the annualization of the 1985 estimate, adjusted for inflation.

Additional Views of Senators Durenberger, Sasser, Levin, Stevens, Cochran, and Nunn

Since the reporting of this legislation by the Committee on Governmental Affairs, the Subcommittee on Intergovernmental Relations has engaged in intensive negotiations with the utility industry, Federal agencies, and the intergovernmental community to develop a utility relocation policy which is acceptable to all affected parties. A set of floor amendments reflecting such a consensus has been developed. However, the accompanying section-by-section analysis of these amendments constitutes an essential element in this package. Accordingly, we have included this section-by-section analysis here with the intent that it shall supplement the text in the main body of this report which is in reference to the eligibility of a utility for a relocation payment:

The committee has added two new subsections, (d) and (e), to clarify the rights of a utility as a "displaced person" when a Federal or federally assisted program or project results in the displacement of the utility from property under the ownership or control of a State or local government. The subsections are designed to reflect the current relocation practices of the Federal, State, and local agencies covered under this act, but they will be binding only on relocations which take place after the effective date of this statute. The committee contemplates that the head of the lead agency will develop standards for the implementation of these subsections which neither increase directly, nor decrease, the amount of utility relocation assistance provided under Federal or federally assisted programs or projects.

Subsection (d) addresses the case where a State or local agency, assisted by Federal funds, undertakes any activity which will result in the displacement of a utility from State or local property. The subsection essentially provides that, subject to certain restrictions, Federal granting agencies shall regard any payment due the utility under State or local law or a contract, if any, as an eligible project cost; although, in no event is it intended that the Federal agency, or a Federal court, shall substitute its judgment for that of a competent interpreter of State or local law.

Subsection (e) is designed to apply only in the case where an agency having Federal powers of eminent domain directly acquires State or local property, thereby displacing a utility. In such cases, as distinct from those covered under subsection (d), the acquiring agency has the power to force the sale (or vacation) of the property. Such acquisitions do not differ materially from the eminent domain-supported acquisition (that is, involving the use, or threat, of condemnation) of private property. It is the committee's view that persons displaced by eminent domain-supported acquisition of private or public property are entitled to the full benefits under title II. Subsection (e) requires that the full cost of relocating an eligible utility be borne by the Federal displacing agency.

It is just such a distinction that the committee believes the Fourth Circuit Court of Appeals failed to apply in the case, *C&P Telephone* v. *Norfolk Housing and Redevelopment Authority, et al, (Norfolk).* In *Norfolk* the court held that the acquisition triggering C&P's displacement occurred when NHRA, a State agency, used Federal funds to acquire the private property abutting the city of Norfolk's easement, which C&P's transmission lines occupied. When NHRA subsequently ordered C&P to vacate the property following the city's closing of the street, C&P became, in the court's eyes, a displaced person, eligible for a relocation payment under this section. The ruling overlooked, however, the question of whether NHRA could have forced the city to vacate its duly acquired easement. Assuming it could not (NHRA's eminent domain powers being the same as the city's), the transfer of control over the property between the city and NHRA constituted an unencumbered transaction on the open market. The committee observes that only acquisitions which are supported by eminent domain are presently covered under the act.

The new subsection 202(d) is intended to provide uniform treatment to utilities that are located in a public right-of-way and are required to relocate because of a federally assisted State or local project. This uniform treatment would apply only to utilities displaced after the effective date of this statute. It does not change State or local law or existing contracts, but it guarantees that State or local decisions to pay for the relocation of utilities will be eligible for Federal funding. The State and local decisions necessarily involve a balancing of the interests involved. On the one hand, utilities are often permitted in public streets rent free and because of this special status, utilities have generally accepted the responsibility to relocate their facilities at their own expense (except where negotiated greements stipulate otherwise). On the other hand, relocation is often not the choice of the utility and unreimbursed costs must be absorbed by the utility and ultimately, its ratepayers. Recently, for example, a New York utility was forced to absorb $6 million in relocation costs, which were subsequently passed on in the form of higher gas bills to the utility's customers—30 percent of whom have incomes below the poverty level.

The approach taken in this subsection is similar to that which governs the Federal-aid highway programs. Section 123 of title 23, United States Code, insures that the Federal Government will treat utility relocation payments as eligible projects costs to the same extent as they are required under State and local law. This program successfully provided over $260 million of utility relocation payments during 1982.

Subsection (d)(1) defines the cost of relocation in language similar to title 23, United States Code, section 123. "Betterments" means any upgrading to the utility made solely for the benefit of, and at the election of, the utility company. The definition of utility is expansive and is designed to include all types of utilities and other occupants of the public right-of-way. It is recognized, for example, that cable television companies and certain transportation systems are not utilities as the term is used elsewhere. Such entities are included in the definition under this subsection solely as a matter of convenience in drafting.

Subsection (d)(2) is the basic operable part of the subsection and it applies unless there are other Federal statutes, such as title 23, United States Code, section 123, that provide specific guidance for a Federal program. Subject to the other requirements of this subsection, this paragraph provides that the State or local displacing agency shall pay the amount, if any, to the utility that is determined to be due under State or local law or a written contract. The actual reasonable cost of relocation is the upper limit on the payment. Costs would be eligible under section 211(a) of the act only if the costs were actual expenses to the State or local government.

With respect to the phrase, "* * * shall provide payment to the utility company pursuant to State or local law * * *", the committee recognizes that State and local governments already must comply with their own laws, and intends to create neither additional State and local obligations, nor new enforcement burdens for the Federal Government. The absence of discretion under the subsection is intended solely to insure that Federal granting agencies shall treat as eligible costs (under section 211(a)) any payment required of a State or local government under its own law. The committee expressly intends that the ostensible obligation created under the subsection for a State or local government to comply with its law shall not be reviewable in a Federal court.

Subsection (d)(3) preserves the status quo for the State or local agency. Nothing in this subsection is designed to force revisions in State or local law or existing contracts or require a payment to be made where none is due under State or local law or a written contract. Similarly, subsection (d)(4) preserves the status quo for the utility. Nothing in the subsection is designed to deprive a utility of any rights that it might have under State or local law.

Subsection (d)(5) is designed to prevent abuses of Federal funding. The Federal Government should take contracts "as it finds them" and not permit windfall payments to utilities. However, the committee does not intend to preclude a payment over and above the amount required under a State or local law or a prior contract in projects involving extraordinary utility relocation costs. It is recognized that ordinary, routine relocation costs resulting from, day, sewer maintenance can and often should be equitably borne by the utility in lieu of rent for use of the public right of way. On the other hand, large-scale public projects can involve utility relocation costs in the millions of dollars, and result in considerable rate increases for utility ratepayers. If the negotiation of additional compensation pursuant to such large-scale projects is not prohibited by State or local law or a written contract, the committee envisions that Federal granting agencies could agree to participate in the negotiated payment subject to the requirements of paragraph (6).

Subsection (d)(6) is included to insure equality of treatment. The provision is designed to preserve the discretion of the head of the involved Federal agency with respect to the Federal Government's participation in a utility relocation payment which exceeds the amount that a State or local agency would pay if there were no Federal funds involved. Ideally, a State or local decision to fund relocation costs should be based on a general principle and not on a strategy to maximize Federal payment.

Subsection (d)(7) is designed to prevent the creation of any additional right of a utility or its ratepayers to sue in Federal court with respect to either the enforcement of a State or local law or contract, or the level of compensation awarded under such laws or contracts. The intent is to provide clear, but nonreviewable, policy guidance to Federal agencies to coordinate their relocation policies to the fullest extent possible under this subsection with those of State and local governments.

The committee recognizes the concern of some utilities that paragraph (7) might alter existing rights not arising out of this subsection. However, it is not the committee's intent to preclude Federal court consideration of existing statutory and constitutional rights outside the provisons of this subsection or to unconstitutionally restrict the jurisdiction of the Supreme Court. It is not intended, for example, that the paragraph free State and local authorities, in their decisions to award or not award compensation under this subsection, from the enforcement of due process, civil rights, or other Federal rights in Federal court. Rather, the provision should be interpreted narrowly to limit Federal court review only with respect to the requirements established in this subsection. In adopting this approach, the committee has attempted to balance the utility's desire that the policy guidance under this subsection be clear and unequivocal with the more fundamental concern of State and local governments that the Federal courts not be accorded a new role in enforcing or otherwise adjudicating State or local law.

A new subsection (e) is intended to provide uniform treatment to utilities who are located on a State or local right-of-way and are required to relocate due to the acquisition of such property by an agency having Federal power of eminent domain. It clarifies the requirement that a Federal agency shall reimburse an eligible utility for its full cost of relocation. The subsection is intended to govern Federal utility relocation policy except where other Federal law (such as 23 U.S.C. 123 or 30 U.S.C. 181 et seq.) regulations issued by a Federal agency before March 17, 1983 (the date on which the committee reported the legislation), or a contract between the displaced utility and the Federal agency provides otherwise. For example, the committee contemplates that any land exchange pursuant to the authority of the Federal Land Policy and Management Act of 1976 (43.U.S.C. 1701) would not constitute an acquisition for the purposes of this subsection.

The committee recognizes the concern of utilities which hold permits to have their transmission lines and other facilities cross navigable waterways that the phrase, "Such payment shall not be required when provided otherwise by a * * * contract or agreement * * * would compromise their existing rights to compensation in cases where a project undertaken by the U.S. Army Corps of Engineers is not wholly for the purpose of furthering navigational safety. The committee does not intend that anything in this provision deprive a utility of such existing rights, nor is it the intent to deprive a utility of any real property interest that it may hold in the displacement property.

Dave Durenberger.
Jim Sasser.
Carl Levin.
Ted Stevens.
Thad Cochran.
Sam Nunn.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Madam President, the Senator from Minnesota states the exact case, of course, that this is a matter that the Senate has had before it on several occasions. We have agreed to it with near unanimity and I hope we will do so again.

Mr. STAFFORD. Madam President, for the minority, we have examined the amendment. In fact, the Senator from Vermont has been a cosponsor. We are prepared also to accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 14) was agreed to.

Mr. DURENBERGER. I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 15

(Purpose: To include cement and cement clinker in the Buy America provision)

Mr. COCHRAN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 15: On page 48, line 16, insert ", cement, cement clinker," after "steel".

Mr. COCHRAN. Madam President, this is an amendment which was debated when the highway bill was before the Senate last September. It has been referred to as the Buy American cement amendment because if adopted it would reinstate as a provision of the highway bill the requirement that, not only steel and other manufactured goods which are produced in the United States be purchased by those who are using those components in the Federal-Aid Highway Program, but also cement would be included as a specified item that would have to be purchased from those who are producing that cement in the United States.

The reason I am offering the amendment, Madam President, is that this provision was included as a specified manufactured product when the Federal-aid highway bill was passed in 1982.

In that year, the language included steel, cement, cement clinker, and other manufactured goods in the Buy American provision. In 1984, cement was taken out by the committees of jurisdiction. There was no separate vote on that action in either body, the House or the Senate.

Last year, when the matter was before the Senate, I offered this amendment, and a motion to table was agreed to by a record vote of 56- to 41, although the other body had included that provision by a very substantial vote—over 300 to 100 and something.

I am suggesting that we should include this product as an itemized, specified manufactured product that ought to be bought from U.S. firms that are producing cement in the United States, rather than from foreign producers. The reason I suggest that is that we have seen a dramatic decline in this important industry in the last several years.

As a matter of fact, at the time the change was made in the highway bill to take cement from the protection of the Buy American provision, the amount and volume of our imports had more than tripled, from about 4 million tons to over 14 million tons per year. This is a very substantial increase, and it signifies a development that threatens the very existence of a major U.S. industry.

I think the problem can be stated in this way: Some countries are turning to the U.S. market as a place where their surplus production, their excess production, can be dumped if no market can be found in the country where it is manufactured or in other countries.

The U.S. market is a huge market. There is a tremendous amount of construction going on in the United States, not only in the Federal-Aid Highway Program, but also other kinds of construction. We have seen in the recent past a practice on the part of some countries that are developing their own cement industries to dump that excess capacity in the United States.

Imports of foreign cement are going up dramatically. The number of U.S. plants involved in cement production is being reduced. Some are being closed—some, in my judgment, as a direct result of the removal of the "Buy American" cement provision from the Federal highway bill in 1984.

Mr. President, I ask unanimous consent that the names of the distinguished Senator from South Carolina [Mr. THURMOND] and the distinguished Senator from Montana [Mr. MELCHER] be added as cosponsors of this amendment.

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, some are suggesting that this is an effort to ban imports of cement into the United States. Let me quickly point out that we are talking about only 7 percent of the total cement sales or business in the United States when we are talking about cement that is used in the Federal-Aid Highway Program. This amendment does not seek to prohibit in any way the importation of foreign produced cement for any other purpose in the United States. I think we have a legitimate interest, though, in seeing that U.S. taxpayer dollars, that are paid into the highway trust fund in the form of gasoline taxes and other taxes used to generate the revenue from which we are able to build highways and bridges, are restricted to the purchase of U.S. cement for these projects.

So we are talking about a very large market when we are talking about cement production generally. But this amendment does not seek to prohibit the use of foreign-produced cement in any other projects—just Federal-aid highway projects. It puts cement on the same basis as steel and other manufactured goods.

I hope that the Senate will recognize that we have an opportunity today to do something for American workers who are losing their jobs because our Government will not insist that U.S.-produced components have to go into our Federal-aid highway projects. We have an opportunity today to speak up for some American businesses which are being forced to compete on Federal-aid highway project jobs with foreign producers who do not have to obey U.S. laws that relate to wage and hour rules. They do not have to obey U.S. laws that relate to worker safety on the job. They do not have to comply with other Federal requirements that affect each American business.

I suggest, Mr. President, that it is fair—for American business and industry and the American worker—to set aside a small portion of the construction business in the United States, represented by the Federal-Aid Highway Act, and give preference to U.S. producers and U.S. firms and U.S. workers.

When we look at the decline that has been occurring in the last several years, we see that businesses have been forced to close their doors because of this increase in importation, and we recognize that we have a national interest. This is a serious problem that needs the attention of Congress.

To give an example of the increase in the business that foreign countries are now claiming, let me cite some figures.

In 1982, Spain had 8 percent of the imports of foreign cement into the United States. In 1985, that had increased to 23.3 percent. Mexico has gone from 4.2 percent to 17.3 percent. Venezuela, which had no market at all in 1982, now claims 10.8 percent. Japan has come from 3.1 percent to 7.8 percent.

Let me state briefly why that is possible.

Mr. FORD. Mr. President, will the Senator yield?

Mr. COCHRAN. I am happy to yield to the distinguished Senator from Kentucky.

Mr. FORD. Mr. President, on behalf of Senator GORE, I ask that Amy Bondurant and Thurgood Marshall, Jr., be granted the privilege of the floor during the consideration of the highway bill, S. 387.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I thank the distinguished Senator, and I will do all I can to help him with his amendment.

Mr. COCHRAN. I thank the distinguished Senator from Kentucky.

Let me point out, Mr. President, why these countries that I mentioned are able to increase their share of the U.S. market. They are selling cement in their own country for a market price that is substantially higher than the price they are getting in the United States.

As an example, in Japan, cement is being sold for $65 for local construction projects. Here in the United States, you can buy that same cement for $30.

In Mexico, cement is being sold for $60 per ton, but you can buy Mexican cement in the United States for $25 a ton.

And in Spain, cement costs $55 per ton, while they sell the same cement in our country for $26 per ton.

Mr. President, that is what our cement manufacturers in the United States are up against, and that is why they are losing business to these foreign firms who are coming in and actually dumping surplus and excess production in our country at less than half the price they are selling it for in their own area.

We cannot stand for that kind of trend to continue, or we will see more and more cement plants in the United States have to go out of business and close their doors or buy cement from overseas to keep their plants running here using imported cement.

I think we have a national interest, Mr. President, to help ensure that we do not contribute to the demise of such an important industry.

When it was first enacted, the Federal Highway Program envisioned a need to help do something about our national security and defense needs as they relate to transportation here in the United States, and so a four-lane Interstate Highway System was developed.

We also recognize that, as a part of that, we have certain industries here that are vital to the construction and the maintenance of that system. The steel industry is one. There are other manufacturing industries that are identified as being important to this project. Cement manufacturing was originally included.

I think we should reinstate that industry specifically to be sure that it has the same benefit as the other vital industries that are identified in this Federal-Aid Highway Program. If we do not, we are going to see this entire industry go by the wayside. We are going to be subject to the prices that are established in other countries that relate to items here that have a relationship to our national security.

Some say there is no need to just pick out this highway bill and add a prohibition protecting a domestic industry.

There are several other laws, Mr. President, that have recognized that we have legitimate interests in helping ensure that U.S. firms and U.S. manufacturers have a preference in the selection of those who are manufacturing component parts that are used in Federal projects. Let me just mention a few.

The Clean Water Act of 1977 requires preference for domestic construction materials for use in clean water projects.

The Amtrak Improvement Act of 1978 says that we purchase only steel and steel products of U.S. origin for Amtrak and urban mass transit projects.

The Surface Transportation Assistance Act of 1982 also provided that over half of the value of subway cars and buses have to have domestic content.

The Merchant Marine Act of 1920 requires the use of American-origin ships.

The fiscal year 1987 continuing resolution specifies that textile materials and specialized metals for defense purchases are required to be domestically produced.

And finally, Mr. President, the energy and water development appropriations bill for 1986 specifies that high-voltage power equipment must be produced in the United States or its possessions.

Why does the Congress insist that those provisions be included in those statutes? It is because we have an overriding national interest.

The interest is that we not stand idly by and observe the deterioration of U.S. industry or our industrial base to the point where we are subjected to either price fixing or embargos that might occur in some other country or among a group of foreign countries that might not in any one instance have our best interests at heart.

Mr. LEAHY. Mr. President, will the Senator from Mississippi yield for a unanimous-consent request?

Mr. COCHRAN. I am happy to yield to the distinguished Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that Mike Sher of my staff be given privileges of the floor throughout the remainder of the day and all thereafter.

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

Mr. LEAHY. I thank the Senator from Mississippi.

Mr. COCHRAN. Mr. President, in conclusion, let me point out that employment in this country has declined by 7 percent from 1983 to 1985. Employment is declining again. The data shows that the total number of production-related workers was 7 percent lower in the second quarter of 1986 than in the second quarter of 1985. The trend is very clear.

There are clear examples of casualties in the domestic cement industry. A company named Ideal Basic Industries, one of the largest cement companies in America with headquarters in Dallas, faced with bankruptcy, was forced to undergo a drastic reorganization in which shareholders' equity will be diluted by more than 90 percent. Controlling interest will now go to a firm from Switzerland.

Gifford Hill, another of our largest companies with headquarters in Denver, was sold just recently to an English firm.

The typical reasons for the foreign acquisitions mostly by Europeans, include the desire to move capital to the United States, especially with the currently weak dollar and the long-term view of the industry's prospects.

Mr. President, I think the evidence is very clear. I have tried to provide the Senate with information about what is happening in this industry because of imports from overseas and what has happened since the law has been changed. I think it is clear that we need to reinstate cement as a specified industry in this Federal Aid Highway Act.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today as a cosponsor of the "Buy America" cement amendment to the Federal-Aid Highway Act of 1987. This amendment is identical to the one which I cosponsored last year along with three of my distinguished colleagues.

I wish to commend the able Senator from Mississippi [Mr. COCHRAN] for his good work in this matter.

For too long, we have neglected the concerns of our domestic manufacturers. Now is the time to stand firmly behind American businessmen.

Mr. President, during debate last year, we heard how difficult it is for American businessmen to compete with government-subsidized foreign cement producers. For instance, in Spain, cement was being sold for $71.33 a ton to Spanish consumers. Because of Spanish Government subsidies, that same cement sold for $39 a ton in New Orleans. In Mexico, cement was selling for $56 a ton. Yet, when this same cement was sold in Houston, TX, it went for only $29 a ton.

The bottom line, Mr. President, is that American cement manufacturers are in direct competition with foreign governments—not businessmen. An actually, American companies are competing with the governments of countries such as Mexico, Canada, Spain, Venezuela, and Colombia. This is most unfair.

This amendment would remedy that problem by requiring that any cement used in projects costing more than $500,000 must be produced in the United States.

Mr. President, I think it is about time we look after our own people first. The same principle was brought out last year in the textile bill. The textile industry continues to be squeezed out by foreign imports. The cement industry faces the same fate, unless, of course, we act now in changing our trade policy.

Now is the time to send a strong signal that subsidized foreign cement must stop. Now is the time to put America first. I urge adoption of this amendment.

Mr. STAFFORD. Mr. President, as I did last year, I must again oppose the amendment offered by my distinguished colleague from Mississippi, Mr. COCHRAN. I am very concerned about proposals to extend Buy America restrictions. In terms of economics and trade policy, this is an unwise course, and I believe such restrictions do not serve highway and transit interests well either.

The Buy America provisions in the House-passed surface transportation bill, H.R. 2, and in the amendment being offered today by my distinguished colleague greatly concern me. Both the House bill and this amendment would ban the use of imported cement for highway project entirely. This issue has been debated repeatedly in the last several years. The Transportation Subcommittee held a hearing on this specific issue in August 1984. At that time, The U.S. Trade Representative testified that the Federal-Aid Highway Program accounts for only 6 percent of domestic consumption of cement.

Mr. President, I have a letter here, dated February 3 of this year, from the U.S. Trade Representative, Mr. Clayton Yeutter. He begins in that letter by saying:

> DEAR SENATOR STAFFORD: I am writing to convey my strong objections to the Cochran amendment to S. 387, the Federal Aid Highway Act, which may come up for consideration early this week. This amendment would prohibit the use of imported cement in Federal or Federally-funded highways.
>
> The Department of Transportation has already communicated the Administration's concern that, in view of the current high capacity operating rates in the cement industry, and tight domestic supply, this provision would likely have the effect of increasing cement prices without increasing American production or employment in the cement industry. Higher cement prices will make Federal highways more expensive to build. And if, as a result of higher prices, we can build fewer miles of highway under the Federal highway program, the Cochran amendment will lead to fewer American jobs, not more.

I am skipping a paragraph here in the interest of time.

> We are also concerned about the Cochran amendment from the standpoint of ongoing international negotiations. For the past two years the United States has been in the process of renegotiating the GATT Government Procurement Code, to better achieve the objectives of U.S. industry and labor for greater access to procurement markets abroad.

He says in another succeeding paragraph:

> Furthermore, we are engaged in an effort to reach agreement with Canada on a free trade area. Enactment of Buy American restrictions such as these may have strong negative effects on Canadian exports to the United States, and as a consequence on our discussions with Canada.

Mr. President, I ask unanimous consent that Mr. Yeutters' letter to me be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE U.S. TRADE REPRESENTATIVE,
Washington, February 3, 1987.

Hon. ROBERT T. STAFFORD,
Vice Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, D.C.

DEAR SENATOR STAFFORD: I am writing to convey my strong objections to the Cochran amendment to S. 387, the Federal Aid Highway Act, which may come up for consideration early this week. This amendment would prohibit the use of imported cement in Federal or Federaly-funded highways.

The Department of Transportation has already communicated the Administration's concern that, in view of the current high capacity operating rates in the cement industry, and tight domestic supply, this provision would likely have the effect of increasing cement prices without increasing American production or employment in the cement industry. Higher cement prices will make Federal highways more expensive to build. And if, as a result of higher prices, we can build fewer miles of highway under the Federal Highway Program, the Cochran amendment will lead to fewer American jobs, not more.

In its recent investigation of the impact of cement imports on the U.S. cement and cement clinker industry, the U.S. International Trade Commission found that industrywide, profits (operating income as a percentage of net sales) were 11.3 percent of net sales in 1985 and 12.8 percent in the first 9 months of 1986; net sales were $3.3 billion in 1985. Only 3 of 35 firms reported losses in 1985. During the period investigated by the Commission, the industry had increases in labor productivity, domestic shipments, capacity utilization, and domestic production. There were declines in employment and hours worked, but primarily because of labor productivity gains. Because of these indicators of industry health, the Commission determined that there was no reasonable indication of material injury, or threat of injury, to the cement and cement clinker industry.

We are also concerned about the Cochran amendment from the standpoint of ongoing international negotiations. For the past two years the United States has been in the process of renegotiating the GATT Government Procurement Code, to better achieve the objectives of U.S. industry and labor for greater access to procurement markets abroad.

Phase I of these renegotiations, which dealt with tightening and strengthening the text of the Code, was completed late last year. The United States was highly successful in meeting its preliminary objective of bring procurement practices of other signatories closer to current U.S. standards. In February our focus will shift to expansion of the Code to cover services contracts, as well as areas of public procurement not now covered by the disciplines of the Code. It is in this phase that the United States' key objectives for these negotiations lie. Increasing Buy America restrictions as by the Cochran amendment will undercut our objectives at a critical stage of these negotiations. The credibility of the United States in seeking increased opportunities for our exporters will be severely damaged if we increase our own buy national restrictions at a time when we are demanding that others liberalize theirs.

Furthermore, we are engaged in an effort to reach agreement with Canada on a free trade area. Enactment of Buy America restrictions such as these may have strong negative effects on Canadian exports to the United States, and as a consequence on our discussions with Canada.

Here is an area of trade policy where the Administration and Congress can cooperate and coordinate our strategy for pursuing our international economic objectives. I strongly urge that you reject the Cochran amendment, which will hinder our progress toward our common goal.

The Office of Management and Budget has advised that there is no objection to the presentation of these views from the standpoint of the Administration's program.

Sincerely,

CLAYTON YEUTTER.

Mr. STAFFORD. Mr. President, if this Buy America restriction is imposed on cement, other countries will retaliate in kind.

I received a letter last year from the Honorable Allan Gotlieb, the Canadian Ambassador, on this issue. He states:

> The possibility of renewed or expanded restrictions affecting Canadian cement and rolling stock reinforces our concern over this issue. You will recall that Canada responded to the removal of restrictions on cement in March 1984 by lifting tariff surcharges applied to certain U.S. specialty steel products. The reimposition of Buy America restrictions on cement and an increase in domestic content for rolling stock would be most unfortunate as it would reopen the tariffs issue on certain U.S. specialty steel products. It would also be regrettable for such restrictive provisions to be put forward at a time when our two Governments are engaged in the negotiation of a comprehensive bilateral trade liberalization agreement.

I have also received a letter from the Secretary of Commerce, stating the Department's strong opposition to any further Buy America requirements. I ask unanimous consent that the letter from Secretary Baldrige be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,
Washington DC, October 7, 1986.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I wish to convey in the strongest terms my opposition to three provisions in H.R. 3129, the Surface Transportation Reauthorization bill, as passed by the House of Representatives. These provisions would (1) raise the required domestic content of buses and other rolling stock whose construction or assembly is funded by

> the Urban Mass Transportation Administration, (2) increase the "buy America" preferential rate for rolling stock, and (3) impose "Buy America" requirements on cement to be used in federally funded highway projects.
>
> The rolling stock provisions of H.R. 3129 would not result in a net increase in American jobs. Instead, they would lessen competition in the domestic industry, encourage higher costs for these products, and result in further restrictions against American exports in overseas markets. "Buy national" requirements imposed by foreign governments are already major barriers to U.S. exports, and we are working hard to eliminate them. Enactment of "buy America" requirements just makes our job that much more difficult.
>
> Restrictions on the use of imported cement would drive up the cost of this product, already in short supply in many areas, for both the federal government and private consumers—and would do so at the expense of our trading partners who supply this material to the domestic industry. There is simply no benefit for the United States in this blatant violation of our trading obligations.
>
> I strongly urge your assistance, as a conferee on H.R. 3129, in striking these provisions from this bill. Thank you for your help.
>
> Sincerely,
>
> MALCOLM BALDRIGE,
> *Secretary of Commerce.*

Mr. STAFFORD. Buy-America restrictions will make highway construction more costly and could result in fewer highway miles being built or repaired.

Every producer and distributor will have to construct separate facilities to keep domestic and foreign cement separated because there is no other way to determine the origin of cement.

Many of the domestic cement producers are the largest importers of foreign cement supplies. They have chosen to import cement to supplement their production and meet demand rather than increase their own capacity. New England, for example, is very dependent on Canadian sources of cement. If this source of cement is unavailable, many projects will not be done or will become prohibitively expensive in the New England States. I believe that will be true across the country.

Mr. President, in conclusion, I believe that the costs generated by buy-America restrictions such as those I have described far outweigh any benefits. I urge my colleagues to resist efforts to expand buy-America requirements for the Federal-aid highway program and defeat this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, as has been mentioned, we have been around the track before on this. This exact same amendment came before the Senate last fall and, fortunately, was defeated by a vote of 56 to 41.

I would like to take up two principal points: first, the Senator from Mississippi stressed the dire straits of the U.S. cement industry. Let me just read from a decision of the International Trade Commission of last November, just a few short months ago, November 1986. This involved a dumping case brought by the domestic industry against foreign cement. This is what the ITC, the International Trade Commission concluded:

> Examination of the financial data indicates that the domestic industry is not experiencing material injury, but is thriving.

It is thriving. So when you hear statistics stating that employment is down 7 percent or a foreign corporation has bought up this cement company or that cement company, let us put everything in context.

As far as foreign companies buying American firms, that is taking place all across the Nation. That does not indicate the dire straits of the companies, in this instance cement companies. It indicates foreign investors want a place to put their money and presumably want a pretty good place. And when they are buying cement companies, I think it is an indication that those cement companies must be in pretty good shape.

Second, if this amendment should be adopted this afternoon, this bill will be vetoed. Now, why do I say that? We have a letter from Mr. Miller, who is the Director of the Office of Management and Budget. This is a very short letter, which I will submit for the record, addressed to me on January 29, a few short days ago.

This is what Mr. Miller says:

> If adopted by the Senate and subsequently included in the final version of this legislation, it would result in the President's senior advisors recommending disapproval of the bill.

I ask unanimous consent that Mr. Miller's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> EXECUTIVE OFFICE OF THE PRESIDENT,
> OFFICE OF MANAGEMENT AND BUDGET,
> *Washington, DC, January 29, 1987.*
>
> Hon. JOHN H. CHAFEE,
> *U.S. Senate,*
> *Washington, DC.*
>
> DEAR JOHN: I am writing to convey the Administration's strong opposition to a "Buy America" amendment to be offered on the Floor by Senator Cochran to S. 387, the Federal-Aid Highway Act of 1987.
>
> We understand that the amendment would prohibit purchases of foreign materials for federally-funded highway projects. Such a provision would add millions of dollars to the cost of highway projects; cause substantial construction delays (because of insufficient domestic cement production); and invite foreign retaliation against United States exports. The Office of the United States Trade Representative advises that restraints on cement imports would almost certainly result in Canadian retaliation against the United States specialty steel exports.
>
> The Senate Environment and Public Works Committee-reported legislation very appropriately proposes to raise the project cost threshold to $500,000 for the application of Buy America restrictions. The proposed amendment is clearly contrary to our national interest. If adopted by the Senate and subsequently included in the final version of this legislation, it would result in the President's senior advisors recommending disapproval of the bill.
>
> Sincerely yours,
>
> JAMES C. MILLER, III,
> *Director.*

Mr. CHAFEE. Mr. President, I cannot swear on a stack of Bibles that the bill will be vetoed, but I do not know what clearer indication we can have than this letter that a veto will result. We have seen the President's views on restriction of imports. The President is absolutely clear. He did it on the protectionist textile legislation bill which the Senate passed.

The President, despite all the dire concerns across the Nation that we are going to lose this State or that State, regardless of those warnings, vetoed that bill. And he will veto this bill as well on far stronger grounds, I think, or certainly less politically damaging grounds than the very courageous veto that he gave on the textile bill last year.

Why do we recommend rejecting the amendment? Some of these points have been touched on and so I will just review them quickly.

It would be damaging to the highway bill because it would result in supply shortages and thus higher costs. The facts are that the American industry is not producing enough cement to meet the American demand. In other words, if you took every pound of cement that the American industry can produce at maximum capacity, they would not meet the demand in the United States. So if this type of legislation passes, it means that there is less cement available and the law of supply and demand obviously will take effect and the price of building our highways would go up.

Second, of course, is the point about delaying this very important legislation, which died last year, not due to this. We rejected the amendment. It was tangled up on a whole series of other things. I think the Senator from New York was on the conference. We went to conference with the House, and could not reach an agreement. They dug in on their position dealing with things extraneous to the debate this afternoon and the bill failed to pass. All right. We figured we would be back in January and we could pass the legislation quickly.

Well, we have a good chance to pass it quickly. I think we are going to pass this bill this afternoon. But if it passes here and then we go to conference with this measure, we are not going to be able to get this measure out of conference. But it will go to the President, the President will veto it, and we will be right back. What will happen is the Highway Program of the United States will have been delayed 2 or 3 more months. These are the crucial times. I do not know about the highway departments from the other States who are represented here, but the highway department in my State is out of money. They do not have money. They are dependent on passage of this bill. So it is, I believe, across the Nation.

Next I would like to touch on what it does to our trade relationships. The largest area we are importing cement from is Canada. With Canada we are currently engaged in trade negotiations of extreme importance to our two nations. Let me just cite one figure. There is more trade between the United States of America and the Province of Ontario than there is between any nation in the world and the United States except for Canada and the United States. Think of that. We do more business with Ontario than we do with any country in the world except for the country of Canada.

So what we are doing is throwing a monkey wrench into those negotiations, and those are fast-track negotiations in which we hope to lower all tariffs between our nations. Certainly this kind of provision would reignite an unfortunate little trade war that has flared up on shingles, lumber, and they are retaliating with computer parts. It has risen into a very unattractive proceeding that I think we all wish had never taken place.

Mr. MOYNIHAN. Will the Senator yield for a question?

Mr. CHAFEE. I certainly will.

Mr. MOYNIHAN. Is he aware, as I am sure he is, that earlier today the Finance Committee amendments were adopted for funding the program. We did something which the Secretary of Transportation, our good friend, the Honorable Elizabeth Dole, vigorously protested by including in effect Canadian trucks. It requires them to be taxed as American trucks when they use American highways even though there is no such provision at all in Canada. They offered to negotiate some arrangement if we wish to. We have unilaterally done this in the face of all of the President's concerns and Prime Minister Mulroney's concerns that we open our borders. We closed them again. It is bad enough.

Mr. CHAFEE. I would like to reply to the query of the distinguished Senator from New York about that truck provision. That truck provision somehow slipped through, and it is regrettable. But now we have our eyes wide open on this one. It is one thing. The old expression "Fool me once, shame on you; fool me twice, shame on me." In this particular instance it is clear, and we can act with knowledge and forewarning, as opposed to the truck thing that I do not think we were all familiar with at the time. That is no excuse. It is regrettable that it happened. But now let us not let this happen. Let us not make two mistakes in the same day in dealing with the Canadians. Canada buys American coal, they buy our computers, they buy our aircraft, they buy our tractors, and they buy our medical supplies. And as I say they are an extremely important trading partner with the United States. Let us not get in an embroilment with them on this Buy American provision which, if it went in effect, passed here, and we went to conference, we would really have a problem at that time.

So, Mr. President, based on the fact that the U.S. cement industry is in excellent shape as stated by the ITC just last November, and I will quote once again "* * * the domestic industry is not experiencing material injury, but is thriving." I do not know how you can do any better than thrive.

Second is the fact that the amendment would raise the cost of building our highways because of the shortages it would cause. And furthermore it would raise the cost for every other project in the United States that has nothing to do with highways but involves cement—housing construction, foundations, all of that.

Finally, the fact that if this measure should pass here obviously we will not be able to get it out in conference with the House. They thrive on "Buy America." And we would not be able to get it out, and the President would veto it. The whole highway program would be set back 2 or 3 months, and the result would be expensive delays.

So I hope, Mr. President, that our Members will listen carefully to this. I will not ask unanimous consent to have printed in the RECORD this statement from Mrs. Dole. To excerpt briefly from her letter, Mrs. Dole said in connection with this piece of legislation:

> We strenuously oppose the expansion of the current provision to include cement and clinker and believe that Congress acted wisely when cement was removed from the coverage of the "Buy America" Act provision in 1982.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, February 2, 1987.

Hon. JOHN H. CHAFEE,
U.S. Senate, Washington, DC.

DEAR SENATOR CHAFEE: You asked for the Admininstration's views and concerns regarding the provision in H.R. 2 and possible Senate amendments that would require that cement used in Federally funded highway and transit projects be manufactured in the United States. We strenuously oppose the expansion of the current provision to include cement and clinker and believe that Congress acted wisely when cement was removed from the coverage of the "Buy America" provision in 1982. As a general matter, the Administration prefers that the existing "Buy America" statutory provision be repealed entirely.

Restrictions on the use of imported cement will increase the cost of Federal-aid highway construction are not in the national interest. Since domestic producers are operating at, or near, capacity in many areas of the country, prices of cement would rapidly increase. Suppliers would be able to increase prices in the wake of short term constraints on supply resulting from the elimination of imports and an important source of price competition. Moreover, foreign cement is frequently less costly. These trade restrictions, with the resulting increase in prices, would not be limited to highway construction, but would ripple throughout the construction industry, raising prices in both the private and public construction sectors. The restrictions could lead to supply disruptions and delays in construction projects, particularly in areas where imported cement has become an essential source of supply.

Cement imports have increased substantially over the past three years (from 4.2 million tons in 1983, to 8.9 million tons in 1984, 14.5 million tons in 1985, and an estimated 17.5 to 18 million tons in 1986). In large part this is in response to strong temporary demand from the construction industry. Because of the cyclical nature of the demand for cement, imported cement plays a critical role in the United States market. Imports moderate price increases during periods of rising demand, and fill temporary gaps between demand and domestic supply. This is particularly important to regions of the country where the domestic industry can not economically expand production capabilities. During the past few years, because of the upswing in demand, domestic cement producers have been importing rather than constructing new plants whose capacity would lie vastly underused in periods of slack demand. In slack periods, cement imports typically fall off more than proportionately and thus moderate the extent to which domestic producers must reduce their prices.

It makes little sense to expand domestic production capacity in response to cyclical growth in demand. New plants are extremely expensive to build; older, less efficient plants have been closed; and several existing plants have been faced with difficult technical problems which have constrained output. Once a decision is made to build a new plant, it takes from three to five years to bring the plant into production, and it often takes longer than that to eliminate all technical problems associated with the new plant. Even with enactment of the Buy America restriction, many suppliers would be unlikely to increase plant investment.

A study prepared for the Cement Free Trade Association in February of 1986 indicates that, when capacity utilization rates are adjusted for loss of effective capacity due to plant obsolescence, input material problems, or other technical difficulties, the domestic industry's productive available capacity is about 79.3 million tons. With 1985 consumption at the 87.6 million ton level, the need for imported cement is readily apparent.

Differences between available capacity and consumption rates are even more striking when viewed on a regional basis. The above study uses Portland Cement Association data on individual plant capacities and plant information provided by industry sources to project available capacity in each of seven regions of the United States. These calculations show estimated 1985 consumption at 109.6 percent of available capacity in the Pacific Southwest region, 131.9 percent of available capacity in the Eastern region, 149.8 percent of available capacity in the Southeastern region, 98.1 percent of available capacity in the Great Lakes-Midwestern region, 93.7 percent of available capacity in the Rocky Mountain-Northwest region, 89 percent of available capacity in the South Central region, and 87.6 percent of available capacity in the North Central region.

Based on Portland Cement Association capacity data for 1984, without making any adjustments for loss of effective capacity between 1984 and 1985, total United States capacity in 1985 would have been about 86 million tons, just slightly below 1985 cement consumption. Alternatively, the United States Bureau of Mines data put total United States capacity at about 90 million tons, although this figure apparently includes plants that are unlikely to ever come back into production. These figures seem to indicate somewhat less of a strain on available capacity on a national basis. However, Portland Cement Association data indicate that consumption is still significantly higher than available capacity in the Eastern and Southeastern regions (131.9% and 116.2%), and is above 90 percent of capacity in the Rocky Mountains-Northwest region and the Pacific Southwest region.

The Federal-aid highway program used about 7.1 million tons of cement in 1985 (8.1% of total United States usage). If it is assumed that the share of imported cement in Federal-aid highway construction is the same as the import share for all domestic uses (16.6% out of a total consumption of 87.6 million tons in 1985), the Federal-aid highway programs used an estimated 1.18 million tons of imported cement in 1985.

Those advocating a ban on use of imported cement on Federal-aid projects appear to feel that such a prohibition would increase the output of domestic cement plants and increase employment opportunities for American workers. We believe that there is little likelihood that this would be significant because the cement industry is very capital intensive. The industry cannot simply add more workers to increase output when it is already operating at or near full capacity. As noted earlier, a more likely result of the important ban would be an escalation of cement prices, particularly in those regions most dependent on cement imports.

Imports of cement have played an important role in moderating price increases in periods of short supply. Eliminating this source of price competition would create new cost pressures for an important federal program and make it even more difficult to reduce the size of the federal deficit. The Department of Transportation remains vigorously opposed to legislation that restricts the use of imported cement, and other imported materials, on Federally assisted highway and transit construction projects.

Moreover, the application of Buy America requirements to cement would have serious adverse consequences on United States trade relations, particularly with Canada. Such action might ultimately jeopardize export opportunities for United States exporters or undermine existing understandings with foreign governments concerning international trade. The Department of Transportation defers to the views of the Department of State and the United States Trade Representative in this area.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the submission of these views to the Congress.

Sincerely,

Elizabeth Hanford Dole.

Mr. CHAFEE. Thank you, Mr. President. I hope when the time comes my colleagues will join with me in opposing this amendment.

Mr. BURDICK addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. BURDICK. Mr. President, cement production in the United States is far short of demand. Requiring American made cement in Federal-aid highway construction would aggravate an already serious problem in many States.

According to the U.S. Trade Representative's Office, the Federal-Aid Highway Program accounts for only about 6 percent of domestic consumption of cement.

Historically, there has been little import penetration in this area, and that is still true.

The buy America proponents say that 1,000 jobs hinge on adoption of this restriction. The cement industry is not a labor intensive one, and with the small percentage of imported cement used in highway construction, only some 80 jobs might conceivably be saved with the amendment.

That represents three-tenths of a percent of the total employment in the cement industry. The cost, however, would run from $21,000 to $180,000 to save each of those 80 jobs.

Cement would cost more with buy America restrictions. Consequently, there would be less money available for highway projects and fewer highway construction jobs.

Several cement companies have closed plants or cut production at facilities in the Northeast and Midwest and transferred operations to Sunbelt States. This has made for severe shortages in regions with closed or inefficient, older plants or plants which operate only seasonally.

It is very difficult to determine the country of origin for cement. In addition, it would be extremely costly for construction firms to maintain two cement stockpiles; that is one for domestic and one for imported cement depending on the job.

U.S. domestic cement producers themselves import 75 percent of all foreign cement shipped into the United States. According to them, regional shortages can become so acute that this is the only way they can assure a steady supply of cement to their customers.

The U.S. consumes 87,500,000 tons of cement annually, but is only capable of producing 77,900,000 tons. Foreign cement fills that shortfall and makes it possible for all regions of the country to meet their construction needs.

Trade agreements with other countries could be adversely affected if this amendment is adopted. There are already in law strong remedies for firms that have been injured by unfair trade practices.

In the case of cement, the independent International Trade Commission, in an antidumping case filed by the industry, recently concluded that there was no reasonable indication that the industry was being materially injured—or threatened with injury—by imports.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, as the distinguished chairman said, this is a provision that has no place in this bill. As the Senator from Rhode Island indicated, this is a killer amendment. If you want there to be no highway built in your State this year, if you desire to put out of employment all the engineers, all the construction workers, all the truck drivers bringing the construction materials, here is your opportunity.

Just vote for this amendment and we will have, for the first time in 30 years, no highway program.

We have been around this matter before, Mr. President, and it surely should not be beyond our understanding of our national interest.

Cement is an elemental building material which is rather cheap to produce and rather expensive to transport. It tends to move from wherever you find the limestone deposits in the most direct route, preferably a water route, to the place where it is used.

New York is opposite on the other side of Lake Ontario from the Province of Ontario. As the Senator observed, we have a higher volume of trade with the Province of Ontario than with any country in the world, excepting the whole of Canada which includes the Province of Ontario.

In a quick example of New York, we have large limestone deposits in the Hudson Valley and from the time we began this kind of construction in America they have made cement and moved it down the Hudson toward New York City and the Eastern seaboard.

In the western part of our State, the limestone deposits are most available on the Canadian side of Lake Ontario. From the time of the Erie Canal, Mr. President, we have moved cement across the lake and down the Oswego branch of the Canal and distributed it along the State in that fashion.

It is sensible, venerable, useful commerce without which we would be in some difficulty. It is part of the commerce which is part of an economic relationship between the Canadian nation and our Nation.

I do very much wish we had not included in our financing title of the bill the provision that, in effect, Canadian trucks would have to pay a special tax for using American interstate highways. They impose no such comparable rate on their side.

President Reagan and Prime Minister Mulroney in a great undertaking have commenced a trade negotiation, the first such since President Taft and Prime Minister Laurier, in 1906, sought to bring our nations closer together. It fell apart. Prime Minister Laurier's government fell. It took 75 years to resume these negotiations and yet here we are nibbling away at them on the floor of the Senate. I hope we will not do that.

Everyone in this body shares my respect for the junior Senator from Mississippi. His arguments are fair, factual, and sensible. And yet I think in this case the overwhelming evidence is otherwise.

There are two specific points.

Domestic cement production capacity falls between 5 million and 10 million tons short of demand per year. That is the kind of a margin which the industry obviously finds useful in terms that they can always produce at capacity with the remaining needs being filled by cement from abroad.

Let us be specific about one thing.

The United States trade representative reports to us that the import ban might produce as many as 80 additional jobs in America and those jobs would come at a cost somewhere between $21,000 and $185,000 per job.

There is just no economic case. There is no international case. There is an enormous concern and interest here to get this highway bill off this floor, to conference, to the President and have it signed. We would jeopardize that outcome if we were to adopt this well-intended but, we believe, wrong amendment, an amendment which we feel is injurious to American interests.

With that in mind, Mr. President, I move to table the amendment——

Mr. COCHRAN. Will the Senator withhold his motion?

Mr. MOYNIHAN. Of course. With great pleasure.

Mr. COCHRAN. I appreciate the indulgence of the manager of the bill.

Mr. President, I would like to make three quick points in rebuttal. The International Trade Commission decision was made in a case requesting that duties be imposed on foreign importers of cement. This is not the International Trade Commission. This is the U.S. Senate, which has the responsibility for making findings on international policy and the well-being of critical and important U.S. industries. So our duty and our responsibility is different from the International Trade Commission.

The second is whether we have the capacity domestically to meet the demand in the Federal Aid Highway Program. According to the Bureau of Mines, the capacity of U.S. cement production is 102 million tons per year. The U.S. consumption of cement, in 1986, was 91 million tons. Only 80 million tons was produced by U.S. firms, but that was because of the large amount of imported cement that came into the country.

Third, the price for Federal aid highway projects would be escalated, it is argued by those on the other side of this issue. Let me simply respond by saying if domestically produced cement were to increase by a cost of $10 per ton because of this amendment, which we do not admit, that would only represent a value of one one-hundredth of a percent of the dollar volume of projects that are authorized in this legislation.

Mr. President, I ask unanimous consent that a copy of a listing of all the U.S. firms, which are supporting the amendment State by State, be included at this point in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

COMPANIES SUPPORTING BUY AMERICA FOR CEMENT

Alabama: Blue Circle, Inc., Allied Products Co., Lehigh Portland Cement Co., National Cement Co., Inc.

Alaska: Kaiser Cement Corp.

Arizona: Arizona Portland Cement Co. (Cal Mat Co.), Phoenix Cement Co. (Gifford-Hill & Co., Inc.), Kaiser Cement Corp.

Arkansas: Arkansas Cement Corp., Ash Grove Cement Co.

California: California Portland Cement Co. (Cal Mat Co.), Kaiser Cement Corp., Monolith Portland Cement Co., Riverside Cement Co. (Gifford-Hill & Co., Inc.).

Colorado:

Connecticut: Blue Circle, Inc., Lehigh Portland Cement Co.

Florida: Florida Mining & Materials Corp., Cement Division (Moore McCormack Cement, Inc.), Medusa Cement Co., Lehigh Portland Cement Co., Blue Circle, Inc.

Georgia: United Cement Co., National Cement Co., Blue Circle, Inc., Giant Cement Co., Medusa Cement Co., Dixie Cement Co., Allied Products Co.

Hawaii: Kaiser Cement Corp.

Idaho: Ash Grove Cement West Inc., Kaiser Cement Corp.

Illinois: Medusa Cement Co., Lehigh Portland Cement Co.

Indiana: Lehigh Portland Cement Co.

Iowa: Lehigh Portland Cement Co., Northwestern States Portland Cement, Ash Grove Cement Co.

Kansas: Ash Grove Cement Co., Heartland Cement Co.

Kentucky: Kosmos Cement Co., Inc.

Louisiana: Louisiana Industries, Inc., Ash Grove Cement Co., River Cement Co.

Maine: Dragon Products Co.

Maryland: Atlantic Cement Co., Inc., Lehigh Portland Cement Co.

Massachusetts: Blue Circle, Inc.

Michigan: Medusa Cement Co.

Mississippi: Blue Circle, Inc., Ricer Cement Co., United Cement Co., Ash Grove Cement Co.

Missouri: Heartland Cement Co., Ash Grove Cement Co., River Cement Co.

Montana: Lehigh Portland Cement Co., Ash Grove Cement Co., Kaiser Cement Corp.

Nebraska: Ash Grove Cement Co.

Nevada: Ask Grove Cement Co.

New Jersey: Blue Circle, Inc.

New York: Atlantic Cement Co., Inc., Glens Falls Portland Cement Co., Inc. (Moore McCormack Cement, Inc.), Lehigh Portland Cement Co.

North Carolina: Giant Cement Co., Lehigh Portland Cement Co., Moore-McCormack Cement Inc.

North Dakota: Kaiser Cement Corp., Lehigh Portland Cement Co., South Dakota Cement Co.

Ohio: Lehigh Portland Cement Co., Medusa Cement Co.

Oklahoma: Blue Circle, Inc., Heartland Cement Co.

Oregon: Kaiser Cement Corp., Ash Grove Cement West Inc.

Pennsylvania: Lehigh Portland Cement Co., Medusa Cement Co.

Rhode Island: Lehigh Portland Cement Co.

South Carolina: Giant Co., Gifford-Hill Cement Co. of South Carolina, United Cement Co.

South Dakota: South Dakota Cement Plant Commission.

Tennessee: Dixie Cement Co., Inc. (Moore McCormack Cement, Inc.), River Cement Co., United Cement Co., National Cement Co.

Texas: Box Crow Cement Co. (Trammell Crow), Gifford-Hill Cement Co., of Texas, Kaiser Cement Corp., Lehigh Portland Cement Co., River Cement Co., Texas Industries, Inc.

Utah: Calmat Co., Ash Grove Cement Co.

Vermont: Moore-McCormack Cement Co.

Virginia: Lehigh Portland Cement Co., Blue Circle, Inc., Riverton Corp.

Washington: Kaiser Cement Corp., Lehigh Portland Cement Co., Ash Grove Cement West Inc.

West Virginia: Capitol Cement Corp. (Riverton Corp.).

Wisconsin: Medusa Cement Co.

Wyoming: Ash Grove Cement Co., South Dakota Cement Co.

Mr. HOLLINGS. Mr. President, I rise today in support of the amendment by the Senator from Mississippi [Mr. COCHRAN] which would provide for the use of cement made in the United States in Federal highways. Like so many other U.S. manufacturers, the cement industry has been overrun by cheap subsidized imports. From 1982 to 1985, the percentage of imported cement purchased by U.S. consumers rose an astonishing 300 percent. And this increase is due to the dumping of foreign cement in our markets. For example, Spanish cement used in Spain costs $71.33 per ton, but that same cement cost only $39 per ton in the United States. In Mexico, cement produced in Mexico for use in Mexico cost $56 per ton, while this same cement is sold in the United States for $29 per ton.

The issue here is not just cement, it is whether the United States wants to continue to stand on the sidelines and scream free trade. Free trade, while the other nations of the world are on the playing field fighting it out. Not only are we losing out in the trade war, we are losing our industrial base. Steel, textiles, cement, rolling stock—a great power must be able to produce all of these in sufficient capacity to defend ourselves and to maintain its infrastructure.

Mr. President, this is just another example of America failing to come to grips with the fact that we are not starting a trade war, we are losing one. If this amendment is not adopted, we will see Americans wearing foreign clothes driving foreign cars over highways made of foreign cement. I urge adoption of the amendment.

Mr. MOYNIHAN. Mr. President, I want to express the appreciation of the managers of the legislation for the fair and factual manner in which the Senator from Mississippi has presented his case. It represents the capacity of an advocate, but only one other Senator has felt the need to appear to support him. So even though the case has been well made and argued on both sides, with a view to getting on with this bill, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. SANFORD). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Mississippi. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—65

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boschwitz
Bradley
Breaux
Burdick
Chafee
Chiles
Conrad
Cranston
D'Amato
Danforth
Dixon
Dodd
Dole
Durenberger
Evans
Exon
Fowler
Garn
Gore
Graham
Gramm
Hatch
Hecht
Helms
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Lugar
McCain
McConnell
Matsunaga
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Proxmire
Quayle
Riegle
Roth
Rudman
Sanford
Simon
Stafford
Stevens
Symms
Trible
Wallop
Warner
Weicker
Wilson
Zorinsky

NAYS—33

Boren
Bumpers
Byrd
Cochran
Cohen
Daschle
DeConcini
Domenici
Ford
Glenn
Grassley
Harkin
Heflin
Heinz
Hollings
Levin
McClure
Melcher
Metzenbaum
Mikulski
Mitchell
Pressler
Pryor
Reid
Rockefeller
Sarbanes
Sasser
Shelby
Simpson
Specter
Stennis
Thurmond
Wirth

NOT VOTING—2

Biden
Hatfield

So the motion to lay on the table amendment (No. 15) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. DASCHLE). The majority leader is recognized.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats.

Mr. BYRD. I thank the Chair.

Mr. President, it is 5:30 p.m., and I have asked for recognition at this time to see if we can ascertain what the outlook is for the rest of the day with respect to rollcall votes and further action on the highway bill.

I inquire of the distinguished manager and the ranking manager what we might expect in that regard. I yield for that purpose.

Mr. MOYNIHAN. Mr. President, it is my understanding that the senior Senator from Missouri has an amendment which will probably require a rollcall vote. We are not aware of other amendments at this time, although there will be amendments that may not require rollcall votes.

The Senator from Arkansas has an amendment which I believe will be accepted, and there are some technical amendments.

Mr. BYRD. So we are to understand that there will be a rollcall vote probably on the amendment by the Senator from Missouri.

What is the nature of the amendment; and if we could get a time agreement thereon, how much time would be agreeable?

Mr. DANFORTH. Mr. President, the amendment would add the NHTSA authorization bill, which was passed by the Senate unanimously last year, together with a couple of modifications of that authorization to this bill. I am told that it will be opposed by Senator HOLLINGS.

So far as I am concerned, I would be happy to enter into a time agreement, and I would suggest maybe a half hour to a side—less, so far as I am concerned.

Mr. BYRD. I would ike to hear from the distinguished Senator from South Carolina. He may have an amendment to the amendment. I yield to him.

Mr. HOLLINGS. The distinguished majority leader is very perceptive.

Mr. BYRD. Then, we may have more than one rollcall vote on this subject.

Mr. HOLLINGS. That is right.

Mr. BYRD. If the Senator should offer an amendment to the amendment by the Senator from Missouri, it could very well mean that we would have more than one rollcall vote this evening. In that event, I wonder if we might discuss a time agreement on the amendment by the Senator from Missouri and on the amendment by Mr. HOLLINGS. Will the Senator indicate whether or not he thinks there is any likelihood for that?

Mr. HOLLINGS. I think so. We can have a time agreement. Senator GORE and I could agree to a half hour to a side. I will split it.

Mr. DANFORTH. Mr. President, I inquire as to the nature of the amendment in the second degree.

Mr. HOLLINGS. That is what I want to look at. I am drawing it up as fast as I can. But I would hope to have the Senate vote affirmatively on safety, in which the Senator from Missouri and I believe, I am trying to fashion that kind of amendment now, without trying to force-feed to Commerce Committee and the Senate on a new authorization bill.

Frankly, it does not belong on a highway funding bill. We have letters from the Secretary of Transportation and the House chairmen of Public Works and Commerce that would kill this bill. I think it is an exercise in futility, but the Senator from Missouri has the privilege to drive on.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. GORE. I want to assure my colleague from Missouri that, as chairman of that subcommittee, my staff and I are moving very expeditiously. There is no delay at all. In fact, my views are very similar to those of the Senator from Missouri about the need for a strong safety agency and a strong effort here.

However, as chairman of the subcommittee, I feel that it is important that we authorize the agency in the normal procedure, with hearings, asking for the views of people who are affected by it, and then move the bill out expeditiously.

I am prepared to say that we will set an absolute deadline of getting it out very quickly, so that if the full committee acts expeditiously as well, we can have it ready for floor action by April 1.

Mr. HOLLINGS. We can agree to that.

Mr. DANFORTH. Mr. President, I think that the problem with that is to find some vehicle to put it on. It is clear that the problem with this particular issue is not the Senate. I think it is beyond controversy in the Senate. I think the problem is getting it through the House. The problem there, as Senator HOLLINGS knows, is with the Commerce Committee in the House. That is why I think it would be appropriate to do it on this bill. This is legislation we have already passed.

Mr. GORE. Mr. President, will the Senator yield on that point?

Mr. DANFORTH. I yield.

Mr. GORE. The chairman of the Commerce Committee in the other body has said publicly that the attachment of this amendment to this particular vehicle would lead to the complete defeat of this vehicle.

If we have the authorization coming in the normal process out of the committee and to the floor, then I would be interested in working with my colleague to either take it up as an individual bill and send it to the other body, or to search with him for another must vehicle that would accomplish the purposes desired by the Senator from Missouri.

Mr. BYRD. Mr. President, will the Senator from Missouri indicate what his preferences are with respect to a time agreement? Then I will ask the Senator from South Carolina and the Senator from Tennessee the same question.

Mr. DANFORTH. I would like to have a description of the Hollings amendment before I would agree to a time agreement on that amendment. I really do not anticipate taking very long. I think this is a very straightforward, very simple subject. So far as I am concerned, the entire debate on the substance of it would take a half hour to a side.

Mr. BYRD. On the Senator's amendment?

Mr. DANFORTH. I think so. It may be very short on the Hollings amendment. I would like to find out more about it.

Mr. HOLLINGS. We have not seen the Danforth amendment.

We would report and have ready for floor action in the Senate the NHTSA authorization no later than April 1 and offer it on behalf of myself and the Senator from Tennessee.

Mr. DANFORTH. Let me suggest, then, that we have, say, a half an hour equally divided on the Hollings amendment and a half hour equally divided on the underlying amendment.

Mr. BYRD. Is this agreeable?

Mr. HOLLINGS. It suits me.

Mr. BYRD. Is this agreeable?

Mr. GORE. Yes.

Mr. BYRD. I make that request it be a half hour equally divided on the amendment by Mr. DANFORTH and a half-hour equally divided on the amendment in the nature of a substitute, is it?

Mr. HOLLINGS. Right.

Mr. BYRD. By Mr. HOLLINGS and by Mr. GORE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, let me ask beyond that what is anticipated so we know how long we will be going into the evening.

Mr. MOYNIHAN. I say to the Senator from West Virginia the Senator from Arkansas is on the floor and on his feet. He has a short matter that will be accepted. It might be a courtesy to him to do that before we proceed to this more extensive matter.

Mr. BYRD. Very well.

May I ask one further question? Once this area of the bill is disposed of, what then?

Mr. MOYNIHAN. There comes the urban mass transit authorization.

Mr. BYRD. Is that the item that is on the calendar?

Mr. MOYNIHAN. That is part of this measure. In any event, it is part of the funding of the Finance Committee.

Mr. BYRD. That would likely, do you not think, take a while?

Mr. MOYNIHAN. Quite a while.

Mr. BYRD. Why do we not agree we will dispose of the Danforth amendment, the substitute by Mr. HOLLINGS and Mr. GORE and prior to that, the amendment by Mr. BUMPERS, and I assume we can expect at least one rollcall vote, perhaps two, and then go over until tomorrow to continue action on the measure. Is that a reasonable suggestion?

Very well. I thank all Senators.

AMENDMENT NO. 16

(Purpose: To amend Section 144 of Title 23, United States Code, to give States the authority to use a portion of their bridge replacement funds to replace ferryboat operations, bridges destroyed prior to 1960, low water crossings, or road bridges rendered obsolete as a result of U.S. Corps of Engineers flood control or channelization projects and not rebuilt with funds from the U.S. Corps of Engineers)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] for himself and Mr. PRYOR proposes an amendment numbered 16.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

FERRY, BRIDGE, AND LOW WATER CROSSING REPLACEMENT

SEC. — (a) Section 144, Title 23, United States Code, is further amended by adding another new subsection as follows:

"(o)(1) Notwithstanding any other provision of this section or of any other provision of law, any State may utilize any of the funds provided under this section to construct any bridge which—

"(A) replaces any low water crossing (regardless of the length of such low water crossing),

"(B) replaces any bridge that was destroyed prior to 1960,

"(C) replaces any ferry which was in existence on January 1, 1984, or

"(D) replaces any road bridges rendered obsolete as a result of U.S. Corps of Engineers flood control or channelization projects and not rebuilt with funds from the U.S. Corps of Engineers.

"(2) The Federal share payable on any bridge construction carried out under paragraph (1) shall be 80 percent of the cost of such construction.".

(b) The amendment made by subsection (a) shall apply to funds apportioned to the States for Fiscal Year 1987 or for any subsequent fiscal year.

Mr. BUMPERS. Mr. President, today I am offering along with Senator PRYOR an amendment to the highway bill which will not cost a single extra cent in Federal dollars, but will instead give States greater options in using their section 144 bridge replacement funds.

Our amendment is the same as a bill Senator PRYOR and I recently introduced, S. 365, and very similar to my amendment to last year's highway bill which was accepted by the Senate without objection during floor consideration. It will give States the option of using a portion of their bridge replacement funds to replace ferryboat operations, to replace bridges destroyed prior to 1960, to replace low water crossing, and to replace road bridges rendered obsolete as a result of U.S. Corps of Engineers flood control or channelization projects and not rebuilt with funds from the corps. In the past, unrelated problems in conference have prevented this provision from being enacted into law, and I am hopeful that will not be the case with this critical legislation.

Passage of this amendment is critically important to States like Arkansas, where old ferries are structurally deficient, functionally obsolete, and expensive to continually maintain. Four ferries remain in operation in Arkansas: The Guion Ferry, connecting Izard and Stone Counties; the Moro Bay Ferry, at the junction of Union, Bradley, and Calhoun Counties; the Peel Ferry in Marion County; and the Spring Bank Ferry, connecting Miller and Lafayette Counties. The cost of operating and maintaining these ferries is approximately $3 million a year, and statistics on their operation indicate they are unreliable and inefficient. Between 1978 and 1982, a total of 19 accidents occurred on these four ferries, resulting in a total of 873 days closed. Our amendment would allow States to use their bridge replacement funds to replace these ferry operations, and this would certainly improve safety and transportation for citizens in rural areas of Arkansas and throughout our country.

Another provision would allow States to use these funds to replace structures destroyed prior to 1960 but never replaced. Although this is certainly a small category of bridges, it is nonetheless a very important one for Arkansas.

In the 1950's, a bridge on what is now County Road No. 19 in northeast Arkansas was destroyed by fire. The former bridge spanned the Spring River and served as an important link connecting U.S. Highways 62 and 63 between Lawrence and Randolph Counties. When the bridge was destroyed, the Federal Bridge Replacement Program had not yet been enacted, and the State of Arkansas and the counties in which the bridge was located simply did not have the resources to replace the bridge.

The Federal Highway Administration has denied Arkansas' request that the Spring River Bridge be added to the special bridge replacement list. That means that the only funds available for reconstruction are from the Federal Secondary Program. Lawrence and Randolph Counties each receive approximately $69,000 annually from this fund and would therefore have to spend every dime of these funds for 15 years to meet the estimated $1.5 million bridge replacement cost and $580,000 approach cost. That expenditure would virtually ensure that no other roadway repair work could be undertaken. Our amendment would authorize the State to direct a portion of that State's section 144 funds to replace this critically needed bridge.

Another provision of our amendment would allow these funds to be used to replace low water crossings with bridges. A low water crossing is usually a concrete slab with a drainage pipe, located in a creek bed and designed to withstand periodic flooding. They are often built in rural areas, and are usually designed to serve relatively few vehicles. However, when development occurs, the flooded low water crossings seriously impede traffic because motorists are often prevented from using routes for days at a time until the flood waters recede. The Federal Highway Administration will review on a case-by-case basis the eligibility of low water crossings over 20 feet long for bridge replacement. However, the FHWA will not even consider funding for crossings under 20 feet long. Our amendment will make all low water crossings eligible for the Federal Bridge Replacement Program, regardless of length, a change I feel is long overdue.

The final provision of our amendment would allow States to use section 144 funds to replace any road bridges that have been rendered obsolete as a result of U.S. Corps of Engineers flood control or channelization projects but which have not been rebuilt with corps funds.

An example of the importance of this provision exists in the city of Little Rock, where the Fourche Creek flood control project will be built after being authorized in last year's Water Resources Development Act. This critically important project has been needed for years because of serious flooding which has resulted in loss of lives and tremendous damage to property. The city has been working diligently to meet the local cost-sharing requirements and has acquired sufficient funds to meet their obligations which total $8.3 million, or 39 percent of the cost. However, new interpretations of this recently passed authorization bill are imposing additional costs that have been unanticipated during the many years of preparation for the project.

Among those new costs are those resulting from certain road bridges being rendered obsolete as a result of the work. The corps has decided that their replacement is a local responsibility. This will add an additional $2.25 million to their cost and bring this long-sought, critically needed project to a halt unless the State's bridge replacement funds can be used. I disagree with the corps' interpretation of this issue, but the fact remains that unless the corps changes its policy the city will be responsible for an additional $2.25 million it does not have.

Mr. President, I want to emphasize that none of the provisions of our amendment would create a new category of Federal funding, nor would they have a budget impact. They would simply give the States greater latitude to decide how their Federal bridge replacement funds would be spent. States know best what their highway needs are, and this amendment will give them the opportunity to meet their needs with greater flexibility while following Congress' intent. I appreciate the committee's and the Senate's adoption of this amendment in the past, and I again ask for your favorable consideration of our bridge replacement amendment.

Thank you, Mr. President.

Mr. President, this is an amendment I offer on behalf of Senator PRYOR and myself and it deals with section 144 bridge replacement funds. It is an amendment that will allow States to use their bridge replacement money to replace ferries as well as low water crossings and certain bridges.

Arkansas is unique, as perhaps are a few other States, in that we still have four ferry boats operating in Arkansas. We have had a total of 19 accidents on them in the last 4 years. This bridge replacement money is designed to ensure safety. You could not spend it in a better way.

This amendment was unanimously accepted in the bill last year and it has been, I believe, passed by the managers this year.

Mr. SYMMS. Mr. President, will the distinguished Senator yield?

Mr. BUMPERS. I yield.

Mr. SYMMS. Mr. President, I supported his amendment last year and I do so this year, but just for the sake of the record, it is my understanding that the bridges in this amendment which are not currently counted for apportionment purposes will not be counted for apportionment purposes as as a result of adoption of this amendment.

Does the Senator agree with that?

Mr. BUMPERS. The Senator is correct.

Mr. SYMMS. I agree and I support the amendment.

Mr. PRYOR. Mr. President, I rise today to support the inclusion of important language in the 1987 Highway Authorization bill which is critically important to the State of Arkansas. Senator BUMPERS has introduced—and I have cosponsored—5 pieces of legislation to accomplish our goals. In addition, we have written the chairman of the Environment and Public Works Committee—Senator BURDICK—and the ranking minority member—Senator STAFFORD—urging them to include this language in the committee amendment to the bill. As I understand it, the committee has agreed to our request, with the exception of the amendment to section 144 for bridge replacement.

The Senate and/or the House have approved these provisions previously, but last year due to other controversial issues, the Highway bill conferees were unable to produce a compromise bill which could be sent to the President for his signature. We are very hopeful the conferees will be able to quickly resolve their differences this year, due to the pressing need for release of Highway Trust Funds dollars to the States, so they can be prepared for the coming construction season.

Mr. President, the need for relocation of Highway 71 in northwest Arkansas is apparent to anyone who travels this winding and dangerous thoroughfare in the Ozark Mountains. Although State efforts are underway to improve what is now a frightening situation, Federal support is essential. The precious lives of the State's youth depend on this project, since 71 is the highway which leads to the main campus of the University of Arkansas at Fayetteville.

The Waldron Road project is another important transportation need for Northwest Arkansas. Located in Ft. Smith, this intersection is incredibly congested and in drastic need of additional traffic lanes. We are convinced additional lanes will result in fewer traffic accidents, and a corresponding decline in personal injuries and property damage. This project, which was included in both the House and Senate versions of the bill last year, will have a dramatic impact on the average driver in Ft. Smith.

Amendment of section 144 of title 23 is necessary so some latitude can be exercised by States in the utilization of Federal Bridge Replacement Funds. As I mentioned previously, this is the one request which the committee was unwilling to include in the committee amendment to the highway bill. I ask my colleagues to support us as we attempt to attach this amendment to the bill when the Senate takes it up. The change has no budgetary impact, and simply stated, it allows the States to make decisions about the bridge replacement decisions in their own backyards. Our language will allow use of section 144 funds for ferryboat replacement, bridge replacement of certain destroyed bridges and low-water crossings, and replacement of bridges made obsolete by Corps of Engineers flood control or channelization projects, but not rebuilt with crop funds.

Finally, we support construction near Jonesboro, AR, of four grade separations on a four-lane bypass on Highway 63 and the construction of a bridge over the Arkansas River near Pine Bluff, AR, at Lock and Dam No. 4. Both of these projects will mean enhanced transportation for their respective areas, for the entire State, and the traveling public.

Mr. President, let me express my appreciation again to Senator BUMPERS for his leadership in this area. He has steadfastly pursued consideration of these measures by the Senate, and I am pleased that we have been able to work together. I can assure my colleagues that we will continue to do so until we see these matters receive the Federal support they so desperately need.

Mr. MOYNIHAN. Mr. President, this amendment is supported on both sides of the aisle as the distinguished manager just observed. This has been adopted before. It is entirely convergent with other measures in the Highway Act which gives States options to use their funds in matters they think have the highest priority.

I propose its adoption.

The Senator may wish to move it.

Mr. BUMPERS. I thank the Senator from New York.

The PRESIDING OFFICER. Is there further debate?

If not the question is on agreeing to the amendment.

The amendment (No. 16) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I believe we now can proceed with the time agreement that has just been reached. I observe that the Senator from Missouri is on his feet.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 17

(Purpose: To add provisions regarding highway safety)

Mr. DANFORTH. Mr. President, I send an amendment to the desk and ask that it be considered.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Missouri [Mr. DANFORTH] proposes an amendment numbered 17.

Mr. DANFORTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

TITLE ——HIGHWAY SAFETY

DEFINITIONS

SEC. 01. As used in this title, the term—

(1) "multipurpose passenger vehicle" means a motor vehicle with motive power, other than a trailer, which is designed to carry 10 persons or less, and which is primarily designed to carry passengers or which is constructed either on a truck chassis or with special features for occasional off-road operation;

(2) "passenger automobile" means a motor vehicle with motive power, except that the term does not include a multipurpose passenger vehicle, a motorcycle, a bus, a truck, or a trailer designed for carrying 10 persons or less; and

(3) "Secretary" means the Secretary of Transportation.

HIGHWAY SAFETY GRANTS

SEC. 02. (a) Section 203(a)(1) of the Surface Transportation Assistance Act of 1982 (Public Law 97-424; 96 Stat. 2138) is amended by inserting immediately before the period at the end thereof ", and $121,060,000 for the fiscal year ending September 30, 1987".

(b) Section 203(b) of the Surface Transportation Assistance Act of 1982 (Public Law 97-424; 96 Stat 2138) is amended by inserting immediately after "1986," the following: ", and $121,060,000 for the fiscal year ending September 30, 1987,".

OCCUPANT CRASH PROTECTION PROGRAM

SEC. 03. In order to carry out a national program to encourage the use of safety belts and passive restraints in passenger automobiles, as authorized by section 403 of title 23, United States Code, the Secretary may derive an additional amount not to exceed $20,000,000 from unobligated balances of funds made available for highway safety programs under title 23, United States Code. Not less than one-half of the total of such amounts shall be used for educational efforts related to the use of air bags. Of the funds allocated to such efforts, not less than $5,000,000 shall be used to carry out a program to demonstrate the effectiveness of air bag technology, with emphasis on lowest-cost technologies. Such amounts shall remain available until expended.

SIDE IMPACT PROTECTION

SEC. 04. (a) The Secretary shall, in accordance with the applicable provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), initiate not later than—

(1) 60 days after the date of enactment of this Act, a rulemaking to revise and improve Federal Motor Vehicle Safety Standard 214 providing side impact protection for passenger automobiles; and

(2) one year after the date of enactment of this Act, a rulemaking for improved side impact protection for multipurpose passenger vehicles.

(b) Not later than one year after the date of enactment of this Act, the Secretary shall establish a Federal Motor Vehicle Safety Standard establishing performance criteria for improved side impact protection for passenger automobiles.

(c) Not later than two years after the date of enactment of this Act, the Secretary shall establish a Federal Motor Vehicle Safety Standard establishing performance criteria for improved side impact protection for multipurpose passenger vehicles.

AUTOMOBILE CRASHWORTHINESS DATA

SEC. 05. (a) Section 201 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1941) is amended by adding at the end thereof the following:

"(f)(1) The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation regarding means of establishing a method for calculating a uniform numerical rating which will enable consumers to compare meaningfully the crashworthiness of different passenger automobile models.

"(2) Such study shall include examination of current and proposed crashworthiness tests and testing procedures and shall be directed to determining whether objective, accurate and relevant information regarding the comparative crashworthiness of different passenger automobile models reasonably can be provided to consumers by means of a crashworthiness rating rule. Such study shall include examination of at least the following proposed elements of a crashworthiness rating rule:

"(A) information on the degree to which different passenger automobile models will protect occupants across the range of motor vehicle crash types when in use on public roads;

"(B) a repeatable and objective test which is capable of identifying meaningful differences in the degree of crash protection provided occupants by the vehicles tested, with respect to such aspects of crashworthiness as occupant crash protection with and without use of manual seat belts, fuel system integrity, and other relevant aspects;

"(C) ratings which are accurate, simple in form, readily understandable and of benefit to consumers in making informed decisions in the purchase of passenger automobiles;

"(D) dissemination of comparative crashworthiness ratings to consumers either at the time of introduction of a new passenger automobile model or very soon after such time of introduction; and

"(E) the development and dissemination of crashworthiness data at a cost which is reasonably balanced with the benefits of such data to consumers in making informed purchase decisions.

"(3) Any such arrangement shall require the National Academy of Sciences to report to the Secretary and the Congress not later than 18 months after the date of enactment of this subsection on the results of such study and investigation, together with its recommendations. The Secretary shall, to the extent permitted by law, furnish to the Academy upon its request any information which the Academy considers necessary to conduct the investigation and study required by this subsection.

"(4) Within 60 days after transmittal of the report of the National Academy of Sciences to the Secretary and the Congress under paragraph (3) of this subsection, the Secretary shall initiate a period (not longer than 90 days) for public comment on implementation of the recommendations of the National Academy of Sciences with respect to a rule promulgated under this title establishing an objectively based system for determining and publishing accurate comparative crashworthiness ratings for different passenger automobiles.

"(5) Not later than 180 days after the close of the public comment period provided for in paragraph (4) of this subsection, the Secretary shall determine, on the basis of the report of the National Academy of Sciences and the public comments on such report, whether an objectively based system can be established by means of which accurate and relevant information can be derived that reasonably predicts the degree to which different makes and models of passenger automobiles provide protection to occupants against the risk of personal injury or death as a result of motor vehicle accidents. The Secretary shall promptly publish the basis of such determination.

"(g)(1) If the Secretary determines that the system described in subsection (f)(5) of this section can be established, the Secretary shall, subject to the exception provided in paragraph (2) of this subsection, not later than three years after the date of enactment of this subsection, promulgate a rule under this section establishing an objectively based system for determining and publishing accurate comparative crashworthiness ratings for different passenger automobiles. The rule promulgated under this subsection shall be practicable and shall provide the public relevant objective information in a simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger automobiles so as to contribute meaningfully to informed purchase decisions.

"(2) The Secretary shall not promulgate such rule unless (A) a period of 60 calendar days has passed after the Secretary has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives a summary of the comments received during the period for public comment specified in subsection (f)(4) of this section, or (B) each such committee before the expiration of such 60-day period has transmitted to the Secretary written notice to the effect that such committee has no objection to the promulgation of such rule.

"(h) If the Secretary promulgates a rule under subsection (g) of this section, not later than three years after the date of enactment of this subsection, the Secretary shall by rule establish procedures requiring passenger automobile dealers to make available to prospective passenger automobile purchasers information developed by the Secretary and provided to the dealer which contains data comparing the crashworthiness of passenger automobiles.".

(b) Section 2 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901) is amended by adding at the end thereof the following new paragraph:

"(19)((A) The term 'passenger automobile' means a motor vehicle with motive power, except that the term does not include a multipurpose passenger vehicle, a motorcycle, a bus, a truck, or a trailer designed for carrying 10 persons or less.

"(B) As used in subparagraph (A) of this paragraph, the term 'multipurpose passenger vehicle' means a motor vehicle with motive power, other than a trailer, which is designed to carry 10 persons or less and which is constructed either on a truck chassis or with special features for occasional off-road operation.".

MULTIPURPOSE PASSENGER VEHICLE SAFETY

SEC. 06. (a) THE CONGRESS FINDS THAT—

(1) the popularity of multipurpose passenger vehicles has increased during this decade; and

(2) the safety of passengers in multipurpose passenger vehicles has been compromised by the failure to apply to them the Federal motor vehicle safety standards applicable to passenger automobiles.

(b) The Secretary shall, in accordance with the applicable provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), initiate (not later than 60 days after the date of enactment of this Act) and complete (not later than 18 months after the date of enactment of this Act)—

(1) a rulemaking to amend Federal Motor Vehicle Safety Standard 216 to provide minimum roof crush resistance standards for multipurpose passenger vehicles;

(2) a rulemaking to amend Federal Motor Vehicle Safety Standard 202 to provide for head restraints for multipurpose passenger vehicles;

(3) a rulemaking to amend Federal Motor Vehicle Safety Standard 108 to provide for a single, highmounted stoplamp on multipurpose passenger vehicles; and

(4) a rulemaking to review the system of classification of vehicles under 10,000 pounds gross vehicle weight to ensure that all vehicles meet passenger automobile standards or appropriate equivalents.

REAR SEAT BELTS

SEC. 07. (1) The Secretary shall, in accordance with applicable provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), initiate (not later than 60 days after the date of enactment of this Act) and complete (within 18 months after the date of enactment of this Act) a rulemaking to amend Federal Motor Vehicle Safety Standard 208 to provide that the outboard rear seat passengers of all passenger automobiles manufactured after September 1, 1989 shall have lap and shoulder seat belt protection.

(b) Notwithstanding any other provisions of law, not less than 5 percent of the funds authorized to be appropriated under section 209 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1949) in fiscal years 1988 and 1989 shall be utilized to disseminate information to consumers regarding the manner in which passenger automobiles may be retrofitted with lap and shoulder rear seat belts.

Mr. DANFORTH. Mr. President, let me explain to the Senate the situation we are in and why this particular amendment is being added to this particular bill.

Obviously, this is a highway bill. It is a very important highway bill and it is a bill that has to be passed, but it is not only a bill to construct highways. The House of Representatives has placed in its bill various components of what would otherwise be an authorization bill for the National Highway Traffic Safety Administration, NHTSA.

There are some seven provisions in the House bill that more appropriately would be in a NHTSA authorization bill. We cannot do anything about it. It is in the House bill. The House will be going to conference with the Senate with some seven different provisions that are really NHTSA authorization provisions.

Some of those provisions, Mr. President, for those who are concerned about highway safety, would be viewed as antisafety provisions.

For example, the House bill in effect guts an existing provision in the law relating to splash and spray protection, mudflaps for trucks on the highway. That is just one example.

They also diminish the effectiveness of action previously taken by Congress with respect to drunk driving legislation. These are provisions that are already in the bill. The House is going to be going to conference with the Senate.

This issue is whether the Senate in this legislation will go to conference with the House with some safety provisions of its own. I believe we should. I believe that we should in effect instruct our conferees as to the position of the Senate on safety legislation.

This particular amendment that I have just offered is, I believe, a noncontroversial amendment. It is a noncontroversial amendment because it is based in large part on a bill which was passed by the Senate last year.

Last year the Senate passed unanimously a NHTSA authorization bill. Some of the key features of that bill were very important safety issues, very important to those who are interested in highway safety but it just happened that in the Senate they were not controversial. One related to a new rulemaking that NHTSA would be required to undertake with respect to side impact protection for automobiles.

Several years ago—I think it was 1979—NHTSA commenced a rulemaking for side impact protection. It abandoned that rulemaking in 1982. Some

9,000 lives a year are lost on the highway as a result of side impact crashes.

We said in last year's legislation reinstate the rulemaking, a very important safety issue, unanimously agreed to by the Senate.

A second thing which we agreed to last year was to set in motion a process leading to crashworthiness standards so that people who purchase automobiles would be able to go to the showroom, look at the automobile, and receive some standard appraisal of the crashworthiness of that car, again a very important safety question and one that we unanimously agreed on last year.

This amendment would take those two provisions. In fact, it would take the authorization bill that we passed last year. It would be a 1-year authorization for this year at the exact amount that has already been appropriated. So dollars are not an issue in this particular bill. And it would add two other safety features to it.

One safety feature relates to light trucks and minivans. An enormous number, I think something like 30 percent of the passenger vehicles that are now being driven in this country, are light trucks and minivans. Unbelievably, these vehicles, although they are essentially used as passenger vehicles, do not have the same safety standards as automobiles have.

NHTSA has exempted these pickup trucks and minivans from the standards of automobiles.

For example, the standard for the roof of a truck is not the same as the standard for the roof of a car despite the fact that the center of gravity is higher for a truck. Similarly, with respect to trucks and minivans, the back brake light which is now elevated and center located in automobiles, that is not required for light trucks and minivans.

This provision in the amendment that I have offered would provide for a rulemaking to put in place the same safety precautions that are now required for automobiles for light trucks and vans.

Finally, Mr. President, the question of three-point seatbelts for the rear seats of cars. Right now there is no standard relating to three-point belts.

Some experts in traffic safety believe that simple seatbelts can cause more harm than they can save, in that abdominal injuries are apparently caused by people who have simple seatbelts. So this would put in place a standard which, I think, is universally recognized, and that is that the three-point belts are safer.

I do believe, on matters of substance, these provisions should be noncontroversial. The question, then, Mr. President, is, do we go to conference on this bill with the House of Representatives with some antisafety provisions that should belong in this authorization bill with the Senate remaining silent on matters of safety, or, instead, do we insert relatively noncontroversial but very important safety measures in this bill?

I would say, Mr. President, that the time is now. The time is now and no useful purpose is served by waiting further.

I might say that, with respect to the two additional points, the rear seatbelts and the question of the vans and the light trucks, these are not new matters for the Senate. Hearings were held on these matters last December and, again, I think that they are not controversial.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, we have gotten off to a fairly fast start this year in this 100th Congress. It is a new Congress. There are new Members and there are many Members who have not even heard what we are talking about. They have not had a chance for a hearing and, as an old-time Member, I have not had a chance for a hearing about the new items with respect to the rear seatbelts, the light truck safety regulations and several other things. We just have not had hearings on those. So the distinguished Senator from Missouri is introducing things that were not in that authorization bill on last year.

I object specifically to this kind of procedure. This is a highway trust fund bill for construction. And the National Highway Safety Transportation Administration authorization is a singular authorization which the distinguished subcommittee chairman, the Senator from Tennessee [Mr. GORE], and I are ready, willing, and able—and that is what our substitute will concern—to not delay anyone in any manner or means.

We are as strongly for safety as any other Senator on this floor. And we can have legislation soon in that we have done a good bit of the work, as the Senator from Missouri has indicated. There also would be some new items to be considered to report back to the floor of the Senate here by April 1 with that particular authorization. In light of that, why get into this exercise in futility?

No. 1, the distinguished chairman, on the House side, of the Committee on Energy and Commerce, sent a letter to the Speaker indicating the nongermaneness of the amendment under the House rules and that he is going to be raising the points of order. He further says that he will have the conferees to oppose this particular procedure.

No. 2, the chairman of the Public Works Committee, the distinguished Congressman from New Jersey [Mr. HOWARD], sent a letter to the Speaker. I ask unanimous consent that both letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMITTEE ON PUBLIC WORKS AND
TRANSPORTATION, U.S. HOUSE OF
REPRESENTATIVES,
Washington, DC, February 2, 1987.

Hon. JIM WRIGHT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I wish to state my strong support for Chairman John Dingell's position, as outlined in his letter to you of January 30, 1987, that the proposed amendments relating to motor vehicle safety requirements that Senator John Danforth may offer to the Senate Highway/Transit bill should be addressed separately through the normal legislative process and within the Committees having proper jurisdiction. As Chairman Dingell states, circumvention of these processes "will surely slow and jeopardize enactment of the needed highway bill."

Any assistance your good office can provide to persuade the Senate leadership that Senator Danforth's amendment will only create further controversy to the highway/transit legislation, and should therefore be rejected, is very much appreciated.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, January 30, 1987.

Hon. JIM WRIGHT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I understand that when the Senate considers the important highway bill (S. 382) next week, which passed the House only a few days ago, Senator John Danforth plans to offer amendments relating to motor vehicle safety requirements and authorities of the National Highway Traffic and Motor Vehicle Safety Act of 1966. The amendments would apply to new motor vehicles and would relate to matters exclusively within the jurisdiction of this Committee.

During the 99th Congress, the Senate passed S. 863 which authorized funds for the National Highway Traffic Safety Administration (NHTSA) and amended the 1966 law relating to crashworthiness, passive restraints, gray market imports, side impact, and other matters. The House passed a similar bill, H.R. 2248, which originated solely in this Committee and was sequentially referred to the Committee on Ways and Means. H.R. 2248 also authorized funds for NHTSA and amended the 1966 Act regarding odometer fraud, gray market imports, country of origin self certification, tire ratings, and other matters. Neither bill was finally enacted because the House and Senate Committees were unable to work out significant differences.

I understand that the bills have not yet been reintroduced in the 100th Congress, although just prior to the closing of the 99th Congress former Chairman Danforth held hearings where he reportedly announced plans to introduce new legislation in the 100th Congress covering the matters included in S. 863 and other matters never considered by either House or their Committees.

Mr. Speaker, if the Danforth amendments (which have not yet been made public) were offered in the House to the vital highway legislation, they would be nongermane. It is my understanding that Chairman Howard and Ranking Minority Member Hammerschmidt oppose adding such nongermane amendments to the highway bill, which already is controversial for reasons having nothing to do with matters under this Committee's jurisdiction. They are not seeking to embroil the bill in such nongermane matters that are outside their Committee's jurisdiction and expertise. I applaud them for that.

I hope that you will be able to persuade the Senate leadership (Majority and Minority) that Senator Danforth's effort, if successful, will undoubtedly add controversy to the legislation and bog it down at a time when State and local governments are urging quick action. If, however, Senator Danforth succeeds in this effort to add nongermane amendments, I will have to object to any movement of the legislation in the House until such nongermane measures are stricken. I also respectfully request that in the event that Senator Danforth is successful (which I strongly hope will not occur), that our Committee be the exclusive House conferees concerning these amendments, except in those limited situations where the Committee on Ways and Means might also want to be conferees where they have some jurisdiction as was done sequentially in the case of H.R. 2248.

I stress that such a circumvention of the normal and proper Committee processes of the House and Senate will not serve the cause of motor vehicle safety and will surely slow and jeopardize enactment of the needed highway bill. That is not in the public interest. I hope that the Senate will reject this circumvention of the Senate and House Committees.

With best wishes.

Sincerely,

JOHN D. DINGELL,
Chairman.

Mr. HOLLINGS. Mr. President, we also have, of course, this particular procedure opposed by the distinguished Secretary of Transportation, Mrs. Dole. Secretary Dole points out that we must move on with this Federal Highway Act.

So, in essence, what you have is Government by force-feed. The distinguished Senator from Missouri is strong on this point. He called hearings in December when we did not even have quorums around this town. You could not find anybody, but he wanted to have hearings so he could say he had hearings in December. We did not attend those hearings. We were tied up with the particular Intelligence Committee work at the time. So we have not had an opportunity to do our job in a deliberate fashion.

There is no delay. It is just a strategy on the part of our distinguished colleague to say that this is a way to tack it on and make them do it. But you can see by the correspondence that we are not going to make them do it. And it is going right straight down the tube to hold us up.

I would hope, on our representation here with an amendment that we will present at the expiration of the time agreement on the Danforth amendment, that we will express the sense of the Senate that we, in a judicious fashion, will move right ahead with our hearings on the National Highway Safety Transportation Administration's authorization, mark it up in the committee, and report it back by April 1. That would be very fast, action, but we can do it and we are glad to do it, and then be glad to join with the distinguished Senator from Missouri at that particular time to go ahead and move it.

If the House bogs down in a particular delay that he talks about, there are many bills that we can put it on at that time. But I am not ready to allege bad faith at this time on behalf of our colleagues over on the House side.

I think there was a logjam at the very end of the session last year. We did not act too quickly ourselves. I think this is the way to proceed this year. Everybody can vote for safety on our substitute and reaffirm our strong feeling about many of these provisions and otherwise hear about the new ones.

I yield the floor.

Mr. GORE addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Tennessee.

Mr. GORE. Mr. President, as has been stated, there really are not any substantive issues to be discussed here. In the process of the hearings we will soon have, we may find some ways to improve the particular recommendations of the Senator from Missouri embodied in his pending amendment. But I daresay it is more likely that we will agree on the substance of what he is proposing here.

But there are two very important procedural issues. One procedural issue is: How will the Senate deal with the NHTSA authorization? The second procedural issue is: How will the Senate deal with the highway bill?

To put it more plainly, if we adopt the amendment offered by the Senator from Missouri, we will further encumber the highway bill and add to the delay, which can already be expected when the conference committee attempts to work out the differences between our version and that of the other body.

The construction season for the contractors that are in the business of building these highway projects for the people of this country is coming up very soon. Already we are seeing an effect on the ability of States and local communities to put out for bids projects that are desperately needed. We are already in danger of losing some of that construction season for 1987. There are already further delays built into the bill. If we adopt this pending amendment, we will eat into that construction season even more.

So I say to all of my colleagues who have talked to mayors and county commissioners and Governors and State legislators, who are asking them: "When are you going to get the highway bill out? What happened last year when you had this logjam and you failed to act?" If you vote for this amendment, tell them that you added to the delay. Tell them that you did not feel it was important enough to get this bill moving so we could start fixing those potholes, relieving the congestion, getting rid of the traffic jams and getting this highway bill passed. That is the first procedural issue.

The second procedural issue has to do with the ability of this 100th Congress to pay attention to legislation in an orderly fashion.

I was not chairman of this particular subcommittee that has jurisdiction over this matter in the last Congress. I have taken over this subcommittee for the first time, just a few weeks ago. I immediately turned my attention to this particular agency, and spoke to the chairman of our full committee. And I said we have to have hearings on this, and we have to do it quickly. Before this matter came up we met with the staff of the full committee and the subcommittee and laid out an ambitious hearing schedule. And this agency is right up near the top of the list. Being candid, the Federal Trade Commission is at the top of the list. It has not been authorized for several Congresses now. But immediately after the hearings on the Federal Trade Commission, we are going to take up this agency. We are going to do so in a vigorous way. I believe we can find some improvements in the authorization bill that comes out of the subcommittee and the full committee compared to the version we have in this amendment.

So I ask my colleagues to vote against the amendment of the Senator from Missouri. To put it more accurately, I am not asking anyone to vote against the amendment of the Senator from Missouri. I am asking my colleagues to vote in favor of the amendment in the nature of a substitute which will shortly be introduced by the chairman of the full committee, the Senator from South Carolina.

In that fashion, anyone who is worried about casting a political vote on safety, let me tell you you will have two votes to cast. You will be able to vote for the amendment in the nature of a substitute which sets in motion an expeditious process to consider this bill, and then you will have a second vote because shortly after April 1 you will be able to come back and vote in favor of a bill which will be virtually the very same legislation including the finetuning and improvements that always come out of the hearing process.

As chairman of the subcommittee my views on safety are very, very similar to those of the Senator from Missouri. We are going to have a strong bill coming out of the subcommittee and the committee. We are going to do it in an orderly fashion.

So I ask my colleagues to vote in favor of the substitute that will soon be offered, and then vote in favor of the amendment as modified by the substitute.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I must say that the thrust of the argument I have heard as I understand it from the Senators from South Carolina and Tennessee is that we should disband the Senate. As I understand the argument, it is perfectly all right for the House to add bits of authorization provisions on the highway bill. It is just not all right for the Senate to do it. It is perfectly all right for the House to add provisions to the highway bill. We weaken safety. But for some reason it is not all right for the Senate to offer provisions that strengthen safety. It is perfectly fine for the Senate to take what the House sends over with respect to highway safety but it is not alright for the Senate to have some say on safety matters as we go to conference.

I must say that I do not understand that position at all. I do not understand why it is alright for the House to weaken safety standards and for the Senate not to strengthen safety standards.

Mr. President, it has been argued, well, this is going to affect the conference. Do not put this on the bill because it is going to slow down the conference. This conference is not going to be slowed down a half an hour by these provisions. I think the House will take them, and if the House will not take them, I would say to our conferees, "Forget them." Obviously, we have to pass the highway bill. We will pass the highway bill, and we will do it with very little extra time spent on these issues—maybe half an hour.

I think the House would end up taking these provisions. I do not think they see it as controversial. I think they are open and shut. If they are not open and shut, drop them. We are going to have a lot of problems in that highway conference without saying this is going to bog us down. We just adopted the increase of the 55-mile speed limit. If anything is going to bog us down, it is going to be increasing the speed limit. We bog down the conference by agreeing to any safety amendments, and then we say, oh, well, we cannot agree to some noncontroversial, lifesaving amendments in this bill.

I have great respect for the Senator from South Carolina and the Senator from Tennessee. But I would like to have them explain to me sometime how they are going to get through the House Commerce Committee in conference even legislation like this which in the Senate is noncontroversial.

I just have one other point to make with respect to the light trucks and the seatbelts. These are really simple issues. This is not a matter where you have lengthy, lengthy, lengthy hearings. We did have hearings on it.

But by golly, does it not follow as does night and day that the same safety standard that exists for passenger cars should exist for minivans? Where is the controversy in that? Where is the controversy in saying that the roof of a pickup truck should be as safe as the roof of a passenger car, that the same headrests that exist in a passenger car should exist two inches from the back window of a pickup truck? Where is the controversy in that?

Let us get on with it. Let us put safety legislation in the bill that can pass, and do it quickly, and start the business of saving lives.

This is, Mr. President, not controversial. But it is a matter of intense interest to those who are concerned by highway safety. It is a matter of intense interest to citizen groups who testified before the Senate of the United States on matters of highway safety. So let us get on with it. Let us get on with it. Let us put it on this bill, and let us have a Senate position on safety, not just a House position, but a Senate position on safety as we go to conference with this legislation.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from South Carolina.

Mr. HOLLINGS. How much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Missouri has yet 1½ minutes, and the Senator from South Carolina has 4 minutes.

Mr. HOLLINGS. Mr. President, the controversy is just exactly what the distinguished Senator from Missouri would understand were he chairman of the Commerce, Space, Science, and Transportation Committee. I know good and well he protected the prerogatives of the committee in the orderly procedure of the Senate's consideration of legislation. Just as the distinguished Senator from Tennessee pointed out, he has just gotten hold of the issue, he has just set his hearings, and all of a sudden we are going to pass an authorization bill without any hearings or any other consideration by an entirely new body. He seems to think since he has made up his mind, the Senate has made up its mind. There are noncontroversial provisions, and there are obviously very controversial provisions he refers to. Otherwise, Members and Secretary Dole would not have written letters that I have just put into the RECORD objecting to this particular procedure. But he knows what the controversy is. Just give us time to organize, attend a hearing, and not the bam, bam, ipso facto Government we have around here. We can do it in an orderly way and have safety.

Yes, it is a highway bill. There are noncontroversial provisions on the House bill such as the Department of Transportation school bus safety study, the extension of the national driver register rule, and the DOT media campaign. But that did not get into the auto safety provisions that we are talking about in the Danforth amendment.

So I hope the Senate as a body would give us a chance to do our work in an orderly fashion.

I yield to the distinguished Senator from Tennessee.

Mr. GORE. Mr. President, I thank my colleague for yielding.

The Senator from Missouri has characterized this as a safety amendment. It touches some safety issues, but it is an authorization amendment. Read the amendment. It authorizes the National Highway Traffic and Safety Administration. There are procedures to be followed in order to authorize an agency in this Government. This particular agency comes under the jurisdiction of the Commerce Committee.

The authorization process is one that we follow for good reasons.

The matters that were referred to by the Senator from Missouri, the splash guard and so forth, come within the jurisdiction of the Public Works Committee in the other body. Part of the reason why this confrontation took place is an asymmetry between the jurisdictional boundaries in the other body and the jurisdictional boundaries in the Senate. But is that a reason for us to completely throw over the normal procedures of the Senate and take from the Senate Commerce Committee its function of authorizing the programs under its jurisdiction? Is that a reason to run straight to the floor of the Senate in the first month of our meeting in the 100th Congress without any hearings whatsoever, particularly when you have in the form of an amendment soon forthcoming a pledge guaranteed in the language to be adopted by the Senate? Hopefully, this same measure will be brought expeditiously to the floor of the Senate for consideration in an orderly fashion?

That is the issue here. If the Senator from Missouri is worried about leverage, leverage for the conferees from the Senate in the conference that is coming up, I would be happy to join the Senator from Missouri in a motion to instruct or in a sense-of-the-Senate resolution, saying that the conferees in behalf of the Senate are hereby requested not to accept this provision and that provision objected to by the Senator from Missouri and others when they are considered in the conference.

So if leverage is the issue, we can get to that issue and I would be happy to join my colleague from Missouri in taking that approach.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Missouri has 1½ minutes remaining.

Mr. DANFORTH. Mr. President, just a few points.

First, they said we have not had any hearings on this matter. I would point out to the Senate we have not had any hearings on the underlying highway bill, not in this Congress. We have not had any hearings in this Congress on the clean water bill, which we are taking up.

The strategy of the Congress is to take up last year's business, as I understand it. Let us take up something that passed unanimously last year.

Second, with respect to the authorization bill itself the only thing authorized in this particular amendment is so-called section 402 grants which are grants to State and community highway safety purposes, which money has already been appropriated but which money cannot be spent without the authorization.

This money is going to lapse unless we act. We are already well into the fiscal year. If we wait another few months we will be halfway into the fiscal year and money for State and community highway safety grants will have lapsed.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. DANFORTH. Mr. President, as I understand it, an amendment is in order. I do not think it is necessary to yield back whatever time I have remaining.

AMENDMENT NO. 18

(Purpose: To express the sense of the Senate that legislation authorizing the National Highway Traffic Safety Administration should be considered expeditiously by the Committee on Commerce, Science, and Transportation by March 15, 1987)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk on behalf of myself and the distinguished Senator from Tennessee and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for himself and Mr. GORE, proposes an amendment numbered 18.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

AUTOMOBILE SAFETY

SEC.   . It is the sense of the Senate that—

(1) automobile safety issues are of critical importance to the citizens of our Nation, and

(2) the Committee on Commerce, Science, and Transportation of the Senate should act to address these issues in separate authorization legislation for the National Highway Traffic Safety Administration and report to the Senate by no later than April 1, 1987.

Mr. HOLLINGS. This is a two-section amendment on one page, to the effect that it is the sense of the Senate that we take this authorization bill up for the National Highway Traffic Safety Administration immediately and forthwith as a committee, and, after our hearings, mark it up and report back no later than April 1. Then I think you will find the distinguished Senator from Missouri, the Senator from Tennessee and the Senator from South Carolina all in the same group.

Once again, this is not the unfinished business, as it has been characterized by my chairman, as I started to say, from Missouri. The fact is that the clean water bill had passed both Houses and the highway bill has passed both Houses. This has not. This is unfinished business of the Senate but certainly not the House of Representatives and certainly not the disposition of the administration, itself, thereby the big objection that you have, foreseeing to start a procedure of taking up an authorization bill as an amendment on the floor without hearings.

Other Members might have other suggestions on this. This is, after all, a new Congress, and this legislation has passed both Houses.

I would hope, Mr. President, that we could all vote up or down on the amendment that we have offered, Senator GORE and myself.

This is not any subterfuge to thwart the particular initiative of the Senator from Missouri, but it is an attempt to bring us back into the orderly procedure so we can all know and understand. Otherwise, we are going to be putting each other's authorization bills on all kinds of bills and we will never get our work done. The House is going to object to it and we know it. Why go through an exercise in futility here? Let us expedite the work of the Senate.

Mr. GORE. Mr. President, the Senator from Missouri may have inadvertently left the impression that the House highway bill is chock full of changes to auto safety provisions that we have to plan barricades to fight against.

That is simply not the case. Senators ought to have a clear understanding of exactly what is in the version of the bill that was passed by the other body.

The auto safety provisions there, with one exception, are also characterized as noncontroversial.

Remember, the jurisdictional boundary lines are different there. The Public Works Committee on the other body was acting perfectly properly in taking the matter within its jurisdiction and moving forward on it.

Here is a noncontroversial provision in the House highway bill affecting safety: The DOT school bus safety study; extension for national driver register rule, noncontroversial; DOT media campaign on highway accidents, noncontroversial; older driver study, noncontroversial.

The one item in there that is not characterized as noncontroversial is not generally considered to be a major safety issue, and it is not an auto issue. It is the splash and spray issue which deals with trucks.

Do we want to completely overturn the established procedure of the Senate in dealing with authorization bills and jeopardize passage of the highway bill, or, more accurately, further delay the resolution of this controversy, and get on with final passage of the highway bill in order to marginally, possibly marginally, increase the leverage of the Senate conferees on the splash and spray issue affecting trucks?

That is what the issue is here. It is a cost-benefit analysis. By that analysis alone, the approach suggested by the Senator from Missouri is simply unacceptable, I would argue.

Now, what about the provisions of the amendment as offered by the Senator from Missouri? That amendment has some provisions that have never been looked at by the Commerce Committee, with the exception of a single hearing in December.

If I am not mistaken—I will stand corrected if I am wrong—the Senator from Missouri was the only Senator who was present at the hearings who heard anything about this proposed new approach on light trucks. I may support it. In fact, I probably will if we bring it up through the established procedure. But I want to have some hearings on it where Senators in the 100th Congress can look at this issue, where all but the Senator from Missouri can look at it for the first time; so the Senate will be in a position, if the amendment of the Senator from Missouri should happen to be adopted by mistake, of going into conference not only challenging the other body and further delaying the resolution of the highway bill, but also going to conference with some brand new provisions that have never been taken through the normal procedure, that have not had that kind of consideration by the other body. It is just not the right way to proceed.

I ask my colleagues to support this alternative approach; support the amendment in the nature of a substitute offered by the Senator from South Carolina and myself; vote for safety not once, but twice. Vote for it on this amendment, then vote for the amendment of the Senator from Missouri as amended by the substitute. Then vote for safety a third time, early this spring, when the authorization bill comes out. I can practically guarantee it is going to be tougher in its safety provisions than the amendment offered by the Senator from Missouri.

Mr. President, I urge those on the other side of the aisle to look at the letter from the Secretary of Transportation. She feels very strongly about this, partly because of the prospects for delaying the highway bill. That is her main argument, quite frankly. She says this is going to further delay the highway bill. But look at what the administration's position is.

I just urge my colleagues to vote for the substitute of the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, the second-degree amendment that has been offered by the Senator from South Carolina is, in both senses, a killer amendment. I shall read it to the Senate:

> It is the sense of the Senate that—
>
> (1) automobile safety issues are of critical importance to the citizens of our Nation, and
>
> (2) the Committee on Commerce, Science, and Transportation of the Senate should act to address these issues in separate authorization legislation for the National Highway Traffic Safety Administration and report to the Senate by no later than April 1, 1987.

What does that mean? It means nothing. It gives no assurance that we are ever going to pass highway safety legislation.

I might point out that the bill that we passed unanimously last year, which is here being offered as an amendment, was reported out of the Committee on Commerce without a dissenting vote in April of 1985. April of 1985, Mr. President. It is still not law. For the Senate Commerce Committee to report out a bill, even a wonderful bill, by April 1987 does not guarantee that it is going to be enacted into law.

What are the assurances that it would come to the floor of the Senate? When will it come to the floor of the Senate? What are the assurances that we could get it through conferences with the House or that the House would even pass the bill? There is no assurance. This is our opportunity to go to the conference with the House on highway traffic safety matters when they already have such matters in their legislation.

Let me say just one other thing, Mr. President. This is in part an authorization bill in that it authorizes money for a grant program for State and community highway safety programs. Without the authorization bill, this money already appropriated will not be spent. Safety money will not be spent that has already been appropriated unless we can pass this bill. The fiscal year started October 1. That is 4 months ago. April is another 2 months. That is half way into the fiscal year before the Committee on Commerce would even report out a bill, much less have the bill enacted into law.

It is absolutely true to say, Mr. President, that lives are at stake in what we do here. To pass this empty, vacuous second-degree amendment, this cloud on paper, this second-degree amendment which promises nothing at all and guarantees nothing at all, is to set back highway safety.

Mr. President, I ask unanimous consent that two letters be printed in the RECORD. One is a letter from Joan Claybrook, president of the Public Citizen and former chairman of the National Highway Traffic Safety Administration. The other letter is from Clarence M. Ditlow III, executive director of the Center for Auto Safety. Both of them support my amendment.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

PUBLIC CITIZEN
January 30, 1987.

Hon. JOHN DANFORTH,
U.S. Senate, Washington, DC.

DEAR SENATOR DANFORTH: We believe that the most critical provisions in the National Highway Traffic Safety Administration's authorization bill, which passed the Senate unanimously last year, should be enacted into law as soon as possible. The Highway Bill which is being considered by the Senate next week is another bill which failed to pass in the 99th Congress at the last moment and is being brought up for early consideration this year. I believe it would be appropriate to add the essential NHTSA amendments to the Highway Bill and would hope that a consensus can be developed among the leadership and members of the Commerce Committee to accomplish this.

The Highway Bill is being given immediate consideration because construction delays and disruption of this industry could result if the legislation does not receive prompt consideration. Saving lives on the highway should receive no less consideration.

The critical provisions amending the National Traffic and Motor Vehicle Safety Act are urgently needed because the Agency has failed to carry out its obligations to issue critical safety standards that could save thousands of lives a year. I refer particularly to proposals to upgrade side-impact protection (evaluations of the existing standard show it does little to protect occupants in car-to-car side crashes); to install shoulder belts for rear seat occupants (for almost 20 years they have been required for front seat occupants); and to apply roof-crush, headrestraints, and side-impact standards to light trucks and vans (as they have been required in cars for nearly 20 years).

If the NHTSA were doing its job, this Bill would not be necessary. However, as you have documented in numerous hearings during the past six years, the NHTSA is now unwilling to take any important motor vehicle safety initiatives unless ordered to do so by the Congress or the courts. If this amendment is not offered and passed there will be continuing delays in making these modest but important life-saving improvements. I hope you will remind your colleagues that many highway deaths and injuries, such as quadraplegia, paraplegia, and brain and burn injuries, are unnecessary and can be easily prevented. The cost to the nation in dollars, not to speak of emotional trauma and heartbreak, far exceeds the minimal investment in standardizing these safety provisions.

Thank you for your tremendous concern and efforts to prevent motor vehicular crash injuries.

Sincerely,

JOAN CLAYBROOK,
President, Public Citizen.

CENTER FOR AUTO SAFETY,
Washington, DC, January 30, 1987.

Senator JOHN DANFORTH,
U.S. Senate, Washington DC.

DEAR SENATOR DANFORTH: As a longtime advocate of improved motor vehicle safety, the Center for Auto Safety strongly supports your amendment to the highway funding bill (S. 387) which would (1) require light trucks and vans to meet the same safety standards as cars, (2) require rear seat belts in cars to include shoulder harnesses, and (3) adopt the National Highway Traffic Safety Administration (NHTSA) reauthorization bill unanimously approved by the Senate last session.

With highway fatalities having increased by 5% in 1986, it is essential to require improved safety measures to offset this trend. The new vehicle safety measures in your amendment and the NHTSA reauthorization bill are recognized lifesavers that would cut the traffic toll and which are long overdue.

Adding this amendment to the highway funding bill is wise and essential because both measures need to be passed as soon as possible—the highway bill to fund improve the safety of vehicles that drive on the highways. Since the safety measures and provisions in your amendment have already been given thorough consideration and are recognized as effective and feasible, its adoption will not delay the highway funding bill.

Passage of the highway funding bill with your amendment will result in better roads and safer motoring.

Sincerely,

CLARENCE M. DITLOW III,
Executive Director.

Mr. GORE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Tennessee has 7½ minutes remaining.

Mr. GORE. Mr. President, I should like to speak just a little bit more on the single substantive issue that we are really dealing with here. Everyone has agreed that the principal issue involves procedure: are we going to further encumber the highway bill and are we going to throw over the Senate's established procedure for dealing with authorization bills? But there is one substantive issue that is dealt with in the House bill that is not dealt with in the Senate bill. I mentioned some others that are acknowledged to be controversial by all. The one that is controversial is the so-called splash-and-spray issue. Let me tell you what this is all about, as best I can understand it.

A few years ago, the Senate got adopted a provision requiring a rulemaking by the Department of Transportation to have them require mudflaps with particular characteristics on trucks. Information came to light within the Department of Transportation questioning whether or not these particular mudflaps would actually serve the purpose they are intended to serve. Certain information was provided to the Department of Transportation by the manufacturers of these mudflaps, Monsanto. This information was questioned by the Department of Transportation.

I am sure that this company has done a good job. However, the House put an amendment on the bill saying, in effect, if the Department of Transportation finds that these particular Monsanto mudflaps do not improve safety, then they do not have to go forward requiring that these Monsanto Missouri mudflaps be installed on all trucks. If, in fact, the Department of Transportation finds that, in their view, that is the case, maybe we should take the position that we do not trust that finding, and maybe we should make them go ahead and require these mudflaps anyway. That is the issue.

That is the issue: does the Senate want to throw over the authorization process and further encumber the highway bill in order to make the point that the Department of Transportation will have to go forward with this rulemaking on the Monsanto mudflaps even if the Department of Transportation finds that they do not improve safety? I do not think that is what the Senate wants to do, Mr. President. I know that that is not the procedural issue. The major issue is the procedural issue. I accept that; I understand that. On that point, we have a difference of opinion. I believe the evidence both on the substantive issue of Monsanto mudflaps and the procedural issues are in favor of a vote to support the substitute as offered by the Senator from South Carolina.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, I yield myself just a second. I am going to ask for the yeas and nays, Mr. President.

With respect to the amendment being referred to as the nothing amendment, the distinguished Senator from Missouri knows otherwise.

The amendment puts in place the orderly procedure we have in the Senate for authorization bills from this committee, on which the Senator from Missouri is the ranking member. But he says, "I don't want to hear it; I don't want to be a member of the committee; I don't want to work with this committee; I want my amendment now, tonight," even though the administration and the entire House and perhaps the majority of this body would hold forth and say no. You just cannot have government by anarchy. That is what this particular amendment is: I want my way; I want it tonight; and I want it now.

I would hope that we could satisfy the distinguished Senator from Missouri by voting for my amendment expressing the sense of the Senate so we can move on and report out an authorization bill, which no doubt he and I will agree, on which he and I have agreed. He does not want to agree with the new members of the committee and get it over to the House side and then make the judgment whether we are really being delayed. But to just forcefeed it at this particular time I think is a very harmful procedure. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. DANFORTH. Mr. President, I think we are about ready to vote. I must say that the second-degree amendment really is a killer amendment. I understand the argument that is frequently made, "Well, let us just talk about matters, hold hearings, shoot the breeze." We have been shooting the breeze on this issue for 2 years. This was reported out without controversy 2 years ago. It never has had any controversy, never ever, none, zero, not controversial. They say, "Well, we haven't had hearings on it." Well, we have not had hearings on the underlying bill this year either. Does that mean we should all vote against it? Are we going to vote against the underlying highway bill because we have not had hearings on it?

Well, let us have some hearings. Let us sit around and shoot the breeze. We are really good at that. We are good at shooting the breeze around here. We are good at talking and meeting. Why not do something every now and then?

If we have an opportunity to pass safety legislation, why not pass it? Why not pass it? The time is now, not half a year from now, when the funds will have gone unexpended for State and local safety programs, not half a year from now. Now.

Mr. President, I yield back the remainder of my time.

Mr. GORE. Mr. President, two brief points in conclusion. What we are talking about on the first of the two procedural issues is not just the requirement for hearings. It is the authorization process itself. The second point. If the Senator from Missouri is concerned about the date of April 1, let me point out that that date, as stated in the amendment from the Senator from South Carolina, is not the date at which it will actually occur. That is the final date by which it can occur.

We blocked out hearings for the first week in March. We can bring this bill to the floor well before that April 1 deadline, and as chairman of the subcommittee I pledge my best efforts to do exactly that, to get it out here before that April 1 deadline.

The PRESIDING OFFICER. Who yields time?

Mr. DANFORTH. I yield back my time.

Mr. HOLLINGS. I yield back the remainder of our time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment in the second degree. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—58

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Gore
Graham
Gramm
Harkin
Heflin
Helms
Hollings
Humphrey
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Nunn
Pell
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Stennis
Warner
Wirth
Zorinsky

NAYS—40

Armstrong
Bond
Boschwitz
Chafee
Cochran
Cohen
D'Amato
Danforth
Dole
Domenici
Durenberger
Evans
Garn
Grassley
Hatch
Hecht
Heinz
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Packwood
Pressler
Proxmire
Quayle
Roth
Rudman
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Weicker
Wilson

NOT VOTING—2

Biden Hatfield

So the amendment (No. 18) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on adoption of the Danforth amendment as amended.

The Senator from Missouri.

Mr. DANFORTH. I thank the Chair.

Mr. President, I know all time has been yielded back on the underlying amendment but I ask unanimous consent to proceed for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, the underlying or the amendment as it now stands as amended by the Senator from South Carolina is so vacuous, so empty, so lacking in substance, that it does not warrant the time of the Senate for a rollcall vote. Therefore, I shall not ask for a rollcall vote.

The PRESIDING OFFICER. The question then is on the underlying amendment, as amended.

The amendment (No. 17), as amended, was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, if we may have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

The majority leader.

Mr. BYRD. Mr. President, for the convenience of Senators, I wonder if we could get an understanding now that—Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate is not in order. The Chair will ask those in conversation to take their conversations to the cloakrooms. The Senate is not in order.

The majority leader.

Mr. BYRD. I thank the Chair.

Mr. President, I have discussed the matter with the distinguished manager and he is possibly of the opinion that we may have reached the end of the line with respect to amendments on titles I and II. He is not sure. I would like to inquire if we then could get consent that action on titles I and II be considered as completed and go on to the next title. There is 1 hour on the waiver. I have talked with Senator PROXMIRE and others. There might be some disposition, if I may say to the distinguished Republican leader, to reduce the time on the waiver and vote on the waiver at an early hour.

I understand there will be a rollcall vote requested on the waiver. We could have a vote on the waiver at 12 noon, and we could back up from there to determine when to come in. That would not disturb committee meetings in the morning.

Senator MOYNIHAN has three technical amendments, I understand.

Mr. President, the able Republican leader has indicated that he would like to check just a little bit further before closing out titles I and II. Mr. MOYNIHAN has some technical amendments. Then once we hear what the prospects are for closing out on these two titles, we will know how to go forward.

In the meantime, if I could ask the Republican leader to also check to see if we could agree on a half hour on the waiver rather than an hour and then we could begin the debate on the waiver at 11:30 tomorrow morning, vote on the waiver at 12 noon, and then that would pave the way for the mass transit amendment to come in.

So, for the moment, I will yield the floor with great hope and expectation and some prayers and perhaps a little wishful thinking that we may reach an agreement.

Mr. MOYNIHAN. Mr. President, I would like to join in the wishes of the majority leader who has a way of making wishes come true.

Mr. BYRD. Would the able Senator let me put Senators on notice that there will not be any more rollcall votes tonight.

I thank the Senator.

Mr. MOYNIHAN. Mr. President, if we might pause to have order.

The PRESIDING OFFICER (Mr. SHELBY). The Senate will be in order. The Senate will be in order.

The Senator from New York.

Mr. MOYNIHAN. I thank the distinguished Presiding Officer.

Mr. STENNIS. Mr. President, may we have order so we may hear what is going on?

The PRESIDING OFFICER. The Senate is not in order. May we have order? The Senate will be in order.

The Senator from New York.

Mr. MOYNIHAN. I thank the Chair.

Mr. President, in order that Senators might know, we are about to offer three amendments. All three amendments are agreed to by both sides. Then there will be a statement by the distinguished Senator from Georgia, Mr. NUNN, and a colloquy with the distinguished Senator from Pennsylvania, Mr. SPECTER, myself, and Senator STAFFORD.

AMENDMENT NO. 19

(Purpose: To express the sense of the Congress regarding the use of rock salt on highways)

Mr. MOYNIHAN. Mr. President, on behalf of Mr. HARKIN, I send an amendment to the desk which has the purpose of expressing the sense of the Senate regarding the use of rock salt on highways. Its substance is that States should consider alternative uses.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN), for Mr. HARKIN, proposes an amendment numbered 19.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the end of the bill, add the following:

USE OF ROCK SALT ON HIGHWAYS

SEC. . (a) The Congress finds that—

(1) the use of rock salt to remove ice from the highways causes considerable damage to the highways, bridges, automobiles, and trucks,

(2) rock salt also causes damage to equipment and buildings near highways,

(3) rock salt causes considerable damage to the environment,

(4) all of these costs are real costs borne by the taxpayers, although such costs may not be paid directly to the government, and

(5) calcium magnesium acetate is an effective deicing material which does not cause the corrosion and environmental damage associated with rock salt.

(b) It is the sense of the Congress that the States should consider the full cost of using rock salt on the highways, including the damage to highways, vehicles, equipment, buildings, and the environment, in calculating the real cost of deicing materials and the use of calcium magnesium acetate as an alternative deicing material.

Mr. MOYNIHAN. Mr. President, I move the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 19) was agreed to.

Mr. SYMMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 20

Mr. MOYNIHAN. Mr. President, on behalf of the distinguished Senator from Pennsylvania, Mr. SPECTER, I send an amendment to the desk and ask for its immediate consideration. This amendment adds a priority project to our bill. It is 4.9 miles of a route parallel to Route 30. It is the understanding of the priority projects that it enables the State to use funds from other sources to divert them without any way increasing the outlays for the disbursements to the State by the Federal Highway Administration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for Mr. SPECTER, proposes an amendment numbered 20.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment reads as follows:

On page 78, between lines 17 and 18 insert the following:

( ) a project to construct a by-pass of approximately 4.9 miles parallel to Route 30, to divert motor traffic around the city of Exton, Pennsylvania.

Mr. SPECTER. Mr. President, I propose an amendment to section 140, to designate as a priority project the construction of an approximately 4.9 mile bypass parallel to Route 30 around the city of Exton, PA. Currently, Route 30, a major east-west route in Pennsylvania, creates a bottleneck as it passes through Exton, PA. The bypass would alleviate the severe traffic conditions that exist. Reportedly this section of Route 30 carries 29,000 cars per day and the accident rate is more than four times the State average. This coupled with a rise in the population and the near completion of a number of industrial parks in that area points out the clear and present need for an adequate diversion near Exton, PA.

Mr. MOYNIHAN. Mr. President, on behalf of myself and my distinguished colleague, I move the amendment.

Mr. SYMMS. Mr. President, I support the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 20) was agreed to.

Mr. SYMMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 21

Mr. MOYNIHAN. Mr. President, on behalf of the distinguished Senator from Georgia, Mr. NUNN, I send an amendment to the desk and ask for its immediate consideration. This amendment would enable the State of Georgia to repay certain engineering and planning funds to the Federal-aid highway trust fund and proceed to build a highway on their own in the State of Georgia.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], on behalf of Mr. NUNN, proposes an amendment numbered 21.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the end of the bill, add the following:

SEC. . (a) The amount of all Federal-aid Highway funds paid to the State of Georgia on account of the section of State Route 400, a six-lane, limited access major arterial highway connecting Interstate Highway 285 and Interstate Highway 85 in Fulton County, Georgia, may be repaid to the Treasurer of the United States. The amount so repaid shall be deposited to the credit of the appropriation for "Federal Aid Highways (Trust Fund)." Such repayment shall be credited to the unobligated balance of Federal-aid Highway funds of the same class last appropriated to the State of Georgia. The amount so credited shall be in addition to all other funds then apportioned or allocated to said State during the fiscal year for which the credit was received and shall be available for expenditure in accordance with the provisions of Title 23, United States Code, as amended.

(b) As provided in subsection (a) of this section, upon the repayment of Federal-aid Highway funds, and removal from the Federal-aid Highway programs, such sections of State Route 400 shall become and be free of any and all restrictions contained in Title 23, United States Code, as amended or supplemented, or in any regulations thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) Anything in subsections (a) and (b) of this section to the contrary notwithstanding, should the provisions of Title 23, United States Code, as amended or supplemented, or any regulation thereunder, be further amended to allow for a mixture of Federal-aid Highway funds and Toll funds for highway construction, the State of Georgia may accomplish the construction of State Route 400 in accordance with such amended provisions.

Mr. NUNN. Section 111 of S. 387, in an amendment to 23 U.S.C. 129, provides that Federal-aid funds may be expended on the construction of a "new toll highway, bridge or tunnel other than a highway on the Interstate System." A "new toll highway, bridge or tunnel" is defined by that section to mean "initial construction of a highway bridge or tunnel on a new location at any time before it is open to traffic and does not include any improvements to a toll highway after it is open to traffic." The North Atlanta Parkway, SR 400, in Georgia, is being constructed on new location, and over $450,000 of Federal funds have been expended on the project for preliminary engineering. The route is not yet open to traffic. Would the North Atlanta Parkway be a "new toll highway" for purposes of the amended section 129?

Mr. BURDICK. Yes, a highway on a new location, not open to traffic, is a "new toll highway" for purposes of the amended section 129, notwithstanding the fact that Federal funds have been expended on it. That is the intent of the drafters of this section.

Mr. MOYNIHAN. Mr. President, for myself and my distinguished comanager, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 21) was agreed to.

Mr. SYMMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TALMADGE BRIDGE

Mr. NUNN. Mr. President, I rise to express my sincere appreciation to the distinguished managers of the bill, Senators MOYNIHAN and SYMMS, and the chairman of the Environment and Public Works Committee, Senator BURDICK, for their cooperation in accepting an amendment to the Federal-Aid Highway Act of 1987 which is of tremendous significance, not only to the economy of my State of Georgia, but also the entire Southeast United States.

The amendment, which my colleague, Senator FOWLER, and I have joined in cosponsoring, would provide the State of Georgia with the flexibility to earmark a portion of its regular Federal highway allocation for a special priority project, replacement of the Eugene Talmadge Memorial Bridge in Savannah, GA. Under the amendment's unique financing provision, my State—and others with similar high priority projects—would be permitted to apply their regular apportionment from the highway trust fund to special projects. The Talmadge Bridge is one such project. While I would prefer that additional funds be authorized for this worthy project, I am pleased, nevertheless, that the committee recognizes the importance of the bridge by providing for its inclusion in the Senate bill.

The Georgia State Legislature has already acted to earmark $36 million—40 percent—of the $90 million total cost of replacing the bridge. However, these funds are contingent upon congressional approval of the remaining $54 million.

The role of Savannah as an international transportation center is an established and growing one. As the leading foreign commerce port on the U.S. South Atlantic, Savannah generates over 30,000 port service and user jobs in the State of Georgia alone, with thousands more throughout the entire Southeast. The benefits in terms of tax revenues and economic impact are immense.

Studies undertaken by the University of Georgia demonstrate that in the period from now until the year 2010, the height constraint of the Talmadge Bridge will cost the State an estimated

$2.5 billion in lost personal income, $1.3 billion in lost retail sales, and $149 million in lost State and local tax revenue. Further, the number of lost jobs range from 105 in 1981 to 1,625 in the year 2010. These figures will only worsen if nothing is done to improve the situation.

The vertical clearance of the bridge also poses a clear and present danger to navigation of the larger classes of vessels seeking access to the inner reaches of the Savannah Harbor. An incident involving the vessel *Admiral William M. Callaghan* graphically displays this safety problem. In the summer of 1983, in an attempt to expedite the loading of military equipment during an Army rapid deployment exercise, the *Callaghan* collided with the Talmadge Bridge, tearing out the understructure and rendering the bridge useless for 90 days.

Mr. President, while this amendment does not provide any new funds for replacement of the Talmadge Bridge, it is nevertheless a step in the right direction. I am encouraged that, with adoption of this amendment, the Talmadge Bridge replacement project is included in both the House- and Senate-passed versions of the Federal-Aid Highway Act of 1987. It is my sincere hope that conferees will seriously consider the merits of this project and decide to fund it.

Again, Mr. President, I appreciate the willingness of the distinguished managers of this legislation to accommodate us in this matter.

Mr. SPECTER. I would like to engage in a discussion with the Senator from New York, Senator MOYNIHAN, and the Senator from Vermont, Senator STAFFORD, regarding funding for the Federal Bridge Replacement and Rehabilitation Program. We all recognize that bridges are vital to the efficient movement of goods and services and that bridges play a key role in America's economic prosperity and defense preparedness. Unfortunately, I am concerned that the proposed funding levels in S. 387 represent a weakening of the Federal commitment to improving our Nation's bridges.

A continued, strong Federal role in bridge replacement and rehabilitation is key to maintaining the momentum which has developed in recent years to address the problem of deficient bridges. Tremendous effort has been made nationwide to rehabilitate deteriorating structures, but there is much left undone. The U.S. Secretary of Transportation's October 1985 report to Congress on the bridge program states that "* * * the [Highway Bridge Replacement and Rehabilitation Program] program, as currently funded, is just keeping pace with accruing bridge needs."

In my State of Pennsylvania, a massive Bridge Replacement and Rehabilitation Program was undertaken in 1983, utilizing Federal, State, and local funding. The program has been so successful that a second phase has been recently authorized. In all, the program now covers more than 4,500 bridge improvements at a total estimated cost of $3 billion.

Other similar bridge initiatives are underway throughout the United States which depend in varying degrees on Federal assistance. S. 387 provides authorizations of $1.5 billion per year for bridges over the period 1987–90, a reduction of more than 25 percent from the $2.050 billion authorized for fiscal year 1986 by the Surface Transportation Assistance Act of 1982.

Restoring the funding for the repair and replacement of bridges would not increase the deficit. Funded by user fees, the highway trust fund is self-supporting and is prevented by law from spending more than it takes in. The proposed bridge funding reduction in S. 387 is bound to have adverse impact not only on my home State of Pennsylvania, but on many other State bridge programs.

I request that the Senators give every consideration to increasing the bridge replacement and rehabilitation to the higher House figure in conference for the reasons that I have stated.

Mr. MOYNIHAN. The Senator from Pennsylvania has raised some very important points in his discussion. Like Pennsylvania, New York State has a great need for bridge rehabilitation and replacement funds, and I share the Senator's concern. I support a strong bridge program, but the committee was faced with funding levels that forced reductions in worthy programs such as this. Within the constraints of the conference, I will do everything I can to seek increased funding for the bridge program.

Mr. STAFFORD. I concur with Senator MOYNIHAN's statement and appreciate the Senator from Pennsylvania's concerns.

Mr. SPECTER. I thank the distinguished Senators.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 22

(Purpose: To increase the limit on emergency relief to $100,000,000 per natural disaster)

Mr. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 22.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 71, strike out lines 14 through 18 and insert in lieu thereof the following:

EMERGENCY RELIEF

SEC. 139. (a) Subsection (b) of section 125 of title 23, United States Code, is amended by striking out "$30,000,000" and inserting in lieu thereof "$100,000,000".

(b) The amendment made by subsection (a) shall apply with respect to projects resulting from any natural disaster or catastrophic failure that occurs after calendar year 1985.

Mr. BYRD. Mr. President, let me just very briefly explain what this amendment does. It would raise the cap on funding under the Emergency Relief Program from $30 million to $100 million in a given year for disasters in a State. It is my understanding, in talking to the distinguished manager of the bill and the ranking manager, that the bill before us would do that for the year 1986. But what I am concerned about is that there may be a disaster that would hit a State, there would be no vehicle before the Senate, and Congress might not even be in session to provide that there be a higher cap on emergency relief funding. This amendment would make the $100 million cap permanent and protect against such an eventuality.

I can only recall once more—and my colleagues have heard me say this a number of times—in November 1985, West Virginia was hit by a very devastating flood. Of the 55 counties in my State, 29 were declared disaster areas. One of the major problems that my State was confronted with was the washout of roads, bridges, and the access to and from many of our small towns and communities was obliterated.

If Congress were out of session when it happened, what do we do? Congress responded to my request in that instance, and raised the cap to $55 million, but this would make it permanent. And I think we could all rest a little easier at night if we realized that whether Congress is in session or out of session if a disaster hits, the cap is there. It is permanent and it is ready.

Mr. MOYNIHAN. Mr. President, I, of course, have discussed this proposal with the distinguished majority leader. We find it to be a prudent and appropriate occasion to act. I make the point that we are enacting highway legislation that will serve for the next 4 years. The majority leader is certainly right. We just do not know when a disaster will strike. We do not know when a disaster strikes, and we certainly cannot depend on Congress being in session or a vehicle being before it. This resolves that matter in an orderly and timely manner. I believe the State of my distinguished associate in this matter had not a dissimilar event.

Mr. SYMMS. It was not that expensive. But we did have it happen. It has happened in Utah, California, West Virginia, and Arizona since I have been on the committee where we have raised it. I would only say to the distinguished majority leader that I am not going to oppose the amendment. But it somewhat presents some problem to the administration. We would like to see some kind of State match involved in it. If we put it in the bill here it will move opportunity to do that in the conference with the House. But I think it is in the bill for the first year already. We had that conflict. So if the majority leader is pressing the issue, I do not plan to stand in his way on it.

Mr. BYRD. Mr. President, I thank both the manager and ranking member. I hope the Senate will agree to the amendment.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I wonder if I might inquire of the floor manager and the majority leader why in the legislation before us now—not referring to the amendment but rather to the bill—if the cap if $30 million and will be in the future there is an exception made for 1986. What is the rationale there?

Mr. MOYNIHAN. Mr. President, if I may respond to the distinguished Senator from New Hampshire, it is simply the product of experience. We find when there are disasters which well exceed the present cap, and when they come we find ourselves legislating on an ad hoc basis for them. Experience suggests we put this in the legislation and leave it there.

Mr. HUMPHREY. If that is the case, why did the committee not stipulate that the cap would be raised for all future years? Why was it just applied to 1986?

Mr. MOYNIHAN. If I may say, Mr. President, the answer to that is that it was an oversight.

Mr. HUMPHREY. My concern is that States and local authorities are always looking for the Federal Government to provide emergency relief of some kind. You get a heavy thunderstorm with some wind and people are looking to Washington for assistance. Have there been any hearings on this proposal?

Is there a hearing record about this, arguments for and against?

Mr. MOYNIHAN. May I say, Mr. President, that the hearings were held on the original proposition. It has been part of our legislation for 30 years to my knowledge. The amounts go up in a way that prices go up. I hope it is not the way the disasters go up. But we are basically adjusting to the reality of the California experience, to be more specific, in 1986.

Mr. HUMPHREY. The Senator is saying this is the first time the cap will have been raised in 30 years?

Mr. MOYNIHAN. No; but there has been a provision for emergency aid, to my knowledge at the beginning of the Federal Highway Program in its present form. We are dealing with legislation which now collected many previous programs in the Bureau of Public Roads. But the highway program begins in 1956.

Mr. HUMPHREY. Since the floor managers have accepted the amendment, I will not pursue the matter further.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 22) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. I thank the able manager of the bill [Mr. MOYNIHAN] and I thank the ranking member [Mr. SYMMS]. I thank all Members for their cooperation.

Mr. MOYNIHAN. Mr. President, could I report on behalf of myself and my distinguished colleague [Mr. SYMMS] to the majority leader that we have now completed action on titles I and II of this measure. The majority leader is arranging agreements on bringing up title III tomorrow. I hope it can be disposed of tomorrow. We have to go to conference and get this bill passed and to the President, hoping then that he will accept it.

That discharges the duties of the Committee of Environment and Public Works.

I would like to take the opportunity to express my particular appreciation to Mr. Mike Weiss and Mr. Marc Litt, who have been incomparably able and adept in finding facts when facts were, as they sometimes can be, in short supply. We have had a good debate, and I think the essential fact is that we find overwhelming support in this body for this measure even though some of the amendments were controversial.

Mr. SYMMS. Mr. President, I thank the distinguished floor manager.

I ask unanimous consent that Paul Gibbs, during the pendency of the highway bill and related bills, be granted the privilege of the floor. This is on behalf of Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I too, wish to thank my distinguished colleague from New York for his cooperation and expediency with which we worked to get this bill to this point, and to thank my staff, Taylor Bowlden and Jean Lauver, for their efforts to see that we could help to bring this legislation along.

I do think our colleagues probably should know that I think tomorrow stands the possibility of being somewhat more contentious than the issues with which we dealt today. But I hope my colleagues will recognize that it is important that we do move this legislation forward and that we should, in fact, try to avoid getting ourselves into the situation where we will have a transit portion of the bill that we will not be able to resolve.

I thank my good friend from New York.

TOLLING FOR NEW CONSTRUCTION AND MAINTENANCE OF NONINTERSTATE HIGHWAYS

Mr. SPECTER. I favor section III in S. 387 which will permit the combination of toll financing and Federal aid funds to be used to construct, operate, and maintain new noninterstate roads, bridges, and tunnels when these new facilities are necessary for the purpose of expanding highway capacity.

This tolling provision provides an alternative way of financing new highway noninterstate construction, and reconstruction of existing noninterstate toll roads.

It would allow a 35-percent Federal contribution to be used in combination with toll revenues. This creative legislation will allow much needed roads to be built that might have not been built, or might have been long delayed without it. The section also clearly states that State highway departments must agree that toll revenues will be used only on the facility tolled. It does not allow roads under this clause to be revenue sources for other projects or the State treasury.

A project in my home State provides an example of the benefits of a tolling provision as contained in this bill.

A major priority for Pennsylvania's transportation system is the construction of the Mon Valley and Fayette County Expressway in southwestern Pennsylvania. Construction of this road would provide needed access for residents and communities in this portion of our State to the city of Pittsburgh and to the Interstate Highway System. More importantly, by creating nearly 10,000 construction jobs and providing economic incentives for industries to locate along this corridor, construction of the expressway would provide desperately needed help for some of the most economically distressed communities, not only in Pennsylvania but in the Nation as a whole.

Currently, the Mon-Fayette Expressway is part of the Pennsylvania Turnpike extension project, to be financed by toll revenues. However, given the $750 million cost of this project, it will be difficult, if not impossible, to complete the project with toll revenues alone. Legislation to remove the prohibition on Federal financing for the construction of new toll roads would greatly improve the likelihood that the expressway will be completed. And this legislation does that by allowing a 35-percent Federal match for the project cost.

Many situations like the Mon-Valley Expressway exist nationwide and passage of this legislation would provide an answer and a means for many potential projects.

Mr. METZENBAUM. Mr. President, I am pleased that the Senate today is acting on the critically important highway legislation. We must make every effort to enact this bill into law as soon as possible. Therefore, I do not intend to speak at length on the subject.

The need for quick action is obvious. According to the American Association of State Highway and Transportation Officials, many States will face the loss of their entire 1987 construction seasons if a bill is not passed and signed into law by the President before spring.

My own State of Ohio has a limited construction season. There is simply no way the State can compress a year's construction program into 6 months. The bid and contract process alone usually takes 2 to 3 months.

Each additional day of delay results in more job loss and more dangerous roads. At this very moment 141 projects, costing $323 million, and directly affecting some 7,655 jobs, are on indefinite hold—in Ohio alone.

I am concerned about the fact that there are major differences between this bill and the highway bill passed by the other body on January 21. I hope the Senate will see fit to pass this bill today. Furthermore, I hope the conferees will see fit to set aside their differences and to produce a final measure as expeditiously as possible.

Mr. WARNER. Mr. President, I join my distinguished colleagues who have gone before me in supporting prompt enactment of S. 387, the Federal-Aid Highway Act of 1987. My colleagues on the committee have already testified to the dire need for this legislation in eloquent terms. Therefore, I will speak only to what this legislation means to the Commonwealth of Virginia.

Because of congressional failure to enact a bill last year, the Virginia Department of Transportation has already been forced to delay advertising some $70 million in needed highway projects across the State. These delays only add significant costs to the projects the State is ready to begin construction on. In addition, the delays mean that the entire construction program must be pushed back.

Last September, the Virginia General Assembly completed an historic special session which was devoted entirely to the transportation needs of Virginia's citizens. The general assembly worked from a package of recommendations submitted by a specially appointed commission on transportation in the 21st century. Acting upon those recommendations, the general assembly enacted some of the most sweeping changes in Virginia's transportation history.

Foremost among these changes was the passage of a $422 million revenue package. Therefore, the delays caused by Congress in getting the Federal highway moneys to Virginia have an exacerbated effect, because of the State's newly approved and highly ambitious program. Projects across the transportation realm will suffer. All systems—interstate, primary, secondary, and urban—that receive matching Federal funds will be affected.

Mr. President, I would like to congratulate the members of the Environment and Public Works Committee, upon which I now serve as a new member this year—for their speed in bringing this legislation to the Senate floor. I must say that it is a testament to the importance of this legislation that the committee markup took but a couple of hours. I would like to thank especially the new chairman, the senior Senator from North Dakota, Senator BURDICK, as well as the committee's last chairman, our colleague Senator STAFFORD. I would also like to thank the new chairman of the Public Works and Transportation Subcommittee, the Senator from New York, Senator MOYNIHAN, and the Senator from Idaho, Senator SYMMS. I find the leadership of Senator SYMMS on this issue to be worthy of special note.

Mr. President, I urge my colleagues to act expeditiously on passage of this bill so that the conferees can begin the difficult task which no doubt awaits them.

PRIORITY PROJECTS

Mr. SPECTER. Mr. President, I wish to speak in support of projects of great importance to my State of Pennsylvania. These projects will benefit from the improved flexibility given the States in financing them through any Federal-aid funding category.

EBENSBURG BYPASS

Construction of the Ebensburg bypass in Cambria County will require $28 million between 1987 and 1991. Currently, traffic on Route 219 is abruptly forced off the multilane, limited-access highway and onto local streets, where it is consequently immersed in local traffic where Route 422 crosses it at Ebensburg. Construction, for which the Pennsylvania Department of Transportation has already begun engineering, would divert traffic to a relocated 5.1-mile segment.

ROUTE 220

Construction of Route 220 in Blair County will require $90 million over the life of the Federal-Aid Highway Act of 1986. The project will demonstrate the cutting edge of techniques to guide drivers, such as pavement markings and vegetation, which greatly enhance highway safety. An anticipated 10,000 cars daily will benefit from improvements on this new segment, which will close the only gap—11.9 miles—in the multilane limited-access road connecting the Pennsylvania Turnpike and the Tyrone bypass.

BASIN STREET RAIL CROSSING

Traffic tieups where Basin Street in Allentown intersects a Conrail grade crossing have plagued the Lehigh Valley for more than a decade. This crossing has restricted the traffic flow in East Allentown significantly and has hampered economic development in the area for many years. The project would require $6 million over 3 years, and is no less deserving of consideration today than when I originally requested its inclusion 2 years ago.

SOUTHERN EXPRESSWAY

A project deserving of priority designation is the Southern Expressway, which will serve the most important economic development project in western Pennsylvania, the Pittsburgh Airport Midfield Terminal. The Southern Expressway, which will require $5.5 million in 1987 for preliminary engineering and design, is an essential element of the airport improvements, as it will enable traffic to bypass airport and local roads that hamper access to the Pittsburgh Airport.

NEW SEWICKLEY TO CONWAY

A project very worthy of mention is construction of a two-lane highway between the township of New Sewickley and the borough of Conway. This project will demonstrate methods of accommodating increasing truck traffic and improving highway safety, and will require $13.4 million in 1990.

JOHNSTOWN ACCESS ROAD

A sum of $720,000 authorized to be spent in 1987 will enable the State to upgrade a 1.3-mile access road to the Johnstown Flood National Memorial in the vicinity of Croyle Township, PA.

KITTANING TO BROOKVILLE

We have requested that $2 million be spent over the life of this bill to reconstruct approximately 30 miles of a two-lane road on the Federal aid primary system between Kittaning and Brookville, PA. The cost-effective method proposed will improve a rural highway so that it will be better able to accommodate wider and longer trucks.

CHAMBERSBURG INTERCHANGE

Also, $5 million in 1988 will pay for construction of an interchange on a north-south interstate route providing access to Chambersburg, PA. Completion of this project will relieve traffic congestion on an existing interchange on Interstate 81. This project is crucial to maintaining and attracting business and jobs to the area around the interchange.

U.S. 119—CHADVILLE TO FAIRCHANCE

Also, $7.5 million spent between 1989 and 1991 would provide for the relocation and reconstruction of a 3.5-mile segment of U.S. 119 from the vicinity of Uniontown bypass at Chadville, PA, to Pennsylvania Legislative Route 26082 in the vicinity of Fairchance construction. It is predicted it will enhance development of a major industrial site in the region.

ROUTE 219—SOMERSET, PA, TO THE MARYLAND BORDER

I am requesting a study to investigate the costs and benefits, as well as grant priority status for construction, of a project to connect two four-lane segments and make a complete throughway from Johnstown to the Maryland border by making the two-lane segment of Route 219 between Somerset, PA, and Maryland, a four-lane highway. The road would greatly aid economic growth in the area.

ROUTE 22—EBENSBURG TO PITTSBURGH

I am requesting a study that would investigate the cost and benefits of making Route 22 between Ebensburg and Pittsburgh completely four lane, and am seeking priority status for construction. This road is a very dangerous thoroughfare that goes from two to three to sometimes four lanes. Yet, it is heavily relied upon by the southwestern Pennsylvania region for commerce and transportation. The people along this route have long suffered the hazards and inconvenience of this road, which also hinders economic growth.

ROUTE 56 TO ROUTE 22

I am requesting a study that would investigate making Route 56 near Johnstown a four-lane connector to Route 22. This is currently a dangerous two-lane route that hampers commerce in an economically distressed region. Priority status for construction funds would be authorized.

As Pennsylvania serves as the keystone to commercial transportation in the Northeast, giving priority treatment to the project benefits the Nation as well. We would like to thank the chairman and ranking members of the Environment and Public Works Committee, and its Subcommittee on Transportation, for their cooperation in my efforts to secure this priority designation for these projects.

Mr. BUMPERS. Mr. President, today we are considering the Federal Aid Highway Act of 1987, and I want to take this opportunity to comment on some items contained in the bill which are of considerable importance to Arkansas.

This bill contains a committee amendment providing authorization for certain projects to be constructed. Under the terms of the amendment, no new Federal funds are to be made available to draw the Federal portion of the funding from any of its other regular Federal highway account allocations. The normal State match will then be required as always. The State will have the right to choose which account the funding will be drawn from and to determine its own priorities in carrying out projects. Although I am disappointed that no new Federal funds have been provided for these projects, I am hopeful that when the conference with the House takes place a compromise may be reached which will in fact provide some level of new funding to facilitate the construction of these vitally important projects.

I am pleased that the committee amendment contains, at my request, authorization for critical improvements on Waldron Road in Fort Smith, AR, U.S. Highway 71 in northwest Arkansas, four grade separations on a four-lane bypass route in Jonesboro, AR, and a bridge at lock and dam 4 on the Arkansas River at Pine Bluff, AR. I have introduced separate bills to authorize these four projects, and all four were included in S. 2405 last year.

WALDRON ROAD PROJECT (FT. SMITH, ARKANSAS)

Many of my colleagues are already familiar with what has come to be known as the Waldron Road project because I have discussed it many times before. I would like to take a few minutes to again describe the very serious problem in my State that would be solved by the passage of the Waldron Road bill. The problem involves monumental traffic tie-ups in Fort Smith, AR, the State's second largest city.

Traffic through Fort Smith's major north-south route moves at a crawl; accidents are frequent; property damage is heavy; and economic growth in the area is adversely affected. Waldron Road serves the area with the highest concentration of commercial development in Fort Smith, and this area is so congested with automobile traffic that it is nearly impossible to enter Waldron Road from either the community college or the many business and shopping centers that line the route. In fact, Westark Community College is a major contributor to the traffic congestion around Waldron Road. From 1975 to 1983, enrollment in the college's community services program increased from 500 to 12,000, a phenomenal growth rate of 2,300 percent.

In addition, Waldron Road intersects Grand Avenue, which is connected to Interstate 540 by an interchange. Traffic entering and exiting Interstate 540 at Grand Avenue causes additional traffic problems in the area. The intersection of Waldron Road and Rogers Avenue, or Arkansas State Highway 22, is the most congested intersection in Fort Smith, and one of the most congested in the State.

I'm sure you can see how these factors add up to monumental traffic problems for Fort Smith. I can personally attest to the serious nature of the congestion, since my home is only a few miles outside Fort Smith. It is certainly as crowded as anything I have ever experienced in the Washington area. Along this corridor between 1981 and June 1984, there were 249 traffic accidents resulting in 62 personal injuries and $270,340 in property damage. I would like to request that the following official accident and traffic records of the city of Fort Smith be included in the RECORD.

SUMMARY

	Number of accidents	Personal injuries	Property damage
Waldron Road (Euper Lane to Grand Avenue)	214	58	$241,740
Grand Avenue (Waldron Road to I–540)	35	4	28,600
Total	249	62	270,340

Traffic count on Friday, July 27, 1984 at Waldron, north of Euper Lane, both north and south bound.

Time	*Count*
0100	177
0200	127
0300	81
0400	38
0500	23
0600	17
0700	42
0800	85
0900	123
1000	105
1100	190
1200	464
1300	1,153
1400	1,102
1500	886
1600	1,133
1700	1,254
1800	1,257
1900	1,049
2000	1,080
2100	1,084
2200	670
2300	397
2400	270
Total	12,807

The city of Fort Smith must have relief for this problem, and is simply not eligible for sufficient funds under existing Department of Transportation programs to undertake the necessary improvements to Waldron Road. Very few improvements to Waldron Road have been made during the last 5 to 10 years due to a lack of city funds. Authorization to fund a highway demonstration project in this area is imperative. This crucial project would involve acquiring an 80-foot right-of-way along the two major arterial roads—Waldron Road and Grand Avenue. Families and businesses which would be affected by the acquisition would be relocated, along with the necessary utilities. Waldron Road and Grand Avenue would be widened to four, and in some places, five, lanes, and necessary signalization would be installed.

The total length of improvements would be approximately 2.03 miles at an estimated cost of $8.5 million. The project represents 20 to 30 percent of the entire city budget—an amount they simply cannot be expected to commit to a single project. Fort Smith would be forced to use every penny of its Urban High Density funds for a period of 5 years to complete this project, and other important needs would go unmet. Nevertheless, the project is vital to the safety and economic well-being of the city and surrounding areas.

During the 98th Congress when the Senate debated S. 3024, the Federal Aid Highway Act, I offered an amendment that would have authorized $8.5 million in funding for widening and improving signalization along Waldron Road. This provision was already incorporated in the House-passed version of that highway bill. Following assurances that the language would receive the Senate conferees' serious consideration in conference, I withdrew the amendment. Unfortunately, the bill stalled in conference and didn't pass before the 98th Congress adjourned. Last year when the Senate considered S. 2405, the Federal Aid Highway Act of 1986, my amendment was again accepted, and was included in the House bill as well. However, numerous controversial items failed to be resolved, and like its predecessor, that important bill died in conference prior to adjournment. Now that the Senate is again considering the highway reauthorization bill, I am very pleased that the committee amendment includes this project.

HIGHWAY 71 PROJECT (NORTHWEST ARKANSAS)

Mr. President, the second project I wish to talk about will also be familiar to many of my colleagues. It is commonly referred to as the Highway 71 project. Efforts to carry out this project have been under way by the State, but it will never be completed with only the scarce funds available at the State and local level.

I recognize as well as anyone the severe budget strains we are suffering, and I certainly advocate restraint in spending. But I have requested that the committee amendment again include Highway 71 because it is absolutely critical to the economic future of my State. The Highway 71 corridor is the major north-south route through the Ozark Mountains. It provides access to Interstate 40, which connects Forth Smith in the West and Memphis, TN in the East, for the rapidly growing population in the Ozark resort region of Arkansas and Missouri.

The Ozark region is the fastest growing area in Arkansas and one of the fastest growing regions in the country. Between 1970 and 1980, the permanent population of the four counties containing this project increased from 232,800 to 310,780, or roughly 35 percent. The projected population by 1990 is 382,231, and is expected to reach 551,900 by 2004. Vistors to the region, as well as residents of adjacent counties, account for many times those numbers traveling in the vicinity.

The University of Arkansas' main campus at Fayetteville is also served by the old Highway 71. As a parent, I can tell you that I have worried every time my children have traveled that route. It serves a very mountainous area, making travel difficult at best in good weather and extremely hazardous in rain, fog, and ice. This stretch of the old highway is one steep grade after another for approximately 90 miles. The average speed on those grades is 10 to 20 miles per hour. Fatal accidents on this road are five times the statewide average of 1.9 per 100 million vehicle miles traveled. This route serves an average of 11,000 vehicles per day, 21 percent of which are heavy trucks. The average number of vehicles served daily on a comparable U.S. highway in Arkansas is 3,600.

During the past 10 years, we in Arkansas have undertaken within our limited means to do something about the critical problem of Highway 71, but, unfortunately, we will never be able to handle the project alone. This authorization will allow the State to use limited Federal funds to continue this important relocation project so that a safer, improved route may serve the region.

The highway bills from both the 98th and 99th Congresses which died in conference before either could be passed also contained my Highway 71 provison. It is now in the current House highway bill, and because the need continues to be an issue of primary importance to my State, I am pleased that it has been included in the Senate's bill as well. This demonstration project will continue the relocation of Highway 71 and will greatly improve the safe flow of traffic through northwest Arkansas.

HIGHWAY 63 OVERPASSES (JONESBORO, AR)

The Jonesboro project consists of the construction of four grade separations, or overpasses, in a four-lane bypass route in the vicinity of Jonesboro, AR. This U.S. Highway 63 bypass was constructed in 1979 as a project to demonstrate methods of improving highway safety by providing controlled access on an existing route. These four overpasses will complete that original project. This route around the southern and western part of Jonesboro handles a tremendous amount of traffic in a heavily congested commerical area. The State Highway Department feels that upgrading the bypass route by adding these additional overpasses is of utmost importance in order to preserve the route so that it doen't become obsolete and lead to the need for a new route entirely.

LOCK AND DAM 4 BRIDGE (PINE BLUFF, AR)

Mr. President, this final project involves the construction of a bridge over lock and dam 4 on the Arkansas River in the vicinity of Pine Bluff, AR. Plans to carry out this project have been proposed, reviewed and studied for over 20 years, and the highway department studies have all consistently indicated that the bridge and associated highway work are greatly needed and would be cost effective. Because of the need to alleviate increasingly severe traffic congestion, to accommodate rapidly growing industrial expansion and to divert the transportation of hazardous materials, there is a tremendous need for a highway bridge across the Arkansas River at lock and dam 4 near Pine Bluff. This bridge would connect U.S. Highway 65 at Pine Bluff with U.S. Highway 79 near Altheimer, AR. In conjunction with the building of this bridge, approximately 9½ miles of road improvements would be undertaken.

The availability of Federal assistance is imperative for these final projects to be undertaken, and I am therefore extremely pleased that they have been included in the committee's amendment as they were last year.

Thank you, Mr. President.

● Mr. BIDEN. Mr. President, had I been able to vote on two amendments today, I would have voted as follows:

On the Cochran amendment, I would have voted not to table, as I did during the 1986 debate on the highway bill.

On the Hollings substitute amendment for the Danforth amendment, I would have voted for the substitute in support of the chairman of the Commerce Committee.

Unfortunately, a previous family commitment—in fact, my son's 18th birthday—caused me to leave Washington to return to Delaware before the votes mentioned above.●

TIME LIMITATION AGREEMENT—SENATE RESOLUTION 83

Mr. BYRD. Mr. President, I ask unanimous consent that, on the waiver on the authorization of the Urban Mass Transportation Act, the waiver being Calendar Order No. 12, Senate Resolution 83, there be a time limit of one-half hour. I have discussed this with the Republican leader. I ask unanimous consent that the time be equally divided and controlled in the usual form, and that the vote—I am not asking for a rollcall vote at this moment—occur on the waiver resolution at 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, after further discussing the request with the Republican leader, I change the request to provide that the vote occur at 11:30 a.m. tomorrow on the waiver.

The PRESIDING OFFICER. Is there objection to the request? If not, without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays at this time on the waiver.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Knowing that there will be a rollcall asked for, I now ask for the yeas and nays so that all Senators will be very much on notice.

The PRESIDING OFFICER. Is there sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I thank the Republican leader [Mr. Dole] and I thank all Senators.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that I may proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATSUNAGA. I yield to the Senator from New Hampshire.

Mr. BYRD. Mr. President, will the Senator from New Hampshire yield to me for a unanimous-consent request?

Mr. HUMPHREY. I yield.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business at this time not to extend beyond 15 minutes and that Senators may be permitted to speak therein for up to 5 minutes.

Mr. MATSUNAGA. Senator McCain will also want to speak.

Mr. BYRD. Will 5 minutes be ample? I make it not to extend beyond 8 o'clock and that Senators be permitted to speak therein for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CONGRESSIONAL PAY RAISE

Mr. HUMPHREY. Today, Mr. President, the House of Representatives adjourned in early afternoon without having acted in any fashion on the matter of the congressional pay raise. That means the raise goes into effect tonight at midnight. That means the sneak attack upon the Treasury has succeeded.

I do not know what the House leadership intention is tomorrow, but I want to assure interested Senators that I am prepared to offer an amendment to the highway bill tomorrow that would rescind the pay raise. I welcome the help of any Senator on that amendment.

NATIONAL PARKS AIRCRAFT MANAGEMENT BILL—S. 451

Mr. MATSUNAGA. Mr. President, with Senators McCain, Inouye, Evans, Cranston, Wilson, Melcher, Baucus, Bradley, Metzenbaum, Chafee, and Wirth as cosponsors, I am introducing today legislation which constitutes a necessary first step in reducing the continuing hazard and annoyance of low-flying aircraft in our national parks. The bill is identical to one which was passed by the House last year by an overwhelming, bipartisan vote of 378 to 12, and to a measure which I introduced in the Senate last year, S. 2777. Unfortunately, due to the press of year-end business, the Senate was not able to turn its attention to S. 2777 before the 99th Congress adjourned sine die.

The circumstances which prompted me to introduce S. 2777 last year still exist. In national parks throughout the country, millions of hikers, campers, tourists, and other visitors still find their expectations of solitude and unimpaired natural beauty destroyed by the roar of prop washes and the sight of helicopters and airplanes zooming in, out, and over picturesque valleys, forests, and mountains. I should add that the safety hazards posed by these aerial incursions in our national parks also remain unaddressed. Who cannot recall, for example, the tragic collision between a plane and helicopter last summer in the Grand Canyon? And yet, despite the pressing need for reform, the Department of the Interior and the Federal Aviation Administration, the agencies with jurisdiction over park overflights, have delayed appropriate action for years. This seeming indifference can only be laid to inertia, jurisdictional infighting, and resistance on the part of commercial interests.

Mr. President, I believe this legislation will provide the necessary guidance for the Interior Department and the FAA to proceed in an expeditious and timely manner toward ultimate resolution of the park overflights problem. In summary, the bill will require the Interior Department, in consultation with the FAA, to conduct a general, 3-year study to determine the appropriate directions and procedures for aircraft flying over national parks. As a supplement to the general study, 10 parks will be targeted for specific, critical evaluation by the Interior Department, concerning which the FAA will issue its own separate study of current FAA rules and regulations including recommendations for regulatory and legislative actions necessary to improve aviation safety. Finally, the legislation will establish interim minimum aircraft flight levels for Yosemite and Haleakala National Parks, and permanently enjoin below-the-rim flights in Grand Canyon National Park.

I urge my colleagues to join me in supporting this long-overdue legislation. It represents the first and perhaps most necessary step toward restoring and preserving the original splendor of over 300 distinct resources which comprise our common natural heritage: The National Parks System.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 451

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY OF PARK OVERFLIGHTS.

(a) Study by Park Service.—The Secretary of the Interior (hereinafter referred to as the "Secretary"), acting through the Director of the National Park Service, shall conduct a study to determine the proper minimum altitude which should be maintained by aircraft when flying over units of the national park system. The Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration (hereinafter referred to as the "Administrator"), shall provide technical assistance to the Secretary of the Interior in carrying out the study.

(b) General Requirements of Study.—The study shall identify any problems associated with overflight by aircraft of units of the national park system and shall provide information regarding the types of overflight which may be impacting on park unit resources. The study shall distinguish between the impacts caused by sightseeing aircraft, military aircraft, commercial aviation, general aviation, and other forms of aircraft which affect such units. The study shall identify those park system units, and portions thereof, in which the most serious adverse impacts from aircraft overflight exist.

(c) Specific Requirements.—The study under this section shall include research at the following units of the national park system: Cumberland Island National Seashore, Yosemite National Park, Hawaii Volcanoes National Park, Haleakala National Park, Glacier National Park, and Mt. Rushmore National Memorial, and at no more than 4 additional national park system units, excluding those established by section 201 of Public Law 96-487. The research at each such unit shall provide information and an evaluation regarding each of the following:

(1) The impacts of aircraft noise on the safety of the park system users, including hikers, rock-climbers, and boaters.

(2) The impairment of visitor enjoyment associated with overflights over national park system units.

(3) Other injurious effects of flights over park system lands on the natural, historical, and cultural resources for which the park system units were established.

(4) The values of aircraft flights over park system lands in terms of visitor enjoyment, the protection of persons or property, search and rescue operations and firefighting.

Such research shall evaluate the impact of overflight by both fixed-wing aircraft and helicopters. The research shall include an evaluation of the differences in noise levels within the park system units concerned which are associated with flight by commonly used aircraft at different altitudes. The research shall apply only to overflights and shall not apply to landing fields within, or adjacent to, park system units.

(d) Report to Congress.—The Secretary of the Interior shall submit a report to the Congress within 3 years after the enactment of this Act containing the results of the study carried out under this section. Such report shall also contain recommendations for legislative and regulatory action which could be taken regarding the effects referred to in paragraph (1) through (3) of subsection (c). Before submission to the Congress the Secretary shall provide a draft of the report and recommendations to the Administrator of the Federal Aviation Administration for his review. The Administrator shall review such report and recommendations and notify the Secretary of any adverse effects which the implementation of such recommendations would have on the safety of aircraft operations. The Administrator shall consult with the Secretary to resolve issues relating to such adverse effects. The final report shall include a finding by the Administrator that implementation of the recommendations of the Secretary will not have adverse effects on the safety of aircraft operations, or if the Administrator is unable to make such finding, a statement by the Administrator of the reasons he believes the Secretary's recommendations will have an adverse effect on the safety of aircraft operations.

(e) FAA Review of Rules.—The Administrator shall review current rules and regulations pertaining to flights of aircraft over units of the national park system at which research is conducted under subsection (c) and in addition over any other such units at which such a review is determined necessary by the Administrator or is requested by the Secretary. In the review under this subsection, the Administrator shall determine whether changes are needed in such rules and regulations on the basis of aviation safety. Not later than 6 months after the identification of the units of the national park system for which research is to be conducted under subsection (c), the Administrator shall submit a report to Congress containing the results of the review along with recommendations for legislative and regulatory action which is needed to implement any such changes.

(f) Authorization.—Effective October 1, 1987, there are authorized to be appropriated such sums as may be necessary to carry out the studies and review under this section.

SEC. 2. FLIGHTS OVER YOSEMITE AND HALEAKALA DURING STUDY AND REVIEW.

(a) Yosemite National Park.—During the applicable study and review period it shall be unlawful for any fixed wing aircraft or helicopter flying under visual flight rules to fly at an altitude of less than 2,000 feet over the surface of Yosemite National Park. For purposes of this subsection, the term "surface" refers to the highest terrain within the park which is within 2,000 feet laterally of the route of flight and with respect to Yosemite Valley such term refers to the upper-most rim of the valley.

(b) Haleakala National Park.—During the applicable study and review period it shall be unlawful for any fixed wing aircraft or helicopter flying under visual flight rules to fly at an altitude below 9,500 feet above mean sea level over the surface of any of the following areas in Haleakala National Park: Haleakala Crater, Crater Cabins, the Scientific Research Reserve, Halemauu Trail, Kaupo Gap Trail, or any designated tourist viewpoint.

(c) Applicable Period.—For purposes of the subsections (a) and (b), the applicable study and review period shall be the period comprised of the time prior to the submission of the report under section 1 plus a 2-year period for Congressional review thereafter.

(d) Exceptions.—The prohibitions contained in subsections (a) and (b) shall not apply to any of the following:

(1) Emergency situations involving the protection of persons or property, including aircraft.

(2) Search and rescue operations.

(3) Flights for purposes of firefighting.

(4) Compliance with instructions of an air traffic controller.

(e) Enforcement.—For purposes of enforcement, the prohibitions contained in subsection (a) and (b) shall be treated as requirements established pursuant to section 307 of the Federal Aviation Act of 1958. To provide information to pilots regarding the restrictions established under this Act, the Administrator of the Federal Aviation Administration shall publish notice of such restrictions in appropriate Federal Aviation Administration publications as soon as practicable after the enactment of this Act.

SEC. 3. GRAND CANYON NATIONAL PARK.

(a) Noise associated with aircraft overflight at the Grand Canyon National Park is causing a significant adverse effect on the natural quiet and experience of the Park and current aircraft operations at the Grand Canyon National Park have raised serious concerns regarding public safety, including concerns regarding the safety of park users.

(b) Plan.—

(1) Submission.—Within 30 days after the enactment of this Act, the Secretary, acting through the Director of the National Park Service, shall submit to the Administrator of the Federal Aviation Administration a final plan for the management of air traffic in the air space above Grand Canyon National Park. The plan shall provide for substantial restoration of the natural quiet and experience of the park and protection of public health and safety from adverse effects associated with aircraft overflight. Except as provided in subsection (c), the plan shall contain provisions prohibiting the flight of aircraft below the rim of the Canyon, except for purposes of administration and for emergency operations.

(2) Implementation.—Not later than 60 days after receipt of the plan under paragraph (1) and after notice and opportunity for hearing, the Administrator shall issue regulations implementing the recommendations in the plan unless the Administrator determines that implementing the recommendations would adversely affect aviation safety. If the Administrator determines that implementing the recommendations would adversely affect aviation safety, he shall, not later than 60 days after making such determination, in consultation with the Secretary and after notice and opportunity for hearing, revise the recommendations consistent with the requirements of paragraph (1) to eliminate the adverse effects on aviation safety and issue regulations implementing the revised recommendations in the plan. In addition to the Administrator's authority to enforce such regulations under the Federal Aviation Act of 1958, the Director may enforce the requirements of the plan under such rules and regulations applicable to the units of the national park system as he deems appropriate. The Director shall consider the appropriate use of his existing authorities as they may relate to the licensing of commercial operations in connection with national park units.

(3) Report.—Within 2 years after the effective date of the plan required by subsection (b)(1), the Secretary shall submit to the Congress a report discussing—

(A) whether the plan has succeeded in substantially restoring the natural quiet in the Park, and

(B) such other matters, including possible changes in the plan, as may be of interest.

The report shall include comments by the Administrator regarding the effect of the plan's implementation on aircraft safety.

(c) Helicopter Flights of River Runners.—Subsection (b) shall not prohibit the flight of helicopters—

(1) which fly a direct route between a point on the north rim outside of the Grand Canyon National Park and locations on the Hualapai Indian Reservation (as designated by the Tribe), and

(2) whose sole purpose is transporting individuals to or from boat trips on the Colorado River and any guide of such a trip.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I express my appreciation to my colleague from Hawaii for his involvement in this very important piece of legislation. It is not only of great importance to his State of Hawaii and my State of Arizona but to our National Park System throughout our Nation. My colleague has adequately, I think, and very eloquently described the provisions of this bill. I would like to make just a few remarks that I think are important in the consideration of this legislation.

Our National Park System, which is the very embodiment of our Nation's natural heritage, used to be self-regulating. Particularly when we talked about Western parks, they were found great distances from populated areas and were not exposed to businesses. Certainly they were not exposed to large numbers of aircraft flying at varying altitudes, varying speeds, and of varying types.

However, humans and human activity increasingly encroach on our national parks. These new challenges require a more active and forward-looking role on the part of those charged with the stewardship of our National Park System.

The measure that I join with the distinguished Senator from Hawaii in introducing today, represents such a creative role. For the most part, it attempts to deal with a situation before it reaches the major problem level. There are a few exceptions—as my colleague just described, in Hawaii, Yosemite and Grand Canyon—where there are indeed already serious problems and they require immediate attention. We must recognize that aircraft use of our national parks is exactly that, use of the park. Just as we regulate other uses of our park system, it is appropriate that aircraft be brought into the regulatory scheme in a fashion that will harmonize their use with other users.

I emphasize again, Mr. President, this legislation does not ban aircraft above the parks. What it does is regulate and manage aircraft over the parks just as we regulate hikers, campers, dogs, water skiers and other individuals who use our National Park System. Aircraft, in my opinion, are badly in need of regulation at this time. What this measure does is propose a process whose end result will be to strike a balance among all those individuals and interests who use our Nation's park system.

FACTS ON THE GRAND CANYON

I would like to make a few comments on the section of the bill which deals with the Grand Canyon. The canyon has been called many things; a national treasure, one of our Nation's crown jewels, one of the seven natural wonders of the world, but words themselves are inadequate to describe it, the canyon can really only be experienced. As my distinguished predecessor in this seat, Barry Goldwater, once wrote, "Any voyage on the Colorado River through its canyons is an experience known only to those whose travels take them to places where footprints are seldom scene." I urge my colleagues to take advantage of the opportunity of rafting on the Colorado River through the canyon. I assure them it is an experience they will never forget.

I believe it is abundantly clear that we have a safety problem at the canyon. Currently there are 50,000 flights yearly over the Grand Canyon, making it one of the most heavily trafficked parts of the United States that does not rate radar control. Over 400,000 visitors use the aircraft to view our canyon. We recognize that there are many of our citizens, both those with disabilities as well as our senior citizens, who have no other way of enjoying our Grand Canyon. But this does not justify the complete absence of any control system.

Last summer, there was a tragic event, already referenced by my colleague from Hawaii, a midair collision between a helicopter and an air-tour aircraft that killed 25 individuals. Over the last 5 years, there have been 12 accidents in the Grand Canyon resulting in the tragic deaths of 56 citizens. The thing that is doubly disturbing about this is that 1 year prior to last year's accident, the National Park Service planners in Grand Canyon National Park, made the following statement:

> The mixture over Grand Canyon of numerous scheduled air-tour operator flights with randomly flying recreational pilots creates a high possibility of midair collisions.

Also, following a 1984 crash involving 10 deaths, the National Transportation Safety Board called for the FAA to control sightseeing flights over the canyon.

FAA ACTIVITY

I am pleased to see that the FAA is finally—and I emphasize "finally"—taking action with regard to aircraft at the Grand Canyon. They are currently working on a special Federal aviation regulation to establish temporary procedures for the operation of all aircraft in the airspace above the Grand Canyon. In addition, they will soon be considering a follow-on rule to establish permanent operating rules for the airspace around the canyon. However, I regret that it took them as long as it did to initiate this process. I would consider any further delays a matter of the utmost concern and, indeed, the endangering of lives.

I also find it regrettable that the expertise of the National Park Service was not utilized, through no fault of the FAA, in drawing up these measures. I believe the Park Service could have made a significant contribution to this endeavor.

I realize this is not a subject of the bill I am discussing; however, I would like to announce that I plan to pursue the installation of radar at the canyon. I believe it would help enforce any aircraft management plan devised by the FAA, or, if need be, by Congress.

Mr. President, I, myself, have had the indescribable pleasure of flying an aircraft down the Grand Canyon. It was probably illegal at that time and I hope that the statute of limitations has expired concerning that violation. I understand why any young pilot would want to experience the absolute incredible thrill of flying down the Grand Canyon. I am convinced this will continue to occur if they do not believe they will be caught. That is why we need to have radar and enforcement there, so that these events, which are so inherently dangerous, will not take place.

NOISE CONSIDERATIONS

Safety is not the only issue involved. The heavy volume of flights at the canyon is also significantly affecting the natural quiet of the canyon. When one takes the time, makes the effort to get away from the heavy use areas of the Grand Canyon, or any national park, they have a reasonable expectation of not hearing the constant drone of overflying aircraft or the staccato of a nearby helicopter, hovering over unique sights and features of the park.

As I mentioned, at the Grand Canyon we control everything from bikes to dogs to campfires, so as not to degrade the experience of the next visitor. I say again, it is appropriate that we regulate aircraft activity in the Grand Canyon.

I have no objections to people making money off the Grand Canyon or any national park. The existence of a $50 million air tour industry servicing the canyon is beneficial to all concerned, operator and visitor. But let us be clear; the Grand Canyon does not exist for anyone's financial benefit. Economic considerations must give way to the preservation of the Grand Canyon experience. I will not stand idly by and watch this magnificent resource be degraded by someone's desire to become wealthy.

The Park Service, under the able direction of its Superintendent, Dick Marks, has accumulated some statistics on the impact of aircraft on those visiting the park, which I think are very revealing. In a recent survey taken, aircraft noise is audible 95 percent of the time during the day to hikers and rafters down in the canyon. Seventy to eighty percent of the back country visitors said that their experience was degraded by the presence of so many noisy aircraft.

Mr. President, we have a responsibility not only to ourselves but to generations yet to come to ensure the integrity of our National Park System. If we fail in our duty to preserve the Grand Canyon, Yosemite, and other very valuable jewels in the crown of America's natural beauty, what does that say of our commitment to other lesser but equally important parts of the world's best park system? This legislation would play an integral part in fulfilling that commitment.

I appreciate the leadership of my colleague from Hawaii on this bill and I urge my colleagues' support.

Mr. MATSUNAGA. Mr. President, I thank Senator McCAIN for his cosponsorship and for his wonderful statement in support of the bill.

Mr. BAUCUS. Mr. President, I am pleased to join Senator MATSUNAGA and others in sponsoring legislation to study the problem of overflight of our national parks.

Montanans have long been concerned about the effects of flights over

Glacier National Park. I too, have been concerned that these flights could disrupt the delicate habitat of Glacier. I am also deeply concerned about the safety hazards posed by low-level aircraft on our national parks. Last summer's collision of a plane and helicopter over the Grand Canyon is a tragic reminder of the need for increased air safety requirements of aircraft overflights of the National Park System. Additionally, overflights can detract from the solitude and beauty we visit our national parks to enjoy.

In 1983, Montanans and other park visitors were disturbed by the number of low level helicopter flights. Again, in 1984, Montanans were alarmed because of plans by the U.S. Air Force to establish a low-flight B-52 bomber test run over Glacier. These tests would have taken the bombers to altitudes as low as 500 feet, once a month for 2 years.

National parks are no place to test B-52 bombers. The National Park System gives millions of Americans the chance to experience some of the most pristine areas in the world. But how can visitors enjoy the quiet and solitude with helicopters and planes flying just overhead.

This study will identify potentially serious problems created by low flying aircraft. At least 10 parks, including Glacier will be examined.

When the study is finished we'll know the effects these flights have on the natural, historical and cultural resources of each park. I am also concerned about the effects of low-level flights on the Nation's wilderness areas. It is my sincere hope that these studies will provide us with information that will be applicable to wilderness areas as well as units of the National Park System.

I believe this bill will help resolve the controversy of low-level flights over our national parks, and I urge my colleagues to join me in cosponsoring this legislation.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:58 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House of Representatives having proceeded to reconsider the bill (H.R. 1) entitled "An Act to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. Johnston, from the Committee on Energy and Natural Resources, without amendment:

S. 214. A bill to direct the Federal Energy Regulatory Commission to issue an order with respect to docket numbered EL-85-38-000 (Rept. No. 100-8).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DIXON (for himself, Mr. HEINZ, and Mr. CRANSTON):

S. 436. A bill to provide emergency housing for the homeless, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. METZENBAUM:

S. 437. A bill to amend the Small Business Investment Act of 1958 to permit prepayment of loans made to State and local development companies; to the Committee on Small Business.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. THURMOND, and Mr. HUMPHREY):

S. 438. A bill to modify the application of the antitrust laws to encourage the licensing and other use of certain intellectual property; to the Committee on the Judiciary.

By Mr. HEINZ:

S. 439. A bill to amend the Tariff Act of 1930 to make changes to the countervailing and antidumping provisions; to the Committee on Finance.

S. 440. A bill to extend the temporary duty-free treatment for certain types of hosiery knitting machines and certain types of knitting needles and to temporarily exempt certain other types of hosiery knitting machines and certain types of knitting needles; to the Committee on Finance.

By Mr. HEINZ (for himself, Mr. GLENN, Mr. SPECTER, and Mr. ROCKEFELLER):

S. 441. A bill to amend the Steel Import Stabilization Act; to the Committee on Finance.

By Mr. LEAHY:

S. 442. A bill to amend section 914 of title 17, United States Code, regarding certain protective orders; to the Committee on the Judiciary.

By Mr. DeCONCINI (for himself and Mr. SIMPSON):

S. 443. A bill to amend the Clayton Act regarding damage liability and coverage; to the Committee on the Judiciary.

By Mr. BOSCHWITZ:

S. 444. A bill to amend the Internal Revenue Code of 1986 to retain a capital gains tax differential, and for other purposes; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. SYMMS):

S. 445. A bill to amend the Military Selective Service Act to provide for the reinstitution of the registration and classification of persons under such act and to reinstate the authority of the President to induct persons involuntarily into the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. BRADLEY (for himself, Mr. CHAFEE, Mr. BINGAMAN, Mr. KENNEDY, and Mr. GARN):

S. 446. A bill to amend the Internal Revenue Code of 1986 to disallow deductions for advertising expenses for tobacco products; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. BRADLEY, Mr. BINGAMAN, and Mr. SIMON):

S. 447. A bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on cigarettes to 32 cents per pack and on snuff and chewing tobacco to 8 cents per package; to the Committee on Finance.

By Mr. DOMENICI:

S. 448. A bill raising the authorization level for the Rio Puerco and tributaries, Gallop, NM; to the Committee on Environment and Public Works.

By Mr. GLENN (for himself, Mr. LAUTENBERG, and Mr. WILSON):

S. 449. A bill to authorize the Secretary of Health and Human Services to make grants to States to support family caregivers information and education demonstration programs; to the Committee on Labor and Human Resources.

By Mr. ARMSTRONG:

S. 450. A bill to recognize the organization known as the National Mining Hall of Fame and Museum; to the Committee on the Judiciary.

By Mr. MATSUNAGA (for himself, Mr. MCCAIN, Mr. INOUYE, Mr. EVANS, Mr. CRANSTON, Mr. WILSON, Mr. MELCHER, Mr. BAUCUS, Mr. CHAFEE, Mr. BRADLEY, Mr. METZENBAUM, and Mr. WIRTH):

S. 451. A bill to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units; to the Committee on Energy and Natural Resources.

By Mr. GLENN (for himself, Mr. HEINZ, Mr. LAUTENBERG, Mr. BURDICK, Mr. HOLLINGS, Mr. PRESSLER, Mr. DOLE, Mr. WILSON, Mr. BRADLEY, Mr. NICKLES, Mr. LEVIN, Mr. PACKWOOD, Mr. DODD, Mr. CHILES, Mr. RIEGLE, Mr. WARNER, Mr. REID, Mr. THURMOND, Mr. PRYOR, Mr. LEAHY, Mr. MITCHELL, and Mr. KERRY):

S.J. Res. 41. A joint resolution to designate the period commencing on November 22, 1987, and ending on November 29, 1987, as "National Family Caregivers Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PELL (for himself, Mr. Chafee, Mr. Kennedy, Mr. Mitchell, Mr. Stafford, Mr. Moynihan, Mr. Rudman, Mr. Kerry, Mr. D'Amato, Mr. Lautenberg, Mr. Humphrey, Mr. Cohen, Mr. Weicker, Mr. Heinz, Mr. Leahy, and Mr. Metzenbaum):

S. Res. 97. A resolution expressing the Senate's opposition to the imposition of a fee on imported crude oil and refined petroleum products; to the Committee on Finance.

By Mr. RIEGLE (for himself, Mr. Nickles, Mr. Adams, Mr. McCain, Mr. Exon, Mr. Matsunaga, Mr. Moynihan, Mr. Danforth, Mr. Gore, Mr. Rockefeller, Mr. Boren, Mr. Bradley, Mr. Simon, Mr. Specter, Mr. Sarbanes, Mr. Mitchell, Mr. DeConcini, Mr. Metzenbaum, Ms. Mikulski, Mr. Wilson, Mr. Levin, and Mr. Heinz):

S. Res. 98. A resolution expressing the sense of the Senate that the Government of the Soviet Union should allow Igor V. Ogurtsov to be released from exile and allowed to emigrate to the West without renouncing his views, and for other purposes; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Mr. Sarbanes, Mr. Riegle, Mr. Stafford, Mr. Moynihan, and Mr. Johnston):

S. Con. Res. 13. A concurrent resolution to express the sense of Congress regarding efficient and compassionate management of the Social Security Disability Insurance (SSDI) program; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DIXON (for himself, Mr. Heinz, and Mr. Cranston):

S. 436. A bill to provide emergency housing for the homeless, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

(The remarks of Mr. Dixon and Mr. Heinz, and the text of the legislation appear earlier in today's Record.)

By Mr. METZENBAUM:

S. 437. A bill to amend the Small Business Investment Act of 1958 to permit prepayment of loans made to State and local development companies; to the Committee on Small Business.

PREPAYMENT OF LOANS MADE TO STATE AND LOCAL DEVELOPMENT COMPANIES

● Mr. METZENBAUM. Mr. President, today I am introducing legislation to remedy a serious problem with the Small Business Administration 503 Loan Program that unfairly penalizes small businesses throughout the Nation.

The SBA 503 Loan Program was originally established to provide long term financing for small businesses. These loans are used for the acquisition of land, plants and equipment, in order to induce business expansion and the creation of jobs.

It has a proven track record. Since the first loans were awarded in 1981, they have helped nearly 5,000 businesses nationwide by directly providing more than $800 million in loan moneys. But the program has attracted an even greater amount of capital from private lenders. That is because the SBA-guaranteed loan typically represents only 40 percent of the entire loan package. The remainder comes from commercial lenders and the business itself. Therefore, the program has been responsible for the generation of nearly $2 billion in small business expansion. Its success is a tribute to Government-private sector cooperation.

So why is legislation needed?

While this program has been successful in promoting business expansion, many businesses are now being penalized by the very program that assisted them in the past. Those businesses which took out loans when interest rates were in double digits can now find substantially lower rates from commercial lenders. However, when they want to pay off the SBA loans in order to secure commercial refinancing, they are required to pay an exorbitant prepayment penalty. These penalties are imposed by the Federal financing bank, and they are currently running about 30-40 percent of the outstanding loan balance.

The SBA should be a smart lender, not a loan shark. One Cincinnati businessman told me that to pay off the remaining $286,000 of his loan, he must come up with an additional $130,000. That is a 45.7 percent prepayment penalty; he calls that abusive, and so do I.

This is not an isolated incident. I have been in touch with small businesses throughout Ohio, and they all tell me that this problem is widespread. These businesses are caught in an untenable situation—they became involved in a Government program intended to help their business only to discover that the program damages their ability to grow and expand. It is unfair for the Federal Government to penalize small businesses in this way; instead we must encourage small business growth and expansion in every way we can.

This program was designed to spark small business expansion, not stifle it with exorbitant interest rates. The legislation I propose today will waive these exorbitant prepayment penalties so that businesses with 503 loans can afford to pay them back early by refinancing either through a commercial lender or existing SBA loan programs. Additionally, the legislation would permit the SBA to impose fees to cover the administrative costs associated with the processing of the early payments.

How much will this bill cost?

Not a dime. In fact, this measure would lead to a significant budget savings over the next several years.

This problem is devastating to small businesses all across the country, and I believe the legislation that I am proposing today will alleviate this very difficult problem. I am glad to be able to introduce this bill for the many small businesses of both Ohio and this Nation.

Mr. President, I ask unanimous consent that a copy of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Small Business Investment Act of 1958 is amended by inserting after section 503 (15 U.S.C. 697) the following new section:

"REPAYMENT OF LOANS

"Sec. 503A. (a) A borrower of a loan made from the proceeds of a debenture guaranteed under section 503 of this Act may prepay that portion of such loan or any loan advance thereunder by paying the outstanding principal balance due on that portion of the loan or advance (plus any accrued interest).

"(b) No sums in addition to the outstanding principal balance (plus any accrued interest) due on the portion of a loan made from the proceeds of a debenture guaranteed under section 503 may be charged as the result of such prepayment against the borrower or the Small Business Administration, except that the Administrator may impose a reasonable fee to cover the administrative expense with respect to processing such prepayment.

"(c) The Administrator of the Small Business Administration shall issue regulations to implement this section and to facilitate the prepayment of loans under this section within 60 days after the date of enactment of this section.".●

By Mr. LEAHY (for himself, Mr. Hatch, Mr. Thurmond, and Mr. Humphrey):

S. 438. A bill to modify the application of the antitrust laws to encourage the licensing and other use of certain intellectual property; to the Committee on the Judiciary.

INTELLECTUAL PROPERTY ANTITRUST PROTECTION ACT

Mr. LEAHY. Mr. President, today I am introducing the Intellectual Property Antitrust Protection Act of 1987. I am pleased that Senators Hatch, Thurmond, and Humphrey are joining me as original cosponsors. We will be working together on this legislation over the next few months and we will work closely with Congressman Fish who has introduced similar legislation in the House.

The purpose of this legislation is to promote competition in the international market of ideas—a market which becomes increasingly important as technology takes us into the 21st century.

The Intellectual Property Antitrust Protection Act of 1987 is designed to strengthen the ability of U.S. companies to compete in the international high-technology market. Importantly, it will allow small inventors and entrepreneurs who are a critical element of continued innovation in high technology to produce, distribute and market their ideas in a way which allows them to recover their tremendous investment in research and development. At the same time, it preserves antitrust remedies for those agreements which actually harm competition.

Under this proposal, a "rule of reason" standard would be applied to agreements to convey rights to use, practice or sublicense patented inventions, rights to use or sublicense trade secrets, or rights in a copyrighted work or mask work. Such agreements to convey intellectual property rights would no longer be deemed illegal "per se" under the antitrust laws. Instead, courts would be required to analyze such agreements on the basis of their actual effects on competition, considering all competitive factors relevant to the licensing, including its procompetitive benefits. This proposal also eliminates treble damage recoveries in actions involving such licensing agreements.

Mr. President, strong antitrust enforcement is necessary to promote competition. To maintain strong antitrust enforcement, we must recognize when our antitrust laws begin to operate against competition and modify them to produce good economic and social results.

This proposal does that by applying provisions similar to those contained in the National Cooperative Research Act to the licensing of intellectual property rights. Providing more freedom to license will be particularly helpful to small companies, individual inventors and small, specialized research operations. These innovators do not always have the resources to develop and market inventions on their own. This legislation will improve the ability of those individuals and companies to enter into arrangements which provide a more profitable return on their investment in the development of their ideas. It is also designed to provide easier access to consumers by promoting efficient distribution of those products.

Mr. President, Congress must meet the challenge to respond to the growing need to support American technology in international markets. We need to do so without abrogating the fundamental principles of our antitrust laws. I believe this proposal does that by harmonizing the procompetitive features of our patent and copyright laws with our antitrust laws.

As legal scholars and practitioners review this legislation, I would welcome comments on one particular question. That is, should this legislation set out qualifications or limitations before its detrebling provisions apply?

I hope that we can hold hearings early in this Congress to develop answers to this and other questions. I look forward to working with my colleagues on the Judiciary Committee and with Congressman Fish on this important legislation.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intellectual Property Antitrust Protection Act of 1987".

SEC. 2. RULE OF REASON STANDARD.

Agreements to convey rights—

(1) to use, practice, or sublicense an invention patented under title 35 of the United States Code,

(2) to use or sublicense a trade secret, or

(3) in a work protected under title 17 of the United States Code, or in a mask work protected under chapter 9 of such title,

shall not be deemed to be illegal per se under any of the antitrust laws.

SEC. 3. LIMITATION ON RELIEF.

(a) Private Actions.—Notwithstanding section 4 of the Clayton Act (15 U.S.C. 15) and in lieu of the relief specified in such section, any person who is entitled to recover on a claim under such section, based on an agreement to which section 2 of this Act applies, shall recover the actual damages sustained by such person, interest determined in accordance with subsection (c) on such actual damages, and the cost of such action, including a reasonable attorney's fee.

(b) Actions by State Attorneys General.—Notwithstanding section 4C of the Clayton Act (15 U.S.C. 15c) and in lieu of the relief specified in such section, any State that is entitled to monetary relief under such section based on an agreement to which section 2 of this Act applies shall be awarded as monetary relief the total damage sustained as described in section 4C(a)(1) of the Clayton Act, interest determined in accordance with subsection (c) of this section on such total damage, and the cost of such action, including a reasonable attorney's fee.

(c) Determination of Interest.—For purposes of subsections (a) and (b), interest shall be payable at the rate specified in section 1961 of title 28, United States Code, for the period beginning on the date of service of the pleading setting forth the claim involved and ending on the date of judgment, unless the court finds that awarding all or part of such interest is unjust under the circumstances.

SEC. 4. DEFINITIONS.

For purposes of this Act—

(1) the term "antitrust laws" has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)),

(2) the term "invention" has the meaning given it in section 100(a) of title 35, United States Code, and

(3) the term "mask work" has the meaning given it in section 901(a)(2) of title 17, United States Code.

Mr. HATCH. Mr. President, I am pleased today to join with Senator Leahy in introducing legislation which will improve U.S. competitiveness and benefit U.S. consumers by promoting technological innovation. This legislation is a necessary element of our efforts to provide U.S. companies the environment they need to stay competitive in world markets and is a key part of the adminstration's intellectual property initiatives.

The proposed legislation would extend the positive step taken 2 years ago in the National Cooperative Research Act by applying the licensing provisions contained in that act to all agreements to convey intellectual property rights, whether or not the property is created in a joint research effort. The legislation would require that such agreements be evaluated for antitrust purposes upon consideration of all relevant economic factors, including their procompetitive benefits. Treble damage recoveries would also be eliminated. The legislation would allow all intellectual property, not just jointly created property, to be developed and marketed in an efficient and procompetitive manner.

The requirement that agreement to convey intellectual property rights be evaluated on the basis of their reasonableness is a key part of the administration's intellectual property initiatives. We have already considered as part of the trade package the portion of these proposals protecting intellectual property, including process patents, form unfair import competition. These trade-related intellectual property proposals enjoyed bipartisan support, and will likely be included in a trade package when final action on it takes place later this Congress. The legislation I am introducing today would move forward with the key remaining element of the administration's package.

It is important that we move forward quickly to remove unnecessary impediments to the development and marketing of new technologies. Some recent judicial decisions have created uncertainty in the high-technology community by invalidating licensing practices which do not have anticompetitive consequences. By not considering all competitive effects of agreements involving intellectual property rights, such decisions subject U.S. companies to possible treble damage liability for normal competitive practices which do not harm competition. Such decisions have the effect of discouraging technological innovation at the very time it is of great importance to U.S. competitiveness that it be promoted. The proposed legislation would send a reliable signal to the courts and the business community that would encourage, rather than discourage, technological innovation.

Mr. President, we need to continue the task of insuring that the antitrust laws and intellectual property laws do not work at cross purposes, harming U.S. competiveness. The legislation we are introducing today would lessen this tension by continuing to ban practices shown to be anticompetitive under an analysis of all competitive conditions. But importantly, this legislation would prevent courts from invalidating practices which do not have anticompetitive consequences, and which, in fact, are procompetitive and encourage the development of intellectual property. This clarification of our antitrust laws will help American high-technology companies to compete effectively in the highly competitive international marketplace. I am therefore pleased to be offering this important legislation with Senator LEAHY today and hope that its introduction will lead to its early consideration.

By Mr. HEINZ:

S. 439. A bill to amend the Tariff Act of 1930 to make changes to the countervailing and antidumping provisions; to the Committee on Finance.

TRADE LAW REFORM

● Mr. HEINZ. Mr. President, the bill I am introducing today is the third in a series of bills to reform our trade laws in order to make the United States competitive internationally. The first two bills, S. 306 and S. 307, which I introduced on January 13, address the problem of more effective U.S. industry adjustment to imports and the problem of unfair trade practices undertaken by nonmarket economies.

Today's bill delves further into the problem of unfair trade practices generally by amending our antidumping and countervailing duty laws in a variety of ways to make them more effective at attacking these unfair practices. One of the problems that has been developing since these laws were significantly amended in 1979 is that the increasing familiarity of foreign governments and foreign producers with them helps them find new and ever more ingenious ways to circumvent them. Increasingly, we are seeing efforts that include outright fraud and blatant circumvention, such as efforts to disguise country of origin in order to fool the Customs Service into believing the product came from a country other than the one against which an antidumping or countervailing duty had been imposed. We also face more devious efforts by foreign governments to redesign their subsidy programs in ways that do not violate U.S. law yet maintain the subsidy in essentially the same amount. The provisions in this bill are all designed to give the Government better tools to attack these practices more effectively.

As I have said before, doing away with unfair trade practices is not going to eliminate our trade deficit and no one has claimed that it will. It is, however, an important part of the total effort, largely because of its long term effect of creating more market oriented economies throughout the world, thereby encouraging governments to focus their efforts on sectors where they have a true comparative advantage rather than to seek to manufacture that advantage artificially and contribute to world overcapacity, a problem now plaguing an increasing number of agricultural and manufacturing sectors. I discussed this problem in greater detail when I introduced the previous two bills in this series, and I expect to have more to say about it again at a later time.

At this point, Mr. President, I would like to briefly explain the provisions of this bill, and then I ask that the text of the bill be printed in the RECORD following this explanation.

SUBSIDIES CODE COMMITMENTS

PROBLEM

Prior to enactment of the Trade Agreements Act of 1979, U.S. subsidy law did not require that a domestic industry prove injury by subsidized imports in order to impose duties to offset such subsidies.

Since 1979, U.S. industry has been required to demonstrate injury as well as subsidization in those subsidy law cases where the exporting country is a "country under the Agreement," that is, a country that has agreed to limit its subsidy programs by signing the GATT Subsidies Code or assuming "equivalent obligations."

In practice, foreign governments that subsidize their industries have refused to limit their use of subsidies until they are faced with the imposition of offsetting duties in actual cases. These countries then often seek a quick deal that will gain them "GATT status" (and the benefits of a U.S. injury test) by signing a bilateral agreement in which they assume certain obligations to phase out or eliminate trade-distorting subsidies.

Experience has shown that many of the commitments the United States has accepted in the past have either not been honored, or have been ineffective in eliminating the subsidies employed by foreign governments. Following passage of the 1979 Trade Agreements Act, the United States entered into several bilateral subsidies agreements that did not produce much discipline over the use of export subsidies. In that connection, India and Pakistan are examples of particularly bad agreements. However, there are other more recent examples:

Indonesia was one of several countries that "accepted" the obligations of the Subsidies Code in 1984, clearly motivated by the desire to avoid the imposition of a subsidy duty in a pending textile case. Indonesia subsequently informed our Government that it could not meet the deadline for eliminating its major export incentive program, and our Government extended the deadline further.

Brazil repeatedly extended its phaseout deadline in the bilateral subsidies agreement it signed with the U.S. Government in 1980, and there are a number of people in this country who believed it has failed to adhere at least to the spirit of that agreement.

Korea's Export-Import Bank provided export credit subsidies for the construction of offshore oil platforms in violation of its bilateral subsidies agreement with the United States.

In testimony before the House Ways and Means Trade Subcommittee on April 15, 1986, USTR General Counsel Alan Holmer stated that the administration was now insisting on certain elements in these agreements: First, phaseout—a commitment to eliminate Code-inconsistent export subsidies within a reasonably short period time; second, standstill—a commitment not to increase or expand existing programs or to introduce new programs; and third, provisional application—recognition of the right of the United States to withdraw the application of Code benefits (that is, the U.S. injury test). This last element is now deemed necessary, because the agreements negotiated in 1979-80 have been "troublesome"—a euphemism for the repeated violations of commitments made.

PROPOSED SOLUTION

We have the right to a demand that foreign governments comply with the commitments they make to the U.S. Government to do away with their export subsidies. If they do not live up to their part of the bargain, the United States should remove the benefit of the injury test to such governments.

The Congress should therefore codify the three elements that the administration says it is now requiring in all such agreements: Phase-out, standstill and, most important, provisional application—the express right of the United States to withdraw the benefits of the Code by revoking the injury test. No more than 90 days after there has been a determination that a foreign government has violated a bilateral subsidies agreement commitment, the injury test should be revoked. USTR, in consultation with the Ways and Means and Senate Finance Committees, would be the agency responsible for making the determination as to whether a violation has occurred.

Only by writing these requirements into law can we guarantee that future administrations will follow the same policy. In addition, such codification will put the United States firmly on record with the developing countries that it means business.

SUSPENSION OF INVESTIGATIONS

This section amends section 704(b) to prevent the Commerce Department from suspending a CVD investigation based on a promise by a foreign government to apply an export tax equal to the determined net subsidy—otherwise known as an offsetting export tax—thus eliminating the export tax as a basis for suspending a countervailing duty investigation.

CRITICAL CIRCUMSTANCES

When a subsidy or dumping petition is filed, foreign producers often increase shipments immediately after the filing in order to have their products arrive before penalty duties are assessed. This circumvents the remedial intent of the law. Present law does provide for the retroactive assessment of duties—90 days before the publication of a preliminary determination—if the Commerce Department determines that evidence of an import surge exists. However, the current administration of the critical circumstances provision results in relatively few affirmative determinations for a variety of reasons.

SOLUTION

Enhance the effectiveness of provisions dealing with import surges in the early stage of dumping and subsidy cases:

Limit the role of the International Trade Commission with respect to surge rulings;

Provide more flexible guidelines in determining knowledge of dumping; and

Clarify that massive imports means relative to previous import levels from the country under investigation.

LIMITED APPLICATION OF 90-DAY REVIEW AUTHORITY

This section amends section 736(c) by adding three new criteria for the institution of expedited reviews of antidumping orders, and allows for written comments by interested parties before the decision is made to conduct such a review. The additional criteria include: First, normal antidumping time lines; Second, evidence of a significant anticipated margin differential; and third, representative sales as the basis for review.

CIRCUMVENTION OF THE ANTIDUMPING LAW THROUGH ABSORPTION OF ANTIDUMPING DUTIES—SHAM TRANSACTIONS

The purpose of the antidumping law is to remedy price discrimination across international boundaries made possible or "financed" by higher prices in the home market. The economic theory underlying this law is that price discrimination—particularly predatory price discrimination—will drive out competition and lead to high monopolistic or oligopolistic pricing by the successful foreign exporter(s). Congress sought to remedy this economic evil by regulating market behavior so as to eliminate the unfair pricing.

There are three possible methods by which that remedy can be achieved. First, the foreign exporter can reduce some market prices so that low-priced exports to the United States cannot be financed through profits gained from the home market. Second, the foreign exporter can increase prices to the United States so as to eliminate the margin of dumping and the injurious impact of discriminatory pricing. Third, antidumping duties can be assessed to the extent of unfair pricing. This last alternative assumes that a rational economic actor will pass any antidumping duties imposed through to U.S. purchasers. Indeed, only in that manner can the remedial effect of antidumping duties be felt in the marketplace and thus redress the injury to the United States industry. Traditional antidumping theory did not contemplate the absorption of antidumping duties by the foreign exporter and thus the nullification of the remedial impact of an antidumping duty order.

CURRENT REMEDY

Section 353.55 of the antidumping regulations provide for a deduction from United States price equal to the amount of any antidumping duties reimbursed or absorbed by the foreign exporter. This provision has the effect of essentially doubling the margin of dumping in an instance of reimbursement or absorption. Such a solution to the absorption problem is consistent with the treatment of regular duties as selling expenses directly related to the transactions under consideration. In terms of theoretical consistency with the purpose of the antidumping law, this provision also might be viewed as a long-term method of providing the intended remedial effect; that is, that the increased cost attendant to the imposition of antidumping duties, even though absorbed in the short term, would force the company to modify pricing in the long term as the duty assessments accumulated.

NULLIFICATION OF THE REMEDIAL EFFECT

The current provision for absorption/reimbursement of antidumping duties fails to achieve the law's intended remedial effect for two reasons. Congress contemplated that injured domestic industries would receive an immediate remedy for the devastating impact of discriminatory and predatory pricing known as dumping. The "penalty" achieved through the doubling of dumping margins merely sustains the injurious impact until such time as the foreign exporter might be forced to pass through the added cost. During that period, the foreign exporter could achieve the perceived evil of eliminating competition in the United States and recovering those added costs through monopolistic or oligopolistic pricing. Indeed, a foreign exporter willing to absorb significant antidumping duties gives evidence of engaging in the most predatory, pernicious form of dumping that would remain unremedied by the current regulations.

Granted, that would be economic behavior not contemplated by the antidumping law, but it is hardly unprecented. Foreign producers have in the past demonstrated their willingness to absorb antidumping duties to achieve sales, maintain employment and thereby justify capital investment by the company and the foreign government. Those objectives are often sufficiently important to the producers and their governments that they will remain willing to absorb substantial liability long after domestic competitors become permanently crippled by these unfair practices. The only means to insure that the antidumping law has its intended remedial impact is to assess antidumping duties on the ultimate U.S. purchaser. The amendment achieves that result by providing discretion for the Commerce Department to determine that a sham transaction has occurred in circumstances like those I have described and reassess the duty accordingly.

DEFINITION OF SUBSIDY

AMENDMENT

Under current law, subsidy duties can only be applied against loans that are inconsistent with commercial considerations and against the provision of goods or services on preferential terms. The amendment would clarify that a subsidy includes the provision of goods or services or capital on preferential terms or on terms inconsistent with commercial considerations.

ARGUMENT

This amendment corrects a drafting error left over from 1979 and more accurately reflects congressional intent that there be a broad definition of subsidy. Distinguishing between "preferential terms" and "inconsistent with commercial considerations" is artificial and makes no sense. I was one of the authors of this provision in 1979, and the earliest versions of it, embodied in legislation introduced by Senator MOYNIHAN and myself, did not contain this error. It is past time we corrected it.

MATERIAL INJURY AND THREAT OF MATERIAL INJURY

This provision is similar to section 134 of H.R. 4800, last year's House-passed trade bill. Following is an excerpt from the Ways and Means Committee report on the comparable provision:

[This section] makes certain amendments to mandate specifically cross-statute cumulation, and to require cumulation to the extent practicable in cases involving threat of material injury.

In determining material injury, ITC must cumulatively assess the volume and price effects of imports of a product from two or more countries if such imports either (a) are currently subject to any antidumping or countervailing duty investigations or within the past 12 months were subject to any antidumping or countervailing duty investigation which resulted in a final order, suspension agreement, or termination based on a quantitative restraint agreement. The additional requirement that such imports, to be cumulated, must compete with each other and with the like product of the domestic industry is retained.

In determining threat of material injury, the ITC must, to the extent practicable, cumulatively assess the increases in market penetration and price effects of imports from two or more countries if such imports are currently subject to any antidumping or countervailing duty investigation, and such imports compete with each other and with the like product of the domestic industry.

* * *

[The provisions also] add three new factors for the ITC to consider in determining threat of material injury. The first is evidence of foreign export targeting. * * * The second is diversion of foreign products to the U.S. market by reason of restraints on exports of the merchandise to, or on imports of the merchandise into, third country markets.

In investigations involving dumping, the Commission would also be required to consider whether dumping of the same merchandise by the same party in other GATT member markets suggests a threat of material injury to the U.S. industry. The Commission must request information concerning this issue from the foreign manufacturer, exporter, or U.S. importer. If they fail to present specific and convincing evidence that the previous finding(s) of dumping in other markets does not suggest a threat of injury to the U.S. industry, the Commission may draw adverse inferences. * * *

[The section] adds a new paragraph (g) to section 771(7) setting forth "special rules for fungible products" with regard to the International Trade Commission's determination of material injury or threat thereof in cases involving fungible products. The term "fungible product"; is defined as "merchandise sold by weight or volume without significant product differentiation in such merchandise whether produced by foreign or domestic producers.

The rules provide that the Commission should not make a negative determination with regard to material injury or threat thereof in fungible products cases solely on the basis of evidence with respect to the following four factors:

First, sales or offers of sale of the imported merchandise were not the first sales or offers at a reduced price in the relevant market;

Second, price declines of similar magnitude occurred in other comparable markets (including submarkets or localities) where there is a relationship between the prices in such markets and the prices in the import impacted market;

Third, U.S. producers also import the merchandise under investigation; or

Fourth, U.S. producers of the product are profitable.

My proposal differs from the House bill in several minor respects. It eliminates the requirement that imports compete with each other in order to be cumulated, which addresses the problem of regional industries; and it provides for somewhat broader cumulation in cases where a petition has been dismissed because of a quantitative restraint agreement.

DIVERSIONARY DUMPING, MONITORING, AND UPSTREAM SUBSIDIES

PROBLEM

Diversion is the evasion of U.S. dumping and subsidy laws. It occurs when products that are subsidized or sold at dumped prices are further processed or are used as components in "downstream" products. It is also used to evade restrictions in voluntary restraint arrangements, like those presently in effect on steel.

If the component production is subsidized, the practice is called "upstream subsidization." If the component is being sold at a dumped price, the practice is called "diversionary dumping."

Diversion is already a problem:

Imports of screw machine products, which are made from steel bar, have increased about 50 percent since 1979;

Imports of nine key categories of forgings have increased by almost 75 percent since 1981;

Imports of ball and roller bearings have increased by over 25 percent above the 1978-83 average; and

Overall, the steel content of U.S. imports increased 136 percent from 1977 to 1984.

Diversion is becoming more serious:

The European Community more than doubled its shipments of cold finished bar when restraints were placed on that product's raw material, hot rolled bar;

A number of schemes have surfaced recently in which steel from countries under quota agreements is to be diverted for processing in nonagreement countries; and

Japanese fiber producers have sought to avoid a 23-percent dumping duty on plied acrylic yarn by using surrogate processors in other countries.

AMENDMENT

First. Allows application of a "cost of production" analysis in cases where it is alleged that materials or components of the imported product are purchased at a price less than their "foreign market" value, and that such inputs have a significant effect on the price of the finished product. In the interest of administrability, it would be applicable only in cases where the inputs themselves are also subject to an outstanding dumping order or are covered by a suspension agreement or voluntary restraint—where there had previously been at least a preliminary affirmative determination. In the determination of fair market value of the finished product, it would require that the margin of dumping on the input—as determined in its own prior dumping investigation—be factored into the determination of whether that downstream product is fairly priced in sales to the U.S. market. Where the input product is covered by a suspension agreement or VRA, it would use the "best available evidence" to determine the dumping margin of the input. Respondents, of course, would have full opportunity to present their evidence and cost figures. Some additional time would be provided for this kind of investigation, and a number of other qualifying conditions would have to be met.

Second. Authorizes the International Trade Commission [ITC] to monitor increases in imports of downstream products that are likely to be the vehicles for diversion. Where large—15 percent or more—dumping or subsidy duties have been imposed on imput products—or where a suspension agreement is used to settle a dumping or subsidy case involving a large—15 percent or more—preliminary determination of unfair trading—U.S. producers would be able to identify to the Commerce Department downstream products that use the dumped or subsidized inputs as major raw materials or components. Commerce would then determine which of those products qualify under the statutory test and refer its list to the ITC. The ITC in turn would monitor imports of those products, analyze the data, and give public notice of those cases in which imports from a foreign country increase by more than 5 percent in any quarter. Following such notice, the domestic industry concerned or the Commerce Department could institute an investigation into the possibility of dumping or subsidization.

Third. Would enlarge the third-country application of the upstream subsidy law from subsidies paid by a customs union to subsidies paid or authorized by a customs union or its members. This change would recognize the realities of trade within a customs union, where a subsidy granted by one member country has the same economic effect as subsidy granted by another member or by the customs union itself.

GOVERNMENT PAYMENT OF AD/CVD DUTIES

AMENDMENT

Clarifies that U.S. Government agencies are not exempt from antidumping and countervailing duties if they import such merchandise.

BACKGROUND

The principle is very simple—the Government is no different from anyone else and should not be exempt from paying extra duties on dumped and subsidized imports. Since governmental importations of dumped and subsidized products can injure U.S. producers of like products just as much as purchases by private sector importers, it should be made clear that the Government is not exempt from the imposition of penalty duties on dumped and subsidized products imported by it or for its use.

The Commerce Department recently had this issue under review for possible administrative revision and decided not to change its practice of not requiring such duties to be paid on the grounds that Congress had had previous opportunities to clarify the statute and had not done so. Therefore, we must have wanted it this way. Interestingly, Commerce in that same determination explicitly rejected both the policy arguments and the legal arguments for not paying such duties. I believe Congress' failure to address this problem is nothing more than an oversight—one which one should promptly correct.

EXPORTER'S SALES PRICE

Under the antidumping law, the exporter's sales price [ESP] is calculated in transactions involving sales between related parties. The exporter's sales price is used as a proxy for the price that a foreign seller would have charged to an unrelated U.S. purchaser in the absence of a middleman related to the foreign seller. The exporter's sales price is derived by taking the selling price of the related importer to a U.S. customer and deducting from that price all of the expenses incurred in selling the merchandise in the United States.

However, there are various problems in the way the Commerce Department calculates the exporter's sales price. First, the administering authority does not deduct a reasonable profit earned by the related party importer. This practice has the effect of inflating the exporter's sales price by the amount of such profit and reduces the possible dumping margin by that amount. As a result, the dumping margin can vary depending on whether the foreign company sells to a related party or to an unrelated one. Second, given the complexity of deducting selling expenses and profits in calculating the exporter's sales price, administration of the dumping law could be streamlined by permitting the use of transfer prices as the basis for the ESP. Third, in determining the foreign market value, the Commerce Department currently deducts from the home market price a portion of the indirect selling expenses incurred in the home market. The amount of the adjustment may be equal to but not in excess of the amount of the indirect selling expenses deducted in calculating the exporter's sales price for U.S. sales. However, there is no statutory requirement for this ESP offset. Moreover, because no such offset is imposed on sales to unrelated parties, the practice results in the reduction of potential dumping margins in cases where the foreign exporter sells to a related party.

To address these problems, the proposed amendments would require the deduction of a reasonable profit in determining the exporter's sales price when a foreign company sells to a related party in the United States. In addition, the legislation would permit the use of transfer prices between related parties as the basis for the exporter's sales price, when such prices have been determined to be the appropriate basis for transaction value. To discourage the fabrication of transfer prices, the proposal specifies that the exporter's sales price should be calculated in the traditional manner whenever such calculation reveals a lower U.S. price. Finally, statutory language is proposed to prevent the Commerce Department from reducing or eliminating dumping margins through the use of the ESP offset.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATIONS ON ACCEPTANCE OF COUNTRY UNDER THE AGREEMENT.

Section 701 of the Tariff Act of 1930 (19 U.S.C. 1671) is amended—

(1) by inserting "which meets the requirements of subsection (c) and" after "means of country" in subsection (b),

(2) by redesignating subsection (c) as subsection (f), and

(3) by inserting after subsection (b) the following new subsections:

"(c) ADDITIONAL REQUIREMENTS.—A country meets the requirements of this subsection if such country has made a commitment to—

"(1) eliminate its export subsidies—

"(A) in the case of countries that are not least developed countries, within 1 year, and

"(B) in the case of least developed countries—

"(i) within 1 year on those products in which such country is competitive, and

"(ii) within 5 years on all other products, and

"(2) not increase, extend, or add export subsidies.

"(d) PROVISIONAL APPLICATION.—The United States shall expressly reserve the right to terminate 'country under the Agreement' status if a country fails to honor any term of an agreement described in subsection (b) or (c).

"(e) REVIEW OF COMPLIANCE; TERMINATION OF STATUS.—

"(1) REVIEW.—The administering authority shall review the current status of, and compliance with, the agreements described in subsection (b) or (c) at least once during each 12-month period following the date on which the agreement becomes effective.

"(2) PUBLICATION OF DETERMINATIONS.—The administering authority shall determine whether each foreign country has honored each term of the agreements described in subsection (b) or (c) that such country entered into and shall publish such determinations in the Federal Register by no later than the date that is 45 days after the anniversary of the effective date of the agreement.

"(3) TERMINATION OF STATUS; SUSPENSION OF LIQUIDATION.—

"(A) IN GENERAL.—If the administering authority, in consultation with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, determines that a foreign country has failed to honor any term of an agreement described in subsection (b) or (c) that such country entered into—

"(i) such country shall cease to be treated as a country under the Agreement for purposes of this Act on and after the day that is 90 days after the date on which such determination is published in the Federal Register, and

"(ii) the administering authority shall—

"(I) order the suspension of liquidation of all entries, and withdrawals from warehouse, for consumption after such day of all merchandise of such country that has, at any time, been the subject of an affirmative determination under section 705(a), and

"(II) initiate investigations under section 303 with respect to such merchandise on such day.

"(B) NEGATIVE PRELIMINARY DETERMINATION.—If the preliminary determination of the administering authority described in section 703(b) in an investigation conducted under section 303 is negative, the administering authority shall terminate on the day of such preliminary determination any suspension of liquidation ordered under subparagraph (A)(ii)(I) with respect to the merchandise that is involved in such investigation.".

SEC. 2. SUSPENSION OF INVESTIGATIONS.

(a) Paragraph (1) of section 704(b) of the Tariff Act of 1930 (19 U.S.C. 1671c(b)(1)) is amended to read as follows:

"(1) to eliminate the subsidy completely with respect to that merchandise exported directly or indirectly to the United States after the date on which the investigation is suspended, or".

(b) Subsection (b) of section 704 of the Tariff Act of 1930 (19 U.S.C. 1671c(b)) is amended by striking out "OR OFFSET COMPLETELY" in the heading.

SUBTITLE B—IMPROVEMENT IN THE ENFORCEMENT OF ANTIDUMPING AND COUNTERVAILING DUTIES

SEC. 3. CRITICAL CIRCUMSTANCES DETERMINATIONS.

(a)(1) Section 702 of the Tariff Act of 1930 (19 U.S.C. 1671a) is amended by adding at the end thereof the following new subsection:

"(e) SURGE OF IMPORTS.—

"(1) MONITORING AND SUSPENSION OF LIQUIDATION.—If the determination under subsection (c) is affirmative and the petition alleges that a subsidy is inconsistent with the Agreement, or if an investigation is commenced under subsection (a) and the administering authority has reason to believe that a subsidy is inconsistent with the Agreement, the administering authority shall immediately—

"(A) notify the United States Customs Service of such determination and direct customs officers to collect and forward to the administering authority (at least once every 7 days until a final determination is made under section 705(a) or the investigation is terminated) information on the volume and value of entries of the class or kind of merchandise which is the subject of the investigation,

"(B) shall order the suspension of liquidation of all entries of such merchandise which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of such determination in the Federal Register, and

"(C) begin monitoring (until a final determination is made under section 705(a) or the investigation is terminated) the volume of imports of such merchandise to determine whether the volume of such imports has significantly increased over the volume of such imports prior to the date on which the petition is filed under subsection (b)(1) or on which the investigation is commenced under subsection (a).

"(2) Publication of determination.—The administering authority shall publish in the Federal Register notice of any affirmative determination made under paragraph (1)(C) as soon as practicable.

"(3) Limitation on determination.—No determination may be made under paragraph (1)(C) prior to the date that is 60 days after—

"(A) the date on which the petition that initiated the investigation is filed under subsection (b), or

"(B) the date on which the investigation is commenced under subsection (a).".

(2)(A) Subsection (b) of section 703 of the Tariff Act of 1930 (19 U.S.C. 1671b(b)) is amended by adding at the end thereof the following sentence: "If the determination of the administering authority under this subsection is negative, the administering authority shall terminate any suspension of liquidation ordered under section 702(e)(1)(B) with respect to the merchandise that is the subject of the investigation.".

(B) Paragraph (1) of section 703(d) of the Tariff Act of 1930 (19 U.S.C. 1671b(d)(1)) is amended by inserting ", if suspension of liquidation has not been ordered under section 702(e)(1)(B)," after "shall".

(C) Paragraph (1) of section 703(e) of the Tariff Act of 1930 (19 U.S.C. 1671b(e)(1)) is amended by striking out "If a petitioner alleges critical circumstances in its original petition, or by amendment" in paragraph (1) and inserting in lieu thereof "If the administering authority has made an affirmative determination under section 702(e)(1)(C)".

(D) Paragraph (2) of section 703(e) of the Tariff Act of 1930 (19 U.S.C. 1671b(e)(2)) is amended to read as follows:

"(2) Suspension of liquidation; posting of bond.—If the determination of the administering authority under paragraph (1) is affirmative—

"(A) the administering authority shall order the posting of a cash deposit, bond, or other security under subsection (d)(2) for, and

"(B) any suspension of liquidation ordered under this subtitle shall apply to, or, if notice of such suspension of liquidation is already published, be amended to apply to, unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the date on which the notice of the preliminary determination made under subsection (b) is published in the Federal Register.".

(3)(A) Section 704 of the Tariff Act of 1930 (19 U.S.C. 1671c) is amended by adding at the end thereof the following new subsection:

"(l) Effect of Termination of Investigation.—If an investigation under this subtitle is terminated, the administering authority shall—

"(1) terminate any suspension of liquidation ordered under this subtitle with respect to entries of the merchandise which was the subject of the investigation, and

"(2) release any cash deposit, bond, or other security required under this subtitle with respect to such entries.".

(B) Paragraph (2) of section 704(f) of the Tariff Act of 1930 (19 U.S.C. 1671c(f)(2)) is amended—

(i) by striking out "section 703(d)(1)" each place it appears and inserting in lieu thereof "this subtitle",

(ii) by striking out "section 703(d)(1)" in subparagraph (A)(iii) and inserting in lieu thereof "section 703(d)(2)", and

(iii) by striking out "pursuant to a previous affirmative preliminary determination" each place it appears and inserting in lieu thereof "under this subtitle".

(C) Paragraph (3) of section 704(h) of the Tariff Act of 1930 (19 U.S.C. 1671c(h)(3)) is amended by striking out "section 703(d)(1)" and inserting in lieu thereof "this subtitle".

(D) Subsection (i) of section 704 of the Tariff Act of 1930 (19 U.S.C. 1671c(i)) is amended by striking out "under section 703(d)(1)" in paragraph (1)(A).

(4)(A) Paragraph (2) of section 705(a) of the Tariff Act of 1930 (19 U.S.C. 1671d(a)(2)) is amended to read as follows:

"(2) Critical circumstances.—If the final determination of the administering authority under paragraph (1) is affirmative and the administering authority has made an affirmative determination under section 702(e)(1)(C), such final determination shall also contain a finding as to whether—

"(A) the alleged subsidy is inconsistent with the Agreement, and

"(B) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

Such findings may be affirmative even though the preliminary determination under section 703(e)(1) was negative.".

(B) Paragraph (4) of section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(4)) is amended to read as follows:

"(4) Additional finding if threat of injury found.—If the final determination of the Commission under paragraph (1) is that there is no material injury but that there is threat of material injury, such determination shall include a finding as to whether material injury by reason of imports of the merchandise with respect to which the administering authority has made an affirmative determination under subsection (a) would have been found but for any suspension of liquidation of entries of that merchandise.".

(C) Subparagraph (B) of section 705(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1671d(c)(1)(B)) is amended by striking out "under paragraphs (1) and (2) of section 703(d) the suspension of liquidation and" and inserting in lieu thereof "the suspension of liquidation of all entries of the merchandise that is the subject of the investigation and shall order under section 703(d)(2)".

(D) Paragraph (2) of section 705(c) of the Tariff Act of 1930 (19 U.S.C. 1671d(c)(2)) is amended—

(i) by striking out subparagraphs (A) and (B), and

(ii) by striking out "and the administering authority shall—" and inserting in lieu thereof a period.

(E) Paragraph (3) of section 705(c) of the Tariff Act of 1930 (19 U.S.C. 1671d(c)) is amended to read as follows:

"(3) Effect of certain determinations on suspensions of liquidation and collection of bond or cash deposit.—If the determination of the administering authority under subsection (a)(2) is negative or the determination of the Commission under subsection (b)(1) is that there is no material injury but that there is a threat of material injury or that the establishment of an industry in the United States is materially retarded, the administering authority shall—

"(A) terminate any suspension of liquidation ordered under this subtitle of entries of the merchandise entered, or withdrawn from warehouse, for consumption before the date on which the preliminary determination made under section 703(b) was published in the Federal Register, and

"(B) release any bond or other security and refund any cash deposit required under section 703(d)(2) with respect to such entries.".

(F) Paragraph (4) of section 705(c) of the Tariff Act of 1930 (19 U.S.C. 1671d(c)(4)) is amended—

(i) by inserting "or 702(e)(1)(B)" after "section 703(d)" in subparagraph (B),

(ii) by striking out "suspension of liquidation was first ordered" in subparagraph (B) and inserting in lieu thereof "the preliminary determination made under section 703(b) was published in the Federal Register", and

(iii) by striking out "suspension of liquidation is first ordered" in subparagraph (C) and inserting in lieu thereof "the preliminary determination made under section 703(b) was published in the Federal Register".

(5) Subsection (b) of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303(b)) is amended by striking out paragraph (3) and redesignating paragraph (4) as paragraph (3).

(b)(1) Section 732 of the Tariff Act of 1930 (19 U.S.C. 1673a) is amended by adding at the end thereof the following new subsection:

"(e) Surge of Imports.—

"(1) Monitoring and suspension of liquidation.—If the determination under subsection (c) is affirmative, or if the investigation is commenced under subsection (a), the administering authority shall immediately—

"(A) notify the United States Customs Service of such determination and direct customs officers to collect and forward to the administering authority (at least once every 7 days until a final determination is made under section 735(a) or the investigation is terminated) information on the volume and value of entries of the class or kind of merchandise which is the subject of the investigation, and

"(B) begin monitoring (until a final determination is made under section 735(a) or the investigation is terminated) the volume of imports of such merchandise to determine whether the volume of such imports has significantly increased over the volume of such imports prior to the date on which the petition is filed under subsection (b)(1) or on which the investigation is commenced under subsection (a).

"(2) Publication of determination.—The administering authority shall publish in the Federal Register notice of any affirmative determination made under paragraph (1)(B) as soon as practicable.

"(3) LIMITATION ON DETERMINATION.—No determination may be made under paragraph (1)(B) prior to the date that is 60 days after—

"(A) the date on which the petition that initiated the investigation is filed under subsection (b), or

"(B) the date on which the investigation is commenced under subsection (a).

"(4) SUSPENSION OF LIQUIDATION.—On the date that is 70 days after the date on which a petition is filed under subsection (b), or on which the investigation is commenced under subsection (a), the administering authority shall order the suspension of liquidation of all entries of the merchandise that is the subject of the investigation which are entered, or withdrawn from warehouse, for consumption on or after the date on which such order is issued. Notice of such suspension shall be published in the Federal Register on the date on which such order is issued.".

(2)(A) Paragraph (1) of section 733(b) of the Tariff Act of 1930 (19 U.S.C. 1673b(b)) is amended by adding at the end thereof the following sentence: "If the determination of the administering authority under this paragraph is negative, the administering authority shall terminate the suspension of liquidation ordered under section 732(e)(4).".

(B) Subsection (d) of section 733 of the Tariff Act of 1930 (19 U.S.C. 1673b(d)) is amended by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(C) Paragraph (1) of section 733 of the Tariff Act of 1930 (19 U.S.C. 1673b(d)(1)), as redesignated by subparagraph (B), is amended to read as follows:

"(1) shall order the posting of a cash deposit, bond, or other security, as it deems appropriate, for each entry of the merchandise subject to the investigation which is entered, or withdrawn from warehouse for consumption on or after the date of publication of the notice of such determination in the Federal Register in an amount equal to the estimated average amount by which the foreign market value exceeds the United States price, and".

(D) Paragraph (1) of section 733(e) of the Tariff Act of 1930 (19 U.S.C. 1673b(e)(1)) is amended by striking out "If a petitioner alleges critical circumstances in its original petition, or by amendment" in paragraph (1) and inserting in lieu thereof "If the administering authority has made an affirmative determination under section 732(e)(1)(B)".

(E) Paragraph (2) of section 733(e) of the Tariff Act of 1930 (19 U.S.C. 1673b(e)(2)) is amended to read as follows:

"(2) SUSPENSION OF LIQUIDATION; POSTING OF BOND.—If the determination of the administering authority under paragraph (1) is affirmative—

"(A) the administering authority shall order the posting of a cash deposit, bond, or other security under subsection (d)(1) for, and

"(B) any suspension of liquidation ordered under this subtitle shall apply to, or, if notice of such suspension of liquidation is already published, be amended to apply to, unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the date on which notice of the preliminary determination made under subsection (b) is published in the Federal Register.".

(3)(A) Section 734 of the Tariff Act of 1930 (19 U.S.C. 1673c) is amended by adding at the end thereof the following new subsection:

"(l) EFFECT OF TERMINATION OF INVESTIGATION.—If an investigation under this subtitle is terminated, the administering authority shall—

"(1) terminate any suspension of liquidation ordered under this subtitle with respect to entries of the merchandise which was the subject of the investigation, and

"(2) release any cash deposit, bond, or other security required under this subtitle with respect to such entries.".

(B) Paragraph (2) of section 734(f) of the Tariff Act of 1930 (19 U.S.C. 1673c(f)(2)) is amended—

(i) by striking out "section 733(d)(1)" each place it appears and inserting in lieu thereof "this subtitle",

(ii) by striking out "section 733(d)(2)" each place it appears and inserting in lieu thereof "section 733(d)(1)", and

(iii) by striking out "pursuant to a previous affirmative preliminary determination" each place it appears and inserting in lieu thereof "under this subtitle".

(C) Paragraph (3) of section 734(h) of the Tariff Act of 1930 (19 U.S.C. 1673c(h)(3)) is amended—

(i) by striking out "section 733(d)(1)" and inserting in lieu thereof "this subtitle", and

(ii) by striking out "section 733(d)(2)" and inserting in lieu thereof "section 733(d)(1)".

(D) Subsection (i) of section 734 of the Tariff Act of 1930 (19 U.S.C. 1673c(i)) is amended by striking out "under section 733(d)(1)" in paragraph (1)(A).

(4)(A) Paragraph (3) of section 735(a) of the Tariff Act of 1930 (19 U.S.C. 1673d(a)(3)) is amended to read as follows:

"(3) CRITICAL CIRCUMSTANCES.—If the final determination of the administering authority under paragraph (1) is affirmative and the administering authority has made an affirmative determination under section 732(e)(1)(B), such final determination shall also contain a finding as to whether—

"(A) either—

"(i) there is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or

"(ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value, and

"(B) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

Such findings may be affirmative even though the preliminary determination under section 733(e)(1) was negative.".

(B) Paragraph (4) of section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(4)) is amended to read as follows:

"(4) ADDITIONAL FINDING IF THREAT OF INJURY FOUND.—If the final determination of the Commission under paragraph (1) is that there is no material injury but that there is threat of material injury, such determination shall include a finding as to whether material injury by reason of imports of the merchandise with respect to which the administering authority has made an affirmative determination under subsection (a) would have been found but for any suspension of liquidation of entries of that merchandise.".

(C) Paragraph (2) of section 735(c) of the Tariff Act of 1930 (19 U.S.C. 1673d(c)(2)) is amended—

(i) by striking out subparagraphs (A) and (B), and

(ii) by striking out "and the administering authority shall—" and inserting in lieu thereof a period.

(D) Subparagraph (B) of section 735(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1673d(c)(1)(B)) is amended by striking out "under paragraphs (1) and (2) of section 733(d) the suspension of liquidation and" and inserting in lieu thereof "the suspension of liquidation of all entries of the merchandise that is the subject of the investigation and shall order under section 733(d)(1)".

(E) Paragraph (3) of section 735(c) of the Tariff Act of 1930 (19 U.S.C. 1673d(c)) is amended to read as follows:

"(3) EFFECT OF CERTAIN DETERMINATIONS ON SUSPENSIONS OF LIQUIDATION AND COLLECTION OF BOND OR CASH DEPOSIT.—If the determination of the administering authority under subsection (a)(2) is negative or the determination of the Commission under subsection (b)(1) is that there is no material injury but that there is a threat of material injury or that the establishment of an industry in the United States is materially retarded, the administering authority shall—

"(A) terminate any suspension of liquidation ordered under this subtitle of entries of the merchandise that is the subject of the investigation which were entered, or withdrawn from warehouse, for consumption before the date on which the preliminary determination made under section 733(b) was published in the Federal Register, and

"(B) release any bond or other security and refund any cash deposit required under this subtitle with respect to such entries.".

(F) Paragraph (4) of section 735(c) of the Tariff Act of 1930 (19 U.S.C. 1673d(c)(4)) is amended—

(i) by inserting "previously ordered under this subtitle" after "suspension of liquidation" in subparagraph (B),

(ii) by striking out "section 733(d)" in subparagraph (B) and inserting in lieu thereof "section 733(d)(2)",

(iii) by striking out "suspension of liquidation was first ordered" in subparagraph (B) and inserting in lieu thereof "the preliminary determination made under section 733(b) was published in the Federal Register", and

(iv) by striking out "suspension of liquidation is first ordered" in subparagraph (C) and inserting in lieu thereof "the preliminary determination made under section 733(b) was published in the Federal Register".

(5) Paragraph (1) of section 736(b) of the Tariff Act of 1930 (19 U.S.C. 1673e(b)(1)) is amended by striking out "section 733(d)(1)" each place it appears and inserting in lieu thereof "this subtitle".

(6) Subsection (a) of section 737 of the Tariff Act of 1930 (19 U.S.C. 1673f(a)) is amended by striking out "section 733 (D) (2)" in the heading and in the text and inserting in lieu thereof "section 733(d)(1)".

SEC. 4. LIMITED APPLICATION OF 90-DAY REVIEW AUTHORITY.

(a) Paragraph (1) of section 736(c) of the Tariff Act of 1930 (19 U.S.C. 1673e(c)(1)) is amended to read as follows:

"(1) CONDITIONS FOR WAIVER OF DEPOSIT OF ESTIMATED DUTIES.—The administering authority may permit, for not more than 90 days after the date of publication of an order under subsection (a), the posting of a bond or other security in lieu of the deposit of estimated antidumping duties required under subsection (a)(3) if—

"(A) the investigation has not been designated as extraordinarily complicated by reason of—

"(i) the number and complexity of the transactions to be investigated or adjustments to be considered,

"(ii) the novelty of the issues presented, or

"(iii) the number of firms whose activities must be investigated,

"(B) the final determination in the investigation has not been postponed under section 735(a)(2)(A);

"(C) on the basis of information presented to the administering authority by any manufacturer, producer, or exporter in such form and within such time as the administering authority may require, the administering authority is satisfied that a determination will be made, within 90 days after the date of publication of an order under subsection (a), of the foreign market value and the United States price for all merchandise of such manufacturer, producer, or exporter described in that order which was entered, or withdrawn from warehouse, for consumption on or after the date of publication of—

"(i) an affirmative preliminary determination by the administering authority under section 733(b), or

"(ii) if its determination under section 733(b) was negative, an affirmative final determination by the administering authority under section 735(a),

and before the date of publication of the affirmative final determination by the Commission under section 735(b);

"(D) the person described in subparagraph (C) provides credible evidence that the amount by which the foreign market value of the merchandise exceeds the United States price of the merchandise is significantly less than the amount of such excess specified in the antidumping duty order published under subsection (a); and

"(E) the data concerning the foreign market value and the United States price apply to sales in the usual commercial quantities and in the ordinary course of trade and the number of such sales are sufficient to form an adequate basis for comparison.".

(b) Subsection (c) of section 736 of the Tariff Act of 1930 (19 U.S.C. 1673e(c)) is amended by adding at the end thereof the following new paragraph:

"(4) PROVISION OF CONFIDENTIAL INFORMATION; WRITTEN COMMENTS.—Before determining whether to permit the posting of bond or other security under paragraph (1) in lieu of the deposit of estimated antidumping duties, the administering authority shall—

"(A) make all confidential information supplied to the administering authority under paragraph (1) available under a protective order described in section 777(c)(1)(B) to all interested parties described in subparagraph (C), (D), (E), or (F) of section 771(9), and

"(B) afford all interested parties an opportunity to file written comments on whether the posting of bond or other security under paragraph (1) in lieu of the deposit of estimated antidumping duties should be permitted.".

SEC. 5. TRANSACTIONS DESIGNED TO EVADE PAYMENT OF ANTIDUMPING DUTIES.

Subtitle B of title VII of the Tariff Act of 1930 is amended by adding at the end thereof the following new section:

"SEC. 739. TRANSACTIONS DESIGNED TO EVADE PAYMENT OF ANTIDUMPING DUTIES.

"(a) In General.—If the administering authority determines that merchandise is imported into the customs territory of the United States by, or for the account of, a manufacturer, producer, seller or exporter (as defined in section 771(13)) for the purpose of absorbing antidumping duties imposed under this title on behalf of a United States purchaser, the administering authority shall declare the importation a sham transaction and direct customs officers to treat the United States purchaser as the importer of record solely liable for the payment of such duties.

"(b) Factors To Be Considered.—Factors which demonstrate that the transaction is a sham include—

"(1) the manufacturer, producer, seller or exporter had actual or constructive notice of an actual or potential antidumping proceeding;

"(2) the transaction is an unusual method of importation by, or for the account of, the manufacturer, producer, seller or exporter; and

"(3) the size and nature of the exporter's commercial operations with respect to the merchandise in the United States is not significant.".

SEC. 6. DEFINITION OF DOMESTIC SUBSIDY.

Section 771(5)(B) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(B)) is amended—

(1) by striking out clauses (i) and (ii) and inserting the following new clause:

"(i) The provision of capital, loans, loan guarantees, goods, or services at preferential rates or on terms inconsistent with commercial considerations.".

(2) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

SEC. 7. MATERIAL INJURY AND THREAT OF MATERIAL INJURY.

Paragraph (7) of section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(7)) is amended—

(1) by amending clause (iv) of subparagraph (C) to read as follows:

"(iv) Cumulation.—For purposes of clauses (i) and (ii), the Commission shall cumulatively assess the volume and effect of imports from two or more countries of like products if such imports compete with like products of the domestic industry, in the United States market, and if such imports—

"(I) are subject to any investigation under section 303, 701, or 731;

"(II) are subject to any final order or suspension agreement resulting from an investigation under section 303, 701, or 731; or

"(III) were entered before any quantitative restraint was imposed on the importation of such products, if such restraint was the basis on which a petition filed under section 303, 701, or 731 was withdrawn after the administering authority made an affirmative preliminary determination on the petition.

Subclause (II) applies only if the order, or agreement, came into effect within the 12-month period ending on the date the investigation with respect to which this clause is being applied is initiated.";

(2) by amending clause (i) of subparagraph (F) (as amended by section 132(b))—

(A) by inserting the following before the comma at the end of subclause (I): "provided by a foreign country and effects likely to be caused by the subsidy";

(B) by striking out "and" at the end of subclause (VIII);

(C) by striking out the period at the end of subclause (IX) and inserting in lieu thereof ", and"; and

(D) by adding at the end thereof the following new subclauses:

"(X) any government plan or scheme consisting of a combination of coordinated government actions, whether carried out severally or jointly, that are bestowed on a specific enterprise, industry, or group thereof the effect of which is to assist the enterprise, industry, or group to become more competitive in the export of the merchandise; and

"(XI) the extent to which the United States is a focal point for exports of the merchandise by reason of restraints on exports of the merchandise to, or on imports of the merchandise into, third country markets.";

(3) by adding at the end of paragraph (F) the following new clauses:

"(iii) Cumulation.—To the extent practicable, for purposes of clause (i), (III) and (IV), the Commission shall cumulatively assess the volume and effect of imports from two or more countries of like products if such imports compete with like products of the domestic industry, in the United States market; and are subject to—

"(I) any investigation under section 303, 701, or 731;

"(II) any suspension agreement involving a quantitative restraint resulting from an investigation under Section 303, 701, or 731; or

"(III) any quantitative restraint, if such restraint was the basis on which a petition filed under Section 303, 701, or 731 was withdrawn after the administering authority made an affirmative preliminary or final determination on the petition."

"(iv) Effect of dumping in third-country markets.—In investigations under subtitle B, the Commission shall consider whether dumping in third country markets, as evidenced by findings or antidumping remedies in other GATT member markets against the same class or kind of merchandise manufactured or exported by the same party as under investigation, suggests a threat of material injury to the domestic industry. In the course of its investigation, the Commission shall request information from the foreign manufacturer, exporter, or United States importer concerning this issue. If the foreign manufacturer, exporter, or United States importer does not provide specific and convincing information to establish that there is no threat of injury to the United States industry, then the Commission may draw adverse inferences. For purposes of this clause, the term 'GATT member market' means any country which is a signatory to The Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade (relating to antidumping measures), and the European Community shall be treated as being one country."; and

(4) by adding at the end thereof the following:

"(G) Special rules for fungible products.—

"(i) In general.—The Commission shall not determine that there is no material injury, or no threat of material injury, to United States producers of a fungible product by reason of imports (or sales or offers of sale for importation) of that fungible product solely on the basis of evidence that—

"(I) sales or offers of sale of the imported merchandise were not the first sales or offers at a reduced price in the relevant market;

"(II) price declines of similar magnitude occurred in other comparable markets (including submarkets or localities) where there is a relationship between the prices in such markets and the prices in the import impacted market;

"(III) United States producers also import the merchandise under investigation; or

"(IV) United States producers of the product are profitable.

"(ii) Definition.—For the purposes of this clause, the term 'fungible product' means merchandise sold by weight or volume without significant product differentiation in such merchandise whether produced by foreign or domestic producers.".

SEC. 8. DIVERSIONARY INPUT DUMPING

(a) In General.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end thereof the following new paragraph:

"(18) Diversionary input dumping.—

"(A) In general.—Diversionary input dumping occurs when any material or component which—

"(i) is incorporated into the merchandise under investigation, and

"(ii) is the subject of—

"(I) an antidumping duty order issued under section 736, or

"(II) an agreement, arrangement, or understanding containing quantitative limitations, restrictions, or other terms relating to the importation into the United States of such material or component which was entered into or undertaken by the United States and any foreign country or foreign customs union after an affirmative preliminary determination was made under section 733(b),

is purchased by the manufacturer or producer of such merchandise at a price that is less than the foreign market value of such material or component determined under section 773(e)(4)(B).".

(b) Investigation of Diversionary Input Dumping.—

(1) Section 732 of the Tariff Act of 1930 (19 U.S.C. 1673a) is amended by adding at the end thereof the following new subsection:

"(e) Investigation of Diversionary Input Dumping.—The administering authority shall investigate whether diversionary input dumping is occurring whenever—

"(1) the administering authority has reasonable grounds to believe or suspect that diversionary input dumping is occurring;

"(2) a material or component described in clause (ii) of section 771(18)(A) is routinely used as a major material or component in manufacturing or producing the merchandise under investigation, and

"(3) official government statistics or other reliable, generally accepted trade statistics indicate that subsequent to the issuance of an antidumping duty order under section 736 or the entry into force of an international agreement or arrangement relating to the importation into the United States of the material or component, the following changes have occurred, as measured by quantity or market share:

"(A) shipments to the United States of the material or component have decreased absolutely or the rate of increase of such shipments has decreased, and

"(B) shipments to the United States of the merchandise under investigation have increased.".

(2) Subsection (b) of section 733 of the Tariff Act of 1930 (19 U.S.C. 1673b(b)) is amended by adding at the end thereof the following new paragraph:

"(3) Diversionary input dumping.—If, before making a preliminary determination under paragraph (1) or (2), the administering authority determines that there is reason to believe or suspect that diversionary input dumping is occurring, the period of time within which a preliminary determination must be made under paragraph (1) or (2) shall be extended to 190 days (240 days in cases declared extraordinarily complicated under subsection (c)) after the date on which the petition is filed under section 732(b) or the date on which the investigation is initiated under section 732(a).

(3) Subsection (a) of section 735 of the Tariff Act of 1930 (19 U.S.C. 1673d(a)) is amended by adding at the end thereof the following new paragraph:

"(4) Diversionary input dumping.—If, after making a preliminary determination under section 733(b), the administering authority determines that there is reason to believe or suspect that diversionary input dumping is occurring, the period of time within which a final determination must be made under paragraph (1) shall be extended to 105 days (165 days if paragraph (2) applies) after the date on which the preliminary determination was made under section 733(b).".

(c) Determination of Foreign Market Value.—

(1) Subsection (a) of section 773 of the Tariff Act of 1930 (19 U.S.C. 1677b(a)) is amended by adding at the end thereof the following:

"(5) Diversionary input dumping.—Notwithstanding paragraph (1), if the administering authority determines that diversionary input dumping is occurring with respect to the merchandise under investigation, the foreign market value of such merchandise shall be the constructed value of such merchandise determined under subsection (e).".

(2) Subsection (e) of section 773 of the Tariff Act of 1930 (19 U.S.C. 1677b(e)) is amended by adding at the end thereof the following new paragraph:

"(4) Diversionary input dumping.—

"(A) In general.—If the administering authority determines that diversionary input dumping is occurring, the cost of the material or component involved in the diversionary input dumping that is otherwise calculated under paragraph (1)(A) shall be increased by an amount equal to the excess of—

"(i) the foreign market value of the material or component determined under subparagraph (B), over

"(ii) the price at which the manufacturer or producer of the merchandise under investigation purchased the material or component.

"(B) Determination of foreign market value of materials and components.—For purposes of this paragraph—

"(i) Antidumping duty in effect.—If an antidumping duty order issued under section 736 is in effect with respect to the material or component at the time a determination of the existence of diversionary input dumping is made, the foreign market value of such material or component is the foreign market value of the material or component used in determining the amount of such duty, as adjusted for inflation.

"(ii) No antidumping duty in effect.—If the previous investigation of the material or component under subtitle B has been terminated or suspended because of the entry in force of any agreement, arrangement, or understanding entered into or undertaken by the United States and any foreign country or foreign customs union that contains quantitative limitations, restrictions, or other terms relating to the importation into the United States of the material or component, the foreign market value of the material or component shall be determined on the basis of the best available evidence, including the allegations contained in any petition filed with respect to any previous investigation of the material or component under subtitle B and any information gathered in such previous investigation, as adjusted for inflation.".

SEC. 9. MISCELLANEOUS AMENDMENTS.

(a) Application of Countervailing and Antidumping Duties to Governmental Importations.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end thereof the following new paragraph:

"(19) Application to governmental importations.—Merchandise imported by, or for the use of, an agency of the United States Government is not exempt from the imposition of countervailing duties or antidumping duties under this title. Any such duties shall be taken into account in awarding procurement contracts.".

SEC. 10. UPSTREAM SUBSIDIES.

Subsection (a) of section 771A of the Tariff Act of 1930 (19 U.S.C. 1677-1(a)) is amended by inserting "or is paid or bestowed under the authority of any statute, regulation, policy, or practice of the customs union or any of its members" after "provided by the customs union" in the second sentence.

SEC. 11. UNITED STATES PRICE.

(a) Paragraph (1) of section 772(e) of the Tariff Act of 1930 (19 U.S.C. 1677a) is amended by inserting ", or reasonable profits incurred in," after "commissions for".

(b) Subsection (c) of section 772 of the Tariff Act of 1930 (19 U.S.C. 1677a(c)) is amended to read as follows:

"(c) Exporter's Sales Price.—For purposes of this section—

"(1) In general.—Except as otherwise provided in this subsection, the term "exporter's sales price" means the price at which merchandise is sold or agreed to be sold in the United States, before or after the time of importation, by or for the account of the exporter, as adjusted under subsections (d) and (e) of this section.

"(2) Related parties.—If—

"(A) merchandise is appraised under section 402(b)(2)(B), and

"(B) the transaction value of the merchandise, as determined under section 402(b) and reduced by any appropriate deduction under subsection (d), is less than the exporter's sales price otherwise computed under this section,

the exporter's sales price shall be the transaction value of the merchandise, as determined under section 402(b) and reduced by any appropriate deductions under subsection (d).".

(c) Paragraph (4) of section 773(a) of the Tariff Act of 1930 (19 U.S.C. 1677b(a)(4)) is amended by inserting after "shall be made therefor" the following: ", except that in no event shall the administering authority deduct indirect selling expenses from foreign market value in order to offset expenses deducted from exporter's sales price under section 772(e).".

SEC. 12. DOWNSTREAM PRODUCT MONITORING.

Subtitle D of title VII of the Tariff Act of 1930 (19 U.S.C. 1677 et seq.) is amended by adding at the end thereof the following:

"SEC. 780. DOWNSTREAM PRODUCT MONITORING.

"(a) DEFINITIONS.—For purposes of this section—

"(1) The term 'component part' means an imported article that—

"(A) during the 5-year period before the date on which a petition is filed under subsection (b) has been subject to—

"(i) an order issued under this title imposing a countervailing duty or antidumping duty of 15 percent ad valorem or higher, or

"(ii) an agreement entered into under section 704 or 734 after a preliminary affirmative determination under section 703(b) or 733(b)(1) was made involving an estimated net subsidy or net dumping margin of 15 percent ad valorem or higher; and

"(B) because of its inherent characteristics is routinely used as a major part, component, assembly, subassembly, or material in other manufactured articles.

"(2) The term 'downstream product' means any imported manufactured article into which is incorporated any component part.

"(b) PETITION REQUESTING MONITORING.—

"(1) IN GENERAL.—A domestic producer of an article that is like a component part or a downstream product may petition the administering authority to designate a downstream product for monitoring under subsection (c). The petition shall specify—

"(A) the downstream product;

"(B) the component product incorporated into such downstream product; and

"(C) reasons for suspecting the likely diversion, as a result of the imposition of antidumping or countervailing duties, of exports of the component part to the United States into increased production and exportation to the United States of such downstream product.

"(2) ACTION ON PETITIONS.—Within 14 days after receiving a petition, the administering authority shall determine whether there is a reasonable likelihood that imports into the United States of the downstream product will increase as an indirect result of any diversion with respect to component parts. In making such a determination, the administering authority may, if appropriate, take into account such factors as—

"(A) the value of the component part in relation to the value of the downstream product;

"(B) the extent to which the component part has been substantially transformed as a result of its incorporation into the downstream product; and

"(C) the relationship between the producers of component parts and producers of downstream products.

"(3) PUBLICATION OF DETERMINATION.—The administering authority shall publish notice of each determination under paragraph (2) in the Federal Register.

"(4) DETERMINATIONS NOT SUBJECT TO JUDICIAL REVIEW.—A determination by the administering authority under paragraph (2) is not subject to judicial review.

"(c) ITC MONITORING.—

"(1) NOTICE TO ITC.—The administering authority shall immediately inform the Commission of an affirmative determination under subsection (b)(2) regarding a downstream product.

"(2) MONITORING.—The Commission shall immediately commence the monitoring of the levels of trade in downstream products regarding which notice is received under paragraph (1). If the Commission finds that imports from any country of a downstream product being monitored increased during any calendar quarter by 5 percent or more over the preceding quarter, the Commission shall analyze that increase in the context of overall economic conditions in that product sector.

"(3) REPORTS.—The Commission shall make quarterly reports to the administering authority regarding the monitoring and analyses undertaken under paragraph (2). The Commission shall make the reports available to the public.

"(d) ACTION ON BASIS OF MONITORING REPORTS.—The administering authority shall review the information in the reports prepared by the Commission under subsection (c) and—

"(1) consider the information in determining whether to initiate an investigation under section 702(a) or 732(a) regarding any downstream product; and

"(2) request the Commission to cease monitoring any downstream product if the information indicates that imports into the United States are not increasing and there is no reasonable likelihood of diversion with respect to component parts.".

(b) The table of contents for title VII of the Tariff Act of 1930 is amended by adding at the end thereof the following:

"Sec. 780. Downstream product monitoring.".●

By Mr. HEINZ (for himself, Mr. GLENN, Mr. SPECTER, and Mr. ROCKEFELLER):

S. 441. A bill to amend the Steel Import Stabilization Act; to the Committee on Finance.

STEEL IMPORT STABILIZATION ACT AMENDMENTS

● Mr. HEINZ. Mr. President, there is no need at this point to repeat in detail the series of events over the past 10 years that threaten the virtual destruction of the integrated steel industry in this country. Employment is down—cut more than half in that time period—profits are nonexistent, and plant closings and bankruptcies are rampant. On the positive side, what remains of the industry appears to be coming more efficient and competitive. This is part of "adjustment", and there is no question the industry needs to adjust, and that it will adjust further to changed economic circumstances. There is substantial global excess capacity as well as excess capacity in this country, and steel demand in the United States is, at best, flat.

On the other hand, it is clear that not all of the forced adjustment is due to the capacity situation or to macroeconomic factors. Part of the problem has been and continues to be unfair trade—dumped and subsidized steel entering this country from producers who, in objective terms, are simply not competitive with ours. No American industry has a better record than the steel industry in demonstrating unfair trade practices on the part of others. In large part for that reason, not to mention the critical strategic importance of the industry to our defense and our economic infrastructure, the President in 1984 decided on a program of voluntary import restraint agreements that was intended to reduce imports to 18.5 percent of the U.S. market, or 20.2 percent if semifinished steel imports were included.

That program has achieved some useful results, but its shortcomings are also evident. Import levels have dropped from their 31 percent peak and were 23.1 percent for 1986. The trend, unfortunately, has been worrisome. Following a third quarter through, import figures have begun to increase again, reaching 28.1 percent in November, although December showed a decline again. Even so, the level is worrisome, as we continue to be significantly above the President's goal, and the economic plight of the domestic industry grows more desperate.

Beyond the immediate upward trend, it is also a fact that it took some 18 months to get the program underway. Had a 21-percent level been reached in January 1985, rather than in May 1986, the current condition of the domestic industry would be very different.

These implementation errors, however, are mistakes of the past, and there is a limit to what we can do about them now. The President's program, as I indicated, has made some progress, and it can make still more with some further fine tuning in two areas.

First, circumvention remains a serious problem. The Customs Service has received more than a dozen requests for country-of-origin determinations that involve shipping basic steel products from VRA countries to non-VRA countries for the performance of a finishing operation. The requests seek a decision that the final operation changes the country of origin, thus transforming VRA-limited steel into unlimited, non-VRA steel.

Thus, far, Customs' record is mixed, and it is apparent these requests will grow as foreign producers and importers learn how to evade the program's rules.

The legislation I am reintroducing today would address this problem the same way the House trade bill did. It would require that steel entering the United States from non-VRA countries be allocated to the country where it was melted and poured regardless of where a final finishing operation was performed. Thus, to take a hypothetical example, Brazilian steel shipped to Costa Rica for finishing would be counted against Brazil's VRA limits, unless Costa Rica also had a VRA with the United States, in which case it could count against Costa Rica, depending on normal Customs rules of whether a substantial transformation had occurred. This will discourage circumvention both by encouraging countries like Brazil not to engage in such tactics and by encouraging smaller countries without a basic steel capacity to negotiate VRA's with the United States.

Second, the other major and growing problem is that significant foreign producers remain outside the President's program. Particular problems in this regard are Canada, Sweden, and Taiwan. Indeed, Ambassador Yeutter recognized the problem on September 4, 1986, when he called for consultations with those three countries. At that time, he stated:

> I am greatly disturbed that in July we registered the largest single monthly increase among nations not covered by the President's steel program since it began in September 1984 * * * This cannot continue. Countries without voluntary restraint arrangements (VRA's) must not be allowed to undermine the program by taking advantage of restraints negotiated with other nations.

Ambassador Yeutter said this cannot continue. Unfortunately, it has.

The most serious problem of these three countries is Canada, whose share of our market peaked at 4 percent and is near 3.5 percent for 1986, despite our insistence it remain at the historic level of 2.4 percent and Canada's insistence on the 1984 level of 3.1 percent. Canadian tonnage increased 11.7 percent in 1986, while that of most other countries declined. Japan's tonnage, for example, declined 26.1 percent for the year and the European Community's 5.4 percent. Further, statements last year by the new Canadian Trade Minister, as reported in United States media, denying any willingness on the part of Canada to be helpful have only made the situation worse.

Mr. President, we are presently engaged in far reaching free trade discussions with Canada which will hopefully lead to more open and closely integrated economies. To suggest at this point that a sectorial issue of some significance, like steel, is only our problem and not theirs, and that Canada has no role in helping to solve it, is to drive our two economies farther apart rather than closer together. That will only complicate, particularly in Congress, the free trade negotiations.

The Canadian situation is also aggravated by significant shifts to higher value-added items to the detriment of our producers. According to a recent study, in the last 3 years the proportion of Canada's imported to the United States that are higher value has increased from 50 to 65 percent. Specifically, flatrolled products rose from 20.6 percent of Canadian imports to 26.9 percent; pipe and tube from 9.4 percent to 12.3 percent; bar and tool steel from 9.7 percent to 12.3 percent; and wire products from 9 percent to 10.8 percent.

It appears, however, that the Canadian integrated steel industry is not the only, or even the primary beneficiary of this shift. Imports of wire rod to western Canada, for example, by the end of last October had already increased 20 percent over the total for all of 1985. Brazilian shipments had more than doubled, and Mexican shipments had nearly quadrupled with 2 more months left in the year. These are VRA countries, and it seems clear that a major diversion route is developing where lower value imports from VRA countries are fabricated into higher value items in western Canada and then shipped to the United States. It reinforces the contention I have made repeatedly since 1984 that this program cannot work effectively unless all countries and all products are covered. That is what this bill seeks to achieve.

The importation of government subsidized steel from Sweden and its resulting damage to our domestic plants is a clear example of what is wrong with our current trade policy and why arguments opposing restrictions on imports as an obstruction of free trade cannot be applied to steel. The Swedish Government has refused to consent to a voluntary restraint agreement [VRA] that would insure at least a possibility of equitable trade between the two nations in this sector. Rescuing the failing Swedish steel industry in 1977, the Swedish Government directly intervened through a program of massive financial assistance and reorganization. The subsidies provided by the Government has translated into artificially low steel export prices that allow for unfair competition in this country at the expense of American producers. An examination of Swedish subsidies and trade practices illustrates the current climate of unfair trade in which we currently compete.

In the early 1970's the Swedish steel industry was operating at record losses. Facing the possibility of increased unemployment and the loss of heavy industry, the Swedish Government initiated a program in 1977 to assist in industry restructuring. This program included loans, loan guarantees, and stock building grants. The Government demonstrated its willingness to support this failing industry by the immense size of its support. Investment loans of SEK 422 million—$94 million—were granted with very generous repayment schedules. (See table 1.) Liquidity loans of over SEK 240 million—$52 million—were given out to major steel manufacturers. Loan guarantees of SEK 300 million—$67 million—were also granted.

TABLE 1.—EXAMPLES OF MAJOR INVESTMENT LOANS IN 1977

Firm	Amount	Repayment terms
Nyby Uddeholm	SEK 140 million	13-yr repayment period. Interest free for 3 yr and no amortization of the principal for 3 yr.
Do	SEK 13.6	15-yr repayment period. No amortization of the principal required for 5 yr and interest free for 2 yr.
Uddeholm	SEK 35 million	13-yr repayment schedule for repayment. No amortization of the principal for 3 yr and interest free for 2 yr.
Avesta	SEK 30 million	Interest payable at the discretion of Avesta with accrued interest added to the principal. Interest rate variable and tied to the rate of Swedish industrial bonds.

In addition, between 1975 and 1979, the Swedish Government provided stock building grants as a way to check recession and unemployment. Sandvik, a major recipient of these funds—SEK 104 million—$23.5 million—in 1976 and 1977—argued in a memorandum that the grants were designed during a recessionary period to "offset additional costs which a company incurs when it chooses to stockpile materials during a period of slack demand * * *." These inventory grants allowed for commercial conduct unachievable on genuine commercial terms. Offsetting the additional costs reduces costs that are recovered in pricing. Inventory building permits rapid penetration of the market at low prices once demands recover and allows for optimal production levels during a recessionary period. None of these advantages are available under purely commercial conditions.

Through the state initiated program of 1977, the Government also sought to decrease competition in Swedish steel and rationalize the market. A structural reorganization fund of about SEK 1.3 billion—$291 million—of loans and loan guarantees was extended to the specialty steel industry at preferential rates. One example of this Government directed restructuring was the merger of Granges Nyby and Uddeholm—stainless steel operations—which permitted Uddeholm to transfer a Government loan of SEK 315 million—$73 million—to the new company with conditional repayment terms. Furthermore, the new company received new loan guarantees of SEK 75 million—$17 million—resulting in loans at a preferential rate.

In the specialty steel industry, there has been tremendous reduction in competition over the last 10 years. The number of competitors that produce specialty tubing and specialty steel wire has dropped from seven in 1972 to two at present. From the corporate literature available from the Avesta Group, a major manufacturer of stainless steel, it appears that the market has been divided to minimize competition. Government subsidies that discouraged competition and greater consolidation in the steel industry stand in marked contrast with the principle of free trade within which the debate over import restrictions is carried. It is evident from the above examples that the Swedish Government, rather than allowing the market to take its natural course, intervened to avoid the decay of an industry.

UNFAIR TRADE AND ITS EFFECT

If the demand for Swedish carbon steel and specialty steel products were overwhelming in its domestic market, then perhaps the state subsidies would be of less concern to others. Yet with respect to the stainless steel and stainless steel wire industries, Sweden exports 70 to 75 percent of its output. Due to the massive Government subsidies, the Swedish steel industry is burdened with huge excess capacity while not facing the market conditions of other specialty steel exporting nations. Sweden is thus in a very favorable position to expand in the United States market. Swedish steel imports have more than doubled in percentage since 1983. (See table 2.)

TABLE 2.—*Total steel imports from Sweden*

Year:	*Percentage*
1977	0.7
1978	1.1
1979	1.1
1980	.6
1981	.9
1982	1.8
1983	1.3
1984	2.4
1985	2.6

Equally disturbing is the fact that even though the Swedish Government gave tremendous aid to the Swedish steel industry in 1977, profitability apparently did not improve. Grants and loans—including instances of debt forgiveness—were extended again in 1984. In 1982 only one of Sweden's five largest firms in the industry was operating at a significant profit. Regardless of whether or not these programs will produce new subsidies, the present state of the industry remains related to the past benefits it has received. Mr. President, it is not my position to make a judgment as to whether these actions were rational policies for the Government of Sweden to pursue on behalf of its own citizens. When such policies impinge on the health of our industry, however, it is legitimate for us to be concerned. The President's steel program is an attempt to deal with this kind of problem on a broad scale basis in a way that is fair to everyone. Sweden's refusal to participate not only hurts the effectiveness of the program and the ability of our industry to adjust to new competitive circumstances, it also gives them an unfair advantage over those nations that are cooperating with our program.

Mr. President, with respect to this problem, this legislation takes a balanced approach. Consultations with the three countries in question have already begun. The administration has identified the problem and is making a modest effort to solve it. But it has little to show for its labor. My bill allows 90 days for the successful completion of negotiations. If those talks fail, however, the bill provides for import restraints to go into effect with respect to any of the three countries that have not concluded VRA's. The restraint levels would be 70 percent of the level of imports, by category, that entered in the 12 months prior to October 1, 1984, the last year before import restraints went into effect. This level would result in total imports higher than the President's goal of 20.2 percent but would nonetheless be helpful in containing the growth of countries that have been taking advantage of the partial nature of the President's program.

This bill should not be regarded as reflecting any change in my long-held view that what we need is a program of global quotas. The President, however, is making an effort to solve the problem a different way, and I want to cooperate with that. I view this bill as helping the President achieve full compliance with his program, and I urge all Senators to support it in that spirit.

Mr. President, I ask that the text of the bill and a Congressional Research Service report detailing the effects of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 805 of the Steel Import Stabilization Act (Public Law 98-573) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) Any steel product that is manufactured in a country that is not party to a bilateral arrangement from steel which was melted and poured in a country that is party to a bilateral arrangement (hereinafter in this subsection referred to as an 'arrangement country') will be treated for purposes of the quantitative restrictions under that arrangement as if it were a product of the arrangement country.

"(2) If the Customs Service, in applying paragraph (1), is provided with valid documentation of the nature and amount of the steel product exported by an arrangement country to a country that—

"(A) is not an arrangement country; and

"(B) has transformed the product for export to the United States;

the Customs Service shall treat such documented product, for purposes of enforcing quantitative restrictions, as if it were a product of the arrangement country."; and

(3) by adding at the end thereof the following new subsection:

"(e)(1) The United States Trade Representative shall consult with the governments of Canada, Sweden, and Taiwan for the purpose of negotiating bilateral arrangements as defined in section 804(1). If such consultations do not result in the successful negotation of arrangements within 90 days of the date of enactment of this subsection, the Secretary of the Treasury, in exercising his authority under subsection (d) of this section, shall restrict entry into the United States of steel products from Canada, Sweden, and Taiwan in subcategories (A) through (Z) as specified in paragraph (3) of this subsection, beginning in calendar year 1986, to no more than 70 percent of the percentages of apparent domestic supply in each subcategory achieved by steel products imported from Canada, Sweden, and Taiwan in the four calendar quarters immediately preceding October 1, 1984.

"(2) If such consultations do not result in the successful negotiation of arrangements within 90 days of enactment of this subsection, the Secretary of the Treasury, in exercising his authority under subsection (d) of this section, shall also restrict entry into the United States of steel products from Canada, Sweden, and Taiwan in subcategory (AA) as specified in paragraph (3) of this subsection, beginning in calendar year 1986, to no more than 70 percent of the tonnage in this subcategory achieved by steel products imported from Canada, Sweden, and Taiwan in the four calendar quarters immediately preceding October 1, 1984.

"(3) The subcategories referred to in paragraphs (1) and (2) are as follows:

"Subcategory	TSUSA
(A) Hot Rolled Sheet and Strip	607.6610
	607.6710
	607.6720
	607.6730
	607.6740
	607.6900
	607.8100
	607.8320
	607.8342
	608.1920
	608.2120
	608.2320

"Subcategory	TSUSA	
(B) Cold Rolled Sheet and Strip (including black plate, and heat resisting)	607.6200	
	607.6400	
	607.8350	
	607.8355	
	607.8360	
	607.8600	
	607.9315	
	607.9320	
	608.1940	
	608.2145	
	608.2150	
	608.2340	
	608.3100	
	608.3810	
	608.3820	
	608.4700	
	608.5510	
	608.5520	
	608.5900	
	608.6710	
	608.6720	
(C) Coated Sheet (including galvanized sheet, terne plate, and other metallic coated)	608.0100	
	608.0730	
	608.1310	
	608.1320	
	608.1330	
	608.1340	
	608.1350	
	608.1440	
	609.1790	
(D) Electrical Sheet and Strip	607.9205	
	607.9210	
	608.3900	
(E) Other Sheet and Strip (including tin plate and tin free steel)	607.9600	
	607.9700	
	607.9900	
	609.1710	
(F) Stainless Sheet and Strip (excluding cladding grade 434 stainless steel certified by the importer of record or ultimate consignee to be used in the manufacture of stainless steel clad aluminum automobile trim and excluding grade 253 MA and 254 SMO stainless steel).	607.7610	(excluding stainless steel sheet over 71 inches in width).
	607.9010	(excluding stainless steel sheet over 71 inches in width).
	607.9020	(excluding stainless steel sheet over 71 inches in width).
	608.2900	(excluding stainless steel strip not over 0.05 inch in thickness certified by the importer of record or ultimate consignee to be used in the manufacture of stainless steel flapper valves for compressors).
	608.4300	(excluding stainless steel strip not over 0.05 inch in thickness certified by the importer of record or ultimate consignee to be used in the manufacture of stainless steel flapper valves for compressors).
	608.5700	
(G) Carbon Plate	607.6620	(excluding semi-finished products over 6 inches in thickness produced by rolling on a primary (slabbing) mill).
	607.6625	
	607.9400	
	608.0710	
	608.1100	
(H) Alloy Plate	607.7803	(excluding semi-finished products over 6 inches in thickness produced by rolling on a primary (slabbing) mill).
	607.7806	
	607.9100	
	608.1420	
(I) Stainless Plate (excluding cladding grade 434 stainless steel certified by the importer of record or ultimate consignee to be used in the manufacture of stainless steel clad aluminum automobile trim and excluding grade 253 MA and 254 SMO stainless steel).	607.7603	(excluding semi-finished products over 6 inches in thickness produced by rolling on a primary (slabbing) mill).
	607.7606	
	607.9005	
(J) Standard Pipe	610.3231	
	610.3234	
	610.3241	(if standard pipe).
	610.3242	
	610.3243	(if standard pipe).
	610.3254	(if standard pipe).
	610.3262	(if standard pipe).
	610.4948	(if standard pipe).
	610.4951	
	610.4953	(if standard pipe).
	610.4955	(if standard pipe).
	610.4956	(if standard pipe).
	610.4957	(if standard pipe).
	610.4966	(if standard pipe).
	610.4967	(if standard pipe).
	610.4969	(if standard pipe).
	610.4970	(if standard pipe).
	688.3000	
(K) Structural Pipe and Tube	610.3227	(if structural pipe).
	610.3241	(if structural pipe).
	610.3243	(if structural pipe).
	610.3252	(if structural pipe).
	610.3254	(if structural pipe).
	610.3258	(if structural pipe).
	610.3262	(if structural pipe).
	610.3264	(if structural pipe).
	610.3945	(if structural pipe).
	610.3955	(if structural pipe).
	610.4045	(if structural pipe).
	610.4055	(if structural pipe).
	610.4245	(if structural pipe).
	610.4255	(if structural pipe).
	610.4345	(if structural pipe).
	610.4355	(if structural pipe).
	610.4925	(if structural pipe).

"Subcategory	TSUSA
	610.4928 (if structural pipe).
	610.4953 (if structural pipe).
	610.4955 (if structural pipe).
	610.4956 (if structural pipe).
	610.4970 (if structural pipe).
	610.4976 (if structural pipe).
(L) Line Pipe	610.3208
	610.3209
	610.3212
	610.3213
	610.3254 (if line pipe).
	610.3258 (if line pipe).
	610.3262 (if line pipe).
	610.3264 (if line pipe).
	610.3711
	610.3712
	610.3713
	610.3751 (if line pipe).
	610.4931
	610.4933
	610.4936
	610.4967 (if line pipe).
	610.4970 (if line pipe).
	610.5211
	610.5214
	610.5216
(M) OCTG	610.3216
	610.3219
	610.3233
	610.3249
	610.3252 (if OCTG).
	610.3256
	610.3258 (if OCTG).
	610.3721
	610.3722
	610.3925
	610.3935
	610.4025
	610.4035
	610.4225
	610.4235
	610.4325
	610.4335
	610.4942
	610.4944
	610.4946
	610.4954
	610.4955 (if OCTG).
	610.4956 (if OCTG).
	610.4957 (if OCTG).
	610.4966 (if OCTG).
	610.4967 (if OCTG).
	610.4968
	610.4969 (if OCTG).
	610.4970 (if OCTG).
	610.5221
	610.5222
	610.5226
	610.5240
	610.5242
	610.5243
	610.5244 (if OCTG).
(N) Mechanical Tubing	610.3221
	610.3227 (if mechanical tubing).
	610.3243 (if mechanical tubing).
	610.3252 (if mechanical tubing).
	610.3254 (if mechanical tubing).
	610.3258 (if mechanical tubing).
	610.3728
	610.3732
	610.3751 (if mechanical tubing).
	610.3945 (if mechanical tubing).
	610.3955 (if mechanical tubing).
	610.4045 (if mechanical tubing).
	610.4055 (if mechanical tubing).
	610.4245 (if mechanical tubing).
	610.4255 (if mechanical tubing).
	610.4345 (if mechanical tubing).
	610.4355 (if mechanical tubing).
	610.4500
	610.4600
	610.4925 (if mechanical tubing).
	610.4928 (if mechanical tubing).
	610.4948 (if mechanical tubing).
	610.4956 (if mechanical tubing).
	610.4957 (if mechanical tubing).
	610.4966 (if mechanical tubing).
	610.4967 (if mechanical tubing).
	610.4969 (if mechanical tubing).
	610.4976 (if mechanical tubing).
	610.5229 (if mechanical tubing).
	610.5242 (if mechanical tubing).

"Subcategory	TSUSA	
	610.5244	(if mechanical tubing).
(O) Pressure Tubing	610.3000	
	610.3100	
	610.3205	
	610.3243	(if pressure tubing).
	610.3500	
	610.3600	
	610.3704	
	610.3751	(if pressure tubing).
	610.4920	
	610.4967	(if pressure tubing).
	610.5206	
	610.5209	
	610.5229	(if pressure tubing).
	610.5244	(if pressure tubing).
(P) Stainless Pipe and Tube (including heat resisting)	610.3701	
	610.3727	
	610.3731	
	610.3741	
	610.3742	
	610.4045	(if containing by weight less than 1 percent carbon and over 11.5 percent chromium, or covered if containing by weight less than 0.3 percent carbon and 4 percent to 11.5 percent inclusive, chromium).
	610.4055	(if containing by weight less than 1 percent carbon and over 11.5 percent chromium, or covered if containing by weight less than 0.3 percent carbon and 4 percent to 11.5 percent inclusive, chromium).
	610.4345	(if containing by weight less than 1 percent carbon and over 11.5 percent chromium, or covered if containing by weight less than 0.3 percent carbon and 4 percent to 11.5 percent inclusive, chromium).
	610.4355	(if containing by weight less than 1 percent carbon and over 11.5 percent chromium, or covered if containing by weight less than 0.3 percent carbon and 4 percent to 11.5 percent inclusive, chromium).
	610.5202	
	610.5204	
	610.5229	(if containing by weight less than 1 percent carbon and over 11.5 percent chromium, or covered if containing by weight less than 0.3 percent carbon and 4 percent to 11.5 percent inclusive, chromium).
	610.5230	
	610.5231	
	610.5234	
	610.5236	
(Q) Hot Finished Bars (including hollow bar and hollow drill steel)	606.8310	
	606.8330	
	606.8350	
	606.8600	
	606.9105	
	606.9700	
	607.0500	
	607.0700	
	607.0900	
	610.4800	
	610.5130	
	610.5160	
(R) Cold Finished Bars	606.8805	
	606.8815	
	606.9110	
	606.9900	
(S) Reinforcing Bar	606.7900	
	606.8100	
(T) Structurals (including fabricated structurals, and sheet piling)	609.8005	
	609.8015	
	609.8035	
	609.8041	
	609.8045	
	609.8205	
	609.8210	
	609.8225	
	609.8230	
	609.8400	
	609.8600	
	609.8800	
	609.9000	
	609.9600	
	609.9800	
	652.9400	
	652.9600	
	652.9700	
	653.0000	
(U) Small Bar Shapes	609.8050	
	609.8070	
	609.8090	
	609.8215	
	609.8220	
	609.8235	
	609.8240	
(V) Rails and Railway Products	610.2010	
	610.2020	
	610.2100	
	610.2500	
	610.2600	
	646.3020	
	690.2500	
	690.3000	
(W) Wire Rods	607.1400	
	607.1700	
	607.2200	
	607.2300	

"Subcategory	TSUSA	
	607.3200	
	607.4100	
	607.4800	
	607.5900	
(X) Wire	609.2000	
	609.2100	
	609.2200	
	609.2500	
	609.2800	
	609.3040	
	609.3340	
	609.3500	
	609.3600	
	609.3700	
	609.4010	
	609.4040	
	609.4055	
	609.4065	
	609.4125	
	609.4165	
	609.4315	
	609.4365	
	609.4530	
	609.4560	
	609.7000	
	609.7200	
	609.7500	
	609.7600	
	642.9600	
	642.9700	
(Y) Stainless Wire	609.3020	
	609.3320	
	609.4502	
	609.4504	
	609.4542	
	609.4544	
(Z) Wire Products (including wire rope and strand)	646.2500	
	646.2622	
	646.2624	
	646.2626	
	646.2628	
	646.2642	
	646.2644	
	646.2646	
	646.2648	
	609.4120	
	642.0200	
	642.3510	
	642.3530	
	642.3570	
	642.9000	
	642.9100	
	642.1105	
	642.1120	
	642.1142	
	642.1144	
	642.1146	
	642.1200	
	642.1610	
	642.1650	
(AA) Semifinished	606.6705	
	606.6710	
	606.6715	
	606.6720	
	606.6725	
	606.6730	
	606.6735	
	606.6740	
	606.6901	
	606.6902	
	606.6903	
	606.6904	
	606.6905	
	606.6906	
	606.6909	
	606.6912	
	606.6915	
	606.6918	
	606.6921	
	606.6923	
	606.6926	
	606.6929	
	606.6932	
	606.6935	
	606.6938	
	606.6941	
	606.6944	
	606.6947	
	607.6620	(if semifinished products over 6 inches in thickness produced by rolling on a primary (slabbing) mill).
	607.7603	(if semifinished products over 6 inches in thickness produced by rolling on a primary (slabbing) mill).
	607.7803	(if semifinished products over 6 inches in thickness produced by rolling on a primary (slabbing) mill).

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, February 2, 1987.
To: Honorable John Heinz; attention: Bill Reinsch.
From: David J. Cantor, Specialist in Industry Economics, Economics Division.
Subject: Reducing Steel Imports From Canada, Sweden, and Taiwan. Updating of CRS Report No. 86-905 E Based on Most Current Data.

This memorandum responds to your request for an updating of the above referenced CRS report using the most current data on steel imports from Canada, Sweden, and Taiwan.[1] Your requested having this report updated in connection with your consideration or reintroducing in the 100th Congress legislation identical to S. 2830 (99th Congress).[2] Thus, you want to have an estimate of the impact of such legislation on steel import levels from the three countries—Canada, Sweden, and Taiwan.

The possible effect of such legislation would be to reduce steel imports from the three countries by about 1.6 million tons. Their share of the U.S. steel market could be reduced from 4.71 percent to 2.93 percent, a drop of nearly 1.8 percentage points. The overall import market share could be brought to within 1.2 percentage points of stated congressional targets for steel imports.

THE STEEL IMPORT QUOTA PROVISIONS OF S. 2830

Legislation identical to S. 2830 would impose quantitative limits on steel imports from Canada, Sweden, and Taiwan, if they failed to conclude voluntary restraint agreements (VRAs) on their steel exports to the United States within 90 days of enactment. The limits would be equal to 70 percent of their steel exports to the United States in the period from October 1, 1983 through September 30, 1984.

BACKGROUND

The legislation would exert pressure on the three countries to bring themselves within the President's steel program. The President's program seeks to reduce the level of steel import market penetration from its historic high share of 26.4 percent in 1984. The program relies on VRAs with major steel-exporting countries to achieve its goals. While 18 countries are covered by VRAs, there are more than 30 countries without VRAs that export steel to the United States. These countries accounted for about 25 percent of total imports of steel into the United States in the first eleven months of 1986.[3] The non-VRA countries captured about 5.7 percent of the U.S. steel market in this eleven month period.

Canada, Sweden, and Taiwan account for most of the U.S. steel imports from the non-VRA countries. From January through November 1986, the most recent data available, steel imports from these three countries totalled more than 3.9 million tons. The three countries accounted for about 20.4 percent of total U.S. steel imports in this period, or more than 80 percent of the steel imports from non-VRA countries. They had a combined U.S. steel market share of about 4.8 percent.[4]

The 1986 shares of total steel imports and of the U.S. steel market captured by these three countries represents an all-time high at least in the 1980s. From 1981 through 1985, U.S. steel imports from these three countries accounted for between 13.6 and 16.2 percent of total steel imports. In this same period, their combined share of the U.S. steel market was between 3.0 and 4.0 percent.[5]

The surge in steel imports in 1986 can be attributed in part to the overall compliance of the VRA countries with their agreements. Importers have no alternatives but to turn to the non-VRA countries for steel imports. Canada, Sweden, and Taiwan have all been approached by the United States Trade Representative to consider entering into agreements, but all have been adamant in not being willing to negotiate VRAs. This unwillingness to enter into negotiations prompted the introduction of legislation in the 99th Congress, S. 2830, in September 1986.[6]

POSSIBLE EFFECTS ON U.S. STEEL IMPORTS FROM CANADA, SWEDEN, AND TAIWAN OF LEGISLATION IDENTICAL TO S. 2830 (99TH CONGRESS)

If legislation identical to S. 2830 were to become law, U.S. steel imports from Canada, Sweden, and Taiwan could be reduced by about 1.6 million tons. If the domestic U.S. steel industry were able to capture all of this reduction in steel imports, the overall steel import market share could be reduced to less than 21.4 percent.[7]

Table 1 presents the data used to develop the estimates of the reduction in steel imports resulting from the imposition of quotas on Canada, Sweden, and Taiwan. If U.S. steel market conditions remain throughout 1986 as they were in the first eleven months of the year, the three countries would export about 4.26 million tons of steel to the United States in the absence of any quotas. Imposition of quotas would restrict them to an annual total of about 2.64 million tons. This quota limitation is equal to 70 percent of their actual steel exports to the United States of about 3.78 million tons in the period from October 1983 through September 1984.

In terms of tonnage, Canada would face the most severe reduction in steel exports to the United States—nearly 1.1 million tons. Steel imports from Sweden would have to be reduced by almost 140,000 tons. Taiwan's steel exports to the United States would have to fall by about 414,000 tons.

TABLE 1.—POSSIBLE EFFECT ON U.S. STEEL IMPORTS FROM CANADA, SWEDEN, AND TAIWAN OF A QUOTA EQUAL TO 70 PERCENT OF THEIR EXPORTS IN THE PERIOD OCTOBER 1983 THROUGH SEPTEMBER 1984

	Canada	Sweden	Taiwan	Total
1986 steel imports annualized (tons)	3,219,250	534,736	502,728	4,256,714
Imports: 4th quarter 1983 through 3d quarter 1984 (tons)	3,085,731	564,221	126,535	3,776,487
Quota limits (tons)	2,160,012	394,955	88,575	2,643,542
Import reduction	−1,059,238	−139,781	−414,153	−1,613,172

Compiled by CRS, using as sources: American Iron and Steel Institute. Imports of Steel Mill Products By Country of Origin. November 1986. Washington, 1987; American Iron and Steel Institute. American Iron and Steel Institute. 1985 Annual Statistical Report. Washington, 1936; American Iron and Steel Institute. Imports of Steel Mill Products By Country of Origin. October 1983. Washington, 1983; and, American Iron and Steel Institute. Imports of Steel Mill Products By Country of Origin. September 1984. Washington, 1984.

CONCLUSIONS

If quotas identical to those stated in S. 2830 (99th Congress) had to be imposed on Canada, Sweden, and Taiwan, these countries would find their steel exports to the United States reduced by more than 1.6 million tons, or by about 37.9 percent. Their market share would fall by about 1.79 percentage points, from about 4.71 percent to 2.93 percent. This reduction in market share would bring to within 1.2 percentage points the achievement of the congressional market share target of 20.2 percent for the President's steel program, as specified in Section 803 of the Trade and Tariff Act of 1984 (P.L. 98-573). Thus, while reducing the total steel import market share, the quotas on Canadian, Swedish, and Taiwanese steel would still not result in the achievement of the stated market share targets of the President's steel program.

The estimates of the effect of legislation identical to S. 2830 on steel imports from Canada, Sweden, and Taiwan are upper limits to import reductions from the three countries. Enactment of such legislation would very likely lead to VRA negotiations, and these would probably result in higher market shares for the three countries. Thus, the total reduction in steel imports from the three countries would probably be less than the estimate of about 1.6 million tons.

I trust this analysis is responsive to your request. If you have other questions, please call me at 287-7740.●

● Mr. **GLENN.** Mr. President, I am pleased to join other members of the Senate steel caucus in introducing legislation to strengthen the Steel Import Stabilization Act. I urge my colleagues to support this bill and include it in trade legislation this year.

The 1984 Steel Import Stabilization Act calls for import limitation of 20.2 percent of the U.S. market. The United States has negotiated bilateral arrangements for import restrictions with 17 countries and the European Community. These agreements cover approximately 80 percent of steel imports. Steel imports have declined from 25.2 percent of the domestic market in 1986, to 23.2 percent during the first 11 months of 1986. This is an improvement, but still far short of the goal. Foreign steel is still a serious problem, and this bill makes urgently needed improvements in the Steel Import Stabilization Act.

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[1] U.S. Library of Congress. Congressional Research Service. Reducing Steel Imports From Canada, Sweden, and Taiwan: Possible Effects of S. 2830 (99th Congress). Report No. 86-905 E, by David J. Cantor, September 23, 1987. Washington, 1986. 10 p. (Hereafter cited as Cantor. Reducing Steel Imports From Canada, Sweden, and Taiwan.)

[2] S. 2830, introduced September 17, 1986, 99th Congress, 2nd Session.

[3] American Iron and Steel Institute. Imports of Steel Mill Products. November 1986. Washington, 1987.

[4] American Iron and Steel Institute. Net Shipments of Steel Mill Products. November 1986. Washington, 1987; American Iron and Steel Institute. Exports of Steel Mill Products. November 1986. Washington, 1987; and, American Iron and Steel Institute. Imports of Steel Mill Products By Country of Origin. November 1986. Washington, 1987.

[5] Cantor. Reducing Steel Imports From Canada, Sweden, and Taiwan. p. 6.

[6] Ibid. p. 5.

[7] These estimates are based on the experience in the first eleven months of 1986. They assume that the conditions of the U.S. steel market in this period prevail throughout the rest of the 1980s. They also assume that none of the other non-VRA countries attempt to increase their U.S. steel market shares.

First, this bill includes a provision borrowed from the omnibus trade bill passed last year by the House of Representatives to prevent circumvention of bilateral arrangements under the Steel Import Stabilization Act. Steel that is manufactured in a nonarrangement country from steel melted and poured in an arrangement country shall be counted as steel from the originating arrangement country and applied toward that country's quantitative restrictions. No longer will countries be able to circumvent the steel import program by sending steel through another country, because if they try, we will trace the steel back to them.

The second provision of this bill deals with the problem of surging steel imports from countries that have refused to sign bilateral arrangements with the U.S. steel imports from arrangement countries have decreased, but imports from nonarrangement countries have increased to intolerable levels. Canada, Taiwan, and Sweden hold a 5-percent share of the domestic steel market, and are responsible for 20 percent of steel imports. During the first 11 months of 1986, total steel imports accounted for 23.2 percent of the U.S. market. Imports remain above the congressional target, primarily due to imports from these and other nonarrangement countries. Our bill requires the United States Trade Representative to reach steel restraint agreements with Canada, Taiwan, and Sweden within 90 days, or else steel imports from these countries will be limited to 70 percent of their 1984 levels.

Mr. President, 2½ years have passed since we enacted the Steel Import Stabilization Act. Thousands of more jobs have been lost in the steel industry. And still, we're not even within striking distance of the 20.2-percent goal for steel imports. We won't ever reach that goal unless we get the major steel producing nations to cooperate by negotiating a bilateral arrangement. The workers and industries of Ohio can't wait any longer.

Mr. President, all the above presumes that agreements made or yet to be made can in fact be enforced. That presumption may be far from valid. The threat comes from two sources: The Gramm-Rudman Act, and the administration itself.

Gramm-Rudman budget cuts could severely affect Customs operations. Just today, for example, the Director of the Congressional Budget Office, Dr. Rudolf Penner, testified that just to maintain current services could require across-the-broad cuts of 20 percent in nondefense outlays in order to meet the Gramm-Rudman targets. I have long complained that these cuts simply make a mockery out of the budget, because they take essential programs such as Customs enforcement and put them on the same level as less essential programs such as the Transportation Department's bicycle program. They are not equal and never should be.

The administration's policies pose another threat to the Customs budget. A couple of years ago, the President's fiscal year 1986 budget proposed to reduce the Customs Service by 777 positions, plus an additional 770 positions in fiscal year 1987. Many of the proposed personnel reductions were in the ranks of Customs inspectors and import specialists—our first line of defense against illegal shipments of foreign steel into this country. It boggles the mind that the administration should propose programs like the war against drugs or the Steel Import Stabilization Program and then not ask for the money to enforce them.

I was pleased to see that the Senate Appropriations Committee last fall rejected the budget proposals of the administration for the Customs Service and provided funding to restore the 1,547 positions. But I hope that the committee will again take a hard look at the President's new budget proposal for fiscal year 1988. That proposal cuts outlays for Customs Service salaries by $52 million.

Mr. President, with this bill, and with money to enforce it, we have some essential tools to help ensure that we have a level playing field in the realm of international steel trade. I will work to have this legislation included in the trade bill this year. I urge my colleagues to support it.●

By Mr. LEAHY:

S. 442. A bill to amend section 914 of title 17, United States Code, regarding certain protective orders; to the Committee on the Judiciary.

SEMICONDUCTOR CHIP PROTECTION ACT EXTENSION

Mr. LEAHY. Mr. President, with each passing year, it becomes increasingly apparent that America's ability to successfully compete in world markets depends on our ability to cultivate and protect ideas. We are the home of creative men and women who continually develop technologies that enrich our lives and generate brandnew opportunities for American industry. As these industrial pioneers experiment and innovate, they simultaneously challenge the Congress to support them with laws that ensure that the fruits of their labors are not appropriated by others.

During the 98th Congress, Senator Mathias and I forged the compromise that led to the Semiconductor Chip Protection Act of 1984, a law that protects the chip designs that American engineers and enterprises developed. These semiconductor chip designs are the essence of the worldwide computer revolution and have changed forever the way we live. Indeed, these microscopic marvels have propelled communications, transportation, health care, and information systems toward the 21st century.

The Chip Act was necessary because a void in the law enabled both onshore and offshore pirates to appropriate chip designs with impunity. After a great deal of study, Congress crafted legislation especially tailored to the unique properties of semiconductor technology. Because the legislation utilized mechanisms different from those typically used to protect intellectual property, and few nations had laws protecting chips, a question arose as to how to treat foreign works.

Many Senators did not want the U.S. law to protect foreign chip manufacturers without some assurance that U.S. manufacturers would receive reciprocal protection abroad. Thus, Congress decided to empower the Secretary of Commerce to extend transitional protection to chip designs of nationals of foreign countries that are "making good faith efforts and reasonable progress * * *" toward reciprocal protection of chip designs owned by U.S. nationals.

This carrot and stick approach—we will protect your country's work so long as you make speedy progress toward laws protecting ours—has been effective. The Commerce Department reports that good faith efforts to develop chip protection laws are under way in at least 16 nations to which interim orders have been extended.

I fear that many of the successes of the Chip Act may be vitiated when the Secretary's authority to issue interim orders expires this coming November. Thus, I am introducing legislation that would grant deserving nations additional time to finalize the mechanisms through which they protect semiconductor chip designs. More specifically, the Semiconductor Chip Protection Act Extension of 1987 would enable the Secretary of Commerce to issue transitional protection through 1990.

Mr. President, the provision of the act establishing the Secretary's interim order authority has gained the bulk of our attention because it has been the mechanism for protecting the vast majority of foreign semiconductor chip designs. However, the Chip Act also provides for the protection of foreign chips through an international treaty or Presidential proclamation.

Congress' role in each of these untested processes is quite different. The Senate must act affirmatively to ratify a treaty, whereas the President acts alone when issuing a proclamation that extends permanent protection to a foreign nation.

According to the Chip Act, the President may issue a proclamation if he determines that a particular nation extends protection to chip designs owned by U.S. nationals or domiciliaries on the same basis as that provided by our law, or on the same basis as that extended to its own nationals or domiciliaries. Unfortunately, the act does not establish a procedure through which the President should reach that determination.

This deficiency is disturbing because a proclamation issued pursuant to 17 U.S.C. 902 relinquishes America's opportunity to scrutinize the provisions of another nation's laws and to encourage the faithful adherence to those laws. It is especially troubling since a proclamation appears to be irrevocable.

The danger lurking behind this process of limited public participation revealed itself early in 1985 when the United Kingdom applied for a Presidential proclamation. It was not until late in the process that anyone heard the United States semiconductor industry's plea of focus on the "unregistered design right" that the United Kingdom proposed. The industry's arguments made it clear that it would have been premature to have granted permanent protection to the United Kingdom at that time.

These problems caused me to consider incorporating into this bill a provision that would suspend the opportunity for a nation to acquire permanent protection under 17 U.S.C. 902 so long as the Secretary of Commerce could grant that nation temporary protection. Instead, I will explore ways in which to open up the proclamation process during a hearing in the Subcommittee on Technology and the Law in the next few weeks.

I am certain that we will be able to establish a procedure for ensuring that the Congress as well as any other interested party can be heard before a proclamation is issued. In the meantime, I urge President Reagan to continue to exercise the restraint that he has demonstrated since Congress provided him the proclamation power in 1984.

Mr. President, I look forward to working with the administration to ensure that the Semiconductor Chip Protection Act continues to be an important tool in promoting international comity in the protection of intellectual property.

By Mr. DECONCINI (for himself and Mr. SIMPSON):

S. 443. A bill to amend the Clayton Act regarding damage liability and coverage; to the Committee on the Judiciary.

CLAYTON ACT AMENDMENT

Mr. DECONCINI. Mr. President, today I am introducing a bill titled the Clayton Act Amendments of 1987. In principle, it is very similar to the Railroad Antimonopoly Act that I sponsored in the last Congress.

This bill is short, simple, and direct. It consists of only two sentences. The first sentence permits private damage suits against railroads under section 4 of the Clayton Act. This part of the bill repeals the Keogh doctrine, which for many years has prohibited such suits. The second sentence amends section 16 of the Clayton Act to permit private suits for injunctive relief against railroads.

I want to make clear at the outset that this bill is not designed to punish railroads, or to single them out for special treatment. Its sole purpose is to make sure that the same rules which apply to other industries apply to railroads as well. By putting railroads on the same footing as other industries, this legislation will ensure that freight rates are set through fair competition, and not by unilateral demands.

Right now, the railroad industry enjoys a unique position. As a result of the Staggers Rail Act of 1980, the pervasive regulation that marked the development of rail transportation in this country is no longer present. Yet the railroads still benefit from the special antitrust exemptions that were part and parcel of the old regulatory framework.

This situation has resulted in abusive and monopolistic practices on the part of the railroads that were well documented during the extensive hearings we held in the last Congress. Shippers who are largely dependent on a single rail carrier are at the mercy of that carrier. Railroads are free to demand unreasonable rates, and to threaten to cut off service to those shippers who refuse to acquiesce. Captive shippers have no choice but to accede to the railroad's demands or face financial ruin. Many shippers, particularly where perishable commodities are involved, can ill afford to have their rail service cut off for even a single day.

This state of affairs must not be allowed to continue. In a largely deregulated setting, there are no fair arguments against requiring adherence to the antitrust laws. But after years of operating under tight regulation, railroads and shippers do not know the ground rules for operating in a deregulated environment. The time has come to make clear that the railroads are subject to the antitrust laws, and will be made to answer for any unlawful abuses of their market power.

When similar versions of this bill were introduced in the past, the railroads claimed that we were trying to reregulate them. Undoubtedly, we will hear these charges again, but in reality, this legislation does no such thing. What this bill will do is permit captive shippers to go to court and hold the railroads accountable to the same standards as other industries.

The broad support that this legislation is receiving indicates the magnitude of the problem that it addresses. The coal and forestry industries, public utilities, agricultural interests, and consumer groups are all feeling the effects of the railroad's abusive practices. They are entitled to the same protection that the antitrust laws accord to other sectors of the economy.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clayton Act Amendments of 1987".

SEC. 2. (a) Section 4 of the Clayton Act (15 U.S.C. 15) is amended by adding at the end thereof the following new subsection:

"(d) A common carrier by rail shall not be immune from damages under this section.".

(b) The proviso of section 16 of the Clayton Act (15 U.S.C.. 26) is amended by inserting "(other than a common carrier by rail)" after "common carrier".

By Mr. HOLLINGS (for himself and Mr. SYMMS):

S. 445. A bill to amend the Military Selective Service Act to provide for the reinstitution of registration and classification of persons under such act and to reinstate the authority of the President to induct persons involuntarily into the Armed Forces, and for other purposes; to the Committee on Armed Services.

REINSTITUTION OF THE MILITARY DRAFT

● Mr. HOLLINGS. Mr. President, I rise today to introduce legislation reinstituting the military draft. I am pleased that my colleague from Idaho, Senator SYMMS, joins me in this effort. We need the draft for many reasons—most importantly, we need it in order to remain true to the ideals which built this country.

I believe the need for a military draft has been and continues to be the most compelling, but unrecognized, priority facing us. The ability and willingness of our Nation to meet its future security needs and those of our allies hang in the balance. Unfortunately, like in other urgencies, such as with the massive deficits, the Congress reaches a gridlock when action on the draft is warranted and has failed in its responsibility to solve the problem before time runs out.

The All-Volunteer Force is a product of the Vietnam mindset. Early in the 1970's, with America's morale sapped by our involvement in Vietnam, everyone wanted the easy way for America to defend itself without personal sacrifice. So we instituted the Volunteer Army, and with that problem moved beyond arm's length, we put the whole defense problem beyond arm's length. The Volunteer Army that no longer touches every neighborhood is removed from everyday life in America as far as most citizens are concerned.

That attitude must change. I continually warned my colleagues when the Volunteer Force was begun in 1973 that it would only institutionalize the inequities of the draft—inequities which could have been remedied with much less dislocation. The Army speaks proudly of how well the Volunteer Force works, that it draws from all walks of life. Do not be misled by these comments. The decision of 1973 insured that our Nation's defense burden would rest for the most part with the poor, the black, and the disadvantaged for years to come. And without a cross-section of representation, we have no cross-section of support. There is not an equal call on all Americans to defend our security.

Mr. President, I have repeatedly pointed out in the past the problem awaiting the Volunteer Force of tomorrow. The largest grouping of potential recruits—17- to 21-year-old males—is falling off sharply. In 1980, there were approximately 11 million males in the 17- to 21-year-old category. By 1992, this group will be less than 9 million. By 1980, the Army was seeking one of five males in this age group. By 1993, it is projected that the Army will need to recruit between one of two to three males of this age.

Mr. President, how will we meet the recruiting objectives in the light of the demand for 1 out of 2 males? You and I both know that answer. It's money. We will once again be on the treadmill of escalating pay and benefits while diminishing arms and ammunition for our troops and lessening our capability to train and defend ourselves and honor our worldwide commitments.

We have failed as a people to fairly and equitably distribute the burden of our national defense. Our Volunteer Forces are sadly unrepresentative of the society they serve. Over one-quarter of all new recruits are black—double their proportion in the population. The number of other minorities is growing. Further, the minority soldiers are overrepresented in combat formations such as tank, artillery, and infantry outfits—well over 40 percent in contrast to 16 percent in the general population—raising the specter of disproportionate casualties among minorities in wartime.

The cross section approach of an equitable draft solves this problem. The burden would be shared by all. Exemptions can and must be kept to a minimum. Just prior to the institution of the All-Volunteer Force, and in response to the inequitable deferment and exemption standards which had been in place, eligibility standards were tightened that greatly limited deferments and exemptions. I believe we should continue those necessary and tightened standards. Of particular interest is the standard affecting students. Those in high school could be deferred until they graduate, but in no case extending beyond age 20. And those in college could continue studying until the end of the semester or, if in their senior year, until the end of that school year. We all share the benefits of life in America; under my plan, we ensure that we all help shoulder the burden of defending it.

Mr. President, I realize that if this draft legislation is passed, the administration will not rush toward implementation of a full-scale draft for our Active Forces. But one critical factor must be considered by the DOD before rejecting out of hand the draft approach. This factor concerns the size and strength of U.S. Reserve Forces and our capability for rapid mobilization.

To begin with, one must realize that our Reserves, both the Selected Ready Reserve [SRR] and the Individual Ready Reserve [IRR], are below their wartime mobilization strengths—the Selected Reserve by about 50,000 and the Individual Ready Reserve by as much as 200,000. This makes no sense to me. We have seen recent significant increases in defense spending—from $145 billion in 1980 to $290 billion in 1987—but relatively little concern by DOD about a mobilization capability.

We have a need now to shore up these forces. A draft can do that. It is the sponsors' wish that President Reagan use the draft to build up to and sustain a Reserve Force and capability that meets our mobilization need. That is the minimum that is required, and it is required as soon as possible.

The cost, the concept, the civil wrong of a Volunteer Army are bad enough, but more than anything, it has required a "civilianization." That process can keep the Army content and happy in peacetime, but in war it fairly well guarantees that the soldier will not fight. Anyone who has ever served in war realizes that the motivation to kill, to defend, to advance, to hold an untenable spot all springs from a unit loyalty—a loyalty developed from working together, playing together, training together, staying together and sacrificing together. It's an inner discipline; it's a developed pride for the organization that you are a part of. But to give the Volunteer Army appearances of success and harmony, "civilianization" has taken over. Soldiers stay off camp or fort with their wives and weekends are off with their families. Turning the Army into a microcosm of the office down the street does not suffice. The kind of camaraderie needed to weld an effective fighting force cannot flourish in an atmosphere where the military is a part-time chore. Defending America is not a 9-to-5 job.

I realize that many of my colleagues have been suggesting the idea of a national service program that would consist of either military or civilian duty to the country. While some may tout the equity in such a system, I'm not sure that the need, administration, structure, and cost of a national civilian service program have been evaluated. We know there is a need for our national security. Do we know that the need for better educating the poor or for improved social services rests in the hands of inexperienced youth? I don't think they do but this is surely the direction that a national service program would take us.

In fairness to ourselves as a people, we need the draft—a universal draft, not the kind with all the exemptions that caused so much bitterness during Vietnam—a draft that would reflect the true character of America's greatness. We must provide for the reinstitution of registration and classification and for the reinstatement of the President's authority to induct individuals.

Conscience tells us that we need a cross section of America in our Armed Forces. Defense is everybody's business. It is everybody's responsibility. Even if we had the money to make the All-Volunteer Army work, a professional army is un-American. It is an anathema to a democratic republic—a glaring civil wrong. Not until it makes an equal call on rich and poor alike, educated and uneducated, white and black, will it be a true reflection of us as a people. America benefits when serving alongside the high school dropout is the Harvard graduate who goes on to win the Navy Cross. A free society defended by the least free is a dangerous contradiction.

The great need of the hour is not so much a demonstration of military power. The great need for America is willpower. We lack credibility. If it is strength that must be shown the Soviets in order to obtain arms control a universal draft will get them to take notice better than all the MX's and B-1's and billions and billions of dollars. Ever since Vietnam, we have receded and withdrawn, refusing to commit. The lesson should have been learned by now that a President's commitment counts for little unless it reflects the commitment of the people.

The direction of our foreign policy, the power of our newest weaponry, and the number of dollars in the defense budget are meaningless unless we, as a people, are committed to the task of protecting a nation and aiding our allies—allies who by and large do maintain systems of military conscription.

From all of these standpoints then, Mr. President, the lack of military cohesiveness, extravagant cost, and primarily the unequal sharing of equal responsibilities—America needs the draft. There is no painless way that we can provide for the defense of freedom.●

By Mr. BOSCHWITZ:

S. 444. A bill to amend the Internal Revenue Code of 1986 to retain a capital gains tax differential, and for other purposes; to the Committee on Finance.

TWO-TIERED CAPITAL GAINS LEGISLATION

● Mr. BOSCHWITZ. Mr. President, I was an enthusiastic supporter of the Tax Reform Act of 1986. Nevertheless, I very much disagree with the new law's treatment of capital gains.

While the new law lowers tax rates substantially—the top bracket tax rate for individuals is reduced from 50 percent to 28 percent—the tax rate on long-term capital gains will increase substantially. At the Federal level, the top rate on long-term capital gains increases from 20 percent to 33 percent. That's a 65-percent increase.

Unfortunately, that only tells half the story. We must also look at the combined State and Federal tax on long-term capital gains. Under prior law, the top combined rate was in Arkansas and North Carolina—$235 per $1,000 of capital gain.[1] In California and New York, tied for third highest, the maximum combined Federal/State tax was $228 per $1,000 of gain.

Under the new law, the combined Federal/State tax in New York will go as high as $422 per $1,000 of gain. That's an 85-percent increase, and will give New York the highest combined rate in the country. There will be four States—and also the District of Columbia—where the combined Federal/State tax on $1,000 of long-term capital gains will exceed $400. In no State will the maximum combined rate be less than $330. Again, the maximum under prior law was $235 per $1,000 gain.

Such an increase is unwise. For the wealthiest taxpayers, the top Federal tax rate on long-term gains will go from 20 percent to either 28 percent or 33 percent; at most a 65-percent increase. However, for a middle-income family with $32,000 of taxable income, the top Federal tax rate on long-term capital gains will increase from 11.2 percent—28 percent marginal rate times 40 percent subject to tax—to 28 percent. That's a 150-percent increase.

And that's not the only way middle-income taxpayers will be hurt by an increase in capital gains tax rates. For many of these taxpayers, their single largest capital gain often comes from the sale of an asset—such as a farm or a business—which they have held for years. In many cases the asset represents a substantial portion of their net worth. An unexpected and very substantial increase in their capital gains rate could be very difficult for these people to bare.

Indeed, in many cases the capital gain being taxed is not real economic gain, but merely inflationary gain which does not add to personal wealth. When we remove the capital gains exclusion, the taxpayer will no longer have any cushion against inflationary gain.

In addition, such a substantial increase in the capital gains rate will reduce venture capital that leads to new businesses, new jobs, new technology, and new research and development. Certainly new business will continue to be created, but fewer new businesses and projects. Many innovative and risky projects will not go forward. The preference will be to invest in less risky ventures.

In fact, our competitors seem to agree about the importance of preferential treatment for capital gains. It's a competitiveness issue. According to the American Counsel for Capital Formation, 11 industrialized countries including Japan, Taiwan, West Germany, Hong Kong, Italy, and South Korea impose no taxes on long-term capital gains, and Canada's maximum tax is only 17 percent.

Accordingly, I am reintroducing legislation I introduced in the 99th Congress to provide a two-tiered capital gains exclusion for individuals. In the case of assets held more than 1 year but less than 3 years, the exclusion would be 40 percent. As a result, the top combined Federal/State tax would be $254 on $1,000 of gain. That would be higher than the maximum under prior law—$235—but certainly not anywhere near $422 per $1,000.

For assets held 3 years or more, the exclusion would be 60 percent. That would mean a top combined rate of $179 per $1,000 of gain. Investors would really have an incentive to invest in longer term, higher risk ventures.

The available evidence suggests that this bill, standing alone, could be "revenue neutral." Capital gains collections are not only a function of the rate applied, but equally important, of the amount subject to tax. Prof. Lawrence Lindsey of Harvard University had estimated that each 1-percent increase in the maximum rate on long-term capital gains above 20 percent results in a 5-percent reduction in the amount of capital gains subject to tax. If true, collections from the wealthy will not increase by raising rates. In fact, the experience demonstrates that reducing the tax rate on long-term capital gains does not reduce collections.

The Treasury Department's capital gains report—September 1985—concludes: "any effort to raise substantial revenue by increasing capital gains rates * * * is likely to be ineffective." Recent work on this issue by Dr. Martin Feldstein also suggests that such an amendment is by itself "revenue neutral".●

By Mr. BRADLEY (for himself, Mr. CHAFEE, Mr. BINGAMAN, Mr. KENNEDY, and Mr. GARN):

S. 446. A bill to amend the Internal Revenue Code of 1986 to disallow deductions for advertising expenses for tobacco products; to the Committee on Finance.

DISALLOWING ADVERTISING EXPENSE DEDUCTION FOR TOBACCO PRODUCTS

Mr. BRADLEY. Mr. President, I rise today with my colleagues from Rhode Island [Mr. CHAFEE] and New Mexico [Mr. BINGAMAN] to introduce two bills that eliminate the tax subsidy for tobacco advertising and raise the excise tax on cigarette and smokeless tobacco.

Mr. President, tobacco is the single biggest health hazard facing this country. Virtually all scientific evidence recognizes the dangers of tobacco. More than 300,000 people die from smoking each year. Smoking contributes to 30 percent of deaths due to cancer and to 25 percent of coronary heart disease in this country.

Mr. President, the health costs of tobacco are also large. According to studies of the National Center for Health Statistics and the Office of Technology Assessment, $12 to $35 billion a year is spent on medical care for people whose illnesses result from smoking.

Mr. President, some argue that we should not be so worried about the health effects of tobacco, because tobacco use is declining. That's nonsense. The decline in tobacco use has not been dramatic—unfortunately, the increased deaths from smoking have been. There has been only a modest reduction in per capita cigarette consumption—a 10-percent decline since the 1950's—and there has not been a sizable reduction in the number of people who smoke, relative to 30 years ago. In the 1950's roughly half of men and a quarter of women were smokers. Now about a third of both men and women smoke.

Thirty years ago, the debate was over whether tobacco consumption represented a serious health hazard. Today, everyone agrees—everyone, that is, except the tobacco manufacturers—that tobacco is a killer. The debate has turned to defining the proper Federal role in discouraging the use of tobacco.

And currently, Mr. President, the Federal Government has conflicting policies:

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[1] All Federal/State capital gains calculations prepared by Deloitte, Haskins & Jells.

We spend millions on health research in an effort to help the millions afflicted by tobacco-related diseases, and at the same time we provide subsidies to farmers to grow tobacco.

We place labels on tobacco products warning people of the direct link between use and illness, and at the same time we allow the excise tax on cigarettes to drop in real terms by 50 percent over the decades. That is hardly consistent.

And last, we spend millions on public health campaigns to warn people of the dangers of tobacco, and at the same time allow manufacturers to write off billions of dollars in advertising expenses that are aimed at encouraging people to smoke or use smokeless tobacco.

Mr. President, the Government should speak with one voice on this problem. I believe that voice should unequivocally say, "smoking will harm you." We need tough Federal laws that send the message loud and clear.

Mr. President, the package of bills being introduced today sends this message in three ways. First, the legislation eliminates the incentive in the current Tax Code that helps tobacco companies promote their products. We should disallow as a business expense the advertising expenses associated with tobacco products, including smokeless tobacco. The tax subsidy to tobacco manufacturers, which amounts to $2 billion over the next 3 years, dwarfs the Federal outlays that are expended on deterring tobacco use and I see no reason why the Government should continue to subsidize this product.

The industry argues that tobacco ads are not intended to recruit new smokers but simply to get people who already smoke to switch brands. I think that is hogwash, Mr. President. What was the message behind television ads on smokeless tobacco, now prohibited, portraying an athlete enjoying a "pinch between his cheek and gum?" What is the message behind billboards and magazine ads that portray young, successful, athletic and attractive models?

Americans—particularly young Americans—are bombarded with tobacco ads. Tobacco is this Nation's most heavily advertised consumer product, costing over $2 billion a year. Cigarette ads represent 10 to 15 percent of all newspaper and magazine ads and almost half of all outdoor advertising.

Smoking is not glamorous. It does not make you attractive. It will not help you live a long or athletic life. Ads imply that this is the case, and it simply is not. It is doubtful that we can stop tobacco manufacturers from advertising, but we can eliminate the taxpayer subsidy to the industry for this purpose.

Mr. President, the second major component of this legislation raises the excise tax on a pack of cigarettes from $0.16 per pack to $0.32 per pack, which raises between $9 and $10 billion over the next 3 years. Over the years, the special interests have been able to erode the real level of taxation of cigarettes. The $0.16 Federal tax now represents under 20 percent of the average price per pack of cigarettes, significantly less than the 42 percent of the price that the Federal excise tax represented in 1951. We need to more than double the tax to bring it back to the level that existed in 1951.

Doubling the cigarette excise tax will reduce tobacco usage, particularly among the most vulnerable segment of our population—children. Per capita cigarette consumption has generally remained steady for the past 20 years, but according to the Department of Agriculture consumption decreased by 5 percent between 1982 and 1983 due to the 8-cent increase in excise tax on cigarettes.

The experts appear to be in agreement that the increase in the price of cigarettes does indeed bring about a decrease in consumption. The decrease is small among addicted adults, but, Mr. President, the reduction is quite large among teenagers who either quit smoking altogether or decide not to start. According to testimony last year before the Finance Committee, if Congress decided to increase the Federal tax by 8 cents, close to 2 million Americans, including 1 million young people, will be encouraged to quit smoking or to avoid taking up the habit altogether. Currently, between one and four smokers die from smoking related illnesses. Therefore, Mr. President, a $0.16 tax increase has major implications for one select group of Americans—the million Americans who will avoid premature death if the cigarette excise tax is raised.

Mr. President, the third part of this legislative proposal imposes a Federal tax of $1.20 a pound on snuff and 40 cents a pound on chewing tobacco. This level of taxation comes out to about 8 cents per container of smokeless tobacco, about half the level of the current Federal tax for cigarettes. Currently, the Federal tax on smokeless tobacco is only a penny a container.

Why, Mr. President, should we impose a sizable tax on smokeless tobacco? The answer is simple. First, the excise tax on smokeless tobacco should be comparable to the tax on cigarettes. And second, we need to do whatever we can to reduce the use of this product and raising the tax will have this effect. Use of smokeless tobacco is linked to a number of serious health problems, including cancer, periodontal bone destruction, tooth abrasion, and gingival recission. The American Cancer Society estimates that 10 percent of the 9,500 oral cancer deaths in this country are attributable to smokeless tobacco. The World Health Organization last year concluded that there is a direct link between use of snuff and cancer.

In India and the Philippines, where chewing tobacco is frequently used, oral cancer is the most common malignancy seen—comprising almost 40 percent of all cancers. Of those oral cancers, 70 percent are on the cheek lining, the area where tobacco or tobacco mixed with betel nut is positioned.

The American Academy of Head and Neck Surgeons recently testified that smokeless is a "* * * major health hazard with a casual relationship to oral and other cancers, dental disease and other maladies."

Mr. President, in 1980, the American Cancer Society estimated that 22 million Americans use smokeless tobacco. Its use is on the rise. According to the Library of Congress, per capita consumption of snuff among males 18 and over increased 60 percent since 1978. Surveys show that in Colorado, 25 percent of the male high school students use smokeless tobacco daily; in Oklahoma, 22 percent; in Texas, 20 percent. In the Texas study, 55 percent of the chewers started before their 12th birthday. Incredibly, in Oklahoma, 7 percent of the third graders use smokeless tobacco.

It is unconscionable that young people are being encouraged to use smokeless tobacco. We need to send a clear message that this product has serious health consequences. We need to provide disincentives to its use.

In summary, Mr. President, I am firmly convinced that the Government must stop encouraging the use of tobacco products and recognize that its use kills. These bills are a step in that direction, by making the cost of using and promoting tobacco more expensive.

By Mr. CHAFEE (for himself, Mr. BRADLEY, Mr. BINGAMAN, and Mr. SIMON):

S. 447. A bill to amend the Internal Revenue Code of 1986 to increase the excise tax on cigarettes to 32 cents per pack and on snuff and chewing tobacco to 8 cents per package; to the Committee on Finance.

INCREASES IN EXCISE TAXES ON TOBACCO PRODUCTS

Mr. CHAFEE. Mr. President, today I am introducing legislation which will increase the excise tax on cigarettes and smokeless tobacco. My legislation will increase the excise tax on cigarettes from 16 to 32 cents per package. The tax on smokeless tobacco products—chewing tobacco and snuff—will be increased from its current rate of about 1½ cents per package to 8 cents per package.

I am also cosponsoring legislation introduced by my colleague from New Jersey which will disallow tax deductions for tobacco advertising expenses.

Together, these two proposals would generate additional revenues of about $11 billion over 3 years. While we do not propose to earmark these funds toward any Federal program, it is clear that the additional revenues would assist our efforts to serve better the health care needs of our children and the elderly.

Frequently we in Congress talk about inconsistencies in Federal policies. There is no better example of this than our attitude toward tobacco and tobacco products.

We spend billions of dollars every year on health research and direct health care for individuals with tobacco-related diseases—and yet at the same time we provide subsidies to encourage farmers to grow tobacco.

We commission study after study on the effects of tobacco on those who use it and we know that tobacco products are harmful. Yet, we have allowed the cigarette excise tax—one of the major deterrents to smoking—to decline in real terms by nearly 50 percent since the 1950's.

Finally, we require labels on tobacco products and spend millions on public health programs to alert people to the dangers of tobacco use—yet we allow tobacco companies a tax deduction worth billions of dollars to advertise their products in a way that encourages people to smoke. We know that tobacco advertising is geared toward encouraging the use of tobacco products. To subsidize that effort with a tax deduction is ridiculous.

The two proposals we are introducing today represent an effort to eliminate inconsistent policies. We all know tobacco use is unhealthy. We need a policy which discourages smoking—especially among this country's youth.

It is estimated that when Congress doubled the excise tax on cigarettes from 8 to 16 cents, 1¼ million adult Americans stopped smoking. Even more important, this action caused one-half million teenagers to stop or not start smoking. Teenage smoking decreased by 14 percent. Adult smoking decreased by 4 percent.

By helping to discourage smoking, an increased excise tax will help improve the overall health of the country. Cigarette smoking is the No. 1 preventable cause of death and disability in this country. Over 350,000 Americans die of smoking-related diseases annually—that is 1,000 people every day. More than one out of every seven deaths in this country are smoking related.

Cigarette smoking causes one-third of all heart disease deaths in this country. It is estimated that 24 million Americans may die prematurely of heart disease attributable to cigarette smoking, unless smoking habits are changed.

Cigarette smoking costs our society in excess of $41 billion annually in health care costs, lost work time and lost productivity. Nine million people suffer from chronic bronchitis and emphysema due to smoking, and 80 percent of all lung cancer deaths in this country are caused by smoking.

These are horrible deaths and easily preventable.

Maternal smoking during pregnancy significantly increases the risk of spontaneous abortion, miscarriage, bleeding during pregnancy, stillbirth, and sudden infant death syndrome. Children of smoking parents have an increased risk of bronchitis and pneumonia early in life and seem to have a small but measurable difference in the growth of lung functions.

These are just some of the health risks associated with cigarette smoking. All of them cost the Federal Government money—either directly through programs like Medicare and Medicaid, or through increased premiums in private health insurance for which we provide a tax deduction.

The combination of increasing the excise tax on tobacco products and disallowing deductions for the advertising of such products would set us on the road toward a consistent Federal policy toward the use of tobacco: We would discourage it.

I commend all of those groups who continue to work diligently to help us attain a consistent, sensible, and healthy Federal policy on tobacco use. I urge my colleagues in the Senate to join us in this effort.

Mr. President, I ask unanimous consent that my legislation be printed in the Record in full following my statement.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN TAXES ON TOBACCO PRODUCTS.

(a) In General.—

(1) Cigarettes.—Subsection (b) of section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on cigarettes) is amended—

(A) by striking out "$8" in paragraph (1) and inserting in lieu thereof "$16"; and

(B) by striking out "$16.80" in paragraph (2) and inserting in lieu thereof "$33.60".

(2) Snuff.—Paragraph (1) of section 5701(e) of such Code (relating to tax on smokeless tobacco) is amended by striking out "24 cents" and inserting in lieu thereof "$1.20".

(3) Chewing tobacco.—Paragraph (2) of section 5701(e) of such Code is amended by striking out "8 cents" and inserting in lieu thereof "40 cents".

(b) Floor Stocks.—

(1) Imposition of tax.—On cigarettes, snuff, and chewing tobacco manufactured in or imported into the United States which is removed before July 1, 1987, and held on such date for sale by any person, there shall be imposed the following taxes:

(A) Small cigarettes.—On cigarettes, weighing not more than 3 pounds per thousand, $8 per thousand.

(B) Large cigarettes.—On cigarettes, weighing more than 3 pounds per thousand, $16.80 per thousand; except that, if more than 6½ inches in length, they shall be taxable at the rate prescribed for cigarettes weighing not more than 3 pounds per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

(C) Snuff.—On snuff, 96 cents per pound and a proportionate tax at the like rate on all fractional parts of a pound.

(D) Chewing tobacco.—On chewing tobacco, 32 cents per pound and a proportionate tax at the like rate on all fractional parts of a pound.

(2) Liability for tax and method of payment.—

(A) Liability for tax.—A person holding cigarettes, snuff, and chewing tobacco on July 1, 1987, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) Method of payment.—The tax imposed by paragraph (1) shall be treated as a tax imposed under section 5701 of the Internal Revenue Code of 1986 and shall be due and payable on August 17, 1987, in the same manner as the tax imposed under such section is payable with respect to cigarettes, snuff, and chewing tobacco removed on July 1, 1987.

(3) Snuff and chewing tobacco.—For purposes of this subsection, the terms "cigarettes", "snuff", and "chewing tobacco" shall have the meaning given to such terms by subsection (b) and paragraphs (2) and (3) of subsection (n) of section 5702 of the Internal Revenue Code of 1986, respectively.

(4) Exception for retail stocks.—The taxes imposed by paragraph (1) shall not apply to cigarettes, snuff, and chewing tobacco in retail stocks held on July 1, 1987, at the place where intended to be sold at retail.

(5) Foreign trade zones.—Notwithstanding the Act of June 18, 1934 (19 U.S.C. 81a et seq.) or any other provision of law—

(A) cigarettes, snuff, and chewing tobacco—

(i) on which taxes imposed by Federal law are determined, or customs duties are liquidated, by a customs officer pursuant to a request made under the first proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before July 1, 1987, and

(ii) which are entered into the customs territory of the United States on or after July 1, 1987, from a foreign trade zone, and

(B) cigarettes, snuff, and chewing tobacco which—

(i) are placed under the supervision of a customs officer pursuant to the provisions of the second proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a) before July 1, 1987, and

(ii) are entered into the customs territory of the United States on or after July 1, 1987, from a foreign trade zone,

shall be subject to the tax imposed by paragraph (1) and such cigarettes, snuff, and chewing tobacco shall, for purposes of paragraph (1), be treated as being held on July 1, 1987, for sale.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to cigarettes, snuff, and chewing tobacco removed after June 30, 1987.

By Mr. DOMENICI:

S. 448. A bill raising the authorization level for the Rio Puerco and Tributaries, NM; to the Committee on Environment and Public Works.

RIO PUERCO AND TRIBUTARIES, NEW MEXICO

● Mr. DOMENICI. Mr. President, today I am introducing legislation to raise the authorization level for the Rio Puerco and Tributaries, Gallup, NM project which was just authorized in last year's Water Resources Development Act.

The legislation is necessary because the total estimated project cost, now that the General Design Memorandum is complete, has risen by more than 20 percent. Section 902 of last year's omnibus water bill requires that any project that increases by more than 20 percent must be reauthorized.

A brief history of the project explains the reason for the increase in cost:

The report of the Los Angeles district engineer, dated July 1979, recommended construction of a flood control project at an estimated total first cost of $2,450,000—April 1979 price level.

The September 4, 1981 report of the chief of engineers also recommended the project, and specifically the plan recommended by the Los Angeles district, at a slightly revised cost of $2,833,000—October 1980 price level.

Based on the chief's report, the authorization level of $4,190,000 was included in the 1986 Water Resources Development Act, a figure which represented the 1980 cost estimate updated.

However, when the corps completed its design in the General Design Memorandum, dated September 1986, it found it necessary to modify the 1979 plan. Modifications include:

Deletion of the concrete-lined drop-chute inlet structure;

Raising the existing State highway department's south levee for a distance of 1,400 feet upstream from the Gamerco Spur Bridge and extending the embankment along the south side of Little Puerco Wash to tie into the railroad embankment;

Excavation of the low flow channel downstream from the rock knoll excavation to a point approximately 1,600 feet upstream from the I-40 bridge crossing;

Extension of the south bank levee downstream to Allison Road to protect maintenance yards;

Deletion of the bike trail; and

Dredging of the existing New Mexico State Highway Department channel.

The plan, as now presented, has an estimated total first cost of $6,508,403—July 1986 price levels.

The fiscal year 1988 budget request includes $760,000 in construction funds for the project. Therefore, it is imperative that the Congress act promptly to put in place the new authorization level so that work on this important flood control project will not be delayed.

Mr. President, I ask that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Rio Puerco and Tributaries, Gallup, New Mexico, New Mexico Project authorized by Section 401 of the 1986 Water Resource Development Act is modified to reflect an estimated total first project cost of $7,300,000, including an estimated first Federal cost of $5,500,000 and an estimated first non-Federal cost of $1,800,000. These costs shall include the cost of extension of the South Levee and dredging of the existing New Mexico State Highway Department Channel as part of the overall project.●

By Mr. GLENN (for himself, Mr. LAUTENBERG, and Mr. WILSON):

S. 449. A bill to authorize the Secretary of Health and Human Services to make grants to States to support family caregivers information and education demonstration programs; to the Committee on Labor and Human Resources.

By Mr. GLENN (for himself, Mr. HEINZ, Mr. LAUTENBERG, Mr. BURDICK, Mr. HOLLINGS, Mr. PRESSLER, Mr. DOLE, Mr. WILSON, Mr. BRADLEY, Mr. NICKLES, Mr. LEVIN, Mr. PACKWOOD, Mr. DODD, Mr. CHILES, Mr. RIEGLE, Mr. WARNER, Mr. REID, Mr. THURMOND, Mr. PRYOR, Mr. LEAHY, Mr. MITCHELL, and Mr. KERRY):

S.J. Res. 41. Joint resolution to designate the period commencing on November 22, 1987, and ending on November 29, 1987, as "National Family Caregivers Week"; to the Committee on the Judiciary.

FAMILY CAREGIVERS

● Mr. GLENN. Mr. President, it is important to note that Americans are living longer and that the fastest growing segment of our population is the age 85 and older group. Although the majority of older Americans enjoy a fulfilling and independent retirement, those fortunate enough to reach 85 years and beyond face an increased likelihood of suffering multiple chronic ailments, thus requiring the assistance of caregivers. Over 80 percent of this care for the frail elderly is provided by family members, not by the government or other programs. Today, along with Senator LAUTENBERG and Senator WILSON, I am introducing a bill to assist these caregivers. And, along with 21 of my colleagues, I am introducing a resolution to recognize and encourage their often heroic efforts.

S. 449, the "Family Caregivers Advocacy, Resource and Education Demonstration Program Act of 1987," would provide grants to States to support family CARE centers. These centers would be a central source of information and referral to family caregivers regarding services such as respite, home health care, and support and advocacy groups. The total cost of this project, to be administered by the Secretary of Health and Human Services, would be $5 million over a 3-year period.

Family CARE clearinghouses would emphasize coordination of services, community education, and outreach and support for caregivers. They would have a toll-free telephone number and a written resource directory available at a nominal fee to provide information on respite care, adult day care, home medical services, family support and advocacy groups, education and training, as well as elder abuse hotlines. Public awareness of the efforts of family caregivers would be built through community education efforts, such as public service announcements and workshops.

Careful evaluation of the demonstrations would be required in order to help focus future efforts to assist family caregivers. The evaluations would address issues such as the success of family CARE programs in linking caregivers with key services and the impact on relieving caregivers' stress; the prevention of premature or unnecessary institutionalization; and the impact on development or expansion of key services, including those in the private sector.

Senate Joint Resolution 41, designates the week of November 22, 1987, as "National Family Caregivers Week." A companion resolution is being introduced in the House of Representatives by Congresswoman OLYMPIA SNOWE. This resolution would recognize the vital role of family caregivers who make enormous sacrifices to provide for their loved ones. Their contributions help to maintain strong family ties and strengthen intergenerational support. The cash value of caregiving services provided by families far exceeds the combined cost of Government and professional services to the elderly living in communities and in institutions.

Acknowledgement of the valuable contributions of family caregivers would provide for greater public awareness of and community support for these Americans. Public recognition of the often heroic efforts of family caregivers would likely increase their access to information about respite care and other available supportive services.

As Americans are living longer, more and more of us will find ourselves responsible for the care of a loved one. This is especially true for women. It is estimated that 70 to 80 percent of caregivers are women, many of whom are elderly themselves. More than 1 in 3 impaired men are cared for by their wives, while only 1 in 10 impaired women are cared for by their husbands. This reflects the fact that women not only tend to marry men older than themselves, but that they live an average 7 years longer than men.

In November 1985, I chaired a hearing in Cincinnati entitled "Challenges from Women: Taking Charge, Taking Care." At this hearing I heard the testimony of several women—the so-called sandwich generation—about how they cope with a job, caring for their own family and household and also the additional task of caring for an aging parent. The testimony of these women highlighted the need for a support system for those who are in this predicament. With a growing aging population and a decreasing number of children, the need for support for caregivers of our frail elderly family members is increasing. In particular, we must address the unrelenting pressures of caring for someone with a debilitating illness such as Alzheimer's disease. These pressures can lead to an even greater tragedy—elder abuse. Providing caregivers with much-needed support will help keep families intact and lessen the chance of abuse of any kind.

Mr. President, I am disturbed by the myth that persists in our society that families are abandoning their elderly family members and unloading them to nursing homes and other public programs. Nothing could be further from the truth. We must recognize that the demands for and on caregivers are increasing due to several major trends. The implementation of Medicare's prospective payment system, resulting in many elderly patients being discharged sicker and quicker, has increased the demand for family members to serve as caregivers. Demographic changes such as the aging of our population, and the decreasing numbers of the typical American family in which the husband works and the wife stays home to care for their children will have a profound effect on the caregiving role. The combined impact of Gramm-Rudman budget cuts, Reagan administration initiatives to reduce essential health care services and our concern over the Federal deficit are reducing the availability of services at a time when the need is escalating. For families already burdened to their physical, emotional and financial limits in caring for a loved one, there appears to be little relief in sight.

It is clear, Mr. President, that we must address our Nation's need for a home- and community-based system of long-term care for chronically ill older Americans. Respite, home health and adult day care, as well as transportation and other services for the frail elderly need to be expanded.

Through the "Family Caregivers Advocacy, Resource and Education Demonstration Program Act of 1987", and this resolution to establish "National Family Caregivers Week", we can assist and honor dedicated family caregivers, and I urge my colleagues in the Senate to support this legislation.●

● Mr. LAUTENBERG. Mr. President, I am pleased to join with Senator GLENN in introducing a bill to establish the Family Caregivers Advocacy, Resource and Education Demonstration Program Act [Family CARE]. This bill would authorize a 3-year demonstration program in five to eight States. Each State would provide advocacy, education, information, and referral services. The services would be geared to elderly and disabled people and members of their families who provide care for them.

The elderly and disabled often need assistance in daily activities. About 80 percent of people requiring this kind of long-term care are helped in their homes or communities. The vast majority of this home care is provided by family members or friends. Few resources exist to assist these caregivers. When the burden of daily care becomes too great for the family, they may have to place the elderly or disabled person in a nursing home.

Nursing home care is not always the most appropriate service for an elderly person. But, the family may find that, in the absence of outside resources, they cannot continue to keep a frail person at home. The demonstration program that would be authorized by this bill is intended to address the problems of unnecessary or premature nursing home placement and family burnout.

Included in the kinds of services provided by Family CARE would be: outreach and community education; information about community resources and services; toll-free information hotline; development of respite care services; and community awareness activities to draw attention to problems involved in family home care.

Mr. President, this bill would address a serious problem. Care provided to the elderly at home is preferable to nursing home care in most cases. It is less expensive and usually less stressful. We need to do more to encourage this kind of care and to give moral and other support to those who provide it. This bill will provide an opportunity to show the effectiveness of support services for caregivers. The cost of the demonstration will be low; in total, $5 million in authorized for the 3-year life of the program. States participating in the demonstration will be required to evaluate the program.

The family members who take care of their elderly and disabled relatives deserve recognition for their selfless devotion, often under very difficult circumstances. To give greater public awareness to the role of family caregivers, I am also joining with Senator GLENN in introducing a joint resolution calling on the President to proclaim the week of November 22, 1987, as National Family Caregivers Week.●

By Mr. ARMSTRONG:

S. 450. A bill to recognize the organization known as The National Mining Hall of Fame and Museum; to the Committee on the Judiciary.

FEDERAL CHARTER FOR THE NATIONAL MINING HALL OF FAME AND MUSEUM

● Mr. ARMSTRONG. Mr. President, today I am introducing a bill which would grant the status of a Federal corporation to the National Mining Hall of Fame and Museum, Inc., to be located in Leadville, CO.

Is mining important to our economy today? You bet it is. Mining and agriculture are the two basic industries from which everything else evolves. They are the primary sources of wealth including job creation and job sustenance which fulfill the needs of this great country with a wide variety of essential, reliable, and reasonable priced mineral supplies. Our $3.4 trillion U.S. economy uses about 244 billion dollars worth of minerals and processed material of mineral origin annually.

The annual output of American mining, mineral processing and refining, mineral reclamation, and energy industries is worth more than $270 billion. Over 4 billion tons of new mineral supplies are needed every year in our economy. That's about 20 tons for every man, woman, and child! Moreover, Americans' use of fuel energy is equivalent to the work of 300 round-the-clock servants for each citizen. The industries that extract and process our minerals and fuels provide paychecks to nearly 2 million employees directly and many millions indirectly.

Minerals and fuels are so much a part of our daily lives that most Americans take them wholly for granted. Who gives a thought to the tungsten in a light bulb, the silica in a bottle, the petrochemicals in a plastic garbage bag, the pigment in paint, or the magnesium in cosmetics?

Our forefathers have given us a mining legacy that has the potential of become extinct. In this era of rapidly changing social and economic values, our Nation is confronted by a clearly defined challenge which stems largely from the simple fact that we've lost sight of our forefathers' idealistic motivation, sacrifices, hardships, and far-reaching accomplishments.

In our harried preoccupation with the present, we've permitted the dust of almost two centuries to all but completely bury a priceless part of our great American heritage.

That grand, prodigious history of the American mining industry and its inestimable impact on the national life style, the American economy, wealth, national defense, scientific, technological and medical advances, and its vital role in the creation of the world's greatest power must not be lost.

One example of someone who deserves recognition for his contribution to the economy is Nathaniel P. Hill, an investor in the mines of Leadville, CO. As a metallurgist, he was particularly interested in the complex ores of Colorado. He arranged to have concentrates from several of the mines in Leadville sent to a special smelter in Swansea, Wales. The extracted metals were then shipped back to Colorado.

Mr. Hill spent a year in Wales working in the mills and studying complex ores. Upon his return to the United States, he organized the Boston & Colorado Smelting Co. In 1868 he built the Argo Mill in Idaho Springs and a smelter in Black Hawk. The process was costly but very successful, for this mill and smelter were the first to adequately process the complex ores of Colorado. In 1878 he moved the smelter from Black Hawk to Denver. Colorado coal was used to power the smelter, and the success of the facility made Denver and Golden major leaders in the smelting industry.

Later, Mr. Hill became a professor at the Colorado School of Mines in Golden. He was known as the father of scientific smelting in Colorado.

It is my honor to introduce this legislation which recognizes the National Hall of Fame and Museum as the showcase and research center of the mining industry to do the following:

First, to honor the memory of the men and women who participated actively in the founding and development of the American mining industry such as prospector, miners, mining leaders, engineers, teachers, scientists, inventors, government leaders, "rascals," financiers, and others.

Second, to recapture the romance and tumult of pioneer mining with all its boom-camp and empire-building aspects, and utilize every means to attract the interest of writers, artists, and media representatives to portray this flaming era in all its exciting glory.

Third, to offer the public a comprehensive library on the mining industry; display paintings, sculpture, photographs and historical and memorabilia pertaining to the infancy of mining in the United States.

Fourth, to maintain a repository for documents, reports, and similar items of great value which may contribute to the education of future mining students.

Mining built Colorado and this Nation and there is an important need for the public to fully understand the relationship and impact the mining effort has on each and every aspect of our modern society and economy. Granting this Federal charter will help to create the exposure necessary for the National Mining Hall of Fame to be recognized nationally as the place to learn about the contributions the products of the mining industry have made to the enrichment of our everyday life. I ask unanimous consent that a fact sheet about the proposed bill of fare be inserted at this point in the RECORD.●

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

STATEMENT OF RESOLUTION AND PURPOSES

In this era of rapidly changing social and economic values, our nation is confronted by a clearly defined challenge to the very principles upon which the country was founded and to the American way of life.

This challenge stems largely from the simple fact that too little thought and effort has been directed toward idealistic motivations, sacrifices, and far-reaching accomplishments of our forefathers.

In our preoccupation with the present, we've permitted the dust of almost two centuries to all but completely bury a priceless part of our Great American Heritage.

Being mindful of that grand, prodigious history of the American Mining Industry and its inestimable impact on the national life style, the American economy, wealth, defenses, scientific, technological and medical advances, and its vital role in the creation of the world's greatest power, we have determined to:

Erect an enduring monument to the memory of the men and women who participated actively in the founding and development of the American Mining Industry—prospectors, miners, mining leaders, engineers, teachers, financiers, inventors, rascals and others.

Name that monument The National Mining Hall of Fame and Museum to be located in a complex already acquired, within the City of Leadville, Colorado, in an area easily accessible to tourists and other visitors.

Perpetuate the memory of leaders in the mining industry selected for honors by permanently recording their contributions to this vital element of our national existence.

Provide the atmosphere, meeting place and organization for worldwide round table symposiums concerning the problems and possible solutions of the mining industry.

Dedicate this institution to the education of all generations by presenting a true picture of the mining industry and its importance to everyday living.

Gain public confidence in the mining industry, improve its image and gain that goal with a live and active facility pointed toward education and support of the mining industry.

Recapture the romance and tumult of pioneer mining with all its boom-camp and empire-building aspects, and utilize every means to attract the interest of writer, artists, and the media who would then portray and initiate an ever-increasing interest and enthusiasm from the general public, both young and old to portray this flaming era in all its exciting glory.

Maintain a repository for documents, reports and similar items of great value which may contribute to the education of future mining students.

Cooperate with active mining and other mineral oriented organizations in our endeavors and to seek their assistance in making the facility the showcase of the mineral industry and an inspiration to future generations for all time to come.

INTRODUCTION

The National Mining Hall of Fame and Museum was conceived in February 1975. After many meetings and discussions, a state charter was applied for and received in 1977. In 1978 the IRS granted a Not-For-Profit 501-C3 rating for the organization.

The ultimate goal is to make the National Mining Hall of Fame and Museum the showcase and literary center for the mining world. Education will be strongly emphasized.

PROJECTED INTERIOR CONSIDERATIONS

I. Main lobby and entrance

The central focal point of the lobby will be a bronze statue of a miner. The walls will be covered with larger than life size murals, depicting the History of Mining. The last mural will represent the consensus of mining procedures 100 years from now.

II. Hall of Fame

This area will appropriately honor members of the mining industry, as well as, display mining art.

III. Lecture hall

Seating approximately one hundred the hall will be available for lectures, video presentation, and symposiums.

IV. Geology hall

Mineral collection, presentation of geology theories past and present, also three dimensional kinetic models of earth's crust to demonstrate the geologic evolution.

V. Mining history hall

The presentation of mining history covering Indian mining, Spanish, U.S. settlers, booms, rushes, panics, etc. Space will be available for each state to present their mining contributions and history.

VI. Prospecting hall

Prospecting equipment and data on the procedures will be displayed including actual samples of rock formations and sand bars with an explanation of what they indicate according to various theories. Panorama of an actual assay office and field assaying demonstrations.

VII. Placering

Displays covering panning, flumes, rockers, dredges and hydraulic mining, etc.

VIII. Mining methods

Visitors ride an ore train for tour of a full scale model of a mine to see lifts, winches, pumps, stopes, timbering, drilling machines, charges being placed, etc.

IX. Transportation and mining

Mining roads, mule trains, narrow gauge railroads, express companies, and aerial trams, etc.

X. Mineral uses hall

A room or area dedicated to each of a number of minerals, will show the various uses of these minerals. There will be an area showing the importance of mining in daily life. Perhaps 40 common items will be picked, for example paper. By audio-video the seventeen different minerals that have to be used after the tree is delivered to the paper mill will be shown, as well as, mines where these minerals are produced and how they are added to the process. A five to seven minute presentation would be made for each example. The impact of recycling would be involved.

XI. Museum shop

Repair exhibits, make displays and maintain building.

XII. Museum restaurant

Snacks, soups, sandwiches, and light foods.

XIII. Museum library and research center

Mine maps and reports, photos, law books, documents, etc. This will be one of the major areas.

XIV. Ecology

An area in the hall showing past and present environmental and ecological controls. Also, what the minerals industry is accomplishing in this field. (This by audio-visual presentation.) An ecologist will act as advisor so that both sides of the ecology problem will be fairly presented.

XV. Museum store

Mining souvenirs, magazines, books, etc.

COMMENT

Most materials derived from the earth and its environment which are useful and or beneficial to man will be presented and displayed. Energy fuels for example, such as coal, oil, gas, uranium, etc. will be fully explored and displayed showing old and new prospecting and recovery methods, and old, new, and future prospective uses for these products.

NATIONAL MINING HALL OF FAME AND MUSEUM, INC.

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Consultants

Dr. Victor Danilov, Museum Science & Industry, Chicago, IL. Robert Fuller, Fuller, Fuller & Assoc., Denver, CO. Charles Morris, Public Relations, Golden, CO.●

ADDITIONAL COSPONSORS

S. 62

At the request of Mr. STEVENS, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 62, a bill to improve efforts to monitor, assess, and to reduce the adverse impact of driftnets.

S. 81

At the request of Mr. METZENBAUM, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 81, a bill to amend the Older Americans Act of 1965 to establish the Alzheimer's Disease and Related Dementias Home and Community Based Services Block Grant.

S. 83

At the request of Mr. GLENN, his name was added as a cosponsor of S. 83, a bill to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances.

At the request of Mr. JOHNSTON, the names of the Senator from Florida [Mr. CHILES], the Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. BOND], the Senator from Illinois [Mr. SIMON], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 83, supra.

S. 138

At the request of Mr. INOUYE, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 138, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit distribution of certain State-inspected meat and poultry products, and for other purposes.

S. 184

At the request of Mr. DODD, the names of the Senator from Massachusetts [Mr. KERRY], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 184, a bill to provide economic assistance to the Central American democracies, and for other purposes.

S. 200

At the request of Mr. NICKLES, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 200, a bill to amend the Internal Revenue Code of 1954 to repeal the windfall profit tax on crude oil.

S. 216

At the request of Mr. MITCHELL, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 216, a bill to amend title 38, United States Code, to increase the per diem rates paid to States for providing care to veterans in State homes.

S. 248

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 248, a bill to amend title 10, United States Code, to permit members of the Armed Forces to wear, under certain circumstances, items of apparel not part of the official uniform.

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[1] Members of the Executive Committee.

S. 265

At the request of Mr. Humphrey, the name of the Senator from Nevada [Mr. Hecht] was added as a cosponsor of S. 265, a bill to require executive agencies of the Federal Government to contract with private sector sources for the performance of commercial activities.

S. 267

At the request of Mr. Humphrey, the name of the Senator from Nebraska [Mr. Zorinsky] was added as a cosponsor of S. 267, a bill to limit the uses of funds under the Legal Services Corporation Act to provide legal assistance with respect to any proceeding or litigation which relates to abortion.

S. 272

At the request of Mr. Humphrey, the name of the Senator from Nebraska [Mr. Zorinsky] was added as a cosponsor of S. 272, a bill to require certain individuals who perform abortions to obtain informed co-consent.

S. 273

At the request of Mr. Humphrey, the name of the Senator from Nebraska [Mr. Zorinsky] was added as a cosponsor of S. 273, a bill to require certain individuals who perform abortions to obtain informed consent.

S. 274

At the request of Mr. Humphrey, the name of the Senator from Nebraska [Mr. Zorinsky] was added as a cosponsor of S. 274, a bill to restrict the use of Federal funds available to the Bureau of Prisons to perform abortions.

S. 311

At the request of Mr. Zorinsky, the name of the Senator from North Dakota [Mr. Conrad] was added as a cosponsor of S. 311, a bill to amend the Internal Revenue Code of 1986 to preclude all corporations engaged in farm product processing with gross receipts in excess of $100,000,000 from using cash accounting.

S. 332

At the request of Mr. DeConcini, the name of the Senator from New Mexico [Mr. Bingaman] was added as a cosponsor of S. 332, a bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes.

S. 424

At the request of Mr. Danforth, the name of the Senator from Missouri [Mr. Bond] was added as a cosponsor of S. 424, a bill to require the President to make available for obligation certain funds appropriated for the temporary emergency food assistance program.

SENATE JOINT RESOLUTION 5

At the request of Mr. D'Amato, the name of the Senator from Ohio [Mr. Glenn] was added as a cosponsor of Senate Joint Resolution 5, a joint resolution designating June 14, 1987, as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 20

At the request of Mr. D'Amato, his name was added as a cosponsor of Senate Joint Resolution 20, a joint resolution to designate the month of March, 1987, as "Women's History Month."

SENATE CONCURRENT RESOLUTION 8

At the request of Mr. D'Amato, his name was added as a cosponsor of Senate Concurrent Resolution 8, a concurrent resolution relating to the current human rights policies of the Soviet Union.

SENATE RESOLUTION 92

At the request of Mr. Grassley, the name of the Senator from Minnesota [Mr. Durenberger] was added as a cosponsor of Senate Resolution 92, a resolution rejecting the Administration's recommendation to eliminate the excise tax exemption for alcohol fuels.

SENATE RESOLUTION 94

At the request of Mr. Nickles, his name was added as a cosponsor of of Senate Resolution 94, a resolution concerning arms control negotiations with the Soviet Union.

AMENDMENT NO. 10

At the request of Mr. Symms, the name of the Senator from Indiana [Mr. Quayle] was added as a cosponsor of amendment No. 10 proposed to S. 387, an original bill to authorize appropriations for certain highways in accordance with title 23, United States Code, and for other purposes.

AMENDMENT NO. 11

At the request of Mr. Symms, the name of the Senator from Oklahoma [Mr. Boren] was added as a cosponsor of amendment No. 11 proposed to S. 387, an original bill to authorize appropriation for certain highways in accordance with title 23, United States Code, and for other purposes.

SENATE CONCURRENT RESOLUTION 13—RELATING TO MANAGEMENT OF THE SOCIAL SECURITY DISABILITY INSURANCE PROGRAM

Mr. KERRY (for himself, Mr. Sarbanes, Mr. Riegle, Mr. Stafford, Mr. Moynihan, and Mr. Johnston) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. Con. Res. 13

Whereas Congress established the Social Security Disability Insurance (SSDI) program in 1956 to improve the quality of life for disabled Americans:

Whereas the decision of the Social Security Administration to require an increased caseload for SSDI examiners and expand the continuing disability review process caused several hundred thousand recipients to be removed improperly from the SSDI rolls during the period of 1981 through 1983;

Whereas the widespread termination and denial of benefits for eligible disabled Americans during such period created undue hardship for countless deserving individuals;

Whereas more than 60 percent of the recipients who appealed a decision to terminate or deny benefits were ultimately successful in reversing the decision;

Whereas Congress passed (with only one dissenting vote) the Social Security Disability Benefits Reform Act of 1984 in order to end the inconsistent and frequently arbitary manner in which the Social Security Administration was applying disability standards, as well as to restore public faith and confidence in the SSDI program;

Whereas since enactment of such Act, there has been, as intended by Congress, a marked improvement in the SSDI review process and the beginning of a restoration of public confidence in the program; and

Whereas recent directives by the Social Security Administration have resulted in increased SSDI workloads for many states, thus threatening a return to the chaos that existed prior to the 1984 Act: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Social Security Administration should not—

(A) reduce the staff of state Disability Determination Services or increase the workload of SSDI examiners to levels that would prevent adequate case development in accordance with the standards established in the Social Security Disability Benefits Reform Act of 1984, or

(B) initiate any other action that would impair the ability of examiners to determine eligibility for benefits in accordance with the requirements of such Act; and

(2) the Social Security Administration should place higher priority on assisting states in both complying with the 1984 reforms and improving the accuracy with which SSDI eligibility is determined.

Mr. KERRY. Mr. President, today I am submitting a concurrent resolution expressing concern over continuing pressure by the Social Security Administration [SSA] on State disability determination offices to increase the number of cases they process without any increases in either staff or other resources. Let me be absolutely clear, I strongly endorse the goal of efficient and productive management in the Social Security Disability Insurance [SSDI] System. However, mandating higher workloads without the necessary increases in both funding and personnel is far from efficient, it is in fact, counterproductive in its impact on the quality of services provided to our disabled citizens.

Last year, I learned that the SSA had informed State disability determination offices that they could expect an increase in the number of cases which they must process, in some instances an increased caseload of up to 50 percent. This processing increase, coupled with both a budgetary and national hiring freeze, threatened the integrity and ability of SSDI programs to be successfully administered. I therefore submitted a similar concurrent resolution in the closing days of the 99th Congress. The intent of the resolution was to send a clear message to the Commissioner of the SSA, that Congress is "watching." We will not stand idly by to witness an SSDI System thrown back into the chaos of the beginning of this decade which prompted the Congress to overwhelmingly pass the Social Security Disability Reforms Act of 1984.

Today Mr. President, roughly 5 months later, I must sadly report that the economic stability of disability determination offices across the country has not improved, as a matter of fact it has worsened. The end result has been an unnecessary delay of services to disabled individuals. When Congress passed the Disability Reforms of 1984, the purpose was to devise a more thorough review process which would ensure deserving disabled Americans the benefits to which they are entitled. The new changes undeniably represent a more comprehensive review process and a significant improvement in the system as a whole.

It should come of little surprise to anyone that a system with a more lengthy, detailed review process is going to be a system that requires more time, and attention by staff. Cutting back personnel and resources will only serve to undermine the excellent improvements made in the 1984 reforms. In my own State for example, the SSA is expecting determinations to be made on an increased caseload of 12 percent with 19 percent less staff and 7 percent fewer fiscal resources than last year.

The drastic cost saving measures that State offices have been forced to take in order to meet their budget has cut productivity, and reduced their ability to serve their clients in a timely manner. For example, the number of hours per week that physicians are working has been reduced, doctors have been furloughed for a week at a time. Also, in some instances case examination has been simplified thus denying clients as complete a review as before, and staff have been unable to devote as much time to each case as they have in the past. Furthermore, key staff positions, vacant due to attrition, have remained unfilled.

Consequently, there currently exists long delays in the processing of claims, cases ready for determination have not been adequately addressed because of fewer physician hours, and morale of the examiners and physicians has hit a record low. These short-term cost saving measures carry with them dangerous long-term costs to the SSDI program, but most importantly to the disabled clients themselves.

Recently, Mr. President, I received a letter from the Commissioner of the Social Security Administration in which she said the "SSA is committed to implementing the 1984 disability amendments and administering the national disability program with equity, efficiency, and compassion." In analyzing the cost saving measure that States are being forced to take, I ask my colleagues the simple questions:

Are we witnessing the implementation of an efficient, equitable and compassionate disability reform program when the Commissioner of SSA refuses to provide States the adequate staff, resources, or guidance to implement the 1984 disability reforms?

Are we witnessing a system of "equity, efficiency and compassion" when States' productivity levels are dropping and clients are being forced to undergo great delays in case processing?

The answer is clearly no.

Let us not forget that during the period from 1981 to 1983 over 450,000 individuals were thrown off the SSDI rolls due to so-called SSA reforms designed to create budgetary savings. And let us not forget that 60 percent of those disabled Americans who were tossed off of the rolls were later reinstated.

In the name of fiscal savings, I am fearful that we may possibly be witnessing today what could be the beginning of a return to a system marred by chaos and inequity. Quite clearly, Mr. President, what the Commissioner of SSA calls a system of "equity, efficiency, and compassion," is not the system that currently exists.

In closing let me just say, that at a time when we are just beginning to see faith and confidence of disabled Americans in the SSDI Program restored, as a result of the 1984 reforms, we should not place unjustified systematic constraints on State disability offices. And so Mr. President by introducing this resolution once again I am asking the SSA to not take any actions that will reduce the staff of State disability determination services, or increase the workload of SSDI examiners to levels that prevent adequate case development. And, I ask the SSA to place higher priority on assisting States in both complying with 1984 reforms as well as improving the accuracy with which SSDI eligibility is determined.

I urge my colleagues to join with me in signing on to this concurrent resolution which sends a message to disabled Americans across the Nation—Congress cares. And a message to the Social Security Administration—Congress is watching.

SENATE RESOLUTION 97—EXPRESSING THE SENATE'S OPPOSITION TO THE IMPOSITION OF A FEE ON IMPORT CRUDE OIL AND REFINED PETROLEUM PRODUCTS

Mr. PELL (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. MITCHELL, Mr. STAFFORD, Mr. MOYNIHAN, Mr. RUDMAN, Mr. KERRY, Mr. D'AMATO, Mr. LAUTENBERG, Mr. HUMPHREY, Mr. COHEN, Mr. WEICKER, Mr. HEINZ, Mr. LEAHY, and Mr. METZENBAUM) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 97

Whereas, a fee on imported crude oil and refined petroleum products would directly increase the costs of production and manufacturing for industries using petroleum products;

Whereas, the increased production costs resulting from such a fee would impair the ability of industries to compete in international markets;

Whereas, such a fee would directly increase the costs to other users of petroleum products, including those dependent on oil and oil products to heat their homes, and who use oil-generated electricity;

Whereas, the increased costs to industry and to homeowners from such a fee would not be uniformly distributed geographically or among economic sectors, but would be borne disproportionately by those industries and regions most dependent on petroleum products: Now, therefore, be it

Resolved, That it is the sense of the Senate that neither the President nor the Congress should impose fees on imported crude oil and refined petroleum products.

Mr. PELL. Mr. President, I am today introducing a resolution expressing the sense of the Senate that neither the Congress nor the President should impose an oil import fee on imported crude oil or refined petroleum products. Joining me in sponsoring this resolution are Senators CHAFEE, KENNEDY, MITCHELL, STAFFORD, MOYNIHAN, RUDMAN, KERRY, D'AMATO, LAUTENBERG, HUMPHREY, COHEN, WEICKER, HEINZ, LEAHY, and METZENBAUM.

During the past several months oil import fees have been the subject of considerable attention and renewed interest as evidenced by recent hearings on the subject of energy security, and the reintroduction of several measures which in effect establish price supports for domestically produced oil through the imposition of an oil import fee. The idea of an oil import fee has been presented as an easy and painless way for the Government to increase revenue and reduce the Federal budget deficit. The fee has also been presented as one way to help ease the tremendous financial burden imposed on oil-producing States as a result of reduced OPEC oil prices, and to conserve energy.

The truth is that an oil import fee is not a good idea and would certainly not be painless for consumers. An oil import fee would impose heavy new costs on all who use oil and oil products in manufacturing and production. It would also impose higher costs on all who heat their homes with oil or use oil-generated electricity.

In addition, by increasing the production costs of energy and raw materials, an oil import fee would make American manufacturers far less competitive in world markets—a situation certainly not tolerable with today's current trade imbalance.

Equally important, an oil import tax would hurt some of our most friendly and secure suppliers of imported oil—Mexico, Venezuela, Canada, and Indonesia. Such a fee would only force some of these nations to absorb some or all of the import fee—a matter that must merit careful attention in view of the massive debt burden carried by several of these countries.

On the importance of energy conservation, there is no question that we as a nation must maintain a vigorous conservation effort. Rhode Islanders have recognized this fact, and have led the Nation according to the Department of Energy, in reducing their overall consumption of energy for several years.

Energy conservation can be accomplished by means more effective and less costly than oil import fees. For example, we have such measures as the 55-miles-per-hour speed limitation or the auto fuel efficiency standards, or uniform electric appliance standards, meaningful conservation programs in the budget including weatherization and the Schools and Hospitals Program within the Department of Energy.

Mr. President, equally important, an oil import fee would impose an unfair and highly discriminatory tax on business, homeowners, and consumers in the Northeast as well as certain other States along the east coast and upper Midwest.

Rhode Island and other States along the east coast, especially in the Northeast, already suffer from paying energy costs far above the national average. We are more heavily dependent on oil as an energy source than any other region of the country. Approximately 65 percent of Rhode Island's energy consumption—for industry, business, home heating, and transportation—is in the form of oil, while for the Nation as a whole, oil provides just 40 percent of the total energy consumption.

Without question, an oil import fee would bear far more heavily on States along the east coast, especially the Northeast and upper Midwest than on other regions of the country that have access to natural gas, coal and hydroelectric power. An oil import fee would widen the gap between the energy costs of the Northeast and energy costs in other regions of the country. An oil import fee could result in economic disaster for industry, workers, and businesses in the Northeast. An oil import fee would heavily subsidize other regions of the country at the expense of oil consuming and importing States along the east coast and upper Midwest.

Mr. President, I am keenly aware that the recent sharp decline in world oil prices has had severe adverse affects on the oil-producing regions of our country. I know too, that those areas would benefit enormously from an oil import fee since the prices of oil they produce would be boosted by an import fee. In response to these very real economic problems, I am most sympathetic and open to suggestions for relief and economic assistance for these regions—with the entire Nation sharing the cost. I am however strongly opposed to economic relief in the form of an oil import fee, with the costs being borne out of proportion by consumers and industry in the Northeast and upper Midwest regions.

I hope this resolution will persuade the Congress and the administration to reject an oil import fee. I ask unanimous consent that a recent editorial from the Providence Journal, and a list of organizations that oppose an oil import fee, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Providence Journal, Jan. 30, 1987]

OIL IMPORT TAX WOULD NOT SERVE BROAD ENERGY NEEDS

Chalk it up to greater affluence or maybe just the plunge in oil prices in the past few years, but the fact is that oil consumption in this country has been increasing, and the extra oil being burned comes from overseas.

Petroleum imports went up sharply in the closing months of 1986. The bill for these imports increased at the rate of $1 billion a month, and if this rate continues, the bill will be $12 billion larger for 1987, canceling some of the effort that is going into reducing the U.S. trade deficit.

The increased imports have been accompanied by a reduction in domestic oil production, prompting increased advocacy for an oil import tariff as a means of supporting the domestic oil industry. While cheap oil can help Americans in many ways, an import tariff or tax would affect different sections of the country unevenly, hurting the Northeast more than other sections because of its continuing dependence on oil for heating and for generation of electricity.

The phenomenon of a new surge in oil imports may be tempered somewhat by the recent OPEC action, boosting the price of crude oil from $15 to $18 a barrel. But that is still a huge reduction from the $34 a barrel that OPEC was able to maintain earlier in the '80s and that forced Americans into new measures of energy conservation.

U.S. demand for foreign oil dropped from a high of about 3.25 billion barrels in 1978 to a low of about 1.75 billion barrels in 1983; it has been rising since then, and last year it hit 2.5 billion barrels.

Stated another way, total demand averaged just under 16.2 million barrels a day last year, an increase of about 3 percent from 1985; and it is likely to increase about 300,000 barrels a day in 1987. Domestic production averaged 8.3 million barrels a day in December, a drop from the original report of 8.7 million barrels a day. That meant production had fallen nearly 700,000 barrels a day from December, 1985. Industry sources expect it to fall another 300,000 barrels a day this year, maybe more.

With demand rising and domestic production falling, imports are bound to increase; some industry sources say this will happen even if the world price goes up several dollars. Such a trend definitely dims prospects for reducing the trade deficit.

Moreover, so long as the economy continues stable, there will be little incentive to cut oil consumption. An oil import tax would help the domestic industry, just as tariffs on imported products would protect other U.S. industries. But once this country starts on the slippery slope of protectionism, it would trigger retaliation by other countries. The end result would be a trade war, which would hurt all nations and probably precipitate a world recession.

So what's bad for New England might well be bad for the whole world, in the oil industry as well as in the broader field of imports and exports. Other things being equal, oil imports are going to go up, at least until the mid-1990s. And while that situation may have its drawbacks, it is better than when OPEC was riding high and everyone was paying through the nose for energy of all kinds.

ORGANIZATIONS OPPOSING OIL IMPORT FEES

National Consumers League
Empire State Petroleum Association
New England Fuel Institute
Independent Fuel Terminal Operators Association
North-East Coalition for Energy Equity
New England Council
Society of the Plastics Industry
Society of Independent Marketers of America
Union Carbide Corporation
American Public Power Association
Dow Chemical
Chemical Manufacturers Association
National Association of Manufacturers
National Consumers League
Air Transport Association
Consumer Labor Energy Coalition
Rubber Manufacturers Association
Bethlehem Steel
Air Products & Chemicals, Inc.
Petro Chemical Energy Group
Coalition Opposing Energy Taxes
ELCON

● Mr. D'AMATO. Mr. President, I rise today in strong support of the resolution, introduced by Senator PELL and others, which indicates our opposition to the imposition of any fees on imported crude oil or refined petroleum products. This is an issue of vital importance to my State.

During the last Congress, the Senate defeated by a vote of 78 to 18 an amendment which would have imposed a $10-per-barrel fee on imported oil. I have strongly opposed such a fee, which would have an unfair impact on homeowners and businesses in the Northeast.

An oil import fee, no matter how it is disguised, is a new Federal tax. Such a fee not only would be an inequitable and inefficient method of raising revenue, but also would have serious negative effects on consumers, inflation, employment, and the competitiveness of American industry.

According to the Consumer Federation of America, the implementation of a $10-per-barrel import fee for crude oil would increase oil costs by $24.8 billion in the first year alone. New Yorkers would pay $3 billion of this increase. A $10-per-barrel import fee would reduce the gross national product by about $50 billion annually, would increase inflation by 1 to 2 percent annually, and would decrease employment by about 500,000 jobs.

Mr. President, a majority of my colleagues are on record as opposing a $10-per-barrel fee. I urge them to take the additional step of indicating their opposition to any proposal to impose an oil import fee by cosponsoring this resolution.●

SENATE RESOLUTION 98—URGING THE SOVIET UNION TO ALLOW IGOR V. OGURTSOV TO EMIGRATE TO THE WEST

Mr. RIEGLE (for himself, Mr. Nickles, Mr. Adams, Mr. McCain, Mr. Exon, Mr. Matsunaga, Mr. Moynihan, Mr. Danforth, Mr. Gore, Mr. Kerry, Mr. Reid, Mr. Burdick, Mr. Quayle, Mr. Lugar, Mr. Sanford, Mr. Rockefeller, Mr. Boren, Mr. Bradley, Mr. Simon, Mr. Specter, Mr. Sarbanes, Mr. Mitchell, Mr. DeConcini, Mr. Metzenbaum, Ms. Mikulski, Mr. Wilson, Mr. Levin, and Mr. Heinz) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 98

Whereas the Soviet Union is a party to the Final Act of the Conference on Security and Cooperation in Europe and the Universal Declaration of Human Rights;

Whereas Igor Ogurtsov, the founder of a religious-political opposition group in the Union of Soviet Socialist Republics known as the All-Russian Social Christian Alliance for the Liberation of the People (VSKhSON), in late November and early December 1967, was tried in camera with three other leaders of VSKhSON and was found guilty of treason (article 64 of the RSFSR criminal code) and subsequently sentenced to fifteen years of imprisonment and five years of internal exile;

Whereas Igor Ogurtsov denied that he was guilty of treason but was nonetheless sentenced to seven years in Vladimir prison, eight years in a strict regime camp, and five years of internal exile;

Whereas Igor Ogurtsov is the only remaining VSKhSON member still imprisoned;

Whereas on February 9, 1987, Igor Ogurtsov will have completed his twenty-year sentence;

Whereas as a result of two decades of imprisonment and confinement, Igor Ogurtsov is in poor health, undernourished and weak, suffering from high blood pressure, liver malfunction, poor sight, and loss of teeth;

Whereas Igor Ogurtsov has been offered an exit visa that would allow him and his parents to emigrate only if he signs a statement of pardon renouncing his views;

Whereas to sign such a document would compromise his principles and give validity to his false arrest and incarceration;

Whereas Igor Ogurtsov desperately wishes to emigrate to any country in the West that would accept him and his parents; and

Whereas the Congress of the United States has unanimously adopted a resolution expressing sympathy with Igor Ogurtsov's plight and urging that he be permitted to emigrate to the West with his parents without renouncing his views: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President, acting directly or through the Secretary of State, should—

(1) continue to express at every suitable opportunity and in the strongest possible terms the opposition of the United States Government to the forced exile and repressive treatment of Igor Ogurtsov; and

(2) urge the Government of the Soviet Union to—

(A) grant Igor Ogurtsov release from internal exile on or before the expiration of his twenty-year term, on February 9, 1987; and

(B) immediately accept Igor Ogurtsov's application for an exit visa, and allow him to emigrate with his parents to the United States, or elsewhere in the West as he so chooses, without forcing him to renounce his views, in accordance with the Final Act of the Conference on Security and Cooperation in Europe and with the Universal Declaration of Human Rights.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Ambassador of the Union of Soviet Socialist Republics to the United States and to the General Secretary of the Communist Party of the Union of Soviet Socialist Republics, Mikhail S. Gorbachev.

● Mr. RIEGLE. Mr. President, I am pleased today to be joined by 27 of my Senate colleagues in submitting a resolution on behalf of the world-renowned Russian dissident, Igor Ogurtsov. Identical legislation is being introduced today by Congressman Broomfield in the House.

On February 9, 1987, Igor Ogurtsov will have completed a 20-year sentence of prison and internal exile, imposed on him because of his political and religious activities in the Soviet Union. This resolution states that it is the sense of the Senate that Mr. Ogurtsov should now be released from exile and allowed to emigrate to the West without renouncing his views.

Igor Ogurtsov, one of the most prominent Russian political dissidents, founded the religious-political group known as the All-Russian Social Christian Alliance for the Liberation of the People [VSKhSON]. VSKhSON was composed mainly of intellectuals who gathered together to study and distribute religious and philosophical literature. For his involvement with this group, Ogurtsov and three others were tried, in camera, in a Leningrad court in late 1967. All four were found guilty of "treason" for their activities, with Ogurtsov receiving the harshest sentence of all—7 years in jail, 8 years of hard labor, and 5 years of internal exile.

Despite the physical and mental torment he has suffered during his two decades of imprisonment, Ogurtsov has maintained his innocence and the illegality of his arrest by rejecting Soviet offers of freedom in exchange for renouncing his views.

The extremely severe penalty imposed on Igor Ogurtsov for engaging in activities which are considered acceptable in all Western democracies, has provoked deep sympathy and profound concern among hundreds of thousands of Americans and Europeans.

For the past two decades, Ogurtsov's case has been the subject of appeals to the Soviet authorities by Western governments and human rights advocates around the world. Andrei Sakharov has joined a chorus of voices speaking out in Ogurtsov's defense. Three years ago, the Senate, and then the House of Representatives, expressed support for Ogurtsov by unanimously approving a resolution calling for his release.

In signing the Helsinki accords in 1975, the Soviet Union undertook the obligation to treat the fundamental freedoms enunciated in the final act, as basic rights of all Soviet citizens.

We must do everything possible to see that the Soviet Union upholds its international commitments to human rights. Granting Igor Ogurtsov and his parents the relief they have sought for so long—permission to emigrate to the United States to join relatives here—would be a dramatic demonstration of the Soviets' willingness to honor the rights of its citizens.

I invite all of my colleagues to join me in urging the Soviet Government to take prompt and positive action on the Ogurtsov case by supporting prompt passage of this resolution.●

AMENDMENTS SUBMITTED

FEDERAL-AID HIGHWAY ACT

BENTSEN AMENDMENT NO. 12

Mr. BENTSEN proposed an amendment to the bill (S. 387) to authorize appropriations for certain highways in accordance with title 23, United States Code, and for other purposes; as follows:

At the end of the bill, insert the following new title:

TITLE II—HIGHWAY REVENUE ACT OF 1987

SEC. 201. SHORT TITLE.

This title may be cited as the "Highway Revenue Act of 1987".

SEC. 202. 4-YEAR EXTENSION OF HIGHWAY TRUST FUND TAXES AND RELATED EXEMPTIONS.

(a) EXTENSION OF TAXES.— The following provisions of the Internal Revenue Code of 1986 are each amended by striking out "1988" each place it appears and inserting in lieu thereof "1992":

(1) Section 4041(a)(3) (relating to special fuels tax).

(2) Section 4051(c) (relating to tax on heavy trucks and trailers sold at retail).

(3) Section 4071(d) (relating to tax on tires and tread rubber).

(4) Section 4081(e)(1) (relating to gasoline tax) (as amended by the Tax Reform Tax Act of 1986 and section 521(a)(1)(B) of the Superfund Revenue Act of 1986).

(5) Sections 4081(e), 4482(c)(4), and 4482(d) (relating to highway use tax).

(b) EXTENSION OF EXEMPTIONS, ETC.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking out "1988" each place it appears and inserting in lieu thereof "1992":

(1) Section 4041(b)(2)(C) (relating to qualified methanol and ethanol fuel).

(2) Section 4041(f)(3) (relating to exemption for farm use).

(3) Section 4041(g) (relating to other exemptions).

(4) Section 4221(a) (relating to certain tax-free sales).

(5) Section 4483(f) (relating to exemption for highway use tax).

(6) Section 6420(h) (relating to gasoline used on farms).

(7) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems) (as in effect before its redesignation by section 1703(c) of the Tax Reform Act of 1986).

(8) Section 6427(g)(5) (relating to advance repayment of increased diesel fuel tax).

(9) Section 6427(m) (relating to fuels not used for taxable purposes) (as in effect before its redesignation by section 1703(e)(1) of the Tax Reform Act of 1986).

(c) OTHER PROVISIONS.—

(1) FLOOR STOCKS REFUNDS.—Paragraph (1) of section 6412(a) of the Internal Revenue Code of 1986 (relating to floor stocks refunds) is amended—

(A) by striking out "1988" each place it appears and inserting in lieu thereof "1992", and

(B) by striking out "1989" each place it appears and inserting in lieu thereof "1993".

(2) INSTALLMENT PAYMENTS OF HIGHWAY USE TAX.—Paragraph (2) of section 6156(e) of such Code (relating to installment payments of tax on use of highway motor vehicles) is amended by striking out "1988" and inserting in lieu thereof "1992".

SEC. 203. 4-YEAR EXTENSION OF HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsections (b), (c), and (e) of section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) are each amended—

(1) by striking out "1988" each place it appears and inserting in lieu thereof "1992", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1993".

(b) EXPENDITURES FROM HIGHWAY TRUST FUND.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 (relating to expenditures from Highway Trust Fund) is amended by striking out "or" at the end of subparagraph (B) and by striking out subparagraph (C) and inserting in lieu thereof the following new subparagraphs:

"(C) authorized to be paid out of the Highway Trust Fund under the Federal-Aid Highway Act of 1987, or

"(D) hereafter authorized by a law which does not authorize the expenditure out of the Highway Trust Fund of any amount for a general purpose not covered by subparagraph (A), (B), or (C) as in effect on the date of the enactment of the Federal-Aid Highway Act of 1987.".

(c) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-11) is amended—

(1) by striking out "1988" and inserting in lieu thereof "1992", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1993".

SEC. 204. CERTAIN TRANSFERS FROM HIGHWAY TRUST FUND TO BE MADE PROPORTIONATELY FROM MASS TRANSIT ACCOUNT.

Subsection (e) of section 9503 of the Internal Revenue Code of 1986 (relating to establishment of Mass Transit Account) is amended by adding at the end thereof the following new paragraph:

"(5) PORTION OF CERTAIN TRANSFERS TO BE MADE FROM ACCOUNT.—

"(A) IN GENERAL.—Transfers under paragraphs (2), (3), and (4) of subsection (c) shall be borne by the Highway Account and the Mass Transit Account in proportion to the respective revenues transferred under this section to the Highway Account (after the application of paragraph (2)) and the Mass Transit Account; except that any such transfers of the extent attributable to section 6427(g) shall be borne by the Highway Account.

"(B) HIGHWAY ACCOUNT.—For purposes of subparagraph (A), the term 'Highway Account' means the portion of the Highway Trust Fund which is not the Mass Transit Account.".

SEC. 205. IMPOSITION OF HIGHWAY USE TAX ON ALL MOTOR VEHICLES OPERATING IN UNITED STATES.

(a) IN GENERAL.—Subsection (b) of section 4481 of the Internal Revenue Code of 1986 (relating to tax paid by whom) is amended by inserting "or contiguous foreign country" after "State".

(b) REGULATIONS REQUIRED WITHIN 120 DAYS.—The Secretary of the Treasury or the delegate of the Secretary shall within 120 days after the date of the enactment of this section prescribe regulations governing payment of the tax imposed by section 4481 of the Internal Revenue Code of 1986 on any highway motor vehicle operated by a motor carrier domiciled in any contiguous foreign country or owned or controlled by persons of any contiguous foreign country. Such regulations shall include a procedure by which the operator of such motor vehicle shall evidence that such operator has paid such tax at the time such motor vehicle enters the United States. In the event of the failure to provide evidence of payment, such regulations may provide for denial of entry of such motor vehicle into the United States.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 1987.

STAFFORD (AND OTHERS) AMENDMENT NO. 13

Mr. STAFFORD (for himself, Mr. MOYNIHAN, Mr. BENTSEN, Mr. CHAFEE, Mr. EVANS, Mr. WILSON, and Mr. MATSUNAGA) proposed an amendment to the bill S. 387, supra; as follows:

At the end of S. 387 add the following new section:

"SEC. . (a) Section 131 of title 23, United States Code, is amended as follows:

(1) in subsection (b)—

(A) by striking "shall be reduced" and inserting in lieu thereof "may be reduced"; and

(B) by striking the words "equal to 10" in the second to last sentence, by inserting in lieu thereof "up to 5", and by striking the last sentence;

(2) in subsection (c)—

(A) by striking "(c)" and inserting in lieu thereof "(c)(1)" and redesignating clauses 1 through 5 as clauses A through E; and

(B) by inserting at the end thereof the following new paragraphs—

"(2) As part of effective control, each State shall maintain an annual inventory of all outdoor advertising signs, displays, and devices required to be controlled pursuant to this section. Such inventory shall identify all such signs as either illegal, nonconforming, or conforming under State law. An inventory shall not be required in States which the Secretary determines have a permit and enforcement system which requires a permit for all lawful signs required to be controlled by this section and identifies promptly all unlawful signs.

"(3) As part of effective control, each State shall assure that signs, displays and devices required to be removed by this section shall be removed within ninety days of (A) the date upon which they become unlawful or if not unlawful, the date upon which they must be removed pursuant to State law, or (B), if eligible to receive compensation pursuant to this section or to be amortized, the date upon which cash compensation is paid, or the State amortization period ends.

"(4) As part of effective control, no State may allow or undertake any vegetation removal or other alteration of the highway right-of-way with the purpose of improving the visibility of any outdoor advertising sign, display or device located outside of the right-of-way.

"(5) As part of effective control, no State may permit any person to modify any outdoor advertising sign, display, or device which does not conform to subsection (c) or (d) of this section to improve its visibility or its useful life.

"(6) As part of effective control, no State may permit any new outdoor advertising sign, display or device that is along the Interstate System or primary system within 2500 feet of any boundary of a unit of the national park system, national wildlife refuge system, national forest system, a wild and scenic river, an historic site or a district listed in the National Register of Historic Places, or that is adjacent to any road designated as scenic by Federal authority.";

(3) in subsection (d) by striking "(d)", by inserting in lieu thereof "(d)(1)", and by adding at the end of the subsection the following:

"(2) After February 1, 1987, no new signs, displays or devices may be erected outside of urban areas under the authority of this subsection and no new signs, displays or devices with an area of greater than seventy-five (75) square feet may be erected within an urban area under the authority of this subsection. Any sign, display or device lawfully erected under State law after February 1, 1987 and prior to the effective date of this section that is not consistent with the provisions hereof shall be treated as illegal."

"(3) After February 1, 1987, no area which on such date is not designated as an unzoned commercial and industrial area for purposes of paragraph (1) may be established in such State for purposes of paragraph (1).";

(4) by amending subsection (e) to read as follows:

"(e) The Secretary shall not require a State to remove any lawfully erected sign, display, or device which does not conform to this section and is lawfully in existence on the date which this section becomes effective pursuant to section of the Federal-Aid Highway Act of 1987. Nothing in this subsection shall prevent a State from removing any sign, display, or device.";

(5) by amending subsection (g) to read as follows:

"(g)(1) Just compensation shall be paid upon removal of any outdoor advertising sign, display, or device lawfully erected under State law and removed pursuant to this section. Such compensation shall be paid for the following:

"(A) the taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

"(B) the taking from the owner of the real property on which such sign, display or device is located, of the right to erect and maintain such signs, displays, or devices.

"(2) Payments made to a State by the Secretary may be made for the removal or acquisition of signs, displays, and devices located in areas adjacent to the Federal-aid primary system and the Interstate System from funds apportioned to such State under section 104(d)(1) of this title. For the removal or acquisition of signs, displays, or devices, the Federal share of any costs participated in under this subsection shall not exceed that set forth in section 120(a) for those adjacent to the Federal-aid primary system and that set forth in section 120(c) for those adjacent to the Interstate System.

"(3) After September 30, 1987, a State may use to carry out this section in any fiscal year not to exceed 3 percent of funds apportioned in such fiscal year to such State for the Federal-aid Interstate-primary system under section 104(d)(1) of this title or section 108 of the Surface Transportation Assistance Act of 1982.

"(4) A sign, display, or device acquired with funds made available pursuant to this section may be disposed of by sale or other means to a private party only if the State receives satisfactory written assurances that the material will not be used to construct or reconstruct an outdoor advertising sign, display, or device.";

(6) in subsection (h) by striking "(h)", by inserting in lieu thereof "(h)(1)", and by adding at the end the following new paragraph:

"(2) No outdoor advertising sign, display, or device shall be permitted by any Federal agency on any public land or reservation owned or controlled by the United States, unless such sign, display, or device conforms to regulations issued by the Federal agency with jurisdiction over, or responsibility for, such land. Such regulations shall be at least as stringent as the requirements of this section and the requirements of the State in which the land is located. The regulations required by this subsection shall be developed in consultation with the Secretary of Transportation and shall be promulgated within 12 months of the effective date of this Act.";

(7) in subsection (k) by striking the words "Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing" and inserting in place thereof the word "Nothing"; and

(8) by repealing subsections (n) and (p).

(b) The amendments made by this section shall be effective upon date of enactment of this Act, except that any provisions requiring the action of the State legislature shall be effective on December 31, 1988.

DURENBERGER AMENDMENT NO. 14

Mr. DURENBERGER proposed an amendment to the bill S. 387, supra; as follows:

At the end thereof, add the following new part:

PART II

SECTION 1. This part may be cited as the "Uniform Relocation Act Amendments of 1987".

TITLE I—GENERAL PROVISIONS

DEFINITIONS

SEC. 101. (a) Section 101(1) (42 U.S.C. 4601(1)) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter the "Uniform Act") is amended by striking out "(except the National Capital Housing Authority)" and "(except the District of Columbia Redevelopment Land Agency)".

(b) Section 101(3) of the Uniform Act (42 U.S.C. 4601(3)) is amended to read as follows:

"(3) The term 'State agency' means any entity which has eminent domain authority under State law.".

(c) Section 101(4) of the Uniform Act (42 U.S.C. 4601(4)) is amended by inserting, "or mortgage interest subsidy to a person" after "insurance".

(d) Section 101(6) of the Uniform Act (42 U.S.C. 4601(6)) is amended to read as follows:

"(6) The term 'displaced person' means—

"(A) except as provided under paragraph (E) (with respect to a utility on real property under the control or ownership of a State or local agency), any person who moves from real property, moves personal property, or moves a business or farm operation, as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance;

"(B) solely for the purpose of subsections (a) and (b) of section 202 and of section 205, any person who moves from real property or moves personal property from real property—

"(i) as a direct result of the written notice of intent to acquire or the acquisition of other real property, on which such person conducts a business or farm operation, for a program or project undertaken by a Federal agency or with Federal financial assistance; and

"(ii) as a direct result of rehabilitation or demolition for a program or project undertaken by a Federal agency or with Federal financial assistance, where the person is a residential tenant, farm operation, or a small business and where the head of the displacing agency determines that such displacement is permanent;

"(C) solely for the purpose of subsections (a) and (b) of section 202 and of any other provisions of this Act which the head of the displacing agency may prescribe, any other person who is a residential tenant, farm operation, or small business and who the head of the displacing agency determines will be permanently displaced as a direct result of a program or project undertaken by a Federal agency or with Federal financial assistance;

"(D) any person who is eligible for relocation assistance under paragraphs (A), (B), or (C) of this subsection, unless such person has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this Act; or

"(E) solely for the purpose of subsections (d) and (e) of section 202, any utility company which moves its facilities from real property under the ownership or control of a State or local agency.".

(e) Section 101 of the Uniform Act (42 U.S.C. 4601) is amended by adding at the end thereof the following new subsections:

"(10) The term 'suitable replacement dwelling' means any dwelling that is (A) decent, safe, and sanitary; (B) adequate in size to accommodate the occupants; (C) within the financial means of the displaced person; (D) functionally similar; (E) in an area not subject to unreasonable adverse environmental conditions; and (F) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services and the displaced person's place of employment.

"(11) The term 'displacing agency' means any Federal agency, State or State agency utilizing Federal financial assistance or, for the purposes of paragraphs (B) and (C) of section 101(6), any person furnished Federal financial assistance which causes a person to be a displaced person.

"(12) The term 'lead agency' means the Federal department, agency, or other entity designated by the President to coordinate implementation of the Uniform Act under section 213 of this Act.

"(13) The term 'appraisal' means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.".

TITLE II—UNIFORM RELOCATION ASSISTANCE

SEC. 201. Section 201 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4621), and its catchline are amended to read as follows:

"DECLARATION OF FINDINGS AND POLICY

"SEC. 201. (a) The Congress finds and declares that—

"(1) displacement as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance is caused by a number of activities, including rehabilitation, demolition, code enforcement, and acquisition;

"(2) displacement occurs in a variety of social, economic, geographic, and legal circumstances;

"(3) relocation assistance policies must provide for sufficient flexibility to assure fair, uniform, and equitable treatment of all affected persons;

"(4) the displacement of businesses often results in their closure; and

"(5) minimizing the adverse impact of displacement of businesses is essential to maintaining the economic and social well-being of communities.

"(b) This title establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance, in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

"(c) It is the intent of Congress that—

"(1) the primary purpose of this title is to minimize the hardship of displacement on persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance;

"(2) Federal agencies shall carry out this law in a manner which minimizes waste, fraud, and mismanagement;

"(3) the administration of this Act shall, to the maximum extent feasible, minimize unnecessary administrative and program costs borne by States and State agencies through the promulgation of economical regulatory requirements and the delegation of substantial administrative discretion to State and local governments;

"(4) uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this Act; and

"(5) the improvement of housing conditions of economically disadvantaged persons under this title shall be undertaken, to the maximum extent feasible, in coordination with existing Federal, State, and local governmental programs for accomplishing such goals.".

MOVING AND RELATED EXPENSES

SEC. 202. (a) Section 202(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4622(a)) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"(a) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the head of the displacing agency shall provide for the payment to the displaced person of—";

(2) by striking out "and" at the end of paragraph (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(4) actual reasonable expenses necessary to reestablish a displaced nonprofit organization or small business at its new site, but not to exceed $10,000.".

(b) Section 202(b) of the Uniform Act (42 U.S.C. 4622(b)) is amended by striking out all that follows "may receive" and inserting in lieu thereof "an expense and dislocation allowance, which shall be determined according to a schedule established by the head of the lead agency.".

(c) Section 202(c) of such Act (42 U.S.C. 4622(c)) is amended to read as follows:

"(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the head of the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency, except that such payment shall not be less than $1,000 nor more than $20,000. A person whose sole business is renting displacement property to others shall not qualify for this payment.".

(d) Section 202 of the Uniform Act (42 U.S.C. 4622) is amended by adding at the end thereof the following new subsections:

"(d)(1) For the purposes of this section and section 101(6)—

"(A) The term 'cost of relocation' shall include the entire amount paid by the utility company properly attributable to a relocation after deducting any betterment in the relocated utility and any salvage from the old utility.

"(B) The term 'utility' means any electric, gas, water, steam power or materials transmission or distribution system, any transportation system, or any communications system (including cable television), and any fixtures, equipment, or other property appropriate to the operation, maintenance, or repair of the foregoing. A utility may be publicly, privately, or cooperatively owned.

"(2) Except when provided otherwise by Federal law, whenever a federally assisted program or project undertaken by a displacing agency other than a Federal agency will result in the displacement of a utility from property under the ownership or control of a State or local agency, the head of the displacing agency shall provide a payment to the utility company pursuant to State or local law or a written contract, if any, between the utility company and the State or local agency, but in no event shall such payment exceed the actual reasonable cost of relocation of such utility.

"(3) Nothing in this subsection shall supercede a State or local law or a written contract between a utility company and a State or local government, or require a payment to be made where none is required under State or local law or a written contract.

"(4) Nothing in this subsection shall deprive a utility company of its rights under State or local law.

"(5) Nothing in this subsection shall require a Federal agency to increase its payment if the increased payment is attributable to a contract or contract amendment that is made in anticipation of the Federal payment.

"(6) Nothing in this subsection shall require a Federal payment in excess of the payment that a State or local agency would pay if no Federal funds were involved.

"(7) Nothing in this subsection confers jurisdiction on a court of the United States (as defined in section 451 of title 28, United States Code) to review any action of a displacing agency in carrying out this subsection or to review the right of a utility company to be compensated under State or local law.

"(e) Whenever a program or project directly undertaken by a Federal agency will result in the displacement of a utility as the result of Federal acquisition of real property under the ownership or control of a State or local agency, the head of the Federal agency shall either relocate the utility with the utility company's consent, or provide a payment to the utility equal to the actual reasonable cost of relocation of such utility. Such relocation or such payment shall not be required when it is provided otherwise by a Federal law, or a Federal regulation promulgated prior to March 17, 1983, or a contract or agreement with a Federal agency.".

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 203. Section 203(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623(a)) is amended—

(1) by striking out "Federal" in paragraph (1) and inserting in lieu thereof "displacing";

(2) by striking "$15,000" and inserting in lieu thereof, "$22,500";

(3) by striking out "acquired by" and all that follows through "market" in paragraph (1)(A) and inserting in lieu thereof "acquired by the displacing agency, equals the reasonable cost of a suitable replacement dwelling";

(4) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

"(B) The amount, if any, which will compensate such person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such suitable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling."; and

(5) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency's obligation under section 205(c)(3) of this Act is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a suitable replacement dwelling within one year of such date.".

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 204. Section 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4624) is amended to read as follows:

"REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

"SEC. 204. (a) In addition to amounts otherwise authorized by this title, the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling unit not eligible to receive a payment under section 203 which was actually and lawfully occupied by such displaced person for not less than ninety days immediately prior to the initiation of negotiations for acquisition of such dwelling, or, where displacement is not caused by acquisition, any other event which the head of the lead agency may prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed three years, a suitable replacement dwelling. For a person whose income exceeds 50 per centum of the median income of the area, as determined by the Secretary of Housing and Urban Development, the amount referred to shall equal the lesser of (i) $4,500 or (ii) 36 times the amount obtained by subtracting the monthly housing costs for the displacement dwelling from the monthly housing costs for a suitable replacement dwelling. At the discretion of the head of the displacing agency, a payment under this subsection may be made in periodic installments.

"(b) Any displaced person eligible for payments under subsection (a) of this section may elect to receive in lieu thereof either Federal low income housing assistance or similar State or local governmental assistance if such assistance is available at the time of displacement and such person is otherwise eligible for such assistance. The failure of any such person to make such an election shall be considered when evaluating the eligibility of such person for any Federal or federally assisted low income housing assistance program during the three years following the date on which such person received the payment authorized under subsection (a) of this section.

"(c) Any person eligible for a payment under subsection (a) of this section may elect to apply such payment to a downpayment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. A displaced homeowner who has occupied the displacement dwelling for at least ninety days but not more than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling may, at the discretion of the head of the displacing agency, be eligible for the maximum payment allowed under this subsection: *Provided*, That such payment shall not exceed the payment such person would otherwise have received under section 203(a) of this Act had the person occupied the displacement dwelling for one hundred and eighty days immediately prior to the initiation of such negotiations.".

RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

SEC. 205. Section 205 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4625) and its catchline are amended to read as follows:

"RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

"SEC. 205. (a) The head of any displacing agency shall assure that the relocation assistance advisory services described in subsection (c) of this section are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency head may make available to such person such advisory services.

"(b) The Secretary of Housing and Urban Development shall assign a high priority for assistance under the programs referred to in sections 204(b) and 206(b) of this Act to persons eligible under such sections. To the extent practicable, the Secretary shall require that federally assisted State and local governmental low income housing assistance programs assign priority for assistance to such persons. To the extent practicable, the Administrator of the Small Business Administration and the heads of other Federal agencies administering programs which may be of assistance to displaced persons shall make available technical assistance under subsection (c)(5) of this section and expedite the applications for such assistance by such persons.

"(c) Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

"(1) determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

"(2) provide current and continuing information about sales prices and rental charges on suitable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;

"(3) assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a suitable replacement dwelling;

"(4) assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;

"(5) supply information concerning other Federal programs which may be of assistance to displaced persons, and technical assistance to such persons in applying for assistance under such programs;

"(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation; and

"(7) assure that a one hundred and eighty day homeowner-occupant is given a reasonable opportunity to remain in such occupancy status.

"(d) The head of a displacing agency shall coordinate the relocation activities performed by such agency with other Federal, State, or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.

"(e) Whenever two or more Federal agencies provide financial assistance to a displacing agency other than a Federal agency, to implement functionally or geographically related activities which will result in the displacement of a person, the heads of such Federal agencies may by agreement designate one such agency as the cognizant Federal agency whose procedures shall be utilized to implement the activities. If such agreement cannot be reached, then the head of the lead agency shall designate one such agency as the cognizant agency. Such related activities constitute a single program or project for purposes of this Act.".

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 206. Section 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4626) is amended to read as follows:

"HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

"SEC. 206. (a) If a program or project undertaken by a Federal agency or with Federal financial assistance cannot proceed on a timely basis because suitable replacement dwellings are not available, and the need of the displacing agency determines that such dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for such project. The head of the lead agency shall require that this section may be used to exceed the payment ceilings established in sections 203 and 204 only on a case-by-case basis, for good cause.

"(b) Whenever housing replacement as a last resort will result in the provision of housing for persons who are otherwise eligible for low income housing assistance, the requirement that the displacing agency provide suitable replacement housing may be met through such assistance as the provision of a certificate of family participation under the existing section 8 housing program pursuant to the United States Housing Act of 1937, as amended (42 U.S.C. 1437f).".

CERTIFICATION

SEC. 207. (a) Section 210 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4630) and its catchline are amended to read as follows:

"AGENCY CERTIFICATION OF STATE PROGRAMS

"SEC. 210. (a) Except as provided in paragraph (b) of this section, the head of a Federal agency shall not approve any grant to or contract or agreement with a displacing agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this title, unless he receives satisfactory assurances from such agency that—

"(1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 of this title shall be provided to such displaced person;

"(3) within a reasonable period of time prior to a displacement, suitable replacement dwellings will be available to displaced persons in accordance with section 205(c)(3) of this title.

"(b)(1) In lieu of the provisions of subsection (a) of this section, the head of a Federal agency may discharge his responsibilities under this title and title I of this Act, with the exception of sections 208 and 211 of this title, by accepting a certification from a State agency that it will implement State law in a manner which will accomplish the policies and objectives contained in this title and title I: *Provided*, That the head of the lead agency has determined that such State law will accomplish the same purpose and effect as this title and title I, particularly with respect to the definition of a displaced person, the categories of assistance required, and the levels of assistance provided to such persons in such categories.

"(2) The head of the lead agency shall, in coordination with other Federal agencies, monitor from time to time, and report biennially to the Congress on, State agency implementation of such certification, and a State agency shall make available any information required for such purpose. The head of a Federal agency, after consultation with the head of the lead agency, may withdraw his acceptance of the certification for good cause: *Provided*, That the State government is given due notice prior to taking any such action and is given a reasonable opportunity to demonstrate why such action should not be taken.

"(c) Prior to making a determination regarding State law under subsection (b) of this section, the head of the lead agency shall provide interested parties with an opportunity for public review and comment. In particular, the head of the lead agency shall consult with interested local general purpose governments within such States on the impacts of such State laws on the ability of local governments to carry out their responsibilities under the Act.

"(d) The head of a Federal agency may withhold his approval of any grant, contract, or cooperative agreement with any displacing agency found to have intentionally circumvented a State law adopted under subsection (b) of this section.".

FEDERAL SHARE OF COSTS

SEC. 208. (a) Section 211(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4631(a)) is amended to read as follows:

"(a) The cost to a displacing agency of providing payments and assistance pursuant to titles II and III shall be included as part of the cost of a program or project undertaken by a Federal agency or with Federal financial assistance. A displacing agency, other than a Federal agency, shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program costs.".

(b) Section 210(b) of the Uniform Act (42 U.S.C. 4631(b)) is amended by striking out and all that follows "required by" and inserting in lieu thereof "State law which is determined by the head of the lead agency to have substantially the same purpose and effect of such payment under this section.".

REGULATION

SEC. 209. Section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633) and its catchline are amended to read as follows:

"REGULATION

"SEC. 213. (a) The President shall designate a lead agency.

"(b) The head of the lead agency shall—

"(1) develop, publish, and promulgate, with the active participation of other Federal agencies responsible for funding relocation and acquisition actions, and in full coordination with State and local governments, such rules as may be necessary to carry out this Act;

"(2) assure that relocation assistance activities under this Act are coordinated with low-income housing assistance programs or projects by a Federal agency, or a State or State agency with Federal financial assistance;

"(3) monitor, in coordination with other Federal agencies, the implementation and enforcement of this Act and report to the Congress, as appropriate, on any major issues or problems with respect to any policy or other provision of this Act; and

"(4) perform other duties as may be provided by law as relate to the purposes of this Act.

"(c) The rules promulgated pursuant to subsection (b) shall apply to the Tennessee Valley Authority only with respect to relocation assistance under this title and title I.".

TRANSFER OF SURPLUS PROPERTY

SEC. 210. Section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4638) is amended by inserting "net" after "all".

REPEALS

SEC. 211. Sections 214, 215, 217, and 219 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4634, 4635, 4637, and 4639) are hereby repealed.

TITLE III—UNIFORM REAL PROPERTY ACQUISITION POLICY

UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

SEC. 301. (a) Section 301(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4651(2)) is amended by inserting the following before the period at the end thereof: ", except that the head of the lead agency may prescribe a procedure which forgoes the appraisal".

(b) Section 301(9) of the Uniform Act (42 U.S.C. 4651(9)) is amended to read as follows:

"(9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the acquiring agency shall offer to acquire that remnant. For the purposes of this Act, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the head of the acquiring agency has determined has little or no value or utility to the owner.".

(c) Section 301 of the Uniform Act (42 U.S.C. 4651) is amended by adding at the end thereof the following subsection:

"(10) A person whose real property is being acquired in connection with a project under this title may, after the person has been fully informed of his right to receive just compensation of such property, donate such property, any part thereof, any interest therein, or any compensation paid therefor to an acquiring agency, as said person shall determine.".

CERTIFICATION

SEC. 302. Section 305 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4655) and its catchline are amended to read as follows:

"AGENCY CERTIFICATION OF STATE PROGRAMS

"SEC. 305. (a) Except as provided in paragraph (b) of this section, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, an acquiring agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on or after the effective date of this title, unless he receives satisfactory assurances that—

"(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies under section 301 of this title and the provisions of section 302 of this title; and

"(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of this title.

"(b)(1) In lieu of the provisions of subsection (a) of this section, the head of a Federal agency may discharge his responsibilities under this title by accepting a certification from a State agency that it will implement State law in a manner which will accomplish the policies and objectives contained in this title: *Provided*, That the head of the lead agency has determined that such State law will accomplish the same purpose and effect as this title.

"(2) The head of the lead agency in coordination with other Federal agencies shall from time to time monitor State agency implementation of such certification and the State agency shall make available any information required for such purpose. The head of the lead agency shall by regulation develop criteria for withdrawal of acceptance of a certification.

"(c) Prior to making a determination regarding State law under subsection (b) of this section, the head of the lead agency shall consult with interested local general purpose governments within such States on the impacts of such State laws on the ability of local governments to carry out their responsibilities under this Act.".

TITLE IV—EFFECTIVE DATE

SEC. 401. (a) Section 209 of the Uniform Act takes effect on the date of its enactment.

(b) The remainder of this Act takes effect either twenty-four months from the date of its enactment or when a State agency makes such provisions applicable under State laws, whichever is earlier.

COCHRAN (AND OTHERS) AMENDMENT NO. 15

Mr. COCHRAN (for himself, Mr. THURMOND, and Mr. MELCHER) proposed an amendment to the bill, S. 387, supra, as follows:

On page 48, line 16, insert ", cement, cement clinker," after "steel".

BUMPERS (AND PRYOR) AMENDMENT NO. 16

Mr. BUMPERS (for himself and Mr. PRYOR) proposed an amendment to the bill, S. 387, supra, as follows:

At the appropriate place in the bill, insert the following:

FERRY, BRIDGE, AND LOW WATER CROSSING REPLACEMENT

SEC. . (a) Section 144, Title 23, United States Code, is further amended by adding another new subsection as follows:

"(o)(1) Notwithstanding any other provision of this section or of any other provision of law, any State may utilize any of the funds provided under this section to construct any bridge which—

"(A) replaces any low water crossing (regardless of the length of such low water crossing),

"(B) replaces any bridge that was destroyed prior to 1960,

"(C) replaces any ferry which was in existence on January 1, 1984, or

"(D) replaces any road bridges rendered obsolete as a result of U.S. Corps of Engineers flood control or channelization projects and not rebuilt with funds from the U.S. Corps of Engineers.

"(2) The Federal share payable on any bridge construction carried out under paragraph (1) shall be 80 percent of the cost of such construction.".

(b) The amendment made by subsection (a) shall apply to funds appropriated to the States for Fiscal Year 1987 or for any subsequent fiscal year.

DANFORTH AMENDMENT NO. 17

Mr. DANFORTH proposed an amendment to the bill, S. 387, supra, as follows:

TITLE —HIGHWAY SAFETY

DEFINITIONS

SECTION 1. As used in this title, the term—

(1) "multipurpose passenger vehicle" means a motor vehicle with motive power, other than a trailer, which is designed to

carry 10 persons or less, and which is primarily designed to carry passengers or which is constructed either on a truck chassis or with special features for occasional off-road operation;

(2) "passenger automobile" means a motor vehicle with motive power, except that the term does not include a multipurpose passenger vehicle, a motorcycle, a bus, a truck, or a trailer designed for carrying 10 persons or less; and

(3) "Secretary" means the Secretary of Transportation.

HIGHWAY SAFETY GRANTS

SEC. 2. (a) Section 203(a)(1) of the Surface Transportation Assistance Act of 1982 (Public Law 97-424; 96 Stat. 2138) is amended by inserting immediately before the period at the end thereof ", and $121,060,000 for the fiscal year ending September 30, 1987".

(b) Section 203(b) of the Surface Transportation Assistance Act of 1982 (Public Law 97-424; 96 Stat. 2138) is amended by inserting immediately after "1986," the following: ", and $121,060,000 for the fiscal year ending September 30, 1987,".

OCCUPANT CRASH PROTECTION PROGRAM

SEC. 3. In order to carry out a national program to encourage the use of safety belts and passive restraints in passenger automobiles, as authorized by section 403 of title 23, United States Code, the Secretary may derive an additional amount not to exceed $20,000,000 from unobligated balances of funds made available for highway safety programs under title 23, United States Code. Not less than one-half of the total of such amounts shall be used for educational efforts related to the use of air bags. Of the funds allocated to such efforts, not less than $5,000,000 shall be used to carry out a program to demonstrate the effectiveness of air bag technology, with emphasis on lowest-cost technologies. Such amounts shall remain available until expended.

SIDE IMPACT PROTECTION

SEC. 4. (a) The Secretary shall, in accordance with the applicable provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381) et seq.), initiate not later than—

(1) 60 days after the date of enactment of this Act, a rulemaking to revise and improve Federal Motor Vehicle Safety Standard 214 providing side impact protection for passenger automobiles; and

(2) one year after the date of enactment of this Act, a rulemaking for improved side impact protection for multipurpose passenger vehicles.

(b) Not later than one year after the date of enactment of this Act, the Secretary shall establish a Federal motor vehicle safety standard establishing performance criteria for improved side impact protection for passenger automobiles.

(c) Not later than two years after the date of enactment of this Act, the Secretary shall establish a Federal Motor Vehicle Safety Standard establishing performance criteria for improved side impact protection for multipurpose passenger vehicles.

AUTOMOBILE CRASHWORTHINESS DATA

SEC. 5. (a) Section 201 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1941) is amended by adding at the end thereof the following:

"(f)(1) The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation regarding means of establishing a method for calculating a uniform numerical rating which will enable consumers to compare meaningfully the crashworthiness of different passenger automobile models.

"(2) Such study shall include examination of current and proposed crashworthiness tests and testing procedures and shall be directed to determining whether objective, accurate and relevant information regarding the comparative crashworthiness of different passenger automobile models reasonably can be provided to consumers by means of a crashworthiness rating rule. Such study shall include examination of at least the following proposed elements of a crashworthiness rating rule:

"(A) information on the degree to which different passenger automobile models will protect occupants across the range of motor vehicle crash types when in use on public roads;

"(B) a repeatable and objective test which is capable of identifying meaningful differences in the degree of crash protection provided occupants by the vehicles tested, with respect to such aspects of crashworthiness as occupant crash protection with and without use of manual seat belts, fuel system integrity, and other relevant aspects;

"(C) ratings which are accurate, simple in form, readily understandable and of benefit to consumers in making informed decisions in the purchase of passenger automobiles;

"(D) dissemination of comparative crashworthiness ratings to consumers either at the time of introduction of a new passenger automobile model or very soon after such time of introduction; and

"(E) the development and dissemination of crashworthiness data at a cost which is reasonably balanced with the benefits of such data to consumers in making informed purchase decisions.

"(3) Any such arrangement shall require the National Academy of Sciences to report to the Secretary and the Congress not later than 18 months after the date of enactment of this subsection on the results of such study and investigation, together with its recommendations. The Secretary shall, to the extent permitted by law, furnish to the Academy upon its request any information which the Academy considers necessary to conduct the investigation and study required by this subsection.

"(4) Within 60 days after transmittal of the report of the National Academy of Sciences to the Secretary and the Congress under paragraph (3) of this subsection, the Secretary shall initiate a period (not longer than 90 days) for public comment on implementation of the recommendations of the National Academy of Sciences with respect to a rule promulgated under this title establishing an objectively based system for determining and publishing accurate comparative crashworthiness ratings for different passenger automobiles.

"(5) Not later than 180 days after the close of the public comment period provided for in paragraph (4) of this subsection, the Secretary shall determine, on the basis of the report of the National Academy of Sciences and the publc comments on such report, whether an objectively based system can be established by means of which accurate and relevant information can be derived that reasonably predicts the degree to which different makes and models of passenger automobiles provide protection to occupants against the risk of personal injury or death as a result of motor vehicle accidents. The Secretary shall promptly publish the basis of such determination.

"(g)(1) If the Secretary determines that the system described in subsection (f)(5) of this section can be established, the Secretary shall, subject to the exception provided in paragraph (2) of this subsection, not later than three years after the date of enactment of this subsection, promulgate a rule under this section establishing an objectively based system for determining and publishing accurate comparative crashworthiness ratings for different passenger automobiles. The rule promulgated under this subsection shall be practicable and shall provide the public relevant objective information in a simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger automobiles so as to contribute meaningfully to informed purchase decisions.

"(2) The Secretary shall not promulgate such rule unless (A) a period of 60 calendar days has passed after the Secretary has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives a summary of the comments received during the period for public comment specified in subsection (f)(4) of this section, or (B) each such committee before the expiration of such 60-day period has transmitted to the Secretary written notice to the effect that such committee has no objection to the promulgation of such rule.

"(h) If the Secretary promulgates a rule under subsection (g) of this section, not later than three years after the date of enactment of this subsection, the Secretary shall by rule establish procedures requiring passenger automobile dealers to make available to prospective passenger automobile purchasers information developed by the Secretary and provided to the dealer which contains data comparing the crashworthiness of passenger automobiles.".

(b) Section 2 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901) is amended by adding at the end thereof the following new paragraph:

"(19)(A) The term 'passenger automobile' means a motor vehicle with motive power, except that the term does not include a multipurpose passenger vehicle, a motorcycle, a bus, a truck, or a trailer designed for carrying 10 persons or less.

"(B) As used in subparagraph (A) of this paragraph, the term 'multipurpose passenger vehicle' means a motor vehicle with motive power, other than a trailer, which is designed to carry 10 persons or less and which is constructed either on a truck chasis or with special features for occasional off-road operation.".

MULTIPURPOSE PASSENGER VEHICLE SAFETY

SEC. 6. (a) The Congress finds that—

(1) the popularity of multipurpose passenger vehicles has increased during this decade; and

(2) the safety of passengers in multipurpose passenger vehicles has been compromised by the failure to apply to them the Federal motor vehicle safety standards applicable to passenger automobiles.

(b) The Secretary shall, in accordance with the applicable provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), initiate (not later than 60 days after the date of enactment of this Act) and complete (not later than 18 months after the date of enactment of this Act)—

(1) a rulemaking to amend Federal Motor Vehicle Safety Standard 216 to provide minimum roof crush resistance standards for multipurpose passenger vehicles;

(2) a rulemaking to amend Federal Motor Vehicle Safety Standard 202 to provide for head restraints for multipurpose passenger vehicles;

(3) a rulemaking to amend Federal Motor Vehicle Safety Standard 108 to provide for a single, high-mounted stoplamp on multipurpose passenger vehicles; and

(4) a rulemaking to review the system of classification of vehicles under 10,000 pounds gross vehicle weight to ensure that all vehicles meet passenger automobile standards or appropriate equivalents.

REAR SEAT BELTS

Sec. 7. (a) The Secretary shall, in accordance with applicable provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.), initiate (not later than 60 days after the date of enactment of this Act) and complete (within 18 months after the date of enactment of this Act) a rulemaking to amend Federal Motor Vehicle Safety Standard 208 to provide that the outboard rear seat passengers of all passenger automobiles manufactured after September 1, 1989 shall have lap and shoulder seat belt protection.

(b) Notwithstanding any other provisions of law, not less than 5 percent of the funds authorized to be appropriated under section 209 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1949) in fiscal years 1988 and 1989 shall be utilized to disseminate information to consumers regarding the manner in which passenger automobiles may be retrofitted with lap and shoulder rear seat belts.

HOLLINGS (AND GORE) AMENDMENT NO. 18

Mr. HOLLINGS (for himself and Mr. GORE) proposed an amendment to amendment No. 17 proposed by Mr. DANFORTH to the bill S. 387, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

AUTOMOBILE SAFETY

Sec. —. It is the sense of the Senate that—

(1) automobile safety issues are of critical importance to the citizens of our Nation, and

(2) the Committee on Commerce, Science, and Transportation of the Senate should act to address these issues in separate authorization legislation for the National Highway Traffic Safety Administration and report to the Senate by no later than April 1, 1987.

HARKIN AMENDMENT NO. 19

Mr. MOYNIHAN (for Mr. HARKIN) proposed an amendment to the bill S. 387, supra; as follows:

At the end of the bill, add the following:

USE OF ROCK SALT ON HIGHWAYS

Sec. —. (a) the Congress finds that—

(1) the use of rock salt to remove ice from the highways causes considerable damage to the highways, bridges, automobiles, and trucks,

(2) rock salt also causes damage to equipment and buildings near highways,

(3) rock salt causes considerable damage to the environment,

(4) all of these costs are real costs borne by the taxpayers, although such costs may not be paid directly to the government, and

(5) calcium magnesium acetate is an effective deicing material which does not cause the corrosion and environmental damage associated with rock salt.

(b) It is the sense of the Congress that the States should consider the full cost of using rock salt on the highways, including the damage to highways, vehicles, equipment, buildings, and the environment, in calculating the real cost of deicing materials and the use of calcium magnesium acetate as an alternative deicing material.

SPECTER AMENDMENT NO. 20

Mr. MOYNIHAN (for Mr. SPECTER) proposed an amendment to the bill S. 387, supra; as follows:

On page 78, between lines 17 and 18 insert the following:

( ) a project to construct a by-pass of approximately 4.9 miles parallel to Route 30, to divert motor traffic around the city of Exton, Pennsylvania.

NUNN AMENDMENT NO. 21

Mr. MOYNIHAN (for Mr. NUNN) proposed an amendment to the bill S. 387, supra; as follows:

At the end of the bill, add the following:

Sec. —. (a) The amount of all Federal-aid Highway funds paid to the State of Georgia on account of the section of State Route 400, a six-lane, limited access major arterial highway connecting Interstate Highway 285 and Interstate Highway 85 in Fulton County, Georgia, may be repaid to the Treasurer of the United States. The amount so repaid shall be deposited to the credit of the appropriation for "Federal Aid Highways (Trust Fund)." Such repayment shall be credited to the unobligated balance of Federal-aid Highway funds of the same class last appropriated to the State of Georgia. The amount so credited shall be in addition to all other funds then apportioned or allocated to said State during the fiscal year for which the credit was received and shall be available for expenditure in accordance with the provisions of Title 23, United States Code, as amended.

(b) As provided in subsection (a) of this section, upon the repayment of Federal-aid Highway funds, and removal from the Federal-aid Highway programs, such sections of State Route 400 shall become and be free of any and all restrictions contained in Title 23, United States Code, as amended or supplemented, or in any regulations thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) Anything in subsections (a) and (b) of this section to the contrary notwithstanding, should the provisions of Title 23, United States Code, as amended or supplemented, or any regulation thereunder, be further amended to allow for a mixture of Federal-aid Highway funds and Toll funds for highway construction, the State of Georgia may accomplish the construction of State Route 400 in accordance with such amended provisions.

BYRD AMENDMENT NO. 22

Mr. BYRD proposed an amendment to the bill S. 387, supra; as follows:

On page 71, strike out lines 14 through 18 and insert in lieu thereof the following:

EMERGENCY RELIEF

Sec. 139. (a) Subsection (b) of section 125 of title 23, United States Code, is amended by striking out "$30,000,000" and inserting in lieu thereof "$100,000,000".

(b) The amendment made by subsection (a) shall apply with respect to projects resulting from any natural disaster or catastrophic failure that occurs after calendar year 1985.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Senate Small Business Committee will hold a staff meeting with representatives of several small business associations on February 25, 1987, at 9:30 a.m., in room 428A of the Russell Senate Office Building. The purpose of the meeting is to help the committee develop its legislative agenda for the 100th Congress. For further information, please call Tracy Crowley of the committee staff at 224-3099.

Mr. President, I would like to announce that the Senate Small Business Committee will hold an organizational meeting on Tuesday, February 17, 1987, at 2 p.m., to adopt committee rules and ratify subcommittee assignments. Immediately following this meeting, there will be a full committee hearing on the administration's budget proposal for the Small Business Administration. Both events will take place in room 428A of the Russell Senate Office Building. For further information, please call John Ball, the committee staff director, at 224-5175, or Patty Barker, counsel to the committee, at 224-8495.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Tuesday, February 3, 1987, at 10 a.m., to resume hearings on work and welfare issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 3, 1987, at 9:30 a.m. to hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the

Senate on Tuesday, February 3, 1987, at 3 p.m. to resume hearings on the national security strategy of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

JOHNNY MAJORS INDUCTED INTO COLLEGE FOOTBALL HALL OF FAME

● Mr. SASSER. Mr. President, today I wish to honor my dear friend, Johnny Majors, head football coach at the University of Tennessee. My colleagues will recall that Johnny Majors was a consensus college football all-American during his playing days at the University of Tennessee. He has also been selected "National College Coach of the Year" on two occasions, in 1973, and in 1976, when he led the University of Pittsburgh to the collegiate national championship. Coach Majors recently received yet another tribute when he was inducted into the prestigious National Football Foundation's College Football Hall of Fame.

This selection is well deserved, Mr. President. Coach Majors has been very successful in all phases of the game. He has excelled as a player, assistant coach, and head coach—at Iowa State, Pittsburgh, and now at the University of Tennessee, where he has been head coach since 1977.

Coach Majors recently led the Tennessee Volunteers to another winning season, capped by a 21 to 14 victory over the University of Minnesota in the Liberty Bowl game played in Memphis, TN.

As the 19th head coach at Tennessee, John has compiled 67 wins in 10 years, with six straight bowl appearances. Last season Coach Majors led Tennessee to the Southeastern Conference Championship and was named "Southeastern Conference Football Coach of the Year."

Johnny Majors is a product of the Gen. Bob Neyland era of single-wing football at Tennessee. In 1956 John Majors, as a triple threat tailback, led that great Tennessee team to an undefeated regular season, losing only to Baylor in the 1957 Sugar Bowl. After that season, Majors was named a consensus football all American and was second in the Heisman trophy balloting to Notre Dame's Paul Horning.

We are truly proud of the Majors football family in Tennessee. His father, the late Shirley Majors, was a successful and highly respected coach at the University of the South at Sewanee. Two of his brothers, Bill and Bobby, joined Johnny as football stars at Tennessee. His brother Joe, a former member of the Tennessee general assembly, was a starting quarterback at Florida State, while his brother Larry played for his father at Sewanee.

Johnny Majors, a living legend at Tennessee, was one of the great players during the University of Tennessee's outstanding era of football achievement during the 1950's. In Tennessee, when we speak of individual athletic achievement and a never-ending desire to win, we think of Johnny Majors, a man who achieved great success in the State where he is loved through the sport he loves so much.

I join the people of Tennessee in congratulating Johnny Majors on this tremendous achievement. He has brought singular honor to the University of Tennessee as a great player and coach, but more importantly as a true leader of some of our most talented young athletes and scholars. We in Tennessee are proud of Coach Majors and congratulate him on his selection to the National Football Foundation's College Football Hall of Fame.

Mr. President, I ask unanimous consent that a Nashville Tennessean article about Johnny Majors' achievement be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAJORS NAMED TO HALL OF FAME

NASHVILLE SONGWRITER REID ALSO AMONG FOOTBALL ELITE

LARCHMONT, N.Y.—Tennessee Coach Johnny Majors, an All-American for the Volunteers in the mid-1950s, is among 11 former collegiate stars named yesterday to the National Football Foundation's College Football Hall of Fame.

Also to be enshrined is Nashvillian Mike Reid, who won the Outland and Maxwell Trophies while earning All-American honors as a Penn State defensive tackle in 1969. Reid currently is a highly successful songwriter.

The 11 players and three coaches—Bob Blackman, Dave Nelson and Thad Vann—will be formally inducted into the Hall at the Foundation's Hall of Fame Awards dinner on Dec. 8 at New York City.

Other players chosen to be inducted into the hall at Kings Island, Ohio, were end Carroll Dale of Virginia Tech, guard Joe Steffy of Army, quarterback Fran Tarkenton of Georgia, linebacker Ted Hendricks of Miami, quarterback Don Heinrich of Washington, center Dick Scott of Navy, tackle Jim Ray Smith of Baylor, roverback George Webster of Michigan State, and tackle Ron Yary of Southern California.

The announcement of the inductees was made by Vincent dePaul Draddy, the Foundations's chairman of the board.

In addition to being outstanding football players, the electees also have had notable careers after their collegiate playing days ended, which is part of the criteria for election to the College Football Hall.

Majors said last night that he has great appreciation for the opportunities afforded him.

"I think of the people who got me there. My family gave me every opportunity," Majors said, "I had a lot of fun growing up. And I had great coaching.

"I've been a fortunate man, I've been very lucky. I feel extremely honored, very pleased. I never campaigned for it, never asked for it. I was very excited to hear of the honor."

The Vol coach, who was second to Notre Dame's Paul Horning in the 1956 Heisman Trophy balloting, said he never played football for the awards.

"I played because I loved it," Majors said. "As a player, as pleasing as it was to make a long run or an occasional spiral, nothing ever took the place of the team aspect."

"I had a ball going to school, I started out a little insecure, but it got better and better every day. I loved the four years I spent there, and I had a lot of good friends there."

Prior to coming to Tennessee, Majors was a successful coach at Iowa State and the University of Pittsburgh where he won the 1976 national championship.

Reid was a nationally ranked wrestler at Penn State and held the school shot put record.

A pianist, he gave recitals on campus and has performed with symphony orchestras in Cincinnati, San Antonio and Dallas. As a songwriter he authored the Grammy-winning song "Stranger in My House," which was recorded by Ronnie Milsap. he is probably better known for his 1985 hit "Lost in the Fifties Tonight (In the Still of the Night)," also recorded by Milsap.

Following college Reid played five seasons for the Cincinnati Bengals, twice earning All-Pro honors, before retiring to devote full time to his music career.

"My last days of football were as a pro,"Reid said. "They are not particularly sweet memories although I wouldn't say they are bitter.

"My athletic memories are of college football and the friends I made there. When I found out about this award, I was very touched and very appreciative to be thought of in that light."

Reid's success as a songwriter has paralleled that of his football career. He was the 1984 Cashbox Country Songwriter of the Year. In 1985 he was similary honored by the American Society of Composers, Authors and Publishers, Billboard and the Academy of Country Music.

"I have heard that there are no second acts in life," Reid said. "I like to think that is not necessarily so.

"But it is nice that after all is said and done, long after the fact, someone says we appreciate how well you did. You don't dwell on the past or what has occurred, you look ahead."

Reid has lived in Nashville since 1980. His first recorded song was "Eastern Avenue," which made an album cut by Jerry Jeff Walker. In 1981 he began working with Rob Galbreath and has worked at Milsap Music for several years.

Dale, a native of Bristol, Tenn., played five years with the Los Angeles Rams and eight years with the Green Bay Packers.

Steffy played guard in the 1944 University of Tennessee Rose Bowl team.

He then was appointed to West Point, where he was a standout on the 1945, 1946 and 1947 teams, which posted a 23-2-3 record. He won the Outland Trophy in 1947 when he was Army's captain. He served in the Korean War and currently is principal owner of two firms in Newburgh, N.Y.

Following his college career, Heinrich served 21 months in the army during the Korean War. He played professional football for seven years with the New York Giants and the Dallas Cowboys, then coached for 16 years with the Giants, Los

Angeles Rams, Pittsburgh Steelers, New Orleans Saints and San Francisco 49ers.

Smith currently is president of his own real estate firm in Dallas and has served as president of the Cotton Bowl Association. He played professional football with the Cleveland Browns and the Dallas Cowboys.

Hendricks, born in Guatemala and raised in Miami Springs, Fla., played pro football with the Oakland-Los Angeles Raiders until his retirement in 1984.

Scott, a native of Highland Falls, N.Y., attended Colgate and Baylor before going to the U.S. Naval Academy where he captained the football team as a senior.

Tarkenton played 18 years in the NFL with the Minnesota Vikings and the New York Giants. He is president of the Tarkenton Group in Atlanta.

Webster, a native of Anderson, S.C., played pro football with Houston, Pittsburgh and New England for 10 seasons.

Yary played 14 seasons for the Minnesota Vikings and the Los Angeles Rams.

Blackman posted a 202-118 record in 33 years as coach at the University of Denver, Dartmouth, Illinois and Cornell.

Nelson coached 17 years at Hillsdale, Maine and Delaware, posting a 105-48 record. He is credited with developing the wing-T formation.

Vann, who died in 1982, coached 20 years at Southern Mississippi, posting a 135-55 record.●

RETIREMENT OF WILLIAM CASEY

● Mr. McCONNELL. Mr. President, it is with great regret that I rise today to bid farewell to retiring Director of Central Intelligence, William Casey.

In looking back over Mr. Casey's many accomplishments, one realizes how very difficult it would be to recount his career without diminishing the quality of his achievements. His life as a lawyer, an academic, a businessman, and a public servant has been one of rich diversity and significant contribution. From his work as an intelligence officer in World War II, to his ventures in the private sector, to his service as adviser to many Presidents, he has distinguished himself professionally, academically, in civic affairs, and as a member of the intelligence community.

Mr. Casey, it is worthwhile to note, has been our longest tenured Director of Central Intelligence, and he came to that position with an insight formed by his many years of experience with foreign relations and intelligence activities. He has provided stable leadership to America's intelligence community, and, I think as a result of his close relationship to President Reagan, instilled a renewed confidence in the role of intelligence in meeting the challenges of foreign policy. He boosted the morale of the employees of our various intelligence agencies, restoring to them a sense of institutional pride and historical purpose in their endeavors.

We are saying goodbye to one who has served his country selflessly. I am certain that Bill will continue to excel in his future enterprises—we will long remember the fine job he has done for this Nation. Our prayers are with him in his convalescence, and we wish him the very best.●

FORBES ARTICLE RAISES QUESTIONS ABOUT JAPAN-CUBA RELATIONSHIP

● Mr. METZENBAUM. Mr. President, a recent article in Forbes magazine raises very serious questions about the relationship developing between Japan and Cuba. The article analyzes the recent trade history between these two countries, and shows that over the past several years, the Japanese have been increasing their exports to the Cubans and have been extending credit to them virtually without a second thought. The article states:

> U.S. Government officials believe that Japan's recent flood of exports is clearly preventing the Cuban economy from sliding over the edge.

The article gives one reason to pause and be concerned about the implications of this relationship. Why is Japan, one of our allies, so vigorously supporting Cuba, a nation that exports terrorism throughout the world? The Japanese have been flooding U.S. markets with their goods, at a great cost to us in jobs. Additionally, we continue to commit—very heavily—our personnel and other resources to the Japanese to aid their defense. Why should we commit ourselves so heavily to a country which then turns around and supports Cuba?

This article raises serious questions that need to be answered about our military policy, our relationship with our allies and trading partners, and about our strategic concerns throughout the world. These deserve serious consideration, and well-thought out debate. For those reasons, I ask that a copy of this article be placed in the Record.

The article follows:

A Friend in Tokyo

(By Howard Banks)

Fidel Castro's totalitarian regime, aside from sugar, has nothing to pay with—except mercenary soldiers, whom the Japanese don't need—yet Japan has been pouring goods into Cuba at an accelerating pace. Heedless of Washington's exasperation and Cuba's total inability to pay, Tokyo's attitude toward this lopsided trade seems to defy common sense.

Official Japanese trade figures show that in 1983 Japan's exports to Cuba came to $104.7 million, not much more than Japan's imports from Cuba that year, $92.1 million. Since then exports have exploded—to $250.3 million in 1984, $300.9 million in 1985 and an annual rate of over $420 million in the first half of this year. Japanese imports from Cuba—mostly sugar and shrimp—have, relatively speaking, stayed about the same: $78 million in 1984, $92.3 million in 1985 and an annual rate of around $120 million in the first half of 1986.

Nobody in Washington or Tokyo is at all eager to discuss a matter this delicate on the record. And obviously Japan's aid is nowhere near as critical as the $3 billion or more annual subsidy that Fidel gets from Moscow. Nevertheless, U.S. government officials believe that Japan's recent flood of exports is clearly preventing the Cuban economy from sliding over the edge. (Things are so bad that Fidel began rationing beer a month ago.)

To the visitor's casual eye, the only Japanese presence in the streets of Havana is innocent things like Sanyo radios and tape recorders to be sold to tourists in hard currency shops in the major hotels. But the bulk of Japanese exports are believed to involve items like agricultural chemicals, simple machinery, electric motors, small computers, that keep things going.

Who's paying? The Cubans, but with money borrowed from the Japanese. For some years now Japan has been Cuba's largest non-Communist creditor, the latest known-for-sure figure is around $500 million debt outstanding at the end of 1984. A conservative guess, based on the growing trade gap and probably unpaid interest, suggests the current number is close to $850 million and rising. Cuba's total debt to the Free World is now figured at around $3.6 billion. Of this total, $1.8 billion is owed to governments, $1.35 billion to foreign banks and the rest to suppliers, who will most likely have to whistle for their money.

For months Hector Rodriguez Llompart, president of Cuba's central bank, the Banco Nacional de Cuba, has been touring Western capitals, cap in hand. Cuba's foreign reserves dipped below $100 million in the first quarter of this year, and he needed help. Llompart did succeed in getting his Western bankers, headed by Credit Lyonnais of France, to reschedule over a generous ten years Cuba's convertible-currency debt maturing in 1986 ($117 million plus $15 million interest). It was nothing like the $500 million in new money he had been asking for, but it was no tougher than deals granted other LDCs with a heck of a lot better chance of repaying.

So, what's in it for the Japanese to pour money into a sinking creditor—a creditor that is openly hostile to Japan's best customer, the U.S.? That's something of a mystery. Japanese largesse comes at a tough time for the Fidel dictatorship. Big Daddy in Moscow has refused to increase either of his major subsidies. Moscow has not upped the quantity of oil they give him—which he then resells on world markets for hard currency—to offset falling oil prices. And the Soviets have cut by around 10 percent the 21 cents a pound they were paying for Cuban sugar (way over the world price of around 6 cents a pound).

Is this just the export-and-be-damned psychology carried to irrational extemes? Or is there more here than meets the eye? To American inquires, government or private, the Japanese say only, "We must discuss this with colleagues." Meaning: We wish you wouldn't ask.●

WEST VIRGINIA COULD LEARN FROM KOREA, JAPAN

● Mr. SIMON. Mr. President, while returning from Illinois to Washington we drove through West Virginia and picked up the Charleston Gazette where we found an article by Prof.

Masato Yamazaki of Wittenberg University in Ohio titled "W. Va. Could Learn from Korea, Japan."

The article interested me because our daughter went to Wittenberg University and found it a very fine school. Obviously, Professor Yamazaki is of Japanese background and perhaps has some greater insights into the Japanese experience than many of us.

He suggests emphasis on trade, emphasis on capital investment and emphasis on education.

That is nothing very new or exciting but it is solid advice. And it is good advice not simply for West Virginia but for Illinois and for the Nation.

If we think we can move ahead without greater emphasis on education, we are fooling ourselves. If we think we can move ahead without greater stress on productivity and capital investment, we are fooling ourselves. If we think we can move ahead without paying greater attention to trade, we are fooling ourselves.

Obviously, all three are intertwined.

We ought to listen to the advice of Professor Yamazaki.

I ask that the article be inserted in the RECORD.

The article follows:

[From the Charleston Gazette, Jan. 2, 1987]

W. VA. COULD LEARN FROM KOREA, JAPAN

(By Masato Yamazaki)

Economic development is now a major concern for West Virginians because development of the state's economy is the crucial factor in improving economic welfare or, in other words, in raising the per-capita income. That is, through economic development all West Virginians can enjoy a higher standard of living. I would like to present some ideas for the economic development of West Virginia which are drawn from my research on Japanese and Korean economic development. I believe these models provide particularly good examples of development for West Virginia.

Economic development was a major concern for the Japanese in 1868 and for the Koreans in 1961. These are the years in which Japan and Korea launched their respective programs of economic development. Both nations were amazingly successful. The period in Japan after 1868 and the period in Korea after 1961 are known historically as economic miracles. One example of Korea's economic miracle is the Korean-made Pony, which was the largest selling imported car in Canada in 1985. Of course examples of Japan's economic miracle are already familiar to Americans.

Is there anything West Virginia can learn from the Korean experience? I think so. There may be objections to my drawing a comparison between a state in the United States, the most advanced developed country in the world, and Korea, a far less developed country. However, if we consider that West Virginia's relation to the rest of the United States is similar to Korea's relation to the rest of the world, then we can find useful lessons in the Korean experience of economic development. As Korea is striving to catch up with more highly developed countries, West Virginia should strive to catch up with the more economically successful states in the United States.

Among the policy tools Korea is using to improve its economic development, there are two which can be applied to West Virginia's economic development: trade and capital investment. First, let's discuss the importance of trade. Economic theory states that trade is an engine of growth. And the pattern of Korea's economic development is proof of this theory. Because the country is resource-poor and very mountainous, Korea relies on trade for its economic development. Mountains, barriers to transportation and agriculture, are generally considered disadvantageous to economic development. West Virginia, similarly resource-poor and very mountainous, should likewise rely on trade.

Although West Virginia is endowed with some natural resources, for instance, coal, the economy of the state of West Virginia cannot be fully supported by the production of coal, especially in the present era of low oil prices. The Korean economy is export-oriented and is doing extremely well. The West Virginia economy should become more export-oriented. There is also a lesson from the Japanese experience. Before 1868, under the seclusion policy, Japan had virtually no trade with other countries. The national economy was stagnant and revived only after the seclusion policy was terminated. There is no question that the lack of trade results in economic stagnation.

Secondly, let's discuss the importance of capital investment. Capital investment provides such things as new machinery which will improve labor productivity. And in turn as labor productivity improves, so will per-capita income. The Korean economy needs capital and advanced technology from abroad, therefore the Korean government is attracting foreign capital investment to Korea. I think that West Virgina should also bring in capital and advanced technology from outside the state, if not from outside the country. In Korea, foreign investment has had a positive effect on employment and on capital formation, which accompanies the advanced technology.

We have discussed the policy tools of Korean economic development. Let's look at the major contributing factors of the Korean economic miracle. The first factor is what we have just discussed: foreign capital investment. Foreign capital investment in Korea helped to create domestic capital investment and also prompted technology transfer from abroad. The second factor of the Korean economic miracle is strong leadership. Korea's efficient government administration led the Korean economy to a rapid increase in both export and capital investment. The Korean economy successfully achieved all the targets of five successive five-year plans which had been drawn up by the government.

The third factor of the Korean economic miracle is the Korean people are diligent and well-educated. They are also motivated to work for the increased economic strength of the nation by the threat of the North. The last two factors, the leadership of the government administration and the diligence and education of the people, are also factors of the Japanese economic miracle.

In conclusion, I hope that West Virginians will understand the importance of trade and capital investment in the economic development of their state. And above all, I would like to emphasize the necessity of effective government administration and of the development of human resources, i.e., better education, if West Virginia is to bring about its own economic miracle.

As the Korean government guided the Korean economy with its five-year economic plans, so the state government of West Virginia should accept primary responsibility for the guidance and assistance of West Virginia's economic development. In terms of the development of human resources, the people of West Virginia should learn to prepare themselves for new job opportunities by re-educating and retraining themselves at educational institutions. A time of economic development may require a flexible mental attitude. I believe this is the new trend we must learn from the world around us.●

HUMANITARIAN AID

● Mr. SIMON. Mr. President, humanitarian aid should be completely free from political considerations. By definition, it is supposed to help people regardless of any political, social, or other distinction.

Unfortunately, this is not always the case. We should not be calling U.S. assistance "humanitarian aid" when it clearly is not. But it is much worse to deny true humanitarian aid for political reasons. This is the case with the State and Treasury Departments' refusal to allow Oxfam America to send agricultural supplies to Nicaragua.

I have circulated a letter to my colleagues along with a letter I will be sending to Secretary Shultz. These letters explain the details of Oxfam's proposal and the Treasury Department's denial. I urge my colleagues to take a close look at these letters and I hope to receive your support in resolving this case fairly.

The Everett, WA, Herald has recently published an excellent editorial about the politicizing of humanitarian aid with respect to Nicaragua. I ask that this informative article be printed in full in the CONGRESSIONAL RECORD.

The article follows:

[From the Everett, WA, Herald, Jan. 11, 1987]

THE HUMANITARIAN TRICK

The Reagan administration, which correctly opposes politicizing humanitarian aid, is flagrantly politicizing the term, and concept, with regard to Nicaragua.

Humanitarian aid, admittedly, is not entirely apolitical. Seemingly innocuous items such as hummers and medicines can be used for housing and healing military troops. Still, those kinds of items fall under traditional definitions of humanitarian aid.

As far as the administration is concerned, however, "humanitarian aid" headed for Central America might as well be marked "military supplies."

The administration, for instance, convinced Congress to pay $27 million for "humanitarian aid" for the contras in the form of boots, cigarettes, and other military support supplies. The same planes that delivered the "aid" also delivered covert arms, which possibly had been purchased with the aid money. The State Department blocked congressional auditors from checking how all the money was spent.

In the name of humanitarian aid too, Secretary of State George Shultz solicited $10 million from the sultan of Brunei when the congressional ban against U.S. military aid to the contras was in effect. The State Department "lost track" of the sultan's millions for several months, while the flow of arms to the contras not-so-mysteriously increased.

So much for the term, "humanitarian aid."

As for the concept of assisting impoverished civilians in war zones, the administration has limited its zeal only when political horse sense said the American public, not to mention Congress, just wouldn't go along. That apparently was why the State Department refrained from declaring a contra organization eligible for assistance under the Food For Peace program, which provides surplus foodstuffs to the poorest of the poor around the world.

It's hard to imagine, of course, that the U.S. government would ever stoop so low as to fight a war with food meant for the poor. When the Ethiopian government blocked shipments of emergency food to starving people in rebel-controlled areas, the administration rightly denounced the policy.

But the administration is more cynical toward Nicaraguan civilians affected by the contra war. The State Department, for instance, last year blocked shipments by Oxfam America, a Boston-based relief agency, to an agricultural college and an agency that planned to build housing for people uprooted by the contra war.

To justify blocking the shipment of agricultural, educational and construction supplies, the department cited the U.S. embargo against Nicaragua. The embargo prohibits shipments to government agencies on the principle that the totalitarian Sandinista regime maintains political control by manipulating those agencies. The State Department claims that the agricultural college was government-controlled, and the other agency had strong government links.

Thus, by blocking shipments of hand tools and seeds, the administration piously claims to have prevented Nicaragua from using humanitarian aid for political purposes. Indeed.

Clearly, the administration's humanitarian aid policies need clarification and correction. That's what the 100th Congress should demand.●

AFGHANISTAN: LETTERS FROM THE STATE OF ALABAMA

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A Situation Approaching Genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being commited today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and the months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from 13-year-old students in Alabama:

DEAR SENATOR HUMPHREY: My classmates and I are studying Afghanistan in our social studies class. I'm very concerned about what the Soviet Union is doing to the people of Afghanistan. They are killing innocent people. Will you help them for their freedom?

Concerned Citizen,
JEFF BROWN,
DALOMITE, AL.

DEAR SENATOR HUMPHREY: Senator I have heard what is happening in Afghanistan, and it makes me sad. I would like to help, but I don't know how. I hope this letter will help.

Sincerely,
RICK MAY,
PLEASANT GROVE, AL, *March 26, 1986.*●

INNA MEIMAN

● Mr. SIMON. Mr. President, yesterday, two members of my staff had the opportunity to spend a few treasured moments with Inna Meiman at Georgetown University Hospital. Although Inna is optimistic, she is extremely ill and misses her husband, Naum, very much.

Inna's cancer makes her body weak, but her mind is sharp and her spirit is indomitable. To travel the long distance from Moscow to Washington, DC, with such terrible pain is indicative of her will to live. As Inna said when she touched down at Dulles Airport, "I have not come to America to die. I have come to recover."

I continue to be amazed by Inna's strength. Still, without Naum here with her, Inna's chance at a full life is slim. Imagine being terminally ill and separated from your loved one by a government.

I strongly urge the Soviets to permit Naum to join Inna in the United States.●

COSPONSORING "WOMEN'S HISTORY MONTH" ON THE OCCASION OF ELIZABETH BLACKWELL'S BIRTHDAY

● Mr. D'AMATO. Mr. President, I rise today to lend my support to a joint resolution (S.J. Res. 20) introduced by the senior Senator from Utah, setting aside the month of March, as "Women's History Month," to reflect upon and pay tribute to the countless women who helped shape American history.

Without the critical economic, cultural, and social contributions of American women, who continually have been undervalued in the body of American history, our Nation would not be as strong and prosperous as it is today. Women have been at the forefront of every major progressive movement throughout our history. From the abolitionist movement to the industrial labor movement through the civil rights movement, women have endured much in the way of discrimination. Yet, they have given back much more through their participation in many fields of endeavor, from business, education, and government to science, law, and medicine. Women have striven all along to create a fairer and more equitable society for all Americans.

Mr. President, a shinning example of their contributions to a more fair and just society is Elizabeth Blackwell. I mention her for two reasons: today is her birthday and, more importantly, she was a pioneer who helped break down prejudice against women in medicine.

Elizabeth Blackwell was the first woman in the United States to receive a medical degree. She graduated from medical school in 1849, and in 1857, along with her sister who also was a doctor, she opened a hospital in New York City. The hospital was called the New York Infirmary for Women and Children. At first, the hospital served primarily the poor. Later, it was expanded to include a medical school for women.

It all sounds so simple. Elizabeth Blackwell wanted to be a doctor, so she got a medical degree; she opened a hospital; she was warmly received by her medical peers as a fine doctor; and she was an instant success.

Wrong. In fact, her applications for medical training were rejected by 29 schools. Why? Because of her gender; she was a woman. In the mid-1800's, women and medicine did not mix. The average person probably would have given up, but Elizabeth Blackwell was not about to except her situation. She persevered, and eventually was accepted by a New York medical school, but after receiving her medical degree she sought her fortunes abroad, traveling to Europe for practical training in hospitals there.

In 1851, she returned to New York where she encountered the same prejudices she had hoped were behind her when she left for Europe. As a woman physician, few patients came to see her. Hospitals barred her from their wards, and male doctors paid little attention to her. Eventually, however, her hard work and dedication to the practice of medicine began paying off, beginning with the opening of her own hospital in 1857.

At that time, Dr. Blackwell finally began to receive the respect of the medical community and of the public. With nearly 10 years invested in the medical profession, she was finally viewed as an experienced physician, rather than a women who dared to be a doctor. In 1869, she returned to England, where she spent the rest of her life laboring to open the field of medicine for all women. She was a prolific writer and lectured widely. Dr. Blackwell was the inspiration behind the

American Medical Women's Association's establishing the Elizabeth Blackwell award, which is given every year to a woman who has made important contributions in advancing the role of women in medicine.

I salute Dr. Elizabeth Blackwell for her courage as an individual and for her pioneering spirit which opened the door for all women in the field of medicine. I also salute the countless other women throughout American history for their valuable contributions to this great Nation. This Congress and the American people salute them all.●

NATIONAL APPLIANCE ENERGY CONSERVATION ACT OF 1987

● Mr. GLENN. Mr. President, I am pleased to cosponsor S. 83, the National Appliance Energy Conservation Act of 1987. I also cosponsored this legislation in the 99th Congress. Last year, this bill was adopted by both Houses of Congress without opposition, and was supported by the Department of Energy. Unfortunately, despite this impressive level of support, the President vetoed the bill in November 1986.

The National Appliance Energy Conservation Act sets up national energy efficiency standards for major home appliances, to be phased in over a 4-year period. While home appliances are not thought of as a major energy user, they consume nearly 25 percent of all electricity generated. For example, a typical household, paying 6.8 cents per kilowatt hour for electricity, spends more than $700 a year to operate home appliances. The National Appliance Energy Conservation Act has the potential of saving consumers up to $28 billion through the year 2000, or almost $300 per U.S. household. Although the cost of the advanced products will be more expensive initially, studies estimate that consumers will later save three times that extra cost in lower utility bills.

Another significant benefit of this legislation is that it will rescue the national appliance industry from a patchwork of varying State standards. Although Congress has previously given the Department of Energy the authority to formulate efficiency standards, DOE was sued for delay in issuing the standards. Following the lawsuit, DOE agreed to issue the first nine standards by October 1981. That deadline was not met. S. 83 will resolve the industry's serious problems in manufacturing and distribution by establishing consistent, clear national standards.

Finally, another long-term advantage of this legislation is that efficiency standards will permit electric utilities to forecast future power needs more accurately and reduce construction of new powerplants. The net result will be lower utility rates for all users.

Mr. President, I urge the swift enactment of this legislation.●

● Mr. WARNER. Mr. President, I would like to commend a young man, Scott W. Stucky, who for the past 6 months has been a congressional fellow in my office under the auspices of the Office of Personnel Management's LEGIS Fellows Program.

As many of my colleagues know, this is a program which sends experienced career civil servants to work in congressional offices for 6 months or a year. The perspective, experience, and knowledge that these people—who are some of our Government's finest employees—bring to their work with the Congress are of the greatest value to those members and committees who participate in the program.

Mr. Stucky is a particularly outstanding exemplar of this fellowship program. A graduate of Harvard Law School, he has served on active duty in the Air Force, practiced law privately in Washington, served as branch chief for a Federal regulatory agency and, since 1984, has been the Air Force's principal legislative draftsman and analyst.

His immense experience with and knowledge of legislation dealing with the Armed Forces has been of tremendous value to me, and to all of my staff members who deal with military matters. His analysis of the complex problems in this area has always been incisive, accurate, and thorough.

He was of particular value to me in the tortuous proceedings which led to the passage of the Drug Enforcement, Education, and Control Act of 1986, and in handling very complex constituent problems which require the sort of specialized experience which he brought to my office.

Finally, I would be remiss if I did not mention his extremely likable personality. While always willing to put in whatever effort was necessary, he never succumbed to the temptation to take himself too seriously. He immediately established a great rapport with my staff, and has been a true pleasure to have in the office.

As Scott returns to the Air Force, I want to thank him for his efforts and his accomplishments, and congratulate him on a job exceedingly well done.●

PREPARING FOR THE NEXT ENERGY CRISIS

● Mr. SIMON. Mr. President, people's memories are short. The long gas lines of only a few years ago are dim in our minds. We drive faster and want to raise the 55-mile-per-hour speed limit. But our supply of energy is tenuous, at best. It's here in abundance today but tomorrow is anybody's guess. We blithely drift along with no long-term energy policy, thinking we have plenty of time to plan for the future. In a column I write for newspapers in my State, I raise some questions that need to be answered.

I ask that it be reprinted in the RECORD.

The column follows:

[P.S./Washington, Jan. 18-24, 1987]

PREPARING FOR THE NEXT ENERGY CRISIS

(By Senator Paul Simon)

There is a small cloud on the horizon to which we are paying little attention.

The OPEC nations appear to be getting together a little on oil production. How much cooperation there will be among them we don't know. But there is at least the possibility that they will get together once again and we will soon find ourselves in the same mess we had in the mid 1970s.

We also seem to quickly forget conservation measures adopted during the shortage years as soon as oil prices fall and supplies increase.

Recent reports show U.S. oil imports last year rose to their highest level since 1980. U.S. imports were up 22 percent in 1986, the American Petroleum Institute reported.

What are we doing to prepare for another energy crisis?

Nothing.

You mean there are no plans to deal with such an emergency?

None.

But, some will argue, we have a strategic petroleum reserve we have been building up, a huge storage of oil that we could use in an emergency.

That would make sense, and help some, but the administration wants to get rid of the strategic oil reserves that we have.

The world's most important economic power, the United States, has no long-term coordinated energy policy.

If tomorrow there would be a sudden cutoff in oil from Saudi Arabia, our biggest supplier, we are not prepared to do more than stumble through, groping for answers.

We should be doing more planning and more research. How can we more effectively and more widely use gasoline produced from corn? How can we encourage more conservation? How can we more effectively use the vast coal resources of our nation? What should we be doing to plan for the day when our present nuclear energy facilities start aging and need to be replaced?

A host of questions should be concerning us.

But we are driving along each day assuming that today's abundance of oil and gasoline will continue without interruption.

It will not, and we had better prepare ourselves.

Last year, I cosponsored a bill offered by Sen. Lloyd Bentsen of Texas to help address the problem. Under the bill, any year that imported oil accounted for more than one-half of our energy usage, the President would have to come up with a policy to make us less reliant on imported oil.

I don't have all the answers as to what should be done, but one thing is certain: It is folly to assume that a tomorrow that is less abundant in oil and gasoline will never come.●

JOBLESSNESS AND RACIAL TENSIONS

● Mr. SIMON. Mr. President, the Justice Department has a disturbing new statistic: The number of clashes between racial and ethnic groups has nearly tripled since 1980. In order to change this trend, we need to know causes. Grover Hankins, general counsel for the NAACP, says "when people lose jobs, they have to have a scapegoat." Mr. Hankins has put his finger on an important factor. In a column I write for newspapers in my State, I outline the link between the unemployed and growing racial hatred. I ask that it be printed in the RECORD.

The column follows:

[P.S./Washington, Jan. 25 to 31, 1987]

JOBLESSNESS AND RACIAL TENSIONS

(By Senator Paul Simon)

On a call-in radio program the other day an unemployed woman said to me, "The reason I'm out of work and so many others are out of work is that the blacks are getting all the jobs."

She illustrated one of the reasons this nation should not tolerate the high level of unemployment that we have rather comfortably accepted.

With high unemployment comes a series of plagues: More crime, more health problems, more alcoholism, more teenage pregnancies and a depressed spirit for the unemployed that cannot be measured, but is deep.

And with high unemployment there also is more of an "us" versus "them" feeling. Hatred grows between whites and blacks, between Anglos and Hispanics, between young and old.

"The Poles get all the jobs around here," a young Hispanic told me on Chicago's Milwaukee Avenue one day.

If there were employment available for everyone, it is not likely he would be saying that.

We have seen a rising tide of incidents reflecting the tensions that are out there. It has happened in Howard Beach in New York City, in Jefferson Parish in Louisiana and in a county near Atlanta.

We can fool ourselves and say that these are simply local incidents, reflecting nothing more than local feelings. We will then treat the symptom rather than the cause. But we will be fooling ourselves.

That lady who called me on the radio program and that young man I talked with in Chicago are not expressing themselves in violent ways, but the message is the same as that coming from the places of violence.

The number one cause of all of this is unemployment.

Editorials are written applauding the fact that "only" 7 percent of Americans were out of work in 1986. If you add to that the people who have given up looking for a job, and those working only a little, you end up with 10 million Americans out of work. If, for example, you work one hour a week you are not counted as unemployed.

Japan, Switzerland, Austria, Sweden and Italy all have significantly lower unemployment rates than the United States does—for one reason only: They have made a priority of putting people to work.

You will hear me talking and writing about this again and again and again, until we turn things around.

Too many Americans are non-productive. That's bad for them, bad for out country.

I soon will be introducing legislation to address this problem fairly dramatically. We tolerate this high unemployment because we have accepted the myth that there is nothing we can do about it.

We can do something about it, if we have the will to do it, if we recognize the great harm we are doing to this great country by our present tolerance of high rates of unemployment.

We should march on the problem of unemployment and all the anguish and bitterness that go with it, instead of giving ourselves excuses for retreating in its presence.●

TIME FOR A NEW WPA

● Mr. SIMON. Mr. President, the St. Louis Post-Dispatch is known throughout the Nation as one of our finest newspapers.

Recently, they had an editorial praising the idea of creating a jobs program in this Nation that guarantees a job opportunity to every American eligible.

Since I have first exposed the idea of such a program, it is interesting that while there have been some brickbats, there have been editorials praising the idea in conservative journals, as well as liberal journals, and those in between.

Clearly, this Nation has to do significantly better than we're now doing.

We have to make a priority of letting our people be productive.

Within the next few weeks, I will be introducing the legislation referred to in the St. Louis Post-Dispatch editorial.

I urge my colleagues to read the editorial, and I ask to insert it in the RECORD.

The editorial follows:

TIME FOR A NEW WPA

Illinois Sen. Paul Simon, the new chairman of the Senate Subcommittee on Employment and Productivity, plans to introduce a comprehensive guaranteed job opportunity bill this session. Modeled on Franklin Roosevelt's Works Progress Administration of the 1930s, it would authorize locally administered job projects for the unemployed at the minimum wage, or 10 percent above welfare or employment compensation, for a 32-hour week.

The jobs would range from sidewalk construction to tutoring illiterate adults to park construction. Also included would be a testing and tutoring program to ascertain and upgrade the skills of those in the program to improve their chances of moving on to the private sector. The initial cost: $8 billion, or less than one-fourth the increase the president sought last year for defense spending.

The official unemployment rate has hovered at about 7 percent for most of the decade while the economy grows at less than 3 percent. Hence the prospect for putting very many of some 12 million jobless back to work isn't bright.

If a program like Sen. Simon's could cut the unemployment rate in half, government could save as much as $125 billion, using the conservative estimate of $25 billion per million unemployed in calculating the cost of food stamps, welfare, unemployment compensation and Medicaid. The consequent increase in the gross national product would be close to 4 percent.

Of course the proposition isn't quite this simple. The initial cost might expand exponentially; it's been known to happen with government programs. Training might not be fully effective; some workers could spend many years in public jobs. Some of the projects might constitute make-work. Society has never found an error-proof method of attacking unemployment.

Moreover, unemployment programs alone won't do the job. Accelerated economic growth is needed, and government job-creation programs alone won't produce it. Growth must at least double to nearly 6 percent to reduce the unemployment rate significantly and permanently. The only way to achieve high growth is for business to compete more effectively with imports, the deficit to be trimmed and defense spending moderated—at a minimum.

We must also prepare for a major shortage of younger workers beginning in the mid-1990s. The only groups that will be expanding then will be immigrants and minorities, particularly those least integrated into the work force. If society fails to fashion education and job training programs, everyone will pay dearly.

Meanwhile, job openings will be growing fastest in the service sector and will require analytical and communication skills well above mere literacy. We must act soon to prepare those who will otherwise remain jobless for want of the proper skills at just the point society needs their labor.

Sen. Simon, putting the issue in its starkest terms, says that the great division in society is between those who have hope and those who don't. His proposal could do much to end that division.●

AUTHORITY FOR CERTAIN ACTION DURING THE 100TH CONGRESS

Mr. BYRD. Mr. President, this request has been cleared on the other side of the aisle.

I ask unanimous consent that during the remainder of the 100th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate be authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolutions, and concurrent resolutions—messages from the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, the Deputy President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BYRD. Mr. President, this request has been cleared on the other side of the aisle.

I ask unanimous consent that for the first session of the 100th Congress, Senators be allowed to leave at the desk with the Journal Clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant at Arms be instructed to rotate such staff members as space allows.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I would hope that Senators be mindful of the constant and continuing need for decorum and order in the Senate.

I would hope that the staff members, likewise, would be mindful of the necessity for order in the Senate and that this privilege be taken only when necessary.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, the following Senators be recognized, each for not to exceed 5 minutes: Senators PROXMIRE, SASSER, BAUCUS, HEFLIN, MURKOWSKI, and HEINZ.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MORNING BUSINESS TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that no later than 11 a.m. tomorrow, morning business be closed; that morning business extend beyond the completion of the orders for the recognition of Senators and up to 11 a.m., and that Senators may be permitted to speak during morning business for not to exceed 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE ON TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that at the hour of 11 a.m. the Senate resume consideration of S. 387, the highway bill, and proceed at that time to the consideration of Senate Resolution 83, Calendar Order No. 12, the budget waiver for mass transit.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar under rule VIII be waived on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that no resolutions or motions over, under the rule, come over on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, on tomorrow the Senate will convene at 10 a.m. After the two leaders have been recognized under the standing order, six Senators will be recognized each for not to exceed 5 minutes after which there will be morning business not to extend beyond the hour of 11 a.m. with Senators being permitted to speak therein for not to exceed 2 minutes each.

At the hour of 11 a.m., the Senate will proceed to the consideration of the waiver resolution for mass transit. Under the order previously entered, there will be a time limitation on that waiver of not to exceed 30 minutes. A rollcall vote has been ordered thereon. Ergo, there will be a rollcall vote on the waiver resolution at 11:30 a.m. tomorrow.

Upon the disposition of the waiver resolution, then the Senate will proceed with debate on mass transit and with amendments possibly thereto.

Rollcall votes may be expected throughout the day.

I hope it will be possible to complete action on the highway bill tomorrow. We could be in to a reasonably late hour tomorrow night. I would not expect it to be late late.

I would also hope that the Senate could complete action tomorrow on the bill, S. 83, the energy conservation standards for appliances bill.

I should state that there will be a vote on the override of the President's veto of the clean water bill. That vote will occur at 3 p.m. tomorrow afternoon with 1 hour for debate prior thereto beginning at 2 p.m.

I urge that all Senators be present.

Following the vote tomorrow on the override of the veto of the bill, the Senate will resume consideration of the highway bill and if the Senate does not complete action on the highway bill and on the energy appliance standard bill, the Senate will be in on Thursday to continue debate and action thereon.

Mr. SYMMS. Mr. President, will the distinguished majority leader yield?

Mr. BYRD. I am glad to yield.

Mr. SYMMS. I thank the majority leader.

If the Senate is able to accomplish the agenda on Wednesday that the distinguished majority leader has laid out, that is the highway bill with the transit portion plus the energy conservation part, what does he see for Thursday and Friday?

Mr. BYRD. It would be my expectation that if the Senate were to complete action on all these matters tomorrow, and I forgot to mention the possibility that the House may take some action on the homeless resolution that would require further action on the part of the Senate, I do not know what the House will do, but we will know that tomorrow. But in answer to the able Senator's question, if all action is completed on the highway bill and the energy appliances standards bill on tomorrow, the Senate would be in Thursday but without any rollcall votes, and only for the transaction of morning business, and making of speeches, the offering of resolutions and bills, and so on. I would hope that the committees would meet on Thursday, and on Friday as well.

In answer to the able Senator's question if we finish work on these other items on tomorrow—and we will not stay in until a late, late hour, which I do not want to do tomorrow night for the sake of all Senators—there will be no rollcall votes on Thursday, even though the Senate would be in session on Thursday.

Mr. SYMMS. I thank the distinguished majority leader.

I think that would be strong incentive for Senators to try to work to get the business done tomorrow. I hope we will be able to accomplish that.

Mr. BYRD. I thank the Senator. He has made a good point and I share that hope with him.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in adjournment until the hour of 10 o'clock tomorrow morning.

The motion was agreed to; and, at 7:54 p.m., the Senate adjourned until tomorrow, Wednesday, February 4, 1987, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 3, 1987:

DEPARTMENT OF STATE

Charles E. Redman, of Florida, a career member of the Senior Foreign Service, class of counselor, to be an Assistant Secretary of State, vice Bernard Kalb.

THE JUDICIARY

Haldane Robert Mayer, of Virginia, to be U.S. circuit judge for the Federal circuit, vice Marion T. Bennett, retired.

DEPARTMENT OF DEFENSE

Robert B. Costello, of Michigan, to be an Assistant Secretary of Defense, vice James Paul Wade, Jr.

DEPARTMENT OF THE INTERIOR

James W. Ziglar, of Maryland, to be an Assistant Secretary of the Interior, vice Robert N. Broadbent, resigned.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Judith Y. Brachman, of Ohio, to be an Assistant Secretary of Housing and Urban Development, vice Antonio Monroig, resigned.

DEPARTMENT OF ENERGY

Lawrence F. Davenport, of Virginia, to be an Assistant Secretary of Energy (Management and Administration), vice Martha O. Hesse.

Raymond G. Massie, of New Jersey, to be Director of the Office of Minority Economic Impact, vice Rosslee Green Douglas.

SMALL BUSINESS ADMINISTRATION

Charles R. Gillum, of Virginia, to be inspector general, Small Business Administration, vice Mary F. Wieseman, resigned.

LEGAL SERVICES CORPORATION

To be Members of the Board of Directors of the Legal Services Corporation for terms expiring July 13, 1989 (reappointments):

Hortencia Benavidez, of Texas.
Lorain Miller, of Michigan.
Claude Galbreath Swafford, of Tennessee.
Robert A. Valois, of North Carolina.

SENIOR FOREIGN SERVICE

The following-named career members of the Senior Foreign Service of the Agency for International Development for promotion in the Senior Foreign Service to the classes indicated:

Career members of the Senior Foreign Service of the United States of America, class of career minister:

Martin Victor Dagata, of Maryland.
Robert Halligan, of Virginia.
Allison Butler Herrick, of the District of Columbia.
Lois C. Richards, of Washington.

Career members of the Senior Foreign Service of the United States of America, class of minister-counselor:

Janet C. Ballantyne, of California.
John Stuart Blackton, of California.
Timothy J. Bork, of Virginia.
Neboysha Ranko Brashich, of Virginia.
Eugene R. Chiavaroli, of Ohio.
E. John Eckman, of Virginia.
Arthur Marshall Fell, of Florida.
Albert D. Hulliung, of Florida.
Elizabeth Keys MacManus, of Virginia.
David N. Merrill, of Maryland.
Lewis P. Reade, of Florida.
Thomas H. Reese III, of New Jersey.
E. Lawrence Saiers, of New Mexico.

The following-named career members of the Senior Foreign Service of the Agency for International Development for promotion into the Senior Foreign Service, and consular officer and secretary in the Diplomatic Service appointments, as indicated:

Career members of the Senior Foreign Service of the United States of America, class of counselor:

Gary Bryan Bisson, of Virginia.
Mervin F. Boyer, Jr., of Pennsylvania.
C. Stuart Callison, of Connecticut.
Francis J. Conway, of Florida.
Robert Carey Coulter, Jr., of California.
Leslie A. Dean, of California.
Charles DeBose, of California.
Jeffrey W. Evans, of New Jersey.
John A. Foti, of Texas.
Coinage Napoleon Gothard, Jr., of Alabama.
John W. Greenough, of Washington.
Joe O. Hill, Jr., of Tennessee.
Mary K. Huntington, of the District of Columbia.
Kevin Kelly, of California.
Ken Lyvers, of Kentucky.
Frederick E. Machmer, Jr., of Texas.
Gary Theodore Mansavage, of the District of Columbia.
David Gordon Mein, of Maryland.
Steven Paul Mintz, of Virginia.
Mason Charles Moseley, of California.
Bruce John Odell, of Virginia.
Dale B. Pfeiffer, of New Jersey.
William Stacy Rhodes, of Virginia.
Richard M. Seifman, of the District of Columbia.
Jonathan Lasker Sperling, of Virginia.
Joseph F. Stepanek, of Colorado.
Robert V. Thurston, of Oregon.
Sean Patrick Walsh, of Virginia.

Career members of the Senior Foreign Service of the United States of America, class of counselor, and consular officers and secretaries in the Diplomatic Service of the United States of America:

Bruce Blackman, of Oregon.
Peter Davis, of California.
Denton E. Larson, of Virginia.
Gary L. Nelson, of New Hampshire.
Hans Patrick Peterson, of Virginia.

EXTENSIONS OF REMARKS

RECLAMATION REFORM REGULATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. MILLER of California. Mr. Speaker, the Secretary of the Interior will soon issue final regulations to implement the Reclamation Reform Act of 1982 [RRA], including section 203(b) of that act (the "Hammer Clause").

As chairman of the Water and Power Subcommittee, I have a genuine interest in the proposed regulations. In addition, as a member of the conference committee on the RRA, I was directly involved in negotiations which led to drafting of the law.

I believe the compromise we reached in 1982 was a sound one that fairly represented both the needs of farmers receiving subsidies through the Reclamation Program, and the need to protect the taxpayers.

Significant tradeoffs were made to achieve enactment of the 1982 act. Western water interests received a sixfold increase in their ownership limit; explicit authorization for Federal water service to leased lands; an equivalency formula to expand the limit beyond 960 acres; and, elimination of the residency requirement.

In return, one major reform was required—a limit on the amount of taxpayer subsidy to individual operators. Above a new acreage limit 960 acres, Congress agreed that all operators should pay the unsubsidized, "full" cost of the water. This simple concept was the key factor that allowed a 6-year legislative stalemate to be broken. This approach ensured that the benefits of the program would be widely distributed, consistent with the realities of today's farming economy.

It is important to note that the Hammer Clause was the mechanism by which enforcement of the 1982 law would take place. Thus, the manner in which the Department will implement this provision through the proposed regulations is critical to the implementation of the act, and the Reclamation Program in general.

The draft regulations circulated last fall, correct a number of serious problems that have cropped up with implementation of the RRA.

For example, Congress clearly intended that any farm operation exceeding 960 acres would have to pay full cost for water in excess of that limit. Since the law was passed, a number of agribusinesses have used trusts and farm management arrangements in an effort to continue receiving subsidized water on their entire operations.

Both of these developments could have led to serious loopholes in the law and threatened the Reclamation Program. The draft rules issued last fall by the Department imposed tough standards and correct these important problem areas.

The Interior Department has received numerous complaints at public hearings that these regulations will pose significant hardships to some farm operations.

I would urge the Secretary to reject these pleas. The RRA is a very tough law. It involves strict penalties and requires very difficult decisions to be made.

The Congress did not go through a long and bitter debate to "reform" the law just to allow a 10,000-acre farming operation to simply "restructure" into a new maze of trusts and farm management arrangements so that the same 10,000-acre farm is still getting a very large Federal subsidy.

I'm pleased to see that two recent editorials support the draft regulations. The Washington Post warned that those crying for relief from the proposed regulations are in reality large California agribusinesses who are nothing more than "welfare croppers on an enormous scale." The Post correctly notes this is not "just a water issue" for Secretary Hodel.

The Oakland Tribune reported that seven businesses, each operating 960 contiguous acres, report the same address, telephone number and contact person. The Tribune observes that without tight regulations, "lawyers will subvert the act by establishing phony management companies and trusts that divide large farm operations into sham parcels under the 960-acre limit."

In my view, the purpose of these regulations is clear: They should implement the intent of Congress by eliminating schemes and devices that might be used by large farm operators to evade the goal of limiting subsidies to 960-acre operations. In my view, the current regulations meet this test and I would urge the Secretary to issue these regulations in final form.

Mr. Speaker, I ask consent that copies of the Post and Tribune editorials on this subject be included in the RECORD at this point.

CAULK THE REGULATORY CRACKS

Fresh water is arid California's liquid gold. It not only makes the deserts bloom, it also keeps armies of bureaucrats, lawyers, environmentalists and farmers in perpetual battle for the spoils.

Until recent years, the battle went only one way: in the farmers' favor. Agricultural interests served by the federal Central Valley Project prevailed on Congress to grant them water subsidies worth a cool $3.6 billion, according to the latest government estimates. The deserts bloomed on the backs of ordinary taxpayers—even small farmers who didn't share in the largesse that extended mostly to the richer farm operations.

Next year, the tide may begin to turn—but only if the Federal Bureau of Reclamation, which administers the water program, writes tough regulations to reflect the will of Congress.

In 1982, Congress passed a reform—shaped significantly by Rep. George Miller, D-Martinez—to limit the giveaway. Its key provision barred subsidies on water delivered to farms above 960 acres and narrowed the subsidy to many smaller operations.

In return, the act offered significant concessions to the farmers; it permitted continued subsidies on much larger parcels than before, authorized the supply of federal water to leased farms of any size and eliminated residency requirements.

But the act is only as good as its implementation. The battle has now moved to the Bureau of Reclamation's turf.

Among the many vital issues yet undecided is the matter of water price. The bureau proposes to raise charges to the relevant farmers to cover the cost of operations and maintenance, many older contracts don't even cover that minimal sum. Yet such a price would return nothing to the Treasury of the capital cost of construction, despite the clear intent of the original act authorizing the Central Valley Project.

Farmers who now reap a water subsidy of $250 per acre per year—that's $240,000 annually to the 960-acre farmer—surely should be expected to repay at least some of the capital costs of the project that enriches them, in return for the concessions granted under the 1982 reform.

Everyone agrees that farmers who come under the act should pay the full, unsubsidized price for water they use to irrigate leased lands above 960 acres. But without tight regulations, lawyers will subvert the act by establishing phony management companies and trusts that divide large farm operations into sham parcels under the 960-acre limit.

Don Villarejo, executive director of the California Institute for Rural Studies in Davis, has turned up several possible examples of this subterfuge.

In western Fresno County, for example, seven business entities farm adjacent lands near to or only slightly above the 960-acre limit. They thus stand to benefit from continued subsidies. Yet according to Villarejo, "all seven report the same address, telephone number and name of contact person. A telephone call to that number produced the response from the person answering, 'Hello, Vaquero Farms,'" Vaquero Farms was the operator of record before the 1982 act, and is still listed in a recent loan documents as the main debtor. The whole operation is further bound together by tight relationships between family members, stockholders and directors of Vaquero Farms, and the individual farm owners.

In passing, Villarejo notes that each of those "farms" within the larger unit received $50,000 in direct subsidies from the U.S. government in 1985 for growing (or agreeing not to grow) surplus crops using subsidized water.

Bureau proposals to block such abuses in the future have met a barrage of criticism from farmers who have come to expect handouts as a matter of right. Yet the bureau must never forget that legislators, not the farmers, set the aims of the program. In 1982, Congress made clear its overriding goal of distributing fewer subsidies more equitably. Future regulations must enforce that verdict.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE WATER BOYS

In much of the West the most important federal farm subsidies come not from the Agriculture Department but from Interior, in the form of cheap water for irrigation. The rule on this used to be no more than 160 acres' worth per farmer (320 if he was married). For years the rule was honored in the breach, until a judge told Congress in the mid-1970s to change the law or see it enforced. The bitterly contested Reclamation Reform Act of 1982 was the result.

The act relaxed the old law so that a farmer could get up to 960 acres' worth of subsidized water (though not in every case as generously subsidized as in the past). Beyond 960 acres, a farmer could still get federal water, but would have to pay full cost. Growers were given five years to adjust before the new rules took hold.

The five years are up this April. Interior has proposed a final set of regulations, spelling out how the law will be imposed. Some large growers have used these intervening years to subdivide their farms on paper. The proposed regulations would strike down the commonest fictions of this kind. The affected growers, most of them in California, are pressuring Interior Secretary Donald Hodel to back off and let the fictions stand. In a similar situation involving some of the same powerful growers in the Westlands water district of central California earlier this year, the secretary did back off. He has given no indication of his intentions, but it would be an outright giveaway to yield to the large growers again.

Another group of growers is trying to stave off the act in a different way. They are challenging it in court, on grounds it would break the long-term contracts they had with the government to sell them water at certain prices before 1982. They say contracts embodying questionable practices should take precedence over a law to correct those practices.

The growers affected by the 1982 law have very large operations, and they are very prosperous. There are not many of them. Some of the largest use the low-cost federal water they received to grow surplus crops for which they then also receive federal funds. They are welfare croppers on an enormous scale, yet you can believe they yield to none in denouncing the federal largess that drives up their taxes. Most of that largess, anyway. It's not just a water issue that Mr. Hodel will shortly be called upon to decide.

NATIONAL FAMILY CAREGIVERS WEEK

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Ms. SNOWE. Mr. Speaker, today I am introducing a resolution establishing the week of November 22 through November 28, 1987, as National Family Caregivers Week in recognition of the contribution made by the family in maintaining frail and disabled family members in the home.

Last year, for the first time, Congress passed and the President signed this important bill into law. It is important because it serves to recognize and honor the work of families who provide an essential system of informal care. Indeed, family care is one of the most critical factors in preventing or delaying the need for nursing home care, making family care not only humane, but also cost effective. Recent studies have shown that families provide between 80 percent and 90 percent of the medically related care, personal care, household maintenance, transportation, and shopping needed by older persons. Thus, while the myth has persisted that families have decreased the amount of care they provide, the reality is that the family remains committed to the care of the elderly, often at a great cost both financially and emotionally.

Family caregiving is of particular importance to those of us who are concerned about the growing problem of Alzheimer's disease.

Indeed, the management of Alzheimer's disease is one of the great challenges that we face in the future. With Alzheimer's, there are two victims—the person with the disease and the family that must try to cope with it. Generally, one or more family members assume the responsibility of providing care for the Alzheimer's sufferer. In fact, the presence of a family caregiver is the principal reason that those who suffer from Alzheimer's and other debilitating diseases can remain in the community as long as possible.

In 1986, when Family Caregivers Week was first introduced, the outpouring of support was profuse. Organizations such as the American Association of Retired Persons, the Older Women's League, the National Council of Catholic Women, National Council on the Aging, the Jewish Home and Hospital for the Aged, Children of Aging Parents, the Travelers Corp., the American Association for Counseling and Development, and many others played an active role in supporting this bill and working on its behalf. Activities across the country focused on education and advocacy for family caregivers.

Excitement has been generated by this bill because caregivers are finally gaining national recognition for their important work. If National Family Caregivers Week serves to help caregivers feel less alone or if it serves to foster understanding in the general public, then it will, indeed, accomplish its goal. For this reason, I am again proposing this national week of celebration which includes Thanksgiving Day, as a time to affirm the vital role of family caregivers and the important contribution that they make.

H.J. RES. 130

Joint resolution to designate the week beginning November 22, 1987, as "National Family Caregivers Week"

Whereas the number of Americans who are sixty-five or older is growing, with an unprecedented increase in the number of persons eighty-five or older;

Whereas the incidences of frailty and disability increase among persons of advanced age;

Whereas approximately 5.2 million older persons who reside in the community have disabilities that leave them in need of help with such daily tasks as food preparation, dressing, and bathing;

Whereas families provide older persons help with such tasks, in addition to between 80 and 90 percent of the medical care, household maintenance, transportation, and shopping needed by older persons;

Whereas families who give care to older persons face many additional expenses due to home modifications, equipment rental, and higher heating bills;

Whereas 80 percent of the disabled elderly receive care from family members, most of whom are wives, daughters, and daughters-in-law, who often must sacrifice employment opportunities to provide such care;

Whereas the role of the aged spouse as a principal caregiver has generally been understated;

Whereas family caregivers are often physically and emotionally exhausted from the time and stress involved in caregiving activities;

Whereas family caregivers need information about available community resources;

Whereas family caregivers need respite from the strains of their caregivers roles;

Whereas the contribution of family caregivers helps maintain strong family ties and assures support among generations; and

Whereas there is a need for greater public awareness of and support for the care that family caregivers are providing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 22, 1987, is designated "National Family Caregivers Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

LEGAL SERVICES CORPORATION—AN AGENCY WITH A POOR RECORD

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. SHUMWAY. Mr. Speaker, today I am introducing legislation to abolish the Legal Services Corporation. It is absolutely senseless for the Congress to continue appropriating millions of taxpayers' dollars for a political lobbying service that continues to operate in blantant violation of the legislation which authorizes it. While I recognize that the original motivation behind the Legal Services Corporation was well intentioned, and I certainly agree that all Americans, regardless of their economic status, must enjoy equal access to justice, I cannot condone the continued support for an agency which has proven to be unsound, wasteful, and abusive of the law. Simply stated, the LSC, its staff, and its grantees have, under the guise of providing legal assistance, consistently made use of Federal funds to pursue broad social and political objectives, often in direct violation of law and congressional intent.

Congress had tried repeatedly, in the original Legal Services Corporation Act and in subsequent restricting amendments on the Corporation's appropriations, to prevent the politization of the Corporation and to ensure that it fulfills the mission for which it was created. The Corporation has circumvented every attempt to regulate its activities; congressional limitations have not been effective in preventing the Corporation and its recipients from assuming the role of federally financed advocates for political and social causes. The Corporation has used taxpayer's money for lobbying efforts initiated, in many instances, not on behalf of the poor, but for the larger purpose of social reform. Those who insist that the Legal Services Corporation only works in pursuit of its overriding goal to provide equal access to our judicial system for low-income Americans should take another look at the evidence.

Congressional investigative hearings have uncovered extensive violations in the Legal Service Program. Among the abuses brought to light were the formation of "dummy corporations" as a means of evading congressional prohibitions against lobbying; use of funds to advocate "a public policy of fighting threatened budget cuts in the LSC and other Federal social benefit and entitlement programs; and indications of LSC staff destroying files that documented activities of questional lagality."

Mr. Speaker, the Legal Service Corporation and its recipients are clearly not prepared to abide by the wishes of Congress. Why should we continue to throw away millions of scarse taxpayers' dollars to prop up an irresponsible and unworkable system of legal assistance? In my view, the responsibility for providing legal services to the poor should be returned to the bar where lawyers have willingly donated their time to assist those in need.

As we ask our constituents to accept increasingly painful spending cuts in worthy domestic programs, I believe that we simply cannot justify any further appropriations for the Legal Services Corporation, an agency with a poor record of improper activity.

THE AGRICULTURAL EXPORT ENHANCEMENT ACT OF 1987

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, I am introducing today a bill to improve the competitive position of American agriculture in world trade. A strong export market is essential to a healthy farm economy, and this bill does several things to expand American agricultural exports. By bringing down the trade deficit, it will help the entire economy, not just agriculture.

Agriculture has been heavily dependent on export sales. In the 1970's and into the 1980's we were exporting between 60 and 70 percent of the wheat we produced in this country. Last year, for the first time in recent memory, that figure fell below 50 percent due to a collapse in our exports. The impact on farm prices is obvious to anyone who cares to look. A strong demand for exports is the key to higher prices for domestic producers.

This legislation recognizes that there is no single solution to increasing exports. It addresses various aspects of the export equation, which together will stimulate our agricultural exports and support domestic farm prices.

The first section of this bill reaffirms that the United States will honor its commitments to foreign customers to supply agricultural commodities. It sends a message to our customers that the United States is and will continue to be a reliable supplier.

The bill also revises the Export Enhancement Program [EEP] to make sure that countries that have been good customers are rewarded with EEP benefits. This program has been a good start at eliminating the disadvantage American exporters face when they compete with subsidized exports from other countries. The program has given our exporters bonus bushels to offset foreign subidies.

But the current program has offended some of our best customers, because the Department of Agriculture chosen to use the program only to encourage sales to countries that have historically been poor customers. As a result, some of our competitors are making inroads into our markets of traditionally good U.S. customers.

The bill I'm introducing corrects this problem by instructing the Department of Agriculture to give priority for EEP benefits to countries which have recently increased their purchases of U.S. agricultural commodities the most. Countries which already buy most of their food imports from the United States would also get preference. If this approach is taken, the EEP would encourage purchases by large customers we have lost, and both new and traditional customers who are willing to increase purchases.

A third section of the bill encourages the Department of Agriculture to make fuller use of authority it already has to enhance our exports. The market development groups that know foreign markets best have recently concluded that the United States could sell an additional 17.4 million tons of agricultural products throiugh targeted use of export credits, food aid, and other existing programs.

I am sponsoring a resolution calling on the administration to aggressively make use of these programs. The legislation also requires officials of USDA and the Agency for International Development to report to Congress and the President on the sales opportunities for agricultural products in the most promising foreign markets.

A fourth area addressed in this bill is additional funding for private market development cooperators who have worked overseas with United States and foreign governments and industry to develop sales opportunities for U.S. agricultural products. These cooperators engage in precisely the long-term market development that is needed to build world demand for United States agricultural products, and they've had impressive results in Taiwan, the Philippines, and in Spain.

This package authorizes the Secretary of Agriculture to provide CCC surplus commodities to cooperators as part of commercial sales to the nations in which the cooperators are working. This has the dual advantage, like the EEP program, of reducing our surpluses and expanding exports.

Finally, this bill establishes a food first foreign aid policy. During the past several years, U.S. foreign assistance has been made up of more weapons and less food. Historically, food aid has made up one-third of our foreign aid, but this level has dropped steadily even as our surpluses continue to rise. This bill contains a resolution urging the administration to raise the food aid portion of foreign aid back to the level of one-third.

This package of export initiatives would have a major impact on U.S. sales of agricultural commodities to countries that are the key to growth in agricultural trade: the middle income developing countries. These countries are sensitive to price, and we must therefore make the EEP available to them. Some of them import much of their food, and therefore need a reliable supplier. Their populations have changing food preferences as incomes rise, so it is important to have market development cooperators working to familiarize consumers with U.S. products. Food aid can be used to stimulate development and hence incomes, and also to introduce foreign importers and consumers with American products. This bill will help to stimulate exports in all of these ways.

I ask my colleagues to join me in sponsoring this legislation to restore health to American agricultural exports. Stimulating exports is the most certain way of providing some support to domestic commodity prices, which is something our agricultural economy badly needs. Exports will not recover overnight, but with this bill we can start the process of getting American agriculture back on track.

1986 WORLD FOOD DAY TELECONFERENCE REPORT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. GILMAN. Mr. Speaker, I would like to bring to my colleagues' attention an excellent report on the world hunger problem, the Executive Summary of a Hunger Teleconference Report. This report can benefit my colleagues by enabling them to more fully understand the hunger issue thus helping our committees to draft legislation that will help resolve this problem.

Mr. Speaker, I request that the full text of the Executive Summary of a Hunger Teleconference Report be inserted at this point in the RECORD.

EXECUTIVE SUMMARY—1986 WORLD FOOD DAY TELECONFERENCE REPORT

World Food Day seeks to engage the widest possible range of individuals, organizations, governments and multilateral agencies in a collaborative search for solutions against hunger. The third annual World Food Day Teleconference, a North American Town Meeting on the "Dilemma of Hunger Amidst Plenty," provided for a forum for this process. As an interactive broadcast via satellite on October 16, 1986, the teleconference linked more than 300 sites with a panel of international experts in the studios of George Washington University Television (GWTV) in Washington, DC.

Serving on the panel were Dr. Patricia Barnes-McConnell, Director of Michigan State University's Bean/Cowpea Collaborative Research Support Program (CRSP); Mr. Barber Conable, President of the World Bank and former member of the U.S. House of Representatives; Her Excellency Cecilia Lopez, Ambassador of Colombia to the Netherlands and former Vice Minister of

Agriculture in Colombia; and Dr. Muhammad Yunus, founder and Managing Director of the Grameen (Rural) Bank in Bangladesh. TV/film star Eddie Albert hosted the teleconference; John Scali, ABC News Senior Correspondent and former U.S. Ambassador to the United Nations, was program moderator.

Beyond the thousands of participants at sites in every state in the U.S., Canada and the Virgin Islands, millions of additional viewers watched the proceedings on PBS, The Learning Channel, the Catholic Telecommunications Network of America (CTNA), the Healthcare Information Network (HIN) and other cable and educational stations.

The full Teleconference Report (available from the National Committee for World Food Day Office) helps continue the interaction between the panelists and participants and among participants themselves. It includes the panel's responses to summary questions derived from the site reports and, as outlined below, the sites' recommendations for policy and action. The four panelists, the teleconference sites, the U.S. Agency for International Development (USAID), the U.S. Department of Agriculture (USDA), the Canadian World Food Day Association and the Food and Agriculture Organization of the United Nations (FAO) will all receive copies of the Report.

To aid future sites, the Report also details the planning and production of the event by its organizers in Washington and throughout North America. It emphasizes that the program's format (live panel presentations in the first hour; mid-hour break in the telecast for local discussion and programs; resumption of the broadcast for a live call-in from the sites in the 3rd hour) exposes participants to the views of experts and policymakers at the local, national and international level. Appendices in the full Report illustrate ways in which teleconference sites used their mid-hour programs as local "town meetings," components of course work, or as continuing education for dieticians and other professionals.

BACKGROUND ON WORLD FOOD DAY

October 16, 1986 was the sixth international observance of World Food Day (WFD) and marked the forty-first anniversary of the founding of FAO in Quebec, Canada. In 1986, one hundred fifty nations observed the day; in the U.S., the National Committee for World Food Day includes more than 375 member groups representing the major American food, farm, education, nutrition, religious, and relief and development organizations. The World Food Day Office in Washington provides information and coordination at the national level and serves as a clearinghouse to disseminate the collective resources and expertise of member groups and local WFD planners.

THE STUDY/ACTION PACKET

The WFD Study/Action Packet, the Teleconference and Report constitute a cycle of resource development for World Food Day. Again in 1986, the Teleconference Cycle received a Biden-Pell development education grant. The Xerox Foundation also provided generous support. As the first element in the cycle, the Packet is designed as a backgrounder on the teleconference issues and for information on hunger.

In February, an Advisory Committee on past site coordinators, academicians and representatives of WFD member groups, the National University Teleconference Network (NUTN) and USDA Extension met to plan the Packet. Authors at the University of Illinois at Urbana then wrote the document as a compendium of information including: text appropriate for the college-level or adult learner; annotated bibliographies; charts and other educational graphics; a "point-counterpoint" on the foreign aid debate; and inserts from Technoserve, the World Bank, the UN University and the International Board for Plant Genetic Resources (IBPGR).

The World Food Day Office provided the Packet free of charge to teleconference sites and to hundreds of colleges, hospitals, community groups and individuals concerned with hunger and international development issues. Teleconference sites shared the Packet with faculty and students, staff, members of the press and community libraries, in some cases making hundreds of additional copies available. For the third year, USDA Extension distributed the Packet widely and encouraged WFD participation.

THE TELECONFERENCE NETWORK

The WFD teleconference continues to grow dramatically. The number of sites has increased from 125 in 1984 to 210 in 1985 to 316 in 1986. With support from NUTN, HIN, CTNA, PBS and the Black College Satellite Telecommunications Network, the third WFD program was one of the largest educational teleconferences ever aired. The following factors helped expand the network in 1986: approval of the teleconference by the American Dietetic Association (ADA) for three continuing education credits; network and broadcast support from HIN, resulting in dozens of hospital sites nationwide; involvement of statewide educational networks, e.g., South Carolina Educational Television and the Indiana Higher Educational Telecommunication System, with the leadership of Clemson and Purdue Universities resulting in over 20 sites in those states; the expanded participation of CTNA, one of whose affiliates in Detroit broadcast the program to multiple sites; and the role of national and local organizations in developing and coordinating site programs with host institutions.

LOCAL SITE PROGRAMS

The middle hour of the teleconference—and other local activities planned around the broadcast—continue to be the most important and dynamic elements in the program. As autonomous planners, site coordinators and local WFD committees target their own program objectives, particpants and sites. In 1986, the latter ranged from colleges and hospitals to chambers of commerce and local television station facilities. In their reports, sites emphasized the following points about local programs; cooperation among campus, hospital and community groups to use the teleconference as an educational resource; the development of program models for subsequent participation; curriculum integration of the event and the Study/Action Packet; and media outreach, including work with local broadcast outlets.

On campus, planners and participants included: students, faculty and administrators; campus ministries; and offices of continuing education, community affairs and special events. At hospital sites, target groups included: dietary staff in particular, due to ADA credits; doctors and nurses; and continuing education and community affairs staff. At the community level, participants and planners included: grassroots hunger organizations; food bank staff, religious groups; dieticians and other professionals; county and state agricultural or nutrition agencies and officials; local and state policymakers, farmers; and chapters or supporters of National Committee member groups. Representatives from many of these served on local panels to acquaint participants about hunger and agriculture issues in their communities.

Although the program remains a "special event" on many campuses, others use the broadcast and Packet in interdisciplinary curricula. Students and faculty from departments as varied as agriculture and anthropology or plant science and public policy attended the WFD forum together, often after weeks of class preparation. At many sites, dieticians and other professionals took part as an in-service or continuing education activity. Through the local program component and call-in, thousands of North Americans shared a unique opportunity to learn what a food bank does; hear from their mayor or gubernatorial representatives on local food policy; question Third World experts; or attend a candidates' forum on hunger.

The high caliber of the international panel and local programs contributed to more media attention in 1986—resulting in increased coverage of the event as well as local broadcasts of the entire teleconference. Program carriers such as PBS stations filled the "dark" middle hour in a variety of ways, e.g. live broadcasts of local site programs; locally produced segments on regional hunger and agriculture; and use of related films. At several sites, newscasters served as moderators of local program panels.

PROGRAM SUMMARY

The teleconference began with a brief introduction by Eddie Albert, followed by a taped welcome from Edouard Saouma, Director-General of FAO. The moderator then invited the panelists to describe their experience and views on solving the dilemma of hunger amidst plenty in terms of both policy and practice. The following summary is based on their live discussion:

Barber Conable, an overview of Bank policies under his leadership, emanating from his perspective on international development. The latter includes: the importance of economic growth in solving world hunger; concern that population increases not outstrip gains in food production; the need to ensure distribution of national per capita growth through increased employment and credit opportunities for the poor, services to small farmers to increase yields and other means of avoiding "maldistribution"; and the important difference between long-term policies such as adjustment loans and short-term aid aimed at reducing hunger. Mr. Conable emphasized the need for cooperation among the actors that assist in development, including host governments, multilateral agencies, bilateral foreign assistance programs, export credit agencies and commercial banks. He noted that the World Bank must rely heavily on the nations which borrow and assume they will plan and execute programs in the best interests of their citizens. He stressed, however, that the Bank applies leverage through its lending criteria for programs to provide direct assistance to the poor.

Patricia Barnes-McConnell, described the partnership (under the U.S. Foreign Assistance Act's Title XII) among CRSPs at U.S. Land Grant universities, USAID and host governments. She explained the program's major characteristics as: collaboration between U.S. universities and host governments; emphasis on women as producers; use of multidisciplinary teams to increase production; and involvement of social scientists and food scientists regarding consumption patterns, food processing, storage and distribution. Dr. Barnes-McConnell summarized the benefits of collaborative programs as: strengthened ties between the U.S. and developing countries; a more favorable business climate that results from these ties; the positive effect on international markets of higher standards of living and increased trade; and general benefits shared among trading partners from maximizing comparative advantage.

Muhammad Yunus, described the philosophy, procedures and accomplishments of the Grameen Bank. He explained that conventional banks don't reach the poorest due to collateral requirements and other procedural formalities. Thus, Grameen's goal is to loan to the poor who have no access to credit other than money-lenders. Grameen's borrowers, the majority of whom are women, are hard-working and have a repayment rate near 99%. Dr. Yunus maintained that a primary cause of poverty and hunger is a lack of access to production inputs and credit, and that an important step in reaching the poorest of the poor is to create new institutions to meet their needs and acknowledge their abilities. He also remarked that there is interest in replicating the Grameen Bank model in Malaysia, India, Nepal, Sri Lanka and the United States.

Cecilia Lopez, described the policy for rural development she initiated as Vice Minister of Agriculture. The policy, based on findings that women were virtually ignored as food producers, was designed to respond to the following three issues: women need access to credit, land, technical assistance and education; women need help in working their "double day"; and education and nutrition programs provided in the rural sector should also include men. She emphasized that this was an economic policy rather than a welfare policy because of the key role played by women both in food production and in reducing food imports. At the same time, Ambassador Lopez stressed that designing such strategies is partly the responsibility of the World Bank and other agencies with expertise in development planning.

RECOMMENDATIONS FOR ACTION

Based on the consensus reached in local discussions, sites made recommendations for policy and action for the following: U.S. and Canadian Governments; the International Community; Food Crisis Governments, North American Colleges, Universities or Hospitals; and Local Communities. These recommendations included recurring themes from earlier programs, namely: agricultural assistance and development programs should be depoliticized; funds and resources allocated for military purposes would be better spent on food security; and appropriate education and training and other long-term programs should receive higher priority. In 1986, recommendations also put new emphasis on reaching the poorest of the poor.

Other recurring themes included: the importance of grassroots programs and locally designed and managed development; the necessity to overcome the bias against women; the need for systemic reforms of national and international policies that may perpetuate dependency; and the imperative that aid be properly distributed to those in need.

Among recommendations for the U.S. and Canadian Governments were comments about both domestic and international policies, including: opposition to military spending increases while hunger programs are cut, and more priority for long-term development strategies involving the needy themselves. Recommendations for the International Community were: increased cooperation among international actors in the development process; enhancement of development education programs to build public support; emphasis on targeting and involving beneficiaries at the grassroots level in all agricultural and economic development projects; and improved distribution of aid and technical assistance (and reform of corrupt practices). Similarly, recommendations for Food Crisis Governments included calls for the education and empowerment of the poor so that self-reliance in food production might be attained. Sites also encouraged more equitable distribution of wealth across all strata of these societies.

Recommendations for North American Colleges and Universities stressed the need to increase awareness about hunger, particularly through new approaches and "problem-solving" curricula; affirmed the importance of university research and development in the struggle against hunger, and criticized budget cuts in this area; called for more international exchange programs; and urged a more assertive role of these institutions in service and advocacy against hunger. Recommendations for Hospitals emphasized more nutritional outreach and their responsibility as community resource centers for healthcare and information.

In their suggestions for Local Community Action, teleconference participants urged more public awareness campaigns about food and agriculture, including local-global links among issues; collaboration among local groups and the formation of networks to increase effectiveness; more support for local emergency food providers; and community advocacy for changes in local/regional/national programs and policies.

CLARENCE THOMAS ON MARTIN LUTHER KING

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. COURTER. Mr. Speaker, the Chairman of the Equal Employment Opportunity Commission, the Honorable Clarence Thomas, recently delivered an address on Dr. Martin Luther King. This eloquent speech places Dr. King solidly in the tradition of the great spokesmen for the Constitution and the principles of equality and liberty which the Constitution takes from the Declaration of Independence.

Permit me to say that with the establishment of the King holiday, a danger arises that we must all resist, as Mr. Thomas has resisted in this address. Dr. King has become a universal symbol; but we must not let the symbolism obscure the central truth of his teaching, which was that nonviolence and respect for the law of the Constitution is essential to the reform of the law and the realization of civil rights for all. Dr. King utterly rejected violence as a solution to the problem of race discrimination. Surely he would have wished that some of those who invoke his name might better carry on the struggle by invoking his faith in democracy and nonviolence.

THE CALLING OF THE HIGHER LAW

ADDRESS BY THE HONORABLE CLARENCE THOMAS, CHAIRMAN, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ON THE OCCASION OF THE MARTIN LUTHER KING, JR., HOLIDAY DELIVERED AT THE U.S. DEPARTMENT OF JUSTICE, JANUARY 16, 1987

Let me begin by noting the date, which I will paraphrase in the last words of the original Constitution, since this is the year of its Bicentennial. We meet today, January 16, in the Year of our Lord, one thousand nine hundred and eighty-seven and of the Independence of the United States of America the two hundredth and eleventh. I mark the date in this way, for the holiday we celebrate brings out the peculiar tie between these two great documents of our political tradition.

The controversy surrounding the Martin Luther King, Jr., holiday can be something positive if it makes us think about why we should honor him. Our most important national holiday is of course the Fourth of July, but that appears to have become "shorn of its vitality and practical value" as a President as long ago as Abraham Lincoln feared it would be. I hope that the following comments might be worthy not only of the man we celebrate today but might make some contribution toward a more vital, valuable, and thoughtful celebration of the Fourth, and of the Bicentennial of the Constitution in general.

As Americans, we can be partisan on many different issues, but, as Americans, we must be non-partisan and in fundamental agreement on certain others. Holidays including such a one as this should be occasions on which we can see what we have in common with each other, rather than dwell on what divides us. Appropriately, Dr. King's greatest speeches were those associated with another controversial figure who also brought about for us unity on the highest basis—Abraham Lincoln. Let us reflect for a moment on Dr. King's speech at Lincoln University and of course on his Lincoln Memorial speech, on the occasion of the great march on Washington.

It is here that Dr. King's confidence in America shines forth the strongest. He was at his best when he emphasized that the civil rights movement would succeed only if it make use of the strengths of American society, only if it brought out what was best about America, and made America live up to what was highest in it. To denounce America as corrupt, or sick, or wicked, was to cast away the greatest resource the civil rights movement and its successors have—the innate justice of the Constitution and the fundamental decency of the American people.

In his June, 1961 commencement address at Lincoln University, Dr. King captured well the utopianism of America: ". . . in a real sense, America is essentially a dream, a dream as yet unfulfilled. It is a dream of a land where men of all races, of all nationalities and of all creeds can live together as brothers. The substance of the dream is expressed in these sublime words, words lifted to cosmic proportions 'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.' "

The man who would later speak of having a dream went on to reflect that the Declaration speaks of not some men, but of all men. "It does not say all white men, but it says all men, which includes black men. It does not say all Gentiles, but it says all men, which includes Jews. It does not say all Protestants, but it says all men, which includes Catholics." Because all men are created equal, and one is neither the natural nor the God-anointed ruler of the other, men can rule each other only through mutual consent. Consent requires expression through representative institutions, and this in turn implies broad suffrage, fixed terms of office, and separation of powers, not only to insure that the granted powers are not abused but that government has sufficient power to perform its necessary tasks. Both slavery and its surrogate segregation—which I lived under until the beginning of my adult life—denied Southern blacks inclusion in the scheme of the Declaration.

Two years after the Lincoln University speech, at the Lincoln Memorial, Dr. King would describe the Declaration and the Constitution as a "promissory note to which every American was to fall heir." But despite the bad check America had written black Americans, he refused to believe that the "bank of justice" was bankrupt. He knew that the resources of America were great because the dream he had of a nation where his children would be judged not "by the color of their skin but by the content of their character" was "deeply rooted in the American dream."

Dr. King gave us more to think about concerning the source of his confidence in his 1963 book, "Why We Can't Wait." Here, citing Thomas Aquinas, he notes that "An unjust law is a human law that is not rooted in eternal law and natural law." But "a just law is a man-made code that squares with the moral law or the law of God." This theme of a higher law behind the positive law is one that we today, we lawyers, we citizens who believe in the rule of law, and we who honor Martin Luther King need to take more seriously. For, as he maintained, American politics and the American Constitution are unintelligible without the Declaration of Independence, and the Declaration is unintelligible without the notion of a higher law by which we fallible men and women can take our bearings.

So when we use the standard of "original intention," we must take this to mean the Constitution in light of the Declaration. The Attorney General was careful to do this in his Constitution Day Speech in 1985, and I hope he continues to stress this essential connection throughout the Bicentennial Year. Those of us who are attorneys and all of us who deal with the law as professionals—not to mention our status as citizens under the law—must keep in mind that all the technical training we have is in the service of those enduring ideals. Of course there will be dispute about the proper interpretation of those ideals, and their application in a particular circumstance, and so forth. Democratic government and the majority rule behind it allow such disputes to be judged in a rational way. But majorities can themselves abuse power; they are legitimate majorities only insofar as they comply with the higher law background of the Constituton. Thus, completely consistent are strict obedience to the law and Dr. King's civil disobedience on behalf of a higher law, against segregation statutes.

With this theme of higher law in mind, let me make a few remarks to my fellow conservatives, many of whom have deep reservations about honoring Dr. King. We have to remember that he was only 39 when he was assassinated. Those of us who lived through the craziness of the sixties—perhaps contributing a little to it ourselves—but are still alive and have matured enough to realize our follies should not be so fast to attack Dr. King. We conservatives must recall that our political success came about only after the major civil rights legislation was passed, and the political agenda shifted such that people could call themselves conservatives with full confidence that they were not countenancing racism.

All conservatives should realize and constantly articulate the central importance of moral consensus in order to have any kind of common society, let alone a decent one. The prevalent moral skepticism, that dogmatic skepticism that refuses to question its own pig-headed insistence on moral relativism, threatens to destroy all decency in society and then dissolve society itself. How can it be that bigotry and tolerance are moral equivalents?

To counter such relativism, we, in this Bicentennial Year, should seek to renew our understanding of the natural law foundations of our Constitution. For Abraham Lincoln, the Declaration's teaching on human equality was "the father of all moral principle." Such confidence enabled the survival of this nation; it must once again be renewed so we can face today's dangers.

Conservatives in particular can benefit a great deal by serious reflection on the central place of the Declaration of Independence's "laws of nature and of nature's God." I give this advice because conservatives, I believe, more than those of other political persuasions have far more to offer Americans of all colors. Yet conservatives can learn a lesson from Dr. King. To give some examples: Surely the free market is the best means for all Americans, in particular those who have faced legal discrimination, to acquire wealth. Yet the marketplace guarantees neither justice nor truth. After all, slaves or drugs can be bought and sold. The defense of the equal opportunity to compete in a free market is a moral one that presupposes the Declaration. And Martin Luther King was fighting for that goal.

Let me cite another example of how conservative thought is deficient on an issue related to race, namely that of South Africa. No one who holds American principles dear can defend apartheid. One might even defend a form of despotism which ultimately benefited those under harsh and arbitrary rule. But no one has shown how apartheid improves those under its sway, economic benefits of living in South Africa to the contrary. In defense of South Africa, some may argue that the alternative is the black tyrannies of the rest of Africa. But not all of black Africa is tyrannical, as the Secretary of State's recent trip indicates. More to the point, the vice of the black tyrannies of Africa is essentially the same as that of South Africa. Both despotisms rest on premises which are ultimately traceable to nineteenth-century notions about evolution and their concomitant denial of natural rights as the basis of decent political order. The black tyrannies' rulers are indoctrinated in Marxism—which they learned at British, French, and American universities. Marxism claims to be a science which gives absolute rules about human behavior and well-being. Apartheid too is based on what claims to be a science, derived as well from nineteenth-century notions of racial evolution. The English historian Paul Johnson describes the cultivation of this psuedo-science, which is rooted in reality as witchcraft, in his fascinating study of the twentieth century's assault on human freedom, "Modern Times." Both Marxism and apartheid are opposed to the American notion of equal natural rights. Marxism posits a master class, apartheid a master race. One is socialism of the left, the other socialism of the right. Dr. King's emphasis on the Declaration reminds us why we have to be opposed to both. The Declaration's standards are difficult ones to live up to, but they are the right response to our current nihilistic skepticism. Yet, nationalistic pride in having them is immediately sobered by our immense responsibility in abiding by them.

Conservatives need the Declaration's high standards to give them perspective, to make them approach politics with the proper idealism and the necessary humility. The American political writer Tom Paine is frequently quoted by President Reagan, much to the discomfort of some of his fellow conservatives. Paine declared, "We have it within our power to begin the world over again." That remains the revolutionary meaning of America. Politics is not for the purpose of gaining a temporary advantage, a chance to distribute the perquisites of power. It is not for the purpose of preserving an established order or of seeking to reinvent the wheel. In striving to preserve and bring about what is good, politics must measure itself by the standards of the higher law, of natural rights, or else it becomes part of the problem instead of part of the solution.

Having come so far in eliminating legal discrimination, we cannot fall into the trap of thinking that equal natural rights is mere rhetoric, a cloak for crass self-interest, that allows interests to be defined racially. A nation that is not based on race, that takes its bearings by standards that transcend race and apply to all humanity is what our fundamental ideals demand. This American challenge is one that must be the conservative challenge, too. And I have complete confidence that the means we conservatives possess are superior in meeting this great challenge.

To illustrate how Dr. King's focus on the Declaration might be applied today, in the area of civil rights, let us consider, once again, Justice Harlan's dissent in the 1896 case of *Plessy* v. *Ferguson,* which legitimated segregation. Harlan's ringing dissent is of course known for its invocation of the color-blind Constitution. I want to reflect briefly on the substance of what Harlan Argued, rather than on what has almost become a mere rhetorical slogan.

Harlan makes the following arguments against State-imposed segregation and for a color-blind reading of the Constitution. First, the Thirteenth and the Fourteenth Amendments strike down "Badges of Slavery" as well as the institution itself. Second, segreation constitutes an unreasonable infringement of personal freedom. Harlan implies that there is a private sphere which government must respect. Third, segreation is inconsistent with the original Constitution's guarantee to each state of a republican form of government. Referring to the argument of the Fourteenth Amendment as a whole, including its privileges and immunities clause, Harlan made constant reference to the duties of citizenship, and the rights they purchased.

This is what stands behind the Slogan "color-blind Constitution." The phrase refers to rights and duties, citizenship, and the distinction between a private and a public sphere. This latter argument against segregation is one we today should re-examine with care. Let us not forget that segregation is an extension of that despotic relationship of master to slave. Both slavery and segregation found support in the scientific doctrines of the nineteenth century, which found their basis in Darwinism. These ideologies held that there was no fixed, constant human nature, and a posteriori no natural rights on which to base one's political and moral life. Justice was to be found in the struggle of men, races, and nations. And with the abolition of nature and natural rights one throws out as well limited government and all the institutions which accompany it—written Constitutions, separate courts, fixed terms of office, and so on. Let us not forget that slavery and segregation were attempts to abolish or inhibit the private sphere, in the name of another private attribute, that of race. Paramount is a state-mandated set of institutions and practices. No one who truly believes in limited Government could possibly have a favorable word to say about segregation. Therefore, I applaud the Justice Department in making it clear that racial assaults will not be tolerated in this society.

Re-examining Dr. King in this way opens wounds that many of us hoped had long since healed. But it is too easy for some to forget what many, including myself have experienced—segreated restaurants, water foundations, and entrances, even in this very city, and assaults on blacks for attempting to register to vote, not to mention numerous other injustices and indignities. One might profit from a comparison of King in the segregation crisis with the behavior of others in earlier crises—for example, that experienced in the Depression. The New Deal was the moderate response to that crisis—with Communism and fascism being the extreme responses. Dr. King's extremism may well have been the only moderate response to the rule of segregation.

Now today we must still question aspects of the New Deal, yet Franklin D. Roosevelt remains as popular as ever, as attested by the frequency with which President Reagan invokes his name. It is not inappropriate for us conservatives to make a similar comparison; let us honor Martin Luther King today, the same way we can admire Franklin Roosevelt. This does not oblige us conservatives to affirm all the actions either man undertook, put we can still honor them for heroism in dealing with the crises they faced.

Some of you may want to know how this understanding of Dr. King and the American political tradition relates to my responsibilities as Chairman of the Equal Employment Opportunity Commission. The Commission's offices are just up the hill from the Lincoln Memorial, and we draw inspiration from his words and those that King spoke there. A brief quotation from Lincoln explains it all very elegantly. In response to the just-announced Dred Scott decision that claimed the Constitution affirmed the right to own slaves, Lincoln argued that the Declaration of Independence "intended to include all men, but they did not intend to declare all men equal in all respects. . . . They defined with tolerable distinctness, in what respects they did consider all men created equal—equal in "certain unalienable rights, among which are life, liberty, and the pursuit of happiness. This they said, and this [they] meant. They did not mean to assert the obvious untruth, that all were then acutally enjoying that equality, nor yet, that they were about to confer it immediately upon them. In fact they had no power to confer such a boon. They meant simply to declare the right, so that the enforcement of it might follow as fast as circumstances should permit."

The EEOC is an enforcement agency which, under this Administration and Commission, is dedicated to protecting individual rights. Vigorous protection of individual rights does not require the imposition of quotas or racial preference or the creation of group rights. But a rejection of group classifications and remedies does not mean shrinking from zealous enforcement of the law. This approach to enforcement has its foundation in the Declaration and follows in the tradition of Dr. King. And I would daresay it has its roots in the higher law.

Some of you may think I have been avoiding reference to recent race-related controversies. What relevance to these is Dr. King's significance, as I have been articulating it? In this Bicentennial year, the most significant thing we can do to improve our character as a people, and thereby perfect our relations with one another, is for our youth, still in school, to give the Declaration of Independence and Constitution a serious reading. This does not require additions to school budget, more computer terminals, or touchy-feely psychology courses. It does require the conviction that something worthwhile is to be found in those documents. If the Martin Luther King holiday can somehow lead our youth to take the fundamental laws of the land seriously, the way the Founders intended them, then its presence on our calendars is a fitting preface to our celebration next month of Washington and Lincoln, and for the entire Bicentennial year. Next month when you read or re-read the Farewell Address and the Gettysburg Address and the Second Inaugural, remember that the heritage they formed lives on in the words and deeds of the Reverend Martin Luther King.

INSURANCE PROBLEMS REQUIRE CAREFUL APPROACH

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. FLORIO. Mr. Speaker, as all Members of the House know, problems in obtaining liability insurance reached a crisis point last year and remain serious even today. Last year, the Commerce Committee examined insurance issues in depth and Congress enacted Public Law 99-563, the Risk Retention Act, to help deal with the crisis. Problems remain, however, and we must return to examination of the issues in this Congress. As we do so, we can benefit from the work we have done, which indicated that the causes of the insurance crisis are complex. This means that in our inquiry we should take a moderate and balanced approach that takes into account all relevant considerations. There appears to be a growing realization of the need for such an approach, a fact which is reflected in a recent Washington Post editorial which I am inserting in the Record.

[From the Washington Post, Jan. 15, 1987]

GREAT INSURANCE CRISIS

A year ago the insurance industry had the world believing the sky was falling. Everywhere were horror stories about the liability explosion. In Congress and state legislatures, the industry pressed for reform, by which it mainly meant narrower definitions of liability and limits on damages in the courts. The companies said that absent such steps, rates would continue to soar, and some insurance would remain or become unavailable.

Many states did narrow the recourse available, but most ended up proceeding cautiously, and some called for rate reductions in return. In Congress, an administration-backed bill to limit product liability was killed by a filibuster threat in the rush to adjourn. The mixed result was due in part to a counterattack by consumer groups, who regard the liability crisis as partly contrived.

Everyone agrees there is wider resort than in the past to the liability system to mop up after injuries. Producers of goods and services can scarcely survive without insurance; if something goes wrong, they can expect to be sued. Nor is there dispute that the system is abused (though not always in the same direction; if some people, including some lawyers, get too much, others get too little). But:

1. Bottom-line statistics are hard to come by: how much money is actually transferred from insurance companies and defendants to injured parties per year, how much that sum may have grown per capita beyond inflation. The cases that make the headlines probably exaggerate the trend.

2. The rate increases of the past few years have resulted from the income cycle of the insurance industry at least as much as from rising costs. Insurers make money from both investments and premiums. Particularly when interest rates were high in the late 1970s, there was a lot more to be made on the investment side than from insurance proper. In the competition for funds to invest, the companies kept their premiums artificially low. When investment prospects then weakened, they rushed to restore their premium income. Prices that otherwise would have gone up more gradually went up all at once.

3. The issue is not just cost but justice. Inevitably in the manufacture of goods and provision of services, mistakes occur; people get hurt. Too often they went uncompensated in the past. If sometimes the new aggressiveness goes too far, it mostly represents a shift—resisted by those being called upon to pay—toward a fairer society. Ultimately the cost of injuries is folded into prices, which is as it should be.

It is in this balanced context that Congress and the remaining legislatures seem likely to return to the issue this year. Thus earlier this week an American Bar Association panel proposed a set of reforms (including reserving a portion of punitive damages for public purposes) that did not include a cap on awards. Some dissenting members urged a harder look not just at lawyers but at the insurance industry, which is not federally regulated. As so often happens with streaky issues such as the liability explosion, the pendulum has swung back to the center.

OIL AND GAS LOTTERY: A NATIONAL SCANDAL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. MILLER of California. Mr. Speaker, the time has finally come to reform the inefficient, crime ridden, deceptive, and environmentally destructive onshore oil and gas leasing lottery.

Under the lottery, millions of acres of potentially valuable Federal lands are leased out noncompetitively to private citizens through a glorified church raffle for just $75 a bid. Most participants who participate in this lottery have no ability to explore for or develop oil or gas reserves. Instead, these lucky lottery winners turn around and sell, or assign, the leases they have won to private energy companies at a huge personal profit to the lease winner, but at a huge shortfall to the taxpayers who really own these valuable resources.

Converting to a competitive bidding process—like that we use on offshore lands—would gain tens of millions of dollars a year for the Federal Treasury, according to the Congressional Budget Office. And competitive bidding would be more efficient, by leasing directly to those with the technical and financial capacity for energy exploration. In recent years, States have abandoned the lottery and are finding their programs operating efficiently and profitably under competitive bidding systems.

There are additional reasons to end the lottery beyond financial reform. The lottery has encouraged the operation of companies which make huge profits by serving as middlemen in lease transactions. Many of these companies, which have been the subject of extensive criminal actions by the FBI and State law enforcement agencies, promise unsuspecting citizens spectacular opportunities for quick wealth, comparing the lottery to the California and Klondike gold rushes. Hearings before congressional committees have documented the widespread fraud which has become commonplace among these leasing agents.

Millions of acres of valuable land surrounding some of our most precious national parks and wilderness areas are being actively leased with minimal reviews of the impact on the environment and wildlife. My bill creates realistic planning procedures to assure consistency with other national environmental goals, as well as to assure expeditious energy development.

My bill also increases the rental fee from the $1 rate set in the 1920's, and sets the minimum royalty at 16⅔ percent, the rate typically used in offshore leases, rather than the 12½ percent ceiling under today's archaic law.

Mr. Speaker, recent efforts by the administration to remedy the lottery's multitude of shortcomings have utterly failed to correct the system. In fact, the Interior Department has approved procedures used by leasing companies which circumvent the administrative reforms intended to discourage individual speculation in the lottery by those incapable of energy development. Specifically, Interior permits leasing services to pool applications and prorating leases so that up to 20 individuals win a particular lease.

I should add that the administration's opposition to an all-competitive system for oil and gas leases contrasts markedly with its budget recommendation for the issuing of FCC broadcast licenses for unassigned spectrums. In the budget message sent to Congress just this week, President Reagan proposes eliminating the lottery for assigning FCC licenses and proposes an auction because "public auctions will capture the true value of the license". Can the free marketplace, which demonstrates the true value of FCC licenses, be so inappropriate for oil and gas leases which could be worth hundreds of millions of dollars, or more?

The major opposition to this legislation has come from independent oil producers who prefer the lottery because they are supposedly better able to acquire leases than through competitive bidding, where they could have to bid against major companies. However, in areas which have shifted to competive bidding, independents have not been forced out of the market for leases.

Moreover, there is nothing in this legislation which requires large bonus payments, as in offshore leasing, which could serve as an obstacle to bidding by independents. If additional provisions are required to assure that independent companies are able to continue to participate fairly in the onshore leasing of public oil and gas lands, I am more than ready to consider such an amendment.

For all of these reasons—the elimination of corruption, greater return to the Treasury, and sound environmental planning—the time has come to enact comprehensive reform of our onshore oil and gas leasing program. My bill is good financial policy, good energy policy, and good environmental policy. It deserves the immediate attention of the 100th Congress.

THE SINISTER OLIVER TAMBO

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. SHUMWAY. Mr. Speaker, yesterday the Washington Post carried an article by Jeane Kirkpatrick. She discusses the recent visit of Oliver Tambo, and his failure to assuage the serious concerns of those who still hope for a democratic future for South Africa and believe that the African National Congress [ANC] could play a constructive role in building such a future. The leader of the ANC called for intensifying the armed struggle until it envelopes and destroys the whole of South Africa's apartheid system. While confirming his commitment to violence against black and white South Africans, Mr. Tambo failed to demonstrate any commitment to replacing the abhorrent apartheid system with one which would protect the rights and aspirations of all South Africans—a truly participatory democracy.

The article follows.

[From the Washington Post, Feb. 2, 1987]

THE SINISTER OLIVER TAMBO

(By Jeane Kirkpatrick)

When Oliver Tambo came to Washington last week to meet with Secretary of State George Shultz and speak to selected audiences about the African National Congress' "armed struggle" in South Africa, some American officials and supporters hoped he would disavow violence. Instead, Tambo, president of the ANC, offered an unembarrassed, unapologetic explanation of why the ANC intended to "intensify the arms struggle" until it envelops and destroys the whole of South Africa's "apartheid system," and why Americans should support the ANC in this effort.

The ANC, said Tambo, waged a nonviolent struggle against apartheid for 50 years and made no progress. Progress came only after it turned to "armed struggle" 20 years ago, he said.

"How can it be said we should use only constitutional means in our struggle, when all resistance is illegal and we have no way to change the brutal realities of the racist regime?" he asked. How can Americans ask South African blacks to accept the situation and surrender? he added. During his comments, Tambo cited the American Revolution, the Declaration of Independence and the Founding Fathers to support "armed struggle" against a closed system. It was an argument tailor-made for Americans.

Almost all Americans agree with Tambo's indictment of apartheid and the violence it does to those who live under it. It is easy for Americans to understand why a movement that is banned would resort to force against the offending government and easy to share Tambo's outrage against a system in which one race (white) gets most of what there is to get, while everyone else divides what is left. But does this mean that Tambo's cause is our cause?

Is the ANC the political and moral equivalent of the Green Mountain Boys or the American revolutionary forces? Is Oliver Tambo the political and moral equivalent of Sam Adams or George Washington? Or is he the moral and political equivalent of Robespierre or Lenin or Daniel Ortega? What kind of government would Tambo establish in a post-apartheid South Africa—a democracy with freedom for all, or a one-party dictatorship with freedom for none?

One sees quickly that this slight, quiet black man does not resemble George Washington or Sam Adams or Martin Luther King Jr. or Jesse Jackson. Nor does he sound like any American political leader—black or white. He looks and sounds like a theoretician, a tactician of revolution. Years of forced exile have made him an underground leader of an underground organization. Perhaps this is why he discusses "armed struggle" in the detached fashion of those for whom flesh and blood opponents have long since become abstractions. Perhaps it is why he so coolly plans the total destruction of a society in which he has not lived for more than 25 years.

Tambo does not call for equal rights, or equal opportunity or equal power. He calls for the total destruction of the existing society. No part of the apartheid system he says is to be left intact. No reform can render it tolerable. "Apartheid either is or is not. And it must not be," he said.

One would think he could make common cause readily with all others who hate apartheid and institutionalized racism. That turns out not to be the case. Tambo and the ANC have redefined the key categories. "Opposing apartheid" has been redefined to mean opposing apartheid the ANC way—with violence and with the object of an ANC victory and an ANC state.

How can one take seriously Tambo's commitment to establish a democracy with rights for all when attacks on black opponents have become a regular feature of ANC tactics? How can one take seriously Tambo's commitment to democracy when blacks who use different means to end apartheid and seek a differently configured democratic government are considered "objective" supporters of apartheid?

Chief M. G. Buthelezi has opposed apartheid all his life and today opposes the various half-measures of the South African government, yet he is described by Tambo as "the principal spokesman for apartheid in South Africa." Buthelezi, Tambo charges, is guilty of an unforgivable ideological deviation. He supports "ethnicity" and "tribalism," which Tambo says "plays into the hands of the enemy." This is presumably the reason that more than 100 of Buthelezi's followers have been burned and hacked to death, and he himself targeted for assassination.

Supporting "ethnicity" is not the only "crime" for which a black opponent may be defined as an "objective" supporter of apartheid. Hundreds of blacks outside the ANC or Buthelezi's Inkatha movement have been "executed" in black-on-black violence. Jonas Savimbi, the black nationalist leader of Angola's freedom fighters, was denounced in Washington by Tambo as a "surrogate of the apartheid system," though Savimbi is hardly a proponent of white supremacy.

In Tambo's political world, racism and tolerance of opposition turn out to mean something different from what we think they do. Violence used against black opponents turns out to have nothing in common with the force used by American revolutionaries against British troops. And the struggle in South Africa turns out not just to be a struggle against apartheid.

Oliver Tambo asked his U.S. audience not to view the struggle in South Africa "through an East-West prism." He first should have made the request to his supporters, who unfurled a banner from the balcony of the hall in which he spoke. It said: "The struggle continues from Nicaragua to South Africa: Victory to the ANC."

I wonder what they meant by that?

IN OPPOSITION TO CONGRESSIONAL PAY RAISE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. GILMAN. Mr. Speaker, I appreciate the opportunity to make a brief statement in opposition to the proposed congressional pay raise. I am fully cognizant of the financial impact on many Members of Congress who find it difficult to live on their current salary. While I recognize that there has been no increases for a number of years and that most of our colleagues have to maintain two residences, I believe that given the current state of the Federal budget deficit that we should forego any pay raise at this point. When our Federal budget is in better shape, then, and only then, should any increase in congressional pay be considered.

Accordingly, I urge my colleagues to vote against the pay recommendations.

WILLARD C. WICHERS

HON. FREDERICK S. UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. UPTON. Mr. Speaker, on February 7, 1987, the trustees of the Holland Historical Trust, Holland, MI, will honor the founder and director emeritus of the Netherlands Museum, Dr. Willard C. Wichers.

Dr. Wichers, 77, was born in Zeeland and spent his lifetime as an adult living in Holland. As a descendant of Dutch ancestry, he has endeavored throughout his life to maintain Holland's historical and cultural ties with the homeland of its founding fathers. It is a unique contribution that has enriched his life, the lives of residents in the area, as well as many local institutions.

Holland was founded 140 years ago by a group of Netherlanders led by Dr. Albertus C. Van Raalte, looking for economic opportunity and religious freedom. They left their homeland with great hope and faith, knowing that the way would be hard, and it was. Arriving in the winter in this heavily forested area and having to construct shelters with very few tools or equipment caused hardship and death. Yet the colony survived and flourished wherein today the greater Holland area is a dynamic and growing community.

All communities have stories to be told, but many are forgotten over the years because no one cared to collect and preserve these histories. Willard Wichers, as an avocation, insured the artifacts, and archival material would remain in his community by creating the Netherlands Museum and the organizational structure to support and guide it. He did this while employed for 32 years as director of the Midwestern Division for the Netherlands Information Service of the Netherlands Government and later as Netherlands Counsul for Press and Cultural Affairs.

The Holland Historical Trust is honoring Dr. Wichers at a dinner to be given at Hope College which coincides with the 50th anniversary of the Netherlands Museum. This honor is well deserved. Besides his involvement with the museum Dr. Wichers has participated in and encouraged many other historical projects in the community, as well as in the State of Michigan. He has served since 1950 on the Michigan Historical Commission and at five various times, as its president. Additionally, he is a commissioner for the Dutch-American Historical Commission, a director of the Netherlands-American Amity Trust, and the Historical Society of Michigan, honorary trustee and past president.

Dr. Wichers is an officer in the Netherlands Order of Oranje Nassau. He received from Hope College a Doctor of Humane Letters and was inducted into Phi Alpha Theta, International Honor Society in History. Honors of merit were bestowed on him by both the Historical Society of Michigan and the American Association of State and Local History.

Recently, Willard Wichers has devoted much of his time gathering his papers and the many documents that correspond to his career and the Netherlands Museum.

I am proud to recognize his contributions as well as the 50th anniversary of the Netherlands Museum and ask my colleagues to join me in congratulating Willard Wichers on his past successes and to wish him well in his future endeavors.

WHY AREN'T WE VOTING ON THE PAY RAISE TODAY?

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. JEFFORDS. Mr. Speaker, I am dismayed that the House leadership has decided to deprive us of the opportunity to vote on a resolution disapproving the President's pay raise request. Without an explicit disapproval of this pay raise, it will automatically go into effect at midnight tonight.

Aside from my conviction that we should not get a pay raise unless we succeed in meeting the Gramm-Rudman deficit reduction targets, I find congressional inaction to be totally irresponsible. The public deserves to hear full discussion of this issue. And we should shoulder our responsibilities and vote on it. Letting this raise slide into effect through a back door is inexcusable.

I would like to draw my colleagues' attention to my bill, H.R. 658, which would condition a congressional pay raise on the fulfillment of our responsibility to bring the Federal budget into balance and reduce the staggering national deficit. Unless we do our job, we do not deserve a raise.

Should the pay raise go into effect at midnight tonight, I will introduce legislation that would reduce the amount of honoraria allowed to Members by the amount of the salary increase, thereby preserving the current cap on a Member's total income.

The House of Representatives and the American people are being shortchanged today. We should be facing this difficult and devisive issue head on. After all, that's what we're being paid to do.

A "NO" VOTE FOR SALARY INCREASE

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. BONER of Tennessee. When I first ran for Congress in 1978, I was aware of the salary level for Members of Congress. I considered it to be a comfortable level, and I still do. In fact, the vast majority of American's would love to be paid what we are. Many would like to be paid the amount which is now proposed as an increase for us.

In the years I have belonged to this body I have never voted for a pay increase. I do not intend to start now. I urge the leadership of this House to allow a separate vote on the issue of a pay raise before it goes into effect on its own so that Congress can work its will. I urge my colleagues to cast their vote keeping in mind the millions of Americans on fixed incomes, or who are receiving Medicare or Medicaid, or those who work for companies big or small who are meeting the challenge to cut costs by forgoing raises altogether. I urge my colleagues to show their solidarity with the American people and vote "no" on the pay raise.

MILLER SALUTES DEMOCRACY IN THE PHILIPPINES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. MILLER of California. Mr. Speaker, today we have witnessed another triumph for democracy in the Philippines. The people of the Philippines have overwhelmingly approved a new democratic constitution and affirmed the Presidency of Corazon Aquino.

I am delighted to learn of President Aquino's success. Her strength and courage amid enormous adversity, and her strategic and moral leadership over the last year, have restored democracy to the Philippines peacefully. A remarkable 80 percent of the population turned out to vote in an election free of violence and fraud, and an estimated 80 percent of the voters gave their approval to President Aquino's government.

I applaud the Philippine people who have been equally determined to bring peace and a democratic future to their nation. They have strongly rejected government by force or authoritarian rule in favor of unity and reconciliation in solving the problems they face.

As the Philippine people prepare to meet the great challenges that confront them with President Aquino at the helm, millions of Americans offer their best wishes and wholehearted support.

TRIBUTE TO UNIVERSITY OF THE PACIFIC WOMEN'S VOLLEYBALL TEAM

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. SHUMWAY. Mr. Speaker, once again I have the privilege of asking my colleagues to join with me in paying tribute to the team members of the University of the Pacific Women's Volleyball Team. For the second year in a row, the team has captured the NCAA Division I National Championship. Later this week, the team will be recognized for this outstanding athletic achievement at a special banquet in my hometown of Stockton, CA. I have shared this victory with the President, who has seen fit to honor the team with a special congratulatory message, and I know that my colleagues in Congress will be pleased to join with me in doing likewise.

Congratulations to the team, to Coach John Dunning, and to all your friends, family, and supporters.

THE SELF-SUFFICIENCY FOR THE POOR ACT OF 1987

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. GILMAN. Mr. Speaker, today I am joining Representative FEIGHAN, my good colleague from Ohio, in introducing H.R. 910, the Self-Sufficiency for the Poor Act of 1987. This measure has a broad potential for providing loans to the poorest people in the developing world without adding to the Federal deficit. Through an innovative mechanism a portion of economic assistance would be converted to loans repayable in local currencies. Those local currencies would then be lent to very poor people, people with a per capita income of $250 per year or less.

This is the kind of aid that most Americans support. Aid that reaches the very poor in a way that enables them to be self-reliant. The notion that the very poor are not bankable is being proved to be untrue. "The State of the World's Children 1987 Report" from UNICEF states that successful experiments with positive results are showing up in countries from Dominica to Gambia:

In Nepal, for example, where women spend 60 percent of their earning on their children or on the family's food, more than 210 women's credit groups have started up in the past five years. The women have brought livestock or seeds to grow vegetables for market, or have started small businesses. And the credit groups have become the starting groups for literacy classes, improved child care, and the promotion of immunization and oral rehydration therapy.

It is essential that innovative ways be found to support these efforts to reach the poorest people directly without exacerbating the budget deficit. I believe that the Self-Sufficiency for the Poor Act of 1987 is a significant way. Accordingly, I urge my colleagues to support H.R. 910 and request that the full text of this measure be printed at this point in the RECORD.

H.R. 910

A bill to put resources directly into the hands of poor people in developing countries for the purposes of achieving self-sufficiency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Self-Sufficiency for the Poor Act of 1987".

TITLE I—HUMAN SCALE DEVELOPMENT

SEC. 101. FINDINGS.

The Congress makes the following findings:

(1) We are at a moment in history when hunger and hunger-related disease take the lives of 13 to 18 million people annually, year in and year out. Three-quarters of these deaths are children under the age of 5. Every minute that passes, day in and day out, 18 children die needlessly as a consequence of the persistence of hunger and hunger-related disease.

(2) No other disaster compares to the devastation and disruption of hunger.

(3) The rural and urban poor comprise the developing world's greatest untapped resource, and the health of national economies and democratic institutions is vastly improved when resources are available to the poorest people in a way that eradicates hunger.

(4) The opportunity for oral rehydration therapy, immunizations, and other child survival activities to save 7 million children a year in the early 1990's is hopeful, but these activities are scandalously under-utilized.

(5) Experiments with making credit available to poor people, notably the Grameen Bank in Bangladesh, have adequately demonstrated the vitality of this sector. The Grameen Bank has made loans to 200,000 poor people and has a repayment rate of more than 98 percent. But, with few exceptions, current mechanisms for making credit available to poor people are completely inadequate.

(6) Women in Gambia, who traditionally till and harvest rice in tidal swamps, have gained title to their land and have increased rice production sixfold, aiding 15,000 people in 40 villages. But, present arrangements for land title, utilization of capital, and availability of credit, tend to discriminate against the poorest people in developing countries, especially women.

(7) Human-scale development projects, notably those managed by the International Fund for Agricultural Development and private and voluntary organizations which have focused on the poorest people and have included the beneficiaries in the planning process, have established beyond reasonable doubt, the viability of development projects that direct resources to the poorest people.

(8) The best method for making resources available to poor people is to make resources available to poor people directly.

(9) The opportunity to improve the quality of life for people living in poverty in developing countries, at a time when there is a decline in Federal resources available for foreign assistance, makes it imperative that we find innovative ways to eradicate poverty and improve basic health care facilities without worsening the Federal deficit and without diverting resources from other worthy projects.

SEC. 102. PUTTING RESOURCES DIRECTLY INTO THE HANDS OF POOR PEOPLE.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) is amended by adding at the end thereof the following new section:

"SEC. 129. CREDIT AND OTHER DIRECT ASSISTANCE FOR THE POOREST PEOPLE.

"(a) CREDIT AND OTHER DIRECT ASSISTANCE.—

"(1) IN GENERAL.—The President shall use the foreign currencies paid by the government of a developing country pursuant to subsection (b) to make grants to financial and other intermediaries operating in that country pursuant to an agreement requiring that those local currencies be used to provide credit and other assistance directly to the poorest people in that country for locally chosen self-help investment activities and small-scale private enterprise activities.

"(2) TYPES OF ASSISTANCE TO BE PROVIDED.—The local currencies made available to an intermediary pursuant to paragraph (1) shall be used for the following purposes:

"(A) CREDIT FOR THE POOREST PEOPLE.—The local currency shall be used to provide credit directly to the poorest people in the country for locally chosen self-help investment activities and other small-scale private enterprise activities. Special attention shall be given to the provision of credit to women. Credit shall be made available at a rate of interest approximating the prevailing rate of interest in the country. It is the intent of this legislation that no individual will be given a loan greater than $150.

"(B) TRAINING FOR THE POOREST PEOPLE.—The local currency may also be used to provide training directly to the poorest people to assist them in making the best use of the credit made available under subparagraph (A).

"(C) GRANTS FOR SMALL-SCALE PROJECTS BENEFITING THE POOREST PEOPLE.—Up to 20 percent of the local currency accruing in a foreign country each fiscal year may be used for grants for small-scale development projects, particularly health projects and other activities which have limited income-generating potential.

"(D) ADMINISTRATIVE EXPENSES.—The local currency may also be used for administrative expenses incurred by an intermediary in conjunction with the assistance provided under subparagraphs (A) through (C), including its audit and evaluation costs. The local currency may, however, be used by an intermediary for only a portion of such expenses, and that portion shall be reduced over time.

(3) TYPES OF LOCALLY CHOSEN SELF-HELP INVESTMENT ACTIVITIES AND SMALL SCALE PRIVATE ENTERPRISE ACTIVITIES TO BE SUPPORTED.—The locally chosen self-help investment activities and small-scale private enterprise activities which are eligible for support with local currencies made available pursuant to this subsection include but are not limited to farming, the acquisition of farm tools and light equipment, the acquisition of liverstock, beekeeping, the construction of greenhouses and storage facilities, the construction and operation of wells, the construction of river defenses, water and soil conservation activities, the establishment and operation of fisheries (including aquaculture), road and bridge construction and repair, the establishment and operation of health facilities, the acquisition of medical supplies for community health workers, the provision of legal assistance, crafts, trading and other small scale economic activities carried out by the very poor. In all cases uses are to be determined by the ultimate borrower consistent with the purposes of this section.

"(4) INTERMEDIARIES ELIGIBLE TO PARTICIPATE.—Local currencies may be granted under paragraph (1) to United States or indigenous private and voluntary organizations, the Peace Corps, international organizations such as the United Nations Children's Fund and the International Fund for Agricultural Development, indigenous financial intermediaries or governmental entities which are oriented toward assisting the poorest people, and other organizations which have demonstrated effectiveness in providing assistance to the poorest people.

"(5) REQUIREMENT FOR EXPEDITIOUS DISBURSEMENT OF LOCAL CURRENCIES TO INTERMEDIARIES.—Local currencies received under this section shall be disbursed as grants to intermediaries under paragraph (1) as quickly as possible. The average undisbursed amount of those currencies in a foreign country during a fiscal year may not exceed $1,000,000 (unless the President determines, and reports to the Congress, that extraordinary circumstances require that this ceiling be exceeded).

"(6) PRIMARY ROLE OF INTERMEDIARIES IN ADMINISTERING ASSISTANCE.—The intermediaries to which grants are made under this subsection shall be responsible for administering credit and other assistance activities under this subsection. Once the local currencies have been granted to an intermediary, the role of the United States Government shall be limited to oversight and evaluation of the activities of those intermediaries. Such oversight and evaluation shall include appropriate auditing of the intermediaries to ensure that—

"(A) the beneficiaries of the assistance provided pursuant to this subsection meet the income criterion specified in paragraph (7), and

"(B) the intermediaries do not have excessive administrative expenses.

"(7) DEFINITION OF POOREST PEOPLE.—As used in this subsection, the term 'poorest people' means individuals with an annual per capita income of $250 or less.

"(b) SPECIAL LOW-INTERST LOAN PROGRAM; REPAYMENT IN LOCAL CURRENCIES.—

"(1) AUTHORIZATION FOR SPECIAL LOAN PROGRAM.—In order to generate additional financial resources which can be made available to financial and other intermediaries pursuant to subsection (a) for use in providing credit and other assistance directly to the poorest people in developing countries, the President is authorized to use economic assistance funds to provide economic assistance to the governments of developing countries on a loan basis in accordance with this subsection, rather than section 122(b) of this Act.

"(2) MINIMUM ANNUAL AMOUNT.—Each fiscal year (beginning with fiscal year 1988), the amount of economic assistance funds used for loans under this subsection shall be not less than—

"(A) $400,000,000, or

"(B) 10 percent of the aggregate amount appropriated for economic assistance for that fiscal year,

whichever is greater.

"(3) LIMITATION.—Not more than 25 percent of the aggregate amount allocated for economic assistance for a country each fiscal year may be used for loans pursuant to this subsection.

"(4) TERMS OF LOANS.—

"(A) REPAYMENT OF LOANS IN LOCAL CURRENCY.—Payments on loans pursuant to this subsection shall be made in local currencies rather than dollars, using the market rate of exchange as of the time the payment is due.

"(B) RATE OF INTEREST AND REPAYMENT PERIOD.—Loans provided pursuant to this subsection shall have a rate of interest of one percent per year, with principal to be repaid within a period of ten years following a grace period of one year on repayment of principal.

"(C) NONAPPLICABILITY OF PROVISIONS GENERALLY APPLICABLE TO LOANS.—Section 122 of this Act shall not apply with respect to loans pursuant to this subsection.

"(5) NONAPPLICABILITY OF PROVISIONS GENERALLY APPLICABLE TO FOREIGN CURRENCIES.—Foreign currencies received by the United States pursuant to this subsection shall not be subject to the requirements of section 1306 of title 31, United States Code, or other laws governing the use of foreign currencies accruing to the United States.

"(6) NOTICE TO CONGRESS.—The reprogramming procedures under section 634A of this Act shall apply with respect to any economic assistance provided on a loan basis under this subsection which was not justified to the Congress, or in excess of the amount justified to the Congress, for assistance on that basis.

"(7) DEFINITION OF ECONOMIC ASSISTANCE.—As used in this subsection, the term 'economic assistance' means assistance under this chapter or under chapter 4 of part II of this Act.".

A TRIBUTE TO RAYMOND BLINN ON HIS RETIREMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. ANDERSON. Mr. Speaker, on February 7, 1987, the Los Angeles Unified School District is hosting a retirement dinner for Raymond Blinn. It is indeed an honor for me to pay tribute to Ray Blinn on his 36½ years of dedicated service to our Nation's youth.

Ray Blinn attended Boise Junior College with the idea of becoming an architect. Luckily for those students who sought their education in Los Angeles, one of Ray's teachers talked him into choosing the teaching profession instead. He went on to study ceramics technology at the University of Southern California.

He began his educational career in 1950 with a part-time job in East Los Angeles, but by September of that same year he was teaching ceramics at Jordan High School. During his 8 years at Jordan he was involved in many programs in addition to ceramics. He was the audio visual coordinator and arranged every dance, assembly and athletic event.

Ray received his masters of fine arts in 1958 at UCLA and shortly thereafter went to work at Narbonne High School. In addition to teaching art he took on the dual responsibilities involved with managing the stage crew and teaching art history. In 1986, Ray assumed the sponsorship of the Kiwanis Key Club where it later received top honors within 3 years.

By 1975 Ray Blinn had accomplished much. He was assistant director for Mr. Teenage America; organized the Mr. America contest; traveled throughout Europe, Mexico, and Greece collecting slides of art, architecture, and landscapes for art history classes; was a representative to the National Art History Committee; and received the Key of Honor from the Key Club.

Mr. Speaker, Ray Blinn served with distinction in the field of education for 3½ decades. His selfless dedication to quality education shall be sorely missed.

My wife, Lee, joins me in commending Ray Blinn on his dedication to the education field. We wish him continued success in all his endeavors.

NOW IS NOT THE TIME FOR A PAY RAISE

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. VOLKMER. Mr. Speaker, now is not the right time. Now is not the time to tell our constituents we need an increase in our salaries. Incomes in my district are stagnant. Farmers in my district are suffering from low-cash prices. The elderly are surviving on generally fixed incomes. It's the wrong time.

The President has asked us to increase our own salaries. I cannot accept the President's premise that we have the ethical right to raise our salaries at a time when so many in the low and middle classes of this country have been asked to make sacrifices.

It is time to change the way Congress considers pay raises. No pay raise should take effect until after the next election. I will oppose this pay raise.

THE NEED TO CREATE AN OFFICE OF INSPECTOR GENERAL IN THE POSTAL SERVICE

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. LELAND. Mr. Speaker, today my colleague, the Honorable FRANK HORTON, and I are introducing legislation to create an Office of Inspector General in the U.S. Postal Service.

The Postal inspector general would function in the same manner as the inspectors general in the executive agencies, operating as an independent unit conducting audits and investigations relating to fraud, mismanagement and abuse, and promoting economy and efficiency in the Postal Service. The independent Postal inspector general would be appointed by the President, confirmed by the Senate and would report directly to the Congress, as do other inspectors general.

Currently, responsibility for investigating internal fraud and abuse rests with the Postal Inspection Service which is also responsible for enforcing criminal laws involving the Postal Service. The Chief Postal Inspector is appointed by, and reports to, the Postmaster General. In hearings held by the Postal Operations Subcommittee in the last Congress, several key witnesses, including a current inspector general, the head of GAO's Fraud Prevention and Audit Oversight Group, and the Deputy Director of OMB, all stated that of crucial importance to the effectiveness of the inspectors general was their independence from the head of the agency to which they were assigned.

The need for an independent fraud detection and prevention unit at the Postal Service has never been more evident than in recent months with the uncovering of scandals involving Postal management. As a result of criminal action involving the STARS [source time and attendance recording system] procurement, two postal managers are now serving prison terms. Last May, a member of the Postal Service Board of Governors resigned and is also now incarcerated for using his position on the Board to influence the awarding of a multimillion dollar Postal Service contract. Finally, the U.S. Office of Government Ethics was sharply critical of actions taken by the immediate past chairman of the Postal Board after it was revealed that he had a "financial interest" in a law firm hired by the Board.

During Post Office and Civil Service Committee hearings on mail fraud legislation in the 97th Congress, it was determined that in order to better protect the public, the Postal Service's investigatory process must be accelerated and its enforcement tools made more effective. The legislation that we introduce today would give the Postal Service's law enforcement efforts the needed independence and authority to carry out internal "watch dog" activities. Additionally, the Inspection Service will still be responsible for the investigation and prosecution of fraudulent and abusive mail schemes, and providing for the safety and security of the mail, postal personnel and postal property. With the additional powers of the inspector general, the Postal Service must also become more accountable to the public. Accordingly, the Postal Service's inspector general will be required to make annual reports to Congress, as do other inspectors general.

I urge my colleagues to support us in this legislative effort.

MAKING THE TAX CODE FAIRER TO THE AMERICAN WORKER AND AMERICAN BUSINESS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. TRAFICANT. Mr. Speaker, since I first came to Congress I have been speaking out in support of legislation to help the American worker and American business. We all talk about how we want to be fair to the average American. But there's too much talk and not enough action. I think it's time to act, and that's why I'm here today.

The investment tax credit and the accelerated cost recovery system are two examples of measures which have helped American industries recover from the recession. Last year as part of the Tax Reform Act, these provisions were eliminated.

Granted, there were problems with the investment tax credit and the accelerated cost recovery system. For example, one problem I had was that special tax incentives were extended to foreign made products. I am opposed to this as being counterproductive to our U.S. economy.

Therefore, I am introducing today legislation to amend the Internal Revenue Code of 1986 to reinstate the investment tax credit and further, to deny an investment tax credit and accelerated cost recovery for property made outside the United States having less than 65 percent domestic content and for which there is a substitute having 65 percent or domestic content.

I know there are some in this body who will say that this is just another protectionist measure and that protectionist measures are not the answer to our economic problems. This is wrong for two reasons. First, I have put into this bill a provision that for cases where the item does not have a domestically produced substitute the purchaser could still receive the investment tax credit or accelerated depreciation. Second, this bill would not deny the regular depreciation deductions for businesses which buy foreign made goods. It only sets forth the principle that if you want to take advantage of the investment tax credit and the accelerated cost recovery, it must be American made.

The investment tax credit and accelerated depreciation are important tools to help American businesses. It deserves to be reinstated. To ensure that it helps American workers also, it is necessary to include the refinements as detailed in this legislation. I urge my colleagues to review and cosponsor this measure that assures fairer treatment of American businesses and American workers.

DISAPPROVE OF THE PRESIDENT'S DEFERRAL OF THE TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. JONES of Tennessee. Mr. Speaker, today, I have introduced legislation to disapprove the President's deferral of $28,559,000 from the Temporary Emergency Food Assistance Program. This program provides funds for the distribution of surplus commodities to the poor and was funded at a modest level of $50 million for this year.

The Temporary Emergency Food Assistance Program has been a successful one for 6 years. In Tennessee alone, it provides more than 700,000 individuals with supplemental food. Over one-half of the 125,000 homes utilizing the program depend on the program as a major food supply. The $50 million funding level appears very modest in comparison to those served by this important program. A deferral of over $28 million will effectively eliminate the distribution of surplus commodities. The State and local agencies will be forced to halt their distribution services almost immediately, thus leaving surplus commodities unused and families hungry. There is no need for the disruption of this most helpful and modest program. We should not let surplus food go to waste while people go hungry in our Nation.

On January 29, 1987, the Senate passed an amendment disapproving of this deferral action by the administration. I hope the House will follow the lead of the Senate and disapprove of the President's action. We should be helping the hungry people in our country and this program of surplus commodity distribution is an effective means of accomplishing this goal.

I urge the support of my colleagues in this effort to disapprove of the deferral of funds for the Temporary Emergency Food Assistance Program.

SAN JOSE CITY COLLEGE JAGUARS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. MINETA. Mr. Speaker, I am extremely proud to take this opportunity to salute an outstanding football team from my district, the San Jose City College Jaguars. By any account, their 1986 season was a huge success, an undefeated season capped by a Jaguar victory in the Merced Elks Bowl on December 6, 1986.

Head coach Howard Gay and his staff were outstanding in molding the team and preparing it for each week's battle. Equal to the task were the Jaguar players, who consistently gave 100 percent to the goal of excellence. Coach Gay did not need to recruit his players outside of our community—in fact over 90 percent of the team came from within Santa Clara County. Together with the heroic performances from the team, the Jaguars put together an impeccable year, becoming, at 11-0, the first unbeaten, untied team in San Jose City College history. They were named the No. 1 community college team in the State of California, and the conational champion. In winning an unprecedented fourth consecutive Golden Gate Conference crown, the Jaguars extended their winning streak to 15, tops in the country. The San Jose City College Program has been so successful in recent years that many of its players have gone on to play football at numerous 4-year schools around the country.

Mr. Speaker, I respectfully request that you and my distinguished colleagues in the House of Representatives join me in commending coach Howard Gay, his staff, each of the players, and the entire student body of San Jose City College for its outstanding achievement, and to extend my best wishes for great success in the years to come.

LEGISLATION TO REQUIRE BANKS AND THRIFTS TO GIVE 180-DAY NOTIFICATION PRIOR TO CLOSING

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. GARCIA. Mr. Speaker, today I am introducing a bill that would require nationally chartered banks and thrifts to give notice to the appropriate regulatory agency and to their customers prior to closing a branch.

This legislation would not preclude a bank or a thrift from closing a branch, but it would require that they give notice not less than 90 days and not more than 180 days before a planned closing. Notice given to customers must be included in at least one statement and posted inside the institution's premises. The notice to regulators must include the following: A statement of reasons for closing—statistical or other; information in support of such reasons; financial analysis of deposit and loan activity for the 3 years prior to notice and a projection of such activity to be expected if branch does not close; a map of the area the branch serves, showing the location of other depository institutions in the area; description and location of any full service facility the institution plans to establish or believes another institution is planning to establish in the area.

The regulatory agency, upon determining that a planned closing will result in a significant reduction of financial services in the community, will consult with community leaders and other depository institutions with respect to retaining or replacing the closing branch with other facilities, including credit unions.

In my district in the Bronx, 11 branches of 4 institutions closed down between 1982 and 1984. New York now has similar legislation because it was found that the branches that were being closed were generally in poor areas. The legislation has been successful in retaining branches that would otherwise have closed, and in assisting community groups to start their own credit unions.

This legislation is not aimed at precluding depository institutions from closing branches, only toward giving the community a chance to be heard. I urge my colleagues to support this legislation.

A TRIBUTE TO THE WARD FOUNDATION

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. DYSON. Mr. Speaker, I rise today to salute a foundation which will display the resplendent and rich heritage of Maryland's Eastern Shore in an upcoming exhibition at the Smithsonian Institute's Museum of Natural History. I speak of the Ward Foundation which has brought from its magnificent wildfowl art museum in Salisbury, MD, an exhibition of American bird carvings.

The Ward Foundation is a nonprofit organization which was founded in 1968 to preserve and perpetuate wildfowl art. At Salisbury State College, it has established the North American Wildfowl Art Museum which houses one of the largest collections in the world. The Ward Foundation was named after two of the greatest wildfowl carvers ever: Lem and Steve Ward. Some of their work will be on display at the Smithsonian exhibition.

Mr. Speaker, I know that this collection will be special to those like yourself who have enjoyed the beauty and sporting opportunities at Maryland's Eastern Shore. Also, this collection will be an additional delight to those of us that collect wildfowl carvings.

Indeed, the importance of the Ward Foundation's wildfowl art far transcends mere aesthetic beauty. In historic terms, it repesents a teeming and healthy estuary that we in Congress are working to revitalize: the Chesapeake Bay. As an art form employed by the American Indian and our earliest pioneers, it represents national roots that we should never forget.

The Ward Foundation has brought to Washington, DC, this exquisite and historic art form. Highlighting the display will be carvings that have won titles at the Ward Foundation's Annual World Championship Wildfowl Carving Competition held in Ocean City, MD. I am pleased to say here in Congress that the exhibition will run from January 30 through May 1987. I urge all my colleagues and fellow Americans to view this magnificent collection.

So, Mr. Speaker, the Ward Foundation's collection stands as an important reminder of our Nation's roots and a present reminder of our responsibility to our Nation's environment. For that, I salute this organization which remains a source of great pride to all who live in or visit Maryland's First Congressional District.

OVERFLIGHTS OF NATIONAL PARKS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. COELHO. Mr. Speaker, today I am introducing legislation, with the support of several of my colleagues, to address the problems caused by overflights of our national parks. This is the same bill that passed the House of Representatives on September 18, 1986, by a vote of 378 to 12.

Unfortunately, the tight schedule at the end of the 99th Congress prevented consideration of this bill in the Senate. However, I am pleased that the Senate is committed to passing this legislation in the 100th Congress with the introduction of an identical bill today by Senator MATSUNAGA.

Our national park system was created to preserve for future generations many unique areas of our country where people can enjoy the wonders of our environment. We are finding, though, that the experience that visitors have come to expect from our parks is being shattered by the annoying drone of low-flying aircraft and helicopters.

The problem of these overflights is threatening the peace and quiet of our parks, and increasingly, is becoming a source of serious concern for the safety of park visitors. This is no more evident than with the tragic collision of a helicopter and tourist airplane over the Grand Canyon last summer where 25 lives were lost. The skies over the canyon have become overcrowded with more than 50,000 flights a year. No other parks in the national system have as serious a problem, yet more and more complaints are being heard from other areas of the country.

My own district in California is the home of Yosemite National Park, which has such spectacular scenery that it remains one of our most visited national parks. As more people come to see the park, the concerns being expressed about overflights are increasing.

In hearings that the Subcommittee on National Parks held in Yosemite in the fall of 1985, I heard several complaints about planes flying right through the middle of Yosemite Valley. I also was told about horseback riders, hikers, and backpackers who were startled by helicopters or airplanes buzzing overhead.

These reports convinced me that Congress had to take firm action if we were to bring this problem under control. I had hoped that the 1984 advisory issued by the Federal Aviation Administration after consulting with the National Park Service would have insured that overflights would no longer bother park visitors. I worked hard to get the two agencies to reach this agreement, but I was to find in both my visit to Yosemite and in hearings on this legislation last year in the subcommittee that the FAA advisory was routinely being ignored.

It appears that some small aircraft and helicopter operators believe they have the right to interfere with a visitor's enjoyment of our national parks whenever they please so as to enhance their own experience from above the park. Our parks were not created for this purpose and I believe some regulation of overflights is needed to protect our parks and its visitors.

The bill I am introducing would require the Department of the Interior, in consultation with the Federal Aviation Administration, to conduct a study to determine the appropriate minimum altitude for aircraft flying over national parks. Ten parks would be studied, including Yosemite, Hawaii Volcanoes, Haleakala, and Glacier National Parks, as well as Mount Rushmore National Memorial, and Cumberland Island National Seashore.

During the period of the study interim restrictions would be placed on flights over Yosemite and Haleakala National Parks. Finally, the director of the National Park Service would be required to submit a plan, within 30 days of enactment of the bill, to regulate air traffic over the Grand Canyon. While the FAA has taken some minor steps recently to address the Grand Canyon problem, it is clear that the action is inadequate and comprehensive regulations will only be promulgated if Congress mandates action.

This legislation is being cosponsored by the chairman of the Aviation Subcommittee, Mr. MINETA, who was instrumental in helping draft the provisions of the bill to ensure that the FAA keeps its proper role of regulating the aviation industry. It also has the support of the chairman of the Interior Committee, Mr. UDALL, who has worked long hours to address the problems at Grand Canyon.

It is clear that Congress must act to ensure the safety of our park visitors and to see that the quiet and beauty of our parks is preserved. I ask that all of my colleagues join in this effort to control overflights and save our national parks.

TRIBUTE TO JAMES W. MORRISON, JR.

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. HOYER. Mr. Speaker, I want to take this opportunity to commend James W. Morrison, Jr. on the occasion of his departure from Government service. Most recently, Jim has been the Associate Director for Retirement and Insurance in the U.S. Office of Personnel Management. Previous to this service, Jim was the Director of Congressional Relations from 1979 to 1981.

Jim's career has been one of long and distinguished service to the Government, which began with a term with the U.S. Army, where he held the position of batallion personnel officer and adjutant with the rank of first lieutenant. This led Jim into positions within the Department of Defense specializing in logistics management and eventually onto the role of Executive Assistant to the Director of Management Systems at NASA. From 1974 to 1979 Jim was a Senior Management Associate at the Office of Management and Budget, Executive Office of the President.

Mr. Speaker, Jim holds a master of public administration degree from the University of Dayton, Ohio, and a bachelor of arts from West Virginia State College. He is a member of several professional, honorary, and civic organizations and is a subject of bibliographic record in Who's Who in the East, Who's Who in Government, and Who's Who Among Black Americans. He has also received the following awards:

The Presidential Rank Award of Distinguished Executive.

The Presidential Rank Award of Meritorious Executive.

The OPM Director's Award for Distinguished Service.

The OPM Director's Award for Meritorious Service.

Presidential Certificate for Outstanding Contributions.

The Civil Service Commissioner's Award for Distinguished Service.

The OMB Exceptional Service Award.

Mr. Speaker, I know that any of my colleagues who have had the pleasure of working with Jim firsthand, will join me in praising his accomplishments, dedication, and the high quality of his work. I wish him well in his next field of endeavors, and express my personal gratitude for the many contributions he has made to Government service.

LEGAL SERVICES UNDER THE OLDER AMERICANS ACT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. BIAGGI. Mr. Speaker, on January 27, in my capacity as the chairman of the House Select Committee on Aging's Subcommittee on Human Services, a hearing was held entitled, "Legal Services under the Older Americans Act." It was the fourth in a series of hearings that our subcommittee has held regarding the Older Americans Act which is scheduled for reauthorization early in 1987.

The specific focus of the hearing was legal assistance and services provided under title III-B of the Older Americans Act. Legal Assistance is one of the three so-called priority services provided by the act. The law requires that area agencies on aging allocate an adequate proportion of their title III-B funds for the three priority services including legal assistance.

A main concern registered at the hearing was that the absences of a specific set-aside for legal assistance was leading to a reduced commitment of funds being spent on the service.

One of the main purposes of the hearing was for the subcommittee to formally receive a white paper on legal assistance under the Older Americans Act prepared by the American Bar Association with the assistance of the National Senior Citizens Law Center and the Legal Counsel for the Elderly of the American Association of Retired Persons. The hearing was fortunate to have the expert testimony of Dr. Arthur Flemming, representing the National Senior Citizens Law Center as well as John Pickering, chair, Commission on Legal Problems of the Elderly of the ABA and John Denning, president of the American Association of Retired Persons. I was especially pleased that another witness was Steve Telzak, director of the Bronx Legal Services Office for the Elderly in my Congressional District in New York.

This white paper will greatly enhance our knowledge about legal assistance and how we might best proceed in the reauthorization to reemphasize its role as a priority service.

The white paper's recommendations will be carefully considered when the Older Americans Act comes up for reauthorization and its timely completion is to be credited to the work of many people, but mostly Nancy Coleman, executive director for the American Bar Association's Commission and Burton Fretz, executive director of the Law Center. These two individuals did something unusual—they finished this document way ahead of schedule.

I would like to also thank Representative Bill Hughes, an outstanding member of my subcommittee for his participation in this very important haring.

At this time, I would like to include in this statement the executive summary of the white paper which includes the 12 recommendations that will be carefully considered during reauthorization. In addition, I would like to include my opening statement.

The material follows:

EXECUTIVE SUMMARY

THE WHITE PAPER

The major finding in this undertaking is the steadily rising need for legal help for older Americans and the steadily declining availability of this help under the Act. Elderly persons increasingly need assistance in following complex procedures in their Social Security retirement and Supplemental Security Income eligibility. Medicare and Medicaid participation, nursing home and home health needs, and other government programs critical to income and health security of older Americans.

Despite these growing needs, funds for legal help under the Act have declined nearly 50 percent since 1980, after adjustments for inflation. At a minimum, this shortfall must be restored in 1987. In addition, existing rules for the delivery of legal help under the Act must be streamlined and clarified to assure the most efficient use of scarce resources.

THE CHARGE

The House Select Committee on Aging and the Subcommittee on Human Resources of the House Education and Labor Committee are interested in the way in which the legal assistance provisions of the Older Americans Act (OAA) have been working and in ascertaining the changes that are needed in the 1987 reauthorization. The

Subcommittee asked that information be gathered concerning the need for any changes. Accordingly, the American Bar Association's Commission on Legal Problems of the Elderly, with the assistance of the National Senior Citizens Law Center (NSCLC) and Legal Counsel for the Elderly of the American Association of Retired Persons, consulted widely with Title III legal assistance providers. This included a nationwide survey of client needs, a national seminar of legal assistance providers, and review of this document by interested parties.

Since the 1970's the OAA has contained authority and direction for the provision of legal assistance. The White Paper contains a description of the system, the legal problems currently facing older people, examples of how legal assistance providers resolve these problems, and recommendations for changes in the OAA authorization language.

The White Paper that follows will explain the status of legal assistance funded by area agencies on aging through the Older Americans Act. No statistics have been kept at the national level since 1982 as to the number of AAA's who have funded legal assistance, nor the amount that was funded. In 1982 only 85 percent of the AAA's were in compliance with the OAA. Since that time the limitations of growth in the funding of all aging programs has further diminished the amount of money available for legal assistance. Cut-backs in domestic federal programs have increased the need for advocacy. This Paper addresses all of the relevant issues that should be considered during the next few months for the reauthorization.

THE SURVEY DATA

The ABA conducted a survey and received responses from over fifty legal assistance programs from across the United States. The survey explored the level of funding, the kinds of procedures used to fund legal assistance providers, the definition of legal assistance, and the definition of "unit of service" as well as other issues.

Recommendations are included in the following areas:

1. A minimum of 6 percent funding for all Title III B Priority Services.
2. $10 million in supplemental funding for legal assistance.
3. A private right of action for agencies as well as beneficiaries.
4. Earmarking of specific funding in Title IV for training, research and special projects.
5. A study to determine how dollars are being spent in priority services in Title III-B.
6. A definition of the Legal Services Developer.
7. A clarification of the definition of legal assistance.
8. Enforcement of priority services.
9. Assurance of confidentiality.
10. Clarifying the policy regarding donations.
11. Establishing hearing requirements.
12. Clarifying reporting requirements so that they may realistically reflect what legal assistance providers actually do.

OPENING STATEMENT OF HON. MARIO BIAGGI, CHAIRMAN, SUBCOMMITTEE ON HUMAN SERVICES

Today, the Subcommittee on Human Services resumes its series of hearings into the upcoming reauthorization of the Older Americans Act. This, the fourth in our series, will focus exclusively on the present status of legal assistance and services under the Older Americans Act and what steps we might take in the future.

I have a longstanding interest in legal assistance and services for our nation's elderly. Eleven years ago, together with Senator Kennedy, I authored an amendment to the Legal Services Corporation reauthorization to establish that a new priority was to be legal services for the elderly and disabled. This came at a time when it was estimated that upwards of 6 million low income elderly had unmet needs for legal services.

As far as the Older Americans Act is concerned, I have been an ardent supporter of legal assistance and services being provided since they were first introduced in the Act in the 1975 Amendments. This is the ninth reauthorization I will be associated with of the 11 that the Act has had in its 22-year history. In each of the past four reauthorizations, there has been much discussion about legal assistance and the 1987 reauthorization promises to be no different.

Let me provide a brief history. In the 1975 Amendments, Congress placed priority on certain services in order to concentrate Older Americans Act resources in areas of greatest apparent need. These amendments required the expenditure of a specified proportion of the States funds for transportation, home care, legal services and home renovation if such services were not already sufficiently provided in the State. The 1978 amendments required that each area agency spend at least 50 percent of its Title III B funds on access, in-home and legal services. The 1981 amendments retained priority for these same three services but changed the prior law requirement for expenditure of a specified amount of these services. The latest amendments in 1984 introduced a new term into the law, namely that an adequate proportion of funds under Title III B must be spent on the same three priority services.

That brings us to the present day. At the very heart of today's hearing is a hard nosed analysis of whether legal assistance and services have suffered under the new "adequate proportion" language in the law. Perhaps another way to describe the issue is in the context of an old expression, "One man's ceiling is another man's floor." For a legal assistance provider, is the proportion adequate under an area agency's determination of an adequate proportion?

Let us take a moment to review what the legal assistance programs funded by the Older Americans Act are in fact doing. Contrary to the assertions of critics of legal services in general who allege that it represents government subsidizing suits against itself, the program under the Older Americans Act address very basic and real problems facing seniors. Consider in my home city of New York. The Department for the Aging, the Nation's largest area agency on aging, funds six legal services programs around the city. I am delighted that the program located in the Bronx has sent its Director, Steve Telzak to testify today. In these six offices, lawyers, paralegals, and law interns offer their knowledge and skills for free to older New Yorkers. They help elderly obtain benefits they are entitled to under law or retain them. They help in landlord-tenant disputes and in the preparation of legal documents. All told in 1985 more than 4,500 cases were handled by these offices.

Let us look at two of these cases. In one, a frail legally blind woman came for help facing eviction from her apartment. Her husband was in a nursing home but was expected to be released in the near future to their apartment. Certain expenses associated with the husband's illness caused the woman to fall two months behind in the rent. The legal services program helped obtain for the woman an emergency grant from the Department of Social Services to pay the back rent and set up a financial management plan to allow them to both remain in the apartment. Weeks later, the husband was discharged and they are both living in the apartment now.

Another woman in her upper 70's came to the legal services office to get help in reinstating her Medicaid benefits. After a review by the staff attorney, she not only was reinstated but it was discovered that she was also eligible for SSI, a senior-citizen rent exemption and money to help meet heating costs.

These are two examples. There are thousands of others around the United States. As the White Paper states, "More than any other group, the elderly rely on government programs for health care, income, nutrition and housing. Each of these programs has complex and always changing rules." Consider the fact that older people are more likely to suffer from mental or physical disabilities that render them incapable of handling their own financial or personal affairs. Older people often fail to recognize legal problems altogether especially as consumers. The consequences can often be devastating especially to the low income senior.

This White Paper graphically points out that the need for legal services, especially among the poor elderly, far outweighs the supply of assistance. In fact, based on data in the Paper, we are spending less in real dollars for legal services than in 1980. How much of this is attributable to the change away from a mandated set aside of funds to present law must be closely examined as part of the reauthorization process. We must look at this issue in terms of demographics. There are estimates to be 4.6 million persons aged 60 and over below the poverty line. At most the Older Americans Act is providing 70,000 elderly with legal assistance. At least one local survey conducted as part of this White Paper indicates that there is an average of 1.2 legal problems per household per year. It is obvious that in the reauthorization, we must lay out a blueprint that will allow more of those elderly in need of legal assistance to get it.

I contend that our commitment to legal assistance under the Older Americans Act mirrors our commitment to, in fact, reaching the elderly in the "greatest economic and social need" as the law mandates. The legal assistance provisions of this Act in many ways represent the real conscience of the law for by and large the majority of those served by these provisions are the poor and should we do anything other than expand this commitment, we are doing a grave injustice to the history of this Act.

How best can we accomplish improvements in this reauthorization as it pertains to legal assistance? This White Paper includes an ambitious 12 part Agenda for Action. While I am not yet in a position to endorse it as a package, I will say that it deserves the most serious consideration when this process moves to the authorizing Committee, the Committee on Education and Labor. As a senior member of that Committee, I pledge that they will get the attention they deserve.

Let me comment on several of them, obviously the most controversial might well be the first recommendation, to require that at least 6 percent of III B funds be allocated on each of the three priority services including legal assistance. I have sympathy with the intent of this provision especially when it is becoming apparent that the commitment to legal assistance may have actually declined in real dollars in the absence of a specific set aside. There are larger, more philosophical arguments associated with this recommendation that go back to 1981 when all set asides under Title III B were eliminated in order to give more discretion to states and area agencies on aging. The ability of this recommendation to succeed may well depend on addressing this larger question, has greater local discretion led to greater amounts of service reaching eligible seniors under the Act? The answer to this is central to the reauthorization process. If it is "no" in terms of priority services, then this recommendation is in fact an entirely reasonable approach to remedy the problem.

I strongly support recommendations numbered 5 and 8 which I would refer to as the accountability provisions to ensure that adequate proportions of funds under Title III B are in fact being spent on priority services. A combination of a new outside study on compliance and stricter enforcement by the Commissioner of existing law is needed.

A strong case can also be made for support of the recommendation that there be a specific definition of a legal services developer. Presently, the law says that each state will assign personnel to provide state leadership in developing legal assistance programs for older persons throughout the state. Those personnel at the very least should have prior advocacy skills as well as knowledge of programs and services needed for a continuum of services to older persons.

With respect to the other recommendations, I intend to give them more thorough study in the coming weeks. As we have in the past months, I will continue to work closely with the three associations responsible for this White Paper and all other concerned parties throughout the aging network who are involved in legal assistance programs.

I wish to make one other observation. The Administration's FY 1988 Budget contains what is called a "generic appropriation" request for all programs under the Office of Human Development Services, including the Older Americans Act. When you add up the totals for the approximately 26 programs that would be lumped together, the aggregate funding levels would be $34 million less than current levels. When you consider that the budget asks within this appropriation for an additional $20 million for Head Start, it really means the cut would be deeper for the other programs. I urge that this provision be rejected and categorical funding for the Older Americans Act and all its programs be retained. Earlier this year, we reviewed a draft reauthorization proposal by the Administration for the Older Americans Act. It called for the elimination of the existing language on "adequate proportion" of funds being spent on the three priority services under III B. I also call for the rejection of this idea and in fact, just the opposite, either stricter enforcement of the adequate proportion language or a more specific guarantee of funding for the services including legal assistance.

We have a distinguished group of witnesses before us today, and we look forward to your thoughts and comments.

NAVY MERCHANT MARINE MANPOWER STUDY

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. DAVIS of Michigan. Mr. Speaker, I wish to call my colleagues' attention to a recent "Navy Merchant Marine Manpower Study" published by the Chief of Naval Operations. This study, which analyzed manning requirements necessary to meet defense shipping needs in a mobilization scenario, concluded that the indications for future manning are that by 1992 the ability to support mobilization operations could be limited primarily by the availability of active merchant mariners.

The study found that the number of active seafarers has been declining in recent years and that this decline results from the dwindling number of active U.S.-flag merchant ships. As a result of this decline, the Department of Defense has had to increase the size of Government-owned shipping to assure that the lift of heavy equipment and supplies can be accommodated in a mobilization scenario. Further increases in the Ready Reserve Force, however, do not help from a manning standpoint. The study concluded that a strategy must be developed and implemented as a national priority to reverse the declining trend of the U.S.-flag fleet. To quote the Navy study, "* * * the fail-safe solution is a robust, peacetime U.S.-flag fleet that supports as a minimum an active seafarer pool of adequate size sufficient to meet all shipping requirements in time of war." If this solution could be achieved, the Ready Reserve Force could be reduced which would result in a significant reduction of Department of Defense program costs.

The study found that a rough order of magnitude estimate is that an active U.S.-flag fleet of 576 ships would reduce the Ready Reserve Force by about 50 ships with an attendant cost reduction of about $50 million per year. According to the Maritime Administration, the United States had 375 privately owned oceangoing active merchant ships operating as of September 1, 1986—the latest figures. There are more ships available in our inactive Reserve Fleet, but those ships are not manned and therefore do not provide any help from the standpoint of making trained seamen available.

For a small part of the yearly expense of maintaining an idle Government-owned Reserve fleet, we could fund programs to provide the necessary cargo to support an active peacetime U.S.-flag fleet. If we can provide access to cargo for our U.S.-flag operators, then we will have a manned, cost-effective fleet to meet our manpower and merchant seapower needs into the 1990's. Mr. Speaker, I urge my colleagues in this 100th Congress to join us on the Merchant Marine and Fisheries Committee as we work to act on the recommendations of the Chief of Naval Operations and take the measures necessary to assure adequate merchant marine manpower.

Attached is a copy of the "Executive Summary of the Navy Merchant Marine Manpower Study":

EXECUTIVE SUMMARY

This study examined the ability of the active seafaring workforce to man all Defense shipping needs during a mobilization scenario and also explored alternative manning concepts. The study approach centered on sizing seafarer availability, determining mobilization billet requirements, comparing availability vs. requirements, and determining manpower shortfalls.

The number of mariners available in the seafarer sailing pool was projected from existing (1984) mariner workforce data. The number of billets required to be manned in the event of mobilization was developed from ship crew lists and wartime augmentation needs.

Manning shortfalls for various levels of seafarer availability were calculated. Seafarer availability versus sustaining requirements is shown in Table 1. Shortfalls were determined assuming ninety percent seafarer availability upon mobilization and have been based on a requirement of 1.5 active seafarers per billet requirement. Chapter 1 contains supporting rationale.

The following four alternative manning concepts were considered: (1) Alternative One—Require operators to develop contingency manning plans as a condition of RRF contracting; (2) Alternative Two—Expand the Merchant Marine Reserve (MMR) to include qualified civilian mariners (both licensed and unlicensed) who are not actively sailing; (3) Alternative Three—Establish Naval Reserve units dedicated to manning all surge shipping requirements, both licensed and unlicensed; and (4) Alternative Four—Maintain a larger, active U.S. Flag Merchant Fleet.

Study conclusions are as follows:

The fail-safe solution is a robust, peacetime U.S. Flag Fleet that supports as a minimum an active seafarer pool of adequate size sufficient to meet all shipping requirements in time of war.

Based on the current trend of the U.S. Flag Fleet, manning shortfalls are predictable.

Stop-gap measures must be implemented now to assure availability of manning at time of contingency.

Further increases in the RRF are a losing battle from a manning standpoint.

A strategy must be developed and implemented as a national priority to reverse the declining trend of the U.S. Flag Fleet.

TABLE 1.—MANPOWER AVAILABILITY VS. REQUIREMENTS

Skills	1986			1992		
	Availability (90 percent)	Requirement	Shortfall	Availability (90 percent)	Requirement	Shortfall
Deck officers	4,270	2,969	184	3,882	3,118	795
Deck unlicensed	8,171	6,393	1,418	7,387	7,372	3,671
Eng. off. (STM)	3,367	2,410	248	2,653	2,235	699
Eng. off. (DSL)	1,388	891	0	1,748	1,158	0
Eng. unl. (STM)	3,535	2,995	957	2,869	2,890	1,466
Eng. unl. (DSL)	1,199	771	0	1,428	1,008	84
Radio officers	828	588	54	766	588	116
Steward department	4,821	3,611	595	4,359	3,769	1,295
Total	27,579	20,628	3,456	25,092	22,138	8,126

This study articulates manning requirements to meet defense shipping needs in a mobilization scenario. Used as a controlling parameter, these requirements could form the basis for establishing the minimum size of the active U.S. Flag Fleet which will create the required number of active seafarers to meet defense shipping needs in the event of mobilization.

CLAYTON ACT AMENDMENTS OF 1987

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. SYNAR. Mr. Speaker, today I am introducing, along with 21 of my colleagues, a simple and straightforward measure that removes the exemptions from the antitrust laws that the railroad industry now enjoys.

The Clayton Act amendments changes the antitrust laws in two ways. First, it repeals the Keogh doctrine—Keogh versus Chicago & Northwestern Railway Co.—as it applies to railroads. This doctrine was enunciated by the Supreme Court in 1922 to prevent private parties from recovering damages under the antitrust laws against an industry regulated by the ICC. The court reasoned that if a railroad was charging rates that had been approved by the ICC, a private party should not be able to receive an award for damages under the antitrust laws because that rate was too high.

Second, this bill repeals the prohibition against injunctive relief contained in section 16 of the Clayton Act insofar as it applies to railroads. This provision was enacted for much the same reason as the Keogh doctrine—private parties should not be able to obtain an injunction against a railroad for a rate that was approved by the ICC.

These two exemptions are incompatible with the deregulation of the railroad industry that occurred as a result of the Staggers Act of 1980. The Interstate Commerce Commission, while maintaining limited regulatory authority, no longer has any effective power to prohibit anticompetitive railroad behavior or to compel competition in circumstances where no competition presently exists. The impact of deregulation, therefore, has been to free the railroads of virtually all constraints that would prevent them from charging excessive rates for shipping on monopoly rail lines.

The Clayton Act amendments would subject railroads to the same antitrust law principles that govern all other American businesses. Railroads would not be able to use their market power either to eliminate competition or to keep out competition that would otherwise enter the market. Increased competition would result in lower consumer costs.

This legislation would not affect the primary jurisdiction of the Interstate Commerce Commission. The ICC would still have sole authority to interpret the provisions of the Interstate Commerce Act including determining the reasonableness of railroad rates. On the other hand, the ICC never has had the authority either to order extensive trackage rights or grant damage awards to remedy anticompetitive railroad conduct. This bill would not conflict with the Interstate Commerce Act and would, in fact, further the goals of the Staggers Act by promoting competition in this industry.

Some have suggested that this legislation should be opposed because it would subject railroads to the dual regulation of the ICC and the Federal courts. This argument fails to recognize that virtually all other regulated industries are covered by the antitrust laws. For example, AT&T is regulated by the Federal Communications Commission, but still must comply with the Clayton Act. And even though the courts have jurisdiction over any antitrust violation by telephone companies, we don't find the courts interfering with long-distance rates approved by the FCC.

One of the most important antitrust cases in the past 20 years, Otter Tail Power involved electric utilities, another regulated industry. This case did not interfere with the jurisdiction of either the Wisconsin Public Utility Commission or the Federal Energy Regulatory Commission [FERC].

The courts have a longstanding policy of deferring to expert agencies when overlapping issues arise. The courts don't want to get into the ratemaking business. There is no reason to believe that the courts would treat a railroad differently than any other business that is sued for antitrust violations.

This legislation has received broad support from a variety of industries most seriously affected by railroad monopoly practices. These include the American Public Power Association, National Association of Rural Electric Cooperatives, Sunkist, the Fertilizer Institute, Western Fuels Association, W.R. Grace & Co., and a variety of other companies and organizations.

The bill also is supported by Consumer Federation of America, a public interest organization which represents the interests of consumers who must pay higher utility and consumer bills as a result of high shipping rates.

The Reagan administration has not yet taken a position on this bill. However, last year the Justice Department filed a brief before the Supreme Court that squarely addressed the problems of the Keogh doctrine in a deregulatory environment:

> Numerous post-Keogh developments in antitrust and other areas of law, and in the regulatory environment, render that 1922 decision an anomaly in 1985. The issue of Keogh's continued vitality is important, for its prohibition of private damage actions in cases of this sort substantially undermines congressional efforts to substitute competition for regulation . . .
>
> Keogh thus insulates a large and important segment of the national economy from the salutary effects of the antitrust laws.
>
> Accordingly, if Keogh continues to bar private damage actions whenever a tariff has been submitted to—but not specifically rejected by—the ICC, the perverse result of congressional attempts to encourage competition will be that carriers are free from both regulatory scrutiny and the potent incentive damage actions provide to obey the commands of the antitrust laws.

As the administration clearly argued, deregulation works only if anticompetitive practices can be dealt with through enforcement of the antitrust laws. If the ICC cannot, or does not, act to protect shippers and consumers from monopolistic practices, then shippers must have the ability to combat such practices in the courts.

Representatives from the railroad industry have complained about legislative attempts to single out their industry for special, discriminatory treatment. With this bill, we are attempting precisely the opposite. The railroad industry has enjoyed an immunity from the antitrust laws that, prior to 1980, they may or may not have deserved. But in an era of deregulation this unique status allows railroads to set monopolistic rates at will with no threat of sanction by the courts.

THE RETIREMENT OF MRS. SARAH DURAN

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. RICHARDSON. Mr. Speaker, I rise today to salute one of the best known citizens of Santa Fe, NM, Mrs. Sarah Duran. Sarah recently retired from 32 years of service with the Social Security Office in Santa Fe and her presence will be sorely missed.

Sarah Duran never said "no," even in the most difficult cases. Sarah Duran never turned her back when people needed assistance. She worked the long hours, gave of herself, and put in the extra effort needed to see that very person who needed help received equal and fair treatment.

I have come to know Sarah during the last few years and it is clear to me that she is loved by all who know her. The city of Santa Fe recently proclaimed a "Sarah Duran Day" and nearly 500 people turned out to honor her at a special retirement dinner. Speaking at this time, Sarah said that she would still be willing to assist anyone who had questions concerning Social Security and people should feel free to call her. This is the type of dedication that Sarah has given to her job and the people of Santa Fe at all times.

Mr. Speaker, it is an honor and a privilege for me to speak on behalf of Sarah Duran. I feel that we can all benefit from the way Sarah Duran has chosen to live—a life filled with great love for others and a willing hand outstretched to help those in need. She is a great inspiration to me and to all who are fortunate enough to call her friend.

OPIC MISSION TO HAITI

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. LEHMAN of Florida. Mr. Speaker, representatives from 10 United States corporations were in Haiti last week to study investment opportunities for joint ventures with the Haitian business sector. The 1-week mission included representatives from mining, agribusiness, tourism, light manufacturing, and food processing.

Accompanied by officials of the Overseas Private Investment Corp. [OPIC], the sponsoring U.S. Government agency that provides political risk insurance and finance services to encourage the flow of private investment to developing nations, the group met with key government officials and business leaders. Leading the mission was Bruce N. Hatton, OPIC vice president for corporate communications, whose goal is to encourage joint venture partnerships between United States investors and local entrepreneurs as a key element of strengthening Haiti's economy.

Economic development can best flourish in a stable political environment, and I believe that some of the democratic reforms now taking place are promising. But almost 1 year after the revolution, most Haitians still have no jobs. As democratic reform, human rights, and improvements in the health, labor, and rural sectors take place, we can expect that more resources will be provided to aid Haiti in the historic transition now in progress.

The challenges and opportunities in Haiti are great. Immediate short-term programs to provide food, health care, and education are essential to help meet the needs of local Haitians who have not yet experienced improvement in their daily lives. Growth in the export sector and the jobs that will create are important elements which can link some of the immediate need with future goals.

The long-term challenge is to create jobs but also to provide Haitians with a stake in the development of their country and its resources. Development of the rural, agricultural sector for both domestic use and export is needed. Irrigation, local food production, soil conservation, vocational and literacy education, and agribusiness in fisheries, flowers, tropical fruit should be developed so that Haitians can learn the skills necessary to control their own economic future.

American business in Haiti can do well but should also do good. To put something back into the country economically and socially is the long-term goal. As a member of the Task Force on Haiti, an informal House group led by the distinguished chairman of the Foreign Affairs Committee, DANTE B. FASCELL, and the distinguished gentleman from the District of Columbia, WALTER E. FAUNTROY, who chairs the House Banking Subcommittee on International Development Institutions and Finance, I will continue to monitor developments in Haiti and to support these goals.

Congress has more than doubled United States assistance to Haiti for the current fiscal year. In order to meet the challenges ahead, and to appreciate Haiti's unique situation, I am pleased that the OPIC mission has taken place.

THE WINDFALL PROFIT TAX

HON. GLENN ENGLISH

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. ENGLISH. Mr. Speaker, today I am pleased to introduce legislation establishing an oil import fee and repealing the windfall profits tax. As you know, this issue was before the Congress last session and failed to be resolved. My reason for introducing this legislation is quite simple: We must bring an end to the instability of world oil prices by establishing a floor that will encourage a more stable market. But this is not the only reason I am submitting this bill. There are many factors that are just as important.

First, the level of foreign oil imports to the United States has risen drastically in the past few years. Our country presently imports nearly 6 million barrels of oil each day as compared to only 1.1 million barrels in 1980. Industry observers predict that within 2 years we will be importing as much as 50 percent of all petroleum products consumed in our country. This compares to 36 percent during the Arab oil embargo in 1973-74 and 47 percent during the peak in 1977. This dangerous trend must be stopped if we are to avoid the strategically dangerous dependence on foreign sources of oil. Let us not forget the long gas lines that brought this country to her knees in the mid-seventies as a result of such dependence on unstable nations. If we fail to learn from our past, we will be doomed to repeat it.

Hence, my second reason for proposing this bill is the preservation of our national security. One can only imagine the serious problems of trying to maintain our military fleets around the world should a crisis arise which would threaten to paralyze our sources of petroleum.

Mr. Speaker, our tanks, airplanes, and naval vessels do not operate on cordwood. They require vast amounts of fuel which could, if we continue our present import levels, be shut down in a matter of days by those sources we have come to depend upon over the last few years.

Third, hundreds of thousands of jobs have been lost in the past 2 years as a result of falling oil prices and reduced domestic exploration. In my State, we have seen the number of active drilling rigs fall from over 800 to a current level just above 200. With this decline in activity comes the closing of a record number of banks and the foreclosure of numerous family farm operations. Our State budget shortfall this year alone is $360 million. Now, that is not much to the Federal Government, but it is devastating to my State and the vital services provided to our citizens. Passage of an oil import fee will not only stabilize the price per barrel, but it will serve to allow State governments more stability in projecting their budgets from year to year.

Finally, the windfall profits tax is outdated and completely unnecessary. Under current conditions, there is no use for this tax as oil profits are nonexistent. The paperwork associated with this bureaucratic nightmare is substantial and far too costly to the domestic producer. We must remove this unfair burden from the books and move forward with providing further assistance to the recovery of this vital sector of our economy.

Mr. Speaker, I offer this legislation today as a starting point from which our discussion on this urgent issue may begin. This bill is simple and straightforward. I urge my colleagues to join me in addressing this matter once and for all.

LTV CORPORATION BANKRUPTCY

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. KOLTER. Mr. Speaker, the time to act is now. After May 15 it will be too late, too late for the earnest hard-working retirees of LTV Corp. The 99th Congress instituted a stop-gap measure to insure the payment of health and life insurance benefits for all employees of bankrupt companies, but only until May 15, 1987. We must enact legislation before that date to permanently guarantee the continued payment of retirement benefits determined in collective-bargaining agreements. I have introduced a measure which will clarify the Bankruptcy Act to unequivocally require companies to confer with unions before altering the provisions of a collective bargaining agreement. This measure will offer the retirees of bankrupt companies the solace they deserve. My proposal will insure that the diligent men and women who worked tirelessly to make America strong will be able to retire confident that they will receive the benefits they have earned and expect.

LTV Corp.'s bankruptcy affects hundreds of thousands of active and retired steel workers. Can we afford to ignore the needs of this large constituency? Is it right to cut promised health care benefits to the group most in need of health care? I don't know about you but I would be hard pressed to find reassuring reasoning for the cessation of payments to a group who worked for years under the belief that they would receive certain necessary benefits in their twilight years.

My proposal would simply amend the Bankruptcy Act, section 1113, subsection f, to state clearly that the provisions of a collective-bargaining agreement include those provisions pertaining to retiree's benefits. Section 1113 originally stated that a company could not terminate any benefits determined in a collective-bargaining agreement, without first conferring with the unions. My bill is a simple clarification, a reiteration of legislation introduced by Chairman RODINO in the 99th Congress which was passed by the House of Representatives. I urge you to support this legislation again in the 100th Congress. Support for my bill is support for the retirees of America.

PHILIPPINES WILL CONTINUE TO GROW FROM DEMOCRATIC CONSTITUTION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. OBERSTAR. Mr. Speaker, "Do you vote for the approval of the constitution of the Republic of the Philippines as proposed by the constitutional commission * * * ?" These simple words mark the first time in over 20 years that Filipinos have had a voice in that country's government. Over 20 million Philippine voters are expected to respond to that question today, a decision expected to reflect the confidence of the people in Corazon Aquino's government, thus generating stability necessary for economic growth and direction.

For the United States, this vote brings our involvement with the post-Marcos Philippines nearly full circle. As the freest, most well-established democracy in the world, the United States readily recognized and acepted its obligation to assist the Philippines in its quest for democracy 1 year ago. Americans were proud to give their moral support and financial assistance to Filipinos seeking to oust the corrupt, despotic Ferdinand Marcos regime. We shared the elation of these people when Corey Aquino was democratically elected to the Presidency.

Like a parent teaching a child to ride a bike, we watched as the Aquino government survived bruises, swerves, and misdirections. And the United States stood by, anxious to help but in full knowledge that ours is not to install democracy in the Philippines, but, to provide guidance and support when asked.

We have watched the crisis of the Aquino administration's first year; holding our breath when Defense Minister Juan Ponce Enrile tried to force Aquino to leave office; grieving with President Aquino when 20 people were killed in a land reform protest; and, most recently when exiled despot Ferdinand Marcos tried to stage a dramatic comeback last week, we were able to play a role in dismantling the coup attempt.

Today we anxiously await results about the first electoral test of the Aquino government, as millions of Filipinos cast votes on a new constitution that would allow the President to stay in office until 1992. The constitution will curb the massive Presidential powers acquired by Marcos; it will also reinstate a bicameral legislature, which Marcos abolished in 1972. The document sets goals for the Philippines, including the pursuit of an independent foreign policy, a ban on nuclear weapons, and a commitment to free enterprise and human rights.

Although official results of Tuesday's election will not be known for several days, this document is expected to win overwhelming approval. The margin of victory will be a tribute to Corey Aquino's effectiveness as a leader, and to her ability as a policymaker among her people, for she campaigned extensively throughout the nation in support of the draft consideration.

I congratulate the Aquino government for its continued adherence to democratic principles, and for its strength in curbing the presence of opposition forces without restricting civil liberties or using oppressive military force. And I congratulate our own country for the leadership role we have assumed. We can be proud of our support of the Aquino government, and the enormity of Tuesday's vote turnout indicates that the Philippine people share this pride.

DEMOCRACY WINS IN THE PHILIPPINES

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. DOWNEY of New York. Mr. Speaker, today we celebrate an important democratic victory in the Philippines. Barely a year ago, the people of the Philippines streamed to the polls in a bitterly contested election which ultimately brought the downfall of the Marcos regime.

Yesterday, the Filipino people again went to the polls, this time to vote on a new constitution. Preliminary reports indicate that the people ratified the new constitution by an overwhelming margin.

In the intervening year, we in the United States have watched with interest and concern as the Philippines broke with the past and moved toward full constitutional government. For most of us, this process was personified by Corazon Aquino. Indeed, who can forget, Mr. Speaker, President Aquino's moving speech here in this very Chamber last September?

In the intervening year, Mrs. Aquino and the Filipino people have fended off threats to the fledgling democracy. There have been two reported coup attempts. There have been well-publicized defections from the original group which supported Mrs. Aquino. Yet Mrs. Aquino has held fast to her commitment to restore democracy to the nation. She has boldly negotiated with the insurgents, and although the negotiations are now suspended, we all hope that she is able to bring the insurgents back to the negotiating table.

Mr. Speaker, we in Congress can be proud of the role that the United States played in the Philippines in the past year. American support for Mrs. Aquino has been clear and unambiguous. More important, the United States has demonstrated that it can tolerate change even if it means the ending of a cozy relationship with what the administration euphemistically calls an authoritarian regime.

The Filipino people and President Aquino deserve our continuing support. This House has spoken strongly in support of increasing the level of United States assistance to the Philippines. We must be willing to do all that we can to support the process of peace and reconciliation in the Philippines. We must oppose any assistance programs that would further militarize the Philippines.

The American and the Filipino people have a long and tortuous relationship. We have an opportunity to write a new chapter in this relationship. I take this opportunity to commend President Aquino for her patience in dealing with her opponents and for her personal courage. I commend the Filipino people for their courage and their determination to continue on the democratic road.

RESOLUTION TO ENSURE FAIR TREATMENT OF SSDI RECIPIENTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. FRANK. Mr. Speaker, today, along with 30 of my colleagues, I am introducing a concurrent resolution expressing the sense of the Congress regarding continued adherence to the vital reforms mandated by the Social Security Disability Benefits Reform Act of 1984. We are concerned that the important reforms contained in that law, and the positive steps that have been made in improving the SSDI system since the enactment of the law, are threatened by recent Social Security Administration directives calling for increased SSDI workloads and accelerated processing of both continuing disability reviews and new applications. We think it essential that Congress make a clear statement now, before any further decisions about increased workloads are made, that we will not tolerate any administration actions which frustrate the intent of the 1984 law or threaten to return the SSDI program to the chaos which existed before the bill was passed.

The 1984 act was passed, with the strong leadership of the gentleman from Texas [Mr. PICKLE], in the wake of an extraordinary public outcry over the overly zealous and sometimes arbitrary manner in which the administration was conducting continuing disability reviews. The act was intended to ensure that both new applications and disability reviews were processed carefully and fairly. Evidence indicates that the program has indeed, until recently, been administered more fairly. Most congressional offices have seen a significant decline in the number of complaints from constituents, and the number of cases appealed to the administrative law judge level has declined.

Now we are beginning to hear disturbing reports from our district offices. In the wake of the SSA directives, State offices have had to carry out reorganization plans with a "meat cleaver approach," to quote one report. SSA cannot attract competent clerical workers because the starting wage is too low. As a result, professionals do the clerical work, there are fewer checks for accuracy in case development, and claimants face long delays in having their claims processed. Moreover, even when the State offices are able to conscientiously follow the 1984 guidelines, the claims are often stalled, sometimes for many months, at the Federal agencies, due in part to personnel shortages at that level. A few examples will clearly illustrate the current situation.

One man, disabled by mental illness, filed for SSDI benefits in March 1986. He was notified 3 months later that his claim had been allowed. His records then went to the Federal offices for review, back to the local office, and finally back to the Federal office, where they lay untouched until January 1987, when a congressional staffer inquired about the case. The next day, the file was sent back to the local office with directions that the claims be allowed—the same result which had been reached after one review. In another case, a man suffering from a heart condition, nerve impairments, a ruptured disc, high blood pressure, and mental impairment filed for benefits in June 1985. He was told in April 1986 that his claim would be allowed. His case was then referred to the Federal office and returned several months later to the local office for further review, where virtually every finding in the original report has been made a second time. The reevaluation is not yet complete. This man still has not received any SSDI payments.

Anecdotal evidence tells only part of the story. A recent GAO report reveals SSA's unrealistic expectations as the State's ability to process quickly a rapidly increasing workload. Specifically, although the workload for virtually every DDS office increased during 1986, they were only able to process approximately one-seventh of the cases SSA had originally projected for fiscal year 1986. Furthermore, at the end of fiscal year 1986, according to GAO, SSA estimated that there was a backlog of 270,000 medical improvement cases still awaiting action, as well as between 500,000 and 1 million cases of possible medical improvement cases which were required to be reviewed under the Disability Amendments of 1980—but which had not been reviewed as of the end of fiscal year 1986. Finally, SSA's projections for fiscal year 1987 will require more than 90 percent of all DDS offices to exceed substantially the workload per examiner that they were able to achieve in 1986.

Mr. Speaker, these figures make it clear that, unless SSA substantially revises its policies, delays and unfair treatment of beneficiaries are likely to become increasingly common. These policies, which require increased workloads and more rapid processing of cases, with no corresponding increase in personnel or other resources to help ease the burden, will also lead to more errors in processing and many more appeals. Such a situation is exactly what Congress sought to prevent when it passed the 1984 act. We want to make a clear statement now, before further legislation becomes necessary, that Congress is determined that the reforms contained in the 1984 act be diligently observed. We urge the administration, in the strongest terms, to honor the letter and the spirit of the 1984 reforms. We can protect deserving SSDI beneficiaries and encourage thoroughness and efficiency at the same time under the 1984 act. Let's give the act a chance to work.

I urge my colleagues to join me in supporting this measure.

A TRIBUTE TO MARK LIPPINCOTT, JR.

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to Mark Lippincott, Jr., of Evesham Township, NJ, whose dedication to serving the community as a volunteer fireman spans no less than 60 years.

Mark's membership on the Marlton Fire Company No. 1 began on November 11, 1927, and continues to the present day. I think my colleagues in the House will agree that this is voluntarism of the highest order.

The life of a volunteer fireman is, of course, a most unique and demanding one. When the bell sounds, one must answer. There can be no time spent in deliberation or hesitation. Life and property is always at stake.

But being shaken from one's sleep in the middle of the night, or drawn from your family at any time on any occasion is just a small part of a volunteer fireman's life. There is emergency training, fundraising functions, and equipment maintenance.

Mark has dedicated himself to all these aspects of the job. He has diligently attended the meetings, and the numerous drills. He has participated in local oyster suppers and other fundraising events. He has worked to bring new apparatus to the fire company, and to bring about better facilities for housing the equipment.

Not surprisingly, Mark has held numerous official positions within the Marlton Fire Company No. 1, including a membership on the board of trustees which ran from 1928 until 1985.

He also served as a representative to the Burlington County Firemans Association from 1932 to 1936, and was a charter member of the Evesham Township Exempt Firemans Association which was funded on May 21, 1969.

The reward that Mark draws from his experience and time spent on fire company duties is the satisfaction of knowing that the community is safer, and that he was there to answer when the call for help from his fellow citizens was most important.

Recently, the fire company adopted a resolution honoring Mark, offering its "heartfelt thanks and appreciation for his dedicated service above and beyond the call to duty, to the fire company and the residents of Evesham Township."

The resolution goes on to wish Mark "a long and enjoyable future, together with the good health and all the best of everything."

Mr. Speaker, one might assume from these words that Mark's lifetime tour of volunteer duty is about to conclude with retirement. That is far from the case. As my words are being taken down into the Record, Mark remains on duty, ever faithful to the fire company, and the neighbors and friends who benefit from his dedication.

THE FAMILY FARM TARGETING AND MARKETING ACT OF 1987

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, I include the bill, the Family Farm Targeting and Marketing Act of 1987, which I have introduced today, in the Record:

H.R. 923

A bill to amend the Agricultural Act of 1949 to offer wheat and feed grain producers the option of participating in a program of price support designed to encourage the maintenance of a network of family farmers in American agriculture, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Farm Targeting and Marketing Act of 1987".

SEC. 2. PRICE SUPPORT PROGRAM FOR WHEAT PRODUCERS.

(a) Target Payments.—Effective only for the 1988 through 1990 crops of wheat, section 107D of the Agricultural Act of 1949 (7 U.S.C. 1445b-3) is amended by repealing subsections (a), (b), and (c)(1) and by inserting in lieu thereof the following new subsection:

"(a)(1) The Secretary shall make available to producers target payments and advance target payments for each of the 1988 through 1990 crops of wheat as provided in this subsection.

"(2)(A) On February 15 of the Calendar year in which a crop of wheat is harvested, the Secretary shall make advance target payments to producers who have signed contracts to participate in the program for that crop of wheat. An advance target payment shall be made by the Secretary to any producer who signs any such contract after February 15 on the date the contract is signed.

"(B)(i) The amount of the advance target payment for a producer shall be the product obtained by multiplying—

"(I) the target differential (as determined under clause (ii); by

"(II) the number of eligible bushels of wheat (as determined under clause (v), except to the extent provided by clause (vi)).

"(ii) The target differential shall be an amount equal to one-half of the amount by which—

"(I) the family farm target price (as set forth in clause (iii)); exceeds

"(II) the average market price (as announced by the Secretary under clause (iv)).

"(iii) The family farm target price shall be $5.00 per bushel for each of the 1988 through 1990 crops of wheat.

"(iv) On February 1 of each calendar year, the Secretary shall announce the average market price for wheat for the period beginning July 1 of the preceding calendar year and ending January 31 of the calendar year.

"(v) The number of eligible bushels of wheat for a producer shall be an amount which is the lesser of 20,000 bushels or the product obtained by multiplying—

"(I) the wheat crop acreage base of the farm for the crop reduced by not more than 20 percent; by

"(II) the higher of the farm program payment yield for the crop for the farm or the county average yield as determined by the Secretary and applied to the farm.

"(vi) If the producer receives a target payment for feed grains for a crop year under section 105C(a), the number of acres of wheat for such crop year used to compute the advance target payment or the final target payment under this subsection may not cause the following fractions, when added together, to exceed 1: a fraction the numerator of which is the number of bushels of wheat used to compute such farm program payment yield and the denominator of which is 20,000, and a fraction the numerator of which is the number of bushels of feed grain (for which such producer received payment under section 105C(a) of this Act) and the denominator of which is 30,000.

"(3)(A) On November 15 of the year in which the crop of wheat is harvested, the Secretary shall make a final target payment to each producer who is participating in the program.

"(B) The final target payment for a producer shall be an amount equal to the product obtained by multiplying—

"(i) except to the extent provided by paragraph (2)(B)(vi), the farm program payment yield for the farm for the crop of wheat by 80 percent of the farm program acreage, but which may not exceed 20,000 bushels; by

"(ii) the family farm target price minus the 3-month average market price for wheat (as announced by the Secretary for the period beginning August 1 and ending October 30 of the calendar year in which the final target payment is made); minus

the advance target payment made by the Secretary to the producer pursuant to paragraph (2)(A) for that crop of wheat.".

(b) ACREAGE REDUCTION.—Section 107D(f) of the Agricultural Act of 1949 is amended—

(1)(A) in paragraph (1)(D)(i) by striking out "not less than 20 percent nor more than 30 percent" and by inserting in lieu thereof "20 percent"; and

(B) in paragraph (1)(D)(ii) by striking out "20 percent" and by inserting in lieu thereof "15 percent";

(2) by repealing clause (ii) of paragraph (2)(A); and

(3) by inserting at the end of paragraph (1)(D) the following new sentence:

"In a crop year, one-half of the acres which a producer designates as not planted to wheat for the purpose of satisfying an acreage limitation requirements shall not be the actual acres so designated in any of the 3 previous crop years."

(c) USE OF DIVERTED ACREAGE.—Section 107D(f)(4)(C)(i) of the Agricultural Act of 1949 is amended by striking out subclauses (I) and (II) and by striking out "devoted to—" and by inserting in lieu thereof "devoted to hay and grazing".

(d) CONFORMING AMENDMENT.—Subsection (g) of section 107D of the Agricultural Act of 1949 is repealed.

SEC. 3. PRICE SUPPORT PROGRAM FOR FEED GRAIN PRODUCERS.

(a) TARGET PAYMENTS.—Effective only for the 1988 through 1990 crops of feed grains, section 105C of the Agricultural Act of 1949 (7 U.S.C. 1444e) is amended by repealing subsections (a), (b), and (c)(1) and by inserting in lieu thereof the following new subsection:

"(a)(1)(A) The Secretary shall make available to producers target payments and advance target payments for each of the 1988 through 1990 crops of corn as provided in this subsection.

"(B) The Secretary shall make available to producers target payments and advance target payments for each of the 1988 through 1990 crops of grain sorghums, barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that such payments are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and other factors specified in section 401(b).

"(2)(A) On February 15 of the calendar year in which a crop of corn is harvested, the Secretary shall make advance target payments to producers who have signed contracts to participate in the program for that crop of corn. An advance target payment shall be made by the Secretary to any producer who signs any such contract after February 15 on the date the contract is signed.

"(B)(i) The amount of the advance target payment for a producer shall be the product obtained by multiplying—

"(I) the target differential (as determined under clause (ii)); by

"(II) the number of eligible bushels of corn (as determined under clause (v), except to the extent provided by clause (vi)).

"(ii) The target differential shall be an amount equal to one-half of the amount by which—

"(I) the family farm target price (as set forth in clause (iii)); exceeds

"(II) the average market price (as announced by the Secretary under clause (iv)).

"(iii) The family farm target price shall be $3.50 per bushel for each of the 1988 through 1990 crops of corn.

"(iv) On February 1 of each calendar year, the Secretary shall announce the average market price for corn for the period beginning July 1 of the preceding calendar year and ending January 31 of the calendar year.

"(v) The number of eligible bushels of corn for a producer shall be an amount which is the lesser of 30,000 bushels or the product obtained by multiplying—

"(I) the corn crop acreage base of the farm for the crop reduced by not more than 20 percent; by

"(II) the higher of the farm program payment yield for the crop for the farm or the county average yield as determined by the Secretary and applied to the farm.

"(vi) If the producer receives a target payment for wheat for a crop year under section 107D(a), the number of acres of feed grains for such crop year used to compute the advance target payment or the final target payment under this subsection may not cause the following fractions, when added together, to exceed 1: a fraction the numerator of which is the number of bushels of feed grains used to compute such farm program payment yield and the denominator of which is 30,000, and a fraction the numerator of which is the number of bushels of wheat (for which such producer received payment under section 107D(a) of this Act) and the denominator of which is 20,000.

"(3)(A) On December 15 of the year in which the crop of corn is harvested, the Secretary shall make a final target payment to each producer who is participating in the program.

"(B) The final target payment for a producer shall be an amount equal to the product obtained by multiplying—

"(i) except to the extent provided by paragraph (2)(B)(vi), the farm program payment yield for the farm for the crop of corn by 80 percent of the farm program acreage, but which may not exceed 30,000 bushels; by

"(ii) the family farm target price minus the 3-month average market price for corn (as announced by the Secretary for the period beginning September 1 and ending November 30 of the calendar year in which the final target payment is made); minus

the advance target payment made by the Secretary to the producer pursuant to paragraph (2)(A) for that crop of corn.".

"(C) In the case of barley, the dates set forth in subsection (a)(3) of section 107D of this Act shall apply instead of the dates set forth in this paragraph.".

(b) ACREAGE REDUCTION.—Section 105C(f) of the Agricultural Act of 1949 is amended by inserting at the end of paragraph (1)(C) the following new sentence: "In a crop year, one-half of the acres which a producer designates as not planted to feed grains for the purpose of satisfying an acreage limitation requirement shall not be the actual acres so designated in any of the 3 previous crop years.".

(c) USE OF DIVERTED ACREAGE.—Section 105C(f)(4)(C)(i) of the Agricultural Act of 1949 is amended by striking out subclauses (I) and (II) and by striking out "devoted to—" and by inserting in lieu thereof "devoted to hay and grazing".

(d) CONFORMING AMENDMENT.—Subsection (g) of section 105C of the Agricultural Act of 1949 is repealed.

SEC. 4. LIMITATION OF AUTHORITY TO MAKE PAYMENTS IN COMMODITIES.

Section 107E of the Agricultural Act of 1949 (7 U.S.C. 1445e) is amended by inserting at the end thereof the following new subsection:

"(c) For the 1988 through 1990 crops of wheat and feed grains, target payments and advance target payments made under section 107D(a) or section 105C(a) shall be made in cash and may not be in-kind payments.".

SEC. 5. PAYMENTS TO PRODUCERS FOR STORAGE.

(a) STORAGE PAYMENTS.—Clause (2) of the third sentence of subsection (b) of section 110 of the Agricultural Act of 1949 (7 U.S.C. 1445e(b)(2)) is amended to read as follows:

"(2) payments to producers for storage of wheat or feed grains at a rate per bushel equal to the average rate per bushel for storage of wheat or feed grains paid by the Commodity Credit Corporation to commercial grain elevators in the same local area as such producers during the most recent 6-month period ending at least 30 days before a contract for storage is entered into between the Secretary and such producers;".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to contracts entered into between the Secretary of Agriculture and producers of wheat or feed grains under section 110 of the Agricultural Act of 1949 after the date of enactment of this Act.

SEC. 6. PAYMENT LIMITATIONS.

Effective only for the 1988 through 1990 crops of wheat and feed grains:

(1) Paragraph (1) of section 1001 of the Agricultural Act of 1949 (7 U.S.C. 1308) is amended by striking out "wheat, feed grains," and by inserting at the end thereof the following new sentence: "Any target payments received by a person under section 105C(a) and 107D(a) shall be counted to establish the total amount of payments such person may receive for purposes of the preceding sentence.".

(2) Section 1001 of the Food Security Act of 1985 is amended by inserting at the end thereof the following new subsection:

"(7) The Secretary shall issue regulations to assure that only persons who are actively engaged in the business of farming are eligible to receive payments under one or more of the annual programs established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) for wheat, feed grains, upland cotton, extra long staple cotton, and rice.".

SEC. 7. CROP ACREAGE BASES AND FARM PROGRAM PAYMENT YIELDS.

(a) CROP ACREAGE BASES.—Subsection (b)(1) of section 504 of the Agricultural Act of 1949 (7 U.S.C. 1464) is amended

(1) by inserting "or (C)" after "subparagraph (B)" in subparagraph (A); and

(2) by inserting at the end thereof the following new subparagraph:

"(C) The crop acreage base for a crop of wheat or feed grains for any farm for the 1988 and subsequent crop years shall be the crop acreage base for such farm for the 1987 crop year. The preceding sentence shall not affect the right of a producer under any other provision of law to appeal the crop acreage base for a crop of wheat or feed grains.".

(b) FARM PROGRAM PAYMENT YIELDS.—Effective only for the 1988 through 1990 crops of wheat and feed grains, title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) is amended by inserting at the end thereof the following new section:

"SEC. 510. Notwithstanding any other provision of this title:

"(a) With respect to 1988 and subsequent crop years, the farm program payment yield for each crop of wheat or feed grains for any farm shall be established by the Secretary on the basis of the average of the yield per harvested acre for the crop for such farm for each of the five crop years immediately preceding such crop year, excluding the crop year with the highest yield per harvested acre, the crop year with the lowest yield per harvested acre, and any crop year in which such crop was not planted on the farm. For purposes of the preceding sentence, the farm program payment yield for the 1983 through 1985 crop years and the actual yield per harvested acre with respect to 1986 and subsequent crop years shall be used in determining farm program payment yields. If a producer of wheat for feed grains is not a participant in a program under section 107D or 105C for the 1988 or a subsequent crop year, the producer's farm may not have established a farm program payment yield on the basis of an actual yield for that year and shall accept a yield assigned by the county committee.

"(b) In the case of any farm for which the actual yield per harvested acre for any crop of wheat or feed grains referred to in subsection (a) for any crop year is not available, the county committee may assign the farm a yield for the crop for such crop year on the basis of the actual yields for the crop for such crop year on similar farms in the area.".

SEC. 8. CROSS-COMPLIANCE.

(a) WHEAT.—Effective only for the 1988 through 1990 crops of wheat, subsection (n) of section 107D of the Agricultural Act of 1949 is amended—

(1) by striking out "(1) Except as provided in paragraphs (2) and (3), compliance" and by inserting in lieu thereof "Compliance"; and

(2) by repealing paragraphs (2) and (3).

(b) FEED GRAINS.—Effective only for the 1988 through 1990 crops of feed grains, subsection (n) of section 105C of the Agricultural Act of 1949 is amended—

(1) by striking out "(1) Except as provided in paragraphs (2) and (3), compliance" and by inserting in lieu thereof "Compliance"; and

(2) by repealing paragraphs (2) and (3).

SEC. 9. GRAIN QUALITY.

Section 13 of the United States Grain Standards Act (7 U.S.C. 71 et. seq.) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following:

"(c) No person who owns or operates an export elevator at an export port location shall permit the elevator to knowingly add to any grain shipped from the elevator any grain dust that has been removed from the grain by the elevator or any nongrain-related material that has not been removed from the grain by the elevator, except that grain may be treated to suppress dust and to destroy or prevent insects and fungi injurious to stored grain.".

SEC. 10. INCREASE IN CONSERVATION RESERVE.

Section 1231(b) of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) in paragraph (3)—

(A) by striking out "25" and inserting "30" in lieu thereof; and

(B) by striking out "45" and inserting "55" in lieu thereof;

(2) in paragraph (4)—

(A) by striking out "35" and inserting "40" in lieu thereof; and

(B) by striking out "45" and inserting "55" in lieu thereof; and

(3) in paragraph (5)—

(A) by striking out "40" and inserting "45" in lieu thereof; and

(B) by striking out "45" and inserting "55" in lieu thereof.

SEC. 11. PROTECTION OF MARKET FROM EXISTING SURPLUS.

(a) PRODUCER RESERVE PROGRAM.—Subsection (b) of section 110 (7 U.S.C. 1445e) of the Agricultural Act of 1949 is amended—

(1) in clause (5) by striking out "the higher of 140 percent of the nonrecourse loan rate for the commodity or the established price for such commodity, as determined under title I" and by inserting in lieu thereof "110 percent of the family farm target price for such commodity"; and

(2) by striking out the next to last sentence of such subsection.

(b) RESTRICTIONS ON SALES BY COMMODITY CREDIT CORPORATION.—The third proviso of section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427) is amended by striking out clauses (A) and (B) (which clauses are immediately preceded by "respectively, at less than") and by inserting in lieu thereof the following: "75 percent of the family farm target price for the commodity, adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate.".

SEC. 12. INTENT OF CONGRESS WITH RESPECT TO PILOT BARTER PROGRAM.

Congress notes that the pilot barter program established under section 1129 of the Food Security Act of 1985 is a mandatory program, and that the report transmitted by the Secretary of Agriculture on 2 January 1987 indicates that no agreements have as yet been entered into under the program. Congress reiterates the mandatory nature of his program and expects that the Secretary of Agriculture will comply with the law.

SEC. 13. ESTABLISHMENT OF FARM LAND PURCHASING FACILITY.

(a) ESTABLISHMENT OF FACILITY.—The Secretary of Agriculture shall, by rule, establish a facility within the Department of Agriculture to carry out the functions provided for in this section.

(b) FUNCTIONS.—Such facility shall—

(1) purchase farm land at its appraised market value from producers unable to meet their financial obligations as a result of annual programs under the Agricultural Act of 1949; and

(2) lease or sell farm land purchased under paragraph (1) to individuals who (A) are or will become owners or operators of not larger than family farms; (B) have either training or farming experience that the Secretary of Agriculture determines is sufficient to assure reasonable prospects of success in farming such land; and

(C) will farm such land.

SEC. 14. EXTENSION OF EXISTING PROGRAMS.

(a) EXTENSION OF PROGRAM AUTHORITY.—Subsection (i) of section 1127 of the Food Security Act of 1985 is amended—

(1) by striking out "1988" and by inserting in lieu thereof "1990"; and

(2) by striking out "$2,000,000,000" and by inserting in lieu thereof "$3,000,000,000".

(b) VALUE OF COMMODITIES.—Section 1127 of the Food Security Act of 1985 is amended by inserting at the end thereof the following new subsection:

"(j) For purposes of subsection (i), the value of the commodities disbursed shall be determined by using the market value of the commodities at the time of disbursement.".

(c) INCREASE IN PROGRAM AUTHORITY.—Subsection (a) of section 1124 of the Food Security Act of 1985 is amended by striking out "$325,000,000" and inserting in lieu thereof "$350,000,000".

CONGRESSIONAL PAY

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Mr. SCHAEFER. Mr. Speaker, I wish to inform the Members that today I have introduced H.R. 935, to change the way we legislate congressional pay raises.

I believe a close analysis of the issue will indicate that it's not so much the pay raise that offends so many, it's the way the pay raise comes about.

What this bill will do is alleviate the public's concern with what has come to be known as backdoor pay raises. This bill would allow Congress to consider raises at any time, but as a separate piece of legislation, and require a recorded vote for any pay increase. Let's face it, some of our constituents will never agree to Members receiving a pay increase. But, more often than not, the disagreement involves constituents who feel that Congress is using deceptive tactics by hiding the raise in large bills.

As you know, the Executive Salary Cost-of-Living Adjustment Act of 1975 provides that Members of Congress and top executives in all three branches of the Federal Government automatically receive the same percentage pay raise as General Schedule—white collar—Federal employees. From 1975–81, Members still needed to appropriate money separately for their own raises. However, since Public Law 97-51 was implemented in 1981, no separate vote is required for the raise to go into effect.

Particularly at this time when Congress is spending money at record levels and the national debt is over $2 trillion, the issue of a congressional pay raise provokes a negative response from the American public. I am introducing this legislation because I believe that part of Congress' low rating in public opinion polls can be attributed to the mishandling of the pay issue.

With the passage of this bill, we will be able to deal with pay raises in an orderly and open manner unlike the last 10 years when there have been many mad scrambles to undo the raise. I believe this bill will improve the public's perception of congressional pay increases.

The most important reason for supporting this bill is the obligation that we have to our constituents. They have the right to know how their legislators stand no matter how controversial a matter. It is for these reasons that I urge all my colleagues who favor a responsible Government to support this effort.

THE DECEPTIVE MAILINGS PREVENTION ACT OF 1987

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1987

Ms. SNOWE. Mr. Speaker, I am introducing a bill today, H.R. 939, the Deceptive Mailings

Prevention Act of 1987, which will have an important impact on all those individuals who receive mailings from organizations that purport to be associated with the Federal Government.

Each one of us is aware of how difficult it is for many older persons on fixed incomes to make ends meet. Typically they are the targets of mailings that use confusing terms, seals, or insignias which imply that the products, services or solicitations are sanctioned by the Government or that the mailings contain important Government materials. in response, older persons spend their limited resources on services or solicitations that they can ill afford.

Over the last few years, groups have taken advantage of Social Security and Medicare beneficiaries in numerous ways. In some cases these groups have indicated that they could provide a service for a fee when in fact that service is available free of charge to the public. An example is a mass mailing by a group called the Bureau of Social Security Services which offers to check the earnings record of those who receive the mailing. Individuals are told that by enrolling in a plan offered by the Bureau of Social Security Services, they will obtain an official Bureau of Social Security Services membership kit with an application for a Social Security account statement. The fee for this service is $7 per year. The Federal Government provides this service free of change to any individual who would like to have his or her earnings record checked for accuracy. Nowhere in the mailing is this fact noted.

My bill would require that a disclaimer be placed on the face of mailed materials of this type to indicate that "The products or services offered in this advertisement are also provided either free of charge or at a lower fee by the Federal Government." In this way, if individuals choose to subscribe to these types of services, they will be doing so as informed consumers. Further, on the face of the envelope an additional disclaimer would indicate "This is not a Government document."

In a similar vein, nongovernmental organizations that use a seal or insignia, or which use terms that imply Federal Government connection, such as the words Medicare and Social Security, would have to indicate on the face of the material "This product or service has not been approved or endorsed by the Federal Government and this offer is not being made by an agency of the Federal Government." Similarly, such envelopes would have to bear the disclaimer, "This is not a Government document." These disclaimers would also apply when nongovernmental organizations using such names as Medicare or Social Security or emblems, seals, or insignias are asking for contributions.

The point of this legislation is not to limit access to these services or to prohibit solicitations by nongovernmental organizations but rather, to assure that consumers make informed decisions. Organizations using the terms Social Security and Medicare in their titles are not subject to the prohibitions of this act unless they are soliciting funds or offering services or products. Additionally, they would not be required to make any changes in their names. Rather, the object of the Deceptive Mailings Prevention Act of 1987 is to assure that those who receive mailings are not misled into believing that free services can only be obtained for a fee or that services, products or solicitations have been endorsed by the Federal Government.

H.R. 939

A bill to amend title 39 of the United States Code to designate as nonmailable matter solicitations for the purchase of products or services which are provided either free of charge or at a lower price by the Government and solicitations which are offered in terms implying Government connection or endorsement unless such matter contains conspicuous notice that the products or services offered are provided free of charge by the Government or that the Government does not endorse the products or services offered, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deceptive Mailings Prevention Act of 1987".

SEC. 2. AMENDMENTS TO TITLE 39.

Section 3001 of title 39, United States Code, is amended by redesignating subsections (f) and (g) as subsections (i) and (j), respectively, and by inserting immediately below subsection (e) the following new subsections:

"(f) Matter otherwise legally acceptable which constitutes a solicitation by a nongovernmental entity for the purchase of products or services which are in fact provided either free of charge or at a lower price by the Federal Government is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless—

"(1) such matter bears on its face, in conspicuous and legible type in contrast by topography, layout, or color with other printing on its face, the following notice: 'The products or services offered in this advertisement are also provided either free of charge or at a lower price by the Federal Government.', or a notice to the same effect in words which the Postal Service may prescribe; and

"(2) the envelope or outside cover or wrapper in which such matter is mailed bears on its face in capital letters and in conspicuous and legible type the following notice: 'THIS IS NOT A GOVERNMENT DOCUMENT.'.

"(g) Matter otherwise legally acceptable which constitutes a solicitation by a nongovernmental entity for the purchase of products or services and contains a seal, insignia, trade or brand name, or any other term or symbol implying Federal Government connection, approval, or endorsement is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless—

"(1) such mattter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, the following notice: 'This product or service has not been approved or endorsed by the Federal Government, and this offer is not being made by an agency of the Federal Government.', or a notice to the same effect in words which the Postal Service may prescribe; and

"(2) the envelope or outside cover or wrapper in which such matter is mailed bears on its face in capital letters and in conspicuous and legible type the following notice: "THIS IS NOT A GOVERNMENT DOCUMENT.'.

"(h) Matter otherwise legally acceptable which constitutes a solicitation by a nongovernmental entity for the contribution of funds and contains a seal, insignia, trade or brand name, or any other term or symbol implying Federal Government connection, approval, or endorsement is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless such matter and the envelope or outside cover or wrapper in which such matter is mailed bears on its face in capital letters and in conspicuous and legible type the following notice: 'THIS IS NOT A GOVERNMENT DOCUMENT.'.".

SEC. 3. AMENDMENTS TO TITLE 18.

(a) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by inserting immediately after section 1717 the following new sections:

"§ 1717A. Nonmailable matter relating to free Government services

"Whoever knowingly deposits for mailing and delivery, or knowingly causes to be delivered by mail according to the direction thereon or at any place to which it is directed to be delivered by the person to whom it is addressed, any matter declared to be nonmailable by section 3001(f) of title 39, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"§ 1717B. Nonmailable matter relating to use of terms implying Government endorsement

"Whoever knowingly deposits for mailing and delivery, or knowingly causes to be delivered by mail according to the direction thereon or at any place to which it is directed to be delivered by the person to whom it is addressed, any matter declared to be nonmailable by sections 3001(g) and 3001(h) of title 39, shall be fined not more than $1,000 or imprisoned not more than one year, or both.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 83 of title 18 is amended by inserting after the item relating to section 1717 the following new items:

"1717A. Nonmailable matter relating to free Government services.

"1717B. Nonmailable matter relating to use of terms implying Government endorsement.".

HOUSE—*Wednesday, February 4, 1987*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Your Word, O God, tells us that we should seek good, and not evil, that we may live; that we ought to hate evil, and love good, and establish justice in the gate. Amid the competing and often conflicting demands of our time, help us, gracious God, to seek the way of truth and in a world of moral ambiguity enable us to do justice, love mercy, and walk humbly with You. Almighty God, may we learn to listen to Your leading and hear Your still, small voice calling us to do good and not evil and so fulfill the law of love. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Hallen, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 96

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Sala G. Burton, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Representative.

The message also announced that pursuant to Public Law 92-484, the Chair on behalf of the President pro tempore appoints Mr. GRASSLEY as a member of the Technology Assessment Board, vice, Mr. Mathias, retired.

AMERICA'S CUP BELONGS HOME IN NEWPORT

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ST GERMAIN. Mr. Speaker, for close to one and a half centuries now there's been this little boat race going on called the America's Cup. And for virtually all of these years this little boat race has been held in a beautiful place called Newport, RI.

When the name Newport comes up in a conversation, people instantly think of the America's Cup. It's natural. After all, Newport is the cup's home.

With this morning's early victory over Australia, we can celebrate the America's Cup coming back to where it belongs, back to America, back to Newport, back to its home.

Having the cup take place in any other city would be like going to Mardi Gras in Pittsburgh or like watching a Yankee home game in Fenway Park. It just wouldn't be right.

Mr. Speaker, I think it would be a gross mistake to run the next cup race out of any other city than Newport.

Thomas Wolfe once told us that we can never go home again. Well, to that, Mr. Speaker, the people of Newport, RI say "baloney." They say: "America's Cup; welcome back home."

WELCOMING THE TURKISH PRIME MINISTER, TURGUT OZAL, TO THE UNITED STATES

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, the Turkish Prime Minister, Turgut Ozal, has recently arrived in the United States and will be meeting with Members of the House and Senate leadership tomorrow.

Prime Minister Ozal has the task of administering a country of some 50 million people whose primary political, economic, and security ties are with the West. In fact, Turkey has been an indispensable member of NATO since 1952.

With a total personnel of more than 700,000, Turkey's Armed Forces are the second largest in NATO;

Turkey's crucial strategic and geographic location is at the gateway of three continents—Europe, Asia, and Africa;

Turkey borders Syria, Iran, Iraq, Bulgaria, Greece, and is the only NATO member that has a significant land border with the Soviet Union;

Joint Turkish-American military facilities in Turkey provide crucially important intelligence, communication and early warning functions which have accurately been characterized as "irreplaceable and critical."

Mr. Ozal has undertaken economic reforms which include converting state-run enterprises into private ones with the goal of strengthening her economy and expanding her trade ties with the West.

It is my privilege to welcome Mr. Ozal to the United States. It's in our best interest to help Turkey where we can to become an even stronger ally of the West.

☐ 1410

MODIFYING THE 55 MILE-PER-HOUR SPEED LIMIT

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, yesterday, our colleagues in the other body voted overwhelmingly to modify the 55 mile-per-hour speed limit on rural interstates. It was the second time that they voted in favor of this proposal.

On January 21, I introduced H.R. 665, a 5-year demonstration project which would give States the option to raise the speed limit to 65 miles per hour on rural interstate roadways.

This legislation is identical to an amendment that was considered by the House last August and gained bipartisan support from 198 Members. The House did not vote on 55 this year, because the leadership agreed to consider it at a later time. Mr. Speaker, I think it is time to take a careful look at this amendment in conference. Widespread grassroots support to raise the speed limit has continued to grow among the American people. The majority of our Nation's Governors support this effort and the administration supports this effort.

I support the 55 mile-per-hour speed limit on the majority of our highways, but I believe we can retain the major benefits of the law while allowing States the flexibility to increase the speed limit on selected rural interstates. I would urge the leadership to work with the Senate in conference to consider this modest and rational approach to modifying the 55 mile-per-hour speed limit.

ANNOUNCEMENT BY THE SPEAKER

The **SPEAKER**. On January 6, 1987, the Chair stated that he would be inserting in the CONGRESSIONAL RECORD guidelines for recognition for unanimous-consent requests, but those guidelines were inadvertently omitted. The Chair's continuing guidelines with

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

respect to recognition for unanimous-consent requests for the consideration of unreported bills and for the consideration of House bills with Senate amendments on the Speaker's table are contained on page 488 of the House Rules and Manual with several citations, and are reinserted in the RECORD at this point, as follows:

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will read the following statement:

"As indicated on page 488 of the House Rules and Manual, the Chair has established a policy of conferring recognition upon Members to permit consideration of bills and resolutions by unanimous consent only when assured that the majority and minority floor leadership and committee and subcommittee chairmen and ranking minority members have no objection. Consistent with that policy, and with the Chair's inherent power of recognition under clause 2, rule XIV, the Chair, and any occupant of the Chair appointed as Speaker pro tempore pursuant to clause 7, rule I, will decline recognition for unanimous-consent requests for consideration of bills and resolutions without assurances that the request has been cleared by that leadership. This denial of recognition by the Chair will not reflect necessarily, any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed, that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle."

With respect to unanimous-consent requests to dispose of Senate amendments to House bills on the Speaker's table, the Chair will entertain such a request only if made by the chairman of the committee with jurisdiction, or by another committee member authorized to make the request (Apr. 26, 1984, p. ——; Deschler's Precedents ch. 21, sec. 1.23).

REFORMING TAX REFORM

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, many of us in this body have heard from unhappy constituents about provisions of the Tax Reform Act of 1986. It has been hard to tell taxpayers that when we voted, none of us, outside a select few in the inner circle, had even seen the bill, let alone been given the time to analyze it.

I voted against the bill for reasons which I have stated many times. That is in the past. The Reform Act now is law and our job is to make it work. By the lastest count, there are at least 50 bills filed in this House to correct inequities in the law. That alone should tell us something.

Without reference to the law itself, the reform activity has provided the IRS with the opportunity to demand a new W-4 form. That form is so onerous that it is longer than the simpler tax forms used to be. Even the Secretary of the Treasury, Mr. Baker, admits that the form is a disaster and must be revised. Of course a revision will now compound the problem for employers and employees.

Before anyone pats himself on the back for the so-called tax reform, we must clean up the law. Problems ranging from tax year to deductibility of student loan interest won't go away until we make them go away. I urge Members to make reforming the reform a first priority of the 100th Congress.

RAISING THE MINIMUM WAGE

(Mr. FORD of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Tennessee. Mr. Speaker, it is time for us to act as a body to raise the minimum wage for the millions of working poor in this Nation. The number of family breadwinners working year round and earning $7,000 per year—the minimum wage—is increasing at an alarming rate.

A minimum wage worker, with two children, has a standard of living which is 24 percent below the poverty line.

The low minimum wage undermines the work ethic. In many areas of the country an adult with two children can actually receive more income from basic welfare benefits than from a minimum wage job. This makes welfare dependency a sound economic decision for many families who must put food on the table. Wages such as these provide no incentive to work.

An increased minimum wage would provide many unemployed, especially welfare recipients, the necessary incentive to become self-sufficient. A job with sufficient income to provide an improved standard of living for those trapped in poverty will reduce the public assistance costs to our Nation. Self-sufficiency based on earning an adequate minimum wage which will support basic needs is a fundamental right we all should desire.

I urge my colleagues to support legislation to increase the minimum wage.

CLEAN WATER VOTE

(Mr. UPTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UPTON. Mr. Speaker, it was with a heavy heart that I cast yesterday's vote to override the President's veto of H.R. 1, the clean water bill. As a fiscal conservative and former Reagan administration official, I can understand many of the President's objections to some of the expenditures in this legislation. However, I believe it is important for us all to remember that this is only an authorization, not an appropriations bill. Therefore, the actual dollar figures provided for in this legislation are by no means final. When the appropriations bill is considered on the House floor, then we can debate spending limits.

As things now stand, the cost-sharing provisions of this bill, as well as its overall goal of providing for an effective system of clean water management, merit enactment of H.R. 1. I am confident that my constituents who live on the shore of Lake Michigan, a body of water that I hope will remain forever clean, and those who live on lakes and rivers throughout my Fourth District, will support my decision on this legislation.

RELEASE OF FUNDS FOR EL SALVADOR

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, on June 19, 1985, four young American men and nine Salvadoran women and children were brutally slain by a terrorist bomb set off in a crowed cafe in San Salvador. Since that time, terrorists acts committed by guerrillas in El Salvador have claimed many civilian lives. In 1985, though San Salvador is a city of over 1 million people, the police had very few cars, no radios, and no antiterrorist training.

This body has twice approved funds for antiterrorist training for the civilian police forces of El Salvador. The funding for this program also provides for such necessary items as police radios, and the purchase of police cars.

It has come to my attention that the chairman of the Appropriations' Foreign Operations Subcommittee, the gentleman from Wisconsin [Mr. OBEY], has unilaterally defied the will of this body and placed a hold at the State Department and blocked the use of these funds in this fiscal year. This is not the first time that the gentleman has acted on his own in defiance of this body: Last year he delayed this program by nearly 5 months; 5 months of no training, no purchase of radios. All the while terrorists were killing innocent civilians in El Salvador. Most surprising is that one of the young boys killed in June 1985, while peacefully sitting in a cafe, was Robert Patrick Kwiatkowski, a native of Mr. OBEY's hometown of Wausau. What do we say to the family of Mr. Kwiatkowski: That we have the means to train and equip San Salvador's police to prevent more senseless deaths at the hands of terrorists, but one man, Mr. OBEY, for some unknown reason, does not want this to happen? How many more young Americans or Salvadorans will die because they didn't receive the equipment or training to counter terrorists? I implore the gentleman from Wisconsin to remove his hold and let the antiterrrorist training funds and equipment go to El Salvador.

INTRODUCTION OF THE ARMENIAN GENOCIDE RESOLUTION

(Mr. LEHMAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of California. Mr. Speaker, today I am introducing a resolution which commemorates the Armenian genocide of 1915 to 1923 and honors the survivors of the first genocide of the 20th century.

I am joined by 60 of my colleagues who share my commitment to recognizing that the genocide perpetrated against Armenians who lived under the rule of the Ottoman Empire was a racial policy intended to eliminate an entire race. Winston Churchill once said that the massacre of the Armenians in 1915 was the "clearance of the race from Asia Minor * * * about as complete as such an act, on a scale so great, could well be."

I am honored to author legislation to designate April 24, 1987, as a National Day of Remembrance of the Armenian genocide. This year marks the 72d anniversary of the genocide. I stand here today on behalf of the thousands of Americans of Armenian descent to remember, never to forget, this dark time in the hope we learn from our past. As with the Nazi Holocaust which followed, recognizing the Armenian genocide provides scholars and historians with a lesson to teach us all that some events in history should never be repeated.

The legislation I am introducing today commemorates an historical fact. The resolution does not rewrite history, it confirms it. It does not intend to humiliate anyone or any current government or jeopardize any political alliance. Rather, it is intended to recognize and remember what every American can do for the preservation of human rights: acknowledge the injustice of abolishing an entire race for the furtherance of another.

I thank my colleagues for joining me in commemoration of this event and I hope that many of you will join us in cosponsoring this resolution.

□ 1420

PROPOSED LEGISLATION WOULD SET NEW LIMITS ON SENATE HONORARIA

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, under the rules adopted by this House for the 100th Congress, Members of the House are no longer prohibited from mentioning the U.S. Senate, by name, on the House floor. No longer will we have to refer to the coequal House of Congress down at the north end of this Capitol as the "the other body."

To paraphrase a great American: We're free at last, free at last. Mr. Speaker, we're free at last.

Now that that shackle has been removed, I want to refer—quoting our new rule now—"to actions taken by the Senate * * * which are a matter of public record." Of course, I will not express any personal opinion concerning Senate action, as that is still prohibited under our now semipristine rules.

It is a matter of public record that the Senate voted overwhelmingly to disapprove the President's recommendations for pay increases for executive, judicial, and legislative branch officials.

It is a matter of public record that the Senate still allows their Members to earn outside honoraria income amounting to 40 percent of salary, rather than the 30 percent allowed by House rules.

And it is a matter of public record that when a similar situation presented itself in 1982, a bill that I introduced to limit the outside income of Senators gathered over 180 cosponsors in the House in just 5 days.

Mr. Speaker, I will file today legislation bringing Senate limits on honoraria to the same limit as the House.

CONGRESS MUST OVERSEE SAFETY-FIRST MODE FOR NASA PROGRAM

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, it has been over a year now since the *Challenger* tragedy. As a member of the Committee on Science, Space, and Technology, I am deeply concerned over how both NASA and Congress were lulled into a false sense of security.

It is time to recognize that the honeymoon between NASA and Congress is over. Congress must now roll up our sleeves and provide the necessary oversight that is our basic responsibility.

As a member of the Subcommittee on Space Science and Application, I have introduced legislation to prohibit any future manned space shuttle launch until NASA develops, tests, evaluates, and installs a viable escape mechanism for our astronauts.

I am somewhat encouraged by the many changes NASA has made since the tragedy, but further change is necessary to ensure that safety first becomes the mode for our NASA program and the Congress makes sure that NASA is in concert with this philosophy.

Our astronauts should fly under the safest possible conditions and that is the ultimate responsibility of this body, who sets the law that ensures that safety.

I am asking Members to cosponsor that legislation. I believe it is absolutely overdue.

RONALD REAGAN WILL CONTINUE TO STAND TALL

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, it's been said that the American political landscape is littered with the bones of people who have underestimated Ronald Reagan.

I take pleasure in submitting for the RECORD a key paragraph of an editorial that appeared recently in the Albany Times-Union. It was written by one great American, William Randolph Hearst, Jr., about another great American, Ronald Reagan, the best President we've had in this century.

Hearst wrote: "* * * There is reason to believe that those who have underestimated and denigrated President Reagan throughout most of his political career will once again be proven wrong."

Hearst writes scornfully about the blatantly obvious attempt to exploit the Iranian-Contra issue for partisan political advantage, never mind the damage to the country.

Mr. Speaker, you've gotten plenty of warning from all the recent polls. The American people are not stupid, and they've always had a great, abiding sense of fairness. That's why in January 1989, this President will be standing tall, and his critics will be picking their bones off the landscape.

Happy birthday on Friday, Mr. President.

MAJORITY OF AMERICAN PEOPLE DO NOT SUPPORT CONGRESSIONAL PAY RAISE

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, I am pleased that the House has an opportunity to vote today on the proposal to increase the salaries of the Vice President, the Cabinet, Federal judges, Members of Congress, and other top Federal officials.

The subject of salaries for Members of Congress is an emotional issue and is one that is often misunderstood. There is no easy way, apparently, to handle congressional salaries.

Some years ago, the law was changed to provide that Members of

Congress would receive the annual cost-of-living adjustments that are made for other Federal employees to compensate for inflation. Since that provision went into effect, there have been a number of times when Congress has voted not to take a pay raise itself, but did allow Federal workers to get theirs. However, because there was debate on the issue, the perception throughout the land has been, "There goes Congress voting itself a raise again."

A number of arguments supporting the increase can be made. It certainly is true that salaries are considerably higher for people in the private sector with positions comparable to senior Federal Government officials, and there is serious concern over the possible loss of many Federal managers and judges because it is not economically feasible for them to continue to serve at a lower salary than they can earn in the business world.

In prior years, the concensus of the people seems to have been that Members of Congress should not be able to raise their own pay. Therefore, a Quadrennial Commission was created to periodically review salaries of top Federal officials and judges and make recommendations to the President on the salaries they should receive. In order to make salaries for top Federal officials more commensurate with their responsibilities, the Commission proposed much higher salaries than those recommended by the President.

In my 8 years in Congress, I have voted against congressional pay raises each time there has been a vote except once in 1982, when there had not been an adjustment in several years. I shall vote likewise today.

Notwithstanding the good arguments that Congress has had much smaller percentage increases than other groups in and out of Government, as well as awesome responsibilities that mandate being away from families on most weekends, I believe that we should reject this pay increase. The budget deficit is too great and, with other segments of our society getting smaller increases, it would be in our best interest to abide by the wishes of the majority of the American people.

AMERICA'S CUP III—AMERICA'S CUP RETURNS

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, consistently flawless performance of skipper, boat and crew is bringing the America's Cup home to the United States.

The "Auld Mug," yachting's highest prize, has been won back by *Stars and Stripes* in a 4 to 0 shutout of *Kookaburra III* and a brilliant exhibit by Dennis Conner and his 10-man crew.

Stars and Stripes, ahead at each mark along the 24 nautical miles of the contest, won the final race by its largest margin. In the words of skipper Iain Murray, *Kookaburra III* "went down the gurgler."

From the beginning, the crew of the *Stars and Stripes*—which included Montgomery County, PA, natives Jon Wright and Jim Kavle—had as their motto "America's Cup—don't leave Perth without it."

And they proceeded to use their pale blue 12-meter yacht to leave for the Australians a wake full of "froth and bubble," an Aussie sailing term for "deep trouble."

Snatched from American possession in 1983 in a rare loss to the Australians for Dennis Conner, yachting's crown jewel was retrieved in the glittering, sun-splashed Indian Ocean off Fremantle, Australia.

And it was won principally due to the 13 years and 10,000 hours experience of *Stars and Stripes* skipper Dennis Conner.

As Ben Lexcen, designer of the Australian yacht that captured the cup after the United States' 132-year winning streak, said of Conner, "He's one of the best sailors in the world, that's the bloody problem."

We offer our congratulations to Mr. Conner, his skilled crew, the fans that cheered them on and the San Diego Yacht Club syndicate for a job well done. All of you stars have earned your stripes.

USING USDA SURPLUS TO FEED THE HUNGRY

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, on January 28 the President transmitted to Congress a deferral of budget authority in the amount of $28.6 million for the Temporary Emergency Food Assistance Program under the Department of Agriculture.

For the past several years the Congress has been fighting with the administration for the survival of this important program. TEFAP is a program whereby States are allocated surplus commodities from USDA storage to distribute to the poor in order to help in meeting their nutritional needs. All indications are that the number of Americans living in poverty is rising and therefore programs such as TEFAP are becoming increasingly crucial to the survival of these Americans. This is not the time to turn our backs on the evergrowing number of hungry persons in this country.

In my State of West Virginia, as many as 120,000 individuals receive TEFAP commodities on a monthly basis. The continuing declining economy of the State and the rising unemployment are evidence of the growing need for the continuance of the TEFAP. The administrator of the TEFAP in West Virginia informs me that if Federal funding is removed the State would not be able to fill the void. I am sure that West Virginia is not alone in this dilemma.

The President's deferral order is unfair to the millions of hungry Americans who are served by this program. As a member of the House Committee on Agriculture, I am acutely aware of the astounding amount of food that this country produces. We are all aware that we have an oversupply of food in this country and that is why I find it particularly disturbing that the administration is attempting to kill a worthwhile program that distributes the commodities from this agricultural oversupply to millions of needy Americans. If we allow the President's deferral then we will watch tons of cheese rot in storage while millions of Americans go hungry.

I urge my colleagues to support the upcoming bill that includes statutory language rejecting the President's deferral request.

□ 1430

PAST TIME FOR A NUCLEAR TEST MORATORIUM

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, in his State of the Union Address the President told us that "the world is a safer place." He asserted America's preference for dialog over conflict and expressed a desire for "more constructive relations with the Soviet Union."

We had an opportunity to develop such a relationship, but that goal was undermined by yesterday's test. It's time for the President to make his actions agree with this words.

A nuclear test moratorium will not put the United States at any strategic disadvantage. Right now, United States scientists are operating three seismic stations in the Soviet Union, ready to verify their compliance.

Testing will not enhance our security. It will lead the Soviets to resume testing and enable them to narrow our lead in warhead technology.

A moratorium would help enormously to restore international confidence in this country—a confidence that's been eroded in recent weeks and was further damaged by yesterday's test.

Last week the President spoke of "our efforts to rebuild the strength of America." But strength doesn't have to mean a spiraling arms race. Instead, it should mean sensible arms control, and investment in our real strength—

education, the economy, and a peaceful future for our children.

INTRODUCTION OF LEGISLATION TO ROLL BACK EXECUTIVE AND LEGISLATIVE SALARY INCREASES

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, yesterday, the House adjourned without voting on House Joint Resolution 102, the bill to transfer funds in the Federal Emergency Management Agency for homeless programs.

By not voting then, we were not able to disapprove the recommended salary increases for Members of Congress, the executive, and the judiciary. Many Members of this body believed that we would—and that we should—have an opportunity to cast that vote.

Mr. Speaker, if Congress is going to have any credibility on the spending and deficit issue, it is incumbent that we start right here. How can we tell veterans there won't be an increase in their benefits if we've given ourselves a 15 percent pay increase? How can we tell students that funds for grants and loans will be reduced if we don't hold the line on our salaries? Moreover, the process of getting a pay increase without a vote—by doing nothing—violates the public's sense of how the legislative process should work.

It's too late to disapprove the recommendations for a salary increase. But we can roll them back. Along with 12 of my colleagues, I'm introducing today a bill to do just that for the executive and legislative salary increases. I invite my colleagues to join in cosponsoring this legislation.

GROUND WATER PROTECTION ACT OF 1987

(Mr. BUSTAMANTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSTAMANTE. Mr. Speaker, yesterday this Chamber voted overwhelmingly to protect its water resources by overriding the President's veto of the Clean Water Act.

Now it is time to activate the legislative process toward framing a comprehensive strategy that would protect, maintain, and manage the unseen water resources of this Nation.

Today I am introducing such a measure—the Ground Water Protection Act of 1987. This bill would require State, local, and Federal governments to enter into an environmental partnership to achieve the important goal of protecting and managing our underground water resources.

Federal efforts to protect this valuable resource have been fragmented among a variety of environmental statutes. Federal requirements and State management policies are sometimes inconsistent and conflicting. In short, our approach to protecting ground water has been piecemeal at best.

I am convinced that comprehensive ground water legislation will receive serious consideration in this Congress. And I believe this measure will provide the framework from which a consensus bill will emerge.

I urge my colleagues to support this bill to get the legislative process moving on this important environmental issue.

THE RETURN OF THE AMERICA'S CUP

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, I rise today to pay tribute to a handful of Americans who have raced their yacht to victory.

Of course I am speaking of Dennis Conner and the crew of the *Stars and Stripes.* America is proud of Conner and company who went down under to take back what the Aussies took in 1983.

Although *Stars and Stripes* swept the series 4-0, we should also commend the gallant efforts of the men of *Kookaburra.* They tried valiantly to defend the cup with great resolve. Their competitive spirit should not go without our congratulations.

Still, Mr. Speaker, we cannot help but rejoice in knowing that *Stars and Stripes* is bringing back the cup. I wish it were coming to St. Louis, but San Diego will do just fine.

BATTLING THE SCHOOL DROPOUT PROBLEM

(Mr. VALENTINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VALENTINE. Mr. Speaker, I rise to enlist support for a bill that addresses a growing national crisis—the appalling high school dropout rate.

According to recent reports, nearly 30 percent of all students who start high school never finish. The implications for our future are both staggering and frightening. At a time when the rapid pace of technological change demands workers with more education, advanced training, and sophisticated skills, 3 of every 10 young Americans are starting out without even the basic foundation they need to compete. In most cases, they will never catch up.

There is no single, simple solution to this problem. But our distinguished colleague from Illinois, Mr. HAYES, has introduced a bill that represents a major step in the right direction. The School Dropout Demonstration Assistance Act authorizes $50 million for grants to school districts to develop strategies to identify potential dropouts and programs to lower the dropout rate. In addition, it provides grants to assist dropouts who want to return to school.

Mr. Speaker, in this period of unprecedented pressure on the budget, I am hesitant to start new programs that require new expenditures. Since coming to Congress, I have made deficit reduction a top priority, and I believe that it must remain a top priority.

But we cannot afford to be penny wise and pound foolish. We cannot afford a small savings now if it means we will saddle our grandchildren with a large bill. And we surely cannot afford to leave nearly one-third of our young people without the tools to meet the challenges of the 21st century.

According to a study conducted by Stanford University, school dropouts already cost the Government $77 billion a year. And this is a conservative estimate based only on people 25 to 34 years of age.

If we do not act, how can be hope to decrease the number of Americans receiving public assistance?

If we do not act, where will American industry find the workers to compete effectively with foreign competitors? How can we hope to reverse our record trade deficit?

If we do not act, how can we expect to make long-term progress in the war against unemployment?

Mr. Speaker, this bill is a down payment on a balanced Federal budget and an investment in the future of all Americans. If these demonstration projects succeed, then this relatively small investment will be repaid many times over in a smaller bill for public assistance, increased productivity for American workers, increased competitiveness for American industry, and more satisfying lives for millions of citizens.

I am proud to be a cosponsor of this legislation, and I urge all my colleagues to support the School Dropout Demonstration Assistance Act. This bill is not the complete answer, but it is an investment opportunity we cannot afford to pass up. We will all be proud if the 100th Congress is remembered for beginning a successful campaign against school dropouts.

AMERICA'S CUP

(Mr. LOWERY of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWERY of California. Mr. Speaker, it is with a great deal of pride that I call the attention of this body to my constituents in the 41st Congressional District who were responsible for returning the America's Cup to these United States. In so doing, they combined the expertise of high technology and high seas, which are two of the predominant characteristics of the San Diego district I represent.

Foremost of the individuals involved is Dennis Conner, who skippered the challenger *Stars and Stripes* to a smashing victory over other challengers and the Australian defender, *Kookaburra III*, in the waters of the Indian Ocean off Fremantle.

Conner has been a champion sailor for many years and today he is the undisputed superstar of the sport after winning the world's most prestigious yacht competition.

Conner participated in the cup competitions of 1977 and 1980, and led the American entry in 1983. Now he has avenged the loss of the cup in the 1983 series when his *Liberty* bowed to the Australians off Newport, RI, and the prized trophy left these shores for the first time.

Now, also for the first time, the cup is in possession of an American yacht club other than New York City's—the San Diego Yacht Club located in my congressional district on San Diego Bay.

Lest these references to my district lead to accusations of parochialism, let me hasten to assure you that we San Diegans are unselfish and we urge all Americans to share our pride in this accomplishment.

For weeks there has been a popular song played by radio disc jockeys in San Diego. It is entitled "What goes down must come up!" The recording was made by the crew members of *Stars and Stripes* months before they began the racing out of Fremantle.

The song expressed the optimism shared by all San Diegans that the cup that had gone down under 4 years ago would come up again to the United States.

The optimism sprang from years of work and cooperative effort. The Sail America Foundation was formed to sponsor, raise funding, and manage Conner's entry in the America's Cup under the San Diego Yacht Club burgee. The American flag flying over the Sail America Foundation headquarters was one flown over the Capitol at my request and presented to Conner.

President of Sail America is Malin Burnham, a former world-class sailing champion in his own right and a constituent.

Conner was in company of people like Burnham who know the seas and sailing upon them, but he also had the highly technological help of others in my congressional district.

In addition to cash funding for the cup challenge, Science Applications, Inc., a research and development firm headed by Dr. J.R. Beyster and located in La Jolla, donated its computer experts to the Sail America team.

Hydrodynamics experts at SAI, aerospace flow code experts at Grumman, and others worked with three boat designers in a program that began shortly after *Australia II* won the 1983 America's Cup. *Australia II* with its winged keel was the biggest breakthrough ever seen in America's Cup racing.

Stars and Stripes presented a development of the breakthrough, a new generation in the 12-meter racing yacht. Three new boats were built, each one as a full-scale test of a specific design.

Stars and Stripes '83 was the smallest sized of three boats, *Stars and Stripes '85* was the largest possible end of the spectrum. The basic strategy was first to identify the operational environment—meterological and sea data. Then the design of the characteristics of a boat for that range of wind and conditions was undertaken.

Between the size of the first two Stars and Stripes designs was the third, *Stars and Stripes' 86*, and it embodies all the information gathered from its predecessors.

So the America's Cup victory was a result of perhaps the strongest technological team ever put together, joined with perhaps the best sailing team ever put together.

But an effort which included everyone from naval engineers to Star Wars researchers eventually came down to the skills of the star himself, Dennis Conner.

I know that all Americans will join me in enthusiastic congratulations to the skipper of *Stars and Stripes* and the Sail America Foundation for bringing the America's Cup back to America, and in offering them the best wishes when they defend the cup in 1990-91 off the shores of San Diego.

Dennis, you said you would "yank the cup back to America," and you have.

THE PLIGHT OF KEITH AND SVETLANA BRAUN

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, I would like to call attention to the plight of Keith Braun of Southfield, MI, and his wife Svetlana, of the Soviet Union. They have been married for 2½ years but cannot be together here in the United States because the Soviet Union refuses Svetlana and exit visa.

In the last year or so, we have seen the release of Natal Shcharansky and Andrei Sakharov; we have witnessed Mr. Gorbachev's declarations of glasnost, or openness. But despite repeated assurance from the Soviet Foreign Ministry that Svetlana's appeal would be heard, so far she and Keith have heard nothing but silence.

Mr. Speaker, in keeping with the Soviets' new reunification policy, I call on Mr. Gorbachev to demonstrate his policy of openness by opening their gates for Svetlana, by applying that policy to Keith and Svetlana Braun. They only seek their most basic human rights.

□ 1440

A REFUSAL TO VOTE ON PAY RAISE

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, due to the manuevering yesterday of the majority party in this Chamber, there will be no clear-cut vote today on the pay raise for Members of Congress and other Government officials. Sure there will be a vote, but the pay raises went into effect last night, and there is serious question as to whether or not the vote today will have any effect at all. It is ludicrous for the leadership to claim they are allowing a vote when they know that it's an empty gesture.

All of this clever manipulation, however, does not fool the American people. They know when they are being taken for a ride.

Mr. Speaker, all America needs to know that we are faced with two choices today, a vote for a big spending homeless bill that this country cannot afford and against a pay raise, or vote with fiscal responsibility and for a pay raise. This hypocrisy cannot be tolerated. I am against both the big spending homeless bill and the pay raise.

Therefore, Mr. Speaker, I will not be blackmailed. Nor will I dignify this outrageous choice by casting my vote. I will refuse to vote and I suggest this is the only responsible alternative.

THE NEED TO HALT NUCLEAR TESTING

(Mr. ANDREWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, in a 1959 letter to Nikita Khrushchev President Eisenhower wrote:

> The United States strongly seeks a lasting agreement for the discontinuance of nuclear weapons tests. We believe that this would be an important step toward reduction of international tensions and would open the way to further agreements on substantial measures of disarmament.

The foreign policy of the United States is best served when our political process yields a consensus. When a consensus does not exist among the American people on an issue, chaos can result.

Today in our Nation on the question of nuclear weapons testing thankfully a consensus does exist. It spans Democrats and Republicans, and includes six former Presidents. We must move forward in negotiating with the Soviet Union a nuclear testing moratorium. Only by negotiating such a moratorium can we finally bring an end to the deadly and costly spiral of nuclear weapons building.

Since 1958 when President Eisenhower called for a comprehensive test ban and announced a moratorium on U.S. tests, every American President has worked toward this goal. President Kennedy negotiated the atmospheric test ban. President Nixon signed in 1974 the threshold test ban.

These achievements by Democratic and Republican Presidents have pointed our Nation toward a comprehensive test ban. That is why I am disturbed by the actions of this President to undercut this consensus. Tuesday's Nevada test was not just an explosion of a nuclear weapon, but it was a blow by this President against the progress made by his predecessors to achieve a lasting, complete nuclear test ban.

COMPROMISE URGED ON SPEED LIMIT ISSUE

(Mr. HANSEN asked and was given permisson to address the House for 1 minute and to revise and extend his remarks)

Mr. HANSEN. Mr. Speaker, yesterday the other body passed by a margin of 65 to 33, an amendment to the highway bill allowing States the option of raising their speed limits to 65 miles per hour on rural interstates. This year's vote passed by an even larger margin than last year's. Clearly, yesterday's vote demonstrates the will of the majority of Americans.

I'm getting a feeling of frustration as I stand here once again arguing that the highway bill stands the chance of being held hostage for the second time in 5 months unless the conferees can agree on a compromise to the speed limit issue.

My colleague from Oklahoma and I have introduced legislation that offers the conferees the flexibility needed to break the speed limit deadlock. It is a reasonable compromise to a difficult issue. Last year, 198 Members of the House supported our compromise. As in the amendment passed by the other body yesterday, we also proposed allowing for an increase in rural interstates and giving States the option of electing to keep the speed limit at 55 or increase it to 65. However, our compromise goes one step further. It calls for a 5-year demonstration period in order to assess the impacts of high speeds on rural interstates. Now how can anyone argue with that?

Mr. Speaker, every one of our States have scores of highway construction projects that are awaiting our action in the Congress. I urge House conferees to work with the other body in reaching a compromise on the speed limit issue. Let's get the highway bill back on the road.

CONGRATULATIONS TO THE CREW OF STARS AND STRIPES

(Mr. NELSON of Florida asked and was given permission to address the House for 1 minute.)

Mr. NELSON of Florida. Mr. Speaker, I have just discovered what was underneath the waterline of *Stars and Stripes* that gave it, in part, the technical advantage over the *Kookaburra III*.

Underneath the waterline are strips of plastic 3 feet long by 1 foot high that were developed from space-age technology at the Nasa Langley Research Center that have grooves in them, horizontal to the level of the water. Where the boat would strike the water, microturbulence from the fluids would hit the edge of the boat. This new space-age technology straightens out that turbulence so that it is estimated that up to two-tenths of a knot faster can be performed and evidently was the case in the *Stars and Stripes.*

Members of the House, this is another application of space-age technology and we congratulate the crew of *Stars and Stripes* in their victory today.

NONSMOKERS HEALTH PROTECTION ACT OF 1987

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, today, Congressman JAMES SCHEUER and I are introducing the Nonsmokers Health Protection Act of 1987.

The hazards of passive smoking range from watery eyes to chronic respiratory ailments to lung cancer to heart disease.

Cigarette smoke has approximately 4,000 chemical constituents. Some 40 or so of these are known carcinogens, or tumor initiators. Nonsmokers who are exposed to tobacco smoke absorb every air polluting substance as defined and regulated by EPA. There is substantial evidence to show that certain hazardous chemical constituents in passive smoke are present in much greater concentration than filtered smoke inhaled by the active smoker.

The latest Surgeon General's annual report and a recent report by the National Academy of Sciences are replete with justifications for protecting nonsmokers from the hazards of passive smoke.

I encourage my colleagues who are interested in evironmental quality and in curbing the worst form of air pollution to cosponsor this legislation to restrict smoking to designated areas and help ensure the protection of our nonsmoking workers and visitors in Federal buildings from the health risks of involuntary smoking.

NATIONAL SENIOR CITIZENS DAY

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, today I am introducing legislation which would designate the third Sunday in August as National Senior Citizens Day, a day proclaimed by the President to recognize our Nation's senior citizens.

We celebrate holidays to honor grandparents, mothers and fathers. National Senior Citizens Day provides an opportuntiy to honor all those senior citizens,—mothers and fathers, grandparents, those who aren't grandparents, those who consider themselves "seniors" and those who don't. This day will allow us to draw our attention to our Nation's vital seniors age 55 and older, whose contributions to this country have made America great and whose lives today bring us honor.

This legislation was brought to my attention by Mrs. Patricia Pernell who runs a home health agency in Fort Lauderdale, FL. I commend Mrs. Pernell for her commitment to honor and recognize the senior citizens of our country and the vital role which they contribute to our Nation. We have secured the assistance of Frankie Avalon who will be the national spokesperson for this campaign. Additionally, Mayor Frank Branca of Miramar, FL in my district was the first mayor to recognize and promote this holiday.

I urge my colleagues to follow in the footsteps of people like Patricia Pernell, Frankie Avalon, Mayor Branca and to cosponsor this legislation to recognize our Nation's senior citizens.

SUPPORT LEGISLATION TO RESCIND PAY RAISE

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. RHODES. Mr. Speaker, there is very little that I can do or say at this point to add to the store of knowledge and wisdom that this House possesses on the subject of the pay raise, so I will do or say very little.

However, I must observe the final indignity in this entire undignified affair is that for me to be able to record for the benefit of my consitituents the only opportunity that I will have to record my objection to this pay raise. I will be forced to change my previous, earlier vote on the issue of the $50-million transfer of funds, which I will do reluctantly but I will do.

Mr. Speaker, my colleague from Arizona [Mr. KOLBE] described to you earlier legislation which he and I and others have introduced today to repeal and rescind the pay raise. I urge my colleagues to join us as cosponsors and in support of this legislation so that we might be able to restore some dignity to the role of the House of Representatives.

THE TAXPAYERS' BILL OF RIGHTS

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, one of the prime responsibilities of each Member of Congress is constituent casework. And how many times have each of us been approached by a constituent who has a problem with the IRS?

Following the recess, I will be introducing the taxpayers' bill of rights. This legislation insures that our constituents, the taxpayers of this country, will be provided an environment of fairness, dignity and integrity when dealing with the IRS. However, it would not prevent or impair the ability of the IRS to perform its duties in collecting taxes.

The taxpayers' bill of rights will:

Require the IRS to prepare a declaration of taxpayer's rights and obligations.

Enable a taxpayer to take legal action against an IRS employee who violates a taxpayer's rights.

Establish an Office of Ombudsman.

Give taxpayers certain rights during an interview including the right to an attorney or CPA and the right to record interviews.

Require an annual GAO audit of IRS activities.

Prohibit evaluating IRS employees on the basis of how much they collect.

Prohibit the IRS from investigating tax records for purposes other than the enforcement of tax laws, except for investigating drug dealers, organized crime figures, and other limited instances.

Place new limitations on tax levies.

Limit the ability of the IRS to single out a particular group of taxpayers for audit.

Requires the IRS to carry the burden of proof in court proceedings.

Require the IRS to honor agreements made to taxpayers regarding the installment payment of taxes.

Mr. Speaker, I urge my colleagues to cosponsor the taxpayers' bill of rights.

CONGRESS CREATES CONFUSION BY BLATANTLY REFUSING RECORDED VOTE ON PAY RAISE

(Mr. SMITH of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Hampshire. Mr. Speaker, I would like to call my colleagues' attention to the front page story in today's Washington Post of the House "nonvote" yesterday regarding the pay raise for Members of Congress. The article sums up the confusion surrounding the entire procedural issue and the quandary the House leadership has gotten itself into by arrogantly and blatantly refusing a recorded vote until after the 30-day period.

□ 1450

Patricia Moran, spokesman for the Comptroller General, said, "There is no judgment call here. The raise is in effect 1 minute after midnight."

Furthermore, Mr. WRIGHT said yesterday that a disapproval resolution is legally binding regardless of when it is passed; but majority whip TONY COELHO said the question is "wide open" to interpretation by the courts.

Representative WILLIAM FORD, chairman of the House Post Office and Civil Service Committee, said:

> I know of no reason why they won't go into effect at this stage absent a successful court challenge.

Well, Mr. Speaker, there is no confusion about one thing. You did not want a recorded vote before 12 midnight last night, and the American people know it.

I wonder, Mr. Speaker, if you would have allowed a vote had the Commission proposed a $12,000 decrease per Member.

SOUTH AFRICAN URANIUM IMPORTS

(Mr. RICHARDSON asked and was given permisison to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I would like to bring to the attention of my colleagues, what I perceive to be a clear lack of commitment to ending apartheid and obsructing the will of Congress.

Last year the House passed a bill to ban all imports from South Africa and in so doing, said to the world we will not condone apartheid by doing business with its perpetrators. While we were unable to sustain a total ban in the Senate, we were nonetheless pleased that a partial ban became the law of the land.

But the law was clear about banning coal and uranium imports. Now it appears that the administration wishes to add a hollow ring to this small victory.

The Treasury Department's interpretation of the law with respect to South African uranium provides the groundrules for a new game of loophole "hide and seek." Treasury maintains that the importation of uranium ore is not allowed but the products of its processing are. Mr. Speaker, this is tantamount to banning the imports of South African dairy cattle while allowing the imports of South African milk—if we carry this thinking to its logical conclusion, we will end up with no import ban whatsoever.

Mr. Speaker, this loophole hunt is already having repercussions—there are currently four applications before the NRC to import substantial amounts of South African uranium. We must put an end to these efforts to end-run the Congress—in so doing, we will be affirming our disapproval of this heinous system and its abuse of basic human rights.

NEVER, NEVER, NEVER GIVE UP

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, why did the *Stars and Stripes* prevail over *Kookaburra* 4 to 0 in the America's Cup? Was it because the boat was designed for heavy seas and strong winds? Was it because the *Stars and Stripes* syndicate put together a group of more than 20 aerospace scientists and hydrodynamics researchers? Was it because the *Stars and Stripes* team used a computer analysis of the wind and waves conditions of the Indian Ocean?

Mr. Speaker, it was because of all these things in part, but it was also because after being defeated in the last contest by the Australians, Mr. Conner and his crew adhered to the advice of Winston Churchill to never, never, never give up.

MEMBERS URGED TO LEGISLATE AN END TO NUCLEAR TESTING

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, yesterday morning the President authorized yet another nuclear explosion below the deserts of Nevada.

This surprise test says much more about his commitment to arms control than all of the fine words he delivered in his State of the Union.

A week ago he told us that this was a "moment of rare opportunity" for nuclear arms reduction.

Yesterday that moment may have slipped away. The Soviets are now sure to accept the excuse—the opportunity—we've given them to end their 18-month moratorium on nuclear tests.

Now more than ever this House must stand up and say no to more nuclear explosions.

We don't need explosions to test the reliability of our deterrent. The best safety measure is to take the bombs apart and subject their components to nonnuclear tests.

And we do have the technology to verify any test-ban agreed to. We have more than 1,000 monitoring stations around the world designed to detect and measure Soviet nuclear explosions.

The only real purpose of nuclear testing is to build new, nuclear weapons.

Let's block that dangerous path right now and legislate an end to nuclear testing.

TERRORISM MUST BE STOPPED

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, we all agree terrorism must be stopped.

For the past 2 years, Congress has waived a prohibition against United States Armed Forces training Salvadoran civilian police in antiterrorist tactics. This was necessary because of increased terrorism by El Salvadoran Communist guerrillas fighting to destabilize the government of President Duarte.

Four American marines were killed when a bomb went off in a small cafe in San Salvador on June 19, 1985. One of the murdered marines was Patrick Robert Kwiatkowski from Wausau, WI, a constituent of Congressman DAVID OBEY. Since that terrorist act, we have helped train 900 policemen in counterterrorist tactics.

Now, however, the subcommittee chairman, Mr. OBEY, has placed a unilateral hold on this program.

How many more innocent people must be killed before the gentleman from Wisconsin stops interfering with the will of Congress?

PRESIDENT HAS KICKED ARMS RACE INTO HIGH GEAR

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, yesterday President Reagan kicked the arms race into high gear by not only authorizing nuclear weapons tests, but by listening to arguments and apparently agreeing to them to deploy initially the strategic defense initiative by the end of this decade.

Mr. Speaker, there has been a consensus over the last 40 years in the United States that partisanship should end at the water's edge on questions of national security and the reason for that consensus was the recognition that despite our differences, there was some rational basis in the foreign policy around which we could all agree. That consensus is disappearing as rapidly as the rational basis for the Presidential decision on testing and early deployment of star wars.

If the President wants bipartisan support, he should begin to recognize the compelling arguments of the people who see a safer world in the nontesting of nuclear weapons and by the recognition that star wars serves one purpose and one purpose only, as a bargaining chip.

AMERICA'S CUP VICTORY

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, just hours ago Dennis Conner and the crew of *Stars and Stripes*, a San Diego based ship from my home area, sailed across the finish line off Fremantle, Australia capping a 4 to 0 drubbing of the Aussies in the contest for the America's Cup. Conner and company are to be heartily congratulated for their victory. It is a day for all Americans to celebrate and to be proud.

Conner's victory is a victory not only of sailing skill, determination and hard work, but is also a resounding victory for the worldwide dominance of American technology.

Many scientific innovations developed by such organizations as NASA, Cray Research, and 3M were decisive in Conner's ability to return the Auld Mug to America where it belongs.

Riblets, thin sheets of plastic, covering *Stars and Stripes* hull were manufactured by 3M and reduced drag so much that boat speed was increased by as much as 5 seconds per mile.

Stars and Stripes very design was produced by a computer and computers both onboard and onshore played a key role in interpreting and improving all facets of boat performance.

Again, congratulations to Dennis Conner and congratulations to American technological knowhow.

MORE HEAT AND LESS LIGHT OVER PAY RAISE

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, we have seen more heat and less light over the last 72 hours about the pay raise than anything I think I have seen since coming to this body. I am disappointed that I have had more questions from the press on how I am going to vote on the pay raise than on the President's budget with the $30 million discrepancy on Contra aid and every other issue you could name.

I wish personally we voted only on prospective pay raises, as we do in Wisconsin, as that takes some of the heat out of it; but however we end up voting on this, the pay raise is merited and should be approved. There are two reasons among the many that I would like to share with you.

The purchasing power of Members of Congress has actually gone down over the last 22 years. Eleven of those years have had zero pay increases and the compounded growth in congressional salaries has been about 30 percent less than the CPI which affects the cost of living. It has been lower than the growth rate of blue collar wages, white collar wages, and also military pay, so it should go up.

No. 2. Congressmen are paid far lower than people in our society holding positions of comparable responsibility. Corporate executives in my community make between $200,000 and $700,000 a year and exercise probably less important decisions than many of us are asked to exercise. A lawyer in a medium-sized firm in Milwaukee who is a partner makes about $150,000 to $170,000. School superintendents and a number of other jobs which are important but have no less importance than we have make far, far more.

I would finally add as a point only as an aside that this raise that everybody is so worried about will add on the average in cost to the taxpayers no more than 2½ cents per person. That is a pretty small amount to keep congressional and other pay raises up to snuff.

□ 1500

RELEASE FUNDING FOR ANTITERRORIST TRAINING IN EL SALVADOR

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, many of our colleagues become quite indignant when the President chooses to rescind funds appropriated by Congress.

There was in fact a rather heated argument on the floor last year over these policy deferrals, with Members charging that the President was wrongly defying the will of Congress. I don't intend to reopen that debate today.

I would, however, like to call your attention to another apparent case of defying the will of Congress—this one involving one of our own Members. This individual has used his position as a subcommittee chairman to place an informal hold on funding for the antiterrorist training of police in El Salvador. He has done so despite the fact that that funding has received the approval of the entire Congress. This amounts to a legislative veto—something that I thought the Chadha decision put a stop to years ago.

Mr. Speaker, there is something wrong with an institution that allows a single Member to thwart the will of the whole. Few of us doubt that terrorism must be fought, and we were entirely correct to authorize antiterrorist assistance to El Salvador—especially after four of our marines were gunned down by terrorists there in 1985. Even though the relevant subcommittee chairman is in a position to stop that funding, he doesn't have a right to ignore the wishes of his colleagues.

I call upon this Member to release this money and allow the United States to help El Salvador fight terrorism.

NUCLEAR TESTING

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, the nuclear device exploded yesterday in the Nevada desert had the force of 30 tons of TNT. In the realm of nuclear weapons this is a very small explosion. But it promises to have gigantic effects.

Yesterday's test will likely mean the end of the Soviet Union's 18-month moratorium on nuclear testing. A resumption of testing will enable the Soviets to build new generations of increasingly dangerous weapons. I fail to see how yesterday's test increased America's security.

We need a comprehensive test ban. Verification experts assure us that a test ban is verifiable. Nuclear weapons scientists are convinced that we don't need testing to guarantee our weapons' reliability. The only reason to continue testing is to develop new, destabilizing weapons, which will hurt the chances for peace.

At Reykjavik the President committed himself to eliminating all strategic nuclear weapons. A test ban would be a small step toward that goal. But as we see with yesterday's explosion, which may reignite the arms race, small first steps can have enormous consequences. We need the comprehensive test ban—a first small step toward peace.

PRESS AHEAD FOR IMPROVED AIR SAFETY

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the front page of this morning's Washington Post provides more evidence, if any is needed, of the urgent need for improved air safety. This past weekend, a small plane and an Aeromexico jetliner came dangerously close to each other—and to yet another tragic accident. Only 5 months ago, two similar aircraft collided over Cerritos, CA, killing 82 people.

We cannot continue to tempt fate at the rate of some 800 midair near catastrophes a year. The Department of Transportation has annouced that small planes will be required to have altitude monitoring devices on board 4 years before the original target date, which is welcome news. However, the Federal Aviation Administration must press ahead with improvement of its TCAS 2 collision avoidance technology, and work to complete testing and design of TCAS 3 as soon as possible.

Continued support of increased air safety should be a top priority for this Congress. This situation on Saturday could well have been a replay of last year's crash, and still another needless loss of lives. We must pursue the badly needed overhaul of our air safety program, to avert the next tragedy before it makes the headlines.

VOTE ON HOMELESS BILL WILL NOT AFFECT PAY INCREASE

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, I just want to set in perspective what is going to occur a little bit later, assuming that there is debate and then finally a recorded vote. The question really is: Is the vote to approve the bill for the homeless in fact a vote to disapprove the pay increase? There are many Members who want to say that that really will be an effective way.

It will not be effective. The vote is insignificant as far as affecting the pay increase that took place as of last night.

To set the stage, the reason that I say that is that under Public Law 99-190, it clearly states that unless the Congress acts with "a joint resolution agreed to by the Congress not later than the last day of the 30-day period" it is not effective.

Yesterday I asked the acting chairman of the ad hoc committee for the Committee on Post Office and Civil Service when the deadline was. The gentleman from Missouri [Mr. CLAY] indicated that the deadline was in fact 12 o'clock last night.

So while Members are being asked to participate in this little maneuver, I just would say to them that the vote that is going to be cast today has no impact, has no effect, on the pay raise that took place last night.

LET'S BLOCK THE PAY RAISE

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, I rise in strong support of concurring with the Senate amendments to House Joint Resolution 102 to disapprove the proposed pay raise for Members of Congress and other Federal officials.

Mr. Speaker, last year's budget deficit topped $220 billion, and our national debt stands at an astounding $2 trillion. Enacting this pay raise sends the wrong message about how we intend to solve these severe problems. Some say that enactment of the pay raise will not add substantially to the deficit and therefore should not be discussed as a fiscal issue. Sadly, this is a refrain I fear one hears in this body all too often. Mr. Speaker, if we look at each spending proposal as not adding to the Federal deficit, then our deficit problems will never be solved. Let's instead draw the line here and try to stop the pay raise. Every little bit counts.

Mr. Speaker, I would also like to register my strong objection to the procedure the House has established for permitting Members to vote on this important issue. At midnight last night, the pay raise went into effect without an opportunity for Members to vote on the proposal. We were originally promised a fair vote on disapproval of the pay raise, yet this vote never took place. Now, it appears that Members will only be offered a meaningless opportunity to express their disapproval, ultimately dumping the issue into the courts for final resolution. To me this is an abdication of our responsibility to resolve this conflict as the people's elected representatives. I also am disappointed that we are forced to vote on the pay raise as part of legislation which I feel is controversial and totally unrelated to the matter at hand. It is ironic that to save money on Federal salaries we are being forced to vote in favor of a measure that could cause this body to spend up to another $50 million through supplemental legislation to replace disaster funds in FEMA accounts being raided in a cynical ploy to demagog on the homeless issue.

CONGRESS MUST TACKLE PAY ISSUE

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remark.)

Mr. LUNGREN. Mr. Speaker, I join my colleagues in saying that I do not like the procedure that we are dealing with around here, but the problem is that Congress does not have the guts to deal with the very fundamental issue of pay in this House.

It is far easier for Congress to create a new committee on family, children, and youth and then not to do those things that they know are necessary for certain Members of Congress to assist their own families here.

In my own home city of Long Beach, CA, there are 13 people on the Long Beach city payroll making more money than any Member of Congress. Virtually every city manager in any community of any size in America is making far more than Members of Congress. I only bring that up not to say that we ought to make what they make, only to say that at the city council level, at the county level, in communities around this country, elected officials sit down without a motion and make decisions on those sorts of things, and the voters do not throw them out unless they think that they are not doing a good job in other areas.

We ought to at least have the guts to do that. I am sorry we do these gimmicks. I am sorry that people talk about, "Let's give a tax break to Congress, let's do it back door this way, let's do per diem," when we ought to just have it straight up or down and vote. And vote not out of emotion, just vote because we have made an analysis of what we think that Members ought to be worth in this particular House.

Maybe if we got away from the gimmicks, the American people would have more respect for us. I do not think that they are worried about what we are paid, I think that they are worried about whether we are performing.

I will introduce legislation later this week that says if we do not pass out from the Senate and the House the 13 major appropriation bills that we are supposed to and send them to the President's desk, the authority that gives us the power to pay Members of Congress and their staffs would be suspended. That would then require us either to vote those out and send them to the President or specifically pass legislation authorizing pay.

It seems to me that that is performance based, not all this nonsense of people hiding behind somebody's skirts or some tree or something else and saying who can sound like he is poorer than the next person. I think that that demeans the House, I think that it demeans the membership, and frankly I think that we look very silly in front of the American people.

EMERGENCY ADDITIONAL SUPPLEMENTAL APPROPRIATION FOR THE HOMELESS

Mr. WHITTEN. Mr. Speaker, at the request of the leadership, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 102) making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program of the Federal Emergency Management Agency, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments as follows:

Page 2, after line 1, insert:

DISASTER RELIEF

(RESCISSION)

Of the funds included under this head in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1987, and made available by Public Laws 99-500 and 99-591, $7,475,000 are rescinded.

Page 2, strike out line 7 and insert:

appropriation "Disaster relief": *Provided*, That of such amount $5,000,000 shall be transferred to the Veterans' Administration medical care account to be available for the purpose of section 2 of this joint resolution.

TREATMENT AND REHABILITATION FOR CHRONICALLY MENTALLY ILL VETERANS

SEC. 2. (a) Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 620C. Community-based psychiatric residential treatment for chronically mentally ill veterans

"(a) For the purposes of this section:

"(1) The term 'case management' includes the coordination and facilitation of all services furnished to a veteran by the Veterans' Administration, either directly or through a contract, including, but not limited to, screening, assessment of needs, planning, referral (including referral for services to be furnished by either the Veterans' Administration or another entity), monitoring, reassessment, and followup.

"(2) The term 'contract facility' means any facility which has been awarded a contract under subsection (b)(1) of this section.

"(3) The term 'eligible veteran' means a veteran who, at the time of referral to a contract facility—

"(A) is being furnished hospital, domiciliary, or nursing home care by the Administrator for a chronic mental illness disability;

"(B) is homeless and has a chronic mental illness disability; or

"(C) is a veteran described in section 612(a)(1)(B) of this title and has a chronic mental illness disability.

"(b)(1) The Administrator, in furnishing hospital, nursing home, and domiciliary care and medical and rehabilitative services under this chapter, may contract for care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities for eligible veterans suffering from chronic mental illness disabilities.

"(2) Before furnishing such care and services to any veteran through a contract facility, the Administrator shall approve (in accordance with criteria which the Administrator shall prescribe by regulation) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such care and services.

"(c) In the case of each eligible veteran provided care and services under this section, the Administrator shall designate a Veterans' Administration health-care employee to provide case management services.

"(d) In furnishing care and services under this section, the Administrator shall accord priority for such care and services in the following order:

"(1) To any veteran for a service-connected chronic mental illness disability.

"(2) To any veteran with a disability rated as service-connected.

"(3) To any veteran for a non-service-connected disability, if the veteran is unable to defray the expenses of necessary care as determined under section 622(a)(1) of this title.

"(e) The Administrator may provide in-kind assistance (through the services of Veterans' Administration employees and the sharing of other Veterans' Administration resources) to a contract facility under this section. Any such in-kind assistance shall be provided under a contract between the Veterans' Administration and the contract facility. The Administrator may provide such assistance only for use solely in the furnishing of appropriate services under this section and only if, under such contract, the Veterans' Administration receives reimbursement for the full cost of such assistance, including the cost of services and supplies and normal depreciation and amortization of equipment. Such reimbursement may be made by reduction in the charges to the United States or by payment to the United States. Any funds received through such reimbursement shall be credited to funds allotted to the Veterans' Administration facility that provided the assistance.

"(f) Not later than 3 years after the date of enactment of this section, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the experience under this section. The report shall include the Administrator's evaluation and findings regarding—

"(1) the quality of care furnished to participating veterans through contract facilities;

"(2) any health advantages that may result from furnishing such care and services to veterans in such contract facilities rather than in inpatient facilities over which the Administrator has direct jurisdiction;

"(3) the effectiveness of the use of contract facilities under this section in enabling the participating veterans to live outside of Veterans' Administration inpatient facilities and to achieve independence in living and functioning in their communities;

"(4) the health advantages and cost effectiveness of the use of contract facilities under this section to furnish shelter and health care to homeless veterans who are suffering from chronic mental illness disabilities;

"(5) the cost-effectiveness of furnishing such care through contract facilities under this section, including the effect on the average daily census in the Veterans' Administration hospitals, nursing homes, and domiciliary facilities participating in the program (taking into account whether the beds previously occupied by the participating veterans were subsequently occupied by other eligible veterans or remained unoccupied) and the effect on the numbers of Veterans' Administration staff employed at such facilities; and

"(6) any plans for administrative action, and any recommendations for legislation, that the Administrator considers appropriate to include in such report.".

(b) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by inserting after the item relating to section 620B the following new item:

"620C. Community-based psychiatric residential treatment for chronically mentally ill veterans.".

(c) Any contract authority or other spending authority granted by this section shall be limited to $5,000,000.

Page 2, after line 7, insert:

SEC. 3. The recommendations of the President relating to rates of pay for offices and positions within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to the Congress for fiscal year 1988, are disapproved.

Page 2, after line 7, insert:

DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

(Disapproval of Deferral)

The Congress disapproves the proposed deferral D87-33, in the amount of $28,559,000, relating to the Department of Agriculture, Food and Nutrition Service, Temporary Emergency Food Assistance Program, as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this joint resolution and the amount of the proposed deferral disapproved herein shall be made available for obligation.

□ 1510

Mr. SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Mississippi?

Mr. SMITH of New Hampshire. Mr. Speaker, I reserve the right to object.

I would like to ask of the distinguished chairman, if we follow his request, will we eliminate the debate on this issue? Mr. Speaker, I yield to the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. May I say that, as I pointed out, this is a request of the leadership. I am not in a position to agree to change it in any way, but I think it well to go ahead and adopt this at this time and kind of end this situation.

Mr. SMITH of New Hampshire. In that case, I object, Mr. Speaker.

Mr. SPEAKER pro tempore. Objection is heard.

Mr. WHITTEN. Mr. Speaker, at the request of the leadership, I move to suspend the rules and concur in the Senate amendments to the joint resolution (H.J. Res. 102) making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program for the Federal Emergency Management Agency.

(For Senate amendments, see prior proceedings herewith).

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi [Mr. WHITTEN] will be recognized for 20 minutes and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I yield such time as he may consume to the majority leader, the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, this suspension is in order today for the purpose of sending to the President for his signature the emergency assistance for the homeless bill, together with the Senate amendments thereto. These include amendments No. 3 and 4, which disapprove the pay increases called for by the President as a result of the recommendations of the Salary Commission.

It is important, I think, that we proceed to promptly enact this legislation. This is an extremely harsh winter; there are many people who are suffering, who are homeless; the number has grown steadily in recent years.

They include today not just those that we typically think of as being without homes, but increasingly families and children. In order that this assistance may be promptly distributed during the coming weeks of continued cold winter, we are urging all Members to support this resolution so that it may reach the President's desk and his signature as soon as possible.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this joint resolution as I did when a clean version came before this House 13 days ago. But this time, I have some very serious reservations about the procedures we're using to resolve some very important issues around here.

On January 22, our committee reported a joint resolution providing for the transfer of $50 million from FEMA's disaster relief account to the Food and Shelter Grant Program. Straight and simple.

Our intention was, and still is, to get additional funds out to the hungry and homeless of our communities in time to meet pressing winter needs.

The administration, in its official statement dated January 27, raised some very substantial objections to the resolution, and states its opposition. I agreed with them that the disaster relief account will likely have to be replenished later this fiscal year. I agreed that it is a dangerous precedent to tap the Fund that was designed to provide the President with enough resources to respond immediately to a wide variety of natural disasters. But I believed that the urgent need for $50 million in funds to supplement the $70 million that has already been committed to feeding and sheltering needy Americans in hundreds of counties justified our actions. And I pledged to work with my chairman and many of my concerned colleagues to see that these additional funds will be committed as quickly and fairly as possible by the national board while the authorizing committees work to establish a more comprehensive program.

The version of the homeless resolution we consider today was passed by the Senate on January 29. It contains four amendments.

The first rescinds $7.5 million from the disaster relief account to offset an increased rate of outlays in the food and shelter program.

The second amendment earmarks $5 million of the $50 million transfer to go into the Veterans' Administration medical care account, and several pages of new authorizing language establishing a program to treat and rehabilitate chronically mentally ill veterans.

The third amendment disapproves the President's recommended pay increases.

The fourth amendment disapproves the $26.8 million deferral in Temporary Emergency Food Assistance Program funds as proposed by the President on January 28.

Since we have not met with our colleagues in the Senate, I do not pretend to understand the full ramifications of these Senate amendments. The single exception is with the TEFAP language which is straightforward.

All I know is that we are setting a bad precedent in this body. While the other body has followed precedent by predictably attaching several unrelated amendments onto a clean emergency funding measure, we have not studied or discussed these provisions.

But in the 13 days since we sent the transfer resolution to the other body, the plight of the homeless and hungry remains as serious as ever. I support the passage of this version because it is clear that this is the only way for us to get the additional funds out.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I rise today in full support of the Temporary Emergency Food Assistance Program [TEFAP] amendment to House Joint Resolution 102, the homeless assistance bill. The TEFAP Program is vital to many people to ensure that they receive the basic nutrition to sustain themselves.

As many of you now know, the administration delivered deferral D87-33 that would defer $28 million previously appropriated for the TEFAP Program to fund pay raises for Department of Agriculture employees. While I have no objections to pay raises for these employees, the case can be made that the hungry of America have a greater need for the $28 million than do Federal employees. A better source of funding can be found.

The proposed $28 million deferral may seem like a small sum by budget standards. But that money could go a long way. In 1981, Congress determined that such funds were needed to assist and encourage States to participate in helping distribute Government-owned surplus food to the poor. In Arizona, over 275,000 Arizonians, 40 percent of whom are elderly, must use this program for food supplements. In nearly half these homes, the program is the major food supply.

I have stood in line at the Tucson Community Food Bank and talked to these people and many of them say that it is this program that keeps them going, and that it should not be tampered with. Unfortunately, many State food bank directors are canceling orders for commodities. It is estimated that the surplus food currently stockpiled will run out as soon as next month.

I believe we have an obligation to ensure this Government follows President Reagan's pledge that "We will never abandon those who, through no fault of their own, must have our help." I strongly urge my colleagues to support this amendment.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. McKINNEY].

Mr. McKINNEY. Mr. Speaker, this is a unique situation, but so is the country in a unique situation.

First of all, let me assure all Members that this will not cost taxpayers any more money; it will not cost the American people any more money. In the 1986-87 appropriation for FEMA, in the disaster area, there was an $184 million carryover in 1987.

In 1987, we appropriated another $120 million, for a total of $303 million. We have spent slightly over $100 million, leaving us with a total of $204 million less $50 million, which is still about what we appropriated last year.

Therefore, the chairman and the ranking member of the committee are to be congratulated, for they are simply taking money that is aimed at disasters, and moving it over to those people that are in a disastrous condition today. Every bit as much so as if they were victims of a flood, homeless because of a hurricane, or fired out because of a fire in a city.

I think both the chairman and the ranking member are to be congratulated on finding a way to get help to these people, when, in fact, it is winter out there; the sun may be shining, the shadows may be there from the sunshine, but let us not forget that most of this country has had a cold and very hard winter.

Today in the Banking Committee, we heard testimony from Gov. Mario Cuomo, myself, the majority leader and the Speaker of the House of Representatives about the fact that we need a major homeless bill.

☐ 1520

That will be forthcoming very shortly. But if you consider that for 2 weeks this House will not do much, and if you consider the fact that we have to wait for the Senate, there is no way that we could get the kind of money this bill proposes out on the streets and out to those who need it quickly enough to be of any real honest help.

This bill has a system to put the money out; it does not cost the taxpayers any new money; it is, in general, I think a very good, very difficult compromise over the issue.

I yield back the balance of my time.

Mr. WHITTEN. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. FORD], the chairman of the Committee on Post Office and Civil Service.

Mr. FORD of Michigan. Mr. Speaker, there has been a lot of misinformation and confusion about what has happened concerning the President's recommendations for increasing executive, legislative, and judicial pay.

I feel an obligation, as chairman of the committee having jurisdiction over the President's pay recommendations and the statutory provisions governing the entire Quadrennial Commission procedure, to set the record straight.

I want to ensure that the record is complete and accurate on this matter. Last week, as chairman of the Committee on Post Office and Civil Service, I appointed a five-member task force to consider the President's pay proposal—along with bills and resolutions of disapproval introduced by various House Members.

On Monday and Tuesday of this week, that task force, which I chaired, heard testimony from dozens of witnesses, including former Supreme Court Chief Justice Warren E. Burger.

I would like to point out that our hearings were the only ones held on this critical and controversial issue. I am satisfied that the task force provided an open opportunity for both opponents and proponents to get their views on the RECORD.

During the 2 days we heard testimony from such disparate witnesses as consumer advocate Ralph Nader and Alexander Trowbridge, president of the National Association of Manufacturers.

We heard as well from 13 Members of Congress. Members were notified that we would continue the hearings as long as necessary to accommodate all those who wanted to have their views placed in the RECORD.

The President's proposals, which represented a substantial reduction from recommendations to him from the Commission on Executive, Legislative and Judicial Salaries, have generated considerable controversy. I felt it extremely important, therefore, that the hearings take special pains to carefully weigh the arguments both for and against what the President proposed.

And we, on the task force, were equally committed that all bills and resolutions be acted on before the deadline.

I am completely satisfied, Mr. Speaker, that the process was allowed to work.

The overwhelming preponderance of testimony convinced the task force by unanimous record votes of 5 to 0 that neither the Senate resolution of disapproval nor those resolutions of disapproval introduced by House Members should be reported to the House.

The task force operated responsibly and openly in discharging its duties. No Member was denied an opportunity to make his or her views known. What's more, we invited all 17 Members of the Senate who sponsored disapproval resolutions to testify. None did.

In all candor, Mr. Speaker, I do not know how we could have proceeded in a more forthright manner.

Many questions have been raised concerning the effectiveness of today's House action on the Senate amendment which seeks to disapprove the President's pay recommendations. In my opinion, the disapproval language of the Senate amendment, if agreed to by the House today, will have absolutely no effect.

Under the explicit terms of section 225 of the Federal Salary Act of 1967, it is clear that the deadline for congressional disapproval of the President's pay recommendations expired at midnight last night, February 3. Since the House did not act by that deadline, what we do today is meaningless.

The Quadrennial Commission's recommendations to the President, the President's recommendations to the Congress, and the entire procedure for considering these recommendations have been the focus of attention by the Congress, the media, and the other two branches of the Government for the past 2 months. Everyone knew that the Congress had only 30 calendar days, beginning on January 5, 1987, in which to act on a joint resolution disapproving the President's recommendations. Indeed, even the President, in his message of January 5 transmitting his pay recommendations, emphasized that his recommendations will be effective unless Congress disapproves them by a joint resolution within 30 days of the transmittal.

Thus, there should be no doubt that the Congress has not met the statutory deadline for disapproval and that the President's pay recommendations will take effect in accordance with the unambiguous terms of the statute.

Mr. Speaker, I would like to say in closing that some have said and predicted that the House would not act on resolutions of disapproval and that we would not act on the Senate's resolution which they passed. Well, they did not get it over to me in their anxiety to stop this pay raise, until yesterday afternoon. And if I had waited until I got it from the Senate, what could we have done about accommodating the dozens of witnesses who were permitted to testify?

The House proceeded with honesty and integrity in this matter in my opinion, and I will stand in any forum in this country with someone who wants to contest that.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Speaker, I rise in opposition to this position of double jeopardy which the Senate has placed us in.

Mr. CONTE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MACK].

Mr. MACK. I thank the Speaker.

I just want to take a moment again to build on the comments made by the chairman. At least we did have some hearings in the House on the issue, and I think the chairman offered an opportunity for Members of the other body to participate in that hearing but I do not recall there were too many that did.

But the impression that this was totally above board on the part of the Committee on Post Office and Civil Service I am not quite sure really is the case. We had, there was an ad hoc committee that was set up. The vote was 5 to zip not to get anything out onto the floor. So that is put in the proper perspective.

What that really is saying is that the odds of any repeal getting to the floor through the normal channels of the Committee on Post Office and Civil Service is pretty slim also.

But I do want to recognize the fact that, it was stated again by the chairman, the vote that is being cast today has no significance whatsoever relative to the pay raise.

The pay raise went into effect last evening and the vote today to indicate to the folks back home as a vote "no" is also an opportunity to "take the dough."

So, again, I just want to have in everybody's mind though, that the vote is insignificant today; it is not going to change a thing. The pay raise went into effect last evening.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I would urge Members to vote for this bill, to finally deliver the aid to the homeless which we promised some 2 weeks ago even if that means no congressional pay raise. Before we do, however, I have one observation. Once again, Congress has gone through a charade on congressional pay that harms the reputation of this institution. We see a situation, almost, in which the richer the Member the more "pure" his public speeches.

I frankly do not care whether Members support a pay raise or oppose a pay raise. The point I want to make is not what Members should be paid, but how that ought to be determined. I would like to respectfully dissent from the idea that there is something virtuous about Congress voting on its own pay.

If we care about the reputation of the Congress as an institution, if we care about public faith in Government, we would never vote on our own pay. It is inherently a conflict of interest for us to vote on our own pay.

□ 1530

I will personally gladly serve here at whatever level is determined by somebody else, but I did not run for election so that I could have the opportunity to set my own pay. There is no public good to be served by our ever setting our own pay.

Those who say that we should are simply wrong. If you care about the integrity of this institution, you will not take the view that we should be constantly placed in a conflict-of-interest situation. Efforts to find a way to properly determine legislative pay without going through those conflict-of-interest machinations should be supported, not condemned, so long as they pass constitutional muster.

Mr. CONTE. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire [Mr. SMITH].

Mr. SMITH of New Hampshire. Mr. Speaker, it is nice to see so many here today so eloquently talking about the meaningless vote that we are now debating when yesterday, when we had the opportunity to debate a meaningful vote, we did not even take the opportunity to vote, let alone debate it. The hypocrisy is unbelievable.

Yesterday we had the opportunity to vote, up or down. Never mind whether you feel we deserve the pay raise or not. That is not the issue here. The issue here is, are you willing to stand up here and say, "Yes, I deserve it," or "No, I do not," like you do on Social Security; like you do on defense; like you do on environment; like you do on education; and like you do on everything else that the American people have to deal with. The answer is no. You did not have the courage to do it.

When the gentleman from the committee yesterday, the gentleman from the Committee on Post Office and Civil Service, admitted that he brought the matter to the committee in a timely manner, and I have to give him credit for it, but for what reason? So that we would not have the opportunity to vote on it?

He brought a bill up within 30 days. He heard from several people, and I commend the chairman for that, but why do that and then not have the opportunity to vote by midnight?

The American people know what is going on, Mr. Speaker.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield to me?

Mr. SMITH of New Hampshire. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Speaker, I thank the gentleman for his kind words.

I will stand up here and say, "Yes, I would vote for a pay raise," if given the opportunity, and "Yes, I am worth it," if you will say that you are not worth it and you are going to vote against it.

What is it that you want to say with your vote?

Mr. SMITH of New Hampshire. Mr. Speaker, with all due respect, the people in my congressional district will determine whether I am worth it or not; no one else.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, I would like to express my strong and unequivocal support for House Joint Resolution 102. The transfer of $50 million in emergency additional funds for food and shelter is a very important item for all of us.

Meeting the basic needs of our citizens, Mr. Speaker, should be our first priority. The homeless are those who have contributed to our society, but things did not work out for them as they should have. We cannot expect them to contribute again unless there is a roof over their head and food in their stomach. Hunger and the lack of shelter are a drain on our economy because they deprive us from the contribution of these worthy citizens.

Mr. Speaker, I urge the support of my colleagues on both sides of the aisle for passage of this resolution. This is for the homeless, and has nothing to do with pay increases.

Mr. CONTE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, this thing has been beaten and beaten again. We have heard it said that Federal judges need the raise; highly salaried Federal employees need the raise; and Members of the Congress do not need the raise.

The truth of the matter is, Mr. Speaker, that this is not the time to approve a raise for any of that group. Federal judges are well paid for the duty they perform. The tenure of office is excellent, indeed, for life, if you will.

It just seems to me that there are many people in this country who earn far less than we; who earn far less than Federal judges; who earn far less than highly salaried Federal employees. The time for a pay increase, it seems to me, is not now.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. GRAY].

Mr. GRAY of Illinois. Mr. Speaker, first of all, I want to thank my distinguished friend, the gentleman from Mississippi [Mr. WHITTEN] chairman of the Appropriations Committee for yielding me this time.

I have good news for the previous speakers on the pay raise. At the last count I had, the gentleman from Florida [Mr. MACK] and the gentleman from New Hampshire [Mr. SMITH] have taken the well 12 times, repudiating the pay raise that went into effect at midnight last night.

I hope the gentlemen are listening because I have some good news for them.

Mr. Speaker, yesterday I received this letter from the Sergeant at Arms, Jack Russ, and I would like to read it verbatim.

> DEAR CONGRESSMAN GRAY: This is in reply to your letter of January 28, 1987, concerning congressional pay.
>
> You used in your letter the term "turn back." This term is quite accurate. Any Member—

And I repeat, Mr. Speaker—

> Any Member so inclined could "turn back" or return any portion of his or her salary.
>
> What this really amounts to is a tax deductible gift to the Government.
>
> The Clerk of the House—

And it is Donnald Anderson, in case you do not know his name—

> has established an account for the purpose of receiving such gifts.
>
> If I can be of further assistance to you, please contact me.
>
> JACK RUSS.

So I hope there is not one Member on either side of the political aisle who goes home and squeals like a pig and says, "They forced me to take that pay raise. What could I do but take it?" That is the argument we have heard over and over again.

I say to my friends that you are only 50 feet from a vote if you want one. Walk out that door, go downstairs and tell the Sergeant at Arms and Clerk of the House to turn it back to the Treasury. That is all you have to do. Let's see how many of our Republican friends who are making all this noise, turn the raise back. Thank you.

Mr. CONTE. Mr. Speaker, I just want to say that first of all, for the RECORD, the administration has stated no official or unofficial position on the Senate-passed version of the joint resolution.

I urge all of my colleagues to vote for House Joint Resolution 102.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Speaker, I appreciate very much the opportunity afforded us yesterday by the gentleman from Michigan [Mr. FORD] to say our piece on the proposed pay increases.

I have cosponsored House Joint Resolution 123, offered by the gentleman from New Hampshire [Mr. SMITH], which does not provide for the pay increase to us as Members of Congress.

We talked yesterday about the issue of whether or not this kind of increase was constitutional. I do not want to talk about that today.

We talked about whether or not increases should go into effect at midterm. I frankly do not wish to address that, either.

Let me just say that I think that we have to pay Members of Congress a reasonable level of compensation in order to attract good people. Our failure to do that really invites three things: One of those is a House of Lords, club of millionnaires, if you wish; another is people who are going to serve here but really only serve part time and be out making speeches and writing books and doing other things in order to supplement their pay honestly; or maybe, worse yet, the third alternative would be that we would go out and do something dishonest or unscrupulous to supplement our income.

I do not think we want any of those things, and I think it is appropriate that we raise our pay from time to time.

Having said that, the question is what is a reasonable level of compensation? I would simply contend that the level at which we are now paid, $77,000, is a reasonable level of compensation.

A couple of questions came to my mind during yesterday's hearing. One of those questions was how long has it been since you or I have seen a Member of the Congress, the House or the Senate, step down during midterm because we were insufficiently paid? I might also add, how long has it been since we have had an open seat, a vacant seat, either midterm or at the end of a term, that went unfilled because Democrats and Republicans were unwilling to run for the position because we thought the pay was too low?

I cannot recall that; nor can I think any of you recall instances where that actually did occur.

Let me just say that what I think we should do is vote to raise our pay commensurate with the increases we provide to all Federal employees. Last year, we froze their pay. Similarly, we froze our pay.

This year, we provided a 3 percent pay increase for Federal employees; this year, we provided the same for ourselves. I think that is a good model for us to follow and would suggest that we do that.

We have a long way to go to reach our deficit reduction target for next year.

☐ 1540

Mr. Speaker, we are clearly going to be above our target for this year. I do not see a ground swell of support coming up on either side of the aisle here to raise taxes. As a result, we are going to have to focus on spending, and to the extent we are willing to tighten our belts just a little bit, it is a lot easier for me and, I suspect, for all of us to go to the rest of the people in this country and ask them to tighten their belts so that we might bring down these budget deficits.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield now?

Mr. CARPER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I might say in answer to the gentleman that we will never have an empty seat here because somebody would not take it, because General Motors and LTV would be glad to furnish somebody to fill every seat in here for nothing.

Mr. WHITTEN. Mr. Speaker, I yield the remainder of my time, 4 minutes, to the chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. CONTE. Mr. Speaker, I yield my additional time, 4 or 5 minutes, to the gentleman from Illinois [Mr. ROSTENKOWSKI].

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for the remaining time.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in strong opposition to any attempt to deny Members the pay raise proposed by the President.

I have reviewed the reprt of the Salaries Commission and it confirms what I have suspected all along. We have fallen far behind our counterparts in the private sector, and we are way behind the curve of what it costs to raise our families and represent our constituents.

But I will leave the "needs" argument to others. My children are grown and educated, my home in Chicago is paid for, and Chicago is close enough that I can afford to get there when I need to. I want to talk about what we deserve, not what we need.

It seems to me that we are divided into a number of different groups when it comes to setting our rate of pay. There are some of us who feel we are not worth more than $77,400. Others feel we are, but also feel that the people who send us here don't agree with us, and would not send us back. Then there is an apparently small band of us who feel we are worth more, maybe a lot more, and that we are willing to take that case to our constituents.

I'll tell you what I would do, if I could setup a new system. I would establish a range of salaries and have Members sign-in somewhere in that range. I would use the current salary as the low end of the scale, and the Commission's latest recommendation as the high end. So, for this Congress, the range would be from $77,400 up through $135,000.

At the beginning of each Congress, Members would be permitted to sign-in for a salary somewhere on the scale. New Members might naturally be expected to start somewhere near the bottom, where they would be joined by those not able to justify a higher rate to their constituents, or are not willing to try.

Those of us with more responsibility, longer tenure, and a firm notion of our worth to our people and our country, would be free to make that statement openly and honestly by signing in at the high end of the scale.

This system would give us the flexibility we need. For example, Members who live in high cost areas, such as the cities of the Northeast and Midwest, could take that into account in deciding what salary to claim.

It would be a judgment call, of course, with dire consequences attached to overreaching.

Salary negotiations are an accepted practice in almost all walks of professionl life. Honest, straightforward statements of what a professional is willing to work for, and what the employer is willing to pay, result in fair compensation for hard work. That's all I ask.

I don't expect the people of the United States ever to recognize fully the requirements placed on a Member of Congress. Most of our constituents know us through the actions we decide to take or decide not to take, not by the work that goes into those decisions. I might note that most of the information reaching our constituents is reported by men and women who make a good deal more than we do!

Our constituents read about the perks and the travel and the staffs; they hear about the good times in the Nation's Capital. I meet with many million-dollar-a-year business executives on issues of tax and trade. I would like to see some of them keep up with our pace and face up to our problems under our pressures for 2 years at a time.

In being shy about declaring our worth in an honest way, all we are doing is reinforcing the impression that that is all we are worth.

I can tell you right now that I would put myself at the highest end of the scale. If the people in the neighborhoods of the Eighth District of Illinois conclude that having the chairman of the Committee on Ways and Means, with nearly 30 years of experience in the House, fighting for the retention of essential urban programs on their behalf is not worth $135,000 to them, then they will be free to make that clear in the very near future.

In the next Congress, they would have the opportunity to address their grievances to a freshman Member with a minor assignment, and relatively limited means to get the job done. On the other hand, he would come at the bargain rate.

Mr. Speaker, I know the "sign-in" system would never be put in place, but I'm attracted to it because it represents a giant step toward the honesty and pride so sorely missing from the way we do things now.

Let's be honest with the American people and with ourselves. Let's accept the modest proposal of the President with heads held high, and with continued resolve to be worth every penny of it, at the very least.

Mr. FAZIO. Mr. Speaker, I strongly support the passage of House Joint Resolution 102, the urgent supplemental appropriations for the homeless initiative, which will immediately make available much needed emergency food and shelter funds for our Nation's homeless.

I would like to begin by commending my colleagues for the overwhelming and swift approval of this resolution in late January. I would also again applaud the efforts of Mr. LELAND, Mr. WHITTEN, and Mr. BOLAND as well as all members of the Select Committee on Hunger and the House Appropriations Committee for their leadership in addressing this important issue and for their prompt consideration of House Joint Resolution 102.

We are in the midst of an unusually cold and wet winter which has been both a nuisance and an inconvenience. For our Nation's homeless, however, the weather is much more than an inconvience: it is life-threatening. It exacerbates an already urgent need for shelters and assistance for the homeless.

House Joint Resolution 102 will not solve all of our Nation's homeless problems, but it will mean that the homeless will get immediate food and shelter assistance when the demand is greatest. By transferring existing funds already appropriated by Congress to a proven and successful program already in place, we can avoid wasting valuable time and ensure that our Nation's homeless immediately receive the essential food and shelter necessary for survival. We have before us the opportunity to realistically address this problem. I again urge favorable consideration of this resolution on behalf of our Nation's homeless.

My vote in favor of the urgent supplemental for the homeless is not in any way to be construed as a vote in support of the Resolution of Disapproval of the President's recommendation on levels of pay for Members of Congress, Federal Government executives and Federal judges, which the Senate attached to this measure in the form of an amendment. It is my understanding that the Senate amendment is ineffective, because it was not acted upon by both bodies by midnight, February 3, 1987.

Further, it is my understanding that because both bodies did not pass a Resolution of Disapproval by midnight, February 3, 1987, that the President's recommended pay increase for Members of Congress, Federal Government executives and Federal judges is now in effect.

Mr. ANTHONY. Mr. Speaker, I urge my colleagues to support House Joint Resolution 102 and effectively reject the President's misdirected effort to defer funds from the Temporary Emergency Food Assistance Program. This proposed deferral amounts to a 57-percent cut in program funding and clearly results in withdrawal by most States from TEFAP. This essential program provides much needed funding for intrastate storage and distributions of USDA donated commodities, which feed millions of low-income and unemployed persons.

The decision to defer funds was announced to States without warning and prior to receipt by Congress of a deferral message. I do not believe Congress should allow further disruption of shipments in a program that relies on consistency and dependability which is vital to those individuals deserving indigent assistance. I urge my colleagues to not consider this a vote on the Senate amendment disallowing the President's proposed pay raise, because I now consider that a moot issue with the elapse of the midnight February 3, 1987, deadline. This is a yes vote for the homeless of this country, and I hope my colleagues will join me in support of full TEFAP funding.

Mr. BONIOR of Michigan. Mr. Speaker, I rise in strong support of this emergency supplemental appropriation for the homeless. The additional $50 million provided in this bill is urgently needed. We cannot afford to waste another day of debate on this issue while thousands of people sleep in the cold.

It is most unfortunate that this important legislation has become entangled at the last minute with another issue. Because action on the pay raise has not been taken by both bodies in a timely fashion, I believe this issue should be considered moot.

Today, the issue before us is help for the homeless. Regardless of how we each feel about the question of the pay raise—and I am one who supports such a measure—we must move forward and provide the shelter that is so urgently needed throughout this country.

Mr. CHANDLER. Mr. Speaker, I intend to oppose the issue before us today, not because I am against the transfer of funds for homeless programs, but because I want to make clear that I support the salary adjustment for judges, executive officers and Members of Congress. It is unfortunate that because of parliamentary procedures, the intent of one's vote is uncertain. That is why I choose to state for the record my position.

The Quadrennial Commission recommended salary adjustments for the aforementioned officials, considerably above those submitted in the President's budget. The Commission made these recommendations after careful analysis of comparable salaries in public and private employment, the level of sophistication required for these positions and the likelihood of continuing to attract qualified individuals without competitive salaries. For Congress, the Commission recommended $135,000 per year, an amount considerably beyond the $89,000 recommended by the President.

I believe it is unfortunate that, for whatever reasons, Members of Congress feel compelled to oppose this increase. The adjustment is justified. All those affected have earned it. If anything, the adjustment is overdue and insufficient.

We hear Members saying Congress does not deserve a raise because it does not do its job. Some say we have failed to balance the budget, making us unworthy. I say to them: Speak for yourself. I personally have, and I know hundreds of Members who have worked diligently to bring down the deficit. We are not there yet, but the trend is in the right direction.

That we have had difficulty is only to be expected and respected. Do we all agree? Of course not. Does our disagreement over a contentious issue mean we are not doing our jobs? A resounding no! As individuals we work hard to press forward our beliefs. That our views differ is the reason we often find solutions difficult. Failure to achieve the ideal as a body is certainly not an indictment of the individuals who fight for that in which they believe. Nor is it to condemn our system.

When the Founding Fathers debated the very beginning of our Nation, they had extreme difficulty reaching agreement. It was only after bitter, nearly divisive debate that compromises were reached and the foundations laid for this country. Those men understood that for any body of legislators to move quickly without the anchor of controversy about them was to condemn our country to the rule of whim, fancy and majority (or even minority) tyranny. In short, we in Congress never were meant to arrive at solutions easily or quickly—nor were we intended to look good doing it.

But this is no indictment of the individuals who make up this great institution. It is very much to their credit.

I have also heard Members in this debate say the public does not believe we in Congress deserve a salary increase. Well, why should they? These same Members are going out of their way to tell people at home they are served by a rotten bunch who do a lousy job.

I think we owe it to the public and ourselves to start telling the truth about this institution and its membership. If you had to go out and recruit a group of people with the level of qualifications, education, and experience represented by Members of this Congress, you could not hire them for twice the amount we are paid. Take the trouble, as I have, to look at individual Members and their backgrounds. We have highly educated people. We have people with invaluable experience and expertise. We have fine orators and great analytical minds among us. We represent walks of life from kitchen to boardroom, from assembly line to classroom.

Rather than apologize for what we lack, we ought to publicize what we are. For me, membership in this Congress is a source of great pride. To be considered among equals here is a great and sometimes intimidating honor.

This is a nation of opportunity. If we fail to compensate public servants adequately, then only those of means will have the chance to serve their country in elected or appointed positions. Members of Congress are asked to maintain two homes, one in their district, the other here in the District of Columbia. Yet, absolutely no allowance is provided for the expenses incurred by these Members. What other business can you name that would ask people to make similar sacrifices without tax-exempt reimbursement? I cannot think of one. And how many young families will be able to afford service in Congress without appropriate recognition of the expense involved?

I urge my colleagues to join with me today in defeating the measure before us. Let us send the Senate a Homeless bill, stripped of any encumbrance. We have each earned it in our own way and deserve the dignity that goes with serving our country and doing so with adequate compensation.

Mrs. BOXER. Mr. Speaker, I would like to indicate that in voting for the urgent supplemental appropriations for the homeless, I do so because of my strong support for urgent assistance to the homeless. My "yes" vote does not indicate support for the pay raise recision provision attached to this needed legislation by the Senate. It is my understanding that, as a General Accounting Office opinion points out, the recision attempt is legally ineffective given the fact that the pay raise became effective at midnight last night.

Mr. FRENZEL. Mr. Speaker, when this resolution (H.J. Res. 102) passed the House, it violated the Budget Act. I voted against it.

The Senate amendments include one which, by rescinding about $7 million, make the resolution conform to the Budget Act. With that change I shall support it and urge the President to sign it promptly.

Mr. SHUMWAY. Mr. Speaker, I rise to voice my strong opposition not only to the congressional pay increase, but more particularly to the manner in which the issue has been brought to the House floor. The entire approach has been a disappointment because Members have been unable to vote directly on the pay increase. Such legislative strategies may serve to shield Congress from accountability to the American public, but do nothing to address the issue.

As House leaders well understood, yesterday was the last day that the proposal could be disapproved. Any legislation considered today to disapprove the increase will be moot and legally ineffective: the pay raise has already gone into effect. I resent, as do the vast majority of American citizens, those Members who would portray an opposition to the politically unpopular salary increase, but manipulate to ensure its passage without having to account for their position. Once again, Congress has received a pay raise without ever having to vote for it.

When Congress undertakes such underhanded antics, it's little wonder the American public loses faith in elected representatives. Would that Congress were as ingenious at balancing the Federal budget as it is in manuevering strategies to line its own pockets.

During my tenure in office, I have never supported a pay raise for Congress, nor do I believe that any such increase is warranted until such time as Congress has succeeded in achieving the goal of budgetary balance. I am opposed to the pay raise; I am supportive of aid to the homeless and truly needy. But I must oppose this meaningless sham of a bill, House Joint Resolution 102.

Mr. VENTO. Mr. Speaker, I rise in strong support of this emergency legislation.

Today's action not only provides needed assistance to our homeless and hungry but it also reflects the new spirit of cooperation within the 100th Congress. After 5 years of fighting for a national commitment to help the homeless, we in the House now have a willing partner. Hopefully, this unified congressional support will spur the administration into working with us in meeting the American people's basic needs.

Mr. Speaker, we have a crises of homelessness in our cities and towns across America. Each of us in the body knows that the number of homeless people is dramatically increasing. Literally within blocks of this Capitol Building the homeless are huddled for warmth on heating grates and in doorways. Across this Nation emergency shelters are filled beyond capacity.

The causes of this increase in homelessness are many. A lack of low-income housing, unemployment, inadequate community mental health facilities, and personal and family problems, all contribute to drive people to a life on the streets. The legislation we consider today can only deal with the most immediate need of the homeless, food and a warm place to sleep. But for the tens of thousands of people who will be fed or given a safe place to sleep because of these funds, it may be the difference between life and death.

The fact that the Congress has acted on this legislation so quickly demonstrates our resolve to do what we can, as quickly as we can. Today's action is not a one-time step. We know that these funds, so desperately needed, will not solve the problem of the homeless.

The Housing Subcommittee is working today on H.R. 558, a more long-term approach to meeting those needs.

H.R. 558 would authorize a $500 million supplemental appropriation for programs specifically focused on the needs of the homeless. This legislation provides a more comprehensive approach to the problem of homelessness than other legislation that has been considered by Congress. It would fund programs for emergency shelters, transitional housing, increased medical and mental health care and better utilization of surplus Federal facilities. Most funds authorized by the legislation would flow to existing programs so that the assistance would quickly be used in our communities. I urge my colleagues to cosponsor H.R. 558 and to support its timely passage by this body.

I also support the provision in this bill which rejects the administration's deferral request for the Temporary Emergency Food Assistance Program [TEFAP]. This is a critically needed program which assists food banks and provides food products for low-income people. TEFAP is a program which is essential to our efforts to combat hunger in our country. With a rising number of Americans living in poverty this program is increasingly important. The President's deferral request is counter to the intent of Congress which is considering legislation which I have introduced to provide more surplus food products for our Nation's poor. The chairman of the full Agriculture Committee, Mr. DE LA GARZA, and the chairman of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, Mr. PANETTA, as well as 78 other Members have cosponsored this legislation.

It is unfortunate, Mr. Speaker, that this important legislation has become entangled with the nongermane issue of the President's recommendations for pay raises. Meeting the needs of the homeless and restoring TEFAP should not be used as a political football but that has become the case. It is however, my understanding that the resolution of disapproval contained in this legislation falls outside the timeframe established by law and is thus ineffective.

Mr. Speaker, our attention naturally turns to the homeless during the winter when most of our citizens can give thanks for decent home and sufficient food. Yet the national tragedy of homeless exists throughout the year. In each of our districts there are dedicated and self-sacrificing people and organizations which shelter, clothe, and nourish our poorest citizens. The Federal Government, with the exception of the FEMA Program, and two new programs funded in the fiscal year 1987 continuing resolution has virtually ignored its responsibility to be a partner with our cities and charitable organizations. It is time for the Federal Government to assume its responsibility as a partner in these efforts. House Joint Resolution 102 and H.R. 558 are important steps in the Federal Government's assumption of its proper role.

Mr. Speaker, I urge my colleagues to pass this legislation.

Mr. HOYER. Mr. Speaker, I rise today in support of legislation to grant $50 million in emergency aid to the homeless.

I am a cosponsor of this legislation. Anyone who has walked the streets of this city, or any other American city, knows that this amount will just scratch the surface of need.

There are many reasons why such a large number of people are homeless in our country today. A shortage of affordable housing caused by devastating program cuts over the past 5 years is one reason. Another is the deinstitutionalization movement which has resulted in many being discharged from mental institutions, without the support services necessary to help them make their way in the world.

Whatever the cause, we are in a crisis situation. And this problem is not just restricted to the cities. In my own suburban county, our department of social services estimates there are 200 to 300 homeless people on any given night. And 77 percent of the requests for shelter come from families with an average of two children.

These people need our help. And in this Nation, which has so much, I believe it is our moral duty to provide to those who are in need. It is a travesty that in the shadow of the monuments that represent our democracy people sleep each night on grates. This is not an irrevocable situation. Our passage of this emergency assistance bill will begin to solve this terrible problem.

Mr. Speaker, as we all know, this legislation was adopted overwhelmingly by the House. It was sent to the Senate. There the Senators approved it, and attached a measure to overturn the pay recommendations of the President's Commission on Federal Pay.

I support the pay recommendations. If given the chance, I would certainly express my support in a recorded vote in this House. I believe that it is crucial that the pay of members of the judiciary, the Congress and the executive branch keep pace with the cost of living. Unless pay keeps this pace, we will not be able to attract the best people possible to be judges, to head our Government agencies, and yes, even to be Members of Congress. And, pay at all levels of the Federal Government will be compressed, as it has been over the past 15 years. Today, members of the Federal work force are more than 20 percent behind their private sector counterparts.

My wholehearted support for this measure allowing emergency measures to the homeless should not be interpreted as support for rolling back Federal pay.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN] that the House suspend the rules and concur in the Senate amendments to the joint resolution, House Joint Resolution 102.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the disposition of the Senate amendments to House Joint Resolution 102.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

□ 1550

EXTENSION OF EMERGENCY ACQUISITION AND NET WORTH GUARANTEE PROVISIONS OF GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT OF 1982

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be discharged from further consideration of the bill, (H.R. 431) to extend until February 1, 1988, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Rhode Island?

Mr. WYLIE. Mr. Speaker, reserving the right to object, I do not intend to object, but I reserve the right to object for the purpose of engaging the distinguished chairman of the Banking Committee in a colloquy so that he might explain what we are doing here.

I yield to the gentleman from Rhode Island [Mr. ST GERMAIN].

Mr. ST GERMAIN. I thank the gentleman for yielding to me.

Mr. Speaker, passage of this bill is vital because it gives the Federal bank regulators two important tools to deal with troubled financial institutions. It extends, until September 15, 1987, the authority contained in titles I and II of the Garn-St Germain Act to make emergency interstate acquisitions of closed instititutions and permits the regulators to issue net worth certificates which give institutions additional time to improve their financial condition.

To address the concerns of the members of the Banking Committee who received a letter from Chairman Roger Jepsen of the National Credit Union Administration, I would just like to point out that this bill also extends the NCUA conservatorship authority.

Mr. WYLIE. Mr. Speaker, further reserving the right to object, I am pleased to join with the chairman in asking for passage of this bill. The Garn-St Germain provisions, which lapsed on October 13 of last year, were extremely helpful to the regulators in resolving problems confronted by some of our financial institutions experiencing stress as a result of conditions in agriculture, energy, and other sectors or our economy. The regulators have testified on numerous occasions that these provisions have materially increased their options in handling failures. The Garn-St Germain authorities have served not only to protect the reserves of the insurance funds and the safety and soundness of our financial institutions, but also have ensured the continued provision of financial services to many communities and depositors. These authorities should be revived and extended.

It is my hope, however, that we will not need another temporary extension of this authority and that our committee can bring to the floor permanent legislation for the House to act on in the near future.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The Clerk read the bill, as follows:

H.R. 431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) Section 141(a) of the Garn-St Germain Depository Institutions Act of 1982 is amended by striking out "October 13, 1986" and inserting in lieu thereof "February 1, 1988".

(b) Section 206(a) of such Act is amended by striking out "October 13, 1986" and inserting in lieu thereof "February 1, 1988".

(c) No amendment made by section 141(a) or section 206(a) of the Garn-St Germain Depository Institutions Act of 1982, as in effect on October 12, 1986, to any other provision of law shall be deemed to have taken effect before the date of the enactment of this Act and any such provision of law shall be in effect as if no such amendment had taken effect before such date of enactment.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ST GERMAIN

Mr. ST GERMAIN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. ST GERMAIN: Strike out all after the enacting clause and insert in lieu thereof the following:

(a) Section 141(a) of the Garn-St Germain Depository Institutions Act of 1982 is amended by striking out "October 13, 1986" and inserting in lieu thereof "September 15, 1987".

(b) Section 206(a) of such Act is amended by striking out "October 13, 1986" and inserting in lieu thereof "September 15, 1987".

(c) No amendment made by section 141(a) or section 206(a) of the Garn-St Germain Depository Institutions Act of 1982, as in effect on October 12, 1986, to any other provision of law shall be deemed to have taken effect before the date of the enactment of this Act and any such provision of law shall be in effect as if no such amendment had taken effect before such date of enactment.

Mr. ST GERMAIN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

Mr. WYLIE. Mr. Speaker, reserving the right to object, this is the amendment which authorizes the extension for 6 months rather than the original year?

Mr. ST GERMAIN. If the gentleman will yield, until September 15, 1987; the gentleman is correct.

Mr. WYLIE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Rhode Island [Mr. ST GERMAIN].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. ST GERMAIN

Mr. ST GERMAIN. Mr. Speaker, I offer an amendment to the title of the bill.

The Clerk read as follows:

Title amendment offered by Mr. ST GERMAIN: Amend the title so as to read: "A bill to extend until September 15, 1987, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING DENNIS CONNER AND CREW OF "STARS AND STRIPES" FOR ACHIEVEMENT IN WINNING AMERICA'S CUP

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 131) congratulating Dennis Conner and the crew of *Stars and Stripes* for their achievement in winning the America's Cup, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 131

Whereas *Stars and Stripes* has successfully defeated *Kookaburra III* to bring the America's Cup back home to the United States where it belongs;

Whereas *Stars and Stripes* has brought the America's Cup to the West Coast of the United States, where it will stay for generations to come;

Whereas *Stars and Stripes* successfully defeated eleven competitors for the right to face New Zealand in the finals of the challenger's division;

Whereas *Stars and Stripes* defeated the New Zealand boat, *Kiwi*, 4 to 1 for the right to sail against the Australian entry for the America's Cup;

Whereas *Stars and Stripes* has captured the attention of the American people and has shown American ingenuity, spirit, and pride in their purest forms; and

Whereas *Stars and Stripes* has taken the sport of yachting from the back pages of the American imagination and propelled it to page one of the vision of America's future: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation expressing to Dennis Conner and the crew of *Stars and Stripes* the heartfelt congratulations and thanks of our Nation for instilling such a great sense of national pride and for a job well done.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 131.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMONSENSE BUDGETING ACT OF 1987

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, last week my distinguished colleague, the gentleman from Minnesota [Mr. PENNY], introduced H.R. 805, called the Commonsense Budgeting Act of 1987. I was pleased to join him in the sponsorship of that proposal and wish to acknowledge his original and careful thinking on that bill.

The act would make three changes to allow Congress to improve its fiscal performance. First, it puts Congress on a pay-as-you-go basis. It implements a line-item veto subject to majority override and puts appropriations on a biennial basis.

No procedural change like this, not Gramm-Rudman, not the Budget Act, not a constitutional amendment can make the Congress do what it will not do. Nevertheless, this bill is a good example of what we should do and I hope we will do, and I am proud of my colleague for its introduction.

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE FROM WEDNESDAY, FEBRUARY 11, 1987, UNTIL WEDNESDAY, FEBRUARY 18, 1987

Mr. FOLEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 36) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 36

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, February 11, 1987, it stand adjourned until 12 o'clock meridian on Wednesday, February 18, 1987, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate adjourns on Thursday, February 5, 1987, or Friday, February 6, 1987, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Monday, February 16, 1987, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House and the minority leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I take this time for the purpose of receiving the schedule for the balance of this week and next week.

I yield to the distinguished majority leader for that purpose.

Mr. FOLEY. I thank the Republican whip for yielding.

Mr. Speaker, we have concluded the legislative business for this week. Tomorrow, Thursday, the House will meet at 11 a.m. and adjourn immediately out of respect for the late honorable Sala Burton and to permit Members to attend her funeral.

On Friday, the House will not be in session and it will be my intention to ask unanimous consent later this afternoon that when the House adjourns tomorrow it adjourn to meet on Monday next.

On Monday, the 9th of February, Tuesday, February 10, and Wednesday, February 11, the House will meet at noon in pro forma session.

At the close of business on Wednesday, the House will adjourn for the Lincoln-Washington district work period in accordance with the adjournment resolution just adopted.

The House will reconvene at Wednesday, February 18. The schedule for the week of Wednesday, February 18, will be announced next week and Members will be advised by the whip organizations of both parties of that schedule. This announcement is made subject to the usual reservations that conference reports can be brought up any time. Any further program may be announced later.

Mr. LOTT. I thank the gentleman for that information and I yield back the balance of my time.

□1600

ADJOURNMENT FROM THURSDAY, FEBRUARY 5, 1987 TO MONDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, February 5, 1987, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 11, 1987, AND ON WEDNESDAY, FEBRUARY 18, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 11, 1987, and on Wednesday, February 18, 1987.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, February 18, 1987, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION TO EXTEND TIME FOR PUBLICATION OF COMMITTEE RULES UNTIL FEBRUARY 18, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that each committee of the House may have until February 18, 1987, to publish committee rules in the CONGRESSIONAL RECORD in compliance with clause 2(a) of rule XI.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

HOUR OF MEETING ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, February 10, 1987, it adjourn to meet at noon on Wednesday, February 11, 1987.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

TEST BAN BRAMBLES

(Mr. CARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARPER. Mr. Speaker, typically oblivious of the significance of public opinion, the whiz kids at the Department of Energy thought they could keep antinuclear cowboys penned up in the corral by blasting away a day ahead of schedule. Yesterday's detonation of a modest nuclear explosion at the Department's Nevada test site was a poignant reminder of the determination of this administration to move forward with its own nuclear agenda despite obvious interest in both the United States and the Soviet Union to talk turkey.

Arguments that such tests are needed to ensure the safety and reliability of the U.S. nuclear arsenal are simply untrue, as existing stockpile test procedures bear out. To argue that a test ban would impair star wars development may be true if, indeed, the idea is to shift the nuclear arms race to space. But, to state that such new weapons systems will enhance U.S. security is to blatantly ignore the wisdom of history which clearly shouts: "No one wins arms races."

The antinuke cowboys may have missed the blast, but word is already out of the barn. Today, I once again joined my Democratic colleagues in overwhelmingly supporting a resolution urging the President to begin negotiations on a mutual, verifiable test ban—just a little reminder for the President to join the shootin' match.

APPOINTMENT AS MEMBERS TO ATTEND FUNERAL OF THE LATE HONORABLE SALA BURTON

The SPEAKER pro tempore. Pursuant to House Resolution 60, the Chair appoints as members of the funeral committee of the late Sala Burton the following Members on the part of the House:

Mr. EDWARDS of California;
Mr. WRIGHT of Texas;
Mr. FOLEY of Washington;
Mr. COELHO of California;
Mr. HAWKINS of California;
Mr. ROYBAL of California;
Mr. ANDERSON of California;
Mr. DELLUMS of California;
Mr. BROWN of California;
Mr. MOORHEAD of California;
Mr. STARK of California;
Mr. LAGOMARSINO of California;
Mr. MILLER of California;
Mr. MINETA of California;

Mr. Waxman of California;
Mr. Badham of California;
Mr. Beilenson of California;
Mr. Panetta of California;
Mr. Dannemeyer of California;
Mr. Dixon of California;
Mr. Fazio of California;
Mr. Lewis of California;
Mr. Lungren of California;
Mr. Matsui of California;
Mr. Pashayan of California;
Mr. Shumway of California;
Mr. Thomas of California;
Mr. Dreier of California;
Mr. Dymally of California;
Mr. Hunter of California;
Mr. Lantos of California;
Mr. Lowery of California;
Mr. Martinez of California;
Mr. Bates of California;
Mr. Berman of California;
Mr. Bosco of California;
Mrs. Boxer of California;
Mr. Lehman of California;
Mr. Levine of California;
Mr. McCandless of California;
Mr. Packard of California;
Mr. Torres of California;
Mr. Dornan of California;
Mr. Gallegly of California;
Mr. Herger of California;
Mr. Konnyu of California;
Mr. Kastenmeier of Wisconsin;
Mr. Udall of Arizona;
Mr. Pepper of Florida;
Mr. Alexander of Arkansas;
Mr. Chappell of Florida;
Mrs. Schroeder of Colorado;
Mrs. Boggs of Louisiana;
Mr. Derrick of South Carolina;
Mr. Downey of New York;
Mr. Solarz of New York;
Mr. Bonior of Michigan;
Mr. Glickman of Kansas;
Mr. Kildee of Michigan;
Ms. Oakar of Ohio;
Mr. Weiss of New York;
Mr. Frost of Texas;
Mr. Leland of Texas;
Mr. Lowry of Washington;
Mr. Sensenbrenner of Wisconsin;
Mr. Gejdenson of Connecticut;
Mrs. Kennelly of Connecticut;
Mr. Carr of Michigan;
Mr. Burton of Indiana;
Mr. Levin of Michigan;
Mr. Moody of Wisconsin;
Mr. Richardson of New Mexico;
Mr. Wheat of Missouri;
Mr. Hayes of Illinois;
Mr. Gordon of Tennessee; and
Mr. de Lugo of the Virgin Islands.

THE FEDERAL EMPLOYEES FAIR TAX ACT OF 1987

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. Bateman] is recognized for 5 minutes.

Mr. BATEMAN. Mr. Speaker, H.R. 3838, last year's tax reform bill, made profound changes in the taxation of Federal employee's retirement benefits. These changes are now subjecting our retiring civil servants to unjust and unnecessary hardship. I now appeal to the distinguished Members of this body to join me in an effort to correct this situation by cosponsoring the Federal Employees Fair Tax Act of 1987, a bill I am introducing today to repeal those unconscionable changes in the Tax Code.

For more than 30 years, retiring Federal employees received a period of tax-free annuities to recoup the contributions they had made to their retirement plans. This was only fair, since they had already paid income tax on those contributions when they were working. Now, under the new tax law, retirees must pay tax on their benefits from the moment they retire, even though those benefits had already been taxed.

Unbelievably, this drastic change in the tax law was made retroactively, making it impossible for Federal employees at or near retirement age to prepare for it. Many families had made major financial plans based on the existence of the period of tax-free benefits. Indeed, as recently as last year the Federal Government was marketing savings bonds to its employees with the suggestion that they cash them in during this period. These public servants now feel cheated by Congress, and rightly so.

Last year, long before passing the tax bill, Congress created a lump-sum benefit option for its Federal employees, allowing them to get back all of their contributions at one time, upon retirement. Congress intended the lump-sum benefit to be tax-free, since those benefits had already been taxed. Since the passage of the tax reform bill, however, the lump-sum benefit is taxable as income when received. Although the retiree would receive a slight tax reduction for the rest of his "statistically estimated lifetime," the initial tax is so high that few individuals could enjoy the lump-sum option.

As if the income tax on the lump-sum benefit were not enough, the tax bill added an inexplicable excise tax of 10 percent on lump-sum benefits to individuals who retire before age 55, even though those benefits consist of the individuals' own money. This is a slap in the face to Federal fire-fighters, law enforcement officials, air traffic controllers, subjects of reductions in force and other Federal employees who retire before age 55. They cannot even consider taking the lump-sum option we provided for them.

The Federal Employees Fair Tax Act of 1987 would provide our retiring civil servants with needed relief from the hardship inflicted on them by the new Tax Code. It would retroactively reinstate the 3-year basis recovery rule which provides the tax-free period to recoup contributions. Also, it would guarantee the tax-free status of the lump-sum benefit, so any eligible employee who wishes to exercise the option can freely do so. These provisions are not restricted to Federal employees; any State, local, and private-sector employees with similar retirement plans are also protected by this bill.

My bill does not create tax loopholes; it repeals those unjust changes in the Tax Code which are grossly unfair to our retirees and come close to being double taxation. The bill's provisions are a return to prior law; they are simpler and clearer than the current regulations and will not result in a significant long term loss of tax revenue.

Mr. Speaker, concern about this issue has already prompted the introduction of several bills which, like mine, reinstate the 3-year basis recovery rule. What sets this bill apart is its specific language protecting the lump-sum benefit from unfair taxation. This bill is, in my opinion, the only one which clearly and explicitly addresses all the aspects of the Federal retirement taxation issue.

Most of the members of the Virginia delegation have already become original cosponsors of the Federal Employees Fair Tax Act of 1987. I now invite all my distinguished colleagues to cosponsor this bill and join with me in restoring fair tax treatment to our dedicated public servants.

SOVIET JEWRY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. Kennelly] is recognized for 5 minutes.

Mrs. KENNELLY. Mr. Speaker, I rise today to focus attention on the Soviet Union's continued violations of human rights and its particular repression of Soviet Jews. Few nations around the globe deny individual human rights so systematically and clearly as the Soviet Union. Each of us knows several cases where Soviet authorities have and continue to deny internationally recognized human rights to people whose only crimes, if we can use that word at all, are to want to learn their own language and culture, to teach their religion, and to emigrate. The Soviet Union has singled Jews for especially cruel treatment.

Jews in the Soviet Union are discriminated against not only as a religious group, but also as a national group. Soviet authorities deny basic rights exclusively to Jews that it awards to all other national groups. Jews are not permitted, for example, to study their own history, culture, and language. Jews are arrested for the crime of teaching Hebrew and for the dissemination of Jewish culture. Jews, who apply for exit visas to leave the Soviet Union, are arrested, charged with having committed "especially dangerous crimes against the state," put in prison for "leading a parasitic way of life," and are generally mistreated and their families harassed.

It is incomprehensible to me how a modern nation claiming to be civilized can so mistreat its people. Moscow has signed the Helsinki accords, which require signatories to observe basic human rights, including the right of emigration. While Jewish emigration from the U.S.S.R. reached its peak in 1979 with the departure of 51,000 Soviet Jews, recent departures have dwindled to less than 1 percent of that number. There are reportedly 400,000 Jews out of a population of 1.7 million who still want to obtain exit visas from that country.

It appears that Soviet authorities are determined to make emigration even more difficult for Soviet Jews. The Soviet Parliament enacted an emigration law last November, which ostensibly was intended to codify procedures. The law, however, actually narrows the basis for emigration. Under the old system, applicants for exist visas were required to obtain invitations from relatives abroad, including distant relatives, before being considered. Under the new law, only invitations from immediate relatives, such as a spouse or a parent, are accepted. Soviet authorities claim that the new law will permit more legitimate emigrants to leave the country. I believe it will do nothing of the sort. The new decree is another instance of Soviet duplicity and is an effort to harass Soviet Jews even further.

I urge my colleagues in Congress to take every opportunity to protest in strongest terms the Soviet Union's violation of basic human rights. One way that this can be done, I believe, is to expose individual cases of oppression and mistreatment. Anatoly Shcharansky recently told an American audience that focusing attention on particular prisoners can make a life-and-death difference. I believe this to be true.

One case that everyone should be aware of is that of Ida Nudel, a former prisoner of conscience and current refusenik. Nudel was convicted in 1978 on charges of malicious hooliganism and was sentenced to internal exile in Siberia for hanging a sign on her balcony saying "KGB, give me my visa." She was released in 1982 and now lives in Moscow. She has applied for, and so far has been refused, an exit visa to emigrate to Israel. I have worn an Ida Nudel bracelet since 1980, and I will continue to wear it until Ida Nudel is allowed to leave the Soviet Union for the freedom of Israel.

I would also like to bring to your attention the case of Marina Furman, who is being harassed and threatened by the KGB for writing a letter that describes Soviet anti-Semitism and life in the U.S.S.R. for a Jew and a refusenik. The letter has found its way to the West and has been broadcast over the radio. The KGB has warned Marina and her husband Lev that their fate will be far worse than Nudel's if they did not stop their Jewish activity. Marina is now 8 months pregnant, and the KGB has also told her that when she goes into the hospital to give birth nobody will be surprised if either she or her baby died.

Mr. Speaker, I urge every one of my colleagues to focus on Marina's plight and to undertake everything possible to ensure her safety and eventual emigration. I recommend that my colleagues read for themselves Marina's story in her own words. For that reason, I submit the text of Marina's letter for the RECORD:

NOTE.—All comments in parentheses are translator's notes, added for clarification.

I was born in Kiew on December 18, 1959. I have a very rare last name: Garmiseh-Gorfinkel, and one of the most common first names: Marina.

I was brought up by my mother and my grandfather—intellectual, honest, thoroughly upright people. My mother, a philologist by profession, never succeeded in finding a job in her field, and spent her whole life working as a kindergarten teacher. But then again she loved her work and never regretted having dedicated her life to children. Her kindness, her principles, and her outlook on life, which she had inherited from her father, won my mother the love and the respect of the children and the parents who lived in our neighborhood; and these same qualities were what evoked the enmity of the authorities.

We lived in poverty and hardship, daily encountering new problems without having solved old ones. My relatives were forced to make themselves accept the incessant "zhid" and "zhidovka" (derogatory Russian terms for "Jew"), which were yelled out after them at every opportunity or without any opportunity; make themselves accept all that which, despite its frequent usage against them, still left a deep wound every time. They tried to treat this the way people treat bad weather—as if to say that the rain and the wind are unpleasant, of course, but there isn't much we can do about that, and we can only hope that at some point the sun will nevertheless appear. And they hoped, they believed, that some day everything that they had to keep hidden in the recesses of their memory would come back to life—the history, the tradition, the holidays, the art of their people. But—just as a precaution—they tried not to talk too much about this to me, so that I, once I grew up, would not suffer as much as they did. And maybe I was destined to become assimilated, like hundreds of thousands of Ukrainian Jews, if only. . .

I was growing up, but the sky still remained hopelessly gray. Art was the only ray of sun for the members of my family: from it we drew our strength; in it we saw a refuge where we could hide, at least temporarily, from diurnal injustice, where complete harmony reigned, where there were so many bright and cheerful colors. We tried with all our might to leave the real world in which we had to live. But, needless to say, such attempts were doomed to failure.

The first bitter disappointment awaited me on that long-anticipated day when I went to school for the first time. As soon as my last name was read off from the list, I felt contemptuously hateful looks directed at me. Every day made it more and more clear to me that I was somehow different from all the other children, and in some very negative way at that. But where did the difference lie? I was a better student than many, not a single school activity could be managed without me, many teachers liked me—and nevertheless I was an outcast. I managed to understand quite soon that my fault in the eyes of these people consisted solely in the fact that I had been born a Jew, "a smart zhid-kid," as they put it. They were in the majority—I in the minority. I was an alien and was probably depriving them of something if I evoked such hatred. And so I also began to hate—not them, but myself, my nationality, the whole world which had been ordered in a way so unfair to me.

Among the many negative and positive traits possessed by all human beings, the one most fully developed in my case turned out to be the feeling of dignity and self-respect. And the older I was, the more severely I was beaten, the more I suffered, the more dominant this feeling became. I made my grandfather tell me all that he had stored in the secret recesses of his memory, everything that he knew about our small proud people. But in additon to that, I also learned from him that in his youth he had been closely acquainted with Marina Tzvetayeva, Maximilian Voloshin, Anna Ahmatova, Vjacheslav Bunin (names of outstanding Russian poets of the revolutionary and early post-revolutionary period in Russia, notable for their exhibition of the incompatibility of the Soviet regime and artistic creativity). I learned how much these great people loved, appreciated, and extolled those same Jews who were so hated by many of those who surrounded me every day. And my nationality ceased to be a stigma for me—I became proud of it. I began to be proud and to war against the antisemitic homeroom teacher, against many of my peers, against any who dared to pronounce the word "zhid."

In 1977 I finished school. Jews were leaving Kiev in thousands, but this stream did not engulf our family. At the bottom of our hearts we understood that emigration afforded the only real opportunity to begin a full-fledged life—but it was too problematic and too scary . . .

To begin with, we didn't even have enough money to pay the federal tax (to apply for exit visas), let alone afford any other expenses. And, most importantly, we didn't have the physical health essential for the struggle. My grandfather had just turned 78 at that time; he had become completely blind, was partially paralysed, and had sustained a heart attack. My mother's health had been sacrificed completely to her work which she attended regularly, paying no attention to either pneumonia or hypertensive crises. In return she received nothing but the devoted love of the children, which, sadly enough, could not help us get on in our practical lives.

I myself was physically healthy at that time—but besides physical health, I owned nothing. It was, of course, difficult to imagine me in the role of the family breadwinner, even though later on I did have to bear this burden—in circumstances much harder than they would have been had we left at the right time.

But meanwhile we thought that emigration was justified only in the case of families that had an adequate number of capable men to earn money and to conquer new lands, trying to convince ourselves that everything could yet turn out all right for us even here. That was a terrible mistake, and we are paying for it up to this day.

And so we pretended that emigration did not exist at all, and I proudly began to apply to college. And not to some ordinary institute (Soviet equivalent of college), but to theater school. But that's not all—the film department, which admitted 5-6 students annually, had 40-60 applicants for each opening that year, and never in its history had it ever admitted a single Jew. But I was constantly praised by all the teachers who had not been poisoned by the virus of anti-Semitism, I had a number of published papers, and so, with the self-assurance and the naivete of an eighteen-year-old girl I thought that, of all people, I should not be the one to be rejected. I tried to penetrate this hopeless barrier for three years and and could probably write a novel about the way my entrance exams were administered. My throes finally ceased when I was told that the institute to which I had so brazenly dared to apply bears the name of the Ukrainian writer Karpenko-Kary, and not of the Jewish author Shalom Aleichem—something I was told despite the fact that my entrance examination score, even with such stiff competition, was a whole grade higher than what was required for entrance eligibility. Alas, the only thing that I had in common with Karpenko-Kary was a hyphenated last name.

By that time, it must be admitted, I no longer needed any institute. I had fallen in love, and so madly, that for many years the whole world ceased to exist for me. Life itself became meaningless, if he were not to be in it. But he was planning to leave, and by the time we understood that we could not manage without each other, he already had an exit visa for Israel on his hands. Naturally, the question of whether to leave or not became resolved of its own accord for our family. I was hoping that they would wait for us, that there would be no need to go through the torment of separation, but he was not leaving alone, and his parents did not want to postpone their departure for a single day. It wasn't hard to understand them—an elder son and an only, dearly loved grandson were expecting them in San Francisco. They thought that their parental feelings did not even need to be compared to what we felt. We were supplied with part of the money essential for emigration; it was decided that we would immediately submit our application for exit visas, and that in half-a-year at the most all our sufferings will be over. Had we known then that that half-a-year would turn into six long, tormenting years replete with collapsed hopes, unfulfilled wishes, twisted love . . . For six years I struggled; for six years he waited. I got a letter from him every week, every three weeks we spoke to each other on the phone for an hour—we couldn't imagine that the day could come when all this would end. But six years passed, and he surrendered.

But we still had to live until that day. We had a lot to go through before we reached it.

We received an invitation (formal document required for application for emigration) from our relatives quite quickly, and on November 27, 1979, submitted to the Kiev OVIR (Emigration office) our first petition for repatriation. And three days later—on December 1—a sobering shower of refusals poured onto the heads of thousands. Emigration was denied to very many people, but at that time not yet to everybody. And so we still hoped.

And we were refused. Without any explanatory reason. We were simply told: "It has been decided to refuse," and the next "fortunate man" in line was called in. Now, in addition to our names, patronymics, and last names, we bore another proud designation—"refuseniks." And there was so much we had to know how to do in order to carry this title honorably through long, excruciating years. To begin with, we had to learn to live on no income whatsoever—to live without money. For, no sooner had my mother and I requested certificates for application for emigration at our places of work, certificates in which our "malevolent intention" to emigrate to Israel was to be explicitly mentioned than we both were fired. Neither her 25-year experience nor the health she had sacrificed for her work helped my mother, while I did not in the least benefit from the fact that the secretarial position I occupied in a Society for the Blind publishing house was more than merely modest and unplesant, and finding non-Jews who wouild be interested in it was not that easy.

For half-a-year after our refusal we practically starved. But as time passed, and as we understood that the situation may be prolonged, I began to look for and to find temporary jobs. At one point I would take care of somebody's baby, or work in a renting booth on the beach during the summer at another. A different activity remained permanent—endless visits to the OVIR and the other few bureaus which were accessible to refuseniks; petitions; complaints; and . . . refusals—again and again. We felt like poorly bred dogs who can be used for household needs at any time.

Gradually, our insistent desire to obtain the permission to emigrate began to annoy certain official personages, and there was an attempt to turn us into Soviet patriots once more.

The methods employed to influence our psyche excelled in their diversity. Thus, for instance, once upon a beautiful winter morning I was locked up in a room with thirty absolutely drunk representatives of the male sex who had been ordered to rape me. I was saved by a pure coincidence—among these no longer human beings I discovered the father of one of my mother's one-time students whom my mother had cured from stuttering in her day. Like most drunkards, he was pathologically attached to his child and remembered not only my mother, but also me—this was a miracle, and it is only thanks to this that my corpse was not carried out of the room an hour later. I survived safe and sound—but, it must be admitted, with a completely undermined nervous system. And since the rape had misfired, the neighborhood policeman forced me to accompany him and all these drunkards to a demonstrative trial over parasites, for we too were classed as such. We weren't working, after all, and as to why—they preferred not to think about that. They threatened to send us out of the city, for the sake of reeducation temporarily to deprive us of freedom, and the like.

But that was not the scariest yet. The most terrifying part of it all was that Grandfather was dying. There was practically no way left to help him. We lived on bread and water, buying immeasurable quantities of diverse medicines in the hope that they would do something to ease his suffering and prolong his life. We did not leave him alone for a single minute. But everything was in vain. In November of 1980 Grandfather was dead. He died, still not having seen his daughter and granddaughter happy. All my life my grandfather had been like a father for me, and his death was an enormous blow. Only my love for Sasha—the name of my fiance—kept me alive, and my mother was kept alive only by her love for me.

But the situation was becoming hopeless, and our strength was ebbing away. Threats from the police continued, we still could not find any work, and refusal after refusal were still being issued to us. It must be said that the OVIR employees began to be sympathetic toward us, announcing that they themselves would certainly have let us out, that they understood our situation perfectly, but that, alas, it was not they who decided such questions, but some unknown commission which just found it unbearable to part with us.

Meanwhile, persistent rumors circulated among the refuseniks, to the effect that emigration was easier from Tbilisi. We went to the capital of Georgia to explore and were told that, in fact, families such as ours emigrated from here without any difficulty. It was only necessary that half-a-year pass from the time of our move to the city. We returned to Kiev on newly-sprouted wings. We thought that the solution had been found, without so much as considering the numerous complications involved in moving to a different city. Feverishly we began to look for an exchange opportunity (exchange of apartments necessary to gain the right of residence in a different city), and agreed literally to the first apartment we were offered.

And so on December 27, 1981, we found ourselves in an empty apartment in an alien city where we did not even have any acquaintances. But even this did not scare us. A few days remained until the begining of the year 1982, the year when, as we hoped, all of our wishes would come true. Alas, this time too a happy end proved to be no more than a mirage.

During the first days of the new year we payed a visit to the OVIR in order to find out for certain just how facile emigration was in Tbilisi. But there the inspector informed us with a rueful smile that everything had changed for the worse now, that since the beginning of the new year emigration was to proceed from here just as it did from Kiev—with the stipulation that the most stringent ban on emigration be applied to those applicants who had just moved in from other cities—lest others take it as a precedent.

As the old Russian ballad goes, "Our song is fine, start all over." All over the petition for emigration, all over the refusal, all over innumerable complaints and applications, and repeated refusals. Now the second stage of our attack is taking place—the Battle of the Caucasus, so to speak. For the time being we are losing, but we are not retreating. We are holding on to our positions, but we are sustaining considerable losses. My mother has suffered a diabetic attack, was paralysed, and at her 54 years became a group II invalid (i.e., partially handicapped).

This is our fifth year in Tbilisi. For the sake of truthfulness it must be admitted that life here is much easier than it had been in Kiev. Here only rarely can one hear the "dear" word "zhid," and no one shakes with irrepressible hatred when Israel is mentioned. I have learned to type (typewriters are much more rare in Russia than in the West), and, thanks to that, managed to find a job. I wasn't fired when my intention to be repatriated to Israel became known, and even the general attitude toward me at work did not change. Yes, in Tbilisi it is possible to exist. To exist, but not to live. Living is something we can do only in Israel.

Strange as it may seem, we have fully realized this only a year ago, when, unable to bear a six-year-long separation, Sasha betrayed me. Because my own feelings had in no way been affected by such a prolonged period of time, this blow nearly crushed me. I felt I had been maimed—mangled, helpless, groaning with never-ceasing pain. I thought this was the end.

But no—it is not for naught that I was born Jewish into this world. And so I nevertheless came back to life. I lost a loved person, but I found a Homeland. If previously I had not been too concerned with the question of WHERE to go, and emigration for me was principally a way to arrive somewhere where others were expecting me, then now the need to live in Israel had become the creed of my life. I felt such a nostalgia for that Land, as if I had lived my whole life there and only now, by a whim of fate, found myself in a distant land. Almost physically, I could feel how thoughts about if brought me back to life. And I know, I believe—sooner or later I will live at home, celebrate our holidays, see faces similar to my own, belong among my own people. I feel that it is there and only there that I am destined to find happiness. And I will fight for that happiness. Fight, whatever losses I may have to bear in my struggle. I know that prison may await me in the future, trials which I can't even imagine now may await me, but nothing can scare me now. I feel myself to be the descendant of those Jews who, hundreds of years ago, fought within the walls of Masada.

And in the meantime fate has made me a rare present. I have met people who, like me, while still here, feel that they are a part of Israel. We have the same goal, and, in many respects, the same wishes. These people have already done very much for me, and I will carry my gratitude to them to the end of my life. They are always ready to offer a supporting shoulder, to extend a helpful hand, and, most importantly, they are ready to fight.

CONGRESSIONAL LEADERSHIP SETS AGENDA FOR AMERICA'S FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

Mr. BROOKS. Mr. Speaker, I am inserting in the RECORD a transcript of your and Senate Majority Leader BYRD'S televised remarks following the President's State of the Union Message on January 27 of this year. Together, your comments accurately and powerfully laid out the agenda that Congress must pursue over the next several years if our Nation is to maintain its role as a world leader in both economic and political affairs. It is the legislative agenda that can bring prosperity and peace for our children and their children as we enter the 21st century. I am proud to associate myself with your strong congressional leadership as we address and solve the problems our country now confronts. By inserting the remarks in the CONGRESSIONAL RECORD, they will be available to those Members of Congress and those citizens that may not have had the opportunity to hear them last week.

THE DEMOCRATIC RESPONSE TO THE PRESIDENT'S STATE OF THE UNION ADDRESS, BY SPEAKER JIM WRIGHT AND SENATE MAJORITY LEADER ROBERT BYRD, JANUARY 27, 1987

(Delivered live from the Speaker's Office, U.S. Capitol, Washington, DC)

Just a few minutes ago I was in the House chamber, standing behind the President. That is part of the Speaker's duty in this system where we put patriotism above partisanship.

But the position of Speaker also has another Constitutional aspect. In fact it dates all the way back to England in the 1370's. The idea of a Speaker was to have someone speak to the King in behalf of the House of Commons about the needs of the people.

Several of the early English Speakers of the House were beheaded in the performance of this duty. When I think of that, I thank God for the Constitution, and for those who wrote it.

They created a system of checks and balances in which the President and the Congress can work together, as equal partners, in carrying out your will.

The American people last November chose Democratic majorities to serve them in both houses of Congress. This doesn't mean that we have to pursue two years of unrelieved conflict.

There are many things on which we all can agree. There are some on which we honorably disagree. There are some, no doubt, on which we can find avenues of reasonable compromise.

Lest there be any question of our good faith, let me stress, right up front, that we will be ready right now or at any time, to sit down with the President and his top advisors to seek ways to stop piling up deficits by adopting a pay-as-we-go plan. No gimmicks. No selling off assets. No tampering with the Social Security Trust Fund. Just get every annual appropriation and every source of revenue right out on the table and see if we can make them match. Mr. President, you and I both have grandchildren. We need to stop sending them our bills.

With new leadership in both House and Senate, I have asked Senate Majority Leader Robert Byrd to join me in describing our vision for America.

He will point out a way to build strength, credibility for America's foreign policy, and respect for America's word.

But if America is to be strong in the world, we have to be true to our own ideals at home. Talk is not enough. What counts is action.

Since this Congress convened three weeks ago today, we have already taken action on three major legislative programs that perform urgent duties for this land of ours.

The first is a Clean Water bill, renewing our commitment to clean up this nation's streams for this and future generations. That bill has been passed and sent to the President. We hope he signs it.

The second is a highway bill to complete the Interstate Highway system with straight, safe highways for America's people. Fifteen hundred needed highway projects in all of our states await the speedy passage of this bill to put 165,000 Americans to work on this constructive undertaking. That bill has passed both House and Senate.

The third bill, which passed the House today, is emergency help for the homeless. We have twice the number of homeless families as last year—people who huddle against the icy blasts of winter on street grates and in boxcars and culverts throughout America. A warm place to sleep, a hot meal and minimal medical attention is not too much to ask for America's own.

These bills are not "budget busters." All of them are within the budget resolution. And let me hasten to say that they've had a strong bipartisan support. Republicans have rallied with Democrats in a cooperative effort to get these bills passed in record time.

Throughout our history, America has grown stronger when we've faced our problems openly and overcome them together.

Three of our most urgent problems are the trade deficit, the farm crisis, and the education crisis.

In the past few years, we've been hit by a staggering trade deficit. Last year that deficit represented a drain on our economy of more than $2,600 per family. It has robbed us of three million American jobs in four years. Every few days another factory closes or announces a big-lay-off somewhere in America. Just four years ago we were the world's largest creditor nation. Today we're the world's largest debtor nation. We can do better than that.

We welcome the Administration's new words of concern about the trade deficit. For three years we have implored the President to take action. Last year the House passed a comprehensive trade bill, with a huge bipartisan vote. That bill died without any action in the then Republican Senate, and the problem grew steadily worse. This year large majorities in both Houses are determined to act. And we will act.

We believe in free trade. We think it has to be fair trade. America has a right to insist that other countries treat American-made products the same way that we treat their products.

Do you know what our number one export is from the Port of New York? I'm almost ashamed to mention it. It's not machinery. It's not computers. It's junk. It's scrap metal—mostly junked automobiles.

And if that isn't bad enough, do you know what the second biggest export is? It's paper. Waste paper. Trash. It is shipped to the Far East and made into cardboard boxes for the foreign-made clothing and shoes they sell back to us.

From our number one port, in the most industrialized country in the world, our two leading exports are junk metal and scrap paper.

We need strong incentives to invest in those things that modernize and improve our aging American industrial plants, make them more competitive. Then "Made in the USA" once again can be the badge of quality and value throughout the world. That is our number one congressional objective this year.

Our second major problem is the plight of America's family farms.

America's farm economy is in a desperate condition. There were more farm foreclosures in the last two years than at any time since the Great Depression. Thousands of family farms right now hang by a thread.

The trouble is that the Administration has seemed not to care—or perhaps just not to understand. In 1985 the government put up $4.5 billion of public money to bail out one big bank in Chicago. But the President vetoed a much smaller bill of loan guarantees that would have allowed local banks to give many thousands of America's farm families a breathing spell to save themselves from foreclosure. Because of that veto, thousands of families have lost their farms.

We don't have to spend more to do better. Too much of our $25 billion support program goes to a few huge corporate enterprises—not family farms at all.

America stands in danger of losing one of our greatest and most valuable treasures. Our system of individual family farms has made us the best-fed nation on earth. We think that's worth saving—and that is another of our Democratic Congressional objectives this year.

A third is to revitalize American education—for all of America's children—until once again we lead the world in literacy, in learning, in research and job skills.

We'll talk more about that in a few minutes. But, first, let's hear from Senate Majority Leader Robert Byrd—about America's place in the world and how we preserve it.

SENATE MAJORITY LEADER ROBERT C. BYRD, DEMOCRATIC RESPONSE TO THE PRESIDENT'S STATE OF THE UNION ADDRESS

Jim Wright and I are the new leaders in Congress. He in the House—I in the Senate. We're from rural America. We're veterans of the most dramatic debates of our time. We've seen this country in triumph—and we've seen it in depression. And we know what a resilient and trusting people we are.

The Administration's recent dealings with Iran have cast a long shadow over this country. There's a gathering sense of mistrust.

The sale of arms to Iran—in direct contradiction to our stated foreign policy—raises real questions about trust. But it also raises real doubts about competence. Without competence—and a good measure of common sense—government will have a tough time earning the nation's trust.

And government without trust is government without power.

That's why so many find the Iranian affair so troubling. It was a breach of faith—both here and abroad.

Like people, a nation is only as good as its word. If our word is good—our nation is strong. If our word is in doubt—our nation is weak. We do not hold the free world together at gun point. It is a mutual trust that binds us—a respect for one another and a common commitment to human dignity and to peace.

This Democratic Congress wants to work with the President and the Administration in advancing our national interests abroad. We need a coherent foreign policy that aggressively seeks to get the peace movement back on track in the Middle East; a policy that does not just offer the Contras as a solution to our problems in Central America; a foreign policy that utilizes all the resources available—diplomatic, political, economic, and military—to achieve America's goals in the world.

For the moment, our allies and our friends are bewildered and question our motives. They wonder how we can rail against terrorism—and then sell arms to terrorists. Many of you are wondering, too.

Foreign policy is too crucial in today's world to be decided in the dark. Tonight, Americans are once again held hostage by terrorists. We must stand together and have the courage of our convictions. Americans love liberty and human freedom. All of us want to see our hostages brought home. But if risks must be taken, then all Americans must understand those risks—and take them together.

Bold actions can succeed, but they must be based on carefully considered and sound judgment. The President owes us all a more open debate on foreign policy in return for our trust. And, we owe our allies and friends a firmer handshake in return for theirs.

The Administration has the obligation to tell the American people exactly what led to the arms-for-hostage-deal—and what happened to accountability in the White House. Meanwhile, the world moves on—and so do the nation's concerns.

The Democratic agenda—as Jim outlined—is as short as it is monumental. Set the deficit on a downward trend. Regain our prominence in world markets as creators, producers and exporters. And make this country the most secure in the world.

We live in a hostile world. Behind the outer perimeter of diplomacy, America must have ready an awesome force to meet force. Democrats are committed to a strong defense.

Real national defense isn't just measured by missiles or destroyers. We know we have to spend millions. But we must manage our defense dollar better—to really get our money's worth—and still meet the world on the terms that are offered—whether it's terrorism, a conventional war, or a nuclear threat.

While we must maintain a strong defense, we must also work to reduce the risk of nuclear war. Democrats have backed the President's efforts to negotiate a tough, verifiable, and lasting arms control agreement. It is a pursuit—like balancing our foreign policy—that must override partisan differences. Congress wants a tough arms treaty to be our monument to the last half of this century. And, I would caution any adversary that questions that resolve.

We want to work with the Administration to see that sound, solid proposals are put on the negotiating table—proposals that do not leave the United States and the rest of the free world at a disadvantage.

Right now, Congress wants to get on with the business of governing. We are too well aware that when Congress and the President do not work together, the nation's business goes undone.

The President was elected to govern. His is the final signature on our work. His is the final word echoed around the world.

Without the President as an equal and active partner, Congress is stymied.

It was all laid out in the Constitution just two hundred years ago—the creation of Congress as the people's branch—the concept of checks and balances between Congress and the President—the burden of bipartisan consensus.

It has taught us over the years that government is at its best when Congress and the President hitch themselves to the same wagon—and pull together in the same direction. No force abroad is as great as America united.

The last two years of the Reagan presidency need not be a period of discord. A weakened President serves no one. A strong President serves us all.

We can rebound from the Iranian misadventure. We can rebuild our foreign policy. We can rethink our military budget. But we must begin by winning back the nation's trust.

And Jim and I are committed to helping the President regain that trust. With God's help, we stand ready to do our part.

SPEAKER JIM WRIGHT RESUMES SPEAKING

Throughout our history America has stood for something.

Like a great locomotive that pulls a long train, a powerful ideal has pulled our country forward for all these 200 years.

We've believed that each generation should do a little better than the one before—be better educated, better employed, better housed, have more opportunity and a better chance for our children. That's the American dream.

Now we see a disturbing new reality—not upward mobility but downward mobility. The average 30 year old American today is making 26 percent less than his older brother did just ten years ago.

The average 45 year old couple is finding it harder, not easier, to send their children to college.

Last year the Japanese, with just half our population, graduated half again more scientists and engineers than we did. The Soviet Union graduated more technicians than we did. That's just not good enough. That could be suicidal.

We are not satisfied with educational mediocrity. It isn't good enough when other countries outrank us in literacy, when high school graduates cannot read.

Education is the fuel that funds the locomotive. And the 100th Congress is determined to restore education to its rightful place at the pinnacle of our national priorities.

President Reagan spoke of education tonight in glowing terms. But the sad truth is that his budget—delivered to Congress earlier this month—would actually cut our educational commitment by about 28 percent.

With more technical skills required by young people entering the job market, the White House wants to abolish vocational education. The President's budget cuts student assistance and would make college virtually impossible next year for about three million young Americans who want to go to college.

That's false economy! That's unilateral disarmament.

We simply cannot underfund education and do anything positive about the trade deficit—or even about defense.

In six years, this administration has doubled Pentagon spending and actually shrunk educational opportunity.

However splended our weapons, we won't be first in defense—or first in trade—if we settle for second best in education.

The very best financial investment this country ever made was the G.I. Bill of Rights at the end of World War II. It sent an entire generation of Americans to college. And our country has been reaping the dividends ever since.

That program—simply in greater taxes paid from higher earnings—has actually repaid the U.S. Treasury about $20 for every dollar invested.

The President sometimes likes to criticize Congress for what he calls "big spending." But the plain truth is that for the six years of this administration Congress actually has appropriated less in total spending than Mr. Reagan has asked us to appropriate.

The basic disagreement is not over how much we spend. It's where we spend it—what we get for it—and who pays the bill, ourselves or our children.

The President's newest budget would cut $5.5 billion from the education of our young—and spend that same amount on research for just one new weapon.

It asks more for the Pentagon, more for foreign aid, more for space, more for "Star Wars," more for the war in Latin America.

But it would cut education, cut the clean water program, cut medicare and medicaid, cut what we do for the disadvantaged, and—are you ready for this?—it would make deep cuts in our commitment to drug enforcement.

Last year Congress, Democrats and Republicans together, passed a very important anti-drug initiative. President Reagan signed that bill with great fanfare and called the war on drugs our "first line of defense." Remember?

Now, just three months later, he wants to cut that pledge in half. He wants to cut in half the commitment we made for anti-drug training in the schools. He wants to cut in half the amount we promised local law enforcement agencies to combat drugs in the streets of our cities.

This is the kind of gap between rhetoric and reality that we just can't tolerate and maintain people's trust in government.

Mr. President, we think promises are important. This is one that Congress—Democrats and Republicans alike—are determined to keep.

Are there fundamental differences between the White House and the Democratic Congress? Yes, there are some.

But there also are things on which we can work together. We'll work with the White House to create a fair and equitable system of welfare reform—to help get people off the welfare rolls and onto productive payrolls.

We'll enthusiastically embrace an insurance plan to indemnify Americans against the sudden financial ravage of a catastrophic illness.

We'll actively promote productivity and increased competitiveness.

And we will support with our votes and with our hearts and with our prayers any reasonable effort to reduce the terrible tensions that afflict the world.

That's what America stands for. And America can't stand still. We've moved forward only when we've raised our sights, not when we've lowered them.

Our children and our children's children will hold us accountable not for what we've said we'd do, but for what we've done.

We wish the President good health. We offer him our friendship. We are anxious to work with him as full and equal partners in this, the freest and greatest government on earth.

CONGRESSIONAL PAY RAISE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. TAUZIN] is recognized for 5 minutes.

Mr. TAUZIN. Mr. Speaker, in my opinion, the salary increase for Members of Congress proposed by the President is not necessary. I did not run for office for the money and I want to go on record in opposition to the President's 1988 budget proposal to add $12,000 to our congressional pay.

It is particularly inappropriate now when the unemployment rate in my district stands at 19.1 percent and our people continue to face layoffs and/or salary reductions.

INTRODUCTION OF CHILD CARE OPPORTUNITIES FOR FAMILIES ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 45 minutes.

Mr. MILLER of California. Mr. Speaker, today with over 70 Members, I am introducing the Child Care Opportunities for Families Act legislation designed to provide high quality, affordable child care and thereby to meet one of the most urgent needs of the American family.

This bill is based on similar legislation I introduced in the 99th Congress. Current economic realities facing most American families leave them no choice but to work. Yet the inadequate supply of child care presents serious barriers to employment for millions of American parents. Despite growing congressional, public, and media attention to the problem, child care remains an unresolved issue because no one sector—public or private—has yet made a full commitment to meeting this critical need of American families.

BACKGROUND

In 1984, the Select Committee on Children, Youth, and Families, which I am honored to chair, conducted a year-long investigation of child care. Our principal conclusion was that there is a clear link between child care, family stability, and economic self-reliance.

Hearings held in Washington and around the country documented that while more single parents, and both parents in two-parent families were working out of economic necessity, essential child care services were simply unavailable or unaffordable for the vast majority. We received testimony from hundreds of witnesses, including parents and children, child care providers, employers, child care experts, and researchers in the field, and representatives from countless public and private national, State, and local organizations representing every segment of society. The result was a national study released by the Select Committee entitled "Families and Child Care: Improving the Options." This study helped launch a truly bipartisan national effort to assure the availability of quality child care to American families.

The child care report, endorsed by every member of the Select Committee, contained specific legislative recommendations to improve and expand the Nation's supply of child care. These recommendations led to the introduction in June 1985 of an omnibus child care bill, drafted with the help of dozens of child care organizations and experts, endorsed by over 125 national, State, and local organizations representing a broad coalition, and cosponsored by 85 of our colleagues.

Important provisions of the 1985 omnibus bill were enacted into law by the 99th Congress including programs to expand national credentialing opportunities for low-income child care providers; to expand higher opportunities in early childhood education; to provide temporary child care for handicapped and chronically ill children and to provide crisis nurseries for children at risk of abuse and neglect; and to provide child care subsidies for low-income postsecondary students.

MOMENTUM IS BUILDING

The bill I am introducing today retains the major supply-building, quality-improvement incentives and training provisions included in the original legislation. The purpose of the bill remains the same: to improve and expand the current supply of child care for working families. I am introducing this bill again, in the 100th Congress, because, although we've made some significant progress in child care policy, we continue to face a crisis in available child care and we cannot be satisfied with the modest successes we had last year. This bill provides a framework to build a sound child care policy, and, if enacted, will demonstrate a continuing and serious congressional commitment to this issue.

While I am delighted that Congress took a few steps forward in 1986. The American public is demanding that we do much more. A recent Harris poll found that only 28 percent of the American public gave the Federal Government a rating of "good" in meeting its responsibilities toward children.

A new Washington Post-ABC News public opinion poll revealed just last week that there is growing support for greater Federal responsibility to provide child care for children of working parents.

Mr. Speaker, we should heed the public's signal and look to the future to sustain and broaden this current momentum around child care policy.

THE NEW REALITY: FAMILIES WORK OUT OF ECONOMIC NECESSITY

Families continue to work because they have to. Fifty percent of working wives have husbands who earn under $20,000. And, while many low-income families struggle for economic self-sufficiency, there are also millions of middle-income families living on the margin of economic solvency.

The Joint Economic Committee reported that three-fifths of the jobs created since 1981 pay less than $7,000 annually. If present trends continue, 9 out of 10 new jobs will be in the service sector where female workers are concentrated. These jobs pay little more than the minimum wage and provide few, if any, benefits. Two incomes will continue to be essential for millions of families.

LACK OF CHILD CARE IS AN EMPLOYMENT BARRIER: IMPLICATIONS FOR WELFARE REFORM

Despite the need for families to work, lack of child care has become a universal barrier to employment, for single-parent as well as two-parent families.

In a recent study conducted by researchers at Temple University, 26,000 families out of 130,000, or 1 out of 5 families, in Philadelphia county, PA report lack of child care as a major deterrent to employment.

In California, in a survey of 1,200 California parents initiated by the Governor's Child Care Task Force, one quarter of all parents who were homemakers or unemployed reported that inadequate child care arrangements kept them from working or attending training programs. One-third of single parents responded in a similar fashion.

The Census Bureau reached the same conclusion in 1982. In an extensive survey of single mothers, 45 percent indicated that lack of child care prohibited them from looking for work. Also, 36 percent of mothers in families with incomes under $15,000 indicated that they would seek employment if affordable care were available.

In a study released last May by the Joint Economic Committee, the employment rate of single mothers with children under the age of three dropped by almost 8 percent between 1969 and 1986, from 37.4 percent to 34.6 percent. For single mothers with children under 6, it also dropped more than 2 percent from 45.3 percent to 42.3 percent.

Mr. Speaker, these statistics speak for themselves. As an economist from the JEC was quoted in a recent Washington Post column:

> Given that women who head families have much lower incomes compared to two-earner families, it's probably much tougher for them to go to work. An expensive service like day care is probably not available to them or not accessible to them.

Many studies have confirmed this assumption, including a recent study by the National Social Science and Law Center exploring barriers to employment for single mothers receiving Aid to Families with Dependent Children [AFDC] benefits in Washington State. The Washington State survey demonstrated that women on AFDC do want to work. However, significant barriers prohibit many of them from participating in job training programs, completing their education, or seeking and maintaining employment. One of the primary barriers is lack of child care.

Nearly two-thirds of the respondents cited difficulty with child care responsibilities as a primary problem in seeking and keeping a job. In addition, over half of the women reported that the costs associated with working, including the cost of transportation, clothing, and child care present additional difficulties.

Seventy-six percent of the women in the survey who had essentially given up looking for work cited child care difficulties as preventing their search for, or attainment of, employment.

Some welfare reform efforts have developed innovative approaches to child care which can look to as models.

For example, the Massachusetts Employment and Training Program [ET] spends half of its subsidies for participants' child care expenses. It's proving to be worth the investment. As Charles Atkins, the State public welfare commissioner told the Wall Street Journal. "For every $1 invested in ET, $2 is saved in reduced welfare benefits and increased tax revenue."

As Congress considers ways to enable low-income families to move out of poverty and away from welfare dependency, I urge my colleagues to heed the mounting evidence that child care plays a crucial role in helping AFDC recipients achieve economic self-sufficiency.

My legislation includes several provisions that would contribute to an improved child care system to accompany welfare reform. These provisions would increase the supply of child care slots through long overdue increases in the title XX Social Services Block Grant, improve the method of calculating the child care disregard for working families under AFDC—title IV-A of the Social Security Act—and provide school-based child care services for teen parents so that they can finish school and reduce the chance of welfare dependency.

WHY CAN'T FAMILIES FIND CHILD CARE

The last two decades have brought dramatic new demands on the child care system.

While we have limited national data on where and how many children are being cared for outside the home while their parents work, the select committee has documented that the supply of child care is sorely inadequate compared to the current need. Demand for child care will become even more urgent in the next decade.

Profs. Sheila Kamerman and Alfred Kahn, noted child care and family policy experts from the Columbia University School of Social Work, recently reported—

> There is a new reality in the lives of young children today and that reality is having a working mother. Two-thirds of the mothers of school-age children were in the work force last year, but more startling, almost 60 percent of the married mothers of children aged 3 to 5 were also in the work force as were 51 percent of wives with children under age 3.

As of March 1986, 50 percent of married women with infants under the age of 1 were in the labor force, a greater than 100 percent increase since 1970.

With more mothers in the work force, more children will need child care. About half of all children under the age of 6 now having working mothers, most of whom work full time; more than half of these children are living in two-parent families. These rates are still increasing and have risen by about 20 percent just since 1980.

A recent analysis from the National Institute of Child Health and Human Development projected that if current trends continue, by 1995, 14.6 million preschool children will have mothers in the work force, 73 percent more than in 1980, and 35 percent more than in 1985. For school-age children, the number with working mothers could reach 34.4 million—three-fourths of all school-age children—by 1995, 37 percent higher than in 1980 and 1985.

At the current rate of increase in the number of children with working parents, it is highly unlikely that child care will be available to all the children in the coming decade without substantial expansion of services.

Currently, there may be as many as 7 million school-age children who remain unsupervised during, before and after school hours. According to child development experts, this group of latchkey children is encompassing younger and younger children every year. Without an adequate child care supply, these numbers will continue to grow.

At the same time, cutbacks in the Federal title XX Social Services Block Grant Program, combined with little expansion in employer-sponsored care and fewer relatives available to provide child care have critically curtailed the necessary growth in the supply.

The most recent child care report by the Children's Defense Fund documents that States still have not been able to compensate for the 20 percent reductions in the title XX Social Services block grant in 1981:

In fiscal year 1986, States' overall title XX social services block grant expenditures for child care were approximately 12 percent lower—in constant dollars—than in 1981.

In fiscal year 1986, 23 States were providing fewer children with child care assistance through the title XX social services block grant than they did in 1981. Only 15 States were serving more children.

Between fiscal year 1985 and fiscal year 1986, 11 States again reduced the number of children served in their title XX funded child care programs—almost twice the number of States that reduced children served between fiscal year 1984 and fiscal year 1985.

When inflation is factored in, 29 States were spending less money for child care services funded through the title XX social services block grant in 1986 than in 1981.

In California, the Assembly Office of Research estimated that 1.1 million children are eligible for State-subsidized child care but only 7 percent are served, even though California has pioneered in providing its own funding for child care and has greater resources available for child care than any other State.

My own district of Contra Costa County, CA, offers a dramatic example of the crisis we face. Last August, two State-subsidized child care programs serving 75 low-income children closed in Concord, CA, because State subsidies failed to keep pace with the rising cost of quality child care. The crisis in this community is particularly acute because there are already 300 families waiting for subsidized child care.

County officials in my district are doing their best to try to meet the tremendous need. But there are 25,000 county children who need child care, and only 3,000 licensed slots. They have come up with a plan to meet some of the need, but they can't do it alone.

The New York Commission on Child Care reported just this month that child care services in New York State fail to meet the needs of children requiring supervision while their parents are at work, and the services which are available are more expensive than low-income parents can afford to pay. The Commission estimated that there are between 830,000 and 1.2 million preschool and school-age children who need child care, in sharp contrast to the fewer than 135,000 licensed child care placements that are available statewide.

The Federal Government must play a significant role so that child care programs for the children of working families can stay open, and so that families trying to be self-sufficient can be supported in their efforts.

LIMITED CHILD CARE SUPPLY FURTHER THREATENED BY INSURANCE INDUSTRY

The overburdened and fragmented child care system continues to face another serious crisis—the shortage of available, affordable liability insurance. This crisis has also placed additional burdens on parents struggling to find safe and affordable care.

Last Congress, at hearings on the emerging insurance crisis in day care, the select committee learned that providers were being subjected to endure incredible rate hikes in liability insurance premiums, or losing their insurance altogether, because of the insurance industry's own fiscal mismanagement. At the hearing, we were informed that this insurance crisis was cyclical and things would return to normal within 18 months.

But, Mr. Speaker, I see little improvement. During the last Congress, we were able to pass some legislation to partially alleviate the problem, but not enough to make it go away.

Just a few short weeks ago, I learned that in my own district, in Contra Costa County, CA, two-thirds or more of the licensed day care providers remain uninsured despite a voluntary market assistance program called CAL-care. Of the 567 child care providers who applied to the State for assistance in finding a company willing to insure them, only half have actually found adequate insurance coverage that they can afford. My district is not alone; it reflects what's happening across the country.

ENCOURAGING PROGRESS IN PRIVATE SECTOR, GREATER PROGRESS ESSENTIAL

The private sector has played an important—although too limited—role in building and supporting the child care system. Some progress has been made, and the potential is encouraging, as indicated by several model initiatives:

The California child care initiative, stimulated by the BankAmerica Foundation, brought together more than a dozen corporate funders and State and city governments to increase the supply of licensed quality child care. In the project's first year, more than 230 new family day care providers were recruited and trained to serve more than 1,000 children, and five new school-age child care programs serving 150 children were established.

In my own district, the Concord City Council imposed a fee on commercial developments that is earmarked to support the Concord Child Care Alliance. To date, the alliance has developed a revolving loan fund for the startup, expansion, or improvement of family or center-based child care facilities; a grant program to subsidize training for local child care providers; and a vendor/voucher program for low- and moderate-income familes.

A public-private effort coordinated by Child Care Resources of Charlotte, NC, includes a fund supported by the county commissioners with matching funds from the Charlotte business community. The funds are used to pay for child care for welfare parents willing and able to work. It was hoped that the resulting savings from AFDC, food stamps, and Medicaid would bechanneled back into the fund to avoid additional public expenditures, but the Federal Government has not yet approved the rechanneling of Federal program dollars.

According to the Council on Economic Priorities, American corporations have increased the number of child care programs they sponsor or pay for from 110 in 1978 to 2,500 in 1985.

These exciting corporate-sponsored initiatives are worth our attention and support, and the momentum is growing at a very rapid pace. But the corporate sector could be doing more. Out of the 2,500 responding to the need, 800 companies offer their employees child care financial assistance through a flexible benefits package, rather than directly contributing to the supply of adequate child care. It's also important to note that these 2,500 employers represent only a small proportion of business—6 million employers nationwide, including 44,000 U.S. companies with more than 100 employees.

As more and more women enter the work force—two-thirds of entrants into the work force in the coming decade will be women—more employers will respond. The Child Care Opportunities for Families Act that I am introducing contains a provision to encourage employer involvement by establishing a community child care fund financed jointly by government and corporate resources.

SOME PROGRESS IN SCHOOL-BASED PROGRAMS

Schools are also beginning to respond to the needs of preschool children, but here, too, there is still a long way to go.

School districts in 15 States and the District of Columbia offer prekindergarten programs for 4-year-olds, on a part-day or part-year basis. Growing recognition that early childhood education is a sound investment has prompted many States to consider early childhood development programs as a major component of educational reform. Our legislation builds on this momentum by providing States with additional resources to expand their efforts.

These accomplishments are to be applauded, Mr. Speaker, for our child care needs are now so dire, that every effort, no matter how small, is to be commended.

But we must have strong Federal leadership on this issue. No single city or town, on single school district, employer, or church can meet the need alone. The demand is too great and the stakes are too high to go on believing that they can.

IMPROVING THE QUALITY OF CHILD CARE

Mr. Speaker, a policy focused only on increasing or protecting the supply of child care is crucial, but it is not enough. And it's not a responsible policy. Certainly we need additional child care slots. But we must also assure that child care meets high standards of quality.

Last month, the New York Times reported that two children died and six children were injured in a fire in one of the "tens-of thousands" of unlicensed, unregulated family day care homes in New York City. Most of these homes don't even have minimal fire department clearance.

Nationally, as many as two-thirds of all children in out-of-home care receive services in family day care homes. Yet, too many of these facilities are poorly regulated, if they are regulated at all. Licensing and registration for family day care can mean access to support services or equipment, training opportunities, information and referral services, or the Child Care Food Program. If we don't make the investment now in upgrading the quality of care that's available, we are bound to revisit the New York tragedy again and again.

For all child care settings, regulatory and monitoring systems very considerably from State to State and are in many cases outdated. An important provision of our bill provides fiscal incentives to State to upgrade their own child care standards and enforcement procedures. My colleague in the Senate, Senator ALAN CRANSTON, a longtime advocate for an improved national child care policy, will soon be introducing similar licensing and standards legislation as a separate bill.

Licensing alone, however, will not assure the quality of the child care setting. There are many factors that determine the quality of care available, but perhaps none is greater than the skill and competence of the person providing that care. Yet training opportunities for most child care providers are rare and too costly.

Consistency in care is another important factor, yet job turnover in the child care profession is exceptionally high because wages are too low and benefits too few, causing disruption for children and stress for working families always in search of a stable setting.

In a recent report by the Center for Public Advocacy in New York, the extent to which the low wages of child care providers subsidize child care is described. An analysis of data from 4,844 employees from 413 day care centers, Head Start, and nursery schools in New York revealed that their wages are shockingly low. Head teachers, 85 percent of whom are college educated, earn on average $4.98 an hour or $10,358 annually. Assistant teachers and teacher aides earn barely more than the minimum wage. Sixty-four percent of all head teachers, 63 percent of assistant teachers, and 76 percent of all aides surveyed were on staff for less than 3 years. The most often cited reason for leaving was to take a better paying job.

Training for child care providers not only improves their skills, competence, and knowledge of safety techniques, but contributes to their level of professionalism, which may result in higher wages and lowered job turnover.

Mr. Speaker, I also cannot stress enough the critical role that parent involvement plays in the whole issue of quality. Parents must play an active role in both the selection and monitoring of child care. They must have unlimited access to child care programs and the best and most current information about those programs. Most importantly, there is an obligation to restore and protect parents' confidence in the system.

Training for parents is as critical as training for child care providers, keeping them up to date on current information and helping them to find the safest and healthiest child care setting.

While some training provisions passed in the last Congress, there is still a tremendous need for improved and expanded training opportunities for all those involved with caring for children. This bill contains provisions to increase and upgrade training, especially for parents and family day care providers.

CONCLUSION

During the 100th Congress, I am prepared to take these issues forward on the national level. And there must be efforts at every level of government, in the private sector, in schools and churches.

In addition to reintroducing the Child Care Opportunities for Families Act, I will be working with the newly formed Alliance for Better Child Care, composed of many national organizations, which is committed to the development of a long-term national child care policy. The child care legislative efforts forthcoming from the work of the alliance will be based on grassroots efforts and will represent a sustained effort to meet the long-term needs of American families.

Child care is the one area of social policy certain to be high on our national agenda for the remainder of this decade. There is an incredible opportunity to affect its direction and provide Federal leadership. The policy we develop must be directed toward expanding and improving child care options that will protect and nurture children, while meeting the diverse and growing needs of all American families.

Mr. Speaker, I am including for the RECORD a summary of the Child Care Opportunities for Families Act. I urge my colleagues to support the legislation and to make a real commitment toward solving the Nation's child care crisis.

H.R. 1001—SUMMARY OF THE "CHILD CARE OPPORTUNITIES FOR FAMILIES ACT OF 1987"

TITLE I. INCREASING THE SUPPLY OF CHILD CARE

Section 101. Increase in Title XX Authorization; Reservation for Child Care Services.

According to the Congressional Budget Office, the "baby boomlet," the steady increase of mothers entering the workforce, and the marked increase in the number of children in poverty, will continue to increase child care demand throughout this decade. As a result, they conclude that if federal policies remain unchanged, many children in need of child care will not receive it.

The Select Committee, after its year-long nationwide child care initiative also concluded that there is a large gap between the number of children in need of child care, and the availability of such care. Services for low-income, and very young children are particularly lacking and the trend is getting worse. Because of program cuts, twenty-three states provided Title XX funded child care to fewer children in 1986 than in 1981.

This section increases the authorization for the Social Services Block Grant (Title XX of the Social Security Act) from $2.7 to $3.3 billion, the level it would have been had the 1981 cuts not occurred. Half of the increase, $300 million, is set aside for child care services.

Sec. 102. School-Based Early Childhood Education and Child Care Services Pilot Program.

Sixty percent of mothers with children ages 3-5 are currently in the labor force, and this percentage is growing, especially among married mothers. By 1995, it is projected that 14.6 million preschool children will have mothers in the workforce, 73% more than in 1980.

Full-day child care options are scarce. Most families who work full-time resort to unsatisfactory patchwork child care arrangements for their preschool children: Most children ages 3-5 with working mothers are in a group program for only part of the day; and less than half of all four year olds (46%) are enrolled in preprimary programs that provide educational experiences.

Most five year olds enrolled in preprimary programs are in part-day kindergartens in public schools, but nurseries or prekindergarten programs for 3 and 4 year olds are overwhelmingly private. Because of the cost, families with incomes below $20,000 use preschool programs considerably less often than higher-income families.

This section authorizes $50 million, on a matching basis, to be used as an incentive to states to fund demonstration programs in local school districts to provide full-day kindergarten for five year olds, create kindergartens for four year olds, and to provide child care services to meet the needs of working parents. In addition, 10% of the enrollment in each program must be available for handicapped children, including severely handicapped children.

TITLE II. UPGRADING STATE CHILD CARE STANDARDS

Sec. 201. Incentive Grants to Improve Licensing, Regulatory, and Monitoring Standards for Child Care Services; State Review; National Advisory Committee on Child Care Standards.

Child care regulatory and monitoring systems vary considerably from state to state and are in many cases outdated. Yet experts agree on several key elements of quality care which should be addressed in licensing and monitoring criteria. These include, health and safety standards, staff-child ratios, staff qualifications and training, and group size.

This section requires states to establish State Advisory Committees to review state laws, regulations and procedures for licensing, regulating, and monitoring child care services in both family day care and center-based settings.

This review must include a study of procedures developed to protect children from abuse in out-of-home settings, including employment history and background checks, and staff training requirements. Each committee must then make a report to the governor outlining its findings and recommendations.

A National Advisory Committee would also be established to develop and propose model child care standards.

This section makes available $50 million for incentive grants to states to assist them in improving their child care regulatory and monitoring systems.

TITLE III. EXPANDING PRIVATE SECTOR INITIATIVES

Sec. 301. Community Child Care Funds.

The private sector is an almost completely untapped resource with regard to child care. Of the six million employers in the United States, still fewer than 2,500 provide any form of child care assistance to their employees. Only a handful are aware of the community's need for child care.

Some, however, have begun to offer a range of child care related services—including referral programs, benefit plans, and on-site centers. They recognize that there are benefits to providing child care, including reduced job turnover, lowered absenteeism, higher productivity, and improved employee morale.

This section provides $10 million for a demonstration program of grants to local private nonprofit organizations, on a matching basis, to expand child care services in the community by establishing a Community Child Care Fund, in partnership with private for-profit businesses. Non-profit organizations receiving federal funds must provide assurances that not less than 50% of the required match would come from the for-profit business sector. The fund would help low-income families pay for child care, as well as establish start-up funds for new child care facilities.

TITLE IV. TRAINING CHILD CARE PERSONNEL

Sec. 401. Training and Retraining Under Title XX.

The knowledge that children are being cared for by competent adn well trained providers is the best assurance for families that their children are safely cared for while they are at work.

Yet, only 24 states require the director of a day care center to have had specific course work in child development and only eight states require caregivers in group day care homes and day care centers to have had training in child care.

As a result of the elimination of training monies under the Social Services Block Grant, 30 states reduced expenditures for training between 1981 and 1983.

This section continues and expands to $50 million assistance to states initiated in 1984, for training in child development and child abuse prevention, of child care providers, state licensing and enforcement officials, and parents. Priority would be given to training infant care providers, family day care providers, and providers of care for children with handicapping conditions.

Sec. 402. Training and Technical Assistance Involving Family Day Care Providers of Child Care Services.

Family day care accounts for at least ⅔ of all out-of-home child care in this country. An estimated 1.5 to 2.0 million women work as family day care providers in their own homes, providing daily care to more than six million children.

Only 11 states require any training for family day care workers, and recent funding reductions in Title XX and the Child Care Food Program have severely limited the little training and outreach that is available.

This section directs $10 million to states to train family day care providers, to train those who train providers, and to make available the necessary technical assistance to improve the management of, and level of care offered in family day care homes. Training and technical assistance in caring for handicapped children may also be provided.

TITLE V. CHILD CARE SERVICES FOR SPECIAL GROUPS

PART A. COMPREHENSIVE SERVICE CENTERS

Sec. 531. School-Located Comprehensive Service Centers

Each year, more than one million students (25% of all high school students) fail to compete their schooling. In some areas the rate is as high as 40% to 50%

Many of these drop-outs are adolescent female students who became pregnant. In 1984, nearly 200,000 births occurred to teenagers under the age of 18. Once teen parents drop out of school, their opportunities are very limited. Without academic skills or financial resources, many end up on welfare.

Among the most successful prevention and intervention programs are school-located comprehensive service centers that offer health care services, child care services, and academic and employment counseling to the student population. Evaluations have demonstrated significant declines in births to teens and repeat pregnancies, as well as a large percentage of teen mothers who remain in school.

This section establishes a $50 million demonstration program to encourage school-located comprehensive service centers that would offer health care services, family counseling, parenting education, academic counseling, and employment counseling and placement. In order to allow teen parents to stay in school, child care services and transportation will also be available.

PART B. CHILD CARE EXPENSES FOR AFDC RECIPIENTS

Sec. 541. Modification of Earned Income Disregards

AFDC families are faced with constraints on their ability to purchase child care for the purpose of supporting training or employment.

This section increases the incentive for AFDC recipients to seek work or training and provides more choices for better child care.

□ 1620

ORDER OF BUSINESS

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that I be permitted to proceed with my special order at this time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from New York?

There was no objection.

THE DECADE-LONG REFUSAL STATUS OF THE TERLITSKY FAMILY OF MOSCOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. GILMAN] is recognized for 60 minutes.

Mr. GILMAN. Mr. Speaker, with the onset of a new year and a new Congress, many issues are high on our congressional agenda. Among those high priority items is the vital matter of human rights around the world, including the religious and cultural repression that Soviet Jews suffer on a daily basis. My colleague from New York, Congressman MRAZEK, and I, have become very familiar in recent years with the plight facing the Terlitsky family of Moscow, and felt that it was appropriate for us to speak out at this time on their behalf. We have invited our colleagues to join us in this special order because Soviet Jewish emigration in 1986 consisted of only 914 individuals, was 20-percent less than 1985. This is a drop in the bucket, since we know that almost 400,000 Soviet Jews have made known their desire to reunify with family members in the West.

One such poignant case is the Terlitsky family of Moscow. Mark Terlitsky, formerly an architect, applied to emigrate from the Soviet Union in 1976. He was joined in his application by his wife, Svetlana, their daughter Olga, his mother Fanya, and his brother, Leonard. Only Leonard, also an architect, was allowed to emigrate at that time. Since then, the family was refused each time they applied, with the most recent refusal coming January 19, 1987, just a few days ago.

The reason for refusal has repeatedly been "knowledge of state secrets." As an architect working in the early 1970's on restoration projects in the Kremlin, Mark was required to have a low-level security clearance. Knowing that he would apply for an emigration visa in the future, Mark left that position in 1974, and transferred to another position where he worked on small residential and commercial projects. It was fully 2 years later when he and his family first applied to emigrate.

Shortly thereafter, both Mark and Svetlana lost their jobs. Since then they have only been able to obtain temporary employment from time to time, while continuing their activity within the Soviet Jewish refusenik community. Svetlana particpated in the Women's Group of Moscow, organizing classes and summer camps for Jewish children until the group was banned by the authorities. Yet they persevere in their efforts to be reunified with Leonard, as is their right under the Helsinki Final Act.

Tomorrow is Mark's 50th birthday. It is small comfort that he will celebrate that day as a refusenik of long standing. But because of his brother's dedication, Mark Terlitsky has not been forgotten. I know that other Members of this body join me in wishing Mark a "happy birthday," with the fervent hope that the next one will find the family together once more.

There are thousands of families in the Soviet Union who are split. One spouse is given permission, and the other is told "you will follow soon." "Soon" becomes years. Parents are separated from their children, as Leonard is separated from his mother, Fanya, who suffers from Alzheimer's disease. Grandchildren are raised, never having seen their grandparents, and siblings are separated as well. This does not even take into account aunts, uncles, or cousins. The Jewish community suffered so immeasurably during the Holocaust that even distant cousins in a family are close. When one's family has been decimated, the survivors cling to each other in honor and remembrance of the family. Such is the case with Jewish families around the world, and the Soviet Union is no exception. The Terlitsky family has a right, guaranteed by the family reunification provisions of the Helsinki Final Act, to be reunited with Leonard Terlitsky. The Soviet Union is signatory to this and other international agreements. Yet, in the face of almost 400,000 who desire to reunify, less than 1,000 were granted permission this past year. It is a clear indication that we must continue to express our earnest support for those who only desire that which is theirs. As this session of Congress continues, I intend to dedicate my efforts to free Soviet Jewry, and I urge my colleagues to join in speaking out for human rights for all in the Soviet Union.

Mr. MRAZEK. Mr. Speaker, last year we witnessed a sophisticated campaign by the Soviet Government to convince the West that the regime of Secretary General Mikhail Gorbachev is opening up all aspects of Soviet society. From setting Natan Shcharansky and Andrei Sakharov free, to inviting Mikhail Baryshnikov to dance with the Bolshoi Ballet, Gorbachev has been tantalizing those in the West who are seeking foundations on which to build a new United States-Soviet relationship.

Unfortunately, we have seen no indications that would lead us to believe that the 2 to 3 million Soviet Jews will benefit from the new liberalization policy. Maintaining congressional support for the cause of Soviet Jewry has become even more critical in light of the new developments in the Soviet Union which might lead members to assume that the Soviet leadership is addressing the emigration problem as well.

My colleague, Mr. GILMAN, and I arranged this special order to highlight the plight of members of the Terlitsky family who have been trying to join their relatives in the West for over a decade. Tomorrow is the 50th birthday of Mark Terlitsky, a staunch leader of the refusenik community in Moscow. My colleagues and I have tried in a variety of ways for several years to convince the Soviet authorities to allow Mark and his family to emigrate—but to no avail. We therefore gather today to take a vocal and public stand on this case and to once again urge the Soviets to allow the reunification of this family and all other families.

Mark's case is typical of the ordeals that refusenks must endure. Mark Terlitsky was an architect in Moscow for 15 years before he and his family applied to emigrate in 1976. Although Mark's brother and his wife's sister were given permission to leave, Mark and his wife Svetlana were refused on the grounds that Mark knew state secrets: he had worked as an architect in Moscow and therefore had access to such classified information as the structure of the Moscow sewer system and the water supply sources for the city. I guess the Soviets are concerned that NATO would launch a surprise attack on Moscow by sending soldiers through the sewer system. In any event, it has been more than 10 years since Mark worked in this field.

Both Mark and his wife Svetlana have been unable to find permanent employment since 1976. They have been harrassed, searched, detained and beaten. Yet they still continue to remain active members of the refusenik community no matter what the consequences. To make matters worse, Marks's mother Fanya suffers from a serious illness untreatable in the USSR. His 19 year old daugther Olga, a talented violinist, is unable to pursue her education because of her status as a refusenik's daughter.

There is no legitimate reason for keeping Mark, Svetlana and their family separated from their siblings in the West. The Terlitsky family even fits the description of Soviet citizens who should be eligible for emigration under the new Soviet emigration law.

Once again, I call on the Soviet authorities to resolve this tragic case of a family whose separation is illegal and serves no purpose except to bring suffering for those involved and ill will between our nations.

Mr. HOYER. Mr. Speaker, I want to commend my colleagues, Congressmen BEN GILMAN and BOB MRAZEK for organizing this special order in order to bring to the attention of the House and this Nation the continued plight of Soviet family members who have been denied permission to join their loved ones in the West.

To those of us who live in freedom, Mr. Speaker, the human dimension of a separated family can only be described as cruel. We ask ourselves, Why? Why must people who want to leave, who want to join their loved ones, be kept against their will in the Soviet Union? Why must babies be born apart from their fathers? These are heartfelt questions, Mr. Speaker, with heartless answers.

Mr. Speaker, one of those families that the Soviets have ignored and split apart is the Terlitsky family of Moscow. The six family members all applied to emigrate in 1976, yet only two, Leonard Terlitsky, now of New York, and Nelli Zeitlin of Philadelphia, were permitted to leave. Within the past few weeks, the other members of the family were again refused permission to join family members in the West. Leonard's brother, Mark, was an architect in Moscow for 15 years before the family applied to emigrate. Mark was refused on the grounds that he knew "state secrets," having known such "classified" information as the structure of the Moscow sewer system and the water supply for the city.

Leonard's mother, Fanya, currently suffers from Alzheimer's disease. She would only like to live the last years of her life with her whole family, together as one. Mark's daughter, Olga, an accomplished violinist, has been denied further schooling, because she is a Jew. Despite the new Soviet policy of glasnost, despite the new emigration regulations which specifically permit first degree family reunification, the remainder of Leonard Terlitsky's family languishes in the Soviet Union. As do thousands of others.

Mr. Speaker, in the search for peace and security, the Soviets must first respect human aspirations, freedoms, and dignity. They cannot simultaneously seek cooperation with the West when it serves their interests, and ignore the human rights concerns that split us apart. As cochairman of the Commission on Security and Cooperation in Europe, I recently had the opportunity to rely these concerns to the Soviets as I participated in the Vienna CSCE review meeting. Also at that meeting, I had the opportunity to meet with Leonard Terlitsky and several other members of separated families as they pleaded with the Soviets to show human compassion and allow their loved ones to join them. All they received was an assurance that they would look into it and a blank stare. Leonard Terlitsky still waits, as does Vladimir Magarik, Riva Feldman, Michael Rochlin, and Igor Tufeld, all of whom I met in Vienna.

Mr. Speaker, there cannot be mutual trust and cooperation between the United States and the Soviet Union without accompanying progress in human rights. We can begin to build that trust by calling on the Soviets to allow the members of the Terlitsky family to emigrate.

Mr. STOKES. Mr. Speaker, I would like to commend the gentlemen from New York, Mr. GILMAN and Mr. MRAZEK, for taking out this special order to spotlight this very important human rights issue.

Almost 2 million Jews live in the Soviet Union. Nearly 380,000 want to leave and have taken the first step in the emigration process. Eleven thousand of them have been refused at least once, and many have been refused numerous times. Some Soviet Jews have waited as long as 15 years for permission to leave so that they may rejoin their families, worship in freedom and practice their faith. Yet the denials continue.

Even more distressing are the immigration figures for Soviet Jews, which dropped from a high of 51,320 in 1979 to 914 in 1986. Although much media attention has been given to the release of prominent Soviet Natan (Anatoly) Scharansky, the fact remains that he spent 13 years in prison and labor camps before he was released.

This issue of Soviet Jewry is very personal to me. Along with five other Members of Congress, I traveled to the Soviet Union during the summer of 1985 and met not only with Soviet officials but also with private citizens who had been denied their right to repatriate established by the Helsinki agreement. I had an opportunity to observe close up, the day-to-day existence of refuseniks who had been denied the right to work, live with their families, practice their religion and interact with one another freely.

Although my hopes were raised following the U.S.-U.S.S.R. Geneva summit in November 1985, time has shown that assurances of changes in Jewish emigration policy by a Soviet official have not materialized. Therefore it is crucial that we continue our struggle to persuade the Soviet Union to grant the right of repatriation to its Jewish citizens.

Over the past 2 years, I have written numerous letters on behalf of refuseniks such as the Mariasin family, Yuli Kosharovsky and Iosif Radomyslsky. While each refusenik is confronted with unique circumstances that provide ammunition for the Soviet Government to refuse their request for exit visas, there is one constant: Neither the Mariasins, Kosharovsky nor Radomyslsky may worship freely, study their religion, congregate with other Jews, travel or live in peace. This situation is endured by numerous other Jews who are in desperate need of our help. We must persist in our appeals to the Soviet Government to grant the freedom of these individuals and I strongly urge all my colleagues to join with us in the battle to free the Jews of the Soviet Union.

Thank you.

Mr. COUGHLIN. Mr. Speaker, I rise today to join Mr. GILMAN, Mr. MRAZEK, and my colleagues in again noting the continuing plight of thousands of Soviet citizens who wish to emigrate from the U.S.S.R. for the purpose of family reunification.

Mr. Speaker, last November the Soviets announced a new decree on emigration, which, it was hoped, would put an end to their arbitrary and shameful approach to the issue of emigration. Their old policies have capriciously denied countless Soviet citizens their natural right to emigrate for family unification, repatriation, and other humanitarian purposes.

Unfortunately, it took no more than a quick reading of the decree to determine that the new Soviet policy is utterly inadequate and, indeed, a step in the wrong direction. Rather than bringing Soviet practices into compliance with the provisions of the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki accords, to which the Soviet Union is signatory, the new decree codifies a severely limited set of criteria for emigration. Under the policy, only those seeking reunification with members of their immediate family will have their emigration applications considered. Vague language on "state secrets" will continue to prevent many of those who meet even these limited terms from leaving, despite General Secretary Gorbachev's pledge in Paris that cases involving such secret information would be resolved after 5 to 10 years. Hundreds of thousands of Soviet Jews, as well as practicing Christians, ethnic Germans, and others, will be ineligible to emigrate under these provisions.

Mr. Speaker, there are numerous cases of devided families which call out for attention, and no doubt each of us could spend hours recounting many tragic stories here. Today, however, I would like to draw attention once again to the case of Vladimir and Mariya Slepak, who have been seeking to emigrate for over 17 years. Often called the grandfather of the Soviet Jewry movement, Vladimir has been harassed, fired from his job, arrested, jailed, and exiled to Siberia since his efforts began. His repeated efforts to emigrate have been denied on the grounds that he had access to state secrets. But Vladimir has not worked in his position in a radio-television laboratory since 1970; surely, given the march of technology and the arguable nature of such secrets in the first place, there is no reason to deny his request to join his sons Leonid and Alexander in the United States.

Mr. Speaker, the nature of United States-Soviet relations cannot improve until the Soviets live up to their humanitarian obligations and international agreements. Although it must be noted that the number of emigrants increased, on an average basis, in January of this year, much, much more needs to be done. I urge the Soviet authorities to give the Slepaks, and all Soviet citizens who wish to emigrate, the right and opportunity to leave immediately.

Mr. McGRATH. Mr. Speaker, I appreciate this opportunity to join my colleagues in protesting the refusal of the Soviet Government to grant exit visas for members of the Terlitsky family.

For more than a decade, Mark Terlitsky, his wife Svetlana and other members of their family have been among the most prominent leaders in efforts to gain respect for basic rights guaranteed under the Helsinki accords and various other human rights agreements. The courage these individuals have displayed is beyond our imagination. By publicly stating their desire to leave, they subject themselves to a continuous compaign of official harassment. They also face grave risks including imprisonment, internal exile, and physical brutality by KGB thugs.

As we take on more issues in the 100th Congress, I hope every Member of this House will join us in attempting to free the Terlitskey's and all Soviet prisoners of conscience and refuseniks. We cannot forget them and all others who suffer official abuses because of their nationality, religious beliefs, or work on behalf of human rights. The information we publicize on their behalf is the best way to exert pressure on intransigent Soviet officials. Progress may be slow, and we receive few, if any, direct responses. Without our continued statements and letters, however, the distant light of freedom for many Soviet citizens would be extinguished.

Mr. GREEN. Mr. Speaker, I should like to commend my colleagues from New York, Mr. GILMAN and Mr. MRAZEK, for arranging this special order to focus on Soviet Jewry, and particularly on the Terlitsky family.

We have all followed the cases of people like the Terlitskys; people who want nothing more than to live their lives where they choose, following the religion and culture that mean so much to them, near their friends and family. These seem like simple goals to us, yet for Soviet Jews like the Terlitskys they are goals which have eluded them for 10 years and even more.

I should like to mention, too, today another refusenik family on whose behalf I have been working since I came to Congress. That is the Semyon Gluzman family. Semyon Gluzman has displayed not only tremendous courage, but also unselfish dedication to the cause of human rights. Dr. Gluzman is an extremely talented psychiatrist. His superiors thought highly of him and his future in the profession looked exceedingly bright. In 1971 he refused a promotion because, as part of his duties, he would have had to certify Ukranian activists as mentally ill. That same year he wrote an article denouncing Soviet abuse of psychiatric methods in confining political activists. For this he was sentenced to 7 years of hard labor and an additional 3 years of internal exile in Siberia.

While in prison Dr. Gluzman continued to fight for freedom and more humane treatment of his fellow prisoners. As a result he was harshly treated and spent a considerable amount of time in solitary confinement. Though still a young man, Dr. Gluzman left prison with his health broken.

After his release from internal exile in May 1982 he sought to emigrate to Israel. He was refused permission and returned to his native Kiev. Soviet authorities have continued to deny him permission to emigrate.

Initially upon his return Dr. Gluzman was denied work and was harassed by the authorities. The harassment has eased; however, he continues to be denied work in his profession. He currently fills an administrative position at a clinic in Kiev. Last year rumors were circulated that Dr. Gluzman had received an exit visa. Hopes were dashed, however, as these rumors turned out to be false.

This is a particulary critical time for the Gluzmans, the Terlitskys, and the thousands of other Soviet families who are prevented from practicing their religion and yet prevented from emigrating to freedom. This week rumors are circulating that 500 Soviet citizens, mostly Jewish, were granted exit visas in January. If this is true that number is more than half of the total number allowed to emigrate in 1986.

If this is truly a crack in the wall, we in Congress have a responsibility to maintain pressure on the Soviet Union to widen the crack, to uphold internationally recognized standards of human rights. This is surely one of the most sacred tasks of the 100th Congress.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from New York for arranging this special order on this important subject.

Mr. Speaker, in the 70 years of its sordid existence, the Soviet Government has committed crimes unparalleled in human history. One simple, cold-blooded statistic sums it all up: Since 1917 more than 60 million Soviet citizens have died at the hands of their own Government. Sixty million, Mr. Speaker. The only thing in the modern imagination which is even remotely comparable to that kind of slaughter would be a nuclear war. This makes the Soviet Government the greatest mass murder machine that man has even known.

And yet for all its ferocity, the Soviet tyranny can also be astonishingly petty. The case of the Terlitsky family is an example. Here we have a family that wants nothing more than to live in peace and freedom outside of the Soviet Union. They already have a son in New York, and they simply asked their Government to give them permission to go to Israel. But the mighty Kremlin said no.

What in the world does the Soviet regime have to fear by letting a family leave the country? It has more tanks and soldiers than any government could want; it has a nuclear arsenal second-to-none; its leaders claim to believe that they have a cause which is destined to triumph throughout the world. And yet they can't let a family leave the country and move to Israel.

The truth is that Soviet behavior in this case and others shows that the Soviet leaders understand very well their fundamental weakness. Thy know that their country is not the workers paradise that they profess it to be. The Terlitskys and the millions of people throughout the Soviet Empire who wish to emigrate westward expose communism as the cynical lie that it is.

That, Mr. Speaker, is why the Soviet leaders will not let the Terlitskys go. If they disagree with me on that point, then I here challenge them to put a stop to this pettiness and grant the Terlitskys permission to go to Israel.

Mrs. BOXER. Mr. Speaker, I thank my two distinguished colleagues from New York, Congressman MRAZEK and Congressman GILMAN, for setting aside time for this important special order.

Last year, Congressman LIPINSKI and I organized the Congressional Coalition to Reunite Divided Spouses. The problem of Americans married to Soviet citizens is particularly cruel, for not only are husbands and wives needlessly kept apart, but there are cases such as that of Susan Graham in Washington State who has just had a child that her husband cannot hold or play with.

These cases can and should be resolved. Just last month, Sonia Melnikova-Eichenwald was allowed to join her husband, Michael Lavigne, in San Francisco. I met Sonia in Washington just 2 weeks ago and I would like to share with all of my colleagues the happiness that I felt at having helped such a wonderful woman receive the chance to live a life of freedom with her husband here in America.

But for every case that is resolved, there are others that cry out for attention. My constituent in San Francisco, Michelle Cardella, was married to Leonid L'vovitch Scheiba in 1985. Leonid has applied twice to emigrate, the second refusal coming on Dec. 8, 1986. The official reason given was that it was not in the state's interest to allow Leonid to leave. He cannot apply to emigrate until June 1987, but the Soviet military is already trying to draft him.

There is absolutely no reason not to allow Leonid to come and join his wife in the United States so that they can celebrate their second anniversary together. And there is no reason to prevent other divided spouses from being united.

I urge my colleagues to join the Congressional Coalition to Reunite Divided Spouses and to help in the effort to resolve cases such as that of Michelle and Leonid. The Soviets must know that they cannot be allowed to keep families apart and we will continue to make this point over and over until these cases are resolved.

Mr. SAXTON. Mr. Speaker, I am pleased to participate in this special order to highlight the plight of Soviet citizens who have been refused permission to emigrate to join their family members in the West. Once again, the Soviet Union has tightened their control on emigration, but under the disguise of the decree of the U.S.S.R. Council of Minister, which supposedly simplifies and speeds up the emigration process. The new decree states that visa applications will be considered for reunification of family members, meetings with close relatives, marriage, and visits to seriously ailing relatives. All decisions on emigrant applications are to be made within 1 month unless "further consideration is necessary, with a waiting period of up to 6 months." But, this new decree also lists numerous reasons for which emigration can be denied, including the vaguely worded phrase, "if the protection of Soviet social order, health, and morals of the population would be affected by the applicant's departure." This new law permits only those Jews with immediate family in Israel to emigrate there. Under these restrictions 90 percent of the 400,000 people who have asked to leave will be denied. This new decree has extended the past practice of denying departure for 5 years for knowledge of "state secrets" to an undefined limit of "such time as the circumstances preventing departure expires." Because no date is specified the applicant could be permanently denied an exit visa. This new decree makes a mockery of due process of law and ignores the rights of emigration for the many Jews without immediate family members abroad. It is another attempt by the Soviet Union to side step the principles of the Helsinki accords.

An example of Soviet noncompliance is the gentleman on whose behalf I am concerned—Gennady Feldman. Gennady has been applying to emigrate since 1976. He hopes to join his sister and elderly parents who now live in Israel. His parents are ill, and want only to live to see their son.

Gennady, because he applied to emigrate now lives the tragic life of a refusnik. He cannot find work, he has no place to live and depends on friends for shelter, and he has been beaten by auxiliary police. The Soviet Government punishes Gennady for a desire to be reunited with his family by assuring that he is an outcast in Soviet society and by denying him the right to leave.

I call upon the Soviet Union to live up to their responsibilities as a signatory of the Helsinki accords and to allow Gennady Feldman to exercise the basic human right of emigration.

Mr. BROOMFIELD. Mr. Speaker, I wish to commend Mr. GILMAN and Mr. MRAZEK in reserving this time so that we may call attention to the plight of Soviet citizens who have been refused permission to emigrate to join their family members in the West.

We can all point to countless examples of the Soviet violation of basic international human rights—rights that they agreed to observe when the Soviet Government signed the Helsinki Final Act.

In my own area of southern Michigan, due to Soviet violations of those basic human rights, a Michigan resident and his Soviet bride are enduring years of separation.

Keith Braun, a young attorney from Southfield, MI, met and married Svetlana in Moscow over 2 years ago when he was a student in that country. Since that time, Svetlana has formally applied for exit visas from the U.S.S.R. on three occasions. All of her attempts to emigrate from that closed society, so that she could join her husband in America, were refused by Soviet officials. The tragic case of Keith and Svetlana Braun is one of about 20 such cases known as "divided family" cases, according to State Department officers who have tried to help resolve this unfortunate matter.

Keith has devoted countless hours in trying to win the freedom of his wife, has written hundreds of letters and visited Moscow in order to talk with Soviet officials in hopes of obtaining her freedom.

Keith is the cofounder of the politically active Divided Spouses Coalition, which tells the American people about the ongoing tragedy of newly married, binational couples who are kept apart for no apparent reason by Soviet officials.

Some progress has been made in recent years in correcting human rights abuses in the U.S.S.R. Over the last year, 16 divided families were reunited, more than the 4 previous years combined. Overall, however, the Soviet Union is still a human rights wasteland. The human rights of thousands of Soviet Jews and others are being violated and Soviet officials are doing very little to correct those abuses.

The violations of basic human liberties are in defiance of both the spirit and the letter of the 1975 Helsinki accords. The Human Contacts section of that international agreement requires that signatories guarantee reunification of families and the right of binational couples to choose their country of residence. The President is to be commended for regularly raising the issue of human rights violations with the highest levels of the Soviet Government. This is an issue with Congress will not ignore. We are firmly behind Keith Braun and his fight for his wife's release from the Soviet Union.

Mr. HAYES of Illinois. Mr. Speaker, it seems that not a day goes by that my office doesn't receive a "Dear Colleague" letter from one of our fellow Members on an issue relating to the emigration of Soviet citizens. Earlier this week however, I received a letter from one of my own constituents, asking for my assistance for a family that wishes to emigrate from the Soviet Union and Israel. While this is not an issue that has been uppermost in the minds of most of my constituents, I think that it does represent a growing concern on the part of many Americans.

Those of us who are American citizens sometimes take for granted our ability to come and go as we please, with the only barrier being the cost of our travel. This freedom, however, should not be limited only to American citizens. I view it as a fundamental human right; one that should be accorded to all. The Soviet Union's refusal to allow its citizens to share in this freedom is not only proof of the weakness of the Soviet system, but of the apparent fear on the part of Soviet authorities to allow their citizens to make free choices.

But we know well the ways of the Soviet Union. The burden on our Nation is to make the Soviets see the error of their ways, and to work to make them know that behavior that conforms to the norms of established, civilized nations is what we expect of them—no matter our differences in policy or politics. In my opinion, this is another way that the Reagan administration has fallen woefully short of success. As proof, I cite the following numbers: In 1980, the year President Reagan was elected, emigration was 21,471; in 1981, it was 2,688; in 1983, it was 1,314; and in 1984, only 896. In 1985, it rose again, but only slightly, to 1,139. What has been the cause of this dramatic decline?

Certainly, there has been instability and insecurity in the U.S.S.R. We know, for example they have had four different leaders during that time. However, I would also submit that the bellicose language and the confrontational attitude of the Reagan administration has produced a "War of Words" that has chilled relations to the point that has almost stopped immigration.

Make no mistake; I am not excusing the Soviet Union for their inexcusable behavior. I am aware that they often use issues just like this for mere political propaganda. However, if we are really attempting to increase the number of immigrants and to improve the Soviet Union's record in regard to human rights, I think that we must also consider how to create a better relationship between the United States and the U.S.S.R.

In the meantime, the Soviet Union could do well to show that it is also interested in improving relations by allowing Judith Rathner, her husband Leonid Bialy, their sons Alexander and Mikhail, and Mikhail's wife, Miriam Fulmacht to emigrate. It might be a small step, but it would be a step in the right direction.

Mr. Speaker, I thank my colleagues, Mr. MRAZEK and Mr. GILMAN from New York, for taking the time for this special order.

Mr. FRENZEL. Mr. Speaker, I am pleased to take part in this special order to highlight the plight of Soviet refuseniks.

The Soviet Union has a long and sorry record of depriving its citizens of the most fundamental of liberties, including the freedom to emigrate. Even compared to that abysmal record, 1986 was a terrible year for Soviet citizens, particularly Soviet Jews, seeking to leave the U.S.S.R.

Today's special order focuses on the plight of the Terlitsky family, whose requests to emigrate have been frustrated for over a decade. The case is appalling, and deserves to be emphasized. At the same time, however, it is important to note that this case represents thousands of similarly situated families.

The Jewish community, the Congress and the administration have all stressed the need for improved Soviet performance in this area. The very fact that that point needs to be made repeatedly is itself an outrage. As long as that fact persists, however, I and my colleagues, as well as countless others, will continue our efforts to win emigration rights for Soviet refuseniks.

Mr. ERDREICH. Mr. Speaker, we have convened the historic 100th Congress of the United States. I join today with my colleagues in the House to bring attention yet again to the over 300,000 Soviet Jews who continue to be denied the right to emigrate and be reunited with their family members.

It is difficult in this great Nation, with our high regard for the rights of the individual, to imagine a country that places greater emphasis on the iron will of government than on basic and, what should be, undeniable individual freedoms.

But although our struggle to open the door of freedom for those who seek a new beginning in democratic lands may sometimes seem to be in vain, our voices are sometimes heard and our efforts are sometimes successful. Since my election to Congress in 1983, I have tried to secure the release of several families who sought to emigrate, in particular Boris and Irene Ghinis, who desperately wanted to join their family here in the United States. After many fruitless attempts, I am happy to report that Boris and Irene were allowed to emigrate last year and have been reunited with their loves ones. With the successful emigration of the Ghinis', I have now added the family of Nachman Komack to the others for whom I continue to work and fight.

Of course, the happy ending of the Ghinis family is but one small victory, and is overshadowed by the thousands and thousands of individuals whose happy endings have yet to be written and whose dreams remain unfulfilled.

Perhaps one day in the not too distant future, we will gather here again, not to speak out on behalf of those who live under oppressive states, but to celebrate the fulfillment of the dream of freedom for all. It is my hope that the infinite strength of conviction and unflagging and enduring faith of all those who seek freedom will serve to strengthen even more our resolve and redouble our efforts to help them realize their dream.

Mr. UDALL. Mr. Speaker, it is with great concern that I participate in this special order today regarding the plight of Soviet citizens who have been refused permission to emigrate to join their families in the West. It is extremely important that we, as Members of Congress, continue to make our voices heard on the issue of human rights abuse in the Soviet Union.

At this time, I would like to address the case of Mr. Sergei Khodorovich, a Soviet human rights activist whose imprisonment has lasted over 3 years. Although Mr. Khodorovich was recently resentenced to 3 more years of imprisonment, we have reason to believe that his release is imminent. News sources are reporting that Soviet authorities have contacted his family, granting them permission to seek emigration from the Soviet Union. If both reports are true, I am deeply relieved and pleased that his ordeal will end and that he will be able to emigrate with his family. I am also hopeful that this action will be followed by not only an improved policy of amnesty for political prisoners, but also by an increase in exit visas for those wishing to emigrate from the Soviet Union.

There have been numerous reports that the Soviets are indeed implementing new emigration rules which have been in effect since January 1, 1987. As a signator of the Helsinki Final Act, it is only right that the Soviet Union abide by its tenets, dealing in a "positive and humanitarian spirit with the application of persons who wish to be reunited with members of their family."

I am grateful for the opportunity to express my concern over this grave issue and I am hopeful that this new trend in Soviet human right's policy will continue.

Mrs. COLLINS. Mr. Speaker, I want to thank my distinguished colleagues, BEN GILMAN and ROBERT MRAZEK, for calling a special order on this important issue. The refuseniks cannot be forgotten.

My heart goes out to all refuseniks, but the plight of one family is of particular concern to me—the family of Abe Stolar, an American citizen and native Chicagoan.

Abe was born in Chicago to parents who moved from Russia. In the 1930's, when Abe was still in his teens, his parents took him back to the Soviet Union. He didn't want to leave America, but he had no choice.

Returning to Russia proved a mistake. Both of Abe's parents and one sister died in Stalin's purges.

Abe made the most of his situation. He got a job, married, and raised a family. Through it all he never gave up his U.S. citizenship or his love of America. Now he wants to come home.

The Stolars received permission to emigrate in 1975, but they were detained at the airport. The reason given by the Soviet authorities was that Gita Stolar, Abe's wife, had engaged in secret work. Now the authorities say that Abe can leave; the rest of the family cannot.

Sometimes Moscow says one family member can leave and sometimes another, but they never give permission for the entire family to go. Abe is no fool. He knows how the Soviets work. If he were to leave, he might never get his family out and never see them again. Abe Stolar wants to live out his final years as a free man, but not without his family. He wants them to live free too. He won't leave without them. And he shouldn't have to.

I've introduced legislation, House Concurrent Resolution 5, calling on Moscow to release the Stolar family. It will show Moscow that the United States doesn't forget its people. And it will show them that Americans don't believe in splitting up families. It's time to bring Abe home.

Mr. ATKINS. Mr. Speaker, today I join a number of my colleagues to again bring the plight of the thousands of Jewish individuals barred from emigrating from the Soviet Union to the forefront of American concern. Currently in the Soviet Union, there are thousands of individuals forced to live their lives under the strains of repression, poverty, and injustice as a consequence of their desire to emigrate and be reunited with their families.

Despite the release of such noted members of the Soviet dissident movement as Anatoly Shcharansky, Yuri Orlov, David Goldfarb, and the granting of permission to Andrei Sakharov to return to his home in Moscow after 7 years in exile, we can not be complacent about the Soviet Union's human rights record. Last year, the Soviet Government allowed only 914 Jews to emigrate. This statistic represents a 20-percent decrease from the figure of 1,140 in 1985 and falls far below the high point in Jewish emigration—51,000—which occured in 1979. At this time, 380,000 Jews are awaiting word on their application to emigrate.

One individual awaiting permission from the Soviet Government to leave is Dr. Benjamin Charny of Moscow. Since 1979, Dr. Charny, a mathematician, and his wife Yadviga have tried unsuccessfully on a number of occasions to gain permission to leave the Soviet Union. Soviet officials have denied the Charnys' exist visas because they alledge that Dr. Charny possesses classified information even though he has not had a full time job in over 8 years. In addition, Mrs. Charny, educated as an engineer, has been forced to work as a laborer in a garment factory to help support her family.

Currently, Dr. Charny is gravely ill, suffering from melanoma and a heart condition. His poor health keeps Dr. Charny confined to his small apartment in Moscow. Without proper and immediate treatment, there is fear that he will soon die.

Besides his wife, his daughter Anna, and son-in-law Yuri, Dr. Charny has no close relatives in Moscow. His brother Leon was allowed to emigrate in 1979, and presently lives in Needham, MA.

Dr. Charny is a sick man. His leaving the Soviet Union will not endanger that country's national security. He must not be allowed to die in the name of Soviet paranoia and suspicion. Therefore, I take the opportunity today from this podium to strongly urge Soviet General Secretary Gorbachev, on humanitarian grounds, to allow Dr. Charny and his family to emigrate to the United States.

Mr. Speaker, some may find the words spoken here to be repetative. I do not doubt that the words spoken in this Chamber today have been echoed in similar forums in the past. However, as our words remain the same so do the difficult and unjust living conditions experienced by Soviet Jews. We must continue our efforts on the behalf of individuals like Benjamin Charny no matter how repetative until he and every prisoner of conscience is allowed to live the life of their choice.

Mr. LENT. Mr. Speaker, I am pleased to join my distinguished colleagues from New York, Congressmen MRAZEK and GILMAN, for today's special order recognizing the continued struggle of Soviet Jews.

The Soviet Government has denied visas to hundreds of thousands of Soviet Jews seeking to be reunited with their families. Despite General Secretary Gorbachev's new policy of "Glasnost" or openness, the chances for freedom for Soviet Jews appear more dismal than ever. On January 1, Mr. Gorbachev instituted a new emigration law with the stated purpose of clarification and simplification. Under the new law, only first-degree relatives, such as parents, children, and siblings, are eligible for permission to emigrate. This decree effectively prevents thousands of Jews from ever applying for, much less receiving, visas.

In 1986, Jewish emigration from the Soviet Union totaled only 914, a 20-percent drop from 1,140 in 1985. Despite Soviet gestures in a few highly visable cases, such as that of Anatoly Shcharansky and David Goldfarb, nearly 380,000 Jews await permission to emigrate. These are the brave men and women who, because of their Jewish faith, are singled out for harassment, arrest and imprisonment by the Soviet authorities.

Mark Terlitsky is one such individual. A staunch leader of the refusenick community in Moscow, Mark Terlitsky and his wife Svetlana have been waiting to emigrate for 10 years to join his brother here in the United States. And there are many more Soviet Jews like Mark and Svetlana Terlitsky for whom the day of freedom remains a dream: My adopted prisoner of conscience Ida Nudel, Jacov Rabinovitch, Yuli Edelshtein, Leonid Volvovsky, Yosef Begun, Vladimir Lifshitz, and Roald Zelichonok to name only a few.

I call upon all those who cherish freedom to join us in taking up the struggle of Soviet Jews. So long as there as those who cannot practice their religion without fear of persecution, families torn apart by policies of hatred, and prisoners of conscience suffering unimaginable agonies in the Soviet Gulag, then we will keep the fight for freedom alive. Our efforts will be a ray of hope for these courageous people. They will know that they have not been forgotten and that someday the day of freedom will come.

Mr. FROST. Mr. Speaker, I'm pleased to join with my colleagues in expressing my deep concern with the Soviet Union's refusal to allow the Terlitsky family to emigrate.

During recent years, we have heard much of Secretary Gorbachev's intent to provide Soviet citizens with more "freedoms." Everything from more open news coverage to the democratization of the political process has been proposed. But, as long as families like the Terlitsky's are denied the freedom to emigrate, because they have chosen to practice the religion of their birth, we must remain dubious of the Secretary's true intentions.

The Terlitsky family has been applying to emigrate for over 10 years. They have been refused the right to emigrate, to both Israel and the United States, because of Mark Terlitsky's supposed "possession of secret information."

The denial of basic human rights has caused the Terlitsky family continuing hardships. As a result of their efforts to emigrate, Mark Terlitsky has lost his job as an architect, and his wife, Svetlana, has lost her job as an economics analyst. To date, they have been unable to find permanent employment.

Mark's mother, Fanya, has a serious illness, and his daughter, Olga, is prohibited from continuing her training as a violinist. All of them hope to join their family in the United States, and to begin new lives.

Throughout the years of refusal, Mark and Svetlana have remained active members of the refusenik community in Moscow. On several occasions they have been detained, harassed, and beaten.

Authorities in Moscow have told the family that the granting of their exit visas is "contingent on further international developments." I urge my colleagues to join with me and call upon Secretary Gorbachev to allow the Terlitsky's to emigrate.

We, as Americans, must continue to press the Soviet Union for real, not rhetorical, changes to improve conditions for Soviet Jews. Our continued vigilance is necessary to insure the enforcement of basic human rights.

Mr. GRADISON. Mr. Speaker, as part of the special order to highlight the plight of Soviet refuseniks, I would like to address the Soviet Union's repressive policies with regard to emigration to other countries, and particularly I would like to cite the case of Vladimir Lifshitz.

Vladimir Lifshitz, his wife, and family have taken Israeli citizenship. On January 8, 1986, Mr. Lifshitz, who is a mathematician, was arrested by the Soviet authorities on charges of anti-Soviet slander. Prior to his arrest, he had protested to the government about officials confiscating, holding, and reading his personal mail. During his trial, the Soviet Government used Mr. Lifshitz's personal letters as evidence against him.

Mr. Lifshitz was sentenced to 3 years in a labor camp in Kamchatka, where camp authorities are exerting tremendous pressure on him, including denial of his right to buy extra food. He has been forced into 16-hour work days, which are often supplemented by shoveling snow during his off hours. Twice he has had charges brought against him because he has supposedly failed to place his pillow exactly in the middle of his bed. A third such infraction may lead to a camp trial.

Mr. Lifshitz has been told that he cannot receive letters in English because no one can translate them. In addition, a Hebrew-Russian dictionary, sent to him by his wife Anna, has been sent back because the authorities alleged notes in the margins may be a code. Although Mrs. Lifshitz was sent an invitation for a brief meeting, the document was incorrectly completed by the authorities, and deemed useless.

On December 17, 1986, Anna Lifshitz received a postcard in Vladimir's handwriting, stating that he had received her letters. However, she has still received no letters from him. The camp commander has told her that her husband sent her 11 letters from November through December.

Mr. Speaker, Soviet leader Mikhail Gorbachev and his government have tried to make it appear that they are improving their record on emigration for the Soviet Union. They have espoused a policy of "glasnost," or openness. The facts do not back up these claims.

In 1986, Jewish emigration from the Soviet Union totaled only 914, as compared to 1,140 in 1985. Such new initiatives as a new emigration decree appear to be merely cosmetic. Soviet emigration policy is as unjust and inhumane as ever.

The Lifshitz family, and thousands like them in the Soviet Union, are experiencing persecution at the hands of their own government. There is no justifiable reason for the Soviet authorities to reject or ignore the Lifshitz' request to emigrate. Their actions constitute a flagrant violation of the Helsinki Final Act of 1975 and the Universal Declaration of Human Rights of 1947, both of which were signed by the Soviet Union. These documents should be adhered to in the spirit of justice, human rights, and international harmony.

Mr. LOWERY of California. Mr. Speaker, I join my colleagues in order to offer evidence challenging the truthfulness of Mikhail Gorbachev's policy of "glasnost"—openness. Today, we are barraged by news stories claiming that Soviet society is liberalizing. But, let us remember that Soviet strongmen before Gorbachev—Lenin, Stalin, Khrushchev, Brezhnev, Andropov, and Chernenko—promised reform; nonetheless, the totalitarian edifice remains in place. Even as our national media touts Gorbachev "the reformer," his draconian emigration policies lead me to think that "glasnost" is just another word for propaganda. The San Diego Jewish community, working hard for the freedom of their friends and relatives not permitted to emigrate from the Soviet Union, finds not openness but increasing repression in the U.S.S.R.

If Gorbachev is genuine about reform, why has Jewish emigration from the Soviet Union dropped from a high of 51,320 in 1979, to 1,140 in 1985, to a paltry 914 last year? Why does he release some of the well-known human rights activists—Natan Shcharansky and Yuri Orlov—only to clamp down harder on those refuseniks not widely known to the West? Here are a few cases brought to my attention by their family and friends in the San Diego community:

In July, 1977, Naum Kogan and his family applied for an exist visa, which was denied on the grounds that his wife, Zhanna, worked in a "classified" area. Since then, they have lost their jobs, and have been unable to find steady employment. Today, Mr. Kogan suffers from kidney disease, and unless he is granted permission to emigrate to the United States to receive treatment, he may die.

Michael C. Beizer, the husband of a young woman in my district, applied for an exit visa in 1979, but still waits without word from Soviet officials.

The Brailovskaya family first applied for exit visas in October 1972 in order to join their relatives in Israel. Permission to emigrate was denied due to Mrs. Irina Brailovskaya's alleged access to "state secrets" at Moscow University. Since this time the family has suffered greatly: Mr. Viktor Brailovskaya recently returned to Moscow from 5 years internal exile in Khazakstan, and is now being threatened with the charge of "parasitism."

The Safronov family applied for exit visas in 1979 in order to join their relatives in Israel. However, this and subsequent requests were denied on the grounds of "insufficient kinship." Soon after applying to emigrate, the parents, Vladimir and Ellanora Safronov, lost their engineering jobs.

The plight of these and other Jewish refuseniks is a testament to the hollow ring of Gorbachev's policy of "glasnost." As a signatory to the Helsinki accords and the Universal Declaration of Human Rights, the Soviet Union guarantees citizens the right to emigrate. The American people consider freedom indivisible, and judge the Soviet Union by its fidelity to this principle. I strongly urge the Soviet Union to honor its solemnly signed agreements, and grant Jewish refuseniks their right to emigrate.

Mr. MATSUI. Mr. Speaker, I join my colleagues today in calling attention to the plight of Mark and Svetlana Terlitsky. These two Soviet citizens, like so many others, have been denied permission to emigrate for no conceivable reason. The Terlitskys have been repeatedly told no since they first applied to emigrate over a decade ago.

Mark and Svetlana do not share the renown of Andrei Sakharov or Anatoly Shcharansky. They are ordinary citizens, representative of thousands of others, who have gone through the bureaucracy and formalities required by the Soviet regime for emigration. Like most others, their requests are continually denied. They are denied freedom even though they have done nothing wrong.

The unfair treatment of the Terlitskys highlights the Soviet Union's basic policy of disregard of the rights of its citizens, a policy which we must continue to condemn. Members of the House of Representatives must continue to keep Soviet officials aware of our interest in the human rights of these political captives. In the interest of justice and basic human dignity, we must continue to remind the Soviet Government and the world that the hearts and minds of Americans are with the Terlitskys and all Soviet citizens who wish to leave the Soviet Union. We must continue in our struggle against oppression. We must make the Soviet leaders know that the hardships suffered by the refuseniks are known, are unacceptable, and will not be forgotten.

Mr. SHAW. Mr. Speaker, next week we will all be celebrating Valentine's Day, a day on which we honor those we love. For most of us, this is a most happy occasion. But for one resident of my district, Dr. Galina Vileshina, Valentine's Day is particularly painful for it is filled with thoughts not of togetherness but of loneliness. Dr. Vileshina is separated from her husband, not by choice, but because of the policies of the Soviet Government.

For sometime now I have been involved in the case of Galina Vileshina and her husband Pyatras Pakenas. They represent one of the cases of "divided spouses." Dr. Vileshina left the Soviet Union 6 years ago with the understanding that her husband would follow within 6 months. Since that time, Mr. Pakenas has attempted to secure an exit visa from Soviet authorities and leave Lithuania 17 times to no avail.

Dr. Vileshina, now an American citizen and a practicing neurologist in Broward County, FL is very proud to be here. But her only wish is to be reunited with her husband so that they may spend a peaceful and free life together in the United States. Lately their situation has become even more serious because Mr. Pakenas has begun to suffer from heart problems and symptoms of high blood pressure. Dr. Vileshina is very concerned that continued separation will cause her husband's health to deteriorate even more rapidly.

Like many of my colleagues in the House of Representatives, I have been working acitively in an effort to show support on behalf of the divided families and refuseniks and to urge the Soviet Union to take all necessary steps to reunite these loved ones. I applaud the Soviet Union's actions in the release of some of the divided spouses, but it should be brought to the attention of the world that many couples and entire families still remain to be reunited.

I congratulate my colleagues for calling this special order today because these types of efforts do help to focus attention on the plight of these sad families. We need to remind the Soviet Union that we are watching, we do care, and we will not forget until all of the divided families have been reunited. For my part, I will not rest until Dr. Vileshina can deliver her Valentine to her husband in person.

FOREIGN DOD PURCHASES SWELLING BALANCE OF PAYMENTS DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mr. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, the New York Times carried a story on February 1 that the U.S. Government awarded $9 billion in military contracts to foreign companies last year. Other agencies' purchases from abroad were not covered in the news story, but I am personally aware that Government Services Administration [GSA] is buying trucks from Japan and even electronics equipment in Government offices bear Japanese names.

For the last 2 years I have stood on this floor trying to alert the Members of this body to these growing losses, not only in dollars flowing abroad, but in jobs and companies reeling under the loss of contracts for weapons systems already developed, manufacturing lines in place.

This has happened not by any natural attrition, but by a deliberate plan through several pieces of legislation. The Trade Adjustments Act of 1979 gives the President the power to negate any previous "Buy America" legislation. That power can be passed on to Agency heads and it has.

The DOD Authorization Act, passed in 1984, provides for competitive bidding on Government contracts. Even though the law does not specifically mention foreign contractors, the Wall Street Journal of November 8, 1985, says "Last year, as part of an efficiency drive, the Reagan administration established high ranking officers within each of the armed services to act as in-house lobbyists for competition in defense buying, including more consideration of foreign weapons.

Current defense approporiation bills include proposals, supported by the administration, that would further advance the cause of European arms.

□ 1630

The Wall Street Journal continues on to say in the end of the article that "Gen. Bernard Rogers recently told reporters that the group 'had done more than any other organization in moving down the road toward what we must have—which is a West European defense industrial base which can compete with the United States'." The Group General Rogers refers to is the independent European program group which works on joint European weapons development.

At the time I read this—a year ago this last November—I brought the quote to the floor of the House. I was shocked that our NATO commander and Secretary of Defense Weinberger would feel that "we must have" a West European defense industrial base to compete with the United States.

I hoped that other Members would be as concerned as I am about this trend. I anticipated that some powerful committee chairman would call General Rogers into a hearing to question him about which country he represented. The silence was deafening.

Over $9 billion and 15 months later, the New York Times headline, "Lawmakers Irate Over $9 Billion for Foreign Military Contracting." In this last year also, the Europeans have sold more than $1 billion additional, $1 billion more than we have in arms to the world than have our own defense manufacturers.

In other words, we sold last year about 7.5 billion dollars' worth, while the NATO countries sold 8.6 billion dollars' worth. I cannot understand the surprise on the part of certain legislators that this is happening. It has certainly been carried on in the public eye, both legislatively and administratively.

The effects are beginning now to show up in the big number losses to certain States—oh, yes, the cheese is becoming more binding. These early numbers are but the tip of the iceberg. Job layoffs to lost contracts abroad will not begin in my district until the spring. So the unemployment figures become clear months after the first fact of the contract announcement.

When I challenged a Navy admiral last year about the purchase of boots for the military from Korea, rather than from a shoe factory that was right on the edge of my district, with many of the people who worked there living in my district and being faced with unemployment, the response was that the boots from Korea were cheaper.

I told him yes, he was right, they are cheaper; but I also told him that Navy admirals in Korea were cheaper as well.

So like an angry centipede, the shoes continue to drop. Once the foreign manufacturer gets the contract, and all too frequently United States developed technology for the contract, the foreign manufacturer sets himself up to sell that technology to other countries, cutting out the original United States supplier; and when the suppliers—maybe the Koreans or the Taiwanese or the European, the NATO countries—whomever overseas, we must face the fact that none of those workers in those foreign manufacturing plants pay taxes to this country to keep our military installation going.

All of the taxes that go into the Treasury and are used by the Defense Department come from American workers. So we have to say that it is sad that the laws allow the foreign firm to win the bid, if there is a 10-percent differential. This saving completely ignores the hard fact that every U.S. dollar spent inside this country returns 46 cents to the taxing entities in that geographical area. In other words, 46 cents of every dollar spent by the Defense Department in the United States comes back to the Federal Government, to the State government or to the local government.

In truth, then, we can say that the cost to the American people on a foreign contract, which has a 10-percent cheaper price tag up front is really 40 percent greater in the long run, and maybe even more than that when all of the losses are considered.

The purpose of the second sourcing law—to get defense products more cheaply—is totally defeated when a contract is shipped offshore. Taxes are not only lost, but the whole amount moves out of the country as a debt that we owe to other nations in the balance of payments.

Cheaper to go offshore? For whom? I would like to know what bookkeepers in our Congress and administration add so poorly.

I welcome the concern of my fellow Congressmen over the loss of business to our military contractors. When this whole cycle began, it seemed that this country was bowing under the pressure of foreign governments, saying that if we did not buy more weaponry from them, they would stop purchasing from us.

Well, we have brought more weaponry from them and they are now buying less from us. So much for bending to intimidation; and their sales position has been strengthened by the infusion of state-of-the-art U.S. technology which is being passed along in some of these contract awards.

Mr. Speaker, I hope I do not sound like some naive person when I express utter shock and amazement that we seem to have bought the London Bridge and the Eiffel Tower, and every pea under the shell that these hungry foreign nations are hawking.

They need manufacturing and manufacturing jobs—well, so do we. Neither I, nor anyone in this body, was elected to protect the interests of Europe and European lawmakers, or European or any workers abroad. We are elected to protect the interests of America and Americans.

Every dollar of taxpayers' money should be plowed back into this country. With a shrinking industrial base, the guarantee of defense money to the remaining manufacturing companies will at least keep a remnant of industry in this country which maintains skills and technology needed for any meaningful defense.

I believe, to remain a leading nation in the world, it will take more than a remnant of industry. It will take an expanding industrial base, but that will take great effort and will on the part of everyone to turn the tides that are tearing at our strength. I hope with all my heart that we can achieve this turnaround. However, in the interim, to throw away the lead we have in weapons sales and technology is more than folly, it is madness.

I am glad so many Congressmen are now angry over these sales. I hope they are angry enough to do something about it. I have been fighting many bureaucrats over provisions of law, of existing law which they are flaunting in regard to shipping on American-flag ships. I am always dismayed at the attitude they display toward American law; and, in instances of which I have been aware, the law has been clear, and all too often disobeyed.

Let us make it clear, ladies and gentlemen, where we stand. Once and for all, and I hope that stand is for America. For American products and companies and jobs. For America's revitalization. I believe it is worth the struggle and the effort; and it should be seen as the job of every American today.

□ 1640

THE INTELLIGENCE OVERSIGHT AMENDMENTS OF 1987

The SPEAKER pro tempore (Mr. GRAY of Illinois). Under a previous order of the House, the gentleman from Ohio [Mr. STOKES] is recognized for 15 minutes.

Mr. STOKES. Mr. Speaker, the Iran-Contra controversy has raised some very serious questions concerning the ability of the Intelligence Committee to effectively perform its important oversight function. I say this not to criticize the committee, of which I have been a member for 4 years, and will chair during the 100th Congress, but to emphasize the obvious: No matter how vigorously it pursues its mission, a congressional committee's oversight efforts are largely dependent on the willingness of the executive branch to provide information.

When the executive branch treats the oversight process as a legitimate and important function of representative government, and cooperates accordingly, both the oversight process and the programs overseen usually function at their best.

When the executive branch treats congressional oversight as an irritant to be avoided or overcome, the result is quite often a policy or program failure. Occasionally, such failures are of such magnitude as to directly affect the national interest.

Clearly, this has been the case with regard to the so-called Iran initiative. The intent to evade congressional oversight is clear; the disastrous result is equally clear. It has come in the one area of secret governmental activity—covert action—where effective congressional oversight is imperative, and where congressional access to information must be unfettered. If the Intelligence Committees are not informed of covert actions, then no one in Congress is informed and no oversight is performed. If the Intelligence Committees are not permitted to offer sound advice and constructive criticism before an action is initiated, then rarely will any such advice or criticism be heard from anyone who does not have a direct operational or policy connection to the particular covert action contemplated.

In my opinion, this outsider's look is one of the more important functions of the Intelligence Oversight Committees. While we must endeavor to avoid or discover Intelligence Agency abuses, to control the monetary cost of intelligence activities, and to influence major policy decisions affecting the long-term conduct of intelligence activities, it is just as important, to both the Congress and the intelligence community, to be able to sit back in a detached manner, listen to an intelligence briefing, and suggest that the proposed action is a bad plan. It is much easier to perceive the inherent folly of a complicated plan if you did not have a hand in its formulation or execution and your job does not depend on its success.

So, there are reasons other than the curiosity for oversight committees to seek to know as much information as possible. The Iran-Contra affair is instructive. Surely, if the Intelligence Committee had been provided prior notice of the Iran arms sales when it should have been, at least one among us might have asked some pertinent questions; some of us might even have opposed it; and some of us who opposed it might even have proferred reasoned and persuasive arguments as to why the proposal would not work. Indeed, since the Intelligence Committee possesses no veto authority over covert actions, members of the committee have, on occasion, written to the President directly to voice opposition to a proposed covert action. Had we been afforded the opportunity to do so this time, at the program's inception or later, the President would have had a better understanding of the risks involved and of the clear aversion of the Congress and the American people to what appears to be an arms-for-hostages deal.

At one time, even quite recently, in this relatively new intelligence oversight process, the intelligence community, and the CIA in particular, seemed to recognize the value of congressional oversight. At one time, the intelligence community, and the CIA in particular, seemed to recognize the need to codify the oversight process and joined the members of the intelligence committees to enact the Oversight Act of 1980. Also, at one time, the intelligence community, and the CIA in particular, considered that statute as a binding promise to keep the intelligence committees fully informed.

Apparently, and regrettably, this is no longer true. That bond of mutual respect and trust between the committees and the CIA, which Eddie Boland, Ken Robinson, Senator Inouye, Senator Bayh, Senator Goldwater, and others strove so hard and so successfully to establish, has been broken. It has been replaced of late by a demonstration of arrogance that permits high-ranking Government officials to look for ways to avoid the law rather than execute it, and to reason that a statute designed to insure prior notice authorized no notice at all for 10 months.

Where the Congress had agreed to some minimal ambiguity so as to avoid confrontation, this administration now sees an acceptance by the Congress of a constitutional right to withhold information. Where some in the Congress had recognized the possibility of a rare circumstance in which Presidential action was demanded before notice could be given, this administration perceives congressional recognition that some executive branch actions are too sensitive to share with the intelligence committees. Where once intelligence professionals were eager both to perform their own oversight as well as cooperate with the Congress, this administration now permits the Nation's most sensitive intelligence operations to be carried out by individuals who deem the Congress more of a threat than hostile governments or terrorists.

Mr. Speaker, it is my fervent hope that we now have hit rock botton in this matter and that the state of affairs I have described will end as quickly as it began. Then the intelligence committees and the executive branch can begin to reestablish an atmosphere in which the committees, the Congress, and the American people can once again feel confident that certain agencies are indeed to be trusted.

This time, however, the Congress must be perfectly clear in setting out the ground rules and must exercise its full constitutional powers. Events have demonstrated that to rely, as we all did, on the assurance that Government officials would always act in a spirit of good will when interpreting statutes worded vaguely at the insistence of other Government officials, is not in the best interest of the oversight process. The actions of the President, the Director of Central Intelligence, and the latter's general counsel in interpreting the prior notice provision of the Oversight Act of 1980 require us, for their benefit as well as ours, to bring clarity to the provision.

Therefore, Mr. Speaker, today, Mr. Boland, Mr. Beilenson, Mr. McCurdy, Mr. Daniel, Mr. Brown of California, Mr. Dwyer, Mrs. Kennelly, Mr. Kastenmeier, Mr. McHugh, and I have joined to introduce the Intelligence Oversight Amendments of 1987.

The bill amends the National Security Act of 1947 and section 662 of the Foreign Assistance Act of 1961—the Hughes-Ryan amendment—in order to implement the intent of those who drafted the Oversight Act of 1980 and to insure that the President, whoever he or she may be, receives sound advice from within both the Congress and the executive branch before undertaking covert actions.

The bill would require that all Presidential findings be in writing, and that the written finding be provided to the intelligence committees, the statutory members of the National Security Council, and the Director of Central Intelligence prior to the initiation of a covert action.

The bill would also make clear that prior notice to Congress of all covert actions must be given, except in extraordinary circumstances affecting the vital interests of the United States where time is of the essence. In such cases, and only in such cases, notice could be deferred for not more than 48 hours.

With these amendments, the scheme for covert action reporting will be quite clear: First, in almost all cases, prior notice must be given to the intelligence committees; second, in rare cases, where the President believes there is an unusual degree of sensitivity, prior notice must be given, but it may be given to the leadership group set out in section 501; and third, in even rarer cases, where the President must react with speed because of an immediate threat to our national security, notice may be deferred for a maximum of 48 hours.

Never again, Mr. Speaker, must we hear that an activity of the U.S. Government is so sensitive that knowledge of it must be withheld from the U.S. Congress.

Mr. Speaker, I am pleased now to yield to the distinguished former chairman of the Permanent Select Committee on Intelligence, the gentleman from Massachusetts [Mr. Boland] under whose chairmanship the House Intelligence Committee attained prominence.

Mr. BOLAND. Mr. Speaker, I appreciate very deeply the remarks of the distinguished chairman of the House Permanent Select Committee on Intelligence with respect to my chairmanship during the 7 years that I was with the select committee.

Mr. Speaker, by the time the last investigative report is issued on the Iran-Contra affair, I expect that the national list of lessons to be learned from this episode will be quite extensive indeed.

I also expect that Congress may deem it necessary to address, through legislation, certain aspects of this matter, in an attempt to ensure that whatever mistakes were made are not repeated in the future.

We are obviously some months away from the kind of final accounting which can form the basis for such legislation.

However, in one particularly sensitive area—the form and timing of congressional notification of covert intelligence actions—it is already quite clear that there exists a serious and fundamental disagreement between the executive branch and the Congress over the requirements of existing law.

The potential for additional damage to our foreign policy interests, and the reputation of our intelligence agencies, through the perpetuation of this disagreement is so great, that I believe that it must be legislatively resolved as quickly as possible.

For that reason, I am pleased to join Chairman Lou Stokes of the House Permanent Select Committee on Intelligence, and Congressmen McHugh and Beilenson, in the introduction of the Intelligence Oversight Amendments of 1987.

I can well recall that when the House Intelligence Committee was created nearly 10 years ago there were no illusions about the fact that to effectively do its job of oversight it would have to depend to a great extent on the candor of the intelligence agencies.

To those who might consider that a contradiction in terms, I would respond, that the hard work of Intelligence Committee members on both sides of the aisle, and in both Houses of the Congress, won for us a recognition, in the executive branch, that intelligence oversight was something to be valued, and not feared.

Or at least I thought it had.

The fact of the matter is, as Mr. Stokes has so well stated, that congressional oversight of intelligence activities is the only independent assessment of them, that is going to be made.

It seems to be beyond question, that intelligence initiatives, which are well-conceived, and based on sound policy objectives could only benefit from this type of review.

The tendering of advice and suggestions, or the noting of reservations, by outside parties ought, it seems to me, to be welcomed by decisionmakers interested in truly measuring the risks and the potential gains of sensitive activities.

This is the role the Intelligence Committees are supposed to play, but it simply cannot be done if they are not fully informed about intelligence activities, in time, to provide meaningful oversight.

In 1980, during the consideration of the Intelligence Oversight Act of that year, the House and Senate Intelligence Committees, in conjunction with representatives of the administration then in office, grappled with the most difficult issue related to oversight—the prior reporting of covert operations.

After a great deal of give and take, during which time both the Congress and the executive branch understandably sought to preserve their constitutional authorities, we established, in statute, a procedure that recognized as a matter of practice that significant intelligence activities, including covert opertions, had to be reported to the Intelligence Committees prior to initiation.

While prior notice was clearly to be the norm, we also recognized that there might be an extremely limited number of occasions, in which the President might determine, that notice of a covert operation could not be made until after it had begun.

We determined that those instances would be accommodated without doing violence to the general principles of congressional prenotification if the President understood that notice could be deferred, not eliminated.

We did not define, what we considered to be a reasonable time, for informing the committees in those instances where prior notice could not be given.

But that was a result of a clear understanding, that we were trying to establish procedures for situations, that were going to be, by definition, so extraordinary as to defy attempts to predict the type of response that would be necessary.

We believed, that the consensus which had been achieved during the negotiations on the bill, about the value of informed House and Senate Intelligence Oversight Committees, would guarantee, that after-the-fact notifications, were made in the shortest time possible.

As a result, we did not feel it wise or necessary to delineate, in statute, the outer limits on the acceptable time for that type of notification.

Yes, there was an element of comity established in those negotiations, and yes, we thought it would endure.

That hope, unfortunately was one of the early victims of the Iran-Contra affair.

As a result, and because the importance of fully informed Intelligence Committees now should be even more clear, Congress must act to inject additional statutory certitude into the notification process.

The legislation we introduce today restates the requirement for prior written notice of covert activities to the Intelligence Committees, or in certain instances to a statutorily defined leadership group.

And it establishes a 48-hour period, as the maximum reasonable time, during which rare circumstances and the need for dispatch could combine to allow notice to be deferred.

The enactment of this measure, which I believe is fully consistent with the intent of the drafters of the Oversight Act of 1980, will strengthen the intelligence oversight process on both ends of Pennsylvania Avenue.

It is a bill that is in the best interest of Congress, the President, and the Nation, and I hope it will be brought to the floor as expeditiously as possible.

□ 1650

Mr. STOKES. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. BOLAND] for his excellent statement regarding this bill and am pleased to have him as a cosponsor of this legislation.

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this special order.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMISSION TO EXTEND SPECIAL ORDER

Mr. OBEY. Mr. Speaker, I ask unanimous consent that I be allowed to extend the special order which I have reserved for this evening to 10 minutes, rather than 5.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

RESPONSE TO CONGRESSMAN McCOLLUM RE MILITARY ASSISTANCE TO EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is rcognized for 10 minutes.

Mr. OBEY. Mr. Speaker, earlier today, three Members of this House, the gentleman from Florida [Mr. MCCOLLUM], the gentleman from Texas [Mr. ARMEY], and the gentleman from Indiana [Mr. BURTON] attacked me for placing a hold on the administration's request for additional aircraft and other military assistance funds for the Government of El Salvador.

I would rise to a point a personal privilege because of their attack upon me except for the fact that I regard it as a personal privilege to be attacked by the three gentlemen in question.

Nonetheless, I would like to set the matter straight on the issues which they raised today.

Last year, at the end of November, the administration sent my subcommittee notifications that it intended to provide El Salvador with $8.6 million worth of fixed and rotary-wing aircraft and $6.5. million in military assistance funds for training and equipment of security forces.

Since the Congress was then out of session, and there was no way for the committee to take a close look at those requests, the committee put them on hold until this session could resume.

Since that time, a number of things have happened. First of all, a number of the members of my subcommittee, not just myself, asked that holds be put on the aircraft reprogramming. Also, since that time, the Hasenfus affair and the contragate scandal have raised a number of serious questions about the use of United States personnel and facilities in El Salvador.

There have been a number of allegations that American personnel in El Salvador, during a time when funding to the Contras was cut off, had facilitated the providing of supplies to the Contras.

Substantial questions have been raised, not only about United States personnel, paid for, I should point out, in the foreign assistance bill, facilitating the arms supply network to the Contras, but also questions have been raised about the involvement of El Salvadoran officials in facilitating those same shipments.

New reports have stated that the former CIA operatives running the arms supply operation from the Ilopango Airfield in El Salvador carried credentials issued from the El Salvadoran Armed Forces which identified those individuals as United States military advisers.

□ 1700

Gen. Juan Rafael Bustillo, the chief of the Salvadoran Air Force, also has been implicated in those stories in connection with the supply network going on.

Because of the serious allegations raised by the Iran-Contra scandal, the subcommittee sent the State Department on December 5 a list of 40 questions in order to determine whether or not any foreign assistance funds were used for any illegal purposes whatsoever in carrying out those activities.

One question was this: Did the State Department or the Defense Security Assistance Agency directly or indirectly have any role in the planning, purchasing, or delivery of arms provided to Iran or the Nicaraguan Contras? To date, the administration has only responded to 8 of those 40 questions. That may not bother the gentleman from Florida [Mr. McCollum.] with his longstanding love for the Contras, or the other gentleman who spoke today, but I have an obligation to make sure that the intention of Congress has not been circumvented by the administration. I am not asserting that it has been, but I do have an obligation to determine whether it has been or not.

When those Members addressed the request for police training earlier this afternoon, the impression was left that the administration does not have resources available to address its antiterrorist programs, including the problems of insurgency and terrorism.

I would like to point out that in fiscal year 1986 and fiscal year 1987 the administration has had $238 million in military aid and more than $850 million in economic and military aid in total for El Salvador.

The committee approved last year the full administration request for antiterrorism of $9.8 million, a 39-percent increase over the previous year's level when foreign aid had to be cut overall by 14 percent because of Gramm-Rudman.

The committee earmarked for the second year in a row $1 million specifically to assist the Government of El Salvador and its special investigative unit for the purpose of bringing to justice those responsible for the murders of United States citizens in El Salvador, including Corporal Kwiatkowski from my own district.

During the next month I will be talking with State Department officials about these concerns, and I will be traveling to Central America with a number of my colleagues to assess these issues. I have no intention of releasing those funds until we have completed this inspection trip, and if the "Bobbsey Triplets" who attacked me today think otherwise, they frankly can take a flying leap into the nearest lake they can find.

Another point I would like to make on the question of terrorism raised by the three gentlemen today is this: It is not I who tried to arrange for the sale of arms to those who assist international terrorists around the world, countries such as Iran. The administration, which is supported by the gentleman from Florida [Mr. McCollum], the gentleman from Texas [Mr. Armey], and the gentleman from Indiana [Mr. Burton] did that, not this gentleman.

Mr. Speaker, our subcommittee simply is charged with the responsibility of determining whether taxpayers' money is being spent in accordance with the intent of Congress and in accordance with the law. That is the subject which we will continue to pursue, and we will not be deterred.

THE 100TH CONGRESS AGENDA FOR SMALL BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. Ireland] is recognized for 30 minutes.

Mr. IRELAND. Mr. Speaker, it is no secret that the economic success of the past 6 years has been led by the small business sector of our economy.

The dimensions of American small business are enormous. Almost 4 million small enterprises employ people; self-employment is the principal source of livelihood for about 8 million; and over 16½ million are engaged in some type of recorded independent business activity. More than half our private work force is employed by small business. The value of the goods and services it produces makes American small business—alone—the world's fourth greatest economic power. Only the United States as a whole, Soviet Russia, and Japan produce more.

Small business firms and individual inventors produce some 70 percent of America's innovations. Besides the frequency and importance of small business technological innovations, small firms appear to produce them using fewer financial resources and fewer people—and bring those products to market more rapidly. A recent study conducted for the Small Business Administration by Gellman Research Associates, for example, found that small firms produced 2½ times more innovations per employee than did large firms; they also brought them to market in only two-thirds the amount of time. Further, small businesses have usually done so without Government financial support. Their share of Federal R&D procurement has remained below 5 percent for the past 3 years.

America today is alive with a unique entrepreneurial spirit; a spirit that tolerates failure and thrives on competition to stimulate the discovery of opportunities. The climate for this activity must be preserved and U.S. policies must recognize that entrepreneurs and small businesses play a lead role in determining our competitiveness. At the heart of the matter, entrepreneurial development must be a national priority.

It will be our responsibility, in the 100th Congress, to see that small business men and women have the opportunity to continue to bring economic prosperity to America in the face of an ever more competitive world environment.

Today, I want to call your attention and that of my colleagues to the essential place of small business in America; to discuss some of its problems, goals and aspirations, and to comment on the direction I feel the Congress should take to assure that small business continues to inspire the American dream.

To serve as our starting point, I draw my colleagues attention to the White House Conference on Small Business conducted in Washington, DC, in August 1986. Eighteen hundred delegates whittled a 400-plus list of legislative and administrative suggestions down to a final hard-hitting agenda of 60 recommendations. This list deserves top priority on our agenda and marks the beginning of an ongoing, productive colloquy.

Among the recommendations, there are, of course, some key issues that stand out. The liability insurance crisis in the United States has become a life-and-death struggle to many small businesses. Adequate and affordable insurance is simply unavailable to many firms. Increasing payroll taxes and Government mandates for employee benefits erode the fertile soils of small business creation. The goals and intentions may be laudable, but will they damage the ability of our small businesses to grow, prosper, and create jobs?

Unfair competition from big Government, big business and nonprofit organizations threaten many elements in the small business community. How can we tax the small business owner and then turn right around and use his or her tax dollar to drive them out of business?

We need a concerted effort to define more clearly the role of the Small Business Administration [SBA] and to refine its programs to meet the needs of today's small entrepreneurs. It is time that we in Congress evaluate the effectiveness and impact of SBA's programs, many of which were created and structured in the 1950's and 1960's and simply cannot meet the challenges of the future.

In recent years, the Small Business Committee has proved itself a worthy advocate. Most notable among its achievements are the passage of the Regulatory Flexibility Act, the Equal Access to Justice Act, and the Paperwork Reduction Act—all of which have helped to lift the burden of Government over-regulation from small business.

At the same time, however, I wish to make the point that each of these legislative successes was accomplished in concert with other committees of jurisdiction. It is important to remember that small business is not just another group promoting its own agenda, but it is a microcosm of America itself. Therefore, small business concerns are of concern to all of us, falling into each committee's jurisdiction and affecting all of our constituents in one way or another.

A VOICE FOR SMALL BUSINESS

Given the impact of small business on the national economy—more than half the private work force is employed by small business; 70

percent of America's innovation is the product of small firms and self-employment is the principal source of livelihood for about 8 million people—small firms are clearly the key to the competitive edge we so sorely need today.

But, for many years, the small business community has been concerned about the low priority that the Federal Government seems to place on its concerns. It appears that a majority of the public agrees with this concern and believes that small business owners have too little political influence.

To rectify this situation, I have proposed to give Cabinet-level status to the SBA Administrator. Small business has never had a voice in the Cabinet. Though it represents over 40 percent of GNP and affects every segment of the economy, small business has never been able to present its views at the highest level of policy making.

The Cabinet exists by tradition and varies in form from President to President. Its importance lies in the fact that most major policy decisions are made in Cabinet discussions. It also affords each participant the opportunity to enumerate his or her views to all other key executive branch officials and ascertain the positions on issues of mutual interest of all other key Federal officials.

Placing the Administrator on the Cabinet would not cost the taxpayer anything other than a nominal increase of a single salary. Small business needs a strong voice in the executive branch just as the House and Senate Small Business Committee give it a voice in th legislative branch.

CAPITAL FORMATION AND THE ENTREPRENEURIAL SPIRIT

The opportunity to start a business is seen as a way for people to improve themselves and to have more control over their lives. While the United States is blessed with an entrepreneurial culture—attitudes and values that support entrepreneurial endeavor—the question remains: How might we move toward a more effective public policy that will reap the full benefits of our entrepreneurial bent?

Capital formation and retention pose special problems for the small business sector. Understandably, aspiring small business owners have always had to reach into their own pockets, and often those of friends and relatives, for start-up capital. Once in business, however, they often turn to commercial banks for loans. Yet there is a great reluctance, and a lack of capacity, on the part of the lending community to make long-term loans available to small businesses.

The present SBA lending programs have attempted to address the problem but they are costly and have not succeeded in assisting the small-business community in tapping the Nation's capital markets. The General Accounting Office stated in their April 25, 1983 assessment of the role of the SBA 7(a) Loan Guarantee Program in the financial markets: ". . . approximately 30 to 40 percent of the dollar amount of banks' long-term financing to small businesses may carry an SBA guarantee."

Clearly, something is wrong here. American financial markets have the capital to assist our small business entrepreneurs with their long term borrowing needs, but those needs are not being filled. The Governments attempt to help in the form of the (7a) Program has been only partially successful and has been too costly, especially in light of our severe Federal deficit.

Solving the capital lending problem has proved difficult. During the recent period of high budget deficits, the administration and Congress have focused on ways to reduce Federal outlays. The SBA has been the subject of proposals for elimination or radical reform, with its credit programs coming under particularly harsh criticism. Yet access to credit for start-ups and growth remains a critical barrier if small businesses are to reach their full potential. We must work with fervor to fulfill their need.

Some believe that a privatized 7(a) Program could continue to serve the same basic constituency it now serves but on a much broader scale, and at a reduced cost to the Federal Government. It appears that a federally-chartered, investor-owned corporation—Government Sponsored Enterprise (GSE)—that would forge a less costly link between small business and providers of a long- term financing would be a solution.

I am aware that many oppose these GSE's. But such proposals would correct the Government-sponsored imperfections in the capital market which restrict the access of small business enterprises. We must recognize that Government intervention is necessary to correct these imperfections, because, in part, the imperfections arise from Government restrictions on the activities of commercial lenders. This process would have advantages for both lenders and small businesses.

It would help lenders with liquidity problems to make loans to small businesses that otherwise would not be made.

It would enable lenders to leverage capital and make more small business loans than otherwise would be possible.

All at a reduced cost to the Federal Government.

I believe this type of program has the potential to provide equity to all small business in competing for access to capital markets—resisting any intervention to target the currently limited resources of the 7(a) Program—and will unleash further the tremendous potential of our small enterprises.

We must have a new initiative of this kind to make it possible for small business to have greater access to the Nation's financial markets at less cost to the Federal Government. We must work together and with others to bring an acceptable concept to Congress. In my judgment this proposal or any other solution to this problem must meet the following goals:

First. To improve the performance of the U.S. economy by correcting capital market imperfections which restrict access by small business enterprises. These restrictions raise the cost of capital to these entities and slow their rate of growth.

Second. To recognize that Government intervention is necessary to correct these imperfections because, in part, the imperfections arise from Government restrictions on the activities of commercial lenders and because the diseconomies associated with relatively small loan amounts are real and cannot be overcome completely by market forces alone.

Third. To assure that the cost of Government intervention is explicitly recognized and limited rather than implicit and uncontrolled.

Fourth. To provide incentives for efficiency in credit delivery and to reduce Government's cost.

Fifth. To develop a source of credit that is not dependent on the level of SBA appropriations.

Sixth. To allow market forces to allocate lending funds and thereby preclude the temptation for Government intervention to target special interests.

CONCLUSION

In Europe they call our small business entrepreneurial success the American miracle. Talk to any European official and hear them marvel at the strength and vitality of our small business economy. Listen to their frustration as they seek ways to duplicate our business and job creation climate. Even more than our own Government and media, they know that the American economic miracle is built on a foundation of independent small business owners.

The American people owe the small business owners a great deal. They represent a big part of the American dream. The 100th Congress should dedicate itself to responding to the needs of small business. We simply cannot ignore the concerns of this important force in our Nation's economy. We do so only at our own and our constituents' peril.

CONGRATULATING DENNIS CONNER AND THE CREW OF "STARS AND STRIPES" ON THE AMERICA'S CUP VICTORY

The SPEAKER pro tempore (Mr. GRAY of Ilinois). Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 45 minutes.

Mr. HUNTER. Mr. Speaker, I want to first thank and commend the gentlewoman from Maryland [Mrs. MORELLA], the gentleman from California [Mr. DYMALLY], and the gentleman from Michigan [Mr. FORD] for expediting the resolution that was offered by myself and my colleagues from San Diego, CA, Mr. LOWERY, Mr. PACKARD, and Mr. BATES, and which congratulates Dennis Conner and the crew of *Stars and Stripes* for their achievement in winning the America's Cup.

To start with, Mr. Speaker, I would like to read the resolution itself:

> Whereas Stars and Stripes has successfully defeated *Kookaburra III* to bring the America's Cup back home to the United States where it belongs;
>
> Whereas Stars and Stripes has brought the America's Cup to the West Coast of the United States, where it will stay for generations to come;
>
> Whereas Stars and Stripes successfully defeated eleven competitors for the right to face New Zealand in the finals of the challenger's division;
>
> Whereas Stars and Stripes defeated the New Zealand boat, Kiwi, 4 to 1 for the right to sail against the Australian entry for the America's Cup;
>
> Whereas Stars and Stripes has captured the attention of the American people and has shown American ingenuity, spirit, and pride in their purest forms; and

Whereas Stars and Stripes has taken the sport of yachting from the back pages of the American imagination and propelled it to page one of the vision of America's future: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation expressing to Dennis Conner and the crew of Stars and Stripes the heartfelt congratulations and thanks of our Nation for instilling such a great sense of national pride and for a job well done.

While I am at it, Mr. Speaker, I would like to read the names of the other members of that great crew that sailed the *Stars and Stripes,* to victory. The names are: Jay Brown, pitman; Henry Childers, starboard grinder; Peter Issler, navigator; Jim Kavle, port grinder; Adam Osterfeld, starboard trimmer; Kyle Smith, grinder; Bill Trenkle, port trimmer; Scott Vogle, bowman; Tom Widden, tactician; John Wright, main sheet trimmer, and John Barnitt, sewerman.

Gentlemen, congratulations for a job well done. And let me point out that perhaps this great moment for *Stars and Stripes,* for the crew, for San Diego, and for the United States of America began not with a victory but with a defeat. In my estimation, the race itself was revived by the defeat that we suffered 4 years ago.

For 132 years, the longest continuous winning streak in American sports history, the United States had held the America's Cup, and many Americans did not think it was a real contest because of that. Most people do not think that one side can win any contest for 132 years without a defeat if indeed it is a true contest. In fact, Red Smith, the great sports writer, used to say that the America's Cup was a race much like a rigged horse race where the winner was predetermined and the participants spent the rest of the year polishing their trophies.

In fact, that race woke America up. It woke America up to the fact that we were being beaten in a competition that involves all the great human elements of tenacity, courage, physical strength, coordination, and style, and also it adds to those elements high-technology and scientific qualities and capabilities. In fact, I think one reason that we did so well was because Malin Burnham, who was the president of our *Stars and Stripes* syndicate, put together what we call a mini-NASA, about 20 aerospace scientists who worked on many of the technical and scientific problems that we could expect to encounter during this race.

So losing the race a couple of years ago woke America up. It woke America up to the fact that we lost some of our capability, and it also woke us up to the fact that this is indeed a very difficult, tough race, with truly competent adversaries. We have people in Australia and other parts of the world who are spending millions of dollars and many long hours in training in order to win this race.

So it gave the race new life. It made the race a race once again.

I would like to follow up by saying this:—and I am talking still about the defeat we suffered 4 years ago—that it also gave new meaning and new life for Dennis Conner.

□ 1710

I would like to quote a statement that Dennis Conner made about that loss in 1983. A loss for which many people blamed him. He said, and I quote:

> The real thing that saved my sanity in 1983 was that in my heart I knew I had done everything I could, but the second thing was the people. After I won the cup in 1980, I received about 100 letters. Out of 200 million people that isn't very many. In 1983 I got thousands, maybe tens of thousands.

If you look at the films after that seventh race, you will see Dennis standing absolutely alone, abandoned, a small businessman from San Diego with tears running down his cheeks. People say they were touched.

> In defeat I found something I never knew in victory. They were proud of me. In essence, the cup was freed.

In a way, so was Dennis Conner.

So, really this great victory for the America's Cup is a victory that started with the defeat 4 years ago. In putting together this great victory, we see, in watching that tremendous competition, a great many American values. We see an inspiration, and I think it has been said many times that America is about three-quarters inspiration. We saw in that race many, many inspiring events, this comeback, that would move young people in this country who will never see a yacht, perhaps never sail a yacht, will motivate and move them to be persistent, to never give up, to try again, because that is what Dennis Conner and his crew did.

I would like to give a quote that was given by Ian Murray, who is a *Kookaburra* helmsman, about Dennis Conner. I think this sheds some light on the loss that we have suffered, and that was a loss several years ago when we were ahead 3-to-1, and then we ultimately lost 4-to-3 and Dennis was blamed.

After he beat the Kiwi's in this race, he said, and I quote: "Conner had no great speed advantage. He won because he was always in the right spot." Dennis Conner is the finest sailor in the world today. The irony is that if the fast boat had won every race 4 years ago when we lost, it would have been a 4-to-0 competition because we would have lost every single race to the Australians. The only reason that we were ahead at one point by 3-to-1 was because Dennis Conner and his great crew was able to sail the slower boat to victory in three races. Because of that, it was he who bore an unduly heavy mantel of defeat when ultimately the Australians took that cup away after 132 years by a score of 4-to-3.

Let me conclude this special order by commending my colleagues, Mr. LOWERY, Mr. BATES and Mr. PACKARD. I would also like to thank the subcommittee chairman and particularly the ranking member, Mrs. MORELLA, for allowing this resolution to come to the House floor in such an expeditious fashion and to have it passed. We hope we can pass it in the other body and get it in front of the President in a very short period of time.

America needs inspiration. Certainly San Diego needs inspiration. Our young people are moved and motivated by what took place, and we invite all Members of Congress to come to San Diego 4 years from now when the America's Cup will be held once again in America. Perhaps not on the east coast, but on the west coast.

SOVIET REFUSENIKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. LEWIS] is recognized for 5 minutes.

Mr. LEWIS of Florida. Mr. Speaker, American foreign policy should not only reflect our economic and security interests—but our moral values as well. Our efforts to promote human rights around the world are a reflection of the freedoms which we Americans cherish. One of our primary efforts in this regard is on behalf of—refuseniks—people who wish to emigrate from the Soviet Union.

The Jewish Federation of Palm Beach County, FL, recently sponsored a "Children's Plea for Soviet Jewry," an event designed to highlight the plight of their two adopted "community refuseniks," Yuli Edelshtein and Cherna Goldort. I was honored to attend this remarkable event and even more fortuante to participate in a telephone call to one of these refuseniks, Mrs. Cherna Goldort.

During my phone conversation with Mrs. Goldort, a 55-year-old widow whose two daughters live in Israel, I asked how could Americans help her. Mrs. Goldort said, by asking the Russian Government why are they keeping me here.

As a long-time member of the Congressional Coalition for Soviet Jews, I recognize my responsibility as a public official to pressure the U.S.S.R. for Jewish emigration. But actually hearing the voice of that one lonely individual pleading to be set free, you fully realize the personal tragedy which must confront the nearly 2 million other Jews living within the Soviet Union.

The other "Community Refusenik" adopted by the Jewish Federation of Palm Beach County is even less fortunate than Mrs. Goldort. As I stated earlier he is Yuli Edelshtein, a former English teacher who was arrested in 1984 for his commitment to study and teach Hebrew and Jewish culture. Mr. Edelshtein is presently a Prisoner of Conscience imprisoned in a Soviet labor camp for the crime of seeking to retain his Jewish identity and wishing to emigrate to Israel.

As a result of my conversation with Cherna Goldort, I have written to General Secretary Gorbachev, Foreign Minister Shevardnadze and Ambassador Dubinin, challenging the Soviet Union to live up to its much-publicized policy of "glasnost" of openness.

The Soviet Union simply must comply with the humanitarian provisions of the Helsinki accords and prove that their policy on Jewish emigration is more than "mere words."

In a further effort to help secure the release of Cherna Goldort in the very near future, I will send to every Member of the House and Senate a "Dear Colleague" letter describing Cherna's plight. Attached to each one of these letters will be a card identical to the one I now hold in my hand. This preprinted card is addressed to General Secretary Gorbachev and indicates that Cherna Goldort is very ill, all alone, and wants to be reunited with her daughters and grandchildren in Israel.

Upon receiving this card I encourage each Representative or Senator to take just a moment to fill it out and send it off.

Through such efforts, we must continue to press the Soviets to allow people like Cherna Goldort and Yuli Edelshtein to emigrate and determine their own destinies.

Let Cherna Goldort of Novosibirsk go! Her application to emigrate to join her daughters in Israel is being blocked by the management of a Chemical Research Institute—A.N.I.I.H.K.T. in Biysk where Cherna has not worked since 1971.

GENERAL LEAVE

Mr. LEWIS of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the special order today by the gentleman from New York [Mr. GILMAN].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. LOWERY of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the special order today by the gentleman from California [Mr. HUNTER].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ORDER OF BUSINESS

Mr. LOWERY of California. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE AMERICA'S CUP IS BACK!

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LOWERY] is recognized for 5 minutes.

Mr. LOWERY of California. Mr. Speaker, I commend my colleague from San Diego, Mr. HUNTER, for taking out this special order this evening. I know all Americans join with us from San Diego in our great pride.

The America's Cup is back—and the wind is back in all our sails.

In San Diego, we call our city America's finest—and this is another example of the superlative titles that gained it that fame.

It is to that city Dennis Conner returns in victory. And the victory will be shared when the America's Cup competition comes to San Diego Bay.

A colleague from Rhode Island said earlier that the cup should return to Newport where it began. But it is San Diegans who raised the funds so *Stars and Stripes* could compete and win. And it was a San Diegan who captained his craft across the finish line in a four-race shutout.

We are proud but we are willing to share that pride. Join us in San Diego for the next America's Cup and join us in a few days in a toast to the returning victorious sailors.

□ 1720

It is a great accomplishment for American technology, a blending of the old from the seas and the absolute best in high technology that America has to offer with the computers, with the marine engineering and design, everything that went into this fantastic effort to bring the cup back to America.

REJECT THE CUT IN CDBG FUNDS

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, I am today introducing, along with 79 other Members of this House, a resolution which rejects the President's proposal to rescind $375.2 million for this year's community development block grant appropriation.

CDBG was established in 1974, the outgrowth of a consolidation of urban renewal, neighborhood development, model cities, water and sewer, public facilities and urban beautification categorical programs.

The idea was for the Federal Government to provide funds for redevelopment efforts initiated and administered by local governments.

The idea worked. In thousands of communities across the Nation, local initiatives backed by Federal community development block grants have revitalized neighborhoods and provided essential public services.

The proposal to rescind 12.5 percent of this year's CDBG budget is another chapter in a long-running saga of administration antipathy toward one of HUD's most successful programs.

Last year, the administration caused consternation in city governments both large and small when it deferred spending $50 million in already appropriated fiscal year 1986 CDBG funds. Local governments, based on an act of Congress signed by the President, had drawn up operating budgets which reflected the original appropriation. The last minute fund switch precipitated by the Presidential deferral caused confusion and, of course, added to local administrative costs. At that time, I introduced a resolution which disapproved the President's CDBG deferral. Fortunately, the deferral was disapproved with the passage of the supplemental appropriations bill last year.

The legislation I introduce today expresses the sense of the House that the rescission request for this fiscal year should be rejected.

Let me cite the consequences for several Wisconsin cities if Congress goes along with the President's rescission request.

The city of Milwaukee, which had a CDBG allocation of $15.252 million in fiscal 1986, would see its block grant reduced to $13.359 million in fiscal year 1987. West Allis would undergo a CDBG reduction from $1.027 million in fiscal year 1986 to $900,000 in fiscal year 1987. The CDBG for Waukesha would drop from $338,000 to $296,000. The city of Madison would experience a CDBG reduction from $1.666 million in fiscal year 1986 to $1.458 million in fiscal year 1987. Oshkosh, which received $769,000 in the last fiscal year, would receive $674,000 in this fiscal year. These fiscal year 1987 figures reflect, in addition to the 12.5 rescission reduction, slight changes in amounts due to formula allocations.

At this point, I would like to include in the RECORD a chart which shows the amounts Wisconsin metropolitan cities received in community development block grants in fiscal 1986 compared to what they can expect to receive if the rescission request is successful. The chart also reflects the impact of the rescission on Milwaukee County, an urban county recipient of CDBG funds.

Grantee	Fiscal year 1986 grant	Fiscal year 1987 grant, postrescission [1]
Milwaukee (city)	$15,252,000	$13,359,000
West Allis	1,027,000	900,000
Waukesha	338,000	296,000
Madison	1,666,000	1,458,000
Eau Claire	589,000	515,000
Kenosha	935,000	820,000
La Crosse	937,000	821,000
Superior	790,000	691,000
Green Bay	819,000	717,000
Janesville	453,000	397,000
Sheboygan	800,000	702,000
Beloit	565,000	495,000
Neenah	190,000	166,000
Oshkosh	769,000	674,000
Wausau	595,000	522,000
Appleton	518,000	454,000
Milwaukee City, County [2]	2,060,000	1,804,000

[1] Figure also reflects minor formula allocation changes.

[2] Includes Wauwatosa.

Smaller cities and towns in Wisconsin can also expect to see CDBG funds slashed if the rescission request is approved. In fiscal 1986, the State of Wisconsin administered $22,548,000 in small city CDBG funds. In fiscal 1987, the postrescission amount available to Wisconsin small cities would be $19,727,000, a figure which translates into fewer awards to smaller localities or decreased award amounts.

Mr. Speaker, the CDBG Program has proven itself not only in Wisconsin but throughout the United States as an effective and cost effective redevelopment program. In fiscal 1985, the most recent year for which comprehensive national figures are available, 804 eligible central city, entitlement city and urban counties were CDBG recipients. In addition, the State-administered Small Cities Program made awards to 2,667 smaller localities.

For larger cities, housing related activities—mainly rehabilitation—accounted for 37 percent of local expenditures. Public works accounted for 22 percent of outlays, with public works accounting for 11 percent and public services, 10 percent.

The CDBG Program works. It works for large cities. It works for small towns. Congress should not allow the program to be hobbled by an ill-advised funding cut in the middle of a program year. I urge my colleagues to join me in sponsoring the resolution which rejects the proposed rescission, copy of which I now insert in the RECORD:

H. RES. —

Whereas local and community development is a matter of national concern and a national priority;

Whereas Congress has appropriated $3,000,000,000 for fiscal year 1987 for community development block grants to units of general local government and States to fund local community development programs;

Whereas the Community Development Block Grant Program has become an essential component of local governments' efforts to maintain and develop their communities;

Whereas local governments have assumed the current appropriation for these grants as part of their budget planning;

Whereas local governments have been forced to make significant adjustments as a result of the termination of the General Revenue Sharing Program and reductions in other forms of Federal assistance: Now, therefore, be it

Resolved, That the proposed rescission of $375,200,000 of the fiscal year 1987 appropriation for community development block grants is rejected.

TIME TO END ETHANOL SUBSIDIES

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHULZE. Mr. Speaker, last year Congress undermined the Caribbean Basin Initiative by eliminating duty-free treatment for ethanol. One of the key companies urging this action was Archer Daniels Midland.

We have, however, gone far beyond the call of duty in protecting the ethanol industry. If were going to go back on international commitments then let's do it for justifiable need. Instead, we're doling out $29.23 million in subsidies to one highly profitable company—Archer Daniels Midland. It is shocking that a company with record profits of $230.3 million last year also received the largest one-time subsidy ever granted to a single agricultural producer. Mr. Speaker, this was over 50 percent of the entire subsidy program for ethanol industries.

This is unjustifiable, intolerable and outrageous, and is further highlighted in this article I am submitting for the RECORD at this point:

[From The Washington Post, Jan. 29, 1987]

ETHANOL PRODUCER REAPS 54% OF U.S. SUBSIDY

(By Michael Isikoff)

More than half of the benefits from a controversial U.S. Department of Agriculture program designed to aid the ailing gasohol industry went last year to a single company, Archer Daniels Midland Co., which received a direct $29.23 million federal subsidy, according to new government figures.

The payments to Archer Daniels Midland, a huge Illinois-based agribusiness that reported record profits last year, appear to be the largest one-time subsidy USDA has ever provided to a single agricultural producer, a department economist said. The subsidies for ADM also represented more than 54 percent of the $53.8 million in total benefits provided by USDA to gasohol producers under the temporary aid program, the figures show.

The government data, obtained under the Freedom of Information Act, underscores the unusually concentrated nature of the gasohol industry, which is dominated by ADM and a handful of other large firms.

The figures also come during a period of mounting debate within the Reagan administration over further government aid for the industry. In a report last year, USDA's Office of Energy concluded that gasohol production "cannot be justified on economic grounds" and that the industry had no long-term prospect for survival without massive new government assistance.

Gasohol, which accounts for about 10 percent of the national gasoline market, is a fuel blend that consists of nine parts gasoline and one part ethanol made from corn.

USDA officials said the payments to ethanol producers were needed on a temporary basis last summer to prevent a collapse of the industry that, in turn, would have had a ripple effect on the market for Midwest corn.

They also said there was no way to help the industry without providing the largest share of the benefits to ADM since the company is by far the largest producer, with four major corn-to-ethanol plants in Illinois and Iowa.

"If Archer Daniels Midland shut down, they would put a hell of a lot more people out of work than John Smith Ethanol," said Undersecretary of Agriculture Daniel G. Amstutz, when asked about the large payments to ADM. "Just because they [ADM] have been profitable overall doesn't mean they won't close an ethanol plant if it's not making money."

Amstutz also contended that the program was successful in temporarily insuring the survival of the industry, although USDA had no intention of continuing it. "There's no question that many of these [ethanol plants] are still operating because of the subsidy program," he said.

In addition to ADM, five other large gasohol firms—three of which are part-owned by major oil companies—collected most of the remaining subsidies under the program, receiving a total of $18.67 million in benefits, the figures show.

While it was collecting the subsidies in the summer, ADM, the country's largest agricultural processing firm, reported record profits of $230.3 million on revenue of $5.3 billion for its recent fiscal year ending June 30. The company also stated in its annual report that fuel ethanol sales for gasohol had been "at record levels" the previous year.

ADM officials did not return repeated phone calls asking for comment on the subsidies received by the company. But in an interview on the subject last year, Dwayne O. Andreas, the company's chairman, said that, because of the sharp drop in world oil prices during the early part of 1986, his company's ethanol plants had lost "several million dollars" during one month last spring. He said the company was considering closing some or all of the plants if it did not receive immediate government aid.

After an active lobbying campaign by industry officials, Agriculture Secretary Richard E. Lyng announced the gasohol subsidy program May 2, saying it was needed to "permit the industry to survive" in light of plummeting energy prices and high corn prices that had combined to undercut the economics of ethanol production.

Lyng, who at first resisted demands for the ethanol subsidies, made the announcement two days after he met with Andreas over breakfast at the Madison Hotel in Washington on April 30. But both Lyng and Andreas, a longtime campaign financier for Midwest lawmakers and a personal friend of Lyng, said they did not discuss the ethanol problem at their meeting.

Under the USDA program, which critics charged represented "corporate food stamps," producers of fuel ethanol received special Commodity Credit Corp. certificates that could be exchanged for free grain from government reserves or sold for cash to commodity brokers and grain traders. Moreover, the program was designed so that the largest producers received the most benefits: For every 2½ bushels of corn used to make ethanol between May 10 and Sept. 30, a producer was entitled to a CCC certificate for one bushel of free grain worth about $2.30.

Although USDA's Office of Energy had warned that this approach would result in a bonanza for ADM and a few other large firms, Lyng rejected the office's recommendation that limits be placed on the size of the subsidies any one producer could receive. His reasoning, according to officials, was that fairness dictate that each producer should have the right to participate in the program on an equal basis.

A recent summary of the program prepared by USDA shows that 41 companies received benefits, but nearly 90 percent of the payouts went to just six firms, ADM was by far the largest participant, processing 58.54 million bushels of corn for ethanol during the 4½-month period, producing 145 million gallons of ethanol and receiving in return $29.23 million worth of CCC certificates.

In the past, USDA has made payments to individual farmers worth several million dollars to each under its payment-in-kind (PIK) program, and this year, a single larger cotton producer, the Los Angeles-based J.G. Boswell Co. is expected to receive as much as $20 million in subsidies under a program to aid cotton farmers. But department officials said they were unaware of any company ever receiving as much as in direct subsidies as ADM collected.

"I don't know of anything that approaches $29 million," said Bob Milton, staff economist in USDA's Office of Economics. "It's a healthy subsidy."

Moreover, the actual dollar benefit to ADM was probably substantially greater than the $29.23 million value of the certificates it received, according to department officials and other economists. The free corn that ADM received in exchange for its CCC certificates would have been fed into ADM's ethanol, corn sweetener and other processing plants, which in turn produce substantial food byproducts, such as corn glutton feed. "It directly lowers their costs of operations," said one industry official who asked not to be identified.

In addition, those certificates that ADM swapped for cash to commodity brokers were selling as high as 135 percent of face value in the fall, some department officials said.

According to the department, the other large participants in the program included: New Energy Co. of Indiana, which received $4.9 million in subsidies; Pekin Energy Co. in Illinois, (half owned by Texaco Inc.), which received $4.8 million; South Point Ethanol in Ohio (half owned by Ashland Oil Inc.), which received $4.01 million; A.E. Staley Manufacturing Co., which received $3.07 million, and Kentucky Agricultural Energy Corp. (half owned by Chevron Corp., which received $1.78 million.

The USDA program was the latest in a long history of government aid for the gasohol industry. As a result of a hefty series of tax breaks in the form of exemptions to federal and state gasoline taxes, the gasohol market took off in the late 1970s.

TRIBUTE TO PRESTON MOSES

(Mr. DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANIEL. Mr. Speaker, next month, Mr. Preston Moses will retire after 51 years as editor of the Pittsylvania Star-Tribune, the weekly newspaper of Chatham VA.

Preston has been my friend for almost that long, and we have shared memories of things-as-they-were. In announcing his retirement, Preston set forth some of these things in his editorial comment. I respectfully request that this comment be reprinted in the Record, for the edification—and perhaps amusement—of our colleagues who remember these times, as well as those who do not.

But first, let me add one thing more: Preston Moses is the embodiment of the spirit and being of a weekly newspaper editor. He printed the truth, and he printed the news about events of interest to his readers. He did not preach; he did not scold. He did not hold up to scorn those who did not agree with him.

Preston told the truth, and no finer thing can be said of a man.

Talk of the Town

As promised, we're reprinting Preston Moses' "retirement" column verbatim for the benefit of those who remember and those who can't believe the world was ever as it is today. Preston, you'll recall, announced Thursday that he was retiring after 51 years as editor of the Pittsylvania Star-Tribune in Chatham.

When grandma celebrated her 95th birthday a newspaper reporter dropped in for an interview. When questioning her, he said: "Well, you've lived a long time . . . I bet you've seen a lot of changes in your life time!"

"Yep," replied grandma . . . "I sho' have seen a lot of changes, and I'm agin' 'em all!"

In my 51 years as editor of the Star-Tribune, I, too, have seen a lot of changes over the years.

While I'm not against all of the changes, neither am I excited about some of the so-called "progress" we've gotten over the years. Perhaps, I'd like to go back, maybe for at least a few days, to the simple life to sample the way it was in 1936 B.C. (before computers).

I'm sure the younger people of today won't believe that back in 1936 there was no 6 o'clock news on TV . . . there was no television! In fact, this was before FM radio, tape recorders, stereo, ball point pens, credit cards, and there was no electronic music or disco dancing.

There were only the Underwood and Woodstock manual operated typewriters, but no electric typewriters, copying machines, word processors, hand calculators.

As a matter of fact back in 1936 there were no panty hose, drip dry clothes, nor were there dishwashers, freezers, electric blankets, fluorescent lights, disposable diapers. This was before automatic shifts were put on cars.

Back in 1936 women didn't smoke in public, drink out of bottles, pluck their eyebrows. The women wore dresses . . . and got married first and then lived together with their husband . . . and women stayed home and reared children, divorce was almost non-existent. Nobody talked about sex discrimination or women's lib.

Cars were built to last, there was no such thing as a 40-hour week or minimum wage. Men took pride in their workmanship in 1936 . . . and Saturdays were the busiest time of the week for most stores in town.

Back in 1936 . . . bunnies were young rabbits. Rabbits weren't Volkswagens, pot was something to cook something in, grass was mowed, coke was something you drank, closets were for clothes and not for coming out of. A gay person was a man who was lighthearted and happy; there were no X-rated movies shown in legitimate theatres.

Back in 1936 I thought fast food was what I was supposed to eat during Lent. Computers weren't dreamed of, so back then a chip meant a small piece of wood, hardware meant hardware, and software wasn't even a word.

Fifty-one years ago was before DDT, vitamin pills, frozen dinners, before hair dryers, plastic, radar, before Jeeps.

Very few people flew across the country in 1936, and trans-Atlantic flights were mostly for daredevil pilots. This was before 92 countries, now in existence; were formed such as Israel, Indonesia, etc., which came later.

Back in 1936 was before jet planes, helicopters, interstate highways, before coin vending machines. Back then "made in Japan" meant it was junk stuff.

If someone was asked back in 1936 to explain CIA, NATO, UFO, NFL, JFK, ERA, HUD, IRA—the answer would have been they're Campbell's alphabet soup.

Back then a dollar was worth one hundred pennies, a nickle would buy a loaf of bread, and a five-and-ten cent store was where you could buy things for five and ten cents.

You could mail a letter for two cents, and a nickle would pay for a long distance phone call. Oh, yes, you could buy a new Chevrolet coupe for $659 (fob) and gasoline was seven gallons for $1.

Daniel Giles Cafe on Chatham Main Street offered roast beef dinner with two vegetables, hot biscuits, coffee or tea and pie for dessert, all for 50 cents . . . a scoop of ice cream on the pie was 5 cents extra.

Burnett's diner in Chatham was selling hotdogs for 5 cents, hamburgers for 10 cents, bottled soft drinks a nickle. You could get a big cone with a double dip of ice cream or a huge milk shake at the soda fountain at Thompson's Drug Store or Jones Pharmacy by plunking down a dime.

Back in 1936 Pittsylvania County had nine high schools for white children, and two high schools for all blacks . . . and there were separate school buses for the white and "colored" . . . and there were no cafeterias in the schools.

Back in 1936, if you wanted to go to Washington, New York, or some distance from Chatham, you rode the passenger train, and you had to get in line to get your ticket at the RR depot station. There were four passenger trains going north and four going south each day. It was fun to take the kids down to the RR station to see the steam locomotive engines come puffing by with the black smoke belching from their smoke stack.

During my 51 years as editor, I have seen advancements in printing technologies that have brought improvements that went past my wildest imagination when I first started printing the newspaper back in 1936.

I've seen all these changes that are mentioned above during my 51 years as editor. If I could go back and start over, I would still choose to be the editor of the Star-Tribune . . . It's been an exciting 51 years to see all these changes taking place.

REINTRODUCTION OF HEALTH CARE SAVINGS ACCOUNT ACT

(Mr. SLAUGHTER of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLAUGHTER of Virginia. Mr. Speaker, in his State of the Union Address, the President reiterated one of his domestic policy goals: To provide protection for the elderly against the costs associated with catastrophic illness.

When considered over the long term, however, the concerns of the elderly with regard to health care do not begin and end with the costs involved with catastrophic illness. On the contrary, if we step back and look into the future, we see two other issues which will certainly loom larger for the elderly.

The first issue is long-term care, the cost and need for which is skyrocketing. Our elderly will need increased resources—and the opportunity to purchase long-term-care insurance with these resources—in order to afford such care.

The second issue is the impending deficits in the financing of our Medicare system. In their 1986 report, Medicare's trustees predict that the hospital insurance trust funds will begin running a deficit in 1991 and will be exhausted by 1996.

The legislation which PHIL CRANE, DAVE DREIER, and I are reintroducing today offers a solution to all three of these problems. It would grant tax incentives to individuals to contribute to health care savings accounts, which they would use in retirement before tapping into the scarce Medicare trust funds. Our proposal would thus decrease claims on Medicare—decreasing the outlays from its trust funds—while maintaining its revenues, putting Medicare on a sound financial basis for the future.

Individuals who contributed to these voluntary accounts over the course of their careers would be provided with protection from the costs associated with a catastrophic illness requiring hospitalization. In addition, the funds saved in these savings accounts would not only provide the elderly with new resources to meet long-term-care expenses, but provide private insurance carriers with the incentive they need to more aggressively develop and market long-term-care insurance.

The administration is continuing to examine approaches to the problem of the costs involved in a catastrophic illness; we believe the provisions of our proposal should be adopted as part of the solution to this and the other problems—both present and future—faced by our elderly in the health care area.

THE HEALTH CARE SAVINGS ACCOUNT ACT OF 1987

SECTION BY SECTION ANALYSIS

Section 1. Short Title: "Health Care Savings Account Act of 1987".

Section 2. Credit for Contributions to a Health Care Savings Account (HCSA).

Adds a new section to the Internal Revenue Code to allow individuals and their employers to contribute to Health Care Savings Accounts an amount each year no greater than the combined employee and employer Hospital Insurance (Medicare) payroll tax in that year. (This amount is currently equal to 2.9% of wages up to the Social Security wage base [now $43,800]). The employee and the employer will each receive a 60% tax credit for their respective portions of these contributions. The employee and employer may divide HCSA contributions in any manner they see fit each year.

Basically, this account is modeled after Individual Retirement Accounts (IRAs), in that HCSA funds earn interest that is deferred from taxation. A chief difference, however, is that funds distributed from an HCSA are not included as gross income (as are IRA distributions) provided that these funds are used for eligible medical expenses while the individual is eligible for Medicare (these funds do not count towards the income tax medical expense deduction). "Eligible medical expenses" refers to expenditures for health care and/or health insurance as defined by the Internal Revenue Code Section 213(d).

Funds distributed from this account before the individual is eligible for Medicare are subject to the following tax penalties: 40% of the funds are subject to IRA early distribution penalties—that is, this amount to be included in gross income is increased by an additional 10% for tax purposes; 60% of the funds (that amount equal to the credits) may not be withdrawn early or else they will be subject to 100% confiscatory tax.

When an individual with an HCSA dies and leaves a surviving spouse, 50% of the HCSA funds not left to the surviving spouse will go to the government in the form of an excise tax. (This is a strong incentive to leave these health care funds to the surviving spouse). When an individual dies without a surviving spouse, HCSA funds become part of the individual's estate, as with a normal IRA.

When an individual with an HCSA becomes eligible for Medicare, the Department of Health and Human Services (HHS) will calculate an annuity for that individual (and spouse, if applicable) based on the total assumed value of the HCSA credits. This assumed value equals the total credits for HCSA contributions plus an assumed rate of return equal to the average rates of interest for short-, medium-, and long-term debts of the Federal government over the course of these contributions.

Excess contributions to HCSAs are treated like excess contributions to IRAs: no favorable tax treatment on contributions and interest earned on these excess contributions is taxable.

Subjects prohibited transactions involving HCSA funds (pledging it for security, for example) to the same penalties as IRA.

Trustees for HCSAs must file reports similar to those filed by IRA trustees or be subject to the same penalties.

Effective Date: individuals would be able to begin contributing to HCSAs in 1988.

Section 3. Adjustment of Medicare Benefits for Individuals With HCSAs.

Upon becoming eligible for Medicare, an individual with an HCSA will have an HCSA-related deductible for each year before Medicare (part A [HI] or B [SMI]) will cover his or her medical expenses. Any Medicare expenditures below this HCSA-related deducible amount will be the financial responsibility of the HCSA owner, through either HCSA funds (i.e., self-insurance) or insurance purchased through HCSA funds; normal Medicare coverage will resume above this amount. This HCSA-related deductible will be calculated by the HHS Secretary will be equal to 60% of the amount of medical-related expenditures that could reasonably be underwritten (by an insurance company) for the average Medicare beneficiary assuming that the annual premium equals the HCSA annuity (defined above). [The 60% figure takes into account administrative and other non-medical-related costs incurred by insurance companies in the course of the policy.]

Those individuals who cannot obtain insurance to cover their added deductible at the standard premium (determined by the HHS Secretary) are given special treatment as "high-cost insurance beneficiaries". Their added deductible is reduced by a proportion reflecting 80% of the excess premium required above the standard rate, although the deductible may not drop below a value equal to 120% of the annuity.

Individuals who have spouses dependent on them for Medicare coverage or who have spouses who choose to combine HCSA assets into one joint HCSA for both spouses may have their annity and HCSA-related deductible recalculated upon the qualification of the younger spouse for Medicare.

For individuals who have contributed to an HCSA: at least one-third of the maximum amount possible over the course of their careers, and at least $100 (indexed) or 50% of the maximum (whichever is greater) in 10 years; these individuals will qualify for Medicare protection against catastrophic health care expenses. That is, above the HCSA-related deductible amount, Medicare will pay for all health care costs covered by Medicare. This catastrophic coverage, therefore, does away with limits on the number of inpatient hospital services or post-hospital extended care services and coinsurance and deductible amounts (for part A [HI]), as well as copayments for part B (SMI) (so long as the individual is enrolled in part B and has exceeded $1000 [indexed] in SMI-covered costs in that calendar year) for qualified HCSA owners.

Surviving spouses without a separate HCSA of their own shall only be eligible for this catastrophic coverage if: 1) the deceased spouse was formerly eligible, and 2) the surviving spouse rolls 100% of remaining HCSA funds of the deceased spouse into an HCSA. [This is a further powerful incentive for a spouse to leave all HCSA funds to surviving spouse's HCSA].

Spouses who decide to pool HCSA funds into one joint HCSA shall be eligible for catastrophic benefits provided that one of the spouses was eligible for these benefits individually.

SUBMISSION OF RULES OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. FORD of Michigan asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FORD of Michigan. Mr. Speaker, pursuant to clause 2(a) of House rule XI, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on Post Office and Civil Service for the 100th Congress, adopted at the committee's organizational meeting on January 29, 1987:

RULES OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

(Adopted January 29, 1987)

RULE 1. RULES OF THE HOUSE

The Rules of the House are the rules of the committee and the subcommittees so far as applicable, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege.

RULE 2. CHAIRMAN

(a) The chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings or, in his absence, the next ranking majority member present shall preside.

(b) In the temporary absence of the chairman of the committee or of a subcommittee, as appropriate, the next ranking majority member of the committee or subcommittee, as appropriate, and so on, as often as the case shall happen, shall act as chairman.

RULE 3. COMMITTEE MEETINGS

(a) A regular meeting of the committee shall be held on the second and fourth Wednesdays of each month. The usual time of a regular meeting shall be 9:45 a.m. A regular meeting may be canceled by the chairman of the committee after consultation with the ranking majority member and the ranking minority member.

(b) Additional meetings of the committee may be called by the chairman as he considers necessary.

(c) A special meeting of the committee shall be held in accordance with the provisions of House Rule XI, Clause 2(c)(2).

(d) Regular, additional, and special meetings of the committee for the transaction of business shall be open to the public, except when the committee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, Clause 2(g)(1).

RULE 4. RECORD OF ACTION

(a) A complete record of all committee or subcommittee action shall be kept which shall include a record of the votes on any question on which a record vote is demanded.

(b) There shall be made available for inspection by the public, at reasonable times in the offices of the committee, a record of the votes on any question on which a record vote is demanded, a description of the amendment, motion, order or other proposition on which a record vote is demanded, and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting.

(c) A committee or subcommittee report on a bill or resolution of a public character ordered reported by a record vote shall include the number of votes cast for, and the number of votes cast against, the motion to report.

RULE 5. COMMITTEE QUORUM

(a) Except as provided under paragraphs (b) and (c) of this rule, or under House Rule XI, Clause 2(g)(2), one-third of the total membership of the committee shall constitute a quorum for the purpose of transacting committee business.

(b) A majority of the total membership of the committee shall constitute a quorum for the purpose of—

(1) reporting a measure or recommendation in accordance with rule 13(a);

(2) voting to close a meeting under rule 3(d);

(3) authorizing the issuance of a subpena under rule 12(c); and

(4) recalling a bill, resolution, or other matter under rule 9(c).

(c) Not less than two members of the committee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(d) The presence of a quorum shall be determined and announced by the chairman before the committee shall proceed to the transaction of business and shall be recorded in the records of committee action.

RULE 6. ROLLCALL VOTE

A rollcall vote on any question may be demanded by any member of the committee or of a subcommittee, as appropriate.

RULE 7. PROXIES

A member may vote on any matter before the committee or a subcommittee by proxy. A proxy shall (1) be in writing, signed by the member authorizing the proxy, and show the date and time of day that the proxy is signed; (2) assert that the member is absent on official business or is otherwise unable to be present at the meeting; (3) designate the member who is to execute the proxy authorization; and (4) be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy for motions to recess, adjourn, or other procedural matters. A proxy may not be used unless a quorum is present, cannot be used to make a quorum, and shall be presented to the chairman at the time the proxy is voted.

RULE 8. ADDRESSING COMMITTEE OR SUBCOMMITTEES

(a) Recognition by the chairman shall first be obtained by any member addressing the committee or subcommittee, as appropriate, proposing a motion, or interrogating a witness.

(b) The 5-minute rule shall apply in the markup of a bill. The 5-minute rule shall apply in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question the witness.

(c) The regular order shall be observed in all proceedings, and all questions and statements in the interrogation of witnesses shall be germane to the legislation or other matters then being considered.

RULE 9. REFERENCE OF LEGISLATION

(a) Each bill, resolution, or other matter referred to the committee, subject to the provisions of this rule, shall be re-referred to the subcommittee having jurisdiction over its principal subject within 2 weeks from the date of its referral to the committee unless the chairman of the committee orders that it be held for the committee's direct consideration. If the chairman so orders, he shall inform the members of the committee of his decision and it shall not become final until 1 week after he has so informed them and then only if a majority of the members of the committee have not, in the meantime, advised him in writing of their disagreement therewith.

(b) A bill, resolution, or other matter referred by the chairman of the committee to a subcommittee may be recalled by him for the committee's direct consideration or for referral to another subcommittee. If recalled, the chairman shall inform the members of the committee of his decision and it shall not become final until 1 week after he has so informed them and then only if a majority of the members of the committee have not, in the meantime, advised him in writing of their disagreement with his decision.

(c) A bill, resolution, or other matter referred to a subcommittee may be recalled by a majority vote of the committee, a majority being present, for its direct consideration or for reference to another subcommittee.

(d) A bill, resolution, or other matter referred to the committee may be referred simultaneously by the chairman of the committee to two or more subcommittees for concurrent consideration, for consideration in sequence, or for consideration of particular parts, or the matter may be referred by the chairman to a special ad hoc subcommittee or task force established under rule 21.

RULE 10. STATEMENTS; DEPOSITIONS

Statements, depositions, letters, and such other pertinent matter in appropriate form as may be timely submitted may be accepted for inclusion in printed hearings, records, or documents, or in the permanent files of the committee, by the chairman of the committee or subcommittee, as appropriate, without objection or upon motion duly adopted.

RULE 11. HEARINGS; WITNESSES

(a) Public announcement of the date, place, and subject matter of each hearing to be conducted by the committee, or by a subcommittee, shall be made at least 1 week before the commencement of a hearing, unless the chairman of the committee or subcommittee, as appropriate determines that there is good cause to begin a hearing at an earlier date in which event such public announcement shall be made at the earliest possible date.

(b) Hearings shall be open to the public except when the committee, or subcommittee, as appropriate, votes to close a hearing in accordance with House Rule XI, Clause 2(g)(2).

(c) Except as otherwise provided in these rules, the scheduling of witnesses and the time allowed for the presentation of testimony and interrogation shall be at the sole discretion of the chairman, unless otherwise ordered by a majority vote of the committee or subcommittee, as appropriate, a quorum being present.

(d) When any hearing is conducted upon any measure or matter, the minority party members of the committee, or subcommittee, as appropriate, upon request to the chairman by a majority of the minority party members before completion of the hearings, shall be entitled to call witnesses to testify on at least 1 day of such hearings.

(e) Each witness who is to appear before the committee, or subcommittee, as appropriate and who has had appropriate and timely notice of such appearance shall file with the committee, or subcommittee, as appropriate, at least 48 hours in advance of his appearance, at least 100 copies of the statement of his proposed testimony and limit his oral presentation at his appearance to a brief summary of his argument. The requirement of this rule may be waived, in whole or in part, by the chairman, without objection, or pursuant to motion duly adopted.

(f) A witness may obtain a transcript of his testimony given at a public session or, if given at an executive session, when authorized by the committee or subcommittee, as appropriate.

RULE 12. POWER TO SIT AND ACT; SUBPENA POWER; OATHS

(a) The committee and each subcommittee is authorized—

(1) to sit and act at such times and places, whether the House is in session, has recessed, or has adjourned, and to hold hearings; and

(2) subject to paragraph (c), to require by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as it deems necessary.

(b) The chairman of the committee or of a subcommittee, as appropriate, or any member designated by the chairman, may administer oaths to witnesses.

(c) A subpena may be authorized and issued by the committee or by a subcommittee in the conduct of its functions and duties under House Rules X and XI or under the committee rules when authorized by a majority vote of the committee or subcommittee, as appropriate, a majority being present, or when authorized by the chairman of the committee.

(d) Authorized subpenas shall be signed by the chairman of the committee or, in his absence, by a member designated by the chairman.

RULE 13. FILING REPORTS; SUPPLEMENTAL, MINORITY, OR ADDITIONAL VIEWS

(a) No measure or recommendation including any report or submission required to be made to the House or to the Committee on the Budget by the committee under paragraphs (g), (h), and (i) of Clause 4 of Rule X of the Rules of the House, shall be reported unless a majority of the committee or subcommittee, as appropriate, was actually present.

(b) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(c) It shall be the duty of the chairman of a subcommittee to promptly request consideration in the committee of any measure approved by the subcommittee, and it shall be the duty of the chairman of the committee to schedule such measure for consideration by the committee as promptly as possible.

(d) In the event the report of the committee on a measure which has been approved by the committee has not been filed as prescribed by paragraph (b) of this rule, such report shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the general counsel of the committee a written request, signed by a majority of the members of the committee, for reporting of that measure.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views with the general counsel of the committee. Such views shall be in writing and signed by the member.

(f) All committee, subcommittee, or staff reports printed pursuant to legislative or oversight investigations and not approved by a majority of the members of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: (This report has not been officially approved by the (subcommittee/committee) and, therefore, may not necessarily reflect the views of all of its members.)

RULE 14. LEGISLATIVE OVERSIGHT

The committee, together with its subcommittees, shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee.

RULE 15. INVESTIGATIVE STAFF

Except as provided in Rule XI, clause 5(d) of the Rules of the House of Representatives, the investigative staff of the Committee on Post Office and Civil Service shall be appointed as follows:

(1) The subcommittee staff shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman within the budget approved for the subcommittee by the committee;

(2) The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee; and

(3) The staff of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the chairman within the budget approved for such purposes by the committee.

RULE 16. SPECIAL FUNDS, BUDGET, EXPENSES, AND ACCOUNTS

(a) The chairman of each standing subcommittee shall propose and present to the chairman of the committee, for each session of the Congress, a subcommittee budget of the estimated amount of special funds necessary to carry out the anticipated activities and programs of the subcommittee for that particular session of the Congress.

(b) The chairman of the committee shall review each proposed subcommittee budget and, after consultation with the ranking minority member, shall propose and present to the committee, for each session of the Congress, a committee budget of the estimated total amount of special funds to be requested under a primary expense resolution required under House Rule XI, Clause 5, for use by the committee, both the majority and the minority, for such session of the Congress for all anticipated activities and programs of the committee and of the standing subcommittees.

(c) The staff director shall establish and maintain records and accounts, consistent with sound accounting practices, of committee and subcommittee special funds and of expenses incurred and paid as obligations of such funds. He shall prepare and submit to each member of the committee, not later than 10 days after the end of each quarter of the calendar year, an itemized report of the amounts of such funds expended and on hand at the end of the quarter. Such quarterly reports shall be made a part of the permanent official records of the committee.

(d) Vouchers for payment of obligations of special funds shall be prepared by the staff director for signature by the chairman of the committee, except as otherwise authorized by the House, and shall be supported by receipts or other documentation consistent with the requirements of the Committee on House Administration. Signed vouchers shall be returned to the staff director for entry in the committee accounts and final processing.

RULE 17. BROADCASTING HEARINGS

A hearing conducted by the committee, upon approval by a majority vote of the committee, a quorum being present, or a hearing conducted by a subcommittee, upon approval by a majority vote of the subcommittee, a quorum being present, may be covered in whole, or in part, by television broadcast, radio broadcast, and still photography, in accordance with House Rule XI, Clause 3, subject to the following:

(1) live coverage is to be broadcast without commercial sponsorship;

(2) no subpenaed witness may be photographed, televised, or broadcast against his will;

(3) television cameras shall operate from fixed positions which shall not obstruct committee or subcommittee proceedings or other media;

(4) equipment must be installed prior to the hearing;

(5) lighting shall be at the lowest adequate level;

(6) still photographers shall not come between the witnesses and committee members or obstruct the other media during the hearing; and

(7) broadcast and photography personnel shall be orderly and unobtrusive and shall be currently accredited to the Radio, Television Correspondents', or the Press Photographers' Galleries, as appropriate.

RULE 18. AVAILABILITY OF SUBCOMMITTEE REPORTS

A summary and explanation of each measure or matter reported by a subcommittee shall be furnished to each member of the committee in advance of the committee meeting at which such measure or matter is to be considered.

RULE 19. TRAVEL

(a) All members of the committee shall have adequate notice prior to the date or dates fixed for investigations or hearings at locations other than Washington, D.C.

(b) Travel of members and staff of the committee or of a subcommittee to hearings, meetings, conferences, and investigations must be authorized by the chairman of the committee prior to any public notice thereof or the actual travel. Before such authorization is given, there shall be submitted to the chairman of the committee a statement in writing which includes the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(c) A report on the travel (except travel in connection with hearings) of each member or staff member shall be submitted to the chairman of the committee as soon as possible after the trip is completed.

(d) Not later than 60 days after the completion of foreign travel, each member or staff member shall submit to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. Such reports shall be made available for inspection by the public, as required by House Rule XI, Clause 2(n).

(e) To facilitate the oversight and other legislative and investigative activities of the committee, the chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, D.C.

RULE 20. CLASSIFIED MATERIAL

(a) All classified material received by the committee or by a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The chairman of the committee shall establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any such classified material. Such procedures shall, however, insure access to this information at the committee offices by any member of the committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

RULE 21. STANDING AND SPECIAL SUBCOMMITTEES

There shall be seven standing subcommittees of the committee. The Subcommittee on Investigations shall have investigative jurisdiction over all matters within the jurisdiction of the committee, and the other six subcommittees shall have legislative and investigative jurisdiction as provided under paragraphs (2) through (7) of rule 22. In addition to the standing subcommittees, the chairman of the committee may establish such special ad hoc subcommittees, and task forces and assign to them such jurisdiction as the chairman deems necessary.

RULE 22. JURISDICTION OF SUBCOMMITTEES

The titles and jurisdiction of the standing subcommittees shall be as follows:

(1) Subcommittee on Investigations. The investigation, review and study, on a continuing basis, of the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee.

(2) Subcommittee on Compensation and Employee Benefits. Compensation, including pay rates and pay systems; the merit pay system; dual compensation; classification of positions; leave; allowances; retirement; insurance; health benefits; and other benefits of Federal officers and employees.

(3) Subcommittee on Human Resources. Federal civilian personnel requirements and ceilings, including the establishment of supergrade and executive level positions; effect of Government reorganizations on Federal personnel; employee utilization; reductions in force; contracting out; rights of privacy; code of ethics, including financial disclosure and conflicts of interest; alternative work schedules; White House personnel authorization; and intergovernmental personnel programs.

(4) Subcommittee on the Civil Service. Federal civil service matters, generally, except those matters, specifically within the jurisdiction of other subcommittees; Federal labor management relations (excluding the Postal Service); the Senior Executive Service; productivity of Federal employees; and employee political activities.

(5) Subcommittee on Postal Operations and Services. The United States Postal Service and the Postal Rate Commission, generally, including operation and administration thereof; postal finances and expenditures (except those relating to matters within the jurisdiction of the Subcommittee on Postal Personnel and Modernization); public service aspects, requirements, and reimbursements; and the United States mails (except those matters specifically within the jurisdiction of the Subcommittee on Postal Personnel and Modernization).

(6) Subcommittee on Postal Personnel and Modernization. Postal officers and employees, generally, including their status and appointment; postal management and other personnel requirements and practices; employee utilization; postal labor management relations; postal facilities and mechanization, including modernization and research and development; mailability of matter; mail transportation; and military mail.

(7) Subcommittee on Census and Population. The Bureau of the Census, generally; population and demography; statistics collection; reporting and data processing activities of the Government, generally; and holidays and celebrations.

RULE 23. MEMBERSHIP OF SUBCOMMITTEES

(a) Except as provided in paragraph (b), each subcommittee shall have five members, divided between the majority and minority members in the ratio of three to two.

(b) The Subcommittee on Postal Operations and Services shall have seven members, divided between the majority and minority members in the ratio of four to three.

(c) The chairman and ranking minority member of the committee shall be ex officio voting members of each subcommittee on which they do not serve.

(d) Each member of the committee may sit with any subcommittee during its hearings, but no member who is not a member of a subcommittee shall vote on any matter before that subcommittee.

RULE 24. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, conduct investigations, receive evidence, and report to the committee on all matters referred to it. Subcommittee chairmen shall set meeting and hearing dates after consultation with the chairman of the committee and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings whenever possible. A subcommittee may exercise none of the powers or authorities hereinbefore provided with respect to any investigation or other activity which is not within the jurisdiction of the subcommittee or which requires the expenditure of funds in excess of the subcommittee's budget as approved by the committee, except upon authorization by a majority vote of the committee, a quorum being present.

RULE 25. REQUIRED MEETING

Each standing subcommittee, as referred to in rule 22, shall meet for the transaction of subcommittee business from time to time while Congress is in session, at a time and on a day determined by the subcommittee with due regard to the time and dates of the regular meetings of the committee and other subcommittees. All meetings of each subcommittee shall be open to the public except when the subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, Clause 2(g)(1).

RULE 26. SUBCOMMITTEE QUORUM

(a) Except as provided under paragraphs (b) and (c) of this rule, or under House Rule XI, Clause 2(g)(2), one-third of the total membership of a subcommittee shall constitute a quorum for the purpose of transacting subcommittee business.

(b) A majority of the membership of a subcommittee shall constitute a quorum for the purpose of—

(1) reporting a measure or recommendation to the committee;

(2) voting to close a meeting under rule 25; and

(3) authorizing the issuance of a subpena under rule 12(c).

(c) Not less than two members of a subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE 27. AMENDMENTS

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chairman shall allow an appropriate period of time for the provision thereof.

RULE 28. OTHER ACTIONS; STAFF SUPERVISION

The chairman of the committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee, including the general supervision of the statutory and investigative staffs of the committee.

RULE 29. RECORDING OF COMMITTEE PROCEEDINGS

(a) Tape recordings (including video recordings) of any full committee or subcommittee hearing or meeting (or any portion thereof) may be permitted only when approved by the chairman and ranking minority member of the committee or subcommittee, as appropriate. Individuals seeking permission to record committee or subcommittee proceedings shall be advised that the transcript of the proceedings as produced by the committee or subcommittee reporter constitutes the sole "official" transcript of such proceedings.

(b) Paragraph (a) does not apply to television or radio broadcasts of committee or subcommittee hearings referred to in Rule 17.

SUBMISSION OF RULES OF THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. RANGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANGEL. Mr. Speaker, pursuant to and in accordance with House rule XI, clause 2(a) I submit for publication in the RECORD a copy of the rules of the Select Committee on Narcotics Abuse and Control as approved by the committee on February 4, 1987:

RULES OF THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

RULE 1. GENERAL

The Rules of the House of Representatives, to the extent they apply, together with the following rules, shall be the rules of the Committee.

RULE 2. MEETINGS

(a) The regular meeting day of the Committee for the conduct of its business shall be on the second Thursday of each month while the Congress is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) Special meetings may be convened as provided for by clause 2(c)(2) of Rule XI of the Rules of the House.

(d) At least 3 days (excluding Saturdays, Sundays, and legal public holidays) before each scheduled Committee meeting, each member of the Committee shall be furnished a list of the subjects to be considered or acted upon at such meeting.

RULE 3. HEARINGS

(a) Members of the Committee shall be advised and a public announcement shall be made of the time, date, place, and subject matter of any hearing to be conducted by the Committee at least one week before the commencement of such hearing, unless the Chairman determines that there is good cause to begin such hearing at an earlier date, in which event the Chairman shall advise Committee members and make the public announcement at the earliest possible date. Any announcement made under this paragraph shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems.

(b) Unless authorized by the Chairman, a witness shall not be permitted to testify or present evidence at a hearing of the Committee, and such testimony or evidence may not be included in the Committee hearing record, unless 50 copies thereof have been delivered to the Committee at least 48 hours prior to such hearing.

(c) A Committee member may question a witness only when recognized by the Chairman for such purpose. In accordance with clause 2(j)(2) of Rule XI of the Rules of the House, each Committee member shall be allowed 5 minutes to question a witness until each member who so desires has had such opportunity. The Chairman shall, insofar as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the discretion of the Chairman.

(d) At any hearing the minority party members of the Committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the subject matter of such hearing during at least one day of hearing thereon.

(e)(1) The Chairman at an investigative hearing of the Committee shall announce in the opening statement the subject of the investigation.

(2) A copy of the Rules of the Committee and clause 2 of Rule XI of the Rules of the House shall be made available to each witness.

(3) Witnesses at an investigative hearing may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearing; and the Committee may cite the offender to the House for contempt.

(f) Any witness may obtain a transcript copy of his or her testimony given at a public session or, if given at an executive session, when authorized by a majority of the members voting, a majority being present.

RULE 4. COMMITTEE PROCEDURE

(a)(1) Unless otherwise required or permitted by these rules, one-third of the members of the Committee shall constitute a quorum for the transaction of Committee business. Any Committee member present at a Committee meeting may make a point of order that a quorum is not present, but a quorum shall be deemed present unless a member who is present objects.

(2) Two members shall constitute a quorum for the purposes of taking testimony and receiving evidence.

(b) Meetings for the transaction of business and hearings of the Committee shall be open to the public or closed, in accordance with clauses 2(g)(1), 2(g)(2), or 2(k)(5) of Rule XI of the Rules of the House. No evidence or testimony taken in executive session may be released or used in public session unless authorized by a majority of members voting, a majority being present.

(c) A vote by any member of the Committee with respect to any matter being considered by the Committee may be cast by proxy if the proxy authorization is in writing, asserts that the member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the member of the Committee who is to execute the proxy authorization, and is limited to a specific matter and any amendments or motions pertaining thereto (except that a member may authorize a general proxy for motions to recess or adjourn, or for other procedural matters). Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time of day that the proxy is signed. No proxy may be counted for the purpose of constituting a quorum.

(d) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon the demand of any member, and a copy made available to each member present.

(e) In the absence of the Chairman at any meeting or hearing of the Committee, the ranking member of the majority party on the Committee who is present shall preside at such meeting or hearing.

(f) A complete record of all Committee action, including a record of all votes on any question on which a rollcall vote is demanded, shall be maintained by the Committee. The result of each such rollcall vote shall be available to the public for inspection at the offices of the Committee during normal working hours.

(g) Any member of the Committee may demand and the Chairman shall order a rollcall vote on any matter considered by the Committee.

RULE 5. COMMITTEE REPORTS

(a)(1) Except as provided in paragraph (b), any Committee report shall be approved by a majority of the members voting at a meeting at which a majority is present.

(2) A proposed report shall not be considered in a Committee meeting unless a copy of the proposed report is provided to each member of the Committee at least 5 days (excluding Saturdays, Sundays, and legal public holidays) prior to the meeting.

(b) The Chairman is empowered to obtain the approval of any report in any appropriate manner, including by polling the members of the Committee in writing. In such cases, a copy of the proposed report shall be made available to each Committee member for at least 5 calendar days (excluding Saturdays, Sundays, and legal public holidays) and the approval of a majority of the Committee is required. The Chairman shall promptly notify Committee members in writing of the approval or disapproval of the proposed report.

(c) Supplemental, minority, or additional views may be filed in accordance with clause 2(I)(5) of Rule XI of the Rules of the House. The time allowed for filing such views shall be 3 calendar days (excluding Saturdays, Sundays, and legal public holidays) after approval of a proposed report in a meeting of the Committee or after the Chairman issues a notification of approval pursuant to paragraph (b).

(d) If hearings have been held on the subject matter of the proposed report, every reasonable effort shall be made to have such hearings available to the members of the Committee before seeking approval of the proposed report.

RULE 6. POWERS AND DUTIES OF COMMITTEE

(a) For the purpose of carrying out any of its functions and duties, the Committee is authorized to sit and act at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned.

(b)(1) The Committee may require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, documents, and other exhibits and materials, as it deems necessary.

(2) A subpena may be authorized and issued by the Committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

(3) Notwithstanding subparagraph (b)(2) of this rule, a subpena may be authorized and issued in the conduct of any investigation or series of investigations or activities by the Chairman upon the concurrence of the ranking minority member on the Committee.

(4) Authorized subpenas shall be signed by the Chairman or by any member designated by the Committee, and may be served by any person designated by the Chairman or such member.

(c) The Chairman, or any member of the Committee designated from time to time by him, shall report on the meetings, hearings or other activities of the Committee to any other committee of the House which has subject matter jurisdiction therein.

RULE 7. BROADCASTING

(a) Whenever any hearing or meeting conducted by the Committee is open to the public, the Committee may permit such hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, under the rules established by paragraph (b) of this rule: Provided, however, that the Chairman shall determine, in his discretion, the number of television and still cameras permitted in a hearing or meeting room.

(b)(1) If television or radio coverage of any hearing or meeting of the Committee is to be presented to the public as live coverage, such coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpena by the Committee shall be required against his or her will to be photographed at any hearing or meeting or to give evidence or testimony while the broadcasting of such hearing or meeting, by radio, or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) The allocation among the television media of the positions of the number of television cameras permitted by the Chairman shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of such witness and such members to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from the hearing or meeting room while the Committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by the Chairman to cover a hearing or meeting, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by the Chairman, for coverage of a hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves at any time during the course of the hearing or meeting between the witness table and the members of the Committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing or meeting by other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 8. AMENDMENT OF RULES

The Rules of the Committee may be modified, amended, or repealed, by a majority of the members voting at a meeting at which a majority is present. Written notice of any proposed change shall be provided to each member of the Committee not less than 3 calendar days (excluding Saturdays, Sundays, and legal public holidays) before the meeting date on which such change is to be considered.

SUBMISSION OF RULES OF THE COMMITTEE ON THE JUDICIARY OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. RODINO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RODINO. Mr. Speaker, pursuant to rule XI, clause 2(a), I submit the rules of procedure for the Committee on the Judiciary for the 100th Congress for printing in the RECORD.

COMMITTEE ON THE JUDICIARY RULES OF PROCEDURE

Rule I. The Rules of the House of Representatives are the rules of the Committee on the Judiciary and its subcommittees with the following specific additions thereto.

Rule II. Committee Meetings

(a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Tuesday of each week while the Congress is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 24 hours (excluding Saturdays, Sundays, and legal holidays) before each scheduled Committee or subcommittee meeting, each Member of the Committee or subcommittee shall be furnished a list of the bill(s) and subject(s) to be considered and/or acted upon at the meeting. Bills or subjects not listed shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or subcommittee.

(d) The Chairman, with such notice to the ranking Minority Member as is practicable, may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(e) Committee and subcommittee meetings for the transaction of business, i.e., meetings other than those held for the purpose of taking testimony, shall be open to the public except when the Committee or subcommittee, by majority vote, determines otherwise.

(f) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon the demand of any Member, and a copy made available to each Member present.

(g) In all subcommittee proceedings where a vote on a motion to report a bill to the full Committee results in a tie, such bill shall be reported to the full Committee without recommendation.

(h) For purposes of taking any action at a meeting of the full Committee or any subcommittee thereof, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or subcommittee, except that a full majority of the Members of the Committee or subcommittee shall constitute a quorum for purposes of reporting a measure or recommendation from the Committee or subcommittee, closing a meeting to the public, or authorizing the issuance of a subpoena.

(i) A complete transcript shall be made of any full Committee meeting, or any portion thereof, upon the request of any Member of the Committee made before the close of business of the preceding day, excluding Saturdays, Sundays, and legal holidays.

Rule III. Hearings

(a) The Committee or any subcommittee shall make public announcement of the date, place, and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing, unless the Committee or the subcommittee before which such hearings is scheduled, determines that there is good cause to begin such hearing at an earlier date, in which event it shall make public announcement at the earliest possible date.

(b) Committee and subcommittee hearings shall be open to the public except when the Committee or subcommittee, by majority vote, determines otherwise.

(c) For purposes of taking testimony and receiving evidence before any subcommittee, a quorum shall be constituted by the presence of two Members. For purposes of taking testimony and receiving evidence before the full Committee, a quorum shall be constituted by the presence of 10 Members.

(d) In the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.

Rule IV. Proxy Voting. A vote by any Member of the Committee, with respect to any measure or matter being considered in the Committee or in subcommittee, may be cast by proxy if the proxy authorization is in writing asserts that the Member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the person who is to execute the proxy authorization, and is limited to a specific measure or matter and any amendments or motion pertaining thereto; except that a Member may authorize a general proxy for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time that the proxy is signed. Proxies may not be counted for a quorum.

Rule V. Broadcasting

(a) Whenever any hearing or meeting conducted by the Committee or any subcommittee is open to the public, the Committee or subcommittee, as the case may be, may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, under the following rules; *Provided, however*, that the Committee or subcommittee chairman shall determine, in his discretion, the number of television and still cameras permitted in a hearing or meeting room.

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the Committee or subcommittee, as the case may be, shall be required against his will to be photographed at any hearing or meeting or to give evidence or testimony while the broadcasting of that hearing or meeting, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) The allocation among the television media of the positions of the number of television cameras permitted in a hearing room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Gallery.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or subcommittee, as the case may be, or the visibility of that witness and that Member to each other.

(5) Television cameras shall not be placed in positions which obstructed unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing room while the Committee or subcommittee, as the case may be, is in session.

(7) Floodlights, spotlights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee or subcommittee, as the case may be.

(10) Photographers shall not place themselves in positons which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Gallery.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobstrusive manner.

(b) Subcommittees may authorize the broadcasting or photographing of any of their public hearings or meetings without the specific permission of the Committee.

Rule VI. Standing Subcommittees

(a) There shall be the following seven standing subcommittees of the Committee on the Judiciary as follows:

(1) *Subcommittee on Immigration, Refugees, and International Law:* Immigration and Naturalization, Citizenship, Admission of Refugees, Treaties and International Agreements, Passports, Admiralty, other appropriate matters as referred by the Chairman, and relevant oversight.

(2) *Subcommittee on Administrative Law and Governmental Relations:* Administrative Law, Claims against the United States, other appropriate matters as referred by the Chairman, and relevant oversight.

(3) *Subcommittee on Courts, Civil Liberties and the Administration of Justice:* U.S. Attorneys and U.S. Marshals, Courts, Judicial Ethics, Prisons, Paroles, Patents, Trademarks, Copyrights, other appropriate matters as referred by the Chairman, and relevant oversight.

(4) *Subcommittee on Civil and Constitutional Rights:* Civil Rights and Liberties, other appropriate matters as referred by the Chairman, and relevant oversight.

(5) *Subcommittee on Monopolies and Commercial Law:* Antitrust, Judgeships, Bankruptcy, Economic Regulation generally, other appropriate matters as referred by the Chairman, and relevant oversight.

(6) *Subcommittee on Crime:* Prevention of Crime, Drug Enforcement, Problems of Criminal Offenders, other appropriate matters as referred by the Chairman, and relevant oversight.

(7) *Subcommittee on Criminal Justice:* Federal Criminal Code, Rules of Criminal Procedure, Rules of Civil Procedure, other appropriate matters as referred by the Chairman, and relevant oversight.

(b) The Chairman of the Committee and the ranking Minority Member thereof shall be ex officio Members, but not voting members, of each subcommittee to which such Chairman or ranking Minority Member has not been assigned by resolution of the Committee. Ex officio Members shall not be counted as present for purposes of constituting a quorum at any hearing or meeting of such subcommittee.

Rule VII. Powers and Duties of Subcommittees. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

Rule VIII. Non-Legislative Reports. No report of the Committee or a subcommittee which does not accompany a measure or matter for consideration by the House shall be published unless all Members of the Committee or subcommittee issuing the report shall have been apprised of such report and been given the opportunity to give notice of intention to file supplemental, additional, or dissenting views as part of the report. In no case shall the time in which to file such views be less than three calendar days (excluding Saturdays, Sundays, and legal holidays).

SUBMISSION OF RULES OF THE SELECT COMMITTEE ON HUNGER OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. LELAND asked and was given permision to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LELAND. Mr. Speaker, pursuant to and in accordance with House rule XI, clause 2(a), I submit for publication in the RECORD a copy of the rules of the Select Committee on Hunger:

RULES OF THE SELECT COMMITTEE ON HUNGER

RULE 1. MEETINGS

The regular meetings of the committee shall be held on the third Thursday of each month at 9:30 a.m., except when Congress has adjourned. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee on accordance with the provisions of House Rule XI, 2(c)(2). Every member of the committee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the name, titles, background and reasons for appearance of any witness. The minority staff shall be responsible for providing the same information on witnesses whom the minority may request.

RULE 2. QUORUMS

A majority of the members of the committee shall constitute a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence. Proxies shall not be used to establish a quorum. If the chairman is not present at any meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at the meeting.

RULE 3. COMMITTEE REPORTS

Every committee report shall be approved by a majority vote of the members voting, a quorum being present. Supplemental, minority, or additional views may be filed in accordance with House Rule XI, 2(1)(5). The time allowed for filing such views shall be three calendar days (excluding Saturdays, Sundays, and legal holidays) unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. A proposed report shall not be considered in committee unless the proposed report has been available to the members of the committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of such proposed report in the committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the committee prior to the consideration of the proposed report in the committee.

RULE 4. PROXY VOTES

A member may vote by proxy on any measure or matter before the committee and on any amendment or motion pertaining thereto. A proxy shall be in writing and be signed by the member granting the proxy; it shall show the date and time of day it was signed and the date for which it is given and the member to whom the proxy is given. Each proxy authorization shall state that the member is absent on official business or is otherwise unable to be present; shall be limited to the date and specific measure or matter to which it applies; and, unless it states otherwise, shall apply to any amendments or motions pertaining to the measure or matter.

RULE 5. ROLLCALLS

A rollcall of the members may be had upon the request of any member.

RULE 6. RECORD OF COMMITTEE ACTIONS

The committee staff shall maintain in the committee offices a complete record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure than such original records are preserved with no unauthorized alterations, additions, or defacement.

RULE 7. TASK FORCE

The committee may establish such task forces as it deems appropriate. The jurisdiction of such task forces shall be established by the chairman of the committee in consultation with the ranking minority member of the committee. The chairman and ranking minority member of the committee shall serve ex officio on each task force.

RULE 8. HEARING DATES AND WITNESSES

The chairman of the committee, after consultation with the ranking minority member of the committee, shall announce the date, place, and subject matter of all hearings at least one week prior to the commencement of any hearings, unless he, after consultation with that member, determines that there is good cause to begin such hearings at an earlier date. Whenever any hearing is conducted by the committee upon any measure or matter, the committee's minority party members shall be entitled, upon request by a majority of them to the chairman of the committee before the completion of the hearing to call witnesses selected by them to testify with respect to that measure or matter during at least one day of hearing. Witnesses appearing before the committee shall, so far as practicable, submit written statements at least 72 hours in advance of their appearance.

RULE 9. OPEN MEETINGS

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

RULE 10. FIVE MINUTE RULE

Insofar as practicable, witnesses shall be permitted to present their oral statements without interruptions, questioning by the committee members taking place afterward. After completing his questioning, the chairman shall recognize the ranking majority and then the ranking minority member, and thereafter in recognizing members present, he may give preference to the members on the basis of their arrival at the hearing, taking into consideration the majority and minority ratio of the members actually present. A member desiring to speak or ask a question shall address the chairman and not the witness in order to insure orderly procedure.

Each member may question the witness for 5 minutes, the reply of the witness being included in the 5-minute period. After all members have had an opportunity to ask questions, the round may begin again under the 5-minute rule.

RULE 11. INVESTIGATIVE HEARINGS; PROCEDURES

Investigative hearings shall be conducted according to the procedures in House Rule XI, 2(K). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witness.

RULE 12. STENOGRAPHIC RECORD

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

RULE 13. TV, RADIO AND PHOTOGRAPHS

When approved by a majority vote, an open meeting or hearing of the committee may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, by any of such methods of coverage, subject to the provision of House Rule XI, 3. In order to enforce the provision of said rule or to maintain an acceptable standard of dignity, propriety, and decorum, the chairman may order such alterations, curtailment or discontinuance of coverage as he determines necessary.

RULE 14. STAFF

The chairman shall have the authority to hire and discharge majority staff and majority-appointed shared staff. The ranking minority member shall have the authority to discharge minority staff and minority-appointed shared staff. The authorization for the creation of new majority and majority-appointed shared staff positions, subject to the committee's budget, shall rest with the chairman, and the ranking minority member shall have the same authority with respect to minority and minority-appointed shared staff.

RULE 15. AUTHORIZATION TO TRAVEL

Travel to be paid from fund set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearing conducted by the committee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) The purpose of the travel.

(2) The dates during which travel is to be made and the date or dates of the event for which the travel is being made.

(3) The location of the event for which the travel is to be made.

(4) The names of member and staff seeking authorization.

RULE 16. ADDITIONAL DUTIES OF CHAIRMAN

The chairman of the committee shall—

(1) make available to other committees the Select Committee's findings and recommendations resulting from the investigations of the committee as appropriate; and

(2) prepare a budget for the committee and present such budget to the committee for its approval.

RULE 17. AMENDMENTS OF RULES

These rules may be modified, amended or repealed by a majority vote of the committee at a meeting at which a quorum is present, of at least two legislative days' written notice of the proposed change has been provided each member of the committee prior to the meeting date on which such changes are to be discussed and voted upon.

SUBMISSION OF RULES OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. STOKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STOKES. Mr. Speaker, pursuant to rule XI, clause 2(a), I submit the Rules of Procedure for the Permanent Select Committee on Intelligence for the 100th Congress for printing in the RECORD:

RULES OF PROCEDURE FOR THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

1. CONVENING OF MEETINGS

The regular meeting day of the Permanent Select Committee on Intelligence for the transaction of committee business shall be on the first Wednesday of each month, unless otherwise directed by the chairman.

In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C., and at least 48 hours in the case of any meeting held outside Washington, D.C.

2. PREPARATIONS FOR COMMITTEE MEETINGS

Under direction of the chairman, designated committee staff members shall brief members of the committee at a time sufficiently prior to any committee or subcommittee meeting to assist the committee members in preparation for such meeting and to determine any matter which the committee members might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the committee that bear on matters to be considered at the meeting.

The staff director shall recommend to the chairman the testimony, papers, and other materials to be presented to the committee or subcommittee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the House and these rules.

3. MEETING PROCEDURES

Meetings of the committee and its subcommittees shall be open to the public except that a portion or portions of any such meeting may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote in open session and with a majority present that the matters to be discussed or the testimony to be taken at such portion or portions:

1. Will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

2. Will relate solely to matters of committee staff personnel or internal staff management or procedure;

3. Will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual except that, at a hearing which may tend to defame, degrade or incriminate any person, the hearing may be closed to the public consistent with clause 2(g)(2) and clause 2(k)(5) of Rule XI of the Rules of the House;

4. Will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

5. Will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an act of Congress requires the information to be kept confidential by Government offficers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

6. Will violate any other law of the United States or any rule of the House of Representatives.

Except for purposes of taking testimony or receiving evidence, for which purposes a quorum shall consist of two committee members, a quorum for the transaction of any other committee business shall consist of nine committee members. Decisions of the committee shall be by majority vote of the members present and voting.

Whenever the committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulaton of the votes cast in favor of and the votes cast in opposition to scuh measure or matter.

4. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

Notice.—Witnesses required to appear before the committee shall be given reasonable notice and all witnesses shall be furnished a copy of these rules.

Oath or Affirmation.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the committee, except that the chairman of the committee or of any subcommittee shall not require an oath or affirmation where the chairman determines that it would not be appropriate under the circumstances.

Interrogation.—Committee or subcommittee interrogation shall be conducted by members of the committee and such committee staff as are authorized by the chairman or the presiding member.

Counsel for the Witness.—(A) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the committee of such fact. If the witness informs the committee of this fact at least 24 hours prior to the witness' appearance before the committee, the committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(B) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to the effect by a majority of the members of the committee, a majority being present, subject such counsel to disciplinary action which may include censure, removal, or a recommendation of contempt proceedings, except that the chairman of the committee or of a subcommittee may temporarily remove counsel during proceedings before the committee or subcommittee unless a majority of the members of the committee or subcommittee, a majority being present, vote to reverse the ruling of the chair.

(C) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question counsel wishes propounded to a client or to any other witness and may, at the conclusion of such testimony, suggest the presentation of other evidence or the calling of other witnesses. The committee or subcommittee may use such questions and dispose of such suggestions as it deems appropriate.

Statements by Witnesses.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of the witness' testimony. Such statements shall not exceed a reasonable period of time as determined by the chairman, or other presiding member. Any witness desiring to make a prepared or written statement, for the record of the proceedings shall file a copy with the clerk of the committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of the witness' appearance before the committee.

Objections and Ruling.—Any objection raised by a witness or counsel shall be ruled upon by the chairman or other presiding member, and such ruling shall be the ruling of the committee unless a majority of the committee present overrules the ruling of the chair. A transcript shall be made of the testimony of each witness appearing before the committee or any subcommittee during a committee or subcommittee hearing or briefing.

Inspection and Correction.—All witnesses testifying before the committee or any subcommittee shall be given a reasonable opportunity to inspect the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the committee within 5 days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at the witness' expense.

Requests to Testify.—The committee or any subcommittee will consider requests to testify on any matter or measure pending before the committee or subcommittee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a committee member or a member of the committee staff may tend to affect adversely that person's reputation, may request to appear personally before the committee to testify on his or her own behalf, or may file a sworn statements of facts relevant to the testimony, evidence, or comment, or may submit to the chairman proposed questions in writing for the cross-examination of other witnesses. The committee shall take such actions as it deems appropriate.

Contempt Procedures.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the House unless and until the committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed, by majority vote of the committee to forward such recommendation to the House.

Release of Name of Witness.—At the request of any witness, the name of that witness scheduled to be heard by the committee shall not be released prior to, or after, the witness' appearance before the committee, unless otherwise authorized by the chairman.

Closing hearings.—A vote to close a committee or subcommittee hearing may not be taken by less than a majority of the committee or the subcommittee pursuant to clause 4 of House Rule XLVIII unless at least one member of the minority is present to vote upon a motion to close the hearing.

5. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the committee may direct. The subcommittees shall be governed by the rules of the committee.

Except for purposes of taking testimony or receiving evidence, for which purposes a quorum shall consist of two subcommittee members, a quorum for the transaction of any other subcommittee business shall consist of five subcommittee members.

There are hereby established the following subcommittees:

(1) Program and Budget Authorization.
(2) Legislation.
(3) Oversight and Evaluation.

6. INVESTIGATIONS

No investigation shall be conducted by the committee unless approved by the full committee, a majority being present; provided, however, that an investigation may be initiated—

(1) at the direction of the chairman of the full committee, with notice to the ranking miniority member of the full committee; or

(2) at the written request to the chairman of the full committee of at least five members of the committee,

except that any investigation initiated under (1) or (2) must be brought to the attention of the full committee for approval at the next regular meeting of the full committee following initiation of the investigation. Authorized investigations may be conducted by members of the committee and/or by designated committee staff members.

7. SUBPOENAS

Unless otherwise determined by the committee, the chairman, upon consultation with the ranking minority member, or the committee, shall authorize and issue subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the chairman, or any member of the committee designated by the chairman, and may be served by any person designated by the chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of these rules.

8. STAFF

For the purpose of these rules, committee staff means employees of the committee, consultants to the committee, employees of other Government agencies detailed to the committee, or any other person engaged by contract or otherwise to perform services for or at the request of the committee.

The appointment of committee staff be by the chairman in consultation with the ranking minority member. After confirmation, the chairman shall certify committee staff appointments to the Clerk of the House in writing.

The committee staff works for the committee as a whole, under the supervision of the chairman of the committee. Except as otherwise provided by the committee, the duties of committee staff shall be performed and committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the staff director.

The committee staff shall assist the minority as fully as the majority in all matters of committee business and in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the committee and the House.

The members of the committee staff shall not discuss either the classified substance or procedure of the work of the committee with any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during that person's tenure as a member of the committee staff or at any time thereafter except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or, in the event of the termination of the committee, in such a manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, not to divulge any classified information which comes into such person's possession while a member of the committee staff or any classified information which comes into such person's possession by virtue of his or her position as a member of the committee staff to any person not a member of the committee or the committee staff, either while a member of the committee staff or at any time thereafter except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, to notify the committee, or, in the event of the committee's termination, the House, of any request for testimony, either while a member of the committee staff or at any time thereafter with respect to classified information which came into the staff member's possession by virtue of his or her position as a member of the committee staff. Such classified information shall not be disclosed in response to such requests except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the House.

The committee shall immediately consider disciplinary action to be taken in case any member of the committee staff fails to conform to any of these rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the committee staff.

9. RECEIPT OF CLASSIFIED MATERIAL

In the case of any information classified under established security procedures and submitted to the committee by the executive or legislative branch, the committee's acceptance of such information shall constitute a decision by the committee that it is executive session material and shall not be disclosed publicly or released unless the committee, by rollcall vote, determines, in a manner consistent with clause 7 of House Rule XLVIII, that it should be disclosed publicly or otherwise released. For purposes of receiving information from either the executive or legislative branch, the committee staff may accept information on behalf of the committee.

10. PROCEDURES RELATED TO CLASSIFIED OR SENSITIVE MATERIAL

(a) Committee staff offices shall operate under strict security precautions. At least one security officer shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

Sensitive or classified documents and material shall be segregated in a security storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the committee offices of such documents and other materials are prohibited except as is necessary for use in, or preparation for, interviews or committee meetings, including the taking of testimony in conformity with these rules.

Each member of the committee shall at all times have access to all papers and other material received from any source. The staff director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the committee and such registry shall be available to any member of the committee.

(b) Pursuant to clause (7)(c)(2) of House Rule XLVIII and to clause (2)(e)(2) and clause 2(g)(2) of House Rule XI, members who are not members of the committee shall be granted access to such hearings, records, data, charts and files of the committee and be admitted on a nonparticipatory basis to hearings of the committee which involve classified material, on the basis of the following provisions:

(1) Members who desire to examine materials in the possession of the committee or to attend committee hearings on a non-participatory basis should notify the clerk of the committee in writing.

(2) Each such request by a member must be considered by the committee, a quorum being present, at the earliest practicable opportunity. The committee must determine by record vote whatever action it deems necessary in light of all the circumstances of each individual request. The committee shall take into account, in its deliberations, such considerations as the sensitivity of the information sought to the national defense or the confidential conduct of the foreign relations of the United States, the likelihood of its being directly or indirectly disclosed, the jurisdictional interest of the member making the request and such other concerns—constitutional or otherwise—as affect the public interest of the United States. Such actions as the committee may take include, but are not limited to: (i) approving the request, in whole or part; (ii) denying the request; (iii) providing in different form than requested information or material which is the subject of the request.

(3) In matters touching on such requests, the committee may, in its discretion, consult the Director of Central Intelligence and such other officials as it may deem necessary.

(4) In the event that the member making the request in question does not accede to the determination or any part thereof of the committee as regards the request, that member should notify the committee in writing of the grounds for such disagreement. The committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, it will take.

(c) Pursuant to Section 501 of the National Security Act of 1947 (50 U.S.C. 413) and to clauses 3(a) and 7(c)(2) of House Rule XLVIII, the committee shall call to the attention the House or to any other appropriate committee or committees of the House any matters requiring the attention of the House or such other committee or committees of the House on the basis of the following provisions:

(1) At the request of any member of the committee, the committee shall meet at the earliest practicable opportunity to consider a suggestion that the committee call to the attention of the House or any other committee or committees of the House executive session material.

(2) In determining whether any matter requires the attention of the House or any other committee or committees of the House, the committee shall consider, among such other matters it deems appropriate—

(A) the effect of the matter in question upon the national defense or the foreign relations of the United States;

(B) whether the matter in question involves sensitive intelligence sources and methods;

(C) whether the matter in question otherwise raises serious questions about the national interest; and

(D) whether the matter in question affects matters within the jurisdiction of another committee or committees of the House.

(3) In examining the considerations described in paragraph (2), the committee may seek the opinion of members of the committee appointed from standing committees of the House with jurisdiction over the matter in question or to submissions from such other committees. Further, the committee may seek the advice in its deliberations of any executive branch official.

(4) If the committee, with a quorum present, by record vote decides that matter requires the attention of the House or a committee or committees of the House

which the committee deems appropriate, it shall make arrangements to notify the House or committee or committees promptly.

(5) In bringing a matter to the attention of another committee or committees of the House, the committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(6) The method of communicating matters to other committees of the House shall insure that information or material designated by the committee is promptly made available to the chairman and ranking minority member of such other committees.

(7) The committee may bring a matter to the attention of the House when it considers the matter in question so grave that it requires the attention of all members of the House, if time is of the essence, or for any other reason which the committee finds compelling. In such case, the committee shall consider whether to request an immediate the secret session of the House (with time equally divided between the majority and the minority) or to publicly disclose the matter in question pursuant to clause 7 of House Rule XLVIII.

(d) Whenever the select committee makes classified material available to any other committee of the House or to any member of the House not a member of the committee, the clerk of the committee shall be notified. The clerk shall at the time provide a copy of the applicable portions of these rules and of House Rule XLVIII and other pertinent Rules of the House to such members or such committee and insure that the conditions contained therein under which the classified materials provided are clearly presented to the recipient. The clerk of the committee shall also maintain a written record identifying the particular information transmitted, the reasons agreed upon by the committee for approving such transmission and the committee or members of the House receiving such information. The staff director of the committee is further empowered to provide for such additional measures as he or she deems necessary in providing material which the committee has determined to make available to a member of the House or a committee of the House.

(e) Access to classified information supplied to the committee shall be limited to those committee staff members with appropriate security clearance and a need-to-know, as determined by the committee, and under the committee's direction, the staff director.

No member of the committee or of the committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the committee or the committee staff for any propose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session on, or the contents of any classified papers or other classified materials or other classified information received by the committee except as authorized by the committee in a manner consistent with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such a manner as may be determined by the House.

Before the committee makes any decision regarding a request for access to any testimony, papers or other materials in its possession or a proposal to bring any matter to the attention of the House or a committee or committees of the House, committee members shall have a reasonable opportunity to examine all pertient testimony, papers, and other materials that have been obtained by the committee.

11. LEGISLATIVE CALENDAR

The clerk of the committee shall maintain a printed calendar for the information of each committee member showing the measures introduced and referred to the committee and the status of such measures—and such other matters as the committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the committee.

Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

12. COMMITTEE TRAVEL

No member of the committee or committee staff shall travel on committee business unless specifically authorized by the chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the committee when travel is completed.

When the chairman approves the foreign travel of a member of the committee staff not accompanying a member of the committee, all members of the committee are to be advised, prior to the commencement of such travel of its extent, nature and purpose. The report referred to in the previous paragraph shall be furnished to all members of the committee and shall not be otherwise disseminated without the express authorization of the committee pursuant to the rules of the committee.

13. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the committee or any subcommittee is open to the public, a majority of the committee or subcommittee, as the case may be, may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in clause 3 of Rule XI of the Rules of the House.

14. CHANGES IN RULES

These rules may be modified, amended, or repealed by the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

SUBMISSION OF RULES OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES FOR THE 100TH CONGRESS

(Mr. JONES of North Carolina asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JONES of North Carolina. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the Rules of the Committee on Merchant Marine and Fisheries for the 100th Congress for printing in the RECORD. These rules were adopted by the committee on February 4, 1987.

RULES OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

RULE I. APPLICABILITY OF HOUSE RULES

The Rules of the House insofar as they are applicable shall be the Rules of the Committee and its Subcommittees.

RULE II. JURISDICTION

As extablished in Rule X of the House Rules, the jurisdiction of the Committee on Merchant Marine and Fisheries is:

(1) Merchant marine generally.

(2) Oceanography and Marine Affairs, including coastal zone management.

(3) Goast Guard, including lifesaving service, lighthouses, lightships, and ocean derelicts.

(4) Fisheries and wildlife, including research restoration, refuges, and conservation.

(5) Measures relating to the regulation of common carriers by water (except matters subject to the jurisdiction of the Interstate Commerce Commission) and to the inspection of mechant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.

(6) Merchant marine officers and seamen.

(7) Navigation and the laws relating thereto, including pilotage.

(8) Panama Canal and the maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone; and interoceanic canals generally.

(9) Registering and licensing of vessels and small boats.

(10) Rules and international arrangements to prevent collisions at sea.

(11) United States Coast Guard and Merchant Marine Academies, and State Maritime Academies.

(12) International fishing agreements.

RULE III. FUNCTIONS

(A) *General Oversight Responsibilities.*—(1) The Committee shall review and study, on a continuing basis:

(a) the application, administration, execution, and effectiveness of those laws, or parts of laws, within its jurisdiction;

(b) the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution of these laws in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated; and

(c) any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within its jurisdiction (whether or not any bill or resolution has been introduced with respect thereto).

(2) The Committee shall undertake future research and forecasting on matters within its jurisdictions.

(3) The Committee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdiction.

(B) *Annual Appropriations.*—In its consideration of all public bills and joint resolutions, the Committee shall ensure that appropriations for continuing programs and activities will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(C) *Views and Estimates.*—On or before March 15 of each year, the Committee shall submit to the Committee on the Budget:

(1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions; and

(2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

RULE IV. SUBCOMMITTEES

(A) *Applicability of Committee Rules.*—Written Rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each of its Subcommittees. Each Subcommittee is a part of the Full Committee and subject to its authority, direction, and Rules.

(B) *Standing Subcommittees.*—There shall be six standing Subcommittees: the Subcommittee on Merchant Marine; the Subcommittee on Fisheries and Wildlife Conservation and the Environment; the Subcommittee on Coast Guard and Navigation; the Subcommittee on Oceanography; the Subcommittee on Panama Canal/Outer Continental Shelf; and the Subcommittee on Oversight and Investigations.

(C) *Other Subcommittees.*—The Chairman, or a majority of the Committee, may establish, as determined to be appropriate for the conduct of Committee business, other special, select, or ad hoc committees.

(D) *Subcommittee Membership.*—

(1) The ratio of Majority Members to Minority Members on Subcommittees, including Ex Officio Members, shall be no less favorable to the Majority Party than the ratio of Membership on the Full Committee.

(2) A Committee Member may temporarily resign from his Subcommittee assignment to serve on another Subcommittee of the Committee in the event of a vacancy. Members returning to their Subcommittee assignment at the end of the temporary assignment shall return to their original assignment without prejudice to tenure or seniority.

(E) *Ex Officio and Other Committee Members.*—

(1) The Chairman and the Ranking Minority Member of the Full Committee shall serve as Ex Officio Members of all Subcommittees of which they are not designated as Chairman or Ranking Minority Member. They shall have the right to participate fully, including the right to vote on all matters before the Subcommittees, but shall not be counted in establishing the requirements of, or in determining, a quorum.

(2) Any Member of the Committee may sit with any Subcommittee of which he or she is not a Member during its hearings or meetings (including closed meetings) and participate therein, but may not vote on any matter, or be counted present for the purpose of determining a quorum, or raise points of order or, except as the Subcommittee Chairman may permit, participate in questioning under the five-minute rule.

(F) *Subcommittee Meetings.*—

(1) Subcommittees may hold hearings, receive evidence, hear witnesses and report to the Committee for final action, together with such recommendations as may be agreed upon by the Subcommittee, on such matters as the Chairman may refer to a Subcommittee.

(2) Dates for Subcommittee meetings shall be assigned as a result of consultation between the Chairman and Subcommittee Chairmen and as nearly as practicable in relation to, and in accordance with, workloads.

(3) Subcommittees shall not meet at the same time as the Full Committee without the express permission of the Chairman of the Committee.

(G) *Joint Subcommittee Markup.*—When two or more Subcommittees meet jointly to take action on any measure or matter, each Member shall be entitled to one vote on each amendment, motion, order, or proposition.

RULE V. MEETINGS

(A) *Regular Meetings.*—The Committee shall meet at 10 a.m., on the first Wednesday of each month in the Committee Hearing Room, 1334 Longworth House Office Building, while Congress is in session. This meeting may be dispensed with at the descretion of the Chairman, in consultation with the Ranking Minority Member if there is no business.

(B) *Additional Meetings.*—The Chairman may call and convene additional meetings.

(C) *Meeting Notices.*—

(1) The date, time, place, and subject matter of meetings shall be announced to all Members of the Committee and the public at least one week in advance. If the Chairman, in consultation with the Ranking Minority Member, determines this is not possible, a public announcement and oral and confirming written notice to Committee Members shall be made at the earliest possible date.

(2) All meeting notices shall be promptly pubished in the Daily Digest and promptly entered into the Committee scheduling service of the House Information Systems.

(3) All Committee Members shall have adequate notice prior to Committee or Subcommittee investigations or hearings at locations other than Washington, D.C.

(D) *Special Meetings.*—

(1) Three or more Committee Members may file with the Committee Clerk, a signed, written request to the Chairman for a special meeting of the Committee, specifying the measure or matter to be considered.

(2) If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Members of the Committee may file with the Committee Clerk their signed, written notice that a special meeting of the Committee will be held, specifying the date and hour of, and the measure or matter to be considered at, that special meeting. The Committee shall meet on that date and hour. Only the measure or matter specified in that notice may be considered at that special meeting. Immediately upon the filing of that notice, the Clerk of the Committee shall notify all Members of the Committee of the special meeting.

(3) The above procedures also apply to Subcommittees, except that the number of Subcommittee Members required to request a special Subcommittee meeting is two, and a majority of the Members of the Subcommittee must file their signed, written notice with the Subcommittee Clerk.

(E) *Conflict With Party Caucus or Conference.*—When a Party Caucus or Conference of either Party directly conflicts with a scheduled Committee meeting, the meeting of the Committee shall be cancelled. The Clerk of the Committee shall give oral and confirming written notice to that effect to all Committee Members. The Chairman shall reschedule the meeting at the earliest practical time.

(F) *Prohibition Against Meetings During Five-Minute Rule.*—The Committee may not sit, without special leave, while the House is reading a measure for amendment under the five-minute rule.

RULE VI. COMMITTEE PROCEDURE

(A) *Applicability of House Procedure.*—The procedure in the Committee and its Subcommittees shall follow the procedure of the House.

(B) *Referral of Legislation.*—

(1) All legislation and other matters referred to the Committee shall be referred by the Chairman to all Subcommittees of appropriate jurisdiction within two weeks, unless by majority vote of the Majority Party Members of the Full Committee or by agreement between or among the Chairman and all the Subcommittee Chairmen to whom the legislation or other matter would otherwise be referred, consideration is to be by the Full Committee.

(2) The Chairman may refer any measure or matter simultaneously to two or more Subcommittees for concurrent consideration, or for consideration in sequence (subject to appropriate time limitations in the case of any Subcommittee), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different Subcommittee.

(C) *Power To Sit and Act and Subpoena Power.*—

(1) For the purpose of carrying out any of its functions and duties under Rules X and XI of the House of Representatives, the Committee, or any Subcommittee, is authorized:

(a) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned;

(b) to hold hearings; and

(c) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary.

(2) A subpoena may be authorized and issued by the Committee or a Subcommittee under subparagraph (1)(c) in the conduct of any investigation or activity or series of investigations or activities, when authorized by a majority of the Members voting, a majority being present.

(3) The power to authorize and issue subpoenas is also delegated to the Chairman of the Full Committee.

(4) Authorized subpoenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee.

(5) Compliance with any subpoena issued by a Committee or a Subcommittee may be enforced only as authorized or directed by the House.

(6) The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(D) *Presiding Officer.*—The Chairman shall preside at meetings. If the Chairman is not present at any meeting of the Committee, the Ranking Majority Member present shall preside.

(E) *Vice Chairman.*—The Ranking Majority Member shall be designated Vice Chairman.

(F) *Quorums for Meetings, Markups, and Hearings.*—

(1) Except as provided below, one-third of the Members of the Committee shall constitute a quorum for the purpose of transacting Committee business.

(2) No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(3) Testimony may be taken and evidence received in any meeting at which there are present not fewer than two Members of the Committee, one of whom should be, whenever possible, a Minority Member. Unless at least two Members are present, at least one of whom is a Majority Member, the meeting must be adjourned.

(4) Proxies may not be counted for a quorum.

(G) *Open Meetings.*—Each business meeting, including the markup of legislation, of the Committee and its Subcommittees shall be open to the public, except as provided below.

(H) *Closed Meetings.*—

(1) The Committee or Subcommittee, by a rollcall vote in open session and with a majority present, may determine that all or a part of the remainder of the business meeting, including the markup legislation, on that day shall be closed to the public.

(2) If the meeting or markup is closed, no person other than Members of the Committee, and Congressional staff and departmental representatives as the Members may authorize, may be present.

(3) Any meeting that relates solely to internal budget or personnel matters may be closed by the Chairman after consultation with the Ranking Minority Member.

(I) *Closed Hearings.*—

(1) Each hearing conducted by the Committee or a Subcommittee shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or would violate any law or Rule of the House of Representatives.

(2) Notwithstanding paragraph (1), a majority of those present, if the number required for the purpose of taking testimony are present, may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or tend to defame, degrade, or incriminate any person.

(3) The Committee or Subcommittee may by the same procedure, vote to close one subsequent day of hearing.

(4) No Member of the House may be excluded from nonparticipatory attendance at any hearing of the Committee or its Subcommittees, unless the House of Representatives, by majority vote, authorizes the Committee or the Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures for closing hearings to the public.

(J) *Investigative Hearings.*—

(1) The Chairman shall announce in the opening statement the subject of the investigation.

(2) Except as provided by the rule for closing an investigative hearing, the Chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses.

(3) No evidence or testimony taken in executive session may be released or used in public session without the consent of the Committee.

(4) At the discretion of the Committee, witnesses may submit brief and pertinent sworn statement in writing for inclusion in the record. The Committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(K) *Closed Investigative Hearings.*—

(1) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person, such testimony or evidence shall be presented in executive session, if by a majority of those present, there being in attendance the requisite number required under, the Rules of the Committee to be present for the purpose of taking testimony, the Committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person.

(2) The Committee shall proceed to recieve such testimony in open session only if a majority of the Members of the Committee, a majority being present, determines that such evidence or testimony may tend to defame, degrade, or incriminate any person.

(3) In either case, the Committee shall afford such person an opportunity voluntarily to appear as a witness, and shall receive and dispose of requests from such person to subpoena additional witnesses.

(L) *Questioning of Witnesses.*—

(1) Committee Members may question witnesses only when they have been recognized by the Chairman for that purpose. All questioning shall be pertinent to the subject matter of the hearing.

(2) After completing his questioning, the Chairman shall recognize the other Members beginning with the Ranking Minority Member and then the Ranking Majority Member, and there after, alternation between Minority and Majority, taking into consideration the ratio of Majority to Minority representation on the Committee. Each Member may request up to five minutes in each round of questioning. Additional time may be extended at the discretion of the Chairman.

(M) *Minority Witnesses.*—A majority of the Minority Members shall be entitled, upon request to the Chairman before the completion of any hearing, to call witnesses with respect to that measure or matter during at least one day of hearing.

(N) *Points of Order.*—No point of order shall lie with respect to any measure reported by the Committee on the ground that hearings on the measure were not conducted in accordance with the Rules governing open or closed hearings, public notice of hearings, or the requirements for advance filing and summarizing of statements by witnesses; except that a point of order on these grounds may be made by any Member of the Committee if in the Committee, the point of order was timely made and improperly overruled or not properly considered.

(O) *Ordering of Rollcall.*—A rollcall vote may be ordered by one-fifth of the Members present.

(P) *Proxies.*—

(1) A Member may vote by proxy only on a specific measure or matter and any amendments or motions pertaining to it; except that a member may authorize a proxy for all motions to recess, adjourn, or other procedural matters.

(2) In order to be considered a valid and duly executed proxy, the proxy authorization must: be in writing; assert that the Member is absent on official business, or is otherwise unable to be present at the meeting of the Committee; designate the person who is to execute the proxy authorization; and be signed by the Member assigning his or her vote, noting the date and time that the proxy was signed.

(3) For a proxy to be valid in sessions on succeeding days, it must be stipulated in the proxy, and if not stipulated, cannot be voted.

(4) All executed proxies shall be delivered to the Clerk and kept at the desk during the proceedings of the Committee for which they are given and shall be included in the official records of the meeting after thay have been voted.

(5) Points of order as to the validity of proxies must be made at the time the proxies are voted.

(6) Proxies may not be counted for a quorum.

(Q) *Limitation on Floor Action Under Suspension of the Rules.*—No bill which directly or indirectly authorizes the expenditure of over $1 million in Federal funds shall be brought to the House Floor by the Committee under Suspension of the Rules if the text of the bill has been changed after it was reported by the Committee unless:

(1) the changes are purely technical and conforming; or

(2) all Members of the Committee have been provided a written copy of the changes at least twenty-four hours prior to the time the bill is considered in the House.

RULE VII. WITNESSES

(A) *Advance Testimony Requirements.*—A witness shall not be permitted to testify or present evidence, nor will any statement or testimony be included in the Committee hearing record, unless seventy-five copies of the testimony have been delivered to the Clerk of the Committee at least twenty-four hours (excluding Saturdays, Sundays, and legal holidays) prior to the meeting. At least ten of these copies must be delivered at least forty-eight hours (excluding Saturdays, Sundays, and legal holidays) prior to the meeting. These requirements may be waived only by the Chairman.

(B) *Written Summary.*—Each prepared statement of ten pages or more shall include a summary which may not exceed five pages in length.

(C) *Federal and Administration Witnesses.*—To the extent feasible, statements and testimony of witnesses from Federal and Administrative agencies shall be accompanied, if not previously received, by fifty copies of the Federal agency report requested by the Committee on the matters pending before it.

(D) *Ten Minute Oral Testimony.*—Witnesses will be allowed no more than ten minutes to orally summarize their prepared statement. The full statement will be made a part of the record.

(E) *Investigative Hearing Witnesses.*—

(1) A copy of the Committee Rules shall be made available to each witness.

(2) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(3) The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the

Committee may cite the offender to the House for contempt.

(4) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee.

(F) *Responses/Information for the Record.*—Responses to Members' or staff questions and other information offered for the record, shall be submitted in triplicate, to the Committee Clerk within forty-five days from the time of the request. One copy will be retained by the Clerk for printing and the remainder transmitted to the appropriate Majority and Minority Counsels.

RULE VIII. BROADCASTING OF COMMITTEE MEETINGS

The Chairman may permit any public hearing or meeting to be televised, broadcast by radio, photographed, or otherwise recorded, subject to the following requirements:

(1) At the request of any Committee Member present, a majority vote must be taken to permit the use of such equipment during the hearing or meeting.

(2) Radio and television tapes and television film of any coverage shall not be used or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(3) The coverage of Committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of these Rules.

(4) If the television or radio coverage of the hearing or meeting is live, it shall be conducted and presented without commercial sponsorship.

(5) All persons providing coverage of the meeting shall be accredited to the appropriate Gallery.

(6) No witness served with a subpoena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all recorders or microphones used for coverage shall be turned off.

(7) The number of television cameras allowed in the hearing or meeting room is at the discretion of the Chairman. If necessary, the allocation among the television media of these positions shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Gallery.

(8) Members of the media and their equipment shall not obstruct in any way the space or visibility between any witness and any Member of the Committee nor obstruct unnecessarily coverage by the other media.

(9) No audio-visual equipment will be allowed on the dais without the express prior approval of the Chairman.

(10) Fixed audio-visual equipment shall not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(11) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(12) The number of still photographers allowed in the hearing or meeting room is at the discretion of the Chairman. If necessary, allocation among this media shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers. Preference shall be given to photographers from Associated Press Photos and United Press International Newspictures.

RULE IX. COMMITTEE RECORDS

(A) *Votes.*—

(1) The Committee shall keep a complete record of all Committee action which shall include a record of the votes on any question on which a rollcall vote is demanded.

(2) The result of each rollcall vote—including a description of the issue, the name of each Member voting for and against, and whether by proxy or in person, and the names of those Members present but not voting—shall be available for inspection by the public at reasonable times in the offices of the Committee.

(B) *Separate Files.*—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the Congressional office records of the Chairman. These records shall be the property of the House and all Members of the House shall have access.

(C) *Permanent Records.*—The Clerk of the Committee shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the Committee, together with all evidence taken by the Committee under the order of the House during that Congress and not reported to the House.

(D) *Open Hearings.*—

(1) Records and transcripts of open hearings before the Committee shall not be available to the public for quotation of any Member until after that Member has had an opportunity to examine and approve them. No more than forty-five days after the conclusion of hearings, the transcript shall be closed and no further changes may be made.

(2) In no instance will the Committee staff distribute, or prepare for distribution, to persons, other than Members and witnesses for the purpose of correction, any open hearing transcript that has not yet been closed and transmitted to the Government Printing Office for publication.

(E) *Closed Meetings.*—Transcripts and records of closed meetings shall be available to Members of the House of Representatives and Merchant Marine and Fisheries Committee staff for inspection in the offices of the Committee, but may not be released or divulged to any other person without the consent of the Chairman or a majority of the Committee. In no event shall executive session transcripts and records be taken from the Committee offices by anyone.

(F) *Markup Transcripts.*—In no event shall markup transcripts and records be taken from the Committee offices by anyone.

RULE X. COMMITTEE REPORTS AND PUBLICATIONS

(A) *Activities Report.*—The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on its activities under Rules X and XI of the House during the Congress ending at noon on January 3 of that year.

(B) *Procedures for Reporting.*—

(1) The Chairman shall report or cause to be reported promptly to the House any measures approved by the Committee and shall take or cause to be taken necessary steps to bring the matter to a vote.

(2) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the Clerk of the Committee a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing of this request, the Clerk of the Committee shall immediately notify the Chairman.

(C) *Minority Supplemental, or Additional Views.*—

(1) Members of the Committee must give notice to the Committee Clerk of intention to file supplemental, minority, or additional views within twenty-four hours after the time of approval of any measure or matter by the Committee (excluding Saturdays, Sundays and legal holidays).

(2) Members shall be entitled to not less than three calendar days (excluding Saturdays, Sundays and legal holidays) from the time of approval of any measure or matter, in which to file such views, in writing and signed by that Member, with the Clerk of the Committee.

(3) The provisions of subparagraphs (1) and (2) do not preclude—

(a) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority or additional views has been made as provided by this paragraph, or

(b) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the Committee upon that measure or matter.

(D) *Committee Report Requirements.*—Committee reports shall be printed in a single volume and include the following:

(1) with respect to each rollcall vote to report any bill or resolution, the total number of votes cast for and against, the name of each Member voting for and against, and whether by proxy or in person, and the names of those Members present but not voting;

(2) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the House Rules, separately set out and clearly identified;

(3) the statement required by section 308(a) of the Congessional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(4) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974, separately set out and clearly identified, if timely submitted;

(5) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause (4)(c)(2) of Rule X of the House Rules, separately set out and clearly identified, if it has been submitted to allow for the Committee's consideration during deliberations of the measure;

(6) on each bill or joint resolution of a public character, a detailed analytical state-

ment as to whether its enactment into law may have an inflationary impact on prices and costs in the operations of the national economy;

(7) on a bill or a joint resolution repealing or amending any statute or part thereof, in the report or in an accompanying document—

(a) the text to be repealed; and

(b) a comparative print showing by stricken-through type and italic, parallel columns, or other appropriate typographical devices, the omissions and insertions proposed to the statute;

(8) all supplemental, minority, or additional views filed by one or more Members of the Committee; and

(9) on its cover, a recital that any material submitted under subparagraphs (4), (5), and (8) above are included as part of the report.

(E) *Approval by Chairman.*—All Committee or Subcommittee prints and other material prepared for public distribution shall be approved by the Chairman of the Full Committee prior to distribution.

RULE XI. USE OF COMMITTEE FUNDS FOR TRAVEL

(A) *Authorization.*—All travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences, investigations, foreign conferences and meetings, and all foreign travel, must be authorized by the Chairman prior to any public notice or the actual travel.

(B) *Trip Report.*—A substantive report shall be filed with the Chairman within thirty days after any Committee trip or any trip related to matters of Committee jurisdiction which has been approved by the Chairman.

(C) *Domestic Travel.*—Funds authorized for the Committee under Clause 5 of Rule XI of the House Rules are for expenses incurred in the Committee's activities within the United States.

(D) *Foreign Travel.*—

(1) Local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its Territories or Possessions.

(2) No appropriated funds shall be expended for the purpose of defraying expenses of Members of the Committee or its employees in any country where local currencies are available for this purpose.

(3) The following conditions apply to travel outside the United States or its territories or possessions:

(a) No Member or employee of the Committee shall receive or expend local currencies for subsistence in any country for any day at a rate in excess of the maximum per diem rate set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual, unreimbursed expenses (other than for transportation) incurred by the Member or employee during that day.

(b) Each Member or employee of the Committee shall make to the Chairman of the Committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose and shall summarize in these categories the total foreign currencies and/or appropriated funds expended.

(c) All such individual reports shall be filed, no later than sixty days following the completion of travel, with the Chairman of the Committee for use in complying with the reporting requirements in applicable Federal law and shall be open for public inspection.

(4) In carrying out the Committee's activities outside of the United States in any country where local currencies are unavailable, a Member or employee of the Committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual unreimbursed expenses (other than for transportation) incurred, by the Member or employee during any day.

(5) A Member or employee of the Committee may not receive reimbursement for the cost of any transportation in connection with travel outside of the United States unless the Member or employee has actually paid for the transportation.

(E) *Lame Duck Members.*—No local currencies owned by the United States and made available to the Committee, no primary expense resolution, and no additional expense resolution of the Committee may provide for the payment or reimbursement of expenses incurred by any Member of the Committee for travel after the general election in which the member is not elected to the succeeding Congress, or in the case of a Member who is not a candidate, the earlier of the general election date or the adjournment sine die of the last regular session of the Congress.

RULE XII. COMMITTEE AND SUBCOMMITTEE STAFF

(A) *Hiring Practices/Terms of Employment.*—The staff members of the Committee—

(1) shall be appointed on a permanent basis, without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions;

(2) shall not engage in any work other than Committee business; and

(3) shall not be assigned any duties other than those pertaining to Committee business.

(B) *Limitation on Appointing Government Personnel.*—The Committee shall not appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on House Administration.

(C) *"Clause 5" Appointments.*—

(1) From the funds provided for the appointment of Committee staff pursuant to primary and additional expense resolutions—

(a) The Chairman of each standing Subcommittee is authorized to appoint one staff member who shall serve at the pleasure of the Subcommittee Chairman.

(b) The Ranking Minority Member of each standing Subcommittee is authorized to appoint one staff person who shall serve at the pleasure of the Subcommittee Ranking Minority Member.

(c) The staff members appointed pursuant to the provisions of (a) and (b) shall be compensated at a rate determined by the Subcommittee Chairman not to exceed: (1) 75 per centum of the maximum established in paragraph (c) of clause 6 of Rule XI of the House Rules, or (2) the rate paid the staff member appointed pursuant to subparagraph (a) of this paragraph.

(2) Subcommittee staff members appointed under paragraph (1) are subject to the supervision and control of, and shall be responsible to, the Subcommittee chairman or Ranking Minority Member of the Subcommittee, as appropriate.

(D) *"Clause 6" Appointments.*—

(1) The Committee shall appoint, by a majority vote, from a list submitted by the Chairman, appropriate professional and clerical staff personnel, in accordance with the provisions of clause 6 of Rule XI of the House Rules.

(2) Each employee on the permanent Committee staff is entitled to pay at a single per annum gross rate to be fixed by the Chairman, which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in Section 5316 of Title 5, United States Code, except that two professional staff members shall be entitled to pay at a single per annum gross rate to be fixed by the Chairman, which does not exceed the highest rate of basic pay, as in effect from time to time, of level IV of the Executive Schedule in section 5315 of Title 5, United States Code.

(3) Subject to the provisions of paragraph (C)(2), each Committee staff member, other than a member appointed pursuant to the request of Minority Members, is assigned to the Chairman for the purposes of general supervision and control and shall perform such duties as the Chairman may assign.

(4) In the case of staff members appointed pursuant to the request of Minority Members, the Ranking Minority Member shall exercise general supervision and control, subject to the assignments designated by Minority Members in accordance with clause 6 of Rule XI of the House Rules.

(5) When any staff member is assigned directly to Subcommittee staff duties, the staff member shall remain under the general supervision and control of the Chairman of the Committee or Ranking Minority Member of the Committee as appropriate, but under the direct control of the Subcommittee Chairman or Subcommittee Ranking Minority Member, as appropriate, for duty assignment purposes.

(6) The Committee, by majority vote, may terminate the services of any staff member appointed by the Committee and may, from time to time, take appropriate action to fill any staff vacancies.

RULE XIII. COMMITTEE BUDGET

(A) *Annual Budget.* —

(1) At the beginning of each session, after consultation with each Subcommittee Chairman, the Chairman shall propose and present to the Committee for its approval a budget of the estimated funds necessary for all anticipated activities and programs of the Committee and its Subcommitees, that will be requested under a primary expense resolution submitted in accordance with clause 5 of Rule XI of the House Rules.

(2) In presenting the budget, the Chairman shall ensure that it contains sufficient funds to enable the Committee and each Subcommittee to discharge its responsibilities for legislation and oversight.

(B) *Additional Expense Resolutions.* —Authorization for the payment of additional or unforeseen Committee and Subcommittee expenses may be procured by one or more additional or unforeseen Committee and Subcommittee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out above.

(C) *Monthly Accounting.*—

(1) Once monthly, the Chairman shall require the appropriate staff personnel to prepare a full and detailed accounting of all ex-

penditures made during the period since the last accounting from the amount budgeted to the Full Committee.

(2) Each report shall show the amount and purpose of each expenditure and the budget to which the expenditure is attributed.

(3) Each report shall be available, upon request to the Committee Clerk, to any Member of the House of Representatives.

RULE XIV. CHANGES IN THE COMMITTEE RULES

The Rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which the changes are to be discussed and voted upon.

APPENDIX

HOUSE RULE XI (2) (k)—INVESTIGATIVE HEARING PROCEDURES

(k)(1) The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at any investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this Rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Callahan) to revise and extend their remarks and include extraneous material:)

Mr. Horton, for 30 minutes, on February 24.

Mr. Bateman, for 5 minutes, today.

Mr. Ireland, for 30 minutes, today.

Mr. Hunter, for 60 minutes, today.

Mr. Buechner, for 5 minutes, today.

(The following Member (at the request of Mr. Lewis of Florida) to revise and extend his remarks and to include extraneous material:)

Mr. Obey, for 5 minutes, on February 5.

(The following Members (at the request of Mr. Gray of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. Rodino, for 5 minutes, today.

Mrs. Kennelly, for 5 minutes, today.

Mr. Brooks, for 5 minutes, today.

Mr. Leland, for 5 minutes, today.

Mr. Rangel, for 5 minutes, today.

Mr. Tauzin, for 5 minutes, today.

Mr. Mazzoli, for 5 minutes, today.

Mr. Stokes, for 15 minutes, today.

Mr. Alexander, for 30 minutes, today, and 30 minutes, February 5.

Mr. Miller of California, for 45 minutes, today.

Mr. Obey, for 5 minutes, today.

(The following Member (at the request of Mr. Lewis of Florida) to revise and extend his remarks and include extraneous material:)

Mr. Lewis of Florida, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Callahan) and to include extraneous matter:)

Mr. Burton of Indiana.

Mr. Lightfoot.

Mr. Schuette.

Mr. Hunter.

Mr. Duncan.

Mr. Clinger.

Mr. Fawell.

Mr. Wortley.

Mr. Ritter.

Mr. Young of Alaska.

Mr. Packard.

Mr. Lagomarsino in two instances.

Mr. Gallo.

Mr. Porter in three instances.

Mr. Green.

Mr. Slaughter of Virginia.

Mr. Coats.

Mr. Wylie.

Mr. Lent.

Mr. Whittaker.

Mr. Dornan of California.

Mr. Badham.

Mr. Crane in two instances.

Mr. Lewis of California.

Mrs. Meyers of Kansas.

Mr. McGrath.

Mr. McCandless.

Mrs. Johnson of Connecticut.

Mr. Myers of Indiana.

(The following Members (at the request of Mr. Gray of Illinois) and to include extraneous matter:)

Mr. Dorgan of North Dakota.

Mr. Hamilton.

Mrs. Lloyd.

Mr. Fauntroy.

Mr. Rahall.

Mr. Lipinski in two instances.

Mr. Gordon.

Mr. Guarini in three instances.

Mrs. Kennelly.

Mr. Atkins.

Mr. Kostmayer.

Ms. Kaptur.

Mr. Dingell.

Mr. Jacobs.

Mr. Durbin.

Mr. Coelho.

Mr. Traficant in two instances.

Mr. Manton.

Mr. St Germain.

Mr. Miller of California in two instances.

Mr. Lehman of California.

Mr. Levine of California.

Mr. Kolter.

Mr. Vento.

Mr. Studds.

Mr. Mavroules.

Mr. Hall of Ohio.

ADJOURNMENT

Mr. LOWERY of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Thursday, February 5, 1987, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

496. A letter from the Director, Office of Legislative Affairs, Agency for International Development transmitting a report of economic conditions prevailing in Israel, which may affect its ability to meet international debt obligations and to stabilize its economy, pursuant to 22 U.S.C. 2346 nt.; to the Committee on Foreign Affairs.

497. A letter from the Chairman, Federal Trade Commission, transmitting a report on the Commission's accounting systems in use during fiscal year 1986, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

498. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty

payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

499. A letter from the Postmaster General, transmitting a copy of the 1986 comprehensive statement on postal operations, pursuant to 39 U.S.C. 2401(g); to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STOKES: Permanent Select Committee on Intelligence. A report on the "United States Counterintelligence and Security Concerns—1986" (Rept. 100-5). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY:

H.R. 948. A bill to amend the Food Security Act of 1985 to authorize and direct the Secretary of Agriculture to issue regulations requiring that a determination of the number of separate persons for purposes of payments under annual farm programs be made within 45 days of approval by a county committee of any such person's application to participation in a farm program, and for other purposes; to the Committee on Agriculture.

By Mr. ARMEY (for himself and Mr. DeLay):

H.R. 949. A bill to provide that rates of pay for Members of Congress shall not reflect any of the increases recently recommended by the President under the Federal Salary Act of 1967, and to provide that Members pay may not be increased unless the Federal budget is in balance; jointly, to the Committees on Post Office and Civil Service, and House Administration.

By Mr. HAWKINS (for himself and Mr. Goodling):

H.R. 950. A bill to reauthorize programs of Federal financial assistance to meet the special educational needs of educationally deprived children; to the Committee on Education and Labor.

By Mr. BADHAM:

H.R. 951. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for retirement savings for individuals who are active participants in pension plans and to allow a deduction of up to $2,000 for retirement savings by a nonworking spouse; to the Committee on Ways and Means.

By Mrs. BENTLEY:

H.R. 952. A bill to provide for the fair and proper implementation of the cargo preference laws of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. BIAGGI (for himself, Mr. Jones of North Carolina, Mr. Davis of Michigan, and Mr. Lent):

H.R. 953. A bill to authorize appropriations for fiscal year 1988 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission; to the Committee on Merchant Marine and Fisheries.

By Mr. BONER of Tennessee (for himself, Mrs. Lloyd, Mr. Gordon, Mr. Ford of Tennessee, Mr. Jones of Tennessee, Mr. Sundquist, Mr. Duncan, Mr. Cooper, Mrs. Boggs, Mr. Huckaby, Mr. Livingston, Mr. Tauzin, Mr. Roemer, Mr. Baker, Mr. Holloway, Mr. Nichols, Mr. Flippo, Mr. Harris, Mr. Bevill, Mr. Erdreich, Mr. Stokes, and Mr. Leland):

H.R. 954. A bill to amend the Public Health Service Act to authorize assistance for centers for minority medical education, minority pharmacy education, minority veterinary medicine education, and minority dentistry education; to the Committee on Energy and Commerce.

By Mr. SLAUGHTER of Virginia (for himself, Mr. Crane, and Mr. Dreier of California):

H.R. 955. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for amounts contributed to a health care savings account and to amend title XVIII of the Social Security Act to provide for a high deductible and protection against catastrophic medical care expenses for individuals who have established such accounts; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. BOSCO (for himself, Mr. Rodino, Mr. Rinaldo, Mr. Mrazek, Mr. Roe, Mr. Feighan, Mr. Fauntroy, Mr. Beilenson, Mr. Kastenmeier, Mr. Annunzio, Mr. Gilman, Mr. Biaggi, Mr. Dellums, Mr. Owens of New York, Mr. Howard, Mr. Panetta, Mr. Jacobs, Mr. Guarini, Mrs. Boxer, Mr. Ackerman, Ms. Snowe, Mr. Stark, Mr. Anderson, Mr. Kostmayer, Mr. Weiss, Mr. Lipinski, Mr. Conyers, Mr. Solarz, Mr. Gejdenson, Mr. Lowry of Washington, Mr. Gallo, Mrs. Kennelly, Mr. Schumer, Miss Schneider, Mr. Smith of Florida, Mr. Jones of North Carolina, Mr. Murphy, Mr. Sundquist, Mr. Hayes of Illinois, Mr. Borski, Mr. Richardson, Mr. Bustamante, Mr. Torres, Mr. DeFazio, Mr. Towns, Mr. Garcia, Mr. Kolter, Mr. Gray of Illinois, Mr. Boland, Mr. Hawkins, and Mr. Darden):

H.R. 956. A bill to prohibit the implementation of certain regulations of the Secretary of Health and Human Services and the Secretary of Agriculture respecting irradiated foods, to amend the Federal Food, Drug, and Cosmetic Act to prescribe labels for irradiated food, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BROOMFIELD (for himself and Mr. Yatron):

H.R. 957. A bill to prohibit the use on Cyprus of military equipment provided to Turkey by the United States and to require that certain information regarding activities on Cyprus of the Turkish Armed Forces be included in the periodic reports submitted to Congress; to the Committee on Foreign Affairs.

By Mr. BROWN of Colorado (for himself, Mr. Hefley, Mr. Campbell, Mr. Schaefer, Mrs. Schroeder, Mr. Skaggs, and Mr. Cheney):

H.R. 958. A bill to recognize the organization known as The National Mining Hall of Fame and Museum; to the Committee on the Judiciary.

By Mr. BURTON of Indiana:

H.R. 959. A bill to amend title 5, United States Code, to establish additional circumstances that constitute the forfeiture of Federal annuities and retired pay; to the Committee on Post Office and Civil Service.

H.R. 960. A bill to amend the Federal Aviation Act of 1958 to require the use of dogs at major airports for the purpose of detecting plastic explosives and other devices which may be used in aircraft piracy and which cannot be detected by metal detectors; to the Committee on Public Works and Transportation.

H.R. 961. A bill to prohibit the importation of motor vehicles from Yugoslavia until the government of that country affords its workers internationally recognized worker rights; to the Committee on Ways and Means.

H.R. 962. A bill to amend title XVIII of the Social Security Act to permit flexible billing and payment arrangements where a physician substitutes on an occasional basis for another physician in solo practice; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. BUSTAMANTE (for himself, Mr. Kolter, Mr. Kleczka, Mr. Leland, Mr. Hawkins, Mr. Hughes, Mr. Frank, Mr. Vento, Mr. McMillen of Maryland, and Mr. Smith of Florida):

H.R. 963. A bill to provide for the protection of ground water through State standards, planning, and protection programs; jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, and Public Works and Transportation.

By Mr. COELHO (for himself, Mr. Pepper, and Mr. Lujan):

H.R. 964. A bill to provide for the regulation of gaming on Indian lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CONTE (for himself, Mr. Murtha, Mr. Lewis of California, Mr. Myers of Indiana, Mr. Fazio, Mr. Traxler, Mr. Alexander, Mr. Porter, Mr. Coughlin, Mr. Livingston, Mr. Hammerschmidt, Mr. Burton of Indiana, Mrs. Smith of Nebraska, Mr. Roberts, Mr. Walker, Mr. Obey, and Mr. Young of Florida):

H.R. 965. A bill to limit the outside earned income of Senators; to the Committee on House Administration.

By Mr. DARDEN:

H.R. 966. A bill to revoke the recent increase in rates of pay for Members of Congress under the Federal Salary Act of 1967; jointly, to the Committees on Post Office and Civil Service, and House Administration.

By Mr. DIXON (for himself, Mr. Fauntroy, Mr. Gray of Pennsylvania, Mr. Wolpe, Mr. Conte, Mr. McKinney, Mr. Lowry of Washington, Mr. Dymally, Mrs. Schroeder, Mr. Berman, Mr. Gephardt, Mr. Morrison of Connecticut, Mr. Towns, Mr. Rangel, Mr. Dellums, Mr. Conyers, Mr. Crockett, Mr. Downey of New York, Mr. Bustamante, Mr. Leland, Mr. McHugh, Mr. Bereuter, Mr. Rodino, and Mr. Hoyer):

H.R. 967. A bill making urgent supplemental appropriations for the fiscal year ending September 30, 1987, to support regional development programs of the Southern African Development Coordination Conference

[SADCC]; jointly, to the Committees on Foreign Affairs, and Appropriations.

By Mr. DUNCAN:

H.R. 968. A bill to continue until the close of September 30, 1990, the existing suspension of duties on color couplers and coupler intermediates used in the manufacture of photographic sensitized material; to the Committee on Ways and Means.

H.R. 969. A bill to amend the Internal Revenue Code of 1954 to restore prior law for purposes of claiming a dependency exemption where, under a pre-1985 instrument, the noncustodial parent provides $1,200 or more for the support of a child; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself, Mr. Crane, and Mr. Horton):

H.R. 970. A bill to suspend for a 4-year period the duty on certain parts of indirect process electrostatic copying machines; to the Committee on Ways and Means.

By Mr. DWYER of New Jersey:

H.R. 971. A bill to amend the Food Stamp Act of 1977 to exclude income received by handicapped and disabled individuals from employment in sheltered workshops; to the Committee on Agriculture.

By Mr. DYSON (for himself, Mr. Bevill, Mrs. Bentley, Mr. Blaz, Mr. Biaggi, Mr. Boucher, Mr. Boner of Tennessee, Mr. Bryant, Mr. Burton of Indiana, Mr. Coelho, Mr. Conte, Mr. Coyne, Mr. Daniel, Mr. Daub, Mr. Fauntroy, Mr. Foley, Mr. Frost, Mr. Fuster, Mr. Garcia, Mr. Gonzalez, Mr. Gray of Illinois, Mr. Hayes of Illinois, Mr. Hayes of Louisiana, Mr. Henry, Mr. Horton, Mr. Hughes, Mr. Jenkins, Mr. Lantos, Mr. Levin of Michigan, Mr. Lewis of California, Mr. Manton, Mr. Matsui, Mr. Montgomery, Mr. Moorhead, Mr. Murphy, Ms. Oakar, Mr. Ortiz, Mr. Owens of New York, Mr. Rahall, Mr. Smith of Florida, Mr. Stenholm, Mr. Thomas of Georgia, Mr. Waxman, Mr. Weiss, Mr. Wortley, Mr. Vento, and Mr. Yatron):

H.R. 972. A bill to provide for the striking of medals commemorating the 100th Congress; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FAUNTROY:

H.R. 973. A bill to correct inequities arising from the effective date of temporary tax provisions by extending the time by which certain donations may be certified as historically significant; to the Committee on Ways and Means.

H.R. 974. A bill to amend the Internal Revenue Code of 1986 to extend the rollover period for gain from sale of a home where sale proceeds cannot be withdrawn from an insolvent institution; to the Committee on Ways and Means.

By Mr. FEIGHAN:

H.R. 975. A bill to provide for a waiting period before the sale, delivery, or transfer of a handgun; to the Committee on the Judiciary.

By Mr. FLORIO (for himself, Mr. Lent, and Mr. Whittaker):

H.R. 976. A bill to require all trains operating on the Northeast corridor to be equipped with automatic train control systems; to the Committee on Energy and Commerce.

By Mr. GALLO:

H.R. 977. A bill to provide for a special educational program for Medicare beneficiaries on the availability, costs, and financing of long-term health care policies and on limitations of coverage under the Medicare Program and under Medicare supplemental health insurance policies; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. GAYDOS:

H.R. 978. A bill to establish the Civilian Conservation Corps II to perform such projects on public or Indian lands or waters as the Secretary of the Interior may authorize, and for other purposes; to the Committee on Education and Labor.

H.R. 979. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans; to the Committee on Ways and Means.

By Mr. GREEN:

H.R. 980. A bill to amend the Food Security Act of 1985 to strengthen the payment limitation provisions with respect to annual farm programs under the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. GUARINI:

H.R. 981. A bill to require certain flammable liquid storage facilities to have overflow alarm systems, and for other purposes; to the Committee on Education and Labor.

H.R. 982. A bill to provide that the United States District Court for the Judicial District of New Jersey shall be held at Jersey City, NJ, in addition to those places currently provided by law; to the Committee on the Judiciary.

H.R. 983. A bill to amend the Urban Mass Transportation Act of 1964 to ensure that mass transportation facilities are safe by requiring the review of plans for construction or renovation of such facilities and to require inspection of such facilities during and after construction or renovation; to the Committee on Public Works and Transportation.

By Mr. HUCKABY:

H.R. 984. A bill to repeal conservation compliance provisions of the Sodbuster Program under the Food Security Act of 1985; to the Committee on Agriculture.

H.R. 985. A bill to revise the price support level, and implement a marketing loan program, for the 1987 through 1990 crops of soybeans under the Agricultural Act of 1949; to the Committee on Agriculture.

H.R. 986. A bill to provide for the acquisition, by the Farm Credit System Capital Corporation, of real estate assets of Federal land banks, and for other purposes; to the Committee on Agriculture.

By Mr. HUGHES:

H.R. 987. A bill to amend title 5, United States Code, to liberalize certain provisions authorizing reimbursement for expenses of sale and purchase of a residence upon the transfer of a Federal employee; to the Committee on Government Operations.

H.R. 988. A bill to amend title 5, United States Code, to include service during World War II in the United States merchant marine as military service for purposes of the civil service retirement system; to the Committee on Post Office and Civil Service.

H.R. 989. A bill to investigate alternatives to the institutionalization of Medicare and Medicaid patients; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. HUNTER:

H.R. 990. A bill to direct the Secretary of the Interior to convey a certain parcel of land located near Ocotillo, CA; to the Committee on Interior and Insular Affairs.

By Mr. JENKINS:

H.R. 991. A bill to extend the temporary duty-free treatment for certain types of hosiery knitting machines and certain types of knitting needles; and to temporarily exempt certain other types of hosiery knitting machines and certain types of knitting needles; to the Committee on Ways and Means.

H.R. 992. A bill relating to the application of the drawback provisions of section 313 of the Tariff Act of 1930 to certain imports of raw cane sugar; to the Committee on Ways and Means.

By Mrs. KENNELLY (for herself, Mr. Conyers, Mr. Mineta, and Mr. Glickman):

H.R. 993. A bill to provide for the collection of data about crimes motivated by racial, religious, or ethnic hatred; to the Committee on the Judiciary.

By Mr. KOLBE (for himself, Mr. Stump, Mr. Kyl, Mr. Petri, Mr. Goodling, Mrs. Johnson of Connecticut, Mr. Ridge, Mr. Dornan of California, Mr. Boulter, Mr. Rhodes, Mr. Wortley, Mr. Ritter, Mr. Smith of New Hampshire, Mr. Inhofe, and Mr. Stallings):

H.R. 994. A bill relating to the pay recommendations recently submitted by the President to the Congress under the Federal Salary Act of 1967; to the Committee on Post Office and Civil Service.

By Mrs. LLOYD:

H.R. 995. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for contributions to education savings accounts and to provide that amounts paid from such an account for educational expenses shall never be subject to income tax; to the Committee on Ways and Means.

By Mr. LOWRY of Washington (for himself, Mr. Miller of California, Mr. Panetta, Mr. Badham, Mr. Thomas of Georgia, Mr. Studds, Mr. Hughes, Mr. Bennett, and Mr. DeFazio):

H.R. 996. A bill amending section 19 of the Outer Continental Shelf Lands Act to provide for effective State/Federal consultation; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. McCANDLESS:

H.R. 997. A bill to revoke recent pay increases under the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McCURDY (for himself, Mr. Slattery, Mr. Walgren, Mr. Frank, Mr. Bilirakis, Mr. Ritter, Mr. Lagomarsino, Mr. Gunderson, Mr. Stenholm, Mr. Hayes of Illinois, Mr. Hutto, Mr. Watkins, Mr. Daub, Mr. Andrews, Mr. Chapman, Mr. Sabo, and Mr. Kolbe):

H.R. 998. A bill to establish a commission to advise the President on proposals for national commemorative events; to the Committee on Post Office and Civil Service.

By Mr. MACK:

H.R. 999. A bill to revoke the recent increase in rates of pay for Members of Congress under the Federal Salary Act of 1967; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mrs. MEYERS of Kansas (for herself, Mr. Michel, Mr. Lott, Mr. Panetta, Mr. Barnard, Mr. Lagomarsino, Mr. Lewis of California, Mr. Frenzel, Mr. Tauke, Mr. Leach of Iowa, Mrs. Johnson of Connecticut, Mr. Roberts, Mr. DioGuardi, Miss Schneider, Mr. Packard, Mr. Jeffords, Mr. Miller of Washington, Mr. McKinney, Mrs. Bentley, Mrs. Martin of Illinois, Mr. Baker, Mr. Jacobs, Mr. Badham, and Mr. Lightfoot):

H.R. 1000. A bill to provide for time limits for completion of recounts in general and special elections for the office of Representative; to the Committee on House Administration.

By Mr. MILLER of California (for himself, Mr. Anthony, Mr. Atkins, Mr. Bates, Mr. Berman, Mr. Biaggi, Mrs. Boggs, Mr. Borski, Mrs. Boxer, Mr. Cardin, Mr. Clay, Mr. Coelho, Mr. Conyers, Mr. Crockett, Mr. DeFazio, Mr. Dellums, Mr. de Lugo, Mr. Dixon, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. Edwards of California, Mr. Evans, Mr. Fazio, Mr. Florio, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Frank, Mr. Fuster, Mr. Garcia, Mr. Gejdenson, Mr. Gonzalez, Mr. Hamilton, Mr. Hayes of Illinois, Mr. Howard, Mr. Hoyer, Mr. Jontz, Ms. Kaptur, Mr. Kastenmeier, Mrs. Kennelly, Mr. Kolter, Mr. Lehman of Florida, Mr. Levin of Michigan, Mr. Levine, of California, Mr. Thomas A. Luken, Mr. McHugh, Mr. Martinez, Mr. Morrison of Connecticut, Mr. Mrazek, Mr. Murphy, Mr. Neal, Ms. Oakar, Mr. Owens of New York, Mr. Perkins, Mr. Rangel, Mr. Rodino, Mr. Savage, Mrs. Schroeder, Mr. Schumer, Mr. Sikorski, Mr. Solarz, Mr. Stark, Mr. Sunia, Mr. Tallon, Mr. Towns, Mr. Traficant, Mr. Waxman, Mr. Wheat, Mr. Williams, Mr. Yates, Mr. Weiss, Mr. Skaggs, and Mr. Hertel):

H.R. 1001. A bill to improve and expand child care services and early childhood education services; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. MRAZEK (for himself, Mr. Weiss, Mr. Schumer, Mr. Berman, Mr. Solarz, Mr. Studds, Miss Schneider, Mr. Sabo, Mr. Edwards of California, Mr. Stark, Mr. Frank, Mr. Morrison of Connecticut, Mr. Carper, Mr. Courter, Mr. Fascell, Mr. Torres, Mr. Feighan, Mr. Lehman of Florida, Mr. Bates, Mrs. Collins, Mr. Guarini, Mr. Fuster, Mr. Fawell, Mr. Levine of California, Mr. Crockett, Mr. Beilenson, Mr. Lipinski, Mr. Dymally, Mr. Atkins, Mr. Ackerman, Mr. Rangel, Mr. Torricelli, Mr. Waxman, Mr. Coughlin, Mr. Hayes of Illinois, Mr. Robinson, Mr. Towns, Mr. Howard, Mr. Evans, Mrs. Boxer, Mr. Roe, Mr. Russo, Mr. Smith of Florida, Mr. Levin of Michigan, Mr. Ridge, Mr. Borski, Mr. Durbin, Mr. Martinez, Mr. Yates, Mr. Green, Mr. de Lugo, Mr. Fazio, Mr. Mavroules, Mr. Dwyer of New Jersey, Ms. Kaptur, and Mr. Pease):

H.R. 1002. A bill to amend title 18, United States Code, to prohibit the manufacture and importation of plastic guns and similar firearms; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 1003. A bill to provide assistance in the development of new or improved programs to help younger persons through grants to the States for community planning, services, and training, to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; and to provide for a White House Conference on Young Americans; jointly, to the Committees on Education and Labor, Ways and Means, and Energy and Commerce.

By Mr. QUILLEN:

H.R. 1004. A bill to direct the Secretary of Agriculture to convey certain National Forest System lands to Unicol County, TN, and for other purposes; to the Committee on Agriculture.

By Mr. RANGEL:

H.R. 1005. A bill to amend the Internal Revenue Code of 1986 to deny the foreign tax credit for any tax paid or accrued to the Republic of South Africa; to the Committee on Ways and Means.

By Mr. RICHARDSON:

H.R. 1006. A bill to revitalize trade between the United States and Mexico through the establishment of the United States-Mexico free trade and coproduction zone; jointly, to the Committees on Ways and Means, and Rules.

By Mr. RUSSO (for himself, Mr. Fazio, and Mr. Miller of California):

H.R. 1007. A bill to amend the Internal Revenue Code of 1986 to restore the special 3-year basis recovery rule in computing the amount of an employee's annuity includible in gross income; to the Committee on Ways and Means.

By Mr. SCHEUER (for himself and Mr. Ritter):

H.R. 1008. A bill to protect the health of nonsmokers working and visiting in U.S. Government buildings from the hazards of involuntary smoking by restricting smoking to designated areas in all buildings or building sections occupied by the U.S. Government; jointly, to the Committees on Energy and Commerce, Government Operations, and Post Office and Civil Service.

By Mrs. SMITH of Nebraska:

H.R. 1009. A bill to amend the Food Security Act of 1985 to improve the effectiveness of certain provisions relating to conservation, and for other purposes; to the Committee on Agriculture.

H.R. 1010. A bill to amend section 705 of the Communications Act of 1934 to provide for a 2-year moratorium on the encryption of satellite cable programming to allow for the development of marketing systems under the recent amendments made to such section, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SOLOMON:

H.R. 1011. A bill to provide that increases in the rate of compensation for Members of the House of Representatives and the Senate shall not take effect until the start of the Congress following the Congress in which such increases are approved; to the Committee on Post Office and Civil Service.

H.R. 1012. A bill to provide that rates of pay for Members of Congress shall not be subject to adjustment under the Federal Salary Act of 1967 or subject to any other automatic adjustment; to the Committee on Post Office and Civil Service.

By Mr. STOKES (for himself, Mr. Boland, Mr. Beilenson, Mr. McHugh, Mr. McCurdy, Mr. Daniel, Mr. Brown of California, Mr. Dwyer of New Jersey, Mrs. Kennelly, Mr. Kastenmeier, and Mr. Roe):

H.R. 1013. A bill to strengthen the system of congressional oversight of the intelligence activities of the United States; jointly, to the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs.

By Mr. TRAFICANT:

H.R. 1014. A bill to direct the Secretary of the Army to conduct a study of the feasibility of constructing a canal connecting Lake Ontario and the Erie Canal; to the Committee on Public Works and Transportation.

By Mr. TRAXLER:

H.R. 1015. A bill to revise the provisions relating to the 1986 Agricultural Disaster Program under Public Law 99-591, the continuing appropriations act for fiscal year 1987; to the Committee on Agriculture.

H.R. 1016. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the benefit payable with respect to the death of a public safety officer, and for other purposes; to the Committee on the Judiciary.

H.R. 1017. A bill to amend title 39, United States Code, to permit municipal governmental bodies to qualify for special bulk third-class mail rates; to the Committee on Post Office and Civil Service.

By Mr. WAXMAN (for himself, Mr. Hyde, Mr. Miller of California, Mr. Atkins, Mr. Bates, Mrs. Boxer, Mr. Bryant, Mrs. Collins, Mr. Cooper, Mr. Derrick, Mr. Eckart, Mr. Espy, Mr. Fazio, Mr. Florio, Mr. Ford of Tennessee, Mr. Leland, Mr. Levin of Michigan, Mr. Lowry of Washington, Mr. Thomas A. Luken, Mr. MacKay, Mr. Markey, Mr. Richardson, Mr. Rowland of Georgia, Mr. Scheuer, Mr. Schumer, Mr. Sikorski, Mr. Slattery, Mr. Synar, Mr. Walgren, Mr. Williams, and Mr. Wyden):

H.R. 1018. A bill to amend title XIX of the Social Security Act to permit States to provide Medicaid benefits to additional poor children and pregnant women; to the Committee on Energy and Commerce.

By Mr. WILLIAMS (for himself and Mr. Foley):

H.R. 1019. A bill to provide an experience of life in the United States to children from areas affected by civil strife in Ireland by permitting the use of education block grant funds; to the Committee on Education and Labor.

By Mr. WORTLEY (for himself, Mr. Lagomarsino, Mr. Henry, Mr. McGrath, Ms. Kaptur, Mr. Visclosky, Mr. Dwyer of New Jersey, Mr. Ackerman, Mr. Dornan of California, Mr. Bereuter, Mr. Gunderson, Mr. Lehman of Florida, Mr. Lipinski, Mr. Bennett, Mrs. Collins, Mr. Espy, Mr. Hughes, Mr. Crockett, Mr. DioGuardi, Mr. Mrazek, Mr. Fish, Mrs. Bentley, Mr. Lewis of Florida, Mr. Owens of Utah, Mr. Barnard, Mr. Boehlert, Mrs. Martin of Illinois, Mrs. Vucanovich, and Mr. McKinney):

H.R. 1020. A bill to amend the National Housing Act to authorize the Secretary of Housing and Urban Development to carry out a demonstration program of insurance of home equity conversion mortgages for elderly homeowners; to the Committee on Banking, Finance and Urban Affairs.

By Mr. YOUNG of Alaska:

H.R. 1021. A bill to require the Commandant of the Coast Guard to submit any organizational realignment plan to Congress for approval prior to implementation; to the Committee on Merchant Marine and Fisheries.

By Mr. HUNTER (for himself, Mr. Lowery of California, Mr. Packard, and Mr. Bates):

H.J. Res. 131. Joint resolution congratulating Dennis Conner and the crew of *Stars and Stripes* for their achievement in winning the America's Cup; to the Committee on Post Office and Civil Service.

By Mr. LEHMAN of California (for himself, Mr. Gingrich, Mr. Coelho, Mr. Pashayan, Mr. Broomfield, Mr. Hamilton, Mr. Aspin, Mr. Levin of Michigan, Mrs. Johnson of Connecticut, Mr. Bonior of Michigan, Mr. Dornan of California, Mr. Boland, Mr. Roybal, Mr. St Germain, Mr. Green, Mr. Annunzio, Mr. Howard, Mr. Martin of New York, Mr. Dellums, Mr. Mavroules, Mr. Waxman, Mr. Torricelli, Mr. Moorhead, Mr. Feighan, Mr. Andrews, Mr. Owens of New York, Mr. Hertel, Mr. Fazio, Mr. Ford of Michigan, Mr. Dyson, Mr. Moakley, Mr. Berman, Mr. Henry, Mr. Dymally, Mr. Martinez, Mr. Anderson, Mr. Kildee, Mrs. Kennelly, Mr. Fuster, Mr. Matsui, Mr. Bryant, Mr. Towns, Mr. Frank, Mr. McHugh, Mr. Fauntroy, Mr. Miller of California, Mr. Lipinski, Mr. Clay, Mr. Carr, Mr. Gray of Illinois, Mr. Dreier of California, Mr. Morrison of Connecticut, Mr. Panetta, Mrs. Boxer, Mr. Kastenmeier, Mr. Manton, Mr. Ackerman, Mr. Stokes, Mr. Early, Mr. Torres, Mr. McGrath, Mr. Markey, Mr. Hall of Ohio, and Mr. Bates):

H.J. Res. 132. Joint resolution designating April 24, 1987, as "National Day of Remembrance of the Armenian Genocide of 1915-1923"; to the Committee on Post Office and Civil Service.

By Mr. FORD of Michigan:

H.J. Res. 133. Joint resolution to designate October 3, 1987, as "National Urban Higher Education Day"; to the Committee on Post Office and Civil Service.

By Mr. MANTON (for himself, Mr. Matsui, Mr. Eckart, Mr. Tauzin, Mr. Gordon, Mr. Bennett, Mr. Rahall, Mr. Horton, Mr. Murphy, Mr. Mrazek, Mr. Shumway, Mr. Kostmayer, Mr. Richardson, Mr. Evans, Mr. DioGuardi, Mr. Daub, Mr. Martin of New York, Mr. Akaka, Mr. Scheuer, Mr. Schuette, Mr. Green, Mr. Weiss, Mr. Bustamante, Mr. Rowland of Georgia, Mr. Fazio, Mr. McDade, Mrs. Boxer, Mr. Sabo, Mr. Hoyer, Mr. Dornan of California, Mr. Gilman, Mr. Traficant, Mr. Boucher, Mr. Conte, Mr. Frank, Mr. Conyers, Mr. Towns, Mr. Hefner, Mr. Boner of Tennessee, Mr. Daniel, Ms. Oakar, Mr. Vento, Mr. Perkins, Mr. Young of Alaska, Mr. Kleczka, Mr. Solarz, Mr. Howard, Mr. Roe, Mr. Wortley, Mr. Levin of Michigan, Mr. Ackerman, Mr. Bryant, Mr. Jones of North Carolina, Mr. Hansen, Mrs. Bentley, Mrs. Collins, Mr. Lowry of Washington, Mr. Crockett, Mr. Montgomery, Mr. Hutto, Mr. Wolf, Mr. Henry, Mr. Lipinski, Mr. Carper, Mr. McGrath, Mr. Bonior of Michigan, Mr. Fauntroy, Mr. Thomas A. Luken, Mr. Levine of California, Mr. McCloskey, Mr. Tallon, Mr. Gray of Illinois, Mr. Wyden, Mr. Tauke, Mr. Molinari, Mr. Pepper, Mr. Waxman, Mr. Lowery of California, Mr. Ortiz, Mr. Solomon, Mr. Dymally, Mr. Livingston, and Mr. Fuster):

H.J. Res. 134. Joint resolution designating the week of September 20, 1987, through September 26, 1987, as "Emergency Medical Services Week"; to the Committee on Post Office and Civil Service.

By Mr. REGULA (for himself, Mr. Kemp, Mr. Leland, Mr. Gray of Pennsylvania, Mr. Crockett, Mr. Dellums, Mr. Dymally, Mr. Espy, Mr. Stokes, Mr. Towns, Mr. Wheat, Mr. Clay, Mr. Hawkins, Mr. Fauntroy, Mrs. Collins, Mr. Dixon, Mr. Ford of Tennessee, Mr. Owens of New York, Mr. Hayes of Illinois, Mr. Savage, Mr. Lewis of Georgia, Mr. Conyers, Mr. Mfume, and Mr. Flake):

H.J. Res. 135. Joint resolution authorizing the Martin Luther King, Jr., Federal Holiday Commission to place a time capsule in honor of Dr. Martin Luther King, Jr., on Federal Land in the District of Columbia, to the Committee on House Administration.

By Mr. ST GERMAIN:

H.J. Res. 136. Joint resolution to congratulate the skipper and crew of the *Stars and Stripes* on their victory in the 1987 America's Cup yachting competition; to the Committee on Post Office and Civil Service.

By Mr. SHUMWAY (for himself, Mr. Coelho, Mr. Pashayan, Mr. Lehman of California, Mr. Schuette, Mr. Herger, Mr. Panetta, and Mr. Morrison of Washington):

H.J. Res. 137. Joint resolution designating the month of May as National Asparagus Month; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Florida:

H.J. Res. 138. Joint resolution to authorize and request the President to issue annually a proclamation designating the third Sunday of August of each year as "National Senior Citizens Day"; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H. Con. Res. 36. Concurrent resolution providing for a conditional adjournment of the House from February 11 to February 18, 1987, and a conditional adjournment of the Senate from February 5 or 6 to February 16, 1987; considered and agreed to.

By Mr. COYNE:

H. Con. Res. 37. Concurrent resolution expressing the sense of the Congress with respect to honorary South African consulates in the United States; to the Committee on Foreign Affairs.

By Mr. COYNE (for himself, Mr. Flippo, Mr. Pease, and Mr. Jenkins):

H. Con. Res. 38. Concurrent resolution expressing the sense of the Congress that the new Form W-4 should be recalled; to the Committee on Ways and Means.

By Mr. DYSON (for himself, Mr. Bevill, Mrs. Bentley, Mr. Blaz, Mr. Biaggi, Mr. Boucher, Mr. Boner of Tennessee, Mr. Bryant, Mr. Burton of Indiana, Mr. Coelho, Mr. Conte, Mr. Coyne, Mr. Daniel, Mr. Daub, Mr. Fauntroy, Mr. Foley, Mr. Frost, Mr. Fuster, Mr. Garcia, Mr. Gonzalez, Mr. Gray of Illinois, Mr. Hayes of Illinois, Mr. Hayes of Louisiana, Mr. Henry, Mr. Horton, Mr. Hughes, Mr. Jenkins, Mr. Lantos, Mr. Levin of Michigan, Mr. Lewis of California, Mr. Manton, Mr. Matsui, Mr. Montgomery, Mr. Moorhead, Mr. Murphy, Ms. Oakar, Mr. Ortiz, Mr. Owens of New York, Mr. Rahall, Mr. Smith of Florida, Mr. Stenholm, Mr. Thomas of Georgia, Mr. Wolf, Mr. Waxman, Mr. Weiss, Mr. Wortley, Mr. Vento, and Mr. Yatron):

H. Con. Res. 39. Concurrent resolution to express the sense of the Congress that the Postmaster General should issue a postage stamp commemorating the 100th Congress; to the Committee on Post Office and Civil Service.

By Mr. HUGHES:

H. Con. Res. 40. Concurrent resolution declaring the sense of Congress regarding periods of silence in the public schools; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. JEFFORDS:

H. Res. 66. Resolution amending rule XLVII of the Rules of the House of Representatives to reduce the amount of outside earned income permitted to Members, to the extent that the salaries of Members are increased, so that the total of salary and earned income of a Member may not exceed the limit that was in effect in calendar year 1986; to the Committee on Rules.

By Mr. Kleczka (for himself, Mr. St Germain, Mr. Bustamante, Mr. Moody, Mr. Fuster, Mr. Yatron, Mr. Kastenmeier, Mr. Perkins, Mr. Hawkins, Mr. Levin of Michigan, Mr. Schumer, Mr. Borski, Mr. Visclosky, Mr. McCloskey, Mr. Frank, Mr. Hayes of Illinois, Mr. Scheuer, Mr. Rahall, Mr. Guarini, Mr. Smith of Florida, Mrs. Morella, Mr. Miller of Washington, Mr. Saxton, Mr. Anderson, Mr. Rostenkowski, Mr. Gilman, Mr. Fazio, Mr. Wolpe, Mrs. Lloyd, Mr. Moakley, Mr. Coleman of Texas, Mr. Eckart, Mr. Traxler, Mr. Towns, Mr. Panetta, Mr. Espy, Mr. Dymally, Mrs. Byron, Mr. Rangel, Mr. Roe, Mr. AuCoin, Mr. Foglietta, Mr. Mavroules, Mr. Murphy, Mr. Gray of Illinois, Mr. Coyne, Mr. Barnard, Mr. Lehman of California, Mr. Fascell, Mr. Kildee, Mr. Nowak, Mr. Coelho, Mr. Kanjorski, Mr. Solarz, Mr. Torres, Mr. Ackerman, Mr. Garcia, Mr. Hefner, Mrs. Collins, Mr. Bereuter, Mr. Pepper, Mr. Campbell, Mr. Pickett, Mr. Dwyer of New Jersey, Mr. Price of Illinois, Mr. Savage, Mrs. Boxer, Mr. Williams, Mr. Jontz, Mr. Edwards of California, Mr. Morrison of Washington, Mrs. Vucanovich, **Mr. Conyers, Mr. Thomas A. Luken,** Mr. Feighan, Mr. Sawyer, Mr. Vento, Mr. Martinez, Mr. Matsui, and Mr. Dorgan of North Dakota):

H. Res. 67. Resolution to express the sense of the House of Representatives regarding the Community Development Block Grant Program; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LIGHTFOOT:

H. Res. 68. Resolution expressing the sense of the House of Representatives that funding for Soil Conservation Service programs should be maintained in the budget for fiscal year 1988; to the Committee on Agriculture.

By Mr. RODINO:

H. Res. 69. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the Judiciary in the 1st session of the 100th Congress; to the Committee on House Administration.

By Mr. ST GERMAIN:

H. Res. 70. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Banking, Finance and Urban Affairs in the 1st session of the 100th Congress; to the Committee on House Administration.

By Mr. YATRON:

H. Res. 71. Resolution expressing the sense of the House of Representatives that benefits paid pursuant to the Black Lung Benefits Act should continue to be exempt from Federal income tax; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MADIGAN:

H.R. 1022. A bill for the relief of Steven T. Anderson, to the Committee on the Judiciary.

By Mr. SOLOMON:

H.R. 1023. A bill for the relief of the descendents and assignees of Marcus P. Norton or their heirs; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. Coats.

H.R. 10: Mr. Rahall, Mr. Yatron, Mr. Dellums, Mr. Espy, Mr. Stratton, Mr. Torres, Mr. Kolter, Mr. Gray of Illinois, Mr. Levin of Michigan, Mr. Eckart, Mr. Roe, Mr. Rogers, Mr. Kildee, Mr. Fauntroy, Mr. Stallings, Mr. Conyers, Mr. Applegate, and Mr. Kastenmeier.

H.R. 28: Mr. Roe, Mr. LaFalce, Mr. Wolpe, Mr. Mfume, Mr. Evans, Mr. Mavroules, Mr. de Lugo, Mr. Bosco, Mrs. Bentley, Mr. Frost, Mr. Gray of Illinois, Mr. Jenkins, Mr. Matsui, Mr. Murphy, Mr. Brown of California, Mrs. Collins, Mr. Hutto, Mr. Dixon, Mr. Boland, Mr. Robinson, Mr. Scheuer, Miss Schneider, Mr. Sikorski, Mr. Anderson, Mr. Studds, Mr. Schulze, Mrs. Saiki, Mr. Stallings, Mr. MacKay, Mr. Price of Illinois, Mr. Torricelli, Mr. Gordon, Mr. Swift, Mr. Williams, Mr. Sawyer, Mr. Solarz, and Mr. Parris.

H.R. 42: Mr. Broomfield.

H.R. 50: Mr. Dreier of California, Mr. Bustamante, Mr. Towns, and Mr. Badham.

H.R. 162: Mr. Towns, Mr. Mavroules, Mr. Berman, Mr. Kleczka, Mr. Jontz, Mr. Hochbrueckner, Mr. Williams, Mr. Swift, and Mr. Yates.

H.R. 176: Mr. Annunzio, Mr. Hubbard, Ms. Oakar, Mr. Vento, Mr. Garcia, Mr. Roemer, Ms. Kaptur, Mr. Carper, Mr. Torres, Mr. Kleczka, Mr. Flake, Mr. Mfume, Mr. McKinney, Mr. McCollum, Mr. Wortley, Mr. Bereuter, Mr. Atkins, Mr. Berman, Mrs. Boggs, Mr. Boland, Mr. Bosco, Mrs. Boxer, Mr. Brown of California, Mr. Bryant, Mrs. Byron, Mrs. Collins, Mr. Conte, Mr. Conyers, Mr. de Lugo, Mr. Dellums, Mr. Dixon, Mr. Dyson, Mr. Eckart, Mr. Evans, Mr. Foglietta, Mr. Fuster, Mr. Gallo, Mr. Guarini, Mr. Hawkins, Mr. Hayes of Illinois, Mr. Hefner, Mr. Howard, Mr. Jones of North Carolina, Mr. Kastenmeier, Mr. Kostmayer, Mr. Lehman of Florida, Mr. Leland, Mr. Levin of Michigan, Mr. Levine of California, Mrs. Lloyd, Mr. Markey, Mr. Martinez, Mr. Matsui, Mr. Miller of California, Mr. Moakley, Mr. Moody, Mr. Murphy, Mr. Oberstar, Mr. Owens of New York, Mr. Perkins, Mr. Price of Illinois, Mr. Rangel, Mr. Roybal, Mr. Savage, Mr. Scheuer, Mr. Stark, Mr. Synar, Mr. Towns, Mr. Waxman, and Mr. Williams.

H.R. 191: Mr. Atkins, Mr. Bates, Mr. Bustamante, Mr. Conte, Mr. DeFazio, Mr. Hayes of Illinois, Mr. Leland, Mr. Levin of Michigan, Mr. Martinez, Mr. McHugh, Mr. Mineta, Mr. Morrison of Connecticut, Mr. Panetta, Mr. Rangel, Mr. Towns, Mr. Traxler, Mr. Weiss, and Mr. Williams.

H.R. 222: Mrs. Boxer, Mr. Dymally, Mr. Scheuer, Mr. Mineta, Mr. Skaggs, Mr. Towns, and Mr. Sawyer.

H.R. 245: Mr. Archer, Mr. Atkins, Mr. AuCoin, Mr. Bartlett, Mr. Barton of Texas, Mr. Berman, Mr. Blaz, Mr. Bliley, Mr. Bosco, Mr. Chandler, Mr. Clinger, Mr. Coble, Mr. Combest, Mr. Conte, Mr. Cooper, Mr. Craig, Mr. Darden, Mr. DeLay, Mr. Dickinson, Mr. Dicks, Mr. DioGuardi, Mr. Dornan of California, Mr. Durbin, Mr. Eckart, Mr. Edwards of California, Mr. Fascell, Mr. Feighan, Mr. Fish, Mr. Gallo, Mr. Gejdenson, Mr. Hamilton, Mr. Hastert, Mr. Hayes of Illinois, Mr. Henry, Mr. Herger, Mr. Hubbard, Mr. Hughes, Mr. Hunter, Mr. Hutto, Mr. Ireland, Ms. Kaptur, Mr. Kastenmeier, Mr. Kleczka, Mr. Kolbe, Mr. Lent, Mr. Levine of California, Mr. Lightfoot, Mr. Lipinski, Mr. Livingston, Mr. Donald E. Lukens, Mr. Lungren, Mr. McCandless, Mr. McCollum, Mr. McHugh, Mr. McKinney, Mr. McMillan of North Carolina, Mr. Mack, Mrs. Martin of Illinois, Mr. Miller of Washington, Mr. Molinari, Mr. Montgomery, Mr. Mrazek, Mr. Nichols, Mr. Nielson of Utah, Mr. Oxley, Mr. Parris, Mr. Porter, Mr. Price of Illinois, Mr. Robinson, Mr. Roemer, Mr. Rowland of Georgia, Mr. Ray, Mr. Saxton, Mr. Schaefer, Mr. Shaw, Mr. Sikorski, Mr. Skelton, Mr. Robert F. Smith, Mr. Smith of New Jersey, Mrs. Smith of Nebraska, Mr. Solomon, Mr. Sunia, Mr. Synar, Mr. Traxler, Mr. Upton, Mr. Wise, and Mr. Wolpe.

H.R. 247: Mr. Gunderson, Mr. Upton, Mr. Roth, and Mr. Traxler.

H.R. 295: Mr. Weiss and Mr. Evans.

H.R. 306: Mr. Emerson and Mr. Sensenbrenner.

H.R. 323: Mr. Mfume and Mr. Towns.

H.R. 325: Mr. Borski, Mr. Hayes of Illinois, Mr. Scheuer, Mr. Solarz, and Mr. Towns.

H.R. 332: Mr. Towns, Mr. Fauntroy, Mr. Torres, and Mr. Stokes.

H.R. 349: Mr. Towns, Mr. Mavroules, and Mr. Berman.

H.R. 360: Mr. Clay, Mr. Coelho, Mr. Conyers, Mr. Dowdy of Mississippi, Mr. Florio, Mr. Gaydos, Mr. Gray of Illinios, Mr. Johnson of South Dakota, Mr. Kildee, Mr. Matsui, Mr. Mfume, Mr. Mineta, Mr. Mrazek, Mr. Neal, Ms. Oakar, Mr. Panetta, Mr. Synar, Mr. Torricelli, and Mr. Traficant.

H.R. 372: Mr. Solomon.

H.R. 416: Mr. Spence.

H.R. 432: Mr. Hansen, Mr. Bates, and Mr. Pursell.

H.R. 457: Mr. Hall of Ohio, Mr. Mavroules, Mr. Kolter, and Mr. Fish.

H.R. 459: Mr. Howard, Mr. Coyne, Mr. Savage, Mr. Wylie, and Mr. Frost.

H.R. 461: Ms. Kaptur.

H.R. 470: Mr. Boner of Tennessee and Mr. McGrath.

H.R. 510: Mr. Hall of Texas.

H.R. 533: Mr. Lagomarsino, Mr. Armey, Mr. Badham, Mr. Dreier of California, Mr. Wortley, Mr. Bliley, Mr. Kolbe, Mr. Combest, Mr. Daub, Mr. Chandler, and Mr. Duncan.

H.R. 534: Mr. Boulter, Mr. Livingston, Mr. Lagomarsino, Mr. Combest, Mr. Wilson, Mr. Barton of Texas, Mr. Sweeney, Mr. Armey, and Mr. Edwards of Oklahoma.

H.R. 535: Mr. Badham.

H.R. 541: Ms. Kaptur, Mr. Martinez, and Mr. Howard.

H.R. 545: Mr. LaFalce and Mr. Parris.

H.R. 558: Mr. Nowak, Mr. Cardin, Mr. Obey, and Mr. Pepper.

H.R. 559: Mr. Packard, Mr. Holloway, and Mr. Dornan of California.

H.R. 570: Mrs. Bentley, Mr. Bevill, Mr. Leath of Texas, and Mr. McCollum.

H.R. 573: Mr. Torricelli, Mr. Rahall, and Mr. Dymally.

H.R. 574: Mr. Glickman, Mr. Dwyer of New Jersey, Mr. Bates, Mr. Gray of Illinois, Mr. Williams, Mr. Sawyer, and Mr. Ridge.

H.R. 607: Mr. Smith of Florida, Mr. Frost, Mr. Atkins, Mr. de Lugo, Mr. Markey, Mr. Boehlert, Mr. Perkins, Mr. Moody, Mr. Waxman, Mr. Espy, Mr. Studds, Mr. Mavroules, Mr. Rahall, Mr. Roe, Mrs. Collins, Mr. Staggers, Mr. Conyers, Mr. Solarz, Mrs. Lloyd, Mr. Scheuer, Mr. Moakley, Mr. Crockett, Mr. Aspin, Mr. Gordon, Mr. DioGuardi, Mr. Weiss, Mr. Bereuter, and Mr. McGrath.

H.R. 618: Mr. Conte, Mr. Frank, Mr. Pepper, Mr. Kostmayer, Mr. Kastenmeier, Mr. Downey of New York, Mr. Roybal, Mr. McHugh, Mr. Boland, Mr. Feighan, Mr. Gonzalez, Mr. Mavroules, Mr. Berman, Mr. Dellums, Mr. Howard, Mr. Bates, Mr. Garcia, Mr. Studds, Mr. Mrazek, Mr. Hayes of Illinois, Mr. Manton, Mr. DeFazio, Mr. Hall of Ohio, Mr. Williams, Mr. Clay, Mr. Fazio, Mr. Lowry of Washington, Mr. Fauntroy, Mr. Owens of New York, Mr. Stark, Mr. Boucher, Mr. Martinez, Mr. Sabo, Mr. Florio, Mr. Gibbons, Mr. Levin of Michigan, Mr. Bryant, Mr. Udall, Mr. Andrews, Mr. Dwyer of New Jersey, Mr. Jeffords, Mr. Brown of California, Mr. McKinney, Mr. Thomas A. Luken, Mr. Wheat, Mr. Levine of California, Mr. Weiss, Mrs. Boxer, Mr. Wyden, Mr. Jacobs, Mr. Durbin, Mr. Wolpe, Mr. Evans, Mr. Rahall, Mr. Edwards of California, Mr. Morrison of Connecticut, Mr. Miller of California, Mr. Boehlert, Mr. Ackerman, Mr. Frost, Mr. Atkins, Mr. Bonior of Michigan, Mr. Torres, Ms. Kaptur, Mr. Panetta, Mr. Carper, Mr. Neal, Mr. Markey, Mr. Hertel, and Mr. Bustamante.

H.R. 627: Mr. Smith of Florida, Mr. Savage, Mr. English, and Mr. Howard.

H.R. 628: Mr. Saxton, Mr. Dyson, Mr. Moody, Mr. Fauntroy, Mrs. Lloyd, and Mr. Conyers.

H.R. 630: Mr. Murphy, Mrs. Byron, Mr. Rahall, Mr. Lagomarsino, Mrs. Bentley, Mr. Bevill, and Mr. Watkins.

H.R. 637: Mr. Towns and Mr. McKinney.

H.R. 653: Mr. Henry, Mr. Olin, Mr. Daniel, Mrs. Byron, Mr. Thomas A. Luken, and Mr. Martinez.

H.R. 659: Mr. Garcia, Mrs. Boxer, Mr. Rangel, Mr. Towns, Mr. Mavroules, Mr. Fazio, Mr. Sawyer, and Mr. Roybal.

H.R. 665: Mr. Coats, Mr. Bevill, Mr. Lewis of Florida, Mr. Holloway, Mr. Badham, Mr. McCandless, and Mr. Hutto.

H.R. 693: Mr. Fawell, Mr. Ballenger, Mr. Kyl, Mrs. Johnson of Connecticut, Mr. Lungren, Mr. Badham, and Mr. Young of Florida.

H.R. 711: Mr. Matsui.

H.R. 719: Mr. Armey, Mrs. Vucanovich, Mr. Donald E. Lukens, Mr. Coats, Mr. Weber, Mr. Wortley, and Mr. Swindall.

H.R. 720: Mr. Armey, Mrs. Vucanovich, Mr. Coats, Mr. Wortley, Mr. Lungren, Mr. Swindall, and Mr. Weldon.

H.R. 722: Mr. Howard.

H.R. 723: Mrs. Bentley, Mr. Weber, and Mr. Sensenbrenner.

H.R. 724: Mr. Weber and Mr. Sensenbrenner.

H.R. 725: Mr. Weber and Mr. Sensenbrenner.

H.R. 726: Mrs. Bentley, Mr. Whittaker, and Mr. Sensenbrenner.

H.R. 727: Mrs. Bentley, Mr. Grant, Mr. Sensenbrenner, Mr. Roberts, Mr. Lewis of Florida, Mr. Jeffords, Mr. Wortley, Mr. Lagomarsino, and Mr. Stallings.

H.R. 758: Mr. Pursell, Mr. Badham, Mr. Towns, Mr. Petri, Mr. Lewis of Florida, and Mr. Martinez.

H.R. 759: Mr. Kolbe, Mr. Jeffords, Mr. Petri, Mr. Henry, Mr. Grandy, Mr. Tallon, Mr. Emerson, Mr. Schaefer, Mr. McKinney, Mr. Dornan of California, Mr. Hammerschmidt, Mr. Sharp, Mr. Weldon, Mr. Bilbray, and Mr. Sensenbrenner.

H.R. 768: Mr. Swift.

H.R. 789: Mr. Lagomarsino, Mr. Whittaker, and Mr. Ballenger.

H.R. 792: Mr. Fawell, Mr. Dwyer of New Jersey, Mr. McGrath, Mr. Martinez, Mr. Wolf, Mr. Smith of New Hampshire, and Mrs. Bentley.

H.R. 796: Mr. Rhodes.

H.R. 809: Mr. Stallings, Mr. Petri, Mr. Dyson, Mr. Kastenmeier, Mr. Bevill and Mr. Lightfoot.

H.R. 817: Mr. Applegate, Mr. Bilrakis, Mr. Fish, Mr. Stangeland, Mr. DeWine, Mr. Solomon, and Mr. Hammerschmidt.

H.R. 898: Mr. Dwyer of New Jersey, Mr. McGrath, and Mr. Bates.

H.R. 906: Mr. Thomas A. Luken, Mr. Boland, Mr. Fuster, Mr. Wilson, Mr. Gejdenson, Mr. Dorgan of North Dakota, Mr. Gray of Illinois, Mr. Price of North Carolina, Mr. Staggers, Mr. Kleczka, Mr. Kastenmeier, Mr. Frank, Mr. Dicks, Mr. Berman, Mr. Moody, Mr. Robinson, Mr. Udall, Mrs. Boxer, Mr. Mfume, Mr. Bonker, Mr. Scheuer, and Mr. Carper.

H.R. 933: Mr. Fazio, Mr. Hughes, and Mr. Schumer.

H.J. Res. 25: Mr. Broomfield, Mr. Smith of New Jersey, Mr. Kolter, Mr. Bateman, Mr. Dreier of California, Mr. Hunter, Mr. Gray of Illinois, Mr. Courter, Mr. Denny Smith, Mr. Oxley, Mr. Ritter, Mr. Wolf, Mr. Frank, Mr. Lungren, Mr. Olin, Mr. Lipinski, Mrs. Byron, Mr. Towns, Mr. Levin of Michigan, Ms. Kaptur, Mr. Mack, Mr. Coble, Mr. Emerson, Mr. Walker, Mr. Shumway, Mrs. Collins, Mr. Madigan, Mr. Ackerman, Mr. Dwyer of New Jersey, Mr. Fuster, Mr. Barnard, Mr. Jontz, Mr. Bliley, Mr. Morrison of Connecticut, Mr. Applegate, Mr. Wortley, and Mr. Kyl.

H.J. Res. 64: Mr. Boner of Tennessee, Mr. Bryant, Mr. Crockett, Mr. Espy, Mr. Evans, Mr. Fazio, Mr. Flippo, Mr. Fuster, Mr. Hayes of Illinois, Mr. Horton, Mr. Howard, Mr. Hoyer, Mr. Jacobs, Mr. Kildee, Mr. Lagomarsino, Mr. Leland, Mr. Levin of Michigan, Mrs. Lloyd, Mr. Thomas A. Luken, Mr. Mfume, Mr. Neal, Mr. Pickett, Mr. Rahall, Mr. Rodino, Mr. Roemer, Mr. Tauzin, Mr. Wyden, Mr. Valentine, Mr. Waxman, Mr. Wortley, Mr. Jenkins, Mr. Smith of Florida, Mr. Coelho, Mr. Visclosky, Mr. Berman, Mr. Lowery of California, Mr. Sawyer, Mr. Sikorski, Mr. Traxler, Mr. Atkins, Mr. Bliley, Mr. Bustamante, Mr. Chapman, Mr. Clay, Mr. Coleman of Texas, Mr. de Lugo, Mr. Dwyer of New Jersey, Mr. Erdreich, Mr. Fascell, Mr. Fauntroy, Mr. Fish, Mr. Flake, Mr. Frenzel, Mr. Frost, Mr. Gray of Illinois, Mrs. Johnson of Connecticut, Mr. Lipinski, Mr. Moody, Mr. Morrison of Connecticut, Mr. Mrazek, Mr. Oberstar, Mr. Olin, Mr. Owens of New York, Mr. Rangel, Mr. Ray, Mr. Roe, Mr. Sabo, Mr. Stokes, Mr. Stratton, Mr. Towns, Mr. Volkmer, Mr. Wheat, Mr. Wilson, and Mr. DeWine.

H.J. Res. 81: Mr. Murphy and Mr. Kanjorski.

H.J. Res. 82: Mr. Spence.

H.J. Res. 98: Mr. Wortley, Mr. Kildee, Mr. Swift, Mr. Mollohan, Mr. Evans, Mr. Borski, Mr. Gonzalez, Mr. Kastenmeier, Mr. Wolpe, Mr. Garcia, Mr. Murphy, Mr. Schumer, Mr. Nowak, Mr. Barnard, Mr. Rostenkowski, Ms. Snowe, Mr. Solarz, Mr. Fish, Mr. Roe, Mr. Mavroules, Mr. Pepper, Mr. Mineta, Mr. Fazio, Mr. Kolter, Mr. McKinney, Mr. Campbell, Mr. Rahall, Mr. Espy, Ms. Slaughter of New York, Mr. Mfume, Mr. Dwyer of New Jersey, Mr. Savage, Miss Schneider, Mr. Eckart, Mr. Saxton, Mr. Martinez, and Mrs. Lloyd.

H.J. Res. 103: Mr. Mollohan, Mr. Packard, Mr. Lent, Mrs. Vucanovich, Mr. Coats, Mr. Wortley, Mr. Swindall, and Mr. Weldon.

H.J. Res. 110: Mr. Murphy, Mr. Olin, Mr. Roe, Mr. Smith of Florida, Mr. Fuster, Mr. McDade, Mr. Towns, Mr. Mrazek, Mr. Kleczka, Mr. Kolter, Mr. Martin of New York, Mr. Kanjorski, Mr. Burton of Indiana, Mr. Rowland of Connecticut, Mr. Dowdy of Mississippi, Mr. Mavroules, Mr. Bustamante, Mr. Horton, Mr. Dwyer of New Jersey, Mr. Molinari, Mr. Hammerschmidt, Mr. Stangeland, Mr. Gray of Illinois, Mr. DeFazio, Mr. Staggers, Mr. Chappell, Mr. Rowland of Georgia, Mrs. Bentley, Mr. Hutto, Mr. Frank, Mr. Grant, Mr. Jontz, Mr. Applegate, Mr. Martinez, Ms. Kaptur, Mr. Mollohan, Mr. Fazio, and Mr. Young of Florida.

H.J. Res. 116: Mr. Lewis of Florida, Mr. Volkmer, Mr. Kasich, Mr. Lipinski, Mr. Dwyer of New Jersey, Mr. Bevill, Mr. Savage, Mr. Jenkins, Mr. Parris, Mr. Hayes of Illinois, Mr. Thomas A. Luken, Mr. Horton, Mr. Martinez, Mr. DeWine, and Mr. Fields.

H.J. Res. 123: Mr. McMillan of North Carolina, Mr. Valentine, Mr. Henry, Mr. Bunning, Mr. Emerson, Mr. Weldon, and Mr. Spratt.

H.J. Res. 124: Mrs. Roukema, Mr. Gilman, and Mr. Bereuter.

H.J. Res. 129: Mr. Ackerman, Mr. Annunzio, Mr. Applegate, Mr. Bateman, Mr. Berman, Mr. Bliley, Mr. Boland, Mr. Boner of Tennessee, Mrs. Boxer, Mr. Broomfield, Mr. Campbell, Mr. Chapman, Mr. Coats, Mr. Cooper, Mr. Craig, Mr. Darden, Mr. Davis of Illinois, Mr. de la Garza, Mr. DeWine, Mr. Dorgan of North Dakota, Mr. Alexander, Mr. Anthony, Mr. AuCoin, Mrs. Bentley, Mr. Bevill, Mrs. Boggs, Mr. Bonior of Michigan, Mr. Borski, Mr. Bruce, Mr. Bustamante, Mr. Chandler, Mr. Clay, Mr. Coelho, Mr. Coyne, Mr. Daub, Mr. Davis of Michigan, Mr. Dellums, Mr. de Lugo, Mr. Dixon, Mr. Donnelly, Mr. Downey of New York, Mr. Durbin, Mr. Dymally, Mr. Evans, Mr. Fascell, Mr. Fazio, Mr. Fields, Mr. Flake, Mr. Ford of Tennessee, Mr. Florio, Mr. Foley, Mr. Frank, Mr. Garcia, Mr. Gallo, Mr. Gephardt, Mr. Glickman, Mr. Gordon, Mr. Gray of Illinois, Mr. Gunderson, Mr. Hawkins, Mr. Dreier of California, Mr. Dwyer of New Jersey, Mr. Early, Mr. Erdreich, Mr. Fawell, Mr. Feighan, Mr. Fish, Mr. Ford of Michigan, Mr. Foglietta, Mr. Flippo, Mr. Frost, Mr. Frenzel, Mr. Gaydos, Mr. Gejdenson, Mr. Gilman, Mr. Goodling, Mr. Gray of Pennsylvania, Mr. Gregg, Mr. Hall of Ohio, Mr. Hayes of Illinois, Mr. Hefner, Mr. Henry, Mr. Hochbrueckner, Mr. Horton, Mr. Hunter, Mr. Ireland, Mr. Johnson of South Dakota, Mr. Matsui, Ms. Kaptur, Mrs. Kennelly, Mr. Kildee, Mr. LaFalce, Mr. Lancaster, Mr. Leach of Iowa, Mr. Leland, Mr. Lent, Mr. Levin of Michigan, Mr. Lipinski, Mr. Lowery of California, Mr. Lungren, Mr. Hertel, Mr. Hiler, Mr. Hopkins, Mr. Howard, Mr. Hyde, Mr. Jenkins, Mr. Jontz, Mr. Kasich, Mr. Kanjorski, Mr. Kennedy, Mr. Kolter, Mr. Lagomarsino, Mr. Latta, Mr. Lehman of California, Mr. Leath of Texas, Mr. Lehman of Florida, Mr. Lewis of Georgia, Mr. Lowry of Washington, Mr. Levine of California, Mr. Thomas A. Luken, Mr. Mack, Mr. Manton, Mr. Martinez, Mr. McCloskey, Mr. MacKay, Mr. McMillan of North Carolina, Mr. Mfume, Mr. Miller of California, Mr. Moakley, Mr. Moody, Mr. Mollohan, Mr. Murphy, Mr. Mrazek, Mr. Murtha, Mr. Nowak, Ms. Oakar, Mr. Olin, Mr. Oxley, Mr. Pashayan, Mr. Perkins, Mr. Mazzoli, Mr. Markey, Mr. Mavroules, Mr. McDade, Mr. McKinney, Mr. McHugh, Mr. Mica, Mr. Mineta, Mr. Molinari, Mr. Moorhead, Mr. Morrison of Connecticut, Mr. Montgomery, Mr. Nagle, Mr. Nelson of Florida, Mr. Obey, Mr. Ortiz, Mr. Panetta, Mrs. Patterson, Mr. Porter, Mr. Price of Illinois, Mr. Rahall, Mr. Richardson, Mr. Ridge, Mr. Rodino, Mr. Rowland of Georgia, Mr. Savage, Mr. Scheuer, Mr. Schuette, Mrs. Schroeder, Mr. Sisisky, Mr. Smith of New Jersey, Mr. Solarz, Mr. Stenholm, Mr. Stokes, Mr. Stratton, Mr. Sunia, Mr. Tallon, Mr. Torres, Mr. Udall, Mr. Price of North Carolina, Mr. Regula, Mr. Rinaldo, Mr. Roberts, Mr. Roemer, Mr. Sabo, Mr. Sawyer, Mr. Schulze, Mr. Schumer, Mr. Sikorski, Mr. Smith of Iowa, Mr. Skelton, Mr. Spence, Mr. Staggers, Mr. Stump, Mr. Synar, Mr. Sweeney, Mr. Thomas of California, Mr. Torricelli, Mr. Yatron, Mr. Visclosky, Mr. Vento, Mr. Watkins, Mr. Wise, Mr. Wortley, Mr. Livingston, Mr. Robinson, Mr. Smith of Florida, Mr. Thomas of Georgia, Mr. Gradison, Mr. Young of Florida, Mr. Walgren, Mr. Wheat, Mr. Wolpe, Mr. Badham, Mr. Weiss, Mr. Michel, Mr. Hoyer, and Mr.Vander Jagt.

H. Con. Res. 5: Mr. Ackerman, Mrs. Bentley, Mr. Conte, Mr. Darden, Mr. DioGuardi, Mr. Dornan of California, Mr. Durbin, Mr. Fazio, Mr. Fish, Mr. Florio, Mr. Hayes of Illinois, Mr. Lantos, Mr. Lowry of Washington, Mr. Manton, Mr. Mrazek, Mr. Pepper, Mr. Synar, Mr. Traficant, Mr. Dwyer of New Jersey, Mr. Feighan, Mr. Frost, Mr. Gilman, Mr. Kildee, Ms. Kaptur, Mr. Thomas Luken, Mrs. Martin of Illinois, Mr. Schumer, Ms. Slaughter of New York, and Mr. Wolpe.

H. Con. Res. 10: Mr. Mfume, Mr. Lewis of Florida, and Mr. Saxton.

H. Con. Res. 11: Mr. Hutto.

H. Con. Res. 14: Mr. Garcia, Mr. Akaka, Mr. Porter, Mr. Courter, Mr. Hall of Ohio, Mr. Mrazek, Mr. McHugh, Mr. Cardin, Mr. Lent, Mr. Howard, Mr. Smith of New Jersey, Mr. Studds, Mr. Stratton, Mr. Scheuer, Mr. Burton of Indiana, Mr. Durbin, Mr. Bates, Mr. DeFazio, Mr. Eckart, Mr. Towns, Mr. Kemp, Mr. Frank, Mr. Oberstar, Mr. Fauntroy, Mr. Fazio, Mr. Smith of Florida, Mrs. Johnson of Connecticut, Mr. Conte, Mr. Lipinski, Mr. Martinez, Mr. Manton, Mr. Levin of Michigan, Mr. Solomon, Mr. Thomas A. Luken, Mr. Green, Mr. Saxton, Mr. Evans, Mr. Levine of California, Mr. Jeffords, and Mr. Wortley.

H. Con. Res. 15: Mr. Solomon, Mr. Bennett, Miss Schneider, Mr. Perkins, Mr.

Nielson of Utah, Mr. Conte, Mr. Hutto, Mr. Baker, Mr. Chapman, Mr. Whittaker, Mrs. Vucanovich, and Ms. Kaptur.

H. Con. Res. 32: Mr. Murphy, Mr. Olin, Mr. Roe, Mr. Smith of Florida, Mr. Fuster, Mr. McDade, Mr. Towns, Mr. Mrazek, Mr. Kanjorski, Mr. Kolter, Mr. Martin of New York, Mr. Burton of Indiana, Mr. Rowland of Connecticut, Mr. Dowdy of Mississippi, Mr. Mavroules, Mr. Bustamante, Mr. Horton, Mr. Dwyer of New Jersey, Mr. Molinari, Mr. Gray of Illinois, Mr. Staggers, Mr. Chappell, Mr. Rowland of Georgia, Mrs. Bentley, Mr. Hutto, Mr. Frank, Mr. Grant, Mr. Jontz, Mr. Applegate, Mr. Martinez, Ms. Kaptur, Mr. Mollohan, Mr. Fazio, and Mr. Young of Florida.

H. Res. 37: Mr. Murphy.

H. Res. 43: Mr. Stangeland, Mr. Marlenee, Mr. Dorgan of North Dakota, Mr. Daniel, Mr. Flippo, Mr. Skelton, Mr. Stallings, Mr. Denny Smith, Mr. Chapman, Mr. Whittaker, Mrs. Bentley, Mrs. Collins, Mr. Markey, Mr. Morrison of Washington, Mr. Daub, Mr. Grandy, Mr. Weber, Mrs. Lloyd, Mr. Penny, Mr. Boner of Tennessee, Mr. Johnson of South Dakota, Mr. Barnard, Mr. Bevill, Mr. Chandler, Mrs. Vucanovich, Mr. Hammerschmidt, Mr. Robert F. Smith, Mr. Williams, and Mr. Bereuter.

H. Res. 44, Mr. Boehlert, Mr. Packard, Mr. Bereuter, and Mr. Young of Florida.

H. Res. 53: Mr. Jontz, Mr. Penny, Mr. Nielson of Utah, Mr. Leach of Iowa, Mr. Towns, and Mr. Martinez.

SENATE—*Wednesday, February 4, 1987*

The Senate met at 10 a.m. and was called to order by the Honorable QUENTIN N. BURDICK, a Senator from the State of North Dakota.

The PRESIDING OFFICER. The prayer will be offered this morning by the Reverend James R. Troxel, pastor of the First Baptist Church of Cedar Falls, IA.

PRAYER

May we pray:

God, our Father, we bow in our finiteness to acknowledge Thy sovereignty.

The needs of humanity are beyond our resources; we therefore seek Thy limitless supply.

The scope of our vision encounters limited horizons, often clouded with our own unbelief; we therefore pause for Thy divine perspective.

Forgive us our sins of presuming that we could direct the affairs of our lives without Thee.

Enable the constituents of this great assembly to be heard, but may the clamor of conflicting voices never supplant the voice of conscience, nor suppress the still small voice of God.

May the quiet consciousness of Thy presence lead us to govern our destinies with dignity and humility.

This we pray in the name of Christ, who died for us in the conflicting confusion of many voices. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STENNIS).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 4, 1987.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable QUENTIN BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. BURDICK thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is now recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE REVEREND JAMES R. TROXEL

Mr. BYRD. Mr. President, the Senate had the good fortune today to have a visiting minister to give the prayer. This minister comes from Iowa, a State represented very ably by the distinguished Senator who is now on the floor, Mr. GRASSLEY.

I yield to Mr. GRASSLEY for whatever comments he wishes to make at this time.

Mr. GRASSLEY. I thank the Senate majority leader for yielding, particularly for the pleasure that I have at this time to introduce to my colleagues in this body the chaplain for the day, Pastor James Troxel of the First Baptist Church of Cedar Falls, IA.

He is my pastor, because I have been attending that church for the past 32 years. Pastor Troxel has pastored at First Baptist in Cedar Falls for 12 of those 32 years. I am sorry to say that he had recently decided that he will make this pastorate in Cedar Falls his last, since he is soon retiring to what he calls a life of part-time counseling and interim pastoring. Of course, for those of us that know what is involved there, it does not sound much like it is going to be retirement. But at least it is retirement from full-time pastoring. Of course, our entire congregation will miss his able leadership.

Previous to serving in Cedar Falls, he served two other pastorates in Iowa. He also served one in Illinois and one in Ohio, although he and his wife are native Iowans.

He has previously received a bachelor's degree from Wheaton College in Wheaton, IL. That is the same institution that Chaplain Halverson has a degree from.

Pastor Troxel has a master's degree from Northern Baptist Seminary in Chicago. He and his wife, Rosemary, have three married children.

I found Pastor Troxel's sermons on Sundays to be much more than inspirational—which I think all of us who attend a church would expect from our preachers—but I also find them to be an in depth, scholarly treatise on any part of the scripture that he uses that particular weekend to base his sermon on.

So it is a pleasure, once again, to introduce him to the body. I appreciate the majority leader giving me this opportunity.

RESERVATION OF LEADERSHIP TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved throughout the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. BYRD. Mr. President, the orders for six of our colleagues to be recognized for not to exceed 5 minutes each will follow the recognition of the two leaders under the standing order.

Following the 5-minute orders, there will be a brief period for the transaction of morning business. Senators will be permitted to speak therein for not to exceed 2 minutes each.

At 11 o'clock the Senate will resume consideration of the highway bill. At that time, the pending question will be on the waiver on mass transit. There has been a rollcall vote ordered on the waiver. That vote will occur at 11:30 a.m.

I hope that the Senate will complete action on the highway bill today and on amendments thereto.

At 2 o'clock today, the Senate will take up the President's veto message on the clean water bill. There is 1 hour for debate on that message. At 3 o'clock, a rollcall vote will occur on the override of the President's veto of the clean water bill.

Following that vote, the Senate will resume consideration of the highway bill if action has not been completed thereon prior thereto, and I doubt that that will be the case.

Also during the day, it is hoped that the Senate can take up and pass the energy appliance standards bill. That bill, I believe, was passed unanimously by the Senate last year and was pocket vetoed by the President. There should not be very much, if any, controversy in regard thereto.

Other than those two items, Mr. President, the Senate might have to take action again on the homeless legislation. I do not know what action the House of Representatives will take on that legislation today. It could be that the House might accept the Senate amendments, in which instance there would be no further action necessary by the Senate.

● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

It is important that that legislation be passed this week and sent to the President. The House will be going out of session today in order that Members may attend the funeral services for Sala Burton, a late departed Member of the House. Members of the House will be going to California for those services. Consequently, whatever action is taken by the House and Senate needs to be taken this week. The Senate will be out next week for the Lincoln Day holiday.

Meanwhile, committees are urged to meet and continue to do the good work that they have been doing in preparing legislation for the calendar and subsequent floor action.

"STARS AND STRIPES" TAKES BACK THE CUP

Mr. BYRD. Mr. President, all Americans can be proud of the decisive victory achieved by Dennis Conner and the crew of the 12-meter yacht *Stars and Stripes* in the waters off of Perth, Australia, last night, in winning back the America's Cup. Last night, as most Americans are just learning this morning, perhaps, the American yacht scored its fourth straight victory over the defending Australian boat, *Kookaburra III,* and it was no fluke—in each contest the American boat won by more than a minute, and was ahead at each turning mark, each buoy. Winning by more than a minute, Mr. President, in a 12-meter race, is a very substantial margin. It is like winning a football game by 3 touchdowns.

Mr. President, this great victory, wresting back the America's Cup from the Australians, which had been taken from us 3 years ago in the waters off of Newport, RI, is particularly sweet for the skipper, Dennis Conner. He proved that no matter how far one gets knocked down, and he was badly knocked in 1983 when he became the first American skipper to lose the cup to a foreign contender, perseverance and hard work pays off. He could have left yacht racing and gone away. Instead he chose to grit it out, to work unceasingly for 3 long years, to help develop the new American technology which made us competitive once again. As he himself has said, it is not how hard you get set back, but how well you come back that counts. He is going to be congratulated and commended for fulfilling once again the American dream.

Beyond that, Mr. President, this victory is instructive for us as we as a nation struggle to regain our competitive edge. Three years ago, the Australians had produced a faster boat, with a secret winged keel. They had done their homework, they had done their tank testing and they had done their computer modeling far better than we. In fact, Americans had given up tank testing, and had fallen behind in technology development. We had gotten lazy. Last night, long months and years of new technology development by us paid off.

Now it was the American boat which had been better designed. Before, they had outdesigned us. This time it was the American boat that was faster, sizably faster, faster in light air of 7 to 10 knots, faster in heavier air of 20 to 30 knots.

It proves that the long haul counts most; that diligence, perseverance, tenacity, and confidence pay off. Years of work and development are necessary to stay in the lead.

You do not sit in the first violin chair just because your name is John Doe, just because the teacher likes you. You have to practice to stay in that chair. You have to practice to stay ahead. As we have seen, Americans will have to show that American industry and resourcefulness pay off.

I would say that Americans everywhere, American industry everywhere, can take a lesson from this very important sailing achievement.

This technology development is not to take away from the sailing expertise of the crew of *Stars and Stripes.* Clearly, the crew was highly organized and highly motivated.

But here again it is instructive to the crew of the great ship of state—America. The crew, the leadership, the executive leadership, the legislative leadership—this crew needs to be highly organized, to get busy and outdesign our competitors.

As in most things in life, as in sports generally, the team that makes the least mistakes usually wins. This team made very few mistakes, they were ready, they had done their homework and their practices. It paid off handsomely, and this fine crew of Americans deserves all the praise and accolades they will receive.

Mr. President, 3 years ago, on September 27, 1983, I stood on this floor and congratulated the crew of *Australia II,* for their victory in winning the cup, for the first time in 132 years of racing, from America. They took it from us. The Australians are great competitors and they are to be congratulated for their great effort. We hope to see them back in the United States in the near future, as the contending yacht, this time in the waters of the Pacific off the west coast of America. We are waiting for them, and we will be ready again.

Mr. President, I yield the floor.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of Public Law 99-93, as amended by Public Law 99-151, appoints the following Senators to the U.S. Senate Caucus on International Narcotics Control: the Senator from New York [Mr. D'AMATO], cochairman; the Senator from Alaska [Mr. MURKOWSKI]; and the Senator from California [Mr. WILSON].

Mr. BYRD. Mr. President, the time has been reserved already for the distinguished Republican leader, according to his wishes. I ask unanimous consent that while we are waiting the arrival of other Senators that I may proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AVIATION SAFETY COMMISSION

Mr. BYRD. Mr. President, yesterday marked the 100th day that the safety of the Nation's air passengers has been held hostage by this administration's refusal so far to appoint the members of the Aviation Safety Commission. This Commission was established on October 18 to provide independent advice and counsel on restoring the margin of safety in air travel.

By law, the President had 30 days from the date of enactment to appoint the seven-member Commission. Yet, despite repeated assurances from the White House that the nominations would be made soon, no such appointments have yet been made. Apparently, this administration does not take very seriously the rapidly shrinking margin of safety in our airway system. But, the facts cannot be ignored.

On January 9, 1987, the FAA released its report on near midair collisions during 1986. According to the FAA, an average of more than two near midair collisions per day took place in 1986. More than 40 percent of those incidents involved at least one commercial aircraft. Of the 828 reports received by the FAA, 17 percent, 141, involved aircraft which flew within 100 feet of each other. And in more than half of the incidents reported, aircraft came within 500 feet of each other. In other words, we are talking about seconds here.

Unfortunately, these reports may only represent the tip of the iceberg. In a December 6, 1986, letter to his fellow airmen, Capt. Lloyd W. Barry, senior vice president for flight operations at United Airlines, wrote:

> * * * I am becoming increasingly concerned about the ever present threat of midair collision. The very real hazard of a midair collision must be acknowledged by each and every one of us. The trend is indisputable. Within the last 12 months United crews have averaged 6.3 near misses per month. * * * I believe that midair collisions are the single greatest threat to our safety in the skies today.

That person is certainly in a position to know what he is talking about.

Mr. President, in addition to the 828 near mid-aid collisions reported to the FAA last year, there were 115 so-called surface operational errors reported. These errors are near collisions between aircraft that occur on the ground, usually while planes are taxiing or preparing to take off.

These incidents all occurred during 1986, a year that administration officials have described as one of the safest years in aviation history. The administration points out that not a single fatality was recorded involving any of the large American commercial airlines. Unfortunately, that is little solace to the 67 persons killed in the collision last August 31 of an Aeromexico jetliner and a private plane; nor for the 15 persons killed on the ground as the planes plunged into a suburb of Los Angeles.

National Transportation Safety Board Chairman Jim Burnett has pointed out that "one year does not a trend make." And the tragic record supports his view. In contrast to last year, 1985 was one of the worst years in aviation history, with 23 accidents and 526 fatalities. And 1987 has already produced 2 mid-air collisions causing 16 deaths.

Mr. President, this situation will not go away by itself. Prompt action is needed if we are to halt this disturbing trend and improve the safety margin of air travel.

This is a serious issue. It is a bipartisan issue. Newton's law of gravity does not respect political boundaries.

Further delay by this administration is irresponsible and unacceptable. I do not intend to allow the White House to avoid dealing with this issue by ignoring the law. I shall keep reminding the administration of its responsibilities until the members of the Commission have been named.

Finally, Mr. President, in an interview with NBC news which aired last Thursday night, Donald Engen, who is the administrator of the FAA, referred to near-midair collisions as "nonevents." Well, let me inform my colleagues that we had another of these "nonevents" less than 48 hours after that interview in the skies over Los Angeles.

As the front page of the Washington Post this morning clearly demonstrates, there are a number of tragic ironies involved in this particular safety incident: First, this near-midair collision occurred almost 5 months to the day after an Aeromexico jetliner collided with a small plane in the skies over Cerritos, CA, killing 82 people; Second, not only did this incident last Saturday night take place over the exact same community that saw 15 of its citizens perish last August, and not only did this incident involve the same airline, but this incident also involved the same flight number, No. 498; Third, as was the case last August, this near miss was caused by a small private aircraft flying illegally into restricted airspace and once again it is reported that the controller never saw the smaller airplane.

Mr. President, I again urge the President to fulfill his obligations under the law and appoint the members of the Aviation Safety Commission now. I ask unanimous consent that the article from the February 4 edition of the Washington Post be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 4, 1987]

NEAR-MIDAIR COLLISION PROBED

(By Laura Parker)

In a scenario eerily similar to the collision of an Aeromexico jetliner and a small plane last Aug. 31 over Cerritos, Calif., an Aeromexico jet making the same flight and a small plane passed within a few hundred feet of each other Saturday just north of the same Los Angeles suburb.

Flight 498, a DC9 jetliner en route from Tijuana to Los Angeles, was descending into Los Angeles International Airport at 11:25 a.m. when the pilot spotted an unidentified Cessna overhead, at a distance the Federal Aviation Administration classifies a "near-midair collision," according to FAA and Aeromexico officials.

The jetliner, which was carrying 40 passengers, landed safely.

The near-collision occurred five months to the day after the same Aeromexico Flight 498, also a DC9 from Tijuana, also descending into Los Angeles International, and Piper PA28 Archer collided over Cerritos, killing all 67 persons in the planes and 15 persons on the ground.

In Saturday's incident, as in the Cerritos collision, the smaller plane was apparently illegally in restricted airspace.

Aeromexico had been planning to change the flight number to counter superstitions of passengers who might associate it with the collision, but had not yet done so.

The two planes involved in Saturday's incident passed each other about five miles north of Cerritos, said Steve Hayes, an FAA spokesman.

The Aeromexico pilot, who was on a northwesterly course, later told the FAA and Aeromexico officials that he saw the Cessna traveling "left to right," said Frank Silane, an attorney representing the airline in litigation resulting from the Cerritos crash.

Silane said the pilot reported that the small plane was flying level and estimated that it passed 300 to 500 feet overhead.

"He didn't see it in time to do anything," Silane said.

The FAA said it appears that the small plane was illegally inside restricted airspace, called a Terminal Control Area, although investigators are reviewing radar data to examine the possibility that the Cessna was just outside the boundary.

Planes entering the restricted space are required by the FAA to be equipped with altitude-reporting devices, and their pilots are required to receive the permission of air traffic controllers before entering.

The Aeromexico jetliner was inside the restricted space, at 6,500 feet, when the two planes passed each other, Hayes said.

Last summer's collision between the Aeromexico jet and the Piper PA28 occurred at 6,500 feet.

The Piper was not equipped with an altitude-reporting device, investigators found, and the controller handling the Aeromexico jet said he did not see the small plane on his radar screen.

Hayes said the air traffic controller handling the Aeromexico flight Saturday was interviewed after the incident and told investigators he did not see the Cessna.

There is no record that its pilot was in radio contact with controllers, Hayes added.

The Aeromexico pilot filed a telephone report with the FAA and returned to Mexico City.

Investigators were still trying yesterday—three days after the incident—to identify the Cessna and its pilot.

The Cerritos crash and other recent events, including a rise in the number of near-midair collisions reported, have led recently to a sharp increase in attention to the potential for midair collisions.

Last month, 16 persons were killed in two collisions involving small planes.

The first occurred near Salt Lake City and involved a light plane and a commuter plane; the second crash occurred a week later near St. Louis and involved two small planes, one a military aircraft.

Last year, 828 near-midair collisions were reported to the FAA, compared with 758 the year before. The FAA now defines a near-midair collision as two planes coming within 500 feet of each other in any direction.

Executives at United Air Lines, the nation's second-largest carrier, are so concerned about the potential for midair collisions that all United pilots were sent a memorandum in December warning them to be on the lookout for nearby aircraft.

The memo said the airline averages 6.3 near-collisions a month—and that some of these statistics could easily have become crash statistics had it not been for pilots' skill and "just plain good luck."

After the Cerritos crash, the FAA increased the penalty against private pilots flying illegally into restricted airspace to a minimum mandatory 60-day suspension of their licenses.

Transportation Secretary Elizabeth Hanford Dole last week pushed up by four years a deadline requiring small planes to have altitude-reporting devices within restricted airspace at 14 major airports.

The requirement is already in force at the nation's nine largest airports.

However, hundreds of small aircraft will still legally be able to fly near restricted airspace around major terminals nationwide.

Howard Johannssen, president of the Professional Airways Systems Specialists, which represents workers who maintain air traffic equipment, said controllers' equipment in Los Angeles is so antiquated that the radar sometimes does not pick up even small planes equipped with the proper altitude-reporting devices.

Norbert Owens, FAA deputy associate administrator for air traffic, acknowledged yesterday that the radar equipment in Los Angeles is "an older variety than in other centers.

"Age by itself does not determine the quality of the system," he added.

He said Los Angeles is expected to receive more sophisticated equipment later this year.

Mr. President, I thank the distinguished Republican leader for his patience in allowing me to proceed with a bit of morning business.

AUTHORIZATION OF TESTIMONY AND PRODUCTION OF DOCUMENTS

Mr. BYRD. Mr. President, on behalf of myself and the distinguished minority leader, Mr. DOLE, I send to the desk a resolution relating to deposition testimony by Senator Heinz and the chief clerk of the Special Committee on Aging, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The bill clerk read as follows:

A Senate resolution (S. Res. 99) authorizing testimony and production of documents, and representation by Senate Legal Counsel, in case of Brownsville Golden Age Nursing Home, Inc. v. Joann Wells, et al.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, Senate Resolution 391 of the Ninety-ninth Congress, 132 Cong. Rec. S5011 (daily ed. April 29, 1986), authorized the Senate Legal Counsel to represent Senator Heinz in the case of *Brownsville Golden Age Nursing Home, Inc.* v. JOANN WELLS, ET AL., Civil Action No. 86-296, Western District of Pennsylvania, which arose out of his service as chairman of the Special Committee on Aging.

The plaintiff in this lawsuit, a nursing home in Pennsylvania, seeks damages from Senator Heinz for alleged interference with its business relations with State and Federal health care agencies. The nursing home, which has since been shut down by regulatory authorities, was the subject of an investigation by the Aging Committee.

The Legal Counsel has filed a motion for summary judgment on Senator HEINZ's behalf. The plaintiff, however, is requesting that Senator HEINZ and the custodian of records of the Aging Committee testify and produce documents at a deposition. The court has permitted plaintiff to take discovery to the degree necessary to respond to Senator HEINZ's pending motion.

Following Senate precedent for such matters, this resolution would authorize Senator HEINZ and the chief clerk of the Aging Committee to testify and produce documents at a deposition, within the limits set by the court and expecting all matters for which a privilege should be asserted. The resolution would also authorize the Senate Legal Counsel to represent, in addition to Senator HEINZ, the chief clerk of the Aging Committee in this matter.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 99) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 99

Whereas, a civil action known as *Brownsville Golden Age Nursing Home, Inc.* v. *Joann Wells, et al.* was filed against Senator John Heinz in the Commonwealth Court of Pennsylvania;

Whereas, because the action seeks damages from Senator Heinz for actions that were performed within the scope of his duties as a Member of the Senate and the chairman of the Special Committee on Aging, Senator Heinz removed the action to the United States District Court for the Western District of Pennsylvania, where it is now pending as C.A. No. 86-926;

Whereas, currently pending before the court is a motion of Senator Heinz for summary judgment, requesting that judgment be entered in his favor and that the complaint against him be dismissed;

Whereas, the plaintiff has requested that Senator Heinz and the custodian of records of the Special Committee on Aging testify and produce documents at a deposition;

Whereas, the court has ordered stayed, pending the disposition of this motion, all discovery by plaintiff of Senator Heinz or the Special Committee on Aging, except for discovery that is necessary for plantiff to prepare a response to Senator Heinz's motion for summary judgment;

Whereas, by the privileges of the United States Senate and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that testimony of, or production of documents by, Members or employees of the Senate is or may be needful for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act, 2 U.S.C. § 288b(a), 288c(a)(2) (1982), the Senate may direct its counsel to represent employees of the Senate with respect to subpoenas issued to them in their official capacity: Now, therefore, be it

Resolved, That Senator John Heinz and the chief clerk of the Special Committee on Aging are authorized to testify and to produce documents at a deposition of each of them concerning matters relevant to Senator Heinz's motion for summary judgment in the case of *Brownsville Golden Age Nursing Home, Inc.* v. *Joann Wells, et al.*, C.A. No. 86-926 (W.D. Pa.), except when Senator Heinz's attendance at the Senate is necessary for the performance of his legislative duties and except concerning matters that may be privileged.

SEC. 2. That the Senate Legal Counsel is directed to represent Senate staff subpoenaed in this action.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is now recognized.

Mr. DOLE. I thank the distinguished Presiding Officer.

BICENTENNIAL MINUTES

FEBRUARY 4, 1944: HENRY CABOT LODGE RESIGNS FROM SENATE TO JOIN ARMY

Mr. DOLE. Mr. President, on this day in 1944, the Senate heard its legislative clerk read the following message:

> The fact that the United States is entering the period of large scale ground fighting has, after grave thought, brought me to the definite conclusion that, given my age and military training, I must henceforth serve my country as a combat soldier in the Army overseas. In order to serve in combat I hereby resign from the United States Senate.

The letter was signed: Henry Cabot Lodge, Jr.

By the time that letter was read in the Senate Chamber, former Senator Lodge was flying to England. Then 42 years old, Lodge had long been a member of the Army Reserves, and as a Senator had seen previous service with American tank crews in Libya in 1942. Then the War Department issued orders requiring that Members of Congress choose to be either legislators or military men, and prohibited short-term service during congressional recesses. Faced with the choice, Lodge resigned from the Senate.

As he flew to England, Lodge thought his political career was over. He was wrong. After his tour of duty in Europe during World War II, he was reelected to the Senate in 1946. Six years later he lost his bid for reelection to John F. Kennedy. For the next 8 years, Lodge served as U.N. Ambassador, and then ran unsuccessfully for Vice President on the ticket headed by Richard Nixon. Both Presidents Kennedy and Johnson later sent Lodge to South Vietnam as Ambassador. President Nixon appointed him as his representative to the Paris peace talks, and as special envoy to the Vatican. Henry Cabot Lodge died in 1985. His was a life of public service to his country, for which he was willing to sacrifice anything, including his seat in the U.S. Senate.

FEBRUARY 3, 1951: PHYSICIAN OF CONGRESS

Mr. DOLE. Mr. President, 36 years ago this week, in 1951, the New York Times Magazine featured a story entitled "Doctor of Law Makers." The article was about Dr. George W. Calver, the Capitol physician, and his program to indoctrinate freshmen Members of the 82d Congress on the health dangers that lay in wait for them as they began their new careers.

Dr. Calver spoke from close-hand knowledge. He had been the attending physician of Congress for 23 years. The Office of Attending Physician was established in 1928, at a time when Members were dying at the appalling rate of almost 20 a year. The Office was then, and is still, staffed by Navy physicians detailed to the Capitol.

Among Dr. Calver's tips to the new legislators were these: "Don't let yourself get off-balance, nervous, and disturbed over things," and "stay out of the Washington social whirl—go out at night twice a week at the most." Dr. Calver also drew up the "nine commandments of health," which he had printed in large placards and displayed in Cloakrooms, on elevators, and in other conspicuous places about the Capitol. The placards read:

I. Eat wisely.
II. Drink plentifully (of water).
III. Eliminate thoroughly.
IV. Exercise rationally.
V. Accept inevitables (don't worry).
VI. Play enthusiastically.
VII. Relax completely.
VIII. Sleep sufficiently.
IX. Check up occasionally.

Although issued more than three decades ago, this advice for Senators is indeed timeless.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

Mr. PROXMIRE. I thank the Chair.

WHY ARMS CONTROL IS ESSENTIAL TO NATIONAL SECURITY

Mr. PROXMIRE. Mr. President, what is the purpose of arms control? Is it to enhance the prospects of peace with freedom? Of course it is. And what is the purpose of the $300 billion a year Congress spends for our armed services? Easy. The purpose is exactly the same as the purpose of arms control. Every penny we spend on our military forces is to achieve a single objective. That objective is to enhance the prospects of peace and freedom.

Since arms control and the resources we devote to our armed services have precisely the same objective, why should we not advance them in tandem? Why should we not measure progress in arms control and military preparedness by exactly the same standard? Do our arms control policies advance the prospect of peace with freedom? Do our military spending policies move us toward the same objective?

Almost all Americans easily understand the principle of military deterrence. We grasp at once the contention that the Soviet will not attack this country if they know that such an attack will bring devastating destruction to their country. This is why we are willing to spend a huge 30 percent of our Federal budget to strengthen our armed services. Far fewer Americans believe that arms control can represent a reliable policy for advancing our national military security. We can actually see with our own eyes the tremendous power of our guns, our bombs—our nuclear explosives. We know they strike respect and caution as well as terror in the hearts of our potential adversaries just as they strike terror and caution in our own hearts.

Can arms control engender such respect and caution from an adversary such as the Soviet Union? No way. In fact, arms control to be effective needs at least a substantial supplement of physical deterrence evidenced in planes and tanks and nuclear weapons. So effective arms control needs the military muscle to back it up.

Does military strength in turn rely for its effectiveness on arms control to achieve peace and freedom? Why cannot military strength go it alone? Is arms control not for peaceniks? Is it not simply the response of idealists? Is arms control really a policy that tough-minded realists can pursue in this hard and often cruel world?

Mr. President, total reliance on military strength with the back of the hand to arms control is an impractical and foolish policy. What happens when two superpowers like the United States and the Soviet Union rely entirely on military strength in this dangerous nuclear world? It means an all-out arms race. Does it not mean that one power or the other may secure a decisive advantage? Ah, but does it not also mean that the superior technology and economy will win?

Now think of that for a long minute. Is not that superior technology and economy almost certain to be the United States and its NATO Alliance? The answer is yes. But that does not matter. What matters is that in such an arms race, unlimited by any arms control, the prospects of an eventual accident with this complex nuclear technology increase with each passing year.

The possibility that some irrational group in one or the other superpower will seize control of the immense military apparatus and trigger a nuclear war that would totally destroy both countries grows geometrically with the power of each vast military establishment. And with each passing year, with the constant acceleration of nuclear power, the reality becomes more evident that a nuclear war would end civilization and very possibly eliminate mankind from the face of the Earth.

We know we will spend uncounted billions of dollars on these weapons of colossal destruction. We also know we cannot fire a single nuclear weapon against the Soviet Union without bringing on our own sure and certain destruction.

Here is exactly why arms control must play every bit as big a part as military preparedness. Just think of the many constructive ways arms control can contribute to a more secure and peaceful world. Arms control can eliminate first-use, use-it-or-lose-it weapons from both sides. Arms control can establish communications centers between the two superpowers so that the commanders of both nuclear forces will understand constantly and in accurate detail precisely what military maneuvers or other apparently suspicious activities may be engaging the other side. Arms control can stop the advance by the superpowers toward the production of doomsday weapons that could incinerate the world.

For both the Soviet Union, with its relatively weak economy, and the United States, with its terrible deficits, arms control can literally save hundreds of billions of wasted dollars each year. In such arms control agreements as the Anti-Ballistic Missile Treaty [ABM], and the second Strategic Arms Limitation Treaty [SALT II], most of the controversy has been lavished on relatively minor alleged violations as well as on the frustration of further buildups by both sides.

Almost no attention has been focused on the immense savings that both superpowers derived from agreements that to date have prevented the expenditures of tens of billions of dollars. And the potential savings from superpower arms control agreements are far greater. Both the United States and the Soviet Union have given preliminary approval to the application of arms control to conventional forces. Just think of the immense potential savings if both sides limited tanks, planes, warships, and especially military personnel.

Would this cutback in military spending endanger the pursuit of peace and freedom through military strength? No, indeed. Our military strength in this superpower world only has significance in relation to the strength of the Soviet Union. If both superpowers—in concert—reduce their military burden, neither loses one iota of its relative strength. Both save an immense proportion of their resources.

Arms control is in the clear, common interest of both the Soviet Union and the United States. This is why it is possible to work out verifiable agreements that, with close monitoring, we can expect both sides to keep. Why will both sides keep the agreement? Because it will be in the interests of both sides to do exactly that.

TRANSFER OF SPECIAL ORDER TIME

Mr. DOLE. Mr. President, I ask unanimous consent that the special order of Senator HEINZ be transferred to Senator ROTH.

The PRESIDING OFFICER (Mr. Proxmire). Without objection, it is so ordered.

RECOGNITION OF SENATOR BAUCUS

The PRESIDING OFFICER. Under the previous order, the Senator from Montana [Mr. Baucus] is recognized for not to exceed 5 minutes.

FAIR CURRENCY EXCHANGE RATE AND TRADE ACT OF 1987

Mr. BAUCUS. Mr. President, we received very discouraging economic news last week when we heard that our trade deficit for 1986 soared to a record $170 billion. Much of that is due to exchange rate misalignments, with the U.S. dollar not correctly in line with other countries' currencies.

Secretary Baker has had some success in pressing the other G-5 nations to eliminate trade distortions created by an overvalued dollar. But that progress is being threatened by the currency policies of other countries.

Some countries—such as South Korea and Taiwan—appear to have deliberately manipulated their currencies to ensure that their exports will sell at artificially low prices in the United States.

Such practices could rob the United States of the trade benefits of G-5 currency alignment.

Mr. President, today I join Senators Moynihan and Sanford in introducing legislation to address this situation. It will help ensure that American products will not be forced to compete against foreign goods that are unfairly priced because of currency manipulation.

COMPETITIVENESS AND EXCHANGE RATES

Since the end of 1984 the U.S. dollar has fallen almost 39 percent against the yen. During the same period, the South Korean won has not appreciated at all. It has actually fallen against the dollar by 4 percent.

During the same period, since 1984, the dollar has fallen only 11 percent against the Taiwanese dollar. The Taiwanese Government recently agreed to raise the value of its dollar somewhat. That is a step in the right direction, but their currency is still seriously undervalued—intentionally.

This type of currency manipulation causes many problems.

First, it unfairly inflates the value of goods coming into the United States. Unlike some foreign practices, currency manipulation does not affect just selected exports. It affects all exports from the manipulating country. And it is contributing significantly to our $170 billion trade deficit.

In fact, many estimates suggest that apart from the Japanese yen, and the German deutsch mark, other major currencies which have not changed significantly in value against the dollar account for 40 percent of the goods traded to and from the United States.

Second, currency manipulation makes it more difficult to address our exchange rate problem with Japan or with Germany. When the value of the yen rises, and the value of the won drops, Korean exports gain an advantage over Japanese exports. If we can persuade Korea, Taiwan and other countries to let their currencies rise, Japan will be less reluctant to realign exchange rates.

Finally, currency manipulation distorts trade. It permits foreign countries to sell exports that are not competitive. It prevents Americans from selling goods that are competitive. It is contrary to free trade principles, and it should not be permitted.

CURRENCY BILL

The Fair Currency Exchange Rate and Trade Act I am introducing today will address this problem.

Let me emphasize, it does not target any particular country or countries for special treatment. Rather, it sets the framework within which the United States will deal with any country that manipulates its currency.

The bill requires the Secretary of the Treasury to monitor exchange rates between the dollar and currencies of the 20 countries with which we have the largest trade surpluses.

It requires the Secretary to determine whether these currencies are being manipulated for an unfair trade advantage.

Whenever any currency becomes substantially undervalued, the Secretary and the U.S. Trade Representative are to begin a two-stage round of negotiations with the offending country.

In the first round, the Secretary is directed to seek a change in the exchange rate policy or a revaluation of the currency of the offending country.

In short, the goal of the first round is to restore a fair currency value.

After 6 months, if the first round proves unsuccessful, the USTR shall begin a second round of negotiations. The goal will be trade concessions to compensate for the unfair practice.

The Secretary and the USTR will provide periodic reports to the Congress on the status of these negotiations.

This bill does not demand retaliation or any other specific action if negotiations fail. Instead, it simply requires reports to the Congress on the negotiations.

Then Congress can take appropriate action.

I should make one other point. This bill is not directed at countries that "peg" their currencies in an economically appropriate manner.

Some countries must do that because they have no international market for their currencies. This bill is directed only at countries that manipulate their currencies.

Finally, Mr. President, this bill has an added bonus. It would also improve our collection of information on trade and services. In order to make the determinations required under this bill, we would require for the first time that the administration collect and publish comprehensive information on trade in services.

This is an overdue development. We are moving toward an economy that depends heavily on services. We must have accurate information on this increasingly important sector.

CONCLUSION

Mr. President, the G-5 agreement has made significant progress in depreciating the value of the dollar to establish a more sound and stable international trading system.

Secretary Baker deserves credit for actively addressing the currency problem.

But we must stop countries that take advantage of us by manipulating their currencies. If we do not, all the efforts of Secretary Baker and the G-5 nations will be for nothing.

Our job has just begun. We have made progress with Japan. But if we do not finish the job, we may not get the benefits of the progress we have made. I believe this legislation helps us finish the job.

I ask unanimous consent that the text of this legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Currency Exchange Rate and Trade Act of 1987".

SEC. 2. ANNUAL REPORT.

(a) In General.—The Secretary of the Treasury, in conjunction with the United States Trade Representative, shall prepare and submit to the Congress an annual report on—

(1) the currency exchange rate policies, and

(2) the trade policies,

of each of the 20 foreign countries which have the largest bilateral surpluses in the balance on the current account between the foreign country and the United States.

(b) Contents.—

(1) Each report submitted under subsection (a) shall classify the foreign countries described in subsection (a) into one of the following categories:

(A) those countries that allow their currency exchange rates to be determined freely on open currency exchange markets,

(B) those countries that manipulate their exchange rates to—

(i) prevent effective balance of payments adjustment, or

(ii) gain an unfair competitive advantage in trade, or

(C) those countries that are not described in subparagraph (A) or (B) and do not manipulate their currencies, including countries which peg their currency's exchange rate to another currency or basket of currencies.

(2) Each report submitted under subsection (a) shall provide detailed information on bilateral trade between each of the countries described in subsection (a) and the United States during the preceding year which includes, but is not limited to—

(A) fluctuations in the rate of exchange between the currency of the foreign country and the United States dollar,

(B) the currency valuation policies of the foreign country,

(C) any manipulation by the foreign country of its currency exchange rates to prevent effective balance of payments adjustment or to gain an unfair competitive advantage,

(D) the balance on the current account between the foreign country and the rest of the world,

(E) the merchandise balance of trade between the foreign country and the United States,

(F) the balance of trade in services between the foreign country and the United States,

(G) the balance on the current account between the foreign country and the United States,

(H) the balance on the capital account between the foreign country and the United States, and

(I) any other information useful in fulfilling the purposes of this Act.,

(c) COLLECTION OF INFORMATION.—

(1) The Secretary of Commerce is directed to collect such information as is necessary to enable the Secretary of the Treasury and the United States Trade Representative to prepare the annual report required under subsection (a), including, but not limited to, information on—

(A) bilateral trade in services between the United States and each foreign country,

(B) the balance on the current account between the United States and each foreign country, and

(C) the balance on the capital account between the United States and each foreign country.

(2) All departments and agencies of the Federal Government shall cooperate with the Secretary of the Treasury and the United States Trade Representative in providing information necessary to prepare the annual report required under subsection (a).

SEC. 3. NEGOTIATIONS TO PROVIDE RELIEF FROM CURRENCY EXCHANGE RATE MISALIGNMENTS.

(a) MONITORING OF CURRENCY EXCHANGE RATES.—

(1) The Secretary of the Treasury shall monitor the rate of exchange between each of the currencies of foreign countries classified into the category described in section 2(b)(1)(B) and the United States dollar for the purpose of determining whether such foreign currency is substantially undervalued in relation to the United States dollars.

(2) The Secretary of the Treasury shall immediately provide written notice to the Congress of any determination made under subsection (a) that the currency of a foreign country classified into the category described in section 2(b)(1)(B) is substantially undervalued in relation to the United States dollars. Such notice shall include an estimate of the adverse trade effects on the United States economy arising from such undervaluation, taking into account, inter alia, increased imports of products of such foreign country to the United States and reduced exports of United States products to such foreign country.

(b) CURRENCY NEGOTIATIONS.

(1) If—

(A) a foreign country is the subject of a notification provided to the Congress under subsection (a)(2), and

(B) the Secretary of the Treasury determines that such foreign country has a material surplus in the balance on the current account between such foreign country and the rest of the world, the Secretary of the Treasury, in consultation with United States Trade Representative, shall initiate negotiations with such foreign country on policies regarding currency exchange rates for the purpose of reforming such policies, or effecting a currency revaluation, to more accurately reflect underlying economic conditions.

(2) The Secretary of the Treasury shall provide written notice to the Congress of any negotiations described in paragraph (1).

(c) TRADE NEGOTIATIONS.—

(1) If negotiations which are required to be initiated with a foreign country under subsection (b)(1) fail to achieve the objectives described in subsection (b)(1) before the date that is 6 months after the date on which such negotiations are initiated—

(A) The Secretary of the Treasury shall notify the Congress of such failure, and

(B) the United States Trade Representative, in consultation with the Secretary of the Treasury, shall initiate negotiations with such foreign country for the purpose of obtaining trade concessions from such foreign country to mitigate the adverse trade effects that were quantified in the notice provided to the Congress under subsection (1)(2).

(2) The United States Trade Representative shall submit to the Congress a semiannual report on the status of any negotiations initiated under paragraph (1).

RECOGNITION OF SENATOR HEFLIN

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama [Mr. HEFLIN] is recognized for not to exceed 5 minutes.

THE FARM RECOVERY TAX ACT OF 1987

Mr. HEFLIN. Mr. President, I rise today to again bring to the attention of the Senate the economic woes of this Nation's family farmers. While parts of the Nation have experienced an economic recovery during the 1980's, the years of 1980-86 have been farm depression years instead of recovery years. American agriculture prospered during the late seventies as production increased to meet a growing world demand. There was reason for optimism in the farm belt.

However, as we moved into the decade of the 1980's, this optimism and feeling of a new beginning in agriculture was quickly dispelled and replaced with economic reality. An ill advised embargo of U.S. grain and farm products halted America's expanding export markets. The ills of the administration's farm policy further stifled chances for profitability on our family farms. As a result, today rural America suffers from many elements beyond its control—depressed commodity prices, high interest rates for agricultural credit, and unfair foreign competition in international markets, to name but a few.

Mr. President, while many of these problems are direct consequences of stated policies, other problems result from two or more conflicting policies established by this administration. The Food Security Act of 1985, which is supposedly our domestic agricultural policy, drastically reduced commodity loan rates to make the United States more competitive in world markets. However, USDA dragged their feet in implementing the new initiatives included in the farm bill designed to generate additional exports. The result: an agricultural trade deficit for 3 consecutive months of 1986.

Our own trade policy, or more appropriately, a lack of a trade policy, has allowed heavily subsidized Canadian timber to take over many domestic timber markets without any action on the part of our Government, until recently. Although the Canadian Government has agreed to a 15-percent export tariff, I am convinced that this measure is entirely inadequate to correct the Canadian timber import issue.

In addition to these policies, the U.S. foreign aid policies are oftentimes contradictory as to the goals we are trying to accomplish in agriculture. It appears that this administration will override, many times, the interest of the American farmer. The Reagan foreign aid policy is subsidizing countries that are in direct competition with U.S. agriculture.

Mr. President, it appeared that our tax policy was the only policy that provided some equity or incentive to the agriculture and timber sectors. To compound the economic woes of rural America, the Tax Reform Act of 1986 repealed provisions of the tax laws that were beneficial to these areas of our economy.

As my colleagues will recall, I voted against the Tax Reform Act of 1986. While there were several reasons for my negative vote, one of the overriding factors that I weighed in my decision was the impact this legislation had on the food, fiber, and timber producers of this Nation. There was no equitable tax reform for these people in economically depressed rural areas. I refer specifically to the loss of income averaging, the accelerated cost recovery system, the investment tax credit, and the capital gains differential.

During the debate on the Tax Reform Act, some of my colleagues and I tried to restore these benefits to the farmers piece by piece. Although we were successful in restoring some of these provisions on the Senate floor, these provisions were lost in conference. That is why I rise today to introduce the Farm Recovery Tax Act of 1987 which will reinstate these provisons for farmers.

INCOME AVERAGING FOR FARMERS

One area of the Tax Reform Act which severely impacts farmers is the repeal of income averaging. This provision was the one provision of the Tax Code most frequently used by farmers. Income averaging is a necessity and must be reinstated to allow farmers to even out their volatile changes in income brought on by weather, pests, disease, and other factors beyond their control.

When the new rates fully take effect in 1988, a farm family of five with an income varying between zero and $40,000 will pay more than double the tax as a family of five earning $20,000 each year. Mr. President, our farm families deserve equitable treatment under the Tax Code.

INVESTMENT TAX CREDIT

The Tax Reform Act also repeals the investment tax credit for qualifying capital investments. Most farm machinery and equipment, some farm structures, and certain livestock qualified for the 10-percent credit. For example, under former law, if a farmer bought a tractor for $40,000 his after tax cost would be $36,000. When the investment tax credit was repealed, his after tax cost rose to $40,000 or $4,000 more.

All along Main Street of the rural communities of our Nation, the farm depression of 1980-86 has caused hundreds and hundreds of farm equipment dealers and agricultural businesses to fold in the last 5 years. This, of course, has devastated the economies of these communities. Thousands of jobs have been lost. Economic growth in the farm belt is dependent upon purchases made by farmers. Without the added incentive of the investment tax credit, the rural economy cannot recover.

Some have argued that the repeal of the ITC will force the hobby farmer and the nonfarmer investor out of agriculture and that this will reduce agricultural overinvestment. However, Mr. President, the hobby farmer and nonfarmer investor have almost totally disappeared from the American scene. The vast majority of unused, accumulated tax credits are held by farmers with substantial debt and with little or no off farm income.

ACCELERATED COST RECOVERY SYSTEM

Mr. President, the Tax Reform Act of 1986 also repealed the accelerated cost recovery system. The bill I am introducing today will restore ACRS for qualified farm property. The depreciation schedules of the new tax act are very harmful to the farmer.

CAPITAL GAINS

The final provision of my bill will reinstate a capital gains differential for farmers, including individual timber growers. The maximum tax rate on capital gains will be 20 percent.

Capital gains deductions are certainly needed in risky industries and businesses that involve the natural biological cycles and reproductive processes. Farmers that raise cattle, for instance, cannot expect immediate income from the purchase of brood cows. Income that results from the sale of such livestock is the product of several years. This situation applies to those involved in the production of other animals, such as hogs and poultry, or a new industry that shows great promise in the South, the production of catfish, which is now referred to as aquaculture.

Timber production is a major industry in the Southeast and other parts of the country. Any way you cut it, timber is a long-term capital asset. With the favorable climate and rich soil in the Southeast it still takes an average of 20 years for a tree to grow to maturity.

Timber growing is a classic example of a risky, long-term illiquid investment. Timber growers face the threat of fire, wind damage, disease, and insects. The 20 or so years it takes for timber to mature makes the investment in timber long-term and illiquid. What incentive is there to plant trees, care for them for decades and then face dramatically higher taxes on the income received, which may be forthcoming only once or twice in a lifetime? There is none Mr. President.

In my State, there are more than 386,000 owners of private forest lands and more than 19.7 million acres under timber production. The majority of the landowners own small tracks less than 100 acres. Removing the capital gains differential is a tremendous hardship for these timber growers. Forestry in Alabama and the Southeast has come a long way, largely as a result of the incentive provided timber owners by the capital gains differential. I am fearful that we could return to an era of harvesting without replanting that was so prevalent before capital gains treatment was enacted in 1944.

Alabama's timber resources is the basis for a flourishing forest products industry. The manufacturer of wood products, pulp and paper provides employment for 50,000 people and payrolls of more than $1 billion annually. Shipments of Alabama forest products are in excess of $2 billion annually. In many rural communities, timber is the economic backbone. The effect of the elimination of capital gains treatment on these individuals is tremendous.

Mr. President, I also question the fairness of changing the rules in the middle of the game. When these trees were planted years or even decades ago, timber received a capital gains differential. The woodlot owners managed their lands believing they would receive the favorable capital gains treatment for their timber. They are now finding that the provision of law they had counted on for decades has now vanished. This may cripple forestry on private nonindustrial lands.

The maximum tax rate on capital gains before the Tax Reform Act of 1986 was 20 percent. The Tax Reform Act changed the capital gains differential and raised the effective maximum tax rate to 28 percent, the same as the top rate on ordinary income. But with surcharges the rate can go as high as 33 percent. Let me give you an example of how a couple, filing jointly, with a precapital tax income of $20,000 would be affected. Under the Internal Revenue Code of 1954 their capital gains tax rate would have been 7.2 percent. Under the Internal Revenue Code of 1986 their tax rate will be 15 percent. This represents an increase of 108 percent in taxes. Under other circumstances their taxes will be higher still. There could be an increase of over 150 percent on taxes owed. Timber owners can honestly say that they can no longer afford trees.

Capital gains have been part of the Tax Code since 1921. It has a proven track record of stimulating new enterprises and encouraging people to take risks in the interest of moving our economy forward.

Mr. President, I would again state that all of these provisions are crucial to the economic recovery of rural America. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF INCOME AVERAGING FOR FARMERS.

(a) Repeal of Provision Eliminating Income Averaging for Farmers.—

(1) In general.—Section 141 of the Tax Reform Act of 1986 is hereby repealed.

(2) Application of Internal Revenue Code of 1986.—The Internal Revenue Code of 1986 shall be applied and administered as if such section 141 (and the amendments made by such section) had not been enacted.

(b) Income Averaging Allowed for Farmers Only.—

(1) In general.—Subsection (a) of section 1303 of the Internal Revenue Code of 1986 (defining eligible individuals) is amended by inserting "and who is a qualified farmer" after "United States".

(2) Qualified farmer.—Section 1303 of such Code (defining eligible individuals) is amended by adding at the end thereof the following new subsection:

"(e) Qualified Farmer.—For purposes of this section—

"(1) In general.—The term 'qualified farmer' means an individual—

"(A) who is engaged in the trade or business of farming (within the meaning of section 2032A(e) (4) and (5)), including the trade or business of aquaculture on a farm, and

"(B) 50 percent or more of the average annual gross income of whom for the 3 preceding taxable years is attributable to such trade or business.

"(2) Actively engaged.—A taxpayer shall be treated as actively engaged in the trade or business of farming only if the taxpayer is involved in the operation of such trade or business on a regular, continuous, and substantial basis."

(3) Conforming amendments.—

(A) The heading of part I of subchapter Q of chapter 1 of such Code is amended by inserting "FOR FARMERS" after "AVERAGING".

(B) The table of parts for subchapter Q of chapter 1 of such Code is amended by inserting "for farmers" after "averaging" in the item relating to part I.

(c) Effective Date.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 1986.

SEC. 2. RESTORATION OF INVESTMENT TAX CREDIT.

(a) In General.— Section 49(b) of the Internal Revenue Code of 1986 (relating to exceptions to termination of regular investment tax credit) is amended by adding at the end thereof the folllowing new paragraph:

"(4) Qualified farm property.—Property which is qualified farm property (within the meaning of subsection (f))."

(b) Qualified Farm Property Defined.—Section 49 of such Code (relating to termination of regular percentage) is amended by adding at the end thereof the following new subsection:

"(f) Qualified Farm Property.—For purposes of this section, the term 'qualified farm property' means property which is used in the trade or business of farming (within the meaning of section 2032A(e) (4) and (5)), including the trade or business of aquaculture on a farm."

(c) Effective Date.—The amendments made by this section shall take effect as if included in the amendments made by section 211 of the Tax Reform Act of 1986.

SEC. 3. RESTORATION OF ACCELERATED COST RECOVERY SYSTEM.

(a) In General.—Section 168 of the Internal Revenue Code of 1986 (relating to accelerated cost recovery system) is amended by adding at the end thereof the following new subsection:

"(j) Special Rule for Qualified Farm Property.—

"(1) In general.—In the case of qualified farm property, a taxpayer may elect to have the deduction provided by section 167(a) for such property determined under this section as in effect immediately before the amendments made by the Tax Reform Act of 1986.

"(2) Modification of other provisions.—The Secretary shall prescribe regulations which provide for such modifications of the application of other productions of this title as are necessary to reflect the election under paragraph (1).

"(3) Qualified farm property.—For the purpose of this subsection, the term 'qualified farm property' has the meaning given such term by section 49(f)."

(b) Effective Date.—The amendment made by this section shall take effect as if included in the amendments made by section 201 of the Tax Reform Act of 1986.

SEC. 4. REDUCTION IN MAXIMUM RATE OF TAX ON NET CAPITAL GAIN FROM TIMBER.

(a) Maximum Rate for Individuals to be 20 Percent.—

(1) In general.—Section 1(j) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) Special rule where taxpayer has timber capital gain.—

"(A) In general.—If a taxpayer has timber capital gain for any taxable year, then the tax imposed by this section shall not exceed the lesser of—

"(i) the amount determined under paragraph (1), or

"(ii) the sum of—

"(I) the amount determined under paragraph (1) without taking into account timber capital gain for purposes of subparagraphs (A) and (B) thereof, plus

"(II) 20 percent of the timber capital gain.

"(B) Timber capital gain.—For purposes of this paragraph, the term 'timber capital gain' means the least of—

"(i) the net capital gain for the taxable year,

"(ii) the net capital gain for the taxable year determined by taking into account only gain or loss attributable to timber with respect to which section 631 applies, or

"(iii) $5,000,000 ($2,500,000 in the case of a married individual filing a separate return)."

(2) Conforming amendment.—Subparagraph (B) of section 1(j)(3) of such Code, as redesignated by paragraph (1), is amended by inserting "paragraph (2) applies for such taxable year or if" after "if".

"(b) Maximum Rate for Corporations To Be 28 Percent.—

"(1) In general.—Paragraph (2) of section 1201(a) of the Internal Revenue Code of 1986 (relating to alternative tax for corporations) is amended to read as follows:

"(2) a tax equal to the sum of—

"(A) 34 percent of the net capital gain (determined without regard to timber capital gain), and

"(B) 28 percent of the timber capital gain."

(2) Conforming amendment.—Section 1201 of such Code is amended by redesignating subsection (b) as subsection (c) and by adding after subsection (a) the following new subsection:

"(b) Timber Capital Gain.—For purposes of this section—

"(1) In general.—The term 'timber capital gain' has the meaning given such term by section 1(j)(2)(B).

"(2) Controlled group of corporations.—For purposes of section 1(j)(2)(B), all members of the same controlled group of corporations (within the meaning of section 52(a)) shall be treated as 1 taxpayer."

"(c) Effective Date.—The amendments made by subsections (a) and (b) shall take effect as if included in the amendments made by sections 302 and 311 of the Tax Reform Act of 1986, respectively.

RECOGNITION OF SENATOR SASSER

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee [Mr. Sasser] is recognized for not to exceed 5 minutes.

CATASTROPHIC ILLNESS PROTECTION FOR THE ELDERLY

Mr. SASSER. Mr. President, during the past week, I have been delivering a series of speeches on the Senate floor dealing with the financial tragedy that stalks our senior citizens when a catastrophic illness strikes. Today, I conclude my series of remarks. However, my commitment to an equitable, fair and compassionate solution to this problem continues. That is why I am introducing legislation today which will remove our elderly's constant fear of financial ruin from a catastrophic illness.

This legislation is necessary, because the system we have in place now is cruel and indefensible. The Medicare Program forces our senior citizens to pay for long-term health care out of their own pockets. We force many of them to spend everything they have on long-term care. When they are broke destitute, paupers—and only then—the Federal Government's health care program for the poor, Medicaid, will help them. In essence, we have in place a safety net that catches the elderly on the rebound, after they have hit the ground and bounced.

Dr. Paul Willging of the American Health Care Association, who testified at my recent hearing on catastrophic health care, illustrates the problem very eloquently:

> We tell Americans to divest themselves not only of their assets, but of their human dignity as well, and then we will take over. We tell them, only by giving up their independence—which they have striven for all their lifetime—do we as a society have any responsibility for them.

Out of frustration and fear, about 70 percent of the elderly have turned to private supplemental policies to fill in the huge gaps left by Medicare. They believe their so-called medigap policies will pick up everything that Medicare does not pay. This is the cruelest of hoaxes. The fact is that they do not. Most of these policies do not cover long-term care at all—which is the largest gap left by Medicare.

Furthermore, medigap policies are very expensive for the minimal protection they offer. Because individual claims are generally small in amount, between 15 and 35 percent of an individual's premium is spent on administration costs. We simply cannot expect private insurance companies to completely fill in the tremendous coverage gaps left by Medicare.

If we are to save our senior citizens from financial disaster, we must change the way the Federal Government pays for long-term care. That means shifting the burden from Medicaid to Medicare.

Ironically, Medicare—the Federal Government's health insurance program for the elderly—virtually ignores the elderly's unique health care needs. It provides almost no coverage for long-term care—which is the major threat to the elderly's financial security. Less than 2 cents out of every Medicare dollar is used to cover long-term care costs.

On the other hand, Medicaid—the Federal Government's health care program for the poor—has become the provider of last resort for most elderly who need long-term care. Today, about 40 percent of Medicaid expenditures go to meet the elderly's long-term health care costs, specifically in the form of nursing home costs.

As a result, we have a Medicare program that neglects the critical health care needs of our elderly population. And we have conversely, a Medicaid Program that is quickly becoming a long-term health care program for bankrupt elderly citizens who have been driven by the inadequacies of Medicare.

The legislation I am introducing today shifts the burden for long-term care from Medicaid to Medicare. It expands Medicare to create a new Part C Program.

This Part C Program provides the elderly with financial protection from all catastrophic illnesses, including those that require long-term care. Thus, the elderly among our citizens will no longer have to spend all their financial resources on long-term care. They will not have to become paupers. They will not have to become burdens upon their children before the Government health services will help them.

The new program entails no increase in Federal expenditures.

It would be financed through a beneficiary premium and through savings that come from expenditures in the Medicaid Program itself.

Mr. President, here we are almost two decades after the adoption of the Medicare Program with elderly citizens today paying as much of their disposable income for health care costs as they did prior to the adoption of Medicare.

I urge my colleagues to join me in restructuring the Medicare Program. It will not be an easy task. But it is an essential one, if we are to ease the financial suffering of our senior citizens and their families.

Mr. President, I ask unanimous consent that the text and a summary of my bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Part C: Catastrophic Health Insurance Act of 1987".

SEC. 2. NEW PART C.

(a) IN GENERAL.—Title XVIII of the Social Security Act is amended—

(1) by redesignating part C as part D, and

(2) by inserting after part B the following new part:

"PART C—PROGRAM FOR COMPREHENSIVE CATASTROPHIC COVERAGE AND CERTAIN PREVENTIVE BENEFITS

"ESTABLISHMENT OF PROGRAM

"SEC. 1851. There is hereby established a program to provide supplementary benefits in accordance with the provisions of this part for individuals entitled to benefits under part A through enrolling with an organization which has a contract with the Secretary under such program, to be financed from premium payments by enrollees together with transfers of amounts that otherwise would have been expended under parts A and B.

"CONTRACTS WITH ORGANIZATIONS TO PROVIDE COMPREHENSIVE MEDICARE BENEFITS

"SEC. 1852. (a) IN GENERAL.—Subject to the succeeding provisions of this part, the Secretary may enter into a contract with a public or private organization to provide comprehensive benefits to individuals enrolled with the organization under this part in return for payment on a capitated basis.

"(b) DESCRIPTION OF GENERAL MINIMUM BENEFITS.—A contract with an organization under this part must provide that the organization will provide to members enrolled under this part, through providers and other persons that meet the applicable requirements of this title and part A of title XI, the following items and services:

"(1) PART A AND B SERVICES WITHOUT DEDUCTIBLES, COPAYMENTS, COINSURANCE, OR RESTRICTIONS ON INPATIENT DAYS.—All the services covered under parts A and B, and, for this purpose and with respect to such services—

"(A) no deductible, copayment, or coinsurance may be imposed,

"(B) no restriction, under section 1812, on the number of days of benefits for inpatient hospital services or extended care services shall apply,

"(C) extended care services shall be covered whether or not they are post-hospital, and

"(D) the provisions of sections 1814(a)(2)(C) and 1835(a)(2)(A) shall not apply, insofar as they require, with respect to the provision of home health services, that an individual needs or needed skilled nursing care on an intermittent basis.

"(2) ANNUAL PREVENTIVE CARE VISITS.—Diagnostic procedures performed during an annual physical examination, including (as appropriate by sex) a routine Papanicolaou test for diagnosis of uterine cancer, blood pressure test, blood test for cholesterol levels, colorectal exam, and a mammogram.

"(3) ROUTINE EYE CARE.—

"(A) VISION EXAMINATIONS.—

"(i) IN GENERAL.—Subject to clause (ii), vision examinations, including—

"(I) case history,

"(II) external examination of the eyes and adnexa,

"(III) ophthalmoscopic examination,

"(IV) determination of refractive status,

"(V) binocular balance testing,

"(VI) tonometry test for glaucoma when indicated, and

"(VII) prescription for corrective lenses if indicated,

but which need not exceed one such examination for an individual in any 12-month period.

"(ii) LIMITATION.—Clause (i) requires inclusion of low-vision examinations only when (I) best corrected vision in the better eye does not equal 20/70 but is better than light perception or light projection or (II) vision field is restricted to 30 degrees or less, and only when provided by an ophthamologist or optometrist who is qualified (as determined by the Secretary) to provide such an examination.

"(B) EYEGLASSES.—

"(i) IN GENERAL.—Subject to clause (ii), dispensing (by an ophthamologist, optometrist, or optician licensed to dispense eyeglasses in the State in which the eyeglasses are dispensed) of prescription eyeglasses, including—

"(I) facial measurement and determination of interpupillary distance,

"(II) assistance in selection of frames,

"(III) procurement of quality frames and lenses,

"(IV) fitting and adjustment of eyeglasses, and

"(V) periodic refitting and adjustment of eyeglasses,

but which need not exceed the dispensing of a single set of eyeglasses for an individual more often than once in any 12-month period.

"(ii) LIMITATION.—Clause (i) only requires provision of eyeglasses with respect to an individual if a vision examination described in subparagraph (A) has determined that the individual's vision, through the use of conventional eyeglasses, can be corrected to a normal level of sight (as specified by the Secretary).

"(4) DENTAL CARE.—

"(A) IN GENERAL.—Dental services (other than those described in subparagraph (B)), including—

"(i) teeth cleaning, whether performed by a dentist or by a licensed dental hygienist under the order or supervision of a dentist, but which need not exceed one cleaning in any 12-month period;

"(ii) radiographs (other than for purposes of endodontic therapy), but which need not exceed one full series in any 12-month period, and a panographic radiograph in the case of an edentulous individual;

"(iii) a dental examination, including an evaluation for oral cancer or oral pathology, a dental tissue examination (with charting of caries and defective restorations), and a periodontal evaluation of existing teeth;

"(iv) tooth extractions;

"(v) simple restorations;

"(vi) services (including necessary crowns and bridges) required for the furnishing of—

"(I) full or partial dentures (meeting standards established under subparagraph (B)), but which need not exceed one complete set (or the replacement, repair, rebasing, or relining of such dentures) every 5 years,

"(II) over dentures, and

"(III) the use of temporary, partial dentures pending extraction of teeth for full dentures;

"(vii) surgical preparation of edentulous ridges (but which need not be done more often than once every 5 years);

"(viii) periodontal therapy; and

"(ix) endodontics.

"(B) PERMISSIBLE EXCLUSIONS.—Dental services need not include—

"(i) orthodontic care;

"(ii) crown and bridgework beyond such extent as the Secretary may provide;

"(iii) cosmetic surgery or dentistry; or

"(iv) the furnishing of dentures unless—

"(I) the dentures furnished have been certified by the Secretary to meet such quality standards as the Secretary establishes, and

"(II) the dentures are inscribed with the name or other identification of the individual for whom the dentures are made.

"(C) INSCRIPTION SERVICES.—Dental services also include the inscription (described in subparagraph (B)(iv)(II)) on dentures of the name or other identification of an individual, in the case of dentures made before the effective date of this part.

"(5) HEARING CARE.—Hearing examinations and aids as follows:

"(A) THRESHOLD TEST.—A hearing threshold test, conducted by a physician or qualified audiologist, but which need not occur more often than once every 2 years.

"(B) HEARING-IMPAIRED INDIVIDUALS.—For an individual determined to have a significant communicative difficulty—

"(i) a comprehensive audiometric assessment by a physician or qualified audiologist, but which need not occur more often than once every 2 years;

"(ii) if the individual is determined (as a result of such an assessment) to have a difficulty which can be appropriately treated with a hearing aid—

"(I) a hearing aid assessment by a physician or qualified audiologist in order to determine the appropriate hearing aid to be dispensed,

"(II) the dispensing by a physician, qualified audiologist, or hearing aid dealer of a hearing aid and instruction on its use, except that dispensing of such a hearing aid need not occur more often than once in any 3-year period and need not include any batteries required for use of such hearing aid or any repairs which such aid may require, and

"(III) if the hearing aid is furnished by a hearing aid dealer, a post-fitting examination and orientation by a physician or qualified audiologist; and

"(iii) if the individual is determined (as a result of such an assessment) to have a difficulty which cannot be appropriately treated with the provision of a hearing aid but can be appropriately treated through aural rehabilitative instruction, the provision of such instruction by a qualified audiologist, which need not exceed 4 hours for any individual during the individual's lifetime.

For purposes of subparagraph (B), an individual has a significant communicative difficulty if the individual is determined, under the test described in subparagraph (A), to have pure tone hearing thresholds at 500, 1000, 2000, and 3000 hertz in both ears of not greater than 25 decibels, when averaged across such frequencies.

"(6) LONG-TERM CARE SERVICES.—Comprehensive long-term care services provided in the environment of least restriction. Such services shall be approved and regularly recertified by a geriatric assessment team (including a physician, a geriatric nurse, and social worker) and be provided on a case-managed basis. Such services shall include adult day care services, intermediate care facility services, home and community-based services, outpatient drug therapy, and respite care.

"(7) HEALTH PROMOTION AND DISEASE PREVENTION INFORMATION.—Information, as developed by the Secretary, designed so as to promote healthy lifestyles (including diet and exercise) and to promote disease prevention (including self-monitoring and regular utilization of annual preventive care visit benefit described in paragraph (2)). Such information shall be provided in a form which is easily understood by beneficiaries.

"(c) CERTIFICATION OF SAFETY AND EFFICACY OF HEARING AIDS.—The Secretary shall provide for a program for the certification of the safety and efficacy of hearing aids for which payment may be made under this part. Under such program, a hearing aid may not be certified unless—

"(1) the aid has been determined to be safe and effective in the treatment of the hearing difficulty for which it is to be used; and

"(2) the manufacturer or supplier of such aid provides a warranty against failure of the aid to operate during at least the first year after the date the aid is initially dispensed.

"(d) ADDITIONAL PROVISIONS RELATING TO BENEFITS.—

"(1) REQUIREMENT OF ADDITIONAL BENEFITS IN CERTAIN CASES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each such contract shall provide that if—

"(i) the adjusted community rate, as defined in section 1876(e)(3), for required services described in subsection (b) for members enrolled under this part with the organization

is less than—

"(ii) the average of the per capita rates of payment to be made under subsection (f) at the beginning of an annual contract period for such members,

the organization shall provide to such members additional health benefits which are selected by the organization and which the Secretary finds are at least equal in value to the difference between that average per capita payment and the adjusted community rate. If the Secretary finds that there is insufficient enrollment experience to determine an average of the per capita rates of payment to be made under subsection (f) at the beginning of a contract period, the Secretary may determine such an average based on the enrollment experience of other contracts entered into under this section.

"(B) RESERVATION OF ADDITIONAL BENEFITS.—An organization (with the approval of the Secretary and during a period of not longer than 4 years) may provide that a part of the value of the additional benefits otherwise required to be provided by reason of subparagraph (A) be withheld and reserved in the Federal Medicare Part C Trust Fund by the Secretary for subsequent annual contract periods, to the extent required to stabilize and prevent undue fluctuations in the additional benefits offered in those subsequent periods by the organization in accordance with such subparagraph. Any of such value of additional benefits which is not provided to members of the organization in accordance with such subparagraph prior to the end of such period, shall revert for the use of such trust fund.

"(2) ADDITIONAL OPTIONAL SERVICES.—A contract with an organization may also provide for such additional services as the Secretary may approve. The Secretary shall approve any such additional health care services which the organization proposes to offer to such members, unless the Secretary determines that including such additional services will substantially discourage eligible individuals' enrollment with the organization under this part.

"(3) GENERAL REQUIREMENT OF AVAILABILITY AND ACCESSIBILITY OF SERVICES.—Under a contract under this section, an organization must—

"(A) make services offered to members enrolled under the contract—

"(i) available and accessible within the area served by the organization, with reasonable promptness and in a manner which assures continuity and (for services covered under part A or under part B) with access at least to the same extent as such services are made accessible to individuals who are entitled to benefits under part A (and enrolled under part B) but who are not enrolled under such a contract, and

"(ii) when medically necessary, available and accessible 24 hours a day and 7 days a week, and

"(B) provide for reimbursement with respect to such services which are provided to such an individual other than through the organization, if—

"(i) the services were medically necessary and immediately required because of an unforeseen illness, injury, or condition and

"(ii) it was not reasonable given the circumstances to obtain the services through the organization.

"(e) ENROLLMENT AND CHARGES FOR PREMIUMS, DEDUCTIBLES, COINSURANCE, ETC.—

"(1) ENROLLMENT.—An organization must provide for enrollment of members under this part in accordance with section 1853.

"(2) NO ADDITIONAL PREMIUMS, DEDUCTIBLES, ETC.—An organization may not charge any premiums, deductibles, coinsurance, copayments, or other amounts for services provided to individuals under contracts under this section.

"(f) CAPITATED PAYMENT TO ORGANIZATIONS.—

"(1) MONTHLY PAYMENTS TO ORGANIZATIONS.—In the case of an organization with a contract under this section, the Secretary shall make monthly payments in advance and in accordance with the rate determined under paragraph (2)(C) to the organization for each individual whose enrollment with the organization is effective under this part.

"(2) DETERMINATION OF CAPITATION AMOUNTS.—

"(A) IN GENERAL.—The Secretary shall annually determine, and shall publish not later than September 7 before the calendar year concerned, a per capita rate of payment for each class of individuals who are enrolled under this part.

"(B) CLASSES OF ENROLLEES.—For purposes of this paragraph, the classes of individuals shall be the same as the classes defined under section 1876(a)(1)(B).

"(C) PER CAPITA RATES OF PAYMENT.—The annual per capita rate of payment for each such class shall be equal to 133 percent of the payment amount that would be made under section 1876(a) under a risk-sharing contract with respect to that class if '100 percent' were substituted for '95 percent' in section 1876(a)(1)(C) and if section 1876(g)(2) did not apply.

"(3) PAYMENT ADJUSTMENTS.—The amount of payment under this subsection may be retroactively adjusted to take into account any difference between the actual number of individuals whose enrollment with the organization under this part is effective and the number of such individuals estimated to be so enrolled in determining the amount of the advance payment. The amount of such payment shall also be increased, in the case of an individual enrolled under this part under section 1854(c), by an amount equal to the difference between the premium amount established under section 1854(c)(2) with respect to the individual and the per capita rate otherwise determined under paragraph (2).

"(4) Recovery for third-party liability.—Notwithstanding any other provision of law, the organization may (in the case of the provision of services to a member enrolled under this part for an illness or injury for which the member is entitled to benefits under a workmen's compensation law or plan of the United States or a State, under an automobile or liability insurance policy or plan, including a self-insured plan, or under no fault insurance) charge or authorize the provider of such services to charge, in accordance with the charges allowed under such law or policy—

"(A) the insurance carrier, employer, or other entity which under such law, plan, or policy is to pay for the provision of such services, or

"(B) such member to the extent that the member has been paid under such law, plan, or policy for such services.

"(5) Payments in lieu of other payments under title.—Subject to paragraph (6)—

"(A) payments under a contract to an organization under this part shall be instead of the amounts which (in the absence of the contract) would be otherwise payable, pursuant to sections 1814(b), 1833(a), and 1876(a), for services furnished by or through the organization to individuals enrolled with the organization under this part; and

"(B) if an individual is enrolled under this part with an organization having a contract, only the organization shall be entitled to receive payments from the Secretary under this title for services furnished to the individual.

"(6) Financial responsibility for patients hospitalized on the effective date of enrollment or termination.—A contract under this part shall provide that in the case of an individual who is receiving inpatient hospital services from a subsection (d) hospital (as defined in section 1886(d)(1)(B)) or through an organization as of the effective date of the individual's—

"(A) enrollment with an organization (or another organization) under this part—

"(i) payment for such services until the date of the individual's discharge shall be made under this title as if the individual were not enrolled with that organization (or subsequent organization),

"(ii) the organization (or subsequent organization) shall not be financially responsible for payment for such services until the date after the date of the individual's discharge, and

"(iii) the organization (or subsequent organization) shall nonetheless be paid the full amount otherwise payable to the organization under this part; or

"(B) termination of enrollment with an organization under this part—

"(i) the organization shall be financially responsible for payment for such services after such date and until the date of the individual's discharge,

"(ii) payment for such services during the stay shall not be made under section 1886(d), and

"(iii) that organization shall not receive any payment with respect to the individual under this part during the period the individual is not enrolled.

"(7) Adequate assurances against risk of insolvency.—The Secretary may not enter into a contract with an organization under this section unless the Secretary has received satisfactory assurances that the organization has made adequate provision against the risk of insolvency, which provision is satisfactory to the Secretary and which assures that individuals enrolled with the organization under this part are in no case held liable for debts of the organization in case of the organization's insolvency.

"(8) Prompt pay requirement—

"(A) In general.—A contract under this part shall require the organization to provide prompt payment (consistent with the provisions of sections 1816(c)(2) and 1842(c)(2)) of claims submitted for services and and supplies furnished to individuals pursuant to such contract, if the services or supplies are not furnished under a contract between the organization and the provider or supplier.

"(B) Enforcement.—In the case of an organization which the Secretary determines, after notice and opportunity for a hearing, has failed to make payments of amounts in compliance with subparagraph (A), the Secretary may provide for direct payment of the amounts owed to providers and suppliers for such covered services furnished to individuals enrolled under this part under the contract. If the Secretary provides for such direct payments, the Secretary shall provide for an appropriate reduction in the amount of payments otherwise made to the organization under this part to reflect the amount of the Secretary's payment (and costs incurred by the Secretary in making such payments).

"(g) Quality Control and Grievance Procedures.—

"(1) Grievance procedures.—

"(A) By organization.—The organization must provide, in its contract under this section, meaningful procedures for hearing and resolving grievances between the organization (including any entity or individual through which the organization provides health care services) and members enrolled with the organization under this part.

"(B) Appeal to local review boards.—A member enrolled with an organization under this part who is dissatisfied by reason of his failure to receive any health service to which he believes he is entitled and at no greater charge than he believes he is required to pay is entitled to a hearing (in a form and manner prescribed by the Secretary) before a local review panel which has been established in accordance with regulations of the Secretary and at least one-half of the membership of which is composed of representatives of individuals entitled to benefits under part A and enrolled under part B.

"(C) Members' appeals rights.—A member enrolled with an organization under this part who, after being provided a hearing under subparagraph (B), is still dissatisfied by reason of his failure to receive any health service to which he believes he is entitled and at no greater charge than he believes he is required to pay is entitled, if the amount in controversy is $100 or more, to a hearing before the Secretary to the same extent as is provided in section 205(b), and in any such hearing the Secretary shall make the organization a party. If the amount in controversy is $1,000 or more, the individual or organization shall, upon notifying the other party, be entitled to judicial review of the Secretary's final decision as provided in section 205(g), and both the individual and the organization shall be entitled to be parties to that judicial review.

"(2) Quality control.—

"(A) Arrangements.—In order to enter into a contract under this section, each organization must have arrangements, established in accordance with regulations of the Secretary, for an ongoing quality assurance program for health care services it provides to such individuals, which program (i) stresses health outcomes, (ii) provides for the review of the credentials of physicians and allied health professionals, and (iii) provides review by physicians and other health care professionals of the process followed in the provision of such health care services.

"(B) PRO review.—Peer review organizations, with contracts under part A of title XI, have the responsibility of reviewing the quality of and access to services furnished by organizations under contracts entered into under this section. Such contracts shall not be terminated with respect to such quality review unless the Secretary has provided for the performance of such quality review under another contract with a peer review organization. In performing such review with respect to long-term care services, a peer review organization shall use physicians with expertise in geriatrics and other health professionals with expertise in geriatrics and long-term care.

"(C) Secretarial review.—The Secretary annually shall review the quality of, and access to, services provided under each contract entered into under this section in order to meet the requirements of subsection (c)(3) and to assure that services provided meet professionally recognized standards of health and long-term care.

"(h) Miscellaneous Terms and Conditions.—

"(1) Period and grounds for termination.—Each contract under this section shall be for a term of at least one year, as determined by the Secretary, and may be made automatically renewable from term to term in the absence of notice by either party of intention to terminate at the end of the current term; except that the Secretary may terminate any such contract at any time (after such reasonable notice and opportunity for hearing to the organization involved as he may provide in regulations), if he finds that the organization—

"(A) has failed substantially to carry out the contract,

"(B) is carrying out the contract in a manner inconsistent with the efficient and effective administration of this part, or

"(C) no longer substantially meets the applicable conditions of this part.

"(2) Effective date.—The effective date of any contract executed pursuant to this section shall be specified in the contract.

"(3) Auditing and miscellaneous provisions.—Each contract under this section—

"(A) shall provide that the Secretary, or any person or organization designated by him—

"(i) shall have the right to inspect or otherwise evaluate (I) the quality, appropriateness, and timeliness of services performed under the contract and (II) the facilities of the organization when there is reasonable evidence of some need for such inspection, and

"(ii) shall have the right to audit and inspect any books and records of the organization that pertain (I) to the ability of the organization to bear the risk of potential financial losses, or (II) to services performed or determinations of amounts payable under the contract;

"(B) shall require the organization to provide (and pay for) written notice in advance of the contract's termination, as well as a description of alternatives for obtaining benefits under this title, to each individual enrolled under this part with the organization;

"(C)(i) shall require the organization to comply with subsections (a) and (c) of section 1318 of the Public Health Service Act (relating to disclosure of certain financial information) and with the requirement of section 1301(c)(8) of such Act (relating to liability arrangements to protect members);

"(ii) shall require the organization to provide and supply information (described in section 1866(b)(2)(C)(ii)) in the manner such information is required to be provided or supplied under that section;

"(iii) shall require the organization to notify the Secretary of loans and other special financial arrangements which are made between the organization and subcontractors, affiliates, and related parties;

"(D) shall report to the Secretary information on the utilization of services by individuals enrolled under the contract; and

"(E) shall contain such other terms and conditions not inconsistent with this part (including requiring the organization to provide the Secretary with such other information) as the Secretary may find necessary and appropriate.

"(4) RESTRICTION ON RE-ENTERING INTO CONTRACTS.—The Secretary may not enter into a contract with an organization under this section if a previous contract with that organization under this section was terminated at the request of the organization within the preceding five-year period, except in circumstances which warrant special consideration, as determined by the Secretary.

"(5) CONTRACTUAL AUTHORITY.—The authority vested in the Secretary by this part may be performed without regard to such provisions of law or regulations relating to the making, performance, amendment, or modification of contracts of the United States as the Secretary may determine to be inconsistent with the furtherance of the purpose of this title.

"(6) AUTHORITY FOR CIVIL MONEY PENALTIES.—

"(A) IN GENERAL.—An organization with a contract under this part that fails substantially to provide medically necessary items and services that are required (under law or such contract) to be provided to individuals covered under such contract, if the failure has adversely affected (or has a substantial likelihood of adversely affecting) these individuals, is subject to a civil money penalty of not more than $10,000 for each such failure.

"(B) ENFORCEMENT.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under subparagraph (A) in the same manner as they apply to a civil money penalty under that section.

"ENROLLMENT OF MEMBERS

"SEC. 1853. (a) REQUIRED ENROLLMENT.—

"(1) IN GENERAL.—Subject to the provisions of subsection (b), every individual entitled to benefits under part A shall be enrolled under this part with any organization with which the Secretary has entered into a contract under this part and which serves the geographic area in which the individual resides.

"(2) EFFECTIVE DATE.—Paragraph (1) shall not apply to enrollment for periods beginning before the first calendar year that begins at least 3 years after the date of the enactment of this part, except as may be provided by the Secretary under section 2(b) of the Medicare Part C: Catastrophic Health Insurance Act of 1987.

"(b) OPEN ENROLLMENT.—

"(1) REQUIRED PERIOD.—Each organization must have an open enrollment period, for the enrollment of individuals under this part, of at least 30 days duration every year and including the 30-day period specified under paragraph (2), and must provide that at any time during which enrollments are accepted, the organization will accept up to the limits of its capacity (as determined by the Secretary) and without restrictions, except as may be authorized in regulations, individuals who are eligible to enroll under subsection (a) in the order in which they apply for enrollment, unless to do so would result in the enrollment of enrollees substantially nonrepresentative, as determined in accordance with regulations of the Secretary, of the population in the geographic area served by the organization.

"(2) COORDINATED PERIODS.—For each area served by more than one organization under this part, the Secretary (after consultation with such organizations) shall establish a single 30-day period each year during which all organizations serving the area must provide for open enrollment under this part. An organization may provide for such other open enrollment period or periods as it deems appropriate consistent with this part.

"(c) ENROLLMENT.—

"(1) IN GENERAL.—Each eligible individual may enroll under this part with an organization in such manner as may be prescribed in regulations and may terminate his enrollment with the organization as of the beginning of the first calendar month following the date on which the request is made for such termination (or, in the case of financial insolvency of the organization, as may be prescribed by regulations). In the case of an individual's termination of enrollment—

"(A) the organization shall provide the individual with a copy of the written request for termination of enrollment and a written explanation of the period (ending on the effective date of the termination) during which the individual continues to be enrolled with the organization and may not receive benefits under this title other than through the organization, and

"(B) the individual shall specify the organization in which the individual will subsequently be enrolled under this part.

"(2) FAILURE TO DESIGNATE ENROLLMENT.—If an individual who is required to enroll with an organization under this part fails to so enroll or terminates such enrollment without enrolling with another organization, the Secretary shall provide for the enrollment of the individual with an organization in accordance with a system that provides for equal proportional enrollment among the qualified organizations.

"(3) PROVISION OF INFORMATION AT TIME OF ENROLLMENT AND ANNUALLY THEREAFTER.—Each organization shall provide each enrollee, at the time of enrollment and not less frequently than annually thereafter, an explanation (in a format approved by the Secretary under subsection (d)) of the enrollee's rights under this part, including—

"(A) the benefits to be provided by the organization to enrollees under this part, including the rights of appeal described in section 1852(e),

"(B) the premiums required as a condition of enrollment, and

"(C) such other information as the Secretary may require.

"(d) DISSEMINATION OF INFORMATION.—The Secretary may prescribe the procedures and conditions under which an organization that has entered into a contract with the Secretary under this part may inform individuals eligible to enroll under this part with the organization about the organization, or may enroll such individuals with the organization. No brochures, application forms, or other promotional or informational material may be distributed by an organization to (or for the use of) individuals eligible to enroll with the organization under this part unless (1) at least 45 days before its distribution, the organization has submitted the material to the Secretary for review and (2) the Secretary has not disapproved the distribution of the material. The Secretary shall review all such material submitted and shall disapprove such material if the Secretary determines, in the Secretary's discretion, that the material is materially inaccurate or misleading or otherwise makes a material misrepresentation.

"(e) FAIR ENROLLMENT PRACTICES.—The organization must provide assurances to the Secretary that it will not expel or refuse to re-enroll any individual under this part because of the individual's health status or requirements for health care services, and that it will notify each such individual of such fact at the time of the individual's enrollment.

"(f) TERMINATION OF ENROLLMENT.—

"(1) LOSS OF ENTITLEMENT.—The Secretary shall provide for the termination of enrollment of an individual with an organization under this part at the time the individual loses entitlement to benefits under part A. Notwithstanding the previous sentence, an individual may again re-enroll with an organization at the time at which the individual again becomes entitled to benefits under part A.

"(2) FAILURE TO PAY PREMIUMS.—The Secretary shall provide for the termination of enrollment of an individual under this part for the individual's nonpayment of premiums required under section 1854. Such termination shall take effect on a date determined under regulations, which may be determined so as to provide a grace period in which overdue premiums may be paid and coverage continued. The grace period determined under the preceding sentence shall not exceed 120 days; except that it may be extended to not to exceed 270 days in any case where the Secretary determines that there was good cause for failure to pay the overdue premiums within such 120-day period.

"AMOUNTS AND PAYMENT OF PREMIUMS

"SEC. 1854. (a) AMOUNT OF PREMIUM.—

"(1) COMPUTATION OF NATIONAL AVERAGE MONTHLY PAYMENT RATES.—The Secretary shall determine, at the time of determination of capitated rates under section 1852(e), the national average monthly payment rate, for each individual enrolled with an organization under this part, which the Secretary determines is likely to be paid to organizations during months in the succeeding calendar year.

"(2) PREMIUM AMOUNT.—Except as provided in paragraphs (3) and (4) and subsection (c), the monthly premium of each individual enrolled under this part for each month in that succeeding calendar year is equal to 25 percent of the national average monthly rate determined under paragraph (1), reduced (in the case of an individual enrolled under part B) by the premium amount established under section 1839 (without regard to subsections (b) or (f)(2) thereof).

"(3) LIMITATION ON PREMIUM.—

"(A) IN GENERAL.—The monthly premium, for an individual for months in a calendar year, cannot exceed 1/12th of 15 percent of the individual's annual gross income for the previous calendar year.

"(B) DETERMINATION OF ANNUAL GROSS INCOME.—For purposes of this subparagraph (A), the Secretary, in consultation with the Secretary of the Treasury, shall establish rules for determining the annual gross income of an individual for a calendar year, and shall include in the definition of income both earned and unearned income.

"(4) NO ADDITIONAL PREMIUM.—An organization with a contract under this part may not impose any premium or other fee with respect to the enrollment of an individual with the organization under this part.

"(b) COLLECTION OF PREMIUM.—The payment of premiums under this part shall be made in the same manner as payment of premiums is made under part B, as determined under section 1840, except that—

"(1) all amounts so paid under this part shall be deposited in the Federal Medicare Part C Trust Fund,

"(2) during an individual's first enrollment with an organization under this part, the premiums must be paid for one month before the individual's enrollment with the organization becomes effective, and

"(3) any reference in section 1840 to an agreement entered into pursuant to section 1843 shall be deemed, for purposes of this subsection, to be a reference to such an agreement as entered into pursuant to subsection (c).

"(c) USE OF STATE AGREEMENTS.—In accordance with regulations, the Secretary shall enter into agreements with States in order to effect coverage of certain coverage groups under this part in the same manner as the Secretary has entered into agreements with States under section 1843, except that for this purpose—

"(1) there shall be no time limitations on States entering into agreements under this subsection,

"(2) the amount of premium to a State shall be equal to 90 percent of the estimated cost of providing similar services under its plan under title XIX, and

"(3) Secretary shall provide for such other appropriate modifications in the application of such section as may be appropriate to carry out this part.

In addition to any other requirement of law, the Secretary may not approve a State plan under title XIX (for any period during which the provisions of this part apply to residents of the State) unless the State has entered into and has in effect an agreement described in the previous sentence.

"(d) AGREEMENTS WITH OTHER GOVERNMENT ENTITIES.—The Secretary may enter into agreements (similar to the agreements described in subsection (c)) with Government entities (such as the Administrator of Veterans' Affairs) under which the Government entities will provide for the payment of the appropriate premiums under this part for individuals otherwise entitled to benefits health care through those Government entities.

"FEDERAL MEDICARE PART C TRUST FUND

"SEC. 1855. (a) ESTABLISHMENT.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the 'Federal Medicare Part C Trust Fund' (hereinafter in this section referred to as the 'Trust Fund'). The Trust Fund shall consist of such gifts and bequests as may be made as provided in section 201(i)(1), and such amounts as may be deposited in, or appropriated to, such fund as provided in this section.

"(b) INCORPORATION OF SIMILAR PROVISIONS.—The provisions of subsections (b) through (i) of section 1841 shall apply to the Trust Fund in the same manner as they apply to the Federal Supplementary Medical Insurance Trust Fund.

"(c) PAYMENT OF ORGANIZATIONS.—The payment to an organization under section 1852(e) for individuals enrolled under this part with the organization shall be made from the Federal Medicare Part C Trust Fund.

"(d) TRANSFER OF FUNDS TO TRUST FUND.—With respect to an individual enrolled with an organization under this part, the Secretary shall provide for transfer to the Federal Medicare Part C Trust Fund from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund of the same amounts, and in the same proportions, from each such trust fund as would be paid under section 1876(a)(5) if the individual were enrolled with an eligible organization under a risk-sharing contract under section 1876 and if '100 percent' were substituted for '95 percent' in section 1876(a)(1)(C).".

(b) EFFECTIVE DATE.—

(1) CONTRACTS.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall enter into contracts under part C of title XVIII of the Social Security Act (as inserted by subsection (a)) with respect to services to be furnished in calendar years beginning 3 or more years after the date of enactment of this Act.

(B) EARLY, PHASED-IN IMPLEMENTATION.—In order to permit the phased-in implementation of part C of title XVIII of the Social Security Act, the Secretary may enter into such contracts with respect to services to be furnished in one or more States in calendar years beginning at least 1 year (but less than 3 years) after the date of the enactment of this Act.

(2) MANDATORY ENROLLMENT.—

(A) IN GENERAL.—Before the first calendar year which begins 3 years after the date of the enactment of this Act, except as provided in subparagraph (B), no individual is required, under part C of title XVIII of the Social Security Act, to be enrolled with an organization under that part or to be liable for premiums under such part.

(B) EARLIER ENROLLMENT REQUIRED.—If the Secretary under paragraph (1)(B) has entered into contracts in a State for a calendar year before the first calendar year referred to in subparagraph (A), the Secretary may provide that part C of title XVIII of the Social Security Act shall apply to individuals residing in the State as of first calendar year in which such contracts are in effect and such individuals (in accordance with regulations of the Secretary) shall be enrolled with such organizations and shall be liable for premiums under such part beginning with that calendar year.

SEC. 3. STATE MAINTENANCE OF EFFORTS FOR MEDICAL ASSISTANCE FOR MEDICARE-ELIGIBLE MEDICALLY NEEDY INDIVIDUALS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by inserting after subsection (r) the following new subsection:

"(s)(1) Notwithstanding any other provision of this section, the amount of funds to which a State is entitled under subsection (a)(1) with respect to calendar quarters in a fiscal year shall be reduced by the amount by which—

"(A) the total expenditures described in subsection (a)(1) which the Secretary estimates the State would have made for medical assistance for medicare-eligible medically needy individuals during such quarters under the State plan if (i) the plan were the same as the plan in effect on January 1, 1987, and (ii) any effect of the enactment of the Medicare Part C: Catastrophic Health Insurance Act of 1987 were eliminated; exceeds

"(B) the total expenditures described in subsection (a)(1) which the Secretary estimates the State has made for medical assistance for medicare-eligible medically needy individuals during such quarters.

"(2) In paragraph (1), the term 'medicare-eligible medically needy individual' means an individual who is entitled to benefits under parts A and C of title XVIII and who is not described in section 1902(a)(10)(A).".

SEC. 4. MISCELLANEOUS TECHNICAL AND CONFORMING AMENDMENTS.

(a) SOCIAL SECURITY ACT.—(1) Sections 226(c)(1) of the Social Security Act (42 U.S.C. 426(c)(1)) and section 7(d)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(d)(1)) are each amended by striking "part C" and inserting in lieu thereof "part D".

(2) Sections 201(g)(1)(A) and 201(i)(1) of the Social Security Act (42 U.S.C. 401(g)(1)(A), 401(i)(1)) are each amended (A) by striking "and" before "the Federal Supplementary" and inserting in lieu thereof a comma, and (B) by inserting "and the Federal Medicare Part C Trust Fund" after "Medical Insurance Trust Fund".

(3) Section 1106(b) of such Act (42 U.S.C. 1306(b)) is amended by striking "and the Federal Supplementary Medical Insurance Trust Fund" and inserting in lieu thereof "the Federal Supplementary Medical Insurance Trust Fund, and the Federal Medicare Part C Trust Fund".

(4) Section 1124(a)(2) of such Act (42 U.S.C. 1320a-3(a)(2)) is amended—

(A) by striking "or" at the end of subparagraph (B),

(B) by striking the period at the end of subparagraph (C) and inserting in lieu thereof "; or", and

(C) by adding at the end the following new subparagraph:

"(D) an organization with a contract with the Secretary under part C of title XVIII.".

(5) Section 1126(a) of such Act (42 U.S.C. 1320a-5(a)) is amended by inserting "(including an organization with a contract under part C of title XVIII)" after "agency" the first place it appears.

(6) Section 1814(a) of such Act (42 U.S.C. 1395f(a)) is amended, in the matter before paragraph (1), by striking "and in section 1876" and inserting ", in section 1876, and in part C".

(7) Section 1833(a) of such Act (42 U.S.C. 1395l(a)) is amended, in the matter before paragraph (1), by inserting "and in part C" after "in section 1876".

(8) Section 1861(s)(2)(H)(i) of such Act (42 U.S.C. 1395x(s)(2)(H)(i)) is amended by inserting "or under part C" after "section 1876".

(9) Section 1861(s)(2)(H)(ii) of such Act (42 U.S.C. 1395x(s)(2)(H)(ii)) is amended by

inserting "or a contract under part C" after "section 1876(g)".

(b) OTHER ACT.—Section 104(b) of the Social Security Amendments of 1965 is amended by inserting "or part C" after "part B" each place it appears.

MEDICARE PART C: THE CATASTROPHIC HEALTH INSURANCE ACT OF 1987

WHAT DOES THIS BILL DO?

This bill amends Title XVIII of the Social Security Act to create a new Part C program of Medicare. It furnishes comprehensive catastrophic and preventive benefits through prepaid plans. All persons eligible for Medicare Part A would be automatically enrolled in Part C.

The new Part C program would plug many of the holes in current Medicare coverage. First, it eliminates the deductibles and copayments paid out of pocket by Medicare beneficiaries. Second, it offers full coverage for long-term care services, such as nursing home care, home care, and extended hospital stays. Third, it provides a number of preventive care services currently not covered by Medicare—dental, eye, and hearing care, and annual physician visits.

HOW WOULD THE PART C PROGRAM WORK?

The Health Care Financing Administration (HCFA) would implement the new Part C program. HCFA would take competitive bids from health care providers and insurers to provide both the new Part C services mentioned above as well as the standard covered services under Parts A and B. They would provide these services for a capitated (per beneficiary) rate set by HCFA. The capitated rate paid to providers may not exceed the average payment for covered services under Parts A and B ($2,400 in 1986) multiplied by a factor of 1.33. Thus, in 1986, HCFA would have paid providers $3,200 per beneficiary under the Part C program.

The Medicare beneficiary will select an organization in his or her immediate area that has contracted with HCFA to provide Part C services. Local health care providers who contract with the area organization will provide all needed services to Medicare beneficiaries. It is anticipated that once the Part C plan is fully implemented virtually all health care providers will have contracts with these organizations. Thus, the elderly should have full freedom to choose their health care providers. There would be an "open enrollment" period annually at which time beneficiaries could change their selection of preferred providers.

Health care providers would be paid set fees negotiated by the area organization that is granted the federal contract by HCFA. Providers must agree to accept these negotiated fees as payment in full for services provided. This will ensure that beneficiaries are not saddled with additional charges.

Organizations seeking contracts with Medicare must meet quality assurance standards established by the Secretary of Health and Human Services.

HOW WOULD THE PART C PROGRAM BE FINANCED?

The Part C program will be financed through three sources:

(1) Existing Medicare funds from Parts A and B.

(2) The federal share of Medicaid payments for long-term care. Since the New Part C program will cover nursing home care, funds presently used for this purpose under Medicaid can be used for the Part C program.

(3) Beneficiary premiums. Beneficiaries will pay a premium, in monthly installments, equal to 25 percent of the national average of the capitated payment to providers. For 1986, the annual premium would have been about $800 ($3,200 x .25).

Senior citizens pay an average of $1500 each year out of their pockets for the health care they need. The new Part C Program would provide this care at a cost of around $800—a major savings for the elderly.

Beneficiary premiums cannot exceed 15 percent of an individual's annual gross income. If the premium exceeds 15 percent of an individual's income, the government pays the difference. To offset the cost of subsidized premium payments for these individuals, Part C services for all beneficiaries would be delayed for one month after enrollment. The practice of delaying benefits is common among private insurance companies.

WHAT WILL THE PART C PROGRAM COST?

The new program will not entail any increase in federal expenditures. The program is economically efficient due to the competition among providers and the pooling of premiums from some 28 million Medicare beneficiaries. There are a number of model programs across the country which demonstrate that this can be done.

RECOGNITION OF SENATOR MURKOWSKI

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska [Mr. MURKOWSKI] is recognized for not to exceed 5 minutes.

Mr. MURKOWSKI. I thank the Chair.

THE VETERANS' RADIATION COMPENSATION IMPROVEMENT ACT OF 1987

Mr. MURKOWSKI. Mr. President, I am today introducing, along with Senators DOMENICI, WARNER, and DIXON, legislation to address and resolve questions which have too long troubled the Nation, the Congress, and the veterans of the United States. This legislation will provide compensation to veterans who were exposed to ionizing radiation during their service and now suffer from certain diseases associated with radiation exposure. In addition, this legislation addresses the question of uncertainty which surrounds our attempts to determine the exact amount of exposure of hundreds of thousands of service members during the atmospheric nuclear testing program, as long as 41 years ago.

I have long been concerned with the issues raised by the participation of these veterans in the occupation of Hiroshima and Nagasaki and in the atmospheric testing of nuclear devices. In the 99th Congress, as chairman of the Committee on Veterans' Affairs, I held hearings to review the implementation of Public Law 98-542, a law which required the VA to establish procedures for evaluating the claims of these veterans. In addition, these hearings brought to light the effect on veterans of the Warner amendment which made the United States the defendant in lawsuits brought by test participants against contractors who participated in the testing program. These hearings also considered options for resolving these issues.

The hearings brought to light the lack of information within the VA concerning veterans who have sought treatment for conditions they believe to be the result of their exposure to radiation. I subsequently introduced legislation which required the VA to establish a registry of these veterans. The legislation was enacted in Public Law 99-576, and the VA has begun to implement it.

In addition, I introduced legislation along with Senator WARNER and others which would repeal the Warner amendment. This legislation was reported out of the Judiciary Committee in the closing days of the 99th Congress, but was never brought before the Senate. After substantial consideration of this option and consultation with veterans' groups, I am not convinced that the repeal of the Warner amendment would provide an effective remedy for the problems faced by these veterans.

I have worked with Senators interested in this issue, including my good friend from New Mexico, Senator DOMENICI, to develop a more workable and effective remedy, and I think we have it.

The bill I introduce today would require the Veterans' Administration to consider all forms of leukemia—except chronic lymphatic leukemia—liver cancer, multiple myeloma and cancer of the bone marrow to be service-connected disabilities if suffered by veterans who participated in the post-World War II occupation of Hiroshima and Nagasaki, or in the atmospheric testing of nuclear weapons. The bill focuses on blood related cancers because their association with radiation is strong and the possibility of intervening causes is slight. Oncologists consulted by my staff have reported the association is most appropriate for these diseases.

In addition, the bill would provide that when adjudicating claims from veterans with other possibly radiogenic diseases, the VA would be required to consider the exposure level to be double that reported for reconstructed by the Defense Nuclear Agency.

Nuclear weapons were developed and used before we had a full understanding of their effects. In the early tests, photographs and documents show service personnel, without protective clothing, smoking and eating in contaminated areas, and swimming in contaminated waters. As the years went on we learned a great deal and have become more cautious. We now test underground. We now strictly monitor and control the radiation exposure of individuals. One need only compare the image of European nations destroying their vegetable crops after the Soviet nuclear disaster at Chernobyl in 1986, with the 1946 image of casually dressed sailors sitting down to eat their lunch on contaminated target ships in Bikini Atoll to appreciate our change in perspective.

However, the situation we now face is how to deal responsively and responsibly with the questions raised by the atomic veterans. Some of those veterans now suffer from rare forms of cancer and believe their illnesses are associated with their participation in the atmospheric nuclear testing program or the occupation of Japan.

There are some things we can never know. We will never know the exact exposure of the veterans involved, because we can never know their exact activities, the exact air and sea currents at the site, the exact distribution of direct radiation and fallout particles, and the extent to which inhalation, ingestion or open wounds affected their dose level. The DNA has done a commendable job in reconstructing the probable level of exposure but, in the end, their estimates are just that: estimates. And in almost all cases of veterans seeking compensation for possibly radiogenic disease these estimates are one of the primary reasons the vast majority of claims are denied. In view of the uncertainty surrounding these important dose estimates, and the fact that they could be substantially higher, I am proposing this legislation today.

Since each individual is different and reacts to similar conditions in different ways, we can never know how the effects of a given amount of radiation may differ for different individuals, even if we believe we know the effects of radiation in general. The causes of cancer, are not well understood. We don't know why one individual gets cancer and another individual, with a similar history, does not. The VA has reported to the Congress, and the Office of Technology Assessment has agreed, that it would not be feasible to conduct a morbidity study of the veterans who participated in the occupation of Japan or nuclear test programs. Mr. President, these things are not knowable and to insist that the Senate take no action until they are known is to insist that we take no action at all.

However, in addition to the things we do not know, I would like to discuss some of the things we do know. We know these veterans were at the test sites or in Japan, where the Nation wanted them, under conditions which would not be tolerated today. We know that under certain conditions radiation causes cancer. We know veterans were exposed to radiation. We know veterans are ill and dying of cancers known to be associated with radiation exposure. These veterans were on the front lines of their times. If they were injured, they were injured in the direct performance of duty. The atomic veterans ran real risks while performing duty vital to our defense. They were exposed to radiation in the process. Some are now ill with diseases associated with radiation. This legislation responds to these facts.

In short, this great Nation cannot in good conscience afford to wait for a scientific basis for affording relief to its veterans. We have done our best to get answers to the questions regarding doses, regarding the possible cause-and-effect relationship between radiation exposure and cancer, regarding the many other issues that relate to compensating veterans of the atmospheric nuclear testing program. While those efforts will continue, we need to act now to do what is right for these veterans.

I urge my colleagues to join me in support of this important legislation for atomic veterans, their dependents and survivors.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCES.

(a) This Act may be cited as the "Veterans' Ionizing Radiation Compensation Improvements Act of 1987".

(b) References.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. PRESUMPTIONS RELATING TO CERTAIN DISEASES.

(a) Wartime Disability Compensation.—(1) Section 312 is amended by adding at the end the following new subsection:

"(c)(1) For the purposes of sections 310 and 321 of this title, and subject to the provisions of section 313 of this title, in the case of any veteran who, while serving on active duty during a period of war, was exposed to ionizing radiation as a result of the veteran's participation in any activity described in paragraph (2) of this subsection at the site of that activity—

"(A) all forms of leukemia, except chronic lymphatic leukemia, becoming manifest within 30 years after the last date on which the veteran participated in that activity;

"(B) liver cancer becoming manifest 5 or more years after the last date on which the veteran participated in that activity; and

"(C) multiple myeloma or cancer of the bone marrow becoming manifest 5 or more years after the last date on which the veteran participated in that activity; shall be considered to have been incurred in or aggravated by the veteran's participation in that activity notwithstanding that there is no record of evidence of that disease during the period of active duty.

"(2) The activities referred to in paragraph (1) of this subsection are—

"(A) the atmospheric detonation of a nuclear device; and

"(B) the American occupation of Hiroshima and Nagasaki, Japan, prior to July 1, 1946.".

(b) Wartime Death Compensation.—Subchapter III of chapter 11 is amended by adding at the end thereof the following new section:

"§ 323. Presumption relating to certain diseases

"For the purposes of section 321 of this title, section 312(c) of this title shall apply in the case of a claim for compensation under this subchapter.".

(c) Peacetime Disability Compensation.—Section 333 is amended by adding at the end the following new subsection:

"(d) For the purposes of sections 331 and 341 of this title, and subject to the provisions of section 313 of this title, in the case of any veteran who, while serving on active duty, was exposed to ionizing radiation as a result of the veteran's participation in the atmospheric detonation of a nuclear device at the site of the detonation of the nuclear device—

"(1) all forms of leukemia, except chronic lymphatic leukemia, becoming manifest within 30 years after the last date on which the veteran participated in that activity;

"(2) liver cancer becoming manifest 5 or more years after the last date on which the veteran participated in that activity; and

"(3) multiple myeloma or cancer of the bone marrow becoming manifest 5 or more years after the last date on which the veteran participated in that activity;

shall be considered to have been incurred in or aggravated by the veteran's participation in that activity notwithstanding that there is no record of evidence of that disease during the period of active duty.".

(d) Peacetime Death Compensation.—Subchapter V of chapter 11 is amended by adding at the end thereof the following new section:

"§ 343. Presumption relating to certain diseases

"For the purposes of section 341 of this title, section 333(d) of this shall apply in the case of a claim for compensation under this subchapter.".

(e) Conforming Amendments.—(1) Section 313 is amended by inserting "or 333(d)" after "section 312" each place it appears.

(2) The table of sections at the beginning of chapter 11 is amended—

(A) by inserting after the item relating to section 322 the following new item:

"323. Presumption relating to certain diseases.";

and

(B) by inserting after the item relating to section 342 the following new item:

"343. Presumption relating to certain diseases.".

SEC. 3. DETERMINATIONS OF DOSE RESULTING FROM EXPOSURE TO IONIZING RADIATION.

The Veterans' Dioxin and Radiation Exposure Compensation Standards Act (98 Stat. 2725; 38 U.S.C. 354) is amended by adding at the end the following new section:

"TREATMENT OF RADIATION DOSE ESTIMATES

"Sec. 10. (a) For the purpose of adjudicating a claim for benefits under chapter 11 or

13 of title 38, United States Code, submitted by a veteran described in subsection (b), or a survivor of that veteran, on the basis of exposure to ionizing radiation, the Veterans' Administration shall deem the radiation dose estimate transmitted in the case of that veteran by the Director of the Defense Nuclear Agency (or any other appropriate office of the Department of Defense) to the Veterans' Administration under this Act to be two times the estimated dose.

"(b)(1) A veteran referred to in subsection (a) is any veteran who, while serving on active duty, was exposed to ionizing radiation as a result of the veteran's participation in any activity described in paragraph (2) at the site of that activity.

"(2) The activities referred to in paragraph (1) of this subsection are—

"(A) the atmospheric detonation of a nuclear device; and

"(B) the American occupation of Hiroshima and Nagasaki, Japan, prior to July 1, 1946.".

SEC. 4. APPLICATION OF AMENDMENTS.

(a) IN GENERAL.—Except as provided in subsection (b), no benefits shall accrue by reason of the amendments made by sections 2 and 3 for any period before the date of the enactment of this Act.

(b) EXCEPTION FOR EXISTING CLAIMS.—In the case of a claim for benefits under chapter 11 or 13 of title 38, United States Code, filed with the Veterans' Administration before the date of the enactment of this Act and adjudicated on or after that date—

(1) if a disease is determined to be service-connected on the basis of—

(A) a presumption prescribed in the amendment made by subsection (a), (b), (c), or (d) of section 2; or

(B) the radiation dose considered by the Veterans' Administration after the application of the amendment made by section 3,

the Veterans' Administration shall also determine whether the disease would have been determined to be service-connected without regard to that amendment; and

(2) if the Veterans' Administration determines that the disease would have been determined to be service-connected without regard to that amendment, the benefits under that chapter shall accrue in accordance with the effective date of the award of the benefits as determined under the applicable provision of section 3010 of such title.

Mr. DOMENICI. Mr. President, between 1946 and 1962, the U.S. Government conducted approximately 235 atmospheric tests of nuclear weapons. An estimated 220,000 military personnel participated in these tests and significantly contributed to the safety and security of the Nation. As a result of their participation, however, some of them may have been exposed to low-level ionizing radiation. Additional military personnel may have received low-level ionizing radiation during the occupation of Hiroshima and Nagasaki following the atomic bombings there during World War II.

The individuals, who are collectively known as atomic veterans, have contracted a variety of illnesses, including various types of cancers, which they attribute to radiation exposure. The Federal Government has an obligation to compensate individuals who have suffered injuries as a result of their participation in the nuclear testing program or the occupation of Hiroshima and Nagasaki.

Over the past few years, Congress has passed various bills which attempt to give the atomic veterans the relief that they deserve. Chief among these is the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, which attempted to ensure that veterans who suffer from radiation-related disabilities as a result of their service in the Armed Forces receive the disability compensation to which they are entitled. Unfortunately, it is clear that this legislation has not worked as intended, as atomic veterans are not receiving compensation.

Because of the failure of the Veterans' Administration to provide adequate relief to atomic veterans, a number of proposals have surfaced in Congress in recent years to provide alternative avenues of relief. Some of these approaches, although well-intentioned, are misguided. For instance, last year one of these proposals would have repealed the Warner amendment. The effect of this would have been to allow the atomic veterans to sue the Federal laboratories which assisted the Federal Government in carrying out the Atomic Weapons Testing Program over their participation in the program. I believe that this was a misguided approach for a number of reasons. First, it is the Federal Government, and not the Federal laboratories, which bears responsibility for the Atomic Weapons Testing Program. The Nuclear Weapons Testing Program was developed at the highest levels of the American Government. The national laboratories took no part in the formulation of that policy, and were used solely to implement the policy of the Government in this area of vital national interest. It would be unfair to hold the national laboratories accountable for that policy. The Federal Government must own up to its responsibility. Second, the courts are an unpredictable, costly, time-consuming, and inefficient avenue of relief. The atomic veterans could be embroiled in court battles for years, and they would not even be assured of receiving compensation.

For these reasons, I very strongly opposed legislation in the 99th Congress which would have repealed the Warner amendment. If similar legislation is introduced in the 100th Congress, I will oppose it also.

Let me make clear that, although I oppose the repeal of the Warner amendment, I do not want to prevent debate on this issue. Last year, I was concerned that Congress was rushing to act on this issue without an adequate opportunity to debate the merits of the approach being put forward and I let it be known that such a hasty decision would not be acceptable to me. However, this Congress has an adequate opportunity to hold hearings on this issue and debate the merits of various approaches. Therefore, although I will continue to strenuously oppose any attempt to repeal the Warner amendment, all I want is an adequate opportunity to discuss the matter on the floor.

Mr. President, today I have written to the chairman and the ranking Republican member of the Judiciary Committee to express my desire that the Judiciary Committee examine the plight of the atomic veterans and to inform them that I will not stand in the way of consideration by the Senate of any measure to assist atomic veterans. I ask unanimous consent that a copy of my letter to the chairman be included in the RECORD immediately following my remarks.

Mr. President, I would not want any of my colleagues to misinterpret my opposition to repeal of the Warner amendment as opposition to compensation for the atomic veterans. To the contrary, as I have repeatedly stated, the atomic veterans deserve to be compensated for their injuries by this Nation, which they served so admirably. In order to meet its responsibility to the atomic veterans, Congress must ensure that there exist within the Veterans' Administration a fair, predictable, efficient, and systematic program for compensating veterans with radiation-related claims.

Last year, I introduced the Atomic Veterans Relief Act of 1986, which was known as S. 2898. The bill would have allowed veterans who are entitled to receive medical care under current law for radiation-related diseases also to receive disability compensation for those diseases unless the Veterans' Administration could demonstrate that the disability was not related to the atomic veteran's exposure to radiation. S. 2898 also would have allowed the atomic veterans to sue the Federal Government directly for their radiation-related injuries. Although I personally believe that the courtroom is the improper forum for providing compensation for the atomic veterans, I included that provision because of the very strong desire expressed by a number of atomic veterans that they be able to present their cases to a court of law.

I was joined in this effort by my distinguished colleague from Illinois, Senator SIMON, whose concern and compassion for the atomic veterans is surpassed by no Member of this Congress.

This year, I am pleased to join another of my distinguished colleagues who has worked for years to provide justice for the atomic veterans. I am honored to cosponsor today the Veterans' Ionizing Radiation Compensation Improvement Act of 1987 with the distinguished Senator from Alaska, Senator MURKOWSKI.

The Veterans' Ionizing Radiation Compensation Improvement Act of 1987 is consistent with my belief that Congress must ensure that these exist within the Veterans' Administration a fair, predictable, efficient, and systematic program for compensating veterans with radiation-related claims. It provides a much-needed step toward that goal. It would add three radiation-related diseases to the list of presumptive diseases and allow atomic veterans with those diseases to receive compensation through the existing VA compensation system. It also would adjust the dose estimates which the VA uses in evaluating other radiation-related claims in order to compensate for the uncertainty surrounding the dose estimates.

Mr. President, the atomic veterans of this country served this Nation with honor and distinction. In the course of that service, a number of them suffered grievous injury. It is time that we recognized that fact and set to work righting the wrong that was committed 40 years ago.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON THE BUDGET,
Washington, DC, February 4, 1987.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Last year, I appeared before the Judiciary Committee to oppose two measures, S. 2454 and H.R. 1338, which would have imposed liability upon federal contractors for the atomic weapons testing program of the United States. I opposed these measures because it is the federal government, and not the federal laboratories, which bears the responsibility for the weapons testing program. I also opposed them because they would have provided a legal cause of action as the avenue of relief for atomic veterans, and lawsuits are an unpredictable, costly, time-consuming, and inefficient way to compensate our atomic veterans.

During the course of my testimony I indicated that I would use the full range of procedural safeguards in the Senate to prevent hasty Senate action on those measures in the waning days of the 99th Congress. I was concerned that the limited time available to the Congress at that point would not permit me and other Senators to have an adequate opportunity to discuss the merits of various approaches to compensating atomic veterans. I was determined to prevent the Senate from adopting a misguided approach in its rush to find a solution to this vexing problem.

At this time, since there is ample opportunity for the 100th Congress to examine the question of how best to compensate atomic veterans, I wanted to let you know that I would welcome Senate consideration of any legislation which attempts to provide compensation to atomic veterans. Although I will continue to oppose any effort to impose legal liability upon the federal laboratories, my only request is that I have an adequate opportunity to discuss this issue when and if it comes to the floor of the Senate.

Mr. Chairman, the Congress needs to address the issue of compensation for atomic veterans. I hope that your Committee will examine this issue this year and help fashion a reasonable solution to this problem. I stand ready to assist you in any way that I can.

As always, thank you for your courtesy and consideration.

Sincerely,

PETE V. DOMENICI,
U.S. Senator.

RECOGNITION OF SENATOR ROTH

The **PRESIDING OFFICER.** Under the previous order, the Senator from Delaware [Mr. ROTH], is recognized for not to exceed 5 minutes.

Mr. ROTH. Thank you, Mr. President.

(Mr. SANFORD assumed the Chair.)

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Mr. ROTH. Mr. President, today I introduce a bill designed to empower our immigration authorities to turn away known drug users and sellers. This bill would broaden the discretion of our immigration officers to exclude and deport those persons known to have possessed and used illegal drugs. It would also enlarge the class of drugs to be covered, thereby assuring that immigration officers will no longer be handicapped by antiquated laws and outdated definitions of dangerous drugs.

We all know that one way to keep drugs out of the hands of our young people is to keep the drugs themselves out of this country. And one of the best ways to accomplish this goal is to keep the drug users and drug dealers out of the United States in the first place.

It is not news that certain drugs are on the rise in the United States; this trend has been highlighted recently by a sharp increase in the use of crack cocaine. However, it may be news to some of my colleagues that some foreign nationals in the United States are becoming more and more heavily involved in drug trafficking. A recent spate of arrests of crack cocaine dealers in my home State of Delaware revealed that virtually all of those dealers who were arrested were Haitian nationals residing in this country in parole status. It was also disturbing to me, when, as chairman of the Permanent Subcommittee on Investigations, I held hearings on emerging criminal groups and heard testimony from law enforcement officials that Nigerian nationals had virtually taken over the heroin market in the District of Columbia and that the Chinese nationals were taking hold of the drug market in New York. More recently, the Immigration and Naturalization Service released a report confirming these conclusions and noting that increasing numbers of its officers are working with other Federal law enforcement officers on drug enforcement.

Clearly, current law is lacking. It allows immigration officers to exclude only those who are "traffickers." This is simply too high a standard, too difficult to define and prove. My bill would expand the existing law to keep out those who are known users of illegal drugs as well as those who possess illegal drugs; and, by incorporation, it would permit the deportation of these people.

It is also important to keep the immigration laws in step with our Federal criminal laws. When Congress decides that a drug is dangerous enough to be included in the Controlled Substances Act, shouldn't that decision hold for aliens as well? I think the answer is clearly yes. It makes sense to me that if certain drugs have been proven bad enough to warrant arrest of our own citizens under the Federal Criminal Code, they should also serve as the basis of exclusion or deportation of aliens. Yet, currently only a few drugs may serve as the basis for a decision to exclude or deport an alien. My bill would tie immigration laws automatically into the code so that immigration officials could exclude or deport known users of any drugs listed in section 202 of the Controlled Substances Act.

In recent times, we in the Congress have spoken much about drugs and our interest in diminishing their use. This bill is a concrete proposal to simply and directly diminish the supply of drugs, necessarily cutting down on their use. Accordingly, I hope my colleagues will join me and enthusiastically support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212(a)(23) of the Immigration and Nationality Act is amended—

(1) by inserting after "addiction-sustaining opiate" the following: "or any other controlled substance listed in section 202 of the Controlled Substances Act (21 U.S.C. 812) unless the use of such substance is authorized by such Act; and

(2) by inserting before the semicolon at the end thereof the following: "or any alien who the consular officer or immigration officers know or have reason to believe is or has possessed or used any of the aforementioned drugs".

ROUTINE MORNING BUSINESS

The **PRESIDING OFFICER.** Under the previous order, there will now be a period for the transaction of routine morning business with Senators permitted to speak therein for 2 minutes each.

AMERICA'S CUP IS COMING HOME

Mr. WILSON. Mr. President, last week I urged my colleagues to join with me in signing a placard that we would subsequently send to the crew of *Stars and Stripes* in Fremantle, Australia.

Today is an occasion for a national celebration. America's Cup is coming home to become, even more than ever before, a proud symbol of American competitiveness. That seafaring tradition, which we have celebrated from the earliest days of our infant maritime Republic, has been vindicated in spades by the dashing performance of the crew of *Stars and Stripes* which, in four straight races, has managed to bring home that cup.

Over the last few nights—liberally interpreted as the last few early mornings in the East—millions of landlubbers from Newport, RI, to Newport Beach, CA, have joined in spontaneous flag waving. The pride of a nation has swelled higher than the choppy seas off Fremantle.

This morning it makes no difference whether we know a genoa from a gooseneck. What counts is a character, both personal and national, that finds in adversity the will to survive and prevail. No less important is the ability to recognize genius wherever it lives. On the water as elsewhere, true genius derives as much from perspiration as inspiration.

Dennis Conner and his crew represent both strains of America's heroism. They are pioneers, too busy sweating the details to waste time pondering their own destiny.

The greatest artists encourage audiences to take them for granted. They make perfection look natural. They make the difficult look easy.

On the surface, the last week off Fremantle has been nothing but smooth sailing for *Stars and Stripes.* In fact, today's triumph has been 3½ years in the making. It was not easily won. For without those long years of patient testing and personal struggle against the odds, the nautical dragster from San Diego might never have reached the starting line. The fact that it did and crossed the finish line four times ahead of very fine Australian competition is a marked tribute to the determination, the courage, and the stamina—both physical and moral—of that crew and its distinguished young leader, Dennis Conner.

There is a lesson in this for all of us. By harnessing Yankee ingenuity—you will pardon my pride—California innovation, and by christening *Stars and Stripes* with a burst of patriotic fervor to equal her boat speed, we hastened the day when the Kookaburra's distinctive laugh was drowned out in the swelling chorus of cheers and applause for *Stars and Stripes.*

The cup which 3 years ago left our shores will soon return to take up no doubt permanent residence in San Diego.

But let us be gracious as well as accurate and honest in paying tribute to the splendid hospitality and sportsmanship which this morning entitles all Australians, all citizens of the land down under, to hold their heads very high, knowing that they have been good hosts and fine competitors.

All of us can occasionally benefit from time spent in different surroundings. None of us can doubt that the trophy and the traditions that accompany it have gained new luster from their Australian stay.

And now, it is my singular pleasure to congratulate, on behalf of the Members of this body, that heroic crew of *Stars and Stripes* and to invite all of my colleagues and all Americans all across this broad, proud land to come to visit our cup, the America's Cup, in sailing's newest capital, San Diego, CA.

For years, we Californians have regarded ourselves as the State that the world was coming to, and as of today Dennis Conner and his crew have put wind in our sails and ballast to our claim.

Mr. President, we invite all the world to see the trophy and to share our pride in it at its new home in San Diego, CA.

Mr. President, I will be offering a resolution later in the day that formally memorializes this victory and congratulations to the crew of the *Stars and Stripes* and its skipper, Dennis Conner, and I urge all my colleagues within the sound of my voice to join as cosponsors. I will offer it toward the end of the day.

I thank the Chair and I yield the floor.

THE SOVIETS HAVE VIOLATED THE MAIN SALT II SUBLIMIT

Mr. HELMS. Mr. President, President Reagan notified the Senate last May that the United States intended to exceed the sublimits of SALT II, and on November 28, this important step forward was taken when the United States exceeded a key SALT II sublimit. This action by the President was, in the opinion of many experts, an action that was long overdue. The SALT II Treaty is one that was fatally flawed, and a threat to the national security interest.

Nevertheless, some of our colleagues seem intent upon binding the United States into the dangerous constraints of SALT II. Since the treaty itself is outdated, the most recent move has been to try to enact the SALT II sublimits into law. The significance of this attempt was best summed up by the President in his State of the Union speech when he said: "Enacting the Soviet negotiating position into American law would not be the way to win a good agreement."

The fact is, Mr. President, that enacting the SALT II sublimits into law is not only dangerous, but fruitless. On the basis of unclassified information which has been made available to me from several sources, it is clear that the Soviet Union itself has exceeded and thus violated the main numerical sublimit of the SALT II Treaty. In a moment, I shall explain this violation in detail and lay out the evidence.

In other words, there are those who want to bind us to the SALT II sublimits. But the Soviets have already violated the main sublimit. We would unilaterally constrain ourselves, while the Soviets would forge ahead. How is it thinkable that anyone could propose such a course of action? How can it be proposed that the United States observe limits that the Soviets are already violating? That would be tantamount to unilateral disarmament.

THE SUBLIMIT VIOLATION

What is this new violation? It is a violation of the main SALT II sublimit, the sublimit on 820 MIRV'd ICBM launchers. Until recently, our national technical means of verification could only detect 818 Soviet MIRV'd ICBM launch silos. Indeed, that is all that we can detect at the present time. But recent statements by the Soviet leader Gorbachev, as well as by the Soviet press, make it clear that they have moved beyond 818 MIRV'd ICBM launchers, and even beyond the limit of 820 by deploying camouflaged, difficult to detect, railmobile launchers—the SS-24. This is the weapon formerly known as the SS-X-24, with the X indicating that it was still in the experimental mode. We can count silos, because they are stationary, but it is difficult to count railmobile launchers because they move and are camouflaged and deceptively based. They can literally be moved anywhere on the Soviet rail system. It is very important to realize that rail is the main system of transportation in the Soviet Union, and that all 818 Soviet ICBM silos are supported from the extensive rail net. This makes it easy to support railmobile missiles from the present complexes, or to retrofit the silos for the more powerful MIRV'd, SS-24's. It should also be noted that the Soviet rail system has more than 1,000 tunnels suitable for concealment of railmobile missiles.

How many of these new, railmobile SS-24 launchers have been deployed? They can be deduced easily from nonclassified sources. The answer is at least three, and possibly as many as five. Moreover, indications are that only one of the 818 launchers in silos may have been dismantled. The Soviets therefore have at least 821 deployed MIRV'd ICBM launchers, in violation of the SALT II sublimits, or as many as 823.

It must not be forgotten that MIRV'd ICBM's are the most dangerous weapons in the world, because they can destroy any target in the world in 30 minutes. Thus even one over the limit must be considered a serious violation.

EVIDENCE FOR THE VIOLATION

What is the evidence upon which this analysis is based?

First of all, the Soviets themselves told us that they did not intend to be constrained by the SALT II sublimits. The Soviets informed United States start negotiators in Geneva in late 1983 that they intended to exceed all three of the SALT II sublimits on MIRV'd missiles and bombers equipped with long range ALCM's.

The Soviet intent to exceed the sublimits has been well known. In March 1986, the Defense Department stated:

> The SS-X-24 deployment in a railmobile mode could begin as early as late 1986 * * * early preparations for the deployment of the SS-X-24 are already underway.

Later on, President Reagan privately informed Congress of his concern about the effects of the Soviet camouflage, concealment, and deception program upon United States ability to detect Soviet deployment of the 10 warhead SS-X-24. He said that given the extensive concealment associated with the SS-X-24 program, and the inherent mobility of this ICBM, there was a strong probability that the Soviets would try to deploy additional launchers more covertly. Through such a covert program, the Soviets could thereby avoid compensatory dismantlement of other MIRV'd ICBM's. The President's prediction that there would be more covert deployment of the railmobile MIRV'd SS-X-24 has proved to be correct.

In August 1986, the CIA and the Arms Control and Disarmament Agency stated:

> We cannot exclude the possibility, in the context of the SALT II Treaty, that several launchers for the SS-X-24, a railmobile, MIRV'd ICBM, may have left their place of final assembly and may therefore be accountable under SALT II.

Finally, on October 11, 1986, Soviet leader Gorbachev stated formally to President Reagan at Reykjavik that the U.S.S.R. had deployed 820 MIRV'd ICBM launchers. As I already noted, this is two more than we can detect in silos, and strongly indicates that deployment of the railmobile SS-X-24 had begun. It was time for U.S. analysts to remove the X from the designation SS-X-24.

SS-24 NOW OPERATIONAL

The meaning of the Gorbachev statement was that the railmobile MIRV'd ICBM's were operational. Gorbachev was admitting only to two SS-24's deployed because that was the number he could reveal publicly and give the appearance that he had not exceeded the SALT II limit. But in fact the evidence is that more than the legal number have been deployed.

On January 31, 1987, I was given the following explanation by the administration official who is responsible for verification issues, Dr. Manfred Eimer, Assistant Director of the Arms Control and Disarmament Agency:

> On two occasions, first at Reykjavik on October 11, 1986, and on January 21, 1987, in the Newspaper Moscow News Today, the Soviets provided a listing of their strategic offensive arms as of October 11, 1986. These lists included a count of 820 for the category "Launchers of ICBM's equipped with MIRV's." That count of 820 is greater than the U.S. can confirm, unless several railmobile MIRV'd SS-X-24 ICBM launchers are assumed to have been added to the Soviet inventory.
>
> In a recent TASS article dated January 28, 1987, written in English and therefore intended for a Western audience, a Soviet military commentator in discussing Soviet strategic programs, stated: "In deploying missiles of a single new class (SS-24) which is allowed under the SALT II Treaty, the Soviet Union phased out a corresponding number of old missiles."
>
> That statement also strongly implies that several SS-X-24's have entered the Soviet inventory.

Dr. Eimer's statement is highly significant for two reasons. First is his conclusion that the count of 820 is proof that the camouflaged railmobile launchers have been deployed. Second is his citation of the TASS statement referring to the deployment of the SS-24 by name. Finally, we must also take note of his cautious use of the word "several." Several obviously means more than two. That raises the issue of whether some of the silos have been dismantled, as TASS claims, or whether the Soviets have exceeded the limit of 820.

Mr. President, it cannot be argued that adequate steps for compensatory dismantlement have been accomplished by the Soviets. I have been informed on an unclassified basis that only one Soviet MIRV'd silo has reportedly been dismantled, but this dismantling may not even be related at all to SALT II compliance. Instead, it may be related to planned conversion of this silo—and later many other silos—to a harder configuration for retrofit deployment of the SS-24 into the silos. If this explanation is correct, it would amount to a further violation of the SALT II sublimit of 820 MIRV'd ICBM launchers.

FIVE SS-24'S DETECTED

Moreover, I have seen press reports indicating that at least five SS-24 railmobile MIRV'd launchers have been detected by the U.S. national technical means of verification as having left their place of final assembly, as operational, and therefore as deployed and part of the Soviet ICBM inventory. And given President Reagan's prediction that the Soviets would attempt to deploy these weapons even more covertly, there may actually be far more than the five reported in the press. These may never be detected, due to ever increasing Soviet skill at camouflage, concealment, and deception.

Under these circumstances, Mr. President, I do not understand how some of our colleagues can be considering legislation to bind the United States unilaterally to observe the sublimits in SALT II. How can we accept constraints that are one-sided? How can we tie the hands of the United States while the Soviets have thrown off the constraints? This is not arms control, but policy control. The President's warning that we should not enact the Soviet negotiating position into law is a warning that we ignore at our peril. The President has pledged to veto any attempt to legislate SALT II Treaty compliance, and I will help lead an effort to sustain the President's veto of any such legislation of a treaty bypassing the constitutional treaty-making power of the Senate.

TRIBUTE TO THE LATE MRS. EDITH STOKES TARVER

Mr. THURMOND. Mr. President, I rise today to pay tribute to a distinguished South Carolinian, Mrs. Edith Stokes Tarver, who died on Sunday, January 4, in Augusta, SC.

Mrs. Tarver had a vital interest in the betterment of education in our State. She played an essential part in organizing the parent teacher association program in Augusta area schools, and served as the president of the Monte Sano School PTA. She also aided in establishing the present Monte Sano School building.

Her desire to help the youth of our State extended beyond education to the local Girl Scout program, and she served with distinction on the Girl Scout council of the area. Her other interests included serving as a member of the Board of Directors of the Mary Warren Home in Augusta, and involvement with the Suffragettes Voting Group.

Her neighbors and friends, and indeed the entire North Augusta area, have suffered a loss as a result of her death. However, they will remember her many contributions to her community and her fellow citizens.

I extend my deepest sympathy to her three daughters; Elisabeth T. Thurmond; Edith T. Wallenburg; Grace T. DeBose; and also to the rest of her fine family.

JEFF LEDBETTER

Mr. PRYOR. Mr. President, I rise today to mark the tragic passing of a young man from my State—Jeff Ledbetter of Little Rock. He died suddenly this past Sunday here in Washington.

Jeff was one of those rare people who found pleasure in the routine of daily events. He had a special talent for making the most of any situation, and a finely developed sense of grace and humor. Quite simply, he was fun to be around.

My first reaction on learning of his death was one of shock. I called several people to confirm the story, not wanting to believe it. It seemed so incongruous that someone so full of life, so obviously enchanted with living, was suddenly so awfully and finally gone. I felt helpless and frustrated that this had transpired without being able to do anything to prevent it. I felt deprived of a chance to say goodbye.

I watched Jeff grow up when we were living in Little Rock. It was a great pleasure to see him succeed in his career. Like his mother and father, he was a compassionate person who felt very deeply about what he was doing.

I think Jeff's death strikes me so profoundly not only because of its abruptness but because of the magnitude of our loss. Jeff seemed to have important things awaiting him, and the people who knew him found that prospect reassuring.

I often thought that the world needed a few more Jeff Ledbetters. I am saddened that now we have lost the one we had. Please join with me in expressing my deepest sympathies to Jeff's family.

JEFF LEDBETTER

Mr. BUMPERS. Mr. President, this past Sunday afternoon, America tragically lost one of its most promising future leaders. Jeff Ledbetter, a native Arkansan, in his prime at 28 years of age, collapsed and died. No omens, no warning, no knowledge of a systematic problem. It just happened.

Many in this body knew Jeff as a bright and energetic staffer on the Democratic senatorial campaign staff, and as an ardent activist in the causes of conservation and peace.

Those of us who have known him since childhood knew him as a bright political observer, sensitive to the cause of justice, to those not born to caring parents, to those with different colored skins and those not born to affluence.

Jeff was a graduate of Brown University, following an outstanding academic record at Central High School in Little Rock. He was an Eagle Scout, a Presbyterian, tall of stature and strikingly handsome. Jeff would be embarrassed to hear all the glowing words I would like to use—so to avoid causing him any additional pain, I will quit, and think about all the good he did and the people he influenced for good in such a short period of time.

CALENDAR TAX YEARS

Mr. HEFLIN. Mr. President, I rise today to bring a matter of great importance to the attention of my colleagues. The Tax Reform Act of 1986 requires "S" corporations, personal service corporations, and partnerships to adopt the calendar year of their principal owners. In the overwhelming number of cases this will require these entities to adopt the calendar year as their tax year. Furthermore, all trusts, whether newly created or previously existing, must also adopt the calendar year as their tax year. These changes will have a significant and detrimental impact on tax preparers, taxpayers and the orderly administration of the tax laws in this Nation.

These provisions present significant problems for tax preparers such as CPA's, bank trust departments, attorneys and others. These professionals must compress their tax return preparation, financial reporting and auditing work to the already busy tax season between January 1 and April 15.

One constituent has written that this provision will more than double the amount of work his organization must perform during this period. Another has told me that more than 80 percent of his annual work load will be compressed into this 3½-month period. Yet another writes that this provision will have a devastating effect on his firm's ability to service its clients and will make it virtually impossible for them to meet all filing deadlines and requirements.

Because tax preparation requires a high degree of expertise, it is not possible for these firms to hire temporary help during this period to assist them. The only alternatives for these firms will be either to drop clients or to add permanent employees who will not be needed for the remainder of the year. The former alternative will leave taxpayers without proper tax advice while the latter will cause higher prices for clients. Neither of these alternatives are desirable.

The burden of these changes will also fall on the taxpayers themselves. There are simply not enough days and nights in December for the tax preparers to meet with and advise their clients. Because of this, these taxpayers will not receive the kind of indepth and expert advice they require.

Furthermore, all affected entities will be required to incur the costs of closing their books twice and filing two sets of tax returns—both State and Federal—for each of two periods ending in calendar 1987. This cost and administrative burden is crippling to small- to medium-sized firms and trusts.

The required change will be costly to these entities in other ways. Businesses which have used a fiscal year for many years will now have to amend contracts, compensation arrangements, and retirement and employee plans to conform to the new tax year.

These provisions will also disturb the orderly administration of our tax laws. Tax preparers in the private sector are as responsible for the administration of our tax laws as the Internal Revenue Service. Many, many times more tax returns would contain errors if it were not for private tax preparers. By these provisions, we are seriously handicapping their ability to administer the tax laws.

Mr. President, the shareholders, partners and beneficiaries of these entities must wait until the corporation, partnership or trust has completed its return before they can calculate their individual taxes. Because of these new provisions, it will be nearly impossible for taxpayers and return preparers to complete the required returns for the businesses or trusts in sufficient time to allow the taxpayers to file their individual income tax returns by the original due date. This will necessitate costly and inconvenient extensions of time to file returns. Encouraging the filing of extended tax returns is inconsistent with the best interest of our self-assessment system.

These provisions will impact not only the private sector but the IRS as well. They will increase the processing cost for the IRS by aggravating certain peak points in the filing cycle. This is inconsistent with attempts to stagger return filing to alleviate the heavy workload which has precipitated processing problems in recent years.

Mr. President, each year every Senator receives hundreds of requests to help their constituents obtain their tax refunds. One of the factors contributing to lost refunds is the tremendous number of returns filed between January 1 and April 15. By requiring so many additional returns to be filed during this period we are only compounding the problem.

I have already contacted the Commissioner of Internal Revenue asking him to estimate the number of additional returns which will have to be filed during this period. I have also asked his opinion on whether the IRS will be able to promptly and efficiently handle this increase in the number of returns filed between January 1 and April 15. As soon as I receive his reply, I will enter it into the Record.

Mr. President, I understand that some of my colleagues are considering introducing legislation which would repeal or amend these provisions. I want to assure them that when this legislation is introduced, I will give it my full support. I also want to urge my colleagues who have not considered this problem to give it their full attention.

BUILDING THE SUPERCONDUCTING SUPER COLLIDER

Mr. DIXON. Mr. President, I rise in support of the decision made on Friday by the Secretary of Energy, John Herrington, to pursue the development of the Superconducting Super Collider, better known as the SSC.

The SSC is this country's key to unlocking the mysteries of high-energy physics. The SSC would boost proton beams to energies 20 times higher than ever before, enabling physicists to investigate the particles that make up the most elementary forms of matter.

Last week, the administration took the first step toward building the SSC by agreeing to fund an additional $60 million of DOE money to construct the SSC. I applaud this bold move.

Neither I, nor America's finest scientists, can be sure of exactly what knowledge will be gained from building the world's largest atom smasher. However, the same argument could have been made for our space program.

When the Soviets launched Sputnik into orbit in 1957 and thereby surpassed us in the space race, this Nation responded with a commitment to have the finest space program in the world. The benefits of the space program have been great.

This generation of scientists may find its greatest research tool resting below the Earth's surface, rather than above it. The SSC, which will be at least 200 feet underground, can be that tool.

Today, the Europeans and the Soviets are developing their own high-energy collider which will surpass anything we now have here in America. The United States must not squander its lead in scientific research to foreign competition by failing to construct the SSC.

To better explain the function of the SSC, Mr. President, I ask unanimous consent that two articles that appeared in yesterday's New York Times be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ATOM-SMASHING NOW AND IN THE FUTURE: A NEW ERA BEGINS

(By William J. Broad)

A new era of spending and experimentation in particle physics is on the horizon with the start of beam collisions at Fermilab's four-mile Tevatron accelerator near Chicago and the announcement last week of Presidential approval for a monumental 52-mile atom smasher costing $4 billion to $6 billion.

By hurling subatomic particles to greater energies than ever before and smashing them together, the new machines will address fundamental questions about matter and energy, space and time, the beginning and end of the universe.

For a while it looked as though the Tevatron might come to symbolize the end of the line instead of the beginning of a new era. As the cost and size of atom smashers soared in the 1980's, some experts came to believe that the quest for new particles had grown too expensive to pursue any further.

But gloom has turned to glee for many physicists with the announcement of the Presidential go-ahead for the Superconducting Super Collider, or S.S.C. If Congress goes along, the colossus, planned for the 1990's, is to boost proton beams to energies 20 times higher than ever before achieved on earth, opening an era of discovery that particle physicists hope will stretch well into the next century.

"We're at a critical juncture," Dr. David Schramm, a physicist at the University of Chicago who backs the project, said in an interview. "The Tevatron and the current generation of accelerators can only go so far. We're at a great threshold in physics and need the S.S.C. to cross it."

Physicists say the new frontier may hold answers to some of the deepest questions ever posed by scientists. The finding of elusive particles, for instance, may show whether the four basic forces of nature (strong, weak, electromagnetic and gravitational) can be united in a Grand Unified Theory—a set of equations that, as one physicist put it, fit neatly on a T-shirt. Einstein sought such a theory in his final years, and researchers today say they see hints of one on the horizon.

Indeed, theoretical physicists, drawing on recent findings, have invented dozens of new ways to explain the workings of the cosmos, their theories bearing such odd names as Technicolor, Supersymmetry and Compositeness. There's just one problem. No one knows which is correct—a plight physicists say might be solved by the super collider's discoveries.

"Then again, we may be in for a great surprise," said Dr. Leon M. Lederman, head of the Fermi National Accelerator Laboratory who is a strong advocate of the super collider. "A totally new conception of reality may emerge."

Skeptics say the great surprise may be that the machine finds little, and certainly not enough to warrant its great expense.

Since their invention a half century ago, atom smashers have undergone a revolution in size and power. Today they are usually vast tunnels in which beams of particles are locked in circular paths by powerful magnets, whirled in opposite directions to ever higher energies, and are collided head on in a burst of energy. The S.S.C. is to be the biggest machine of all.

As energies of collision have increased over the years, so have the number of particles discovered amid the debris. To date, physicists have found nearly 100 kinds of subatomic particles. Many of these, especially quarks and leptons, are "building blocks" that combine to make up the larger and more familiar particles such as protons, neutrons and whole atoms. But atom smashers have also revealed a shadowy class of particles that transmit forces at the heart of the atom.

The greatest discovery occurred in the early 1980's at CERN, the European Laboratory for Particle Physics, near Geneva. Theorists had predicted that an extremely high energies, two of the four basic forces in nature, the weak nuclear force and electromagnetism would unite into one entity known as the "electroweak" force, advancing the quest for grand unification.

All forces in nature are believed to be transmitted or "vectored" by particles. The photon, for has been shown to mediate electromagnetism, while the gluon the strong force. So, too, theorists predicted that an electroweak force would be mediated by an electroweak particle. The discovery at CERN, in collisions of a monstrous new atom smasher, confirmed the prediction, with evidence of a particle known as the intermediate vector boson.

Such unifications are today at the cutting edge of particle physics. And the superconducting colossus, like no previous machine, is viewed as the best way to see whether all the forces of nature are payoffs in the same way that the 19th century mathematical unification of electricity and magnetism laid the foundation for today's electronic products, including radio and television.

Dr. Schramm of the University of Chicago said the huge accelerator might find particles to prove the seductive new theory of Supersymmetry. In one deft stroke, this theory would unite those twin pillars of modern science, quantum physics, which describes the workings of the atom, and relatively theory, which describes gravity and the workings of the cosmos.

Further, the massive particles predicted by Supersymmetry, with such bizarre names as photinos, squarks, gluinos, zinos, and winos, might explain one of the great riddles of astrophysics: missing mass. As astronomers have charted the powerful gravitational pulls evident in galaxies, they have discovered that more than 90 percent of the mass needed to explain such movements is missing. No one currently knows the nature of such "dark" matter. Moreover, its discovery would help scientists calculate whether the universe is to expand forever, or have enough mass to start to contract.

So, too, the super collider would help solve some of the riddles surrounding the birth of the universe because the enormous energies of particle collision would resemble those of the primordial "Big Bang" 10 billion to 20 billion years ago.

Dr. George F. Chapline Jr., a physicist at the Lawrence Livermore National Laboratory in California said, borrowing from space launching terminology, "You could explore the physics back much closer to T equals zero." One finding he and other physicists anticipate from the super collider is that the known universe of four dimensions (three spacial and one temporal) might have an additional six or seven hidden dimensions.

Finally, the super collider, if the Tevatron accelerator fails to do so first, may also find evidence for a massive particle known as the Higgs Boson. This particle would help explain one of the most fundamental mysteries of physics—how particles get their masses and why the photon has no mass at all.

In general, physicists hope the super collider will simplify the baffling complexity that has been found in the subatomic world. Dr. Lederman said the growing particle "zoo" is evidence of a failure of the simplicity that has proved to be so powerful a guide in the history of high-energy physics." A deeper exploration of matter, he said, may simplify things again, by revealing a relative few primordial objects behind the apparent complexity.

Critics of the super collider, while acknowledging its potential for discovery, say the price tag is so high that it will sap the Federal budget of other fields of science. Dr. Arno Penzias, a Nobel laureate at AT&T Bell Laboratories, has written, "The super collider's capital cost will clearly squeeze capital expenditures for other sciences." The impact may be especially strong, he said, on small but important physics teams at universities around the nation.

Other critics say the super collider's potential for discovery does not warrant the huge cost. "These devices are becoming so expensive, and what they're trying to find is so obscure, that we may be at the point where scientists can no longer justify the cost," said John E. Pike, associate director of the Federation of American Scientists, a private policy evaluation group in Washington.

The price tag of $4 billion to $6 billion rivals the $5 billion spent so far on President Reagan's hotly debated antimissile research program. For next year, in the biggest expansion yet of the "Star Wars" program, the Administration is asking Congress for an additional $5.9 billion.

Dr. Henry W. Kendall, a physicist at the Massachusetts Institute of Technology and chairman of the Union of Concerned Scientists, which opposes Star Wars, criticized the antimissile effort as threatening the super collider. "Huge overblown projects like Star Wars have a deleterious effect on the remainder of the budget structure," he said.

The S.S.C., he added, was a good thing to pursue. "American science and education have been suffering really badly over a long time and many people in the academic community sense this as a bellwether of revitalization," he said.

Advocates of the super collider warn that its rejection could forfeit the international race in particle physics to European or Russian rivals who could then win an anticipated treasure of scientific discoveries, industrial spinoffs and Nobel prizes.

Physicists also say the vast machine will have educational spinoffs as it becomes a lure for the best scientific brains in the world. "Our young folks will be able to mingle with these people," said Dr. Maury Tigner, director of the Super Collider design group, which is situated at the Lawrence Berkeley Laboratory of the University of California.

For the discipline of physics as a whole, Dr. Lederman of Fermilab warned that rejection of the super collider would mean scientists would "drown in speculative literature with only distant vistas of confronting speculation with fact."

EXPERIMENTS AT FERMILAB MARK ADVANCE IN DETECTION

(By Malcolm W. Browne)

BATAVIA, ILL—Sealed by a 10-foot thickness of steel inside a bunker under a snowswept Illinois prairie, a powerful new machine is giving scientists their first glimpses of microscopic, man-made explosions so violent that they mimic the state of the universe when it was only a fraction of a second old.

The 4,500-ton device, which began operating three weeks ago, is a detector that captures and catalogues the debris flying away from minuscule subnuclear explosions. It took six years of work by 240 physicists from three countries, ten universities and three national laboratories to complete. The cost of more than $65 million was born partly by taxpayers, through the Department of Energy, and partly by private research institutions.

The barn-size machine, called the C.D.F. (for Collider Detector Fermilab), is part of a gargantuan complex of atom-smashing equipment that scientists at Fermi National Accelerator Laboratory have been building for the last decade. In 1983 Fermilab inaugurated the main element of this complex—the Tevatron—which has become the world's most powerful acelerator of nuclear particles, and will remain so until the mid-1990's when more powerful machines in the Soviet Union and Switzerland are completed.

The new C.D.F. is a companion machine designed to study the violent particle collisions made possible by the new accelerator. Builders of the detector believe it will profoundly improve scientific understanding of the makeup of the universe.

Dr. Leon M. Lederman, director of Fermilab, summarizes his institution's research as a quest for the hidden unity believed to underlie the apparent complexity of the universe. In a sense, Dr. Lederman said, accelerators like those at Fermilab are telescopes that allow physicists to look backward in time very nearly to the beginning of the universe. Fermilab's Tevatron accelerator can now collide subnuclear particles with enough energy to reproduce conditions as they were during the first quadrillionth of a second after the Big Bang, when the entire universe may have occupied a space smaller than the solar system.

"Particle physics and astrophysics—the sciences of the utrasmall and the ultralarge—are closely related," he said. "It shouldn't surprise anyone that our Fermilab staff of 2,000 people includes a team of astrophysicists, whose study of the universe enriches our work on fundamental particles."

Since the Tevatron accelerator reached full power in October 1985, it has been used, pending completion of the C.D.F. detector, for experiments in which stationary targets are bombarded with beams of high-energy protons.

Now that the C.D.F. is operating, the Tevatron is being used for its most advanced application: as a colliding-beam accelerator to hurl Beams of matter and antimatter (protons and antiprotons) in opposite directions around a four-mile circular tunnel at nearly the speed of light. It guides the beams to collide head on with a combined energy of nearly two trillion electron-volts (2 TeV).

Besides opening new vistas of research, the Tevatron and the C.D.F. detector are prototypes for the proposed Superconducting Super Collider, a monster accelerator some 52 miles in circumference. The White House authorized the project last week, and physicists hope Congress will finance the project. The Superconducting Super Collider, which many physicists believe would be the largest accelerator any nation could afford to build on its own, would begin operation before the end of the century.

Whatever the fate of that proposal, the new C.D.F. detector installed in the Tevatron is blazing new trails. Unlike previous detectors, it is designed to capture or otherwise account for nearly every one of the hundreds of subnuclear fragments that scatter like shrapnel from the headon collisions of protons and antiprotons.

The detector and the array of computers it is linked to use 100,000 electronic channels to gather and record data from each collision, and when the machinery reaches its peak efficiency, some 50,000 collisions are expected to occur every second. The direction of movement, the momentum and the charge of each fragment emerging from a collision is measured, and a computer program decides almost instantly whether the data from the collision or "event," as physicists call it, is interesting enough to save for analysis.

Scientists are already studying the first batches of Tevatron collisions recorded by the C.D.F., but they expect months to pass before the most interesting and rarest events are detected.

Dr. John Peoples, the Fermilab scientist in charge of making antiprotons, described the Tevatron accelerating system that feeds the detector with collisions as a complex of five accelerators through which a particle passes to reach maximum energy. The particles, he said, are made from ordinary hydrogen, whose atoms are the simplest in nature. Stripped of its orbiting electron, a hydrogen nucleus is a positively charged proton that can be accelerated and guided by magnets and radio waves.

A proton destined for collision in the Tevatron receives its first energy boost in a relatively primitive electrostatic device, a Cockcroft-Walton accelerator, and is then ducted into a linear accelerator, a tunnel containing acceleration elements arrayed in a straight line. From the linear accelerator the proton emerges into a circular tunnel, a "booster," for further acceleration, and then into the "main ring," a string of magnets that guides the beam around a tunnel four miles in circumference. The main ring was the most powerful accelerator in the world when it was completed in 1976.

After acceleration in the main ring, the proton is passed to a second ring of magnets that share the same tunnel and that is mounted a few inches below the main ring. This ring, unlike the main ring, is continuously chilled by a bath of liquid helium to a temperature lower than minus 452 degrees Fahrenheit, only a few degrees above absolute zero. (The helium refrigeration plant at Fermilab is the largest in the world.)

Thus chilled, the magnets are superconductive; they conduct elecrical current without any resistance whatever. They can create much more powerful magnetic fields than can be handled by conventional magnets, thus permitting much greater acceleration of particles.

Once injected into the superconducting Tevatron ring, the protons receive their final acceleration to nearly one trillion electron volts. Meanwhile, some protons from the main ring have been ducted away to a facility outside the ring, where they smash into a copper target. The protons' collisions with the nuclei of copper atoms produce huge sprays of particles, some of which are the antimatter equivalent of protons—antiprotons.

The antiprotons are then magnetically ducted into a series of machines that bunch them together, equalize their energies and squeeze them into a sausage-shaped flock about three feet long.

The antiprotons are injected into the superconducting Tevatron ring together with the protons that have been accelerated in the main ring. The supercolliding ring whips them around in opposite directions until they reach peak energy. During this process, the beams pass through each other but relatively few protons and antiprotons collide. The reason, Dr. Peoples explained, is that the combined beams are relatively thick, about the thickness of a drinking straw. The concentration of particles is so small in a beam of this thickness that the chance of a collision is small.

But an avalance of collisions begins when operators in the central control room activate special magnets that pinch the opposing proton and antiproton beams to about half the thickness of a human hair. Suddenly confined to this thin corridor, the onrushing protons and antiprotons are much more likely to collide. The C.D.F. detector virtually surrounds the collision zone and records almost everything that flies away from the collisions.

The detector is stratified to catch and record different kinds of particles in successive layers. A powerful magnetic field at the core of the detector is brought to bear on the fragments, and depending on their charges and momentums, the fragments are forced into various curving or straight trajectories. They first encounter a gas-filled chamber where their tracks leave electronic trails that can be measured and recorded by a thicket of finely tuned wires.

Beyond the gas chamber lies a thick sandwich of lead plates separated by ultrasensitive detectors that can register a single photon of light. This sandwich absorbs all the electrons and photons flying away from a collision, and reports their numbers and characteristics to the computer network. (When an electron is absorbed by lead, its energy is partly converted into a photon of light that can be detected.)

The next layer in the detector is a sandwich of steel plates interspersed with detectors, and this layer captures and records the non-electrons that got through the lead. This includes virtually all particles emerging from the explosions of collisions, except for neutrons (which easily pass unscathed through the entire earth) and muons, highly penetrating cousins of electrons that are detected and measured by other elements of the system.

Orchestrating this complex system of systems has proved difficult, and mistakes have marred some of the initial colliding runs. "We're getting better as we go along, but the learning process is expensive," one scientist said. "We've calculated that each antiproton we make for use as a projectile in the collider costs about one ten-thousandth of a cent. That may not sound like much, but when we accidentally lose a stack of 63 billion of them—a stack that took five or six hours to accumulate—$63,000 goes down the drain."

The accelerator's central control room requires no fewer than seven operators at a time, working in round-the-clock shifts. The C.D.F. detector, a half mile away, has its own control room, where a large staff of senior scientists manipulates the computer consoles that control operations.

The formidable difficulty of keeping track of collision events prompted the creation of a special computer team at Fermilab. The group is developing a "pipeline" system for speeding data processing, and Fermilab leaders expect that as this Advanced Computer Project progresses it will have far-reaching consequences for many fields besides particle physics.

Dr. Chris Quigg, head of Fermilab's theoretical physics department, said no one could predict what the detector would disclose. But in the immediate future, he believes, high-energy physics is likely to become more complicated rather than simpler. For example, he said, a search for an elusive hypothetical particle known as the Higgs Boson is likely to draw physicists ever deeper into a maze of initially confusing discoveries.

According to the most plausible and well-supported theory about the nature of matter, the "standard model," some particle or particles corresponding to the Higgs Boson must exist to account for the specific masses with which nature endowed the vast family of particles that make up all matter. Most physicists believe that the energy of the new Tevatron collider is probably insufficient to create a Higgs Boson or its equivalent. A much sharper search for the particle would be possible with the Superconducting Super Collider.

Meanwhile, a wealth of physics within reach of the Tevatron is expected to illuminate the entire "standard model," which is a kind of theoretical building kit for making everything there is. According to present scientific thinking, this kit must contain six quarks (the particles that make up such larger nuclear particles as protons and neutrons), six leptons (point-like particles that include electrons) and the electro-magnetic, strong and weak forces. (The "standard model" theory cannot yet accommodate the fourth force: gravity.)

Dr. Roy F. Schwitters of Harvard University, a co-leader of the C.D.F. detector project, hopes that high energy collisions may reveal clues as to whether or not quarks themselves contain internal structure. In the two decades since quarks were discovered, these particles have usually been regarded as fundamental, indivisible and without structure, but there are growing doubts about this.

"Some of us suspect," Dr. Lederman said, "that the investigation of matter is like peeling an onion—no matter how many layers you strip away, there are always more underneath."

The costs of all this are high. The Tevatron, which was built to upgrade the existing Fermilab proton accelerator, cost $110 million alone. The current operating budget of Fermilab (paid by the Department of Energy) is about $170 million a year, of which electricity bills soak up some $20 million. Scientists at Fermilab and other laboratories are under mounting pressure to scale back expenditures.

To this, Dr. Lederman replies: "We must remind the government of the people that there is a human destiny, a golden age out there, and that only science, broadly interpreted, can lead us to it."

Mr. DIXON. As the article written by Malcom W. Browne points out, the largest accelerator in operation today is at the Fermi National Laboratory in Batavia, IL. The accelerator, better known in the science community as the Tevatron, is a 2-trillion electron-volt collider that will remain at the forefront of scientific research until the SSC comes on line in 1996.

It is estimated that more than 40 States will bid for the SSC. On February 10, the Energy Secretary will announce the site selection procedure.

In an era of fiscal conservatism, we, as legislators, should be looking to keep the cost of this enormous project as lean as possible. Certain costs are fixed. The superconducting magnets are estimated to cost $1 billion, in fiscal year 1988 dollars, or approximately one quarter of the total construction budget. After the superconducting magnets, the tunnel that houses the SSC main ring is the most costly component of the facility.

Illinois is one of the leading contenders for the site of the SSC because it is conservatively estimated that a cost savings of at least $350 million could be realized if the Fermilab accelerator is used to inject protons into it. Further, the State energy and Natural Resources Department has performed an extensive study of the geology and the environment around Fermilab and found that it meets the preliminary guidelines.

Fermilab is located just 30 miles from the world's largest airport, O'Hare. The city of Chicago and surrounding area provide excellent cultural activities and educational institutions. Illinois also meets the preliminary test for resources: it has both abundant water and power supplies.

The decision on siting the SSC is still a long way off but I want to point out to my colleagues the natural benefits of my States effort to keep America at the forefront of scientific research.

The SSC is a necessary research tool to ensure America's scientific future. Congress and the President must now find the necessary funds, while meeting the guidelines of Gramm-Rudman-Hollings, to build the SSC. America cannot afford not to build it.

SUPPORT OF VOCATIONAL EDUCATION

Mr. HEFLIN. Mr. President, I rise in opposition to the administration's proposal to eliminate Federal funding for vocational education.

As Members of this body are aware, the administration's budget for fiscal year 1988 does not include funding for vocational education. This is a tragic mistake and I, for one, do not intend to stand by and watch Congress rubberstamp these continued fiscal tragedies with respect to education funding. Vocational education offers those students who do not choose to pursue a bachelors degree, an alternative educational route. Vocational education promotes training in areas such as agriculture, construction, electronics, health services, and home economics. In essence, vocational education might be phrased—career education. This terminology is appropriately applied because vocational education provides specialized training in a specific area of career interest.

In fiscal year 1986, the Federal Government allocated $748 million for vocational education, and in fiscal year 1987, over $800 million was enacted for this important program. However, the fiscal year 1988 budget proposes to phase out Federal support for vocational education with a recission of the fiscal year 1987 funding.

The elimination of this program would be most detrimental to the educational systems of our States, counties, and cities. In 1985, the National Commission on Vocational Education reported that, "Leadership in vocational education exist at the national, State and local levels." The State governments are meeting their responsibility at a ratio of 10 to 1, to Federal contributions. In the past, an important role played by the Federal Government in vocational education has been in areas such as research and development. If the administration's proposals are adopted, mandating Federal abandonment of vocational education, the individual States will have to assume complete responsibility for these programs.

Vocational education is not only an alternative approach to learning, it is also a very unique educational experience. In vocational education, learning is enhanced by hands on experience and knowledge is relevant to a competitive environment. Many students choose vocational education because of the "style of learning" the program offers. The vocational approach to education allows for a catalyst in learning and understanding that is closely associated with, technique rather than the traditional academic approach.

If Congress eliminates vocational education it would strike a death blow right at the very heart of the technical training programs in our high schools as well as those offered by technical institutions. Federal vocational education money is the only direct source of national assistance to many of our 2 year technical schools. Federal aid for vocational education will ensure the continuation of a very specialized program that over the years has been beneficial to students who elect to attend technical schools as well as those who choose to go directly into the world of work after high school.

With our economic placing more and more emphasis on computer literacy and other technology, the importance of a strong vocational education program is more crucial today than ever before. Vocational educational training provides the means for millions of our young people across the Nation to achieve their educational goals. We are in the midst of a very revolutionary period in American history. Our economy has shifted from a goods-producing one to a service-producing and technological one.

Over the years, vocational education has evolved as a coequal as well as a complement to academic education within our schools. This is as it should be. A balanced high school curriculum is one which includes academic and vocational preparation for every high school student. I wholeheartedly support the efforts of our local educators to expand and strengthen the role of vocational education in high school and beyond. The potential for vocational education is crystal clear. It can play a crucial and essential role in both general and specialized education. Its particular charge is to train students for the workplace. Vocational education has carved its niche in every level of education. It has been particularly vital to adult education programs.

Since my election to the U.S. Senate, I have been an ardent supporter of vocational education. To my way of thinking, our system of education is the promise we ensure future generations. Our educational system enhances comprehensive routes and pathways for learning. The various aspects of this system allows the individual several alternatives. One such alternative offered by our educational system is vocational education. We have the opportunity now to save this program.

I urge the Congress to join me in my fight to restore adequate Federal funding for vocational education. We must ensure the students of our Nation that the option of vocational education will continue to be available. The success of vocational education programs must not be jeopardized by the potential loss of Federal assistance.

Mr. President, I ask unanimous consent that two items be printed in the RECORD. First, a letter I received from Mr. Robert T. Carter, director, Division of Vocational Education Services, State of Alabama Department of Education, and second, an open letter to the Secretary of Education by Mr. Daniel B. Dunham, which was published in the April 1986 edition of Vocational Education Journal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF ALABAMA,
DEPARTMENT OF EDUCATION
Montgomery, AL, January 13, 1987.

Hon. HOWELL HEFLIN,
U.S. Senate, Dirksen Office Building, Washington, DC.

DEAR SENATOR HEFLIN: I am writing to you as a Director of Vocational Education Services to express my concern regarding a portion of the proposed fiscal year 1988 budget for the U.S. Department of Education. Specifically my concern relates to the planned use of funds allocated under title IV-part B of Public Law 98-524. Under the revised fiscal year 1987 continuing resolution, funds for the operation of the National Network for Curriculum Coordination in Vocational and Technical Education have been eliminated. I urge you to oppose the elimination of this valuable program.

The National Network is composed of six regional curriculum coordination centers [CCC's] and of State liaison representatives in all 50 States and the seven territories of the United States. The purpose of the Network is to enhance communication and cooperation in the development and sharing of curriculum materials related to vocational and technical education among the States and territories. For the current fiscal year, $850,000 is allocated for the operation of the Network. Past performance records of the organization have documented a return to the Nation of $12 in services to the States for every $1 of Federal investment. As a result of the Network's activities over the past 14 years, States are cooperating in the development and sharing of material, resulting in savings to both the State and Federal governments and more importantly the improvement of instruction in vocational and technical programs. Please review the attached fact sheet for Curriculum Coordination Centers.

A supplemental Appropriation will be submitted in the very near future to provide continued funding for the Network and the CCC's. I ask you to work in support of this bill and assist in providing the funds to continue this valuable service.

Thank you very much for your assistance and service to vocational and technical education.

Sincerely yours,
ROBERT T. CARTER,
Director, Division of Vocational Education Services.

AN OPEN LETTER TO THE SECRETARY OF EDUCATION

(By Daniel B. Dunham)

DEAR MR. SECRETARY: Your first major statement on vocational education last December before the American Vocational Association provides insight to your basic philosophy and your hopes for the excellence in education movement. Your expectation that vocational education be an integral part of the excellence movement is encouraging.

If we are to "engage the American people in a conversation about education in all respects," as you suggest, then let me begin with this initial response to your remarks about vocational education. It encompasses four points.

Vocational education provides every learner with an opportunity to experience success.

Vocational education has an essential role in both general and specialized education, especially in the high school, and each vocational subject area has both general and more specialized aspects.

Vocational education has a historic and current role in training and retraining the nation's work force.

Vocational education has a place in every level of education, elementary through adult programs, and in every setting, public or private, where learning and training occur.

The most important role of vocational education is to provide pathways to success for every student enrolled in a program. Vocational education is well equipped to promote success in learning because it not only embodies practical knowledge useful in daily life, but also exemplifies the practice of immediate application of knowledge to real problems. This experiential aspect of vocational education is not unique, but is, we believe, most effectively practiced in the setting of vocational classrooms, laboratories, and out-of-school learning sites.

The flexibility of vocational education as a learning method enables both the gifted and the less able to progress at a pace suited to their individuality as learners and as persons. Each can experience success, limited only by their individual capabilities.

No less in vocational education than in any other school program are we able to promote, through learning and practice, the citizenship, social and personal attributes a young person should possess. For many students of vocational education, these learnings are enhanced through participation in vocational student organizations, which are integral aspects of each vocational education program area. Here the students' skills of reasoning, problems-solving, self-expression, and scholarship are developed and sharpened, and they learn the value of civic responsibility, cooperation with others, self-motivation, and proper personal behavior.

As a part of both general and more specialized curricula, vocational education provides fundamental knowledge in each of its subject areas, as well as more specialized knowledge and skills as learning progresses. The parallels with the general and academic domains are important and significant. Each major vocational subject field—agriculture, business, health, home economics, industrial arts, marketing, trade and industrial, and technical—has its general and specialized knowledge dimensions. It is in this commonality with the remainder of the curriculum—general studies and college preparatory—that the opportunities for more interdependent relationships exist.

We embrace wholeheartedly the notion of a closer and more satisfying relationship between the general and vocational areas of education. We endorse a good general education for everyone, and expect it to lay a solid foundation of skills, knowledge, and character. At the same time, we in vocational education expect our colleagues in general education to willingly embrace the precepts of the vocational method.

Learning through practice is a proven, tested concept that can be applied to the learning of virtually any subject. We believe strongly that the vocational method—learning through practical application of knowledge in real or carefully simulated situations—is a means to the end of providing the learner with the capacity for economic self-sufficiency, either as employee or employer.

The importance of vocational education's crucial role in strengthening the national economy by helping to provide a trained work force should not be diminished by discussion of its role within public education. The two issues are inextricably linked. Progression from in-school learning and training experience to first, second, and subsequent jobs should be a natural process. Artificial barriers at one level—the high school, for example—can, and will, diminish the impact of the program and access to it at the next level—on the job, for example.

The availability of vocational education at all levels in the educational system is critical because vocational education can provide opportunities for lifelong learning. We believe it is important that every elementary student learn early the meaning of vocation. Throughout their progression in our schooling system, learners must increasingly become aware of and explore the world beyond the classroom. High school students should be able to meet graduation requirements through either vocational or academic programs, or a combination of both.

Byond high school, training in a variety of program areas must be available to those seeking further skill development in junior or community colleges or private training schools. To meet the needs of adults who require upgrading or retraining, vocational offerings must be easily accessible either in educational institutions or at the work site. Access to vocational education must be open, unrestricted by age, extent of previous education, ability to learn, handicap, gender, race, national origin, or any other shibboleth in order that no one can be denied the opportunity to learn.

Mr. Secretary, with the kind of budget cuts you are proposing, it is obvious that such a program cannot possibly be achieved. Yet we face a future in which vocational education will play an increasingly important role.

We expect life expectancy to increase significantly in the next 50 years, resulting in people working considerably longer than they do today. Today's young learners will change jobs as many as 15 to 20 times in a working lifetime—twice as often as their parents. Awareness of the requirements of that changing working world is essential, and is a task for all branches of education—general, vocational, and academic. In order to meet the education and training needs of a changing society, those three branches must be more interdependent. Historical objectives for education will continue to have value, but the nature of the curriculum, and the relationships between the several curriculum areas, must and will change.

Secondary vocational education curricula in particular will require more thorough integration of the basic skills; greater emphasis on employability skills; more time to explore vocational options; and better use of available time for training in the more specialized, occupation-specific skills in certain vocational areas. The experiential method practiced most effectively in vocational education classes will be enhanced by new information and by more efficient learning systems which integrate instructional technology. Students, parents, and counselors will have better information for decision-making.

Programs at all levels will be designed for maximum flexibility regarding time, place, content, and method of teaching. Better follow-through with former students will also become part of the school-based program. We foresee a service aspect comparable to that found in the private sector in providing after-the-sale support to their customers.

The issues—what the educational program should be and offer, and how to best meet future needs—call for continued discussion and debate. We in vocational education accept that opportunity.

We invite you, Mr. Secretary, to visit several vocational education programs in the coming months. Talk to students and teachers in some of our regional skill centers, area vocational schools, comprehensive high schools, and community colleges. Visit a private trade or technical school. Observe vocational training at a military base. Look into a training program in a private company. Take the time to enlarge your perspective and enlighten your vision for all of education.

Then, we ask to meet with you again to outline an agenda for answering some of the questions raised by this first exchange.

We look forward to continuing this dialog with you. It will enable us to explore new opportunities for excellence in all areas of American education.

THE NEW W-4 FORM

Mr. HEFLIN. Mr. President, I, like millions of other Americans, have recently received the new W-4 form. I was disgusted by the complexity of this form. The prior W-4 form was one page long. The new, simplified version is four pages long and requires taxpayers to jump from one page to another to determine their correct withholdings. This is inexcusable.

In the budget statement, the administration states:

> As a result of the Tax Reform Act of 1986, the tax system is simpler and fairer, making it easier for taxpayers to pay the correct amount of taxes and for (the) IRS to determine how much each taxpayer owes.

I doubt many taxpayers would agree with this statement as they confront the new W-4. I certainly do not.

The mechanical complexity of this form is reason enough to require the Treasury Department to revise this form, but there are sections of the form which even a fortune teller would shudder to answer. Taxpayers are asked numerous times to guess about their expenses for the upcoming year. Taxpayer may be able to make reasonable estimates about some of these things, such as how much investment interest they will pay or how much money they will give to charities, but it will be impossible for anyone without a crystal ball to know how much their medical expenses or their casualty losses will be for the upcoming year.

Looking through this form, I notice that the IRS suggests that the taxpayer cousult four different publications to make sure it is properly completed. But what if one would like to speak to a real, live, human being to obtain assistance? Well, Mr. President, my staff has made many attempts to get through on the IRS's taxpayer assistance line, only to get a busy signal or no answer at all.

Mr. President, I am pleased to learn the Senate Finance Committee will soon hold hearings on this form. I hate to think that time and effort has to be spent to address such a needless problem, but something must be done to remedy this situation. I congratulate my colleagues on acting so quickly to help the taxpayer on this problem.

THE NASA MANAGEMENT STUDY GROUP

Mr. HEFLIN. Mr. President, on January 9, NASA Administrator, Dr. James C. Fletcher held a news conference to report on NASA's recovery activities and the agency's progress toward implementing the recommendations of the NASA Management Study Group, a major study group headed by retired Air Force Gen. Samuel C. Phillips.

The purpose of the NASA Management Study Group was to study the organization and management of the Space Station Program, then the restructuring of the Space Shuttle Program, and, finally, NASA's overall organization and management. Mr. President, I wholeheartedly endorse the recommendations of the study group and urge my colleagues to give NASA the support it will need in order to implement these changes.

It has been nearly 1 year since the numbing tragedy which befell the space shuttle *Challenger*. Yet, the incident is still fresh in our minds and weighs heavily on our hearts. After the *Challenger* disaster, NASA was determined to pick itself up, find the cause of the accident, make the necessary corrections, and return to flight; thus continue its long and impressive string of spectacular and important scientific and technological feats which have captured the curiosity and awe of the entire world. With the aid and support of Congress and the American public, along with the Rogers Commission and the NASA Management Study Group, NASA is stronger now than before the accident and according to Dr. Fletcher, "growing stronger every day."

Mr. President, the Rogers Commission pointed out a wide array of management problems in the space agency as being fundamentally responsible for bringing about failures which led to the *Challenger* disaster. The NASA Management Study Group, headed by General Phillips, addressed this very problem. The study group pointed out that management excellence is as essential as technical excellence.

The study group recommended that NASA establish a strong headquarter's program direction for each major program and strengthen agencywide leadership in developing and managing people, facilities, equipment, and other institutional resources. The study group also recommended that NASA place special management emphasis on establishing NASA world-class leadership in advanced technology and selected areas of both space and aeronautical technology.

Many of these recommendations have already been implemented and others are ongoing. I am confident that these changes will lead to a stronger and more efficient space agency.

As I have said, I wholeheartedly endorse these and the study group's other recommendations and urge my colleagues to give the support NASA will need in order to implement these changes.

NASA has made our country the world leader in space and has helped increase the quality of life of all Americans. We had all come to expect near perfection as a result of the agency's past success. With the *Challenger* disaster, we were hit with the cruel reality that, like all human beings, NASA is far from being infallible. While we must go forward with changes necessary to insure that we will never have a repeat of the shuttle disaster, I also hope that Congress will offer NASA its full support and cooperation.

LETELIER-MOFFIT AND RODRIGO ROJAS MURDERS

Mr. KENNEDY. Mr. Speaker, I would like to call to the attention of my colleagues recent developments in two tragic incidents in which individuals were murdered by the Chilean Government—the Letelier-Moffit and Rodrigo Rojas cases.

I am sure Members of this body are familiar with both cases. On September 21, 1976, the former Chilean Ambassador to the United States, Orlando Letelier and an American friend, Ronni Moffit, were killed by a bomb planted in Letelier's car as it passed through Sheridan Circle—in the heart of the District of Columbia. In 1978, after being implicated by an American—employed by the Chilean secret police—who had planted the bomb, three Chileans were indicted by the United States for the Letelier-Moffit murder. But shortly afterward, General Pinochet refused extradition of the three indicted Chileans.

Just yesterday, one of these three Chileans, Armando Fernandez, tired of running from justice and turned himself over to U.S. authorities. He has agreed to cooperate in the investigation of the 1976 murders and U.S. officials are hopeful they can build a stronger case against the other two Chileans and possibly even one additional individual.

I am encouraged by this latest development and hope that at long last the Chilean Government will cooperate in bringing to justice those responsible for this outrageous murder in our Nation's Capital. Relations between our two countries have been severely damaged by this brutal killing—it is high time the others indicted were extradited and tried for their crimes.

Congress has already expressed its outrage over the murder and the subsequent harboring of these terrorists. **In 1981, Congress cut off all economic** and military assistance to Chile until, et alia, Chile "has taken appropriate steps to cooperate to bring to justice by all legal means available in the United States or Chile those indicted by a U.S. grand jury in connection with the murders of Orlando Letelier and Ronni Moffit."

But the prospects for justice are not bright when the government of General Pinochet is involved. Another case involving civilians murdered by Pinochet's hit men appears to be a complete whitewash—that of the barbaric burning of Rodrigo Rojas and Carmen Quintana last July by Chilean security forces. I am sure my colleagues will remember that Rodrigo Rojas, a Washington, DC, resident who had returned to Chile for the summer, and his friend Carmen Quintana were beaten, doused with gasoline, and set on fire during a demonstration against the government in a shantytown outside Santiago. Rodrigo died shortly thereafter and Carmen will be scarred for life.

Last Thursday, the Government of Chile freed the last of those detained in connection with the Rojas incident. The charges against the only remaining individual held in the case, Lt. Pedro Fernandez Dittus were reduced from "unnecessary violence" to negligence and he was therefore released on the equivalent of $25 bail. Seventeen others who had originally been held in the case had already been freed last August.

The United States cannot stand idly by while Pinochet's terrorists and murderers kill Chilean and American citizens in the streets of Washington and kill United States residents on the outskirts of Santiago. Yet, the Reagan administration persists in its look-the-other way policy on human rights in Chile. Its failure to vote no on the November loan in the World Bank to Chile only reinforced that impression of tolerance in Chile. I find it hard to believe that it is simply a coincidence that the Rojas whitewash came after that vote.

Our support of international loans to Chile—over $2 billion since President Reagan came to office—is critically important to Chile. We must begin to use them to support justice and human rights. We in Congress will be closely monitoring the recent new development in the Letelier-Moffit case.

Early last month I called for economic sanctions against Chile. I expect to introduce legislation in the near future mandating certain sanctions against Chile. The developments in these two cases will no doubt affect directly that legislation.

Mr. President, I ask unanimous consent that two recent articles regarding these two cases be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 4, 1987]

CHILEAN TO AID PROBE OF LETELIER'S MURDER

[Los Angeles Times]

A former Chilean secret police captain has turned himself over to U.S. authorities and agreed to cooperate in the investigation of the 1976 Embassy Row murder of exiled Chilean diplomat Orlando Letelier, the Los Angeles Times learned yesterday.

Armando Fernandez, one of three intelligence officials indicted in the slaying whom Chile refused to extradite, is to plead guilty in U.S. District Court here today to a lesser charge of accessory to murder in exchange for a short prison term and federal protection, sources close to the case said.

The surprise development follows extensive discussions between Fernandez and the office of U.S. Attorney Joseph E. diGenova.

Letelier was Chile's ambassador to the United States from 1971 to 1973, during the regime of President Salvador Allende. On Sept. 21, 1976, three years after Allende died in a coup, Letelier and an American colleague, Ronni Moffit, were killed here by a bomb planted in Letelier's car.

In 1978, Michael V. Townley, an American who worked for the Chilean secret police, admitted planting the bomb and implicated Fernandez and other Chilean intelligence officials in the planning of the assassination.

Townley pleaded guilty under a plea agreement and was released after serving three years and four months in prison. Fernandez, Gen. Manuel Contreras, former head of Chile's secret police, and Col. Pedro Espinoza, Fernandez' superior, were indicted for murder.

Chile refused in 1979 to extradite the officials or put them on trial, claiming insufficient evidence.

Sources close to the investigation said Fernandez regards himself as "a marked man," vulnerable to attacks from extremists of the right and the left. Under pressure from family members, he is said to have decided that his best prospects for safety were to surrender to U.S. authorities, plead guilty to a lesser charge and assume a new identity.

With Fernandez's cooperation, officials hope to build a strong case against the two other Chileans and a third individual not previously linked to the case.

According to Townley's testimony, Fernandez conducted surveillance of Letelier in Washington in August 1976. The bomb was triggered as Letelier's car drove through Sheridan Circle, near the heart of the district where many foreign embassies are headquartered.

In addition to Townley, two leaders of a Cuban exile group, Guillermo Novo and Alvin Ross, and Novo's brother, Ignacio, were prosecuted in connection with the slaying but acquitted after a retrial ordered by a U.S. Circuit Court of Appeals.

Two other members of the Cuban exile group, the Cuban Nationalist Movement, Jose Dionisio and Virgilio Paz, are fugitives in the case.

Several violent incidents have added to the distance between the U.S. and Chilean governments. In one, Chilean soldiers allegedly set on fire last summer a 19-year-old Washington resident, Rodrigo Rojas, who had returned to Chile for a visit.

[From the Washington Post, Jan. 30, 1987]

CHILEAN JUDGE FREES SOLDIER IN ROJAS CASE

(By Malcolm Coad)

SANTIAGO, CHILE.—A military judge today released on bail Lt. Pedro Fernandez Dittus, the only detainee still held following the fatal burning of Washington resident Rodrigo Rojas by a military patrol during antigovernment protests last July.

Investigating Judge Lt. Col. Erwin Blanco set bail for Fernandez at 5,000 pesos, or about $25, after reducing the charge against him from "unnecessary violence" to negligence leading to the death of Rajas, 19, and serious injury to the second burn victim, Carmen Gloria Quintana, 18.

Lawyers for the victims' families described the ruling as "an outrageous resolution."

"We only hope that some court exists in Chile that can repair this grave error and abuse," said lawyer Luis Toro.

The ruling takes the case back to its initial stages when, three weeks after the incident, the original civilian investigating judge, Alberto Echavarria, released 17 soldiers and seven other officers while holding Fernandez on the same charges of negligence. These were later broadened by the military court.

The ruling came a week after five new prosecution witnesses were interrogated by Blanco and "important new evidence" was presented by the prosecution which, according to Toro, "only confirms the previous charge against Lt. Fernandez."

According to Toro's colleague, lawyer Hector Salazar: "This evidence was the very reason why Judge Blanco had declined to reply to a previous request for Lt. Fernandez's releaase until new investigations had been made. But now he has agreed to the petition without waiting for the results."

Salazar said he could not release details of the evidence because it involved an ongoing case.

The reasons for Blanco's decision also cannot be made public, but were described by Salazar as "lengthy and argued."

Fernandez's lawyer, Carlos Cruz-Cruz-Coke, told Chilean reporters that "it has been established that Lt. Fernandez didn't burn anyone and that his responsibility is for not having taken the two burned people to receive medical attention." He said his client would now "probably take a vacation," although he will have to check in with the miitary authorities every two weeks.

Blanco is known to have questioned about 20 prosecution witnesses. Lawyers Toro and Salazar said they know of no defense witnesses except the other members of the military patrol.

A month ago the lawyers accused Blanco of using his investigation to prove the soldiers' version after key witnesses, including Quintana, were not asked to take part in a reconstruction of the incident. Quintana is undergoing medical treatment in Montreal.

STUDENT FINANCIAL ASSISTANCE PROGRAMS

Mr. HEFLIN. Mr. President, I realize that during the past few weeks, each Member of the Senate and many of our staff members have spent a great deal of time reviewing and examining the administration's budget proposal for the 1988 fiscal year. I also realize that there are several areas of the budget which concern many of us for many different reasons. One area which I sincerely believe should be of great concern to each Member of Congress is the area dealing with the administration's proposals to reduce financial assistance to students.

These reductions in funding for student financial assistance programs would strike a blow right at the heart of our higher educational system. If the Congress does not take immediate action, the current amount of assistance available to students would be significantly reduced. The administration's recommendations would reduce student assistance from the $8 billion enacted for fiscal year 1987 to $4 billion in fiscal year 1988. I do not see how, in good conscience, we can allow these student assistance programs to be cut.

Higher education has long been a cornerstone of American history and tradition. A very important aspect of our educational institution has been the equality of opportunity afforded young people, regardless of their financial status or family income. The history of our country is filled with stories of the contributions made by people who were able to attend college only because of Federal financial programs.

The cuts proposed by the administration would seriously reduce the chances of millions of students across the country to further their education. These proposals would shatter the dreams of many who would no longer be able to afford the expense of a college education. In doing so, these budget reductions would also do away with the traditional American guarantee of equality of opportunity in higher education, as well as, in other walks of life. If the Congress allows these cuts to be implemented, the opportunities for young people from low- and middle-income families to attend college, or graduate and professional schools, would be severely limited. It would partially close one of the only legitimate avenues these young people have to gain greater success in today's world.

The administration's proposals would touch each of the currently existing five student financial aid programs. Funding would be canceled for two of three campus-based programs—supplemental grants and the College Work Study Program. The Pell grants, the largest student aid program based on financial need, would also suffer severely from the administration's proposed 33-percent budget cuts. By slashing some $1 billion from the program, the number of grant recipients would be reduced by one-third.

The backbone of the student assistance programs, the guaranteed student loans, is slated for massive reductions in funding and sweeping structural changes. This unprecedented revamping would totally eliminate all parent loans for undergraduate students as well as supplemental loans.

The most detrimental effect of the proposed educational reductions is the elimination of the Work Study Program. This program was authorized in 1964 and funding began some 2 years later. Since that time it has been of great assistance to many undergraduate and graduate students across the Nation. The elimination of this program would mean that we would reduce the number of available part-time jobs for those students who need to and are willing to work while they are in school. Under the current work study program, students at both the undergraduate and graduate levels are able to serve as laboratory, administrative, and academic assistants. In addition, students have the opportunity of gaining "hands-on" experience in other areas of the college or university.

At this point in time, national and world events dictate that it is of the utmost importance for our Nation to have the absolutely best possible program for training and development in areas of high technology. Our national efforts in biomedical research, computer development, energy, space exploration and scientific research demand that we afford the most challenging training available to all students. To deny students the opportunity to attend graduate or professional school by blocking access to student finanical assistance programs is to cripple these efforts and this training. It is probable that this would result in a tremendous diminution in the quality and quantity of students who have the ability, desire and expertise to move our country forward in all these vital areas.

I ask how our country is to go about developing the best possible research base, as these very times demand, if we allow the doorway to the student financial assistance programs to be slammed in the very faces of graduate and professional students with no reasonable alternative provided?

Not only would the administration's proposals do severe damage to high technology training efforts, they would also strike at the heart of an integral part of the American dream—obtaining a college education. Low- and middle-income students would see their hopes and aspirations become almost impossible to achieve, and plans for graduate and professional school would virtually be destroyed. These educational goals, without Federal student aid programs, as we now know them, would become beyond the financial reach of many who are now able to fulfill their dreams.

This dream is important to these young people, for it provides hope for them to have a better and brighter tomorrow, and it is just as important for each of us to vow to see that these programs remain intact, to insure that fulfillment of this dream of a college education is equally available to all segments of the American society.

A WONDERFUL CANCER-RELATED DISCOVERY AT THE UAB MEDICAL CENTER

Mr. HEFLIN. Mr. President, the University of Alabama at Birmingham Medical Center has, for some time, been regarded as one of the premier health centers in the Nation. Doctors, researchers, and technicians have been working for many years to combat many of the devastating ailments which plague the people of this country. Recently, Dr. Donald M. Miller, who works at the UAB Cancer Research Center, was coauthor of an article in The New England Journal of Medicine, in which a breakthrough was disclosed in the treatment of a highly fatal form of cancer, chronic granulocytic leukemia.

This breakthrough occurred when, 5 years ago, a young woman lay in the intensive care unit dying of this form of leukemia. She was in the final crisis stage of the disease and there was no treatment the doctors could give. The woman also had hypercalcemia, an overabundance of calcium in the blood. To treat the hypercalcemia, Dr. Miller and his Michigan colleague, Dr. Koller, prescribed mithramycin, a drug which had first been developed as an anticancer drug, had been found to be ineffective against cancer, and had been found to be effective in treating hypercalcemia. However, within 3 days after being given the drug, all her cancerous leukemic cells disappeared. This was a welcome surprise to both doctors.

Although mithramycin does not cure CGL, the lifespan of the patients who are treated with the drug increase from an average of 6 to 8 weeks to an average of 6 months and rather than being confined to a hospital room, they receive their treatment as outpatients. In this way, they are better able to enjoy the last weeks of their lives. The response to the treatment among six patients who were tested varied greatly. However, it is certain that life expectancy was increased. Among those who were tested, the length of life was extended from between 9 and 83 weeks.

Yet, as I have said, mithramycin is not a cure. After the initial response to the drug, the patients who were tested became immune to its effects and the CGL again reached crisis stages. Nevertheless, this discovery is an important discovery. Hitherto, no treatment whatsoever had been known. In the future, scientists will test the reaction of cancer cells to both mithramycin and its cousin drugs in order to find out how it works and whether another drug would be more effective. This breakthrough offers a clue. It is a battle which has been won in our war against cancer. Such alternatives for hope improve the quality of life for all those suffering from cancer. Only in this way and through these efforts can we hope to stop the heartbreak, sorrow, and even financial loss which results from this killer. I commend Dr. Miller and Dr. Koller for their discovery, and feel that this will somehow redouble the efforts of all who are fighting for the lives of our neighbors, our relatives, and our families.

Mr. President, I ask unanimous consent that the attached article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Birmingham News]

UAB DISCOVERY ADDS LIFE, HOPE TO LEUKEMIA VICTIMS

(By John Mangels)

An anti-cancer drug shelved 20 years ago in favor of more effective medicines has shown "dramatic," though temporary, success in halting disease and prolonging the lives of a small group of patients with a rapidly fatal, previously untreatable kind of leukemia.

The discovery was made by University of Alabama at Birminghan cancer researcher Dr. Donald M. Miller and University of Michigan colleague Dr. Charles A. Koller, and is reported in today's edition of The New England Journal of Medicine.

Among the six chronic granulocytic leukemia (CGL) patients successfully treated with mithramycin in their study, the drug cleared the blood of leukemic cells for up to two years.

The six patients who responded to the drug survived an average of six months, where before, CGL patients in the crisis stage of their disease lived an average of only six to eight weeks.

However, the treatment is not a cure, Miller stressed. Mithramycin does not stop the bone marrow from making leukemic cells, he said, and all but one of the six patients successfully treated with mithramycin in his study eventually became resistant to it, relapsed and died after periods of several weeks to nine months.

In addition to its promise with leukemia, Miller said the new treatment with mithramycin offers hope that the technique the drug uses—differentiation, or essentially "turning off" cancerous cells' wild growth and converting them to normal cells again—can be successfully used with other kinds of cancer.

Miller said it was only by chance that mithramycin's leukemia-fighting properties were discovered.

Five years ago, when Miller was still a researcher at the University of Michigan, a young woman lay dying of leukemia in the medical center's intensive care unit.

She was in the final, crisis stage of CGL, a form of the blood disease that, unlike other types of leukemia, was untreatable and rapidly fatal.

About 3,000 of the 10,000 to 12,000 new leukemia cases diagnosed annually are CGL, Miller said. After a benign period of six months to four or five years, all CGL patients enter the final, fatal crisis phase.

The woman's bone marrow—the soft tissue inside bones which makes various parts of the blood and the immune system—was churning out immature white blood cells like a factory gone mad.

White blood cells normally guard against infection, but in leukemia certain immature white blood cells wildly divide, eventually flooding the blood and body tissues, sapping energy and hindering the production of normal blood cells.

The woman also had hypercalcemia, an overabundance of calcium in the blood. While mithramycin had been largely abandoned as an anti-cancer drug, it was known to work well against hypercalcemia, so she was given the drug. Surprisingly, in about three days all her cancerous, leukemia cells disappeared, Miller said.

The same result occurred when leukemia cells in a test tube were treated with mithramycin; the cells "differentiated," or grew into mature cells instead of dividing uncontrollably.

Healthy, mature granulocytes, the kind of white blood cells affected by CGL, normally live less than 24 hours. The immature granulocytes that divide so rapidly in the crisis stage of CGL are virtually immortal; multiplying rapidly, they eventually crowd and stifle the bone marrow.

Coaxing the leukemic cells to differentiate, or return to normal, means that they once again have a 24-hour lifespan. So the drug mithramycin doesn't kill the leukemic cells, it simply allows them to die "on time," thus reducing the number of leukemic cells in the body and allowing the bone marrow to do its job.

Exactly how mithramycin prompts cells to differentiate isn't clear, Miller said, although there is some circumstantial evidence.

To begin with, researchers now know that every cell in the body has a special set of genes called oncogenes. Oncogenes' precise function isn't known, but the theory is that they're somehow involved in directing cells to divide rapidly, specifically in a growing embryo.

After that job is done, they should turn off, the theory goes, but somehow they're reactivated later, and trigger the wild cell growth of cancer.

It's known that when leukemic cells are exposed to mithramycin, the amount of a particular oncogene called myc (pronounced "mick") in the cells decreases dramatically, Miller said.

The end result is that the leukemic cell stops dividing, but whether that's because mithramycin somehow had an affect on the myc oncogene, or whether other oncogenes are also involved just isn't known, Miller said.

Once it was apparent that—whatever the mechanism—mithramycin was working against CGL in the woman and another patient, Miller and Koller began a formal study in 1982 with nine CGL patients.

With three-times-weekly doses of mithramycin and daily doses of another drug called hydroxyurea, six of the nine patients showed a "dramatic improvement" in their white blood cell count and symptoms of fever, weakness and pain.

The response to the treatment among the six patients varied in length from nine to more than 83 weeks; they survived an average of six months, where survival without treatment would have been six to eight weeks.

"A lot of these patients were in the hospital, terminally ill," Miller said. With the treatment, "they were able to get home for a period of that time. Some of them actually continued to work. It's not convenient to come to the hospital three times a week to get treated, but it sure as the devil beats laying in bed with leukemia."

Unfortunately, those patients who responded to mithramycin eventually (in an average of six months) became resistant to the drug—it stopped working against their leukemia no matter how much the dose. One of the next steps in research is to try to find out why that resistance occurs, Miller said.

Also, Miller and other researchers hope to discover exactly how mithramycin stops the wild cell division of CGL, and to find other drugs that work in a similar manner, but are more effective.

Will mithramycin work against other, more common forms of leukemia?

"It's difficult to say because we don't have enough experience," Miller said. "There are a number of people around the country who have seen a few responses in other kinds of leukemia, but I think it's too early to tell. I think this concept (of drugs that cause cancerous cells to differentiate) can be applied" to other kinds of leukemia, but "this may not be the right drug."

In the broader field of overall cancer treatment, Miller said the differentiation technique mithramycin employs of turning the oncogenes of cancerous cells off is "a promising new direction."

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I ask for regular order.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will now resume consideration of S. 387, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 387) to authorize appropriations for certain highways in accordance with title 23, United States Code, and for other purposes.

BUDGET ACT WAIVER

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Senate Resolution 83, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 83) waiving section 303(a) of the Congressional Budget Act of 1974 for the consideration of S. 382.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I first ask unanimous consent that the following staff members be given privileges of the floor during the remainder of the Senate consideration of S. 387: Phil Sampson, Jan Maxwell, Mary Dwyer Penbroke, Bob Malakoff, and Don Campbell of the Senate Banking Committee staff; Ed Rogers of Senator HEINZ' staff; Chris Coffin of Senator SASSER's staff; and Bill Mattea of my own staff.

My distinguished colleague, the ranking Member managing this bill with me, Senator D'AMATO of New York, asks that Anne Miano of his staff be granted privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, this resolution is necessary to consider the multiyear transit amendment that will be offered to the highway bill. It is a waiver contemplated by the Budget Act. It is needed for the same reason that a waiver was needed for consideration of the basic highway bill.

I do not want to take the time of the Senate at this time to discuss the transit amendment at length, Mr. President. I will do so when the amendment is brought before the Senate.

Let me simply say at this time that the transit bill reported by the Banking Committee, S. 382, proposes to freeze transit spending all the way through fiscal year 1990. In fact, the levels proposed by the committee are actually slightly below the levels provided by the Appropriations Committee for fiscal 1987.

The amendment is based on 3 days of hearings last year and on the transit amendment that was offered to last year's highway bill, a bill, unfortunately, that died in conference. The amendment is needed because the transit authorizations ended at the end of fiscal 1986. Like the highway bill, it authorizes Federal assistance through fiscal year 1990. The need for this kind of multiyear approach is the same as it is for the highway program.

Recipients of transit assistance, like recipients of highway assistance, need the kind of assurance and program stability provided by a multiyear authorization.

I want to thank my colleagues on the Budget Committee for acting on this waiver request expeditiously, and I urge my colleagues to adopt the waiver.

I want to say, Mr. President, that my warm friend, the ranking Member and comanager of the bill, Senator D'AMATO, joins me in this request. The members of the Banking Committee support this waiver.

The distinguished chairman of the Budget Committee, I am advised, Senator CHILES, of Florida, will be here momentarily to express his support.

Mr. President, I would stress again that this is a freeze slightly under the 1987 appropriations authority and it is a freeze through 1990. It meets every budget test, Mr. President, I hope we get unanimous approval.

I am delighted, in the interim, while waiting for the distinguished Senator from Florida, the chairman of the Budget Committee, to yield to my warm friend and colleague from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, first let me congratulate my colleague from Illinois, Senator DIXON, for his outstanding leadership in this area.

Mr. President, the fact of the matter is it is absolutely necessary so that communities throughout our Nation can continue their sound, fundamental planning that we adopt a bill which brings that stability, stability at a low cost in terms of mass transportation that is so desperately needed.

I envision, Mr. President, some very serious problems that are going to be confronting us when the EPA begins to come down, as they are charged to at the end of this year, on some of our major urban centers with the banning of automobiles and transportation. Then how will our life supply line in terms of transportation of goods, services, and people to their jobs flow?

Without mass transportation and adequate planning, I think the problem will be exacerbated.

I urge my colleagues to agree to Senate Resolution 83 which would waive section 303(a) of the Budget Act and enable the Senate to proceed to consider S. 382, the Urban Mass Transportation Act of 1987.

If one were to look at the history of the funding of mass transportation they would find that indeed it has set an exemplary record for funding levels for not being budget busting but, if anything, having held the line and having been reduced over the years.

So this bill is not a budget buster as some would characterize it. Without allowing for growth, it preserves current discretionary funds and formula funding levels in the Federal transit program. We have been tightfisted with transit authorization levels.

The Congressional Budget Committee, Mr. President, said that the transit discretionary funding program, if fully funded with the one penny set aside, would be yielding $1.75 billion a year.

We passed a bill that said mass transit would get one penny. We do not give them one penny or the revenues that flow from that one penny per gallon of gasoline. Indeed, we give them a little more than half. We give them $1 billion, and the revenues being produced are $1.75 billion.

For those who might suggest it is a budget buster, the fact of the matter is with the passage of this bill we keep spending at current levels and we actually are reducing the deficit with money which was targeted, supposedly, by this Congress to go into mass transit by $750 million a year. That is the state of affairs.

I would urge that the full penny, all of those moneys, go for mass transit, but I recognize the difficult times we have. I think Senator DIXON has done an outstanding job in bringing this to the floor in its present manner, I urge our colleagues to adopt this budget waiver.

Mr. DIXON. I thank my distinguished colleague from New York, Mr. President, for his very fine contribution in connection with this whole question of adequate support for our transit systems in this country from now through 1990.

Senator D'AMATO has been a leader in the Banking, Housing, and Urban Affairs Committee and has been very supportive throughout our tenure together since we came here as colleagues in January 1981 in his efforts for mass transit in the country.

Representing a State with a big city like Chicago, I personally acknowledge on behalf of our constituency our indebtedness to Senator D'AMATO during his membership on that committee as a member of the majority when he led the fight for us there and his participation now as a member of the minority. We are indebted to him.

We are indebted to our colleague from Pennsylvania, Senator HEINZ, who will be here shortly and who has contributed so much in the committee.

I want simply to say that we expect momentarily—he is on his way right now—Senator CHILES, chairman of the Budget Committee, who will support this request for a waiver.

I want to make it very clear that this entire subject matter has been discussed at great length over a long period of time in the Banking Committee, where all members participated. It has been discussed in the Budget Committee and by others. We feel confident that all Members will support the request of all of us to have a budget waiver so we can proceed to the bill.

This is a very important bill, Mr. President. The bill will be considered, as you know, ultimately, after this waiver takes place. An amendment, we expect, will be adopted to the highway bill. The two bills will be considered in concert. Both will take care of our problems throughout the country in connection with highway and mass transit for a long period of time, and we are delighted to be moving so rapidly.

I want to say we believe, Mr. President, that the majority of issues that we are concerned with with respect to this bill have been discussed with the membership at some length. We genuinely hope that we can avoid taking a good deal of the time of the Senate today. There will be several rollcalls, may I say, on a number of issues. I have been informed by the distinguished majority leader that we do expect perhaps several rollcalls.

On the other hand, some of the contentious items that were dealt with at length in the committee we think have been satisfactorily resolved by those of us on the committee and our staff people. I expect that only a brief time will be taken in discussing all these matters. With any kind of luck, I am advised by the majority leader we might be able to complete the business this afternoon.

Is there anything further from my distinguished colleague as we await Senator CHILES?

Mr. D'AMATO. Mr. President, I simply say again, we are deeply indebted to Senator DIXON, my colleague from Illinois, for his leadership in this area, in what otherwise could have been a very contentious, prolonged, adversarial relationship as it deals with our States and their pressing needs. I think he has done an excellent job in, we hope, avoiding some of those.

We may have two amendments, but I believe they will be disposed of, and I look forward to passage of this amendment today.

Let me thank Senator DIXON and his colleagues, Mr. President. I would like to see us conclude this with record-breaking speed. I think that would please the majority leader as well.

Mr. BYRD. Mr. President, will the distinguished Senator from Illinois yield?

Mr. DIXON. I am delighted to yield to our distinguished majority leader.

Mr. BYRD. Mr. President, I wish to thank the Senator from Illinois and the distinguished Senator from New York for the leadership they have provided in regard to the legislation that is before the Senate. I compliment them on their efforts to resolve contentious issues. It is best that contentious issues, where they can be avoided on the floor, be resolved off the floor. It saves the time of the Senate and it saves the time of Senators.

In many instances, when those matters are resolved off the floor, they are better resolved.

I not only commend the two Senators, but I also thank them for their diligence in what, in this regard, were and are several contentious issues involved here. I know of the work that has been going on behind the scenes, off the floor, and overnight by the manager and ranking manager and others in an effort to resolve these matters in ways that will be for the betterment of the legislation and for the benefit of the country. So, my thanks, and Godspeed in your efforts.

Mr. DIXON. I thank the majority leader, Mr. President, for his comments. I know that all of us appreciate his concern for the issue at hand and his efforts on our behalf.

I might say to the majority leader that we will have a rollcall on the waiver. We expect a minimum of two other rollcalls on matters that could not be resolved despite the best efforts of the distinguished manager on the other side and myself. There could be a possibility of one or two unanticipated rollcalls, but I think not, in view of the fact that the other amendments we know about, we believe we have satisfactorily resolved by very serious prolonged discussions, both by Senators and at the staff level.

I expect that as soon as our distinguished colleague, the chairman of the Budget Committee, can make his contribution indicating support of the budget waiver, we can have the rollcall and proceed very quickly to offer the transit bill as an amendment to the highway bill. At that time, I hope our colleagues are on notice that those who have amendments—I anticipate one by the distinguished junior Senator from Texas. We do not know whether there will be another, but we anticipate more. I hope they are on notice that, if at all possible, I believe the majority leader would like us to see if we could dispose of this subject matter prior to the 3 o'clock vote on the veto override. Is that the majority leader's desire?

Mr. BYRD. Mr. President, that would be surprisingly good progress if we could do that. I like the spirit that has been evidenced here by the manager and the ranking manager of the waiver resolution. I want to add just a little bit to that.

If the Senate completes action on the highway bill today and on the energy appliance legislation today, there will not be any rollcall votes tomorrow.

The Senate will be in session tomorrow, and any matters cleared for unanimous consent could be transacted tomorrow. Morning business could be conducted, bills and resolutions could be introduced. Of course, this would give committees an opportunity to work tomorrow without interruption by quorum calls and rollcalls.

I shall be glad to keep this before the Senate; namely, that once the Senate has completed its business on this bill and on the energy appliance standard bill, except for the vote on the override of the Presidential veto of the water bill and if there is any need for further action by the Senate on the emergency appropriations for the homeless, that will complete our business for the week.

On the emergency legislation for the homeless, I do not know what action the House will have taken before the day is over, but if the House does accept amendments that were added to the legislation by the Senate, there will be no further action necessary by the Senate.

So, I again thank the distinguished Senator from Illinois, whose long experience in dealing with the legislative process has certainly equipped him well and has made so evident his ability to handle matters of this nature. Knowing very well that legislation is the art of compromise, the fact that he and the Senator from New York have tried to work out contentious issues off the floor indicates that that experience has a great deal of value.

Mr. DIXON. The majority leader is very kind. I thank him for his kind words. I say to the majority leader that he has offered to my distinguished colleague from New York State and myself a great inducement to make all our speeches today quite short.

I want to say I am now privileged to yield to the distinguished Senator from Florida, whose work on behalf of the people of this country is helping us to meet our budgetary constraints is known far and wide. He is a man for whom we all have the deepest and most profound admiration.

Mr. BYRD. Mr. President, if the Senator will yield, I ask unanimous consent that the time for debate on the waiver be extended for an additional 5 minutes to accommodate the distinguished chairman of the Budget Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. CHILES. Mr. President, as chairman of the Budget Committee, I support Senate Resolution 83, which waives section 303(a) of the Budget Act for the mass transit bill we are about to consider. This waiver is necessary because the mass transit bill creates direct spending authority for fiscal years 1988 and 1989, and the Budget Act forbids approval of new spending authority prior to passage of a budget resolution for those years.

The Budget Committee has reported this waiver with a favorable recommendation. First, let me explain what this waiver does not do. This wiaver does not set aside for deficit or spending limits. It will not add a single penny in outlays. It is merely a procedural waiver to allow the creation of contract authority in out-years. If we cannot afford the level of spending envisioned in this bill, the Appropriations Committee can limit, and has in the past, outlays by imposing an obligation ceiling.

I support this waiver because the Banking Committee has been responsible in keeping direct spending authority in both the current fiscal year and in the out-years within the levels assumed in the fiscal year 1987 budget resolution. Furthermore, fiscal year 1987 outlays are within the limits established in both the resolution and in the committee's section 302(b) allocation.

While this bill is fiscally responsible, there is a further policy reason for granting this waiver. The Mass Transit Discretionary Grant Program uses contract authority on a multiyear basis to enable States and localities to plan and build transportation projects efficiently, which requires stable and assured funding.

In sum, I support this waiver on two grounds. First, this bill is not a budget buster; it is consistent with budget resolution assumptions for fiscal year 1987 outlays and fiscal year 1988-89 direct spending. Spending from this bill also falls within the Banking Committee's allocation to the Housing and Urban Affairs Subcommittee under section 302(b) of the Budget Act.

Second, contract authority for mass transit discretionary grants is used for sound policy reasons, has historical precedence, and is an allowable method of funding because of the use of trust fund revenues. I would add, however, that any expansion of the use of contract authority to fund other mass transit programs will not be viewed favorably. In addition, section 303 of the Budget Act will be used to control any new spending legislation until we pass a budget resolution.

I commend the Banking Committee for its fiscal responsibility. I ask that, as we consider this bill today, my colleagues bear in mind that any amendment which either increases current year budget authority or outlays or raises out-year spending could be subject to a point of order. Finally, I am aware of the pressures my colleagues may face in conference. I, therefore, urge that the Senate conferees bear in mind that any conference report is also subject to the same points of order should any Senate spending ceilings be violated.

So, Mr. President, the Banking Committee did work with us. There were some provisions, as they originally were proposed, which would have amounted to breaches in outlay spending, and we called those to their attention. They deleted those. I think this waiver should be granted. I hope that the Senate would so agree.

The PRESIDING OFFICER. The time for debate has expired.

Mr. DIXON. Mr. President, under the previous order, I believe the rollcall is now to begin?

The PRESIDING OFFICER. The Senator is correct. The question is now on the adoption of the resolution. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. HEFLIN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 84, nays 16, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—84

Adams
Baucus
Bentsen
Biden
Bingaman
Bond
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatfield
Hecht
Heinz
Hollings

Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stafford
Stennis
Stevens
Warner
Weicker
Wilson
Wirth
Zorinsky

NAYS—16

Armstrong
Boren
Hatch
Heflin
Helms
Humphrey
Lugar
Nickles
Proxmire
Quayle
Roth
Simpson
Symms
Thurmond
Trible
Wallop

So the resolution (S. Res. 83), was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT

The Senate continued with the consideration of the bill (S. 387) to authorize appropriations for certain highways in accordance with title 23, United States Code, and for other purposes.

AMENDMENT NO. 23

(Purpose: To amend and extend the authorization for the Urban Mass Transportation Act of 1964)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois (Mr. DIXON) proposes an amendment numbered 23.

Mr. DIXON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the end of the bill, add the following:

TITLE —MASS TRANSPORTATION

SEC. 301. This title may be cited as the "Urban Mass Transportation Authorization Act of 1987".

AUTHORIZATIONS

SEC. 302. (a) Section 21 of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"AUTHORIZATION

"SEC. 21. (a)(1) There is hereby authorized to be appropriated to carry out the provisions of sections 9 and 18 of this Act not to exceed $2,000,000,000 for each of the fiscal years 1987 through 1990.

"(2) There shall be available from the Mass Transit Account of the Highway Trust Fund only to carry out sections 3, 4(i), 8, and 16(b) of this Act $1,100,000,000 for the fiscal year 1986, $1,002,500,000 for the fiscal year 1987, and $1,000,000,000 for each of the fiscal years 1988 through 1990.

"(b) In addition to the amounts set forth in subsection (a)(2), to carry out sections 3(j) and 9(q) of this Act, there shall be available from the Mass Transit Account of the Highway Trust Fund for each of the fiscal years 1988 through 1990, only to such extent and in such amounts as are provided in appropriations acts, the lesser of—

"(1) $2,500,000, or

"(2) the amount of estimated income (not including interest) and amounts made available under subsection (a)(2) for the applicable fiscal year.

"(c) The amounts made available under subsection (b) for fiscal years 1988, 1989, and 1990, shall be available for sections 9 and 18 to the extent necessary to provide $2,000,000,000 under such sections. Of the remainder, 70 per centum shall be available for capital grants under section 9(q), and 30 per centum shall be available for grants under section 3(j).

"(d) For substitute mass transportation projects under section 103(e)(4) of title 23, United States Code, there are authorized to be appropriated $200,000,000 for each of the fiscal years 1987 through 1990.

"(e) During each of fiscal years 1987 through 1990, 2.93 per centum of the total funds available under section 9 shall be available to carry out section 18. All amounts for section 18 shall be drawn from funds appropriated under subsection (a).

"(f) Out of the funds made available under subsections (a)(2) and (b) of this section, not to exceed $46,000,000 shall be available for the purposes of section 8 of this Act in each of the fiscal years 1987 through 1990. Nothing herein shall prevent the use of additional funds available under this subsection for planning purposes.

"(g) There is hereby authorized to be appropriated to carry out sections 6, 10, 11(a), 12(a) and 20 of this Act not to exceed such sums as may be appropriated for fiscal year 1987, and $50,000,000 for each of the fiscal years 1988 through 1990. Sums appropriated pursuant to this subsection for financing projects funded under section 6 of this Act shall remain available until expended.".

ALLOCATION OF SECTION 3 FUNDS

SEC. 303. Section 3 of the Urban Mass Transit Act of 1964 is amended by adding at the end thereof the following:

"(i) Of the amounts available for grants and loans under this section for fiscal years 1987, 1988, 1989, and 1990—

"(1) 45 per centum shall be available for rail modernization;

"(2) 40 per centum shall be available for construction of new fixed guideway systems and extensions to fixed guideway systems; and

"(3) 15 per centum shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

"(j)(1) Funds made available under section 21(b) to carry out this subsection shall be made available as otherwise provided by this section.

"(2) Approved by the Secretary of a grant under this subsection shall be deemed a contractual obligation of the United States for the Federal share of the cost of the project.".

4 (h) (1) REPORTS

SEC. 304. Section 4(h)(1) of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "On or before the twentieth day of each calendar quarter" and inserting in lieu thereof "Not later than thirty days after the close of each quarter of each fiscal year";

(2) by striking out "Congress" and inserting in lieu thereof "the Committee on Public Works and Transportation and the Committee on Appropriations in the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations in the Senate";

(3) by redesignating clauses (1) through (5) as clauses (A) through (E) respectively;

(4) by striking out "and" before "(E)";

(5) by striking out the period and inserting in lieu thereof "; and" and

(6) by adding at the end thereof the following:

"(F) a status report on the execution of grant contracts and the establishment of a Letter of Credit or other reimbursement authority for sums already obligated for each State, designated recipient and applicant.".

LEASED PROPERTY

SEC. 305. Section 9(j) of the Urban Mass Transportation Act of 1964 is amended by inserting after the first sentence the following: "Grants for construction projects under this section shall also be available to finance the leasing of facilities and equipment for use in mass transportation service, subject to regulations limiting such grants to leasing arrangements which are more cost effective than acquisition or construction. The Secretary shall publish regulations under the preceding sentence in proposed form in the Federal Register for public comment not later than sixty days after the date of enactment of this sentence, and shall promulgate such regulations in final form not later than one hundred and twenty days after such date of enactment.".

ASSOCIATED CAPITAL MAINTENANCE ITEMS

SEC. 306. (a) The last sentence of section 9(j) of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "and materials" and inserting in lieu thereof ", tires, tubes, and materials";

(2) by striking out "1 per centum" and inserting in lieu thereof "one-half of 1 per centum".

(3) by inserting "(1)" before "Grants"; and

(4) by adding at the end thereof the following:

"(2) A project for the reconstruction (whether by employees of the grant recipient or by contract) of any equipment and materials each of which, after reconstruction, will have a fair market value no less than one-half of 1 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment and materials are to be used shall be considered a project for construction of an associated capital maintenance item under this section.".

(b) The first sentence of section 9(k)(1) of such Act is amended by striking out "shall not exceed" the first place it appears and inserting in lieu thereof "shall be".

(c) The first sentence of section 9(k)(1) of such Act is further amended by striking out "such project" and inserting in lieu thereof "such project; however, a recipient is permitted to provide additional local match at its option".

(d) The first sentence of section 9(k)(1) of such Act is further amended by striking out "(including capital maintenance items)" and inserting in lieu thereof "(including any project for the acquisition or construction of an associated capital maintenance item)".

NEWLY URBANIZED AREAS

SEC. 307. Section 9(k)(2) of the Urban Mass Transportation Act of 1964 is amended by striking all that follows the word "use" in the last sentence and inserting in lieu thereof: "from its annual apportionments, the same amount of funds for operating assistance in fiscal years 1986, 1987, 1988, 1989, and 1990 as was available to it during fiscal year 1985.".

USE OF LAPSED SECTION 9A AND SECTION 9 FUNDS

SEC. 308. Section 9(o) of the Urban Mass Transportation Act of 1964 is amended by striking out the period at the end of the second sentence and inserting "not later than thirty days after the end of the third fiscal year following the initial year of apportionment.".

APPORTIONMENT OF FORMULA FUNDS

SEC. 309. Section 9 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(p) Funds appropriated to carry out this section for any fiscal year shall be fully apportioned for the purposes of, and in accordance with, the provisions of this section not later than the tenth day following the date on which such funds are appropriated. The Secretary shall publish apportionments of such appropriated funds, including individual apportionments for each urbanized area above fifty thousand population as well as the amount attributable to each State of the multi-state urbanized area, on the apportionment date established in the preceding sentence.".

USE OF SECTION 9 MASS TRANSIT ACCOUNT FUNDS

SEC. 310. Section 9 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(q) Funds made available under section 21(b) to carry out this subsection shall be made available for capital grants as otherwise provided by this section.".

CERTIFICATION REGARDING USE OF FUNDS

SEC. 311. Section 9 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(r) Not later than the close of the fiscal year succeeding the first fiscal year for which funds are appropriated under this section, a recipient shall certify to the Secretary that it is the intent of the recipient to obligate such funds within the amount of the time allowed under subsection (o) of this section that have not been obligated as of the date of certification for projects listed under the program of projects submitted to the Secretary according to section 8(c). Any apportionments for the recipient for the affected fiscal year not subject to such certification shall be available for reallocation pursuant to subsection (o) of this section.".

RULEMAKING

SEC. 312. (a) Section 12(a) of the Urban Mass Transportation Act of 1964 is amended—

(1) by inserting "(1)" after "SEC. 12. (a)"; and

(2) by adding at the end thereof the following:

"(2) The Secretary shall prepare an agenda listing all areas in which he intends to propose rules governing activities under this Act within the following twelve-month period. The Secretary shall transmit such agenda to the Committee on Public Works and Transportation and the Committee on Appropriations of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate within one hundred and twenty days after the effective date of this subsection and annually thereafter. The Secretary shall also publish the proposed agenda in the Federal Register on the date it is submitted to the four Congressional Committees. Except for emergency rules, the Secretary shall give interested parties not less than sixty-days to participate in the rulemaking through submission of written data, views, or arguments with or without the opportunity for oral presentation, except when the Secretary for good cause finds that public notice and comment are unnecessary due to the routine nature or matter of insignificant impact of the rule, or that an emergency rule should be promulgated. The Secretary may extend the sixty-day period if he determines that such period is insufficient to permit diligent persons to prepare comments or that other circumstances justify an extension of such period. An emergency rule shall terminate one hundred twenty days after the date on which it is promulgated.".

(b) Section 12(c) of such Act is amended—

(1) by striking out "and" at the end of paragraph 10;

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(12) the term 'rule' means the whole or part of the Secretary's statement of general or particular applicability designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of the Secretary in carrying out provisions of this Act; and

"(13) the term 'emergency rule' means a rule which is temporarily effective prior to the expiration of the otherwise specified periods of time for public notice and comment under this section and which was duly promulgated by the Secretary pursuant to a finding that a delay in the effective date thereof would (A) seriously injure an important public interest, (B) substantially frustrate legislative policy and intent, or (C) seriously damage a person or class of persons without serving any important public interest.".

CONTRACTING FOR ENGINEERING AND DESIGN SERVICES

SEC. 313. Section 12(b) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraph:

"(3) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Each contract for program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping or related services with respect to a project for which a loan or grant is made under this Act shall be awarded in the same manner as a contract for architectural and engineering services is negotiated under title IX of the Federal Property and Administrative Services Act of 1949 or equivalent State qualification-based requirement. This paragraph shall apply except to the extent any State adopts or has adopted by statute a formal procedure for the procurement of such services."

BUS REMANUFACTURING AND OVERHAULING OF ROLLING STOCK

SEC. 314. Section 12(c)(1) of the Urban Mass Transportation Act of 1964 is amended by inserting "(A)" after "such term also means" and by inserting before the semicolon at the end thereof the following: ", (B) any bus remanufacturing project which extends the economic life of a bus eight years or more, and (C) any project for the overhaul of rolling stock (whether or not such overhaul increases the useful life of the rolling stock)".

RURAL TRANSPORTATION EQUITY

SEC. 315. Section 18(c) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: "No restrictions may be placed on the use of the Federal share for the payment of operating expenses except as provided herein.".

PROJECT MANAGEMENT OVERSIGHT

SEC. 316. The Urban Mass Transportation Act of 1964 is amended by inserting at the end thereof the following new section:

"PROJECT MANAGEMENT OVERSIGHT

"SEC. 23. (a)(1) The Secretary may use not to exceed one-half of 1 per centum of the funds made available for major capital projects for each fiscal year by sections 21 (a), (b), and (c) of this Act, and section 14(b) of the National Capital Transportation Act of 1969 to contract with any person for the performance of project management oversight. Any contract entered into under this subsection shall provide for the payment by the Secretary of 100 per centum of the cost of carrying out the contract.

"(2) Each recipient of assistance under this Act or section 14(b) of the National Capital Transportation Act of 1969 shall provide the Secretary and a contractor chosen by the Secretary in accordance with paragraph (1) such access to its construction sites and records as may be reasonably required.

"(b) As a condition of Federal financial assistance for a major capital project under this Act or the National Capital Transportation Act of 1969, the Secretary shall require the recipient to prepare, and, after approval by the Secretary, implement a project management plan which meets the requirements of subsection (c).

"(c) A project management plan may, as required in each case by the Secretary, provide for—

"(1) adequate recipient staff organization complete with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

"(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and such miscellaneous payments as the recipient may be prepared to justify;

"(3) a construction schedule;

"(4) a document control procedure and recordkeeping system;

"(5) a change order procedure which includes a documented, systematic approach to the handling of construction change orders;

"(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

"(7) quality control and quality assurance functions, procedures, and responsibilities for construction and for system installation and integration of system components;

"(8) materials testing policies and procedures;

"(9) internal plan implementation and reporting requirements;

"(10) criteria and procedures to be used for testing the operational system or its major components;

"(11) periodic updates of the plan, especially with respect to such items as project budget and project schedule, financing, ridership estimates and where applicable, the status of local efforts to enhance ridership in cases where ridership estimates are contingent, in part, upon the success of such efforts; and

"(12) the recipient's commitment to make monthly submissions of project budget and project schedule ot the Secretary.

"(d) The Secretary shall promulgate such regulations as may be necessary to implement the provisions of this section. Such regulations shall be published in proposed form for comment in the Federal Register and shall be submitted for review to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than sixty days after the date of enactment of this section, and shall be promulgated in final form not later than one hundred and twenty days after the date of enactment of this section. Such regulations shall, at a minimum, include the following:

"(1) A definition of the term 'major capital project' for the purpose of subsection (b). Such definition shall exclude projects for the acquisition of vehicles or other rolling stock, or for the performance of vehicle maintenance or rehabilitation.

"(2) A requirement that, in order to maximize the transportation benefits and cost savings associated with project management oversight, such oversight shall begin during the preliminary engineering stage of a project. The requirement of this paragraph shall not apply if the Secretary finds that is more appropriate to indicate such oversight during another stage of the project.

"(c) The Secretary shall approve a plan submitted pursuant to subsection (b) within sixty days following its submittal. In the event that approval cannot be completed within sixty days, the Secretary shall inform the recipient of the reasons therefor and as to how much more time is needed for review to be completed. If a plan is disapproved, the Secretary shall inform the recipient of the reasons therefor.".

CRIME PREVENTION AND SECURITY

SEC. 317. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

"CRIME PREVENTION AND SECURITY

"SEC. 24. From funds made available pursuant to section 21 of this Act, the Secretary is authorized to make capital grants to public mass transit systems for crime prevention and security. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant.".

ADDITIONAL AMOUNT FOR SUBSTITUTE TRANSIT PROJECTS COST TO COMPLETE ESTIMATE

SEC. 318. (a) The Secretary of Transportation shall increase by $100,000,000 the estimate of the cost of completing substitute transit projects under section 103(e)(4) of title 23, United States Code.

(b The amount of the increase under subsection (a) shall be made available in accordance with the apportionment factors contained in the committee print numbered 100-2 of the Committee on Public Works and Transportation of the House of Representatives.

MULTIYEAR CONTRACT FOR METRO RAIL PROJECT

SEC. 319. After publication in the Federal Register of an approved supplemental environmental impact statement prepared in accordance with the National Environmental Policy Act, the Secretary of Transportation shall enter into a multiyear contract under section 3 of the Urban Mass Transportation Act of 1964, as amended by this Act, with the Southern California Rapid Transit District to complete Minimum Operable Segment-1 and to complete the locally preferred Minimum Operable Segment-2 alternative of the Downtown Los Angeles to the San Fernando Valley Metro Rail Project.

BART STUDY

SEC. 320 (a) STUDY.—The Secretary of Transportation, in cooperation with the San Francisco Bay Area Rapid Transit District and the Metropolitan Transportaion Commission, shall undertake a comprehensive study of the future of the Bay Area Rapid Transit System. The Study shall focus on the development of financing alternatives for the first phase rail extensions identified in the Regional Transportation Plan.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study described in subsection (a).

TRANSFER OF SECTION 9 FUNDS

SEC. 321. The Governor of Nevada, after consultation with all urbanized areas within Nevada, may transfer not to exceed $10,000,000 of unused apportionments under sections 9A and 9 of the Urban Mass Transportation Act of 1964 for use in Santa Clara County, California.

Mr. DIXON. Mr. President, this has been cleared by the leadership on both sides. I ask unanimous consent that the amendment that we are considering be considered as original text for the purpose of further amendment. It is cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, the amendment now pending before the Senate authorizes Federal transit assistance programs through fiscal year 1990. It is a very limited amendment. It provides for no growth at all in transit funding over the next 3 fiscal years. In fact, the authorizations it proposes are $14 million below the fiscal year 1987 levels for each of the fiscal years 1988 through 1990.

The amendment is similar in many respects to the amendment the Senate adopted by voice vote last year during consideration of S. 2405 in the 99th Congress, the 1986 highway reauthorization bill. Unfortunately, while the Senate passed highway-transit reauthorization legislation last year, we were unable to reach a conference agreement with the House. The result was that the 99th Congress ended and Federal transit assistance and highway programs were left without authorizations.

The impact of our failure to enact transit reauthorization legislation last year was not quite as dramatic as was the failure to reauthorize highway programs, but the consequences of that failure were and are very serious. Because Federal highway programs are funded almost totally out of the highway trust fund—that is, out of the 8-cent gas tax and other highway taxes—and, therefore, are not appropriated, Congress' failure to reauthorize Federal highway assistance last year brought those programs to a halt.

The basic formula Transit Program, however, is funded from general revenues and funding for this program was included in the omnibus fiscal year 1987 continuing resolution. This means that transit funding, unlike highway funding, was not entirely cut off. The section 3 major capital program, however, is funded out of the mass transit account—the 1-cent gas tax allocated to transit—and is like the Highway Program. It, too, is not appropriated, and therefore, funds available in the mass transit account cannot be released until reauthorization legislation is passed. Stated another way, roughly $1 billion of the roughly $3 billion total Transit Program—one-third of the overall program—cannot be spent without enactment of authorization legislation.

Moreover, without enactment of the kind of multiyear comprehensive reauthorization legislation we are proposing here today, the transportation planning processes of cities and towns all over America will continue to be severely disrupted. Transportation investment decisions, both transit and highway, are by their very nature, long-term decisions with long-term consequences. Sound investment decisions require long-term, stable Federal assistance programs. That is why the Senate has before it a 4-year extension of the highway assistance programs, and that is why an extension of the transit programs for the same period of years is so critical.

Mr. President, as I stated earlier, the Senate recognized this problem last year and approved a 4-year extension of Federal transit assistance by voice vote. While a number of constraints prevented a formal markup in the Banking Committee last year, that product did represent a real consensus of the committee. It was cosponsored by 10 of the 15 Banking Committee members in the last Congress, including the distinguished chairman of the committee at that time, Senator GARN, and almost all of the committee's Democratic members. It was based on 3 days of hearings before the committee in 1986, and a day of hearings in 1985.

As I stated at the beginning of my remarks, the amendment we are presenting now is fundamentally very similar to the action the Banking Committee and the full Senate took last year. It is identical to the original bill reported by the committee on January 27 of this year, which was marked up in committee on January 21. Like last year's amendment, it is very simple. It makes no changes in the basic structure of the Federal Transit Program. It simply reauthorizes Federal transit assistance through fiscal 1990—as does the highway bill now before us.

Importantly, it is a hold-the-line amendment. It reauthorizes the Transit Program at the levels assumed in the fiscal year 1987 continuing resolution. It is essentially a freeze in transit spending over the next 4 years. In fact, it assumes funding levels slightly below the freeze level, as I said previously.

Under this amendment, therefore, transit will continue to be doing its part to help us meet Gramm-Rudman-Hollings deficit reduction targets. This is true for two major reasons:

First, transit spending has declined by more than $1.2 billion per year since fiscal 1981, or over 30 percent, in spite of the fact that, in 1982, Congress allocated 1 penny of the increase in gas taxes to transit to increase transit spending.

Second, the mass transit account could currently support capital spending levels of over $1.7 billion per year, instead of the $1 billion being made available in this amendment. The over $700 million in annual surpluses the mass transit account is now generating, therefore, are essentially being used to reduce the deficit—I repeat to reduce the deficit—instead of being used to meet transit spending needs.

It is important to remember, Mr. President, that while Federal support for transit has declined, the need for transit assistance has not declined. Given the broad cuts in a variety of Federal programs, including revenue sharing, cities and towns around the Nation are having increasing difficulty in finding the money to buy new buses or rail cars, to repair old ones, or to rehabilitate and maintain subways or commuter rail systems. Communities have been forced to increase fares, to reduce service, and to defer maintenance, in an attempt to continue to meet their citizens' needs for public transportation.

It is also important to remember that cities and towns rely on a combination of transit and highway spending to meet their overall transportation needs. Most cities do not get sufficient Federal highway assistance to meet these needs, or even to provide them with some equity for the taxes they send to Washington to finance the Highway Program. Cook County in Illinois, for example, which includes the city of Chicago, accounts for roughly 40 percent of the vehicle registrations in Illinois. Cook County, however, gets less than one-quarter of the Federal highway funds allocated to Illinois. In fact, if the Interstate Transfer Program is excluded, Cook County gets only about 10 percent of the regular Federal Highway Program funding sent to Illinois. If only highway spending is considered, Cook County would seem to be receiving less than it should. If, however, overall transportation funding is considered, Cook County does much better, because the county also receives Federal transit assistance.

In many major cities, even unlimited highway funding would not help. More roads would simply mean more traffic congestion. It is only the combination of transit spending and highway spending that enables them to maintain a transportation system that works.

The amendment now before us does not begin to meet the real need for transit spending. A strong case can be made for significantly higher spending levels, particularly since the mass transit account would support higher spending. This amendment, therefore, does not represent an attempt to even come close to meeting overall transit capital needs. Rather, it is designed to try to protect the investment we have already made.

Before I close, Mr. President, I would like to take note of one feature of this amendment that was not in last year's version. This year's amendment takes a very limited step toward a unitary authorization of the two major transit programs. It is designed to see that any growth in mass transit account funding over $1 billion is split 70-30 between the section 9 and section 3 programs. It takes a first step toward putting gas tax money out under formula.

This provision is a compromise version of a concept that was in the transit reauthorization bill, S. 315, that I introduced earlier this year. I want to particularly thank my good friend from Pennsylvania, Senator HEINZ, for his work on this compromise.

While the initial practical impact of the provision is small, it seems to me that it creates an important precedent. It demonstrates the Senate's interest in ensuring that the bulk of transit assistance goes out under the formula program. Further, it signals the Senate's intent that an increase in funding over the Senate levels should be handled in accordance with this 70-30 mechanism, a matter that is extremely important because the House transit bill is up to a billion dollars a year above the Senate bill in annual funding levels.

I spoke on the merits of this idea at some length when I introduced S. 315, so I will not take more of the time of the Senate now. Before I sum up, I would simply like to thank my good friend from California, the distinguished chairman of the Housing Subcommittee, Senator CRANSTON, for his leadership in bringing this transit bill to the Senate. I also want to thank the distinguished ranking member of the subcommittee, my warm friend, Senator D'AMATO, for his hard work in developing this legislation. Finally, I would again like to thank Senator HEINZ for the creative energy he always brings to the committee.

Mr. President, I strongly urge my colleagues to join me in supporting this limited, but vitally important, amendment. It will not end the malnutrition that plagues the Federal Transit Program, but it will enable transit systems around the country to continue to survive, to continue to serve those who do not have automobiles, or who need transit to get to their jobs, or to school, or to the hospital. The amendment is nothing more than a simple extension of the Federal commitment to mass transit for 4 years. It is fiscally responsible, and we must act on it. I urge the Senate to adopt the amendment.

I thank you, Mr. President, and I am delighted to yield to my distinguished friend, the ranking Member and comanager of this bill, Senator AL D'AMATO of New York, with thanks to him once again for his many important contributions.

The PRESIDING OFFICER. Without objection, the yielding to the distinguished Senator from New York is approved.

Mr. D'AMATO. Mr. President, let me on behalf of the constituents of New York, as well as my colleagues whose constituents have a vital interest in mass transportation, pay my compliments to Senator DIXON, my friend and colleague, who has done an outstanding job in bringing this amendment to the floor today.

Mr. President, I am pleased to rise and add my name as a cosponsor of the Urban Mass Transportation Reauthorization Act of 1987, S. 382. This vital legislation will extend the Federal Public Transit Program for another 4 years, and provide critical assistance to our Nation's urban and rural transit systems.

I am glad that Congress is now focusing on its important responsibility—reauthorization of the Federal programs that provide the funds needed to plan, design, repair, construct, and assist in operating our public transit systems. That is good news for the traveling public, as well as for transportation providers, and the transportation industry.

This mass transit legislation is the product of bipartisan efforts by the full Banking Committee. It will provide funding for both discretionary and formula assistance programs at their current levels during fiscal years

1987 through 1990. Many of the bill's provisions were derived from legislation which I introduced in both the 98th and 99th Congresses and reintroduced in the 100th Congress as S. 224 on January 6, 1987.

As the ranking minority member of the Subcommittee on Housing and Urban Affairs, my goals for reauthorizing the transit program have been threefold: To protect the basic soundness of the transit program—especially the formula program; to succeed in capturing some of the growth in the mass transit account; and to build in some programmatic improvements.

The committee bill contains a provision which will allocate gas tax funds in excess of $1 billion for formula grants—70 percent of the excess funds—and for discretionary grants—30 percent of the excess funds. This approach, known as blending, has been included in an effort to protect the stability of the formula program. Should allocations to the formula program fall below $2 billion per year, then any available discretionary funds in excess of $1 billion would first be applied to restore that reduction. In short, blending is crafted to allow some gas tax funds to be used for both of the major transit grant programs.

Capturing excess mass transit account funds is important whether it is accomplished through a blending approach—the committee's choice, via a separate balanced investment fund S. 224—or through some other mechanism. The Senate bill sets aside $2.5 million for purposes of blending. In contrast, the balanced investment fund, created by my legislation, S. 224, would have authorized $1.75 billion per year, and would have set aside $200 billion for a special discretionary capital grants program for small urban and rural transit systems.

Last year the Senate approved a 4-year transit reauthorization bill. It was essentially a hold-harmless measure that did not allow for growth in the program. This year it looks like we will do the same. I am disappointed. We should be able to release more of the mass transit account funds—gas taxes—dedicated to the mass transit program that are currently being used for deficit reduction purposes. However, it was vital for the Banking Committee to report out a bill and not contribute to any further delay in passing the highway bill.

When we go to conference with the House, I will do all that I can to increase the authorization of funds from the mass transit account of the highway trust fund. The House has authorized $1.79 billion for fiscal years 1987, 1988, 1989, 1990, and 1991. We are authorizing only $1.0025—the current fiscal year 1987 appropriated level—for 4 years, fiscal years 1987, 1988, 1989, and 1990. CBO has said that the program could support authorizations as high as $1.9 billion. I believe the funds are there to provide enhanced funding levels; however, this matter can be discussed in conference.

S. 382 includes project management oversight requirements which are long overdue for major transit capital projects. I chaired hearings on this issue in the Banking Committee on April 9, 1986. In addition, the bill provides for capital grants for transit crime prevention, includes more eligible items under associated capital maintenance items, and funds interstate transfer transit at $200 million—current levels.

The administration's proposed fiscal year 1988 budget would cut 56 percent of current transit funding. It would provide a total of $1.37 billion from the mass transit account to fund the entire program. Under the administration's plan, New York State alone would lose $382 million, or $56.4 percent, of its current allocation of Federal transit funds. I oppose this shortsighted attack on the program, and I will use my position as ranking minority member of the Transportation Appropriations Subcommittee, to prevent further appropriations cuts.

Mr. President, this bill also will enhance the Federal Transit Program in the following ways:

It authorizes transit crime prevention capital grants;

It protects current operating assistance program;

It lowers the eligibility threshold for associated capital maintenance items from 1 percent of vehicle cost to a half percent; and

It permits newly urbanized areas to use as much of their funds for operating aid as they used in fiscal year 1985.

Mr. President, I urge my colleagues to support this legislation. It is imperative that we act quickly to reauthorize the Federal Mass Transit Program. A conference will be needed to discuss the differences in the Senate and House versions of these bills. The public transportation systems of this Nation and the riding public they serve deserve our best efforts to extend and improve this beneficial program.

Mr. President, there is some talk of an amendment being offered that would drastically change the formulas for the distribution of the 1-penny set-aside for mass transportation. It is called the 80-percent amendment.

It would give to some of our less densely populated States additional revenues that were designed and intended for mass transportation that do not flow to these States because they do not have any mass transportation. Consequently, some Senators who are conscientious to the needs and resources for their States seek, for the first time, to permit 80 percent of these revenues to go in lieu of mass transit needs so they can be used in their highway systems.

Mr. President, there have never been hearings on this. These formulas were carefully crafted to meet the needs, the needs test.

I would suggest that over the years there have been many of us from urban centers who have supported programs for rural electrification, who have supported programs related to agriculture, who have supported numerous programs where there has been little, if any, direct tangible results in terms of a distribution by way of per capita or any other measurable standards.

For the first time to say, "We want a per capita formula to cover us, notwithstanding that we may not have that particular need or that program in our State, in our cities, in our communities," I think runs afoul of the basic principle by which we set these programs up to help deal with the needs of our citizens throughout this great land.

It is just an attempt to reach into a pot.

Why do I bring that up? Mr. President, I am fearful if there is that kind of an assault made on the floor, without benefit of hearings, with respect to changing these formulas, there will be protracted debate, very protracted, very, very protracted, and the opportunity to do the business of the people in an orderly manner, this most important transit as well as highway construction bill that has languished far too long, that we passed in the Senate last year but which did not come to fruition, will once again be held up. There is the leader's admonition that if we get our work done we can go on to hearings tomorrow and be productive. But we would see this all lost. Would that not be terrible?

While any Member has the right to offer an amendment of his or her choosing, I think we also have to understand that other Members also have a right to object and to make known their objections, and to do what they feel might be necessary to protect the integrity of this most vital, important transit formula and not to have it savaged without the benefit of the kind of study necessary.

I would hope that people would not unduly see this process delayed. I am very fearful that that might be the case.

Mr. President, I again thank the outstanding leadership of our chairman in having brought this matter to the floor, Senator DIXON. I yield the floor.

Mr. MOYNIHAN. Mr. President, I rise in support of the amendment to add the Urban Mass Transit Authorization Act of 1987 to S. 387. This amendment is essential to maintain the national commitment to adequate public mass transportation.

The administration's proposed budgets for fiscal years 1986, 1987, and 1988 have consistently proposed a transit program that is grossly inadequate to meet the Nation's transit financing needs. Each of those years we have been faced with a proposed 60 percent to two-thirds cut in total transit funding, including the elimination of all general revenue support for mass transit.

Although the Congress has rejected the President's proposals on a bipatisan basis, Federal support for mass transit has been cut severely in recent years. Budget authority for mass transit has dropped from $4.66 billion in fiscal year 1981 to $3.27 billion in fiscal year 1987—a 30-percent cut. After accounting for inflation, local transit systems have had to take a reduction in Federal assistance of about 50 percent. This has occurred over a period in which administration budgets have included a 50-percent increase in budget authority for all Federal activities.

This legislation would essentially freeze the authorization for Federal transit funding through fiscal year 1990 a the levels appropriated for fiscal year 1987. Although I believe that the importance of mass transit warrants significant increase in current Federal support, this bill would at least maintain current funding levels and provide some stability for a program that requires immediate congressional action.

Millions of Americans depend on mass transit to get to work, attend school, go to church, purchase groceries, deliever goods, and go about all our other essential daily activities. Without reliable mass transit many Americans simply would not be able to carry on their day-to-day lives. On an average weekday over 5 million trips are made on the New York City transit system alone. And although the New York City system is the largest, 73 municipalities in New York State receive Federal transit funding.

There are two provisions of the legislation that are of particular importance to New York. First, the amendment would authorize funding of the section 3 discretionary grant program at $1 billion a year from 1 penny of the 9-cent gas tax, and fund the section 9 formula grants at $2 billion a year out of general revenues. The new proposal introduces a so-called blending approach which would allocate any collections from the gasoline tax dedicated to mass transit in excess of $1 billion as follows: 70 percent to formula grants and 30 percent to discretionary grants. Although the blending would amount to no more than $2.5 million in fiscal year 1987, the principle is important in that it will allow small- and medium-size cities to receive adequate assistance without having to compete for section 3 funds and facilitate local management by providing a greater share of assistance through formula grants rather than less predictable discretionary grants.

The amendment would also establish an allocation of section 3 discretionary grants among three major categories: Rail modernization—45 percent, new starts—40 percent, and bus projects 15 percent. This distribution of funds is appropriate given the current needs of the transit community and it will provide communities with useful guidance on funding levels that are likely to be available for particular types of projects and ensure that no one category of projects commands a disproportionate share of section 3 resources.

Mr. President, a Federal commitment to maintain and improve our Nation's mass transit is essential if our transportation system is to be sound and healthy. As the Congress failed to reach agreement on transit legislation before the end of the 99th Congress, mass transit authorization has now expired. The Congress must quickly take action to reauthorize transit programs through fiscal year 1990, and I urge the adoption of this amendment.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 24

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from South Carolina (Mr. THURMOND), for himself, Mr. WILSON, Mr. HELMS, Mr. HUMPHREY, Mrs. KASSEBAUM, Mr. GRASSLEY, Mr. WALLOP, Mr. NICKLES, Mr. MCCAIN, Mr. KASTEN, Mr. HECHT, Mr. ARMSTRONG, Mr. PROXMIRE, Mr. SIMPSON, Mr. DECONCINI, Mr. BURDICK, Mr. HATCH, Mr. HEFLIN, and Mr. BUMPERS, proposes an amendment numbered 24.

At the end, of the Dixon amendment insert the following: "The recommendations of the President relating to rates of pay for offices and positions within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to the Congress for fiscal year 1988, are disapproved."

Mr. DIXON. Mr. President, I wonder if my distinguished friend from South Carolina would yield for a question on this amendment?

The PRESIDING OFFICER. Will the distinguished Senator from South Carolina yield for a question to the distinguished Senator from Illinois at this time?

Mr. DIXON. I wonder if I could ask my friend from South Carolina, his devotion to this cause and issue being obviously known to all of us and I appreciate his conscientious interest in bringing this issue before the Senate as often as possible, if the Senator might consider the possibility of withdrawing this amendment to this critical legislation.

This legislation, of course, is the highway bill and the mass transit features that will go with it. I am sure that the Senator understands that everyone of the 50 States of the country are anxiously awaiting this funding so they can begin to build highways and improve their roads and bridges effective March 1.

I wonder whether the Senator might consider, there being so many opportunities to bring this very contentious question before us, the possibility of not imposing upon the work of this body in connection with this bill which we are trying to pass very expeditiously.

Mr. THURMOND. Mr. President, this is a very important bill. But any bill that is going to take effect and get results will be in the same situation.

In other words, we have already passed this amendment and sent it to the House. The House has not seen fit to act. We just want to put it on this bill, too. If it is attached to some important piece of legislation like this before it gets to the House, whether the House will strip it off or do something else is a matter for them, but I feel like it ought to be put up to the House again.

Mr. DIXON. I thank the Senator from South Carolina and fully understand his motive. But I would remind him that there is a new vehicle around here every day. This is a very critical bill. I cannot think of anything that is more important for the creation of job opportunities in the State of the distinguished Senator from South Carolina and my State and every State in the country. They have not built any roads for a long time now because we did not act expeditiously last year.

I cannot speak for the House, but the Senator knows very well that many of us joined him here in the Senate.

I would hope that we would not have to entertain this matter now.

Could the Senator possibly give us an opportunity to discuss this with him? Perhaps the leadership would want to get involved in the discussion. This bill is so critical. The Senator, of course, is highly respected by all of us.

Mr. THURMOND. If the majority leader has another piece of legislation that we can act on promptly and send over, it would be all right.

Mr. DIXON. Would the Senator accommodate the majority and minority leaders in a discussion on this? I know the majority leader and the minority leader are profoundly interested in the expeditious passage of this bill. The Senator knows everyone in the country is.

As the Senator knows, if we can work out another arrangement somehow, it would greatly accommodate every one.

Mr. THURMOND. Mr. President, I shall be glad to temporarily withdraw it, but I would not want action on this bill to be final unless we can find some other piece of legislation.

If the majority leader has some other piece of legislation we can pass, I shall be glad to put it on that.

Mr. DIXON. I understand where the Senator is coming from. Everybody has the greatest regard for his devotion to his cause. If he could, without any prejudice, pull down the amendment for now until the majority and minority leader can accommodate him, it would be greatly appreciated.

Mr. THURMOND. Mr. President, I temporarily withdraw this amendment. I expect to put it on this bill unless there is some other legislation that the majority leader can assure me can be acted on promptly and sent to the House.

Mr. DIXON. I thank my colleague for his conscientious devotion to his causes while still accommodating the business and the needs of the Senate.

The amendment (No. 24) was withdrawn.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator from South Carolina. He made reference to the majority leader. I assure him that there will be other opportunities to offer legislation that would have the effect of repealing the salary increases that have already gone into effect—of course, with the exception of the judicial salary increases. Under the Constitution, I think there would be a serious question whether or not they could now be repealed. But as for providing a vehicle for the Senator to express its will in that regard, I shall be happy to assure the Senator that that will be done.

This legislation is of such importance. It is important to the States and the longer we delay final action on this legislation, the more it is going to cost the States. The construction season is coming on. This is extremely important to my State of West Virginia. Our States need to know what they can count on with respect to the construction season, the planning moneys, and the construction moneys.

I appreciate the cooperation of the distinguished Senator from South Carolina. I hope we can get this legislation to conference. It was passed last year and died in conference. It is extremely important that we get on with it now.

I can assure the distinguished Senator from South Carolina that there will be a vehicle on which he can offer his amendment or he can call up a separate resolution in order to get the Senate to express its will on this issue soon.

Mr. THURMOND. Mr. President, I thank the able majority leader. The only thing is that this matter is timely; if there is some other legislation that we can send over today, I do not think it ought to be put off.

I realize there is a question about the judges and how they would be affected. On the other hand, I feel that, if possible, we should not relegate Congress below the executive and the judiciary. Therefore, I was offering an amendment similar to the resolution that we passed before, 87 to 6.

If there is some other piece of legislation here today that we can hook this on to, it is all right with me, Or, if we can just pass this again independently, I shall be glad to offer that and send it to the House.

Mr. BYRD. Yes, Mr. President, I would not want to mislead the Senator or anyone in the Senate. There is no other legislation today.

Mr. THURMOND. Then I ask the majority leader if we can cooperate in passing this independently and send it to the House.

Mr. BYRD. Absolutely. I shall be happy to do that.

Mr. THURMOND. Mr. President, I ask unanimous consent that the amendment I have offered be considered a bill that can be taken up right now.

Mr. BYRD. Mr. President, we would not want to take it up right now. The Senator has my assurance that I will try to get clearance to do it today.

Mr. THURMOND. The only thing is I do not want to let this bill go and lose the opportunity here. If we could lay this aside for 5 minutes and pass this by unanimous consent——

Mr. BYRD. If we can discuss it with the distinguished Republican leader, and we can work with the Senator from South Carolina and get clearance with the joint leadership, perhaps we can do that.

I was about to say, and I want to say for the Record so that I will not be misunderstood, there is no other legislation, other than the energy appliance standards bill, that we could attach this to. The distinguished Senator from South Carolina wanted assurance that there would be some other legislation that this could be attached to today. We do not have that.

I would not want to see the salary legislation attached to the energy appliance standards bill, either. That was passed unanimously by Congress last year and pocket-vetoed by the President. Both that and the measure that is before us are so important that I hope we can get on with action on both of them and get them to the President's desk.

I merely want to say that for the record and I assure the Senator that I shall cooperate with him to see if we could get his——

Mr. THURMOND. Mr. President——

Mr. BYRD. If I may finish my sentence—his resolution up and vote on it today, I would be happy to have a voice vote.

I yield the floor.

Mr. THURMOND. Mr. President, I suggest that at the appropriate time that suits the majority leader, we lay this legislation aside and take up an independent bill, which I shall introduce independently, and pass it and send it promptly to the House. If we can do that, I shall not offer it to this legislation.

Mr. BYRD. I shall be happy to do that and work with the Senator.

Mr. THURMOND. But I want to be sure this legislation will not be acted on until we act on the other.

Mr. BYRD. I thank the distinguished Senator.

Mr. THURMOND. I want to be cooperative.

Mr. BYRD. The Senator is always cooperative.

Mr. DIXON. I thank the distinguished Senator from South Carolina. I assure him we shall be working with the leadership and with him throughout the day. We appreciate his accommodation here.

I yield to the Senator from South Dakota.

Mr. PRESSLER. Mr. President, I ask unanimous consent that Ann Begeman of my staff be permitted the privilege of the floor through the discussion of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 25

(Purpose: To provide that 80 percent of a State's tax payments to the Mass Transit Account are apportioned to that State)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. Pressler), for himself, Mr. Nickles, Mr. Kasten, Mr. Grassley, Mr. Boren, and Mr. Bumpers proposes an amendment numbered 25.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 302, insert the following:

"(h)(1) Notwithstanding any other provision of law, as soon as is practicable in each fiscal year, commencing with the fiscal year ending September 30, 1987, the Secretary shall allocate among the States from the appropriations made from the Mass Transit Account of the Highway Trust Fund for such fiscal year amounts sufficient to insure that a State's percentage of total allocations from the Mass Transit Account for such fiscal year shall not be less than 80 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Mass Transit Account in the latest fiscal year for which data are available. For purposes of this section, a State is any one of the 50 States and the District of Columbia.

"(2) Notwithstanding any other provision of law, amounts allocated pursuant to paragraph (1) shall be available for obligation when allocated for the fiscal year in which allocated plus the three succeeding fiscal years, shall be subject to the appropriate provisions of title 23, United States Code, and the Urban Mass Transit Act of 1964, as determined by the Secretary, and shall be available for obligation for any projects authorized by the Urban Mass Transit Act of 1964 or any highway construction projects authorized under title 23, United States Code.".

Mr. PRESSLER. Mr. President, I rise today to offer, on behalf of myself, Senators NICKLES, KASTEN, GRASSLEY, and BOREN, an amendment to the Federal-Aid Highway Act that would guarantee to each State a minimum 80 percent allocation of funds paid into the mass transit account. As my colleagues know, the mass transit account was created under the Surface Transportation Assistance Act of 1982, and is funded by taking 1 cent from the 9 cent Federal fuel tax.

The amendment is simple in its operation. It would guarantee those States which pay into the mass transit account an 80-percent return on their contribution. In addition, it would allow the States to spend the guaranteed funds for either mass transit projects or general Federal highway projects giving them flexibility. That is not now the case.

Mr. President, I offer this amendment as a matter of equity. Of the 50 States that pay into the account, an astounding 32 do not get a penny back. Why is this? The answer is simple. Speaking very frankly, the mass transit account has been abused. As originally envisioned, this was to be a discretionary account. The funds were to be allocated at the professional discretion of the Department of Transportation on a needs basis. But that has not happened. Instead, the money is earmarked in the relevant committees and—as you might guess—most of it goes to the States of committee members.

That is something that troubles me, because the U.S. Senate is made up of 100 Members, not all of whom are members of the Appropriations Committee or the Banking Committee.

That illustrates the essence of this amendment. What we are really trying to accomplish by this amendment is a fairer distribution of the mass transit account funds.

Now let me say up front that I do not claim that this amendment is the only alternative. I am open to suggestions. In fact, I would be willing to drop the minimum allocation approach entirely and withdraw my amendment if we could agree on a truly discretionary distribution of these funds, and have the Department of Transportation distribute them on a needs basis. But we have to return some semblance of equity to the program. The 80-percent minimum allocation approach is one alternative. I am open to suggestions. But I do know that a "user fee" program whereby 32 of the 50 contributing States do not get a single penny in return is not fair.

Let me illustrate my point. The 32 States that do not receive a single penny from the mass transit account contribute nearly half of all the funds used. Three States receive over one-half of the funds distributed! And eight States receive 88 percent of the total funds distributed.

This is illustrated on this chart: "Disbursement From the Mass Transit Account." Fifty-four percent of it goes to three States. Forty-six percent goes to all the others. This is a dramatic illustration of what has happened.

Now, all these States contribute but three States receive 54 percent of the disbursements from the mass transit account.

Having said all that, Mr. President, let me hasten to add that I am aware of the strong opposition to this amendment from those few States who benefit so greatly from the mass transit account. I understand that they intend to offer counteramendments similar to those suggested when my colleague from Idaho, Senator SYMMS, last year proposed an amendment very similar to the one I am offering today. That amendment would change fundamentally the basic needs test premises of highway trust fund disbursements.

But let us talk in practical terms. I learned how to count at a very young age. The numbers indicate that the votes are there to pass our amendment, and they are there for the counteramendments, as well. And at any rate, the Department of Transportation has indicated that the bill will be vetoed if the mass transit provisions remain unchanged. So I guess we will soon find ourselves at a stalemate of sorts—as was the case when this amendment was aired last year. To further complicate matters on our side, we are addressing a bill that is long overdue. Indeed, it should have been passed last year. And we need to complete our work as soon as possible so important highway work can begin.

Indeed, I come from one of the Northern States where, by the time the bids are let, our construction season is very short. As the chairman of the Environment and Public Works Committee has said on this floor, it is very important to the States that this bill move forward.

I, for one, have no desire to hold up this legislation—and do not intend to do so.

So where does that leave us? It leaves us with a mass transit program that is being abused and seemingly cannot be fixed; and with a highway program that is working well but in jeopardy of being scrapped. Now I am sensitive to the fact that the definitions of "abuse" and "working well" may differ depending on the State from which you come. But I would simply say in response that the fact of the matter remains we have one system under which funds are allocated on an objective needs basis—the highway fund; and another system under which the funds are allocated largely through politics, and clear examples of abuses do exist—the mass transit account.

Let me point out a few more differences between these programs to illustrate my point:

The highway trust fund has worked well. Funds from that account are distributed through objective criteria. It has worked well throughout its entire 30-year history. It is based on need, and is relatively free of abuse.

The mass transit account is technically listed as a discretionary account, but as a practical matter most of the funds are earmarked by congressional committees before they ever see the light of day. As a result, there is almost no room for discretionary distribution by the Department of Transportation, and smaller States really do not have a crack at it.

Under the highway trust fund, virtually everyone gets a full return on the dollars they contribute. This is possible because of the size of the trust fund and the accumulated interest.

Under the mass transit account, a vast majority of the contributing States get absolutely no return on their contribution. The money goes to a very few States.

The highway trust fund is truly based on a user fee concept.

The mass transit account clearly is not.

The highway trust fund is dedicated to the development of a national transportation system. It is not only the resident commuters of the States that benefit. The entire Nation relies on our highway system to move goods between all the States.

These differences illustrate the problem we are trying to address. But they also point out why the counter amendments are inappropriate. We need to fix a program that needs to be fixed. And we need to preserve a program that has worked well and is based on fair criteria.

Finally, let me address one last point that may be raised by the other side. They have pointed out quite correctly that the mass transit account was part of a fair compromise contained in the original 1982 law, and it should not be reargued here. My response to that is simple. I agree. But if that is the case, let's stick to the 1982 agreement. Let us make certain that the mass transit account is truly discretionary. If we can do that without all the congressional earmarking that has plagued the program since its inception, I would gladly withdraw my amendment.

So I hope we can work something out here. I am not wed to the 80-percent figure or any other for that matter. But I do rise to say that I think this thing has worked out in an unfair manner.

I do think there is room for compromise and hope we can come to an agreement, but I have already spelled out the political realities of the situation. We are trying to pass a highway bill, and if my amendment passes—and I think I could pass it, I know I could pass it—another amendment would pass which would be unacceptable to me, and there are other amendments, so we are in a very dire situation, as well as the threat of a veto from the White House.

So I hope we can work something out here. I have already made it clear that I do not intend to hold up passage of this important legislation. But if we cannot reach some type of agreement during this debate, I put my colleagues on notice that I plan to raise this issue again when the appropriations bill, which historically contains the earmarking to which I earlier referred, comes up later this year. I will propose an amendment to strike all the earmarked projects and return the mass transit account to the type of discretionary program that was envisioned when we passed the 1982 act.

Mr. President, I would like to turn to two more charts. This chart shows disbursements from the mass transit account—88 percent goes to eight States, 12 percent all others, and that, Mr. President, is not fair.

My final chart is the State-by-State disbursement from the mass transit account. The 32 remaining States receive zero funding—zero funding, Mr. President, from the mass transit account—and they contribute 41 percent. Is that fair, Mr. President?

This chart illustrates the State-by-State disbursement from the mass transit account starting with California at 32.7; 11.7 to New York; Texas third, 9.6; Pennsylvania fourth, 9.1, going all the way through the various States. But the fact remains that 32 States are not listed on this chart. So the 32 remaining States receive zero funding from the mass transit account, even though they contribute 41 percent. That is not fair, and at some point in this body there will be a revolution by the Members who are not on the Appropriations Committee or by the Members who are from States that do not receive these funds. I happen to come from a small rural State. It is true that we do well under the highway trust fund in some people's opinion. But the fact is that we do not have the mass transit projects that some of these other States have. That was not the intent in 1982 when we talked with Secretary Lewis in the adjacent room. It was not the intent of the legislation. I remember well debating it into the Christmas season, and it was finally passed. I voted for it. It was a somewhat painful vote for me. It has worked out differently from the way it was envisioned.

Mr. President, I seek equity here. I plead with my colleagues, and I ask consideration for my amendment.

(Mr. WIRTH assumed the chair.)

Mr. DIXON. Mr. President, an 80 percent amendment may sound reasonable. Why not give States 80-percent of what they contribute to the highway trust fund? However, closer analysis demonstrates that it really is not reasonable. An 80 percent minimum amount would reallocate about $600 million, based on the fiscal year 1985 figures, from the roughly $1 billion section 3 discretionary program.

In essence, 60 percent of the funds under this program would be redistributed. In the highway program, on the other hand, the 85-percent minimum that we adopted at the suggestion of the distinguished senior Senator from Texas several years ago did not cost any State receiving Federal highway funding any money. That is an important point. Amounts necessary to bring every State up to the 85-percent were added on top of the basic Federal apportionments.

On the highway side, therefore, the roughly $800 million was added to the program to meet the 85-percent target, while on the transit side, this proposal by my distinguished friend from South Dakota would add nothing.

The 80-percent minimum takes money away from 11 States: California, Georgia, Illinois, Massachusetts, Louisiana, New York, New Jersey, Oregon, Pennsylvania, Texas, and Washington. So it might be said at first that it is reasonable. However, it cuts the amount these States receive from the mass transit account, believe it or not, by up to 70 percent or more. There is nothing reasonable about that.

If it was reasonable to protect every State when putting the 85-percent minimum in the Federal Highway Program, then I would argue that it is grossly unfair to deny States similar protection in the Federal Transit Program.

The 80-percent minimum amendment would also end up taking major amounts of transit money and diverting it to highway spending.

Mr. President, transit spending has gone down by $1.2 billion since fiscal year 1983—$1.2 billion since fiscal year 1983—or roughly 30 percent. It is currently only $3.2 billion. Highway spending, on the other hand—and I am not against this—was $9 billion in fiscal year 1981, $12.5 billion in fiscal year 1983, and $14.6 billion in fiscal year 1986.

Let me repeat that, so that everybody understands that quite clearly. While the diversion of funds from mass transit has resulted in a $1.2 billion reduction since 1983, highway spending has gone up by almost $6 billion.

There is nothing fair or reasonable in diverting even more money from attempting to meet transit needs in order to meet highway needs, and I want to meet the highway needs. Moving funding from a program whose funding has declined by 30 percent to a program that has increased by 16 percent does not make sense. While it may seem that just a few areas get the bulk of section 3 funds, it is important to remember that these cities do not get their fair share of highway funds. Transit funding is necessary to give them some equity.

I will give an example in my own State: In Illinois, Cook County includes Chicago. Cook County has roughly 40 percent of all the registered vehicles in the State of Illinois, but it gets less than 23 percent of the Federal highway funds spent in the State.

If you want to take a closer look at the equities, it is important to remember that many of the States that would benefit from the 80-percent minimum mass transit account amendment offered by the Senator from South Dakota already receive substantially more than $1 for every dollar they contribute to the highway trust fund. That is absolutely a fact.

Based on the fiscal year 1987 authorization in the Senate bill, 10 States—Alaska, Arizona, Connecticut, Hawaii, Idaho, Montana, Rhode Island, South Dakota, Vermont, and Washington—receive Federal highway funding well in excess of $1.50 for every dollar they contribute to the highway trust fund. I argue that they are doing pretty well. These States, in aggregate, receive well over $0.5 billion above the amounts needed to ensure that they get back $1.50 for every dollar they contribute to the highway trust fund. Yet, they would all benefit more from the 80-percent minimum amendment.

To take an even broader perspective, there were 30 States in fiscal 1985 that got back at least a dollar for every tax dollar they sent to Washington, and only one of these States, Massachusetts, which gets back only $1.06, would lose money under this amendment. The other 29 are winners, and they were already winners.

So the net effect of this amendment is to transfer money from States getting back less than a dollar for every dollar they contribute to the Federal Government, on an overall basis, to States that already get back a dollar or more for each dollar they contribute.

Therefore, I do not think this amendment is fair or equitable. It disregards transit needs. It disregards the relationship between highway and transit programs. It disregards the relationship between the transit program and the overall Federal budget.

I remind the Senate that the creation of the mass transit account, as my friend has said, in all fairness, was an essential part of the compromise that permitted us to increase the Federal gas tax by a nickel in 1982. We stayed until almost Christmas Eve that year in order to get that bill finished; and it was the transit penny—the 1 cent of the 5 cents that was allocated to transit—that made that effort worthwhile for many of us. I say this is not the time to undermine that compromise. Congress should not go back and undo that essential compromise.

Mr. President, those of us on the floor were here, and we remember the agony of going through long weeks of filibuster; we remember all the work that was done there. Most of us felt that we would not get a bill at that time. Finally, this compromise was the triggering device, as much as anything, that ultimately caused that bill to pass. I think the highway people have been greatly appreciative over the years of what was done in 1982.

It is important to spend transit money to meet transit needs; it should not be spent simply to meet some artificial, fatally flawed concept of equity that results in destroying the section 3 program.

Mr. President, I want to say this to my friend from South Dakota. I appreciate his concerns and the concerns that led the distinguished Senator from South Dakota to propose this amendment. He is a valuable Member here. I recognize the special sensitivity that he and many other Senators have as to the use of the mass transit account revenues.

I have been working for some time to ensure that the bulk of mass transit account funds be distributed by formula to meet the transit needs of every State in the Union. My bill, S. 315, would distribute 70 percent of the mass transit account funds by formula.

I pledge to the Senator from South Dakota that I will work with him—and I know that my colleague from New York State feels the same—to address his concerns in the Banking Committee on the mass transit account and on rural transportation needs.

I will say to my colleague and my good friend from South Dakota, the distinguished senior Senator, that I am inclined to accept his sense-of-the-Senate resolution if he offers one on this subject matter.

I hope that we can agree together to withdraw this amendment at this time, to have some hearings on this question, and to take up his resolution.

He is well known throughout the country as an advocate of better transit service and transportation service in the rural areas of America, a spokesman for that cause.

I would like to accommodate him with hearings. I would like to participate with him in a resolution that expresses his profound concerns.

I want to tell him that as the Senator knows we spent 3 days on this last year and then ended up not getting anything for anyone.

I would hope that we would recognize the grievous problem in America with respect to highway and transit problems, the real emergency nature for passing legislation right now, and because of his fairness and his eminent concern, well known here by all of us, we will accommodate somehow in that way.

Mr. D'AMATO. Mr. President, I join in that request made by the distinguished Senator from Illinois. I hope that our colleague, who has a pressing problem will understand. It is always a problem when one sees revenue his or her constituents are paying does not come back, at least at some percentage, to his or her constituents.

But this again is the case where we talk about revenues that are intended for a specific purpose, that purpose not being road construction, but being mass transportation.

In 1982 the Surface Transportation Act—and we have to look at the history—passed because we agreed that 1 penny would be set aside for mass transportation, the revenues out of that 1 penny.

We did not say it would be set aside for any other purpose. We said mass transportation discretionary funding, recognizing that need. There would have been no 5-cent-per-gallon tax passed. As a matter of fact, that was my amendment in the Surface Transportation Act which contained that 1 penny set-aside.

Now that does not mean that for all time we should preclude a reexamination of this revenue source, if we can have a fairer, more equitable distribution system without tearing apart the vital programs that it now funds. The capital improvement programs in the cities of Philadelphia, Boston, New York, Chicago, Atlanta, just to mention a few, would be absolutely devastated.

There are a number of ways that I believe we could address this problem, and I think that the distinguished Senator from Illinois in suggesting hearings held by the authorizing committee to address some of the problems, which Senator PRESSLER has so poignantly put forth that concern him, rural transportation and its need, we can accommodate and should accommodate our colleague and try to meet the needs of his people.

Let me just simply conclude by saying we spend, allocate, and apportion. I believe in most instances, whether it be transportation, whether it be agriculture, in the area where the need is demonstrated.

To suggest that a community, totally rural in nature with no mass transportation need whatsoever, should be part of a mass transportation formula is absolutely ludicrous and it does not work. That does not mean that there may not be rural needs that we can examine in terms of bus, and so forth.

I think we have to look at the history and we should not attempt to divide this Nation and this body on the basis of how many States will be enriched as a result of changing a formula, how many will be plus in this particular area. That is a very dangerous precedent to become engaged in.

So I hope we could have accommodation of this matter, and I support the suggestion made by my dear friend, Senator DIXON.

Mr. DIXON. Mr. President, I thank my colleague from New York State for once again demonstrating his concern for this important subject matter.

I wonder if my friend from South Dakota would consider the possibility of withdrawing his amendment and I would then ask the President and the Senate to agree to a unanimous consent agreement that we take up a resolution that the Senator has indicated he might be contemplating.

Mr. PRESSLER. Mr. President, I would like to respond to some of the numbers here, and I compliment my two colleagues on the floor. I worked closely with both of them on the Conrail issue and many other issues serving on committees.

This is a contentious problem between the States, very frankly between the smaller rural States, usually, and the large urban States.

Let me just give some figures here with regard to the top three benefactor States in mass transit account distribution, and I already referred to this chart shows that 88 percent of the funds go to eight States; 12 percent go to all others.

Just going through this, as to the State of California, for example, the return ratio on mass transit is $3.05, the return ratio on highway transit fund is $1.03; the State of New York, the return ratio on mass transit is $2.24, return ratio on highway transit fund is $1.69; Texas, the return on mass transit is $1.11 and on the highway fund $1.01; Pennsylvania it is a $2 return on mass transit and $1.42 on the highway fund; Massachusetts is $3.01 return on mass transit and $1.44.

The point I am making is that these top States not only win on the mass transit account but they win on the highway funds.

Georgia is $1.95, and 93 cents on the highway fund; Illinois is $1.36 ratio on mass transit and the return ratio on the highway fund is $1.38; New Jersey is $1.74 on the mass transit and $1.14 on the other.

That would be compared to the 32 States in our Union that get zero.

I ask unanimous consent to print **these figures n the RECORD.**

There being no objection, the figures were ordered to be printed in the RECORD, as follows:

	Individual percentage of contribution to the mass transit account	Percent received from the mass transit account	Return ratio on mass transit	Return ratio on highway trust fund
Top 3 benefactor States in mass transit account distribution:				
1. California	10.4	32.7	3.05	1.03
2. New York	5.1	11.7	2.24	1.69
3. Texas	8.4	9.6	1.11	1.01
Subtotal	23.9	54.0		
Top 8 benefactor States plus 3 States above:				
4. Pennsylvania	4.2	9.1	2.00	1.42
5. Massachusetts	2.2	6.7	3.01	1.44
6. Georgia	3.0	6.1	1.95	.93
7. Illinois	4.3	6.0	1.36	1.38
8. New Jersey	3.2	5.8	1.74	1.14
Subtotal	16.9	33.7		
Cumulative total	40.8	87.7		
Total 18 benefactor States plus 8 States above:				
9. Louisiana	2.2	3.5	1.60	1.32
10. Washington	1.9	2.6	1.35	1.78
11. Oregon	1.3	2.1	1.63	1.30
12. Florida	4.7	1.7	.36	1.01
13. Ohio	4.3	1.0	.24	1.11
14. Virginia	3.0	.2	.08	1.31
15. Nevada	.5	.2	.32	1.98
16. Maine	.5	.1	.24	.99
17. New Hampshire	.4	.7	.18	1.73
18. Vermont	.2	.3	.11	2.61
Subtotal	19.0	12.4		
Grand total	[1] 59.8	[1] 100.1		

[1] 41-percent balance contributed from nonreceiving States.

Mr. **PRESSLER.** Mr. President, it has been suggested that I withdraw the amendment. We have some cosponsors who we may want to hear from first.

Let me say that the scenario as it has been laid out to me is a very difficult one in the sense that we have the votes, very frankly, to pass this amendment but there are the votes to pass another amendment after it that would shuffle things another way that would not be favorable to us.

The administration has threatened to veto if certain things are not in a certain way regarding this formula. We could have a filibuster on each side.

Our States are in dire need of this highway bill and particularly the Northern States.

It is my genuine intention, although I am going to listen to my cosponsors, to move in the direction of withdrawing this amendment and replacing it with the kind offer of my friend from Illinois to hold thorough hearings on the question of equality of States. These formulas are extremely difficult to work out. There is no completely perfect formula.

I know years ago I served on the Education and Labor Committee in the House of Representatives, and we had formulas for the distribution of education funds, for building funds and for vocational education. Each State had a different structure and there were inequalities and unfairnesses in the struggle to make it.

The longest session we ever had in the House of Representatives in the 1970's were fighting over formulas, and we find ourselves in that situation again today. But we do not want to throw the baby out with the bath, so to speak.

So I shall listen to my cosponsors and then take the floor again.

The **PRESIDING OFFICER.** The Senator from Oklahoma is recognized.

Mr. **NICKLES.** Mr. President, I rise in support and as a cosponsor of the amendment of the Senator from South Dakota. Basically, this is a very simple amendment. I think we have heard we need hearings or something, but it is a very simple amendment and I think a very fair amendment.

The essence of it is this 1-cent allocation for mass transit is basically going to a few States. Many States—32 States, I believe—receive zero. They pay millions of dollars in every year and they get zero back. I do not think that is fair.

My State of Oklahoma is very representative. We pay $20 million and we get nothing in return. If this amendment would prevail—and I hope that it will and I hope that we will have a vote on it. I know there has been a request that we pull it down and not have a vote, but I think a majority of the Senate should be able to decide this issue. My State pays over $20 million a year and gets zero. Under this amendment, we would get $16 million back. That means the people of Oklahoma would still be contributing over $4 million per year to the mass transit systems throughout the country. So we are still making a big contribution.

But I think it is almost outrageous to look at the allocation formula that we have and then say, "Well, let's don't change it." It just so happens that you have 10 States getting, basically, almost all of the money.

I noticed that a lot of Senators, when I have talked to them about this, they say, "How does my State come out?" The Senator from Indiana just asked me that question. I said, "Your State gets zero." Indiana pays $26 million in, but they get zero back. Colorado pays in $15 million, but they get zero back. Connecticut pays in about $14 million, and they get zero back. Iowa pays in $12 million; they get zero back. Kentucky pays in $19 million and they receive anothing in return. And on and on and on. Missouri, $27 million, and they get nothing in return. North Carolina, $32 million; zero, again.

Thirty-two States receive zero. This amendment says they would get 80 percent of the dollars that they are sending in on this would go back to those States. I think that is only fair. That is really what we are talking about. We are not talking about raiding anybody's mass transit system or taking any of their money. This is money from those States.

When consumers purchase a gallon of gasoline they are paying 9 cents. We passed an amendment when we passed the gasoline tax bill that said of the 8 cents they would get 85 percent of that money. This amendment probably should say 85 percent as a bare minimum. We are talking about dollars, 80 percent.

So we are saying that the constitutents, if they pay a 9-cent gasoline tax in South Dakota or Iowa or in Kentucky, that they would get at least 80 percent of that money back. So if their State is at $200 million in gasoline taxes, we are saying you should feel happy that you are going to get $160 million of it back. That is what we are saying in this amendment.

Some people say that is not fair. I say it is only fair that they would get at least 80 percent of the dollars that they are paying in gasoline taxes, that they would get that back in their States. And it has to be, in my opinion, ultimately fair because that is the amount of revenues that is being raised. That means that there is a direct relationship on the mileage used, the gallons of gasoline purchased on their highways. So I think it makes good sense.

I hope that my colleagues would look at this list. I am just going to run through the States right now that are getting zero, so the Senators may hear and if their aides are listening. We have sent out a "Dear Colleague" letter and I hope they would look at this.

But I was shocked. I thought the majority, I thought two-thirds of the States would surely be getting some moneys. Instead, we find out that over half the States, 60-some percent of the States, get no money—zero. So they subsidized a lot of very highly expensive, in many cases not very effective, mass transit systems and they get zero in return.

Alaska, zero. They pay in $2 million. Alabama, zero; Arkansas, zero; Arizona, zero; Colorado, zero; Connecticut, zero; the District of Columbia—I will not talk about them. They have a very expensive mass transit system. Delaware, zero; Hawaii, zero; Iowa, zero; Idaho, zero; Indiana, zero; Kansas, zero; Kentucky, zero; Maryland, zero; Michigan, zero; Minnesota, zero; Missouri, zero; Mississippi, Montana, Nebraska, North Carolina, North Dakota, New Mexico, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Wisconsin, West Virginia, and Wyoming.

I think we should be fair. I think telling those States that, "Yes, you have been paying in this money, the 9-cent gallon tax"—and there may well be a proposal to increase the gasoline tax this year, I do not know. But I think those constituents who are paying that gasoline tax, that they are going to get back a minimum of 80 percent of the dollars they are sending to Washington, DC, is only fair.

I yield the floor. I hope we have a vote on this amendment. It is not our intent or our desire as proponents of the amendment to tie up the bill in any way whatsoever. We hope we will vote on the amendment.

Mr. D'AMATO. Mr. President, let us talk about fairness. The amendment is not a fair amendment. This is an amendment that could cripple States that have a need. That need is being supported by the intention of the Congress to say that we will set these revenues aside for these particular areas that have mass transportation needs.

You do not have a mass transportation program in the middle of a desert or in a sparsely populated area.

Let us take a look, if we are going to start this kind of thing, we do not have subsidies in my State for some of the agricultural programs that the citizens of my State have been paying billions of dollars for—billions. If we want to start this business, we pay money. What about the tobacco subsidies? What about the corn subsidies—and I say subsidies. What about the subsidies for peanuts? What about the subsidies for sugar? That is just in the area of agriculture. We can go on and on and on—billions.

By the way, we keep paying more and more for those subsidies. I did not even get into some of the other areas we ought to take a look at.

In the past 5 years, spending on price support programs have increased over 500 percent, from $4 billion in 1981 to $25.8 billion.

Let me tell you, my taxpayers have been paying for it. If you want to start putting that on the line, we will start doing it. And if the Senators who are proposing this want to take a look and see whose citizens have gained more, I want to tell you, on per capita aid, your citizens have gotten more and the citizens from New York have paid and paid and paid and paid and paid through the nose.

I am sick and tired of hearing this nonsense when there is a program that is designed specifically to meet the needs of our people and our State. We are not farmers. We are craftsmen. We work in commerce. We work in industry. But we have needs, too, and that is a need to get to work.

Now, we recognize the needs of those who are farmers. We provide the moneys. If you want to start this kind of business of talking about fairness, let me tell you we have not been treated very fairly but, you know, we have come together where we say that we recognize the needs. So when you have a water project in the Far West, it costs billions of dollars, taxpayers throughout the country have come together.

Maybe we have got to go back to elementary school. It seems to me that was eighth grade history of how we came together. Then we went to the 9th and 10th grades. Do you want to start scuttling this thing and say, "Your States get dollars in a program and our State doesn't"? Great propaganda if you want to go back home and demagog.

But that is not what I thought this Congress was supposed to be about, and this body in particular. Let us remember the history of this bill. There would have been no 5-cent tax increase. You would not have gotten those billions of dollars in highway funds. And I have not even got into the distribution of the highway trust funds for highway purposes where some States are getting 200 and 300 percent more than others. They have a need. It is not based on per capita. It is based upon the length it takes to transport people. I have not been raising any objections with respect to that.

But if you do not have a mass transit need and we do in a particular community, are you going to punish us for that? We are not punishing the people who have those water projects that have been built and are still being built and being funded because we do not have those massive projects. We do not have the people to have the benefit of the rural electrification projects, because we do not have that need, yet we pay the highest energy costs in America.

I think it is absolutely ridiculous to come into this body and say that this is an issue of fairness. This is an issue of political power. If you want to exercise that power, I suggest you exercise it prudently and recognize the legitmate interests of the minority.

And do not attempt to simply by saying 31 States do not get more here is a chance for you to look good and go back home because you can say we picked up $14 million, $20 million, $30 million, $60 million, whatever it might be, and we picked it up. There is that demonstrated need. I would suggest when that begins to take place in the Senate you are going to begin to see that kind of reciprocity. That would not be good for this body. That is not what we are sent down here for. If there is a disaster, or if there is a need and a demonstrated purpose, I have not said we do not get that kind of aid, therefore I am not going to vote for it. That is what we are saying in this body right now, whether we want to admit it or not.

I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I ask unanimous consent that we set aside the pending amendment temporarily in order to go to a matter and to take up a matter by the Senator from South Carolina.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Does the Senator wish to lay aside the amendment or the measure?

Mr. DIXON. It would be necessary for the Senator from South Dakota to lay aside his amendment temporarily, if he would, please.

Mr. THURMOND. Mr. President, I ask unanimous consent that the pending measure be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAY RAISE DISAPPROVAL

Mr. THURMOND. Mr. President, I send a joint resolution to the desk and ask for its immedate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 42) disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time at length, and the Senate will proceed to its consideration.

Mr. THURMOND. Mr. President, today I rise to introduce a joint resolution that would repeal pay increases for Members of Congress, high-level officials, and Federal judges.

On January 29, 1987, the Senate voted by an overwhelming margin of 88 to 6 to disallow pay increases for Members of Congress, Federal judges, and high-level officials. This resolution was sent to the House for their immediate consideration. Many have concluded that the House had until midnight on Tuesday, February 3, 1987, to act or the pay raises would take effect automatically as provided by the omnibus continuing resolution for fiscal 1986. The House did not take action before the midnight deadline.

This joint resolution I am introducing will give the House the opportunity to provide the citizens of this country with a recorded vote on this important matter.

As I stated earlier, it is not the appropriate time for Members of Congress to vote themselves or any other high-level public servants a pay raise. Our national debt exceeds $2 trillion. This salary proposal is contrary to our efforts to resolve this massive debt and balance the Federal budget.

I must again reiterate that we have asked those on Social Security, military retirement, and others to take less. It is not appropriate that we ask those on fixed incomes to take less while we take more.

I urge the Senate to take immediate action so the House will have the opportunity to act on this measure as soon as possible.

The Members of this body voted last week by an overwhelming majority against these increases. I urge them to again do likewise.

Mr. President, I think the joint resolution is self-explanatory. I do not think we need a lot of debate. It is the same type of resolution that we passed several days ago, and I ask for immediate action in the hope that there will be no opposition to the joint resolution.

The PRESIDING OFFICER. Is there further debate on the joint resolution?

Mr. BYRD. Mr. President, it is clear, is it not, that this is a freestanding resolution, and it is not being offered as an amendment to the pending highway bill?

Mr. THURMOND. That is correct, Mr. President.

The joint resolution (S.J. Res. 42) was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, The rates of pay for all offices and positions increased pursuant to the recommendations of the President within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to the Congress for fiscal year 1988, are reduced to the rate of pay for each such office and position in effect before such recommendations became effective.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I wish to thank the able majority leader and the able Republican leader for their cooperation in this matter.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. THURMOND. Mr. President, I also thank the managers of the bill.

THE SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT

The PRESIDING OFFICER. The Senate will now resume consideration of the bill which was previously under discussion.

The Senate continued with the consideration of the bill (S. 387) to authorize appropriations for certain highways in accordance with title 23, United States Code, and for other purposes.

AMENDMENT NO. 25

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota.

Mr. PRESSLER. Mr. President, I want to respond in part to what my good friend from New York said, and to say that although we may not have a mass transit system in some of our States we used to have bus routes and bus routes are very important in some of these States. We have been losing them right and left over the past 6 years.

Mr. President, I ask unanimous consent to insert in the RECORD at this point an Interstate Commerce Commission report done at my request. This study was done in response to a request which I made in the Senate Commerce Committee regarding the bus service in rural areas, smaller cities, and towns and as to what happened to that bus service in the past few years.

The people in smaller cities and towns do need transportation also, and some 32 States are not receiving any funds which could be used in part for buses which are not necessarily underground transit systems. But in any event, I ask unanimous consent to insert in the RECORD this study from the Interstate Commerce Commission, prepared at my request, regarding how ICC assesses bus regular route entry and exit.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ICC ASSESSES BUS REGULAR ROUTE ENTRY AND EXIT

Interstate Commerce Commission Chairman Heather J. Gradison announced today the release of an assessment of entry and exist in the regular route segment of the intercity bus industry. The study was in response to a request from Senator Larry Pressler.

The study indicates that 896 communities have gained regular route intercity bus service since enactment of the Bus Regulatory Reform Act of 1982. This includes 401 communities and service points which had no service in November 1982, but obtained new service by January 1986, and 495 which experienced an increase in the number of carriers providing service.

The results also indicate that from November 1982 to January 1986, 3763 communities have totally lost bus service and 751 additional cities which still have service experienced a reduction in the number of carriers. Further breakdowns of the discontinuance indicate that smaller communities with populations under 10,000 had most of the discontinuances.

The study was based on data developed from issues of Russell's Motor Coach Guide. Serious problems were encountered in the use of that data source; however, a strong effort was made to identify as many errors as possible and to make appropriate corrections. While some errors remain in the data base, the information presented reflects general trends in the number of bus service points since the Bus Regulatory Reform Act. The Chairman mentioned that an indication of this is the fact that the Motor Carrier Ratemaking Study Commission found that 2,154 points lost service in the first year following the Bus Act. The numbers presented in this study are generally consistent with the Study Commission's finding.

Copies of the study can be obtained from the Office of Legislative and Public Affairs.

Interstate Commerce Commission,
Washington, DC, September 8, 1986
Hon. Larry Pressler,
U.S. Senate,
Washington, DC

Dear Senator Pressler: Attached is the report you requested on entry and exit in the regular route intercity bus industry since enactment of the Bus Regulatory Reform Act of 1982. Performing this study was difficult and time consuming, and I have previously expressed to you my concern about the accuracy of the results. The purpose of my previous submission to you of a slightly modified report on April 29, 1986 was in an effort to accurately measure exactly what entry and exit in the regular route bus industry resulted from Interstate Commerce Commission actions. It did not cover entry or exit at the state or local level which is the area so difficult to measure or assess.

Since you still express an interest in your original request, I am submitting for your consideration the results of the original requested report subject to the caveats listed in the report about the accuracy of the data from the "Russell's Motor Coach Guide."

Sincerely yours,
Heather J. Gradison,
Chairman.

Interstate Commerce Commission,
Washington, DC, September 8, 1986.
Senator Larry Pressler,
U.S. Senate,
Washington, DC.

Dear Senator Pressler: During the Senate Commerce Committee's Bus Act oversight hearing and in a subsequent letter dated October 24, 1985, you requested that the Commission conduct a study of entry and exit in the regular route bus industry. Your letter specifically asks how many communities have lost or gained service since enactment of the "Bus Regulatory Reform Act" in November 1982.

Given the time available for completing the study and Commission resources available, our Office of Transportation Analysis decided to use a readily available source, the *Russell's Motor Coach Guide* (Guide), to obtain the statistics requested. Service points in the Index to Bus Stations in the November, 1982 Guide were compared to those in the Index to the January, 1986 edition. In that matter, points were identified for total loss of service, reduction or increase in the number of carriers providing service, service by a replacement carrier and service being provided for the first time since November 1982.

There are several factors inherent in *Russells Guide* that affect the accuracy of the information generated from this methodology.

First, while the Guide contains the majority of points in the United States served by the regular route industry, there are many smaller bus companies that are not included since carriers must pay a fee to be in the Guide. Communities receiving service from these carriers are not reflected in the data. This would overstate points losing service and understate points gaining service.

Second, in some instances the same point had slightly different names in the 1982 and 1986 Guides. For example, in the 1982 Guide Genessee, Wisconsin is listed as receiving bus service. However, in the 1986 Guide Genessee Depot, Wisconsin appears in the index while Genessee does not. A check of the detailed bus schedules in the Guide revealed that these were the same point being served by the same carrier, i.e., no change in service. Discrepancies such as this were, to the extent possible, identified and the proper adjustments made.

A third, and, more troublesome problem occurs when totally different names are used to identify the same point. For example, in the 1982 Guide Compton, California appears in the index but does not appear in the 1986 index. Staff initially concluded, therefore that this point had lost all bus service. However, as part of a spot checking process it was discovered that the bus schedules in both the 1982 and 1986 Guides identified the point receiving service as Lynwood/Compton. Therefore, staff ultimately concluded that there was no change in service for this point. Because of time and staff limitations, it was not possible to check every point for this type of error. Further, due to the lack of similarity of names it was difficult to identify these points. Based upon a limited number of spot checks, however, this does not appear to be a significant problem.

A similar problem arose because of the inconsistent treatment of airports, colleges and military installations. For example, the 1982 Guide lists Logan Airport (Boston), Massachusetts while the 1986 Guide identifies it as Boston Airport Logan, Massachusetts. Similarly, the 1982 Guide lists the University of Michigan while the 1986 Guides shows Michigan University.

Another potential type of error occurred for points where service was dropped prior to November 1982 but still appeared in the index of the 1982 Guide. In particular, a number of points listed in the index of the 1982 Guide were not included in the schedule because the carrier had either stopped serving that point, gone out of business, or no longer subscribed to the Guide. Here again, these could only be identified by checking the actual schedule for that point. Checks that were done for this type of error indicated that this was the most prevalent problem in the Guide. The effect of this error in the Guide is to overstate the number of points losing bus service after the November, 1982 Bus Act.

A final problem dealt with the treatment of urban and suburban areas. For example, Scituate, Massachusetts is listed in the index of the 1982 Guide but not in the 1986 Guide. Although it appears in the detailed schedule in both guides, Scituate shows no departure or arrival times in the schedule. Rather, there are several points indented and listed below Scituate. This seems to indicate that these points are part of the general area known as Scituate. Areas such as Scituate are sometimes listed in the index although sometimes they are not. As far as staff was able to determine this problem occured primarily in the States of California and Massachusetts. Several points in these states were checked and, to the extent possible, errors created by this problem were corrected.

A strong effort was made to identify as many of the errors as possible and to make the appropriate correction. While some errors remain in the data base, the information presented appears to be substantially correct and to reflect general trends in the number of bus service points since the Bus Regulatory Reform Act. An indication of this is the fact that the Motor Carrier Ratemaking Study Commission (with more resources available to eliminate errors) found that 2,154 points lost service in the first year following the Bus Act. The numbers presented here are generally consistent with their finding.

The *Rand McNally Commercial Atlas* was used to determine populations for the points with service changes. While most points are communities with specific populations, other points such as airports, prisons, military bases, local developments, restaurants, and road junctions are not usually assigned populations. Of the 5,710 points affected by service changes, 683 have "no assigned population." These were excluded from the totals of points having populations of 10,000 or less. Also, when points were designated as part of a larger city or town, the service changes experienced by the small point are considered to be service changes made to the larger town or city.

The following statistics are presented in the same order as requested in your letter. Each service point total is accompanied by a brief explanation.

(1) The total number of communities that have lost regular route intercity bus service since enactment of the Bus Regulatory Reform Act of 1982 (BRRA)—4,514—Includes communities and service points which totally lost service (3,763); and those which still have service but experienced a reduction in the number of carriers (751).

(2) The total number of communities that have gained regular route intercity bus service since enactment of the BRRA—896—Includes communities and service points which had no service in November 1982 but obtained new service by January 1986 (401) and which experienced an increase in the number of carriers providing service (495).

(3) The total number of communities with a population of 10,000 or less that have lost regular route intercity bus service since enactment of the BRRA—3,432—Includes communities with a population of 10,000 or less which have totally lost service (3,006) and which still have service but experienced a reduction in the number of carriers (426). Points with no assigned population are excluded.

(4) The total number of communities with a population of 10,000 or less that have gained regular route intercity bus service since enactment of the BRRA—485—Includes communities with a population of 10,000 or less which had no service in November 1982 but obtained new service by January 1986 (222) and which experienced an increase in the number of carriers providing service (263). Points with no assigned population are excluded.

(5) The total number of communities and service points that lost their last regular route intercity service since enactment of the BRRA—3,763.

(6) The total number of communities with a population of 10,000 or less that have lost their last regular route intercity service **since enactment of the BRRA—3,006—Points with no assigned population are excluded.**

(7) The total number of communities that have gained regular route intercity service for the first time since enactment of the BRRA—401—Communities and service

points which had no service in November 1982 but obtained new service by January 1986.

(8) The total number of communities with a population of 10,000 or less that gained regular route intercity service for the first time since enactment of the BRRA—222—Communities with a population of 10,000 or less which had no service in November 1982 but obtained new service by January 1986. Points with no assigned population are excluded.

(9) The total number of communities that have gained replacement regular route intercity service for service that was lost since enactment of the BRRA—363—Includes communities and service points where a carriers discontinuing service is replaced by another carrier (290); or an increase in the number of carriers is experienced in addition to replacement of service (34); there is a replacement of service but an overall service loss because more carriers are discontinuing service than there are replacements for them (39).

(10) The total number of communities with a population of 10,000 or less that have gained replacement regular route intercity service that was lost since enactment of the BRRA—230—Includes communities with a population of 10,000 or less where a carrier discontinuing service is replaced by another carrier (201); or an increase in the number of carriers is experienced in addition to replacement of service (9); there is replacement of service but an overall service loss because more carriers are discontinuing service than there are replacements for them (20). Points with no assigned population are excluded.

In addition to these figures, tables are enclosed which provide a breakdown of the points with service changes according to state and service point population. I trust this information will be of interest and help to you. If I can be of any further assistance, please feel free to contact me.

Sincerely yours,

HEATHER J. GRADISON,
Chairman.

COMMUNITIES AND BUS SERVICE POINTS WHICH HAVE LOST INTERCITY BUS SERVICE BETWEEN NOVEMBER 1982 AND JANUARY 1986 [1]

State	Population			Total
	1 to 10,000	Over 10,000	No assigned population	
AK	4	0	3	7
AL	71	7	3	81
AR	96	8	11	115
AZ	28	2	7	37
CA	78	31	49	158
CO	63	4	15	82
CT	16	8	1	25
DC	0	1	0	1
DE	3	1	0	4
FL	44	28	8	80
GA	64	9	5	78
IA	104	11	4	119
ID	50	2	7	59
IL	166	54	12	232
IN	119	32	11	162
KS	94	6	15	115
KY	78	12	12	102
LA	67	5	7	79
MA	22	12	2	36
MD	27	9	5	41
ME	52	6	1	59
MI	182	30	23	235
MN	133	6	14	153
MO	162	17	37	216
MS	50	6	2	58
MT	53	1	7	61
NC	113	6	21	140
ND	39	3	2	44
NE	37	7	1	45
NH	13	3	4	20
NJ	80	62	6	148
NM	36	4	7	47
NV	21	3	7	31
NY	79	11	12	102
OH	141	45	15	201
OK	143	8	10	161
OR	47	4	14	65
PA	129	19	19	167
RI	3	5	4	12
SC	56	7	4	67
SD	16	1	4	21
TN	75	10	11	96
TX	163	31	28	222
UT	28	6	5	39
VA	119	12	31	162
VT	6	0	2	8
WA	45	3	7	55
WI	122	14	11	147
WV	74	6	7	87
WY	26	2	11	39
Total			504	4,521

[1] Includes points which totally lost service and those which still have service but experienced a reduction in the number of carriers.

COMMUNITIES AND BUS SERVICE POINTS WHICH HAVE LOST THEIR LAST INTERCITY BUS SERVICE BETWEEN NOVEMBER 1982 AND JANUARY 1986

State	Population			Total
	1 to 10,000	Over 10,000	No assigned population	
AK	4	0	3	7
AL	60	0	2	62
AR	76	1	10	87
AZ	18	1	7	26
CA	66	11	46	123
CO	58	4	15	77
CT	14	4	1	19
DE	3	1	0	4
FL	30	10	5	45
GA	61	3	5	69
IA	96	2	4	102
ID	40	0	7	47
IL	151	34	11	196
IN	108	12	11	131
KS	80	2	15	97
KY	72	5	12	89
LA	65	2	7	74
MA	17	6	2	25
MD	23	7	5	35
ME	49	3	1	53
MI	156	17	22	195
MN	122	4	13	139
MO	147	10	36	193
MS	43	2	2	47
MT	42	0	6	48
NC	94	3	21	118
ND	38	0	2	40
NE	24	0	1	25
NH	11	3	4	18
NJ	73	48	6	127
NM	32	0	7	39
NV	18	0	7	25
NY	63	3	11	77
OH	139	30	14	183
OK	124	0	10	134
OR	42	1	14	57
PA	105	9	18	132
RI	3	3	4	10
SC	51	3	4	58
SD	13	0	4	17
TN	66	5	11	82
TX	131	8	26	165
UT	27	2	5	34
VA	108	5	30	143
VT	5	0	2	7
WA	36	2	7	45
WI	104	4	10	118
WV	74	3	7	84
WY	24	0	11	35
Total	3,006	273	484	3,763

COMMUNITIES AND BUS SERVICE POINTS WHICH HAVE GAINED INTERCITY BUS SERVICE BETWEEN NOVEMBER 1982 AND JANUARY 1986 [1]

State	Population			Total
	1 to 10,000	Over 10,000	No assigned population	
AK	3	0	0	3
AL	12	4	3	19
AR	0	4	0	4
AZ	7	4	8	19
CA	13	16	7	36
CO	10	4	1	15
CT	6	4	1	11
DE	0	0	1	1
FL	9	1	5	15
GA	9	3	1	13
IA	10	4	0	14
ID	20	0	2	22
IL	6	7	3	16
IN	6	3	2	11
KS	7	3	1	11
KY	1	0	0	1
LA	29	12	10	51
MA	12	9	7	28
MD	0	1	4	5
ME	2	2	5	9
MI	18	11	9	38
MN	12	7	4	23
MO	4	3	1	8
MS	7	4	1	12
MT	4	0	4	8
NC	5	9	2	16
NE	6	0	2	8
NH	5	3	0	8
NJ	7	7	2	16
NM	0	1	4	5
NV	10	0	9	19
NY	42	28	14	84
OH	5	9	5	19
OK	5	4	1	10
OR	34	4	6	44
PA	13	10	7	30
SC	5	2	3	10
SD	3	1	0	4
TN	7	8	0	15
TX	77	34	6	117
UT	3	0	0	3
VA	6	6	5	17
VT	10	1	1	12
WA	15	6	6	27
WI	16	7	8	31
WV	3	1	2	6
WY	2	1	2	5
Total	486	248	165	899

[1] Includes points which had no service in November 1982 but obtained new service by January 1986 and which experienced an increase in the number of carriers providing service.

COMMUNITIES AND BUS SERVICE POINTS WHICH HAVE GAINED THEIR FIRST INTERCITY BUS SERVICE BETWEEN NOVEMBER 1982 AND JANUARY 1986

State	Population			Total
	1 to 10,000	Over 10,000	No assigned population	
AK	3	0	0	3
AL	8	0	3	11
AR	0	1	0	1
AZ	3	0	4	7
CA	3	2	4	9
CO	1	2	0	3
CT	5	0	1	6
FL	8	0	5	13
GA	4	1	0	5
IA	6	0	0	6
ID	3	0	2	5
IL	4	2	3	9
IN	5	1	2	8
KS	4	0	1	5
LA	21	2	9	32
MA	9	5	7	21
MD	0	0	3	3
ME	2	1	5	8
MI	4	1	7	12
MN	2	2	4	8
MO	1	1	0	2
MS	1	1	1	3
MT	4	0	4	8
NC	1	1	1	3
NE	6	0	2	8
NH	3	0	0	3
NJ	5	3	1	9
NM	0	0	3	3
NV	8	0	9	17
NY	26	9	12	47
OH	4	3	5	12
OK	5	0	1	6
OR	16	0	6	22

COMMUNITIES AND BUS SERVICE POINTS WHICH HAVE GAINED THEIR FIRST INTERCITY BUS SERVICE BETWEEN NOVEMBER 1982 AND JANUARY 1986—Continued

State	Population 1 to 10,000	Population Over 10,000	Population No assigned population	Total
PA	7	3	5	15
SC	1	0	3	4
SD	3	0	0	3
TN	4	0	0	4
TX	6	1	4	11
VA	3	1	4	8
VT	4	1	1	6
WA	7	1	3	11
WI	10	0	6	16
WV	1	0	2	3
WY	1	0	1	2
Total	222	45	134	401

COMMUNITIES AND BUS SERVICE POINTS WHICH HAVE GAINED REPLACEMENT SERVICE FOR INTERCITY BUS SERVICE THAT WAS LOST BETWEEN NOVEMBER 1982 AND JANUARY 1986 [1]

State	Population 1 to 10,000	Population Over 10,000	Population No assigned population	Total
AK	1	1	0	2
AL	2	3	0	5
AR	5	2	1	8
AZ	3	1	1	5
CA	3	3	0	6
CO	1	2	0	3
CT	0	1	0	1
FL	1	0	1	2
GA	1	2	1	4
IA	8	5	0	13
ID	2	0	1	3
IL	0	3	2	5
IN	4	6	2	12
KS	9	2	0	11
KY	2	1	0	3
LA	5	2	0	7
MA	2	4	0	6
ME	6	1	0	7
MI	5	5	0	10
MN	4	6	0	10
MO	2	2	0	4
MS	4	0	0	4
MT	7	1	0	8
NC	9	2	0	11
ND	0	1	0	1
NE	1	0	0	1
NM	5	2	1	8
NV	4	0	0	4
NY	14	15	5	34
OH	0	6	0	6
OK	9	4	0	13
OR	9	2	0	11
PA	10	10	0	20
SC	3	3	1	7
SD	1	1	0	2
TN	5	2	0	7
TX	74	15	1	90
VA	1	1	0	2
WA	2	3	0	5
WI	6	0	0	6
WV	0	1	0	1
WY	0	0	1	1
Total	230	121	18	369

[1] Includes points where a carrier discontinuing service is replaced by another carrier.

OFFICE OF LEGISLATIVE
AND PUBLIC AFFAIRS,
January 21, 1987.

To: Kevin Schieffer.
From: Alice Curtin.
Subject: Bus Exit Petitions.

As I discussed with you last week, Trailways has filed a number of exit petitions since we compiled the updated list of cases which we sent to Senator Pressler on January 6, 1987. I am attaching a list of these additional cases for your information.

Please let me know if I can be of any further assistance in this matter.

BUS EXIT PETITIONS

No. MC-109780 (Sub-No. 115), Trailways Lines, Inc., Exit Petition: New Mexico, petition filed 12-30-86, statutory deadline, 3-30-87.

No. MC-109780 (Sub-No. 116), Trailways Lines, Inc., Exit Petition: Kansas, petition filed 12-30-86, statutory deadline, 3-30-87.

No. MC-109780 (Sub-No. 117), Trailways Lines, Inc., Exit Petition: Illinois, petition filed 12-30-86, statutory deadline, 3-30-87.

No. MC-109780 (Sub-No. 118), Trailways Lines, Inc., Exit Petition: Texas, petition filed 1-6-87, statutory deadline, 4-6-87.

No. MC-109780 (Sub-No. 119), Trailways Lines, Inc., Exit Petition: Arkansas, petition filed 1-7-87, statutory deadline, 4-7-87.

No. MC-109780 (Sub-No. 120), Trailways Lines, Inc., Exit Petition: Wyoming, petition filed 1-8-87, statutory deadline, 4-8-87.

No. MC-109780 (Sub-No. 121), Trailways Lines, Inc., Exit Petition: Nebraska, petition filed 1-9-87, statutory deadline, 4-9-87.

No. MC-109780 (Sub-No. 122), Trailways Lines, Inc., Exit Petition: West Virginia, petition filed 1-12-87, statutory deadline, 4-12-87.

No. MC-109780 (Sub-No. 123), Trailways Lines, Inc., Exit Petition: Colorado, petition filed 1-15-87, statutory deadline, 4-15-87.

Mr. PRESSLER. Mr. President, let me say, as I have stated earlier, I am not looking to hold up this important bill at this time. We could win this vote because we would get the votes of the 32 States that would benefit. But there are other amendments pending. First of all, if that amendment stood, there would be a filibuster against the bill. There are other amendments pending that would reverse it and shuffle it around that would cause me to have to engage in a filibuster. That would be disastrous for the States. So I am not looking to hold up this important bill at this time.

But I also believe very strongly that there are problems that must be worked out. It might be unrealistic to expect that they can be corrected within the context of an hour or two of debate on the Senate floor. I have been talking to several Senators over the last few days, and I am optimistic that we can work something out. My bottom line concern with the Mass Transit Account Program is spelled out in the charts. When I look down and see that 32 of the 50 contributing States do not get a single penny back from the program, it tells me there is something wrong.

I have been talking, and there have been staff discussions over the past few days, and I am hopeful that we can take another look at this program—with a particularly sensitive eye toward all the zeros on these charts.

I would like to address a couple of questions to the distinguished floor managers of this bill. First, I understand that we might be able to agree on a set of thorough hearings on the issues I have raised today in an attempt to address what I consider to be a real problem with the present system. And that key elements in that inquiry would be to set some more objective standards in allocating these funds and to allocate them on a more equitable basis. Let me ask both distinguished floor managers if it would be possible to get something started along these lines well in advance of the appropriations process later this year?

Mr. DIXON. May I say to my friend from South Dakota speaking for this side that I will personally assure the Senator from South Dakota that I will immediately take up with the chairman of the committee, Senator PROXMIRE of Wisconsin, his request. It is my understanding that he will accede to the Senator's request, and the Senator has my personal assurance that I will support his request for hearings at the earliest opportunity on this issue.

Mr. D'AMATO. Mr. President, if I might respond for our side, I certainly believe that this is a reasonable request of our colleague, and let me commend Senator PRESSLER for putting it forth in the spirit of attempting to work ourselves out from what otherwise would be an impasse where everyone suffers, especially the people. I would be most supportive of his request, and look forward to working with Senator DIXON in helping to accommodate him.

Mr. PRESSLER. Mr. President, let me say I very much appreciate their cooperation in this matter. I would like to address very briefly one further matter. I am very sensitive to the legitimate concerns of the distinguished floor managers that we not cut into the already dwindling funds available for the overall Mass Transit Program.

In that context, let me address a very real transit problem we have experienced in States like mine with many small communities in the area of bus service. In my State of South Dakota, for example, we lost bus service in over 30 communities in a single year. The problem is much worse in other States. During a Commerce Committee hearing in the 99th Congress, I asked the Interstate Commerce Commission to study bus service in small communities throughout the United States. The results were astounding. I have already shared it with my colleagues, and will not take the Senate's time to go into details here. Just let me say that the study shows a serious deterioration in bus service to small communities over the past few years.

With that background, Mr. President, let me ask my distinguished colleagues if they would also be willing to explore this issue during the hearings, with an eye toward addressing this problem within the context of the Mass Transit Program?

Mr. DIXON. Let me say to my distinguished friend from South Dakota that technically the Commerce Committee probably is jurisdictional on this issue. But to the extent that we do not affront the chairman of that committee or otherwise violate the established rules of the Senate, you have the assurance of the manager on this side that we will go into that question as thoroughly as the rules of the Senate and customs will permit it.

Mr. PRESSLER. It is true that the Commerce Committee has jurisdiction on the authorization or the appropriation that we find are so important, and the members of that committee determine where this money goes. It would be much appreciated if that were worked out.

Let me thank my distinguished colleagues.

Mr. President, at this point I send a modification to my amendment to the desk, which reads:

> The Congress finds and declares that there has been a serious problem involving the deterioration of bus service for people residing in the small communities and rural areas of the several States, and recognizes the need to consider the best ways and means to remedy such problem.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The amendment, as modified is as follows:

> At the end of the bill add the following:
>
> SEC. . The Congress finds and declares that there has been a serious problem involving the deterioration of bus service for people residing in the small communities and rural areas of the several States, and recognizes the need to consider the best ways and means to remedy such problem.

Mr. PRESSLER. Mr. President, I move adoption of the amendment, as modified.

The PRESIDING OFFICER. Is there further discussion on the amendment, as modified? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 25), as modified, was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. DIXON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, the amendment offered today by the Senator from South Dakota is an issue of fairness. A number of years ago the Congress conceded that the larger States should receive a greater return on the money they contributed to the highway trust fund. Thus, the 85 percent minimum allocation was enacted for highway funds. With respect to mass transit funds, Mr. President, I think the "gander" rule should apply; what's good for the goose should be good for the gander.

In 1984 and 1985 eight States received 82 percent of the mass transit account financed by the penny of the gasoline tax, while 38 States and the District of Columbia received 9 percent. Mass transit needs are not respective of State boundaries, Mr. President. There is a crying need in my State, and I'm sure in others, for a greater percentage of the pie. It is only right.

In 1984 and 1985, Kentucky collected $41.9 million in transit penny revenues. Yet, it received only $1.5 million, a difference of $40.4 million. Under the Pressler amendment providing for an 80 percent minimum allocation, the Commonwealth would receive an additional $15.2 million per year. Kentucky has been contributing far in excess of its receipts for too long. We deserve our penny's worth.

Some will argue that the mass transit account is a national program to meet national needs for transit. The 80 percent allocation still maintains this commitment while assuring that the needs of less populous States are not ignored to the overwhelming benefit of eight States.

The amendment is fair, Mr. President, and I urge its adoption.

Mr. LAUTENBERG. Mr. President, I rise in opposition to the amendment of the Senator from South Dakota.

This amendment would profoundly alter the way that mass transit assistance is distributed in this country. It would undermine the policy Congress has adopted on mass transit, and pull the rug out from under those States which depend on mass transit.

When it passed the landmark Surface Transportation Assistance Act in 1982, the Congress gave transit what the Highway Program had long enjoyed—a dedicated source of revenues. When it raised the Federal gas tax from 4 to 9 cents, Congress set aside a small portion, known as the "penny for transit," to help meet the country's mass transit needs.

The mass transit account was established in recognition of a need to balance this Nation's transportation network. It was a recognition that highways could not meet all the needs of all our States. In order to have a balanced, effective national transportation system, there must be both highways and mass transit.

This amendment would take money, collected for the purpose of funding mass transit, and divert it to areas not in need. It would make transit-dependent States like New Jersey two-time losers.

In fiscal year 1985, New Jersey contributed $314,608,376 to the highway trust fund through the gas tax. Yet the State received only $243,565,000 in trust fund grants. That is a return of 77 cents on the dollar. By taking away much-needed transit money, New Jersey loses twice.

On the other hand, highway-rich States stand to gain tremendously from this amendment. In fiscal year 1985, South Dakota contributed $33,471,816 to the highway trust fund. It received $95,741,000 in highway trust fund grants. That is a return of $2.86 on the dollar. With this amendment, that rate of return would become even greater.

Mr. President, the needs of this country are not uniform across the States. What is most important in one State may not rank as high in another. In rural areas, highways may meet transportation needs. In urban areas, mass transit must be part of the answer.

Critics of the mass transit account point to the fact that the distribution of these funds has concentrated in some 20 States. No one here is going to dispute that. The section 3 discretionary grant program is a targeted program. It is meant to provide assistance where it is most needed.

This program is certainly not unique in that respect. For instance, billions of dollars have been directed to help our Nation's farmers.

These subsidies have not been distributed evenly throughout the country. They have gone to farm States. And in the future, we are likely to appropriate more funds to help our farmers make ends meet.

The distribution of section 3 funds is not etched in stone, or written into law. As cities meet their transit needs, and new population centers create new demands, we could see a shift in that distribution. Areas that have received little funding could become major recipients.

Ours is a large and diverse nation. No one region can flourish in isolation from any other. There are farm States. There are industrial States. And there are transit States. They each have their unique needs. This amendment ignores these needs, and reneges on a commitment made to our cities in 1982.

Mr. President, this issue is not new to the Senate. Last year, this body debated a similar measure proposed by the distinguished Senator from Idaho. The Banking Committee again rejected this attempt when considering its reauthorization bill 2 weeks ago. The sense of the Senate has been clear. This amendment is nothing more than a raid on the mass transit account, to divert payment to States already rich in highway funds.

I fully understand how important highways are to our rural States. But the mass transit needs of our more urbanized States are no less important. If there are legitimate problems with the distribution of section 3 funds, then the Senate should look to address that issue in an appropriate manner. This amendment is not the way to do it.

The distinguished floor manager of the transit title of this bill, Senator

DIXON has proposed to consider pursuing this issue in hearings before the Banking Committee. That is the appropriate way to deal with the matter before us.

I urge my colleagues to oppose this amendment.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. What is the pending amendment?

The PRESIDING OFFICER. The pending business before us is an amendment offered by the Senator from Illinois [Mr. DIXON] and the Senator from New York [Mr. D'AMATO].

Mr. HEINZ. Mr. President, the pending business before the Senate is the amendment offered by my two distinguished colleagues, the Senator from New York and the Senator from Illinois. I commend them for their excellent amendment which puts mass transit back on the track, back on the road, and back in business. I am very pleased to join with them in offering this amendment which we all, as members of the Senate Banking Committee, collaborated on, compromising our differences. It was broadly and strongly supported in the Banking Committee and it has, of course, as its underlying purpose, the reauthorization of our Federal Mass Transit Program.

Specifically, as the managers have described, it extends for 4 additional years what has been traditionally a very strong amendment in assisting our Nation's subway systems that provide service to millions of Americans every day.

Mr. President, I cannot overemphasize how good a job Senators DIXON and D'AMATO have done in this legislation. We really owe them a tremendous debt of gratitude. The extent of that debt can be most clearly recognized when you understand that some 85 percent of all the people in the United States of America have access to mass transit. That does not mean that every one of those some 200-plus million Americans uses mass transit every day. Far from it. But the point is that the benefits of mass transit are not only available for those who want to use it among the vast majority of our population, but that those who do not use it, those who have other forms of transportation on which they can rely, typically the automobile, are themselves direct beneficiaries of reduced traffic congestion, shorter commuting times, and greater convenience in their daily shopping trips and in their daily chores and lives. Hence, it is literally true that the beneficiaries of mass transit only start with the direct users of mass transit and ultimately comprise in excess of 200 million Americans that are the beneficiary population.

Mr. President, this legislation is very similar to the committee amendment, which this Senate unanimously adopted last year during the consideration of the highway bill.

The committee amendment will authorize something just a little bit more than $13 billion in transit assistance through fiscal year 1990, a 4-year period. What that represents is just a little bit under a freeze level for the next 4 years. It is in that connection thoroughly consistent with the level in the continuing resolution that we adopted last year, as I say, slightly less than that.

I would point out that it is about $14 million in authorization level below what was appropriated for the current fiscal year, and, I might add, well below the levels anticipated for these years in the last congressional budget resolution.

I would like to take one moment, Mr. President, to put these funding levels in perspective. I would remind my colleagues that we have reduced Federal spending for mass transit quite significantly since 1981. Indeed, we have reduced, as part of our effort to try to bring Federal spending under control, mass transit moneys, actual dollars, by one-third.

Mr. President, with the exception of a very few programs, which we have eliminated, there are almost no Federal programs—maybe one or two—that we can claim to have cut by one-third.

During this period where we have been cutting back on support for mass transit, I can report that while ridership has not increased—indeed, many of us feared it would decline—I can report that mass transit ridership has remained steady and, therefore, it suggests that we have achieved about the right level of support. It would not be in anybody's interests to see ridership decline. It is my hope and expectation that the levels of funding we anticipate will maintain a sufficient balance between what people can afford and the benefits that others derive to continue a healthy population of users of mass transit.

I might add that the legislation will preserve all major mass transit programs in basically their current configuration.

I am particularly pleased to report that the amendment would preserve Federal operating assistance which is even more important to our smaller towns and cities than to our big cities. That would be preserved at current levels.

Reauthorization of the Federal Mass Transit Program means that millions of Americans who rely on mass transit as a principal means of transportation, who take 8.5 billion trips on subways and buses each year, will continue to enjoy that service. This legislation will also preserve hundreds of thousands of jobs that depend on mass transit, including in my home State, the Commonwealth of Pennsylvania, some 70,000 jobs, not only the people who make the mass transit systems run but the people who sell equipment, supplies, and other necessities to those mass transit systems.

It also includes three separate reauthorization features or three separate reauthorization bills by Senators D'AMATO, DIXON, and myself, and most importantly it is a product that the vast majority of the members of our Senate Committee on Banking could agree on.

In conclusion, I simply want to thank our colleagues, particularly the members of the Senate Banking Committee, for their cooperation in developing this legislation. I pay my compliments once again to Senator DIXON and Senator D'AMATO, to Senator GARN, our ranking minority member, and Senator PROXMIRE, our chairman. All can take great credit in having brought this legislation to the floor at this time and for providing the leadership on this issue that is so well deserved.

I might add that the leadership of the Environment and Public Works Committee has also been extremely cooperative because they have been in agreement with what we are doing here; that is, namely, to incorporate this legislation into the pending highway measure. Of course, my hope is that we rapidly come to a conclusion on this effort and pass the entire set of legislation so we may finish.

I thank the Chair. I yield the floor.

Mr. DIXON. Mr. President, let me see if I can tell my colleagues back in their offices or wherever they may be where we are right now. It is 20 minutes to 2. As I understand it, the standing order requires us at 2 o'clock to turn to the question of the override of the veto of the clean water bill by the President, with a rollcall at 3. Is my understanding correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DIXON. My understanding of the situation is that my colleague, Mr. D'AMATO and I have three amendments, two of which we can agree on and one of which is involved in negotiations at this point. We may be able to agree to that. We know of only one amendment out there that is contentious and may require a rollcall. We expect that to come from the junior Senator from Texas [Mr. GRAMM] whom we expect to be here shortly.

I expect we cannot complete everything by 2 o'clock. It is the hope of the managers that we might be able to get hold of all the uncontested matters by 2, go to the debate on the override, and vote at 3. Immediately thereafter, it being agreeable to the majority and minority leaders, we can return to this issue and dispose of that amendment.

I say to everybody, wherever they may be, that the majority leader has given us a strong inducement. He has said if we finish this bill, it is pro forma tomorrow and my colleagues may want to hear that and come over here and dispose of their amendments.

I hope the distinguished Senator from Texas [Mr. GRAMM] is somewhere near so he can come shortly.

I am told that the Senataor from Nevada [Mr. HECHT] is on his way. He has an amendment that is agreeable on both sides. It will cause a study to be made of ways that we can facilitate safe access to the facilities and equipment of the mass transit system by physically impaired or legally blind persons. He will be here shortly. I believe we are prepared to accept that amendment.

We have an amendment by the distinguished senior Senator from Tennessee [Mr. SASSER]. We wish to inform him that both sides have cleared that amendment. We are ready to take it. We are discussing one by the distinguished senior Senator from Pennsylvania [Mr. HEINZ].

That will dispose of everything, Mr. President, except any controversial matters that require a rollcall. We know of only one.

I say to my colleagues, it being quarter to 2, if you have an amendment, bring it here, because immediately subsequent to the debate and vote on the override of the veto of the clean water bill, we expect to conclude this matter.

Does my colleague from New York have anything to add to that?

Mr. D'AMATO. Mr. President, unfortunately, I just learned our colleague from Texas will not be here until after 3 o'clock. We are awaiting the Senator from Nevada.

Mr. DIXON. I say to my colleague, that would work all right, because we could not possibly dispose of it by 2 o'clock anyway. If the Senator from Nevada and the Senator from Tennessee are around, and I know one is around, we could possibly dispose of that by the 2 o'clock cutoff time.

Mr. D'AMATO. I hope we could work on that and one other outstanding amendment.

I understand our colleague from Idaho [Mr. SYMMS] would like to take the floor for 5 minutes.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. SYMMS. Mr. President, the bill reported by the Banking Committee authorizes a Federal aid mass transit program of more than $3 billion annually. Of that $3 billion plus, $2 billion is distributed from the general fund, while approximately $1.02 billion is distributed from the mass transit account of the highway trust fund.

As others have already stated, these authorization levels would freeze funding for the mass transit program at current levels. However, they are well above the $1.37 billion authorization which was requested by the administration.

Mr. President, for the last 6 years, the administration has sought to reduce the Federal Aid Mass Transit Program and, more recently, has sought to eliminate general fund contributions to the program. In addition, the administration consistently has proposed a formula distribution of mass transit account funds. I have supported and will continue to support these proposals, because in my judgment, they incorporate sound fiscal and public policy. I believe it is unlikely, however, that Congress will eliminate the general fund financing or significantly reduce the funding for the Mass Transit Program this year.

I am disappointed that the transit title reported by the Banking Committee does not include a formula for the distribution of the mass transit account funds that would guarantee a minimum return based on fees paid by highway users in each State. In years past, I have proposed such an amendment called the "fair share amendment" to guarantee just such a minimum return of mass transit account funds.

Mr. President, I think in all fairness, Senators realize that we are trying to accommodate the Senate but, more importantly, to accommodate the American people in the country by moving this highway bill forward. So, I have decided not to offer that amendment this year because of the pressing need to move this legislation into conference with the House. I appreciate the willingness of Senator PRESSLER and others, who are trying to bring this point before the Senate—I agree with what the Senator from South Dakota said. I also thank him for his willingness to try to work this out.

I hope our colleagues from the urban areas recognize that during the past 6 years, coming forth with this bill, we worked and cooperated with the donor States on the highway funds to establish some sort of floor or minimum so there is a little more fairness in the Federal Aid Highway Program so that some States do not end up paying in all the money and getting back very little return.

Some of our smaller or rural States do very well on the highway funding formula. We appreciate that. We think it is necessary in terms of national strategic defenses. We think it is fair in terms of the national amounts of donorship patterns and big majorities in some of the Western States with small populations, where we are transit States and people have to go through those States to get from coast to coast. So I think it is a fair formula.

But I think there has to be recognition that at some point in time, we have to do something to get more fairness in this 1-cent-per-gallon payment. Historically, I remind my colleagues, when the 1-cent-per-gallon was going into the mass transit fund and President Reagan was agreeing to do it, he was agreeing also that there would be a formula that would see that the minimum amount of funds went to each of the States—that some of those funds might be more flexible, where they could transfer it possibly to urban streets and roads, but so that people in the country would have a program that they could continue to sustain and support.

At this point, I only note that Jim Miller of the OMB sent a letter to the chairman of the committee stating his opposition to the transit title reported by the Banking Committee. One of the six issues specifically addressed in Mr. Miller's letter is the continuation of the discretionary grant program by which mass transit account funds are distributed. He notes:

> Yet, under the Committee's bill, over 80 percent of the penny fuel tax receipts would continue to fund discretionary grants for projects in only 20 cities. Not only is this approach inequitable, but it discourages cost-effective use of Federal funds.

He concludes the letter by warning that:

> If highway/transit reauthorization legislation were enacted without addressing our concerns, the President's senior advisors would recommend that the President veto the bill.
>
> Sincerely yours,

I urge my colleagues who will be serving as conferees on this title of the bill to take that warning to heart. It is time for Congress to work on correcting those inequities in the current program for distribution of the mass transit account funds. This multiyear reauthorization legislation should provide for the distribution of those funds based on a formula which guarantees each State a minimum return on the fees paid into the transit fund by the highway users—I repeat, that portion of this bill is what I am talking about, Mr. President, not the general fund part.

If the transit formula adopted by the conferees does not contain this equitable formula and is vetoed by the President for that reason, I will encourage members of the Banking Committee to report a new transit title that addresses this important concern.

I have been trying to cooperate with my colleagues, but I think they should be notified that there are many of us in this Chamber who might be willing, even at the risk of slowing down highway legislation for a week or so, to uphold a veto if the President chooses to do so on that issue until we can resolve it.

I ask, Mr. President, that a copy of Mr. Miller's letter addressed to Senator STAFFORD, the ranking Republican on the Environment and Public Works Committee, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, January 27, 1987.

Hon. ROBERT STAFFORD,
U.S. Senate, Washington, DC.

DEAR BOB: As the Senate prepares to consider legislation to reauthorize highway and transit programs, I would like to convey the Administration's strong support for highway reauthorization legislation along the lines of the Federal-Aid Highway Act of 1987, reported by the Senate Committee on Environment and Public Works on January 25th. We urge the Senate to maintain the prudent levels of Federal funding contained in the bill and to oppose additional spending for special interest provisions.

However, we regret that the Senate Finance Committee failed to close highway user fee loopholes and that the Senate Banking Committee reported legislation that fails to address any of our proposed changes to transit funding and programs. Since the Senate is likely to add these Committee provisions as revenue and transit titles to The Federal-Aid Highway Act of 1987, I would like to outline the changes in reauthorization legislation we believe the Senate needs to incorporate in order for the Administration to support the Senate-passed bill.

1. ELIMINATE GENERAL FUND FINANCING OF TRUST PROGRAMS

The Senate Banking Committee-reported legislation would authorize $13 billion over four years, exceeding the President's Budget by $5.6 billion, largely due to the continuation of general fund financing. Given the need to reduce the deficit, this funding level is unacceptable. I urge the Senate to limit transit funding to the level generated by annual receipts from one cent of the fuel tax, as the Administration has proposed.

2. REPEAL SPECIAL INTEREST EXEMPTIONS FROM HIGHWAY USER FEES

If the Senate Environment and Public Works Committee-reported bill were amended to include the Senate Finance and Senate Banking legislation, the bill would exceed the President's Budget by $4.4 billion in authorizations and $2.6 billion in foregone revenues over the 1987-1990 period. Repealing highway user fee exemptions that benefit producers of gasohol and other special fuels, State and local governments, and private and public bus operators will generate an additional $2.6 billion in Highway Trust Fund receipts between 1987 and 1990 and will improve the equity among highway users in the payment of highway user fees. These changes, together with improved gas tax compliance, will significantly increase the collection of revenues which are due the Highway Trust Fund. Given our mutural interest in reducing the deficit, the Senate should not ignore the opportunity to close these special interest loopholes.

3. END THE TRANSIT DISCRETIONARY PROGRAM AND ADMINISTER TRANSIT'S SHARE OF THE TRUST FUND EQUITABLY BY FORMULA

The Senate Banking Committee legislation continues the discretionary grant program financed by proceeds from one cent of the fuel tax deposited in the Highway Trust Fund. A user fee collected in each State should be used to benefit all States. Yet, under the Committee's bill, over 80 percent of the penny fuel tax receipts would continue to fund discretionary grants for projects in only 20 cities. Not only is this approach inequitable, but it discourages cost-effective use of Federal funds. The growing evidence of poor capital planning and utilization, unrealistic project design and cost estimation and the prospect of inadequate local funds to operate systems once constructed, all suggest that a reduction in the level of Federal transit capital assistance might improve the cost-effectiveness of local transit systems. Therefore, the Administration advocates termination of the discretionary grant program and a more equitable formula distribution of the penny fuel tax receipts.

4. INCREASE THE NON-FEDERAL MATCHING SHARE FOR TRANSIT CAPITAL GRANTS FROM 20-25 TO 50 PERCENT

States and cities spend less than one percent of their combined budgets on transit. The heavy reliance on Federal funding means that there is little local incentive to develop cost-effective projects. We believe that by raising the non-Federal matching share to 50 percent, Federal transit funds are more likely to be invested in ways most consistent with local transportation needs.

5. LIMIT TRANSIT OPERATING SUBSIDIES TO AREAS UNDER 200,000 IN POPULATION

Since operating subsidies were initiated in 1974, there have been real fare and productivity declines and real wage increases. This suggests that operating assistance has allowed local officials to evade financial responsibilities for their decisions. The Administration proposes returning responsibilities for operating costs to localities by eliminating subsidies to the largest urban areas. the largest cities are least dependent on Federal subsidies and are most capable of bearing such costs.

6. DELETE MANDATORY FUNDING FOR THE LOS ANGELES METRORAIL PROJECT

The Banking Committee's bill would require Federal funding of the second phase of the Los Angeles metrorail project (MOS-2). Funding for this project could divert half of the new start funding which the Committee would authorize within the discretionary grant program. Moreover, Los Angeles is believed to have sufficient local resources to fund this phase of construction. Finally, mandating Federal funding would prejudice the environmental impact analysis, which has yet to be done for this stage of the metrorail project.

In closing, I urge the Senate, both on the Floor and in Conference, to address our concerns outlined herein. The changes we propose would provide more prudent financing levels and would establish a more equitable and cost-effective approach to Federal transit assistance. If highway/transit reauthorization legislation were enacted without addressing our concerns, the President's senior advisors would recommend that the President veto the bill.

Sincerely yours,
JAMES C. MILLER III,
Director.

Mr. SYMMS. I thank the distinguished managers of the bill for their indulgence. I am willing to work with them on this, but I think in all fairness they need to understand that there are many of us from States such as mine who feel we have a real inequity here and we want an expeditious correction of it. We also want the highway bill. We want roads built in this country. We do not want to stand in the way of progress to get a Highway Program out to the 50 States. I hope that my colleagues are serious. I know they are. I appreciate the comments of the Senator from Illinois when he was in colloquy with the Senator from South Dakota. This is a most important issue, and I think one thing all Senators need to remember is if we start getting too political with highway users' funds, whether it be in the Highway Program itself or in those parts of the highway funds that are dedicated to mass transit, we will find that we cannot sustain the political support for the Federal-Aid Highway Program and for the National Interstate and Defense Highway System. This is something the Senate needs to consider. It has been good for the country. I think President Eisenhower's memory should be commended. It may be that it will be commended, as much for the Interstate and Defense Highway System as it is for his meritorious victory in Europe and other things in which he participated and helped achieve. It is a lasting credit to the United States that we have this fine highway and transportation system. If it is to continue, I think we have to work out the funding so there is a sense of fairness by the people of all the 50 States. I remind my colleagues that we worked very hard when the distinguished chairman of the Finance Committee was the ranking member on the Highway Committee. Those of us from the smaller States recognize there has been a big inequity for a number of years, so we are trying to fix this so we can have a program that all highway users of the country will feel they are being treated fairly. I do not know what the decision of the White House will be on this, but it is obvious to me we are not going to get this fixed in this particular operation, but I think we need to be considering that. I thank the good Senator from Illinois and look forward to working with him.

Mr. DIXON. Mr. President, may I say first on behalf of the managers we thank the Senator from Idaho for his cooperation and his candor. We are going to work with him on all of his problems. I want to assure him of that.

Now, Mr. President, if I may tell the Senate the situation. We have 5 minutes until we go to the question of the Presidential veto override. We have three amendments we think we will be able to agree to. We will handle one now, the other two after the vote at 3 o'clock, together with one contested amendment by the Senator from Texas [Mr. GRAMM]. We hope to have a time agreement with him, perhaps a half-hour or so, so that perhaps we can dispose of this whole matter by 5 o'clock. Mr. President, I am delighted to yield to the distinguished senior Senator from Nevada, who has an amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

AMENDMENT NO. 26

(Purpose: To provide for the use of tactile mobility aids in transportation projects)

Mr. HECHT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nevada [Mr. Hecht] proposes an amendment numbered 26.

Mr. HECHT. Mr. President, I ask unanimous consent further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

TACTILE MOBILITY AIDS

Sec. . (a) The Secretary of Transportation shall conduct a study of the feasibility of developing and implementing standards for the use, in transportation facilities and equipment constructed or acquired with assistance under the Urban Mass Transportation Act of 1964, title 23, United States Code, or other laws administered by the Department of Transportation, of tactile mobility aids in order to facilitate the safe access to and use of such facilities and equipment by visually impaired and legally blind persons.

(b) Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit a report to the Congress on the results of such study, including such recommendations for legislation as may be necessary to implement such standards.

Mr. HECHT. Mr. President, in recent years there have been growing concerns over the physical and social barriers that separate the handicapped citizen from the rest of the community. Currently there are approximately 500,000 legally blind persons nationwide, and another 50,000 persons lose their vision annually.

The visually impaired and legally blind find themselves isolated and handicapped in their efforts to compete with the rest of society. Yet, they ask only for supplemental aids to become self-sufficient and to become a useful member of the community. And Mr. President, the key to self sufficiency is linked to personal mobility. The visually handicapped person must learn how to move about in a world that was primarily developed by sighted persons and oriented to their needs.

Mr. President, one of the keys to mobility for the visually impaired is the use of tactile mobility aids. These aids provide the necessary guidance to the visually impaired when approaching intersections, bus stops, and at the edge of platforms of mass transit train systems.

My amendment simply directs the Secretary of Transportation to conduct a study of the feasibility of developing and implementing standards for the use of mobility aids in mass transit projects. By utilizing these systems Mr. President, we will take a major step in facilitating the safe access to, and use of public transportation to visually impaired and legally blind persons in this country.

I urge my colleagues to join me in this effort.

I thank the Chair. I see my colleague from Nevada and I wish to yield to him.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I thank the Chair. I appreciate my colleague from Nevada yielding.

Mr. President, I rise in strong support of the amendment offered by my colleague, Senator Hecht, to the Urban Mass Transit Authorization Act of 1987. The Senator's amendment relieves some of the difficulties that the blind and visually impaired confront in moving about independently in their daily lives.

The amendment directs the Secretary of Transportation to conduct a feasibility study for the implementation of tactile mobility aids in Department of Transportation projects.

Tactile mobility aids provide a surface which can guide blind and visually impaired pedestrians across difficult intersections or warn them that they have reached the edge of a sidewalk, platform, or other pedestrian surface. These aids ease mobility and can actually save lives.

Various advocacy groups for the blind, the academic research community, State, and local governments and the Federal Highway Administration all recognize the need for tactile mobility aids. In fact, the Federal Highway Administration's report entitled, "Guidelines for Making Pedestrian Crossing Structures Accessible," attests to the value of tactile signs and the utility of tactile warning markers and tactile guidance strips and surfaces.

Tactile mobility aids are in use in very limited cases. The city of Sacramento has purchased the aids for use in some downtown intersections and the Bay Area Transit Authority has installed them on the platforms in some of their stations.

The problem, Mr. President, is that the guidestrips are new and unfamiliar. Consequently, they have not gained market acceptance. Established specifications are necessary and that is why my senior Senator's amendment is so important.

I urge my colleagues to support this amendment which will help to establish standards for tactile mobility aids and give them appropriate emphasis in Department of Transportation programs.

I thank the Senator for yielding.

Mr. HECHT. Mr. President, I understand this amendment has been cleared on both sides, and I move adoption of the amendment.

Mr. DIXON. Mr. President, my distinguished colleague and comanager, Senator D'Amato, is off the floor. He has authorized me to say for the managers on the majority and minority side that we find the amendment by the two distinguished Senators from Nevada to be a fine humanitarian amendment. We are delighted to accept the amendment and urge our colleagues to support it.

The PRESIDING OFFICER. Is there further discussion on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 26) was agreed to.

Mr. DIXON. I move to reconsider the vote by which the amendment was agreed to.

Mr. HECHT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WATER QUALITY ACT OF 1987—VETO

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the Senate will now proceed to the consideration of the President's veto message on H.R. 1, which the clerk will report.

The bill clerk read as follows:

Veto message on H.R. 1, an Act to amend the Federal Water Pollution Control Act and to provide for renewal of the quality of the Nation's waters, and for other purposes.

The message from the President is as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 1, the "Water Quality Act of 1987." Because all regulatory, research, enforcement, and permit issuance activities are continued under permanent law and current appropriations—including grants to finance the construction of sewage treatment plants—I emphasize that my veto will have no impact whatsoever on the immediate status of any water quality programs.

The cleanup of our Nation's rivers, lakes, and estuaries is, and has been for the past 15 years, a national priority of the highest order. This Administration remains committed to the objectives of the Clean Water Act and to continuing the outstanding progress we have made in reducing water pollution. But the issue facing me today does not concern the ensuring of clean water for future generations. The real issue is the Federal deficit—and the pork-barrel and spending boondoggles that increase it.

The Clean Water Act construction grant program, which this legislation funds, is a classic example of how well-intentioned, short-term programs balloon into open-ended, long-term commitments costing billions of dollars more than anticipated or needed. Since 1972, the Federal government has helped fund the construction of local sewage treatment facilities. This is a matter that historically and properly was the responsibility of State and local governments. The Federal government's first spending in this area was intended to be a short-term effort to assist in financing the backlog of facilities needed at the time to meet the original Clean Water Act requirements. When the program started, the cost of that commitment to the Federal taxpayer was estimated at $18 billion. Yet to date, $47 billion has been appropriated. H.R. 1 proposes to put still another $18 billion of taxpayers' money into this program. Despite all this money, only 67 percent of all municipalities have actually completed the construction needed to comply with the Clean Water Act pollution limits. On the other hand, non-municipal treatment systems, which have received no Federal funding, have completed 94 percent of the construction needed for compliance with Federal pollution standards. I want a bill that spends only what we need to spend and no more—not a blank check. For these reasons I must disapprove H.R. 1, a bill virtually identical to S. 1128, which I disapproved last November.

Money is not the only problem with this legislation. In my November 6th memorandum of disapproval, I noted that S. 1128 was unacceptable not only because it provided excessive funding for the sewage treatment grant program, but also because it reversed important reforms enacted in 1981, for example, increasing the Federal share of costs on some projects that municipalities were going to build anyway. Furthermore, both S. 1128 and this bill would also establish a federally controlled and directed program to control what is called "non-point" source pollution. This new program threatens to become the ultimate whip hand for Federal regulators. For example, in participating States, if farmers have more run-off from their land than the Environmental Protection Agency decides is right, that Agency will be able to intrude into decisions such as how and where the farmers must plow their fields, what fertilizers they must use, and what kind of cover crops they must plant. To take another example, the Agency will be able to become a major force in local zoning decisions that will determine whether families can do such basic things as build a new home. That is too much power for anyone to have, least of all the Federal Government.

As part of my FY 1988 Budget, I proposed legislation that would avoid all these problems, while continuing our commitment to clean water. It would provide $12 billion for the sewage treatment program, halfway between the $6 billion I had proposed in 1985 and the $18 billion the Congress proposes. Senator DOLE introduced this proposal as a substitute for H.R. 1.

Specifically, the Dole substitute that was voted on by the Senate was identical to all provisions of H.R. 1 for programs other than sewage treatment, with one important exception—its program for non-point source pollution was not an open end for Federal regulators. It kept Federal environmental regulators off of our farms, off of our municipal zoning boards, and out of the lives of ordinary citizens. The Dole substitute would have given States complete discretion over participation in the non-point source pollution program and complete discretion over how they used Federal funds in the program. Let me repeat—controlling non-point source pollution has the potential to touch, in the most intimate ways, practically all of us as citizens, whether farmers, business people, or homeowners. I do not believe State programs should be subject to Federal control.

The $12 billion requested in the Dole substitute would have financed the "Federal share" of all of the treatment plants that have already been started. It would also have provided the "Federal share" of financing for all facilities needed to meet the July 1, 1988, compliance requirements in the Clean Water Act. It was as much money as we needed to get the job done—period.

The Dole substitute offered the Congress a genuine compromise that met all of the national objectives and goals. Nevertheless, the Congress chose to ignore that proposal, forgoing even the normal hearing process, and repassed last year's legislation with virtually no changes. The House Rules Committee even prevented consideration of this compromise by the full House. They sought to challenge me. But in so doing they are sending a message to the American people and the world that those who want to raise taxes and take the lid off spending are back again. This is perilous.

H.R. 1 gave the Congress the opportunity to demonstrate whether or not it is serious about getting Federal spending under control. The Congress should fulfill its responsibility to the American people and support me on these important fiscal issues. Together we can cut the deficit and reduce spending. But by passing such measures as H.R. 1, the Congress divides our interests and threatens our future.

RONALD REAGAN.

THE WHITE HOUSE, *January 30, 1987.*

The PRESIDING OFFICER (Mr. DASCHLE). Time for debate is limited to 1 hour, to be equally divided between the Senator from North Dakota and the Senator from Vermont. The vote thereon will occur at 3 p.m.

The Senator from North Dakota.

Mr. BURDICK. Mr. President, I rise in support of the Water Quality Act of 1987.

The clean water bill has followed a long trail to arrive here on the Senate floor today.

We started work on this bill in the 98th Congress.

We held a full round of hearings in the 99th Congress under the leadership of Senators STAFFORD and CHAFEE.

And, we worked out a final bill with the House late last year, only to have the President veto it.

This year, with the help of the majority leader, we brought an identical bill to the Senate as the first item of business. And again the President vetoed it.

So, today we are back for one more vote on the clean water bill. Our work for the past several years has been in a spirit of bipartisan cooperation. And, I am confident that our vote today will be both bipartisan and overwhelming.

There is good reason for the near unanimous support for this bill in the Congress.

Members of Congress recognize that passage of this bill will result in cleaner water and a safer environment.

Passage of the bill will put in place a new program to reduce toxic pollutants in water.

Passage of the bill will start States down the road to effective control of nonpoint sources of pollution.

And, passage of the bill will establish a long-term funding plan for construction of municipal sewage treatment facilities.

Other provisions of the bill will improve enforcement programs, protect marine waters, and improve the discharge permit process.

President Reagan says we cannot afford this bill. We in Congress disagree with the President, and I believe that the American people disagree with the President.

Americans want clean water. They believe that the funding in this bill is an investment which will repay dividends of a clean environment for years to come.

I urge all my colleagues to join me in voting, one more time, for clean water and a safe environment.

The PRESIDING OFFICER. Who yields time?

The Chair informs the Senate that if one yields time, time will be charged against both sides equally.

Mr. MITCHELL. Mr. President, the distinguished Senator from Vermont, the former chairman of the Senate Committee on Environment and Public Works, has just entered the Chamber and will now address this issue.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. STAFFORD. Mr. President, this afternoon the Senate will be completing an effort which was started in our committee—the Committee on Environment and Public Works—nearly 5 years ago. I am confident that the Senate will vote to override the President's veto and to enact the Water Quality Act of 1987.

I have had many opportunities to speak on the merits of this legislation since it was first introduced in the spring of 1982, so I do not need to make a long speech on this occasion. But I would like to share one or two thoughts as the Senate wraps up the process today.

This is a most important piece of legislation. It reflects the tireless efforts of many Members both here in the Senate and in the House of Representatives.

Most especially, we should commend and congratulate the very able Senator from Rhode Island, Senator CHAFEE, for the time and legislative talent he has invested in this bill.

Virtually the entire Nation supports this bill. At one point last fall it passed both Houses by unanimous votes. In an area so complex with so many interests affected, that is an extraordinary achievement. Senator CHAFEE can take pride in the splendid work that he has put into this bill.

Mr. President, there are four points that need to be made with respect to the substance of this legislation.

First, and in regard to point sources of industrial pollution, this bill completes a commitment to the protection of our Nation's water resources which was made in 1972 when the Clean Water Act was enacted.

When the final deadlines incorporated in this legislation are reached, every industrial point source in the United States will be operating under a permit requiring application of the best available technology to reduce pollutant loadings to surface waters.

In addition, the bill includes provisions to go beyond even these requirements where it is necessary to achieve water quality standards and the fundamental goal of the Clean Water Act—that the Nation's waters be "fishable and swimmable."

We very nearly have the big, industrial sources of water pollution under control. In that respect, the Clean Water Act works and has worked very well. By voting for this bill, Senators will be voting to complete that achievement.

Second, this bill brings to an end the Federal Government's role in controlling pollution from municipal sewage systems. Federal law requires that all communities reach the so-called secondary treatment standard by July 1988. That is a mandate which Federal law imposes on our cities.

When we first imposed that mandate in 1972, we also promised the cities that we would share the cost of reaching that goal with them. And over the last 15 years we have appropriated more than $40 billion for the Construction Grants Program.

But we are still some ways from meeting the secondary treatment standard—3,300 communities are not yet in compliance.

If we pass this bill and appropriate the funds which it authorizes, about one-half of those communities will meet the July 1988 deadline. We hope that the remainder will be brought into compliance very soon thereafter.

But it will take a tremendous effort and investment. EPA estimates that our cities will have to spend nearly $108 billion between now and the year 2000 reaching and sustaining compliance with the secondary treatment standard—a requirement of Federal law.

This bill offers an additional $18 billion of Federal assistance in that effort—a small portion of the total requirement.

About one-half of that is made in direct grants. And about one-half will be provided through a new revolving loan program that will be capitalized with Federal dollars.

But after several years, the Federal support is completely phased out. This bill is only a modest downpayment on the investment that we are asking the States and cities to make to protect our water resources over the next decade and one-half.

Mr. President, as a third point, we need to look at the President's opposition of this $18 billion expenditure.

The renewal and modest extension of the Construction Grants Program included in this bill is the principal reason for his veto. He argues that it is excessive spending in light of the budget difficulties of the Federal Government.

I would say to the President that the Construction Grants Program has already made its contribution to deficit reduction.

In 1981, when President Reagan came to office, annual appropriations for wastewater treatment grants were almost $5 billion per year or more than double those in the bill in front of the Senate this afternoon.

In his first dramatic budget message, the President proposed sweeping changes in the structure of the program and a dramatic reduction in spending.

After a year of tough bargaining with the Congress, the President achieved many of the reforms that he sought. And the annual appropriation, I say again for emphasis, was cut in half to $2.4 billion per year. But part of the bargain to cut the $2.4 billion a year was a commitment that the $2.4 billion annual grant would be continued for a period of 10 years.

The bill we have before the Senate today fulfills that 10-year commitment. The proposals which the administration has made—both in this reauthorization debate and in its recent budget messages—fall short of keeping the promises made in 1981.

So I say to my colleagues this program has already made its contribution to deficit reduction.

It went first. It was cut in half. And the half that remains is only a modest expenditure when compared to the investments that the Clean Water Act will demand from the States and cities over the next few years.

Mr. President, the fourth and final point which I will make this afternoon is on the subject of nonpoint pollution. It is the major new element included in this bill.

Although the Clean Water Act has been a great success with respect to point sources of industrial and municipal pollution, there is a gap in the law. We have not had much success in controlling the nonpoint sources of surface water pollution, principally runoff from our farms and from our city streets.

This bill includes a new 4-year $400 million program to develop best management practices to control nonpoint sources of pollution which are preventing acheivement of the fishable, swimmable goal.

Some have said that this nonpoint control program intrudes upon the traditional powers for land use planning of State and local government.

If that were the case, Mr. President, I would suspect that this bill would be opposed by a broad range of State and local government officials who have jealously guarded those traditional land use authorities. But that is not the case. There is no opposition to this bill from that quarter nor has there been.

In fact, virtually every organization representing elected officials and those appointed to administer environmental protection and soil conservation programs at the State and local level support this bill.

They are, in fact, demanding that we override the President's veto.

As I have said before, I deeply personally regret that we have been forced to override a Presidential veto to enact this bill. But that is what I must urge my colleagues to do.

This is not only a good bill—it is a necessary bill, and it deserves to become the law of the land.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

Who yields time?

Mr. SYMMS. Mr. President, I yield myself 10 minutes from the opposition time. Or I inquire, what is the procedure?

The PRESIDING OFFICER. Does the Senator from Vermont yield time?

Mr. STAFFORD. How much time does the able Senator need?

Mr. SYMMS. Not more than 10 minutes, I say. Are we short of time? I would cooperate with that.

Mr. STAFFORD. May I ask of the Chair how much time have I consumed?

The PRESIDING OFFICER. The Senator from Vermont has consumed 9½ minutes.

Mr. STAFFORD. There are two other speakers, one of whom is the minority leader. The Republican leader has asked for 10 minutes. Will the Senator be willing to go for 5 minutes?

Mr. SYMMS. I will start with 5.

Mr. STAFFORD. I yield 5 minutes.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. I thank the distinguished former chairman and ranking Republican for the 5 minutes.

I just want to say, Mr. President, that the question here is, Are we all for clean water? The answer, obviously, is yes. We are all unequivocally for clean water.

We need to remember the night the President spoke to the country in his State of the Union Address. The only point of agreement between the two parties on the House floor seemed to be that they wanted to do something about the deficit.

Now at the time this bill passed Congress last year, the projected deficit was $144 billion. We agreed to that figure and there was no alternative at that time for another bill. It became an issue of voting either for clean water or for dirty water. I do not know any one who wants to be for dirty water.

There was no alternative. The budget deficit looked like it would be manageable; so the bill passed the Congress by a large vote.

In the ensuing time after Congress adjourned, we went through the elections, came back for organizations, and so forth. In analyzing the new budget numbers, the budget deficit was projected to be $174 billion, not $144 billion.

Mr. President, I would submit to this body and to this country that there is also such a thing as pollution of the money supply, pollution of fiscal policy, pollution of the integrity and credit of the United States. We are literally piling debt upon debt upon debt upon debt.

If we look back at history, when the President was elected in 1980 and took office in 1981, we made some reductions in the Federal Government's commitment to water cleanup projects. The program was reduced from $4.5 billion per year to $2.4 billion per year. At the same time, we also reduced the percentage that the Federal Government paid. That was not without a lot of work and effort, and I commend my colleagues on the Environment and Public Works Committee that helped get that done.

What this meant was that, although the Federal Government spent less money, States and local governments spent more money. Because the cost share went from 75 percent to 55 percent, we actually got a lot of projects built for less money. It made an enormous difference in the commitment of local governments into this issue.

I have to say, Mr. President, I find it difficult to explain why it is that the Federal Government has to be totally responsible for clean water.

I have some amendments in this bill, and I appreciate the leadership of the committee that have helped make that possible, they are also found in the Dole substitute. Last year at the time this bill passed, we did not have the Dole substitute. Now we have that alternative.

What happens if the President's veto is sustained today? We come right back and pass the legislation that the President supports, which saves $6 billion of Federal commitment. We make pooh-pooh how much $6 billion is in Washington, DC. But outside of the beltway, out in the distinguished Presiding Officer's State, $6 billion goes a long, long way.

We are talking about changing the bill from a 9-year bill to an 8-year bill, spending $12 billion instead of $18 billion.

We hear our colleagues continuously say that they want to balance the budget. Well, if you vote to sustain the President's veto and vote "no" on this resolution, as this Senator will be doing, you will still be voting for clean water, but you will also be voting to cut out some of the pollution of the budget process in this town. Our colleagues can talk about it all they want to. In the short time I have been in Congress I have seen the budget in this town go from $200 billion to now a $1 trillion budget.

Where does it stop?

There are other ways to pay for water projects: The private sector for example. I see no reason why this is not an ideal place for privitization. Let cities and local municipalities pay service contracts to have the water cleaned up to EPA standards. That would get water treatment out of the realm of Government and the bureaucracy. They can build in the private sector in 2 years what it takes 7 years to build if you have to comply with all the Government bureaucracy.

I would urge my colleagues not be intimidated by the argument that if you vote against this bill you are voting for dirty water. You are not. You are voting to help clean up the polluted budget process of the Government of the United States of America, and on the 200th anniversary of the Constitution. I think that would be a very honorable and a very admirable vote.

I urge my colleagues to help sustain this veto. Vote "no" and we will clean up the budget as well as the water.

I thank the Chair.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. STAFFORD. Mr. President, I now yield 5 minutes to the very able Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. CHAFEE. Thank you, Mr. President.

Mr. President, once again we find ourselves debating the merits of a bill which has received nearly unanimous support from both Houses of Congress as well as from industry, environmental organizations, our States and local communities, and, most of all, from the American people.

The President's decision to veto the Clean Water Act was, as I stated before, in my judgment, was a serious mistake. This is a good bill. I am saddened that the President missed an opportunity to embrace the bill, to accept it, to recognize what it achieves, and have a marvelous signing ceremony.

We discussed this bill extensively last year and again this year. Much has been said about its merits, so I will be brief.

First, I want to stress that this bill was developed last year when the Republicans were in the majority in this body, controlling the Senate. We had tremendous support from the Democratic Members, such as the distinguished junior Senator from Maine, and others who did such a splendid job with us. We took the responsibility and we passed it. It was a Senate bill, a Republican bill.

Then, of course, we went to conference, where the House had a bill vastly different, vastly more expensive. We managed to scale theirs down practically to the limits of the Senate bill. So what was left of the results of the conference was a Republican measure. And what were the figures? Well, listen to the statistics. The original Senate-passed bill cost a little less than $20 billion. The House-passed bill cost nearly $27 billion. The final bill went up just a bit from the Senate measure, to $20.7 billion. In other words, over $6 billion less than the House bill.

American taxpayers, I believe, have reason to be grateful to the Senate conferees for trimming the fat off this bill. I am not sure what the President is talking about when he says this has lard and pork in it.

Third, the bill accomplishes one of the main goals of the administration's proposal. It ends the construction program. Now, how is that, a Federal program ending? We ought to have a monument to that, because how often do you see a program end around here? And this does it.

We set up a revolving fund, a mandatory revolving fund, in the last several years of this measure so the cities and towns and communities can borrow from that and continue with the construction of their waste treatment plants.

Fourth, the President states in his veto message that when we get into the nonpoint pollution control section of this bill, that this is Federal land use planning. There is a mistake in the interpretation that was given to the President on this. It just is not Federal land planning.

The nonpoint provisions in the bill were carefully crafted to avoid that. The primary role of the Federal Government in the nonpoint program, in other words, controling pollution from streets and runoff of fertilizers from the farms, the primary role of the Federal Government is to provide financial assistance to the States which are given the lead in developing their own programs. It is not Big Brother from Washington telling them how to do this. The States do this. We give them some money to help them. We do not mandate it. Farmers are not required to seek permission from the Federal Government to carry out their farming practices.

We have been around long enough to know that is a loser. That would kill the bill. Do you think the Senators from Montana or Maine or any of the States with large agricultural practices would vote for a measure like that? Of course they would not.

So the administration's arguments on that are really red herrings.

This is a strong environmental bill, it is a fiscally responsible bill, and it lives up to our national goal of making **the Nation's waters fishable and swimable.**

Yesterday the President's veto was overridden in the House 401 to 26. I hope my colleagues will join me to override the veto today. It is time we get on with the job. Let us go on to something else. We have been on this long enough.

I wish to thank the distinguished junior Senator from Maine, especially, for the marvelous work he has done in connection with this measure.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Vermont has 9 minutes and 20 seconds remaining.

Mr. STAFFORD. I thank the Chair. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

Mr. MITCHELL. Mr. President, I yield 3 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 3 minutes.

Mr. BAUCUS. Mr. President, I thank the Senator.

Mr. President, I rise to support overriding the President's veto of legislation to extend and strengthen the Clean Water Act. It is my hope that this body will act unanimously in overriding the President's veto.

In considering this legislation, we must all recognize that the issue before us is an environmental issue. It is not a budget issue. Clean Water has the strong support of the American public. Sustaining the veto of this legislation will send the wrong signal to the American people. Sustaining the veto will signal a retreat by Congress from a goal of having clean lakes and rivers.

It is the lakes and rivers of this Nation that will suffer.

Ninety-three percent of the American public in a recent poll considered toxic pollution of our lakes and rivers a serious problem. This legislation addresses that. For the first time, toxic hot spots will be identified and a toxic control strategy will be put in place.

In my own State of Montana, the serious water quality problems facing the Clark Fork River and Lake Pend Oreille will not be addressed if the veto is sustained.

Nonpoint source pollution is a serious problem. EPA has identified nonpoint source pollution as the cause of over 50 percent of our remaining water quality problems. This bill deals with that! It takes meaningful steps toward cleaning up non-point source pollution. States will be able to build on the progress they made during the late 1970's under the 208 Program. Programs will be put in place to identify and control this pollution.

Now, this legislation has been called a budget buster by the President. This legislation is not a budget buster. It is a bipartisan bill, developed using budget figures which this administration supported. It contains funding authorization at the same level it has been at over the past few years—$2.4 billion.

We should not ignore the commitment and will of the American people to have clean lakes, rivers and streams. It is my hope that the Senate will act unanimously to override this veto. We must send a message to the American public on our commitment to a clean environment. Water quality is too important an issue to be bogged down by bipartisan bickering.

Former chief assistant to Senator Edmund Muskie, Leon Billings, who helped draft the Clean Water Act, recently made a speech at a water conference in California, which is appropriate to the issue of the veto override. I ask unanimous consent that the text of that speech be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

REMARKS OF LEON G. BILLINGS, MANAGING INFLOWS TO CALIFORNIA'S BAYS AND ESTUARIES

I have been asked to help open this conference by providing a perspective on two decades of federal clean water policy. I appreciate the challenge. It would test your capacity to sit through a dissertation on 20 years of history, and it would seriously tax my memory. So I will do neither.

I will talk a little bit about the evolution of the basic law, a little bit about its devolution and finally about the ghost of Christmases yet to come.

The Clean Water Act is a pollution control law. It is not a public works program, though it has generated a great many public works jobs. It does not address just a sanitary engineering problem, though those who implement it often have tried to use it to relate pollution control to nature's presumed capacity to be the ultimate waste treatment plant.

The Clean Water Act was written during a period of much scientific ignorance but great political courage. It was written by people who believed that our ignorance of the impact of increasing pollution argued for, not against miminizing the discharge of pollutants.

We knew that the regular order argued for evidence of adversity prior to regulation. But we believed that delay while scientific knowledge was developed could mean environmental disaster. We also knew that if we put off action, our opponents would continue to find new arguments to support the status quo.

We believe that prohibiting the discharge of pollutants would be a significantly more effective way to protect the environment than trying to reduce pollution incrementally.

So we wrote two concepts and a compromise into the 1972 Clean Water Act. First, we established a national goal of the elimination of the discharge of pollutants—impossible—to achieve and maintain biological integrity of receiving water—outlandish. As a compromise, we added an interim goal of assuring that the water quality would at least support fish, shellfish, wildlife, body contact sports and drinking water uses.

Today there is a preoccupation with that compromise—euphemistically referred to as "fishable, swimmable"—a euphemism which I find repugnant. Fishing for something which can't be eaten because of toxic uptake or swimming in water which can't be swallowed because of invisible and ordorless pollution fall far short of any ecologically acceptable standard of human behavior which I am prepared to accept or which the 1972 Clean Water Act intended to endorse.

The Clean Water Act intended a regulatory philosophy unrelated to that interim goal.

It intended to establish nationwide technology-based standards for similar kinds of producers of pollution.

It intended to reduce that pollution periodically through improvements in technology. It intended to encourage manufacturers to eliminate the discharge of pollutants as the most cost effective way to avoid additional regulatory requirements; five year permit reviews; constant monitoring and periodic enforcement.

In other words, it intended to both conserve clean water and encourage closed systems.

Because engineers argued that elimination of discharge of pollutants couldn't be done, and regulators accepted that canard, the technology of closed systems has not been pressed except for conservation or price; consumptive use of water has been encouraged; the use of receiving waters as a part of the waste treatment cycle or as ultimate sumps for pollutants continues to be public policy.

There was a vision for the future in the 1972 law and its 1965-1970 antecedents. Unfortunately, because of regulatory failures, inane debates over the feasibility of zero discharge or the rationality of biological integrity, overt commitment to waste loadings and consumptive uses and the inability to wrench the water pollution community from the concept that receiving waters are a part of the waste treatment process, that future will be much more costly—environmentally and economically. Limits which could have been avoided will be imposed.

The American people will be angry—no, they'll be furious—when they learn that their waterway, the underground aquifer from which they derive their drinking water or their fishing hole has been poisoned by the indiscriminate distribution of their environment of pollution—polluted liquids.

They have already spoken of the willingness to clean up yesterday's mess. That was two decades ago. And they spoke loudly and clearly again with Superfund this year. Even this President didn't let that message fall on deaf ears.

I don't think for a moment that the American people are prepared to compound either the cost or the potential threat to their health and safety by allowing a repetition of past failures.

The Ameican people are an odd lot. We expect government to keep its promises. We have expressed a repeated and growing willingness to pay the cost of pollution control. And, God knows, we have invested billions in clear air and clean water in the past two decades to prove it.

If the public finds out—or should I say when the public finds out—that we have been misled—that technical bickering among regulators and engineers has only reduced visible and noxious pollution—that the safety of our children continues to be threatened with ever more pernicious distribution of toxic and chemicals into an environment our people believe to be safe—my friends, there is going to be hell to pay.

You see pieces of it now and then. California just received the most recent taste in Proposition 65.

And as one who was an unsuccessful candidate for Congress, I found environment to be one of two major issues which brought new people excitedly into the electorate.

Politicians and public officials had better well realize that compromises to special interests and reflexive acceptance of complexity as justification for avoiding public accountability will be dealt with harshly by a public increasingly concerned with the risk to their health by environmental excess.

I believe the day of reckoning is near. The environment was one of the few cutting issues in the most recent election cycle. More radical expressions of public policy to deal with pollution increasingly are going to require recorded positions. Politicians who align themselves against those positions will feel the lash of outraged citizens who appreciate the simplicity of direct action. And even in America, an environmental "New Left" could spring up to make opponents uncomfortable on controversial questions.

This has already started. One example: In the 1960's and early '70's, Congress vigorously resisted authority for administrators to levy fines. Congress even repealed an 1899 pollution law that allowed bounties. This was in part an outgrowth of the antagonism towards bureaucratically imposed penalties under the Occupational Health and Safety Act and the Coal Mine Safety Act. Congress wanted the courts—not bureaucrats—to establish penalties for noncompliance.

Today, administrative penalties have become commonplace. Bounties and citizen action penalties are next. The public simply is not going to let its politicians off the hook to the special interests and they are going to demand ways to take the law into their own hands.

The Clean Water Act, the Clean Air Act, the Resource Conservation and Recovery Act, provided an opportunity to avoid both the political consequences and the economic cost of less rational, more radical alternatives. Two decades ago under the leadership of Ed Muskie, a warning was issued and an opportunity offered. In my view, too few took advantage and too many tried to negotiate the least cost alternative. I believe these matters will ultimately not be negotiable.

As little solace as it is as we enter a new decade of environmental activism that could prove irresponsible, some of us will have to find our comfort in the phrase, "we told you so."

I want to end on a current event—the recent veto of the 1986 Clean Water Amendment.

This is not a new experience for me.

On the last day of the 92nd Congress, I sat on the Senate floor as then-President Nixon's veto of landmark clean water legislation was overridden. Richard Nixon vetoed that bill because he said it cost too much.

Fourteen years later President Reagan vetoed the most recent extension of the Clean Water Act for the same reason: it costs too much. By this President's standards, I'm sure that's true. But what doesn't, except Star Wars? In plain fact, the bill is cheap. Not only is it cheap, it proposes to abandon any federal role in funding the nation's water cleanup program.

Ronald Reagan had every philosophical reason for vetoing Superfund and was compelled to sign it by his political advisers. Superfund cost to much. The finance method was unacceptable to the Administration. It provided not only a new tax but a new form of tax, both unacceptable to the President. And the amendments simply do not do away with the provisions of that law that the Reagan Administration and its allies in the business community consider most pernicious.

But the Superfund decision had to be made before the election. Not so, clean water—even a clean water bill that reached the soul of Reagan philosophy. Not only did this bill phase out federal funding of municipal sewage treatment plants, for which the Federal Government contributed as much as 75 percent as recently as five years ago, it also established the basis on which the states can make the argument that having removed the carrot of federal funding, Congress should remove the stick of federal regulations.

The bill cut current construction grant authorizations by more than half, and phased out the federal grant altogether in nine years. After 1994, there would no longer be a federal sewage treatment construction grant program. States would have to finish the job of cleaning up the nation's backlog of waste treatment needs by themselves.

One could argue this bill should have been vetoed on environmental grounds. But environmentalists inside and out of Congress agreed to this substantial compromise, acceding to the inevitability of shrinking federal resources.

In return, the hope is for a rational state-level program that holds the promise of filling the basic needs of clean water.

I would like to suggest that this hope is highly optimistic. In 1972, Congress approved $18 billion over three years for water pollution construction, a commitment equivalent to $54 billion in today's dollars. By that measure, $2¼ billion a year looks like a pittance, and it certainly falls far short of community needs.

So, here we have a major federal program cut back and phased out over a reasonable period and turned over to the control and financial resources of the states. Sounds like Reagan Administration gospel, doesn't it? Yet President Reagan vetoed the bill for only one discernable reason—the authorization is "too much." The President proposes not an orderly retreat but a headlong flight from the federal construction grant program.

If this President's decision stands, all those communities—including some of the nation's most important in terms of water pollution control—who have waited patiently in line as their neighbors have built subsidized treatment plants, would simply be out of luck. The 90 percent of Americans who support the clean water program would simply be out of luck.

The Democratic Congress ought to reintroduce the vetoed bill, send it to the White House one more time; overrule his veto—and then the 100th Congress ought to set about undoing the damage to federal environmental policy which the Administration has wreaked for eight years.

Mr. BAUCUS. Mr. President, again I ask that we vote overwhelmingly to override the veto.

I yield the balance of my time back to the Senator from Maine.

Mr. MITCHELL. Mr. President, the President has vetoed legislation to extend and strengthen the Clean Water Act. I hope all of my colleagues will join me in voting to override the President's veto.

Over the past several weeks, I have spoken on several occasions on the many issues addressed in this legislation. Today, I will review some of the points made in earlier statements and specifically address the concerns raised by the President in his veto message.

This bill was developed over several years by Democrats and Republicans in both Houses of Congress.

The Republican leadership of the Environment Committee, Senators STAFFORD and CHAFEE, worked with Democratic members of the committee and with the Democratic leadership of the House to develop a balanced approach to resolving our most pressing water pollution problems.

Senator CHAFEE served as chairman of the Senate conferees for our conference with the House. More than any other individual, he deserves credit for this legislation. Under Senator CHAFEE's leadership, the conference adopted the more reasonable Senate approach to funding of sewage treatment projects and adopted the best of the regulatory improvements contained in both bills.

In the Senate, the majority leader and the new chairman of the Environment and Public Works Committee, Senator BURDICK, have worked hard to bring the bill to the floor and assure its passage. And, Senators CHAFEE and STAFFORD have joined us in this effort, along with over 70 other Senators who cosponsored the bill.

Part of the reason the bill has such broad, bipartisan support in Congress is that it is recognized as sound legislation addressing some of our most pressing water pollution problems.

From the many important provisions of the bill, I want to mention three which will be major steps forward in control of water pollution and protection of the environment.

The bill provides a new approach to control of toxic pollutants in water. It sets out a specific schedule for identification of toxic hot spots and development of toxic control strategies. This provision is an important addition to our ability to protect our waters from increasing amounts of toxic chemicals.

Another key provision of this bill provides for State programs to identify and control nonpoint source pollution. Nonpoint pollution is caused by general runoff rather than discharge from a specific pipe. The Environmental Protection Agency reports that these sources of pollution cause over half of our remaining water quality problems.

And, the bill provides for creation of State loan funds to assist in financing of local sewage treatment plants. These State loan banks will take the place of Federal grants and will provide a permanent funding source for future water quality improvement projects.

Congress is not alone in strong support for this legislation.

The hearing record for the bill documents strong support from a wide range of industry and environmental groups. Newspapers from San Diego, CA to Bangor, ME have published editorials praising the bill. Polls show that the public favors continued effort to improve water quality by large margins. Final enactment of this legislation will be an important step toward carrying out this mandate.

If this is bipartisan legislation; if it will effectively address our most serious water pollution problems; and if it has strong public support, why did the President veto the bill?

The President has stated several objections to the bill. He has called it a budget buster and pork laden. And he has called the nonpoint provision of the bill federally controlled and directed. But the President is wrong. The bill is none of these things.

This legislation will not bust the budget, as the President says. Rather, it is a responsible compromise between the cost of the many, badly needed water quality projects and the need to control the Federal deficit.

The bill is plainly not a budget buster. It authorizes the expenditure of $18 billion over 9 years to assist communities in construction of sewage treatment plants. This amount alone does not make the bill a budget buster, for the President supports other bills which would cost far more money.

Does the bill exceed the annual funding authorizations of the past several years? No. The annual authorization of $2.4 billion is the amount we have authorized for this program for the past 5 years.

Does this bill authorize funds above the levels approved in the budget resolution? No. The 1987 budget resolution provides for funding the construction grant program at the level of $2.4 billion for fiscal years 1987, 1988, and 1989.

Does the bill exceed the long-term funding plan, agreed to by the Reagan administration and the Congress during the 1981 amendments to the Clean Water Act? No. That agreement, which was publicly acknowledged by the administration, provided for funding at the level of $2.4 billion for 10 years.

In return for that long-term funding commitment, the Congress agreed to major reductions in the size and scope of the program. Now we have proposed a funding plan which is consistent with that agreement and we are told it will bust the budget.

The President's veto is a violation of that commitment, a breach of an agreement entered into in good faith. We made a bargain. We kept our part of it. The President did not.

He says this bill will bust the budget. Yet, at the same time the President proposes to increase spending for foreign aid by $1.7 billion a year, to a new record of almost $15 billion a year.

Thus, the President proposes to devote nearly $15 billion in 1 year to foreign aid, while opposing Congress' plan to spend $18 billion over 9 years to clean up America's waters.

President Reagan said that Congress cannot have it both ways. Well I say to the President that he cannot have it both ways. He cannot propose and sign into law the biggest budget deficits in history, and then express surprise and outrage at these deficits. He cannot on one day say that spending money to clean up American waters will bust the budget and then the next day propose to increase foreign aid by billions of dollars.

Many Americans join me in asking President Reagan: Why do you feel we can afford major increases in foreign aid but can't afford to keep America's waters clean? I do not believe the American people share the President's priorities on this issue. They want clean water. They favor the Clean Water Act overwhelmingly.

Another objection raised by the President is that the bill is laden with pork.

It is not clear what the President is referring to. He may be referring to the fact that the funding in the bill will be passed down to thousands of communities in every State and congressional district in the country. He may believe that this bill has strong support in Congress because Members of Congress will take credit for projects built in their district.

While there may be some who support the bill only for this reason, the great majority of Members of Congress recognize the importance of clean water and the need for the Federal Government to assist communities with major construction projects.

It is important to point out that this bill does not, in most cases, provide funds directly to a community project. Rather, a lump sum is made available to a State and the State allocates funds among communities. State project priority lists are based on the relative environmental benefits of specific projects, and not on the political influence of a Member of Congress.

It may also be that the President is concerned that funding will be used to build unnecessary or gold-plated treatment facilities.

While no large program of this nature is perfect, the primary objective of the grant program is to build secondary sewage treatment facilities. Secondary treatment has always been identified in the Clean Water Act as the minimum level of treatment which should be in place in all communities throughout the country.

And, as I said, the program is designed to direct limited funds to provide secondary treatment in those areas which will get the greatest environmental benefit.

Finally, it is possible the President's concern can be traced to a number of special projects authorized in the bill.

There are about half a dozen of such special projects in the bill, depending on what is counted, with total authorizations of about $459 million. These projects were agreed to in our conference with the House from among a group of over a dozen projects, with total costs of over $2 billion.

These projects generally address truly unique circumstances, posing serious environmental threats, which are beyond the reach of standard clean water programs. For example, special projects would address the problem of sewage from Tijuana, Mexico washing up on San Diego beaches; and the huge and complex problem of pollution in Boston Harbor.

Even the administration recognized the value of these projects. The substitute bill considered in the Senate last week, which was the bill the President supported, included every one of these special projects.

So, evidently according to the President, if a project is in the bipartisan congressional bill, its pork. But the very same project in the President's bill is not pork.

That position is devoid of logic and common sense.

The President also criticized the nonpoint pollution control section of our bill as federally directed and controlled.

That criticism is inaccurate.

This bill does not provide for Federal intervention in State and local land use planning decisions. The nonpoint provision gives States the lead role in addressing nonpoint pollution problems. The Federal Government plays a limited, support role.

Further, the bill does not direct States to establish regulatory programs for control of nonpoint sources of pollution. It specifically refers to a wide range of nonregulatory programs such as education, training, technical assistance, and demonstration, while not preventing a State from adopting a regulatory program where needed.

Only if a State fails to take the first step in addressing nonpoint pollution, which is to develop an assessment of nonpoint problems, does EPA step in to prepare an assessment for the State. This backup role is necessary in this limited circumstance to assure that we have a consistent, national data base on nonpoint problems.

The EPA will not step in if a State does not choose to proceed with further steps in the process, such as developing a control program. If a State decides that it does not want a program to control nonpoint pollution, that is it.

It is inaccurate and misleading to call this provision "federally directed and controlled," as the President has. It is, in fact, the opposite of "federally directed and controlled."

It leaves the decision on whether or not there is to be a State program to combat nonpoint pollution entirely up to the State. And if the State decides there will be no program in that State, then there will be no program in that State, and the Federal Government cannot do anything about it. There is therefore absolutely no factual basis, none whatsoever, for the President's assertion that this is a federally directed and controlled program.

Finally, I want to point out that this section was carefully designed in long negotiations with House conferees. We responded to those who expressed concern about Federal intervention in local decisions. We responded to those who were concerned that particular groups or sectors would be burdened by such programs. These concerns were addressed so successfully that both Houses of Congress approved the bill unanimously.

Let me briefly address several other points in the President's veto message.

The President says that our bill reverses reforms to the Construction Grant Program, relating to the Federal share of project costs. In fact, the bill does not change the Federal share of project costs in the program. While it does provide a higher Federal share for a handful of specifically identified projects, this is hardly a reversal of reforms to the program.

The President says that his veto of the bill will have no immediate impact on our water quality programs and that much of the framework of the Clean Water Act remains in place. In fact we have a bill, supported by virtually every interested group, which updates the Clean Water Act to address problems as they exist today and to respond to emerging problems.

If we fail to adopt these improvements we will lose initiatives to protect Chesapeake Bay and other estuaries, to control toxics, to protect the Great Lakes, and to improve our regulatory programs to mention just a few. The adoption of this program will be an immediate and significant benefit to water quality and their abandonment would be an immediate and significant detriment.

Finally, the President states that the funding proposed in the administration alternative bill of $12 billion was sufficient to provide the Federal share for all projects needed to meet the 1988 compliance deadline in the act.

There are very different opinions on this question. During earlier debate on the bill, I submitted a letter from the Association of State and Interstate Water Pollution Control Administrators. This association, made up of the professional administrators managing our water quality programs on a day-to-day basis, states that, under the administration's recommended funding level, "a large number of communities will not meet the municipal deadline and will face significant enforcement penalties * * *."

In addition, the association states that the administration plan would eliminate more that 1,300 communities from participation in the financing program and the timeframe for municipal compliance will be increased by 33 percent.

Mr. President, a veto is an important and unusual action in our legislative process. It is reason for each Member of Congress to review his or her thinking about a bill and consider the objections voiced by the President. That we have done. It is clear at least to this Senator that there is no substance to the objections voiced by the President.

I hope my colleagues will take another look at the clean water bill. I think they will find that it is solid, bipartisan legislation which has the overwhelming support of the American people. And, I think they will find that there is no basis for the President's charges that the bill is a budget buster and "laden with pork."

I urge my colleagues to join me in voting for the clean water bill for a fourth, and I hope final, time.

Mr. President, I ask unanimous consent that a letter signed by 29 national organizations urging that the veto be overriden be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Hon. George Mitchell,
U.S. Senate, Washington, DC.

Dear Senator Mitchell: We, the representatives of the undersigned organizations and our millions of members across the nation, respectfully urge you to vote to override the President's recent veto of the Water Quality Act (H.R. 1).

This essential federal water pollution abatement program is overwhelmingly supported by the American public. The legislation is critically important to restore the health and quality of our nation's waters and to maintain a growing economy. You will recall that Congress approved this legislation in January by a near-unanimous vote.

In summary, we strongly believe the Water Quality Act is balanced, comprehensive and cost effective. We strongly urge you to vote to override the Presidential veto and enact the legislation into law.

Sincerely,

Gerard M. Kenny, President, National Utility Contractors Association; Alan Beals, Executive Director, National League of Cities; J. Michael McCloskey, Executive Director, Sierra Club; Nancy Neuman, President, League of Women Voters; Robert Georgine, President, Building and Construction Trades Department, AFL-CIO; John Horsley, President, National Association of Counties.

Rick Hind, U.S. Public Interest Research Group; Joe Riley, President, U.S. Conference of Mayors; Ruth Kaplan, Executive Director, Environmental Action; Daniel J. Bennet, Executive Vice President, Associated Builders and Contractors; Jay D. Hair, Executive Vice President, National Wildlife Federation; Marvin Boede, General President, United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry, AFL-CIO.

Anthony Obadal, Washington Counsel, Associated Equipment Distributors; Steve Hellem, Executive Vice President, National Environmental Development Association, Clean Water Project; Robbi Savage, Executive Director, Association of State and Interstate Water Pollution Control Administrators; Don Kaniewski, Laborers' International Union of North America; Lester Poggemeyer, President, American Consulting Engineers Council; James R. Borberg, President Association of Metropolitan Sewerage Agencies.

Joseph Kuranz, President, National Society of Professional Engineers; June Rosentreter, President, American Public Works Association; Jonathan B. Howes, President, National Association of Regional Councils; Cyril Malloy, Jr., Vice President of Government Relations, American Concrete Pipe Association; Dawn Kristof, President, Water and Wastewater Equipment Manufacturers Association; Robert Walker, Executive Director, Uni-Bell PVC Pipe Association.

Cynthia E. Wilson, Executive Director, Friends of the Earth; Rep. Irving Stolberg, President, National Conference of State Legislatures; Richard E. Hall, President, Associated General Contractors; David Zwick, Executive Director, Clean Water Action Project; William A. Butler, Vice President for Government Relations and Counsel, National Audubon Society.

Mr. President, before concluding I want to take just a moment to commend Senators STAFFORD and CHAFEE, particularly Senator CHAFEE, who more than any other single individual is responsible for this legislation, is responsible for much of the protection of the American environment that has occurred in this Nation over the past decade. As he said, this is essentially a Republican bill crafted by Republicans with some support from Democrats like myself and Senator BURDICK and others. Therefore, it is particularly ironic that the President would engage in such an assault on this bill.

Mr. President, I have completed now and I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor. Who yields time?

Mr. EXON addressed the Chair.

Mr. STAFFORD. Mr. President, I have been advised that the Republican leader will only require 5 minutes. I could make available to the very able Senator from Nebraska 3 minutes if that would be of assistance to him. I would be glad to do that.

Mr. EXON. I appreciate very much the consideration from my friend from Vermont. I wish that I could receive the same consideration from my side of the aisle. But that is the way things go from time to time.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. EXON. Mr. President, this Senator is familiar with the needs of this country to preserve, protect, and clean up this Nation's water. I voted for this proposal last year, and I support the concept today. We approach a vote on the second veto of this measure by the President. This Senator will vote to sustain the veto. The record will show that my vote was for the Dole substitute last month, which was what I felt to be a workable compromise by scaling back the earlier veto amount from $18 billion to $12 billion. The President's suggestion was $8 billion, and he had agreed to an increase of $12 billion. That Dole motion failed.

Indeed, it received only a very few votes. I joined the Senate in passing the original funding level by that Congress of $18 billion since I had no opinion but to vote for the higher figure or nothing.

The President vetoed again and the House has already overridden by a huge margin.

The argument has been incorrectly framed, I suggest. It is not whether one is for or against clean water or for or against the President.

The legitimate issue is what level of funding is prudent, given the budget restraints. I had a feeling that the President's $8 billion figure was too low and the $18 billion congressional figure was too high. That is why the negotiated middle ground negotiated by Senator DOLE made sense to me.

This is a judgment call for expenditures for a worthy purpose for a number of years. Indeed, $12 billion may not be enough. If so, future Congresses may have to make a further commitment to meet this Nation's clean water needs.

Mr. President, despite the rhetoric from 1600 Pennsylvania Avenue and the general perception that this administration is conservative in spending, this Senator has frequently pointed out that this administration is the champion spending machine of all time. In the last 6 years, more national debt has been created than all of our previous administrations combined.

Promising to balance the budget in 1984, this administration has run rampant in the opposite direction at breakneck speed.

Simultaneously, they have succeeded in their unannounced initiative of turning the United States of America from the world's largest creditor to the world's largest debtor nation, while amassing the largest trade deficit in our history.

Now the President has finally stirred from his budgetary morass and has done something specific and constructive at long last for at least a measure of fiscal restraint and there is a "don't let him do it to us" philosophy sweeping the Congress, Republicans and Democrats alike.

How anyone who voted for the Gramm-Rudman amendment to restrain spending can vote to override this veto is beyond my comprehension. I presume the Senate will follow the House and "teach the President a lesson."

Regardless of the merits of this proposal, and there are many, the President will employ his recognized communications skills to point from this day, forward and specifically on this upcoming vote to override the veto, that he is the one who wants to have the balance and we are the ones who are the unbalanced in fiscal sanity.

Politically, if we override, we will have made his day, and the "there they go again" philosophy will be employed by the President's speech-writers.

The Senator will vote to sustain the veto with the hope that if that action is taken we can take up and pass the Dole compromise.

I thank my friend for yielding time and I yield the floor.

Mr. MITCHELL. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Maine has 12½ minutes remaining.

Mr. STAFFORD. I yield 1 minute to the Senator from Idaho.

Mr. SYMMS. Mr. President, I thank the Senator for yielding.

I compliment my good friend from Nebraska for his remarks. I share the analysis that the Senator from Nebraska, a former Governor of that State, makes.

I would also like to say, Mr. President, that, for example, the amendment on the Clark Fork River and Lake Pend Orielle as it comes out of Montana, in the amendment which I offered and which I have supported, and on which I worked with the Senator from Montana to help pass, is also in the Dole substitute. We are getting most of what we asked for in the Dole substitute with a little more reason in terms of where we are going on the budget.

In closing, I attended the Idaho water users' convention in Idaho since this bill passed the Senate, before the President's veto message was returned. The water users, the people, and the lawyers for water users, are concerned about the land use planning aspects of this bill.

Mr. MITCHELL. I will yield a minute from my time to the Senator if he wants to complete his remarks.

Mr. SYMMS. I have completed.

Mr. MITCHELL. Mr. President, there were several Senators who requested time to speak in support of the veto override who have not yet appeared.

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL. Mr. President, I will briefly address some of the objections which have been raised, particularly regarding the level of spending, by making several points to my colleague and to others on this matter.

The first point is that 5 years ago we drastically reduced this program. At the President's request we reduced the level of spending from $5 billion a year to $2.4 billion a year. That is where it has remained ever since.

At the President's request we reduced the scope of sewage treatment projects that are eligible for Federal assistance, and at the President's request we reduced the percentage of Federal assistance for those projects which remained eligible from 75 to 55 percent.

This program underwent a dramatic reduction at the President's request.

In exchange for that the President and his administration made an explicit, publicly stated commitment to support funding for this program at the reduced level of $2.4 billion a year for 10 years, through 1992.

In 1986, the President came along and said $2.4 billion is too much, having just a few years before made an explicit, publicly stated, acknowledged commitment at that funding level.

I just believe that in terms of what we need this is a responsible bill. The Reagan administration's EPA estimate of the unmet needs in our country is vastly in excess of the $18 billion in this bill, vastly in excess of it. It has been variously estimated in the range of, in one case, $50 billion. That estimate has been attacked as too low. Another is at $75 billion, which has been attacked as too high.

I just say that the amount of money here is consistent with, indeed below, the commitment made by the administration with the Congress, and it is far less than the amount necessary.

Therefore, I believe it is a responsible level of funding, not as much as some would like but more than others would like to deal with a very serious problem.

Mr. DOMENICI. Will the Senator yield 1 minute to the Senator from New Mexico?

Mr. SYMMS. Will the Senator yield for one brief question on that point?

Mr. MITCHELL. I yield.

Mr. SYMMS. I hear what the President is saying and I am aware of the President's talk in 1982, but the budget situation has changed. We have run up another $1 trillion worth of debt. Does the Senator think there has to be an adjustment when the red ink is hemorrhaging all over Washington, DC? It is a miracle that the Potomac has not turned red. Does that make a difference?

Mr. MITCHELL. It does, and I will address that in a minute.

I yield first to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, on the water bill, I hear Gramm-Rudman-Hollings, spending money, I hear those kinds of words spoken up here. Frankly, I am going to vote to override.

I have looked at the bill. It does not spend a penny. It is an authorizing bill. Congress has to appropriate the money to be spent and it will do so each year. It will appropriate, strangely enough, less or more, depending upon what Congress wants to do.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MITCHELL. I yield an additional 1 minute to the Senator.

Mr. DOMENICI. I thank the Senator.

Let me repeat. We have a program on the books where we send money to our States to help clean up sewer plants and clean our water here in the United States. There is nothing automatic about this expenditure. Every year Congress has to send the President an appropriations bill and say, "This much money for this program." That is, regardless of what we put here, it will be appropriated each year.

All this is a suggested target. It spends nothing.

I do not think we ought to go through this whole ordeal once again. I regret to have to vote to override, but I really do not think the President should have vetoed this bill to begin with.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine has 5 minutes remaining. The Senator from Vermont has 4½ minutes.

Mr. MITCHELL. Mr. President, we are awaiting the arrival of the minority leader, for whom the last 5 minutes of my distinguished colleague's time is reserved. Therefore, I shall take the few moments awaiting the arrival of the distinguished Senator from Kansas to summarize again what I think are the central points.

The first is that all of the attention today and much of the debate has focused on the level of funding. It ought to be made clear that there are other important provisions in this bill. One deals with toxic substances and their discharge into our Nation's waters, a growing problem of concern to all Americans. For the first time, we have a comprehensive proposal to deal with that subject. That is an important part of this bill.

The second part deals with the nonpoint pollution problem. The Reagan administration's own EPA estimates that it makes up over half of the remaining water pollution problems in our society. This legislation is an attempt to deal with it in a modest, responsible, restrained way by having the Federal Government encourage States to develop State programs to combat nonpoint pollution but not requiring them to do so.

Third, this bill will end the Federal water pollution program. It is a tribute to Senator CHAFEE's innovativeness and legislative skill that he devised this mechanism to satisfy those who want to continue the program and the President's objection to its continuation. As a result, we have a multiyear authorization in the last 4 years of which the money will go to the States to set up a State revolving fund. Then the States can continue the program.

President Reagan could have and should have declared victory because, as Senator CHAFEE said, as a result of the President's initiative, a major Federal program will be coming to an end. We are creating a mechanism under which the States can continue to deal with the serious problem of water pollution in our society.

So all of these things combined—the toxic waste program, the nonpoint pollution program, the transfer of authority for the program to the States, combined with the appropriate level of funding—account for this bill's having broad bipartisan support, having passed the Senate unanimously last fall. Those Senators who said today they are going to vote to sustain the veto just 2 months ago voted for the bill. What has changed in the past 2 months to make something that they voted for now something to vote against? What occurred in the last several weeks to clean water to make those Senators who voted for this bill now say suddenly that it is a bill that should not be enacted into law?

For all of these reasons, Mr. President, I urge my colleagues, let us send a loud and clear message to the President on the American environment: the American people want clear water. They have seen what the Clean Water Act has done and they want to continue that program.

Mr. President, I note the distinguished minority leader has entered the Chamber. Therefore, I yield the floor and anxiously await the words of the minority leader.

WATER QUALITY ACT OF 1987

Mr. BYRD. Mr. President, the Senate is about to vote to override President Reagan's veto of the clean water bill. The vote to override the President's veto is not a partisan vote or a vote of congressional defiance.

The vote yesterday by the House, 401 to 26 clearly reflects the bipartisan support for this legislation. The Senate in voting to override the President is voting to continue a great bipartisan effort, begun in 1972, that Congress after Congress has reaffirmed; that the national commitment to restoring our Nation's great rivers and lakes will continue.

It is important to define what the Congress is trying to achieve in voting to override the President's veto. We are voting to support State and local governments' efforts to meet Federal compliance standards to clean up our Nation's water.

We are voting to give State and local governments the tools they need to come to terms with nonpoint source pollution. We are voting for an orderly transition from Federal financial assistance to the development of State revolving funds.

The legislation before the Senate is familiar to all of my colleagues. We have voted for this legislation twice before. And, we have voted for it overwhelmingly on both occasions. Over the last 5 years countless days and hours have been spent by my colleagues to craft this important piece of legislation. As my distinguished colleague from New York, Senator Moynihan stated recently, the conference committee that worked to resolve the differences with the House met for 12 months.

Last year, at the close of the 99th Congress, the Senate voted overwhelmingly to pass the clean water bill. In doing so the Senate believed that it was capping one of the most successful environmental initiatives of the last decade and a half. We believed when we sent the clean water bill to the President for his signature that we were sending him a noncontroversial bill. We believed we were voting for legislation that was in the best interest of the country.

Yet, there are clearly differences between the administration and the Congress. The administration says we cannot afford clean water; the Congress says we must. The administration says that the bill before us assumes responsibility that is best left to State and local government. The Congress, in voting for H.R. 1, is voting to continue one of the most successful examples of federalism at work; the Federal Government working in tandem with State and local governments to clean up our Nation's water. The administration suggests that the legislation before us is a budget buster. The Congress believes that $20 billion over 9 years is a prudent sum in order to make an orderly transition to full State and local responsibility.

Much has been made of this legislation as a sign of the coming partisan battles between the Congress and the administration. But the truth is that the legislation before the Senate is not partisan.

My distinguished Republican colleagues Senators Stafford and Chafee are two of the great environmental leaders of the Senate. They have been and continue to be champions of this very important piece of legislation. The legislation before us was carefully crated by them in the last Congress to reflect the chief concerns of the administration; that the Federal Government reduce its long-term financial commitments; and that a time certain be fixed when Federal involvement would end. Both of those concerns are reflected in the legislation before us.

Mr. President, I urge my colleagues on both sides of the aisle to vote for this legislation as they have in the Past. We are voting, ultimately, to be good stewards; to follow the old biblical injunction in Genesis 2:15 that Adam and Eve were put into the Garden of Eden "to dress it and keep it." The American people have made it abundantly clear that they want to redress pass environmental mistakes; to keep for future generations the promise embodied in this legislation that our Nation's water should be a health source rather than a health hazard.

Mr. KERRY. Mr. President, today, the Senate will complete the task of working the people's will. Today we will tell the President in no uncertain terms that the Congress is not afraid to enact strong legislation—for which there is a clear consensus throughout the country—despite his wishes. In the last 6 years, Congress has been responsive to his requests and, in almost each case, upheld his veto. But now we are faced with a veto that indicates little thought, shallow logic, and misguided political opportunism. I feel confident that we will resoundingly reject this veto.

In rejecting this veto we will be enacting legislation that represents a great deal of work on the part of many diverse factions and many different ideologies. While this bill will continue the construction for the next several years, it will also start an innovative State Revolving Fund Program which will eventually replace the Direct Grant Program that has been an integral part of the Clean Water Act since it was originally enacted. The State Revolving Fund Program represents a compromise, but given our current fiscal situation, it is a compromise that we will be able to live with.

I am also pleased that this reauthorization makes significant progress in tightening up restrictions on polluters as well as providing funding to States for the purpose of reducing emissions by nonpoint sources.

Of particular importance to Massachusetts is a provision that will provide $100 million for the cleanup of Boston Harbor. This monumental task will take many years and considerable amounts of additional funding from different sources to complete, but it is crucial to the future of this important regional natural resource. By including this money in the Clean Water Act, Congress has indicated that the cleanup of the Boston Harbor is a serious national issue that warrants Federal Government participation. Without this funding, the Massachusetts water resources authority—the independent State agency charged with the cleanup—would have a considerably harder time.

I want to commend the many people who have labored exhaustively and persistently to make this reauthorization a reality.

Mr. THURMOND. Mr. President, because of our huge national deficit which exceeds $2 trillion, all Federal programs, notwithstanding their merit, need to be closely scrutinized by Congress to better ensure cost efficiency.

Last year I supported the legislation which is now before us. Earlier this year, I endorsed this legislation. I have not changed my view that this bill has merit and that its enactment would contribute to improving the quality of our environment. However, my endorsement of this legislation came prior to the availability of a viable, more cost-effective alternative which is what the Dole substitute legislation represents.

Last year when the Water Quality Act passed Congress, it was not anticipated that the budget deficit for fiscal year 1987 would exceed $170 billion. Estimates at that time targeted the fiscal year 1987 deficit at around $155 billion. The Dole substitute offered a strong commitment to Federal pollution control programs at a savings of approximately $6 billion.

In the midst of our national deficit crisis, we must make difficult decisions to reduce Federal spending. We should strive to get the most out of every Federal dollar we spend. If a balance can be achieved legislatively which will reduce Federal spending without eliminating our commitment to important Federal programs, it should merit our support. Accordingly, I intend to vote to sustain the President's veto of this legislation. If the veto is sustained, it is my understanding that a more cost-efficient bill will be introduced.

Mr. GLENN. Mr. President, I urge my colleagues to join me in voting to override the President's veto of the Water Quality Act of 1987. This legislation, the product of 4 years of careful, concerted effort by both Houses of Congress, continues our Nation's commitment to fishable and swimmable waters. We cannot delay any longer. States will be unable to carry out water quality control efforts without a new authorization bill.

The Water Quality Act establishes responsible requirements for the cleanup of our waterways and provides for the orderly transition of financing construction of wastewater treatment facilities to State governments. Enactment of this measure will be a great step forward toward ending the pollution of our Nation's waters. We cannot afford to sit idly by and see this vital legislation go down the White House drain.

This administration says that we cannot afford clean water, and the President warns that this bill will "bust the budget." I, too, firmly believe that we must make every effort to curb Federal expenditures where possible in these times of budget austerity. I do not believe, however, that we can afford to lessen our commitment to a clean environment. We all have a vested interest in clean water; there is simply no resource more vital to our individual and collective survival.

Mr. President, the clean water bill will enable us to move closer to our goal of a clean environment without sacrificing fiscal responsibility. This bill, while maintaining the Federal Government's commitment to cleaning up our Nation's waterways, redefines the future role of Government in financing the cleanups. Under it, States will receive about $2.25 billion annually in Federal grants for construction of sewage treatment systems. After 1990, the grant program will be replaced by State revolving loan funds, and will become fully self-supporting by 1995.

Passage of the Water Quality Act is essential for the improvement of the quality of life in the State of Ohio. I worked hard to preserve the House version of the construction grant formula because I firmly believe in the method it mandates for how the Federal funds will be dispersed. I do not believe that the Clean Water Act was designed to subsidize unlimited growth; rather, it was intended to remedy existing inadequacies in water treatment that threaten public health. The Senate formula would have transferred desperately needed grant resources from many of the States with the greatest water pollution problems to States with less urgent needs. Ohio would have lost $20 million annually under the Senate formula, significantly hindering our efforts to improve water quality in the Great Lakes region. Consequently, I am pleased with the agreement reached by the conference committee on the construction grants formula.

Another important provision of this bill for Ohio calls for a new program of stringent water quality-based controls on toxic hotspots clustered around major urban areas in the Northeast and Midwest. Several areas in Ohio have been tentatively identified as those that may remain unacceptably contaminated with toxic pollutants even after all industries have reduced their toxic discharges to a predetermined level, based on the best pollution control that is economically achievable. This bill ensures the development of individual control strategies to further limit pollution from source points, bringing water quality to the required standard.

The clean water bill also mandates a new program to be established by the Great Lakes National Program Office [GLNPO] to coordinate the cleanup of the Great Lakes. A report from the National Academy of Sciences has shown that the population of the Great Lakes basin has been exposed to appreciably more toxic substances than that of the United States as a whole, due in part to the consumption of contaminated fish from the area. This bill requires the establishment of a toxic monitoring and surveillance network for the lakes, and the development and coordination of a multiagency program for cleanup.

We must enact the clean water bill. It is a balanced, comprehensive, and cost-effective package. It is important to our economy and crucial to our environment. Enactment of this bill will ensure that generations of Americans will have clean and safe water to drink and bodies of water to enjoy as nature intended. It is an investment the people of this Nation want their Government to make. At this point I ask that a recent editorial taken from the Cleveland Plain Dealer in support of the Water Quality Act be printed in the Congressional Record. It emphasizes the importance of having this legislation enacted.

I strongly urge my colleagues to join me in voting to override the Presidential veto of the Water Quality Act of 1987.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Plain Dealer, Nov. 10, 1986]

President Acts Against Clean Water

President Reagan's pocket veto of the renewal of the Clean Water Act threatens to reach into the pockets of citizens for more money. The action also endangers public health and wildlife by limiting controls on water pollution. If the presidential rebuff was not surprising, it was nonetheless disturbing, both for the rejection of a good idea and for the stage-setting of a January confrontation between a determined Congress and an equally stubborn president.

After a lengthy stalemate over spending, Congress had passed—unanimously—a compromise bill. The result recognized that sewage treatment plants are needed. But it also made the point that localities should be weaned gradually from federal construction aid. The bill's passage was politically timely, coming less than three weeks before the election. But the Republican-controlled Senate delayed sending the bill to the White House for more than a week, setting back the deadline for presidential action. That allowed campaigning Republicans to brag about approving the bill, and gave Reagan until two days after the election to kill it.

The transparent trick backfired. Angered lawmakers, on both sides of Capitol Hill, have declared that they will reintroduce the same bill when the new Congress convenes. Considering the unanimous October vote, the bipartisan measure is sure to land quickly on Reagan's desk again. If the bill is unchanged, the sponsors must be ready to override another veto.

Or Congress could consider another course: Modify the staggering totals that prompted Reagan's opposition, and force a hard look at whether all the proposed projects really are necessary. Goldplating of facilities still lingers in the federal program, which started in 1972. The bill authorized $20 billion, of which $18 billion was for treatment plants and sewers, including two major interceptor projects in Cuyahoga County. The president wanted to spend just $6 billion.

But the higher amounts are not budget-busting, Minnesota Rep. Arlan Stangeland, a conservative Republican, wrote to colleagues. The bill phased out construction grants over a longer period than the president advocated, he said, and ensures that "we do not walk away from those that have been promised help and still need it." A cut in expected aid would prompt substantially higher sewer rates for Greater Cleveland residents, the Northeast Ohio Regional Sewer District has warned.

Because of the financial compromises and tighter environmental controls, which the public strongly supports, the fractious Congress came together on the bill. Even Lee Thomas, Reagan's environmental chief, switched from opposing legislation proposed earlier this year to urging Reagan to sign the final version. But to no avail.

Just a few weeks ago, Reagan reversed himself and signed a new Superfund bill to clean up toxic wastes. At that time the president declared, "The health and safety of Americans are among the highest priorities of government." The same argument applies to the Clean Water Act, which should be passed again, and signed into law.

Mr. BIDEN. Mr. President, enactment of the Water Quality Act of 1987 represents, in the strongest terms, a commitment by the Federal Government to clean up and protect a most valuable resource—the Nation's water. Through this bill, Congress sets the course into the next century for a comprehensive program to restore and protect thousands of rivers, lakes, and streams across the Nation.

We are at a crossroads in our commitment to achieving the goal of fishable, swimmable waters throughout the country. The choice that lays before us is just one of many that Congress and the American people will have to decide on in the next few years—what are we going to leave for our future generations? We have made a start in leaving our children cleaner waters, but the job is not complete.

We no longer see rivers catching on fire because they are so clogged with pollutants, and Americans have seen progress in bringing life back to lakes that were once declared dead. The worst cases are being dealt with, but there is more that needs to be done.

The choice we must make is whether to keep the commitment to cleaning up the Nation's waters, or to put it on hold, hoping to pick it up at some later time. This is the time in which we have to look at an effort, decide if it is working or worth continuing, and then allocate our limited resources accordingly. Congress is making the choice to continue the commitment to clean water not only out of a growing concern as to what we are leaving the Nation's children, but also in recognition of the fact that efforts to clean up the environment simply cannot be turned on and off. We cannot expect progress if the commitment is not made as part of a larger policy in support of cleaner waters, fresher air, and fewer toxic wastes in our ground. The quality in performance will not be there if a national dedication is not supported at the highest levels of the administration.

That is what makes the President's actions so disappointing. Although I have little doubt that the Senate will easily override the Presidential veto, I am concerned that the President's actions will start us down a road of constant battling with the administration over the terms and details of efforts to clean up the Nation's waters. A good policy will be chipped away, instead of being allowed to reach its potential. It will be a hollow victory.

The American people want passage of this bill to signal a continuation of the progress and experience that has been gained during the past decade. They do not want to witness a gutting of these important programs in the months and years ahead. I hope the President will join us, before implementation of the Act begins, in recognizing the important role played by the Clean Water Act in reaching the fishable, swimmable goal, and support these efforts at this crucial time of decison and action.

Mr. DURENBERGER. Mr. President, I rise to urge my colleagues to vote to override the veto of the Water Quality Act of 1987. With other members here today, I regret that we have come to this point in the legislative process. But since an override vote has been made necessary, I hope the Senate will make its continuing commitment to the protection of our Nation's water resources clear by overwhelmingly approving this bill.

There have been many hours of debate on this bill here on the floor of the Senate. And it took many years of committee effort to develop this bill. As a member of the Committee on Environment and Public Works and of the House-Senate conference committee on its predecessor in the 99th Congress, I have had many opportunities to speak to the merits of this bill. It is an important bill. It makes no retreat from the Federal commitment to clean water. The Water Quality Act extends the commitment to control industrial and municipal point sources of pollution into the future and for the first time addresses problems like nonpoint sources of pollution which have not been adequately controlled in the past.

As I look back over the many events—committee hearings, markups, floor sessions, and conference meetings—which have brought us to this point, I can recall some difficult moments. At one point the committee voted to strip the bill of its provisions on nonpoint pollution control. After additional hearings, one of which was in the farm country of northwestern Minnesota, we negotiated the nonpoint program which is included in the bill today. We have every expectation that this new program will make a significant contribution in fulfilling the promise of the Clean Water Act—fishable, swimmable waters for all Americans.

There was also a point in the 99th Congress when the committee voted to alter the allocation formula for the construction grants program in a way that would have significantly disadvantaged the States in the Great Lakes region of the Nation. When this bill came to the floor of the Senate in July 1985, Members of the Senate from the Great Lakes region formed a coalition to make their concerns known to the Senate. As a result of those efforts and staunch resistance to any changes in the formula by members of the House conference committee, the old formula was virtually restored and the many small cities in my State and other States across the northern tier which have waited patiently for assistance in meeting the requirements of the Clean Water Act will be treated fairly by this bill.

Looking back—and despite those difficult moments—I must say that it has been a great pleasure for me to work on this effort under the leadership of the distinguished former chairman of our committee, Senator STAFFORD, and the Senator from Rhode Island, Senator CHAFEE. This bill is their legacy. It is the bill that they crafted through many years of effort. It is the bill that the Senate can pass with bipartisan pride and sense of accomplishment. I urge my colleagues in the Senate to take the last step today in the long effort to make this bill the law of the land.

Thank you, Mr. President.

Mr. RIEGLE. Mr. President, I rise today in support of the Clean Water Act of 1987. I am a cosponsor of this $20 billion measure to reauthorize and amend the Clean Water Act and I am anxious to see this first critical environmental bill of the 100th Congress signed into law.

Last year an identical bill was unanimously approved by the House and Senate and subsequently pocket-vetoed by President Reagan after the November elections. These overwhelming votes in support of the Clean Water Act by Congress send continuous messages to the President about the unwavering national support for this act which is supported by a wide range of groups including, environmental, State, industry, and labor unions.

Today's override of the President's veto is a great victory for the American people. This bill authorized $18 billion for grants to aid cities in the construction of sewage treatment plants. Under this formula, Michigan will receive an annual allotment of $104 million for wastewater treatment grants for 5 years. A $400 million State-Federal program will also be initiated to control polluted runoff from farmland and city streets. This bill also tightens controls on toxic pollutants and funds various other activities to clean up our Nation's waters. Altogether, $20 billion in spending is authorized under this bill through fiscal year 1994.

Of particular importance to Michigan are the provisions in this bill which strengthen Great Lakes protection. A Great Lakes National Program Office would be established within the Environmental Protection Agency to carry out our responsibilities under the United States-Canada Great Lakes Water Quality Agreement of 1978. That is critical. In addition, a Great Lakes Research Office within the National Oceanic and Atmospheric Administration would be created to develop an environmental research program and data base for the Great Lakes.

Also, the bill will address the problems of toxic pollutants in establishing a pilot program for toxic sediment removal from the Great Lakes and to study other problems in that area. This is designed to deal with what we call toxic hotspots, where large discharges of these materials have taken place. A mandatory process for the States and EPA to confront these toxic problems would be established.

This is a very positive day for this country in the overwhelming bipartisan vote to override the veto; to say, yes, we want and need and will have clean water. I think this is a great victory for the American people.

I thank the Chair.

Mr. LAUTENBERG. Mr. President, the vote before us today gives us a clear choice. Do we want to clean up this Nation's waters? Or do we want to buy false budgetary excuses for turning our backs on the environment?

The answer to this question is clear. We live in a nation with over $100 billion of sewage construction needs. My State of New Jersey alone has a $4 billion need.

The administration closes its eyes to these figures. It closes its eyes to the sewage being dumped into our rivers. To the pollution and degradation of our beaches. To the health threats to our citizens and marine life.

But the time has come to open our eyes. We must acknowledge that this bill is not a budget buster. It is a prudent downpayment on a major national problem.

This bill does not simply address the problems of specific States or regions. It boldly confronts the challenges facing the Nation—the whole Nation.

I urge my colleagues to cast a vote for our States, for our cities and towns, and for the environment. Vote to override this veto, and to enact a tough, new clean water program.

Mr. WEICKER. Mr. President, I, along with many of my colleagues, was disappointed that President Reagan chose to veto the Water Quality Act of 1987, the Nation's only comprehensive water control and management law. The legislation addresses critical issues such as estuary degradation, toxic hotspots, and nonpoint source pollution. Congress has twice shown the American people that this reauthorization of the Clean Water Act is solid, bipartisan legislation which will both improve our water quality programs and expand exising law to address future problems.

Since its passage in 1972, the Clean Water Act has brought about a marked improvement in the quality of this Nation's lakes, rivers, and marine waters. But while the Clean Water Act obviously works, there is still much to be done. About 30 percent of the rivers used for recreation and other activities do not meet minimum clean water standards. Almost 15 percent of our lakes are polluted and there are critical problems in many of our estuaries and nearshore areas.

Mr. President, most of us in Congress recognize the importance of this legislation and we are all aware of its provisions. Provisions that enable us to identify and control nonpoint source pollution. Provisions to establish a national estuary program to restore the quality of our estuarine and nearshore areas. Provisions to increase penalties for unpermitted discharges. In short, provisions that basically enable us to protect water quality and public health for this and future generations. The bill furthermore gives a clear statement of future Federal involvement in the Sewage Treatment Construction Grants Program and the eventual transfer of responsibility to the States.

The funding authorized by the bill is an investment that will be repaid by a cleaner environment. We cannot be shortsighted when it comes to legislation that will pave the way for our health and our children's health. Let us follow through and finish what we have started. I urge my colleagues to override the President's veto of one of this country's most important pieces of environmental legislation.

Mr. SIMPSON. Mr. President, the vote today to override the President's veto of the Clean Water Act has been discussed in some depth by the media and in these Halls of Congress, always quite dramatically I might add. Usually with a wry twist about "the end of this Presidency." Bosh! Each of us has a different interpretation of the symbolism involved in this vote. The most important thing to keep in mind is that this is only the beginning of the 100th Congress—and we can expect many more veto related votes to come. The President may not persevere in every instance, but he will surely be successful in halting the most blatant examples of congressional excess.

In order that we keep this vote in proper perspective, I would call attention to the statement made by my fine friend, Senator PETE DOMENICI, after the last clean water vote in the Senate where he pointed out so clearly that this legislation is an authorization not an appropriation. The real battle now will come over how much to spend on the Expensive Waste Water Construction Program that will occur when the appropriation is considered.

I do plan to vote for approval of the Clean Water Act—for I was a member of the conference committee and am quite familiar with the various provisions in the bill. The programmatic provisions that were ironed out over the long conference will provide enhanced protection of all the waters in this country. For the first time we have phased out direct Federal funding for sewer projects, so there is very much a deficit reduction element in the bill. In addition, for the first time we have authorized a "demonstration program" for the reduction on nonpoint pollution caused by runoff from farms and ranches—and it is not a full-blown regulatory program. We have strengthened enforcement requirements and standards while allowing EPA administrative flexibility in its regulatory approach. And at every step of the way we have ensured that Western water rights of prior appropriation are fully protected. For these reasons I feel the bill is a good one and ought to have our support.

While in support of the bill I also believe a few words of caution may be appropriate in the rush to dispose of this bipartisan legislation. Let us not forget that in the future Congress must pay much more attention to spending levels—even in authorization bills—because authorizations do set the tone for the determination of appropriation levels and this in turn influences the size of the deficit. I trust that we can all work together during the remainder of the session to make certain that programs are funded properly, but without providing excess dollars of largess that only fuel the deficit and damage the credibility of many other valuable programs.

I do look forward to seeing the fruits of our efforts on the Clean Water Act. We have made remarkable progress in this country in cleaning up polluted lakes and streams and in preserving our pristine waters. I share the desire of all of us in the Senate—to ensure that all our lakes and streams are fishable and swimmable at the time of expiration of this act. I trust it will be so.

Mr. ARMSTRONG. Mr. President, the Senate today will decide whether to override President Reagan's veto of the clean water bill. There is not a doubt in my mind that the Senate will vote to override the President's veto. Those who have spearheaded the drive to enact this bill into law have masterfully marshalled their arguments, outside coalition of supporters and supporting votes in Congress.

However, I shall vote to support the President's veto. I do so reluctantly. The scarcity of water, particularly the diminishing amount of clean water, has shaped my legislative views and approach to the proper Federal role in water management. Therefore, I am doing all I can to protect State water rights from unfair Federal usurpation because a large Federal role will diminish, not nourish, water availability. I also support responsible efforts to build Federal, State, and local partnerships to preserve and store precious Western water.

With this in mind, I approached the debate about the clean water bill with a predisposition to support the legislation. I voted for it last year. Even the administration that vetoed the bill says the pending bill has merit, noting that this bill and the administration's bill contain substantially the same provisions. There is a great need in this country to properly treat water.

But we have other great needs in this country: alleviating poverty, feeding the poor, sheltering the illhoused, structuring sound national defense, researching the cause of cancer and genetic disorder, properly funding international aid, rebuilding our interstate transportation system, offering educational opportunity to the young and old. The list is endless. Each of these viewed in isolation is a pressing need of our society. But that is exactly what has happened over the years. Each need has been viewed in isolation. Congress all too often authorizes and appropriates funds for each program seen to address a need without a glimmer of an idea about how it is going to pay for the new spending. This tunnel vision is in part responsible for the great tragedy of a huge and overwhelming budget deficit that threatens the economic underpinnings of this nation.

The clean water bill before the Senate authorizes $18 billion in Federal grants and loans for the next 9 years. This is $12 billion more than initially requested by President Reagan. The President subsequently compromised, and doubled the size of his program to $12 billion. It may be the President has underfunded programs to treat water. But the fact remains that the President funded the clean water programs in the context of an overall budget that seeks to eliminate the budget deficit by 1992. Frankly, I think the President erred in sending to Congress a budget that does not meet the deficit reduction targets imposed by the Gramm-Rudman-Hollings law for the outyears. But if the President's budget does not meet the Gramm-Rudman-Hollings targets by allowing $12 billion in spending for clean water programs, the chances seem remote of meeting those targets with $18 billion more in clean water spending.

Mr. President, I note with interest that last year Congress with some fanfare adopted a budget that met the statutorily required deficit reduction target imposed by Gramm-Rudman of $154 billion. But today the deficit projected for this year exceeds $170 billion—all the more reason to adopt restraint in the consideration of pending legislation.

According to the President, the pending legislation would increase outlays by as much as $10 billion over the projections in his 1987 budget. The President notes that the Federal Government has already spent $44 billion to assist municipalities in meeting a need that was estimated to total $18 billion when the program was established in 1972.

This bill, while it authorizes an additional $18 billion in spending for clean water programs, is silent on how this spending is to be provided—whether we are to raise taxes, cut defense or other urgently needed domestic spending programs, or simply add to the burgeoning deficit.

So, Mr. President, viewed in isolation, this bill has merit. But when viewed in the overall context of reducing budget deficits and imposing a reasonable level of taxation on Americans, it is not clear the $18 billion version of this legislation merits adoption. So I shall vote to sustain the President's veto.

Mr. STAFFORD. Mr. President, I yield the remaining time on this side to the Republican leader.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 4½ minutes.

Mr. DOLE. Mr. President, I came to the floor to turn the tide.

Let me say in as enthusiastic a way I can that we are very confident the veto will be sustained, but not on this bill.

My checking indicates that the veto will be overridden. I think that is unfortunate. I know a number of my colleagues on both sides have worked very hard on this bill. As I view it, most Senators consider this as last year's business. They feel they considered it last year when it passed last year by unanimous margins in both the House and the Senate. I think many of my colleagues feel that to change gears now and come down on the side of sustaining a veto would be, effect, counter to what they did just a few months ago on the Senate floor.

But I do believe the President makes a point. We can argue whether it should be authorized for 9 years or 1 year or 3 years, but we are talking about the $6 billion. The President is probably going to hold our feet to the fire when we get to deficit reduction, saying, "I do not think the Congress is serious, because the first crack out of the box, I offered $12 billion and they insisted on $18 billion; that is a $6 billion gap."

We offered a substitute when the bill was before us and got 17 votes, which is probably a high-water mark on the votes, more than we are going to have today. But I say that the substitute, in my view, was a good piece of legislation, all the projects were there. It did not spend out quite as quickly, probably cost a bit more for local communities. I must say we have tried very hard. We circulated a letter yesterday saying if we can get 33 Senators, would you be 34? We thought maybe that would work, rather than trying to find 34. But it did not work. We got 12, maybe 15, maybe 20.

That does not mean the President is wrong. I think it means that in this case, minds were made up, as I said, last year and people are persuaded to stick with what they felt was true last year. But keep in mind that the deficit will be a bigger problem this year than it was last year. We have to take that into account.

Last year, we did not have a substitute. We have to take that into account. We also have to keep in mind that the President is now willing to spend about $12 billion. We have spent $7 billion since 1972 to clean up what was supposed to be an $18 billion problem. We are all for clean water. I have not had anybody come to me and say, "I want to sustain the veto because I do not think we ought to do anything." That is not the case. I hope our vote to sustain the President's veto would not be so interpreted.

I suggest that this matter has been debated. I congratulate those who have spent hours and weeks and weeks on the bill and in the conference and who have come forth with the product that we are again considering. Today we have an opportunity to go on record for deficit reduction. If you go on record on this bill for deficit reduction, it is going to make it a lot easier as we look down the road in the next few months to work out, hopefully in some bipartisan way, a meaningful deficit reduction package.

Mr. President, I ask that a comparison of the Dole substitute and H.R. 1 be included at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WATER QUALITY ACT OF 1987

H.R. 1	The Dole substitute
Title II—Wastetreatment grants:	
1. Authorized $18 billion through 1994 to finance the construction of municipal wastetreatment facilities.	1. Authorizes $12 billion through 1993 to help finance the construction of municipal wastetreatment facilities.
2. Authorized State revolving funds, capitalized with Federal funds, to continue the Wastetreatment Grant Program.	2. Authorizes State discretionary use of wastetreatment funds as loans repayable to States to administer program.
3. Authorized 5 special projects within State annual allotments and 5 special projects in addition to normal grant program.	3. Same.
4. (No provision.)	4. States are authorized (not mandated) to use from 3.5 percent to 10.8 percent of their allotment to implement nonpoint source controls.
Title III—Standards and enforcement:	
1. Nonpoint source programs are authorized at $400 million through 1991.	1. No separate program authorized.
2. $100 million for clean lakes; Estuary Grant Program is established with 75 percent Federal share.	2. Same.
3. Stormwater runoff requirements under current law are modified to ease the burden on municipal and industrial dischargers.	3. Same.
4. New industrial compliance deadlines, water quality standards programs and conditions for variances from Federal limitations are established.	4. Same.
5. Amendments to current law to improve State permit programs, allow coal remaining, and establish antibacksliding policies are included.	5. Same.
6. Enforcement provisions are updated and expanded similar to other Federal laws. Administrative penalties are added to current law.	6. Same.
7. Adds citizen suit provisions allowing individuals to initiate enforcement action.	7. Same.
8. Reauthorizes existing programs such as Great Lakes, Chespeake Bay at current or higher levels.	**8. Same.**

1985 administration bill	H.R. 1	The Dole substitute	Advantages of the Dole substitute
1. Construction grants:			
a. Eligibility:			
Restricts funding to phased or segmented projects and eliminates Governor's discretion to request that EPA allow up to 20% of a State's allotment to be used to fund treatment works otherwise ineligible for funding. Eliminates special funding authorization ($200M) for combined sewer overflows (CSOs).	The Governor's discretionary fund is retained. In addition, nonpoint source and groundwater projects can be financed through this provision. The 20% cap is removed for Chicago's TARP project. The special funding authorization for CSOs is retained.	Retains current eligibilities, but eliminates Governors 20% discretionary fund. Also eliminates special funding for CSOs. Funds must first be used to address deadlines, requirements, and goals of the Act	Targets Federal funds on projects with greatest environmental benefits.
b. Set-asides:			
Eliminates minimal allotments (CWA Sec. 205(e)) and set-asides for rural areas, water quality management, and innovative and alternative technologies.	Rural set-aside, providing alternatives to conventional treatment for small communities, is raised from 4% to 4–7½%. Set-aside for innovative/alternative projects is continued at 4–7½%. The 205(g) and (j) management and planning grants are also retained. A new set-aside is created for marine CSOs and estuarine projects (1–1.5%), for nonpoint source control/groundwater (1%), and for Indian Tribes (1.2%).	Eliminates minimal allotments and set-asides for rural areas and innovative/alternative technologies, a new set-aside for Indian Tribes included in H.R. 1 is added, but all other new H.R. 1 set-asides are excluded.	Targets Federal funds toward enforceable requirements of the Clean Water Act; emphasizes meeting the 1988 deadline.
c. Allotment formula:			
Allotment formula based on each state's applicable share of the cost of eligible phased/segmented projects.	New allotment formula for 1987–90 is based on EPA's needs survey.	Same as H.R. 1.	
d. Special projects:	Within allotment formula:		
(None.)	(1) Avalon, CA, (2) Walker and Smithfield Townships, PA, (3) Taylor Mill, KY, (4) Nevada Co., CA, (4) Wanaque, NJ, (5) Lena, IL Outside allotment formula: (1) Boston Harbor: $100M, (2) Des Moines: $50M, (3) San Diego, (4) Oakwood Beach and Red Hook, NY: $7M, (5) San Diego wastewater reclamation: $2M.	Same as H.R. 1.	
e. Federal share:			
(None.)	Projects grandfathered at 75% federal share limited to 55% grants beginning in FY 90. Projects under judicial injunction and two PA projects are eligible for 75% grants.	Projects grandfathered at 75% federal share limited to 55% grants beginning in FY 90. Otherwise, federal share remains at 55% for both grants and loans.	
2. Loans programs:			
a. Eligibilities:			
(No provision.)	Regular construction grants eligibilities, plus new eligibility for nonpoint source and groundwater programs and the new National Estuary Program. First use of funds is limited to projects needed to comply with enforceable CWA provisions.	Grant eligibilities also apply to loans until all CWA deadlines, goals and requirements have been met. Then any sewage-related project within the definition of CWA Sec. 212 is eligible.	
b. Capitalization grant agreement:			
(No provision.)	EPA and the states may enter into capitalization grant agreements. States must agree to accept payments under a schedule developed with EPA and must provide a 20% match.	No grant agreements are required, but States must still provide a 20% initial match.	Authorizes the use of funds as loans but does not require States to establish elaborate, new institutional mechanisms such as State banks to implement. Nature of loan repayments left to States.
c. Discretionary deposits:			
(No provision.)	A state may use up to 50% of its construction grant allotment to capitalize its State Revolving Fund (SRF) in 1987, 75% in 1988 and 100% thereafter.	A state may use all its allotment to make loans if it chooses to do so.	No ceiling is placed on the amount of loans, giving States maximum flexibility.
d. Payment schedule:			
(No provision.)	Payments must be made in quarterly installments, and no later than the earlier of 8 quarters after the date the funds were obligated by the state or 12 quarters after the funds were allotted to the state.	Same payment rate as would occur under the current grant program.	Eliminates principal disadvantage of loan programs—the instant outlay increase—by limiting payments to the traditional schedule.
3. Nonpoint source programs (inc. groundwater):			
(No provision.)	Provides $400M in 60% grants over the 1988–91 period of which up to $30M (in 50% grants) can be spent to protect groundwater quality. Subject to EPA approval, within 18 months states must identify waters that don't meet ambient standards due to NPS pollution and prepare a management plan. These plans must describe implementation of controls over the next 4 years.	A discretionary program, administered by the States funded through the wastetreatment grant allotment. All sensitive land use decisions are retained at State/local levels. Authorized percentages of total grant funding levels increase from 3.5% in 1988 to 10.8% in 1991 and translate into $400M total funding over the period.	Gives States full program discretion over sensitive land use decisions. No Federal approvals of State decisions. No State decisions are subjected to Federal hindsight. Places minimum administrative burden. No reports to EPA required. Lowers outlay impact of new program by folding it into waste treatment grants, but increases the certainty of funding availability.
Authorization Levels for grant/loans and nonpoint source programs:	Grants/loans [NPS]:		
1986, $2.4	1986, $2.48	1986, $1.88	Saves $6B while fully satisfying the Federal commitment to complete the program.
1987, $1.8	1987, $2.4 [0.1]	1987, $2.0	
1988, $1.2	1988, $2.4 [0.1]	1988, $2.0	
1989, $0.6	1989, $2.4 [0.1]	1989, $1.9	
1990, $0.0	1990, $2.4 [0.1]	1990, $1.6	
1991	1991, $2.4 [0.1]	1991, $1.2	
1992	1992, $1.8	1992, $1.0	
1993	1993, $1.2	1993, $0.5	
1994	1994, $0.6	1994, $0.0	
Total, $6.0	Total, $18.0 [$0.4]	Total, $12.0	
Outlay levels for grant/loan and nonpoint source programs:			
1986, $3.1	1986, $3.1	1986, $3.1	The Dole Substitute saves over $6B in outlays through 1994 for the treatment grant/loan and nonpoint source programs.
1987, $2.7	1987, $2.8	1987, $2.7	
1988, $2.4	1988, $2.5	1988, $2.3	
1989, $2.2	1989, $2.8	1989, $2.3	
1990, $1.8	1990, $3.1	1990, $2.3	
1991, $1.3	1991, $3.1	1991, $2.1	
1992, $0.9	1992, $3.2	1992, $1.8	
1993, $0.6	1993, $3.0	1993, $1.6	
1994, $0.4	1994, $2.1	1994, $1.3	
Total, $15.4	Total, $25.7	Total, $19.5	
4. Clean lakes programs:			
(No provision.)	Besides the $30M per year authorization under Sec. 314 of the Clean Water Act, $40M is provided for 10 demonstration projects and an additional $15M is authorized for mitigating acidity in lakes.	Same as H.R. 1.	
5. Estuaries:			
a. National Estuary Program:			
(No provision.)	Provides $60M in 75% grants over the 1987–91 period to develop conservation and management plans. (SRFs may also be used for this purpose).	Same as H.R. 1.	

1985 administration bill	H.R. 1	The Dole substitute	Advantages of the Dole substitute
6. Stormwater:			
Exempts from permit requirements dischargers composed entirely of stormwater from residential, commercial, or other non-industrial site unless the site is a significant source of pollution.	Moratorium on permit requirements for commercial, residential and small municipal stormwater dischargers until 10/92. By 10/88 EPA must promulgate regulations for industrial facilities and municipalities over 250,000 pop., with applications due by 10/89 and permits issued by 10/90. By 10/90 EPA must promulgate regulations for municipalities with 100,000–250,000 pop., with applications due by 10/91 and permits by 10/92. Report to Congress on control measures for sources covered by the moratorium due in 10/89.	Same as H.R. 1.	
7. BAT/BCT compliance deadline extension:			
Generally within 3 years after promulgation of regulations, inc. those involving innovative technology.	Within 3 years after promulgation of regulations, but not later than March 31, 1989.	Same as H.R. 1.	
8. Post-BAT water quality based effluent limitations:			
(No provision.)	Within 2 years of enactment, states must identify waters that will not meet water quality standards due to toxics, next identify each point source discharging toxics, and then submit a control plan to EPA for approval/disapproval. The plan must achieve the applicable water quality standard within 3 years. If a State fails to submit a plan, EPA must develop one for the State.	Same as H.R. 1.	
9. Fundamentally different factors variances:			
Same as current law—cost can be used as a factor in granting variances. EPA would also be given authority to charge fees for processing and reviewing applications.	Specifically excludes consideration of costs, independent of other eligible factors, as a basis for establishing a fundamental difference with regard to an individual facility. When an eligible factor (e.g., age of facility) is under review, EPA may consider the costs associated with that factor, but must be able to justify a finding of fundamental difference on the basis of eligible factors. Also includes Administration fee proposal.	Same as H.R. 1.	
10. Permit term:			
Provides 10 year maximum term for permits. A ten year permit may be reopened when more stringent national regulations are instituted.	Five year term—same as current law.	Same as H.R. 1.	
11. Coal remining:			
EPA or an approved NPDES State is authorized to modify the existing requirements for dischargers from coal remining operations which pre-existed the commencement of remining.	States issuing permits for new coal mining operations at old mines must use BAT applied on a case-by-case basis, using best professional judgment. Discharge levels may not exceed levels before remining. There must be potential for improvement in water quality.	Same as H.R. 1.	
12. Partial NPDES Program:			
(No provision.)	Partial delegation of NPDES program permitted if states take over a major category and make an effort to assume the entire program. States cannot return to EPA parts of the program already delegated.	Same as H.R. 1.	
13. Antibacksliding:			
(No provision.)	A renewed or reissued permit shall not contain less stringent effluent limitations than the previous permit.	Same as H.R. 1.	
14. Enforcement:			
a. Administrative orders: clarifies EPA authority to issue.	(No provision.)	(No provision.)	
b. Emergency orders: authorizes issuance.			
c. Criminal penalties:			
Sets maximum penalty of $50k/day/violation or up to 3 years imprisonment, or both, for "knowing"	Maximum penalties per day of violation vary by type of violation and are doubled for repeat offenders. Maximum for first offense is shown in the table below: Negligent Violations $25K 1 yr. Knowing Violations $50K 3 yrs. Knowing Endangerment $250K 15 yrs.	Same as H.R. 1.	
d. Civil penalties:			
Increases maximum penalty per day of violation from $10K to $25K.	Similar to Administration bill.	Same as H.R. 1.	
e. Administrative penalties:			
Establishes new authority for this type of penalty. Sets maximum fines of $10K per day per violation and $125K per enforcement action.	New authority with a two-tiered penalty process. The first tier provides for a maximum fine of $25K per enforcement action under an informal process. The second tier is subject to a maximum penalty limit of $125K under an Administrative Procedures Act hearing process. EPA issues these fines under Sec. 404 for violations for State-issued 404 permits. EPA and Army are to develop a MOU to deal with unpermitted discharges.	Same as H.R. 1.	
15. Permits for ocean discharges:			
Waivers under Sec. 301(h) shall require at least primary or equivalent treatment (except less treatment required for small or remote dischargers). A source introducing waste into marine waters shall be compliance with all applicable pretreatment requirements. For waivers of secondary treatment for a POTW, no permit shall authorize the discharge of any pollutant into saline estuarine waters that: Receive pollutant loadings from multiple sources. Do not support a balanced indigenous population of shellfish, fish and wildlife. Do not allow recreational activities in or on the waters. Exhibit ambient water quality standards adopted for the protection of drinking water, shellfish, fish or recreational activities. These requirements shall apply whether or not there is a causal relationship. The amendments shall not apply to 301(h) modifications made final on or before 10/1/86, nor to the renewal of such modifications.	Dischargers of pollutants into ocean waters must not interfere, alone or in combination with pollutants from other sources, with the attainment of required water quality. Requires POTWs serving populations of 50,000 or more to have a pretreatment program that will give the equivalent of secondary removal for any toxic introduced by an industrial customer when there are no existing pretreatment standards for such pollutants. Primary or equivalent treatment is required. Adequate mixing required before additional discharges. No discharge into waters that do not already have a balanced indigenous population of marine life, regardless of cause. Marine waters providing dilution must not contain significant amounts of previously discharged effluent from such treatment works.	Same as H.R. 1.	
16. Small Flows Clearinghouse:			
(No provision.)	Out of realloted construction grants funds, EPA is to make a $1M grant for a clearinghouse on small flows and I/A technologies.	Same as H.R. 1.	
17. Sewage sludge:			
The determination of the manner of disposal or use of sludge is deemed a local prerogative except that EPA guidelines have been established except in accordance with such guidelines.	Adopts Administration language except that regulations substitute for guidelines. EPA must issue two sets of regulations that set numerical limitations for toxics in sludge. The first set is ue by 9/87, the other by 6/88. If numerical limits are feasible, EPA may promulgate management practices or operational standards. A $5M sludge demonstration program is authorized.	Same as H.R. 1.	

1985 administration bill	H.R. 1	The Dole substitute	Advantages of the Dole substitute
18. Removal credits: (No provision.)	Prior to NRDC v. EPA (1986), an industrial facility could apply for relaxed effluent limitations based on the ability of a treatment plant to remove pollutants in the influent. The conference bill stays the court order until 9/87 for POTWs previously granted removal credits for having a pending application.	Same as H.R. 1.	
19. Great Lakes Program: (No provision.)	Establishes a Great Lakes National Program Office within EPA. Authorized at $11M/yr. through 1991. Five year plan to be developed to reduce nutrients in the Great Lakes. Five year study and demonstration projects to be undertaken to control and remove pollutants in the Great Lakes. Within 90 days after each fiscal year, EPA is to submit a report to Congress on progress and planned efforts for succeeding fiscal year. A new Great Lakes Research Office within is established NOAA.	Same as H.R. 1.	
20. Citizen suits: In the case of citizen suits under the Clean Water Act, copies of the complaints shall be provided to both the Attorney General of the U.S. and EPA. Proposed consent judgments must be provided to the same two parties with 45 days allowed for their review and possible challenge. No judgment in any citizen suit action where the U.S. is not a party shall be binding on the U.S.	Would allow citizen suits to proceed even when EPA has commenced and is prosecuting an administrative penalty action. Does not explicitly state that judgments in citizen suits are not binding on the U.S.	Same as H.R. 1.	
21. Entry/inspection: Confirms authority for authorized contractors to enter, take samples, and have access to records. Penalties provided for unauthorized disclosure.	Similar to Administration bill.	Same as H.R. 1.	
22. Marine sanitation devices: States are authorized to regulate the discharge of sewage from vessels of 65' in length or less. Interstate travel of such vessels is permitted without requiring additoinal equipment.	Allows States to impose more stringent imposed by the Federal Government than those with respect to the design, manufacture, installation, or use of a MSD on a houseboat used primarily for residence. States are authorized to enforce federal standards for all vessels.	Same as H.R. 1.	
23. North Marianas Islands: Treated as a State under the CWA.	Same as Administration bill.	Same as H.R. 1.	
24. Munitions: Munitions expended in the course of conventional weapons testing or training exercises of the U.S. Armed Forces of its Allies in joint training exercises are exempted from the definition of pollutants controlled by the Act.	(No provision.)	Same as H.R. 1.	
25. New source performance standards: "New source" is defined as any source, the construction of which is commenced after the publication of final regulations prescribing a standard of performance under Sec. 306(a)(2) or Sec. 307(c) which is applicable to such source.	(No provision.)	Same as H.R. 1.	
26. Conflict of interest: Any State board or body which permit applications or enforcement orders shall have at least a majority of its members who represent the public interest and do not derive a significant portion of their income from permit holders, permit applicants, or persons subject to enforcement orders. Provisions are made for recusing.	(No provision.)	Same as H.R. 1.	
27. Commerce Department report to Congress: Section 6 of the Clean Water Act is repealed which requires the Secretary of Commerce to report annually to Congress on the international trade impacts of water pollution control expenditures.	(No provision.)	Same as H.R. 1.	
28. Judicial review: (No provision.)	Any person who commented on a proposed administrative penalty can seek judicial review of the penalty.	Same as H.R. 1.	

Mr. DOLE. I yield back the remainder of my time.

Mr. MITCHELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ADAMS). All time is yielded back. The question is, shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted: Yeas 86, nays 14, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—86

Adams
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Ford
Fowler
Glenn
Gore
Graham
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Hollings
Humphrey
Inouye
Johnston
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
McCain
McConnell
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Trible
Warner
Weicker
Wilson
Wirth
Zorinsky

NAYS—14

Armstrong
Cochran
Dole
Exon
Garn
Gramm
Helms
Kassebaum
Lugar
McClure
Nickles
Symms
Thurmond
Wallop

The PRESIDING OFFICER. On this vote, the yeas are 86 and the nays are 14. Two-thirds of the Senators present and voting having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

Mr. BYRD. May we have order?

The PRESIDING OFFICER. The Chair will remind the occupants of the gallery that they are guests of the Senate. Please, no demonstrations or other comments.

Mr. BURDICK. Mr. President, I move to reconsider the vote.

Mr. BYRD. A motion to reconsider is not in order.

The PRESIDING OFFICER. The motion to reconsider is not in order.

The majority leader.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I seek recognition at this point in order to give Senators some understanding as to what the program is for the remainder of the day.

I would look to those who are managing the highway bill to give us some guidance if they can.

Mr. DIXON. Mr. President, I thank the majority leader for his inquiry.

Mr. FORD. I make a point of order. The Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. Members wishing to converse will please retire to the cloakroom.

The Senator will suspend for a moment until the Chair has order.

The Senator from Illinois.

Mr. DIXON. Mr. President, I wish to advise the majority leader and my colleagues that the situation is that we have two more amendments, I believe, we have agreed to. On one there might be some slight continuing discussion about, but I believe I can report that there are two amendments that will be agreed to.

My friend, the distinguished Senator from Texas, has an amendment that he will offer almost immediately when we go back to the transit amendment to the highway bill. I do not think that will take much time. I have conferred with my friend and colleague from Texas. He advises that while he does not want to agree to a time limit, he does not think his remarks will be particularly extensive.

I can assure the Senate that mine will not be, and I think that is true of my colleague, the distinguished other manager of the bill, the Senator from New York, Senator D'AMATO.

I say to the leader that I think it is entirely possible, unless I am corrected by the Senator from Texas, that we could dispose of the business, except for the final vote on the amendment and the bill, by an hour from now, by 4:30 p.m.

Mr. BYRD. Mr. President, I hope that we can do that.

May I say to Senators that once the highway bill is passed, I would hope that we could proceed to the considering of the energy appliance standards bill. I do not know of any other legislation that would cause the Senate to have any rollcall votes this week, but it is my intention to proceed with the completion of the highway bill and hopefully complete action on the energy appliance bill today or if not today—tomorrow.

I thank the manager of the bill.

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. BYRD. I yield to the distinguished Republican leader.

Mr. DOLE. Let me indicate that I hope we can do as has been suggested by the majority leader, and we will certainly make every effort.

I understand there may be objection on this side to taking up the energy appliances measure. I am not certain of that. But I will be in touch with the majority leader as soon as I know.

I know of no disposition to delay passage of this bill.

Mr. BYRD. Mr. President, I thank the able Republican leader, and I thank all Senators.

COMMENDATION OF SKIPPER DENNIS CONNER AND CREW OF AMERICA'S CUP VICTORY

Mr. WILSON. Mr. President, I wonder if I might ask the indulgence of the managers of the pending legislation and the unanimous consent of other Members of the body to proceed briefly as if in morning business for the purpose of submitting a resolution congratulating the skipper and crew of the American *Stars and Stripes* which has won four straight in the America's Cup competition to return to the United States America's Cup.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Could we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from California.

Mr. BYRD. Mr. President, does he have a request he wishes to make?

Mr. WILSON. Yes, I have.

Mr. President, I ask unanimous consent to send a resolution to the desk on behalf of myself, Mr. CRANSTON, Mr. KENNEDY, Mr. DODD, Mr. MATSUNAGA, Mr. CHAFEE, and Mr. D'AMATO, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

Mr. BYRD. Mr. President, has unanimous consent been requested for the immediate consideration of the resolution?

The PRESIDING OFFICER. There has been a request for the immediate consideration of the resolution.

The clerk will report the resolution.

The legislative clerk read as follows:

> A resolution (S. Res. 100) expressing the Senate's commendation of the *Stars and Stripes* skipper Dennis Conner and his brilliant crew for their America's Cup victory.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. BYRD. Mr. President, there is no objection to the immediate consideration of the resolution on this side.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Is there further debate?

Mr. KENNEDY. Mr. President, does the Senator from California wish to make a comment? I would like to make a brief comment.

Mr. WILSON. I thank my friend from Massachusetts. I will make a brief comment, because earlier today I indicated an intention to submit this resolution. I will simply say that it is a very proud moment, I think, not only for California, but for the entire Nation. Indeed, my friend from Connecticut informs me that several members of the crew are residents of his State.

I think this is a victory for all Americans. It is something that harkens back to the great traditions of this great Nation. It harkens back to the earliest days of our infant maritime Republic, and it is, at the same time, a celebration of old-fashioned virtues of skill and courage with wind and sail and the kind of pioneering technology of which we are particularly proud that has brought about the design and construction of the fastest hull in the world.

So I would simply say, before yielding to my friend from Massachusetts, my cosponsor on this Senate resolution, that I think the record of this crew is one that speaks volumes about the determination of Americans. We lost the cup to Australia for the first time in 132 years in the last competition. Immediately thereon, Dennis Conner and the crew of *Stars and Stripes* set out to design a new hull and put together the kind of crew and to do everything necessary to overcome vigorous competition that brought them to the point where they were representing the United States in the America's Cup competition. They then won four straight and won them rather handily in the waters off Fremantle. I think they have brought great credit upon themselves and upon the United States. It is a proud moment, Mr. President, which I know they are very pleased to share with all Americans.

I would conclude by inviting all of my colleagues who were kind enough to sign a placard wishing victory to the crew of *Stars and Stripes* in time for it to be flown out there to them in Fremantle to now join as cosponsors of this resolution, along with those whose names I have already recited.

I further invite you, with great pleasure, to come and view your cup, our cup, the America's Cup at its new permanent home in San Diego.

Mr. KENNEDY. It is a privilege to join the Senator from California and my colleagues in commending *Stars and Stripes* on its brilliant sweep of the America's Cup. It was a sad day for U.S. sailing and for America's maritime tradition when the cup left for Australia 3 years ago, and today's victory is all the more gratifying.

In particular, I congratulate Dennis Conner and his extraordinary crew, not just for their convincing victory against the Australian defender or for their equally impressive victories in the challenge rounds, but for their perseverance over the past 3 years and their single-minded dedication to excellence that made today's outcome not only possible but irresistible.

To me, as it was to President Kennedy, sailing is the greatest sport of all.

Anyone who has ever put hand to tiller or forgotten to put up a centerboard knows something of the blend of skill, instinct, and experience it takes to sail the smallest dinghy, let alone a championship 12-meter. Today, *Stars and Stripes* is a credit to the Stars and Stripes. Because of its success, millions of Americans will be encouraged to participate in this most appealing of all sports—and in the end, that is *Stars and Stripes*' greatest success of all.

I hope that Mr. Conner and his crew will be invited to the Capitol and the White House—and I can think of no more appropriate way for them to arrive than by sailing *Stars and Stripes* up the Potomac, Dolly Parton flying, into Washington.

Finally, let me add, if the Senator from California will permit, that I look forward to the successful defense of the America's Cup in 1990—in the waters of New England.

Mr. DODD. Will the Senator yield?

Mr. KENNEDY. I am glad to yield to the Senator from Connecticut.

Mr. DODD. I thank my colleague from Massachusetts for yielding.

I, too, am delighted to join as a sponsor in this very worthwhile resolution commending the *Stars and Stripes* crew and those who were supportive of that effort, along with my friend and colleague from Massachusetts.

Mr. President, who says America has lost her competitive edge?

There is no group of individuals who are more energized, more motivated, and more incensed by the prospect of healthy competition than we Americans. It is simply in our blood to be the best. Sure, we can be beaten, but that only raises our anger and arouses our pride. And I say woe to whomever tacks a collision course with American pride.

Down under, in the choppy waters of the Indian Ocean off Western Australia, Americans taught the world to relish well the occasion that might be had to gloat over an American defeat.

We witnessed 3 years ago some of the trials and the races in the waters off of New England when, unfortunately, we lost that cup and relinquished it to the Australians.

Now, 3 years and some 4 months later, we find that cup returning to the United States where, as we know, it was housed on the Eastern Shore for some 132 years, having been first won on the ship *America* on the waters of the English Channel.

But in a 4-0 best of 7 win over the Australian boat *Kookaburra III*, the skipper, crew, and designers of the American yacht *Stars and Stripes* decisively won back the America's cup in Fremantle, Western Australia early this morning. It is with great warmth and pride that I take this chance to commend them on an achievement of great proportion and on a handy victory in a grudge match that had all of America rooting. And it is with great enthusiasm that I cosponsor today's resolution of commendation.

Mr. President, this was the first time we had a chance to watch the races at our homes via satellite television. If there was anyone that still believed that yacht-racing is a cushy, recreational diversion, Dennis Conner and his mates must surely have converted the last of the skeptics. Sure, this sort of racing is frequently likened to standing under an icy shower tearing up $1,000 bills. Winning demanded tremendous technical creativity and deep financial commitment. Dennis and his collaborators brought together computer experts, aerospace designers, and hydrodynamic researchers. He also brought together a deep-pocketed group of altruists, sports enthusiasts and investors.

But by and large, the most impressive and important assembly was that that took place every morning at 5:45 a.m. during the final months at Fremantle, when Dennis Connor and his crew began their brutal and compulsive training regime. It was comprised of weight training, aerobics, and endless monotonous sailing drills that the sailors could practically maneuver through in their sleep. This is the sort of mettle that mines others' confidence. This is the sort of excellence that etches fear in the faces of our competitors. And this is the sort of dedication that delivers victory.

I am proud to add here, Mr. President, that two members of *Stars and Stripes* 11-man crew are from my own home State of Connecticut, which has a rich seagoing heritage as old as the original colonies. Tom Whidden, my neighbor in Essex County, tactician on the boat, is a veteran of cup competition, and has sailed with Conner in three cup campaigns. A lifelong seaman of 38-years, he has skippered all over the world and could well have taken the wheel of another of the American challengers in this competition. Peter Isler, of New Haven, is also an expert skipper in his own right, and has won major racing championships all over the world, including New Zealand. I know his experience and local knowledge of this region from past competition was invaluable to our team's victory. Several others are from the New York area and the Massachusetts area—we would hope they might consider returning to defend the cup where it was successfully defended for so many years.

So I join my colleague from Massachusetts in hoping that our friend from California, while we would allow him to keep the cup in San Diego, would agree to have the challenge occur in the waters off New England.

But, truly, in the spirit of comity, we are delighted with this great result and happy this was such a successful and unprecedented victory: four straight victories on all 32 marks. In four races, the U.S. boat never relinquished the lead, an achievement unprecedented in the 135-year history of the America's cup races.

Mr. President, I will close on the following note: Anyone familiar with the roots of our great Nation knows that the competitive spirit is an indelible component of our national character. We can accept nothing less than the best—from ourselves, from our country, from our sportsmen. The crew of *Stars and Stripes* has given us great pride on returning the silver cup to American shores. Equally, it provides us with inspiration to achieve on a national level the excellence we expect from all who call themselves American.

Mr. KENNEDY. I wonder, I say to the Senator from Connecticut, if there is a dispute about its location, whether or not he would join with me, perhaps, as part of a crew that would challenge the Senators from California out in the Potomac to race this off?

Mr. DODD. I think that is an excellent suggestion for a final location, whether it be New England or California.

Mr. KENNEDY. I do not see Senator CRANSTON on the floor, but I am sure Senator WILSON would be happy to accept on his behalf.

Mr. WILSON. I say to my friends from Connecticut and Massachusetts that we would be happy to accept the challenge. However, do not be surprised if you recognize some of my crew.

Mr. MATSUNAGA. Mr. President, as a cosponsor of S. Res. 100, I rise with great pleasure and pride to congratulate *Stars and Stripes* Skipper Dennis Conner and his crew for having convincingly restored the America's Cup to an American shelf. The distinguished Senators from California, Mr. WILSON and Mr. CRANSTON, must be bursting with pride that San Diego produced a champion for a nation.

I do not mean to diminish that accomplishment in any way, but my own pride forces me to point out that Hawaii too played a role in today's triumph.

Prior to its departure for Australia, *Stars and Stripes* was one of our islands most colorful visitors. Plying the waters within sight of Diamond Head with its crew and skippers' sights set on winning back the cup, *Stars and Stripes* trained in Hawaiian waters.

That practice took place in Hawaii because Hawaiian waters offered the best training conditions in the United States. I must add that our ideal climate was not all Hawaii had to offer: Some of the computerized equipment *Stars and Stripes* carried with her to victory was designed and manufactured in Hawaii.

It is also my hope that the success of *Stars and Stripes* after those island practice sessions, will prompt the American yachting community to choose Hawaii as the site for the next defense of America's Cup 4 years hence: Surely, the Nation's finest practice arena has earned consideration as a leading site candidate for the next cup challenge.

I urge unanimous adoption of the Wilson-Cranston resolution.

Mr. RIEGLE. Mr. President, I move the adoption of the resolution.

The PRESIDING OFFICER. Is there any further debate on the resolution? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 100) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 100), with its preamble, reads as follows:

S. Res. 100

Whereas, some of the proudest chapters in American history have been written on the waters of the world, and that the urge to compete on athletic fields as in commercial shipping lands in an indelible part of our national character;

Whereas, for 153 years, American sailors have carried our colors with pride and majesty in the pursuit of the greatest trophy of their sport—the America's Cup;

Whereas, a heroic commitment of personal talent, tomorrow's technology, and a timeless love of country have found expression in the yacht Stars and Stripes, and racing immortality in the waters off Fremantle, Australia: Now, therefore, be it

Resolved, That the United States Senate on behalf of all Americans extends its deepest gratitude to Dennis Conner, his brilliant crew, and all those innovators who in building the world's fastest boat have renewed America's claim to nautical supremacy.

SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, at this point in time, we have an agreed amendment that has been cleared on both sides. I yield to the distinguished Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I thank my distinguished colleague from Illinois.

AMENDMENT NO. 27

(Purpose: To establish a rural transit assistance program.)

Mr. SASSER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. SASSER) proposes an amendment numbered 27 to amendment No. 23.

Mr. SASSER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the end of the amendment, insert the following;

SEC. . Section 4(i) of the Urban Mass Transportation Act of 1964, as amended, is amended by inserting "(A)" before "The Secretary" and by adding a new subparagraph after subparagraph (A) as follows:

"(B) of the funds authorized to carry out the purpose of this subsection, not to exceed $5,000,000 shall be available per fiscal year to establish and carry out a rural transit assistance program in nonurbanized areas. In carrying out this paragraph, the Secretary is authorized to make grants and to enter into direct contracts for transit research, technical assistance, training, and related support services in nonurbanized areas."

Mr. SASSER. Mr. President, this amendment has no budgetary impact. It has been cleared with the managers on both sides of the aisle.

Mr. President, this amendment is an attempt to clarify an action taken by the Appropriations Committee last year regarding a program funded under the Urban Mass Transportation Act. It does not authorize any additional spending authority. Nor does this amendment create a new program.

The amendment would authorize the establishment of a Rural Transit Assistance Program. This program was funded by the Appropriations Committee last year. Unfortunately, there appears to be some question as to whether the Urban Mass Transportation Administration has the necessary enabling legislation to implement a broad and flexible program of assistance to rural transit systems—as was envisioned by the Appropriations Committee.

Specifically, the Appropriations Committee last year appropriated $5 million for this program under section 4(i) of the Urban Mass Transportation Act—funding for innovative techniques and technology introduction. This amendment would authorize the continued funding for this program within the funds available for section 4(i). The amendment would further authorize UMTA to make grants and to enter into direct contracts with independent contractors and others for the purpose of implementing this program.

Mr. President, let me provide some background on the need for this important program. As we all know, the Urban Mass Transportation Act has always been biased toward large urbanized areas. As it now stands, we currently spend $28 per capita of mass transit funds for large cities, but only $1 per capita for mass transit in rural areas.

Certainly, the mass transit needs of large cities are greater than those of nonurbanized areas. However, we must not forget that 49 percent of all Americans live in small cities and rural areas. And many of these Americans are dependent on public transportation.

Today, over 1,000 communities are served by rural transit systems. They range in size from 1 or 2 van operations serving small towns to multicounty systems with fleets of 50 or more vehicles. This rural transit network includes a diverse group of municipally run systems, regional transit authorities, private taxi and bus operators, and nonprofit agencies. Many of the managers of these systems are not trained transit professionals. Furthermore, the majority of them operate in almost total isolation, without any organized support structure.

Since assuming responsibility for the section 18 program in 1983, UMTA has made significant progress in addressing some of the needs of the rural operators. Through its support of the magazine the rural transportation reporter, the agency has helped to establish a nationwide communication network that has enabled operators to gain access to information and resources previously unavailable to them. By convening rural operator roundtables and transit conferences, UMTA has provided needed forums for the discussion of important issues between local operators, State program administrators and Federal officials. The agency's research and demonstration projects have helped to identify service delivery problems and gather key industry data.

However, while the technical and financial resources available to rural transit systems have increased in recent years, they have not been organized in a systematic way to provide a comprehensive and coordinated approach to support service needs. For example, rural responsibilities within UMTA are currently scattered among the offices of technical assistance, grants management and budget and policy. Awareness and expertise at the regional level for assistance with rural programs has been uneven and erratic. Some of the States administering UMTA funds to local systems have been imaginative and effective in developing assistance programs. Others have provided no leadership, reflecting the weaknesses that can occur within a highly decentralized program.

The Rural Transit Assistance Program therefore represents an important resource to rural operators. By establishing a centralized mechanism capable of developing a coordinated program of research, technical assistance, training and support services, it will improve the delivery of safe and effective public transportation in smaller cities and rural areas. By identifying existing support services and resources available to rural transit operators, the program will allow the development of an integrated national assistance program that builds on that resource base, filling recognized gaps.

Most importantly, perhaps, the program is intended to tap the knowledge and experience represented by rural operators and State program administrators. It was the intent of the Appropriations Committee, in establishing the program, that UMTA consult with and involve in the development and implementation of the program both State departments of transportation and local agencies providing transportation in rural and small urban areas through their national associations. In this way, the program will effectively provide national leadership in addressing the mobility needs of rural citizens and in identifying current and future requirements of the rural transit industry.

Mr. President, I believe that the Rural Transit Assistance Program is an important and effective step toward understanding the public transportation needs of rural areas, and toward addressing those needs.

The amendment is strongly supported by the National Association for Transportation Alternatives and by the American Association of State Highway and Transportation Officials.

Furthermore, I know of no opposition to the amendment.

I hope my colleagues will join with me in support of the Rural Transit Assistance Program by agreeing to this amendment.

Mr. SASSER. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there objection to the adoption of the amendment?

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Speaking for this side, Mr. President, we have no objection to the amendment. We carefully examined it. We think it is a good amendment and very helpful to rural transit programs.

The PRESIDING OFFICER. Is there further debate on the amendment? It not, the question is on agreeing to the amendment of the Senator from Tennessee [Mr. SASSER].

The amendment (No. 27) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 28

(Purpose: To protect the right of UMTA grant recipients to enter into agreements with private sector interests for the provision of mass transportation services)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas (Mr. GRAMM), proposes an amendment numbered 28.

At the end of amendment, add the following:

PROTECTION OF PRIVATE CONTRACTING RIGHTS

SEC. . Section 13(c) of the Urban Mass Transportation Act of 1964 is amended by inserting after the third sentence the following new sentence: "Such arrangements may not restrict or limit the rights of the recipient of such assistance to enter into a contract or other arrangements for the provision of mass transportation services by private entities.".

Mr. GRAMM. Mr. President, the issue that we are debating here and will vote on shortly is a very simple, straightforward issue.

In 1964 when the Urban Mass Transportation Act was adopted many of our transit authorities at the time were actually private entities. The 1964 act provided massive Federal funds, and in a sense took public ownership of those private transit authorities. There was concern at that time that the collective bargaining rights of the employees of the private transit authorities, and their working conditions and their jobs might be jeopardized by the public takeover of these private transit authorities.

Therefore, a section of the 1964 bill called section 13(c) was adopted. What 13(c) does very simply is this: It, in essence, gives the union that represents the employees of a mass transit authority the right to approve or disapprove a grant on the basis of whether or not that grant of Federal taxpayer funds would in any way endanger their working rights.

I remind my colleagues that while they are somewhat redundant, there are in essence five items outlining 13(c). The first has to do with the rights, privileges and benefits under existing collective bargaining agreements, including their pension rights.

The second had to do with a basic guarantee of the right to continue collective bargaining with a new public authority as had existed with the old private authority.

The third was in essence protection of the individual employees against worsening of their position with respect to their employment.

The fourth was assurance of employment for the employees of the acquired mass transit system on a priority basis over any other potential employee.

Finally, if none of this could be worked out or was worked out, there was a guaranteed paid training program.

The logic of 13(c) was pretty simple. We had private transit authority, we had unions that were in contracts with them, we were providing in 1964 massive amounts of Federal money to turn these transit authorities into public entities, and we wrote in 13(c) basically an employee-union protection act.

Mr. President, the purpose of this amendment is not to in any way change, trample, or modify those rights. Nothing in this amendment will in any way deny any employee or any union representing any employee these five basic guaranteed rights.

The amendment, however, assures that one of the rights that is not guaranteed is the right to object to contracts entered into between the public mass transit authority and any private entity that might inject capital into a transit system, or that might enter into a public-private partnership to provide the mass transit assistance that a community might require.

Mr. President, Members have gotten letters and telegrams on this issue so I am not going to beat a dead horse to death, but I think my colleagues are aware of the fact that there are many documented abuses of 13(c). The documented abuses basically come down to the fact that we have labor unions refusing to sign off on grants made by the Federal Government to mass transit authorities when the grants are for the purpose of privatization or for the purpose of contracting out.

I want to give an example so I am certain in legislative history and in the minds of those who are here and those who might be listening to this address that there is no doubt as to what we are doing here.

I will take two cases.

The first is the case where you have a city and they have a bus system which is servicing a suburb. It has 20 employees who are represented by the union that is dealing with the pubic mass transit authority. The public mass transit authority seeks to contract out that service to a private bus company, thereby putting those 20 union members out of work.

My amendment would have absolutely no impact on their right to these five basic guarantees. They either would have to be retrained, they would have to be hired on a priority basis, they would be guaranteed collective bargaining rights.

In no way would their rights in any way be impeded, contrary to a mailgram by one of the opponents to that effect.

But what they would not be able to do is illustrated by a second case that I would like to analyze now.

Let us say that you have a mass transit system in Dallas, TX, and let us say that it is decided for that mass transit system to provide service to Duncanville, which is a suburb south of Dallas. There is no mass transit service there.

They get a grant from UMTA to enter into a private relationship to bring new capital in, to provide services that are not available. No union member is going to lose their job. No union member is going to suffer a decline in wages. No union member is going to lose collective bargaining rights. But what can happen is that the union can come in under 13(c) and, in essence, threaten to object to the grant under 13(c) and in the process thwart privatization and the injection of private capital.

That is the issue.

If any one of the five rights that are guaranteed by 13(c) are affected, they are fully operative.

What this amendment says, however, is that if none of those things are operative, that the union simply cannot come in and say, "We object because we are against privatization. We object because we are against contracting out. We object because we do not like free enterprise. We want the Government to provide these services."

The issue here, Mr. President, is about as direct as any issue can be. We are providing $13 billion in this bill and who is that $13 billion for? Is that $13 billion for the mass transit authorities? I say no.

Is that $13 billion for a few thousand employees of mass transit? No.

That $13 billion is for the working men and women of America who live in urban areas and who need mass transit services.

The real question is, What are we trying to do here? Are we trying to promote the public interest, promote efficiency, promote competition, promote all the things that we all claim we are for, or are we trying to protect a special interest group at the expense of the general public?

I submit that as much money as $13 billion is, and I do not know whether we can afford it or not, as much money as that is, that is not going to solve the mass transit problems of America. That is a drop in the bucket relative to what we need to meet the transportation needs of America.

What I am trying to do in this amendment has nothing to do with labor-management negotiations. It has nothing to do with labor rights.

What I am trying to do here is to remove an impediment that was never intended, that represents an abuse of the taxpayer, that is preventing competition, that is preventing the investment of private capital that we desperately need.

That is really the issue. Who are we spending the $13 billion for? Do we run mass transits for the people who manage them and the people who work them? Are they the beneficiaries? Or do we run them for the people who ride the mass transits and the people who pay for them through their taxes?

I realize this is a difficult issue. I realize that many of my colleagues are looking at this as an issue involving the Transportation Workers Union of America, AFL-CIO. But I submit to my colleagues that is not the issue. This has nothing to do with whether you think this union is doing a good job or a bad job. All this amendment says is this:

In the five areas where employees have guaranteed rights, they are protected. But when those rights are not endangered, they do not have the right to come along and say, "if you go the route of privatization in expanding service, if you try to bring new capital in, we want to exercise a veto right over $13 billion of the taxpayers' money."

If they are going to lose their jobs, if they are going to lose collective bargaining rights, they are protected by 13(c), but if they simply prefer public mass transit to private mass transit, then they do not have a right to use 13(c) for that objective. That is all my amendment does.

I have one final point.

In my part of the country, unlike many of the cities that were built long ago and have mass transit built into them, the only way we are ever going to be able to make mass transit work is to have a public-private partnership. I submit that that is true even in many older areas of the country. We have to attract private capital.

I hope my colleagues will look at the public interest on this amendment. This amendment was adopted in the House of Representatives by unanimous consent.

What we are saying here is to simply put the same provision in the Senate bill so that we know we are moving toward efficiency and economy. Do not let concerns of the few, who feel that they might not be able to exercise a power that was never intended under the law to begin with, to thwart the will and interest of the people who are paying $13 billion to have mass transit serve them.

I urge my colleagues to vote for this amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMM. Mr. President, I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I rise in opposition to this amendment. The amendment before us adds a single sentence to section 13(c) of the Urban Mass Transportation Act. It states that section 13(c) protective agreements may not restrict or limit the rights of the recipient of Federal transit assistance to enter into a contract or other arrangement for the provision of mass transportation services by private entities.

As I read the law, there is nothing to prevent recipients from contracting out. As a matter of fact, there is an increasing amount of contracting out going on.

A March 1986 study done for the Urban Mass Transportation Administration points out that about 35 percent of transit systems nationwide contract out for a portion of their bus service, particularly for demand responsive service or other special services, such as small buses that do not operate over fixed routes.

However, section 13(c) does say in that circumstance that appropriate protection for employees of the transit system that might be laid off or fired is required.

The amendment by my friend, the distinguished Senator from Texas, does nothing to change that part of the law. It would continue to require that kind of labor protection in contracting out situations, as I see it.

As I understand the amendment, therefore, it seems at best, in my view, to be totally unnecessary. It gives recipients of Federal transit assistance no rights that they already do not have now, and it relieves them of no responsibilities that they now have under current law. My staff has been in touch with the House Public Works Committee. As my colleagues know, this language has been included in the House highway-transit reauthorization bill, H.R. 2. The House informs me that its intention is not to overturn any existing 13(c) requirement providing employees who might be hurt by contracting out with appropriate labor protection, but merely to clarify that the section 13(c) requirements could not be used to flatly prevent privatization. In fact, Chairman HOWARD of the House Public Works and Transportation Committee, made exactly that point when he accepted the amendment. He said that the language prohibits the application of 13(c) "in order to prevent, specificially prevent privatization of bus service."

The amendment can be read another way, however, It can be read as a limitation on the collective bargaining rights of both transit operators and their employees. For example, I know we are all grateful that the current USX steel strike is over. That strike went on far too long, and USX employees suffered terribly before it was ended. One of the agreements reached that made it possible to break the labor-management impasse involved contracting out. The unions agreed to certain financial concessions which lowered USX's costs. In exchange, USX agreed to limit the amount of work it contracts out.

I am sure the amendment is not intended to interfere with collective bargaining, but it seems to me that it is possible that the amendment would limit the collective bargaining rights of both transit operators and their employees in a way that would prevent them from reaching this kind of cost-saving agreements. It is possible for this amendment to be read in a way that would prevent parties from voluntarily reaching agreements on contracting out.

This is a particularly important point in the transit operations area because in major cities Federal support for transit operations amounts to only about 15 percent or less of the total cost of providing services. Stated another way, the great bulk of money used to support transit operations in major cities, perhaps as much as 85 percent or more, comes from non-Federal sources—farebox revenues and State and local financial assistance. It seems unreasonable, therefore, for a Federal limitation to prevent transit operators and their employees from voluntarily reaching agreements they believe are to their advantage.

I have taken the position, Mr. President, that we should not compel recipients to privatize set percentages of their operations, as the Department of Transportation once proposed. I believe that the Federal Government should remain neutral in this area. The proper Federal role is to encourage transit systems to provide the most cost-effective service possible, and not to play favorites between public and private employees.

That means that we should not take actions that would prevent transit systems from contracting out, or that would force them to. Our focus should properly be assisting transit systems to provide the most efficient, low-cost service possible.

In the 13(c) area, this means that the requirements of this section should not be used to block transit systems from controlling their costs, and there is no evidence to indicate that the existing requirements would have this effect. It also means that we should not put up obstacles that tend to prevent transit operators and their employees from reaching agreements that benefit them both and help to hold down costs.

As I have stated, the amendment of the Senator from Texas can be read two ways: One way that renders the amendment surplus and unnecessary, and another way that creates real interference in the collective bargaining process. I believe, therefore, that the amendment needs further review in hearings before the committee before we took action on the Senate floor. I have already expressed my desire for such hearings in the Banking Committee, and I have not offered a number of provisions from my bill, or a number of other reforms I am interested in at this time because I think they would benefit from hearings before the full Senate considers them. I have every reason to believe that the Banking Committee will hold such hearings after we act on this reauthorization legislation.

I want to point out to my good friend from Texas that the transit reauthorization amendment is very limited. It is a basic funding freeze and makes only minor revisions in the major transit assistance programs. While the section 13(c) amendment can be read in a way that is relatively harmless, there are real concerns that its impact could be much broader than it was assumed when the House agreed to it by voice vote with almost no debate. The amendment has resulted in a great deal of controversy here in the Senate. I would hope, therefore, that we could postpone action on this amendment until there is an opportunity to hold hearings on it in the committee. Failing that, my responsibility as floor manager would be to ask my colleagues to oppose the amendment of the Senator from Texas.

Mr. President, I have agreed with my distinguished colleague, the comanager, not to offer a tabling motion. That was his request. In the interest of time, we are not doing so. I ask my colleagues who are interested in this mass transit legislation to vote nay on my friend's amendment to the bill.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, the effect of this amendment would be to strip away transit workers' rights to negotiate with UMTA grantees for protections against subcontracting away of their jobs to private operators. The amendment is purposefully designed to weaken longstanding worker protections by preventing unions from negotiating for 13(c) protections which would in any way "restrict or limit" grantees from using Federal funds to subcontract transit workers' jobs to private operators.

These 13(c) "protective arrangements" typically include some assurances of continued employment, along with certain monetary guarantees to workers facing possible job loss or impairment resulting from federally funded changes in local transit operations.

It is interesting to note that there is no record to support this amendment. No hearings have been held on it even though it would effect a major change in Federal transit labor laws. It was not included in the bill passed by the Senate last fall. Moreover, the Labor Department and the Transportation Department have set up a joint agency task force to explore any problems associated with 13(c). No recommendations have yet been made.

So it is not a question that they will promise to look at this or that we will hold a hearing. There has been a task force set up to monitor, to look at this, and then to report back to both the Labor Department and the Transportation Department if there are problems.

In fact, on June 26, 1986, the Department of Labor wrote to UMTA Administrator Stanley: "We have received few, if any, complaints about our processing of section 13(c) certifications from affected transit grantees or labor organizations."

It seems to me that we certainly want to be responsive. No one wants to drive up costs. I do not hear grantees complaining to this Senator, and I have had the opportunity in the last 6 years to visit many, many transit properties, many of whom use independent contractors. One has come to me and complained and said this is a section which drives up costs. Indeed, it has been a section which has, over the years, worked well to guarantee transit properties a flow of Federal dollars and, by the same token, transit workers proper job protection. There has not been an abuse of this. So I would hope that we would not in any way at this time, without the benefit of hearings or without the benefit of the recommendation of the joint task force of the Labor Department and the Transportation Department, do anything that could possibly jeopardize labor's rights or be perceived as so doing.

I join with my distinguished colleague from Illinois in opposing this amendment.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Texas.

Mr. GRAMM. Madam President, we have heard an excellent argument that would have been relevant to an amendment that might have been offered today but that was not. I am a little bit puzzled about the quote from Ralph Stanley when in fact UMTA has endorsed this amendment.

I made it clear during my initial debate that I was not going to burden the Senate by going through all the instances where there are clear, obvious, documented abuses of 13(c). The Metro Dade Transportation Administration in Miami, FL, is seeking to initiate an UMTA-supported demonstration in which seven routes would be put out for competitive bid. The transit authority and private operators would be free to compete for the provision of service. Even though no

MDTA employee would be replaced by the demonstration project, the transportation union is refusing to sign a 13(c) agreement that would allow the project to proceed; Boise, ID; Fargo, ND; Little Rock, AR; Des Moines, IA. I could go on and on and on.

So, first of all, UMTA is for this provision, not against it. Second, there is an important element in this debate. When one reads the five provisions protected under 13(c), one finds people have a right to protect their working conditions, their rights and privileges and benefits and pension funds and collective bargaining, to retraining if no other procedure can be worked out, but nowhere does one find a guaranteed right to be protected from competition in the private sector.

I read a mailgram from John E. Lawe, international president of the Transportation Workers Union of America, AFL-CIO, second paragraph, taling about my amendment:

> This amendment would seriously weaken 13(c) of the Urban Mass Transit Act and prevent our union and other transit unions from negotiating for and representing our members concerning contracting out of the transit work.

Where did we ever say in the Urban Mass Transportation Act of 1964 that unions other than in collective bargaining had a right to say yea or nay on contracting out? Nothing in this amendment in any way tramples with the five basic rights guaranteed. In fact, I made that point clear in setting legislative history today. That legislative history was made in the House debate in committee and on the floor. This amendment was adopted by voice vote in the House. What is happening here is that we have a special interest group that wants to preserve the ability to exercise a near veto over privatization and contracting out and the attraction of private capital. The question is: Are we going to allow them to do that at the expense of the working men and women who are paying $13 billion for that mass transit?

That was not a right guaranteed in 13(c). No one ever guaranteed that right.

All I am trying to do in this amendment is protect the rights that were written into the law but not to allow an abuse of a check that was put in, paradoxically enough, to protect employees of private transits in 1964 that were in essence being nationalized.

Now that we are beginning to move toward a public-private partnership in providing mass transit, we are seeing a provision that was aimed at protecting employees of private companies from nationalization used to prevent a public-private partnership.

And so I reiterate the legislative history is clear. This provision is in the House bill. The question is whether or not this $13 billion is to benefit the people who ride the transit or the people who drive the bus and who run the transit service.

This is a fundamental issue, Mr. President, in virtually everything we do. Is Government for the bureaucrats or for the people? Are services paid for by the taxpayers for the people who paid for them or the people who provide them?

I am not in this amendment in any way trying to trample on any union's rights or any employee's rights, but I believe that we have an obligation to protect the taxpayer's rights and to protect the rights of those who ride the mass transit.

I urge my colleagues to vote "yea" on the amendment.

I yield the floor.

The **PRESIDING OFFICER.** Is there further debate?

Mr. **DIXON.** I yield back the remainder of my time, Madam President.

Mr. **HEINZ.** I rise in opposition to the Gramm amendment that would modify section 13(c) of the Urban Mass Transportation Act of 1964.

This amendment addresses a complex issue. Yet this amendment was neither offered nor debated nor taken up in committee—although Senator GRAMM was present at the markup. Not only did the Banking Committee not consider this amendment, I am certain our colleagues on the Committee on Labor and Human Resources would want to review it very carefully for its wider labor law implications.

As I understand this amendment, it would waive collective bargaining protections for transit workers in instances in which a transit authority contracts out service to a private provider. Mr. President, these protections were put in the statute so that they would apply to the use of Federal money for mass transit.

Whether or not the funding is used directly by a transit authority or by its private contractor is not an issue. In either event, the point is that it is Federal money, and workers are entitled to safeguards provided in the Federal statute.

Furthermore, there is much dispute over the effects of section 13(c) on transit operations, and on the expedited approval of transit grants.

Proponents of this amendment argue that labor disputes that emerge as a result of section 13(c) have delayed grants to transit authorities in my State and others. I know from talking to transit authorities in my State that these delays have not resulted solely, or even largely from labor disputes.

There are also disputes over the impact of section 13(c) on cost effectiveness.

I believe that collective bargaining is an inalienable right of all workers, and one that we must especially protect when it comes to the use of Federal funds.

This is not the appropriate forum in which to debate this complex issue, and this amendment contradicts the intent of Congress in establishing section 13(c) protections.

I urge my colleagues to reject this amendment.

The **PRESIDING OFFICER.** The Senator from New York.

Mr. **D'AMATO.** Madam President, I would like to just for the record clarify any misunderstanding. When I mentioned Mr. Stanley, it was in connection with a letter which was sent by the Labor Department dated June 26.

The Department of Labor wrote to Mr. Stanley in which they said, "We have received few if any complaints about processing on section 13(c)," just so we might have that understood.

Mr. **DIXON.** I believe the yeas and nays have been called for, Madam President?

The **PRESIDING OFFICER.** Yes, they have. The Presiding Officer understands that. If no other Senator desires to speak, the yeas and nays have been ordered. Therefore, the clerk will call the roll.

The assistant legislative clerk called the roll.

The **PRESIDING OFFICER** (Mr. LAUTENBERG). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 30, nays 70, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—30

Armstrong
Bond
Cochran
Cohen
Dole
Evans
Garn
Gramm
Grassley
Hatch
Hecht
Helms
Humphrey
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Nickles
Pressler
Quayle
Rudman
Simpson
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NAYS—70

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Hatfield
Heflin
Heinz
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stafford
Stennis
Stevens
Weicker
Wirth
Zorinsky

So the amendment (No. 28) was rejected.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. I thank you, Mr. President, and I thank the distinguished managers of the bill.

Mr. President, I rise in very strong support of the Federal-Aid Highway Act of 1987. A good highway system is crucial to enhancing our competitiveness in a global economy. It is crucial to economic growth and the creation of new jobs. This legislation will help achieve those goals by keeping our highway construction programs running.

This is especially very important to the Denver metropolitan area in Colorado, which is fast becoming a transportation hub. And a great deal of our economy depends on a modern and up-to-date transportation system, which can certainly be aided by this legislation.

This bill, and its companion measure to reauthorize the Urban Mass Transportation Act, deserves to be at the very head of our legislative agenda. And I want to commend our leadership for putting it where it belongs. But in reauthorizing these important laws, the Congress must also recognize the growing importance of a related problem— air pollution.

When Congress adopted comprehensive amendments to the Clean Air Act in 1977, we gave the States and cities until 1988 to meet national standards for carbon monoxide and ozone. But many metropolitan areas across the Nation, including several communities in my own State of Colorado, will fall short of those goals.

According to the EPA, more than 80 metropolitan areas will fail to meet the clean air standard for carbon monoxide. No part of the country is immune from this problem. It is especially acute in the 166 high altitude areas of the Rocky Mountain Range, the Denver metropolitan area. Albuquerque, Salt Lake City, and so on. But it is also a very severe problem elsewhere, as well—in Chicago, New York City, Detroit, Los Angeles, Reno, Spokane, Anchorage, and even some cities in the great State of Maine will likely exceed the carbon monoxide standard and be out of conformance.

There is no doubt that carbon monoxide levels that are recorded in these cities are a threat to our Nation's health, and especially to those most vulnerable citizens—our children and our elderly. The health care threat implied has been clearly documented by studies emanating especially from the National Jewish Hospital in Denver.

The situation for ozone is much the same. EPA puts the number of nonattainment areas at 72, and adds that more than one-half are unlikely to meet the deadline. A recent report in USA Today puts the number of nonattainment cities even higher—at 82. This means, Mr. President, that one out of three Americans is exposed to ozone levels that exceed the Federal standard. And EPA has determined that the current standard provides little or no margin for safety. New data suggest that the current standard may be unhealthy even for those of us who are in good health.

These communities—the so-called nonattainment cities—will run the risk of a range of sanctions. For example, the Environmental Protection Agency can impose a ban on construction in these cities. Or the EPA could reduce or entirely cut off Federal highway funds—under the very programs that this body is considering today. Moreover, Mr. President, some experts, including the Comptroller General, believe that the EPA has no discretion in this matter. They suggest that the EPA must impose a construction ban in all of the communities that fail to meet the Clean Air Act's goals by 1988.

I bring this up for special attention for my colleagues, many of whom are going to have communities impacted by the ability of EPA to cut off highway funds. If those communities, running all the way across the country from Anchorage to Los Angeles to the east coast cities, all across the Middle West, if those communities fail to meet the 1988 standards, which most of them are going to do, EPA can cut off their funding.

Mr. President, the impending deadline for meeting the Clean Air Act's goals, and the threat of widespread sanctions, demands action by the Congress. The American people support clean air, and they are willing to help pay for it. They support continued efforts to meet the Clean Air Act's goals. But I do not believe that cities that have made progress in reducing air pollution, and that are committed to further progress, should be exposed to the automatic imposition of sanctions. Instead of punishing those cities which are making very good efforts and are cleaning up their air, instead, we need to work with these communities to help them to accelerate this process rather than punish them for making the good efforts they are making.

In 1977, in legislation passed almost 10 years ago, we tried to strike a fair and balanced approach—one which did not impede achievement of our ultimate environmental objectives, and did not undermine economic growth. That compromise extended the deadline by 10 years, and called upon the States to prepare detailed plans on how they would work to meet the new deadlines.

Over the past decade, air quality has improved in many metropolitan areas. The Clean Air Act is working, and millions of Americans support this law. But the deadlines are once again upon us, and in many cities, Americans still are exposed to air pollution that threatens their health and welfare. We once again face the prospect of finding a compromise that ensures as we did 10 years ago, both economic growth and continued improvement in air quality.

Mr. President, this is one of the most important environmental issues to come before the 100th Congress. It is an issue that demands a resolution before cities like those that I have enumerated and many, many others are threatened with construction bans or the loss of highway grants, and at the same time we cannot take the easy out by simply relaxing the nationwide standard for carbon monoxide and ozone. These standards were developed to protect the health of all Americans. We cannot provide one health standard for the millions of Americans who live in major metropolitan areas and another protective standard for other Americans.

Moreover, I do not believe the answer to the deadline problems is to simply extend the deadline for meeting the Clean Air Act standards. Some cities such as my home of Denver will meet or come very close to meeting the ozone standard but Denver will fall very short of the carbon monoxide standard despite the unprecedented effort being made by local and State governments, industry, and citizen groups. Many other cities are in exactly the same position. Even with their best efforts they will not meet the deadlines. While some will be able to make it with a few more years of work, many more require not only more time but continued incentives from the Federal Government.

A legislative response must be keyed to these facts. Cities that are close to meeting the clean air standards may need just a little more time. Cities that cannot meet their goals in the near future need not only more time but also need to work with the Congress to find innovative new measures that will over the long term promise significant improvements in air quality and consequently in the public health.

For example, my colleagues from the agricultural area have shown a great deal of interest and continue to do so in encouraging the increased use of gasohol which can make a great deal of difference. A Federal commitment to demonstrating the use of methanol fuels in bus and taxi fleets will provide important benefits. Those are examples of the kind of innovative measures that we have to build into legislation that year.

Finally, we have to recognize that some cities simply have not exerted their best efforts to meet the clean air standards that are needed to protect the health and welfare of their residents. A legislative response to the imminent deadlines must retain sanctions to ensure that these few cities get on with the admittedly difficult task of reducing air pollution. I regret that we are not addressing this issue in this legislation in front of us. We have to do it, however, this year, and I have had very extensive and helpful discussions with the distinguished Senator from the State of Maine, Senator MITCHELL, who has led the efforts on behalf of this legislation and has long been an advocate of clean air and the public health.

We have had discussions about the efforts that the Committee on Environment and Public Works will be undertaking this year on the issue of sanctions on the issue of EPA's role, and on the issue of better efforts in the cities that will not meet the sanctions.

And I hope we will have an expedited response from the committee and its various subcommittees this year.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, I thank the Senator from Colorado for his helpful remarks on a difficult air pollution issue that must be addressed this session. As chairman of the Subcommittee on Environmental Pollution, I have assured the Senator from Colorado that I plan on holding hearings early next month on the nonattainment issue as the first step in developing a timely and appropriate response to this problem. I look forward to working with the Senator from Colorado in that effort. He has been diligent and active in representing the interests of his constituents, the people of Colorado, and others throughout the country who face this problem. I believe he will contribute a great deal toward what I hope will be a fair solution to a very difficult problem.

Mr. WIRTH. I thank the distinguished Senator and chairman of that important subcommittee. We have a great deal of work to be done as the Senator knows. It is a complicated issue but enormously important for the public health. There are a lot of resources out there in the public health community. And they will be brought to bear I am sure, and will be very encouraged by your statement about early hearings. And we look foward to concluding as many of them as possible.

I thank my colleague for his very helpful remarks.

Thank you, Mr. President.

Mr. STAFFORD. Will the Senator from Colorado yield for just a minute.

Mr. WIRTH. I am more than happy to yield.

Mr. STAFFORD. This colloquy between the Senator from Colorado and my friend, the Senator from Maine, is a matter of interest to the Senator from Vermont also. I would like to either place a statement in immediately following their colloquy or to make it an adjunct of the colloquy itself.

Mr. WIRTH. I would be more than happy to be associated in every way with the distinguished Senator from Vermont who has had such a fine record of pursuing issues of clean air and public health. In my previous incarnation I had the pleasure of working with him on these issues, and I look forward to working with him in this body. I thank him very much for his wonderful support on this terribly important issue.

Mr. STAFFORD. I am delighted, and I thank the Senator from Colorado.

Mr. WIRTH. I thank the Senator.

Thank you, Mr. President.

● Mr. STAFFORD. Mr. President, I think we should make it clear that what we are discussing here is the protection of public health.

The sanctions which might apply, do so because the air represents a threat to the health of humans. Not just persons who have asthma or bronchitis, but ordinary human beings—many of them children.

If the deadlines are eliminated, or extended unnecessarily, it means that men, women, and children throughout the United States are condemned to suffer through no fault of their own.

Moreover, Mr. President, I think it should also be clear that while there are areas that find it difficult—very difficult—to comply with the standards, most areas can meet them. And we should expect them to do so. Not 10 years from now, nor 5 years from now, but as soon as humanly possible.

Mr. President, only yesterday we heard from three of the largest health organizations in the United States in this country on the threat to human health posed by air pollution. Witnesses said that only smoking—active and passive—presents a greater threat to public health.

Mr. President, I ask that a news account of the hearing be printed in the RECORD at this point, along with a news account of public reaction to conditions in Houston, TX. And, Mr. President, as those who monitor these proceedings read it and this colloquy, I hope they remember today, what the Congress bore in mind nearly 10 years ago when the deadlines and sanctions were written into the law: what is at stake here is human life and its quality.

The material follows:

[From The New York Times, Feb. 4, 1987]

ACID RAIN SEEN AS POSING RISKS FOR U.S. HEALTH—DOCTORS TELL PANEL THAT NATION MUST ACT NOW

(By Philip Shabecoff)

WASHINGTON, DC.—Acid rain and the pollutants that cause it are a serious threat to human health, especially to children, representatives of major public health groups told a Congressional panel today.

Testifying before the Environmental Pollution Subcommittee of the Senate Environment and Public Works Committee, medical doctors from the American Academy of Pediatrics, the American Lung Association, the Amercian Public Health Association and Mount Sinai Medical Center in New York City urged that action be taken now to curb acid rain. They said the potential threat to health was too significant to defer protective action until more scientific evidence was accumulated.

Senator George J. Mitchell, a Maine Democrat who is chairman of the subcommittee, said after the hearing that today's testimony was the first strong evidence presented to Congress that acid rain posed a serious health problem for the nation.

"Until now, the basis for action on acid rain was its adverse effects on water resources and the potential effects on forests," the Senator said. "Now we have independent evidence of its impact on health."

POLLUTION CONTROLS SOUGHT

Senator Mitchell is the author of one of three bills already introduced in the 100th Congress that would impose controls on sources of pollution that cause acid rain.

The Reagan Administration opposes such controls, contending that much more has to be learned about the causes and effects of acid rain before imposing a new regulatory program that would cost billions of dollars and perhaps some jobs in the coal industry.

Acid rain is a term for pollution produced by coal-burning power plants and factories, as well as motor vehicles and other sources, principally oxides of sulfur and nitrogen, that change chemically as they travel through the atmosphere and fall to the earth as acidic rain, snow, mist or dust.

Acid rain had been found to destroy life in bodies of fresh water in some parts of the country, especially in the Northeast and Canada, and to damage buildings and other man-made structures. It is also believed to be at least a contributor to the decline of forests along the Eastern Seaboard and in Canada. Now, the witnesses testified, there is mounting evidence that acid rain and the pollutants that produce it are harming the health of human beings.

THREAT TO CHILDREN CITED

The witnesses agreed that available studies of human health histories showed that the pollutants linked to acid rain were an important cause of bronchitis and asthma, particularly among children.

Dr. Thomas Godar, president-elect of the American Lung Association, said other people whose health was particularly at risk from the oxides of nitrogen and sulfur and from ozone, another pollutant from the same sources, included people over 65, those with asthma, chronic bronchitis and emphysema, pregnant women and people with a history of heart disease.

Dr. Richard Narkewicz, president-elect of the American Academy of Pediatrics, told the subcommittee: "The ingredients of acid rain have been shown to adversely affect the respiratory tract and consequently the quality of health for children. They contribute greatly to morbidity and mortality rates."

He added: "The sources of the pollution are being identified. Technology to significantly reduce pollutants has been in operation for many years in Japan. Doesn't it make more sense to eliminate the cause of the health problem, whenever possible, rather than have children suffer?"

RECENT STUDIES REVIEWED

Dr. Philip J. Landrigan, director of the division of environmental and occupational medicine at the Mount Sinai School of Medicine, reviewed a series of recent studies on the health effects of acid rain pollution and said that "all of these data confirm that exposure to current, relatively low levels of air pollution can produce toxic effects on the lungs."

In response to a question, Dr. Landrigan said that "acid rain is probably third after active smoking and passive smoking as a cause of lung disease."

Today's testimony dealt largely with health effects of acid rain pollution in the air, rather than its effects on the ground or in the water. But Dr. Anthony Robbins, past president of the American Public Health Association, did allude to studies showing that acid rain leached heavy metals from water and that these metals then entered the human food chain.

Christian Rice, a spokesman for the Environmental Protection Agency, said that "the agency is cognizant of the health studies cited in today's study," and added: "The national air quality standards established by the E.P.A. are designed to protect against harmful health effects. The agency by law periodically reviews the standards to make sure they achieve that objective."

All of the witnesses at today's hearing said, however, that the current air quality standards were inadequate to protect human health and must be strengthened.

[From the Washington Post, Feb. 4, 1987]

Houston Learns There's More Than Growth to Growing Up

(By David Maraniss)

Houston.—As further evidence of how daily life in Houston has changed since the oil bust, it should be noted that the worst traffic jam in the city these days is not on a freeway, but at the natural science museum in Hermann Park, where thousands of people wait in three-hour lines to view an exhibit of half-scale dinosaur models. Houston—blasting, honking, screeching to its random appointments with the future—now seeks wisdom from the terrible, thunderous lizards of prehistory.

During its years of amazing growth, Houston exhibited what sociologists call the anomie of affluence, People were so busy making money that they paid scant attention to their neighbors, their surroundings, their world. Houston was not just capital of oil, but a shrine to unfettered capitalism, a place where the individual superseded the collective.

In a sense, the city wanted the best of two worlds. Built on government largess—public funds created the Houston Ship Channel, the Johnson Space Center and the Texas Medical Center, the three entities that made it a world-class city—Houston nonetheless defined the government's mission as getting out of the way. Taxes were low, services were lower, and zoning was nonexistent. Houston became, in architect Frank Lloyd Wright's eyes, a city with social disease.

Today, while the city is undeniably ailing, it no longer seems so promiscuous. Its economic decline has in some ways made Houston grow up, develop a sense of community and appreciate government and the lessons of history. Why did the dinosaurs die out? Houston is now interested in that question, which says something about its own evolution.

In the winter of 1982, Stephen Klineberg, professor of sociology at Rice University, began exploring the personality of Houston by polling residents on what he calls quality-of-life questions. The first poll was conducted three months before the 1982 oil bust, and 76 percent of the people then described job opportunities as excellent. About 63 percent said Houston was a good place to live. Traffic was far and away their No. 1 concern, followed by crime.

Over five years, Klineberg has documented a fascinating change. By 1983, jobs had replaced traffic as the top problem, and that opinion has increased every year since. But the number of Houstonians describing their city as a good place to live has gone up. In 1986, it was 70 percent. Police protection, rated good by only 30 percent in 1982, is now up to 58 percent favorable rating. Transportation has jumped from a 25 percent good rating in 1983 to 44 percent.

The most revealing, and surprising, poll results involve questions about the environment. In 1982, as Houstonians were prospering but feeling the strains of growth, 62 percent said protecting the environment was so important that they would be willing to pay more taxes to do so, and 60 percent said pollution controls were not too costly or restrictive.

The expectation was that these numbers would diminish as Houston's economy worsened, that people would start saying the need for new jobs overrode environmental concerns. Klineberg discovered the opposite. In 1983, 71 percent said they would pay more to protect and improve the Houston environment.

The next year, he decided to change the question to make the choice harsher. Would you be willing to maintain tough pollution controls even if doing so slows down the Houston economy? Yes, said 54 percent of 600 respondents. By 1986, that had grown to 59 percent, and 69 percent said no when asked if they would be willing to relax pollution controls to encourage economic development. To add further weight to those figures, consider the fact that about one-third of the respondents had lost or changed their jobs in the past year.

"The answers came in the face of an overwhelming need to get the economy going again. And they reveal as much as anything the new sense this city has of itself," Klineberg said.

That new sense of Houston, he said, includes the idea that protecting the environment can stimulate economic growth. "It was easy to hold onto a pure, simple-minded antiregulatory ideology when the city was thriving," Klineberg said. "But with the boom over, with the whole country moving away from the resource economy on which Houston was built, the reality now is that the city has to provide services, education has to be good and the environment has to be attractive."

Zoning in Houston used to be a dirty word, as odious as the idea of a state income tax. Last September, Klineberg raised both issues in a poll. Eight percent supported a personal state income tax, but 59 percent said they would like stricter zoning in the city.

When asked whether Houston is better off now than it was during the boom years, Klineberg, who has lived here since 1972, first offered the old cliche—"I've been rich and I've been poor, and rich is better." Then he added: "But we could not have kept growing the way we were, the helter-skelter search for the almighty buck. Houston represents the best and worst of America. I'm writing a book about making sense of the '80s, and using Houston as the microcosm. It is growing up, maturing, not just trying to dominate. In Houston, as in America, just sort of standing tall doesn't quite work the way it used to."●

Mr. WIRTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAY RAISE OPPOSITION TO CONTINUE

Mr. HUMPHREY. Mr. President, I wonder if in the discussion of the highway bill anyone remembers the story of the pay raise. It is a sorry story. It is a shabby story. And I thought I would take a moment to apprise my colleagues of the latest shabby chapter as it was written this afternoon. But before I do that, perhaps it is in order to briefly recount the events in this shameful episode.

As Members know, the President recommended pay increases for Members of Congress as well as judiciary and the executive. In the view of many persons both within the Congress and from without, at least insofar as this mechanism affects Members of Congress, this new procedure is unconstitutional.

Going beyond the procedure itself, there is the question of whether it is wise and judicious to give Members of Congress a substantial pay raise at this juncture when we are calling upon many who are touched by Federal programs to accept less, or to accept very modest cost-of-living increases in the case of some entitlement programs.

So, in any case, the situation was before the Congress that a substantial pay raise would go into effect automatically unless both Houses, not just the one, passed resolutions of disapproval in advance of midnight of last night.

Last week, the Senate, for its part, passed a freestanding resolution of disapproval of the pay raise and a few moments later added that resolution of disapproval as an amendment to the homeless bill which then went back to the House. It happens the Senator from New Hampshire offered that amendment. The intent was to force a vote in the House on the subject of a pay raise.

At that point, it looked as though the House leadership was intent on ducking the issue and letting the pay raise go into effect automatically.

That brought us to the weekend.

Over the weekend, the House leadership, that is, the democratic leadership, met in one of the splendid resorts in the State represented by our colleague from West Virginia, and Speaker WRIGHT was interviewed there by the Washington Post. I am not going to suggest that the Washington Post is incapable of mistakes, but, nonetheless Speaker WRIGHT was quoted as saying that the House would have a vote on blocking the salary increase. That is, the House would have an opportunity to vote a resolution of disapproval up or down before the pay raise went into effect.

The headline on the Washington Post story says, "Wright pledges House vote on blocking salary increase."

Well, the House did nothing yesterday, so the pay raise went into effect automatically last night, a sneak attack, if you will, on the Treasury succeeding. It was hinted by some that the House would take some action today that would undo all of that.

What did the House do today? Well, this is the latest sordid chapter which I will now relate to you.

The House concurred in the Senate amendment, the Humphrey amendment, to the homeless bill. For what reason, I am not sure, except, I suppose, that was necessary to send the bill on to the President because the effect of the House concurring in the Humphrey amendment is absolutely nothing. In fact, it is worse than nothing because it gives the House a figleaf behind which to hide modestly while accepting this pay raise. It gives the House the appearance of having done something when it has done nothing. It gives the appearance of having turned down the pay raise when, in fact, the House took no action to turn down the pay raise. The pay raise has gone into effect. Nothing which has been legislated so far has blocked it and nothing which has been legislated so far will rescind it. Indeed, nothing has been legislated so far.

The House ducked the issue in a most hypocritical, two-faced manner, and now will try to hide behind this tiny and very transparent figleaf.

I find it shocking. I think if Members want a pay raise, let them propose it openly, in a fashion consistent with the Constitution, and have a public vote in both Chambers. But this kind of back-door pay raise only brings further contempt, in this case well-deserved, upon the Congress.

I noted a moment ago that nothing has been done to rescind this pay raise. It has gone into effect. The House has done nothing to block it in their legislation today. I intend at the appropriate time this afternoon or this evening to offer an amendment to the highway bill that will rescind the pay raise. If Senators concur in that amendment, it will go back to the House and we will give the House one more opportunity, and, if necessary, we will give them others. That is the purpose of the amendment I intend to offer, to give the House, although the Senate is clearly recorded on this issue as being in opposition, to give the House the opportunity to vote publicly on this, which was implied, as I understand it, by the Speaker's statements over the weekend. I will offer that at the appropriate time.

As there is an amendment pending at this time, I will not now offer that amendment.

Mr. President, I have a post script to what I have said.

I have written the amendment so that should it not become law before February 28, it will not apply to the pay of any judge or justice appointed pursuant to the Constitution. It is written that way so as not to conflict with the constitutional requirement that the pay of judges not be reduced once effective.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. REID). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WIRTH). Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, again relative to the pay raise issue, when speaking a moment ago, I misspoke on one point because I was under a misapprehension. I was not aware that the Thurmond freestanding resolution to rescind the pay raise had been passed earlier by a voice vote. I understood it was to be offered later. So in fact, an effort on the part of the Senate has been taken.

Nevertheless, the House is under no obligation, for its part, likewise to pass a freestanding rescission of the pay raise. Therefore, I shall modify my statement of intent somewhat by saying that I do not intend, after all, to offer it on the highway bill, but intend, since the highway bill apparently will be in conference for quite some time, to offer an amendment rescinding the pay raise to a House bill which must then go back to the House.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT

Mr. REID. Mr. President, before we vote on final passage of this critical highway legislation, I would like to briefly address an issue that deserves further consideration. I am referring to the balance that currently exists in the highway trust fund that cannot be spent.

There is currently a $10 billion unobligated balance—or reserve—that exists in the highway trust fund. Although a reserve is certainly warranted and desirable, $10 billion is excessive and, in fact, wasteful. These funds could be used in a more constructive fashion to carry out needed highway improvements.

The moneys in the trust fund are there because of specific taxes placed on users. The users of this Nation's roadways have already invested billions of dollars in the Interstate Highway System. We have a mandate to complete the system. It is a travesty to allow the highway system to degenerate when the funds have already been set aside for this very purpose.

Second, Mr. President, it is a sham to use moneys in the highway trust fund to improve the overall deficit picture. All this does is temporarily hide the real deficit and delay needed highway improvements; improvements which would increase jobs and stimulate the economy.

The level of obligation authority proposed in the Federal Aid Highway Act of 1987 is unreasonably low. I ask that this matter be explored in depth once this legislation is reauthorized.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

RECESS FOR 20 MINUTES

Mr. BYRD. Mr. President, I am advised by the manager [Mr. DIXON], that he and other Senators on both sides are attempting to work out a little problem in connection with the pending legislation at the moment and they need a little time. I therefore ask unanimous consent that the Senate stand in recess for 20 minutes.

There being no objection, the Senate, at 4:15 p.m. recessed for 20 minutes; whereupon, at 5:35 p.m., the Senate reassembled when called to order by the Presiding Officer [Mr. REID].

RECESS FOR 10 MINUTES

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for an additional 10 minutes.

There being no objection, at 5:35 p.m. the Senate recessed until 5:45 p.m. whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. REID].

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I thank the manager and ranking minority manager of the bill and other Senators for working during the brief recess to deal with the matter which was a little contentious and, as is so often the case when Senators sit down and reason together and have a little time away from the scene of the heat of battle, they are able to work things out. I hope and believe that is what happened this time.

So the time for the recess was well spent.

I thank the Senator.

Mr. DIXON. I thank the majority leader for his continuing support on this as well as on so many other issues.

I thank my distinguished colleague and friend from New York State for his fine efforts in connection with bringing about the kind of a satisfactory solution that solves the major problems in the bill.

AMENDMENT NO. 29

Mr. DIXON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON] proposes an amendment numbered 29.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 302, insert the following:

"(h)(1) Notwithstanding any other provision of law, as soon as is practicable in each fiscal year, commencing with the fiscal year ending September 30, 1987, the Secretary shall allocate among the States from the appropriations made from the Mass Transit Account of the Highway Trust Fund for such fiscal year amounts sufficient to insure that a State's percentage of total allocations from the Mass Transit Account for such fiscal year shall not be less than 80 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Mass Transit Account in the latest fiscal year for which data are available. For purposes of this section, a State is any one of the 50 States and the District of Columbia.

"(2) Notwithstanding any other provision of law, amounts allocated pursuant to paragraph (1) shall be available for obligation when allocated for the fiscal year in which allocated plus the three succeeding fiscal years, shall be subject to the appropriate provisions of title 23, United States Code, and the Urban Mass Transportation Act of 1964, as determined by the Secretary, and shall be available for obligation for any projects authorized by the Urban Mass Transportation Act of 1964 or any highway construction projects authorized under title 23, United States Code.

"(3) The provisions of this subsection shall not apply to any State that receives $1.00 or more from the Highway Trust Fund for every $1.00 in receipts to the Highway Trust Fund attributable to such State. The provisions of this subsection also shall not apply to any State that receives $1.00 or more in overall Federal spending for every dollar in federal receipts collected that are attributable to such State.".

Mr. DIXON. Mr. President, this amendment is an agreed amendment on both sides. It has been cleared by everyone. It takes care of the final compromise that needs to be done to put this bill in shape to move to final adoption of the amendment offered by the Senator from Illinois earlier today.

I move the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 29) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, there is nothing further to be taken up in connection with the amendment offered at an earlier hour today by the Senator from Illinois.

Mr. D'AMATO. Mr. President, before we move any further let me simply say it has been a great pleasure for me to work with the senior Senator from Illinois. He has handled some of the most difficult and contentious situations that we have been confronted with in a magnificent manner. I pay tribute to him because we would not have arrived at this position without his help.

I have nothing further.

The PRESIDING OFFICER. Does the Senator from New York still seek recognition?

Mr. D'AMATO. I yield the floor, Mr. President.

Mr. DIXON. I yield the floor, Mr. President.

The PRESIDING OFFICER. Is there further debate on the pending amendment?

Mr. DIXON. Mr. President, I ask unanimous consent that Senators HEINZ, D'AMATO, MOYNIHAN, and SIMON be cosponsors at their request on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment (No. 23), as amended, was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, I rise in strong support of S. 387, to reauthorize the Federal Highway and Mass Transit Programs. Passage of this legislation is urgently needed in order for States to proceed with critical transportation projects. I commend Senators BURDICK, MOYNIHAN, STAFFORD and other members of the Committee on Environment and Public Works for bringing this bill to the Senate floor so expeditiously. I would also like to thank the chairman of the Senate Banking Committee, Senator PROXMIRE, the chairman of the Subcommittee on Housing and Urban Development, Senator CRANSTON, and my colleagues on the committee for their work on the mass transit section of this legislation.

As you know, authorization for the Federal-aid Highway Program expired September 30, 1986. Although House and Senate conferees worked diligently to resolve major differences between the respective highway reauthorization measures prior to the adjournment of the 99th Congress, the legislation did not receive final approval. As a result, vitally needed construction and improvement work on roads, bridges, and tunnels throughout the country has been delayed or halted. According to a recent survey completed by the American Association of State Highway and Transportation Officials, approximately 1,900 highway improvement projects slated for this year's construction season will be adversely affected if a highway bill is not enacted by May 1. This represents some $2.9 billion in Federal funding and nearly 140,000 jobs. Without prompt passage of this bill, the entire 1987 highway construction season could be lost in many States.

The legislation will release $52.4 billion in Federal assistance to the States from the highway trust fund over 4 years for use on interstate highways, urban and secondary roadways, bridge replacement, and other high priority projects. It also provides for increased funding flexibility to prevent annual funding interruptions and to assure stable, reliable funding for interstate highway projects.

For the State of Maryland, the bill provides approximately $265 million of Federal highway formula funds for needed highway improvements in every part of the State. It will enable the Maryland Department of Transportation to resume and maintain progress on a variety of construction, reconstruction, and repair projects in the Baltimore and Washington metropolitan areas as well as in southern and western Maryland and the Eastern Shore.

This bill also contains provisions which will assure that the State can proceed with construction of the final 18-mile gap in the National Freeway in western Maryland. The legislation incorporates provisions which Senator MIKULSKI joined me in introducing on the opening day of the 100th Congress and will release approximately $30 million in discretionary highway funds appropriated in the fiscal 1987 Transportation appropriations bill for the National Freeway. The National Freeway is the last and most important part of the highway linking western Maryland with the Port of Baltimore. Its construction has been one of the highest priorities of the administration of Gov. Harry Hughes, and Governor Schaefer has placed it at the top of his transportation agenda. I would like to see the National Freeway completed as quickly as possible and this bill is an essential element of that effort.

The mass transit portions of this legislation would reauthorize important Federal programs that provide essential support for the construction, operation, and maintenance of our Nation's mass transit system. In Maryland, the Federal mass transit programs have assisted significant public transportation systems in the Baltimore region and throughout the State. These include the Baltimore region bus and metro systems, area transit systems throughout the State, commuter rail service between Baltimore and Washington, and ride-on bus operations in the Maryland suburban area of Washington.

Passage of this highway legislation is absolutely necessary if Maryland and other States and localities are to continue to address transportation problems and to improve the quality of our roadways, bridges, and public transit systems. I urge approval of the legislation and hope that it can be swiftly enacted.

Mr. LAUTENBERG. Mr. President, I rise in support of S. 387, the Federal-Aid Highway Act of 1987. This bill is of critical importance to our Nation, and I pleased that the Senate has acted so quickly to take up and pass this legislation.

We passed a similar bill last fall. Unfortunately, differences between the Senate and House bills were not reconciled before the 99th Congress adjourned sine die.

Highway funding authorization expired on October 1, 1986. In the absence of a reauthorized highway bill, States are facing a critical shortage of funding. With the Senate's quick action on this legislation, States can look to get their highway programs back on the road.

This bill contains many important provisions, both for highway projects and for mass transit. It authorizes an obligation ceiling of $12.35 billion annually. My State, New Jersey, can expect to receive $325 million for its highway program in fiscal year 1987. This will fund important projects throughout New Jersey, including sections of Interstates 78 and 80.

New Jersey will receive $201,034,000 interstate and primary highway funding. Another $60,246,000 will go for bridge construction and rehabilitation. The following amounts will go to the following categories: $5,218,000 for secondary roads; $27,947,000 for urban highways; $4,356,000 for hazard elimination; $2,932,000 for railroad highway crossings; and $23,572,000 for interstate highway transfers.

Additionally, this bill cities the completion of Route 21 in Passaic County, NJ, as a priority. This project is of vital importance to the county, and has been long in coming. I am pleased that the Senate has concurred with my evaluation of this project, and is going on record stating that Route 21 should be completed on a priority basis.

The highway bill also contains a provision I sponsored, along with my colleague from New Jersey, Senator BRADLEY. This provision, contained in section 136 of S. 387, will put the Delaware River Joint Toll Bridge Commission on Solid financial footing. It will allow the commission to collect a reasonable toll on the I-78 crossing of the Delaware River. New tolls on existing bridges under the jurisdiction of the commission are expressly disallowed under section 136. This provision will save the taxpayers of New Jersey and Pennsylvania millions of dollars each year, now spent to support the commission.

This highway bill is not a perfect bill. But it is, on the whole, a sound bill, and its immediate passage is vital. Both in the committee and on the floor, I supported amendments to strengthen this Nation's commitment to the preservation of our natural resources, as outlined in the Highway Beautification Act of 1965. These amendments were reasonable, sound approaches that I had hoped the Senate would adopt.

Additionally, this bill, as amended contains a provision allowing States to relax the 55-mile-per-hour speed limit on our rural highways. I have consistently been an outspoken opponent of any such attempt. The fact of the matter is that 55 saves lives. Raising the speed limit will compromise safety, and could result in the needless loss of hundreds of lives each year.

Mr. President, the transit title of this bill is of critical importance to urban States such as New Jersey. This bill reauthorized the Urban Mass Transportation Act. The Section 9 Formula Grant Program is autorized at a level of $2.015 billion for urban and rural transit needs. The Discretionary Grant Program, section 3, is authorized at a level of $1.002 billion for fiscal year 1987.

The funds authorized by this bill will enable transit-dependent States to maintain current services, and expand services to better serve their populations.

New Jersey can expect approximately $117 million in section 9 funds under this bill. This funding provides vital capital and operating assistance, enabling mass transit to continue operating throughout New Jersey.

The Section 3 Program has been of great importance to New Jersey. Last fall, I joined with the Urban Mass Transportation Administration in announcing the award of $66 million in section 3 grants to New Jersey. These funds are enabling the construction of a light rail commuter system along the flourishing Hudson riverfront, the purchase of 300 refurbished commuter buses, and significant rail infrastructure improvements throughout the State.

This year, New Jersey hopes to gain $75 million in section 3 grants. These funds will help New Jersey meet the transit demands of a growing population, and help make our transportation network more effective and efficient for the thousands of commuters and travelers who depend on public transportation every day.

Mr. President, there are two areas of this bill that warrant comment. In formulating this bill, the Banking Committee put new restrictions on the Section 3 Discretionary Grant Program. Under this bill, 45 percent of section 3 funds are to be designated for rail modernization; 40 percent shall be available for the construction of new fixed guideway systems and extensions to fixed guideway systems. The remaining 15 percent shall then be made available for the replacement, rehabilitation and purchase of buses and related equipment and construction of busrelated activities.

I understand the intention of the committee, and appreciate the committee's views. However, as chairman of the Appropriations Subcommittee on Transportation and Related Agencies, I would observe that annual transit needs cannot be precisely anticipated. In some years, shortages of local matching funds, delays in construction, and other factors might mean that the needs in one category may lag behind another. In that case, the funding scheme outlined by the Banking Committee may not be feasible.

The transportation subcommittee, as the subcommittee with responsibility for appropriating transit funds, has traditionally reviewed annual needs, and disbursed funds accordingly. As chairman, I would intend to continue this practice of allocating funding to those categories as needed and appropriate.

Second, Mr. President, I would like to address section 19 of the transit title. This section obligates the Secretary of Transportation to enter into a multiyear contract with the Southern California Rapid Transit District. This obligation, to be funded under section 3, would provide for the completion of minimum operable segments 1 and 2 of the Los Angeles metro rail project.

I appreciate the importance to this project to the Los Angeles area. My colleague from California, Senator CRANSTON, has been a staunch and successful advocate of this project. The Appropriations Transportation Subcommittee has in the past consistently responded to the needs of Los Angeles, and has supported the project. Over the last 4 years, the subcommittee has provided over $440 million for this project. There is no intention on the part of this Senator to alter this commitment. I expect the subcommittee will continue to support this project.

However, by including section 19, the Banking Committee bypasses the oversight responsibility of the Appropriations Committee. Certain conditions, such as work delays, and local funding shortages, could mean that allocations in any given year may be unwarranted. But a binding multiyear contract would require an allocation nonetheless. As chairman of the Transportation Subcommittee, this is a cause of concern for me.

Mr. President, although I do not fully support every provision of this bill, I strongly support the passage of the highway bill. The Senate has acted quickly to reauthorize our highway and transit programs. I urge our conferees to meet as quickly with their House counterparts in conference as quickly as possible, and work to resolve the differences between the respective bills. New Jersey and the entire Nation needs a highway bill promptly, and I would hope to see the bill sent to the President without delay.

THE AMTRAK ACCIDENT

Mr. LAUTENBERG. Mr. President, on January 4 of this year a tragic collision occurred between an Amtrak passenger train and a Conrail train near Chase, MD. This accident, which claimed 16 lives and resulted in more than 170 injuries, called attention in a most compelling way to the issue of the safety of rail transportation in this Nation.

On January 20, the Senate Appropriations Subcommittee on Transportation and Related Agencies, of which I am chairman, held a hearing to investigate the causes of this accident and to examine what is being done overall to insure the safety of rail passengers and personnel. As an outgrowth of this hearing, as well as my own and other independent investigations, I have come to the conclusion that more needs to be done to insure safe rail operations.

On February 2, I wrote to Secretary of Transportation Dole, outlining nine rail safety issues which arose in that hearing. In the near future, I intend to introduce comprehensive legislation to address these and other rail issues. One of these issues regards the fitness of persons associated with the safe operations of trains.

Mr. President, I had considered offering to the pending legislation an amendment clarifying the authority of the Secretary of Transportation to institute by rule and to establish requirements for the testing for fitness of engineers, conductors and other train personnel. I have decided, however, to withhold offering my amendment at this time in order to first give the Committee on Commerce, Science and Transportation, which has authorizing jurisdiction over both licensing and other rail safety issues, an opportunity to conduct hearings and consider legislative proposals pending before the committee and addressing these important issues. I would like to ask the chairman of the Commerce Committee if my understanding is correct that the committee will soon be considering these issues.

Mr. HOLLINGS. Mr. President, I can give every assurance to the distinguished Senator from New Jersey that the issue of rail safety is an issue of paramount concern to both this Senator and the other members of the Commerce Committee. Our committee has a commitment to both reviewing the causes and factors relating to the recent tragic accident as well as determining what can be learned from this and other incidents to help us meet our responsibility to insure that our rail system is as safe as possible.

For these reasons, the Commerce Committee has scheduled two hearings to commence in the very near future and addressing the issue of rail safety. The first of these hearings is scheduled for February 17 before the Surface Transportation Subcommittee and will be chaired by the chairman of the subcommittee, Mr. EXON. This hearing is specifically devoted to the issue of rail safety both as it relates to the recent Amtrak-Conrail accident, as well as the broader rail safety issues which fall within the jurisdiction of the Commerce Committee. Minimum fitness standards for engineers, conductors and other train personnel will be considered in the context of this hearing.

Later that same week, on February 20, this Senator will chair a hearing before the full Commerce Committee addressing the issues of drug and alcohol abuse and testing in the rail and aviation industries. This hearing will address S. 362, legislation I have introduced calling for the random drug and alcohol testing of rail and airline employees, as well as related measures proposed by the Senator from Missouri [Mr. DANFORTH] and the administration.

As one can see, Mr. President, the Commerce Committee is fully committed to addressing the issue of rail safety both in the hearings we have scheduled and in the substantive legislation which I expect to be forthcoming from the committee. I commend the Senator from New Jersey for his early and keen interest in this important issue and will look forward to working with him in this area of mutual concern.

Mr. LAUTENBERG. I thank the chairman for his remarks and for the commitment to rail safety shown by his committee. I join in expressing my willingness to work together in this effort.

Mr. DIXON. Mr. President, H.R. 2, the House version of the highway-transit legislation now pending before the Senate, contains special provisions authorizing 17 demonstration projects with a total cost of less than $75 million in my State of Illinois.

The projects include: adding truck climbing lanes and highway straightening in Jo Daviess County in northwestern Illinois; rehabilitating the Division Street Bridge and associated intersection work in Chicago; replacing a bridge and associated work on Lake Shore Drive in the Jackson Park neighborhood in Chicago; highway rehabilitation work in Goose Island in Chicago; reconstruction of a section of 62d Street in Chicago; construction of three parking facilities adjacent to the Rock Island commuter rail lines; widening and resurfacing of the Southwest Highway in Oak Lawn; reconstruction of a major arterial highway in Calumet Park and Blue Island; construction of part of an addition to the

Cumberland Station parking facility; reconstruction of part of Western Boulevard in southwest Chicago; construction of two parking lots on the new Southwest rapid transit line to Midway Airport; reconstruction of 1.4 miles of State Route 37 in Mount Vernon; upgrading a highway in Evansville; improving the road leading to the landmark near Alto Pass in Union County; reconstruction of Center Grove Road in Madison County; construction of a controlled access freeway connecting I-55 and I-74 near Morton; and additional work on the Carbondale Railroad relocation project, in Carbondale.

All of these projects, Mr. President, are important to the areas of my State in which they would be built. They are all greatly needed. I am aware that the Senate highway bill authorizes significantly less each year than its House counterpart, and that it does not contain any demonstration projects. I am also very well aware of the need to hold down spending in every program area.

I therefore have no intention of offering any of these projects as amendments to the spending bill. However, I am also aware that the conference process is one of negotiation and accommodation. The differences between the Senate and House versions of the bill will have to be resolved. I would simply ask the managers of the highway bill to carefully consider the Illinois projects in the conference, and if a decision is reached to include demonstration projects in the final version of the bill, to ensure that the Illinois projects are among those included.

Mr. SIMON. Mr. President, I would like to associate myself with the remarks of my good friend, Senator DIXON. These are matters of great need and importance to the people of the State of Illinois.

For example, the Carbondale Rail relocation project has kept its timetable and has been one of the most innovative, and best managed of these projects. The State, the city, the railroad and the university have met their commitments under the program. The Federal Government should also.

All of the projects outlined by my colleague, Senator DIXON, are deserving of the most careful consideration in the conference. I strongly urge the conferees, should they decide to include demonstration projects in the bill, to authorize these much needed Illinois demonstration projects.

Mr. MOYNIHAN. Mr. President, I appreciate the statements of the two distinguished Senators from Illinois. The House bill authorizes significantly higher funding levels than those contained in the Senate bill. For reasons of policy, the Environment and Public Works Committee and the Senate have chosen to include priority projects rather than 100-percent federally-funded demonstration projects. However, as the Senators from Illinois have already pointed out, the House bill contains a large number of demonstration projects, including the projects they listed in Illinois. I can assure the Senators from Illinois that I understand their position, and that the conference will consider the demonstration projects issue, and the Illinois projects very carefully.

Mr. D'AMATO. Mr. President, I am pleased to rise and add my name as a cosponsor of the Urban Mass Transportation Reauthorization Act of 1987, S. 382. This vital legislation will extend the Federal Public Transit Program for another 4 years, and provide critical assistance to our Nation's urban and rural transit systems.

I am glad that Congress is now focusing on its important responsibility—reauthorization of the Federal programs that provide the funds needed to plan, design, repair, construct and assist in operating our public transit systems. That is good news for the traveling public, as well as for transportation providers, and for the transportation industry.

This mass transit legislation is the product of bipartisan efforts by the full Banking Committee. It will provide funding for both discretionary and formula assistance programs at their current levels during fiscal years 1987 through 1990. Many of the bill's provisions were derived from legislation which I introduced in both the 98th and 99th Congresses and reintroduced in the 100th Congress as S. 224 on January 6, 1987.

As the ranking minority member of the Subcommittee on Housing and Urban Affairs, my goals for reauthorizing the Transit Program have been threefold: to protect the basic soundness of the Transit Program—especially the formula program; to succeed in capturing some of the growth in the mass transit account; and to build in some programmatic improvements.

The committee bill contains a provision which will allocate gas tax funds in excess of $1 billion for formula grants—70 percent of the excess funds—and for discretionary grants—30 percent of the excess funds. This approach, known as "blending," has been included in an effort to protect the stability of the formula program. Should allocations to the formula program fall below $2 billion per year, then any available discretionary funds in excess of $1 billion would first be applied to restore that reduction. In short, blending is crafted to allow some gas tax funds to be used for both of the major transit grant programs.

Capturing excess mass transit account funds is important whether it is accomplished through a blending approach—the committee's choice, via a separate "balanced investment fund" (S. 224), or through some other mechanism. The Senate bill sets aside $2.5 million for purposes of blending. In contrast, the "balanced investment fund," created by my legislation, S. 224, would have authorized $1.75 billion per year, and would have set aside $200 million for a special discretionary capital grants program for small urban and rural transit systems.

Last year the Senate approved a 4-year transit reauthorization bill. It was essentially a hold harmless measure that did not allow for growth in the program. This year it looks like we will do the same. I am disappointed. We should be able to release more of the mass transit account funds—gas taxes—dedicated to the Mass Transit Program that are currently being used for deficit reduction purposes. However, it was vital for the Banking Committee to report out a bill and not contribute to any further delay in passing the highway bill.

When we go to conference with the House, I will do all that I can to increase the authorization of funds from the mass transit account of the highway trust fund. The House has authorized $1.79 billion for fiscal years 1987, 1988, 1989, 1990, and 1991. We are authorizing only $1.0025—the current fiscal year 1987 appropriated level—for 4 years, fiscal years 1987, 1988, 1989, and 1990. CBO has said that the program could support authorizations as high as $1.9 billion. I believe the funds are there to provide enhanced funding levels; however, this matter can be discussed in conference.

S. 382 includes project management oversight requirements which are long overdue for major transit capital projects. I chaired hearings on this issue in the Banking Committee on April 9, 1986. In addition, the bill provides for capital grants for transit crime prevention, includes more eligible items under associated capital maintenance items, and funds interstate transfer transit at $200 million, current levels.

The administration's proposed fiscal year 1988 budget would cut 56 percent of current transit funding. It would provide a total of $1.37 billion from the mass transit account to fund the entire program. Under the administration's plan, New York State alone would lose $382 million, or 56.4 percent, of its current allocation of Federal transit funds. I oppose this shortsighted attack on the program, and I will use my position as ranking minority member of the Transportation Appropriations Subcommittee, to prevent further appropriations cuts.

Mr. President, this bill also will enhance the Federal Transit Program in the following ways:

It authorizes transit crime prevention capital grants; it protects current operating assistance program; it lowers the eligibility threshold for associated capital maintenance items from 1 percent of vehicle cost to a half percent; and it permits newly urbanized areas to use as much of their funds for operating aid as they used in fiscal year 1985.

Mr. President, I urge my colleagues to support this legislation. It is imperative that we act quickly to reauthorize the Federal Mass Transit Program. A conference will be needed to discuss the differences in the Senate and House versions of these bills. The public transportation systems of this Nation and the riding public they serve deserve our best efforts to extend and improve this beneficial program.

Thank you, Mr. President.

Mr. WILSON. Mr. President, I rise in strong support of S. 387, legislation to reauthorize Federal funding to construct and repair our Nation's highways. Passage of this legislation is critical, for the deadlock over highway funding last year has caused serious delays for the industry on which we all depend so much—that of making our roads safer and easier to pass over.

I am proud to have been an original cosponsor of Chairman BURDICK's original highway reauthorization bill, and I commend and want to thank him and Senator STAFFORD for bringing this piece of legislation before us in such an expeditious manner. Prompt passage of this legislation, and a successful conference with the House, will ensure that we can get transportation funding back in the fast lane.

Passage of the highway bill is crucial to my home State of California. If we fail to approve a highway bill by April of this year, California will cease to award any highway construction contracts. According to the California Department of Transportation, highway projects totaling $300 million on State roads and nearly $200 million on local roads, scheduled for delivery in 1987, will be delayed. I should also note that the cost of these projects will increase with each delay. In addition, Caltrans estimates that 22,000 full-time jobs will be in jeopardy without a prompt reauthorization. Caltrans also estimates that business and sales revenue generated through the projects in question could drop by as much as $1.1 billion in 1987 and 1988.

One provision in this legislation critical to California's economic health increases to $100 million the amount of emergency relief highway funds a State is allowed to receive for natural disasters which occurred in the 1986 calendar year. I introduced this legislation last year, with my colleague Senator CRANSTON, and I am pleased that the committee saw fit to approve this proposal as an amendment to S. 387. The weather in California in 1986 was disastrous, and our State had spent its entire $30 million Federal emergency relief allotment by September 30, 1986. Yet, an estimated $42 million in additional funds is needed to reimburse the State and local communities for repairs to California's Federal Highway System above the old $30 million cap. The House bill contains an identical provision, which ensures that final approval of this bill will provide California with the funds it needs to repair our roads.

Mr. President, I want to mention one more aspect of this bill prior to its passage. Like last year's reauthorizing legislation, S. 387, allows the Senate to approve highway demonstration projects to be paid for out of the State's Federal apportionment. Unlike the House bill, in which additional Federal funding is provided for demonstration projects, the Senate continues its tradition of subtracting the funds spent for each State's "priority projects" from that State's allotment. As I did last year, I have chosen not to submit for the Senate's approval any of California's 18 demonstration projects found in the House bill. The State of California uses a separate process to establish its priority highway projects. My decision not to submit the House-adopted demonstration projects to the Senate does not imply that I do not support the projects in the House bill. To the contrary, each of California's demonstration projects in the House bill merits support. But to the extent that Federal "demonstration projects" are included in authorizing legislation, other competing projects authorized by a State priority-setting process are slipped further down on the list. As I did last year, I favor resolving the differences between the House list and the State of California's list in conference.

In sum, Mr. President, the Senate's passage of S. 387, and a successful conference with the House is crucial to our Nation's economy and health. I applaud the committees with jurisdiction over this legislation for tackling these difficult issues in such a short time, and I urge my colleagues to vote in favor of the legislation.

Mr. BRADLEY. Mr. President, New Jersey demonstrates the success of the Nation's Mass Transportation Program. Every day, more than a half million passengers use its mass transit facilities. The busiest rail line in the country is the Northeast corridor from Trenton to New York, which carries more than 1.2 million passengers a month. The current economic health of my State is, in part, a result of and certainly depends on the quality of our mass transit system. Much of New Jersey's economic development has been in new areas, some distance from the State's and the region's traditional population centers. While this is a familiar development pattern in many States, New Jersey has tried to confront the traffic congestion that sprawling development creates in many suburban areas. New Jersey has tried and is making a great effort to integrate its mass transit system with long-range growth and development plans for the State well into the next century. As the Nation's most densely populated State, New Jersey would be literally paralyzed—economically and physically—without an efficient mass transit network.

This Nation was created as a Federal system in which the individual States cooperate with one another to serve the general welfare. Even as New Jersey's needs are met from the mass transit section of the highway trust fund, many other less-populated States have reaped a great benefit in funds for highway construction. In each case, the Congress has worked together to overcome self-serving and myopic concerns to address the overall welfare of the Nation. I hope that commitment will continue.

ASPHALT RESEARCH PROGRAM

Mr. DOMENICI. Mr. Chairman, I understand that section 113 of the bill creates a Strategic Highway Research Program. Is it the Chairman's understanding that this program will include research into improved materials for highway construction and repair?

Mr. MOYNIHAN. I am pleased to inform the Senator from New Mexico that that is my understanding.

Mr. DOMENICI. Mr. Chairman, it had been my intention, along with Senators SIMPSON and BINGAMAN, to offer an amendment authorizing $5,000,000 in fiscal year 1988 for research seeking to develop commercial standards for improved, longer-life highway asphalt from domestically derived bitumen. Research would have included the mining of test quantities of bitumen in several States, the extraction of the bitumen, and the testing and analysis of the bitumen to develop commercial standards which could guide future producers of bitumen-derived asphalt. In the opinion of the distinguished chairman, would this kind of research be authorized by section 113?

Mr. MOYNIHAN. It is this Senator's opinion that the kind of research you have mentioned would, indeed, be eligible for funding under the new Strategic Highway Research Program.

Mr. CRANSTON. Mr. President, I am pleased to join as a cosponsor of this amendment to extend the authorization of the Urban Mass Transportation Act.

Mass transit is a key element in our National Transportation System. It not only delivers a necessary public service, it provides an indispensible part of the Nation's economic infrastructure. Public transit in recent years has become important not only in our large cities, but also in many of our smaller cities, towns and rural communities in all parts of the country.

Over the past 21 years Federal mass transit policy has drawn local communities, States, the Federal Government, and private industry into strong partnerships to enhance the mobility of Americans and to develop regional economies. That partnership has done much to turn around a costly decline of American mass transit that occurred in the 1950's and 1960's.

Most of us can remember the destructive spiral of fare increases, service cutbacks, ridership declines and rising deficits that damaged public transit systems and led to the demise of private transit operations not too many years ago. That was a costly error that must not be allowed to recur.

Federal support for mass transit in recent years has been a sound investment in a valuable national asset.

Under the current budget crisis, it is particularly important that the Senate continue to take the long-view and maintain a level of support for mass transit that is necessary for the Public Transit System to strengthen the national economy.

This amendment would extend authorization for Federal Mass Transit Assistance, which expired last year. Therefore, the need for early action this year is urgent.

The amendment would not make all of the strengthening changes in the UMTA Program that I and other supporters of mass transit would prefer to see enacted. But this amendment is important because it will help prevent costly disruptions and confusions for mass transit systems in every region of the country.

The amendment would make several refinements to existing law that will make the urban mass transportation programs more flexible and efficient. It would permit local transit authorities to use construction grants for leasing facilities and equipment where leasing is the most cost-effective approach.

The amendment would expand the definition of items that can be financed with capital grants. And it would authorize the Department of Transportation to oversee the construction of large projects and help make sure they are well-planned, well-managed and soundly constructed.

This is a modest amendment that is fiscally very responsible. It is an amendment that carefully balances the interests of large and small, urban and rural, rail modernization and the new start transit agencies across the country. Each component is as important as any other.

I urge my colleagues to join me in support of this amendment.

Mr. SASSER. Mr. President, I rise today to say first and foremost that we need a highway bill—we urgently need a highway bill. I have listened over the past 3 months to contractors, to roadbuilders, to State legislators throughout my home State of Tennessee. Their message is clear. There is a desperate need for this Chamber to act on a highway bill, and to act on it soon. And to act on it in such a way that last year's unfortunate stalemate with the House will not happen again.

Already in Tennessee the delay in reauthorization can be measured by roads not built, and bridges not replaced. Because, unlike the short construction seasons of the Northern States, Tennessee has a near year-round roadbuilding season. Bids get let in December. Roads get built in February. So, Sevier County has not started on its four-lane highway. Nor has Davidson County. Nor can six other Tennessee counties—until we have a highway bill. And 17 bridges, contracts for which were scheduled to be let in February, will not see promised improvements—until we have a highway bill.

Mr. President, there are several points I would like to make about this bill. Most of them relate to the mass transit reauthorization. However, there is one other amendment to this bill that I would like to speak to, and that is the amendment sponsored by the distinguished chairman of the Environment and Public Works Committee, Senator BURDICK, regarding priority projects.

The amendment sponsored the chairman is extremely important to the people of Clarksville, TN—as well as to the military personnel at Fort Campbell Military Reservation—and especially to those residents of both who are forced to drive between the two on State Highway 41-A. This section of Highway 41-A has long been considered one of Tennessee's most dangerous roads. From 1979 to 1985, there have been 32 fatalities and 5,239 accidents on this 8-mile stretch.

At the request of myself and my colleague, Senator GORE, this stretch of Highway 41-A was included in this amendment as a priority project. This means that the State—upon designating Highway 41-A a priority project—will have the flexibility to transfer what highway trust funds are needed from other accounts to this project. This is a key point—because meritorious projects are delayed by the State every year simply because there are insufficient funds left in a specific account to cover a project. There may be other funds available, but current law does not allow the transfer of those funds between accounts.

Highway 41-A is also contained in the House bill—as a demonstration project. I would have preferred to see both Houses adopt a single approach to handling these projects at the outset. I say this because I am anxious that this issue not prove as devisive in conference as it clearly was last year. However, I can say with certainty that, no matter which approach prevails in conference, the people of Clarksville will be safer as a result of this bill—and that is of immense importance to me.

I would like to turn now briefly to the mass transit reauthorization.

Mr. President, this amendment, like last year's amendment, is a consensus measure. Yet this amendment is in many ways an improvement to last year's amendment. An improvement that reflects the input and hard work of my distinguished colleagues on the Banking Committee, Senators DIXON, D'AMATO, and HEINZ.

I am particularly pleased to see the committee take a modest but important step in this amendment toward a blended funding of sections 3 and 9—the discretionary and formula funds. The importance of this approach to transit systems in Tennessee cannot be overemphasized. Tennessee systems rely almost entirely on formula funding. In 1986, for example, Tennessee received $16.7 million in funding under section 9, but only about $1 million under section 3. Yet section 9 funding—being subject to annual appropriation—faces a constant and real threat of budget cutbacks. Section 3—being a dedicated source of funding—does not face that same budgetary pressure. By using the mass transit account funds for both sections, we are ensuring a continued commitment to formula funding.

Now, Mr. President, this is not to say that I have no concerns about this reauthorization. I do.

First, I am disappointed about the overall funding level for mass transit. This reauthorization freezes current funding levels for the next 4 years. Yet, in the past 4 years, while highway funding has increased 58 percent, transit funding has been cut by 27 percent.

Second, I am disappointed that we were not able to restore the 3-for-2 capital-for-operating trade-in option that expired at the end of fiscal year 1984. As many of my colleagues know, operating assistance is the lifeblood of small and mid-sized transit systems. This option, which allows systems to supplement their Federal operating assistance, is therefore extremely important to systems in Tennessee and across the country. Mr. President, I would like to insert for the RECORD at this point a list of cities across the country that used this option in 1984, and the amount of operating funds they received as a result.

Fortunately, the House bill reinstates this option. I hope, after studying this list of cities that benefited from this option, that my colleagues will agree with me on the need to accept this House provision in conference.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1984—SEC. 9, 3 FOR 2 TRADE-IN TURNBACK AMOUNTS

Region and urbanized area	Total turnback
Region 1:	
Hartford, CT	147,634
Lawrence-Haverhill, MA–NH	54,918
Springfield-Chicopee-Holyoke, MA–CT	115,892
Worcester, MA	74,893
Providence-Pawtucket, RI–MA	272,903
Burlington, VT	28,649
Subtotal	694,889
Region 2:	
Bridgeport, CT	132,558
Bristol, CT	9,649
Danbury, CT–NY	15,951
Meriden, CT	9,728
New Britain, CT	20,287
New Haven, CT	119,595
New London-Norwich, CT	17,300
Norwalk, CT	21,918
Stanford, CT	32,928
Waterbury, CT	29,180
Subtotal	409,094
Region 3:	
Trenton, NJ–PA	6,694
Philadelphia, PA–NJ	3,978,927
Newport News-Hampton, VA	73,289
Subtotal	4,058,910
Region 4:	
Fort Lauderdale, FL	554,820
Jacksonville, FL	130,168
Tampa, FL	124,135
West Palm Beach, FL	106,731
Chattanooga, TN	63,105
Knoxville, TN	57,895
Memphis, TN	232,537
Nashville-Davidson, TN	107,813
Subtotal	1,377,204
Region 5:	
Bloomington-Normal, IL	12,398
Decatur, IL	14,476
Anderson, IN	9,827
Fort Wayne, IN	70,065
Indianapolis, IN	245,672
Chicago, IL-Northwestern, IN	299,442
South Bend, IN–MI	5,883
Battle Creek, MI	10,168
Bay City, MI	11,143
Benton Harbor, MI	7,874
Detroit, MI	3,132,414
Grand Rapids, MI	99,660
Jackson, MI	10,616
Kalamazoo, MI	19,898
Lansing, MI	74,735
Port Huron, MI	25,586
Duluth-Superior, MN–WI	3,069
Canton, OH	73,239
Cincinnati, OH	367,147
Cleveland, OH	1,410,960
Dayton, OH	187,786
Toledo, OH–MI	141,882
Beloit, WI–IL	18,244
Eau Claire, WI	27,887
Janesville, WI	22,781
Kenosha, WI	15,664
La Crosse, WI–MN	9,331
Madison, WI	64,093
Milwaukee, WI	799,227
Oshkosh, WI	9,156
Racine, WI	20,149
Sheboygan, WI	27,991
Wausau, WI	22,006
Subtotal	7,270,469
Region 6:	
Little Rock-North Little Rock, AR	16,901
New Orelans, LA	966,994
Albuquerque, NM	100,289
Tulsa, OK	68,727
El Paso, TX	115,535
Subtotal	1,268,446
Region 7:	
Davenport-Rock Island-Moline, IL	66,445
Dubuque, IA	9,808
Waterloo, IA	13,403
Kansas City, MO–KS	653,418
Springfield, MO	16,605
Omaha, NE–IA	153,034
Subtotal	912,713
Region 8:	
Billings, MT	10,785
Ogden, UT	6,454
Salt Lake City, UT	157,930
Subtotal	175,169
Region 9:	
Phoenix, AZ	688,839
Tucson, AZ	107,102
Fresno, CA	94,289
Riverside-San Bernardino, CA	67,638
Subtotal	957,868
Region 10:	
Boise City, ID	15,221
Portland, OR–WA	644,223
Subtotal	659,444
Total	17,784,206

Mr. SASSER. Finally, Mr. President, I would like to raise again an issue that I feel has been somewhat neglected in the reauthorization debate. That is, the issue of rural transit needs.

As we all know, the authorizing legislation for mass transit has always been biased toward large urbanized areas. While the mass transit needs of large cities are obvioulsy greater, we must not forget that there are transit needs in rural areas, as well.

As it now stands, we currently spend $28 per capita of mass transit funds for large cities, but only $1 per capita for mass transit in rural areas.

Yet there are many Americans in rural America who do not have a car—cannot afford a car, or are too old or too infirmed to drive. Without public transportation, they are stranded. Many people in cities use public transportation by choice. That simply does not hold true in rural areas.

Mr. President, there is a clear need for equity for rural areas—and that equity should come in the form of public transportation.

I believe a small but significant step has been taken in this direction already in this bill with the adoption of my amendment to the mass transit reauthorization. This amendment, which authorizes a rural transit assistance program, is the beginning step in addressing the mobility needs of rural citizens, and in identifying current and future requirements of the rural transit industry.

However, this is indeed only a beginning. I intend to pursue this issue—to understand the nature and extent of rural transit needs and opportunities in America. It is my hope that my colleagues on the Banking Committee will agree to the need for a hearing on rural transit needs—an issue on which the committee has never held a hearing. And it is my intention to focus on this issue in the Banking Committee, and in the Appropriations Committee, in the months ahead.

Mr. President, I urge my colleagues to support this reauthorization of the Mass Transit Act. And I urge my colleagues to realize the urgent need for expeditious action on the Federal-Aid Highway Act of 1987.

Mr. DODD. Mr. President, I rise to urge swift passage of S. 387, the Federal-Aid Highway Act of 1987. When all is said and done, it is the swift passage of this legislation that is of the utmost importance. Unless we pass this reauthorizing legislation expeditiously, an entire construction season will be lost to my home State of Connecticut and to all States across the Nation.

Connecticut is fortunate and proud to have our Gov. William A. O'Neill as Chairman of the National Governor's Association Committee on Transportation, Commerce and Communications. Governor O'Neill estimates that 424 highway construction projects valued at $683 million have already been lost nationwide in the 1987 construction season.

The longer we deliberate, the more we jeopardize the jobs and critical transportation and transit needs of millions of Americans.

I ask unanimous consent that the text of Governor O'Neill's letter relative to swift enactment of S. 387 be printed in the RECORD as written and appear immediately following my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS' ASSOCIATION,
Washington, DC, January 27, 1987.

DEAR SENATOR: Swift enactment of the highway and transit reauthorization legislation remains a major priority to all states. Significant progress was made last week when the Environment and Public Works Comittee and the Committee on Banking, Housing and Urban Affairs passed highway legislation and a transit bill. We urge the Senate to continue this momentum by acting favorably on this legislation as soon as possible.

The need for quick action is beyond question. According to the American Association of State Highway and Transportation Officials (AASHTO), 424 highway construction project valued at $683 million will have been lost nationwide in the 1987 construction season even if Congress passes a highway bill by February 1. If a bill is not enacted until March 1, 767 projects valued at $1.19 billion will be postponed beyond 1987. A number of states in the northern part of the country will begin to lose their entire 1987 construction seasons if a bill is not passed and signed by the President before the late spring.

During the last four years, a number of states have created and implemented comprehensive transportation infrastructure programs. For example, Connecticut is in the middle of a ten-year $5.5 billion infrastructure renewal program. These programs were developed to ensure a predictable, stable financing for highway and transit improvements. Unfortunately, because these initiatives are frequenty based on certain levels of federal aid, the lack of reauthorization legislation jeopardizes the continued success of these state programs.

Finally, the costs of delay are evident in additional job losses and decreased safety. The lack of construction inhibits improved highway and bridge conditions, thus impairing public safety. In addition, the Federal Highway Administration has estimated that each $1 billion in construction costs generates 24,000 jobs at the job site. When combined with indirect employment among suppliers, it is clear that the continued absence of a highway bill would have a major impact on the construction industry.

To avoid any further disruption of the state programs, it is essential that the Senate act immediately so that the House-Senate conference committee can begin as soon as possible.

Sincerely,

WILLIAM A. O'NEILL,
Chairman, Committee on Transportation, Commerce and Communications.

Mr. GLENN. Mr. President, before I discuss a particular provision of the highway legislation, I would like to indicate my strong support for S. 387, the Federal Aid Highway Act of 1987.

I want to complement the distinguished chairman, ranking minority member, and members of the committee for drafting and reporting the bill quickly for the Senate's consideration. Swift passage is absolutely necessary to prevent further disruption of State transportation programs, and I'll do everything I can to assist the committee in this effort.

I especially support the committee bill's section dealing with minimum allocation, because it will provide donor States like Ohio with a return closer to 85 percent of the amount they contribute to the highway trust fund. I hope we can retain this provision in conference.

I would like to indicate my strong support for section 149 of the House-passed highway bill, and ask the committee to consider it favorably in conference.

I understand the reluctance of the committee to consider further amendments to the Senate bill, so I will not offer an amendment that could possibly slow down this crucial legislation. But I want the Senate conferees to consider it in conference, or pursue it in committee hearings and oversight activities during the 4-year reauthorization period.

Section 149 of the House-passed highway bill requires the Department of Transportation to conduct a study for the purpose of determining whether Federal highway assistance is being equitably apportioned among the States.

The study would take into account the relative needs of the States for highway improvements and the estimated tax payments contributed by highway users in each State to the highway trust fund.

I believe this section is fully consistent with the Senate committee's intentions for this highway legislation. As the committee has emphasized, the Interstate System is 97 percent complete, and the highway bill we pass this week will see the program to completion.

The Senate committee's proposed legislation does not make major changes in the apportionment formulas of programs. As the distinguished chairman and ranking minority member have stated, the proper time to consider such major policy changes is 4 years from now after completion of the Interstate System, when we will consider the future Federal responsibility and goals for the highway program.

Section 149 helps further that intention. It does not make any formula changes, nor am I recommending any today. But 4 years from now, we will be in a whole new ball game, and such a study will be helpful as we consider major changes in the Highway Program.

I would like to ask the committee chairman for his consideration of this provision during the conference committee. If for some reason it is not included in the conference report on the highway bill, I would still like to work with the committee chairman in pursuing this issue.

I believe such a study would be helpful in the long-term as we consider the future of the Federal Highway Program.

Mr. BURDICK. I appreciate the support of the distinguished Senator from Ohio for the committee bill. Let me assure him that we will certainly consider section 149 of the House highway bill in conference, and I appreciate his willingness to work with the committee as we consider future changes to the Federal Highway Program.

Mr. MOYNIHAN. Mr. President, the Federal-Aid Highway Act of 1987, S. 387, will provide $52.3 billion from the Highway Trust Fund over 4 years for States to use on interstate highways, primary, secondary and urban roads, bridge replacement and rehabilitation, as well as funds for forest highways, park roads, and Indian reservation roads.

S. 387 takes a major step toward granting the States greater flexibility in the use of their apportionments. By consolidating the interstate, primary, and 4-R—resurfacing, restoring, rehabilitating, and reconstruction programs, this reauthorization will allow the States to use the funds they receive where they are most needed. States like New York, which led the way in interstate construction during the first years of the Interstate Highway System, will be free to use Federal funds for primary roads and much needed highway maintenance.

This legislation also maintains the "one-half percent" formula, guaranteeing New York and other States that are almost done with their interstate construction at least one-half percent of the interstate construction funds for use on other projects.

New York State will receive approximately 5 percent of the $13.1 billion per year S. 387 will provide for fiscal years 1987-90. This includes: nearly 10 percent of the funds allocated for the Interstate Substitute Program, about $137 million; 10 percent of the funds for the Bridge Program, $126 million; 6 percent of the funds for the primary system, $137 million; and, about 8.5 percent of the Federal-Aid Urban Systems Program, $63 million.

This year again, the Committee chose to give States greater flexibility for use of their funds on priority projects. If a State chooses to construct a project designated as a priority by the Congress, that State will be allowed to use any of its apportionments for the project. Which is to say that funds apportioned under the Secondary Roads Program could be used for bridge construction or primary roads; interstate construction funds could be used for designated bridges, and so on.

I should point out that this provision is very different from House provisions for demonstration projects. The House would provide 100 percent Federal funding for named demonstration projects above and beyond the States' regular apportionments. Such demonstration projects have been, and ought to continue to be rejected by the Senate. State highway and transportation departments, not Federal Government, should be deciding which roads are built. The inclusion of priority projects gives States a new option; the House demonstration projects give the States no option but to construct the named projects.

The committee supported including seven priority projects for New York State: First, the Long Island Expressway fourth lane study to examine the feasibility of adding a fourth lane in each direction I-495; second, the Nassau Expressway, extending from Burnside Avenue to Broadway; third, the Westchester Parkway, to widen the segment between the Hawthorne Interchange and Washburn Road, reconstruct the southbound lanes in the vicinity of Pleasantville Road, and reconstruct the Pleasantville Road interchange; fourth, the Lockport Expressway, to relocate the terminus of the Lockport Expressway—I-990—and construct a new terminus at Millersport Highway in Erie County; fifth, the Sunrise Highway, from Wheeler Road to Veterans' Memorial Highway in the town of Islip; Suffolk County; sixth, the Southern Tier Expressway in Steuben County; and seventh, Fuhrmann Boulevard, an access road which parallels Lake Erie along the outer harbor in the city of Buffalo.

I would also like to remind my colleagues that this is more than a highway bill. It is a transportation assistance bill, and we have included a very important reauthorization of the mass transit programs. The administration's proposed fiscal year 1988 budget would cut transit programs some 60 percent. Mass transit funding has already been cut 50 percent in real terms since fiscal year 1981, with great consequences for cities like New York.

This bill would essentially freeze the transit programs at fiscal year 1987 appropriated levels, for a total of $13.1 billion over the next 4 years.

The swift passage of this bill will mean thousands of jobs for New York State, and I am anxious to get to conference, resolve the differences with the House of Representatives, and put a conference report on the President's desk.

Mr. HELMS. Mr. President, yesterday I included in the RECORD a table prepared by the North Carolina Department of Transportation showing which States will gain and which will lose under the House version of the highway bill when compared to the Senate version. I now find that clarification is needed inasmuch as the table I inserted into the RECORD yesterday compared the apportionments contained in H.R. 3129 and S. 2405, legislation that died in conference last Congress.

I ask unanimous consent that an updated table be included in the RECORD at the conclusion of my remarks. This table is based on H.R. 2, the bill passed by the House, and S. 185, the original Senate bill that was rolled into S. 387 in committee. The final column on this table shows which States would be losers under the House version of the bill, compared to the Senate bill, taking into consideration the demonstration projects in the House bill over a 5-year period.

Mr. President, while some of the numbers in this table differ from those in the table inserted yesterday, the bottom line remains unchanged: 37 States would lose funds under the House version of the bill.

Mr. President, I urge my colleagues, especially those who will be conferees, to note how their States will fare if the House bill should prevail in conference between the House and Senate.

I ask unanimous consent that the table to which I referred be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

HIGHWAY AND TRANSIT REAUTHORIZATION BILL

[Projected estimated gain or loss under House version (compared to Senate version) of highway and transit bill including demonstration projects, in thousands of dollars]

State	Fiscal year 1987		5 yr	
	Net	Result	Net	Result
Alabama	57,368	Loss	253,340	Loss.
Alaska	30,042	Loss	150,210	Loss.
Arizona	7,431	Loss	37,155	Loss.
Arkansas	1,841	Gain	3,995	Loss.
California	44,328	Gain	207,640	Gain
Colorado	25,664	Loss	128,320	Loss.
Connecticut	1,118	Loss	20,990	Loss.
Delaware	21,840	Loss	109,200	Loss.
District of Columbia	21,891	Loss	111,455	Loss.
Florida	63,477	Gain	345,885	Gain
Georgia	9,055	Gain	94,275	Gain
Hawaii	8,389	Loss	41,945	Loss.
Idaho	17,617	Loss	88,085	Loss.
Illinois	41,557	Gain	85,785	Gain
Indiana	21,813	Loss	103,425	Loss.
Iowa	12,541	Loss	53,705	Loss.
Kansas	16,058	Loss	95,290	Loss.
Kentucky	20,701	Gain	135,005	Gain
Louisiana	45,090	Gain	207,450	Gain
Maine	6,402	Loss	32,010	Loss.
Maryland	3,118	Loss	15,590	Loss.
Massachusetts	283,630	Gain	1,406,650	Gain
Michigan	5,743	Gain	13,115	Gain
Minnesota	6,056	Loss	56,150	Loss.
Mississppi	15,516	Loss	77,580	Loss.
Missouri	14,934	Loss	14,670	Loss.
Montana	39,758	Loss	198,790	Loss.
Nebraska	15,928	Loss	79,640	Loss.
Nevada	18,696	Loss	105,480	Loss.
New Hampshire	17,955	Loss	89,775	Loss.
New Jersey	42,987	Gain	220,435	Gain
New Mexico	29,725	Loss	148,625	Loss.
New York	60,171	Gain	275,855	Gain
North Dakota	27,650	Loss	138,250	Loss.
Ohio	38,456	Loss	205,780	Loss.
Oklahoma	3,436	Gain	17,180	Gain
Oregon	447	Gain	2,235	Gain
Pennsylvania	20,777	Loss	24,365	Loss.
Rhode Island	7,344	Loss	36,720	Loss.
South Carolina	10,887	Loss	44,435	Loss.
South Dakota	30,263	Loss	151,315	Loss.
Tennessee	29,115	Loss	145,575	Loss.
Texas	109,065	Loss	576,825	Loss.
Utah	12,197	Loss	60,985	Loss.
Vermont	21,588	Loss	107,940	Loss.
Virginia	16,240	Gain	86,200	Gain
Washington	34,225	Loss	171,125	Loss.
West Virginia	9,113	Loss	40,965	Loss.
Wisconsin	27,679	Loss	138,395	Loss.
Wyoming	38,007	Loss	190,035	Loss.
Puerto Rico	741	Gain	3,705	Gain.

Note.—Calculation of gain or loss based on 1987 difference.

Mr. BINGAMAN. Mr. President, I rise today in support of an issue that is of critical importance to my State and all States. Like many Federal programs, the urgency of the Federal Aid Highway Act has increased significantly in light of the failure of Congress to pass new authorizing legislation last year. This failure to complete our work in a timely and orderly fashion has left many highway programs without adequate funding and, with the coming of optimal construction season, it is a situation that must receive prompt and proper attention.

New Mexico is larger than most States. It is also among the least populated States in the Nation, comprised of small cities and many more smaller towns and villages. Consequently, New Mexicans, like many other westerners, must travel medium to long distances quite often in order to acquire many of their most fundamental material necessities. While we have accepted this way of life and rely heavily on secondary highways, we should not be forced to drive on poorly maintained roads. Snow and ice during the winter, as well as flash flooding and intense heat in the summertime make constant attention to road conditions imperative. I know that many other States have these transportation concerns.

As with other large States, New Mexico has vast interstate highway mileage crossing the State. And, although interstates do not serve a majority of New Mexican towns, interstate mileage in the State is extensive. As a vital part of the national system, it is of great interest to this country to keep New Mexican interstate highways in good condition. Unfortunately, due to funding delay and neglect, these roads are presently in quite bad repair.

This legislation will provide a badly needed $85,321,000 for the upkeep of New Mexico's interstate highways and an additional $9,489,000 for the maintenance of secondary roadways. While urban centers are not the norm in New Mexico, Albuquerque, Santa Fe, and Las Cruces will receive $3,827,000 in funding for necessary projects. All told, this legislation will allow $105,974,000 to be spent on highway projects in New Mexico.

These funds are part of a $52.4 billion authorization for national highway programs. In order to ensure that New Mexico and other sparcely populated States get their fair share of these resources, I urge that we keep the current 4R funding formula for the distribution of these funds to the States. Modifications to this formula would significantly delay the interstate substitute funds, jeopardizing completion of the Interstate System in this country. I believe it would be tragic if we allow this to happen.

I would also like to express my strong support for an increase in the speed limit on rural interstate highways from 55 to 65 miles per hour. I believe that gas mileage is not affected as much by rates of travel as it is by fluctuations in those speeds. Also, as rural interstates do not carry the traffic load that urban areas do, safety risks are, I believe, not a real factor. Since most of these highways are extremely flat, straight, and uncongested, a 65-mile-per-hour speed limit is just as safe and more prudent than the 55-mile-per-hour speed limit that should be initiated near urban areas.

In closing, I would like to reiterate the urgency we are faced with in passing this bill. It is time to get highway construction projects off the drawing boards and put them in motion.

Mr. KERRY. Mr. President, I am pleased to rise in support of this legislation which will reauthorize many of our most important highway programs.

I want to commend the chairmen and ranking members of the appropriate subcommittees and committees for their diligent work in crafting this bill which will enable the States to continue their important work in completing and maintaining the Interstate Highway System and will provide additional funds for mass transit.

As my colleagues know, many of our States have reached the end of their available funding and the $6.3 billion that remains to be obligated will provide only about half what we would be providing had Congress enacted the legislation that this body passed in the 99th Congress.

I have been assured by the chairman and ranking member of the committee that they will carefully consider the adoption of a provision in the House-passed bill of great importance for New England.

The so-called central artery-tunnel project will provide much needed relief for traffic in the downtown Boston area and it will also help to relieve congestion in and around Logan International Airport. With the rapid growth of the entire Boston metropolitan area and with the need for accessibility for our business visitors and our people, the antiquated central artery system needs to be restructured and modernized. In addition to improving access into the city, a key part of the project will be the depression of a key part of the expressway—that section which runs right through the center of downtown Boston. Commuters, commercial traffic, tourists, and other New Englanders using Logan have long endured the tie-ups and bumper-to-bumper delays that have been a fact of life on the 3-lane expressway for years. Many of my colleagues from New England who travel to Logan have firsthand knowledge of these traffic difficulties.

In addition to my obvious interest in the Boston project, we all have an interest in a swift conference which will enable our highway system to continue to be the finest and the most extensive system in the world.

Mr. HATCH. Mr. President, I rise in support of this legislation and congratulate Chairman BURDICK and Mr. STAFFORD who crafted the highway portion, Chairman PROXMIRE and Mr. GARN who crafted the mass transit portion, and Chairman BENTSEN and Mr. PACKWOOD who crafted the financing portion.

I think that it is important to put this bill in perspective. We are not just authorizing $52.4 billion for highways for 4 years and $9.7 billion for mass transit for 3 years, we are not just legislating lofty transportation policy and complicated allocation formulas, we are not just extending the various excise taxes on fuels, highway users, and other funding sources. Instead, we are helping to preserve approximately 7,700 road construction and related jobs in Utah, 800 transit jobs in the Wasatch front area, and thousands more throughout the Nation. Also, we are helping to ensure that commuters can get to work promptly; we are helping to ensure that teachers and children can arrive at school safely; we are helping to ensure that doctors and nurses can get to the hospital reliably; we are helping to ensure that raw materials, consumer goods, and food products can get to market efficiently; and we are helping to ensure that travelers can get to their destinations comfortably.

Highways and mass transit represent two legs of our Nation's infrastructure. Without our vast system of highways, this great Nation of ours would be very different indeed. Utah is a major route for interstate commerce throughout the West.

Utah has approximately 32,000 miles of roads, including approximately 4,800 miles of State highways, and approximately 800 miles of completed interstate highways. We have another 100 miles of authorized interstate highways to complete or upgrade. There are expected to be about 71 projects in Utah, employing approximately 4,600 workers and valued at $115 million, which will be adversely affected if we do not authorize funding for 1987. In fact, 25 projects, valued at $60 million, will run out of funds if this legislation is not approved by May 1, 1987. In addition to helping Utah, this legislation helps people across the United States.

Although Utah is primarily a rural State, we have one of the finest mass transit systems in the country. The Utah Transit Authority [UTA] received the 1986 Outstanding Achievement Award for the best medium-sized transit system in the United States from the American Public Transit Association [APTA].

APTA cited UTA for its efficiency, community relations, outstanding maintenance record, and use of sophisticated computer modeling in designing bus routes. In the four county area surrounding Salt Lake City, 75 percent of the residents are within one-quarter mile of a bus route. This is amazing for a service area which covers approximately 3,600 square miles.

If this legislation is passed, Utah will receive approximately $488 million highway dollars over the next 4 years. In this time, we will build 100 miles of new and improved interstate highways, repair approximately 400 miles of interstate highways, and provide funding for 17.4 million passenger-trips-per-year for mass transit commuters.

It is important to note that the provision contained in this bill relating to the speed limit on rural interstate highways does not raise the speed limit. It gives States the right to set the speed limit on rural interstates at speeds up to 65 mph. States are much better suited than the Federal Government to make this judgment about their highways.

The people have already voted with their feet—very heavy feet, that is. Despite the 55 mph speed limit, the average speed on our Nation's highways has actually increased from 55.3 mph in 1974 to 56.1 mph in 1985. Furthermore, the average speed on rural interstate highways is 59.5 mph and 23 States have average speeds in excess of 60 mph. Meanwhile, highway fatalities have declined from 3.59 to 2.6 per 100 million-auto-miles.

This legislation differs sharply in many key areas from the bill which was passed by the House of Representatives on January 21, 1987. It is too important to allow it to get bogged down because of administrative and technical differences. We owe it to our constituents and to their elected representatives in the State governments to complete action on this legislation swifty so the summer of 1987 does not become a summer without highway construction.

Mr. President, I urge my colleagues to support this bill.

Mr. BYRD. Mr. President, I support this legislation to authorize Federal-aid highway moneys. This is a measure that is extremely important to the development of our infrastructure. There is not one State that will not be adversely impacted if the passage of this bill is delayed. As with other States, the release of these highway moneys is of primary importance to my State of West Virginia.

West Virginia is prepared to obligate about $103 million in highway construction projects in fiscal year 1987. Without the early enactment of this bill, the State will only be able to obligate $82 million. Further, the State has virtually exhausted its apportionment under the 4R Program. The release of these moneys at the earliest possible time is of paramount importance. Any further delays will seriously impact on the letting of contracts in time to take advantage of the construction season.

The bill also includes provisions to allow the West Virginia Turnpike Commission to enter into a new agreement with the Federal Highway Administration for the purpose of refinancing its bond indebtedness. In view of current economic conditions, the West Virginia Turnpike Commission will be unable to meet the terms of the agreement negotiated with the Federal Highway Administration which called for the retirement of the Commission's indebtedness in December 1989. These provisions will allow for the orderly retirement of the debt.

Provisions are also included to authorize construction of the New River Parkway. This parkway will be a new two-lane scenic highway that will connect with I-64 and run through the New River National River Area.

The New River Gorge has been called the Grand Canyon of the East and is the premier white water rafting spot east of the Colorado Rockies. This area, with its mountainous terrain, has a natural beauty that is not found in many other places in this country.

The construction of the New River Parkway will not only enable people to enjoy the natural beauty of the New River, but it will also open up the southern part of West Virginia to tourism, and provide economic benefits to a State that has suffered from high, long-term unemployment.

I commend the managers of the bill for their skill and diligence in quickly bringing this bill to the floor, and I hope the conferees will quickly reach agreement so that this important legislation can be enacted before the 1987 construction season is lost.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BYRD. Mr. President, I ask unanimous consent the Senate proceed to the companion House bill, Calendar No. 11, H.R. 2.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2) to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, with the understanding that the Senator from Delaware will not lose his right to the floor, I ask unanimous consent that he may yield on that condition.

Mr. ROTH. I am happy to yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Senate turn to the consideration of H.R. 2 and that we move to strike all after the enacting clause and to substitute the text of S. 387, as amended.

Mr. BYRD. Mr. President, H.R. 2 is already before the Senate.

The PRESIDING OFFICER. The majority leader is correct.

Hearing no objection, the request of the Senator from New York is granted.

Mr. MOYNIHAN. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The PRESIDING OFFICER. Is there further debate?

The Senator from Delaware is recognized.

Mr. HEINZ. Mr. President, will the Senator from Delaware yield?

Mr. President, today the Senate will conclude its consideration of legislation to extend the Federal highway and mass transit programs for 4 years. I believe that it is essential that we pass this singularly important legislation.

The Federal Highway Program is, in its purest sense, about economic development and jobs. For Pennsylvania, the $526 million annual commitment to highway repair means creating or preserving 55,000 jobs a year. The $115 million this bill provides for Pennsylvania's mass transit authorities will help preserve the jobs of 70,000 Pennsylvanians who drive the buses or manufacture the tires, engines, and other parts that keep the buses on the road.

But, more than the 122,000 jobs tied directly to our transportation system, the Federal Highway Program has stimulated and encouraged greater economic activity because it has made transportation cheaper, surer, and more efficient across my home State of Pennsylvania.

However, the highway and mass transit programs are important not just to Pennsylvania. The legislation we are considering today would provide funds to all States for various highway and mass transit programs. The distribution of these funds is governed by a very important principle—that Federal funds are provided to states and communities based on formulas or sets of criteria that measure their specific needs for the various programs.

I would like to take a few minutes to speak about certain provisions in this legislation that I believe are of particular importance.

First, I am pleased that the bill includes a provision that permits Federal financing to help meet the costs of constructing new toll roads. I think we all recognize that the Federal highway program, although substantial, cannot keep pace with growing highway construction and restoration needs. The Department of Transportation has estimated that $300 billion will be required by the year 2000 just to keep our Nation's Interstate System in serviceable condition. In addition to these huge restoration needs, many States have high-cost construction projects that are unlikely to be built without a combination of Federal and toll financing.

The toll road provision impact a highway project critical to many of my constituents in my State of Pennsylvania. In southwestern Pennsylvania, many citizens have been waiting for many years for the Mon Valley and Fayette County Expressway to be built. By creating nearly 10,000 construction jobs and providing economic incentives for industries to locate along this corridor, construction of the expressway would provide desperately needed help for some of the most economically distressed communities, not only in Pennsylvania, but in the Nation as a whole. Timely construction of the project is made all the more important as a result of a recent agreement between the United Steelworkers and USX Corp., under which USX will invest $900 million to modernize its steel operations in the Mon Valley. In order for these improvements to bear fruit, we must upgrade the area's infrastructure.

Currently, the Mon-Fayette Expressway is part of the Pennsylvania Turnpike extension project, to be financed by toll revenues. However, given the $750 million cost of the highway, it will be difficult, if not impossible, to complete the project with toll revenues alone. The provision to permit Federal participation in such projects will greatly improve the likelihood that the expressway will be completed in the forseeable future.

I would also like to take this opportunity to thank the managers of this legislation, Senator BURDICK, Senator MOYNIHAN, Senator STAFFORD, and Senator SYMMS, for their cooperation in including nine priority Pennsylvania highway projects in their committee amendment. The projects are as follows:

(1) EBENSBURG BYPASS—Construction of the Ebensburg Bypass in Cambria County, which will require $28 million between 1987 and 1991.

(2) Route 220—Construction of Route 220 in Blair County will require $90 million. The new segment of highway will close the only gap—11.9 miles in the multilane limited-access road connecting the Pennsylvania Turnpike and the Tyrone Bypass.

(3) Basin Street Rail Crossing—Construction of the rail crossing at the intersection of Basin Street and a Conrail grade crossing in Allentown will require $6 million over three years. This project will alleviate traf-

fic problems that have plagued the Lehigh Valley for more than a decade.

(4) Southeastern Expressway—Completion of the Southeastern Expressway, which is an access road serving Greater Pittsburgh International Airport, will require $5.5 million in Fiscal Year 1987. This highway is an essential element of the most important economic development project in western Pennsylvania—the Airport's Midfield Terminal.

(5) New Sewickley to Conway—Construction of a two-lane highway between the township of New Sewickley and the Borough of Conway would require $13.4 M. in Fiscal Year 1990. This highway will relieve increased truck traffic and will improve highway safety.

(6) Chambersburg Interchange—Construction of an interchange on a north-south interstate route providing access to Chambersburg will require $5 million in Fiscal Year 1988. This project would relieve, traffic congestion at the existing interchange.

(7) Johnstown Flood Memorial—An authorization of $720,000 will enable the state to upgrade a 1.3 mile access road to the Johnstown Flood National Memorial in the vicinity of Croyle Township.

(8) Kittanning-Brookville—Reconstruction of 30 miles of a two-lane road in the Federal-aid primary system between Kittanning and Brookville will require $10 million over the next five years. The improvement will enable this rural highway to accommodate larger and wider trucks.

(9) Chadville-Fairchance—The relocation and reconstruction of a 3.5 mile segment of U.S. 119 from Chadville to Fairchance will require $10 million spread over three years.

In conclusion, let me say that the managers have done a service to this Nation by moving quickly to bring this legislation to the floor. By enacting this highway bill, we will pave the way for vitally needed construction projects.

I urge my colleagues to adopt the highway bill.

The PRESIDING OFFICER. The Senator from Delaware is now recognized.

Mr. ROTH. Thank you, Mr. President.

Mr. President, I would like to speak about a particular important provision of the Federal-aid highway bill, S. 387, that we are considering today. First, I want to commend my distinguished colleagues: Senator Burdick, the chairman of the committee, and Senator Stafford, the ranking minority member, for those provisions of the legislation that does so much to advance the partnership between Federal and local governments and the goals of a safe and efficient nationwide transportation network.

I am very concerned about the maintenance of the one-half-percent minimum apportionment for all States that have completed or nearly completed their interstate construction program. The existing apportionment formula and the one-half-percent minimum must not change. Because the House and Senate bills differ significantly in their approach to the funding formula I wish to encourage the Senate conferees to stand firm on retaining the provisions that currently exist in the Senate bill. The financial viability of Delaware's and many other States' highway programs would be devastated were they not enacted in the final legislation.

Mr. President, Delaware has fulfilled its obligation to the Congress' intent of building an integrated national transportation system, a system that is now over 97 percent complete. Because its portions of the interstate have been completed, Delaware's priorities are currently the repair of the interstate segment and other road systems. Now is not the appropriate time to change the existing interstate funding provisions. We must continue with the vital objective of meeting the Federal aid highway needs of a large number of the States and providing adequate resources, for resurfacing, restoration, rehabilitation, and reconstruction of existing interstates. Uninterrupted construction and maintenance are crucial and of a high priority for every State.

I urge the conferees of this bill to maintain formula based on needs and directly related to the preservation of this system. To change the existing formula now is not appropriate, and is not fair to those States that placed top priority on the construction of the system.

"BUY AMERICA"

Mr. SPECTER. Mr. President, at this time I wish to raise with Senators Burdick and Symms the matter of section 125 of S. 387, as reported by the Committee on Environment and Public Works, which would establish a $500,000 threshold of application for "Buy America" requirements on Federal aid to highway and transit contracts. Under current law, "Buy America" requires that 100 percent of all steel and other construction materials used in STAA authorized contracts be domestically produced.

While taking large strides toward rehabilitating our Nation's transportation infrastructure, S. 387's predecessor, the Surface Transportation Assistance Act of 1982, also gave a much needed boost to the suffering steel and construction industries.

The U.S. Department of Transportation estimated that STAA led to the creation of over 100,000 jobs within the first year of its enactment. The Pennsylvania Economy League calculates that for every $1 million spent on highway construction, a total of 104 direct and indirect jobs are produced. Because of STAA-funded procurement, reportedly over 2 million more tons of steel are produced, which supports over 6,000 new jobs in the vital steel industry. The "Buy America" provision has been a great success.

Mr. BURDICK. I appreciate the Senator's concern about this important issue. You are correct in stating that section 127 exempts projects costing $500,000 or less from domestic content requirements. It was the committee's position, however, that reestablishment of such a threshold provision would help to reduce administrative burdens and facilitate the highway and transit procurements of grantees with small projects, and lower the cost of the highway and transit programs.

Mr. SPECTER. I believe this clause, which would exempt contracts under $500,000 from being subject to the "Buy America" provision, is unwise because it is an attempt to subvert our current successful "Buy America" policy. If this new change had been in effect in fiscal year 1985, approximately 3,000 or 48 percent of the 6,275 contracts awarded would have been exempt from "Buy America." Over the last 6 years, almost 55 percent of all Federal-aid highway construction contracts were for $500,000 or less.

In addition to a decrease in production by our important steel industry, a drop in domestic procurement imposed by the $500,000 threshold will also translate into a loss of tax revenues at a time when we are trying to reduce deficits. A study by the Congressional Research Service on this issue reports that for every $1,000 purchase of domestic materials by the Federal Government, $464 are eventually recaptured through taxes at the Federal, State, and local levels. If the $500,000 threshold were to become law, we could lose $1.6 billion in tax revenues over the next 4 years at a time when we especially need to be fiscally tight.

Mr. BURDICK. I would note for the record that the statistics cited from the Congressional Research Service [CRS] study are based on the assumption that without "Buy America" requirements, all steel and other construction materials used in Federal-aid highway and transit contracts would be foreign-produced. I am advised that American-produced materials covered under the "Buy America" provision are often very competitively priced with foreign-produced materials and the CRS study, therefore, may have overstated the actual impact of this "Buy America" threshold on American manufacturers. However, I recognize the Senator's desire to ensure that the money of American taxpayers goes to support American jobs and American industries, and will work to protect these concerns in conference.

Mr. SYMMS. I concur with Senator Burdick's statement and will work to protect the Senator from Pennsylvania's concerns in conference.

Mr. SPECTER. Mr. President, I thank the chairman and ranking member of the Subcommittee on Transportation that they will protect my concerns in conference with respect to the "Buy America" statute.

PREEMPTION OF LOCAL SOUTH AFRICA LEGISLATION

Mr. McCONNELL. Mr. President, I will keep my remarks brief. Twice, last year the Senate considered the question of whether the U.S. Government should retain exclusive authority to decide and direct U.S. foreign policy. On both occasions the Senate agreed with law, history, and practice and voted to reserve foreign policy decisions for the Federal branch. Last year, amendments taken up during the Senate's consideration of the South African Anti-Apartheid Act and Federal-Aid Highway Act were defeated because the Senate was unwilling to default on its responsibilities and turn over Federal duties to States and municipalities.

Mr. President, I think the Senate's voting record asserts our intent to support a single foreign policy for our Nation. We have voted twice to speak with one voice. We have decided that 50 States and thousands of municipalities trying to conduct foreign policy can only lead to confusion and chaos.

Mr. President, we can not afford to have Boston break diplomatic ties with the United Kingdom because of policy differences toward Ireland. Nor, can we allow a county to establish relations with Libya. Although this may sound implausible, it could result from fracturing foreign policy authority and ignoring Federal policy directives.

Mr. President, I ask my colleagues to consider the following: What if local regulations restricted contract competition so that only companies who did conduct business with South Africa were allowed to bid? I suggest that if local governments took this kind of initiative, the Senate would hear many of my colleagues denouncing this as impermissable intrusion in a field that has validly been reserved to the Federal sphere.

Mr. President, in Hinds versus Davidowitz, the Supreme Court determined that the Federal Government "is entrusted with full and exclusive responsibility for the conduct of affairs with foreign sovereignties." Our system of government is such that the interests of cities, counties and States no less than the interests of the people of the whole Nation, imperatively requires that Federal power in the field affecting foreign relations be left entirely free from local interference.

No field is more clearly suited for Federal control and for the preemption of burdensome, duplicative, or conflicting local regulation than that of foreign policy. Our national interests dictate that foreign policy must be uniform in its creation and implementation.

Mr. President, I want to make clear to my colleagues that I admire and commend the host of local governments that have trackled the difficult issue of South Africa and apartheid. Most of them took on the challenge in the absence of any coherent, constructive national policy regarding South Africa. But that is no longer the case. The United States has firmly and clearly enunciated its policy toward South Africa in the Anti-Apartheid Action Act of 1986. The States and local authorities must now comply with this declaration of national foreign policy.

I will conclude by noting again that the Senate has repeatedly supported Federal determination of foreign policy. Any effort by the House to assert otherwise constitutes a direct contradiction of the distribution of powers in our Constitution. Specifically, the House provision to allow States and municipalities to inhibit or restrict contract competition on the basis of forein policy criteria is unacceptable and contradicts the Constitution and the Senate's repeated declaration of Federal jurisdiction.

Thank you.

PREEMPTION, PRECEDENT, AND PRECEPTS

Mr. LUGAR. Mr. President, it is somewhat ironic that as we approach the Bicentennial of our Constitution, a question considered at length by the framers is again before us. That question is easily put: What role should the separate and individual States, and local governments, have in the making of foreign policy? The framers' answer was simple and straightforward: none. When it comes to the regulation of commerce with foreign nations, the making of treaties, the sending and receiving of ambassadors and the discharge of other tasks which collectively constitute the foreign relations of the United States, it was clear to the Founding Fathers that, in James Madison's words,

> This class of powers forms an obvious and essential branch of the federal administration.

None questioned the wisdom of this proposition when the Constitution was debated and ratified.

Yet, in recent years, this principle has come under attack and been slowly undermined. State and local governments have sought to carve out a role in foreign policy for themselves. Perhaps the area wherein State and local governments have been most active is that of antiapartheid policy. Some 20 States and 80 localities have enacted some form of antiapartheid legislation. Such laws have run the gamut from those which require American firms doing business with them to refrain from conducting transactions with South Africa, to those, such as the States of California and New Jersey recently passed, which require State-employee pension funds to divest themselves of the stock in companies which operate in South Africa.

Antiapartheid policies are not the only area of foreign policy wherein State and local governments have sought to legislate independence policies. Through support for various sanctuary movements, State and local governments are seeking to flaunt the provisions of U.S. immigration law. Moreover, some local governments have intruded in the area of arms control policy by declaring the territory within their corporate limits to be "nuclear free zones." And so on.

Some observers who were in the forefront of efforts not too long ago to strengthen the Federal Government's hand in areas such as civil rights and social welfare at the expense of State authority, now argue for a greater and more pervasive State and local role in foreign affairs. They would encourage State and local governments to delve ever deeper into the Federal domain of foreign policy.

But, unlike those who considered this question some 200 years ago in Philadelphia, modern-day revisionists do not seem to comprehend the very real problems which could flow from a continuation of this trend. The United States remains a large, and diverse, nation. In some parts of the country concerns over relations with foreign Communist nations rival or exceed those about apartheid. Should we tolerate State and local laws that might mandate the divestiture of stock in companies doing business with the Soviet Union as a form of retaliation for the illegal arrest of Nick Daniloff? Or, concern over Japanese trade practices could lead localities which have suffered the loss of hundreds of jobs at the hands of Japanese competitors to take retaliatory actions against American companies that do business in Japan. One need not have a vivid imagination to foresee the difficulties this Nation would face if this trend continues and these examples were multiplied.

Before the Constitution was signed, the power of the original 13 States in matters of foreign affairs was unclear. Some States refused to adhere to treaties signed by the Continental Congress. Others appointed agents and conducted negotiations with foreign governments for money and arms.

John Adams, the new nation's first emissary to Great Britain, experienced first-hand the difficulties born of such chaos. When he urged the British Government to send an Ambassador to the new republic, the British Foreign Secretary replied that, "Given the behavior of the individual States, he would have to appoint not 1 but 13 emissaries."

Any such devolution of foreign policymaking responsibilities to State and local governments would have to continue for some time and take extreme forms before friends and allies consider the appointment of 50 separate Ambassadors to the United States. Nonetheless, this trend must stop. It is true that the genius of our system of government is that it tolerates and indeed encourages diversity of opinion and views on many matters. But when it comes to matters of foreign policy, we must be united and speak with one voice. Other nations must not receive conflicting messages from our different levels of Government. "If we are to be one nation in any respect," Madison wrote in defense of the new Constitution and its exclusive grant of foreign policy powers to the Federal Government, "it clearly ought to be in respect to other nations."

It is entirely appropriate for mayors, Governors, State legislatures, city and county councils in this country to make known their views on foreign policy questions. Indeed, each individual in our land has not only the right but an obligation to make known his or her views on foreign policy issues. A sustained foreign policy by the Federal Government is possible only if it enjoys the understanding and support of the American public. But our State and local governments and their officials should communicate those views to the President and the duly elected representatives in the Congress and not seek to legislate foreign policy directly toward foreign governments.

Mr. HEINZ. Mr. President, I would like to congratulate the managers of the bill, particularly the Senator from Idaho, who worked very hard on this legislation in the last Congress and did a very fine job of moving it through the Senate. I wish to thank both him and the members of the committee for a provision in this legislation that is enormously significant to my home State of Pennsylvania, and that is the provision that permits Federal financing to help meet the costs of the construction of new toll roads.

I think we all recognize that the Federal Highway Program, though substantial, cannot keep pace with the growing highway construction and restoration needs. The Department of Transportation estimated that some $300 billion, Mr. President, will be required by the year 2000 just to keep our Nation's Interstate System in serviceable condition.

In addition to these huge restoration needs, many States have high-cost construction projects that are unlikely to be built without a combination of Federal and toll financing. The toll provision I referred to a moment ago will have an impact, a critical one and an important one, to many of my constituents. In southwestern Pennsylvania, many of my constituents have been waiting for too many years for what we call the Mon Valley and Fayette County Expressway to be built. But the building of that expressway will not merely provide some 10,000 construction jobs. It will also provide some vital and necessary economic incentives for industries to locate in the Mon Valley and Fayette County corridors. And that is an area, Mr. President, that has been especially hard hit by the depression in our steel industry. Timely construction of that project will be absolutely enhanced and importantly enhanced by what we are doing here.

So I want to thank my colleagues for this provision. It will be very meaningful and very helpful, indeed.

Mr. President, I yield the floor.

Mr. SYMMS. Mr. President, I thank my distinguished friend, the Senator from Pennsylvania, and appreciate his kind remarks.

Mr. President, I would just like to say that I have already mentioned the fine support that I received here from the minority staff, but I would like to thank Mike Weiss, Marc Litt, and Nadine Hamilton, of the majority staff. I thank Senator Burdick and Senator Moynihan for their cooperation to help get this through, along with the distinguished chairman emeritus, Senator Stafford, of the committee.

I appreciated the cooperation we got from all parts of the committee. I would like to thank and pay special thanks to the majority leader and the minority leader for their help and other Senators from the Banking Committee, Senator D'Amato and Senator Dixon, plus from the Finance Committee, the Senators that handled the funding part of this bill from the highway side of it.

So I thank all my colleagues. I think we have done pretty good. Our task is still before us to work out an agreement with the other body. But I believe that the momentum for moving this legislation is well underway and we will be able to achieve an accommodation with the other body that was not possible last summer, because the pressure was not on. But it will be on as we go to conference and I look forward to seeing us come back with a conference report in the very near future that we will be able to pass and send to the President, I hope, for his approval. It will be able to be passed, sent to the President, and I think we will approve it.

I yield the floor. I thank my good friend from New York for his kind consideration during this, and for his excellent job of managing this bill.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I would like to reciprocate the great courtesy and great capacity of my associate who will be going to conference with us, the Senator from Idaho [Mr. Symms].

It is a particular pleasure to express admiration and appreciation on this side for Jean Lauver of the Environment and Public Works Committee and Taylor Bowlden, for their fine work, and on our side having Mr. Symms be kind enough to mention Mr. Weiss and Mr. Litt.

I would like to add Nadine Hamilton, who has been invaluable throughout this effort.

Mr. President, I believe we are prepared to vote.

Mr. STAFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. Mr. President, I got here just in time. I really wanted to because as ranking member of the committee, and as chairman over the past years when the highway bill was first developed, I wanted this chance to express my appreciation to Senator Moynihan, Senator Symms, Senator Burdick, and to the staff who have worked so hard all of the last Congress, and in the beginning days of this one to prepare the legislation, help us get it here on the floor, and reach this point where we are about, I believe, to have final passage of a good bill.

So my appreciation to you, Senator Moynihan, Senator Symms, and Senator Burdick; it has been a great pleasure to work with you on this important piece of legislation.

Mr. BURDICK. Mr. President, I am also very appreciative of the cooperation we have had in handling this bill, and say that this was truly a nonpartisan approach. We all worked together, and I think we have a very good product.

Mr. MOYNIHAN. Mr. President, I believe we are prepared to proceed with the vote which I believe has been ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD. I announce that the Senator from Delaware [Mr. Biden] and the Senator from California [Mr. Cranston] are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware [Mr. Biden] would vote "yea."

The PRESIDING OFFICER (Mr. Breaux). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—96

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran

Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McCain
McClure
McConnell
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth
Zorinsky

NAYS—2

Armstrong
Roth

NOT VOTING—2

Biden
Cranston

So the bill (H.R. 2), as amended, was passed as follows:

H.R. 2

That this Act may be cited as the "Federal-Aid Highway Act of 1987".

AUTHORIZATIONS

SEC. 102. The following sums are hereby authorized to be appropriated out of the Highway Trust Fund other than the Mass Transit Account—

(1) For the Federal-aid Interstate-Primary Program $8,150,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990;

(2) For the Federal-aid urban system $750,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990;

(3) For the Federal-aid secondary system in rural areas $600,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990;

(4) For bridge replacement and rehabilitation under section 144 of title 23, United States Code, $1,500,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990. All but $200,000,000 per fiscal year of each such authorization shall be apportioned as provided in 23 U.S.C. 144(e). Such $200,000,000 shall be obligated as provided in 23 U.S.C. 144(g)(2). The minimum percentage off-system bridge provisions of 23 U.S.C. 144(g)(2) shall continue effective in fiscal years 1987, 1988, 1989, and 1990;

(5) For carrying out the Federal Lands Highway Program under section 204 of title 23, United States Code—

(A) For forest highways, $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990;

(B) For public lands highways, $50,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990;

(C) For Indian reservation roads, $75,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990; and

(D) For park roads and parkways $75,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990;

(6) For carrying out the Territorial Highway Program under section 215(a) of title 23, United States Code—

(A) For the Virgin Islands, $5,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990;

(B) For Guam, $5,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990;

(C) For American Samoa, $1,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990; and

(D) For the Commonwealth of the Northern Mariana Islands, $1,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990;

(7) For carrying out section 402 of title 23, United States Code (relating to highway safety construction programs), by the Federal Highway Administration, $10,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990;

(8) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway construction safety research and development), by the Federal Highway Administration, $10,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990;

(9) For projects for the elimination of hazards under section 152 of title 23, United States Code, $175,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990; and

(10) For projects for the elimination of hazards of railway-highway crossings on any public road under section 130 of title 23, United States Code, $175,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990.

(11) For highway assistance programs under section 103(e)(4) of title 23, United States Code, $650,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990.

INTERSTATE SUBSTITUTE PROGRAM

SEC. 103. (a) Section 103(e)(4) of title 23, United States Code, is amended to read as follows:

"(4) INTERSTATE SUBSTITUTE PROGRAM.—

"(A) Sums made available to the Secretary, under this paragraph, before October 1, 1986, in substitution for withdrawn Interstate routes or portions thereof, shall be available to the Secretary to incur obligations for the Federal share of either public mass transit projects involving the construction of fixed rail facilities or the purchase of passenger equipment including rolling stock, for any mode of mass transit, or both, or highway construction projects on any public road or both, which will serve the area or areas from which the Interstate route or portion thereof was withdrawn, which are selected by the responsible local officials of the area or areas to be served, and which are selected by the Governor or the Governors of the State or States in which the withdrawn route was located if the withdrawn route was not within an urbanized area or did not pass through and connect urbanized areas, and which are submitted by the Governors of the States in which the withdrawn route was located. Federal-aid highway projects constructed under this paragraph shall be subject to provisions of this title applicable to the appropriate Federal-aid system. Off system highway projects constructed under this paragraph shall be subject to the provisions of this title applicable to Federal-aid secondary system projects.

"(B) PROJECT APPROVAL; FEDERAL SHARE.—Approval by the Secretary of the plans, specifications, and estimates for a substitute project shall be deemed to be a contractual obligation of the Federal Government. The Federal share of each substitute project shall not exceed 85 per centum of the cost thereof.

"(C) AVAILABILITY OF FUNDS FOR SUBSTITUTE PROJECTS.—

"(i) TIME PERIOD.—The sums apportioned and the sums allocated under this paragraph for public mass transit projects or for projects under any highway assistance program shall remain available in the State of apportionment or allocation for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fiscal year.

"(ii) REAPPORTIONMENT OR REALLOCATION.—Any sums which are apportioned or allocated to a State and are unobligated (other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a substitute project which has been submitted by the State to the Secretary for approval) at the end of the period of availability shall be apportioned or allocated, as the case may be, among those States which have obligated all sums (other than such an amount) apportioned or allocated, as the case may be, to them. Such reapportionments shall be in accordance with the latest adjusted estimate of the cost of completing substitute projects, and such reallocations shall be at the discretion of the Secretary.

"(D) ADMINISTRATION OF TRANSIT FUNDS.—The sums obligated for mass transit projects under this paragraph shall become part of, and be administered through, the Urban Mass Transportation Fund.

"(E) DISTRIBUTION OF SUBSTITUTE FUNDS.—

"(i) BETWEEN DISCRETIONARY AND APPORTIONED PROGRAMS.—Twenty-five per centum of the funds made available for substitute highway projects and fifty per centum of the funds appropriated for substitute transit projects shall be distributed at the discretion of the Secretary. The remainder of such highway and transit funds shall be apportioned in accordance with cost estimates.

"(ii) APPORTIONMENTS.—In September of 1986 or as soon as practicable thereafter and every September thereafter, the Secretary shall adjust the Interstate substitute cost estimate established in revised tables 3 and 4, Committee Print 100-7 of the Senate Committees on Environment and Public Works and on Banking, Housing, and Urban Affairs to reflect (1) changes in the State estimates in the division of funds between substitute highway and transit projects, (2) approval of substitute projects, and (3) the allocation and apportionment of substitute highway and transit funds in prior fiscal years and shall use the Federal share of such adjusted estimates in making apportionments for substitute highway and transit projects on October 1 or as soon as practica-

ble thereafter for fiscal years subsequent to the fiscal year ending September 30, 1986.

"(F) AUTHORIZATION OF APPROPRIATIONS FOR TRANSIT PROJECTS.—There are authorized to be appropriated for liquidation of obligations incurred for substitute transit projects under this paragraph the sums provided in section 4(g) of the Urban Mass Transportation Act of 1964.

"(G) APPLICABILITY OF URBAN MASS TRANSPORTATION ACT.—

"(i) SUPPLEMENTARY FUNDS.—Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitute for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended.

"(ii) LABOR PROTECTION.—The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out this paragraph.

"(H) LIMITATION ON INTERSTATE DESIGNATIONS.—The Secretary may not designate any mileage as part of the Interstate System pursuant to this paragraph or under any other provision of law. The preceding sentence shall not apply to a designation made under section 139 of this title.

"(I) RIGHT-OF-WAY PAYBACK.—Of sums made available to the Secretary under this paragraph for a State, an amount equal to the amount expended in Federal funds to purchase right-of-way for the withdrawn route or portion thereof in every case where right-of-way has not been disposed of by the State as of the date of enactment of this sentence shall not be available for release by the Secretary until the right-of-way disposition decision has been made in accordance with section 103(e) (5)(B), (6)(B), or (e)(7) of this title. The amount apportioned to each eligible State pursuant to this paragraph shall be based on the full remaining value of the sums made available under this paragraph as determined by the Secretary but the total of such apportionments shall not exceed the remaining value of such sums less the amount unavailable for release by the Secretary. Sums retained by the Secretary shall be made available for apportionment upon partial or full repayment of funds in accordance with section 103(e)(7) of this title or upon determination by the Secretary that, **under section 103(e) (5)(B) or (6)(B), repayment** is not required.".

RIGHT-OF-WAY PAYBACK

(b) Subsection 103(e) of title 23, United States Code, is amended by adding paragraph (10) as follows:

"(10)(A) Upon repayment by a State to the Treasurer of the United States of an amount as determined by the Secretary to be equal to the amount of Federal funds expended to acquire property for the Interstate System which was withdrawn from the Interstate System on or after September 1, 1985, in accordance with paragraph (4), such State shall be absolved of any further responsibility for repayment and will be deemed to have fully met all of the repayment requirements of paragraph (7) of this section.

"(B) The amount repaid to the United States under this paragraph shall be deposited to the credit of the appropriation for the Highway Trust Fund. Such repayment shall be credited to the unprogrammed balance of funds apportioned to such State in accordance with section 104(d)(1)(C) of this title. The amount so credited shall be in addition to all other funds then apportioned to the State and shall be available for expenditure in accordance with the provisions of this title."

APPORTIONMENT

SEC. 104. Section 104 of title 23, United States Code, is amended by—

(a) Striking in paragraph (f)(1) ", except that in the case of funds authorized for apportionment on the Interstate System, the Secretary shall set aside that portion of such funds (subject to the overall limitation of one-half of 1 per centum) on October 1 of the year next preceding the fiscal year for which such funds are authorized for such System." and inserting in lieu thereof a period and by relettering subsection (f) as subsection (b).

(b) Adding a new subsection (c) as follows:

"(c) On October 1 of each of the fiscal years, ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990, or as soon thereafter as is practicable the Secretary, after making deductions authorized by subsections (a) and (b) of this section, shall deduct one-quarter per centum of the remaining funds authorized to be appropriated for that fiscal year for the Federal-Aid Interstate-Primary Program, the urban system, the secondary system, bridge replacement and rehabilitation, Interstate substitution highway projects, projects for the elimination of hazards of railway-highway crossings, and for projects for the elimination of hazards under section 152 of this title for the purpose of carrying out the objectives of the Strategic Highway Research Project under section 133 of this title."

(c) Repealing existing subsections (c) and (d).

(d) Existing subsection (b) is amended to read as follows:

"(d) On October 1 of each fiscal year or as soon as is practicable the Secretary, after making the deductions authorized by subsections (a), (b), and (c) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for the fiscal year, among the several States in the following manner:

"(1) FOR THE FEDERAL-AID INTERSTATE- PRIMARY PROGRAM.—

"(A) For each of the fiscal years 1987, 1988, 1989, and 1990 that portion of $3,000,000,000 remaining after making the deductions authorized by subsections (a), (b), and (c) of this section shall be apportioned in the ratio which the estimated cost of completing the Interstate System in each State bears to the sum of the estimated cost of completing the Interstate System in all of the States as established in revised table 5, Committee Print 100-6 of the Senate Committee on Environment and Public Works: Provided, That the Secretary shall on October 1, 1986, or as soon thereafter as is practicable before making the apportionment required by this paragraph, adjust such Interstate Cost Estimate to reflect (i) all previous credits, apportionments of Interstate construction funds and lapses of previous apportionments of Interstate construction funds, (ii) previous withdrawals of Interstate segments, (iii) previous allocations of Interstate discretionary funds, and (iv) transfers of Interstate construction funds and: Provided, That for each of the fiscal years 1987, 1988, 1989, and 1990, no State, including the State of Alaska, shall receive less than one-half per centum of the total apportionment under this paragraph (A).

Amounts made available under this proviso shall be eligible for expenditure in the same manner as other Interstate-primary funds, for projects on the urban and secondary system, and for projects for the elimination of hazards under section 152 of this title.

"(B) For each of the fiscal years 1987, 1988, 1989, and 1990 that portion of $2,800,000,000 remaining after making the deduction authorized by subsections (a), (b), and (c) of this section shall be apportioned as follows: 55 per centum in the ratio that lane miles on the Interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 129(k) of this title) in each State bears to the total of all such lane miles in all States; and 45 per centum in the ratio that vehicle miles traveled on lanes on the Interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 129(k) of this title) in each State bears to the total of all such vehicle miles in all States. Notwithstanding the preceding sentence, no State excluding any State that has no Interstate lane miles shall receive less than one-half of 1 per centum of the total apportionment made by this subparagraph for any fiscal year.

"(C) Before making the apportionment under this paragraph (C), the Secretary shall set aside such sums as are necessary to carry out the provisions of subparagraph (C)(iv). For each of the fiscal years 1987, 1988, 1989, and 1990 that portion of $2,350,000,000 remaining after such set aside and after the deductions authorized by subsections (a), (b), and (c) of this section shall be apportioned as follows:

"(i) The Secretary shall determine for each State the higher of the amount which would be apportioned to such State under a formula where (I) two-thirds would be apportioned, one-third in the ratio which the area of each State bears to the total area of all the States, one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census, and one-third in the ratio which the mileage of rural delivery routes and intercity mail routes where service is performed by motor vehicles in each State bears to the total mileage of rural delivery and intercity mail routes where service is performed by motor vehicles, as shown by a certificate of the Postmaster General, which shall be made and furnished annually to the Secretary; and one-third in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census with no State (other than the District of Columbia) to receive less than one-half per centum of each year's apportionment and the amount which would be apportioned to such State under a formula where (II) each State would be apportioned one-half in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census and one-half in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census.

"(ii) The Secretary shall total the amounts determined for each State under paragraph (i) and shall determine the ratio which the amounts apportioned under this paragraph (C) bears to such total.

"(iii) The amount which shall be apportioned to each State under this paragraph (C) shall be the amount determined for such State under paragraph (i) multiplied by the ratio determined under paragraph (ii).

"(iv) No State shall receive an apportionment under this paragraph (C) which is less *than the lower of (I), the amount which the State would be apportioned under the formula in paragraph (i)(I), and (II), the amount which the State would be apportioned under the formula in paragraph (i)(II). No State shall receive less than one-half per centum of the total apportionment under this paragraph (C).*

"(2) For the Federal-aid secondary system one-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all of the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and intercity mail routes where service is performed by motor vehicles, certified as above provided, in each State bears to the total mileage of rural delivery and intercity mail routes where service is performed by motor vehicles in all the States. No State (other than the District of Columbia) shall receive less than one-half of 1 per centum of each year's apportionment.

"(3) For the Federal-aid urban system in the ratio which the population in urban areas, or parts thereof, in each State bears to the total population in such urban areas, or parts thereof, in all the States as shown by the latest available Federal census. No State shall receive less than one-half of 1 per centum of each year's apportionment.".

(e) Subsection (e) is amended to read as follows:

"(e) On October 1 of each fiscal year the Secretary shall certify to each of the State highway departments the sums apportioned hereunder to each State for such fiscal year, and also the sums which have been deducted pursuant to subsections (a), (b), and (c) of this section. To permit the State to develop adequate plans for the utilization of apportioned sums, the Secretary shall advise each State of the amount that will be apportioned each year under this section not later than ninety days before the beginning of the fiscal year for which the sums to be apportioned are authorized.".

(f) Existing subsection (g) is amended to read as follows:

"(f) Not more than 40 per centum of the amount apportioned in any fiscal year to each State in accordance with sections 130, 144, and 152 of this title, may be transferred from the apportionment under one section to the apportionment under any other of such sections if such a transfer is requested by the State highway department and is approved by the Secretary as being in the public interest. The Secretary may approve the transfer of 100 per centum of the apportionment under one such section to the apportionment under any other of such sections if such transfer is requested by the State highway department, and is approved by the Secretary as being in the public interest, if the Secretary has received satisfactory assurances from such State highway department that the purposes of the program from which such funds are to be transferred have been met.".

(g) Existing subsection (h) is repealed.

(h) Subsection (g) is added as follows:

"(g)(1) The amount apportioned in any fiscal year to each State in accordance with paragraph (2) or (3) of subsection (d) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. Funds apportioned in accordance with paragraph (3) of subsection (d) of this section shall not be transferred from their allocation to any urbanized area of two hundred thousand population or more under section 150 of this title without the approval of the local officials of such urbanized area.

"(2) In the case of transfers under paragraph (1), the total of all transfers during any fiscal year to any apportionment shall not increase the original amount of such apportionment for such fiscal year by more than 50 per centum. Not more than 50 per centum of the original amount of any apportionment for any fiscal year shall be transferred to other apportionments.".

AVAILABILITY

SEC. 105. Section 118 of title 23, United States Code, is amended to read as follows:

§ 118. Availability

"(a) On and after the date that the Secretary has certified to each State the sums apportioned or allocated pursuant to an authorization under this title such sums shall be available for obligation under the provisions of this title.

"(b)(1) Sums apportioned for the Federal-Aid Interstate-Primary Program, for the Federal-aid secondary system and for the Federal-aid urban system in a State shall continue available for obligation in that State for the appropriate program and system for a period of three years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unobligated at the end of such period shall lapse.

"(2)(A) Sums apportioned for bridge replacement and rehabilitation in a State shall remain available for obligation in that State for a period of three years after the close of the fiscal year for which the sums are authorized and any amounts apportioned remaining unobligated at the end of the period shall be allocated by the Secretary pursuant to section 144(g)(2) of this title.

"(B) Sums allocated for bridge replacement and rehabilitation in a State shall remain available for obligation in that State until the close of the fiscal year of allocation and any amount allocated remaining unobligated at the end of the period shall be reallocated by the Secretary pursuant to section 144(g)(2) of this title.

"(3) Sums apportioned or allocated for a particular purpose for any fiscal year shall be deemed to be obligated if a sum equal to the total of the sums apportioned or allocated to the State for such purpose for such fiscal year and previous fiscal years is obligated. Any funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds previously apportioned or allocated to the State and be immediately available for obligation.

"(c) Funds made available to the State of Alaska under this title may be expended for construction of access and development roads on a Federal-aid system that will serve resource development, recreational, residential, commercial, industrial, or other like purposes.".

INTERSTATE SYSTEM RESURFACING

SEC. 106. (a) Section 119(a) of title 23, United States Code, is amended by (1) striking "section 105 of the Federal-Aid Highway Act of 1978" and inserting in lieu thereof "section 129(k) of this title" and by (2) striking the next to the last sentence.

(b) Section 119(b) of title 23, United States Code, is amended by striking "for the Interstate system shall" and inserting in lieu thereof "shall", by (2) striking "equal to 10 per centum" and inserting in lieu thereof "of not more than 10 per centum", and by (3) striking "104" and inserting in lieu thereof "104(d)(1)(A)".

(c) Section 119(d) is repealed.

FEDERAL SHARE PAYABLE

SEC. 107. (a) Subsection (a) of section 120, title 23, United States Code, is amended by striking "financed with primary" and inserting in lieu thereof "financed with Interstate-primary" and by inserting "(other than the Interstate System)" after "primary system".

(b) Subsection (b) of section 120, title 23, United States Code, is repealed.

(c) Subsection (c) of section 120, title 23, United States Code, is amended by striking "provided for by funds made available under the provisions of section 108(b) of the Federal-Aid Highway Act of 1956 shall be increased to" and inserting in lieu thereof ", as designated in section 103 of this title and as designated prior to March 9, 1984, in section 139 (a) and (b) of this title financed with Interstate-primary funds shall not exceed".

(d) Subsection (f) of section 120 of title 23, United States Code, is amended by striking "shall not exceed 100 per centum of the cost thereof: Provided" and inserting in lieu thereof "on account of any project on a Federal-aid highway system, including the Interstate System, shall not exceed the Federal share payable of a project on a system as provided in subsections (a) and (c) of this section: Provided, That the Federal share payable for eligible emergency repairs to minimize damage, protect facilities or restore essential traffic accomplished within thirty days after the actual occurrence may amount to 100 per centum of the costs thereof: Provided further".

(e)(1) The second subsection (i), subsection (j), and subsection (k) of section 120 of title 23, United States Code, are relettered as subsection (j), (k), and (l) respectively.

(2) The second subsection (i) of section 120, title 23, United States Code, relettered as subsection (j), is amended by inserting "104(b) and" before "307(c)".

(f) Subsection (b) is added to section 120 of title 23, United States Code, as follows: "Notwithstanding other provisions of this title, a State may contribute an amount in excess of its normal share on a project under this title so as to decrease the Federal share payable on such project: Provided, That the use of this provision shall be subject to criteria established by the Secretary.".

(g) Section 120(f) of title 23, United States Code, as amended by this section is effective for all natural disasters or catastrophic failures which occur subsequent to enactment of this Act.

RELOCATION OF UTILITY FACILITIES

SEC. 108. Section 123(a) of title 23, United States Code, is amended to read as follows:

"(a) When a State pays for the cost of relocation of utility facilities necessitated by the construction of a project on the Federal-aid primary system including the Interstate System, or under a Federal-aid program, or under the State's safety improvement program for the elimination of hazards to the traveling public resulting from the utility facilities on or near the right-of-way of highways on the Federal-aid primary system including the Interstate System, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are used on the project.".

EMERGENCY RELIEF

SEC. 109. Section 125 of title 23, United States Code, is amended by adding subsection (d) as follows:

"(d) For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Island shall be considered to be States and part of the United States, and the chief executive officer of each territory shall be considered to be a Governor of a State. The Secretary may expend funds from the sums authorized for this section for the repair or reconstruction of highways eligible for assistance under section 215 of this title: Provided, That obligations for projects under this subsection shall not exceed $5,000,000 in any fiscal year.".

VEHICLE WEIGHT LIMITATIONS—INTERSTATE SYSTEM

SEC. 110. Section 127(a) of title 23, United States Code, is amended by striking "authorized to be appropriated for any fiscal year under provisions of the Federal-Aid Highway Act of 1956 shall be apportioned" and inserting in lieu thereof "shall be apportioned under section 104(d)(1)(A) of this title" and by (b) adding after the word "lapse" the following: "if not released and obligated within the availability period specified in section 118(b)(1) of this title".

TOLL FINANCING

SEC. 111. (a)(1) Section 301 of title 23, United States Code, is repealed.

(2) Section 105 of the Federal-Aid Highway Act of 1978 is amended by striking the last two sentences.

(b) Section 129 of title 23, United States Code, is amended to read as follows:

"§ 129. Toll Roads, Bridges, Tunnels and Ferries

"(a) Except as provided in this section all highways constructed, reconstructed, rehabilitated, restored, or resurfaced under the provisions of this title shall be free from tolls of all kinds.

"(b) The Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this chapter, in the construction of any new toll highway, bridge or tunnel other than a highway on the Interstate System; in the reconstruction of any existing highway, bridge or tunnel to expand its capacity, other than a highway, bridge or tunnel on the Interstate System; or in the construction, reconstruction or acquisition of any toll bridge or toll tunnel; upon compliance with the conditions contained in this section: Provided, That the Federal share payable for the construction or reconstruction of a toll highway, bridge or tunnel shall not exceed 35 per centum. The highway, bridge, tunnel, or approach thereto must be publicly owned and operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether the bridge or tunnel is to be or has been constructed, or acquired, by the State or other public authority. For purposes of this section the term "new toll highway, bridge or tunnel" shall mean initial construction of a highway bridge or tunnel on a new location at any time before it is open to traffic and shall not include any improvements to a toll highway after it is open to traffic. The State Highway Department must agree, for toll bridges, tunnels and highways, that toll revenues will be used only on the facility tolled, and only for construction or reconstruction costs, or for the costs necessary for the proper operation, maintenance and debt service of the facility including resurfacing, reconstruction, rehabilitation, and restoration. Except for reconstruction to expand capacity, toll facilities may receive Federal participation under this subsection once only for the original construction, reconstruction, or acquisition. Toll mileage created under this subsection shall not be used to increase a State's apportionment under any apportionment formula.

"(c) Funds authorized for use on any of the Federal-aid systems including the Interstate System shall be available for obligation on projects approaching any toll road, bridge, or tunnel to a point where the approach enters the main lanes of the toll facility or toll plaza, whichever occurs first. Construction, reconstruction, or relocation of toll collection equipment, facilities, plaza, or related facilities shall not be eligible for Federal funds. The Secretary may permit Federal participation in any engineering and fiscal assessments, traffic analyses, and preliminary design analyses necessary to determine whether a privately owned toll road, toll bridge, or toll tunnel shall be acquired by a State or political subdivision thereof.

"(d)(1) The Secretary may permit Federal participation under this title in the construction of a ferryboat, whether toll or free, subject to the following conditions:

"(A) It is not feasible to build a bridge, tunnel, combination bridge-tunnel, or other normal highway structure in lieu of use of the ferry.

"(B) The operation of the ferry shall be on the Federal-aid primary system other than the Interstate System or the Federal-aid secondary system.

"(C) The ferry shall be publicly owned and operated.

"(D) The operating authority and the amount of fares charged for passage on the ferry shall be under the control of the State, and all revenues derived therefrom shall be applied to actual and necessary costs of operation, maintenance, and repair.

"(E) The ferry may be operated only within the State (including the islands which comprise the State of Hawaii and the islands which comprise the Commonwealth of Puerto Rico) or between adjoining States. Except with respect to operations between the islands which comprise the State of Hawaii, operations between the islands which comprise the Commonwealth of Puerto Rico, operations between the State of Maine and its off-shore islands, and operations between any two points in Alaska and between Alaska and Washington, including stops at appropriate points in the Dominion of Canada, no part of the ferry operation shall be in any foreign or international waters.

"(F) The ferry shall not be sold, leased, or otherwise disposed of without the approval of the Secretary. The Federal share of any proceeds from a disposition shall be credited to the unprogrammed balance of Federal-aid highway funds of the same class last apportioned to the State. Any amount credited shall be in addition to other funds apportioned to the State and shall be available for obligation in accordance with the provisions of this title.

"(2) The Secretary may permit Federal participation under this title in the construction of a project constituting an approach to a ferry, whether toll or free, on the Federal-aid primary system other than the Interstate System or the Federal-aid secondary system. The ferry may be either publicly or privately owned and operated, but the operating authority and the amount of fares charged for passage shall be under the control of a State agency or official, and all revenues derived from publicly owned or operated ferries shall be applied to payment of the cost of construction or acquisition, including debt service, and to actual and necessary costs of operation, maintenance, repair, and replacement.

"(e) Sums apportioned to a State for the Federal-aid Interstate-Primary Program or for Interstate System resurfacing may be obligated for projects for resurfacing, restoring, and rehabilitating lanes on a toll road which has been designated as a part of the Interstate System if an agreement satisfactory to the Secretary of Transportation has been reached with the State highway department and any public authority with jurisdiction over such toll road prior to the approval of such project that the toll road will become free to the public upon the collection of tolls sufficient to liquidate the cost of the toll road or any bonds outstanding at the time constituting a valid lien against it, and the cost of maintenance and operation and debt service during the period of toll collections. The agreement referred to in the preceding sentence shall contain a provision requiring that if, for any reason, a toll road subject to an agreement does not become free to the public upon collection of sufficient tolls, as specified in the preceding sentence, Federal funds used for projects on such toll road pursuant to this subsection shall be repaid to the Federal Treasury and a provision requiring that if such repayment does not equal or exceed Federal funds apportioned to a State by reason of including toll road mileage in an apportionment formula, the State's apportionment shall be reduced by the amount needed to make the repayment equal such apportionment.

"(f)(1) Each operator of toll roads, toll tunnels, toll ferries, and toll bridges, other than an international toll facility or toll facility subject to an agreement under this section or section 105 of the Surface Transportation Assistance Act of 1978 on a Federal-aid system in a State shall biennially certify to the Governor of the State that such facilities are adequately maintained and that the operator of such toll facility has the ability to fund the replacement or repair of any such facilities that are not adequately maintained without using Federal-aid highway funds. Failure to certify shall preclude Federal funding out of the Highway Trust Fund of any facilities owned or operated by the operator of such toll facility.

"(2) The Governor shall report biennially to the Secretary the toll facilities subject to paragraph (1) of this subsection, that have so certified and those which have not certified in accordance with paragraph (1) of this subsection. If funds from the Highway Trust Fund are used to repair or replace such toll facilities, the States' apportionments for the following fiscal year under section 104 of this title shall be reduced by the amount of Highway Trust Fund moneys expended: Provided, That such reduction shall not be made if the State has executed an agreement covering such toll facilities under this section or section 105 of the Surface Transportation Assistance Act of 1978.".

(c) Upon the request of a State and upon entering into an agreement that toll revenue will be used only on the facility tolled, construction and reconstruction costs, or for the costs necessary for the proper operation and debt service of the facility, including resurfacing, reconstruction, rehabilitation, and restoration, pursuant to section 129(b) of title 23, United States Code, as amended by this section, the Secretary of Transportation may void an agreement entered into *prior to the enactment of this section under section 129 (a), (d) or (e) of title 23, United States Code. The Secretary shall issue rules and regulations regarding the voiding of such agreements which shall be limited to insuring future operation and maintenance of the tolled facility.*

RAILWAY-HIGHWAY CROSSINGS

Sec. 112. (a) Section 130 of title 23, United States Code, is amended by adding subsections, (d), (e), (f), (g), and (h) as follows:

"(d) Each State shall conduct and systematically maintain a survey of all highways to identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose. At a minimum, such a schedule shall provide signs for all railroad-highway crossings.

"(e) At least half of the funds authorized for and expended under this section shall be available for the installation of protective devices at railway-highway crossings. Sums authorized to be appropriated for this section shall be available for obligation in the same manner as funds apportioned under section 104(d)(1) of title 23, United States Code.

"(f) Twenty-five per centum of the funds authorized for this section shall be apportioned to the States in the same manner as sums apportioned under section 104(d)(2) of title 23, United States Code, 25 per centum of such funds shall be apportioned to the States in the same manner as apportioned under section 104(d)(3) of title 23, United States Code, and 50 per centum of such funds shall be apportioned to the States in the ratio that total rail-highway crossings in each State bears to the total of such crossings in all States. The Federal share payable on account of any project financed with funds authorized for this section shall be 90 per centum of the cost thereof.

"(g) Each State shall report to the Secretary of Transportation not later than December 30 of each year on the progress being made to implement the railroad-highway crossings program authorized by this section and the effectiveness of such improvements. Each State report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The Secretary of Transportation shall submit a report to the Senate Environment and Public Works Committee and the House Public Works and Transportation Committee of the Congress not later than April 1 of each year, on the progress being made by the State in implementing projects to improve railroad-highway crossings. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (d) and include recommendations for future implementation of the railroad highway crossings program.

"(h) Funds authorized for this section may be used to provide local government with funds to be used on a matching basis when State funds are available which may only be spent when local government produces matching funds for the improvement of railroad crossings.".

(b) Section 203 of the Highway Safety Act of 1973 is repealed.

STRATEGIC HIGHWAY RESEARCH PROGRAM

Sec. 113. Title 23, United States Code, is amended by adding section 133 as follows:

"§ 133. Strategic Highway Research Program

"(a) The sums provided by section 104(c) of this title shall be available for obligation when deducted to implement the Strategic Highway Research Program (SHRP). The Secretary is authorized to carry out the SHRP in cooperation with the State highway departments, as represented by the American Association of State Highway and Transportation Officials (AASHTO). The Secretary shall set standards to use the funds under this paragraph to conduct research, development and technology transfer activities determined to be strategically important to the national highway transportation system. The Secretary may provide grants to, and enter into cooperative agreements with, AASHTO and/or the National Academy of Sciences to conduct appropriate portions of the SHRP. Advance payments may be made as necessary to facilitate this program. No State matching share is required for the sums made available under this section. The sums provided by this section shall be combined and administered by the Secretary as a single fund which shall be available for obligation for the same period as funds apportioned for the Federal-Aid Interstate-Primary Program.

"(b) The Secretary shall transmit a report annually beginning on January 1, 1988, to the Senate Environment and Public Works Committee and the House Public Works and Transportation Committee of the Congress which provides information on the progress and research findings of the Strategic Highway Research Program.

"(c)(1) The remedy against the United States provided by sections 1346(b) and 2672 of title 28, United States Code, for injury, loss of property, personal injury, or death shall apply to any civil action against the National Academy of Sciences for injury, loss of property, personal injury, or death for any act or omission arising from activities conducted under or in connection with the Strategic Highway Research Program authorized under subsection (a) of this section.

"(2) The remedies referred to in paragraph (1) shall be exclusive of any other civil action or proceeding for the purpose of determining liability arising from any such act or omission without regard to when the act or omission occurred. Employees of the National Academy of Sciences and other individuals appointed by the President of the National Academy of Sciences and acting on its behalf in connection with the Strategic Highway Research Program shall be considered to be employees of the Federal Government, as provided in section 2671 of title 28, United States Code, for the purposes of such civil action or proceeding; and the civil action or proceeding shall proceed in the same manner as any action against the United States filed pursuant to section 1346(b) of such title and shall be subject to the limitations and exceptions applicable to those actions.

"(3) Upon certification by the Attorney General that a suit is within the provisions of subsection (a), a civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceeding shall be deemed a tort action brought against the United States under the provisions of section 1346(b), 2401(b), or 2402, or sections 2671 through 2680 of title 28, United States Code. For purposes of removal, the certification of the Attorney General under this subsection shall be conclusive.".

SECTION 139 ROUTES

Sec. 114. The last sentence of section 139(a), the fourth sentence of 139(b), and the last sentence of section 139(c) of title 23, United States Code, are each amended by striking "sections 104(b)(1) and 104(b)(5)(B)" and inserting in lieu thereof "section 104(d)(1)".

OFF-SYSTEM BRIDGE PROGRAM

Sec. 115. Section 144, title 23, United States Code, is amended by adding a new subsection as follows:

"(n) Notwithstanding any other provision of law, with respect to any project not on a Federal-aid highway system for the replacement of a bridge or rehabilitation of a bridge which is wholly funded from State and local sources, is eligible for Federal funds under section 144 of title 23, United States Code, is noncontroversial, is certified by the State to have been carried out in accordance with all standards applicable to such projects under section 144, and is determined by the Secretary upon completion to be no longer a deficient bridge, any amount expended after the effective date of this section, from such State and local sources for such project in excess of 20 per centum of the cost of construction thereof may be credited to the non-Federal share of the cost of the projects in such State which are eligible for Federal funds under section 144, in accordance with procedures established by the Secretary.".

FERRY, BRIDGE, AND LOW WATER CROSSING REPLACEMENT

Sec. 116. (a) Section 144, title 23, United States Code, is further amended by adding another new subsection as follows:

"(o)(1) Notwithstanding any other provision of this section or of any other provision of law, any State may utilize any of the funds provided under this section to construct any bridge which—

"(A) replaces any low water crossings (regardless of the length of such low water crossing),

"(B) replaces any bridge that was destroyed prior to 1960,

"(C) replaces any ferry which was in existence on January 1, 1984, or

"(D) replaces any road bridges rendered obsolete as a result of United States Corps of Engineers flood control or channelization projects and not rebuilt with funds from the United States Corps of Engineers.

"(2) The Federal share payable on any bridge construction carried out under paragraph (1) shall be 80 percent of the cost of such construction.".

(b) The amendment made by subsection (a) shall apply to funds apportioned to the States for Fiscal Year 1987 or for any subsequent fiscal year.

MINIMUM ALLOCATION

Sec. 117. (a) Section 157(a) of title 23, United States Code, is amended to read as follows:

"(a) Beginning with fiscal year 1987, as soon as practicable after the date of enactment of the Federal-Aid Highway Act of 1987 and in each of the fiscal years thereafter, on October 1, or as soon as possible thereafter, the Secretary of Transportation shall allocate among the States, as defined in section 101 of this title, amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year and

allocations for the prior fiscal year for Federal-aid highway programs, except allocations for forest highways, Indian reservation roads, and parkways and park roads in accordance with section 202 of this title, highway related safety grants authorized by section 402 of this title, nonconstruction safety grants authorized by sections 402, 406, and 408 of this title, and Bureau of Motor Carrier Safety Grants authorized by section 404 of the Surface Transportation Assistance Act of 1982, shall not be less than 85 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available.".

(b) The amendment made by subsection (a) shall become effective on October 1, 1986.

(c) Title 23, United States Code, section 157(c) is amended by striking the "and" that precedes "September 30, 1986" and inserting after "1986" the following: ", September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990".

FEDERAL-AID INTERSTATE-PRIMARY PROGRAM

SEC. 118. Title 23, United States Code, is amended by adding section 159 as follows:

"§ 159. Federal-Aid Interstate-Primary Program

"(a) It is the national policy to bring all elements of the primary system up to standards established pursuant to section 109 of this title. To accomplish this policy the Federal-Aid Interstate-Primary Program shall consist of projects for the construction, reconstruction, rehabilitation, restoration, and resurfacing or improvement of the primary system as designated in section 103(a) of this title and the Interstate System as designated in section 103(c)(1) and section 139 of this title.

"(b) In approving projects under this section, the Secretary shall give consideration to projects to complete essential gaps on the Interstate System and for the reconstruction, rehabilitation, restoration, and resurfacing of existing highway facilities. Reconstruction may include, but is not limited to, the addition of travel lanes and the construction and reconstruction of interchanges and overcrossings along existing completed Interstate routes, including the acquisition of right-of-way where necessary.".

INCOME FROM RIGHTS-OF-WAY

SEC. 119. Title 23, United States Code, is amended by adding section 160 as follows:

"§ 160. Income from rights-of-way

"States shall charge, as a minimum, fair market value, with exceptions granted at the discretion of the Secretary for social, environmental, and economic mitigation purposes, for the sale, use, lease, or lease renewals, other than for utility use and occupancy, of right-of-way airspace acquired as a result of a project under this chapter. This section applies to new airspace usage proposals, renewals of prior agreements, arrangements, or leases entered into by the State subsequent to the effective date of this section. The Federal share of net income from the revenues obtained by the State for sales, uses, or leases under this section shall be used by the State for projects eligible under this title.".

TERRITORIAL HIGHWAY PROGRAM

SEC. 120. Subsection (f) of section 215 of title 23, United States Code, is amended to read as follows:

"(f) The provisions of chapter 1 of this title that are applicable to Federal-Aid Interstate-Primary Program funds and to projects on the Federal-aid primary system other than the Interstate System shall apply to funds authorized to be appropriated to carry out this section, to funds obligated under this section and to projects carried out under this section except as determined by the Secretary to be inconsistent with this section. There shall be designated in each territory, a territorial Federal-aid highway system which will include all highways eligible for funding under this section. The system shall be designated by the highway department of the territory and be subject to the approval of the Secretary. Funding provided under this section shall only be available for highway construction projects on the territorial Federal-aid system.".

BICYCLE PROJECTS ELIGIBILITY

SEC. 121. The second sentence of section 217(b)(1) of title 23, United States Code, is amended by inserting "and sums apportioned or allocated for highway substitute projects in accordance with section 103(e)(4) of this title" after the word "title".

HIGHWAY PLANNING AND RESEARCH

SEC. 122. Section 307(c)(1) of title 23, United States Code, is amended by inserting after "section 104 of this title", the following: "and for highway projects, section 103(e)(4)".

NATIONAL HIGHWAY INSTITUTE

SEC. 123. Subsections (b) and (c) of section 321 of title 23, United States Code, are amended to read as follows:

"(b) Not to exceed one-quarter per centum of all Federal-aid Interstate-Primary Program funds, apportioned to a State under section 104 of this title shall be available for expenditure by the State highway department, subject to approval by the Secretary, for payment of not to exceed 75 per centum of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

"(c) Education and training of Federal, State, and local highway employees authorized by this section shall be provided by the Secretary at no cost to the States and local governments for those subject areas which are a Federal program responsibility, or, in the case where such education and training are to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contract with public and private agencies, institutions, individuals and the Institute.".

RIGHT-OF-WAY DONATION

SEC. 124. (a) Notwithstanding any other provision of title 23, United States Code, the State matching share for a project under title 23, United States Code, may be credited by the fair market value of land incorporated into the project and lawfully donated to the State after the effective date of this subsection. The fair market value of the donated land shall be established as determined by the Secretary. Fair market value shall not include increases and decreases in the value of donated property caused by the project. For purposes of this subsection the fair market value of donated land shall be established after the date the donation becomes effective or when equitable title to the land vests in the State, whichever is earlier. This subsection shall not apply to donations made by an agency of a Federal, State, or local government. The credit received by a State pursuant to this subsection may not exceed the State's matching share for the project to which the donation is applied.

(b) Section 323 of title 23, United States Code, is amended by—

(1) inserting after "Donations." an "(a)"; and

(2) inserting the following new subsection:

"(b)(1) A gift or donation in accordance with subsection (a) may be made at any time during the development of a project: Provided, That any document executed as part of such donation prior to the approval of an environmental document prepared pursuant to the National Environmental Policy Act shall clearly indicate that—

"(i) all alternatives to a proposed alignment will be studied and considered pursuant to the National Environmental Policy Act;

"(ii) acquisition of property under this subsection shall not influence the environmental assessment of a project including the decision relative to the need to construct the project or the selection of a specific location; and

"(iii) any property acquired by gift or donation shall be revested in the grantor or successors in interest if such property is not required for the alignment chosen after public hearings and completion of the environmental document.".

(c) Section 4651 of title 42, United States Code, is amended as follows:

(1) Insert after "programs" in the first sentence the following "to promote joint projects between States and landowners and other entities in order to maximize Federal and State dollars".

(2) Insert new paragraph (10) as follows:

"(10) Promotion of joint projects wherein private citizens and other governmental entities participate in the cost through land donations and/or financial contributions is consistent with Federal policy and should be encouraged by all Federal agencies. To this end donations of right-of-way and/or financial contributions by a State or other political subdivision, or any person is permissible.".

(d) Notwithstanding any other provision of law, the fair market value of any lands which have been or in the future are donated or dedicated to the State of California necessary for the right-of-way for relocation and construction of California State Route 73 in Orange County, California, from its interchange with Interstate Route I-405 to its interchange with Interstate Route I-5 shall be included as a part of the cost of such relocation and construction project and shall be credited first toward payment of the non-Federal share of the cost of such relocation and construction project. If the fair market value of such lands exceeds the non-Federal share of such relocation and construction project, then the excess amount, upon the request of the State of California, shall be credited toward the non-Federal share of the cost of any other project on the Federal-aid system in the State of California. To further the purposes of this section and section 323 of title 23, United States Code, any recorded irrevocable offer of dedication or donation of property within the right-of-way shall be considered as part of the State right-of-way acquisition for purposes of this section if such offer is irrevocable and effective no later than such time as the State of California requests final reimbursement for the Federal share. In no case shall the amount of Federal-aid reimbursement to the State of California on account of such relocation and construction project exceed the actual cost to the State for such project.

PROHIBITION AGAINST DISCLOSURE AND ADMISSION AS EVIDENCE OF STATE REPORTS AND SURVEYS

SEC. 125. Chapter 4 of title 23, United States Code, is amended by adding section 409 as follows:

"**§ 409. Reports, surveys; disclosures; admission as evidence**

Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled with the purpose of identifying, evaluating, or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or rail-highway crossings, pursuant to sections 130, 144, and 152 of title 23, United States Code, or for the development of any highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds shall not be admitted into evidence in Federal or State court, or considered for other purposes, in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists or data.".

BUY AMERICA

SEC. 126. Section 165(a) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

"Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act or by any Act amended by this Act or, after the date of enactment of this Act, any funds authorized to be appropriated to carry out this Act, title 23, United States Code, the Urban Mass Transportation Act of 1964, or the Surface Transportation Assistance Act of 1978 and administered by the Department of Transportation, for projects whose total cost exceed $500,000, unless steel and manufactured products used in such projects are produced in the United States.".

REGULATION OF TOLLS

SEC. 127. (a) Section 4 of the General Bridge Act of 1906 (34 Stat. 85, 33 U.S.C. 494), as amended, is further amended by deleting the last sentence thereof.

(b) Section 17 of the Act of June 10, 1930 (46 Stat. 552, 33 U.S.C. 498a), as amended, is repealed.

(c) Section 1 of the Act of June 27, 1930 (46 Stat. 821, 33 U.S.C. 498b), as amended, is repealed.

(d) Sections 1-5 of the Act of August 21, 1935 (49 Stat. 670, 33 U.S.C. 503-507), as amended, are repealed.

(e) Sections 503 and 506 of the General Bridge Act of 1946 (60 Stat. 847, 848, 33 U.S.C. 526, 529), as amended, are repealed.

(f) Section 133 of Public Law 93-87 (87 Stat. 267, 33 U.S.C. 526a) is repealed.

(g) Section 6 of the International Bridge Act of 1972 (86 Stat. 732, 33 U.S.C. 535d) is repealed.

(h) Section 6(g)(4) of the Department of Transportation Act (80 Stat. 937, 49 U.S.C. 1655(g)(4)) is repealed.

(i) Tolls for passage or transit over any bridge constructed under the authority of the Bridge Act of 1906, as amended, the General Bridge Act of 1946, as amended, and the International Bridge Act of 1972, shall be just and reasonable.

INDIAN EMPLOYMENT AND CONTRACTING

SEC. 128. Section 140 of title 23, United States Code is amended by adding the following:

"(d) Consistent with section 703(i) of the Civil Rights Act of 1964, Public Law 88-352, 78 Stat. 241, July 2, 1964, nothing in this section shall preclude the preferential employment of Indians living on or near a reservation on projects and contracts on Indian reservation roads. The Secretary shall cooperate with Indian tribal governments and the States to implement this subsection.".

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

SEC. 129. (a) CONTRACTING GOAL.—Except as the Secretary determines otherwise, not less than 10 per centum of the amounts authorized to be appropriated under this title or obligated under title 1 of Public Law 97-424 after the effective date of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) DEFINITIONS.—For the purposes of this section:

(1) "disadvantaged business enterprise" means a small business concern owned and controlled by socially and economically disadvantaged individuals;

(2) "small business concern" is defined by section 3 of the Small Business Act (15 U.S.C. 632), except that a small business concern shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has annual average gross receipts in excess of $10 million, as adjusted by the Secretary for inflation; and

(3) "socially and economically disadvantaged individuals" is defined by section 8(d)(2)(C) of the Small Business Act (15 U.S.C. 637(d)(2)(C), except that women shall be presumed to be socially and economically disadvantaged individuals.

(c) TECHNICAL ASSISTANCE.—Amounts expended for technical assistance to benefit disadvantaged business enterprises may be used to meet up to 10 per centum of the amounts required to be expended on a contract or subcontract with a disadvantaged business enterprise under the provisions of this section.

(d) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern is a disadvantaged business enterprise for the purposes of this section. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

(e) LEVEL OF EFFORT BY SUBCONTRACTORS.—

(1) Amounts expended with a disadvantaged business enterprise for subcontracting work shall not be used to meet any part of the goal established by this section unless such enterprise performs with its own organization subcontract work amounting to not less than 30 per centum of the subcontract price not including materials and supplies.

(2) A State government may reduce the 30 per centum requirement of paragraph (1) for a particular contract if it determines that such a reduction would be in the public interest and that the level of effort by the disadvantaged business enterprise is consistent with industry practice by subcontractors for the type of work involved.

(3) Except for contracting arrangements approved in advance by the State government, any payments from a disadvantaged business enterprise to the prime contractor or any affiliate shall not be used to meet any part of the goal established by this section.

(f) PRIME CONTRACTS.—Except as the Secretary determines otherwise, amounts equal to not less than 5 per centum in 1988, not less than 7 per centum in 1989 and not less than 10 per centum in 1990, of the goal established by this section for a State shall be expended on contracts directly between a State government and a disadvantaged business enterprise.

(g) APPLICABILITY.—Section 105(f) of Public Law 97-424 shall not apply to amounts authorized under title 1 of such Act and obligated after the effective date of this Act.

RELEASE OF CONDITION RELATING TO CONVEYANCE OF A CERTAIN HIGHWAY

SEC. 130. Notwithstanding paragraph (1) of subsection (b) of section 146 of the Federal-Aid Highway Act of 1970 (84 Stat. 1739) and any agreement entered into under such subsection, no conveyance of any road or portion thereof shall be required to be made under such paragraph or agreement to the State of Maryland and the State of Maryland shall not be required to accept conveyance of any such road or portion. Funds authorized by such section may be obligated and expended without regard to any requirement of such paragraph or agreement that such conveyance be made.

WASTE ISOLATION PILOT PROJECT

SEC. 131. For the fiscal year ending September 30, 1986, and thereafter, there is authorized to be appropriated $58,000,000 to remain available until expended for the upgrading of certain highways in the State of New Mexico for the transportation of nuclear waste generated during defense-related activities.

OBLIGATION LIMITATION

SEC. 132. (a) Notwithstanding any other provisions of law, the total of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) $12,350,000,000 for fiscal year 1987;

(2) $12,350,000,000 for fiscal year 1988;

(3) $12,350,000,000 for fiscal year 1989; and

(4) $12,350,000,000 for fiscal year 1990.

These limitations shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, and projects under section 157 of title 23, United States Code.

(b) For each of the fiscal years 1987, 1988, 1989 and 1990, the Secretary of Transportation shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(c) Notwithstanding subsections (b) and (c), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State;

(2) after August 1 of each of the fiscal years 1987, 1988, 1989, and 1990 revise a distribution of the funds made available under subsection (b) for such fiscal year if a State will not obligate the amount distributed during such fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during such fiscal year giving priority to those States having large unobli-

gated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by the Surface Transportation Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

(3) not distribute amounts authorized for administrative expenses, Federal lands highways, and the Strategic Highway Research Program.

HISTORIC BRIDGES

SEC. 133. (a) Congress hereby finds and declares it to be in the national interest to encourage the rehabilitation, reuse and preservation of bridges significant in American history, architecture, engineering, and culture. Historic bridges are important links to our past, serve as safe and vital transportation routes in the present, and can represent significant resources for the future.

(b) The Secretary shall, in cooperation with the State, implement the programs described in section 144 of this title in a manner that encourages the inventory, retention, rehabilitation, adaptive reuse and future study of historic bridges.

(c) The Secretary shall require each State to complete an inventory of all bridges on and off the Federal-aid system to determine their historic significance.

(d) Reasonable costs associated with actions to preserve, or reduce the impact of the project on, the historic integrity of historic bridges which continue to be used for motorized vehicular traffic shall be eligible as reimbureable project costs, including projects authorized pursuant to section 144 of title 23, provided that the load capacity and safety features of the resulting bridge are adequate to serve the intended use for the life of the facility. Funding pursuant to section 144 of this title for actions to preserve, or reduce the impact of the project on, the historic integrity of historic bridges which are no longer used for motorized vehicular traffic shall not exceed the estimated cost of demolition.

(e) Any State which proposes to demolish a historic bridge for a replacement project with funds made available pursuant to section 144 of title 23, shall make the bridge available for donation to a State, locality, or responsible private entity provided such State, locality, or responsible entity enters into an agreement to—

(1) maintain the bridge and the features that give it its historic significance and

(2) assume all future legal and financial responsibility for the bridge, which may include an agreement to hold the State highway agency harmless in any liability action. Costs incurred by the State to preserve the historic bridge, including funds made available to the State, locality, or private entity to enable it to accept the bridge, shall be eligible project costs under chapter 1 of title 23 up to an amount not to exceed the cost of demolition. Any bridge preserved pursuant to this subsection shall thereafter not be eligible for any other funds authorized pursuant to this title.

(f) For purposes of this section, "historic bridge" means any bridge that is listed on, or eligible for listing on, the National Register of Historic Places.

(g) The Secretary of Transportation shall make appropriate arrangements with the Transportation Research Board of the National Research Council to carry out a study of the section 144 bridge program's effect on the preservation and rehabilitation of historic bridges. The Transportation Research Board shall also develop recommendations of specific standards which shall apply only to the rehabilitation of historic bridges, and shall provide an analysis of any other factors which would serve to enhance the rehabilitation of historic bridges.

FOREST HIGHWAYS

SEC. 134. Notwithstanding section 202(a) of title 23, United States Code, the Secretary of Transportation shall, after making the transfer provided by section 204(g) of title 23, United States Code, on October 1, or as soon thereafter as is practicable, of each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990, allocate 66 per centum of the remainder of the authorization for forest highways provided for that fiscal year by this Act in the same percentage as the amounts allocated for expenditure in each State and the Commonwealth of Puerto Rico from funds authorized for forest highways for the fiscal year ending June 30, 1958, adjusted to (1) eliminate the 0.003,243,547 per centum for the State of Iowa to the State by deed executed May 26, 1964, and (2) redistribute the above percentage formerly apportioned to the State of Iowa for other participating States on a proportional basis. The remaining funds authorized to be appropriated for forest highways for such fiscal years shall be allocated pursuant to section 202(a) of title 23, United States Code.

WILDFLOWERS

SEC. 135. Section 319 of title 23, United States Code, is amended by inserting an "(a)" after section 319 and inserting the following new subsection:

"(b) The Secretary shall require the planting of native wildflower seeds and/or seedlings as part of any landscaping project under this section. At least one-quarter per centum of the funds expended for landscaping projects shall be used for such plantings. The requirements of this subsection may be waived by the Secretary if the State certifies that such native wildflowers or seedlings cannot be grown satisfactorily or planting areas are limited or otherwise used for agricultural purposes. Nothing in this subsection shall be construed to prohibit the acceptance of native wildflower seeds or seedlings donated by civic organizations or other organizations and individuals to be used in landscaping projects.".

COMBINED ROAD PLAN DEMONSTRATION PROGRAM

SEC. 136. (a) The Secretary of Transportation, in cooperation with up to 10 States, shall conduct a Combined Road Plan Demonstration to test the feasibility of approaches for combining, streamlining and increasing the flexibility in the administration of the Federal-aid secondary, Federal-aid urban and off-system urban and secondary bridge programs. The demonstration shall place as much responsibility as feasible with State and local governments including, but not limited to, the granting of design exceptions and the conduct of final inspections.

(b) As soon as is practicable, upon completion of the demonstration project, the Secretary of Transportation shall submit a report to the Congress evaluating the effectiveness of the demonstration and making needed recommendations.

NEW JERSEY-PENNSYLVANIA TOLL COMPACT

DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

SEC. 137. (a) OBLIGATION TO REPAY FEDERAL FUNDS INVESTED ON I-80.—

(1) The Delaware River Joint Toll Bridge Commission (hereinafter in this section referred to as the "Commission"), in conjunction with the State highway agencies of the Commonwealth of Pennsylvania and of the State of New Jersey, shall enter into an agreement with the Secretary of Transportation to repay to the Treasury of the United States any Federal funds which previously have been obligated or otherwise expended by the Federal Government with respect to the Delaware Water Gap Bridge on I-80. Such repayment shall be credited to the Highway Trust Fund.

(2) Upon such repayment, such States and the Commission shall be free of all restrictions contained in title 23, United States Code, and any regulation or agreement thereunder, with respect to the collection or imposition of tolls or other charges for such bridge or the use thereof.

(b) AGREEMENT TO CONSTRUCT I-78 BRIDGE AS A TOLL BRIDGE.—If the Commonwealth of Pennsylvania, the State of New Jersey, and the Commission determine to operate the uncompleted bridge under construction in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, on I-78 as a toll bridge, such States, the Commission, and the Secretary of Transportation shall enter into an agreement with respect to such I-78 bridge project as provided in section 129 of title 23, United States Code, notwithstanding the requirements of section 301 of such title or any existing agreement.

(c) COMMISSION'S AUTHORITY TO CHARGE TOLLS; RIGHT OF REVIEW BY FEDERAL AGENCIES PRESERVED.—The Commission's authority to fix, charge, or collect any fees, rentals, tolls, or other charges shall be as provided in its Compact, supplements thereto and the supplemental agreement described and consented to in subsection (f), but paragraph (c) of the supplemental agreement described and consented to in subsection (f) shall not be construed to eliminate the necessity for review and approval by any Federal agency, as may be required under applicable Federal law, to determine that the tolls charged by the Commission are reasonable and just consistent with the Commission's responsibilities under its Compact, supplements thereto and the supplemental agreement described and consented to in subsection (f).

(d) CONGRESSIONAL CONSENT NOT GRANTED TO TOLLS ON EXISTING NONTOLL BRIDGES.—Nothing in this section shall be construed to grant congressional consent to the imposition of tolls by the Commission on any existing and operating bridge under the Commission's jurisdiction on which tolls were not charged and collected on January 1, 1986.

(e) CONGRESSIONAL APPROVAL NOT APPLICABLE TO I-895 CORRIDOR.—Nothing in this section shall constitute congressional approval to construct any additional toll bridge in the previously designated I-895 corridor.

(f) CONSENT OF CONGRESS TO SUPPLEMENTAL AGREEMENT CONCERNING AUTHORITY OF COMMISSION.—

(1) The consent of the Congress is hereby given to the supplemental agreement, described in paragraph (2), concerning the Delaware River Joint Toll Bridge Commission, which agreement has been enacted by the Commonwealth of Pennsylvania on December 18, 1984, as Act 206, laws of 1984, and by the State of New Jersey on October 21, 1985, as Public Law 1985, chapter 342.

(2) The agreement referred to in paragraph (1) reads substantially as follows:

"SUPPLEMENTAL AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY

"Supplementing the Compact or Agreement Entitled Agreement between the Commonwealth of Pennsylvania and the State of New Jersey Creating the Delaware River Joint Toll Bridge Commission as a Body Corporate and Politic and Defining its Powers and Duties, as Heretofore Amended and Supplemented, to Establish the Purposes for Which the Commission May Fix, Charge, and Collect Tolls, Rates, Rents, and Other Charges for the use of Commission Facilities and Properties".

"The Commonwealth of Pennsylvania and the State of New Jersey do solemnly covenant and agree, each with the other, as follows:

"(a)(1) Notwithstanding any other provision of the compact hereby supplemented, or any provision of law, State or Federal to the contrary, as soon as the existing outstanding bonded indebtedness of the commission shall be refunded, defeased, retired, or otherwise satisfied and thereafter, the commission may fix, charge, and collect tolls, rates, rents, and other charges for the use of any commission facility or property and in addition to any purpose now or heretofore or hereafter authorized for which the revenues from such tolls, rates, rents, or other charges may be applied, the commission is authorized to apply or expend any such revenue for the management, operation, maintenance, betterment, reconstruction, or replacement (a) of the existing non-toll bridges, formerly toll or otherwise, over the Delaware River between the State of New Jersey and the Commonwealth of Pennsylvania heretofore acquired by the commission pursuant to the provisions of the act of the State of New Jersey approved April 1, 1912 (Chapter 297), and all supplements and amendments thereto, and the act of the Commonwealth of Pennsylvania approved May 8, 1919 (Pamphlet Laws 148), and all supplements and amendments thereto and (b) of all other bridges within the commission's jurisdiction and control. Betterment shall include but not be limited to parking areas for public transportation services and all facilities appurtenant to approved projects.

"(2) The commission may borrow money or otherwise incur indebtedness and provide from time to time for the issuance of its bonds or other obligations for one or more of the purposes authorized in this supplemental agreement. The commission is authorized to pledge its tolls, rates, rents, and other revenues, or any part thereof, as security for the repayment, with interest, of any moneys borrowed by it or advanced to it for any of its authorized purposes, and as security for the satisfaction of any other obligation assumed by it in connection with such loan or advances.

"(3) The authority of the commission to fix, charge, and collect fees, rentals, tolls or any other charges on the bridges within its jurisdiction, including the bridge at the Delaware Water Gap, is confirmed.

"(4) The covenants of the State of New Jersey and the Commonwealth of Pennsylvania as set forth in Article VI of the compact to which this is a supplemental agreement shall be fully applicable to any bonds or other obligations issued or undertaken by the commission. Notwithstanding Article VI or any other provision of the compact, the State of New Jersey and the Commonwealth of Pennsylvania may construct a bridge across the Delaware River in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, within 10 miles of the existing toll bridge at that location. All the rest and remainder of the compact, as amended or supplemented, shall be in full force and effect except to the extent it is inconsistent with this supplemental agreement.

"(b) The commission is authorized to fix, charge, or collect fees, rentals, tolls, or any other charges on the proposed bridge to be constructed in the vicinity of Easton, Pennsylvania, and Phillipsburg, New Jersey, in the same manner and to the same extent that it can do so for other toll bridges under its jurisdiction and control provided that the United States Government has approved the bridge to be a part of the National System of Interstate and Defense Highways with 90 percent of the cost of construction to be contributed by the United States Government, and provided further, that the non-Federal share of such bridge project is contributed by the commission. The commission is further authorized in the same manner and to the same extent that it can do so for all other toll bridges under its jurisdiction and control to fix, charge, and collect fees, rentals, tolls or any other charges on any other bridge within its jurisdiction and control if such bridge has been constructed in part with Federal funds.

"(c) The consent of Congress to this compact shall constitute Federal approval of the powers herein vested in the commission and shall also constitute authority to the United States Department of Transportation or any successor agency and the intent of Congress to grant any Federal approvals required hereunder to permit the commission to fix, charge, and collect fees, rentals, tolls, or any other charges on the bridges within its jurisdiction to the extent provided in subsections (a) and (b) and this subsection and the compact.

"(d) Notwithstanding the above provisions, the commission shall not fix, charge, or collect fees, rentals, tolls, or any other charges on any of the various bridges formerly toll or otherwise over the Delaware River between the State of New Jersey and the Commonwealth of Pennsylvania heretofore acquired by the commission pursuant to the provisions of the Act of the State of New Jersey approved April 1, 1912 (chapter 297), and all supplements and amendments thereto, and the Act of the Commonwealth of Pennsylvania approved May 8, 1919 (Pamphlet Laws 148), and all supplements and amendments thereto.

"(e) At any time that the commission shall be free of all outstanding indebtedness, the State of New Jersey and the Commonwealth of Pennsylvania may, by the enactment of substantially similar acts, require the elimination of all tolls, rates, rents, and other charges on all bridges within the commission's jurisdiction and control and, thereafter, all costs and charges in connection with the construction, management, operation, maintenance, and betterment of bridges within the jurisdiction and control of the commission shall be the financial responsibility of the States as provided by law.".

MOTOR VEHICLE STUDY

SEC. 138. (a) The Secretary shall enter into appropriate arrangements with the Transportation Research Board (TRB) of the National Academy of Sciences to conduct a study of those motor vehicle issues noted in subsection (b) of this section. The TRB shall consult with the Department of Transportation, the State highway administrations, the motor carrier industry, highway safety groups, and any other appropriate entities.

(b) The study shall include an analysis of the impacts of the various positions that have been put forth with respect to each issue. The final report shall include best estimates of the effects on pavement, bridges, highway revenue and cost responsibility, and highway safety, and the changes in transportation costs and other measures of productivity for various segments of the trucking industry resulting from adoption of each of the positions identified and analyzed. Related issues of permitting, weight enforcement, and data availability and reliability shall be addressed as appropriate. The issues to be addressed shall include but not be limited to:

(1) Elimination of existing, grandfather provisions of section 127, title 23, United States Code, which allow higher axle loads and gross vehicle weights than the 20,000-pound single axle load limit, 34,000-pound tandem axle load limit, and 80,000-pound gross vehicle weight limit maximums authorized by the Federal-Aid Highway Amendments of 1974 (Public Law 93-643), including permits for divisible loads and statutory provisions providing higher weights by formula, tolerance or statutory specification.

(2) Analysis of alternative methods of determining a gross vehicle weight limit and axle loadings for all types of motor carrier vehicles.

(3) Analysis of the bridge formula contained in section 127 of title 23, United States Code, in view of current vehicle configurations, pavement and bridge stresses in accord with 1986 design and construction practices, and existing bridges on and off the Interstate System.

(4) Establishment of a nationwide policy regarding the provisions of "reasonable access" to the National Network for combination vehicles established pursuant to the Surface Transportation Assistance Act of 1982.

(5) Recommend appropriate treatment for specialized hauling vehicles which do not comply with the existing Federal bridge formula.

(c) The TRB shall submit a final report to the Secretary and the Senate Environment and Public Works Committee and the House Public Works and Transportation Committee of the Congress on the results of the study conducted under this section, not later than thirty months after appropriate arrangements are entered into under subsection (a). Appropriate arrangements shall be concluded within six months from the date of passage of this Act.

(d) There is authorized to be appropriated to carry out subsection (a) of this section, out of the Highway Trust Fund (other than the Mass Transit Account), $500,000 per fiscal year for each of the fiscal years ending September 30, 1987, and September 30, 1988. Funds authorized for this section shall be available for obligation in the same manner as if apportioned under chapter 1 of title 23, United States Code, and shall be available until expended.

RAIL-HIGHWAY CROSSINGS STUDY

SEC. 139. (a) The Secretary shall conduct a study of national highway-railroad crossing improvement and maintenance needs. The Secretary shall consult with the State highway administrations, the Association of American Railroads, highway safety groups, and any other appropriate entities in carrying out this study.

(b) The issues to be addressed by this study shall include but not be limited to:

(1) Examine any correlation which may exist between existing conditions at crossings and accident data at crossings.

(2) Examine existing hazards to motorists and railroad personnel and community impacts resulting from mobility and capacity constraints including delays of police, fire, and emergency medical services.

(3) Analysis of most cost effective methods of protecting the public at crossings including a review of the impact of Federal funds expended at crossings; division of cost of improvements and maintenance between Federal, State, local governments and railroads; cost effectiveness of the Railroad Relocation Demonstration Program (section 163 of the Federal-Aid Highways Act of 1973) compared to the Railroad-Highway Crossings program (section 203 of the Highway Safety Act of 1973); and the cost of upgrading existing equipment at crossings to the latest technology.

(4) Examine driver behavior at railroad-highway crossings and what technologies are most effective in changing behavior and preventing accidents.

(5) Examine what effect the shift in rail traffic patterns, including abandonments, mergers, and increased demand in certain corridors) has on railroad-highway crossing needs.

(6) Review any other potential costs associated with railroad-highway crossings including accident liability, increased truck size and weight, and maintenance responsibilities.

(c) The Secretary shall submit a final report to the Senate Environment and Public Works Committee and the House Public Works and Transportation Committee of the Congress on the results of the study conducted under this section along with recommendations of how these needs can be addressed in a cost effective manner, not later than twenty-four months after the date of enactment of this section.

(d) There is authorized to be appropriated to carry out subsection (a) of this section, out of the Highway Trust Fund (other than the Mass Transit Account), $600,000 for the fiscal year ending September 30, 1987, to remain available until expended. Funds authorized for this section shall be available for obligation in the same manner as if apportioned under chapter 1 of title 23, United States Code, and shall be available until expended.

EMERGENCY RELIEF

SEC. 140. (a) Subsection (b) of section 125 of title 23, United States Code, is amended by striking out "$30,000,000" and inserting in lieu thereof "$100,000,000".

(b) The amendment made by subsection (a) shall apply with respect to projects resulting from any natural disaster or catastrophic failure that occurs after calendar years 1985.

PRIORITY PROJECTS

SEC. 141. (a) Notwithstanding any other provisions of title 23 pertaining to the transfer of Federal-aid program funds, the Secretary of Transportation shall carry out the following projects if requested by a State highway department and if designated as part of a Federal-aid system:

(1) Access highways to public recreation areas on certain lakes and State parks in order to accommodate present and projected traffic density—

(A) Morton County: for bridge replacement and access road to Sweetbriar and Crown Butte Lakes, North Dakota;

(B) Mercer County: for access road to Hazen Bay, Lake Sakakawea, North Dakota;

(C) Ransom County: for access road to Fort Ransom State Park, North Dakota;

(D) Benson/Ramsey Counties: for access road to Tri-County Park, Devils Lake Recreation Areas, North Dakota;

(E) Mountrail County: for access road to Parshall Bay, Lake Sakakawea, North Dakota;

(F) Emmons County: for access road to Lake Oahe and numerous bays, North Dakota;

(G) McKenzie County: for access road to several bays on Lake Sakakawea near the city of Charlson, North Dakota;

(H) Grand Forks County: for access road to Larimore Dam Recreation Areas, North Dakota;

(I) Grand Forks County: for access road to Fordville Dam Recreation Area, North Dakota;

(J) Steele County: for access road to Golden Lake Recreation Areas, North Dakota;

(K) McKenzie County: for access road to several bays on Lake Sakakawea near United States Highway 85 south of the city of Williston, North Dakota;

(L) Bottineau/Renville Counties: for access road to United States Fish and Wildlife Lake Darling Refuge, North Dakota; and

(M) Mountrail County: for access road to Van Hook Bay, Lake Sakakawea, North Dakota;

(2) Stark/Hettinger Counties: for secondary road improvements serving a regional grain terminal at Gladstone, North Dakota;

(3) the Long Island Expressway Fourth Lane Study to examine the feasibility of adding a fourth lane in each direction to I-495 in New York;

(4) the Nassau Expressway in New York, extending from Burnside Avenue to Broadway;

(5) the Westchester Parkway in New York, to widen the segment between the Hawthorne Interchange and Washburn Road, reconstruct the southbound lanes in the vicinity of Pleasantville Road, and reconstruct the Pleasantville Road interchange;

(6) the Lockport Expressway in New York, to relocate the terminus of the Lockport Expressway (I-990) and construct an interchange at its new terminus at Millersport Highway in Erie County, New York;

(7) the Sunrise Highway in New York, from Wheeler Road to Veterans' Memorial Highway in the Town of Islip, Suffolk County, New York;

(8) the Southern Tier Expressway in Steuben County, New York;

(9) Fuhrmann Boulevard, an access road which parallels Lake Erie along the outer harbor in the city of Buffalo, New York;

(10) the Broadway-Chinden Connector in Idaho, connecting Interstate-184 with Broadway Avenue, to increase the access to downtown Boise and the Interstate;

(11) the Seltice Way project located in Post Falls, Idaho. The reconstruction project of Seltice Way through the city of Post Falls, beginning at Pleasant View Road and ending at Huetter Road;

(12) the United States-20/26 Highway Project, located on United States-20/26 and United States-20 between the Idaho National Engineering Laboratory (INEL) site and the city of Idaho Falls, Idaho;

(13) the Brunswick-Topsham Bypass in Maine, a limited access highway providing increased access from Interstate 95 to Brunswick Naval Air Station and Bath Iron Works;

(14) Route 21 along the Passaic River in Passaic County, New Jersey, to complete a gap in the Federal-aid primary system;

(15) the extension of I-49 for 6.7 miles in the Shreveport and Lafayette, Louisiana vicinities;

(16) a highway project in the vicinity of Southeast Baton Rouge, Louisiana, for the purpose of demonstrating methods by which (a) the widening of the on and off ramps of a full diamond interchange on the Interstate System, and (b) the widening and improvement of the approaches on both sides of the Interstate System, including access ramps and turnouts therefrom, of a two lane highway not on such system and construction of a school bus loading area immediately adjacent thereto, and (c) the coordination of a partial relocation of a two lane highway not on such system, will enhance the economic development of the area while removing safety hazards, reducing traffic congestion at the Interstate Interchange, at the entrances to a large commercial development and a school, including the entrances to the school bus loading zone;

(17) a highway project in the vicinity of East Lafayette Parish, Louisiana, for the purpose of demonstrating the benefits of a full diamond interchange connecting Louisiana Avenue on the west bank of Bayou Vermillion to the Interstate System to improve traffic flow and highway safety in the city of Lafayette;

(18) a highway project in the vicinity of East Lafayette, Louisiana for the purpose of demonstrating the benefits of providing access to the Interstate System from a State highway not on such system;

(19) in Sparks, Nevada, for the purpose of demonstrating the efficacy of improving traffic flow conditions on various adjacent interchanges and local streets by constructing a new interchange and approaches on an east-west highway on the Interstate System and a four-lane highway not on such system which could serve as a beltway;

(20) the improvement of the Boulder Highway in Henderson, Nevada, creating a landscaped environment;

(21) construct an urban interchange to provide relief for the existing interchange at Sahara Avenue and I-15, Las Vegas, Nevada;

(22) a ten-mile extension from the Blue Ridge Parkway to the Explore Project (a five thousand acre tourist destination located in the Roanoke Valley in western Virginia);

(23) to construct an additional lane on South Dakota Route 244 from Mount Rushmore National Memorial to the vicinity of Keystone;

(24) for grading and interim surfacing of United States Route 18 in South Dakota from the West Todd County line, east;

(25) for grading and resurfacing United States Route 14 in South Dakota from Iroquois to DeSmet;

(26) United States Route 1 in Providence, Rhode Island; conduct improvements on Allens Avenue and Eddy Street;

(27) Wakefield Street in West Warwick, Rhode Island; conduct improvements on Wakefield Street;

(28) the design and construction of an interchange in the vicinity of Sanford, Florida, at the intersection of Route 46A and an interstate;

(29) The design and construction of a grade separation at the intersection of United States 41 and Causeway Boulevard in Tampa, Florida;

(30) For the engineering and design of a multi-lane highway structure from the Port of Miami to Interstate 95;

(31) A project on the Federal-aid urban system between a railroad line and a highway in the vicinity of Moorhead, Minnesota;

(32) A highway project in Pine City, Minnesota, to construct an interchange between a highway on the Interstate System and a county State-aid highway;

(33) A reconstruction of an access road to Voyageurs National Park, Minnesota;

(34) A highway project for the construction of an access road from County Road 413 in St. Louis County, Minnesota, to a recreational complex on the Bois Forte Chippewa Reservation (Vermilion Sector);

(35) A project for the design and site location for the replacement of the Bloomington Ferry Bridge, located in Hennepin and Scott Counties, Minnesota;

(36) A project for construction of a highway connecting Aurora-Hoyt Lakes and Silver Bay, Minnesota.

(37) for work on United States 70 in the State of New Mexico from Las Cruces, New Mexico to Texico, New Mexico.

(38) United States Route 48 (National Freeway); Washington County, Maryland. This project United States 40 and a westbound access road from Mountain Road. It provides the opportunity to monitor the before and after impacts associated with access to commercial establishments. Data for current business trade can be compared to future indicators after access project is completed to ascertain the costs and benefits associated with the improvement and commercial vitality.

(39) Maryland 162 (Hammonds Ferry Road) at Poplar Avenue. Realign intersection to tie Maryland 162 directly into Poplar Avenue. Construction lanes will be added to intersection so that northbound Maryland 162 to westbound Poplar Avenue will become a through movement.

(40) Maryland 162 (Poplar Avenue to Maryland 176). A two-mile project to widen Maryland 162 from two to four lanes with left-turn movements at selected intersections. Will allow smoother traffic flow from Maryland 3 to Poplar Avenue.

(41) Poplar Avenue Maryland 170 to Maryland 162). A one-half mile project to widen Poplar Avenue from two to four lanes. Will provide freer flow of traffic from Maryland 162 to Maryland 170.

(42) Maryland Route 4 (Southern Maryland Boulevard); Prince George's and Anne Arundel Counties. This project involves the replacement of a bridge carrying Maryland Route 4 over the Patuxent River, in a sensitive wetlands and river area. The project is critical to meeting the growing traffic in the route 4 corridor due to development in Anne Arundel and Calvert Counties.

(43) Maryland Route 3 at Belair Drive. This project involves the construction of an interchange connecting these two facilities. It is needed in order to meet the growing traffic levels in the City of Bowie and also to serve the proposed University of Maryland Science and Technology Center. The project highlights the various aspects of creative financing which has enabled the advancement of a project's construction schedule.

(44) Maryland Route 197, Rustic Hill Drive to South of Amtrak: Prince George's County. This project involves the construction of a four-lane divided highway which will provide an alternative route for traffic bypassing Bowie, Maryland. It will also improve access to Bowie State College and would demonstrate the before and after impacts of improved access to a minority college.

(45) Maryland 115 Relocated, Montgomery Village Avenue to Shady Grove Road Montgomery County. This project involves the construction of a four-lane divided dualized highway. Maryland Route 115 Relocated is an important part of the proposed I-270 corridor transportation network providing access between the rapdily growing Gaithersburg/Montgomery Village area and the Shady Grove Metro Station. This improvement is needed to relieve traffic congestion on existing Maryland 115, Maryland 355, and I-270.

(46) Maryland Route 213: Chester River Bridge (Queen Anne's and Kent Counties). This project involves the rehabilitation of a bridge over the Chester River at historic Chestertown, Maryland. The project will highlight the benefits associated with a creative bridge construction technique of replacing spans with prefabricated sections at night. It would analyze traffic impacts, community impacts, construction time duration, and cost implications.

(47) Maryland Route 838 (Wye Island Road): Queen Anne's County. This project involves the replacement of a bridge connecting Maryland 838 to the Wye Island Natural Resources Management Area, owned and operated by the Maryland Department of Natural Resources. This existing bridge is obsolete; the new bridge will be designed to be compatible with its natural setting. For example, it will have a timber deck, similar to the existing bridge.

(48) In Lawrence, Kansas, a bypass project which is a model for its cost-sharing arrangement and economic development goals.

(49) In Wichita, Kansas, the replacement of a conventional intersection of two heavily travelled streets at Kellogg and Oliver with a new low-cost European fly-over design for the interchange.

(50) In Olathe, Kansas, the 119th Street Interstate to correct a dangerous interchange.

(51) In Emporia, Kansas, a new Prairie Street overpass to overcome existing flood conditions.

(52) In Kansas City, Missouri, the South Midtown Roadway, a north-south route on the Federal-aid Primary System.

(53) In St. Charles County, Missouri, a bypass highway to connect an east-west Interstate route with the Interstate beltway around St. Louis, Missouri.

(54) A segment of north-south highway on the Federal-Aid Primary System from the vicinity of Carthage, Missouri, to the boundary between the States of Arkansas and Missouri, in the vicinity of Noel, Missouri, increasing the number of lanes on such segment from two to four.

(55) A 106-mile highway on the Federal-Aid Primary System in Missouri, beginning in the vicinity of Columbia and ending in the vicinity of Lancaster.

(56) To reconstruct and rehabilitate the Eugene Talmadge Memorial Bridge, a functionally obsolete bridge which is located in Savannah, Georgia, and crosses the Savannah River.

(57) Highway bridge at Lock and Dam 4 near Pine Bluff, Arkansas.

(58) In the vicinity of Jonesboro, Arkansas, for the construction of four grade separations on a four-land bypass route for demonstrating methods of improving highway safety.

(59) In the State of Arkansas on a segment of a North-South highway on the Federal-Aid Primary System from the vicinity of the junction of Interstate routes I-40 and I-540 to the boundary between the State of Arkansas and Missouri in the vicinity of Bella Vista, Arkansas.

(60) In the vicinity of Fort Smith, Arkansas, to widen a segment of the Federal-aid urban system and improve signalization.

(61) Interstate connector from I-95 near Florence, South Carolina, to United States 17, north of Myrtle Beach, South Carolina, to allow increased access to the Grand Strand.

(62) The South Carolina portion of the Bobby Jones Expressway by-pass from I-20 near North Augusta, South Carolina, south across the Savannah River into Georgia, where it connects with I-520.

(63) Replace the Highway 30 bridge across the Missouri River between Blair, Nebraska and Missouri Valley, Iowa.

(64) United States 75 North Central Expressway Extension.—combines several individual projects which involve construction of additional lanes, more efficient interchanges, and improved bridge structures for added capacity and safer travel on a Federal-aid primary system highway. Improvements to this major North-South route in north central Texas near Dallas would cover fifteen and four-tenths miles of highway from Interstate 635 in Dallas County to State Highway 121 in Collin County. Cost of the project is estimated at $134,500,000.

(65) Interstate Highway 30 Interchange ("West Leg")—Ft. Worth, Texas.—reconstructs and widens a critical interchange involving major, heavily traveled East-West and North-South Interstate Highways (Interstate highway 30 and Interstate highway 35, respectively).

(66) The demonstration of the state of the art highway technologies on United States 220 Blair County, Pennsylvania.

(67) The New Sewickly project, located in the townships of New Sewickly and Conway, Pennsylvania. To construct a two-lane highway between the two municipalities.

(68) The Basin Street Railroad Crossing. To secure funding for a railroad grade crossing project in Allentown, Pennsylvania.

(69) The Southern Expressway project in Pittsburgh, Pennsylvania. To enable traffic to bypass airport and local roads that access the Pittsburgh Airport.

(70) The Ebensberg Bypass. To divert traffic from Route 219 in Ebensberg, Pennsylvania, to a 5.1 mile relocated segment.

(71) The Chadville, Pennsylvania interchange project, located in Franklin County. To relieve traffic congestion at an existing interchange on a North-South interstate route and to provide access to Chambersburg, Pennsylvania.

(72) The Chadville, Pennsylvania highway project. To relocate and reconstruct a 3.5 mile segment of the Federal-aid primary system from the vicinity of Chadville, Pennsylvania, to Fairchance, Pennsylvania.

(73) The Kittanning-Brookville, Pennsylvania project. To reconstruct approximately 30 miles of a two-lane on the Federal-aid primary system between Kittanning and Brookville, Pennsylvania.

(74) The Johnstown Flood National Memorial project. To upgrade a narrow, 1.3 mile access road to the Johnstown Flood National Memorial, near Johnstown, Pennsylvania.

(75) A highway project to demonstrate methods of improving highway safety by making improvements to a road providing direct access from the Fort Campbell Military Reservation to the City of Clarksville, Tennessee.

(76) Ferry Street Bridge—Eugene, Oregon. A preliminary engineering study to plan and design alternatives for this heavily traveled bridge.

(77) The restoration of the Martin Luther King Bridge connecting the metro east area in Illinois and St. Louis, Missouri.

(78) United States Route 30 Bridge—Iowa. Construct a bridge on United States Route 30 to replace a 56-year-old structure which is too narrow to be utilized by motor carriers.

(79) The Cline Avenue/I-94 Interchange in East Chicago, Indiana.

(80) Cline Avenue Interchange Improvement Project in East Chicago, Indiana for the reconstruction of an intersection of Cline Avenue and the Borman Expressway.

(81) Hammond Railroad Relocation Project in Hammond, Indiana to complete acquisition of right-of-way and construction of the Homan Avenue underpass to improve transportation and economic benefits to the community.

(82) Lafayette Railroad Relocation in Layfayette, Indiana to reroute rail traffic to a single corridor with few crossings reducing the threat posed to the safety of the local citizens by over forty rail-highway intersections.

(83) United States 59 Highway Corridor in Texas, from Texarkana to Houston to Beeville.

(84) Construction of the New River Parkway in West Virginia, a two-lane scenic highway through the New River Gorge National River area connecting with Interstate 64.

(85) West Calcasieu Parish Access Road and on and off ramp.—The project would provide for an access road which parallels Interstate 10 at Sulphur, Louisiana, in West Calcasieu Parish, to provide access to and from the Interstate System for said access road.

(86) Liberty/Laurel Overpass—Texas. This project would connect two one-way streets to Phelan Boulevard over I-10 in Beaumont, Texas.

(87) To improve the Peachtree Industrial Boulevard from I-285 to State Route 141 in Atlanta, Georgia.

(88) Highway 98—Baldwin County, Alabama. This project would widen Highway 98 for the rapid emergency evacuation of individuals in the vicinity of Fairhope and Foley, Alabama.

(89) Highway 98—Mississippi. This project would widen Highway 98 in a fourteen and 7 tenths mile section in the vicinity of Hattiesburg, Mississippi.

(90) Bridge—Patton Island, Alabama. This project would be to construct a bridge across the Tennessee River in Lauderdale and Colbert Counties in Alabama.

(91) Mason County, Michigan. United States Route 10/31 and 31 in the County of Mason, Michigan.

(92) For a new route from Los Alamos, New Mexico to Santa Fe, New Mexico.

(93) A highway project in Minden, Louisiana to construct a frontage road which provides Minden, Louisiana alternative access to a highway immediately connecting to a highway on the Interstate system.

(94) This project concerns the relocation of Highway 61 in Dubuque, Iowa, and the broadening of the highway south from Dubuque to DeWitt, Iowa.

(95) To construct a connecting road of approximately 3,600 feet between Liberty Street and Massachusetts Highway 21 in Belchertown, Mass.

(96) A study to determine the feasibility of constructing a four-lane highway out of a two-lane segment of Route 219 between Somerset, Pennsylvania, and the border of the State of Maryland.

(97) A study to determine the feasibility of constructing a four-lane highway out of two-lane segment that connects Route 56, near Johnstown, Pennsylvania to Route 22.

(98) A study to determine the feasibility of making Route 22 between Ebensburg and **Pittsburgh, Pennsylvania.**

(99) A project to construct a by-pass of approximately forty-nine miles parallel to Route 30, to divert motor traffic around the city of Exton, Pennsylvania.

(b) Each fiscal year before making any apportionment, the Secretary of Transportation shall approve from a State's apportionments under sections 104, 130, 144, and 152, of title 23, United States Code, such sums that may be requested by a State highway department to carry out projects required by this section in that State. A State highway department shall designate the apportionments from which sums are to be approved. The Federal share payable for sums approved from apportionments provided in subsections 104(d)(1)(A) and 104(d)(1)(B) of title 23, United States Code, shall not exceed the share provided in subsection 120(a) of title 23, United States Code; from apportionments provided in subsections 104(d)(1)(C), 104(d)(2) and 104(d)(3) of title 23, United States Code, shall not exceed the share provided in subsection 102(a) of title 23, United States Code; from apportionments provided in subsection 130(f) of title 23, United States Code, shall not exceed the share provided in such subsection 130(f); from apportionments provided in subsection 144(e) of title 23, United States Code, shall not exceed the share provided in subsection 144(f) of such title; and from apportionments provided in subsection 152(e) of title 23, United States Code, shall not exceed the share provided in subsection 152(d) of such title. Funds approved under this section shall be available for obligation in the same manner as if apportioned under chapter 1 of title 23, United States Code, and shall be available until expended. Funds in excess of the amounts needed to complete a project shall be returned to the appropriate apportionment.

LETTING OF CONTRACTS

SEC. 142. Section 112(b) of title 23, United States Code, is amended by inserting "or that an emergency situation exists" before the period at the end of the first sentence.

WEST VIRGINIA TURNPIKE TOLLS

SEC. 143. Upon the request of the West Virginia Turnpike Commission and upon its entering into an agreement with the Secretary of Transportation that toll revenue will be used only on I-77 (the West Virginia Turnpike) for construction and reconstruction costs, or for the costs necessary for the proper operation and debt service of the facility, including resurfacing, reconstruction, rehabilitation, and restoration, pursuant to section 129 of title 23, United States Code, the Secretary of Transportation may void an agreement entered into prior to the enactment of this section under section 129(e) of title 23, United States Code. The Secretary shall issue rules and regulations regarding the voiding of such agreement which shall be limited to insuring future operation and maintenance of the tolled facility.

ADVANCE CONSTRUCTION

SEC. 144. (a) Section 115 of title 23, United States Code, is amended by striking the title and inserting in lieu thereof "Advance construction".

(b) Paragraph (a) of section 115 of title 23, United States Code, is amended to read as follows:

"(a) When a State has obligated all the highway substitute, urban, secondary or bridge funds, as the case may be, apportioned or allocated to it or has used or demonstrates that it will use the obligation authority allocated to it, and proceeds to construct a highway substitute, urban, secondary or bridge project without the aid of Federal funds in accordance with all procedures and all requirements applicable to a project, except insofar as procedures and requirements limit a State to the construction of a project with the aid of funds previously apportioned or allocated to it or limit a State to the construction of a project with obligation authority previously allocated to it, the Secretary, upon approval of an application, is authorized to pay to the State the Federal share of the cost of construction of the project when additional funds are apportioned or allocated to the State, or when additional obligation authority is allocated to the State if—

"(A) prior to the construction of the project the Secretary approved the plans and specifications therefor in the same manner as other projects, and

"(B) the project conforms to the applicable standards under section 109 of this title.".

(c) Paragraph (b)(1) of section 115 of title 23, United States Code, is amended to read as follows:

"(b)(1) When a State proceeds to construct any project on the Federal-aid primary system including the Interstate System without the aid of Federal funds in accordance with all procedures and all requirements applicable to projects on the Interstate System or the primary system, as the case may be, except insofar as the procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon approval of the application, is authorized to pay to the State the Federal share of the cost of construction of the project when additional funds are apportioned to the State—

"(A) prior to the construction of the project the Secretary approved the plans and specifications therefor in the same manner as other projects, and

"(B) the project conforms to the applicable standards under section 109 of this title.".

(d) Paragraph (b)(3) of section 115 of title 23, United States Code, is amended by inserting "on the Interstate System" after "project" the first place that "project" appears.

(e) Section 115 of title 23, United States Code, is further amended by adding new subsection (d) as follows:

"(d) The Secretary may not approve an application under this section if the amount of approved applications in the category of funds involved exceeds the total of that category of unobligated funds apportioned or allocated to a State, plus such State's expected apportionment of that category of funds from existing authorizations plus an amount equal to such State's expected apportionment of that category of funds for one additional fiscal year.".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1987.

(g) TECHNICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 115 and inserting the following:

"115. Advance construction.".

REVIEW OF REPORTS ON UNITED STATES ROUTE 13 RELIEF ROUTE

SEC. 145. The Congress requests the Board of Engineers for Rivers and Harbors of the United States Army Corps of Engineers to review—

(1) the report of the State of Delaware and the Federal Highway Administration for the United States Route 13 Relief Route; Project No. F-1001(16), Contract #83-110-01,

(2) the report of the Chief of Engineers on the Inland Waterway from the Delaware River to Chesapeake Bay, Delaware and Maryland, printed as House Document Number 63-196, and

(3) other subsequent pertinent reports,

for the purpose of determining how to best modify the existing canal project to provide a new structure for the selected alignment of the United States Route 13 Relief Route.

CUMBERLAND GAP NATIONAL HISTORICAL PARK, VIRGINIA

SEC. 146. (a) Section 160(a) of the Federal-Aid Highway Act of 1973 (87 Stat. 278) is amended by adding the following new sentences at the end thereof: "After completion of the reconstruction and relocation of Route 25E through the Cumberland Gap National Historical Park (including construction of a tunnel and the approaches thereto), funds available for parkways as defined in subsection (a) of section 101, title 23, United States Code, shall be available to finance the cost of upgrading from 2 lanes to 4 lanes a highway providing access from such route through that portion of the Cumberland Gap National Historical Park which lies within the State of Virginia. The project, including any environmental impact statements, referred to in the preceding sentence shall not delay or affect in any way the reconstruction and relocation of Route 25E (including construction of a tunnel and approaches thereto).".

(b) Subsection (b) of section 160 of such Act is amended by inserting after "rights-of-way" the following: "including approaches in the State of Virginia".

FERRY BOAT SERVICE STUDY

SEC. 147. (a) The Secretary of Transportation in consultation with the highway departments of the States of Nebraska and South Dakota, shall conduct a study to determine the feasibility and cost of establishing public ferry boat service on the Missouri River which connects a Federal-aid highway in the vicinity of Niobrara, Nebraska with a Federal-aid highway in the vicinity of Springfield, South Dakota, and which meets the requirements of section 129(c) of title 23, United States Code.

(b) The Secretary shall pay for one-half of the cost of the study and South Dakota and Nebraska shall pay the remaining costs of the study.

(c) Not later than one year after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Environment and Public Works in the Senate and the Committee on Public Works and Transportation in the House. The report shall contain the results of the study conducted under this section together with any recommendations the Secretary may have concerning the establishment of the ferry boat service described in subsection (a).

EXTENSION OF TOLLS TO FINANCE CERTAIN INELIGIBLE CONSTRUCTION EXPENSES

SEC. 148. Upon request of the State of Florida, the Secretary shall enter into an agreement with the State which will permit the collection of tolls to liquidate such indebtedness as may be incurred to finance any cost associated with a feature of the project on the toll road in which the Secretary does not permit Federal participation with funds apportioned under section 104(d)(1) of this title and which is recommended to be included as a part of the project by the final environmental impact statement with respect to such project.

LOUISIANA, ARKANSAS, AND MISSOURI HIGHWAY FEASIBILITY STUDY

SEC. 149. (a) STUDY.—The Secretary, in cooperation with the States of Louisiana, Arkansas, and Missouri, shall study the feasibility and necessity of constructing to appropriate standards a proposed highway along a route from Shreveport, Louisiana, to Texarkana, Fort-Smith, and Fayetteville, Arkansas, and Carthage and Kansas City, Missouri. Such study shall update the feasibility study conducted under section 143(6) of the Federal-Aid Highway Act of 1973.

(b) COST.—The Secretary shall pay for one-half of the cost to conduct the study. The States participating in the study shall pay the remaining cost of the study.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Environment and Public Works in the Senate and the Committee on Public Works and Transportation in the House a report on the results of the study conducted under this section.

STATE MATCHING SHARE

SEC. 150. The State or local government matching share for the Calder bridge title 23, United States Code, project across the St. Joe River, nineteen miles east of St. Maries, Idaho, including approaches, may be credited by the fair market value of land incorporated into the project where the land is in addition to existing public right-of-way and is donated to the State or local government, and may be credited by the fair market value of construction on the project performed by or donated to the State or local government, and may be credited by the fair market value of preliminary engineering and the preparation of an environmental impact statement performed by or donated to the State or local government, before and after the effective date of this section.

SUBSTITUTE TRANSIT PROJECT IN OREGON

SEC. 151. (a) Notwithstanding any other provision of law, upon the joint request of the Governor of the State of Oregon and the local governments concerned, the Secretary may approve a substitute transit project for construction of a light rail transit system in lieu of construction of any eligible interstate lanes if such substitute project is in or adjacent to the proposed right-of-way for such lanes.

(b) Upon approval of any substitute transit project under subsection (a), the costs of construction of the eligible interstate lanes for which such project is substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956 and a sum equal to the Federal share of such costs, as included in the latest interstate cost estimate approved by Congress, shall be available to the Secretary to incur obligations under section 103(e)(4) of title 23, United States Code, for the Federal share of the costs of such substitute project.

(c) By September 30, 1989, any substitute transit project approved under subsection (a) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction or construction must have commenced. If any such substitute transit project is not under contract for construction or construction has not commenced by such date, then immediately after such date, the Secretary shall withdraw approval of such project and no funds shall be appropriated under the authority of section 103(e)(4) of title 23, United States Code, for any such project.

(d)(1) A substitute transit project approved under subsection (a) shall be deemed to be a substitute transit project for purposes of section 103(e)(4) of title 23, United States Code (other than subparagraphs (C) and (G)).

(2) Unobligated apportionments for the Interstate System in the State of Oregon shall, on the date of approval of a substitute transit project under subsection (a), be reduced in the proportion that the Federal share of the costs of the construction of the eligible interstate lanes for which such project is substituted bears to the Federal share of the total cost of all interstate routes in that State as reflected in the latest cost estimate approved by Congress.

(3) The Secretary shall administer this section through the Federal Highway Administration.

(e) For purposes of this section, the term "eligible interstate lanes" means any bus lanes which are to be constructed on Interstate Route 205 in Oregon.

INTERIM AMENDMENTS

SEC. 152. (a) Unobligated balances of Interstate construction funds apportioned or allocated to a State and available to a State on enactment of the Federal-Aid Highway Act of 1987, shall be available for obligation for Interstate construction projects or to convert Advance Construction Interstate projects until October 1, 1990. Federal Interstate construction funds shall not be used to reimburse the State under section 123(a) of title 23, United States Code, when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State. Projects constructed under this subsection are eligible for the Federal share payable provided in section 120(b) of title 23, United States Code. Interstate discretionary funds unallocated on enactment of the Federal-Aid Highway Act of 1987, shall be available for allocation until October 1, 1990.

(b) Unobligated balances apportioned to a State under section 104(b)(1) of title 23, United States Code and section 104(b)(5)(B) of title 23, United States Code, shall be available for obligation for projects under section 159 of title 23, United States Code.

(c) Unobligated balances apportioned to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands under the provisions of section 108 of the Highway Improvement Act of 1982 shall be considered to have been authorized to be appropriated to carry out the provisions of section 215 of title 23, United States Code.

(d) Unobligated balances apportioned to a State under section 203 of the Highway Safety Act of 1973 shall be available for projects under section 130 of title 23, United States Code.

TECHNICAL AMENDMENTS

SEC. 153. (a) Title 23, United States Code, is amended as follows:

(1) The tables of sections for chapters 1, 3, and 4 are amended by (A) striking:

"118. Availability of sums apportioned."
"127. Vehicle weight and width limitations—Interstate System."
"133. Repealed."
"146. Repealed."
"148. Development of a national scenic and recreational highway."
"151. Pavement marking demonstration program."
"155. Access highways to public recreation areas on certain lakes."
"156. Highways crossing Federal projects."

"213. Rama Road."; and
"219. Safer off-system roads.",
and by (B) inserting in lieu thereof, respectively,
"118. Availability."
"127. Vehicle weight limitations—Interstate System."
"133. Strategic Highway Research Program."
"146. Carpool and vanpool projects."
"148. Repealed."
"151. Repealed."
"155. Repealed."
"156. Repealed."
"213. Repealed."; and
"219. Repealed.",
and by (C) adding
"159. Federal-Aid Interstate-Primary Program."
"160. Income from rights-of-way."; and
"409. Reports, surveys; disclosures; admission as evidence.".

(2) Section 101(a) is amended by striking the definition of "park road" and inserting in lieu thereof "The term 'park road' means a public road that is located within, or provides access to, an area in the national park system, with title and maintenance responsibilities vested in the United States.".

(3) Section 106(c) is amended by striking "10" and inserting in lieu thereof "15" and by striking the second sentence.

(4) Section 107(b) is amended by striking "under section 108(b) of the Federal-Aid Highway Act of 1956" and inserting in lieu thereof "for Interstate construction or for the Interstate-Primary Program".

(5) Section 113 is amended by striking out "August 30, 1935" and inserting in lieu thereof "March 3, 1931" and by striking out "267a" and inserting in lieu thereof "276a".

(6) Section 115(a)(1) is amended by striking "interstate funds," and inserting in lieu thereof "Interstate-Primary Program funds," and by striking "funded under section 104(b)(5) of this title".

(7) Section 121(d) is amended by striking out "10" and inserting in lieu thereof "15", and by striking out the third sentence.

(8) The first sentence of section 122 is amended by inserting "or for substitute highway projects" before "and the retirement".

(9)(A) Section 125(b) is amended by striking out "the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors," each place it appears and inserting in lieu thereof "the Federal-aid highway systems, including the Interstate System".

(B) Section 125(c) is amended by striking out "routes functionally classified as arterials or major collectors" and inserting in lieu thereof "on any of the Federal-aid highway systems".

(10) Section 137(f)(1) is amended by striking "104(b)(5)(B)" and inserting in lieu thereof "104(d)(1)".

(11) Section 141(d) is amended by striking "104(b)(5)" and inserting in lieu thereof "104(d)(1)" the two places "104(b)(5)" appears and by inserting "-Primary" after the word "Interstate".

(12)(A) Section 142(a)(1) is amended by (iii) striking "104(b)" and inserting in lieu thereof "104(d)".

(B) Section 142(a)(2) is amended by striking "104(b)(6)" the three places it appears and inserting in lieu thereof "104(d)(3)" in each place.

(C) Section 142(b) is amended by striking "paragraph (5) of subsection (b) of section 104" and inserting in lieu thereof "section 104(d)(1)".

(D) Section 142(c) is amended by striking "104(b)(6)" the two places it appears and inserting in lieu thereof in each place "104(d)(3)".

(13) Section 144(i) is amended by striking out the period at the end and inserting in lieu thereof "to the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation.".

(14) Section 146 is amended by striking "104(b)(1), 104(b)(2), and 104(b)(6)" and inserting in lieu thereof "104(d) (1), (2), and (3)".

(15) Sections 148, 151, 155, 156, 213, and 219 are repealed.

(16) Section 150 is amended by striking "(6) of subsection (b)" in two places and inserting in lieu thereof in each place "(3) of subsection (d)".

(17)(A) Section 152(e) is amended by striking "104(b)(1)" and inserting in lieu thereof "104(d)(1)".

(B) Section 152(g) is amended by striking "the Congress" and inserting in lieu thereof "the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation".

(18)(A) Section 154(e) is amended—

(i) by striking out "criteria which takes" and inserting in lieu thereof "criteria which take";

(ii) by inserting after "posted" the following: "on January 1, 1983,"; and

(iii) by inserting before "in accordance with" the following: ", and on highways built after such date with speed limits posted at fifty-five miles per hour,".

(B) Section 154(f) is amended by striking "each of sections 104(b)(1), 104(b)(2), and 104(b)(6) of this title in an aggregate amount of up to 5 per centum of the amount to be apportioned for the following fiscal years, in the case of fiscal years 1982 and 1983, and up to 10 percent, in the case of subsequent fiscal years." and inserting in lieu thereof "sections 104 (d)(1)(C), (2), and (3) of this title in an amount of up to 10 percent of the amount to be apportioned for the following fiscal year.".

(19)(A) Section 158(a)(1) is amended by striking "each of the sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of the fiscal year succeeding the fiscal year beginning after September 30, 1985" and inserting in lieu thereof "sections 104(d) (1), (2), and (3) of this title on October 1, 1986".

(B) Section 158(a)(2) is amended by striking "each of sections 104(b)(1), 104(b)(2), 104(b)(5) and 104(b)(6) of this title on the first day of the fiscal year succeeding the second fiscal year beginning after September 30, 1985" and inserting in lieu thereof "sections 104(d) (1), (2), and (3) of this title on October 1, 1987."

(20)(A) The second sentence of section 204(b) is amended by inserting "the Secretary or" before the "Secretary of the Interior".

(B) Section 204(e) is amended by striking "88 Stat. 2205" and inserting in lieu thereof "88 Stat. 2203".

(21) Section 210(g) is amended by striking "Commerce" and inserting in lieu thereof "Transportation".

(22) Subsection (a) of section 215 of title 23, United States Code, is amended by striking from the first sentence the words "and American Samoa" and inserting in lieu thereof "American Samoa, and the Commonwealth of the Northern Mariana Islands".

(23) Section 217 is amended by striking "paragraphs (1), (2), and (6) of section 104(b)" the two places it appears and inserting in lieu thereof "sections 104(d) (1), (2), and (3)".

(24)(A) Section 307(c)(3) is amended by striking "(1), (2), and (3) of section 104(b)" and inserting in lieu thereof "(1) and (2) of 104(d)".

(B) Section 307(c)(5) is amended by striking "104(b)(1)" and inserting in lieu thereof "104(d)(1)".

(C) Section 307(e) is amended by striking "the Congress" and inserting in lieu thereof "the Senate Environment and Public Works Committee and the House Committee on Public Works and Transportation".

(25) Section 311 is amended by striking "(b)" and inserting in lieu thereof "(d)".

(26) Section 315 is amended by striking "204(d), 205(a), 207(b) and 208(c)" and inserting in lieu thereof "204(f) and 205(a)".

(27) Section 401 is amended by striking "and American Samoa." and inserting in lieu thereof "American Samoa and the Commonwealth of the Northern Mariana Islands.".

(28)(A) Section 402(c) is amended by (i) striking "For the fiscal years ending June 30, 1967, June 30, 1968, and June 30, 1969, such funds shall be apportioned 75 per centum on the basis of population and 25 per centum as the Secretary in his administrative discretion may deem appropriate and thereafter such" and inserting in lieu thereof "Such", by (ii), striking "After December 31, 1969, the" and inserting in lieu thereof "The", and by (iii) striking "and American Samoa" and inserting in lieu thereof "American Samoa and the Commonwealth of the Northern Mariana Islands".

(B) The last sentence of section 402(j) is amended by striking out "chapter" and inserting in lieu thereof "section".

(b)(1) Section 108(b) of the Federal-Aid Highway Act of 1956 is amended by (A) inserting "and" before "the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1987", by (B) inserting a period after "1987", and by (C) striking ", and the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1988, the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1989, and the additional sum of $4,000,000,000 for the fiscal year ending September 30, 1990.".

(2) Section 108(d) of the Surface Transportation Assistance Act of 1982 is amended by striking "this title," and inserting in lieu thereof "title 23, United States Code,".

(3) Section 163 of the Surface Transportation Assistance Act of 1982 is amended by striking "appropriated" and inserting in lieu thereof "apportioned".

(4) Section 163(o) of the Federal-Aid Highway Act of 1973 is amended to read as follows:

"(o) The Secretary of Transportation shall make biennial reports and a final report to the President, the Senate Committee on Environment and Public Works, and the House Committee on Public Works and Transportation with respect to activities pursuant to this section."

(5) Section 103(c) of the Federal-Aid Highway Act of 1978 is amended by striking "Congress" and inserting in lieu thereof "the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation".

FIFTY-FIVE MILES PER HOUR SPEED LIMIT

SEC. 154. (a) Subsection 154(a) of title 23, United States Code, is amended—

(1) by inserting "other than a highway on the Interstate System located outside of an

urbanized area of fifty thousand population or more, (2) a maximum speed limit on any highway within its jurisdiction on the Interstate System located outside of an urbanized area of fifty thousand population or more in excess of sixty-five miles per hour" immediately after "hour"; and

(2) by renumbering "(2)" as "(3)" at the two places "(2)" appears.

(b) Subsection 154(f) of title 23, United States Code, is amended by inserting "on public highways with speed limits posted at fifty-five miles per hour" immediately after "hour".

AUTOMOBILE SAFETY

SEC. 155. It is the sense of the Senate that—

(1) automobile safety issues are of critical importance to the citizens of our Nation, and

(2) the Committee on Commerce, Science, and Transportation of the Senate should act to address these issues in separate authorization legislation for the National Highway Traffic Safety Administration and report to the Senate by no later than April 1, 1987.

USE OF ROCK SALT ON HIGHWAYS

SEC. 156. (a) The Congress finds that—

(1) the use of rock salt to remove ice from the highways causes considerable damage to the highways, bridges, automobiles, and trucks,

(2) rock salt also causes damage to equipment and buildings near highways,

(3) rock salt causes considerable damage to the environment,

(4) all of these costs are real costs borne by the taxpayers, although such costs may not be paid directly to the government, and

(5) calcium magnesium acetate is an effective deicing material which does not cause the corrosion and environmental damage associated with rock salt.

(b) It is the sense of the Congress that the States should consider the full cost of using rock salt on the highways, including the damage to highways, vehicles, equipment, buildings, and the environment, in calculating the real cost of deicing materials and the use of calcium magnesium acetate as an alternative deicing material.

STATE ROUTE 400, GEORGIA

SEC. 157 (a) The amount of all Federal-aid Highway funds paid to the State of Georgia on account of the section of State Route 400, a six-lane, limited access major arterial highway connecting Interstate Highway 285 and Interstate Highway 85 in Fulton County, Georgia, may be repaid to the Treasurer of the United States. The amount so repaid shall be deposited to the credit of the appropriation for "Federal Aid Highways (Trust Fund)." Such repayment shall be credited to the unobligated balance of Federal-aid Highway funds of the same class last appropriated to the State of Georgia. The amount so credited shall be in addition to all other funds then apportioned or allocated to said State during the fiscal year for which the credit was received and shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended.

(b) As provided in subsection (a) of this section, upon the repayment of Federal-aid Highway funds, and removal from the Federal-aid Highway programs, such sections of State Route 400 shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulations thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) Anything in subsections (a) and (b) of this section to the contrary notwithstanding, should the provisions of Title 23, United States Code, as amemded or supplemented, or any regulation thereunder, be further amended to allow for a mixture of Federal-aid Highway funds and Toll funds for highway construction, the State of Georgia may accomplish the construction of State Route 400 in accordance with such amended provisions.

TITLE II—HIGHWAY REVENUE ACT OF 1987

SEC. 201. SHORT TITLE.

This title may be cited as the "Highway Revenue Act of 1987".

SEC. 202. 4-YEAR EXTENSION OF HIGHWAY TRUST FUND TAXES AND RELATED EXEMPTIONS.

(a) EXTENSION OF TAXES.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking out "1988" each place it appears and inserting in lieu thereof "1992":

(1) Section 4041(a)(3) (relating to special fuels tax).

(2) Section 4051(c) (relating to tax on heavy trucks and trailers sold at retail).

(3) Section 4071(d) (relating to tax on tires and tread rubber).

(4) Section 4081(e)(1) (relating to gasoline tax) (as amended by the Tax Reform Act of 1986 and section 521(a)(1)(B) of the Superfund Revenue Act of 1986).

(5) Sections 4481(e), 4482(c)(4), and 4482(d) (relating to highway use tax).

(b) EXTENSION OF EXEMPTIONS, ETC.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking out "1988" each place it appears and inserting in lieu thereof "1992":

(1) Section 4041(b)(2)(C) (relating to qualified methanol and ethanol fuel).

(2) Section 4041(f)(3) (relating to exemption for farm use).

(3) Section 4041(g) (relating to other exemptions).

(4) Section 4221(a) (relating to certain tax-free sales).

(5) Section 4483(f) (relating to exemption for highway use tax).

(6) Section 6420(h) (relating to gasoline used on farms).

(7) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems) (as in effect before its redesignation by section 1703(c) of the Tax Reform Act of 1986).

(8) Section 6427(g)(5) (relating to advance repayment of increased diesel fuel tax).

(9) Section 6427(m) (relating to fuels not used for taxable purposes) (as in effect before its redesignation by section 1703(e)(1) of the Tax Reform Act of 1986).

(c) OTHER PROVISIONS.—

(1) FLOOR STOCKS REFUNDS.—Paragraph (1) of section 6412(a) of the Internal Revenue Code of 1986 (relating to floor stocks refunds) is amended—

(A) by striking out "1988" each place it appears and inserting in lieu thereof "1992", and

(B) by striking out "1989" each place it appears and inserting in lieu thereof "1993".

(2) INSTALLMENT PAYMENTS OF HIGHWAY USE TAX.—Paragraph (2) of section 6156(e) of such Code (relating to installment payments of tax on use of highway motor vehicles) is amended by striking out "1988" and inserting in lieu thereof "1992".

SEC. 203. 4-YEAR EXTENSION OF HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsections (b), (c), and (e) of section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) are each amended—

(1) by striking out "1988" each place it appears and inserting in lieu thereof "1992", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1993".

(b) EXPENDITURES FROM HIGHWAY TRUST FUND.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 (relating to expenditures from Highway Trust Fund) is amended by striking out "or" at the end of subparagraph (B) and by striking out subparagraph (C) and inserting in lieu thereof the following new subparagraphs:

"(C) authorized to be paid out of the Highway Trust Fund under the Federal-Aid Highway Act of 1987, or

"(D) hereafter authorized by a law which does not authorize the expenditure out of the Highway Trust Fund of any amount for a general purpose not covered by subparagraph (A), (B), or (C) as in effect on the date of the enactment of the Federal-Aid Highway Act of 1987.".

(c) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–11) is amended—

(1) by striking out "1988" and inserting in lieu thereof "1992", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1993".

SEC. 204. CERTAIN TRANSFERS FROM HIGHWAY TRUST FUND TO BE MADE PROPORTIONATELY FROM MASS TRANSIT ACCOUNT.

Subsection (e) of section 9503 of the Internal Revenue Code of 1986 (relating to establishment of Mass Transit Account) is amended by adding ai the end thereof the following new paragraph:

"(5) PORTION OF CERTAIN TRANSFERS TO BE MADE FROM ACCOUNT.—

"(A) IN GENERAL.—Transfers under paragraphs (2), (3), and (4) of subsection (c) shall be borne by the Highway Account and the Mass Transit Account in proportion to the respective revenues transferred under this section to the Highway Account (after the application of paragraph (2)) and the Mass Transit Account; except that any such transfers to the extent attributable to section 6427(g) shall be borne by the Highway Account.

"(B) HIGHWAY ACCOUNT.—For purposes of subparagraph (A), the term 'Highway Account' means the portion of the Highway Trust Fund which is not the Mass Transit Account.".

SEC. 205. IMPOSITION OF HIGHWAY USE TAX ON ALL MOTOR VEHICLES OPERATING IN UNITED STATES.

(a) IN GENERAL.—Subsection (b) of section 4481 of the Internal Revenue Code of 1986 (relating to tax paid by whom) is amended by inserting "or contiguous foreign country" after "State".

(b) REGULATIONS REQUIRED WITHIN 120 DAYS.—The Secretary of the Treasury or the delegate of the Secretary shall within 120 days after the date of the enactment of this section prescribe regulations governing payment of the tax imposed by section 4481 of the Internal Revenue Code of 1986 on any highway motor vehicle operated by a motor carrier domiciled in any contiguous foreign country or owned or controlled by persons of any contiguous foreign country. Such regulations shall include a procedure by which the operator of such motor vehicle shall evidence that such operator has paid such tax at the time such motor vehicle enters the

United States. In the event of the failure to provide evidence of payment, such regulations may provide for denial of entry of such motor vehicle into the United States.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 1987.

TITLE III

SHORT TITLE

SEC. 301. This title may be cited as the "Uniform Relocation Act Amendments of 1987".

TITLE A—GENERAL PROVISIONS

DEFINITIONS

SEC. 311. (a) Section 101(1) (42 U.S.C. 4601(1)) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter the "Uniform Act") is amended by striking out "(except the National Capital Housing Authority)" and "(except the District of Columbia Redevelopment Land Agency)".

(b) Section 101(3) of the Uniform Act (42 U.S.C. 4601(3)) is amended to read as follows:

"(3) The term 'State agency' means any entity which has eminent domain authority under State law.".

(c) Section 101(4) of the Uniform Act (42 U.S.C. 4601(4)) is amended by inserting, "or mortgage interest subsidy to a person" after "insurance".

(d) Section 101(6) of the Uniform Act (42 U.S.C. 4601(6)) is amended to read as follows:

"(6) The term 'displaced person' means—

"(A) except as provided under paragraph (E) (with respect to a utility on real property under the control or ownership of a State or local agency), any person who moves from real property, moves personal property, or moves a business or farm operation, as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance;

"(B) solely for the purpose of subsections (a) and (b) of section 202 and of section 205, any person who moves from real property or moves personal property from real property—

"(i) as a direct result of the written notice of intent to acquire or the acquisition of other real property, on which such person conducts a business or farm operation, for a program or project undertaken by a Federal agency or with Federal financial assistance; and

"(ii) as a direct result of rehabilitation or demolition for a program or project undertaken by a Federal agency or with Federal financial assistance, where the person is a residential tenant, farm operation, or a small business and where the head of the displacing agency determines that such displacement is permanent;

"(C) solely for the purpose of subsections (a) and (b) of section 202 and of any other provisions of this Act which the head of the displacing agency may prescribe, any other person who is a residential tenant, farm operation, or small business and who the head of the displacing agency determines will be permanently displaced as a direct result of a program or project undertaken by a Federal agency or with Federal financial assistance;

"(D) any person who is eligible for relocation assistance under paragraphs (A), (B), or (C) of this subsection, unless such person has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this Act; or

"(E) solely for the purpose of subsections (d) and (e) of section 202, any utility company which moves its facilities from real property under the ownership or control of a State or local agency.".

(e) Section 101 of the Uniform Act (42 U.S.C. 4601) is amended by adding at the end thereof the following new subsections:

"(10) The term 'suitable replacement dwelling' means any dwelling that is (A) decent, safe, and sanitary; (B) adequate in size to accommodate the occupants; (C) within the financial means of the displaced person; (D) functionally similar; (E) in an area not subject to unreasonable adverse environmental conditions; and (F) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services and the displaced person's place of employment.

"(11) The term 'displacing agency' means any Federal agency, State or State agency utilizing Federal financial assistance or, for the purposes of paragraphs (B) and (C) of section 101(6), any person furnished Federal financial assistance which causes a person to be a displaced person.

"(12) The term 'lead agency' means the Federal department, agency, or other entity designated by the President to coordinate implementation of the Uniform Act under section 213 of this Act.

"(13) The term 'appraisal' means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.".

SUBTITLE B—UNIFORM RELOCATION ASSISTANCE

SEC. 321. Section 201 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4621), and its catchline are amended to read as follows:

"DECLARATION OF FINDINGS AND POLICY

"SEC. 201. (a) The Congress finds and declares that—

"(1) displacement as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance is caused by a number of activities, including rehabilitation, demolition, code enforcement, and acquisition;

"(2) displacement occurs in a variety of social, economic, geographic, and legal circumstances;

"(3) relocation assistance policies must provide for sufficient flexibility to assure fair, uniform, and equitable treatment of all affected persons;

"(4) the displacement of businesses often results in their closure; and

"(5) minimizing the adverse impact of displacement of businesses is essential to maintaining the economic and social well-being of communities.

"(b) This title establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance, in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

"(c) It is the intent of Congress that—

"(1) the primary purpose of this title is to minimize the hardship of displacement on persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance;

"(2) Federal agencies shall carry out this law in a manner which minimizes waste, fraud, and mismanagement;

"(3) the administration of this Act shall, to the maximum extent feasible, minimize unnecessary administrative and program costs borne by States and State agencies through the promulgation of economical regulatory requirements and the delegation of substantial administrative discretion to State and local governments;

"(4) uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this Act; and

"(5) the improvement of housing conditions of economically disadvantaged persons under this title shall be undertaken, to the maximum extent feasible, in coordination with existing Federal, State, and local governmental programs for accomplishing such goals.".

MOVING AND RELATED EXPENSES

SEC. 322. (a) Section 202(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4622(a)) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"(a) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the head of the displacing agency shall provide for the payment to the displaced person of—";

(2) by striking out "and" at the end of paragraph (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following;

"(4) actual reasonable expenses necessary to reestablish a displaced nonprofit organization or small business at its new site, but not to exceed $10,000.".

(b) Section 202(b) of the Uniform Act (42 U.S.C. 4622(b)) is amended by striking out all that follows "may receive" and inserting in lieu thereof "an expense and dislocation allowance, which shall be determined according to a schedule established by the head of the lead agency.".

(c) Section 202(c) of such Act (42 U.S.C. 4622(c)) is amended as follows:

"(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the head of the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency, except that such payment shall not be less than $1,000 nor more than $20,000. A person whose sole business is renting displacement property to others shall not qualify for this payment.".

(d) Section 202 of the Uniform Act (42 U.S.C. 4622) is amended by adding at the end thereof the following new subsections:

"(d)(1) For the purposes of this section and section 101(6)—

"(A) The term 'cost of relocation' shall include the entire amount paid by the utility company properly attributable to a relocation after deducting any betterment in the relocated utility and any salvage from the old utility.

"(B) The term 'utility' means any electric, gas, water, steam power or materials transmission or distribution system, any transportation system, or any communications system (including cable television), and any fixtures, equipment, or other property appropriate to the operation, maintenance, or repair of the foregoing. A utility may be publicly, privately, or cooperatively owned.

"(2) Except when provided otherwise by Federal law, whenever a federally assisted program or project undertaken by a displacing agency other than a Federal agency will result in the displacement of a utility from property under the ownership or control of a State or local agency, the head of the displacing agency shall provide a payment to the utility company pursuant to State or local law or a written contract, if any, between the utility company and the State or local agency, but in no event shall such payment exceed the actual reasonable cost of relocation of such utility.

"(3) Nothing in this subsection shall supercede a State or local law or a written contract between a utility company and a State or local government, or require a payment to be made where none is required under State or local law or a written contract.

"(4) Nothing in this subsection shall deprive a utility company of its rights under State or local law.

"(5) Nothing in this subsection shall require a Federal agency to increase its payment if the increased payment is attributable to a contract or contract amendment that is made in anticipation of the Federal payment.

"(6) Nothing in this subsection shall require a Federal payment in excess of the payment that a State or local agency would pay if no Federal funds were involved.

"(7) Nothing in this subsection confers jurisdiction on a court of the United States (as defined in section 451 of title 28, United States Code) to review any action of a displacing agency in carrying out this subsection or to review the right of a utility company to be compensated under State or local law.

"(e) Whenever a program or project directly undertaken by a Federal agency will result in the displacement of a utility as the result of Federal acquisition of real property under the ownership or control of a State or local agency, the head of the Federal agency shall either relocate the utility with the utility company's consent, or provide a payment to the utility equal to the actual reasonable cost of relocation of such utility. Such relocation or such payment shall not be required when it is provided otherwise by a Federal law, or a Federal regulation promulgated prior to March 17, 1983, or a contract or agreement with a Federal agency.".

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 323. Section 203(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623(a)) is amended—

(1) by striking out "Federal" in paragraph (1) and inserting in lieu thereof "displacing";

(2) by striking "$15,000" and inserting in lieu thereof, "$22,500";

(3) by striking out "acquired by" and all that follows through "market" in paragraph (1)(A) and inserting in lieu thereof "acquired by the displacing agency, equals the reasonable cost of a suitable replacement dwelling";

(4) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

"(B) The amount, if any, which will compensate such person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such suitable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling."; and

(5) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency's obligation under section 205(c)(3) of this Act is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a suitable replacement dwelling within one year of such date.".

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 324. Section 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4624) is amended to read as follows:

"REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

"SEC. 204. (a) In addition to amounts otherwise authorized by this title, the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling unit not eligible to receive a payment under section 203 which was actually and lawfully occupied by such displaced person for not less than ninety days immediately prior to the initiation of negotiations for acquisition of such dwelling, or, where displacement is not caused by acquisition, any other event which the head of the lead agency may prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed three years, a suitable replacement dwelling. For a person whose income exceeds 50 per centum of the median income of the area, as determined by the Secretary of Housing and Urban Development, the amount referred to shall equal the lesser of (i) $4,500 or (ii) 36 times the amount obtained by subtracting the monthly housing costs for the displacement dwelling from the monthly housing costs for a suitable replacement dwelling. At the discretion of the head of the displacing agency, a payment under this subsection may be made in periodic installments.

"(b) Any displaced person eligible for payments under subsection (a) of this section may elect to receive in lieu thereof either Federal low income housing assistance or similar State or local governmental assistance if such assistance is available at the time of displacement and such person is otherwise eligible for such assistance. The failure of any such person to make such an election shall be considered when evaluating the eligibility of such person for any Federal or federally assisted low income housing assistance program during the three years following the date on which such person received the payment authorized under subsection (a) of this section.

"(c) Any person eligible for a payment under subsection (a) of this section may elect to apply such payment to a downpayment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. A displaced homeowner who has occupied the displacement dwelling for at least ninety days but not more than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling may, at the discretion of the head of the displacing agency, be eligible for the maximum payment allowed under this subsection: Provided, That such payment shall not exceed the payment such person would otherwise have received under section 203(a) of this Act had the person occupied the displacement dwelling for one hundred and eighty days immediately prior to the initiation of such negotiations.".

RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

SEC. 325. Section 205 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4625) and its catchline are amended to read as follows:

"RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

"SEC. 205. (a) The head of any displacing agency shall assure that the relocation assistance advisory services described in subsection (c) of this section are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency head may make available to such person such advisory services.

"(b) The Secretary of Housing and Urban Development shall assign a high priority for assistance under the programs referred to in sections 204(b) and 206(b) of this Act to persons eligible under such sections. To the extent practicable, the Secretary shall require that federally assisted State and local governmental low income housing assistance programs assign priority for assistance to such persons. To the extent practicable, the Administrator of the Small Business Administration and the heads of other Federal agencies administering programs which may be of assistance to displaced persons shall make available technical assistance under subsection (c)(5) of this section and expedite the applications for such assistance by such persons.

"(c) Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

"(1) determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

"(2) provide current and continuing information about sales prices and rental charges on suitable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;

"(3) assure that a person shall not be required to move from a dwelling unless the

person has had a reasonable opportunity to relocate to a suitable replacement dwelling;

"(4) assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;

"(5) supply information concerning other Federal programs which may be of assistance to displaced persons, and technical assistance to such persons in applying for assistance under such programs;

"(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation; and

"(7) assure that a one hundred and eighty day homeowner-occupant is given a reasonable opportunity to remain in such occupancy status.

"(d) The head of a displacing agency shall coordinate the relocation activities performed by such agency with other Federal, State, or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.

"(e) Whenever two or more Federal agencies provide financial assistance to a displacing agency other than a Federal agency, to implement functionally or geographically related activities which will result in the displacement of a person, the heads of such Federal agencies may by agreement designate one such agency as the cognizant Federal agency whose procedures shall be utilized to implement the activities. If such agreement cannot be reached, then the head of the lead agency shall designate one such agency as the cognizant agency. Such related activities constitute a single program or project for purposes of this Act.".

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 326. Section 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4626) is amended to read as follows:

"HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

"SEC. 206. (a) If a program or project undertaken by a Federal agency or with Federal financial assistance cannot proceed on a timely basis because suitable replacement dwellings are not available, and the need of the displacing agency determines that such dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for such project. The head of the lead agency shall require that this section may be used to exceed the payment ceilings established in sections 203 and 204 only on a case-by-case basis, for good cause.

"(b) Whenever housing replacement as a last resort will result in the provision of housing for persons who are otherwise eligible for low income housing assistance, the requirement that the displacing agency provide suitable replacement housing may be met through such assistance as the provision of a certificate of family participation under the existing section 8 housing program pursuant to the United States Housing Act of 1937, as amended (42 U.S.C. 1437f).".

CERTIFICATION

SEC. 327. (a) Section 210 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4630) and its catchline are amended to read as follows:

"AGENCY CERTIFICATION OF STATE PROGRAMS

"SEC. 210. (a) Except as provided in paragraph (b) of this section, the head of a Federal agency shall not approve any grant to or contract or agreement with a displacing agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this title, unless he receives satisfactory assurances from such agency that—

"(1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 of this title shall be provided to such displaced person;

"(3) within a reasonable period of time prior to a displacement, suitable replacement dwellings will be available to displaced persons in accordance with section 205(c)(3) of this title.

"(b)(1) In lieu of the provisions of subsection (a) of this section, the head of a Federal agency may discharge his responsibilities under this title and title I of this Act, with the exception of sections 208 and 211 of this title, by accepting a certification from a State agency that it will implement State law in a manner which will accomplish the policies and objectives contained in this title and title I: Provided, That the head of the lead agency has determined that such State law will accomplish the same purpose and effect as this title and title I, particularly with respect to the definition of a displaced person, the categories of assistance required, and the levels of assistance provided to such persons in such categories.

"(2) The head of the lead agency shall, in coordination with other Federal agencies, monitor from time to time, and report biennially to the Congress on, State agency implementation of such certification, and a State agency shall make available any information required for such purpose. The head of a Federal agency, after consultation with the head of the lead agency, may withdraw his acceptance of the certification for good cause: Provided, That the State government is given due notice prior to taking any such action and is given a reasonable opportunity to demonstrate why such action should not be taken.

"(c) Prior to making a determination regarding State law under subsection (b) of this section, the head of the lead agency shall provide interested parties with an opportunity for public review and comment. In particular, the head of the lead agency shall consult with interested local general purpose governments within such States on the impacts of such State laws on the ability of local governments to carry out their responsibilities under the Act.

"(d) The head of a Federal agency may withhold his approval of any grant, contract, or cooperative agreement with any displacing agency found to have intentionally circumvented a State law adopted under subsection (b) of this section.".

FEDERAL SHARE OF COSTS

SEC. 328. (a) Section 211(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4631(a)) is amended to read as follows:

"(a) The cost to a displacing agency of providing payments and assistance pursuant to titles II and III shall be included as part of the cost of a program or project undertaken by a Federal agency or with Federal financial assistance. A displacing agency, other than a Federal agency, shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program costs.".

(b) Section 210(b) of the Uniform Act (42 U.S.C. 4631(b)) is amended by striking out and all that follows "required by" and inserting in lieu thereof "State law which is determined by the head of the lead agency to have substantially the same purpose and effect of such payment under this section.".

REGULATION

SEC. 329. Section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633) and its catchline are amended to read as follows:

"REGULATION

"SEC. 213. (a) The President shall designate a lead agency.

"(b) The head of the lead agency shall—

"(1) develop, publish, and promulgate, with the active participation of other Federal agencies responsible for funding relocation and acquisition actions, and in full coordination with State and local governments, such rules as may be necessary to carry out this Act;

"(2) assure that relocation assistance activities under this Act are coordinated with low-income housing assistance programs or projects by a Federal agency, or a State or State agency with Federal financial assistance;

"(3) monitor, in coordination with other Federal agencies, the implementation and enforcement of this Act and report to the Congress, as appropriate, on any major issues or problems with respect to any policy or other provision of this Act; and

"(4) perform other duties as may be provided by law as relate to the purposes of this Act.

"(c) The rules promulgated pursuant to subsection (b) shall apply to the Tennessee Valley Authority only with respect to relocation assistance under this title and title I.".

TRANSFER OF SURPLUS PROPERTY

SEC. 330. Section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4638) is amended by inserting "net" after "all".

REPEALS

SEC. 331. Sections 214, 215, 217, and 219 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4634, 4635, 4637, and 4639) are hereby repealed.

SUBTITLE C—UNIFORM REAL PROPERTY ACQUISITION POLICY

UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

SEC. 341. (a) Section 301(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4651(2)) is amended by inserting the following before the period at the end thereof: ", except that the head of the lead agency may prescribe a procedure which forgoes the appraisal".

(b) Section 301(9) of the Uniform Act (42 U.S.C. 4651 (9)) is amended to read as follows:

"(9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the acquiring agency shall offer to acquire that remnant. For the purposes of this Act, an *uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the head of the acquiring agency has determined has little or no value or utility to the owner.".*

(c) Section 301 of the Uniform Act (42 U.S.C. 4651) is amended by adding at the end thereof the following subsection:

"(10) A person whose real property is being acquired in connection with a project under this title may, after the person has been fully informed of his right to receive just compensation of such property, donate such property, any part thereof, any interest therein, or any compensation paid therefor to an acquiring agency, as said person shall determine.".

CERTIFICATION

SEC. 342. Section 305 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4655) and its catchline are amended to read as follows:

"AGENCY CERTIFICATION OF STATE PROGRAMS

"SEC. 305. (a) Except as provided in paragraph (b) of this section, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, an acquiring agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on or after the effective date of this title, unless he receives satisfactory assurances that—

"(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies under section 301 of this title and the provisions of section 302 of this title; and

"(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of this title.

"(b)(1) In lieu of the provisions of subsection (a) of this section, the head of a Federal agency may discharge his responsibilities under this title by accepting a certification from a State agency that it will implement State law in a manner which will accomplish the policies and objectives contained in this title: Provided, That the head of the lead agency has determined that such State law will accomplish the same purpose and effect as this title.

"(2) The head of the lead agency in coordination with other Federal agencies shall from time to time monitor State agency implementation of such certification and the State agency shall make available any information required for such purpose. The head of the lead agency shall by regulation develop criteria for withdrawal of acceptance of a certification.

"(c) Prior to making a determination regarding State law under subsection (b) of this section, the head of the lead agency shall consult with interested local general purpose governments within such States on the impacts of such State laws on the ability of local governments to carry out their responsibilities under this Act.".

SUBTITLE D—EFFECTIVE DATE

SEC. 351. (a) Section 209 of the Uniform Act takes effect on the date of its enactment.

(b) The remainder of this Act takes effect either twenty-four months from the date of its enactment or when a State agency makes such provisions applicable under State laws, whichever is earlier.

TITLE 16—MASS TRANSPORTATION

SEC. 401. This title may be cited as the "Urban Mass Transportation Authorization Act of 1987".

AUTHORIZATIONS

SEC. 402. (a) Section 21 of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"AUTHORIZATION

"SEC. 21. (a)(1) There is hereby authorized to be appropriated to carry out the provisions of section 9 and 18 of this Act not to exceed $2,000,000,000 for each of the fiscal years 1987 through 1990.

"(2) There shall be available from the Mass Transit Account of the Highway Trust Fund only to carry out section 3, 4(j), 8, and 16((b) of this Act $1,100,000,000 for the fiscal year 1986, $1,002,500,000 for the fiscal year 1987, and $1,000,000,000 for each of the fiscal years 1988 through 1990.

"(b) In addition to the amounts set forth in subsection (a)(2), to carry out sections 3(j) and 9(q) of this Act, there shall be available from the Mass Transit Account of the Highway Trust Fund for each of the fiscal years 1988 through 1990, only to such extent and in such amounts as are provided in appropriations acts, the lesser of—

"(1) $2,500,000, or

"(2) the amount of estimated income (not including interest) and amounts made available under subsection (a)(2) for the applicable fiscal year.

"(c) The amounts made available under subsection (b) for fiscal years 1988, 1989, and 1990, shall be available for section 9 and 18 to the extent necessary to provide $2,000,000,000 under such sections. Of the remainder, 70 per centum shall be available for capital grants under section 9(q), and 30 per centum shall be available for grants under section 3(j).

"(d) For substitute mass transportation projects under section 103(e)(4) of title 23, United States Code, there are authorized to be appropriated $200,000,000 for each of the fiscal years 1987 through 1990.

"(e) During each of fiscal years 1987 through 1990, 2.93 per centum of the total funds available under section 9 shall be available to carry out section 18. All amounts for section 18 shall be drawn from funds appropriated under subsection (a).

"(f) Out of the funds made available under subsections (a)(2) and (b) of this section, not to exceed $46,000,000 shall be available for the purposes of section 8 of this Act in each of the fiscal years 1987 through 1990. Nothing herein shall prevent the use of additional funds available under this subsection for planning purposes.

"(g) There is hereby authorized to be appropriated to carry out sections 6, 10, 11(a) 12(a) and 20 of this Act not to exceed such sums as may be appropriated for fiscal year 1987, and $50,000,000 for each of the fiscal years 1988 through 1990. Sums appropriated pursuant to this subsection for financing projects funded under section 6 of this Act shall remain available until expended.

"(h)(1) Notwithstanding any other provision of law, as soon as is practicable in each fiscal year, commencing with the fiscal year ending September 30, 1987, the Secretary shall allocate among the States from the appropriations made from the Mass Transit Account of the Highway Trust Fund for such fiscal year amounts sufficient to insure that a State's percentage of total allocations from the Mass Transit Account for such fiscal year shall not be less than 80 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Mass Transit Account in the latest fiscal year for which data are available. For purposes of this section, a State is any one of the 50 States and the District of Columbia.

"(2) Notwithstanding any other provision of law, amounts allocated pursuant to paragraph (1) shall be available for obligation when allocated for the fiscal year in which allocated plus the three succeeding fiscal years, shall be subject to the appropriate provisions of title 23, United States Code, and the Urban Mass Transportation Act of 1964, as determined by the Secretary, and shall be available for obligation for any projects authorized by the Urban Mass Transportation Act of 1964 or any highway construction projects authorized under title 23, United States Code.

"(3) The provisions of this subsection shall not apply to any State that receives $1 or more from the Highway Trust Fund for every $1 in receipts to the Highway Trust Fund attributable to such State. The provisions of this subsection also shall not apply to any State that receives $1 or more in overall Federal spending for every dollar in Federal receipts collected that are attributable to such State.

ALLOCATION OF SECTION 3 FUNDS

SEC. 403. Section 3 of the Urban Mass Transit Act of 1964 is amended by adding at the end thereof the following:

"(i) Of the amounts available for grants and loans under this section for fiscal years 1987, 1988, 1989, and 1990—

"(1) 45 per centum shall be available for rail modernization;

"(2) 40 per centum shall be available for construction of new fixed guideway systems and extensions to fixed guideway systems; and

"(3) 15 per centum shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

"(j)(1) Funds made available under section 21(b) to carry out this subsection shall be made available as otherwise provided by this section.

"(2) Approval by the Secretary of a grant under this subsection shall be deemed a contractual obligation of the United States for the Federal share of the cost of the project.".

4(h)(1) REPORTS

SEC. 404. Section 4(h)(1) of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "On or before the twentieth day of each calendar quarter" and inserting in lieu thereof "Not later than thirty days after the close of each quarter of each fiscal year";

(2) by striking out "Congress" and inserting in lieu thereof "the Committee on Public Works and Transportation and the Committee on Appropriations in the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations in the Senate";

(3) by redesignating clauses (1) through (5) as clauses (A) through (E) respectively;

(4) by striking out "and" before "(E)";

(5) by striking out the period and inserting in lieu thereof "; and" and

(6) by adding at the end thereof the following:

"(F) a status report on the execution of grant contracts and the establishment of a Letter of Credit or other reimbursement authority for sums already obligated for each State, designated recipient and applicant.".

LEASED PROPERTY

SEC. 405. Section 9(j) of the Urban Mass Transportation Act of 1964 is amended by inserting after the first sentence the following: "Grants for construction projects under this section shall also be available to finance the leasing of facilities and equipment for use in mass transportation service, subject to regulations limiting such grants to leasing arrangements which are more cost effective than acquisition or construction. The Secretary shall publish regulations under the preceding sentence in proposed form in the Federal Register for public comment not later than sixty days after the date of enactment of this sentence, and shall promulgate such regulations in final form not later than one hundred and twenty days after such date of enactment.".

ASSOCIATED CAPITAL MAINTENANCE ITEMS

SEC. 406. (a) The last sentence of section 9(j) of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "and materials" and inserting in lieu thereof ", tires, tubes, and materials";

(2) by striking out "1 per centum" and inserting in lieu thereof "one-half of 1 per centum".

(3) by inserting "(1)" before "Grants"; and

(4) by adding at the end thereof the following:

"(2) A project for the reconstruction (whether by employees of the grant recipient or by contract) of any equipment and materials each of which, after reconstruction, will have a fair market value no less than one-half of 1 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment and materials are to be used shall be considered a project for construction of an associated capital maintenance item under this section.".

(b) The first sentence of section 9(k)(1) of such Act is amended by striking out "shall not exceed" the first place it appears and inserting in lieu thereof "shall be".

(c) The first sentence of section 9(k)(1) of such Act is further amended by striking out "such project" and inserting in lieu thereof "such project; however, a recipient is permitted to provide additional local match at its option".

(d) The first sentence of section 9(k)(1) of such Act is further amended by striking out "(including capital maintenance items)" and inserting in lieu thereof "(including any project for the acquisition or construction of an associated capital maintenance item)".

NEWLY URBANIZED AREAS

SEC. 407. Section 9(k)(2) of the Urban Mass Transportation Act of 1964 is amended by striking all that follows the word "use" in the last sentence and inserting in lieu thereof: "from its annual apportionments, the same amount of funds for operating assistance in fiscal years 1986, 1987, 1988, 1989, and 1990 as was available to it during fiscal year 1985.".

USE OF LAPSED SECTION 9A AND SECTION 9 FUNDS

SEC. 408. Section 9(o) of the Urban Mass Transportation Act of 1964 is amended by striking out the period at the end of the second sentence and inserting "not later than thirty days after the end of the third fiscal year following the initial year of apportionment.".

APPORTIONMENT OF FORMULA FUNDS

SEC. 409. Section 9 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(p) Funds appropriated to carry out this section for any fiscal year shall be fully apportioned for the purposes of, and in accordance with, the provisions of this section not later than the tenth day following the date on which such funds are appropriated. The Secretary shall publish apportionments of such appropriated funds, including individual apportionments for each urbanized area above fifty thousand population as well as the amount attributable to each State of the multi-state urbanized area, on the apportionment date established in the preceding sentence.".

USE OF SECTION 9 MASS TRANSIT ACCOUNT FUNDS

SEC. 410. Section 9 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(q) Funds made available under section 21(b) to carry out this subsection shall be made available for capital grants as otherwise provided by this section.".

CERTIFICATION REGARDING USE OF FUNDS

SEC. 411. Section 9 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(r) Not later than the close of the fiscal year succeeding the first fiscal year for which funds are appropriated under this section, a recipient shall certify to the Secretary that it is the intent of the recipient to obligate such funds within the amount of the time allowed under subsection (o) of this section that have not been obligated as of the date of certification for projects listed under the program of projects submitted to the Secretary according to section 8(c). Any apportionments for the recipient for the affected fiscal year not subject to such certification shall be available for reallocation pursuant to subsection (o) of this section.".

RULEMAKING

SEC. 412. (a) Section 12(a) of the Urban Mass Transportation Act of 1964 is amended—

(1) by inserting "(1)" after "SEC. 12. (a)"; and

(2) by adding at the end thereof the following:

"(2) The Secretary shall prepare an agenda listing all areas in which he intends to propose rules governing activities under this Act within the following twelve-month period. The Secretary shall transmit such agenda to the Committee on Public Works and Transportation and the Committee on Appropriations of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate within one hundred and twenty days after the effective date of this subsection and annually thereafter. The Secretary shall also publish the proposed agenda in the Federal Register on the date it is submitted to the four Congressional Committees. Except for emergency rules, the Secretary shall give interested parties not less than sixty-days to participate in the rulemaking through submission of written data, views, or arguments with or without the opportunity for oral presentation, except when the Secretary for good cause finds that public notice and comment are unnecessary due to the routine nature or matter of insignificant impact of the rule, or that an emergency rule should be promulgated. The Secretary may extend the sixty-day period if he determines that such period is insufficient to permit diligent persons to prepare comments or that other circumstances justify an extension of such period. An emergency rule shall terminate one hundred twenty days after the date on which it is promulgated.".

(b) Section 12(c) of such Act is amended—

(1) by striking out "and" at the end of paragraph 10;

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(12) the term 'rule' means the whole or part of the Secretary's statement of general or particular applicability designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of the Secretary in carrying out provisions of this Act; and

"(13) the term 'emergency rule' means a rule which is temporarily effective prior to the expiration of the otherwise specified periods of time for public notice and comment under this section and which was duly promulgated by the Secretary pursuant to a finding that a delay in the effective date thereof would (A) seriously injure an important public interest, (B) substantially frustrate legislative policy and intent, or (C) seriously damage a person or class of persons without serving any important public interest.".

CONTRACTING FOR ENGINEERING AND DESIGN SERVICES

SEC. 413. Section 12(b) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraph:

"(3) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Each contract for program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping or related services with respect to a project for which a loan or grant is made under this Act shall be awarded in the same manner as a contract for architectural and engineering services is negotiated under title IX of the Federal Property and Administrative Services Act of 1949 or equivalent State qualifications-based requirement. This paragraph shall apply except to the extent any State adopts or has adopted by statute a formal procedure for the procurement of such services.".

BUS REMANUFACTURING AND OVERHAULING OF ROLLING STOCK

SEC. 414. Section 12(c)(1) of the Urban Mass Transportation Act of 1964 is amended by inserting "(A)" after "such term also means" and by inserting before the semicolon at the end thereof the following: ", (B) any bus remanufacturing project which extends the economic life of a bus eight years or more, and (C) any project for the overhaul of rolling stock (whether or not such overhaul increases the useful life of the rolling stock)".

RURAL TRANSPORTATION EQUITY

SEC. 415. Section 18(c) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: "No restrictions may be placed on the use of the Federal share for the payment of operating expenses except as provided herein.".

PROJECT MANAGEMENT OVERSIGHT

SEC. 416. The Urban Mass Transportation Act of 1964 is amended by inserting at the end thereof the following new section:

"PROJECT MANAGEMENT OVERSIGHT

"SEC. 23. (a)(1) The Secretary may use not to exceed one-half of 1 per centum of the funds made available for major capital projects for each fiscal year by sections 21 *(a), (b), and (e) of this Act, and section 14(b) of the National Capital Transportation Act of 1969 to contract with any person for the performance of project management oversight. Any contract entered into under this subsection shall provide for the payment by the Secretary of 100 per centum of the cost of carrying out the contract.*

"(2) Each recipient of assistance under this Act or section 14(b) of the National Capital Transportation Act of 1969 shall provide the Secretary and a contractor chosen by the Secretary in accordance with paragraph (1) such access to its contruction sites and records as may be reasonably required.

"(b) As a condition of Federal financial assistance for a major capital project under this Act or the National Capital Transportation Act of 1969, the Secretary shall require the recipient to prepare, and, after approval by the Secretary, implement a project management plan which meets the requirements of subsection (c).

"(c) A project management plan may, as required in each case by the Secretary, provide for—

"(1) adequate recipient staff organization complete with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

"(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and such miscellaneous payments as the recipient may be prepared to justify;

"(3) a construction schedule;

"(4) a document control procedure and recordkeeping system;

"(5) a change order procedure which includes a documented, systematic approach to the handling of construction change orders;

"(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

"(7) quality control and quality assurance functions, procedures, and responsibilities for construction and for system installation and integration of system components;

"(8) materials testing policies and procedures;

"(9) internal plan implementation and reporting requirements;

"(10) criteria and procedures to be used for testing the operational system or its major components;

"(11) periodic updates of the plan, especially with respect to such items as project budget and project schedule, financing, ridership estimates, and where applicable, the status of local efforts to enhance ridership in cases where ridership estimates are contingent, in part, upon the success of such efforts; and

"(12) the recipient's commitment to make monthly submissions of project budget and project schedule to the Secretary.

"(d) The Secretary shall promulgate such regulations as may be necessary to implement the provisions of this section. Such regulations shall be published in proposed form for comment in the Federal Register and shall be submitted for review to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than sixty days after the date of enactment of this section, and shall be promulgated in final form not later than one hundred and twenty days after the date of enactment of this section. Such regulations shall, at a minimum, include the following:

"(1) A definition of the term 'major capital project' for the purpose of subsection (b). Such definition shall exclude projects for the acquisition of vehicles or other rolling stock, or for the performance of vehicle maintenance or rehabilitation.

"(2) A requirement that, in order to maximize the transportation benefits and cost savings associated with project management oversight, such oversight shall begin during the preliminary engineering stage of a project. The requirement of this paragraph shall not apply if the Secretary finds that it is more appropriate to initiate such oversight during another stage of the project.

"(e) The Secretary shall approve a plan submitted pursuant to subsection (b) within sixty days following its submittal. In the event that approval cannot be completed within sixty days, the Secretary shall inform the recipient of the reasons therefor and as to how much more time is needed for review to be completed. If a plan is disapproved, the Secretary shall inform the recipient of the reasons therefor.".

CRIME PREVENTION AND SECURITY

SEC. 417. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

"CRIME PREVENTION AND SECURITY

"SEC. 24. From funds made available pursuant to section 21 of this Act, the Secretary is authorized to make capital grants to public mass transit systems for crime prevention and security. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant.".

ADDITIONAL AMOUNT FOR SUBSTITUTE TRANSIT PROJECTS COST TO COMPLETE ESTIMATE

SEC. 418. (a) The Secretary of Transportation shall increase by $100,000,000 the estimate of the cost of completing substitute transit projects under section 103(e)(4) of title 23, United States Code.

(b) The amount of the increase under subsection (a) shall be made available in accordance with the apportionment factors contained in the committee print numbered 100-2 of the Committee on Public Works and Transportation of the House of Representatives.

MULTIYEAR CONTRACT FOR METRO RAIL PROJECT

SEC. 419. After publication in the Federal Register of an approved supplemental environmental impact statement prepared in accordance with the National Environmental Policy Act, the Secretary of Transportation shall enter into a multiyear contract under section 3 of the Urban Mass Transportation Act of 1964, as amended by this Act, with the Southern California Rapid Transit District to complete Minimum Operable Segment-1 and to complete the locally preferred Minimum Operable Segment-2 alternative of the Downtown Los Angeles to the San Fernando Valley Metro Rail Project.

BART STUDY

SEC. 420. (a) STUDY.—The Secretary of Transportation, in cooperation with the San Francisco Bay Area Rapid Transit District and the Metropolitan Transportation Commission, shall undertake a comprehensive study of the future of the Bay Area Rapid Transit System. The Study shall focus on the development of financing alternatives for the first phase rail extensions identified in the Regional Transportation Plan.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study described in subsection (a).

TRANSFER OF SECTION 9 FUNDS

SEC. 421. The Governor of Nevada, after consultation with all urbanized areas within Nevada, may transfer not to exceed $10,000,000 of unused apportionments under sections 9A and 9 of the Urban Mass Transportation Act of 1964 for use in Santa Clara County, California.

BUS SERVICE DETERIORATION

SEC. 422. The Congress finds and declares that there has been a serious problem involving the deterioration of bus service for people residing in the small communities and rural areas of the several States, and recognizes the need to consider the best ways and means to remedy such problem.

TACTILE MOBILITY AIDS

SEC. 423. (a) The Secretary of Transportation shall conduct a study of the feasibility of developing and implementing standards for the use, in transportation facilities and equipment constructed or acquired with assistance under the Urban Mass Transportation Act of 1964, title 23, United States Code, or other laws administered by the Department of Transportation, of tactile mobility aids in order to facilitate the safe access to and use of such facilities and equipment by visually impaired and legally blind persons.

(b) Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit a report to the Congress on the results of such study, including such recommendations for legislation as may be necessary to implement such standards.

RURAL TRANSIT ASSISTANCE PROGRAM

SEC. 424. Section 4(i) of the Urban Mass Transportation Act of 1964, as amended, is amended by inserting "(A)" before "The Secretary" and by adding a new subparagraph after subparagraph (A) as follows:

"(B) of the funds authorized to carry out the purpose of this subsection, not to exceed $5,000,000 shall be available per fiscal year to establish and carry out a rural transit assistance program in nonurbanized areas. In carrying out this paragraph, the Secretary is authorized to make grants and to enter into direct contracts for transit research, technical assistance, training, and related support services in nonurbanized areas.".

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate and additional conferees as required.

The motion was agreed to and the Presiding Officer appointed the following Senators conferees on the part of the Senate:

From the Committee on Environment and Public Works, for title I of the Senate amendment and title I of H.R. 2, and for section 203, 55-mile-per-hour speed limit; section 202(a)(1), bridge replacement and rehabilitation programs authorizations; (a)(2), elimination of hazards authorization; (a)(5), FHWA highway safety construction authorization; (a)(6), FHWA highway safety research and development authorization; section 202(d), obligation ceiling for highway safety programs; section 207, use of certain reports as evidence; section 208, emergency call boxes; section 209, railroad-highway crossings authorization; and section 213, railroad-highway crossing needs, Mr. MOYNIHAN, Mr. BURDICK, Mr. MITCHELL, Mr. BREAUX, Mr. STAFFORD, Mr. SYMMS, and Mr. CHAFEE;

From the Committee on Finance, for title III of the Senate amendment and title V of H.R. 2, extending the Highway Trust Fund, Mr. BENTSEN, Mr. MATSUNAGA, Mr. MOYNIHAN, Mr. ———, and Mr. ———;

From the Committee on Banking, Housing, and Urban Affairs, for provisions dealing with urban mass transportation (including title IV of the Senate amendment, the Urban Mass Transportation Authorization Act of 1987, and title III of H.R. 2), Mr. PROXMIRE, Mr. CRANSTON, Mr. RIEGLE, Mr. DIXON, Mr. HEINZ, Mr. D'AMATO, and Mr. GRAMM;

From the Committee on Commerce, Science, and Transportation, for provisions dealing with highway safety (including title II of H.R. 2, except for section 202(a)(1) bridge replacement and rehabilitation programs authorizations, (a)(2) elimination of hazards authorization, (a)(5) FHWA highway safety construction authorization, (a)(6) FHWA highway safety research and development authorization; section 207, use of certain reports as evidence; section 208, emergency call boxes; section 209, railroad-highway crossings authorization; and section 213, railroad-highway crossing needs), Mr. HOLLINGS, Mr. GORE, and Mr. DANFORTH;

From the Committee on Governmental Affairs, for provisions dealing with the Uniform Relocation Act, Mr. SASSER, Mr. LEVIN, and Mr. ———.

ADDITIONAL CONFEREES

Mr. President, three additional names will come to the Chair in the course of the next day, if the Chair would have the courtesy to appoint them in the space we have just given him.

Mr. President, I believe that concludes our work for this stage of the enterprise. I thank everyone for their great cooperation. A vote of 96 to 2 sends us to conference with courage and conviction. We shall return not on our shields but with them and with some highway programs which this country very much needs, and mass transit as well.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, there will be no more rollcall votes today.

ORDERS FOR TOMORROW

ADJOURNMENT UNTIL 11 A.M.

Mr. BYRD. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until tomorrow at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO MOTIONS OR RESOLUTIONS TO COME OVER

Mr. BYRD. Mr. President, I ask unanimous consent that no motions or resolutions over under the rule come over on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF CALL OF CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the calendar call under rule VIII be waived on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, do I understand that the Senate highway bill needs to be indefinitely postponed or is it still before the Senate?

The PRESIDING OFFICER. The Chair would respond by stating the bill is still pending.

Mr. BYRD. Mr. President, I ask unanimous consent that the bill be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have announced several times in the last 2 or 3 days, that once the Senate completed the action on the highway bill, the Senate would proceed to the consideration of the energy conservation standards for appliances bill. I was talking a little earlier with Mr. GRAMM of Texas, and I think he indicated he would object to the consideration of that matter. I had hoped he would be here before I made this request. The distinguished Republican leader is here and I have discussed the request with him. The distinguished Senator from Louisiana, the chairman of the Energy Committee, is here and is prepared to proceed to the consideration of the bill. It would not be my intention to proceed tonight beyond calling it up, if I could get consent to call it up. I would not intend to seek any action on the bill. It is my understanding that the legislation passed last year unanimously and was pocket vetoed. I am going to proceed to ask unanimous consent in a moment that the Senate proceed to the consideration of the bill. If the distinguished Republican leader has to object to that, I will understand that he has to do so to protect the wishes of another Member. But before I proceed to make that request, I would like to yield, if I may, without losing my right to the floor, to the distinguished Senator from Louisiana or first to the distinguished Republican leader if he would wish to make any comment.

Mr. DOLE. Mr. President, if the Senator will yield, I have discussed this bill with the Senator from Texas [Mr. GRAMM]. He has suggested that he would be perfectly willing to give consent to make it the pending business on Tuesday, February 17, but he would prefer not to make it the pending business now. If there is a unanimous-consent request, I would object for Senator GRAMM and then it would be up to him tomorrow to be here and discuss a motion to proceed, I assume.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader. I now yield to the distinguished chairman of the committee, Mr. JOHNSTON.

Mr. JOHNSTON. Mr. President, I thank the majority leader. I think this bill is about as close to a noncontroversial bill as you can get, although it may have one or two opponents or it may have one small amendment. I would think that, barring some attempt to really slow the bill down, we could deal with it very rapidly, probably within an hour's time, which is not to say—I understand it cannot get unanimous consent, but I see no purpose in delaying it until after February 17. So I would hope in the next day or two, whenever the leader finds it convenient, we could go ahead and schedule the bill.

Mr. BYRD. Mr. President, we are in this kind of situation. We have disposed of everything on the calendar other than this measure on which we are now ready to proceed. Everything that has been brought out of committees that is on the calendar has been disposed of. The Senate bill dealing with clean water, the distinguished Republican leader's substitute, all those matters are moot now. As a matter of fact, I could ask unanimous consent, if the distinguished Republican leader has no objection, that those measures be indefinitely postponed.

Mr. DOLE. Indefinitely postponed.

Mr. BYRD. Mr. President, I ask unanimous consent that the Calendar Orders numbered 1 and 2 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. The next Calendar Order appearing on the calendar is No. 4. That is a measure that is cosponsored by Senator ROTH and myself that was put on the calendar via rule XIV. The same thing can be said with respect to rule XIV anent Calendar Order No. 8. Calendar No. 9 really could be indefinitely postponed now, as could No. 10 and as could No. 12. So that the only items left on the calendar that have been reported by the committees are the energy conservation standards for appliances bill, S. 83, and a new bill that has been reported to the calendar, S. 214.

Tomorrow is Thursday. The Senate will be out all of next week for the Lincoln Day holiday. I do not believe that the Senate ought to go out tomorrow and Friday without acting on this measure, which has been acted on before, which has strong bipartisan support and which has been pocket-vetoed by the White House. There is just no justification for our wasting tomorrow and Friday in an attempt to get this measure up. Now, there is no question but that a Senator or Senators can talk and if they protect their rights, they can certainly keep the Senate from acting on this measure tomorrow and Friday. But I would hope that that would not occur.

Therefore, having stated the circumstances as they are, Mr. President, I think I would be somewhat lax in my duties not to attempt to press ahead on this measure. I want to accommodate Senators. I would like to accommodate Mr. GRAMM. But, Mr. President, I am going to ask unanimous consent that the Senate proceed. The Republican leader will object in accordance with his commitment, and I guess the stage will be set for tomorrow when we shall attempt to take the bill up.

NATIONAL APPLIANCE ENERGY CONSERVATION ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 15, S. 83.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object, and I will be constrained to object, I will object and then hopefully by tomorrow morning, assuming the majority leader will make the effort again, I will have an opportunity to discuss this legislation with the distinguished Senator from Texas [Mr. GRAMM]. Maybe at that time we could take it up, have a time agreement, or work out something that might be satisfactory to both sides.

I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader, and I thank the distinguished chairman.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, that Senators may be permitted to speak therein for not to exceed 5 minutes each, and that the period for morning business not extend beyond 7 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARIZONA STATEHOOD DAY—ARIZONA DIAMOND JUBILEE YEAR

Mr. DeCONCINI. Mr. President, I have a resolution that I ask be sent to the desk designating February 14, 1987, as "Arizona Statehood Day" and 1987 as "Arizona Diamond Jubilee Year."

It is my understanding that the resolution has been cleared by the leaders on both sides. At this time, I want to thank Senator BIDEN and Senator THURMOND, the chairman and ranking minority member of the Committee on the Judiciary, and all those whose names are attached to it for cosponsoring this measure.

Mr. President, on behalf of myself and Senator MCCAIN, I am introducing legislation that designates February 14, 1987, as "Arizona Statehood Day" and declares 1987 to be "Arizona Diamond Jubilee Year." The purpose of this legislation is to commemorate the 75th Anniversary of Arizona's statehood.

When Arizona exploded into the Union, there was no such thing as prohibition, Social Security, or the income tax. The mule and the horse were king and beer cost a nickle a shot in Tucson.

No one can say that Arizona's long road to statehood was not rocky. It took 50 years—a half a century—for that moment when President Taft took gold pen in hand and finally signed Arizona into the Union. In 1912, Arizonans were considered radicals, if not downright barbarians. Clearly, there were many in the 47 States that did not exactly welcome the prospect of Arizona statehood. As late as 1911, Richard Elihu Sloan described Arizona's prospects this way:

> Arizona stands just as much chance of annexation as a province of the Russian Empire as it does admission to statehood under the present constitution.

One thing you could say for certain—Arizonans were direct, they got right to the point, and they believed in the power of the people. You could see this in their constitution. A few years back, the Tucson citizen described Arizonans and their laws this way:

> People wanted to make law without the Legislature. They called this process the initiative. People wanted to strike laws they did not like. They called this process the referendum.

President William Howard Taft might abide the initiative. He might endure the referendum. But one thing he simply would not tolerate was Arizona's proposal to write the recall of judges into the State constitution. Unless that offending provision was removed, the President warned, he would not approve statehood.

Well, besides being rugged and progressive and individualistic, Arizonans are inventive. They went back to the polls and struck the recall provision. But all along they knew they could put recall back into the constitution the instant they won statehood. The die was cast. Arizona became our 48th State.

We have been lucky—or maybe luck does not have anything to do with it. We have had some great people representing this State. W.P. Hunt, Arizona's first Governor, walked 15 blocks to the State capitol on inauguration day to show the frugality of his administration. The people responded so well to that, they reelected him six more times.

Carl Hayden came to Congress a frontier sheriff who could lay claim to capturing a pair of train robbers and a horse thief. When he left the U.S. Senate 57 years later, Carl Hayden could lay claim to carving out much of the history of Arizona. He literally transformed the American landscape. One colleague was moved to say that Carl Hayden "probably brought water to more desert land than any man since Moses."

Then there is Barry Goldwater. He has piloted more aircraft than most of us have driven automobiles. Courageously, he served his country in war and won nomination by the Republican Party for the highest office in the land in 1964.

And there is the State itself. Seventy-five years later, Arizona is still the pioneer. She is pioneering new knowledge in heart transplants, cancer studies, respiratory diseases, and arthritis research. She has been involved in every one of our space missions—from Apollo down to the Voyagers, and she is still reaching for the stars through her achievements in astronomy.

Then there is the Grand Canyon and Arizona sunsets. I am prejudiced, but I have never seen a prettier sunset anywhere.

It is for these reasons that Arizonans chose to celebrate—and celebrate they will. Last year, former Governor Bruce Babbitt appointed a 13-member Diamond Jubilee Commission to help plan the historic event. Hundreds of private citizens and corporations have donated their time and money for the year-long celebration. It is going to rival all the bands and bells, the cannons and the steam whistles and the dynamite that went off 75 years ago, when we were admitted to statehood.

Mr. President, in honor of the great State of Arizona, its citizens, its contributions to this country, and its spirited heritage, I urge my colleagues to approve this resolution designating February 14, 1987, as "Arizona Statehood Day" and 1987 as "Arizona Diamond Jubilee Year."

I thank my colleagues for their indulgence on this issue, and I thank them for the consideration they have given Arizona for the 75 years we have been a State. At this time I want to commend my colleague in the House of Representatives, Mr. STUMP, for his leadership in sponsoring the resolution in that body.

I yield to my colleague from Arizona, Mr. McCAIN.

Mr. McCAIN. Mr. President, I thank my colleague, the senior Senator from the great State of Arizona, for yielding to me so that I may make a few remarks on what I think is a very important resolution. I appreciate his leadership in bringing this resolution to the floor of the Senate.

Arizona's history has been one of new frontiers. From the Hopi settlers of the 14th century to the high technology companies now burgeoning throughout our State, Arizona has meant opportunity and hope for millions of people. The historian Robert Woznicki called our State "a frontier beyond a frontier."

Spaniards came in the 16th century seeking their fortune. Mining, agriculture and ranching made Arizona the destination for many throughout the next few centuries. Statehood in 1912 was a catalyst for countless people hoping for opportunity in the 48th State.

As most Americans are aware, the period after World War II signified a dramatic boom in opportunity and population in our State, and we remain the second fastest-growing State in America. Those people who have come to our State have not been disappointed. Today, over 3 million people enjoy the beauty of our State.

Arizona's natural treasures are as diverse as its opportunities. When people think of Arizona, often the first thing that comes to mind is the Grand Canyon. John Muir's description is as timeless as the canyon itself:

> No matter how far you have wandered hitherto, or how many famous gorges and valleys you have seen, this one, the Grand Canyon of the Colorado, will seem as novel to you, as unearthly in the color and grandeur and quantity of its architecture, as if you had found it after death, on some other star.

I think it would be appropriate, Mr. President, to quote from a book that my distinguished predecessor, Senator Barry Goldwater, who was the 73d person in history to travel down the Colorado through the Grand Canyon from June to August 1940. On August 7, 1940 Barry Goldwater wrote, I think, as good a description of the experience of being in the Grand Canyon as any I have ever read. He said:

> Today we have been passing between sheer, red sandstone cliffs that tower as high as five hundred feet, then recede back to the main canyon walls that now rise close to three thousand feet above us. At this sunset hour the canyon walls are indescribably beautiful, and I fear the magic of photography can never record what I see now. The tall spires near the rim of the canyon and the walls of the canyon look as though God had reached out and swiped a brush of golden paint across them, gilding those rocks in the bright glow of a setting sun. Below the heights the canyon is filled with a blue haze that is not unlike smoke. The river winds lazy and brown through all this beauty. Above this grandeur float soft cumulus clouds, tinted with pastel shades of evening. No, I fear the lenses of my cameras will never record what my eyes see and my hand so feebly tries to capture in words.

I think the Barry Goldwater description is as good as I have ever seen of the most beautiful and, I think, crown jewel of America's national parks.

From the unequalled Grand Canyon in the north to the Saguaro National Monument in the south, our State of Arizona offers limitless beauty.

Fortunately, Arizonans have recognized the priceless nature of these treasures. Since 1919, when the Grand Canyon became a national park, to today's implementation of the Arizona Wilderness Act, the people of our State have recognized the value of preserving our natural heritage.

Mr. President, I think perhaps the most salient fact that makes our State so unique and so wonderful is the diverse cultures and people who have come to our State: The Mormons who came down from Utah before the turn of the century; our Indians who now own 27 percent of our State, the Hispanics who have added so much to enrichment of the culture of our State and the Southwest, and many others.

But I think, Mr. President, probably the one group that epitomizes Arizona as much or more than any other is the Arizona cowboy. The spirit, the Indian, and the figure indeed that was cut across the pages of history by these very unusual men, I think, is very well worth mentioning.

One of the chroniclers of Arizona is a man and a friend by the name of Marshal Trimble, and he talks about an Arizona cowboy who he calls "legends in Levis." He talks about the movie version of the cowboy in Arizona but he also says that these are not the facts.

> In reality, they were hard-working young men who bore little resemblance to the tight-lipped, tight-trousered puppets of Western fiction. Their days were spent toiling in a hot, blazing sun, or in the grips of a blizzard; their nights in exhausted sleep. Still, they left behind a powerful tradition that even when prettied up is a strong and rousing one.
>
> There was little glamour in the endless hours of riding fence, doctoring screwworms, gathering strays, or pulling a cowbrute out of a bog, then having the angry critter run up the rope and try to gore horse or rider. The brutal physical punishment and hard hours working cows took its toll. Bodies got "stoved up" prematurely and parts of fingers turned up missing when they got caught taking up a dally.
>
> The elements turned skin to leather and wrinkled faces prematurely. Still, they were a breed all apart and preferred vicissitudes of a cowboy's life to any other. Trail dust has settled and false front saloons are found only on movie sets and at tourist traps, but the legacies of the old-time cowboy live on today. These late-model cowboys still carry on the traditions of this great American legend on working ranches.

On our State's 75th anniversary, the most fitting tribute we can pay is to rededicate ourselves to the same cause—maintaining both the spirit of opportunity and the quality of life that have drawn so many to our great State.

Thank you, Mr. President.

I yield back to the distinguished colleague, the senior Senator from Arizona.

Mr. DECONCINI. I thank my colleague for his eloquent statement. Pointing out the history of the cowboy is indeed of great interest to a lot of people who do not realize what a real cowboy is.

Mr. President, I also want to thank the majority leader and minority leader for making consideration of this resolution possible today.

I move the passage of the resolution.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 46) to recognize and acknowledge that February 14, 1987 will mark the 75th anniversary of Arizona statehood and to designate the year 1987 as Arizona's Diamond Jubilee.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

Mr. BYRD. Mr. President, there is no objection. The joint resolution has been cleared.

The PRESIDING OFFICER. The joint resolution is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 46

Whereas President William Howard Taft signed the Arizona statehood bill on the morning of February 14, 1912 and;

Whereas Arizona had prayed for admission to the Union as a separate State from New Mexico, waging a valiant effort for this goal and;

Whereas Arizona is the host to ancient American cultures as well as the largest Indian tribe in the United States today and;

Whereas European settlement and influence has been present in Arizona for more than four centuries and;

Whereas the Hopi village of Oraibi is the oldest continually inhabited community in the United States and;

Whereas Arizona has more National Parks and Monuments than any other State, among these is one of the Seven Wonders of the World, the magnificent Grand Canyon and;

Whereas Arizona was the birthplace of Indians and Anglos living in peace and understanding when Captain Thomas J. Jeffords and Chiricahua Apache Chief Cochise pioneered mutual trust between the white and redman and;

Whereas Arizona has been a front-line defender of the United States in eight wars. From the Mexican War to Vietnam, Arizona has contributed skilled horsemen, scouts, Navajo code talkers, thousands of trained pilots, and courageous service men and women to the cause of victory and;

Whereas today Arizona is the fastest growing State in the Union, rich in natural resources and talented people. Arizona has attracted numerous creative residents to its casual lifestyle who have enriched the cultural life and;

Whereas Arizona stands in the forefront of medical advances, high-tech engineering, and advanced astronomy. It offers scholars of the world a valued opportunity to study the pre-Columbian past as well as the envisioned future: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 14, 1987 be designated as "Arizona Statehood Day" and that 1987 be declared and acknowledged as "Arizona Diamond Jubilee Year" in honor of the seventy-fifth anniversary—the Diamond Jubilee—of Arizona's admission to the United States. The President is requested to issue a proclamation calling upon the people of the United States and all Federal, State, and local governments to observe such day with appropriate ceremonies and activities.

Mr. DeCONCINI. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. MATSUNAGA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE PHILIPPINES CONSTITUTION

Mr. DeCONCINI. Mr. President, as we in the United States begin to celebrate the signing of our Constitution 200 years ago this September, the Filipino people have voted on a new constitution that will allow President Corazon Aquino to remain in office until 1992.

The Filipino people's resolve, dedication, and belief in a democratic system are soundly reaffirmed after years of ballot fraud under deposed President Marcos.

This plebiscite was a crucial indicator of President Aquino's leadership and a key threshold toward establishing political and economic reforms necessary for stability after months of turbulence.

The Department of State is estimating that almost 90 percent of the 25 million registered voters will turn out.

Also, the Department of State said earlier this week that they were receiving reports from NAMFREL (the National Citizens Movement for Free Elections) that the Constitution will be approved by a 4-to-1 vote.

This is a magnificent victory for those courageous Filipino democrats who have fought so hard and so long for true democracy.

President Aquino has bravely led this struggle, which is apparently surpassing even the most optimistic projections prior to the election.

Though the battle for democracy is not over, this constitutional referendum will hopefully "usher in the political stability that we all need," according to President Aquino.

The important issue involved in this election was not necessarily limited to whether or by how much President Aquino won, but establishing credibility for the new democratic government to hold fair and free elections.

NAMFREL, the citizens body comprised of teachers, rotary clubs, and Catholic church groups, reported one of the largest and more orderly voting exercises ever in the Philippines.

This is not easy, with 86,000 voting places.

This successful plebiscite came during the gravest crisis of President Aquino's administration.

During the week before the vote 18 demonstrators were killed outside the presidential palace; a revolt by the military captured a television station; and even an attempt by former President Marcos to return to the Philippines stirred up the radical and conservative factions within Filipino politics.

Despite all this, President Aquino met the challenge, calmed her advisors, and beckoned voters to approve the constitution.

Although official results will not be in until later this week all indications point to overwhelming approval and a huge vote of confidence in the Aquino administration.

In addition to approving the new constitution, voters have rallied to endorse Mrs. Aquino as President of the Philippines for the full 6-year term that she had claimed in previously defeating Mr. Marcos in a disputed election 1 year ago.

Mrs. Aquino has abandoned the 1973 constitution when she was fighting for power establishing her new government.

The new constitution does not give the president major powers.

This constitution limits the President to one 6-year term and martial law can only be declared in the case of rebellion or invasion.

A bicameral legislature is established with a 24-member Senate and 250-member House of Representatives.

Elections are set for May 11.

The judiciary is empowered to rule on presidential decrees and is isolated from political influence by an impartial method of appointment.

The Constitution also addresses the U.S. bases, Clark Air Base and Subic Naval Base.

As it reads in the new Constitution, base agreements have to be ratified by a two-thirds vote in the Philippine Senate and addressed as a treaty.

The Constitution also states that "the Philippines, consistent with the national interest, adopts and pursues a policy of freedom from nuclear weapons in its territory."

I will be deeply interested in the interpretation and implementation of both of these sections.

The Filipino's have lived under seven constitutions in their short history.

Monday, February 2, 1987, the people spoke loudly and eloquently through the ballot box.

They have not experienced peace in years, yet seek a more democratic system with a carefully calibrated balance of powers.

Hopefully, in the year 2087 the United States will celebrate its 300-year-old Constitution, while the Philippines joins in celebrating its first 100 years.

I yield the floor.

ANNOUNCEMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, in accordance with Senate Resolution 382, 90th Congress, announces that the following Senators, pursuant to the positions that they hold, are members of the Commission on Arts and Antiquities of the U.S. Senate: the Senator from West Virginia, Mr. Robert C. Byrd, as majority leader, the Senator from Kentucky [Mr. Ford], as chairman of the Committee on Rules and Administration, and the Senator from Mississippi [Mr. Stennis], as President pro tempore.

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 99-661, appoints the Senator from Georgia [Mr. Nunn] as a member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation.

AGENT ORANGE UPDATE

Mr. CRANSTON. Mr. President, questions arising from veterans' exposure in Vietnam to the herbicide agent orange and its highly toxic contaminant, dioxin, and the possible long-term adverse health effects resulting from that exposure have long been of serious concern to me and many of my colleagues. A major focus of my efforts and those of the Committee on Veterans' Affairs in both Houses has been research which might eventually lead to a greater understanding of the health effects of agent orange exposure and how best to address the special needs of those veterans who may have been exposed to this herbicide.

As I have periodically done over the past 8 years, I would like to report on the status of several important activities in this area.

CDC AGENT ORANGE EXPOSURE STUDY

In 1983, as I had urged for more than 3 years, the Centers for Disease Control [CDC] took over responsibility for the major study of the effects of agent orange on Vietnam veterans. This study, which was mandated in 1979 by Public Law 96-151, has been stalled since January 1986, pending the outcome of efforts to determine if assumptions about a veteran's exposure to agent orange for purposes of assigning the veteran to a particular study cohort can be validated on the basis of a review of military records. Advances in analytical chemistry may provide a means of detecting residuals of dioxin in Vietnam veterans' blood samples, from which exposure to agent orange can be estimated. If the exposure levels found correlate with the assumptions about exposure from the records review, then the study itself can go foward.

Mr. President, I ask unanimous consent that correspondence from the CDC, the Department of Health and Human Services, the Office of Technology Assessment, and the Senate Committee on Veterans' Affairs, which provides a historical picture of the conduct of the agent orange study as well as its current status, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, DC, December 19, 1985.
HON. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR ALAN: I am writing to inform you about OTA's continuing review of progress in the mandated Agent Orange study being carried out by the Centers for Disease Control (CDC). The item of greatest concern has been the lack of a method for assessing exposure to Agent Orange among study subjects. We last addressed this issue in March 1985, at which time we expressed serious doubt to you about the exposure assessment method CDC had proposed in a February report to OTA. In September, I wrote to you expressing concern that, although CDC's timetable called for interviewing Agent Orange study subjects beginning in January 1986, a revised exposure assessment method had yet to be produced.

On November 18, we received a report from CDC titled "Exposure Assessment for the Agent Orange Study, Interim Report Number 2." We had by then arranged to have the OTA Agent Orange Advisory Panel meet on December 14 to review CDC's report. Based on our reading of the November 18 report, OTA staff requested some additional information from CDC, without which it would have been impossible for the Advisory Panel to adequately evaluate the exposure assessment method. On December 9, we received another report, dated December 8, which contained much of the information that had been requested. A final packet from CDC, containing specific information requested by OTA staff, arrived on December 13. The Advisory Panel met the following day. Their advice to OTA is reflected in this letter.

In sum, the recent reports from CDC outline an Agent Orange study of radically different design than the one that was initially reviewed and approved by OTA. The changes in design are of sufficient magnitude to require interruption of any plans for initiating interviews or examinations of study subjects. Further, the plan still appears to be in a state of change. While all or some of the changes proposed by CDC may be necessitated by relatively new information about troop locations and eligibility of men as study subjects, the reasons for the changes have not been coherently or convincingly presented in any of the reports OTA has received from CDC.

When the original Agent Orange study design was approved by OTA, there were still many unanswered questions and uncertainties which only would be resolvable when representative data from the military records had been assembled. There now exists a body of data which, while not complete, gives an indication of what the records contain. CDC should now be able to make some final decisions about study design and about the quality of the exposure data on which the study results will be based. OTA, therefore, requests a new statement of study design, incorporating, as necessary, new plans for exposure assessment, a plan for selecting study subjects, and new plans for data analysis. The discussion of exposure assessment should contain an explicit analysis of the probability of misclassification within the "likely to have been exposed" group. Finally, there should be discussion about whether the range of exposures likely to be found among the study subjects forms a firm underpinning for the proposed study. As CDC stated in its original protocol of November 1983, "Since many of the proposed procedures are untested, modification, indeed even a recommendation not to proceed with an Agent Orange study, may be required after pilot study assessments." The data collected to date should serve as an adequate pilot test of the methods and representation of results of exposure assessment.

At the same time that the new study protocol has been evolving, the study has faced a severe managerial problem. This problem, which seems soluble, is one of collaboration of CDC and the Environmental Support Group (ESG). Steps should be taken to insure that this problem is resolved expeditiously. The Agent Orange Working Group Science Panel may be the appropriate body to catalyze discussion between the two groups. If other military experts are required as consultants, they should be brought into the process, with a clear statement of their roles. While it is not appropriate for OTA to moderate the dispute, we can evaluate the resolution. It is important that formal work statements for data abstraction from military records and for assessing data quality be agreed upon jointly by CDC and ESG. OTA would like to be provided copies of these work statements when agreement has been reached.

I am sending copies of this letter to both CDC And ESG. OTA staff currently are writing a detailed set of comments which address the issues raised in this letter. Copies of those comments will be sent to CDC and ESG, and to the appropriate Congressional committee staff dealing with Agent Orange issues.

If OTA is to consider the revised Agent Orange study protocol for approval, another review will be necessary. Our Agent Orange Advisory panel is prepared to meet again in early 1986. I believe that sometime in March or April is a realistic expectation for that meeting. In our view, no major new phase of the study should be undertaken before the new design and exposure assessment method are found acceptable and the managerial problems resolved.

If you would like further discussion on this matter please do not hesitate to call me at 4-3695, or Hellen Gelband of the OTA staff at 6-2070.

Sincerely,

JOHN H. GIBBONS.

DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH SERVICE, CENTERS FOR DISEASE CONTROL,
Atlanta, GA, January 6, 1986.
HON. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: We have been provided a copy of the letter to you dated December 19, 1985, from John H. Gibbons, Director, Office of Technology Assessment (OTA), concerning the continuing review by OTA of the Agent Orange Study being carried out by the Centers for Disease Control (CDC). We are sending this identical letter to all the addressees of Mr. Gibbons' letter.

CDC's epidemiologic studies of the health of Vietnam veterans have three major components: the Vietnam Experience Study, the Agent Orange Study, and the Selected Cancers Study. The Vietnam Experience Study will evaluate the possible health effects of the general Vietnam experience. The Selected Cancers Study will evaluate the risk of contracting certain cancers among the Vietnam veterans. The Agent Orange Study will evaluate the health effects of possible exposure to herbicides (primarily Agents Orange). Interviews for the Vietnam Experience Study began in January 1985, and approximately 90 percent of the projected 14,600 interviews have been completed. Additionally, over 2,300 of the 4,000 Vietnam Experience Study medical examinations have been conducted; June 1986 is the projected completion date for these medical examinations. The Selected Cancers Study started in January 1985, and data collection is proceeding well. Interviewing of participants for the Agent Orange Study (the component addressed in Mr. Gibbons' letter) will begin during January 1986.

Mr. Gibbons' letter suggests that no further work on the Agent Orange Study component be done until several issues are resolved. Specifically, OTA has requested that CDC supply a new statement of study design incorporating plans for exposure assessment, a clarification of the plan for selecting study subjects, and a new plan for analysis. In addition, OTA has requested information on the resolution of problems concerning CDC and the U.S. Army's Joint Services Environmental Support Group (ESG).

OTA expressed concern about lack of a method for assessing exposure. We have a model for assessing exposure/nonexposure for persons selected. The model is based upon possible exposure to Agent Orange from both aerial and ground spraying, and includes specific time and distance relationships. It also takes into account the types of exposure, i.e., direct skin contact, contaminated soil, etc., and the probable half-life of the dioxin. This is one of the most comprehensive models for possible exposure to an environmental contaminant thus far devised. What remains to be done is to develop methods of record reviews to locate as accurately as possible the placement of these men on each day they were in Vietnam. This is the problem of exposure assessment. A pilot survey by ESG has demonstrated that this may be possible. We have requested an outside group of Department of Defense (DOD) experts, mentioned below, to provide review, evaluation, and advice. The model will predict exposure to the fullest extent possible from the records available.

CDC will not conduct a study that is not scientifically acceptable. As stated in the study protocol and in Mr. Gibbons' letter, some procedures and study design methods stated in the original protocol were untested and would need modification as data were collected and analyzed. Based on the February 1985 OTA Review Panel meeting and subsequent data analyses, CDC modified the study design from the original protocol. The major design change is the way we treat possible exposure to Agent Orange as a study variable. CDC presented the proposed design changes to the Agent Orange Working Group Science Panel on November 19 and December 2, 1985. It was reported to me that the Science Panel supported the design changes. CDC then submitted the proposed study changes to OTA in December 1985. The material which we provided to OTA obviously did not sufficiently clarify the design change and the purpose of the change as it relates to statistical power. Also, we were not present at the OTA meeting at which this was discussed. We are currently preparing a more extensive statement, as requested by OTA, which we believe will clarify and substantiate the design change.

OTA indicated in the letter to you that they desire more detailed information on the specific changes, why they are necessary, and what the implications are for exposure assessment and data analysis. We have instructed CDC's Agent Orange Projects' staff to develop a detailed report addressing all the concerns raised by OTA. We look forward to receiving the more detailed comments by OTA. CDC will submit this report to OTA in time for a March-April 1986 review.

We know of no managerial problem other than difference of opinion between CDC and ESG about the best way to assure that the data are as accurate and complete as possible. To resolve those differences quickly, CDC and ESG have agreed to have a group of DOD military and records experts (external to CDC and ESG) conduct an evaluation of current procedures to ensure that as complete and accurate information as possible is being collected on unit locations. Both Dr. Vernon Houk, Director, Center for Environmental Health, and Mr. Richard Christian, Director of ESG, have stated that they feel confident that information is available to distinguish between exposed and nonexposed Vietnam veterans.

The OTA report represents valid scientific judgment with regard to the Agent Orange Study component. However, the recommendation to postpone temporarily this component does not take into account the fiscal ramifications involved in making such a decision. CDC has been under heavy pressure to complete the study as early as possible and did not anticipate a delay in the start of the Agent Orange Study component. Under the terms of CDC's contracts with organizations to collect the study data, an immediate shut down of these contractors would result in payments which approximate the cost of continuing to collect data on veterans thus far selected for the Agent Orange Study component. The cost of immediately delaying the contract for interview for 4 months would be approximately $1 million. The exact amount would depend on the results of a negotiation process since CDC would be in breach of contract for not having furnished the contractor an opportunity to perform.

CDC now has the names of 3,500 veterans provided by ESG who have been selected for the Agent Orange Study component. Under any design envisioned, these veterans would be included if the study is to proceed. Supplying these veterans would be included if the study is to proceed. Supplying these names to CDC's contractor for interviews would provide sufficient work for approximately 3 months. These individuals will not be scheduled for physical examinations until late May or June 1986. It is at that point that the study can be aborted if available information is inadequate to distinguish between nonexposed and exposed Vietnam veterans.

During the next 3 months the contractor will complete about 20 percent of the interviews for the Agent Orange Study. This will make the names and addresses of the veterans immediately available to supply the medical examination contractor in the next phase if the study is to proceed. This list would take an additional 4 months to develop if we were not to proceed with the current contractor.

Even if the OTA Panel recommends that the Agent Orange Study component not be done, the veterans who have already been interviewed in this initial phase can be analyzed as a separate cohort for the Vietnam Experience Study. Although this cohort was not part of the original study design for the Vietnam Experience Study, it will provide valuable information on the effect of combat on health. A specific combat component was not planned in the Vietnam Experience Study since it was included in the Agent Orange Component. Without the Agent Orange Study, specific combat experience would be lacking.

In summary, no matter what recommendation is made by the OTA Panel in March-April 1986, CDC will have to pay contractors for the January to April time period. For these fiscal considerations, CDC proposes to continue to supply names to the interview contractor to meet the minimum contractual obligations. We will immediately begin negotiations with this contractor, planning for the possibility that the Agent Orange portion of the study might not be completed. This will provide this contractor about 3 months notice. The medical examination contractor will continue Vietnam Experience Study examinations until June 1986 as now scheduled. We will meet with them to discuss the possibility of not doing the Agent Orange Study. Since Agent Orange Study examinations would not be performed until June 1986, the contractor will have time to plan for a possible shut down.

We will submit the information requested by the OTA Panel as soon as possible and seek prompt resolution of these scientific issues.

Sincerely yours,

JAMES O. MASON, M.D., Dr. P.H.,

Assistant Surgeon General, Director.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, January 10, 1986.

Hon. OTIS R. BOWEN,
Secretary of Health and Human Services,
Washington, DC.

DEAR MR. SECRETARY: We are writing about the conduct of the Agent Orange study being carried out by the Centers for Disease Control (CDC) at the request of the Veterans' Administration and Dr. James O. Mason's January 6th letter to us about the study.

This study, as you know, was mandated by Public Law 96-151, the Veterans Health Programs Extension and Improvement Act of 1979. Public Law 96-151 required that the study "shall be conducted in accordance with a protocol approved by the Director of the Office of Technology Assessment" and that the Director of OTA monitor and submit periodic reports to the Congress on the monitoring of the study. In Public Law 97-72, the Veterans' Health Care, Training, and Small Business Loan Act of 1981, the scope of this study was authorized to be expanded to include an evaluation of any long-term adverse health effects from exposure to "other herbicides, chemicals, medications, or environmental hazards or conditions" in addition to Agent Orange. OTA's responsibilities are required by Public Law 96-151 have remained unchanged since enactment.

During the past several years we have received communications from Dr. John A. Gibbons, Director of OTA, reporting on the progress of both the Vietnam experience and the Agent Orange studies. In July 1983, Dr. Gibbons informed us the OTA had approved CDC's protocol for the Agent Orange study, including an exposure assessment methodology, and in February 1984, he informed us that OTA had approved a revised protocol for this study. However, with reference to the Agent Orange study, Dr. Gibbons, in April, September, and December 1985 letters, noted certain continuing difficulties in devising and refining a method for assessing exposure to Agent Orange. This same issue was raised during several briefings on the progress of the studies that members of the staff of both the House and Senate Veterans' Affairs indicated that difficulties in assessing exposure to Agent Orange had yet to be completely resolved.

We are pleased at the smooth progress of the Vietnam experience study, and we certainly appreciate the efforts of CDC to adhere to the constricted time schedule necessary to obtain timely results from the Agent Orange study. However, Dr. Gibbons' December 19 letter raises questions which must take precedence over meeting time schedules.

We have two specific concerns based on Dr. Gibbons' letter. First and most important, there is uncertainty about the design of the study. Dr. Gibbons wrote, "In sum, the recent reports from CDC outline an Agent Orange study of radically different design than the one that was initially reviewed and approved by OTA [in February 1984]." In addition, he suggested that there was an apparent lack of sufficient written information to enable OTA to review the current design in order to fulfill its legislatively mandated role. If the design is changed, the CDC should describe and justify those changes in the form of a protocol submitted for OTA review and approval.

The role of OTA was established by the Congress in order to ensure that the study was designed, conducted, and documented in ways that clearly met the standard of any scientific endeavor, including peer review. OTA's approval of the study design under Public Law 96-151 is pivotal. Without that approval, the study may not be conducted. An equally critical aspect, though not specifically mandated by law, is that the study be perceived to be of the highest scientific caliber. We recognize and respect the competence and reputation of CDC, which assumed responsibility for design and conduct many months after the study was mandated; however, we believe that the rule of OTA and its Agent Orange Advisory Panel remains critical in carrying out the law and in ensuring both the scientific basis and the perception of the validity of the Agent Orange study.

Our second concern is the serious problem of the deterioration of collaboration between CDC and the Army and Joint Services Environmental Support Group (ESG). In this regard, we were quite surprised by the statement in Dr. Mason's letter that CDC knows of "no managerial problem other than difference of opinion between CDC and ESG about the best way to assure that the data are as accurate and complete as possible." Committee staff and OTA staff who have participated in meetings involving CDC and ESG have indicated to us that there is a nearly complete breakdown in the relationship between the two entities. We have no basis for believing that these managerial difficulties have been resolved and urge that you have your staff look further into this matter.

Our concerns in this regard reflect both the significant scientific and methodological problems involved in this study as well as the problems that may arise in the working relationships between agencies participating in the complex study. At a minimum, clear and complete documentation of the design and a protocol for its conduct are essential. Any Agent Orange study funded by the Federal government must have the full confidence of OTA, the scientific community, the Congress, and, most importantly, veterans. In addition, full utilization should be made of existing expertise in ESG to collect and abstract data for the study within guidelines meeting the test of scientific quality control. Loss of the expertise of the ESG would be a serious setback to both the scientific basis, and the public's perception of the scientific validity, of this study.

In view of the above, we are agreed on two points: First, the law does not permit any new major phase of the study, including interview or examination of study subjects, to be undertaken until the basic statutory requirement of protocol approval by OTA is met. Specifically, we expect the CDC to describe its intended design and protocol for the Agent Orange study in sufficient detail to permit a review by OTA. Part of the documentation for that approval process should be an exposure index and a satisfactory resolution of the management difficulties between CDC and ESG. Any further expenditure of funds for any purpose other than to prepare the appropriate documentation for review would be unauthorized and improper pending the results of that review. Therefore, any interviews which have been scheduled should not be conducted until OTA has approved a final version of the protocol.

In addition to this legal basis for postponing further action, we believe that it would be very unwise policy, given the controversy about the scientific validity of the current study design, especially as reflected by the views of the OTA Agent Orange Advisory Panel (the only outside advisory body to have commented on the design of the proposed Agent Orange study), to expend any additional funds on this part of the study until OTA approval of the protocol for it is obtained. We are also very concerned about the implications of interviewing subjects for the study only later to advise them that the study is not going forward. It would be very easy for such an action to be misunderstood and to be seen as a refusal of the Government to go forward based on concerns about the initial findings from the interviews, not on a lack of scientific validity for the study. Such a result would be particularly unfortunate and undesirable.

We look forward to receiving your response at your earliest opportunity and appreciate your cooperation and assistance.

Sincerely,

Frank H. Murkowski,
Chairman,
Alan Cranston,
Ranking Minority Member.

U.S. Senate,
Committee on Veterans' Affairs,
Washington, DC, January 10, 1986.

Hon. Ronald W. Reagan,
The White House,
Washington, DC.

Dear Mr. President: We are writing to call to your personal attention the enclosed letter that we are today sending to Secretary of Health and Human Services Otis R. Bowen.

In this letter, we express our concern about the conduct of the Agent Orange Study which was mandated by Public Law 96-151 and which the Centers for Disease Control (CDC) is conducting at the request of the Veterans' Administration. Pursuant to that law, the study is to be carried out only pursuant to a protocol approved by the Director of the Office of Technology Assessment (OTA). OTA Director Dr. John Gibbons in a December 19, 1985, letter to us indicated that CDC has changed the protocol from the one which OTA approved in 1984 and determined that, because of these changes and because of concerns that OTA's Agent Orange Advisory Panel has about the way in which determinations as to study participants' exposure to Agent Orange will be made, "no major new phase of the study should be undertaken before the new design and exposure assessment method are found acceptable [by OTA] and the managerial problems resolved."

We concur in this assessment and agree that the law does not permit any new major phase of the study, including interview or examination of study subjects, to be undertaken until the basic statutory requirement of protocol approval by OTA is met.

In this regard, section 307(c) of Public Law 96-151 charges the President with responsibilities for the purpose of ensuring that studies of the Federal Government with respect to adverse health effects in humans of exposure to dioxins are scientifically valid and conducted with efficiency and objectivity. This Agent Orange study is clearly such a study, and we believe that it is vital that such activity be carried out with objectivity, effectiveness, and credibility. If the study when completed is fraught with controversy as to its scientific validity, it would be an ineffective study. Hence, we respectfully request that, in fulfillment of your section 307(c) statutory responsibility, you direct that Secretary Bowen take steps to ensure that no further work on the Agent Orange study go forward unless and until OTA has approved the protocol.

Section 307(c) also charges the President with specific responsibility with respect to this Agent Orange study to ensure that all appropriate coordination and consultation is accomplished within the Executive Branch. We also, therefore, respectfully request that you take the steps necessary to resolve the persistent, very counterproductive conflicts within the Executive Branch (described in the enclosed letter) that are significantly impeding effective work toward carrying out the study.

Thank you for your attention to this request.

Sincerely,

Frank H. Murkowski,
Chairman.
Alan Cranston,
Ranking Minority Member.

U.S. Senate,
Committee on Veterans' Affairs,
Washington, DC, January 13, 1986.

Hon. Otis R. Bowen,
Secretary of Health and Human Services,
Independence Avenue, SW., Washington, DC.

Dear Otis: I am writing with reference to Dr. James O. Mason's January 6, 1986, letter to me about the Agent Orange study being carried out by the Centers for Disease Control for the Veterans' Administration. Specifically, with reference to the idea set forth on page 3 of Dr. Mason's letter that any veterans interviewed for the Agent Orange study but not used for that purpose could be "analyzed as a separate cohort for the Vietnam experience study", I have the following concerns as to which I would like to have your views:

(1) Would it be scientifically valid to engraft results from interviews conducted pursuant to the one study's protocol onto the other study which is being carried out pursuant to a separate protocol?

(2) Has any entity, outside of CDC, evaluated the scientific validity and desirability of such an action?

(3) What is the view of the Agent Orange Working Group's Science Panel on this question?

(4) Would any of the interview subjects have to undergo a physical examination in order for information regarding them to be used in connection with the Vietnam Experience Study?

(5) If, as Senator Murkowski and I urged in our January 10 letter, no interviews or other actions are carried out in connection with the Agent Orange Study pending OTA approval of a protocol for it, what steps can CDC take to ensure that the effects of combat experience are reflected in the Vietnam Experience Study?

I look forward to receiving your response to these questions as soon as possible. I appreciate your cooperation and assistance.

With warm regards,

Cordially,

Alan Cranston,
Ranking Minority Member.

CONGRESS OF THE UNITED STATES,
OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, DC, February 10, 1986.
Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR ALAN: Your letter of January 13 asks OTA to respond to the points raised in a January 6 letter to you from Jim Mason of CDC. In making this response, I am taking into account changes that have occurred in CDC's activities and plans since Dr. Mason wrote his letter. Although those changes have not been reported to OTA officially from CDC, OTA staff has learned of them at meetings of the Agent Orange Working Group (AOWG) and through numerous telephone conversations with key individuals. In addition, I have spoken directly with Dr. Mason, and he told me of some changes.

The first major issue in Dr. Mason's letter has to do with the Agent Orange exposure assessment. I believe that CDC is continuing to develop the method described in their last report to OTA (Exposure Assessment for the Agent Orange Study, Interim Report Number 2, Supplemental Information, dated December 8, 1985), but that a separate exposure assessment activity also is simultaneously being carried out. In the separate activity, exposure criteria will be recommended by the AOWG and the Environmental Support Group (ESG). ESG will be assisted by the AOWG in developing a pilot data set on which the exposure criteria can be tested. I understand that developing the data set and matching with the exposure criteria may require about two months. If this pilot test is executed efficiently and effectively, it could help answer some of the major questions facing the Agent Orange Study. The role CDC sees for itself in this process (e.g., full participant or client/observer) is not clear.

On page 2 of Dr. Mason's letter, he discusses the change in study design proposed by CDC in their November and December 1985 reports to OTA. We expressed concern about the new study design in our December 19 letter to you. According to Dr. Mason's letter, a more detailed explanation of the new study design should be ready at about the same time that the pilot test of the exposure assessment method is completed.

Most of the rest of Dr. Mason's letter has to do with whether the interview process should go ahead or be halted. My December 19 letter to you stated, "The changes in design are of sufficient magnitude to require interruption of any plans for initiating interviews . . . ." CDC's decision, at the time the letter was written, was to proceed with the interviews, which apparently had already begun. You expressed concern in your letter with Dr. Mason's statement that "the veterans who have already been interviewed in this initial phase can be analyzed as a separate cohort for the Vietnam Experience Study." Without carefully considering the characteristics of those interviewed men, in contrast with the men included in the Vietnam Experience Study by design, it is impossible to make a judgment about whether this idea is scientifically valid. Based on the method of selection alone, it seems unlikely that such a plan would be acceptable. Certainly, it is a rather unorthodox way of redesigning a study that is well under way.

Fortunately, the question of what to do with men who have been interviewed for the Agent Orange Study, should the study not go ahead, appears to be moot. Dr. Mason told me that CDC had reconsidered and had, in fact, completely halted the interview process.

I am encouraged that progress is being made toward resolving the questions key to assessing the prospects for the Agent Orange Study. OTA staff will, of course, continue to monitor progress, as needed. I expect that CDC will prepare a timetable for the review of updated reports, as required by a January 10 letter to Secretary Bowen from the Chairman and Ranking Minority Member of the House of Representatives Committee on Veterans' Affairs. I expect that CDC will also include an official update of administrative and study design changes that have taken place since Dr. Mason's letter of January 6.

If we can be of further assistance, please do not hesitate to call on me at 4-3695, or Hellen Gelband of the OTA staff at 6-2070.

Sincerely,

JOHN H. GIBBONS.

VETERANS ADMINISTRATION,
Washington, DC, February 13, 1986.
Hon. ALAN CRANSTON,
Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: As required by Section 307 of Public Law 96-151, the "Veterans Health Programs Extension Act of 1979," enacted December 20, 1979, I am sending you and your committee the first status report and its appendices on the progress of the Centers for Disease Control's (CDC) Epidemiology Study on the Health Status of Vietnam Veterans (Attachment A). Also attached is a January 23, 1986, addendum to that report, prepared by CDC at our request, to describe recent significant developments related to the conduct of the study (Attachment B). This very comprehensive epidemiological study consists of three major components: a Vietnam Experience Study, an Agent Orange Study, and a Selected Cancers Study. This entire effort is currently being conducted in accordance with an interagency agreement effected January 1983 between the Veterans Administration (VA) and CDC (Attachment C).

The history of this study is long and complex. In 1979, Congress enacted Public Law 96-151 which mandated the Veterans Administration to conduct an epidemiological study of the health effects of exposure of Vietnam veterans to the class of chemicals known as the dioxins found in phenoxy herbicides, including Agent Orange. To ensure credibility and objectivity, the Veterans Administration decided to contract out the design of the study.

Following the issuance of a request for proposals, the National Veterans Law Center (NVLC) in May 1980, sought a preliminary injunction and restraining order that would prohibit the Veterans Administration from going forward with the contracting process. Federal District Court Judge Harold Green denied the NVLC's request. While still retaining jurisdiction over the case, Judge Green asked the General Accounting Office (GAO) to investigate the merits of the objections raised by the NVLC. The Veterans Administration suspended the contracting process pending the outcome of the investigation by the GAO. In February 1981, the Comptroller General issued his opinion, finding no merit in the NVLC's protest.

During February and March 1981, the Veterans Administration contacted those who had responded to the request for proposals issued the previous year to seek updated information on their continued interest in and ability to design a study protocol. On May 1, 1981, the School of Public Health of the University of California at Los Angeles (UCLA) was selected to develop the protocol and a contract was awarded for that effort.

In August 1981, a preliminary design was submitted to the VA by UCLA and was forwarded for peer review to the Agent Orange Working Group, the Veterans Administration's Advisory Committee on Health-Related Effects of Herbicides, and the Office of Technology Assessment (OTA).

In response to the critical comments received from the reviewers, the Veterans Administration notified UCLA in November 1981, that the initial submission did not meet the requirements set forth in the contract and identified several areas where the design was deficient. A revised protocol was submitted by UCLA in January 1982, and the Veterans Administration forwarded the protocol to various reviewing bodies. Those reviews were completed in March 1982, and forwarded to UCLA. In April 1982, the third and final protocol submission was received from UCLA. That submission was forwarded to the National Academy of Sciences in May 1982, for their review.

In September 1982, oversight hearings were held before the House Veterans' Affairs Committee. During those hearings, criticism was expressed over the lack of progress that had been made in the conduct of the study. Following the hearing, the House Committee leadership wrote to the Administrator recommending that the Veterans Administration transfer the study to the Centers for Disease Control (Attachment D). In October 1982, an additional letter signed by 100 House members indicated support for that position (Attachment E). By letter dated October 14, 1982, the Administrator formally initiated discussions with the Department of Health and Human Services regarding this transfer. An interagency agreement between the VA and CDC was signed in January 1983.

The attached unaltered report and addendum, prepared by CDC under that interagency agreement, is a status report rather than documentation of the study's findings. Results are not yet available, nor will they be until data collection and analysis are completed. The addendum to the report describes some of the recent difficulties encountered by CDC in developing an exposure index and a methodology for selecting the cohorts for the Agent Orange portion of the Epidemiology Study.

On September 23, 1985, OTA advised several members of Congress that "If there are no improvements, OTA may decide that the problems of deciding on exposure are so overwhelming that it is impossible to study the possible effects of Agent Orange" (Attachment F). These same concerns were expressed again by OTA in a December 19, 1985, letter to the Administrator of Veterans Affairs and various Congressional members (Attachment G). OTA was apprehensive about CDC's lack of progress in developing an approved Agent Orange Study protocol, stressing that recent proposals from CDC outlined an Agent Orange Study of "radically different design than the one that was initially reviewed and approved by OTA." CDC's addendum reflects these concerns and developments, events which were the subject of a meeting held on October 30, 1985, at the request of House Veterans' Affairs Committee staff and of a briefing given by OTA officials to Congressional staff on January 8, 1986.

On January 6, 1986, CDC responded to the December 19 OTA letter indicating that information requested by the OTA Panel reviewing the study would soon be forthcoming and sought a prompt resolution of the scientific issues raised by OTA (Attachment H). On January 10, 1986, House Veterans' Affairs Committee leadership wrote to the Secretary of the Department of Health and Human Services asking that "no new major phase of the study, including contacting or examining study subjects" be undertaken until OTA has approved the new study design and exposure assessment methodology (Attachment I). Also on January 10, 1986, the leadership of the Senate Veterans' Affairs Committee wrote to the President and Secretary Bowen expressing similar concerns (Attachments J & K).

CDC has noted in its addendum to the report their opinion concerning study participants that if "sufficient numbers which meet the criteria for comparability are not found, we may not be able to design the Agent Orange component of the Vietnam Veterans Epidemiology Study that would produce scientifically valid results." CDC stresses that in such an event the results would derive from the Vietnam Experience and the Selected Cancers study components which are progressing on schedule. We will follow closely CDC's progress in this regard and will keep you advised of any significant developments impacting on the conduct of the study.

Sincerely,

EVERETT ALVAREZ, Jr.,
Acting Administrator.

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, February 27, 1986.

Hon. ALAN CRANSTON,
U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: Your letter of January 10, 1986, to the President co-signed by Senator Frank H. Murkowski expressing your concern regarding the Agent Orange Study being conducted by the Centers for Disease Control was referred to me for reply.

As you know, the President delegated his responsibilities concerning the Agent Orange Study as mandated by P.L. 96-151 to the Domestic Policy Council Agent Orange Working Group and designated the Department of Health and Human Services as the lead agency responsible for chairing the Working Group.

The management difficulties between the Centers for Disease Control and the Army and Joint Services Environmental Support Group are being resolved. In addition, I have taken several positive and emphatic steps to evaluate and effect the scientific validity of the Agent Orange protocols and study procedures.

As this appraisal process goes forward, I have directed that no further work on the Agent Orange Study be done until these efforts are concluded to the satisfaction of all concerned, including and after consultation with the Office of Technology Assessment.

Thank you very much for bringing this matter to the President's attention.

With best personal regards,

Sincerely,

OTIS BOWEN, M.D.,
Secretary.

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Washington, DC, February 28, 1986.

Hon. ALAN CRANSTON,
U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: The Secretary has requested me to respond to the letter of January 10, 1986 signed by Senator Murkowski and you regarding the conduct of the Agent Orange Study being carried out by the Centers for Disease Control (CDC).

The Secretary has assured me that the full resources of this Department and of the other involved agencies are being brought to bear on the concerns which you so clearly stated.

As you know, Public Law 96-151, as amended, which mandated the Agent Orange Study directed the President to insure that the study be scientifically valid and conducted with efficiency and objectivity. The President delegated this statutory responsibility to the Domestic Policy Council Agent Orange Working Group (AOWG).

I have also directed that no interviews or examinations of veterans be initiated until the basic issue of the study design is resolved. We share your concern about the possibility of interviewing veterans for the study only later to advise them that the study is not going forward. In addition, I can assure you that the managerial difficulties between CDC and the Army and Joint Services Environmental Support Group are being directed and discussed at the highest levels of this Department, and that these difficulties will be resolved.

Much of the difficulty so far encountered with the conduct of the Agent Orange Study has stemmed from the unexpected failure to identify large numbers of clearly exposed veterans. In anticipation of uncertainties in the cohort selection process, the Science Panel recommended to the AOWG when the study was initiated in 1983, that an evaluation of exposure assignments be conducted after sufficient information had become available. At a meeting of the AOWG on January 29, 1986, the Science Panel was directed to carefully review the selection of study subjects from the Agent Orange Study in order to assure scientific validity.

At the AOWG's request, Dr. Carl Keller, Chairman of the Science Panel, is taking an active role in formulating the necessary elements to complete a pilot study in the next several weeks. In addition, he has appointed a subpanel to evaluate exposure information from other herbicide studies to assure that decisions regarding exposure assessment in the Agency Orange Study are consistent with available information.

We also agree that the role of the Office of Technology Assessment (OTA) and its Agent Orange Advisory Panel is invaluable in assuring both the scientific basis and the perception of the validity of the Agent Orange Study. We will continue to cooperate with OTA through staff communication and in making available whatever information they require for a review of the study's protocols and progress.

Please consider this an interim response to your inquiries. I will keep you informed on a periodic basis as our efforts go forward.

Sincerely,

DIXON ARNETT,
Chair Pro Tempore,
Agent Orange Working Group.

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Washington, DC, February 28, 1986.

Hon. JOHN PAUL HAMMERSCHMIDT,
House of Representatives, Washington, DC.

DEAR MR. HAMMERSCHMIDT: The Secretary has requested me to respond to the letter of January 10, 1986, signed by Congressman Montgomery and you regarding the conduct of the Agent Orange Study being carried out by the Centers for Disease Control (CDC).

The Secretary has assured me that the full resources of this Department and of the other involved agencies are being brought to bear on the concerns which you so clearly stated.

As you know, Public Law 96-151, as amended, which mandated the Agent Orange Study directed the President to insure that the Study be scientifically valid and conducted with efficiency and objectivity. The President delegated this statutory responsibility to the Domestic Policy Council Agent Orange Working Group (AOWG).

I have also directed that no interviews or examinations of veterans be initiated until the basic issue of the study design is resolved. We share your concern about the possibility of interviewing veterans for the study only later to advise them that the study is not going forward. In addition, I can assure you that the managerial difficulties between CDC and the Army and Joint Services Environmental Support Group are being directed and discussed at the highest levels of this Department, and that these difficulties will be resolved.

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Please consider this an interim response to your inquiries. I will keep you informed on a periodic basis as our efforts go forward.

Sincerely,

DIXON ARNETT,
Chair Pro Tempore,
Agent Orange Working Group.

Department of Health
and Human Services,
Washington, DC, February 28, 1986.
Hon. G.V. (Sonny) Montgomery,
U.S. House of Representatives, Washington, DC.

Dear Mr. Montgomery: The Secretary has requested me to respond to the letter of January 10, 1986, signed by Congressman Hammerschmidt and you regarding the conduct of the Agent Orange Study being carried out by the Centers for Disease Control (CDC).

The Secretary has assured me that the full resources of this Department and of the other involved agencies are being brought to bear on the concerns which you so clearly stated.

As you know, Public Law 96-151, as amended, which mandated the Agent Orange Study directed the President to insure that the Study be scientifically valid and conducted with efficiency and objectivity. The President delegated this statutory responsibility to the Domestic Policy Council Agent Orange Working Group (AOWG).

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We also agree that the role of the Office of Technology Assessment (OTA) and its Agent Orange Advisory Panel is invaluable in assuring both the scientific basis and the perception of the validity of the Agent Orange Study. We will continue to cooperate with OTA through staff communication and in making available whatever information they require for a review of the study's protocols and progress.

Please consider this an interim response to your inquiries. I will keep you informed on a periodic basis as our efforts go forward.

Sincerely,

Dixon Arnett,
Chair Pro Tempore,
Agent Orange Working Group.

Congress of the United States,
Office of Technology Assessment,
Washington, DC, March 13, 1986.
Hon. Alan Cranston,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

Dear Alan: I am writing to bring you up to date on the Centers for Disease Control's (CDC) Agent Orange, Vietnam Experience, and Selected Cancers studies. The enclosed quarterly report from CDC describes progress during October through December, 1985, and highlights the events of January 1986 related to the Agent Orange study.

The Vietnam Experience and Selected Cancers studies are progressing according to schedule. There have, as yet, been no written products from these studies, so our reports deal with procedural aspects. Names of nearly all potential participants in the Vietnam Experience study have been given to Research Triangle Institute, the contractor responsible for locating and interviewing participants. Of the approximately 17,000 names thus far provided, about 90 percent have been successfully contacted. Nearly 14,000 have been interviewed and the interviewing is continuing. The contractor has met or exceeded expectations in these phases. The physical examinations are being carried out by the Lovelace Medical Foundation in Albuquerque, New Mexico. A minimum of 4,000 examinations are planned for this study, and 2,187 had been completed or were in progress by the end of December, with another 1,121 scheduled as of early January. This phase also is on schedule.

The Selected Cancers study accrued a total of 461 eligible cancer cases and had identified controls for 276 by the end of December. Of these, interviews were completed for 263 of the cases and 192 of the controls.

Major hurdles remain for the Agent Orange study. As a result of letters (dated January 10, 1986) from the Senate and House Veterans' Affairs Committees to Secretary Bowen, CDC directed its contractors to stop work on participant location, health status interviews, and physical examinations for the Agent Orange study. Current activity at CDC is apparently limited to developing a revised protocol for the study. This is an accord with OTA's concern that the material presented to us by CDC in November and December represented a radical departure from the protocol we had originally reviewed and approved. I raised this issue in my December 19, 1985 letter to you and other interested members of Congress. At the behest of CDC, the Agent Orange Working Group (AOWG) and the Environmental Support Group (ESG) have assumed responsibility for (1) developing criteria for Agent Orange exposure; and (2) estimating the number of men likely to be classified as exposed in the study population. We do not have an estimate from CDC about when the new protocol material will be ready for our review; the AOWG/ESG effort should be completed by about mid-April. OTA remains prepared to carry out a review of these documents as quickly as possible after all the necessary material is in hand.

OTA staff continue to monitor developments related to the Agent Orange study, and have regular contact with key individuals in the relevant Executive Branch agencies. I'd be happy to answer any specific questions you have about any of the studies. Please don't hesitate to call me at 4-3695, or Hellen Gelband in the OTA Health Program at 6-2070.

Sincerely,

John H. Gibbons.

Department of Health
and Human Services,
Centers for Disease Control,
Atlanta, GA, February 12, 1986.
Ms. Helen Gelband,
Health Analyst, Office of Technology Assessment, U.S. Congress, Washington, DC.

Dear Ms. Gelband: This constitutes a report of the progress of the Centers for Disease Control (CDC) "Agent Orange" epidemiologic study mandated under Public Laws 96-151 and 97-72, for the period ending December 31, 1985.

I. GENERAL

A. VIETNAM EXPERIENCE STUDY

(Note: CDC's contractor, Research Triangle Institute (RTI), Inc., receives lists of about 1,433 potential participants each month. The contract allows RTI up to ten months for tracing, contacting and interviewing veterans on each list. Thus, the "successful tracing" and "interviews completed" figures for the most recent lists will increase substantially in the next few months.)

1. Participant location

Current Status: CDC has provided RTI with the names and last known addresses of 17,202 potential participants in the Vietnam Experience Study component of its investigation. As of December 31, 1985, RTI and its subcontractor, Equifax, have been successful in tracing 15,416 (90 percent) of those potential participants. CDC will provide RTI with a final list of approximately 800 names. Included in this group are veterans whose military records were difficult to locate during the initial searches at the National Personnel Records Center.

Significant Change(s): Increases, as anticipated, over the previous reporting period.

Problems that will affect the conduct of the investigation: None identified or anticipated at this time relative to the Vietnam Experience Study.

2. Health status interview

Current Status: Overall, RTI has completed interviews with 13,873 (80.6 percent) of the 17,202 potential participants identified by CDC. As might be expected, the completion rate for monthly lists of names is higher or lower than the average depending on how long the contractor has had to locate, contact, and interview the veterans on that month's list.

	Names provided	Interviews completed	Percentage
List month:			
January	1,429	1,207	84.5
February	1,436	1,221	85.0
March	1,437	1,228	85.5
April	1,433	1,208	84.3
May	1,433	1,214	84.8
June	1,434	1,185	82.6
July	1,433	1,201	83.8
August	1,433	1,200	83.7
September	1,434	1,201	83.8
October	1,433	1,148	80.1
November	1,433	1,051	73.3
December	1,434	809	56.5
Totals	17,202	13,873	80.6

Some veterans decline to be interviewed when contacted by RTI; but many (447 since January 1985) of these initial refusals are converted to completed interviews during follow-up efforts. As of December 31, 1985, only 508 "final" refusals were listed, and conversion efforts were ongoing for 342 other veterans who had initially refused the interview.

Significant Change(s): Increases in successful tracings and interview completions have met and in some cases exceeded numbers anticipated in the contract.

Problems that will affect the conduct of the investigation: None identified or anticipated at this time relative to the Vietnam Experience Study.

3. Physical examination

Current Status: Physical examinations are conducted under contract by the Lovelace Medical Foundation (LMF), in Albuquerque, New Mexico. Approximately 400 names per month are being provided to LMF as potential participants in the medical examination phase of this component.

As of December 31, 1985: LMF had mailed letters to 5,007 veterans confirming that they had been selected from this phase; 2,187 of the 3½ day batteries of tests had been completed or were then in progress. As of January 7, 1986, LMF had scheduled 1,121 other veterans to begin their examinations on future dates. Approximately 90 examinations will be conducted in Albuquerque each week until the contracted total (a minimum of 4,000 for the Vietnam Experience Study) has been completed

Significant Change(s): Effective July 28, participating veterans have been housed at the Clarion Four Seasons Hotel rather than at the Regent Hotel. Effective October 1, all Day 3 (psychological) examinations and Day 4 debriefings have been administered in spaces remodeled for those purposes at the new hotel.

Problems that will affect the conduct of the investigation: None identified or anticipated at this time relative to the Vietnam Experience Study.

4. Mortality study

Current Status: As of December 31, 1985, a total of 746 veterans had been identified as being deceased from potential study participants whose military records had been selected and qualified. Of these deaths, 267 occurred while the men were on active military duty, the remaining 479 thereafter. CDC seeks death certificates and other reports to establish causes of death among non-active duty veterans. As of the same date, information had been received concerning 447 (93 percent) of these deaths.

Significant Change(s): None at this time.

Problems that will affect the conduct of the investigation: None identified or anticipated at this time.

B. AGENT ORANGE STUDY

The activities reported below occurred in January 1986. They are included in this report period (October-December 1985) to provide timely information on these important issues.

Initiation of data collection for the Agent Orange Study has been delayed. A summary of the events related to the delay is detailed in the attachment: "Addendum on Issues Related to Exposure Assessment for the Agent Orange Study Component of CDC's Studies."

1. Participant Location: The contractor, RTI has been directed to stop all work related to the Agent Orange Study component until further notice. Negotiations are currently being conducted on settlement costs associated with this work stoppage.

2. Health Status Interview: The contractor, RTI, has been directed to stop all work related to the Agent Orange Study component until further notice. Negotiations are currently being conducted on settlement costs associated with this work stoppage.

3. Physical Examination: The contractor, LMF, has been directed to stop all work related to the Agent Orange Study component until further notice. Contractor has been directed to submit the settlement proposal associated with the work stoppage.

4. Mortality Study: (See note above. Process presently in delay.)

5. Military Records Processing: (See note above. Process presently in delay.)

Significant Change(s): Initiation of data collection has been delayed.

Problems that will affect the conduct of the investigation: Delay in startup of the data collection process will create delays in completion of data analysis, scientific interpretation and review, and release of findings. This delay will also result in additional contractual costs associated with the settlement proposals submitted by the interview and physical examination contractors.

C. SELECTED CANCERS STUDY

Contract activity

Current Status; As of December 27, 1985, a total of 461 cases and 276 controls have been identified and assigned for interview to the 8 participating tumor registry contractors. Interviews had been completed for 263 of the cases and 192 of the controls. A delay between case assignment and interview is normal: the permission of each case—participants' personal physician is solicited before the patient is contacted.

Significant Change(s): None during this reporting period.

Problems that will affect the conduct of the investigation: None identified or anticipated at this time.

D. MISCELLANEOUS

Two senior personnel appointments within the CDC Agent Orange Projects staff were made shortly after the end of this reporting period:

Effective January 6, Robert Worth, M.D., Ph.D., M.P.H., joined the staff as Senior Visiting Scientist.

Effective January 17, Peter M. Layde, M.D., M.Sc., was named Acting Director of the Agent Orange Projects. Dr. Layde had been with AOP from April 1983 through July 1985, when he was named Director of CDC's Division of Chronic Disease Control. His responsibilities as division director have been assumed by the Division's Deputy Director, Mr. Joe H. Miller, while Dr. Layde resumes leadership of the Agent Orange Projects.

Sincerely yours,

——— ———.

(For Peter M. Layde, M.D., M.Sc., Acting Director, Agent Orange Projects, and Director, Division of Chronic Disease Control, Center for Environmental Health).

ADDENDUM ON ISSUES RELATED TO EXPOSURE ASSESSMENT FOR THE AGENT ORANGE STUDY COMPONENT OF CDC'S STUDIES

As stated in the report, CDC submitted an interim report on exposure assessment to the Office of Technology Assessment (OTA) in November 1985. Subsequent to submitting this document to OTA, CDC presented the material to the Agent Orange Working Group Science Panel on November 18, 1985. The Science Panel made several useful suggestions at this meeting and CDC developed supplemental material to address their suggestions. CDC made another presentation to the Science Panel on December 2, 1985, and received additional comments and suggestions. A document containing this supplemental information was submitted to OTA on December 8, 1985.

The OTA Review Panel met on December 14, 1985. On December 19, 1985, CDC received a copy of a letter sent by the OTA Director to members of Congress expressing concerns related to the conduct of the Agent Orange Study. Specifically, OTA has requested a new statement of study design incorporating, as necessary, new plans for exposure assessment, a plan for selecting study subjects, and new plans for analysis. As mentioned in the December 19, 1985 letter, OTA would provide a detailed set of comments which address the issues mentioned above. CDC received these comments on January 14, 1986.

CDC is now in the process of developing revised protocol material for the Agent Orange Study. OTA, in its December 19, 1985 letter suggested that another review by their panel take place in March or April 1986. The Chairman of the House Committee on Veteran's Affairs, in a January 10, 1986 letter to the Secretary, DHHS, has recommended a shorter timetable for the review. The exact timeframe is currently being finalized. CDC will submit the revised protocol document to OTA within the agreed upon timeframe. Except for protocol development, all CDC activities (e.g., interviews, medical examinations, etc.) related to the conduct of the Agent Orange Study have been suspended until OTA has reviewed and approved this revised protocol document.

As was discussed by the Science Panel of the Agent Orange Working Group on January 22, another issue of concern is the selection of study participants. In order to design a scientifically valid study, the participants have to be as similar as possible in all respects except for exposure to Agent Orange. During the past 2 years of intensive work by ESG, CDC, and the Science Panel, we believe that it is possible to find sufficient individuals who, in all probability, have had no exposure to the herbicide. The question remains of whether it is possible to identify sufficient numbers of individuals who have had sufficient exposure to the herbicide that has the biologic plausibility of producing adverse health effects. Currently, ESG is reviewing the information they have to make that determination. If sufficient numbers are found, CDC can do a credible study. If, however, sufficient numbers which meet the criteria for comparability are not found, we may not be able to design the Agent Orange component of the Vietnam Veterans Epidemiology Study that would produce scientifically valid results. The overall results would then have to rely on the Vietnam Experience component and the Selected Cancers component which are proceeding on schedule.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, April 23, 1986.

Hon. OTIS R. BOWEN,
Secretary of Health and Human Services, Washington, DC.

DEAR OTIS: We are writing to request updated information concerning the status of the Agent Orange study which is being conducted by the Centers for Disease Control (CDC). We are interested in receiving additional clarifying information about the study design and methodology, the time frame for conducting and completing the study, and the costs incurred thus far as well as the ultimate costs of the study. We would appreciate receiving your answers, at your earliest convenience, to the following questions. Please provide those answers in numbered paragraphs corresponding to the questions.

1. Study design. The Office of Technology Assessment's December 19, 1985, letter on this study raised concerns about the overall study design and the exposure assessment for potential study participants. OTA requested a new "statement of study design" which would include new plans for exposure assessment, selection of study subjects, and data analysis. OTA also called for "an explicit analysis of the probability of misclassification within the a 'likely to have been exposed group' and views about whether the range of likely exposures among the study subjects forms 'a firm underpinning for the prepared study' ". CDC's January 6, 1986, response indicated that CDC was "preparing a more extensive statement [on the study design], as requestd by OTA'.

a. What is the status of the effort to develop a more extensive study design statement?

b. Please provide us each with a copy of this new statement of study design at the time it is submitted to OTA.

2. Pilot study. OTA's December 19 letter referred to CDC's original November 1983 protocol which stated, "Since many of the proposed procedures are untested, modification, indeed even a recommendation not to proceed with an Agent Orange study, may be required after pilot study assessments." Do you tend to conduct a pilot study to test the study methodology and exposure assessment? If not, why not?

3. Exposure assessment.

a. CDC's January 6 letter also noted that an exposure assessment method existed at that time and that "an outside group of Department of Defense experts" was being asked to review the model and ways in which data could be extracted from military records to be used with the model.

i. Who constitutes the group of DOD experts?

ii. What is the status of that outside review and when will it be completed?

iii. What role, if any, is the U.S. Army Joint Services Envire effort ongoing?

ii. If so, what specific entities are working on it and what is the specific time frame for completion?

iii. What is or will be the relationship between any AOWG exposure assessment method and one developed by CDC?

iv. Arxposure assessment method will be used?

4. Role of the AOWG. In your February 27, 1986, letter to us, you indicated that the AOWG had been delegated responsibility by the President under section 307(c) of Public Law 96-151 to ensure that this study is scientifically valid and is "conducted with efficiency and objectivity". What specific steps is the AOWG taking at this time (other than developing exposure criteria) to fulfill this role and, more specifically, to resolve the current difficulties in an appropriate and timely fashion?

5. Costs. CDC's January 6 letter raised concerns about "the fiscal ramifications involved" with ceasing all interviews and examinations in connection with the Agent Orange Study.

a. What costs have been incurred to date in connection with the current cessation of activities?

b. What additional costs are likely to be incurred if study efforts do not resume prior to midsummer?

c. What costs would be incurred if there is no further work on the Agent Orange study?

d. Please provide copies of any analyses prepared regarding the Government's liabilities under the contracts relating to the study for payments to contractors in the event of a delay or cessation of the study?

e. Please provide us with an accounting of all CDC expenditures in connection with the various study efforts under Public Law 96-151, what expenditures are ongoing at this time, and what balance of funds remains available to CDC for this purpose?

f. Please provide us with advance notice of any planned use of the remaining funds for developing the protocol or otherwise.

g. Do you anticipate that CDC will require any additional funds over and above those already appropriated for the study?

h. If so, please provide us with an estimate of the amount and the purposes to which these funds would be devoted.

We believe that the utmost attention by all parties involved should be developed to resolving the outstanding issues related to the study design and exposure assessment. We request your views on these matters at your earliest convenience.

Thank you for your attention to this letter.

Sincerely,

FRANK H. MURKOWSKI,
Chairman.
ALAN CRANSTON,
Ranking Minority Member.

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, April 30, 1986.

Hon. ALAN CRANSTON,
U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: This is in response to your letter of March 28, 1986 referencing your earlier correspondence of January 13, 1986 regarding the Agent Orange Study being conducted by the Centers for Disease Control (CDC).

I regret that my February 27, 1986 letter to you on behalf of the President, did not answer your concerns although it did respond to your general questions.

Let me be specific to items one through four as listed in your letter. I agree with your concerns regarding the advisability of combining data derived according to two different protocols. I can assure you that an appropriate review of the scientific validity of such a procedure would be accomplished before such steps are taken. In this case, as you will note from my response to your joint inquiry, dated January 10 with Senator Murkowski, interviews will not be conducted among potential Agent Orange Study subjects unless and until there is a decision to proceed by the Agent Orange Working Group.

In response to your item number five, the Vietnam Experience Study includes a large random sample of Army veterans who served in Vietnam, although, the number of study participants who have had extensive combat experience is unknown at present. Information on each subject's military duties and intensity of combat is being collected and should provide a data base to assess the effects of combat experience on some health outcomes.

I hope this information will be of assistance to you.

With best personal regards,

Sincerely,

OTIS R. BOWEN, M.D.,
Secretary.

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, May 16, 1986.

Hon. ALAN CRANSTON,
Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: Thank you for your letter of April 23, 1986, requesting updated information concerning the status of the Agency Orange study being conducted by the Centers for Disease Control (CDC).

Following your previous correspondence, I established a special sub-panel of the Agent Orange Working Group Science Panel of carefully selected scientists to prepare recommendations to me after a most careful and urgent review of all the facts. This subpanel will report to me in the near future.

I have asked the members of the Domestic Policy Council, Agent Orange Working Group to prepare detailed responses to your many questions.

Please be assured that this matter has my attention and I share with you the same sense of urgency for any early resolution.

Sincerely,

OTIS R. BOWEN, M.D.,
Secretary.

THE SECRETARY OF HEALTHH
AND HUMAN SERVICES,
Washington, DC, June 19, 1986.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: The following is in further response to the questions you raised in your letter jointly signed by Senator Murkowski dated April 23, 1986, regarding updated information on the status of the Agent Orange study which is being conducted by the Centers for Disease Control (CDC):

1. STUDY DESIGN

a. CDC completed a Draft Revised Protocol for the Agent Orange study on February 5, 1986. The protocol was then reviewed by an internal CDC ad hoc committee, which finished its review and critique on February 26. The draft protocol is being held at CDC until the U.S. Army and Joint Services Environmental Support Group (ESG) and the subcommittee of the Agent Orange Working Group (AOWG) Science Panel complete their activities related to exposure assessment. The results of these two efforts will be reviewed by AOWG and the protocol will be adjusted as necessary.

b. As requested, we will provide your office with a copy of the draft revised protocol at the time it is submitted to the Office of Technology Assessment (OTA).

2. PILOT STUDY

CDC does not plan to conduct any pilot studies of military record abstraction procedures. Exposure assessment activities began as early as January 1984. During the period January 1984 through December 1985, ESG researched information on unit and individual locations and provided the information to CDC for review and analysis. This information was presented to OTA in two interim reports on exposure assessment in February 1985 and November 1985. In addition, during January through April 1986, ESG conducted a pilot test on cohort selection and exposure assessment as discussed under question 3 below. Since evaluation has been ongoing since January 1984, further studies related to the review of military records is not necessary at this time. Depending on the comments of the peer review groups, CDC may conduct a pilot study of the usefulness of residual adipose tissue or serum levels of dioxin as independent validation of exposure opportunity estimates derived from military records.

3. EXPOSURE ASSESSMENT

A subpanel of the AOWG Science Panel was assembled shortly after the January 28 meeting of the Domestic Policy Council AOWG. The subpanel is chaired by Dr. Al Young of the Office of Science and Technology Policy and includes members of the Science Panel (AOWG); members of the U.S. Army Joint Services Support Group (ESG); and other experts in DOD and the epidemiology field.

I am awaiting the results of the work of this special subpanel, at which time the details of question three can be addressed.

4. ROLE OF THE AOWG

The Domestic Policy Council Agent Orange Working Group is chaired by this Department and reports to the President through the Chair pro tempore of the Domestic Policy Council, Attorney General Edwin Meese.

The AOWG, upon learning of the questions raised by OTA and yourselves, directed CDC to suspend further activity on the study of AOWG subjects. As you know from prior correspondence, this is still in effect and will continue until a decision is made following review of the recommendation of the AWOG Science subpanel, the recommendation of the AOWG Science Panel, and the recommendation of the OTA which should review the findings and recommended new protocol design.

5. COSTS

a. CDC's contractor for the health interview component of the study (Research Triangle Institute) has been in a state of readiness since January 15, 1986. The costs associated with this state of readiness for the period January 15 through June 14, 1986, are approximately $390,000, or $78,000 per month.

b. Negotiations are currently ongoing with Lovelace Medical Foundation, CDC's medical examination contractor, regarding the current work stoppage of the Agent Orange study. While the settlement cost for this stoppage have not yet been determined, there will likely be substantial costs to the Government if study efforts do not resume prior to mid-summer. In addition, there will continue to be costs for keeping the interview contractor, Research Triangle Institute, in a state of readiness or other status if the delay continues.

c. Costs incurred if there is no further work on the Agent Orange Study would depend on final negotiated settlements with CDC's contractors. While some estimates are provided in our response to question 5(d), these are informal non-binding estimates.

d. A copy of an internal CDC memorandum on contractual options is enclosed.

e. Approximately $30 million has been obligated to implement Public Law 96-151. Of that amount about $26 million has been obligated for contracts for the Agent Orange study component. In addition, approximately $4 million has been spent during Fiscal Years 1983-85 on personnel, travel, equipment, etc., related to the Agent Orange study. The balance remaining from the Fiscal Year 1985 and Fiscal Year 1986 appropriations is approximately $800,000 for this purpose.

f. CDC will provide advanced notice to you prior to the use of additional funds.

g. It is impossible to ascertain at this time the amount of funds CDC will require. The answer depends upon the negotiated settlements with CDC's contractors, which have not been completed, and the scope of the final approved protocol.

h. Estimates of funding required are subject to the factors listed in "g" above. Current funds are appropriate at this time.

I assure you that this Department is fully committed to an expeditious resolution of this issue.

Sincerely,

Otis R. Bowen, M.D.,
Secretary.

February 22, 1986.

Director, Center for Environmental Health.
Issue Paper—Agent Orange Study.
James O. Mason, M.D., Dr. P.H., Director, Centers for Disease Control.

Attached is the issue paper outlining contractual options and cost associated with the current work stoppage for the Agent Orange Study component of the Epidemiological Studies of the Health of Vietnam Veterans. The cost estimates were developed by Agent Orange Projects staff and the Procurement and Grants Office through informal, non-binding discussions with the contractors.

In this option paper, we present estimates of costs associated with varying periods of possible delay in the decision to conduct the Agent Orange Study component. Since the medical examination contractor is able to maintain a full workload through June for Vietnam Experience Study participants, there is no immediate need to provide additional instructions if we want them to continue at current performance levels (Option #1 for Lovelace Medical Foundation). Under this option, we have until May 1, 1986 to discuss with them future workload considerations. However, if we want the contractor to reduce their monthly workload (Option #2), we should discuss this option with them during March 1986.

With respect to the interview contractor, Research Triangle Institute (RTI), the initial two-month state of readiness will expire on March 15, 1986. As part of this negotiated agreement, it is necessary for CDC to inform RTI by March 3, 1986 of what course of action we would like them to take. Based on the short time period between now and March 3, I am recommending to you that we direct RTI to maintain a state of readiness for an additional 30 days. As presented in Option #1 of this memorandum, the cost of this directive is about $85,000. This will give you an additional month to determine which of the options is the most appropriate.

Please advise if you concur with this approach or would like additional information on the issues.

Vernon N. Houk, M.D.,
Assistant Surgeon General.

February 21, 1986.

Acting Director, Agent Orange Projects.
Agent Orange Study Contractual Issues Option Paper.
James O. Mason, M.D., Dr. P.H., Director, Centers for Disease Control. Through: Director, Center for Environmental Health s/VNH.

ISSUE

What is the impact on CDC's contractors of an indeterminate delay in the decision concerning the conduct of the Agent Orange Study component of CDC's Epidemiologic Studies of the Health of Vietnam Veterans?

BACKGROUND

CDC has directed its health interview contractor (Research Triangle Institute) and the medical examination contractor (Lovelace Medical Foundation) to stop all work related to the Agent Orange Study for the period January 15-March 15, 1986. This time period was selected because CDC was initially directed by the U.S. Congress to submit a protocol according to a schedule which permitted the Office of Technology Assessment to conduct a review before the end of February 1986. It now appears that we can anticipate a delay in excess of this time period. The uncertainty as to when a decision will be reached regarding the conduct of the Agent Orange Study makes it necessary for CDC to consider other contractual options.

Under the scope of work requirements of these contracts, Research Triangle Institute is responsible for the tracing, contracting, and administering of a telephone interview to study participants. A randomly preselected sample of veterans who complete the interview are then scheduled by the Lovelace Medical Center to participate in a comprehensive three-day medical examination. Thus, there is a linkage of the conractors in that approximately one out of three veterans completing the interview proceed through a re-contacting, appointment and examination process conducted by the medical examination contractor.

The contracts with Research Triangle Institute and Lovelace Medical Foundation require the contractor to proceed directly from the Vietnam Experience Study component to the Agent Orange Study component. The contracts were developed in this format because CDC believed there was adequate time from the signing of these conracts, August 1984, to the start of the Agent Orange Study, January 1986, to resolve any of the scientific issues related to the conduct of this study component. It was also believed there would be adequate time to notify contractors and to abate the costs associated with any major contract modifications, including termination. Additionally, the alternative of having separate options for the Vietnam Experience Study and the Agent Orange Study would not save a substantial amount of money, even if the Agent Orange Study is not conducted. With either approach, equipment costs and systems development costs would need to be amortized over a smaller number of interviews or examinations if the Agent Orange Study is not conducted.

The cost estimates presented in this issue paper reflect the most current evaluation of the financial implications of continued delays in the decision to start the Agent Orange Study. They differ from earlier projections since CDC has been able to discuss cost considerations directly with the contractors' fiscal and management personnel and identify options which are less costly than originally anticipated.

RESEARCH TRIANGLE INSTITUTE (RTI)—HEALTH INTERVIEW CONTRACT

Current Status

CDC has directed RTI to stop work on the Agent Orange Study component but to remain in a state of readiness (to restart Agent Orange Study activities) through March 15, 1986. The settlement cost associated with this work stoppage is estimated at $160,000 (as opposed to approximately

$500,000 if we had not directed the work stoppage). This cost is independent of (and in addition to) any of the cost estimates for the options described below. CDC must notify RTI of any additional delays beyond the March 15 date no later than March 3, 1986.

OPTION NUMBER 1: MAINTAIN STATE OF READINESS

This option involves notifying RTI to continue in a state of readiness on a month-to-month basis. This option will enable RTI to maximize staff retention and be in a position to resume full operational schedules within 15 days of notification by CDC.

Cost: Month-to-month delay, $85,000 per month.

Pros

1. Allows for rapid restart of work if the study is conducted and will permit the Agent Orange Study to commence and continue in the most expeditious format possible.

2. Assures that key staff who have contributed to the success of the Vietnam Experience Study will be available for the Agent Orange Study.

3. Minimizes the impact of additional delays on the medical examination contractor's activities.

Cons

1. High monthly cost.

2. This plan is reasonable only as a short-term option. Continuing to support contractor staff for non-production would serve to stagnate their key staff by obligating them to remain on hold for an extended period of time. Based on discussions with contractor, this option is only viable for an additional two months, or through May 15, 1986.

OPTION NUMBER 2: OPERATIONAL SHUT DOWN

This plan involves notifying the contractor to cease maintaining a state of readiness. Both management and hourly staff could be assigned to other work or be subject to departure from the contractor organization. The contractor would require 45 days advance notification to become fully operational if directed by CDC to restart the Agent Orange Study.

Cost: (1) Direct a shutdown, $40,000; (2) Resume work with 45 days advance notice, $120,000; Total, $160,000.

Pros

1. Total costs to CDC would be lower than Option #1 if the delay extends 2 or more months beyond current contractual extension date of March 15, 1986.

Cons

1. This option requires a built-in delay in restarting the work if the Agent Orange Study is conducted.

2. Many of the contractor's key staff, who played important roles in the Vietnam Experience Study, would be reassigned to other projects and could be lost to the Agent Orange Study if this option is selected.

3. The required start-up period of 45 days would adversely affect the activities of the medical examination contractor.

OPTION NUMBER 3: TERMINATION OF CONTRACT FOR CONVENIENCE OF THE GOVERNMENT

CDC would inform the interview contractor of our intent to terminate the contract for the convenience of the government. This option would foreclose any restart capacity and end work by the contractor. Additionally, this option would require a new procurement process to select a contractor should the study be conducted. While a cost estimate is provided, the actual cost of a termination would be determined through formal negotiations and written settlement proposals.

Cost: Directive to terminate, $70,000.

Cost: Increased contractual costs associated with a new contract if Agent Orange Study is conducted: Phase I—Interview Pilot Study, $200,000; Phase II—Main Study Increase, $540,000; Total, $740,000.

Costs for the Interview Pilot Study are based on CDC's experience in the Vietnam Experience Study and a sample size of 300 study subjects. Main Study cost increases are based on an average 12% or $24 increase in the unit cost of the interview.

Pros

1. The principal reason to terminate the contract for the convenience of the Government would be if a decision was imminent to cancel the Agent Orange Study.

Cons

1. An extensive procurement procedure would be required to re-announce this work and select a contractor to conduct the Agent Orange Study. This would take a minimum of nine months. However work would not start for at least one year as a three-month pilot phase would be incorporated into the contract.

2. New pricing plans would be contained in new proposals and could be expected to be considerably higher than in the current contract. These costs are reflected in the cost estimates.

LOVELACE MEDICAL CENTER—MEDICAL EXAMINATION CONTRACTOR

Current Status

On January 15, 1986, CDC contracted the Lovelace Medical Center and informed the contractor of an anticipated 2-month delay in the start up of the Agent Orange Study. Primarily because the contractor is able to maintain a full workload from January-June 1986 in completing Vietnam Experience Study examinations, there was no cost settlement associated with the work stoppage (for the Agent Orange Study) for the period January 15-March 15, 1986. A delay in start up of the Agent Orange Study beyond the March 15 date will affect future examination schedules at Lovelace. At current levels of performance, the vast majority of the Vietnam Experience Study examinations will be completed by the end of June 1986. Scheduling activities for the Agent Orange Study need to begin by the end of March to obtain the necessary contractual level of examinations for July, August and September. Otherwise, the contractor will have less than a full workload starting in July 1986.

OPTION NO. 1: STATUS QUO

The Contractor would continue to perform at the current level of 350 examinations (or more) per month through June 1986, continuing a concerted effort to schedule as many Vietnam Experience Study veterans as possible during this time span. CDC would need to meet with the contractor by May 1, 1986 to discuss workload for the period beyond June 1986. Except for a relatively small number of Vietnam Experience Study veterans who could not be examined before June 1986, the contractor would essentially enter a dormant period until a decision is reached regarding the Agent Orange Study. Based on informal discussions with the contractor, cost estimates for a dormant period were provided only for a time period through September 1986.

Cost: Three month dormant period (July-September) at $500,000 per month, if for three months, $1,500,000.

Pros

1. This option represents no departure from current performance levels on the part of the contractor.

2. Contractor staff would remain intact for the short term. If a decision to conduct the Agent Orange Study is made by May 1, 1986, future risk of losing staff is reduced.

Cons

1. Contractor will have completed virtually all the scheduling activities for the Vietnam Experience Study by May 1, 1986. Therefore, the scheduling operation will need to be phased down resulting in some loss of personnel.

2. High cost associated with a three-month dormant period make this option more expensive than Option #2.

OPTION NUMBER 2: REDUCE THE MONTHLY NUMBER OF VIETNAM EXPERIENCE STUDY EXAMINATIONS PERFORMED BY THE CONTRACTOR

This option involves directing Lovelace to scale back the number of examinations per month from the current goal of 350 to the minimum contractual requirement of 275 per month beginning April 1, 1986. This course of action would extend the time period for completing the Vietnam Experience Study through approximately July 1986, reduce required personnel effort by about 15%, and allow the contractor to retain current key management staff. However, it would increase the unit cost per examination by about $100. As in Option #1, cost estimates are based only through September 1986.

Cost: 1. Increase in unit cost for remaining VES exams 940×$100, $94,000; 2. Two month dormant period (August-September) at $450,000 per month, if for two months, $900,000; Total, $994,000.

Pros

1. Extending performance period for VES by reducing the number of examinations per month could minimize the impact of further delays in a decision regarding Agent Orange Study because the contract would be ongoing for an additional month.

2. This option is less expensive than Option #1.

Cons

1. Contractor has an established goal of 350 exams per month. Considerable effort has been expended by management to motivate staff to reach and sustain this level of performance. Accordingly, contractor staff morale may suffer if performance levels are reduced.

2. Reduction in monthly workload is perceived by contractor management staff as a negative factor which could result in an immediate and continued loss of personnel. This could impact on current and future performance because of the limited pool of medical specialists in the Alberquerque area.

3. Contractor estimates their unit costs will escalate from March 1 through July 31 in an effort to recover costs incurred by the reduced schedule. This is reflected in the cost estimate for this option.

OPTION NUMBER 3: TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

This option involves termination of the contract. This can be accomplished at whatever date is set by CDC management. For a contract of this magnitude ($36 million) the CDC Contracts Office would conduct a negotiated settlement. This option would also require a new procurement process to select a medical examination contractor if the Agent Orange Study is conducted. With current limited information, a rough cost estimate for termination would be in the area of $1.5 million.

Cost: Directive to terminate, $1,500,000.

Cost: Increased contractual costs associated with a new contract if the Agent Orange Study is conducted: Phase I—Medical Examination Pilot Study, $2,000,000; Phase II—Main Study Increase, $1,800,000; Total, $3,800,000.

Cost for the Medical Examination Pilot Study are based on CDC's experience in the Vietnam Experience Study and a sample size of 250 study subjects. Main Study cost increases are based on an average 12% or approximately $300 increase in the unit cost of the medical examination.

Pros

1. The principal reason to terminate the contract for the convenience of the Government would be if a decision was imminent to cancel the Agent Orange Study.

Cons

1. An extensive procurement procedure would be required to re-announce this work and select a contractor to conduct the Agent Orange Study.

This would take a minimum of nine months. However, work would not start for at least one year as a three-month pilot phase would be incorporated into the contract.

2. New pricing plans would be contained in new proposals and could be expected to be considerably higher than in the current contract.

All of the cost estimates in this memorandum are based on informal, non-binding discussions with the contractors. Formal negotiations will be required to exercise any of these options and final settlement costs could be considerably higher than these estimates. None of these cost estimates take into account CDC in-house personnel and operational costs associated with the delay in the decision to conduct the Agent Orange Study component.

Peter M. Layde, M.D., M.Sc.

The Secretary of Health
and Human Services,
Washington, DC, August 11, 1986.
Hon. Alan Cranston,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

Dear Senator Cranston: This is further in response to your letter of April 23, also signed by Senator Murkowski, regarding updated information on the status of the Agent Orange study which is being conducted by the Centers for Disease Control (CDC). We are sending an identical letter to Senator Murkowski.

In my response to you dated June 19, I indicated that CDC would provide advance notice to you prior to the use of any additional funds. This is to notify you of our intent to proceed to develop a protocol for a validation study.

By way of background, I stated in my June 19 letter:

"CDC completed a Draft Revised Protocol for the Agent Orange study on February 5, 1986. The protocol was then reviewed by an internal CDC ad hoc committee, which finished its review and critique on February 26. The draft protocol is being held at CDC until the U.S. Army and Joint Services Environmental Support Group (ESG) and the subpanel of the Agent Orange Working Group (AOWG) Science Panel complete their activities related to exposure assessment. The results of these two efforts will be reviewed by AOWG and the protocol will be adjusted as necessary."

The ESG and the Subpanel of the AOWG Science Panel have completed their work on the exposure assessment using military records. On June 4 the Subpanel stated the following:

"This Subpanel recommends that any study of ground troops, which is dependent upon military records for the assessment of exposure to herbicides, not be conducted without an additional method to verify exposure."

CDC is independently evaluating the relationship between fat tissue levels of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) and blood levels. Because fat samples require a surgical procedure, it is felt that if a blood test could be developed, the blood test would be much easier and more acceptable as a validation procedure. The study of the relationship between fat and blood levels of TCDD is proceeding rapidly. We are virtually certain that it will be possible to do a blood test; we will have the relationship completed and peer reviewed by September. If the blood level is proven to be valid and reliable, measurements of TCDD levels in blood could then be used to try to validate a veteran's classification, exposed or not exposed; as determined by military records.

On July 15, the AOWG met to discuss the concept of using biologic samples to assess indirect measures for exposure to Agent Orange. As a result of this meeting, it was agreed that the laboratory procedures and quality control measures should be peer reviewed and that actual data on fat tissue and blood correlations need to be generated during the next month. The AOWG will then meet in approximately a month to discuss and review this information.

On July 29, the AOWG agreed with the Subpanel's recommendation and gave approval for CDC to proceed to develop a protocol for a validation study. This protocol would then be submitted to AOWG and OTA for review and approval.

The CDC, with the ESG, intends to develop the protocol for the selection of the estimated 400 veterans to be included in a study to validate the relationship between blood levels and military record based exposure estimates. This protocol will be completed also by September for review by the Agent Orange Working Group and the Office of Technology Assessment. The 400 veterans chosen will include those whose data now suggest that they were the most heavily exposed and those who were the least possibly exposed. We will look at the records of these veterans and the results of their blood tests to determine the best method or combination of methods to separate the exposed from the unexposed.

The above-mentioned validation of exposure estimates in veterans can be completed in approximately 4 months after approval by AOWG and OTA to proceed. As I have stated previously, we anticipate that the protocol will be available for review by September.

In summary, Agent Orange Exposure study difficulties are due to an inability to document exposure from existing military records. We hope that verification of the exposure assessment by blood analysis will make it possible to do a scientifically valid study.

As I indicated to you in my June 19 letter, this Department is fully committed to an expeditious resolution of this issue.

Sincerely,

Otis R. Bowen, M.D.,
Secretary.

USE OF BIOLOGIC SAMPLES AS A SURROGATE FOR EXPOSURE TO AGENT ORANGE

A CONCEPT PROPOSED BY THE CENTERS FOR DISEASE CONTROL—6/17/86

This concept is in compliance with the recommendation of the Science Subpanel that "a method additional to" military records must be used in assessing ground troop exposure to herbicides. Appendix VII (by Dr. Marilyn Fingerhut) of that report is appended here as a review of the scientific basis for this concept, providing evidence for a long half-life of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) stored at low levels in human adipose tissue. Another study found that 14 years after the last known application of Agent Orange the levels of TCDD in adipose tissue in people living in the south of Vietnam were on average higher than those living in the north.[1] Also see the attached figure showing data from fat biopsies taken years after dioxin exposure ceased in documented industrial and environmental exposures in the USA.

CDC is currently conducting a "Phase I" study to evaluate the feasibility of measuring TCDD in plasma. If feasible, this method would allow serial follow-up of anyone potentially exposed to dioxin, since repeated fat biopsies are usually infeasible. "Phase I" is being done by measuring paried specimens of adipose tissue and plasma taken from 30 "low exposure" people who bank their own blood prior to elective surgery in Atlanta, and similar paired specimens taken from known "high exposure" people in Missouri. The results of "Phase I" will guide us whether to use plasma (as expected from preliminary data) or fat as the basis for "Phase II".

The purpose of "Phase II" is to validate the best method (if any) of estimating Agent Orange exposure indices from military records of Vietnam veterans by correlating such indices for each veteran with the level of TCDD measured in his plasma or fat. It is anticipated that 400 participants will be needed in this study: 150 in a "low exposure" group and 250 in a combined "high exposure" group. Selection of participants would be done in collaboration with the ESG and would be based insofar as possible on those men about which a fairly large amount of data has already been collected. Each participant would have differing levels of probable exposure estimated by each of the methods described below.

1. Acute (close proximity to a recent recorded application).—A daily score based on 2 or less days from the time of application, with a declining weighted value for distances up to 2 kilometers to allow for wind drift and imprecision of troop location.

2. Chronic (close proximity to the site of a recorded application).—A daily score based on time spent within 2 kilometers, with a declining weighted value for distances up to that limit to allow for wind drift and imprecision of troop location.

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[1] Schecter E, Ryan J, et al. Agent Orange in Vietnam: Follow-up Studies of Dioxin Levels in Adipose Tissue and Milk Samples from Hanoi and Ho Chi Minh City Hospitals, 1984. Annual Meeting, Am. P.H. Assoc. Washington, D.C., November 17-21, 1985.

3. Chronic and acute (residence within a high-spray combat zone).—A daily score unweighted as to distance, since all ground combat troops spent most of their nights and some of their days in "fire-bases", which usually had herbicides applied periodically to clear the perimeter.

4. Self-assessment of exposure by structured interview.—

Statistical analyses will determine how well each of the indirect estimates of the opportunity for exposure correlates with the tissue TCDD levels. The results will aid in determining the scientific feasibility of conducting a full-scale Agent Orange study for health outcomes as well as determining the most appropriate method, if any, for estimating possible exposure. If the results of such a study do not show adequate correlation between measured TCDD levels and any exposure estimation method, of if the "high exposure" groups have levels in the range of U.S. background levels, then it would have demonstrated that an Agent Orange exposure study to examine possible health effects in Vietnam veterans is not feasible. If this concept is approved, the CDC/AOP staff is prepared, with appropriate consultation, to develop a detailed study protocol, including sampling and analytic methods, along with detailed arrangements needed with ESG.

Phase I is scheduled for completion by the end of August, 1986, provided that the laboratory can complete all specimen processing by then.

Phase II cannot be given an exact completion date without thorough development of a protocol with ESG and without knowing the results of Phase I, which would tell us if we can go with plasma or not. If so, we could produce at least preliminary data by the end of 1986.

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Washington, DC, September 8, 1986.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: This is to supplement information provided to you by Secretary Otis R. Bowen in his letter of August 11 regarding the status of the Agent Orange Study and to provide information promised at a meeting with staff of the Senate Committee of Veterans' Affairs on July 31. An identical letter is being sent to Senator Murkowski.

Dr. James O. Mason, on behalf of the Department, stated in the hearing that the Centers for Disease Control (CDC) was evaluating a method for measuring dioxin levels in blood and for correlating those levels with dioxin levels found in fatty tissue. He also stated that if the correlation were positive, it would be possible to conduct a validation study to determine whether military records can be used to select exposed and unexposed cohorts necessary for conducting a scientifically sound Agent Orange Study. The Correlation Study has been completed, and the conclusion is that "the high correlation between serum 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) levels and adipose 3,3,7,8-TCDD levels indicate that serum 2,3,7,8-TCDD is a valid measurement of 2,3,7,8-TCDD body burden concentrations." A copy of the Correlation Study report is included for your information. In addition, it has been sent to the Office of Technology Assessment (OTA).

The next step is the completion of the protocol for the validation study. That study will include approximately 400 veterans whose exposure estimates were obtained from military records. Approximately half will be veterans who were the least likely to have been exposed and half who were most likely to have received the highest exposure as determined from the military records. Serum 2,3,7,8-TCDD levels will be measured in each of these veterans in an effort to determine if the military records allow separation of veterans into the two cohorts. It is anticipated that the completed protocol for the validation study will be transmitted to OTA and the Science Panel of the Agent Orange Working Group (AOWG) during the week of September 15. The Science Panel has tentatively scheduled a meeting for September 24 to review the protocol.

If the protocol is approved by OTA and AOWG, data collection will be completed in approximately 4 months. It is estimated that an additional 2 months will be required for analysis of the results. The results and analysis of the study will then be delivered to AOWG and OTA for their review. If the study shows that veterans, based on the best military records available, cannot be separated into exposed and unexposed cohorts, a scientifically valid Agent Orange Study cannot be done. If, however, the validation study shows this can be done, CDC and the U.S. Army and Joint Services Environmental Support Group may be able to develop a selection process to be included in the protocol for the Agent Orange Study. The completed protocol will then be reviewed by AOWG and OTA. If the protocol is approved, we estimate that data collection will be completed approximately 18 months after initiation of the study. Data analysis, peer review, and preparation of the final report would require approximately 6 additional months.

This Department remains fully committed to an expeditious resolution of this issue.

Sincerely,

ROBERT L. RACLIN,
Chair Pro Tempore, Domestic Policy Council, Agent Orange Working Group.

OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, DC, October 31, 1986.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR ALAN: The Agent Orange study mandated by Public Law 96-151 has been stalled since January of this year because of an inability to reliably distinguish ground troops with high probabilities of exposure from those with low exposure probabilities. While methods have been developed to assign relative exposure "scores" to veterans, the uncertainties about whether the scores are meaningful are too great to have proceeded with a study on that basis alone. A new refinement in analytical chemistry—a technique for measuring minute quantities of 2,3,7,8-TCDD (referred to hereafter as dioxin) in blood—may provide a practical method for measuring veterans' body burdens of dioxin, and for possibly developing an independent means of distinguishing a highly exposed group of veterans from one with little or no exposure.

Capitalizing on this analytical development, the Centers for Disease Control (CDC) has proposed a study to determine whether military records can provide sufficient information to categorize ground troops for a study of Agent Orange exposure in Vietnam. Using the military records to the fullest extent possible, CDC has proposed to select men with high and low Agent Orange exposure opportunities, and a similar group of Vietnam-era veterans who did not serve in Vietnam. Blood would be drawn from each man and the level of dioxin determined; the mean dioxin levels of the groups would then be computed.

If the high exposure opportunity group is found to have relatively higher dioxin levels than the low exposure opportunity group, it would suggest that military records can be used to discriminate between groups of men with probable high and low Agent Orange exposures. If there are insignificant differences in dioxin levels among the high, low, and non-Vietnam groups, it could be interpretated to mean that exposures to Agent Orange in Vietnam for most ground troops were minimal. Finding no difference between the high and low exposure opportunity groups, the levels in both of those groups that are higher than in the non-Vietnam group might suggest that there were significant Agent Orange exposures in Vietnam, but that information from military records is inadequate to distinguish high from low exposure servicemen. Alternative interpretations for each of these outcomes may also be suggested, and information developed in other dioxin-related studies over the next several months may be key to pinning down the most plausible interpretation.

OTA, with the advice of its Agent Orange Advisory Panel, which met on October 27, 1986, has reviewed CDC's proposal and finds it basically a sound approach proceeding toward a possible Agent Orange study. The approach is designed to address the concerns about exposure information from military records that OTA expressed late last year, and is in accord with the main recommendation of the Agent Orange Working Group (AOWG) Exposure Subpanel, which concluded that a study based on military records alone, without an additional method to verify exposure, should not be conducted.

We urge that one major modification to the protocol be made, and suggest that CDC consider certain other possible changes. The CDC representatives who were present at the Advisory Panel meeting understand our position on these points and tentatively agreed in principle to the changes. I believe they will be discussing these modifications with the appropriate people at CDC. Our approval of the protocol is conditional on final resolution of these few issues.

The first and most important change we recommend is the addition of a group of veterans with low exposure opportunity scores on CDC's scale, a group excluded from sampling in the protocol as it now stands. The inclusion of this group will enable a full exploration of any possible relationship between record-derived exposure scores and dioxin levels in the blood. Excluding those men would ignore part of the exposure spectrum that appears to represent a large percentage of ground troops. In the event that a full Agent Orange study follows this preliminary study, information from the low group will be useful for planning purposes. It will be much easier to integrate these men into the study at this point than it would be to add them at a later time.

CDC is still in the process of developing and seeking approval of their plans for informing the veterans about the study and the results of their examinations, which will include the dioxin determination. We request that CDC inform OTA of its plans with the understanding that modifications might be requested.

OTA's other concerns stem from the recency of the method for determining dioxin levels in blood. Until now, virtually all analyses of human body burdens of dioxin have been made in adipose tissue (fat), which requires an invasive procedure for collection. The base of information about dioxin levels in adipose tissue is itself quite small, and many unanswered questions remain about the variability in response to dioxin exposure among human beings, and particularly about the time course of dioxin storage and excretion. The world's literature correlating blood and adipose levels of dioxin in human beings consists of only two as-yet unpublished studies, including one from CDC. OTA has received a summary report of CDC's study to review before the Advisory Panel meeting, and received additional raw data and a description of the method of data analysis at the time of the meeting. We plan to review these additional items and provide comments to CDC.

Apart from the mechanics of laboratory analysis and data manipulation, the lack of experience with determining dioxin levels in blood leaves open questions related to the collection of the sample. One variable, for example, is whether participants should be required to fast before the sample is drawn, and the appropriate length of the fast. Although practical considerations dictate limits on the length of a fast, there might be a way to gather information about the effect of fasting and about the variability in measurements associated with fasts of different lengths. It may be possible for CDC to collect information to answer this and other related questions during the course of their study.

OTA urges CDC to consider the possibility of including analyses of adipose tissue paired with some blood samples in the proposed study. The number of such analyses would not have to be large, and the process of acquiring adipose tissue should be such that it does not discourage participation in the study. At least one possible alternative to collecting fat samples through a surgical incision, the use of liposuction, was raised by the OTA Advisory Panel. CDC agreed to contact the appropriate researchers to discuss whether a sample obtained through liposuction would satisfy the requirements of CDC's analytic procedure. We would like to leave the final decision on this point to CDC, but will stay informed of their plans.

It was suggested by members of the Advisory Panel that it would be worth looking at correlations of dioxin levels with levels of other chemicals in the blood, e.g. certain liver enzymes and other products that are elevated after exposure to certain classes of chemicals, including dioxins. The intent would be to see if another, more easily obtainable, indirect measure of exposure might be substituted for determining dioxin levels. This is another point which CDC should consider and use their best judgment in making a final decision.

CDC's representatives at the OTA Advisory Panel meeting described some additional studies in various planning stages that will include measurement of dioxin in blood. Some of these studies involve other veteran groups, such as the Ranch Hands, and some are of non-veterans. The information gained in those studies may provide insights that change some of the assumptions underlying this proposed study. We request that CDC keep OTA informed about these other studies as they progress.

I feel it important that CDC continue to cooperate with the AOWG, allowing that group to carry out its unique responsibilities. It is of some concern that information regarding ways of looking at exposure based on military records, specifically the "hits" model CDC has developed and uses in the protocol, and a January 1986 paper prepared for CDC about an alternative method of exposure assessment, were not shared with the AOWG Exposure Subpanel during its deliberations. As a result, that group did not evaluate these particular approaches, and OTA was not able to draw on their analyses as we would have liked to.

The OTA Advisory Panel was uniformly complimentary about the scientific quality of CDC's submissions concerning this proposed study. We look forward optimistically to improved cooperation with CDC.

It is OTA's recommendation that CDC proceed with the proposed study of military records and dioxin levels in blood, with the modifications suggested in this letter, which I believe are acceptable to the CDC scientists. OTA will hold further discussions with CDC to lay out a plan for reviewing the study at specified future points.

It must be noted that if this study is successful in determining that military records can be used to categorize Vietnam veterans for an Agent Orange study, we still will not have an answer to the question of whether Agent Orange has resulted in adverse health effects among veterans. It would, however, be a meaningful and necessary step toward answering that question.

Sincerely,

JOHN H. GIBBONS,
Director.

OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, DC, January 15, 1987.
JAMES O. MASON, M.D., Dr. P.H.,
Assistant Surgeon General and Director, Centers for Disease Control, Atlanta, GA.

DEAR JIM: With your Agent Orange endeavor launched in a new, productive direction, I thought it might be a good time to take stock of where things stand regarding OTA's responsibilities and of what we can expect over the next six months or so. I'd also like to raise one item concerning information provided to study participants that, in my view, was not resolved adequately in the correspondence between OTA and CDC following the October 27, 1986, Agent Orange Advisory Panel meeting.

My letter of October 31 to the interested Congressional committees expressed OTA's judgment that the proposed "Validation Study Comparing Military Records-Based Estimates of Likelihood of Exposure to Agent Orange with Serum Levels of 2,3,7,8-TCDD," which had been discussed by our Advisory Panel on October 27, should go ahead. The study appears to be a sound step toward deciding whether a major Agent Orange study is feasible. The letter included a few suggestions, the most significant being the addition of a group of veterans with low to moderate "hits" scores based on military records. On November 3, Mark Scally spoke with Hellen Gelband (OTA's Agent Orange Project Director) to discuss some of the issues raised in my letter. I understand there was agreement about adding the specified group to the study and a discussion of why another suggestion, that of including some adipose tissue samples in the study, had been considered and rejected. These were considered the issues of most urgency to be resolved so that the study would not be delayed. A letter, dated November 12, 1986, from Mr. Scally to Ms. Gelband recapped the agreement reached during their phone call.

I would also like to bring to your attention a point in my letter of October 31 concerning notification of the study participants about the study (page 2, paragraph 3). That paragraph notes that CDC was, at the time, "developing and seeking approval of their plans for informing the veterans about the study and the results of their examinations." I asked that OTA be informed of the plans, "with the understanding that modifications might be requested." Our Advisory Panel was quite concerned about this, and felt it important enough for OTA to include in a letter to the Congress. Mr. Scally, in his November 12 letter, states that the documents referred to "will be sent to you for your information after both CDC's and LMF's IRB approve the final package." The letter also states that the package would go "on line" around the middle of November, at about the time we received the letter from Mr. Scally. The approved documents arrived with a letter dated December 4.

What concerns me is that there is some wording in the introductory documents that OTA would have liked to have commented on, but was not given the opportunity. Specifically, I believe that the introductory letter to the veterans, signed by you, does not faithfully represent the validation study. In the first paragraph, you state: "The purpose of the study is to find out if certain groups of veterans have more health problems than others and, if so, why." The "Fact Sheet" accompanying your letter says that "CDC is attempting to evaluate the past and present health status of veterans. The goal of the study is to learn more about various environmental factors that affect the health of servicemen." The letter signed by Tony Fowler of CDC introducing the medical examination component of the study reinforces the notion that the study in which the veteran is being asked to take part will "answer many questions about health effects of military service during the Vietnam Era."

According to the protocol prepared by CDC and reviewed and approved by OTA, the validation study will not include any analysis of health effects or possible associations of environmental factors with health conditions. The analysis will be limited to determining whether Agent Orange exposure categorizations based on military records are corroborated by dioxin levels in blood. The health information gathered in the medical examination, as far as it is relevant to a veteran's personal health, will be provided to the veteran as a service. This is not the impression left by the introductory documents that are being sent to the veterans, as judged by both OTA staff and members of the OTA Advisory Panel. I feel that the wording as it stands raises unrealistic expectations of the validation study. When it is over, no conclusions about the health of veterans in relation to their military service will be drawn, even if the validation study successfully correlates exposure based on military records with dioxin levels in blood.

This discrepancy between the view of the study presented to veterans and what we understand to be the case is my main concern, but there are also other points that could be raised. For instance, the introductory material to the physical examination states that none of the exams to be performed at Lovelace will be painful. The consent form, however, explicitly notes several procedures that involve a certain amount of pain. This may not be of major concern, but it is the type of inconsistency that could easily be eliminated once pointed out.

If the validation study is successful and further Agent Orange studies are considered, I hope time will be provided for us to review and comment on new documents that will be sent to the veterans. We have always tried to tailor OTA's activities regarding the study so as not to delay or hinder progress or make procedures unduly complex. I do feel, however, that the process of contacting the veterans is part of the "conduct of the study," which we have been charged with monitoring.

OTA does not plan any formal Agent Orange activities until late spring or early summer 1987, when we expect to receive the validation study report. According to CDC's estimates, we should be receiving a draft of the Vietnam Experience Panel for those reviews.

I hope the validation study is going smoothly. If you have any questions, please do not hesitate to call me.

Sincerely,

JOHN H. GIBBONS,
Director.

CONGRESS OF THE UNITED STATES,
OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, DC, October 31, 1986.

Hon. PATRICK J. LEAHY,
Ranking Minority Member, Subcommittee on HUD-Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: The Agent Orange study mandated by Public Law 96-151 has been stalled since January of this year because of an inability to reliably distinguish ground troops with high probabilities of exposure from those with low exposure probabilities. While methods have been developed to assign relative exposure "scores" to veterans, the uncertainties about whether the scores are meaningful are too great to have proceeded with a study on that basis alone. A new refinement in analytical chemistry—a technique for measuring minute quantities of 2,3,7,8-TCDD (referred to hereafter as dioxin) in blood—may provide a practical method for measuring veterans' body burdens of dioxin, and for possibly developing an independent means of distinguishing a highly exposed group of veterans from one with little or no exposure.

Capitalizing on this analytical development, the Centers for Disease Control (CDC) has proposed a study to determine whether military records can provide sufficient information to categorize group troops for a study of Agent Orange exposure in Vietnam. Using the military records to the fullest extent possible, CDC has proposed to select men with high and low Agent Orange exposure opportunities, and a similar group of Vietnam-era veterans who did not serve in Vietnam. Blood would be drawn from each man and the level of dioxin determined; the mean dioxin levels of the groups would then be computed.

If the high exposure opportunity group is found to have relatively higher dioxin levels than the low exposure opportunity group, it would suggest that military records can be used to discriminate between groups of men with probable high and low Agent Orange exposures. If there are insignificant differences in dioxin levels among the high, low, and non-Vietnam groups, it could be interpreted to mean that exposures to Agent Orange in Vietnam for most ground troops were minimal. Finding no difference between the high and low exposure opportunity groups, but levels in both of those groups that are higher than in the non-Vietnam group might suggest that there were significant Agent Orange exposures in Vietnam, but that information from military records is inadequate to distinguish high from low exposed servicemen. Alternative interpretations for each of these outcomes may also be suggested, and information developed in other dioxin-related studies over the next several months may be key to pinning down the most plausible interpretation.

OTA, with the advice of its Agent Orange Advisory Panel, which met on October 27, 1986, has reviewed CDC's proposal and finds it basically a sound approach proceeding toward a possible Agent Orange study. The approach is designed to address the concerns about exposure information from military records that OTA expressed late last year, and is in accord with the main recommendation of the Agent Orange Working Group (AOWG) Exposure Subpanel, which concluded that a study based on military records alone, without an additional method to verify exposure, should not be conducted.

We urge that one major modification to the protocol be made, and suggest that CDC consider certain other possible changes. The CDC representatives who were present at the Advisory Panel meeting understand our position on these points and tentatively agreed in principle to the changes. I believe they will be discussing these modifications with the appropriate people at CDC. Our approval of the protocol is conditional on final resolution of these few issues.

The first and most important change we recommend is the addition of a group of veterans with low exposure opportunity scores on CDC's scale, a group excluded from sampling in the protocol as it now stands. The inclusion of this group will enable a full exploration of any possible relationship between record-derived exposure scores and dioxin levels in the blood. Excluding those men would ignore part of the exposure spectrum that appears to represent a large percentage of ground troops. In the event that a full Agent Orange study follows this preliminary study, information from the low group will be useful for planning purposes. It will be much easier to integrate these men into the study at this point than it would be to add them at a later time.

CDC is still in the process of developing and seeking approval of their plans for informing the veterans about the study and the results of their examinations, which will include the dioxin determination. We request that CDC inform OTA of its plans with the understanding that modifications might be requested.

OTA's other concerns stem from the recency of the method for determining dioxin levels in blood. Until now, virtually all analyses of human body burdens of dioxin have been made in adipose tissue (fat), which requires an invasive procedure for collection. The base of information about dioxin levels in adipose tissue is itself quite small, and many unanswered questions remain about the variability in responses to dioxin exposure among human beings, and particularly about the time course of dioxin storage and excretion. The world's literature correlating blood and adipose levels of dioxin in human beings consists of only two as-yet unpublished studies, including one from CDC. OTA had received a summary report of CDC's study to review before the Advisory Panel meeting, and received additional raw data and a description of the method of data analysis at the time of the meeting. We plan to review these additional items and provide comments to CDC.

Apart from the mechanics of laboratory analysis and data manipulation, the lack of experience with determining dioxin levels in blood leaves open questions related to the collection of the sample. One variable, for example, is whether participants should be required to fast before the sample is drawn, and the appropriate length of the fast. Although practical considerations dictate limits on the length of a fast, there might be a way to gather information about the effect of fasting and about the variability in measurements associated with fasts of different lengths. It may be possible for CDC to collect information to answer this and other related questions during the course of their study.

OTA urges CDC to consider the possibility of including analyses of adipose tissue paired with some blood samples in the proposed study. The number of such analyses would not have to be large, and the process of acquiring adipose tissue should be such that it does not discourage participation in the study. At least one possible alternative to collecting fat samples through a surgical incision, the use of liposuction, was raised by the OTA Advisory Panel. CDC agreed to contact the appropriate researchers to discuss whether a sample obtained through liposuction would satisfy the requirements of CDC's analytic procedure. We would like to leave the final decision on this point to CDC, but will stay informed of their plans.

It was suggested by members of the Advisory Panel that it would be worth looking at correlations of dioxin levels with levels of other chemicals in the blood, e.g. certain liver enzymes and other products that are elevated after exposure to certain classes of chemicals, including dioxins. The intent would be to see if another, more easily obtainable, indirect measure of exposure might be substituted for determining dioxin levels. This is another point which CDC should consider and use their best judgment in making a final decision.

CDC's representatives at the OTA Advisory Panel meeting described some additional studies in various planning stages that will include measurement of dioxin in blood. Some of these studies involve other veteran groups, such as the Ranch Hands, and some are of non-veterans. The information gained in those studies may provide insights that change some of the assumptions underlying this proposed study. We request that CDC keep OTA informed about these other studies as they progress.

I feel it important that CDC continue to cooperate with the AOWG, allowing that group to carry out its unique responsibilities. It is of some concern that information regarding ways of looking at exposure based on military records, specifically the "hits" model CDC has developed and uses in the protocol, and a January 1986 paper prepared for CDC about an alternative method of exposure assessment, were not shared with the AOWG Exposure Subpanel during its deliberations. As a result, that group did not evaluate these particular approaches, and OTA was not able to draw on their analyses as we would have liked to.

The OTA Advisory Panel was uniformly complimentary about the scientific quality of CDC's submissions concerning this proposed study. We look forward optimistically to improved cooperation with CDC.

It is OTA's recommendation that CDC proceed with the proposed study of military records and dioxin levels in blood, with the modifications suggested in this letter, which I believe are acceptable to the CDC scientists. OTA will hold further discussions with CDC to lay out a plan for reviewing the study at specified future points.

It must be noted that if this study is successful in determining that military records can be used to categorize Vietnam veterans for an Agent Orange study, we still will not have an answer to the question of whether Agent Orange has resulted in adverse health effects among veterans. It would, however, be a meaningful and necessary step toward answering that question.

Sincerely,

JOHN H. GIBBONS.

PUBLIC HEALTH SERVICE,
CENTERS FOR DISEASE CONTROL,
Atlanta, GA, November 12, 1986.

MS. HELLEN GELBAND,
Office of Technology Assessment,
U.S. Congress, Washington, DC.

DEAR MS. GELBAND: This is in response to the copy you sent us of Dr. John Gibbons' October 31, 1986, letter to selected members of Congress. We are very pleased that the Office of Technology Assessment (OTA) has given us a timely "green light" to go ahead with the "Validation Study Comparing Military Records-Based Estimates of Likelihood of Exposure to Agent Orange with Serum Levels of 2,3,7,8-TCDD," which was discussed at the meeting of your Agent Orange Advisory Panel on October 27, 1986.

We are proceeding with this study. With respect to the issues raised in the October 31 letter, the "most important" change suggested was the addition of a group of veterans with low exposure opportunity scores on the "hits" scale presented at your meeting on the 27th. We have already revised our protocol to include this group, and the sample of men to be invited has already been selected. The attached diagram summarizing each of the study groups will serve as an outline of our process. We are now doing a final revision of the full protocol to incorporate all feasible changes suggested by OTA and by the Agent Orange Working Group (AOWG) Science Panel. We will send you a copy in a couple of weeks.

The next issue involved our plans for informing veterans about the study, including dioxin levels in their blood. All introductory letters, telephone scripts, the telephone interview items to be used at Research Triangle Institute (RTI) have been cleared by the Centers for Disease Control's (CDC) Institutional Review Board (IRB). This packet will be used for staff training in the near future and will go "on line" about the middle of November. The Lovelace Medical Foundation (LMF) forms, letters (including the one about dioxin levels), and telephone scripts are still under review by the CDC IRB and by the LMF IRB. Only minor changes have been made from the procedures used for the Vietnam Experience Study. In that study, all results were made available and presented to individual veterans during a "debriefing" session just prior to departure from Albuquerque. This same pattern will be followed, except that the serum dioxin levels will not yet be available, of course. Each man will be told that he will receive a letter telling him what his level was, along with some explanatory notes, plus a toll-free telephone number to call in case he has any further questions. All these procedural packages will be sent to you for your information after both CDC's and LMF's IRB approve the final package.

The Center for Environmental Health (CEH), Division of Environmental Health Laboratory Sciences (DEHLS), awaits your comments about the adipose tissue/serum dioxin correlations and would be glad to respond after your review is complete. As for questions about the length of fasting prior to drawing the blood specimens for dioxin levels, we have two comments:

1. Twelve to fourteen hours is about the maximum that is feasible in a volunteer population. Men scheduled for LMF are requested to go on a low-fat diet for several days prior to arrival. They are put on a "water only" status after 7 p.m. on the day of arrival. At about 8 a.m. the next morning about 60ml of blood is drawn and they are given (under observation) a low-fat, high carbohydrate light breakfast. This process follows the protocol of the American Association of Blood Banks, which frowns upon donation of a full unit of blood with an empty stomach. The men are then given an ECG and a questionnaire (plus a scanning of their hematocrit) to make sure they meet the Blood Bank criteria for donating a full unit of blood.

2. The protocol described above is better than the fasting achieved in the Missouri study, where the correlations turned out to be excellent. We understand that in New Jersey they admitted men to hospital for an observed fast of up to 24 hours, yet their correlations were no better than those from Missouri.

As for trying to include another set of paired adipose tissue/serum correlations in our Validation Study, we feel that to do it right one would have to get at least 30 such pairs, including a number with elevated levels. Anything less than that would be statistically inadequate. Our major concern, regardless of the technique used for fat biopsy, is that LMF would be in the position of having done an invasive procedure and then sending the men home, perhaps 2000 miles away and to an undefined medical care environment, with the potential for delayed hemorrhage and/or cellulitis. Solving these problems would require a major departure from the constraints of a large, volunteer study whose protocol is already under IRB review. As detailed in the information provided to OTA for the October 27, 1986, review meeting, CDC DEHLS underwent an intensive peer review by six recognized experts in this field. The laboratory's report on the paired adipose tissue/serum correlations will be submitted to Science within the next few weeks, and their data are supported by the work in New Jersey.

The Ranch Hand staff have not expressed any interest in doing a serum/adipose correlation, but we are approaching them through the CDC DEHLS to see if they could be talked into selecting about 30 appropriate subjects who are still on active duty, and thus are under Air Force hospital care. Some would have to be selected on the basis of high serum levels of TCDD. We should be able to get some feedback to you about this possibility by the end of January.

As you know from the VES analysis plan sent to you last summer (see the LMF variable list which accompanied that plan), a large number of liver enzyme studies and other blood and urine studies are done on men going through the examinations there. These results will also be looked at to find any correlations with elevated serum TCDD levels found in the Validation Study about to get underway. These results will be presented to OTA as part of our final report to you next summer.

As you will note in the "Agent Orange Exposure Study Decision Tree/Time Table" distributed to you last summer, upon the completion of the Validation Study next summer, CDC will carefully examine all the studies of relevant exposures, in both veteran and other populations, available at that time, and will summarize them in conjuction with presenting the final Validation Study report and recommendations for further work, if any. This report is scheduled for next July.

We trust that this letter covers the points raised in Dr. John Gibbons' letter. We look forward to a continuing interchange with you as the studies progress.

Sincerely yours,

MARK J. SCALLY,
Acting Director, Agent Orange Projects, Division of Chronic Disease Control, Center for Environmental Health.

CDC VIETNAM EXPERIENCE STUDY

Mr. CRANSTON. Mr. President, I am able to report some more positive news regarding the agent orange controversy. In 1981, Congress amended Public Law 96-151 to authorize the Veterans Administration to conduct, in addition to the mandatory agent orange exposure study, an epidemiological study of the health status of Vietnam veterans. Responsibility for that study, too, was delegated to the CDC in 1983. That study is in its final stages now, and the initial reports on its findings—regarding mortality—will be available later this month. The final report, including morbidity, will be submitted to the Congress in mid-1987.

JAMA AGRICULTURAL HERBICIDE RISK STUDY

Mr. President, the results of a study entitled "Agricultural Herbicide Use and Risk of Lymphoma and Soft-Tissue Sarcoma," conducted by the National Cancer Institute [NCI] and the University of Kansas, were published in the Journal of the American Medical Association last September. This study examined the effect of exposure to certain herbicides—which, almost exclusively, were not contaminated with dioxin—through agricultural use on the risk of soft-tissue sarcoma, Hodgkin's disease, and non-Hodgkin's lymphoma. At my request, the Office of Technology Assessment [OTA] and the Agent Orange Working Group of the Domestic Policy Council [AOWG] evaluated the methodologies and analyses used in the study, commented on its significance for the question of the exposure of our forces in Vietnam to agent orange, and provided suggestions for followup investigations.

It is important that Senators and the public understand that, despite considerable publicity to the contrary, it appears from these evaluations that this NCI study does not provide a basis for scientific decisionmaking about the long-term health effects of exposure to the agent orange contaminant, dioxin. Although the OTA and the AOWG addressed different aspects of the study, they agreed that no substantial actions should be taken based on this NCI study.

Mr. President, I ask unanimous consent that the report of this study, my requests to the OTA and the AOWG, and their evaluations appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AGRICULTURAL HERBICIDE USE AND RISK OF LYMPHOMA AND SOFT-TISSUE SARCOMA

(By Shelia K. Hoar, ScD; Aaron Blair, PhD; Frederick F. Holmes, MD. Cathy D. Boysen; Robert J. Robel, PhD. Robert Hoover, MD. Joseph F. Fraumeni, Jr. MD)

A population-based case-control study of soft-tissue sarcoma (STS), Hodgkin's disease (HD), and non-Hodgkin's lymphoma (NHL) in Kansas found farm herbicide use to be associated with NHL (odds ratio [OR], 1.6; 95% confidence interval [CI], 0.9, 2.6). Relative risk of NHL increased significantly with number of days of herbicide exposure per year and latency. Men exposed to herbicides more than 20 days per year had a sixfold increased risk of NHL (OR, 6.0; 95% CI, 1.9, 19.5) relative to nonfarmers. Frequent users who mixed or applied the herbicides themselves had an OR of 8.0 (95% CI, 2.3, 27.9) for NHL. Excesses were associated with use of phenoxyacetic acid herbicides, specifically 2,4-dichlorophenoxyacetic acid. Neither STS nor HD was associated with pesticide exposure. This study confirms the reports from Sweden and several US states that NHL is associated with farm herbicide use, especially phenoxyacetic acids. It does not confirm the case-control studies or the cohort studies of pesticide manufacturers and Vietnam veterans linking herbicides to STS or HD.—

Epidemioligic studies from Sweden have suggested that workers exposed to phenoxyacetic acid herbicides and chlorophenols are at excess risk of soft-tissue sarcoma (STS), Hodgkin's disease (HD), and non-Hodgkin's lymphoma (NHL)[1-3] For all three cancers, risks were increased fivefold to sixfold, regardless of whether exposures were contaminated by polychlorinated dibenzodioxins or dibenzofurans. There have also been several reports of increased STS and NHL among workers producing phenoxyacetic acid herbicides[4-7] and among farmers.[6-10]

Concern over possible carcinogenic risks from phenoxyacetic acids and chlorophenols is heightened by the potential for widespread exposure. In addition to herbicide formulations used in agriculture and in the Vietnam war, these chemicals occur in blue stain retardants used in sawmills, slime control preparations in paper and pulp manufacturing, cutting oils and fluids, wood preservatives, waterproofing agents for leather and textiles, and medications.[1] For these reasons, a population-based case-control study was conducted to clarify whether agricultural use of herbicides and insecticides affects risk of STS, HD, and NHL in the United States.

METHODS

Kansas, a major wheat-producing state, was chosen as the location for the study, since herbicides have been used more frequently than other pesticides on wheat, 2,4-Dichlorophenoxy-acetic acid (2,4-D) has been the most commonly used herbicide in Kansas; substantial amounts of 2,4,5-trichlorophenoxyacetic acid (2,4,5-T) have also been used, along with myriad other chemicals.[11]

Cases

All newly diagnosed cases of STS, HD, and NHL among white male Kansas residents, aged 21 years or older, from 1976 through 1982, were identified through the University of Kansas (Kansas City) Cancer Data Service, a population-based registry covering the state of Kansas. Cancer reporting, mandated by Kansas law, is considered complete, as evidenced by a higher annual incidence rate for STS (4.1/100 000) than reported by the nearby Iowa National Cancer Institute-sponsored Surveillance, Epidemiology, and End Results registry (3.4/100 000). There were 200 men diagnosed with STS and 173 men with HD. A random sample of 200 men was drawn from the 297 men diagnosed with NHL from 1979 through 1981.

Pathology specimens for 87 percent of the cases were reviewed by a panel of three pathologists to confirm the diagnoses and to standardize the subgroup terminology.[12 13] Specimens for the remaining cases either could not be obtained (11 percent) or were of poor or insufficient quantity to allow review (2 percent). For STS, HD, and NHL cases, the confirmation rates were 81 percent, 85 percent, and 90 percent, respectively.

[Tables not reproduced for the RECORD.]

Controls

The controls were white men from the general population of Kansas. Three controls (N=1005) were matched to each patient on age (±2 years) and vital status. For living patients, controls aged 65 years or older were selected from the Health Care Financing Administration file (Medicare), whereas controls aged 64 years or younger were selected by telephone, using a two-staged random digit-dialing technique.[14] Control selection was not biased by differences in telephone coverage for urban (91 percent) and rural 90 percent) white Kansas households.[15] For 92.3 percent of the working residential telephone numbers called, a person answered who was willing to provide the names and ages of household members aged 21 to 64 years and, if someone in the household was selected as a control, the household address. For deceased patients, the controls were selected from Kansas state mortality files, with the additional matching factor of year of death. Persons with a cause of death of STS, HD, NHL, a malignancy of an ill/defined site (*International Classification of Diseases code 195*), homicide, or suicide were excluded. One half of the patients with STS and NHL died before the initiation of the study, while only one third of the patients with HD had died. The next of kin were interviewed for deceased subjects. The same controls were used for comparisons with the three different cancer series when of comparable age.

Interview

The patients and controls, or their next of kin, were interviewed by telephone between December 1982 and January 1984. The questions on farming practices covered the calendar years working or living on farmland during which any of four specific crops (wheat, corn, sorghum, or pasture) were grown or livestock was raised, the farm locations and sizes, herbicides and insecticides used, years and acres treated, names and locations of companies where pesticides were purchased, method of application, days per year exposed, and use of protective equipment. Information on other crops was not obtained; however, in 1978, these four crops constituted 94 percent of Kansas farm acreage and 87 percent of acres treated with herbicides.[11],[16] All but four subjects who lived or worked on farmland as adults grew at least one of the four specified crops.

Interviews were obtained from 133 patients with STS, 121 with HD, 170 with NHL, and 948 controls, which represented 95 percent of the eligible subjects (patients, 96 percent; controls, 94 percent). The overall response rate, a weighted average accounting for the initial refusals in the random digit-dialing control selection process, was 93 percent.

Pesticide suppliers' survey

To evaluate potential observation bias, corroborative evidence of the self-reported pesticide exposures was sought for a sample of 130 subjects with farming experience. Suppliers for 110 subjects were located and provided information on the subject's crops and herbicide and insecticide purchases.

Risk measurements

The measure of association between pesticide exposures and risk of cancer was the odds ratio (OR). All estimates were adjusted for the effects of age by stratification. Maximum likelihood estimates of the overall risk and the 95% confidence interval (CI) were computed by Gart's method.[17] Matched analyses yielded results similar to those provided by the unmatched approach. The unmatched analyses are presented since they allowed control of additional factors that were not matching and increased power by pooling controls for each case series. For duration-response relationships, significance was assessed by means of Mantel's one-tailed linear trend test.[18] Logistic regression was also performed to evaluate *simultaneously* several components of pesticide exposure.[19]

RESULTS

Ninety-five patients with STS, 71 with HD, and 133 with NHL reported having worked or lived on farmland, compared with 662 controls, yielding ORs of 1.0 (95% CI, 0.7, 1.6), 0.8 (95% CI, 0.5, 1.2), and 1.4 (95% CI, 0.9, 2.1), respectively (Table 1). No trend with years spent working or living on a farm was observed. Risks did not vary by crop or farm acreage.

Herbicides

Farm herbicide use on any of the four specific crops (wheat, corn, sorghum, or pasture) was reported by 22 patients with STS, 28 with HD, and 40 with NHL, compared with 192 controls, yielding ORs of 0.9 (95% CI, 0.5, 1.6), 0.9 (95% CI, 0.5, 1.5) and 1.6 (95% CI, 0.9, 2.6), respectively. There was a significant trend ($P=.02$) in risk of NHL with increasing years of herbicide use and with number of days of herbicide exposure per year ($P=.0004$) (Table 1). Persons exposed to herbicides more than 20 days per year had an OR of 6.0 (95% CI, 1.9, 19.5). There was no association with years of herbicide use after adjustment for annual days. On the other hand, adjustment for years of herbicide use changed the OR for the five patients and six controls exposed more than 20 days per year from 6.0 to 7.4 (95% CI, 1.6, 38.9), relative to the least exposed users. The risk of NHL associated with herbicide use did not change significantly when restricted to exposures incurred before 1976, the earliest possible date of death for the pooled control series. The NHL risk also rose with increasing time since first exposure. Farmers who started using herbicides after 1965, from 1956 through 1965, 1946 through 1955, and before 1946 had ORs of 1.3, 1.7. 1.7, and 3.3 respectively. This trend was diminished by controlling for frequency of herbicide use, but farmers who began use before 1946 still had an excess risk (OR, 2.2). No association was seen with number of acres treated with herbicides. No consistent patterns of excess risk of STS or HD were seen with either duration or frequency of herbicide use. More detailed analyses showed no association between agricultural factors and the occurrence of STS or HD, so the remainder of this report will describe only the NHL results.

Subjects who reported usually mixing or applying the herbicides themselves (OR, 1.9 95% CI, 1.1, 3.3) had higher risks for NHL than those who reported that someone else performed these functions (OR 1.1). Indeed, the trends in the OR with increasing frequency and duration of use derived mainly from the workers who mixed or applied the herbicides themselves. For example, men who mixed or applied the herbicides and who were exposed for one to five, six to ten, 11 to 20, and more than 20 days per year had ORs of 1.4 (95% CI, 0.7, 3.0), 1.5 (95% CI, 0.5, 4.6), 1.8 (95% CI, 0.4, 7.4), and 8.0 (95% CI, 2.3 27.9; seven patients, none controls). Farmers who did not use protective equipment, such a rubber gloves or masks, had a higher OR associated with herbicide use (OR, 2.1; 95% CI, 1.0, 4.2) than those who protected themselves (OR), 1.5; 95% CI, 0.7, 3.1). Higher risks for herbicide use were also seen among farmers who used backpack or hand sprayers (OR, 2.3; 95% CI, 1.0,5.2), an application method with greater potential for personal exposure than other methods.[20] After excluding persons who used backpack or hand sprayers, the ORs for tractor-mounted or mist-blower spraying and aerial application of herbicides were both 1.5. Too few subjects remained for evaluation of the group that applied herbicides only in the soil.

A logistic regression analysis was performed to examine risk accounting for all pesticide exposure variables simultaneously. The results showed that age and annual days of herbicide exposure were significantly related to NHL risk. Restricting the analysis to persons exposed to herbicides and using categorical variables yielded ORs of 1.1 (95% CI,0.3 4.0), 1.3 (95% CI, 0-3, 6.0), and 10.3 (95% CI, 2.1,49.5) for persons exposed to herbicides six to ten, 11 to 20, and more than 20 days per year, respectively, relative to persons exposed one to five days per year. Increased risk was also associated with use of a backpack or hand sprayer (OR, 1.3; 95% CI, 0.5, 3.7) and failure to use protective equipment (OR, 2.0; 95% CI, 0.8, 5.1). Total period of herbicide use was not associated with NHL when the other pesticide exposure variables were controlled. The effort of personally mixing or applying herbicides could not be evaluated; the overwhelming majority of subjects involved in the logistic analysis either mixed or applied the herbicides themselves.

Significant excesses were associated with ever use of phenoxyacetic acids, trizaines (eg, atrazine, cyanazine, metribuzin, prometone, propazine, terbutryn), amides (eg. alachlor, propachlor), trifluralin, and nospecified herbicides, such as "liquids" "sprays," and "dusts" (Table 2). Most farmers reported use of chemicals in several of the herbicide subgroups. Since the a priori hypotheses dealt with phenoxyacetic acids, we assessed risks associated with herbicides ranked in a hierarchical manner (Table 2). In the absence of phenoxyacetic acid exposure, the NHL risk associated with triazine exposure was reduced to 1.9 (95% CI, 0.4, 8.0) and the risk with uracil herbicides (eg, bromacil, terbacil) was reduced to 1.0 (95% CI, 0.5, 2.1).

In this study, phenoxyacetic acid herbicide use was essentially synonymous with use of 2,4-D (OR, 2.3, 95% CI, 1.3, 4.3), since only three patients and 18 controls had used 2,4,5-T, and all but two of these controls had also used 2,4-D. Use of 2,4-D only, ie, eliminating 2,4,5-T users, was associated with an OR of 2.6 (95% CI, 1.4, 5.0). There were significant, although inconsistent, increases in NHL risk in relation to the duration, frequency, and latency of 2,4-D use (Table 3). The 2,4-D users exposed to herbicides more than 20 days per year had an OR of 7.6 (95% CI, 1.8, 32.3). However, these variables cannot be determined with complete accuracy because the questionnaire elicited dates and frequency of use of any herbicide on each farm instead of dates and frequency for each specific herbicide. Therefore, the actual years or days of 2,4-D use may be less than that reported for all herbicides on a farm.

Risk associated with herbicide exposure was also examined by subgroups of NHL. There were no differences in the ORs associated with herbicide use when cases were categorized by histologic types (follicular, diffuse, and not specified) and by grade (prognostic groupings of low, intermediate, and high), as classified by the National Cancer Institute Working Formulation.[13] In addition, no significant differences in risk for any tumor were associated with either age at diagnosis or vital status at interview. Deceased subjects has just slightly lower risks of NHL associated with overall herbicide exposure (OR, 1.5; 95% CI, 0.7 3.3) or long-term exposure (OR, 5.5; 95% CI, 0.7, 41.3) than did living subjects (OR, 1.7; 95% CI, 0.8, 3.7; and OR, 5.6; 95% CI, 1.1, 28.9; respectively).

Insecticides

Insecticide use on crops or animals was reported by 54 patients with NHL and 275 controls, yielding an OR of 1.5 (95% CI, 0.9, 2.4). There was no association with increasing years of insecticide use. Risk increased significantly but inconsistently with days of exposure per year. Men exposed to insecticides more than six days per year had a 2.8-fold increased NHL risk (95% CI, 1.2, 6.5). Farmers who started using insecticides after 1965, from 1956 through 1965, 1946 through 1955, and before 1946 had ORs of 1.5, 0.7, 1.5, and 1.7, repectively. No association was seen with number of acres treated with insecticides. Other exposure variables, such as mixing and applying insecticides, application method, and insecticide type, showed little or no association with NHL risk.

Herbicides vs insecticides

Table 4 shows that NHL risk increased with annual days of herbicide exposure, but was not further increased by simultaneous use of insecticides. Adjustment for insecticide exposure did not alter the ORs for herbicide use. On the other hand, risk increased only slightly with annual days of insecticide exposure within strata of herbicide use. Adjustment for herbicide use decreased the OR for insecticide use from 1.5 to 11. (95% CI, 0.6, 2.2). Similar analyses based on years of exposure also suggested that risk was more strongly associated with exposure to herbicides than to insecticides. The number of subjects was too small for a more detailed stratified analysis of herbicide or insecticide use. In a logistic analysis of all pesticide variables, insecticide exposure was not found to be significantly related to risk. The important variables remained age and annual days of herbicide exposure.

The elevation in NHL risk (OR, 1.3) seen among farmers who did not report herbicide use may be due to other exposures encountered in farming activities or to biased misclassification of exposure status. However, it is not likely that more patients than controls underreported herbicide exposure. Slightly fewer "nonexposed" farming patients with NHL (52%) than controls (55%) were deceased, with interviews supplied by next of kin who might underreport exposures. Approximately the same percentage of "nonexposed" farming patients (4%) and controls (5%) were usually employed in agriculture.

Fungicides

Thirty-two patients with NHL and 105 controls treated seeds with fungicides (OR, 2.1; 95% CI, 1.2, 3.7). Risk was elevated among both herbicide users (22 patients, 68 controls; OR, 2.3; 95% CI, 1.2, 4.3) and farmers who had never used herbicides (ten patients, 37 controls; OR, 1.9, 95% CI, 0.8, 4.4). No other information on fungicide use was collected to allow further evaluation of this association.

Pesticide suppliers' data

Suppliers usually reported less pesticide use than subjects. Agreement on specific years of exposure was better for insecticide use than herbicide use. There were no consistent differences between agreement rates for patients and controls. Multiplying the number of patients and controls who reported any herbicide use yielded a recalculated OR of 1.8 for NHL, which was slightly higher than the OR based on interview data only (1.6). Agreement between suppliers and subjects improved when pesticide use during the last ten years was considered.

Nonfarming exposures

Nonfarming exposures did not confound the association between NHL and agricultural use of herbicides Nonfarming pesticide use in home gardens and yards was not associated with NHL. The OR associated with smoking at least 100 cigarettes was slightly below 1 (OR, 0.7; 95% CI, 0.5, 1.0), as it was for lifetime consumption of at least 100 cups of coffee (OR, 0.8; 95% CI, 0.5, 1.4). Consumption of raw, unpasteurized milk products had no effect on NHL risk (OR, 1.1; 95% CI, 0.8, 1.6) Eight patients with NHL had diabetes, half the expected number (OR, 0.5; 95% CI, 0.2, 12). No subjects had systemic lupus erythematosus, celiac disease, or immunodeficiency syndromes or had received immuno-suppressive drugs. Seven patients with NHL reported previous radiation treatment (OR, 0.9, 95% CI, 0.4, 2.2). Subjects reporting a family history of cancer had a significant risk of NHL (OR, 2.3; 95% CI, 1.6, 3.2). Three patients and four controls reported a relative with lymphoma (OR, 4.0, 95% CI, 0.7, 22.2).

COMMENT

This investigation confirms the results of the case-control study by Hardell et al[3] that initially suggested an association between herbicide use and NHL. Our finding of a sixfold increase of NHL among farmers exposed to herbicides more than 20 days per year is consistent with the sixfold excess risk associated with exposure to either phenoxyacetic acids or chlorophenols in the Swedish study. In both Sweden and Kansas, risk was elevated among persons exposed to phenoxyacetic acids, eg, 2,4-D, not likely to be contaminated by dioxins.[21, 22] These findings are consistent also with a number of descriptive studies suggesting increased lymphoma risk among agricultural workers, particularly in regions where herbicide use is common.[8-10, 23, 24]

Cohort studies of pesticides manufacturing workers and applicators have in general been too small to examine adequately the risk of NHL. Danish workers manufacturing 2 methyl-4 chlorophenoxyacetic acid had seven NHL deaths with 5.4 expected a nonsignificant 30% excess.[25] No NHL cases have been observed in five other cohort studies of exposed workers, but the total number of workers involved was only 2705.[26-29] Also, the Vietnam veteran experience offers little evidence to date for an association between NHL and herbicide exposure. The mortality study of 1247 men who applied herbicides in Project Ranch Hand reported no deaths due to lymphoma, as of December 1982,[30] but less than one such death was expected in this small cohort.

An unusual presentation of NHL of the scalp was reported in two men of 158 who developed chloracne while employed in a British plant manufacturing pentachlorophenol.[31] The expected number of cases of cutaneous NHL was far less. A similar association of cutaneous NHL with occupations involving spraying phenoxyacetic acid herbicides was found in Sweden.[32] In our study, only one patient had cutaneous NHL, but he reported no herbicide exposure.

An association between phenoxyacetic acid herbicides and NHL may have biologic plausibility through the relationships between dioxin contaminants and the immune system, as postulated by Hardell et al.[3] Dioxin suppresses cell-mediated immunity[33] and causes thymic involution in laboratory animals,[34] while NHL occurs excessively in various immunodeficiency states of humans.[35-37] Dioxin is also a potent animal carcinogen, with the risk seen for squamous cell carcinomas of the lung, hard palate/nasal turbinates/tongue, hepatocellular carcinomas, follicular cell thyroid adenomas, and skin fibrosarcomas.[38-43] However, it should be noted that 2,4-D, the herbicide most frequently used by subjects in this study, has not been shown to be carcinogenic in animals[44] or immunosuppressive[21,45] (S. Wong, PhD, written communication, Dec. 12, 1985). 2,4-Dichlorophenoxyacetic acid does not contain 2,3,7,8-tetrachlorodibenzo-p-dioxin, the most carcinogenic dioxin isomer, although other less toxic isomers may occur.[21,22] The increased risk for farmers first using 2,4-D before 1946 may indicate the presence of carcinogenic impurities in the early formulations, with subsequent improvements in the manufacturing process. Alternatively, the high risk of NHL among persons exposed 40 years ago may reflect a long latency period. The technology necessary to identify the isomers of the contaminants was not available in the early time period.[21]

The Swedish case-control studies and several of the industrial cohort studies have been criticized on a variety of grounds, including possible inaccurate diagnoses, observation and/or recall bias, and lack of control for confounding variables.[5,40] The current study was designed to address a number of these concerns. The cases were drawn from all incident cases in a defined population. Included for analysis were only cases histologically confirmed as NHL by an expert review panel. The response rate for both cases and controls was high. The relationship between NHL and herbicide use was specific: there was no relationship between such use and the two other cancer sites studied, and the association was with herbicide and not insecticide use. Indeed, the association was limited to two subcategories of herbicides, phenoxyacetic acids and triazines. This degree of specificity argues against a significant role for either observation or recall bias in the association. In addition, independent assessments of herbicide exposure (as reported by self or next of kin, and by pesticide supplier) yielded similar estimates of risk. Finally, while the origins of NHL in the general population are largely unknown, some known risk factors (eg, immune-altering conditions and drugs, family history)[35,37,47-54] as well as several speculative factors (eg, cigarette smoking, coffee consumption, ionizing radiation)[5,52,55-57] were assessed and found not to confound the herbicide association.

Several circumstances offered opportunities for inaccuracies in the assessment of pesticide exposures. These include the memories of subjects, the knowledge of relevant practices by next of kin, the vagueness of some questions concerning exposure, and the opportunities for more than one pesticide supplier per subject. The evidence suggests that the errors introduced by these factors are likely to be similar for cases and controls. This random misclassification of exposure would tend to dilute risk estimates, rather than produce spurious associations. While this may have led us to miss an association between pesticide use and STS or HD, it is unlikely to have created the association with NHL. If inaccurate exposure assessment occurred, we would have underestimated the magnitude of the risks involved. If the risks reported are accurate, and if they reflect a true causal relationship, then the amount of NHL in the current study attributable to herbicide exposure would be 11%.[58]

Despite the limitations of the exposure information, the sixfold excess risk of NHL among high-intensity users of herbicides is cause for concern, particularly since the association was mainly for phenoxyacetic acids and was apparent using several different measures of exposure. Since over 42 million pounds of phenoxyacetic acid herbicides were applied to US farmlands in 1976,[50] the carcinogenic effects suggested by this study and others have important public health implications.

The study was supported on part by contract N01-CP-ES-11027 from National Cancer Institute.

We thank Ariel B. Baker and Naomi E. Washburn for assisting the study manager, Rita Kingma, Lois I. Murphy, and Jeanine M. Peterson for interviewing Vesta Gee and Claudia J. Oblak for coding, Shelley Hobbs and Melanie Wall for secretarial assistance; Joan L. Van Nice, Pros Bunag, and Delores Wiesmann for identifying and locating study subjects; Fritz Lin, MD, and H. Clarke Anderson, MD, for reviewing pathology samples, Edward Brown, Ila Dave, and Ko Jam Liu for computer programming, and Richard H. Adamson, PhD, Susan M. Sieber, PhD, and Elizabeth K. Weisburger, PhD, for reviewing the manuscript.

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HERBICIDE EXPOSURE AND CANCER

(By Theodore Colton, Sc.D.)

The case-control study in Kansas reported by Hoar et al in this issue has importance beyond its population of agriculture workers to the highly controversial and adversarial issue of health effects associated with herbicide exposure in Vietnam. The well-designed and carefully executed Kansas study adds substantially to the cumulating body of evidence concerning the following question: Does human exposure to phenoxyacetic acid herbicides increase the risk of soft-tissue sarcomas (STS), Hodgkin's disease (HD), and non-Hodgkin's lymphoma (NHL)? The findings among Kansas farmers are in accord with "no" answers to the first two malignancies and a "yes" answer to the third.

Most relevant to the Kansas study are the series of case-control investigations undertaken by Hardell and colleagues in rural Sweden in the mid- and late 1970s. Herdell's studies found highly significant relative risks, of magnitude fivefold and sixfold, for exposure to phenoxyacid herbicides in association with STS, HD, and NHL. Among the published epidemiologic studies, many regard the Hardell studies as the strongest available evidence of an association of herbicide exposure with the occurrence of cancer. However, selection bias, observation bias, and uncontrolled confounding loom as important points of vulnerability and, in fact, have emerged as the focus of sharp criticisms of the Hardell studies. In addition to critiques in the scientific literature, Hardell's studies have garnered considerable airing in the harsh give-and-take of the courtroom. Most recently, Hardell provided testimony in Australia to the Royal Commission on the Use and Effect of the Chemical Agents on Australian Personnel in Vietnam. The commission's Final Report states.

"This absence of replication, [I discuss this below] the absence of specific outcome (i.e. 12 types of soft tissue sarcoma, non-Hodgkin's malignant lymphoma and Hodgkin's Disease), admitted information bias, the presence of significant confounding factors, the unreliability of the exposure data and the other factors detailed above all indicate that the statistical associations asserted by Dr. Hardell are suspect. The Commission cannot, on the balance of probability, accept them as supporting an inference of causal connection between soft tissue sarcoma, malignant lymphoma and exposure to phenoxy herbicides."

With regard to STS, one other case-control study has appeared, namely, that of Smith et al in New Zealand. Smith's findings conflict with those of Hardell and yield a negative result with an estimated relative risk of 1.3. Smith's study was designed to have adequate statistical power to detect a relative risk of roughly 3, if such a risk truly existed.

What now does the study by Hoar et al add to the evidence? Perhaps most noteworthy are the negative findings for STS and HD. As a crude tally, this makes a score of two negative (Smith and Hoar) vs one positive (Hardell) study for STS and a tie of one each negative (Hoar) and positive (Hardell) study for HD. With regard to NHL, the score stands at two positive studies (Hoar and Hardell).

More important and relevant, however, are how the Hoar and Hardell studies compare methodologically. Does the Hoar study better withstand the critical onslaught that has besieged Hardell's studies? Of course, the Hoar study has undergone only the intensity of JAMA's peer review process and has not (at least to my knowledge) been subject to the rigors and scrutiny of courtroom debate. Let me attempt to probe some methodological contrasts of the two studies.

The Hoar study, like Hardell's has the strength of case ascertainment with a population-based tumor registry along with independent pathological review and confirmation of disease. The Hoar study is considerably larger than Hardell's, with nearly twice the number of cases of malignant lymphoma and three times the number of controls. Thus, Hoar's study has considerably greater statistical precision and statistical power to detect differences. Both studies employed population-based controls, using living controls for living cases and deceased controls for deceased cases. As such, both studies had to reply in part of next of kin's reporting of exposure status.

In contrast to what has surfaced regarding the procedure for conducting the interviews in the Hardell studies, the Hoar study involved experienced and trained interviewers who followed a detailed, predetermined interview protocol (Dr. Hoar, oral communication, April 1986). The interviewers knew that the study concerned chemical exposure, but were unaware that the study's major hypothesis dealt with exposure to phenoxyacetic acid herbicides. Although the Hoar study intended blind interviews in regard to the subject's status as a case or control, information provided during the conversation often indicated clearly to the interviewer the subject's disease classification. Another advantage of the Hoar study is that the interviewing, conducted mainly in 1983, occurred at a time when there was no particular local media attention to herbicide exposure and cancer risk. Although there was considerable national concern at that time with Agent Orange exposure in Vietnam, the media in Kansas in 1983 did not shine the public spotlight on farmers' herbicide exposure and their risks of these three malignancies. This is very much in contrast to the timing of the Hardell studies during a period of intense media attention in Sweden and Dr. Hardell's prominent role in the media with his taking of an advocacy position. Clearly, the interview methodology and the climate of the Hoar study make information bias a much more unlikely explanation for their findings compared with the Hardell studies.

Another strength of the Hoar study is the validation of a sample of self-reported exposure by a survey of suppliers. No differences were found in the corroboration among controls and each of the STS, HD, and NHL cases. Of course, not all subjects had such validation of their exposure status. But, what was done suggests the unlikely event of large differences between cases and controls in their accuracy of reporting exposure.

The Hoar study considered and reasonably ruled out confounding effects of exposure to other herbicides, insecticides, fungicides, nonfarming exposures, and both the known and alleged risk factors for each of these three malignancies. Another strength of the Hoar study is the consistent dose-response relationship for NHL according to the nature, intensity, and duration of exposure. The specificity of the findings of an association with one cancer and no association with the other two is another relative strength of the Hoar study compared with the Hardell studies, in which the results were an across-the-boards elevated relative risk for each of the three cancers.

Limitations of the Hoar study include those inherent with case-control studies that rely on subjects' and next of kin's recall of exposure status. Faulty recall leads to misclassification. If this occurred equally among cases and controls, the study would underestimate and thus possibly miss a true increase in risk. If it occurred differentially, this could lead to bias. As indicated above, however, bias due to differential recall of cases and controls seems unlikely in the Hoar study.

Another limitation characteristic of observational epidemiologic studies is the possibility of uncontrolled confounding, particularly with diseases whose epidemiology is unclear. This, of course, remains a possibility and to some extent constitutes the frontiers of our knowledge of the etiology of these three malignancies.

Also, one cannot rule out entirely the possibility of chance as an explanation for the findings.

All in all, however, the Hoar study does indeed provide much firmer and tighter body of scientific evidence than do the Hardell studies.

What supporting or contradictory evidence exists from other epidemiologic studies? None of the several industrial cohort mortality studies of dioxin exposure has resulted in a noted perturbation in the frequency of deaths from these cancers. The one published cohort study of Agent Orange exposure in Vietnam, namely, the US Air Force Ranch Hand Study, has to date not detected any increase in incidence or mortality from these cancers. But, the industrial studies generally entail extremely small sample sizes that almost totally lack adequate statistical power to detect meaningful increases in risk. Even the Ranch Hand Study with its defined cohort of roughly 1200 exposed individuals lacks statistical power to detect an increased risk of these malignancies, whose incidence rates in the general population are low. Thus, the negative findings of the published cohort studies, though at first blush are corroborative of the negative case-control studies, provide little substantiation because of their inherent small sample size and limited statistical power.

Several proportional mortality studies have appeared in "bonus" states (ie, those states that offered a bonus in terms of a financial incentive to men who enlisted for Vietnam service). Most notable is the Massachusetts study that found nine deaths from STS among Vietnam veterans compared with only one expected. Interestingly, the Massachusetts study lacked sufficient numbers to investigate proportional mortality for NHL (Richard Clapp, MPH, oral communication, March 1986). In contrast to case-control studies, proportional mortality studies have even greater vulnerability to forces of selection, observation, and confounding biases. Furthermore, these state studies have three additional serious limitations: (1) the quality and accuracy of the death certificate diagnosis of these malignancies, (2) the effects of migration resulting from the sizable numbers of veterans who, subsequent to their military service, emigrated from the state and thus do not appear on the state's death tapes, and (3) the fact that none of these studies determined decendents' herbicide exposure but dealt only with their service in Vietnam. Thus, whatever the findings of the proportional mortality investigations, they add little if any substantive analytic evidence to the fundamental question of cancer risk as a result of herbicide exposure.

Is more pertinent evidence on these cancer risks in the offing? Yes! To my knowledge two additional case-control studies of these cancers are under way, each involving a considerably larger number of cases than any of the studies presently at hand, including the study by Hoar. Both studies in progress involve herbicide exposure in Vietnam as assessed by the Environmental Support Group of the Armed Forces with the use of available military records on troop locations in conjunction with records of herbicide sprayings. The first of these studies, tentatively scheduled for completion in the summer of 1986, is a joint effort of the Veterans Administration and the Armed Forces Institute of Pathology (Han Kang, PhD, oral communication, March 1986). It involves STS only and entails nearly 300 confirmed cases ascertained through the Armed Forces Institute of Pathology and approximately 600 controls. The study was designed to have good statistical power to detect a twofold increase in relative risk. The second study is the Selected Cancers component of the massive Centers for Disease Control's Epidemiologic Studies of the Health of Vietnam Veterans. The Centers for Disease Control's selected-cancers study, scheduled for completion in the fall of 1989, entails enrollment of approximately 400 incident cases of STS and 1400 malignant lymphomas (HD and NHL) during the period Dec. 1, 1984, through Nov. 30, 1988 (Edward Brann, MD., oral communication, March 1986). Case ascertainment is through six population-based cancer registries in the United States that, interestingly, includes the registry in Kansas. The studies by the Centers for Disease Control have been designed to have good statistical power (namely, 80% or higher) to detect a true twofold increase in relative risk for each of these three cancers, as well as for other "selected" cancers (ie, primary liver, nasal and nasopharyngeal).

Where does this leave us now in regard to herbicide exposure and cancer risk? The Hoar study in Kansas, in conjunction with the Smith study in New Zealand, tends to shift our concern toward a somewhat lesser interest in STS and a greater interest in NHL. I note that in Hardell's study of malignant lymphoma, only one short paragraph at the end of the "Results" section indicated that the elevated risk was the same for HD and NHL; otherwise, Hardell's analysis considered the two malignancies together as "malignant lymphoma." Hoar et al. have now focused attention specifically on NHL risk.

Perhaps the question will never be answered entirely satisfactorily. Whatever direction future results take, it is clear that the report by Hoar et al. will have considerable use—and the attendant and inevitable abuse—in the continuing scientific controversy, public debate, and legal battles regarding herbicide exposure and cancer risk.

SEPTEMBER 18, 1986.

Mr. ROBERT L. RACLIN,
Chair Pro Tempore, Domestic Policy Council, Agent Orange Working Group, Department of Health and Human Services, Washington, DC.

DEAR MR. RACLIN: As you may know, the National Cancer Institute and the University of Kansas recently released the results of a study entitled "Agricultural Herbicide Use and Risk of Lymphoma and Soft-Tissue Sarcoma". The report of this study was published in the September 5, 1986, issue of the Journal of the American Medical Association (copy enclosed).

The findings outlined in this report indicate that Kansas farmworkers who used herbicides had a greater risk for developing non-Hodgkin's lymphomas than nonfarmers in the State, but had no increased risk for soft-tissue sarcomas and Hodgkin's disease. These results apparently support the findings in Swedish and U.S. epidemiologic studies which also found an increased risk of non-Hodgkin's lymphoma among workers exposed to herbicides, but apparently are not consistent with the reports from those same and other studies—including studies of Vietnam veterans who may have been exposed to Agent Orange and other herbicides in Vietnam—which have linked herbicide exposure to soft-tissue sarcomas and Hodgkin's disease as well.

As the Ranking Minority Member of the Senate Veterans' Affairs Committee, I am writing to request that you review and provide your comments on this report. In particular, I would appreciate your evaluation of the scientific methods used and of the validity of the statistical analysis. I would also appreciate your identification of any specific findings discussed in the report which warrant follow-up investigation or analysis, especially in light of the ongoing Centers for Disease Control epidemiological studies of the health of Vietnam veterans.

I appreciate your cooperation and assistance, and look forward to your response.

With best wishes,

Sincerely,

ALAN CRANSTON,
Ranking Minority Member.

SEPTEMBER 18, 1986.

Dr. JOHN H. GIBBONS,
Director, Office of Technology Assessment, U.S. Congress, Washington, DC.

DEAR JACK: As you may know, the National Cancer Institute and the University of Kansas recently released the results of a study entitled "Agricultural Herbicide Use and Risk of Lymphoma and Soft-Tissue Sarcoma". The report of this study was published in the September 5, 1986, issue of the Journal of the American Medical Association (copy enclosed).

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As always, I thank you for your continuing cooperation and assistance.

With warm regards,

Cordially,

ALAN CRANSTON,
Ranking Minority Member.

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Washington, DC, November 12, 1986.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: I have now received a report from the Chair of the Science Panel, Agent Orange Working Group, Dr. Ronald Hart, relative to your inquiry concerning the study, "Agricultural Herbicide Use and Risk of Lymphoma and Soft Tissue Sarcoma", that appeared in the Journal of the American Medical Association 156(a): 11-1147 (1986).

I am happy to forward a summary of that report to you and will be happy to pass on any further questions you may have to the Science Panel.

Thank you for your interest in this study.

Sincerely,

ROBERT L. RACLIN,
Deputy Under Secretary.

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Washington, DC, November 4, 1986.

Memorandum to: Robert L. Raclin, Deputy Under Secretary.

From: Ronald W. Hart, Ph.D., Chair, Science Panel, Agent Orange Working Group.

Subject: Response to Senator Cranston's inquiry concerning the study entitled "Agricultural Herbicide Use and Risk of Lymphoma and Soft-Tissue Sarcoma."

INTRODUCTION

The members of the AOWG Science Panel and I have reviewed this article. The following is our review which encompasses the views of most of the Science Panel membership.

SUMMARY

The study was well done by good people. The scientific methods were sound and the statistical analyses were valid. The conclusions drawn concerning the association of farm herbicide use with non-Hodgkin's lymphoma, but not with soft-tissue sarcoma or Hodgkin's disease, were consistent with the data. However, the authors statement implicating phenoxyacetic acid herbicides (specifically 2,4-D) as the main culprit was not fully supported by their data. Their Table 3 indicated a strong association between 2,4-D use and incidence of non-Hodgkin's lymphoma; however, Table 2 indicated that nearly all of the 24 individuals considered in Table 3 also used other herbicides. The fact that effects of other herbicides were confounded with that of 2,4-D makes it impossible to attribute the result in Table 3 solely to 2,4-D.

In view of these results, the ongoing NCI and VA soft-tissue sarcoma studies, and the 3 or 4 more state sponsored studies, it would be prudent for the Science Panel to continually review these studies as they are published. When all of the data is taken in concert, a clearer picture of the actual association of herbicide use with these types of carcinogenesis may be forthcoming.

IN SUPPORT OF THE SUMMARY

(1) The association of farm herbicide use with non-Hodgkin's lymphoma, but not with soft-tissue sarcoma or Hodgkin's disease, is consistent with the data.

The authors found a greater use of herbicides among patients with non-Hodgkin's lymphoma, and several ways of assessing dose-response showed that the relative risks were higher for greater exposure. They did not find greater use of herbicides among patients with soft tissue sarcoma or Hodgkin's disease, and since the numbers of cases were about the same, their power for detecting such a relationship should be reasonable. [Walter J. Rogan for Dr. David Rall, NIEHS]

We asked our Statistical Consulting and Analysis Group of the Agricultural Research Service at Beltsville to review the original manuscript. They reported that the presence of an increasing trend in the odds ratio with increasing exposure is the most conclusive evidence presented. The data show that the major increase is only at the highest exposure level and, due to the very small sample size in this group, the reliability of this observation is of concern. Care must be used when interpreting the significance of odds rations, particularly where a large number of comparisons are needed, since some values may introduce errors in significance. Other statistical tests may be more appropriate for the small number of samples in some groups, although this could lead to greater numbers of significant differences. Epidemiological studies rely on the ability to assess and quantify exposure to particular risk factors while all other variables are assumed to be constant; this practice may be particularly risky for studies where the subjects being investigated are deceased and environmental exposure data is reconstructed from incomplete records or estimates of life styles. [Philip C. Kearney, USDA]

The finding of the sixfold increase of non-Hodgkin's lymphoma among farmers exposed to herbicides more than 20 days per year is similar to the overall excess risk reported in the Hardell and Eriksson studies from Sweden. It is of note that the sixfold increase found by Hoar et al. is based on small numbers and, therefore, somewhat imprecise.

The replication of finding of an association between non-Hodgkin's lymphoma and exposure to herbicides increases the likelihood that the association is causal. The failure to find an association between herbicide use and the other two types of cancer studied weakens the case for those cancers. [Vernon N. Houk, CDC]

The conclusion that herbicide use was more common among cases of non-Hodgkins lymphoma (NHL) than among controls is just short of statistical significance at a 5 percent level (two-sided test). Still, it is very suggestive.

On the other hand, the conclusion that herbicide use was as common among controls as among cases of soft-tissue sarcoma and Hodgkins disease should be viewed in light of the small number of cases and the fact that the upper limits of the 95 percent confidence level for their respective odds ratios were 1.6 and 1.5, respectively.

The statistically significant trend for NHL by frequency of herbicide use (table 1) is presumably heavily dependent on the findings for those who used herbicides more than 20 days/year. Given the fact that there were only 7 cases and 12 controls in that group, I would not be inclined to place a lot of weight on the reported odds ratio for that group of 6.0, despite the fact that the odds ratio is statistically significant. [Tavia Gordon for Charles E. Brodine, Department of State]

The authors of the article used standard procedures and analyses in their study. The data do not provide evidence for increased risks of soft-tissue sarcoma or Hodgkin's lymphoma in the study group. The data do provide evidence for an increased risk of non-Hodgkin's lymphoma among farmers exposed to herbicides, but we have serious reservations about the emphasis which has been placed on phenoxy herbicides (2,4-D). [Marilyn A. Fingerhut, NIOSH]

(2) The authors statement implicating phenoxyacetic acid herbicides (specifically 2,4-D) as the main culprit was not fully supported by their data.

The implication for any specific class of herbicides, however, seems much less certain from these results. An increase in odds ratios with length of use; number of times used per year; increasing likely possibilities for exposure; and the apparent effectiveness of protective measures are all based on herbicide use of any kind. The type-specific data are limited, although they are consistent with phenoxyacids as likely "culprits" among the herbicides. It would have been helpful to present data on Phenoxyacetic Acids alone, or at least without Uracils, Triazines or Amides. [Carl A. Keller, NIEHS]

The ways in which they assessed dose-response included all herbicides; thus, the farmers with greater exposure to the most common agent, 2,4-D, also had greater exposure to other herbicides and perhaps other agents. The number of farmers who used only phenoxy acids was likely too small for analysis.

There is an analysis of those who used phenoxy acids and other agents; it is similar to but not quite so clean as the overall herbicide results. That is somewhat unexpected if the responsible agents are indeep phenoxyacids. There were too few users of 2,4,5,-T to investigate. Casual use of herbicides was not more frequent among cases than controls. [Walter J. Rogan for Dr. David Rall, NIEHS]

The authors indicate that this is the first epidemiologic study to suggest dose-related health effects associated with occupational exposure to 2,4-dichlorophenoxyacetic acid (2,4-D) without the confounding effects of exposure to 2,4,5-trichlorophenoxyacetic acid (2,4,5-T), which is contaminated by the dioxin isomer 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD). It is true that the 1981 report by Hardell et al., which found an association of malignant lymphoma incidence in Swedish men with occupational exposure to the phenoxy acid herbicides and chlorophenols used in forestry, could not separate those exposed to 2,4,-D from those exposed to 2,4,5-T. In this study the authors were able to eliminate individuals with 2,4,5-T exposure. However, they could not separate the exposures of 2,4,-D users to many other specific types of herbicides. Therefore, the inference of the Hoar, S.K., et al. article regarding a dose-related risk of non-Hodgkin's lymphoma associated with phenoxyacetic acid (2,4-D) usage is not fully supported by the data presented. Because the text of the "Results" section states that the dates and frequency of use were not obtained for specific herbicides, a number of issues regarding the herbicide-specific analyses arise. These issues need to be addressed before the significance of the findings of the study can be assessed for workers and other persons exposed to 2,4-D [Marilyn A. Fingerhut, NIOSH]

If the individual responses from the Science Panel members are desirable, I will be glad to supply them to you. If I can be of any further service on this or other Agent Orange related matters, please don't hesitate to call on me.

CONGRESS OF THE UNITED STATES,
OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, DC, January 22, 1987.
Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR ALAN: The enclosed Staff Paper responds to your letter of September 18, 1986, requesting a review of the study, "Agricultural Herbicide Use and Risk of Lymphoma and Soft-Tissue Sarcoma," published in the September 5, 1986, issue of the *Journal of the American Medical Association.* The herbicide study was discussed briefly at the October 27, 1986, meeting of OTA's Agent Orange Advisory Panel, and the Staff Paper was prepared by the OTA Health Program Special Projects Office.

The herbicide study examined the relationship between developing soft-tissue sarcoma, Hodgkin's disease, or non-Hodgkin's lymphoma, and previous use of herbicide in agriculture, based on cases of those cancers diagnosed in Kansas from 1976 through 1982. The investigators, from the National Cancer Institute, the University of Kansas, and Kansas State University, found that herbicide use was associated with an increased risk of non-Hodgkin's lymphoma, but found no increased risks for the other two cancers. The positive finding for non-Hodgkin's lymphoma is internally consistent throughout the analyses, showing a statistically significant "dose-response" relationship, though it is based on relatively small numbers of exposed cases and controls. While there are no obvious flaws in the design or execution of the herbicide study, the results could have been affected enough by other exposures systematically associated with phenoxyherbicides to cause such a pattern to emerge. The most plausible current explanation for the excess, however, appears to be an association with 2,4-D.

In your letter, you point out a possible discrepancy between the findings of the Kansas herbicide study and those of some previous studies. Studies in Sweden have shown increased risks for all three cancers with the use of herbicides; a similar study of soft-tissue sarcoma only, in New Zealand, did not find an increased risk.

Comparison of the Kansas herbicide study with the Swedish and New Zealand studies is complicated by the differences in exposure among them. In the Kansas study, the focus of exposure was on phenoxyherbicides, but interviews revealed that 2,4,5-T, which may be contaminated with 2,3,7,8-TCDD (dioxin), was used very little, and that almost all phenoxyherbicide exposure was to 2,4-D, which is not contaminated with that dioxin. Exposures to other classes of herbicides were also relatively common, but it was not possible to disaggregate the effects of each, leaving some uncertainty about the reason for the increased risk. The Swedish and New Zealand studies included exposure to 2,4,5-T and to another group of chemicals, chlorophenols, although a small subgroup in one of the Swedish studies was without exposure to 2,4,5-T.

These differences in exposure may be responsible for the apparently discrepant results. The lack of an increased risk of soft-tissue sarcoma and non-Hodgkin's lymphoma in the Kansas study could reflect a lack of exposure to the agents responsible for them in the Swedish study. The increased risk of non-Hodgkin's lymphoma in the Kansas study could be due to 2,4-D or other herbicides.

With regard to Vietnam veterans, most emphasis has been placed on exposure to the dioxin contaminant of 2,4,5-T. The reasons for concern about dioxin are: 1) its carcinogenicity in experimental animals, and 2) its persistence in the environment, with a half-life measured in years. Studies to date are inadequate to assess the carcinogenicity of 2,4-D in experimental animals, but based on what is currently known, 2,4-D does not appear to persist in the environment, its half-life in soil being measured in days or weeks. This means that substantial exposure to 2,4-D would have required either direct contact with Agent Orange, such as the Ranchhanders and other spray applicators experienced, or exposure very shorty after spraying. The chance that many ground troops were exposed to significant amounts of 2,4-D may be relatively small, given the information about spray patterns and troop movements that has been assembled in Agent Orange studies.

In summary, the Kansas herbicide study suggests a risk of non-Hodgkin's lymphoma with exposure to 2,4-D and other herbicides. Because of the nature of the exposure in the Kansas study, the results have greater relevance for agricultural and industrial workers with direct 2,4-D exposure than they have for ground troops who served in Vietnam. The herbicide study does not provide strong support for attributing the occurrence of non-Hodgkin's lymphomas in Vietnam veterans to Agent Orange, particularly in the absence of specific evidence of the direct exposure to the herbicide, and it does not diminish the need for independent investigation of the veterans' exposures to Agent Orange and dioxin.

I hope you find this OTA Staff Paper helpful. If you have any further questions, please do not hesitate to call me or Hellen Gelband of the OTA Health Program (6-2070).

Sincerely,

JOHN H. GIBBONS.

REVIEW: "AGRICULTURAL HERBICIDE USE AND RISK OF LYMPHOMA AND SOFT-TISSUE SARCOMA"

(By Sheila K. Hoar, ScD, Aaron Blair, PhD, Frederick F. Holmes, MD, et al., Journal of the American Medical Association, pp. 1141-1147, September 5, 1986)

Hoar and colleagues, researchers from the National Cancer Institute, the University of Kansas, and Kansas State University, studied cases of soft-tissue sarcoma (STS), Hodgkin's disease (HD), and non-Hodgkin's lymphoma (NHL) in relation to the use of agricultural herbicides. In all, the study included 139 cases of STS, 132 of HD, and 173 of NHL diagnosed among white adult males from 1976 through 1982 in the state of Kansas. The control group comprised three subjects matched to each case on vital status (alive or dead) and age within two years, from the general population of white males in Kansas.

The Kansas study was designed to find out whether the use of herbicides by farmers increased the risk of developing STS, HD, or NHL. All live cases and controls were asked about their use of pesticides (herbicides and insecticides) in telephone interviews; next of kin provided information for deceased subjects. The exposure profile included: the types of pesticides used, the years that pesticides were used, the number of days per year the subject handled pesticides, the number of acres treated, and use of protective equipment. The questions about herbicide use did not require separate answers for each pesticide used, but a combined response—i.e., people reported the *total* days per year that herbicides were used, and not the number of days that, e.g., 2,4-D was used, 2,4,5-T was used, etc. Those respondents who reported using pesticides at all were also asked to provide information about their pesticide suppliers; suppliers were contacted and asked for information to cross-check the exposure information provided by a sample of the farmers.

Several different analyses were conducted for each cancer type, using the interview information to rank exposures in various ways. Summarizing, the authors found no evidence for increased risk of STS or HD with either herbicide or insecticide use. The risk of NHL, however, was about twice as high among all herbicide users as the NHL risk in unexpected men. This overall finding for NHL was corroborated and strengthened by analyses looking at trends in risk with trends in exposure: increasing use of herbicides, over more years and days per year, led to increasing risks.

The study does not appear to have any major methodological problems, and appears to have been well conducted according to its design. The difficulties of recalling pesticide use years in the past, particularly for interviewees responding for people who had already died, is always problematic in studies such as this one. There is no indication, however, that "recall bias" should have had an important effect on the results.

The results as presented are of direct relevance to the health experience of the population studies and are probably generalizable to other agricultural populations with similar exposures. The study also contributes to the larger literature exploring the health effects of herbicides, Agent Orange, and dioxin, a contaminant of Agent Orange and several other herbicides. How does this study, which does not closely replicate any previous study, fit in?

What makes this study singular is the nature of the herbicide exposure. Although most farmers reported using other herbicides in addition to phenoxyherbicides, phenoxyherbicide use was limited almost exclusively to 2,4-D. Only three of 24 cases and 18 of 70 controls had used 2,4,5-T, the other important phenoxyherbicide and the source of 2,4,7,8-TCDD (dioxin) in Agent Orange.

The Kansas study, then, was not a study of exposure to both major elements of Agent Orange (2,4-D and 2,4,5-T); specifically, exposure to 2,4,5-T and its dioxin contaminant, was not examined. The study, therefore, cannot shed any light on the question of whether 2,4,5-T or dioxin causes cancer. The lack of evidence for an association with STS and HD is meaningful only with reference to 2,4-D and the other herbicides used by a large percentage the study population.

The evidence for an association of NHL with herbicide use bears examination. As discussed above, the phenoxyherbicide most frequently used was 2,4-D. Many of the farmers in the study also used other herbicides, including uracils, triazines, amides, and others. While 2,4-D was exposure of interest in this study, and the most common, it was not the only one, and it is possible that the association with NHL is a consequence of one or more of the other herbicides. It is not possible to disaggregate the effects of single herbicides in this population because exposures to only one chemical were rare.

All the NHL analyses in the study are consistent. There is a "dose-response" effect, both for aggregate number of years of herbicide use and for number of days per year of use. The trends of increasing risk with increasing exposure are statistically significant, i.e., they are unlikely to be chance occurrences. These analyses do depend on relatively small numbers of cases and controls, however. For instance, the estimate of a 7.6-fold increase in the risk of NHL for men who reported more than 20 days of herbicide use per year rests on five cases and six controls. Numbers in other categories are also small. This means that other variables, such as the use of other herbicides, could have systematically affected the outcome to produce such a result, e.g., if the use of another herbicide was used in conjunction with, or following, the use of 2,4-D. While the most likely explanation for the increase remains an association with 2,4-D, the results are not so strong quantitatively, nor is the exposure information so precise, to definitively rule out alternate explanations.

The Kansas study findings are consistent with those of the some other studies that have addressed similar hypotheses. In general, the cohort studies for which results have been published (e.g., Ranch Hand, Nitro workers, various industrial workers, Finnish herbicide applicators) have failed to detect increases in these cancers, but these studies may have lacked sufficient power to detect excesses of the magnitude found in this study. The relevant case-control studies come from Sweden, New Zealand, and New York.

Two case-control studies of STS in Sweden found elevated risks, on the order of five- to seven-fold, with phenoxyherbicide exposure. In one study, exposures to 2,4-D and 2,4,5-T could not be assessed independently. In the other, men with exposure to 2,4-D but not 2,4,5-T appeared to have an increased risk of STS, but the numbers of cases and controls in that analysis were very small. A New Zealand study of STS and exposure to phenoxyherbicides, with exposure to 2,4,5-T predominating, found no elevation in risk. Although relatively small (82 cases, 92 controls), that study should have had sufficient power to detect a five-fold increase, if it were there, but could have failed to detect a smaller increase. The Swedish and New Zealand studies, therefore, are inconsistent, though different exposures may invalidate direct comparisons. A study of STS cases occurring from 1962 through 1980 in New York State found no increase in risk associated with service in Vietnam or self-reported exposure to Agent Orange in Vietnam or to its components in any situation. Because of the time period during which the cases occurred and the imprecise measures of exposure, however, that study had little chance of detecting an Agent Orange-related excess if it existed.

In all these studies, both cases and controls were exposed to various combinations of chemicals, in addition to phenoxyherbicides, during their working lives. This makes comparison of their results problematic. A simple "scorecard" cannot be used to describe them. Overall, there are certain differences among the results, but those differences do not necessarily represent conflicts.

Of what relevance is the Kansas study to Vietnam veterans who may have been exposed to Agent Orange? The emphasis in defining Agent Orange exposure has been on determining the probability of exposure to dioxin, a contaminant of the 2,4,5-T component. The main reasons for this emphasis are: 1) the known carcinogenicity of this dioxin isomer in experimental animals, and 2) the persistence of dioxin in the environment, with a half-life measured in years. Tests to date have been inadequate for an evaluation of 2,4-D carcinogenicity in experimental animals. A large bioassay is now in its final stages, however, and results from it should soon appear. Based on what is currently known, 2,4-D does not persist in the environment, its half-life in soil being measured in days or weeks. This means that substantial exposure to 2,4-D would have required either direct contact with Agent Orange, such as the Ranchhanders and other spray applicators experienced, or exposure very shortly after spraying. The chance that many ground troops were exposed to significant amounts of 2,4-D may be relatively low, given the information about spray patterns and troop movements that has been assembled in Agent Orange study records research to date.

Because of the nature of the exposure in the Kansas study, the results have greater relevance for agricultural and industrial workers with direct 2,4-D exposure than they have for ground troops who served in Vietnam. If a risk exists for Vietnam veterans specifically from 2,4-D, the risk, even for those with direct exposure, should be of a lesser magnitude than was found as a result of repeated exposure over a period of many years in the Kansas study. The Kansas study does not diminish the need for independent investigation of the veterans' exposures to Agent Orange and dioxin. It does not provide strong support for attributing NHLs that arise in Vietnam veterans to Agent Orange, particularly in the absence of specific evidence of direct exposure to the herbicide.

PROJECT RANCH HAND MORTALITY STUDY AND MAJOR AGENT ORANGE STUDIES STATUS REPORT

Mr. CRANSTON. Mr. President, there are two other items that I would like to share with my colleagues and the general public. First, the Air Force recently released the results of its study, "Project Ranch Hand II, Mortality Update—1986." This study was designed to evaluate the mortality rates among veterans involved in the spraying of herbicides in Vietnam during the Ranch Hand operation.

The Department of Health and Human Services has compiled a status report on the major studies conducted by the CDC, the Veterans' Administration, and the Department of Defense to explore the effects of agent orange on Vietnam veterans. This report provides a description of these studies, as well as a projected completion date for each.

Mr. President, I ask unanimous consent that these two items also appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS U.S. AIR FORCE,
Bolling AFB, DC, January 27, 1987.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed is a copy of a proposed news release and the fourth mortality report of the Air Force Ranch Hand Study. This analysis, like the earlier studies, did not reveal any statistically significant differences in the deaths recorded in the Ranch Hand and the comparison group. At this time, there is no evidence of increased mortality as a result of herbicide exposure in individuals who performed the Ranch Hand herbicide spray operations in Southeast Asia.

This report has been reviewed and approved by the Advisory Committee on Special Studies Related to the Long-Term Health Effects of Phenoxy Herbicides and

Contaminants. It will be released to members of Congress and the media in the near future.

Sincerely,

ALEXANDER M. SLOAN,
Major General, USAF, MC,
Deputy Surgeon General.

AIR FORCE RELEASES FOURTH RANCH HAND MORTALITY STUDY

The U.S. Air Force today released the fourth mortality report of its Ranch Hand (Agent Orange) study. This report is a part of a 20-year epidemiological investigation to determine whether there are possible adverse health effects from herbicide exposure to Air Force members who conducted aerial spraying missions in Southeast Asia (Operation Ranch Hand).

This fourth mortality analysis, like the preceding three, released in 1983, 1984 and 1985 respectively, has not demonstrated any health effects which can be conclusively attributed to herbicide or dioxin exposure.

This report contains summary statistics only for cumulative deaths occurring up to December 31, 1985. The data were not statistically analyzed since the four Ranch Hand and 27 comparison deaths since the last report would not alter the results of the last analysis. The deaths by category are shown below:

[Percent dead]

	Ranch hand	Comparison
Rank:		
Officer	3.6	4.7
Enlisted	5.3	5.3
Occupation:		
Flying	4.0	5.5
Ground	5.4	4.6
Total	4.7	5.1

The small number of deaths since the last **analysis (4 Ranch Hand and 27 comparison)** suggests that the findings of the last report are still valid: there are no overall statistically significant mortality differences between the Ranch Handers and their matched comparisons. These data will be subjected to extensive statistical analysis in the next report, planned for later this year. As of the end of December 1985, 59 Ranch Hand and 312 comparison subjects had died.

Mortality surveillance will continue since the study groups are still relatively young and healthy. While sufficient time may have elapsed for some clinically significant conditions to occur, additional time is necessary for other conditions to develop which may possibly be attributable to herbicide exposure.

AIR FORCE HEALTH STUDY MORTALITY UPDATE—1986

EXECUTIVE SUMMARY

Background

The purpose of the Air Force Health Study is to determine whether those individuals involved in the aerial spraying of herbicides in Vietnam during the Ranch Hand operation have experienced any adverse health effects as a result of their participation in that program. The study is designed to evaluate both the mortality (death) and morbidity (disease) in these individuals over a 20 year period beginning in 1982.

The Baseline Mortality Report was released in June 1983, the Baseline Morbidity Report in February 1984. Follow-up mortality reports were released in 1984 and 1985. This study has so far failed to demonstrate health effects which can be conclusively attributed to herbicide or dioxin exposure. The reader is referred to the study reports for further details (1, 2, 3, 4).

Results

This report contains summary statistics only for cumulative deaths occurring up to 31 December 1985. These data were not statistically analyzed since the 4 Ranch Hand and 27 Comparison deaths since the last report would not alter the results of the last analysis. Current percent dead by group, rank and occupation are shown below.

[Percent dead]

	Ranch hand	Comparison
Rank:		
Officer	3.6	4.7
Enlisted	5.3	5.3
Occupation:		
Flying	4.0	5.5
Ground	5.4	4.6
Total	4.7	5.1

The small number of deaths since the last analysis suggests that the findings of the last report are still valid: there are no overall statistically significant differences between the Ranch Handers and their matched comparisons as regards mortality. These data will be subjected to extensive statistical analysis in the next report, planned for 1987.

Conclusion and recommendation

Continued mortality surveillance is recommended, since these study groups are still relatively young and healthy. While sufficient time may have elapsed for some clinically significant conditions to occur, additional time is necessary for other conditions, which may possibly be attributable to herbicide exposure, to develop.

AIR FORCE HEALTH STUDY MORTALITY UPDATE—1986

1. INTRODUCTION

This report updates the findings of the last mortality report (4) released on 29 November 1985. This report contains summary statistics only, without statistical analysis, since so few deaths occurred during 1985. Noncause-specific findings, taken from the last mortality report, are summarized in the Appendix. A complete analyses of these data will be presented in the 1987 report. The reader is referred to the baseline mortality report (1), released on 30 June 1983, for information regarding the study design and mortality determination process.

2. DATA SUMMARY AND INTERPRETATION

Summary counts of the population at risk and the number of deaths in each of the two groups (Ranch Hand and Comparison) stratified by rank and occupation are shown in Table 1. Table 2 contains the counts of new deaths in the populations since the last report. Table 3 contains summary counts and death rates by occupation, race and group. All tables in this report correspond to similar tables in the last annual report. These counts reflect cumulative mortality as of 31 December 1985 (certified as of 15 April 1986).

[Figure 1 not reproducible for the RECORD.]

TABLE 1.—SUMMARY COUNTS OF DEATH BY RANK AND OCCUPATION

	Ranch Hand				Comparison			
	At risk	Dead	Rate	Percent	At risk	Dead	Rate	Percent
Rank:								
Officer	466	17	0.036	3.6	2,278	106	0.047	4.7
Enlisted	791	42	0.053	5.3	3,893	206	0.053	5.3
Occupation:								
Flying	646	26	0.040	4.0	3,163	173	0.055	5.5
Ground	611	33	0.054	5.4	3,008	139	0.046	4.6
Total	1,257	59	0.047	4.7	6,171	312	0.051	5.1

In Table 2, the number "At risk" is the number alive on January 1, 1985.

TABLE 2.—DEATHS DURING 1985 BY RANK AND OCCUPATION

	Ranch Hand			Comparison		
	At risk	Dead	Rate per 100	At risk	Dead	Rate per 100
Rank:						
Officer	450	1	0.2	2,180	8	0.4

TABLE 2.—DEATHS DURING 1985 BY RANK AND OCCUPATION—Continued

	Ranch Hand			Comparison		
	At risk	Dead	Rate per 100	At risk	Dead	Rate per 100
Enlisted	752	3	0.4	3,706	19	0.5
Occupation:						
Flying	622	2	0.3	3,002	12	0.4
Ground	580	2	0.3	2,884	15	0.5
Total	1,202	4	0.3	5,886	27	0.5

TABLE 3.—OCCUPATIONAL AND RACE-SPECIFIC CUMULATIVE MORTALITY

Race and occupation	Ranch Hand			Comparison		
	At risk	Dead	Rate per 100	At risk	Dead	Rate per 100
Non-Black:						
Officer-Pilot	350	12	3.4	1,740	86	4.6
Officer-Nav	82	4	4.9	390	16	4.1
Officer-Other	25	1	4.0	123	4	3.3
Enlisted-Flt Eng	191	7	3.7	935	61	6.5
Enlisted-Other	533	30	5.6	2,628	123	4.7
Black:						
Officer-Pilot	6	0	0.0	13	0	0.0
Officer-Nav	2	0	0.0	10	0	0.0
Officer-Other	1	0	0.0	2	0	0.0
Enlisted-Flt Eng	15	3	20.0	75	10	13.3
Enlisted-Other	52	2	3.8	255	12	4.7
Total	1,257	59	4.7	6,171	312	5.1

Summary courts by rank, occupation and group are shown in Table 4.

TABLE 4.—SUMMARY COURTS BY RANK, OCCUPATION AND GROUP

Group	Flying personnel								
	Officer			Enlisted			Total		
	At risk	Dead	Rate per 100	At risk	Dead	Rate per 100	At risk	Dead	Rate per 100
Ranch Hand	440	16	3.6	206	10	4.9	646	26	4.0
Comparison	2,153	102	4.7	1,010	71	7.0	3,163	173	5.5
Ground personnel									
Ranch Hand	26	1	3.8	585	32	5.5	611	33	5.4
Comparison	125	4	3.2	2,883	135	4.7	3,008	139	4.6

The death rates in Tables 1 through 4 are very similar to the corresponding rates in the 1985 report. For example, the overall Ranch Hand ground personnel rate of 5.4%, shown in Table 4, has increased from 5.1%, shown in the last report, due to 2 Ranch Hand ground deaths during 1985. Although the overall Ranch Hand and Comparison death rates of 4.7 and 5.1 percent, shown in Table 1, are very comparable. Table 4 suggests that group contrasts change with rank and job. That is, the Ranch Hand flying officer death rate (3.6) is smaller than that of their matched comparisons (4.7), while the situation is reversed for enlisted ground personnel with the Ranch Hand rate (5.5) being greater than that of the Comparisons (4.7). The statistical significance of this reversal will be assessed in the 1987 report.

TABLE 5.—DEATHS BY CAUSE, GROUP, RANK AND OCCUPATION

	Officer			Enlisted					Total	
	Flying	Ground		Flying	Ground				RH	C
		RH	C		RH	C	RH	C		
Accident	8	33	0	1	4	27	8	36	20	97
Suicide	0	5	1	1	1	3	1	10	3	19
Homicide	0	0	0	0	0	2	2	3	2	5
Parasitic infection	0	2	0	0	0	0	0	2	0	4
Malignant neoplasm	1	18	0	1	1	14	5	25	7	58
Uncertain neoplasm	0	1	0	0	0	0	0	1	0	2
Endocrine	0	1	0	0	0	1	1	0	1	2
Mental disorder	0	0	0	0	0	0	0	1	0	1
Nervous system	0	1	0	0	0	0	0	1	0	2
Circulatory system	5	32	0	0	1	15	13	47	19	94
Respiratory system	0	2	0	0	0	3	0	2	0	7
Disgestive system	2	5	0	1	2	4	2	5	6	15
Genitourinary system	0	1	0	0	0	0	0	2	0	3
Congenital abnormalities	0	0	0	0	0	1	0	0	0	1
Ill defined	0	1	0	0	1	1	0	0	1	2
Total	16	102	1	4	10	71	32	135	59	312

Deaths during 1985 by cause are shown in Table 6.

TABLE 6.—DEATHS DURING 1985 BY CAUSE

Cause	Ranch hand	Comparison
Accident	1	1
Suicide	0	1
Malignant neoplasm	1	7
Endocrine	0	1
Circulatory system	1	14
Digestive	1	2
Congenital anomalies	0	1
Total	4	27

3. CONCLUSION

No statistical inference can be drawn from these summary counts since these data were not analyzed, although the low counts in Table 2 suggest that the conclusions of the last report are still valid. These data will be subjected to regression analyses of the hazard ratio and of the SMR in the 1987 mortality report.

REFERENCES

1. Lathrop, G. D., Moynahan, P. M., Albanese, R. A., Wolfe, W. H. (1983). An Epidemiologic Investigation of Health Effects in Air Force Personnel Following Exposure to Herbicides: Baseline Mortality Study Results. (NTIS Order Number: AD-A130 793)

2. Lathrop, G. D., Wolfe, W. H., Albanese, R. A., Moynahan, P. M., (1984). An Epidemiologic Investigation of Health Effects in Air Force Personnel Following Exposure to Herbicides: Baseline Morbidity Study Results. (NTIS Order Number: AD-A130 340)

3. Wolfe, W. H., Michalek, J. E., Albanese, R. A., Lathrop, G. D., Moynahan, P. M., (1984). An Epidemiologic Investigation of Health Effects in Air Force Personnel Following Exposure to Herbicides: Baseline Mortality Update—1984. (NTIS Order Number: AD-A162 687)

4. Wolfe, W. H., Michalek, J. E., (1985). An Epidemiologic Investigation of Health Effects in Air Force Personnel Following Exposure to Herbicides: Mortality Update—1985. (NTIS Order Number: AD-A163 237)

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APPENDIX.—NONCAUSE-SPECIFIC STATISTICAL SUMMARY 1985 MORTALITY UPDATE

AGE AT DEATH

Group	Logrank	
	Value	P-value
Officer	−0.835	0.40
Enlisted	.187	.85
Flying	−1.34	.18
Ground	.976	.33
Total	.305	.76

DEATHS TO DATE

Group	RR	P-value	SMR	P-value
Officer	0.715	0.26	0.791	0.37
Enlisted	.987	.94	1.03	.89
Flying	.692	.12	.726	.13
Ground	1.21	.35	1.23	.33
Total	.915	.57	.954	.73

AGENT ORANGE AND RELATED HEALTH STUDIES

Summary: More than a dozen major human health studies and related projects have been initiated examining the health status of Vietnam veterans, especially to determine the possible health effects of Agent Orange. The human studies, carried out by HHS' Centers for Disease Control, the Veterans Administration and the Department of Defense, have involved total federal spending of $90 million through fiscal 1986, with an additional $30 million projected for fiscal 1987. Additional related investigations are sponsored by HHS' National Institutes of Health, the Environmental Protection Agency and the Department of Agriculture. The work is coordinated under the Domestic Policy Council's Agent Orange Working Group, chaired by the HHS Under Secretary. Major human health studies are as follows:

CENTERS FOR DISEASE CONTROL

Vietnam experience study—Examines the long-term health effects of military service in Vietnam. Health interviews of more than 15,000 veterans and medical examinations of about 4,500 are to be completed by the end of this month. This information will be used to compare health status of veterans who served in Vietnam with veterans of the same era who served in other countries.

Status: On schedule. Findings from the health interviews and medical examinations are to be published simultaneously in mid-1987.

Morality assessment study—This is a separate part of the Vietnam Experience Study, investigating and comparing the causes of death of 446 veterans and non-Vietnam veterans who died since leaving active military service.

Status: On schedule. Findings of this study will be published in the fall of 1986.

Selected Cancers Study—Investigates the risk in Vietnam veterans of five cancers which have been identified in the scientific literature as possibly associated with industrial or occupational exposure to phenoxy herbicides (of which Agent Orange is one) and their dioxin contaminant. The cancers are lymphoma, soft-tissue sarcoma, nasal and nasopharyngeal cancer, and primary liver cancer. Compares the exposure histories of reported cases of these cancers with the histories of a control group of men with similar characteristics. Cases are those reported from December 1984 through November 1988 to eight tumor registries.

Status: On schedule. Conclusions are planned for publication late in 1989.

Agent Orange exposure study—Intended to evaluate possible health effects of exposure to Agent Orange by comparing the health of a group of male U.S. Vietnam veterans exposed to herbicides with the health of male Vietnam veterans not exposed.

Status: Delayed from targeted starting date of January, 1986.

Existing records, developed for military purposes and not for epidemiologic studies, are not sufficient for identifying those who were most likely heavily exposed to herbicides and those not exposed. Scientific validity of the study requires that the two groups should differ only in exposure to herbicides in Vietnam while other health risk factors remain the same.

Despite inadequate records, new laboratory techniques may make it possible to measure dioxin residues in blood as an indicator of exposure to herbicides. The new techniques are currently being assessed, and their viability should be established this fall.

If these measurements prove reliable and if dioxin levels measured in Vietnam veterans correlate with indirect estimates of their exposure, it is still possible that a valid, full-scale study of the health effects of Agent Orange on Vietnam veterans could be carried out.

VETERANS' ADMINISTRATION

Vietnam veterans mortality study—Designed to assess the mortality patterns and specific causes of death of U.S. veterans who served in the Army or Marine Corps during the Vietnam era. The study will determine if Vietnam era veterans who served within the borders of Vietnam are dying from different diseases as compared with Vietnam era veterans without service in Vietnam.

Status: Completion expected this month.

Soft-tissue sarcoma study—In cooperation with Armed Forces Institute of Pathology, this is a case-controlled study to determine if Vietnam service increases the risk of developing one of the rare type of cancer known as soft-tissue sarcoma.

Status: Completion expected this month.

Restrospective study of dioxins and furans in adipose tissue—In cooperation with Environmental Protection Agency, detailed analysis is being made by tissue specimens from about 250 males of the Vietnam era age group. Speciments will be analyzed for 2,3,7,8-tetrachlorodibenzo-p-dioxin, also known as TCDD, and several other related dioxins and furans to determine if military service, especially in Vietnam, has resulted in increased levels of these compounds as compared with cilivians of the same age group. In addition, the study will help answer veterans' concerns about the relationship between dioxin levels in their bodies and the risk of developing health problems.

Status: Completion expected in October 1987.

Review of soft-tissue sarcoma cases in VA patient treatment file—This effort, paralleling the soft-tissue sarcoma study, has involved review of soft-tissue sarcoma cases among Vietnam era veterans who were admitted to VA medical centers from 1969-1983. Review compares anatomic site, history of the disease's progress, and frequently of soft-tissue sarcoma between Vietnam veterans and non-Vietnam veterans.

Status: First phase completed.

Specially solicited research—VA is funding several investigator-initiated Agent Orange research projects. These studies are designed to determine the possible adverse health effects of Agent Orange exposure.

Status: Individual research projects are in varying stages of completion.

Agent Orange Registry—Identifies Vietnam veterans who are concerned about the possible health effects of Agent Orange exposure. Veterans are given a complete health evaluation. Registry data are used in reviewing the types of medical problems Vietnam veterans are experiencing, including possible relationships between herbicide exposure and subsequent health problems.

Status: Registry was established in 1978. Ensures VA contact with veterans for further testing and followup, if needed.

Monograph series—VA is developing a monograph series on significant Agent Orange-related subjects for the benefit of health care professionals.

Status: Two monographs published—"Birth Defects and Genetic Counseling" and "Cacodylic Acid." Monographs on phenoxy herbicides and chloracne are in development stages.

Literature review—VA has conducted a comprehensive review and analysis of worldwide scientific literature on the health effects on humans of Agent Orange and other phenoxy herbicides.

Status: Six volumes published, as well as lay-language summaries.

DEPARTMENT OF DEFENSE

Ranch hand study—A 20-year comprehensive epidemiological investigation to determine whether there is any causal relationship between health problems of Air Force air crew personnel who flew on herbicide-spraying missions (Operation Ranch Hand) in Southeast Asia and their exposure to Agent Orange. Ranch Hand group was chosen because its members were most likely to have been heavily exposed and they could be readily identified. Study includes examinations of mortality, morbidity (disease, including birth defects in children), and follow-up (long latency of disease, eg. cancer).

Status: Baseline morbidity report, baseline mortality report and two follow-up mortality reports have been issued. At this time, there is insufficient evidence to support a cause-and-effect relationship between herbicide exposure and adverse health in the Ranch Hand group. The mortality studies have not revealed any statistically significant differences in the deaths recorded in Ranch Hand and comparison groups.

Next morbidity report scheduled for release in 1987 (3rd year) and thereafter at 5, 10, 15 and 20 year points. Mortality surveillance will be reported annually.

Mr. CRANSTON. Finally, Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a list of the documents previously inserted.

There being no objection, the list was ordered to be printed in the Record, as follows:

A. CDC AGENT ORANGE EXPOSURE STUDY

1. December 19, 1985, letter from OTA Director John Gibbons to Senator Alan Cranston;

2. January 6, 1986, letter from CDC Director James Mason to Senator Cranston;

3. January 10, 1986, letter from Senators Cranston and Frank Murkowski to HHS Secretary Otis Bowen;

4. January 10, 1986, letter from Senators Cranston and Murkowski to President Ronald Reagan;

5. January 13, 1986, letter from Senator Cranston to Secretary Bowen;

6. February 10, 1986, letter from Director Gibbons to Senator Cranston;

7. February 13, 1986, letter from VA Deputy Administrator Everett Alvarez to Senator Cranston;

8. February 27, 1986, letter from Secretary Bowen to Senator Cranston;

9. February 28, 1986 letter from HHS Deputy Undersecretary Dixon Arnett to Senator Cranston;

10. February 28, 1986, letter from Undersecretary Arnett to House Veterans' Affairs Committee Ranking Minority Member, John Paul Hammerschmidt;

11. February 28, 1986, letter from Undersecretary Arnett to House Veterans' Affairs Committee Chairman, G.V. Montgomery;

12. March 13, 1986, letter from Director Gibbons to Senator Cranston with enclosed February 12, 1986, letter from Dr. Peter Layde, CDC Center for Environmental Health, to OTA analyst Hellen Gelband;

13. April 23, 1986, letter from Senators Cranston and Murkowski to Secretary Bowen;

14. April 30, 1986, letter from Secretary Bowen to Senator Cranston;

15. May 16, 1986, letter from Secretary Bowen to Senator Cranston;

16. June 19, 1986, letter from Secretary Bowen to Senator Cranston with enclosed February 22, 1986, letter from CDC Center for Environmental Health Director Vernon Houk to Director Mason and February 21, 1986, Issue Paper from Dr. Layde to Director Mason;

17. August 11, 1986, letter from Secretary Bowen to Senator Cranston with enclosure from CDC;

18. September 8, 1986, letter from Undersecretary Raclin to Senator Cranston;

19. October 31, 1986, letter from Director Gibbons to Senator Cranston;

20. January 15, 1987, letter from Director Gibbons to CDC Director Mason with enclosed October 31, 1986 letter from Director Gibbons to Senator Patrick Leahy and undated letter from HHS Agent Orange Projects Acting Director Mark Scally to OTA analyst Gelband.

B. JAMA AGRICULTURAL HERBICIDE RISK STUDY

1. Article: Hoar, Blair et al., "Agricultural Herbicide Use and Risk of Lymphoma and Soft Tissue Sarcoma", 256 Journal of American Medical Association 1141 (1986);

2. September 18, 1986, letter from Senator Cranston to Undersecretary Raclin;

3. September 18, 1986, letter from Senator Cranston to Director Gibbons;

4. November 12, 1986, letter from Undersecretary Raclin to Senator Cranston with enclosed November 4, 1986, memorandum from Dr. Ronald Hart, AOWG, to Undersecretary Raclin;

5. January 22, 1987, letter from Director Gibbons to Senator Cranston with enclosed January 1987, OTA Staff Paper.

C. PROJECT RANCH HAND MORTALITY STUDY AND MAJOR AGENT ORANGE STUDIES STATUS REPORT

1. January 27, 1987, letter from Maj. Gen. Alexander Sloan to Senator Cranston with enclosed press release and Air Force Health Study: Project Ranch Hand II, Mortality Update—1986;

2. September 10, 1986, HHS Fact Sheet on Agent Orange and Related Health Studies.

MESSAGES FROM THE HOUSE

At 5:05 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the following joint resolution:

H.J. Res. 102. Joint resolution making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program of the Federal Emergency Management Agency.

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 431. An act to extend until September 15, 1987, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982; and

H.J. Res. 131. Joint resolution congratulating Dennis Conner and the crew of *Stars and Stripes* for their achievement in winning the America's Cup.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 36. A concurrent resolution providing for a conditional adjournment of the House from February 11 to February 18, 1987, and a conditional adjournment of the Senate from February 5 or 6 to February 16, 1987.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 431. An act to extend until September 15, 1987, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-427. A communication from the Chairman of the Board of Directors of the Panama Canal Commission transmitting, pursuant to law, a report covering the operations of the Panama Canal during fiscal year 1986; to the Committee on Armed Services.

EC-428. A communication from the Chairman of the National Transportation Safety Board transmitting, pursuant to law, a copy of the budget estimate for the Board for fiscal year 1988, as submitted to OMB; to the Committee on Commerce, Science, and Transportation.

EC-429. A communication from the Deputy Associate Director of the Minerals Management Service transmitting, pursuant to law, a report on 25 refunds of excess oil and gas royalty payments to certain corporations; to the Committee on Energy and Natural Resources.

EC-430. A communication from the Deputy Associate Director of the Minerals Management Service transmitting, pursuant to law, a report on 25 refunds of excess oil and gas lease royalty payments to certain corporations; to the Committee on Energy and Natural Resources.

EC-431. A communication from the Secretary of Transportation transmitting, pursuant to law, a revised estimate of the cost to complete the Interstate Highway system; to the Committee on Environment and Public Works.

EC-432. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on adjustments made by States to Medicaid payments for hospitals serving a disproportionate number of low income patients with special needs; to the Committee on Finance.

EC-433. A communication from the Assistant Secretary of State transmitting, pursuant to law, a copy of a travel advisory issued for travel to Uganda; to the Committee on Foreign Relations.

EC-434. A communication from the Chairman of the Board for International Broadcasting transmitting, pursuant to law, the 1987 Annual Report of the Board; to the Committee on Foreign Relations.

EC-435. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the U.S. within the sixty days previous to January 27, 1987; to the Committee on Foreign Relations.

EC-436. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, a proposal to protect Federal employees from catastrophic costs associated with long-term care; to the Committee on Governmental Affairs.

EC-437. A communication from the Comptroller General of the U.S. transmitting, pursuant to law, a list of reports issued in December 1986; to the Committee on Governmental Affairs.

EC-438. A communication from the Director of the Administrative Office of the U.S. Courts transmitting, pursuant to law, a report on the 15 positions in the Office in the grades of 16, 17, and 18; to the Committee on Governmental Affairs.

EC-439. A communication from the Vice Chairman of the Potomac Electric Power Company transmitting, pursuant to law, a copy of the Company's balance sheet as of Dec. 31, 1986; to the Committee on Governmental Affairs.

EC-440. A communication from the D.C. Auditor transmitting, pursuant to law, a report entitled "Review of D.C. General Hospital's Procurement"; to the Committee on Governmental Affairs.

EC-441. A communication from the Chief Immigration Judge, Department of Justice transmitting, pursuant to law, a report on grants of suspension of deportation under sec. 244(a) (1) and (2) of the Immigration and Nationality Act for certain aliens; to the Committee on the Judiciary.

EC-442. A communication from the Assistant Attorney General of the U.S. transmitting a draft of proposed legislation authorizing funds for the Department for fiscal year 1988; to the Committee on the Judiciary.

EC-443. A communication from the Secretary to the Railroad Retirement Board transmitting, pursuant to law, a report on the Railroad Retirement Account's ability to pay benefits in each of the next five years; to the Committee on Labor and Human Resources.

EC-444. A communication from the Secretary of Education transmitting, pursuant to law, a report on final regulations for 1987-88 Pell Grant Program Family Contribution Schedule and Cost of Attendance; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself, Mr. Moynihan and Mr. Sanford):

S. 452. A bill to address the adverse effects that managed currency exchange rates have on U.S. trade; to the Committee on Finance.

By Mr. MURKOWSKI (for himself, Mr. Domenici, Mr. Warner, and Mr. Dixon):

S. 453. A bill to amend title 38, United States Code, and the Veterans Dioxin and Radiation Exposure Compensation Standards Act to improve the standards for determining whether a radiation-related disease is service-connected, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SASSER:

S. 454. A bill to amend title XVIII of the Social Security Act to provide for part C program to furnish comprehensive catastrophic and preventive benefits through prepaid plans; to the Committee on Finance.

By Mr. HEFLIN:

S. 455. A bill to amend the Internal Revenue Code of 1986 to restore income averaging for farmers, to restore the investment tax credit and accelerated cost recovery for property used in the trade or business of farming, and for other purposes; to the Committee on Finance.

By Mr. ROTH:

S. 456. A bill to amend the Immigration and Nationality Act to provide for the exclusion or deportation from the United States of aliens who possessed or used certain controlled substances, and for other purposes; to the Committee on the Judiciary.

By Mr. SYMMS:

S. 457. A bill to amend the Tax Reform Act of 1986 to delay for 1 year the increase from 80 to 90 percent in the current year liability test for estimated tax payments by individuals, and for other purposes; to the Committee on Finance.

By Mr. CRANSTON (for himself and Mr. Wilson):

S. 458. A bill to require the Secretary of Health and Human Services to approve an application for a demonstration project submitted by Fresno County, CA, and the California Department of Social Services; to the Committee on Finance.

By Mr. ARMSTRONG (for himself and Mr. Wirth):

S. 459. A bill to suspend temporarily the duty on d-6-Methoxy-a-methyl-2-naphthaleneacetic acid and its sodium salt; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. Boren, Mr. Nickles, Mr. Bingaman, Mr. Johnston, Mr. Stevens, Mr. Murkowski, Mrs. Kassebaum, Mr. Levin, Mr. Simpson, and Mr. Breaux):

S. 460. A bill to amend the Internal Revenue Code of 1954 to impose a fee on the importation of crude oil or refined petroleum products to protect the national and energy security interests of the United States; to the Committee on Finance.

By Mr. MITCHELL:

S. 461. A bill to prohibit the implementation of certain regulations of the Secretary of Health and Human Services and the Secretary of Agriculture respecting irradiated foods, to amend the Federal Food, Drug, and Cosmetic Act to prescribe labels for irradiated food, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR (for himself and Mr. Bumpers):

S. 462. A bill to require the Secretary of Defense and the Administrator of General Services to offer certain persons the right to purchase, at fair market value, real property on which deactivated Titan missile silos are located; to the Committee on Armed Services.

By Mr. FORD:

S. 463. A bill to amend the Consolidated Farm and Rural Development Act to permit borrowers to use the same collateral to secure two or more direct or guaranteed real estate loans; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRANSTON (for himself, Mr. Weicker, Mr. Kerry, Mr. Moynihan, and Mr. Kennedy):

S. 464. A bill to prohibit discrimination on the basis of affectational or sexual orientation, and for other purposes; to the Committee on the Judiciary.

By Mr. METZENBAUM:

S. 465. A bill to amend chapter 44, title 18, United States Code, to prohibit the manufacture, importation, sale, or possession of firearms, not detectable by metal detection and x-ray systems commonly used at airports in the United States; to the Committee on the Judiciary.

S. 466. A bill to provide for a waiting period before the sale, delivery, or transfer of a handgun; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 467. A bill to require that the remaining $40,000,000 of U.S. assistance for the Nicaraguan democratic resistance be withheld until completion of the special congressional investigations of the arms sales to Iran and the alleged diversion of proceeds from those sales to assist the Nicaraguan democratic resistance; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself and Mr. Roth):

S. 468. A bill to amend section 337 of the Tariff Act of 1930 to provide greater protection for intellectual property rights; to the Committee on Finance.

By Ms. MIKULSKI (for herself and Mr. Sarbanes):

S. 469. A bill for the relief of Rukert Marine Corp. of Baltimore, MD; to the Committee on Finance.

By Mr. GRASSLEY:

S. 470. A bill to strengthen provisions of the law that provide safeguards when imports threaten to impair the national security; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. Chafee, Mr. Bradley, and Mr. Boren):

S. 471. A bill to amend title 10, United States Code, to revise the method for pricing tobacco products for sale in commissaries, exchanges, and ship's stores, and for other purposes; to the Committee on Armed Services.

By Mr. CRANSTON (for himself and Mr. Wirth):

S. 472. A bill to provide for a mutual, simultaneous, and verifiable moratorium on the testing of nuclear warheads; to the Committee on Foreign Relations.

By Mrs. KASSEBAUM (for herself, Mr. Dole, Mr. Danforth, Mr. Inouye, Mr. Exon, Mr. Ford, Mr. Kasten, Mr. Wallop, Mr. Pressler, Mr. Specter, Mr. Rudman, Mr. Garn, Mr. Heinz, Mr. Pell, Mr. Zorinsky, Mr. Murkowski, and Mr. Simpson):

S. 473. A bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Mr. Weicker, Mr. Specter, Mr. Kerry, Mr. Simon, Mr. Levin, and Mr. Biden):

S. 474. A bill making urgent supplemental appropriations for the fiscal year ending September 30, 1987, to support regional development programs of the Southern Africa Development Coordination Conference [SADCC]; to the Committee on Foreign Relations.

S. 475. A bill to provide meaningful levels of economic assistance to the Southern Africa Development Coordination Conference [SADCC]; to the Committee on Foreign Relations.

By Mr. DODD:

S. 476. A bill to provide assistance in the development of new or improved programs to help younger persons through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; and to provide for a White House Conference on Young Americans; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (for himself, Mr. Matsunaga, Mr. DeConcini, Mr. Mitchell, Mr. Rockefeller, and Mr. Graham):

S. 477. A bill to assist homeless veterans; to the Committee on Veterans' Affairs.

By Mr. SIMON (for himself, Mr. Cranston, Mr. Warner, and Mr. DeConcini):

S. 478. A bill to repeal section 1631 of the Department of Defense Authorization Act, 1985, relating to the liability of Government contractors for injuries or losses of property arising out of atomic weapons testing programs, and for other purposes; to the Committee on Armed Services.

By Mr. THURMOND (for himself, Mr. Wilson, Mr. Helms, Mr. Humphrey, Mrs. Kassebaum, Mr. Grassley, Mr. Wallop, Mr. Nickles, Mr. McCain, Mr. Kasten, Mr. Hecht, Mr. Armstrong, Mr. Proxmire, Mr. Simpson, Mr. DeConcini, Mr. Burdick, Mr. Hatch, Mr. Heflin, and Mr. Bumpers):

S.J. Res. 42. Joint resolution disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government; considered and passed.

By Mr. CRANSTON (for himself, Mr. D'Amato, Mr. Wilson, and Mr. Levin):

S.J. Res. 43. Joint resolution designating April 24, 1987 as "National Day of Remembrance for the Victims of the Armenian Genocide"; to the Committee on the Judiciary.

By Mr. DURENBERGER (for himself, Mr. Mitchell, Mr. Dole, Mr. Boren, Mr. Boschwitz, Mr. Bradley, Mr. Burdick, Mr. Chiles, Mr. Cochran, Mr. Garn, Mr. Gore, Mr. Hecht, Mr. Hollings, Mr. Johnston, Mr. Lugar, Mr. Matsunaga, Mr. McCain, Mr. McClure, Mr. Rockefeller, Mr. Sarbanes, and Mr. Weicker):

S.J. Res. 44. Joint resolution to designate November 1987, as "National Diabetes Month"; to the Committee on the Judiciary.

By Mr. D'AMATO:

S.J. Res. 45. Joint resolution to designate the week of April 26, 1987, through May 2, 1987 as "Hemochromatosis Awareness Week"; to the Committee on the Judiciary.

By Mr. DeCONCINI (for himself, Mr. McCain, Mr. Biden, Mr. Adams, Mr. Bentsen, Mr. Bingaman, Mr. Boren, Mr. Bumpers, Mr. Burdick, Mr. Chiles, Mr. Conrad, Mr. Cranston, Mr. Ford, Mr. Gore, Mr. Heflin, Mr. Hollings, Mr. Inouye, Mr. Johnston, Mr. Leahy, Mr. Levin, Mr. Matsunaga, Mr. Melcher, Mr. Metzenbaum, Ms. Mikulski, Mr. Proxmire, Mr. Pryor, Mr. Reid, Mr. Riegle, Mr. Stennis, Mr. Thurmond, Mr. Boschwitz, Mr. Chafee, Mr. Cochran, Mr. Cohen, Mr. D'Amato, Mr. Domenici, Mr. Evans, Mr. Garn, Mr. Grassley, Mr. Hecht, Mr. Helms, Mr. Humphrey, Mrs. Kassebaum, Mr. Murkowski, Mr. Nickles, Mr. Quayle, Mr. Stafford, Mr. Symms, Mr. Trible, Mr. Warner, Mr. Weicker, and Mr. Wilson):

S.J. Res. 46. Joint resolution to recognize and acknowledge that February 14, 1987 will mark the 75th anniversary of Arizona statehood and to designate the year 1987 as Arizona's Diamond Jubilee; considered and passed.

By Mr. CRANSTON (for himself and Mr. Murkowski):

S.J. Res. 47. A joint resolution designating April 9, 1987 as "National POW Recognition Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself and Mr. Dole):

S. Res. 99. A resolution authorizing testimony and production of documents, and representation by Senate Legal Counsel, in case of *Brownsville Golden Age Nursing Home, Inc.* v. *Joann Wells, et al.*; considered and agreed to.

By Mr. WILSON (for himself, Mr. Cranston, Mr. Kennedy, Mr. Dodd, Mr. Matsunaga, Mr. Chafee, Mr. D'Amato, Mr. Gramm, Mr. Metzenbaum, Mr. McClure, Mr. Pell, Mr. Moynihan, and Mr. Riegle):

S. Res. 100. A resolution expressing the Senate's commendation of the *Stars and Stripes*, skipper Dennis Conner and his brilliant crew for their America's Cup victory; considered and agreed to.

By Mr. COCHRAN:

S. Res. 101. A resolution to express the sense of the Senate that the President should appoint a Commission to study the Federal budget process; referred jointly pursuant to the order of August 4, 1977 to the Committees on the Budget and Governmental Affairs with instructions that if one committee reports, the other committee has 30 days of continuous session to report or be discharged.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself, Mr. Moynihan, and Mr. Sanford):

S. 452. A bill to address the adverse effects that managed currency exchange rates have on U.S. trade; to the Committee on Finance.

(The remarks of Mr. Baucus and the text of the legislation appear earlier in today's Record.)

By Mr. MURKOWSKI (for himself, Mr. Domenici, Mr. Warner, and Mr. Dixon):

S. 453. A bill to amend title 38, United States Code, and the Veterans' Dioxin and Radiation Exposure Compensation Standards Act to improve the standards for determining whether a radiation-related disease is service-connected, and for other purposes; to the Committee on Veterans' Affairs.

(The remarks of Mr. Murkowski and the text of the legislation appear earlier in today's Record.)

By Mr. SASSER:

S. 454. A bill to amend title XVIII of the Social Security Act to provide for Part C Program to furnish comprehensive catastrophic and preventive benefits through prepaid plans; to the Committee on Finance.

(The remarks of Mr. Sasser and the text of the legislation appear earlier in today's Record.)

By Mr. HEFLIN:

S. 455. A bill to amend the Internal Revenue Code of 1986 to restore income averaging for farmers, to restore the investment tax credit and accelerated cost recovery for property used in the trade or business of farming, and for other purposes; to the Committee on Finance.

(The remarks of Mr. Heflin and the text of the legislation appear earlier in today's Record.)

By Mr. ROTH:

S. 456. A bill to amend the Immigration and Nationality Act to provide for the exclusion or deportation from the United States of aliens who possessed or used certain controlled substances, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. Roth and the text of the legislation appear earlier in today's Record.)

By Mr. CRANSTON (for himself and Mr. Wilson):

S. 458. A bill to require the Secretary of Health and Human Services to approve an application for a demonstration project submitted by Fresno County, CA, and the California Department of Social Services; to the Committee on Finance.

FRESNO WELFARE DEMONSTRATION PROJECT

Mr. CRANSTON. Mr. President, on behalf of myself and my colleague from California, Senator Wilson, I am introducing today legislation which would direct the Department of Health and Human Services (HHS) to grant a waiver application, jointly submitted by Fresno County, CA, and the California Department of Social Services, to establish a 24-month demonstration program in Fresno County to determine the impact of revising the Federal definition of unemployment in the Aid to Families with Dependent Children-Unemployment Parent (AFDC-UP) so as to allow the principal wage earner in families assisted under the program to accept employment in excess of 100 hours. The bill specifically provides that no additional Federal funds may be expended in connection with this demonstration program except for the proposed evaluation costs of $20,000. Indeed, Fresno estimates that the Federal Government will save approximately $6 million in AFDC costs during the 24-month period.

Mr. President, Fresno County has been attempting for sometime now to obtain waivers from certain regulations in the AFDC-UP Program in order to implement on a demonstration basis a program aimed at ensuring in a cost-saving manner that the principal wage earners in the county's AFDC-UP Program acquire the job experience needed to help them break away from welfare dependency and achieve financial independence. The waiver application, which was submitted to HHS in February 1986 on behalf of the State of California and Fresno County, was endorsed by the California State Legislature and has been supported by members of the California congressional delegation led by my good friend and colleague from Fresno, Representative RICK LEHMAN.

Last fall, on October 2, 1986, I offered an amendment (No. 3139) to the 1987 continuing resolution (H.J. Res. 738), which was adopted by the Senate. This amendment directed the Secretary of HHS to approve the application for waiver. Although this provision was dropped in conference, the House-Senate conferees in the conference report to accompany House Joint Resolution 738 (House Report 99-1005) at page 787, expressly affirmed: "the conferees believe the project has merit as a testing ground for a new approach to the welfare problem and urge the Secretary to give Fresno County's application favorable consideration." Unfortunately, the Department of Health and Human Services has refused to approve the waiver application.

NEED FOR THE DEMONSTRATION PROGRAM

Mr. President, in view of the critical need to reduce the Federal deficit, I want to emphasize that this demonstration program does not require any additional Federal funding except for $20,000 to evaluate the outcome of the project, and—as I mentioned before—is in fact, estimated by the county to result in a total net savings to the Federal Government of approximately $6 million.

Mr. President, under current Department of HHS AFDC regulations, unemployment in the AFDC-UP Program is defined as working less than 100 hours per month. As a result, if the principal wage earner in a family participating in the AFDC-UP Program accepts a job of 100 hours or more, his or her family becomes ineligible for assistance, regardless of the amount of income resulting from that employment. In California, the amount of income that would be earned in jobs of 100 hours or more per month—for example, at the minimum wage level—can fall far below the standard of need used to determine eligibility for the AFDC-UP Program in California. Thus, because under the existing HHS, good cause, regulation an AFDC-UP recipient is allowed to refuse to accept a job which would result in less income than provided under the AFDC Program, the 100-hour work rule is regarded as a significant disincentive to accepting many job opportunities.

Mr. President, Fresno is particularly concerned about the large number of Southeast Asian refugee families residing in the county who are time-expired refugees now in the regular AFDC-UP Program. As a result of the 100-hour work rule, the principal wage earners in these families are unable to accept work without substantial financial hardships to their families. Hence, without the opportunity to gain the basic language, employment, and cultural skills needed to find and hold down jobs these individuals have become locked into welfare dependency. Community groups working with these refugee families have also strongly supported the waiver proposal.

PURPOSE OF THE DEMONSTRATION

Mr. President, the bill we are offering would allow Fresno County to establish a 2-year pilot program in which the current 100-hour work rule and the good cause rule would be waived and principal wage earners in AFDC-UP families would be required to accept suitable job offers without jeopardizing their eligibility for aid until the amount of their net earned income matches the size of the AFDC-UP grant they would have otherwise received. Only the difference between the AFDC-UP grant and the families' net earned income resulting from that employment would be provided under the AFDC-UP Program.

Mr. President, through this approach, Fresno County estimates a total net savings of $12.7 million, approximately half of which would be Federal funds. The county estimates that between 5,000 and 6,000 families would be involved.

CONCLUSION

Mr. President, Fresno is very anxious to implement this proposed program in an effort to release families in the county's AFDC-UP Program from the grip of welfare dependency. I fully support the efforts of Fresno County to demonstrate that they can help families achieve that goal, and I will do my best to assure that they have this opportunity.

Mr. President, it is extremely ironic that HHS continues to refuse to allow this demonstration project to go forward at the very same time that the administration's announced welfare reform policy is encourage States and localities to experiment with demonstration projects. It is unfortunate that we are forced to resort to a legislative remedy to achieve this modest goal for Fresno County.

I ask unanimous consent that the text of the legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

SECTION 1. APPROVAL OF DEMONSTRATION PROJECT.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Health and Human Services shall approve the application dated February 26, 1986, for a 24-month demonstration project submitted, under section 1115 of the Social Security Act, by Fresno County, California, and the California Department of Social Services to promote the employment of principal earners in the aid to families with dependent children-unemployed parents program under part A of title IV of the Social Security Act.

(b) RESTRICTION ON EXPENDITURE OF FEDERAL FUNDS.—

(1) The implementation of the demonstration project described in subsection (a) shall not result in any additional expenditure of federal funds as aid to families with dependent children.

(2) The federal share of the funding for the administration and evaluation of the demonstration project described in subsection (a) shall not exceed $20,000.

By Mr. ARMSTRONG (for himself and Mr. WIRTH):

S. 459. A bill to suspend temporarily the duty on d-6-Methoxy-a-methyl-2naphthaleneacetic acid and its sodium salt; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY ON NAPROXEN

● Mr. ARMSTRONG. Mr. President, today I am introducing legislation with my colleague TIM WIRTH, to temporarily suspend the duty on naproxen and naproxen sodium. Last year, the House of Representatives passed companion legislation to temporarily suspend the duty on these products. However, the Senate was unable to complete action on a miscellaneous tariff bill before adjournment.

Naproxen and naproxen sodium are chemicals used to produce certain prescription drugs here in the United

States. The first stages of these chemicals are manufactured in the United States and are then shipped to the Bahamas and Ireland for the final stages of manufacture. The products are finally shipped back to the United States for further processing and distribution.

Current imports of these products are duty free under the Caribbean Basin Initiative or duty refundable under drawback. Duty paid in 1985 was reported as $1.55 million, however, net duty was less than $400,000 after drawbacks. Considering this fact, a temporary duty suspension will create no appreciable loss of revenue to the Treasury.

The manufacturing process as well as the products affected by this legislation are patented in the United States and the patent will not expire until 1992. As drafted, the duty suspension will end in 1990. Therefore, temporarily suspending the duty will harm no other domestic producers since no others exist for these products.

The processes involved in the production of naproxen and naproxen sodium comply fully with all FDA regulations, requirements, and inspections. In addition, these products were granted eligibility for duty free status in the Bahamas in 1981. At the time of ITC's review, no controversy arose with respect to these chemicals.

Currently, duty drawback procedures are time consuming and costly. They necessitate extensive recordkeeping by the importer as well as a significant expenditure of time by U.S. Customs in entry processing and audit staff procedures. Due to the lack of audit staff at Customs, the backlog of unaudited drawback entries continues to grow. Therefore, passage of this legislation to temporarily suspend the duty on these noncontroversial products would result in a savings of time and resources both to the Government and the importer without any detriment to domestic interests and little, if any, net loss of revenue.

I ask unanimous consent to have the bill printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

"907.39	d-6.Methoxy-a-methyl-2-naphthaleneacetic acid and its sodium salt (provided for in item 412.22, part 1C, schedule 4).	Free	No charge....	On or before 12/31/90."

Sec. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn for consumption, on or after the 15th day after the date of the enactment of this Act.●

By Mr. DOMENICI (for himself, Mr. Boren, Mr. Nickles, Mr. Bingaman, Mr. Johnston, Mr. Stevens, Mr. Murkowski, Mrs. Kassebaum, Mr. Levin, Mr. Simpson, and Mr. Breaux):

S. 460. A bill to amend the Internal Revenue Code of 1954 to impose a fee on the importation of crude oil or refined petroleum products to protect the national and energy security interests of the United States; to the Committee on Finance.

OIL IMPORT FEE LEGISLATION

● Mr. DOMENICI. Mr. President, I am introducing a bill today that is being cosponsored by Senators Boren, Nickles, Simpson, Stevens, Johnston, Murkowski, Bingaman, Kassebaum, Levin, and Breaux. The bill would impose a $4 oil import fee, that would begin to phase-out when the price of oil reaches $18 a barrel. I have advocated an oil import fee for the past 5 years because it is good energy policy. In April of last year CBO issued a report finding that an import fee would be the best means of reducing U.S. demand for imports and encouraging domestic exploration and production.

The need for this bill can best be explained by breaking the problem into three parts—the case of the market saboteurs, the case of the stability saboteurs, and the case of the security saboteurs. This trilogy highlights the recent events of the past year taking place in the international oil market. It provides insight into such headlines as, "Oil Hits $10 a Barrel;" "OPEC in Disarray," "Gasoline at the Pump Drops Below a Buck." "Falling Oil Prices is Final Blow for Inflation." Some of my colleagues have genuflected in praise of the market forces. Others of us see falling prices as a mixed blessing that in the long term will leave us repenting unless we take appropriate correcting action.

THE CASE OF THE MARKET SABOTEURS

Since 1979 the world's demand for crude oil declined from 54 million barrels per day to about 46 million. OPEC's share of the market dropped from 31 million barrels a day to 16 million.

In December 1985, Saudi Arabia acted to regain its dominant market position by doubling its production. The move was clearly a predatory attack. The strike was lethal. It cut world oil prices by more than half. It is wiping out tens of thousands of the 450,000 stripper wells that don't make money at $10 a barrel. Once these wells are closed down they are usually gone forever. The falling oil prices have cost the U.S. Treasury anywhere from $1.3 billion to $4.6 billion in lost windfall profits receipts and estimated $6.3 billion in bonuses, rents and royalties on Federal oil and gas leases, not to mention increased unemployment and weakened financial institutions.

The Saudi's own one-fourth of the world's known reserves. Since they can produce the oil for 50 cents a barrel they can drive the price down even beyond its current level. They can shut down American production; they can virtually guarantee that the search for new energy resources in this country ends; they can stimulate demand and turn us into cheap oil junkies.

The market saboteurs' plan is working. The United States is relying on imports for 40 percent of all its oil supplies now, compared with 27 percent 8 short months ago. According to the Joint Economic Committee, foreign oil dependence by 1988 could equal or surpass the postwar high of 47 percent set in 1977. This could be a big "so what" except that oil is a strategic commodity. We have to have it, and no one believes that the price would stay down for very long if the United States were a captive purchaser.

We have to look to the future. Economists at Morgan Guaranty estimate that if future prices average $16 to $18 a barrel, the current gap between world production capacity and demand will close within a decade. By 1996, America could be as vulnerable to OPEC as it was in 1974 and 1979.

THE SECURITY SABOTEURS

With our oil dependence increasing by the day, the United States is rapidly approaching a crossroad in energy policy. Twice before in the past generation we have reached this juncture, and twice before it was concluded that a strong domestic energy capability was an asset so precious it could not be allowed to be destroyed.

Thirty years ago, another Republican administration was confronted with oil imports reaching 16 percent of domestic demand. President Eisenhower with his military background did not hesitate to preserve our energy security—a vital component of our basic defense. He instituted quotas. In 1973–74 when OPEC quadrupled oil prices following the oil embargo, the United States took decisive action. Congress enacted the National Energy Act and the Energy Security Act. The Congress is back again at the crossroads and it is time for decisive action.

THE STABILITY SABOTEURS

Our economic and political stability is adversely affected in three ways: First prices could go up again if we allow ourselves to get too dependent on foreign supplies. Second, apart from price, we need the guaranteed supply of oil that only a stable domestic industry can provide. Third, low prices are devastating the energy-producing regions of the country, with ripple effects, mostly involving the weakening of financial institutions.

Bill Martin, Deputy Secretary at DOE agrees that "the dynamics are there" for increasing dependency on OPEC. With OPEC capacity estimated at approximately 30 million barrels per day, API claims OPEC will be able to cause severe disturbances in all oil-producing countries with minimal production changes once world demand crosses the 22 million barrel per day threshold.

The Saudis know exactly what they are doing. They are controlling the market to their advantage, squeezing out marginal producers while the United States becomes more dependent on imports. In 3 to 4 years they will sock it to us, kicking the price back up.

Price stability is one thing, but regional political stability is another concern. The Saudi production strategy has riled Iran, intensified tensions in Egypt, Sudan, and North Yemen, and could be dangerous internally for the kingdom.

It is a fact of geology, Alaska's Prudhoe Bay begins to decline this year. This fact, coupled with good energy policy would suggest the need for the United States to look for additional oil reserves. However, with $13 oil means little exploration. With little exploration going on it is unlikely that there will be enough new discoveries to offset the decline if oil stays below $15 a barrel. By 1990, the United States would have lost one-third of its production capability. Losing this production in the next 3 to 4 years creates a very significant national security issue. It is clear that we have to deal with it now rather than later.

The oil import fee is a step toward reversing this trend. When the Congress returns from the recess I intend to work hard to pass an oil import fee.

I ask unanimous consent that the bill and a brief explanation of the bill be printed in the RECORD because it explains the impact the oil crises is having in my State. I also ask unanimous consent that a recent New York Times editorial also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. . FEE ON IMPORTED CRUDE OIL OR REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1954 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 54—IMPORTED CRUDE OIL OR REFINED PETROLEUM PRODUCTS

"Sec. 5881. Imposition of tax
"Sec. 5882. Definitions.
"Sec. 5883. Registration.
"Sec. 5884. Procedures; returns; penalties.

SEC. 5881. IMPOSITION OF TAX.

"(a) IMPOSITION OF TAX.—In addition to any other tax imposed under this title, an excise tax is hereby imposed on—

"(1) the first sale within the United States of—

"(A) any crude oil, or

"(B) any refined petroleum product,

that has been imported into the United States, and

"(2) the use within the United States of—

"(A) any crude oil, or

"(B) any refined petroleum product,

that has been imported into the United States if no tax has been imposed with respect to such crude oil or refined petroleum product prior to such use.

"(b) RATE OF TAX.—

"(1) CRUDE OIL.—For purposes of paragraphs (1)(A) and (2)(A) of subsection (a) the rate of tax shall be $4 per barrel, reduced by an amount which is equal to the excess of—

"(A) The energy policy price per barrel, over

"(B) $18.

"(2) REFINED PETROLEUM PRODUCT.—For purposes of paragraphs (1)(B) and (2)(B) of subsection (a), the rate of tax shall be equal to 150 percent of the rate of tax determined under paragraph (1) of this subsection.

"(3) FRACTIONAL PARTS OF BARRELS.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

"(c) DETERMINATION OF ENERGY POLICY PRICE.—

"(1) IN GENERAL.—For purposes of this section, the energy policy price with respect to any week during which the tax under subsection (a) is imposed shall be determined by the Secretary and published in the Federal Register on the first day of such week.

"(2) BASIS OF DETERMINATION.—For purposes of paragraph (1), the energy policy price for any week is the weighted average international price of a barrel of crude oil for the preceding 4 weeks as determined by the Secretary, after consultation with the Administrator of the Energy Information Administration of the Department of Energy, pursuant to the formula for determining such international price as used in publishing the Weekly Petroleum Status Report and as in effect on the date of the enactment of this section.

"(d) LIABILITY FOR PAYMENT OF TAX.—

"(1) SALES.—The taxes imposed by subsection (a)(1) shall be paid by the first person who sells the crude oil or refined petroleum product within the United States.

"(2) USE.—The taxes imposed by subsection (a)(2) shall be paid by the person who uses the crude oil or refined petroleum product.

"(3) TAX-FREE EXPORTS.—

"(A) IN GENERAL.—Under regulations prescribed by the Secretary, no tax shall be imposed under this chapter on the sale of crude oil or refined petroleum products for export or for resale by the purchaser to a second purchaser for export.

"(B) PROOF OF EXPORT.—Where any crude oil or refined petroleum product has been sold free of tax under subparagraph (A), such subparagraph shall cease to apply with respect to the sale of such crude oil or refined petroleum product, unless, within the 6-month period which begins on the date of the sale, the seller receives proof that the crude oil or refined petroleum product, has been exported.

"SEC. 5882. DEFINITIONS.

"For purposes of this chapter—

"(1) CRUDE OIL.—The term 'crude oil' means crude oil other than domestic crude oil (within the meaning of chapter 45).

"(2) BARREL.—The term 'barrel' means 42 United States gallons.

"(3) REFINED PETROLEUM PRODUCT.—The term 'refined petroleum product' shall have the same meaning given to such term by section 3(5) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 752(5)).

"(4) EXPORT.—The term 'export' includes shipment to a possession of the United States; and the term 'exported' includes shipment to a possession of the United States.

"SEC. 5883. REGISTRATION.

"Every person subject to tax under section 5881 shall, before incurring any liability for tax under such section, register with the Secretary.

"SEC. 5884. PROCEDURES; RETURNS; PENALTIES.

"For purposes of this title, any reference (other than in chapter 45 or section 6429) to the tax imposed by section 4986 shall be treated, except to the extent provided by the Secretary by regulation where such treatment would be inappropriate, as a reference to the tax imposed by section 5881.".

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle E is amended by adding at the end thereof the following new item:

"CHAPTER 54. IMPORTED CRUDE OIL OR REFINED PETROLEUM PRODUCTS.".

(c) DEDCUTIBILITY OF IMPORTED OIL TAX.—The first sentence of section 164(a) (relating to deductions for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The imported oil taxes imposed by section 5881.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to sales and use of imported crude oil or imported refined petroleum products on or after October 1, 1986.

ENERGY SECURITY ACT, S. 460: DOMENICI OIL IMPORT FEE

Imposes a $4 per barrel oil import fee on crude oil and refined product.

Fee phases out, dollar for dollar, penny for penny as the average weighted world price for oil exceeds $18 per barrel.

If price of oil is less than $18, the fee would be $4; when the average price reaches $19, the fee would drop to $3; when the average price reaches $20, the fee would drop to $2; when the average price reaches $21, the fee would drop to $1; when the average price reaches $22, the fee would drop to $0.

Example: If the weighted world price is $18.50 the fee would be $3.50:

The average weighted price used in the bill is already being calculated on a weekly basis by the Department of Energy. The weekly average is used to be as price sensitive as possible and to maximize free market independence. Using the weighted average eliminates the potential for market manipulation.

The fee ia structured in such a way as not to be inflationary since the fee would begin to phase out a $18 a barrel. Currently oil is selling at about $18.50 so the fee, if enacted today would be only $3.50. The fee would automatically terminate at $22 per barrel.

Bill imposes the import fee as an excise tax. Since excise taxes are deductible, the fee can be higher, thereby helping the industry more, without having the full cost passed on to consumers.

Excise tax can be administered by IRS without getting the government involved in the regulation of energy prices.

A $4 would raise the price of gasoline at the pump slightly. However, in view of the 30% to 50% gasoline price decline, this is a small price to pay for energy security and to guarantee our energy independence.

Fee would be paid by the first person who sells the crude oil or refined petroleum product within the United States, that is, the importer.

Provides for tax exempt exports.

Preliminary revenue estimates from Joint Tax indicate that this bill would raise roughly $7 billion in fiscal year 1987 and $20 billion over the next three years.

Provides for a product differential.

Cosponsors: Domenici, Boren, Nickles, Bingaman, Johnston, Stevens, Murkowski, Kassebaum, Levin, Simpson, Breaux.

[From the New York Times, Dec. 29, 1986]

THE EMPTY PUMP DOWN THE ROAD

The price of a gallon of unleaded regular is down below a dollar, and while OPEC has finally agreed to a modest price increase, few analysts believe the squabbling cartel will be able to make it stick. That means our energy policy is working, right? Wrong, oh so wrong.

Unless Washington stops focusing on the prices at the gas pump and starts looking at the prices and dependency just over the horizon, the United States will be in deep trouble all over again.

Oil consumers are enjoying the fruits of past sacrifices—of changes in personal habits, of hundreds of billions of dollars invested in energy conservation and production from more secure sources. Now, however, with the real cost of oil and competing fuels sinking to the levels enjoyed before the 1973 Arab embargo, that hard-won freedom from OPEC is being frittered away.

Unless Washington sounds the alarm and gets moving on long-term conservation and production programs, the sheiks will be back in charge of our economic destiny, maybe within a decade.

Consumers responded to higher oil prices in textbook manner. Between 1979 and 1985 total U.S. energy consumption fell 6 percent, but because of more efficient use of that energy, national income rose 13 percent. Increased domestic oil production and substitution of other fuels reduced daily oil imports from 8.5 million to 5.1 million barrels.

Initially, higher prices worked to reduce foreign dependence. Then, with the collapse of OPEC unity last year, oil prices dropped by half. Lower prices brought increased oil consumption. Domestic production fell by about 4 percent. Imports, running 25 percent above last year, filled the gap.

This trend toward greater dependence won't reverse on its own. The only real question is how many years of business-as-usual remain until the slack in the world oil market is eliminated and the big oil exporters regain control over prices. Some analysts say three to five years. No one thinks it will be more than ten. By the mid-1990's, the folks who brought the 1973 oil crisis are likely to be calling the shots again.

Experts argue over how to postpone that frightening day. These are among their proposals: vastly increasing the size of the strategic petroleum reserve; accelerated oil exploration on Federal property; deregulation of natural gas prices; energy conservation standards for home appliances; a program to develop oil funds and expertise for foreign oil development outside the Persian Gulf.

But choice is a luxury. To slip the OPEC noose, all such measures will be needed. In fact, it's hard to imagine freedom from excessive oil dependence without also imposing the most controversial of measures, a stiff tax on energy consumption.

It could take the form of a tax on imported oil, or gasoline, or all oil products. Each would have economic advantages and disadvantages. But none would be an easy sell to a nation lulled by a complacent White House into believing that OPEC can never rise again. If America is to wake up to the dangers, Washington must wake up first.

[From the Albuquerque Journal, Dec. 30, 1986]

N.M. OIL, GAS FIGURES WORST IN DECADE

(By Isabel Foreman)

New Mexico's oil and gas figures in 1986 show a 25 percent drop in state revenues generated by the industry and the worst year of the decade for producers.

According to a New Mexico Oil & Gas Association annual report, the total value of New Mexico oil and gas has dropped 46 percent in a year, from $4.3 billion in 1985 to an estimated $2.3 billion. The figures are the lowest since 1978, when production value was $1.9 billion.

For the state, the 1986 decline means $241 million less in revenue and earnings than last year.

The state's income from direct oil and gas taxes are down by $136.9 million; other industry-related revenues such as royalties brought in $135 million less than a year ago.

As industry prices are depressed, revenue to the state is lost, said Darwin Van De Graaff, the association's executive vice president.

"If this trend continues, it's going to be serious," he said. "I don't see any immediate thing on the horizon that would make a dramatic turn-around."

The trend so far has seen oil prices sink from $26 a barrel last January to $11 in July, with a gradual increase since then to $15.

Natural gas price averages fell from $2.47 in January to $1.64 in September, with the current prices at about $1.

The two are related because they're competing fuels and because many wells produce both oil and natural gas.

New Mexico is the fifth-largest oil and gas producing state in the nation in terms of total quantity, Van De Graaff said. But because the state is sparsely populated and lacks the variety of other industries present in Texas or California, New Mexico is proportionately more dependent on oil and gas revenues.

"The consumer and the New Mexican citizen who benefits from those state revenues is losing that benefit," he said.

"Sometimes it's hard to tie the dollars back to where they had come from."

The report also lists direct industry losses. Oil patch employment figures were 9,000 in October, compared with 13,200 the previous year. The number of drilling rigs are down to an average of 29, compared with 71 last year. And of the state's bankruptcies, estimated to be 2,500 by the end of this year, a fourth of those occurred in San Juan, Lea, Eddy and Chaves counties, where most of the oil and gas is produced. New Mexico's oil and gas problems, like those elsewhere in the nation, are the result of foreign competition, Van De Graaff said.

"That's what really hurt the domestic oil and gas industry," he said. "If the domestic industry were allowed to operate in the free market, we wouldn't have any complaints. While we're willing to compete with each other, it's hard to compete against other countries."

Although the Organization of Petroleum Exporting Countries met recently and decided to reduce daily production to force the world price of oil up to an average of $18 a barrel, Van De Graaff isn't optimistic.

"Obviously $18 is better than $15, but we're not euphoric about the prospect of a slightly higher price. It's not going to solve all the problems."

● **Mr. BOREN.** Mr. President, during the 99th Congress I spoke many times, often at some length, about the developing problems in our domestic energy industries. In July 1985, I spoke about the problems we would face if the price of crude oil were to drop sharply. In fact, I introduced legislation to establish an oil import fee to protect against those very problems. In July 1985, the price of oil was around $31 per barrel and we had over 2,000 rigs looking for oil and natural gas in the United States. As a nation in July 1985 we were importing approximately 24 percent of our energy needs from foreign sources, with only 45,000 barrels per day from Saudi Arabia.

Now Mr. President, in February 1987, at the beginning of the 100th Congress, the very problems I spoke of have occurred. The United States is importing almost 45 percent of our energy needs from foreign sources, including over 685,000 barrels per day from Saudi Arabia—over a 1,500 percent increase. The price of crude oil fell to a low of $9.75 and is now struggling to maintain some stability in the midteens. We have seen unemployment jump into the double digits in Oklahoma, Texas, and Louisiana. These, however, are not the most important indicators. The most ominous figure I can imagine for the United States energy future is our domestic rig count. From a high of over 4,500 just a short 6 years ago, the U.S. rig count fell to an all time low of 663 on July 14, 1986. Today the rig count is barely over 850.

What then does the future hold? Our ability to produce over the next 3 or 4 years has already been determined. If we could barely replace reserves with 4,500 rigs operating, it should be obvious what will happen to our production with only 850 rigs actively looking for oil and natural gas. Our ability to produce beyond the short term must be questioned. Four years ago there were over 7,000 students pursuing degrees in geology, petroleum engineering, and geophysics. Last fall that number had dropped to 3,000. Where will the next generation of technicians come from? Are we even willing to spend the money necessary to develop the next generation of technology? If we are not careful, as a nation we will soon find ourselves in the very same trap that was laid for us during the Arab oil embargo in 1973.

And so Mr. President where does that leave us? In my opinion we have but one option for the short term. We must preserve existing domestic production. We are not proposing today that we establish new incentives to drill for more oil. Rather, we are only suggesting ways that might keep the stripper well in Kansas, the heavy oil well in California, or even the natural gas well in Michigan operational and flowing. We must not allow our existing production to suffer at the hands of a foreign leader who, I might add, does not play by the same economic rules as an independent producer in Seminole County, OK.

The import fee that Senator DOMENICI is introducing and I am pleased to cosponsor, is an example of the kind of measure we must adopt. I still believe that an import fee, if properly crafted, is the quickest way to return stability to our domestic industry. I stand ready to pursue this issue and any other alternative available to us in our efforts to bring some relief to our domestic energy industry.●

● Mr. MURKOWSKI. Mr. President, I rise as a cosponsor of the oil import fee legislation advanced by my good friend, the Senator from New Mexico [Mr. DOMENICI].

This bill has been appropriately named the Energy Security Act because energy security is what the legislation is all about. Although we currently enjoy reasonably priced oil supplies sufficient to meet our daily needs, our proven oil reserves are shrinking and our dependency on foreign supplies of crude oil is growing each and every day.

Why must we respond only to a crisis? And, Mr. President, we will, indeed, be faced with a crisis in the near future, if we do not act soon.

We seem to have forgotten lessons we should have learned from the gaslines and the heating oil shortages of the early seventies. We have forgotten the days when we were, from an energy supply point of view, helpless in OPEC's grasp.

Our current complacency with regard to energy supply and security is dangerous and shortsighted, Mr. President. Unless we wake up to this danger, we will be allowing OPEC to regain its ability to dictate world oil price and supply—driving ourselves right back to the days of long gasoline lines, heating oil shortages, and economic recession.

Mr. President, I for one do not desire to return to that painful past.

The legislation we are proposing today would stabilize domestic oil prices by imposing an import fee on refined and crude products—thus providing the means to maintain a viable domestic energy industry, promote domestic exploration and production, and rebuild domestic reserves to the point where we can enjoy a greater degree of energy independence.

The statistics, Mr. President, point to a domestic oil supply situation that is getting progressively worse. We currently import nearly 40 percent of our domestic needs, with an ever increasing share of this oil coming from the Middle East. This figure stands in stark contrast to the 27 percent we imported just a little over a year ago. A decline in the rate of domestic production of nearly 800,000 barrels per day in 1986 combined with an increase in consumption of nearly 3 percent are the causes of this drastic rise in dependency on imported oil.

What has happened, Mr. President, to our desire for energy independence? What has happened to our once firmly held resolve that foreign nations would never again be able to gain a political advantage through an energy embargo?

Do we want to depend on oil coming from areas where the political realities are uncertain and constantly changing? Let's not deceive ourselves into greater and greater dependency on foreign sources of energy just because oil is currently inexpensive and abundant over the near term. If we continue to deceive ourselves in this manner, then we have failed to consider the future, and we are condemned to repeat the past.

The legislation we are offering today will restore a degree of forward-looking responsibility to our national energy policy by establishing a $4 per barrel import fee on crude and refined product. This fee phases out, dollar for dollar, penny for penny as the average weighted world price for oil exceeds $18 per barrel. The fee would terminate when the price of oil reaches $22 per barrel. Thus, the fee is structured so as not to be inflationary.

Essentially, this bill imposes that import fee as an excise tax. Since such taxes are deductible, the fee can be higher, thereby acheving its desired effect, without having the full cost passed on to consumers.

Although the fee would raise the cost of gasoline at the pump slightly, that increase is significantly less than the dramatic drops in gasoline prices we have enjoyed over the last year. I submit, Mr. President, that a slight price increase is a small insurance premium to pay in exchange for greater energy security.

But let's not fool ourselves. An oil import fee alone will not solve this country's energy supply problem. Enactment of this legislation is but one element of a comprehensive energy security program we need to undertake. Other elements of that program include permitting greater access to our public lands and Outer Continental Shelf to allow development of our own reserves, repeal of the windfall profits tax, greater emphasis on research and development of alternative energy sources, and better enforcement of conservation measures already enacted into law.

Mr. President, we need to act now if we expect to build a future free from oil embargoes, political blackmail, and economically disruptive price spikes. This bill is the first step toward that goal. I commend my colleague, the Senator from New Mexico, for his leadership on this issue, and I hope we can enact this legislation at the earliest opportunity in the 100th Congress.●

By Mr. MITCHELL:

S. 461. A bill to prohibit the implementation of certain regulations of the Secretary of Health and Human Services and the Secretary of Agriculture respecting irradiated foods, to amend the Federal Food, Drug, and Cosmetic Act to prescribe labels for irradiated food, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD IRRADIATION SAFETY AND LABELING REQUIREMENT ACT

Mr. MITCHELL. Mr. President, I'm pleased to introduce today, the Food Irradition Safety and Labeling Requirement Act of 1987.

The phrase "food irradiation" refers to the treatment of food with several types of radiation processes. Research on food irradiation began in the 1960's under the Atoms For Peace Program by the Department of Defense and the Atomic Energy Commission (AEC).

Examples include: the preparation of foods in microwave ovens; the use of infra-red lamps to keep food warm; and the exposure of food to gamma rays emitted by a radioactive source to preserve the food through the delay of spoilage and the destruction of insects.

Some 20 countries allow the irradiation of foods, including most European countries, India, Japan, Israel, and Canada. There is a large gap, however, between the approval of the technology and consumer application.

Potatoes, for example, can be irradiated in the United States to inhibit sprouting but the process is not used domestically because of the expense involved. Japan allows irradiated potatoes to be processed but does not allow the importation of irradiated tablestock potatoes.

Irradiation of foods for commercial sale in this country is governed by the Federal Food, Drug, and Cosmetic Act, the basic food and drug law of the United States.

In 1958, Congress amended the act to "include any source of radiation" intended for use in processing or packaging food in the definition of a food additive, subject to the rigorous safety testing required of any new additive.

Irradiation of wheat and potatoes has been approved by the FDA since the mid-1960's. In 1983, FDA allowed the low-level irradiation of specific spices. In January 1986, the Department of Agriculture, which has jurisdiction over the processing of meat and poultry, approved irradiation of pork to control the parasite that causes trichinosis.

On April 18, 1986, Otis Bowen, Secretary of Health and Human Services, approved FDA regulations that would, for the first time, allow low-level irradiation of a wide range of food products—mostly fresh fruits and vegetables—for the purpose of shelf-life extension and pest disinfestation.

I believe that the FDA's regulations are deficient in two major areas, food safety and labeling.

The legislation I am introducing today would:

First, prohibit either the Secretary of HHS or Agriculture from implementing regulations allowing the expanded use of irradiation;

Second, require irradiated foods to be so labeled; and

Third, mandate a 2-year study by the National Academy of Sciences of food irradiation, including the environmental and health issues associated with irradiation facilities.

First, and most importantly, I do not believe that the safety of irradiating food has been satisfactorily confirmed.

The application of ionizing radiation alters or damages food cells. It also creates reactive chemical intermediates—known as free radicals—which react with food constituents to form potentially new compounds in the food called radiolytic products or RP's.

Some of these compounds, called unique radiolytic products, or URP's formed during irradiation are not known to exist previously in foods. In the 1960's, U.S. Army experiments showed that about 10 percent of the radiolytic products formed during irradiation would be unique to irradiated foods.

In promulgating its rules in April, FDA said the chemical differences between foods irradiated at the allowed doses and nonirradiated foods were too small to cause concerns about the safety of the irradiated foods. Its research to support that conclusion is, I believe, suspect.

In 1979, FDA established an internal committee to review the existing agency policy concerning the irradiation of foods. That committee, using data showing the amount of chemical change that is likely to be caused in food by a given amount of radiation energy, but with no actual testing of feeding irradiated food to animals, concluded that irradiation of foods at low doses was wholesome and safe for human consumption, even where the food that was irradiated constituted a substantial portion of the diet.

In 1981, FDA established another internal group to review the available toxicological data concerning foods treated by irradiation from FDA files and from the open literature.

In all, 441 studies were obtained, summarized, and categorized. FDA said that all but 69 of the studies were generally inadequate and could not stand alone to support safety. Nonetheless, FDA said the remaining 69 studies allowed it to conclude that consumption of foods treated with low levels of irradiation did not appear to cause adverse toxicological effects.

After further investigation, FDA concluded that only 5 of the 441 studies reviewed were considered to be properly conducted, fully adequate by 1980 toxicological standards, and able to stand alone in the support of safety. It is on the basis of those five studies that FDA has moved to allow a much broader use of irradiation in food processing.

Although these five studies indicate no adverse health affects from the irradiated foods fed to test animals, I do not believe the American consumer can be assured of the safety of this process on such scant evidence.

I also believe the FDA regulations are deficient in their requirements for labeling food as irradiated.

Under FDA's new regulations food sold wholesale must bear a label with either the statement, "Treated with radiation, do not irradiate again," or the statement "Treated by irradiation, do not irradiate again."

Food sold at retail must bear a similar statement along with the international logo for irradiated food. FDA will allow the required logo and label to be displayed to the purchaser as a point-of-purchase counter sign or card or on the labeling of the bulk container.

I have two serious reservations concerning the labeling requirements.

First, the requirements do not apply to food products that contain an irradiated ingredient. For example, it would not be necessary to label a can of fruit cocktail that contains peaches that have been irradiated as such.

FDA said it's unnecessary to identify one ingredient in a multiple-ingredient food as irradiated because such a food has obviously been processed and consumers would not expect it to look, smell, or taste the same as fresh or unprocessed food, or have the same holding qualities.

The FDA was correct in requiring strong and clear labeling of food when the food is to be sold as such—so-called first generation. The agency was wrong, however, in not extending the labeling to food that contains an irradiated ingredient—so-called second generation food—but that has not itself been irradiated.

In addition, as presently written, the FDA's requirement that irradiated food be labeled with both language and a logo expires in 2 years, leaving only the symbol as a requirement for retail labeling unless extended by the FDA. I see no reason to drop the dual language/logo requirement.

Because I believe American consumers deserve to know that the processes and additives used on the food they purchase have been shown to be safe, I oppose the FDA's regulations on food irradiation and I will work to see them reversed by Congress.

Mr. President, efforts to retard the rush to commercialize this technology do not start here. I am joining Representative DOUG BOSCO (1st-CA) in this effort. Representative Bosco, in fact, had similar legislation regarding food irradiation in the 99th Congress. I commend him for his leadership on this issue.

Earlier today, in fact, Representative Bosco and I held a news conference to explain our objections to this technology. I ask unanimous consent, Mr. President, to have Representative Bosco's statement from our news conference printed at the conclusion of my remarks.

New technologies should be allowed a chance to establish themselves in the marketplace. I am not convinced, however, that the safety of food irradiation has been sufficiently proven by the FDA.

Almost everthing we do in our society exposes us to risk. Congress must decide two points in this debate. First, do the benefits of food irradiation outweigh its risks? Second, are those benefits more cheaply or more safely achievable by other means.

Consumers are generally unaware of, and in some cases afraid of, this technology. For example, although it is not true, irradiation frequently has been interpreted to mean radioactive by the public.

It may be that after further examination and study, this Nation will decide that food irradiation has benefits that exceed its costs and that it is preferable to using chemical treatments or doing nothing.

But for now, we don't know enough about either the costs or the benefits of this process to make an informed judgment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF CONGRESSMAN DOUG BOSCO

Good Morning, Senator Mitchell and I appreciate your presence and interest as we introduce legislation to insure that no nuclear radiation process for food may be expanded until major safety issues have been resolved and we are able to tell the public with confidence that the process is safe.

Imagine, if you will, the future as envisioned by the budding food irradiation industry. American families will sit down to a dinner where the meat, bread, fruit, and vegetables before them have been preserved by exposing them to nuclear radiation. The molecular structure of this food has been changed in ways that scientists are in serious disagreement as to whether human health will be harmed. At the very least, the vitamin content has been diminished. If the food contains botulism or other spoilage that would otherwise be noticeable by smell, irradiation would have eliminated the odor, allowing the consumer to be poisoned without warning. If the treated food is labled at all, it will have a cheerful, flowerlike symbol rather than any meaningful words that inform consumers of the process to which their food has been exposed.

All across the country, the hottest nuclear material that there is, Cesium 137, and the nuclear material Cobalt 60 will be removed from current storage sites and transported in trucks and trains to hundreds of food irradiation centers. The current problem of toxic wastes being spilled all over the rails and highways could be greatly exacerbated. Part of the dilemma of how and where to store this radioactive waste will have been solved because it will, in effect, be stored in hundreds of communities around the country. If the same problems arise as have with the few irradiation centers that exist now in 1987, workers will be exposed to this radiation. It will leak into water supplies, sewer systems and the air causing contamination. People will be incensed that their health and safety has been jeopardized, and for what purpose? To solve some national food shortage? To resolve some problem with storage? To put better looking or healthier food on the table? No. To provide a commercial market for radioactive waste and to eliminate relatively minor margins of waste due to spoilage.

Well, as we meet here today, most of this has not had a chance to happen—yet. Senator Mitchell and I aren't even saying that food irradiation shouldn't happen. We are saying that it shouldn't happen until we're sure it's safe. We are saying that the need for food irradiation now is not so urgent that we can't resolve longstanding safety issues before plunging ahead. We are saying that the government's process thus far in approving food irradiation is flawed—so much so that we want to step back and get better, more conclusive evidence before this process can affect something as basic as the food we eat.

In this sense, we are less strident than some who have seen food irradiation firsthand. Just this week, the New Jersey State Senate said by a vote of 30 to 3 that it doesn't want irradiated foods in their state. This is all the more notable because two of the few irradiation facilities exist in New Jersey. They've seen the problems up-close.

Our legislation will do the following:

First, prohibits pork and produce irradiation by blocking recent federal regulations (FDA and USDA) permitting this process.

Second, prohibits the further promulgation of rules expanding food irradiation.

Third, requires independent safety studies by the National Academy of Sciences, to include health and environmental risks.

Fourth, tightens labeling requirements for foods that may still be irradiated, including herbs, spices, potatoes, and grains.

Fifth, requires irradiation facilities to report their food irradiation activities to FDA.

At the present time there are 49 sponsors for this legislation in the House of Representatives, including members of both parties. Senator Mitchell has introduced the measure in the Senate, and it is now my pleasure to call on him for his remarks.

By Mr. PRYOR (for himself and Mr. BUMPERS):

S. 462. A bill to require the Secretary of Defense and the Administrator of General Services to offer certain persons the right to purchase, at fair market value, real property on which deactivated Titan missile silos are located; to the Committee on Armed Services.

FIRST RIGHT OF PURCHASE ON CERTAIN REAL PROPERTY

● Mr. PRYOR. Mr. President, I rise to reintroduce legislation to give previous property owners the first right to purchase land at fair market value which the Federal Government took under eminent domain some 25 years ago in order to establish Titan missile sites. I'm pleased that Senator BUMPERS is again joining me in this effort.

The property involved is located in mostly rural areas of Arkansas, Arizona, and Kansas. Most of these parcels were used for farming, and in many cases, the same farmer, or at least the same family, is still farming the land adjacent to the Titan sites. Since the arsenal of Titan missiles is scheduled to be completely deactivated by the end of the year, I think it is appropriate to take steps now to see that those who were required to sell their land 25 years ago—or those who have acquired the adjacent land in the interim—have the first opportunity to purchase, since the Federal Government has no apparent use for this land.

Unless Congress takes action to allow the Defense Department and the General Services Administration to make such a purchase possible, the land will go through the normal disposal process for "surplus" Federal property. This involves offering the land to other Federal agencies first, and if none have a need for the property, then to the individual States. I believe, and I hope my colleagues will agree, that this land, surrendered by rural people to their Government for defense purposes, should first be made available to those who previously held title or subsequent purchasers.

Mr. President, as the new chairman of the Governmental Affairs Subcommittee on Federal Service, Post Office and Civil Service, which has jurisdiction over the Surplus Property Program, I will push for this specific change in the law and may introduce further legislation to amend the Federal Property and Administrative Services Act of 1949. In the meantime, I urge my colleagues to join with Senator BUMPERS and I to support this worthwhile legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, as soon as practicable after the deactivation of any Titan missile silo, the Secretary of Defense and the Administrator of General Services shall offer to sell the real property, together with any improvements thereon, on which such silo is located to the person from whom the United States acquired such property or, in the event such person is not living at the time of the deactivation, to the heirs or estate of such person. However, if the property owner just described subsequently conveyed adjacent property to a grantee, then the current owner of such property shall be the only person to receive such an offer. The Secretary of Defense and the Administrator of General Services shall—

(1) make such offer to such person (or to his heirs or estate of such person) before—

(A) declaring such property to be excess property or surplus property under the Federal Property and Administrative Services Act of 1949; and

(B) offering such property for sale or lease, or disposing of such property in any other manner, to any person, organization or entity other than the appropriate person described above; and

(2) offer such property for sale to such person above at a price equal to the fair market value of such property at the time the offer is made.

(b) If a person described above accepts an offer made under subsection (a), the Secretary of Defense and the Administrator of General Services shall enter into a contract with such a person for the sale of the real property. The contract shall provide for the sale of such property at the fair market value, as determined by the administrator of General Services or, at the request of the purchaser, an independent appraiser designated by both the Administrator and the purchaser. The contract shall contain such other terms and conditions as may be mutually agreed to by the Secretary of Defense, the Administrator of General Services and such person.

(3) The Secretary of Defense and the Administrator of General Services shall jointly promulgate—

(A) such other regulations as are necessary to carry out the intent of this Act.●

By Mr. FORD:

S. 463. A bill to amend the Consolidated Farm and Rural Development Act to permit borrowers to use the same collateral to secure two or more direct or guaranteed real estate loans; to the Committee on Agriculture, Nutrition, and Forestry.

FARM LOAN LEGISLATION

Mr. FORD. Mr. President, I am today introducing a bill to amend the Consolidated Farm and Rural Development Act, to permit borrowers to use the same collateral to secure two or more direct and/or guaranteed farm estate loans from the Farmers Home Administration. The amendment itself is quite simple. However, the need for this change and the impact it can have is far reaching.

Current regulations do not allow the cross collateralization of a direct loan with a guaranteed loan. In other words, the Farmers Home Administration county supervisor, in working with a farmer, is not allowed to structure a farmer's loan with a partial direct infusion of cash from the Farmers Home Administration and with a loan guarantee made for a private lender. Therefore, on an individual's farm loan, regulations prohibit loan participation by the FmHA with a private lender. The loan has to be structured so that it is either all direct, or all guaranteed, and no combination thereof.

There are several reasons why we need to allow cross collateralization. First, allowing cross collateralization does not change the security position of the FmHA. Allowing cross collateralization will still require sufficient collateral; more importantly, it will allow the flexibility needed to help individual farmers, and make the loan guarantee program more attractive to private lenders.

The whole issue of farm credit has been discussed at great length in this body many times. We have all heard of, and agree with, the terrible plight affecting our farm families.

Low income, combined with falling land values, have placed many farmers in a difficult financial position. Twenty percent of all farms are experiencing financial stress, and an additional 10 percent are considered at risk because of high debt load.

The Farm Credit System continues to be beseiged by problems, both externally because of the faltering farm economy, as well as internally as its loans are still at higher rates than market averages. Private lenders are not immune either. More than one-half of the 118 commercial banks that failed in 1985 were agricultural. The trend continued into 1986.

Total farm debt, as of December 31, 1986, stood at $186.2 billion. The real estate portion of that debt stood at $92 billion. Over half of that debt is currently held by commercial banks and the Farm Credit System, through the Federal land bank. Private individuals, insurance companies, and of course the FmHA, hold the balance of this debt.

More and more, commercial lenders, and the Federal land bank shy away from making real estate loans. All too often, either because of the high rates of interest charged by the Federal land bank, or because of a desire to get out of real estate loans, private sources attempt to liquidate these loans.

Since 1985, in 1 year alone, the Federal land bank has gone from holding $41 billion in real estate loans down to $36 billion nationwide, a decline of over 12 percent.

The farmer increasingly finds no source of available funds from which to borrow. The lender of last resort, the last hope for many farmers, is the Farmers Home Administration. However, in 5 years, funds for direct lending have declined an average fivefold to sixfold in every State. The Administration would like to get the FmHA out of the real estate business. However, because of the farmer's need for a source of borrowing, Congress has initiated a loan guarantee program, assuring banks and private lenders that up to 90 percent of the loan will be guaranteed by the Federal Government.

The Farmers Home Administration currently holds $347 million of the $2.2 billion of farm real estate loans in Kentucky. Unfortunately, only $2.3 million is available for direct farm lending for the agency in fiscal year 1987. A mere drop in the bucket. We do however have $10.3 million for loan guarantees.

The small rural bank often finds itself unable to make a loan to a farmer because the amount simply exceeds its lending limit. Under current regulations, the FmHA is not allowed to lend directly a portion of that real estate loan, which would allow the bank to lend to the farmer within its own credit limit using a loan guarantee program.

Oftentimes, the Federal land bank interest rates offered to the farmer, even with a guaranteed loan, are so high the farm plan does not cash flow. If the FmHA could lend directly a portion of the loan, issuing a guarantee for the rest, the net effect would be a blending of rates, downward, allowing a farmer to cash-flow, and thus survive.

Many long-time FmHA borrowers hold a farm ownership loan made years ago. That balance is very low, and surplus equity exists. The farmer, in order to purchase equipment and survive the current economy, has used his or her equity in the farm, subordinated to a private bank, to obtain operating funds. The rates are high, and a yearly renewal required. Current FmHA regulations require separate and indentifiable collateral on its loans. Thus, a current FmHA borower who may not require new direct funds, but is in need of a loan guarantee for a loan renewal plan, finds that private lenders are prohibited from servicing his needs. Nationwide, the FmHA is allowed $75 million for direct farm ownership loans, and $325 million for guarantees.

Changing the regulation to allow cross collateralization will actually allow more farmers to be assisted by existing programs. We will, by allowing flexibility, stretch those funds already allocated.

I do not believe this bill will cost the Federal Government 1 cent. I have been told for 6 months that such a regulatory change is forthcoming. Unfortunately, farmers face decisions on borrowing today, and the regulation has not been changed. I hope it will be changed; perhaps introduction of this legislation will accelerate the process. Time is of the essence as spring planting approaches.

Allowing cross collateralization with not weaken the FmHA's position; in fact, it should strengthen it. Many troubled loans can be saved. Allowing this change constitutes a loan participation with private lenders, ensuring cooperation and avoiding liquidation.

The final and most important reason for supporting this regulatory change is it encourages private lenders to use the loan guarantee program because of the flexibility it will allow.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SECURITY FOR FMHA REAL ESTATE LOANS.

(a) Section 307(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(c)) is amended by adding at the end thereof the following new sentence: "A borrower may use the same collateral to secure two or more loans, made, insured and guaranteed under this subtitle, except that the outstanding amount of the loans due may not exceed the total value of the collateral used.".

By Mr. CRANSTON (for himself, Mr. WEICKER, Mr. KERRY, Mr. MOYNIHAN, and Mr. KENNEDY):

S. 464. A bill to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; to the Committee on the Judiciary.

CIVIL RIGHTS AMENDMENTS ACT

Mr. CRANSTON. Mr. President, I am today introducing legislation, on behalf of myself, the Senator from Connecticut [Mr. WEICKER], the Senators from Massachusetts [Mr. KERRY and Mr. KENNEDY], the Senator from New York [Mr. MOYNIHAN], and the Senator from Hawaii [Mr. INOUYE] which would amend the Civil Rights Act of 1964, to prohibit discrimination in employment, housing, public accommodations, or federally assisted programs on the basis of affectional or sexual orientation.

Mr. President, it is time that our Nation's civil rights law be amended to make it clear that discrimination against individuals on the basis of their sexual orientation is wrong. I firmly believe that it is just as wrong to descriminate on the basis of an individual's sexual orientation as it is to discriminate on the basis of sex, religion, race, age, national origin, or disability. We have an obligation to fight against invidious discrimination whatever the form. Our laws must prevent unfair discrimination against all individuals.

Justice and fair play are deeply embedded concepts in our society. Discrimination on the basis of an individual's sexual orientation is simply unfair. It also violates the traditional American respect for privacy and individual freedoms.

Extending the civil rights laws of this Nation to protect gay men and lesbian women from invidious discrimination because of their sexual orientation has broad support from numerous religious and other organizations. In the past, the National Council of Churches, the Lutheran Church in America, the United Church of Christ, the Episcopal Church USA, the United Presbyterian Church, the Union of American Hebrew Congregations and the National Federation of Priests' Councils, among others, have endorsed the inclusion of the term "sexual orientation" in existing civil rights laws. Major labor organizations, including the AFL-CIO, the American Federation of State, County, and Municipal Employees, and the Service Employees International Union have supported the policy of nondiscrimination on the basis of sexual orientation in employment, as have many major corporations which have adopted nondiscrimination policies. Public opinion polls have also shown that the majority of Americans support basic civil rights for gay individuals.

Despite the general view that discrimination against individuals because of their sexual orientation is wrong, there is little question that gay Americans repeatedly face discrimination, hostility, and prejudice in many communities throughout the Nation. This legislation is needed to bring an end to that discrimination, to provide a clear remedy to redress violations of individual rights, and to make it clear that this type of discrimination is wrong and unlawful.

Mr. President, this legislation would not establish any special treatment or rights. It would simply extend to gay men and lesbian women basic protections against invidious discrimination because of their sexual orientation.

Mr. President, I am proud to be the principal sponsor of this legislation which was introduced in the last Congress by my good friend from Massachusetts, Senator KERRY, and before that, by our former esteemed colleague from Massachusetts, Senator Tsongas. I look forward to working with the supporters of this legislation to see to it that it is finally enacted. The time is long past due for this fundamental concept of fairness to be embedded in our civil rights laws.

I ask unanimous consent that the text of the bill be printed in the record at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Amendments Act of 1987".

PUBLIC ACCOMMODATIONS

SEC. 2. (a) Section 201(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000a(a)) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

(b) Section 202 of such Act (42 U.S.C. 200a-1) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

PUBLIC FACILITIES

SEC. 3. Section 301(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000b(a)) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

FEDERALLY ASSISTED OPPORTUNITIES

SEC. 4. Section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d) is amended by inserting after "color," the following: "affectional or sexual orientation,".

EQUAL EMPLOYMENT OPPORTUNITIES

SEC. 5. (a) Sections 703(a), 703(b), 703(c), 703(d), 703(e), 703(j), 704(b), 706(g), and 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2, 2000e-3, 2000e-5, 2000e-16) are amended by inserting after "sex," each place it appears the following: "affectional or sexual orientation,".

(b) Section 717(c) of such Act (42 U.S.C. 2000e-16) is amended by inserting ", affectional or sexual orientation," after "sex".

(c)(1) Section 703(h) of such Act (42 U.S.C. 2000e-2) is amended by inserting after "sex," the first place it appears the following: "affectional or sexual orientation,".

(2) Such section 703(h) is further amended by inserting ", affectional or sexual orientation," after "sex" the second place it appears.

INTERVENTION AND PROCEDURE

SEC. 6. Section 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000h-2) is amended by inserting after "sex" the following: ", affectional or sexual orientation,".

HOUSING SALE, RENTAL, FINANCING, AND BROKERAGE SERVICES

SEC. 7. (a) Section 804 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (42 U.S.C. 3604), is amended by inserting after "religion," each place it appears the following: "affectional or sexual orientation,".

(b) Section 805 of such Act (42 U.S.C. 3605) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

(c) Section 806 of such Act (42 U.S.C. 3606) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

PREVENTION OF INTIMIDATION

SEC. 8. Section 901 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes: (42 U.S.C. 3631), is amended by inserting after "religion," each place it appears the following: "affectional or sexual orientation,".

DEFINITON

SEC. 9. As used in the amendments made by this Act, the term "affectional or sexual orientation" means male or female homosexuality, heterosexuality, and bisexuality by orientation or practice, by and between consenting adults.

RULE OF INTERPRETATION

SEC. 10. No amendment made by this Act shall be construed to permit or require—

(1) the determination that discrimination exists to be based on any statistical differences in the incidence of persons of a particular affectional or sexual orientation in the general population as opposed to in the activity wherein such discrimination is alleged; or

(2) the fashioning of any remedy requiring any sort of quota for the activity wherein such discrimination is alleged for persons of any particular affectional or sexual orientation.

RIGHT OF PRIVACY PROTECTED

SEC. 11. Nothing in this Act or any amendment made by this Act shall be construed to require any person to disclose a personal sexual orientation.

● Mr. MOYNIHAN. Mr. President, I am pleased to join Senator CRANSTON in introducing legislation to prohibit discrimination based on a person's sexual orientation. The measure we introduce today is similar to proposals I cosponsored in the four preceeding Congresses.

My opinions on this matter are clear and certain: I have always opposed discrimination of any kind. I know of no reason why Federal civil rights statutes should treat gay men and women differently from anyone else. Federal guarantees against discrimination in employment, housing, public accommodations and federally funded programs should protect all citizens.

The legislation we propose would ensure that no persons are denied civil rights because of their affectional or sexual orientation. The legislation does not condone any particular course of conduct of lifestyle. It simply affords all American citizens equal protection under the law. I urge my colleagues to accord this proposal the serious consideration it deserves.●

By Mr. METZENBAUM:

S. 465. A bill to amend chapter 44, title 18, United States Code, to prohibit the manufacture, importation, sale, or possession of firearms, not detectable by metal detection and x ray systems commonly used at airports in the United States; to the Committee on the Judiciary.

BAN ON PLASTIC HANDGUNS

● Mr. METZENBAUM. Mr. President, today I am introducing legislation to bar the sale, manufacture and importing of guns which are not detectable by standard security metal detectors. One of the worst nightmares in our fight against terrorism is the possibility that airline hijackers could carry plastic guns aboard a passenger aircraft without detection. In order to prevent this frightening scenario from ever occurring, we need to act now. We must insure that no such weapons are ever made in the United States or ever imported into this country.

Recently, there was widespread concern over an imported firearm, the Glock 17, which is made in part of nonmetal materials. The Bureau of Alcohol, Tobacco and Firearms, the principal watchdog agency for firearms violations, testified that this weapon, despite its makeup, is still detectable by conventional airport security devices. (See testimony of Phillip C. McGuire, Associate Director for Law Enforcement, before the Subcommittee on Crime, House Committee on the Judiciary, May 15, 1986.) While, in the opinion of BATF, this weapon is detectable, its existence is a sign of technological developments in firearm manufacture that we must not ignore.

Based on available information, there is only one gun available in the United States which would be banned by this bill. Nevertheless, while the bill would have only a limited effect now, it is also apparent that research is now being done around the world to develop weapons made of a greater portion of nonmetal materials. It would be a serious error in judgment if we failed to act now—before a tragedy occurs—to bar such firearms.

The bill I am introducing reflects the best technical judgment available as to the standings for metal detection. Any firearm which failed to meet the minimum standard of detectability set out in the bill would be banned. While this approach assures that no legal firearm could be carried aboard an aircraft if proper security measures are followed. It does not interfere with the sale of legitimate sporting weapons made partly of wood or plastic. Because many firearms now in use are composed in part of nonmetallic materials, it is important not to bar their use if they do not pose a security risk.

I urge my colleagues to support this measure, and to do so before any of these firearms are in circulation in this country.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 922 of title 18, United States Code, is amended by adding after subsection (o) the following:

"(p)(1) It shall be unlawful for any person to manufacture, import, sell, possess, transfer, receive, ship, or deliver any firearm that the Secretary determines—

"(A) is not as detectable as the Minimum Security Standard Exemplar, after removal of grips, stocks, and magazines in walk through metal detectors approved by the Federal Aviation Administration for use at airports in the United States; and

"(B) is not identifiable as a firearm, or readily detectable, by cabinet x-ray systems, as defined in regulations prescribed by the Food and Drug Administration (21 C.F.R. 1020.40(b)(3)), designed for inspection of carry-on baggage.

"(2) For the purposes of this section, the term—

"(A) 'firearm' means any completely assembled and fully operable weapon as defined in paragraphs (A), (C), and (D) of section 921(a); and

"(B) Minimum Security Standard Exemplar means a firearm substitute, used for testing, resembling a North American Arms .22 caliber rim fire weapon, which is 4½ inches in length, 2 inches in height, material type 17-4 PH stainless steel or 1040 mild steel, weighing 8½ ounces.

(b) Section 925 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) The Secretary shall not authorize the importation, pursuant to subsection (d), of any firearm that—

"(1) is not as detectable as the Minimum Security Standard Exemplar, after removal of grips, stocks, and magazines in walk through metal detectors approved by the Federal Aviation Administration for use at airports in the United States; and

"(2) is not identifiable as a firearm, or readily detectable, by cabinet x-ray systems, defined in regulations prescribed by the Food and Drug Administration (21 C.F.R. 1040.20(b)(3)), designed for inspection of carry-on baggage.

SEC. 2. This Act and the amendments made by this Act shall become effective upon the date of enactment of this Act but shall not apply to the possession, by any person, of any firearm to which the provisions of section 922(p)(1) of title 18, United States Code, apply if such firearm was manufactured prior to the date of enactment of this Act.●

By Mr. METZENBAUM:

S. 466. A bill to provide for a waiting period before the sale, delivery, or transfer of a handgun; to the Committee on the Judiciary.

WAITING PERIOD ON PURCHASE OF A HANDGUN

● Mr. METZENBAUM. Mr. President, the United States is increasingly a violent nation. This violence is not directed by the Government at other nations, but by American citizens at each other. The American homicide rate is far higher than virtually every other modern industrialized country. The suicide rate is also frighteningly high and has increased over the past three decades.

In every category of violence which results in death, handguns are the most frequently used weapon. On an average day over 50 Americans are killed by handguns. Each day, one of these is a child under 14. Nearly one in eight of all deaths among adolescents and young adults occurred with handguns.

In the first 9 months of 1985, 62 police officers were murdered, 45 by handguns.

Over 2,000 teenagers and young adults commit suicide each year with handguns. Over the last three decades, the rate of suicide for all Americans with guns rose from 4.9 deaths per 100,000 people to 7.1 from 1953 to 1978. The suicide rate by all other means actually fell.

Why do we allow this carnage to continue? We can take steps to reduce this violence. One of the simplest and most effective would be to require individuals to undergo a short waiting period before they can purchase a handgun.

Today, I am introducing legislation to require that any person who wants to purchase a handgun wait 7 days until local law enforcement authorities have the opportunity to conduct a background check. This short waiting period is not burdensome to law-abiding citizens. It is not a burden to sportsmen or individuals who want to purchase a gun for self-defense. Yet this simple step can stop guns from falling into the hands of criminals, the mentally disturbed, and those who are overwhelmed with violent passion. In short, this simple step can save lives.

The case for a short waiting period is overwhelming. In 1981, the Attorney General's Task Force on Violent Crime recommended that:

> A waiting period be required for the purchase of a handgun to allow for a mandatory records check to ensure that the purchaser is not in one of the categories of persons who are proscribed . . . from receiving a handgun.

States and localities which have instituted a waiting period have found them very effective in stopping guns from falling into the wrong hands. In the 6 months after enactment of a 10-day waiting period in Broward County, FL, 37 prospective handgun purchasers were found to have past felony arrests or outstanding warrants. The California Attorney General's Office has reported that the States' 15-day waiting period screened out 1,200 illegal purchasers in 1981 alone. Police in Palm Beach, FL, say a waiting period enacted in 1984 resulted in a substantial drop in the homicide rate in 1985.

John Hinckley, who attempted to assassinate President Reagan, would not have been able to obtain his handgun if a waiting period had been in effect. He submitted fake information regarding his address as well as a defective driver's license. As Sarah Brady, whose husband Jim Brady was severely wounded by Hinckley, has stated:

> He walked into a pawnshop, purchased a cheap Saturday night special—no questions asked; no waiting period to see if he had criminal or mental illness record—and a few minutes later he was on his way to shoot

> the President of the United States—and anyone around him. . . . Had a waiting period and background check for purchasers been in effect, John Hinckley could have been stopped. (Testimony before the House Judiciary Committee, Oct. 28, 1985.)

Not only would a waiting period screen out thousands of criminals or mentally disturbed individuals not entitled to purchase a handgun, it would impose a "cooling off" period before compulsively violent individuals could obtain a weapon.

On April 23, 1984 at 9 a.m., Roy Knapp, 51, the leader of his neighborhood Crime Watch Program in the Miami, FL, area, purchased a handgun. Within an hour he shot and killed his wife and himself. On March 30 of that year, Paul Bounds, who also lived in the Miami area, shot himself and his wife with a .38 caliber Colt revolver. He had bought the gun 25 minutes earlier.

In December 1984, Kent Malcolm opened fire in the Cleveland Public Library, killing one woman and wounding two others. Malcolm brought his gun in the Cleveland area for $126. He lied to the dealer, telling him he had never been convicted of a felony even though he had several previous convictions. Two hours after he left the gun shop, he was in the library and the shooting began.

This same tragic scenario occurs repeatedly in this country because of the ready availability of handguns.

The bill I am introducing today would require that any person who wished to purchase a handgun would supply basic background information to the seller. The seller would then mail the completed form within 1 day to the local law enforcement authorities. Law enforcement officials would have the opportunity to conduct a background check, though they would have the option of whether and under what circumstances to do so. At the end of 7 days, if no problem is discovered—or earlier if the police certify that the gun is needed for self-defense—the buyer could obtain the weapon.

The bill applies to sales by commercial dealers as well as to sales by individuals. In the case of sales by dealers, the bill provides that a violation is a misdemeanor punishable by a fine and up to 1 year in prison. In the case of an individual seller, no criminal penalty is imposed for a violation, only a civil monetary fine. Just as in the case of a transfer of an automobile, an individual would be expected to obtain the proper form and submit it to local officials. Moreover, the bill provides for a delayed effective date and a special educational program to acquaint the public with the waiting period requirement.

This modest waiting period is supported by law enforcement organizations as an effective step in reducing violent crime and suicides. It does not impose a burden on law-abiding citizens or sportsmen. Nevertheless, I expect the National Rifle Association to oppose the bill on the theory that it represents some serious invasion of the right to own guns, and that it interferes with the activities of sportsmen.

But I say to the members of the NRA—not its leadership—what invasion? What interference? It is time that you, the law-abiding members of the NRA, stop the knee-jerk objection to any gun control step, no matter how modest. It is time to cooperate with the law enforcement officials of this Nation, not to fight against them.

I believe that any fair-minded person who examines this legislation, whether or not they own a gun or plan to obtain one, will conclude that this bill imposes no burden on legitimate ownership.

Rather, this bill is a modest step in reducing the senseless violence that occurs in this country each year—homicides, violent assaults on police officers and other public officials, and perhaps most tragic of all—the deaths of our Nation's children by handguns.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Handgun Violence Prevention Act of 1987".

SEC. 2. (a) Section 922 of title 18, United States Code, is amended by adding at the end thereof the following:

"(p)(1) It shall be unlawful for any person to sell, deliver, or transfer a handgun, otherwise permitted by law, to an individual who is not licensed under section 923 unless—

"(A)(i) such transferor, before delivery of the handgun and within one day after the date the transferee proposes such transfer, has sent, by registered or certified mail (return receipt requested), a copy of a sworn statement by the transferee to the chief law enforcement officer of the place of residence of the transferee notifying such officer of the proposed transaction; and

"(ii) seven days have elapsed from the date such sworn statement was sent and such transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal law or of a State or local law of the residence of the transferee; or

"(B) the transferee has presented to the transferor a certificate from the chief law enforcement officer of the place of residence of the transferee which states that the transferee requires access to a handgun because of a threat to the life of the transferee.

"(2) Nothing in this subsection shall be interpreted to require any action by a chief law enforcement officer which is not otherwise required.

"(3) The sworn statement referred to in paragraph (1) shall contain only—

"(A) an accurate description of the handgun which is the subject of the proposed transaction;

"(B) the serial number of the handgun;

"(C) the name, address, and date of birth appearing on a valid piece of the transferee's personal identification containing a photograph of the transferee and a description of the identification used;

"(D) a statement that Federal law does not prohibit the receipt of the handgun by the transferee; and

"(E) the date sworn statement is made.

"(4) Any transferor who receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee is in violation of Federal law or of State or local law of the residence of the transferee, after a handgun has been transferred to the transferee, shall immediately communicate all information such transferor has about the transfer and the transferee to—

"(A) the chief law enforcement officer of—

"(i) the place of business of the transferor, in the case the transferor is a licensed importer, licensed manufacturer, or licensed dealer; or

"(ii) the place of residence of the transferor, in any other case; and

"(B) the chief law enforcement officer of the place of residence of the transferee.

"(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except incident to the proposed transaction.

"(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the sworn statement of the transferee with respect to the handgun transaction for at least one year after the date the transaction is completed.

"(B) Unless the chief law enforcement officer to whom a copy of such sworn statement is sent determines that a transaction would violate Federal, State, or local law, the officer shall destroy such copy within 60 days after the date the transferee made such statement.

"(7)(A) Notwithstanding any other provision of this title—

"(i) Any dealer who violates the provisions of this subsection shall be fined not more than $1,000, or imprisoned for not more than one year, or both; and

"(ii) any individual who willfully violates the provisions of this subsection shall be fined not more than $500.

"(B) The penalties provided in this paragraph shall be the only penalties imposed for a violation of this subsection.

"(8) For purposes of this subsection, 'chief law enforcement officer' means the Chief of Police, the Sheriff or an equivalent officer or the designee of any such individual.

"(9) The Secretary shall take necessary actions to assure that the provisions of this subsection are published and disseminated to dealers and to the public.".

(b) This section and the amendments made by this section shall not apply to dealers until 90 days after the date of enactment of this Act and shall not apply to individuals other than dealers, until 6 months after such date of enactment.

SEC. 3. Section 921(a) of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

"(25) The term 'handgun' means a firearm which has a short stock and is designed to be held and fired by the use of a single hand or any combination of parts from which a handgun can be assembled.".

Sec. 4. Section 924(a)(1) of title 18, United States Code, is amended by inserting section 922(p), after "section," the first place it appears.

Sec. 5. Section 927 of title 18, United States Code, is amended by—

(1) inserting "(a)" before "No"; and

(2) adding at the end thereof the following:

"(b) A provision of State law is not in direct and positive conflict with section 922(p) if such provision provides—

"(1) for a waiting period of at least 7 days before the transfer of a handgun; or

"(2) that, before a handgun transfer is completed, a law enforcement officer shall determine that the transferee is qualified under law to receive a handgun.".●

By Mr. HARKIN:

S. 467. A bill to require that the remaining $40 million of United States assistance for the Nicaraguan democratic resistance be withheld until completion of the special congressional investigations of the arms sales to Iran and the alleged diversion of proceeds from those sales to assist the Nicaraguan democratic resistance; to the Committee on Foreign Relations.

WITHHOLDING OF ASSISTANCE TO DEMOCRATIC RESISTANCE IN NICARAGUA

● Mr. HARKIN. Mr. President, today I am introducing legislation which would temporarily withhold disbursement of the remaining $40 million of United States assistance to the Nicaraguan "democratic resistance," commonly known as the Contras.

This legislation does not deal with the question of U.S. policy in Central America. Congress dealt with that matter—for the current fiscal year—when it appropriated $100 million in "humanitarian" and military assistance for the Contras last fall.

My bill deals with two principles essential to our democratic system of government—the integrity of Congress and its constitutional authority; and the accountability of the executive to the American people and the Congress.

It has become increasingly clear in recent weeks that the Reagan administration has been actively involved in procuring funding for the Contras during a period when direct or indirect Government assistance to the Contras was banned by law. From spring 1984 to October 1986, when the diversion of funds apparently took place, any U.S. Government support for Contra military or paramilitary operations was banned, and all agencies of the Government were prohibited from soliciting aid from third countries to support military operations in Nicaragua.

Congress approved these restrictions, and the President repeatedly announced his intention to abide by these laws. Yet the administration appears to have been actively engaged in circumventing the law specifically prohibited by Congress.

The November 25 announcement by Attorney General Ed Meese that up to $30 million had been diverted from the Iran arms transfer to "forces in Central America" has raised serious questions as to the legal limitations on United States assistance to the Contras. Furthermore, the October downing of American Eugene Hasenfus in Nicaragua prompted speculation about United States Government involvement in a military supply network operating within Nicaragua.

Additional questions have since been raised about the legality of the State Department's solicitation of funds for the Nicaraguan "democratic resistance" from other countries. Most recently, the Secretary of State has admitted that no one can account for the whereabouts of $10 million he solicited from the Sultan of Brunei.

Until we uncover how much money the Contras may have received as a result of the diversion of arms sales money to the Contras, the administration's secret support for the Contra military resupply network, and the possibly illegal solicitation of funds from third countries, it would be irresponsible to continue to send more money to the Contras.

Accordingly, my bill proposes to withhold the remaining $40 million of the $100 million in assistance approved by the 99th Congress until completion of the special congressional investigations on the arms sales to Iran and the alleged diversion of proceeds from those sales to the Contras. Furthermore, if the select committees determine that funds were illegally diverted to the Contras, that amount would be subtracted from the $40 million. A similar measure introduced in the House of Representatives by Representative Joe Kolter of Pennsylvania enjoys the support of more than 50 of his colleagues.

Mr. President, before sending any additional funds to the Contras, Congress must conduct a thorough and complete investigation of the Iran-Contra connection.

Currently, we are not certain whether the law was violated, and if so, which U.S. Government officials violated the law.

We are not sure if any money was actually transferred through Swiss bank accounts to Contra forces in Nicaragua, and if so, how much.

We are not sure what forms of aid were illegally provided the Contras by U.S. officials.

We are not sure whether aid from other countries solicited by U.S. officials for the Contras was used for illegal purposes.

The Iran-Contra controversy has raised serious questions about the conduct of United States foreign policy in general and United States Nicaragua policy specifically: Was the law violated? Was the will of Congress subverted? Was the trust of the American people flaunted?

These questions must be answered before Congress decides to continue funding this administration's Contra program.

I ask unanimous consent that a copy of the legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WITHHOLDING OF ASSISTANCE UNTIL INVESTIGATIONS COMPLETED.

(a) Requirement for Withholding.—The assistance for the Nicaraguan democratic resistance described in subsection (b) shall be withheld from obligation and expenditure until the special committees which have been established by the Senate and House of Representatives to investigate the arms sales to Iran, the alleged diversion of proceeds from those sales for use for assistance for the Nicaraguan democratic resistance, and related matters, have completed their investigations (as determined pursuant to section 3(a)).

(b) Assistance To Be Withheld.—The assistance for the Nicaraguan democratic resistance which is to be withheld pursuant to subsection (a) is the $40,000,000 which is subject to the last clause of section 206(b) and to section 211(e) of the Act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes (as contained in section 101(k) of the joint resolution making continuing appropriations for the fiscal year 1987, and for other purposes (House Joint Resolution 738; Public Law 99-500 as supplemented by Public Law 99-591)).

(c) Existing Requirements.—The requirements of this Act are in addition to, and not in lieu of, the requirements of title II of the Act described in subsection (b).

SEC. 2. REDUCTION IN AMOUNT AVAILABLE FOR ASSISTANCE TO THE NICARAGUAN DEMOCRATIC RESISTANCE TO OFFSET ANY ILLEGAL ASSISTANCE.

Before any assistance for the Nicaraguan democratic resistance described in section 1(b) is made available for obligation and expenditure following completion of the congressional investigations described in section 1(a), the amount of that assistance shall be reduced by any amount of the proceeds from the arms sales to Iran that the Congress determines, pursuant to section 3(b), was illegally used for assistance for the Nicaraguan democratic resistance.

SEC. 3. CONGRESSIONAL ACTION REQUIRED TO RELEASE FUNDS; DETERMINATION OF ILLEGAL ASSISTANCE.

(a) Enactment of Joint Resolution.—For purposes of section 1(a), the special congressional investigating committees shall be deemed to have completed their investigations when the Congress enacts a joint resolution declaring that those investigations have been completed.

(b) Determination of Illegal Assistance.—That joint resolution shall specify the amount, if any, of the proceeds from the arms sales to Iran which the Congress determines was illegally used for assistance for the Nicaraguan democratic resistance.●

By Mr. LAUTENBERG (for himself and Mr. ROTH):

S. 468. A bill to amend section 337 of the Tariff Act of 1930 to provide greater protection for intellectual property rights; to the Committee on Finance.

INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT AMENDMENTS

● Mr. LAUTENBERG. Mr. President, I rise today to introduce the Intellectual Property Rights Enforcement Amendments of 1987. I am pleased to be joined by my colleague from Delaware, Senator ROTH.

Mr. President, this bill would amend section 337 of the Tariff Act of 1930, to enhance protection of intellectual property. It would strengthen our ability to keep out of the U.S. market products that steal American innovation. It would strengthen our ability to exclude products that infringe patents, copyrights, trademarks, and semiconductor designs.

This legislation has broad support. The bill is a revised version of S. 1869—which I introduced with Senator ROTH in the last Congress and which was cosponsored by a bipartisan group of 19 Senators.

Reform of section 337 is supported by the administration and the U.S. Chamber of Commerce. It has the strong support of some of our most innovative industries. It is supported by the Semiconductor Industry Association, the Electronics Industry Association, the Intellectual Property Owners Association, the Motion Picture Association of America, and the Intellectural Property Alliance, which includes trade groups from the computer equipment and software industries, the publishing industry, and the recording industry.

Mr. President, let me explain why this amendment is so important. America's economic edge is its technology and its innovation. But, if we're to enjoy the fruits of our labor—the jobs and growth that come from innovation—we need to stop the piracy of American intellectual property. I refer to U.S. patents, copyrights, trademarks, trade secrets, and semiconductor masks.

With disturbing frequency, foreign firms pirate American inventions, and then ship those products back here. The International Trade Commission estimated, back in 1982, that infringement of U.S. intellectual property cost Americans 131,000 jobs, in just five selected industrial sectors. Piracy cost the Nation's businesses $5.5 billion in annual sales. Estimates of total losses now range from $8 to $20 billion.

Section 337 of the Tariff Act of 1930 provides a remedy. It empowers the ITC to exclude imports when the importer engages in unfair acts. The law is used to keep out pirated products. But the law falls short.

Current law throws up barriers that have blocked relief for a range of firms; From the New York inventor of fibre optic waveguide; to the California movie studio that licenses the Gremlin character.

The main problem is this: it isn't enough to prove piracy. One has to prove it hurts. One has to prove that imports would destroy or injure a U.S. industry, an industry that is efficient and economically operated.

To exclude foreign goods, proof of piracy should be enough. Infringement is injury. We need to make that clear. If a import infringes U.S. intellectual property rights, it ought to be excluded. And this amendment would make that clear.

But we can't stop there. The so-called industry requirement is also too broad. Today, in order to get relief, inventors must exploit their invention by production in the United States. For better or worse, we are more and more an information based economy. For those who make substantial investments in research, there should be a remedy. For those who make substantial investments in the creation of intellectual property and then license creations, there should be a remedy.

Let me give one example. There is a startup biotech firm in my State. Its product is its patents. It hasn't reached the stage to manufacture. It doesn't have the money. But it will reach that point, by licensing its patents to others. Should we deny that firm the right to exclude the works of pirates? Our legislation would say no. A party could get relief if it has made significant investment in R&D, engineering, or licensing.

I would note that while we are no longer proposing that the removal of the injury requirement apply to trade secrets or common law trademarks, we do propose that the change in the industry requirement apply to these forms of intellectual property.

The legislation would address other problems with section 337:

It would make sure that the ITC acts promptly on emergency complaints. Where a key shipment of infringing goods is on its way, or a critical selling season is approaching, justice delayed is justice denied.

The legislation makes clear that once a firm is found guilty and subject to an exclusion order, that firm has the burden of proof if it wants to reopen the case. The firm should be barred from raising claims it could have raised before.

The bill makes clear that where a party seeks a limited exclusion order, and a defendant defaults without good cause, relief should be forthcoming.

The legislation gives the ITC the power to order the seizure and forefeiture of goods, once one effort was made to bring them in, in violation of an exclusion order. Right now, pirates who get caught in one port can just try to bring their goods in at another port.

Mr. President, I have worked hard to strengthen intellectual property rights. Questions have been raised about the impact of this bill on so-called gray market merchandise. There are those who believe that the importation of gray market merchandise in certain cases is a violation of intellectual property rights and should not be permitted. There are those, on the other hand, who believe gray market imports are a good thing. There are Senators on both sides of the gray market issue, who support this reform of section 337. In fact, the Supreme Court has before it now a case that calls into the question whether section 526 of the Tariff Act bars the importation of certain gray market goods.

Mr. President, our legislation does not prejudge the graymarket dispute. The bill leaves it in the hands of the International Trade Commission and the courts to decide, to the extent that the issue had not already been decided, whether or not gray market imports violate trademark, copyright, patent, or semiconductor mask laws and would as a result be actionable under section 337 as we would strengthen it here.

The changes proposed in the legislation we introduce today would add up to a substantial improvement in intellectual property right protection. It would beef up our arsenal in the fight against an unfair trade practice—the piracy of American ideas and innovation. It would save jobs and assist our most creative firms.

Mr. President, I applaud the commitment of the majority leader and chairman of the Finance Committee to move forward with comprehensive trade legislation. I support their effort. I look forward to working with them to incorporate into a comprehensive bill the essential improvements in the protection of intellectual property that we propose in our bill today.

I urge my colleagues to support the legislation and I ask that text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intellectual Property Rights Enforcement Amendments of 1987."

SEC. 2. PROTECTION UNDER THE TARIFF ACT OF 1930.

(a) IN GENERAL.—Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a)(1) Except as otherwise provided in this subsection, the following are unlawful, and when found by the Commission to exist shall be dealt with, in addition to any other provision of law, as provided in this section:

"(A) Unfair methods of competition and unfair acts in the importation of articles (other than articles provided for in subparagraphs (B), (C), and (D)) into the United States, or in the sale of such articles by the owner, importer, consignee, or agent of either, the threat or effect of which is—

"(i) to destroy or substantially injure an industry, in the United States;

"(ii) to impair or prevent the establishment of such an industry; or

"(iii) to restrain or monopolize trade and commerce in the United States.

"(B) The importation into the United States, or the sale within the United States after importation, of articles that—

"(i) infringe a valid and enforceable United States patent or a valid United States copyright registered under title 17, United States Code; or

"(ii) are made, produced, processed, or mined under, or by means of, a process covered by the claims of a valid and enforceable United States patent.

"(C) The importation into the United States, or the sale within the United States after importation, of articles that infringe a valid and enforceable United States trademark registered under the Trademark Act of 1946.

"(D) The importation of a semiconductor chip product in a manner that constitutes infringement of a mask work registered under chapter 9 of title 17, United States Code.

"(2) Subparagraphs (B), (C), and (D) of paragraph (1) apply only if an industry in the United States, relating to the articles, patent, copyright, trademark, or mask work concerned, exists or is in the process of being established.

"(3) For purposes of paragraph (2), and for purposes of applying paragraph (1)(A) with respect to common law trademarks and trade secrets, an industry in the United States shall be considered to exist if there is in the United States, with respect to the articles, patent, copyright, trademark, trade secrets, or mask work concerned—

"(A) significant investment in plant and equipment;

"(B) significant employment of labor or capital; or

"(C) substantial investment in its exploitation, including engineering, research and development, or licensing.

(2) Subsection (c) is amended by inserting before the period in the first sentence the following: ", except that the Commission may, by issuing a consent order or on the basis of a settlement agreement, terminate any such investigation, in whole or in part, without making such a determination".

(3) Subsection (e) is amended—

(A) by striking out "If" in the first sentence and inserting "(1) If"; and

(B) by adding at the end thereof the following new paragraphs:

"(2) A complainant may petition the Commission for the issuance of an order under this subsection. The Commission shall make a determination with regard to such petition by no later than the 90th day after the date on which the Commission's notice of investigation is published in the Federal Register. The Commission may extend the 90-day period for an additional 60 days in a case it designates as a more complicated case. The Commission shall publish in the Federal Register its reasons why it designated the case as being more complicated. The Commission may require the petitioner to post a bond as a prerequisite to the issuance of an order under this subsection.

"(3) The Commission may grant preliminary relief under this subsection or subsection (f) with respect to a violation involving a registered trademark, copyright, or mask work or a patent, to the same extent as preliminary injunctions and temporary restraining orders may be granted under the Federal Rules of Civil Procedure.".

(4) Subsection (f) is amended—

(A) by striking out "in lieu of" in paragraph (1) and inserting "In addition to, or in lieu of,"; and

(B) by striking out "$10,000" in paragraph (2) and inserting "$100,000".

(5) Such section is further amended—

(A) by redesignating subsections (g), (h), (i), and (j) as subsections (j), (k), (l), and (m), respectively; and

(B) by inserting after subsection (f) the following new subsection:

"(g)(1) If—

"(A) a complaint is filed against a person under this section;

"(B) the complaint and a notice of investigation are served on the person;

"(C) the person fails to respond to the complaint and notice or otherwise fails to appear to answer the complaint and notice;

"(D) the person fails to show good cause why the person should not be found in default; and

"(E) the person seeks relief affecting solely that person.

the Commission shall presume the facts alleged in the complaint to be true and shall, upon request, issue an exclusion from entry or a cease and desist order, or both, which affects only that person unless, after considering the effect of such exclusion or order upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, the Commission finds that such exclusion or order should not be issued.

"(2) A general exclusion from entry of the articles concerned, regardless of the source or importer of the article, may be issued if—

"(A) no person appeared to contest an investigation concerning a violation of the provisions of this section, and

"(B) such a violation is established by substantial, reliable, and probative evidence.

"(h) The Commission may by rule prescribe sanctions for abuse of discovery and abuse of process to the extent authorized by Rule 11 and Rule 37 of the Federal Rules of Civil Procedure.

"(i) FORFEITURE.—

"(1) In addition to taking action under subsection (d), the Commission may issue an order providing that any article imported in violation of the provisions of this section be seized and forfeited to the United States if—

"(A) the owner, importer, or consignee of the article, or any agent thereof, previously attempted to import the article into the United States,

"(B) the article was previously denied entry into the United States by reason of an order issued under subsection (d), and

"(C) upon such previous denial of entry, the Secretary of the Treasury provided the owner, importer, or consignee of the article, or any agent thereof, written notice of—

"(i) such order, and

"(ii) the seizure and forfeiture that would result from any further attempt to import the article into the United States.

"(2) The Commission shall notify the Secretary of the Treasury of any order issued under this subsection and, upon receipt of such notice, the Secretary of the Treasury shall enforce such order in accordance with the provisions of this Act.

"(3) Upon the attempted entry of articles subject to an order issued under this subsection, the Secretary of the Treasury shall immediately notify all ports of entry of the attempted importation and shall identify the persons notified under paragraph (1)(C).

"(4) The Secretary of the Treasury shall provide the written notice described in paragraph (1)(C) to—

"(A) the owner, importer, or consignee of any article that is denied entry into the United States by reason of an order issued under subsection (d), or

"(B) any agent of such owner, importer, or consignee.".

(6) Subsection (k) (as redesignated by paragraph (5)(A) of this section) is amended—

(A) by inserting "(1)" before the first sentence; and

(B) by adding at the end the following:

"(2) If any person who has previously been found by the Commission, on the basis of a contested proceeding, to be in violation of this section petitions the Commission for a determination that the petitioner is no longer in violation of this section or for a modification or rescission of an exclusion from entry or order under subsection (d), (e), (f), (g), or (i)—

"(A) the burden of proof in any proceeding before the Commission regarding such petition shall be on the petitioner; and

"(B) relief may be granted by the Commission with respect to such petition—

"(i) on the basis of new evidence or evidence that could not have been presented at the prior proceeding, or

"(ii) on grounds which would permit relief from a judgment or order under the Federal Rules of Civil Procedure.".

(7) Subsection (l) (as redesignated by paragraph (5)(A) of this section) is amended—

(A) by striking out "claims of United States letters patent" in the first sentence and inserting "proceeding under subsection (a)(1) involving a patent, copyright, trademark, trade secret, or mask work", and

(B) by striking out "a patent owner" in the second sentence and inserting "an owner of the patent, copyright, trademark, trade secret, or mask work".

(8) Such section is further amended by adding at the end the following:

"(n)(1) Information submitted to the Commission or exchanged among the parties in connection with proceedings under this section which is designated as confidential by the person submitting it may not be disclosed (except under a protective order issued under regulations of the Commission which authorizes limited disclosure of such information) to any person (other than a person described in paragraph (2)) without the consent of the person submitting it.

"(2) Notwithstanding the prohibition contained in paragraph (1), information referred to in that paragraph may be disclosed to—

"(A) an officer or employee of the Commission who is directly concerned with carrying out the investigation in connection with which the information is submitted, or

"(B) an officer or employee of the United States Customs Service who is directly involved in administering an exclusion from entry under this section resulting from the investigation in connection with which the information is submitted.".

(b) Technical Amendments.—Section 337 (as amended by subsection (a)), is further amended—

(1) by amending subsection (c)—

(A) by striking out "(d) or (e)" and inserting "(d), (e), (f), or (i)",

(B) by striking out "or (f)" and inserting "(f), (g), or (i)", and

(C) by striking out "and (f)" and inserting "(f), and (g)";

(2) by striking out "or (f)" each place it appears in subsection (j) and inserting "(f), (g), or (i)";

(3) by inserting "and no seizure shall be made of any article under subsection (i) until such determination becomes final if such bond is posted" after "becomes final" in subsection (j)(3),

(4) by striking out "(g)" in subsection (k) and inserting "(j)"; and

(5) by striking out "notifies" in subsection (k) and inserting in lieu thereof ", or order to seize, notifies",

(6) by striking out "or (f)" in subsection (l) and inserting "(f), (g) or (i)".

(c) Conforming Amendment.—The Act entitled "An Act to limit the importation of products made, produced, processed, or mined under process covered by unexpired valid United States patents, and for other purposes", approved July 2, 1940 (54 Stat. 724, 19 U.S.C. 1337a) is repealed.

SEC. 3. EFFECTIVE DATE.

The amendments made by this section shall take effect on the date that is 90 days after the date of enactment of this Act.●

● Mr. ROTH. Mr. President, today I join Senator Lautenberg in reintroducing in this 100th Congress, with a few minor changes, legislation we have been pressing to amend section 337 of the U.S. trade laws.

Section 337 is the principal U.S. statutory weapon against imports that violated U.S. intellectual property rights. The problem is that now this law puts more roadblocks in the paths of American inventors than in the path of imports that infringe U.S. patents, trademarks, and copyrights.

Section 337 was originally designed to cover a broad range of unfair acts in the importation of goods into the United States. As a result, it contains several elements, in addition to an unfair act, which must be proven before relief can be granted. Many of these requirements make no sense in the context of the infringement of intellectual property rights. Moreover, these elements are not required by our international obligations, as evidenced by the fact that many of our trading partners do not require such showings for the exclusion of infringing imports.

Specifically, in addition to proving that a patent, trademark, or copyright is infringed, now an American owner of an intellectual property right must also prove that the infringing imports are injuring a U.S. industry and that that industry is economically and efficiently operated.

It is absurd that an industry that holds a valid and enforceable U.S. patent, that has proven that its patent has been pirated by a foreign company and that the infringing products are being imported into the United States, should have to jump over the additional hurdles in the current law, like the injury test, before it can get help from the Government.

The *Corning Glass* case is a glaring example of the absurdity of current law. Corning makes optic fibers, a product that is at the cutting edge of telecommunications technology. The product and process patents that protect this technology have been infringed by a Japanese company, as has been determined by an administrative law judge and the U.S. International Trade Commission last year. However, because the domestic fiber optic industry was unable to prove that it was threatened with "destruction or substantial injury" as a result of the infringement, the U.S. Government is powerless to act against this Japanese infringer.

The bill I am introducing today eliminates the injury requirement from the law in cases involving valid U.S. patents, process patents, registered trademarks, copyrights, and registered maskworks. In addition, this legislation eliminates the requirement that an industry must be economically and efficiently operated from all section 337 cases.

The bill also contains several other amendments designed to make section 337 relief more meaningful to holders of U.S. intellectual property.

First, the bill would require the ITC to act on requests for temporary relief in most cases within 90 days after a petition for such relief is filed. In cases involving seasonal markets, or where key shipments of infringing merchandise are pending, temporary relief should be used to prevent harm to the owners of the intellectual property in issue.

Second, the bill provides the ITC with greater flexibility in designing relief. The bill would allow the ITC to issue cease and desist orders in addition to exclusion orders, rather than in lieu of exclusion orders. The bill would also grant the ITC the authority to order forfeiture of merchandise found to be in violation of section 337. This would prevent harm to an intellectual property owner where goods have been imported during an investigation, or during the Presidential review period. The loss of a bond to the U.S. Government penalizes the importer, but provides no relief to the U.S. intellectual property owner if the goods are imported while under bond.

Third, the bill underscores the importance of the finality of ITC judgments, by providing that a party that has been found to be in violation of section 337 may seek an advisory opinion or modification of the order, only if the party first shows that it is presenting new evidence or evidence that could not have been presented during the course of the original investigation. It also codifies the requirement that a party seeking such action has the burden of proving that the product or process would not violate section 337.

A complainant that has successfully shown that a patent is valid and infringed should not, in the absence of a showing or good cause, be subject to the expense of additional proceedings to protect the value of the relief secured. This is the approach which the ITC has adopted in the past. This bill would strengthen those principles and enact such requirements into the statute.

Fourth, the bill provides that a complainant need not go to the expense of establishing a prima facie case in an administrative hearing, if the respondent or respondents are in default, and the complainant is seeking relief against only the defaulting parties.

Lastly, the bill increases the penalties for violation of cease and desist orders.

These amendments are intended to be a complement, rather than a substitute for, legislation strengthening U.S. process patent laws.

In today's highly competitive international marketplace, we can no longer afford to pioneer new technology after new technology, while complacently allowing others to profit from the resources and efforts required for developing such innovation. This bill represents an important step in remedying this problem.

There is very broad support for this legislation in the Congress, the business community, and in the adminstration. It was nearly enacted in the 99th Congress, and I am very hopeful that we will see final action on it this year.●

By Mr. GRASSLEY:

S. 470. A bill to strengthen provisions of the law that provide safeguards when imports threaten to impair the national security; to the Committee on Finance.

NATIONAL SECURITY AND TRADE ACT

● Mr. GRASSLEY. Mr. President, I am today introducing legislation which reforms section 232 of the trade laws by imposing a 90-day deadline on decisions by the President as to whether to restrain imports if the national security is threatened. Under current law, 232 petitions are filed with the Secretary of Commerce, and he has up to a year within which to make an independent investigation and determine whether imports of a particular item so threaten the national security that they should be restrained.

However, current law gives the President an unlimited amount of time to determine whether he agrees with the Secretary's findings. This unlimited time period—on top of a 1-year investigation by the Commerce Department—has had and could have in the future disastrous consequences on our ability to mobilize quickly in the event of a national emergency.

Section 232 was intended by Congress to be used sparingly, only in situations in which the national security is truly threatened. It was not intended to be a guise for protectionism. Only 15 industries have availed themselves of this section of the trade laws, and only once has import relief been granted.

As you might remember, I introduced this bill last Congress as S. 1679 and it was incorporated as title X of the omnibus trade bill, S. 1860. I would hope my colleagues would agree that this legislation merits further consideration this year and will become cosponsors.

Mr. President, I would request at this time that the entire text of the bill be printed.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Security and Trade Act of 1987".

FINDINGS

SEC. 2. The Congress finds that—

(1) in order for the United States to maintain an effective national defense it must be able to mobilize rapidly and efficiently in times of armed conflict or national emergency;

(2) the ability to mobilize depends, in turn, on the availability of human resources, products, raw materials, and other supplies and services essential to the national defense;

(3) without the assured availability of such vital resources, the national defense is jeopardized;

(4) recognizing the need for maintaining such vital resources, Congress enacted section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) to provide a means to prevent imports of any article in such quantities or under such circumstances that threaten the national security of the United States;

(5) Congress intended, and continues to intend, that such section 232 be used only under exceptional circumstances after a thorough investigation by the Secretary of Commerce, in consultation with the Secretary of Defense and other appropriate officers of the United States, and only if the Secretary of Commerce makes a positive finding that an article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security;

(6) when a finding is made that imports of an article does threaten to impair the national security, it is imperative that the President give such findings and recommendations of the Secretary of Commerce prompt review and the highest priority for action; and

(7) delay in responding to such findings and recommendations could itself further impair the national security.

TIME LIMITATION FOR PRESIDENTIAL DECISIONS

SEC. 3. (a) Subsection (b) of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862(b)) is amended—

(1) by striking out "Upon request" and by inserting in lieu thereof "(1) Upon request", and

(2) by adding at the end thereof the following new paragraph:

"(2) If—

"(A) the President has not made the determination described in the last sentence of paragraph (1) with respect to a report submitted by the Secretary to the President under paragraph (1) that sets forth recommendations of the Secretary for action against imports which the Secretary finds are being imported in such quantities, or under such circumstances, as to threaten to impair the national security, and

"(B) the President has not taken any action under paragraph (1) with respect to such report,

before the date that is 90 days after the day on which such report was so submitted to the President, the President shall issue a proclamation on such date which fully implements such recommendations of the Secretary.".

(b) The amendments made by this section shall apply with respect to any report described in section 232(b)(2)(A) of the Trade Expansion Act of 1962 (as added by this section) that is submitted to the President on or after the date that is 90 days before the date of enactment of this Act.●

By Mr. BINGAMAN (for himself, Mr. CHAFEE, Mr. BRADLEY, and Mr. BOREN):

S. 471. A bill to amend title 10, United States Code, to revise the method for pricing tobacco products for sale in commissaries, exchanges, and ship's stores, and for other purposes; to the Committee on Armed Services.

TOBACCO PRICING LEGISLATION

● Mr. BINGAMAN. Mr. President, the bill which Senators CHAFEE, BRADLEY, BOREN, and I are offering would raise the price of tobacco products in military commissaries, exchanges, and ships' stores to the local prevailing price outside of the military facility and use the increased revenues which this would generate for military health, welfare and recreation purposes. The goal of this bill is to take away the current incentive which exists within the military community to smoke to a greater degree than in the rest of our society.

The damage to our society from smoking is really enormous, in the tens of billions of dollars annually. As a result of efforts by Senator STEVENS and Senator BOREN in the first session of the 99th Congress, the Defense Department carried out a study which they submitted to Congress in March of 1986 on smoking and health in the military. That report documented the damage which smoking does within the military community to military health and readiness. According to the Department of Defense study, smoking added an estimated $210 million in direct military health care costs in fiscal year 1984. The report documented that smokers in the military do worse on physical fitness tests than do nonsmokers. The report documented just how much more prevalent smoking is in the military today than in the civilian community. Some 52 percent of adult males in the services smoke compared to 36 percent of adult males in our civilian society; 47 percent of adult females in the services smoke as opposed to 29 percent in the rest of our society. Perhaps most disturbing, 52 percent of service members aged 17 to 19 smoke, whereas only 21 percent of those in that age group in the society at large do.

There are undoubtedly many factors which contribute to the prevalence of smoking in the military. But one very important factor is the price differential which military families see when they go to purchase cigarettes in commissaries and exchanges. Within the United States, cigarettes are 35-percent cheaper in commissaries and 20-percent cheaper in exchanges than they are in civilian stores on the average. Overseas, tobacco products are 40- to 60-percent cheaper than the average U.S. price. One can get a carton of cigarettes in a commissary overseas for $4.13 compared to a U.S. price of $10.06.

Mr. President, the bill which I am offering today is identical to an amendment to last year's Defense Authorization Act sponsored by Senator BOREN and myself, but defeated on the Senate floor by a vote of 57 to 43. It is also similar to a provision which was included in the Senate version of the 1985 Defense Appropriations Act as a result of the initiative of Senators BOREN and STEVENS. I have drawn heavily on the voluminous Department of Defense report which was submitted to the Congress in March 1986. I do not agree, of course, with the decision which Secretary Weinberger took upon receiving that study, namely not to raise the price of tobacco products in the military resale system and instead to only launch an antismoking campaign.

What sort of signal is sent to a service member if on the one hand he or she is told not to smoke and on the other hand is encouraged to smoke through the Department of Defense pricing policy. My bill seeks to end that contradiction between tobacco pricing policy and the services' antismoking campaigns in a way that I believe is fairest to the military community. While smokers will face increased prices under my bill, all military members and their families, smokers and nonsmokers, will reap the benefit of the additional funds applied to their morale support activities.

Let me say, Mr. President, that I do not regard my bill as an erosion of military benefits. As the U.S. Surgeon

Gen. C. Everett Koop has put it, "How can a lifetime of poor health and premature death be regarded as a benefit? To the extent that my bill will discourage smoking in the military community, it will prove to be a benefit for those who stop smoking. And the extra morale support funds would be a benefit for all.

I would also note that there is no question about this bill affecting a service member's freedom of choice on whether to smoke or not to smoke. Under my bill, tobacco will continue to be sold in commissaries, exchanges, and ships' stores but just not at a subsidized rate. I strongly believe that we should stop the subsidy of ill health and premature death within the military community.

Mr. President, I might note on the question of freedom of choice that I personally am concerned with the coercive nature of some of the new antismoking regulations in the Army and Navy. I do think that it is very important to end the culture within the services of "smoke 'em, if you've got 'em," during boot camp breaks and that sort of thing. But I am not convinced that new coercive regulations would be as effective as simply raising the price of cigarettes to the same level inside the gate at military facilities as outside the gate.

Mr. President, the bill which I am offering has been endorsed by the Coalition on Smoking or Health, which includes the American Cancer Society, the American Lung Association, and the American Heart Association. I would ask that a letter which I received from the Coalition on Smoking or Health in support of my bill be included in the RECORD.

I would ask that an editorial which appeared in Army Times on January 20, 1986, with regard to cigarette pricing policy in the Defense Department also appear in the RECORD.

Mr. President, I would also ask that several tables which describe the affect of my bill on the military resale system and its sales of tobacco products and its profits be included in the RECORD. These tables which are derived from tables in the March 1986 Department of Defense report indicate how the $202 million in additional profits will be generated in the military resale system.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL INTERAGENCY COUNCIL
ON SMOKING AND HEALTH,
Washington, DC, May 29, 1986.

Hon. JEFF BINGAMAN,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: The Coalition on Smoking or Health and its member organizations, the American Cancer Society, the American Lung Association and the American Heart Association, strongly endorse your proposed amendment to the FY 87 DoD authorization bill to prohibit tobacco sales in military commissaries and increase tobacco product prices in base exchanges and ships stores.

Earlier this year, we urged the Secretary of Defense, as you did, to adopt restrictions on military tobacco sales and to increase the cost of tobacco products sold to military personnel as part of the Department's new anti-smoking health initiative. While we are supportive of the anti-smoking campaign launched by the March directive, we were disappointed at the Secretary's inaction on the pricing issue, and look forward to assisting with the passage of your amendment. To this end, we will be contacting each member of the Armed Services Committee in advance of the mark-up to request support for your proposal.

Thank you again for your initiative on this issue; your ongoing, involvement and support is deeply appreciated.

Sincerely,

ALAN C. DAVIS,
Vice President, Government Relations, American Cancer Society; Chairman, Coalition Steering Committee.

[From Army Times, Jan. 20, 1986]

CIGARETTE PRICES

Military smokers have a bone to pick with William E. Mayer, assistant secretary of defense for health affairs.

As the Pentagon's top medical official, Mayer wants to warn military people about the dangers of smoking.

More than that, he wants to discourage people from smoking by boosting cigarette prices in military commissaries. Higher prices, he argues, will reduce the incentive for service people to smoke. He wants the habit to be no more attractive for the military than it is for other consumers.

This gets a lot of service people riled up. For smokers, it's pretty easy to lump Mayer's effort in with what service people generally perceive as a steady "erosion of benefits." We've complained as loud as anyone about lost military benefits over the years. Not this time.

If only one out of every 100 smokers decides to quit because prices increase, then Mayer, as a physician and director of military medicine, succeeds. Although he is a pipe smoker himself, Mayer thinks the tobacco habit is killing people, and the medical community has plenty of statistics to back him up. Those who smoke are more prone to develop cancer, heart disease, lung disease and other illnesses. Smokers add to service health-care costs and probably are less ready than are nonsmokers to respond to a military emergency.

Mayer thinks smoking should be discouraged as a matter of policy. That's hard to do, he argues, if the military offers cut-rate prices on tobacco products. Impressionable young people, and perhaps even some older smokers, may see cheap cigarettes in commissaries as a kind of back-handed endorsement that it is all right to smoke. How serious can the health risk be if the military which routinely encourages exercise regimens and diet programs to keep healthy, also provides cigarettes at a 35 percent discount?

Defense health officials say that when the price of cigarettes goes up, hard-line smokers may not change their habits but younger smokers do. Some of them quit. Mayer thinks that's worth the grief he's getting for endorsing higher cigarette prices in commissaries.

While we are sensitive to the complaints of military consumers that the last thing they need is higher commissary prices, how can Mayer be faulted? For not believing tobacco industry claims that the dangers of smoking are unproven? Virginia Congressman Dan Daniel calls Mayer a "brass nanny" who enlisted families don't need and urges him to examine his motives. Daniel should take his own advise. He not only serves on the House panel that oversees commissary operations but represents voters of a major tobacco-growing region.

During this latest flap over cigarette prices, some in the Pentagon have risen a long-standing argument that higher cigarette prices will mean fewer shoppers in the commissaries and this in turn will reduce sales and perhaps endanger commissary operations altogether. Lower sales at a mimimum could mean staff reductions and maybe less convenient store hours. Certainly the impact cannot be ignored.

But can you blame Mayer if he labels this argument cockeyed? After all, can't the military find a better way to keep commissaries from closing than by pumping money from the lungs of service families? Only five of 80 Navy commissaries sell cigarettes. The rest survive without them.

Higher cigarette prices indeed will place a financial strain on many family budgets. No doubt, tens of thousands of service personnel and dependents are addicted to tobacco products and do not plan to give them up, no matter how high prices climb. But some will.

And when those health benefits are measured against any combination of complaints—smokers' rights, implied guarantees on shopping discounts, the potential effect on commissary operations—the scale still tips in Mayer's favor. He's doing his job.

AMERICAN LUNG ASSOCIATION,
Washington, DC, June 24, 1986.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The American Lung Association would like to commend you for your initiative to increase the price of tobacco products available in military commissaries, exchanges and ship's stores and supports your efforts to amend the Department of Defense FY 87 authorization bill. The ALA believes your amendment is timely and will lead to significant improvement in the health of our military personnel.

The smoking rates of young recruits, which are more than double that of their civilian peers—52 percent versus 21 percent—clearly reflect the availability of cheap cigarettes. Your amendment, by mandating that military pricing policies conform to the prevailing retail price will have a positive health effect by decreasing tobacco consumption and thereby reducing the incidence of smoking related illness and disability which undermines the fitness and readiness of military personnel.

The ALA and its volunteers across the country are working to secure support for your amendment. Again, thank you for your leadership on this very important issue.

Sincerely,

ROBERT WEYMUELLER,
Director.

AMERICAN LUNG ASSOCIATION,
Washington, DC, July 16, 1986.

Re: FY 87 DoD Authorization Bill.

DEAR SENATOR: The Senate will soon consider the FY 87 Department of Defense authorization bill. The American Lung Association would like to bring to your attention an important amendment to be offered by Senator Bingaman which addresses the health, fitness, and general readiness of the United States armed forces—the sale of tobacco products in military commissaries, exhanges, and ships' stores. The ALA strongly urges your support of this amendment.

The high smoking rates among military personnel pose a clear threat to the health and readiness of the armed services. Mr. Bingaman's amendment would require that cigarettes be sold in commissaries, exhanges and ship's stores at prices that approximate those in civilian stores nearby. Increasing the price of tobacco products will decrease consumption and thereby decrease the incidence of smoking-related illness and disability.

Cigarettes are currently sold in military commissaries at prices 26% to 42% less than those in nearby civilian stores. In military exchanges, cigarettes are approximately 10 percent cheaper. Cigarette prices have been demonstrated to effect consumption. The high rates of smoking among military personnel, including young recruits, is unquestionably attributable, in part, to the availability of cheap cigarettes. A report by the Harvard University Institute for the Study of Smoking Behavior and Policy concluded that a 10% increase in the price of cigarettes would result in a 14% decrease in smoking among young people ages 18-25. In a report to Congress last March, the Department of Defense estimated that increasing the price of cigarettes available to military personnel would result in a 10% decline in overall consumption. The smoking rates of young recruits, more than double that of their civilian peers (52 versus 21 percent), clearly reflects this availabililty of cheap cigarettes.

Adoption of Senator Bingaman's amendment is a critical supplement to the anti-smoking campaign Secretary Weinberger announced last spring. The ALA firmly supports the Secretary's anti-smoking initiative and is currently working with the Department of Defense and each of the Services to assist with the implementation and evaluation of the smoking education and cessation programs mandated by the Secretary's directive. However, a change in military tobacco pricing policies is essential to achieving a significant long term reduction in smoking rates. Cheap and easily purchased cigarettes act as an implicit encouragement to smoke, and in effect contradict the message of the Secretary's anti-smoking campaign. We urge you to support and vote for Senator Bingaman's amendment to raise tobacco product prices in military commissaries, exchanges, and ships' stores.

Sincerely,

ALFRED MUNZER, M.D.,
Chairman ALA/ATS Government Relations Committee.

AVERAGE PRICE FOR A CARTON OF CIGARETTES

	Commissaries	Exchanges	Ship's stores
Current system:			
United States	$6.62	$8.00	$7.25
Overseas	4.13	5.70	4.50
Bingaman plan:			
United States	10.06	10.06	10.06
Overseas	10.06	10.06	10.06

Note—Under both plans the average cost of a carton of cigarettes for the military resale system is $6.30 in the United States and $3.93 overseas.

Source: Department of Defense Report on Smoking and Health in the Military, March 1986.

THE PRESENT LOW PRICE OF TOBACCO IN MILITARY STORES ENCOURAGES MORE SERVICE PEOPLE TO SMOKE THAN CIVILIANS

[In percent]

	Service	Civilians
Adult males	52	36
Adult females	47	29
Age 17 to 19	52	21

TOBACCO SALES IN MILITARY STORES

	Cartons sold millions	Retail cost per carton dollars	Wholesale cost per carton dollars	Gross sales (million dollars) (axb)	Gross cost (million dollars) (axc)	Profit (million dollars) (d−e)	Current system profit (million dollars)	Additional welfare and rec. fund benefit (million dollars) (f−g)
	a	b	c	d	e	f	g	h
CURRENT SYSTEM—SHIP'S STORES								
Navy								
United States	2.5	7.25	6.30	18.13	15.75	2.38	2.38	N/A
Overseas	1.6	4.50	3.93	7.20	6.29	.91	.91	N/A
Total	4.1			25.33	22.04	3.29	3.29	N/A
BINGAMAN PLAN—SHIP'S STORES								
Navy								
United States	2.13	10.06	6.30	21.43	13.42	8.01	2.38	5.63
Overseas	1.36	10.06	3.93	13.68	5.34	8.34	.91	7.43
Total [1]	3.49			35.11	18.76	16.35	3.29	13.06
CURRENT SYSTEM—EXCHANGES								
Army/Air Force								
United States	11.1	8.00	6.30	88.80	69.93	18.87	18.87	N/A
Overseas	4.9	5.70	3.93	27.93	19.26	8.67	8.67	N/A
Navy								
United States	11.3	8.00	6.30	90.40	71.19	19.21	19.21	N/A
Overseas	1.7	5.70	3.93	9.69	6.68	3.01	3.01	N/A
Marine Corps								
United States	2.0	8.00	6.30	16.00	12.60	3.40	3.40	N/A
Overseas	.6	5.70	3.93	3.42	2.36	1.06	1.06	N/A
Total	31.6			236.24	182.02	54.22	54.22	N/A
BINGAMAN PLAN—EXCHANGES								
Army/Air Force								
United States	5.55	10.06	6.30	55.83	34.97	20.86	18.87	1.99
Overseas	4.17	10.06	3.93	41.95	16.39	25.56	8.67	16.98
Navy								
United States	5.65	10.06	6.30	56.84	35.60	21.24	19.21	2.03
Overseas	1.45	10.06	3.93	14.59	5.70	8.89	3.01	5.88
Marine Corps								
United States	1.00	10.06	6.30	10.06	6.30	3.76	3.40	.36
Overseas	.51	10.06	3.93	5.13	2.00	3.13	1.06	2.07
Total [2]	18.33			184.40	100.96	83.44	54.22	29.22
CURRENT SYSTEM—COMMISSARIES								
Air Force								
United States	34.10	6.62	6.30	225.74	214.83	10.91	10.91	0
Overseas	7.40	4.13	3.93	30.56	29.08	1.48	1.48	0
Army								
United States	18.70	6.62	6.30	123.79	117.81	5.98	5.98	0
Overseas	7.50	4.13	3.93	30.98	29.48	1.50	1.50	0

TOBACCO SALES IN MILITARY STORES—Continued

	Cartons sold millions	Retail cost per carton dollars	Wholesale cost per carton dollars	Gross sales (million dollars) (axb)	Gross cost (million dollars) (axc)	Profit (million dollars) (d−e)	Current system profit (million dollars)	Additional welfare and rec. fund benefit (million dollars) (f−g)
	a	b	c	d	e	f	g	h
Navy								
United States	.90	6.62	6.30	5.96	5.67	.29	.29	0
Overseas	.30	4.13	3.93	1.24	1.18	.06	.06	0
Marine Corps								
Total	68.90			418.27	398.05	20.22	20.22	0
BINGAMAN PLAN—COMMISSARIES								
Air Force								
United States	17.05	10.06	6.30	171.52	107.42	64.10	10.91	53.19
Overseas	6.29	10.06	3.93	63.28	24.72	38.56	1.48	37.08
Army								
United States	9.35	10.06	6.30	94.06	58.91	35.15	5.98	29.17
Overseas	6.38	10.06	3.93	64.18	25.07	39.11	1.50	37.61
Navy								
United States	.45	10.06	6.30	4.53	2.84	1.69	.29	1.40
Overseas	.26	10.06	3.93	2.62	1.02	1.60	.06	1.54
Marine Corps								
Total [3]				400.19	219.98	180.21	20.22	159.99

[1] Assumptions 15% reduction in sales.

[2] Assumptions 50 percent reduction in U.S. sales. 15 percent reduction in overseas sales. No reduction in allowance for current system operating expenses.

[3] Assumptions 50 percent reduction in U.S. sales. 15 percent reduction in overseas sales. No reduction in total current levels of commissary profit ("surcharge").

TOBACCO SALES IN MILITARY STORES—CURRENT SYSTEM COMPARED TO BINGAMAN PLAN

[Dollar amounts in millions]

	Cartons sold (millions)	Gross sales	Gross cost	Profit	Added profit
Current system:					
Commissaries	68.90	$418.27	$398.05	$20.22	
Exchanges	31.60	236.24	182.02	54.22	
Ship stores	4.10	25.33	22.04	3.29	
Total	104.60	679.84	602.11	77.73	
Bingaman plan:					
Commissaries	39.78	400.19	219.98	180.21	$159.99
Exchanges	18.33	184.40	100.96	83.44	29.22
Ship stores	3.49	35.11	18.76	16.35	13.06
Total	61.60	619.70	339.70	280.00	202.27

Mr. President, I would urge my colleagues to support the principle that tobacco products should not receive a subsidy within the military system. Let's get to the point where cigarettes and other tobacco products are as expensive on the base as they are off the base. My bill will not affect the freedom of choice of Members to smoke if they wish to do so. My bill is not an erosion of benefits for military members and their families because the additional profits generated from it will go into military morale support funds and because smoking, with its attendant increased morbidity and mortality, is far from a benefit. Mr. President, my bill is not going to adversely affect the military commissary system because it does not affect its subsidy. Indeed, today only 5 of 80 Navy commissaries sell cigarettes, the rest survive without them.

Mr. President, as Members make up their minds how to vote on the bill which I have offered, I hope they will keep the health benefits of the bill foremost in their minds. As the Army Times editorial concluded: "When those health benefits are measured against any combination of complaints-smokers' rights, implied guarantees on shopping discounts, the potential effect on commissary operations—the scale still tips in favor" of the approach which I have advocated here today.

By Mr. CRANSTON (for himself and Mr. WIRTH):

S. 472. A bill to provide for a mutual, simultaneous, and verifiable moratorium on the testing of nuclear warheads; to the Committee on Foreign Relations.

MUTUAL NUCLEAR WARHEAD TESTING MORATORIUM ACT

Mr. CRANSTON. Mr. President, yesterday the United States conducted its first nuclear warhead test of 1987. This test was significant not only because it was our first of the year, but also because, unfortunately, it will probably mean the end of the unilateral testing moratorium that the Soviets have been observing for over 18 months now.

The Soviets have challenged us by observing this moratorium. But the Reagan administration has failed to seize this challenge as an opportunity to take a bold step toward ending the nuclear arms race.

The Foreign Relations Committee, of which I am a member, has recently been examining two nuclear testing treaties, the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty. I, for one, am disappointed that these two dated nuclear testing treaties address only a very small aspect of the nuclear testing issue. The benefits that these two treaties offer for nuclear limitations are very modest, and they threaten to obfuscate a more important issue—the United States should press now for negotiation of a Comprehensive Test Ban Treaty with the Soviet Union. Regretably, the Reagan administration has radically departed from the position of all previous Democratic and Republican administrations since the 1950's—which have supported a CTB. And the Reagan administration has broken its promise of last fall to support prompt ratification of the TTBT/PNE Treaties this year.

It is therefore incumbent upon Congress to address the issue with binding legislation. We can no longer tolerate administration foot-dragging. Each day our citizens wake up knowing that our society and millions of our people—and the Soviet society and millions of their people—could be destroyed before the Sun sets, if nuclear war erupted. It is our obligation as public officials to work each day to reduce the enormous risks inherent in an unrestrained arms race.

I am therefore introducing today a bill to cut off funding for a period of 12 months for all United States nuclear warhead tests for weapons with a yield in excess of 1 kiloton—provided the Soviets refrain from testing during that time. A similar measure was introduced by Representative PAT SCHROEDER in the House last month. Our bill calls upon the President to declare a complete halt to all nuclear warhead testing as soon as in-country reciprocal monitoring arrangements are implemented. It also urges the President to enter into negotiations with the Soviet Union for the conclusion, at the earliest possible date, of a Comprehensive Test Ban Treaty.

A mutual, simultaneous, and verificable moratorium on the testing of nuclear warheads would be a crucial first step toward mutual nuclear arms reductions. With such a moratorium, we can slow the unrelenting development of new weapons and give our arms negotiators in Geneva a fighting chance to reduce those weapons already hoarded in the superpowers' arsenals.

There can be no more important issue facing the Congress than that of lessening the possibility of war and ending the nuclear arms race. A mutual and verifiable nuclear warhead testing moratorium is a vital move in that direction.

Mr. President, I ask unanimous consent that the complete text of my legislation be printed in the Record.

S. 472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mutual Nuclear Warhead Testing Moratorium Act".

SEC. 2. FINDING.

The Congress finds that a mutual, simultaneous, and verifiable moratorium on the testing of nuclear warheads by the United States and the Soviet Union would be a crucial first step by both nations toward mutual nuclear arms reductions.

SEC. 3. SENSE OF CONGRESS.

(a) Cessation of Nuclear Testing.—(1) It is the sense of Congress that the President should declare that the United States—

(A) will, as soon as in-country reciprocal monitoring arrangements are implemented, cease the testing of nuclear warheads; and

(B) will invite the Soviet Union to cease the testing of nuclear warheads and to meet with the United States to enter into negotiations for the conclusion at the earliest possible date of a Comprehensive Test Ban Treaty.

(2) If such a mutual cessation of the testing of nuclear warheads takes effect, the United States should continue the cessation of the testing of nuclear warheads so long as the Soviet Union refrains from the testing of nuclear warheads and while substantive Comprehensive Test Ban Treaty negotiations are in progress.

(b) Resumption of Comprehensive Test Ban Talks.—It is the sense of Congress that during a cessation of the testing of nuclear warheads described in subsection (a) the President should actively seek resumption of negotiations in order to achieve a Comprehensive Test Ban Treaty.

SEC. 4. ONE-YEAR TESTING MORATORIUM.

(a) Contingent U.S. Moratorium.—If the President does not declare a cessation of the testing of nuclear warheads as described in section 3(a), then during the 12-month period beginning 90 days after the date of the enactment of this Act funds appropriated or otherwise made available by Congress may not be obligated or expended by the United States—

(1) to carry out testing of a nuclear warhead outside a designated test area; or

(2) to carry out, within a designated test area, testing of a nuclear warhead with a yield in excess of the equivalent of one kiloton of TNT.

(b) Termination of U.S. Moratorium if Soviet Union Tests.—The prohibition in subsection (a) shall cease to apply if, after the prohibition takes effect, the Soviet Union—

(1) carries out testing of a nuclear warhead outside a designated test area; or

(2) carries out, within a designated test area, testing of a nuclear warhead with a yield in excess of the equivalent of one kiloton of TNT.

(c) Requirement of Reciprocal In-Country Monitoring Arrangements.—The prohibition in subsection (a) shall cease to apply if, after the prohibition takes effect, the Soviet Union refuses to accept and implement reciprocal in-country monitoring arrangements to be in effect for the period of the moratorium.

(d) Certification.—Any termination under subsection (b) or (c) of the prohibition in subsection (a) shall be effective on the date the President certifies to Congress that Soviet Union has carried out testing described in subsection (b) or refused to accept and implement arrangements as described in subsection (c). The President shall include with any such certification—

(1) an unclassified report summarizing the basis for the certification; and

(2) a classified report describing in detail the activities of the Soviet Union that are the basis for the certification.

(e) Termination for Certain New Agreements.—The limitation on nuclear explosions contained in subsection (a) shall cease to apply if supplanted by an agreement, accord, or treaty between the United States and the Soviet Union establishing significant limits on nuclear explosions by such countries that is negotiated after the date of the enactment of this Act.

SEC. 5. VERIFICATION OF CESSATION OF TESTING.

The Congress determines that—

(1) existing national technical means of verfication, together with in-country reciprocal monitoring arrangements, are adequate to provide confidence during the 12-month period of the cessation of nuclear testing referred to in section 4(a) that testing of nuclear warheads by the Soviet Union that would lead to a military advantage for the Soviet Union cannot be conducted without detection by the United States;

(2) the negotiations for a Comprehensive Test Ban Treaty referred to in section 3(b) can build upon verification procedures already developed and incorporated in previous treaties and agreements to provide long-term mutually acceptable verification measures; and

(3) these verification measures would include, at a minimum, in-country reciprocal monitoring arrangements, cooperative measures for the exchange of seismic data, and the establishment of a joint monitoring committee.

SEC. 6. ANNUAL REPORT.

Three months after a cessation of the testing of nuclear warheads takes effect under section 3 or 4 and annually thereafter while such cessation remains in effect, the President shall report to Congress on the progress being made by the United States in negotiating a comprehensive test ban treaty with the Soviet Union.

SEC. 7. DEFINITIONS.

For purposes of this Act:

(1) The term "testing of a nuclear warhead" means the detonation of a nuclear explosive device.

(2) The term "in-country reciprocal monitoring arrangements" means arrangements between the United States and the Soviet Union to supplement national technical means of vertification through the emplacement by each country of seismic monitoring stations on the national territory of the other so that the seismic monitoring network of each nation will be capable of detecting and identifying nuclear explosions with a yield exceeding one kiloton at known nuclear weapons test sites of the other nation and at any other site of the other nation that currently has the capability to accommodate decoupled nuclear explosions with a yield exceeding one kiloton.

(3) The term "designated test area" means an area within the Soviet Union or the United States which—

(A) is known to be composed of strong-coupling rock; and

(B) is located within the boundaries of a single existing nuclear weapons testing site in such country.

By Mrs. KASSEBAUM (for herself, Mr. Dole, Mr. Danforth, Mr. Inouye, Mr. Exon, Mr. Ford, Mr. Kasten, Mr. Wallop, Mr. Pressler, Mr. Specter, Mr. Rudman, Mr. Garn, Mr. Heinz, Mr. Pell, Mr. Zorinsky, Mr. Murkowski, and Mr. Simpson):

S. 473. A bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents; to the Committee on Commerce, Science, and Transportation.

GENERAL AVIATION ACCIDENT LIABILITY STANDARDS ACT OF 1987

Mrs. KASSEBAUM. Mr. President, I am today introducing the General Aviation Liability Standards Act—legislation aimed at the growing crisis of aviation product liability costs. I introduced similar legislation in the 99th Congress. After careful scrutiny and several modifications of the first draft, the Commerce Committee reported S. 2794 without objection. The legislation I am introducing today contains provisions identical to those in S. 2794.

In 1979, over 17,000 general aviation aircraft were sold in the United States. In 1986 there were 1,495 units sold which is a 26-percent decrease from 1985. The year 1987 promises to be even worse. Product liability costs—judgments, settlements, and out of pocket defense costs—incurred by the industry have skyrocketed from $24 million in 1977 to $209 million in 1985, despite the fact that general aviation accident rates have continued to decline. Unemployment in the domestic industry has risen to a staggering 65 percent. Such massive unemployment not only strips workers of a means of livelihood, it takes away the skills and dedicated work force necessary if we are to ever rebuild this industry.

Technology and innovation are being stifled because of prohibitive product liability costs. Airframe manufacturers are finding it increasingly difficult to find component manufacturers, as many businesses are totally giving up their aviation product lines as too costly to maintain. All of this adds up to even more American jobs lost. The increasing export of our industry is a tragedy.

The product liability problem facing the U.S. general aviation industry is much more than a domestic problem. The harm it causes is reflected in general aviation trade figures. Prior to 1981, U.S. general aviation exports contributed an annual multimillion-dollar surplus to our Nation's balance of trade. In 1981, and every year since, the U.S. general aviation industry has suffered significant trade deficits—contributing to the national trade deficit which has become a matter of grave concern.

Foreign manufacturers stand to be big winners if this product liability problem is not resolved. Their tort liability pales in comparison with that of the large U.S. manufacturers. This is in large part due to the fact that they do not have the enormous numbers of aircraft in service in the United States, each of which remains a liability of the manufacturer, regardless of age. There is a significantly small percentage of foreign aircraft in service in the United States subject to our domestic tort laws. That results in considerable lower liability risk and a considerable competitive advantage for foreign manufacturers.

This same lack of competitive pricing is taking its toll on the U.S. market as well. Cessna Aircraft, the world's largest general aviation manufacturer, has suspended production of all piston engine aircraft through the 1987 model year. Piper Aircraft has stated it may be forced to manufacture only one piston engine aircraft, and Beech Aircraft has cut back its production significantly. No training airplanes are being made in the United States. As foreign manufacturers move in to fill this near vacuum in domestic airplane supplies, the U.S. industry's negative trade balance will likely increase.

The erosion of U.S. general aviation competitiveness is in great part the result of the devastating effects of our current product liability environment; its future is largely dependent on the resolution of the problem. The Federal Government regulates the industry from design to production; it regulates the training and licensing of pilots and mechanics; the air traffic control system is federally operated and regulated. The Federal interest and presence in aviation is all pervasive except in one area—litigation is conducted under individual and widely varying State laws. Federal product liability standards, a cornerstone of this legislation, would provide uniformity and predictability.

The other provisions of the legislation are fair and balanced to both plaintiff and defendant. Virtually all of the national general aviation consumer groups supported S. 2794, which is identical to the legislation I am today introducing. This support for product liability reform by both manufacturers and users is unique, and I look forward to working with my colleagues on these urgently needed reforms.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "General Aviation Accident Liability Standards Act of 1987."

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) transportation by air of passengers continues to comprise an increasingly important component of the Nation's overall transportation system;

(2) although the incidence of injuries to passengers in general aviation accidents has decreased, the number of general aviation accident liability claims against general aviation aircraft manufacturers and the amount of damages sought in such claims is increasing at disproportionate rates, beyond any relationship to the quality of the aircraft manufactured and in use;

(3) the current system for determining liability and damages for compensating individuals injured in general aviation accidents is inadequate;

(4) competent general aviation manufacturers and component part manufacturers are ceasing or limiting production of general aviation aircraft or some models of such aircraft because of the increasing costs and unavailability of product liability insurance;

(5) the increase in the number of liability claims and the size of awards and settlements, and the excessive time and expense devoted to the resolution of such claims, impose a substantial economic burden on general aviation manufacturers and their dealers;

(6) the Federal Government has an interest in the general aviation accident liability system because the Federal Government has established a comprehensive system for regulating general aviation, including—

(A) establishing standards for design, construction, and certification of general aviation aircraft,

(B) establishing standards for maintenance of aircraft, licensing of repair facilities, and licensing of persons who may perform or approve maintenance, repairs, and inspections,

(C) establishing standards for training and licensing of pilots,

(D) establishing a comprehensive air control system,

(E) conducting investigations to determine the probable cause of aviation accidents and prevent future accidents, and

(F) conducting other activities necessary to assure a safe air transportation system,

and this Federal system is the exclusive legal authority for regulating aviation operations and safety;

(7) it is in the national interest to reduce unnecessary expenditures related to general aviation accident liability claims while providing more rapid and more efficient compensation for individual's harmed in general aviation accidents; and

(8) Federal action to reform the general aviation accident liability system will result in—

(A) the maintenance of airworthy general aviation aircraft; and

(B) a more rational general aviation accident liability system.

(b) It is the purpose of this Act to establish standards for determining liability for harm arising out of general aviation accidents.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "Administrator" means the Administrator of the Federal Aviation Administration;

(2) "claimant" means any person who brings a general aviation accident liability action subject to this Act, and any person on whose behalf such an action is brought, including—

(A) the claimant's decedent; and

(B) the claimant's parent or guardian, if the action is brought through or on behalf of a minor or incompetent;

(3) "general aviation accident" means any accident which arises out of the operation of any general aviation aircraft and which results in harm;

(4) "general aviation aircraft" means any aircraft for which a type certificate or an airworthiness certificate has been issued by the Administrator under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.) which, at the time such certificate was originally issued, had a maximum seating capacity of fewer than twenty passengers, and which is not, at the time of the accident, engaged in scheduled passenger carrying operations as defined in regulations issued under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.);

(5) "general aviation manufacturer" means—

(A) the builder or manufacturer of the airframe of a general aviation aircraft;

(B) the manufacturer of the engine of a general aviation aircraft; and

(C) the manufacturer of any system, component, subassembly, or other part of a general aviation aircraft;

(6) "harm" means—

(A) property damage or bodily injury sustained by a person;

(B) death resulting from such bodily injury;

(C) pain and suffering which is caused by such bodily injury; and

(D) emotional harm (including bereavement and loss of affection, care, or society) which is caused by such bodily injury;

(7) "product" means a general aviation aircraft and any system, component, subassembly, or other part of a general aviation aircraft; and

(8) "property damage" means physical injury to tangible property, including loss of use of tangible property.

PREEMPTION: APPLICABILITY

SEC. 4. (a) This Act supersedes any State law regarding recovery, under any legal theory, for harm arising out of a general aviation accident, to the extent that this Act establishes a rule of law or procedure applicable to the claim.

(b) Nothing in this Act shall be construed to supersede or to waive or affect any defense of sovereign immunity asserted by the United States or any State.

(c) Nothing in this Act shall be construed to affect the liability of a manufacturer, owner, or operator of any aircraft that is not a general aviation aircraft, or a person who repairs, maintains, or provides any other support for any aircraft that is not a general aviation aircraft, for damages for harm arising out of the operation of an aircraft that is not a general aviation aircraft.

(d) No right of action for harm exists under this Act if that right would be inconsistent with the provisions of any applicable workers' compensation law.

(e) The provisions of this Act shall apply only to—

(1) any manufacturer, owner, or operator of any general aviation aircraft, and any

person who repairs, maintains, or provides any other support for such an aircraft;

(2) any occupant of a general aviation aircraft at the time of a general aviation accident, and any person who brings an action for harm caused by such accident on behalf of such occupant; and

(3) any nonoccupant of a general aviation aircraft at the time of a general aviation accident, only if such nonoccupant is bringing an action for harm caused by such accident which arises out of the harm to an occupant of such aircraft at the time of such accident.

UNIFORM STANDARDS OF LIABILITY FOR GENERAL AVIATION ACCIDENTS

SEC. 5. (a) Any person claiming damages for harm arising out of a general aviation accident may bring an action against a party and may recover damages from such party, if such party and may recover damages from such parity, if such party was negligent and such negligence is a proximate cause of the claimant's harm.

(b)(1) Any person claiming damages for harm arising out of a general aviation accident may bring an action against a general aviation manufacturer of a product and may recover damages from such general aviation manufacturer if—

(A) the product, when it left the control of the manufacturer, was in a defective condition unreasonably dangerous for its intended purpose, according to engineering and manufacturing practices which were reasonably feasible;

(B) the defective condition is a proximate cause of the claimant's harm; and

(C) the general aviation aircraft was being used at the time of the accident for a purpose and in a manner for which it was designed and manufacturered.

(2) Any person claiming damages for harm arising out of a general aviation accident may bring an action against a general aviation manufacturer of a product and may recover damages from such general aviation manufacturer if—

(A) at the time the product left the control of the manufacturer, the manufacturer—

(i) knew, or in the exercise of reasonable care should have known, about a danger connected with the product that caused the claimant's harm; and

(ii) failed to provide the warnings or instructions that a person exercising reasonable care would have provided with respect to the danger which caused the harm alleged by the claimant, unless such warnings or instructions, if provided, would not have materially affected the conduct of the user of the product; or

(B) after the product left the control of the general aviation manufacturer, the manufacturer—

(i) knew, or in the exercise of reasonable care should have known, about the danger which caused the claimant's harm; and

(ii) failed to take reasonable steps to provide warnings or instructions, after the manufacture of the product, which would have been provided by a person exercising reasonable care, unless such warnings or instructions, if provided, would not have materially affected the conduct of the product user;

and the failure to provide warnings or instructions described in subparagraph (A) or (B) of this paragraph is a proximate cause of the claimant's harm.

(3) Any person claiming damages for harm arising out of a general aviation accident may bring an action against a general aviation manufacturer of a product and may recover damages from such general aviation manufacturer if—

(A) the manufacturer made an express warranty with respect to the product;

(B) such warranty relates to that aspect of the product which caused the harm;

(C) the product failed to conform to such warranty; and

(D) the failure of the product to conform to such warranty is a proximate cause of the claimant's harm.

(c)(1) In an action governed by subsection (b) of this section, a general aviation manufacturer shall not be liable if such manufacturer proves, by a preponderance of the evidence, that—

(A) the defective condition could have been corrected by compliance with action described in an airworthiness directive issued by the Administrator or a service bulletin issued by the manufacturer of the product; and

(B) such directive or service bulletin was issued at a reasonable time before the date of the accident and after the product left the control of the general aviation manufacturer.

(2) In any action governed by subsection (b) of this section, evidence of compliance with standards, conditions or specifications established, adopted or approved by the Federal Aviation Administration shall be admissible with regard to whether the product was defective and unreasonably dangerous for its intended purpose.

COMPARATIVE RESPONSIBILITY

SEC. 6. (a) All actions for harm arising out of a general aviation accident shall be governed by the principles of comparative responsibility. Comparative responsibility attributed to the claimant's conduct shall not bar recovery in an action under this Act, but shall reduce any damages awarded to the claimant in an amount proportionate to the responsibility of the claimant. The trier of fact shall determine comparative responsibility by making findings indicating the percentage of total responsibility for the claimant's harm attributable to the claimant, each defendant, each third-party defendant, and any other person not a party to the action.

(b) Except as provided in subsection (c) of this section, a defendant is severally but not jointly liable in any action for harm arising out of a general aviation accident, and the liability of any defendant in any such action shall be determined on the basis of such defendant's proportionate share of responsibility for the claimant's harm.

(c) In any action for harm arising out of a general aviation accident—

(1) a general aviation manufacturer who is the builder or manufacturer of the airframe of the general aviation aircraft involved is jointly and severally liable for harm caused by a defective system, component, subassembly, or other part of such aircraft that the manufacturer installed or certified as part of the original type design for such aircraft; and

(2) a general aviation manufacturer who is the manufacturer of a system or component of the general aviation aircraft involved is jointly and severally liable for damages caused by a defective subassembly or other part of such system or component.

(d) A general aviation manufacturer and any other person jointly liable under subsection (c) of this section shall have the right to bring an action for indemnity or contribution against any person with whom they are jointly liable under section (c) of this section.

TIME LIMITATION ON LIABILITY

SEC. 7. (a) Except as provided in subsection (b) of this section, no civil action for harm arising out of a general aviation manufacturer may be brought for harm which is alleged to have been caused by an aircraft or a system, component, subassembly, or other part of an aircraft and which occurs more than—

(1) twenty years from—

(A) the date of delivery of the aircraft to its first purchaser or lessee, if delivered directly from the manufacturer; or

(B) the date of first delivery of the aircraft to a person engaged in the business of selling or leasing such an aircraft; or

(2) with respect to any system, component, subassembly, or other part which replaced another product in, or which was added to, the aircraft, and which is alleged to have caused the claimant's harm, twenty years from the date of the replacement or addition.

(b) Subsection (a) of this section does not apply in the case of harm to a claimant which occurs after the period set forth in subsection (a) of this section if the general aviation manufacturer or the seller of the product that caused the claimant's harm gave an express warranty that the product would be suitable, for the purpose for which it was intended, for a longer period of time.

(c) Nothing in this section shall be construed to affect a person's duty to provide, after the sale or lease of an aircraft, to aircraft owners, and to repair facilities to which a license or certificate to perform repairs has been issued by the Administrator, additional or modified warnings or instructions regarding the use or maintenance of such aircraft or any system, component, or other part of such aircraft.

SUBSEQUENT REMEDIAL MEASURES

SEC. 8. In any general aviation accident liability action governed by this act, evidence of any measure taken after an event which, if taken previously, would have made the event less likely to occur is not admissible to provide liability. Such evidence is admissible to the extent permitted under Rule 407 of the Federal Rules of Evidence.

ADMISSIBILITY OF CERTAIN EVIDENCE

SEC. 9. In an action governed by this Act, evidence of Federal, State, or local income tax liability or any social security or other payroll tax liability attributable to past or future earnings, support, or profits and the present value of future earnings, support, or profits alleged to have been lost or diminished because of harm arising out of a general aviation accident is admissible regarding proof of the claimant's harm.

PUNITIVE DAMAGES

SEC. 10. (a) Punitive damages may be awarded in an action under this Act for harm arising out of a general aviation accident only if the claimant establishes by clear and convincing evidence that the harm suffered was the direct result of conduct manifesting a conscious, flagrant indifference to the safety of those persons who might be harmed by use of the general aviation aircraft involved.

(b) Evidence regarding the financial worth of a defendant or the defendant's profits or any other evidence relating solely to a claim for punitive damages under this Act is not admissible unless the claimant establishes, before any evidence is offered, that the claimant can present evidence that will establish prima facie proof of conduct manifesting a conscious, flagrant indifference to the safety of those persons who might be harmed by use of the general aviation aircraft involved.

(c) In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been constructed to provide, for damages only punitive in nature, a defendant may be liable for any such damages pursuant to the provisions of this Act regardless of whether a claim is asserted under this section. The recovery of any such damages shall not bar a claim under this section.

TIME LIMITATION ON BRINGING ACTIONS

SEC. 11. (a) Any action for harm arising out of a general aviation accident shall be barred, notwithstanding any State law, unless—

(1) the complaint is filed within 2 years after the date on which the accident occurred which caused the claimant's harm; and

(2) the summons and complaint are properly served upon the defendant within one hundred and twenty days after the filing of such complaint, unless the party on whose behalf such service is required can show good cause why such service was not made within such one hundred and twenty-day period.

Paragraph (2) of this subsection shall not apply to service of process in a foreign country pursuant to Rule 4(i) of the Federal Rules of Civil Procedure or any similar State law.

SANCTIONS

SEC. 12. It is the intent of Congress that, with respect to any action governed by this Act, the sanctions for violation of Rule 11 of the Federal Rules of Civil Procedure, including orders to pay to the other party or parties the amount of their reasonable expenses, including a reasonable attorney's fee, be strictly enforced.

JURISDICTION

SEC. 13. (a) The district courts of the United States, concurrently with the State courts, shall have original jurisdiction, without regard to the amount in controversy, in all civil actions for harm arising out of a general aviation accident and in all actions for indemnity or contribution described in section 6(d) of this Act.

(b) A civil action which is brought in a State court may be removed to the district court of the United States for the district embracing the place where the action is pending, without the consent of any other party and without regard to the amount in controversy, by any defendant against whom a claim in such action is asserted for harm arising out of a general aviation accident.

(c) In any case commenced in or removed to a district court of the United States under subsection (a) or (b) of this section, the court shall have jurisdiction to determine all claims under State law that arise out of the same general aviation accident, if a substantial question of fact is common to the claims under State law and to the Federal claim, defense, or counterclaim.

(d)(1) A civil action in which the district courts of the United States have jurisdiction under subsection (a) of this section may be brought only in a district in which—

(A) the accident giving rise to the claim occurred; or

(B) any plaintiff or defendant resides.

(2) In an action pending in a district court of the United States under paragraph (1) of this subsection, a district court may, on motion of any party or its own motion, transfer the action to any other district for the convenience of parties and witnesses in the interest of justice.

(3) For purposes of this subsection, a corporation shall be considered to be a resident of any State in which it is incorporated or licensed to do business or is doing business.

SEVERABILITY

SEC. 14. If any provision of this Act or the application of the provision to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to any other person or circumstance shall not be affected by such invalidation.

EFFECTIVE DATE

SEC. 15. (a) This Act shall apply to any civil action for harm arising out of a general aviation accident which is filed on or after the date of enactment of this Act.

(b) If an action governed by this Act is filed within one hundred and eighty days after the date of enactment of this Act, liberal leave shall be given to a party to amend any pleading, motion, statement of jurisdiction or venue, or other matter to conform to the provisions of this Act.

Mr. DANFORTH. Mr. President, as a cosponsor of the legislation being introduced today by Senator KASSEBAUM, I agree with my distinguished colleague from Kansas that product liability reform for the general aviation industry is a necessity. The present system in the United States for resolving product liability disputes and compensating those injured by defective products is costly, slow, inequitable, and unpredictable. This system hurts businesses and consumers, as well as our competitive position in world markets. Moreover, the unpredictability and inefficiency of the system have been linked to the increasing cost and unavailability of liability insurance. Because of the serious burden on interstate commerce created by these product liability problems, Federal legislation is needed.

The general aviation industry is, without doubt, among those industries most seriously affected by skyrocketing product liability costs. These costs comprise the largest single expense element in the manufacture and sale of light aircraft today. Partly as a result of these expenses, the number of aircraft sold by the U.S. industry has fallen 26 percent, the value of sales has declined nearly 12 percent, and employment has fallen 66 percent since 1980.

The legislation being introduced today will lead to more predictability in the outcome of general aviation product liability cases by establishing a uniform Federal standard for cases involving defective products, breach of warranty, or failure to warn of known dangers. The bill imposes no limit upon attorneys' fees nor upon the amount of damages a plaintiff can recover.

I would prefer that Congress address product liability reform in a comprehensive way. I am reluctant to single out one industry for relief when all of American business is suffering from an inefficient and ineffective tort system. However, I am supporting this bill because it is a step in the right direction, and because the general aviation industry may not survive unless Congress acts. Nevertheless, I will continue to press for broad-based tort reform before many more of America's important industries reach the same state of emergency that general aviation is in today.

By Mr. KENNEDY (for himself, Mr. WEICKER, Mr. SPECTER, Mr. KERRY, Mr. SIMON, Mr. LEVIN, and Mr. BIDEN):

S. 474. A bill making urgent supplemental appropriations for the fiscal year ending September 30, 1987, to support regional development programs of the Southern Africa Development Coordination Conference [SADCC]; to the Committee on Foreign Relations.

S. 475. A bill to provide meaningful levels of economic assistance to the Southern Africa Development Coordination Conference [SADCC]; to the Committee on Foreign Relations.

DEVELOPMENT AID TO SOUTH AFRICA

● Mr. KENNEDY. Mr. President, today, Senators WEICKER, SPECTER, and I are introducing legislation to continue the struggle against apartheid. These bills will ask for $100 million to be added to the 1987 budget for aid to the Southern African Frontline States and $700 million for aid to the Southern African Frontline States for the 5 years following fiscal year 1987.

Last year, Congress passed the Anti-Apartheid Action Act of 1986, and today the United States stands as the world leader in the international campaign to end apartheid in South Africa. In passing strong economic sanctions against the Government of South Africa, Congress repudiated the policy of constructive engagement and sent a message to the people of South Africa—black and white alike—that the American people are firmly on the side of freedom inside South Africa.

This year, we are introducing legislation that will put flesh on the bones of last year's commitment. This year, we are urging Congress to enlist in the effort to preserve the independence and integrity of South Africa's neighbors who are besieged and beleagured by the forces of apartheid.

There is a war going on in Southern Africa, and the cause of war is apartheid. Tomorrow, in a hearing before the Subcommittee on Immigration and Refugee Affairs, we will be taking testimony about the impact of that war on the people in the region. We will hear from administration witnesses as well as from representatives of various private voluntary organizations about what this war has done to the children, about how this war has displaced millions and disrupted the lives of entire populations, about the way that this war has now put whole nations at risk.

The truth is that apartheid's soldiers are fighting on many fronts to preserve their sanctuary of racism and repression.

Their first campaign is, of course, within South Africa itself. We are now told that the state of emergency will continue for another 3 to 5 years. The press has been silenced with ever more draconian decrees, and American correspondents are now expelled from South Africa for the crime of reporting the news. Thousands remain in detention, and millions still live in subjugation. The South African military is deployed throughout the land, and the people of that country now live under an army of occupation. South Africa has become one of the truly totalitarian states of the world today.

Apartheid's war extends beyond the borders of South Africa into the territory of its neighbors. By fostering economic dependence, by fomenting internal disorder, by exporting chaos into the nations that live along its borders, South Africa works steadily to preserve its hold on its own people.

Last March, the South Africa defense forces conducted raids on the capitals of Botswana, Zambia, and Zimbabwe. But these attacks—either by the South African military or by their surrogates—have now become commonplace. Because of the apostles of apartheid, all of southern Africa is in danger.

But military pressure is only one element of apartheid's war on its neighbors. It is not an accident of history, it is the legacy of British colonialism, that the lines of transportation, communication and trade—the very life blood of commerce in the region—run from north to south, giving South Africa a stranglehold over the economies of the neighboring states. For the nations of the front line states to be truly independent, South Africa's grip must be loosened and its stranglehold lifted.

The purpose of this legislation is to make concrete our commitment—to assist the struggling nations that border on South Africa. By providing this assistance to the front line states, by making a 5-year pledge of support, we will be telling the peoples of South Africa that the American people are involved in their struggle, that, we have a stake in the outcome. The United States should be helping those nations to achieve economic independence from South Africa and to preserve their political independence in the face of the threats, and attacks from the armies of apartheid.

We will urge the Senate Foreign Relations Committee to include this legislation in this year's Foreign Assistance Authorization Act, and we will fight for final passage on the floor of the Senate. I ask for unanimous consent that the text of these two bills be inserted into the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Urgent Supplemental Appropriations For Southern Africa Act of 1987".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The front-line states of southern Africa are in urgent need of economic assistance to facilitate their development, combat widespread poverty, and strengthen their economies. Most of these countries are still struggling to recover from 3 years of ravaging drought.

(2) In addition, the dominance of the Republic of South Africa has been reinforced by the dependence of these states on rail transportation to the ports of the Republic of South Africa. Without the establishment of an adequate regional transportation and communications system and the development of regional energy sources, other areas of cooperation among these states become impracticable.

(3) In an effort to promote regional economic and political stability, the front-line states are hoping to break their historical pattern of economic dependency on South Africa.

(4) The Southern Africa Development Coordination Conference (hereafter in this Act referred to as "SADCC"), a southern Africa regional organization, was established to plan and implement projects that will lead to regional cooperation.

(5) The Congress is deeply concerned about regional stability in Southern Africa and believes that urgent economic assistance should be channeled through SADCC sector projects which enhance regional development.

SEC. 3. APPROPRIATION OF FUNDS FOR SADCC.

The following sums are appropriated to supply urgent supplemental appropriations for the fiscal year ending September 30, 1987, namely:

BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic Support Fund", $100,000,000, to be derived from such unobligated funds as the President may designate (notwithstanding any prior enactment limiting the use of funds for a specified country or purpose) which were appropriated or otherwise made available by the Foreign Assistance and Related Programs Appropriations Act, 1987 (contained in section 101(f) of Public Laws 99-500 and 99-591). Funds made available by this paragraph shall be available only to assist the member states of the Southern Africa Development Coordination Conference (SADCC) in carrying out the most urgent sector projects supported by SADCC in the following: transportation and communications, energy (including the improved utilization of electrical power sources which already exist in the member states and offer the potential to swiftly reduce the dependence of those states on South Africa for electricity), agricultural research and training, and industrial development and trade (including private sector initiatives). Not less than 60 percent of funds made available by this paragraph shall be used for the rehabilitation of the Dar es Salaam Port Transport System and for other transportation projects identified as high priority by SADCC. None of the funds made available by this paragraph may be taken from funds allocated for Africa (including funds used to carry out section 802(a) of the International Security and Development Cooperation Act of 1985). Funds made available by this paragraph may be used without regard to the limitations contained in section 620(q) of the Foreign Assistance Act of 1961 and section 518 of the Foreign Assistance and Related Programs Appropriations Act, 1987.

S. 475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) The Southern Africa Development Coordination Conference (hereafter in this Act referred to as "SADCC"), a southern Africa regional organization in which the front-line states of southern Africa are members, was established specifically to promote and facilitate social and economic development of the 9 member states.

(2) SADCC has gained the respect and support of the international community, and important western allies of the United States have been major financial supporters of that organization.

(3) The United States has supported SADCC from its inception, though the amount of assistance has not been at levels commensurate with the goal of achieving economic and political stability in the region.

(4) The member states of SADCC have been the victims of repeated invasions, bombings, and acts of destabilization by South Africa, so that international economic support for these states is crucial.

(5) The United States policy of constructive engagement signalled the tacit approval by the United States of actions by South Africa, official change in United States policy with the enactment of the Comprehensive Anti-Apartheid Act of 1986 should discourage further blatant acts of destabilization by South Africa in southern Africa, thereby creating a climate more conducive to the economic recovery of the member states of SADCC.

(6) SADCC represents a laudable attempt not only to break traditional dependence on South Africa, but more importantly to achieve greater levels of economic self-sufficiency among the member states, thereby creating viable trading and economic partners for the United States.

(7) Forty percent of United States exports go to the developing world, which represents a greater market for United States goods and services than all of Europe and China combined.

(8) It is in the strategic and economic interests of the United States to strengthen its ties to the countries of the developing world and to play a meaningful role in the economic recovery program of these countries, for economic prosperity fosters politi-

cal stability and increases markets for United States goods and services.

(9) The Congress is deeply concerned about regional stability in southern Africa. SADCC has identified key projects in the areas of transportation, energy, human resources, agriculture, and other sectors which are central to achieving and maintaining stability in the region. The Agency for International Development should work with and consult with SADCC in the allocation of United States foreign assistance to the front-line states of southern Africa.

SEC. 2. SECURITY OF SADCC STATES.

The Congress urges the President to use diplomatic means to protect the security of the member states of SADCC, and urges the Government of South Africa to respect the territorial integrity of these states and to refrain from direct or indirect military aggression across its borders.

SEC. 3. ECONOMIC SUPPORT ASSISTANCE FOR SADCC.

Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund), not less than $140,000,000 shall be available in each of fiscal years 1988, 1989, 1990, 1991, and 1992 to assist sector projects supported by SADCC to enhance the economic development of the 9 member states forming the regional institution. Of the amounts so available, not less than one half shall be available in each fiscal year for transportation. The remaining half shall be available in each fiscal year for one or any combination of the following sectors: the manpower development sector; the food, agriculture, and natural resources sector; the energy sector (including the improved utilization of electrical power sources which already exist in the member states and offer the potential to swiftly reduce the dependence of the states on South Africa for electricity); and the indsutrial development sector (including private sector initiatives).●

● Mr. WEICKER. Mr. President, today Senator KENNEDY and I are introducing legislation that will take another step in strengthening southern Africa and abolishing apartheid. Last year Congress passed the Anti-Apartheid Act. This represented a new United States foreign policy toward South Africa. That was a critical step.

But as in any serious endeavor, it's the follow-through that counts, and Senator KENNEDY and I are here today to announce that the Comprehensive Anti-Apartheid Act of 1986 has a follow-through—the southern Africa development initiative. This legislation would strengthen the front-line states that have a critical economic dependency on the Government of South Africa. Because of South Africa's primacy, these nine countries depend on the apartheid regime for transportation, energy, communications, and an array of private sector activities that are essential to these nations. In other words, South Africa can hold these nations hostage through economic blackmail. At the same time, however, they are being threatened militarily by South African-backed insurgencies. These security needs must be met as well in order to free the front-line states to develop.

The Southern African Development Coordination Conference is working to do just this. U.S. participation is a way of boosting democracy and continuing the struggle against apartheid.

Last week I was pleased that Secretary Schultz meet with Oliver Tambo, president of the African National Congress, despite the narrow-sighted opposition of some. I believe this precedent-setting meeting was only the latest benefit of congressional urging of a multilateral approach to the factions of South Africa. In addition, the State Department has requested money for southern Africa in its proposed supplemental for fiscal year 1987. Congress needs to seize this opportunity quickly and show its readiness to followthrough on the promises and possibilities of the Anti-Apartheid Act. The southern Africa development initiative will do just that.●

● Mr. BIDEN. Mr. President, in response to the sanctions imposed on the South African Government last summer, Pretoria has sought to make life extremely difficult for the nations of southern Africa, the so-called front line states. The front-line states are eonomic hostages to South Africa; their support for sanctions makes them vulnerable to economic retribution. The legislation we are introducing today seeks to offset the punitive actions of the South African Government by providing development assistance to the front-line states, especially in the construction of critically important transportation networks.

The Supplemental Assistance for Southern Africa Act and the Southern Africa Development Plan Act is a wise and timely investment in our long-term strategic, economic, political and moral interests in the region. Seventy percent of the foreign trade of the countries of southern Africa must be transported on South Africa's rail lines and through South African ports. The development of alternate rail, road and oil pipeline routes is essential to the ability of the front-line states to withstand South African pressure and to continue on the path of political and economic development.

By supporting the front-line states' effort to resist South African domination, we will increase the pressure on the Pretoria regime to end apartheid. The aid provided in these two acts will send a very clear message to our friends and allies in South Africa—the moderate black leadership—that we will do everything in our power to bring about a peaceful end to apartheid. Passage of this legislation will be one more step in our ongoing campaign to promote an end to apartheid in South Africa and to further the political and economic development of southern Africa.●

By Mr. DODD:

S. 476. A bill to provide assistance in the development of new or improved programs to help younger persons through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; and to provide for a White House Conference on Young Americans; to the Committee on Labor and Human Resources.

YOUNG AMERICANS ACT

● Mr. DODD. Mr. President, I am introducing today a bill to ensure that coming generations of young Americans will receive the education, health care, and attention they need to be productive citizens tomorrow. Identical legislation is being introduced in the House of Representatives by Congressman CLAUDE PEPPER. I would like to commend the Child Welfare League for its excellent work on the "Young Americans Act of 1987." I would also like to commend the National Network of Runaway and Homeless Youth for their support of this legislation.

Far too many young Americans today are slipping through the cracks. The majority of poor Americans are children, with one out of every four children under the age of 6 now living in poverty. We have infant mortality rates in parts of our inner cities and rural counties that rival those of the poorest Third World nations. Children whose families cannot find housing are now over crowding shelters designed for runaways. One out of every four students will leave high school without a diploma. And countless fatal fires across the country involve children left alone at home because their parents cannot find or afford child care.

The Young American's Act of 1987 is a first step toward a concrete, systematic plan to build an optimum future for all young Americans. We do strategic planning for every other area of critical importance. We have long-term plans for the military, with the Joint Chiefs of Staff advising the President at every turn. And as we complete action on the highway bill today, it is appropriate to note that we have long-term plans for our Nation's highways, bridges, and tunnels, because they provide the infrastructure for our cities.

Well, children are the future security for this country and the future infrastructure for our democracy. So, it is about time we worked on getting a comprehensive plan for the 64 million Americans who are children.

Very briefly, the Young Americans Act of 1987 will do the same for children that the Older Americans Act has accomplished for seniors. By having the President appoint the Commissioner of the Administration on Children, Youth and Families; by setting up a Federal council to advise the President and Congress; and by providing for a White House Conference on Young Americans to be held in 1990, we will elevate the problems of children to the highest levels.

This bill would give grants to States to coordinate planning and to try new ways to prevent young people from falling through the cracks. It also helps States set up an ombudsman program to oversee care for children removed from their homes; namely, those in foster care and juvenile correctional facilities.

As founder and cochair of the Senate Children's Caucus and chairman of the Subcommittee on Children and Families, I can attest to the fact that programs for children represent the most critical investment we can make in our ability to compete within future world markets and maintain a strong national defense in the decade ahead. Without improving perinatal care, we will never ensure a generation of healthy mothers and healthy babies. Failure to help communities establish after-school care programs will leave millions of latchkey children at risk of injuries, abuse, and alienation. And young people who are never given an opportunity for a job will be less likely to hold one in adulthood.

To ensure that preventive efforts will be at the cornerstone of the broad range of programs for children, we have to have coordinated planning on the local, State, and Federal level. It was Hubert Humphrey who asked: "Can we, in all our wealth and power, afford the loss of a single American child?" The Young Americans Act of 1987 is an answer to his question.

I urge my colleagues to join me in sponsoring this legislation. I also ask unanimous consent that the text of this bill be printed in the RECORD in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Young Americans Act of 1987".

TITLE I—DECLARATION OF OBJECTIVES; DEFINITIONS

FINDINGS AND OBJECTIVES

SEC. 101. (a) The Congress finds and declares that—

(1) children and youth are inherently our most valuable resource;

(2) their welfare, protection, healthy development, and positive role in society are essential to the Nation;

(3) such children and youth deserve love, respect, and guidance, as well as good health, shelter, food, education, productive work, and preparation for responsible participation in community life;

(4) such children and youth have increasing opportunities to participate in the decisions that affect their lives;

(5) the family is the primary caregiver and the source of social learning and must be supported and strengthened; and

(6) when families, however, are unable to ensure the satisfaction of these needs, it is society's responsibility to assist them.

(b) The Congress further finds that it is the joint and several duty and responsibility of the Federal Government and of the States and their political subdivisions to assist our children and youth to secure equal opportunity to full and free access to—

(1) the best possible physical and mental health;

(2) adequate and safe physical shelter;

(3) the highest quality of educational opportunity;

(4) effective training, apprenticeship, and productive employment;

(5) the widest range of civic, cultural, and recreational activities which promote self-esteem and a sense of community;

(6) comprehensive community services which are efficient, coordinated, and readily available; and

(7) genuine participation in decisions concerning the planning and managing of their lives.

DEFINITIONS

SEC. 102. For the purposes of this Act—

(1) The term "Commissioner" means, unless the context otherwise requires, the Commissioner of the Administration on Children, Youth, and Families.

(2) The term "nonprofit" as applied to any agency, institution, or organization means an agency, institution, or organization which is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(3) The term "Secretary" means the Secretary of Health and Human Services.

(4) The term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(5) The term "young individual" means any individual who has not attained 25 years of age.

(6) The term "youth" means an individual who has not attained 25 years of age.

TITLE II—THE ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES

ESTABLISHMENT OF THE ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES

SEC. 201. (a) There is established in the Office of the Secretary an Administration on Children, Youth, and Families which shall be headed by a Commissioner on Children, Youth, and Families. The Administration shall be the agency responsible for carrying out this Act. There shall be a direct reporting relationship between the Commissioner and the Office of the Secretary. In the performance of the duties of the Commissioner, the Commissioner shall be directly responsible to the Office of the Secretary. The Secretary shall not approve or require any delegation of the functions of the Commissioner to any other officer not directly responsible to the Commissioner.

(b) The Commissioner shall be appointed by the President, by and with the advice and consent of the Senate.

FUNCTIONS OF THE COMMISSIONER

SEC. 202. (a) It shall be the duty and function of the Administration to—

(1) serve as the effective and visible advocate for children and youth within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government by maintaining active review and commenting responsibilities over all Federal policies affecting children, youth, and their families;

(2) collect and disseminate information related to problems of children and youth;

(3) assist the Secretary in all matters pertaining to children, youth, and their families;

(4) administer the grants authorized by this Act;

(5) develop plans, conduct and arrange research in the field of children, youth, and families, and assist in the establishment and implementation of programs designed to meet the needs of young individuals for supportive services, including health and mental health services, housing and shelter assistance, education and training services, protective services, foster care, teen parenting support, child care, family preservation, teen pregnancy prevention and counseling, and recreational and volunteer opportunities;

(6) provide technical assistance and consultation to States and political subdivisions thereof with respect to programs for children and youth;

(7) prepare, publish, and disseminate educational materials dealing with the welfare of children and youth;

(8) gather statistics in the field of children, youth, and families which other Federal agencies are not collecting, and take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to young individuals and their families;

(9) stimulate more effective use of existing resources and available services for the children and youth;

(10) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under this Act;

(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and nonprofit private organizations of programs for young individuals with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such individuals;

(12) convene conferences of such authorities and officials of public (including Federal, State, and local agencies) and nonprofit private organizations concerned with the development and operation of programs for young individuals as the Commissioner deems necessary or proper for the development and implementation of policies related to the priorities of this Act;

(13) carry on a continuous evaluation of the programs and activities related to the purposes of this Act, with particular attention to the impact of medicaid, aid to families with dependent children, low-income housing, foster care and child protective services, and set standards for the licensing of child care and all out-of-home placement residential care facilities, including juvenile detention and correctional facilities;

(14) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of children, youth, and families and for train-

ing persons for carrying out programs related to the purposes of this Act; and

(15) consult with national organizations representing minority individuals to develop and disseminate training packages and to provide technical assistance efforts designed to assist State and community agencies in providing services to young individuals with the greatest economic or social need.

(b) In order to strengthen the involvement of the Administration in the development of policy alternatives in out-of-home placement residential care for young individuals and to ensure, where appropriate, that the development of in-home service alternatives for young individuals is given priority attention, the Commissioner shall—

(1) participate in all departmental and interdepartmental activities which concern issues of institutional and noninstitutional out-of-home placement of young individuals; and

(2) review and comment on all departmental and interdepartmental regulations and policies regarding community health, mental health, and social service development for the young.

(c) In executing the duties and functions of the Administration under this Act and carrying out the programs and activities provided for by this Act, the Commissioner, in consultation with the Director of the ACTION Agency, shall take all possible steps to encourage and permit voluntary groups active in supportive services, including organizations, to participate and be involved individually or through representative groups in such programs for activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways.

FEDERAL AGENCY CONSULTATION

SEC. 203. (a) The Commissioner, in carrying out the purpose and provisions of this Act, shall advise, consult, and cooperate with the head of each Federal agency or department proposing or administering programs or services substantially related to the purpose of this Act, with respect to such programs or services. The head of each Federal agency or department proposing to establish programs and services substantially related to the purpose of this Act shall consult with the Commissioner prior to the establishment of such programs and services. The head of each Federal agency administering any program substantially related to the purpose of this Act, particularly administering any program set forth in subsection (b), shall, to achieve appropriate coordination, consult and cooperate with the Commissioner in carrying out such programs.

(b) For the purposes of subsection (a), programs related to the purpose of this Act include—

(1) the Job Training Partnership Act;

(2) titles II and IV of the Juvenile Justice and Delinquency Prevention Act of 1974;

(3) the Domestic Volunteer Service Act of 1973;

(4) titles IV, V, XIV, XIX, and XX of the Social Security Act;

(5) title X of the Public Health Service Act;

(6) the Community Services Block Grant Act; and

(7) demographic statistics and analysis programs conducted by the Bureau of the Census.

FEDERAL COUNCIL ON CHILDREN, YOUTH, AND FAMILIES

SEC. 204. (a) There is established a Federal Council on Children, Youth, and Families to be composed of 15 members. Members shall serve for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed by each appointing authority so as to be representative of rural and urban populations, national organizations with an interest in children, youth, and families, business, labor, minorities, and the general public. At least one of the individuals appointed by each appointing authority shall be under the age of 25 at the time of appointment. No full-time officer or employee of the Federal Government may be appointed as a member of the Council.

(b)(1) Of the members appointed, five shall be appointed by the President, five by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and five by the Speaker of the House of Representatives upon the recommendation of the Majority Leader and the Minority Leader.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such members' predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS-18 in section 5331 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government Service employed intermittently.

(c) The President shall designate the Chairperson from among members appointed to the Council. The Council shall meet at the call of the Chairperson at least quarterly.

(d) The Council shall—

(1) advise and assist the President on matters relating to the special needs of young individuals;

(2) review and evaluate, on a continuing basis, Federal policies regarding the young individuals and programs and other activities affecting the young individuals conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of young individuals;

(3) serve as a spokesgroup on behalf of young individuals by making recommendations to the President, to the Secretary, the Commissioner, and to the Congress with respect to Federal policies regarding the young and federally conducted or assisted programs and urban activities relating to or affecting them;

(4) inform the public about the problems and needs of the young individuals by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports; and

(5) provide public forums for discussing and publicizing the problems and needs of the young individuals and obtaining information relating thereto by conducting public hearings, and by conducting or sponsoring conferences, workshops, and other such meetings.

(e) The Council shall have staff personnel, appointed by the Chairperson, to assist it in carrying out its activities. The head of each Federal department and agency shall make available to the Council such information and other assistance as it may require to carry out its activities.

(f) Beginning with the fiscal year 1989, the Council shall make such interim reports as it deems advisable and an annual report of its findings and recommendations to the President not later than March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

(g) There are authorized to be appropriated to carry out the provisions of this section $200,000 for each of the fiscal years 1987, 1988, 1989, and 1990.

ADMINISTRATION OF THE ACT

SEC. 205. (a) In carrying out the provisions of this Act, the Commissioner is authorized to—

(1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations;

(2) provide short-term training and technical instruction;

(3) conduct research and demonstrations;

(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

(5) provide staff and other technical assistance to the Federal Council on Children, Youth, and Families.

(b) In administering the functions of the Administration under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organizations, in accordance with agreements between the Commissioner and the head thereof, and is authorized to pay therefore, in advance or by way of reimbursement, as may be provided in the agreement.

(c) Not later than 120 days after the date of the enactment of this Act, the Secretary shall issue and publish in the Federal Register proposed regulations for the administration of this Act. After allowing a reasonable period for public comment on such proposed rules and not later than 90 days after such publication, the Secretary shall issue, in final form, regulations for the administration of this Act.

(d) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

EVALUATION

SEC. 206. (a) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(b) The Secretary shall annually publish summaries and analyses of the results of evaluative research and evaluation of program and project impact and effectiveness.

(c) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

(d) Each department and agency of the Federal Government shall make available to the Secretary, upon request, such information as the Secretary deems necessary for the purpose of the evaluations conducted under this section.

(e) The Secretary is authorized to use such sums as may be required but not to exceed $300,000 for each fiscal year to conduct program and project evaluations (directly, or by grants or contracts) as required by this Act.

REPORTS

SEC. 207. (a) Not later than 120 days after the close of each fiscal year, the Commissioner shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this Act and other such activities as delegated by the Secretary to the Administration on Children, Youth, and Families. Each such annual report shall include statistical data reflecting services and activities provided young individuals during the preceding year.

(b) Not later than 2 years after the date of the enactment of this Act, the Commissioner shall prepare and submit a report to the Congress on the extent to which the need for services for the prevention and treatment of the abuse of children is unmet.

ADVANCE FUNDING

SEC. 208. For the purpose of affording adequate notice of funding available under this Act, appropriations are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS FOR CHILDREN, YOUTH, AND FAMILIES

PART A—GENERAL PROVISIONS

PURPOSE; ADMINISTRATION

SEC. 301. (a) It is the purpose of this title to encourage and assist State and local agencies to concentrate resources in order to develop and implement efficient comprehensive State and community services designed to serve young individuals by entering into new cooperative arrangements in each State and with local public or nonprofit agencies for the planning and advocacy of services in order to assure young individuals the availability of—

(1) the best possible physical and mental health;

(2) adequate and safe physical shelter;

(3) the highest quality of educational opportunity;

(4) effective training, apprenticeship, and productive employment;

(5) the widest range of civic, cultural, and recreational activities which promote self-esteem and a sense of community; and

(6) genuine participation in decisions concerning the planning and managing of their lives.

(b)(1) In order to carry out the purpose of this title, the Commissioner shall administer programs under this title through the Administrator on Children, Youth, and Families.

(2) In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Transportation, the Office of Community Services, and such other agencies and departments of the Federal Government as may be appropriate.

DEFINITIONS

SEC. 302. For the purpose of this title—

(1) The term "information and referral source" means a location where the State or any public or private agency or organization—

(A) maintains current information with respect to the opportunity and services available to young individuals and develops current lists of young individuals in need of services and opportunities; and

(B) employs, where feasible, a specially trained staff to assess the needs of young individuals and their families to inform young individuals and their families of the opportunities and services which are available, and to assist such individuals and their families to take advantage of such opportunities and services.

(2) The term "out-of-home placement residential care" means foster care, runaway shelters, juvenile detention and correctional facilities, health and mental health residential facilities providing care for young individuals, homes for pregnant youth, and other residential group homes, ranches, or institutions where children and youth are placed.

(3) The term "planning and service area" means an area specified by a State agency under section 305(a)(1)(E).

(4) The term "State agency" means the State agency designated by a State under section 305(a)(1).

(5) The term "unit of general purpose local government" means—

(A) a political subdivision of the State whose authority is general and not limited to only one function or combination of related functions; or

(B) an Indian tribal organization.

AUTHORIZATION OF APPROPRIATIONS

SEC. 303. (a) There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1987, 1988, 1989, and 1990 for the purpose of making grants under part A of this title (relating to State and community planning).

(b) There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1987, 1988, 1989, and 1990 for the purpose of making grants under part B of this title (relating to supportive services).

(c) Grants made under part A of this title may be used for paying part of the cost of the administration of area plans by area agencies on children, youth, and families designated under section 305(a)(2)(A), including the preparation of area plans on children, youth, and families consistent with section 306 and the evaluation of activities carried out under such plans.

(d) Grants made under part B of this title may be used for paying part of the cost of the development of comprehensive, efficient, coordinated supportive services which are readily available.

ALLOTMENT; FEDERAL SHARE

SEC. 304. (a)(1) From the sums appropriated under section 303(a), each State shall be allotted an amount which bears the same ratio to such sums as the population aged 24 or younger in such State bears to the population aged 24 or younger in all States, except that no State shall be allotted less than $300,000 except that Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than $75,000.

(2) From sums appropriated under section 303(b), each State shall be allotted an amount which bears the same ratio to such sums as the population aged 24 or younger bears to the population aged 24 or younger in all States.

(3) The number of individuals aged 24 or younger in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to the Commissioner.

(b) Whenever the Commissioner determines that any amount allotted to a State under part A or B for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, or when the Commissioner finds that a State has failed to qualify under the State plan requirement of section 307, the Commissioner shall make such allotment available for carrying out such purposes to other participating States in a proportional manner based on their relative population of individuals aged 24 or younger.

ORGANIZATION

SEC. 305. (a) In order for a State to be eligible to participate in programs of grants to States from allotments under this title—

(1) the State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency to—

(A) develop a State plan to be submitted to the Commissioner for approval under section 307;

(B) administer the State plan within such State;

(C) be primarily responsible for the coordination of all State activities related to the purpose of the Act;

(D) serve as an effective and visible advocate for children and youth by reviewing and commenting on all State plans, budgets, and policies which affect children, youth, and their families and by providing technical assistance to any agency, organization, association, or individual representing the needs of the young; and

(E) divide the State into distinct planning and service areas in accordance with guidelines issued by the Commissioner, after considering the geographical distribution of individuals aged 24 and younger in the State and the boundaries of existing areas within the State which were drawn for the planning or administration of supportive service programs and other relevant factors; and

(2) the State agency designated under clause (1) shall—

(A) designate for each such area, after consideration of the views offered by the unit or units of general local government in such area, a public or private nonprofit agency or organization as the area agency for children, youth, and families for such area;

(B) develop a formula, in accordance with guidelines issued by the Commissioner, for the distribution within the State of funds received under this title; taking into account, to the maximum extent feasible, the best available statistics on the geographical distribution of individuals aged 24 and younger in the State;

(C) submit its formula developed under subclause (B) to the Commissioner for review and comment; and

(D) provide assurance that preference will be given to advocating for and assuring service to young individuals with the greatest economic or social needs, with particular attention to low-income minority young individuals residing in out-of-home placement care and include proposed methods of carrying out the preference in the State plan.

(b) The State is encouraged, in the division of the State into planning districts, to include all portions of an Indian reservation within a single planning area, if feasible.

AREA PLANS

SEC. 306. (a) Each area agency on children, youth, and families designated under section 305(a)(2)(A) shall, in order to be approved by the State agency, prepare and develop an area advocacy plan for a planning and service area for a two-, three-, or four-year period determined by the State agency, with such annual adjustments as may be necessary. Each such advocacy plan shall be based upon a uniform format for area plans within the State. Each such plan shall—

(1) determine for young individuals the extent of need within the area with respect to physical and mental health; adequate and safe physical shelter; educational opportunity; effective training and apprenticeship programs leading to productive employment; civic, cultural, and recreational activities promoting self-esteem and a sense of community and opportunities for genuine participation in decisions concerning the planning and managing of their lives;

(2) evaluate the effectiveness of the use of resources in meeting such need;

(3) provide for the establishment and maintenance of information and referral services in sufficient numbers to assure that all young individuals within the planning and advocacy area covered by the plan will have reasonably convenient access to such services;

(4) furnish appropriate technical assistance to providers of services in the planning and advocacy area;

(5) serve as the advocate and focal point for the young individuals within the community by monitoring, evaluating, and commenting upon all policies, programs, hearings, levies, and community actions which will affect the young individuals and their families;

(6) where possible, enter into arrangements with organizations providing day care services or long-term care services for older individuals so as to assist in providing opportunities for youth to aid or assist on a voluntary basis in the delivery of such services to the elderly;

(7) conduct efforts to facilitate family preservations and in-home services designed to retain young individuals in their homes;

(8) identify the public and private nonprofit entities involved in the prevention, identification, and treatment of the abuse, neglect, and exploitation of young individuals and, based on such identification, determine the extent to which the need for appropriate services for such individuals is unmet; and

(9) facilitate the involvement of out-of-home providers placement alternatives in the coordination of community-based service and work to assure community awareness of and involvement in addressing the needs of residents of out-of-home placement facilities.

STATE PLANS

SEC. 307. (a) Each State, in order to be eligible for grants from its allotment under this title for any fiscal year, shall submit to the Commissioner a State plan for a two-, three-, or four-year period determined by the State agency with such annual revisions as are necessary. Each such plan shall—

(1) contain assurances that the State plan will be based upon area plans developed by area agencies on children, youth, and families within the State and that the State will prepare and distribute a uniform format for use by area agencies;

(2) provide that each area agency on children, youth, and families will develop and submit to the State agency for approval an area plan which complies with the provisions of section 306;

(3) provide that the State agency will evaluate the need for supportive services within the State to address the purposes of the Act and determine the extent to which existing public and private programs meet such need;

(4) provide that the State agency will make such reports, in such form, and containing such information, as the Commissioner may require;

(5) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid to the recipients of a grant or contract;

(6) provide that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

(7) provide that information and referral services furnished under section 306 are established in such manner so as to assure that all young individuals in the State will have reasonably convenient access to such services;

(8) provide that no supportive services will be provided by the State agency or by an area agency on children, youth, and families;

(9) provide assurance that the State agency will—

(A) establish and operate, either directly or by contract or other arrangement with any public agency or other appropriate private nonprofit organization, other than an agency or organization which is responsible for administering or operating out-of-home placement facilities in the State or which is an association (or an affiliate of such an association) of out-of-home placement residential facilities (including any other residential facility for young individuals), an out-of-home placement care ombudsman program which provides at least one individual who will, on a full-time basis—

(i) investigate and resolve complaints made by or on behalf of young individuals who are residents of out-of-home placement care facilities relating to administrative action which may adversely affect the health, safety, welfare, and rights of such residents;

(ii) monitor the development and implementation of Federal, State, and local laws, regulations, and policies with respect to out-of-home placement care facilities in that State;

(iii) provide information as appropriate to public agencies regarding the problems of young individuals residing in out-of-home placement care facilities;

(iv) provide for training staff and volunteers and promote the development of citizen organizations to participate in the ombudsman program; and

(v) carry out such other activities as the Commissioner deems appropriate;

(B) establish procedures for appropriate access by the ombudsman to out-of-home placement care facilities, including procedures to ensure that the identity of any complainant or resident will not be disclosed without the written consent of such complainant or resident, or upon court order;

(C) establish a statewide uniform reporting system to collect and analyze data relating to complaints and conditions in out-of-home placement care facilities for the purpose of identifying and resolving significant problems, with provision for submission of such data to the agency of the State responsible for licensing or certifying such facilities in the State and to the Commissioner on a regular basis; and

(D) in planning and operating the ombudsman program, consider the views of area agencies on children, youth, and families, young individuals, and provider agencies;

(10) provide assurances that each State will provide inservice training opportunities for personnel of agencies and programs funded under this Act;

(11) provide that the State agency from funds allotted under section 304(a)(1) will use an amount not less than 10 percent of such allotment or $75,000, whichever is greater, for the purpose of carrying out the out-of-home placement care ombudsman program, except that—

(A) the requirement of this clause shall not apply in any fiscal year in which a State spends from State or local sources an amount equal to the amount required to be spent by this clause; and

(B) the provisions of this clause shall not apply to American Samoa, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands; and

(12) provide assurances that the State will provide for carrying out part B of this title, relating to supportive services.

(b)(1) The Commissioner shall approve any State plan which the Commissioner finds fulfills the requirements of subsection (a).

(2) The Commissioner shall not make a final determination disapproving any State plan, or any modification thereof, or make any final determination that a State is ineligible, without first affording the State reasonable notice and opportunity for a hearing.

PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

SEC. 308. (a)(1) Amounts available to States under section 304(a)(1) may be used to make grants to States for paying such percentages as each State agency determines, but not more than 75 percent, of the cost of the administration of its State plan, including—

(A) the preparation of the State plan,

(B) the evaluation of activities carried out under such plan,

(C) the collection of data and the carrying out of analyses related to the need for supportive services within the State,

(D) dissemination of information so obtained,

(E) the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and

(F) the operation of the out-of-home placement care ombudsman program.

(2) Any sums available to a State under section 304(a)(1) for part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by the State to supplement the amount available to cover part of the cost of the administration of area plans.

(b) For each fiscal year, not less than 25 percent of the non-Federal share of the total expenditures under the State plan which is required shall be met from funds from State or local public sources.

PART B—SUPPORTIVE SERVICES

PROGRAM AUTHORIZED

SEC. 309. (a) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to demonstrate successful program approaches to service gaps identified through State and area planning and advocacy efforts for any of the areas specified in subsection (b). The services eligible under this part are services which are designed to—

(1) enable young individuals to attain and maintain physical and mental well-being;

(2) demonstrate the provision of health screening to detect or prevent illnesses, or both, that occur most frequently in young individuals, as well as better treatment and counseling;

(3) demonstrate the provision adequate and safe physical shelter to young individuals and their families, especially in emergency circumstances;

(4) promote the highest quality of educational opportunity;

(5) demonstrate effective training apprenticeship and employment opportunities;

(6) promote participation in civic, cultural, and recreational activities which promote self-esteem and a sense of community;

(7) demonstrate methods of facilitating the provision of comprehensive community services which are efficient, coordinated, and readily available;

(8) promote the genuine participation of young individuals in decisions concerning planning and managing their lives;

(9) demonstrate methods of encouraging young individuals and their families to use community facilities and services available to them;

(10) promote family preservation and assist young individuals where appropriate in avoiding institutionalization and out-of-home residential placement; and

(11) prevent the abuse or exploitation of young individuals.

(b) Amounts available to States under section 304(a)(2) may be used to make grants for paying such percentage as each State agency may determine, but not more than 85 percent of the cost of supportive services described in this section and identified in the State and area plans.

TITLE IV—WHITE HOUSE CONFERENCE ON YOUNG AMERICANS

SHORT TITLE

SEC. 401. This title may be cited as the "1990 White House Conference on Young Americans".

FINDINGS

SEC. 402. (a) The Congress finds that—

(1) children and youth are inherently our most valuable resource and their welfare, protection, healthy development, and positive role in society are essential to the Nation;

(2) children and youth deserve love, respect, and guidance, as well as good health, shelter, food, education, productive work, preparation for responsible participation in community life; and an increasing opportunity to participate in the decisions that affect their lives is essential;

(3) the family is the primary caregiver and the source of social learning which must be supported and strengthened but when families are unable to ensure the satisfaction of these needs, it is society's responsibility to assist them;

(4) at a minimum, all children and youth need and deserve access to—

(A) the best possible physical and mental health;

(B) adequate and safe physical shelter;

(C) the highest quality of educational opportunity;

(D) effective training, apprenticeship, and productive employment;

(E) the widest range of civic, cultural, and recreational activities which promote self-esteem and a sense of community;

(F) comprehensive community services which are efficient, coordinated, and readily available; and

(G) genuine participation in decisions concerning the planning and managing of their lives; and

(5) there is a great need for a comprehensive national policy with respect to young individuals, designed to engage Federal, State, and local government agencies, youth organizations, and other voluntary organizations.

(b) It is the policy of the Congress that the Federal Government should work jointly with the States and their citizens to develop recommendations and plans for action to meet the challenge and needs of young individuals.

AUTHORITY OF THE PRESIDENT AND SECRETARY; FINAL REPORT

SEC. 403. (a) The President shall call a White House Conference on Young Americans in 1990 in order to develop recommendations for further reason and action in the field of children, youth, and families which will further the policies set forth in section 402. The Conference shall be planned and conducted under the direction of the Secretary in cooperation with the Commissioner on Children, Youth, and Families and the heads of such other Federal departments and agencies as are appropriate. Such assistance may include the assignment of personnel.

(b) For the purpose of arriving at fact and recommendations concerning the use of skills, experience, and energies and the improvement of the conditions of young individuals, the Conference shall bring together representatives of Federal, State, and local governments, professional and lay people who are working in the field of children, youth, and families and representatives of the general public including young individuals.

(c) A final report of the Conference, which shall include a statement of a comprehensive coherent national policy on children, youth, and families together with recommendations for the implementation of the policy, shall be submitted to the President not later than 180 days following the date on which the Conference is adjourned. The findings and recommendations included in the report shall be immediately available to the public. The Secretary shall, within 90 days after submission of the report, transmit to the President and to the Congress recommendations for administrative action and the legislation necessary to implement the recommendations contained in the report.

ADMINISTRATION

SEC. 404. (a) In administering this title, the Secretary shall—

(1) request the cooperation and assistance of the heads of such other Federal departments and agencies as may be appropriate in carrying out the provisions of this title;

(2) furnish all reasonable assistance, including financial assistance, to State agencies on children, youth, and families and to area agencies on children, youth, and families, and to other appropriate organizations to enable them to organize and conduct conferences prior to the Conference;

(3) prepare and make available background materials for the use of delegates to the Conference and prepare and distribute any such report of the Conference as may be necessary and appropriate; and

(4) engage such additional personnel as may be necessary to carry out the provisions of this title without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) In carrying out the responsibilities under this title, the Secretary shall assure that current and adequate statistical data and other information on the well-being of young individuals in the United States are readily available, in advance of the Conference, to participants in the Conference, together with such information as may be necessary to evaluate Federal programs and policies relating to children and youth. In carrying out the requirements of this subsection, the Secretary may make grants to and enter into contracts with, public agencies and nonprofit private organizations.

ADVISORY COMMITTEES

SEC. 405. (a) The Secretary shall establish an advisory committee to the Conference which shall include representation from the Federal Council on Children, Youth, and Families and other public agencies and private nonprofit organizations as appropriate. The Secretary shall establish such other committees, including technical committees, as may be necessary to assist in planning, conducting, and reviewing the Conference. Each such committee shall be composed of professional and public members and shall include individuals from low-income and minority groups. At least one-fifth of the public members of each committee shall be 24 years old or younger.

(b) Appointed members of any such committee (other than any officers or employees of the Federal Government), while attending conferences or meetings of the committee or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate fixed by the Secretary but not to exceed the daily rate prescribed for GS-18 under section 5332 of title 5, United States Code (including traveltime). While away from their homes or regular places of business, such members may be allowed travel expense, including per diem in lieu of subsistence, as authorized under section 5703 of such title for persons in Federal Government service employed intermittently.

AUTHORIZATION OF APPROPRIATION

SEC. 406. There are authorized to be appropriated such sums as may be necessary, for fiscal years 1988, 1989, and 1990, to carry out the provisions of this title.●

By Mr. CRANSTON (for himself, Mr. MATSUNAGA, Mr. DECONCINI, Mr. MITCHELL, Mr. ROCKEFELLER, and Mr. GRAHAM):

S. 477. A bill to assist homeless veterans; to the Committee on Veterans' Affairs.

HOMELESS VETERANS ASSISTANCE ACT OF 1987

Mr. CRANSTON. Mr. President, as the chairman of the Committee on Veterans' Affairs, I am today introducing S. 477, the proposed Homeless Veterans' Assistance Act of 1987. Joining with me as original cosponsors of this legislation are my good friends and fellow committee members from Hawaii [Mr. MATSUNAGA], Arizona [Mr. DECONCINI], West Virginia [Mr. ROCKEFELLER], Maine [Mr. MITCHELL, and Florida [Mr. GRAHAM].

Mr. President, homelessness is a tragic reality for a growing number of Americans in our Nation. Every dimension of this problem is deeply troubling, and I am taking the lead in efforts to develop and enact legislation to help all individuals suffering from lack of adequate shelter and to prevent others from joining their ranks. As the chairman of the Veterans' Affairs Committee, I am very concerned by reports that veterans account for a disproportionately large part of the homeless population.

According to American Legion estimates, 40 percent of our homeless citizens are veterans. I have been informed that, in Los Angeles, this figure may be as high as 50 percent.

Recently, I had an opportunity to visit a shelter here in Washington that is operated by the Community For Creative Non-Violence. In the course of that visit, Mitch Synder told me that, based on his observations in a large number of cities, more that half of the homeless individuals are veterans.

More recently, on January 29, 1987, in my capacity as chairman of the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs, I held a hearing on homelessness—both as it afflicts our Nation generally and veterans specifically—and thus had an opportunity to hear the views of and discuss with a number of individuals active in this area the complex causes of this problem. Homelessness among veterans and the legislation we are today proposing to address this grave situation will be covered at another hearing—scheduled for February 18—that I will chair as chairman of the Veterans' Affairs Committee.

Mr. President, homelessness among those who defended our country's freedom casts a shadow of shame across the streets of this Nation. As chairman of the Veterans' Affairs Committee, I am deeply committed to ensuring that America responds compassionately to the needs of our Nation's homeless veterans.

Mr. President, the legislation we are introducing is designed to address the tragedy of homelessness among veterans through a variety of approaches.

First, this legislation would authorize the VA to assist in the provision of shelter for homeless veterans in two principal ways. First, the VA would be authorized, under arrangements with veterans' organizations and other nonprofit private or public organizations, including, of course, local governments or governmental units, to transfer—by sale or lease for no or minimal consideration—hard-to-sell houses from the agency's inventory of over 21,000 properties taken by the VA as a result of foreclosures for use primarily for homeless veterans and their families. Keeping large numbers of VA-owned houses vacant while many thousands of veterans are without shelter is a waste of a resource desperately needed to help combat this problem.

Second, the VA would be authorized to lease underutilized VA facilities to such organizations for use as shelters for homeless veterans. This latter authority is based on authority provided to the Department of Defense in section 305 of Public Law 98-94.

In selecting entities with which to enter into these agreements, the Administrator would be required to give a preference to organizations which have a demonstrated commitment to working with and on behalf of homeless individuals, have a demonstrated ability to establish and run shelters for homeless individuals or are veterans service organizations, and have plans for utilizing the voluntary services of shelter residents, VA employees, and veterans service organizations in connection with repairing and rehabilitating and running the shelter. Of course, any entity taking possession of a VA property would be required to give assurances that it would comply with all applicable zoning regulations relating to the property.

Second, under this legislation the VA would be required to establish a pilot program for at least 2 years in 10 areas under which various activities would be undertaken to improve the VA's ability to assist homeless veterans. For example, under this program, the VA would be authorized to facilitate employees who wish to do so to volunteer their time and energy to provide assistance to homeless veterans. I understand that such programs have already been developed at some VA facilities in my home State of California. Other activities under this pilot program would include designating individuals at VA facilities to serve as coordinators of official and volunteer efforts to assist homeless veterans and encouraging official efforts by VA employees to seek out and work with organizations assisting homeless individuals.

Third, this legislation would require the VA both to report on and increase the agency's outreach efforts to homeless veterans to ensure that they receive the health care, job counseling, and income maintenance support for which they are eligible. Such benefits can serve as the tools eligible homeless veterans need to break away from homelessness and build new and better lives for themselves.

Fourth, this bill would require the VA, in coordination with the Departments of Labor, Health and Human Services, Housing and Urban Affairs, and Defense, to determine the number and service periods of veterans who are homeless and what veterans' benefits they are entitled to receive. Without such information—which is now sadly absent—any effort to assist such individuals through the VA, the Federal Government agency charged with the primary responsibility of serving veterans and through other agencies can not be truly effective.

Finally, because of concerns that a significant percentage of homeless individuals are suffering from chronic mental illness disabilities, this measure would require the VA to establish a program through which the VA would contract with appropriate community facilities to provide care and treatment and rehabilitative services to such veterans. Those veterans participating in this program would be required to bear the cost of the residential component of their stay in such community facilities in the same manner that veterans now pay for their room and board in community residential care facilities under section 630 of title 38. With further reference to the issue of chronic mental illness, the bill would amend a previously mandated study by the VA on services provided to veterans with such disabilities—which is due to be submitted this December—to require the VA to report on the number of veterans suffering from chronic mental illness disabilities who were furnished VA hospital, domiciliary, or nursing home care in each of fiscal years 1984, 1985, and 1986 and to comment on any changes in the numbers of such veterans being furnished each type of care with a particular emphasis on any changes resulting from the VA's implementation of a new resource allocation methodology. This last point is in response to concerns, raised by the American Legion at the January 29 hearing before the Housing Subcommittee that I mentioned earlier, that the VA's new resource allocation methodology for distributing funds among its hundreds of medical and other facilities is resulting in the premature discharge from VA care of veterans suffering from chronic mental illness disabilities.

CONCLUSION

Mr. President, homelessness is a desperate condition that has become a tragic fact of life for many veterans in cities across the land. Legislative action is needed urgently to address this problem, and I thus intend to move this measure swiftly through the Veterans' Affairs Committee and to the full Senate. As I mentioned earlier, this legislation will be the subject of a hearing, scheduled for February 18. It is my plan that the measure will be considered by the committee at its meeting on February 24, and I intend to work hard to see that this bill moves forward for consideration by the full Senate and is enacted as soon as possible. I urge my colleagues to join us in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Homeless Veterans Assistance Act of 1987".

ASSISTANCE IN PROVIDING SHELTER

SEC. 2. (a) The Administrator is authorized to enter into agreements, described in subsection (b), with any organization named in, or approved by the Administrator under, section 3402 of title 38, United States Code, or any other governmental, public, or nonprofit private institution, organization, corporation, or other entity, especially any such entity working on behalf of homeless individuals for the purpose of providing shelter primarily for homeless veterans and their families.

(b)(1) Agreements authorized by subsection (a) are agreements pursuant to which the Administrator would, subject to paragraph (2) of this subsection—

(A) transfer on a permanent basis or lease for a fixed period of time, for no or nominal consideration, to such an entity real property acquired by the Administrator as the result of a default on a loan guaranteed under chapter 37 of title 38, United States Code; or

(B) lease, for a fixed period of time or otherwise temporarily make available, to such an entity underutilized facilities under the jurisdiction of the Administrator that would be suitable for providing emergency shelter.

(2) The Administrator may enter into an agreement under paragraph (1) only if the Administrator determines that such an action will not adversely affect the Veterans' Administration's ability to fulfill its statutory missions or to carry out other functions and administer other programs authorized by law.

(c) In selecting entities with which to enter into agreements under subsection (a), the Administrator shall accord a preference to entities which—

(1) have a demonstrated commitment to working with and on behalf of homeless individuals;

(2)(A) have a demonstrated ability to establish, operate, and maintain shelters for homeless individuals, or (B) are an organization named in, or approved by the Administrator under, section 3402 of title 38, United States Code;

(3) have a plan for utilizing the voluntary services of shelter residents to rehabilitate and repair, as necessary, such property as needed for improving habitability; and

(4) have a plan for utilizing volunteer assistance of Veterans' Administration employees or members of veterans service organizations in the establishment, operation, and maintenance of the shelter established pursuant to such an agreement.

(d) Any agreement entered into by the Administrator under subsection (a) shall be on such terms and conditions as the Administrator determines to be appropriate and necessary to carry out the purpose of such agreement.

PILOT PROGRAM TO ASSIST HOMELESS VETERANS

SEC. 3. In order to enhance the Veterans' Administration's ability to assist homeless veterans and their families and to evaluate the effectiveness of various activities in that regard, the Administrator shall, as provided for in this section, conduct a pilot program and study for a period of not less than 24 months in not less than 10 geographic regions in which there are significant numbers of homeless veterans. In the course of such pilot program and study, the Administrator shall undertake and evaluate various activities otherwise authorized by law as well as activities—

(1) designating individuals at Veterans' Administration facilities to coordinate official and volunteer efforts designed to assist homeless veterans and their families;

(2) authorizing Veterans' Administration employees to seek out and cooperate with, and seek to enhance the effectiveness of the activities of, other entities providing counseling, job training, and assistance with housing to homeless individuals insofar as the activities of those entities can be of assistance to homeless veterans; and

(3) encouraging Veterans' Administration employees to assist, on a volunteer basis, homeless veterans and their families in acquiring shelter, food, health care, and other necessities and to use for such purposes Veterans' Administration resources and facilities, not otherwise employed, where the cost to the Federal Government would be minimal.

OUTREACH SERVICES PROGRAM

SEC. 4. Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the Committees a report setting forth—

(1) a description of all efforts undertaken in the past five fiscal years under subchapter IV of chapter 3 of title 38, United States Code, to provide outreach services to homeless veterans to assist such veterans in applying for and obtaining benefits and services for which they are eligible under laws administered by the Veterans' Administration or under other laws by virtue of their veteran status;

(2) an evaluation of the effectiveness of the efforts described pursuant to clause (1) of this section in terms of increased utilization of such benefits and services by such veterans; and

(3) a description of, and a timetable for, any plans to expand such outreach efforts, together with an estimate of the additional resources needed for such expanded efforts.

REPORT ON HOMELESS VETERANS

SEC. 5. Not later than 180 days after the date of the enactment of this Act, the Administrator, in coordination with the Secretaries of Labor, Defense, Health and Human Services, and Housing and Urban Development, shall submit to the Committees a report on the extent to which veterans are represented in the population of homeless individuals.

(b) The report required by subsection (a) shall include, to the maximum extent feasible, statistics on—

(1) the number of veterans, both as an absolute number and as a percentage, in the population of homeless individuals and the numbers of family members accompanying such veterans;

(2) a breakdown showing the periods of service of such veterans;

(3) the numbers of such veterans who, during fiscal years 1986 and 1987, received or will receive benefits and services under laws administered by the Veterans' Administration or the Department of Labor, with specific breakdowns showing the numbers who received or will receive (A) health-care services under chapter 17 of title 38, United States Code, (B) compensation under chapter 11 of such title, (C) pension under chapter 15 of such title, (D) vocational, educational, and training assistance under such title and the Veterans' Job Training Act (29 U.S.C. 721 note), or (E) job training, counseling, referral, or other vocational assistance under programs carried out or supported by the Department of Labor; and

(4)(A) the numbers of such veterans who, if they were to apply, would be eligible for benefits and services under laws administered by the Veterans' Administration or the Department of Labor but who are not receiving such benefits and services, with a breakdown estimating the numbers who would be eligible for each of the benefits and services described in subclause (A), (B), (C), (D), and (E) of clause (3), and (B) a description of the reasons why such veterans are not receiving such benefits and services.

(c) Not later than 30 days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall submit a report to the Committees setting forth an implementation plan and timetable for collecting the information needed for the report required by subsection (a).

CHRONICALLY MENTALLY ILL VETERANS

SEC. 5. (a) Section 235 of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986, Public Law 99-576, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting the following new subsection (b):

"(b) The report required under subsection (a) shall also include information on the number of chronically mentally ill veterans who were furnished hospital, domiciliary, or nursing home care by the Administrator in each of fiscal years 1984, 1985, and 1986, broken down by the type of care furnished, as well as an estimate of the number of such veterans being furnished such care in fiscal year 1987, together with the Administrator's analysis of the basis for any change in the numbers of such veterans being furnished any type of such care during the period beginning with fiscal year 1984 and ending with fiscal year 1987, with particular emphasis on the impact of the implementation by the Veterans' Administration of a resources allocation methodology on the numbers of such veterans being furnished any type of such care and the duration of the care furnished.".

(b) The Administrator, in furnishing hospital, nursing home, and domiciliary care and medical and rehabilitative services under chapter 17 of title 38, United States

Code, shall carry out a program to (1) utilize the authority under chapter 17 of title 38, United States Code, to contract for care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities for eligible veterans suffering from chronic mental illness disabilities, and (2) to assist such veterans in being placed in such facilities as though such facilities were community residential care facilities under section 630 of such title.

DEFINITIONS

SEC. 6. As used in this Act:

(1) The term "Administrator" means the Administrator of Veterans' Affairs.

(2) The term "Committees" means the Committees on Veterans' Affairs of the Senate and House of Representatives.

(3) The term "homeless individual" means an individual who lacks a fixed and adequate nighttime residence and includes an individual whose primary residence is in a publicly or privately operated shelter which provides temporary shelter.

(4) The term "veteran" has the meaning given that term in section 101(2) of title 38, United States Code.

(5) The term "homeless veteran" means a veteran who is a homeless individual.

By Mr. SIMON (for himself, Mr. CRANSTON, Mr. WARNER, and Mr. DECONCINI):

S. 478, A bill to repeal section 1631 of the Department of Defense Authorization Act, 1985, relating to the liability of Government contractors for injuries or losses of property arising out of atomic weapons testing programs, and for other purposes; to the Committee on Armed Services.

DOD AUTHORIZATION ACT

Mr. SIMON. Mr. President, I rise today with my distinguished colleagues from California, Arizona, and Virginia to sponsor this legislation repealing section 1631 of the Department of Defense Authorization Act of 1985.

Veterans who participated in the atomic testing program of the 1950's and 1960's or who were among the occupation forces at Hiroshima or Nagasaki—so-called atomic veterans—have not received due consideration from their government over the years, and our bill addresses another such instance.

The existing section 1631 allows that suits brought against contractors involved in the nuclear testing program would substitute the United States as a litigant. This amendment negates the right of military personnel, veterans, and civilians employed by defense contractors to seek compensation for injuries suffered as a result of nuclear testing.

The combination of section 1631, known as the Warner amendment, and the Feres doctrine prohibiting suits against the United States for personal injuries sustained in active duty, promotes undue hardships to veterans who deserve their right to be heard in our courts of law.

Many atomic veterans have risked their lives and sacrificed their health during atomic weapons testing.

I am a strong advocate for those seeking redress for radiation-related injuries suffered as a result of serving their country. By ignoring the effects of dangerous radiation exposure, a great injustice is being done to hundreds of service personnel.

Section 1631 is one step toward justice for our Nation's atomic veterans. Another issue the 100th Congress will be asked to address is that of compensation. Today the Veterans' Administration still basically relies on a flawed system that includes "dose reconstruction" of veteran's exposure—a method that was faulted in a recent General Accounting Office report. It is my longstanding belief that we should recognize once and for all that these radiogenic illnesses are service connected. I know that Senator CRANSTON, the chairman of the Veterans' Affairs Committee, intends to address this issue during this session. I will continue working with the distinguished chairman of the Veterans' Affairs Committee, and with other colleagues and groups, toward that aspect of equity and fairness in this matter. However, we simply must recognize that compensation is not a complete substitute for restoring to radiation victims their rights to file civil action against Government contractors—a right the bill we introduce today will restore.

It is time that all parties involved take responsibility for our errors of the past and move forward in a responsible and humane manner. We are hopefully approaching the hour that we will do the right things for these victims. And then we can put this episode honorably behind us.

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to join with my friends from Illinois [Mr. SIMON], Arizona [Mr. DECONCINI], and Virginia [Mr. WARNER] in introducing S. 478, a measure that would repeal section 1631 of the Department of Defense Authorization Act for fiscal year 1985, Public Law 98-525, effective on October 19, 1984, the date of the enactment of that provision.

Mr. President, section 1631 of Public Law 98-525, the so-called Warner amendment, provides that suits for personal injury or death due to radiation exposure resulting from a Federal Government contractor's activities in carrying out nuclear weapon tests must be brought against the Federal Government and may not be brought against the contractor.

Both by virtue of the numbers of veterans exposed to radiation in the U.S. Nuclear Weapons Test Program—estimates vary but it seems clear that there were at least 200,000 service members who participated in the Nuclear Weapons Test Program while on active duty—and as a result of the Feres doctrine, derived from a 1950 Supreme Court decision, which bars suits against the United States by veterans for injuries or illnesses resulting from events while on active duty, these veterans and their survivors were particularly adversely affected by section 1631. I recognize that there are arguments on both sides of the issue as to how to rectify the situation created by the enactment of the so-called Warner amendment, but in the last analysis this approach is based on the maxim that we should put the law back to the way it was before the Warner amendment was enacted in 1984 without due consideration by or the support of the committees of jurisdiction in the House and Senate—indeed in the House, the Judiciary Committee had looked at the legislation in 1983 and had recommended against its enactment.

This provision originated in the Armed Services Committee and, although it relates to judicial remedies for actions involving the U.S. Government and makes specific references to various provisions in title 28, United States Code, it was not, prior to its enactment, considered by the committee of proper jurisdiction in the Senate, the Judiciary Committee.

As a result of my service on the Veterans' Affairs Committee, I have had a longstanding and very deep interest in issues relating to the concerns of veterans exposed to ionizing radiation during their military service. I chaired the first hearings in the Senate on this matter in 1979 and have actively pursued getting the Federal Government to accept its share of responsibility for exposing veterans to ionizing radiation and for the lingering consequences of that exposure to these veterans and their survivors. In this regard, I have authored, and the Congress has enacted, legislation to provide health care to radiation-exposed veterans for conditions not caused by another factor; legislation to require the VA to develop, through a process allowing for public participation, special regulations prescribing uniform guidelines for resolving claims for VA compensation benefits; and legislation calling for a major study of the health of veterans exposed to nuclear test radiation.

I worked very closely with Senators SIMON and DECONCINI in the 99th Congress to seek enactment of a measure (S. 2454)—very similar to the one we are introducing today—along with my distinguished colleague from Alaska [Mr. MURKOWSKI] who was then the chairman of the Committee on Veterans' Affairs and who introduced that bill. In recognition of the very significant impact of section 1631 on veterans exposed to radiation during their military service, early on I sought to have the impact of section 1631 made the subject of hearings in the Senate. In that regard, I twice wrote Senator Warner, on November 27, 1984, and on February 11, 1985. After a November 14, 1985, Veterans' Affairs Committee hearing on this issue, held at Senator Warner's request, Senator Murkowski and I joined together on April 29, 1986, in a letter to the then-chairman Mr. Thurmond and ranking minority member Mr. Biden of the Judiciary Committee, urging that committee to hold a hearing to consider this issue.

After this measure was placed on the Judiciary Committee's calendar for consideration, I joined on September 10, 1986, with Senators Murkowski, Warner, Simon, DeConcini, and Denton in a letter to our Senate colleagues urging their cosponsorship of S. 2454. Later that month, on September 22, I wrote to the then-chairman Mr. Goldwater and ranking minority member Mr. Nunn of the Armed Services Committee urging that, in the conference with the House on the Department of Defense Authorization Act, 1987, the Senate conferees recede to the House on the provisions in section 3036(c) of H.R. 4428 as passed by the House on August 15 which would have repealed section 1631.

After some debate, on October 2, 1986, the Senate Judiciary Committee ordered favorably reported to the Senate S. 2454. Unfortunately, it was stalled on the Senate floor and no further action was taken before the end of the 99th Congress.

Mr. President, I was very disappointed at the failure of the Congress to act in the last Congress but look forward to working very closely on this issue with Senators Simon, DeConcini, and Warner in the 100th Congress. I also look forward to working with my colleagues on the Judiciary Committee on this issue of such great importance to those who were exposed to radiation while in the service of their country.

Mr. President, I ask unanimous consent that letters I referred to earlier be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Veterans' Affairs,
Washington, DC, September 10, 1986.

Re S. 2454, relating to veterans' exposed to ionizing radiation.

Dear Colleague: We are writing to request that you co-sponsor S. 2454, a measure we introduced on May 15, 1986, concerning individuals who may have been exposed to ionizing radiation in connection with their participation in the U.S. atomic weapons testing program. S. 2454 would repeal section 1631 of Public Law 98-525, the DOD Authorization Act of 1985. Section 1631 provides that suits for loss of property, personal injury or death due to radiation exposure resulting from the acts or omissions of an entity under contract with the federal government in carrying out atomic weapons tests must be brought against the federal government and may not be brought against the contractor. Repeal of section 1631 would restore to individuals the right to seek redress in court for acts or omissions of atomic weapons contractors in carrying out the atomic weapons testing program.

Prior to October 19, 1984, the date of enactment of Public Law 98-525, suits could be brought against contractors who participated in the testing program, and contractors were then indemnified by the government for the costs of litigation, judgments or settlements. Section 1631 established the United States as the defendant in the cases, and provided that these cases would fall under the Federal Tort Claims Acts (FTCA). Because the FTCA and judicial precedent provide the U.S. with certain defenses, including the Feres Doctrine (which precludes judgments against the U.S. government for injuries servicemen incurred in the course of their service), judgments on behalf of veteran claimants are effectively barred.

The Veterans' Administration disability compensation system does provide a limited administrative avenue for veterans who were exposed to ionizing radiation to seek redress for disabilities they believe were related to that exposure. However, numerous questions and concerns have been raised about the possible long-term health effects of radiation exposure and the effectiveness of the VA's claims adjudication process as it pertains to radiation-related claims.

In response to the continuing concerns of representatives of veterans' service organizations, including the National Association of Atomic Veterans and the National Association of Radiation Survivors, and the request of Senator Warner, the Committee on Veterans' Affairs held a hearing on November 14, 1985, to consider the effect of section 1631 on veterans.

As a result of the information and testimony received at that hearing and informal discussions held with officials from the Departments Energy and Justice, it was determined that a full discussion of all aspects of these issues should be considered by the appropriate Committee of jurisdiction. We, therefore, introduced this measure which has been referred to the Judiciary Committee which held a hearing on this issue June 27, 1986. The Judiciary Committee has placed S. 2454 on the calendar for its September 11, 1986 Executive Meeting.

Section 1631 has prompted a new evaluation of the rights and needs of former service personnel who served willingly and were exposed to ionizing radiation. We believe there are compelling reasons to restore these rights to the veterans and others affected by section 1631. We hope you agree and urge you to join us as a co-sponsor of S. 2454. Please have your staff contact either Lisa Moore (224-9126) of the Committee staff or Elaine Anderson (224-8466) of Senator Simon's staff if you wish to co-sponsor S. 2454.

Sincerely,

Frank H. Murkowski.
John W. Warner.
Jeremiah Denton.
Paul Simon.
Alan Cranston.
Dennis DeConcini.

U.S. Senate,
Committee on Veterans' Affairs,
Washington, DC, September 22, 1986.

Hon. Barry Goldwater,
Chairman,
Hon. Sam Nunn,
Ranking Minority Member,
Committee on Armed Services, U.S. Senate, Washington, DC.

Dear Barry and Sam: I am writing to urge that, in the conference with the House on the Department of Defense Authorization Act, 1987, the Senate conferees recede to the House on the provisions in section 3036(c) of H.R. 4428 as passed by the House on August 15 which would repeal section 1631 of Public Law 98-525.

As you know, section 1631 of Public Law 98-525, the so-called "Warner Amendment" to the FY 85 DoD Authorization Act, provides that suits for personal injury or death due to radiation exposure resulting from a Federal Government contractor's activities in carrying out nuclear weapons tests must be brought against the Federal Government and may not be brought against the contractor.

As a result of my service on the Veterans' Affairs Committee, I have had a longstanding and very deep interst in issues relating to the concerns of veterans exposed to ionizing radiation during their military service. Both by virtue of the numbers of veterans exposed to radiation in the nuclear weapons test program—estimates vary but it seems clear that at least 200,000 service members participated in the nuclear weapons test program while on active duty—and as a result of the Feres doctrine, the doctrine established by the Supreme Court in a 1950 decision, which bars suits against the United States by veterans for injuries or illnesses resulting from events while on active duty, these veterans and their survivors were particularly adversely affected by section 1631.

In recognition of the very significant impact on section 1631 on veterans exposed to radiation during their military service, I have sought, since shortly after the enactment of Public Law 98-525, to have section 1631 repealed. In this regard, I am an original cosponsor of S. 2454, legislation now pending in the Judiciary Committee which would repeal section 1631. I urge you to accept the House-passed provision in H.R. 4428 with two modifications, both of which are pending in the Judiciary Committee—one making the repeal provision effective June 1, 1987 (thereby allowing the Judiciary Committee and the Congress the opportunity to review this matter further next year), and the other providing for a minimum 12-month period after that effective date during which no claimant would be barred by any applicable statutes of limitations. A text of the language with those modifications is enclosed.

I also note that section 3036 of H.R. 4428 includes as well, in subsections (a) and (b), provisions derived from H.R. 1338 (Representative Boucher's bill) which would amend the Federal Tort Claims Act so as to provide an express basis, notwithstanding the Feres doctrine, for individuals to bring an action in Federal court against the Federal Government for injuries which they believe resulted from the negligence of contractors during the atomic weapons test program and provide for other special rules governing such litigation. It is my understanding that members of the Senate Judiciary Committee, including Chairman Thurmond, have serious reservations about this approach. In addition, the various advocacy groups for Atomic veterans do not support these provisions, but favor a section 1631 repeal. In light of the serious questions about those provisions, I urge they be rejected by the Senate conferees in favor of the section 1631 repealer with the modifications I have outlined earlier.

Thank you for your cooperation and assistance on this issue of such importance to those who were exposed to radiation while in the service of their country.

With warn regards,

Cordially,

Alan Cranston.

By Mr. CRANSTON (for himself, Mr. D'Amato, Mr. Wilson, and Mr. Levin):

S.J. Res. 43. Joint resolution designating April 24, 1987 as National Day of Rememberance for the victims of the Armenian Genocide; to the Committee on the Judiciary.

NATIONAL DAY OF REMEMBERANCE FOR THE VICTIMS OF THE ARMENIAN GENOCIDE

Mr. CRANSTON. Mr. president, I rise today to introduce a joint resolution to designate April 24, 1987 as "National Day of Rememberance of the Armenian Genocide of 1915-1923." This resolution honors those who died during the Armenian massacre perpetrated by the Turkish Ottoman Empire.

The Armenian genocide of 1915 to 1923 stands out in the tragic events of history because of its scope and brutality and as the first genocide of the century. Those 8 years saw the massacre of 1½ million Armenian men, women, and children, and the deportation of an additional 500,000 survivors. Along with the loss of cherished loved ones, the Armenians also lost much of their historic homeland. The anguish suffered by the relatives and descendants of the victims continues. The agony is prolonged as long as there exist those who deny that this massacre occurred and seek to rewrite history despite the fact that the massacre has been well documented and affirmed over the past 7 decades.

We have an obligation to remember the victims of the Armenian genocide. As later events in the 20th century have proved, the world did not learn a lesson from this massacre. We cannot reverse the events of the past, but we can and we must strive to keep the memory of this tragedy alive to help prevent similar unspeakable atrocities in the future.

I urge my colleagues to support this resolution and help insure its speedy passage.

By Mr. DURENBERGER (for himself, Mr. Mitchell, Mr. Dole, Mr. Boren, Mr. Boschwitz, Mr. Bradley, Mr. Burdick, Mr. Chiles, Mr. Cochran, Mr. Garn, Mr. Gore, Mr. Hecht, Mr. Hollings, Mr. Johnston, Mr. Lugar, Mr. Matsunaga, Mr. McCain, Mr. McClure, Mr. Rockefeller, Mr. Sarbanes, and Mr. Weicker):

S.J. Res. 44. Joint resolution to designate November 1987, as "National Diabetes Month"; to the Committee on the Judiciary.

NATIONAL DIABETES MONTH

● Mr. DURENBERGER. Mr. President, I am pleased to introduce today a resolution along with a number of many distinguished colleagues to designate November 1987 as "National Diabetes Month."

Although the advances in research and treatment of diabetes are very encouraging, so much more needs to be done. Since 1948, November has been designated and given special recognition as National Diabetes Month. Since 1982, a joint resolution declaring November as National Diabetes Month has been passed by Congress and signed into law by the President. I have had the honor and privilege to sponsor this important resolution over the years and have always been very impressed and pleased by the dedication and ability of the American Diabetes Association and its State affiliates to successfully use this proclamation to focus on national diabetes every November.

I am particularly proud of the leadership in my home State of Minnesota. The American Diabetes Association of Minnesota [ADAM], with James Hancock as chairman of the board, Dr. Priscilla Hollander as president, and Giles Kobilka as executive director, is recognized as one of the Nation's top diabetes associations. With 23 local chapters and an annual budget of $915,000, ADAM has mounted a strong campaign against this disease.

Minnesota is also a national leader in diabetes research. Three of the Nation's 21 federally funded studies, the Diabetes Control and Complications Trails, are in Minnesota at the University of Minnesota, Mayo Clinic, and the International Diabetes Center. I am proud of the excellent research and public service that these three facilities and the ADAM are providing to my home State and to the Nation.

Diabetes touches so many of our lives with either a family member, friend, or neighbor afflicted with this disease. About 5 percent of the U.S. population has diabetes—that's 11 million Americans, and a half a million more will be diagnosed this year. But only 6 million of the 11 million know they have diabetes; the remaining 5 million have it but don't know they do. Clearly, these individuals must be identified and given the health care they need.

Over $14 billion are spent each year for health care, disability payments, and premature mortality costs resulting from diabetes. And the over 2 million elderly diabetics' health care expenses cost the Medicare Program about $3 billion a year. Most of these costs are from the treatment of the complications of diabetes. The National Diabetes Data Group has reported that:

Diabetes is the third leading cause of death in the United States.

Diabetes eye disease is the No. 1 cause of new blindness in adults aged 20-74.

Twenty percent of all cases of kidney failure is due to diabetes.

Nearly 50 percent of all nontraumatic foot and leg amputations are caused by diabetes.

Maternal diabetes is a major cause of birth defects and infant mortality.

Those with diabetes spend twice as many days in hospitals as those without diabetes and diabetes is the fourth leading cause of visits to physicians offices.

A disproportionately large number of women and black, Hispanic, and Native Americans suffer from diabetes and its numerous complications. In fact, over 20 percent of the adults in some Native American tribes have diabetes.

These statistics are sobering, yet can be improved. Diabetes is unique. The control or prevention of complications is particularly dependent on the individual with diabetes becoming the manager of his or her disease. Proper diet, exercise, and medication are the keys to good control, and health professionals can ensure that these stay in balance without the cooperation and involvement of the person with diabetes.

This is why National Diabetes Month is so important. Diabetes takes a huge toll on individuals and their families—physicially, emotionally, and financially. Better awareness and understanding of this disease and its costs can encourage more intensive research which leads to better methods of preventing the disease and its complications, new types of treatment, and a heightened sensitivity to the challenges we face in continuing to make breakthoughs that can improve an individual's chances for a long and healthy life.

Mr. President, I urge my colleagues to join me in sponsoring this important resolution and I ask unanimous consent that the text of the resolution be printed in the Record following my statement.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 44

Whereas diabetes is the third leading cause of death, killing more than all other diseases except cancer and cardiovascular diseases;

Whereas diabetes afflicts 11 million Americans and over 5 million of these individuals are not aware of their illness;

Whereas nearly $14,000,000,000 annually are spent on health care costs, disability payments and premature mortality costs due to diabetes;

Whereas up to 85 percent of all cases of non-insulin dependent diabetes may be preventable through greater public understanding, awareness, and education;

Whereas diabetes is particularly prevalent among black, Hispanic, and Native Americans, and women;

Whereas diabetes is the number one cause of new blindness in people between the ages of 20 and 74, and is a leading cause of kidney disease, heart disease, strokes, birth defects, and lower life expectancy, the severity of which all may be reduced through greater patient and public understanding, awareness, and education: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1987 is designated as 'National Disabetes Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies, and activities.●

By Mr. D'AMATO:

S.J. Res. 45. Joint resolution to designate the week of April 26, 1987, through May 2, 1987 as "Hemochromatosis Awareness Week"; to the Committee on the Judiciary.

HEMOCHROMATOSIS AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation affecting the many Americans who have hemochromatosis. Although this disease can be terminal, very few individuals have recognized the significance of this disease. I, therefore, ask my colleagues to join Congressman FAZIO and me in supporting increased awareness of this disease by designating the week of April 26, 1987, through May 2, 1987, as "Hemochromatosis Awareness Week."

Hereditary hemochromatosis is a disorder of iron metabolism. Affected individuals absorb excessive dietary iron from infancy. Since the body has no way of getting rid of excess iron once absorbed, except by blood loss, iron slowly accumulates in, and damages, the liver, heart, pancreas, and other hormonal glands, and joints. Without diagnosis and appropriate treatment early death is inevitable.

There may be 600,000 to 1,600,000 affected Americans, and a carrier-population of 24 to 32 million. Thus, hereditary hemochromatosis is the most common genetic disorder. It also is a disorder that is rarely diagnosed during life because early symptoms are absent or vague, and the later symptoms mimic problems such as arthritis, heart irregularities and failure, diabetes and other hormonal deficiencies, and liver cirrhosis. Furthermore, since most physicians still consider this disorder to be rare, hemochromatosis as the cause of these problems is not suspected, and the appropriate treatment is omitted, with disastrous outcome.

Ironically, an early diagnosis before symptoms is possible. The appropriate treatment will prevent—even reverse—early organ damage. A normal and full lifespan is possible. Treatment is simple: the periodic removal of a pint of blood, as in a blood donation, to rid the body of excess iron and to prevent further iron reaccumulation.

For many years, individuals and organizations, such as the Hemochromatosis Research Foundation and Iron-Overload Disease Association, Inc., have been calling the public's attention, in a necessarily limited way, to hemochromatosis. This year, in addition, the New York Academy of Sciences is sponsoring the First International Hemochromatosis Conference April 27-29 in New York City for physicians.

A National Hemochromatosis Awareness Week likely would result in increased diagnosis of hemochromatosis families and would increase blood donations to blood banks. Hemochromatosis blood is normal blood; and its use by blood banks is sanctioned by the Food and Drug Administration and by State health laws, provided that the blood meets all the usual blood-bank criteria and that the label on the blood container identifies such blood as "therapeutically obtained blood from a patient with hereditary hemochromatosis."

It is my hope that by drawing national attention to hereditary hemochromatosis, Congress can promote increased awareness of this little-heard-of, but common, genetic disorder. I urge my colleagues to support the designation of April 26 to May 2, 1987, as "Hemochromatosis Awareness Week."●

By Mr. CRANSTON (for himself and Mr. MURKOWSKI):

S.J. Res. 47. A joint resolution designating April 9, 1987, as "National P.O.W. Recognition Day;" to the Committee on the Judiciary.

NATIONAL P.O.W. RECOGNITION DAY

Mr. CRANSTON. Mr. President, as the chairman of the Veterans' Affairs Committee, I am very pleased to introduce Senate Joint Resolution 47, a joint resolution to designate April 9, 1987, as "National P.O.W. Recognition Day." Joining me as an original cosponsor in this effort is the distinguished ranking minority member of the committee, the Senator from Alaska [Mr. MURKOWSKI].

Mr. President, over the many years I have served on the Veterans' Affairs Committee, both as the committee's chairman from 1977 to 1981 and now again, as well as its ranking minority member from 1981 to 1987, I have come to appreciate very clearly the deep concerns that many have—and which I fully share—for those of our Nation's veterans who made enormous sacrifices and endured extreme hardships as prisoners of war. Their strength, courage, and commitment to our national security and democratic ideals and institutions helped to preserve our country, and we truly owe them a debt that can never be fully repaid.

In a Veterans' Administration study undertaken as a result of legislation I authored in Public Law 95-479, the VA found that, although the particular type and source of hardship differed significantly according to place and time of internment, American prisoners of war from each of the three most recent wars—World War II, Korea, and Vietnam—were subjected to widespread hardships that often included extreme malnutrition, great psychological stress and abuse, inadequate medical care, brutal living conditions, and, very frequently, physical and psychological torture or other abuse.

Mr. President, as my colleagues know, April 9, 1942, is the day that marks the fall of Bataan, the site where thousands of American soldiers were taken prisoner by enemy troops in the Philippines and forced to march long distances under extremely brutal conditions to prisoner-of-war camps, where they suffered further hardships and deprivations. Many of those men did not survive that harrowing ordeal, and those that did were often permanently disabled. Thus, April 9, is, sadly, an appropriate day to honor our Nation's POW's.

Mr. President, as I stated earlier, we can never repay our POW's for the profound and often extended suffering they have endured as a result of their service to this country. However, our Nation will always honor these veterans, and it is my hope that this resolution will help in efforts for us to express, as a nation, our continuing gratitude to them.

I urge my colleagues to give their full support to the bipartisan resolution we are introducing today.

Mr. President, I ask unanimous consent that the text of this resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 47

Whereas the United States has fought in many wars;

Whereas thousands of Americans who served in such wars were captured by the enemy;

Whereas many American prisoners of war were subjected to brutal and inhumane treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died or were disabled as a result of such treatment;

Whereas the great sacrifices of American prisoners of war and their families are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America *in Congress assembled,* That April 9, 1987, shall be designated as "National P.O.W. Recognition Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such day with appropriate activities.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. Boren, the names of the Senator from Rhode Island [Mr. Pell], the Senator from Tennessee [Mr. Gore], the Senator from West Virginia [Mr. Rockefeller], the Senator from Maryland [Ms. Mikulski], the Senator from Arkansas [Mr. Pryor], the Senator from Iowa [Mr. Harkin], the Senator from Delaware [Mr. Biden], and the Senator from Florida [Mr. Graham] were added as cosponsors of S. 2, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 63

At the request of Mr. Stevens, the name of the Senator from New Jersey [Mr. Bradley] was added as a cosponsor of S. 63, a bill to establish a National Commission on Acquired Immune Deficiency Syndrome.

S. 65

At the request of Mr. Hecht, the name of the Senator from Louisiana [Mr. Johnston], was added as a cosponsor of S. 65, a bill entitled the "Highway Speed Modification Act of 1987."

S. 69

At the request of Mr. Trible, the name of the Senator from Alaska [Mr. Stevens], was added as a cosponsor of S. 69, a bill to amend the Internal Revenue Code of 1986 to repeal the basis recovery rule for pension plans.

S. 83

At the request of Mr. Johnston, the names of the Senator from Hawaii [Mr. Inouye], the Senator from California [Mr. Wilson], the Senator from Nebraska [Mr. Exon], the Senator from New Hampshire [Mr. Rudman], the Senator from Georgia [Mr. Nunn], the Senator from Minnesota [Mr. Durenberger], and the Senator from South Dakota [Mr. Daschle], were added as cosponsors of S. 83, a bill to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances.

S. 85

At the request of Mr. Johnston, the name of the Senator from Texas [Mr. Bentsen], was added a cosponsor of S. 85, a bill to amend the Powerplant and Industrial Fuel Use Act of 1978 to repeal the end use constraints on natural gas, and to amend the Natural Gas Policy Act of 1978 to repeal the incremental pricing requirements.

S. 320

At the request of Mr. Pell, the name of the Senator from Michigan [Mr. Levin] was added as a cosponsor of S. 320, a bill to authorize the Secretary of Education to make grants to local educational agencies for dropout prevention and reentry demonstration projects.

S. 322

At the request of Mr. Sarbanes, the name of the Senator from Pennsylvania [Mr. Specter], was added as a cosponsor of S. 322, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 332

At the request of Mr. DeConcini, the names of the Senator from Iowa [Mr. Harkin], and the Senator from South Dakota [Mr. Daschle] were added as cosponsors of S. 332, a bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes.

S. 429

At the request of Mr. Durenberger, the name of the Senator from Virginia [Mr. Trible] was added as a cosponsor of S. 429, a bill to amend the Tax Reform Act of 1986 to delay for 2 years the exception for certain technical personnel from certain rules for determining whether an individual is an employee or independent contractor for employment tax purposes.

SENATE JOINT RESOLUTION 14

At the request of Mr. Helms, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of Senate Joint Resolution 14, a joint resolution to designate the third week of June of each year as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 39

At the request of Mr. Simon, the names of the Senator from Minnesota [Mr. Durenberger], the Senator from Connecticut [Mr. Weicker], the Senator from Nebraska [Mr. Exon], the Senator from New York [Mr. D'Amato], the Senator from North Carolina [Mr. Sanford], the Senator from New York [Mr. Moynihan], the Senator from Rhode Island [Mr. Pell], the Senator from Nebraska [Mr. Zorinsky], the Senator from Utah [Mr. Hatch], the Senator from Iowa [Mr. Grassley], the Senator from Ohio [Mr. Glenn], the Senator from New Mexico [Mr. Domenici], the Senator from Connecticut [Mr. Dodd], the Senator from North Dakota [Mr. Burdick], the Senator from Tennessee [Mr. Sasser], the Senator from Arkansas [Mr. Pryor], the Senator from California [Mr. Wilson], the Senator from New Hampshire [Mr. Humphrey], and the Senator from South Carolina [Mr. Thurmond], were added as cosponsors of Senate Joint Resolution 39, a joint resolution to provide for the designation of the 69th anniversary of the renewal of Lithuanian independence, February 16, 1987, as "Lithuanian Independence Day."

SENATE JOINT RESOLUTION 41

At the request of Mr. Glenn, the name of the Senator from Oklahoma [Mr. Boren] was added as a cosponsor of Senate Joint Resolution 41, a joint resolution to designate the period commencing on November 22, 1987, and ending on November 29, 1987, as "National Family Caregivers Week."

SENATE RESOLUTION 88

At the request of Mr. Wallop, the names of the Senator from South Carolina [Mr. Thurmond], the Senator from Wisconsin [Mr. Kasten], and the Senator from Idaho [Mr. Symms], were added as cosponsors of Senate Resolution 88, a resolution on the visit of Oliver Tambo.

AMENDMENT NO. 8

At the request of Mr. Cranston, the name of the Senator from Hawaii [Mr. Matsunaga] was added as a cosponsor of amendment No. 8 intended to be proposed to S. 382, an original bill to amend and extend the authorization for the Urban Mass Transportation Act of 1964.

SENATE RESOLUTION 99—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. BYRD (for himself and Mr. Dole) submitted the following resolution; which was considered and agreed to:

S. Res. 99

Whereas, a civil action known as *Brownsville Golden Age Nursing Home, Inc. v. Joann Wells, et al.* was filed against Senator John Heinz in the Commonwealth Court of Pennsylvania;

Whereas, because the action seeks damages from Senator Heinz for actions that were performed within the scope of his duties as a Member of the Senate and the chairman of the Special Committee on Aging, Senator Heinz removed the action to the United States District Court for the Western District of Pennsylvania, where it is now pending as C.A. No. 86-926;

Whereas, currently pending before the court is a motion of Senator Heinz for summary judgment, requesting that judgment be entered in his favor and that the complaint against him be dismissed;

Whereas, the plaintiff has requested that Senator Heinz and the custodian of records of the Special Committee on Aging testify and produce documents at a deposition;

Whereas, the court has ordered stayed, pending the disposition of this motion, all discovery by plaintiff of Senator Heinz or the Special Committee on Aging, except for discovery that is necessary for plaintiff to prepare a response to Senator Heinz's motion for summary judgment;

Whereas, by the privileges of the United States Senate and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that testimony of, or production of documents by, Members or employees of the Senate is or may be needful for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act, 2 U.S.C. § 288b(a), 288c(a)(2) (1982), the Senate may direct its counsel to represent employees of the Senate with respect to subpoenas issued to them in their official capacity: Now, therefore, be it

Resolved, That Senator John Heinz and the chief clerk of the Special Committee on Aging are authorized to testify and to produce documents at a deposition of each of them concerning matters relevant to Senator Heinz's motion for summary judgment in the case of *Brownsville Golden Age Nursing Home, Inc. v. Joann Wells, et al.,* C.A. No. 86-926 (W.D. Pa.), except when Senator Heinz's attendance at the Senate is necessary for the performance of his legislative duties and except concerning matters that may be privileged.

SEC. 2. That the Senate Legal Counsel is directed to represent Senate staff subpoenaed in this action.

SENATE RESOLUTION 100—CONGRATULATING THE CREW OF THE STARS & STRIPES FOR THEIR AMERICA'S CUP VICTORY

Mr. WILSON (for himself, Mr. CRANSTON, Mr. KENNEDY, Mr. DODD, Mr. MATSUNAGA, Mr. CHAFEE, Mr. D'AMATO, Mr. GRAMM, Mr. METZENBAUM, Mr. MCCLURE, Mr. PELL, Mr. MOYNIHAN, and Mr. RIEGLE) submitted the following resolution; which was considered and agreed to:

S. RES. 100

Whereas, some of the proudest chapters in American history have been written on the waters of the world, and that the urge to compete on athletic fields as in commercial shipping lands in an indelible part of our national character;

Whereas, for 153 years, American sailors have carried our colors with pride and majesty in the pursuit of the greatest trophy of their sport—the America's Cup;

Whereas, a heroic commitment of personal talent, tomorrow's technology, and a timeless love of country have found expression in the yacht Stars & Stripes, and racing immortality in the waters off Fremantle, Australia; Now, therefore, be it

Resolved, That the United States Senate on behalf of all Americans extends its deepest gratitude to Dennis Conner, his brilliant crew, and all those innovators who in building the world's fastest boat have renewed America's claim to nautical supremacy.

SENATE RESOLUTION 101—URGING APPOINTMENT OF A COMMISSION TO STUDY THE FEDERAL BUDGET PROCESS

Mr. COCHRAN submitted the following resolution; which, pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs:

S. RES. 101

Whereas the federal budget deficit continues to be a serious threat to the prosperity of America;

Whereas a major responsibility of the 100th Congress is to control federal spending and contain the threat brought about by huge deficits;

Whereas current federal budget procedures have failed to provide a disciplined and responsible mechanism for consideration of the federal budget and have contributed to failure in meeting budget goals;

Whereas specific reforms are needed to make the budget process more efficient and workable; and

Whereas budget process reform requires immediate attention and a comprehensive plan of action: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should appoint a Commission that shall—

(1) be composed of—

(A) current and former members of Congress of both political parties,

(B) other current and former government officials, and

(C) experts from business and industry;

(2) make a full study of the federal budget process and problems associated with producing timely and fiscally responsible budgets; and

(3) within six months after formation of such Commission, submit to the President a report making recommendations for reforming the federal budget process.

● Mr. COCHRAN. Mr. President, today I am submitting a resolution urging the President to appoint a bipartisan commission to study and make recommendations for reforming the Federal budget process.

As we continue our efforts toward deficit reduction in the 100th Congress, a growing consensus is recognizing the need for reform of the Federal budget process.

In his budget message to Congress, the President called for reform of the Federal budget process so that we can provide the American people what they deserve: a budget that is both timely, and fiscally responsible.

The President has said he intends to submit an outline of specific reforms later this year. A number of legislative proposals for restructuring budget procedures, such as a 2-year budget and appropriations cycle, among others, have been introduced in both Houses.

I feel it is important that all the various alternatives for reforming our fiscal processes should be studied, and a comprehensive plan of action presented which will strengthen the ability of Congress to continue on its current path toward deficit reduction. That is why I am calling on the President to appoint a bipartisan commission to study the budget process and make recommendations for reform within 6 months of its formation.

The proposed commission would be composed of current and former Members of Congress, current and former administration officials, and experts from business and industry who can provide Congress with suggestions for comprehensive reform.

I believe it is vital that we stand by the goals and procedural restraints set by Gramm-Rudman, and that we strive to meet them not only this year but in years to come.

The task will be difficult, but the burdens could be lessened by making procedural changes which encourage careful, prudent legislative action. Our current procedures—those which regularly produce missed deadlines, omnibus continuing resolutions which are laden with authorizing legislation, last-minute funding crises, and shutdowns of Government activities encourage excessive spending and waste.

I am confident that the findings and recommendations of this bipartisan commission would provide valuable assistance in efforts to reform the Federal budget process. I hope my colleagues will join me by cosponsoring this legislation and by giving it prompt approval.●

AMENDMENTS SUBMITTED

FEDERAL-AID HIGHWAY ACT

DIXON AMENDMENT NO. 23

Mr. DIXON proposed an amendment to the bill (S.387) to authorize appropriations for certain highways in accordance with title 23, United States Code, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE —MASS TRANSPORTATION

SEC. 301. This title may be cited as the "Urban Mass Transportation Authorization Act of 1987".

AUTHORIZATIONS

SEC. 302. (a) Section 21 of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"AUTHORIZATION

"SEC. 21. (a)(1) There is hereby authorized to be appropriated to carry out the provisions of sections 9 and 18 of this Act not to exceed $2,000,000,000 for each of the fiscal years 1987 through 1990.

"(2) There shall be available from the Mass Transit Account of the Highway Trust Fund only to carry out section 3, 4(i), 8, and 16(b) of this Act $1,100,000,000 for the fiscal year 1986, $1,002,500,000 for the fiscal year

1987, and $1,000,000,000 for each of the fiscal years 1988 through 1990.

"(b) In addition to the amounts set forth in subsection (a)(2), to carry out sections 3(j) and 9(q) of this Act, there shall be available from the Mass Transit Account of the Highway Trust Fund for each of the fiscal years 1988 through 1990, only to such extent and in such amounts as are provided in appropriations acts, the lesser of—

"(1) $2,500,000, or

"(2) the amount of estimated income (not including interest) and amounts made available under subsection (a)(2) for the applicable fiscal year.

"(c) The amounts made available under subsection (b) for fiscal years 1988, 1989, and 1990, shall be available for sections 9 and 18 to the extent necessary to provide $2,000,000,000 under such sections. Of the remainder, 70 per centum shall be available for capital grants under section 9(q), and 30 per centum shall be available for grants under section 3(j).

"(d) For substitute mass transportation projects under section 103(e)(4) of title 23, United States Code, there are authorized to be appropriated $200,000,000 for each of the fiscal years 1987 through 1990.

"(e) During each of fiscal years 1987 through 1990, 2.93 per centum of the total funds available under section 9 shall be available to carry out section 18. All amounts for section 18 shall be drawn from funds appropriated under subsection (a).

"(f) Out of the funds made available under subsections (a)(2) and (b) of this section, not to exceed $46,000,000 shall be available for the purposes of section 8 of this Act in each of the fiscal years 1987 through 1990. Nothing herein shall prevent the use of additional funds available under this subsection for planning purposes.

"(g) There is hereby authorized to be appropriated to carry out sections 6, 10, 11(a), 12(a) and 20 of this Act not to exceed such sums as may be appropriated for fiscal year 1987, and $50,000,000 for each of the fiscal years 1988 through 1990. Sums appropriated pursuant to this subsection for financing projects funded under section 6 of this Act shall remain available until expended.".

ALLOCATIONS OF SECTION 3 FUNDS

SEC. 303. Section 3 of the Urban Mass Transit Act of 1964 is amended by adding at the end thereof the following:

"(i) Of the amounts available for grants and loans under this section for fiscal years 1987, 1988, 1989, and 1990—

"(1) 45 per centum shall be available for rail modernization;

"(2) 40 per centum shall be available for construction of new fixed guideway systems and extensions to fixed guideway systems; and

"(3) 15 per centum shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

"(j)(1) Funds made available under section 21(b) to carry out this subsection shall be made available as otherwise provided by this section.

"(2) Approval by the Secretary of a grant under this subsection shall be deemed a contractual obligation of the United States for the Federal share of the cost of the project.".

4(h)(1) REPORTS

SEC. 304. Section 4(h)(1) of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "On or before the twentieth day of each calendar quarter" and inserting in lieu thereof "Not later than thirty days after the close of each quarter of each fiscal year";

(2) by striking out "Congress" and inserting in lieu thereof "the Committee on Public Works and Transportation and the Committee on Appropriations in the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations in the Senate";

(3) by redesignating clauses (1) through (5) as clauses (A) through (E) respectively;

(4) by striking out "and" before "(E)";

(5) by striking out the period and inserting in lieu thereof "; and" and

(6) by adding at the end thereof the following:

"(F) a status report on the execution of grant contracts and the establishment of a Letter of Credit or other reimbursement authority for sums already obligated for each State, designated recipient and applicant.".

LEASED PROPERTY

SEC. 305. Section 9(j) of the Urban Mass Transportation Act of 1964 is amended by inserting after the first sentence the following: "Grants for construction projects under this section shall also be available to finance the leasing of facilities and equipment for use in mass transportation service, subject to regulations limiting such grants to leasing arrangements which are more cost effective than acquisition or construction. The Secretary shall publish regulations under the preceding sentence in proposed form in the Federal Register for public comment not later that sixty days after the date of enactment of this sentence, and shall promulgate such regulations in final form not later than one hundred and twenty days after such date of enactment.".

ASSOCIATED CAPITAL MAINTENANCE ITEMS

SEC. 306. (a) The last sentence of section 9(j) of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "and materials" and inserting in lieu thereof, "tires, tubes, and materials";

(2) by striking out "1 per centum" and inserting in lieu thereof "one-half of 1 per centum".

(3) by inserting "(1)" before "Grants"; and

(4) by adding at the end thereof the following:

"(2) A project for the reconstruction (whether by employees of the grant recipient or by contract) of any equipment and materials each of which, after reconstruction, will have a fair market value no less than one-half of 1 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment and materials are to be used shall be considered a project for construction of an associated capital maintenance item under this section.".

(b) The first sentence of section 9(k)(1) of such Act is amended by striking out "shall not exceed" the first place it appears and inserting in lieu thereof "shall be".

(c) The first sentence of section 9(k)(1) of such Act is further amended by striking out "such project" and inserting in lieu thereof "such project; however, a recipient is permitted to provide additional local match at its option".

(d) The first sentence of section 9(k)(1) of such Act is further amended by striking out "(including capital maintenance items)" and inserting in lieu thereof "(including any project for the acquisition or construction of an associated capital maintenance item)".

NEWLY URBANIZED AREAS

SEC. 307. Section 9(k)(2) of the Urban Mass Transportation Act of 1964 is amended by striking all that follows the word "use" in the last sentence and inserting in lieu thereof: "from its annual apportionments, the same amount of funds for operating assistance in fiscal years 1986, 1987, 1988, 1989, and 1990 as was available to it during fiscal year 1985.".

USE OF LAPSED SECTION 9A AND SECTION 9 FUNDS

SEC. 308. Section 9(o) of the Urban Mass Transportation Act of 1964 is amended by striking out the period at the end of the second sentence and inserting "not later than thirty days after the end of the third fiscal year following the initial year of apportionment.".

APPORTIONMENT OF FORMULA FUNDS

SEC. 309. Section 9 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(p) Funds appropriated to carry out this section for any fiscal year shall be fully apportioned for the purposes of, and in accordance with, the provisions of this section not later than the tenth day following the date on which such funds are appropriated. The Secretary shall publish apportionments of such appropriated funds, including individual apportionments for each urbanized area above fifty thousand population as well as the amount attributable to each State of the multi-state urbanized area, on the apportionment date established in the preceding sentence.".

USE OF SECTION 9 MASS TRANSIT ACCOUNT FUNDS

SEC. 310. Section 9 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(q) Funds made available under section 21(b) to carry out this subsection shall be made available for capital grants as otherwise provided by this section.".

CERTIFICATION REGARDING USE OF FUNDS

SEC. 311. Section 9 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(r) Not later than the close of the fiscal year succeeding the first fiscal year for which funds are appropriated under this section, a recipient shall certify to the Secretary that it is the intent of the recipient to obligate such funds within the amount of the time allowed under subsection (o) of this section that have not been obligated as of the date of certification for projects listed under the program of projects submitted to the Secretary according to section 8(c). Any apportionments for the recipient for the affected fiscal year not subject to such certification shall be available for reallocation pursuant to subsection (o) of this section.".

RULEMAKING

SEC. 312. (a) Section 12(a) of the Urban Mass Transportation Act of 1964 is amended—

(1) by inserting "(1)" after "SEC. 12. (a)"; and

(2) by adding at the end thereof the following:

"(2) The Secretary shall prepare an agenda listing all areas in which he intends to propose rules governing activities under this Act within the following twelve-month period. The Secretary shall transmit such agenda to the Committee on Public Works and Transportation and the Committee on Appropriations of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate within one hundred and twenty days after the effective date of this subsection and annually thereafter. The Secretary shall also publish the proposed agenda in the Federal Register on the date it is submitted to the four Congressional Committees. Except for emergency rules, the Secretary shall give interested parties not less than sixty-days to participate in the rulemaking through submission of written data, views, or arguments with or without the opportunity for oral presentation, except when the Secretary for good cause finds that public notice and comment are unnecessary due to the routine nature or matter of insignificant impact of the rule, or that an emergency rule should be promulgated. The Secretary may extend the sixty-day period if he determines that such period is insufficient to permit diligent persons to prepare comments or that other circumstances justify an extension of such period. An emergency rule shall terminate one hundred twenty days after the date on which it is promulgated.".

(b) Section 12(c) of such Act is amended—

(1) by striking out "and" at the end of paragraph 10;

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(12) the term 'rule' means the whole or part of the Secretary's statement of general or particular applicability designed to implement, interpret, or prescribe law or policy or to describe the organizaton, procedure, or practice requirements of the Secretary in carrying out provisions of this Act; and

"(13) the term 'emergency rule' means a rule which is temporarily effective prior to the expiration of the otherwise specified periods of time for public notice and comment under this section and which was duly promulgated by the Secretary pursuant to a finding that a delay in the effective date thereof would (A) seriously injure an important public interest, (B) substantially frustrate legislative policy and intent, or (C) seriously damage a person or class of persons without serving any important public interest.".

CONTRACTING FOR ENGINEERING AND DESIGN SERVICES

SEC. 313. Section 12(b) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraph:

"(3) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Each contract for program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping or related services with respect to a project for which a loan or grant is made under this Act shall be awarded in the same manner as a contract for architectural and engineering services is negotiated under title IX of the Federal Property and Administrative Services Act of 1949 or equivalent State qualifications-based requirement. This paragraph shall apply except to the extent any State adopts or has adopted by statute a formal procedure for the procurement of such services.".

BUS REMANUFACTURING AND OVERHAULING OF ROLLING STOCK

SEC. 314. Section 12(c)(1) of the Urban Mass Transportation Act of 1964 is amended by inserting "(A)" after "such term also means" and by inserting before the semicolon at the end thereof the following: ", (B) any bus remanufacturing project which extends the economic life of a bus eight years or more, and (C) any project for the overhaul of rolling stock (whether or not such overhaul increases the useful life of the rolling stock)".

RURAL TRANSPORTATION EQUITY

SEC. 315. Section 18(c) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: "No restrictions may be placed on the use of the Federal share for the payment of operating expenses except as provided herein.".

PROJECT MANAGEMENT OVERSIGHT

SEC. 316. The Urban Mass Transportation Act of 1964 is amended by inserting at the end thereof the following new section:

"PROJECT MANAGEMENT OVERSIGHT

"SEC. 23. (a)(1) The Secretary may use not to exceed one-half of 1 per centum of the funds made available for major capital projects for each fiscal year by sections 21 (a), (b), and (c) of this Act, and section 14(b) of the National Capital Transportation Act of 1969 to contract with any person for the performance of project management oversight. Any contract entered into under this subsection shall provide for the payment by the Secretary of 100 per centum of the cost of carrying out the contract.

"(2) Each recipient of assistance under this Act or section 14(h) of the National Capital Transportation Act of 1969 shall provide the Secretary and a contractor chosen by the Secretary in accordance with paragraph (1) such access to its construction sites and records as may be reasonably required.

"(b) As a condition of Federal financial assistance for a major capital project under this Act or the National Capital Transportation Act of 1969, the Secretary shall require the recipient to prepare, and, after approval by the Secretary, implement a project management plan which meets the requirements of subsection (c).

"(c) A project management plan may, as required in each case by the Secretary, provide for—

"(1) adequate recipient staff organization complete with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

"(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and such miscellaneous payments as the recipient may be prepared to justify;

"(3) a construction schedule;

"(4) a document control procedure and recordkeeping system;

"(5) a change order procedure which includes a documented, systematic approach to the handling of construction change orders;

"(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

"(7) quality control and quality assurance functions, procedures, and responsibilities for construction and for system installation and intergration of system components;

"(8) materials testing policies and procedures;

"(9) internal plan implementation and reporting requirements;

"(10) criteria and procedures to be used for testing the operational system or its major components;

"(11) periodic updates of the plan, especially with respect to such items as project budget and project schedule, financing, ridership estimates, and where applicable, the status of local efforts to enhance ridership in cases where ridership estimates are contingent, in part, upon the success of such efforts; and

"(12) the recipient's commitment to make monthly submissions of project budget and project schedule to the Secretary.

"(d) The Secretary shall promulgate such regulations as may be necessary to implement the provisions of this section. Such regulations shall be published in proposed form for comment in the Federal Register and shall be submitted for review to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than sixty days after the date of enactment of this section, and shall be promulgated in final form not later than one hundred and twenty days after the date of enactment of this section. Such regulations shall, at a minimum, include the following:

"(1) A definition of the term 'major capital project' for the purpose of subsection (b). Such definition shall exclude projects for the acquisition of vehicles or other rolling stock, or for the performance of vehicle maintenance or rehabilitation.

"(2) A requirement that, in order to maximize the transportation benefits and cost savings associated with project management oversight, such oversight shall begin during the preliminary engineering stage of a project. The requirement of this paragraph shall not apply if the Secretary finds that it is more appropriate to initiate such oversight during another stage of the project.

"(e) The Secretary shall approve a plan submitted pursuant to subsection (b) within sixty days following its submittal. In the event that approval cannot be completed within sixty days, the Secretary shall inform the recipient of the reasons therefor and as to how much more time is needed for review to be completed. If a plan is disapproved, the Secretary shall inform the recipient of the reasons therefor.".

CRIME PREVENTION AND SECURITY

SEC. 317. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

"CRIME PREVENTION AND SECURITY

"SEC. 24. From funds made available pursuant to section 21 of this Act, the Secretary is authorized to make capital grants to public mass transit systems for crime prevention and security. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant.".

ADDITIONAL AMOUNT FOR SUBSTITUTE TRANSIT PROJECTS COST TO COMPLETE ESTIMATE

SEC. 318. (a) The Secretary of Transportation shall increase by $100,000,000 the estimate of the cost of completing substitute transit projects under section 103(e)(4) of title 23, United States Code.

(b) The amount of the increase under subsection (a) shall be made available in accordance with the apportionment factors contained in the committee print numbered 100-2 of the Committee on Public Works and Transportation of the House of Representatives.

MULTIYEAR CONTRACT FOR METRO RAIL PROJECT

SEC. 319. After publication in the Federal Register of an approved supplemental environmental impact statement prepared in accordance with the National Environmental Policy Act, the Secretary of Transportation shall enter into a multiyear contract under section 3 of the Urban Mass Transportation Act of 1964, as amended by this Act, with the Southern California Rapid Transit District to complete Minimum Operable Segment-1 and to complete the locally preferred Minimum Operable Segment-2 alternative of the Downtown Los Angeles to the San Fernando Valley Metro Rail Project.

BART STUDY

SEC. 320. (a) STUDY.—The Secretary of Transportation, in cooperation with the San Francisco Bay Area Rapid Transit District and the Metropolitan Transportation Commission, shall undertake a comprehensive study of the future of the Bay Area Rapid Transit System. The Study shall focus on the development of financing alternatives for the first phase rail extensions identified in the Regional Transportation Plan.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study described in subsection (a).

TRANSFER OF SECTION 9 FUNDS

SEC. 321. The Governor of Nevada, after consultation with all urbanized areas within Nevada, may transfer not to exceed $10,000,000 of unused apportionments under sections 9A and 9 of the Urban Mass Transportation Act of 1964 for use in Santa Clara County, California.

THURMOND (AND OTHERS) AMENDMENT NO. 24

Mr. THURMOND (for himself, Mr. WILSON, Mr. HELMS, Mr. HUMPHREY, Mrs. KASSEBAUM, Mr. GRASSLEY, Mr. WALLOP, Mr. NICKLES, Mr. MCCAIN, Mr. KASTEN, Mr. HECHT, Mr. ARMSTRONG, Mr. PROXMIRE, Mr. SIMPSON, Mr. DECONCINI, Mr. BURDICK, Mr. HATCH, Mr. HEFLIN, and Mr. BUMPERS) proposed an amendment to amendment No. 23 proposed by Mr. DIXON to the bill (S. 387), supra; as follows:

At the end of the Dixon amendment insert the following: "The recommendations of the President relating to rates of pay for offices and positions within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to the Congress for fiscal year 1988, are disapproved.".

PRESSLER (AND OTHERS) AMENDMENT NO. 25

Mr. PRESSLER (for himself, Mr. NICKLES, Mr. KASTEN, Mr. GRASSLEY, Mr. BOREN and Mr. BUMPERS) proposed an amendment which was subsequently modified, to amendment No. 23 proposed by Mr. DIXON to the bill (S. 387), supra; as follows:

At the end of the bill add the following:

SEC. . The Congress finds and declares that there has been a serious problem involving the deterioration of bus service for people residing in the small communities and rural areas of the several States, and recognizes the need to consider the best ways and means to remedy such problem.

HECHT AMENDMENT NO. 26

Mr. HECHT proposed an amendment to amendment No. 23 proposed by Mr. DIXON to the bill (S. 387), supra; as follows:

At the appropriate place insert the following:

TACTILE MOBILITY AIDS

SEC. . (a) The Secretary of Transportation shall conduct a study of the feasibility of developing and implementing standards for the use, in transportation facilities and equipment constructed or acquired with assistance under the Urban Mass Transportation Act of 1964, title 23, United States Code, or other laws administered by the Department of Transportation, of tactile mobility aids in order to facilitate the safe access to and use of such facilities and equipment by visually impaired and legally blind persons.

(b) Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit a report to the Congress on the results of such study, including such recommendations for legislation as may be necessary to implement such standards.

SASSER AMENDMENT NO. 27

Mr. SASSER proposed an amendment to amendment No. 23 proposed by Mr. DIXON to the bill (S. 387), supra; as follows:

At the end of the amendment, insert the following:

SEC. . Section 4(i) of the Urban Mass Transportation Act of 1964, as amended, is amended by inserting "(A)" before "The Secretary" and by adding a new subparagraph after subparagraph (A) as follows:

"(B) of the funds authorized to carry out the purpose of this subsection, not to exceed $5,000,000 shall be available per fiscal year to establish and carry out a rural transit assistance program in nonurbanized areas. In carrying out this paragraph, the Secretary is authorized to make grants and to enter into direct contracts for transit research, technical assistance, training, and related support services in nonurbanized areas."

GRAMM AMENDMENT NO. 28

Mr. GRAMM proposed an amendment to amendment No. 23 proposed by Mr. DIXON to the bill (S. 387), supra; as follows:

At the end of amendment, add the following:

PROTECTION OF PRIVATE CONTRACTING RIGHTS

SEC. . Section 13(c) of the Urban Mass Transportation Act of 1964 is amended by inserting after the third sentence the following new sentence: "Such arrangements may not restrict or limit the rights of the recipient of such assistance to enter into a contract or other arrangements for the provision of mass transportation services by private entities.".

DIXON (AND OTHERS) AMENDMENT NO. 29

Mr. DIXON (for himself, Mr. HEINZ, Mr. D'AMATO, Mr. MOYNIHAN, and Mr. SIMON) proposed an amendment to amendment No. 23 proposed by him to the bill (S. 387), supra; as follows:

At the end of section 302, insert the following:

"(h)(1) Notwithstanding any other provision of law, as soon as is practicable in each fiscal year, commencing with the fiscal year ending September 30, 1987, the Secretary shall allocate among the States from the appropriations made from the Mass Transit Account of the Highway Trust Fund for such fiscal year amounts sufficient to insure that a State's percentage of total allocations from the Mass Transit Account for such fiscal year shall not be less than 80 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Mass Transit Account in the latest fiscal year for which data are available. For purposes of this section, a State is any one of the 50 States and the District of Columbia.

"(2) Notwithstanding any other provision of law, amounts allocated pursuant to paragraph (1) shall be available for obligation when allocated for the fiscal year in which allocated plus the three succeeding fiscal years, shall be subject to the appropriate provisions of title 23, United States Code, and the Urban Mass Transportation Act of 1964, as determined by the Secretary, and shall be available for obligation for any projects authorized by the Urban Mass Transportation Act of 1964 or any highway construction projects authorized under title 23, United States Code.".

(3) The provisions of this subsection shall not apply to any State that receipts $1.00 or more from the Highway Trust Fund for every $1.00 in receipts to the Highway Trust Fund attributable to such State. The provisions of this subsection also shall not apply to any State that receives $1.00 or more in overall Federal spending for every dollar in Federal receipts collected that are attributable to such State.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON VETERANS' AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, February 4, 1987, at 9:15 a.m., to remove the expiration date of eligibility for educational assistance programs for veterans of the All-Volunteer Force.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 4, 1987, at 9:30 a.m., to resume oversight hearings on the current status of the Department of Energy's nuclear waste activities

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 4, 1987, at 10 a.m., to hold hearings on revenue increases as contained in the President's proposed budget for fiscal year 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, February 4, 1987, at 10 a.m., and 2 p.m., to hold hearings to review the President's proposed budget request for fiscal year 1988 for the Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Wednesday, February 4, 1987, at 10 a.m., to hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 4, 1987, at 2 p.m., to hold hearings on proposed legislation authorizing funds for fiscal year 1988 and 1989 for the Department of Defense, focusing on macro-budget issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, February 4, 1987, at 2:30 p.m., to continue hearings on work and welfare issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SOIL CONSERVATION

● Mr. SIMON. Mr. President, when I was a young newspaper editor, I had the chance to hear Lauren Soth, then a columnist for the DeMoines Register, speak in Illinois.

Recently, the Illini Agri-News published a column by him which comments on the whole question of taking acreage out of production.

Frankly, most of the conservation programs designed for farmers in the past, whether it is the PIC program or soil bank or what it is, have not been as genuinely soil conservation oriented as they should be.

But a sensible program like Lauren Soth recommends should be followed. He says:

> The best way to do it is not to slash acreage by 50 percent in one year but to retire for long periods, land that is eroding severely, placing this land in grass and trees.

I ask that the article be printed in the RECORD at this point, and I urge my colleagues to read Mr. Soth's column.

The article follows:

SLOWLY PHASE OUT ACREAGE REDUCTION

(By Lauren Soth)

Agriculture Secretary Richard Lyng is gathering political ammunition to combat pressure for stricter control of farm production.

Wheat farmers voted in favor of mandatory quotas in a nonbinding national referendum. Lyng said he would ignore the vote. But it evidently made the Administration nervous. Backing for such control has risen since the vote, and legislation to this end has been introduced in Congress by Democratic Senators Tom Harkin of Iowa and Richard Gephardt of Missouri.

An internal USDA memorandum stated that "a majority vote would generate strong pressure for mandatory production and marketing controls." So the USDA top command set about developing counter-pressure against a policy it abhors. The internal memorandum asked, "Do farmers really want to forfeit their economic sovereignty, and give government the right to manage their businesses?" Not exactly a detached, scientific question.

The paper then recited a debater's list of the evils which would come from marketing quotas: franchises to produce would acquire a dollar value erasing short-term income gains, exports would be lost, import pressures would mount, consumers would be hurt and "economic downsizing" of food marketing, processing and farm-supply industries would occur.

USDA's Economic Research Service prepared a statistical analysis for internal use on the consequences of mandatory crop control. This was one of those "quick and dirty" analyses government administrators often ask of their experts for political talking purposes. The ERS study showed clearly enough that large cuts in farm production would be injurious to agribusiness. That should be no surprise to anyone, especially when the effect of the drastic Payment in Kind (PIK) program of three years ago is recalled.

Gary Myers, head of the Fertilizer Institute, somehow got hold of the ERS report and he leaked some of the conclusions to the public. I asked ERS for a copy then and got it. The report shows the mechanical relation between different volumes of farm output and various economic numbers, based on the data for 1984.

Since 1984 was the year when the PIK was felt, the correlations are dubious. They are dubious anyway, for attributing sweeping economic changes to production controls in agriculture.

If you want to believe a correlation between national income and hypothetical cuts of 25 percent or 55 percent in farm "program" commodities, you might get as excited as the Fertilizer Institute. Myers said the study "proves once again that a strategy of acreage controls inflicts deep wounds to the American farmer and to the overall U.S. economy."

The deep wounds, of course, are to the fertilizer guys and some other agribusiness (but not to the processors and distributors of food for domestic use). Farm income, the study shows, would rise by 25 percent with a 55 percent cut in program crops.

The correlations become a little mysterious the farther you get away from agribusiness. The imaginary figures indicate that the gross national product would be cut by 10 percent, 2 million jobs would be lost and food prices would rise by 10 to 15 percent.

Baloney! The tail doesn't wag the dog. Farm politicians from time to time have argued that farm prosperity generates national prosperity—that farm income turns over 7 times or 10 times or 15 times and creates national income accordingly.

That is just as ridiculous as saying that cutting farm production will turn the national economy around and create unemployment on a large scale. Farming makes up less than 3 percent of the GNP.

The hard fact which the USDA top command and the Fertilizer Institute cannot face is that agriculture in this country is substantially over-expanded. So is the agribusiness superstructure which serves it. It makes sense to stop the growth in production capacity and stop the costly over-production of certain commodities. Wheat farmers are aware of this.

The best way to do it is not to slash acreage by 50 percent in one year but to retire for long periods, land that is eroding severely, placing this land in grass and trees. It should also be done by reducing severely the use of chemicals in farming and forcing producers to rotate crops in order to maintain fertility.

Secretary Lyng's attempt to conjure up a chamber of horrors about production controls won't work.●

THE AMERICA'S CUP IS RECAPTURED BY SAILING SKILL AND TECHNOLOGY

● Mr. PELL. Mr. President, halfway around the world off Fremantle, Australia, American sailing skill and technology have combined to win yachting's most coveted trophy—the America's Cup.

I predicted after the *Stars and Stripes* won the right to challenge for the trophy, that the odds were in favor of the American boat because of the determination and the consummate skill of Dennis Conner and his crew.

As I said then, they were on a winning streak that weighed the odds in their favor. The combination of superior technology and a more experienced crew proved to be an unbeatable formula in the quest for the America's Cup.

Stars and Stripes won the best of seven series by 4-0 with superior tactics, design and sailing skill—the same factors that earned them the right to challenge when they won the penultimate series by 4-1.

In the penultimate race, *Stars and Stripes* also became the first American boat to win the Pell Cup—an award originated by my father, Herbert C. Pell, for the challenger.

Dennis Conner and the entire *Stars and Stripes* effort deserve our congratulations for their successful challenge. When they bring home the America's Cup, the entire Nation will know they have earned it.

As a resident of Newport, RI, where the America's Cup races had been held for many decades, I hope Dennis Conner will decide to bring the races back to Newport.

For decades, the America's Cup has been one of Newport's premier attractions and the city's officials and residents have worked hard to show their appreciation. We offer years of skill in preparing and staging this most prestigious contest of sailing skill.

As I have pointed out before, Rhode Island has the skilled sailors, the experienced builders and the technological knowledge to build and race 12 meter boats. We enjoy sharing our historic city and our magnificent bay with both challengers and defenders.

As one example of our skilled sailors, I would like to share with my colleagues a few stories focusing on Henry Childers—one of the big grinders aboard the *Stars and Stripes*.

A resident of Cranston, RI he is only one of the many skilled and experienced in our State who stand ready to contribute their time and effort to the America's Cup Race.

Mr. President, I ask that these stories about Mr. Childers, from the January 16, 1987 edition of the Pawtucket (RI) Evening Times and the January 28, 1987 edition of the Providence Journal, be printed in the Congressional Record.

The articles follow:

[From the Providence (R.I.) Journal, Jan. 28, 1987]

How One Sailor Got on U.S. Team

(By Dave Philips)

Fremantle, Australia.—A little more than a year ago, Henry Childers of Cranston thought about sailing on a 12-meter yacht and decided he wasn't that interested.

"It didn't seem like real sailing to me," said Childers, who'd done a lot of different kinds of sailing on big boats. "I thought, if you're doing the same thing for two years on the same boat with the same people, it would become too mechanical."

Other people who'd sailed on 12-meters told him he had the wrong slant, that it was pretty exciting stuff, but he wasn't convinced until he got an invitation from Peter Conrad to join Dennis Conner's Stars & Stripes camp in Hawaii.

Childers, 26, a University of Rhode Island graduate, was in Boston at the time, taking graduate-level courses in molecular biology and doing research at the New England Medical Center.

He decided he'd give 12-meters a try, but first he had to finish the semester and then find somebody to take over his lab work.

He finally joined Conner in April. The first two weeks in Hawaii were an orientation time for Childers, a chance to size up people, let them do the same and to decide whether he would go any further. He went into the tryout with confidence and it paid off. So did Conrad's recommendation.

"I figured if I came out, gave it my best shot and worked very hard, I'd get to where I wanted to be," Childers said.

Childers had two things going for him in trying to become a member of Stars & Stripes' first team.

First is his size and strength. Childers had been big enough at 6-foot-3 and agile enough at 231 pounds to make a good guard for the URI football team before he dislocated his shoulder.

Second was the varied sailing experience he'd had, beginning at the Edgewood Yacht Club, where he helped win a junior team-racing championship.

After his days of junior sailing, he turned away from the sport for a couple of years and might not have resumed if it hadn't been for Mike Bello, one of the people he'd sailed with on that winning junior team.

Childers remembers Bello catching up to him one day while he was jogging and asking if he'd like to join him and and some others on George Cooper's Stack O' Barley for Edgartown Race Week.

'I thought, if I didn't get back on a boat then I probably wouldn't go sailing again ever," Childers recalled.

Everybody on Stack O' Barley was under 18, and they were competing against adult crews in that regatta. But they beat half the other boats in their class, and Childers' enthusiasm for the sport was rekindled.

"The rest of that summer I sailed competitively on big boats, and from there it just snowballed," he recalled. "You go to a regatta, meet a lot of different people and all of a sudden you're on a different boat. That's how it goes."

Ultimately his sailing experiences led him to an association with Conrad, a member of the Stars & Stripes management team, and a chance to try out for a place on Conner's crew, where he soon established himself.

"A big part of it is attitude," said Childers. "It's getting along with everyone. Also I was able to get into situations where my sailing experience came into play and they could say to themselves, 'This guy does know how to sail.' "

LEARNING THE ROPES

He found very early in the game that grinders do more than stand in one place and grind in the jib sheet each time the boat tracks.

"If I just had to stay in a cockpit and turn handles, I wouldn't be here," he said. "What a grinder does is run all over the boat and solve problems."

"You train your people to do certain jobs," said Childers, "but when you run into situations that aren't perfect ones, you have to have experience enough to know what to do next."

Childers said he won't have too many butterflies in his stomach Saturday when Stars & Stripes goes to the starting line against Kookaburra III in the first race of the 26th America's Cup Match.

"It'll be just another hard day at work," he said.

"You may be a bit nervous beforehand but as soon as you start working, you lose all that. It's like the first play of a football game."

When it's all over in Fremantle, Childers will be going to Florida for another crack at the Southern Ocean Racing Circuit on a boat with Conrad and several other members of Stars & Stripes' crew.

When you feel about sailing as Henry Childers does, you can never get enough of it.

[From the Pawtucket (R.I.) Evening Times, Jan. 16, 1987]

St. Raphael Grad on Crew Challenging for America's Cup

CRANSTON WOMAN WATCHES AS STARS & STRIPES, SON BID

(By Mike D'Ambra)

Cranston.—"I was scared to death when the Stars and Stripes lost its spinnaker last night. I thought they had been de-masted, but my son, Henry, and the others with him are all team players and did a wonderful job."

That was the reaction this morning of Mrs. Henry Childers of 42 Bluff Ave., Cranston, mother of one of the big grinders aboard the American 12-meter yacht which lost by 38 seconds to the New Zealander's Kiwi skippered by Chris Dickson. Her son is a 1978 graduate of St. Raphael Academy, Pawtucket.

"I stay up to 3 o'clock in the morning, watching the races, and the cameras zoom in so close on the crew you can see them perspiring," she said. "It's wonderful."

Mrs. Childers, wife of a veterinarian at the Cranston Animal Hospital, Dr. Henry Childers, said Stars and Stripes, with Dennis Conner at the helm, lost its big spinnaker after it had rounded the first mark in the lead.

"They then put up a smaller spinnaker," she said.

Her son Henry, who is 26 years old, stands six foot four, and weighs 225 pounds, frequently calls her collect from Fremantle in Australia and she said she will be interested to hear what he has to say about the first race the Americans lost in the trial series so far.

In the best out of seven series, the Americans now have a 2-1 standing in the races.

Despite the spinnaker mishap, Mrs. Childers said she thought the Americans had still done well to lose only by 38 seconds.

Insofar as the telephone calls are concerned, Mrs. Childers said her phone bills look like the national debt.

"Sometimes he calls me to even tell me how lovely the sunsets are," she confided.

"Since the cameras come in real close to catch the action on the boats—and some of the most thrilling and grueling action of all is that by the grinders—Mrs. Childers said she has asked Henry to give her a little "Hi mom" wave.

"He laughed, but I thought they're so busy on board they can't think of things like that. If anything goes wrong in the mid-section of Stars and Stripes, it's Henry who often tends to it. He manages the mid-section," she said. "Technically, he's very proficient."

Last night, she said, her son and the other crewmen, must have been totally exhausted, scrambling to recoup after the spinnaker loss. "I was exhausted watching them." she added.

Henry took a bachelor of arts degree in zoology at URI after graduating from St. Raphael and his mother said she believes he intends to go on with his studies later at medical school. His most recent job was a molecular biologist at the New England Medical Center at Tufts.

He first got interested in sailing by taking lessons at the Edgewood Yacht Club, going on to take part in regattas, crewing for other yachtsmen, stepping up to the Admiralty Cup competitions off Cowe's England, ocean circuit racing off Florida. And in the last Cup races in Newport, he was asked to sign up but it had to be for a three year period and he didn't feel he wanted to interfer with his college career at the time.

Before going to Australia in August he practiced with the Stars and Stripes crew in Hawaii.

With him in Australia is his sister, Alyce, also a St. Raphael graduate, who works for a publishing company in East Fremantle.

"They enjoyed Thanksgiving and Christmas Eve together. And I suppose he shows her the ropes of the social life. They've having a wonderful time and I'm thrilled for them," said Mrs. Childers.

What does Henry tell her about the American's chances of winning the series and eventually bringing the Cup back to the U.S.?

"He's never cocky about it, always very calm and positive. He says 'We'll do it.' "●

TRIBUTE TO REPRESENTATIVE SALA BURTON

● Mr. RIEGLE. Mr. President, today I wish to express my deep respect for Representative Sala Burton's outstanding achievements in Congress. Representative Burton will be missed very much by myself and my colleagues. Beginning with her sponsorship in the House of the School Facilities Child Care Act in 1984, Representative Burton worked vigorously and persistently with me and others to support child care programs for school-age children who, without such programs, would be left without adult supervision before and after school. Representative Burton was among the first to recogonize the urgency of addressing the problem of latchkey children who face serious physical and psychological risks in unsupervised settings.

Representative Burton believed that investing in the future of our children is vital to the welfare of all segments of our society. She promoted this idea with staunch support of demonstrably effective programs in the areas of child and maternal health, youth employment, education, and child nutrition.

On other fundamental social issues—civil rights, programs for the elderly, and essential supports for individuals living in poverty—Representative Burton was a courageous and eloquent spokesperson. I join with my colleagues in expressing the highest regard for her work in Congress and our sense of loss today.●

OIL IMPORT FEE

● Mr. BINGAMAN. Mr. President, I am pleased to join my distinguished colleagues in introducing legislation establishing an oil import fee.

IMPORT FEE

Clearly, the Nation would benefit most from long-term stability in the oil market, which would in turn ensure the preservation of a strong, constant level of drilling in this country. The fee proposed in this legislation would serve to raise the price of imported oil from the levels determined by an unstable market. A fee would be applied to imports of refined and crude oil products. The existence of such a variable fee would establish a floor for domestic oil prices and help stabilize the world oil price.

Furthermore, a fee would ensure that foreign producers pay a fair tax on oil that flowed into the United States as a result of a price drop. The extremely low tariff imposed on imported oil at present, in effect, enables imports to be subsidized by the taxes paid in domestic production. A fee would also preserve the value of the Nation's strategic petroleum reserve, on which nearly $13.5 billion has been spent since 1977. A fee would discourage imports, while encouraging domestic production, and thus enable the United States to avoid a return to dangerous levels of foreign dependence.

This particular legislation imposes a $4 a barrel fee on crude oil and refined product. The fee phases out as the average weighted world price exeeds $18 a barrel. The bill imposes the import fee as an excise tax. Since excise taxes are deductible, the fee can be higher, thereby helping the industry more, without having the full cost passed on to the consumers.

Unofficial revenue estimates from joint tax indicate that this bill would raise $6 billion in fiscal year 1987 and $19 billion over the next 3 years.

NATIONAL SECURITY

Most important, an oil import fee would help ensure that our national security is not threatened. Without a fee to stabilize oil prices, the potential threats are significant.

First. Reduced stripper oil production.—A drop in price could eliminate over half of the Nation's production from low volume stripper wells, making necessary an additional $4.6 billion per year in imports. There are over 441,000 stripper wells, and they produce an average of only 3 barrels per day, or a daily total of about 1.3 million barrels. Many operate on a margin of only a few dollars per barrel.

As oil prices decline, large numbers of strippers become uneconomic and have to be shut down. Once production from a well ends, most States require that the wells be plugged and abandoned. The United States could thus lose perhaps 7 to 8 percent of its total domestic production. Furthermore, since stripper wells comprise three-fourths of the Nation's wells, they drive much of the oil well servicing support industry, which has itself been in depression. Although stripper wells produce little individually, collectively they are a major resource for the Nation.

Second. The end of Alaskan exploration.—Alaska provides 1.1 million barrels of oil per day, roughly 20 percent of total domestic production. Alaska holds nearly a third of the Nation's known oil reserves, and is estimated by the U.S. Geological Survey to contain up to a quarter of the Nation's undiscovered recoverable reserves. A drop in oil prices would preclude the chance that other Alaskan oil fields could be found and put on stream. Eliminating Alaska's rich potential would mortgage the Nation's energy future.

Third. Reduced OCS exploration.—The U.S. Geological Survey estimates that a third of the Nation's remaining undiscovered recoverable reserves of oil lie under the waters of the Outer Continental Shelf. A fall in prices makes the deeper waters of the OCS uneconomic and ensures that much of the Nation's potential would remain locked away for years.

Fourth. Reduced natural gas demand.—Virtually all of the powerplant capacity and 45 percent of the U.S. industrial load can switch to residual fuel oil. If oil prices and, therefore, fuel oil prices, continue to drop, the gas bubble may not end until the midnineties.

It is clear that some action must be taken in the near future, and I think an oil import fee merits serious consideration.

OPPOSITION

I am well aware of the arguments against an import fee—from the impact it would have on our friendly trading partners, such as Mexico and Canada, to the lost opportunity for economic growth because of falling prices and the potential for inflated prices in other sectors of the economy. I believe the concerns for our neighbors to the North and South are somewhat overstated. I would think that both nations would benefit from a more stable world oil market—which is what this fee is intended to encourage. However, I would suggest that any short-term losses to our economy would not compare with the devastating impact of a collapse of our domestic energy industry.

NEW MEXICO

New Mexico is the fifth largest oil and gas producing State in the Nation in terms of total quantity and has suffered from the decline of oil and gas prices. Oil prices have declined from $26 a barrel last January to $11 in July, with a gradual increase since then to $18. Natural gas prices fell from $2.47 a barrel in January to $1.64 in September with the current price at about $1. Revenues generated by the industry showed a 25-percent drop in 1986. The total value of New Mexico's oil and gas activity has dropped 46 percent in the past year. Employment by the industry dropped from a low of 13,200 in 1985 to 9,000 in October of 1986. The number of drilling rigs are down to an average of 29 compared with 71 last year. And of the State's bankruptcies, estimated to be 2,500 for 1986, one-fourth occurred in those counties where most of the State oil and gas is produced. Clearly, effective action is needed to correct the decline of the industry.

ADMINISTRATION'S RULE

The President currently has the authority to impose an oil import fee under the Trade Expansion Act of 1962, but has been unwilling to recognize that it is in the national interest to do so. Unfortunately, the administration seems oblivious to the potential consequences of declining prices. The President did request the Department of Energy to conduct a study of the national security implications of low oil prices and to make recommendations. Unfortunately, that study will not be completed until this spring. There does not appear to be any sense of urgency in the administration for the status of our domestic industry. Because of this attitude, it is incumbent upon the Congress to take effective action.

SUMMARY

The Congress must first take the lead in recognizing the importance of our energy needs. If enacted, an oil import fee would prevent the United States from sliding into greater dependency on foreign sources of energy. It would enable the domestic industry to remain a viable source of energy in the future. And it would preserve governmental tax revenues in the event of a fall in world oil prices, and stop the tax subsidization of imported oil. Most important, the Nation would benefit most from long-term stability in the oil market, which would in turn ensure the preservation of a strong, constant level of drilling and exploration and a viable domestic industry. We must end the complacency that currently clouds our energy future and realize the growing threat to our Nation's desire for energy independence. An oil import fee can help move us in that direction.●

FINANCIAL SERVICES INDUSTRY

● Mr. GARN. Mr. President. I ask that today's Washington Post editorial entitled "Battle of the Banks" be printed in the RECORD.

The editorial follows.

BATTLE OF THE BANKS

The battle of the banks is gathering force. At one level it's merely a test of political power between the banks and the securities industry over who can do what kinds of business. But beyond this struggle looms the increasingly urgent need for fundamental reorganization of the whole financial sector—banking, securities, insurance, the works.

Three of the big New York banks appeared before the Federal Reserve Board yesterday to press their applications for the power to engage in several activities at present forbidden to them. They want to underwrite and trade in municipal revenue bonds, commercial paper and mortgage-backed securities—all of which, they convincingly argue, would be less risky than conventional bank lending. But the current rules leave those activities to the securities industry, which naturally enough is vigorously protecting the status quo.

The hearing itself was a sharp and clear example of the way not to proceed with this basic financial reorganization—piecemeal, quarreling over one subcategory of securities at a time, with much attention to narrow legalities and little thought to the broad architecture on the evolving result. The Federal Reserve Board has already said that the expanded powers at issue here are appropriate for banks. As its chairman, Paul Volcker, said the question isn't what's right but what's legal under the controlling law, written in 1933 in the depths of the Depression. Answers that make sense will require revision of the law, he observed—and that requires action by Congress. The Senate Banking Committee under its new chairman, William Proxmire, has been holding interesting hearings, and it looks as though substantial legislation may at least be introduced this year.

The sense of urgency is rising. The rapid development of the securities markets is making it possible for many big businesses to go directly there for financing rather than depending on the bank loans that were traditionally central to most banks' profits. That's why the banks are trying to fight their way into the securities business. The 1933 law was supposed to keep them separate, but people on both sides have been chipping away at the wall and reaching through the chinks. The radical deregulation of the London financial markets last year has raised the bankers' level of anxiety here. American banks, through their British subsidaries, can now carry on securities transactions prohibited to them here—and they fear that their business will increasingly drift abroad if the American law is not changed.

Congress usually prefers to move one step at a time in a subject as complex as this one, and that's often the wiser choice. But the restructuring of financial services is an exception. Here the circumstances require change that is profound rapid and sweeping.

Mr. GARN. Mr. President, in the 99th Congress alone the Senate Banking Committee held over 18 days of hearings with a record of over 4,500 pages on the need for comprehensive reform of the laws governing the financial services industry. Without question, we need to modernize the legal framework. If one of the central purposes for regulation of the financial industry is the maintenance of a safe and sound system, we must regulate reality, not the ghosts of yesteryear. As all members of the financial community know, I am concerned that our current outdated legal framework may cause more instability than it prevents simply because it is outdated. Additionally, we must recognize that our financial institutions are competing in an international arena. If we want U.S.-based companies to be able to play in the World Cup, we must permit our institutions to play home games rather than just away games. We need comprehensive legislation.

The Washington Post editorial of today recognizes the need to address this global trend. In February 1986, the Banking Committee heard testimony from English regulators and financial institutions which outlined how and why financial markets and competition was changing globally. We heard chief financial officers of major United States corporations explain why their companies increasingly went to London to raise money. Our own domestically based institutions confirmed these trends and recommended legislation.

However, these Senate hearings were 8 months before the effective date of the new English system, the so-called big bang. Consequently the press and those Members of the Senate who are not on the Banking Committee gave scant attention to those hearings. Since then "big bang," like the first shot that started the American Revolution, is being heard around the world.

The Washington Post also points out that Chairman PROXMIRE has begun hearings on issues left over from the last Congress. I too applaud him but would like to remind everyone that FSLIC recapitalization is by far the most pressing issue on the agenda. In my opinion, we should resolve that issue and then produce the comprehensive legislation which more and more are beginning to realize is so necessary. Since many Members not on the Banking Committee are asking about these issues, I ask that the opening statement I made at the first Banking Committee hearings of the 100th Congress be printed in the RECORD.

The statement follows:

STATEMENT OF SENATOR GARN

Thank you, Mr. Chairman, I am sorry I was unable to be here yesterday. It was necessary for me to be present at a meeting in Provo, Utah the night before and I was not able to leave for Washington until early yesterday morning.

However I did have an opportunity to review the testimony and discuss the hearing with my staff—and I must say that the reports I received were excellent.

In reviewing the statements for today and those of yesterday, I am struck that perhaps the 99th Congress wasn't a waste of time. As frustrating as it was that we couldn't even recapitalize FSLIC, not to mention or inability to address the need for comprehensive reform in our financial laws, we still made progress. All those hearings in 1985 and 1986 have begun to take hold. Based on the reports of yesterday, we have elevated the debate.

It may sound like rationalization, but I believe it to be true. More and more members of the Committee are discussing the structural issues both domestically and internationally.

We are moving away from domestic protectionism within the financial services industry.

We are beginning to debate the kind of financial structure appropriate for today.

We are beginning to recognize the dynamics of nonbank competition that will increase with or without nonbank banks.

We are starting to question whether the traditional bank profit strategy is showing its age.

More and more are recognizing the inherent unfairness of efforts to broaden bank product offerings while denying flexibility to other financial intermediaries.

We want to explore further the effects on the U.S. economy caused by our domestic financial structure.

The importance of global financial competition to U.S. financial firms and its potential effect on world trade is beginning to be understood.

Our understanding of the interrelationship of these issues has increased significantly. It is somewhat satisfying to see the major differences in the way we approach these same issues only two years later.

I was also pleased to read the joint statement of six banking trade associations announcing a united front to explore new structures for the financial services industry. The continued progress and work of the Mayflower group is also heartening. I know most don't realize what it was to listen to group after group thinking only of their own narrow interest and not bothering to try to relate to the ever-changing markets. Previously the only thing that members of the different segments of the financial service industry could agree on was that they were each for "me" and against "them"—the problem was no one agreed on who "me" or "them" was.

I don't want to exaggerate our progress—I am not naive. I know that a lot more discussion in search of common goals is necessary, but we have begun.

Mr. Chairman, I know many believe that it is not possible to act in the financial area without a crisis but sensing that progress is beginning to be made gives me hope that we can modernize our statutes in recognition of the technological and competitive realities of today before we reach the crisis stage.

However, it is important that we take the steps to recapitalize FSLIC as soon as possible. No one was more frustrated than I when we were unable to enact it last year. It should have been done last October—we must not wait until this June for the President's signature. FSLIC cannot afford the $6 million dollar a day delay or the liquidily risk that Secretary Gould and Chairman Gray spoke of yesterday. We must act quickly. Then I believe we can return to the structural issues with new intensity and a willingness to act. I think most are beginning to realize that to regulate effectively we must regulate reality not myth.

Throughout this process, Mr. Chairman, I look forward to working with you and all the members of the Committee.●

INNA AND NAUM MEIMAN

● Mr. SIMON. Mr. President, Inna Meiman, of Moscow, has been in the United States for 2 weeks. She suffers from cancer and has only approximately 1 year to live. Despite this negative prognosis, Inna remains optimistic.

Still, Inna has undergone treatment without the physical and moral support of her husband, Naum, who has not been allowed to leave the Soviet Union.

I am outraged at the Soviets' refusal to allow the Meimans to spend these precious moments together.

I urge the Soviet Union to release Naum Meiman immediately so that he and Inna may enjoy what little time they have left.●

NUCLEAR TESTS

● Mr. HECHT. Mr. President, I ask that an editorial which appeared in the January 19, 1987, Las Vegas, NV, Review Journal be printed in the Record.

The editorial follows:

[From the Las Vegas Review Journal, Jan. 19, 1987]

Why Nuclear Tests Should Continue

We plead guilty.

Having been accused frequently in recent weeks of injecting a strain of sarcasm into our editorials concerning anti-nuke protesters at the Nevada Test Site and the activities of closely related subspecies, we plead guilty to that charge.

A little sarcasm, in our view, is not inappropriate. It is intended to drop a grain of salt into the holy waters of their sanctimony.

Maybe many people are inclined to take the protesters' assumed role of leadership at face value: All they want to do is save the world from nuclear destruction, right?

Yes, there are probably a few test site protesters who are concerned only with that. But there are many more whose political agenda contains a lot more than just nuclear testing, i.e., those who tend to oppose just about any U.S. foreign policy initiative anywhere in the world; those who intensely dislike the capitalist system even though they, more often than not, occupy its upper levels; those who harbor a deep-seated dislike of—not just nuclear weapons—but of the whole concept of a national defense and who are passionate in their naivete.

One of our reporters was on the scene of a test site "vigil" not too long ago, and related that a group of protesters was complaining about the R-J's editorial stance—not its stance on weapons testing, mind you, but its stance in opposition to the communist Sandinistas in Nicaragua.

So, while some of the protesters just want an end to the arms race, others see a halt to weapons testing as just one aspect of a grander vision for the way the world should be.

We have also been accused of commenting sarcastically on the activities of the test site protesters, but failing to address the larger issue of nuclear weapons testing. To this we plead innocent. We have delineated our views on U.S. nuclear weapons testing several times, although not recently.

Nuclear war is evil. The arms race should be stopped. These are the contentions that underlie our stance.

The question then becomes, how best to prevent nuclear Armageddon and halt the proliferation of atomic weapons?

One answer is through arms control agreements with the Soviet Union. And yet in the face of an aggressively expansionist Soviet empire, any agreement that leaves the United States in a position of inferiority is inherently dangerous. At the very least, there must be a balance of power. The United States must retain its ability to check Soviet moves.

Every time the United States has shown weakness or vacillation on the world scene, the Soviets have exploited the opportunity: The American troop withdrawals from Europe after World War II prompted the Soviets to consolidate their iron fisted rule over Eastern Europe. Kennedy's peceived weakness brought on the Cuban Missile Crisis and the consolidation of the Soviet puppet regime in Havana. The U.S. withdrawl from Vietnam and the vacillation of the Carter years prompted the Soviets to expand their empire in Indochina, Afghanistan and Africa and to make further moves on Central America and the Caribbean.

It is not the United States that looms as a threat on the world scene—it is the Soviet Union.

No, the Soviets will not back down out of the goodness of their hearts. They must be kept at bay by force or the threat of force. Until a fully verifiable arms agreement can be reached with the Soviet Union, the U.S. must maintain a strong nuclear deterrent.

The atomic weapons in the U.S. arsenal must be tested in order to ensure their reliability and thus the effectiveness of the deterrent. Testing nuclear weapons sends a message to the Soviet Union that its expansionism cannot go on indefinitely—that eventually it will meet its match.

For 20 years, the Soviet Union has been engaged in an arms buildup unparalleled in history—and that arms buildup continues to this day. In this context, any arms control agreement with the Soviet state must be iron clad, and until such an agreement can be reached, testing of the U.S. nuclear arsenal must continue.

There may be a way to make nuclear weapons obsolete—to finally halt the nuclear arms race. President Reagan believes this can be accomplished through the deployment of the Star Wars space shield, designed to destroy incoming nuclear missiles from space. The Soviets obviously believe this too because they are vigorously engaged in their own Star Wars program (all the while insisting—for consumption in the U.S. and NATO—that a Star Wars defense will never work).

Nuclear testing and the work of the Nevada Test Site are integral to the Star Wars research effort. For this reason, atomic testing should continue.

In a more ideal world, the Soviet Union would become sated with its conquests and concentrate on improving the lot of its people instead of gobbling up territory and amassing weapons. In such a world, perhaps the United States could afford to let down its guard and reach a lasting accommodation with the empire.

But until such a state of affairs arises the U.S. must view the Soviet Union with deep suspicion and must be prepared for anything. Nuclear testing is a vital part of that readiness.

As we have said before, we recognize the sincerity of many of the test site protesters. In many cases, their hearts are probably in the right place. It's their naive outlook on the world that's troubling.●

A NATIONAL DAY FOR WOMEN IN SPORTS

● Mr. DOMENICI. Mr. President, I am proud to be a cosponsor for Senate Joint Resolution 418 which designates February 4, 1987, as a "National Day for Women in Sports." I think it is very important to recognize the positive effect which participation in sports has on the young people in our country, and the opportunity it provides, particularly for women.

Sports develops skills which serve the athlete not only on the playing fields but in all of life's pursuits. Many of our leaders obtained their first taste of leadership through participation in sports. Leadership requires a fine balance between concern for others and a self-confident drive to win. Nowhere can women obtain these skills better than in sports.

I am very proud of our outstanding program in New Mexico because it provides a well-rounded health and physical education curriculum. As a former professional baseball player, I know the value of this kind of experience.

Both the University of New Mexico in Albuquerque and New Mexico State University in Las Cruces have outstanding women's golf programs. The New Mexico State team won the High Country Athletic Conference Championship last year. It is a tribute to the State's fine women's golf programs that both of these New Mexico universities have been chosen for the honor of hosting the National Collegiate Athletic Association Women's Golf Championship, one in 1987 and the other in 1988.

New Mexico schools also have a fine women's basketball program. The girls' team from Kirtland Central High School in Fruitland, NM, has been State champion in basketball six straight times. One more win will set a national record. The Southwest International Sports Federation from Albuquerque is sponsoring a basketball competition between a group of outstanding New Mexico high school girls and teams in Finland and the Soviet Union in April 1987.

In any field of human endeavor, there are at least a few people who serve as examples of excellence. In these individuals, we are able to find a measure of our own possibilities instead of a reminder of our own limitations. The State of New Mexico claims several outstanding women athletes.

Nancy Lopez is one of those examples of excellence. By the time she was seven, she was following her parents around the Roswell, NM, public course. When she was eight, her dad gave her a sawed-off four wood. Within a year she was playing rounds with him, and by age 11 she was beating him. At 12 she won the first of three State women's tournaments. At Godard High School in Roswell, she ranked No. 1 on an otherwise all-boy golf team, and led the team to a State championship. From the beginning of her professional career, she was a record setter both for the size of her purses and the number of consecutive tournaments she won. She was noted as a tough competitor with a warm personality, gracious under pressure and a favorite with the gallery.

Kathy Whitworth, who grew up in Jal, NM is another noted woman golfer with an impressive record of wins and earnings. In the early 1970's she was instrumental in getting the number of events and women's purses increased, attracting many firms to sponsor women's tournaments. She said, "This is a game where you learn a lot about yourself. You learn your own capabilities and how you react under pressure."

Other noted women golfers from New Mexico include LPGA members Rosey Jones, Alexandra Renhardt, and Kris Monaghan.

Claudia Schleyer received All-American honors, both as a basketball player and for academic performance, three times while she was attending Eldorado High School in Albuquerque. She went on to graduate this year from Abilene Christian University with a 3.9 grade average in pre-med. She is the Nation's leading scorer and holds the record in division II college basketball. She also received the Southland Corp. Award this year, given to the top 10 amateur athletes in the United States.

Cathy Carr was an Olympic champion in 1972 while attending Highland High School in Albuquerque. She set two world records, claiming gold medals for both the 10 meter breast stroke and the 400 meter medley relay.

Darlene Anaya of Albuquerque won a first in Judo in the 1983 Pan Am games.

Laurel Brassey, a volleyball champion, came in sixth in the 1975 Pan Am games, fourth in the 1979 Pan Am games, and was selected as a member of the American Olympic Swim Team in 1980.

These and the many other fine women althletes from New Mexico and every other State deserve to be honored by the country as a whole. I urge the President to sign this measure and provide suitable recognition to our sports heroines on February 4, 1987.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the Congressional Record notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for Ms. Dale Tate, a member of the staff of Senator Bob Dole, to participate in a program in Israel, sponsored by Project Interchange, from January 5 to 14, 1987.

The committee has determined that participation by Ms. Tate in the program in Israel, at the expense of Project Interchange, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Robert Mottice, a member of the staff of Senator William Armstrong, to participate in a program in Taipei, Taiwan, sponsored by Tunghai University, from November 9 to 18, 1986.

The committee has determined that participation by Mr. Mottice in the program in Taipei, Taiwan, at the expense of Tunghai University, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. John Ball, a member of the staff of the Small Business Committee, to participate in a program in Taiwan, sponsored by the Chinese National Association of Industry and Commerce, from January 4 to 13, 1987.

The committee has determined that participation by Mr. Ball in the program in Taiwan, at the expense of the Chinese National Association of Industry and Commerce, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Bob Ludwiczak, a member of the staff of Senator Charles E. Grassley, to participate in a program in Austria, sponsored by the Austrian Federal Economic Chamber, from January 6 to 18, 1987.

The committee has determined that participation by Mr. Ludwiczak in the program in Austria, at the expense of the Austrian Federal Economic Chamber, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. James C. Brenner, a member of the staff of Senator John Kerry, to participate in a program, sponsored by the Chinese National Association of Industry and Commerce, from January 4 to 13, 1987.

The committee has determined that participation by Mr. Brenner in the program in Taiwan, at the expense of the Chinese National Association of Industry and Commerce, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Denise Greenlaw, a member of the staff of Senator PETE V. DOMENICI, to participate in a program in Israel, sponsored by Project Interchange, from January 5 to 14, 1987.

The committee has determined that participation by Ms. Greenlaw in the program in Israel, at the expense of Project Interchange, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Douglas Kelley, a member of the staff of Senator DAVE DURENBERGER, to participate in a program in Israel, sponsored by Project Interchange, from January 5 to 14, 1987.

The committee has determined that participation by Mr. Kelley in the program in Israel, at the expense of Project Interchange, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Grayson Fowler, a member of the staff of Senator EDWARD ZORINSKY, Mr. David Garman, a member of the staff of Senator FRANK MURKOWSKI, and Mr. David Bartel, a member of the staff of Senator NANCY KASSEBAUM, to participate in a program in China, sponsored by the Chinese Peoples' Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, from November 12 to 25, 1986.

The committee has determined that participation by Messrs. Fowler, Garman, and Bartel in the program in China, at the expense of the Chinese Peoples' Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Annie Lesher, a member of the staff of Senator DAVID PRYOR, to participate in a program in Seoul, South Korea, sponsored by the Seoul National University, from November 7 to 18, 1986.

The committee has determined that participation by Ms. Lesher in the program in Seoul, South Korea, at the expense of the Seoul National University, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for members of the staff of Senator Barry Goldwater, named on the attached list, to participate in a program in Taipei, Taiwan, sponsored by the Chinese Culture University, from November 7 to 15, 1986.

The committee has determined that participation by the individuals named on the attached list in the program in Taipei, Taiwan, at the expense of the Chinese Culture University, was in the interest of the Senate and the United States.

TAIWAN LIST, NOVEMBER 6-15/1986

Mrs. Judith C. Eisenhower, Administrative Assistant to Senator Barry Goldwater.

Mr. Earl D. Eisenhower, News Director to Senator Barry Goldwater.

Mrs. Doris Berry, District Office Manager, Phoenix Office.

Mr. Thomas J. Dunlavey, Field Representative, Phoenix Office.

Mrs. Bonnie Downey, Special Assistant for Communications, Phoenix.

Mr. James C. Ferguson, Special Assistant for Commerce and Communications.

Mrs. Ellen Thrasher, Special Assistant for Public Affairs.

Mrs. Betty Phillips, Special Assistant for Social Security, Phoenix, Arizona.

Mr. George Seitts, Field Representative, Phoenix Office.

Mr. James Horton, Special Assistant for Energy and Water.

Mr. Richard Clifton, Special Assistant for Military Affairs.

Mrs. Phyllis Thompson, Special Assistant for Natural Resources.

Mrs. Dorothy Troutman, Special Assistant for Presidential Appointments.

Dr. Donni Hassler, Special Assistant for Education.

Mrs. Winifred Hershberger, District Office Manager, Tucson Office.

The select committee has received a request for a determination under rule 35, for Mr. Jim Morhard, a member of the staff of Senator ROBERT W. KASTEN, Jr., to participate in a program in Chile, sponsored by the Universidad de Chile, Instituto de Ciencia Politica (Institute of Political Science of the University of Chile), from November 9 to 15, 1986.

The committee has determined that participation by Mr. Morhard in the program in Chile, at the expense of the Universidad de Chile, Instituto de Ciencia Politica, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Margaret M. Hunt, a member of the staff of Senator JEREMIAH DENTON, to participate in a program in Chile, sponsored by the Universidad de Chile, Instituto de Ciencia Politica (Institute of Political Science of the University of Chile), from November 9 to 15, 1986.

The committee has determined that participation by Ms. Hunt in the program in Chile, at the expense of the Universidad de Chile, Instituto de Politica, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Donald Terry, a member of the staff of the Joint Economic Committee, to participate in a program in Seoul, South Korea, sponsored by the Seoul National University, from November 9 to 18, 1986.

The committee has determined that participation by Mr. Terry in the program in Seoul, South Korea, at the expense of the Seoul National University, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Robert J. Carolla, a member of the staff of Senator GEORGE J. MITCHELL, and Mr. Dale Gerry, a member of the staff of Senator WILLIAM S. COHEN, to participate in a program in Taipei, Taiwan, sponsored by Tunghai University, from November 9 to 18, 1986.

The committee has determined that participation by Messrs. Carolla and Gerry in the program in Taipei, Taiwan, at the expense of Tunghai University, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Alexander S. Mathews, a member of the staff of the Committee on Agriculture, Nutrition, and Forestry, to participate in a program in Taipei, Taiwan, sponsored by the Tunghai University, from November 9 to 18, 1986.

The committee has determined that participation by Mr. Mathews in the program in Taipei, Taiwan, at the expense of Tunghai University, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Sam Ballenger, a member of the staff of Senator Paul Laxalt, to participate in a program in Chile, sponsored by the Universidad de Chile, Instituto de Ciencia Politica (Institute of Political Science of the University of Chile), from November 9 to 15, 1986.

The committee has determined that participation by Mr. Ballenger in the program in Chile, at the expense of the Universidad de Chile, Instituto de Ciencia Politica, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Mark Albrecht, a member of the staff of Senator PETE WILSON, Mr. Shawn Smeallie, a member of the staff of Senator ALFONSE D'AMATO, and Mr. William Hoehn, a member of the staff of the Armed Services Committee, to participate in a program in the Peoples' Republic of China, sponsored by the United States-China Friendship Program, in conjunction with the United States-Asia Institute, from November 12 to 24, 1986.

The committee has determined that participation by Messrs. Albrecht, Smeallie, and Hoehn in the program in the Peoples' Republic of China, at the expense of the United States-

China Friendship Program, in conjunction with the United States-Asia Institute, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Ernest E. Garcia, Sergeant at Arms, and Mrs. Ana Maria Garcia, to participate in a program in Taipei, Taiwan, sponsored by the Chinese National Association of Industry and Commerce, from November 8 to 15, 1986.

The committee has determined that participation by Mr. Garcia and Mrs. Garcia in the program in Taipei, Taiwan, at the expense of the Chinese National Association of Industry and Commerce, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Susan Schwab, a member of the staff of Senator JOHN C. DANFORTH, to participate in a program in Chile, sponsored by the Universidad de Chile, Instituto de Ciencia Politica (Institute of Political Science of the University of Chile), from November 9 to 15, 1986.

The committee has determined that participation by Ms. Schwab, in the program in Chile, at the expense of the Universidad de Chile, Instituto de Ciencia Politica, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Grant Loebs, a member of the staff of Senator STEVE SYMMS, to participate in a program in Chile, sponsored by the Universidad de Chile, Instituto de Ciencia Politica (Institute of Political Science of the University of Chile), from November 9 to 15, 1986.

The committee has determined that participation by Mr. Loebs in the program in Chile, at the expense of the Universidad de Chile, Instituto de Ciencia Politica, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Christina Bolton, a member of the staff of Senator BOB DOLE, to participate in a program in the Peoples' Republic of China, sponsored by the United States-China Friendship Program, in conjunction with the United States-Asia Institute, from November 12 to 25, 1986.

The committee has determined that participation by Ms. Bolton in the program in the Peoples' Republic of China, at the expense of the United States-China Friendship Program, in conjunction with the United States-Asia Institute, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Leonard Weiss, a member of the staff of Senator JOHN GLENN, to participate in a program in Bologna, Italy, sponsored by Collegium Ramazzini, which is headquartered in Bologna, from November 28 to December 1, 1986.

The committee has determined that participation by Mr. Weiss in the program in Bologna, Italy, at the expense of Collegium Ramazzini, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Thad Strom, a member of the staff of Senator STROM THURMOND, to participate in a program in Taipei, Taiwan, sponsored by Soochow University, from December 7 to 14, 1986.

The committee has determined that participation by Mr. Strom in the program in Taipei, Taiwan, at the expense of Soochow University, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. David Nexon, a member of the staff of the Committee on Labor and Human Resources, to participate in a program in Canada, sponsored by the Centre for Legislative Exchange, from December 14 to 17, 1986.

The committee has determined that participation by Mr. Nexon in the program in Canada, at the expense of the Centre for Legislative Exchange, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Donice Gilliland, a member of the staff of Senator DALE BUMPERS, to participate in a program in Taipei, Taiwan, sponsored by Soochow University, from December 7 to 14, 1986.

The committee has determined that participation by Ms. Gilliland in the program in Taipei, Taiwan, at the expense of Soochow University, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Sam Routson, a member of the staff of Senator STEVEN SYMMS, to participate in a program in Namibia and South Africa, sponsored by the Namibia Foundation, from December 5 to 17, 1986.

The committee has determined that participation by Mr. Routson in the program in Namibia and South Africa, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Bruce M. Kelly, a member of the staff of the Committee on Finance, and Mr. Paul W. Dennett, a member of the staff of Senator MAX BAUCUS, to participate in a program in Canada, sponsored by the Centre for Legislative Exchange, from December 14 to 17, 1986.

The committee has determined that participation by Messrs. Kelly and Dennett in the program in Canada, at the expense of the Centre for Legislative Exchange, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Tracey Thornton, who will be a Senate employee on January 6, 1987 on the staff of Senator-elect WYCHE FOWLER, Jr., to participate in a program in Taipei, Taiwan, sponsored by Soochow University, from January 6 to 13, 1987.

The committee has determined that participation by Ms. Thornton in the program in Taiwan, at the expense of Soochow University, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Bruce Reed, a member of the staff of Senator ALBERT GORE, Jr., to participate in a program in Taiwan, sponsored by the Chinese National Association of Industry and Commerce, in early January 1987.

The committee has determined that participation by Mr. Reed in the program in Taiwan, at the expense of the Chinese National Association of Industry and Commerce, was in the interest of the Senate and the United States.●

AFGHANISTAN: LETTERS FROM THE STATE OF WISCONSIN

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A Situation Approaching Genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of Wisconsin, which I ask to have printed in the RECORD.

The letters follow:

JAMESVILLE, WI,
October 8, 1986.

DEAR SIR: I just got through reading a grossly horrendous story about Afghanistan. Unbelievable! I also heard about it on the news but it was short and non-informative as to what is actually happening out there! Please, Please, do something! Why can't the U.S. help? Just because it's happening someplace else it doesn't mean we should stand by and let it happen! Killing of women and children is bad enough without all those things (tortures) that are preceding their deaths. Please help!

A concerned citizen,

MRS. CABAN.

SHEBOYGAN, WI,
October 22, 1986.

DEAR SIR: I am writing to express my concern about the Soviet invasion of Afghanistan and subsequent cruelty to untold millions. My heart goes out to these people and I ask myself why aren't we (America) doing something to stop this butchery.

I am asking you what can be done? What does the United States plan to do? We certainly can not sit watching, or we are just as guilty as they are.

Tell me what is being done to stop this atrocity. What can I do to help influence the U.S. policy?

Sincerely,

DEBBIE PRIGGS.
JOHN E. PRIGGS.
SHANE LAW.●

LITHUANIAN INDEPENDENCE DAY

● Mr. D'AMATO. Mr. President, I am pleased to lend my strong support to a resolution, Senate Joint Resolution 39, designating the 16th of this month as "Lithuanian Independence Day." I commend Senator DIXON for his initiative in drawing national attention to Lithuania's ongoing struggle for freedom independent from Soviet domination and oppression.

At issue here is, once again, the Soviet Government's rejection of demands that they live up to their word, and that they curb their insatiable appetite for expansion. Moreover, that all people have the right to freedom and self-determination, and must be allowed to live their lives without the fear of losing their freedom.

On paper, you would think that the Soviet Government accepts these rights and respects them. We know differently, however, because their actions belie their words. In open and complete disregard of every legal international document, treaty, and act they have signed—not only with Lithuania, but the world over—respecting sovereign, civil, religious, and human rights of free peoples, the Soviet Government continues its hypocritical agenda of illegal incorporations.

In 1940, for example, the Soviet Government, in the face of a two-decade-old treaty with Lithuania "voluntarily and forever" renouncing their sovereign rights over Lithuania, invaded and incorporated Lithuania. Every facet of that once-independent, once-free, and once-democratic nation since has been Russified.

There are many other glaring examples of Soviet takeovers and annexations. Among them are Latvia and Estonia. The United States has held fast to its nonrecognition policy toward these illegal incorporations, and it will continue to do so for as long as it takes to restore freedom and independence to our Baltic friends.

The United Nations Charter and the Helsinki Final Act have been endorsed by the Soviets. As a signatory to each, the Soviet Government must accept the legal and moral obligations that these agreements entail, but they do not.

This is a serious matter that concerns all of us, and it's as real as the pain and hardship our Baltic friends have had to endure for nearly 47 years. They are a strong people who deserve our support. By passing Senate Joint Resolution 39 we will show the Lithuanians that we are with them, that we are cognizant of their perseverance in the face of oppression, and that we will never forsake their determination to be free again.●

RECALLING THE DAYS OF "WE SHALL OVERCOME"

● Mr. SIMON. Mr. President, Donald J. Woods was the editor of the Daily Dispatch in East London, South Africa, until 1977 when he was banned for having published articles critical of the Government of South Africa.

In the Arts and Leisure section of the New York Times, he had an article reviewing the television series "Eyes on the Prize: America Civil Rights Years 1954-65."

Much more than a commentary on a television series it provides insights into the South African situation. It suggests that we are in for a struggle that will not quickly be won.

It also suggests that ways must be found to appeal to the white South African more effectively than we have done up to this point.

As the new chairman of the Subcommittee on Africa of the Senate Foreign Relations Committee I wish I knew the answer for that.

Any suggestions my colleagues may have I would welcome. Any suggestions any other citizens have I would welcome.

The answer cannot be sitting back and saying we have done enough.

Clearly, we must do more.

But insofar as possible that additional effort that we must expend should be effective.

I ask that the article be inserted in the RECORD and I uge my colleagues to read the Donald Woods article. I am taking the liberty of inserting it in the RECORD.

The article follows:

RECALLING THE DAYS OF "WE SHALL OVERCOME"

(By Donald J. Woods)

Chapters of American history most regretted by Americans have sometimes been those for which people in the rest of the world have most admired the United States. Watergate comes to mind. What many in the international community remember most about Watergate is not the criminality of a President but the effective working of the civil machinery that removed him from office—the way in which the will of the people truly prevailed.

Similarly, the struggle for black civil rights in the United States is remembered abroad less for its tragedies than for its triumph in achievement—the realization of the national ideal through the dedication of black Americans.

Watching the superbly crafted documentary series "Eyes on the Prize: America's Civil-Rights Years 1954-65" brings back many memories of that time, the period in which the United States made its biggest advance toward the concept of equal civil rights for all citizens. [The initial hourlong installment in the six-part chronicle will be shown Thursday evening at 9 on WNET-Channel 13.]

The series is a vivid reminder of the raw courage required during that time, and the appalling sacrifices that were made to win the prize. It is a reminder, too, of the inspirational gifts of Martin Luther King Jr. and other black American leaders in achieving heights of eloquence in oratory that extended the language of Shakespeare as few statesmen—Winston Churchill and Abraham Lincoln among them—had previously achieved.

During that time, we in the rest of the world, especially in South Africa, watched America stumbling, lurching, being pushed, pulled, nagged and dragged into living up to its own vision of itself. The prize was achieved primarily because black Americans insisted on entering into their American inheritance.

But another reason, brought out indelibly in the series, was that enough white Americans were in sympathy with the cause. There lies the first major difference between the black struggle in the United States and its counterpart in South Africa.

As a white South African, I was raised as conservatively on the racial issue as the average white Southerner of that time. The views of Orval Faubus, Ross Barnett and George Wallace reflected in the series echoed what I had heard from my parents and peers in South Africa since childhood. In time, my views changed, not through any sudden conversion on the road to Damascus but through a number of experiences culminating in my friendship with the remarkable South African black leader Stephen Biko.

As a young journalist in 1960, I had gone to Little Rock, Ark., and other parts of the South to compare American segregation with our South African apartheid. I had found unsurprising similarities and surprising differences, and when I watched "Eyes on the Prize" recently, I was struck anew by these similarities and differences.

The similarities were obvious. There were equivalent numbers of blacks in the United States and in South Africa—around 30 million at the last realistic estimate, though the official estimates in both countries were considerably lower—and the arguments against equal rights in the Deep South of the United States in 1960 were identical to those in the Deeper South of South Africa: Blacks were culturally "different" (decoded, read "inferior"); white identity was under threat; people elsewhere didn't understand our unique problems; we had nothing personal against kaffirs (niggers), we just didn't want them to marry our sisters; segregation was "traditional"; it was in the Bible; blacks didn't want integration any more than we did—trouble came only from the uppity ones with their fancy ideas. Et cetera and so forth.

So much for the similarities. The differences are more significant.

Rosa Parks could not have made her point in South Africa by refusing to yield her seat on a bus; apartheid prescribed separate vehicles entirely, and even different bus stops.

Therein lies the answer to the question people often ask: If a black minority could win its rights nonviolently in America, why can't a black majority win its rights the same way in South Africa?

The answer is that black South Africans are subject to a far more comprehensive system of racial oppression than black Americans were, and the instruments and manifestations of white racism in South Africa are far more sophisticated than they ever were in the United States.

During my visit to Little Rock in 1960, I interviewed a black war veteran, Cartelyou Walls, whose house had been dynamited by white extremists the day before. Mr. Walls had won a medal during World War II. A black war hero? In the same war, black South Africans were in the army only to serve white soldiers. They weren't allowed to carry weapons, even in combat. And this was even before the apartheid administration of the Afrikaner National Party came into power in 1948, with its code of 317 racial statutes to illegalize interracial sex, marriage, sport, social activity, church worship, politics, unions, elevators, park benches, city suburbs and beaches.

The lynchings and Ku Klux Klan terrorism in the American South were never mirrored in South Africa: The army and police did it all, professionally. Nonviolence worked in the United States because black Americans had the legal right to meet in political assembly, to plan and organize campaigns openly in pursuit of their goal. Black South Africans do not have that legal right.

Black Americans also had access to unfettered media. The images on American television screens of "Bull" Connor's excesses in Birmingham Ala., and of mob assaults and police assaults on peaceful marchers stimulated a wave of revulsion across the United States and helped to mobilize the American conscience. South Africans aren't allowed to see such scenes on their television screens.

Black Americans could point to their Constitution and demand its implementation, but in South Africa the Constitution specifically excludes blacks from equal civil rights.

Black Americans could organize voter registration drives and could vote for or against candidates for national office. Black South Africans have no such vote.

When the modern era of black resistance began in South Africa in 1912 with the founding of the African National Congress, it had much of the character of the black struggle in America. Heavily influenced by Christianity, the A.N.C. meetings invariably began with hymns, and the movement was committed to the principle of nonviolence. For half a century, this commitment to nonviolence persisted, and black South Africans relied on peace marches, petitions, boycotts and delegations to the white government with a view to negotiations for gradual reform toward full civil rights. But successive South African governments responded with military or police violence; ultimately, even peaceful protest on a large scale was outlawed and the two most representative black organizations, the African National Congress and the Pan-Africanist Congress, were banned.

In American terms this would have meant it was a serious crime to belong to such bodies as the NAACP or CORE or to be convicted of "furthering their aims," and leaders such as Dr. King and Roy Wilkins would have been imprisoned for long terms, possibly for the rest of their lives, as Nelson Mandela has been imprisoned for more than 20 years.

Nonviolence as a form of resistance to political oppression had been launched in South Africa by Mahatma Gandhi shortly after the turn of the century, but for black South Africans long committed to it the last straw was the Sharpeville Massacre of 1960, when police fired on black protesters and shot 156, many in the back as they ran from the fusillade, killing 69. Thereafter, the A.N.C. and the P.A.C. abandoned nonviolence and turned to sabotage and guerrilla warfare.

Another difference between the two black struggles is that in the United States there was a black middle class, whereas in South Africa the grinding poverty among blacks is so endemic, so characterized by malnutrition and disease that even basic organization and communication is difficult on a nationwide basis. To give a mundane example, during the period covered by "Eyes on the Prize," many black American homes had telephones. Even second- and third-echelon leaders could communicate easily from region to region and city to city. In South Africa, fewer than 1 percent of black homes have telephones.

Educational standards, too, are so inferior for blacks under "Bantu Education" that there is a serious shortage of even primary school teachers—and that is also reflected in the difficulty of coordinated political action by South African blacks.

In short, black Americans had a lot more going for them in their struggle than the black South Africans do; yet, on the other hand, the black South Africans have a lot more to gain. Their eyes are on a different prize.

Black Americans had their eyes on the prize of full citizenship. As a minority, they never aspired to rule the United States—only to claim their fair share of rights as Americans.

Black South Africans aspire as a majority to rule their country, and, faced with the full might of governmental and constitutional obduracy, many see their struggle not as a campaign for civil rights but as a progression to revolution.

Although I have been out of South Africa for nine years, I have stayed in close touch with developments there and tensions within the country under the state of emergency declared by the government are escalating alarmingly. In view of this, I had a feeling of envy while watching "Eyes on the Prize"—envy of the organized unity of black Americans during that time, and of the scale of white support that made their victory possible.

Produced under black leadership, "Eyes on the Prize" was made by Blackside Inc., a Boston-based company whose president, Henry Hampton, served as executive producers of the series. Mr. Hamption said in a recent interview that the production staff had been "fully desegregated"—that whites had helped in the making of the series. If the South African liberation struggle were as "desegregated," if more than a handful of South African whites would show the courage and commitment of the white Freedom Riders seen in "Eyes on the Prize," the apartheid system might be shorter-lived.

As a white, I felt one of the most stirring moments in "Eyes on the Prize" was when President Dwight D. Eisenhower sent Federal troops into Little Rock. It was good to see a white-led government doing something decent.●

THE JOBS PROGRAM

● Mr. SIMON. Mr. President, the Kewanee Star Courier is a respected journal in Illinois, published in territory that has to be considered strongly Republican.

Recently they published an editorial saying that the jobs program, which I have advocated publicly and will be coming out in a bill I will probably be introducing early next month, ought to be seriously considered.

And it ought to be.

Everyone from President Reagan on down says that our present welfare system needs a significant overhaul.

We face a choice of paying people for being productive or nonproductive, and I think it makes imminent more sense to pay people for being productive.

The idea is both new and old as the editorial suggests. We will be holding hearings to get public reaction, but one of the things that is of interest that this editorial illustrates is that there is support for the idea both among conservatives and liberals. One of the most conservative bankers in the State of Illinois has written to me saying that it really makes sense.

I am receiving similar expressions from both liberals and moderates.

I ask that the editorial be inserted in the RECORD and I urge my colleagues to read the editorial from the Kewanee Star Courier.

The editorial follows:

[From the Kewanee Star Courier, Jan. 16, 1987]

DEJA VU

According to recent survey, about 60 percent of Americans exprience deja vu from time to time.

One of those times may have been this week when Senator Paul Simon proposed that the federal government guarantee job opportunities to those unable to find work in the private sector.

The Illinois Democrat, who chairs the Senate Subcommittee on Employment and Productivity, recalling the good done by the long-defunct Works Progress Administration (WPA) said. "Work opportunity for all can and should be the next great step forward we take as a society."

Simon plans to introduce a bill, modeled on the WPA, which would provide for locally drawn and administered projects paying either the minimum wage or 10 percent above welfare or unemployment stipends for 32-hour work weeks. Also provided would be testing, tutoring and counseling to improve participants' chances of moving into private sector jobs.

Clearly, such program would cost much money, and that fact is likely to the basis for most objections to it. Simon is convinced, however, that cost is not a valid reason for shunning his proposal. He points out that vast amounts of government money already go toward easing the lot of jobless, but that no community improvements or needed services result from the expenditure.

Money spent providing job opportunities would, in addition, Simon maintains, lighten the burden of various federal poverty efforts, relieve the pressure on local tax rolls, boost national income and local commerce, and lower the rates of some sorts of crime.

Seen against that background, a guaranteed employment program promises, ultimately, to save and produce more than it costs and, in Simon's words, to "turn a national liability into a national resource."

Such a result would, of course, have far-reaching consequences. Families now on the dole and crumbling under the economic, social and physical pressures of poverty would have a chance to move back into the mainstream. Retailers in presently shrinking markets would find new and revived customers entering their stores. The national workforce would be upgraded rather than allowed to deteriorate in idleness.

True, many WPA jokes will be dusted off the moment Simon's bill is introduced. And the fact that his proposal would bring back something created by Franklin Delano Roosevelt is bound to stir some bitter partisan reaction even at this late date.

But the problem of joblessness is too serious to be neglected, certainly too serious to be set aside as unimportant when rate happens to fall within the range most recently "determined to be acceptable"—as if our free economy were by nature unable to provide even minimal dignity and earnings for 7-to-10 percent of its willing and able workers.

Senator Simon's proposal deserves very serious consideration. And unless something better than mere promises of eventual economic expansion can be put into effect, it may well deserve, depending on the actual content of the bill itself, to be enacted into law.

This may, in short, be a kind of deja vu we need.●

BLACK HISTORY MONTH 1987

● Mr. RIEGLE. Mr. President, each February, during the celebration of Black History Month, our Nation commemorates the tremendous contribution of blacks to our country. This month provides us an opportunity to recognize their contributions and increase our awareness of black history, perhaps one of the most neglected aspects of our history. In Michigan, we take great pride in the leadership and contributions of our black heroes and heroines. Events will be held throughout the State to celebrate the achievements of the many black people who have played an important role in our Nation's history.

During this month, we reflect on the countless accomplishments of the integral role played by black Americans. It is a month in which we make an extra effort to educate and reeducate America on this underrepresented chapter of our history.

However, we must keep in mind that discrimination and obstacles still remain for many black citizens in our society today. Black Americans do not have to be reminded that the fight for racial justice did not end upon the signing of the Civil Rights Act in 1964. Black History Month provides an opportunity for black Americans to reflect on their past, and also to look to the future for continued positive change. We must realize that there is still much to be done in building a society based upon justice and racial equality.

If there is one enduring message to be drawn from Black History Month, let it be that we are proud of all black Americans and that we will not backslide on any of the hard fought advancements of the past 200 years; that as a nation we will continue to work together toward achieving equality, justice, and opportunity for all.●

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I congratulate Senators MOYNIHAN, SYMMS, DIXON, D'AMATO, BURDICK, STAFFORD, PROXMIRE, and GARN on the passage of the highway legislation which included mass transit legislation.

The bill was handled with great skill. There were numerous difficult and thorny issues that had to be resolved. The bill could have been before the Senate for several days had they not been resolved, but through the very skillful leadership of these Senators those tough issues were disposed of and the Senate passed the legislation, I think, in almost record time.

I also mention Senators BENTSEN and PACKWOOD in this regard.

I thank, too, the able Republican leader for his cooperation and I thank all Senators for the time, the effort, and the dedication that was demonstrated by all of them and the skill with which they handled the legislation in committee and on the Senate floor.

I share the hope that has been expressed here that a conference will be held early and that the legislation can be sent back to both Houses for agreement after the conferees have worked on the bill and that the legislation can go to the President's desk for his consideration and signature at a very early date.

HOMELESSNESS

Mr. BYRD. Mr. President, I would like to speak a few moments on the issue of homelessness. This week Congress has passed an emergency measure. The Senate passed the measure last week. The House voted this afternoon, and the emergency appropriations bill is now on its way to the President.

But I say to all my colleagues that our work is not finished on this issue. There may be differing estimates as to the extent of homeless in our Nation. But there is no question that the number of homeless people is growing, that it has been growing these past few years, that we are seeing alarming new trends of families with children joining the ranks of the homeless, and that many of our cities and rural communities are experiencing true emergency situations regarding the homeless.

Mr. President, the people of our Nation are looking for assistance on this situation. They are looking to churches, and the churches are responding as best they can. They are looking to local community groups, like the Salvation Army and others, and those organizations are responding as well as they can respond. And, to contend with a problem too large and complex to be addressed fully and satisfactorily by these other institutions, they are looking to Government. Our response to date has been neither strong enough nor constructive enough, as I have indicated, for, the problem is growing because the number of homeless is growing.

The Speaker of the House, Mr. WRIGHT, has announced a comprehensive measure in that body will be considered and enacted to deal effectively with the problem of homelessness. he has announced that he expects to move swiftly on that legislation.

There is no doubt in my mind that the Senate will pass legislation in pursuit of this same end. I have met today with a number of Senators from my side of the aisle who are very concerned about this matter and who are committed to introducing and passing legislation in the Senate. I know there are Senators on the other side of the aisle who feel just as strongly.

I have discussed this with the able Republican leader. He feels, as I do, that we should appoint a task force of Senators so that it will be a bipartisan group dedicated to a bipartisan effort to develop legislation that can have bipartisan support to deal with this problem. I have indicated that it was my plan for the Senate to consider legislation as soon as possible. So I will be appointing a task force of Senate committee chairmen and other key Senators and the distinguished Republican leader, as soon as I have made my list of names available to him, has indicated to me he will appoint Members from his side of the aisle. And the mission, as I have said, will be to devise a bill which will not be put on the calendar to be taken up in that way, but a bill to be referred to the committee or committees and considered by committees and, hopefully, reported to the Senate. At some point in time, it might be useful and necessary to utilize rule XIV, but that is not the plan at this point. It would be much more preferable to have the committees take a good look at the measure and carefully develop the legislation on which the Senate would hope to act.

Mr. President, there is nothing partisan about hunger, about the lack of access to health care, and about lack of shelter. The Government's help to those who suffer in these ways should not be partisan. I am hopeful and confident that we will be able to work together speedily, compassionately, and wisely to devise legislation to provide real assistance.

We all have to recognize the budget constraints and we all have to attempt to work within those constraints. We will attempt to appoint members of the task force who are well aware of what the budget problems are and who can help to guide us in the development of such legislation.

Mr. President, I yield the floor.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BREAUX). The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, as modified February 2, 1987, appoints the Senator from Arizona [Mr. MCCAIN] to read Washington's Farewell Address on February 16, 1987.

(Mr. Bingaman assumed the Chair).

PROGRAM

Mr. BYRD. Mr. President, on tomorrow, the Senate will convene at 11 a.m. I hope that it will be possible to take up the bill S. 83, a bill to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances.

I would alert Senators to the possibility of rollcall votes. We will just have to wait and see what happens. Mr. GRAMM is opposed to taking up the measure by unanimous consent. Maybe, overnight, something will develop that will enable us to work this out. If not, we will just have to proceed as we find the circumstances in the morning. But Senators should be alerted that there may very well be rollcall votes on tomorrow.

I hope that we can complete action on the measure tomorrow, in which case the Senate would not be in on Friday and would go over until Monday, February 16, following the Lincoln Day recess.

On Monday, the 16th, there will be no business. The reading of George Washington's farewell address will be done by Senator MCCAIN and upon the completion of the reading of the address, the Senate will then go over until the next day, Tuesday, February 17.

CONDITIONAL ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House on House Concurrent Resolution 36.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 36), providing for a conditional adjournment of the House from February 11 to February 18, 1987 and a conditional adjournment of the Senate from February 5 or 6 to February 16, 1987.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the concurrent resolution.

The concurrent resolution (H. Con. Res. 36) was considered and agreed to.

The concurrent resolution reads as follows:

Providing for a conditional adjournment of the House from February 11 to February 18, 1987 and a conditional adjournment of the Senate from February 5 or 6 to February 16, 1987.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate—and the distinguished Republican leader indicates that he has nothing further—I move in accordance with the order previously entered that the Senate stand in adjournment until tomorrow morning at 11 a.m.

The motion was agreed to; and, at 7:11 p.m., the Senate adjourned until tomorrow, Thursday, February 5, 1987, at 11 a.m.

EXTENSIONS OF REMARKS

THE RICE PLOT

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. DURBIN. Mr. Speaker, over the past several years, our trade imbalance with Japan has been attributed to a host of factors, including the high Japanese saving rate. In the January 1987 issue of the Atlantic Monthly, James Fallows digs below the surface and finds a connection between Japan's high savings rate, its shortage of land, and its extraordinary level of rice production. The high cost of land makes Japan's cost of rice production much greater than that of the rest of the world. Nevertheless, Japan uses its scarce land to produce all of the rice it consumes, plus an additional 10 percent.

This uneconomical behavior demonstrates one facet of the Japanese fear of being dependent on any foreign country for important products. And that bias against foreign goods contributes to the United States—Japanese trade imbalance. American farmers can compete in a fair marketplace, but they cannot compete against the instinctive Japanese preference for Japanese products, no matter how costly.

I believe that Mr. Fallow's article will bring to my colleagues a new perspective on the trade problem. For the benefit of those who may not have seen it, I would like to submit a copy of the article for inclusion in the RECORD.

THE RICE PLOT

(By James Fallows)

Who is really to blame for our tiresome trade problems with Japan? Everyone has heard about the usual suspects—indefatigable Japanese businessmen, big-spending American politicians, lackadaisical American workers, and so on. But there is another candidate whose significance is well recognized in Japan but barely comprehended in the United States: the doughty Japanese rice farmer.

The farmers' importance is not obvious from looking at the trade charts. Japan grows about 11 million tons a year of the distinctive gluey japonica rice that its people prize above all others. If every Japanese paddy were drained tomorrow and converted into, say, a small export-electronics shop, Japan would have to spend only about $3 billion to import rice. That would just about offset three weeks' surplus in Japan's balance of trade with the United States.

Nonetheless, the farmers may be the key to the trade problems, because they have such an important effect on how other Japanese live, and because their status says so much about Japan's mercantilist approach (We Sell, You Buy) to foreign trade. Their impact is indirect, and it operates through the vehicle that affects everything else about Japan—the cost and scarcity of land.

Japan is, of course, a small island nation short of everything except people. It has a population half as large as that of the United States in an area smaller than California—or, to put it another way, a population twice as large as France's in two-thirds the space. But Japan seems even more crowded than those numbers would suggest. In part that's because of the mountains, which take up two thirds of the total area, but it's also because of the farmers, who take up almost half of what's left. Japan's land area is 378,000 square kilometers, or about 151,000 square miles. Of that, 66.9 percent is mountains and forest, and another 3.1 percent is rivers and channels. Farmland takes up 14.3 percent, leaving houses, offices, factories, roads, parks, schools, and stores to be squeezed onto the remaining 15.7 percent. In contrast, the United States is twenty-five times larger to begin with, and a higher proportion of its land is usable.

The significance of the crowding is not simply that it discomfits big-boned Americans who are used to the wide open prairies but that it distorts so many other aspects of Japanese life. Because land is so expensive, people cannot afford to buy more than a tiny plot on which to build a house. Real-estate ads do not say "house on acre and a half" or even "half an acre"; they say "124.93 sq. meters." Because the price of land keeps rising, people save in order to invest in land itself—rather than in larger houses, furnishings, appliances, or other items whose purchase would stimulate economic activity and that might conceivably even come from abroad. Because the price never stops going up, no one wants to sell. Because no one wants to sell, the price goes up even more.

Kenichi Ohmae, the director of the Tokyo office of McKinsey and Company, a consulting firm, has pointed out that at current prices Japan is worth more than the United States. He is not making an abstract moral judgment—he's talking about the two countries' land. The Japanese land market has all the markings of a classic speculative bubble, in which price bears no relation to economic fundamentals. But before a bubble can burst, someone has to be eager to sell, which has not happened in Japan.

Perhaps the Japanese would still be intent on exports, rather than domestic consumption, if they had bigger houses and more money left over after paying for land. But I think the spartan nature of Japanese home life encourages salary-men to spend more time at the (comparatively) plush office, dreaming up new export plans, and at the bars, cementing those crucial work-group relationships. What's more, it reinforces the export-or-die mentality that helped Japan recover after the war but is now making problems for it and the rest of the world. The United States needs more of that anxiety-induced energy; Japan could do with less.

Therefore, anything that makes this crowded, expensive country more crowded and expensive than necessary is bad for the Japanese, since it keeps their living standard artificially low. And it's bad for everyone else, since it increases the ferocity of Japan's export drive. This brings us back to agriculture, and in particular to rice.

Of the half of all flat land taken by farming, more than half is taken by rice. To spell it out; one quarter of the precious habitable land in this tiny country is used to grow one crop. After a three-week train trip from the far north to the far south of Japan, I was surprised that the rice-growing proportion was not even higher. Ninety percent of Japan's farm households grow at least some rice. To the naked eye Japan seems to be carpeted with rice paddies. Although the pressure of human crowding is most intense in the cities, above all Tokyo, nearly every part of the country suggests a struggle to the death between farmland and land used for anything else. On the train routes through Japan's "rice belt," in the northern part of the main island, Honshu, the scenery alternates between mountains and rice paddies, with only an occasional factory to vary the landscape. Tiny houses, slightly larger than the infamous "rabbit hutches" of the cities, are tucked in among the paddies, typically with only a dike-top walkway, a few feet wide, separating the house from the fields. This is the Japanese equivalent of the vast, unvarying fields of Kansas, though it is wet, hilly, miniaturized. Even in the major cities—Osaka, Kyoto, Hiroshima, Tokyo—I have seen little paddies slipped in between houses or office buildings. Hokkaido, the frontier-like northern island of Japan, is startling to visitors, because it offers something found nowhere else in the nation: flat land just sitting there, unused.

By any normal economic reasoning, Japan's insistence on devoting so much land to farming, especially rice, is insane, as if Manhattan were attempting to grow its own wheat and corn. Naturally, the farmers are hardworking and dutiful. Their yields per acre are not far behind those in the rest of the world. Paddies in Japan can produce 480 to 500 kilograms of rice on a tenth of a hectare; the average in California is 620. (I am using the metric system because Japan uses it. A kilogram is 2.2 pounds; a hectare is 2.47 acres.) But each of those hectares is so costly, and the typical farm is so small—excluding those in Hokkaido, two thirds of the farms are one hectare or smaller, and it would take 151 average-sized Japanese farms to equal one average-sized farm in the United States—that Japan's production cost per kilogram of rice is grotesquely out of line with the rest of the world's. It's hard to make precise comparisons, since the yen has been rising rapidly in value while international farm prices have been going down. According to estimates made in the fall of 1986, Japanese rice costs somewhere around six times as much as the "highest-quality" (that is, most japonica-like) California rice and ten times as much as rice from the world's lowest-cost producer, Thailand.

Apart from returning seamen who sneak in bags of California rice, and manufacturers who use processed rice for crackers, the Japanese import not a grain of this less-expensive foreign rice. Indeed, Japan now grows more rice than its people can eat. (Production per hectare has been going up; consumption is going down.) One consequence is that Japanese families spend on food about 30 percent of all that they spend, which is about twice as much as Americans do, and clearly more than the Japanese would if they opened their mar-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

kets. Because the government, which controls all sales of rice, gives the farmers an even higher price than it charges consumers, the Japanese also pay for rice farming in their taxes. The total public cost of rice-subsidy programs is about $6 billion a year. Together with subsidies for the Japan National Railroad (which is about to be "privatized"), the rice programs help explain why Japan runs sizable budget deficits while spending next to nothing on defense. Farmland is almost exempt from tax, which further increased the burden on everyone else. These extra expenses for food, taxes, and, or course, housing help explain why many Japanese feel they are living on the margin, even as they bankrupt competitors around the world.

Kenichi Ohmae has waged a one-man campaign to show that "we salaried workers are the victims of rice farmers." He points out that the selling price of most assets bears some relation to their profitability. A business might be sold for twenty or twenty-five times its annual profit. Rice-growing land in California is typically sold for thirty times its annual profit. But in Japan, Ohmae says, paddy land may sell for 2,000 times its profit—which is to say, it scarcely sells at all. On a visit to Yamagata prefecture, a rice-growing stronghold in northern Honshu, I asked prefectural officials about recent sales of farming land. None of the men I spoke with, including one who had worked there since the 1950s, could remember any sales.

Somewhere in Japan some land is of course sold for houses, but the price is out of sight. From 1960 to 1980 the overall cost of living in Japan went up by 600 to 700 percent. The price of residential land in big cities went up by 1,800 percent, and the price of farmland by 2,700 percent. The rigidity of the land market may reflect some deep Japanese desire to cling to a family piece of soil, but the artificially prosperous rice business also has an effect. Because of rice subsidies, farmers can make a profit on land that would otherwise have to be put to some different use. Ohmae says that the ultimate solution to Japan's housing problem does not lie in public-housing schemes or lower mortgage rates. Instead, he says, the only answer is to open up the country to rice imports, which would drive the farmers' price down. He contends, "If the price of rice in Japan became as low as in the U.S., the price of land would become one fifth the current price," assuming that land prices remained 2,000 times the annual rice profit. "Putting it another way, land for housing is costly because the government supports the price of rice." Ohmae has proposed an elaborate agricultural-reform scheme, to encourage farmers to grow other crops and prevent them from using any flat land within fifty kilometers of big cities. Even if his calculations are wildly off, and even if the price of land might fall by only one half or one fourth, his central point—expensive rice means expensive land—is hard to dispute.

Why do the Japanese put up with it? Rice farmers made up nearly half the population just after the war, but now they make up only 12 percent, and 90 percent of them hold down regular jobs and farm only part-time. Why can't the rest of the population, overtaxed and ill housed, change the system that produces the overpriced rice? Some of the answers are understandable by Western reasoning, but others hint at the enormous gulf between Japanese and Western motivations.

One part of the Japanese system is perversely "rational" in a way that Americans can easily understand. Like America's subsidies for tobacco and milk, Japan's farm policy is partly a reflection of sheer political muscle. In the gerrymandered Japanese electoral system rural votes are more than twice as important as urban votes. Because the average rural voter is older than the urban voter, he is more likely to vote. Like the retirement centers of Florida, Yamagata and Niigata prefectures muster high turnouts on election day. Every Japanese Prime Minister since 1960 has been elected by a rural constituency.

Japan's farmers are organized into a nationwide network of agricultural cooperatives, and these are tremendously important sources of money for politicians in the dominant Liberal Democratic (that is, the conservative) Party. Hard as this may be to believe, it costs politicians even more to stay in office in Japan than it does in the United States, because their official allowances are so low. In return for contributions from the coops, politicians pledge support; the "rice caucus" numbers 120 of the 511 members of the Diet's lower house. The cooperatives have their own stake in keeping things as they are: they have become multifaceted businesses, operating savings plans and selling machinery and supplies. All of this would come to a halt if the market opened up.

Many Japanese claim that they have another practical reason for growing their own, costly rice: if they didn't, they would be importing nearly all their food and would be too vulnerable to disrupted supplies. Japan is already the world's largest net importer of food, and is proportionally more dependent on imported food supplies than any other major power. It now produces only half the calories its people eat, down from 80 percent soon after the war. About a third of its farm imports come from the United States, which enjoys a number of sweetheart deals giving its wheat and beef preference over cheaper products from China, Australia, and Argentina. Rice is practically the only major farm item for which Japan can satisfy its own demand. The rice "self-sufficiency" ratio is about 110 percent—10 percent more is grown than eaten. (This sits in warehouses and either spoils or is periodically unloaded at a loss on the export market.) Since nearly all the wheat, corn, and soybeans consumed in Japan come from America, the overall self-sufficiency ratio for grains and legumes is only 32 percent.

In a 1980 Japanese poll 75 percent of the respondents agreed that "in principle, domestic [farm] production should be increased whenever possible." Only 16 percent chose the alternative answer: "It is better to consume imported products if they are less expensive." When I have asked Japanese friends about importing rice, most of them have asked right back, "But how could we trust you to keep selling?" The main evidence of American unreliability is the hideous "Nixon shocks" of the early 1970s, in which the United States suspended soybean exports for a couple of days. "We live on rice," Iwao Yamaguchi, the senior executive director of the national alliance of farmers' cooperatives, called Zenchu, told me. "It is outside free-trade principles. We are a hundred percent self-sufficient, and we must always be. Japan is an independent nation, and it is incumbent on us to be independent in rice supply."

If you're an outsider, it's hard to take this concern quite as seriously as the Japanese obviously do. For one thing, rice is less and less a staple in the Japanese diet. Only twenty-five years ago rice accounted for almost half of Japan's daily calorie intake. Now, as people have turned to bread and noodles, it's just above one quarter. If simply having enough food to fill people's bellies were the government's main goal, it could lay up a several years' stockpile of rice from the world market for the cost of one year's domestic subsidy. Or, as Kenichi Ohmae proposes, it could buy enough land in Arkansas to meet Japan's total rice demand for the cost of about two years' worth of subsidies. Moreover, in any dispute grave enough that the United States would be trying to starve the Japanese, many other things would be getting scarce as well, starting with fuel to run the tractors and cook the rice. Yamaguchi gave his most heartfelt response when I asked him whether "rice security" made sense, considering Japan's many other vulnerabilities. "We can survive without fuel," he said. "In an emergency we can pull plows through the field. Our fathers did it. We can make fertilizer of our own. But without food—above all, rice—we cannot survive."

The most interesting thing about the rice-security argument is that most Japanese seem to be unaware of what its logic implies. They are saying, after all, that they cannot rely on anyone else for things that really matter to them. While food may be a more elemental need than other products, the same fears accompany international trade in any basic product—steel, cars, and, these days, semiconductor chips. If the Japanese cannot trust us to sell them rice, how can they expect us to trust them? Isn't this what the whole process of world trade, "comparative advantage," and interdependence is all about?

For forty years the Japanese have honorably made their way in the world by appealing to others' sense of comparative advantage. They have offered steadily more attractive goods, at steadily more competitive prices. They have left it to buyers in the United States, Europe, and Asia to respond. With greater or lesser degrees of resentment, other nations have accepted the consequences of Japan's success, which are dependence on foreign supplies and disruption of local businesses. They have done so not because of theoretical reverence for free trade but as a practical matter. What would happen to an American politician who now proposed to keep out all cars made in Japan?

Almost none of the Japanese I've met have seen any contradiction between their country's dependence on more-or-less open markets elsewhere and their own fierce desire to preserve the traditional, not-too-efficient patterns of home life. Rice epitomizes the traditional customs that free trade would destroy but that the Japanese are determined to preserve.

When they think of rice, even today's urbanized Japanese think of their devoted uncle or grandmother stooped over in the fields. When they go back to the home village, they want to see the same familiar paddies, green, well tended, bearing the new year's crop. At the busy commuter-railroad station near my house in Tokyo thousands of passengers push and shove each morning but tenderly avoid the boxes full of rice seedlings, pale of fresh in the springtime rains, stalks heavy with ripe golden ears during the fall monsoon. When the first Japanese settlers moved to Hokkaido, a hundred years ago, it was a land of wheat and barley but no rice. On their deathbeds. Professor Hemmi Konzo, of Tokyo University, has said, the lonely pioneers would ask their children to place a few grains of rice in a bamboo tube and shake it, "so the parent could at least hear the sound of rice once before he or she died.".

I have seen tears well up in the eyes of a no-nonsense salaryman when he recalled his meager *hi-no-maru* lunches of the postwar days: a rectangular arrangement of snowy white rice with a small, red sour plum in the middle, resembling the Japanese *hi-no-maru* flag.

If they ever let the waves of cheap foreign rice wash in, the Japanese would mourn their lost rice fields and paddybased life—but Americans now mourn their dead steel mills and outdated machine-tool plants. Can the Japanese have it both ways?

One of the few people who do see the contradiction clearly is Iwao Yamaguchi, of Zenchu. The rice growers cannot compete with foreigners, he told me recently, *and they should not have to try.* The world has gotten carried away with free trade. It would destroy Japan's farmers, as it has destroyed manufacturing jobs in the United States. The root of the problem, he said, is the greed of Japanese manufacturers, deluging the world with "downpour exports." No wonder America is unhappy; he'd been to Michigan and seen laid-off auto-workers. The solution is not to spread the misery to Japan's now happy farmers but to curtail free trade across the board.

Some Japanese industrialists also recognize that their long-term interests and the farmers' are at odds. The Keidanren, Japan's rough equivalent of a national chamber of commerce, periodically appeals for more farm imports, as a way of heading off anti-Japanese protectionism overseas. The headquarters of the Keidanren and Zenchu face each other in Tokyo's Ohtemachi district, and the farmers usually respond to these appeals by draping big protest banners out their windows, directed at their adversaries across the street. Most Japanese I have spoken with seem to agree in their bones (or "in the stomach," as they would put it) with the farmers, not the businessmen. Far from complaining about the price of food or land, they regard the social cost of imports as being too heavy to bear. When the U.S. Rice Millers' Association formally protested Japan's closed market last September, most Japanese seemed to see it not as a straw of hope for lower prices but as a threat to a cherished way of life.

Eventually and incompletely, the rice-farmer problem may solve itself. Year by year the total paddy acreage goes down, as farmers leave the land or switch to more-compact fruit- or vegetable-growing operations. Most "farmers" actually hold regular jobs in offices and factories, since rice cultivation now takes only about twenty full days of work a year. Many of the people left fulltime on the farms are grandfathers and grandmothers without heirs willing to take over the work. As they die or retire, their familes do not sell the land—God forbid—but may lend or lease it to neighbors, who can then farm on a larger and more efficient scale. For half a dozen years the government has been cutting back the annual increase in rice-support prices, and the farmers' union thought it had won a great victory last summer when it merely kept the price from being cut. One agricultural economist, Yoshikazu Kano, even contends that Japanese rice can someday be truly competitive. With better breeding techniques, larger plots, and more highly educated farmers, he says, Japanese growers can match the American price. Of course, until that far-off day, they must be shielded against cut-rate foreign competition.

A few Japanese have attempted a frontal assault. Last fall the Sankei newspaper published a front-page article belaboring the cost difference between Japanese and California rice. Kenichi Ohmae keeps issuing manifestos, attempting to persuade urban Japanese to complain about the high cost of food and the outrageous price of land. In a society where personal motivations approximated an economist's supply-demand chart, such a campaign might succeed. Indeed, it would never have to be launched. Do Americans need to be persuaded to buy Japanese cameras or watches? Korean or Taiwanese personal-computer "clones"? But in a mercantilist society where low-cost consumption carries less weight than other, more subjective values, such a campaign hasn't a chance.

MEDICAID INFANT MORTALITY AMENDMENTS OF 1987

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. MILLER of California. Mr. Speaker, I join my colleague, Mr. WAXMAN, chairman of the Subcommittee on Health and the Environment, and other members of the Select Committee on Children, Youth, and Families, and the Budget Committee, in support of H.R. , "The Medicaid Infant Mortality Amendments of 1987." This legislation will help improve the health of our youngest and most vulnerable citizens.

This bipartisan legislation would extend, at State option, important Medicaid coverage to pregnant women and infants living in families with incomes up to 185 percent of the Federal poverty level. It would also accelerate Medicaid coverage of children in families with incomes between the AFDC levels and 100 percent of the Federal poverty level, and require continued Medicaid coverage for all children up to age 8, regardless of family composition, whose family income and resources are below their State AFDC eligibility levels.

The Congressional Budget Office estimates that if this legislation is enacted, 79,000 pregnant women and infants, and 239,000 children, could be reached during the first year of implementation alone. This alone could mean hundreds of lives saved, scores of serious disabling conditions prevented, and millions of dollars saved.

Mr. Speaker, in the past few years, Congress has made significant strides toward assuring that certain vulnerable groups of women and children have access to essential preventive health care.

But new studies show that, despite our efforts, we still have a long way to go.

There has been little change in the percentage of women receiving late or no prenatal care since 1978. The incidence of low birthweight, the greatest predictor of infant death, has also shown little improvement. As a result, the rate of improvement in the infant mortality rate nationwide is coming to a frightening halt.

In California alone, where 1 in every 8 American babies is born, "pregnant women face more problems finding adequate health care in 1986 than in previous years. Despite California's rank of third among the States for per capita income, and its past national leadership in public health, California now ranks a mediocre 29th nationwide in reaching pregnant women with early prenatal care," down from 10th place in 1970.

This is one of the key findings of a very important report, "Back to Basics: Improving the Health of California's Next Generation," released this week by the Southern California Child Health Network and the Children's Research Institute of California.

This report, and another released this week by the Children's Defense Fund, confirm that each year, hundreds of thousands of women, infants, and children on the brink of poverty have no health coverage, and are denied a basic right to health care.

In addition, the California report found that:

Between 1970 and 1983, California fell from 7th best among States to 14th in its ranking on infant mortality; from 12th best to 17th on percent of babies born with low birthweight.

The 1 in 14 babies born in California to mothers who receive late or no prenatal care are bleak. Many are born sick or disabled and remain in hospital intensive care units at an average cost of $19,000. These infants account for 7 percent of births, but 20 percent of newborn deaths.

"No prenatal care babies" come from all ethnic groups. Low birthweight rates have increased for all California infants.

Thirty percent of women in California are poor or uninsured and services are overloaded. In Los Angeles County, public clinic waiting lists for prenatal care are 19 weeks long. Orange County prenatal care clinics turned away 2,000 indigent patients in 1985 because of limited resources. During a recent 3-month period, San Diego clinics turned away 1,245 pregnant women for the same reason.

Fourteen of California's 58 counties have no State or federally funded clinics offering prenatal care. Twenty-six counties have so few obstetric providers that even if women are eligible for MediCal, there may be no services available. Almost one-third of California's infants are born in counties with no public hospital offering maternity services.

Improving access to health care for these vulnerable groups will prove not only to be humane, saving thousands of infant lives every year, but cost-effective as well. Research has shown that for every dollar invested in prenatal care for high risk women, $3.38 is saved in the cost of extended neonatal care for a low birthweight infant.

"Back to Basics" also concluded that, in California alone, if prenatal care were provided to the women in California who now go without it, the net savings in the first year alone would amount to $22.4 million. Over time, by preventing disabilities in children, the savings would increase to $2.6 billion annually.

Mr. Speaker, we have made some progress. Let's not turn our backs now. As California illustrates, the situation is grave. This legislation is only a modest effort to prevent a worsening scenario. I urge my colleagues to support its timely passage.

RAY McDONALD COMMUNITY ACHIEVEMENT AWARD RECIPIENT, MRS. IRENE JOHNSON

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. LIPINSKI. Mr. Speaker, it is an honor to stand before you today and recognize a constituent of mine, Mrs. Irene Johnson, who has received the Ray McDonald Community Achievement Award sponsored by the Fifth Congressional Community Advisory Committee.

Mrs. Johnson's dedication and service to the community extends over 13 years where recently she was appointed chairperson of the LeClaire Courts Resident Management Corp.

This corporation was formed to help train residents of the LeClaire Courts Housing Authority to manage their own public housing development, a dream becoming reality for Mrs. Johnson and other community residents.

According to Mrs. Johnson, her involvement comes easily:

> We are very excited about starting our resident training. Our goal is to develop clear management practices and policies geared both to producing an effective management team and improving the quality of life for LeClaire Courts' residents. Love covers all. I love LeClaire Courts; its ground level relates more to Home than concrete high rises. You must have love for family and that touches people in general. You must love God, and apply that love to people. Vision love motivation is what we try to teach our people here in LeClaire Courts.

Born in LeLand, MS, Mrs. Johnson is the mother of three sons, Cheophas, Jr., Kevin, and Clifford.

Mrs. Johnson's extensive contributions to the community are to be commended. It is to dedicated individuals such as Mrs. Johnson that we are proud to recognize the awarding of the Ray McDonald Award.

ESCAPE MECHANISM NEEDED FOR FUTURE SPACE SHUTTLE FLIGHTS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. TRAFICANT. Mr. Speaker, today I have introduced legislation prohibiting any future space shuttle flights, including the scheduled flight of *Discovery* in February 1988, until an escape mechanism is installed for the shuttle astronauts.

On January 20, 1987, the National Aeronautics and Space Administration announced that it would be installing an escape hatch to allow astronauts to bail out when the ship is gliding. However, this escape system is not expected to be ready for installation before the next scheduled shuttle flight in late February 1988. In announcing the decision by NASA, Rear Adm. Richard Truly said the shuttles will be modified with a hatch that can be jettisoned by explosives in an emergency, and crew members will be given parachutes so they can jump out. This bailout system can only be used when the shuttle is gliding, and at altitudes roughly between 10,000 and 20,000 feet. This system is designed to be used in the event of engine failure or during a landing attempt that was not proceeding properly for some reason. A large amount of testing and evaulation is still to be completed before a final version of this approval is installed in the shuttles.

First of all, I want to commend NASA for its efforts in developing an escape mechanism for our astronauts where it is feasible. As has been stated by many experts, including several members of the Shuttle Astronaut Program, there are points in a flight when such an escape system would not be helpful. Specifically, the proposed system would not have helped the astronauts at the time of the *Challenger* explosion last year.

My point in introducing this legislation is to ensure that all shuttles have this system installed before any missions take place. I am a strong supporter of the Space Shuttle Program and our country's manned space flight project. However, I want to ensure that before we launch another mission, we have taken every possible step to protect the lives of our shuttle astronauts.

I hope my colleagues will carefully consider the merits of this proposal and support my efforts to pass this legislation. The text of the legislation follows:

H.R. —

A bill to prohibit further launches of the space shuttle until improved safety features have been developed and installed

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION AGAINST SPACE SHUTTLE LAUNCHES WITHOUT EFFECTIVE ESCAPE MECHANISM.

No space shuttle orbiter shall hereafter be launched unless it is equipped with an escape mechanism which assures that the astronauts aboard will have a realistic chance of survival and recovery should problems arise during the flight as a result of equipment malfunction or hardware defects.

SEC 2. DEVELOPMENT OF ESCAPE MECHANISM.

The National Aeronautics and Space Administration shall proceed expeditiously with the development and comprehensive testing of an escape mechanism to achieve the purpose described in section 1, using the design proposed by the Administration in its announcement made on January 20, 1987, or any other design which may show promise of achieving that purpose more effectively. During such development and testing the Administration shall conduct a continuing evaluation of the efficiency and reliability of the proposed system; and the escape mechanism shall not be installed in any space shuttle orbiter until the Administration determines (on the basis of such testing and evaluation) that the mechanism will fully achieve that purpose.

SEC. 3. NOTICE TO CONGRESS.

During the development and testing of the escape mechanism under section 2 the Administration shall periodically report to the appropriate committees of the Senate and the House of Representatives on the progress being made. The Administration shall in any event report immediately to such committees if and when any decision is made to deviate substantially from the design proposed in its announcement made on January 20, 1987.

LET'S NOT FOOL OURSELVES ON AFGHANISTAN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. PORTER. Mr. Speaker, lest anyone not yet realize it, we are now deep into a full-scale Soviet propaganda campaign on Afghanistan.

First, it was the infamous "Soviet military withdrawal from Afghanistan." Without a rebel air force to defend against, the presence of a few thousand air defense troops in Afghanistan was always mystery. Next came the "peace initiatives" from General Secretary Gorbachev and a 6-month cease-fire.

Sounds good, doesn't it? But remember, that is a cease-fire after 6 years of wholesale slaughter. It is a cease-fire after 1 in 4 Afghans has been killed or fled. It is a cease-fire when most refugees today are Afghans.

Recently, the bombing of Afghanistan's second largest city tells the whole story. On December 8, Soviet Air Force pilots "went haywire" and bombed the center of Kandahar. Remember, the Communists are supposed to control the cities. Nevertheless, Soviet pilots bombed the city's hospital and killed at least 600 people.

This bombing helps us to separate fact from fiction, and the Soviet's propaganda campaigns from their military ones.

A TRIBUTE TO BOB HERDMAN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. LAGOMARSINO. Mr. Speaker, my wife Norma and I were deeply saddened at the loss of an old and dear friend, Bob Herdman of Santa Barbara, CA. At Bob's wake, a sense of emptiness passed over me as I realized that I would no longer have the advice and support that he so often provided.

Bob was very well educated with a well-rounded background, being a businessman, educator, farmer, public servant and political campaigner. After graduating from Stanford University with a B.A. and Harvard University with an M.A., he joined the Los Angeles office of Price Waterhouse. In 1931 he moved to Santa Barbara where he taught high school and worked for the Standard Oil Co. In 1936 he decided to try his hand at farming and did so successfully until 1948 when he became Secretary of the Santa Barbara County Farm

Bureau. He ended his first professional career by retiring as the Arizona State Farm Bureau Secretary. During the 1940's he maintained his interest in education by serving on the Santa Ynez High School Board.

After his so-called retirement in 1968, President Reagan, then Governor of California, thought enough of him to appoint him to two terms on the California Highway Commission. In addition, Bob served as chairman of the Santa Barbara County Republican Central Committee for many years, a position in which we came in close and frequent contact. Another aspect of Bob's life was his service and devotion to the Episcopal Church where he was involved on both the vestry and diocesan committees.

Even this capsule review of his long, rich, and varied career demonstrates what an important and dedicated American my friend Bob Herdman was during his lifetime. I ask the Members of the House to join with my wife and me in expressing our sympathies to Bob's wife Sally and son Bob.

TANK FARM SAFETY ACT

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. GUARINI. Mr. Speaker, today I am introducing the Tank Farm Safety Act, legislation which would prevent the recurrence of a potentially catastrophic situation. On January 7, 1983, a Texaco storage tank in Port Newark, NJ, exploded, burned 3.3 million gallons of gasoline, caused the death of one person, injured 23 persons, and resulted in over $15 million worth of property damage. One of the principal causes of the explosion was overfilled fuel storage tanks.

The fire burned for several days creating an inferno equal in area to two football fields. The tremendous force of the blast knocked out windows in Jersey City and Bayonne, and was even felt by some residents in Long Island 70 miles distant. Its magnitude might not have been limited to the series of storage tanks set afire in chain reaction. Within the shadow of the smoke and fumes lay a large propane company which, if involved in the fire, would have caused untold loss of life and property damage.

Tank farms such as these are distributed throughout the Nation. Nearly 3,000 of these facilities are located in New Jersey. A matter as crucial as the safety of these containers, which are often concentrated in or around heavily populated urban areas, warrants the passage of this legislation. My bill would ensure the safe and efficient operation of tank farms by requiring alarm systems at all manned fuel storage facilities. This type of alarm would activate in case of container overfill or if the standard signaling device itself is not working, and would sound in time for monitoring personnel to shut off the flow of liquids into the tank. Only alarm devices approved by the National Fire Protection Agency could be used at these terminals.

This legislation also mandates that an alarm system with automatic shutoff devices be used at unmanned terminals. This would notify anyone in the area that there is a problem, even as the flow of fuel is being automatically stopped.

Plans and specifications for any new, high-level alarm system to be installed under this act would be submitted to the Assistant Secretary of Labor for Occupational Safety and Health for approval prior to its installation. OSHA would be responsible for checking the system once it is in place, and the terminal owner would be required to inspect the facility every 3 months. The results of the tests would be filed with OSHA.

Proper standards of plant management would be maintained in addition to an effective automatic alarm system. Terminal procedures to verify property lineup and receipt of fuel would be established in order to ensure that the right amount of fuel goes to the right tank. In addition, the bill would require that plant personnel are adequately supervised and monitored.

Automation in the tank farm industry is long overdue, and invaluable in ensuring the future safety of our citizens. The protection of our industrial areas, and the well-being of residential communities which lie close to industrial zones depend upon prompt consideration of this bill. An explosion in a container storage area can result in untold deaths and injuries to both workers and residents alike. It can leave a prosperous industrial zone devastated; severely damaged nearby residential neighborhoods; waste billions of gallons of precious fuel; and add to the environmental decay of the surrounding area. I respectfully urge my colleagues to support this important bill.

THE BOMBER DEBATE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, in the weeks ahead, Congress will face some tough choices about needed improvements to our strategic deterrent. As we in Congress continue to insist on genuine, verifiable weapons test bans and arms reduction, we also have a responsibility to make sound choices about our own defense forces and the modernization of our aging bomber fleet.

After frequent visits to the two Strategic Air Command bases in North Dakota, Minot AFB and Grand Forks AFB, I became convinced that our B–52 bomber force had become so old as to create a future threat to the safety of our air crews and the credibility of our deterrent. Accordingly, I determined that it made sense to invest in a limited buy of B–1 bombers as a hedge against the anticipated development of the advanced technology or Stealth bomber.

A recent feature in the Baltimore Sun aired the debate of how to modernize our bomber force. My own view is that we should wind up the B–1 purchase and move toward the procurement of the truly modern technologies embodied in the Stealth bomber. But these are tough and expensive choices and I would invite my colleagues to review carefully the debate engendered in the Sun articles by Jeffrey Record and Joseph Zentner which were carried in the February 2, 1987 edition.

The articles follow:

[From the Baltimore Sun, Feb. 2, 1987]

BOMBERS: THE B1 . . .

(By Jeffrey Record)

WASHINGTON.—Once again, the B-1 bomber is back in the news. Canceled by the Carter administration but revived in an advanced version by the Reagan administration, the B-1 is the first strategic bomber to appear in the United States since the last B-52, a 40-year-old design, left the factory in 1962.

The B-1 is moreover a rarity among major U.S. weapon systems today. It is being produced on the basis of a fixed-price contract, and delivered to the military months ahead of schedule and hundreds of millions of dollars below its congressionally-imposed program cost ceiling of $20.5 billion in fiscal year 1981 dollars for 100 planes.

The Air Force's recent request for $600 million to make last-minute improvements in the B-1 does not, contrary to some opinions, constitute a cost-overrun: the original fixed-price contract anticipated the need for "fixes" derived from actual flight tests and the $600 million will come out of the over $700 million the Congress earlier took back from the program precisely because it was ahead of schedule and under cost. Compared to most Defense Department procurement programs these days, the B-1 program is a model of good management and cost discipline.

These are not, however, the aspects of the B-1 program that have elicited the recent critical comment, which has virtually ignored the program's managerial and budgetary successes. Rather, the focus has been on alleged deficiencies of the plane itself, which has been dubbed a "lemon" and a "flying Edsel."

What is remarkable about the criticisms is the underlying ignorance they reflect of modern bomber tactics, the great differences between the old Carter B-1A and the new B-1B, and the even greater differences between warplanes and commercial aircraft.

Consider, for example, the charge that the B-1 cannot fly as high as most commercial airliners in service. The charge is true. It is also irrelevant. Ever since Francis Gary Powers and his high-flying U-2 spy plane were shot down over the Soviet Union in 1960 by a Soviet surface-to-air (SAM) missile, it has been recognized by real experts that to fly high over the Soviet Union in a hostile aircraft is almost certainly to die high. The modern SAM and missile-firing supersonic interceptor have made World War II-style high-altitude bombing attacks suicidal. It was for this reason that the B-70, the first intended replacement for the B-52, was canceled in favor of the B-1, which is designed to fly at altitudes—200 feet or lower—where enemy SAM radars cannot distinguish them from what is known as "ground clutter." The B-1 has been built to survive in hostile air space, not to ferry vacationing civilians through friendly skies.

Another charge is that the B-1B is at least 41 tons heavier than the old B-1A, which presumably compromises the B-1B's range and maneuverability. This is also true, and it's also highly misleading. The B-1B actually weights only 3.5 tons more than the B-1A. The significant difference in weight lies not in the planes themselves but their payloads: the B-1B can carry 37 more tons of missiles and bombs than could the old B-1A which, unlike the B-1B, was not designed to carry cruise missiles and relatively heavy non-nuclear bombs, a requirement imposed by the Congress. This makes the B-1B far more operationally flexible than the B-1A, to be sure, a B-1B carrying its maximum payload does not have the range and maneuverability of a fully-loaded B-1A; but many B-1B missions do not require full weight loads, and the B-1B can carry a much greater variety of ordnance than the B-1A.

A third charge is the the B-1B lacks the requisite electronic jamming gear to foil Soviet air defense radars and communications. Again, a valid charge. But, again, a charge that demands a far more informed and impartial examination than it has received.

Leaving aside the fact that the quality of Soviet air defenses may have been consistently overrated by the U.S. Air Force (it took the Soviets more than two hours to find and shoot down an innocently intruding, high-flying, helpless Korean airliner), there is no question that the Soviets have made significant advances in air defense. Overcoming enemy air defense radars and communications has been a shifting challenge of escalatory responses and counter-responses ever since the beginning of World War II. To assume one could devise and electronic jamming system that would be forever effective is to assume one could craft an offensive football play against which no defense could ever work. The Air Force is aware of the inadequacies of the B-1B's current jamming gear and plans to replace it with newer, more effective systems. What else would anyone expect the Air Force to do?

None of this is to claim that the B-1B is a perfect bomber. All weapons represent conscious trade-offs among the basic values of mobility, protection and firepower: and the B-1B has encountered glitches, such as a leaky fuel system now being corrected characteristic of any new, sophisticated military hardware. Indeed, the B-1B is regarded even by its supporters as an interim bomber to bridge the gap between the obsolete B-52 and the super-secret and allegedly radar-invisible "Stealth" Advanced Technology Bomber (ATB) due in the 1990s.

Yet the ATB is likely to be at least twice as costly as the B-1B and the technological uncertainties surrounding the ATB are vastly greater than those surrounding the B-1B, which is already operational in the minds of many this makes the B-1B and the ATB unavoidable budgetary competitors, especially in an era of little or no real growth in U.S. defense spending.

This may account for some of the recent criticism of the B-1B. Both those who favor the ATB and those who always opposed the B-1B have a common interest in raising concern over the only new U.S. bomber in a quarter of a century. Such trashing of the B-1B, however, could in the end prove inadequate to assure congressional support for the ATB and could even leave the United States without any modern bomber force worth the name.

[From the Baltimore Sun, Feb. 2, 1987]

. . . AND THE STEALTH

(By Joseph L. Zentner)

LAFAYETTE, LA.—Inside a heavily guarded plant in California's Mojave Desert, the mysterious Stealth bomber—a plane with the radar silhouette of a hummingbird—is nearing reality. It has been one of the most secretive military research programs since the Manhattan Project.

The first plane is supposed to fly late this year. If all goes according to plan, the Stealth bomber should be in service by 1991.

The Defense Department expects Stealth technology to give this country a strategic edge. But with production near, hard questions are being asked. This most costly of the Pentagon's ultra-classified programs has kindled a debate over both strategic and economic interests.

The objective of Stealth technology is to achieve such a low level of radar visibility that the weapons system can perform its mission without being detected. The Air Force discourages use of the word "Sealth." It prefers "Low Observable" and calls the plane the Advanced-Technology Bomber (ATB).

Congress must decide soon whether to give the ATB full support or buy more Rockwell International B-1Bs. President Carter canceled the B-1 program in 1977, calling it costly and unneeded. President Reagan resurrected it.

The ATB has its opponents, primarily those in Congress who are troubled by its unproven technology. Critics contend it is a multibillion-dollar boondoggle. Some authorities say the supposedly undetectable bomber is slow, unstable and monstrously expensive. Defense analyst William Kaufman sees the ATB as a plane without a plausible mission.

"We can't track mobile targets fast enough to tell Stealth where to go." Mr. Kaufmann has said. "Sending a $500-million aircraft cruising around the Soviet Union looking for surviving targets to drop nuclear weapons on after U.S. missiles have already obliterated virtually everything is nonsense."

Strategists concerned with protecting this country's increasingly vulnerable silo-based missiles from surprise nuclear attack say the ATB is a key element in restoring credibility to the U.S. strategic triad of bombers, submarine-based and land-based missiles.

The ATB is also viewed as one answer to proliferation of Soviet mobile ICBMs. This argument holds that only a high-altitude bomber can search out and attack targets that are in constant motion.

ATB supporters note the plane will have a far smaller radar cross-section than the B-1B, drastically reducing the range of Soviet radar. Thus far more radar systems will be needed to maintain coverage around the Soviet perimeter. ATB backers contend the plane will be able to evade Soviet air defenses well into the Twenty-first Century.

How can an airplane deceive state-of-the-art radar and penetrate enemy airspace with impunity? It is possible to put together a filtered look at how aeronautical engineers are designing Stealth-type aircraft.

Stealth planes require low visibility in radar, infrared, noise, smoke, contrails and optical reflectivity. Air Force officials say reducing the radar cross section is the most significant factor. The cross section is measured in square meters.

For instance, the B-52 had a radar cross section of 100 square meters. Its tail, vertical stabilizer and huge body make it an ideal target.

The original B-1 had a radar cross section of 10 square meters. The B-1B echoes a cross section of just one. Northrop is building an ATB with a reported radar cross section of a millionth of a square meter.

Engineers will do this by removing the sharp edges and abrupt angles that produce strong radar echoes. The ATB will be a small-profile flying wing.

Another element in making a plane invisible to radar is designing it to absorb microwaves. Extensive use of composites, such as carbon-fiber epoxies, is a key element: Carbon absorbs microwave energy and, in a plane's structure, increases its ability to absorb radar waves.

Avionics is another aspect. When the radar visibility of a plane is dramatically reduced, returning signals can be manipulated so that the enemy is blinded. ATBs will carry countermeasure gear to identify an enemy radar station, then transmit just the right signal to erase even the hummingbird speck from its scope.

All of this takes a great deal of money. Critics of Stealth question whether the program is worth it.

There is a way to lop off the ATB's enormous price tag. Congress could persuade the Defense Department to order more B-1B bombers instead of ATBs, saving billions.

B-1B proponents base their arguments on technological, developmental and operational considerations. The B-1B, they contend, is a Stealth bomber. Many Stealth technologies are transferable.

The B-1B is versatile. In addition to being an effective penetrator, it promises to be an efficient cruise missile carrier, because of its size, payload and internal carrying capacity. The ATB is reportedly designed as a specialized, relatively small penetration bomber, ineffective as a cruise missile carrier. The ATB will look even less attractive if a B-1C can offer greater operational advantages without its development risks and high program costs.

But there are cogent reasons why the Pentagon wants the ATB, not more B-1Bs. To survive against the Soviets' elaborate air defenses, the B-1B must fly close to the ground. However, the terrain that hides the plane also hides targets from it. To pursue a mobile ICBM, the B-1B must climb, exposing itself to attack.

The ATB, almost invisible to radar, conceivably could thwart defensive fighters, as well as SAMS.

One hundred B-1Bs will be flying by 1988. To protect against them, the Soviets must spend five times as much on defenses as the plane will cost. The Advanced-Technology Bomber is scheduled for duty in four years. Defending against it would take another huge Soviet expenditure.

When operational, the ATB, it is hoped, will render obsolete Soviet air defense costing more than $100 billion. But keep one point in mind: it is impractical to expect that low-observable technologies can get our forces anywhere they need to go, invisibly, forever.

FAMILIES AND CHILDREN ARE THE NEW HOMELESS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. MILLER of California. Mr. Speaker, people in ever increasing numbers are using park benches, steam grates, street corners, or any place they can find to serve as shelter because they do not have homes.

Recent reports indicate that the number of homeless in our country has grown by about

25 percent over the last year. Nationwide there are an estimated 2 to 3 million homeless. Armies of the homeless have appeared in the once booming Sunbelt economies of Dallas, Oklahoma City, and Phoenix. In my district of Contra Costa County, 3,000 people live in the streets.

Homelessness has grown even more tragic because families with children comprise the fastest growing segment of Americans without homes. Families now make up 40 percent of the homeless, including up to 800,000 children.

In over 70 percent of the cities recently surveyed by the U.S. Conference of Mayors, families comprise the largest group for whom emergency shelter and other needed services are particularly lacking. Shelters in Boston, Kansas City, Louisville, Norfolk, Phoenix, Nashville, and New Orleans report turning away families because they run out of room in family shelters, or there are no facilities that can accommodate intact families. At the Richmond Rescue Mission in my district, which houses 188 beds, up to 15 families are turned away every night.

The U.S. Conference of Mayors reported that in 1986, the number of families with children requesting emergency shelter increased in 92 percent of the 25 cities surveyed. In New York City, two-thirds of the homeless are families with children and 6,000 young children live in homeless hotels and shelters. In Chicago, the level is 40 percent, and in Boston, four out of five homeless families are composed of single mothers with more than two children.

Another increasingly large segment of the homeless are the working poor, those who must live on the street just to afford food and clothing.

The homeless crisis is much too big for localities and private organizations to handle on their own. Many of these persons are turned away because shelters and support facilities do not have the resources to meet the rising demand. Only about half of the demand for emergency shelter across the Nation can be met.

As winter grows colder, these Americans are continually threatened by exposure and hypothermia. In addition, the long-term effect of homelessness on children and families can be devastating. Most temporary facilities, such as the welfare hotels, provide nothing but unsafe and unhealthy environments for children. As the New York Times reported yesterday, every aspect of a child's life, from health to education, suffers as a result of the homeless experience.

Without funds for emergency assistance, antifamily policy is being implemented in many States where shelters for families are nonexistent or overwhelmed. Families are separated and children are placed in foster care because there is no housing available.

We must act now to help the homeless this winter, the most dangerous time of the year. The legislation we are considering today will allow us to do so. Congress must establish a long-term homeless policy and I look forward to helping develop these measures in the near future. House Joint Resolution 102, the urgent supplemental appropriations for the homeless, would immediately provide an additional $50 million for FEMA for the Emergency Food and Shelter Program. This bill does not appropriate any additional funds and would provide urgent assistance when it is needed most.

I urge my colleagues to support House Joint Resolution 102.

EAGLE SCOUT AARON BRAMBORA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. LIPINSKI. Mr. Speaker, it is with great pleasure that I call to the attention of my colleagues an exemplary young citizen, Aaron Brambora. He will be recognized on March 8, 1987, for achieving the highest rank in scouting, Eagle Scout.

In becoming an Eagle Scout, he will join the ranks of a very select group. The individual tasks which he had to complete are impressive alone. These tasks challenged every facet of his personality—mental, physical, psychological, and more. His accomplishment becomes even more notable when it is viewed cumulatively. That is, the entire sum of achievements and the perseverance of character demanded illustrate just what a high caliber young man Aaron is.

In today's society, our youth are truly bombarded with a variety of lifepaths to choose from. While the freedom of choice is in itself good, too often we hear of young people who are led astray by the ignorance of their years to a lifestyle they do not deserve. It is always refreshing to recognize young men who choose a constructive way of life and also excel at it. Though some credit should be given to the family of this young man and to the Scout leaders who provided support, Aaron today knows that he can participate in society in a manner that will benefit himself as well as his community.

The achievement of attaining the rank of Eagle Scout lays an excellent base for a productive future. I'm sure my fellow Members of Congress join me in wishing Aaron the best of luck in his endeavors.

VOCATIONAL EDUCATION PROGRAMS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. TRAFICANT. Mr. Speaker, I am very proud of and impressed by the Vocational Education Program which is currently carried out in my home State of Ohio. Statistics show that 59 percent of Ohio's 11th and 12th grade students are enrolled in secondary vocational education programs, and have benefited greatly from them.

Ohio, like every other State in the Union, receives funding for its fine vocational education programs through the Carl D. Perkins Vocational Educational Act. There are a variety of studies to show that this program has had a positive effect on its graduates, but yet the administration proposes in its fiscal year 1988 budget not only to slash, but to eliminate, the funding needed to continue this worthwhile program. In a further assault against the education programs which so many of our constituency depends upon, the administration has also proposed drastic cuts in handicapped education programs; drastic cuts in impact aid; and the elimination of Federal funds for our Nation's public libraries. On top of this, the administration has also outlined an education budget which, if accepted, would deny hundreds of thousands of needy young men and women the chance for a higher education. This would be achieved by cutting student aid programs by nearly 50 percent. Along with this, aid for colleges and universities and other institutions of higher education have been sharply reduced. My colleagues, an education budget of this sort cannot and must not be tolerated.

It is my sincere hope that the Congress will treat education as the national priority that it should be. The education budget, if approved as is, could have disastrous effects, not only on our Nation's students but ultimately on our Nation itself. When it's a matter of education, compromises as outlined in the fiscal year 1988 budget are just not acceptable. I am asking my colleagues here in the House to show your support for education programs by opposing the administration's fiscal year 1988 education budget. If we truly want to achieve "excellence in education," opposing the administration's education budget is a step in the right direction.

WHERE'S THE OPENNESS?

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. PORTER. Mr. Speaker, recently we have heard much-to-do about Mikhail Gorbachev's efforts to create a new openness in the Soviet Union. The openness has been heralded in our newspapers and in the minds of many Americans.

What has been opened? Certainly not the emigration policy. With over 200,000 Soviet Jews taking the dangerous step of applying for permission to leave their country, only 943 were permitted to leave in 1986, less than one-half of 1 percent of all those who have applied.

Still, these numbers, representing suffering individuals, are buried in our newspapers while Gorbachev takes headlines for permitting a prominent citizen to live in his own apartment.

If there is any hope for the hundreds of thousands who wish to emigrate so that they may practice their religion freely and openly and for the millions who wish to remain, but express their beliefs and ideas as freely and openly as Dr. Sakharov, the applause for Mr. Gorbachev must be tempered with demands that his government's policies more clearly correspond with its rhetoric.

TO ESTABLISH A U.S. DISTRICT COURT IN JERSEY CITY, NJ

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. GUARINI. Mr. Speaker, I would like to call my colleagues' attention to a serious judicial problem within my district. Jersey City is one of New Jersey's principal urban centers. After years of decay and neglect, the past decade has witnessed civic revitalization unprecedented in the State of New Jersey. With the onset of a renewed local economy, Jersey City has once again drawn a diverse group of residents and visitors to its boundaries. In order to maintain the quality of living it has always provided citizens, I am introducing a bill to provide the U.S. District Court for the District of New Jersey be held at Jersey City in addition to those places currently provided by law.

During the past 10 years our area's Federal criminal and civil cases have sharply increased, doubling the workload in New Jersey's already crowded district courts. Most civil cases wait almost 2 years to come to trial in this severely backlogged judicial network.

The surge in litigation over Social Security disability benefits is a major source of the district court's increased workload. As the Government pursues tougher policies in handling claims for such benefits, the number of cases from Jersey City will continue to increase dramatically.

Statistics show that even after Congress authorized some additional judgeships, judicial appointments have not kept up with the voluminous amount of recent cases, especially those involving civil litigation. In addition to the problem of an inadequate number of judges to handle this critical situation, the New Jersey District Court facilities are severely overcrowded, and could not provide adequate working space for the judicial personnel.

The closest district court facility to Jersey City is located in Newark, NJ. The court's three buildings are uncomfortably overcrowded. While there are plans to build an additional judicial facility nearby, the project is not likely to be completed for several years to come. Even though the availability of space in the existing facility is at a bare minimum, the overload in casework dictates that the Newark bench increase its judicial staff before the annex is ready for occupancy.

The most severe result of the court's swelling volume of dockets is the inability of judicial personnel to give their full attention to the most difficult cases. Similarly, there has been increased pressure on the appeals courts to divert civil claims from the district courts. There is a need for a district court in Jersey City to alleviate backlogged claims, and to once again concentrate upon the quality of a case's review rather than the speed of its consideration.

It is our duty to provide the citizens of this country with adequate legal facilities so that all legal cases will receive proper judicial review. As recent litigation surges in our district courts, the denial of more centrally located, efficient and properly staffed district courts will only result in hindering the legal process further. Statistics have given proof of the great volume of cases filed in Jersey City, and indicate that it should be included in a growing legal network as a prime location for a U.S. district court. Mr. Speaker, given the reasons I have stated above, I respectfully urge my colleagues' support of this bill.

TERRORIST FIREARMS

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. MRAZEK. Mr. Speaker, I rise to reintroduce the Terrorist Firearms Prevention Act. This legislation is a crucial component of our continuing fight against international terrorism. As we determine our legislative agenda in the next few months, I urge my colleagues to consider the imminent threat to our security should Congress fail to regulate the emerging generation of nondetectable plastic firearms.

As you are aware, the House Judiciary Subcommittee on Crime heard testimony last year that the development of a completely nonmetallic handgun was only 6 months away. That 6-month date has now passed, and it is clear that production of these terrorist tools may begin at any time.

Current detection technology in airports and public buildings is no match for firearms made from superhardened polymers reinforced with ceramic. Metal detectors and x-ray machines were never intended to counter this unforeseen threat.

Already, it is evident the plastic is becoming the material of choice for hijackers and other terrorists. Plastic explosives last year in a TWA plane and in an American Express office in Lyon, France, gave us a glimpse of the horrors of nondetectable weapons.

The Bureau of Alcohol, Tobacco and Firearms [ATF] cannot regulate plastic guns without new statutory authority. The Terrorist Firearms Prevention Act would fill this void. Under the provisions of this bill, it would become illegal to import or domestically manufacture any nondetectable firearm. ATF would be given the authority to define "nondetectable" and to revise the definition as detection technology improved. Military and law enforcement personnel would be exempt from the provisions of the legislation.

The Terrorist Firearms Prevention Act is supported by a wide variety of transportation, law-enforcement and other organizations. Among the groups supporting this bill are: Air Line Pilots Association, Air Transport Association, Association of Flight Attendants, American Association of Airport Executives, Airport Operators Council International, Trans World Airlines, International Association of Chiefs of Police, Fraternal Order of Police, National Organization of Black Law Enforcement Executives, International Brotherhood of Police Officers, Federal Law Enforcement Officers' Association, American Veterans' Committee, Jewish War Veterans of the U.S.A., IAPAC, American Jewish Committee, American Jewish Congress, Handgun Control Incorporated, National Coalition to Ban Handguns, City of New York, National Urban League, and the Trauma Foundation.

I urge my colleagues to help protect our airports and public buildings by supporting this important legislation. I would like to request that the Terrorist Firearms Prevention Act be reprinted at the conclusion of my remarks.

LIST OF COSPONSORS

Mr. Weiss, Mr. Schumer, Mr. Berman, Mr. Solarz, Mr. Studds, Miss Schneider, Mr. Sabo, Mr. Edwards of California, Mr. Stark, Mr. Frank, Mr. Morrison of Connecticut, Mr. Carper, Mr. Courter, Mr. Fascell, Mr. Torres, Mr. Feighan, Mr. Lehman of Florida, Mr. Bates, Mrs. Collins, Mr. Guarini, Mr. Fuster, Mr. Fawell, Mr. Levine of California, Mr. Crockett, Mr. Beilenson, Mr. Lipinski, Mr. Dymally, Mr. Atkins, Mr. Ackerman, Mr. Rangel, Mr. Torricelli, Mr. Waxman, Mr. Coughlin, Mr. Hayes of Illinois, Mr. Robinson, Mr. Towns, Mr. Howard, Mr. Evans, Mrs. Boxer, Mr. Roe, Mr. Russo, Mr. Smith of Florida, Mr. Levin of Michigan, Mr. Ridge, Mr. Borski, Mr. Durbin, Mr. Martinez, Mr. Yates, Mr. Green, Mr. de Lugo, Mr. Fazio, Mr. Mavroules, Mr. Dwyer, Ms. Kaptur, and Mr. Pease.

H.R. 1002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorist Firearms Prevention Act of 1987".

SEC. 2. PROHIBITIONS WITH RESPECT TO CERTAIN FIREARMS.

(a) MANUFACTURE.—(1) Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(p) Except as provided in subsections (a) and (f) of section 925 of this title, it shall be unlawful for any person to manufacture any firearm that the Secretary determines is not—

"(1) readily detectable as a firearm by the standard security equipment commonly used at airports; and

"(2) readily identifiable as a firearm.".

(2) Section 925 of title 18, United States Code, is amended by adding at the end the following:

"(f) The Secretary shall declare an exemption from the prohibition of section 922(p) of this title with respect to firearms of a type determined by the Secretary to be identical to a type designed and produced in the United States for commercial sale before January 1, 1986.".

(b) IMPORTATION.—Section 925(d) of title 18, United States Code, is amended by inserting at the end the following: "The Secretary shall not authorize under this subsection the importation of any firearm that is not readily detectable as a firearm by the standard security equipment commonly used at airports and readily identifiable as a firearm.".

HON. JAMES H. WEBB, JR., ADDRESSES VMI FOUNDERS DAY CONVOCATION

HON. D. FRENCH SLAUGHTER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. SLAUGHTER of Virginia. Mr. Speaker, Hon. James H. Webb, Jr., Assistant Secretary of Defense, addressed Virginia Military Institute's Founders Day Convocation, November 11, 1986, and at this point in the RECORD I include his remarks:

REMARKS BY HON. JAMES H. WEBB, JR.

November 11 is a day of great importance in the Western world, and doubly so here at the Virginia Military Institute. Elsewhere, it is celebrated as Armstice Day, or as Veterans Day. In many nations, citizens will pause just for a moment and recall the ending of the First World War. On the eleventh hour of the eleventh day of the eleventh month of 1918, the guns at last fell silent in Europe after more than four years of savagery. The war that the Germans had predicted would last exactly 39 days had instead run on endlessly, unstoppably, horrifyingly out of control, beyond the maddest visions of the leaders who had let political events slip out of their hands during the summer of 1914. 1.8 million German soldiers had died. 1.7 million French soldiers had perished. Almost a million British Empire soldiers had spent their lives. The United States had ended its isolationism toward the war's end and had lost 55,000 combat dead. Russia had been torn apart by the war, and was in the midst of a Revolution that would bring the Communists to power.

The world of the nineteenth century colonialists, the era of the "splendid little war," had died a grisly death in a hundred mass graves in placed like the Marne, the Somme, Passchendaele, and Verdun. The machine gun had made a mockery of old notions of infantry assault. Artillery and gas attacks had made cavalry charges seem nostalgic and almost harmless. The bayonet or the bludgeoning edge of the nearest entrenching tool had replaced the sword. The twentieth century had arrived with a bloody vengeance. It was not a pretty time to be a soldier, and yet there had never been a more important time to be a soldier, either.

You all know the rest of the story: how the bitterness of the settlement from World War One roiled and sputtered until it exploded in the renewed slaughter of World War Two. How our country, which had attempted to remain neutral, found itself at the end of these two wars as the principal free world power, on the one hand resented by those it helped, and on the other their only hope for survival. How we tried to end our presence in Europe after the war and were implored to keep our forces there. How that presence has given Europe the longest period without war that it has known in centuries.

And how, sadly, we also have had to carry the brunt of the battle against totalitarian aggression elsewhere in the world, sometimes alone, even when our efforts have benefited the very allies who criticize us. Europe has been at peace throughout my lifetime, but more than 100,000 Americans have given their lives in other places, attempting to beat back this cancerous disease known as communism.

This is what we should remember on Veterans Day: that a moment of hope at the end of a long and tragic war has become, since 1918, a continuing obligation for succeeding generations of Americans, father to son, into as far in the future as we can hope to exist.

It is hard for many Americans to understand, but our way of life is not an accident. It began more than 300 years ago with the most daring political experiment yet attempted by man, fueled by the belief that every citizen can participate in the control and direction of his government, rather than being ruled by one or a few at the very top. It has proven itself through all the riches it has brought us, both material and intellectual. But in a free society, it is as vulnerable as the will of our individual citizens. Those who lack the courage and the sense of duty to protect their freedoms are destined to lose them.

And this is why the second of these celebrations is so important today, and why also I am so pleased to be among you. This great institution was founded on the understanding that the strength of a democracy must come from its citizens, and that certain of them must be schooled and trained to a high degree in the skills of soldiering. Citizen-soldiers are at the heart of the VMI tradition, and I would submit that our nation itself has doubly benefited from this institutional dedication. First, VMI builds soldiers. The country benefits from your service in the military, whether for three or for thirty years. And second, VMI contributes citizens of extraordinary caliber, who as all of you are aware serve as leaders in activities of every sort. Each of you, no matter where you eventually decide to apply your energies, will be a better leader and a better citizen for having studied at VMI.

When I come to these mountains and view the stark beauty of the Institute, I am mindful of tradition, and of the legacy of giants. Stonewall Jackson walked these roads, imparted his wisdom to your predecessors, pushed his thinking into young minds that in turn pushed ideas into others, so that somewhere along the way ideas and words were transformed into attitudes and ethos. Other names come to mind: Marshall, Vandegrift, Lejeune. They are all a part of what you do today, what you think, what you learn, just as surely as the uniform you wear is a reminder of the continuity of your institution.

You are receiving a highly unusual education, one that emphasizes excellence on a number of fronts: academically, militarily, physically, and in matters of personal integrity. I know something of the benefits of this way of life, and to be honest I am also familiar with the costs. You don't learn self-discipline without having to sacrifice something you desire. You don't learn tenacity without having to endure an unpleasant and even painful obligation. You don't learn courage without understanding that duty comes before self-interest, and that duty can cause you to do things you don't want to do, and to pay a price you don't really want to pay. I'm confident that you are learning that here, right alongside your study of Physics and Philosophy. That is the uniqueness of a military school, and that is why VMI graduates are so respected in every element of American society.

And let me say also that I hope you will never lose sight of the true focus of your education, the commodity that cannot be learned in a typical civilian school. George C. Marshall, the only American military man to receive the Nobel Peace Prize, brought something to American government and to the world community that is in short supply. It was the same thing that had made him First Captain here at VMI. It was leadership, perfected through the daily practice of it, under challenging demands. Remember, the world is filled with educated derelicts and unrewarded genius, but it starves for leaders who have courage, character and vision.

So let others study law and medicine in their youth. There is plenty of time for that. Your young life belongs to an active environment that will acquaint you with the whole panorama of your countrymen, and will test your every nerve and sinew when it comes to solving human problems and motivating the sense of purpose that rests inside every human being. I can honestly say to you that I know of no occupation more challenging or more fulfilling to a young man than being trusted with the honor of leading other young Americans in the service of our country.

In my novel, "A Sense of Honor," I wrote about the challenges of military life, and of its costs. At one point, a midshipman is attending the funeral of a friend who was killed in Vietnam—a ritual that I know many VMI graduates endured during those years also. I wrote:

"Men have traditionally sought danger in the military, and have traditionally found it. Servicemen are always in motion, in the air at more than the speed of sound, underwater at depths whales could only dream of, or on the surface of the water cruising at thirty miles an hour through crashing seas with another ship almost touching theirs, hoses connecting them, replenishing their oil supplies. Or they are on the ground, in the dirt, testing and training weapons that may some day kill others but today may deal them that same irony. The smallest margin of error separates a live man from a dead one, even in the boring vacuum of peace. And in war, of course, they are the first and usually the only ones to pay. The President and the Congress may suffer bad news stories and ulcers. The military man suffers the death of his friends, early and often."

VMI has always produced young officers who are willing to undertake such responsibilities, men who seek the combat arms and accept the dangers of a rigorous military life. Such men are just as needed today as they were eighteen years ago when I myself faced such rigors. Are you interested in travel? Do you want to be tested? Do you want to be involved in real world problems with an undeniable bottom line? Then go stand with a young soldier on an outpost near the East German border and peer across the fence the Communists have erected in order to keep their own people inside the Worker's Paradise. Watch the guards in the tower on the other side as they peer along the trace of the fence, under orders to shoot their own countrymen if they dare to think they might like to take a walk on over to freedom. And then think about why you serve, and what would happen if the best in our society abandoned their obligation to do their part toward at least keeping that fence from pushing forward, swallowing up other helpless countries.

I honestly feel sorry for those in your age group who are not going to serve in the military. I cannot tell you the number of men in my own age group who reached the age of thirty and then realized they had missed one of the true formative experiences in a young man's life. I know of no other forum today where a young man has the duty and authority to motivate and lead a group of Americans collected from every ethnic and geographic element in our complex, multicultural society. Or where a young man can be responsible for millions of dollars of equipment and the lives of those who are operating and maintaining it. Nor do I know of anywhere else where one must so completely learn the true nature of the word "duty." How much risk to your person, whether physical or professional, do you owe others? How much can you keep for yourself? What do we do now, Lieutenant? You become a comrade, you become a big brother, you become a judge, all within weeks of walking out the gates of VMI.

And that is another reason why you should never lose focus of your ultimate responsibilities at VMI. The people under your charge will be expecting to be led. You must provide the standard by which they will measure their own obligations. You must possess knowledge, both of your mission and of the elements of human motivation. You must demonstrate an unyielding sense of character and of integrity. You must have the courage both to discipline those who have not performed, and to speak to your superiors when changes need to be made. You won't find those sorts of challenges in a study cubicle at graduate school, I guarantee you. So make the most of it, throw yourself into it, and you will grow every day.

And so will our country, by being able to benefit from the contribution you and your fellow citizen-soldiers are making to its ideals.

Thank you, and good luck.

THE UNITED STATES-MEXICO BORDER REVITALIZATION ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1987

Mr. RICHARDSON. Mr. Speaker, today I am introducing legislation designed as an innovative approach to a number of difficult problems facing this country—competitiveness; a depressed border economy; and a continuing influx of illegal aliens across our border. Last session, several of my colleagues from the Congressional Hispanic Caucus joined with me to sponsor legislation aimed at revitalizing the economy of the border region shared by the United States and Mexico. When the House considered the immigration reform bill, I offered an amendment authorizing the President to negotiate the establishment of a free-trade and coproduction zone, on a mutually beneficial basis with Mexico. This amendment was accepted by the House; during the House-Senate conference, however, the amendment was turned into a sense of Congress resolution in the bill, urging the Committee on Ways and Means to hold hearings on this concept during the 100th Congress.

I fought to include this concept as an amendment to the immigration bill because I felt that throughout the extensive debate on immigration reform, the Congress was missing the point. The major factor behind illegal immigration is economics. If we do not work with other countries, such as Mexico, to address their severe economic problems, we will not be able to stop effectively the flow of illegal aliens into this country. Over 50 percent of all illegal immigrants in the United States are from Mexico—and the economic problems being experienced by both Mexico and the United States are growing worse. It is now more important than ever that the Congress focus on resolving the root economic problems facing the United States and Mexico.

The United States faces severe economic challenges in international trade which require bold initiatives to resolve them. Our mounting trade deficit continues to increase every year, the competitiveness of the United States' industry continues to decline, and our export performance is not competing with that of our major trading partners. In addition, the United States is facing the potential for grave economic crisis on its southern border as a result of the severe economic problems of its closest neighbor to the south, Mexico.

This bold initiative I am introducing today, the United States-Mexico Border Revitalization Act of 1987, provides a mechanism to avoid this great crisis, and to meet the economic challenges in international trade that we face today. The basic concept and purpose of this legislation is to increase job creation, support economic development, improve competitiveness, and increase the export performance of the United States by establishing a free-trade and co-production zone with Mexico. This zone will combine the comparative advantage of both nations in manufacturing and marketing.

This bill would authorize the President of the United States to negotiate the establishment of a free-trade and coproduction zone with the Government of Mexico. This initiative, if embraced by both governments, will provide mutual benefits to both the United States and Mexico.

I wish to emphasize that the coproduction concept that is authorized by this legislation is different from the Maquiladora, or twin-plant concept. My proposed concept would encourage and enable capital and labor from both nations to participate fully in the coproduction process. Unlike the Maquiladora Program, my proposal would create jobs in the border region of the United States for citizens of the United States. In fact, the bill mandates that any qualifying venture attempting to participate in the free-trade and coproduction zone must make optimal use of labor and capital from both the United States and Mexico.

While allowing the President flexibility in his negotiations with Mexico, my proposed legislation provides for a broad framework for those negotiations. That framework encourages the President to provide tariff and income tax incentives to coproduction ventures that would make maximum use of capital and labor from both nations in the coproduction process. The President is authorized to negotiate the standards for United States-Mexico coproduction ventures to qualify for tariff and income tax incentives. Such incentives for United States-Mexico coproduction ventures established in the United States should be provided on a comparable basis as tariffs and income tax incentives are granted by the Government of Mexico to United States-Mexico coproduction ventures established in Mexico.

Recognizing the need for flexibility in the President's negotiations for establishing a free-trade and coproduction zone, my proposed legislation sets no geographical limit for the zone. However, it does provide a minimum limit in a general way, in that it recognizes that the United States-Mexico borderlands should be included in any zone that is established as the result of the negotiations with Mexico.

The State of New Mexico serves to gain substantially from this proposal. As a border State, New Mexico has first-hand knowledge of the problems created by the inflow of illegal immigrants, as well as intimate experience with the depressed border economy. My proposal would serve to stimulate the economy in New Mexico, create jobs and encourage the development of industries which would be beneficial to the States. It would also serve to reduce tensions along the border and stimulate cooperation between neighbors.

For too long, the United States and Mexico have addressed primarily the problems in our relations. In my considered judgment, the time has come to address the potential opportunities in our relations. Today, I am taking one small step to encourage a constructive dialog that will look at one opportunity in the area of coproduction. It is essential that we strive to develop a strong, cooperative and mutually beneficial relationship with Mexico. I strongly urge my colleagues' support for this bill, and I hope that it sees prompt and favorable action. Thank you.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 5, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 6

8:30 a.m.
*Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold oversight hearings on the new Internal Revenue Service W-4 form for withholding.
SD-215

9:30 a.m.
Joint Economic
To hold hearings to review the employment/unemployment statistics for January.
DS-628

FEBRUARY 17

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on rail safety issues.
SR-253

Energy and Natural Resources
To hold hearings on the President's proposed budget for fiscal year 1988 for the Federal Energy Regulation Commission, and the U.S. Forest Service, Department of Agriculture.
SD-366

10:00 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold oversight hearings to review patent and trademark issues.
SD-226

Select on Intelligence
To hold hearings on the nominations of Robert Gates, to be Director of the Central Intelligence Agency (pending receipt in the Senate).
SD-106

2:00 p.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on U.S. military posture.
SD-G50

Small Business
To hold an organizational meeting to adopted committee rules of procedure for the 100th Congress, and to consider subcommittee organization and assignments, to be followed by hearings on the President's proposed budget request for the Small Business Administration.
SR-428A

FEBRUARY 18

9:00 a.m.
*Veterans' Affairs
To hold hearings on the President's proposed budget requests for fiscal year 1988 for veterans' programs, and on section 4(b) of S. 6 (Veterans' Health Care Improvement Act of 1987) and S. 279, measures to provide a 1-year extension of the date by which the VA's readjustment counseling program for Vietnam-era veterans is to begin a 2-year transition to a program providing counseling services through the VA's general medical facilities, and on proposed legislation relating to assistance for homeless veterans.
SR-418

9:30 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for the Department of Defense.
SD-192

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Farm Credit Administration.
SD-138

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1988 for the Department of Energy.
SD-366

FEBRUARY 19

9:00 a.m.
*Select on Indian Affairs
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1988.
SD-G50

9:30 a.m.
Finance
To resume hearings on the world economy and trade issues, focusing on the U.S. response to the international trade deficit.
SD-215

10:00 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 56, to establish the El Malpais National Monument, the Masau Trail, and the Grants National Conservation Area in the State of New Mexico, and S. 90, to establish the Big Cypress National Preserve Addition in the State of Florida.
SD-366

FEBRUARY 20

10:00 a.m.
Select on Indian Affairs
To hold hearings on S. 187, to provide for the protection of Native American rights for the remains of their dead and sacred artifacts, and for the creation of Native American cultural museums.
SD-628

FEBRUARY 23

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Customs Service, Department of the Treasury.
SD-116

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture.
SD-124

FEBRUARY 24

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on science and technology, and U.S. industrial competitiveness.
SR-253

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Disabled American Veterans.
345 Cannon Building

11:00 a.m.
Veterans' Affairs
Business meeting, to consider the President's proposed budget requests for fiscal year 1988 for veterans' programs, S. 12, to remove the expiration date of eligibility for the educational assistance programs for veterans of the All-Volunteer Force, and Sec. 4(b) of S. 6 (Veterans' Health Care Improvement Act of 1987) and S. 279, measures to provide a 1-year extension of the date by which the VA's readjustment counseling program for Vietnam-era veterans is to begin a 2-year transition to a program providing counseling services through the VA's general medical facilities, and proposed legislation relating to assistance for homeless veterans.
SR-418

FEBRUARY 25

9:30 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for the Department of Defense.
SD-192

Finance
To hold hearings on management of the U.S. Customs Service.
SD-215

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Paralyzed Veterans of America, Blinded Veterans of America, World War I Veterans, and the Military Order of the Purple Hearts.
334 Cannon Building

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service.
SD-138

FEBRUARY 26

9:30 a.m.
Appropriations
To resume hearings on the President's proposed budget for fiscal year 1988.
SD-192

Finance
To continue hearings on management of the U.S. Customs Service.
SD-215

1:30 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the De-

partment of the Treasury, on behalf of funds for the U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center.

SD-116

MARCH 2

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Administrative Conference of the United States, U.S. Tax Court, Committee for the Purchase from the Blind and Other Severely Handicapped, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of the Special Counsel, Advisory Committee on Federal Pay, and the Federal Labor Relations Authority.

SD-116

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Animal and Plant Health Inspection Service, Agricultural Cooperative Service, and the Packers and Stockyards Administration.

SD-138

MARCH 3

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.

345 Cannon Building

MARCH 4

9:30 a.m.

Appropriations

Defense Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1988 for the Department of Defense.

SD-192

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Extension Service, Economic Research Service, and the National Agricultural Statistics Service.

SD-138

MARCH 5

10:00 a.m.

Labor and Human Resources

To hold hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.

SD-430

MARCH 6

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, on behalf of funds for the Financial Management Service, Bureau of the Public Debt, U.S. Mint, and the Internal Revenue Service.

SD-116

MARCH 9

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the General Services Administration, National Archives and Records Administration, and the Executive Office of the President.

SD-116

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Research Service, and the Cooperative State Research Service.

SD-138

MARCH 11

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Farmers Home Administration.

SD-138

MARCH 16

10:00 a.m.

Labor and Human Resources

To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.

2175 Rayburn Building

MARCH 17

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Food and Nutrition Service, and the Human Nutrition Information Service.

SD-138

MARCH 19

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Marketing Service, Federal Grain Inspection Service, and the Food Safety and Inspection Service.

SD-124

MARCH 23

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, and the Federal Crop Insurance Corporation.

SD-138

MARCH 25

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Rural Electrification Administration.

SD-138

MARCH 31

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Foreign Agricultural Service, Food for Peace Program (P.L. 480), and the Office of International Cooperation and Development.

SD-138

APRIL 1

10:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, and the Jewish War Veterans.

334 Cannon Building

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.

SD-138

APRIL 3

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the United States Postal Service.
SD-116

APRIL 6

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 7

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 8

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 9

1:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138